The law in Euripides’ Medea

DOI: https://doi.org/10.14195/1984-249X_22_8

Abstract: This paper investigates appeals to law in Euripides’ Medea, dramatic elements which seem to point to two distinct aspects in the development of Greek Law. The text seems to appeal to: a) archaic law when the oath appears adequate (or sufficient) to establish wedlock, and b) classical law with respect to other aspects of familial jurisprudence. I argue that Euripides has intentionally contrasted these legal perspectives as part of a larger contrasting narrative. Euripides begins by introducing the essentials features of the myth of Medea in terms of its archaic context. In the latter half, he then in turn contrasts this narrative with contemporary views, and thus offers a critical reflection upon his own culture and society. These contrasting narratives are further supported by highlighting an important transition in the text, which focuses on Themis and Dike and the importance of laws.

Keywords: Euripides, Medea, Ancient Greek Law, Themis, Dike, Oath, Dowry, Divorce, Exile, Gorgias.
1. TRAGEDIES AND LAW: THE CASE OF *MEDEA*

Medea is such a complex character that her heuristic power seems to be an inexhaustible font, inspiring ancient and modern commentators to this very day.

The aim of this paper is to investigate Euripides’ *Medea*. This play has already received extensive treatment in relation to its philological, literary, psychological, cultural, political, and of course ethical aspects. From a less treated point of view, I will discuss the elements of law that can be traced: I would like to show how Euripides’ *Medea* may be a significant source for the study of ancient Greek law (See Leão, 2011; Hall, s.d.).

Tragedies are in most cases fertile grounds for analyzing the application of law, since they regularly involve all the important stages of life which the law generally applies to, albeit in the context of rather tragic scenarios: cases of murder, dispossession, theft, betrayal, alterations in political power, and everything else that can relate to the range of law may be involved. There is a trend in the past two decades that suggests that it is wrong to think of the tragedy as a means used by the poets to talk about their present (see Allen, 2005; but also Pepe, 2007): in this sense, the poets would have not written tragedies to talk about their contemporary culture; on the contrary, they would have written purely poetic works. However, tragic authors undoubtedly wrote from their contemporary viewpoints and their works are undeniably connected with political and social elements and references. In the particular case of *Medea*, the play may certainly be connected with or be inspired by its present; for
instance when at vv. 120 ss. Euripides criticizes the power abuses with a typical 5th century B.C. lexicon.²

_De facto_, the tragic context bears remarkable resemblance with the judicial one and is connected with it: in fact, both take place as a clash of unsolvable and opposite positions. As the scholar Allen points out well, Euripides adopts the style and instruments of contemporary court procedures (Allen, 2005, p. 375) and the legal discussion seems to be a premise for Euripides’ same works (Allen 2005, p. 375 n. 3). This is most readily demonstrated in _Hecuba_, the _Trojan Women_, _Heracles_ and _Heracleidae_. Like tragic characters, the subjects involved in a court controversy defend antithetical positions on the same topics. In the case of the _Medea_, an emblematic dialogue, evidently antilogic, is the one between Medea and Jason from v. 446. For all this, I would say that the Sophistry-molded antilogy, made for the court, can also be found in the tragic scheme. Tragedy and judicial context share the same antilogic form. Being both antilogies, there cannot be a synthesis of the two positions: what in the law stands as a structural element of judgment, in the tragedy becomes the site of the conflict and the tragic.

In addition, focusing on _Medea_, the lexicon leads us to ponder over the law because terminology for laws, justice, and murder is well-represented. I will just give some examples to show some variations, beginning with “killing/murder” words. The term φόνος, for example, is present in v. 852 (in the third stasimon when the chorus tries to persuade Medea not to kill the children) and the verb κτείνω appears at least fourteen times (e.g. v. 1411); ἀποκτείνω appears three times (e.g. v. 486); κατακτείνω, at least twice (e.g. v. 505).