

ANTIGONE'S *NOMOS*

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And yet to those
With clear thoughts I did well to honor you.
For I would never have assumed this burden,
Defying the citizens, if it had been
My children or my husband who had died
And had been left to rot away out there.
In deference to what law [*nomou*] do I say this? —
Were my husband dead, there could be another,
And by that man, another child, if one
Were lost. But since my mother and my father
Are hidden now in Hades, no more brothers
Could ever be born —
This was the law [*nomôi*] by which
I honored you above all, O
My own dear brother, but Kreon thought that I
Did wrong.¹

Antigone 904-15

At this crucial moment of the play, Antigone addresses the citizens of her native land to defend, for the last time, her burial of her brother.² Despite the fact that Antigone

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¹ Translated by R. Gibbons and C. Segal 2003. For line-numbering and the rest of English translations from the play, I follow H. Lloyd-Jones' edition for Loeb Classical Library (2002). I have also benefited from the critical editions of Griffith (2003) and Kamerbeek (1978).

² With most recent editors (Lloyd-Jones 2002; Griffith 2003; Gibbons and Segal 2003), I take the authenticity of the passage for granted. For detailed discussions about this issue, see Jebb (1891), Hester (1971), and Neuburg (1990). Articles on this passage that I have found particularly useful, in addition to those already mentioned, are Foley (1996), Cropp

refers to her defense twice as a *nomos*, her argument is not often taken seriously as an articulation of a legal argument.³ Her words are certainly strange: what does Antigone mean when she says that she would not have done the same thing for a husband or child? Can it be that “she suddenly gives up that which, throughout the drama, has been the immovable basis of her action—the universal and unqualified validity of the divine law” (Jebb 1891, 259)? Moreover, why does she make the distinction between brother on the one side, and husband and child on the other, when there is no need for it? In the story of Herodotus from which Sophocles may have borrowed this passage (West 1999, 109-111), the wife of Intaphernes was given the choice of saving the life of one of her family members who had been sentenced to death by the Persian King Darius, and she chose to save her brother (Hdt. 3.119). However, Antigone has no husband and children to choose among, and she cannot save those who¹ are already dead. More generally, Antigone’s appropriation of the term *nomos*, a term most closely associated with Creon and with the public sphere (Ostwald 1986), seems at odds with her apparent desire to sever all ties with the *polis*. Finally, Antigone’s argument in favor of Polyneices does not seem to possess the level of abstraction and generality often associated with law (Butler 2000, 10).

In this essay I offer an interpretation of Antigone’s *nomos* that might help to clarify these puzzles. Let me start with the term *nomos*: by this word I do not mean a formal statute enacted by a legislative body, but a reason-for-action for which the individual claims the binding force of law. In order to function as a *nomos* in this sense, Antigone’s argument must be consistent with the underlying values of the community, even if they are not necessarily evident or recognized at the time. This is not to say that all members of society have to accept her argument as binding (certainly, Creon is not likely to accept it, and we may doubt the chorus would too). However, a *nomos* must be communicated and eventually assessed by the social and political medium in which it is inscribed.⁴ Thus, Antigone’s *nomos* cannot be a simple matter of individual preference or the expression of a cultural taboo, for it must have support in her culture. I will try to show that, in this passage, Antigone is formulating what she thinks is (or should be) a socially validated norm that justifies her disobedience, and she does so in the hope that it will be judged so, if not by all the citizens, at least by those with good enough sense to understand her claim.

This is not an easy task for Antigone. After all, she is doing something quite exceptional, perhaps even subversive, for her time and place: as a young woman she is

(1997), Murnaghan (1986), Sourvinou-Inwood (1987-88), and Machin (1981). Other authors who have dealt directly or indirectly with this issue will be mentioned when appropriate in the text.

³ This contrasts with the centrality of the term *nomos* for understanding the play (Cropp 1997; Vernant and Vidal-Naquet 1988; Ostwald 1986; Harris 2004), and with the attention that her earlier appeal to the unwritten law has received (Ehrenberg 1954; Nonet 2006). For a study of the historical evolution of the word *nomos*, see Ostwald 1969; for a shorter, but excellent overview, Jaeger 1947.

⁴ This is, to my mind, the fundamental objection to an interpretation of this passage in terms of an incestuous desire by Antigone for Polyneices.

claiming the right to act against the body of citizens and their laws [907], and argues that her audience should accept her reasons for it. The implicit claim behind such a gesture, I will maintain, is a claim specifically for legitimacy, as opposed to other possible grounds suggested to explain her disobedience (namely necessity, heroism, and equity).

To convince the audience of the legitimacy of her action, Antigone must persuade them that her disobedience does not challenge the rule of law generally, and that accepting it does not risk permanent confrontation between the *polis* and the family. She does so by introducing the contrasting case of a husband or child (the closest analogy she can think of), aiming to show both the exceptionality and the limits of the case she actually presents. Based on culturally specific considerations about the family in ancient Greece, I will suggest that what separates Polyneices' case from the hypothetical one of a husband and child is the fact that Polyneices is the last brother of a family on the verge of extinction. The extinction of a whole family is a unique and exceptional circumstance, so exceptional in fact that it is the only case that, in her present view, warrants Antigone's disobedience. If Antigone were to marry and create another family with her husband and child, this second family would not be extinguished if some of its members were to die (the death of a spouse could be cured by marriage, the death of a child by a new birth), but the death of the last male in the line means the extinction of the family-line, which is an entirely different situation. Apparently, the case of the last brother demands a special reverence and the performance of a ritual to honor it, and the citizens should be able to understand that she was justified in her actions.

In offering such an interpretation, I do not claim to solve all difficulties of the passage. However, I want to lay the groundwork for reassessing Antigone's gesture as the conscientious act of a citizen who wishes to redefine the normative boundaries of the *polis*, according to principles and values that can be recognized by that very society. This reading would grant Antigone some measure of (tragically ephemeral and distinctly Sophoclean) self-reflexivity,⁵ and add a further dimension to her character. In this view, Antigone would still be strong-willed and intemperate, but endowed also with social and political awareness that is largely unrecognized in the critical literature.⁶ Regardless of the relative success of my particular argument, I think Antigone's *nomos* should at any rate remain central in any discussion of the legal conflict at the heart of the play.

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It is clear that the circumstance that triggers the tragic conflict is the prohibition of Polyneices' burial; without the prohibition, Antigone (or anybody for that matter) could have buried both brothers in peace. In other words, the burial becomes an issue

⁵ The closest analogies may be the speeches of Oedipus in *Oedipus at Colonus*, when he looks back at his life and protests his basic innocence [960-999], and the speech of Ajax, when he recovers his sanity after killing the cattle and before his suicide [649-693]. For a combined reading of these two speeches, see White 2006, 185-89.

⁶ The prevailing images of Antigone in the Hegelian tradition place her on the side of the family and opposed to the *polis* (e.g., Ostwald 1986). Postmodern images of Antigone see her as a wild and marginal figure, and hence outside the *polis* (e.g., Segal 1981).

only because she acts in spite of the prohibition, which suggests that it is her disobedience and not the burial itself which requires justification. This remark appears necessary because Antigone's words are often interpreted as setting restrictions on the right of burial. For example, Griffith points out that "Antigone's discussion of the precise circumstances under which she might or might not have *buried* a family member comes quite unexpectedly at this moment" (2003, 277-8; emphasis added). Framed in this way, some readers find it "disturbing" that Antigone would withhold the burial from a husband or child (Murnaghan 1986, 194), and that she would not even have buried Polyneices, if she had any more brothers.⁷ However, the supposition that Antigone is addressing the issue of who should or should not be buried lends itself to a puzzle: immediately prior to our passage [900-2], Antigone recalls the way she washed and dressed her mother and father after their death, implying that, after all, she performed the proper rites of burial for them as well as her brother.

To acknowledge at this point that Antigone's *nomos* addresses the specific issue of her disobedience (and not the absolute right of burial) has important consequences for understanding Antigone's *nomos*. Moments earlier, when Antigone is taken before Creon, she makes it known that she does not accept his rule on a matter that is beyond any mortal's control. For Antigone, the key point is that Creon has overreached his authority and that he has no power to overrule the unwritten and unyielding ordinances of the gods [453-54]. Consequently, her decision to bury Polyneices and the principles upon which she defies Creon's decree appear to her unquestionable, for these are not simply of today or yesterday, but have been there forever, and Antigone calls Creon a fool for not recognizing them too [470]. Antigone speaks as if any sensible person in her culture would necessarily agree with her. In fact, Antigone believes that the elders also see things the way she does, but that they keep their mouths shut because they are afraid of Creon [509]. Therefore, Antigone shows little patience with her uncle's condescending speech about the toughest irons being easier to crack, his over-bearing remarks about the family, and his threats to her life and that of her sister Ismene [473-496]. "Do you wish for anything more than to take me and to kill me?" [497], she asks disdainfully, and when Creon confirms that death is indeed all he wishes for her, she taunts him once again: "Then why do you delay?" [499]. As far as Antigone is concerned, Creon is no statesman but a tyrant who deserves no respect.

In contrast to her attitude towards Creon, her final song begins by addressing the "citizens of [her] native land" [806], and the "rich men in the city" [842-3], presumably in the hopes of securing their endorsement. Nevertheless, the elders of the chorus do not express unequivocal approval of Antigone. Contrary to her earlier expectations, she now *perceives* some voices of disapproval⁸: without glory, they say, she now descends to Hades "by her own law" [*autonomos*, 821], having "stumbled against the altar of Justice"

⁷ Thus Jebb (1891, 260) and Else (1967, 109n8). Both Jebb and Else think that this passage is spurious and probably interpolated.

⁸ I am not arguing that the elders necessarily disapprove, but that Antigone perceives it that way. For the view that the elders are criticizing Antigone, see Hester 1971, 35 (with extensive bibliographical support).

[853-5] and having been destroyed by her own “self-willed passion” [875].⁹ Suddenly, she faces the prospect that perhaps their earlier silence was not prompted by fear, but was meant to express their genuine lack of support. For the first time, she confronts the possibility of acting not against the arbitrary decree of a tyrant, but against the representative body of citizens, whom she cannot equally disregard. It is not that she now recognizes them as a new source of authority, for Antigone did not hesitate to use their opinion against Creon when she thought it was favorable to her [509]. What is different now is rather her perception (whether justified or not) that they may oppose her on the merits of her case. Antigone can no longer ignore that, while fulfilling sacred duties, she may have transgressed the laws of the political community she respects.¹⁰ It is only at this point that her *disobedience* to the laws of the citizens (not just to Creon’s decree) becomes apparent.¹¹ And to this charge alone she must respond, for Antigone still thinks her action was right in the eyes of “those who think wisely” [904], even though she acted “against the will of the citizens” [*biai politôn*, 907].¹²

Antigone’s aim in making her new (and, to modern ears, rather peculiar) argument is to persuade her audience of the *legitimacy* of her *nomos*. That is, Antigone here acknowledges that she has acted against the common judgment of the citizens but insists that her disobedience ought to be recognized as legitimate. This claim is to be distinguished from other conceivable grounds for justifying Antigone’s disobedience: *necessity*, *heroism*, and *equity*. In cases of necessity (hardship, compulsion, duress) the usual mechanisms for obeying the law become ineffectual and individuals are forced to act against the law, even though they are not held accountable or blamed for it. The action itself might be voluntary (in the sense that it is performed knowingly), but the circumstances surrounding it are overpowering, leaving the individual little or no choice to act otherwise.¹³ Thus, the claim of necessity functions as a momentary license to break the law, for, as Thucydides reports, no one can be expected to obey the law under duress.¹⁴ In this category we can locate the decisions made under the

⁹ This is not all that the elders *say*, for they also credit her for having a fate like that of the gods [836-37] and praise her noble piety [*eusebeia*, 872], but Antigone does not seem to hear them and instead feels abandoned and even mocked by them [839].

¹⁰ It is not unreasonable to take the opinion of the chorus as a more or less reliable (though contestable) barometer of the values of the political community, considering that they have been prominent actors in Theban politics for quite a long time: not just after the arrival of Creon, but much before, they first honored the throne of Laius, then Oedipus at his height, and after his death, they were also loyal to his children [164-9].

¹¹ Since she denied the validity and legitimacy of Creon’s decree to impose any restriction, in her eyes there was no (valid and legitimate) law to disobey before.

¹² The fact that Antigone admits that she has acted “against the will of the citizens,” but that her action is nevertheless right in the eyes of “those who think wisely,” invites the possibility of different kinds of citizen (and judgments) in the audience.

¹³ For the general discussion between voluntary [*hekousion*] and involuntary [*akousion*; unwilling, despite oneself] actions, see Aristotle’s *Nichomachean Ethics* book 3.1 (1110a-1111b).

¹⁴ In Thucydides’ account of the Athenians’ defeat at Delium, such is precisely the argument of the Athenians when accused by the Boeotians of transgressing Hellenic law

threat to one's life or to the lives of others, such as the choice made by Intaphernes' wife (i.e., in favor of her brother above her husband and children) when threatened by King Darius with execution of all her family members. Although the individuals acting upon necessity are not held accountable for their actions, it is important that they should nevertheless accept that they have acted wrongfully, implicitly validating the norm they have infringed.¹⁵

Cases of heroism are different. In his seminal study of the Sophoclean hero, Bernard Knox defines the hero as one who "in the face of human opposition makes a decision which springs from the deepest layer of his individual nature, his *physis*, and then blindly, ferociously, heroically maintains that decision even to the point of self-destruction" (1964, 5). Once this decision is made, the hero defends it at all cost and refuses to yield, compromise, or listen to advice, and instead remains unchanged. In this view the hero "sets his own conditions for existence" (1964, 42), which often leads to conflict with other men or with society at large.

The third category of possible justifications is Aristotle's notion of equity (*to epieikes*).¹⁶ This is a correction or rectification of law in the name of general principles of justice, in situations when the law is too general or abstract to cover the particular case. In such cases, the law is corrected or rectified on the basis of principles other than law, but in the spirit of the law, on the assumption that the legislator himself would have enacted it had he been there and aware of the circumstances.

Even though necessity, heroism, and equity might all appear to convey certain aspects of Antigone's situation, none of them fully captures her claim. First, Antigone finds herself in a situation of hardship, but making the distinction between brother, husband, and child is not a matter of *necessity*, as it was for Intaphernes' wife. Moreover, Antigone does not ask for the kind of absolution that the community grants to those acting upon necessity. She is claiming, rather, that she was right to do what she did, and she offers a *nomos* to prove it. Second, with respect to heroism as an explanation of Antigone's *nomos*, Goethe famously protested as "unworthy" of the hero Antigone's acknowledgement at this particular moment that she would not have done the same for a husband or child (Eckermann 1850/1935, 178). This acknowledgement would also entail that Antigone is renouncing her original claim to be "the champion of the nether gods and of the blood relationships" (Knox 1964, 103-107; Jebb 1891, 259), which is shocking in a hero. Third, equity is not properly present in this case. This principle provides a remedy to a particular situation where the application of law would otherwise be unjust, because the law is too general or the lawgivers have overlooked a particular case. In contrast, Creon's law does not

regarding temples. The Athenians accept the indictment but want to be discharged on account that "it was a case of necessity [*anankêi*] ... they had been forced... and it was reasonable to suppose that even the god [of the temple] would look indulgently on any action done under the stress of war and danger" (trans. Warner 1972, 324).

¹⁵ The Athenians never dreamt of changing the laws regarding temples just because they could not comply on one occasion (see, above, n14).

¹⁶ See Aristotle, *Nich. Eth.* 1137a32-1138a3; and *Rhet.* 1374a25-b23.

overlook but covers Polyneices' case precisely, and Antigone is not arguing in the spirit of Creon's law but flatly contradicting it. In other words, Antigone is not providing a correction to that law, but an *alternative* to it (in the hope that the citizens will agree with her *nomos*).

Unlike cases of necessity, heroism, and equity, the claim for legitimacy aims to reach the whole socio-political domain. This claim is not a particular exemption (necessity) or rectification (equity) of the law, whereby the definition of the law stands as before. Nor is it a heroic call to disregard ordinary norms and constraints. Rather, the claim for legitimacy is an attempt to redefine the normative realm by bringing to the public eye what a given society fails to recognize as the law (but nonetheless ought to). This is, in my view, the implicit claim Antigone makes in branding her argument a *nomos* and submitting it to the scrutiny of the "wise citizens" [904]. Antigone wants the citizens to know that her disobedience is also defensible from their perspective. This expectation is consistent with the general structure and tone of the preceding *kommos* and the rest of the scene [806-943]. Antigone says that she wants the citizens and the whole city to look at her [806, 842-3, 937] and to witness what she is made to suffer and from what men [940-43], which can be interpreted as an explicit invitation to compare their respective merits.

According to the conventional wisdom of the political community depicted in the play, however, Antigone's claim to prevail over the laws of the *polis* is difficult to embrace. A society that has come so close to destruction by fratricidal war [100-154, 199-204] must be assured that breaches of authority will not light the fuse of permanent insurrection. The community may grant a claim like Antigone's, but only on rare occasions, within very precise limits, and after close scrutiny of its merits. Thus, it is only natural that she will have to present her claim as a properly delimited case. For this she needs an argument—in her words a *nomos*—that will fit in the subtle interstice between those actions against the laws that are unacceptable and those others that might, in exceptional circumstances, be accepted.¹⁷ Her purpose is twofold: she must establish the validity of her action while at the same time appeasing the concerns of the good-willed citizens, a double aim that requires her to present her case as both answerable to, and assumable by, the *polis*. In short, Antigone seeks to engage her audience in a re-examination of her action—not as an ordinary case of rebellion or contempt for the laws, nor as prompted by necessity, heroism, or equity, but as the conscientious act of a *citizen* who is mindful of both familial and political commitments.

The challenging question now emerges: what makes her disobedience on behalf of a brother more legitimate than if the same action had been performed for a husband or a child? For better or worse, Antigone is quite explicit about it: "Were my husband dead, there could be another, / And by that man, another child, if one / Were

¹⁷ The need for proper boundaries for actions against the law is consistent with modern theories of civil disobedience; see, e.g., Rawls 1971, 333-391 and Ugartemendia 1999. For a highly commendable article on Antigone as the literary archetype in the social imaginary of disobedience, see Ost 2004.

lost. But since my mother and my father are hidden now in Hades, no more brothers / Could ever be born" [909-13]. Explicitly, the only factor that sets Polyneices apart is that her parents are dead and no other brother could ever be born. In the logic of the argument, the death of her parents and the impossibility of their begetting another sibling are crucial.

There is no need to dig into the mythological tradition to realize that the play deals with a particularly wretched family.¹⁸ In the prologue, Antigone and Ismene grieve jointly the sorrowful past of the Labdacids—the tragic destinies of Oedipus, Jocasta, Eteocles, and, Polyneices [1-99, esp. 49-57]. As the chorus sings in the second *stasimon*, it is a family shaken by disaster [583-85, 594-96]. Yet, it is not until the chorus connects Antigone's suffering to that of her parents that the destiny of the family as a whole is finally addressed. As Antigone admits, "You have touched on a thought most painful for me, the fate of my father... and the whole of our destiny, that of the famous Labdacids" [857-62]. Even though Ismene is still alive and will continue to live, Antigone sees herself as the "last of the Royal House" [941]. This is not just Antigone's view, for the chorus points out that Antigone is "the last root in the house of Oedipus" [600].

Since both Antigone and the chorus agree on this point about the end of the family of the Labdacids, there may be some culturally specific explanation for it. According to Walter Lacey (1968), in Greek patrilineal society the death of the parents without male descendants could cause the "rooting out" of the parental *oikos*, because women could not continue the family on their own. This rooting out could be prevented by the institution of the *epiklerate*, by which the girl who had no brothers would marry her nearest agnatic relative (i.e., relative on the father's side) and continue the father's *oikos*.¹⁹ However, such a marriage is not possible in this case, because there are no extant family members on Oedipus' side (if Antigone were to marry Haemon, she would be incorporated to the *oikos* of Creon, her uncle on her mother's side). Another legal measure for the preservation of the *oikos* is the adoption of a male heir from a different family, but the death of the parents precludes this possibility too. Without surviving male relatives on the father's side and no more brothers to be had (either naturally or via adoption), all measures for the continuation of the house of Oedipus are now exhausted (the survival of Ismene does not necessarily alter this fact, for she would most likely join the *oikos* of her husband after marriage, rather than continue the *oikos* of her father). Faced now with the extinction

¹⁸ I am using the term "family," in the sense of both the house and the line with which that house is identified. Despite the wide range of meanings of the word *oikos*, which "can denote a building, a family, the property belonging to such family, or any of these meanings in combination" (Todd 1993, 204), I am concerned more with its non-patrimonial (i.e. symbolic) side. About the institution of the family in Greek society see, in addition to books 1 and 2 of Aristotle's *Politics*, Lacey 1968, Harrison 1968, and MacDowell 1989.

¹⁹ The main purpose of the institution of the *epiklerate* appears to have been to keep the patrimony within the family (see M. Grant 2001, 31 and 49, who attributes the Athenian legislation on *epikleroi* to Solon).

of the house of Oedipus, Antigone appears to rely on the extinction of the house as the ground justifying her disobedience on behalf of her last brother.

Arguably, Antigone could marry and help to create *another oikos*, a possibility implied by the husband and children she imagines herself as having [905]. As a woman in ancient Greece, Antigone could neither create a family-line on her own nor continue that of her father by herself, but she would need a husband to do so. How such a new family could be created is demonstrated in a law court speech by Demosthenes concerning the family of Bouselos, who had five sons, all of whom married and had their own descendants (*Dem.* 43.19). In this regard, Lacey concludes that “it was the fact that they [the sons] married and begot children which brought the five *oikoi* into existence” (1968, 127).²⁰ This new, second family with her husband would presumably grow free from the fatalities besieging the house of Oedipus, and it could outlive (and this must be noted with care) the potential loss of some of its members. In the picture I am suggesting, the endangered family of the Labdacids should be placed in opposition to another family Antigone could help to create (at least hypothetically) with a husband. The former is led towards an inevitable end; the latter, one might argue, can be renewed. The one is fallen forever; the other could spring to life again. If so, we might be at last in a position to appreciate that, if her husband died, there would be another, and another child, if she lost one [909-10]. That is, I believe, the main thrust of her argument: if she were to constitute a *second family* with her husband, the death of either husband or child would not bring about its utter extinction, in which case her disobedience would not be legitimate.

I am not arguing that the obligations owed a husband or child are less demanding than those owed a brother (Bowra 1944, 94). Rather, I am suggesting that Antigone's claim to prevail over the citizens is linked to the fact that her family (the house of Oedipus) can never be revived. In other words, the exceptional circumstance that legitimizes her disobedience is the extinction of her lineage, so distinctive and unique that it demands special consideration from the citizens. The former does not mean that the obligations of burial do not exist towards—or would not have been performed for—husband and child (and certainly not that the members of this second family are simply replaceable [Murnaghan 1986; Neuburg 1990]). It would be more accurate to say that, if she had to perform the burial for her husband or child *and* if that action entailed defying the legitimate authority of the citizens, Antigone would find fewer reasons to justify an act of disobedience on their behalf. The only case in which her action is in her view fully justifiable is, therefore, the one in defence of the body incarnating that extinction: Polyneices.

Nevertheless, some critics are confused by Antigone's apparent attempt to frame her conflict with the citizens in terms of another, non-existent one between her birth family and the hypothetical marital family: in the words of Rebecca Bushnell “Antigone signals her duty to Polyneices through a denial of husband or child” (1988, 55). This “denial” can be clarified in connection with the political concerns she is attempting to overcome. The citizens must be assured that the eventual acceptance of

²⁰ See also the discussion in Todd 1993, 210-11.

Antigone's claim will not bring permanent conflict to the political arena, nor undermine the rule of law generally. Thus, she must convey to them that her claim does not extend beyond the particulars of this case to every thinkable one in which the laws interfere with the family. With this burden in mind, Antigone pushes her case to its limits, that is, by offering the most drastic analogy she can think of: the death of a husband or child.

Antigone's reasoning here is logically similar to what rhetoricians call a *fortiori* argument. If she is able to demonstrate that her claim does not apply to a husband or child, *with all the more reason* she is demonstrating that it does not extend to every conflict between family and *polis*. Consider the case in which the *polis* had forbidden the burial of her husband or child: should her disobedience on their behalf receive the same consideration as she claims for Polyneices? As if anticipating her audience's reaction, Antigone recognizes why an affirmative answer could destabilize the delicate equilibrium between family and *polis*. If, every time there were a conflict between the laws of the city and of the family, the latter were to claim the upper hand, then, the stability of the *politeia* could be in peril. And thus, using a paradoxical yet meaningful argument,²¹ Antigone distinguishes only what the particular situation forces her to distinguish (i.e., if the burial were not forbidden, the distinction would have been unnecessary). Antigone concedes that even if her husband and child had died, the *polis* had forbidden their burial, and their bodies lay rotting in the ground, not even then would she have felt entitled to justify—and ask the citizens to legitimize—the disobedience on their behalf. Within the strict boundaries of her *nomos*, only the imminent extinction of her house—symbolized by the rotten body of Polyneices—satisfies the criteria.²² Simply put, only the case of her brother is legitimate.

Once the crux of Antigone's *nomos* has been explained, it may be asked how a contingent factor over which she has no control—such as the extinction of the house—can work as the basis for a *nomos* (Benardete 1999, 111). In this regard, two kinds of argument will help to clarify my position. On the one hand, the extinction of the family is only the factual condition that underpins Antigone's *nomos*. The totality of her *nomos* comprises, first, her action against the citizens (disobedience), second, the normative assessment she expects to accomplish (legitimacy), and third, the validating

²¹ On his treatise on persuasive argument, Aristotle says that when the speaker makes a claim that is unbelievable [*apiston*], she should give reasons to support it, as Sophocles does in this passage of the *Antigone* (*Rhet.* 1416a-1417b). This suggests that Antigone's argument, though unconventional, is itself reasonable. Cf. Sourvinou-Inwood, who argues that the passage is “explicitly and unambiguously and emphatically wrong, in ways that cannot be explained away” (1987-88, 32).

²² A case might be imagined in which husband and child were to die concurrently and no outliving member had the generative capacity to renew the family. Could this situation be said to result in the extinction of the lineage, and all other circumstances being equal, recreate identical justification to act? In the strict formulation of the argument, the concurrent death of husband and child cannot be excluded. However, this would not result in the same exact situation unless their burials were prohibited too, which Antigone has no reason to suspect.

circumstance (extinction of the lineage) that links the other two and must be verified in each particular case. All these elements are required for her *nomos* to have the force of law. In the case at hand, Antigone subsumes her disobedience on behalf of Polyneices under the enabling circumstance of the extinction, considering that Polyneices is the last brother in the line for whom the burial can be performed.

On the other hand, it is important to realize that the extinction of a family is, more than a fact, an *event*. Indeed, the utter destruction of a family, as attested in literary and legal sources of the era, is a disaster of the first magnitude and rooted in Greek social imaginary as one of the worst calamities one can experience. It was inflicted, literally or symbolically, on the bitterest enemies both of the individual and of the state. For example, by looking at curses in classical times, it appears that the worst punishment someone could wish upon his enemies was the destruction of his family, root and branch (Lacey 1968, 77). Moreover, the symbolic demolition of a house was imposed as a public form of punishment, upon one whose whole family was expelled from the *polis* on account of treason or some other high crime (ibid.). Conversely, institutions such as the *epiklerate* and the adoption of male descendants worked to “ensure that families or *oikoi* did not die through lack of descendants, and that *oikoi* which had only female descendants did not disappear” (Lacey 1968, 22). As Isaeus 7.30 (*On the State of Apollodorus*) bears witness:

All men, when they are near the end, take measures of precautions on their own behalf to prevent their families from becoming extinct ...
And there is not merely a personal feeling in favor of this course, but the state has taken public measures to secure that it shall be followed, since by law it entrusts the archon with the duty of preventing families from being extinguished. (trans. Foster 1962)

When Antigone brings the end of her family to the attention of the chorus, she is not conveying a simple private experience, but an event of primary legal and political magnitude. The extinction of a family line is an exceptional circumstance not only for her but for the city itself. Antigone argues, in fact, that the imperative to perform the ritual that will honor this loss (i.e., her action on behalf of the brother that signals this extinction) is of an entirely different order from any other case of family burial. Antigone's disobedience should be recognized as legitimate, for it embodies the values and norms of the society as a whole. In doing so Antigone is not merely expressing her feelings of attachment to Polyneices, but making an argument that the citizens should be able to understand and respect as having the status of a *nomos*.

* * *

In this essay I have attempted to unravel the line of reasoning Antigone pursues to justify her behavior. Now I would like to confront some of the charges that have been raised against this passage, beginning with the alleged contradiction between this *nomos* and her earlier pronouncement about the unwritten laws. Realizing that Antigone's argument addresses her disobedience, and not the matter of who should or should not be buried (her disobedience takes shape in the burial, but only her disobedience requires

further justification), makes it easier to say that the contradiction with the unwritten laws is only apparent. In this passage Antigone does not deny the validity of the unwritten laws she invoked earlier but rather establishes the conditions on which her decision to bury Polyneices can prevail against the citizens. It is clear from what I said above that Antigone would not have deemed it legitimate to act against the citizens in other circumstances. But to describe this acknowledgment as an abandonment or undoing of her original position (Jebb 1891, 259; Knox 1964, 104; Steiner 1984, 281) is to misrepresent what she does here. When the elders accuse Antigone of being *autonomos* [821], she responds by defending her original action with reasons that they too might find valid, showing that she is mindful of *both* her obligations to her family and to the city. Antigone's gesture can be described as the conscientious act of a citizen who wishes to harmonize various conflicting commitments. This is not the withdrawal from her original position but the enunciation of its true complexity.

In a different vein it is also objected that, contrary to the wife of Intaphernes, Antigone did not have either husband or child among whom to choose, nor could she save those who were already dead. However, only if we consider that Antigone is actually choosing which family members to *bury* (or to save) do these puzzles emerge. If, on the other hand, we shift the focus to the real political concerns she is to overcome (i.e., to assure that her claim on behalf of the family is not boundless, but reasonable for the city to accept), Antigone is actually pre-empting the objections of the citizens, most effectively, by rejecting the closest of the analogies.

Far from being excessively cold and hyper-rationalistic, her argument is attuned to the emotional tone of the rest of the scene. In her last attempt to awaken the sympathy of the chorus and of the audience in general, Antigone conveys the harsh penalties she faces in order to fulfill what she believed was (and still is) her foremost duty. In her final song among the living, she admits to resenting dying, although she had earlier daringly claimed she would not [71-2, 461-2]. She now confronts the undesired (though voluntarily assumed) consequences of her prior decisions. She is going to die alone, unmarried, childless, and wretched. She must forfeit the prospects of a life, perhaps happy in the company of the sister she loves and in the affection of the husband she will never marry. Still, she finds within herself the strength to vindicate her action, turning to engage her audience in an empathetic understanding of her reasons. Apparently, she would be reassured if her reasons were acknowledged, at least, by the wise citizens.

However, Antigone does not wait for the chorus' reaction. Losing her hope at last, she gives up also her natural allies and even wonders whether she should look at the heavens anymore [922]. She concludes by hurling at those who have caused her suffering the wish that they suffer as much as she has [925-8], a gesture which is interpreted by the chorus as a blow coming from the same old tempestuous winds [930]. It is as if, by the end of her speech, she no longer expects that her vindication will come from those next to her on the stage, but must come from elsewhere.

The dramatic effect of Antigone's appeal, which seems to have fallen on deaf ears within the play, is to put the audience in the position of the person who can still hear and

judge what she says and does. Like the original Athenian audience we now are as it were in the play itself, as the collective person who can still be persuaded by Antigone, still understand and approve of her *nomos*. If we are able to perceive clearly what she says and does, perhaps she will finally receive the judgment she deserves.

REFERENCE LIST

- Benardete, S. 1999. *Sacred Transgressions: A Reading of Sophocles' Antigone*. Indiana: St. Augustine Press.
- Bowra, C. M. 1944. Antigone. In *Sophoclean Tragedy*, 63-115. Oxford: Clarendon Press.
- Bushnell, R. W. 1988. Speech and Authority: 'Antigone'. In *Prophecy and Tragedy: Sign and Voice in Sophocles' Theban Plays*, 43-66. Ithaca and London: Cornell University Press.
- Butler, J. 2000. *Antigone's Claim: Kinship Between Life and Death*. New York: Columbia University Press.
- Cropp, M. 1997. Antigone's Final Speech: Sophocles, 'Antigone' 891-928. *G&R* 44:2:137-60.
- Eckermann, J. P. 1850/1935. *Conversations with Goethe*. Abridged. Trans. J. Oxenford (1850). Edited by J. K. Moorhead (1935). London: J. M. Dent & Sons Ltd.
- Ehrenberg, V. 1954. *Sophocles and Pericles*. Oxford: Basil Blackwell.
- Else, G. F. 1976. *The Madness of Antigone*. Heidelberg: Carl Winter Universitätsverlag.
- Foley, H. P. 1996. Antigone as a Moral Agent. In *Tragedy and the Tragic: Greek Theatre and Beyond*, edited by M. Silk, 49-73. Oxford and New York: Clarendon and Oxford University Press.
- Foster, E. S., trans. 1962. *Isaeus with English Translation*. London and Cambridge: Loeb Classical Library.
- Gibbons, R. and Segal, C. eds. and trans, 2003. *Sophocles: Antigone*. New York: Oxford Univ. Press.
- Grant, M. 2001. *The Rise of the Greeks*. Paperback. London: Phoenix Press.
- Griffith, M., ed. and comm. 2003. *Sophocles: Antigone*. Reprinted. Cambridge: Cambridge University Press. First published, 1999.
- Harris, E. M. 2004. Antigone the Lawyer, or the Ambiguities of *Nomos*. *The Law and the Courts in Ancient Greece*, 19-56. London: Duckworth.
- Harrison, A. R. W. 1968. *The Law of Athens*. Vol. 1, *The Family and Property*. Oxford: Clarendon Press.
- Hester, D. A. 1971. Sophocles the Unphilosophical. *Mnemosyne* 4:24:1:55-8.
- Jaeger, W. 1947. Praise of Law: The Origin of Legal Philosophy and the Greeks. In *Interpretations of Modern Legal Philosophies*, edited by Paul Sayre. New York: Oxford. University Press.
- Jebb, R., ed. and trans. 1891. *The Antigone*. 2d. ed. Part 3 of *Sophocles: The Plays and Fragments*. Cambridge: Cambridge University Press.
- Kamerbeek, J. C., ed. and comm. 1978. *The Antigone*. Vol. 3 of *The Plays of Sophocles with Commentaries*. Leyden: E. J. Brill.
- Knox, B. M. W. 1964. Antigone. In *The Heroic Temper*, 62-116. Berkeley and Los

- Angeles: University of California Press.
- Lacey, W. K. 1968. *The Family in Classical Greece*. London: Thames and Hudson.
- Lloyd-Jones, H., ed. and trans. 2002. *Antigone. Sophocles v. 2*. Reprinted (1st ed. 1994).
Cambridge and London: Loeb Classical Library.
- MacDowell, D. M. 1989. The *Oikos* in Athenian Law. *CQ* 39:1:10-21.
- Machin, A. 1981. Le revirement d'Antigone. In *Cohérence et continuité dans le théâtre de Sophocle*, 239-65. Québec: Serge Fleury.
- Murnaghan, S. 1986. Antigone 904-20 and the Institution of Marriage. *AJP* 107:2:192-207.
- Neuburg, M. 1990. How Like a Woman: Antigone's 'Inconsistency'. *CQ* 40:1:54-76.
- Nonet, Ph. 2006. Antigone's Law. *Law, Culture, and the Humanities*, 2: 314-335.
- Ost, F. 2004. Au commencement était ma conscience. *L'Antigone de Sophocle: Résistance, apories juridiques et paradoxes Politiques*. In *Raconter la loi: Aux sources de l'imaginaire juridique*, 153-203. Paris: Odile Jacob.
- Ostwald, M. 1969. *Nomos and the Beginnings of the Athenian Democracy*. Oxford: Clarendon Press.
———1986. Sophocles' *Antigone*: The Family Collides with the State. In *From Popular Sovereignty to the Sovereignty of Law: Law, Society, and Politics in Fifth-Century Athens*, 148-161. Berkeley and London: University of California Press.
- Rawls, J. 1971. Duty and Obligation. In *A Theory of Justice*, 333-391. Cambridge, MA: Harvard University Press.
- Segal, Ch. 1981. *Tragedy and Civilization: An Interpretation of Sophocles*. Cambridge and London: Harvard University Press.
- Sourvinou-Inwood, C. 1987-8, Sophocles' *Antigone* 904-20: A Reading. *AION* ix-x, 19-35.
- Steiner, G. 1984. *Antigones*. Oxford and New York: Clarendon Press.
- Todd, S. C. 1993. *The Shape of Athenian Law*. Oxford: Clarendon Press.
- Ugartemendia, J. I. 1999. *La Desobediencia Civil en el Estado Constitucional Democrático*. Basque Country: IVAP.
- Vernant, J. P. and P. Vidal-Naquet 1988. Tensions and Ambiguities in Greek Tragedy. In *Myth and Tragedy in Ancient Greece*, 29-48. New York: Zone Books (trans. by Janet Lloyd).
- Warner, R., trans. 1972. *Thucydides: History of the Peloponnesian War*. Rev. ed. London: Penguin Books (1st. ed. 1954).
- West, S. 1999. Sophocles' *Antigone* and Herodotus Book Three. In *Sophocles Revisited: Essays Presented to Sir Hugh Lloyd-Jones*, edited by Jasper Griffin, 109-136. New York: Oxford University Press.
- White, J. B. 2006. *Living Speech: Resisting the Empire of Force*. Princeton: Princeton University Press.