

**The *nomos* of decision within myths and rebellion:
Prometheus, the Persians and Antigone**

**O *nomos* da decisão nos mitos e na rebelião:
Prometeu, os Persas e Antígona**

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Abstract: The paper analyses how political decision-making against tyranny is manifested in ancient Greece through *nomos*. In this dimension, the concepts of *themis*, *dike* and *nomos* as the balance between force and justice are considered. The decision is configured in the parameters of decision and rebellion in the tragedies and myths, such as that of Prometheus and Antigone who embody disobedience in the face of arbitrary laws and the Persians by Aeschylus, where in front of the enemy the population consider themselves as "no man's servants," who can govern themselves by just reacting to the established decision-making process. It investigates, then, how political technique and the ability to make decisions are, to a certain extent, reflective of each other and fundamental to civil liberty and the struggle against oppression.

Key words: Nomos. Myth. Rebellion.

Resumo: O artigo analisa como a tomada de decisão política contra a tirania se manifesta na Grécia antiga por meio do *nomos*. Nessa dimensão, são considerados os conceitos de *themis*, *dike* e *nomos* como equilíbrio entre força e justiça. A decisão se configura nos parâmetros de decisão e rebelião nas tragédias e mitos, como o de Prometeu e Antígona que encarnam a desobediência diante de leis arbitrárias e os persas de Ésquilo, onde diante do inimigo a população se considera "serva de ninguém", que pode se governar apenas reagindo ao processo decisório estabelecido. Investiga, então, como a técnica política e a capacidade de tomar decisões são, em certa medida, reflexivas uma da outra e fundamentais para a liberdade civil e a luta contra a opressão.

Palavras-chave: Nomos. Mito. Rebelião.

Introduction

The technique that produces the establishment of a given dictatorial or totalitarian regime is afferent to several spheres of knowledge, but generally speaking it is essential to consider the chronological excursus and firstly to refer to the ambit of the practical science of law among the Greeks. It is from the origins of philosophy in the Western world that there has been the problem of justifying norms and laws through argumentation, therefor the use of argumentation itself to justify a position.

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There are various examples concerning the issue of normativity in ancient populations, even older than the Greeks; the primary examples are surely the Code of Hammurabi of the Babylonian king contemporary with the Israelite patriarchs and the Torah as the normative text of a population, as well as a fundamental religious text for the Jewish community. Although there are other examples of norms, such as the laws of Eshuna (GOETZE, pp. 63-102, 1948), among them there is no reference to the justification of laws on the logical level, so the problem of the prescriptive mode of the norms themselves among the various para-legal experiences persisted. A real logical process of reflexive jurisprudence begins in an applied context of primitive forms of philosophy of law within the Greeks (STOLFI, 2020). The differential character lies precisely in the dimension concerning the relation involving the individual/man with law and justice in Greek reality. The legal experience in ancient Greece cannot be analysed only through law texts, except for the single example of the Code of Gortina in Crete of 450 BCE, but the source material might be found in relevant sources like literature and mythology, especially between Homer and Sophocles, Euripides and Aeschylus. First of all, it is relevant to consider how in the Greek legal dictionary there are three main elements to be analysed: *themis*, *dike* and *nomos*. Considering the *nomos*, it is of fundamental importance to make sense of the law as such: "Universal and individual, absolute and historical, elusive and omnipresent. Such is the law. Exposed to dilemmas, contradictions and paradoxes, [...] how can law be sovereign? (*nomos basileus*)." (CACCIARI, CANFORA, RAVASI, ZAGREBELSKY, 2013, p. 2).

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The elements of law

Themis is a term that retains a certain power and force that applies to a context whose focus falls within the idea of decision, directive or finding that is not necessarily arbitrary, thus reflecting a shared sense of what is "correct" or, at the very least, congruous by substantiating itself in a distinctive character with respect to the Western concept of normativity. The use of the term pertains precisely to decision-making by higher bodies, which, in the Greek circumstance, is as necessary to convey the decisions of the gods as those of kings. In this way a true intermingling of the two subjects is evidenced so the deity of the gods and by extension of the ruler revolve around the god among men. *Themis*, consequently, becomes both an implication in

terms of doing and acting, thus an expression and application, as much of technique as of decision. Not to be underestimated is the symbolic element that arises from the term Themis, the figure of the deity of Themis herself, "the immovable," to the extent to make her not a goddess but rather the personification of order, justice and law. For this reason, some variations on the myth also identify her as the emblem of Mother Earth, Gaea (CODINO, 1971, p. 81). In the Homeric poems, the deity is presented alongside Zeus with Dike (goddess of justice) and Nemesis (the distributor of justice) and, therefore, considering the Homeric texts as one of the sources taken into consideration for analysing the sphere of law in relation to law along with *themis*, it is possible to also find dike. If *themis* is the law of the heavens, that of the gods and rulers, *dike* is the earthly law reflecting the ethereal one, the concept through which the decision takes shape through the acting technique. The former rests on a divine basis by referring to the verb "tithemi," so "I place"; the latter, on the other hand, is established precisely on the indication of law since it comes from "*deiknumi*" which translates to "I indicate"; in this sense the derived law is to be considered within the disposition of the judge who makes a ruling. For what concerns *themis* it is constant the reference to its hieratic essence that is associated with entities whose power is superior to any form of humanity except that of an "elected" ruler, closer to the figure of divinity than that of a mere man. Thus, the disproportion between what is divine and the essentiality of being human is evident. The last element to consider is *nomos* that cannot be found in the Homeric texts, but instead it is present in Hesiod in the eighth century B.C. Within his poetics and that of his contemporaries, albeit with some heterogeneity, the term takes on the meaning of measuring or assigning, but also and above all of governing. *Nòmo-* from the Greek νομο-, a derivative of νέμω means precisely "to govern, to rule, to regulate"², defining itself in the meaning of "law" and "norm." Crucial to the process of signification of the term was Solon in VI B.C., the one responsible for reconciling *nomos* with the concepts of force and justice, balancing the two polarities. In the Elegy of the Muses the *kratos* of the *nomos* guarantees justice in the sense of righteousness, so an instrument to achieve it. In this view, the ordering

² Νόμος - νόμος: a law, convention, or custom governing human conduct - Collins English Dictionary. Copyright © HarperCollins Publishers
<https://www.collinsdictionary.com/dictionary/english/nomos>.

principle is *dike*, so legislation is generative of the nomos of the entire political community and commands virtue in general. In relation to this it is important to consider the term *bia*, the force itself beyond any other ethical or social qualification. Solon conceives a specific form of balance between force and law without the violence provoked by tyrants (FARACO, 2013, pp. 5-6); Hesiod also dwells on the genealogy of Kratos and Bia in the Theogony to give measure of Zeus' sovereignty over the other deities subjected to him. Here there is the realization on how the Titanomachy is a clash and collision of *bia* against *bia*, thus a demonstration of how force for its own sake is somehow inferior to that applied by Zeus, conciliatory but still having to take into consideration various and obvious reservations.

Prometheus and justice

This is most peculiar aspect in Aeschylus' *Prometheus Chained*, which shows Kratos and Bia in the act of overseeing Hephaestus to fulfil the task of executor of Zeus' will that is to chain the titan by carrying out the divine command. The manifestation of Zeus' force summarized by Kratos' bursting action finds meaning essentially in Prometheus' absolute lack of freedom since, according to the rigid hierarchy established, no one is free except Zeus himself, the lawgiver, the deciding subject. The myth of Prometheus seems to suggest the very pivotal idea that disobedience is essentially necessary in the vision of world order into which the tyrant-rebel dynamic enters; it is a relationship that can only exist to the extent that both subjects participate in the same dynamic. Prometheus, son of Themis - the goddess of justice, sums up in himself the sense of revolt for a goal considered intimately just and right. It is difficult to imagine a world in which, referring to mythology, Prometheus did not challenge the tyranny that came, in a metaphorical and clearly allegorical sense, "from above" (GUIDORIZZI, 2021, pp. 7-12), especially considering the precise dynamic relationship that exists in the dichotomy between the two subjects, an abstractly binding force.

Prometheus, i.e., "the one who thinks first", has created a cosmogonic phenomenon since his myth is located at the very origins of the world to which not only the fundamental theological themes of the Judeo-Christian religions refer, but at the first conception of struggle inherent in the will to change (VERNANT, 1976, pp. 172-191). Friedrich Nietzsche consider the god a figure of creation that would later be taken

up in literature throughout the world (RENNA, 2021, pp. 108-110), but it is here that attention is focused with respect to the parallelism that is to be made of him with the figure of the revolutionary opposed to tyranny: it is from the struggle against injustice and dictatorship that one creates, not vice versa. Zeus' decision would not subsist without the opposing force of Prometheus, technically a rebel against the divine will. It is relevant to consider the Promethean experience because of its thrust, the tyrannical regime, rather than because of the centrality of rebellion, precisely in the physical view of dynamicity of force. According to Marx himself, Prometheus is an example of heroism in the panorama of liberation of the oppressed. Marx recognizes in Aeschylus' Prometheus "the noblest of saints and martyrs in the philosophical calendar. " (DAL PRA, 1964, pp. 271-294), to which he attributes a sense of rebellion against power and opposition to subjugation, as the socialist revolution represents, precisely for Marx, the aspiration to liberate humanity from all forms of alienation, of fetishism, of reification, so at the end the true objective is to make every man a participating and conscious subject of the common destiny, rather than an object dominated by the outside (by the past, ideology, commodity, master, social relations, foreign power, bureaucracy, organization, etc.). Prometheus challenges Zeus, giving him the appellation of tyrant and denigrating all the gods, calling them servants, first and foremost Hephaestus, who, paradoxically, by chaining the Titan also chains himself: "the original part of himself, that is, his origins" (*Cit.* FARACO, p. 9) ; likewise, the servants referred to by Prometheus before his stubbornness and courage lower their heads. "But I would not exchange my misfortune for your slavery." (AESCHYLUS, 1952, p. 236). Interestingly, however, Prometheus tells of an intimately human experience. Indeed, Karoly Kerényi defines Prometheus as: "the archetypal image of human existence" (KERENEYI, 1946). It is thus peculiar how a god has been so closely associated with human nature that he has become its symbol and emblem. Indeed, it is a Titan struggling against another deity, even though he is considered by most to be the one who best that symbolizes the human experience, consisting of rebellion rather than pre-imposed archetypes. The Promethean struggle is symbolic of a moral opposition to tyranny, despite the fact that it was flanked by elements of "law" and "norms," aware, however, that the attempt at rebellion awaits a fate at the very least unsuccessful against any dictatorial imposition (BEAZLEY, 1939, pp. 618-620).

The Persians as the tragedy of civil freedom

The Persians, another important work by Aeschylus, is the oldest tragedy that has come down to the present day and is another example of the birth and celebration of the concept of civil liberty, as well as self-government of Athenian society (MITTICA, 2006). It is the historical drama that underlies one of the most famous victories of the "symbolic" West, namely the Battle of Salamis in 480 B.C. (LAZENBY, 1993, pp. 151-197). Aeschylus implements a process through which he manages to show, within the process of drama, a profound reflection on autocracy, the 'positive' autocracy of Darius (SAMPSON, 2015, pp. 24-42) and the 'negative' autocracy of Xerxes, a despot who brought the Empire to ruin; in both cases these are narratives that are relatively far from the reality of the facts, but nevertheless serve as a conduit to promote the Athenian ideals dear to Aeschylus. In this light, the figure of Darius I is clearly linked to that of the Athenian strategist in the speech he gives on his brief return to earth from the underworld (MUNTZ, 2011, pp. 257-271) followed by the evocation of the 'demon' that haunts the Persians (CARPANELLI, 2021, pp. 129-154). The real significance of the victory of Salamis is to be found in the *damnatio* of Xerxes, the one lost i.e., the vanquished; as a matter of fact when, almost after a decade, someone in Athens looks too sympathetically at Sparta, even the 'exhumation' of Darius may serve to indicate the qualities of a true leader: an autonomous contribution poeticized that, through dramatic metaphor, it easy to raise the question concerning the true essence of power in the face of true dynasties. In fact, Aeschylus does stage the drama in Syracuse, showing to Hieron, the most important dynast in Western Greekity, the possibility of thinking of an alternative solution to which the strategist closest to him surely looked as Themistocles (ibidem). The process that allows for this bottom-up stance and decision-making is configured within a pattern of idealization of a confrontation between two different realities and ways of life conceived as radically divergent, whereby on the one hand there is the Greek concept of supreme freedom and on the other the Persian way that envisages the subjection of man to absolute and monocratic power. The act that marks the pre-eminence of the will to freedom is the accusation levelled at Xerxes by the spectre of Darius, who accuses him of having undertaken the desperate and impious temptation to assume, as a man, divine guise

in an attempt to dominate and let the whole civilization bend to his own power as boundless as it is violent. The decision is not reflected in the resemblance of divine emulation technique. Indeed, the main passage reads, "Of no man do they call themselves servants, and none do they obey." (AESCHYLUS, 1996, p.13). This is how Aeschylus views Greek identity in the face of the common enemy, "no man's servants," capable of self-government by responding only to the decision-making process they have established, that of their own laws. The element of *hybris*, in this context, is the driving force behind the attempt to subjugate free peoples to a power that interprets itself as divine.

Antigone and the tragedy of nomos

Sophocles is to be considered of extreme relevance in the construction of the sense of law and justice in the face of a tyranny for what concerns the concept and relation with divinity. Antigone, from this point of view, could be considered the tragedy of nomos (CANCELLI, 2000, p. 14), the pinnacle of reflection on the concept of justice. The figure of Antigone has been consolidated over time as the symbol of rebellion against the perpetual and tyrannical violence of the state despite the fact that, contrary to the common narrative, Creon is institutionally the king of Thebes, so theoretically speaking he is not the tyrant, as this would have rendered him illegitimate. Considering his capacity as ruler, he represents law and power, so he is the actor called upon in the moment of acting out a decision (UGOLINI, 2021, pp. 135-162). As it has already seen with Prometheus, there is a duplicity in her that gives the form of endiads, that is, "one-through-two, "two-in-one" (CURI, 2015), characterizing her pluralistic essence. There have been repeated attempts to define her sororal and political nature, but it has also been questioned to what degree her involvement in legal thought defined Antigone's 'unwritten laws'. One has even doubted the epically courageous, yet simultaneously modest and typically feminine aura by which she has sometimes been relegated to becoming a character for melodrama (FORNARO, VICCEI, 2021). Antigone in her actions violates the legitimate nomos that for her is fraught with injustice; she does so publicly as she wishes it to be known to all the citizens of Thebes, participating to a specific technique that palpates the stark contrast between law and justice, the will of the sovereign versus the ethics of the individual.

The Socratic creation departs from the view of Thrasymachus, who advocates the idea of "fair is the profit of the fittest," "injustice makes happy." He, in fact, interprets the classical Athenian theory of justice, thus the commonality between dike and nomos, while drawing from them the essential truth. In this sense he interprets that the strongest is the one who holds the power. "Every form of power therefore establishes laws according to its own profit: democracy will make them democratic, tyranny tyrannical, and similarly the others." (TRASIMACHUS, I. 338e-339th). The law, the *nomos*, once enacted enshrines what is right, thus useful for power. From this it follows that legislation defines the parameters of justice itself since it is directly derived from power. Having the power to legislate inevitably places an imposition of relative justness on the person who enacts the law, thus becoming an instrument of the constituted power by safeguarding and preserving its legitimacy. Thrasymachus thus certifies the separation of law from justice by considering the functional dimension of nomos. From the Thrasymachean perspective, then, there are two options for the polis: the possibility of having the law of the strongest, in a sense of the tyrant, the physis, prevail, or the legal positivism of the nomos within which the strongest sets law and what is just. Thus, it is also possible to understand that power becomes unjust the moment it no longer pursues the just as such, but rather the most useful for its own benefit. For Thrasymachus, power is not an expression of the social dialectic, but rather it is only a reflection of force, becoming, in this way, unjust, no longer a decision moved by specific ethical values but instead a technique of self-protection; it is here that Creon can be framed in the position of the strongest who, wishing to pursue his interests through the screen of the law no longer seeks justice, but what is most useful to him.

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In the Sophoclean tragedy, unlike the tragedies that showed the stories of the other members of Antigone's family as in the Theban saga (BETTINI, GUIDORIZZI, 2004) here the protagonist assumes the role not so much of control as of manifest and inflexible power (GUIDORIZZI, 2021). She is the woman, the young woman and heroine who rebels against the tyrant and faces the consequences of her choices to the point of death, in the name of justice and freedom, albeit ethical and moral freedom. Antigone in fact becomes a symbol of moral revolt against oppression, respecting not really the laws of the state, imposed arbitrarily although within a certain degree of

legitimacy, but rather the inner and deeply personal ones; it is a type of law that asserts itself no matter the consequences; these are the divine laws, the ones that bind her carnally and inextricably to the pursuit of the pure justice. This, in fact, is how the story is presented and hence the myth: a helpless and lonely young woman on one side, all the power of the political apparatus and the state on the other side. There is an obvious imbalance of forces between the two blocs, which cannot but be recognized as a recurring element also and especially in the story and in the reality of events, in which there is the small against the great, not because of a mere power struggle, but more because of the quest for the affirmation of principles of justice. Antigone's opposition to the system enshrined its symbolism to come i.e., the metaphor of the struggle against tyranny and the ways through which to enact it.

In the Western cultural landscape, one perceives the legacy left by Sophocles precisely with respect to the scientific rationality of the relationship between uncontrollable forces, which in any case one can hardly oppose, and their relationship to the cosmic consciousness inherent in the human being himself, a relationship in which there are characters whose purpose is manifest and powerful, as with Antigone, the only one among the Sophoclean characters who does not succumb to the *fatum*. The protagonist does not succumb, she acts in a manifest and controlled way, she does not pose herself as a subject undergoing a decision but rather becomes herself an agent-actor of justice, the bearer of natural order among the vacuities of the mundane and those who enact decisions contrary to the divine will. Nevertheless, there remains a fact that is not negligible in relation to the overall context, for all the characters who are included in her tragedies are intrinsically linked to the community and the social aspect of their being as social individuals (VISCAMI, 2020). Thus, in one way or another, they are individuals who constantly relate to the organization and politics of their city. While considering this differentiation, one can call it somewhat arbitrary, since the social question addressed in the tragedy is composed of broader elements that concern man's ability to enact distinct forms of civilization, but especially of adapting to them (SEGAL, 1999). Indeed, it is in this area that Sophocles demonstrates a strong sense of justice and politics in Antigone, whereby she fully experiences the *momentum* of the choice between man's autonomy and the sense of obedience with respect to the law by creating a distinction between law, justice, morality and nature.

Antigone in the role of heroine presents facets that establish her tragic and simultaneously real nature. Indeed, Sophocles raises in Antigone a question with respect to the possibility that the State has of imposing its arbitrary laws and forcing "repugnant" behaviours and acts, far from being socially and ethically acceptable, contrary to the individual will and the natural order.

It applies from Sophocles' Thebes to Auschwitz. Really, always and everywhere must one submit to laws, even when they involve [...] extermination? [...] What about the choice and moral freedom of each individual?(GUIDORIZZI, 2021, p. 9).

In the broader symbolism of the tragedy studied therein, it seems, therefore, logical to consider and attribute to the two protagonists of the story the roles to be investigated and studied, partially understanding their reasons. Creon's role is that of a defender of the nature of the State by virtue of which he asserts the supremacy of collective laws, no matter how cruel and aberrant they may turn out to be. Creon, however, is in little or no democratic position, certainly far removed from state law, especially considering how the rule he enacts and defends consists, therefore, of an edict promulgated for a contingent situation. On the other hand, in this case, the ruler's decision consists of a portion of legitimacy if framed in the maintenance of the status quo of Thebes (BELTRAMETTI, 2002). Precisely with regard to this, it is relevant to note that in the tragedy itself there is no single protagonist, as the name itself suggests. Antigone is the one who clashes against the power that Creon represents in a duplicity proper to the narrative as of the rebel and the dictator. Thus, coexist and, inevitably, clash the decision and technique of the nomos of which Creon makes himself the representative and the drive toward the quest for justice represented by Antigone.

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Nomos: between *téchne* and decision

In Schmitt's philosophical conception of nomos, we have an almost absolute account of the term's sense of power "[t]he nomos [...], in its original meaning, indicates precisely the full 'immediacy' of a legal force unmediated by laws; it is a constitutive historical event, an act of legitimacy that alone gives meaning to the legality of mere law." (SCHMITT, 1991, p. 59).

In the case of Antigone, as in that of Prometheus, there is a relationship at once symbolic and of meaning between decision and technique in the sphere of *nomos*, the two elements coexisting in such a dynamic that the decision corresponds to the law which, deprived of the sphere of ethics, is not properly just - that is, it does not represent justice *per se*, but only the useful. The technique enacted by those who rebel against the arbitrary choice nevertheless legitimized by its being nonetheless law, hence *nomos*, is the demonstration of the necessary existence of the two seemingly opposite poles which, in this view, become integral to each other for the purposes of their very existence. There would be no rebellion if there were no *nomos*, and no specific technique would be put in place if one were not faced with a decision resulting, in this case, from law. Deleuze insists on how the law cannot, by itself, be a source of obligation, because the obligation of law presupposes a utility that belongs to the institution. It, the institution or the bearer of power, does not define itself in a limitation like the law, but rather: "a pattern of actions of an actual enterprise, an artificial system, a positive invention of positive means indirect means" (Deleuze, 2012, p. 64).

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Ultimately, the analysis of the figures of Themis, Dike and *Nomos* reveals how political decision-making in ancient Greece is based on a complex interplay between divine authority, earthly laws and the ability to reconcile force and justice. The advent of *Nomos* represents an attempt to channel *kratos* through a legislative *téchne* that aims at a just order while remaining constantly threatened by *bia*. Through the tragedies symbolic of rebellion, it is possible to understand how these myths embody the conflict between obedience to constituted power and the ethical imperative to disobey laws perceived as unjust. Their rebellion is not only an act of contestation, but also a *téchne* of affirmation of higher values. The tragedy of the Persians then highlights how civil liberty is based on the capacity for self-government, as opposed to the *hybris* of those who seek to impose monocratic power. In this sense, political decision-making against tyranny is not simply an act of force, and the struggle for freedom is intrinsically linked to the ability to make informed decisions and use technology.

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