

## Euthyphro Wins: A Reconsideration of the Legal Case against Euthyphro's Father

Euthyphro's father caught and bound a dependent, who had murdered one of the household slaves, and the dependent subsequently died from hunger, his bonds and exposure. Euthyphro then brings a case against his father for the murder of the dependent. Scholars have criticized the legal merits of the suit, (most decisively in Hoopes 1970) attempting to illustrate how equally foolish the moral issue and Euthyphro's view of piety are and even heaped much scorn on the character of Euthyphro himself. (Beverluis 2000 collects several of these insults.) I argue that not only does Euthyphro's prosecution of his father in his eponymous dialogue with Socrates have legal standing, but also that based on the details presented by Euthyphro his prosecution would be successful. There is a basic misunderstanding between what I term the "inclusive" and "exclusive" view of Athens' law on unintentional homicide which restores the firm basis upon which Euthyphro's case rests.

Athens' law of unintentional homicide (as outlined in Roisman 2011) lists family members up to the level of cousin as the responsible party for prosecuting murderers on behalf of their victims (or masters on behalf of their slaves [Morrow 1937]). The dependent was neither a slave nor a family member. The "exclusive" view (Roisman, Hoopes) takes the position that these family members and *only* these can prosecute victims of homicide. The "inclusive" view (Panagioutou 1974, MacDowell 1978, Brickhouse and Smith 2004) takes the position that although family members held the primary responsibility for prosecuting murderers, any citizen could bring the case if they wished. The reasons for this belief are twofold. First, if only family members could bring cases then any Athenian citizen or dependent without close family could be murdered with impunity and his killer would be beyond the reach of Attic law. This seems like an untenable oversight on the part of the Athenians. Second and most significantly, Socrates

himself never questions Euthyphro's right to bring the case, he simply note that the prosecution is unusual. (*Euthyphro* 4b4-7) However, Euythphro argues that it was immaterial whether the victim was a relative or stranger only that it was pious to prosecute the wrongdoer (4bc7-c4).

The details of the case against Euthyphro's father (if Euthyphro's version is substantively accurate), illustrate that he is in fact guilty. Euthyphro's standing to prosecute then is a not a question of legality, contrary to popular opinion, only morality which refocuses the issue of the dialogue solely on Euthyphro's view of piety and cannot be used as ammunition to demolish his position. Additionally, Plato's credibility in the correct usage of legal procedure while also raising conflicted moral issues has much larger implications for his entire corpus particularly works where the legal issue may be evident but the morality is more suspect like the other dialogues connected to Socrates' trial and death the *Apology*, *Phaedo* and *Crito*.

#### Works Cited

- Beverluis, John. *Cross-Examining Socrates: A Defense of the Interlocutors in Plato's Early Dialogues*. Cambridge: University Press, 2000
- Bonner, Robert J. and Gertrude Smith. *The Administration of Justice From Homer to Aristotle*. New York: Ams Press, 1970 (reprint from edition 1930, Chicago)
- Brickhouse, Thomas C. and Nicholas D. Smith. *Plato and The Trial of Socrates*. New York and London: Routledge, 2004
- Carey, Christopher, *Trials from Classical Athens*. New York and London, 1997
- Edwards, M.J. "In Defense of Euthyphro." *The American Journal of Philology* 121, no. 2 (2000): 213-224

- Furley, William D. "The Figure of Euthyphro in Plato's 'Dialogue'." *Phronesis* 30, no. 2 (1985): 201-208
- Hoerber, Robert G. "Plato's 'Euthyphro'." *Phronesis* 3, no. 2 (1958)
- Hoopes, James P. "Euthyphro's Case." *The Classical Bulletin* 47, no. 1 (1970): 1-6
- Klonoski, Richard. "The Portico of the Archon Basileus: On the Significance of the Setting of Plato's 'Euthyphro'." *The Classical Journal* 81, no. 2 (1985): 130-137
- . "Setting and Characterization in Plato's Euthyphro." *Dialogos* 44 (1984): 123-39
- MacDowell, Douglas M. *The Law in Classical Athens*. Ithaca, New York: Cornell University Press, 1978
- Morrow, Glen R. "The Murder of Slaves in Attic Law." *Classical Philology* 32, no. 3 (1937), 210-227
- Panagioutou, Spiro. "Plato's Euthyphro and the Attic Code on Homicide." *Hermes* 102 (1974): 419-437
- Plato. *Complete Works*. John M. Cooper and D. S. Hutchinson eds. Indianapolis/Cambridge: Hackett Publishing Company, 1997
- . *Plato's Euthyphro*. New York: American Book Company, 1902
- Roisman, Joseph. *Ancient Greece from Homer to Alexander: The Evidence*. Translations by J.C. Yardley. Wiley-Blackwell, 2011
- Tulin, Alexander. *Dike phonou: The Right of Prosecution and Attic Homicide Procedure*. Stuttgart : B.G. Teubner, 1996.