

# **(En)acting law on stage: Time, Comic Rhetoric and Legislative Language in Aristophanes' *Acharnians* (vv. 676-718)**

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## *1. Introduction*<sup>1</sup>

Athenian drama in classical times constituted for playwrights a means of promotion of opinions on major issues regarding the city, its politics, institutions and law courts. From the very beginning of his professional activity, Aristophanes has been closely involved with (and interested in) Athenian law and procedure. However, for the most part, scholars have not paid attention to law as a comic material (with the exception perhaps of *Wasps*<sup>2</sup>) and many internal references

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<sup>1</sup> This paper has been elaborated within the framework of an ongoing research project UBACyT 2010-2012, which I jointly supervise with Prof. Elsa Rodríguez Cidre at the University of Buenos Aires in Argentina. It also relates to the activities developed under the scope of the project FFI2008-01720/FILO[2009-2011], directed by Prof. Lucía Rodríguez-Noriega Guillén at the University of Oviedo in Spain.

<sup>2</sup> Mostly inspired in D.M.MACDOWELL's edition (*Aristophanes' Wasps*, Oxford 1971). Among the exceptions, C.CAREY, *Comic law*, in *Annali dell' Università di Ferrara* 1 (2000), pp. 65-86 and more recently G.CUNIBERTI, *Aristofane misodikos e philonomos. Istituzioni democratiche, procedure giudiziarie e norme del diritto nella commedia attica antica*, in *Rivista di diritto ellenico* 1 (2011), pp.83-126, have provided a short overview on the importance of legal language in Aristophanic comedy. D.M.MACDOWELL, *Aristophanes and Athenian Law*, in P.J.RHODES, E.M.HARRIS & D.FERREIRA LEÃO (edd.) *Law and Drama in Athens*, London 2010, pp.147-157, focuses basically on *Clouds*. On judicial and extra-judicial allusions in New Comedy —a topic which has traditionally earned much more scholarly attention— see A.C.SCAFURO, *The Forensic Stage. Settling Disputes in Graeco-Roman New Comedy*, Cambridge 1997. R.WALLACE, *Law, Attic Comedy, and the Regulation of Comic Speech*, in M.GAGARIN & D.COHEN (edd.) *The Cambridge Companion to Ancient Greek Law*, Cambridge 2005, pp.357-373, works on both Old and New Comedy but deals mainly with legal issues arising from comic freedom of expression and does not go beyond to study judicial vocabulary or references.

to legal issues still need to be reassessed and explained in a broader context of the possibilities allowed by the genre.

Like other comedies, *Acharnians* makes an efficient use of juridical language and forensic expressions. Taken this as a launching proposal, my aim here is to intend a more general approach to law in the comedy through an examination of the second part of the parabasis from a legal perspective. In the new setting created by the comedy, in vv.676-718 the chorus is granted the ability of imitating legislative language and proposing the approval of decrees. As I intend to explain, the updating here of some technical expressions which the audience could easily relate to the traditional language included in public *psephismata* is essential for a political reading of the play.

## 2. *The imagery and language of legislation in Athens*

In democratic times, the enactment of legislation, as well as its practical use, constituted for Athenians an exercise of active participation in everyday legal discussions. Interesting testimonies confirm that a number of legislative proposals were born through different sources and responding to quite different interests. In this sense, literature would become during the V and IV Centuries an effective way of expressing civic views and suggesting changes in the *polis*' legal background. A good example of this could actually be represented by philosophical or political treatises: in the *Laws*, for instance, Plato imagines his own Magnesia, where we are constantly faced to clear arguments intended to think critically about Athenian legal reality and rely on the convenience of introducing amendments and suggesting effective changes to the scope of legal rules<sup>3</sup>.

Even if many details are uncertain, the procedures for making and amending statutes in Ancient Greece are mostly known<sup>4</sup>. Unlike what happened during the archaic period<sup>5</sup>, in classical times the legislative

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<sup>3</sup> A.WILSON NIGHTINGALE, *Plato's Lawcode in Context: Rule by Written Law in Athens and Magnesia*, in CQ 49 (1) (1999), pp.100-122.

<sup>4</sup> The *Constitution of the Athenians* and the abundant decrees preserved in inscriptions provide ample information on the relevant procedures; see P.J.RHODES, *The Decrees of the Greek States*, Oxford 1997.

<sup>5</sup> In this period some authors suggest that the promulgation of laws by legislators – such as Zaleucos – served to prop the conservative strings of power and promote a shared feeling of *polis* 'nationalism' (cf. M.GAGARIN, *Early Greek Law*, Berkeley

function is more attached to social discussion and civic courses of action. The lack of documents or records allows us to conclude that no design for amendments or re-codification of the laws worded by Draco and Solon seems to have taken place until the end of the V Century<sup>6</sup>. Before the Revolution in 404 B.C., only a simple majority vote at the *Boule* and one meeting at the *Ecclesia* was necessary to abolish existing laws or creating new ones<sup>7</sup>.

All along the steps of legislative procedure, the Assembly or any citizen was still granted an extended capacity of initiative. If an Athenian citizen decided it was suitable to propose a new law within the established set of norms, he was obliged to persuade others that this was the right way to proceed. During the V Century, a vote of the *Boule* or *Ecclesia* –once the arguments of the proposal were heard– would suffice<sup>8</sup>. Once the decree was drafted, passed and voted, it was inscribed on stone for publicity. Despite their political differences, both in democracy and tyrannical regimes, we can see an active

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1986, pp.140-141). Archaic legislation was often linked to situations of crisis (*stasis*) within the city (see W.EDER, *The political significance of the codification of law in archaic societies: an unconventional hypothesis*, in K.RAAFLAUB (ed.) *Social struggles in archaic Rome*, Berkeley 1986, pp.262-300) It is also linked to the passage from oral to written law in archaic societies and, in this context, the promulgation of laws –even if in some cases favored the ruling class and could be considered "conservative"– also constituted a safeguard of citizen rights (as stated, for instance, by Theseus in Euripides' *Suppliants*, vv.433-444: γεγραμμένων δὲ τῶν νόμων ὅ τ' ἀσθενῆς. / ὁ πλούσιός τε τὴν δίκην ἴσην ἔχει).

<sup>6</sup> M.H.HANSEN, *La démocratie athénienne à l'époque de Demosthène. Structures, principes et idéologie*. Paris 1993, p.196.

<sup>7</sup> However, since the Decree of Teisamenos (403/2 B.C.) a complex system was put in place. A number of officers called *nomothetai* would now be in charge of controlling how law was to be created, and apparently some restrictions on the presentation of submissions were established. This process, nevertheless, became at a certain point so difficult in practice that some decades later (before 370 B.C.) a simpler law on legislation was implemented. Concerning the interpretation of this law, as well as its relationship to related ones, such as the Revision Law, see the critical approach of P.J.RHODES, *Nomothesia in Fourth Century Athens*, in CQ 35 (1) (1984), pp.55-61.

<sup>8</sup> According to the sources, in the IV Century several steps were required for a careful review of the legal changes; however, *nomothetai* would consider the proposal after it was presented in written form and read several times at the *Ecclesia*: its benefits to the community were publicly expressed, and –soon after– their decision on the matter, voted by show of hands, became definite (D.20.89-99, 20.91, 24.20-3); cf. D.M.MACDOWELL, *Law-Making at Athens in the Fourth Century B.C.*, in JHS 95 (1975), p.73. The whole procedure relating to the proposal of legal measures at the Council is described in P.J.RHODES, *The Athenian Boule*, Oxford 1972, pp.52-82.

participation of citizenship at the Assembly, since every legal draft would generally rely on a defense of a position, usually followed by the replies from opposite points of views. Therefore, it is clear that the legislative procedure in Athens –quite like controversies before the tribunals– were sustained on the logic of rhetorical confrontation<sup>9</sup>.

In his *Rhetoric* 1358.b.2-3, Aristotle draws a line relating persuasion to time:

ἀνάγκη δὲ τὸν ἀκροατὴν ἢ θεωρὸν εἶναι ἢ κριτὴν, κριτὴν δὲ ἢ τῶν γεγενημένων ἢ τῶν μελλόντων. ἔστιν δ' ὁ μὲν περὶ τῶν μελλόντων κρίνων ὁ ἐκκλησιαστής, ὁ δὲ περὶ τῶν γεγενημένων [οἶον] ὁ δικαστής, ὁ δὲ περὶ τῆς δυνάμεως ὁ θεωρός, ὥστ' ἐξ ἀνάγκης ἂν εἴη τρία γένη τῶν λόγων τῶν ῥητορικῶν, συμβουλευτικόν, δικανικόν, ἐπιδεικτικόν.

Now the hearer must necessarily be either a mere spectator or a judge, and a judge either of things past or of things to come. For instance, a member of the general assembly is a judge of things to come; the dikast, of things past; the mere spectator, of the ability of the speaker. Therefore there are necessarily three kinds of rhetorical speeches, deliberative, forensic, and epideictic<sup>10</sup>.

Three different types of speech are distinguished, according to the kind of addressee in charge of judging (κρίνειν) the arguments and *time*: the deliberative speech, based on future events (τῶν μελλόντων) and directed to the Assemblyman –ὁ ἐκκλησιαστής–, the judicial speech, centered on past events (τῶν γεγενημένων) and presented to the jury –ὁ δικαστής– and, finally, the epideictic speech, constructed on the present activities of the speaker (τῆς δυνάμεως) and pointing to the spectator –ὁ θεωρός<sup>11</sup>–. As I will explain, in *Acharnians* Aristophanes plays with the past and the present to introduce the practice of politically persuasive speech, showing an example of how public participation would influence the proposal and discussions of legislative texts. Lacking of specific testimonies of the oral debates preceding the approval of a law, the identification of a

<sup>9</sup> “L’action législative se déroule comme celle d’un procès. L’auteur de la proposition se présente comme l’accusateur des lois existantes” (M.H.HANSEN, *La démocratie athénienne*, *op.cit.*, p.203).

<sup>10</sup> The English translation belongs to the edition by J.H.FREESE (ed.) *Aristotle. The «Art» of Rhetoric*. Cambridge (MA) & London 1967 (1926<sup>1</sup>).

<sup>11</sup> Soon afterwards, Aristotle makes it clear that epideictic rhetoric focuses on the present: τῷ δ' ἐπιδεικτικῷ κυριώτατος μὲν ὁ παρών (*Rhet.* 1358.b.4)

rhetorical style in the passage is important to understand how proposals at the *Ecclesia* could have been made.

### 3. *The chorus' legislative proposal: the parabasis in Acharnians and law*

Produced in 425 B.C., *Acharnians* is the earliest of the eleven surviving comedies written by Aristophanes. The play starts with a parody of a session of the Athenian Assembly on the Pnyx (vv.1-173), which shows the solitary ambition of the comic hero (Dicaeopolis) to treat the important issue of peace<sup>12</sup>. Nothing during the meeting of the *Ecclesia* results as expected: the citizens and the Prytaneis arrive late, the Athenian ambassador, Pseudartabas and the Persian eunuchs are either deceiving or false, and the protagonist cannot make his point<sup>13</sup>. After the Assembly is dissolved, Dicaeopolis decides to send Amphitheus to negotiate a private peace with the Spartans. Once the peace is achieved, Dicaeopolis holds a celebration of the Rural Dionysia, but he is immediately attacked by the chorus of elderly charcoal-burning poor men from the deme of Acharnae, who hate the Spartans for destroying their farms and will not tolerate anything but war.

The plot of the play, which is shown as political from its very beginning, raises the issue of the undesired effects of war in society. This Leitmotif<sup>14</sup>, generally represented by the will of Dicaeopolis to achieve a personal peace treaty with the enemies, appears alongside other antithetical motifs as the drama evolves: if a peaceful environment and virtues are associated with the countryside,

<sup>12</sup> This parody of the *Ecclesia* is a frequent comic strategy in Aristophanic comedy; cf. R.M.HARRIOTT, *Aristophanes. Poet and Dramatist*, Baltimore 1986, pp.150-163; P.J.RHODES, *Aristophanes and the Athenian Assembly*, in D.L.CAIRNS & R.A.KNOX (edd.) *Law, Rhetoric and Comedy in Classical Athens. Essays in Honour of Douglas M. MacDowell*, Swansea 2004, pp.223-237.

<sup>13</sup> Cf. A.M.BOWIE, *Aristophanes. Myth, Ritual and Comedy*, Cambridge 1993, p.20. I have studied this reversal of diplomacy in E.J.BUIS, *Diplomáticos y farsantes (Ar. Ach. 61-174): estrategias para una desarticulación cómica de la política exterior ateniense*", in Cuadernos de Filología Clásica (Estudios Griegos e Indoeuropeos) 18 (2008), pp.249-266.

<sup>14</sup> Cf. D.M.MACDOWELL, *Aristophanes and Athens, op.cit.*, p.46. On the consequences of war in Athenian society, as described by Aristophanes, see J.PÉREZ MONROY, *Aristófanes: el pueblo ateniense frente a la guerra*, in Nova Tellus 15 (1997), pp.11-50.

perversion and aggression seem to be linked to the idea of the city<sup>15</sup>.

This antithesis is complemented by another opposition structured around the idea of the generation gap: elders, traditionally connected to the rural conservative way of life, are opposed to young people, depicted as more liberal and attached to urban breakthroughs<sup>16</sup>. In fact, the presence of roles for old people on the comic stage in *Acharnians* is not surprising<sup>17</sup>. These characters often appear in Aristophanic theatre<sup>18</sup>, sometimes forming the χορός<sup>19</sup> and reminding the audience of long-dated successes and ancient victories. Young people like Alcibiades, on the contrary, are generally depicted as inspired by the new sophistic education, in which the manipulation of rhetorical strategies plays an essential part<sup>20</sup>.

<sup>15</sup> R.L.HUNTER, *The New Comedy of Greece and Rome*, Cambridge 1985, p.109.

<sup>16</sup> This is not the first time that Aristophanes incorporates this generational distinction as a motif to his works (cf. E.W.HANDLEY, *Aristophanes and the Generation Gap*, in A.H.SOMMERSTEIN, S.HALLIWELL, J.HENDERSON & B.ZIMMERMANN (edd.) *Tragedy, Comedy and the Polis*, Papers from the Greek Drama Conference, Nottingham, 18-20 July 1990, Bari 1993, pp.417-430. Two years before, in what appears to have been his very first play (*Banqueters*), when the poet could not yet ask for chorus himself due to his short age (427 B.C.), a speech refers very fragmentarily and in absolute isolation to the origins of this topic.

<sup>17</sup> In numerous opportunities, old people –broadly respected in the epic tradition– are undeniably targets for Aristophanes’ sarcastic humour and attacks; cf. M.MENU, *Le motif de l’âge dans le tours proverbiaux de la Comédie Grecque*, in A.LÓPEZ EIRE (ed.) *Sociedad, política y literatura. Comedia griega antigua* (Actas del I Congreso Internacional, Salamanca, noviembre 1996), Salamanca 1997, p.134). In fact, A.H.SOMMERSTEIN, *Aristophanes and the Demon Poverty*, in CQ 34 (1984), pp.320-321, has analyzed the frequency of old men as comic heroes throughout his comedies, stating that the genre has “a systematic bias in favour of older and against younger men”. On the importance of generation gaps in Aristophanes and elsewhere in Greek literature, see E.W.HANDLEY, *Aristophanes and the Generation Gap*, *op.cit.*, and B.S.STRAUSS, *Fathers and Sons in Athens. Ideology and Society in the Era of the Peloponnesian War*, London 1993.

<sup>18</sup> There is ancient information available asserting that there existed even a play, preserved only in fragmentary testimonies, which was centered on the main topic of old age; cf. C.M.J.SICKING, *Γῆρας – Γηροτάδης*, in *Mnemosyne* 17 (1964), pp.158-161.

<sup>19</sup> This is what happens with the chorus composition in *Acharnians*, *Wasps*, *Peace*, *Lysistrata* and *Plutus*.

<sup>20</sup> “The New Learning has cast its spell upon them. They feel the restless activity of inquiry, the enthusiasm for knowledge, that mark the new era. Happy to be in the midst of discussion, they are sometimes tempted to neglect for it even the healthy sports that delighted their fathers” (A.A.BRYANT, *Boyhood and Youth in the Days of Aristophanes*, in HSCPh 18 (1907), p.94).

In the specific case of *Acharnians*, the opposition between young men and old men becomes evident when the chorus develops in the second part of the parabasis a real complaint about the way trials were carried out at that time<sup>21</sup>. If the first section of the parabasis points to the poet himself as the spokesman of justice against the contemporary orators, the verses 676-718 reinforce the same purpose and suggest the need to recover the value of justice during hearings and prosecutions<sup>22</sup>. By introducing the practice of politically persuasive speech<sup>23</sup>, these verses become an example of how public participation might influence the proposal and discussions of decrees.

As it has been explained elsewhere, the parabasis opens the comedy to the interaction with the public, providing a disruption of the dramatic illusion and encouraging a debate on contemporary problems<sup>24</sup>. I will concentrate my study on several parts of the parabasis, namely the epirrhema (vv.676-691), the antode (vv.692-702) and the antepirrhema (vv.703-718), since those lines become a privileged space for the chorus of *Acharnians* to present their

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<sup>21</sup> In comedy, the parabasis is a choral ode addressed to the audience and used to interrupt the action and express the author's perspective on contemporary (mainly political) topics.

<sup>22</sup> A.DE CREMOUX, *Études critiques...*, *op.cit.*, pp.232-235.

<sup>23</sup> Many studies refer to the centrality of persuasion and argumentative skills in Aristophanes. Against the negative approach by C.T.MURPHY, *Aristophanes and the Art of Rhetoric*, in HSPh 49 (1938), pp.69-113, see N.O'SULLIVAN, *Alcidamas, Aristophanes, and the Beginnings of Greek Stylistic Theory*. Stuttgart 1992, pp.106-150, and M.HEATH, *Aristophanes and the Discourse of Politics*, in G.W.DOBROV (ed.) *The City as Comedy. Society and Representation in Athenian Drama*, Chapel Hill & London 1997, pp.230-249. T.K.HUBBARD, *Attic Old Comedy and the Development of Theoretical Rhetoric*, in I.WORTHINGTON (ed.) *Blackwell Companion to Greek Rhetoric*, Oxford 2006, pp.490-508, has shown that, long before the speeches written by the canon of the major orators, it is possible to find in Aristophanes a number of rhetorical devices *avant la lettre*. On the ancient terms to indicate rhetorical tropes and figures, see the survey provided by R.D.ANDERSON, *Glossary of Greek Rhetorical Terms Connected to Methods of Argumentation, Figures and Tropes from Anaximenes to Quintilian*, Leuven 2000.

<sup>24</sup> Both T.K.HUBBARD, *The Mask of Comedy. Aristophanes and the Intertextual Parabasis*, Ithaca & London 1991, p.28, and O.IMPERIO, *Parabasi di Aristofane*. Acarnesi, Cavalieri, Vespe, Uccelli (Studi e commenti, 13) Bari 2004, p.122, deal with the extra-dramatic character of the comic parabasis, analyzing its structure, values and aim.

conservative opinion about legislation<sup>25</sup>. A syntactic and stylistic approach to the lines can show how deeply their phrases and sentences are influenced by the practice of lawmaking. Therefore, the study of the rhetorical dimension of the parabasis<sup>26</sup> and its technical language<sup>27</sup> can be useful to understand better the influence of the sophistic thought in Old Comedy<sup>28</sup>.

The passage starts with the words spoken by the chorus-leader, with a clear opposition between a first person ἡμεῖς and a second-

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<sup>25</sup> On the complexities of the parabasis in *Acharnians*, see A.M.BOWIE, *The Parabasis in Aristophanes. Prolegomena*, *Acharnians*, in CQ 32, 1 (1982), pp.27-40, and X.RIU, *Gli insulti alla polis nella parabasi degli Acharnesi*, in QUCC 50 (1995), pp.59-66. The parabasis reveals the proximity between comedy and politics; thus the verb παρῆβη in v.629, which introduces the *didaskalos*' presence on stage to reply politically to Cleon's previous attacks, is a specific technical term for the performance of the parabasis.

<sup>26</sup> It is a well-known fact that Attic law was essentially rhetorical, as E.M.HARRIS, *Law and Rhetoric*, in I.WORTHINGTON (ed.) *Persuasion: Greek Rhetoric in Action*, London 1994, pp.130-150, and S.JOHNSTONE, *Disputes and Democracy. The Consequences of Litigation in Ancient Athens*, Austin 1999, have demonstrated. The close proximity between Old Comedy and Attic oratory has been studied by A.BURCKHARDT, *Spuren der athenischen Volksrede in der alte Komödie*. Basel 1924; S.USHER, *Greek Oratory. Tradition and Originality*, Oxford 1999, pp.20-21, and G.ZANETTO, *Aristofane e il lessico della politica*, in F.CONCA (ed.) *Ricordando Raffaele Cantarella*, Milano 1999, pp.257-270. According to R.SAETTA COTTONE, *Aristofane e la poetica dell'ingiuria. Per una introduzione alla λοιδωρία comica*, Roma 2005, p.54, Aristophanes tends to offer a parody of rhetorical speech: "La commedia si costituisce anche in dialogo con la retorica, ma il rapporto che essa stabilisce con tale pratica discorsiva non può essere descritto nei termini della semplice analogia. La parodia è forse uno dei concetti più appropriati a definire la situazione, ma mostra anch'essa i suoi limiti alla prova dell'analisi dei testi".

<sup>27</sup> Comic effects can be created by the use of specialized language out of its normal contexts, as some complementary books on the subject have recently analysed (see G.KLOSS, *Erscheinungsformen komischen Sprechens bei Aristophanes*, Berlin & New York 2001; A.WILLI, *The Languages of Aristophanes. Aspects of Linguistic Variation in Classical Attic Greek*, Oxford 2003 and S.BETA, *Il linguaggio nelle commedie di Aristofane. Parola positiva e parola negativa nella commedia antica*, Roma 2004).

<sup>28</sup> On this influence, E.DE CARLI, *Aristofane e la sofistica*, Firenze 1971 and C.CAREY, *Old Comedy and the Sophists*, in J.HARVEY & D.WILKINS (eds.) *The Rivals of Aristophanes*, London 2000, pp.419-436. Ph.HARDING, *Comedy and rhetoric*, in I.WORTHINGTON (ed.) *Persuasion: Greek Rhetoric in Action*, London & New York 1994, pp.196-221, deals with the opposite (but complementary) influence: the place of humor and the traditional poetic invective in oratory.

person addressee, which essentially points to the spectators, as it was frequently the case of the comic parabasis (vv.676-682<sup>29</sup>):

οἱ γέροντες οἱ παλαιοὶ μεμφόμεσθα τῇ πόλει·  
οὐ γὰρ ἀξίως ἐκείνων ὧν ἐναυμαχήσαμεν  
γηροβοσκοῦμεσθ' ὑφ' ὑμῶν, ἀλλὰ δεινὰ πάσχομεν·  
οἵτινες γέροντας ἄνδρας ἐμβαλόντες εἰς γροφὰς  
ὑπὸ νεανίσκων ἔατε καταγελάσθαι ῥητόρων,  
οὐδὲν ὄντας, ἀλλὰ κωφούς καὶ παρεξηγημένους,  
οἷς Ποσειδῶν ἀσφάλειός ἐστιν ἡ βακτηρία.

We old men, we ancients, have a complaint against the city. You do not care for us in our old age in a manner worthy of the naval battles we have fought; instead you treat us disgracefully. You throw elderly men into criminal trials and let them be made game of by stripling orators –old men who are nothing any more, as silent as a worn-out flute, men for whom the Poseidon “who will not suffer their foot to be moved” is the stick they lean on<sup>30</sup>.

Verse 676 defines the scope of the first person: οἱ γέροντες οἱ παλαιοὶ. They are old people, whom the adjective παλαιοὶ invests with importance through the reinforcement of the recurring theme of age<sup>31</sup>. The verb indicates that they are complaining of ill treatment: this is translated into a confrontation involving the city itself (τῇ

<sup>29</sup> L.EDMUNDS, *Aristophanes' Acharnians*, in J.HENDERSON (ed.) *Aristophanes: Essays in Interpretation* (Yale Classical Studies, 26), Cambridge 1980, p.15. The alternative distribution of grammatical persons is typical in a rhetorical speech. Pragmatically, argumentation is consolidated throughout a speech which is extended around the axis of the “I-here-now” dimension of the speaker.

<sup>30</sup> I follow and quote, here and elsewhere, the Greek text edited by S.D.OLSON (ed.) *Aristophanes' Acharnians*, Oxford 2002, except where indicated explicitly, and the English translations of A.H.SOMMERSTEIN (ed.) *The Comedies of Aristophanes, vol. I. Acharnians*, Warminster (1980 [1992<sup>3</sup>]). All differences with those editions are specifically indicated. Other editions that have been consulted include V.COULON (ed.) *Aristophane: Les Acharniens. Les Cavaliers. Les Nuées*, Tome I, Paris 1923; J.HENDERSON (ed.) *Aristophanes. Acharnians*, Newburyport (MA) 1992; B. B. ROGERS (ed.) *Aristophanes. The Acharnians. The Clouds. The Knights. The Wasps*, Cambridge (MA) & London 1960; W.J.M.STARKIE (ed.) *The Acharnians of Aristophanes*, Amsterdam 1968 (1909<sup>1</sup>); J.F.VAN LEEUWEN (ed.) *Aristophanis Acharnenses, cum prolegomenis et commentariis*, Lugduni Batavorum 1901; N.G.WILSON (ed.) *Aristophanis Fabulae I*, Oxford 2007. All underlining in quotations is mine.

<sup>31</sup> H.DILLER, *Zum Umgang des Aristophanes mit der Sprache – Erläutert an den 'Acharnern'*, in *Hermes* 106 (1978), p.516.

πόλει). The antagonistic parties are noted in the verse by its beginning and end: the public is presented here with a central affirmation, which will be developed and explained (γὰρ) in the verses ahead. The unfair roots of the situation (οὐ ... ἀξίως) are instantly established in historical terms: those who fought *once* (ἐναυμαχήσαμεν) on behalf of the πόλις, are *now* suffering (πάσχομεν). Verse 678 presents the responsible individuals at its very middle, syntactically specified as agents in a passive voice construction (ὑφ' ὑμῶν). The adversative ἀλλὰ serves to contrast what is expected (to be treated fairly during later life) and what is actually real (to suffer terrible things – δεινὰ–).

The verb γηροβοσκούμεσθα introduces a legal point of view, since it reflects an ancient unwritten principle of justice which Athenian statutes have consecrated as a positive obligation: young sons are expected to feed and take care of their parents once these have grown old. The respect for aged people, as a moral duty<sup>32</sup>, had been traditionally enforced by written decrees in Athens<sup>33</sup>, so the reference at v.678 can be rhetorically considered in two dimensions: it takes the audience to the memory of a traditional and historical obligation, sustained on sacred natural laws, and it shows a clear opposition (marked around the οὐ... ἀλλὰ... correlative elements) between complying with the law and acting wrongly –δεινὰ πάσχομεν<sup>34</sup>–.

At v.679, the judicial dimension reappears; law is alluded with the expression ἐμβάλοντες εἰς γροφὰς<sup>35</sup>. The audience, being part of

<sup>32</sup> Respecting parents becomes a matter of τιμή, according to Xen. *Mem.* 4.4.20.

<sup>33</sup> “ἐὰν τις μὴ τρέφῃ τοὺς γονέας, ἄτιμος ἔστω” (D.L. 1.55). On this obligation, see J.H.LIPSIUS, *Das attische Recht und Rechtsverfahren*, Hildesheim 1966 (1905-15<sup>1</sup>), p.505; A.R.W.HARRISON, *The Law of Athens*, Volume I: “The Family and Property”, London & Indianapolis 1998 (1968<sup>1</sup>), pp.77-78; D.M.MACDOWELL, *The Law in Classical Athens*, Ithaca 1986 (1978<sup>1</sup>), p.92; S.C.TODD, *The Shape of Athenian Law*. Oxford 1993, p.107, *inter alios multos*. On Aristophanes’ comic use of this law, see E.J.BUIS, *Sofística, interpretación jurídica y comedia: la ley contra la γονέων κάκωσις y la convencionalidad del derecho ateniense en Aristófanes*, in V.GASTALDI & L.GAMBON (edd.) *Sofística y Teatro Griego. Retórica, Derecho y Sociedad*, Bahía Blanca 2006, pp.103-136.

<sup>34</sup> On the legal importance of *gerotrophia* in Athenian drama, cf. M.d.C.FIALHO, “*Paidotrophia* and *Gêrotrophia*: Reciprocity and Disruption in Attic Tragedy.” In *Law and Drama in Athens, op.cit.*, pp.108-121.

<sup>35</sup> The γροφαί ought to be taken as “bills of indictments” (cf. V. 894) and, in this sense, they may refer to all prosecutions resulting from them; see S.D.OLSON (ed.) *Aristophanes’ Acharnians, op.cit.*, p.246.

that same city which dishonors the elders, allows (ἐάτε) the support of the conflict<sup>36</sup>: in trial, old men (γέροντας ἄνδρας) try to resist the young politicians, once again presented in the speech through an agent construction headed by the preposition ὑπὸ (ὑπὸ νεανίσκων ... ῥητόρων). The verbs explain this opposition: the γέροντες are being mocked at when taken to the tribunals.

The persuasive effect on the spectators becomes strengthened by lexical elements; there is an intention to express pity, originated in the use of adjectives characterizing the aged people (κωφούς καὶ παρεξηγημένους<sup>37</sup>); the problems of old age are connoted by negative expressions<sup>38</sup>, capable of relating these verses to the following ones. The elders are *nothing* by themselves (οὐδὲν, v.681<sup>39</sup>), and –what is more– they can see *nothing* relating to justice (οὐχ ὁρῶντες οὐδὲν). Thus at 683-684:

τονθορῶντες δὲ γῆρα τῷ λίθῳ προσέσταμεν,  
οὐχ ὁρῶντες οὐδὲν εἰ μὴ τῆς δίκης τὴν ἠλύγην.

We stand by the stone, so old we speak in a mumble, seeing nothing but the gloom of justice.

It is obvious that justice (δίκη) stays quite beyond the senses of the veterans, and it is only perceived as a mere *shadow*. The situation

<sup>36</sup> The antithesis is one of the privileged mechanisms in argumentative speeches. Here, the opposition enlightens a greater contrast in the play, represented by the glorious past of Athens and the litigiousness and self-destructive degeneration of present times (T.K.HUBBARD, *The Mask of Comedy, op.cit.*, p.56).

<sup>37</sup> Even if this is not a direct appeal to pity, the pathetic description of negative aspects of the speaker –in order to make vivid the consequences of ill-treating innocent people– constitutes a frequent strategy in forensic speeches. See S.JOHNSTONE, *Disputes and Democracy, op.cit.*, pp.109-125; D.KONSTAN, *Pity and the Law in Greek Theory and Practice*, in *Dike* 3 (2000), pp.125-145; and V.BERS, *Genos Dikanikon. Amateur and Professional Speech in the Courtrooms of Classical Athens* (Hellenic Studies, 33). Washington D.C. 2009, pp.77-93.

<sup>38</sup> Argumentatively, a negative expression presents in an explicit manner a reference to another thing, since it implies a reaction to a real or virtual affirmation of others; cf. C.PERELMAN & L.OLBRECHTS-TYTECA, *Tratado de la argumentación. La nueva retórica*, Biblioteca Románica Hispánica, Madrid 1994, p.249 (first edition: *Traité de l'argumentation. La nouvelle rhétorique*, Paris 1958).

<sup>39</sup> S.D.OLSON (ed.) *Aristophanes' Acharnians, op.cit.*, p.246, understands the whole expression “οὐδὲν ὄντας” as ‘useless’, following other comic passages such as *V. 1504, Ec. 144* and *Eup. fr. 237*.

of these confused γέροντες<sup>40</sup> standing next to the stone –a material object that embodies the space where the votes were counted before a verdict– is made evident through the contrast with the young man who forces them to appear before the jury, who is described as a skillful connoisseur of the judicial bureaucracy and the new trends in forensic pragmatics (vv.685-691):

ὁ δὲ νεανίας ἐπ' αὐτῷ σπουδάσας ξυνηγορεῖν,  
 εἰς τάχος παίει ξυνάπτων στρογγύλοις τοῖς ῥήμασιν,  
 κᾶτ' ἀνεγκύσας ἐρωτᾷ σκανδάληθρ' ἰστάς ἐπῶν  
 ἄνδρα Τιθωνὸν σπαράττων καὶ ταράττων καὶ κυκῶν.  
 ὁ δ' ὑπὸ γήρωσ μασταρῦζει, κᾶτ' ὀφλῶν ἀπέρχεται·  
 εἶτα λύζει καὶ δακρύει καὶ λέγει πρὸς τοὺς φίλους  
 “οὐ μ' ἐχρήν σορὸν πρίασθαι τοῦτ' ὀφλῶν ἀπέρχομαι”.

Then the young man, who has intrigued to speak for the prosecution against him, rapidly comes to grips and pelts him with hard round faces; then he drags him up and questions him, setting verbal man-traps, tearing a Tithonus of a man in pieces, harrying and worrying him. The defendant replies in a mumble, so old is he, and then off he goes convicted. Then he sobs and weeps, and says to his friends, “The money that should have paid for my coffin, I leave the court condemned to pay it as a fine!”

The smart youngsters are always qualified by means of their activities: while at v.680 these νεανίσκοι were referred to as ῥήτορες, five verses ahead they become associated with the infinitive ξυνηγορεῖν, whose meaning denotes the exercise of a forensic activity as advocate speakers<sup>41</sup>. Now, the opposition turns to the

<sup>40</sup> On this same issue, see *Eq.* 269-270, where the chorus-leader suggests that Paphlagon is trying to flatter and humbug the chorus as if they were senile (ὡσπερ εἰ γέροντας).

<sup>41</sup> The συνήγοροι were those who spoke in court in favor of a litigant. Theoretically, it was not allowed to be a professional ‘attorney’ in Athens, so the term applies on an etymological basis only to the speakers acting on behalf of others. *Stricto sensu*, the word also pointed to the State prosecutors who initiated the proceedings, although trials were mostly conducted by particular citizens (cf. S.C.TODD, *The Shape of Athenian Law*, *op.cit.*, p.399). On the role of συνήγοροι as a complex institution in Athens, see the detailed study offered by L.RUBINSTEIN, *Litigation and Cooperation. Supporting Speakers in the Courts of Classical Athens* (Historia Einzelschriften 147). Stuttgart 2000. Concerning the comic image of these legal figures, see O.IMPERIO, *Parabasi di Aristofane*, *op.cit.*, p.151, who explains that “la descrizione aristofanea del συνήγορος presenta significative consonanze con quelle di demagoghi e sicofanti”. In the passage quoted, I accept the conjecture ἐπ' αὐτῷ (T.KOCK (ed.) *Comicorum Atticorum Fragmenta*, Lipsiae 1880), which A.H.SOMMERSTEIN, *The*

semantic axis, and deals with the characteristics of speech: when young people drag their opponents to court (ἀνεγκύσας<sup>42</sup>), they employ a polished and deceptive style (στρογγύλοις τοῖς ῥήμασιν... σκανδάληθ' ἰστὰς ἐπῶν, vv.686-687<sup>43</sup>), whereas elders can only babble to defend themselves (μασταρούζει<sup>44</sup>). This inoperative attitude seems even more static when compared to the quick nimbleness of the attackers: junior prosecutors take a rush and try hard (σπουδάσας) to achieve their goals: a coordination of present participles shows the vigor and freshness of their attitude: ξυνάπτων, σπαράπτων καὶ ταράπτων καὶ κυκῶν (vv.686, 688). The polysyndeton, supplemented by the repetition of these participles with case ending in -ων (and whose sounding or sense is close, as it occurs with the meanings of the verbs ταρασσῶ / κυκῶ<sup>45</sup>, or with the

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*Comedies of Aristophanes, vol. 1. Acharnians, op.cit.*, J.HENDERSON, *Aristophanes. Acharnians, op.cit.*, and S.D.OLSON (ed.) *Aristophanes' Acharnians, op.cit.*, print in their text. Nevertheless, even the manuscripts' reading, ἐαυτῷ, does not affect the legal value of the passage (which should be translated somewhat like "who has intrigued to be his own prosecution advocate").

<sup>42</sup> "Nel linguaggio giudiziario il verbo indica l'atto di trascinare imputati o testimoni sul βῆμα dinanzi ai giudici" (O.IMPETRO, *Parabasi di Aristofane...*, *op.cit.*, p.152; S.D.OLSON (ed.) *Aristophanes' Acharnians, op.cit.*, p.248).

<sup>43</sup> This expression is clearly a metaphorical construction, where it is possible to notice the union of a concrete concept with an abstract notion that characterizes it (A.M.KOMORNICKA, *Métaphores, personnifications et comparaisons dans l'oeuvre d'Aristophane*. Varsovie 1964, p.44). This should be complemented with the existence of other metaphors in the passage, such as the reference to the "fog" of justice (cf. H.G.LIDDELL, R.SCOTT & H.S.JONES, *A Greek-English Lexicon*, Oxford 1940<sup>1</sup> (1996), s.v. ἠλύγη).

<sup>44</sup> Young men trained in the new education use a very specific forensic vocabulary in Aristophanes. This is already a landmark of his first play, *Banqueters* (427 B.C.), in which references to judicial terminology are abundant despite its fragmentary transmission. The dialogue between an old-fashioned father (from a rural environment) and his modern son (educated in the city) in fr. 205 K-A, shows how the latter has learnt to replicate the sophistic expressions of the contemporary orators. This fragment, reinforced by other verses, have encouraged some scholars to examine *Clouds* partly in legal terms, as some similarities might suggest; Cf. A.C.CASSIO (ed.) *Banchettanti (ΔΑΙΤΑΛΗΣ)*, *I frammenti*. Biblioteca degli Studi Classici e Orientali, 8. Pisa 1977; L.M.SEGOLONI, *Socrate a banchetto. Il Simposio di Platone e i Banchettanti di Aristofane*. Roma 1994. On the different legal aspects of the fragments of *Banqueters*, see E.J.BUIS, *Fragmentos de un discurso jurídico: la descontextualización del léxico judicial y su eficacia cómica en Comensales de Aristófanes*, in *Emerita* 77 (1) (2008), pp.79-108.

<sup>45</sup> On Aristophanes' use of these verbs, cf. H.-J.NEWIGER, *Metapher und Allegorie. Studien zu Aristophanes*. München 1957, pp.27-30). See also J.TAILLARDAT, *Les*

phonic reiteration in *σπαράπτων / ταράπτων*), consolidates the emphatic effect of the whole passage. Another stylistic impression is created by the inclusion of a proper name: the mention of a man as old as Tithonos, assaulted and shaken, is used as a suitable image to the eyes of an audience that has to be persuaded<sup>46</sup>.

After the description of all these activities performed by young complainants<sup>47</sup>, the chorus of *γέροντες* makes reference to the departure from court. Repetition, as a rhetorical figure that increases semantically the presence of argumentation without needing to resort to new information<sup>48</sup>, is envisioned in the *ὀφλῶν ἀπέρχεται* of vv.689 and 691 *in fine*. By ways of a *variatio* determined by the change of person within the direct statement, the expression indicates a clear intention to reinforce the notion of fine as a penalty<sup>49</sup>. The verbs *λύζει καὶ δακρύει καὶ λέγει*, that once again build their sense on the use of polysyndeton and remain close to each other in sense (*λύζω / δακρύω*), indicate through the present tense a lasting and enduring reality. Besides, it becomes clear that a number of coordinating syntactical elements come together in lending cohesion

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*images d'Aristophane...*, Paris 1962, p.348, Engle (1983, 82) and O.IMPERIO, *Parabasi di Aristofane...*, *op.cit.*, p.153).

<sup>46</sup> M.MENU, *Le motif de l'âge...*, *op.cit.*, p.136; cf. J.TAILLARDAT, *Les images d'Aristophane...*, Paris 1962, §465, n.3. Allusions to this mythical character, son of Laomedon, are more than frequent in Greek literature (see Zenob. 6, 18; Diogen. 8, 37; Ps. Plut. 1, 68).

<sup>47</sup> In Magnesia, Plato (*Lg.* 937d6-938c5) would also conceive the unscrupulous use of justice as a crime (*κακοδικία*). This points, *contrario sensu*, the lack of such a specific prohibiting law in Athenian Law (T.J.SAUNDERS, *Plato's Penal Code. Tradition, Controversy, and Reform in Greek Penology*. Oxford 1994, pp.332-333). The offence could be committed when one intended to drive the strength (*δύναμις*) of the juries' soul to an opposite direction to justice, or to encourage trials or collaborate in them in a way which contradicts the interests of justice. It was presented as a public action, and the punishment would consist of a temporary exclusion from the courts. Despite the lack of the offence of *κακοδικία*, however, in Attic law *συκοφαντία* was considered a crime, and a *γραφή συκοφαντίας* is firmly attested (*Ath. Pol.* 59.3), cf. S.C.TODD, *The Shape of Athenian Law*, *op.cit.*, p.109; L.W.A.CRAWLEY, *Graphē sykophantias*, in B.F.HARRIS (ed.) *Auckland Classical Essays Presented to E. M. Blailock*, Auckland & Oxford 1970, pp.77-94.

<sup>48</sup> C.PERELMAN & L.OLBRECHTS-TYTECA, *Tratado de la argumentación*, *op.cit.*, p.279.

<sup>49</sup> The verb *ὀφλισκάνω* is repeated in Aristophanes with the meaning of 'losing a case in trial'; cf. the expressions *δίκας ὄφληκα* in *Nu.* 34, or *ἦν τις ὄφλη παρὰ τοῖς ἄρχουσι δίκην...* in *Av.* 1457 and *Ec.* 665.

to the argument: the frequent use of εἶτα at vv.686, 689 and 670 logically organizes the speech by creating a chain of causes and consequences<sup>50</sup>.

Once the content of these verses is over, with the pathetic image of an old man too poor even to be buried –as OLSON (2002: 249) points out–, the same topic is revisited throughout the second half of the epirrhematic syzygy<sup>51</sup>. The argument also advances here, now profiting from the mechanism of rhetorical questions, which open and close the antode (vv.692-702):

ταῦτα πῶς εἰκότα, γέροντ' ἀπολέ-  
σαι πολὺν ἄνδρα περὶ κλεψύδραν,  
πολλὰ δὴ ξυμπονήσαντα καὶ  
θερμὸν ἀπομορξάμενον  
ἀνδρικὸν ἰδρώτα δὴ καὶ πολύν,  
ἄνδρ' ἀγαθὸν ὄντα Μαραθῶνι περὶ τὴν πόλιν;  
εἶτα Μαραθῶνι μὲν ὅτ' ἡμεν ἐδιώκομεν,  
νῦν δ' ὑπ' ἀνδρῶν πονη-  
ρῶν σφόδρα διωκόμεθα,  
κἄτα πρὸς ἀλισκόμεθα.  
πρὸς τάδε τίς ἀντερεῖ Μαρψίας;

How can that be fair? To ruin a grizzled old man in the water-clock district, one who has borne his full share of toil and has wiped off warm manly sweat, yes, plenty of it, when he fought bravely for the city at Marathon? Is this how things stand: that when we were at Marathon, we were the pursuers, but now wicked men hotly sue and pursue us, and run us to earth as well? What Marpsias will find anything to say to this?

Again, the contextualization of the problem within a legal environment is attained through the appearance of a significant material object, acting as an evident metonymical element: the κλεψύδρα<sup>52</sup>. The alliteration of sounds is an important stylistic figure

<sup>50</sup> In this sense, the rhetorical transference of value is clearly achieved, on the demonstration that every event is a necessary and sufficient condition for another one; C.PERELMAN & L.OLBRECHTS-TYTECA, *Tratado de la argumentación, op.cit.*, p.413).

<sup>51</sup> What seems to be interesting and exceptional in this play is the consolidation of a new strophic structure, focused on the respect for a real thematic continuity (K.J.DOVER, *Aristophanic Comedy*. Berkeley & Los Angeles 1972, p.51).

<sup>52</sup> It is an object peculiar to the forensic space, so that the scholiast explains περὶ κλεψύδραν as “ἐν τῷ δικαστηρίῳ” (*at the courtroom*). Under this name, the Greeks identified the waterclock that was frequently used to measure the time that was allotted to each party to present their allegations during a trial ([Arist.] *Ath. Pol.*

strengthened throughout the passage (ἄνδρα περὶ κλεψύδραν, ἀνδρῖκὸν ἰδρώτα, ἀνδρῶν πονηρῶν σφόδρα). A rhetorical recurrence of essential morphemes is perceived: the idea of 'virility' is mentioned four times (ἄνδρα –v.693–, ἀνδρῖκὸν –v.695–, ἄνδρ' –v.696–, ἀνδρῶν –v.699–<sup>53</sup>), and is always related to a word-play with the root πολ- in four consecutive verses, two at the beginning (πολιὸν –v.693–, πολλὰ –v.694–) and two at the end (πολύν –v.695–, πόλιν –v.693). The aorist participles with prefixes –ξυμπονήσαντα, ἀπομορξάμενον– reinforce from another perspective the notion of time: they show a past that has already finished, when the elders had done good service for the city (περὶ τὴν πόλιν –this expression being undoubtedly incorporated in an antithetic relation to the τῆ πόλει at v.676–). The whole language here is formal and elevated, becoming in certain aspects similar to the expressions used in public commendation<sup>54</sup>.

The sensation of remoteness in time is also recalled in the locative noun Μαραθῶνι. This geographical place, indicating a past Athenian victory, is dealt with again in the following verse, where a new rhetorical question headed by εἶτα introduces the same verb in two contrasted voices, through the correlative particles μέν / δέ: an active imperfect tense (ἐδιώκομεν) facing a passive present tense (διωκόμεθα). The elders once chased away the city's enemies in Marathon, whereas now (νῦν) they are the ones being chased, another time, by evil men (a new agent construction: ὑπ' ἀνδρῶν πονηρῶν<sup>55</sup>).

A logical *addendum* to the whole reasoning (καῖτα, once more) is unavoidable: through the repeated use of the standard forensic

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67.2); cf. J.H.LIPSIUS, *Das attische Recht und Rechtsverfahren*, *op.cit.*, pp.915-916; D.M.MACDOWELL, *The Law in Classical Athens*, *op.cit.*, p.249.

<sup>53</sup> On the notion and political significance of ἀνδρεία as 'manliness' and 'courage' in Greek civilization, see É.SMOES, 1995. *Le courage chez les grecs d'Homère à Aristote* (Cahiers de philosophie ancienne vol. 12), Bruxelles 1995, and the recent study by K.BASSI, *The Semantics of Manliness in Ancient Greece*, in R.M.ROSEN & I.SLUITER (edd.) *Andreia. Studies in Manliness and Courage in Classical Antiquity* (Mnemosyne Supplementum 238), Leiden & Boston 2003, pp.25-58.

<sup>54</sup> S.D.OLSON (ed.) *Aristophanes' Acharnians*, *op.cit.*, p.250.

<sup>55</sup> The adjective πονηρός may be also set against the old/young and past/present couplets, since it is visibly standing in front of the ἀγαθόν in v.696. On this semantic opposition between πονηρός and ἀγαθός, see Isocr. 15.100, 136 and Ar. *Eq.* 186.

metaphors, old warriors are now convicted (ἀλισκόμεθα<sup>56</sup>). Elders, as it has been described, are unable to defend themselves in trial. Not even Marpsias<sup>57</sup> will be able to claim –according to v.701– that they are not telling the truth about their plight. A new opposition is underlined here by the verb ἀντερεῖ, which is also common feature in law court debates<sup>58</sup>.

The speech now addressed by the chorus-leader initiates quite similarly to v.692, on a parallel level, and is ordered through a sequence of connecting particles as well (vv.703-712):

τῷ γὰρ εἰκὸς ἄνδρα κυφὸν ἠλίκον Θουκυδίδη  
 ἐξολέσθαι συμπλακέντα τῇ Σκυθῶν ἐρημίᾳ,  
 τῷδε τῷ Κηφισοδήμου τῷ λάλῳ ξυνηγόρῳ;  
 ὥστ' ἐγὼ μὲν ἠλέησα κάπεμορξάμην ἰδὼν  
 ἄνδρα πρεσβύτην ὑπ' ἀνδρὸς τοξότου κυκώμενον,  
 ὃς μὰ τὴν Δήμητρο', ἐκείνος ἠνίκ' ἦν Θουκυδίδης,  
 οὐδ' ἂν ταύτην τὴν Ἀχαιῶν ῥαδίως ἠνέσχετο<sup>59</sup>,  
 ἀλλὰ κατεπάλαισε μὲν γ' ἂν πρῶτον Εὐάθλους δέκα<sup>60</sup>,  
 κατεβόησε δ' ἂν κεκραγῶς τοξότας τρισχιλίους,  
 περιετόξευσεν δ' ἂν αὐτοῦ τοῦ πατρὸς τοὺς ξυγγενεῖς.

Yes, how can it be fair that a stooping man of Thucydides' age should be destroyed in a tangle with that “Scythian wilderness”, this man here, the son of Cephisodemus, that glib-tongued advocate? I was moved to pity and wiped tears away, when I saw a man of venerable age being

<sup>56</sup> This verb is frequently used in a technical legal meaning to refer to a judicial penalty; cf. D.21.105, Antipho. 2.2.9, 2.3.6, And. 4.9, *inter alios*. The phrase ἀλοῦσα δίκη, thus, could be translated as ‘conviction’; cf. Pl. *Lg.* 937.d.

<sup>57</sup> It is impossible to know if this Marpsias was a contemporary orator or if his name (“Grabber”) should be taken, instead, as the nickname of someone who was (regarded as) a rapacious sycophant.

<sup>58</sup> The verb ἀντιλέγω becomes relevant, as it is a usual term in Aristophanes to stand for the action of a respondent in trial (cf. *Eq.* 980, *Nu.* 888, *Lys.* 806). Therefore, the plural τὰ ἀντιλεγόμενα refers to the litigious aspects of a procedure (Aeschin. 2.44), and the verb applies to the fact of speaking against someone or something (*Hdt.* 9.42, *E. Hipp.* 993, *Ar. Ra.* 1076). ὁ ἀντιλέγων is, in short, the ‘litigant’ (cf. Pl. *Prt.* 335a).

<sup>59</sup> In order to unravel this textual problem, E.K.BORTHWICK, *Aristophanes, Acharnians 709: An Old Crux. A New Solution*, in *BICS* 17 (1970), pp.107-110, offers an interesting *emendatio* which, however, seems to lack justification in the manuscript tradition. Applying *ratio*, S.D.OLSON (ed.) *Aristophanes' Acharnians, op.cit.*, pp.254-255, considers that what is really needed here is something referring to Scythia.

<sup>60</sup> In this line I reproduce A.H.SOMMERSTEIN'S reading *ad loc.* μὲν γ' ἂν instead of S.D.OLSON'S proposal μὲντᾶν.

harried so by a mere bowman; When Thucydides was himself, by Demeter, he wouldn't lightly have tolerated even Achaea in person; no, he'd have begun by outwrestling ten Euathluses, then shouted down three thousand bowmen and out-archered the kinsmen of the advocate's father.

The preliminary rhetorical question in the antepirrhema contains the word εἰκὸς, breaking ground for a dimension related to what is 'natural' and 'fair'. The appeal to examples is also used both as a comic and an argumentative device<sup>61</sup>, centered on the personal verbal attacks that particularize political comedy: the elders are compared to Thucydides, the son of Melesias, who remained speechless in his allegations when he contended with Euathlus, a young *synegoros*, as soon as he came back from ostracism<sup>62</sup>. On the other hand, young advocates are textually assimilated to Cephisodemus' son<sup>63</sup>.

<sup>61</sup> The inclusion of examples, illustrations, models and anti-models contributes to the argumentative effects through the contact between the general reasoning and a particular situation which refers to it; cf. C.PERELMAN & L.OLBRECHTS-TYTECA, *Tratado de la argumentación, op.cit.*, pp.536-63).

<sup>62</sup> On this Thucydides, son of Melesias, see the evidence provided by Plu. *Per.* 8.5; 11.1, as well as references distributed throughout several Aristophanic extracts and scholia. Cf. H.T.WADE-GERY, *Thucydides Son of Melesias*, in *JHS* 52 (1932), pp.205-227, and J.K.DAVIES, *Athenian Propertied Families 600-300 B.C.*, Oxford 1971, pp.230-233. In *Wasps*, for instance, a reference to this Thucydides is found at vv.946-48. According to the relevant scholia, he was allegedly an excellent orator (ῥήτωρ ἄριστος τυγχάνων), but the story tells that on one occasion, when he listened to his accusers, he stood still and was unable to expose his defense, as though his tongue was stuck in his mouth (ὅς κατηγορηθεὶς ἐν τῷ δικάζειν οὐκ ἠδυνήθη ἀπολογήσασθαι ὑπὲρ ἑαυτοῦ, ἀλλ' ὥσπερ ἐγκατεχομένην ἔσχε τὴν γλῶτταν). As a result, he lost his case (καὶ οὕτω<ς> κατεδικάσθη) and was convicted to ostracism (εἶτα ἐξωστρακίσθη); on the possible chronology of these events, cf. P.KRENTZ, *The Ostracism of Thucydides, son of Melesias*, in *Historia* 33 (1984), pp.499-504. Nevertheless, since ostracism does not represent a judicial verdict, the scholiast is probably confusing dates (C.A.FARAONE, *An Accusation of Magic in Classical Athens (Ar. Wasps 946-948)*, in *TAPhA* 119 (1989), pp.149-160) and, of course, this judgment referred to in *Acharnians* should have taken place after his return from exile. On this trial as a possible scene from a comedy, rather than as a real one, see K.SIDWELL, *Aristophanes the Democrat. The Politics of Satirical Comedy during the Peloponnesian War*, Cambridge 2009, p.131.

<sup>63</sup> Most scholars conclude that this shall be treated as a new reference to Euathlus; *contra*, see M.NAPOLITANO, *Onomastî komodeîn e strategie argomentative in Aristofane (a proposito di Ar. Ach. 703-718)*, in A. ERCOLANI (ed.) *Spoudaiogeloion. Form und Funktion der Verspottung in der aristophanischen Komödie* (Drama. Beiträge zum antiken Drama und seiner Rezeption, Band 11), Stuttgart & Weimar 2002, pp.95-96), for whom, instead of τῷδε τῷ Κηφισοδήμου (HAMAKER'S conjecture, reproduced both by A.H.SOMMERSTEIN, *The Comedies of Aristophanes*,

The relationship with the antode is unambiguous, and some common elements relating to its structure can be stated. However, the few differences they show remain important for my purpose. Thus, while verses 692-701 are displayed around a subject in the first person plural, in this passage a singular person is distinguished: the ἐγὼ pointing to the chorus-leader in v.706. Moreover, the agent representing the youth, made known before with the complement ὑπ' ἀνδρῶν (v.699), is now recreated, though making use again of a singular: ὑπ' ἀνδρὸς. The emphatic effect of parallelism and *variatio* is quite clear. In these circumstances, the accusative noun ἄνδρα is mentioned to depict the old man in trouble, modified by an attribute προσβύτην which is able to render him respectable, and by a passive participle κυκώμενον echoing the verb κυκῶω, whose present participle was already examined –at the same position within the verse– in v.688. All these features are useful in order to emphasize a number of anti-demagogue remarks, which are essential to the final proposal of the chorus (vv.713-716):

ἀλλ' ἐπειδὴ τοὺς γέροντας οὐκ ἔαθ' ὕπνου τυχεῖν,  
ψηφίσασθε χωρὶς εἶναι τὰς γραφάς, ὅπως ἂν ἦ  
τῷ γέροντι μὲν γέρον καὶ νωδὸς ὁ ξυνήγορος,  
τοῖς νέοισι δ' εὐρύπρωκτος καὶ λάλος γῶ Κλεινίου.

But since you refuse to let the old get any sleep, at least decree that the indictments should be segregated, so that an old defendant can have an old and toothless prosecutor, and the young can have a wide-arsed fast talker, the son of Cleinias. In future you should banish and fine the old, if they're charged, by means of the old, and the young by means of the young.

The arguments wrap up fostering a *Ringkomposition*, since we are back again at the opening verses with the repetition of the same verbal form in indicative identified at v.680: ἔατε. The change of subject, as well as the connection ascertained between the first and second persons, addresses rhetorically the moment of elocution to switch spectators into active participants and achieve a consensus in the

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vol. 1. *Acharnians*, *op.cit.*, p.192, n.705] and N.G.WILSON, *Aristophanis Fabulae I*, *op.cit.*, *ad loc.*], the reading of the manuscripts (τῷδε τῷ Κεφισοδήμῳ) should be defended. In his opinion, the allusion would be then oriented towards Cephisodemus himself, and not his son.

audience as a response to the choral speech<sup>64</sup>. The subject clause in v.713 is rounded out by a new appeal to the audience embodied in an imperative which effectively increases the feeling of presence of the viewers<sup>65</sup> and makes explicit the legislative proposal: ψηφίσασθε. As a logical conclusion of all the arguments pulled together throughout the parabasis, the need to discriminate lawsuits is proposed. The explanation for this (ὅπως) is shaped around two analogous clauses, put in collision by the μέν / δέ antithesis: verses 715 and 716 oppose *in initio* two datives that separate the old man from the youth; at the end, modified by a couple of adjectives, the old advocate and the son of Cleinias (i.e. the 24-year-old Alcibiades) are contrasted.

The last two verses (vv.717-718), just before Dicaeopolis is given the word, embrace the final request of the chorus' intervention:

κάξειλάυνειν χροῖ τὸ λοιπόν, κἄν φύγη τις, ζημιούῃν<sup>66</sup>  
τὸν γέροντα τῷ γέροντι, τὸν νέον δὲ τῷ νέῳ.

In future you should banish and fine the old, if they're charged, by means of the old, and the young by means of the young.

The text recalls both situations: the imperative, the absence of a first or second person –now replaced by an impersonal χροῖ–, the non-retroactivity concentrated in the τὸ λοιπόν –which is frequently found in contemporary decrees<sup>67</sup>–and the suggestion of implementing

<sup>64</sup> 'Argumentativity' can also be seen when it comes to the will of reaching the public: "...attraverso la specifica configurazione del suo attacco Aristofane mira cioè a orientare l'adesione del pubblico in direzione di una prospettiva (la sostanziale equivalenza dei συνήγοροι d'assalto e dei politici nuovi) che non è punto di partenza, assiomatico e ovvio, di una dimostrazione, ma, appunto, risultato estremo di una argomentazione (...) che cerca consenso (...) nel pubblico a cui è destinata" (M.NAPOLITANO, *Onomastì komodeîn...*, *op.cit.*, p.98).

<sup>65</sup> C.PERELMAN & L.OLBRECHTS-TYTECA, *Tratado de la argumentación, op.cit.*, p.255.

<sup>66</sup> The second half of this line is textually very difficult. E.K.BORTHWICK, *Aristophanes and the trial of Thucydides son of Melesias (Acharnians 717)*, in *Phoenix* 54 (2000), p.209, proposes the emendation καὶ φύγη ἡ 'πζημιούῃν, considering that the condemnation is added to the previous ostracism. N.G.WILSON, *Aristophanea. Studies on the Text of Aristophanes*, Oxford 2007, pp.30-31, on the other hand, suggests κἄν τύχητε, ζημιούῃν ("or fine him, as the case may be").

<sup>67</sup> This expression can be taken adverbially; it could be translated –following S.D.OLSON (ed.) *Aristophanes' Acharnians, op.cit.*, p.256– as 'in the future'; cf. *Nu.* 677, V. 299. In Athenian legal inscriptions, the expression τὸ λοιπόν ("henceforth") is frequently attested, as E.M.HARRIS, *Pheidippides the Legislator. A Note on*

a sanction in case the rule is not fully respected: *κἄν φύγη τις ζημιούν*. In this last parenthetical expression the linguistic formalities that correspond to a legal provision are included: the eventual hypothesis (*κἄν*), the verb in the subjunctive mood (*φύγη*) and the generalization through the indefinite pronoun *τις*<sup>68</sup>. The verse 718 shows, again, a structure consisting of two symmetrical constructions, each of them repeating the same noun in accusative (subject to the same infinitive clause: *τὸν γέροντα, τὸν νέον*) and afterwards presented in two datives (*τῷ γέροντι, τῷ νέῳ*<sup>69</sup>). This proposed statute, which responds to all formal requisites and is rhetorically defended by the chorus of old Acharnians, has the object of avoiding the maltreatment of elders in court, with the main purpose of balancing the adverse positions of applicants and respondents in judicial claims<sup>70</sup>.

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*Aristophanes'* *Clouds*, in ZPE 140 (2003), pp.3-5, has been able to demonstrate when examining a passage in *Clouds*.

<sup>68</sup> "In Greek Laws a sanction is virtually always expressed as a third person conditional sentence; the offense is stated in the protasis and the penalty in the apodosis (e.g. "If a man kills another, he is exiled."). Legal sanctions in this form are the regular means for expressing legislation in most societies, and it has been said that there is no true law without them" (M.GAGARIN, *Drakon and Early Athenian Homicide Law*. New Haven & London 1981, p.82). On the legal syntax of statutes in Athenian Law, see C.CAREY, *The Shape of Athenian Laws*, in CQ, 48 (i) (1998), p.95. In *Birds* (414 B.C.), an Athenian decree-seller appears on stage to offer new possible *nomoi* for the place, which reproduce this conditional structure. He quotes a number of specific statutes (Av. 1035-45), which resemble some of the clauses included in several contemporary decrees (cf. *IG I<sup>3</sup> 19, 2-7* (from 450 BC), *IG I<sup>3</sup> 34, 31-32*; *IG I<sup>3</sup> 40, 29-31*), including the famous Athenian decree on the enforcement of uniform criteria for measuring and weighting across the empire (*IG I<sup>3</sup> 1453*).

<sup>69</sup> This apparently odd syntax is in fact modelled on the frequent structure of some Greek proverbs, where personal agents could be syntactically replaced by instrumental datives; cf. Antipho. fr. 293.2 and 6.

<sup>70</sup> Aristophanes is not far from Aristotle's ideas. In *Rh.* 2.13.16, the characters of the young and older men will be compared, in order to show that speeches should be adapted according to the age of the listeners. Since all men are willing to listen to speeches which harmonize with their own character and to speakers who resemble them (*ἐπεὶ ἀποδέχονται πάντες τοὺς τῷ σφετέρῳ ἤθει λεγομένους λόγους καὶ τοὺς ὁμοίους*), Aristotle concludes that a different language should be employed in each situation.

#### 4. Conclusion: the (comic) rhetoric of the chorus

The relationship between comedy and politics has been mainly studied in *Acharnians* by means of the references to a failed legal action against Aristophanes on the part of the demagogue Cleon after the production of the previous play, *Babylonians*. These references, in fact, oriented classicists and legal historians towards the study of legal references within *Acharnians*<sup>71</sup>. By quoting Aristophanes' response at vv.377-382, 628-632 and 659-664, scholars have tried to reconstruct Cleon's steps in 426 B.C. after the representation of *Babylonians* (διὰ τὴν πέρυσι κωμωδίαν). According to the characters of *Acharnians*, the play's διδάσκαλος decided to come to the theater (παρέβη πρὸς τὸ θέατρον, v.629) because he had been unfairly attacked by the demagogue, who took him to the *Boule* (εἰς τὸ βουλευτήριον, v.379) and almost got him killed (ὀλίγου πάνυ / ἀπωλόμην, vv.381-2).

In these lines, the verbs διαβάλλω (vv.380, 502, 629<sup>72</sup>) and εἰσέλω (v.379<sup>73</sup>), as interpreted and developed by the scholia— have suggested the existence of an attack that Cleon initiated against the

<sup>71</sup> An examination of these allusions is available in E.J.BUIS, *Querellas públicas y defensas teatrales en Acarnienses: leyendo el enfrentamiento Cleón/Aristófanes desde los escolios*, in *Phaos* 4 (2004), pp.59-84.

<sup>72</sup> J.CHADWICK, *Lexicographica Graeca: Contributions to the Lexicography of Ancient Greek*, Oxford 1996, p. 90, s.v. διαβάλλω) considers that the verb is used in Greek to indicate “set on opposite sides of a contest or argument, make into an opponent”. Nonetheless, this meaning does not strictly allow a technical interpretation describing the dispute as a forensic controversy. O.IMPERIO, *Parabasi di Aristofane... op.cit.*, p.122, considers that “il verbo διαβάλλω ha qui una precisa valenza desunta dal lessico giudiziario”. A.BAILLY, *Dictionnaire Grec-Français*, Paris 2000 (1894<sup>1</sup>), p.462, translates διαβάλλω as *accuser* or *injurier*, without recognizing a specialized significance in legal language (cf. *S. Ph.* 582; *Th.* 3, 109; *Pl. R.* 566b). With a similar reasoning, H.G.LIDDELL, R.SCOTT & H.S.JONES, *A Greek-English Lexicon... op.cit.*, p.389-340, describe the action as “to attack a man's character, to calumniate (Hdt. 5.96; 8.90; *Th.* 3.109; 5. 45), to reproach a man (Antipho 2.4.4), to give hostile information (Th. 3.4), to speak or state slanderously”, among others. The only specific legal meaning of the verb διαβάλλομαι during this time occurs in one of the Cretan laws of Gortyn (*Leg. Gort.* 9.26), where it is related to some contractual provisions. The verb, however, is frequent in Aristophanes to identify the corrupt activities of demagogues; see for instance *Eq.* 7, 45, 64, 288, 486, 491, 710-711 (cf. J.M.ENGLE, *Playing about the Stage: Poetics, Ritual, and Demagoguery in the Knights of Aristophanes* (PhD Dissertation), Princeton 1983).

<sup>73</sup> S.D.OLSON, *op.cit.*, p.173. The word is frequent in Aristophanes, as the passages in *Eq.* 710-11, *Nu.* 1004, 1218, *Ec.* 1020, 1037, 1056 and *V.* 694 might demonstrate.

playwright (or perhaps against his producer Callistratus<sup>74</sup>). However, the scope of this procedure is not described and recently several scholars have started to review the idea of a forensic dispute<sup>75</sup>. What Cleon initiated seems not to have been a public action (or γροφή, as the scholium suggests) but an εἰσαγγελία<sup>76</sup>, which was a procedure available at Athens for grave crimes carrying death penalty and –unlike the other procedures– was not initiated before a magistrate but directly by a denunciation to the *Boule*<sup>77</sup>.

<sup>74</sup> Cf. D.WELSH, *The Development of the Relationship between Aristophanes and Cleon to 424 B.C.*, London 1978, pp.120ff and A.DE CREMOUX, *Études critiques sur les Acharniens d'Aristophane*, thèse de doctorat en Sciences de l'Antiquité, Université Charles-de-Gaulle Lille 3, Lille 2004, pp.173-174.

<sup>75</sup> Cf. A.H.SOMMERSTEIN, *Die Komödie und das 'Unsagbare'*, in A.ERCOLANI (ed.) *Spoudaiogeloion. Form und Funktion der Verspottung in der aristophanischen Komödie* (Drama. Beiträge zum antiken Drama und seiner Rezeption, Band 11), Stuttgart & Weimar 2002, pp.125-145 and *Harassing the Satirist: The Alleged Attempts to Prosecute Aristophanes*, in I.SLUITER & R.M.ROSEN (edd.) *Free Speech in Classical Antiquity* (Mnemosyne, Suppl. 254), Leiden 2004, pp.145-174. In fact, Aristophanes mentions a Council hearing but does not make any reference to a jury hearing, which allows us to think that there was no jury trial. With an argument *a contrario sensu*, D.M.MACDOWELL, *Aristophanes and Athens. An Introduction to the Plays*, Oxford 1995, p.44, considered that "if the denunciation had led to a trial by jury or any other consequence, surely Aristophanes would have made Dikaiopolis mention that too". At least, the result of Cleon's public assault did not seem to have any negative consequences for the playwright: "se Aristofane fosse stato condannato è difficile pensare che nel successivo mese di luglio avrebbe chiesto il coro all'arconte per gli *Acarnesi*, da rappresentare alle Lenae del 425" (F.PERUSINO, *Dalla commedia antica alla commedia di mezzo: Tre studi su Aristofane*, Urbino 1987, p.33).

<sup>76</sup> On the specific procedural difference between εἰσαγγελία and γροφή, cf. R.OSBORNE, *Law in Action in Classical Athens*, in JHS 105 (1985), p.42.

<sup>77</sup> In his edition, W.J.M.STARKIE, *op.cit.*, p.84, already translated the aorist participle εἰσέλκυσας as "brought an εἰσαγγελία against me, in the Senate". On the different aspects of εἰσαγγελία in classical Athenian law, see T.THALHEIM, *Zur Eisangelie in Athen*, in Hermes 37 (1902), pp.339-352; T.THALHEIM, *Eisangelie-gesetz in Athen*, in Hermes 41 (1906), pp.304-309; M.H.HANSEN, *Eisangelia: The Sovereignty of the People's Court in Athens in the Fourth Century B.C. and the Impeachment of Generals and Politicians*, Odense 1975; N.ANDRIOLO, *Eisangelia*, in Atti dell'Istituto Veneto di Scienze, Lettere ed Arti 154 (1995-1996), pp.173-195, and the well-known discussion between P.J.RHODES, *Eisangelia in Athens*, in JHS 99 (1979), pp.103-114, and M. H.HANSEN, *Eisangelia in Athens: A Reply*, in JHS 100 (1980), pp.83-95. P.LONGO, *Aristofane e la legge sull' eisangelia*, in Prometheus 28 (3) (2002), pp.222-228, has written on Aristophanes and the law on εἰσαγγελία, but rather addresses other issues as a whole.

We might not know the exact nature of the procedure, but we do know that Aristophanes was able to use his privileged location, i.e. the stage, to elaborate and perform a public response to the public aggression. By means of an effective strategy of inversion, the fictional stage is skillfully transformed into a real space of defense, in which Dicaeopolis –as an *alter ego* for Aristophanes– is able to present an elaborated juridical argumentation that succeeds in placing the theater as a spectacle of legal language and imagery<sup>78</sup>.

In this context, the parody of the *Ecclesia* at the beginning of *Acharnians*, which seems to draw the attention to the isomorphism of the Assembly and dramatic performances, is not an isolated phenomenon within the play, and the inclusion of a comic legislative proposal in the parabasis should come as no surprise<sup>79</sup>.

A close reading of verses 676-718 is useful to link the chorus' complaints about the unfair treatment of the elderly with unfair trial practices, particularly those initiated by a youth culture corrupted by sophistic education. The playwright's ability here to parody rhetorical strategies and arguments is significant from a comic point of view. I have tried to show that antithesis and the references to the age gap, constructed by multiple means, are used to illustrate, in the passage discussed, a current situation of unfairness. The verses quoted from the parabasis comically describe a rupture in the balance that all legal proceedings require between the litigants<sup>80</sup>. As is suggested by the chorus of the play, the statement is made here to persuade on the necessity of reestablishing the lost symmetry<sup>81</sup>.

<sup>78</sup> Cf. J. POULAKOS, *Sophistical Rhetoric in Classical Greece*, Columbia 1995, p.39.

<sup>79</sup> I explained already that during the opening scene the spectators/citizens attend the initial parody of an Assembly meeting, where political speech is subverted and the basic conventions of the *Ecclesia* are not observed at all: people who have the good of Athens at heart are thrown out or silenced, while selfish speculators are heard respectfully and rewarded. Dicaeopolis is forced to remain silent and the audience is ready to expect in the comedy new spaces for public speech to be explored. As I have tried to demonstrate, the chorus and the protagonist succeed in this search for an alternative location in which legal arguments can be put forward and developed.

<sup>80</sup> Z.P.BILES, *Aristophanes and the Poetics of Competition*, Cambridge 2011, p.49, considers that *parabainein* in Old Comedy "implies an emphatic presence in a public gathering, and entails both self-assertion and an expectation of antagonism". This expectation of antagonism suits very well the logics of a legislative debate.

<sup>81</sup> A clear goal has to be defended with clear strategies, as the semantics and stylistic insistence in the parabasis is showing. This entire scene in front of the public could in fact be pre-announcing topics that will be related later with the presence of the

In these lines, I believe Aristophanes is not only exploiting the burlesque possibility of the genre to present a severe objection to the new phenomenon of sophistic education and corrupted youth, as he will do especially in his future dramas. He is also incorporating arguments related to the opposition between past and present with the purpose of using comedy, a political and popular spectacle, to amuse the audience with the proposal of extreme legal changes in the performance of tribunals. By employing rhetorical devices which are typical of oratorical speeches<sup>82</sup>, he mocks legislative language and places his characters as the spokesmen of a number of amusing questions which, exploiting the public nature of the genre<sup>83</sup>, create an awareness of the need for a reform in procedure. Through the mechanisms of the deliberative action, the past (τῶν γεγενημένων) and the present of action (τῆς δυνάμεως) in the parabasis are put together in order to create and ensure a future situation (τῶν μελλόντων) of equality, which is an address to the assemblymen in order to start thinking of a new law. Through the same act, Aristophanes uses three different tenses to overlap his argument, its content and the context of presentation. The chorus *now* appeals to *yesterday* in order to produce changes for *tomorrow*.

Aristotle believed that it was not uncommon for epideictic speakers to use other times to build their speech, both past and future (*Rhetoric* 1358.b.4: προσχρῶνται δὲ πολλάκις καὶ τὰ γενόμενα ἀναμνησκόντες καὶ τὰ μέλλοντα προεικάζοντες). *Acharnians* seem to be in accordance with this statement. People at the Assembly, juries and spectators (the three addressees of rhetoric according to Aristotle) are all unified in the second part of the parabasis, where

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blackmailer on stage (P.W.HARSH, *The Position of the Parabasis in the Plays of Aristophanes*, in TAPhA 65 (1934), p.188).

<sup>82</sup> "Oratory drew on the audience's experience of theater; drama drew on the audience's experience of political and legal speeches. By so doing each genre implicitly taught its audience that being an Athenian was a comprehensive experience, that there was no compartmentalized division between esthetics and politics" (J.OBER & B.STRAUSS, *Drama, Political Rhetoric and the Discourse of Athenian Democracy*, in J.J.WINKLER. & F.I.ZEITLIN (edd.) *Nothing to Do with Dionysos? Athenian Drama in its Social Context*, Princeton 1990, p.270).

<sup>83</sup> S.HALLIWELL, *Comedy and Publicity in the Society of the Polis*, in A.H.SOMMERSTEIN, S.HALLIWELL, J.HENDERSON & B.ZIMMERMANN (edd.) *Tragedy, Comedy and the Polis, op.cit.*, pp.321-340.

Aristophanes faces the need of consecrating –in the scene and out of it– a “due process” based on the symmetry of parties in the conflict.

The comic nature of the play may make us think of this episode as a plain exaggeration, since surely no one could take seriously a suggestion that prosecutors should only be allowed to charge defendants of their own age group<sup>84</sup>. True as this might be, fantasy or hyperbole do not imply the lack of a conscious intent underlying the proposal; as I have tried to show, it would be a mistake to ignore the political or legal content of Aristophanic comedy just because the main purpose of the genre is rousing laughter. Taking this into account –and even if its content were a joke and nothing but a humorous reference– the complex set of rhetorical devices put in place by the chorus in *Acharnians* helps us to understand the political and stylistic importance of the parabasis, as well as the full significance of legal allusions within the plot and in respect to the audience.

Proposing arguments for the adoption of new statutes, speaking in the theater and seeking the impartial action of the juries stand, in Athens, as three basic conditions for a democratic regime of civic participation. I hope to have supported the idea that Aristophanes did not ignore this<sup>85</sup>.

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<sup>84</sup> See, for instance, S.D.OLSON (ed.) *Aristophanes' Acharnians*, p.245, who comments that “Athenians of all ages must have been ruined by lawsuits from time to time (not always undeservedly), but nothing else suggests a sudden rush of prosecutions of feeble old men in the mid-420s...”. This comic strategy should be considered in fact under the rubric of fantasy remedies used to cure a real evil, as A.H.Sommerstein, *The Comedies of Aristophanes, vol. 11. Wealth*, Warminster 2001, p.20, explains when discussing *Wealth*.

<sup>85</sup> I would like to thank Adele Scafuro and Lene Rubinstein for helpful criticism of an earlier draft of section 2. Edward Harris and Delfim Leão have also offered interesting insights on several aspects of the first part of the paper. Special thanks are finally due to Alan H. Sommerstein and David Konstan –who both read a more updated version– for their bright suggestions and constant help in the preparation of the article. Also I am grateful to the anonymous RIDA for his/her last comments and opinions on the paper. For all the errors overlooked and advice spurred, I am, obviously, solely responsible.