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THE PHYSICALITY OF JUSTICE IN ARISTOPHANES' *WASPS*: BODIES, OBJECTS AND THE MATERIAL STAGING OF ATHENIAN LAW

Abstract: The aim of this paper is to study legal references in Aristophanes' *Wasps* from a perspective based on the importance of the bodies and objects involved in litigation. Since comedy as a genre is pervaded by bodily contact and sensory experiences, I am interested in exploring the materiality of subjects and things, their relationship and the potentiality of human and non-human contact when legal activities are performed on stage. All these physical displays suggest that a study of gestures and expressive actions in the play may contribute to a more comprehensive understanding of the non-verbal dynamics involved in the Athenian judicial machinery.

Keywords: Aristophanes, *Wasps*, physicality, performance, material culture

Introduction

The 'performative turn' in legal studies has provided interesting theoretical tools for a better examination of the practice of justice in specific societies across history. This is particularly true for Athenian law, taking into consideration both its agonistic and rhetorical nature and the preeminence of procedure over substantive norms. In spite of the centrality of performance, however, little attention has been given so far to the concrete *physical* elements involved in the praxis of Athenian law.

My intention here is to study Aristophanes' references to law from a perspective based on the importance of the bodies and objects involved in litigation: since comedy is pervaded by bodily contact (i.e. punches and blows) and emotional involvements, I am interested in exploring the materiality of subjects and things related to justice, the affections and senses involved in their relationship and the potentiality of human and non-human contact (what I will call the 'physicality' of law).

As far as emotions are related, feeling anger or claiming compassion seem to be part of the physical experience of Athenian justice, and comedy seems to subvert the expected pattern in order to produce laughter. Concerning gesture and body attitudes, glaring at the litigants with hostility, grabbing witnesses by the hand, dragging accused citizens to the court, lowering the head, prostrating oneself in front

of the jurors or crying to defend a close relative are some of the many examples of non-verbal behavior alluded to in Old Comedy. Taken as a whole, these comic physical displays (which imply an internal and an external embodiment) suggest that a study of comic gestures and expressive actions may contribute to a more comprehensive understanding of the subjective dynamics involved in the Athenian judicial machinery.

In order to provide an introduction to a larger research agenda, I will deal here with Aristophanes' *Wasps*, produced at the Lenaia festival in 422 BCE. The reasons behind this choice are self-evident. Although it is of course not the only Aristophanic play dealing with law,¹ *Wasps* is particularly focused on the problems of the administration of justice, and remains one of the few sources allowing us to understand the functioning of Athenian *dikasteria* in the 420s. If its comic vein is properly assessed with methodological care, the play can stand as an invaluable source for legal historians of ancient Greece. By paying attention to non-verbal behavior and to the visual nature of the comic performance, I will focus on the physical movements of jurors, litigants and witnesses, an aspect on which, for several reasons, contemporary or later written sources are silent.

The first part of my paper (section 1) will deal with the manipulation of legal emotions in *Wasps*. As I have explained elsewhere, Aristophanes plays with the emotional script of his audience by exaggerating the normal affective expectations involved in legal proceedings, relating to the role of jury members, accusers and defendants. In the second part (sections 2 and 3) I will pay closer attention to the bodies of jurors, litigants and witnesses, their relationship to others and to the space and things that surround them. Again, comedy will show how objects and places are manipulated, taken out of their context and used to stage a heavy criticism against the contemporary democratic performance of court trials.

1. The Physicality of Emotions

Legal interactions in ancient Athens were guided by a complex “affective” machinery that resorted to rhetorical arguments on the basis of endorsing “shared” emotions.² In Athenian trials empathy between the speaker and the jurors was rhetorically created on the basis of (culturally) accepted and rejected emotional experiences. The example of *Wasps* is useful to show to what extent common emotions such as pity (*eleos*) and anger (*orge*) could be reframed in front of an

¹ As discussed in BUIS 2019.

² For the purposes of this paper, I will refer to the concepts of “emotion” or “affection” as synonyms. Against this perspective, see DAMASIO 1994. For the complexities surrounding the concept of “emotions” and the terminology related to them, see CAIRNS/FULKERSON 2015: 1-11.

audience which was capable of understanding judicial rituals and the affections involved in law.³

On the basis of cognitivist approaches, neuropsychologists have concluded that emotions, far from being opposed to rationality, are grounded on cultural and interpersonal processes.⁴ As a result of their mental and social implications, emotions play an essential role in the realm of law,⁵ as they can explain the non-verbal behavior of legal actors involved in litigation and the emergence of the rules that frame their actions.⁶ The ancient Greeks already knew that emotions were symbolic constructions which had great value in political terms and could be created and manipulated.⁷ As the sources from classical Athens seem to confirm, the public display of emotions responded to social patterns which turned them into cultural constructions under social evaluation and control.⁸

In this sense, I take as my point of departure in this first section the argument that the so-called affective turn, which has made its way into the legal sphere, can provide a basis to understand judicial physicality on the Athenian stage. The comic embodiment of pity and anger in *Wasps* –two emotions that have been traditionally related to the functioning of courtrooms in Athens– shows that the affective background of justice and its physical expression can be efficiently manipulated.

1.1. Embodying Judicial Pity

In Aristotle's *Rhetoric*, pity (*eleos*) is described as “a feeling of pain caused by the sight of some evil, destructive or painful, which befalls one who does not deserve it, and which we might expect to befall ourselves or some friend of ours, and moreover to befall us soon” (*Rhet.* II.8.2-5, 1385b13-16).⁹ This conception of pity implies

³ In this section 1, I reproduce in short some previous thoughts on comic emotions presented in BUIS [in print].

⁴ OATLEY/KELTNER/JENKINS 2006: 259-260 have argued that emotions are rational to some extent, since they inform cognitive processes that help people to function in a social environment.

⁵ BANDES 1999: 1. See also BANDES/BLUMENTHAL 2012; LANGE 2002. On the importance of cognitivism in modern studies of emotions and law, see the detailed study by DEIGH 2008: 39-71.

⁶ FRIJDA 1986.

⁷ KONSTAN 2006: xiii.

⁸ As suggested in BUIS [in print], it might be possible to identify a legal “emotional community” in classical Athens, in terms of the definition offered by ROSENWEIN 2006: 2. For the applicability of this expression to ancient times, see CHANIOTIS 2016: 94-95.

⁹ The Greek edition here and elsewhere corresponds to ROSS 1959. For the purpose of this paper, I will use interchangeably here the words “pity”, “compassion”, and “mercy” to translate both the Greek words *eleos* and *oiktos*. For subtler considerations on the semantic nuances of these expressions, see STERNBERG 2005: 23-24.

unworthiness, since only those who are good citizens and have fallen into a situation of vulnerability are considered to be unjustly affected.¹⁰

In legal speeches, where appeals to pity are a common *topos*, compassion for a person who behaved correctly is frequently distinguished from the pity claimed by those defendants who want to get rid of their guilt in spite of reprehensible civic behavior.¹¹ The latter can be identified as those litigants who try to generate pity in the jurors as a rhetorical strategy when they cannot come up with stronger arguments to support their case.¹²

Old Comedy seems to deal with this last legal appeal to *eleos* through the comic technique of exaggeration, since there is a significant insistence on the deplorable and pathetic situation of those who make a plea for mercy. Unlike the scarce information given in forensic oratory, comedy provides a great deal of detail. A passage of *Wasps* is relevant in this sense, because it provides us with information about a juror's opinion (553-558):

Then, as soon as I approach, he puts his soft hand in mine, the hand that's been stealing some public money; and they bow down and supplicate me, pouring forth their plea in a piteous tone: "Have mercy on me, father, I beg you, if ever you yourself have nicked anything when you were holding some office or buying food for your mess on campaign." And this is a man who wouldn't have known of my existence if it hadn't been for his acquittal that previous time!¹³

Philocleon overemphasizes the negative aspects involved in a supplication for mercy by a litigant who does not deserve to be saved from conviction. In fact, the accused was not only guilty of the charges brought against him (as references to corruption confirm, 556-557) but is also depicted as a frequent defendant at court, as shown in the fact that he was acquitted in the past (558).¹⁴ If appeals to pity were "designed rather to make vivid to the jury the consequences of condemning an innocent person",¹⁵ it follows that Aristophanes is describing a vicious abuse of *eleos*.

Soon afterwards Philocleon will mock the plangent style of pity-arousing speeches and the presence of relatives forced to display persuasive gesticulations for the sake of the defendant (568-574):

¹⁰ KONSTAN 2005: 51 describes pity —following Aristotle— as a response to "undeserved hardship". A similar idea can be found in the *Rhetorica ad Alexandrum* 34.4-6.

¹¹ See, for example, Lysias 20.34-35 and 14.40; cf. KONSTAN 2001: 41.

¹² See, for example, Demosthenes 19.310, 21.99 and 21.186-188.

¹³ Translations used here and elsewhere correspond to SOMMERSTEIN 1983. Whenever the Greek text of the play is quoted, I follow the edition of BILES/OLSON 2015.

¹⁴ He is "evidently a habitual thief" (MACDOWELL 1971: 208).

¹⁵ KONSTAN 2001: 43.

And if we're not persuaded by these means, straight away he drags his little children, the girls and the boys, by the hand up to the platform, and I listen while they all hang their heads and bleat in unison, and then their father beseeches me on their behalf, trembling as if I were a god, to acquit him on his audit: "If thou delightest in the voice of the lamb, I pray thee take pity on my son's cry" —and on the other hand if you enjoy *pork* he asks me to heed the voice of his daughter. And then we lower the pitch of our anger a bit for him.

Litigants beg Philocleon, treating him as a god (ὡςπερ θεὸν, 571) for their own personal interest. They drag forward their young children by the hand, who are compared to bleating lambs.¹⁶ This depiction will be brought to life later in the play in the domestic trial where the dog Labes is sued for corruption.¹⁷ Philocleon will be asked to have pity on the accused (οἰκτίρατ') and Labes' puppies will be brought to the court to whimper (κνυζούμενα) and weep (δακρύετε) begging for mercy (975-978).¹⁸

As I will develop in the next section of the paper, excessive gestures, cries, and theatrical displays of feelings are heavily criticized as contrary to the norms of forensic conduct. In Philocleon's words, affective behavior is seen as highly inappropriate in the context of a public trial. The suffering and trembling of the accused, who approaches the bench in fear, shows a futile appeal for compassion that reveals an exaggerated gap between the defendant and the civic body of the jurors.¹⁹ The animalization of the litigant and his family, which is a contrast to the juror's self-image as a god and parallels the dog trial, is a way of breaking down the *isonomia* among citizens by installing a hyperbolic world in which citizens may be as unequal as divinities and sheep.

Exaggeration then, as a comic technique, transforms pity —and the desperate need to claim it— into a comic enterprise. The democratic importance of preserving the innocent from unjust accusations is altered as soon as the logic underlying the rhetorical construction of pity is transformed. The basic structure of supplication is subverted in *Wasps* for the sake of humor: the ritual involving *hiketeia* is placed here not as a means to reestablish a lost balance between a person who suffered unjustly

¹⁶ For this image, see MACDOWELL 1971: 209.

¹⁷ I have studied this scene in BUIS 2016.

¹⁸ SANDERS 2016a: 15. On children and relatives being dragged to the courtroom to produce empathy with the jurors, see Lysias 20.34, Andocides 1.148, Plato, *Apology* 34c.

¹⁹ Of course, litigants subordinated and humbled themselves before the dikasts every time they addressed the jury claiming for mercy. However, as JOHNSTONE 1999: 123-125 asserts, these appeals for pity dramatized democracy: the attitude of inferiority and self-abasement was uncomfortable and degrading for a citizen but was useful because it managed to assert the jurors' superiority. As I will argue, it was a matter of reestablishing balance among fellow-citizens.

and the society, a way of recovering from inequality.²⁰ Far from building a democratic empathy or a *com-passionate* attitude, the manipulation of the emotion of pity here does not involve a shared feeling of injustice but an individual claim to escape from justice.

Aristophanes stages a claim for pity that in fact hides a political operation that could lead to the destruction of equality among citizens: by means of a hyper-emotivity, the defendant (who is a thief and behaved improperly when he was a public officer) becomes prey to his uncontrolled passion, something very far from the expected caution and discretion of self-controlled *politai*. Aristophanes illustrates that resorting dramatically to pity could amount to a ridiculous strategy and be considered inappropriate behavior.²¹

The wildness of animals, tyrants or unjust members of the society is therefore comically contrasted to the correct restraint (*enkrateia*, ‘self-possession’) of vigilant and circumspect men who offer rational arguments rather than uninhibited emotions. This destabilizes the *sym-pathetic* balance that should prevail within the *demos* and its principle of *isonomia*.²² Comic *eleos* breaks with the expectations of an audience that is used to listening to orators defending their case, since it implies an imprudent (and therefore laughable) exaggeration of physical performance in the courtroom that real-life jurors might want to reject.

1.2. Embodying Judicial Anger

In classical Greece, *orge* was directly linked to the democratic exercise of citizen power, as it implied a common emotion that could be triggered in defense of political institutions.²³ Indeed, if the administration of the judicial system deals with the punishment of those behaviors affecting the community and the restoration of

²⁰ On the steps of supplication and their relevance in Greek law, see NAIDEN 2006: 171-217.

²¹ In fact, whereas it could have been a common hallmark of amateur speech, this sort of emotional demonstration seems to have been absent from professional oratory, as explained by BERS 2009: 90-91. A skillful litigant would generate affect among the jurors without casting doubts on his manly and civic personality. See, for instance, Lysias 7.41. In Aeschines 2.179, the speaker carefully asks for pity but, in contrast to his own masculinity, considers his opponent Demosthenes to be “of unmanly and effeminate temperament” (ἀνάνδρῳ καὶ γυναικεῖῳ).

²² SISSA 2009: 287-290 describes this sort of “pathetic apparatus of Democracy”. Aristotle himself thinks of *eleos* as an emotion produced between “equals” (*homoioi*) in *Rhet.* II.8.13, 1385b16-19.

²³ On Greek anger, cf. ALLEN 2000; HARRIS 2001; BRAUND/MOST 2003; KONSTAN 2006: 41-76, especially on its relationship with democracy (2006: 75-76). The specific contributions of ALLEN 2003; RUBINSTEIN 2004, 2013 and SCHEID-TISSINIER 2007 are also useful to understand its implications.

social bonds, then it follows that prosecutors would carry their cases before the courts by appealing to the jurors' indignation and collective anger.²⁴

According to Aristotle again, *orge* is "a longing, accompanied by pain, for a revenge due to a real or apparent insult affecting a man or one of his friends, when such an insult is undeserved" (*Rhet.* II.2.1, 1378a30-32). The Aristotelian view is that it is only possible to be angry at particular individuals. *Orge* entails certain pleasure, he says, since it is gratifying to imagine inflicting a penalty on a person who deserves it. This relationship to revenge has led several authors to consider that anger in Athens was an emotion closely related to the democratic body, a collective emotion that can be unleashed when citizens are called to defend the *polis* and its institutions. This is done by retaliating against a specific individual who acts unjustly.

The status of public anger is in fact ambiguous.²⁵ Even if self-restraint was much valued (as we examined when discussing appeals for pity), in some cases inflaming anger was thoroughly accepted. In fact, anger is a manly emotion, one that "buttresses martial valor"²⁶ and that could be justified when speaking about the need to punish grave crimes.

Anger was therefore an efficient tool for creating, according to HARRIS,²⁷ a common emotion set in place to exclude the outlaw from the *polis*. This feature explains the frequent reference to the verb *orgizein* in the ancient sources related to the functioning of Athenian lawcourts.²⁸ In *Wasps*, *orge* is frequently mentioned.²⁹ Throughout the play, getting angry and being a juror represent two sides of the same coin: if disturbed, *heliastai* are said to sting (223-227):

But you, silly fool, if anyone angers that tribe of old men, it's just like a nest of wasps. They've even got a very sharp sting sticking out from their rumps, which they stab with, and they shout and jump about and strike you like sparks of fire.

²⁴ ALLEN (2000: 50) shows the importance of anger as an ethical basis for the construction of citizen ideology.

²⁵ HARRIS 2001: 183-187; BERS 2009: 93-94.

²⁶ BERS 2009: 97.

²⁷ HARRIS 2001: 189.

²⁸ See, for example, Isocrates 20.6 and Demosthenes 18.274. Judicial anger was sometimes encouraged; see also Isocrates 18.4, Demosthenes 9.31, 9.61, 18.18, 18.138, 19.7, 19.265, 19.302, 21.57, 21.123, 54.42, [Demosthenes] 45.7 and Dinarchus 1.2. Of course, manipulating the emotions of the jurors by getting them angry could be risky, as indicated by RUBINSTEIN 2004.

²⁹ See, for example 223, 243, 404, 424, 425, 431, 560, 574, 646, 727, 883 and 1083. On the vocabulary related to anger and rage in the play, see KONSTAN 2010: 44.

Similarly, the chorus mentions its collective reaction when provoked (403-407):

Tell me, why do we hesitate to awaken that wrath which we awaken when someone provokes our wasp-nest? Now that sharp, now that sharp sting of anger wherewith we chastise is braced (for battle).

When inflicting punishment, the sting represents the material and physical symbol of anger. The close relationship between *orge* and *timoria* had already been presented not long before, when the old men claimed that Cleon had ordered them to come with a terrible three-day-old anger (ὀργήν ... πονηρὸν) with the purpose of punishing Laches for his crimes (242-244):

So yesterday our protector Cleon ordered us to come in good time, with three days' rations of filthy anger against him, so as to punish him for his crimes.

The solidarity that can bind the group of old jurors becomes even more noticeable when they openly oppose the character of Bdelycleon: to the proud *dikastai*—who support the demagogic policy of their time, enshrined in Cleon—anger is the emotional expression of *isopoliteia* and of unhindered participation in democratic affairs. Bdelycleon's proposals and ideas, therefore, are considered both a tyrannical move (417, 487) and an act of conspiracy (483, 488-489), namely an attempt to overthrow democracy in order to establish a one-ruler government (463-469).³⁰ The chorus will refer to him explicitly as an enemy of the people and a lover of monarchy: σοὺς λόγους ὧ μισόδημε καὶ μοναρχίας ἐραστά (474).

There is a twist however to this political dynamic. The comic effect is achieved thanks to an interesting “inversion”, a movement that goes from the *demos* as a collective agent, as an emotional community, to a specific individual, the offender. In other words, there is a visible displacement from the chorus of wasps—representing the citizens—to the comic hero, acting on his own. Philocleon, the main character of the play, finds his way to becoming the leader of the action: in 430-432, for instance, he splits away from the chorus when he uses the imperative mood to give orders to his fellow jurors (*xyndikastai*), behaving almost as a *strategos* pushing his subordinated soldiers to the battle:

Try it now, my fellow-jurors, sharp-spirited wasps! Some of you fly enraged on the arses, others sting their fingers and all round their eyes!

These lines are far from being an isolated example. The differences between Philocleon and the other old jurors are exploited throughout the play.³¹ Whereas the

³⁰ See LOSCALZO 2010: 150.

³¹ SCHERE 2012: 49, following KONSTAN 1995: 21-22.

chorus, for instance, is composed of elderly poor countrymen, the play shows that Philocleon holds a comfortable economic situation, and enjoys the act of judging independently of the pay he gets. And, also unlike the old *dikastai*, the comic hero loves imposing the greatest penalties because of his bad temper (106-108):

He's so cross-grained (ὕπὸ δυσκολίας), when assessing penalties he scores the long line for everyone, and he comes home plastered with wax beneath his finger-nails, like a honeybee or a bumblebee.³²

Dyskolia was considered a trait of inappropriate anger in Athens, different from institutionally accepted *orge* as it only reflects private expectations and does not take into account the other.³³ Described as a *dyskolos*, then, Philocleon becomes isolated from the other jury-members. Moreover, superlative forms contribute to showing how particularly different he is. In 276-280, he's described as the most terrible of them all (δριμύτατος)³⁴ and the only one (μόνος) who is incapable of being persuaded:

Truly, he was far the fiercest of those in our place, the only one who couldn't be talked around; when anyone begged for mercy he'd lower his head like this, and say "You're trying to cook a stone".

Since, in his case, we are told that anger could never have been removed (τὴν ὀργὴν ἀπομορχθεῖς, 560), Philocleon feels good when condemning everyone. There is exaggeration here, for sure, but also inversion, since anger—as a codified social emotion—happens to be taken out of its expected legal context: it is no longer shown as a positive political affection that can be useful and satisfying when it helps to take action against a criminal, but rather an individual emotion that is only founded on personal advantage and selfish pleasure.³⁵ As expressed by RIESS 2012: 288, unlike the democratic anger endorsed by the chorus, Philocleon's exaggerated wrath in the play is unjustified.

³² Since wax tablets were used to trace with the nails the sanctions derived from a vote of accusation, the image suggests that Philocleon was accustomed to punishing the hardest way; cf. MACDOWELL 1971: 146; BILES/OLSON 2015: 121.

³³ When discussing *dyskolia*, KALIMTZIS 2012: 43 considers that "anger has become hardened into a permanent disposition which is at the ready to inflict harsh *chalepos* retributive punishment to protect his social irritability".

³⁴ Aristophanes frequently uses the adjective *drimys* to refer to a relenting juror: *Knights* 808; *Peace* 349. Cf. MACDOWELL 1971: 151; PADUANO 1974: 168-170; LENZ 2014: 91.

³⁵ Creating indignation for selfish purposes was rejected in Athenian trials. Several testimonies from forensic speeches show well that going to court for personal profit or to get an individual advantage produced a negative reaction in the jury. See, for instance, Aeschines 3.3, 3.4; Demosthenes 18.278.

If in the real Athens anger means that the many can decide a case, after a procedure, against a single accused, on the comic stage it helps the comic hero, alone, to decide beforehand against all defendants. This implies an inversion of the political value of judicial anger which is typical of wise citizens, because his anger seems more related to that of a king, quite far from the civic equality granted by a democratic regime (548-549):

Yes, right from the start I'm going to prove as far as our power is concerned that it's equal to that of any king.³⁶

In the figure of Philocleon, Aristophanes embodies the dangers of individual *orge* and alerts about the risks involved in the tyrannical seizure of emotions. Since laughter can only be explained by a common understanding of people sharing similar knowledge and values,³⁷ the existence of persistent jokes in Old Comedy demonstrates that the Athenian public could in fact be perceived, at least from Aristophanes' perspective, as a community of people who were expected to feel the same emotions (positive and negative) towards law and its practitioners. If so, then we can understand why sycophants were repeatedly despised on stage; there was probably a common lack of sympathy in the audience towards them.³⁸ If my reading of *Wasps* is not incorrect, then it means that the play relies on the fact that the administration of justice in classical Athens was heavily dependent on a network of circulating emotions that run a high risk of being manipulated for personal reasons.

The comic manipulation of emotions that I have described leads us now to a complementary aspect of legal physicality in *Wasps*: the way in which Aristophanes deals with legal spaces and objects in order to reinforce his criticism to the practice of law in contemporary Athens.

³⁶ They are even compared to Zeus when he uses his thunderbolt in court (620-624). According to PADUANO/FABBRO 2012: 182, this comparison shows absolute power: "sovranità al vertice di ogni gerarchie autoritaria, e come tale indipendente da ogni controllo".

³⁷ "Pour comprendre le rire, il faut le replacer dans son milieu naturel, qui est la société ; il faut surtout en déterminer la fonction utile, qui est une fonction sociale. Telle sera, disons-le dès maintenant, l'idée directrice de toutes nos recherches. Le rire doit répondre à certaines exigences de la vie en commun. Le rire doit avoir une signification sociale" (BERGSON 1900: 515).

³⁸ Arguing that Aristophanes resorted to special emotions should not be surprising, since the comic genre played with the affective background expected by citizens. I concur with KONSTAN 2014: 103 when he suggests that, contrary to the emotions provoked in tragedy (pity —*eleos*— and fear —*phobos*—, according to Aristotle's definition in *Poetics* VI, 1449b 24-28), old comedy would arouse boldness (*tharsos*) and indignation (*nemesis*), emotions which were considered opposite to the tragic ones.

2. The Physicality of Space and Objects

As we have just seen, when Philocleon describes his attitude as a juror, he seems proud of his own anger but seems to reject pity when it comes from a defendant who pleads for mercy. Accepting or rejecting emotions, however, depends on the circumstances. Philocleon will happily make use of compassion when he feels the need to generate sympathy himself (389-395):

O Lord Lycus, thou Hero who art my neighbor, forasmuch as thou delightest in the same things as I, in the tears and lamentation of each day's defendants —at least you went and set up home there on purpose to hear them, and you are the only Hero who has chosen to take his seat near a crying man— O take pity now on me who dwell close to thee, and save me, and I vow never to piss or shit beside your wicker fence.

Philocleon feels like a god and here he shows that he shares common interests with Lycus, but he vows and asks for pity acknowledging his subordination to divine power. This contradiction becomes even more interesting since the externalization of his emotion is related here to a specific location: Lycus's shrine, which is considered to be a sacred space related to the law courts. The manifestation of gestures and emotions strongly depends on the physical environment. In 800 Philocleon claims that, according to a prophecy, in the future lawsuits will be tried in every home, and therefore every house will need to have a little courtroom (δικαστηρίδιον) built in the porch before the entrance, "like a shrine of Hecate" (ὡσπερ Ἐκάταιον).³⁹ He had already expressed his will to be buried after his death "under the courthouse floor" (ὑπὸ τοῖσι δρυφάκτοις, 386).

The importance of legal space, which becomes a new religion for Philocleon, is related to the identification of those structural elements that identify the place. The promise not to maculate the wall in the future (395) represents a comic reference to the humorous manipulation of objects related to the administration of justice by the comic characters. Material elements are ambiguously subject to appropriation and mistreatment by Philocleon: he cherishes legal paraphernalia and, at the same time, he channels his own physical impulses through those objects that represent law, even wishing for his body to be dropped next to the tribunal.⁴⁰

The misuse of legal spaces becomes more noticeable when Bdelycleon decides that his father will only decide on cases at home. Common objects are being brought

³⁹ During the domestic trial, a prayer will be offered to Apollo Agyieus, whose altar will be also placed in front of the door of the house (ἐμπροσθεν οὔτος τῶν θυρῶν, 871 and ὦ δέσποτ' ἄναξ γεῖτον ἀγνιεύ προθύρου προπάλαιε, 875).

⁴⁰ This is not unlike what happens in *Birds*, where the protagonist Peisetairos believes in Athenian law and creates his own physical location to place the new city and its institutions, whereas simultaneously he acknowledges that he used to defecate on the stone where decrees were inscribed: "Do you recall those evenings when you used to crap on the inscription?" (*Av.* 1054).

on stage in order for the tribunal to be erected. Things are re-signified in legal and sacred terms. Before even starting to act as a juror, Philocleon is concerned that there are no railings for the courtroom and therefore no suit can be called (ὄνευ δρυφάκτου τὴν δίκην μέλλεις καλεῖν, 830). The fence is described as “the first of all the sacred objects” (ὁ πρῶτων ἡμῖν τῶν ἱερῶν) that are revealed when one enters the court.

The description of the domestic court as well as details added elsewhere in the play are rich in the vocabulary of the material components of legal space.⁴¹ The physical furniture of the tribunal includes not only the railings of the court that we just mentioned (δρυφάκτος, 830) and that Bdelycleon will bring from inside the house (ἔνδοθεν, 833),⁴² but also all the other necessary elements for the trial to be performed. To allow for the transaction of legal business, Philocleon’s son needs to fetch the notice boards,⁴³ the voting-urns and the water-clock for the timing of speeches (848-859), which constitute the necessary equipment for the tribunal to work. Domestic objects play the role of judicial items. Instead of urns (καδίσκους, 853-854) two ladling cups are employed (ἀρυστίχους, 855), and the chamber pot (ἀμίς), mentioned in 807, is identified (ἡδὶ, 858) and used to replace the judicial κλεψύδρα (856-859).⁴⁴ All these objects are brought on stage, as made clear by spatial deixis: ταῦτα δὴ (851).

The importance of all these objects, including all the relevant items for vote counting,⁴⁵ is such that it is precisely because of them that a tribunal can be erected in the middle of a domestic landscape. The relationship between all these objects (urns, boards, water-clocks, stones) and the performance of justice, in my opinion, has not been properly studied so far and, as comedy shows, deserves detailed attention because these things do not only define the legal space, but also empower legal subjects, such as jurors or litigants. In a context in which judicial affairs are part of everyday political activity, an old citizen such as Philocleon can become an obsessive juror precisely because of the nature of the objects that surround him.

Based on the pioneering works focused on the so-called ‘material culture’ (which seek to emphasize the ability of objects to materialize relationships),⁴⁶

⁴¹ See BOEGEHOLD 1967 and 1995.

⁴² Cf. also 386 and 552. The play also made reference before to the access barrier (κιγκλίς, 124, 775) and the front bench (ξύλον, 90).

⁴³ Cf. also 349. These σανίδες were used to hang the notices of forthcoming trials. The pillars on which legal cases were posted were also mentioned before (κίων, 105).

⁴⁴ Cf. also *Ach.* 693.

⁴⁵ Apart from the urns (καδίσκοι, 321-322; τὰ κάδω, cf. *Av.* 1032; κημός: *V.* 756; ἐκ κίθαριου: *V.* 674) there are references in the play to the penalty tablet (πινάκιον, 167) and the stone used to count votes or where the speakers had to stand in (λίθος: 332-323; cf. *Ach.* 683; βῆμα: *Ec.* 677; *Pl.* 382).

⁴⁶ MILLER 2005: 5, for example, spoke of “material culture” to account for the phenomenon by which what we are, as human beings, exceeds by far the limits of our body. We are actually framed by a series of material “externalities” that end up shaping our own

several texts have claimed that it is essential to take into account those objects — often linked to social practices or cultural symbols— which are handled by characters on stage. These “things” significantly complement the movement of bodies, as they are used, delivered, hidden or unveiled, seen and touched. Far from being mere accessories, they are an integral part of the action because they can be manipulated, as SOFER (2003) has shown. The power of the circulation of objects cannot be underestimated because, in fact, it allows us to appreciate the physical interaction of the characters in the play. Possessing, transporting or giving objects are meaningful activities because they are often the result of power strategies. They reveal how individuals struggle for domination. In addition, objects that can be reached are often elements that, as instruments or utensils, metonymically serve as paraphernalia to materialize abstract values, embody emotions and visually translate experiences and sensations that would otherwise be impossible to reflect before the spectators.⁴⁷

It is essential to mention here the actor-network theory, developed by the sociologist LATOUR (2005), who considers that, for a better understanding of collective dynamics, at the community level it is necessary to incorporate objects as part of the social framework: in fact, in his opinion, the role of humans needs to be completed by all those external elements associated to them which also take part of the agency scheme.

Theater becomes an adequate ground to think about this interaction between subjects and objects, insofar as the things displayed on stage are fully meaningful: they are serving as focal points that translate historical and cultural values which are relevant for the public attending the representation.⁴⁸ And in the case of Athenian comedy, the abundance of dramatic objects that transmit contextual information is key for the development of dramatic action.⁴⁹ In spite of the overwhelming presence

existence. In short, “things” and “objects” (terms which I will use interchangeably for the sake of clarity here) end up affecting the subjects. Objects are constitutive elements of our individual and collective identity; cf. MILLER 2008. For an introduction to the concept of “material culture”, see JULIEN/ROSSELIN 2005.

⁴⁷ A recent issue of the French journal *Mètis* has been devoted to the role of objects and the function of artifacts in Greek antiquity. In the introduction of the volume, BROUILLET/CARASTRO 2019: 11 explicitly refer to the role of things and their cultural importance as elements of agency: “L’objet est alors vivant, présent, tant qu’il a une puissance générative, non pas pour pointer ailleurs, tel un *sēma* au sens strict, mais pour créer quelque chose qui ne lui préexiste pas”. On the sense of objects and their material and immaterial value in classical Greek culture, see GERNET 1968.

⁴⁸ This is an aspect already explored, from the field of anthropology, in the collective volume edited by APPADURAI 1986. Objects respond to symbolic practices, as studied by the so-called “Thing Theory”; cf. BROWN 2001, 2004 and 2015 in the context of the *Object Cultures Project* of the University of Chicago.

⁴⁹ Regarding tragedy, the works on theatrical props by CHASTON 2010 and MUELLER 2016 deserve to be cited, as well as the articles by NOEL 2012, 2013 and 2014. In the case of comic drama, the role of “things” has been studied especially in relation to Old Comedy,

of dramatic props in Athenian public spectacles, the importance of objects in courtroom trials has not been examined, probably because the traditional sources which are taken into account to reconstruct the administration of justice (i.e. legal oratory) are scarce in information related to the physical environment of *dikasteria* and other tribunals.⁵⁰

In *Wasps* the manipulation of objects is ubiquitous as it serves the purpose of criticizing the omnipresence of law and excessive litigiousness.⁵¹ Since all domestic items available at home can be turned into ‘legal’ material, justice can be rendered everywhere. The complementarity between persons and things is so significant in the play that the boundaries between subjects and objects are diluted. Things behave like people, and human beings are often manipulated as lifeless elements. This is what happens with the witnesses (*kleteres*) who are brought on stage by litigants such as Myrtia and the second accuser and are introduced as mere possessions. When Myrtia comes onto the stage in order to indict Philocleon on the charge of damage to the bread she was selling in the agora, she “has” Chaerephon as her witness (κλητῆρ’ ἔχουσα Χαιρεφῶντα τουτονί, 1408). The demonstrative pronoun is indicative of his silent presence in front of the audience. Similarly, Bdelycleon soon observes that another accuser is about to arrive with a witness, using the same verb: τον γέ τοι κλητῆρ’ ἔχει (1416). The objectivation of witnesses becomes even more notorious when Bdelycleon acknowledges that, if he does not carry his father out of there, “there soon won’t be enough witnesses for the people serving summonses” (κλητῆρες ἐπιλείψουσι τοὺς καλουμένους, 1445). The reference to Philocleon’s previous fear that he might run out of voting pebbles because of his excessive love for trials (109-110) allows here for an analogy between *kleteres* and *psephoi*.⁵²

a genre in which the presence of all sort of objects is ubiquitous. In this regard, POE 2000 has noted the excessive quantity of objects in Aristophanes and REVERMANN 2013 has analyzed their semantic condensation. However, ENGLISH 2000 and 2005 believes that objects progressively lost their importance on the comic scene. The specific contributions on *Acharnians* offered by ENGLISH 2007 and the excellent work on *Birds* by FERNÁNDEZ 1994 also deserve special attention.

⁵⁰ In fact, literature on objects in law is still very much insufficient. A recent collective volume, edited by HOHMANN/JOYCE 2019, on the importance of objects in international law has been very well received among experts, who praised its original approach. Concerning the Greek world, a recent paper by FERNÁNDEZ 2019 has focused on the relevance of “democratic objects” in Aristophanes, paying some attention to the material culture related to judicial performance (80-83).

⁵¹ As presented by TELÒ 2016, the “vibrant materiality of objects” in the play —especially concerning clothes, rugs and fabric— can be pointing metonymically to questions of comic intertextuality as well.

⁵² In *Nu.* 1218, when the first creditor appears on stage he tells a fellow citizen that he is dragging him to be a witness (ἔλκω σε κλετεύσοντα). In spite of a second person which would suggest an interaction between the litigant and his witness, the verb “drag” (ἔλκω) —frequently used in comedy to refer to legal summons— places both individuals in

At the same time, objects sometimes overcome their immobility and come to life. In Labes' trial, kitchen objects are introduced as witnesses to the defense (936-939):⁵³

Take it down yourself. I'm calling the witnesses. Will these attend as witnesses for Labes: Bowl, Pestle, Cheese-grater, Brazier, Pot, and the other utensils scalded to give evidence.

Whereas objects become human beings in order to take part in a lawsuit, persons involved in courtroom activities are defined because of the objects they manipulate. These objects often show the intersection of different cultural experiences. For example, the wax tablet which is used to establish penalties is assimilated to a weapon in Philocleon's hand (166), suggesting that the act of judging and the act of fighting share common features. It should be recalled, as already explained, that throughout the play punishment is seen as a wasp bite (224-225) and that stings frequently play the role of swords (424).⁵⁴ Under the same pattern of analogy, verdicts are therefore conceived as armed attacks, and legal documents are understood as means of warfare. When describing the monstrosity of the politician Cleon, for instance, the chorus-leader explains that those demagogue-demons attack peaceful citizens by sticking together "affidavits, summonses and depositions" (ἀντωμοσίας καὶ προκλήσεις καὶ μαρτυρίας, 1041).

As a spin-off of this analogy, a victory at a trial is compared to a sporting triumph: when describing his most mettlesome activity, Philocleon confesses that he took on Phayllus, a famous runner, and beat him "by two votes, on a charge of using abusive language" (1206-1207). The overlap between litigation and physical competition shows that objects can be useful to identify the material activities that define citizenship. If Athenian democracy is represented by the material culture that helps to define the actions performed by its citizens, it is not surprising that those items which are mentioned by the chorus are closely related to the field of masculine civic performance. In 1081-1082, political participation is described as holding "shield and spear in hand" (ξὺν δορὶ ξὺν ἀσπίδι). As the chorus recalls, the manly and strong citizens who took part in the battle of Marathon in the past are opposed to youngsters, who do not carry spears but wear rings in their hair instead (1068-1070).⁵⁵

different roles of activity and passiveness. A verb based on the same root had been employed by Aristophanes when he was complaining in *Ach.* 377 that he had been "dragged" by Cleon to the *bouleuterion* because of the staging of his previous comedy: εἰσελεύσας γάρ μ' ἐς τὸ βουλευτήριον.

⁵³ GRIFFITH 1988.

⁵⁴ Like wasps, *dikastai* move around legal spaces as if courtrooms were hives (1106-1109).

⁵⁵ In 1091-1094, the old men in the chorus make reference to their past aggressiveness at sea by referring to the pulling of oars. Just like swords, oars are used as a metonym for

If things *make* subjects, the sexualization of certain legal objects in *Wasps* can be seen as a way of strengthening the masculinity of those who deal with judicial business. In 97, for instance, a voting urn's slot is defined as "beautiful" (καλός) and explicitly compared to a young *eromenos*. Similarly, the physical action of Philocleon embracing the notice board from behind with the voting pebble in his hand has also clear sexual connotations (347-348): "so much do I crave to go round past the notice-boards, mussel-shell in hand" (οὕτω κιττῶ διὰ τῶν σακίδων μετὰ χοιρίνης περιελθεῖν).⁵⁶

The erotic nature of judicial procedures cannot be underestimated in Philocleon's attitude. Since he was described as a compulsive lover of trials (φιληλιαστής, 88), there seems to be a strong emphasis on the passion of judging and the satisfaction of sexual desire and appetites. From an object-centered perspective, justice is therefore related to the fulfillment of human needs, and comedy takes advantage of this to exploit its close association with the imagery of consumption. Since women and food have been described as essential objects of desire on the comic stage,⁵⁷ we should not be surprised to see that legal items are also presented in *Wasps* as delicious meals. Trials are compared to cooked meat ("just give me a nice juicy lawsuit, stewed and seasoned", 513), in 525 jury pay is presented as a drink, and even factual evidence becomes efficiently related to ingestion ("the proof of the pudding is in the eating," it is possible to "chew the facts" and make your rivals "eat their words!", 781-783).

Coming back to the possible sexual innuendo in this emotional manipulation of objects on stage, Aristophanes seems to suggest that the act of holding firm of a voting pebble was part of Philocleon's typical behavior as a juror: he woke up every morning with his fingers pressed together from the habit of grabbing his voting-pebble with the hand (94-95).⁵⁸ In my view, there is another layer to add here when

military courage. Their visual image represents political engagement and national pride. Once again objects here define the personality of those who use them. In 694-696, another male activity is mentioned. Litigants are presented as a couple of lumberjacks sawing down a tree, one pulling the case his way, the other yielding and letting it go (694-696). In material terms, legal arguments are assimilated to axes used to fell trees and cut them into logs.

⁵⁶ The fact that in 348 the pebble is referred to as a person (with μετὰ and genitive), which is unparalleled in our sources (BILES/OLSON 2015: 201) can contribute to our interpretation. He holds his pebble as if it were a human peer. In 105 a similar reference to a close attachment to the noticeboard can be found. Philocleon is described by the slave Xanthias as sleeping at night right outside the front of the court, "clinging to the pillar like a limpet". TELÒ 2016: 64 considers that Philocleon's wakeful nights and his fear of "drying up" if acquitting are elements that point to sexual potency and erotic distress.

⁵⁷ DAVIDSON 2011.

⁵⁸ Objects such as pebbles are thus able to change the body of those who manipulate them. The interaction between things and individuals goes far beyond the material use of the former by the latter.

analyzing this material reference. The physicality of voting relies on the comic use of a pebble as a sexual organ and this explains how Philocleon himself ‘materializes’ legal violence.⁵⁹

In his prayer to Zeus the protagonist asks to be transformed into several objects (i.e. a puff of smoke or a creeping vine), the last of them being the stone on which the juror’s votes are counted (332-333). The strong identification of Philocleon with voting stones is a common landmark throughout the play. It should be recalled here that, when his emotions were discussed above, I explained that his individual *orge* was often connected to an extreme hardness that did not soften in the face of pity. This toughness made him look like a stone (λίθον), which could never be persuaded (278-280).

In his assimilation to voting pebbles and stones, Philocleon is once again separated from the members of the chorus and left alone as a comic character.⁶⁰ His isolation, which is essential for the purpose of the comedy, can be also examined through the exploitation of the legal material culture. According to the text, the same pebbles used to cast a vote can be used to shoo away wasps (221-222). The opposition between Philocleon and his fellow jurymen, which has been dealt with in the previous section, is then reinforced when references to objects are considered: unlike the other wasps-jurors, he is as hard as a rock and represents a threat and a danger to the group of *dikastai* who behave like wasps being chased.

After being convinced by Bdelycleon, the old men of the chorus will ask Philocleon to be persuaded and overcome his stiffened manhood and hardness: “Hearken, hearken to his words, and be not foolish nor too unbending and too hard a man” (πιθοῦ πιθοῦ λόγοισι, μηδ’ ἄφρων γένη / μηδ’ ἀτενῆς ἄγαν ἀτεράμων τ’ ἀνήρ, 729-730). Once again, Philocleon’s judicial role is illustrated with a physical comparison: he is compared to a solid stone which can be thrown aggressively and, at the same time, he is attributed an excessive masculine rigidity which cannot be bent. As I will discuss in the following section, the physical display of straight or curved bodies as presented in *Wasps* is also relevant here for an examination of the role of physicality in Athenian law and its comic possibilities.

⁵⁹ The erotic nature of other legal objects can be seen elsewhere in the play. When discussing the legal decision of granting an *epikleros* to the claimant, Philocleon explains that jury-members can give her to anyone who persuades them, without caring for the dead father’s will or the shell over the seals. By comparing this judicial decision to rape, Bdelycleon will remind his father in highly sexual terms that “it is wrong to unshell the heiress against her will” (589).

⁶⁰ Paradoxically, the pebble and the urn will be used by Bdelycleon to trick his father and make him acquit the defendant against his will (986-993). Their dramatic status as meaningful objects is very clear here as well.

3. The Physicality of Movement and Gestures

From the very beginning of the play, Philocleon's body is in constant physical movement. In the description of his five attempts at evasion (136-225), the spatial dimension is frequently referred to in order to show his forced return to the house (εἰς τὴν οἰκίαν, 196). When his intention of escaping is described — be it like smoke through the chimney (143), forcing the entrance door (152), slipping out the window after gnawing the net (164), clutching the belly of a donkey (179) or through the ceiling (202) — several verbal forms related to his shifts and displacements are present, such as ἐκδύσεται (141), ἐξέρχομαι (145), ἐκφρήσετε (157), ἐκφεύξεται (157), εἰσιών (177), ἐξάγειν (177), ὑποδύμενος (205) or ἐκπτήσεται (208), as well as adverbs such as ἐνταῦθα (149, 153) or ἔνδον (198). Together with other objects related to the identification of physical boundaries, such as the ceiling, the chimney or the window, the door in particular (mentioned in 142, 152, 199) embodies the communication between the inside and the outside.

Philocleon moves. He gets off the bed (ἐξ εὐνής, 552), walks to the tribunal (εὐθύς προσιόντι, 553), gets into the courtroom (εἰσελθών), stays inside (ἔνδον, 560-561) to convict and then comes back home (ὅταν οἴκαδ' ἴω, 606) with his pay, in order to be worshipped by his children and wife. Inside the courtroom, he also goes in circles from his seat to the voting-urns and back to his place (987-991). These recurring movements respond to the physical attitude of an insane *dikastes* who insists on judging every day. Philocleon's circular whereabouts are significant because they complement his speech and differentiate him from the other characters in the play. Being a juror requires behaving like one, and *Wasps* illustrates the importance of that coherence between the status of citizen and the physical display of the body. When Philocleon is “cured” of his disease, his son will stop his recurring movements in order to take him “everywhere” (πανταχοῦ, 1004) and teach him the good life of aristocratic pleasures. An important part of the training in this new role as a rejuvenated citizen is learning how to walk in an affected way, showing “some style, sophistication, and sensuality” (1168) and how to lounge at a banquet (1210 ff.).⁶¹ The effeminacy of the gestures presented by the *kalokagathoi*, typical of symposiasts and socialites, is clear. Philocleon needs to learn how to “recline” (κατακλινεῖς, 1208), a disposition of the body which is drastically opposed to the manly severity of citizens who stand up for their *polis*.⁶²

In a groundbreaking contribution in the field of social sciences, GUIRAUD 1986 explained the symbolic value of body language and communication. Gestures such as the position of hands, the inclination of the head or the movement of the eyes are significant ways of expressing intention. They convey important evidence on

⁶¹ Clearly these elegant and exaggerated movements that Philocleon will learn from his son are opposed to the subtle performances by the members of the chorus in the old days, when they showed the same prowess in choruses and in battles (1060-1061).

⁶² BREMMER 1991: 25.

attitudes.⁶³ A number of recent contributions have attempted to offer some insights into the role of gestures and their meaning in antiquity.⁶⁴ However, in spite of its social and political importance, the relevance of gestures has also been neglected in studies focusing on Athenian law, perhaps as a consequence again of the biased nature of our sources.⁶⁵ Following the line of thought I have been taking so far, I believe that, here again, the information that can be grasped from the identification and observation of different gestures and corporal postures can greatly contribute to our knowledge of the physicality of justice.

In the first part of *Wasps*, the dynamics of Philocleon's body language as a juror cannot be underestimated. As previously stated, he is shown as hard and stiff, in opposition to the softness of those defendants who try to convince him to acquit them through mercy and compassion. In the protagonist's own words, his corporal attitude of walking straight into the *dikasterion* is opposed to the womanly gestures of the litigants (552-553): "As I walk past, one of them places his soft hand in mine". Philocleon's hardness is opposed to the softness of those who ask for his favor, and this becomes important in legal and political terms.

It is well known that reciprocal positions and distance between bodies are indicative of the intentions of those who interact.⁶⁶ Philocleon acknowledges that his body gets in contact with the bodies of the defendants, but this touching experience is not depicted proxemically as an interaction between equals, as it could be expected in a physical contact between citizens.⁶⁷ Whereas he stands up, the defendants bend in front of him and beg after fawning and crawling: "they bow

⁶³ According to THOMAS 1991: 1, gestures include any kind of bodily movement or posture (including facial expression) which transmits a message to the observer. This definition (as well as others, presented by KENDON 1981: 28-40) seems to presuppose the existence of at least two bodies interacting with each other: one of them performing the gesture, and the second one decoding its explicit or implicit significance. On the cultural importance of gesture and its relationship to speech, cf. KENDON 1997. NEUMANN 1965: 10-12 uses the expression "rhetorische Geste" to indicate the "geformte und schlagkräftig pointierte Geste". According to HAHNEMANN 2003: 55, rhetorical gestures include any motion of head and hand that accompany a speech-act. These gestures are extremely relevant in the context of legal proceedings.

⁶⁴ Cf. CORBEILL 2004, CAIRNS 2015.

⁶⁵ An interesting contribution by CORBEILL 2015 has discussed the importance of gesture and body contact in early Roman law considering that, far from being symbolic elements, they were features constitutive of legal actions. Another exception is the recent book by O'CONNELL 2017 which, although focused on the importance of sight, refers to the relevance of non-verbal expressions and physical movements in classical Greek forensic oratory.

⁶⁶ GUIRAUD 1986: 94 considers that the interpretation of this "connection of bodies" is part of proxemics, since it is related to the physical communication between people in a specific spatial environment.

⁶⁷ The sense of touch implies a much closer connection between bodies than other senses, such as sight, which has been explored much more in recent bibliography (cf. O'Connell 2017).

down and supplicate me” (ἰκετεύουσίν θ’ ὑποκύπτοντες, 559). The participle ὑποκύπτοντες, ‘bowing down’, clearly shows the distance between the superiority of the juror and the humility of the beggars.⁶⁸ The whole scene comes close to a sexual offer by the litigant, who gives his entire body to the juror for him to do with as he pleases.⁶⁹ Employing the same verb, in 277 Philocleon explained that when defendants begged him for mercy, “he’d lower his head” (κάτω κύπτων), delivering a stern glare of displeasure and hostility.⁷⁰

A physiognomic interpretation of this antithesis can shed some light on the corporal representation of jurors and offenders in court.⁷¹ The opposition between a body that stands, keeps firm and looks down, on the one hand, and a soft body that twists and curves, on the other, reproduces the legal inequality that Aristophanes is fond of criticizing in judicial interactions. Far away from *isonomia*, in Philocleon’s perception his straight attitude of superiority is clearly different from the crooked bodies of those who implore. Whereas he is like a Zeus, who flashes verdicts as a lightning from above, the accused shake in fear. They bend, as if defecating (619-627):

Do I not wield great power, in no way inferior to that of Zeus —seeing that the same things are said of Zeus and of me? For example, if we get noisy, every passer-by says: “What a thunder’s coming from the court! Lord Zeus!” and if I make lightning, the rich and the very grand all cluck and shit in their clouds from fear of me.

The political implications of the position of bodies are relevant for understanding the representation of justice in *Wasps*. Here again Aristotle becomes a useful source, as he discusses the symbolic value arising from the difference between straight and crooked bodies. In his *Politics*, the unbent body represents the ideal physical support of the male citizen, whereas crooked or curve figures are useless for civic activities, and become therefore associated to slaves (1254b 27-31).⁷²

The intention of nature therefore is to make the bodies also of freemen and of slaves different—the latter strong for necessary service, the former erect and unserviceable for such occupations, but serviceable for a life of citizenship.⁷³

⁶⁸ BILES/OLSON 2015: 259. On this verb, see Diphilus fr. 42, 23-24 and Herodotus 1.130.1, 6.25.2 and 109.3.

⁶⁹ PADUANO/FABBRO 2012: 185-186.

⁷⁰ BILES/OLSON 2015: 185-186. On the significance of this physical gesture of lowering the head, see BREMMER 1991: 22-23.

⁷¹ HESK 1999: 220-226 has coined the expression “physiognomic interpretation” in order to describe the ways in which orators match some physical traits to specific character types in their speeches.

⁷² VÁZQUEZ 2020 has recently worked on the political implications of the female image of crooked bodies in Aristophanes’ *Ecclesiazusae*.

⁷³ The translation has been taken from RACKHAM 1944.

Bodies which are erect (ὀρθά) seem prepared for a life devoted to the *polis*. Body language helps to understand the relationship between social status and physical disposition, since curved anatomies mean submission as opposed to self-sufficiency and autonomy.⁷⁴ Significantly, then, the portrait of defendants offered by Philocleon shakes the founding basis of democratic equality. His claim that jurors are standing up whereas litigants bend their bodies to ask for favors, as if they were free men and slaves, hides a harsh criticism against the lack of balance and symmetry in court proceedings.

It is interesting that in Bdelycleon's words there is also an inequality between jurors and litigants, but contrary to Philocleon he will argue that *dikastai* are in fact placed by demagogues in an inferior position, like slaves or encircled animals (698 ff.), in order for them to take advantage of their role. When explaining to his father that he is in fact a *doulos* and not a king, Bdelycleon criticizes the relationship between jurors and demagogues and compares it to the treatment of masters and slaves (515-517):

More than that, you don't understand that you're being made a fool of by men whom you all but worship. You're a slave, and you're not aware of it.

The verb which is used to indicate the superiority of politicians, προσκυνεῖς, refers to *proskynesis*, a form of veneration involving abasement by prostration and hand gestures which is frequent in prayers to the gods. It is a gesture which, when applied to human beings who bend their knees in front of other individuals, results in an inadequate submission which would not be considered appropriate among decent citizens. Curving the body in front of another *polites* would imply affecting one's own *time*.⁷⁵

The opposition between straight and curved bodies is not only relevant in biological and political terms, but also regarding the administration of justice. It materially reproduces the difference between rightness and corruption which archaic sources attributed to judicial decision-making.⁷⁶ The antithesis between upright and

⁷⁴ GUIRAUD 1986: 38-39.

⁷⁵ According to Aristotle's *On the Parts of Animals*, human beings are the only creatures with straight bodies (656a 12-13). In his *Timaeus*, Plato had considered that an "upright" attitude is a consequence of the human attempt to reach the gods (90b1), whereas wild animals have curved bodies because they dragged their front limbs and their head down to the earth (91e 6-8).

⁷⁶ In the famous depiction of the trial in Achilles' shield in Book XVIII of the *Iliad*, in the middle of the sacred circle of elders there stood two talents of gold to be given to that person who "would render the most righteous judgment" (δικην ἰθύντατα εἴποι, *Il.* 18.508). In a similar vein, in *Il.* 16.384-388, Zeus is said to show his anger against men who give "crooked" judgments (σκολιὰς κρίνωσι θέμιστας) in the place of gathering, driving justice out. In his *Theogony*, Hesiod explains that people praise those kings who settle causes with "upright" decisions (84-86). In *Works and Days* 37-39, Hesiod

twisted positions of the body becomes an efficient way of denouncing the inequality of litigants and jurors, an inequality which breaks the ideal democratic balance of those who are involved in civic activities. A similar idea concerning a lost symmetry between judicial actors was present in the parabasis of *Acharnians*, where the chorus of old charcoal-burning poor men complained that they were mistreated in judicial affairs (676-682):

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.⁷⁷

The physical dimension is clear in these verses of the epirrhema. In 679, the old defendants are said to be dragged into proceedings, ἐμβαλόντες εἰς γραφάς. The immobility of their bodies and their lack of senses transform them into objects: they are nothing by themselves (οὐδὲν, 681)⁷⁸ and they can see *nothing* relating to justice (οὐχ ὁρῶντες οὐδὲν). Thus in 683-684:

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

The situation of these confused old men in the chorus of *Acharnians*, standing next to the stone (again a relevant material object) is made evident through the contrast with the young man who forces them to appear before the jurors, who is described as a skillful connoisseur of the judicial bureaucracy and the new trends in forensic pragmatics (685-691):

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

proposes his brother to solve their controversies with “straight” decisions, which, coming from Zeus, are the best. Among men there are corrupt judges (considered “gift-eaters”, δωροφάγους) who are determined to pronounce a verdict after being flattened. These outrage Dike when they take “crooked” decisions (*Op.* 220-221), while good rulers give just sentences to foreigners and allow the city to prosper and the people to flourish (*Op.* 225-227). As opposed to past generations, the wicked will hurt the worthy man, speaking “crooked” words against him (194) and swearing a false oath.

⁷⁷ I follow here the Greek text edited by OLSON 2002 and the English translation made by SOMMERSTEIN 1980.

⁷⁸ OLSON 2002: 246 understands the whole expression “οὐδὲν ὄντας” as ‘useless’, following other comic passages such as *V.* 1504, *Ec.* 144 and *Eup.* fr. 237.

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 physical activities and gestures: when young people drag their opponents to court (ἀνεγκύσαζ)⁷⁹, they employ a polished and deceptive style (686-687), whereas elders can only babble to defend themselves. Their bodies and gestures seem even more static when compared to the quick nimbleness of the attackers. Whereas a coordination of present participles shows the vigor and freshness of the attitude of young prosecutors (ξυνάπτων, σπαράπτων καὶ ταραπτων καὶ κυκῶν, 686, 688), the elders cannot even control their own bodies, and they sob and cry. The heavy criticism behind the proposal by the chorus to allow only young people to prosecute young people and old men to indict old men (717-718) relies on the need to reestablish a balance which had been lost, as expressed in their different physical attitudes.

In sum, the ways in which bodies are presented provide us with interesting information on the relationship between accusers and defendants and between litigants and jurors. A study of their corporal language allows us to discover their perceptions of the other and their subjective modes of dealing with adversaries. Taking advantage of the importance of visual representation in comedy, the physicality of the movements of the actors on stage and their body-to-body contact is relevant for understanding the material dynamics of judicial procedure in classical Athens.

Conclusion

The public which was present in the theater of Dionysus during the performance of comedies were used to law; either as litigants, jurors or spectators they often attended the spectacle of justice in popular courts. Characters involved in legal business are a frequent landmark of Old Comedy, and Aristophanes makes fun not only of them, but also of their anxieties, emotions and gestures. Humor requires complicity, and therefore Aristophanes’ staging of affections and body language involving litigants and jurors tells us much about the perception of judicial emotions and gestures among the Athenians.⁸⁰

In the first part of this paper I argued that the comic techniques employed by Aristophanes when presenting characters on stage (legal subjects such as litigants,

⁷⁹ “Nel linguaggio giudiziario il verbo indica l’atto di trascinare imputati o testimoni sul βῆμα dinanzi ai giudici” (OLSON 2002: 248). See also IMPERIO 2004: 152.

⁸⁰ Speaking for example of the references to the arousal of pity in *Wasps*, SANDERS (2016a: 15) acknowledges that “while this could be dismissed as comic fantasy, the fact that it could be staged in front of an Athenian audience suggests it is unlikely they would find such behaviour unrecognizable”. This statement could be expanded to understand the manipulation of other emotions and gestures.

speakers, sycophants, jurors or witnesses), are not only applied to their speech but also to the emotions they claim to endorse or reject.⁸¹ The identification of this emotional rhetoric is useful to understanding the ways in which Aristophanes criticizes the manipulation of public *pathe* in classical Athens and, it also sheds a brighter light on the occurrence of legal emotions in sources related to forensic oratory.⁸² If we can laugh at trembling children whining to have their father acquitted or at a juror like Philocleon who will not control his anger and acts accordingly, that is because emotions —as normative constructions— can be subject to a laughable treatment by means of exaggeration or inversion. Such a treatment, in a safe environment like comic drama, can reproduce the political handling of emotions that demagogues might put in place to mislead the community.

In the second part of the paper I focused my attention of the physicality of space control and the manipulation of objects. An object-focused approach has revealed a different perspective for assessing the functioning of Athenian tribunals. The tangibility of items which are there for the characters to take, physically or metaphorically, becomes useful for perceiving the physical construction of a legal territory and for describing the imagery of a judicial environment. Following some ideas from the actor-network theory, we are necessarily drawn to rethink the idea of opposing active subjects and passive objects. From the analysis of legal scenarios in *Wasps* it is possible to infer that the exhibition of objects and the new ontology based on the entanglement of material elements and human beings gives a more comprehensive picture of the nature of trials. Paying attention to the preoccupation with materiality and its importance, as comedy shows, can contribute to discuss the construction of legal subjectivity. Being in possession of legal paraphernalia, especially when related to masculine activities and compared to the consuming passions of sex and food, gives power to the citizen-individual who controls those objects. At the same time, the transformation of everyday ‘things’ into judicial items by the will of comic actors serves the purpose of denouncing the conventional nature of jurisdiction and the manipulation of legal issues. Litigiousness is so pervasive in the Athenian mind that, according to Aristophanes, wherever the relevant courtroom objects are displayed it seems that justice can be rendered.

The third part of the paper paid special attention to the importance of the carriage and deportment of those bodies which are related to the judicial activity. The corporal interaction of Philocleon with other bodies by means of gestures is indicative of the importance of physical control. The opposition between upright and curved bodies, between stiffness and softness, represents a clear difference in personal status and becomes useful on stage for showing how the democratic

⁸¹ I studied Aristophanes’ comic strategies related to the representation of legal characters elsewhere; cf. BUIS 2014.

⁸² Even if his contribution did not deal specifically with comic sources, SANDERS 2016b: 163 was aware that “appeals to emotions were common enough to be satirized in Aristophanes’ *Wasps*”.

equality of the parties to a legal conflict can be subverted. Body contact becomes a symbol of social relations, so corporal language can be read politically as it expresses group relationships. Through different relative positions, the physical communication between actors represents power by placing some bodies over others to oppose male and female, free men and slaves. By reproducing superiority and inferiority, body postures also show the risks involved in the lack of balance in judicial proceedings.

The importance of behavior, corporal attitudes and material agency in political and legal terms cannot be ignored.⁸³ If *Wasps* can focus on the comic consequences of misplacing or exaggerating emotions, managing objects and playing with gestures and corporal postures during a trial, it is because the performance of physicality dramatizes social control and influences the perceptions of what justice ultimately is and how it can be achieved. Philocleon's hilarious references to the arousal of emotions, the appropriation of material culture and the manipulation of body language are a political warning. Aristophanes' appeal to the legal emotional community of the Athenians deserves to be taken seriously as an example of the efficacy of non-verbal rhetoric in judicial procedures.

The evidence of *Wasps*, which may complement what we know of Athenian law from other contemporary and later sources, helps to conclude that the affective, material and physical turn might provide us with new insights on the democratic risks of demagogic empowerment in popular courts. Beyond comedy, thinking of the connection between bodies, objects and space and exploring the emotions which are involved in these relationships might shed some interesting light on many neglected aspects concerning the legal imagery of the Athenians and their subjective perceptions regarding the physical representation of trials and the embodiment of justice.

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⁸³ Non-verbal behavior represents a highly affective and focused form of human expression, as explained by LATEINER 1995.

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