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The Comic Oars of Athenian Jurisdiction: *Autodikia* and the Manliness of Maritime Imperialism in Cloudcuckooville

ὑποστένοι μέντἂν ὁ θρανίτης
λεὼς / ὁ σωσίπολις.
"The upper-oar folk, the city's bulwark,
would resent that a bit, I fancy!"
Aristoph. *Ach.* 161-162

Sea and Politics: In the Grasp of Waves[1]

A rich maritime imagery is found when addressing the study of politics in ancient Greek literature. In Old Comedy in particular it is possible to identify several different ways in which the relationship between references to the sea and the turmoils of politics is established. On a strictly literary level, for example, the staging of a continuous metaphor related to the visual representation of the state as a vessel that needs to be driven and guided – an important commonplace in Athenian fifth-century poetry since Alcaeus (fr. 208 V)[2] – can be clearly perceived in Aristophanes[3].

In the prologue of *Wasps*, for instance, the slave Sosias is afraid to tell his dream to Xanthias; he only unveils that it is related to the political fear of a monstrous whale appearing in the middle of the Pnyx (v. 29), «since it concerns the

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[2] Taylor 2009, 142-143. See also Nisbet - Hubbard 1970, 180, and Brock 2013, 53-67.

[3] Bonanno 1976. On the imagery of the sea spreading into all literature to address not only politics but also the condition of human life, Vryonis 1993, 12.

entire hull of the city» (περὶ τῆς πόλεως γάρ ἐστι τοῦ σκάφους ὅλου)[4]. In *Assemblywomen*, General Praxagora is able to organize – in spite of her gender – a masculine speech aimed at gaining power in the *polis*. In vv. 107-109, she clarifies that women should take charge of the administration of the city and uses two verbs which can be easily identified with the vocabulary associated with shipping techniques: "Let us do something good for the city, which just at present none of us seems able either to sail or row" (… ὥστ' ἀγαθόν τι πρᾶξαι τὴν πόλιν· / νῦν μὲν γὰρ οὔτε θέομεν οὔτ' ἐλαύνομεν). In *Frogs*, as well, we discover that the *topos* of nautical metaphors is also present. It becomes here an interesting device to set a close relationship between the abstract world of poetics and the much more concrete reality of recent naval activities and their political weaknesses, such as blackmailing, sea taxes and illicit supplies to the enemy (vv. 361-365):

> ἢ τῆς πόλεως χειμαζομένης ἄρχων καταδωροδοκεῖται,
> ἢ προδίδωσιν φρούριον ἢ ναῦς, ἢ τἀπόρρητ' ἀποπέμπει
> ἐξ Αἰγίνης Θωρυκίων ὢν εἰκοστολόγος κακοδαίμων,
> ἀσκώματα καὶ λίνα καὶ πίτταν διαπέμπων εἰς Ἐπίδαυρον,
> ἢ χρήματα ταῖς τῶν ἀντιπάλων ναυσὶν παρέχειν τινὰ πείθει…
>
> … whoever takes bribes when guiding the state through the midst of a storm, or betrays our forts or our ships, smuggles contraband from Aegina, as Thorycion did, that wretched collector of taxes sending pads and sails and pitch to Epidaurus, or persuades anyone to send supplies to the enemies' ships…[5]

But this not an isolated *cliché* in the play[6]. By taking the example of the legal manumission granted to the Plataean allies as a consequence of once helping the Athenians during the sea battle of Arginusae (τοὺς μὲν ναυμαχήσαντας μίαν, v. 693), the chorus of the play issues a proposal, drafted in legislative terms, in order to turn all those who had ever fought in their favor at sea (ὅστις ἂν ξυνναυμαχῇ, v. 702) into their kinsmen and full-fledged citizens. To the audience, the transformation of slaves into masters must have been shocking, especially in times of stormy politics, as it is implied: "especially since, as far as the city is concerned, we're in the grasp of the waves" (τὴν πόλιν καὶ ταῦτ' ἔχοντες κυμάτων ἐν ἀγκάλαις, v. 704)[7].

[4] The scholiast here adds that poets always made a comparison between the city and a vessel (*Sch. ad V.* 29).

[5] The Greek text corresponds to the edition of Dover 1993. The translation comes from Dillon 1995.

[6] Taillardat 1962, 381.

[7] We have discussed this "metamorphosis" of slaves into masters in Buis 2008.

If, as these passages seem to suggest, the sea is constantly related to the exercice of interstate politics and to the ups-and-down of contemporary discussions in the core of an Athenian democracy shaken by war[8], a close focus on specific comedies might be useful to provide us with further food for thought. If external politics and armed conflict are perceived in democratic times as a turmoil or upheavals which are similar to trouble caused by a storm – coming from the outside and unexpectedly affecting the way of living –, then a pilot is needed to guide the *polis* through difficult waves into calmer and more peaceful times[9]. As I intend to show, the figure of a manly leader-*kybernetes,* described as a captain who has the ability to save the city and row in dangerous circumstances, is often constructed (and de-constructed) in comedy as opposed to the effeminate demagogue, who causes distress like stormy conditions at sea.

The general purpose of this paper is to focus on the importance of the political and legal allusions related to sea expansion and naval imperialism in *Birds*. Considering the frequent references in comic drama to the contemporary Peloponnesian War and the discussions on imperialism in the context of the Delian League, the aim of the ideas presented here is to discuss the nature of some legal passages in Aristophanes mainly dealing with imperial magistrates (such as *episkopoi* and *kleteres nesiotikoi*) and the situation of foreigners facing Athenian jurisdiction. To deal with the use of maritime references in the context of a political play, it is suggested here that the imperial resort to law and the consolidation of *autodikia* are better understood if read under a comparison to the institutional exercice of manliness. Comedy shows that the ideology of active masculinity can serve as an efficient framework to understand the power underlying foreign control and supremacy. By concentrating on some concrete passages in *Birds*, the final purpose is to show the metaphorical appeal to Athenian political expansion throughout the Aegean Sea as an act of *kyrieia.* This literary device, as I will intend to demonstrate, may have constituted for the genre a productive literary technique to reflect on the importance of ensuring a naval expansion[10].

[8] On Athenian imperialism and sea, cfr. Corvisier 2008, 133-138.

[9] When explaining the metaphor of the state as a ship, Pelling 2000, 16, clarifies: «A ship is tossed by storms, which come from outside; passengers on board are often afraid, often a cumbrance; it requires a captain or a helmsman to guide them to safety, though a captain is no good without a crew». Silk 1974, 123, notes that the political word *stasis*, which refers to internal strife and faction, also points to the direction of the winds. On the widespread image of steering (*kybernan*) to the political exercise of male authority, see Brock 2013, 56. Naval imagery seems to be more extended then than what we could think.

[10] This is particulary interesting in the context of late fifth-century Athens, whose imperial power mainly lay in its fleet. On the complex convergence between the democracy as an internal regime and thalassocracy as a strategic model for foreign affairs, see Ceccarelli 1993. According to Momigliano 1944, 7, since the question of imperialism was largely one of food, «sea-power gave food and made full democracy possible». Similarly, Galpin 1983-84, 100, explains that «the

1. Peisetaerus' Kratos*: Sexual Power and Maritime Superiority*

Aristophanes' *Birds* was first performed in 414 B.C. during the Great Dionysia. If Old Comedy as a genre always finds a way to address the current debates in society, *Birds* is not to be taken as an exception. The Sicilian Expedition, promoted enthusiastically by Alcibiades and opposed by Nicias – perhaps Athens' most experienced General at the time –, had set out the year before with the hope of achieving success in one of the most daring moments of the war against Sparta. Despite this evident historical background, scholars have not been able to agree on how to interpret the play: balancing their opinions between the key centrality of allegorical representations of political issues[11], on the one hand, and an extreme rejection of all serious content in what is to be nothing but a utopian-like fantasy[12], on the other hand, discussions among specialists have been endless[13].

How deep was the political impact of *Birds* and how much of its content is related to recent maritime events in Sicily? I have considered already that, from a legal perspective – traditionally left aside in the numerous studies of the comedy[14] – a recurrent appeal to the complexities of the Athenian law applicable to citizens and allies must be acknowledged when reading the comedy from its very beginning[15]. As a citizen who intends to run away from the *polis* because of its excessive *polypragmosyne* (vv. 39-45), Peisetaerus cannot get rid of the cultural influence of his condition as an Athenian: this will become extremely useful when – as if he were a true specialist in the arts of sophistry – he dares to address the birds first, and the gods later on, and rhetorically convince them of the need to be given the ancestral power represented by Zeus' daughter, Basileia.

With a wise manipulation of Athenian law, Peisetaerus' transformation

'radical' democracy of Athens during the fifth century B.C. required imperialism for both ideological fulfilment and the establishment of certain characteristic institutions».

[11] The allusions in the play to the Athenian expedition to Sicily in the summer of 415 were identified by van Looy 1978; Katz 1976; Konstan 1990, 186-88; Kliachko 1956 and Vickers 1989, 1995, 1997. Dunbar 1995, 3, finds two indirect – and yet clear – references to the event: the line 639 (alluding to Nicias' strong opposition in the Assembly) and lines 145-147 (where Alcibiades' arrest is dealt with). Furthermore, the lines 163-164 might be referring to the plans of Nicias and Lamachus to establish a military camp in Syracuse. In spite of these references, she concludes that «...attempts to find in *Birds* any extensive allegorical comment on the expedition to Sicily are unconvincing».

[12] Mazon 1904; Croiset 1909; Norwood 1931, 241; Murray 1933, 136; Gelzer 1960, 259; Whitman 1964, 169; Dover 1972, 145; *inter alios*.

[13] A revision of these different approaches can be found in MacDowell 1995, 221-228.

[14] With the only exception perhaps of Turato 1971-72, who focuses on the problems of unwritten law in the play.

[15] An interpretation of the play from a juridical perspective is offered in Buis 2013.

throughtout the play is complete: if initially he is considered a cheater, by the end he will become instead the *tyrannos* of all birds (v. 1708). Politically, the play represents how birds and divinities are tricked and subtly forced through mild persuasion and diplomatic rhetoric to accept the cultural superiority of an Athenian ruler. The norms from the *polis*, that Peisetaerus paradoxically wanted to avoid in the first lines of the drama, end up finding a suitable new space among the conquered population[16].

The imperial vocabulary shows that there is a will of domination in Peisetaerus' interventions. The new city in the clouds, Nephelokokkygía, is presented as a female object of desire. Both Peisetaerus and Euelpides have been looking forward to it. Not only the name of the *polis* has to be "something very bombastic" (χαῦνόν τι πάνυ), but when it is finally called "Cloudcuckooville" the term is considered "beautiful" (καλόν, v. 820). The qualification of the city should be compared to the description of Procne –Tereus' wife – who was also called, a few verses before, a "beautiful" birdie (καλὸν τοὐρνίθιον, v. 667), delicate (ἁπαλόν) and white (λευκόν, v. 668). These adjectives, which constitute regular descriptions of pretty women[17], help to imagine the new city, in parallel terms, as an untouched woman about to be manipulated by men. But if Euelpides wants to spread Procne's legs (διαμηρίζοιμ' —ἄν, v. 668) and kiss her (φιλῆσαι, v. 671), Peisetaerus rather sees in her a maiden who might become a source of richness: "And what a lot of gold she's wearing, like a real young miss" (ὅσον δ' ἔχει τὸν χρυσόν, ὥσπερ παρθένος, v. 670)[18].

The feminization of the new city responds to a close similarity between the logics of colonization and erotic conquest. The domination of foreign territory is often compared, in Greek vision, to the male supremacy over female prey[19]. As a husband in control of his wife, Peisetaerus' tyranny is assimilated to family authority: he will become the only ruler of a city that always belonged to him, as shown in the constant appearance of a first person denoting his ownership of the place (vv. 1125, 1246-1250, 1278-1279, 1307)[20].

[16] In sophistic terms, convention seems to defeat nature, which was basically the original environment among the birds; cfr. Pozzi 1986.

[17] Dunbar 1995, 422.

[18] It is surprising that, in spite of her marriage, the comic hero calls her a *parthenos*, a virgin expecting to be married. Since the whole plan set up by Peisetaerus will end with his marriage to Basileia and his succession to Zeus, this reference seems far from hazardous: where others see women to rape, he sees a bride that might improve his future.

[19] «Within the ideology of colonization – of foreign conquest and overseas settlement – the discourse of rape and the institution of marriage provide models for representing the complicated relationships which must be forged between Greeks and native populations upon colonizing foreign territory» (Dougherty 1993, 62).

[20] Sommerstein 2005, 81.

The strengthening of an empire, with the creation of new *poleis*, can always be read in erotic terms[21]. The conquest by sea is perceived as a masculine endeavour, aimed at the consolidation of an unbalanced relationship that places the "other" in a passive role of submission. In Thucydides' Funeral Oration, for instance, Pericles encouraged the *politai* to admire the power of the city and become its lovers (ἐραστὰς γιγνομένους αὐτῆς, II 43, 1)[22]. Athenian politics were expected to be a place for men[23], to the extent that democracy was sustained on the hard rule of the phallus[24]. Citizens were self-contained, independent and equal before the law; as active protagonists, they acted freely without any restriction[25]. Responding to a well-defined ideology of masculinity[26], Athenian *andres* were keen on showing off and considered themselves responsible for expanding their sphere of influence beyond the borders of Attica. Imperialism should be therefore presented as a logical consequence of male ambition and bravery (*andreia*)[27], and the command of the seas, in Thucydides' view, can be explained under those parameters[28]. The expedition to gain control of Sicily is metaphorically defined and interpreted as a representation of sexual passion, since the island has been symbolically described as a feminine object of desire, waiting to be taken by force[29].

[21] «Citizens become lovers of a specific object, the city of Athens, after having perceived that it possesses an exceptionally alluring quality: power. By "power", Pericles is, of course, referring chiefly to Athens´ possession of empire» (Monoson 1994, 259).

[22] The right citizen, according to the same text, was expected to love beauty without extravagance and wisdom without softness (φιλοκαλοῦμέν τε γὰρ μετ' εὐτελείας καὶ φιλοσοφοῦμεν ἄνευ μαλακίας, Thuc. II 40, 1). The noun *malakia* was radically opposed, in Greek imagery, to manly behavior. Cfr. Hunt 2010, 122.

[23] Winkler 1990.

[24] Cfr. Keuls 1985.

[25] «The sovereign assembly of the Athenians did not delegate much of its power to anybody. So, usually it was the citizens as a whole who made decisions and risked effeminacy if they did not assert their rights vis-à-vis other states» (Hunt 2010, 119).

[26] «The typical positive male image in the speeches is that of an adult man (*aner*), a loyal and useful citizen or leader of his *polis* (city-state), free in origin and way of life, willing to rank public interest over personal needs, courageous in war and politics, competitive within approved boundaries, helpful to friends and community, zealous of honor, considerate in use of power, fulfilling familial duties, truthful, hardworking, careful, practical, intelligent, guided by reason, and able to control his appetites» (Roisman 2005, 7).

[27] The typical expression to describe Athenian imperialism was "the cities which Athenians control" (πόλεις ὅσων Ἀθηναῖοι κρατοῦσιν), which clearly shows the lack of balance between the imperial power and the weaker city under its influence; cfr. Low 2005, 95-99.

[28] See Starr 1978. On sea power described as a thalassocracy in Thucydides, see the lexical study in Gardiner 1969.

[29] δυσέρωτας εἶναι τῶν ἀπόντων (Thuc. VI 13, 1); cfr. VI 1, 1. Nicias considered here that old men should not feel soft or effeminate (μαλακὸς) when voting against the military expedition.

2. An Empire Through the Sea: The Prosecution of Allied Islanders in Cloudcuckooville

When achieving his personal goals, Peisetaerus both rejects and upholds the legal aspects of the naval expansion of the Athenians. His activities in Cloudcuckooville resemble the political experience in the Delian League that was taking place with small colonies all around the Aegean[30]. This is something he mentions from the very moment he meets the Hoopoe. When asked about his origin as soon as he arrives in the land of the birds, he immediately replies that he is not related to the naval or legal activities of Athens (vv. 107-110):

Τη] … ἀλλ' εἴπατόν μοι, σφὼ τίν' ἐστόν;
Πε] νώ; βροτώ.
Τη] ποδαπὼ τὸ γένος;
Πε] ὅθεν αἱ τριήρεις αἱ καλαί.
Τη] μῶν ἡλιαστά;
Πε] μἀλλὰ θατέρου τρόπου,
ἀπηλιαστά.

Tereus] —But tell me, who are the two of you?; Peisetaerus] —We? We're humans.; Tereus]: —Where do you come from by birth?; Peisetaerus] —Where the fine warships come from.; Tereus] —You're not jurors, are you?; Peisetaerus] —Oh, no, quite the other way; we're jurorphobiacs[31].

The reference to the vessels as a relevant Athenian landmark is placed next to a logical consequence foreseen by the Hoopoe: coming from the maritime city *par excellence*, he asks if the foreigners are related to the judicial business. Excessive litigiousness is also typical of Athens, as Aristophanes happens to show on a regular basis[32]. As part of a complex political organization, ships and law are unified to consolidate the power of the city. But the protagonist, who had

Wohl 2002, 174 explains that the vocabulary of hardness/softness permeates in the passage the whole discussion on Athenian imperialism and its rejection.

[30] On Greek expansion by sea and its centrality to Athenian thought, cfr. Lesky 1973. On Athens as a particular sort of "imperial democracy" trying to make use of a variety of mechanisms – including the control of the sea – to consolidate its hegemonic role, cfr. Ferguson 1963, 38-78, and McGregor 1987.

[31] The Greek text of *Birds*, as well as its translation, corresponds to the edition by Sommerstein 1987.

[32] On the proliferation of legal business in Old Comedy, cfr. Buis 2014, 332-333.

fled Athens because of that *polypragmosyne*, immediately denies any legal activity as his own: even if he mentioned the famous triremes (αἱ τριήρεις), he emphatically claims to be ἀπηλιαστά.

A similar rejection of the judicial aspects related to the triremes is found when both Peisetaerus and Euelpides try to get information from the Hoopoe on where to establish the perfect city to live in. When the Hoopoe thinks of settling down near the sea, a comment is suddenly made on the possibility of being chased by Athenian legal officers if found on a seaside location (vv. 144-147):

Τη] ἀτὰρ ἔστι γ' ὁποίαν λέγετον εὐδαίμων πόλις
παρὰ τὴν ἐρυθρὰν θάλατταν.
Πε] οἴμοι μηδαμῶς
ἡμῖν παρὰ τὴν θάλατταν, ἵν' ἀνακύψεται
κλητῆρ' ἄγουσ' ἕωθεν ἡ Σαλαμινία.

Tereus] —Well, there's a happy city of the sort you're talking about, beside the Red Sea.; Peisetaerus]: —Help! Nowhere beside the sea for us, on any account –where the *Salaminia* can pop up one morning with a summons-server on board!

If the possibility of expansion is defined, in political terms, as an activity performed by men, it is interesting to note here that Peisetaerus' fear of being chased implies the possibility of becoming a passive victim of Athenian officers. Rejecting a city beside the sea can be understood then as a repeal of open spaces that can be easily affected and penetrated. If cities on the shore have an "open" geography, they are lands that can potentially become ravaged[33]. The physical exploitation of virgin territories is a key aspect to comprehend a feminist reading of international relations: the state is somehow perceived as a heterosexual male body with no points of entry, whereas weaker colonies or dependent zones are effeminated constructions which are subject to the will of the powerful and autonomous nations[34].

The specific mention of the *Salaminia* in the passage – one of the most important Athenian sacred ships, together with the Paralus – not only introduces a religious dimension (these galleys had special ritual functions such as serving in sacred processions, embassies or racing during festivals) but basically a political

[33] It was a common practice for sailors to pillage around the coast of enemy locations. Aristophanes shows in *Frogs* how these sailors could "go ashore and nick someone's clothes" (κἀκβάς τινα λωποδυτῆσαι, v. 1075); cfr. also *Wasps* 236-237, 354-356 and *Peace* 625-628. See Potts 2008, 23.

[34] Charlesworth - Chinkin 2000, 129.

and legal one. As the audience knew well, the Salaminia served as a messenger ship for the Athenian government[35]. Among the various tasks performed for the government, it was sent to Sicily to fetch Alcibiades back to Athens for trial, following his accusation of atheism after the profanation of the Hermae. The historical link to the comic allusion is well illustrated by Thucydides when he points out in VI 53, 1-2:

> καὶ καταλαμβάνουσι τὴν Σαλαμινίαν ναῦν ἐκ τῶν Ἀθηνῶν ἥκουσαν ἐπί τε Ἀλκιβιάδην ὡς κελεύσοντας ἀποπλεῖν ἐς ἀπολογίαν ὧν ἡ πόλις ἐνεκάλει, καὶ ἐπ᾽ ἄλλους τινὰς τῶν στρατιωτῶν τῶν μετ᾽ αὐτοῦ μεμηνυμένων περὶ τῶν μυστηρίων ὡς ἀσεβούντων, τῶν δὲ καὶ περὶ τῶν Ἑρμῶν.
>
> There they found the Salaminia come from Athens for Alcibiades, with orders for him to sail home to answer the charges which the state brought against him, and for certain others of the soldiers who with him were accused of sacrilege in the matter of the mysteries and of the Hermae[36].

The similarities between the two passages are striking and can be reinforced if the sexual dimension is introduced. Fetching Alcibiades, as an action decided by the empowered Athenian citizens, is also a masculine display of authority. This reading can be complemented by the frequent allusions to Alcibiades as an effeminated young man, as declared by Plutarch (*Alc*. 16, 1):

> ἐν δὲ τοιούτοις πολιτεύμασι καὶ λόγοις καὶ φρονήματι καὶ δεινότητι πολλὴν αὖ πάλιν τὴν τρυφὴν τῆς διαίτης καὶ περὶ πότους καὶ ἔρωτας ὑβρίσματα, καὶ θηλύτητας ἐσθήτων ἁλουργῶν ἑλκομένων δι᾽ ἀγορᾶς, καὶ πολυτέλειαν ὑπερήφανον, ἐκτομάς τε καταστρωμάτων ἐν ταῖς τριήρεσιν, ὅπως μαλακώτερον ἐγκαθεύδοι, κειρίαις, ἀλλὰ μὴ σανίσι, τῶν στρωμάτων ἐπιβαλλομένων...
>
> But all this statecraft and eloquence and lofty purpose and cleverness was attended with great luxuriousness of life, with wanton drunkenness and lewdness, with effeminacy in dress,—he would trail long purple robes through the market place,—and with prodigal expenditures. He would have the decks of his triremes cut away that he might sleep more softly, his bedding being slung

[35] Jordan 1975, 173, who emphasizes that the Salaminia was consistently used during the 5th and 4th centuries B.C. On the primary evidence for both the Paralus and the Salaminia as sacred vessels used to perform special missions, different to other contemporary "state" triremes, see Potts 2008, 95-104.

[36] The Greek text belongs to the edition by Jones - Powell 1942. The translation belongs to Crawley 1910.

on cords rather than spread on the hard planks[37].

Passivity, opulence and sexual depravation were typical characteristics associated to Alcibiades, who was frequently referred to in comedy as a prostitute and degenate[38]. The passage in Plutarch, however, can also shed light on an attitude that has political connotations: having been condemned for the mutilation of one of Athens' most remarkable religious symbols (the *Hermai*), the reference to the *mutilation* of the decks of triremes (ἐκτομάς) to be able to sleep "more softly" (μαλακώτερον) can be read as a female act of rebellion against the male power of the city.

The male power endorsed by the triremes, as a sacred, political and legal institution representing the organs of the Athenian *demos*, needs, however, to be studied vis-à-vis other verses in *Birds*. In fact, Peisetaerus will also refer to the vessels, with a hesitating point of view, once the big walls are built around the new city. It is then that Iris, the Olympian messenger, is sent down to enter Cloudcuckooville's gates with some news from the gods. In a highly comic interaction, Peisetaerus stops her and asks for her immigration papers, fearing her in fact to be nothing but an Athenian trireme coming after him. His reaction does not take long (vv. 1203-1209):

Πε] ὄνομα δέ σοι τί ἐστι; Πάραλος ἢ Σαλαμινία;
Ιρ] Ἶρις ταχεῖα.
Πε] <πότερα> πλοῖον ἢ κύων;
Ιρ] τί δὲ τοῦτο;
Πε] ταυτηνί τις οὐ ξυλλήψεται
ἀναπτόμενος τρίορχος;
Ιρ] ἐμὲ ξυλλήψεται;
τί ποτ' ἐστὶ τουτὶ τὸ κακόν;
Πε] οἰμώξει μακρά.
Ιρ] ἄτοπόν γε τουτὶ πρᾶγμα.
Πε] κατὰ ποίας πύλας
εἰσῆλθες ἐς τὸ τεῖχος, ὦ μιαρωτάτη;

[37] The text and its translation were taken from Perrin 1916.

[38] Cfr. Aristoph. *Ach*. 716; Eup. fr. 385 K-A. On Alcibiades as *euryproktos*, see Wohl 2002, 134. We know that the playwright Eupolis, for instance, depicted an effeminate Alcibiades dancing with his friends (*Baptae* test. ii, 331-32 K-A). It is said that the politician took revenge for this and threw the poet overboard when they were sailing to Sicily (*Baptae* test. iii, 332). In an epigram related to the story, it seems that whereas Eupolis "drowned" Alcibiades in his play, he was afterwards "drowned" by his *komodoumenos* in the sea. Cfr. Robertson 2009, 58. The narration is useful here for its maritime implications.

> Peisetaerus]: — And what's your name, *Paralus* or *Salaminia*?; Iris]: —Iris the fast.; Peisetaerus]: —Do you mean a fast boat, or a fast bitch?; Iris]: — What is this?; Peisetaerus]: —Won't a buzzard fly up and arrest this person?; Iris]: —Arrest *me*? What on earth is this awful nonsense?; Peisetaerus]: — You are really going to howl!; Iris]: —This is an extraordinary business!; Peisetaerus]: —By what gate did you enter the fortress, you utter villain?

The fact that the goddess is not able to understand the reference to the galleys clearly shows how the immortals are not familiar with the political institutions used by the Athenians to get control of the seas. But at the same time, the masculine force of the comic hero turns the vessels into female (though still divine) creatures that can enhance his own virility[39]. It is true that the vessel could enter through the walls of Cloudcuckooville, but taking Iris as a fast ship Peisetaerus turns the image of the trireme into a woman that can be easily molested. Not only is she asked whether she had a pass (vv. 1214-1215); she is also threatened with rape: "And if *you* annoy me at all, then I'll take on the servant first — raise up her legs and screw her, yes, Iris herself..." (σὺ δ' εἴ με λυπήσεις τι, τῆς διακόνου / πρώτης ἀνατείνας τὼ σκέλει διαμηριῶ / τὴν Ἶριν αὐτήν..., vv. 1253-1255)[40]. The feminization of vessels is not an original feature here: the triremes were already called "beautiful" when Peisetaerus introduced himself (αἱ τριήρεις αἱ καλαί, v. 108) and other plays seems to have replicated this very same idea[41].

Unlike Iris, another newcomer will appear on the stage in order to ask for wings with a political goal and a very litigious purpose. He is a sycophant – one of Aristophanes' favorite target figures[42] – and his intention is to be granted the possibility of better serving as a public officer to fetch outsiders across the colonies and allied states and take them back to be tried under Athenian jurisdiction. Just as it happens with all other Athenian characters in the play, the sycophant appears to be highly skilled in Athenian discourse on foreign policy[43]. When he

[39] It should be remembered here that, not unlike modern English, in Greek ships were often thought to be feminine in gender.

[40] On this scene in the play and its importance for Peisetaerus' purposes, cfr. Scharffenberger 1995 and De Cremoux 2009.

[41] A very special passage can be found in *Knights* 1300-1315, where a council of angry personified triremes had been convened to critizice Hyperbolus' decision to launch an expedition against Carthage. As Anderson 2003 was able to demonstrate, vessels here behave (and speak) like comic women.

[42] Sycophants, who were professional litigants who indiscriminately blackmailed for personal gain, give rise to complaints in both oratory and comedy (on this see Harvey 1990, who responds to the unconvincing ideas set up by Osborne 1990).

[43] Once the inspector (*episkopos*) comes as a newcomer, the first thing he asks is where to

clarifies his reason to fly, he also quotes in detail his position within the Athenian administration of justice, but Peisetaerus does not look quite convinced (vv. 1422-1435):

Συ] μὰ Δί', ἀλλὰ κλητήρ εἰμι νησιωτικὸς
καὶ συκοφάντης —
Πι] ὦ μακάριε τῆς τέχνης.
Συ] —καὶ πραγματοδίφης. εἶτα δέομαι πτερὰ λαβὼν
κύκλῳ περισοβεῖν τὰς πόλεις καλούμενος.
Πι] ὑπαὶ πτερύγων τι προσκαλεῖ σοφώτερον;
Συ] μὰ Δί', ἀλλ' ἵν' οἱ λῃσταί τε μὴ λυπῶσί με,
μετὰ τῶν γεράνων τ' ἐκεῖθεν ἀναχωρῶ πάλιν,
ἀνθ' ἕρματος πολλὰς καταπεπωκὼς δίκας.
Πι] τουτὶ γὰρ ἐργάζει σὺ τοὔργον; εἰπέ μοι,
νεανίας ὢν συκοφαντεῖς τοὺς ξένους;
Συκ] τί γὰρ πάθω; σκάπτειν γὰρ οὐκ ἐπίσταμαι.
Πι] ἀλλ' ἔστιν ἕτερα μὰ Δί' ἔργα σώφρονα,
ἀφ' ὧν διαζῆν ἄνδρα χρῆν τοσουτονὶ
ἐκ τοῦ δικαίου μᾶλλον ἢ δικορραφεῖν.

Informer] —No, no; I'm a summons-server to the islanders. And an informer—; Peisetaerus] —Happy you, to have such a profession!; Informer] — and a lawsuit-hunter: and so I want to get wings and then sweep all the way round the allied states, serving summonses. Peisetaerus] —Will you summons them any more skilfully with wings on your shoulders?; Informer] —No, no; it's in order, for one thing, not to be bothered by pirates, and secondly so I can come back again from those parts together with the cranes, having swallowed for ballast a large number of lawsuits; Peisetaerus] —You mean that's the job you do? Tell me –a strong man like you– you denounce foreigners for a living?; Informer] —What am I supposed to do? I never learnt how to dig.; Peisetaerus] —But surely there are other decent occupations, from which a big chap

find the πρόξενοι (v. 1021), who are key representatives for interstate relations. When mistreated by Peisetaerus, he summonses him for outrage on the month of Mounichion (καλοῦμαι Πισθέταιρον ὕβρεως ἐς τὸν Μουνιχιῶνα μῆνα, v. 1046), which according to the scholiast was the time, at the beginning of the sailing season, in which accusations could be presented against foreigners (πρὸς τοὺς ξένους). On the importance of the imperial functions of *episkopoi* and their role in *Birds*, see Balcer 1976, 262-264. Later on in the play, the embassy sent by the gods and composed by Poseidon, Heracles and the Triballus, will also respond to the logics of Athenian diplomacy: they are said to come to Cloudcuckooland as πρέσβεις αὐτοκράτορες (vv. 1577-1578, 1587, 1595).

like you could make a living honestly, rather than cobbling up lawsuits.

The importance of the figure of the κλητήρ νησιωτικὸς (v. 1422) – a seemingly invented term referring to a summons-server who hunts for trials against the islanders[44] – is essential to our political and legal reading of the play, since the same character was also mentioned in v. 147 next to the allusion to the Salaminian galley. The sacred vessel used to travel across the allied islands transporting young officers who were in charge of accusing foreigners (συκοφαντεῖς τοὺς ξένους; v. 1431), arresting them *in situ* and bringing them back to the *polis* to face trial in court[45]. It is clear from these sources that these hatchers of lawsuits, ready to prowl round the cities and drag aliens before justice, represented a consistent way through which Athens imposed its jurisdiction by intending to deny local *autodikia* to allies overseas[46]. The subordination of colonies and small cities across the sea is a necessary counterpart to the imperial desire for supremacy.

Peisetaerus rejects here this Athenian legal activity against allied citizens by expressing that he does not find it appropriate to make a legitimate living out of it, but this position seems to conflict with his own passion for law and judicial autonomy in the newly established Cloudcuckooville. This contradiction, however, is only superficial: the law he rejects is only the one he is not able to handle. We will soon discover that Peisetaerus is not against war (in fact, he soon convinces the father-beater, another visitor to the city, to participate in the army, make a living out of it and abort his attemps to kill his ancestor, vv. 1363-1369)[47] but he does undermine any action allowing the Athenian power to affect his new authority among the birds of Cloudcuckooville.

After all intruders are expelled, it is Peisetaerus' turn to consolidate his own

[44] Zanetto 1987, 294.

[45] An interesting but isolated fragment of Aristophanes's first comedy, *Daitales* (*Banqueters*), presented in 427 B.C. provides an interesting example of the judicial role of the maritime magistrates to conduct a legal procedure against foreigners: ἐθέλω βάψας πρὸς ναυτοδίκας ξένον ἐξαίφνης (fr. 237 K-A). Cfr. also the charge for treason implicit in *Wasps* 288-289 (Bonner 1933, 176). According to Balcer, 1978, 125, «the process of transfer of allied cases to Athens and their trials were not only common but were conducted according to the articles of Athenian imperial judicial procedures». He suggests the existence of an «Athenian Judicial Decree», according to which all charges brought in allied cities (with the possible exception of Lesbos, Samos and Chios) were immediately taken to Athenian tribunals. This implied a progressive loss of sovereignty in favour of Athenian interests.

[46] In this context, *autodikia* refers to the right a *polis* has to conduct trials under its own jurisdiction. On the concept and its relationship to other vocabulary related to independence and sovereignty, cfr. Ténékidès 1954, 9. It is obvious that *autodikia* is embedded in the masculine value of autonomy and the power-backed monopoly of imposing justice.

[47] Cfr. Westlake 1954.

hegemony, in a manly manner, and to finally deprive the "allied" birds (almost feminized as well) of *their* natural self-determination. Athenians manage to control the weaker. Nature falls before civilization, in the same way women are subordinated to men. Far from being an isolated example, Old Comedy has provided us with a similar metaphorical strategy in another play – Eupolis' *Poleis* –, where allies cities were presented as female characters composing the chorus who probably got married at the end of the play (and thus become subordinated) to actors representing Athenian citizens[48].

We can imagine the public leaving the theatre of Dionysus with some serious thoughts about the dangers of someone manoeuvering Athenian principles and rules on citizenship and foreign status, as well as a deep knowledge of maritime politics, to create a new community under his own control. But for the audience Peisetaerus is no longer like Alcibiades, because he has just learnt the historical lesson: he is smart and, well aware of the need to act bravely in order to fortify his authority, does not want to endorse any "external" judicial function of the sacred triremes which might put his own new self-governing empire at stake. He behaves like a trained diplomat, but most importantly like a judicious man decided to exclude external intervention by transforming triremes such as the *Paralus* or the *Salaminia* into women who need to be restrained and subordinated.

Conclusion: The Oars of Power, or How to Control the Vessels

By the end of the play, Peisetaerus (not surprisingly named as "he who persuades his companions")[49] has turned out to be an outstanding master of rhetoric, who smoothly manages to use his λόγος to convince birds, gods and mortals alike about his own ruling primacy. By doing so, he is capable of adjusting Attic law to each situation, both bringing and pushing back – at the same time – his personal experience as a former citizen of the *polis*. In that sense, throughout the play he gets in contact with different characters representing the political, economical and legal spheres underlying the Athenian society, aspects which the public was very much in touch with every day.

When the two Athenians first arrived in the utopian landscape of birds, nature and civilization seemed to stand apart and, nevertheless, interesting paralellisms could be set in the text as soon as fig-trees (*kradoi*) and private suits

[48] Storey 2003, 228-230. Rosen 1997 has studied the text and interpreted the personification of cities as a poetic mechanism in which political control and marriage are assimilated. I have dealt with Eupolis' *Poleis* from a feminist perspective of international law in Buis 2012, 200-208.

[49] According to Marzullo 1970, 182, «solo Πεισέταιρος sembra dunque poter esprimere il πεῖσαι τὸν ἕταιρον, riconosciuta abilità del protagonista».

(*dikai*) were put together (vv. 39-41):

> οἱ μὲν γὰρ οὖν τέττιγες ἕνα μῆν' ἢ δύο
> ἐπὶ τῶν κραδῶν ᾄδουσ', Ἀθηναῖοι δ' ἀεὶ
> ἐπὶ τῶν δικῶν ᾄδουσι πάντα τὸν βίον.
>
> That's the thing: the cicadas chirp on the branches for a month or two, the Athenians chirp away at lawsuits continually all their lives long.

But, thanks to Peisetaerus, neither does law end up being an exclusive human domain nor peace rests among the birds. Interestingly enough, a short passage in another comedy, *Peace,* happens to show how the use of triremes becomes an artificial method of policy-enforcing that can affect and destroy the wonders of the natural world (vv. 626-627): "... for, in revenge, your galleys went out (...) to devour their fig-trees" (αἱ γὰρ ἐνθένδ' αὖ τριήρεις ἀντιτιμωρούμεναι / (…) τὰς κράδας κατήσθιον).

If the Athenians – being the birds' enemies by nature as they have always been – can become their friends by convention, as the Hoopoe outlines ("But suppose that they're enemies by birth and yet friendly by intention?", εἰ δὲ τὴν φύσιν μὲν ἐχθροὶ τὸν δὲ νοῦν εἰσιν φίλοι, v. 371), something can be learnt from them ("Suppose they've come here to give you some valuable instruction?", διδάξοντές τι δεῦρ' ἥκουσιν ὑμᾶς χρήσιμον, v. 372). But, what is the content of the lesson? From enemies, we are told, one learns to build walls and long vessels in order to protect children, slaves and wealth (vv. 378-380):

> αὐτίχ' αἱ πόλεις παρ' ἀνδρῶν γ' ἔμαθον ἐχθρῶν κοὐ φίλων
> ἐκπονεῖν θ' ὑψηλὰ τείχη ναῦς τε κεκτῆσθαι μακράς·
> τὸ δὲ μάθημα τοῦτο σῴζει παῖδας οἶκον χρήματα.
>
> For example, it was from foemen, and not from friends, that human communities learned to construct high walls and acquire long ships; and that knowledge keeps children, home and property safe.

It is precisely by means of the war vessels – and the oarsmen who rowed in them, considered to be the saviors of the city[50] – that Athenians are expected in 414 B.C. to triumph against the Spartans. The confirmation of sea control is, therefore, the ideal manifestation of an imperial masculinity, which is capable to act offensively and at the same time to protect the local community from attacks by outsiders.

[50] That's precisely how Aristophanes defines them in *Acharnians* 162-163.

Comedy has something to say about this dual function of naval strategy in times of armed conflict[51]. Athenians have already learnt about the importance of consolidating their sea sovereignty and depriving the allied states of their traditional *autodikia*. In *Birds* Peisetaerus himself also knows very well the importance of maritime imperial ideology when he interacts with the other characters arriving to Cloudcuckooville. Through some recurring waves that alternate acceptance and rejection of the Athenian institutional mechanisms, Peisetaerus comically addresses a common concern of the new city by endorsing the male imagery of self-sufficiency, authority, independence and lack of subordination. And Cloudcuckooville stands as a new Athens right until the final transformation of the comic hero into the husband of Basileia – the *kyrios* of a new household – and the father of all gods. Peisetaerus' roles as an *Athenaios aner* are then all fulfilled[52].

The protagonist deals with the (male!) spectators' most urgent anxieties on their own imperial legal system, the administration of allied states and the need for a geographical and strategic expansion. But we are far from the effeminate Alcibiades who was chased by imperial magistrates in order to be transferred and submitted to justice. Both as a *tyrannos* and a *kyrios*, Peisetaerus' strategic control of hegemonic foreign politics and the imposition of his own personal jurisdiction in a sovereign Cloudcuckooville should be admired[53]. At the end of the day, rowing against the enemies is a masculine achievement that Athenian citizens should reproduce, out of the stage, if the war is to be won[54].

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[51] «Pericles began the war, Cleon prolonged it, and Nicias brought it to an end. But Aristophanes had the last word» (Hale 2009, 184).

[52] «Courage, however, is only one way for a Greek male to perform masculinity. *Andreia* does not exhaust the concept. To be a man also implies being the head of a household» (Rubarth 2014, 27, whose main thesis is that manliness in ancient Greece cannot be thought of as a monolithic conception or one-sided model).

[53] Maybe the only problem here is, as expected of a comic hero, that his actions do not necessarily help the city (as one could have expected at the beginning) and are only addressed to his own personal gain. It is not Athens that vainquishes, but himself.

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Abstract

Old Comedy, as a genre pervaded by politics, frequently shows that Athenians were aware of the importance of consolidating their sea sovereignty and depriving the allied states of their traditional *autodikia* in order to impose their own power. This paper will deal with Aristophanes' *Birds* (414 B.C.), a play in which the protagonist Peisetaerus knows very well the importance of maritime imperial ideology when he interacts with the other characters arriving to his newly-founded city. Through some recurring waves that alternate acceptance and rejection of the Athenian institutional mechanisms, Peisetaerus comically addresses a common concern of the new *polis* by endorsing the male imagery of self-sufficiency, authority, independence and lack of subordination.