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Law and Sacrifice in Aristophanes' Birds

Jurisprudence is a prominent theme in *Birds* with such technical details that Ruschenbusch could supplement his inventory of Solonian law from Aristophanes' text. Associated with the legal moments of the comedy is the ritual of sacrifice, which motivates the plot and frames its most important events. The relationship between these two cultural systems is hardly incidental, as Derrida recognized in his seminal essay, "Force of Law," which connects carnivorous sacrifice with the authority to make law. This paper explores how Aristophanes' *Birds* affirms a contiguity between law and sacrifice to establish Peisetaerus as the sole juridical power in *Nephelococcygia*.

A new polis that intercepts sacrifices to the gods while putatively "restoring" them to birds provides refuge to Peisetaerus and Euelpides from legal action. The city comes into being during an extended scene of interrupted sacrifice, as Peisetaerus not only asserts the legal character of the new regime, but also his own sovereignty within it. Yet the birds reveal a problematic relationship to both law and sacrifice. In the first parabasis they issue invitations formally resembling but provocatively contradicting Athenian legal formulae. In the second parabasis, after the sacrificial inauguration of the new polis, they seem to have developed enough political cohesion to issue decrees against bird catchers that imitate Athenian assembly protocols. Yet the birds' jurisdiction is only notional: the comedy ends with the supremacy of Peisetaerus, who reaffirms a hierarchy setting mortals above birds in the food chain. Peisetaerus demonstrates his unique authority by roasting dissident birds as he cites Solonian law in Heracles' inheritance dispute. The barbeque is a politicized act of force legitimated in the alleged interests of an avian democracy. While the act is not exactly a sacrifice – poultry and fowl are not suitable for this purpose– the presence of Poseidon and Heracles suggests an ancillary offering, the *theoxenia*, a banquet offered to gods at sacrifices.

The feast resolves the problematic relationship between birds and human culture. As the text repeatedly emphasizes (despite Peisetaerus' deceptive ploy), birds can disrupt sacrifice in various ways. By offering them sacrificial perquisites Peisetaerus maneuvers his position in the pecking order, takes over the ritual of

sacrifice, and ultimately overturns the birds' injunction against bird-catchers (for that is exactly what he turns out to be) to establish his omnipotent and unique jurisdiction.