## New York versus Tragedy and Oedipus. The legacy of Sophocles and the Sophists in Woody Allen's \*Crimes and Misdemeanors1\*\*

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To Manuel López Priego

On the occasion of the XXVth centenary of Sophocles' birth, we have gathered in Cordoba in order to reflect on "Sophocles Today: Twenty-Five Centuries of Tragedy". Therefore, I do not need to use any traditional *captatio benevolentiae* to dive into the realm of the Classical Tradition and, from its point of view, to analyze Woody Allen's contemporary reflections as shown in one of his deepest screenplays, *Crimes and Misdemeanors*<sup>3</sup>. As professionals who are in love with the Classical Legacy, we very much regret the lack of interest, even rejection, that our studies often arouse in our fellow citizens, but, on the other hand, there are also many means, such as cinema, to convince them that Greek and Latin Classics continue to talk to us and invite us to reflect on world themes, as much theirs as ours, which have seemingly no part in the passing of time.

Woody Allen and comedy is already an inevitable association<sup>4</sup>, but, at the same time, it should be recognized that his incursions into the realm of tragedy are audacious. After all, human beings have always doubted whether their lives make any sense, or whether there is justice, or whether the law does condemn criminals. To sum up, life often seems to be more a chaos than a real structure with real moral meaning. However, is this really a usual doubt or, in a world which is full of anguish and anxiety, is inhibition what finally prevails in a general search for self-protection? Lester, the successful TV producer of *Crimes and Misdemeanors* seems to make the second option:

'I love New York... And what makes New York such a funny place is that there's so much tension and pain and misery and craziness here. And that's the first part of the comedy. But you gotta get some distance from it. The thing to remember about comedy is: if it bends, it's funny. If it breaks, it's not funny. So you gotta get back from the pain... They asked me at Harvard... "What's comedy?"... I said "Comedy is tragedy plus time". The night Lincoln was shot, you couldn't make a joke about it. You just couldn't. Now, time has gone by, and now it's fair game. See what I mean? It's tragedy plus time... It's very simple... of Oedipus. Oedipus is funny. That's the structure of funny, right there. "Who did this terrible thing?". "Oh, God, it was me". That's funny... Look at those people out there!... These people are lookin' for something funny in their lives'.

<sup>&</sup>lt;sup>1</sup> Allen, W. *Crimes and Misdemeanors*, 1989. Screenplay and direction by Woody Allen. MGM, DVD. All quotations will correspond to this edition. This contribution was read in Córdoba (Andalusia, Spain) on the occasion of the congress "Sófocles hoy, XXV siglos de Tragedia" (Sophocles Today: XXV Centuries of Tragedy), March 2003, and it was published in *Sófocles hoy. Veinticinco siglos de tragedia*. Córdoba: Ediciones El Almendro, 2006, 183-198.

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<sup>&</sup>lt;sup>3</sup>See e. g.: Lee, S. H., 1997; Downing, C., 1997; Blake, R. A., 1995; Roche, M., 1995; Vipond, D. L., 1991 and Liggera, 1990.

<sup>&</sup>lt;sup>4</sup>See e. g.: Wernblad, A., 1992; Yacovar, M., 1991; Green, D., 1991; Bermel, A., 1982 and Lax, E., 1975.

As we can see, two literary genres which were created and took shape in Antiquity continue to be for Woody Allen a useful reference both to define and to report the ethical temper -or rather, its lack- in Western society. Aristotle explains to us in his Poetics: "Tragedy is, then, a representation of an action that is heroic and complete and of certain magnitude... it represents men in action and does not use narrative, and through pity and fear it effects relief to these and similar emotions" (ἔστιν οὖν τραγωδία μίμησις πράξεως σπουδαίας καὶ τελείας μέγεθος έχούσης... δρώντων καὶ οὐ δι' ἀπαγγελίας, δι' ἐλέου καὶ φόβου περαίνουσα τὴν τῶν τοιούτων παθημάτων κάθαρσιν)<sup>5</sup>. Consequently, it is necessary not to avoid tragedy but, on the contrary, to go to the theatre and contemplate (theâsthai) and share in Oedipus' destiny, the tragic hero par excellence, being himself the emblem of the determined assumption of personal responsibilities, and being as well a lover of pain as the sole way to attain purification. The audience does feel compassion and pain when men and women see the magnitude of the personal tragedy of Jocasta's husband and son, and they also tremble with fright when they think that in the life to come they themselves might experience something similar, but neither does Oedipus pretend not to hear his tragic duty, nor does the audience escape frightened to another theatre which specializes in the performance of comedies.

Woody Allen knows very well that classic Hollywood screenplays<sup>6</sup> –or his own<sup>7</sup>- are much indebted to Aristotelian precepts, and he knows as well that Lester's words will be heard by an audience that is aware of the rules of tragedy and, as a consequence, is capable of a strong reaction against the audacities of some anti-heroes such as Lester. Indeed, tragedy is an essential part of human life and, therefore, human beings must react against those who do want to corrupt it, such as a frivolous TV producer, a city full of tension, pain, misery and craziness -that is to say, New York-, or the whole of Western Society<sup>8</sup>. And Lester is not only in favour of keeping tragedy at a distance to the extent of welcoming its antidote, comedy, but he also embraces the intellectual perversion of believing that pain itself is a part of the latter. Funny pain? Funny tension, misery and craziness? Sophocles knew that it is not true; Oedipus' experience is a definitive proof against such an illusion, and Tragedy, as if it were a watchful god, should punish those who dare to diminish its tragic essence. But it is not necessary to appeal to any High Power; it is enough if we are not insensitive to the sometimes tragic palpitation of the city. One year and several months have already passed since the tragedy in New York on the eleventh of September 2001 and, obviously, no one involved in it could joke about such a tragic event. We may even suppose -and certainly it deals only with a hypothesis- that a serious examination of conscience could arouse the doubt whether Western society is in some degree responsible for such an intense hate. Could this contemporary Oedipus ever say to his fellow citizens: 'Who did this terrible thing? Oh, God, it was me. That's funny'. It is certainly inconceivable and on this occasion, furthermore, the sum tragedy plus one year and several months does not seem to enable them to adopt comedy but quite the reverse.

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<sup>&</sup>lt;sup>5</sup> VI 23-26 -translated by W. Hamilton Fyfe, Loeb Classical Library. London: William Heinemann Ltd.; Cambridge, Massachusetts: Harvard University Press, 1965.

<sup>&</sup>lt;sup>6</sup>See e. g.: Cano, P. L., 1999.

<sup>&</sup>lt;sup>7</sup>See e. g.: López Priego, M., 2000.

<sup>&</sup>lt;sup>8</sup> However, in *Mighty Aphrodite* W. Allen decides in my opinion to avoid a serious tragic conflict using the traditional *deus ex machina* –this time, of course, descending from heaven by helicopter- in order to guarantee the happiness of the female protagonist, and he decides as well to present the chorus in the best *that's entertainment* style, singing a hopeful: "When you're smiling, the whole world smiles with you, / keep on smiling. / When you're laughing, the sun keeps shining through, / but when you're crying, you bring on the rain. / So stop your sighing, / be happy again. / Keep on smiling, / cause when you're smiling, the whole world smiles with you".

Notwithstanding, Woody Allen is a great authority on the art of casting doubts on what in fact is beyond question<sup>9</sup>, so that throughout *Crimes and Misdemeanors* he arouses many suspicions about the real power of God, whose eyes do not always see all the crimes and injustices, and about the real power of Tragedy, whose realm probably belongs more to Hollywood, i. e. to the realm of fiction or cinema, than to the real world where day after day many human beings struggle hard to survive. This is the conversation led by Cliff, Lester's brother-in-law, and Judah, a successful ophthalmologist who has paid his brother to have his lover assassinated and has also succeeded in escaping God's sight:

J: 'You look very deep in thought'. C: 'I was plotting'... J: 'Yeah... Movie plot?... I have a great murder story... Except my murder story has a very strange twist. Let's say there's this man who's very successful. He has everything. And after the awful deed is done, he finds that he's plagued by deep-rooted guilt. Little sparks of his religious background, which he'd rejected, are suddenly stirred up. He... hears his father's voice. He... imagines that God is watching his every move. Suddenly it's not an empty universe at all, but a just and moral one, and... he's violated it. Now he's panic-stricken. He's on the verge of a mental collapse, an inch away from confessing the whole thing to the police. And then, one morning, he awakens and the sun is shining and his family is around him and mysteriously the crisis has lifted. He takes his family on a vacation to Europe and as the months pass he finds he's not punished. In fact, he prospers. The killing gets attributed to a drifter who has several other murders to his credit, so, what the hell, one more doesn't even matter. Now he's scot-free. His life is completely back to normal. Back to his protected world of wealth and privilege'. C: 'Yes, but can he ever really go back?'. J: 'Well... People carry sins around with them. Maybe once in a while he has a bad moment, but it passes. And, with time, it all fades'... J: 'Well, I said it was a chilling story, didn't I?'. C: 'I don't know. It'd be tough for somebody to live with that. Very few guys could actually live with that on their conscience'. J: 'People carry awful deeds around them. What do you expect him to do? Turn himself in? I mean, this is reality. In reality, we rationalise, we deny, or we couldn't go on living'. C: 'Here's what I would do. I would have him turn himself in. Cos then, you see, your story assumes tragic proportions, because, in the absence of God, he is forced to assume that responsibility himself. Then you have tragedy'. J: 'But that's fiction. That's movies. You see too many movies. I'm talkin' about reality. I mean, if you want a happy ending, you should go see a Hollywood movie'.

I said before that classic Hollywood screenplays are in much debt to Aristotle and his *Poetics*. Who could imagine, however, that Woody Allen's screenplay, by means of Judah, would dare to put at the same level "tragic end" and "happy ending"? We have just heard Cliff's protest, but the reaction will also come from those who can still believe in some sort of High Power. Here are for instance the opposing arguments of Ben, the rabbi who becomes blind but preserves his faith, and those of Judah, the ophthalmologist who can see perfectly well in spite of being blind concerning faith —couldn't we think *mutatis mutandis* of Teiresias-Oedipus?-, and here also is the immovable faith of Sol, Judah's father:

Ben: 'It's a fundamental difference in the way we view the world. You see it as harsh and empty of values and pitiless, and I couldn't go on living if I didn't feel it with all my heart

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<sup>&</sup>lt;sup>9</sup> With regard to a general analysis of W. Allen's work and the influence of his biography on his creativity, see e. g.: Bailey, P., 2000; Baxter, J., 1998; Fonte, J., 1998; Girlanda, E., 1995; Björkman, S., 1995; Lax, E., 1992 and Spignesi, S. J., 1991.

a moral structure, with real meaning and forgiveness, and some kind of higher power. Otherwise there's no basis to know how to live'.

B: 'Without law it's all darkness'.

Sol: 'The eyes of God see all. Listen to me, Judah. There is absolutely nothing that escapes his sight. He sees the righteous and he sees the wicked. And the righteous will be rewarded, but the wicked will be punished for eternity' 10.

<sup>10</sup> The reference is undoubtedly Jewish, but it is worth mentioning that among Greeks there was also the conviction that human actions are observed by a High Power. Indeed, the Sun, for instance, is a watchtower of gods and human beings, Hymn to Demeter, 62: "They came to Helios, the watcher of gods and men" (Ἡλιὸν δ΄ ἵκοντο θεῶν σκοπὸν ἠδὲ καὶ ἀνδοῶν –edited and translated by Martin West. Homeric Hymns. Loeb Classical Library. Harvard University Press, Cambridge, Massachusetts; London, England, 2003); he sees and hears everything, Il, 3, 277 or Od, 11, 109: "and thou Sun, that beholdest all things and hearest all things" (Ἡλιός  $\theta'$ ,  $\delta \zeta$  πάντ' ἐφορᾶς καὶ πάντ' ἐπακούεις –translated by A. T. Murray. Homer Iliad. Loeb Classical Library. London: William Heinemann Ltd.; Cambridge, Massachusetts: Harvard University Press, 1971); "of Helios, who sees and hears all things" (Ἡλίου, ὅς πάντ' ἐφορᾶ καὶ πάντ' ἐπακύει -translated by A. T. Murray. Homer *Odyssey*. Loeb Classical Library. Harvard University Press, Cambridge, Massachusetts; London, England, 1998). He is a circle which sees everything, A. *Prometheus*, 91: "and I call the all-seeing orb of the sun" (καὶ τὸν πανόπτην κύκλου ήλίου καλῶ -the translation is mine following the edition by Martin West. Aeschyli Tragoediae. Biblioteca Scriptorum Graecorum et Romanorum Teubneriana, 1990). Of course, Zeus' eyes become very soon the protagonists, e. g., Hes. Works, 267: "The eye of Zeu, seeing all and understanding all"  $(\pi \acute{\alpha} \nu \tau \alpha)$ ίδων Διὸς ὀφθαλμὸς καὶ πάντα νοήσας –translated by Hugh G. Evelyn-White. Loeb Classical Library. London: William Heinemann Ltd.; Cambridge, Massachusetts: Harvard University Press, 1954). Zeus knows what will be the end of everything, Solon. Elegy to Muses, 17: "but Zeus surveyeth the end of every matter" (ἀλλὰ Ζεὺς πάντων ἐφορᾶ τέλος –edited and translated by J. M. Edmonds. Lyra Graeca. Loeb Classical Library. London: William Heinemann Ltd.; Cambridge, Massachusetts: Harvard University Press, 1968), as we also read in many Greek tragedies. As far as Philosophy is concerned, on the contrary, human beings must listen to Something Superior that talks to them. Heraclitus says for instance, B 1 DK: "This Logos which always exists, men are unable to understand it not only before hearing it, but even after they have heard it for the first time" (τοὺ δὲ λόγου τοῦδ' ἐόντος ἀεὶ ἀξύνετοι γίνονται ἄνθοωποι καὶ πρόσθεν ἢ ἀκοῦσαι καὶ ἀκούσαντες -the translation is mine following the edition by H. Diels- W.Kranz. Die Fragmente der Vorsokratiker, vol. 1, 6th edn. Berlin: Weidmann, 1951, rpr. Dublin / Zurich, 1966). It is worth remembering as well the Socratic daimónion that warns him what not to do, Plato's Apology 31d: "... something divine and spiritual comes to me... it is a sort of voice that comes to me, and when it comes it always holds me back from what I am thinking of doing, but never urges me forward" (... μοὶ θεῖόν τι καὶ δαιμόνιον γίγνεται... φωνή τις γιγνομένη, ἣ ὅταν γένεηται, ἀεὶ ἀποτρέπει με τοῦτ' ὁ ἂν μέλλω πράττειν, προτρέπει δὲ οὂποτε –translated by H. North Fowler. Loeb Classical Library. London: William Heinemann Ltd.; Cambridge, Massachusetts: Harvard University Press, 1971). At any rate, Greek Thought emphasizes increasingly that human beings should recognize with their intelligence the necessity of a Common Law. Thus, for instance, in Cleanthes' Hymn to Zeus, we read, 1-2; 20-25: "The most glorious of immortals, named in many ways, Zeus, ever almighty... hail!... You brought into harmony what was good and bad, so that there could be a sole reason for everything. Those human beings who reject it are deprayed, unfortunate... they do not perceive the

Arnim. Stoicorum Veterum Fragmenta I, 537, Stuttgart: Teubner, 1968).

common law... nor listen they to it, while, if they obeyed it with their intelligence, they would have a good life" (Κύδιστ' ἀθανάτων, πολυώνυμε, παγκρατὲς αἰεί, / Ζεῦ... / χαῖρε·... / ... / ... ἐἰς ἕν πάντα συνήρμοκας ἐσθλὰ κακοῖσιν, / ὤστ' ἕνα γίγνεσθαι πάντων λόγον αἰὲν ἐόντα, / ὄν φεύγοντες ὧσιν ὅσοι θνητῶν κακοί εἰσι, / δύσμοροι... / οὖτ' ἐσορῶσιν θεοῦ κοινὸν νόμον, οὖτε κλύουσιν, ὧ κεν πειθόμενοι σὺν νῶ βίον ἐσθλὸν ἔχοιεν —the translation is mine following the edition by Hans von

From his point of view, then, and after having verified that both he himself and his crime have remained unpunished, it is certainly not surprising that Judah considers almost childish Cliff's faith in the tragic nature of human life. In his opinion, there are in fact many childish fathers – like his- and many childish adults as well –like Cliff- who still dream of a paradoxical "happy ending" in which evil is finally punished and those who are depraved assume and bear the burden of their guilt until there is a true expiation, as if they were tragic heroes. But, as far as he is concerned, this is only fiction which is seen on a cinema screen or, in other words, a simulacrum of what is true, as false –if I may take advantage of the Platonic image of the caveas the shadows that the famous Platonic prisoners are doomed to contemplate in their dark cave or personal "cinema". The worst thing is, however, that Judah was telling not a false crime story but his own experience and, in addition to this, he knows perfectly well that the moral structure with real meaning in which Ben still believes –in spite of becoming blind- is highly unstable. To sum up: he is now the frivolous Lester's best pupil and is capable of turning the most tragic events into a comedy with the sole help of the passing of time.

What is left, then, for contemporary men and women if, as seen, there are no God's eyes which will discover from heaven their crimes and misdemeanors? What is left, indeed, if Justice is also cheated and if that bandage on her eyes does not seem to symbolize anymore her impartiality but her true blindness, which allows the human world to become a merciless jungle? What is left, finally, if pain and both the personal and tragic assumption of responsibilities have lost for evermore their attractiveness and cathartic power? For Woody Allen, one of the unquestioned stars of comedy –and consequently quite paradoxically-, contemporary men and women still have Tragedy and Oedipus, that is to say, that ethical and literary structure which took its shape thanks, among others, to Sophocles and by which some want still to be ruled amid the present confusion, crisis or endless lack of values.

Nevertheless, Woody Allen's view is not so simple, and neither was the ethical debate in Greece in the fifth century B. C. I open now another section which is always risky but often inevitable with regard to research on the Classical Tradition. And I use the adjective "risky" because, since reading Woody Allen's book *Side Effects* and, above all, one of its short texts, 'My apology'<sup>11</sup>, I am reasonably convinced that a great number of the theories belonging to the Sophistic revolution are in fact the basis of many opinions expressed by the different protagonists of *Crimes and Misdemeanors*. Of course, we are dealing only with a hypothesis, since Woody Allen -or any other creator- is not under the obligation to reveal the source or sources of his inspiration, above all if, as a result, he could be considered a sophist, that is to say, a member of that category damned because of Plato and the enormous influence of his dialogues on Western Culture.

'My apology' is an intelligent and funny parody of Socrates' dignity and "stoic" attitude before death –I apologize for the anachronism. As far as I am concerned, this parody represents a skilful exercise in Sophistic –i. e. Protagorean- "relativity" 12. There is no need to point out that

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<sup>&</sup>lt;sup>11</sup> 1981, pp. 47-57.

<sup>&</sup>lt;sup>12</sup> Here are some instances in my opinion of the "relativisation" –as said before in the shape of parody- of what Socrates has always meant for Western Culture: 'Of all the famous men who ever lived, the one I would most like to have been was Socrates. Not just because he was a great thinker, because I have known to have some reasonably profound insights myself, although mine invariably revolve around a Swedish airline stewardess and some handcuffs. No, the great appeal for me of this wisest of all Greeks was his courage in the face of death. His decision was not to abandon his principles, but rather to give his life to prove a point. I personally am not quite as fearless about dying and will, and after any untoward noise such as a car backfiring, leap directly into the arms of the person I am conversing with' (*Side Effects*. New York: Ballantine Books, p. 47). Allen confesses afterwards that he often thinks of Socrates, falls asleep and dreams what follows: 'I do not regard my executioners as evil... for what is evil but merely good in excess?... Look at it this way. If a man sings a lovely song, it is beautiful. If he keeps

whoever is aware of Socrates' thought is aware of that of the Sophists as well, since in fact the former is not understandable without the latter. At any rate, I will probably be told that in *Crimes* and Misdemeanors, as in many other Woody Allen screenplays 13, the rabbi's authority, the Synagogue, strict religious observance and, to sum up, the "burden" of the education received from parents is once more omnipresent. But, could you ever imagine the daring of questioning the very existence of both God and Divine Justice solely through orthodox Judaism? We can certainly read what follows in *Ecclesiastes*:

"Because sentence against an evil work is not executed speedily, therefore the heart of the sons of men is fully set in them to do evil... There is a vanity which is done upon the earth; that there be just men, unto whom it happeneth according to the work of the wicked; again, there be wicked men, to whom it happeneth according to the work of the righteous" (8. 11, 14). And also: "All things come alike to all: there is one event to the righteous, and to the wicked; to the good and to the clean, and to the unclean; to him that sacrificeth, and to him that sacrificeth not: as is the good, so is the sinner; and he that sweareth, as he that feareth an oath. This is an evil among all things that are done under the sun, that there is one event unto all" (9. 2, 3).

But let us not be naïve. These theoretical audacities stop dead in the conclusion with an energetic "Fear God, and keep his commandments: for this is the whole duty of man. For God shall bring every work into judgement, with every secret thing, whether it be good, or whether it be evil" (12.13, 14) <sup>14</sup>.

From my point of view, then, Woody Allen needs much more than what orthodox Judaism can offer him 15, above all in a screenplay or *lógos* which very often is by no means well disposed towards faith, piety or even hope. There are moments in human beings' lives in which all kinds of convictions and certainties do vanish and they cannot find any secure refuge; or simply: there have been periods in Western History in which everything has been re-examined. Ancient Greeks dared to do it in the fifth century B. C. And, as noticed before when the screenplay dealt with the benefits of a tragic vision of life -Cliff-, the American director is sensitive to the cultural Hellenic legacy. What is, in short, my hypothesis? I will show it presenting a wide range of remarkable parallelisms:

a) Protagoras said: "As to the Gods, I have no means of knowing either that they exist or that they do not exist. For many are the obstacles that impede knowledge, both the obscurity of the question and the shortness of human life" (" $\pi$ ερὶ μὲν τῶν θεῶν οὐκ ἔχω εἰδέναι οἴθ' ὡς εἰσιν, οὔθ' ὡς οὐκ εἰσιν πολλὰ γὰο τὰ κωλύοντα εἰδέναι, ἥ τ' ἀδηλότης καὶ βραχὺς ὤν ὁ

singing, one begins to get a headache' (49)... Agathon: 'I told everyone you would die bravely rather than renounce your principles'... S: '... did the concept of "exile" ever come up?'. A. 'But it was you who proved that death doesn't exist'. S: 'Hey, listen. I've proved a lot of things. That's how I pay my rent'... Simmias: 'And the eternal "forms"? You said each thing always did exist and always will exist'. S: 'I was talking mostly about heavy objects' (52-54), and so on.

<sup>&</sup>lt;sup>13</sup> See e. g.: Kinne, Th. J., 1996 and Stora-Sandor, 1984.

<sup>&</sup>lt;sup>14</sup> The Bible. King James Version.

<sup>&</sup>lt;sup>15</sup> And professor Levy –on whom I shall speak later on- indicates some of its great paradoxes: 'The unique thing that happened to the early Israelites was that they conceived a God that cares. He cares but, at the same time, he also demands that you behave morally. But here comes the paradox. What's one of the first things that that God asks? That God asks Abraham to sacrifice his only son, his beloved son, to him. In other words: in spite of millennia of efforts, we have not succeeded to create a really and entirely loving image of God. This was beyond our capacity to imagine'.

βίος τοῦ ἀνθρώπου")<sup>16</sup>. And Judah, when he imagines as a result of a nervous shock that the rabbi intimidates him with an energetic 'It's a human life. You don't think God sees?', he answers to him: 'God is a luxury I can't afford'. And, even before, when he was making a speech in front of his colleagues, he affirmed: 'I'm a man of science. I've always been a sceptic'. And as a result of a new nervous shock on the part of Judah, his brother reminds him of his own conviction, i. e., it is useless wasting time trying to elucidate questions which are truly complex: "You say it a million times: 'You only go around once' ", Mutatis mutandis, then, Judah thinks like the Greek sophist that human life is too short, and that he shouldn't waste time analysing something in fact as unnecessary as God.

- b) Regarding Diagoras from Melos, named "the atheist" 17, "he is said to have begun as a godfearing dithyrambic poet, who later became convinced of the non-existence of god by the spectacle of successful and unpunished wrongdoing"18. And Judah himself also verifies that his crime is not discovered and that God's eyes seem not to have seen it.
- c) Critias, an atheist as well, explains that human beings promulgated laws in order to guarantee Justice but, "Next, as the laws did hold men back from deeds / Of open violence, but still such deeds / Were done in secret, -then, as I maintain, / Some shrewd man first, a man in counsel wise, / Discovered unto men the fear of Gods, / Thereby to frighten sinners should they sin / secretly in deed, or word, or thought. / Hence was it that he brought in Deity, / ... / So that he hearkens to men's every word / And has the power to see men's every act" ( $\xi \pi \epsilon \iota \tau'$ ἐπειδὴ τ'αμφανῆ μὲν οἱ νόμοι / ἀπεῖογον αὐτοὺς ἔργα μὴ πράσσειν βίᾳ, / λάθρα δ' ἔπρασσον, τηνικαῦτά μοι δοκεῖ / πρῶτον πυκνός τις καὶ σοφὸς γνώμην ἀνὴρ / θεῶν δέος θνητοῖσιν ἐξευρεῖν ὅπως / εἴη, τι δεῖμα τοῖς κακοῖσι κἂν λάθρα / πράσσωσιν ἢ λέγωσιν ἢ φρονῶσί τι. ἐντεῦθεν οὖν τὸ θεῖον εἰσηγήσαιτο... ὃς πᾶν τὸ λεχθὲν ἐν βροτοῖς ἀκούσεται, / τὸ δρώμενον δὲ πᾶν ἰδεῖν δυνήσεται)<sup>19</sup>. And the sister of Judah's father, aunt May, on the occasion of the Seder-celebration holds him up to ridicule in such a way: 'Afraid if you don't obey the rules God'll punish you?'. S: 'Not me, May. He punishes the wicked'. M: 'Who? Like Hitler?... Six million Jews burned to death and they got away with it... For those who want morality, there's morality... history is written by the winners. If the Nazis had won, future generations would see World War II quite differently'.
- d) If we leave the realm of Theology in order to go into that of the Justice & Law, fifth-century Greece also shows a true revolution. There is no longer that absolute faith in  $Dik\bar{e}$  as in Solon's Elegy to Muses (9-17): "Wealth which the gods give remains with a man, secure from the lowest foundation to the top, whereas wealth which men honour with violence comes in disorder, an unwilling attendant persuaded by unjust actions, and it is quickly mixed with ruin. Ruin has a small beginning, like that of fire, insignificant at first but grievous in the end, for mortals' deed of violence do not live long. Zeus oversees (ἐφορᾶ)

<sup>&</sup>lt;sup>16</sup> Diogenes Laertius IX, 50-1 –translated by R. D. Hicks, *Diogenes Laertii Vitae Philosophorum*, Loeb Classical Library. London: William Heinemann Ltd.; Cammbridge, Massachusetts: Harvard University Press, 1979. Cf. Sextus Empiricus. Against the Physicists, 9, 56: "Concerning Gods I am not able to say either whether they exist or of what sort they are: for the things which prevent me are many" (" $\pi \epsilon \varrho i \delta i$ θεῶν οὔτε εὶ εἰσιν οὔθ' ὁποῖοί τινές εἰσι δύναμαι λέγειν· πολλὰ γὰο ἐστι τὰ κωλύοντα με" –translated by R. G. Bury. Sextus Empiricus. Adversus Mathematicos. Loeb Classical Library. London: William Heinemann Ltd.; Cammbridge, Massachusetts: Harvard University Press, 1968).

<sup>&</sup>lt;sup>17</sup> See Jacoby, 1959.

<sup>&</sup>lt;sup>18</sup> W. K. C. Guthrie. A History of Greek Philosophy, Vol. III. Cambridge: C. U. P., 1969, p. 236.

<sup>&</sup>lt;sup>19</sup> Sextus Empiricus. Against Physicists 9, 54 -translated by R. G. Bury. Sextus Empiricus. Adversus Mathematicos. Loeb Classical Library. London: William Heinemann Ltd.; Cammbridge, Massachusetts: Harvard University Press, 1968.

every outcome"<sup>20</sup>, nor Heraclitus' faith in *nómos:* "The people should fight for the law as for the city wall" (μάχεσθαι χρὴ τὸν δῆμον ὑπὲρ τοῦ νόμου ὅκωσπερ τείχεος) <sup>21</sup> and "Men with rational mind should be strong with regard to what is shared in common as the city with its laws and even more strongly. For all human laws are nourished by the one divine law" (ξὺν νόωι λέγοντας χρὴ τῶι ξυνῶι πάντων, ὅκωσπερ νόμωι πόλις, καὶ πολὺ ἱσχυποτέρως. τρέφονται γὰρ πάντες οἱ ἀνθρώπειοι νόμοι ὑπὸ ἑνὸς τοῦ θείου <sup>22</sup>. Indeed, a new age has arrived<sup>23</sup> and Protagoras "introduces relativity"<sup>24</sup>: "Protagoras said that man is the measure of all things, by which he meant simply that each individual's impressions are positively true. But if this is so, it follows that the same thing is and is not, and is bad and good, and that all the other implications of opposite statements are true; because often a given thing seems beautiful to one set of people and ugly to another, and that which seems to

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<sup>&</sup>lt;sup>20</sup> Translated by Douglas E. Gerber. Loeb Classical Library. London: William Heinemann Ltd.; Cambridge, Massachusetts: Harvard University Press, 1999).

<sup>&</sup>lt;sup>21</sup> B 44 –the translation is mine following the edition by H. Diels- W.Kranz. *Die Fragmente der Vorsokratiker*, vol. 1, 6<sup>th</sup> edn. Berlin: Weidmann, 1951, rpr. Dublin / Zurich, 1966).

<sup>22</sup> B 114 - *idem*.

<sup>&</sup>lt;sup>23</sup> The well-known confrontation Polynices / Eteocles in Euripides' *The Phoenician Maidens* is certainly a good instance of both the new and selfish defence of personal law and right: Pol: 'money is held in the highest esteem by mortals, and of all that is in the world of men it has the greatest power. It is to get this that I have come here with then thousand spearmen. The nobleman who is poor is nothing' (438-442:  $\tau \dot{\alpha}$ χρήματ΄ ἀνθρώποισι τιμιώτατα, / δύναμίν τε πλείστην τῶν ἐν ἀνθρώποις ἔχει. / άγὼ μεθήκω δεῦρο μυρίαν ἄγων / λόγχην· πένης γὰρ οὐδὲν εὐγενης ἀνήρ)... Et: 'I shall speak, mother, and hold nothing back. I would go to where heaven's constellations rise, go beneath the earth, if it lay in my power, in order to possess Tyranny, greatest of the gods. Hence, mother, I do not want to yield this good to another. I want to keep it myself. It is unmanly to give up the greater thing and take the lesser. Furthermore I feel shame at the thought that this man, coming with an army and trying to sack the city, should get what he wants. This would be a disgrace for Thebes if from fear of Mycenae's spear I should yield my sceptre for him to possess. He ought not to be trying to reach an agreement by force of arms: speech accomplishes everything an enemy's arms might accomplish. Well, if he wants to dwell in this land on other terms, he may do. But this point I shall never willingly give up: when I can rule, Shall I be this man's slave? (504-20: ἐγὼ γὰο οὐδέν, μῆτερ, ἀποκρύψας ἐρὧ / ἄστρων ἂν ελθοιμ' ἡλίου πρὸς ἀντολὰς / καὶ γῆς ἔνερθεν, δυνατὸς ὢν δρᾶσαι τάδε, / τὴν θεῶν μεγίστην ὥστ΄ ἔχειν Τυραννίδα. / τοῦτ' οὖν τὸ χρηστόν, μῆτεο, οὐχὶ βούλομαι / ἄλλφ παρεῖναι μᾶλλον ἢ σφζειν ἐμοί· / ἀνανδρία γὰρ, τὸ πλέον ὅστις ἀπολέσας / τοὔλασσον ἔλαβε. Ποὸς δὲ τοῖσδ΄ αἰσχύνομαι, / ἐλθόντα σὺν ὅπλοις τόνδε καὶ πορθοῦντα γῆν / τυχεῖν ἃ χρήζει: ταῖς γὰρ ἂν Θήβαις τόδε / γένοιτ' ὄνειδος, εἰ Μυκηεναίου δορὸς / φόβω παρείην σκῆπτρα τ'αμα τῷδ' ἔχειν. / χρῆν δ' αὐτὸν οὐχ ὅπλοισι τὰς διαλλαγάς, / μῆτερ, ποιεῖσθαι: πᾶν γὰρ ἐξαιρεῖ λόγος / ὅ καὶ σίδηρος πολεμίων δράσειεν ἂν. / ἀλλ΄, εἰ μὲν ἂλλως τήνδε γῆν οἰκεῖν θέλει, / ἒξεστ'· ἐκεῖνο δ' οὐχ ἑκὼν μεθήσομαι. / ἄρχειν παρόν μοι, τῶδε δουλεύσω ποτέ; translated by David Kovacs. Euripides. Helen, Phoenician Women, Orestes. Loeb Classical Library. London: William Heinemann Ltd.; Cambridge, Massachusetts: Harvard University Press, 2002)

<sup>&</sup>lt;sup>24</sup> Sextus Empiricus. *Outlines of Pyrrhonism* 1, 216-219: "Protagoras also holds that 'Man is the measure of all things', of existing things that they exist, and of non-existing things that they exist not; and by 'measure' he means the criterion, and by 'things' the objects, so that he is virtually asserting that 'Man is the criterion of all objects', of those which exist that they exist, and of those which exist not that they exist not. And consequently he posits only what appears to each individual, and thus introduces relativity" (Καὶ ὁ Πρωταγόρας δὲ βούλεται πάντων χρημάτων εἶναι μέτρον τὸν ἄνθρωπον, τῶν μὲν ὄντων ὡς ἔστιν, τῶν δὲ οὐκ ὄντων ὡς οὐκ ἔστιν, 'μέτρον' μὲν λέγων τὸ κριτήριον, 'χρημάτων' δὲ τῶν πραγμάτων, ὡς δυνάμει φάσκειν πάντων πραγμάτων κριτήριον εἶναι τὸν ἄνθρωπον, τῶν μὲν ὄντων ὡς ἔστιν, τῶν δὲ οὐκ ὄντων ὡς οὐκ ἔστιν. καὶ διὰ τοῦτο τίθησι τὰ φαινόμενα ἑκάστω μόνα, καὶ οὕτως εἰσάγει τὸ πρός τι -translated by R. G. Bury, Loeb Classical Library. London: William Heinemann Ltd.; Cambridge, Massachusetts: Harvard University Press, 1967).

each individual is the measure" (καὶ γὰο ἐκεῖνος ἔφη πάντων εἶναι χοημάτων μέτοον ἄνθοωπον, οὐδὲν ἕτερον λέγων ἢ τὸ δοκοῦν ἑκάστω τοῦτο καὶ εἶναι παγίως· τούτου δὲ γιγνομένου τὸ αὐτὸ συμβαίνει καὶ εἶναι καὶ μὴ εἶναι, καὶ κακὸν καὶ ἀγαθὸν εἶναι, καὶ τἄλλα τὰ κατὰ τὰς ἀντικειμένας λεγόμενα φάσεις, διὰ τὸ πολλάκις τοισδὶ μὲν φαίνεσθαι τόδε εἶναι καλὸν τοισδὶ δὲ τοὐναντίον, μέτοον δ' εἶναι τὸ φαινόμενον ἑκάστω)."<sup>25</sup>. And Judah, as if he applied in his own benefit the Protagorean relativity, and imagining once again that he is defending himself in front of Ben, the rabbi, seems to think that Law is only his personal law, that is to say, the law that does appreciate his merits and pretends not to know about those of other people: J: 'I will not be destroyed by this neurotic woman!'. B: 'Come on, Judah! Without the law it's all darkness! J: You sound like my father! What good is law if it prevents me from receiving justice? Is what she's doing to me just? Is this what I deserve?'. But, obviously, Dolores has another idea about what is fair and what Judah deserves. (Perhaps that previous "For those who want morality, there's morality" should be remembered now once again).

- e) At any rate, the true Sophists' revolution concerning *nómos* was their opposition to the rules of Nature, to *Phýsis*. Antiphon was undoubtedly one of the most significant sophists with regard to the theoretical foundation of the opposition physis / nómos when he maintained the following: "Justice lies in not transgressing the provisions of the law in the city where one lives as a citizen. So, a man will practise justice for his own benefit if, in front of witnesses, he obeys the laws, but when no one can be cited as a witness of his actions, he obeys Nature's orders. Indeed, while legal provisions have been imposed, Nature's ones are unavoidable: the legal provisions are the result of an agreement, they are not innate, while Nature's ones are innate, and are not the result of any agreement" (Col. 1). So, if when transgressing the provisions of the law, one is not observed by those who have come to the agreement, he will be free from shame and punishment... Indeed, laws have been adopted for the eyes" (δικαιοσύνη οὖν τὰ τῆς πόλεως νόμιμα, ἐν ἧ ἂν πολιτεύηται τις, μὴ παραβαίνειν. χρῶιτ' ἂν οὖν ἄνθρωπος μάλιστα ἑαυτῶι ξυμφερόντως δικαιοσύνηι, εἰ μετὰ μὲν μαρτύρων τοὺς νόμους μεγάλους ἄγοι, μονούμενος δὲ μαρτύρων τὰ τῆς φύσεως· τὰ μὲν γὰρ τῶν νόμων ἐπίθετα, τὰ δὲ τῆς φύσεως ἀναγκαῖα· καὶ τὰ μὲν τῶν νόμων όμολογηθέντα οὐ φύντ' ἐστιν, τὰ δὲ τῆς φύσεως φύντα οὐχ όμολογηθέντα (Col. 1) τὰ οὖν νόμιμα παραβαίνων εἰὰν λάθηι τοὺς ὁμολογήσαντας καὶ αἰσχύνης καὶ ζημίας ἀπήλλακται... νενομοθέτηται γὰο ἐπί τε τοῖς ὀφθαλμιοῖς (Col. 2)  $)^{26}$ . Therefore, from my point of view, Crimes and Misdemeanors looks like a multiform application of Antiphon's theories:
- 1) Judah burns up the letter in which Dolores, his lover, lets his wife know of their intimate and long relation. There is no evidence, hence there is no adultery. He continues to be both the respectable head of his family and a loyal husband.
- 2) No-one knows –except his lover, and she has been assassinated- that Judah has used in his own benefit the funds of the ophthalmologic society that he directs. There is no witness, hence there is no crime. He continues to be an honourable president.
- 3) Judah confesses his infidelity to the rabbi, but the latter promises his absolute reserve. There will no be accusation, hence there will no be adultery. On the contrary, he will continue to be an adorable husband.

<sup>25</sup> Aristotle *Metaphysics* 11, 6, 1062b 13 -translated by Hugh Tredennick, Loeb Classical Library. London: William Heinemann; Cambridge, Massachusetts: Harvard University Press, 1972

<sup>&</sup>lt;sup>26</sup> Oxirrincus XI, n. 1364 ed. H(unt). Fragment A 44; ed. *Diels-Kranz* 1960 (Papir d'Oxirrinc XI n. 1364 ed. H(unt). Col. 1 (1-33 H.) i Col. 2 (34-36 H), fr. B 44 edited by H. Diels- W.Kranz. *Die Fragmente der Vorsokratiker*, vol. 1, 6<sup>th</sup> edn. Berlin: Weidmann, 1951, rpr. Dublin / Zurich, 1966 –the translation is mine).

- 4) Judah and his lover kiss each other on the beach while they are making *footing*. Judah thinks that they should not do it because somebody could see them. Dolores answers to him that noone is watching them at the moment. There are no witnesses, hence there has never been an adulterous kiss. Their relationship remains anonymous.
- 5) While Lester explains his theories about tragedy plus time, a pretty woman enters the room. He falls in fact into sexual pursuit and asks Cliff not to shoot the scene. There will be no evidence –or at least he believes so-, hence there will be no crime. He continues to be both a famous and a respectable TV producer.
- 6) Judah removes from Dolores' apartment everything that could incriminate him. There is no evidence, hence there is no crime. He continues to be an excellent citizen without a criminal record<sup>27</sup>.
- 7) Judah's aunt maintains that "If the Nazis had won, future generations would see World War II quite differently". There would not have been evidence, hence there would not have been holocaust.
- 8) Nothing has incriminated Judah; on the contrary, his crime has been attributed to another criminal. There are no witnesses, hence he is not a criminal. He continues to be the respectable head of his family, a loyal husband and a successful professional.
- 9) The rabbi Ben asks Judah if he has solved those problems about which he talked to him months ago. Judah answers to him –though he tells a lie- that it was not necessary to find a solution since his lover finally listened to reason. Ben maintains in a very naïve way that 'Sometimes to have a little good luck is the most brilliant plan'. If there is no accusation, there is no crime and Luck smiles at us.

It goes without saying that, unless Woody Allen "confesses" sometime the intellectual debts I am thinking of, I must remain in the realm of hypothesis, but it should be recognized, on the other hand, that the Sophists' proposals might have been very useful to him –and I should dare to think that they really were- when he wrote a screenplay that presents Allen's personal relativity with regard to many religious truths and to the severe rules that he was induced to follow when he was a child. His Sophistic intellectual exercise 'My Apology' makes me think in such a way and, furthermore, if we pay attention to the statements of Plato's  $Republic^{28}$ , we could think that everyone arguing in the screenplay is somehow Greek. Socrates affirms in the *Republic* that to be just is much better than the opposite, so that justice is the best good for the soul while injustice would be the worst evil. And he adds: 'And now at last, it seems, it remains for us to consider whether it is profitable to do justice and practice honourable pursuits and be just, whether one is known to be such or not, or whether injustice profits, and to be unjust, if only a man escape punishment and is not bettered by chastisement' (Τὸ δὴ λοιπὸν ἤδη, ὡς ἔοικεν, ἡμῖν ἐστι σκέψασθαι πότερον αὖ λυσιτελεῖ δίκαιά τε πράττεον καὶ καλὰ ἐπιτηδεύειν καὶ εἶναι δίκαιον, ἐάντε λανθάνη ἐάντε μὴ τοιοῦτος ἄν, ἢ ἀδικεῖν τε καὶ ἄδικον εἶναι, ἐάνπεο μὴ διδῷ δίκην μηδὲ βελτίων γίγνεται κολαζόμενος) 29.

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<sup>&</sup>lt;sup>27</sup> As seen before, the commonplace is that "The eyes of God see all", but it is also in human eyes where we see everything, as for instance soul and life, so that Judah explains to his brother: 'I went to her place after. I had to retrieve some incriminating things. I saw there... just staring up. An inert object. There was nothing behind the eyes if you looked into them. All you saw was a black void'. And before this, another conversation was held by the two lovers: Dolores: 'Dou you agree the eyes are the windows of the soul?'. Judah: 'Well, I believe they're windows but I'm not sure it's a soul I see'. D: 'My mother taught me I have a soul, and it'll live on after me when I'm gone, and if you look deeply enough in my eyes, you can se it'.

<sup>&</sup>lt;sup>28</sup> See. e. g.: Colwell, G., 1991.

<sup>&</sup>lt;sup>29</sup> *Republic* 445a -translated by Paul Shorey, Loeb Classical Library. London: William Heinemann Ltd. Cambridge, Massachusetts: Harvard University Press, 1970).

At the end of *Crimes and Misdemeanors* we hear Professor Levy's words<sup>30</sup>, i. e., the voice of wisdom and common sense amid such confusion in spite of having committed suicide before<sup>31</sup>:

'We are all faced throughout our lives with agonizing decisions, moral choices. Some are on a grand scale, most of these choices are on lesser points. But we define ourselves by the choices we have made. We are, in fact, the sum total of our choices. Events unfold so unpredictably, so unfairly. Human happiness does not seem to have been included in the design of creation. It is only we, with our capacity to love, that give meaning to the indifferent universe. And yet, most human beings seem to have the ability to keep trying and even to find joy from simple things like their family, their work, and from the hope that future generations might understand more'.

I am afraid that this epilogue can be understood both in a hopeful and in an unhopeful way, in accordance with our respective sensitivity and changing spirit. It does not matter. After all, "Protagoras declares that one can take either side on any question and debate it with equal success —even on this very question, whether every subject can be debated from either point of view" (*Protagoras ait de omni re in utrumquam partem disputari posse ex aequo et de hac ipsa, an omnis res in utramque partem disputabilis sit*) <sup>32</sup>.

And certainly, from this point of view, *Crimes and Misdemeanors* seems once again a practical translation of Protagoras' wisdom, since it presents at the same level those who are "in favour of" or "against" God and the Divine Law; those who are inspired by Justice or show an evident hostility to it and to all sorts of rules and precepts; those who observe or infringe the Law; moral or immoral humans beings; hopeful or unhopeful ones. Protagoras' relativity, his *homo mensura*, has entered the scene. And, notwithstanding, I should dare to maintain that Sophocles' authority has been preserved. In spite of Lester's instigation, the audience knows that turning Oedipus -the most famous and well-known tragic hero- into a comic character is offensive to common sense, the Classical Tradition and even Aesthetics. Ancient Comedy has its own "stars" and does not need any help through the metamorphosis of its opposite pole. Within the wide range of possibilities that *Crimes and Misdemeanors* by no means hides, the tragic

<sup>&</sup>lt;sup>30</sup> He is very probably the image of the real Primo Levi, an Italian writer and chemist who was a survivor of the concentration camps in World War II. He told of his experiences in *Survival in Auschwitz*. Although he overcame them, even tortures, he fell into a deep depression whose tragic result was his suicide on the 11<sup>th</sup> April 1987 (Levi, P. 1987 *Current Biography Yearbook*, pp. 353-57). Cliff's wife asks him: 'Did he have family or anything?' / 'No, you know, they were all killed in the war. That's what's so strange about this. He's seen the worst side of life. He always was affirmative. Always said 'yes' to life, 'yes', 'yes', now today he said 'no!'.

Woody Allen's screenplay casts once again all kinds of doubt on the coherence of both the universe and human life, in just the same way that he showed before the opposition between Judah and the rabbi Ben in the former's faith and the latter's scepticism concerning a real structure with real moral meaning. Professor Levy was himself from his non-religious view of human life the image of the Coherence and, however: 'Oh God, it's been terrible, you know? I called... the guy was not sick at all. And he left a note, a simple little note: 'I've gone out the window'. What the hell does that mean? This guy was a role model. You'd think he'd leave a decent note!'. It seems as absurd as the fact that Cliff's sister had a brief love affair with a handsome man and, when he had already seduced her and she believed that they were going to make love, he confined himself to defecating on her: Cliff: 'A strange man defecated on my sister'. / His wife: 'Why?'./ C: 'I don't know. Is there any reason I could give you that would answer that satisfactorily?... Human sexuality is just... It's so mysterious!'. On the other hand, if Plato's *Republic* also underlies some concrete aspects of Allen's screenplay –and I do really think so-, it is quite evident that people could not trust a leader, a "king and philosopher", like Professor Levy.

<sup>&</sup>lt;sup>32</sup> Seneca. *Epistle* 88, 43 -translated by Richard M. Gummere. Loeb Classical Library. London: William Heinemann Ltd.; Cambridge, Massachusetts: Harvard University Press, 1963

assumption of personal responsibility will ever be an option. Or, in other words, there will be moments in which both events and the role that human beings play in them will assume tragic proportions. In such circumstances we could resort, as the sole concession, to the ironic "happy ending" with which Judah wanted to hold Cliff up to ridicule, but this time both taking up the challenge and claiming it: We are in favour of Tragedy! We are in favour of Oedipus! And, if someone, i.e., a contemporary comic, wants to name this option a "happy ending", what a good idea!

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