

HOMER AND THE LAW

ALMOG (S.) *The Origins of the Law in Homer*. (Law and Literature 21.) Pp. viii + 142. Berlin and Boston: De Gruyter, 2022. Cased, £72.50, €79.95, US\$91.99. ISBN: 978-3-11-076593-9. doi:10.1017/S0009840X2300063X

This volume attempts to introduce the *Iliad* and the *Odyssey* ‘into the law and literature canon’ (p. 1). A. follows in the footsteps of J.B. White’s *The Legal Imagination: Studies in the Nature of Legal Thought and Expression* (1973), but sidesteps the issue of the poems’ historicity (one cannot find essays like J.P. Crielaard, ‘Homer, History and Archaeology: Some Remarks on the Date of the Homeric World’, in: J.P. Crielaard [ed.], *Homeric Questions* [1995], pp. 201–88). A. addresses three main themes: the long conceptualisation of Greek law, ‘the regimentation and juridification (*sic*) of anger’ and female agency, which was available to women in the *Odyssey*, but according to A. is blocked in the *Oresteia* (p. 4).

Chapter 1, ‘Law and Story’, lays out A.’s approach of *law alongside literature*. In contrast to ‘law as literature’ and ‘law in literature’, *law alongside literature* ‘reveals the elasticity of the boundaries separating law and literature, and the fluidity that characterizes their interactions’ (p. 15) and involves two stages. The first ‘critically examines the conception of law as a holistic, autonomous, self-contained system by emphasizing the inherently flawed nature of law’ (p. 15). A. does not explain why law is ‘inherently flawed’. According to A. ‘the Homeric epics introduce the need for law by highlighting the individual and societal price incurred by its absence’ (p. 16). The second stage ‘focuses on negotiating the limits and failures of law’ and ‘uses narratives that derive from imagination to suggest solutions’ (p. 16). According to A. literature promotes empathy (p. 16), which may be true of some works of art, but many Attic dramas are hardly sympathetic to non-Greeks (see E.M. Hall, *Inventing the Barbarian* [1989]). This leads to ‘the establisher (*sic*) of criminal law in *Oresteia*’ (p. 16), which ‘depicts law from its inception as a tool serving men and wronging women’ (p. 17). This is certainly one aspect of Athenian law (see already M. Arthur, ‘Early Greece: the Origins of The Western Attitude Towards Women’, *Arethusa* 6 [1973], 7–58), but it is not the only aspect. One finds no mention of the laws protecting women against sexual violence, the stories in which men attacking women are punished or the laws ensuring the return of the dowry after a divorce.

Chapter 2, ‘Law in the *Odyssey* – the Story of Motion’, contrasts the ending of the *Odyssey* with that of the *Oresteia*. In each work ‘the crisis of revenge poses a threat to the entire public’ and ‘the crisis of revenge is resolved’, but the end of the epic is ‘law-less’ (p. 23). Yet the trial scene on the shield of Achilles shows that ‘a system of conflict resolution already existed in Homeric society’ (p. 25). A. therefore realises that ‘Although the crisis of revenge that ends the *Odyssey* is not resolved by a judicial procedure, it does not lack a legal dimension’ (p. 31), but ‘the rule of law and respect for the law ... did not exist in the Homeric age’ (p. 40). It would have helped if A. had clearly defined what she means by the terms ‘law’ and ‘the rule of law’. One would also like to have seen a discussion of the terms δίκη, θέμις and εὐνομία (*Od.* 17.487). According to A., ‘The *Eumenides* is a detailed account of the transfer of divine authority to human responsibility, and an exemplar of how the judicial spectacle should be

conducted' (p. 36). At the same time, the play portrays 'the relocation of ancient law or retaliation from the realm of the personal to the realm of the *polis*' (p. 40). The goddess Athena plays a key role in both works, but A. finds flaws in her decisions because she reveals partiality (p. 44) and aligns her interests with those of the patriarchal elite (p. 46).

Chapter 3, 'From the *Iliad* to the *Odyssey* – Toward the Juridification of Anger', examines the wrath of Achilles, Odysseus and the gods. The character of Achilles 'is an amalgam of warning signs against situations in which anger unchecked has fatal and far-reaching consequences that are detrimental to society' (p. 63). The *Iliad* is therefore 'a story of the absence of societal defenses against wrath' (p. 65). A. claims that Odysseus rejects 'the social convention regulating revenge' (p. 68) and exonerates the suitors whose conduct is 'quite understandable ... under the political circumstances' (p. 70). As a result, A. believes that the end of the *Odyssey* 'betrays Homer's discomfort with the intensity and scope of Odysseus' revenge and the fact that Odysseus escapes punishment' (p. 69). Not all readers will find the suitors' plot to kill Telemachus 'understandable'. The final part of the chapter discusses the will of the gods vs the free will of humans in the *Iliad* and *Odyssey*, but misses the important discussion of A. Lesky, *Göttliche und menschliche Motivation im homerischen Epos* (1961), which shows how both co-exist without affecting human responsibility. A. sees less wrath and more concern for justice among the gods in the *Odyssey* than in the *Iliad* (p. 81), but still finds 'brutal divine anger' in the *Odyssey* (p. 83). By contrast, the *Oresteia* sees the need for the regimentation of anger (p. 86).

Chapter 4, 'The *Metis* Syndrome: Women and Law in the *Odyssey*', argues that there is a 'complex dynamic balance that affords women a relatively broad spectrum of action' in the *Odyssey*, but that with the rise of formal justice in the *Oresteia* 'such spectrum of female action is blocked' (p. 87). This leads to a discussion of the female agency of *Metis* (pp. 89–95), Penelope (pp. 95–106), Calypso and Circe (pp. 106–11), Nausicaa and Arete (pp. 111–17), the serving women (*sic*) (pp. 117–23) and Athena (pp. 123–7). A. does not address the issue of slavery either and labels Eurycleia and Melanthe 'servants' (pp. 118–23), which is at best misleading (see D.M. Lewis, *Greek Slave Systems in their Eastern Mediterranean Context, c. 800–146 B.C.* [2018], pp. 107–24). The contrast between the *Odyssey* and the *Oresteia* is overdrawn: Electra plays an important role in the *Choephoroi*, and Athena is the guiding divinity in the *Eumenides*.

A. is right to see a development in ideas about law from the *Iliad* and the *Odyssey* to the *Oresteia*, but is rather vague about the differences between the epics and the drama because she never decides whether Homeric society is lawless or has respect for legal norms and because she never defines 'the rule of law'. The book would have benefited from the important discussion of C. Pelloso, 'The Myth of Priority over Substance in the Light of Early Greek *Epos*' (*RDE* 3 [2013], 223–75), who shows that there is a notion of subjective rights in the *Iliad* and the *Odyssey*. The Greeks believed that these rights were better protected by the overthrow of one-man rule and the suppression of anarchy (Aeschylus, *Eumenides* 526–30).

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