

## BOOK REVIEW

*Law and Love in Ovid: Courting Justice in the Age of Augustus.* By IOANNIS ZIOGAS. Oxford, UK, Oxford University Press, 2021. Pp. xiv + 440. Hardcover. \$115.00. ISBN: 978-0-19-884514-0.

The stated intention of Ziogas' book, which he achieves admirably, is to make Classicists in our present "Ovidian Age" aware of the legal implications of much of the poet's work. By means of extensive close readings and equally extensive tracing of intertextual links, Ziogas shows that Ovid's poetry is imbued with legal terminology and that much of the rhetorical devices he employs are in fact forensic in nature. In his "Preface," Ziogas explains that this book "argues that Ovid is obsessed with the interaction between law and love" (VII). *Iudex* indicates both a judge and a literary critic, and Ovid's readers become both, who must weigh many issues, including his attitude to women and Augustus, his "guilt," and the power of his "laws of love" to liberate or enslave. Ziogas' stated thesis is that "Ovid's use of legal discourse deliberately reflects Augustus' ongoing and thorough revision of the Roman legal landscape," and like the *homo sacer*, both Augustus, with his tribunician sanctity, and *Amor* have "sovereign jurisdiction both inside and outside juridical order" (IX). Some of Ziogas' arguments are difficult to follow, while others seem to verge on casuistry, but subsequent chapters combine to present a strongly persuasive case for this approach.

Chapter 1, "Introduction: *Eros* and *Nomos*," shows that, while law is "the negation of passion," desire is "the ultimate source of the law" (1). Whether the god, the ruler, the Senate or the people will it, laws are made to fulfil a desire. Hence, in all cases, law causes "the division of passion into legitimate and illegitimate." According to Ziogas, love poetry both legitimises and outlaws desire, but as his argument unfolds, readers become aware that for Ovid other criteria apply. Ziogas reminds us that Ovid's love poetry and Augustus' marriage laws were simultaneously created; for him, these are "two sides of the same coin" (2). In this regard, Ovid, so Ziogas, "attempts to equal Augustus" (3) with his love poetry, which is a "juridico-discursive artefact" (12) where the poet draws the "rules of love games

as laws of nature" (16). Ziogas hence sets out to show both Augustus and Ovid as *auctores*, producing "normative discourse" (33), either legal or literary.

Chapter 2, "Love as a State of Exception," opens "Part II, The Trials of Love." Ovid's early legal training, so Ziogas, versed him thoroughly in legal language and forensic practice, which occurs throughout his oeuvre, but is most evident in *Tristia* 2, where his arguments could have served as evidence in a trial. Throughout his love poetry, Ovid creates frequent quasi-judicial scenarios. Hence Chapter 3 moves on to "The Courtroom in the Bedroom," a chapter again densely argued with persuasive quotations from and discussion of intertextual traces in many of the poet-lover's arguments. Notably, Ovid's "love elegy, [like] Augustan legislation, disembeds sexuality from family ties" (73) and the "autonomous status of love elegy [defied] Augustus' increasingly autocratic powers" (75).

Chapter 4, "The Letter of the Law," concentrates on Ovid's portrayals of myth with legal overtones, as for instance (*ad Heroides* 20), the "oath" that Cydippe inadvertently "swore" when she read aloud Acontius' message. As for Derrida, so for Acontius "law is deconstructible, while Justice is not" (175). Ziogas shows Cydippe's "answer" as equally couched in legal terms and traces an interesting intertextual chain relating her "letter" to Euripides' *Hippolytos* via Cicero's *De Officiis* 3:107-8 (191). She "moves from erotic emotions to legal motions" (195) when she urges Acontius to ratify his passion with marriage. Ziogas concludes with reference to the "legal and magical dimension of amatory messages" (197). Space precludes further consideration of Chapter 4, such as Ovid's "legal defence" of Helen at *Ars* 2:371-2 (239) or his Tiresias in *Met.* 3:32ff as "judge" of the "private business of marital sex" made public, as in Augustan "adultery trials" (252).

Part II, "*Lex Amatoria*" starts with Chapter 5, "Poets and Lawmakers." A protracted discussion of didactic poetry from Hesiod onward leads to the *Ars Amatoria*. Ovid argues that the dowry of a wife is quarrelling conflict in marriage leading to conflict in court (*Ars* 2:15:151-2). This Ziogas reads as a broadside against the provision in Augustus' marriage laws that a large part of an adulterous wife's dowry be confiscated. At Ovid's description of the various ages, *Met.* 1:89-94, with the Golden Age, "*nondum caesa... pinus*," Ziogas suggests that the *incipit* could have been read as "*nondum Caesar...*" and that the "proliferation of laws under Augustus" equalled Ovid's description of the "quarrelsome litigations of the Iron Age." Ovid's present "Golden Age," "*hunc saecula*" in *Ars* 2:277-8, means that "love is procured with gold" (219).

Ziogas points to the poet's conflict of interest in *Ars* 3, where he "vacillates between teaching and seducing his female students" (227). Yet Ovid is heir to the literary tradition ascribing to poets "the ability to render fair judgements, [and overrule] unfair judgements of rulers" (242), by speaking *ex auctoritate Amoris*, not *Principis* (263). He asserts "the autonomy of amatory law in defining sexual morality" (277). The *praeceptor amoris* dictates the laws of private love affairs contra the *Lex Julia*, which made "private and domestic matters part of the commonwealth's agenda" (283). Next Ziogas analyses the semantic implications of words from *Ars* 3 (*caveto, sua iura*) as both juridical and amatory, also suggesting a double entendre in Ovid's call for *simplicitas*: that apparel should not indicate a woman's social status, but also, perhaps, that it should be removed altogether (291-294).

In Part III, "The Law of the Father," Chapter 7 discusses "Authors of Law and Life" and Chapter 8 focuses on "Love and Incest." The thrust of both chapters is Ovid's setting up of himself as an *auctor* of amatory truth against Augustus as *auctor* of a plethora of intrusive laws and both as the "fathers" of their respective works: the poetry of love *versus* the biopolitical intervention by Augustan marriage laws, which emasculated even the customary and traditional *patria potestas*. With "biopolitics," Ziogas is referring to "acquisition of power over a man as far as man is a living being" (303). Sex was important for reproduction within Augustan legislation. This, Tacitus said, resulted in novel lawsuits and a failure to meet democratic targets. *Met.* 15:832-7, Jupiter's prophecy of Caesar's birth, while "sounding like the *Res Gestae*," was "drawing attention to the biopolitics of adoption ... [and] pointing to its legal fictions and limitations."

Both Augustus and Ovid stressed their exemplarity as *auctores*, but Ovid in *Fasti* 2: 139-142 implies that Augustus was a "wife-snatcher" like Romulus, contrasting Augustus' vaunted *potestas*, the power of the law, with *auctoritas*, the "source of justice" (339). Even in their relationships with their respective daughters, Ovid outshone Augustus as *pater*. (Ziogas seems to equate Ovid's Perilla of *Trist.* 3:7 with the daughter "in Lybia" of 3.3:19.). The final chapter, 8, is devoted to the legal setup and implications for Roman law in general and *patria potestas* in particular of the Myrrha myth as narrated by Orpheus in *Met.* 10:298-514, which Ziogas shows as redolent of legal terminology. Ovid is another Orpheus-Augustus figure, redrawing the parameters of permitted sexual relations.

The book is well produced. Its dust cover shows a Möbius ring, reminiscent of the representation by Giorgio Agamben (Ziogas' favourite critic) of "the essence

of sovereignty” (vii). I found only two typographical errors, “\*nterior” for “interior” (8), and “her” for “his” (380, *ad Cinyras*).

An “Epilogue” (384-388) summarizes Ziogas’ approach as an attempt to show that “we have an awful lot to learn about law from Ovid.” This “juridical force” lay at the “heart of his reception in the Middle Ages” and we need to revive this “important thread.” A 17-page Bibliography averages 25 titles per page, followed by 14 double-columned “Index of Passages Cited” and a similar six-paged “General Index.”

JO-MARIE CLAASSEN

*Stellenbosch University, jmc@adept.co.za*