

BOOK REVIEW

Law and Love in Ovid: Courting Justice in the Age of Augustus. By IOANNIS ZIOGAS. Oxford, UK: Oxford University Press, 2021. Pp. xiii + 420. Hardback, \$115.00. ISBN: 9780198845140.

The presence of legal and forensic rhetoric in Ovid's many works has long been a subject of interest among scholars. In his recent monograph, Ioannis Ziogas dials up the significance of these aspects of Ovid's poetic style by claiming that they are not merely reflective of Ovid's legal training, as described in his autobiographical poems. Ziogas also rejects the notion that Ovid is simply being playful with legal terms within the sportive and culturally parodic context of elegiac love poetry. Rather, Ziogas asserts that Ovid is purposefully and provocatively building towers of poetic and legal structures on two important foundations, the first being the concept of sovereign exceptionalism that culminates in Augustus who, for the first time in Roman political history, stood alone, outside the law, while making the laws (as *princeps*). The second foundation is the forensic language of prior poets (Catullus, Tibullus and Propertius) who had already explored the idea of the *amator* as living outside the Roman system and who thus created terminologies to define that existence, with words and phrases that we are well familiar with, such as *servitium amoris*, *militia amoris*, *otiosus* and *exclusus*. Ovid's legal structures of language and those of Latin love elegy in general, Ziogas explains, anticipate "the juridico-political milieu of the Principate" (55), so that "the sacrosanctity of the poet and that of the prince exist in parallel, if not in tension" (57). Ovid far surpassed his predecessors in his application of these precarious poetics, and, as we know, the tension he created did not resolve peacefully for him.

In the introductory first chapter, Ziogas provides the theoretical basis of this interpretation, relying heavily on the work of Giorgio Agamben, whose notions of the *homo sacer* and the sovereign exception have been influential in philosophy, sociology, political science and ancient world studies. Ziogas discusses the creation of Augustus's tribunician and sacrosanct status, as developed by Verrius

Flaccus (and cited in Pompeius Festus centuries later), as bearing great similarity to Agamben's *homo sacer* who lives a "bare life" outside the juridical order – a place of vulnerability for most, but a supremely protected and powerful place for Augustus. Ziogas summons many elegiac examples to make a compelling case for the idea of the elegiac *amator* as a man outside the law – governed not by the compelling cultural forces that shape the Roman man, but by the laws and legal environments he creates within his poems. The remaining seven chapters are divided into three sections and the work concludes with an epilogue.

Part I: The Trials of Love (Chapters 2-4), develops the Ovidian *amator* as *homo sacer*, established primarily through *recusatio*, where forensic arguments are deployed through these acts of rejection, placing the poet in a position of enacting and empowering whichever pleasure principle he chooses to pursue. This ability is compared to the power of the *princeps* who is not constrained by any external force to pursue (or dismantle) the legal code of Rome. Ziogas then examines the courtroom dramas that unfold in the *Amores* (particularly 2.7, 2.19 and 3.4), whereby Ovid makes "free love the absolute basis of legality" and "defines a private zone that lies outside the juridical order" (141). In Chapter 4, Ziogas demonstrates how the paired epistles written by Acontius and Cydippe (*Heroides* 20 and 21) complicate "the issue of intention in the enactment of contracts and in falling in love," (198), a poetic innovation that points to "the rise of epistolography in imperial adjudication" (199).

In Part II: *Lex Amatoria* (Chapters 5-6), Ziogas charts the "continuity of didactic and elegiac traditions from Hesiod to Ovid" (203) in his exploration of Ovid's defense of his work in the *Ars amatoria* and its overt opposition to Augustus's marital laws. He draws fruitful comparisons between Ovid's didactic works and those of Hesiod, Solon and Theognis, placing Ovid's works "within the long tradition of the poet as the paragon of justice and, more specifically, within the didactic and elegiac traditions of the poet as a judge and lawgiver in competition with powerful rulers" (236). In Chapter 6, cleverly entitled "Sexperts and Legal Experts," Ziogas utilizes Foucault's notion of sexuality as constituted through the law. Working in tandem with Augustan moral legislation, therefore, "Ovid's *Ars amatoria* brings the juridico-discursive nature of sexuality to the fore" (253). He posits Ovid's *praeceptor* in the *Ars* as a kind of jurist, "at the time when Augustus recruited a group of legal professionals to support his regime," making the *Ars* "a major challenge to Augustus' attempt to control an exclusive class of legal experts" (263). Ziogas takes this idea in several directions, particularly exploring how Ovid's juristic *praeceptor* attempts to return sexuality and love to a

“prejudicial purity ... where what is permitted and what is forbidden are yet to be defined” (299).

In Part III: The Law of the Father (Chapters 7-8), Ziogas discusses how Ovid borrows from the paternal role of Augustus as *pater patriae* who, in the custom of traditional Roman fathers, lays down the law for his family reconfigured as all of Rome. By contrast to Augustus’s moral reforms that seek to control behaviors to gain state-desired results (principally more children from Rome’s elite), Ovid plays up the pleasurable aspects of sex and thereby sets forth “a legal framework of female sexuality” that “poses a major challenge to Augustus’s biopolitical agenda” (331). In doing so, Ovid “raises the *praeceptor amoris* to the status of the father/legislator” (346). In Chapter 8, Ziogas explores Orpheus’s role within the *Metamorphoses* (Book 10) as a lawgiver in the realm of sexuality, thereby making Orpheus a *praeceptor amoris* within the epic context who “challenges the institution of marriage by establishing a doctrine of extramarital desire” (360). The declamation uttered by Myrrha in the tale of her incestuous desire for her father Cinyras is the centerpiece of the chapter. Ziogas artfully demonstrates how Myrrha’s soliloquy makes her “an innovator, because she wants to undermine the established morality of ancestral law, and an originary lawgiver, because she puts carnal desire in a legal framework” (381). Ovid thus uses characters within his epic, as well as the narratorial voices of his amatory poems, to undermine the legislative exceptionalism of the *princeps*. There are of course many other declamatory-style moments within the epic that do not receive mention in this study (Philomela’s brief and desperate soliloquy in *Metamorphoses* Book 6, for example), and so there is much for scholars to build on from this chapter in future studies.

In a brief epilogue, Ziogas touches on the reception of Ovid’s works in the Middle Ages and the influence of Ovid’s *Ars* on moral decisions within courts of law from the mid-12th century onwards. Ziogas concludes with the point that “the juridical force of Ovid’s poetry lies at the heart of his reception in the Middle Ages,” and notes that we in the modern age “have lost the crucial link between law and love that animates a great part of Ovid’s genius” (388). Throughout this study, Ziogas compellingly argues that Ovid’s legal language is a serious challenge to the legislative powers of Augustus, and he demonstrates, perhaps more importantly, that love and law are inseparable within the ancient cultural context, and perhaps within any context.

There are myriad interpretive side-roads and byways laced throughout this study, with the results of these interpretations being highly fruitful and illustrative. For example, in Chapter 7 (331-339), Ziogas draws intriguing parallels between Augustus and Romulus, whose orchestration of the rape of the Sabine women he views as a predecessor to the marital coercions of the *lex Iulia*. Ovid's multiple references to Romulus in his works, therefore, are loaded with irony and regime-critique in ways that differ from prior treatments of Romulus in elegiac poetry. As Ziogas notes, this association of coercive marriage and legislative power in both Romulus and Augustus was not lost on historians like Suetonius and Tacitus, who referred to Octavian's marriage to Livia as an abduction (*Aug.* 62.2 and *Ann.* 1.10). I had quibbles here and there with some of the assertions in this study, and I found some interpretations and identifications of literary precedent rather digressive, although what is digressive to one reader is essential to another. Given the sheer volume of interpretive offerings within this study, there is something for everyone. *Law and Love in Ovid* is a groundbreaking, thorough and well-written study of Ovid's legal language and its implications for Roman poetry, for Roman society and for the poet himself.

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