

## BOOK REVIEWS

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5 THE WOUND AND THE WITNESS: THE RHETORIC OF TORTURE. By Jennifer R. Ballengee. Albany:  
6 State University of New York Press, 2009. 190 p.

7 The body in pain holds an extraordinary potential for signification. While the immedi-  
8 ate and undeniable reality of physical suffering endows it with the force of truth, the resis-  
9 tance of pain to meaning leaves the content of that truth open-ended. The palpable truth  
10 of the body's suffering is thus open to appropriation, and nowhere is this appropriation  
11 more evident than in practices of torture. Torture, in other words, is a highly effective  
12 means of harnessing the signifying potential of pain as a rhetorical resource. The torturer  
13 is a ventriloquist, forcing the body to speak his message through its suffering.

14 These claims lie at the heart of Jennifer R. Ballengee's *The Wound and the Witness: The*  
15 *Rhetoric of Torture*, and while they are not unfamiliar, in Ballengee's hands they take on a  
16 renewed sense of urgency. In 1985, when Elaine Scarry published her groundbreaking  
17 study of, among other things, the ideological function of torture—a work to which Bal-  
18 lengee's own is deeply indebted—torture was something that happened somewhere else:  
19 Chile or Greece, Brazil or Vietnam. Twenty-five years later, in the wake of the shocking  
20 photographs from Abu Ghraib, this is no longer the case. Beginning with those photo-  
21 graphs and closing with an extended epilogue focused on the representation of torture  
22 in the United States today, *The Wound and the Witness* is a thoughtful and sophisticated  
23 attempt to understand, from a perspective transformed by uncomfortable proximity,  
24 how “torture continue[s] to persist in a post-humanist global community” (1). It is also a  
25 perspective haunted by questions of complicity. For Ballengee cares deeply not only  
26 about the rhetoric of torture to which contemporary Americans have been exposed but  
27 also—and especially—about the ways in which audiences are implicated in the process  
28 by which violated bodies assume meaning.

28 Ballengee thus has her eye squarely on the present. Yet the four chapters of *The Wound*  
29 *and the Witness* engage texts drawn from Greco-Roman antiquity: the three “Theban”  
30 plays of Sophocles (*Antigone*, *Oedipus Tyrannus*, and *Oedipus at Colonus*), Achilles Tatius's  
31 novel *Leukippe and Kleitophon* (ca. second century CE), and Prudentius's *Peristephanon Liber*  
32 (ca. 402 CE). Antiquity offers Ballengee the emergence of a public space where rhetoric and  
33 spectacle meet, creating conditions ideal for the staging of torture. Exploring the dynam-  
34 ics of this space as it takes shape in the Greco-Roman past, she suggests, can give us the  
35 distance to assess critically the rhetoric of torture—and our own role as witnesses to it—in  
36 the media-saturated America of today. Ballengee's aim here is not to forge an unbroken  
37 genealogy from ancient Greece and Rome to the present, although she does refreshingly  
38 set aside the common periodization according to which the pre-modern body is irreconcil-  
39 ably different from the modern one. Rather, she claims that “the association of bodily pain  
40 with understanding *resonates* from the ancient *through* the modern, *within the idea of bearing*  
41 *witness*” (6). If there is an undeniable looseness to the bond with the past here, it is never-  
42 theless a bond richer for not being constrained by a sense of teleology. By not reading the  
43 past too narrowly through scenes of torture in the present, Ballengee is able to invest the  
44 ancient texts with more power to illuminate recent events in the War on Terror.

44 The remarkable richness of these texts is due in part to their participation in literary  
45 genres (tragedy, the ancient novel, martyrological poetry) in which questions of repre-  
46 sentation and spectacle, as well as truth and revelation, are paramount. These are texts

that are deeply conscious not only of external audiences—readers and spectators—but also of internal audiences, who, in fulfilling their role as viewers, draw attention to and indeed shape our own position as witnesses. They are thus ripe for the kinds of patient, dense readings that are Ballengee’s preferred *modus operandi*.

Ballengee’s method is most successful in the last chapter, an analysis of the representation of the martyrdom of Romanus in Prudentius’s *Peristephanon Liber*. The poem provides the book’s most clear-cut scene of torture, performed as a deliberate show of imperial power. Romanus’s wounds, however, do not simply materialize Roman force. They communicate subversively as well, manifesting the power of the Christian God. Romanus’s story thus illustrates beautifully the unstable meaning of the tortured body. But what does it mean, after all, to say that the body’s injuries speak God’s word? The question is posed vividly by the case of Romanus, whose wounds are described as mouths after his torturers cut out his tongue. Ballengee interprets this displacement of speech as the liberation of a higher truth, one situated by Prudentius “outside the sphere of grammatical language” (115), “beyond interpretation” (116). To explore the Christian resonances of such excess signification she turns to Georges Didi-Huberman’s analysis of early depictions of Christ’s wounds. Didi-Huberman is working with Merleau-Ponty’s distinction between the *visuel*, which designates simply what the eye captures, and the *visible*, which describes the eye’s encounter with the symptom, the visible sign that, in pointing towards what is hidden, provokes an inference that folds within itself unrealized meaning. For Didi-Huberman, Christ’s wounded flesh is the paradigmatic symptom, a tear (*déchirure*) in the image that signals the limits of what can be seen. Ballengee reads Romanus’s wounds, too, as gashes in the surface of signification that gesture toward the divine. The ambiguity of the body’s “speech,” then, does not just enable the witness to read Romanus’s suffering outside the frame of interpretation imposed by the Roman state: it becomes the focal point of the Christian reading. At the same time, at the moment the witness recognizes the indeterminacy of the body’s meaning as sacred, he or she has made a decision to see the truth of the martyr’s pain in Christian rather than Roman terms. Indeed, the witness cannot *not* judge, Ballengee insists; he or she cannot *not* stabilize a fundamentally unstable sign and, in so doing, become implicated in the act of torture witnessed, both a voyeur and a judge.

Ballengee invokes the ethical fallout of such witnessing more than once, but she never adequately addresses its nature. In the introduction, she adopts Wayne Booth’s diagnosis of a tension between rhetoric and ethical judgment, but she jumps too quickly to the conclusion that witnessing torture, because of its rhetorical dimension, “*forecloses* the ethical” (15, emphasis added), a claim to which she returns in the epilogue. Yet if ethical judgment is, no doubt, destabilized in the force-field of torture, it does not follow that viewing the suffering of other people lies outside the ethical domain. Perhaps it is precisely under such conditions that the nature of the ethical most demands exploration. Such an exploration is not the aim of Ballengee’s analysis, however. Where her argument succeeds is in demonstrating the witness’s structural complicity in the production of torture’s meaning, and nowhere more so than in her analysis of Romanus’s martyrdom.

The suffering body’s excess of meaning is seen in erotic rather than sacred terms in chapter 3, a study of Achilles Tatius’s *Leukippe and Kleitophon*. Adopting Bakhtin’s conceptualization of the Greek novel in terms of “adventure-time,” Ballengee refines and deepens our understanding of this “most abstract of all novelistic chronotopes” (89, citing Bakhtin, *The Dialogic Imagination*) by populating it with unruly physical bodies. Rather than understanding adventure-time as a suspension of biographical time, as Bakhtin does, she reads the wound struck by *eros* as the trigger for a series of violations that expose the inner body to public view before it is definitively sealed up—its integrity technically confirmed by the chastity test performed at the end of the novel—and the subject enters the social constraints of marriage.

1 One does not get far in the novel before noticing that the body that is violated (or appar-  
 2 ently violated) is overwhelmingly the heroine's, while the role of witness is most often  
 3 assigned to Kleitophon (who is also the first-person narrator). It comes as no surprise,  
 4 then, that critics in recent years have made Leukippe the object of a dominating male  
 5 gaze. Without rejecting these readings outright, Ballegee deftly challenges the polariz-  
 6 ing view of gender they imply. Dwelling at length on the novel's subjection of exotic ani-  
 7 mals (the crocodile, the hippopotamus) to its penetrating scientific eye, as well as on the  
 8 ambiguous sex of the phoenix, whose identity must be ritually authenticated, she argues  
 9 that gender is unstable prior to the final public trials. Such instability resides, in fact, at the  
 10 heart of Kleitophon's fascination with the violation of Leukippe's body, which "expresses a  
 11 masochistic fantasy that is part of his own process of becoming an acceptable subject *in*  
 12 formal society" (88). Ballegee's readings, informed by the work of film theorists such as  
 13 Kaja Silverman and Carol Clover on masochism and voyeurism, open up a complex and  
 14 highly original perspective on the novel's spectacular violence. In her commitment to  
 15 blurred boundaries, however, she largely neglects and even at times obscures—she speaks,  
 16 for instance, of "the lovers undergo[ing] their public trials" (86), although it is only the  
 17 women (Leukippe and Melite) who are subjected to chastity tests—the ways in which sex-  
 18 ual difference informs the novel's representation of how one becomes a socially intelligible  
 19 subject. Moreover, despite her emphasis on the social construction of gender, she has little  
 20 to say about the intersection of the public and private and the formation of gendered  
 21 subjects in the later Roman Empire. The lack of historical and cultural context occasion-  
 22 ally causes the analysis to hover at the arid level of contemporary scholarly debates. But the  
 23 chapter on the whole offers a fresh and nuanced reading of a text that is fully worthy of  
 24 Ballegee's careful eye.

25 The reading of Achilles Tatius hinges on the most gruesome of Leukippe's *Scheintode*, her  
 26 apparent disembowelment at the hands of bandits. Such a scene undoubtedly stages the  
 27 brutal infliction of harm, and Kleitophon's comparison of his lover to Marsyas intimates  
 28 torture. Yet insofar as the scene dwells primarily in the territory of sacrifice, it begins to  
 29 strain a narrow definition of torture. In fact, elsewhere in this chapter, as well as in the first  
 30 two chapters of *The Wound and the Witness*, the boundaries of torture are often unclear. In the  
 31 introduction Ballegee says that she is not interested in defining torture, but, rather, in  
 32 "address[ing] instances in which bodily injury or suffering is presented as torture—whether  
 33 by a specific linguistic designation or by direct association or context—before a witnessing  
 34 audience" (5). In practice, however, the language of torture—most commonly designated by  
 35 the word *basanos* (a word primarily meaning "touchstone" or "trial")—rarely appears, so that  
 36 in most cases torture has been identified on the basis of cues that are not always obvious.

37 Such fuzziness is not always a bad thing, to the extent that it frees Ballegee to explore  
 38 from a number of angles the relationship between bodily suffering and truth. At times,  
 39 however, the language of torture becomes so encompassing that it loses its critical edge,  
 40 especially in the readings of the Theban plays. Does it matter, for example, if pain is inflicted  
 41 by others or by one's own hands (as in the case of Oedipus, who defiantly juxtaposes his self-  
 42 blinding with the horrors inflicted on him by Apollo)? Is torture the same as pollution,  
 43 from which the talismanic power of Oedipus's body in the *Oedipus at Colonus* most obviously  
 44 derives? What is the difference between publicly staged torture and Creon's consignment of  
 45 Antigone to a rock-tomb? Is the desecrated corpse of Polynices an object of torture? After  
 46 all, pain, that most ambiguous of corporeal signs, "cannot touch a corpse," as a fragment  
 47 from Aeschylus's lost *Philoctetes* states. I raise these questions not to dispute the claim that  
 48 the body materializes hidden powers and divine justice in the Theban plays; it commands  
 that role in a number of Greek tragedies. However, in grouping every threat and injury  
 under the loose rubric of torture, Ballegee neglects to outline a more precise lexicon of  
 the suffering and damaged body, including the sacred-polluted corpse. And the result is  
 that the often tenuous connections between readings limit their power to develop the prob-  
 lem of the body's relationship to justice and punishment in Sophocles' Oedipus plays.

These limitations do not mean that the readings are not valuable in themselves. The first two chapters are peppered with insights, and Ballengee's analysis of the *Antigone* side-steps entrenched debates about the conflict between Antigone and Creon to offer an innovative take on the tragedy's logic. These chapters attest to one of *The Wound and the Witness*'s great strengths, namely the wealth of conceptual resources it discovers in the ancient texts under consideration. Ballengee puts these resources to excellent use in the book's epilogue to argue for the resonance of the past within present debates about torture. But she leaves us, too, with the sense that in the end these resources are, like the signifying potential of the body itself, inexhaustible, compelling, and not a little unruly.

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GREEK TRAGEDY IN VERGIL'S *AENEID*: RITUAL, EMPIRE, AND INTERTEXT. By Vassiliki Panoussi. New York: Cambridge University Press, 2009. 257 p.

In his 1991 article "The *Aeneid* and the *Oresteia*," Philip Hardie notes that "sacrifice pure, inverted, and perverted, runs throughout the *Oresteia*" and that "sacrifice is equally pervasive in the *Aeneid* where more work remains to be done" (34). Since the publication of Hardie's article, several works have carried forward this investigation of sacrifice in the *Aeneid*, most of them building upon studies of sacrifice in tragedy (Hardie, *Epic Successors*; Smith; Dyson; cf. also Bandera's earlier work on the topic). Panoussi's recent contribution to this sub-genre of work on the *Aeneid* is the most comprehensive look at how sacrificial patterns at work in tragedy find their way into the *Aeneid*, and she also expands beyond that topic to examine other tragic motifs such as maenadism, funerary rituals, and heroic identity.

Panoussi's book, then, studies the *Aeneid*'s engagement with Greek tragedy not simply on the level of literary allusion, but on a religious and ideological level. She proposes that, like Greek tragedy, the *Aeneid* is rife with perverted rituals, such as human sacrifices or human killings metaphorically described as sacrifices. Unlike Greek tragedy, however, the *Aeneid* does not end with the restoration of religious order. Thus, the *Aeneid*'s tragic intertexts produce a work that is more "tragic" than tragedy. However, the *Aeneid* is also structured by epic intertexts that support Augustan ideology. Accordingly, the famed "two voices" of the *Aeneid* might be construed as "the tension between two generic models, epic and tragic" (3), and "the *Aeneid* thus emerges as a text in which these contesting ideologies still struggle for supremacy, with the poem oscillating between endorsing Augustus's new regime and questioning its methods and efficacy" (7).

Panoussi's book is convincing in its argument about the *Aeneid*'s pervasive engagement with the tragic genre. She is particularly effective at presenting the sustained pattern of ritual perversion in the *Aeneid* and nicely highlights the difference between tragedy's ritual "closure" through the restoration of religious order and the *Aeneid*'s comparative lack of resolution on the level of ritual. Her ultimate argument about the dialectic between epic and tragedy in the *Aeneid* and its ramifications for an Augustan reading of Virgil's work could be developed more clearly, however, and could also engage more fully with prior work on the subject.

Panoussi's book is divided into an introduction and two main sections on "Ritual" (Part 1) and "Empire" (Part 2). Part 1, much the longer of the two, is further subdivided

1 into “Sacrifice” (chapters 1 and 2), “Restoration” (chapter 3), and “Women’s Rituals”  
 2 (chapters 4 and 5). Part 2 (“Empire”) consists of a chapter on “Heroic identity: Vergil’s  
 3 Ajax” (chapter 6) and a short conclusion summing up the dialectic between epic and tragic  
 4 intertexts in the *Aeneid* (chapter 7). While certainly all of these topics are connected to  
 5 tragedy’s role in the *Aeneid*, the first two, “Sacrifice” and “Restoration,” form the most cohe-  
 6 sive section of the book since they focus consistently on one of the book’s primary goals,  
 7 which is to show how Virgil “manipulates a representational pattern absent in the Homeric  
 8 epics and specific to Greek tragedy: ritual corruption followed by ritual restoration” (6).  
 9 Part 2 (“Empire”) feels somewhat arbitrarily separated from Part 1 (“Ritual”) since there  
 10 is discussion of empire throughout the book, although admittedly this second part diverges  
 11 from the topic of ritual. It might have been useful if the discussion of ideology in the con-  
 12 cluding chapter had been placed instead in the introduction, since it provides the theo-  
 13 retical basis for the book and complicates the discussion of epic and tragic intertexts in the  
 14 introduction. The introduction could also have benefitted from a longer discussion of  
 15 Roman ritual and what can lead to its perversion since so much of the argument hangs on  
 16 the ramifications of corrupted ritual.

17 Chapter 1 focuses on the many deaths in the *Aeneid* that have sacrificial overtones  
 18 because they take place at an altar, sacrificial language is used to describe the slayings, or  
 19 literary allusions connect them to other sacrificial deaths. These deaths include, among oth-  
 20 ers, those of Laocoon, Priam, Icarus, Marcellus, Pallas, Sychaeus, Lausus, Pyrrhus, Helen  
 21 (her “almost-death” in Book 2), Dido, Turnus, and Mezentius; the last three deaths also  
 22 allude to the heroic sacrificial ritual of *devotio* (chapter 2). While for some readers Panoussi  
 23 may be casting too wide a net in her search for sacrificial deaths, and some of the intertex-  
 24 tual connections she draws are stronger than others (for example, she connects the “blood-  
 25 ied hair” of Lausus with Iphigeneia’s and concludes that “Aeneas’ responsibility for Lausus’  
 26 death may thus be said to be comparable to that of Agamemnon” [41]), her argument that  
 27 human sacrifice is a pervasive image in the *Aeneid*, much as it is in the *Oresteia*, is certainly  
 28 convincing. Indeed, as Panoussi shows, the key figure linking most of the sacrificial deaths  
 29 in the *Aeneid* is Iphigeneia, whose death is briefly alluded to by Sinon in Book 2 (116–19)  
 30 and who activates a web of allusions to Aeschylus’s and Lucretius’s versions of her death.

31 Panoussi’s point in detailing these cycles of perverted human sacrifices or quasi-sacrifices  
 32 throughout the *Aeneid* is to suggest that the reader is led to expect some sort of closure at  
 33 the end of the *Aeneid* through ritual restoration. The return to ritual order after corrupted  
 34 sacrifice is the pattern present in Greek tragedy, and also the pattern suggested by Girard’s  
 35 theory (largely based on Greek tragedy) of sacrificial crisis, which occurs when sacrifice  
 36 fails and chaotic violence breaks out until the sacrificial killing of a scapegoat brings a  
 37 return to social and religious order. While some scholars have proposed that Virgil applies  
 38 this Girardian pattern to the *Aeneid*, and that Aeneas’ sacrifice of Turnus at the end of the  
 39 epic is a success that enables the foundation of Augustan society (Bandera; Hardie, *Epic Suc-  
 40 cessors* 28), Panoussi problematizes this approach by pointing to the perversion present in  
 41 this final sacrifice, “as Turnus is transformed from willing victim to slain suppliant” (77).<sup>1</sup>

42 Panoussi also points to the “Fragility of Reconciliation” (chapter 3) on the divine level  
 43 as evidence of the relative lack of ritual closure in the *Aeneid* as compared with tragedy.  
 44 Again, the *Oresteia* is the model tragic text. Panoussi compares the transformation of  
 45 Aeschylus’s chthonic Furies into benevolent Erinyes associated with justice at the end of  
 46 the *Oresteia* with the *Aeneid*’s merging of the Olympian and chthonic realms in Book 12:  
 47 “In the *Aeneid*, by contrast, it seems that Jupiter, instead of converting the Dirae, is him-  
 48 self transformed into a version of Juno” (107). While it is frequently noted that Jupiter’s

<sup>1</sup> Smith, not cited by Panoussi, critiques Girardian readings of the *Aeneid* from a different angle  
 by pointing out that Virgil’s exploration of perverted sacrifice in Book 2 shows him to be more  
 interested in laying bare the deceptive aspects of sacrifice and scapegoating than in justifying them  
 as effective strategies of civilization.

use of Furies (Dirae) in Book 12 effects a “confusion of Heaven and Hell in Virgil” (Hardie, *Epic Successors* 73), Panoussi also nicely demonstrates the many ways in which Juno and the Furies associated with her power infect the divine world throughout the *Aeneid*.<sup>2</sup> As Hardie notes after giving a similar, though less comprehensive, demonstration of the merging of Olympian and chthonic worlds throughout the *Aeneid*, “Perhaps Jupiter’s use of the Fury should not come as such a surprise” (*Epic Successors* 74). Less convincing in this chapter is the argument that the gods contribute to ritual perversion in the *Aeneid* by using religious rites to further their own goals. It is difficult to imagine how else gods would use ritual in an epic poem, and it is also not certain that gods need to abide by the same rules as human beings in the performance of ritual.

“Women’s Rituals” focuses on maenadic imagery in the *Aeneid* via the characters of Amata, Dido, the Sibyl, and Helen (chapter 4), as well as on ritual mourning and lament (chapter 5). While the connection between Virgil’s maenads and their tragic counterparts is made clear,<sup>3</sup> the underlying message of this chapter is not fully integrated into the overall thesis about the dialectic between tragedy and epic in the *Aeneid*. Panoussi concludes the chapter by noting that “the representation of these women as victims makes a compelling case for their point of view, rendering it an alternative ideological position to that of male authority and empire. To be sure, this position is ultimately untenable” (143–44). Yet, her other discussions of the dialectic between tragedy and epic leave the outcome more open to interpretation and allow for several “tenable” positions (see 225). Chapter 5 covers some familiar ground in pointing to the dangers of excessive mourning as demonstrated by Andromache’s obsession with Troy in Book 3 and the Trojan Women’s lament in Book 5, a mourning ritual that is followed by the burning of the ships. However, Panoussi carries these observations further by nicely integrating her discussion of the Trojan Women’s behavior in Book 5 with her earlier discussion of Virgil’s transformation of the tragic pattern of ritual corruption-restoration. She points out that Virgil, instead of following the Trojan Women’s “transgression of their role as ritual mourners” with a restorative herocult (i.e. Anchises’ funeral rites), reverses the order and thereby “underscores the fragility of the new civic identity and its ability to stop reciprocal violence” (173).

Part 2 begins with a chapter that focuses on how the epic and tragic versions of Ajax are in dialogue in the *Aeneid* via the characters of Dido and Turnus. Panoussi notes that the epic Ajax is “consistently associated with the idea of *aidos*, that is, responsibility to others and a sense of their importance to oneself” (179), while the tragic Ajax finds himself violating “the very virtue he champions in the *Iliad*” (181). The tragic Ajax is also marked by a “fixed behavioral code” that rejects any sort of moral relativism and cannot adapt to the “ever-fluctuating reality of societal structures” (180). Panoussi’s mapping of both the Homeric and tragic Ajaxes’ characteristics onto Dido and Turnus is effective in highlighting the community-oriented aspects of their characters— aspects that are often discounted by “Augustan” readers of the *Aeneid* who locate their fatal flaws in their self surrender to passion (Dido) or to pride and violence (Turnus).

What is less successful in this chapter is the association of Aeneas and even Augustan Rome with the moral relativism of Odysseus: “Just as Odysseus in the Sophoclean play emerges as the alternative model to Ajax in the post-Achillean times and in the new sociopolitical reality of fifth-century Athens, so Aeneas constitutes the alternative to Turnus’ outdated heroism in the new Latium and in the new reality of Augustan Rome” (214). It is not obvious to me what is Odyssean about Aeneas in any ideological sense or

<sup>2</sup> Again, some of the intertextual links Panoussi draws are stronger than others. For instance, while it is certainly valid to find connections between the Furies and the Harpies— especially since Celaeno the harpy calls herself the “greatest of the Furies” (*Aen.* 3.252)— the comparison between *Eumenides* 71–74 and *Aen.* 3.214–15 (Panoussi 89) is a less powerful piece of evidence for their kinship.

<sup>3</sup> For example, Panoussi shows that the tragic themes of “resistance to male authority, negation of the bridal transition, and destruction of the household, are central in several episodes of the *Aeneid*, and they are closely linked with women’s engagement in bacchic ritual activity” (123).

1 how the interplay between the epic and tragic Ajaxes maps onto the generic dialectic  
 2 being traced throughout the work. Panoussi concludes the chapter by suggesting that “in  
 3 the case of Turnus, as in the case of Dido, the Homeric material serves to deploy a sys-  
 4 tematic tragic intertext, without which it would be impossible to appreciate the profound  
 5 problems, tensions, and conflicts inherent in the sociopolitical changes that Aeneas’ new  
 6 order, and by extension, Augustus’ Rome bring to bear” (217). Yet, “Aeneas’ new order” is  
 7 not a well-defined concept in Panoussi’s text; in addition, an argument could be made that  
 8 the Homeric Ajax’s intertexts suggest as many tensions in the opposition between Aeneas  
 9 and Dido or Turnus as the tragic Ajax’s. Finally, it might have been useful to include the  
 10 character of Mezentius in this chapter, since the Homeric and tragic Ajaxes are equally  
 11 important for structuring his opposition to Aeneas.

12 The final chapter (“Contesting Ideologies: Ritual and Empire”) aims to bring more  
 13 clarity to the dialectic between epic and tragedy through a brief examination of what ideol-  
 14 ogy is and how it connects to cult, ritual, and Augustus. I will quote Panoussi’s conclusions  
 15 directly since they are complicated and difficult to summarize. Following the theories of  
 16 Catherine Bell, Panoussi states that “ritual practice constitutes a locus where such ideo-  
 17 logical negotiations are enacted and where ideologies are shaped” (219). She also empha-  
 18 sizes that “Augustus himself was deeply aware of the power of ritual to promote his poli-  
 19 cies” (222). Thus, the *Aeneid* can be “explained as another means for the reproduction of  
 20 the nascent social and political order of Augustus” (223), just as Greek tragedy can be read  
 21 as dramatizing “ideological battles . . . while ultimately affirming and justifying Athenian  
 22 hegemony over its allies” (223). However, Panoussi resists this “unilateral interpretation of  
 23 Vergil’s poem” (223) and instead suggests that “the ritual intertext of the *Aeneid* focuses on  
 24 the fragility of ritual and the breakdown of ritual practices, exposing the artificiality of the  
 25 power relations contained therein” and that “as a result, the ideological nature of the poem  
 26 stands exposed, and the ritual/tragic intertext becomes a way of registering opposition,  
 27 anxiety, and repression” (224). In addition, the ritual/tragic intertext “draws attention to  
 28 the fact that the very idea of what it means to be ‘pro-Augustan’ is still in the process of  
 29 being defined” (225).

30 Panoussi’s concluding discussion of ideology and ritual, epic and tragedy is thought-  
 31 provoking; however, it also raises some problematic issues regarding her use of the tragic  
 32 genre. To wit, it seems she is asking the tragic genre to do too much: it is used to set up  
 33 a normative pattern of ritual corruption-restoration, which the *Aeneid* fails to replicate,  
 34 and thus presents the *Aeneid* as a text that is potentially darker than tragedy and even “un-  
 35 tragic” in its resistance to tragedy’s ritual closure. Yet she also uses tragic intertexts to rep-  
 36 resent the *Aeneid*’s voice of “opposition, anxiety, and repression” (224), as well as to give it,  
 37 in a more neutral way, a “means through which ideological points of view of resistance and  
 38 acquiescence are negotiated” (7). Adding further complication is the fact, which Panoussi  
 39 acknowledges (e.g. 14, 223), that there are many competing interpretations of tragedy;  
 40 some find the “restoration” at the end of tragedies deeply problematic and not a true solu-  
 41 tion or closure, while others find confirmation of a pro-Athenian and imperial voice—  
 42 which might even be called the Homeric/epic intertext of Panoussi’s book.

43 In addition, if there seem to be too many definitions of the tragic/ritual intertext, the  
 44 meaning of the Homeric/epic intertext is underdeveloped by Panoussi. While she acknowl-  
 45 edges that her “analysis has privileged the tragic/ritual intertext” (218), it is still important  
 46 to provide evidence supporting her definition of the Homeric/epic intertext, especially  
 47 since she assigns it such an important role in challenging the tragic/ritual intertext. In  
 48 what sense can the Homeric intertext really be said to support Augustan ideology (particu-  
 49 larly if that ideology is still in the process of being negotiated and defined) or even be used  
 50 as a representative of “positive, heroic values” and “empire without end” (226)? Surely the  
 51 *Iliad* has more connections with tragedy than with that vision of epic, and perhaps Virgil’s  
 52 incorporation of tragic intertexts into his epic is more a recognition of these genre’s affin-

ities than of their opposing ideologies. Each genre has room for voices of triumph and despair, acquiescence and opposition.

Of course, Panoussi is not the first to suggest that the presence of other genres in the *Aeneid* complicates the epic's ideology or "epic voice," and perhaps it would have helped clarify her own use of the epic/tragic dialectic if she had engaged more fully with, for example, Lyne's discussion of epic voice, or Rossi's demonstration of how tragic and historical genres add different layers of meaning to Virgil's epic.<sup>4</sup> Ultimately, then, I would not say that Panoussi's book "contributes to resolving the controversy of the 'two voices' of the *Aeneid* by grounding it in the tension between two generic models, epic and tragic" (2–3). "Pro-Augustan," for all its failings as a label (224), is a more accurate description of what she labels the epic intertext in Virgil's poem. Her "tragic voice" is certainly more complicated than "anti-Augustan," but the added complication is sometimes at the expense of clarity. In the end, then, I prefer Hardie's more simple conclusion in his examination of tragedy in the *Aeneid*: Virgil forged an "amalgam of the commemorative, panegyric tradition of historical epic with the problematics of Attic legendary tragedy" ("Virgil and Tragedy" 325). Perhaps more can be gained from reading the tragic and epic voices in Virgil as inextricably linked rather than as "vying with the other for supremacy and meaning" (225).

Despite my hesitations about the underlying theoretical basis of the book's tragic/epic dialectic, Panoussi's ideas are stimulating and make many valuable contributions to Virgilian studies. Above all, she convincingly demonstrates that ritual in the *Aeneid* is an intertext that should be read closely with the literary allusions to Greek tragedy and with tragedy's own deployment of ritual and religious imagery.

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<sup>4</sup> Rossi's book is not in Panoussi's bibliography, but it is relevant not just for her discussion of tragedy in the *Aeneid* but also for her discussion of Livy in chapter 2.

1 MISPLACED OBJECTS: MIGRATING COLLECTIONS AND RECOLLECTIONS IN EUROPE AND THE AMERICAS.  
2 By Silvia Spitta. Austin: University of Texas Press. xii, 280 p.

3 *Misplaced Objects* takes its place in an ongoing series of critical studies dedicated to  
4 examining the effects of diaspora on the field imaginary of literary and cultural studies  
5 in the wake of the transnational turn. Transhistorical as well as interdisciplinary, Spitta's  
6 richly illustrated study displays an impressive scholarly, cultural, and artistic range, tele-  
7 scoping backwards from contemporary to early modern instances of traveling things and  
8 cultures. Spitta's focus is on the history of transatlantic displacement in the wake of the  
9 European conquest and colonization of the Americas; her study traces the "myriad objects  
10 that migrated between Europe and the Americas to find their new place within altogether  
11 alien contexts" (3). American objects that took their place as curiosities in European *Wunder-*  
12 *kammern* (Cabinets of Curiosities) lead off the analysis in Part 1, followed, in Part 2, by the  
13 reverse migration of European icons such as the Virgin of Guadalupe to the Americas.  
14 Departing from the "paradoxically simple thesis that when things move, things change"  
15 (3), Spitta traces the wayward transformations in use and meaning that objects and cul-  
16 tures undergo in the wake of spatial and temporal dislocation.

17 A practical lesson on the chance and contingent emergence of things against the grain  
18 of origins, *Misplaced Objects* joins the chorus of anti-essentialist works in cultural studies  
19 that have asserted the discontinuities of cultural history, arguing that cultures and things  
20 need not retain the same meanings they had at their inception. To the contrary, things and  
21 cultures are liable to become raw material for ongoing flows of appropriation, co-optation,  
22 and subversion that may change their appearance nearly beyond recognition. *Misplaced*  
23 *Objects* is an exemplary instance of such a genealogy (rather than a teleological history) of  
24 culture. Originating in a provincial Spanish religious cult, the Virgin of Guadalupe, for  
25 example, went on to become the mestizo "goddess of the Americas," a syncretic religious  
26 icon, Mexico's patron saint, and, more recently, a secular icon making visible the long-  
27 standing Latino presence in the U.S. Equally important, Spitta's study is a welcome addi-  
28 tion because of its pragmatic case study approach. It carefully documents transcultura-  
29 tions much celebrated in the abstract, but understudied in careful historical detail and  
30 depth such as offered here.

31 Part 1 offers a transhistorical and transatlantic genealogy of the European *Wunderkam-*  
32 *mer*, the "forerunner of our modern museums," collections that were the earliest destina-  
33 tion of many displaced objects from the Americas (27). The impulse to collect, Spitta notes  
34 in her general discussion of the European *Wunderkammern* (chapter 1), is linked to power-  
35 knowledge, the intellectual attempt to control the chaos of the world. Tracking the *Wun-*  
36 *derkammer's* dismantling that occurred with the rise of modern museums and scientific  
37 academies, Spitta argues that objects arriving from the Americas were transformed into  
38 curiosities and, later, into scientific specimens. Invoking Enrique Dussel's reminder of the  
39 often-overlooked fact that the conquest and colonization of the Americas played a crucial  
40 role in the constitution of European modernity, Spitta notes that, while they altered the  
41 epistemological order of the receptor culture, the "radical alterity of American objects was  
42 never completely assimilated" (41, 29). Wide-ranging and illuminating as the remainder of  
43 her study, Spitta's discussion of the *Wunderkammern* is nevertheless marred by an undue  
44 emphasis on wonder as the central purpose and organizing principle of the collections  
45 ("wonder-containing spaces," "theaters of the marvelous," "the search for curiosities" [41,  
46 36, 44]): "The operating assumption of the cabinets of wonders therefore was that in their  
47 wild, exuberant, encyclopedic inclusiveness they laid bare the marvels of the entire world"  
48 (37). While not entirely incorrect, this is a reductive reading that bypasses the collections'  
fundamental organization, knowledge defined as all-encompassing, encyclopedic uni-  
versalism. As art historian Horst Bredekamp notes (in *The Lure of Antiquity and the Cult of*  
*the Machine*, 1995), to associate cabinets of curiosities with pre-scientific wonder is a com-  
mon misconception; indeed, varying names attributed to these early modern collections—

*Wunderkammer*, *Kunstkammer* (literally, cabinet of art)—are symptomatic of the widespread confusion over their identity. In fact, they were the expression of a unified conception of creation, at once natural and human, classical and modern, boldly trans-historical and pan-geographic, and encompassing objects from nature, art, and technology. In Bredekamp's pithy catchphrase, the *Kunstkammer* epitomized the fusion of the "lure of antiquity and the cult of the machine": indeed, just as telling as the collections' incorporation of exotic objects from Europe's expanding overseas empires in the Americas and elsewhere was their ambitious association, among human artifacts, of both works of art and machines. Technology and science (for example, clocks and early modern automata) were located within the same room, and on the same epistemological plane, as art. In the eighteenth century, this encyclopedic unity—ordered via a historical chain connecting "natural formations—ancient sculptures—works of art—machines" (Bredekamp)—was destroyed (along with the physical dismantling of the *Kunstkammer* collections) by the rising hegemony of utilitarianism and Enlightenment epistemology. As Spitta notes as well, a new order of things was imposed, drawing sharper "distinction *between* things" (53), which led to the break-up of the *Wunderkammer's* undissociated taxonomy.

The history of the Real Gabinete (Royal Cabinet) (chapter 2) illustrates the general fate of the European *Kunstkammern*, dismantled for the most part in the course of the eighteenth century with the collapse of the pre-Enlightenment universalist order of the cosmos. Their collections were broken up and sent to specialized museums of art, natural history, ethnology, botanical gardens, and so on, although the Real Gabinete's foundation (in 1771) and eventual dispersal (around 1867) lag behind by more than a century. As the sponsor of several expeditions in the Spain's New World colonies, moreover, it illustrates the collusion between collecting and empire, knowledge and colonial power, as well as the often-neglected but "crucial role" the Americas, and displaced "objects from the Americas," played in the "inception of modernity" and Western science (45, 57). Recently recovered due to the efforts of dedicated curator María de los Angeles Calatayud, the story of the Real Gabinete also exposes the "rarely highlighted fact that the Spanish Empire was a *commercial* venture" (61). Furthermore, challenging "stereotypes (that pit English industriousness against Spanish greed) . . . the development of the Real Gabinete shows the extent to which the continued Spanish presence in and colonization of the Americas came to be understood and theorized by the eighteenth century as a scientific and economic enterprise" (57). The chapter concludes with an anecdote illustrating the satisfying ironies stemming from anti-colonial uses of colonial knowledge. Thomas Jefferson, who famously refuted eighteenth-century naturalist Buffon's thesis of the inferiority of American species and the degeneration of European species and people transported to the Americas, obtained important evidence for his rebuttal of Buffon from his correspondence with the Real Gabinete about Dinosaur bones found in Argentina: American Dinosaurs clearly established that "bigger was literally better" (64).

Chapter 3 tracks the survival of the *Wunderkammer* in popular culture through the nineteenth century to the contemporary period in, for instance, alternative museums and curio shops. The survival of the *Wunderkammer* order of things in subcultural strata after their delegitimation as serious knowledge/inquiry reveals the extent to which the cabinet of curiosity formula of display—blending spectacle and education, "sight and knowledge" (38), art and science—has persisted to the present day as a powerful trend within popular culture. This is documented by a rich array of examples, including P.T. Barnum's American Museum and freak shows, Gunther von Hagen's Bodyworlds exhibit, alternative museums such as L.A.'s Museum of Jurassic Technology, the current trend towards the (digital) reconstruction of European *Wunderkammern* dismantled in the eighteenth century, as well as the work of contemporary installation and performance artists including Guillermo Gómez-Peña, Coco Fusco, Rosamond Purcell, and Mark Dion. Increasingly, "critics, photographers, and installation artists are using the *Wunderkammern* as the frame with which to undo the frame" (92). In part making ironic use of the cabinet of curiosity to question

1 the museological politics of display, contemporary artists carry forward Duchamp's chal-  
 2 lenge to the binary art/life (88). In parallel ways, Purcell's collaboration with science writer  
 3 Stephen Jay Gould is an attempt to deconstruct the division between art and science.

4 Part 2 turns from secular collections to religious objects and sacred spaces, unfolding  
 5 the transatlantic migrations and transculturations of the Virgin of Guadalupe. Invoking  
 6 studies identifying the chief role of ritual as the construction of community, Spitta argues  
 7 that in each of its displacements, the cult of Guadalupe has functioned as the "glue" in  
 8 constructing imagined communities, albeit of radically different kinds—first religious,  
 9 then secular; initially colonial, subsequently anti-colonial. Transported across the Atlan-  
 10 tic as an instrument of the Spanish imperial mission in the Americas, the European Vir-  
 11 gin was implanted in New Spain as a sacred image of conversion in accordance with post-  
 12 Tridentine doctrine. Chapter 4 narrates how, once superimposed on an indigenous shrine  
 13 on a mountaintop site (the shrine of Tonantzin, Tepeyac Hill, now part of Mexico City),  
 14 this official Baroque icon was in turn soon consumed by an indigenous appropriation  
 15 from below that transculturated the Spanish Virgin into a syncretic figure, blended with  
 16 Tonantzin, Nahuatl mother/serpent goddess. Emblematic of the Catholic sacred spaces and  
 17 images in the New World created by Iberian colonization, Spitta argues, the brown Virgin's  
 18 syncretic plasticity, manifest in parallel native and creole/colonial corpuses of veneration,  
 19 is due to its status as a religious icon and ritual, creating "solidarity without consensus"  
 20 (100) or the sharing of specific beliefs.

21 Chapter 5 further tracks what Spitta calls "Guadalupe's wheels," the "ease with which the  
 22 Virgin of Guadalupe has crossed continents and borders of all sorts" (120), by discussing  
 23 the Virgin's contemporary transformations at the hands of Latinos in the U.S. Appearing  
 24 on the banner of César Chávez United Farmworkers, in the decoration of lowrider cars and  
 25 in *pinto* (prison) tattoos, in iconoclastic feminist appropriations by Chicana artists Ester  
 26 Hernandez, Yolanda López, and Alma López, in U.S.-based parades on the Day of the  
 27 Feast of Guadalupe (December 12) and transnational Mexican-U.S. pilgrimages honoring  
 28 the plight of undocumented workers, the Virgin, now speaking Spanglish and English as  
 29 well as native tongues, continues to build solidarity and community, albeit of secular and  
 30 counter-institutional kinds very distant from her conservative origins.

31 Chapter 6 concludes the discussion of Guadalupe's travels and the genealogy of mestizo  
 32 and Catholic "sacred space [that] divides Anglo from Latin America" by focusing on New  
 33 Mexico, northern boundary of a landscape dotted by mountaintop crosses that had for-  
 34 merly been marked by indigenous altars (97). The "dynamics of enchantment" connect  
 35 New Mexico, "land of enchantment," to Latin America. Spitta juxtaposes two rivaling con-  
 36 structions of New Mexican sacred space that engage and contest each other. One is per-  
 37 formed by Euro-American modernists Mabel Dodge, Willa Cather, Georgia O'Keefe, and  
 38 others who were drawn to New Mexico between the World Wars in their quest for a coun-  
 39 terculture of modernity that would inspire their modern art. The other comes from local  
 40 Indo-Hispanic religious myths and folk traditions, as represented by the Chimayó sanctu-  
 41 ary, the Penitente Brotherhood, folk artists such as *santeros*, or religious objects such as  
 42 *bultos* (statues). As with the Mexican cult of Guadalupe, New Mexican folk Catholicism is a  
 43 mestizo expression nourished by indigenous contributions. And in the wake of New Mex-  
 44 ico-inspired Euro-American modernist art, the "New Mexico/mestizo effect" now "perme-  
 45 ates artistic sensibilities all over the United States" (147).

46 The last two chapters in Part 3 approach displacement in contemporary writers and art-  
 47 ists from an autobiographical angle: Mexican American Sheila and Sandra Ortiz Taylor's  
 48 *Imaginary Parents: A Family Autobiography* (1996), a collaborative project created by two sis-  
 49 ters, one a writer (Sheila), the other an artist (Sandra), a book illustrated by photographs  
 50 of miniature installations (chapter 7), as well as Cuban installation artist Sandra Ramos's  
 51 work (chapter 8). Juxtaposing immigration and exile, chapters 7 and 8 also contrast Mexi-  
 52 can American immigrant expression with Cuban exile art, the latter represented from the

unusual perspective of those left behind on the island. Part 3 treats misplaced objects in a new guise, as the personal objects that constitute what Spitta refers to as our “identity kit,” objects (purchased on travels and brought back from our place of origin) “with which we surround ourselves and which we cherish” that “serve to anchor the self to the place we call home” (164).

The Ortiz Taylor sisters’ family autobiography illustrates Pierre Nora’s claim (in “Between Memory and History: Les Lieux de Mémoire,” *History and Memory in African-American Culture*, 1994) that, unlike history, memory takes root in the concrete: centering on the “lost objects with which the girls grew up” (the father’s saxophone, the mother’s sewing machine, a glamorous family heirloom—Pancho Villa’s whip), *Imaginary Parents* constitutes a part-visual, part-verbal private collection in which these lost family objects are re-created as “metonymic miniatures” (168). The “careful memory work of re-collection (object and memory)” in the Ortiz Taylor sisters’ family autobiography also illustrates the study’s larger claim—that things change when things travel—in a compelling way: consumer objects (a piñata of Pancho Villa, photographs of Hollywood stars) are transformed into individualized possessions charged with personal symbolism.

Sandra Ramos is a member of a new generation of Cuban artists and writers that emerged in the post-Soviet period of the 1990s (the so-called Special Period in Cuba). Characterized by economic hardship as well as a massive emigration crisis (on the part of Cuban artists, but also with ordinary Cubans’ attempts to cross the Florida Strait in small boats), the 1990s saw a relaxation of censorship and new levels of tolerance towards independent artistic expression and the treatment of previously taboo subjects. Squarely addressing the trauma of the *balseiro* (raft) crisis, Ramos work exemplifies this trend. And, once again, the articulation of loss takes root in material objects: the things that Cuban exiles take with them on their exodus, suitcases, the Cuban flag that stands for a rejected Cuban nationalism but also for nostalgia for the homeland left behind. As the Taylor Ortiz sisters’ and Ramos’s works show, human displacement across national borders, whether in the form of immigration or exile, Mexican American or Cuban, takes place within a parallel flow of objects that embody and refract their owners’ wayward diasporic trajectories.

As indicated above, the chief value of this comparative study lies both in its detailed case studies and its surprisingly original trajectory across a wide-ranging terrain, some of whose segments have been the subject of much specialized scholarship. *Misplaced Objects* is itself a contemporary brand of scholarly *Wunderkammer*, collecting cultural objects from five centuries of transatlantic travel between its covers.

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RIDING THE BLACK RAM: LAW, LITERATURE, AND GENDER. By Susan Sage Heinzelman. Stanford: Stanford University Press, 2010. xxv, 168 p.

Heinzelman is a “ramist.” But let me start at the beginning. Riding backward on a black ram into court is a curious and probably apocryphal custom reported in the collection of “ancient tenures” published by the lawyer and glossographer Thomas Blount, under the title *Fragmenta antiquitatis*, in 1679. As reported from two different sources, the riding of the ram, while reciting contrite verses, is a penance—“a pain”—performed by an incontinent

1 widow who otherwise would lose her lands. It is an English custom, associated with two vil-  
 2 lages in Berkshire and a manor in Somerset, that had sufficient hold and popular appeal  
 3 to reassert itself in literary texts, in legal apologia, and in political cartoons in the eigh-  
 4 teenth and nineteenth centuries, and then again in 2010 in Susan Sage Heinzelman's  
 5 meticulous study of unruly women and errant literature unsettling the jurisdiction of law.

6 The persistence of the figure of a woman riding backward on a black ram is not only  
 7 remarkable but also lends the image a certain force, a customary status that, whatever its  
 8 "original," amounts to something akin to precedent, meaning law formed through use  
 9 over time. Blount perhaps anticipated that switch of genres or augmentation of status, the  
 10 move from narrative to *nomos*, in the peculiarly ambivalent and somewhat mobile ascrip-  
 11 tion of authority that he gave to his collection. The work was intended to be a translation  
 12 of the records he compiled, but then he remarks endearingly (in "To the Reader") that he  
 13 retains the Latin because "on second thoughts, I judge the original words would be more  
 14 acceptable both to the Learned and the Learner." He also admits that some of the lan-  
 15 guage defies translation and challenges even the most erudite of glossographers, namely,  
 16 one suspects, himself. More than that, this resistance to the alteration and diminution that  
 17 translation portends is also reflected in the subtitle to the work, which indicates a Latin  
 18 treatise that, stated now in the vernacular, will both divert and instruct, that is, as already  
 19 adverted, for the learned and the learner, the lawyers and the literati. The maxim that  
 20 ends the preface and heralds the collection, Blount's motto, again in Latin for the sense of  
 21 it, is *lege, ride, disce*—read, laugh, learn.

22 Blount's work on the curiosities of common law has generally been ignored by lawyers  
 23 and is treated at best as an amusement, an occasional and miscellaneous title that is to be  
 24 chided with some gentle diminutive. The Scottish legal antiquarian David Murray includes  
 25 it in his 1912 *Lawyers' Merriments*, and Josiah Beckwith Gent's 1815 edition of Blount, carries  
 26 the subtitle *Jocular Customs*. The common law tradition was not unaware of the importance  
 27 of the ludic, of the genre of *serio ludere*, and was equally familiar with the legal emblema-  
 28 tist's view *ex nugis seria*, that out of trifles serious things emerge. Blount indicates as much  
 29 in his epigram, carefully ordered to progress from reading, through humor, to knowledge,  
 30 and it is that precise trajectory that Heinzelman follows.

31 The laugh, the smile, is in Freudian terms a mark of latent content, and it would be hard  
 32 indeed not to smile at the cartoon of Queen Caroline entering the House of Lords in 1820  
 33 for her trial, riding on a black ram. The humor is significant, symptomatic even, and hence  
 34 a clue to another scene, a backface, a properly covert content. Heinzelman discusses this in  
 35 terms of Freud's uncanny—a mark of homelessness—and the desire to return. She aims to  
 36 reconstruct the hidden history marked by the repetition of the figure of the black ram and  
 37 revealed by the diversionary smile. Proceeding by means of readings of disparate feminine  
 38 figures—the Wife of Bath, Aphra Benn, Mary Delarivier Manley, Queen Caroline, Mary  
 39 Bland, Marie-Madeleine de Lafayette, and Hermione from *The Winter's Tale*, a reasonably  
 40 syncretic conspectus—she argues for the presence of another law, a feminine *nomos*, which  
 41 she coins *nostos*, within the interstices, alive and nascent in common law.

42 The distinction between *nomos* and *nostos* is inventive and stipulative. *Nomos* is defined as  
 43 the conceptual substrate of positive law. It encapsulates the historical hierarchy of appro-  
 44 priation, possession, and division, and the roles and offices that form the structural and  
 45 semantic context of legal rule. *Nomos* is thus associated with what we English term "estab-  
 46 lishment," the settlement of meaning, the external and objective order of things. Against  
 47 this, *nostos*, for Heinzelman, portends a gendered—specifically, feminine—norm, another  
 48 scene of resistance and meaning making, a subtle and largely ignored rewriting of the  
 tradition. In reconstructing the historical narrative so as to elicit and elucidate a feminine  
 law, a *lex amatoria*, that accompanies and contests the standard histories of the novel and of  
 legalism, Heinzelman stages a radical claim: she offers "what one might call a critical *nostos*,  
 a new way of reading the familiar which alters the paradigm that still dominates feminist

critical theory.” (xv) Women have already written themselves, their gender, into history, and have inscribed their own law. Women have always been powerful and have always had a relation to power that the concept of *nostos*, a gendered reading of the extant literature, both narrative and normative, can reconstruct and relay.

Some might challenge Heinzelman’s restriction of the *nomos* to the mere legitimation of positive law. While she acknowledges the role of equity as *melior lex*, the emendation of rigid laws, she could further allude to the role of the *nomikoi*, scholars who were not lawyers but who advised judges and legislators on matters of morals and ethical impact. They were still, however, overwhelmingly men, and the poetic boundaries they inscribed in law were not self-consciously gendered. What is genuinely significant and non-doctrinaire in Heinzelman’s book is thus a recognition that gender is nonetheless immanent to the juridical and present although repressed in the literary and doctrinal history of law. Much to her credit, Heinzelman revives some of the early treatises on women’s rights, written as legal self-help and advice manuals at the very beginning of the early modern tradition. I will here neither rehearse her point nor summarize her various literary elaborations; she succinctly and successfully does so herself. I will rather take up and expand her theoretical point in the context of current trends in legal theory.

Law and literature has been a rather marginal discipline in law schools. It is treated as one of a litany of “law and” sub-disciplines and is viewed as entertainment with a possible utility for honing rhetorical and textual skills that should have been acquired pre-law. It is the beach vacation of the latter stages of the JD curriculum. As mentioned earlier, that ludic and leisured aspect of the literary, *otium cum dignitate* as used to be said, had significant theoretical import in Blount’s collection of antique customs, and so too in Heinzelman’s “ramist” project. *Nostos* precedes and exceeds law. It relates less to the externalities of sovereignty or the rule book of positive laws than to the prior contestation and inscription of gendered narratives and aesthetic sensibilities that operate at the level of institutional meaning and the other internalities of everyday action and administration. Here I will draw upon the recent work of Giorgio Agamben to expand upon the doctrinal significance of Heinzelman’s “nostalgic” thesis, and particularly upon his elaboration of the baroque maxim *rex regnat sed non gubernat*—the sovereign rules but does not govern (*Le Règne et la gloire* 121).

The formal and external domain of rule, of apparent majesty and spectacular theatrics of dominance, of triumph and ceremony is only one part of the exercise of social power. For Agamben, the visible domain of rule, of formal declaration and general norms, rests upon or at least exists in an uneasy relation with the other dimension of power, that of administrative action, of things being done, of bureaucracy and institutional everyday governance. Formal law has a symbolic value and ceremonial significance, but it is modeled upon the theology of a *deus otiosus*, an inactive deity, a useless God, pure providence as compared to a forgotten theology of disposition and interior rule, the workings of an active deity and actual administration captured in the doctrine of *oikonomia*. The *oikonomic* is the apparatus of doing as opposed to declaring and exists in a generally antinomic relation to the generalities and declamations of formal rule.

Heinzelman’s recuperation of a feminine norm, does not coincide with the lost theology of *oikonomia*, but it does carry significant resonances of gynaecotopic governance. She at one point cites James the first’s accession speech to the effect that “I am the husband, and the whole Isle is my lawfull wife; I am head, and it is body; I am the Shepherd, and it is my flocke” (104). The Royal *oikonomos*, in Selden’s 1614 work on legal titles of honor “oeconomique rule,” was the original of all commonwealth and the model of both immediacy of rule and practice of governance. The common lawyers of the seventeenth century would refer to law, in this sense, as a “nursing parent” and the Crown as a “nursing father.” The uncanny quality of *nostos*—the familiar and yet occluded character of the narrative of gendered governance, the constituent practices of the intimate public sphere and

1 their recuperation through the legally marginal literary texts that Heinzelman re-reads—  
 2 provides an important avenue into a neglected history. In other words, what takes place in  
 3 the public sphere of ritual and spectacle has likely already been decided, has in fact been  
 4 done or at least predetermined in the *oikonomic* realm. And hence the uncanny feeling,  
 5 because these other stories, these gendered narratives of desire and intrigue that make up  
 6 the *nostoi*, the generative imaginings and creative acts of the intimate public sphere, the  
 7 doings in the modern equivalents of the Royal *oeconomy*, are both uneasily familiar and still  
 8 subject to repression.

9 Heinzelman does not go quite as far as Agamben. She acknowledges that common law  
 10 has a vein of illogicality and that it has its secret histories and practices that embody  
 11 much of what her *nostos* conveys, but she also harbors a lingering sense of the otherness  
 12 and exclusion of the feminine. The literature she relays embodies a history of dismissal  
 13 and marginalization. She cites Gerard Genette, arguing that “what defines plausibility is  
 14 the formal principle of respect for the norm” (33). The plausible, however, has its etymo-  
 15 logical root in the Latin *plaudo*, meaning to clap and by extension applause and appro-  
 16 bation. The plausibility of the norm, in other words, is rooted in the acclamatory, in the  
 17 tradition of *laudes regiae*, the pomp and circumstance that Agamben views as constituting  
 18 the precarious hymnological and choral apparatus of glorification that maintains the  
 19 sovereign in her majesty and power. My point is simply that the norm—dependent as it is  
 20 upon acclamation, upon glorification through ceremony and spectacle—is not free of the  
 21 “secret calumnies,” the alternate imaginings, the other scenes of gendered desire that  
 22 *nostos* heralds and relays.

23 It is tempting to argue that Heinzelman stays too close to the literary aspect of law and  
 24 literature. The tendency, for reasons of disciplinary specialism and academic status hierar-  
 25 chies so fondly relayed in the U.S., is for literary scholars to study the legal in the literary  
 26 rather than to unravel the literary in the legal. Heinzelman, however, takes up several doc-  
 27 trinal elaborations and the judgment in the Mary Bland trial. She steps out of her discipli-  
 28 nary comfort zone, breaks the boundaries of the literary, and brings her battering ram to  
 29 the portals of law. Back, then, to her ramist tendencies and the image of a woman riding a  
 30 black ram, her gnostic icon. To the extent that her work addresses lawyers, its audience is  
 31 without question “ignorantist” and needs its complacency and theoretical insularity bated  
 32 down. Heinzelman herself needs to ride the ram and enact the “cultural iconogra-  
 33 phy” (95) that the cartoon places a touch too safely in the confines of history.

34 Returning to that image—as an emblem of both gender politics and the relation  
 35 between the legal and the literary, *nomos* and *oikonomos*—one notices a satirical force to  
 36 the scene that deserves further elaboration. The scene—the apparatus—is a large hall with  
 37 a gallery. Robed and wigged lawyers accompany Queen Caroline on her black ram, other  
 38 lawyers sit behind a table, and there is no bench, no bar, and no raised thrones. This is a  
 39 court of literature, a popular assembly, a representation of *lex amicitia* otherwise variously  
 40 named a court of honor or law of love. As Queen Caroline rides the ram the audience  
 41 applauds her. She is “guiltless,” “innocent as our wives,” and “virtue is always triumphant.”  
 42 She is indeed “santa Carolina,” a nice touch given the images of covert encounters, secret  
 43 trysts, and other carnal *conusances*, to use law French, that hang from the gallery. Here is  
 44 a satirical representation of the *nomos* of the *oikos*, or here court, and a depiction of the  
 45 desires that precede and exceed law. Here it is acclamation that decides in the explicitly  
 46 theatrical space of judgment. While it might seem merely humorous, it is also instructive.  
 47 Caroline has subverted the tradition to her own ends. She is riding facing forwards on a  
 48 black ram that bears the face of her male lover. She is gesturing to the court with the open  
 hand of rhetoric. To invoke Artemidorus on dream interpretation, the ram is the law, and  
 is auspicious, the word itself coming from “to rule” (93). The woman, *nostos*, rides the law  
 and subjects the man. The literary, one can extrapolate, directs and governs the legal.  
 Indeed, to cite Artemidorus again, “the ram is a swift animal and is believed to have been

used for the team of Hermes.” Thus rhetoric here rides upon and over hermeneutics and the variously complex and antiquated arts of legal interpretation.

In conclusion, continuing with the play upon ram and ramist, neo-ramist no doubt, battering ramist too, the question is what this self-avowedly radical theory means for law and literature. As far as the ramism, the re-ordering, is concerned, this relates directly to the revaluation of the feminine and the literary, of gender and norm. Heinzelman’s recuperation of the black ram is precisely gauged to breaking down the barriers between the two disciplines and offering an account of the literary as the very mechanism, the essential imaginative device, by which the modern public realm obtains its semantic content. With its machinery of acclamation and glorification, emotive attachment and spectacular relay, identity and role, the literary sets the scene for law and lawyers. *Nostos* potentially dictates the norm, and nowhere could this be more evident than in the image of the trial of Queen Caroline. The cartoon, as I have described it, contains a portrait gallery of images of relationship, paintings within the picture, which are representations of the subject of the trial, the visible imaginary that populates the populace. The figures of the literary, the popular images of the emblem and then cartoon and now multiple relays of digital media all have a significance within law. Heinzelman is concerned that we pay attention to the techniques of the literary and the analyses of gender that are to be found historically from Chaucer to Mary Blandy. They are the real clues, the *nostos* that covertly determines what *nomos* will be declared.

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