

The Heart of Law

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1. Premise

The central guiding idea behind this contribution can be summarized in the motto, ‘When all becomes excess, it behooves us to devote a thought to measure.’ Measure is the essential component of the social and political bond: it is the space without which human coexistence would be impossible, a space we cannot predetermine. Measure is the foundation on which rests the juridical, understood as that which is called on to regulate otherness, namely, the irreducible difference among humans, a difference that also works itself out as the otherness between humans and the mystery of life, with the accompanying fear of death, a difference that marks limit of human existence, exposing men to violent behaviour in their social relations.

The world of human societies is at its origin a normative universe, precisely in virtue of the need to define the boundaries of behaviour. It is out of this need that norms emerge and frame the space of social relations, on the basis of the ‘part’ that each person must have in every context of human experience, and they guide justice in recovering the measure of those boundaries when excess breaks out.

Our awareness of the continuity between law and justice—and of their common rootedness in the complex space of the boundaries imposed by otherness—is present from the origins of human culture in the myths that in telling of gods and men reveal the limit of human existence.

This complexity cannot be captured by modern Western legal science, nor can it be explained by the reflection that has accompanied the evolution of positive law. Little, if anything, will we achieve by bringing to bear on this complexity the distinction between law and morals (in its various formulations), or by abandoning natural or customary law and replacing it with an exclusively formal and rational law, or, generally, by relying on the concepts that have emerged out of the technicization of law. More eloquent is the sociological fact of the separation between internal and external legal culture, and of the confusion this distinction has generated in our

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common sense, in the meanings we ascribe to law, and in the feelings that feed our expectations of justice, or the claims we make in asserting a right. That fact invites us to look elsewhere in our culture in the effort to recover those aspects of the problem (or to understand the complexity involved in the problem of otherness) which the positive law has forced out, mistaking for an ‘evolutionary achievement’ its own movement away from the concrete reality of social life.

Far from offering facile judgments about legal modernity, and far from pursuing the chimera of an original *jus*, I make it my aim here to analyze a few literary passages that have passed on to us, from the origins of Western culture, in Greece, the memory of the link between law and justice. Visibly manifesting itself in this space is the true sense of measure and the ancestral fear of that violence—the matrix of every excess—which emerges from our human drive to find identity, as against recognizing otherness and difference, and which jeopardizes the life of the community.

It is my hope, then, to identify elements for thinking about measure, which has gradually been abandoned over time, as if measure were an aspect of the juridical that is taken for granted, any yet it is precisely with measure that we must reckon whenever our shared system of norms and meaning falls into crisis. That is the point from which we must proceed in an effort to shift this question of the law’s justice from the abstract plane of theory to the more-complex plane of experience and society, clarifying what the boundaries of law are and what its justice should consist in, apart from legal procedures.

This is a problem we can work out by taking a law-and-humanities approach, which points out new avenues that legal science could take in seeking to get to the heart of juridicalness (*juridicité*).¹

Among the several paths offered by the analysis of literary texts, the one that has won me over is that which takes the law as a story or narrative process (law as narrative). I follow Cover (1983) and Geertz (1983) in the belief that human communities are constitutively narrative and that the cultural universe by which these communities are structured is in itself normative. Which is to say that the transmission of moral, social, and legal norms, and the corresponding guiding of behaviour, happens through the telling of stories that we can share. These stories, fictional or nonfictional, can be of various sorts and be drawn from various sources. But what essentially makes a story juridical is its ability to structure daily life on a symbolic, normative, and emotional level, constantly offering formulas on which basis to achieve a balance in social coexistence. This also means that, as relational entities, we too are these stories, and above all it means that our way of understanding and access the world of everyday life does not reflect any rigid distinction between rational and emotional intelligence or between truth and imagination. Every human action always juggles emotions with rational strategies that kindle or mitigate one another.

¹ *Juridicité* (juridicalness) is a concept developed by Jean Carbonnier (1969), the idea being to observe formal and informal law (*droit* and *non-droit*) as parts of a broader arena that coincides with social life itself.

The stories of literature, as well as the more popular stories, do capture this reality interwoven with the intellect, with the heart, and with fantasy, giving us an understanding of life, while also enabling us to imagine other possibilities, and for this reason they can give us greater insight into the law's justice than can the stories of positive legal science.

This is what happens with Odysseus' homecoming journey, or νόστος (*nostos*), the story that more than any other continues to exert an influence on Western culture.²

Unlike the story of war and siege told in the *Iliad*, the *Odyssey* addresses the theme of the hero's homecoming, which also signifies a return to life, to community, and to the order needed for the community to thrive. The point is not simply to retell a traditional tale so as to keep us entertained, nor is it to collect the contents of the ἀοιδοί (*aoidoi*), or bards' performances so as to preserve such contents and hand them down, as usually happens in communities based on oral culture. Homeric language gives shape to an anthropological grammar that makes it inherently normative, and it further enables the songs to guide behaviour in pursuit of an educational project inspired by values of peace (Havelock 1978). The songs' project is particularly effective because rooted in an understanding of the conditions necessary for social cohesion, an understanding that uses intelligence in all its forms: in thought, body, and emotion. These are the very forms of intelligence that are brought into play by epic, its words rhythmically chanted and listened to, its plots fantastic, but carrying thoughts about reality, and its force draws us in, on account of the feelings such poetry elicits: pain, fear, compassion.

Odysseus' *nostos* can ultimately be read as an opportunity for the bards, to depict a real world while also envisioning a possible one, where the song telling of the hero's homecoming and of his revenge becomes a means with which to explain the most sensitive, complex, and fragile aspects of human coexistence, while at the same time offering an ideal vision of humans and of their possibilities. As we will see shortly, the song is concerned at its core with the question of measure—the deepest nexus between law and justice—a theme the heart of the song keeps beating, keeping alive its memory not only for the epic's original audience, present in the background of the narrative, but also for all those who have approached the same narrative over time and into the present.

2. The measure of honour

The communities depicted in the Homeric narrative are governed by a feudal, warlike aristocracy and are permeated by the culture of honour. It is a 'shame culture' (Dodds

² For a study conducted from a law-and-humanities approach on the world of Odysseus, see White 2001. I take the considerations that follow from the research I have been doing for several years, see my more recent Mittica 2007. I also would refer to this text for the extensive bibliography, confining myself in this article to pointing out only the principal essays which have a direct bearing on the discussion. The Homeric translation I refer to is by A. T. Murray (Loeb Classical Library). Harvard University Press and William Heinemann, Cambridge, MA and London 1919.

1951), where every behaviour is conditioned by the attribution or loss of honour (τιμή- *time*). The man who breaks the rules exposes himself to shaming by the people (δήμου φήμις- *demou phemis*): this is a punishment so feared that it suffices in itself to keep unbecoming conduct in check just by virtue of psychological pressure, so much so that the nobleman can also be recognized as such by his ability to feel the shame that can come from dishonour. Conversely, it is the need to maintain one's honour, and above all the ambition to achieve glory, that prompts one to behave in worthy ways.

The drive to achieve success makes the nobleman's temperament very competitive. The hero's ambition is to be glorified more than anyone else among peers, achieving the greatest fame not only in war but also within the community, thus becoming a risk for life in common.

To this marked individualism, with a desire to prevail that could easily lend itself to usurpation and commandeering, the epic responds by offering a model of heroic virtue (ἀρετή - *arete*) in which we find the traits that typically make a warrior, but also qualities of a collaborative sort (Adkins 1960), the kind needed to foster and maintain communal bonds. Thus, aside from demonstrating an ability to rule (κράτος - *kratos*), to attack and plunder (βία - *bia*), and to win wars, a nobleman seeking to excel must also have the defensive strength (ἀλκή - *alke*) with which to protect himself and the community, and not just from external attacks, for it is the internal conflicts that pose the greatest danger. This is a strength that, having its basis in experience (δύναμις - *dynamis*), appreciates such qualities as prudence, good sense, amiability, and kindness. In brief, the model of *arete* conveys the idea that a hero's greatest virtue lies in an ability to preserve social bonds and to recognize measure and the limits of aristocratic behaviour in relational life.

Indeed, the expression that most often accompanies a judgment about human conduct is κατὰ μοῖραν (*kata moiran*), literally 'in accord with measure', where *moira* refers to each person's 'part' or 'share', their lot in life; or it may signify the part that each person is due when splitting a loot or each person's cut of meat at a banquet; or, again, it may designate the status one is publicly recognized as having or the role that each is bound by.

The *aidoi's* idea of heroic virtue comes through from the narrative as a whole, but one incident in particular summarizes it quite well. We are at the Phaeacians' court, and the ideal is limned out through the words of Odysseus.³

The king's son, Laodamas, has organized some games of strength and skill to entertain Odysseus, and he invites the guest to compete, as is proper and customary. But Odysseus refuses and is insulted by one of Scheria's young princes, Euryalus.

³ The setting of the scene is not incidental. Phaeacian society stands as a model of peaceful coexistence. It is governed by a sovereign couple, Alcinous and Arete: the former name signifies defensive strength (*alke*) and the latter the greater quality, virtue (*arete*), each completing the other. And Odysseus, the man of *multiple talents* to whom the *aidoi* entrust many of their reflections, is not only welcomed by the Phaeacians with all the honors usually reserved for guests of great fame but is also represented as a man equal to Alcinous himself, if not superior to him.

And here is the reply:

Stranger, you have not spoken well; you seem like a man blind with folly. So true is it that the gods do not give gracious gifts to all alike, not form, nor mind, nor eloquence. For one man is inferior in looks, but the god sets a crown of beauty upon his words, and men look upon him with delight, and he speaks on unfalteringly with sweet modesty, and is conspicuous among the gathered people, and as he goes through the city men gaze upon him as upon a god. Another again is in looks like the immortals, but no crown of grace is set about his words. So also in your case your looks are preeminent, nor could a god himself improve them, but in mind you are stunted. (Od. VIII 166–177.)

The qualities of a hero, then, are not reduced to physical appearance and strength but also include intelligence, wisdom, and an ability to articulate arguments with confidence, and also kindness and respect for the interlocutor. Beauty alone will be of no help to one who is mindless, just as no one can have any honour who does not act with measure.

It is on this basis that one can be judged worthy of honour, and by exerting pressure on everyone's behaviour, the judgment so made supports the normative structures that regulate coexistence, thus providing a means of social stewardship, even resolving conflicts by redressing the balance when someone has been wronged—a social technique that, as we will see shortly, lays emphasis on the ability to cope with relational crises by relying on discursive mediation rather than on physical engagement.

Not incidentally, Euryalus recovers his status of nobleman only once he retreats to a position where he is acting within bounds, thereby formally redressing the affront he inflicted and recouping the esteem he had lost in the eyes of the people. As Alcinous directs, 'let Euryalus make amends to the stranger himself with words and with a gift, for the word that he spoke was in no way suitable [κατὰ μοῖραν - *kata moiran*]' (Od. VIII 396–397).

3. The measure of law

The way of redressing offences exemplified by Alcinous' command forms part of a well-structured system of normative practices. Of these practices I will confine myself to considering those based on the rules that underpin political organization and compensation for injury. Most of the practices in question involve an exchange of gifts, whose symbolic relevance, acting through the complexity of the social bond, can lead to an understanding of measure as the matrix of the customary law known by the *aidoi*.

It is only a handful of families that govern in the communities represented in the epic—nuclear families, even at this early time, and they make alliances in defending the common territory. The political organization is made up of three main bodies: the king (βασιλεύς - *basileus*); the chieftains' council (βουλή - *boule*), on which sit the elderly custodians of the law (γερόντες - *gherontes*) and the household

heads (βασιλῆες - *basilees*); and the assembly (ἀγορά - *agora*), in which all freemen participate.

It takes the highest public recognition to become king: that consists in being judged, or rather, 'honoured', by one's peers and by the people as being the most virtuous among all the leaders who can compete for the position. This honour is conferred with a gift, the γέρας (*gheras*), which in the songs is depicted as 'the choicest part' of the loot, the part the companions in arms give to the bravest in battle, but which also signifies a conferral of political leadership to the best *basileus* when gifts of various kinds are bestowed on him by the other *basilees* (Od. VII 148–150; XI 174–176). The *gheras*, however, does not come without a price: as is in the nature of the gift, it sets up a relation of mutuality, putting the king at the service of those who have consented to his kingship. 'It is no bad thing to be a king (βασιλεύτερον - *basileuteron*). Straightway one's house grows rich and oneself is held in greater honor', says Telemachus (Od. I 392–393), but in return the king is bound to attend to all matters of common interest, bringing all his skills to bear, especially those included among the collaborative virtues (the virtues of diplomacy). In fact, his operation is constantly being watched by the chieftains' council and by the assembly, and as can be gathered from the further forms of reciprocity through gift-making (Rundin 1996), such oversight comes with an especially strong pressure exercised by the king's peers, who never cease to be in competition with him, waiting for an opportunity to take his place. In brief, then, the *gheras* symbolizes the measure of the king's power: the 'largest share' of power and at the same time the *limit* of such power, revealing the ambiguity of a bond that in the covenant of solidarity also conceals an element of control, an element which can be a source of enmity as well.

The sense of measure that guides social control is characterized by a further form of mutual giving. The administration of violence in Homeric communities is based on a retaliative system that has the function of mediating conflicts to restore the broken relationship between families when one has suffered an injury.⁴ The way of returning the parties to a state of mutual solidarity is by bestowing a gift, despite the fact that different procedures govern depending on the kind of injury involved (economic or personal). Even in the case of murder the person responsible for the act pays to the victim's relatives a price (ποινή - *poine*) for the blood that was shed. Indeed, as much as the injured party is free to decide whether to resort to a blood revenge, the only cases we encounter in the songs are of murderers who pay the *poine* or flee from a threat of death that at worst resolves itself into a form of forced exile.⁵

The retaliative system, in other words, would have the main function of

⁴ The system can be found in different traditional societies. For the model's features, see Verdier 1980; for its confirmation in Homeric society, see Svenbro 1980.

⁵ The recourse to *poine* is the most practiced form of retribution in Homeric communities, or at least it is the one the *aidoi* favor. Indeed, for example, the assembly's visible embarrassment in dealing with the question forming the subject matter of the famous scene depicted on Achilles' shield suggests that the victim's relative may be required to accept *poine*. See Il. XVIII 497–508.

interdicting the blood revenge and restoring the social bonds through a solution that, should it fail or prove impossible, would at most break those bonds, without triggering any feud. That said, the observance of this code is imposed by the culture of honour sung by the *aidoi*, a culture based on the novel heroic model of *arete*, which invites one to compete in collaborative virtue, and so, clearly, in preserving social peace.

In this protection from possible infighting with dramatic outcomes lies the origin of the community, and among its devices we find the gift, understood as a rule of conduct to be followed in observance of the community's customs, but also as a measure to be found in making amends, a measure in the etymological sense of a *dose* (Benveniste 1969, 66-70). The gift stands as a symbol of the social bond, but it equally symbolizes the possible fraying or breakup of that bond, a danger that is always lurking. And that is something to be cognizant of. This law knows that the *basilees* are allies and rivals at the same time, and, especially, it makes no mistake about the futility of prohibiting violent behaviour. The only feasible way to intervene, then, is by looking to contain the damage inflicted.

On the steep terrain of a complex of relationships characterized by otherness, there is no way to fully bridge the gap that comes from difference. The gift brings out the paradox of this 'noncommunal bond of community' and illustrates the authentic sense of measure manifested in the need to 'pharmaceutically weigh' the right dose of action and reaction at every turn (Derrida-Doufourmantelle 1997). Without these doses, no peaceful relationship is possible among people (each an *other* with respect to everyone else), and so no community would be possible, either.

One should not be surprised to find, at this point, how important is the role recognized by the *aidoi* for the rules of hospitality as a code that guides social relationships not only among people from different communities but also among neighbors within the same community.

Hospitality is owed: whoever shows up must be welcomed. The law of hospitality requires in the first place that foreigners and their otherness be welcomed, imposing a duty to give without expecting anything in return. And therein lies the principal value that hospitality finds in the *aidoi*'s narrative. Before the measure of the gift exchanged between peers,⁶ there is the offering of hospitality by taking into account the possibility of a gift that does not entail a commitment to reciprocate: this is the first measure to be found. The rules of hospitality make it necessary to deal with an uncompassable otherness: they require that a risk be taken so as to find compassion and sharing.

If, as I think, it is not coincidental that Odysseus, disguised as a foreign beggar,

⁶ Usually, when the foreign guest is a nobleman, hospitality becomes an alliance. The bond is formalized through an exchange of gifts. The relationship so obtained is of a sort very similar to that founded on the *basilees*' mutual control. But, and this is a problem that comes into play with otherness, like a foreign guest, so also a neighbour can be an ally who at any time could turn out to be an enemy. The law of hospitality is thus not confined to potential foreign allies but also applies *within* the community to maintain the pact of solidarity among men who share a territory and have their lives bound together.

should at one point benefit from the unconditional hospitality of the Phaeacians, in Scheria, and should later receive the same hospitality from Eumaeus, Telemachus, and Penelope, in Ithaca, then it stands to reason that this law is also that of the community, or at least that which the *aoidoi* hold up as a model. And that would also explain why, in the song, the main cause of the suitors' end is not the injury to Odysseus and his family but is the guilt for having disregarded the rules of hospitality toward anyone who might have turned up: foreigners or fellow citizens, peers or people in need.

4. On the boundary with the gods

So far the rules we have considered are those of a law governed by the ethic of honour, where justice is achieved through a finding of guilt or through the people's approval, and this is enough to maintain a balanced social existence, by channelling behaviour and intervening in the resolution of disputes. The fear of being blamed is enough to contain the violence inscribed in the aristocratic character, making it so that the customary law of community can keep such violence within tolerable and manageable limits.

When men disregard the bounds of measure, they move into a sphere they cannot enter without jeopardizing the survival of the community as a whole. For with any wrongful act comes the risk of reviving the original character of the γένος (*ghenos*) or family order, where a wrong is reacted against with blood, and the blood with more blood, thus touching off a cycle of violence having no end.

The epic thus picks up a theme present in many Greek myths: the human inclination toward excess, which prevents mortals from living a serene and peaceful life. In describing the dismay one feels at the wretched condition brought about by excess, the song also introduces the idea that excess pushes one beyond the limit within which men can act. Excess, in other words, is mirrored in the sacred. For this reason if men act beyond measure, only the gods have the power to restore the measure by placing men back within their boundaries.

The moral of story is: One who has caused an injury and makes amends for it remains a man of honour because he understands the measure of his action, and the same goes for the injured party if he accepts the restitution. But one who does not respect the rules will be punished by the gods. The *aeodoi* hope, in other words, that the fear of divine punishment can counteract the human inclination toward immoderation. The truth told by the song is that, whenever men fail to recognize the value of human law and its justice as a necessary order, they commit the sin of hubris (ὑβρις - *hybris*), understood as a degree of violence exceeding the limit beyond which human intervention is no longer possible. There are no more gifts one could possibly make when one goes beyond measure: therein lies the teaching.

All of the *Odyssey's* songs work toward the recounting of the revenge exacted on the suitors: as tributaries of a single river, they all do so out of the same concern with the community. The whole narrative plan revolves around the problem of the conflict arisen in Ithaca in consequence of the suitors' excessive actions and Athena's

decision to intervene and restore order in the island by driving Odysseus' *nostos*.

When Athena intercedes with Zeus for the return of Odysseus (Od. I, 45–95), Ithaca has been without its king for twenty years. The uncertainty about Odysseus' fate has stalled public life. There is nobody who will attend to the community's interests, and each family manages its affairs on its own.

After seventeen years, twelve noblemen from Ithaca and many others from neighbouring islands—all convinced of the king's death—show up at Odysseus' palace to compete for the hand of his wife, Penelope, without regard for the customary rules of nuptial courtship (Cantarella 2004), given that there is no way to determine whether she is actually a widow, and they take the palace by storm upon discovering Penelope's guile of weaving a pall so as to buy time.

Even if marriage to Penelope does not confer the title of king on the new husband, it is clear that this is a struggle for leadership, with each suitor hoping that Penelope's choice for him will give him public recognition.⁷

For almost a year now the situation has been completely out of control, jeopardizing social cohesion within Ithaca, and also its alliances with neighbouring communities. So Athena and Zeus provide that, on the one hand, Odysseus will resume his *nostos*—with the blessing of Zeus, who sends Hermes to Calypso so that she will leave him free—and, on the other hand, that the groundwork be laid in Ithaca for Athena, her first act being to call on Telemachus to publicly denounce the injury he and his mother are facing at home.

The goddess shows up at the palace in the guise of Mentès, leader of the Taphian pirates who has long been a guest of Odysseus. The erstwhile pact of solidarity among allies is soon renewed, this by sharing stories of mutual exchanges that have taken place between guests and by sharing as well the pain of not having had any news of Odysseus (Od. I 102–220). And that gives Athena an occasion to comment on what is happening:

What feast, what throng is this? What need have you of it? Is it a drinking bout, or a wedding feast? For this plainly is no meal to which each brings his portion, with such outrage and arrogance (ὕβριζεν - *hybrizein*) do they seem to me to be feasting in your halls. Angered would a man be at seeing all these shameful acts, any man of sense who should come among them. (Od. I 225–229.)

In addition to so passing sentence on the situation, the goddess gives counsel recommending that an assembly be convened to denounce the suitors' *hybris*, publicly enjoining them to leave the house and urging Penelope to return to her father if she wishes to remarry. At the same time Telemachus will request that a ship be outfitted so he can set out in search of news of his father, ascertaining whether he is really dead and, if so, taking his place in managing the affairs of the household (Od. I 272–297). Telemachus must show that he has grown into a man capable of

⁷ This is so even if the point of the story is not just to single out the qualities of true heroic virtue: as happens in other myths, so here, too, the body of the queen is the symbol of Odysseus' power.

protecting his interests in accord with customary law, reminding the community of the worth of Laertes' kin as men who understand the necessary order of the limit, turning in particular to the elders, for they have a greater appreciation of the law.

Mentes leaves again. Telemachus begins to step into his new role and sends his mother to her cloisters, away from the banquet hall, as is befitting for any other woman (Od. I 328–361). Immediately thereafter he confronts the suitors:

Suitors of my mother, arrogant in your insolence [ὑπέρβιον ὕβριν ἔχοντες – *hyperbion hybrin echontes*] [...] in the morning let us go to the assembly and take our seats, one and all, that I may declare my word to you outright that you depart from these halls. Prepare yourselves other feasts, eating your own stores and moving from house to house. But if this seems in your eyes to be a better and more profitable thing, that one man's livelihood should be ruined without atonement [νήποινον – *nepoinon*], waste on. But I will call upon the gods that are forever, in hopes Zeus may grant that deeds of requital occur. Without atonement [νήποινοί – *nepoinoi*], then would you perish within my halls. (Od. I 368–380.)

In identifying the suitors' behaviour as *hybris*, Telemachus has announced his aim to publicly discredit them, thereby exposing them to a far more serious punishment. This can be appreciated from the threat he lays out: if the suitors will not make reparation, continuing to disregard the rules, the gods will intervene responding to the excess with excess, and those who have caused injury without paying the poine (*ne-poinon*) will die without any possibility of atonement (*ne-poinoi*).

5. Telemachus convenes the assembly

'Soon as early Dawn appeared, the rosy-fingered, up from his bed arose the dear son of Odysseus, and put on his clothing' (Od. II 1–3). Wearing precious robes, Telemachus embellishes himself with weapons. He convenes the assembly in the appropriate manner and shows up at the square only after everyone else has gathered, so as to have greater visibility. Athena makes him even more handsome, so that the people will admire him. Thus, in a gesture charged with meaning, he sits on his father's throne amid the elders (Od. II 4–14).

It is Aegyptius who, among the *gherontes*, is first to speak. He uses ritual formulas to ask who convened the assembly and for what reasons, all the while expressing how delighted he is at the initiative, because no assembly has ever been summoned since Odysseus' departure (Od. II 25–34), and also alluding to the decadent state the community lies in, and the unease this has brought about.

Encouraged by the elder's opening, Telemachus begins his address (Od. II 41–49), showing he is knowledgeable about the common rules and respects the rite, and he also demonstrates a remarkable argumentative capacity, which he puts to use in explaining why he called the assembly:

Upon my mother suitors have fastened against her will, own sons of those men who are here the noblest [...] thronging our house day after day they slay our oxen and sheep and fat goats, and keep revel, and drink the sparkling wine recklessly; the larger part of our substance is already gone. For there is no man here, such as Odysseus was, to ward off ruin from the house. We ourselves in no way have the strength for it: in the event we would only prove how feeble we are and how ignorant of battle. Yet truly I would defend myself, if I had but the power; for now deeds past all enduring have been done, and my house has been destroyed beyond all show of fairness. (Od. II 50–64.)

It is a private matter he takes to the assembly. He has lost his father, and his inheritance risks being destroyed by the suitors who have taken over the house. He would like a peaceful settlement but cannot achieve it because the suitors do not acknowledge they have wronged him, and as the last in a line of only children (Od. XVI 117–120), he does not have the strength needed to successfully seek redress or throw the suitors out. So he asks the entire community to side with him, while fully recognizing the limitation of his request:

Be ashamed yourselves, and feel shame before your neighbors who dwell round about, and fear the wrath of the gods, lest it happen that they turn against you in anger at evil deeds. I pray you by Olympian Zeus and by Themis who dissolves and gathers the assemblies of men, stop this, my fellow Ithacans [...]. For me it would be better that you should yourselves eat up my treasures and my flocks. If you were to devour them, some day there might be recompense; we should go up and down the city pressing our suit and asking back our goods, until all was given back. (Od. II 64–78.)

Telemachus knows he cannot obtain more than a moral rebuke against the suitors⁸; and yet he insists in his effort by trying to emotionally draw fellow citizens into the matter, looking to elicit their compassion and also the fear that the unjust actions in question should induce the gods to visit their wrath upon everybody. At the same time, his argument is designed to provoke the suitors so that the *hybris* by which their conduct is governed should become evident, thus also bringing to light the impossibility of a recourse to the customary forms of dispute resolution even in the public context of the *agora*.

Emphasizing the suitors' lack of measure, the *ainoi* probably want to suggest that behaviour beyond the limit is a problem affecting not only one in the private sphere but the community as a whole. As further evidence, of the one hundred and eight suitors, it is just the *basilees* from Ithaca that Telemachus addresses.

Needless to say, Telemachus' speech goes right on target: it prompts Antinous, the most arrogant of the Ithacan suitors, to react with a flaming attack in which he rejects the accusation (Od. II 85–90) and goes on to describe in detail the ploy of

⁸ Telemachus knows that the retaliative system is based on the family order and that the effectiveness of revenge depends on the family's strength in claiming retaliation.

the shroud, which cost the princes a delay of close to four years. The only person responsible for their course of action, the suitor claims, is Penelope, whose arrogant misbehaviour has forced them to react with an equal arrogance (Od. II 90–128). On this argument, Telemachus would be a victim only of his mother. But the argument becomes weak in light of Telemachus' response, who cautiously continues to avail himself of reasons grounded in the community's law: he cannot force anything on Penelope while it remains uncertain whether Odysseus is actually dead; he cannot assume the authority of the household head and make a choice for his mother. It would be an insult to his father; to Penelope's father, Icarius, who would be entitled to reclaim the dowry paid for his daughter; and, finally, to Penelope herself. Not least, he would expose himself to public blame (Od. II 130–137).

Having brought into plain view the suitors' reluctance to accept ordinary reasons, and having set himself in contrast to the suitors as one who is conversant with the law of men and that of the gods, Telemachus can finally demand that the suitors leave the house if they are capable of any remorse, and can reiterate the threat of unavenged death expressed the previous evening at the palace (Od. I 376–380; II 141–145).

The plot is woven and begins to unravel even as the assembly is still gathered. As a finale at the end of Telemachus's speech, the *aoidoi* bring in a sign betokening the presence of Zeus: two eagles fly over the square and, having looked everyone in the eye—'death was in their glare'—they tear 'with their talons one another's cheeks and necks on either side' and dart 'away to the right across the houses and the city of the men' (Od. II 146–154). *Everyone knew in their heart what was to come*, and old Halitherses, who can recognize the signs sent by the gods, makes it explicit, further developing the idea that the suitors' lack of measure is putting the entire community at risk for survival (Od. II 161–169), explaining that a blood feud sets off an escalation of violence, depleting the community of its capital of human lives.

Confident of his own prognostication, Halitherses cannot but agree with Telemachus. With an equal grasp of the customary law, he thus echoes Telemachus' words by publicly enjoining the suitors to leave Odysseus' house, while urging the assembly to reflect on a possible solution.

Before anyone else can intervene in favour of Telemachus, the elder is met with an objection by another of the Ithacan suitors, the most strategically artful of them, Eurymachus:

Old man, up now, go home and prophesy to your children, for fear in days to come they suffer ill. In this matter I am better far at prophesying than you. Many birds there are that pass to and fro under the rays of the sun, and not all are fateful. As for Odysseus, he has perished far away, as you also should have perished with him. Then you would not have so much to say in your reading of signs, or be urging Telemachus on in his anger, looking for a gift for your household, in hopes that he will provide it. But I will speak out to you, and this word shall be brought to pass. If you, wise in the wisdom of the old, shall beguile with your talk a younger man, and set him on to be angry, for him in

the first place it shall be the more grievous, and secondly he will in no case be able to do anything because of these men here, while on you, old man, will we lay a fine which it will grieve your soul to pay, and bitter shall be your sorrow. (Od. II 178–193.)

The suitor uses reasonable arguments that may even have a basis in the common rules: it is reasonable to assume that Odysseus is dead, just as it is plausible that Halitherses has a duty not to endanger the life, or even the peace and quiet, of a man with whom he has formed a friendship. But then Eurymachus is taken away by his own excess: he answers Halitherses' demand with a spate of threats and insults, and blackmail, and he tops it all with a statement of the highest *hybris*, by denying respect for the elders and for the same assembly:

Since in any case we fear no man—no, not Telemachus for all his many words—nor do we pay attention to any soothsaying which you, old man, may declare; it will fail of fulfillment, and you will be hated the more. (Od. II 199–203.)

In this way, he brings about his own condemnation and that of the other princes, by placing the behaviour of the suitors beyond the limits manageable by human justice.

Telemachus thus retreats, takes back his intimation, and stresses that no solution can be found without first ascertaining his father's death (this clarifies his own legal status and that of his mother). He then requests a ship so he can undertake a journey in search of news, as has been suggested by Athena, and he promises that if he fails to do so within a year, or if it turns out that Odysseus actually *is* dead, he will succeed to his father and give his mother away in marriage (Od. II 208–223).

This strategic act of resignation is an opportunity for the *ainoi*, through Mentor's words, to draw a conclusion about the assembly's inability to deal with the problem at hand and to reflect, sadly, on the larger impossibility for the community to handle internal conflict driven by *hybris*:

Never henceforth let sceptred king with a ready heart be kind and gentle, nor let him heed righteousness in his heart, but let him ever be harsh and work unrighteousness, seeing that no one remembers divine Odysseus of the people whose lord he was; yet gentle was he as a father. But of a truth I begrudge not the proud wooers that they work deeds of violence in the evil contrivings of their minds, for it is at the hazard of their own lives that they violently devour the house of Odysseus, who, they say, will no more return. Nay, rather it is with the rest of the folk that I am wroth, that ye all sit thus in silence, and utter no word of rebuke to make the wooers cease, though ye are many and they but few. (Od. II 230–241.)

In fact, no one intervenes. No one utters any word of rebuke. It is impossible to intervene in a private matter, or even to banish the suitors, since many of them are the offspring and relatives of those who sit in the assembly. The situation is structured in the narrative so as to underline the bewilderment of a community in the grip of

excess.

That much can be borne out by the way the assembly is brought to an end, with the suitor Leocritus showing no respect for procedure, and indeed giving offense to the elder Mentor, and making a show of power so brazen as to threaten that Odysseus might himself be slain if upon his return he should try to counter the suitors' efforts:

Mentor, you mischief-maker, you wonderer in your wits, what have you said, bidding men make us cease? It is a hard thing even for a majority to fight for a dinner. For even if Odysseus of Ithaca himself were to come, eager at heart to drive out from his hall the lordly suitors who are feasting in his house, then would his wife no joy at his coming, much though she longed for him, but on the spot he would meet a shameful death, if he fought with men that outnumbered him. Your word miss the mark. But come now, you people, scatter, each one to his own lands. As for this fellow, Mentor and Halitherses will speed his journey, for they are friends of his father's house from of old. (Od. II 243–256.)

The assembly ends in the manner predicted by Athena: Telemachus has assumed the authority he sought and obtained the ship he requested. The suitors' arrogance has become evident, and the punishment proceeds according to the design of the *aoidoi*.

6. The revenge of Laertes' kin

Telemachus returns to Ithaca, having escaped a plot by the suitors to kill him. Odysseus is already on the island, disguised as a beggar at the hut of Eumaeus. It is here that the encounter takes place between father and son, in the countryside, in a humble dwelling, far from the loci of power, and it is here that, significantly, Athena also turns up, intent on persuading Odysseus to reveal his identity and to stage the massacre with Telemachus' help.

The facts leading up to the archery competition from which the massacre will take its cue are well known: they range from Odysseus' ingress at the palace as a beggar to Telemachus' return, where we see the *aeodoi* illustrating the suitors' behaviour and expressing a condemnation of human arrogance, while Telemachus arranges the banquet hall according to plan.

Despairing of her husband's return, Penelope decides to put an end to the havoc, offering herself in marriage to whoever can string Odysseus' bow and shoot an arrow through the holes of the twelve axe heads, as Odysseus was wont to do. This is a complex, symbolically charged act with many layers of meaning, not least because it places a woman in a position to judge a contest that may determine who the new king of Ithaca will be.

The competition is intended to determine how the suitors fare in demonstrating two main qualities of a good king, namely, strength and aim. It takes not just great strength to string Odysseus' bow but also an expert knowledge of the weapon, which needs just the right amount, or 'dose', of tautness. It is thus a test of *dynamis*: a

strength based not so much on physical force as on an experience acquired in using and measuring force. And the arrow that slips through the twelve axe heads planted in the ground symbolizes the ability to aim 'right', in such a way as to hold together different, potentially conflicting components, all of them forming a communitarian space—and perhaps it is no coincidence that the song speaks of twelve axes, the same number as are the suitors from Ithaca. The king must therefore have an ability to mediate and find common ground among all the leaders, a point of agreement, by understanding where their heart lies and aiming straight for it (in a metaphor where the heart is the hole of each of the twelve axe heads).

Penelope admits the beggar to the competition even though the suitors oppose his entry: Odysseus must reassert his superiority over the suitors before revealing his identity and giving start to the revenge.

So he strings the bow and shoots the arrow through the twelve axe heads. He then takes aim at Antinous' throat, killing him on the spot, and calls out his own name. Only now does he state the reasons that have driven him to inflict this punishment:

You dogs, you thought that I should never again come home from the land of the Trojans, seeing that you wasted my house, and lay with my maidservants by force, and while I was still alive covertly courted my wife, having no fear of the gods, who hold broad heaven, or that any indignation of men would follow. (Od. XXII 35–41.)

All are in dismay except Eurymachus, who attempts a reconciliation according to the customary retaliative system:

If you are indeed Odysseus of Ithaca, come home again, this that you say it just regarding all that the Achaeans have done—many deeds of wanton folly in the halls and many in the field. But he now lies dead who was to blame for everything, namely Antinous; for it was he who set on foot these deeds, not so much through desire or need of the marriage, but with another purpose, which the son of Chronos did not bring to pass for him, that the land of well-ordered Ithaca he might be king, and might lie in wait for your son and kill him. But now he lies killed, as was his due, but spare the people that are your own; and we will hereafter go about the land and get you recompense for all that has been drunk and eaten in your halls, and will bring in requital, each man for himself, the worth of twenty oxen, and pay you back in bronze and gold until your heart is soothed; but till then no one could blame you for being wrathful. (Od. XXII 45–59.)

It is an interesting strategy that Eurymachus enacts in recognizing the avenger's reasons. Antinous has already been killed, and so he can be blamed for the most serious acts: the usurpation of power and the plot to kill Telemachus (Od. XVI 363–373). It is only Antinous, and no one else besides, who has gone beyond the measure of courtship by aiming to reap even greater rewards. The other suitors have confined themselves to circumventing the rules of a proper marriage proposal, and so the

damage for which they are responsible is only economic. And, by way of a further argument, Eurymachus notes that Odysseus should spare the other suitors because they are, after all, *his own people*.

Eurymachus brings to the table all the legitimate reasons backing his offer to make amends for the offense the suitors have committed: not least among these reasons is that the bonds of community would irreparably be broken if the young *basilees* of Ithaca and the neighbouring peoples were killed. Nothing prevents Odysseus from consummating his revenge by accepting the recompense that each suitor would offer in gold and bronze. But Odysseus refuses: there are no possible gifts or negotiations with the men responsible for *hybris* (Od. XXII 61–67). Because the suitors have overstepped the limit, Odysseus must himself do as much, overstepping the same limit, thus going beyond the common rules in place for managing violence.

There is no escape. Eurymachus urges everyone to defend themselves and is the first to lunge toward Odysseus, only to find death. From here on out there will no longer be any attempt to stop the carnage. Odysseus and Telemachus swing into action with their plan: having geared up for combat, they also provide weapons to Eumaeus and Philoeteus, the last remaining faithful servants, so they can back up Odysseus in the fight. The suitors, unarmed, begin to *fall thick on one another*. The court's exit has been blocked so as to not allow anyone to run for help.

The only one to come to the victims' rescue is Melanthius, the traitorous servant, who recovers the 'twelve shields, as many spears, and as many helmets of bronze with thick plumes of horsehair' in the storerooms where Telemachus has had the weapons stashed (Od. XXII 144–145): twelve complete sets of equipment for twelve of the one hundred and eight suitors. A curious circumstance, considering that no single man could possibly carry such a load on his own.

One can speculate that this is a clue left in the song as a device by which to mark off the limits of the revenge within the boundaries of the community. This would confirm that the *aidoi* devote attention to the internal conflict, a focus supported by other elements, like the fact that twelve is also the number of maids punished for having sexually betrayed their master (Od. XXII 417–425), and that, as has been compellingly argued (Svenbro 1984), the suitors' relatives who go in pursuit of Laertes, Odysseus, and Telemachus to avenge the victims from Ithaca may themselves in all likelihood be twelve. Indeed, it appears that those weapons, all identical because they all belong to the king, are destined to arm Odysseus' fellow citizens.

In other words, the *aidoi* have confined the conflict within the compass of those who bear arms: Odysseus, Telemachus, Eumaeus, and Philoetius, on the one hand, against the twelve *basilees* from Ithaca, on the other. With the same weapons equipping both sides, a mimetic relation is set up that brings out the fierce retaliatory reciprocity the song condemns as an affair that goes beyond the bounds of measure.

Only at this point does Odysseus come to appreciate the full magnitude of the problem before him: 'and great did his task seem to him' (Od. XXII 149). Before his

brethren-turned-enemies, the protagonist learns he is part of a much larger project led by Athena, whose ultimate goal is to restore the community to its previous order, within the boundaries of a tolerable violence.

While the fight rages on, the goddess appears at the court under the guise of Mentor, an ally of Odysseus, then disappears and begins to take on the enemies (Od. XXII 256, 273), crowning the whole of the action by making her appearance from above, clad in her battle array, so as to leave no doubt as to the divine origin of the 'justice' being dispensed.

Overwhelmed at the sight of the goddess, the surviving suitors fall in short order, all of them, at the hands of her protégés (Od. XXII 297–309). Only the *aoidos* Phemius and the herald Medon are spared, and the argument can be made here, too, that this is not coincidental, considering that the one represents singing and the other orderly speaking at assembly, and that the *aoidoi* hold both of these activities in the highest regard as arts serving the interests of the community.

After the massacre, Odysseus reinstates his kingly role at the palace, exercising the absolute authority the common rules recognize for a household head within the domestic sphere. He thus punishes the maidservants who lay with the suitors and Melanthius (Od. XXII 457–477; Cantarella 1992) and then sends Eurycleia for Penelope. Eurycleia is the faithful servant and nurse who has reared him as a child, and the dialogue between the two women reveals the truth about what has passed:

Some one of the immortals has killed the lordly suitors in wrath at their grievous insolence [ὑβρις - *hybris*] and their evil deeds. For they respected no one among men upon the earth, evil or good, whoever came among them; therefore it is through their own wanton folly that they have suffered evil (Od. XXIII 63–67.)

Penelope's enlightened mind realizes that it is not Odysseus who has carried out the massacre but a god laying a punishment upon the suitors for their harrowing lack of measure, for the excess that has prevented them from showing respect for anybody, or rather, for 'any Other', whether it be a guest or a host. There emerges here, more emphatically than at any other place, the *aoidoi*'s precept that men should fear divine punishment, so that they should observe the rules of hospitality, understood as a general law of coexistence, and embrace its spirit.

Still, that does not remove the problem of the consequences touched off by the bloody revenge: the problem persists, and in fact it needs to be appreciated in all its drama, serving as an example of what must not be allowed to happen.

Unable to think of a way out the predicament, Odysseus and his companions prepare for the backlash from the victims' relatives by gathering in the countryside to meet up with Laertes, the family's chieftain (Od. XXIII 117–140).

Meanwhile, the misdeed is discovered in Ithaca. Having buried their dead and entrusted the other slain suitors to the fishermen, so as to make sure the bodies reach their homes, the community convenes at assembly (Od. XXIV 415–420). The first to speak is Eupheithes, Antinous' father, who encourages everyone to take revenge on Odysseus and his relatives before they can escape (Od. XXIV 426–437).

The despair over the loss of the best of Ithaca, coupled with the loss of honour, stirs up among the people a widespread feeling of compassion for the victims' families. At his point, however, Medon materializes and urges against any retaliatory action: he and Phemius, the only two to have witnessed the carnage and survived, testify that the revenge on the suitors has been the work of a god (Od. XXIV 445–449). And we again hear from Halitherses, the one who among the sage *gherontes* previously called on the suitors to relent during the assembly called by Telemachus:

Through your own cowardice, friends, have these deeds been brought to pass, for you would not obey me, nor Mentor, shepherd of the people, to make your sons cease from their folly, they who committed a monstrous act in their blind and wanton wickedness, wasting the wealth and dishonouring the wife of a prince, who, they said, would never again return. Now, let this be the way of it, and do you do as I say: let us not go, for fear someone encounters a disaster he has brought upon himself. (Od. XXIV 455–463.)

The narrative is heading toward its conclusive moral. Those who can pick up the signs of the gods know it would be unwise to carry on with the blood vengeance. The suitors have gone beyond measure, and their *hybris* has brought forth gods' reaction. Odysseus is only the material agent of revenge: he never would have pursued it under ordinary circumstances. The suitors' relatives cannot pretend revenge because a violent reaction would be once again beyond measure.

The assembly in Ithaca is at risk of implosion. And so it must be in the narrative project. In fact, as much as Halitherses may have been cheered by more than half of those in attendance, the opposite sentiment also smoulders strong, especially among the direct blood relatives of the Ithacan suitors, who arm themselves and join Eupheithes against Laertes' family (Od. XXIV 463–471).

The community is definitely unsettled at this point, having yielded to a retaliatory logic in a spiral of violence that has escalated beyond repair, where none of the exchange devices the human law makes available would work to any effect. The doings at Ithaca cannot but find an artificial conclusion.

In the final dialogue between Zeus and his daughter, Athena, the goddess probes her father's intent in deciding whether to step in or leave the people the freedom to kill one other:

‘Father of us all, son of Chronos, high above all lords, tell to me that ask you, what purpose does your mind now hide within you? Will you still further bring to pass evil war and the dread din of battle, or will you establish friendship between the two sides?’ [...]

‘My child, why do you ask and question me of this? Did you not yourself devise this plan, that Odysseus well and truly should take vengeance on these men at his coming? Do as you will, but I will tell you what is fitting. Now that noble Odysseus has taken vengeance on the suitors, let them swear a solemn oath, and

let him be a king all his days, and let us on our part bring about a forgetting of the killing of their sons and brothers; and let them love one another as before, and let wealth and peace abound.' (Od. XXIV 472–486.)

Zeus' advice is, clearly, to stop the feud. The excess must not be allowed to continue unchecked if the community is to survive and if Odysseus, who has returned to bring peace, is to restore order to Ithaca.

Having no other means to quell men's 'thoughtless' desire for revenge, the gods make it so that the massacre is forgotten and that the Ithacans return to their cohesive life as in the past, observing the common rules.

The epilogue is well known. Just as the two sides are about to face off, Athena, who flanks her protégés by assuming once more the guise of Mentor, infuses in Laertes' arm a strength so mighty as to enable the old man to kill Eupheides with his spear in a single stroke (Od. XXIV 516–525). The act marks the beginning of a brief fight whose only function is to formally establish the superiority of Laertes' family. Then, having reinstated the hierarchy of power, the goddess intervenes so that the conflict may cease:

'Cease from painful war, men of Ithaca, so that without bloodshed you may speedily be parted.' So spoke Athena, and pale fear seized them. Then in their terror the arms flew from their hands and fell one and all to the ground, as the goddess uttered her voice, and they turned toward the city, eager to save their lives. (Od. XXIV 531–536.)

All are seized by terror and turn to the city to save their lives. And so the point is that it takes a human fear of the gods in order for the value of community and of life to be understood. This is borne out by the fact that only upon witnessing the thunderbolt sent by Zeus at Athena's feet does Odysseus cease to press on with the fight, and that only at that point does he find 'peace of mind': it is the fear of punishment that instils wisdom in him. Only under these conditions can the covenant for the future prosperity of Ithaca be formed (Od. XXIV 546–548), that is, *only by virtue of the gods' will and of men's humility*.

Humans are thus always prone to excess, but like Odysseus they can achieve the greatest honour among mortals if they learn to act within limits, gaining that much more in awareness. This is the teaching of the *aeodoi* that makes the Odyssey a fundamental story in understanding the function of law and its justice today. If we recognize the limit we can learn to live as responsible members of a public space, where we need to measure that irreducible component which is otherness, so as to find the right 'dose', and with it the path toward community. It is by taking such otherness responsibly into account that the law of the community is formed: the law should have no other function than to express measure in rules, a measure that justice must constantly tweak, with a view to keeping at bay the human inclination toward identity. In this root lies the link between law and justice. And therein lies the challenge we should constantly be setting for ourselves.

7. Without end

The night after the massacre, Odysseus and Penelope meet up, but lest she should delude herself, he explains that his journey isn't over:

‘Wife, we have not yet come to the end of all our trials, but still hereafter there is to be measureless toil, long and hard, which I must fulfil to the end; for so did the spirit of Teiresias foretell to me on the day when I went down into the house of Hades to inquire concerning the return of my comrades and myself. [...] Indeed your heart shall have no joy of it; for neither am I pleased, since Teiresias bade me go forth to a great many cities of men, carrying a shapely oar in my hands, till I should come to men that know nothing of the sea, and eat their food unmixed with salt, who in fact know nothing of ships with purple cheeks, or of shapely oars which are a vessel's wings. And he told me this sign, a most clear one; nor will I hide from you. When another wayfarer, on meeting me, shall say that I have a winnowing fan on my stout shoulder, then he bade me fix my oar in the earth, and make rich offerings to lord Poseidon [...] and depart for my home [...]. And death shall come to me myself away from the sea, the gentlest imaginable, that shall lay me low when I am overcome with sleek old age and my people shall be dwelling in prosperity around me. All this, he said, should I see fulfilled.’ (Od. XXIII 248–284.)

The prophet Teiresias makes the prediction in the realm of the dead (Od. XI 100–137), where Odysseus has gone on Circe's advice to find the lost coordinates of his homebound journey. Only Teiresias can speak of the *nostos*, *pointing out its route and predicting how long it will take* (Od. X 539–540). He is blind just like Demodocus, and like the most famous *aoidos* of the songs, he can see beyond what humans can see.

We can suppose that the *aoidoi* want to offer not only the idea of a limit as truth of human existence but also the idea of new possibilities for life.

In the narrative plan Odysseus must become the very expression of human potential, a potential that comes about through suffering: a man who descends into the realm of Hades is one who will be capable of wisdom, because he has learned to go through suffering. Odysseus not only has dread of descending into the realm of Hades but also suffers at the sight of the dead souls (Od. XI 38–41), weeping profusely with every encounter. Odysseus meets his mother, too, and many of the fallen heroes at Troy, all of whom appear to him in a different light, with a wrenching love for life. That will enable the protagonist to find his own identity through memory, while also enriching that sense of self with a new sensibility. And with that new awareness Odysseus can resume his homeward journey.

The purpose of Odysseus' homecoming should not be to take revenge on the suitors. There is another trial awaiting him, the longest and most difficult of them all, before he can find his home: there lies more travelling ahead of him, for he must know many of man's realities before he can rest. His journey does not have any definite boundaries, being a metaphor for the need to experience the world and

gain an awareness of the human condition and of human possibilities, neither of which can be understood without having gone through the pain with which life is imbued.

Odysseus won't be ready for Ithaca until he will have wended his way to a place completely alien to his own where he is confronted with the existence of men who are unfamiliar with the ways of the sea but only know the land. An unequivocal sign will signal the end of his journey when he will recognize himself in another, in a wayfarer who in turn will recognize Odysseus as someone like him: in the encounter, Odysseus will be carrying on his shoulder an oar symbolizing the seafaring culture, and the wayfarer will mistake it for a winnow, which in turn symbolizes the peasant culture.

If Odysseus will finally make it home, in other words, this will happen when two men from different lands and backgrounds—strangers to each other but identical by virtue of their common condition as wayfarers treading the path of life—can each recognize himself in the other in this correspondence through which otherness becomes a bond of solidarity between mutual guests. The oar/winnow could finally be driven into the ground to symbolize a union aware of its own complex and irreducible difference, just as the twelve axe heads planted by the king symbolize anew the practice of sharing within the community. Only then will Odysseus be able to return home and travel no more, so as to die of resplendent old age in peace and prosperity.

The wise Penelope, identical in thought with her husband, accepts this fate by realizing that the biggest possibility lies in *hope*: 'If truly the gods are to bring about for you a happier old age, there is hope then that you will find an escape from evil' (Od. XXIII 286–287).

The *oidoi*'s song appears to pierce through time, preserving a current relevance despite the different historical epochs across which it travels.

And so, to this day these songs keep rekindling the memory of a homecoming event that brings with it the hopeful possibility of political harmony among guests forming a community where otherness can find its place and measure in the intimacy of the social bond. But it will take a renewed ethic for that to happen, an ethic at once individual and collective that accords primacy to the core values which underlie life in common, so that these values may guide law and its justice, in such a way that there can no longer exist any difference between law and morals when the end being pursued is a satisfying life for everyone with everyone else. Understanding measure means identifying the point of mediation where different, potentially conflicting claims can be satisfied. And in such satisfaction lies the aim of law and its justice.

There is no need to push on beyond the threshold of human law. Here, too, the teaching of the song shines through with a wisdom that would be replicated in much of Western literature. Humans stand at the gates of law for the need to observe a limit within which to dwell with an utter sense of responsibility.

Bibliography

Adkins, Arthur W. H.: *Merit and Responsibility. A Study in Greek Values*. Clarendon, Oxford 1960.

Benveniste, Emile: *Le vocabulaire des institutions indo-européennes. Tome 1. Economie, parenté, société*. Minuit, Paris 1969.

Cantarella, Eva: *I supplizi capitali in Grecia e a Roma*. Rizzoli, Milan 1992.

Cantarella Eva : *Itaca. Eroi, donne, potere tra vendetta e diritto*. Feltrinelli, Milan 2004.

Carbonnier, Jean: *Flexible droit. Textes pour une sociologie du droit sans rigueur*. LGDJ, Paris 1969.

Cover, Robert M.: 'The Supreme Court 1982 Term. Foreword: Nomos and Narrative' 97 (4) *Harvard Law Review* (1983) 4–68.

Derrida, Jacques & Anne Dufourmantelle: *De l'hospitalité*. Calmann-Lévy, Paris 1997.

Dodds, Eric R.: *The Greeks and the Irrational*. University of California Press, Berkeley and Los Angeles 1951.

Geertz, Clifford: *Local Knowledge. Further Essays in Interpretative Anthropology*. Basic Books, New York 1983.

Havelock, Eric A.: *The Greek Concept of Justice. From Its Shadow in Homer to its Substance in Plato*. Harvard University Press, Cambridge 1978.

Homer: *Odyssey*. Translated by A. T. Murray. Loeb Classical Library. Harvard University Press and William Heinemann, Cambridge (Mass.) and London 1919.

Mittica, M. Paola: *Cantori di nostoi. Strutture giuridiche e politiche delle comunità omeriche*. Aracne, Rome 2007.

Rundin, John: 'A Politics of Eating. Feasting in Early Greek Society' 117 (2) *American Journal of Philology* (1996) 179–215.

Svenbro, Jaspers: 'Vengeance et société en Grèce arcaïque. À propos de la fin de l'Odyssee'. In Raymond Verdier & Jean-Pierre Poly (eds): *La vengeance*, vol. 3. Cujas, Paris 1984, 47–63.

Verdier, Raymond: 'Le système vindicatoire. Esquisse théorique'. In Raymond Verdier & Jean-Pierre Poly (eds): *La vengeance*, vol. 1. Cujas, Paris 1980, 11–42.

White, James Boyd: 'The Odyssey: Living in a Land Transformed'. *The Edge of Meaning*. University of Chicago Press, Chicago and London 2001, 50–66.