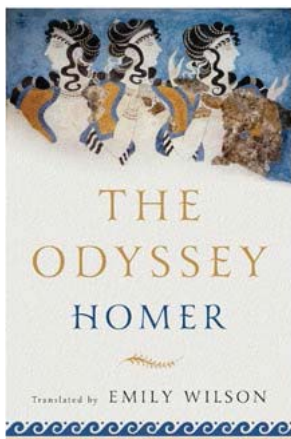


The Odyssey

By Homer, translated by Emily Wilson
(WW Norton & Company, 2017)



Justin Pen
Greenway Chambers

In Part I of this two-part book review, Emily Wilson's translation of *The Odyssey* (2017) is reviewed. In Part II, Emily Wilson's translation of *The Iliad* (2023) will be reviewed.

My formal education in the Classics began with the Disney film *Hercules* (1997) and ended with Ensemble Studios' PC game *Age of Mythology* (2002). But late last year, on a whim, I picked up Emily Wilson's translation of Homer's epic poems *The Odyssey* (2017). And, much like Polyphemus, the one-eyed giant who gobbles up four of Odysseus' men within his island cave on Cyclopes, I devoured it.

The Odyssey follows the eponymous Odysseus' long journey back home to Ithaca, following the sacking of Troy, at times assisted and at times beset by the gods; Penelope, Odysseus' wife, who must resist a cadre of suitors who seek to woo and marry her and, in doing so, obtain the family's manor and land; and Telemachus, the pair's teenaged son, who seeks to protect his mother and his inheritance but, like Shakespeare's Hamlet, is a timid spirit laden with self-doubt.

It commences with a beneficent introduction penned by Wilson, who daylighted as a Professor of Classical History at the University of Pennsylvania, that informs the reader of the historical, social, and cultural context surrounding the authorship and reception of *The Odyssey*.

Due, in equal parts, to the timelessness of the ideas explored by Homer and the

rules that Wilson had imposed on herself in translating the epic poem, *The Odyssey* reads remarkably like contemporary fiction. This is, of course, intended as praise. Reading Wilson's translation, one comes to better understand the stubborn alliance that so often bonds a keen interest in Ancient Greece with the barristerial profession. While much can be gained about how to write and how to speak, just as much can be gained about how to think and how to feel.¹

Wilson's translation of *The Odyssey* is the same length, and contains the same number of lines, as Homer's. It is written in iambic pentameter, rather than dactylic hexameters, giving it a familiar anglophonic cadence. These decisions allow the poem a sense of rhythm that is at once both ancient and modern. In Wilson's words: 'Homer's music is quite different from mine, but my translation sings to its own regular and distinctive beat ... I wanted a narrative pace that could match its stride to Homer's nimble gallop.'² In this way, it is a poem designed to be read as if performed, and not just read on the page.

Wilson's expression is simple yet evocative – instructively so. A pep talk between Athena and Telemachus, which is to be commended to all barristers in times of anxious crisis, is exemplary:³

Telemachus replied, 'But Mentor,
how can I approach and talk to him?
I am quite inexperienced at making
speeches, and as a young man, I feel
awkward talking to elders.'

She looked straight into his eyes, and
answered, 'You will work out what to
do, through your own wits and with
divine assistance. The gods have blessed
you in your life so far.'

Hermes, the messenger God, is dubbed by second mention as 'the diplomat'.⁴ It is a keen choice of translation that says much of his role in the story in a single word. Wilson is capable, too, of flashing humour through bright simile. A reprobate suitor, who mocks Odysseus disguised as an old and frail beggar, says: 'This greedy pig yaks on like some old woman / scrubbing an oven!'⁵ The misogynistic insult has staying power. The reader cheers on when Odysseus, ready to enact his vengeance, later declares, 'Playtime is over', channelling the lead in an '80s pulp action film.

If you come to the world of Ancient Greece for its lithe language, you will likely stay for its rendering of a world that shows, rather than tells, its similarities to our own. Odysseus, who is the regular recipient of barristerial epithets such as 'clever', 'cunning', and 'the man who can adapt to anything', is always, ultimately, at the mercies of the gods and other divinities – ready proxies for the advocate who must circumnavigate the spiky questions of the Bench. A barrister's sense of collegiality is also found in the imperatives commanded by Zeus himself. On finding a shipwrecked Odysseus, the Phaeacian princess Nausicaa says to a pair of frightened slave girls: 'We must look after him. / All foreigners and beggars come from Zeus, / and any act of kindness is a blessing.' This concept of *xenia*, a word that means both 'hospitality' and 'friendship', is central to plot developments and to a particular version of Ancient Greece as rendered by Homer. Indeed, Wilson tells us, 'Xenios' is a standard title for Zeus; it means 'God of Strangers'.⁶

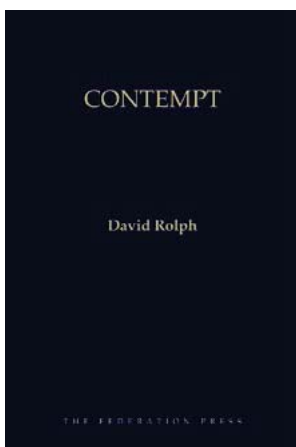
Wilson's translation of *The Odyssey* is a delight to read. Her use of simple language is designed to evoke the oral tradition in which the poem would have originally been performed.⁷ Further, the poem's clear but richly textured morality invites a ready and contemplative escape. To paraphrase Lady Hale, quoting Jonathon Crow QC, Wilson's translation of *The Odyssey* 'bristles with simplicity'.⁸ It venerates the virtue of the simple over the vice of the needlessly cluttered and obtusely complex. BN

ENDNOTES

- 1 For a detailed review of the relevance of the Ancient Greeks to the current practice of advocacy, see: RCA Higgins, 'The empty eloquence of fools': Rhetoric in Classical Greece' in JT Gleeson and RCA Higgins, *Rediscovering Rhetoric: Law, Language and the Practice of Persuasion* (Federation Press, 2008) 3.
- 2 *The Odyssey*, p. 82.
- 3 *Ibid.*, p. 136.
- 4 *Ibid.*, p. 183.
- 5 *Ibid.*, p. 409.
- 6 *Ibid.*, p. 29.
- 7 *Ibid.*, p. 29.
- 8 *Singularis Holdings Ltd v Daiwa Capital Markets Europe Ltd* [2019] UKSC 50: at [1].

Contempt

by David Rolph
(Federation Press, 2024)



Dominic Villa SC
New Chambers

It is a legal commonplace that contempt may take many forms. It may be committed by publishing material about proceedings before a court (so-called sub judice contempt). It may be committed by disruptive behaviour in court. It may be committed by breaching court orders or an undertaking to the court. It may be committed by undermining court orders binding upon others. It may be committed by disclosing jury deliberations. It may be committed by a witness refusing to answer a question. The categories of conduct are not closed.

In a general sense it can be said that the central concern of the common law of contempt is the vindication and protection of the due administration of justice by courts. But because the sources of interference with the administration of justice are many and varied, the substantive content of the law of contempt covers a wide range of circumstances and must balance a wide variety of interests.

One significant interest that is frequently in play is the freedom of communication about matters that are before the court, and about the court itself. In the foreword to *Contempt*, Gageler CJ observes that Australian courts have, by and large, exercised restraint in safeguarding themselves against criticism. Thus, the High Court refused to find contempt in a newspaper article describing Higgins J as a 'political judge' who had been 'appointed because he had well served a political party' and that he 'seems to know his position, and does not mean to allow any reflections on those to whom he may be said to be indebted for his judgeship'.¹

The application of the law of contempt presents a number of practical difficulties. One is that it is an area of law that – to a large extent – defies classification and lacks coherence (although one significant contribution of Professor Rolph's book is to provide a meaningful taxonomy). Another is that it is a body of law that practitioners and judges usually only consider as and when the need arises. In many circumstances, the need for a clear answer is immediate, whether that be to avoid acting in contempt or to address allegations of contempt. Presiding judicial officers – in particular – are placed in the invidious position of being prosecutor, witness, and judge of

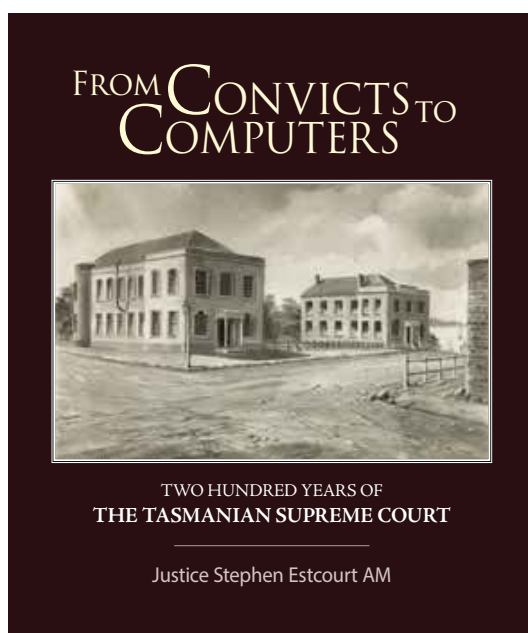
the cause. And until publication of Professor Rolph's book, there was no readily available and digestible statement of the relevant principles.

In some respects, this work moves beyond the law of contempt. Chapter 1 discusses the important principle of open justice that is relevant not only to the law of contempt, but also informs the courts' approach to the making of suppression and non-publication orders (a topic addressed in detail in chapter 12). Chapter 2 describes the differences between civil contempt and criminal contempt, before embarking upon a detailed analysis of the law relating to the various categories of contempt (chapters 3 to 10), and a discussion of contempt of non-judicial bodies (chapter 13). Understandably, the book omits discussion of contempt of Parliament, which would require an entire volume of its own. Finally, the book concludes with a discussion of procedural aspects of the law of contempt (chapter 13) and penalties and relief (chapter 14).

Professor Rolph's magisterial work is vast in its scope and detailed in its treatment. There is extensive reference to both Australian and overseas authority, as well as relevant statutory provisions in every Commonwealth jurisdiction. The analysis of those authorities is rigorous and thorough, but it is not dogmatic; Professor Rolph acknowledges the uncertainties in the law and its application. It fills a significant gap in Australian legal scholarship. It also fills a significant gap in the education of those practitioners who did not undertake study in media law and whose exposure to the law of contempt will have been incidental at best (or, at worst, borne of necessity in practice). BN

ENDNOTES

- ¹ *R v Nicholls* (1911) 12 CLR 280. Norm Gallagher might quarrel with this conclusion, having been imprisoned for contempt for suggesting that a favourable decision from the Full Federal Court was a result of strike action by the rank and file of his union: see *Gallagher v Durack* (1983) 152 CLR 238.



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Devil's Attorney and Aviary Attorney

Kavita Balendra

4th Floor Wentworth Chambers

There comes a time in every barrister's life when the reality of practice becomes a little overwhelming. At times like that, one may find oneself delving into fantasy, and in particular the fantastical world of practice as an attorney in an alternate, virtual realm.

While games designed around the actual practice of law are few and far between (the *Ace Attorney* series by Capcom being a notable exception – see the review in *Bar News* Autumn edition 2022), there are some that provide at least a mild diversionary interest.

One such game is the iOS-based *Devil's Attorney* (also available on Google Play), a turn-based strategy game set in the 1980s. You play Max McMann, a square-jawed, flowing-haired defence attorney who has to represent clients accused of crimes ranging from

... smuggling rare lizards in their underpants:



... to a very familiar sounding assault charge:



Going to court involves using action points to do damage to your opponent and your opponent's witnesses and evidence. Failure means that your client goes to jail; success means you gain your fee, which you use to upgrade your home and to unlock and strengthen your courtroom skills.



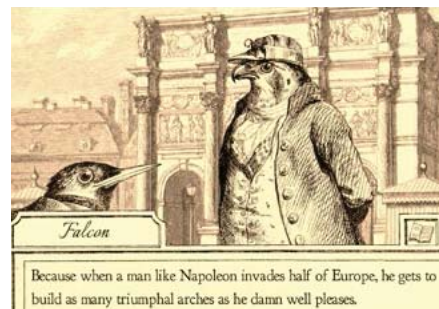
The dialogue is fun, and the soundtrack is reminiscent of the best of the '80s. Gameplay can get a little repetitive, which causes the game to lose its gloss. Best played in small doses, it is nonetheless an entertaining timewaster.

For those who are more interested in a plot-driven game and a good *Ace Attorney* alternative, *Aviary Attorney* may scratch that itch. Available on Steam and on the Nintendo Switch (but not on a Mac OS, although that is a rant for another day), it first came out in 2015 and is a short, entertaining game that you're likely to complete in about two hours.

Set in 1848 Paris, a city filled with anthropomorphic animals, you take the role of the fresh-faced (beaked?) Jayjay Falcon, a defence lawyer. In a style very reminiscent of the *Ace Attorney* games, you will be asked to take on a case and given a limited time in which to investigate and gather evidence, which you then must present in a courtroom.

The climax of each case is the action which occurs in the courtroom, where you use your evidence to cross-examine witnesses on their version of events. This necessitates choosing the correct item to match up with holes in a witness' testimony and is the way you get the jury on side.

It is littered with charming characters, including pun-heavy Sparrowson, your erstwhile sidekick. There are some modern references sprinkled throughout, which does stick out, but to me they enhanced the gameplay. The real benefit to the game is that the choices you make throughout the game do make a real difference to the ending (of which there are several), suggestive of some replayability. The whimsical artwork was definitely a highlight for me, as were the interesting characters and dialogue.



The only issue would be that it was short (and a touch too derivative), which makes the cost (and I obtained it on a Steam sale) a consideration. However, it is still an entertaining game with enough plot and intrigue to keep you engaged. **BN**

