
Cohen, D, *Law, Sexuality and Society*, Cambridge University Press (1991).

Cohen has constructed an anthropological analysis focusing on issues of social control in Athenian society; in particular, the control of morality. While the author carefully considered the various models and methods available for an anthropological study of this kind, there is a mechanical feeling to the writing as though it were the fulfilment of an academic obligation rather than the quest for a legitimate method of understanding social control.

While pointing out the dangers of adopting a position of radical cultural relativism, the author maintains throughout the work a position of transcultural comparison. Cohen does not restrict the comparisons to similar cultures, he suggests and then compares parallel similarities between Athens 2,500 BC with African tribes in 1930, such as the Neur and Azande to support Cohen's theories. While both of the ethnographic reports which Cohen relies upon have long been considered as classical works of their time, it has equally been recognised that they also contain substantial methodological faults.

Not satisfied with comparing Athenian society to that of African tribal society, Cohen reaches across the world to Melanesia to use 1940s ethnographic studies of the Trobriand people, justifying his position on the grounds that within limits, there are benefits to be gained through a greater overall understanding of other cultures.

I remain somewhat sceptical of serious research based on such a comparative method. It is somewhat analogous to developing an analysis of Western nuclear families in 1990 and using examples from an Eskimo family which lived in the 1800s, taking the notion of comparison well beyond the bounds of credulity.

The theoretical thrust of Cohen's analysis is that the normality of social structures is not to be considered an analytical telos. It is the set of relationships between individuals created by the dynamics of intersubjective relationships of normative structures which must be considered and it is within these relationships, Cohen argues, that there exists a degree of normative ambiguity. It is this ambiguity which concerns Cohen.

The topic of this analysis is restricted to sexual deviancy, focusing on homosexuality, adultery and the social dynamics which surround such behaviours. Cohen goes to some pains in pointing out erroneous perspectives put forward by male ethnographers in describing the role(s) of women as separate from public and social life. He argues that Athenian society was much less egalitarian in terms of gender differentiation than that described in the literature.

In considering a subjective interpretation of the laws of these peoples, Cohen draws a number of interesting conclusions. One of these concerns the law of adultery and the notion that for the male head of the house to kill an offender caught in the flagrant act is a legal excuse to homicide. Prior to Cohen's interpretation, Athenian legal scholars suggested that the punishment for adultery was death. Cohen has argued that this is not the only reading of this law. His thesis is that an excuse to a criminal act is not always a socially sanctioned mandate to commit that offence. He points out that the majority of those caught and proven guilty of adultery were not put to death, but were instead, at the sanction of the court, sexually assaulted in public by the head of the aggrieved household.

This assault resulted in the offender's irretrievable loss of reputation and a lowering of social status to that of a woman or slave — the argument being that sexuality and honour are, at least in Athenian society, inextricable.

Cohen argues that acts of adultery clearly occurred in Athenian society, but suggests that provided these acts were kept private, there was no crime. His theory is that it was the social damage to the reputation of the male head of the house through indiscretion which resulted in the illegal act. The author takes the notion of criminality as being somewhere along the social pole of honour and shame, both being public. Consequently, Cohen's point is that it is not the simple objectification of a codified law focused in terms of an act which allows for a criminal offence to be identified but the mediation of the law which has been emphasised by "the centrality of cultural contradiction and ambivalence" of everyday existence in Athenian society — a gap between the cultural ideal and actual social practice. It is in this disparity that Cohen looks for explanations of social control.

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