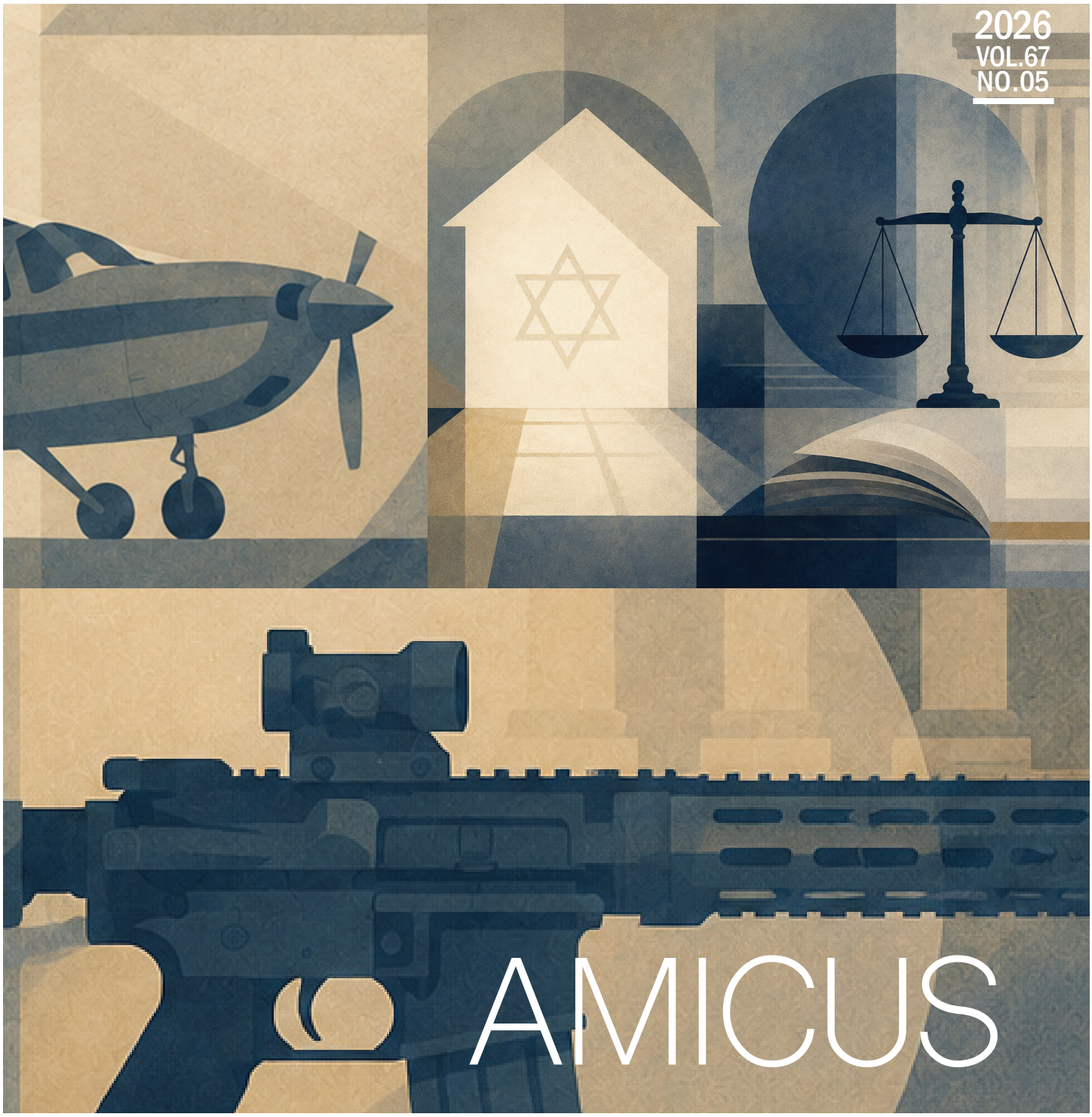
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MOVIE REVIEW

The Odyssey

A WORTHY VOYAGE

Is That Legal?

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The Odyssey is director Christopher Nolan's adaptation of Homer's epic poem about Odysseus' super long journey home after the Trojan War. I'm not the biggest fan of Nolan's sound mixing (*Tenet*), action choreography (*The Dark Knight* Batman movies), and overreliance on cute 'time' gimmicks (pretty much everything he does, but most annoying in *Dunkirk*). As a result, I was more curious than excited going into *The Odyssey*.

While I think the film would be improved by reordering some of the early scenes, in part because it takes too long for Odysseus (Matt Damon) to show up, I was pleasantly surprised by how much I liked *The Odyssey*. Nolan's playing with time yet again bothered me during the first third of the movie because it disrupted the flow of the story. If you know the story of *The Odyssey*, you may feel like going out of order is hiding the ball unnecessarily, and if you are unfamiliar with the story, you may find it confusing. However, it led to a big payoff at the end, so even I must admit using the technique was sound.

Nolan also takes an interesting approach in his adaptation, stripping out most of the gods' involvement while keeping the story's fantastic elements (Cyclops, Scylla and Charybdis, Circe). His gritty filmmaking style and use of practical effects makes things that should seem ridiculous seem plausible in the context of the story. Nolan also makes *The Odyssey* accessible by eschewing the British accents[1] and stilted dialogue typically associated with period pieces in favor of more modern dialogue. This largely works, though

I found Jon Bernthal's (*The Walking Dead*) accent took this a bit too far.[2]

I have a lot of minor quibbles about *The Odyssey*,[3] but Nolan has managed to make a fresh adaptation of an ancient story, providing a timely message while staying (mostly) true to the source material. Perhaps more importantly, *The Odyssey* is consistently entertaining.

One of the major plot points in *The Odyssey* revolves around a bunch of dudes (suitors) who are hanging out at Odysseus' place trying to marry his wife Penelope (Anne Hathaway) because he's been gone so long and is presumed dead. Penelope and her son Telemachus (Tom Holland) want to get rid of them, but they can't. What's the deal with these guys?

Are the suitors trespassing?

The Second Restatement of Torts defines "trespasser" as "a person who enters or remains upon land in the possession of another without privilege to do so created by the possessor's consent or otherwise."[4] Some states define trespass simply as entry onto the premises of another, without consent or authorization.[5] Other states explicitly reference implied consent, which courts have also recognized.[6]

It's not clear how the suitors started hanging out at Odysseus' place. From what we see, they've been there a long time, making it impossible to determine if they were given explicit consent to be there. However, everyone seems to act like they are allowed to be there based on something called "Zeus' Law."[7] Given that consent can be implied from conduct,[8] the fact that the suitors are served food every night is a strong indication of implied consent. As such, while the suitors are undeniably annoying,[9] they are not trespassing.

Can Penelope revoke consent?

Even if the suitors had consent to be at Odysseus' castle, given the suitors' annoying and increasingly aggressive behavior, it's clear that Penelope would like them to leave. However, Penelope must do more than express displeasure at their presence. Implied consent continues until it is revoked, meaning there is no trespass until the person is requested to leave.[10] Unfortunately for Penelope, while she did an excellent job stalling the suitors for years, she never explicitly revoked their consent to be there.

What is Penelope's recourse if they still don't leave?

If Penelope or her agent (perhaps Telemachus) were to explicitly revoke consent and the suitors refused to comply, the suitors could be prosecuted for trespass.[11] Someone who lawfully enters a place may be subject to conviction for trespass if he or she remains after being asked to leave by someone with authority.[12] Having the suitors arrested for trespassing would have been an easier way to get them out of the house, but it would have made for a less entertaining movie.

Score: A-
ML

Darren Shulman is the city attorney for Upper Arlington, Ohio. A graduate of Northwestern University and Harvard Law School, Darren previously served as the City Attorney for Delaware Ohio, Associate Legal Counsel for the Ohio Department of Administrative Services, and as an Assistant Prosecuting Attorney for the Montgomery County Prosecutor's Office. When Darren was the Delaware City Attorney, he co-hosted a movie review show called *Through the Lens* on local radio, which is now a podcast. Writing movie reviews through a legal lens allows Darren to combine his love of movies with his profession.

Notes:

1. British accents are often used in historical movies. This makes no sense in movies where the characters wouldn't even have been speaking English, and yet, it does feel right. See e.g. *Gladiator* (2000). Apparently, this trope is so prevalent that it has its own name – The Queen's Latin. See: www.en.wikipedia.org./wiki/Queens_Latin.
2. Bernthal is excellent as the Punisher in *Spider-Man: Brand New Day*.
3. In case you are wondering, they are: 1. I never felt like the movie established Odysseus as a character, which blunted the impact of his development; 2. For as much as Nolan likes playing with time, I felt he never really established how long things were taking. The movie basically jumps from trial to trial, which gives the impression that all of this stuff happened in rapid succession; 3. There seems to be a never-ending supply of expendable dudes even though there was a finite number of guys who could fit on the ships. A bunch meet their demise, but in the next scene there are plenty more.
4. Restatement (Second) of Torts 171, § 329, cited by Garrard v. McComas, 5 Ohio App.3d 179 (10th Dist. 1982)
5. Environmental Processing Systems, L.C. v. FPL Farming Ltd., 457 S.W.3d 414 (Texas 2015).
6. "[W]here a person enters a public or common area, there is no intrusion or trespass because the person is clothed with the implied consent of the owner or possessor of the property. St. Louis Cnty. v. Stone, 776 S.W.2d 885, 888–89 (Mo. Ct. App. 1989)(people entering public portion of a business open to the public); Davilla v Enable Midstream Partners, 913.F.3d 959 (10th Dist. 2019)(" The State of Oklahoma recognizes a right of action in trespass where one person "actual[ly] physical[ly] inva[des] ... the real estate of another without the permission of the person lawfully entitled to possession." Williamson v. Fowler Toyota, Inc., 956 P.2d 858, 862 (Okla. 1998). In other words, a trespass occurs when "one ... enters upon the property of another without any right, lawful authority, or express or implied invitation, permission, or license." *Id*.)
7. Zeus' Law apparently refers to the concept of Xenia, which is an ancient Greek custom that refers to courtesy of the host and guest in hospitality situations. This might be the first time "movieweb.com" has ever been quoted in this publication: www.movieweb.com/the-odyssey-zeus-law-explained.
8. Grossman v. St. John, 323 S.W.3d 831 (Mo. Ct. App. 2010)(implicit consent case involving installation of solar lights, plants, and concrete benches on disputed property.)
9. Robert Pattinson's (*Twilight* series) portrayal of jerkiness rivals Joffrey from *Game of Thrones* (2011-2019)
10. *Grossman*, at 834.
11. See e.g. O.R.C. 2911.21(A)(4)("refuse to leave upon being notified …by the owner or occupant, or the agent or servant of either.").
12. State v. Marcopolos, 154 N.C.App. 581 (N.C. Ct. App. 2002). *See also* State v. Armen, 537 A.2d 1143 (ME 1988) (Conviction of defendant who lawfully entered office of U.S. Rep Olympia Snowe but refused to leave unless she met with him upheld because staff member ordered him to leave).