

# Law, Government, and Society in J.R.R. Tolkien's Works

by José Maria Miranda Boto  
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J.R.R. Tolkien provides famously detailed descriptions the languages and geography of Middle-earth, but says very little about laws or government. Earlier scholarship dismissed Tolkien's works as naïve or even proto-fascist for their seeming endorsement of unconstitutional monarchy, but a more recent wave of scholarship offers more nuanced interpretations of politics in Middle-earth. Timothy Furnish's *High Towers and Strong Places* examines historical precedents to the various realms of Middle-earth, while Joshua Hren's *Middle-earth and the Return of the Common Good* situates Tolkien within Catholic political philosophy. Miranda Boto's *Law, Government, and Society in J.R.R. Tolkien's Works* is a unique contribution to this field by focusing narrowly on law in Middle-earth (alongside a few references to 'Leaf by Niggle' and *Farmer Giles of Ham*).

The first chapter makes an argument for taking law seriously in Tolkien's work, despite scarce references to written law (the word 'law' only appears five times in *The Lord of the Rings*). Miranda Boto asserts that law is present in Tolkien's works, and Tolkien often uses law not just as background world-building but as a way to demonstrate a character's quality. Tolkien regularly contrasts strict enforcement of royal decrees against the dictates of conscience or justice. For example, in *The Return of the King*, Aragorn notably refuses to enforce the death penalty against Beregond for abandoning his post, but instead promotes him to Captain of the White Company because Beregond broke the law to save Faramir. Not surprisingly, Miranda Boto (along with Hren) situates Tolkien as a proponent of natural law over positive or humanmade law.

The second chapter documents government procedures, rules, and formal law in Middle-earth. Many these examples - including the rules of succession, powers of government officials, and legal judgments - come from kingdoms in *The Silmarillion* and *Unfinished Tales of Númenor and Middle-earth*. The lack of parliaments in Middle-earth is striking and means that kings have sweeping powers to make and interpret laws. Miranda Boto finds that most of these laws focus on borders and languages. Yet again, Tolkien often contrasts these laws with justice; the texts implicitly celebrate characters who refuse to enforce unduly strict border controls or language bans. Even the rules of succession and coronation are relatively informal, with custom forming a more important source of royal protocol than written rules (although Miranda Boto points out the more formal ceremony for stewards of Gondor). Miranda Boto concludes that Tolkien's treatment of government in his fiction

mirrors how he viewed government in the real-world, namely as a collection of personalities rather than abstract institutions.

The third chapter focuses on Tolkien's description of laws, rules, and norms governing relations between private individuals, such as commerce, family, and even calendar systems. Miranda Boto starts by assessing that there is little evidence for feudalism in Middle-earth, despite Tolkien's use of the word 'fief' - perhaps a rare philological misstep for Tolkien. There is also precious little description of Middle-earth economies or currencies, despite numerous instances of trade. On family relations, Miranda Boto finds that Tolkien's works generally follows the practices of Middle Ages Europe, with heterosexual, monogamous marriages, and limits on women's ability to enter into marriage without the approval of male relatives. However, Middle-earth marriage norms differ from Europe in that they often involve payment from the groom to the bride's family rather than a dowry.

In the fourth chapter, Miranda Boto turns to Tolkien's use of anachronisms, particularly in *The Hobbit*, to ridicule the absurdities of modern law. The business-like language of the contract between Bilbo Baggins and Thorin and Company - the only complete contract described in Middle-earth - clashes with the heroic nature of the quest to recover treasure from a dragon. Miranda Boto's discussion of the Shire is a fascinating attempt to use the etymology of titles like 'Thain' and historical parallels like the Anglo-Saxon Shire-moot to reach conclusions about how the Shire government might have functioned in practice. He uncovers tantalizing hints that the Shire was perhaps not the peaceful libertarian utopia that other scholars have presumed. Despite Tolkien's later frustration with these legal anachronisms, he did not remove them when he revised *The Hobbit* in 1951.

The final chapter is adapted from law school lectures that Miranda Boto gave about labor law using Frodo and Sam as examples of employer and contractor. Except for the names of the characters, the analysis of labor contracts would be familiar to any first-year law student. This chapter is useful for teachers who might want to use examples from Middle-earth in their lesson plans.

The appendix collects references to legal matters in Tolkien's life and letters. Miranda Boto concludes that Tolkien largely had little firsthand experience with the law (aside from copyright issues with *The Lord of the Rings*) and that most of his legal knowledge came secondhand through his study of history.

Miranda Boto is a law professor, and his approach to studying Middle-earth reflects the methods of legal analysis, namely uncovering rules through textual analysis and precedent. Miranda Boto does not use sociological or political science approaches to the development of legal institutions over time; in other words, the book explains what Shire law says, but not why the Shire has law firms. The book is mostly accessible to non-lawyers, so long as readers are willing to look up the occasional Latin legalese. Also, as is common in law reviews, Miranda Boto uses abundant footnotes, which sometimes contain additional analysis and are always worth reading.

*Law, Government, and Society in J.R.R. Tolkien's Works* is an

important entry into the growing literature on government in Tolkien's works. Miranda Boto proves that law exists in Middle-earth and that Tolkien's stories have something meaningful to say about the tension between law and justice. The book wisely avoids trying to force comparisons between modern law and Tolkien's fantasy world (except as a pedagogical tool in the fifth chapter), and never tries to pronounce judgment on whether or not Tolkien's depictions of law are 'realistic'. The exhaustive catalog of references to laws in Middle-earth, especially in the second and third chapters, and the appendix on law in Tolkien's life make this book invaluable to scholars.

Reviewed by Dominic Nardi

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