



eCOMMONS

Loyola University Chicago
Loyola eCommons

Classical Studies: Faculty Publications and
Other Works

Faculty Publications and Other Works by
Department

2010

Roman Law and the Legal World of the Romans

James G. Keenan
jkeenan@luc.edu

Follow this and additional works at: https://ecommons.luc.edu/classicalstudies_facpubs



Part of the [Ancient History, Greek and Roman through Late Antiquity Commons](#)

Recommended Citation

Keenan, James G.. Roman Law and the Legal World of the Romans. *Classical Bulletin*, 86, 1/2: 206-208, 2010. Retrieved from Loyola eCommons, Classical Studies: Faculty Publications and Other Works,

This Book Review is brought to you for free and open access by the Faculty Publications and Other Works by Department at Loyola eCommons. It has been accepted for inclusion in Classical Studies: Faculty Publications and Other Works by an authorized administrator of Loyola eCommons. For more information, please contact ecommons@luc.edu.



This work is licensed under a [Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 License](#).
© Classical Bulletin 2010

belief. His notion of a pendulum swinging between the two extremes suggests attractive new ways of looking at our evidence, ways that do not abandon chronology in order to avoid unsustainable conclusions that have, whether intentionally or not, implicitly privileged Judaism and Christianity.

The intellectual framework to the collection is found in these two essays. When they are all read, the other essays begin to open up almost as parts of an on-going conversation, held at the highest level among scholars of divergent and changing views. The collection is excellent enough, taken essay by essay, but the perception of an intellectual cohesion in the selections, brings an awareness that the sum is both greater and more exciting than the individual parts.

Let me conclude by listing the authors and titles. Jörg Rüpke “Roman Religion and Religion of Empire: Some Reflections on Method”; Richard Gordon, “The Roman Imperial Cult and the Question of Power”; J. B. Rives, “Magic in Roman Law: The Reconstruction of a Crime”; William Van Andringa, “New Combinations and New Statuses: The Indigenous Gods in the Pantheons of the Cities of Roman Gaul”; Nicole Belayche, “Hypsistos: A Way of Exalting the Gods in Graeco-Roman Polytheism”; Andreas Bendlin, “On the Uses and Disadvantages of Divination: Oracles and their Literary Representations in the Time of the Second Sophistic”; Simon Price, “Homogeneity and Diversity in the Religions of Rome”; Giulia Sfameni Gasparro, “Mysteries and Oriental Cults: A Problem in the History of Religions”; Richard Gordon, “Ritual and Hierarchy in the Mysteries of Mithras”; and, John Scheid, “Community and Community: Reflections of Some Ambiguities Based on the *Thiasoi* of Roman Egypt”; Philip Harland, “Acculturation and Identity in the Diaspora: A Jewish Family and ‘Pagan’ Guilds at Hierapolis”; Martin Goodman, “Josephus and Variety in First-Century Judaism”; Judith Lieu, “The Forging of Christian Identity and the *Letter to Diognetus*”; Guy G. Stroumsa, “Purification and its Discontents: Mani’s Rejection of Baptism”; J. A. North “Pagans, Polytheists, and the Pendulum”; Avril Cameron, “Early Christianity and the Discourse of Female Desire”; Peter Brown, “Enjoying the Saints in Late Antiquity”.

This volume is intended to challenge us, and that is a great part of its pleasure.

CARIN M. C. GREEN
University of Iowa
carin-green@uiowa.edu

Andrew M. Riggsby, **Roman Law and the Legal World of the Romans**. Cambridge: Cambridge University Press, 2010. Pp. viii + 283. ISBN 978-0-521-68711-9 (paperback). \$27.99.

This is Roman law lite. There are no footnotes, no references to sources except to label the documents reproduced in translation on 235–263 (see below). If, for example, you want to locate “the will of a man usually called Dasumius” (41), you will have to search elsewhere. Underlying specifics are refashioned as generics. Thus, Pliny’s correspondence with Trajan (despite

Document 27 on 262–263) becomes (36) “a famous letter exchange between a provincial governor and the emperor in the early second century AD.” The idea seems to be to suppress all details that might clutter the reader’s mind and distract from the sense and flow of the author’s text. Correspondingly, the style is engagingly conversational, even personal, especially in the early pages (“This book is meant to introduce you to the basics ...”—5). The whole presentation aims at students and general readers, specifically American, the point of reference for all comparisons and contrasts, with stress on links between law and society, as the extended title implies. The twenty-two chapters are brief, from a six-page “Conclusion” to a couple of 14-pagers—all quick reads. By design, they do not, according to R. (8), have to be read in sequence. Any out-of-sequence reading is facilitated by cross-referencing between chapters. Page margins are wide, lines double-spaced, type a generous size—all easy on the eye. The results are not substantial enough to serve as a stand-alone textbook in a Roman law course, but would be a nice complement to any course in Roman history and should serve as a general orientation to Roman law for any newcomers reader. In length and scale R.’s book is reminiscent of Alan Watson’s *Law of the Ancient Romans* (Dallas, 1970; revised and slightly enlarged as Part I in Watson’s *Roman and Comparative Law*, Athens, GA, 1991, available at \$24.95), but lacking that book’s endnotes with references.

Most chapters cover expected topics, but the book’s second quarter really comes alive with a series of chapters whose discussions anticipate many of the questions students ask in class: 7 (“Legal Education”), 8 (“Legal (In)equality”), and 9 (“Writing and the Law”). The speculative nature of some of the first is suggested by the many modal verb forms in its closing pages. Chapter 8, among other things, suggests ways in which peace at Rome, if such there was, was maintained without a police force. Chapter 9 provides a sensible explanation for the importance of writing (“evidentiary” when not “constitutive”) even when legal transactions proceeded in a mainly oral environment. Explanations here and throughout are clear, intelligent, and instructive. The final substantive chapter (21: “Law in the Provinces”) points to an area where more work needs to be done, especially since the Roman law as covered in most books on the subject, and as R. admits of his own, is often tacitly treated as that which concerns mostly “Romans living in Rome” (215).

A welcome feature is the book’s section on Documents (235–263). The majority of these (17 out of 27) are tablets of the Sulpicii family, excavated at Murecine near Pompeii, but concerned with business dealings at Puteoli (see the two-volume edition by G. Camodeca, *Tabulae Pompeianae Sulpiciorum*, Rome, 1999). All are short legal texts in translation with notes. They are lots of fun on their own, but are also called upon to exemplify technical points in the book’s text. Still, the reader (at 240–241) may be curious about the identity of Tiberius Iulius Augustus in 5 (the Emperor Tiberius himself). Something has dropped out of the translation at the beginning of 20 (256–257), a Michigan papyrus from Philadelphia in the Fayyum. Read there, for “whom,” something like: “whose case in his absence was defended by Marcus Trebius Heraclides.” After the Documents come a Glossary (265–273), recommended Further Reading (275–279), and Index (281–283).

The book has some editorial lapses. In partial compensation for the absence of notes, there are many full-sentence parentheses qualifying the main text. Although they are usually edited in properly, at times the reader will find periods outside their parentheses (31, 32, 74, etc.) when they belong within. Once (146) a period goes inside when it belongs out. There are several typos: “descendent” (44) for “descendant”; “treaties” (45) for “treatises”; “that that” (52) for “than that”; “single women” (180) for “single woman”; “material” (182) for “maternal.” The reference on 148 should be to **24** (not **23**) **a, c, m**. There is an overfondness for the word “multiple,” a student favorite. The attempt at political correctness in pronouns (statement of aims on 10; I realize this is a no-win situation) can lead to results like this (on 80): “A working person might well not have been able to risk the loss [sc. of trial by wager] even if she had a strong case.”

On a few points one might want to recommend emendation in substance. Under “Technical Sources (Documentary)” (40–42), Egypt (41) is called “unrepresentative” because of its “unusual legal system” (more correctly: “systems”); its documents nonetheless provide some solid examples of pure, living Roman law, including R.’s own **17, 18, and 20**. To say about “Nontechnical Sources” (42–45) that literary authors “did not necessarily know or even care about the law” (43) is to overstate the matter and to gloss over (at least) the Tacitean exception. The great Vergil himself seems concerned with technicalities of Roman marriage law in *Aeneid* IV (issues of ceremony, consent, and *affectio maritalis*), and it is hard to read about Silvia’s stag in *Aeneid* VII without sensing in Vergil a consciously poignant allusion to the rules for ownership of wild animals with homing instinct in the dying stag’s brave, painful dedication to his “*animus revertendi*.” Finally, when R. writes, “They [sc. marriage partners] could not be close biological relatives; the formal definition in most cases was that they had to be at least five degrees ... apart” (174), this, despite the cautious phrasing, oversimplifies, perhaps even misstates, the rule (see Bruce W. Frier and Thomas A. J. McGinn, *A Casebook on Roman Family Law*, New York, 2004, Case 11 [36–38]), according to which a four-degree separation seems to have been acceptable, with three (made infamous by Claudius) a (temporary?) exception.

This is an accessible, readable book, wise in many ways, though I think it underestimates its audience in suppressing too much detail.

JAMES G. KEENAN
Loyola University Chicago
jkeenan@luc.edu

Christopher J. Fuhrmann, **Policing the Roman Empire: Soldiers, Administration, and Public Order**. New York: Oxford University Press, 2012. Pp. xxiii + 368. ISBN: 978-0-19-973-784-0. \$74.00.

Rome, as Christopher Fuhrmann reminds us at the beginning of his study, had no police force. The scholarly consensus tells us that instead of relying on the state to keep them safe, people in the Roman Empire