

been helpful to L. on many occasions had she used it, since it shares several of her prosopographical concerns; its inclusion would have profited the kind of readers who will be attracted by her 'historical' commentary. The fact that L. sidesteps the milestone represented by the books of Wallace-Hadrill and Baldwin is difficult to ignore in any assessment of her achievement: she derives no benefit from some of the most central debates on her subject. Even more ironic is the fact that, if L. is independent in spurning scholarship in English on the *Augustus*, she is tralatitious (e.g. 74, 82, 84, 87, 91, 96 etc.) in directing the reader to the Italian notes of her much earlier predecessor M. A. Levi (1951).

This leads to the second point. A crucial predecessor between Levi and L. has been disregarded to the detriment of the present commentary. Previous reviewers have claimed E. S. Shuckburgh's edition of the *Augustus* (1896) as the prior standard commentary, viewing that of J. M. Carter for the Bristol series (1982) as a minor addition that is overly concerned with administrative detail. Yet Carter's work, which is slightly longer than Shuckburgh's, is more useful on stylistic matters than one might think. Glimpses of literary appreciation for Suetonius can be found, for example, in Carter's discussion of the biographer's prose, especially his style of *diuisio* and tendency not to repeat his subject's name (pp. 4–5, 8–9), or his careful structuring of chapters in *Augustus* 57–60 (pp. 178–81) and 68–72 (p. 190) for eulogistic effect. Carter also provides interesting comments on Suetonius' overall divisions (e.g. pp. 98–9, 181), his moralism (e.g. pp. 99, 128), and even his grammatical fondness for *quasi* (p. 95). If a more balanced treatment is needed, Carter's commentary is still the best starting-point, and will at any rate continue to be favoured in classrooms for its convenient size and price.

Though failing to use Carter, L.'s commentary is itself not devoid of literary and grammatical analysis, especially in her introduction — even if, like another recent book on Suetonius (R. Poignault (ed.), *Présence de Suétone: actes du colloque tenu à Clermont-Ferrand (25–27 novembre 2004)* (2009); cf. CR n.s. 61 (2011), 485–7), that introduction lacks footnotes documenting previous work on topics such as Suetonius' use of the first person. Perhaps most noteworthy is her examination of the subtle language by which Suetonius clarifies his credence in facts (50–65). This is easily the best discussion to date of the biographer's bias and techniques of emphasis and understatement.

However, the two main points above vitiate a scholarly contribution which, like Gascou's *Suétone historien* (1984), is essentially too little condensed and updated, but unlike Gascou, does not often help the reader to understand how Suetonius writes. In any one note, L.'s discussion of other parts of the *Caesars* is focused on overlaps of specific content, rather than the biographer's tendency to treat particular topics; grammatical analysis (e.g. 453) is also a rare occurrence. Scholars will certainly find many individual notes in the commentary with which to wrestle, even if these notes are not always tied to other relevant scholarship. L.'s book will no doubt be consulted by advanced readers in addition to other resources on the *Augustus*, but, despite its hefty size, it cannot be relied on as a one-stop shop. *Caueat emptor*.

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U. BABUSIAUX, *PAPINIANS QAESTIONES: ZUR RHETORISCHEN METHODE EINES SPÄTKLASSISCHEN JURISTEN* (Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte 103). Munich: C. H. Beck, 2011. Pp. ix + 309. ISBN 9783406624483. €78.00.

The pervasive force exerted by the Roman élite's thoroughgoing devotion to rhetoric has in recent years gained well-deserved attention. For, as the reviewer of a compendium puts it, 'Roman Rhetoric formed a complex and immense world' (C. van den Berg, review of Dominik and Hall, *A Companion to Roman Rhetoric* (2007) in BMCR 2008.09.33). Although neither the appraised volume nor its evaluator tackled one aspect of this immense world, namely, the matter of how jurisprudence and rhetoric were intertwined, that subject has in fact benefited from notable scholarly attention, e.g. J. Stroux, *Römische Rechtswissenschaft und Rhetorik* (1949); U. Wesel, *Rhetorische Statuslehre und Gesetzeslegung der römischen Juristen* (1967); B. Vonglis, *La Lettre et l'ésprit de la loi dans la jurisprudence classique et la rhétorique* (1968); F. Horak, *Rationes Decidendi. Entscheidungsbegründungen bei den älteren römischen Juristen bis Labeo* (1969). Note also O. Tellegen-Couperus (ed.), *Quintilian and the Law. The Art of Persuasion in Law and Politics* (2003) and B. Santalucia (ed.), *La Repressione criminale nella Roma repubblicana fra*

norma e persuasione (2009). The present book by Ulrike Babusiaux is a valuable contribution to this whole discussion, and in fact, moves us to start thinking in some fresh and important ways about Roman legal writing altogether.

B.'s point of departure involves the precision of argumentation and the originality of style, which have long been attributed to Papinian — though, as she remarks, these aspects of his work have typically been apprehended from a purely legal point of view. The rôle that rhetoric might have played in this man's juristic writing has thus far not been properly evaluated. B. sets out to correct this situation, and does so via an extremely careful and close analysis of one tract, namely, the *Quaestiones*. Now, while we have only fragments of this book, B. makes a compelling case for the possibility of analysing these *disecta membra* with an eye to the rhetorical aspect of the complete original. Here, she follows such scholars as Ankum, Liebs, and Manthe in proposing that the matter of interpolations is not nearly the hindrance to knowing the writing of the Classical jurists as once was thought. Her ultimate central point, then, is that the strength of Papinian's writing lies not at all merely in the acumen of his legal thinking and analysis, but in a carefully executed union of sharp juristic interpretation with forceful rhetorical presentation. This, then, leads to questions about the character and originality of the *Quaestiones*, and these inquiries ultimately broaden the potential scope of B.'s investigation considerably.

It must be said that the task set for herself by B. does not result in an easy read. The approach is this. B. works through the fragments, with the hypothesis that there are certain 'Katenen' (perhaps 'strands' in English) of argumentation present in the *Quaestiones*, and that these 'Katenen' serve to lend the book an argumentative unity. This proposition then leads B. to investigate Papinian's tract from four points of view. The first three involve the most significant 'Katenen', namely, Papinian's analyses of (1) imperial constitutions, (2) various disagreements with fellow jurists (Sabinus, Julian, and other unnamed opponents) on particular points of law, and then (3) his dialectic attempts to approach unresolved legal conundrums. A fourth section tackles various types of 'Mikrostrukturen' in Papinian's argumentation, e.g., his use of the dialogic mechanism *quaesitum est ... dixi* to elaborate certain points of the law, or his use of ethical argumentation to buttress a given legal position. Within each of these sections, the approach is to subject passages of the *Quaestiones* to painstakingly close readings, of both a legal and a rhetorical nature. The result is a compelling case for Papinian having woven a highly complex tapestry from two basic threads of argumentation — the one legal, the other rhetorical. And of course, the chief point here is that the overall effect of the book depends just as much on its rhetorical nature, as it does on the legal one.

This all having been established, B. then moves us, in her concluding remarks, into much broader territory. Given the importance of rhetoric to this book of law, and given the uncertainties regarding the goals of Papinian's *Quaestiones*, B. raises another matter that has been of significant concern lately, namely, the fact that various types of ancient 'handbook' must be comprehended as pieces of 'literature' (she here follows principally Fögen and Meißner). This induces B. to pose a most significant question. What if the *Quaestiones* is not simply (say) an instructional manual for those who want to become jurists, or advocates? What if it is, more properly speaking, a piece of 'literature'? If that is so, then, what kind of literature is it; and hence, what would its purpose be? At this point, B. must operate, as she fully realizes (and says), at a more hypothetical level. Perhaps the *Quaestiones* is to be gauged as a kind of diatribe, akin to (say) Seneca's *Quaestiones* or Epictetus' *Diatribai*. If so, then the book may even have been intended to cement a union between Septimius Severus' two sons.

Whether one is prepared to accept such positions or not, the more important point, it seems to me, remains firm. That is to say, B. has shown us that we should very probably think of Papinian's *Quaestiones* as a piece of 'literature', rather than merely as a 'how-to' book about the law. And once we have made that leap, where this one book is concerned, then suddenly it might appear that there are other books, written by other jurists, concerning which the same issues might be raised. And that, in turn, confronts us with some extremely important questions regarding the whole project of writing about the law in the Roman world. B. cannot, of course, even begin to raise or answer such questions properly in this book. However, with *Papinians Quaestiones*, not only has B. provided a splendid analysis of one book, but she has thereby opened up a potentially hugely fruitful line of future investigation. This is an extremely valuable book, both for what it does, and for what it should impel others now to do.

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