the politics of veterans' social welfare; the strategic use of memories of Civil War valor to support American imperial and militarist ambitions in the early twentieth century; and finally, the establishment, across the country, of formal, bureaucratic park management as part of the New Deal.

Waldrep concedes as much about the rather humble place of Vicksburg's memory sites when he writes that "Memory records prevailing power, the structure of society, the hierarchy of sovereignty, the most fundamental ways a nation organizes itself" (xiii). This is, however, the most passive, unrevealing role collective memory can play. At sites where collective memory is truly active or contested, it does more than reflexively record prevailing power, the structure of society, and the hierarchy of sovereignty, it shapes them, and in so doing, much like myth, it makes history. Law, politics, social action all bend to its will (hence John Quincy Adams's aversion to monuments in democratic societies). By this measure, in any event, the shadow cast by the memory sites at Vicksburg was short indeed. As a nation, we have given pride of place to General Lee's audacious northern foray and the three day battle which ensued over the grinding campaign Union soldiers won in the heart of the south. In the same way, we have privileged what David Blight has called a "reconciliationist" view of the war, predicated on the heroism and mutual sacrifice of Union and Confederate soldiers, over the difficult work an "emancipationist" view would still demand (Blight at 2, 57). Vicksburg's obscurity is truly telling.

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Adriaan Lanni, *Law and Justice in the Courts of Classical Athens,* Cambridge: Cambridge University Press, 2006. Pp. x + 210. Price $65.00 (ISBN 0-521-85759-7).

If ideal courts in a democracy resolve disputes according to law, then the most democratic courts of the world's first and most democratic state seem far from ideal. Litigants in Athens's popular courts often use arguments that appear prejudicial, based upon character invectives, pleas for pity, and boasts of past civic service. These arguments may show that Athenian courts had more of a political than a judicial role in Athens' participatory democracy. This conclusion has consequences beyond historical debate. On this premise, Richard Posner recently criticized Justice Stephen Breyer's argument that American courts should follow Athenian courts in encouraging democratic participation. Posner argues Athenian courts are a dangerous model because in Athens "[t]he only justice was popular justice." Posner, "Justice Breyer Throws Down the Gauntlet," *Yale Law Journal* 115 (2006): 1701.

In her book, Lanni argues that "popular justice" does not mean Athenian courts were primarily political. "[T]he primary aim of [popular] courts was to resolve disputes justly, taking into account the circumstance of each case" (176). Athenian popular courts, like modern courts, sought to resolve disputes according to law. However, Athenians valued a jury's discretion to hear and evaluate arguments be-

yond those necessary to apply statute. Greater jury discretion sacrificed the courts' ability to announce stable rules across cases, but Athenians valued jury discretion more than legal certainty. Athenian "popular justice" is the first documented response to the "fissure between following generalized rules and doing justice in [a] particular case"—a tension that also exists for modern courts (4).

Lanni begins with an excellent, concise introduction to Athenians' social values, political system and courts. She then argues Athenians allowed non-legal arguments in the popular courts because they had "an extremely broad notion of what information was relevant to reaching a just legal verdict" (64). In popular courts, litigants coupled legal arguments with arguments built on "extra-legal evidence" (evidence unnecessary to apply the appropriate statute). Litigants present the same kinds of extra-legal evidence often enough that "jurors [surely] thought them relevant to popular court decision making" in the same way as a relevant law (44). Litigants also used these arguments to appeal to various standards of Athenian justice—the ethics of communal living or the value of punishing a defendant, for example. Jurors decided the relative importance of each argument, having enormous discretion to render a just verdict for each case.

Athenians must have valued jury discretion in the popular courts for two reasons. First, when Athenians created the popular courts, they could have adopted a legalistic model they established for homicide courts a century earlier. Special Athenian homicide courts limited litigants to strictly legal arguments throughout the Classical period. Unlike other crimes, Athenian homicide statutes specify the substantive elements of homicide. Homicide litigants focus more on these elements and present far fewer extra-legal arguments, even when compared to litigants arguing cases in popular courts that involve a homicide. Greater jury discretion in the popular courts must therefore reveal "a conscious reluctance to embrace [homicide courts'] mode of notably stricter legal argumentation" (111).

Second, Athenians retained discretion even though they learned that jury discretion prevents generalized rules that decrease social costs. In the maritime courts that judged trade disputes, Athenians recognized consistent verdicts were "vital to attracting the foreign merchants who dominated maritime trade" and litigants presented more legal arguments (173). Athenians required that maritime disputes concern a written contract, and maritime arguments more often cite contractual language. Lanni concludes that Athenians must have allowed discretion in the popular courts because they perceived social and political benefits that outweighed the costs of the uncertainty discretion created.

Lanni argues convincingly that popular courts aimed for legal justice in each case, sacrificing generalized rules. But her arguments are weaker that in certain courts Athenians consciously abandoned jury discretion. Our only example of a defense speech in homicide courts uses extra-legal arguments throughout. Lanni admits that prosecutors rely more often on legal arguments, so our sources naturally emphasize legal arguments. Maritime litigants do cite their contracts in court, but citations rarely support legal arguments about the substantive requirements of Athenian contract law. Litigants usually cite the contract for an extra-legal reason, such as to show the benefits Athens would have reaped had the contract been fulfilled.

Whether Athens contained distinct "pockets of legal formalism" requires more argument (175). Athenians more likely saw jury discretion as a natural outgrowth of the people's political power in a *demokratia.*

Nevertheless, Lanni shows that Athenian popular courts aimed for justice under the law. Seemingly prejudicial arguments are explained by Athenian preference for jury discretion in seeking justice over safeguards ensuring consistent verdicts. Athenian democracy and "popular justice" may have necessitated rejecting formal legalism, but they did not obviate jurors applying law.

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Caroline Williamson, *The Laws of the Roman People,* Ann Arbor: University of Michigan Press, 2004. Pp. 534. $75 (ISBN 0-472-11053-5).

Caroline Williamson has written a monumental work, monumental in scope and in learning. Her goal, to examine the interrelationship between public lawmaking during the Roman Republic and the Republic's expansion and eventual decline, is ambitious but one she achieves. By closely examining the more than five hundred Republican public laws in the context of Roman Republican literature and history, Williamson manages to convey both the details and the significance of lawmaking in this crucial period.

Perhaps the most valuable part of Williamson's work is her ability to explain the social function of the various laws within the greater context of Roman political and economic networks. She understands the importance, for instance, of Roman legions to their commanders not simply in terms of brute force, but, also, as a pool of loyal voters who, in the later Republic, could easily outnumber the civilian voters. She understands and explains the importance, in particular, of Roman public laws on the distribution of land. Through a careful analysis of Cicero's *De Lege Agraria* along with the numerous public laws on the subject of land ownership and use, Williamson can demonstrate the ways in which the Roman state was able to incorporate its Italian neighbors as well as placate its own growing citizenship during periods of territorial expansion. Another example of the Roman genius for state-building through expansion, discussed by Williamson, concerns legislation designed to create an infrastructure of roads and other civic building throughout areas of territorial expansion, thereby demonstrating in a very practical way the advantages of being Roman.

Much of the book is very properly concerned with the Roman use of the extension of citizenship as a means of expansion and state-building. Here, as Williamson brilliantly discusses, is the great irony of the Roman Republican expansion. In the early years of the Republic, the extension of citizenship to allies and others was a crucial aid to the successful incorporation of new territories and peoples. But, in the first century, when Rome decided to grant citizenship to virtually all Italian peoples in order to put an end to a devastating peninsular war, the great increase in the numbers of citizens and the concomitant decline in community consensus