Book Reviews

Michael Gagarin and David Cohen, editors, *The Cambridge Companion to Ancient Greek Law,* New York: Cambridge University Press, 2005. Pp. 494. $85.00 cloth (ISBN 0-521-81840-0); $29.99 paper (ISBN 0-521-52159-9).

Oftentimes editors of an anthology must choose between making their collection appealing to the novice or the expert. *The Cambridge Companion to Ancient Greek Law* is both. The goal of the anthology is to highlight new scholarship that departs from the old bifurcated model, in which one studied either Greek substantive law or procedure. Today's scholars are no longer constrained to just one of these two schools and, as a result, are free to approach Greek law from a much broader set of perspectives that encompass both. In light of the newfound comity between the studies of substance and procedure, it is fitting that the collection itself owes its strength to its own balance of substantive information and procedural innovation. The book excels substantively in its broad collection of Greek legal and political thought, accessible to the most inexpert of readers. Further however, the methodologies (i.e., the contributors' procedural approaches) are innovative enough to engage the most knowledgeable of scholars.

The collection consists of twenty-two chapters organized into five parts: Law in Greece, Athenian Procedure, Athenian Substantive Law, Law Outside Athens, and Other Approaches to Greek Law. Prominent themes recur throughout these five parts, making the whole feel nicely cohesive. Though the themes are too many to track in one brief review, in order to demonstrate the worthy accomplishment of this book—balancing fundamental substance with cutting-edge approaches—this review will discuss two.

Michael Gagarin, in the opening chapter, notes an important difference between the ancient Greek conception of justice and our own: Greek legislatures purposely left gaps for judges to fill. Ancient Greek law was much more context-specific than our conception of justice would allow. Judges were meant to be lawmakers. Analysis of this widely acknowledged fundamental substantive point is then approached from a few different perspectives. Adriaan Lanni, for instance, in her chapter "Relevance in Athenian Law Courts," examines this aspect of Greek law from an evidentiary perspective. She argues that the Athenian evidentiary practice of using appeals to emotion show that the Greeks' view of what was relevant in a trial exemplifies their "highly individualized and contextualized notion of justice." David Cohen, in his chapter, comes to the same conclusion from a different angle—criminal punishment. Though the Athenians had no explicit concept of "crime," there was a notion that certain people were inherently harmful to the community and should be punished accordingly. As a result, Cohen argues, people's entire

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lives, not just specific illegal acts, were on trial. Again, the focus is not on legal formality, but individual context. Thus we see the same substantive point examined from two different points of view—evidence and punishment.

A second important theme introduced in Gagarin's opening chapter is the much lauded ancient Greek emphasis on open, broad debate. This substantive idea is examined from varying perspectives that make the theme both nuanced and timely. Robert Parker's chapter, for instance, approaches the theme of openness from the perspective of Greek religion. Even in religious matters deemed to be of the utmost importance, citizens' freedom to express their opinions was so fundamental that it was the citizen assembly, not the priests, who would form questions to ask the oracle. Michael Gagarin, in his second of two chapters, examines the theme from early Greek law onward. He observes that from the lack of absolute monarchical power as early as Homer to the later fundamental aspects of Greek law—written legislation and oral procedure—it is clear that the Greeks always placed a unique value on open debate amongst a broad segment of society. As a final, and particularly timely example, Robert W. Wallace focuses on open debate in his chapter on ancient Greek comedy. He uses examples of Old Comedy, particularly the plays of Aristophanes, to demonstrate the initial extraordinary tolerance of the Athenians—they only proscribed speech that threatened substantive, material harm to the city or innocent citizens. He traces the decline of this freedom alongside the New Comedy works of Menander and suggests the growing restrictions on speech were due to Athens's losing allies based on disagreements over foreign policy. This is one of many ways in which this collection's focus on Greek law of 2500 years ago deeply resonates with readers today, no matter what the level of expertise.

The final three chapters, Danielle Allen's "Greek Tragedy and Law," Josiah Ober's "Law and Political Theory," and A. A. Long's "Law and Nature in Greek Thought," focus on how Greek tragedy, political theory, and philosophy can help us better understand Greek law. These short pieces can only skim the surface of such rich approaches to Greek law, aptly highlighting this collection's great achievement—demonstrating the seemingly innumerable ways in which new light can be shed on well-established themes in this timeless and timely field.

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Rudolph Peters, *Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-First Century,* New York: Cambridge University Press, 2005. Pp. xi + 219. $70.00 cloth (ISBN 0-521-79226-6); $27.99 paper (ISBN 0-521-79670-9).

Joseph Schacht observed of Islamic law as described by premodern jurisprudents, "Its hold was strongest on the law of family (marriage, divorce, maintenance, &c.), of inheritance, and of pious foundations . . . ; it was weakest, and in some respects even non-existent, on penal law, taxation, constitutional law, and the law of war; and the law of contracts and obligations stands in the middle" (*An Introduction to Islamic Law* [1964], 76). Peters begins by explaining, on the basis of premodern