

the judge could become liable for his own misbehaviour. The judge ‘who makes the case his own’ is a subject in which the questions multiply and the literature grows while almost nothing ever gets resolved. C. de Koninck weighs in (‘Iudex qui litem suam fecit’). The penalty against the misbehaving judge is one of many difficult issues. One text of Ulpian (21 *ed.*, D.5.1.15.1), speaking of the judge who *maliciously* misbehaves, mentions a relatively light punishment (*vera aestimatio litis*), while a text of Gaius (3 *rerum cott.*, D.50.13.6), speaking of *ordinary* misbehaviour, mentions a measure of punishment that could be quite serious (*quanti aequum religioni iudicantis visum*). The common opinion is that the latter standard is the right one, and that the lesser *vera aestimatio* is ‘included’ in the greater. De Koninck suggests instead that the *vera aestimatio* measure belongs solely to an action under the formulary procedure, where the misbehaving judge in effect changes places with the defendant of the original suit, and appropriately pays what the original defendant ought to have paid. However, in the later system of procedure (*cognitio*), where the original judgement is appealed, there is no such changing of places, and this leaves the judge on appeal to determine the penalty more freely. The Gaius text therefore belongs to the *cognitio* procedure.

If this explanation is attempting to track the historical development of the judge’s liability, then it must account for the fact that the earlier text (Gaius) is describing the later procedure (*cognitio*), and vice versa. But I doubt the explanation gets this far: the Gaian text, even if it is written in anticipation of an appeal of the judgement, is speaking about the judge’s liability under the praetor’s edict *si litem suam fecerit*, not liability on appeal of the defective judgement. It is certainly possible that the judge is liable, via the edict, for the expenses of an appeal; this possibility was raised by Geoffrey MacCormack (‘The Liability of the Judge in the Republic and Principate’, *ANRW* 2/14 [1982], 23) some years ago. The measure of damages discussed by Gaius, however, is the measure under the edict, whence the conflict with the different measure of damages given by Ulpian.

I mention a few other contributions only briefly. J. B. M. van Hoek looks at how jurists commended one or another opinion as ‘legally true’, which is to say, correct within the abstract logic of the law. He looks at a series of texts in which a person’s intention, often incapable of proof, serves the cause of truth and decides the outcome. A. M. Hol gives an outsider’s view of Roman authority and lawmaking. B. H. Stolte discusses with great sensitivity two examples from the *Basilica* to illustrate the point that translators of the sixth century, no less than modern translators, were sometimes forced to undertake translation and exegesis at the same time. Alan Watson writes briefly on mistranslation in Justinian’s *Institutes* (1.2 pr; 1.3.4, 5; 1.3.1), mistranslation that Watson attributes not so much to the carelessness of the translators as to the haste of the compilers.

There are many jewels in this volume which I do not have the space to mention.

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THEODORET

T. URBAINCZYK: *Theodoret of Cyrrhus. The Bishop and the Holy Man*. Pp. x + 174. Ann Arbor: The University of Michigan Press, 2002. Cased, US\$49.50/£35.50. ISBN: 0-472-11266-X.

Theodoret, the fifth-century C.E. bishop of Cyrrhus in Northern Syria, is one of several so-called ‘Fathers of the Church’ who have been attracting an increasing

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amount of scholarly attention in recent years (building upon a number of foundational French studies, e.g. by Canivet, Devos, and now Escolan). Several dissertations on the man and his writings have been completed (e.g. by Helen Sillett at UC Berkeley and Yannis Papadoyannakis at Princeton), and Theresa Urbainczyk's book provides a welcome (and for now certainly more accessible) addition to this growing body of works. Theodoret and his *oeuvre* certainly merit the attention. His literary output—written in pure Attic Greek—was prodigious and addressed a number of 'hot button' issues of his day, from the nature of orthodoxy to the appropriate appropriation of classical education. Theodoret's best-known works and also the ones to have received most scholarly attention are, however, his historical ones, the *History of the Church* and the *Religious History*. The latter is also the focus of U.'s book. In contrast to earlier scholarly engagements with this text (the most famous remains surely Peter Brown's 'The Rise and Function of the Holy Man in Late Antiquity', *JRS* 61 [1971], 80–101), U. proposes to read this work less as a straightforward account of the lives of its central characters, the Syrian ascetics, but rather as Theodoret's wish 'to show that he was an extraordinary bishop with an army of remarkable monks behind him, the equal of any Egyptian' (p. 9). U. remarks that given Theodoret's 'active role in the controversies of the day', most notably the Councils of Ephesus and Chalcedon, 'the probability that this work was part of the debate seemed high', and concludes that this might well be the reason why 'Theodoret emerged from his hagiography more virtuous than his heroes' (p. 4). U. reaches these conclusions via several investigative avenues: Theodoret's highlighting of his own Greek–Syrian identity through emphasis of the fact that 'some of the individuals he is describing spoke only Syriac' (p. 5); the rôle of women in the *RH*; his depiction of the interactions between the ascetics and representatives of the established church; Theodoret's evident interest in 'diffusing' the more extreme forms of asceticism; and, finally, the significance of his use of 'Christian biography' as a rhetorical strategy.

U.'s book begins with a setting of the scene. Chapter 1 gives a biographical précis with a focus on the ecclesiastical and theological controversies between Antioch and Alexandria, and addresses the issue of Theodoret's 'Greekness' in light of his own bilingualism. U. then moves into the writing of the *RH*, and its literary precedents, pointing out that the *RH* was written in 'a higher literary style' (p. 51) than comparable works, again an argument in favor of her reading of it as

a serious political tract, which demonstrates Syria's importance in producing holy men, the church's importance in mediating with them, and Theodoret's unique position as a local bishop . . . The implication is that a fight against the Syrian church and Theodoret also means a fight against these men of God. (p. 33).

U.'s discussion of the text and its setting concludes with her analysis of its prologue (usually dismissed as a collection of commonplaces) and the somewhat incongruous treatise *On Divine Love*, which according to some manuscripts 'purports to be an epilogue of the work' (p. 52).

The second part of the book segues into a discussion of the 'Heroes of the *Religious History*', 'their social background, language they spoke, and how they lived' (p. 68). Emphasizing that most came from 'the upper echelons of society', U. argues that Theodoret uses the issue of language to highlight his own position as their premier champion: his Egyptian opponents could never hope to win these exemplars' support, whereas he, a fellow Syrian, 'had their loyalty and respect' (p. 79). Other than that, Theodoret's ascetics are all community men and women and rarely act in isolation

(pp. 80–7), and, not surprisingly, their wonderworking quotient rises with their proximity to Theodoret (p. 90). Chapter 8 is devoted to Symeon Stylites, and Theodoret's rather critical stance towards him (pp. 100–1), and Chapter 9 addresses Theodoret's (surprisingly non-seductive) women (p. 104), whose main rôle 'appears to conform to the theory that women are included in hagiographic texts to allow for the possibility of universal salvation. If even women can be saved, there is hope for everyone' (p. 111). Concomitantly, as U. argues in the concluding chapter, Theodoret's male ascetics are feminized through emphasizing their self-denial and passivity: they, like women, require the guidance that only 'men like Theodoret can give' (p. 145).

This is also the thrust of U.'s final part, 'Interaction with Clerics'. U. points out that according to the *RH* 'the correct and desirable relationship between holy men and cleric is deference from the former and leadership from the latter' (p. 116). Indeed, one of work's most striking moments is the auto-hagiographical story of Th.'s conception through the intercession of Macedonius. This, according to U., is the best example of 'the thread running through the work . . . Theodoret's life, which, being woven into the tapestry of the lives of holy men, takes on a sanctified hue' (p. 142)—a thread that is at the same time also the *RH's* *raison d'être*: to 'harness' unruly monks by writing hagiographies, which 'portray them as defying everyone except bishops' (p. 143).

As I have mentioned above, U.'s book is a welcome contribution to the study of Theodoret and his work. Yet, despite all its many merits, in U.'s rendering, Theodoret the man, his text, and his subjects remain curiously flat. Somehow one does not quite get a feel for the extraordinary sophistication of Theodoret's rhetorical strategies, or the dramatic circumstances of his life and his battles for 'Syrian' pre-eminence. This might simply be a matter of taste, but I cannot help but feel that this book might have gained even more weight had it been allowed to 'rest' a little longer.

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AB OVO USQUE AD MALA

A. DALBY: *Food in the Ancient World from A to Z*. Pp. xvi + 408, maps, ill. London and New York: Routledge, 2003. Cased. ISBN: 0-415-23259-7.

What the inhabitants of the ancient Mediterranean world ate and drank, and how they prepared, served, and consumed their meals, have become topics of considerable interest to classicists and archeologists in the last decade or so. Research in the area has been hindered by a lack of basic research tools, and for the professional scholar this volume helps to fill that gap. Dalby's introductory material, on the other hand, is aimed at the intelligent, non-specialist reader with little Greek or Latin, but who might be tempted to try to produce some of the dishes described. Both audiences will find this a useful book, and both would have been better served had more traditional philological care been taken in producing it and a larger editorial team assembled.

D. discusses every sort of food and drink, from acorns (allegedly mankind's first food, but better suited to pigs) to zedoary (a ginger-like root grown in India), as well as ancient authors who touch on gastronomic topics, places with interesting indigenous cuisines, cooking methods, utensils, and the like. Individual entries range in length from a few sentences to a few pages, and offer a wealth of fascinating and often surprising information. Who knew, for example, that carrots were white until the Byzantine period, or that some Greeks believed that truffles were produced by

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