

be found in the *Digest* (44.7.51: *Nihil aliud est actio quam ius quod sibi debeatur, iudicio persequendi*).

How did these legal rights come to be seen as natural, or human, rights? G. in Chapter 8 follows B. Tierney and situates the origins of natural rights theory in the writings of the twelfth-century canon lawyers and in the context of the Franciscan property dispute. What was usually at stake, from late antiquity onwards, was whether or not the principle of first occupancy was normatively sound – should *occupatio* of *res nullius* bestow title? The Romans said yes; Ambrose, the author of *De divitiis*, Basil of Caesarea and Proudhon considered it usurpation; Grotius added (tacit) consent as a criterion; Locke added the labour theory. G. ends by comparing Jefferson's Declaration and the French Declaration of Rights, pointing out that the French included property and Jefferson did not. One might add that the fourth and fifth amendments to the US Constitution did end up containing property rights (qualified by Grotius' 'eminent domain').

The most shocking rupture is introduced early on by Cicero: government is legitimate if and only if it protects pre-political property rights (*Off.* 2.73). G. mentions this, but does not give it enough weight. The proto-liberal Cicero makes do without an Epicurean contract or Aristotle's good life; justice gets redefined in terms of the protection of property rights, ready to be reduced to Aristotle's corrective justice. Distributive justice gone, this rights-centred view was later sharpened by the natural lawyers who applied technical terminology from Roman property law, culminating in an account of *occupatio* in the natural state, sometimes supplemented with prescription. Even those pointing to utility, rather than natural rights, such as Hume, can be found smuggling these elements of the Roman tradition into their doctrines.

Arnaldo Momigliano in his inaugural lecture at UCL said that 'it is still safe to assume that he who does not know Roman law does not know Roman history'. In his book G. shows us that this holds for European intellectual history as well.

New York University

BENJAMIN STRAUMANN
benjamin.straumann@nyu.edu

ANCIENT ROME AS A PARADIGM FOR THE EU?

ENGELS (D.) *Le déclin. La crise de l'Union européenne et la chute de la République romaine – quelques analogies historiques*. Pp. 384, maps. Paris: Éditions du Toucan, 2012. Paper, €20. ISBN: 978-2-8100-0524-6. doi:10.1017/S0009840X13004010

Representing a unique blend of intergovernmental and supranational elements, the European Union defies the conventional categories of political scientists and international lawyers. As the current crisis of the integration project heightens the need to form a clearer understanding of its nature and purpose, it makes perfect sense to extend the search for historical precedents beyond the familiar world of nation states and take a closer look at multi-ethnic political units in the pre-modern age.

The Belgian ancient historian E. seeks to provide such a comparative perspective by tracing analogies between present-day Europe and the late Roman Republic. His conceptual framework is shaped by the theme of political decline, which he relates to a deeper crisis of cultural and moral belonging. Thus, whatever the strains produced by economic shocks and institutional deficits, it is the issue of developing a historically grounded collective *raison d'être* that E. considers to be the crux of the European predicament.

Underlying the comparison is E.'s belief that twenty-first-century Europe, much like late Republican Rome, faces the challenge of (re)defining identity in an increasingly open and heterogeneous environment. With this fundamental similarity in mind, E. chooses to structure his analysis around a selection of key values to be studied in turn, first with regard to contemporary Europe and then in the setting of ancient Rome. For the former, he heavily draws on opinion polls and statistical data, whereas the latter is approached chiefly by way of quotations from classical authors.

Chapters 1–4 deal with the radical changes in the ethnic composition of society due to mass immigration on the one hand and low birth rates among the indigenous population on the other. Most readers will undoubtedly agree that this demographic transformation poses a number of complex challenges, such as promoting integration, improving social conditions for families and bridging the widening gulf between rich and poor. However, not everybody will concur with E.'s persistent emphasis on the importance of traditional values and his deep-seated pessimism concerning the viability of multiculturalism.

More controversy is bound to be sparked by Chapter 5 on religion, which is heavily coloured by E.'s moral indignation at the supposed suppression of Christian heritage in today's Europe. As regards religious life in the Roman Republic, E. insists on describing it in terms of decline rather than transformation or adaptation. Here and elsewhere, he is prone to take the lamentations of ancient writers at face value, arguing that *'ce serait falsifier leur pensée de censurer leurs critiques émotives en en faisant des "stratégies rhétoriques"'* (p. 123).

Following a broader discussion of the perception of self and other in an age of globalisation, Chapters 7–10 are concerned with political affairs, highlighting in particular the dangers of mounting dissatisfaction with democracy and the rise of technocratic government. Although this analysis contains many astute observations, it is largely confined to a description of failure at both EU and national levels. Likewise, on the Roman side, E. cites a range of sources that bemoan the supposed decay of the political system, but neglects to look at the various mechanisms of interaction and communication between the nobility and the people, which recent scholarship has firmly identified as an essential feature of ancient political culture.

The final two chapters undertake to establish parallels between the poorly co-ordinated foreign policy of the EU and the aggressive expansionism of late Republican Rome. E. seeks to play down the existing dissimilarities by conjuring up the prospect of Europe developing an increasingly assertive drive for imperial aggrandisement while forcing small and poor member states into a position of dependency. Rome, by contrast, is basically described as a benign empire that, under the Principate, provides for peace and general well-being. The result is a rhetorical exercise rather than a serious historical comparison. In fact, the discussion temporarily turns away from the EU to consider the example of US foreign policy (pp. 202–4), which obviously affords a much closer parallel to the interventionist as well as to the humane side of the Roman paradigm.

In the concluding part, E. proceeds to outline two scenarios for the EU: the first, modelled on the Principate, spells conservative authoritarianism under a strong government, with the European bureaucracy emerging as a new imperial elite; the second, taking the Greek world under Roman domination as a blueprint, predicts resurgent nationalism and an implosion of the EU, which would eventually allow an outside power to assume hegemonic control. Feeling the urge to choose between Scylla and Charybdis, E. expresses a clear preference for the first scenario, yet it takes a strong belief in historical determinism to posit that there are no alternative paths available to the European project (cf., e.g., the rich debate at <http://ecfr.eu/reinvention/scenarios> [accessed September 2013]).

If such an argument by analogy is doubtful in any case, it is further undermined by E.'s reluctance to acknowledge the undeniable differences between the worlds of contemporary Europe and ancient Rome (cf. p. 29, where he laments the tendency of other scholars 'à ne voir que les différences et non les similitudes'). While historical parallels are certainly there, they need to be put into perspective with a critical appreciation of disparate parameters, such as means of communication, decision-making structures, or conditions of interdependence.

Confounding this problem, E.'s analysis lacks a clear focus on the actual objects of the comparison. In fact, many of the ancient examples are not drawn from the late Republic, but from the Hellenistic experience or the Roman Imperial period, whereas the observations on contemporary society often refer to individual European states or the whole of the Western world rather than making specific points about the EU.

A further weakness is the treatment of sources, which tend to be quoted without much context and without sufficient regard for *topoi* and rhetorical strategies. Thus, ancient 'reality' oscillates between Cicero's cleverly crafted speeches, Sallust's gloomy perceptions of decay and Aelius Aristides' fulsome encomium of Rome. Moreover, while the sheer volume of references is very substantial, E. rarely engages with the literature he cites and, in the sections on the EU, frequently employs selective quotations from political analysts to confer an aura of authority on his pessimistic predictions.

Considering these limitations, it is hardly surprising that there is no adequate discussion of the structural dimension of the respective crises. In particular, E. fails to address the issues raised by C. Meier's powerful thesis of a 'crisis without alternative' in late Republican Rome, confining himself to a few cursory remarks on the role of Caesar in the historical process (p. 359 n. 575). (Cf. C. Meier, *Res publica amissa. Eine Studie zu Verfassung und Geschichte der späten römischen Republik* [1980²], pp. xliii–liii, 201–5, and *passim*, and, for recent discussion, E. Flaig, 'The Transition from Republic to Principate. Loss of Legitimacy, Revolution, and Acceptance', in J.P. Arnason, K.A. Raaflaub [edd.], *The Roman Empire in Context. Historical and Comparative Perspectives* [2011], pp. 67–84.) Nor does he make use of the theoretical concepts developed by political scientists to come to grips with the intricacies of European integration and governance (cf., most notably, the literature on multi-level governance and, from a *longue-durée* perspective, G. Marks, 'Europe and Its Empires. From Rome to the European Union', *Journal of Common Market Studies* 50 [2012], 1–20). It is in this area, on the basis of a truly interdisciplinary approach, that future research may prove most rewarding.

Notwithstanding its shortcomings, E.'s book constitutes a spirited contribution to the debate on the future of the European project, not least due to its ambiguous position on the scenario of a conservative 'revolution', which E. dislikes for its undemocratic consequences yet expects to facilitate the implementation of a programme along the lines of his own vision of moral renewal. If nothing else, E.'s 'pages volontairement provocatrices' (p. 33) will hopefully serve as a timely wake-up call.

Die Junge Akademie, Berlin

MANUEL TRÖSTER
troe3201@hotmail.com