'secular', administrative matters, a man who 'transformed a passive government typical of the High Empire into a relatively proactive, popularizing autocracy that would persist long after his reign' (p. 6). This book therefore seeks to bring Constantine out of the shadow of the Tetrarchy, although the question remains as to whether the extant 'spontaneous' legislation of Diocletian and his colleagues is to be regarded as a greater innovation, which Constantine continued and developed. (See, for example, J. Harries, 'Constantine the Lawgiver', in S. McGill, C. Sogno and E. Watts [edd.], *From the Tetrarchs to the Theodosians: Later Roman History and Culture, 284–450 CE* [2010], pp. 73–92, especially 75–7.) Of course, no emperor could ever have been completely 'reactive' or 'proactive', and differences in the type and quantity of surviving imperial pronouncements pre- and post-Constantine will always present methodological challenges. None the less, D. has produced a valuable contribution to our understanding of both the practice of government and the rhetoric of imperial rule in the early fourth century.

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END OF ROME

LEE (A.D.) *From Rome to Byzantium AD 363 to 565. The Transformation of Ancient Rome*. Pp. xxii + 337, ills, maps. Edinburgh: Edinburgh University Press, 2013. Paper, £29.99 (Cased, £95). ISBN: 978-0-7486-2791-2 (978-0-7486-2790-5 hbk).
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L. has written what is, in many ways, a solid, even admirable text book: it provides, as Michael Whitby is quoted on the cover, 'an excellent overview of the period'. Teachers will find it a useful resource; students at all levels will be able to use it to mine facts – and, more important, have a straightforward initial road map across much of the political and military history of two turbulent centuries and the waste lands of brutal and obscurantist religious controversy. I wish I had had it to hand when preparing for my Master's degree, and even in finalising my last book.

L. achieves this by breaking his material down into four main sections: after an introduction, 'the Constantinian Inheritance', which, however, may underplay the importance of the earlier Tetrarchy in determining the form of the late-antique state, he launches into his account of the later fourth century; here I find that, at the end of Chapter 2, 'Emperors, Usurpers and Frontiers', I had written 'clear and lucid', 'balanced' and 'readable' in the margin. This is followed by an account of progress towards a Christian empire, focusing mainly on the implications of Christianisation at higher social levels, although the Jews get a brief look-in. A chapter is also dedicated to the two Imperial 'theatres', the 'Old' Rome and the 'New', Constantinople, where the dramas of the later empire were increasingly played out and where the shift eastwards was fundamental to the change in power relationships in the whole Mediterranean region. Part 2, 'The Long Fifth Century', makes up nearly half of the book. This tackles, first, court politics and the phenomenon of military commanders, often 'outsiders' like Stilicho, Ricimer or Gainas, frequently more powerful than the nominal emperors; then the wider significance, especially for the influence of imperial women, of more palace-bound emperors after the death of Theodosius II. It then returns to mainstream imperial politics and yet more wars – whose narration, as with the politics of the century here and elsewhere, shows L. at his

best. Then follows the reign of Anastasius, who receives unusually flattering treatment. This Part also introduces the reader, in Chapter 6, to the impact of 'barbarians'; and, in Chapter 9, to the successor states in the West. But not until after elucidating, in Chapter 7, with competence and clarity, the extremely complicated religious politics surrounding the Council of Chalcedon and its fallout. L. is rightly clear that more than 'merely' religious issues were at stake.

In Parts 3 and 4, L. may have moved outside his comfort zone of narrative, high politics and war. But, in his analysis of longer term economic and social trends, he makes a workmanlike attempt to summarise the profound changes of the period whereby provincial government, chiefly in response to financial pressures, moved from comprising an agglomeration of quasi-autonomous city-states to a more *dirigiste* bureaucracy and the emergence of a powerful service aristocracy. He even deals, if relatively superficially, with such increasingly important phenomena as the circus and theatre factions, and what he sees as an accommodation between the traditional classical culture and Christianity in the East, though less so in the West. In Chapter 11, he begins by reminding us (and I suspect himself) that, although *l'histoire événementielle* may seem more fun than economic trends, we should not therefore underestimate their importance. And he succeeds in giving a flavour of such developments, while rightly challenging older ideas about the general impoverishment of the empire. However, his treatment of the evolving political economy – the role of the *colonus*, for instance – is superficial; the often brutal exploitation of the agricultural workers, the mass of the empire's population, whose discontents created what M. Kaplan could describe as 'l'anarchie justinienne', has eluded him (*Les Hommes et la Terre à Byzance* [1992]).

The three chapters of Part 4 focus on Justinian I: they deal with the Emperor and his connection with the Roman past, the Christian present and the 'end of antiquity' respectively. The first covers Justinian's efforts to consolidate his power, all the more necessary in the aftermath of the ruinous Nika riots and opposition to 'reform' on the part of those with a vested interest in earlier ways of doing things. And, of course, Justinian's wars. The next reviews, mercifully in language a non-theologian can understand, the Emperor's continuing if ultimately unsuccessful efforts to promote church unity, and to create, in the church of Hagia Sophia, possibly the greatest memorial to his reign, though he is silent about the brutal persecution of Pagans of which we learn in, for example, John of Ephesus or Malalas. The final chapter reverts to politics and wars, not forgetting what L. consistently calls the 'pandemic' – not the 'plague' – of 562, and reviews where the empire stood militarily and politically at Justinian's death, then looks, all too briefly, at how 'Rome' slowly became 'Byzantium' afterwards.

There is a great deal of good, well-presented material here. So why my reservations? Partly it is a matter of genre; textbooks are rarely the most exciting type of history, and some big topics are either excessively slimmed down, or fail to appear. Here, for instance, the character of the sources is relegated to a brief annex, and the voluminous footnotes concentrate on secondary materials. I doubt whether a student will get a sense of what it is to *write* history, especially of such an ideologically contested period, both in ancient and in modern times. Second, there is no mention of differing theoretical approaches to the period, let alone of the widely varying cultural assumptions and practices L.'s actors brought with them. If you are writing a book whose subtitle is *The Transformation of Ancient Rome*, you need to cut rather more deeply into the society – and its *mentalités* – you are describing if you do not want to be accused of being a dinosaur. In fact, L. knows all this. In the more restricted framework of his *War in Late Antiquity* (2007), he addresses many of these issues. Less so here. We learn about monetary reform in Late Antiquity, the emergence of a Service Aristocracy whom P. Heather dubbed

'The New Constantinians', the growth of large estates, even – a bit – about *coloni*. But these are not brought together in the kind of models of the political economy of Late Antiquity developed by J. Banaji, P. Sarris or C. Wickham nor, in the cultural sphere, is the spirit of P. Brown to be found – although all four feature in L.'s footnotes and bibliography.

These criticisms could make the book seem less valuable than it is. So, rather than under-valuing it on account of its limitations, we should perhaps think of it as solid, well presented and readable, although for many, a shade conservative.

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THE ROMAN LAW OF OBLIGATIONS

McGINN (T.A.J.) (ed.) *Obligations in Roman Law. Past, Present, and Future*. (Papers and Monographs of the American Academy in Rome 33.) Pp. viii + 367. Ann Arbor: The University of Michigan Press, 2012. Cased, US$75. ISBN: 978-0-472-11843-4.
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This volume comprises papers presented by leading Romanists at a conference held in 2008 at the American Academy in Rome. It examines aspects of the Roman law of obligations and, to a lesser extent, the legacy of earlier Romanist scholarship. McG.'s introduction, 'A Conference on Roman Law: the Future of Obligations', discusses the aims of the conference before setting out and developing some of the points raised in the subsequent chapters.

Chapters 2 to 5 focus on Roman contract law. 'The Roman Conception of Contract' by R. Fiori tests the consensualist view of Roman contracts against texts drawn from the *Digest*. He concludes that 'the jurists arrived at a "general – that is, nontypical – protection" of contracts' (p. 65) rather than any general theory of contract. 'Roman Contracts and the Construction of Fault in Their Formation' by F. Procchi submits that the recognition of a party's limited negative interest in the "'*failed conclusion* of the contract'" (p. 91) in German law was devised by Jhering through the extension of the Roman sources. 'Status and Contract in Ancient Rome With Some Thoughts on the "Future of Obligations"' by C. Masi Doria expands upon Sir Henry Sumner Maine's hypothesis that social orders evolved from being status-based to become contract-based. She confirms with reference to specific legal examples that the status-based social structure in Rome was progressively replaced with one which was contract-based, but also suggests that Rome reverted to a status-based social structure in the third and fourth centuries. 'Theory and Practice in the Roman Law of Contracts' by P. du Plessis examines the form, development and implementation of the landlord's hypothec as well as the circumstances under which tenants had recourse to the related interdict. He evaluates their application in two practical examples: the payment of rent to a third party and the subletting of a discrete part of the property.

Chapters 6 and 7 examine the adaptation of private contracts by public officials. 'Obligations in Classical Procedure' by E. Metzger demonstrates that the praetor created a debt conditional on litigating parties failing to adhere to procedural rules or bringing vexatious litigation. He lauds this adaptation of private contracts as a credible method both of warranting parties' good behaviour, and of ensuring that it was the affected party (rather than the treasury) which benefited from the debt so created. 'Public Building Contracts