

was a conscious following of Greek models: 'The Roman tale of the decemvirs ... is clearly patterned after the well-known story of the Thirty Tyrants of Athens' (223). Does this mean we jettison the second board? Or is it plausible that it was indeed more ruthless and unpleasant than the first, and the tyrannical colours are simply part of Clio's cosmetics? What does one do with any such perceived similarity? Then again, F. assures us that it is the late Republic that intrudes into the Licinian-Sextian legislation or the Genucian laws (262, 273). How then was history written before the late Republic? Why was this allowed, and what was the purpose?

The further on we move in time, the harder it is for F. to maintain scepticism in the face of the sources, but to some extent the improvement in the sources (295) helps. The issue remains as to whether F. is sufficiently critical. At p. 346, F. states 'given the simplistic working methods of later Roman historians, things were often fabricated from misinterpretation or wilful invention, or one historical incident was used to form the basis of other unhistorical occurrences of the same thing'. This is neatly put, but where does one go from here? Often does not mean always, so when can we say this has happened and when may we or should we not? By writing a work which is explicitly narrative and explicitly opposed to a work that is said to be optimistic about the sources, F. lays himself open to questions which are left unanswered about method, veracity of the evidence, and the success of his reconstruction. I find F.'s picture of early Rome insufficient in explaining the nature of the early political community, and the account of the dispute between patricians and plebeians seems to me too truncated, but the failure to be genuinely critical of received wisdom is the greatest problem. Picking and choosing what is or is not fact from the historical record is hugely problematic at the best of times, and I am not sure that it is a matter of finding a methodology which resolves this, but if one is going to claim to be critical it is necessary also to establish the grounds of that critique.

Every account of early Rome struggles to be sufficiently aware of the problems of the sources on the one hand, sufficiently persuasive as an account of the way Rome came to be a powerful and organized city-state on the other, when one has surrounded everything with caveats. F. falls between the two stools; I would have preferred a more radical scepticism (Wiseman in *The Myths of Rome* hints at a radical refusal to believe anything about the fifth century, for instance, and a modern de Beaufort would be a stimulus), but F.'s actually relatively conservative position fails to explain what early Rome was like — where it fits taxonomically as a constitution, how its Italian and Mediterranean context really operated, what kind of society produced such achievements and such grief for others.

What F. has done is to produce a more readable and accessible version than Cornell's more argumentative account; where Cornell hacked and cleared at the dense undergrowth of dispute, F. has summarized, boiled down, and produced an accessible account — no mean feat itself. It may well prove to be the way in for many to the period, though one would then miss part of the intrinsic importance of the study of early Rome, its implication in complex arguments germane to their own time, for which Grandazzi's *The Foundation of Rome: Myth and History* remains a challenging but important account. Much yet remains to be done.

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C. WILLIAMSON, *THE LAWS OF THE ROMAN PEOPLE: PUBLIC LAW IN THE EXPANSION AND DECLINE OF THE ROMAN REPUBLIC*. Ann Arbor: The University of Michigan Press, 2005. Pp. xxviii + 506, 39 tables, 4 maps. ISBN 0-472-11053-5. US\$75.00.

The author was a collaborator in the production of *Roman Statutes* (ed. M. Crawford, 1996) and the potential reader may well see this as a spin-off of that publication and the author's own 1984 London thesis on the production of statutes — an attempt to set the statutes published there and elsewhere in a historical context. The first three chapters (Part 1), about a quarter of the book, fulfil this expectation by giving a general overview of the legislative process (I shall return to my reservations about the detailed presentation). The last eight (Parts 2 and 3) attempt something much grander, a history of Rome down to the end of the Republic in which Roman statutes form the basis of a sociological argument that the key to Roman success was the pursuit of consensus.

Williamson's tables, which catalogue statutes under various headings, and her initial overview derive from a mixture of *Roman Statutes* and G. Rotondi's *Leges Publicae Populi Romani*. She has unfortunately made no attempt to revise Rotondi and even the material from *Roman Statutes* has been imperfectly incorporated. For instance, in spite of Cic., *Cael.* 70 there is no mention of

a *lex Lutatia de vi*. Nor has W.'s study of the *lex agraria* (RS I, no. 2) led her to notice the *lex Sempronia* relevant to African grazing that lurks in line 72. To describe the *lex de provinciis praetoriis* of 100 B.C. (RS I, no. 12) as dealing with the assignment of a province (Appendix C, 462) is misleading; the enigmatic *lex Fonteia* of the Cos fragments (RS I, no. 36), left to float mid-century (469), can be more closely dated in the period when M. Antonius was triumvir. W.'s statistical conclusions should also have been more heavily nuanced. Certainly, there were a striking number of statutes in the Second Punic War and of course a flood in the late Republic — 'corruptissima re publica plurimae leges' (Tac., *Ann.* 3.27), a view which W. should have noticed. However, in her first five selected periods (350–225 B.C.), where statutes are apparently scarce, we must allow for the lack of source material and the likelihood that many undated measures, especially those about the civil law, belong in this period (e.g. the *lex Marcia* which permitted *manus iniectio* against usurers is more likely to belong to this time-bracket than to L. Philippus' tribunate of 104 B.C.). The discussion of the mechanics of legislation and the assemblies (ch. 2) covers a lot of ground but does not penetrate very deep into matters of controversy and is irritatingly inaccurate. W. does not understand that if you repeal a statute you also repeal the entrenchment clauses that penalize an attempt to repeal. It is the man who tries to repeal a statute and fails that is in peril (83–4). The *lex Maria* allegedly made the *pontes* narrow, not the voting tribunal (102). The *area Capitolina* is attested as being used for tribal assemblies after 200, not only before 200 B.C. (105). The statement that a *trinundinum* was twenty-seven days (127, 249), which is the view of neither Mommsen, A. K. Michels, nor Lange, as revived by the reviewer, shows that W. does not grasp that a Roman week was eight days but that their method of counting meant that one market-day was on the ninth day after the previous one. Her belief that aristocrats did not use emotion in their oratory in the second century (79–80) — an oversimplification of J.-M. David's argument in *Le patronat judiciaire* — cannot stand against the evidence of Cicero's *Brutus*.

W. raises the question in ch. 1 and later why the Romans operated through statutes passed in assembly (e.g. about the *lex Aquilia* (4)). Here her sociological approach seems to inhibit her from fundamental discussion both of constitutional theory and of practical politics. In ancient republics, apart from the work of lawgivers, it was expected that changes to the basic rules of societies were approved by assemblies. Hence, after the Twelve Tables, changes to the civil law were made through statutes until the *lex Aebutia* — probably to be dated rather earlier than 149–125 B.C., as it is here (458) — granted the praetors the right to create actions. There is also the practical point of the suitability of the *senatus consultum* for enacting a complex legal matter, when often the text of the decree was only properly formulated by the presiding magistrate and his advisers after the debate was over. A further theoretical consideration, not considered by W., is the relationship of statutes to custom (*mos*). J. Bleicken in his magisterial *Lex Publica* pointed out that the Romans created new norms in their society both by statute and by new *mos* — a potential source of conflict that in the late Republic was made actual, when *populares* used statutes to force through revolutionary measures while *mos* was developed as a counter-weapon by their opponents.

The second part of the book is presented as a narrative rather than argument. There is regrettably little discussion of source material or conflicting views in detail. Indeed the reader may find breathtaking the confidence with which the author leaps to some conclusions. Ch. 4 on the conquest of Italy starts from transhumance, held to be prevalent throughout without any geographical and chronological refinements and to have promoted interaction and cooperation: Roman expansion changed this. W. uses as detailed evidence the *Sententia Minuciorum* of 117 B.C. and the *lex agraria* of 111 B.C. (170ff.). The former hardly suggests a Ligurian tradition of unhampered movement. The Langenses have specially set aside *ager compascuus* and *prata* and are permitted to create further *prata*, fencing them off (*ILLRP* 517, 32ff.): in other words it was already established before 117 B.C. that grazing took place in defined areas. The treatment of the admittedly complex *lex agraria* involves desperate and misleading simplifications. It did not shift all public land from *possessio* to *dominium* (170): a number of categories of public land remained public. Nor is there any evidence that it changed the status of the land that it permitted to remain in the possession of non-Roman communities. So to see here 'the triumph of Roman notions of private land ownership over local traditions and patterns of landholding' (171) is to imagine rather than to perceive. If such a triumph ever occurred it would have been in the aftermath of the Social War.

Whereas the author sees agrarian legislation as imposing a Roman pattern on the whole of Italy, in conjunction with incorporation into Roman citizenship (ch. 5) and the development of Rome as a metropolis (ch. 6), in the remaining chapters the function of the majority of legislation is seen as ‘a means of developing community consensus to resolve potentially disruptive issues that could not be bindingly resolved by the Roman senate or by elite office-holders serving in a variety of official positions’ (416, cf. 285). It is obviously true that a Roman statute was an attempt to bind the community to follow a particular form of behaviour, but to argue that in general it reconciled and mediated between conflicting views is another matter. It was not only in the late Republic that there was a partisan aspect of legislation and it is clear that members of the élite tried to disregard laws they did not like, as is shown by the incorporation of oaths into statutes in the late second century. W. does not seem to recognize the significance of either these or the *lex Caecilia Didia* of 98 B.C. (311) that for the first time granted the Senate the right to declare that the people were not bound by a law: there is, incidentally, no evidence that Saturninus’ laws of 100 B.C. were formally annulled (389). The problem with these final chapters is that they offer no close analysis or argument about particular issues and do not grapple with scholarly controversy, as for example over Clodius’ legislation about *obnuntiatio* (382).

I note some further solecisms. The *Tabula Hebana* is dated to 11 C.E. (222); basilicas are said to be used as law-courts in the Republic (254); Caesar is given the tribe Fufia (265); former quaestors are said to be exempted from prosecution in the epigraphic *lex de repetundis* (302); the tribune of 91 B.C. becomes C. Livius Drusus (315); the two attempts to prosecute C. Cornelius the tribune of 67 B.C. are amalgamated (373); Dio is no authority for Manilius’ bill about freedmen violating the *trinundinum* (389, n. 101) — that was a conjecture of Mommsen’s; Clodius’ first legislation of 58 B.C. was on January 4, not 3 (383). Poor proofreading has left some horrible Latin — plebs Romanus (22), vires militares (374), lex de provincia consulari (385).

This book propounds a questionable theory and is not a good summary of existing research. It might have been more successful if it attempted less and was more rigorous in what it did.

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L. DE BLOIS, P. ERDKAMP, O. HEKSTER, G. DE KLEIJN and S. MOLS, *THE REPRESENTATION AND PERCEPTION OF ROMAN IMPERIAL POWER. PROCEEDINGS OF THE THIRD WORKSHOP OF THE INTERNATIONAL NETWORK IMPACT OF EMPIRE (ROMAN EMPIRE, c. 200 B.C.–A.D. 476). NETHERLANDS INSTITUTE IN ROME, MARCH 20–23, 2002*. Amsterdam: J.C. Gieben, 2003. Pp. xiv + 565, illus. ISBN 9-0506-3388-9. €138.00.

The thirty essays assembled from a conference held at the Netherlands Institute in Rome during 2002 to comprise the volume under review suggest valuable avenues for research, and are, in many cases, excellent surveys of their chosen topics. In so far as these essays, amounting to 500 pages, suggest that the government of the Roman Empire must be studied as a series of interactions between the central government and its subjects, they also offer a useful survey of how the eleven stirring pages of Fergus Millar’s ‘Emperors at work’ (*JRS* 57 (1967)) have stood the test of time. On the whole it is fair to say that, while Millar’s model of a government through petition and response remains a powerful explanatory tool, his overall vision of government now seems too passive. The tendency evident throughout this book is towards the development of a more proactive vision of the central power, and its efforts to provide a coherent ideological message for its subjects.

The essays are divided into three broad categories, with two subsections in each of the first two. The broad categories are the representation and perception of Roman power through particular media (coins, monuments, inscriptions etc.) (Part 1.1) and through literary sources (Part 1.2), the representation of imperial power in the provinces and the city of Rome itself (the city is covered in Part 2.1, the provinces in Part 2.2), and the representation of individual emperors. Although there are some notable gaps in coverage — there is nothing on spectacle, and nothing on the way that oracular texts such as the *Sibylline Oracles* reflect provincial reaction to the imperial message — what we get in both is a remarkable series of essays on modes of communication.

There are several questions that run across the diverse sections of this book. Perhaps the most significant is the relative importance of the actual as opposed to symbolic presence of the emperor. In this regard there are especially important contributions from W. Eck, H. von Holsberg, and