

several occasions that Greek legal conditions need to escape interpretations taken from Roman law. We encounter solid arguments and discussions in the chapters relating to classical Athens and to Gortyn, where K. offers a careful and thorough analysis of the legal aspects of the heiress institution. Thus a coherent understanding of Athenian as well as Gortynian family law is provided on contextual reading of the material. In all cases, the evidence when discussed is quoted in Greek and translations are provided in footnotes. The complex system of the order of succession is accompanied by several instructive stemmas. However, problems remain. It is not clear, for example, whether K. presupposes or concludes that the institution was a product of the classical *polis* which died out because of political and social developments during the Hellenistic period. This treatment of the late classical Athenian material (based on New Comedy) and of the remaining Greek material (besides classical Athens and Gortyn) is unconvincing (the view that a financial preoccupation with the epiclerate began in the fourth century is of course arguable). We are not given a detailed discussion of the historicity of Epitadeus' *rhêtra*, nor of the complex questions relating to the distribution of land in Sparta. The paucity of evidence in later sources is taken as an indication that the institution slowly ceases to be significant; but was it dependent upon democracy or merely upon the classical *polis*? Beyond the careful legal studies of classical material for Athens and Gortyn, one could have wished for a more critical approach to the sources to take into account context and genre (comedy, biography and so on).

K.'s research was carried out over a thirty-year period. A. Biscardi's *Diritto greco antico* (1982) is discussed on several occasions, but there are obvious shortcomings in the more recent bibliography, and various footnotes on religion and distribution of land are out of date. D.M. Schaps's *Economic Rights of Ancient Greek Women* (1979) could have been beneficial for K.'s discussion of the status of the Athenian *oikos* in relation to the *epiklêros* and her potential sons. There is not a single reference to either S. Hodkinson's or P. Cartledge's extensive work on Spartan society, where among other things land, women and inheritance are discussed at length. There is only one reference to A. Maffi's extensive contributions to the study of Gortynian family law. I. Morris's discussion from 1989/90 on Gortynian kinship terminology is not mentioned.

In spite of these reservations, K.'s thorough discussions of the legal conditions in Athens and Gortyn extend beyond interests of mere historiography, and will be useful for specialist readers. The compilation of sources and the full ancient bibliography will be of benefit to anyone who wants to know about heiresses in the Greek world.

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GREEK LAW

GAGARIN (M.), COHEN (D.) (edd.) *The Cambridge Companion to Ancient Greek Law*. Pp. xiv + 480. Cambridge: Cambridge University Press, 2005. Paper, £18.99, US\$29.99 (Cased, £45, US\$85). ISBN: 978-0-521-52159-8 (978-0-521-81840-7 hbk).

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From Apollonius through to Chaucer and Bunyan, we are constantly reminded that the quality of any journey is dependent on who you choose for your companions. For their choice of fellow travellers, if nothing else, Michael Gagarin and David Cohen

should be congratulated. Like Chaucer's band of pilgrims bound for Canterbury, G. & C. have assembled an eclectic mix of ages, backgrounds, statuses and opinions. Each has a distinctive voice and an important message to impart. It is just a shame that G. & C. are not prepared to allow their merry company the opportunity to misbehave a little more. In his introductory essay, C. remarks that in the field of Greek law 'there is no dominant paradigm ... lively and multifaceted debate swirls around fundamental questions ... such controversies are only to be welcomed and encouraged'. This may be so, but there has been a fair degree of stage-managing in the allocation of topics and division of material in this Companion.

One is immediately stuck by the fact that one could produce a very different Companion just by swapping the authors around. The idle might like to speculate what the volume would have looked like had a more traditional scholar such as Gerard Thür been allowed to write on Adrian Laani's topic of 'legal relevance' rather than being allocated 'the role of witnesses'. Alternatively, Edward Cohen with his provocative views on prostitution and the free market would have produced a very different essay on gender and sexuality from Eva Cantarella. In turn, Edward Cohen's topic of commercial law could have been handed over to Danielle Allen, who would have produced – given her past record – a unique and distinctive product, one suspects totally unlike the account now contained in the book. Some space is given for disagreement (Cohen records areas of dispute in his introduction, and others are mentioned in footnotes), but some topics seem too hot to handle. The gap between Lene Rubinstein and David Cohen on the topic of violence is left unvoiced. While he sticks to theories of punishment and she to rhetorical strategies, both can sit happily alongside each other in the same volume.

What such speculation does, of course, is to explode the sense of magisterial authority that attends Companions such as these. Why is Edward Cohen apparently more trustworthy on commerce than on sex? What is the status of essays which are so dependent in form, content and conclusion on the expert who is writing them? It is always worth remembering that there are rewards as well as risks in getting experts to write just outside their comfort zone. Perhaps the genre of Companion is not the one in which to take risks (but in that case, one does feel like asking, as Moses Finley did about so much writing on Greek law, 'What's the point, then?').

In summary, there are no real surprises in this well-behaved Companion. The individual chapters are often excellent. Space will not permit me to deal with each of the 22 chapters in the depth which they deserve. Readers who would like a comprehensive survey of the book's contents are well served by David Cohen's introduction, a masterful overview and a model for all future editors. Michael Gagarin's essay on the 'Unity of Greek Law' provides an impressive start to the volume. In looking for what might provide the basis for a concept of 'Greek' (as opposed to, for example, Athenian or Theban) law, G. shifts the debate away from concentrating on similarity in substantive provisions (largely a fruitless debate because neither side can agree on what counts as a significant similarity) to the 'look and feel' of Greek law. Through comparison with the legal systems of the Near East, Rome and Medieval Europe, he elucidates a number of specifically Greek features: the focus on orality, the importance of regulating procedure, the attitudes to 'gaps'. It is these that he argues make Greek law distinctive. Cohen is right to regard this chapter as agenda-setting. No discussion of the concept of Hellenism will be able to ignore it.

The virtue of other chapters lies not so much in their theoretical innovation as their clarity and comprehensiveness. Robert Parker's essay on 'Law and Religion' is a model of both. This subject is notoriously difficult and P. is sure-footed as he

negotiates the scholarly debates and complex ancient material. One could hand out similar plaudits to Joseph Méléze Modrzejewski and John Davies for their respective introductions to aspects of Hellenistic family law and the law-code of Gortyn.

The real beneficiary of this volume, however, is Athenian law. Thirteen chapters are devoted to the topic. It is these chapters which fulfil the claim made by Cohen in his introduction that ‘new questions are being asked, neglected sources used, and comparative and theoretical perspectives brought to bear on Greek legal institutions’. Robert Wallace – assisted in no small part by Adele Scafuro’s *Forensic Stage* (1997), a debt he happily acknowledges – shows the wealth that can be gleaned from the riches of Attic comedy. Allen explores the dialogue that exists between legal and tragic discourse. Not only is the Athenian legal system the subject of tragic contemplation, but A. demonstrates the way in which tragedy engages with the same underlying principles that motivate so much of Athenian legal thinking. Law and tragedy are deeply implicated, perhaps more deeply than any other two genres. Another of the trends that is manifested in the scholarship is the way in which our ‘procedural eye’ has developed. As Lanni and Rubinstein make clear in their chapters, we need to pay close attention to the type of action and its legal and social context before we make generalisations about procedure, relevance or rhetorical strategies. For this social and legal context, Stephen Todd’s chapter is as good a place as any in which to make a start.

While affairs seem healthy in the study of Athenian law, the same cannot be said for the study of Greek jurisprudence. This is an area that is still insufficiently studied or explored. For these reasons, the chapters by Josiah Ober and A.A. Long take on added importance. Both demonstrate the richness of the field and the importance of further investigation. O.’s discussion of political theory reminds us amongst other things that the sources for such study are not limited to traditional philosophic texts. Through a reading of Attic oratory, he demonstrates the way in which political theory was developed and discussed in the law court just as much as in the academy and the stoa. Of course, one would be foolish to neglect such sources. Long’s chapter demonstrates just how long-lasting, full and important those philosophic discussions are. Taking as his topic the relationship between nature (*physis*) and law (*nomos*), Long traces the development of natural law theories from Hesiod to the Roman period via Heraclitus, Thucydides, Seneca and Lucretius. It is an account in which political history mixes with the history of ideas, and one senses the author’s reluctance in having to gloss so much. Both O. and L.’s chapters should enthuse us about the potential for this area of study.

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GREEK MANUMISSION

ZELNICK-ABRAMOVITZ (R.) *Not Wholly Free. The Concept of Manumission and the Status of Manumitted Slaves in the Ancient Greek World.* (*Mnemosyne Supplementum* 266.) Pp. viii + 385. Leiden and Boston: Brill, 2005. Cased, €112, US\$160. ISBN: 978-90-04-14585-6.
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The history of slavery from antiquity to the present is a history of endless inhumanity offering to my mind unimpeachable evidence of human tendencies

