EDWARD M. HARRIS & LENE RUBINSTEIN (edd.), **The Law and the Courts in Ancient Greece**. London: Duckworth, 2004. Pp. xi + 240. ISBN 0715631179

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The Law and the Courts in Ancient Greece is an interesting collection of nine essays from distinguished scholars in the field of Greek law, which examines, for the most part, the connection between the laws and the courts in Classical Athens. The book contains an introduction by the editors Edward Harris and Lene Rubinstein. It is divided into four sections. Edward Harrris 'Antigone the Lawyer, or the Ambiguities of *Nomos*', Robert Parker 'What are Sacred Laws?' and F.S. Naiden 'Supplication and the Law' comprise the first section entitled 'Law, Religion, and the Sources of Legitimacy' where the relationship between *polis* law and divine law, the secular and the sacred, is explored. In the second section entitled 'The Role of Law in the Athenian Courts' the focus narrows as James Sickinger writes on 'The Laws of Athens: Publication, Preservation, Consultation' and Christopher Carey concerns himself with 'Offence and Procedure in Athenian Law'. The focus on Athens continues in the third section entitled 'Legal Arguments in Attic Orators'. Peter J. Rhodes discusses 'Keeping to the Point' while Adriaan Lanni examines 'Arguing from 'Precedent': Modern Perspectives on Athenian Practice'. In the final section entitled 'The Rule of Law Outside Athens' attention moves away from Athens as Michael Gagarin examines 'The Rule of Law in Gortyn' and Angelos Chaniotis writes on 'Justifying Territorial Claims in Classical and Hellenistic Greece: The Beginnings of International Law'. The book provides a comprehensive bibliography and a helpful *Index Locorum*. In general the essays in this collection are not concerned to provide startling new theories on how Greek law and the courts operated, but rather they tend to tease out more fully our established ideas about the structure and dynamic of Greek law, here, essentially Athenian law.

E. Harris begins his article 'Antigone the Lawyer, or the Ambiguities of *Nomos*' with an exploration of what it was that constituted a *nomos*. What was it that established a law as valid? H. notes that a *nomos* required four criteria: (1) it had to be enforceable, (2) it had to be applied to all similar situations in the future, (3) it had to state the rights and duties of the parties involved and (4) it had to contain a sanction. A valid *polis nomos* was also necessarily sanctioned at divine level. H. makes clear in his discussion that laws which satisfied the above conditions differed greatly from the mere commands or edicts of magistrates. Magistrates were not synonymous with the law, and it was quite clear that they were not above it. This is evident in the fact that the democracy at Athens, with its periodic reviews, held them responsible for their activities in a very public way. The central idea that the law in Athens was tied to a democratic ideal is then brought out by H. in an examination of Sophocles' *Antigone*. Here H. argues that Creon is brought low because he confuses his own *polis* edict regarding the non-burial of Polynices with a genuine *nomos*. An Athenian audience, H. suggests, would have sympathized with the position of Antigone and her attempt to uphold an established divine law enshrining the importance of burial. Robert Parker follows this with a brief essay on the topic of 'sacred laws'. The thrust of the article consists of an attempt to establish what exactly constituted a sacred law. After an examination of a number of such laws P. demonstrates that, once

again, there is no emphatic dividing line between the sacred and secular, between the human and the divine, and therefore, there is no clear category of 'sacred laws' into which all such laws will fit comfortably. F.S. Naiden completes this section with an apposite topic: 'Supplication and the Law'. N. demonstrates that supplication involved both the sacred and the secular. The possibility and performance of supplication might well involve a combination of the divine and human, with *polis* law sometimes forbidding access to divine law. It was not by any means a clear-cut affair and this complexity is brought out through a comparison of two case studies: the straightforward case of the metic Dioscurides and Aeschylus' *Suppliants*, which highlights the necessary blend between the divine and the daily life of the *polis*. So this section ends on a note on which it began; the need to appreciate that the line between sacred and secular is often blurred.

James Sickinger's essay on 'The Laws of Athens: Publication, Preservation, Consultation' begins the second section and brings a more pronounced focus on the Athenian law-courts of the Classical period. S. notes that although orators in the law-courts make frequent references to written laws, many of the laws referred to are not extant in epigraphic form. S. suggests that the publishing and preserving of laws may not have carried an exactitude that we imagine, but he is satisfied that the average Athenian could find the law that he required, otherwise we would hear more about its problematic nature in the extant literary source material. This section on Athenian law is completed by Christopher Carey with his essay 'Offence and Procedure in Athenian Law' which examines how much flexibility a prosecutor had in prosecuting certain crimes. C.'s discussion centres on a passage from Demosthenes *Against Androtion* which suggests that a prosecutor often had a variety of legal options at his disposal (*dike* or *graphe*), when it came to taking a defendant to court. C.'s thorough analysis demonstrates that in reality the prosecutor had fewer options that Demosthenes would have us believe. When the prosecutor did appear to have a choice he might still be constrained by the particular circumstances surrounding the crime.

The third section concerns itself with legal arguments in the Attic orators. P.J. Rhodes in 'Keeping to the Point' surveys the body of extant forensic oratory in an effort to determine whether or not litigants digressed frequently from the issue at hand. The idea that they did is a view that has gained currency, based on the idea that trials often became disputes between rich men who sought to gain an advantage in the courts through introducing damaging, but irrelevant, material. R. notes that he too subscribed to this view in the past, but here he retracts somewhat this earlier opinion, acknowledging that litigants, more often than not, did focus on the topic at hand, if we accept that there was a legitimate need at times to present the 'bigger picture'. Acceptance of a higher standard of relevance in these forensic speeches also has implications for seeing them as simple contests among the wealthy. Adriaan Lanni's short essay 'Arguing from 'Precedent': Modern Perspectives on Athenian Practice' completes this section. L.'s article ties in with one theme from the last section: what access did litigants have and what use did they make of previous records of cases stored in the Metroon? Even if litigants did have access to records, it is clear as L. demonstrates, that they did not argue from precedent as

one does in most modern legal systems. She concludes that the law-courts 'doled out largely *ad hoc* judgments' (p.167).

In the final section Michael Gagarin examines the idea of the 'rule of law' in the Greek world in general, and in particular at Grotyn, in Crete, where we have extant the largest set of legal regulations outside Athens, preserved in the form of inscriptions. G. suggests that the 'rule of law' ought to embody three basic ideas: the regulation of society according to rules, the idea that no man is above the law and a strict adherence to the requirement of the law (p. 173). In examining the inscriptions at Gortyn, G. demonstrates that the Gortynians were attempting clearly to enforce these three basic meanings in their written law code. The final paper entitled 'Justifying Territorial Claims in Classical and Hellenistic Greece: The Beginnings of International Law' by Angelos Chaniotis demonstrates that Greek *poleis* did indeed share some general legal principles, and some specific legal concepts, when engaged in territorial disputes. He comes to this conclusion by establishing four legitimate modes of acquisition: inheritance, sale, conquest and gift, and through a number of case studies of international arbitration demonstrates that the Greeks did consistently recognise principles though which international relations were regulated.

The book is well produced with a minimum of typographical errors. Anyone interested in correcting these for a paperback edition may find them on pp. 1, 4, 27, 43, 44, 46, 48, 72, 76 and 82.