

Nonetheless one would welcome from the same pen an equally thorough study of the gladiatorial arms and armour and their development, with the assistance, perhaps, of an expert in classical literature and epigraphy.

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**Gli arbitrati interstatali greci.** Introduzione, edizione critica, traduzione, commento e indici. A cura di *Luigi Piccirilli*. Vol. I: Dalle origini al 338 a.C. Relazioni interstatali nel mondo antico, Fonti e studi (diretti da Giuseppe Nenci) 1. Edizioni Marlin, Pisa 1973. 349 p., XIV plates. Lit. 28000.

This collection is aimed at constituting a complete Corpus of texts, literary, epigraphical, and papyrological, relating to cases of interstatal (i.e. between sovereign states, princes or gods) arbitration or mediation in the ancient Greek world; mythical as well as historical, fictitious as well as real cases are included. The first volume contains 61 historical and 19 mythical arbitrations. — The full Greek text of each arbitration is given with a critical commentary, an Italian translation, an interpretation of the document, and with references to sources and studies. The Indices include a list of Greek and Latin legal terms appearing in the texts.

Tapio Helen

**J. M. Kelly: Studies in the Civil Judicature of the Roman Republic.** Clarendon Press: Oxford University Press 1976. 141 p. £ 5.75.

The aim of the author is to construct an organized picture of the Roman Republican civil judicature (more precisely in the time of Cicero) in such a way as to find a rationale for the co-existence of three separate judicatures or courts, widely different from each other in composition and sphere of competence. These are the collegiate courts of *centumviri* and *recuperatores*, and the single judge court of *unus iudex*. Mr. Kelly is not satisfied with the notion that the *unus iudex* was the "normal" civil judicature to whose sphere of authority, as a rule, the civil cases belonged, and to which the collegiate courts were mere accessories for special restricted areas. The period under consideration was one of transition in the history of civil procedure (from *legis actio* to the formulary procedure), but this does not offer an adequate explanation for the phenomenon. A more general explanation is to be sought among the conditions prevailing in Roman society at the end of Republican era. The writer advances the theory that it was the task of *unus iudex* to deal with the disputes that had their sources in the business world among those engaging in financial and commercial transactions. The distinction public/private constituted the boundary between the spheres of the collegiate courts (*centumviri* and *recuperatores*) on the one hand and that of the *unus iudex* on the other. The judicature of the *unus iudex* was a sort of system of arbitration put at the disposal of the business world by the Roman State; this sphere was regarded as private. According to this theory, the figure of *unus iudex* is intimately connected with the historical situation of the late Roman Republic, the era of the great *publicani* and their *societates*.

The field of the *centumviri* involved issues that concerned succession to family property on which (originally at least) the interest of many *gentes* was centered and which therefore required wide procedural publicity. The characteristic feature of *recuperatores* lay in their competence to execute as well as to pronounce judgements, they "must represent the Roman Republic's first move to assure the regular operation of the law against those who were impervious to disrepute or social pressure or the plaintiff's own efforts". — In the judicature of *unus iudex* the author isolates four "dimensions" which harmonize with his theory of the function of this court: 1) the proceedings

were private in the sense that only the judge and the parties concerned were present (this is the meaning of *iudicium privatum*); 2) the issues were typically *res pecuniariae*; 3) the *unus iudex* was (at least in principle) a person agreed on between the parties, which implies "that the *unus iudex* as a social phenomenon was embedded in a complex of notions like honour, respectability, and doing things decently"; 4) the task of the *unus iudex* was to settle the dispute rather than to conclude it by a judgement (there was no clear semantic difference between the words 'iudex' and 'arbiter' in this period).

The book consists of five chapters: one for each of the three judicatures, one on the statistics of Roman litigation, and one on fear of loss of face as a factor inhibiting litigation. For each judicature the problems of origin, composition and competence are dealt with, and the main theories put forward by Romanists on these questions are considered. In the chapter on statistics the author tries to evaluate the relative quantitative importance in the actual world of litigation of the three courts; this evaluation is based on Digest material (among other things, all *responsum*, *rescriptum*, and other "real" case passages of the Digest are listed). In chapter IV the author examines fear of loss of face as an essential ingredient of his argument. Tapio Helen

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**Scavi di Luni.** Relazione preliminare delle campagne di scavo 1970-1971. A cura di Antonio Frova. I: Testo (XXIV, 890, 84 p.); II: Tavole (233); III Fogli (17). 'L'Erma' di Bretschneider, Roma 1973. Lit. 150000.

Everyone is fully aware of the danger of large-scale archaeological excavations, which provide museums with their rich material, illuminate in many ways the ethnic, urban, social and cultural history of the sites, but then eventually being committed to complete oblivion after the deaths of the leaders of excavations and the common disappearance of the excavation protocols. In this respect, the present volumes are too good to be true: one can only enquire that if these three volumes containing altogether about one thousand pages of text, 233 tables of photographs and 17 folio maps represent the preliminary report, what will the final report be like? The publication was made possible apparently through the munificence of a bank: a similar attitude in the commercial world would promote many equally important projects. But above all our thanks and admiration are due to the leader of the team of fifteen contributors, Antonio Frova; having participated in several scientific teams myself, I find it impossible to understand how he has contrived to induce *all* members of his team to complete their work within the time limit of one or two years.

There seems to be very little to object to in the documentation of the excavations. The disposition is based on the excavation areas. In addition to the brief presentation of *cardo maximus*, there are three areas, the material of which is recorded separately and by different contributors. This could easily have lead to inconsistency in the recording and to a repetition of the discussion of similar materials, but these pitfalls have been avoided for the most part. But there is hardly any doubt that the usefulness of the work for one who does not care to read the entire thousand pages suffers a great deal from the absence of concluding chapters, which would bring together the strands of each group from the different areas.

The introductory chapter 'Note sull'urbanistica e la vita civile' has probably been intended to represent such a conclusion, but one remains somewhat disappointed with it. The importance of the excavations of Luni for a scholar of classical antiquity does not lie in the objects discovered — the results of these excavations do not offer anything remarkable in this respect. The main interest is historical: what is the special character of a Roman colony in the random territory of the Etruscans and the Ligurians, evidently founded