Moving on to the East and (the reader cannot help feeling) to a totally different world, G. F. Chiai studies rural sanctuaries in Phrygia (p. 133ff.), concentrating on deities with a special relation to the place of the cult (e.g., an attribute derived from the name of the place, Ἀλσηνός etc., this relation being called in German "Ortsgebundenheit"). This is a well-informed and wide-ranging paper which ends with a list of attested local Phrygian deities. The "sakrale Landschaft" in the Peloponnese is the subject of I. M. Felten (p. 161ff.), the result being that one can observe some change in the Roman period mainly in the territories of the colonies of Corinth and Patrae. L. E. Baumer's contribution deals with rural sanctuaries in Attica (p. 177ff.). It seems that their numbers were already diminishing from the Hellenistic period onwards; this is ascribed to the diminishing role of the demes (p. 188). Back in the Peloponnese, C. Auffarth's learned and interesting paper deals with "Sakrallandschaft" and provincialisation in Achaea (p. 191ff.). The paper, in which other papers in this volume are also taken into consideration, in fact illustrates much more than just "religion" and seems to me to be a significant contribution on Roman Achaea in general. As for the expression κατὰ συμφορὰν ἀρχῆς τῆς Ῥωμαίων in Pausanias 8,27,1, the author follows (p. 197) the recent interpretation of the Swedish scholar J. Akujärvi (a reference to the beginnings rather than to the "catastrophe" of Roman rule). A. Hupfloher (p. 221ff.) studies the "Heil-Kultstättten" in the Roman province of Achaea, basing the exposition on Pausanias. One would expect there to be much on Epidauros, but in fact Epidauros is not accorded special attention (and in the Argolid there are in any case 15 other "Heil-Kultstättten": p. 238). At the end of the volume, there is a paper by J. Rüpke on cults in the countryside, the point of view being more general; somewhat unexpectedly, but most appropriately, the paper ends with a quotation from the *Codex Theodosianus* (i.e., 16,10,12, with interesting details on "rural" religion).

At the end of the book, there is a list of illustrations and one of abbreviations, but no index. In spite of this, this is a useful and welcome volume which will be of interest not only to those who study rural cults.

Olli Salomies

Adriaan Lanni: *Law and Justice in the Courts of Classical Athens*. Cambridge University Press, New York 2006. ISBN 978-0-521-85759-8. X, 210 pp. GBP 45, USD 76.

Max Weber argued in his *Economy and Society* that "rational and systematic quality sets off Roman law sharply from all law produced by the Orient and by Hellenistic culture". In Weber's sociology of law, the normative order of a society may qualify as irrational in the sense that adjudication, even if controlled by the human intellect, consists of mere reaction to the circumstances of each particular case evaluated upon the basis of standards other than established rules of decision. This is in stark contrast to a legal order consisting of general rules based on statute or case-law applied to concrete cases according to their legally relevant characteristics. Combined with judicial formalism, the rational law guarantees to the members of the society the maximum predictability of the legal consequences of their actions. Any attention paid in adjudication to extra-legal (social, economic, ethical, political, or religious) circumstances, standards and goals increases the arbitrariness and instability of legal decisions. The highly

personalized *ad hoc* Gadi-justice of the Islamic *sharî'ah* courts, and the "technically rational machine" programmed by the Continental law-codes and legal science exemplify the opposite ends of the spectrum in Weber's scheme. In this perspective, Roman law elaborated and guarded by the *iuris periti* – precursor to the modern western law – achieved a "highly formal and rational character, both regarding the substantive rules and their procedural treatment". The "popular justice of the direct Attic democracy", on the contrary, "was decidedly a form of Gadi-justice", and one possible conclusion is that lacking the legal genius of the Romans, the Greeks had no choice.

Weber provides a suitable introduction to the problematics of Adriaan Lanni's book, the elegant argument of which is that "the Athenians could imagine (and, to a lesser extent, implement) a legal process in which abstract rules were applied without reference to the social context of the dispute, but *rejected* such an approach in the vast majority of cases" (p. 4; my emphasis). The more nuanced picture Lanni presents of Athenian justice is based on analysis of legal and extra-legal argumentation in forensic speeches concerning cases tried on one hand by the popular courts (p. 41–74), and by the special courts for homicide (p. 75–114) and maritime (p. 149–74) cases on the other. The study demonstrates that although the law provided a source of argumentation in the popular courts, which tried the vast bulk of cases, the litigants were allowed to introduce whatever information they considered relevant to their cause. The Athenian juries preferred to take into consideration the entire circumstances of the dispute, instead of some narrow, skeletonized facts. This required that the dispute was reviewed in its entire social context, including the parties' conduct leading to the lawsuit, their relationship, merits and character (not to mention those of their ancestors), and the effects of the adverse verdict (especially on their children). In maritime cases, however, the popular courts employed a special procedure that focused on "the terms of the written contract" and discouraged "extra-legal information and argumentation" (p. 173). The homicide courts headed by the Areopagus applied of old a rule of relevancy prohibiting arguments "outside the issue", such as character evidence and (to a lesser extent) emotional appeals to pity.

Why did the Athenians choose to adopt the personalized *ad hoc* determinations in the popular courts (except the maritime cases) over the more formal approach of the homicide courts? As Weber already pointed out, apparently with classical Athens in mind, formal justice was repugnant to democracy "because it decreases the dependency of the legal practice and therewith of the individuals upon the decisions of their fellow citizens". This also seems to capture the essence of Lanni's more developed conclusions. The popular court procedure was the natural result of Athens' democratic political structure committed to direct participation and maximum discretion of the citizens acting occasionally as jurors. Endowed with lay expectations, they took for granted the importance of substantive information in reaching the most just and equitable decisions in individual cases. The composition and political organization is also behind the increased "legalism" of the homicide courts: the jurors were the most distinguished citizens with practical experience of repeated adjudications as life members of the Areopagus council. But Lanni also argues (p. 115–31) that – despite the lack of authoritative rule of decision – there was some degree of predictability in the popular court jurors' reaction to the particular cases because of widely shared, culturally specific, values and beliefs. This is why a more transparent and formal procedure had to be devised for the maritime cases involving foreigners unable to understand or share the informal Athenian community standards the popular courts usually implemented.

There is no doubt Adriaan Lanni's book should be read by anyone interested in Greek litigation. Moreover, this is one of the books concerning ancient law that might be of more than marginal interest to socio-legal scholarship. By raising important questions about formalism, relevancy and predictability in Athenian law, it may inspire similar inquiries into Roman law. It is well-known that the Roman administration of justice relied on legal sources (statutes, senate's resolutions, praetor's edicts, imperial pronouncements, jurists' replies, and their authoritative commentaries) to provide rules of decision. But until the influence of Byzantine bureaucracy, Roman law lacked, as Weber pointed out, many rational and systematic qualities, which only centuries of modern civil law scholarship brought to perfection. It was supposed to guide – with the help of the jurists' advice – the lay magistrate in his decision to deny or grant a legal action, and in narrowing down the relevant legal and factual issues of the lawsuit, according to which the lay judge was to grant or deny, with more or less discretion, the plaintiff's claim. But the magistrates and judges also had to find the facts, and these were embedded in the context of Roman hierarchical society and could be variously characterized. In case of serious offenses, there probably was – like in Athens, as Lanni argues – the certainty of summary treatment for common criminals, while the trials before the juries were nothing less than Gadi-justice. Looking at adjudication from the law in books perspective, Weber was adamant that outside political trials, the supervision of legal procedure by the jurists ensured formal justice. If we had more opportunities for studying Roman law in action, it might turn out that extra-legal considerations loomed large behind judicial decisions, and that prediction of specific outcomes was based as much on jury bias and the sociological structure of the case as the legal rules.

Janne Pölönen

Jill Harries: *Law and Crime in the Roman World*. Cambridge University Press, Cambridge 2007. ISBN 978-0-521-82820-8 (hb), 978-0-521-53532-8 (pb). X, 148 pp. GBP 47, USD 80 (hb), GBP 16.99, USD 28 (pb).

O. F. Robinson: *Penal Practice and Penal Policy in Ancient Rome*. Routledge, London – New York 2007. ISBN 0-415-41651-5. VIII, 255 pp. GBP 60.

Roman law defined "crime" as an offence subject to the public legal process (*iudicium publicum*), while treating some offences as private wrongs (*delicta*) subject to the civil penal process. These processes had in common that they were concerned with "wrongdoing", and condemnation incurred some form of penalty (*poena*), which distinguished them from the civil processes designed merely for the adjudication of disputes. But wrongdoers were also disciplined and punished by the magistrates empowered to use their policing power (*coercitio*) to maintain the public order, and to use their administrative procedure (*cognitio*) to hear and judge criminal accusations. Roman law concerning crimes, procedures and punishments – from the times of the Twelve Tables to the emperor Justinian – is also central to *Law and Crime in the Roman World* written by Jill Harries. The perspective of the book is, however, distinctly socio-legal. Roman law and society histories abound, but the traditional domain of Roman criminal law remains a less charted territory. Thus, in addition to the legislation and legal writings of the Roman jurists, Harries analyses the "extra-legal" sources for competing discourses and counter-cultures,