(Lex Nr. 164), über deren Inhalt (so die Verfasserin selbst) gar „keine verbindliche Aussage“ möglich ist, oder auch für eine *lex Cornelia (municipalis)* (Lex Nr. 165), bei der nicht einmal sicher ist, ob sie Sulla zuzurechnen ist. Übrigens ist auch nirgendwo bezeugt, dass die *ludi Victoriae Sullanae* tatsächlich durch eine *lex* eingerichtet wurden (Lex Nr. 137), was die Verfasserin selbst durch die Setzung eines Fragezeichens als zweifelhaft markiert.

Das letzte zu benennende Problem liegt in der Natur der Sache – es besteht in dem Anspruch einer möglichst erschöpfenden Erfassung der relevanten Literatur zu den einzelnen Gesetzen: Auch die sorgfältigste Dokumentation kann schon zum Zeitpunkt des Erscheinens hier und da nicht mehr ganz up-to-date sein – beispielsweise sei nur auf die bereits erwähnte *lex Cornelia de ambitu* (Lex Nr. 154) verwiesen, die neuerdings nicht nur im Kontext der diesbezüglichen Gesetze und der mit diesem Begriff bezeichneten, notorisch vagen Tatbestände behandelt worden ist, sondern darüber hinaus erstmals unter dem Gesichtspunkt der strafprozessualen Ahndung im Rahmen der Gerichtsverfassung und der Entwicklung der Quästionen seit der Mitte des 2. Jahrhunderts[19]).

Aber solche Einwände können die immense Leistung der Verfasserin und den Wert dieser Sammlung für die weitere Forschung und auch die Lehre nicht schmälern. Vielleicht dürfen wir noch einen dritten Band erwarten – die Gesetze der „letzten Generation der Republik“[20]).

Köln Karl-Joachim Hölkeskamp[*])

Christine Lehne-Gstreinthaler, Iurisperiti et oratores. Eine Studie zu den römischen Juristen der Republik (= Forschungen zum Römischen Recht 60). Böhlau, Wien 2019. 552 S., ISBN 978-3-412-50899-9

“Iurisperiti et oratores” revises Lehne-Gstreinthaler’s 2012 dissertation, which was complemented by a substantial article published in this journal in 2014[1]). The present book is an important contribution to our understanding of the place occupied by individuals versed in the law during the republican (and also, to some extent, the Augustan) period. That said, the article just mentioned adds significantly to the broader picture, and really should be consulted by anyone seriously interested in the subject matter Lehne-Gstreinthaler [= L-G] is tackling. Therefore, it will also be drawn into the present discussion.

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[19]) Siehe dazu jetzt grundlegend Karataş (Fn. 15) 36f., 40f., 44, 134, 287 und passim; vgl. auch C. Bur, La citoyenneté dégradée, Une histoire de l’infamie à Rome (312 av. J.-C.–96 apr. J.-C.), Rome 2018, Kapitel 11 und 12.

[20]) Das bedeutende Werk von E.S. Gruen, The Last Generation of the Roman Republic, Berkeley 1974, [2]1995, enthält ein anregendes Kapitel VI: Legislative Activity: Criminal and Administrative Law, S. 211–259.

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[1]) C. Lehne, Sententiae et opinions, Eine Untersuchung zur römischen Rechtswissenschaft der Republik, Diss. Universität Innsbruck 2012, and ead., Die Stellung der Juristen im Formularverfahren, ZRG RA 131 (2014) 216–312. N.b.: I have not been able to consult the dissertation.

As the author tells us (11), her dissertation originally aimed to investigate the influence exercised by republican-era jurists on litigation; and, in particular, the goal was to observe how juristic *responsa* affected court proceedings. When it became clear, however, that the legal experts themselves had not been given quite the attention they abundantly deserve, a slightly different course was plotted. Material regarding the varied activities of those skilled in law was largely hived off and published in the 2014 article. Thus, the book now under review became, in its majority (17–363), what amounts to a prosopography (though of a rather extended and thoroughly legally-oriented kind), arranged in rough chronological order. Nonetheless, "Iurisperiti et oratores" still includes (367–403) a curtailed version of what appears the ZRG piece. The fundamental notion steering all of this is that by grasping meticulously the varied legally-oriented doings of those individuals who made themselves proficient in the law, we will comprehend significantly more about the operation of law altogether. This is surely correct, and immediately reveals the importance of L-G's work.

Now, there are two overarching matters which underlie the book and article alike. Indeed, precisely these concerns frame the introduction (11–14) to "Iurisperiti et oratores". Both issues deserve careful consideration, and should be kept constantly in mind by any reader of L-G's contributions – for their ramifications affect nearly everything she writes about here.

First, if one is going to create something like a prosopography of republican legal experts, then one must devise a method for determining which men are to be included. L-G straightaway offers resolution of the issue by saying (12) that she will consider: (a) those who are called *iuris consultus*, *iuris peritus*, or the like; (b) those who are attested, one way or another, to have possessed some knowledge of the law (even if no legally descriptive label, such as *iuris peritus*, is applied to the person); (c) those from whom there are preserved legal *responsa*; and (d) those whose activities (the German word here is "Tätigkeit") indicate that they must have possessed a significant grasp of the law. The second and fourth criteria, of course, cause the *oratores* (so, advocates, in modern parlance) to appear in the book's title, and then throughout. This issue of semantics is reprised, and fleshed out, later in the book (367–370). There, we are reminded of the range of expression used to describe individuals who were, in one way or another, and to one degree or another, expert in and/or engaged with the law: *iuris peritus*, *iuris consultus*, *iuris prudens* (when one wished to indicate those most properly to be understood as learned in the law); *patronus*, *advocatus*, *togatus*, *causidicus, delator, calumniator*, *quadruplator* (when one intended to stress the act of pleading in court – sometimes favorably, other times with less relish); or, one might talk of individuals who were *doctus* or *disertus* (in the law)[2]). Furthermore, our

[2]) To this list can be added *iuris magister* or *iuris studiosus*, see, e.g., K. Tuori, The ius respondendi and the freedom of Roman jurisprudence, RIDA 51 (2004) 307. And then, of course, if one moves temporally into the imperial period, and geographically beyond the Italian heartland, one encounters a range of individuals who were in one way or another knowledgeable about and engaged with the law – especially in the Hellenophone East: L-G 368 Fn. 2393; but see also, e.g., C. Jones, Juristes romains dans l'orient grec, Comptes rendus de l'Académie des Inscriptions et Belles-Lettres 151 (2007) 1331–1359; A. Dolganov, Empire of Law, Legal Culture and Imperial Rule in the Roman Province of Egypt, diss. Princeton University 2018, 297–435. Note also A. Dolganov, Nutricula causidicorum, Legal Practi-

sources mention *iuris disciplina*, or *iuris scientia*, thus placing weight on the training had by certain individuals in this field (as in the expression *iuris peritus*). And of course, jurisprudence was, according to Celsus, an *ars*. The fundamental point in all of this is that we do not have neat terminology which might point us unerringly to one type of expert who practices a comfortably circumscribed *ars*. L-G achieves some closure here by saying the following (368–369):

> "Dies ist vor allem deshalb interessant, weil das Fehlen eines Begriffs darauf hindeutet, dass dafür in gewissem Sinn auch keine Notwendigkeit bestand, einerseits weil (zu dieser Zeit) gleichbedeutende Synonyme wie *doctus*, *disertus* oder *patronus* vorhanden waren, andererseits vielleicht auch, weil die in dem Begriff *iuris peritus*/*prudens*/*consultus* implizierte Spezialisierung noch nicht stattgefunden hatte."

In her article on the jurists, however, the emphasis is cast ever so slightly differently. There, she points out forcefully, and absolutely rightly, that any given member of the Roman elite was likely to find himself confronted with legal matters quite literally on a daily basis. Thus, more or less every Roman aristocrat knew something about the law. This, I would argue, is a point that should be digested very thoroughly by anyone interested in Roman law. In any case, she thereupon writes the following (I have added emphasis)[3]):

> "*Ob man juristische Kenntnisse für ausschlaggebend ansieht, um diese Personen als Juristen zu qualifizieren, oder nicht, ist abhängig von der Definition des Juristen und der Rechtswissenschaft in Rom und kann bestritten werden*. Letztendlich ist es jedoch für die Hauptthese unerheblich: Wären nicht zumindest einige der wichtigsten Akteure, nämlich Richter und Anwälte, rechtskundig gewesen, hätte sich das klassische römische Recht nicht in dieser Form entwickelt, da eine zu große Diskrepanz zwischen Theorie und Praxis geherrscht hätte."

What is being said, both here and in the book, is most certainly right. Let me, however, attempt to rephrase slightly, so as to draw out more succinctly (perhaps) L-G's important argument – or perhaps to put her case in the articulation most congenial to me. There was not one neatly-defined form of training which led to a singular and well-delineated type of expert in the law – The Jurist, par excellence. Nor were the various possibilities for putting legal knowledge to use coherently structured, or defined. Thus, we face a variety of labels for those who had attained differing types and levels of skill in this area; and, we must ponder a wide range of manners in which those various experts might engage, or engage with, the law. Thus, if we are to grasp, at a most fundamental level, Roman-style expertise in the law (*iurisprudentia*), and then to comprehend the ways in which this brand of proficiency played its manifold roles in the world, the investigative net must be cast very widely. In short, we must consider all those who were in any regard knowledgeable in the law, along with all of their activities in this area, and we must then perceive of this entire bundle as a composite whole[4]). Exactly this is what L-G seeks to provide for the republican period; and she does an admirable job of it.

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tioners in Roman North Africa, in: K. Czajkowski/B. Eckhardt/M. Strothmann (eds.), Law in the Roman Provinces, Oxford 2020, 358–416.

[3]) Lehne, Die Stellung (fn. 1) 311.

[4]) For a nod in this direction see, e.g., R. Leonhard s.v. Iurisprudentia, RE X,1, Stuttgart 1918, 1159, who says of Roman *iurisprudentia*, "er umfaßt jede fachmäßige Beschäftigung mit dem Recht".

The second issue emerges naturally in conjunction with the first: Are we, then, at least with some of these people, in the presence of professionals, and professionalism, or are we not? And thereupon, of course, what would be the significance of any answer, one way or the other, to this question? L-G does not theorize this matter to any great extent; however, she does have things to say, and these are important. But before we consider her position on this business, it is crucial to recall that her book has the republican period in its sights. Therefore, non-elite specialists in the law (e.g., among the *apparitores*, or in towns around the empire – manifestations principally of the imperial period, at least according to the evidence such as we have it) are hardly on display here; and hence, such professionalism as may have existed among such lower-status individuals is not here of real concern to L-G[5]). As for the men with whom she is concerned, namely, members of the elite, L-G argues as follows (12). The late Republic was a period of transition, during which an emergent "Rechtswissenschaft" was, concurrently with the political situation, in flux. Thus, one can ask whether such a thing as proper legal science truly existed, especially given that "[…] für viele Juristen dieser Zeit die juristische Beschäftigung eine reine Nebentätigkeit und die Ausbildung und Professionalisierung keineswegs mit unserer Zeit vergleichbar [war]". That said, there most certainly is talk by republican authors of *iuris peritia* or *iuris prudentia*, and when we use terms such as "Rechtskunde" (she adds the scare quotes) we potentially miscalculate both the high level of sophistication achieved by republican jurists and the influence these men exerted on later generations. Still, given the comparatively "unprofessionelle" (again, her scare quotes) training in law, "[…] ist auch unser heutiger Begriff 'Jurist' nicht unbedingt im Verhältnis eins zu eins auf diese Epoche übertragbar". For this reason, the book will stick closely to the sources, and thus will consider the four classes of men already mentioned above – so again, (a) those who are called *iuris consultus*, or the like, (b) those who were said to know about the law, (c) those from whom we have *responsa,* and (d) those whose activities suggest that they must have possessed significant legal knowledge. We also read (13) that the second half of the book will seek to establish "[…] ein 'Berufsbild' der Juristen der römischen Republik". Upon arriving at the second half of L-G's book, the reader comes upon this (387):

> "Der Juristenberuf ieS entwickelte sich erst im Verlauf der späteren Republik. Zuvor kann man eher von einem 'Amateur'-Status der Rechtswissenschaft sprechen, weil zwar die meisten Angehörigen der römischen Obersicht – aufgrund ihrer rhetorischen Ausbildung und der eben erwähnten politischen und gesellschaftlichen Tätigkeit – gewisse grundlegende Rechtskenntnisse besaßen und einige wenige dies vertieft hatten, ein Berufsbild als soches jedoch nicht existierte."

Only during the imperial period would true professionalization arrive (388). The bottom line for L-G, then, becomes a sort of balancing act. On the one hand, the lack of something like an institutionalized education in combination with the shifting nomenclature for anyone learned in the law militates against our imagining a profession ("Beruf") as a legal expert ("Jurist"). On the other hand, the sophisticated

[5]) See, however, Lehne, Die Stellung (fn. 1) 284–286 on *adsessores* and *apparitores*. This, though, is a subject to which our author returns elsewhere: C. Lehne-Gstreinthaler, Jurists in the Shadows: The Everyday Business of the Jurists of Cicero's Time, in: P. du Plessis (ed.), Cicero's Law, Rethinking Roman Law of the Late Republic, Edinburgh 2016, 88–99.

expertise of those called *iuris peritus*, and the like, had by the later Republic become such, that if we confine ourselves to talking about a phenomenon that we blandly label "Rechtskunde", vel sim., we equally run the risk of distortion, though now in the other direction, thus potentially turning true experts into dabblers. The ambivalence that one might scent here seems to manifest itself throughout the book[6]). Thus, we find, for example, that Q. Mucius Scaevola had both a "Respondierpraxis" and a "Gerichtspraxis," or that the chief focus of Ser. Sulpicius Rufus' "Respondierpraxis" was inheritance. We read of the "berufliche Praxis" of A. Ofilius (213) and of Q. Hortensius Hortalus (347). This all sounds very professional. On the other hand, there is talk of the "Respondiertätigkeit" of Trebatius Testa (288). And in the article we have been considering, we read (275) that *iuris consultus* was the most common expression used for a "Rechtsgelehrter" – rather than for, let us say, a "Jurist". Such talk (i.e., "Rechtsgelehrter") smacks of something more like an avocation involving law. Now, it may be that this is all just a matter of semantics, that I am being overly pedantic, that we must somehow talk about these men who knew law, that the ancient parlance was shifting, and that, hence, our modern terminology can be moderately loose without our incurring any particularly deleterious conceptual risk. And indeed, I am able to adduce only one truly serious attempt to delineate exactly what legal professionalism (and again, this primarily among the elite) might have looked like in the Roman world (I have added the emphasis)[7]):

> "[…] in the early first century B.C. a small group of jurisconsults (Q. Mucius Scaevola and his students) sought to counter disintegrative influences on law by reconstructing their ancient craft as a more autonomous and intellectual discipline. Their aim was evidently to secure for themselves and for law a more commanding presence within the Roman judicial system and Roman society generally. In essence, they ceased to be jurisconsults only, and became jurists as well, with major consequences for subsequent Western law. Through these men the legal profession walked for the first time on the stage of history; *the late Republican jurists were already 'professionals' in that they possessed and exploited specific knowledge and skills which were inaccessible to laymen, and in that they also had at least rudimentary forms of regularized intercommunication, work autonomy, specialist literature, colleague 'control', organized education, and even ethics*."

L-G is plainly in agreement with Frier as to some kind of professionalization during the march from Republic to Empire. However, in one regard (at least) she must seem not to hold entirely with what is said here. Given her stress on the fact that law was every single day, in one form or another, on the plate of any given Roman aristocrat, then Frier's sense of "specific knowledge and skills which were inaccessible

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[6]) Lehne, Die Stellung (fn. 1) also does not theorize this matter. That said, we do find passages in this article where the matter of professionalism, in one way or another, might appear to arise. For example (231): "Zwar war zur Zeit des Formularprozesses eine gewisse Spezialisierung zwischen den *munera* der *iuris periti* und den *munera patronorum* zu erkennen, jedoch kann man eher von einer Spezialisierung als von zwei eigenständigen Berufen sprechen." There is discussion (259–261) of pay for legal work. Or, note Lehne-Gstreinthaler, Jurists in the Shadows (fn. 5) 88: "The Roman jurists active during that time [the late Republic] could be described most accurately as 'gentlemen', men from higher classes who engaged in giving legal advice and representing parties in court due to favours owed to their clients, acquaintances and family members."

[7]) B.W. Frier, The Rise of the Roman Jurists, Studies in Cicero's "Pro Caecina", Princeton 1985, xiii.

to laymen" (fn. 7) would presumably discomfit her some. Be that as it may, there are extremely important underlying issues here. So, to begin with, what precisely is the nature of the devotion of the Roman *iuris peritus* to his project, the law? That is, in exactly what direction, or directions, does the drive to be a legal expert take these men? What do they want their law to be for? And then, what is it (in the broadest sense possible) that compels the jurist to gain, and display, his legal prowess? Moreover, the issue of professionalism vis-à-vis the law potentially draws us into another, albeit closely related, set of issues. Who is empowered to make the law? How is such a person, and his legal imprimatur, to be recognized? What will cause anyone to feel bound by the law as expounded by that person? In short, all of the talk about professionalism ultimately comes down to the matter of the Roman community's understanding of just who it was that, in the end, knew what the law was, or should be. We are asking just how a Roman recognized those who had power over the generation of something which we would classify as binding law. Frier's jurists would seem, on the whole, and largely because of their professionalism, to be drawing their wagons into a circle, whereas L-G's *iurisperiti* and *oratores* (and others) would perhaps tend to accomplish just the opposite.

I have now pushed the discussion well beyond what is to be found, per se, between the covers of "Iurisperiti et oratores"; but, I have done so advisedly. For if we ask (ultimately following L-G) the questions, Who are the jurists? and then, Are these men professionals?, what we sooner or later want to know is, Who among the Romans dictated the very large share of substantive law which we now call jurists' law, and which was widely held in antiquity to be somehow binding?, and then, Why were the particular individuals who performed that function the recognizable and/or recognized arbiters? One might put all of this into explicitly Roman terms, and thereby corral it all: we are asking about the *auctoritas* of the individual jurists, and the putative effects thereof[8]). As I say, all of the many and complicated problems which are raised when one enters the terrain of jurists' law (for that is what we are now talking about) are not the primary concern of L-G's work[9]). However, what she has given us does indeed provide a very significant and potentially much wider vista onto this landscape than we previously have had – at least for the republican period. For she is asking us to think hard about just exactly what the possession of legal

[8]) On this, see Lehne, Die Stellung (fn. 1) 239, 268.

[9]) Obviously, the topic of jurists' law is vast, and there is a huge and varied bibliography on and around the matter. That said, the most essential parameters are nicely summed up by, e.g., A.A. Schiller, Roman Law, Mechanisms of Development, The Hague 1978, 269: "The role of the jurists in the development of the Roman law of the classical epoch is of primary importance, directly or indirectly affecting all phases of the evolution of the law […] Technically, the contribution of the jurists has been said not to have the character of a formal source of the law, though the opposite view has been advanced. Nevertheless, jurists' law constitutes the major element in the totality of the private law of the classical period." And of course, absolutely crucial to this whole discussion are matters such as the *ius respondendi*, cf. Tuori (fn. 2), or the *ius controversum*, on which see especially: M. Bretone, Ius controversum nella giurisprudenza classica, Atti della Accademia Nazionale dei Lincei, Classe di Scienze Morali, Storiche e Filologiche, Memorie 9,23 (2008) 755–879, and V. Marotta/E. Stolfi (eds.), Ius controversum e processo tra tarda repubblica ed età dei Severi, Rome 2012.

expertise entailed, hence, just who the jurists were, and thus by extension, what the exact nature and impact of their work might have been. In fine, she is pushing us to expand our vision of the ways in which elite Romans engaged, and/or engaged with, the law – altogether. With this as the broad background, let us see, just briefly, how such issues play out in "Iurisperiti et oratores".

This book is, ultimately, a history of aristocratic involvement with law (or, let us say, a history of Roman legal science) over the course of the republican period, and clearly follows in the footsteps of (most prominently) Schulz, Kunkel, Wieacker, and Liebs[10]). The present contribution, however, is different from its forerunners. That is because of the particular approach taken by L-G. First, she focuses all but entirely on those individuals whom she determines to have been adept in the law; thus, the more strictly prosopographic nature of her book. Second, she is concerned not merely with religious or civil law, but also with constitutional law, which serves to widen, somewhat, the range of potential legal experts to be included. And third, this book considers not merely something that might be called legal science, but rather, attempts to catalogue all those who were involved in what are better categorized as legal activities, writ large. That means that for each individual ensnared by L-G's net, we are provided with evidence as to that person's ventures in any of the following categories: giving legal *responsa* (and, n.b., this is the author's particular concentration); the drafting of laws or senatorial decrees; working as an advocate; functioning as a judge; participation in the *consilia* of others; functioning as a witness; creating procedural innovations; fulfilling priestly duties; writing about the law. The majority of the book, then, is a march through time, from the early Republic down to about the age of Augustus, individual-by-individual, considering and describing all of the enterprises just listed which might be relevant for each person[11]). In this portion of the book, there is one particular thing that L-G does, which is potentially of very significant value to her readers. She has drawn together, wherever possible, what appears to be every extant *responsum* issued by the jurist in question, and then she provides no little information about the legal issue being tackled by that response[12]).

[10]) F. Schulz, Geschichte der römischen Rechtswissenschaft, Weimar 1961 [History of Roman Legal Science, Oxford 1946]; W. Kunkel, Herkunft und soziale Stellung der römischen Juristen, Weimar 1952 (2nd ed. 1967, repr. 2001); F. Wieacker, Römische Rechtsgeschichte, Erster Abschnitt. Einleitung, Quellenkunde. Frühzeit und Republik, Munich 1988; D. Liebs, in W. Suerbaum et al. (eds.), Handbuch der lateinischen Literatur der Antike, Erster Band: Die archaische Literatur von den Anfängen bis zu Sullas Tod, Munich 2002, § 110, § 111, § 194, § 195. And, it must be noted that simultaneously with L-G, a monumental new series – the Scriptores iuris Romani, edited by Aldo Schiavone – has begun to appear. Two volumes dealing with the jurisprudence of the Republic are out: J.-L. Ferrary/A. Schiavone/E. Stolfi, Quintus Mucius Scaevola, Opera, Rome 2018; V. Marotta/E. Stolfi et al., Antiquissima iuris sapientia, Saec. VI–III a.C., Rome 2019; on SIR see the Miszelle by Jakob Stagl, in this vol. of ZRG, p. 568.

[11]) The narrative opens not with any one individual, but with the early priestly colleges as the guardians of the law (24–61). Then, once secularization of the law sets in, the first legal expert whom L-G can see with any clarity as having issued *responsa* is Ti. Corunicianus (68). Her account of jurists and orators closes with a portrait of Julius Caesar (356–362); though, a figure such as Trebatius Testa is also included (264–289), thus drawing the investigation into the Augustan period.

[12]) As a kind of spot check, I have compared what L-G has for Ti. Coruncianus

In other words, she offers, effectively, a kind of running legal commentary on the "Respondiertätigkeit" (or "Respondierpraxis") of all these men. Appended to all of this is a thirty-six page exposition of the "'Berufsbild' des Juristen" (again, the scare quotes were added by L-G) which includes: the language used to describe legal experts and expertise; the activities *agere*, *cavere*, *respondere*; the relationship between patronage and legal activity; legal education during the Republic; the social position of the republican jurists and the esteem that accrued to legal science as a discipline during this period; juristic literature; and a brief overview of the areas of law most dealt with during the Republic[13]).

Now, the fact that the last of L-G's *iurisprudentes et oratores* is Julius Caesar might surprise; for Caesar surely resides in most modern minds not as jurist or advocate, but rather, as something more along the lines of a politician[14]). The point is this. We tend to put labels on many an ancient individual, and those labels (poet, historian, lawyer, geographer, and so forth) can, I fear, lead to a distorted view of the person in question – distorted both with regard to the multiplicity of ways in which that individual might have hoped to shape his own persona, and distorted also in terms of how his self-fashioned image was then apprehended by contemporaries. The thinkable damage generated by this modus operandi, however, runs even deeper. For I would contend that the very project of fashioning a "Selbstdarstellung" will have demanded that the various building blocks of that monument should be hewn so as to fit seamlessly into the envisioned final product. To the extent that this is true, then the desired overall image will almost certainly have determined, to a considerable degree, the very substance of its individual parts. Thus, for example, if one wanted to be admired as *iuris prudens*, then one had to shape that *prudentia*, and its manifestations, in certain purposeful ways. Moreover, as was the case with Caesar, and with many others, knowledge of the law might well be only one building block in a more extensive monument. Resultantly, one runs up against, for example, the man who was both historian and jurist. If we, however, happen to fasten upon one of these parts, and thus monochromatically label the man in question a jurist, or (say) a historian, we risk not only a misrepresentation of who that man was, in toto, but perhaps even worse, we run the danger of confounding a proper vision of how that man fashioned

with the section on him by G. Viarengo in V. Marotta/E. Stolfi et al. (fn. 9) 169–189. Although Viarengo's portrait of Coruncianus is much fuller overall, in so far as preserved *responsa* are concerned, L-G has missed nothing. And, the comments of these two authors about the legal issues involved are also roughly comparable.

[13]) Again, the reader who is significantly interested in all of this should supplement what is to found here with the much fuller account to be had from Lehne, Die Stellung (fn. 1).

[14]) So, e.g., M. Gelzer, Caesar: Politician and Statesman, Cambridge (Mass.) 1968. L-G, however, reminds us of the very wide range of legal activity that Caesar was involved in (356–362): advocacy; his praetorship; sponsorship of many laws; a planned codification of the law; his reform of the calendar; the legal organization of various colonies; frequent service as a judge; effective creation of the office as *praefectus urbi*. Nor is it as if Gelzer, for example, had missed any of this. He simply placed, especially by virtue of his labels, the emphasis elsewhere. And, n.b., Caesar did not manage to gain entry into, say, F.P. Bremer (ed.), Iurisprudentiae antehadrianae quae supersunt, Pars I: Liberae rei publicae iuris consulti, Leipzig 1896, repr. 1985.

his own approach to being a jurist, or a historian. Let me offer an example of this from L-G's book. And let it be said right now: L-G's work should cause us to move away from this kind of compartmentalization. This is, to my taste, a very important consequence of the book under review here.

So, one of the individuals portrayed in "Iurisperiti et oratores" is L. Coelius Antipater (117–118). L-G introduces him as "der Historiker" and as "ein bekannter Redner". He appears in her volume, though, largely because Cicero (Brut. 102) explicitly calls him *iuris peritus* – thus, he can be called, for the purposes of L-G's book, a "Fachjurist". How, though, are we comparatively to weigh this man's skills at, interests in, and engagement with the fields of history, oratory, and law? Was he a true expert in one, and just a dabbler in the others? Or, was he equally historian, orator, and jurist? We are now right back with the issues of professionalism (and *auctoritas*) raised above. L-G does not broach any of this explicitly with regard to Antipater; but again, anyone reading carefully will surely scent the conundrum. Be that all as it may, the fact is that, given what has come down to us from antiquity, modern scholars incline flatly to make a historian, and something along the lines of a professional historian, of this man – for this is what we can grasp in some detail. By operating in this way, however, we run the real risk of converting Antipater's work with the law into something on the order of a sidelight to his (let us say) "real" profession – viz., history[15]). L-G is pressuring us not to do that. And indeed, lest we forget, had things gone differently between the second century BC and the present, we might well have been calling Antipater, first and foremost, or even exclusively, a jurist. Be that all as it may, Pomponius, has something potentially quite revealing to say about all of this (D. 1,2,2,40): … *et Coelius Antipater, qui historias conscripsit, sed plus eloquentiae quam scientiae iuris operam dedit*. The second-century jurist seems to think that Antipater should have known better than to mix the guidelines of one realm with those of another – eloquence being fine for the historian (or orator), but not for the jurist. He apparently presumes, in other words, something like one set of "professional" standards for those involved with history (or oratory), and another such set for anyone tackling the law. And he would have liked it much better, had Antipater been more cognizant of those boundaries. What he quite importantly does not seem

[15]) G.V. Sumner, The Orators in Cicero's Brutus: Prosopography and Chronology, Toronto 1973, 56–57, 187 labels Antipater a historian, and does not mention his skill in the law. M. Chassignet (ed.), L'annalistique romaine, Tome II: L'annalistique moyenne, Paris 2003, xlii notes that Antipater, as well as being a historian, "a été jurisconsulte et orateur". H. Beck/U. Walter (eds.), Die Frühen Römischen Historiker, II: Von Coelius Antipater bis Pomponius Atticus, Darmstadt 2004, 35 call him a historian, and add: "Jurist und erfolgreicher Rhetoriklehrer". They also write that "[m]it Coelius Antipater begegnet somit ein neuer Typus von Historikern, die […] bei ihren Forschungen vor allem auf die Beherrschung 'wissenschaftlicher' Techniken angewiesen waren. Die erhaltenen Fragmente lassen erkennen, dass mit dieser Fokussierung eine sichtbare Professionalisierung einherging". Whether Antipater's work as jurist or rhetorician was similarly professionalized they do not say. J. Briscoe, in: T.J. Cornell (ed.), The Fragments of the Roman Historians, vol. I: Introduction, Oxford 2013, 257 simply notes that "Cicero thought his oratorical ability limited, but his opinion of Coelius' legal knowledge was higher than that of Pomponius". Then, in Bremer (fn. 14) 42–43, Antipater is simply *iuris consultus*. Christopher Pelling calls him "Roman historian", but then notes also that "[h]e was a legal expert", Oxford Classical Dictionary, 4th ed. Oxford 2012, 341.

to have supposed, however, is that Antipater was really, let us say, a historian, and therefore did not know the expectations placed on himself qua jurist. For Pomponius, then, Antipater seems to have been just as much jurist as he was historian (or orator). He was simply better at the one than he was at the other; and, presumably, his *auctoritas* in the one field (history/oratory) will have been greater than that in the other (law) – at least to Pomponius' mind[16]). If one is thinking in such terms, then the modern tendency to atomize Antipater's "professional" persona simply fades away. And such, it seems to me, are the terms which L-G hopes we will accustom ourselves to.

I have pushed the discussion here in a particular direction – or, perhaps, directions. I have done so because I believe that the issues thus raised represent what ought to be some major contributions made by L-G's book. To the extent that this is true, then there is still, admittedly, much work to be accomplished. Nevertheless, this volume offers right now a great wealth of food for thought. To the chef goes a Michelin star, or two[17]).

New York Michael Peachin[*])

Francisco Pina Polo/Alejandro Díaz Fernández, The Quaestorship in the Roman Republic (= Klio, Beihefte N.F. 31). De Gruyter, Berlin 2019. X, 376 S., ISBN 978-3-11-066341-9

1. Mit dem Buch von Francisco Pina Polo und Alejandro Díaz Fernández[1]) liegt nunmehr die erste umfassende Monographie zur Entwicklung und Bedeutung der Quästur im Zeitraum vom 5. Jh. bis 44 v. Chr. vor, und zwar sowohl bezogen auf Amtsträger in Italien (und dabei v. a. in Rom) als auch in den dauerhaft eingerichteten Provinzen. Ein ausführlicher Anhang (205–347) enthält zudem die auf den neuesten Stand gebrachte Prosopographie der überlieferten Magistrate (in alphabetischer sowie chronologischer Anordnung). Besonders beeindruckt, dass die Autoren im Textteil jeweils von einer gründlichen und zugleich behutsamen Interpretation des doch eher spärlichen Quellenbefunds zu den „elusive quaestors" (vii) ihren Ausgang nehmen, um darauf gestützt die konträren Thesen der Lehre zu

[16]) Note this mid-19th century assessment of Antipater, which precisely allows the contrasting ancient viewpoints to shine through: W. Smith (ed.), Dictionary of Greek and Roman Biography and Mythology, Boston 1870, I, 202: "[…] a Roman jurist and historian. Pomponius considers him more an orator than a jurist; Cicero, on the other hand, prizes him more as a jurist than as an orator or historian."

[17]) There is one thing that I did miss. There are two indices: a "Personenindex" and a "Quellenindex". However, given especially the wealth of discussion of particular legal issues (e.g., *fideicommissum*), and of the responses given by various jurists regarding those issues, a subject index would have been most welcome. One might even consider creating such an index, and offering it online.

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[1]) Die ersten fünf Kapitel des Werks stammen dabei von Pina Polo, während Kapitel 6 zur Rolle der Quästur in den Provinzen auf Díaz Fernández zurückgeht, was sich letztlich auch am Sprachstil der Darstellung zeigt, obwohl das Buch selbstverständlich von beiden Autoren gemeinsam endredigiert ist (vgl. S. 4 Fn. 8).