of money they brought to the area. He also underestimates (p. 391) the disastrous effects of the destruction that accompanied the revolts of A.D. 66–70 and 132–5. The destruction of the temple may indeed have eliminated the restraints the priesthood had placed on the Judaean economy, but the monies previously contributed by male Jews to the upkeep of the Temple now went to the *fiscus Judaicus*. The banditry that was endemic in the first century in Judaea hardly suggests a stable society, and the oppressive behaviour of Roman soldiers and officials before 66 certainly had a part to play in the outbreak of revolt. Of course soldiers did help to build roads and aqueducts, but these in the first instance were for the benefit of the government and its agents.

In fact, the contributors are curiously reticent about the destruction caused by the wars in which the army fought, be they civil wars, the suppression of revolts, or campaigns of conquest, all of which brought about great destruction of life and property and economic damage. The theme of widespread and persistent oppression of the local population by the army is neglected, yet this was potentially far greater than the total number of soldiers might suggest, since they were frequently on the move either individually or in units. Perhaps considerations of macroeconomics are less significant than the impact of the army on the economic and private lives of ordinary people. One of the most telling pieces of evidence about domestic economic life is the personal financial account from Egypt casually listing several payments for extortion and 'to the soldier at his demand' (L. Robert, *Rev. Phil.* 17 [1943], 111–19).

It is entirely inexplicable and inexcusable that the book is produced without an index, which is absolutely indispensable in a disparate collection of essays of this kind. I have had to make this comment before about a book published by Gieben and it is time that the publishers addressed the issue, especially since they continue to charge high prices.

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ROMAN LAW AND SOCIETY

J.-J. AUBERT, B. SIRKS (edd.): *Speculum Iuris. Roman Law as a Reflection of Social and Economic Life in Antiquity*. Pp. xii + 192. Ann Arbor: University of Michigan Press, 2002. Cased, US$49.50/£35.50. ISBN: 0-472-11251-1.

This collection of six essays, five of which were presented at the 1996 meeting of the American Philological Association, sits at the intersection of ancient history and the study of Roman law. And quite self-consciously so: the volume has an introduction (by Michael Peachin) emphasizing its interdisciplinary approach, and not one but two conclusions, one more legal (by Boudewijn Sirks), the other, by Jean-Jacques Aubert, 'a historian's point of view', evaluating the mixture.

In the first essay ('Sulla's Law on Prices and the Roman Definition of Luxury'), Peter Wyeztner analyzes Sulla's *lex Cornelia sumptuaria* of 82/1 B.C., which (unusually) fixed maximum prices at which foods deemed 'luxurious' could be sold. W. argues that Sulla was attempting to reduce the status value of certain luxuries, and thus their social power, by controlling their price. Price, in W.'s analysis, is less 'an objective measure used to equate the value of dissimilar commodities' and more a qualification that 'in itself, lent prestige to commodities' (p. 29), a very useful, even ingenious observation

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that sheds light on the ways previous sumptuary legislation was phrased and how censorial rebukes of Roman extravagance were conceptualized.

David Cherry's 'Gifts Between Husband and Wife: The Social Origins of Roman Law' offers a new look at the vexed question of why gifts between husband and wife were forbidden in Roman law. C. seeks to elevate to respectability a passing remark attributed to the jurist Africanus, that many marriages would founder if the husband could afford to make a gift but did not do so: the law was, therefore, to protect husbands against their wives' perpetual Miss-Piggy-like demands for presents.

The major insight of Thomas McGinn's 'The Augustan Marriage Legislation and Social Practice: Elite Endogamy versus Male "Marrying Down" ' is that while senatorial males were usually conservative in their marriage practices, practising 'endogamy' (marrying within their status) when they could and marrying females as close in status to themselves when they could not, a general shortage of females throughout society resulted in female 'hypergamy' (marrying above their status) overall, and even in occasional violations of the Augustan marriage laws—females of unacceptable status 'marrying up'—at sub-élite levels. As a consequence, McGinn concludes that one purpose of the Augustan marriage laws was to certify as ideal for all Romans some bedrock principles of spousal selection already followed by senators anyway; another was to encourage, when it proved necessary, female hypergamy when the social gulf was not too great, and most specifically (pp. 65–6 n. 102) to encourage nonsenatorial freeborn males to marry freedwomen—on the principle that 'to list a group of persons prohibited for marriage' in laws encouraging marriage 'is to encourage marriage with those not named in the group' (p. 65). Overall, the laws sought not only to promote marriage and child-rearing but 'to instruct all of Roman society in the minimally acceptable criteria for spouse selection' and 'to discourage the wrong kind of people from pursuing a path of social mobility, a path thrown open by the disturbances of the late Republic' (p. 83). The social realities summarized and presented open up some fascinating possibilities for further research: for instance, about dowry (in a world with an apparently perpetual shortage of women, would one not expect to see, even if only in pragmatic terms, a shift from dowry to bride-price?).

Jean-Jacques Aubert's 'A Double Standard in Roman Criminal Law? The Death Penalty and Social Structure in Late Republican and Early Imperial Rome' similarly presents a stimulating survey of contextual evidence, here consisting of far less cheering accounts of crucifixion, in service of an argument about the criteria (of crime and perpetrator) taken into account when this terrible penalty was inflicted. A. finds that the criterion was not merely citizen status, class (*honestiores* or *humiliores*, p. 102), or even juridical standing (slave or free), but a combination of all three, resulting, in its most clearly recognizable form, in a distinction between 'outcasts' and those still attached to a civic or international community. Slaves, deserters, bandits, and the seditious or rebellious (including the Jews) were by definition (and at law) outcasts because they were *hostes* or enemies, and as a consequence subjected to a punishment, crucifixion, that emphasized symbolically the criminal's separation from his community. Free or freedmen punished in this way were deliberately being subjected to a punishment understood as severe, servile, and severing.

The last two articles, Boudewijn Sirks's 'Sailing in the Off-Season with Reduced Financial Risk' and Susan Martin's 'Roman Law and the Study of Land Transportation', grapple with narrower economic issues. S. argues energetically that Roman legal regulations or innovations were intended to stimulate and protect trade, and thus to serve and promote the Roman economy in general. Yet is far from obvious that regulations protecting consumers (the aediles' remedies for hidden defects in slaves,

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pp. 135–7) or contractual claimants (actions granted against sons in power, slaves, freedmen, *institores*, or ship-captains; or to shippers in the *ministerium annonae*, pp. 138–9) were intended by their drafters to encourage trade. The legal framework could be made to help buyers, sellers, shippers, and all the rest, as numerous elegant juristic solutions to problems show, but results even when positive prove neither intent nor policy. M.'s more cautious approach to economic issues may be sounder, although her trek on land is less exhilarating than Professor Sirks's beat from Beirut to Brindisi in stormy weather. Her survey of land-transportation-related cases in the *Digest* reveals that jurists reduce transportation jobs to two basic paradigms, paying a carrier to do the entire job or hiring the various components yourself (p. 154); and jurists in these cases discuss the concepts of *culpa* and *imperitia* which, 'it may be possible to argue . . . were tailored to the context of land transportation and responsive to the needs of this form of economic activity' (p. 161). As a conclusion this is hardly heartening news, but M. at least does not run herself off the road in an excess of enthusiasm.

The best papers in this volume are those which actually do what the volume set out to do, using 'legal and nonlegal texts and documents to demonstrate the reciprocal influence of law and social and economic life' (p. vi). The interdisciplinary study of Roman law and history is old, but it has always been difficult and not always productive, like the mating of giant pandas. It is to be hoped that this proselytizing volume will encourage more of it.

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ROMAN SPORT

J.-P. THUILLIER: *Sport im antiken Rom*. Pp. x + 241, ills. Darmstadt: Primus Verlag, 1999. Cased, DM 68. ISBN: 3-89678-126-X.

Wolfgang Decker's German translation of Thuillier's *Le sport dans la Rome antique* (Paris, 1996) differs from the original in the organization of the selection of illustrations (with some variation in selection) and in the use of numerous color photographs, including some of the Gafsa mosaic on pp. 122–3 (none of the pictures in the French edition were color). Unlike the original, the German edition also has a useful selection of endnotes, a bibliography, and an index. In either language the book is an excellent introduction to non-amphitheatric entertainments in the Roman world.

The book opens with a discussion of the meaning of sport in antiquity, aimed at distinguishing between what T. sees as true sport from the entertainments of the amphitheater. T. maintains that the Roman distinction between *ludi* and *munera* goes some way in justifying this distinction, and that this has significance in the larger history of sport wherein people do see a distinction between what he terms the Olympic tradition of equestrian and field events from events where bloodshed is a determinant of the result, though he admits that it may not have been so clear cut in antiquity. T. is entitled to his opinion on this matter, though the fact that the *circus maximus* was used for beast hunts, and that beast hunts could be part of the entertainment between races, suggests that the distinction between events for *ludi* and for *munera* broke down well before the fourth century A.D.

A more serious point than the question of definition is that of the method by which Greek style games were introduced at Rome. Unlike T., I feel that the late literary

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