the analysis of the underlying social changes which underpin the process of urbanization remain somewhat speculative, particularly for the early phases of urbanization. To some extent, this book is as much about identifying the gaps in our knowledge (pp. 300–1) and suggesting possible approaches as about providing definitive answers—something which reflects the difficult nature of these questions rather than indicating any deficiencies of this work. Nevertheless, its survey results are a valuable addition to our knowledge of the archaeology of south-east Italy, and the analysis of the underlying social changes goes a long way towards moving the debate away from the Greeks and Romans, and reclaiming the history of the region for the indigenous Messapians.

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THE ROMAN CONSTITUTION

A. LINTOTT: *The Constitution of the Roman Republic*. Pp. xi + 297. Oxford: Clarendon Press, 1999. Cased, £47. ISBN: 0-19-815068-7.

'There is a major general difficulty to be faced: the Romans did not have a constitution.' So John Crook, in reviewing Adalberto Giovannini's *Consulare Imperium* in *JRS* 76 (1986), 286–8. The problem has not gone away, and it is therefore a bold author who undertakes to write a book with such a title. The subject, however, of the political and governmental structures through which the Romans 'came to dominate nearly the whole inhabited world' has fascinated historians at least since Polybius in the second century B.C., and a new account at the end of the twentieth century is most welcome.

The field, of course, is dominated by the extraordinary achievement of Mommsen's *Staatsrecht*, and Lintott can no more escape from the shadow of that great, if flawed, masterpiece than he can from that of Polybius, whose remark is the epigraph of his introductory chapter. Instead, he lays out three approaches to the subject (pp. 7–8): the first, to analyse how things worked in the last two centuries of the Republic, by a positivistic study of political history; the second, to trace developments from their origins in the early Republic, if not before; and the third, to theorize about the nature of the constitution, a method which he rightly ascribes to both Polybius and Mommsen. L. proposes to use all three methods. In practice, the methodological division, though theoretically illuminating, is difficult to maintain. Although Mommsen's approach, beginning with the attributes of the magistrates (especially *auspicia* and *imperium*), and proceeding from there to examine the position of the senate and the people, tends to leave the reader with an improperly homogeneous and timeless picture of what was in fact a shifting and not by any means coherent process, it is difficult to make Rome's constitutional arrangements understandable without some such presentation; and the choice of the way to present embodies inevitably a notion of what the 'constitution' was. Such notions may be useful, but, as Crook observed, they are not Roman.

What L. does in fact is to begin with an account of a year taken apparently at random (at least, no explanation is given for the choice), the year in question being the consular year 189/8 B.C. (Chapter II). This has the advantage of presenting the

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https://doi.org/10.1093/cr/52.1.120 Published online by Cambridge University Press

interplay of various elements within the constitutional arrangements, though it also requires a considerable number of references forward to Chapters V–IX, in which he sets out in a more Mommsenian fashion the activities of the popular assemblies, the senate, the various magistracies, and the processes of criminal jurisdiction. This last is, of course, an area of particular interest to Roman historians, not least to L., who has made many valuable contributions to its study; but it differs from the other aspects of political life at Rome in not being (as L. himself admits at pp. 147–9) an obvious category of Roman thought, compared with the modern division between criminal and civil jurisdictions. He follows this with an examination of the social factors at work in the relationships between the people and the upper classes, and of religion and its function in the workings of the Roman constitutional machinery (Chapter X). Between the chapter on the year 189/8 B.C. (Chapter II) and the expository chapters (V–IX) just mentioned, L. places two chapters, one on Polybius' account of the constitution in Book 6 of his *Histories* (Chapter III) and one on the stories of the origins of the constitution (Chapter IV). It has to be said that, although these allow L. to fulfil his promise to utilize all three of the methodologies outlined at the end of his first chapter, it is not altogether obvious otherwise why they appear at this point; but at least the account of Polybius' views allows him to employ them as a framework when he comes to explore the balance of the various powers within the state (Chapter XI), in which he espouses, rightly in my view, a largely Mommsenian position on the centrality of the magistracies, and traces the shifts in the balance from the third century B.C. down to the end of the Republic. There follow two chapters that read almost like appendices, one (Chapter XII) on the history in Greek and Roman thought of the idea of the 'mixed' constitution, and a final one (Chapter XIII) that sketches out very briefly the impact of the Roman Republic as a model for political commentators from the Middle Ages down to the Founding Fathers of the United States of America.

The views that L. puts forward in this survey of the Republican constitution are the result of his own long and profitable engagement with Roman history and Roman law over many years, and, as one would expect, they are full of intelligence and sound good sense. I would note, simply as an example, his observation that the rules for the holding of popular assemblies were highly complex when compared with the relative simplicity of the executive structures of the magistracies, and his suggestion that this is the result of a certain unease about the expression of the opinions of the people (p. 61). Inevitably, there are places where disagreement will occur, sometimes the result of too easy generalization: thus L. states that 'in the second century prorogation [of proconsular *imperium*] was still needed, although it required unusual political influence to extend it over more than one year' (p. 114). This may be true of those who began their tenure of provinces as consuls, but it is not true of the praetors who held the Spanish *provinciae* in the late 190s and 180s B.C. In this context, it is unfortunate that he has so little to say about the lex Baebia *de praetoribus*, probably of 181 B.C., which required the election of four and six praetors in alternate years (on the significance of which, see now T. Corey Brennan, *The Praetorship in the Roman Republic* [Oxford, 2000], pp. 169–73). Again, L. suggests that the 'consultation of the auspices was undertaken less for enlightenment than for reassurance, especially for the soothing of the emotions through the solemnity of ritual' (pp. 103–4). Reassurance may have been an effect of the consultation of auspices, but it does not seem likely to have been the reason for it.

These matters apart, this admirable book presents two puzzles, both about its presentation. The first has already been touched on: it is by no means clear why the chapters are arranged in the order they are in, and indeed the later chapters read like

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additional essays which (for no reason given) the author has decided to append to an account of the constitution. The second relates to the intended readership. It is to be hoped that this book will be read, and indeed read through, by undergraduate and postgraduate students, as well as being consulted by more advanced scholars. It is a pity, therefore, that it is full of passing allusions to events in Roman history and to pieces of legislation that will be clear only to someone who has read a great deal about the Roman Republic. I give, simply as one example, his remark that 'Cicero tells in passing of a *lex Maenia*, which removed the senate's veto on the results of elections, probably shortly after the controversy over the election of M'. Curius Dentatus to his first consulship' (p. 38). A footnote refers the reader to the passage in Cicero's *Brutus*, but who and when Curius Dentatus was, to say nothing of the nature of the controversy, is left to the reader to discover by other means. This is not an isolated example, and it is a shame that so valuable a book on so fascinating a topic should be made more difficult to use by a lack of attention to the likely preknowledge of the majority of its probable readership.

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PUBLICANS AND CENSORS

C. NICOLET: *Censeurs et publicains. Économie et fiscalité dans la Rome antique*. Pp. 500. Paris: Fayard, 2000. Paper, frs. 180. ISBN: 2-213-60296-4.

This volume consists of twenty-one of Professor Nicolet's articles which have appeared individually in various journals and other collections over the course of the last twenty-five years and which are here republished as an easily accessible, and reasonably priced, collection. The articles cover various aspects of the economy of the Roman state in the Republican and early Imperial periods, and reflect several of the main areas of interest and approaches to the evidence that have characterized N.'s impressive scholarly output of the past three decades.

The chapters have been grouped under four thematic headings, which progress from the general to the specific, and which reveal much about the way N. believes the public economy of the Roman world should be studied. The first group of articles is collected under the heading 'timocratie et impérialisme'. Included here are some of N.'s earlier studies of the timocratic structure of Roman society, the importance of the Roman census in establishing that structure, and the ways in which that structure formed the basis of the state economy. Together with these are chapters that outline developments in the financing of the Roman army through the period of imperial conquest under the Republic, and that highlight the fiscal inequality that existed originally between full Roman citizens on the one hand and everyone else in Italy on the other, and later between the administrative region of Italy and the rest of the Mediterranean empire.

The second grouping of chapters brings together a series of studies that focus on more specific aspects of the census itself. Among these are two articles on the rôle of coinage as the unit of common measure by which the tax-paying capacity of individuals registered in the census could be assessed; the well-known article, 'Le cens senatorial sous la République et sous Auguste' (published here for the third time),

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