controversies reflects the policy of an emperor whose eye was fixed consistently on unity and consensus. Apparent vacillations are attributed to successive 'shifts of focus' at the prompting of the wily Athanasius or his adversary, Eusebius of Nicomedia. In D.'s account there is much that persuades, but little that surprises: Athanasius being the principal source, his colours are diluted, but the outline of the picture remains intact. The letter of the Caesarean Eusebius after Nicaea is still disingenuous; Athanasius is said to have revealed the mind of the Council with his tendentious definition of the term *homoousios*. The chapter entitled 'Controlling the Message' does, however, make progress, showing that Constantine's cultivation of the popular ear is a natural corollary of his desire to secure a 'common agreement' in matters of religion, which to him were matters of state. Also to be welcomed is D.'s judgement that the *Oration to the Saints* cannot be tied to a particular date and venue, as such a manifesto, both a defence of monotheism and a charter for single monarchy, could have been revised for every new occasion. The same desire to marry peace with justice, rather than a plot to bring the Empire under the heel of the episcopate, gave rise to the legislation that forbids appeals from bishops and allows some judgements to rest upon the word of a single prelate. Yet here it is, says D., that the earnest sovereign lost control of his 'agenda'. Eusebius of Caesarea is now brought forward as the draftsman of the 'fine print' that transformed the noble sentiments of the ruler into a writ of ecclesiastical supremacy. While owning that he had a passion for truth as he conceived it, D. finds in the historical and panegyrical writings of Eusebius a host of ambiguities and lacunae which cannot be blamed in every case on the poverty of his archives. His writings, like the decrees of Constantine, are informed by Hellenistic concepts of the good king; but as the good king for Eusebius must also be a good Churchman, he conceals those elements in his master's strategy that did not conduce to the exaltation of the higher clergy. One might have hoped for more discussion here of his theology and the private ends that caused him to adduce so many documents bearing on his own career. Instead the next chapter, arguing the safe thesis that the idiom of peace survived the era of toleration, attempts to surprise us with the bland discovery that heretics rather than pagans were the first objects of coercive legislation. Notwithstanding the promise of the title, nothing more is said about Eusebius of Nicomedia than might have been lifted straight from Athanasius; Marcellus of Ancyra also deserved a chapter, even had it been at the cost of the epilogue on Ambrose, which as always is astute but lacks the trenchant originality of D.'s articles. While this is perhaps the best study of the Constantinian epoch, it may come to be valued more for its copious learning and the light that it sheds on details than for its general theories, many of which are truisms, not only for sociologists, but for anyone who has noticed, *sine magistro*, that the history of the Church belongs to the history of the world.

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HUMAN RIGHTS

R. A. BAUMAN: *Human Rights in Ancient Rome*. Pp. xiii + 193. London and New York: Routledge, 1999. Cased, £40. ISBN: 0-415-17320-5.

Classics is an academic discipline perhaps uniquely concerned to advertise its relevance to contemporary society. In professional and social situations, we are

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forever justifying ourselves. In turning his attention to human rights in ancient Rome, this most prolific and experienced writer on ancient law has hit upon an unusually topical and agitating theme. He begins in his introduction with an analysis of the 1948 *Declaration of Human Rights* and closes the book with a catalogue of anxious questions about the directions our own global village is taking: 'Has the modern system borrowed wisely from Rome? . . . where will it all end? . . . The writing is on the wall, but who has understood it?' From Domitian to death row, slavery to sweat shops, important parallels and comparisons are there to be drawn, and B. does not hesitate to confront some ugly truths. With such a controversial and sundry theme, there will always be as many opinions as there are readers, but if B. succeeds in his ambition to engage those interested in Roman antiquity and those interested in human rights in general, he deserves our gratitude. Since much of what follows is negative or niggly, I should insist at the outset that this book sets an important agenda.

The book is very short. With ten chapters squashed into 129 sides of text, too many issues which demand delicate and minute unpacking are dealt with in unseemly haste. For example, Chapter II, on Greek attitudes towards human rights, gets a mere nine pages; Roman racial prejudice gets just over two. B. makes generous use of quotation, principally from laws, Cicero, and Seneca, but passages are often left to stand by themselves. Each short chapter is subdivided into five or more sections, including an 'evaluation' which regularly serves to anticipate or reiterate B.'s claims and orient the reader. Arguments are developed but not sealed, sometimes hardly even raised.

B.'s general thesis is of an evolution in the concept of human rights from the late third century B.C.E. to the middle Principate. The focal points of his discussion are the laws about provincial (mal)administration, Cicero, the emergence of the virtue of *clementia* under Augustus, and Seneca. I find this broadly convincing, more in the societal changes which B. highlights than in the identification of certain speeches or laws as turning points. Most compelling are the discussion of the *repetundae* laws and the impact of the Principate, although B.'s claimed intention to confine technical discussion to the endnotes (p. x) is hardly borne out.

Throughout, philology is a cornerstone of B.'s case. He makes many interesting observations about *humanitas* and *humanus*, but the TLL and a library of concordances are not of themselves able to plot the story of Roman human rights. For a start, *humanitas* does not mean 'human rights', and besides, our literary sources are frustratingly unrepresentative. The flaws in B.'s approach are exposed by Tacitus; he is said to be a 'great disappointment' because he uses *humanitas* only twice, yet he is also described as the 'most penetrating critic of inhumanity' (p. 73). At times the book does not seem an enquiry so much into human rights in Rome as into Roman writings about *humanitas*. They are not the same thing.

B.'s use of references can give cause for concern. Generally brackets give author, text, chapter, and verse, but at times the information is buried in an endnote. A disquieting example of this occurs when, on checking the reference, Augustus' 'propaganda machine' turns out not to be the *Res Gestae* but Velleius Paterculus (p. 77). I have more serious reservations about the use of composite quotations. The examples on pp. 8–9 mask the fact that as a lawyer Cicero spoke *ad hominem* and *ad rem*. The composite quotations appear to bolster B.'s picture of Cicero as a spokesman of a generation, a figurehead in the evolution of a humanitarian instinct in the Late Republic. Much as Cicero thought of himself as a great moral philosopher, should we not think of him more as a slippery advocate? B. mentions Cicero's guile (p. 50), but is prepared to overlook it on occasion.

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All in all, a measured welcome. B. has demonstrated that despite slavery, genocide, decimation, crucifixion, the Colosseum, and so on, in a broad sense the issue of human rights was a mainstay of Roman legal–ethical discourse over centuries. This is an important point, although it will not lead many to follow him in his endorsement of Gibbon's nomination of 96–180 C.E. as the period of world history when the human race was 'most happy and prosperous'. The gap between Roman discourse about human rights and the inhumanities actually suffered under Roman rule remains largely to be considered.

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LAW AT WORK

JILL HARRIES: *Law and Empire in Late Antiquity.* Pp. ix + 235. Cambridge: Cambridge University Press, 1999. Cased, £37.50. ISBN: 0-521-41087-8.

Theodor Mommsen was furious: Otto Seeck's attempt to reconstruct the chronology of the laws of Constantine contained in the Theodosian Code (cf. *ZSS RA* 9 [1889], 1–44 and 177–251) did not meet with his approval. For Mommsen, his pupil, then professor at Greifswald University, had arbitrarily changed the preserved dates of the laws to suit his own argument. While working on his edition of the Code, Mommsen declared Seeck's article to be 'academically useless' (*ZSS RA* 21 [1900], 180 = *Gesammelte Schriften* ii.397) and, in an eruption of anger, as a *wissenschaftliche Nullität* (*ibid.* p. 185 = p. 401).

The fierce dispute between preceptor and neophyte over the intractable questions of the addressees, date, and place of issue of the laws is still subject to scholarly debate. To this issue and other technical problems Jill Harries pays little or no attention. She is more captivated by the theories of 'legal anthropology' (e.g. pp. 79f., 174). Her major concern is 'how imperial law was made, and how and whether it worked as intended' (p. vii), and she ventures 'to provide an alternative reading of late Roman Law as a source for Late Antique history' (p. 4). In spite of frequent grievances found in the sources about abuses of power, widespread corruption, official bribery, venal judges, and decline of legal education, H. stresses the efficacy of the imperial laws—'repeated laws were laws that worked' (p. 212)—and argues that 'Roman law in Late Antiquity was more frequently invoked and effectively enforced than at any previous period in Roman imperial history' (p. 98). The contemporary complaints are supposed to reflect a phenomenon called 'a culture of criticism' (pp. 5, 97) which is traced in the 'language of power' of the imperial constitutions, the speeches of orators, the works of historians, and the homilies of bishops. 'Consequently, the language of accountability became a part of the continual dialogue between the emperors and the once-sovereign *populus*. . . . The result of all this was that complaints increased in volume, and more may have been done to remedy them; what the evidence does not show is that there was actually more to complain about' (p. 97).

H. repeatedly presents her approach as an alternative to 'the traditional interpretation of Late Antiquity as lawless and ungovernable' (p. 78). I am not quite sure which modern accounts H. has in mind, and, at least with regard to continental scholarship, it is rather a dated view of current interpretations of late antiquity. Her insistence on the efficacy of law is likely to be directed against Ramsay Macmullen's hypothesis, already much questioned in the anglophone world, that the Roman

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