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**The Athenian Legal System (A.) Lanni *Law and Justice in the Courts of Classical Athens*. Pp. x + 210. Cambridge: Cambridge University Press, 2006. Paper, £14.99, US\$25.99 (Cased, £45, US\$76). ISBN: 978-0-521-73301-4 (978-0-521-85759-8 hbk).**

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sense available to ancient historians, given the nature and quantity of our evidence. Several recent contributions to the study of public order have certainly made bold quantitative claims (e.g. H. Ménard, *Maintenir l'ordre à Rome* [Seysssel, 2004], pp. 51, 119, 128; W. Barry, *BSAA* 45 [1993], 19–33). Such claims are made at points in the present volume, implicitly or explicitly. For instance, *stasis* is said to have been as ‘endemic’ and violent in archaic Greece as it was in the classical period (p. 19); damage to the fields by ephebes patrolling the territory of Athens in the second century B.C. ‘was not unusual’ in the view of one contributor (p. 136; cf. pp. 61; 212; 225 for other examples). On the other hand, some contributors frame their questions to avoid attempts at quantification, and some explicitly eschew them. Even those who make such attempts use language that hints at their unease. The volume offers no solutions to this quandary, but it highlights the need for more sophisticated and self-conscious reflection about just what is methodologically appropriate in the study of crime, public order and security in antiquity.

Thus, whilst the volume does not offer anything approaching a coherent treatment of security and public order in the classical world, it does make important contributions and raise important challenges, both specific and general, to the specialist study of these matters.

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## THE ATHENIAN LEGAL SYSTEM

LANNI (A.) *Law and Justice in the Courts of Classical Athens*. Pp. x + 210. Cambridge: Cambridge University Press, 2006. Paper, £14.99, US\$25.99 (Cased, £45, US\$76). ISBN: 978-0-521-73301-4 (978-0-521-85759-8 hbk).

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What was the character of the Athenian legal system? What were its ideals and objectives? Did it aim to resolve disputes on the basis of fixed rules and the discovery of truth or did it rather offer a forum for the contestation of rival claims to honour by individuals within Athenian society? How far did the ideal of the rule of law apply to the law courts of Athenian democracy? To what extent did the Athenian legal system differ from modern legal systems in the Western world? And by what standards should one judge the operation and efficiency of the Athenian legal system? These are only some of the key questions that anyone attempting to understand the Athenian legal system is bound to ask. L. addresses them all in a book that provides an introduction to and an evaluation of the Athenian system of justice.

In her own view, the originality of her approach lies in the fact that she is focussing ‘on the differences between ordinary cases tried in the Athenian popular courts, on the one hand, and the homicide and maritime cases that were tried in special courts with their own procedures, on the other’ (p. 2) instead of treating them as a unified whole. This distinction is profitable as it throws into deeper relief the flexible and contextual approach adopted by the Athenians in their administration of justice.

L.’s main preoccupation is the question of relevance in Athenian law courts, an issue that she has been exploring since her doctoral research. While the notion of

relevance in modern common law systems entails a set of fixed rules as to what constitutes admissible and inadmissible evidence, anyone new to the study of ancient Athenian law will discover that such rules were not enforced in cases tried in the popular courts, although it seems that there may have been a general expectation that litigants should not stray off the main point at issue (*ἔξω τοῦ πράγματος*). There is also a single reference to an oath taken by the litigants prior to private trials (*Ath. Pol.* 67.1), but such an oath is not alluded to anywhere in extant forensic speeches. It is remarkable that the approach to the question of relevance was much stricter in homicide and maritime cases, an issue to which L. devotes the whole of Chapters 4 and 6.

The structure of the book is clear and it is easy to follow L.'s argument throughout. A general introduction, providing an overview of the main issues to be broached and arguments to be elaborated in the rest of the book, is followed by a chapter entitled 'Athens and its Legal System'. This offers a short, helpful guide to Athenian society's values and morals, an account of the historical development of the Athenian legal system and a layman's guide to its main procedures and idiosyncratic features.

Chapter 3, 'Relevance in the Popular Courts', is central to the main argument and examines three aspects of trials in Athenian popular courts that differentiate them from modern American trials: the use of what would nowadays be perceived as extra-legal argumentation, the use of law by litigants in extant law court speeches and finally the assessment by the jury of legal and extra-legal argumentation. As L. points out (p. 42), 'the Athenian popular courts ... did not exhibit "autonomous" legal argument, that is, the logical application of a self-contained body of rules to a specific case independent of its social, political, or economic context'. L.'s examination of the evidence and argumentation used in the popular courts reveals a diversity of rhetorical strategies employed depending on the type of case and the relative position of each litigant. Such a diversity of approaches confirms L.'s argument that the Athenian popular courts adopted mainly a discretionary and contextualised approach to decision-making.

By contrast, the concept of relevance in the five Athenian homicide courts was much narrower, as L. proves in the next chapter. She traces the origins of this stricter emphasis on relevance (note also the *diômosia* oath sworn prior to homicide trials: *Antiph.* 5.11) to the archaic period and the 'urgent need to foster obedience and respect for verdicts in a fledgling legal system that was just beginning to assert control over the private use of violence' (p. 108). She tentatively places the institution of the popular courts in the period after Cleisthenes' democratic reforms. The approach to law and relevance of evidence in the new courts was a departure from the strict formalism seen in the homicide courts favouring a more contextual, flexible approach that ultimately empowered the people who served as judges (*dikastai*; L. prefers the translation 'jurors'). However, such a 'conscious' choice would appear to be a regression that would ultimately prove problematic in practice ('costly', as she goes on to argue in Chapter 5). I am not persuaded that the adoption of a stricter approach to relevance in the homicide courts should be explained simply through 'inertia and the tradition of legalism' (p. 109) and the introduction in the fourth century of an alternative, more streamlined procedure for the prosecution of homicide (*apagôgê*: pp. 112–13). Passages such as *Dem.* 20.158 and 54.17–19 highlight the popular perception of homicide as the most serious crime, but L. is reluctant to consider the seriousness of homicide or considerations of pollution arising from it as the most important factors for the difference

of homicide courts in this respect. She concludes that Athenians were aware of the limitations of their approach but still decided to 'sacrifice some measure of consistency and predictability to produce contextualized and individualized judgments' (p. 114).

L. gauges the impact of this decision in Chapter 5, 'Legal Insecurity at Athens'. Although the concept of legal insecurity (i.e. lack of predictability in terms of likely verdicts) is a modern one, L. applies it to the Athenian legal system and examines the ways in which the Athenians tried to mitigate its adverse effects, not least the far-reaching reforms at the end of the fifth century.

The next chapter, 'Maritime Cases', discusses yet another Athenian response to the changed circumstances of the fourth century, namely the introduction of special suits in order to resolve swiftly disputes involving written contracts for shipments to or from Athens and ultimately to facilitate trade. L. stresses the greater reliance on written proof and the stricter notion of relevance in these private suits and argues that the Athenians were keen to make a concession by allowing this departure from the discretionary and contextual approach current in the popular courts simply because the gains outweighed the costs in this area of litigation.

The concluding chapter pulls together the different threads and reiterates the main argument. L. claims that the greater complexity of the Athenian approaches to law is not incompatible with their commitment to the rule of law. Even though the Athenians were aware of the tensions and the risks inherent in the system they still favoured a flexible, contextual legal system that was in tune with their democratic political structure.

This book should be read by legal historians and anyone interested in the workings of Athenian law. The comparisons that L. frequently draws between the classical Athenian and the modern American legal system are refreshing, and the insights she contributes are stimulating. The clarity and simplicity with which L. expresses her arguments and summarises controversial scholarly problems will make her book accessible to an even wider audience.

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## CHILDHOOD

COHEN (A.), RUTTER (J.B.) (edd.) *Constructions of Childhood in Ancient Greece and Italy*. (*Hesperia* Supplement 41.) Pp. xxiv + 429, b/w & colour ill., maps. Princeton, NJ: The American School of Classical Studies at Athens, 2007. Paper, US\$75. ISBN: 978-0-87661-541-6.

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This rich collection of articles is a strong addition to the growing field of childhood studies in relation to the ancient world. As the Editors note, the study of childhood is complex because it intersects with so many other topics involving biological, social and conceptual categories. The most successful articles display a keen awareness of methodological problems and a willingness to think creatively.

In the first part, 'Families', the authors suggest new questions which may be asked of familiar material. In Chapter 1, 'The Parental Ethos of the *Iliad*', Louise