CJ ONLINE
2009.02.04

Early Greek Lawgivers. By JOHN DAVIS LEWIS. Classical World. London: Bristol Classical Press, 2007. Pp. 100. Paper, $20.00. ISBN 978–1–85399–697–9.

This book derives real benefits from being a part of the Bristol Classical Press Classical World series in at least two ways: it was written with a very specific audience in mind ("late high-school and early university level") and the series' impressive list of short monographs on narrow topics, of genuine interest even to such a young audience, helps create a complex, yet enjoyable picture of antiquity. As expected, the book strives to stay simple while communicating complex notions and describing legal institutions and social developments. The effort made to adapt the complexity of the material to the pedagogical constraints is certainly to be appreciated. The first 50 pages explain general theoretical notions, such as the sources of early Greek law, legal procedures and formalities, and other basic concepts regularly used in the legal field. These map out the general background for the exploration of the main topic: the role of the lawgiver in the ancient *polis*. The final 40 pages explore the individual biographies of lawgivers, sketching the milieu in which they developed and legislated.

The pedagogical approach to the topic is adequate. But the academic handling of the topic is deficient in ways that do not render service to antiquity or the book's readers. I offer just three examples to support this critique.

Early Greek Lawgivers is divided into two parts: the first briefly discusses features specific to the Greek legal system, introducing students to such distinctions as law-makers vs. constitution-makers, substantive vs. procedural laws, *ethos* and *nomos*, and mediation and arbitration. This last pair is discussed admirably, with examples drawn from Homer and Hesiod. Later, though, the setup of Homeric litigation is described as ritualistic and "informal," on the ground that Homeric justice lacks institutions, fixed procedures or written laws to uphold the solemnity of the proceedings and the "sense of honor" that accompanies it. In addition to the imprecise terminology, legal notions are jumbled: formality does not reside in "formal," rigid procedures and institutions set up for administering justice, but in the spirit of the litigation process itself, i.e. in the very ritual the litigants follow. And as long as judicial proceedings are intrinsically associated with religious rituals, the "formalities" will be largely ritualistic. For the ancients, the administration of justice was formal as long as there was a sense of compulsion, of inescapable coercion that created an extra-ordinary scenario among the participants in a

suit. What Lewis presumably meant was that the legal system was not yet as structured in terms of developed institutions as it became in the later ages, but the formulation is misleading.

More serious problems arise in the analysis of the other antinomies, due to an imprecise handling of technical terms. The first example is the opposition *substantive — procedural law*. The explanation of "substantive law" is inchoate and circular (employing the terms "substantive" and "substance"), while the clarifications that follow actually produce more confusion (custom is mentioned as a prequel to "substantive law," when in reality custom *is* substantive and procedural law combined but undifferentiated as yet; so too, the conclusion is that there is a discernable Greek preference for procedural rather than substantive regulation, but no further explication is adduced). Readers are told that the criterion for distinguishing between the two types is whether the law regulates the content "of a *decision*." This is a major confusion, given that "substantive law" regulates only the content of a social relation (i.e. it defines how the *facts* in the case are to be handled, whereas "procedural law" prescribes the *formalities* to be observed in order to ensure the validity of the legal decision), and that it only indirectly (but just as much as a procedural law) regulates the content of a legal *decision* reached in court (p. 38).

The most striking treatment, however, is the discussion of *nomos* and *ethos*. Not only are the meanings of the two Greek words not given, but their overall functions are constantly blurred. There are many other significant omissions. Lewis never explains the Greek terms used (except for *histor*, p. 28), although a parsimonious glossary is offered at the end of the book. Nor does he distinguish between *ethos* ("custom") and *ethos* ("character, defining psychological traits") (pp. 33, 42, 46), though the terms appear throughout the book. At times *ethos* seems to be used in both senses within a single paragraph, which confuses rather than illuminating the reader (pp. 53–6). Two examples will suffice: one of the main theses of the book is that the lawgivers shaped the '*ethos*' of the local community. We are not told whether by '*ethos*' the author means custom *or* dominant psychological features of that community, but we can certainly raise the contrary argument: it is also the *ethos* (in both senses) that informs the community, the lawgiver and thereby the laws. The lawgiver is not just an exceptional individual, but a product of the community in which he legislates. One final example: as already noted, Lewis qualifies *ethos* (custom or psychological state?) as a "precondition" to "any *acceptance* of the laws" (p. 32), or even as somehow outside the realm of laws (p. 43). While the premise is apparently that *ethos* is "custom" here (which therefore makes the claim unsupported), the

conclusion takes us into the realm of *ethos* as "state of mind." Even when Lewis mentions the "unspoken, assumed laws," surprisingly it is not with reference to custom (p. 44). The treatment of the topic is too loose and pedagogically unproductive.

The objections could continue; terminological errors (*sophrosune* defined as "good cheer," p. 33; or *hubris* as harm done another person, p. 29) and unrefined arguments, along with spelling mistakes (pp. 44, 51, 59, 65–7), create the impression that one is reading a draft or a research essay rather than a textbook.

Helpful information is given in the Chronological Table of Events, Lawgivers and Sources (where the omission of the *Lex XII Tabularum* is remarkable), and especially in the short Suggestions for Further Reading. Also helpful are the Index and the Glossary of Technical Terms, even though s.v. *ethos*, the meaning "custom" is not given.

To sum up: the goal of this work as a textbook for late high-school and early university students is hampered by an erroneous development of arguments and a confusing layout of information. The first part of the book is rather a collection of personal considerations on the Greek legal system, while the second is a useful summary of the secondary literature on the lives of Greek lawgivers.

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