

BOOK REVIEW

Ex Oriente Lex: Near Eastern Influences on Ancient Greek & Roman Law. By RAYMOND WESTBROOK. Baltimore: Johns Hopkins University Press, 2015. Pp. xxii + 266. Hardcover, \$59.95. ISBN 978-1-4214-1467-6.

This collection of twelve essays by the late Raymond Westbrook displays the benefits of interdisciplinary scholarship, illustrating the complex interaction between ancient Near Eastern legal traditions and the development of Greco-Roman jurisprudence. Westbrook consistently provides nuanced and thought-provoking discussions of the ancient evidence and helps to show the value of situating the achievements of Greece and Rome in their wider historical context. Most of the essays appeared in earlier publications in various journals and books, but the collection does contain an illuminating piece previously unpublished. A preface and an introduction provide helpful discussions of Westbrook's work and its relationship to classical scholarship, and each chapter begins with an abstract summarizing the salient points and significance of each particular essay.

Instead of a detailed discussion of individual chapters, this review will focus on a few representative aspects of *Ex Oriente Lex*. The following is a list of chapter titles in sequential order with original publication date: 1. "The Trial Scene in the *Iliad*" [1992]; 2. "Penelope's Dowry and Odysseus' Kingship" [2005]; 3. "Dra-kon's Homicide Law" [2008]; 4. "Barbarians at the Gates: Near Eastern Law in Ancient Greece" [unpublished lecture 2008]; 5. "The Nature and Origins of the Twelve Tables" [1988]; 6. "Restrictions on Alienation of Property in Early Roman Law" [1989]; 7. "The Coherence of the Lex Aquilia" [1995]; 8. "*Vitae Necisque Potestas*" [1999]; 9. "The Origin of *Laesio Enormis*" [2008]; 10. "Codification and Canonization" [2000]; 11. "Reflections on the Law of Homicide in the Ancient World" [2006]; 12. "The Early History of Law: A Theoretical Essay" [2010].

Westbrook provides close readings and comparisons of the so-called law codes from the ancient Near East and laws from Greece and Rome. The editors state that Westbrook "developed and increasingly solidified an original perspective on the initial close dependence of Greco-Roman law on the legal culture and

thinking of the ancient Near East, as well as the intellectual process by which Greco-Roman law was eventually transformed into something new and different that stands at the beginning of the Western tradition of law and legal thinking” (vii). Westbrook often juxtaposes examples that make this “close dependence” clear, while also addressing the limitations of the evidence. Individually and cumulatively his essays encourage a re-examination of a shared cultural heritage often fiercely resisted by classicists.

The major distinction Westbrook makes between ancient Near Eastern law and Greco-Roman law is primarily one of royal decrees/decisions vs. normative/prescriptive legislation. In the previously unpublished lecture (chapter four), Westbrook explains that ancient Near Eastern “legal sources do not expound legal principles or general rules, only the decision in a particular case. There is no hint of the legal reasoning behind a decision. There was a known corpus of law but its parameters were amorphous, not fixed” (61). In this respect, the seven cuneiform law codes and three biblical codes known from the ancient Near East were “presented through a list of casuistic examples” (62). Westbrook consistently argues in his various essays that the so-called law codes from the ancient Near East were not comprehensive legislation: in the essay probably most well-known to classicists (chapter one), he says the law codes “represent a literary tradition rather than a direct description of their respective legal systems” (6). The ancient Near Eastern legal tradition did not develop clear definitions of abstract legal concepts or comprehensive legislation and remained fairly static from the mid-third to the mid-first millennium BCE.

In his essay on the Roman Twelve Tables (chapter five), Westbrook points out that the early Roman law code also consisted of “a series of specific solutions to narrow sets of circumstances; lacking are abstract norms, general principles, or definitions” (71). For Westbrook, this similarity between laws in early Rome and the ancient Near East has been clarified with the translation of cuneiform texts, advances in ancient Near Eastern philology, and an awareness of the methodological problems inherent in relying on later “classical Roman commentators.” Westbrook says, “It is a methodological error . . . to use the classical interpretation as if it were a constant” (74). Many of their earliest texts and traditions were unclear to later Romans and they often interpreted them in light of their present circumstances. The Greek intellectual revolution provided new ways of thinking that eventually transformed legal traditions in the ancient world. According to Westbrook, “The legislative text . . . became autonomous; every word of it became significant, and the new science of legal interpretation was founded, leading

eventually to the new profession of jurist” (67–68). The development of Greco-Roman jurisprudence eventually obscured the shared legal foundation between the ancient Near East, Greece, and Rome.

Westbrook acknowledges the momentous legal advances made in ancient Greece and Rome but demonstrates the fundamental importance of the ancient Near East for comparative analysis. The evidence from the preceding complex societies in Mesopotamia, Anatolia, and the Levant provide valuable points of comparison for Westbrook’s specific legal discussions, but the evidence also ultimately speaks to larger issues of cultural transmission. Suffice it to say, Westbrook’s meticulous methodology and clear exposition of the particular philological and historical problems he tackles should serve as indispensable models for classicists and ancient historians. No longer are facile overgeneralizations tenable when comparing ancient Greece and Rome with the ancient Near East, and this collection will provide scholars and students in many different fields with ample evidence of the value in exploring the complexities of a shared cultural heritage.

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