

BOOK REVIEW

Law and Order in Ancient Athens. By ADRIAAN LANNI. Cambridge: Cambridge University Press, 2016. Pp. xii + 226. Hardcover. ISBN 978-0-521-19880-6.

As the question of the stability of political systems is always of great import, it is no wonder that it has frequently emerged regarding ancient political formations—mostly the Roman Empire and Classical Athens.¹ In particular, it has been questioned how both political formations could remain stable and know a comparatively very little level of insecurity and rebellion in spite of the absence of mechanisms of control as police or State prosecution and the presence of a small number of people involved in public administration. Indeed, with respect to Athens, Gabriel Herman convincingly argued already in 1994 that the society of the democratic city could not be considered “violent” or “dangerous” (or “more violent” and “more dangerous” than modern Western society) by any standards.² Lanni focuses her study on this “puzzle...of Athenian order”, as defined in the Introduction to this book (1–14), which proposes a strong and convincing answer.

The author dedicates the first part of the book to an analysis of the explanations proposed previously for such “order”. Chapter one (17–46) examines informal social control, social sanctioning through ridicule and shame, internalized norms, self-help and arbitration. These are all systems of keeping order which can help in explaining Athenian success, and they have in different occasions been indicated as responsible for it. As the author makes clear, surely all of these played a role in enhancing social control within Athenian society, but still none of them— nor all of them together—can provide a sufficient explanation. Even the power of gossip, which has been overrated many times for its effect on Athenian society, does not seem to have had many practical consequences outside

¹ The question has been posed for classical Athens, e.g., by J. Ober, *Mass and Elite in Democratic Athens. Rhetoric, Ideology and the Power of the People*, Princeton 1989.

² G. Hermann, “How Violent Was Athenian Society?”, in R. Osborne – S. Hornblower (Eds.), *Athenian Democratic Accounts Presented to D. Lewis*, Oxford 1994, pp. 99-117.

of the courts, and it displayed its full potential rather in the tribunals and within the codified judicial system.³

Chapter two (47–74) examines preconditions for the research question itself: that the deterrence from committing crime did not take place in Athens through the mechanism of sanction, as in modern States. Indeed, the absence of any form of public prosecution did not give any kind of certainty that a crime would be prosecuted, even if a criminal was well known.⁴

In part two, the author builds up the *pars construens* of her theory, revealing what integrated informal social control and sanctions, when they took place, and how they formed the bulk of Athenian social order. Chapter three (77–118) analyzes Athenian legislation for possible signs of an expressive effect of statutes, i.e. consequences in daily life of the laws themselves, as it has been observed in modern circumstances e.g. with antismoking laws. Lanni provides two examples: the first is the *hybris* law, and in particular the fact that it applied to slaves, too. This, the author convincingly argues, probably did not change much the ways in which an owner treated his own slaves, but might have had great consequences in the ways in which Athenian citizens treated the slaves of other Athenian citizens.

The second example is the law against male prostitution, which, according Lanni, would have changed the practice of pederasty in fifth and fourth century Athens. Substantially, members of the elite would have stopped practicing pederasty out of fear of possible future consequences, or would have still practiced it as a sign of opposition to the political life of democracy and of distance from the political sphere. This is, in the opinion of the reviewer, the only unconvincing section of the entire book and the one which the author herself seems to believe relies on the weakest arguments, since she anticipates two indeed quite powerful counterarguments (105–106). Nevertheless, and highlighting that even if the author were wrong on this specific aspect, it does not undermine the rest of the book and its main thesis, I think it is important to highlight that *Against Timarchus*, in 346 BCE, is careful in not condemning all forms of pederasty, that pederasty

³ On this see now also E. Eidinow, *Envy, Poison, and Death: Women on Trial in Classical Athens*, Oxford 2016, which unluckily appeared too late to be considered by Lanni in this volume.

⁴ As the author clearly indicates, an exception might be represented by murder (54), as the relatives of the victim had probably a moral duty to prosecute the murdered. If they did not, nonetheless, as murder was a *dike* and not a *graphe*, no one else was allowed to start a prosecution.

does not, even in this phase, overlap with effeminacy;⁵ and that at stake seems to be, much more than a social change, a discursive boundary—the one between gift and payment—which is characteristically problematic.⁶

The following chapter (119–149) represents the center of the volume: the author argues here that courts did facilitate social order, but in an indirect fashion: the possibility of having to be involved in a trial where, typically, the litigants' actions and characters were brought in as extrastatutory argument, and taken into serious consideration⁷, and the fear of the possible use of acts of misconduct in tribunal acted as a deterrent. Indeed, it is enough to think of how, even in trials where it was forbidden to use extrastatutory arguments (the so-called *exo tou pragmatos*), the good logographers would find a way to introduce them, to realize their importance, as is explicitly attested by many sources (e.g. Din. 2.11).

Surely, this means needing to accept at face value the idea that the Athenians were very litigious and they would go constantly to trial, as e.g. in Aristophanes' parodies of Athenian society; but this is indeed a point on which scholarship basically agrees. Yet, why this was the case still needs to be explained—starting a court litigation was not an easy task, the outcome was in many cases unforeseeable (as Lanni rightly highlights) and, as it is well known, litigation often was not concluded with one trial, as the unsatisfied party could try its luck with another jury under a different prosecution⁸. In this sense, what the Athenian democracy needed to work efficiently was introducing the idea that—as already indicated by Herman—“revenge” was to be sought in court, and not privately, and this would have given to litigation, and its reference to the previous life of the litigants, such a high value in determining conduct in daily life.

The final two chapters round up the book and strengthen its case. Chapter five (150–170) shows how the Athenian courts were also places for the discussion of norms, in which existing norms could be challenged, and new ones could be proposed. Lanni argues, for example, very convincingly for a new interpretation of

⁵ On this, see F. Carlà-Uhink, “Between the Human and the Divine’. Cross-Dressing and Transgender Dynamics in the Graeco-Roman World”, in D. Campanile – F. Carlà-Uhink – M. Facella (Eds.), *TransAntiquity. Cross-Dressing and Transgender Dynamics in the Ancient World*, London - New York 2017, pp. 3-37.

⁶ F. Carlà-M. Gori, “Introduction”, in F. Carlà – M. Gori (Eds.), *Gift Giving and the “Embedded” Economy in the Ancient World*, Heidelberg 2014, 7-47.

⁷ Through the strategy of the so-called *probabile ex vita*. This is explicitly indicated also in Roman trial speeches as a relevant criterion: see e.g. Cic., *Cluent.* 83 and 167; *Rosc. Am.* 117-118.

⁸ Ober, *cit.*, 144-145.

Lycurgus' political activity, which would have taken place in the tribunals, through accusations which, if successful, could be considered to shape norms but, if unsuccessful, would not be as detrimental to the career as a proposal rejected by the Assembly. Chapter six (171–199) investigates the re-institution of democracy after the Thirty, showing how the courts, with their debates and their judgments, helped in shaping collective memory and thus in recreating the social and political body after the experience of the Oligarchy and in full consonance with the principles of amnesty. With the exception of this chapter, Lanni deals with the fifth and the fourth century BCE indistinctly throughout the book—even if she does not make this very explicit, the reader can clearly understand that, from the perspective of the courts and their contribution to social order, she does not believe that the democracy of the fourth century was any different from that of the fifth.

All in all, Lanni's monograph represents an extremely convincing answer to the "puzzle of Athenian order", and disagreements on detail do not undermine at all the general frame, which is extremely solid. In addition, the book is also very clearly written, and is a real pleasure to read, something which anyone who teaches modules on ancient law and order will not fail to appreciate, since this book can be without any doubt suggested to students of any level.

FILIPPO CARLÀ-UHINK

University of Exeter, F.F.Carla@exeter.ac.uk