

BOOK REVIEW

The Use and Abuse of Law in the Athenian Courts. Edited by CHRIS CAREY, IFIGENIA GIANNADAKI and BRENDA GRIFFITH-WILLIAMS. Mnemosyne Supplements, Volume 419. Leiden, NL and Boston, MA: Brill, 2018. Pp. xvi + 385. Hardback, \$132.00. ISBN 978-90-04-37787-5.

This volume, which arose from a conference at UCL in 2013, tackles an important and slippery question: when the ancient Athenians took advantage of the flexibility of their legal system, were they in fact abusing the law, or just using it? The chapters in this collection do not give a single answer; instead, as Chris Carey writes in his introduction, they illuminate “varieties of use, some mischievous, rather than a chiaroscuro of use and abuse” (6). Ultimately, one of the greatest strengths of this book lies in its open-endedness, in its recognition that, like Athenian law, the state of the question is necessarily flexible.

Following Carey’s Introduction, which traces the recent history of the study of Athenian law, the book is arranged into four thematically-organized sections: “Conceptualising the System,” “Procedural Manoeuvres,” “The Rhetoric of Law” and “Specific Areas of Law.” In the interest of brevity, this review touches on highlights from each section before moving on to a discussion of the volume as a whole. A complete list of the contributions is included below.

The first section lays out some of the larger conceptual questions with which this book engages. It opens with Michael Gagarin’s programmatic assertion that it is not objectively possible to distinguish the use of the law from its abuse. Because the Athenian legal system had no way of issuing an authoritative reading of a law, a litigant’s interpretation of the law could be rendered valid or invalid only by the judges’ verdict. The types of legal procedures and the pre-trial processes limited the flexibility available to the litigants, but, as the chapter by Robin Osborne points out, ultimately the charisma and persuasiveness of a litigant could determine how much elasticity the judges would allow.

The second section examines specific procedures by which the litigants could obstruct, forestall or delay the trial. Brenda Griffith-Williams focuses on the *di-amartyria*, an appeal to halt a legal action on technical, rather than substantive, grounds. Chapters by László Horváth and Noboru Sato present a variety of

strategies used to delay a trial during its preliminary stages; such a delay could allow litigants to shift public opinion, present a counter-suit or settle out of court.

The chapters that make up Section Three show how the speakers represented the law in ways that favor their side. Lene Rubinstein discusses litigants' quotations of laws: a speaker could choose to paraphrase a law within the body of his speech, omitting or manipulating the language of the law, but this opened him up for criticism from his opponent and carried less authority than verbatim quotations read by the clerk. Litigants could also use quotations from the law to characterize themselves as trustworthy and law abiding, as the chapter by Kostas Apostolakis demonstrates. Chapters by Ifigeneia Giannadaki and Victoria Wohl provide fascinating illustrations of how the lack of a formal legal code allowed speakers to conceptualize the structure of the law in ways that benefited their own arguments. Giannadaki shows how litigants simplified, exaggerated, or omitted details of procedures or the substance of the laws in order to emphasize either the flexibility or the fixity of the legal code. Wohl's reading of Dem. 23 *Against Aristokrates* shows how Demosthenes dealt with a problem of foreign policy by rhetorically situating Thrace within the borders of Attica as an "extension of the *polis*, a monument to Athenian justice not unlike the court buildings" (235).

The final section of the collection looks at how legal details resonate with a bigger political picture. Mirko Canevaro examines statements decrying frivolous lawmaking in the light of the Athenian ideal of popular sovereignty. Canevaro argues that, in practice, there was no problem with making new laws as long as they were coherent with the existing legal system. In the book's final chapter, Rosalia Hatzilambrou argues that Isaios used his extensive knowledge of the Athenian legal system to interpret the laws flexibly but, despite criticisms by scholars from Dionysius of Halicarnassus to William Wyse, he did not regularly abuse the law. In drawing a line of distinction between manipulation and abuse, Hatzilambrou's chapter returns us to the book's opening discussions and, ultimately, to the unanswerability of the questions raised herein.

The book concludes with a "Glossary of Legal Terms" and three indexes: general, people and places, and locorum. As is typical for a Mnemosyne supplement, the book is beautifully produced and contains few typographical errors. Instead of a general bibliography at the end of the book, each chapter has its own; this is inconvenient, but a comparison between the individual bibliographies affords an enlightening glimpse into the contributors' distinct methodologies. Demographically, the contributors hail from Canada, Greece, Japan, the UK and the US; one third of the contributors and two thirds of the editors are women; and the

organizers intentionally included both established figures and younger scholars meant to represent “the future of the discipline” (5).

These diverse perspectives and voices have pieced together a compelling, multifaceted illustration of a dynamic legal system that responded to the needs of its practitioners. The range of interpretations resulting from a single body of evidence suggest that these ancient texts, and the legal system to which they belonged, will continue to offer a rich field of study to scholars for years to come. This collection’s prioritization of flexible and polyvalent interpretations represents, I believe, the *use* of academic discourse.

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