

the results. Moreover, models and simulations simplify a highly complex and dynamic economic system of the ancient Roman Empire, composed of a number of variables and not always predictable elements interconnected through different kinds of relationships, to epithets like ‘high’, ‘moderate’, ‘low’ etc., which poses a risk of drawing over-simplistic conclusions and overlooking nuances of ancient economic reality.

The book’s audience and success could have been much wider if more appendices were added to each chapter with information on how certain economic processes and phenomena were defined and codified and which programmes/environments were used in order to run simulations (links to websites would have been welcome). Finally, it seems that no particular effort has been taken to organise the case study chapters, as they are presented with little order (organised neither according to a method nor a subject). Regrettably, this sometimes makes it difficult to follow properly the thread of the publication, but these flaws are of a technical rather than a substantive nature.

Despite these minor caveats, it should be emphasised that the volume is a valuable entry in the debate on Roman economic performance. It offers ample ground and inspiration for future research in Roman economic history and ancient history in general, demonstrating the potential of computer models and simulations in constructively enhancing research processes and providing new insights that cannot be obtained by traditional approaches. It is likely to set a new trend in ancient studies, encouraging more simulations in different research areas (not only the Roman economy), such as transmission of cultural behaviours, religious ideologies or appearances of political powers. A coherent introduction, which clearly states why, where and when we need computer simulations and modellings, together with various case studies, diversified in time, space and aspects of economic behaviour, familiarise non-specialists with the subject. Fittingly illustrated with lucid maps and graphs the volume opens new methodological paths in ancient history studies. By careful examination of archaeological material and comparison with simulation results the book provides new, sometimes unexpected answers to old questions, which develop our understanding of the Roman economy.<sup>1</sup>

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## THE INTERPLAY OF LAW AND ECONOMICS

VERBOVEN (K.), ERDKAMP (P.) (edd.) *Law and Economic Performance in the Roman World*. (Impact of Empire 44.) Pp. xii + 283, b/w & colour ills, map. Leiden and Boston: Brill, 2022. Cased, €125. ISBN: 978-90-04-52512-2.

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The Roman economy has been the subject of tremendous new developments in the last two decades. Particularly important for the present volume, the influence of New Institutional

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Economics (NIE) has allowed scholars to completely renew objects and approaches in the field, to the extent that it is considered by the editors, Verboven and Erdkamp, in their general introduction, to be the 'leading theoretical framework in ancient economic history' (p. 1). As NIE pays specific attention to the role of institutions in the analysis of economic development, the aim of the volume is to explore the role played by the legal system in the great transformation experienced by Mediterranean economies in the Roman period. The introduction also addresses some possible methodological pitfalls. It rightly reminds readers that the NIE approach cannot allow for a full understanding of the behaviour of economic agents who are not only governed by institutions, but also act in accordance with a set of political, social and cultural realities. In addition to this difficulty, the editors point out that these actors were evolving in a context of legal pluralism, a 'mosaic of different legal frameworks and statuses' (p. 3). It could be added that these frameworks were competing, not only in space, but over time too, since old statuses were not always formally abrogated. When they became obsolete, however, it was probably in a contrasting way depending on the regions. The transition between *ius civile* and *ius honorarium*, for example, mentioned by the editors, was not clear-cut, but was instead a long and never formalised process.

The volume starts with three contributions on agrarian matters. D. Kehoe considers that in this regard the state was 'a major economic actor', essentially because it was seeking to secure the regular collection of taxes. To this aim, it sought to obtain tax revenues from uncultivated lands by making landowners liable for the tax charges on them. It also removed considerable tracts of land from the private market, establishing protective terms of tenure on imperial estates. Concerns of a more social or political nature motivated some restrictions on the alienation of land to safeguard the financial interests of the curial class, but these decisions too exercised a certain control on the market by making it less active. A. Dalla Rosa addresses the subject of the exploitation of imperial domains. The author demonstrates that the evolution from a slave management system to tenancy was driven by a pursuit of economic efficiency. To that aim, the imperial administration had to restrict the opportunistic behaviour of agents who had little interest in the productivity of the estates (i.e. the slave managers) and to distribute better the risks related to the exploitation of the land. This view represents a shift from the historiography that regards great landowners as averse to innovations. Next, H. González Bordas's chapter also focuses on imperial estates and, in particular, on the intervention of the central power in the two-tier tenancy systems of the large domains of *Africa proconsularis*. He explains the recently reconstructed texts of several inscriptions of this region by showing that they evidence the procedure of inspection led by the *fiscus* to establish the type of crops and the shares expected from particular lands. From other documents he deduces that members of the imperial administration were present on the estates and were therefore able to judge what types of crops were the best suited to increase the profitability of these estates.

The next two contributions deal with the regulation of financial activities. P. Kay turns to the world of Roman bankers and the way in which civil law affected them in the third century BCE. He shows that the archaic law of obligations, and the first procedures and types of contracts, some inherited from the Twelve Tables, were less and less efficient in enhancing the confidence of bankers and depositors and therefore in stimulating more activities in an increasingly complex and 'international' business environment. B. Sirks makes it clear that such changes were the result of jurisprudence and of modifications to the praetorian edict or of existing law. His contribution uses the law on partnerships to understand how tax farming companies were regulated and how participation in such an enterprise functioned as an investment. He argues that the sophistication of the system

allowed investment in a company of publicans and shows that the whole scheme was protected by jurisprudential dispositions.

E. Mataix Ferrándiz focuses on contract law and maritime freight transport. Drawing on a comparison between a grain sample recorded on an inscription from Pompeii and texts from the *Digest* on the *locatio conductio*, she underlines how Roman long-distance trade relied not only on procedures established by jurists but also on procedures arising from daily business practice. This contribution is of great value for our understanding of the role of the legal system in the life and activity of economic actors because it shows that the system proposed by the jurists constituted only one option – even from a normative point of view – amongst many possible rules competing with each other. Staying in the field of the ‘experienced’ Roman law, S. Günther studies activities of the courts through Cicero’s *Pro Quinctio*. The chapter, rather loosely related to the topic of economic performance, aims to show how the orator’s discourse worked at different levels, intertwining legal, moral and socio-economic frameworks. M. Haklai draws on the fertile ground for comparison between Roman and Jewish legal traditions regarding sale transactions. Both systems bear compelling communalities that Haklai argues derived from a common understanding of the central role of money as the price of a sale. Haklai observes that no system influenced the other, but both reflect a collective mindset, present in the Mediterranean at that time.

The law of inheritance is then explored, first by U. Babusiaux, who highlights its insufficiently investigated relation to the Roman economy. In contrast with wills established according to the civil and praetorian law, *fideicommissa* did not focus on the interests of the family and on the preservation of the estate. On the contrary, they simplified the bequests to third parties and even to non-Romans. Babusiaux stresses that some characteristics of the *fideicommissa* (like the condemnation to a restitution in kind in the Augustan period) agree well with the theory of the bazaar, where interpersonal relations prevailed, and might illustrate awareness of economic divergences within the empire. Bequests and donations could also be made to public bodies and represent a substantial source of revenue for them, as underlined by L. Girdvainyte. While it remains unclear how they were enforced, prescription for the specific use of the funds and prohibitive clauses aimed at preventing mismanagement by the recipient communities. On that topic, she rightly observes that legally worded dispositions could have a deterrent effect by themselves, especially if donations were given the protection of Roman authorities.

Next, P. Sarris studies Emperor Justinian’s Novels to show that the legal legislation addressed economic constraints by a constant fiscal pressure in a period of demographic decline, warfare and epidemic. At the same time, the imperial attitude towards usury and the banking community remained indulgent, compared to the Church’s moral injunctions, because loans and credit arrangements often enabled taxpayers to meet the government’s demands. The importance of studying the Roman legal system for a better understanding of ancient and modern commercial law is emphasised by S. Gialdroni, thanks to the example of the nineteenth-century German scholar Levin Goldschmidt. Contrary to those who dated the development of commercial law to the Middle Ages, Goldschmidt insisted on the creative force of the Roman system in this matter.

The role of the law and the legal system in the Roman world has long been overlooked by historians. The volume makes an important contribution by clearly addressing this issue and by contributing to putting it on the map of ancient history. Also significant is the fact that, in the wake of some recent publications, it offers a venue for historians and jurists to engage together on the topic of economic history. In this regard, NIE provides a convenient entry point to gather specialists of different disciplines rather than a real theoretical framework. The introduction simply mentions NIE as being widely accepted, while it is

largely ignored by the subsequent chapters. Coincidentally, the relevance of NIE for the study of the ancient world has been the object of increasing dissatisfaction in recent years (see P. Candy, *JRA* 35 [2022], 450–60, with more references). Whatever the engagement of future studies with NIE will be, it must be emphasised that it has undoubtedly helped to develop new perspectives on the ancient economy, as this book demonstrates.

The contributions show that there is huge insight into the life of ancient societies to be gained from the study of ancient law. Bringing together different disciplines, however, is not without difficulties, and it will take time before a methodology for the historical study of Roman law is firmly established. An important aspect, which is (mostly) overlooked in the book, is that the Roman legal system is multifaceted. Institutions might therefore conflict with each other in designing rules and norms, which means that sets of regulations might be in conflict with each other. This is clearly exemplified by the multiple contradictions we find in the *Digest*. As a consequence, the authority at the origin of a specific regulation must be carefully accounted for, as well as its intentions, its readership and the context in which the piece of regulation was issued (the importance of authorship in the study of Roman law was strikingly expressed by D. Mantovani, *Les juristes écrivains de la Rome antique. Les œuvres des juristes comme littérature* [2018]). For example, jurisprudence and imperial legislation address different problems. While jurists try to find solutions in response to legal problems faced by individuals in the conduct of their business, imperial legislation aims to organise aspects of economic life mainly to optimise the resources of the empire in terms of production and tax revenues. Imperial decisions are a highly relevant set of legal sources to understand the role played by the regulatory system in the economic performance of the Roman world, but they were hardly the only normative framework influencing it. It would be stimulating to see more engagement with private law, of which the *Digest* has kept some record, in order to study how the relationships between individual actors impacted these performances too.

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## ROME AND MILITARY STRATEGY

LACEY (J.) *Rome. Strategy of Empire*. Pp. xiv + 430, ills, maps. New York: Oxford University Press, 2022. Cased, £26.99, US\$34.95. ISBN: 978-0-19-093770-6.

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In the prologue to a recently published book (A.J. Echevarria, *Military Strategy: A Very Short Introduction* [2017]), Echevarria states that 'no military strategy can guarantee victory, but an inappropriate one all but ensures failure'. L.'s new book on Rome's strategy of empire draws from this concise premise. As a professional strategic analyst (Marine Corps War College) and a former US military officer with an interest in history – from ancient to modern –, he is a suitable author for addressing military strategy in a historical context. Without claiming to have resolved debates that have been raging among Roman scholars since Edward Gibbon, this book takes a different approach to the general