REVIEWS


The historian of Roman law is well supplied with texts for the late Roman period. The example of Theodosius II, who commissioned what became the Codex Theodosianus in 429, was followed and surpassed by Justinian through the agency of Tribonian just over a century later, with the promulgation of his Corpus Iuris Civilis. This comprises a Digest of the writings of the pre-Constantinian jurists; a codification after the model of the Codex Theodosianus; and a textbook of Roman law for the student under the title of the Institutes. It is the last of these, and its relationship to the Institutes of Gaius, which is the subject of this book. Metzger places the current volume in the tradition of those works, characterising it as 'a second textbook, after the Institutes itself' (xiii). In essence, it follows the format and language of the Justinianic text as translated by Birks and McLeod (Duckworth and Cornell, 1987).

The volume is divided into seven chapters, each with its own Select Bibliography to supplement the General Bibliography of essential works. It opens with a chapter on sources (G. MacCormack), which is followed by chapters on the law of persons (O. F. Robinson), property (D. L. Carey Miller), succession (W. M Gordon), obligations (R. Evans-Jones & G. MacCormack) and actions (E. Metzger). Finally, and corresponding to the final section of the Institutes (4.18), there is a chapter on criminal trials (O. F. Robinson). Also included are a glossary, English-Latin word list, tables of cited passages and other authorities, and a detailed subject index.

This is no dry legal tome. True, it is not easily read from cover to cover, but that is not its intended use. Rather, it functions as a textbook for the student of Roman law and a reference book for the historian using legal sources. To this end, the subject index and tables of citations are particularly useful. The authors have achieved their aim of providing a comprehensive, comprehensible guide to both the state of the law under Justinian, and the current state of the scholarly debate over certain aspects of that law. Indeed, they have achieved more than that. In places, as in the detailed and fascinating discussion of the formulary procedure offered by Metzger in his chapter on actions (212–214), the book moves beyond being a mere companion piece to a text and becomes a source for Roman legal procedures as well.
The broader scope of the book can also be seen in judicious footnoting, which supplies an easy jumping-off point for the interested reader to explore concepts, arguments and controversies in more detail. The last of these are, in general, presented with impartiality and brevity. Cross-referencing between chapters is successful in both preventing repetition and unifying what is effectively a collection of essays by different authors.

This is a good book. It supplements the educational thrust of the *Corpus iuris Civilis* itself—see the comments of Robinson (229)—and throws up interesting fragments for the understanding of the Roman mind as well, as where Metzger identifies the crucial issue of actions *in rem* to be proving the right of the plaintiff to own the property or the right involved in the action (219). Such a question, foreign to contemporary legal thinking, is fundamental to Roman thought processes. This volume should be considered an essential starting point for any student or scholar attempting to come to terms with the law of the late Roman period.

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