
This is a densely argued and demanding book in which Crook (C) challenges many of the generally received views in this field, that is, the practice of law in the Roman courts. After defining carefully what an advocate is, and the impact of the Greek rhetorical schools on Rome in the second century BC, C considers in detail the evidence from papyri etc. for advocacy in Roman Egypt; he then examines afresh the ‘traditional’ materials, and concludes with the historical record.

Early Roman aristocrats represented themselves in person, also their clientes. The impact of Greek rhetorical teaching caused the careers of advocate and jurisprudent to divide; the social status of the latter declined while that of the advocate remained high (unequivocally in Rome itself, and comparatively in provinces), and in ‘Republican’ times advocacy was a stepping-stone to progress in political life. Cicero perhaps provides a prime example; he, however, had studied law before he became an advocate. It is surely not impossible that many, if not most, others did the same; and in that event the two professions were not so sharply differentiated as C suggests. And the word for advocate—patronus—shows that the superior status of the advocate was generally acknowledged.

Advocacy needed, and got, rhetorical training; Roman courts were noisy, interruptions were frequent and juries often large; voice training was imperative, and so were dramatic gestures. Neither judge nor jury had had formal legal training: therefore the client’s case had, quite simply, to appear more convincing than that of the opponent(s). Frequently too the interest of the state had to be adduced (as in Cicero’s Verrines for instance, and in the peroration of all his defences); and advocates were required for the state itself, both to defend its claims for taxation to be paid, and in the
provinces for the *civitates*, the basic units of the Roman Empire, to pursue their claims.

Rhetoric has long tended to be a pejorative word, and advocates, the users of rhetoric, in consequence receive unsympathetic treatment from scholars; but the truth may be attained by arguing both sides of a case, as well as by deductive argumentation. He who makes his client’s case the more convincing may therefore be getting at the truth. When an advocate lays on the sob stuff, this is merely padding, and (as in one case C mentions from Egypt) it may be dismissed out of hand.

A long chapter discusses in turn the papyri in which advocates appear. C shows that court advocacy in Egypt preceded the Roman occupation by 80 years at least, and was still there in AD 350. Though Egypt differed from the other provinces (lacking *civitates*, except Alexandria and, later, Antinoopolis), advocates are found, often more than one on either side in civil cases in which the litigants were very poor, even bankrupt (82). These advocates, C argues, are often ill-briefed and know no background to the suits. Were there, C asks, court advocates, whose job was to ensure that all parties were represented, and who hence took on briefs at the last moment, to gild them with conventional rhetorical tropes, and the necessary sob stuff? If so, why? And how were they paid? We have no idea, as C frankly agrees.

Treating the ‘traditional materials’ (i.e. the evidence in Classical literature) C points to the increasing number of advocates in cases, and specialisation; advocates’ rewards which range from sums to boast about to ‘two bottles of plonk’ (126). He argues that the dictum ‘that has nothing to do with the law, that’s for Cicero’ (the advocate) does not disparage advocacy, but it merely says that a matter of fact is not something that you need the law for: you need an advocate to point it out. In four excursuses, the first, on terminology, shows how, over the centuries, terms shade off into other meanings: an ‘untidy’ picture, but familiar enough to one who has tried to find technical language in Greek litigation; in the second we are reminded that ‘representation’ in Rome includes the fact that some people did not have personal access to some courts
In the third, on the notoriously absurd controversiae, C argues that their purpose was to teach pupils to argue in a lawyerly way (167); in the fourth he argues that there is much more in Quintilian than is usually recognised.

In the historical arena C argues against the standard view that the third century AD was the creative period in Roman Law; rather it was the age of Cicero, and all the third century lawyers did was to elaborate within the bounds set by their predecessors. He also opposes the view that the practice of oratory declined under the Principate: forensic oratory flourished at least till the Second Sophistic (187). The Later Roman Empire saw the advocate and the jurisconsult coming together in what was by now a largely administrative legal system.

This is an original book, written with wit as well as learning. C has accepted the limitations of the evidence while adducing the unexploited source in the papyri. Those who in future recite the received views will have to justify going on doing so in the area between the letter of the law and life as actually lived. So, I think, will those to whom the art of persuasion (i.e. rhetoric) is a less than honourable activity. These facts make this book a very worthwhile contribution. But the academic world is not ready to revise its opinions as a rule. Crede experto.

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