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Textbook of Roman Law *A Textbook of Roman Law from Augustus to Justinian*. By W. W. Buckland, M.A., F.B.A. One vol. 9½"×6". Pp. xiv + 756. Cambridge University Press, 1921. 50s.

F. De Zulueta

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The book is printed clearly, and the half-tone illustrations are nearly all good. The chief exception is the picture of the Naples Doryphoros on

p. 282, which is made from an old block, and that block from an old photograph taken before the disgusting fig-leaf was removed.
J. D. BEAZLEY.

TEXTBOOK OF ROMAN LAW.

A Textbook of Roman Law from Augustus to Justinian. By W. W. BUCKLAND, M.A., F.B.A. One vol. 9½" x 6". Pp. xiv + 756. Cambridge University Press, 1921. 50s.

IN the first place must be acknowledged the lasting debt under which the author has placed all of us who teach Roman law, and all students of Roman antiquity. Those of us who are primarily English lawyers do not always find the foreign manuals readily accessible. There is besides the important class of students who may or may not become specialists, and who probably will not, without the aid of first-rate English textbooks. There is no English textbook which will stand comparison with this, and it should find a place at once in every legal and classical library.

But Professor Buckland's work deserves to be judged by comparison with the best foreign manuals. It is not a reproduction of any well-known type, but has an original character of its own. By deliberate limitation in certain directions it is able to proceed further in another direction than any general work known to me. The limitations are logical, consistent, defensible. What is omitted is deeply interesting, and, knowing the author's competence in these matters also, one may regret, but one has no right to complain. We have a deliberate choice of a subject of the highest importance, treated the more fully and perfectly because of concentration.

Take first the limitation of period, from Augustus (or, say, Cicero) to Justinian. This is steadily, though not pedantically, observed. On the one hand, the highly speculative earlier period is eschewed: we are told to be real lawyers, studying grown-up law. On the other hand, the fascinating post-Justinian history in the West, not to mention the East, does not appear. It follows that this is no book for beginners, exhibiting the many-sided historical

significance of Roman law. What it exhibits is the full-grown Roman law in itself, acquaintance with which alone explains that significance.

Less obvious, but more remarkable, is the deliberate limitation of outlook. The Pandectist tradition is completely dropped. There is no attempt to treat Roman law as a sort of general jurisprudence or natural law, nor to fit its principles into modern systematic categories. The point of view is that of a Roman jurist of the age of the Antonines, who, by some miracle, knows the developments of the next three centuries. It is the point of view of modern writers on Roman law, but one which is more evident in monographs than—such is the force of tradition—in general works. An illustration of the author's pure Romanism is his faithful adherence to the order of the Institutes, of which no one better than he knows the weak points.

The result is an essentially legal work, giving perhaps the fullest and most detailed account of pure Roman law in its technical perfection that exists. The chosen theme is broad enough; it is the mighty technical tradition that binds Labeo to Modestinus and Tribonian, Augustus to Diocletian and Justinian; that, and, in scope and intention, nothing more. The splendid materials of the *Corpus Juris*, of which Professor Buckland is a complete master, preclude either dullness or narrowness. And it is not to be inferred that he has neglected the literary and other sources; on the contrary, he has used them with rare fullness. But when, for instance, in his preface, he says 'the subject is Private Law, and little is said of such institutions as the Colonate and the privileged and State-controlled trade corporations of later law, of which, important as they were in practice, the chief interest is social and political,' one feels that the reason for exclusion could also be expressed by

saying that these subjects came too late to become part of the great technical tradition.

It is, then, a lawyer's book. Further, it is an English lawyer's book. In reading it we breathe the professional atmosphere which Maitland's magic introduced into legal history. Everywhere the concrete application, the case; nowhere a proposition which is not a prophecy of what will hold in court. '*Causa* (in contract) means actionability and not something else independent of actionability which produces that characteristic' (p. 426). If Professor Buckland has said that before, it was worth repeating.

The work betrays the English lawyer, too, in its meticulous citation of textual authority for every statement. One feels, as one reads, that this book recaptures the very spirit of the court of the *praetor urbanus* because of a special affinity of the English legal spirit. The

value of the author's *Slavery in Roman law* as a guide to some of the hardest passages of the Digest is known. He now extends a helping hand through the whole *Corpus Juris*.

In the citation of literature no attempt is made to rival Girard's classical *Manuel*, to which the author acknowledges a particular obligation. But the references given are sufficient not only for a scrupulous admission of debts, but to start the reader on any special track. Towards the all-important interpolation question the author's attitude is defined with considerable caution, at least in general terms. He shows himself no bigoted conservative in detail.

To have carried a comprehensive work on this vast and difficult subject to the pitch of perfection which this book attains must have cost immense and ungrudging labour; the result deserves unstinted admiration and gratitude.

F. DE ZULUETA.

Herodotus (Loeb Classical Library). Translated by A. D. GODLEY. Vol. I.: Books 1 and 2, pp. xxi+504. Vol. II.: Books 3 and 4, pp. xviii+416. London: W. Heinemann. 10s. a volume.

DR. GODLEY has given us a translation of Herodotus as nearly perfect as a translation can be. Ionic presents a difficult problem to those who wish to render its atmosphere as well as its meaning. Some translators attempt a pre-Elizabethan English, a road which generally ends in Wardour Street, and which, if it escaped this, would not lead to its goal. Are we to suppose that Hippocrates used language that corresponds to the style of Sir John Mandeville? Better are the translators who frankly use modern English; and yet Herodotus should hardly be translated into language used for Plato or Thucydides. There is no solution of the problem. Ideally an English or Scotch dialect would come nearest; and that would sound absurd. Dr. Godley has adopted a compromise between the archaists and the modernists, which may be illogical, but which achieves its end. He has a mild flavour of archaism, which never degenerates into 'tusherie,' but for the most part writes honest English. 'Aforesaid,' 'undone,' 'for the nonce,' may not be real analogies to the Ionian of Herodotus, but it is not easy to see any other way of giving the peculiar flavour of his language than by a light peppering of such phrases. The real differentia of Herodotus is his flowing *ειρηνική*; and by preserving this, and by the purity and directness of his English, Dr. Godley has produced a translation which is not likely to be superseded.

One reflection recent issues of the Library suggest to us. For Fronto a purchaser will pay 20s.; for Herodotus, when completed, not

less than 40s. Fronto is not worth a pound, and he is not a necessity. Herodotus is a necessity, and is worth anything; but the ordinary lover of the classics can hardly afford to buy him in the Loeb series. We cannot help feeling that if the Clarendon Press can issue at the price of 7s. 6d. a book of classical essays with more than 400 pages and a number of illustrations, these translations might be produced at less than 10s. a volume. It is commercially unsound to publish books at a price at which they will find a very limited sale. And, apart from commerce, Mr. James Loeb's conception, which was worthy of its subject, will be inadequately realised until the translations that bear his name are brought within reach of the purse of the schoolmaster and the poor scholar. The future of the classics largely depends on their becoming accessible to a large public, who will thus learn what it can get from Greece and Rome. The Loeb series is admirably calculated to make them accessible, but not until it is published at, say, 5s. a volume. Even then Herodotus will cost a pound.

R. W. L.

Greek Vase - Painting. By ERNST BUSCHOR. Translated by G. C. RICHARDS, and with a Preface by PERCY GARDNER. 1 vol. 6½" x 10". Pp. xii+110. Illustrations, 160, half-tone and black-and-white. London: Chatto and Windus, 1921. 25s.

It is fitting that the best short sketch of Greek vase-painting should have been translated into English, and we