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Six Roman Laws *Six Roman Laws*. Translated, with Introduction and Notes, by E. G. Hardy, M.A., D.Litt, Fellow and Tutor of Jesus College, Oxford. I vol. 8vo. Pp. viii + 176. Oxford: University Press. 1911. 6s. net.

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edition of Solinus, had deduced from this usage a useful hint for editors of Latin texts, that in an Italian archetype assimilated *ti* would not be likely to be written as *ci*. We now learn that Spanish scribes, too, distinguished the two sounds of *ti*. A spelling therefore like *porcio*, *pocior* suggests Frankish, rather than Italian or Spanish tradition. Dr. Loew proves his theory conclusively by citing practically all the extant Spanish MSS. Amongst other consequences which it involves is the degradation of the famous Escorial MS. of Isidore's *Etymologies* (T. II. 24), a MS. unluckily cited by Dr. Beer, in his preface to the Sijthoff facsimile, as a type of eighth-century writing. Dr. Loew shows that it can hardly be earlier than the tenth century, and that the subscription 'hanc praesentem eram quae est DCCLXXI.' (i.e. A.D. 733) has been transferred bodily from the original.

A wide investigation into the methods of writing *ti* in other countries besides Spain and Italy furnishes some interesting and hitherto unobserved traces of a (somewhat desultory) distinction of the two sounds in writing by eighth-century scribes. It is to be hoped that full details will soon be provided by the author himself or by some other palaeographer. Every report on an eighth-century minuscule Latin MS. should in future include this item.

The first part of the *Studia* deals with another point of similarity between South Italian and Spanish MSS., their use of *i* longa for (I) initial *i*, e.g., *in*, *igitur* (2) *j*, e.g., *cujus*, *major*. It is

shown that this apparent link between Spain and Italy is really due to independent following of the cursive Latin practice. On the *graffiti* of Pompeii, for example, we find the same employment of *i* longa, so that spellings like *jam*, *cujus*, *major* (so violently denounced by some purists nowadays) have really more ancient support than spellings like *vos*, *larva*. Dr. Loew gives full details of the rules for the use of *i* longa in the different scripts, less full in respect of Irish¹ script than of the rest. He shows that in a South Italian MS. *ius* and *vis* cannot be confused, since the long form of *i* must of necessity be used for the initial letter; so that in the unique MS. of Tacitus' *Historiae vis* and not *ius* is indubitably the reading in *Hist.* IV. 48, 10.

These two items of Mediaeval Latin writing, the treatment of the letter *i* and of the group *ti*, are removed from the region of petty detail by Dr. Loew's skilful use of them as illustrations of the derivation of book-script from the cursive script of everyday writing and of legal documents. His book will be welcome, not merely to palaeographers, but to the wider circle of students of Latin texts.

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¹ I must challenge his statement that *i* longa is 'foreign to Insular MSS.' On the contrary, in any Insular minuscule MS. one expects to find *in* written like *hi*, so that I have often suspected the by-form *hi* of the Irish preposition *in* to be as fictitious as the English *ye* for *the*.

SIX ROMAN LAWS.

Six Roman Laws. Translated, with Introduction and Notes, by E. G. HARDY, M.A., D.Litt., Fellow and Tutor of Jesus College, Oxford. 1 vol. 8vo. Pp. viii+176. Oxford: University Press. 1911. 6s. net.

A GOOD English commentary of the more important laws in the collection of Bruns has long been required. The various German articles dealing with them are not sufficient, and are often

inaccessible. In English there has been nothing but Wordsworth's *Fragments and Specimens of Early Latin*; and only a few of the laws, sometimes only extracts from them, are there treated. Dr. Hardy in this useful book has satisfied the want. His professed object is limited. He wishes to make the laws accessible to all men who are reading for the Oxford School of Literae Humaniores, and holds that it is better that those who have not the time or the

patience to read them in the original should become acquainted with them in a translation than that they should not read them at all. If this were his main object, probably a careful analysis would have been more useful than a translation; for, in the case of the more difficult laws at least, the frequent lacunae, the legal phraseology, and the complicated subject-matter are hardly less formidable in a translation than in the original. But the value of the book is much higher. Many genuine students, who have hitherto been repelled owing to the almost entire lack of assistance, will now be able with Dr. Hardy's help to attack the pages of Bruns with profit. This applies in particular to the Lex Acilia, the Lex Agraria of 111, and the Lex Rubria. The other three laws with which the book deals, the Lex de Termessibus Majoribus, the Lex Municipii Tarentini, and the Lex Julia Municipalis, are intrinsically easier, and call less for a translation.

Dr. Hardy rightly concluded that a mere translation was not enough, but that it must be supplemented by a commentary; and to each law he prefixes a full introduction, and in footnotes adds explanations of technical points. The most controversial part of the book is the introduction to the Lex Agraria, which was published last year as an article in the *Journal of Philology* under the title, 'Were the Lex Thoria of 118 B.C. and the Lex Agraria of 111 B.C. reactionary laws?' The title shows the point of view. Dr. Hardy is undoubtedly right in insisting that the three laws which followed the death of G. Gracchus were not reactionary in the sense of being a deliberate attempt by the opponents of Gracchus to reverse the whole of the Gracchan scheme of agrarian reform. But he weakens his position by maintaining that this scheme had proved a failure. If, as he says, 'the small-holders . . . were disillusioned . . . the possessors were angry and restless'; if 'the Gracchan scheme had failed, and the continuance of the restrictions imposed by it, the insecurities of tenure revealed by it, and, above all, the maintenance of the machinery by which it was to have been worked, were

simply impediments in the way of anything like political and economical stability'; then, surely, the subsequent laws, whether passed by the senatorial or by the popular side, were reactionary, in the sense that they abolished provisions and machinery which had been proved to be mischievous and useless. But this is not the view taken by most modern authorities. There is sufficient evidence to make almost certain, what is in itself probable, that the scheme was not a failure, but that, although some of the new settlers did not succeed with their holdings, much of the public land did pass permanently into the hands of small holders. If this is granted, Dr. Hardy's position becomes much stronger. The laws abolished the machinery, not because it had proved useless, but because it had finished its work. This explains too the first of the laws. Dr. Hardy is unnecessarily severe on the restriction placed by Tiberius Gracchus on the sale of the small holdings. The restriction, as he admits, was necessary at the moment, and it must have been intended only to be temporary. Its repeal, equally necessary, would not lead to disastrous results: it merely sifted out the small number of failures from the large number of successes.

The Agrarian Law of G. Gracchus is described as 'certainly restoring full judicial powers to the triumvirs in all matters affecting public land.' This statement appears to be too strong. There is no positive evidence for it. The silence of Appian is against it. Still more against it is the fact that the commissioners, styled in the early boundary stones 'IIIviri agris dandis adsignandis indicandis,' appear in the Lex Latina Tabulae Bantinae, the Lex Acilia and the Lex Agraria of 111 as 'IIIviri agris dandis adsignandis.' It is also inconsistent with a suggestion made by Dr. Hardy that the judicial powers transferred in 129 from the commissioners to the consuls 'only had relation to the Italian communities, and that the inactivity, to which Appian says the triumvirs were reduced, is to be narrowed to these relations.' If this is true, how can G. Gracchus, the friend of the Italians, have alienated the

Italians by removing a limitation which had affected them alone, and by which they had benefited?

Dr. Hardy follows Mommsen in translating Cicero *Brut.* 36 in such a way as to reconcile Cicero with Appian, and to make Spurius Thorius the author of the second of the three laws. The translation is not convincing. It is true that Cicero is guilty of a slight verbal inaccuracy in referring to the third law as relieving 'public land' from the tax, since the land relieved, though previously public, had been made private by the earlier law. But this is nothing compared with the difficulty of making Cicero say that the second law repealed the legislation of Tiberius Gracchus by imposing a tax: the relief accorded to public land was not the imposition of a tax but the abolition of the commission and the guarantee of secure tenure.

The introductions to the other laws are shorter and less controversial, perhaps because they were written as introductions, and not as articles to maintain a thesis. A few points may be noticed. Dr. Hardy has not thought it necessary in the *Lex Acilia* and the *Lex Agraria* to give the approximate number of letters missing in the lacunae, and only occasionally uses brackets to indicate the words which are conjectural supplements to the text. Perhaps he might with advantage have made more exceptions to this rule, especially as he contemplates that his translation will be used without reference to the original. For example in v. 47 of the *Lex Acilia* 'the word "amplius"' should be enclosed in brackets, since the note does not make clear how much of the clause remains in the original. And the length of the lacunae is often of importance. In a note to the introduction to the *Lex Acilia* Dr. Hardy says that it seems to him quite impossible that such a reactionary law as the *Lex Servilia* of Caepio can have been passed in 106 B.C., at a time when the popular party was in full revival. This is a bold line to take, as it involves the throwing overboard of all the evidence, which is

strong; and it is possible to see signs in 106 of the weakening of the popular party, which makes the passing of the law intelligible. But in this introduction the orthodox view is accepted. The arguments are given which show that the law is the *Lex Acilia*, and that it is the famous Gracchan legislation which gave the law-courts to the equites.

The fragments of the *Lex Antonia de Termessibus* and the *Lex Municipii Tarentini* are shortly and satisfactorily treated. It appears to be a slip when it is stated that autonomy was first granted to Termessus in 91 B.C. as a reward for its fidelity in the Mithridatic War. But, with regard to Tarentum, it is not easy to see what is meant by the suggestion that the town may have received the Roman *civitas* by the *Lex Plautia Papinia*: there is no evidence that this law conferred the citizenship on communities, and in the passage of Cicero quoted (*pro Arch.* 4, 7) the reference is clearly to individuals.

The difficulties of the *Lex Rubria* are well explained in the introduction and notes. But the statement that the formulae of ch. xx. give the defendant a second chance seems to be based on a mistranslation; and the explanation given of the difficult clause at the end of ch. xxi. is not altogether convincing. Finally, the commentary on the *Lex Julia Municipalis* gives all that is required, and an appendix discusses and rejects Mommsen's last opinion of the titles of the *Lex Rubria* and the *Lex Municipalis*.

The translation throughout the book is careful and not too free: minor errors will no doubt be corrected in subsequent editions. In the introductions weight is given to opinions which are opposed to those adopted by the author. And the notes are always to the point. In conclusion, reference must be made to Dr. Hardy's courtesy in sending round a slip with the correction of a mistranslation in v. 22 of the *Lex Agraria*.

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