stricto. It reveals the huge potential for the understanding of ancient Greek law(s) and institutions when the methods of social and ancient history converge. At the same time it provides stimulating arguments on fundamental concepts in ancient legal history; the book is a welcome boost for the stepchild of ancient history and Roman law.

Lexicon of Greek Personal Names, Oxford ILIAS ARNAOUTOGLOU

PROSECUTION FOR HOMICIDE

A. TULIN: *Dike Phonou: the Right of Prosecution and Attic Homicide Procedure.* (Beiträge zur Altertumskunde 76.) Pp. x + 135. Stuttgart and Leipzig: B. G. Teubner, 1996. DM56. ISBN: 3-519-07625-X.

More than thirty years ago, when I was reading Antiphon's speeches for homicide trials, I found that there existed no satisfactory account in English of the Athenian legal procedures involved, and I therefore tried to provide one (*Athenian Homicide Law in the Age of the Orators* [Manchester, 1963]). I can now see some weaknesses in that account, but at least in one respect it was a success: it drew attention to the interest of the subject, and provoked a good many other people to try to improve on what I had written. A very important contribution was made by R. S. Stroud, *Drakon's Law on Homicide* (Berkeley, 1968); he studied afresh the reinscription of the homicide law (now *IG* 1^3 104) and achieved some significant new readings. Another substantial work is Michael Gagarin, *Drakon and Early Athenian Homicide Law* (New Haven, 1981); he discusses in particular the early history of the law, which I, concentrating on the age of the Orators, had largely neglected. There have also been numerous articles on specific problems.

One part of my account has turned out to be more controversial than all the rest: the discussion of who was entitled to prosecute for homicide. It is agreed that, when a person was killed, it was normal for the prosecution to be brought by the other members of his family; if the killed person was a slave, the slave's owner prosecuted. The question is: if the relatives failed to take action, or if the killed person left no relatives, could someone else then prosecute or did the killer get off scot-free? At first sight the question might seem unimportant, since there must have been few Athenians without relatives. But as it happens, two of the known cases raise precisely this question: the case of the *trierarkhos* and his old nurse (Dem. 47.68–73) and the case of Euthyphron's father and his employee (Pl. *Euthph.* 3e–4e). From Dem. 47.68–73 I argued (in Chapter 2 of my book) that the law did not explicitly forbid non-relatives to prosecute, and it was therefore open for them to do so, even though it may rarely have happened. Some other writers have supported this view, but some have opposed it. Among the opponents, note especially Ian Kidd, 'The Case of Homicide in Plato's *Euthyphro*', in '*Owls to Athens*', *Essays on Classical Subjects Presented to Sir Kenneth Dover* (ed. E. M. Craik, Oxford, 1990), 213–21.

It is with this question that T.'s book is concerned. Despite the title, he does not deal with other aspects of homicide trials, but concentrates on the one controversial question of the right of prosecution. His discussion of that question is more thorough than any previous one, and his bibliographical references are admirably full. His conclusion is that the right of prosecution was restricted to the killed person's relatives (or to the owner of a killed slave).

Of the three main texts, two have to be regarded as inconclusive. The trouble with

the inscription is that it is incomplete; the fact that the surviving lines mention prosecution only by relatives tends to support T.'s view, but we can never be quite sure what may have been said in the lines which are lost. The Plato passage might be explained away somehow: perhaps it is only a fictional case, in which the true rules of Athenian law are not observed; or perhaps the dead employee was regarded as virtually a slave of Euthyphron's family, so that Euthyphron was entitled to prosecute on that ground. The crucial text is Dem. 47.68–73, and especially the sentence in which the *exegetai* advise the *trierarkhos* not to prosecute Theophemos for killing the old nurse because 'if he is convicted you will be unpopular'. Hitherto I have taken this to mean that it was legally possible for the *trierarkhos* to prosecute even though the old nurse was neither his relative nor his slave. But T. has convinced me that it can mean that, if he swore an oath that she was his relative or his slave, people would suspect him of perjury, or would think that he was being unduly vindictive in prosecuting Theophemos for the death of an old freedwoman. I am therefore inclined now to withdraw my previous view and accept T.'s main point.

I still have a few reservations. Even if it was the intention of the law that the right of prosecution should be restricted to relatives, I suspect that the wording was vague enough to leave some readers in doubt on the point. Another matter on which T. is not entirely convincing is the proclamations which preceded a prosecution. I would still take the *exegetai*'s exposition of the funerary rituals (Dem. 47.69) as meaning 'you are to bring a spear to the funeral, and proclaim at the tomb for any relative of the woman . . .', not (as T. does on p. 23) 'if there be anyone related to the woman, let him carry a spear when she is borne forth to the tomb and make solemn proclamation at the tomb . . .', because the clause εἴ τις . . . is placed too late to be easily taken as the subject of ἐπενεγκεῖν and the subject must therefore be understood from the preceding σοι: thus I believe it was the duty of the *trierarkhos*, conducting the funeral, to call upon relatives of the dead woman to come forward. Other details too will probably continue to be disputed. Nevertheless T. is to be congratulated on making a substantial contribution to the debate.

University of Glasgow DOUGLAS M. MACDOWELL

ROMAN STATUTES

M. H. CRAWFORD (ed.): *Roman Statutes.* (Bulletin of the Institute of Classical Studies Supplement 34.). 2 vols: pp. xxviii + 553, viii + 322, 13 pls, 14 figs. London: Institute of Classical Studies, 1996. £90. ISBN: 0-900587-69-5.

There can be few Roman historians whose heart has not sunk when confronted with the need to consult Bruns's *Fontes Iuris Romani Antiqui* or its successors. Such depression is not caused by the material, but by its uncompromising presentation. The complex and, to the outsider, often impenetrable nature of legal Latin only serves to exacerbate the problem, a problem which can now be acute for students with only a few years of Latin behind them.

Roman Statutes is bound, and rightly so, to become the replacement for most purposes to the first section of *FIRA* and its successors. The bulk of the corpus of these works is reproduced, along with the many important additions, for example the *Lex Valeria Aurelia* and *Lex* for Drusus Caesar, known from the *tabula Hebana*, *tabula*