

## MEDICINE AND LAW IN ROME

BUBB (C.), PEACHIN (M.) (edd.) *Medicine and the Law Under the Roman Empire*. Pp. xiv + 349, figs. Oxford: Oxford University Press, 2023. Cased, £100, US\$130. ISBN: 978-0-19-289861-6.

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In the words of German legal theorist Rudolf von Jhering Rome conquered the world three times: the first time through its armies, the second through its religion and the third through its law. The striking features of the legal corpus produced by the legendary jurists from the Roman republic to the empire laid the foundation of Western legal concepts; thus Jhering's remarks are apt. Although the study of Roman law has received wider attention in legal and classical scholarship, there has not been sufficient effort in exploring how law dealt with medicine in the imperial epoch. It is a fact beyond doubt that the progress of medicine as a systematic study during the Roman empire stood at an unprecedented level parallel to the ubiquitous growth of law in Roman society, where the latter was autochthonous owing to the staggering contributions of Roman jurists such as Gaius, Ulpian and Palpian. However, medicine in the Roman empire derived from what Greek physicians disseminated within the imperial area. Producing a scholarly work exploring how medicine and law existed in the Roman empire is a Herculean mission that requires an acute sense of intellectual curiosity as researching both disciplines interwoven with the histories of the empire is a challenging task for any modern-day Classicist. This conspicuous lacuna that exists in the scholarship is filled by the edited volume of Bubb and Peachin, published in the series *Oxford Studies in Roman Society and Law*.

The idea of producing a study tracing the connectivity between law and medicine in the Roman empire emanated from a conference held in New York in 2019, and the work consists of thirteen chapters authored by scholars from Europe and the USA. The introduction written by the editors appears to be a palpable reflection unveiling the dialectic that they tend to discuss in different chapters as both Bubb and Peachin affirm in the introductory chapter that their aim to move scholarly thought about ancient law and medicine in the direction of regarding all this, with respect to both of these fields, as an organic whole.

In this seminal work the chapter provided by M. Roller argues that the competition that existed in the Roman world aimed to display a particular set of mastery over the respective disciplines by means of polemical language. Starting from Georg Simmel's 'competition theory', Roller contends that the Roman world cultivated competition in various fields in which the display of rhetorical statements and polemics to persuade onlookers against rival competitors was a frequent scenario. For Simmel competition is a mediated form of struggle in which the resources sought by the contestants do not lie directly within their power to obtain. Rather, the power to award victory and bestow the desired prizes or resources lies with a 'third party'. Roller highlights how this analysis can be applicable in the context of the Roman world, particularly in the period from the late republic to the empire. But Roller's approach to competition among the Roman nobility in the medical field contrasts with the reality that prevailed in the Roman empire, where medical scholarship was dominated by Greek immigrants, and their contribution did not meet with opposition from the traditional Roman nobility. Julius Caesar granted citizenship to any physician practising in the Republic since medical practitioners were held in high esteem.

In illuminating the vivaciousness of Roman jurisprudence and the *modus operandi* related to the rhetoric applied by Roman lawyers A. Dolganov provides a compelling

chapter, which traces ramifications of the Roman model of legal practice as a form of elite competition and social performance for the legal process. Taking the legendary case *Causa Curiana*, a sensational lawsuit in 92 BCE about the issue of succession, as an example, Dolganov analyses the way in which it ignited young Roman lawyers. The author's work would have been haphazardly tedious if Cicero had not left a vivid account of the trials in the late Republic. Dolganov takes Cicero's trial accounts as illustrations depicting the high level of performance of legal practitioners. What Dolganov outlines is the role of a lawyer in Roman public life as the courts were the stomping ground for the political elites to foster their skills before stepping into turbulent politics. The hegemony held by the elites in legal practising epitomised the chasm between the political elites and the commoners, but this chapter reveals how traditional legal practice began to develop into a professional service in the time of Cicero. The gradual changes that took place in the legal profession in the republican era were further sharpened during the empire when Roman judicial administration gradually became the most important public interface between the imperial state and provincial populations. In a meticulous analysis Dolganov traces the execution of justice by Roman provincial governors, who often paid heed to women seeking legal protection and parents complaining of insolence from their children. The facts espoused by Dolganov open an avenue for future research into the performative dynamics of legal practice and forensics as her chapter only skims the surface.

Unlike our awareness of the sublime nature of law and its development in Rome, its counterpart medicine remains below the periphery from the point of view of systematic study, and the next chapter by L.A. Salas makes a strong case for examining Galen's *Anatomical Procedures* while taking into account the allusions to Greek literature. It should be noted that Salas's portrayal of Galen's written narrative of his anatomical demonstrations filled with polemics is an apt reflection of a typical characteristic of Greek intellectual life in the Roman empire. Galen lambasts his rivals in the profession, mainly Erasistratus, by applying the names of inferior characters from Menander's comedies, but Salas analyses how Galen was compelled to be harsh upon his rivals in order to right their intellectual and moral wrongs, which denotes the intellectual degeneration of the age that Galen lived in and his *Anatomical Procedures* epitomises the rhetoric of didactic compulsion.

Part 3, 'Over-Shooting the Subject-Matter: When Pragmatism and Expertise Collide', explains how experts earned their status in the empire. The array of questions addressed in this section seeks the connectivity between expertise and the state as the theme of knowledge. For instance, B.W. Frier discusses the changing dynamics of legal culture among the jurists, who initially developed the legal norms only in Roman private litigations in courts. The moot point that Frier explains in his chapter is whether Roman jurists motivated themselves to take unreasonable legal positions for the sake of individual glories. In fact, the surviving information does not adequately support a modern-day scholar in buttressing this hypothesis.

The topic of Roman law and rhetoric is one of the most widely discussed themes among legal historians as the canonical works of Cicero written during the late republic, such as *De inventione* and *De oratore*, inspired many thinkers in the Age of Enlightenment in Europe. In Part 4, 'Positioning the Subject-Matter: When Rhetoric and Science Converge', U. Babusiaux differs from the orthodox approach to the question of the impact of rhetoric on Roman law because the author feels ambivalent in raising such a question. The rhetoric practised by Roman jurists in the empire reflected the classical Aristotelian concepts of *logos*, *ethos* and *pathos*. Babusiaux delves into the depth of rhetorical arguments presented by the legendary jurists in the Roman empire. His analysis of Ulpian illustrates the ability that existed among the imperial jurists to establish common

ground with the audience under *ethos*, representing self-presentation in rhetoric. An example of self-presentation can be found in Ulpian's book *De Censibus* (*On the census*). This work, presumably written under Caracalla, deals with the assessment of the poll tax and the property tax in the provinces, and Babusiaux provides a comprehensive picture of Ulpian's rhetorical skills. The following chapter by C. Petit fills a gap in classical scholarship, contemplating the literary and artistic aspects of ancient medical texts. While discussing how rhetoric pervaded Rome after the classical period of Hippocrates, Petit suggests Galen as the sole embodiment of medical rhetoric in Rome as Galen often relied on the mode of rhetoric in developing his medical arguments. The palpable examples for displaying Galen's mastery of rhetoric are visible from the *De usu partium* (*On the Usefulness of the Parts*), in which Galen offers a detailed picture of the human body, emphasising at the same time the beauty and perfection of the creature. Petit praises Galen for providing a monumental *ekphrasis* as a perfect practitioner of medical rhetoric.

One of the interesting points of this lucid compilation can be seen in the epilogue by M. Trapp, 'How Does Philosophy Compare?', which is a fine attempt to elucidate the role of philosophers in the Roman empire as professionals along with lawyers and doctors. While doctors and lawyers dealt with the issues faced by people abstractly, philosophers contributed by dealing primarily with the truth. Trapp points out the sceptic reactions that encompassed the pantheon of philosophers in the Roman empire by highlighting how Lucian projects satirical perceptions on philosophers as they could not bring good results in their students' lives. Notwithstanding their peripheral value as less significant influencers on the solid core of society, philosophers dwelled in more distinctive problems than lawyers and doctors.

The volume is a fresh contribution to classical scholarship in tracing how medicine and law co-existed under different layers in the Roman empire. The book seems to be intended for scholars and not so much for general readers interested in the classical past as the technicalities and the ample references presented by the contributors require some understanding of the subject.

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