

Kaius Tuori, *The Emperor of Law, The Emergence of Roman Imperial Adjudication*, (Oxford: Oxford University Press, 2016) ISBN: 978-0-19-874445-0

The role of the Princeps as legal arbiter stands at the heart of the transformation from Republic to Empire. The ability of Augustus and his successors to sit in legal judgement on civil and criminal trials reflected the absolute shift in power in the Roman political order. In part, this was anticipated by the actions of the military potentates of the falling Republic, but it was not until much later that the position of emperor as legal arbiter became fully established. The topic is a complex one, with crucial gaps in the contemporary legal evidence, leaving us to rely heavily upon later narrative traditions and interpretations. We tend to ignore the uncertain legislative steps of Augustus, and follow those later Roman writers who place the early Julio-Claudians into a pre-existing and by then firmly established mode of imperial adjudication. We also are drawn to effective legal arbiters and administrators such as Hadrian and Antonius Pious, for whom we have much greater legal evidence. In viewing the development of the legal persona of the emperor as a supreme court retrospectively, we ignore at our peril, how fundamentally new and uncertain this was, and how fully the empire removed the shackles of the old Republican order. This is a question of utmost importance in understanding the legal world of ancient Rome; and one that Tuori's volume seeks to answer.

I should begin by saying that this is a very impressive work. It is written with pace and verve, and provides an almost encyclopaedic understanding of the Roman political and legislative history. It provides a persuasive reassessment of the role of emperor and the legal fabric of the ancient world. Although it belongs to a wider field of imperial legislature (with echoes of Millar, Bleicken, Kely, Jones and Honoré), in another sense it also feels distinctly separate to those others works, a pathfinder for a new way of looking at Roman legislation. Tuori draws upon a vast body of scholarly literature, and behind each of his observations there rests a subtle and reasoned engagement with prevalent scholarly perspectives. So fluently is this work written, that it is not until the final pages of each chapter that the reader is reminded of how new and important some of these ideas really are, and how different the conclusion he reaches is when placed against the prevailing interpretations. This is a deeply impressive work, and one that offers an important (and in parts entirely persuasive) re-evaluation of Roman law. This must become required reading for all interpretations of imperial legislative power; even if some of the arguments can and should be challenged.

The great strength to Tuori's work is his understanding of narratives, and his willingness to bring together legal and non-legal evidence. The overall argument is set out clearly in the introduction: 'the practice of imperial adjudication grew out of the spread of the common conviction that the emperor is the final arbiter of (nearly) all things' (16-17). This is largely based on the narratives of the Roman world, which in turn added greater belief in the power of the emperor. Although legal scholars have

drawn upon literary sources for a long time, they have not as fully engaged with narrative study as Tuori does here. It is this careful examination of evidence, and willingness to consider the emerging mind-set of those writing and reading these narratives, that provides such a strong foundation for the argument made. There are however some issues here. The literary sources chosen make sense, but it is not entirely clear how they were always received, and who they were received by. The question over audience is not fully examined. This then leads into the other concern, again wrestling with the final elements of the argument, if these pieces are received and understood, how do they in turn create a wider understanding of the legal powers of the *princeps*? For some sources this is easier to see and to imagine (e.g. Cicero's *Pro Legario* & Seneca's *De Clementia*), but for others it is rather more difficult to ascertain (Tacitus' *Annals* and Suetonius' *Twelve Caesars*). There is then an important set of challenges to bring to the book, but that does not diminish its importance in providing a new way of tackling this topic and this question.

The book is divided between different periods of the Roman narrative, from the late Republic up to the Severan dynasty. The opening two chapters are the strongest in the volume. Here Tuori paints an excellent portrayal of Caesar, Cicero (21-67) and Augustus (68-125). In the first chapters the focus is on one of Cicero's less well known Caesarian speeches (*pro Ligario*). Here the source is seen as a way of thinking about the possible paths Caesar could take (kingship and tyranny; the Roman magistracy; the *paterfamilias*), and the dangers of ruling without legal parameters, justice and clemency. Cicero provides what would be called in later ages a mirror for princes. This is thought-provoking and nuanced re-examination of an ancient source, and one that allows for numerous critical insights to be made. In considering Caesar Tuori is engaging with various layers of different narrative creations, and exposing how fractured and broken the bonds of Republican government had become. From Caesar onwards it was just a memory and a veneer. The second chapter explores the issues facing Augustus as he established himself as *Princeps*, and the legal powers that role may or may not contain. In considering later narratives (such as Cassius Dio and Suetonius) we see Augustus as a fully formed arbiter and adjudicator in legal matters, and yet Augustus was cautiously exploring the realities of his power. At the heart of this Tuori places Ovid, which at first glance appears a rather peculiar central theme. However, a study of the poet's *Tristia* reveals the uncertainty surrounding legislative authority and Augustus' power. Ovid's efforts at appealing to Augustus and being permitted back to Rome can be seen quite clearly (*si modo laesi ematurverit Caesaris ira*, p. 75), and so too can his notes that he has not faced due legal processes in the courts or before the Senate. He has been sentenced by *edictum* (which he clearly, and understandably, exposes as both new and legally false). Although Tuori goes perhaps too far in thinking about Ovid's grasp of legal understanding and how he 'exerts power over Augustus by defining his public image' (80), this is fluent and persuasive examination of the legal realities of the early Principate, all the more so when this is placed against the two contemporary inscriptions reflecting his power in the provinces and his own efforts to control

history and memory through the *Res Gestae*. These two chapters are the most convincing and persuasive, and demonstrate how well the narrative and literary approach can work alongside legalistic inquiry.

Chapter three looks to the emperors from Tiberius to Trajan (126-195), chapter four considers Antonine dynasty (196-240), and chapter five focuses on the Severans, in particular Caracalla (211-217). Although moving rather quickly through the narrative the third chapter is strong. Seneca's *De Clementia* is analysed with careful scrutiny, where Nero is being encouraged 'to embrace the idea of enlightened absolutism' (135). Behind all of this, and each of the emperors discussed, is the question of unlimited coercive power, and how an emperor can be above or part of the laws he decides upon, a fitting discussion for some of these early emperors. Tuori is not afraid of discussing the alleged insanity of some of these figures, and identifies the conflict between narrative treatments that expose violent disregard for the senatorial elite while also maintaining the veneer of legal adjudication. There is much to be gained from reading this section. Chapter four engages well with Aelius Aristides and Suetonius, but the conclusion offered is not quite as persuasive. There is a good awareness of the petitioning of the emperor and the developing nature of Roman legislative understanding, but the reading on Hadrian is not quite as clear as the discussions of the earlier figures and emperors. Chapter five is better, shining an important light on the relationship of jurists and the image of imperial adjudication (282-290). The examination of Cassius Dio is fluent and compelling (273-281). Both chapters four and five reflect upon a wider image of the 'good emperor' as someone who took their legal responsibility seriously. However, the extent to which those sending the petitions were truly engaging to this image is not quite as clearly explored or argued as needed. More was needed here to fully examine the various rhetorical efforts of contemporaries, and the formulaic nature of some of the writings. The final conclusion reiterates the argument of the introduction, and closes the piece in a clear and focussed manner (292-297). This is followed by an extensive appendix of instances of imperial adjudication, which offer value for future study.

To close, this is an impressive and important work, and one that needs to be engaged with and in parts challenged. There is much to praise here, and the first two chapters are deeply persuasive and compelling. This is a work that asks more questions than it answers, but that is no bad thing. It challenges the reader, with great subtlety, to rethink the role of the emperor, to look again at what we think we know, and to recognise the artificial remembering of later Roman historiography. We accept Roman imperial adjudication because the Romans did, and if Tuori's argument holds, that is the most important things about it.

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