

Wirtschaftsgeschichte. Die Lektüre des einleitenden Essays und der versammelten Kleinen Schriften stellt einen großen Gewinn dar. Kai RUFFING

Paul J. DU PLESSIS, *Letting and Hiring in Roman Legal Thought: 27 BCE-284 CE*. Leyde, Brill, 2012. 1 vol. 16 x 24 cm, XV-213 p. (MNEMOSYNE. SUPPL., 340). Prix : 101 €. ISBN 978-90-04-21959-5.

Over the past few decades, Roman legal historians have devoted considerable attention to the subject of letting and hiring (*locatio conductio*) and the liabilities of all parties involved. In this book, Du Plessis aims at analyzing classical legal thought on a wide variety of contracts considered to be part of the *locatio conductio*. The introduction (p. 1-8) claims that these contracts can only properly be discussed from a “contextualizing” approach, i.e. by considering Roman law not as an abstract intellectual exercise, but as a reflection of the socio-economic organization of society which can only be understood by confronting legal and non-legal sources. The following chapters however clearly focus on Roman law and the attention devoted to papyri, monumental epigraphy, writing tablets etc. is somehow disappointing. Economic historians would prefer more in-depth analysis of particular features of the law of letting and hiring and their consequences for the organization of the economy. For instance, the fact that consent need not be given in person allows many interesting approaches to the question of agency, but are probably considered beyond the scope of the book. Historians hoping to find a discussion of *locatio conductio* in which all available evidence is integrated and contracts are considered genuine expressions of social and economic interaction will find more food for thought in the works of Aubert and Kehoe. Within the Romanistic tradition however, Du Plessis’ book is an excellent starting point for the manifold intricacies of *locatio conductio*. The survey of previous contributions (p. 2-5), the discussion of the historical development of the contract and the available actions to all parties in the first chapter (p. 9-52) in particular are very helpful. Much attention is given to the gradual development and definitions of liability and risk in legal thought. – The second chapter examines the large variety of contracts in which services (*operae*) are hired. Du Plessis presents case studies from several economic sectors grouped into different categories, such as the transformation of property (e.g. tailoring, manufacturing, construction), movement of property (transport by land and water), *artes liberales* (e.g. doctors and architects), less respectful occupations (scribing, acting, combat) and letting and hiring within the Roman family (freedmen and slaves). Du Plessis makes many interesting observations on labor relationships and the question of liability of the various economic actors (principals, agents and customers). At the same time, the analysis leaves much to be desired. A discussion of the legal organization of apprenticeship for instance would have benefitted from the inclusion of papyrological evidence (cf. Bergamasco, M., *Le didaskalikai nella ricerca attuale, Aegyptus*, 75, 1995, p. 95-167). Agency contracts are a major constituent of the Roman labor market and may have required more detailed analysis (see e.g. Garnsey, P., *Independent freedmen and the economy of Roman Italy under the Principate*, *Klio*, 63(2), 1981, p. 359-371 and López Barja de Quiroga, P., *La dependencia económica de los libertos en el Alto Imperio Romano*,

*Gerión*, 9, 1991, p. 163-174). Also, on a more abstract level, a “contextualizing” approach needs to consider the body of laws as one of the many economic institutions governing Roman society and analyze the interaction with other institutions (see most recently Frier, B.W. and D.P. Kehoe, *Law and economic institutions*, in W. Scheidel, I. Morris and R. Saller [eds.], *The Cambridge Economic History of the Greco-Roman world*, Cambridge, 2007, p. 113-143). – The third chapter discusses letting and hiring of objects (*res*), both movable and immovable property in rural and urban settings. Similar to the previous chapter, Du Plessis offers many stimulating thoughts on liability and division of labour, but sometimes fails to comprehend the consequences of his legal analysis for the economy of the Roman empire at large. For instance, he duly notes the rarity of laws establishing risk and liability in letting and hiring of commercial spaces (p. 155 and 171-172), but does not attempt to explain this phenomenon. It is in cases like this that historians applaud the willingness to introduce a “contextualizing” approach to Roman legal sources, but at the same time recognize the difficulties of combining specialized knowledge and expertise in finally assessing the relationship between Roman law and day-to-day economic transactions. Despite these minor remarks, the book offers an accessible and commendable introduction to a complex section of Roman law. Latin texts are quoted and translated, so the reader can easily follow and check Du Plessis’ analysis. The up-to-date bibliography contains references to all relevant literature and a user-friendly index of sources and subjects facilitates exploring the topics discussed. It is therefore a pity that the publisher of this interesting series devoted so little attention to typographical errors, which regularly occur and sometimes reduce the pleasure of reading through Du Plessis’ book.

Wim BROECKAERT

Monique DONDIN-PAYRE et Nicolas TRAN (Éd.), *Collegia. Le phénomène associatif dans l’Occident romain*. Bordeaux, Ausonius, 2012. 1 vol. 17 x 24 cm, 312 p., ill. (SCRIPTA ANTIQUA, 41). Prix : 25 €. ISBN 978-2-35613-067-9.

Fashioning what would become –and in many respects remains– the standard framework surrounding the Roman *collegia*, J.-P. Waltzing (in fin-de-siècle Liège) employed various forms of the word “public”. In his estimation, the *collegium* was itself “une république, une cité”, “une petite république organisée” that was liberally encouraged by the larger state apparatus until these little groups became, “peu à peu, des institutions officielles, chargées d’un service public...” (*Étude historique*, 1, p. 513-515). Throughout the intervening century of scholarship on the *collegia*, studies of “le phénomène associatif” –or “il fenomeno associativo”, as it was better known from the work of F. M. De Robertis for several decades after the 1930s– were intimately bound up in the analysis of “l’utilité publique” of collegial assembly. Accordingly, the mainly inscriptional and legal attestations of these associations have been stretched out and combed over for their implications for a broader political, economic, and social context. This present volume collects twelve papers –with one on the actual use of the word “public” in collegial texts– on the associative phenomenon, but it departs radically from most analyses in that it (notionally) addresses only those *collegia* found in the Western provinces and not in Italy or the city of