

**Brenda Griffith-Williams, *A Commentary on Selected Speeches of Isaios*.** Leiden: Brill, 2013. Pp. xx, 272. ISBN 9789004258570.

There is no more important source for Athenian family law than the speeches of Isaeus, all twelve of which deal with inheritance cases. This book fills a longstanding need in addressing that source. For over a century the only commentary has been that of William Wyse, whose overreaction to what he saw as excessive 19<sup>th</sup> century credulity with regard to Isaeus was to see the orator's every argument as drenched in snake oil. Griffith-Williams' approach is more balanced, but it will surprise no one that the word "tendentious" nevertheless appears with remarkable frequency in her commentary on Isaeus' argumentation. Even Dionysius of Halicarnassus notes that Isaeus had a reputation for chicanery (*Is.* 4).

The book began life as a UCL doctoral dissertation and for that reason is limited to only four speeches (7-10). Its introduction – covering Isaeus and his work, the Athenian inheritance system, procedural issues that affect the forensic oratory, and the history of scholarship – is very lucid and helpful. Since Wyse actually did a very thorough job resolving paleographical issues, Griffith-Williams' principal interest is in the legal issues of each case and the associated issues of argumentation. For instance, she seeks to compare claimants' strategies in *diadikasiai* and formally adversarial proceedings, as well as those of speakers who spoke first or second in court. Despite the supposed lack of a prosecutorial function in inheritance cases, they nevertheless take on many aspects of typical forensic trials. Isaeus 10 uses many features of *prokatalepsis*, anticipation of the opponent's argumentation, which would make no sense in a second speech. Indeed, this feature in particular is one of a number of rhetorical aspects that interest Griffith-Williams quite strongly. Others include modes of addressing the judges and of engaging in character assassination (*diabole*) against the opponent, or an opponent's supporter. In this regard more consideration might have been given to Isaeus as a pioneer of forensic rhetoric that would later be adopted in rhetorical *technai* of Aristotle and in Anaximenes' so called *Rhetoric to Alexander*.

Although the goal of the commentary is by no means to engage in comparative law, there are also some very interesting comparative glances at British law. One of them leads to the conclusion, for instance, that the incidence of disputed inheritance claims was relatively high in Athens, no doubt a result of the fact that all inheritances had to be handled by a court where there was no legitimate son. One area where Griffith-Williams offers a very salutary correction to a tradition much influenced by Wyse concerns the legal validity of wills. Following Aristophanes (*Wasps* 583–87), Wyse argued that Athenian judges substituted their own preferences for those of the deceased. Griffith-Williams correctly characterizes this view as a distortion.

Isaeus 7 *On the Estate of Apollodorus* hangs on the legitimacy of the speaker Thrasyllus' *inter vivos* adoption into the household of Apollodorus. It was recognized by the phratry and *gennetai* during Apollodorus' lifetime, but by the deme only after

Apollodorus' death. On the whole I find the commentary on this speech excellent. I would add one small point: there is an attempt to identify the alleged decision (γνώμη) of Apollodorus, to bestow his estate on Thrasyllus, with the judges' hoped for decision (7.41–2), which is obscured when γνώμη is translated as “intentions”.

Griffith-Williams identifies the particular issue of Isaeus 8 *On the Estate of Ciron* as the inheritance rights of a daughter who was not formally an *epikleros* but who had been married by *engue* outside the family. There seems to have been no explicit provision in Athenian law on this issue. This fact leads Griffith-Williams to make the general claim that “the assumption that Athenian law was complete and comprehensive is anachronistic” (p. 98). Yet my sense is that the Athenians did think that their laws (the plural is important) were complete. We see many instances where speakers attempt to draw principles from multiple laws in order to tie together their cases. Griffith-Williams does this herself, noting that there was legislation that allowed inheritances to be transmitted through the female line, both lineally and collaterally. The Athenians seem to have eschewed overly detailed legislation in the belief that legal principles flowed from existing laws that would cover every case.

In Isaeus 8 the speaker's case is vulnerable if Ciron's daughter, the mother of the speaker, was illegitimate. So witnesses are summoned on this point. Griffith-Williams thinks that these include Ciron's second wife, “whose evidence would have been given by Diokles as her *kurios*” (p. 103). But the Athenians had the same reservations about hearsay evidence as we have—it was certainly not an *atechnos pistis* (cf. p. 133)—and there was an oath-challenge, like the torture-challenge for slaves, that facilitated the indirect use of women's knowledge to settle disputes (cf. Is. 12.9).

On another issue concerning witness testimony, however, Griffith-Williams again offers a salutary contrarian view. Arguing against the more sociological approach to witness testimony of Humphreys and Todd, she affirms that an Athenian litigant who needed to attack a will, such as the speaker of Is. 9 *On the Estate of Astyphilus*, needed to demonstrate, with witnesses, that he was on better terms with the testator as part of his argument that the will was unlikely to be valid.

Despite being the shortest of the four speeches, Isaeus 10 *On the Estate of Aristarchus* receives the longest introduction, which is necessitated by the multiple adoptions in the case, the speaker's challenging not only of a current will but of a previous adoption, and of the contentious position of the speaker's mother as an *epikleros*. Here Griffith-Williams carefully describes the opposing views of previous scholars and relies on evidence from Menander to support Isaeus' view, with qualifications.

This is a very informative, balanced, and sensible commentary on four very complicated speeches. The differing approaches of Wyse and Griffith-Williams raise questions about the role of the commentator on a forensic speech. With evidence from only one side of the case, should any comment be made about the relative strengths of the two sides, even about whether particular arguments are “tendentious”? Some commentators, such as Wyse, and more recently M. Gagarin

in his 1989 study of Antiphon 5, tend to blur the line between commentator and advocate for the opposing position. One answer may be for the commentator to devote a discrete part of the introduction to each speech to an elucidation of the opponent's position, to the extent that it can be identified, which may allow the commentator to achieve some distance from both sides.

DAVID MIRHADY  
SIMON FRASER UNIVERSITY