

marred only by the British Museum comma ('attributed to London-born sculptor, Joseph Nollekens ...').

University of Winnipeg

MARK GOLDEN  
[m.golden@uwinnipeg.ca](mailto:m.golden@uwinnipeg.ca)

KAUFMANN (K.), WANNACK (K.) (edd.) *Bibliographischer Index zum Römischen Staatsrecht von Theodor Mommsen*. (Alturtumswissenschaftliche Texte und Studien 41.) Pp. 287. Hildesheim, Zurich and New York: Georg Olms, 2010. Paper, €39.80. ISBN: 978-3-487-14322-4.

doi:10.1017/S0009840X14000729

Theodor Mommsen's *magnum opus* is the *Römisches Staatsrecht*, published in three volumes between 1871 and 1888. For English readers, it is also an *opus arduum*, since it has never been translated into English. The seven volumes of the French version by P.F. Girard, published between 1887 and 1896 and reprinted 1984–1985, are therefore often, and gladly, consulted by non-Germanophone scholars.

On more than 3,000 pages, Mommsen compressed a millennium of constitutional history in a single constitutional theory. Mommsen demonstrated the potential of a systematic jurisprudence which was based upon Hegel's philosophy and optimism. The logically precise and methodically verifiable organisation of the juridical tradition created what had never existed in Roman antiquity, a Roman constitutional law. Mommsen tried to bridge the discrepancy between history and theory, between the historical evolution of the Roman constitution and its systematic description through the bold differentiation between '*rechtlicher Form*' (legal form) and '*faktischem Inhalt*' (factual content). But Mommsen's *Staatsrecht* is also a monument of the nineteenth-century German liberal tradition which transformed the Roman *res publica* into a historical paradigm for a state held together through legal norms.

Mommsen was sure that he had accomplished a *monumentum aere perennius*. He firmly believed that his groundbreaking reconstruction superseded all his predecessors' work. His claim for originality is omnipresent in the book. There is hardly any scholarly debate. A bibliography is missing. References to the work of others are often abbreviated, inconsistent or mutilated. K. and W. have now undertaken the painstaking labour to collect – and, if necessary, to complement and correct – all explicit bibliographical references in Mommsen's *Staatsrecht*, to the important *Handbuch der Römischen Alterthümer*, published by Wilhelm Adolph Becker and Joachim Marquardt since the 1840s, to contemporary monographs and *Schulprogramme*, to collections of inscriptions and coins, to editions of literary texts and to articles in journals. British authors are rarely mentioned, for example J.T. Wood's *Discoveries at Ephesus* from 1877, the catalogue of Greek coins in the British Museum by R.S. Poole, B.V. Head and P. Gardner, W.M. Ramsay's publication of inscriptions from Galatia and Pontus, and a paper by H. Nettleship on *ius gentium*. For Mommsen's academic discourse French and Italian scholars were far more important.

K. and W. even list Mommsen's references to written or oral communications. A synopsis of the three different editions of the *Staatsrecht* follows, and most useful is their compilation of reviews, including, *inter alia*, the *North American Review*, *Athenaeum* and

*Classical Review*, where E.G. Hardy discussed the third volume in 1889; he already emphasised that Mommsen's method 'precludes the possibility of a Roman Constitutional History in any complete sense' (p. 58). The most striking result of this reliable index seems to be the accurate documentation of the amazing degree of Mommsen's self-reference; on more than 30 pages K. and W. specify where Mommsen cites Mommsen.

This volume is a welcome correlate to J. Malitz' *Stellenregister* (1979), an index of sources, reviewed by G.P. Burton in this journal (*CR* 34 [1984], 144). His conclusion can be repeated: 'Given the enduring importance of Mommsen's work this volume will be a valuable addition to institutional libraries'. But it might be added: the book is a helpful instrument to reconstruct Mommsen's eclectic reception of the academic debate, his impressive practice of selective citations and his crafting of his academic persona as a highly original scholar.

*Bern*

STEFAN REBENICH  
[stefan.rebenich@hist.unibe.ch](mailto:stefan.rebenich@hist.unibe.ch)