



JOHN CROOK

John Anthony Crook 1921–2007

JOHN CROOK was a distinguished ancient historian with a special interest in Roman history and law; among historians his knowledge and understanding of Roman law was unequalled. His academic career was spent for the most part in Cambridge, and at St John's College. He entered the college as an undergraduate in 1939, and served as a Fellow from 1951 until his death on 7 September, 2007. Within the Faculty of Classics he rose to be Professor of Ancient History in 1979. His early retirement from the Chair in 1984 did not signal an end to his research activity or to his engagement with the scholarly community, especially the younger members thereof, to whom he remained accessible. The outer door of the rooms at St John's (top of C staircase, Second Court) remained characteristically open throughout his fifty-five years' residence. He stayed active as correspondent, host, mentor, friend to the many who sought him out.

John Crook was born on 5 November 1921 in Balham, London, the only child of a bandsman in the Grenadier Guards. His mother, Hilda Flower, had a taste for the theatre which she shared with her son. He kept a notebook with details and critical summaries of all the plays and other entertainments that they attended together both before and after the Second World War. His father, wanting a better career for his son than his own, was unwilling to instruct him in his instrument, the clarinet, but John taught himself anyway, became an accomplished player, and put the instrument aside only in his last years. Crook won a Scholarship to Dulwich College where he excelled in languages, history, music and classics (1933–9); thereafter he proceeded to St John's College, Cambridge, also on a Scholarship, to read Classics. He took a First in Part I of the

Classical Tripos in 1941, and was drafted into the 9th Royal Fusiliers in February 1942.

Crook served with the 8th Army in North Africa ('every man was a hero there, and every man was a comrade') and joined the push north into Italy. A letter from his father which did not reach him (it was returned stamped 'addressee reported missing') contains a sentence which is of some interest in relation to the son's role in the Blunt affair: 'You can imagine my feelings, seeing every day these so-called doctors of research taking no interest whatever in the War—whilst you and others are having to risk everything—cheer up, old chap, yours is the manly part and will certainly be recognised and remembered when it's all over.' The letter is dated 5 September 1943. Crook's active service ended at Salerno on 10 September. As he told the story, he and his fellow soldiers escaped with their lives owing to the fortuitous wounding and withdrawal of their colonel, who believed in fighting to the last man; the officer who replaced him gave the order of surrender without delay. There followed sixteen months of imprisonment in Stalag VIII B (later 344) at Lamsdorf, Silesia. If we take him at his word this was relatively speaking a gilded cage. Crook made music in bands and chamber groups ('I am as busy "blowing" as I used to be at Cambridge'), gave tuition in Greek, became fluent in German, grew vegetables, cooked and tried to keep out of his letters home the disillusionment, frustration and periodic depression that he experienced.

12.6.44 'We feel rather useless here, being unable to do our bit in such a mighty struggle; but of course there's nothing can be done; our hosts can't very well give us leave of absence to join in. So if our catalogue of concerts and shows and sports seems childish and unworthy when others are fighting and dying, the world must remember that we have no better resources, and have to keep ourselves occupied in order not to go mad.' 5.11.44 '23 today and the best years of life being frittered away . . .' 6.1.45 'There won't be room for any further disillusionment for me in this life, if I live to be a hundred.'

In his wartime papers the relevant file is labelled 'temps perdu'. In late January 1945 the camp was evacuated by the Germans in the face of the Russian advance, and the inmates set off on the 'death march' to Berlin; many died from cold and hunger. Crook finished the war as Sergeant in the Army Educational Corps and was discharged on 6 November 1945.

There are indications (in a letter dated 24 September 1944) that during his imprisonment Crook reconsidered his earlier decision to pursue an academic career, but if he harboured any genuine doubts these were transitory. With the encouragement of his teacher and role-model

M. P. Charlesworth, he returned to Cambridge, completed his degree with distinction (1947), and after a year of postgraduate study in Oxford under Hugh Last and three years as Assistant Lecturer and then Lecturer in the Classics Department at Reading (1948–51), he came back to appointments in St John's (Fellow, 1951–2007, Tutor 1956–64, Praelector 1966–71, 1976–7, President 1971–5) and in the Classics Faculty, where he served successively as Assistant Lecturer in Classics (1953–5), Lecturer (1955–71), Reader in Roman History and Law (1971–9), Brereton Reader (1974–9), and Professor of Ancient History (1979–84).

Crook's advancement was secured by significant early publications. *Consilium Principis: Imperial Councils and Counsellors from Augustus to Diocletian* (Cambridge, 1955) was in origin a dissertation that earned him a Research Fellowship at St John's College, while the publication of *Law and Life of Rome* (London, 1967) was followed soon by election to the British Academy (1970) and promotion to Reader in the Faculty of Classics (1971). These monographs together with ten articles (including a classic paper on *Patria Potestas*¹) and forty reviews (Crook was a prolific reviewer) made up an impressive portfolio.

In *Consilium Principis* Crook presents the emperor sitting with his 'friends' as a political rather than a constitutional phenomenon: thus, an informal advisory body rather than a 'privy council'. He goes on to demonstrate in detail, with the aid of prosopographical analysis, that there was a surprising degree of continuity in the membership of the council from one reign to another (including from 'bad' emperors to 'good'). All this was pioneering research; it would have been a real coup if Crook had been able to show that the council was the 'principal policy-making body' of the empire, but the evidence is simply not there. However, in this early work Crook was staking a claim to be a political historian of substance. This has a special significance because, although his research was to develop in another direction—and already in this book he betrays an incipient interest in the imperial jurists—he had, and retained, the conviction that politics should hold a central place in Roman history.

Many years later, a vacancy in the line-up of authors for the revised edition of the *Cambridge Ancient History* volume 10 (published in 1996) gave him a chance to restate this belief and reaffirm his credentials. As Crook tells the story, against himself and in letters addressed to two unsuspecting foreign scholars (this is typical of the way he released personal information

¹ '*Patria Potestas*', *Classical Quarterly*, 17 (1967), 113–22.

and private views), the editors of the volume in question were having difficulty finding anyone to write the core chapters on Augustus. 'The Greats', it seems, had proven unwilling. 'What about me?' Astonished silence—followed by: 'Well, that would save us a lot of trouble.' In correspondence Crook admits to having felt inhibited by the requirements of the *CAH*, which he followed 'loyally'. His chapters were conceived 'as a prelude to a volume initiating the story of the Principate—to try to say what was needed to put readers on a right track, not more than that . . . I know all Roman historians, at least of the older stamp, have always wanted to say their say about Augustus—and that's the nearest I'll ever get to having my go.' And what did 'having my go' mean, for John Crook? It meant showing that he could 'do politics', and with better judgement, what's more, than Syme and his *epigonoï*—there is a certain amount of sniping at over-imaginative reconstructions of conspiracies. In general, Crook was unhappy with Syme's treatment of Augustus as primarily a successful and fortunate faction-leader and ruthless politician, and his neglect of institutions and the law. Crook's interest in those matters is already visible in *Consilium Principis*, but he reoriented himself more firmly towards *Staatsrecht* in the following decades, probably as a result of his close relationship with A. H. M. Jones, whose admiration for Augustus he shared. Crook of course, like most scholars of his generation, was influenced by Syme. In *Consilium Principis* he seems to be running with the Symian tide; most obviously, there is a lot of prosopography, too much in fact for at least one of Syme's Oxford colleagues, Sherwin-White, who reviewed the book. Further, Crook's respect for Syme was lasting. In reviewing Syme's *Roman Papers* in 1981 he wrote: 'Now that his papers are thus assembled, the magnitude of Sir Ronald's achievement is more than ever manifest. Tributes are superfluous, praise would be an impertinence.'² Three years later Syme received an Honorary Doctorate from Cambridge University. Crook was heard to remark: 'For once Cambridge has got it right, in giving an Honorary Degree to someone who really deserves it.' Crook was Chairman of the Faculty of Classics at the time and also a Member of the General Board of the University; he was surely the initiator of the award.

Crook's chapters on Augustus in the *CAH* are a model of clarity, elegance, sharp analysis—and conservative scholarship. Crook was, or became, irredeemably hostile to modern trends in Augustan scholarship, and this bubbles over in the (more appropriate?) setting of a review that

² 'Review of Ronald Syme, *Roman Papers*, ed. E. Badian', *Classical Review*, 31 (1981), 136.

appeared a year after his own chapters. In it Crook sets himself up as ‘Curmudgeon-Reviewer, an un-reconstructed positivist’, laying down his objections to ‘the Symbolism Wave, at the crest of which we now seem to be.’³ The review ends with an invitation to the author in question to respond to his arguments. In the civilised exchange that followed Crook conceded some ground to the author but not to the methodology he was attacking: ‘I believe that ancient writers, sculptors, etc. did know what they wanted us to conclude and that, as a historian, it’s my job to try and grasp what that was. That what they wanted us to conclude was ambiguous and multivalent *est*, in each case, *demonstrandum*.’ At this point there is added a gloss in pencil, evidently an afterthought and not intended for his correspondent: ‘I also think (oh! Heinous!) that chronology and politics *come first*.’ He continues: ‘The Wave I so brusquely consigned you to was not the *allgemeines Bunkum* wave but the specific symbolism wave; and I suppose I am trying to quieten my conscience for having, myself, been carried a little way along on it. Now that I’m left behind, stranded and gasping on the shore, it’s all too easy to do a bit of “*vestimenta . . . suspendisse maris deo*”. But I repeat and repeat, and my colleagues turn away, where did the symbols get started?’

Behind the publication of his second book, *Law and Life of Rome*, lay a decade and a half of research and teaching both fruitful and pleasurable. The arrival of A. H. M. Jones in 1951 as Professor of Ancient History coincided with his own return to Cambridge. Crook flourished under Jones’s regime. Jones was his mentor and inspiration. He encouraged Crook to extend his interest and expertise in Roman law into areas that lay beyond his own competence. They were collaborating on a book on the courts of Rome when Jones died at the age of 66. Crook may not have made much progress in the enterprise. A note from Jones to Crook dated 23 November 1969 reads: ‘Still hoping for a section to read from you. Yours, Hugo.’ In any case, Crook let the project lapse. In an act of *pietas* he saw to the publication of Jones’s manuscript as a self-standing monograph—*The Criminal Courts of the Roman Republic and Principate* (Oxford, 1972)—despite its unfinished state.

In the Jones years Crook established himself as a formidable presence in the faculty. He was a superb lecturer. His audiences tended to expand rather than contract as the term wore on, and this despite the fact that students from the History Faculty were politely but firmly requested not

³ ‘Review of K. Galinsky, *Augustan Culture: an Interpretive Introduction*’, *Journal of Roman Studies*, 87 (1997), 287–8.

to attend in so far as they lacked Latin and Greek. He regarded lecturing as an aspect of the entertainment industry, and without fail he put on a good act. His generally tepid account of Sir Frank Adcock, Jones's predecessor in the Chair, in the *Oxford Dictionary of National Biography*, comes to life only in the paragraph dealing with Adcock's personality and lecturing skills: 'Cambridge accepted him as one of the notable personalities of his age, celebrated for his wit in conversation and in lectures. He was perhaps the last of the studied wits: his sallies were strategically prepared, and part of the fun of his famous lectures in the flat-accented, high-pitched, maiden-auntish voice was to detect the build-up of forces, feel the imminence of the punch-line, observe the dawning of the tiny smirk on the bland face, and savour the release of tension when the *bon mot* came.' One artist in admiration of another. Crook, a light baritone, had a full repertoire of gestures, modulations, grimaces and contortions, combined with an exquisite sense of timing. He kept his best turns for smaller and more select audiences. Two illustrations: 'At a seminar in London, I remember he started to ask a question while chewing a pencil, took the pencil out of his mouth to aid diction, dropped it on the floor, crawled under the table to retrieve it, all the while still asking the question, for the last few words of which his head reappeared above the table with a quizzical look. The audience was surprised; I was not: I had already seen this trick as a student at Cambridge.' 'I went to his Roman law course, held in his rooms, and at a certain point in the session he would move his papers off the little coffee table in front of his chair and spread them out on the floor. By the end of the lecture he was often lying on his belly in front of the five or six of us who were there, passionately talking away about whatever the topic happened to be.' That the Faculty of Classics (from late in the Jones era) offered a Special Subject for final year undergraduates in Roman Law, alongside the standard options in Literature, Philosophy, History, Archaeology and Philology, is in itself remarkable. One product of Group F (as it was known), David Johnston, became in due course Regius Professor of Civil Law at Cambridge. Group F disappeared from the Classics syllabus on Crook's retirement.

As a supervisor of undergraduates he is said not to have excelled. Not that we should necessarily take him at his word: 'I was a very bad supervisor. I couldn't stop myself answering my own questions.' In fact, he enjoyed teaching Latin and Greek and did it well: prose and verse composition was a speciality. He saw himself primarily as a Classicist, and History as ancillary to Language and Literature; he introduced History to his students only towards the end of their second year, uncomfortably

close, from their perspective, to the Part I examinations. This attitude or policy was not unusual among Directors of Studies in Classics at the time. Further, as a supervisor in History Crook did not set about teaching to a syllabus or imparting information. It was left to the student to tap into his store of knowledge, find out what he was interested in at the moment, quarry the mine, and get him talking (asking and answering his own questions?). The more enterprising and adventurous students mounted the steep stairs to his rooms in eager anticipation; others spoke of the same stairs as ‘the North Face of the Eiger’, regarding their ascent as a forbidding obligation.

Law and Life of Rome has had a profound influence on a whole generation of scholars and students. Historians had never shown much interest in the private law of Rome, and the literature on offer to those brave enough to engage with the subject was relatively unapproachable. As Crook himself wrote of a book by another scholar which appeared contemporaneously with his own: ‘The book is austere, a devoted wrestle with evidence; and about the social implications of its findings it is laconic. It will not be easy reading for anyone who does not already know a fair bit about Roman law, its technicalities, and the nature and problems of its evidence.’ In *Law and Life of Rome*, in contrast, Crook gave a brilliant demonstration of how legal sources might be made accessible and used constructively for social history. Forty years old and twice reprinted, the book not only remains on the reading lists, but is even now the focus of debate among the not insignificant numbers of scholars who have been drawn to the study of Roman law in its social context. In 2001 a conference was held in the USA the proceedings of which were published as *Speculum Iuris: Roman Law as a Reflection of Social and Economic Life in Antiquity* (Ann Arbor, MI, 2002; ed. B. Sirks and J.-J. Aubert). To a significant extent one can see in that book engagement with the ideas and approaches that Crook had first put forward in *Law and Life*. Three years later there was a second conference, this time in Edinburgh, which specifically honoured his work and influence. Ill health prevented him from attending, and he may not have seen the conference-volume that was published a few months before his death under the title *Beyond Dogmatics: Law and Society in the Roman World* (Edinburgh, 2007; ed. J. W. Cairns and P. J. du Plessis).

While at the time historians responded to the book with enthusiasm, it was underappreciated by Roman Lawyers. One wonders if the epigram that hits the eye of the potential reader as soon as the book is opened—‘let the jurist stay away’ (*iuris consultus abesto*)—gave an excuse to ignore,

or alternatively invited criticism. The Romanist Professor F. Wieacker of Göttingen ends his favourable review with a (half-joking) appeal to his fellow-jurists not to be scared off by the Apotropaion. What does it mean, what purpose did Crook want it to serve? There is a clue in the section on trusts.⁴ Tomb inscriptions purporting to establish trusts survive in hundreds, and seem therefore to have been routine, despite the fact that they were legally suspect. Crook writes: ‘The public proceeded in this battle undeterred, doing what the law said was null and void and hoping (which would no doubt usually be the case) that their arrangements would never have to be put to the test of the courts—undeterred, *but sometimes a little nervous, as we can see from the inscriptions*: From this tomb let all fraud and all lawyers be absent.’ Crook is pretending, in launching his book, to be ‘a little nervous’ at the reception of his book among the ‘professionals’. It is an elegant joke, a joke (not unusually) against himself. Crook was in fact an expert in the civil law. (One can argue about his individual interpretations, just as one can dispute some of his historical judgements.) However, his deliberate decision to avoid long technical discussions of the law made him vulnerable to charges of amateurishness or inaccuracy from ‘professional’ Romanists. That said, it is a fact that a number of the great figures of Roman legal scholarship in recent years had the highest regard for Crook’s work and valued its interdisciplinary nature. In Germany alone one thinks of Kaser, Nörr, Wieacker and Wolf, the last of whom worked very closely with Crook and was the instigator of his Honorary Degree (Doctor of Law) from Freiburg im Breisgau.

Jokes aside, Crook’s intentions are stated clearly enough in the Introduction. The book treats law in its social context; it is an attempt to ‘strengthen the bridge’ between two spheres of discourse about ancient Rome, those of the lawyer and of the social historian. This should mean that professionals on both sides of the bridge have something to gain from the book. However, in what follows Crook appears to give further discouragement to Romanists. This is not a text book of Roman law. It will not provide a detailed account of legal rules and how they were applied to innumerable complex sets of facts. And in various places the ‘complex puzzles’ that occupy the Roman jurists are bypassed deliberately, because they are ‘only of technical interest’. As it happens, Crook would have been happy to enter the arena with the jurists—he speaks of

⁴ F. Wieacker, ‘Review of J. Crook, *Law and Life of Rome*’, *Zeitschrift der Savigny-Stiftung*, 85 (1968), 562–3.

holding himself back with ‘much regret’ from displaying Roman law ‘in one of its most characteristic and impressive lights, as a mode of argument’. He goes on to say that he ‘may give pain’ to those who expect the civil law to be analysed in accordance with the usual divisions—persons, things, obligations and actions. He will instead structure his book by topics in an order which brings out their social relationships. A careful reading of the book will show that there is, or might be, just as much in it to ‘offend’ Roman historians who liked their history served up in the usual way. Thus: ‘At the highest end of the spectrum [of statuses] were the two formal ‘orders’ the senate and the *equites*. They are so frequently described in books on Roman history that little need be said about them here.’ ‘The Principate brought considerable changes, initiated by Augustus (by what constitutional authority we shall not here discuss).’ But Crook sounds alarm bells only for the Romanists.

In fact the book is *sui generis*, steering a course hitherto uncharted between conventional Roman law and conventional Roman history. Or, as Wolf puts it in his obituary in the *Studia et Documenta Historiae et Iuris*, it renders irrelevant the boundaries between social and economic history, law and philology.⁵ In this connection, a crucial weapon in his armoury is his mastery of the non-technical sources for law. ‘There is much that we can add to the juristic treatises. . . . There are hundreds of references to legal affairs in Roman lay literature. Here, indeed, we are still in the upper brackets of society, but at least we are in the realm of practical, everyday law, not the meshes of technical professional theorizing . . .’ (p. 11). He gives no attention, he admits, to the law of Roman Egypt; the later book on Advocacy would make up for this. Overall his coverage of the primary sources is striking and their deployment shrewd and perceptive. This is an asset he used regularly in debating with Romanists matters of the law such as the Roman attitude to will-making. David Daube had cast doubt on the received view that the Romans had a ‘horror of intestacy’. John Crook replied: ‘A case can be made for stressing just the very opposite of what Professor Daube stresses: the *evidence of the papyri and the tablets* (my italics) implies that right down to surprisingly humble levels of society the detailed institutions of the law such as we find them in the *Digest* were in practical use . . .’ An essential part of Crook’s equipment that he does not include in the uncharacteristically positive statement about the virtues of his book that we find in his introduction is

⁵ J. G. Wolf, ‘In Memoriam: John Anthony Crook (1921–2007)’, *Studia et Documenta Historiae et Iuris*, 74 (2008), 951–6.

his command of the ancient languages. (His knowledge of *modern* languages was already impressive; his correspondence includes letters written in Danish, French, Italian, German and Spanish.) There was no one, whether historian *or jurist*, more skilled than he at winking the meaning out of an obscure juristic text. He read all texts in the original, including, naturally, the *Digest*, indeed he positively discouraged advanced students from making use of the recently published English version of that work on the grounds that the translation too often fell below acceptable standards. Further, in reviewing books by Romanists (as well as Classicists) he was not averse to finding fault with their Latinity.

Furnished with these diverse skills, and freed from the need to follow the conventions, Crook produced a book which is original in conception and in detail. It is also fresh, lively and entertaining. In a review Franz Wieacker claimed to be unable to put it down: 'Das Buch is so fesselnd, dass man es nicht mehr aus der Hand legt.' Historians found that Roman law could be accessible and fun.

The Jones era came to an abrupt end in 1970. Some had thought of Crook as his natural successor. Jones may well have been of their number. Crook would not have felt comfortable taking over the Chair from the master. In the event M. I. Finley was elected to the Chair, and Crook to the British Academy, in the same year.

Crook's election to the Academy was not a straightforward matter. On 27 May 1970 he was informed by the Secretary of the British Academy that he would be proposed as a Fellow at the AGM of 8 July. Two days later the Secretary wrote him a second letter, which began: 'Dear Mr. Crook, Thank you for your letter of 28 May. I am sorry that the proposal to elect you a Fellow of the Academy has caused you some perturbation, but I very much hope that you will not let this stand in the way of your election.' The letter went on to state, emphatically: 'There is no doubt at all that it is the considered view of the Section that they would wish you to join them in preference to the other names mentioned in your letter. Your book on *Law and Life of Rome* has obviously made a great impression.' The Secretary added that once a Fellow Crook would be able to play a full part in nominating either or both of the colleagues to whom he had drawn attention, and to assure Crook that 'it is not in the least abnormal for a Professor to have on his Faculty Fellows of the Academy when he is himself not a Fellow.' In the event Crook allowed his name to go forward, and spared the Academy the 'great disappointment' that would apparently have followed a refusal. M. I. Finley was elected to the Academy in the following year.

There is no reason to think that this incident caused any lasting embarrassment. As Finley joined the Academy, Crook became a Reader in the Faculty. Crook and Finley were quite different in terms of academic formation and character but they respected each other. The same was true of Jones and Finley. Jones had been responsible for Finley's appointment to Cambridge and Jesus College in the first place, their scholarly interests overlapped, and they saw eye to eye especially in the field of economic history. Finley saw in Crook a von Jhering in the making, encouraged him to write *Law and Life*, and thought highly of the finished product. Finley's appeal to students at all levels would have earned from Crook a positive response. Ancient History hummed in Cambridge. Undergraduates, especially those from the History Faculty, were so numerous that they put a heavy strain on the supervision system. Graduates of high quality from the UK and overseas flowed in. They came mainly to sit under Finley, but some of them sought out Crook, or, more often, discovered him, to their great benefit: 'John was one of the best interlocutors I have encountered, both in intellectual and social settings. He was always surprising, an unusual combination of a fiercely independent mind and undue modesty. He kept me off balance in conversations, because he was always ready to challenge easy assumptions. His unconventional intellect was matched by an unconventional personal style.' At this level, in close encounter with the cleverest and most advanced students, Crook fired on all cylinders. For those who did not seek the challenge of a personal encounter with Crook—and he was extraordinarily willing to spend time with the enquiring, especially if they were bright and different, and especially if the elucidation of a text was in question—Crook participated actively in the Ancient History Seminar, which was the flagship of the Finley era. Finley (at the time this was innovative) set broad and bold topics for discussion such as Property, Law and Society (*sic*), Imperialism and Trade in the Ancient Economy. Papers were submitted for appraisal and debate, and a publication ensued. The seminars that A. H. M. Jones had held in his house in Fen Ditton—no less famous, but for other reasons—had been austere events. Jones invariably stunned the audience by his unparalleled knowledge of the sources while exposing the imperfections in the offerings of graduates. Crook—who regularly did the journey to Fen Ditton both ways on foot, a five-mile round trip—deferred to the Professor like everyone else, but also gave the session an intellectual edge it might otherwise have lacked by posing intelligent and searching questions. In the Finley seminars Crook took up a different role altogether, that of advocate for the defence or

simply for the other point of view. Finley always had a case, put it forcefully and sometimes rode roughshod over opposing positions. Crook stood up to him and could be quite combative. The audience watched spellbound as the gladiators crossed swords. In fact, any reader of the review-journals could have predicted such encounters. Crook as a reviewer was prone to state his opinion with at times brutal frankness. Finley likewise—except that in Finley it shaded into polemic, but not in Crook. Thus when Crook clashed with Finley, he was not being deliberately subversive. Rather, he loved a good argument. As did Finley. One incident, fairly typical, makes this clear. In a session on the Athenian empire a long argument ensued about the point of reference of the *kaloi k'agathoi* in the text of Thucydides. Some members of the seminar took Crook's side and made their support for him audible. Suddenly Crook said: 'No, I've changed my mind. You're right.' He was quite happy to admit that Finley was right on this one, having thought the matter through. The deflation in those who had followed rather than thought was evident.

Crook did not find the Finley regime as congenial as that of Jones, and he did not welcome the 'modernising' tendencies that were making themselves felt in the way ancient history was being taught and researched. 'He was old fashioned in some of his views (for example, discouraging me from trying to use anthropology or social theory in my work), but was always willing to engage on such issues rather than rejecting them out of hand.' 'I happened to bump into him on King's Parade and he asked me what was going on now in the wider intellectual world. That itself seemed pretty amazing to me, for he had the reputation of being a rather blinkered man. So I mentioned the name of Foucault (I had just bought my copy of *Surveiller et punir*), and said something about his idea of *discours*, the rise of certain types of controlling institution, and the body as a site of discursive interventions of different sorts. He seemed quite interested, perhaps because he could see some link to the way in which legal discourse functioned in the Roman world.'

There was much about the Finley regime of which Crook could approve; for example the Ancient History syllabus did not change in substance from Jones to Finley. Looking back a decade after his retirement, in writing to a no doubt mystified foreign scholar, he bemoaned the substitution of 'topics' for 'periods', but this change was engineered by his successor Keith Hopkins in the mid-1980s. Up to that time, undergraduates specialising in Ancient History in their third and final year of the Classical Tripos studied a historical period with the aid of compendia of

texts, of which the pioneer volume was V. Ehrenberg and A. H. M. Jones, *Documents Illustrating the Reigns of Augustus and Tiberius* of 1949 (affectionately dubbed 'Victor Hugo' by Crook). Crook strongly supported such collections—their various imperfections, he argued, 'are outweighed by the practical advantage to the ordinary student of making much accessible to him that would otherwise not be so without more time than he can afford and more facilities than he has available'. In a letter to a French scholar (who could hardly have been expecting this confidence), he writes: 'It was I who persuaded the Faculty to venture, first of all, as far as the period of Nerva to Hadrian, and then, right up to the Severans; and for each of these periods I was in charge of the course and taught it myself *ambulando*.' He continues: 'Mary Smallwood borrowed my material for her collection *Documents Illustrating the Reigns of Nerva, Trajan and Hadrian*, and I had it in mind, with John Graham, to publish a parallel volume for the Severans, which has never come to fruition.'

In the 1970s Crook was finding satisfaction and fulfilment in two other arenas, the Roman Law Group, and his college. In the Roman Law Group, which he used to dub the Gremium (also the German word for *consilium* as in *consilium Principis*), Crook could be everything that he was not in the Finley Seminar: secretary and organiser, happily playing second fiddle to the Professor of Civil Law in whose rooms the meetings took place in civilised fashion over claret, at the same time keeping the members on their toes with well-posed, sharp questions, often about technical details of Roman law. In St John's he was President for four years (1971–5), and so among many other duties acted as social head of the Fellowship. He regarded the office as a high honour and gave it his total commitment, especially in the area of hospitality where he naturally excelled. One wonders however how far he was constrained by the dignity of office to retreat from his (normal) studied unconventionality. In other times he would delight in going where no one would follow: humming through grace, grabbing a menu to write some witticism on the back of it, then reverting in an instant to po-faced correctness if anyone looked around. On one occasion he 'tried it on' the Fellowship by changing 'omnibus Christianis' in the postprandial grace to 'omnibus hominibus'. After a good deal of fuss and puff and consulting the Fellows, the status quo prevailed.

At the end of the 1970s the Chair of Ancient History again became vacant following the retirement of Finley. Crook does not appear to have anticipated an invitation to succeed him. In any case, he was reluctant to accept and needed to have his arm twisted. Why? After Jones and Finley

there could not fail to be some anticlimax. Jones and Finley were Olympian in stature, though there could hardly have been a greater contrast of models between the two: in Jones, profound familiarity with the ancient sources in all their variety, in Finley sheer intellectual brilliance; the best of (Oxford-trained) British versus the European and Cosmopolitan. Both were prolific writers which Crook was not and never would become. Crook was a modest man. He neither craved the limelight nor welcomed the responsibilities of leadership, or not at this level. In the end he accepted a post he did not want. Within the year he had resigned from the British Academy.

The 'Fourth Man' in the Cambridge Spy Ring, Sir Anthony Blunt, FBA, was exposed on 16 November 1979. Crook was among the narrow majority on the Council of the Academy that recommended Blunt's expulsion, on the ground 'that he is not a fit and proper person to be a Fellow'. In the AGM on 3 July 1980 the Council's proposal was not put to the vote, nor was Lord Robbins' amendment to the effect that the meeting 'should deplore the conduct of Professor Blunt and not proceed further in the matter'. After lengthy discussion it was agreed to take the next item on the agenda. Crook was the second of four Fellows to resign in protest at the decision (or indecision) of the Fellowship. Why did he resign? As he put it in his letter of resignation of 6 July: 'I was deeply dismayed at the evident size of the majority of members of the Academy who hold what seems to me an untenable view of the nature of the institution and of its necessary relationship to the life of the nation in general. I cannot bring myself to believe that the Academy is, or should be, an ivory tower of nothing but scholarship.' When two months later the President wrote to him inviting him to reconsider his resignation, he replied 'Thank you warmly, but no.' His reasons for resigning had not changed. They were 'partly gut reasons and partly an argument'. On the intellectual level, he disagreed with the majority view that it was not the business of the Academy to pronounce on a person's fitness to be a Fellow in the light of non-scholarly misconduct. But the emotional element in his response should not be overlooked, and he could not decide himself whether the 'gut reasons' were more, or less, important than 'the argument'. Crook was convinced that 'secret gnawing at the foundations of the state damages the whole of society . . . including ultimately its scholarship', and was outraged by the failure of his colleagues to appreciate this and act upon it. All that said, his position was more complex than might appear at first sight: on the one hand, he would have voted for the amendment had it been put (as he states in his letter of resignation);

and on the other, he subsequently distanced himself from *ex post facto* attempts of a few Fellows to reverse the decision of the AGM, for example by threatening resignation.

Finally, it is worth noting that, unlike those Fellows who resigned or threatened to resign very publicly and other academics who likewise expressed their opinions in the press, Crook kept his head down. In a letter to the Secretary of the Academy he gleefully describes himself as ‘the third man’, one of the two referred to in newspapers as of identity unrevealed. ‘So I expect there will be sniffings around. If so they can be referred to me.’ He goes on to assure the Secretary that he had no desire to exacerbate the difficulties of the Academy and its officers. Throughout the business, Crook conducted his correspondence with the officers of the Academy, and senior academicians who attempted to persuade him to withdraw his resignation, with the utmost courtesy and grace.

As a postscript, we may adduce an earlier incident in Crook’s career. In 1960 he resigned from the Council of the Roman Society. A book composed by his Cambridge colleague D. R. Shackleton Bailey received a punishing review in the *Journal of Roman Studies* from W. S. Watt, who had earlier gone over a draft of the book with the author (as is stated in the preface). The two men had later quarrelled. The Review Editor was unaware of this when he commissioned the review and subsequently acknowledged his error. However, when Shackleton Bailey requested the right to reply, he was refused by the Council, on the grounds that replies to reviews were not normally allowed in the journal. In resigning from the Council (he did not follow Shackleton Bailey in withdrawing from the Roman Society itself), Crook contrasted a decision ‘between the expedient and the inexpedient’, with one ‘between right and wrong’; there was a distinct difference, as he put it elsewhere, between ‘questions of expediency and questions of conscience’. Colleagues who remonstrated with him at the time and asked him to reconsider his decision unsurprisingly rejected the implication that they themselves lacked convictions and consciences; nor did they concede that resignation was the only acceptable way of dissociating oneself from a decision felt to be wrong. Why did he not simply accept defeat in this instance and stay on to fight another round? Does an appeal judge who finds himself in a minority resign his office for that reason? In a corner, Crook fell back on a military metaphor—he found himself, he says, ‘in the position of “our Tommy, the only one in step”’. He stuck to his guns.

Crook held the Chair of Ancient History from 1979 to 1984. His natural diffidence in addition to an exaggerated estimation of the qualifications

needed for the post made him a reluctant professor from the start. He was conscientious in carrying out the professorial duties, but he did not grow into the part. On the contrary, he grew more and more disenchanted. His farewell speech to a gathering of his colleagues in which he confessed his inadequacy was an embarrassment. He seemed unaware that he was the only one in the room who considered him unworthy. His experience as Chairman of the Faculty played a part in hastening his retirement. He did not enjoy the Chairmanship. He labelled his file wryly 'heisse Kartoffeln'. The advent of computer-aided research filled him with dread. Instead of reading Cicero—and his hero Jones was said to have perfect recall of Cicero—people would fall back on word-search. He was alarmed by the prospect of classes for the Latin-less running in parallel to classes for the Greek-less. There were other changes in the wind which did not appeal to him. It was time to go.

In his retirement Crook published a third significant book, as well as a number of significant papers and a spate of reviews. The subject of the book was not Roman jurisprudence, as might have been expected, but Roman advocacy. He was well equipped to write a book on the jurists, had ample material at hand and a challenging argument up his sleeve. In 1998 he wrote to a French scholar acknowledging receipt of his recently published monograph on law-making in the Severan age, but stating that in his present state of 'ossification' ('vieilli, manquant de mémoire, mes forces épuisées') he felt antagonistic to the theses of some scholars—'and I have to say, to some theses that you yourself have embraced'. Crook proceeded to destroy the notion of a 'juristen Prinzipat', 'even in the 2nd and 3rd centuries': 'In general terms: jurists have a tendency, in every age . . . to imagine that society rests on them. This is, in every age, an illusion. The law is only one phenomenon among several that regulate a society. It is true that this mistaken view is encouraged, in the case of Rome, by the state of the sources, the Digest containing by far the most substantial mass of material that we possess . . .' There follows 'une Décalogue (inattendue) de non-croyances', of which I cite the first and the fourth: 'The great majority of functionaries were without juristic competence, and were not appointed for that reason; besides, they held office only for short periods. The most important of the praetorian prefects of the Severan emperors, Plautianus, was not a jurist, and Ulpian's tenure of that post was a disaster.' 'Hence I regard the notions of "robe palatine" and "herrschend (juristische) Gesellschaft" as a phantom. Ulpian was not a Richelieu.' At the end of his letter Crook apologises for his crankiness and suggests that the recipient might like to respond. There is no sign that the invitation was taken up.

Legal Advocacy in the Roman World (London, 1995) recalls *Law and Life of Rome* in its concern with the 'legal order as part of a historical society'. In the intervening years the 'Law and Society' movement had become prominent in the United States. Though he never explicitly makes the link with this movement, Crook is at one with its practitioners in focusing on what law actually does rather than what it ought to do. More specifically, he turns the spotlight on to advocates, as the prime actors in the 'litigatory side of law'. He asks why there were advocates at all in Rome, what role they played, and how advocacy became a *profession* in the course of the Principate. Yes, a profession, alongside that of jurisprudence, but generally viewed askance because its main weapon was rhetoric ('an object of scorn, the very word a "boo-word"'), and one that in the traditional accounts is condemned to an early decline following the advent of emperors. This is a book with a mission: 'to induce readers to view more positively and with greater respect that side of the Roman legal order which consisted in arguing the instant case'. Crook is insistent that in engaging in this cause 'we are not dissecting a dead duck' and cites a number of relevant discussions excerpted from cases heard before contemporary American Appellate jurisdictions to prove it. Similarly, he strengthens his case for the necessity of 'taking rhetoric very seriously' by explicitly situating his argument within the late twentieth-century 'philosophical trend' known as 'La Nouvelle Rhétorique'. The book, then, is concerned with rhetoric, not logic; persuasion, not conviction; advocacy, not jurisprudence.

Crook in *Legal Advocacy* draws on the whole armoury of 'old evidence', ranging from speeches, treatises and sundry prose sources (especially Pliny and Tacitus) to imaginative literature such as novels and theatre (thus presenting the classical culture of the *agon* over a broad canvass). But it is in his use of papyri, 'the under-exploited source', that he makes a real breakthrough. The orthodox view that advocacy declined in the course of the Principate was based on the 'old evidence'. By a brilliant dissection of the abundant papyrological record of advocacy Crook demonstrates the vibrancy and professionalism of 'the vicarious voice' throughout the period of the Principate, including the 150 years which (in his reckoning) followed the supposed period of decline. Crook in fact created an opening for other scholars to reassess the role and function of advocacy *beyond* the period of the Principate, in the process revising his own judgement that advocacy became in late Antiquity a mere 'handmaid to the Later Roman Bureaucracy'. Crook's third book was bold and ground-breaking, a worthy climax to his scholarly career.

Much of Crook's scholarly activity in the period of his retirement was however collaborative. He loved working with like-minded individuals or small groups of scholars on some common enterprise, whether it was a matter of deciphering and editing new documents (such as the Spanish municipal law, the so-called *Lex Irnitana*) or re-editing old ones (as with the Roman Statutes project directed by Michael Crawford). From a number of possible examples I choose two. The first was a project undertaken in concert with J. G. Wolf which had the aim of producing a new edition of some recently discovered documents from Pompeii. This proved too ambitious and achieved only partial success. The second project involved the translation from Danish into English of a big book on Athenian Democracy by a close friend, Mogens Herman Hansen. This had a happier outcome.

In the late 1970s, Crook and Wolf joined forces to produce an edition of the Murecine Tablets to which they had been drawn independently. These lacquer-covered writing tablets, numbering more than 100, were found in a wicker basket outside Pompeii in 1959. They relate to the business activities of several Sulpicii from nearby Puteoli (Pozzuoli) between the years AD 26–61, and are legal and financial in character. Two Italian scholars had already published them, but inadequately. Crook and Wolf resolved to do better. Wolf recaptures the scene as they pored over photographs of the Tablets in Cambridge. 'We worked at least 4–5 hours per day. I sat at the writing table and tried to decipher the text. John would sometimes look at the photographs. Mostly however he stood beside me and commented on what I thought I was reading. His most common observation was: 'That's not Latin'; sometimes with the addendum: 'I can feel it in my bones'. We also had long discussions over the contents.' They decided not to publish until they felt they had deciphered and fully understood all the documents; and they had other things to do; so progress was slow. Still, by the mid-1980s they had read all the documents and a provisional, private edition in typescript was in prospect. At this moment, they became aware that an Italian scholar G. Camodeca was producing an edition of the Tablets. The three met in Freiburg in 1988. They discussed some of the more difficult documents, and Wolf/Crook passed on to Camodeca a copy of their readings. It was resolved not to join forces. A letter of Crook to Camodeca dated 19 September 1989 implies that this was not his own inclination, even if he saw the point of their going ahead separately. That same year Wolf/Crook published *Rechtsurkunden in Vulgarlatein aus den Jahren 37–39 n. Chr* (Heidelberg, 1989), an edition of five of the Tablets. It is noteworthy that there are only trivial differences

between the text arrived at by Wolf/Crook and the version eventually published by Camodeca, an expert palaeographer. Nothing more was produced by Wolf/Crook in partnership. By the time Camodeca's two-volume edition saw the light of day, in 1999, it was too late to revive the Wolf/Crook project, which remained in theory on the table; at least, it was too late for Crook to play an active role. His last publication of any kind, a note on one of the Tablets, came out in the following year.⁶ Crook could not but have been profoundly disappointed at the outcome. A proposal issuing from his Danish friend Mogens Herman Hansen of Copenhagen arrived at just the right time.

In the late 1970s Crook had offered to translate Hansen's book on the Athenian Democracy in the fourth century BC, published in Danish in six successive fascicles in the years 1977–81, and running to 600 pages with more than 2,000 endnotes. The project eventually came to fruition in 1990–1. Crook and Hansen worked intensively on the text almost every day from early January to mid April 1990. 'The standard procedure was that John dictated what he had completed the previous evening and I put it into the computer. Words, idioms, phrases, were discussed as we went along . . . If there were problems of historical interpretation or points of view which John wanted to question we debated those before we started the dictation . . .' Hansen has this to say in his preface regarding Crook's contribution: 'My work has profited from his excellent understanding of Danish combined with his remarkable and very personal style in English. What is more: besides translating the book he exposed its content to critical examination and helped to determine its structure. Weak arguments were sharpened, repetitions cut out, inaccuracies detected and exposed, and my interpretations of difficult passages in the sources accepted only after long discussions with the Devil's Advocate, and often then in a revised form. It is my book—no doubt about it—but he has certainly left his mark on it, and for that I am especially grateful.'⁷

Colleagues and students experienced a similar generosity at the hands of John Crook on an equal or smaller scale. Anyone with a text to crack or a problem to discuss was warmly welcomed. Canny supervisors sent over their best students. If they were saying something different and unconventional Crook would egg them on and help them to put their argument more strongly: 'Don't be pusillanimous!' The cleverer they

⁶ 'Three hundred and six stakes', in U. Manthe and Chr. Kampe (eds.) *Quaestiones Iuris. Festschrift fuer Josef Georg Wolf zum 70 Geburtstag* (Berlin, 2000), 77–81.

⁷ The book is M. H. Hansen, *The Athenian Democracy in the Age of Demosthenes: Structure, Principles and Democracy*, trans. J. A. Crook (Oxford, 1991).

were, the tougher their reception. It was enough of a compliment to have one's arguments taken seriously, and to be invited to return. To be told as one left the room, after an hour or two's exposure to the 'refining fire', that one's thesis was 'a wonderful thing' was a cause for astonishment and celebration. (He more than made it up to the deserving when it came to the writing of references on their behalf.) Crook found it as difficult to receive praise as to give it. Self-deprecation was a habit that was hard to throw. When he was presented with *Thinking Like a Lawyer: Essays on Legal History and General History for John Crook on his Eightieth Birthday* (P. McKechnie (ed.), Leiden, 2002), a volume composed of contributions by students and friends, he spoke of never having expected that anyone would do a Festschrift for him. Everyone present could see that he was greatly pleased and deeply moved.

John Crook was kind and humane, a man of strong principles and complete integrity. He was endlessly generous, a wonderful host, and entertaining company. He had a ready wit and a great sense of fun. He never married, and regretted not having done so. 'Any college fellow who does not marry ends up by going slightly bonkers.' He was a most filial son, resolving at an early stage to devote himself to his parents and to look after them. Marriage possibilities took second place. Charlesworth, another bachelor, was a powerful influence and model. Also, the pattern of life that Crook established suited him, gravitating around St John's, his flat in Bridge Street two minutes away, and, barely a stone's throw from the college, the triangle of shops and commercial premises that stand north of the Cambridge Market. It was not obvious that there was any void in his social life. 'Free for coffee, John?' 'No. Diary full.'

He had many visitors, short- and long-term, the core of them Johnians renewing contact with their teacher or tutor (and sometimes the godfather of their child), but others too whom he had got to know. Those with musical skills were particularly welcome. When the Romanist Dieter Nörr came as John Crook's guest for the Lent Term of 2004, he brought his violin, in the knowledge that chamber music with John and his friends would be on the menu. What did they talk about? Music, life, and (a little) Roman law.

In earlier years he had travelled a good deal, though not to conferences, and mainly at the invitation of old friends (such as his undergraduate contemporary John Ferguson in Ibadan and in more recent times Mogens Herman Hansen in Copenhagen), former pupils, or 'adopted' Johnians. His tour of Australia and New Zealand in 1981 as a British Council Lecturer was, at one level, a sequence of learned seminars

and lectures, at another, one joyful reunion after another (marked, as his diary records, by good dinners and impromptu musical soirées) with Classicists whom he had invited to St John's and befriended. Had he ever visited North America he would have been received in similar fashion.

In his last decade John felt he had no more that he could himself contribute positively to his subject. The publications dried up. Public performance was confined to reading aloud in the college chapel, where he regularly attended Sunday evensong. This was something in which he excelled, and he knew it. His delivery could be almost musical. Few present will forget the beauty and the power of his readings from the poets (Donne or Eliot) to packed congregations on special occasions. He had in fact himself become a college institution, like the Classical Society, over which he presided anecdotally in his rooms until almost the end, or the Pig Club, the forum where Fellows and senior members of the college support staff (whom he specially cherished) would meet every term. John Crook was (of course) the epitome of the eccentric, old-fashioned don, but this does not explain the appeal of the man and the respect and affection in which he was held by so many.

P. D. A. GARNSEY

Fellow of the Academy

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A full bibliography of the publications of John Crook appeared in P. McKechnie (ed.), *Thinking Like a Lawyer: Essays on Legal History and General History for John Crook on his Eightieth Birthday* (Leiden, 2002).

In writing this obituary I have had access, through the kind permission of the Master and Fellows of St John's College, to John Crook's papers which are stored in the library of the college.