

# Rafał Taubenschlag

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"Zur Frage der Publikation im  
römischen Recht mit Ausblicken in  
das alt griechische und ptolemäische  
Rechtsgebiet", Fr. von Schwind,  
München 1940 : [recenzja]

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The Journal of Juristic Papyrology 1, 80

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1946

Artykuł został zdigitalizowany i opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej [bazhum.muzhp.pl](http://bazhum.muzhp.pl), gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

# SURVEY OF THE LITERATURE FROM 1939 UNTIL 1945

## SOURCES

FR. VON SCHWIND, *Zur Frage der Publikation im römischen Recht mit Ausblicken in das altgriechische und ptolemäische Rechtsgebiet.* Münch. Beitr. zur Papyrusforschung und antiker Rechtsgeschichte XXXI. München 1940.

This work is divided into three parts. The first part deals with the publication of the Roman sources of the law, the XII Tables and other *leges*, the *plebiscita*, public treaties, edicts and *senatusconsulta*. The author's thesis is that the publication of the law presupposed its validity and this idea was adopted by the Romans for the above mentioned sources of the law. In the second part the author discusses the publication of the Roman law in the provinces, particularly in Egypt. Here the author discusses the way in which the edict had to pass from the governor to the place of its placard, the placard itself, the officials charged with the latter, the place of its hanging out, the manner in which the hanging out took place, the material and the language of the placard, the duration of the placard, as well as the constitutive efficacy of the publication. An appendix treats of the same problems in the Ptolemaic law and its relation to the Roman law. The third part is devoted to the imperial constitutions. In this part, the author points out that the *Codex Theodosianus* adopted for the imperial constitutions the Greek idea on the constitutive efficacy of the publication.

E. VOLTERRA, *L'efficacia delle costituzioni imperiali emanati per le province e l'istituto dell' expositio.* Studi di stor. e dir. in onore di E. Besta I (1939), p. 117ff.

The Egyptian papyri of the Roman period show that there was no legislative unity in the Roman provinces before Theodosius and Justinian in the field of private law. Thus, for instance, the imperial legislation (Gnom. § 4.38.107) introduced provisions for exposed children in Egypt, quite different from those in Italy. Consequently, if we find in a constitution issued before Theodosius, provisions different from those enforced in that time in Italy, we can assert that this constitution was applied only in a particular Roman province such as Egypt, Syria and so on.

E. SCHOENBAUER, *Rechtshistorische Urkundenstudien, Die Inschrift von Rhosos<sup>1</sup> und die Constitutio Antoniniana.* Arch. f. Papyrusforschung, XIII, (1939), p. 177ff.

The author deals with three problems: whether Caracalla granted