

# Taubenschlag, Rafał

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"Written and unwritten marriages in Hellenistic and Postclassical Roman law", H. J. Wolff, Haverford 1939 :  
[recenzja]

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

separation of the spouses; the voluntary separation of the spouses; hereditary provisions in matrimonial contracts: *dos* and *parapherna*; ἄγραφος and ἔγγραφος γάμος; the term *συνοικεσίον*. Some remarks on ἐγγύη-ἐγγυῶ are added.

R. O. FINK, *The Sponsalia of a Classarius: a Reinterpretation of P. Mich. Inv. 4703*. Am. Philol. Ass. LXXII (1942), p. 109ff.

The author rejects the original interpretation of P. Mich. Inv. 4703 as a soldier's marriage contract. Instead it should probably be regarded as a contract of betrothal, in this case substituted for a marriage which had been annulled by the husband's enlistment. (Cf. *supra* Berger, p. 13ff.)

H. J. WOLFF, *Written and unwritten marriages in Hellenistic and Postclassical Roman law*. Published by the American Philological Association, Haverford, Penn. 1939.

There were not two types of marriage in the Chora, but two types of marriage contract, the *συγγραφή συνοικεσίον* and the *συγγραφή ὁμολογίας*, both of which brought about a perfectly lawful marriage. The *συγγραφή συνοικεσίον* and perhaps also the *συγγραφή ὁμολογίας* were already effective before the couple actually joined. The dual form of marriage met within Alexandria, the marriage contracted through *συγχώρησις* and the marriage contracted before the hierothytai were entirely lawful as to private law; the latter procured only a better political status of the sons. Ἀγράφως *συνεῖναι*, attested by Dura Perg. 22 as a common Hellenistic custom, was not different from the Ptolemaic homologia marriage, except for the fact that no written agreement was executed. The third chapter links the Greek marriage law of Egypt with the classic Greek law. In the fourth chapter the author explains that the requirement of a written contract as a condition of lawful marriage, which in some cases passed into law by the legislation of Justinian, cannot be due to adoption of provincial legal ideas but developed directly from ideas springing naturally from the latest classic Roman law under Christian influence.

W. ERDMANN, *Die Eheschliessung im Rechte der graeco-ägyptischen Papyri von der Besetzung bis in die Kaiserzeit*. Sav. Z. LX (1940), p. 151.

The marriage contract is at the beginning of the Ptolemaic era, the national Greek ἐγγύησις (Eleph. 1). Under the influence of the Egyptian law an agreement between the bridegroom and the bride with the assistance of the κύριος came into being, in which the dowry and the mutual rights and duties of the spouses were regulated. The ἔκδοσις, which lost its value, ceased to be mentioned, and one contented oneself with the acknowledg-