

# Rafał Taubenschlag

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"Die Ehescheidung im Rechte der  
graeco-aegyptischen Papyri", W.  
Erdmann, "Sav. Z.", LXI, 1941 :  
[recenzja]

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The Journal of Juristic Papyrology 1, 93

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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.

ment of the husband's accepting the *dos*, with which further arrangements used to be combined. In Augustus era, under the Roman influence, the idea prevailed that a valid marriage required only *mutuus consensus* as is the case in the *συγχώρησις*-documents. The former forms of marriage, however, remained also in force. Finally the author deals with the financial and personal effects of marriage.

W. ERDMANN, *Die Ehescheidung im Rechte der graeco-ägyptischen Papyri*. Sav. Z. LXI (1941), p. 44-57.

Divorce is accomplished either by mutual agreement or unilaterally by actual separation. In the former case a public document, since Augustus, one before the agoranomos used to be drawn up, in which the financial effects of the divorce were described. Especially the parties to the agreement issued a receipt that the *dos* and other gifts were returned, and discharged their claims. This document has, at the beginning, only a declaratory character which proves that the marriage was in fact dissolved. Whether Grenf. II 76 = M. Chr. 295 reflects the new point of view according to which the deed of divorce has not to prove but establish divorce, is doubtful. As far as the unilateral dissolution of marriage is concerned, the unilateral statement was replaced by a formal declaration (*repudium*) from the beginning of the IV cent. A.D.

W. ERDMANN, *Zum γάμος ἄγραφος der graeco-ägyptischen Papyri*. Festschrift Koschaker III (1939), p. 224ff.

\**Ἄγραφος γάμος* is like the Egyptian *συγγραφὴ τροφίτις* a financially secured concubinate. The characteristic of the *ἄγραφος γάμος* is that in this *γάμος* provisions on dowry are missing. The dissolution of such a marriage used to be attested by a deed in order to avoid any claims. The Dura-Europos deed of divorce confirms this idea. The acknowledgment of the concubinate as legitimate *conubium sine honesta celebratione* of the later times may have been influenced by the *ἄγραφος γάμος* of the Greco-Egyptian papyri.

S. SOLAZZI, *P. Mich. Inv. 508 e il matrimonio della filia familias*. St. Doc. Hist. Iuris V (1939), p. 471-79.

The article deals with reference to Mich. Inv. 508 with the question whether or not the consent of the *filia familias* was required for her marriage. The author asserts that Mich. Inv. 508 confirms his theory that her consent was not a prerequisite of the validity of her marriage.

A. MENKMAN, *Het Huwelijksverbod voor Soldaten ten tijde van het romeinsche principaat en zijn invloed op vorm en lot van de dos*. Tijdschr. v. Rg. XVII, 3, 311ff.

Not available.