Rafał Taubenschlag

"Zum γάμος ἁγραφος der graeco-aegyptischen Papyri", W. Erdmann, "Festschrift Koschaker", III, 1939 : [recenzja]

The Journal of Juristic Papyrology 1, 93

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, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolenego 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 consensu_ as is the case in the _συγγραφή τροφίτης_ documents. The former forms of marriage, however, remained also in force. Finally the author deals with the financial and personal effects of marriage.


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.


_Άγραφος γάμος_ is like the Egyptian _συγγραφή τροφίτης_ a financially secured concubinate. The characteristic of the _ἀγραφὸς 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 _ἀγραφὸς γάμος_ of the Greco-Egyptian papyri.


The article deals with reference to Mich. Inv. 508 with the question whether or not the consent of the _filia familiaris_ 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 romelische principaat en zijn invloed op vorm en lot van de _dos_. Tijdschr. v. Rg. XVII, 3, 311ff.

Not available.