

# Rafał Taubenschlag

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"The wicked guardian", H. Fr.  
Jolowicz, "Journal of Roman Studies",  
vol. XXXVII, 1947 : [recenzja]

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The Journal of Juristic Papyrology 3, 162

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1949

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.

A. P. CHRISTOPHILOPOULOS, Οὐδέπω ὢν τῶν ἐτῶν ('Ανατύπωσις ἐκ τοῦ ἀπιερώματος εἰς Κονσταντῖνον ᾿Αθαντον, Athens 1940).

In this article the author combats my opinion in *Sav. Z.* 37,195 that οὐδέπω ὢν τῶν ἐτῶν determines *infantes* under seven years and asserts that this phrase means the same as ὢν ἐν ἡλικίᾳ = *minor* (cf. my *Law I* 11166).

H. FR. JOLOWICZ, *The wicked guardian* (Repr. from the *Journal of Roman Studies* vol. XXXVII (1947), 82—90).

Uncles are the commonest guardians in all ages and their perfidy is a typical example of human wickedness. Among them who suspected them most were, according to our traditions, the ancient law givers of Greece; for guardianship and the connected subject of second marriages occupy quite a noticeable place in the scanty records of both legislators Solon (Diogenes Laertius I 56) and Charondas (Diodorus XII 15). After having examined the traditional sources and the papyri, the author comes to the conclusion that the evil reputation of guardians was not justified by the facts known to us as far as any menace to the life of the ward is concerned. We find in Athens as well in the papyri that — though guardians are often accused of dishonesty and rapacity — charges of personal illtreatment hardly occur. The alleged principles of Charondas find little support in the law and legal practice of Greece and Egypt. We have no real evidence that either step-mothers or guardians were practically evil and especially there is non evidence that guardians were in the habit of attempting to murder their wards, whenever this appeared to be in their own interest. But only on such an assumption is the rule attributed to Charondas really justified and the assumption belongs to literature not to life.

F. DE VISSCHER, *Un nouveau document sur la «donatio ante nuptias»* P. Mich. 508—2217. (*Chronique d'Egypte* N° 37 (1944) pp 101—107).

The most ancient known instance of a Roman *donatio ante nuptias* was until recently a rescript of Antoninus Pius in D 6, 2, 12 pr. Our document proves the existence of this Roman custom nearly half a century earlier (about 100 A.D.).

V. ARANGIO RUIZ, *Parerga, note papirologiche ed epigrafiche* (Napoli 1945).