

Kupiszewski, Henryk

In memoriam Adolf Berger (1882-1962)

The Journal of Juristic Papyrology 14, 11-12

1962

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IN MEMORIAM ADOLF BERGER
(1882—1962)

On April 8th, 1962 passed away in New York Adolf Berger, visiting Professor of Roman Law at the City College of New York, Member of the Accademia Nazionale dei Lincei in Rome, Member of Polish Institute of Arts and Sciences in America and honorary Member of Association of Polish Jurists in U.S.A.

Adolf Berger was born on March 1, 1882 at Lvov. There he graduated from a secondary school and studied law. Already in the University of Lvov Berger gave proof of his talent: he obtained the degree of *Doctor ustriusque iuris* with honours *sub summis auspiciis Imperatoris*. In the years 1910—1912 he studied Roman law and papyrology in Berlin under the guidance of P. Meyer and B. Kübler. Two excellent monographs: *Zur Entwicklung der Teilungsklagen*¹ and *Strafklauseln in den Papyrusurkunden*² were the achievement of this period of his studies. The second from the mentioned books won a high appreciation of the Master of the juristic papyrology L. Mitteis.³

Henceforth every year brings new works⁴ of Berger. The main field of his scientific research was the Roman law in various phases of its development. Thanks to his conscientiousness, exactness and objectiveness his scientific works are of great value. Thanks to the moderateness in the acceptance of interpolations at the times when the *Interpolationenjagd* was fashionable his work written half a century ago have not lost its importance till now.

His essays concern chiefly history of legal sources. From among the problems elaborated by him it is worth while to mention: the interdicts, the legal status of the *collegia*, the XII Tables, compilation of Justinian and the Byzantine legislation. A long series of

¹ Weimar (1912) pp. X + 248.

² Leipzig und Berlin (1911) pp. VI + 246.

³ ZSS 33 (1912) 518 f.

⁴ The list of main publications by Adolf Berger see J. Modrzejewski—H. Kupiszewski, *Adolf Berger a l'occasion du cinquantieme anniversaire de son activite scientifique*, *Jura* 9 (1958) 158 f. See also J. Modrzejewski, *Jura* 13 (1962) 207 ff.

the essays „Studies in the Basilica” secures him a place among the best experts of this at present neglected and undoubtedly very difficult domain of Roman law.

Not lesser was Bergers contribution to the encyclopedic publications. For the *Pauly—Wissowa RE.* he prepared nearly a hundred articles. Some of them are monographic studies of great originality which for a long time will be a starting-point further research. In the *Oxford Classical Dictionary* many articles concerning the Greek and Roman law were written by him. His excellent *Encyclopedic Dictionary of Roman Law* became an indispensable reference-book for every Roman law specialist as well as for historians and students of classical philology.

The last years of his life he devoted to the translation of the book of J.Juster; and this work inspired him to write a series of essays concerning the legal status of Jews in Roman Empire⁶.

Berger parted with the juristic papyrology after his studies in Berlin. Nevertheless he observed its development with vivid interest and was well acquainted with the newly published sources. After more than thirty years some his papyrological assays appeared again. They was written on the request of R.Taubenschlag for the first volume of this *Journal*⁷.

The imposing scientific of Berger is to be admired particularly because research work was for him, during all his life, a secondary occupation. He never succeeded in obtaining an ordinary post at university and struggled hard with great material difficulties. Neither did his fate spare him other misfortunes. The death of his wife was for him one of the most tragical moments in his life.

By decease of Adolf Berger the science of Roman Law lost one of its most prominent representatives, a scholar of great talent and a man who in spite of the adversities of fate kept his love of learning.

[Warsaw]

Henryk K u p i s z e w s k i

⁵ *Les Juifs dans l'Empire romain*, Paris (1914).

⁶ *Some Remarks on Caracalla's Rescript C. J. 1, 9, 10 and its „Universitas Judeorum”*, *Jura* 8 (1957) p. 75 ff.; *C. Th. 2, 1, 10 and C, J, 1, 9, 8 pr.*, *Jura* 10 (1959) 13 ff.; *La concezione di eretico nelle fonti Justinianeae*, *Rend. della Classe di Scienze morali dell' Accademia Nazionale dei Lincei*, ser. 8 vol. 10 fasc. 5—6 (1955) 353 ff.; *Bas. 21, 1, 45 e C. J. 1, 5, 25*, *Jura* 6 (1955) 104 ff.

⁷ *Miscellanea Papyrologica*, *JJP* 1 (1946) 13 ff.; A. Berger and R. Taubenschlag, *Bibliography*, *ibidem* 152 ff.; see also *Book Review*, *ibidem* 124 f.