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""Tituli ex corpore Ulpiani". Storia di un testo", Felice Mercogliano, Napoli 1997 : [recenzja]

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compares the Greco-Egyptian *διαγραφαί*² with the *tabellae* and states that the form and function of the latter show clear influence of the former one. A thesis of international character of the antique banking institution finds therefore firm support. But again — the proposition that the *tabella* was a transfer document, remains only, however very plausible, a hypothesis. One should remember that finds from Pompeii and Herculaneum do evidence only the Campanian, or in the broadest approximation, Italian documentary legal practice from 1st century AD.³ It should be also pointed out that Gröschel cites papyri without commenting the later readings as listed in *Berichtigungsliste*. On page 343 citing *P. Flor.* I 1 B1, 23 neither he applies nor he comments Wilcken's correction;⁴ he assumes the same approach in the case of *P. Lond.* II 332 (pp. 209-10), line 19⁵ (p. 345) and *CPR* I 15⁶ (p. 346).

The book is closed with a detailed bibliography and two indices: source and problem one which allow for better utilisation of this important dissertation. Last but not least one has to underline the crystal-clearance of the author's discourse. The issues are extremely well presented in the inner-structure of the book — chapters, subchapters, paragraphs, subparagraphs. The questions concerning the main idea in a minor, or auxiliary manner are presented in separated sections and therefore do not interfere with pursuing the author in his reasoning.

[Jakub Urbanik]

Felice MERCOGLIANO, «*Tituli ex corpore Ulpiani*». *Storia di un testo* (= *Pubblicazioni della Facoltà di Giurisprudenza dell'Università di Camerino* 44), Jovene Editore, Napoli 1997, pp. 121, ISBN 88-243-1239-X.

Last decades could not be considered as the period of intensive studies on Roman legal sources. It should not surprise, because great discoveries in this field belong to the past. The *lex Irnitiana* is only an exception here. Fortunately, critical source studies become nowadays a part of modern Romanistic investigations. Latest paligenetic attempts or historical works on reconstructions of the XII Tables indicate this new approach of contemporary research. Although the studies are still rare, there is no doubt that ancient sources of law require reexamination. Firstly, new achievements of the discipline should be taken in account and secondly, modern methods can be applied.

² He mainly refers to the results of Peter DREWES, "Die Bankdiapraphen in den gräko-ägyptischen Papyri", *JJP* 18, 1974, pp. 95-156.

³ Let us remember about differences that are to be found in practice of *chirographa* documenting a loan, *mutuum*, between tables from Muréciné and the documents from Egypt and Dacia (which are shown at least by the documents from *FIRA* III show: n° 121 (*P. Fouad* I 45 where *mutuum* is reported in a letter form) and n° 122 (*CIL* III p. 934 f. (n° V) — ageing a wax table document but very different from the *TPSulp.* or *TH* in its content).

⁴ *P. Brem.* 68, com ad l. 24 (p. 157); cf. *BL* 3, 55.

⁵ *BL* 1,264 (GRENFELL and HUNT)

⁶ *BL* 1,113 (ZERETELI).

In this context, the Felice Mercogliano's initiative and efforts should be highly appreciated. His concise book entitled «*Tituli ex corpore Ulpiani*». *The History of a Text* belongs to the new trend in historical legal studies. His research focuses on the origins and the mysterious *traditio* of this important legal source.

It is not without significance that the task has been taken undertaken by the distinguished Roman law specialist. F. Mercogliano is a member of respectful Neapolitan school. He lectures in Camerino and in Naples, and became famous because of his *Librorum index* — the detailed books review in the *Index* — the International Survey of Roman Law.

Professor Romuald Hube published extracts of Ulpian's works in 1826 in Warsaw. *Ulpiani libri singularis regularum fragmenta edidit Romualdus Hube*, was the first edition of Roman legal sources in Poland. Therefore, Polish readers have an additional reason to welcome the new book about this source enthusiastically.

The way in which the *Tituli* are written indicates that they served as a handbook. Although their abstract and dogmatic style reminds postclassical documents, they have their precedence in Gaius' *Institutiones*. Considering it, F. Mercogliano decided to concentrate on the nature of the *Tituli*.

The problems with the source start with variety of its names. It is cited not only as the *Tituli ex corpore Ulpiani* or the *Liber singularis regularum*, but as the *Regulae*, and the *Epitomae*, and the *Fragmenta Ulpiani* as well. Yet, the real controversy comes out in the discussion on the Ulpian's authorship of the handbook final version. This essential problem embraces two other issues. Are the *Tituli* identical with the *Liber singularis regularum*, which was attributed to the Roman jurist by the *Digesta* compilers? Could the influence of Gaius' *Institutiones* be proved only by obvious similarities in both texts?

The first chapter is a historical introduction. It presents the handing down the *Tituli* to the posterity. The *editio princeps* based on the *Codex Vaticanus Reginae* 1128 is mentioned. Different opinions on its identity with the *Liber singularis regularum* are reviewed in the second chapter. Yet, the author decided to confront the problem himself in the next chapter. He suggests that the *Tituli* were 3/5 of the *Liber singularis regularum*, i.e., of the original Roman handbook. Therefore, the Vatican Code comprises excerpts of the work cited in the *Digesta*.

In the fourth chapter, F. Mercogliano discusses thoroughly similarities with the Gaius' *Institutiones* and tends to prove the genuineness of the *Tituli*. According to him, if the first handbook were useful for law students, the second would serve to the judiciary. The author also suggests that both texts could have the same inspiration, e.g., the work of Mucius Scaevola. The fifth chapter contains the comparison of the *Tituli ex corpore Ulpiani* with other Ulpian's writings. Philological studies prove to be essential. They show significant differences with Gaius' style. They do not confirm that Ulpian was not the *Tituli* author. The last chapter is dedicated to the *Liber singularis regularum*. Mercogliano insists that the classical Roman jurist intended to create a handbook in simple but precise and terminologically correct Latin. Therefore, he had to write a short work on private law rules before A.D. 223.

The lack of conclusions is the main inconvenience of the Mercogliano's book. His opinions can sometimes be found in the beginning of chapters. However, it is not necessarily disadvantage in this case. If the conclusions were stated firmly, the picture presented could be controversial, because it might appear too coherent. The answers

are so obvious that one can be surprised with doctrinal discussions in the past. The author tends to accept only facts transmitted to our times. The approach does not seem to leave space to unknown factors. Therefore the vision of the *Tituli* history is total and compact, when there is no guarantee that all parts of the puzzle are in the box. Nevertheless, the book has to be found interesting and important. It allows to realize how complex are problems related to the *Tituli ex corpore Ulpiani*.

[Franciszek Longchamps de Bérrier]