

Rabel, Ernst

"The Law of Greco-Roman Egypt in the Light of the Papyri", Rafael Taubenschlag, New York 1944 : [recenzja]

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

RAFAEL TAUBENSCHLAG, *The Law of Greco-Roman Egypt in the Light of the Papyri*, New York: Herald Square Press, Inc., 1944. Pp. XV, 488.*

The documents written on papyrus in the Demotic, Greek, Latin and Coptic languages and preserved in the sandy soil of Egypt, magnificently illustrate public and private life during the thousand years from Alexander the Great to the Arab conquest. Decrees, court proceedings, decisions, records, and tax registers, contracts and letters, tell sometimes of great events, but generally of the daily experiences of the people, and offer a unique insight into the humbler concerns of the ancient world. That the changes wrought by the many alien rulers that Egypt had to endure, by Persians, Macedonians, Romans and Byzantines, failed to split that millennial period into separate histories, is due to the country's geographical seclusion and to the constant arbiter of its economic condition, the Nile. Conservative tendencies have been as strong as the stones supporting the pyramids. Persistent legal forms and government practices buttressed the most refined bureaucratic system of any time until the eighteenth century, although the Pharaonic institutions were significantly transformed by the inventive Greeks and subsequently by the Roman masters of coordination.

These factors so powerful in molding Egypt's internal structure, have given to the modern study of the papyri a distinctive position in the complex of historical disciplines. Philologists and historians of all nations have accomplished a huge work on the originals which are dispersed throughout the museums and universities of the world. Jurists have interpreted them against the background of Roman laws, Greek orations, inscriptions, and Oriental sources. Innumerable questions of legal history are partly raised and partly answered by the documents; there are fundamental problems, such as one might expect at the bridge of continents, religions and cultures, and in the course of developments running from the oldest East through classical antiquity to our own ancestors.

Ludwig Mitteis, the great scholar who initiated "legal papyrology" exactly half a century ago, published in 1912 "Outlines" in which he provided a résumé of his own views on selected topics. After this eminent but now antiquated work, no synthesis of the legal aspects of the papyri was written, apart from a long series of excellent partial surveys by the author of the present book. Rafael Taubenschlag, well known professor at the University of Krakow, Poland, as a young man, participated in

*Despite the usual practice not to review books written by an editor I found it appropriate to publish Prof. E. Rabel's review feeling that in the picture of legal papyrology of previous years, a book dealing with the Law of Greco-Roman Egypt in the light of the papyri should not be neglected.

the spirited gathering around Mitteis in Leipzig, and ever since has devoted the indefatigable labor of a lifetime to the papyri.

In his new treatise, Taubenschlag has surpassed his own praiseworthy achievements in breadth and depth. The book covers in systematic order private, penal and procedural laws as a whole. It states what information the documents contain regarding each small topic such as polygamic marriages, sales of donkeys, the crime of impiety committed by offending the king. The emphasis is laid on the certain, or at least highly probable results of exploring the sources. At the same time, the work consistently satisfies the two basic and difficult requirements of distinguishing the different periods as well as the national laws which coexisted and mutually influenced one another. The impressive Egyptian renaissance in the midst of the Ptolemaic reign, and the later case of conquered conquerors, the penetration of Greek conceptions into the sphere of Roman life, are mirrored in legal history, and so are many other phenomena. The rules used promiscuously, as it seemed, by Egyptians, Greeks and Romans have held our interest but have long puzzled us. Taubenschlag has had a primary part in delimiting the compass of actual application of Greek and Roman laws in Egypt. It is gratifying to realize, in reading this clear and full analysis, how many veils have fallen, how many of the old riddles have been solved. Whether they approach the various forms of "unwritten" and "written" marriages, the multitude of mortgages and liens, or the confusingly mixed jurisdiction of courts, scholars following this guide will scarcely again feel lost as did their predecessors. General treatment of such subjects as crimes and delicts, and their punishment, have never been given by any other author.

Written in unassuming language, with great care and objectivity, each statement documented with full evidence of sources and literature, the book is a report of amazing completeness, a sober summary of fifty years of a new and vital science, and a supplement to the knowledge of any expert. It will prove indispensable to the field of ancient law and history, and will provide an impetus to the advancement of comparative, social and legal history.

In English, no book whatever has been available to introduce scholars and students into the vast and delicate body of materials which bristle with linguistic and technical difficulties. This gap has been filled at last, and competently. In connection with the model editions of papyri edited in their time by Grenfell and Hunt, the other English and the recent admirable American editions as well as Rostovtzeff's social-historical works, Taubenschlag's legal compendium opens to those scholars familiar with Greek the way to an independent study of these incomparable evidences of past civilization. Those who have had no Greek, obtain here

for the first time a view into family and business relations, civil and criminal procedure and the national intercourse of an epoch, the effects of which continue to be felt after another thousand years have elapsed. A laudable accomplishment of the arduous task of printing contributes to the success of the enterprise.

The distinguished author has rendered science a great service during his years of sorrow and exile. The gratitude he expresses in his preface to Professor Westermann of Columbia University, the Rockefeller Foundation, and the publisher, Mr. Monsky, for generous help, is certain to be shared by the many who will be interested readers.

ERNST RABEL.

H. C. YOUTIE, O. M. PEARL, *Papyri and Ostraca from Karanis*. Michigan. Papyri, vol. VI. Ann Arbor. The University of Michigan Press 1944.

The papyri and ostraca presented in this volume were recovered at the site of ancient Karanis. N° 364-371 are official documents, N° 372-420 refer to taxation, 421-426 are petitions, 427-428 contracts, 700-971 ostraca.

N° 364 (179 A.D.) is a notice of change in the registry of a parcel of catoecic land, addressed by the farmer of the tax on catoecic records of the Arsinoite and other nomes to the syntaktikos, or recorder of the "division of Heracleides." The land concerned was sold at auction by the state to Gaius Apollonius Niger (cf. CPR. 1 = M. Chr. 220, ll. 5-7). Although the purchaser obtained the property Jan.-Febr. 176, about three and one half years elapsed, before it was transferred to his name on the catoecic registers (cf. BGU. VII, 1567). This delay may be explained by the fact that the sales by auction took place only on condition that no overbid was made during the period of probably three years (cf. Wilhelmsen, *Zum röm. Fiskalkauf in Ägypten* 19). As soon as the term for the overbid had elapsed, the *μετεπιγραφή* could be performed. N° 465 (194 A.D.) is an excerpt from the minutes of the epistrategos. An Antinoite entered a complaint against a resident of Karanis and a summons was sent to the latter to appear before the epistrategos. When the defendant failed to appear, the plaintiff's advocate asked that the defendant be sent to Antinoopolis for trial. After ascertaining that the defendant was resident from Karanis, the epistrategos granted the request. Evidently the *δίκαια Ἀντινοειτικά* granted the Antinoites the privilege: *jus evocandi ad forum Antinoense* (cf. on the privileges of Antinoites, Taubenschlag, *Law* 11) but evidently with the restriction the defendant should belong to the same jurisdictional district as the plaintiff, that is to Heptanomia, for which *conventus* in Memphis used to be held (cf. Wilcken, *Arch f. Pap.* IV,