

# Taubenschlag, Rafał

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"Ελληνικ? εν Αιγύπτω γαμελια  
συμβολεια", G. Gardikas, "Αρχ. ίδ. δικ.",  
VI : [recenzja]

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W. L. WESTERMANN, *Between slavery and freedom*. The Am. Hist. Rev. L (1945), p. 213ff.

This short essay offers more than its modest title indicates. The author develops the idea that the essential of human freedom in antiquity is the right of movement and this "spacial mobility" is recognized as a legal right. The limitations of this right may be set up by agreement (as in manumissions, marriage-contracts, vows to the god as in the case of *κάτοχοι*) or may be statutory (as in the case of royal peasants, *βασιλικοί γεωργοί* and workers in factories in Ptolemaic Egypt). The author reviews the restrictions of the right of movement in the later Roman Empire, in the Middle Ages and in modern times. The essay is only an extract of the author's work on the subject which is in preparation.

W. L. WESTERMANN, *Slave Maintenance and Slave Revolts*. Classical Philology. XL (1945), p. 1ff.

This essay is of high importance for papyrologists. The author points out that the idea of accepted standards of maintenance-arrangements (*tropheia*) for slaves, for indentured freedmen and for free persons must be generalized out of the Delphic manumission over the Greek world in the Hellenistic period. He analyzes the terms *τρόφιμον* and *τρόφιμον δουλικόν* in the papyri and points out that the terms refer to two different types of sustenance, the former for free persons, the latter for slaves.

#### THE LAW GOVERNING DOMESTIC AFFAIRS

F. SCHULZ, *Roman Registers of Births and Birth-Certificates I*. Journal of Roman Studies 1942. XXXII (1942), p. 78ff.

The author gives a full list of the documents concerned, arranging them in two groups, birth certificates of legitimate and of illegitimate children. Within each group the documents follow in chronological order, as far as possible according to the date of the entry in the register. Then he discusses the legal basis of the Roman registration of birth, the *professio liberorum*, the registration of births, *kalendarium* and *album* (to be concluded).

G. GARDIKAS, *Ἑλληνικὰ ἐν Αἰγύπτῳ γαμελία συμβόλαια* ('Αρχ. ἰδ. δικ. VI, 157ff.).

Taking as a starting-point Eleph. 1, the author compares the legal position of a woman, as revealed in this papyrus, with that of a daughter under *patria potestas* in Egyptian law; then he discusses the time and the place where marriage-contracts were drawn up; the provisions of the marriage contracts on the joint dispositive powers of the spouses; the voluntary

separation of the spouses; the voluntary separation of the spouses; hereditary provisions in matrimonial contracts: *dos* and *parapherna*; ἄγραφος and ἔγγραφος γάμος; the term *συνοικεσίον*. Some remarks on ἐγγύη-ἐγγυῶ are added.

R. O. FINK, *The Sponsalia of a Classarius: a Reinterpretation of P. Mich. Inv. 4703*. Am. Philol. Ass. LXXII (1942), p. 109ff.

The author rejects the original interpretation of P. Mich. Inv. 4703 as a soldier's marriage contract. Instead it should probably be regarded as a contract of betrothal, in this case substituted for a marriage which had been annulled by the husband's enlistment. (Cf. *supra* Berger, p. 13ff.)

H. J. WOLFF, *Written and unwritten marriages in Hellenistic and Postclassical Roman law*. Published by the American Philological Association, Haverford, Penn. 1939.

There were not two types of marriage in the Chora, but two types of marriage contract, the *συγγραφὴ συνοικεσίον* and the *συγγραφὴ ὁμολογίας*, both of which brought about a perfectly lawful marriage. The *συγγραφὴ συνοικεσίον* and perhaps also the *συγγραφὴ ὁμολογίας* were already effective before the couple actually joined. The dual form of marriage met within Alexandria, the marriage contracted through *συγχώρησις* and the marriage contracted before the hierothytai were entirely lawful as to private law; the latter procured only a better political status of the sons. Ἀγράφως *συνεῖναι*, attested by Dura Perg. 22 as a common Hellenistic custom, was not different from the Ptolemaic homologia marriage, except for the fact that no written agreement was executed. The third chapter links the Greek marriage law of Egypt with the classic Greek law. In the fourth chapter the author explains that the requirement of a written contract as a condition of lawful marriage, which in some cases passed into law by the legislation of Justinian, cannot be due to adoption of provincial legal ideas but developed directly from ideas springing naturally from the latest classic Roman law under Christian influence.

W. ERDMANN, *Die Eheschliessung im Rechte der graeco-ägyptischen Papyri von der Besetzung bis in die Kaiserzeit*. Sav. Z. LX (1940), p. 151.

The marriage contract is at the beginning of the Ptolemaic era, the national Greek ἐγγύησις (Eleph. 1). Under the influence of the Egyptian law an agreement between the bridegroom and the bride with the assistance of the κύριος came into being, in which the dowry and the mutual rights and duties of the spouses were regulated. The ἔκδοσις, which lost its value, ceased to be mentioned, and one contented oneself with the acknowledg-