Taubenschlag, Rafał

"The legal profession in Greco-Roman Egypt", R. Taubenschlag, "Festschrift Schultz" : [recenzja]

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could not be annulled. The sentences of the Greek courts, of the Chrematists and of *the ten judges* were also of legal force. It seems however that the legal procedure admitted new proceedings and a new decision in two cases: *a*) a renewal of the law-suit by a third person, by the means of an intervention (Lille I 29 Col. I), *b*) a renewal of the law-suit after a judicial suspension (intermission) of the proceedings (Princ. III 6). In the Roman period the principle *ne bis de eadem re sit actio* prevails. The tendency appears in courts to take notice of the sentence *ex officio* whereas in Rome this was maintained by the means of an exception (BGU 613).

E. BERNEKER, Παραμονή (R. E. XVIII 3, 1949).

The expression known to common Greek Law has two different meanings: *a*) a contractually established legal power upon a person during of which the right of movement of the person subject to this power is suspended (in case of debts, in case of manumission); *b*) the duty not to leave a place. In connection with this are: *a*) the processual obligation to appear in court *b*) the surety for attendance of a liturgist.

E. BERNEKER, Πάρεδροι (Pauly-Wissowa *R. E.* XVIII 4, 1950).

The author deals in this article with the πάρεδροι in Greece, in the Ptolemaic kingdom, in Rome and in the Roman provinces especially in Egypt.

R. TAUBENSCHLAG, *The legal profession in Greco-Roman Egypt* (S. A. aus *Festschrift Schultz*).

It is quite certain that in the Ptolemaic period judges and assessors — no matter whether members of collegiate or single courts — possessed some knowledge of law. This knowledge may have been acquired in gymnasiums in connection with studies in rhetorics. The Ptolemaic period did not know πραγματικοί, jurisconsults who assisted the ῥήτορες in court as experts and suggested them the provisions to be quoted. It knew however advocates (συνήγοροι) who were evidently under state control. They probably acquired their knowledge like the judges also in gymnasiums. At the beginning of the Roman period, the prefect, the supreme judge was hardly a man with legal education. It is however probable that their assessors possessed a smattering of law. But at the end of the third century the situation seems to have changed and judges seem chiefly to be men equipped with legal knowledge. In the II cent.

A. D. legal professionists, jurisconsults, make their appearance (νομικοί) and are experts either in Roman or peregrine law. The jurisconsults either advised lay *iudices* administering private law or advised people how a will or contract should be framed in order to produce the desired practical results. In addition the νομικός acts as an interpreter or appears as keeper of legal acts. As in the former period we find also advocates (συνήγοροι). They might acquire their knowledge in peregrine law in gymnasiums and, as far Roman law is concerned, in law-schools like the law school in Berytus. We find also rhetors with some knowledge of law. In the Byzantine period the situation changes in so much as judges seem to have possessed professional knowledge which makes the calling on νομικοί dispensable. The νομικοί restrict their activity to drawing up contracts. The position of advocates changed too, they became now jurisconsults, legal advisers with higher education, called from their activity σχολαστικοί. Unchanged remained the situation of rhetors.

R. TAUBENSCHLAG, *Selfhelp in Greco-Roman Egypt* (Extrait des *Archives d'Histoire du Droit oriental* tome IV (1949) p. 79—84).

The author states that selfhelp in the technical sense of the term is forbidden in Greco-Roman Egypt. A creditor therefore is not allowed to proceed against a debtor resp. his relatives with a private action, for instance with imprisonment, because legal proceedings are required in such a case. Selfhelp against property is similarly treated. The Ptolemaic legislation contains provisions against selfhelp concerning immovables and movables. In the Roman epoch the principles of the *decretum divi Marci* were applied. There are however cases where the legislation lifts this prohibition and allowes to act on one's own authority and cases of admission of selfhelp by private agreement.

ALWIN WÜRSTLE, *Untersuchungen zu P. Cair Zen. III 59355, Ein Beitrag zum ptolemäischen Recht*, (Inaug. Diss. Erlangen 1950).

In this excellent dissertation the author gives a new interpretation of Cair. Zen. III 59355. He shows that the trial took place in Alexandria, before the Alexandrian διαιτητής Chrysermos who ordered a διαλύσις by his subordinates Zenis and Diodoros. The subordinates summoned the parties and examined their claims. Those who were uncontested were picked out, as far the contested are concerned, the parties had to bound themselves by oath, not