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"Untersuchungen zu P. Cair Zen. III 59355, Ein Beitrag zum ptolemäischen Recht", Alwin Würstle, Erlangen 1950 : [recenzja]

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

A. D. legal professionalists, juriconsults, make their appearance (νομικοί) and are experts either in Roman or peregrine law. The juriconsults 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 juriconsults, 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 allows 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

to increase their number but to speak before the *δαιτητής* to the point. The decision lays with the *δαιτητής*. The procedure was like in Athens a bipartite: the *διαλύσις* and the preparation of the lawsuit was left to the subordinate officials, the decision belonged to the *διοικητής*. Noteworthy are remarks on slavery, on representation, loans and compensation.

MAXIME LEMOSE, *Cognitio. Etude sur le rôle du juge dans l'instruction du procès civil antique*, 1944 (*Rev. ét. lat.* 1945, 277—279).
Not seen.

E. WEISS, *Zur Stadtrechtsgeschichte von Kyrene (Scritti in onore di C. Ferrini IV 232—253)*.

The author deals in this essay with Gaspare Oliverio, *Doc. ant. dell'Africa Italiana III No. 358*. The inscription refers to four ordinances issued by Ptolemaios Soter in the year 109/8 B.C. The first ordinance is of little value; it concerns sacrifices for the king and his sister, the queen and their son, and provides that the costs of these sacrifices have to be covered by the municipal authorities and by the priests. The second ordinance refers according to the author to the estate of the *στεφανηκότες*, the former officers who were accused of some delicts committed while in office before the court of the *chrematistae*: their estate have to be delivered to their legal heirs. This ordinance intended probably to alter a provision hitherto in force that the estate of condemned officers reverted to the city without any exception. The third ordinance is a *πρόσταγμα* on the embezzlement of ownerless goods which alters a royal *διάγραμμα* and in which this *πρόσταγμα* had to be inserted. This additional decree aims at the protection of the population against a too severe treatment by the *fiscus*. The fourth one forbids the undertaking of some measures without a previous sentence of the *chrematists*. It refers to *ἀδέσποτα* and *κατη[ι]τιαμένα* — also to ownerless gods. The ordinance intends to establish the procedure against individuals concerning properties which fall to the state. The essay ends with an excursus on the legal treatment of refugees and the Roman *restitutio in integrum*.

PENAL LAW

E. BERNEKER, *Ποινή* (*R. E. XVIII 4*, 1950).

The author deals in this article with the meaning of the expression *ποινή* including also the Egyptian papyri. The expression