

Taubenschlag, Rafał

"Ποινή", E. Berneker, "R. E.", XVIII, 1950,
4 : [recenzja]

The Journal of Juristic Papyrology 4, 373-374

1950

Artykuł został zdigitalizowany i opracowany do udostępnienia w internecie przez **Muzeum Historii Polski** w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach
dozwolonego użytku.

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

ποινή appears in the juristic language of the papyri not sooner than in the Byzantine period. It means then nearly exclusively a contractual penalty, under the influence of the Roman Law, it is sometimes applied, however, in the sense of legal penalty.

E. BICKERMAN, *The Warning Inscription of Herod's Temple* (*Jewish Quarterly Review*, New Series vol. XXXVII No. 4).

The author explains in this essay the inscription of Herod's temple in Jerusalem, which reads: *No alien may enter within the balustrade around the sanctuary and the enclosure. Whoever is caught, on himself shall he put blame for the death which will ensue* (Dittenberger, OGIS II 598). There are many references to the papyri e. g. to Tebt. 35 (p. 396). Noteworthy are also his remarks p. 403 on the policy of the Romans who adopted the rules and norms on ἱεροσυλία which were in force before the annexation of Judaea.

E. BICKERMAN, *Une proclamation séleucide relative au Temple de Jérusalem*, (*Syria* 25 (1946—1948) 67—85).

The author translates and comments the πρόγραμμα of Antiochus III from Syria (223—187 B.C.) in the temple of Jerusalem quoted by Flavius Josephus, *Ant. Jud.* XII 3, 4 § 145—6. In this commentary there are many references to Egypt and the papyri.

R. TAUBENSCHLAG, *The inviolability of domicile in Greco-Roman Egypt* (offpr. from *Symbolae Hrozný*).

The inviolability of domicile was not unknown in Greco-Roman Egypt. It could be, however, in the Ptolemaic period legally infringed *a*) by a private person as it takes place in Alexandrian law, *b*) by state officials: the usher of the court, the police gendarmerie, fiscal officials, *c*) by tax-farmers but with assistance of state-officials. The inviolability of the house could be also legally infringed in the Roman period *a*) by private persons in virtue of special prescriptions in the law governing domestic relations or in virtue of an agreement, *b*) by the same state officials as in the former epoch.