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"Römische Rechtsgeschichte", Wolfgang Kunkel, Heidelberg 1948 : [recenzja]

The Journal of Juristic Papyrology 5, 242

1951

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.

Hans Kreller, *Römische Rechtsgeschichte* (2-te, erweiterte Auflage, 1948 CB. Mohr, Tübingen).

The book is divided into three parts. The first part bears the title „The popular laws of Greeks and Romans in their natural development” (till about 200 B.C.), the second „The Formation of the Roman Classical Law.”, the third „The most important rules of the Roman Classical Law for to-day’s Law”. In the book there is made only a scarce allowance for the papyri (p. 15), nevertheless also the papyrologist will be interested in it and particularly in the first part of the book.

Wolfgang Kunkel, *Römische Rechtsgeschichte*, Scherer-Verlag, Heidelberg 1948.

Likewise this text-book is divided into three sections as that one of Kreller. The first section deals with the period beginning with the early times till the middle of the third century B. C., the second one with the law of the Roman great power and world-embracing empire from the middle of the third century B. C. till the middle of the third century A. D., the third one with the law of the Roman later period. The problem of the „Reichsrecht und Volksrecht” („The imperial Law and the local Law”) is dealt with on the pages 49-53, 145-6.

E. Volterra, *Introduction à l'histoire du droit romain dans ses rapports avec l'Orient*. (*Archives d'histoire du droit oriental* vol. IV pp. 117-159).

The author remarks that almost all the ancient authors have studied this problem without taking into consideration the different epochs when the East would have exercised its influence upon the Roman law. Thus he is obliged to exhibit in the first part the results to which the different authors arrived without making a distinction between the law of the Roman Republic and the law of the Empire (1-146). On the contrary in the second part he lays great stress upon making a very clear distinction between these two laws. In fact it is the matter of two problems which ought to be studied separately. The first one (p. 146) is to know whether the quiritarian law has its origin in the juridical system of the East, at least what influence these latter have exercised upon the juridical institutions of the Roman people. The second problem consists in the determination what juridical elements of the East had been assimilated by