

Taubenschlag, Rafał

"L'imprisonnement dans le droit greco-égyptien", R. Taubenschlag, [w:] "Omagiu Profesorului Constantini Stoicescu pentne 30 anni de invatament", Bucurest 1940 : [recenzja]

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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.

This article contains polemics against W e n g e r's interpretation of the Pap. Baraize (cf. *Jour. Jur. Pap.* III pp. 9—20) who—as it is known—assumes in this case the „*ius redemptionis*”. Of a contrary opinion is S c h ö n b a u e r closing his polemics with these words: „even if we wanted to accept in full the interpretation of the text given by W e n g e r, it would not be a case of „*ius redemptionis*” but only a case of a motion put as to the revocation of the state-sale of abandoned land with an offer of indemnification for the actual holder”.

PENAL LAW

Slavomir Candanari-Michler, *Über Schuld und Schaden in der Antike* (*Scritti in onore di Contardo Ferrini* III (1948) pp. 28—108).

In this essay some pages (66—70) are devoted to the language of the papyri. The author deals specially with the notions of the ἀμάρτημα and ἀγνόημα in connexion with the known decree of the king Euergetes II of the year 118 B. C.

H. I. Bell, *The Acts of the Alexandrines* (*Journal of Jur. Pap.* IV pp. 19—42).

R. Taubenschlag, *L'imprisonnement dans le droit greco-égyptien* (*Omagiul Profesorului Constantini Stoicescu pentru 30 anni de invatament* Bucarest 1940, pp. 362—368)

The imprisonment i. e. the restriction of personal liberty appears in the papyri under two forms: as a preventive imprisonment or as an imprisonment for debts. The imprisonment is ordered by a magistrate on his own authority or on the request of the damaged person. The imprisonment for private debts and private delicts takes place in the δεσμωτήριον and for fiscal debts and fiscal offences in the πρακτόρειον ἢ λογιστήριον. Both are state prisons. Besides private prisons are also mentioned. At last sometimes imprisonment in temples occurs. The duration of an imprisonment may vary, it can extend over months and years. The imprisonment may be suspended. It depends above all from the authority that had ordered it. The prisoner has always the right to ask to be set free on bail. To secure the personal liberty some measures have been already taken in the Ptolemaic epoch. The edict of Tiberius Alexander introduced the following innovation: it allows the imprisonment for debts subsist, it suppresses the imprisonment for private debts

but does not touch the imprisonment for fiscal debts. The unjustified imprisonment either preventive or for debts is an offence. On the other hand one considers an unjustified liberation likewise as an offence. To avoid an unjust imprisonment one has often recourse to an asylum.

PROCEDURE

B. R. Reees, *Popular Religion in Greco-Roman Egypt* (*The Journal of Egyptian Archeology* vol. 36 (1950) pp. 86—100).

In this article are besides the author's remarks on the νοσοκομεῖα (hospitals) (cf. my *Law* II 57) those on p. 92 on *episcopalis audientia* remarkable. The author draws the attention of the jurists on Oxy. VI 903 which records a marriage ἐπὶ παρουσίαι τῶν ἐπισκόπων.

E. Seidl, *Studien zu Pap. Ibscher Inv. N^o 7* (*Journ. of Jur. Pap.* IV pp. 159—164).

Herwald Schmidt, *Der Einfluss der Rhetorik auf die Gestaltung der richterlichen Entscheidungen in den Papyri* (*Journ. of Jur. Pap.* IV pp. 165—177).

Erich Berneker, *Das wiederholte Prozessieren in den antiken Rechten* (*Journ. of Jur. Pap.* IV pp. 253—264).

Emil Kiessling, *Die actio de arboribus succisis im Lichte der PSI XI 1182* (*Journ. of Jur. Pap.* IV pp. 317—325).

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