

# Taubenschlag, Rafał

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"Das Recht der koptischen Urkunden",  
A. Steinwenter, München 1955 :  
[recenzja]

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The Journal of Juristic Papyrology 9-10, 487-488

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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](http://bazhum.muzhp.pl), gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

André Bataille, *Traité d'études byzantines II Les papyrus* (Paris, Presses universitaires de France 1955).

The book is composed from 4 chapters and 3 appendixes. Chapt. I — The papyrological document, II — The interpretation of the papyrological document, III — The collections of texts, IV — The great problems: 1. political history, 2. chronology, 3. geography and topology, 4. administration, 5. law (p. 51—55), 6. diplomacy (p. 55), 7. army and police, 8. economic life, 9. religious life, 10. magic and occult sciences, 11. intellectual life, 12. private life. App. 1. The Greco-Egyptian months, App. 2. List of the Emperors, of the prefects of Egypt and of the patriarchs of Alexandria between 297 and 641, App. 3. Some aspects suggested by the letters of the Byzantine period.

A. Grohmann, *Einführung und Chrestomathie zur arabischen Papyruskunde I Bd. Einführung* (Monografie Archivu Orientalního, Praha, 1955).

This fundamental work is also for the jurist of great importance. I should like to draw attention to Chapt. 7 p. 107 ff. devoted to diplomatics.

A. Steinwenter, *Das Recht der koptischen Urkunden* (Handbuch d. Altertumswissenschaft, 10 Abt., 4 Teil, II Bd. München 1955).

In his thorough study the author states that the Coptic documentation was not an original achievement but a very conservative continuation of the Hellenistic and Byzantine documents from which it borrowed the basis and quite a lot of different clauses, simply translated into the Coptic language. In those documents the enchoric law arises not only formally but also substantially what is particularly the case with the law, governing domestic relations and the law of inheritance and more slightly law governing trade and commerce where the empire law generally prevails. The author investigates also the question how the enchoric law could persist the period of several hundred years since in Egypt there were no documents drawn up in the mother tongue. He takes two possibilities into consideration: either the national

Egyptian law, although not written but actually practised by the people had been preserved and then appeared again in the documents alongside with the revival of the national culture, or the enchoric law has been maintained also in Greek documents and then manifested itself stronger owing to the introduction of a terminology in the Coptic language.

F. Pringsheim, *Zu "Reichsrecht und Volksrecht"* (JJP VII—VIII [1954] 163—168).

E. Rabel, *In der Schule von Ludwig Mitteis* (JJP VII—VIII [1954] 157—161).

U. E. Paoli, *Diritto attico e diritto greco* (Estr. dal volume "*Scritti di diritto romano in onore di C. Ferrini pubblicati dalla R. Università di Pavia*" [Milano 1943]).

The author distinguishes the Attic law and the common Greek law and asserts that the Greco-Egyptian law prior to the Roman conquest offers a compromise between two entirely different laws: the native Egyptian law and the common Greek law transplanted with the Greek cities up to the Nile valley. On the territories of the uninterrupted and original Greek civilization the common Greek law offers its genuine face free from other deformations than those caused by the external contacts with other peoples, by the changes in the political life and by the course of time.

F. Pringsheim, *Geltungsbereich und Wirkung des altgriechischen Rechtes* (S.A. aus dem 'Αρχαίων Ἰδιωτικῶν Δικαίων hg. von P. Zepos in Athen, Bd. XV an Konstantin Triantaphyllopoulos gewidmet).

The author deals with the diffusion of the Greek law in Egypt pointing also to the part played by the Greek forms in the proceedings. He stresses (p. 70) that particularly in Egypt the former Greek residents as well as the Greek new immigrants lived quite up according to the Greek law and that even after the grant of the Roman citizenship to all Greeks living in Egypt not much was changed. He shows many examples that the transmitted ideas