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Professor Adolf Berger in celebration of the fiftieth anniversary of his scientific activity

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PROFESSOR ADOLF BERGER
IN CELEBRATION OF THE FIFTIETH ANNIVERSARY
OF HIS SCIENTIFIC ACTIVITY

The March 2, 1957 marked the fiftieth anniversary since one of the most prominent scholars in Roman Law, Professor Adolf Berger, had obtained his Doctor's degree at the Jan Kazimierz University in Lwów. He was conferred the title of *doctor utriusque iuris* with honours, *sub summis auspiciis Imperatoris*. His doctorate was considered as a grand event in the history of the university. For brilliant achievements in the course of his university studies Dr Berger was given a diamond ring by the Emperor Franz Joseph I.

The anniversary recalls another memorable moment in the career of Professor Berger, marked by the appearance of his first work in the Bulletin of the Polish Academy of Sciences of Cracow, published in 1909. At first it appeared in form of a summary in German. The next year the whole work was published in Polish under the title *Dotis dictio in Roman Law* (pp. 135).

These fifty years of unceasing work represent to-day an imposing volume of scholarship and a lasting contribution to studies in Roman and other ancient laws. Every specialist in this field is aware how greatly the progress of this science has been due to the researches of Professor Berger and to his results and discoveries. Whichever problem we may wish to approach in classical Roman law, imperial law or the Roman law of post-Justinian epoch, in each of them we shall find the name of Professor Berger. Professor Berger's work *Die Strafklauseln in den Papyrusurkunden* (1911) is very well known to every papyrologist interested in the Greco-Egyptian law. It is the only and fullest presentation of the problem dealt with in it.

We regret that in this brief note, which is destined solely to remind his friends and colleagues of these two dates, no well-merited homage to man and scholar is possible by reviewing in fullest detail the author's complete works. After the publications we have already mentioned, there followed others:

Zur Entwicklungsgeschichte der Teilungsklagen im klass. röm. Recht. (1912); *Wohnungsmiete u. Verwandtes in den gräko-ägyptischen Papyri: Zt. f. vgl. Rw.* 29 (1913); *Streifzüge durch das röm. Sklavenrecht: I. Philologus* 73 (1914), II. *ZSSt.* 43 (1922); *Zur Lehre vom tutor suspectus: ZSSt.* 33 (1914); *L'indirizzo odierno degli studi di diritto rom.: Riv. crit. di sc. soc.* 2 (1915); *Miszellen aus der Interdiktenlehre: ZSSt.* 36 (1915); *Interdicta mixta: Studi Simoncelli* (1915); *In tema di derelizione: B.I.D R.* 32 (1922); *Vi sono nei Digesti menzioni interpolate delle Dodici Tavole?: Studi Riccobono I* (1933); *Le Dodici Tavole e la codificazione giustiniana: Atti Congr. intern. di dir. rom.* I (1934); *Dig. 9. 2.4.1 und das "endoplorato" der Zwölf Tafeln: Studi Albertoni I* (1934); *La citazione delle XII Tavole in Dig. 26.4.1.: BIDR.* 43 (1936); *Contributi alla storia delle fonti e della giurisprudenza romana: BIDR.* 44 (1937); *Note critiche ed esegetiche in tema di plagio: BIDR.* 45 (1938); *Pourquoi Ius Graeco-Romanum?: Annuaire de l'Inst. de Phil. et d'Hist. Orient. et Slaves* 7 (1944); *Some Remarks on Cattle-Stealing in Roman Law: Seminar* 2 (1944); *The Emperor Justinian's Ban upon Commentaries to the Digest: Bull. of the Polish Inst. of Arts and Sciences* 3 (1945); *Bibliography of Anglo-American Studies in Roman, Greek and Graeco-Egyptian Law. and Related Sciences (together with A.A. Schiller): Seminar* 3(1945), 5(1947); *Miscellanea Papyrologica: JJP.* 1(1945); *Tipoukeitos, The Origin of a Name: Traditio* 3 (1945); *Note on the "Missing" Constitutions in Cod. Iust. 6.61: Byzantina-Metabyzantina* 1 (1945); *Note on Gellius, Noctes Atticae 6.1: AJPh.* 67 (1946); *One or two Leontii, Legal Scholars in Beirut?: Byzantion* 17 (1945); *On the so-called Tractatus de peculiis: Scritti Ferrini* 3 (1948); *A Labor Contract of 164 A.D.: ClPh.* 43 (1948); *C.C.C., a Contribution to the Latin Terminology Concerning Collegia: Epigraphica* 9 (1947); *L'operis novi nuntiatio ed il concetto di ius publicum in Ulpiano: IVRA* 1 (1950); *Due note su Salvio Giuliano: Studi Albertario* (1950); *In dubiis benigniora — Considerazioni interpolazionistiche: Atti Verona* (1948); *Some Remarks on D. 1.2.1 and Corpus Inscr. Latin. VI 10298: IVRA* 2 (1951); *Nochmals C.C.C.: ZSSt.* 68 (1951); *A propos d'une nouvelle édition de Gaius: Latomus* 10 (1951); *In dubiis benigniora, D. 50. 17.56: Seminar* 9 (1951); *Bonam copiam iurare: Studi Arangio-Ruiz* 2 (1952); *Actes de vente latins de l'époque vandale découverts en Algérie: Latomus* 12 (1953); *Studi sui Basilici: I. BIDR.* 55/56 (1952) cfr. *IVRA* 4 (1953), II. *Festschr. Schulz* (1951), III. *BIDR.* 59/60 (1953); IV. *IVRA* 5 (1954); V. *IVRA* 5 (1954); VI. *IVRA* 6 (1955); *From*

"*Ius Civile*" to "*Civil Law*": *Festschr. Guido Kisch* (1955); *Nota minima sul servus vicarius: IVRA* 8 (1957); *Some remarks on Caracalla's Rescript CI. 1.9.1 and its "Universitas Iudaeorum"*: *IVRA* 8 (1957); *Interdicta noxalia: Symbolae Taubenschlag* 1 (1956); *Sull' iscrizione detta di Nazareth: Labeo* 3 (1957); *Zum Justinianus Verbot der Digestenkommentierung: Labeo* 4 (1958).

This scientific output will be incomplete if we do not mention the very numerous articles published in various encyclopedias and specialist dictionaries. In particular let us remember some hundred articles contributed to the *Pauly-Wissowa RE.* during the years 1912 — 1938. Some of them are monographic studies of great originality and value, as, for instance, those written about *Julius Paulus, Iurisprudentia, Interdictum, Minores, Octavius Javolenus, Leges, Operis Novi Nuntiatio, Tabulae Duodecim, etc.* Further let us not forget about ninety articles and entries on Roman and Greek Laws in the *Oxford Classical Dictionary.* Besides these contributions a great many critical studies and reviews have appeared in scientific periodicals, American, Austrian, Belgian, French, German, Italian and Polish.

Finally, his contribution to the preparation of the second edition of the first volume of *FIRA* deserves a special mention. The editor of that volume Professor Salvatore Riccobono said of his cooperation: "In hac editione paranda magnopere me Adolfus Berger adiuvit, qui priorem editionem summa cum diligentia totam inspexit emendavitque et scripta, quae in hac editione laudarentur, atque nova documenta quae hac parte reciperentur, critice paravit..." (*FIRA*² vol. I p. IX).

As the *opus magnum.* crowning this vast activity, may be considered the *Encyclopedic Dictionary of Roman Law (Trans. of the Amer. Philos. Soc., vol. 43, 2),* published in 1953. Since its appearance it has become an indispensable reference book for Roman Law specialist and historians. The author has modestly defined aim and character of his work:

"...La sua utilità dovrebbe andare più oltre di quelle prime semplici e brevi informazioni per lo studente di legge, che per una o l'altra ragione, sentirà il bisogno d'informarsi su tale o tale punto del diritto romano; dovrebbe anche soddisfare, per quanto possibile ai bisogni di un più grande gruppo di studiosi, insegnanti, cultori e lettori, generalmente interessati all'antichità classica, quando nei loro studi, ricerche o letture incontreranno qualche

problema di diritto romano, quest'ultimo concepito nel senso più largo, non soltanto di quel diritto che è incluso nelle fonti puramente giuridiche..." (*IVRA* 2, 124).

We do not think it necessary to discuss at length the obvious and unquestionable value of the *Dictionary*. It is not necessary either to extol the competence and scholarship of the author. We wish only to recall the words of Prof. Pringsheim who thus writes about the book: "...Es ist ein bewundernswertes Buch und wird lange ein wertvolles Hilfsmittel der Studenten und ihrer Lehrer bleiben. Ich wüsste niemanden, der wie der Verfasser imstande und bereit gewesen wäre, es zu schreiben..." (*ZSSSt.* 71, 402).

The achievements of Professor Berger the more deserve our tribute the more we think that he has by no means lived a sheltered and comfortable life. Very frequently he had to work under unfavourable and unstable conditions, hardly ever propitious for the growth of such extraordinary talent.

Called upon to perform other duties Professor Berger divided his time between research work and the tasks of diplomatic service at the Polish Embassy in Vienna, acting as secretary and adviser in legal matters during the years 1919 — 1938.

Appointed as "libero docente" at the University of Rome he came to hold professorship in 1942 when he started to teach Roman Law at the *Ecole Libre des Hautes Etudes* in New York, where he took refuge during the World War II. Since 1952 Professor Berger has been appointed visiting professor of Roman Law in the *City College* in the City of New York, and since 1954 he has been elected to the *Accademia Nazionale dei Lincei*.

We consider it our happy privilege to address Professor Berger on behalf of the editorial staff and the readers of the *JJP* and express our sincerest wishes for long years of work and new brilliant achievements.

[Warszawa]

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