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"On comparative research in legal history and modern law", E. Rabel, "Bulletin of the Polish Institute of Arts and Sciences", II, 1944 : [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.

(p. 309), on succession, on archives (11, 14ff. 358), and banks (p. 283ff.) agoranomoi (308ff.), cadaster (p. 122), on land-property, κλήροι (p. 472ff.), on possession, on land-conveyance, καταγραφή (p. 327-328), on maritime loans (p. 296), on payment in advance (203ff.), on leases (p. 505), on deposits (p. 127); finally on the organization of the courts (p. 5, 543), special jurisdictions (p. 552), on penal law (p. 70, 77, 84, 257, 317, 407, 516), on execution (p. 305ff.) are very important.

E. RABEL, *On comparative research in legal history and modern law.*

Bulletin of the Polish Institute of Arts and Sciences, II (1944), p. 868-881, 1943.

In this brilliant essay on comparative research in legal history and modern law, the author touches only slightly the papyri. He discusses the epoch, when the Greek papyri, to which L. Mitteis attracted the attention of the jurists, came forth in an amazing stream, causing surprises like the discovery of manuscripts that delighted the humanists of the Renaissance, but of a quite different sort. The author became a comparatist when he noticed with elation the bipartite fact: first, that Greek legal notions were made nearer to Germanic thinking than to the late classic doctrines, and second, that the papyri of Egypt, Demotic and Greek, are but a link in a great chain of documents. There is an uninterrupted tradition of notarial style, more extensive than H. Brunner could see, from the Ptolemaic papyri to those of Byzantium itself, Ravenna and Sicily, then to the Merovingian formulae, from which the European notaries derived their charts, retaining certain clauses up to the 18th Cent. No doubt diplomatic habits, and probably also black forms, have migrated from East to West. On the other end of the line there are strong similarities with the cuneiforms of various peoples and gaps. Rabel points out that the papyri, originating directly from daily life, form a precious complement to the laws and learned opinions contained in the *Corpus iuris* and that they show Roman, Greek and Egyptian habits and conceptions in a fascinating rivalry and mutual attraction. We observe the first of the many transformations of which the law of the Romans was capable in foreign countries.

L. WENGER, *Rechtspraxis und Rechtstheorie*. Forschungen u. Fortschritte XV (1939), p. 197/8.

For a long time historians of the Roman law missed the documents which would enable them to study the effect of the positive rules in practice. In this respect the situation changed entirely when Egyptian papyri were brought to light. The papyri posed innumerable problems, such as the question of the principle of personality or territoriality, the conception of νόμος, and the people's attitude toward the monarchistic system.