

# Taubenschlag, Rafał

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## "Römische Rechtsgeschichte", Max Kaser, Göttingen 1950 : [recenzja]

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The Journal of Juristic Papyrology 6, 275

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1952

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

Fritz Schulz, *Classical Roman Law*. Oxford, At the Clarendon Press 1951.

This book — in contrast to most modern text books of Roman Private Law — is concerned only with Classical Law i. e. the private law of the period from Augustus till Diocletian. It aims to delineate the broad outlines of that law; to describe the legal institutions and to render them understandable as sociological phenomena. As the book quotes texts and sources supplemented with full also with papyrological bibliographies it will be not only for the romanists but also for the papyrologists of the highest importance.

Max Kaser, *Römische Rechtsgeschichte*. Göttingen 1950.

In this text-book § 35 is devoted to the national laws. The author emphasizes that also after the C. A. in the frontier districts of the Roman Empire there was applied a law which deviated in a considerable manner from the law practised in the very Rome and it appears that the local laws of various nations in the provinces operated strongly even after the grant of citizenship and that the Roman law slowly gained ground in these provinces. This peculiar phenomenon is chiefly observed in Egypt. As to the importance of the papyri the reference is also given on p. 66, 144, 185.

R. Taubenschlag, *Introduction to the Law of the Papyri* (Archives du droit oriental vol. VI).

Wolfgang Kunkel, *Herkunft und soziale Stellung der römischen Juristen* (Forschungen zum römischen Recht hg. von Max Kaser, Hans Kreller und Wolfgang Kunkel) 1952.

This study in Roman Law is also for the papyrologists of high interest. Chiefly of account are the lists of jurists on p. 269/70 and the discussion on the activities of νομοτολ and the Roman jurisprudence in Egypt (p. 355 ff). The author establishes on the ground of a carefully collected material that in Egypt during the second and the third centuries A. D. a pair of humble lawyers professionally made use of their knowledge of the Roman law and that amongst the suite of the governor there were Romans learned in law. One can hardly speak of an indigenous Roman provincial jurisprudence. This is not remarkable because Egypt, which up to the C. A. had only a very small number of Roman citizens in comparison to other