

# Taubenschlag, Rafał

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"Concerning Urbanism and Anti-Urbanism in Antiquity", W. L. Westermann, "Farouk I University Bull. of the Faculty of Arts", vol. IV, 1949 : [recenzja]

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provinces and possessed a highly developed national law of an almost indestructible vitality, was certainly a particularly unfavourable country for an expansion and good knowledge of the Roman law. It seems that even in the postclassical epoch it has never played any important part in the history of the Roman jurisprudence, in spite of the fragments from the Gaius institutions and other legal works which were found there.

Giuseppe Ignazio Luzzatto, *Ricerche sull'applicazione delle costituzioni imperiali nelle provincie* (estr. dagli Scritti di diritto romano in onore di C. Ferrini pubbl. dalla Regia Università di Pavia 1943).

A careful scrutiny of imperial constitutions ascertains the fact that each province represented an autonomous legislative community. To understand the rôle and significance of the Roman Law in the whole Empire it is necessary to determine the local laws enacted in each Roman province. These conclusions correspond to those I had reached 20 years ago in my „*Geschichte der Rezeption des römischen Privatrechts*” for Egypt.

R. Taubenschlag, *The Roman authorities and the Local Law in Egypt before and after the C. A.* (Journal of jur. pap. V 121-142).

R. Taubenschlag, *Die römischen Behörden und das Volksrecht vor und nach der C. A.* (Sav. Z. 69, 102-127).

Fernand de Visscher, *La cittadinanza romana* (Ann. Sem. giur. Univ. di Catania III, 1949 p. 17 ff).

This article contains on p. 15/16 interesting observations on the C. A.

W. L. Westermann, *Concerning Urbanism and Anti-Urbanism in Antiquity* (Farouk I University Bull. of the Faculty of Arts vol. IV 1949 p. 81 - 95).

In this essay jurists will be interested in the author's remarks on p. 15/16: „By Caracallas decree most of the free inhabitants of the metropolies and villages throughout the Empire became Roman citizens. This resulted in these places in the establishment of Councils, selected by compulsory appointment from the ranks of the local well-to-do. Privileges and social advantages which

had once adhered only to the Bouleutai (the Council Members) of these larger cities which had municipal autonomy were now widely spread to town and country people of the same, or of lower, economic standing. The extension of privileges sounds well. What is really meant, was the equalization of town and city with classes of the countryside under an increasingly burdensome personal domination. Specifically it meant that the well-to-do of the small towns, now forced into the councils, were responsible collectively and individually for an amount of taxes from their town or village district which was previously fixed. The pleasant social distinctions of the Councillors had long since turned into heavy financial burdens". The author shows that the urban communities and the countryside were united in fact in a common misery recognized by both sides. Characteristic is the remark by the prefect: in Lond. Inv. 2565 „The argument based upon prosperity or the decline of prosperity, is equally valid for the villages and the cities".

C. Bradford Welles, *The Population of Roman Dura* (in Coleman Norton's *Studies in Roman econ. and soc. hist. in honor of A. C. Johnson* 1952 p. 251 ff).

In this interesting demographic study the author raises also the old question of the C.A. in virtue of which the inhabitants of Dura in general, received the Roman citizenship. What this meant in the first place was that one prefixed an „*Aurelius*" to his name. The absence of the „*Aurelius*" however, is no proof that a man was not entitled to it. What privileges or what obligations the C. A. did convey, beyond that of calling oneself *Aurelius* in addition to whatever name one had before? It is well known that this *Aurelius* was a kind of praenomen and that the new citizens had no right of the *tria nomina*. Whatever is meant by P. Giessen 40 the author suspects that an understanding of its effect will be reached only through such evidence as that of Dura. If Dura was a *πολίτευμα* in the sense of P. Giessen 40 it certainly „remained". If the Bedouin were *dediticii*, a distinction to which they would seem to have as good or as bad a claim as the Egyptian fellahin, then on the restoration of Adolf Wilhelm (AJA [2-nd ser.], XXXVIII (1934) p. 178/180) they should have remained outside the new *πολίτευμα*, the *municipium* of Dura. It would seem that the evidence of P. Dura 19 (Rep. VII/VIII p. 433 — 41) pointed that way, for in 227 the villagers are definitely not *Aurelii* (cf. my Law II 26 ff).