

# Taubenschlag, Rafał

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"Prolegomena zu einer Geschichte der Analogie", II : "Das Recht der kaiserlichen Konstitutionen", Artur Steinwenter, "Studi in onore di V. Arangio-Ruiz", II : [recenzja]

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

W. Peremans et Van't Dack, *Questions de méthode dans la Prosopographia Ptolemaica* (Actes du deuxième congrès international d'épigraphie grecque et latine, Paris, [1952]).

We shall have clear picture of the whole of the *Prosopographia Ptolemaica* and especially of the possible subdivisions and general character of this work, and of the difficulties facing the author if we consult the *Chronique d'Égypte*, XII, (1946), p. 267 — 269. The authors discuss in their article several problems from the documents which were found outside Egypt and which mostly concern the history of the Lagides. They differ from those which are found in the texts discovered in Egypt and refer to the heuristics of the sources and to the arrangement of the data as they are tabled in the *Prosopographia Ptolemaica*.

Artur Steinwenter, *Prolegomena zu einer Geschichte der Analogie*. II. *Das Recht der kaiserlichen Konstitutionen* (Studi in onore di V. Arangio-Ruiz II, 169 — 186).

On page 182 of this very instructive and interesting study the author has made use of the papyri to indicate that in absence of precise rules, the authorities in charge of protecting the laws, applied rules as they existed *ad exemplum* in legal practise especially as they were found in older rescripts settling similar cases. This method of *trahere ad exemplum* is illustrated by SB 7696 (250 A.D.). But the papyri give us still more instances of the use of παραδείγματα (*exempla*) for practical application. In the petition of Dionysia Oxy. II 237, IV, 37 (from the 186 A.D.) the parties resorted to the decrees of the governor as the παραδείγματα κάλλιστα for the expected decision, and in another case the governor refused to follow such an *exemplum* on the ground that the case bore no *similitudo* to *exemplum* (VI, 28 f. οὐδὲ ὁ Ποῦφος προσέσχεν αὐταῖς ἀνομοίαις οὖσαι εἰς παράδειγμα).

Very interesting is the Pap. Rendel Harris 67 (150 A. D.) (cf. Wenger, *Atti V Congr.*, 557) because it quotes an imperial rescript which as well as in Oxy 237 VIII 8 will be cited in *cognitionalibus certaminibus* (const. summa 3) and will be used as *exemplum* by the judge who is to decide a quite different case. But the author of this rescript, Antoninus Pius, follows soon a different *exemplum*. It is a *hypographe* obviously issued in an analogous case of Valerius Zoilus. One can not more clearly illustrate the practise of *trahere ad exemplum*.