

# Taubenschlag, Rafał

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"Lex Rhodia. Critica e anticritica su D 14, 2, 9", Francesco M. de Robertis, "Studia in onore di V. Arangio-Ruiz", III : [recenzja]

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damages. As to the damages that the cattle caused in the fields without the proprietor's provocation a Ptolemaic decree determined that the proprietor should be obliged to compensate these damages with the amount fixed by the court.

Self-help i. e. an arbitrary arrest of the cow was forbidden in the Ptolemaic period. Nevertheless it is possible that in the Roman epoch the proprietor of devastated fields had this right. He could also lay claim to the compensation of damages. Felling of trees on private grounds without a special permission of the owner was fined. Besides, the person against whose will the trees were felled sued a private claim. The *actio de arboribus caesis* aims in the Ptolemaic period either at the restitution of the cut down trees or at the compensation of damages. We have no information whether this action persisted in the Roman epoch.

FRANCESCO M. DE ROBERTIS, *Lex Rhodia. Critica e anticritica su D 14, 2, 9* (Studia in onore di V. Arangio-Ruiz III, 155).

The author analyses D 14, 2, 9 and comes to the conclusion that the *lex Rhodia* mentioned in this fragment is not a State-law of general validity but a local law which was obligatory in a certain part of the Mediterranean Sea. The emperor must then refer in his decision to this law since it was traditional Roman policy to recognize local laws.

#### THE LAW GOVERNING DOMESTIC RELATIONS

H. J. WOLFF, *Die Grundlagen des griechischen Eherechts* (Tijdschrift voor Rechtsgeschiedenis = Revue d'histoire de droit, XX, I, [1952]).

The third section of this dissertation will interest the papyrologists. The author tends to prove that in the polis-order marriage was considered as a bond by which the wife was given over by her own community (*οἶκος*) to the husband for the preservation of his community (*οἶκος*). In the Hellenistic colonisation which either lacked the polis-organization or, as in Alexandria it was only its imitation, the marriage changed into a more free union in regard to personal relationship between the consorts. This explains the absence of the epiclerate or the mention of ἐγγύη which were characteristic of the ancient order.