

Taubenschlag, Rafał

"Zum Begriff der γη ἐν ἀφέσει", J. Herrmann, "Chronique d'Egypte", XXX, no 59, 1955 : [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.

He indicates that the proceedings concerning the acquisition of property (the *apographe* of real estate) given there is quite particular from the point of view of the Roman law. Since the real estate sold here is *solum provinciale* namely *tributarium* (Gai II, 21) and a *res nec Mancipi*, the acquisition of property should take place *ipsa traditione* (Gai II, 19) what was still emphasized by Dioceltian in C I, II, 3, 20 (*Traditionibus [mancipationibus] et usucapionibus dominia rerum, non nudis pactis transferuntur* [293 A. D.]). In the second part of his study the author opposes the idea of the editor that v. 11 concerns a *κατοχή* on behalf of children under age and tries to explain the assertions in these lines from the point of view of the modified Roman law as it was in force in Egypt.

E. Schönbauer, *Attische Rechtseinrichtungen in sinnvoller Einheit* (Πραγματεῖαι τῆς Ἀκαδημίας Ἀθηνῶν 18 (1) [1953]).

In his showily written study the author investigates (p. 38—9) the s.c. *δίκη ἐξούλης* consisting in the assumption of a controlled land property in Attic law which had but gradually been appeased but never quite ceased to exist. A controlled land property appears also in the Ptolemaic period and particularly with reference to cleruchic and catoecic land. When these parcels changed hands, it was not only necessary the usual cooperation of the registry of real properties but also a special permission of the catoecic authorities. The authorities had first to accept a new holder. Characteristic is that in this case the term *παραχώρησις* for transfer of property is used. The holder is withdrawn and a new holder enters his place with the consent of authorities. We find here the same idea, which is to be found in the controlled land in Attica, namely that the single holder is not entitled to transfer his property to another private person but only to withdraw from the lot in order to make way to another person who according the principles governing the landed property, now as a new holder steps on his place.

J. Herrmann, *Zum Begriff der γῆ ἐν ἀφέσει* (*Chronique d'Égypte* XXX, No. 59 [1955] 95—106).

Having demonstrated the most important efforts of interpretation of this notion and having referred to the objections aga-

inst them the author gives his own explanation relying on the texts on the subject. Accordingly γῆ ἐν ἀφέσει means the land, the revenues of which are to be released by the royal government and the cultivation of which is controlled by the state. The land revenues were released if after having delivered the harvested corn quantity to the village trashingfloor, the relative taxes by keeping of a certain quantity of the delivered corn were paid off.

M. Kaser, *Wesen und Wirkungen der Detention in den antiken Rechten* (estr. dagli *Atti del III Congresso di Diritto comparativo* I 1953).

Part IV of this study is dedicated to the Greek and the Greco-Egyptian law. The author comes to the conclusion that in the Greek sphere a terminological differentiation of between the *detentio* and the legally protected *possessio* was evidently missing. The words ἔχειν and κατέχειν are used not only for every actual power but also for the property in the Greek meaning of the word. The difference between νομή meaning *possessio* and κατοχή meaning *detentio* is first to be found under the influence of the Roman sources in the Byzantine period and even then it is not observed consistently (cf. my *Law*² 174).

Germaine Rouillard, *La vie rurale dans l'Empire byzantine* (Collège de France, Fondation Schlunberger pour le byzantinisme Paris 1953).

not seen.

R. Taubenschlag, *Rechtsverhältnisse an der Grenzmauer im Rechte der Papyri* (estr. dagli *Studi in onore di U.E. Paoli* [1955] 683—684) cf. *Law*² 242 ff.

Obligations

J. Modrzejewski, *Additional Provisions in Private Legal Acts in Greco-Roman Egypt* (*JJP* VII—VIII [1954] 211—229).

H. J. Wolff, *Zur Geschichte der diligentia quam suis* (*Iura* VI [1955] 152 ff.).

In this study the author deals with Mert. 24 (200 A.D.) where in a private letter the *diligentia quam suis* is mentioned not as we