

Taubenschlag, Rafał

"Vis maior in griechischen und koptischen Papyri", A. Steinwenter, "Eos", 48, 1956, 1 : [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.

E. Neufeld, *The Prohibitions against Loans at Interest in Ancient Hebrew Laws* (repr. from the *Hebrew Union College Annual* vol. XXVI [1955] 355—412).

In this essay the author discusses the nature of the prohibition, theories as to causes, the social background, the legal framework, the laws and economic standards reflected in the Book of the Covenant, the relationship between interest and commerce, the commercial standards and temple loans in Israel, the personal law, the *Nokrī*, the *Gēr* and the Canaanite, the kinship and the prohibition of the Book of the Covenant, the Deuteronomic prohibition, the date of the Deuteronomic prohibition and the concept of theocratic brotherhood; he makes also use of the papyri (cf. p. 411) and of the papyrological literature (cf. p. 379, 387). As to the latter, his remarks on pp. 411—12 deserve special attention.

E. Neufeld, *The Rate of Interest and the Text of Nehemiah 5, 11* (*Jew. Quart. Rev.* XLIV [1954] 194—204).

This essay deals with the biblical prohibitions against usury and its practice, and makes also use of the papyri (p. 196, 201, 202). Noteworthy are the remarks of the author on anatocismus p. 202.

A. Steinwenter, *Vis maior in griechischen und koptischen Papyri* (*Symbolae R. Taubenschlag dedicatae = Eos* 48, 1 [1956] 261—71).

The term $\theta\epsilon\omicron\upsilon \beta\acute{\iota}\alpha$ (D. 19, 2, 25, 6) occurs in Greek and Coptic papyri. In the *receptum nautarum* this term designates the *vis* of the Nile *cui resisti non potest*, and in the *locationes-conductiones*, damages on the fruits caused by accident, which gives to the lessee the right to request a *remissio mercedis*. The papyri show that the term *vis maior* i.e. $\theta\epsilon\omicron\upsilon \beta\acute{\iota}\alpha$ is not an invention of Tribonian, but was already applied before him in the vulgar law.

J. A. Thomas, *Arra in Sale in Justinian's Law* (*Tijdschr. v. Rechtsg.* = *Rev. d'Hist. du Droit* XXIV, 3 [1956] 253—278).

The question of *arra* in sale in Justinian's law raised by C. 4, 21, 17 and Inst. III, 23 pr. has long been the subject of controversy. The last few years have brought further contributions to the literature of the topic. The general picture is one