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"Vorlesungen über Juristische Papyruskunde", Hans Julius Wollf, mit einem Vorwort und einer Würdigung hrsg. von Joseph Georg Wolf, Berlin 1998 : [recenzja]

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Hans Julius WOLFF, *Vorlesungen über Juristische Papyrskunde* (= *Freiburger Rechtsgeschichtliche Abhandlungen*, Neue Folge, Bd. 30), mit einem Vorwort und einer Würdigung hrsg. von Joseph Georg WOLF. Duncker & Humblot, Berlin 1998, pp. 138, ISBN 3-428-09521-9 brosch.

The short book by Hans Julius Wolff is a concise presentation of the "law of papyri". The survey, although made in a brief form, tends to cover the most important principles of the legal orders governing the Graeco-roman Egypt and not only Roman law applied in this country. Therefore in this book a reader may often find "deromanisation" of the juridical concepts (as for instance in explaining of the concept of contractual and tortious liability, cf. Chapter 11, pp. 111-134, or in presenting the property rights, cf. Chapter 10, pp. 96-110). Neither is it, however, simply an abbreviated form of Wolff's later work, *Rechts der griechischen Papyri Ägyptens* (in the *Handbuch der Altertumswissenschaft*) as the book here in question in contrast to *Rechts* deals also with the material law. The origin of the *Vorlesungen* dates back to 1967/69 when the author held lectures on "Juristische Papyrskunde" in Freiburg. The lectures were then elaborated by H. J. Wolff into a complete written form and existed as a manuscript until published as this book by his disciple J. G. Wolf.

The editor provided the book with a long preface on life and work of Hans Julius Wolff. The text proper is divided in two parts, first dealing with principles of the legal order and the other with the material law. In the first part one can find the description of the administrative and political institutions as well as judicature. This chapter is concluded by an overview of the documentary practice [Publizitätswesen] in the Graeco-Roman Egypt (as for example the development of public notaries). Chapter four is dedicated to important issue of plurality of legal orders in Egypt. All of the questions are presented in the chronological order. The second part begins with law of persons, then the family law follows. On the pages 117-118 there is a small "Exkurs" on penal law. The two last chapters deal with property rights and liability relations.

It is quite difficult to review such work. It is needless to say that since the time the manuscript was completed the state of our knowledge has progressed (it is enough to mention the influence of Rostovzeff's ideas on Wolff's description of Ptolemaic economy — e.g. monopolies — cf. Chapter Two: "Politische und administrative Institutionen" and especially page 26). Therefore I shall only try to point out some disputable elements.

Some of the author's views to-day seem a bit anachronistic — let us only recall referring to the political and economic situation of the Hellenistic Egypt as "das wirtschaftspolitische Totalitarismus", also definition of the king as "absoluter Herr" would be rather too easy one (cf. pp. 23-24). The most devoted edition of J. G. Wolf did not allow him neither to change or to add *iota* to the original text. One thing that is most lacking in the book are the footnotes or any comments or bibliographical references — obviously missing in a lecture but quite a nuisance in a text book. The editor claims this study to be "immer noch die einzige moderne das materielle Recht einschließende Gesamtdarstellung der Juristischen Papyrskunde" (cf. p. 5). Alas, for the above stated reasons it can hardly replace Rafał Taubenschlag's book — treated at least as a reference book even if not as presentation of the law of papyri (the latter's *opus vitae*, is often contrasted by Wolff and blamed for too romanistic views).

The division into direct and indirect sources of law seems rather inaccurate and a bit anachronistic. It is especially visible while treating *rescripta* (in relation to cases of peregrines) as an indirect source of law (cf. p. 34). This kind of imperial constitution connected with *cognitio extra ordinem* (with its *legitimatio passiva* and *activa* of both the citizens and foreigners) not only can directly influence the verdict eventually reached in the case in which the rescript is issued but also influences other similar cases — in modern way of thinking it might be seen as an indirect impact but was it really so in the ancient times?

As it seems there is no need anymore (cf. above all: Witold Wołodkiewicz, "*Obligationes ex variis causarum figuris*. Ricerche sulla classificazione delle fonti delle obbligazioni nel diritto romano classico", *Rivista Italiana per le Scienze giuridiche* 14 (1970), pp. 77-260 [= idem, *Obligationes ex variis causarum figuris. Studia nad źródłami zobowiązań w rzymskim prawie klasycznym*, Warszawa 1968]) to fight the Gaian division of the sources of obligations, which even in the *Institutiones* was not an exclusive one. The Roman theory of obligations might not have been that different from the Greek (Hellenistic) legal experience after all (cf. p. 112).

There are two issues that are most missing even in such a brief book as the *Vorlesungen*. We have hardly any information both about the trial *per formulas* and *cognitio extra ordinem* (cf. Chapter Five, "Justizwesen und Prozeß" and especially pp. 51-52). Another thing that was left undescribed are the issues concerning the so called *Constitutio Antoniniana* (one would expect some summarising of the discussion on it), which seem to be essential for some questions presented in the book.

[Jakub Urbanik]

Günter GRIMM, *Alexandria: die erste Königsstadt der hellenistischen Welt; Bilder aus der Nilmetropole von Alexander dem Großen bis Kleopatra VII.* (= *Zaberns Bildbände zur Archäologie*) Verlag Philipp von Zabern, Mainz am Rhein 1998, pp. 168, ISBN 3-8053-2337-9.

The book by Günter Grimm recounts the story of Alexandria and the House of Ptolemies from Alexander the Great down to the fall of Cleopatra and the beginning of Roman rule in Egypt. The author starts with a brief account of the scientific exploration of Alexandria from the XIXth cent., than presents the history of the site before Alexander the Great, discussing the famous mention of Pharos by Homeros (*Odyssey* IV, 354 ff.) and the hypothesis of the supposed Minoan colonisation of this island. But the true history of Alexandria begins with the coming of Alexander to Egypt, and the story of the city's foundation is recounted at length with references to Diodorus Siculus, Strabo, Arrian and Plutarch. Literary as well as archaeological sources are also extensively used in the discussion of Alexandria's topography and the description of its most famous features and buildings. Having described the development of the city under the first Ptolemies Grimm turns his attention to the political history of the Ptolemaic state, or rather the twisted history of Alexandrine royal court. There follows the well-known story of Cleopatra, Caesar, Marc Antony and Augustus and the dramatic fall of the Lagide dynasty.