

Rafał Taubenschlag

"Canon in den römischen
Rechtsquellen und in den Papyri", L.
Wenger, "Z. d. Sav. Stift. Kan. Abt.",
LXIII, 1943 : [recenzja]

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

V. ARANGIO RUIZ, *Fontes iuris antejustiniani. Pars tertia. Negotia*, Florentiae 1943, XXV, 594 ff.

On papyri in this collection, see A. Berger, *Revue historique de droit français et étranger* (1948) pp. 335—338.

DAVID M., *Gai Institutiones secundum Codicis Veronensis apographum Studemundianum et reliquias in Aegypto repertas* (*Studia Gaiana* ediderunt M. David et J. C. Van Oven, Volumen I.). Leyde, E. J. Brill 1948.

EMIL KIESSLING, *Wörterbuch der griechischer Papyrusurkunden mit Einschluss der griechischen Inschriften, Aufschriften, Ostraka, Mumienschilder u. s. w. aus Ägypten*, IV Bd. 1 Lieferung, Berlin, Im Selbstverlag des Verfassers (1944) ἀ — ἄρτος.

W. PEREMANS — E. VAN T'DACK, *Grenf. I 11 = M. Chr. 32* (*Revue d. dr. intern.* I 163—172).

The authors examine in this article the question whether the text refers to ordinary or extraordinary jurisdiction and come to the conclusion that it refers to the former as supposed 1903 by Naber, *Arch. f. Pap.* II 39—40.

H. I. BELL, *The Constitutio Antoniniana and the Egyptian Poll-Tax* (*The Journal of Roman Studies* 37 (1947) pp 17—23).

Sir Harold attributes the disappearance of the λαογραφία to economic reasons — the Roman administration having at its disposal two new and more profitable sources of revenue i. e. the *annona militaris* and the *aurum coronarium*.

L. WENGER, *Verschollene Kaiserkonstitutionen* (S. A. aus *Historisches Jahrbuch* 1940).

This essay deals with constitutions the existence of which was known, but of whose contents we possessed only fragmentary knowledge. This are: Col. Inv. 181—182 on *longi temporis possessio*; Ryl. Gr. Inv. 650 on currency (cf. my *Law* II 88); Cair. Boak 21 concerning dowries (cf. my *Law* I 9595).

L. WENGER, *Canon in den römischen Rechtsquellen und in den Papyri* (220 Bd. 2 *Abh. Wien. Ak. d. Wiss. Phil. hist. Kl.* (1942), Wien und Leipzig. Selbstreferat *Z. d. Sav. Stift. Kan. Abt.* LXIII (1943) p. 495 ff).

Κανών in the papyri means fixed annual rents or parts of them as opposed to πρόσθεμα or πρόσκαιρον as extraordinary charge.

The use of the term *κανών* as an economic and juridical legal *terminus technicus* in the juridical language of the papyri becomes frequent with the IV cent. A.D. and lasts till the Arabic conquest. The first appearance of the term connected with a legal prescription of Law can be traced to Pap. Col. Inv. N° 181 (ed. Kraemer-Lewis, *Transact. Amer. Phil. Assoc.* 68 (1937), p. 357). We find there the expression *δίκαιος κανών* meaning *justus titulus* of a possession.

MARIE THERÈSE LENGER, *Les lois et ordonnances des Lagides* (*Chronique d'Égypte* N° 37 (1944) pp 107—146).

MARIE THERÈSE LENGER, *Les Protagmata des rois Lagides* (*Revue internationale des droits de l'antiquité* I 119—132).

In the first article the author after an introduction makes up a list of *προστάγματα*, *νόμοι* and *διαγράμματα*, *προγράμματα*, royal ordinances or laws of the autonomous cities and apocryphal documents. In the second article the author gives a preliminary report of her project of a *corpus iuris ptolemaici* with commentary. I don't believe, to judge from these two articles that the author possesses the necessary juristic training for such an undertaking.¹

¹ See e. g. the statements in the first essay p. 114 that *le terme νόμος semble caractériser chez les Lagides un type particulier de lois, les lois fermières νόμοι τελωνικοί* (see however my art. in *Journal* II 67) or p. 114 *tous les διαγράμματα ptolemaïques connus concernent l'administration des finances et spécialement l'organisation de la ferme des impôts* (cf. however my *Law* I 8, 14, 188, 260); and in the second essay p. 127 *le terme [πρόσταγμα] sert aussi à exprimer ...les sentences sans appel qu'ils (scil. souverains) prononcent en leurs qualité de juges suprêmes* and note 3 *Exemples: titres de protection de leur personne* (cf. *P. Tebt.* 43 = *M. Chr.* 46 (117 av. J.-C.) *ou de leurs biens* (cf. *PSI* 551 l. 5) *conférés à certains sujets en réparation d'un préjudice qu'ils ont subi du fait d'un tiers.* *Tebt.* I 43 is a petition of Menches to the Sovereigns for a guarantee that the petitioner would not be molested in the future, the Sovereigns comply with this request by the means of a *δπογραφή* (the term *πρόσταγμα* is not be found in the text at all!) directed to the *strategos* „If the allegations are correct see that he is not molested“ (cf. my art. *Arch. d. droit oriental* III 304). This *δπογραφή* is according to Miss Lenger's opinion *une sentence sans appel!* Her interpretation is also wrong as far the other case is concerned, because as Meyer, *Z. f. vgl. Riv.* 39 268/9 points out *der König scheint (trotz Z. 5) keine Entscheidung gefällt zu haben, diese erfolgt vielmehr durch einen Kollegialgerichtshof in der χώρα, zugunsten des Horos* (Z. 7). *Πρόσταγμα* in v. 5 can therefore not have the meaning *une sentence sans appel*. One of her last achievements is her statement in *Chronique d'Égypte* 48 (1949) p. 372: *une expression générale*