

# Rafał Taubenschlag

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"The Edict of Valerius Eudaimon,  
Prefect of Egypt", A. Menkman,  
"Symbolae van Oven", 1946 :  
[recenzja]

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## PROCEDURE AND EXECUTION

ZAKI ALY, *The Judicial System at Work in Ptolemaic Egypt: Law Courts* (Bull. de la Société Royale d'Archéologie d'Alexandrie N° 36, 1943—1944 pp 54—82).

Not seen.

H. J. WOLFF, *The origin of judicial litigation among the Greeks* (Repr. from *Traditio* vol. IV (1946) pp 31—87).

Although this article deals with judicial litigation in ancient Greece, it should be mentioned here because of its frequent references to the law of the papyri pp 51, 52, 53, 54, 55/6, 72<sup>70</sup>. Noteworthy are in particular the authors remark's that the Greek courts rendering judgements in controversies concerning titles to property merely stated to whom of the parties the title in dispute belonged (cf. my *Law* I 189).

M. HOMBERT et C. PRÉAUX, *Recherches sur le prosangelme à l'époque ptolémaïque* (*Chronique d'Égypte* N° 34 (1942) pp 259—290).

The authors analyze in this essay the *προσαγγέλματα* and make up a new list of these documents, supplying the list of Berneker, *Zur Geschichte der Prozesseinleitung im ptol. Recht* pp 38—40.

RAMON SUGRANGES DE FRANCH, *Etudes sur le droit palestinien à l'époque évangélique* (*Arbeiten aus dem juristischen Seminar der Universität Freiburg* hg. von Max Gutzwiller, Freiburg (1946).

After an introduction concerning the Gospel and the history of law, the author considers the value of the Gospel as a source of our knowledge of law and compares the law of Moses and the rabbinic law with the Hellenistic law (p. 106—130). The author treats especially — as far the latter is concerned — the personal execution, imprisonment for debts, enslavement and slavery for debts, executorial proceedings, making to a large extent use of the papyri. In the last chapter (pp 133—140) the author shows some points which justify the hypothesis that these was probably a reception of Hellenistic executorial proceedings into law of Palestine.

A. MENKMAN, *The Edict of Valerius Eudaimon, Prefect of Egypt* (*Symbolae van Oven*, Leiden 1946 pp 191—210).

The author gives a translation of the edict and its interpretation. She understands it as follows: after a debtor has been summoned

to appear in court, he could at once deny his obligations on account of some criminal act of his creditor, which he should name at the same time writing that he would accuse his opponent. This mode of defence would be of use to the debtor in so far as it enabled him to sequester the amount he was said to be due and to act instantly against his creditor by bringing him before the court on a criminal charge. In this situation it was tacitly understood that the judgement of the civil affair was adjourned till the criminal case had been tried. But when the debtor did not follow the course stipulated in the edict, he could derive no advantage from an accusation of his adversary and had to pay without respite, it being obviously understood that no other obstacles to the creditor's winning his case had arisen. The reason for this provision was, of course, that an accusation made in a later stage of the action was supposed to be nothing but a chicane.

L. WENGER, *Noch einmal zum Verfahren de plano et pro tribunali* (Sav. Z. LXII (1942), 366—376).

Not seen.

R. TAUBENSCHLAG, *Autorité de la chose jugée dans le droit gréco-égyptien* (Archives d'histoire du droit oriental III (1948), 299—306) cf. *Journal of Juristic Papyrology* I 98.

V. ARANGIO-RUIZ, *Una cognitio dell' imp. Caracalla in Siria* (IV Testi e documenti I Estr. Bull. I.D.R. 49—50 (1947) pp 46—57).

P. Roussel and F. de Visscher have published in *Syria* 23 (1942/3) [1945] pp 173—92 two processual inscriptions found in the temple of Zeus at Dmeir. The first one, referring to sacred objects or more precisely to the disappearance of a certain number of statues, is very mutilated. The other one is intact and contains the record of proceedings which took place in the *auditorium* of Caracalla in Antiochia. It is valuable because it concerns the faculty of the parties to apply to the emperor in course of an ordinary lawsuit before the prefect. Arangio-Ruiz reproduces the later text supplying it with some notes, a commentary and a Latin translation of its Greek parts. As far the law-suit itself is concerned, it is certain that Aurelius Carzeus, the son of Sergius acts as the *defensor* of the whole community of the inhabitants of Gohara and that Avidius Hadrianus is indicted to have usurped the functions and privileges of the priest of Zeus but we dont know whether