

# Taubenschlag, Rafał

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## "Institutionen des römischen Privatrechts als Einführung in die Privatrechtsordnung der Gegenwart", Egon Weiss, Basel 1949 : [recenzja]

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A. RANOVITCH, *Vostočnyje provincii rimskoj imperii v I—III vv.* (Moskwa-Leningrad 1949, Akademia Nauk SSSR.).

In this work, dealing with the Roman provinces, the chapter of Egypt (p. 166—210) is for us the most interesting. The author studies first the political status of Egypt as an imperial province, the legal status of Alexandria and other autonomous cities, further the administrative division of Egypt into epistrategies, nomes, τόποι and κῶμαι. As far as the latter is concerned the author finds out remainders of a system of social organization involving common ownership of land. The author investigates the composition of the population, its different classes, especially the ἀστοί. In connexion with that he examines the influence of the C. A. on the legal status of the population and points out that the C. A. granted citizenship to all inhabitants of Egypt, to inhabitants of towns and villages alike. This edict did not, however, discharge the new population from paying the poll-tax. The last pages contain interesting remarks on agriculture, trade and commerce.

EGON WEISS, *Institutionen des römischen Privatrechts als Einführung in die Privatrechtsordnung der Gegenwart*, (2 Aufl. 1949. Verlag für Recht und Gesellschaft A.G. Basel).

This excellent manual may be mentioned here because of its frequent references to the papyri and to the papyrological literature. Cf p. 48/9 on proxy; p. 54/56 on prescription; p. 63 on σῶμα; p. 65 on legal capacity; p. 69, 70, 80, 82, 83, 85 on slavery and manumission; p. 91, 92, 93, 94, 95 on Roman family; p. 107 on stages of life; p. 109 on legal position of women; p. 114 on guardianship of the mother; p. 112 on guardianship of women; p. 115 on *curatrix*; p. 119 on πρωτοπραξία; p. 120 on the Law of associations; p. 122, 124 on corporate bodies; p. 127 on objects of ownership; p. 131 on *res religiosae*; p. 139 on *possessio*; p. 155 on property; p. 186/7 on *longi temporis praescriptio*; p. 195 on *superficies solo cedit*; p. 202 on the protection of property; p. 212 on the right of redemption; p. 237 on *superficies*; p. 238 on *emphyteusis*; p. 240 on *canon*; p. 247 on hypothec; p. 252 on *pignus Gordianum*; p. 257 on legal hypothec; p. 272 on *beneficium competentiae*; p. 289 on *receptum argentarii*; p. 294 on *culpa*; p. 296 on θεοῦ βία; p. 308 on judicial delays in payment; p. 341 on *pecunia traiectitia*; p. 348 on *mutuum*; p. 368 on *arrha*; p. 373 on *locatio-conductio*; p. 380 on *procurator*; p. 382 on *mandatum*; p. 387 on *societas*;

p. 398 on *novatio*; p. 401, 403 on *transactio*; p. 424 on *iniuria*; p. 433 on *solutio*; p. 443 on Roman marriage; p. 446/7 on *arrha sponsalicia*; p. 453/4 on the legislation of Augustus; p. 457 on concubinate of soldiers; p. 460 on *divortium*; p. 466 on *aestimatio dotis*; p. 467 on *privilegium dotale*; p. 469 on *donatio ante et propter nuptias*; p. 471, 472 on *adoptio*; p. 474 on *apokeryxis*; p. 475 on the legal capacity of *filius familias*; p. 477 on *bona materna*; p. 497 on Law of inheritance; p. 500, 510, 511 on testament; p. 518/519 on *testamentum militis*; p. 522 on *testamentum ruri conditum*; p. 523 on *divisio parentis inter liberos*; p. 526 on *successio legitima*; p. 538 on acquisition of the *hereditas*; p. 563 on *successio contra tabulas*; p. 567 on *querella inofficiosi testamenti*.

ALAN CHESTER JOHNSON and LOUIS C. WEST, *Byzantine Egypt: Economic Studies*, Princeton University Press, 1949.

This monumental work (cf. San-Nicolò, *Orientalia* 19 fasc. I 1950 p. 95 ff.) consists of 5 chapters. Chapter I *Introduction* (p. 3-7); II *The Land* (p. 7-94); III *The People* (p. 95-204); IV *Defense* (p. 215-229); V *Taxation* (p. 230-332). The jurist will be mostly interested in the author's discussion on the organization of the irrigation (p. 8 ff.); on land declarations (p. 13); on *coloni* (p. 23 ff.); on imperial estates (p. 33 ff.); on private estates (p. 39 ff.); on ecclesiastical property (p. 66 ff.); on *emphyteusis* and *superficies* (p. 72 ff.); on sales and leases of land (p. 74 ff.); on the village and the *pagus* (p. 94 ff.); on the Byzantine *πόλις* (p. 100 ff.); on slaves (p. 132 ff.); on manumissions (p. 134 ff.); on contracts of apprenticeship and *paramone* (p. 135 ff.); on foreign slaves in Egypt (p. 149 ff.); on guilds (p. 151 ff.); on transportation (p. 155 ff.); on public and private posting service (p. 163 ff.); on loans and mortgages (p. 167 ff.); on banking and public treasures (p. 172 ff.); on sale of houses (p. 198 ff.); on the army and its recruiting (p. 215 ff.); on *annona* of army and officials (p. 218 ff.); on taxation (p. 229 ff.); on *alimonia* of Egyptian cities and churches (p. 249 ff.); on capitation taxes (p. 259 ff.); on liturgies and honours (p. 321 ff.).

RAYMOND MONIER, *Manuel élémentaire de droit romain* vol. I 6 ed. (1947), vol. II 4 ed. (1948).

This excellent manual like that by Weiss refers frequently to the papyri and the papyrological literature. Cf. I p. 67 provincial administration; p. 73, 75, 76, 77, 79, 87, 89 sources of law in the