

# Taubenschlag, Rafał

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"Selfhelp in Greco-Roman Egypt", R. Taubenschlag, "Archives d'Histoire du Droit oriental", T. IV, 1949 : [recenzja]

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

A. D. legal professionalists, juriconsults, make their appearance (νομικοί) and are experts either in Roman or peregrine law. The juriconsults either advised lay *iudices* administering private law or advised people how a will or contract should be framed in order to produce the desired practical results. In addition the νομικός acts as an interpreter or appears as keeper of legal acts. As in the former period we find also advocates (συνήγοροι). They might acquire their knowledge in peregrine law in gymnasiums and, as far Roman law is concerned, in law-schools like the law school in Berytus. We find also rhetors with some knowledge of law. In the Byzantine period the situation changes in so much as judges seem to have possessed professional knowledge which makes the calling on νομικοί dispensable. The νομικοί restrict their activity to drawing up contracts. The position of advocates changed too, they became now juriconsults, legal advisers with higher education, called from their activity σχολαστικοί. Unchanged remained the situation of rhetors.

R. TAUBENSCHLAG, *Selfhelp in Greco-Roman Egypt* (Extrait des *Archives d'Histoire du Droit oriental* tome IV (1949) p. 79—84).

The author states that selfhelp in the technical sense of the term is forbidden in Greco-Roman Egypt. A creditor therefore is not allowed to proceed against a debtor resp. his relatives with a private action, for instance with imprisonment, because legal proceedings are required in such a case. Selfhelp against property is similarly treated. The Ptolemaic legislation contains provisions against selfhelp concerning immovables and movables. In the Roman epoch the principles of the *decretum divi Marci* were applied. There are however cases where the legislation lifts this prohibition and allows to act on one's own authority and cases of admission of selfhelp by private agreement.

ALWIN WÜRSTLE, *Untersuchungen zu P. Cair Zen. III 59355, Ein Beitrag zum ptolemäischen Recht*, (Inaug. Diss. Erlangen 1950).

In this excellent dissertation the author gives a new interpretation of Cair. Zen. III 59355. He shows that the trial took place in Alexandria, before the Alexandrian διατηγητής Chrysermos who ordered a διαλύσις by his subordinates Zenis and Diodoros. The subordinates summoned the parties and examined their claims. Those who were uncontested were picked out, as far the contested are concerned, the parties had to bound themselves by oath, not