

# Taubenschlag, Rafał

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"Appunti sul ius italicum", G. I. Luzzatto,  
"Revue internationale des droits de  
l'antiquité", V : [recenzja]

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The Journal of Juristic Papyrology 5, 243-244

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the Roman law in the last phase of its evolution and the recognition of these elements in Justinian's Codification. The author justly remarks that in these studies one ought above all to know the nature of the examined text, the territory and the persons to that it should be applied, to determine if it contains indeed a rule of the Roman law or a rule suitable for the population of the empire: subsequently to establish the relation of it to the provincial law and to inquire why the compilers have bestowed it with a general value admitting it into their codes. In this study the author makes use of the rich papyrological literature and that is one of the reasons of having reviewed it here.

Claire Préaux, *Sur la réception des droits dans l'Égypte greco-romain* (*Revue internationale des droits de l'antiquité* IV p. 349—359)

In this essay the author asserts that the reciprocal influences do concern almost exclusively only the Greek law and the native law and that these influences have not been very deep. The cases of influences bear witness without doubt to a process of reception, but they don't permit to assure that they are the result of a will for unification. One doesn't find in the Greek traditions the principle, according to which the victor imposes his law upon the vanquished. There is rather to be found the principle of the law of personality, which prevails in the juridical life and preserves on the same soil the integrity of different laws. The fact, that in the moment they come into contact, the Greek and the native laws are more or less on the same level of development, opposes to a prevailing influence on each other.

G. I. Luzzatto, *Appunti sul ius italicum* (*Revue internationale des droits de l'antiquité* V pp. 79—110).

Although this study disregards the papyri it deserves nevertheless the attention of the papyrologists with regard to its interesting inferences concerning the C. A. on the page 108-9, and in particular that „from the investigation of the *ius italicum* there results an indication, that the question of the perseverance of local laws after the *Constitutio Antoniniana* does not seem possible to be resolved according the uniform criteria as the prevailing opinion accepts. Before and after the *Constitutio Antoniniana* problems concerning the grant of the Roman citizenship and problems concerning the local laws have given rise to a number of particular solutions, of which

the communities endowed with the *ius italicum* provides a characteristic example.

G. I. Luzzatto, *Dolus malus abesto... et iuris consultus* (*Appunti sull' applicazione del diritto romano nelle provincie*), *Estratto da Studi in onore di Enrico Redenti* vol. II (1950) pp. 2-17.

In this interesting study the author is concerned with a formula in some sepulchral inscriptions and in a tablet of sale discovered in Frisia (A r a n g i o - R u i z, *Fontes* III No 137); he asserts that the parties using this formula intended to react against the application of Roman forms also in the provinces.

C. Bradford Welles, *Archeological Digest* (reprinted from *The American Journal of Archeology* vol. LIV N<sup>o</sup> 3 July 1950).

In this review p. 230 refers to Egypt, to papyrological literature and to the publications of papyri.

Marcus N. Tod, *Bibliography: Greco-Roman Egypt. Greek Inscriptions* (1948—1949) (*The Journal of Egyptian Archeology* vol. 36 (Dec. 1950) pp. 107—109).

Tod quotes an article P. M. Fraser's (*Journal of Roman Studies* 39, 56) under the title „Alexandria ad Aegyptum again” who with reference to a Delian decree (IG XI, 588) shows that in the reign of Ptolemy Philadelphus the Delians regarded Alexandria as in, and not more close to Egypt; he cites A. Bayoumi and O. Guéraud edited fragment of a new copy of the „Decree of Canopus” in *Ann Serv.* 46, 373—82 and a work „*Einige ägyptische Denkmäler in Schweden*” Uppsala 1945 known to him only from the summaries of J. Bingen (*Chron. d'Egypte* 23, 208) and of J. and L. Robert (*Rev. ét. gr.* 62, 156) in which T. S ä v e — S ö d e r b e r g h publishes two fragments, of unknown provenance, of a decree passed by the priestly σύνοδος early in the reign of Ptolemy II Euergetes, before the passage of the „Decree of Canopus”; the editor adds (pp. 39—41) a list of eight other known decrees of the σύνοδος.

Dr. Samuel Eisenstadt, *Repertorium bibliographicum litteraturae totius iuris prudentiae hebraicae*, Hierosolimae 1931.

This bibliography, which came to me just now owing to the kindness of the author, contains also the papyrological literature cf. f. i. p. 297.