

Rafał Taubenschlag

"The Greek Law of Sale", F. Pringsheim, Weimar 1950 : [recenzja]

The Journal of Juristic Papyrology 5, 250

1951

Artykuł został zdigitalizowany i opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

term ἀθάνατα figures on the well-known inscription of Cyrene, which dates from 332 and 306 B. C. The author remarks that this term figures also in other juridical inscriptions, and that the latter furnished by themselves the most solide bases for the precise interpretation of the term in question. Whence it follows that the riches ἀθάνατα which are alone taken into consideration for the acquisition of Cyrenean citizenship are those that remain in a permanent and firm possession of the beneficiary.

F. Pringsheim, *The Greek Law of Sale*, 1950 (Weimar, Hermann Böhlhaus Nachf.).

As the author points out it was not his intention to write a systematic treatise on the whole Greek law of sale. His main task consisted in the intepretation of Greek texts and he presents what he has learned by reading them. The book consists of three parts. Part I Introduction with three chapters: Ch. I Greek private law, Ch. II Greek law of ownership, Ch. III Greek law of contract. In this chapter he examines the questions: a) did consensual contracts exist? b) contract of loan for consumption. Part II deals with the Greek law of sale, its history and theory. This part consists again of 10 chapters. Ch. I comparative law of sale. Ch. II the character of the Greek law of sale. Ch. III the history of the Greek law of sale, first period. Ch. IV History of Greek sale. Forms and names. Second period. Ch. V History of Greek sale Theory. Ch. VI Agreement to buy and sell creates only a duty without liability. Ch. VII Ὠνή as acquisition of ownership. Ch. VIII Payment of price. Ch. IX Παράδοσις. Ch. X Cooperation of the city and the state. Part III deals with with Greek Law of Sale Practice in six chapters Ch. I Sale on credit. Ch. II Contracts for cash payment with deferred delivery. Ch. III Contracts giving the purchaser a right of seizure. Ch. IV arrha. Ch. V Varrants against eviction and against secret defects. Ch. VI Void and voidable sale. In his presentation of the Greek law of sale the author frequently refers to the papyri cf. p. 115 on ὦνή in Ptolemaic Egypt; p. 123 on πράσις used in Roman Egypt; p. 142 on the law of Alexandria; p. 194 on Ptolemaic and later papyri on payment of price; p. 239 on cooperation of the state slaves. The most references to the papyri however are to be found in any chapter of the third part.

Ernst Schönbauer, *Ein hellenistisches „Lösungsrecht“ nachgewiesen?* (*Aegyptus* XXX fasc. 2 (1950) pp. 198-208).