

# Taubenschlag, Rafał

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"L'acquisto della cittadinanza romana e il matrimonio del peregrino", E. Volterra, "Studi in onore di Enrico Redenti", vol. II, 1950 : [recenzja]

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

tion and dissolution of marriage, ch. VIII marriage choice, ch. IX betrothal, ch. X marriage ceremonies, ch. XI marriage contract in writing, ch. XII prohibited extra-marital intercourse, ch. XIII divorce. Part III: Impediments to marriage: ch. XIV consanguinity and affinity, ch. XV priesthood, ch. XVI nationality and religion, ch. XVII the eunuch, ch. XVIII the bastard. Part IV Status of parent and children: ch. XIX husband and wife, ch. XX parents and children. For the papyrologists his remarks on the Greek epiclarate marriage and Errébu-marriage p. 165 ff, marriage by consent and consummation among the Egyptians p. 93, on polygamy in Egypt p. 129, 139, on marriage contracts in writing in the Aramaic papyri from Elephantine p. 155, Egyptian-Babylonian influence p. 162, the provision of divorce in the Syro-Roman-Law-Book and the Aramaic papyri p. 182, on joint responsibility of father and son p. 256 — will be of special interest.

A. Christophilopoulos, 'Ο μετ' ἄλλοδαπῆς γάμος κατὰ τὸ ἀρχαῖον ἐλληνικὸν καὶ τὸ ἐλληνιστικὸν δίκαιον (ἐν Ἀθήναις, 1951, Πραγματεῖαι τῆς Ἀκαδημίας Ἀθηνῶν)

The dissertation deals with marriages between persons of different nationalities under ancient Greek municipal law and the later Hellenistic law. As for the latter, the author refers to the respective provisions of the Gnomon and to W. Chr. 27 on the ἐπιγαμία of the Antinoites with the Egyptians.

Edoardo Volterra, *La nozione giuridica del conubium* (Studi in memoria di Emilio Albertario vol. II p. 347 — 384).

For the papyrologists the most important idea of the dissertation is the one which stresses the fact that both in Roman and Greek legal and literary sources „conubium” is identified with ἐπιγαμία. The same holds good for the papyri.

E. Volterra, *L'acquisto della cittadinanza romana e il matrimonio del peregrino* (Studi in onore di Enrico Redenti II, p. 2 — 20, 1950).

The author deals with the legal consequences which the acquisition of Roman citizenship had brought upon an already contracted marriage of a peregrine. The papyrological documents furnish various instances of law-suits tried before Roman magistrates, in which to the sons born of a marriage between peregrines the

right of legitimacy was given to be enjoyed together with the rights attributed to them by their national law. In one of the quoted cases one of the peregrine consorts who has become Roman citizen shall abide the Roman law and therefore shall also be subject to the provisions regulating the Roman marriage. Consequently his marriage no longer has from the Roman law point of view the validity of a marriage *iuris peregrini* but may become legal only when it bears the features of *iustae nuptiae Romanae*. The marriages *iuris peregrini* in cases when the man becomes Roman citizen is held to be valid as a Roman lawful marriage (*iustum matrimonium*) and therefore the sons born of a father with a Roman citizenship and of a peregrine mother *cum conubio* will be legitimate sons, Roman citizens and submitted to the *patria potestas* of the father by virtue of the principle declared by Gaius I 56. From the epigraphic and papyrological documents we learn that the Roman authorities sought to prevent by all means the transformation of a marriage *iuris peregrini* into an illegitimate union from the point of view of the Roman law and endeavoured instead to transform the marriage *iuris peregrini* into a *iustum matrimonium Romanum*.

E. Balogh, *Some Notes on Adultery and the epikleros according to Ancient Athenian Law* (Estr. Studi in memoria Emilio Albertario vol. II p. 683 — 719).

This essay although dealing with problems of ancient Athenian law will also interest the papyrologists because of its references to the law of the papyri (p. 683) and the papyrological literature (cf. p. 696). The author rightly points out that some marriage contracts in the papyri (as the oldest P. Eleph. 1) prescribe a pecuniary penalty of adultery (cf. my Law. I 353, see also on  $\mu\omicron\tilde{\iota}\chi\omicron\varsigma$  and adultery my art. in Journ. Jur. Pap. V, p. 266).

Mario Amelotti, *Un nuovo testamento per aes et libram* (Studia et Documenta Historiae et Iuris XV 1949 p. 34).

This papyrus is the property of the Egypt Exploration Society and will be published in part XXII of the Oxyrynchos Papyri. It contains a Greek translation of a *testamentum per aes et libram* from 224 A. D. written in Latin. The author gives a larger interpretation of this papyrus and its clauses especially the clauses on *multa testamentaria*, the subscription of the testator and the opening of the testaments. Most interesting are also his remarks on general