

# Taubenschlag, Rafał

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"Digesta 10, I, 13", U. E. Paoli, "Atti Congr., Verona", I, 1951 : [recenzja]

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

In this Romanistic dissertation the author discusses on page 141 *communio pro diviso* frequently attested in the Greco-Egyptian law. Moreover are worth of attention his assertions: on p. 162 — amending W e n g e r's interpretation of Tebt. 780 and on p. 166 — concerning the validity of the provincial laws after the *Constitutio Antoniniana*.

Giuseppe Flore, *Appunti su P.Fam.Tebt. 15* (Studi in onore di V. Arangio-Ruiz IV, 387—394).

V a n G r o n i n g e n who published the full text of Lond. Inv. 1885 (= P. Fam. Tebt. 15) had expressed the opinion that the attested in this papyrus longevity and partial marasmus of the unceasingly mentioned here βιβλιοθήκη of Arsinoite although referring apparently to the βιβλιοθήκη τῶν δημοσίων λόγων shall be surely attributed also to the βιβλιοθήκη ἐγκτήσεων of this district. The author of this article on the contrary asserts that the document concerns only the βιβλιοθήκη τῶν δημοσίων λόγων in Arsinoite separated, as it is known, from the corresponding institution founded in the year 72 A. D.

M. S a n N i c o l ò, *Ein Beitrag zu den Grunddienstbarkeiten im Neubabylonischen Recht* (Studi in onore di V. Arangio-Ruiz I, 57—74).

This essay is interesting for the papyrologists, because it deals with the matters which have their analogy in the papyri. The Babylonian law even in the last period of its more than two thousand years evolution had not arrived at the conception of real rights upon things of others while in the case of servitudes it was satisfied with merely obligatory agreements. This was the case of the rights of passage and of the rights of water-conduit (cf. for the law of the papyri my *Law I*, 193 ff.). Sometimes there is a recourse to divided property, single property or to joint property. Particular attention deserve his remarks on page 69, that also in Babylonia existed an independent property on trees, as it is attested for Egypt by the papyri, and the note on page 63, that in the Neo-Babylonian law the exit-paths were not considered to be a mere appurtenance of the house-estate, as it is assumed in the case of εἴσοδος καὶ ἐξοδος in the papyri.

U. E. P a o l i, *Digesta 10, I, 13*. (Atti Congr., Verona I [1951], 121—131).

The text of the Solonic laws is not yet authenticated by means of a direct transcription from the Greek original, but it is reprinted *verbatim* from the copy of a work used by Gaius in which because of the manuscript tradition the Greek text seriously departed from the original. The author of the work used by Gaius had before his eyes a Hellenistic text of the Solonic laws, which (without the parts of the laws not connected with the discussed matter) was suitable for the explanation of *the actio finium regundorum*. This should be proved by an extensive analysis of the Pap. Halensis.

J. Rabinovitz, *The Legal Papyrus from 'Auja el-Hafir* (reprint from the Israel Exploration Society, vol. XVII, 3—4, 1953).

This papyrus published by M. Schwaabé, does not represent a manumission-document but one releasing a boy who had been delivered by his father as a pledge of a loan. The essential formula in the document under discussion is contained in l.8, in which the boy is granted "authority over himself". This formula contains legal Aramaism. The occurrence of an Aramaic legal term in the formula which seems to be Greek in origin is striking. However as had already been noted by Koschaker, the Greek formula closely resembles one found in a Babylonian document from the times of the first dynasty. A formula in all respects similar to that of the Babylonian document occurs in Mishna, Gittin IX, 9.

The "freedom of movement" granted to the boy, a feature which is common to this document and to many of the Delphic inscriptions also has close parallels in ancient Semitic sources. The legal terminology of release from the marital tie is similar to that of release from *paramone*. It may well be that the origin of the legal institutions of *paramone* is to be sought in Babylonia. The expression "to stand before someone" used in the Babylonian documents, occurs a number of times in the Bible in the sense of serving, "waiting upon", and is strongly reminiscent of the Greek παραμένειν, the primary meaning of which is "stay beside" or "near, stand by".

#### OBLIGATIONS

J. Pirenne, *Les contrats de vente de soi-même en Égypte à l'époque saïte* (Académie royale de Belgique, Bull. de la Classe des Lettres et des Sciences Morales et Politiques, 5<sup>e</sup> série, tome XXXIV, 1948).