

# Taubenschlag, Rafał

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"Ein Beitrag zu den Grunddienstbarkeiten im neubabylonischen Recht", M. San-Nicolò, "Studi in onore di V. Arangio-Ruiz", I : [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).