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"Ein Prozess vor Caracalla in Syrien. Zu einer neu bekannt gewordenen Inschrift", L. Wenger, "Annuaire de l'Institut de Philologie et d'Histoire Orientale et Slaves", T. XI, 1951 : [recenzja]

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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.

that the land-parcels were by no means considered as objects of private commerce but as a necessary foundation of the life of a *genus* and of the families belonging to it. Towards the end of 5th century B.C. we find no documents attesting a private sale or mortgage of landed property between single citizens. Because the holding of landed property was so highly valued by the citizens of the polis it was natural that the administration of justice provided for the protection of this property against its loss in consequence of a lawsuit. Four legal actions: *δίκη ἐξούλης, οὐσίας, δίκη καρποῦ* and *δίκη ἐνοικίου* must be considered as resulting from this policy. They remain under common *ratio legis*: The citizen was threatened with the loss of landed property only as an ultimate means to satisfy the claims of his creditors. Therefore the actions concerning the clearing of the landed property (*ἐξίστασθαι*) were admitted conditionally, namely as the last but one phase of a scrupulous procedure. Every landed property was surrounded with protective barriers. The Attic laws principally granted only an action concerning *ἐνοίκιον*. The State admitted this action because thereby the substance of the landed-property was not threatened. The same holds for the lease-rent or the yields (*καρπός*) of fields and orchards (*δίκη καρποῦ*).

If the lease-rent was not high enough to satisfy the claims of the creditor, an action could be directed on a part of the remaining property (*οὐσία*) again with the exception of the landed-property. The actions on *ἐνοίκιον, καρπός* and *οὐσία* were preliminary to the action concerning the landed-property itself.

L. W e n g e r, *Ein Prozess vor Caracalla in Syrien. Zu einer neu bekannt gewordenen Inschrift* (Extrait de l'Annuaire de l'Institut de Philologie et d'Histoire Orientales et Slaves, tome XI, [1951]).

This brilliant study, not directly connected with the papyri, is devoted to the analysis of an inscription published by R o u s s e l in the *Révue Syria*. The inscription permits to observe the initial stage of the process of constituting a new imperial law. Such cases are in our sources exceptional and in this matter W e n g e r points at the narration of Callistratus upon the origin of the *decretum divi Marci*.

Our inscription demonstrates again how in the course of a debate with lawyers the emperor had the idea that a miscarried appeal is to be accepted as a successful supplication.