

Taubenschlag, Rafał

"Geltungsbereich und Wirkung des
altgriechischen Rechtes", F. Pringsheim,
"Ἀρχαίον Ἰδιωτικῆς Διατάξεως", Bd. 15 :
[recenzja]

The Journal of Juristic Papyrology 9-10, 488-489

1955-1956

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.

Egyptian law, although not written but actually practised by the people had been preserved and then appeared again in the documents alongside with the revival of the national culture, or the enchoric law has been maintained also in Greek documents and then manifested itself stronger owing to the introduction of a terminology in the Coptic language.

F. Pringsheim, *Zu "Reichsrecht und Volksrecht"* (JJP VII—VIII [1954] 163—168).

E. Rabel, *In der Schule von Ludwig Mitteis* (JJP VII—VIII [1954] 157—161).

U. E. Paoli, *Diritto attico e diritto greco* (Estr. dal volume "*Scritti di diritto romano in onore di C. Ferrini pubblicati dalla R. Università di Pavia*" [Milano 1943]).

The author distinguishes the Attic law and the common Greek law and asserts that the Greco-Egyptian law prior to the Roman conquest offers a compromise between two entirely different laws: the native Egyptian law and the common Greek law transplanted with the Greek cities up to the Nile valley. On the territories of the uninterrupted and original Greek civilization the common Greek law offers its genuine face free from other deformations than those caused by the external contacts with other peoples, by the changes in the political life and by the course of time.

F. Pringsheim, *Geltungsbereich und Wirkung des altgriechischen Rechtes* (S.A. aus dem *Ἀρχαίων Ἰδιωτικῶν Δικαίων* hg. von P. Zepos in Athen, Bd. XV an Konstantin Triantaphyllopoulos gewidmet).

The author deals with the diffusion of the Greek law in Egypt pointing also to the part played by the Greek forms in the proceedings. He stresses (p. 70) that particularly in Egypt the former Greek residents as well as the Greek new immigrants lived quite up according to the Greek law and that even after the grant of the Roman citizenship to all Greeks living in Egypt not much was changed. He shows many examples that the transmitted ideas

and the popular forms were too powerful to admit the Roman rules to enter. He then raises the question whether the Greek ideas penetrated also in the Egyptian circles. He thinks that the Greek law did not lay over the Egyptian one but he considers it to be possible that already in the Ptolomaic period a fusion of both the laws took place while the Greek law hold the leading. When the Romans came to Egypt they felt themselves to be the champions of the Hellenistic culture and they surely appreciated there the Greek legal ideas. The tendency of the *constitutio* of Caracalla was to exempt the Egyptians from the grant of the Roman citizenship what deepened the gap between the Greeks and the Egyptians. The effect was not the increased importance of Greek legal spirit but rather the penetration of Roman one. The author asserts that in Mesopotamia and Babylonia even after the collapse of the empire of the Seleucides the Hellenism was still strong and illustrates this with many examples.

F. Zucker, *Selbstbehauptung und Versagen des Griechentums in Aegypten bis zum Ende der Ptolemäerzeit* (*Gymnasium* 60 [1953] 7—20).

Not seen.

H. J. Wolff, *Faktoren der Rechtsbildung im hellenistisch-römischen Aegypten* (*Sav. Z.* LXX [1953] 20—57).

The author deals with the character of the sources in the law of the papyri. To protect the fiscal interests and to strengthen the kings power served the ordinances issued by the king and for some matters, the *διαγράμματα*. This royal legislation was supplemented by the decrees issued in individual cases. Besides there are left the national Egyptian statutes. The activity of the notaries was also of some importance. The subsequent development of the law took place under the influence of the Greek law. The compulsory introduction of the Roman law had no place neither before nor after the C. A. Its importance was first little as long as the Roman functionaries restricted themselves to the application of some principles. Symptoms of widely spread Roman law are found but in the late Roman and Byzantine period (e.g. in the dotal law).