

# Taubenschlag, Rafał

---

## "Vulgarismus und Klassizismus im Recht der Spätantike", F. Wieacker, [Heidelberg] 1955 : [recenzja]

---

The Journal of Juristic Papyrology 9-10, 490

---

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](http://bazhum.muzhp.pl), gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

H. J. Wolff, *Zum Recht der römischen Bürger Aegyptens* (*Annales de la Faculté de Droit d'Istanbul*, No 4—5 [1955] p. 27—35).

The author investigates P. Philad. 11 (140 A.D.) where according to his opinion the veteran C.A. Antisthius Numisianus claims the prohibition of donations between the consorts as decisive for the parties, Valens and Cronous, Roman citizens. However the parties make use of local forms the consequences of which therefore take also effect. The document shows a complexity of Roman and local norms and forms at the regulation of the legal relations between Roman citizens residing in Egypt and belonging as far their ethnical origin is concerned, to the local population.

F. de Martino, *Storia della costituzione romana II* (Parte seconda) (Napoli, E. Jovene 1955).

In this important work, for papyrologists is interesting the author's opinion (p. 328—9) in the dispute referring to the application of the Roman law in the provinces after the C.A., supported by the vast literature on the subject.

F. Wieacker, *Vulgarismus und Klassizismus im Recht der Spätantike* (S. B. des Heid. Akad.d. Wiss. Jhg. 1955, 3. Abh. [1953]).

In this very thorough and instructive study of importance for the papyrologist is the discussion on the relation between the local laws of the Eastern part of the Empire and the Roman vulgar law. The local laws of the Eastern part of the Empire comprise the non-Roman material. Long before the post-classical period the Greek and oriental institutions being in force in the territory of the Empire of Alexander had often blended into a Greek koine of the private law. Before this koine there existed a common Greek law and common oriental law. On the other hand the Roman vulgar law is the one of the postclassical provincial practice, in contrast to the great theory and mostly in contrast to the later legislation. In the unclassical features of this law participated the vulgarized elements of Roman law, the Hellenistic koine of the private law, the common Greek and again the common oriental law.

E. Schönbauer, *Untersuchungen über die Rechtsentwicklung in der Kaiserzeit* (*JJP* VII—VIII [1954] 107—148).