

Westermann, William Linn / Wenger, Leopold

Letters from W. L. Westermann and L. Wenger

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LETTERS FROM W. L. WESTERMANN AND L. WENGER

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
DEPARTMENT OF HISTORY

21 June 1940

My dear Colleague:

I am glad to know that you have escaped from Poland under German domination. What may have happened since the military occupation of France I cannot tell.

Will you please hereafter address me at Fayerweather Hall, Columbia University, New York City. Your letter addressed to Cornell University, however, reached me after a short delay.

The situation with respect to your request that I arrange that you may come to Columbia University and work in papyrology is very difficult. I judge that you are a Polish citizen. However that may be, will you please go to the nearest American Consulate and put your name upon the regular quota list and the non-quota list. This is the first step necessary in all these cases. I have inquired and found that the Polish quota is a very difficult one to gain entrance upon; but we must take the chance. Please take your birth registration to the Consulate when you go.

Please do not be too optimistic about anything that I can do, except to count upon my desire to help in any way possible. My colleague, Professor A. Arthur Schiller of the Columbia Law School, is also interested in your case and he will help me.

I am sure that you cannot, and could not be expected to understand the difficulties which face us here. I already have in my Papyrus Room Dr. Herbert Liebesny of Vienna and Professor Angelo Segrè. For both of these men I must obtain some money. With the thousands of European refugees, and the hundreds of scholars among them, it has become increasingly difficult to get any help.

Please let me know whether you have any money; and not to regard this as an impertinent question. I assume that every-

thing that you had is now gone. At any rate, Professor Schiller and I will do our very best to help, in this distressing situation, a colleague whose work we have so long had every occasion to admire. Dr. Liebesny met you at the last Papyrus Congress and also speaks most highly of you and would do anything he could, I am sure, to help us. Meantime, I hope, that everything goes with you, as well as the desperate conditions of today will permit.

Very sincerely yours,

William L. Westermann

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
(NEW YORK 27, N.Y.)
DEPARTMENT OF HISTORY

23 October 1945

My dear Taubenschlag:

Within a few days, as I hope, the matter of the \$ 2000 to be obtained from the American Philosophical Society will be completed. Please accept my congratulations that your scholarship of a life-time has been recognized so thoroughly by American organizations. That is, of course, what the grants made to you really mean.

Always, with my best wishes,

Sincerely yours,

William L. Westermann

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
(NEW YORK 27, N.Y.)
DEPARTMENT OF HISTORY

September 15, 1947

Dear Taubenschlag:

It is a great pleasure to know that you are pleased with my article and that it will soon be printed. I would be very grateful indeed for the 150 offprints which you kindly offer me gratis.

Also, it is a great pleasure to hear that you have recovered very considerable from the physical condition of the last few months in New York.

From your silences during the seven years which we worked so happily together in the Papyrus Room, I drew the deduction that something was wrong with your first marriage. Your reticence in speaking of it I felt was admirable and should be protected. Please accept my best wishes for your second marriage and my hope that it will be an addition to the happiness which you so well deserve.

The article upon the Freedmen and the Slaves of God will be finished today or tomorrow and ready for delivery for publication in the *Proceeding of the American Philosophical Society*.

It is fine to be able to feel that your return to Cracow has been favorably received, and particularly that you are getting backing for the continuance and publication of your research.

Always with my best wishes,

Sincerely yours,

William L. Westermann

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
(NEW YORK 27, N.Y.)
DEPARTMENT OF HISTORY

December 31, 1947

My dear Professor Taubenschlag:

A few days before the Christmas Holidays began Miss Anna Świderek, pupil of Professor Manteuffel, appeared in my office with your letter of introduction. Since then the vacations have come, with a snowfall as tremendous that almost all transportation came to a halt. So I have not been able to show our Papyrus Room to Miss Świderek; but I hope to do so shortly after the vacation ends. She seemed to me to be a charming and intelligent young woman.

Miss Świderek brought the alarming news that you had undergone the serious operation which we feared must be done before you left New York. She reported that you seemed to be recovering but she had had no late report upon your health. I am hoping that everything went well and wait anxiously for news from your son. He came in to the Papyrus Room with a Christmas greeting for me, but left no message as to how you were. Unfortunately I was not there at the time.

The Papyrus Room is now occupied solely by myself and Moses Finley and my two students, Louis Cohn-Haft and Mac Gregor Gray. I have leave of absence for the second semester and I am hoping to finish the book upon the *Paramone and Right of Movement* within the following year. Bickerman will carry on my Saturday morning course for that semester. During the coming semester I shall make my plans to retire from active teaching on July 1st of the coming year 1948.

Father Matusik sent me a letter, which arrived today, explaining his long absence from the Papyrus Room. He hopes to have leave of absence beginning in March and to complete the thesis which is well under way. Also I had a card from Miss Ogoroski who wished her regards to be sent to you. I myself attended none of the scientific meetings, because I seem to be very tired. The two lecture courses and a seminar have kept me away from my research all of the past semester.

I have the impression that everything is going well with your work; and it is very encouraging to know that you have the grants necessary to continue publication of your Journal. Still it is my hope that you will be able to come back to us next summer to renew your study in the Papyrus Room at Columbia.

Nicolas Murray Butler's death has freed the way to the succession of General Eisenhower as President of Columbia. The matter is complicated by the uncertainty whether he will be run for the Presidency of the United States on the Republican party ticket. That may be the outcome. In fact, it seems, at this writing, to be very probable.

I miss you sorely in the Papyrus Room and greatly hope for your return. As soon as your health permits I wish that you would write me of your recovery and of your plans.

Recently I lectured before the Columbia University Club at a luncheon meeting on the Middle East between the Two Wars. It was a mistake to have undertaken it. Everything is difficult for me. Perhaps it is because I am a perfectionist, as I am accused of being. Or perhaps I do everything the hard way. At any rate it was more exhausting than I had expected it to be.

Please accept my affectionate greetings for yourself and Madame Taubenschlag and my hope that the coming year will bring you both much happiness and good health. And do write me as

soon as you can. I look forward to your second volume with keen anticipation.

Angelo Segrè has gone back to Italy. I sincerely hope that he stays there.

Yours with affectionate greetings,

William L. Westermann

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
(NEW YORK 27, N.Y.)
DEPARTMENT OF HISTORY

February 17, 1948

My dear Professor Taubenschlag:

Your kind letter of February 6 came very promptly, indeed. I received it, in fact, on the 14th, which was the Saint Valentine's day, of the children, with us. Never have I received a more heartening valentine. It is wonderful news, that you are recovered from your two operations and the subsequent infections and that you will soon be able to resume your work. Particularly the elimination of your heart trouble is most gratifying. Obviously you will now live to be 110 years old, I hope it.

Thursday evening I shall attend a meeting of the Ancient History Club and will give your greetings to Berger and others.

When Professor Czubalski comes here please have him get into touch with me and I will do everything I can to put him in contact with the Medical group of the Rockefeller Foundation. If Dr. Alan Gregg should be here at the time it will be a simple matter.

I congratulate you on having the funds for the Journal and having Professor Manteuffel as your co-editor. Miss Anna Świderk has not yet appeared, so far as known to me, in the Papyrus Room. And why should — with all the attractions of New York, including Lusky Harlem, before her?

My very best congratulations to you — you are a sturdy character — and my best greetings to Madame Taubenschlag.

Sincerely yours,

William L. Westermann

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
(NEW YORK 27, N.Y.)
DEPARTMENT OF HISTORY

May 20, 1948

My dear Taubenschlag:

I have had your letter of April 23d for about two weeks, but have not yet been able to answer it until today. Recently I forwarded to you an offprint of my article on "The Freedmen and the Slaves of God." I shall be sending, also, to Manteuffel and to Miss Świderek copies of this in the next few days.

Thank you for accepting my article for the new *Journal of Papyrology* and for the careful work which you and Professor Manteuffel have undoubtedly done upon it. Soon I will expect offprints to arrive, for which I now thank you in advance.

I have no article at present available or in mind which I could send on to you for the next volume of your *Journal of Papyrology and Roman Law*. Unfortunately it will not be possible for me to work with you upon the *Apokrimata of Severus*. Some years ago I promised Arthur Schiller that we would edit it together. I cannot refuse now to carry on the project with him.

Father Matusik has not appeared since January in the Papyrus Room. Finley continues to work there and my two students, Mc Gregor Gray and Louis Cohn-Haft. Other students come in occasionally. It is my present intention, since Lewis is not available for future work on the papyri, to train Gray and Cohn-Haft to carry on the work.

I will be able during the next year to look over our unpublished material and, if I can find a suitable legal papyrus for us to undertake together I will let you know.

Of course you understand that the dedication of your new book to me will be a matter of the greatest satisfaction at the end of my scholarly career. The Department has asked me to continue with the advanced course next year. Although my retirement enters into effect July 1, I am still to be in touch with the Department's activities for the coming year.

It is fine to hear that your physical troubles are now over; and I congratulate you again upon your success in getting money for your Journal.

With my best wishes,

Sincerely yours,

William L. Westermann

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
DEPARTMENT OF HISTORY

October 11, 1948

My dear Taubenschlag:

It was a great pleasure to have your letter of September 1st. I am sure that you have been very busy with your second volume and the second printing of your journal. I will be looking forward to receiving the offprints of the article which you are so kindly publishing for me. Evidently everything is going well for you. In case you should see Dr. Oscar Lange, please give him my best regards. Naphtali Lewis was in the Papyrus Room the other day; but he has little time to put upon his research work because of his heavy schedule at Brooklyn College.

At present I am working upon the reorganization of the first seven chapters of the book on the Paramone. It has been a very difficult job. Most of the time I am alone in the Papyrus Room. Recently I had to make a report to the Rockefeller Foundation upon the relation of the "Taubenschlag project" and the continuation of this kind of work to Columbia University. As you well know I was fortunate in being able to give a splendid account of the results obtained and my hope that the type of research which you established in the Papyrus Room will be continued. Always I am hoping, as expressed in my letter to the Rockefeller Foundation, that you will soon be able to return here for a continuation of your work. In that case I shall hope that you will bring Madame Taubenschlag.

I have no way of knowing whether I shall be able to attend the Paris Papyrology Congress next year. I dream of it; but the

reduction on my income through becoming Professor Emeritus makes it very doubtful.

With my best wishes to you and Madame Taubenschlag,

I am,

Very sincerely yours

William L. Westermann

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
(NEW YORK 27, N.Y.)
DEPARTMENT OF HISTORY

October 28, 1948

My dear Taubenschlag:

Your letter of the 17th has already arrived; and it gave me great pleasure to know that everything was going so satisfactorily with your publication. I shall wait with anticipation the arrival of the new volume of the *Journal of Papyrology* and the offprints which are to come in the diplomatic pouch. It must be a great satisfaction to you to know that Volume II of your work on the Law of Egypt will soon be in press. I am sure that you and Professor Manteuffel will have done an accurate job in proofreading of my article.

It is a splendid list of names that you have lined up for the third volume of the *Journal*. I will try to write a brief article for you; but that will be impossible for to start before the Christmas vacation. At any rate, I will try to do something then if it is at all possible and send the results on to you for your consideration.

As to an Institute of Papyrology to be established here at Columbia, my present desire is only to make Room 408 South Hall an intellectual center without the definite plan to make it an agency of publication of papyri. This, however, may change.

I saw Berger yesterday. He is, however, a sound and honest workman.

I have not heard from Father Matusik or heard of him for the past ten months. I shall try immediately to get in touch with him.

There is a project on foot now that Mac Gregor Gray is to collect and publish for the Department the entire series of my articles

since I started my research work. I think it would be a good thing to do because they have appeared in so many different publications here and in Europe.

With my best wishes to you and Madame Taubenschlag,
I am,

Very sincerely yours,

William L. Westermann

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
(NEW YORK 27, N.Y.)
DEPARTMENT OF HISTORY

December 15, 1949

Dear Professor Taubenschlag:

Answering your letter of Nov. 27th — I will be glad to write a short article on *Labor Control in Ptolemaic Egypt* for the coming fourth volume of the *Journal of Juristic Papyrology*, which is to be dedicated to the memory of Jouguet. The material may be old; but the approach will be a new one.

This gives me the opportunity to wish you and Madame Taubenschlag a happy Christmas and successful New Year.

I have received the copy of Vol. 3 of the *Journal*, which Bickerman now has. As yet I have not had the time to read the articles in it.

I have not yet heard anything about Father Matusik.

Very sincerely yours,

William L. Westermann

P.S. Professor Schwabe of the University of Jerusalem is working in the Papyrus Room for this semester. We still remain international.

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
(NEW YORK 27, N.Y.)
DEPARTMENT OF HISTORY

April 7, 1950.

Dear Taubenschlag:

Your kind letter reached me yesterday. A position between Hrozny and Sir Harold Bell would honor me by proximity.

In deference to other non-legal minds like myself, such as Bradford Welles represents, I wish you would change the title of my

article, if still possible, to *Extinction of Claims in Slave Sales in Delphi*. It is legally, from the point of view of the Delphic law on the matter, more exact. Actually, the other title *Clearance of Title to Freedom* is more exact, so far as the result goes. But why excite criticism which will divert attention from that which I want to prove?

If it is too late to change it, let the old title stand. Could you let me know? A post card would be sufficient.

Sincerely yours,

William L. Westermann

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
(NEW YORK 27, N.Y.)
DEPARTMENT OF HISTORY

April 15, 1950

My dear Taubenschlag:

Yesterday I sent you the typed article on *Extinction of Claims in Slave Sales at Delphi*. This morning I ran across what looks like the certain solution to the problem. Can you hold the article up for a few days until I can change the last four pages — if it works out as I think it will?

I will try to send on the altered pages to you next Wednesday. If it is too late we will let it pass — and I shall write another article, to confess my error.

Sincerely and with best wishes,

William L. Westermann

COLUMBIA UNIVERSITY LIBRARIES
INTERDEPARTMENTAL MEMORANDUM

April 17, 1950

Dear Taubenschlag:

I am sorry that I have been such a bother to you. The study, and its possibilities, widened as I worked. Will you kindly add these two pages at the end of my typed copy previously sent to you. I have not the time to have this typed. My typist, wife of a Gd. is having a baby and it would take a lot of time to seek another. Will you have it typed in Warsaw and let me pay for it. I would gladly do so.

My best wishes to you and Madame Taubenschlag. Again I apologize for the delay and the bad article. It was too big for me. As the old Pharaoh mourned in the Egyptian story: "Ah, if my good Ahikar were only here" — so I mourn: "Ah, if my good Taubenschlag were only here in the Papyrus Room!"

Always yours,

William L. Westermann

We did a lot of good work here together. I think back on it with longing.

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
(NEW YORK 27, N.Y.)
DEPARTMENT OF HISTORY

March 7, 1950

My dear Taubenschlag:

Thank you for your recent letter. You have collected an interesting group of men to honor Pierre Jouguet in the forthcoming volume of "Juristic Papyrology". Professor Schwabe said that he would like to send you an article; but he broke his arm, in Boston, last week and he is planning to return to Jerusalem at the end of this month, so I doubt that he would be able to send an article to you before May or June.

I have found it impossible to work out in a brief article the vast subject of "Controls of Labor in Ptolemaic Egypt". Could you still change the title and let me do an article upon "Clearance of Titles to Freedom in the Delphic Manumissions"? Kindly let me know as soon as possible so that I may begin the article, with a complimentary reference to Jouguet, whether he did not in his early youth study epigraphy at the French School in Athens. I think the article upon *Clearance of Titles in the Manumissions* will be brief but effective. As usual, the Romanists have "missed the boat" upon this subject.

With best wishes,

Sincerely yours,

William L. Westermann

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
(NEW YORK 27, N.Y.)
DEPARTMENT OF HISTORY

July 5, 1950

My dear Taubenschlag:

This morning I had intended to bring your recent letter, with its kind praise of my article, with me to Columbia University. Unfortunately, due to the presence of my attractive grandchildren, I forgot to bring it along. At any rate, I was tremendously pleased with your statement that you liked the article. It seemed to me at least to be an attractive one to use in honor of Jouguet.

I have not seen Matusik since February, but at that time he gave me his address which is 120 Suffex Street, Jersey City, New Jersey. Apparently, he will not be able to work further on his thesis, much as I hoped he would be able to complete it.

Mac Gregor Gray goes to the State Department in Washington where his salary will be much greater than he can hope to get here at Columbia University for some time. I regret that he is leaving the teaching field for which he is admirably adapted. In his position at Barnard and Columbia College in Ancient History, Louis Cohn-Haft will take over. I think he will be a better teacher than MacGregor Gray.

For the present there is no indication that anybody will be appointed as full professor in Ancient History in the graduate school here. Therefore, I will keep on teaching the general course for the next year.

For the present, I have been very busy preparing to bring up to date the Pauly-Wissowa article on slavery to be published in English in my honor by the Department of History. I much prefer this to the publication of a Festschrift. Often the articles are not very important which appear in such honorary volumes.

I wonder if it is too late to ask you to send me a hundred extra copies of my article permitting me, of course, to pay you for the off-prints?

I hope everything goes well with you and Madame Taubenschlag, and as always I hope that you will be coming back for a long visit and work in the Papyrus Room soon. With my best wishes,

Sincerely yours,

William L. Westermann

September 1, 1950

My dear Taubenschlag:

After teaching in the summer session I brought Mrs. Westermann here for two weeks. Soon I expect to have the honorary volume to Jouguet. The preparation of "Sklaverei" for an English version, brought up to date, is proceeding. Our best greetings to you and Madame Taubenschlag.

Faithfully,

William L. Westermann

3 DONELLAN ROAD
SCARSDALE, NEW YORK

December 17, 1950

Dear Professor Taubenschlag:

Primarily my letter is to bring to you and Madame Taubenschlag the greetings of this season and our best wishes for health and happiness during the coming year. I take great pride in your success, as though I had some small part in what you have accomplished since your return to Poland.

Secondly, I wish to congratulate you on volume IV of the Journal of Juristic Papyrology which is an unusual combination. Hrozný's attempt to decipher the Pylos accounts is a brave trial—and will lead to something, as he hoped. Bell's article is very interesting and superbly written as one expects of him. You see I have received the volume you kindly sent me. My own article gives another black eye to the legalists, at least that. There is no question about the *eudokesis* as clearance of title to freedom in slave sales. See Latyshev 52 of the In. Orae Sept. Pont. Eux. I think the Jewish inscription of manumission *en te proseuche* of Ponticapaeum, which has it, is No. 52! I am using the reference to the J. of Jur. Papyr. in my new English version of Sklaverei which should go to press next fall.

Matusik has been sent to Gary, Indiana, to head a boys' school, something as a "...* boys' school", I judge. If Mrs. W. and I go to Egypt this spring and Zaki Aly does not come over here, Naphtali Lewis will carry on for me. The Egyptian arrangements are still incompletd.

* illegible

We are well and greatly hope that you are contented and in good condition.

Always yours,

William L. Westermann

P.S. Bickermann is teaching for the year in a new Jewish Theological Seminary in Los Angeles.

February 9, 1951

My dear Taubenschlag:

Yesterday I received the one hundred reprints of my article about *The Extinction of Claims in the Delphic Manumissions*, which had been preceded two days by your kind letter.

I am delighted to hear that everything goes well with you and congratulate you heartily upon Volume 4 of the *Journal of Juristic Papyrology*. Evidently you are already almost complete with the necessary articles for Volume 5.

Adolf Berger seemed very much pleased with the article on the *Eudokesis*. I took him to lunch the other day with Professors Bigongiari and Bryson, which he seemed to enjoy since they are very intelligent gentlemen. I shall try to help him to arrange for the publication of his book upon *Juristic Terminology* when it is completed.

As you see, I did not go to Egypt for this semester as things were not settled in Egypt in time to permit me and Mrs. Westermann to leave for the second semester there. There seems to be some indication that I may be asked to come next year; but I do not know as yet.

With my best wishes to you and Madame Taubenschlag,

I am,

Sincerely yours,

William L. Westermann

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
(NEW YORK 27, N.Y.)
DEPARTMENT OF HISTORY

September 11, 1951

My dear Taubenschlag:

Thanks for your postcard of August 1st. I would be very glad to have the proofs of Pringsheim's article as soon as you can send

me them. His treatment of the Delphic manumissions in "The Greek Law of Sale" is not satisfactory. Where he says (p. 105) that in the Greek trust sale "the slave is to be free", he should say "the slave is free". On p. 108 he says that the god is made to speak like a genuine purchaser. This seems to be contradicted on p. 184. Apollo does not, in fact, speak at all — nor is he made to speak. His whole premise that *oné* means "ownership" is, in my judgment, quite wrong. It is, as everyone has believed, merely (1) "sale" or "purchase", as action; or (2) "instrument of sale".

What I am more interested in is your two articles, on *The Interpreters* which is an interesting point in cultural history admirably presented; and the thoroughly original *Periods and Terms*. I have already, today, used it, with a brief note referring to the article in the new *Slavery* book. Will you do me the favor to extend this study somewhere by looking into the period of redhibitory action in slave sales in cases of hidden diseases not disclosed by the vendors. Begin with Plato, Laws XI 916 and Hyperides oration V against Athenogenes 15 or 16, and then do the law as it was in Egypt. You could quickly do this. According to Hyperides, polis legislation would place it under your division C — "periods by agreement". Plato, as is his predilection, would do it by legal action, or state regulation.

My best wishes for your health. It is wonderful to see you picking up and so skillfully presenting these new ideas. You are a young man, with a fresh mind. Three cheers for you!

Sincerely,

William L. Westermann

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
(NEW YORK 27, N.Y.)

February 6, 1952

My dear Taubenschlag:

I have been kept very busy trying to put into shape the final chapter of the new formulation of the *Slavery* book. As you know, it is the new version of the Pauly-Wissowa article. The transitional period from a large number of slaves to a smaller number, the strengthening, by the fact, of the colonate and of the use of free labor in the handicrafts have been difficult problems to re-

solve. I hope, however, that there will be some new and interesting features in my discussion. After that is through, I shall finish my book upon the Paramone.

From your letters I judge that everything is going well with you. I have not yet received the new number of the *Journal of Juristic Papyrology*; but I am expecting it soon.

It looks very much now as if Elias Bickermann would succeed me in the coming fall as Professor of Ancient History at Columbia University.

This is all the news I have at present except to assure you that my family in the three generations are all well. Please give my best regards to Madame Taubenschlag.

Very sincerely yours,

William L. Westermann

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
(NEW YORK 27, N.Y.)
DEPARTMENT OF HISTORY

September 21, 1952

My dear Professor Taubenschlag:

Your letter of August 9th reached me — or is it dated September 9th? In August I sent you a post-card from New Hampshire to which Mrs. Westermann and I had gone after I had finished the Summer Session. The summer was extraordinarily hot, ranging for the six weeks of the summer session from 85° to 96° Fahrenheit. This I found quite exhausting since the teaching requirement was two hours a day for five days of each week.

I am now quite recovered despite the necessity of moving all my books out of my Fayerweather office. Bickerman has taken over the office and I have moved some of my books to 408 Butler Library, having sold off a few on commission with the Ideal Book Store.

The succession of Bickerman is the appointment which I most desired the Department to make. His English pronunciation is still difficult to understand. How it will affect the registration in Ancient History I do not know. I hope that he will be attractive to the students. From the scholarly point of view I have no doubt of him.

I regret that I cannot now write any article, even a small one, for the *Journ. of Jur. Papyrology* vol. VII. I must complete the bibliography of my book on Slavery, add a few items here and there, and make arrangements to have the Index done. Within two months I hope to have the manuscript in the hands of the Philosophical Society. During the summer months I did not have the strength left to accomplish much. After the Slavery is finished I am obligated to complete the Paramone study and then to work out a briefer book with Schiller.

Finley, John Day and Louis Cohn-Haft still work in the Papyrus Room, — still a modest haven of scholarship.

Jetzt bin ich wirklich ein Privatgelehrter. Ich habe es verdient, glaube ich.

When the Slavery book appears you will have one of the first copies. I shall await with interest Vol. VI of your distinguished *Journ. of Jur. Papyrology*. You have already given it distinction, for which you have my congratulations.

Sincerely

William L. Westermann

P.S. I have not read Wenger's review of your *Law of G.-R. Egypt*, but will do so this coming week. It will surely be favorable. His notice of my Pauly-Wissowa, *Sklaverei (Arch. f. Pap.)* of about 1942 was not unfavorable.

William L. Westermann

Alexandria, April 10, 1953

Dear Taubenschlag,

As so often in our work together at Columbia, I am now running to you for advice and help. I hope that you will not be angry at my dependence on your knowledge.

The situation is this. Next year is the 200th anniversary of the founding of Columbia University (the King's College). Thereof the Law School there has arisen an opportunity that Artur Schiller and I can publish one of the series of studies worthy to represent the work done in research at Columbia. I suggested that we

do a papyrus containing 13 *apokrimata* of Septimius Severus published here in Alexandria in Phamenoth 18 of their year 8. I have set the limit of the co-operation. I will do text, translation, historical setting, chronology, linguistics. Schiller will do legal setting and legal application. I regret that this must be the limit of the collaboration effort. It means that I really cannot come to any meeting of minds with a rigid brain like that of Schiller. But so it must be. Possibly the rigidity is that of my mind. Anyway, it is there.

The first answer is advisory. It reads: Οὐλπία Ἡρακλάνω τῶ καὶ Καλλινείκω. τὰς ἐπιβληθείσας Ἀλεξανδρεῦσι ἢ Αἰγυπτίοις ξημίας δὴλωθέν(τα) χρόνου προσαγαρόντες ἀνηκαμευ.

I am translating it as follows: "We have remitted the fines which have been imposed upon Alexandrians or Egyptians by (or "through") having applied a fixed term (sp. "for exaction").

Will you please comment or correct. The reading is quite certain, I think. My comment is this — in general thought: By applying a statute of limitation upon fines imposed and remaining long uncollected the fines upon these two groups of subjects living in Egypt, have been off the *. Roman citizens, resident there, were not affected by that decision. I cannot mean that any *law* was remitted — only fines (certainly in money), and not imprisonment terms. I wish to keep my comment down to the bare bones. If Schiller wishes to differ, let him do so. The arrangement with him, on my side, is on the plan of the work of W. Schubart, and Uxkull von Gyllenband in BGU V 1 and 2.

Also will you do me another great service. In my haste in leaving home to come here I neglected to bring my copy of your excellent, and, to me, completely new article on *Periods and Terms*. It would be of the greatest service to me if I had it. I will need it in the next two weeks, if you can make that "time and period". If your amazing memory carries with it any analogy — Roman law or Egyptian — please let me know of it.

Also if you have a copy of the two volumes of your "Law of Greco-Roman Egypt" available would you let me know by air mail letter. I would like to buy it if it is possible, for use of two good students (I have my own copy here with me) now working

* Illegible.

with me. If you have them kindly inform me and set them aside until you hear again from me.

I lectured on Semitic and Greek slavery, bringing out the contrasts last Tuesday night. I don't think it is their type of dish, however.

Always my best wishes to you and to Madame Taubenschlag.

Sincerely yours

William L. Westermann

WINDSOR PALACE HOTEL
ALEXANDRIA
EGYPT

May 14, 1953.

The first day of Ramadan

My dear Taubenschlag,

It distressed us to hear of the bad luck which you and Madame Taubenschlag had had in the early part of the year. Two weeks in the hospital for Mrs. Taubenschlag and you with a serious operation for glaucoma. I am happy to read that you are both recovered. You certainly are a resilient spirit; and I have always admired that courage and invincible reaction to all that you have been through.

Let me thank you for the five copies of the second volume which arrived last week and have been delivered to the following students who worked with me in seminar, learning how to read and how to set up a papyrus document: Mustapha Kamal Alim; Sami Shemide (Copt); Abdul Hamid Hamdy; and Mustapha El-Abbadi. Their response to it was touching. They want so much and have so few books to do it with. Above all you must send me a bill to my house address 23 Donellan Road, Scarsdale. I took the liberty of writing a dedication from you: To Mustapha Kamal Alim from Prof. Rafael Taubenschlag, through K. L. Westermann. Above all I want to pay for these volumes.

I did not see Wenger's analysis of your book in *Sav. Ztschr.* 70, but I am working with the first volume daily; and daily my admiration for it increases. Zaki Aly is in touch with you. Whether he has anything to publish I do not know. Probably not because he and Rémondon are trying to get out a volume of the *Études*

de Papyrologie in October. I have so many commitments that I cannot help them out.

I take pride in the thought that our mutual work in the Papyrus Room was a help to you in bringing the Law of Egypt to its conclusion. It is a fine group of contributors you have for the Wenger volume. I congratulate you. We leave Tuesday, May 19, for home, to return late in October.

My affectionate greetings to you. Keep well and continue to find happiness in your work.

Yours always,

William L. Westermann

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
(NEW YORK 27, N.Y.)
DEPARTMENT OF HISTORY

August 25, 1953

My dear Taubenschlag:

You were kind indeed to send me the five offprints from volumes 1 and 6 of the Journal of Juristic Papyrology. The review of Angelo Segrè's book is certainly devastating. I wonder if all the reviews have been so severe.

It was very good of you to send me these offprints. As it happened, the collection of the Constitutions of the Emperors was very useful to me and saved me, just a few days before I handed in the typed manuscript of my publication of thirteen responses of Septimius Severus, from missing two of the pertinent responses. When you write an article, you certainly do get hold of all the material. I have not as yet had time to read the remaining articles.

Before October 1st I must make a recording of a twenty five minute speech which is to be broadcast in the early part of 1954 by Columbia University. Then I have an article to finish for an honorary volume of essays. In addition I still have about two days' work clearing up certain errors in the manuscript of the book on Slavery. That should go back to the Philosophical Society next week.

It is wonderful to know that you are again in good health and are capable of doing so much work. Mrs. Westermann and I will

be leaving for Alexandria in early October. I suppose that this will be the last year of my stay in Egypt.

With my best wishes to you and Madame Taubenschlag, I am
Sincerely yours,

William L. Westermann

WINDSOR PALACE HOTEL
ALEXANDRIA
EGYPT

Friday, November 6, 1953

My dear Taubenschlag:

Within the week of our departure from New York for Alexandria (Mrs. Westermann accompanied me of course) I received your letter dated September 25. It grieved me to hear that you were not then in good health. Now I hope that you are recovered in health and energy. You and I have that in common that we sink our difficulties in the great boom of our work, as I saw you do valiantly in the years we spent together in the Papyrus Room.

Before I left New York I sent in the manuscript upon "The Greek and Roman Systems of Slavery" to the Amer. Philosophical Society. They had turned it over to Broughton of Bryn Maur College for correction of details and he did a careful piece of work upon it. He is a conscientious scholar. Now it is closed (*khalôs* in Arabic) and I await the galley proof. They are slow, for some reason which I do not understand. I had not known that the Pauly-Wissowa article had been translated into Russian. It is a tribute to the work which I had not expected.

We started the lectures this week, with classes considerably increased in number so that the placing of them in suitable rooms in the former Italian hospital, which now houses the Faculty of Arts, is difficult.

Bickerman is doing well in my former position at Columbia. The pensioning of Schuyler, Hayes, Evans and myself has changed the entire complexion of the History Department, whether for better or for worse, I cannot tell. Only time will make that clear. As Thales wrote: σοφώτατος χρόνος πάντα γὰρ εὕρισκει.

My friend, Zaki Aly, has taken over the editorship of the *Etudes de Papyrologie*. He tells me that he has asked you for an article. I hope that you can help him out, because he is an honest

scholar who will try hard to fill the place of Pierre Jouquet. That will be difficult to do.

I received word of Wenger's death sent on to me from New York and have written a brief note to Madame Wenger. That is a great loss for all of us.

I am glad that Madame Taubenschlag is there to take care of you. Kindly give her my best regards. And do let me know how you are.

Always sincerely yours,

William L. Westermann

WINDSOR PALACE HOTEL
ALEXANDRIA
EGYPT

April 17, 1954

My dear Taubenschlag,

It is much too long since I have written you. Of late I have been worried about your health which was not good when you wrote me in late September. In your letter of November 10 you seemed to be better; and I am hoping that your health is now fully restored.

In that last letter you told me of the distinguished group of scholars who are contributing to your volume VII. With Schönbauer, Rabel, Pringsheim and others it will be indeed a real tribute to the memory of Leopold Wenger who was a very fine scholar and a gentleman.

Also you asked me to write a brief account of my book on slavery. I thought it best to get permission of the American Philological Society to do so. After a brief delay this came from Eisenhart. So I am sending it by air mail under separate cover. If you should receive this letter and not receive the typed statement about the Slave Systems of Greek and Roman Antiquity, please let me know and I will send a second copy immediately.

If you do not like my criticism of Pringsheim's idea about the Delphic slave sales (entrustment) to Apollo, please feel free to eliminate it. I will not mind. The criticism is correct enough, however.

We cannot start back from here until June 1st. The time wears itself through, but slowly. A year is a long time to be away from my son and from the grand-children. They, by the way, seem

to be interested in their school, keep fairly well, and are not dull ones, if satisfactory notes are any indication.

Since early March the teaching has broken down. This week I have taught but one hour. Then the students (incited by a small minority) struck and the government closed the University. For the following two weeks we will probably teach only the fourth year-group — although this does not yet seem to be decided. Then comes the month of Ramadan when the students prepare for their examinations upon the year's work.

I hope to send you a public address soon, upon the Alexandrian Library in Antiquity. It is of the type of assembled scholarship which is not research which Jouguet used to do so well.

I shall be exceedingly interested in your coming article upon *Privilegien im Rechte der Papyri*. You struck upon an entirely new vein of research when you are writing your *Greek and Roman Law in the Light of the Papyri*. It was a new and a rich vein.

I congratulate you upon your 40 years of teaching. It has been a rich and fruitful life; and I am proud of you, of your energy and your continual growth.

I wish that you would write me soon to let me know how your health is, because I have not failed to think of you and the good years we spent together in the Papyrus Room at Columbia.

I am rather proud that the Russians are translating my *Pauly-Wissowa* article, because they are good judges of hard work.

I did receive your comment upon the *Septimius Severus Apokrimata*, in which you helped me very much. I think that I acknowledged your help last spring from here. Your analysis helped me greatly.

Please give my best regards to Mrs. Taubenschlag. I am glad she is there to look after you.

Faithfully yours,

William L. Westermann

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
(NEW YORK 27, N.Y.)
DEPARTMENT OF HISTORY

September 8, 1954

My dear Taubenschlag:

Some two weeks ago I received your letter of August 24th and only now have found the time to answer it.

I did receive volumes 7—8 of your Journal of Juristic Papyrology. It certainly is a very impressive list of contributors that you have there. As yet I have not had the time to give it the attention which it deserves. Up to the present, I have been trying to finish the article for Zaki Aly, which has developed far beyond what I had expected. It will run, I think, to about sixteen pages. I hope to be able to complete it within another week.

The three volumes of articles which are to appear in your honor in celebration of your fiftieth year of teaching are a great tribute to you, and I am glad that you are to have such an honor. I did not have word, probably due to a failure of the mails, until this letter came that you have received the article which I wrote for you at your request giving an outline of what was to appear in my study of the Greek and Roman institutions of slavery. I am glad you received it, although I do not think that it has great value. I have completed the galley proofs of two-thirds of the volume; but there has been a stoppage in the receipt of further galleys because of the Labor Day celebration and the slowing down of the type-setting in the summer months.

Our trip home on the American Export Lines from Alexandria was delightful so far as the weather and the group of passengers were concerned. Since my return, I have had some illness which I think I contracted in Egypt. Fortunately, that is now all over, and I feel much better. It was a pleasure to hear that you and Madame Taubenschlag had a vacation and enjoyed it. There has been a great number of deaths of the European scholars in your particular field. They are very hard to replace.

Always with my best wishes,

Sincerely yours,

William L. Westermann

P.S. I also received three offprints, one from Miss Swiderek. All of these I shall read with pleasure and profit when this article is completed.

William L. Westermann

April 12, 1956

My dear Professor Taubenschlag:

Here it is. To paraphrase Winston Churchill — "too late, too long", and not too good. Anyway, it is done.

I am sending it by air.

Good luck to you.

Sincerely yours,

William L. Westermann

PROFESSOR LEOPOLD WENGER
OBERVELLACH, KÄRNTEN

Obervellach, den 6.3.48

Lieber Kollege Taubenschlag,

Das war für mich eine grosse Freude, als doch Vol. I Ihres *Journal of Juristic Papyrology* zwar in von der Reise recht hergenommenem Gewande, aber innerhalb des Umschlags ganz intakt ankam. Ich wartete zunächst auf Ihre Karte vom 8.1 hin auf das ebenfalls auf die Weltreise geschickte Buch: *The Law of Greco-Roman Egypt in the Light of the Papyri*, bis das noch vorliegende Reiseverbot mir die Vorfreude nahm. Als unverbesserlicher Optimist hoffe ich auf nicht zu ferne Ermöglichung der Zusendung. So habe ich aber heute schon doch die grosse Freude, Ihnen für das *Journal* zu danken, das mich nach den allzulangen Elendzeiten der Abgeschlossenheit, mit dem jahrelangen Bewusstsein des selbstverständlichen Endes der Diktatur, einen weiteren Blick in die Welt tun liess und in eine Teilnahme an einer Arbeit, wie sie hätte sein können.

Was muss Ihnen die Herausgabe mit aller Mühe doch für eine freudige Genugtuung machen. Von einer über die Papyri hinausreichenden Bedeutung ist Ihr Aufsatz *Customary Law and Custom in the Papyri*. Da sehen wir wieder die papyrologische „Fundgrube“ für die antike Rechtsgeschichte. Ich freue mich, das alles kurz in meiner Quellenlehre unterbringen zu können. Über Wolff's *Consensual Contracts* gibt es zu denken und eine „sceptical attitude“ scheint auch mir angebracht. Dass mich Bergers

dotis dictio besonders prinzipiell freute, als ein gleicher Gedanke über den Ozean, werden Sie mir glauben.

Mit gewisser Besorgnis schlug ich Ihre *Surveys* und *Reviews* auf und mit Recht! Da sah ich, wie viel uns hier entgangen ist. Ich müsste ein Sie langweilendes Klagelied anstimmen. Aber ich muss Ihnen doppelt statt dessen danken, dass ich doch erfahren konnte, was wer worüber schrieb, und das aus Ihrer Feder.

Kürzlich schickte ich einige Separata an Sie — vielleicht kamen die Ihnen doch zu. Gerne gäbe ich Gewichtigeres statt dieser ἀντίδοσις ὀλίγη. Ob mein alter Jugendfreund Rabel wohl meinen Brief erhalten haben wird, und wie es ihm etwa geht? Petropoulos schickte mir seine: Ἱστορία καὶ Εἰσηγήσεις τοῦ Πομαϊκοῦ δικαίου mit 1571 pp.!

Nochmals vielen Dank und Grüsse auch von meiner Frau!
In alter Freundschaft Ihr herzlichst ergebener

(—) L. Wenger

PROFESSOR LEOPOLD WENGER
OBERVELLACH, KÄRNTEN
AOSTRIA, BRITISCHE ZONE

Obervellach 27 3.48

Lieber Herr Kollege,

Herzlichen Dank für Ihre soeben eingelangte Postkarte. Gerne werde ich, wenn Sie mir den voraussichtlichen Termin seinerzeit mitteilen, einen Beitrag zu Ihrem *Journal* liefern. Leider bin ich mit den neueren Erscheinungen schlecht versorgt. Aus Amerika erhielt ich wohl Ihr *Journal* I und mehrere Separata, auch von Publikationen den Band VII der *Michigan Papyri* von Sanders, indessen nicht Ihr Werk: *The Law of Greco-Roman Egypt*, was ich um so mehr noch bedaure als der der Druck meiner Quellen des römischen Rechts fortschreitet und ich Ihr Werk *The Law of Greco-Roman Egypt*, nicht jeweils sondern erst am Schlusse werde behandeln können, wohl mit dem in Druck befindlichen Vol. II *The Political and Administrative Law*. Allen Glückwunsch dazu!

Mit herzlichst frohen Osterwünschen, freilich arg durch den Bibliotheksverlust getrübt, in alter Freundschaft Ihr

(—) L. Wenger

PROFESSOR LEOPOLD WENGER
OBERVELLACH, KÄRNTEN

Obervellach, den 30.XII.48

Lieber, hochverehrter Kollege,

Wenn ich Ihnen vorerst herzlichst zur Jahreswende alles Gute wünsche, vorerst Gesundheit und weiterhin so ganz erstaunliche Schaffenskraft, so muss ich Ihnen Dank und wieder Dank sagen für so grosse und schöne Festgaben, wie Sie aus Ihrer ganz erstaunlich unermüdlichen Feder fliessen. Da ist zunächst Band 2 Ihres *Journal*, womit Sie und Ihr verehrter Kollege Manteuffel Ihre Universität zu einem Zentrum der Papyrusforschung machen; darin Ihr feiner und in seiner Kürze inhaltreicher, das Gewohnheitsrecht ergänzender Artikel; da ist es aber vor allem Vol. II Ihres grossen und alsbald wie sein Vorgänger unersetzlichen Werkes *The Law of Greco-Roman Egypt in the Light of the Papyri*. Das Buch ist wieder wie Vol. I nicht ein solches wie eine Monographie, die man je nach Interesse rasch durchgeht, oder auch eingehend durchstudiert, um es dann in seine Bibliothek einzureichen — nein: Ihre Law-Bücher sind für uns Papyrologen alle, für Alt und Jung, Dauerbegleiter fürs Leben. An wie viel wurde ich schon bei der ersten Durchsicht erinnert, was mir entschwunden war, und wie viel mehr Neues habe ich zugelernt, und wie dankbar muss jeder sein, der bei irgend welcher Frage sich sofort zuverlässigste Auskunft über den Stand der Dinge holen kann. Was das aber für eine Arbeit ist, ein solches Buch zu verfassen; davon haben nicht viele eine Vorstellung. Mommsen soll einmal gesagt haben, ein Buch ohne Indices lese er nicht. Was ist das positiv für eine Anerkennung solcher *Tables of Sources*.

Und noch etwas Erfreuliches! Wie viel Mühe haben Sie, mir den ersten Band zukommen zu lassen, und wie schnell bekam ich den 2. Ich glaube in gleich viel Tagen, wie ehemals Jahren!

Sie mahnen mit Recht den gütigst eingeforderten Beitrag ein. Ich war mit älteren Terminarbeiten, dann mit Vor- und Nacharbeiten zum Verona-Kongress, wo man Sie sehr vermisste, befasst, dass ich erst jetzt dabei bin. Aber es kann auch nur ein kleiner Aufsatz sein u.zw. zum P. Baraize, der m.E. das Beispiel für hellenistisches Lösegeld bietet und im Gegensatz zu Schönbauer für Felgenträger spricht. Im Januar kommt das MS. — leider kann ich zu wenig Englisch und muss Ihr Übersetzungsangebot um Entschuldigung bittend annehmen. Hoffentlich kann ich nach diesem

recht bescheidenen Anfang ein anderesmal mit etwas Besserem aufwarten.

Nochmals alles Güte, vor allem auch Gesundheit. God save You!

Ihr

(—) *L. Wenger*

PROFESSOR LEOPOLD WENGER
OBERVELLACH, KÄRNTEN

Obervellach, 30 Januar 1949

Hochverehrter, lieber Herr Kollege!

Nun sende ich Ihnen am letzten Termin als richtiger debitor in mora das Manuskript und wäre natürlich glücklich, wenn Sie es für Ihr nächstes Heft des Journals brauchen könnten. Aber wenn irgend ein Hindernis bestehen sollte, so verstehe ich das, und müsste mich mit der Zurücksendung abfinden ohne Ihnen irgendwie darüber Gram zu sein — verstehe ich alle Sorgen eines Herausgebers in heutiger Zeit!

Bedenken habe ich selbst wegen der Mühe, die Ihnen die Übersetzung machen wird. Gerne hätte ich den Aufsatz lateinisch oder englisch geschrieben. Aber ich selbst, so leicht ich beide Sprachen lese, so langsam bin im Ausdruck, und ich konnte Sie nicht noch länger ungebührlich warten lassen. Sollten Sie selbst nicht Zeit und Lust haben, könnten da etwa Sie eine Ihrer klassischen Schülerinnen, die wir erfreut im letzten Heft kennen lernen dürften, heranziehen? Denn es ist mir wirklich peinlich, Sie mit der Arbeit zu belasten, die mir zukäme, und Ihre Güte allzusehr zu missbrauchen.

Leider zähle ich auch zu den vorsündflutlichen Menschen, die nur mit der Hand schreiben und nicht tippen können, was für den Übersetzer eine weitere Unbequemlichkeit bedeutet.

Den nicht langen Text glaube ich zur Bequemlichkeit namentlich juristischer Leser, die Ausgabe und SB kaum besitzen, abdrucken lassen zu sollen. Ich halte den Text mit meinem Interpretationsversuch für nicht unbedeutend, bin aber auf Ihr Urteil gespannt.

Mit nochmaliger Bitte um Ihre Mühewaltung und herzlichen Grüßen, auch an Ihren verehrten Herrn Kolegen Manteuffel, über dessen liebenswürdigen Brief ich mich sehr gefreut habe, bin ich Ihr
ergebener

(—) *Leopold Wenger*

Wenn in der Subscriptio die Universität Wien steht, und vor, oder neben Obervellach gesetzt worden soll, so bitte ich das wie alle nötigen redaktionellen Zusätze und Änderungen von sich aus vorzunehmen. Zur Korrektur bin ich jederzeit bereit.

PROFESSOR LEOPOLD WENGER
OBERVELLACH, KÄRNTEN

Obervellach, 21.11.49

Mein lieber hochverehrter Kollege und Freund!

Ihrem lieben und mich aufrichtigst erfreuenden Briefe, für den ich herzlichst danke, ist heute das wertvolle Geschenk des *Journal of Juristic Papyrology* gefolgt. Da habe ich wiederum gerade Ihnen für die nicht geringe Mühe zu danken, die Sie sich mit der Übersetzung meines Aufsatzes über den P. Baraize gemacht haben. Jedenfalls kann ich mir nach vergangenen eigenen Erfahrungen vorstellen, welche Arbeit (und manchmal auch welchen Ärger) die Redaktion eines wissenschaftlichen Organs bereitet. Ihre Arbeiten, die ich erst noch genau studieren muss, sind wertvollst für mich, zumal für mich die Zeiten mühelosen Empfangs aller Papyrologica vorbei sind, und nicht überall her die Gaben so gütig fließen, wie von den verehrten Kollegen Taubenschlag und Manteuffel, den ich besonders herzlich zu grüssen bitte. So werde ich Ihnen zu wiederholtem Dank verpflichtet sein, wenn ich Tome III des Archives d'Histoire du Droit Oriental erhalte — auch da bin ich nach Tome II ganz ausser Kontakt.

An dem Gedenkheft für Jouguet, der auch mir ein lieber Freund war, und dessen Tod mich tief betrübt hat, beteilige ich mich gerne und danke beiden Herren sehr für die Einladung. Ich darf Ihrer freundlichen Aufforderung folgend, wohl auch persönliche Erinnerungen mitverweben.

Zu danken habe ich für die angekündigten 100 Separata meines Aufsatzes — eine heute besonders vornehme und sonst recht ungewohnte Gabe! Ich hoffe auf guten Empfang.

In Paris war ich leider auch nicht: die Reise war laut ärztlichem Rat für mich gesundheitlich etwas bedenklich und, da ich nur im Begleitung meiner Frau hätte reisen können, auch für den *sacculus huius temporis* zu teuer. So erhielt ich auch Ihren Brief leider nicht.

Mit nochmaligem Dank und vielen Grüßen, auch von meiner Frau,

Ihr alter

(—) Leopold Wenger

PROFESSOR L. WENGER
OBERVELLACH, KÄRNTEN

Obervellach, 3.3.50

Mein lieber hochverehrter Kollege,

Sie hätten allen Grund mir wegen so langen Schweigens böse zu sein! Wenn Sie es nicht sind, so ist nur Ihre bewährte Güte der Grund, denn meine Entschuldigung zerfließt wie der Nebel, da man zu einem Freundschaftsbriefe immer Zeit haben und nicht verschieben soll, so wie es durch Wochen bei mir der Fall schon ist. Also *Amice parce precor, precor!* Nun mein Bekenntnis:

Ich stecke wie ein Kridar in Schulden und viele Creditores von versprochenen Beiträgen sind *atroces* und lassen nicht gelten, dass man im 76 Jahr nicht mehr so frisch und leicht arbeitet, wie mit circa 50 es noch ging. Und wie Sie, Gott sei Dank noch sein dürfen und sind.

Gern bespreche ich Ihre beiden schönen und so wertvollen Law-Bände in der *Sav.Z.*, doch auch dabei eine *praescriptio!* Band 67 schon lange fällig, ist vielleicht schon erschienen — wir haben mit Deutschland keinen Druckverkehr — oder steht knapp davor, ist jedenfalls schon abgeschlossen: also bitte mit Aufschub in Band *Sav.Z.* 68, der hätte 1948 erschienen sollen! Aber 1948 ist das Erscheinungsjahr von Bd. 66! Diesen erhielt ich auch erst kürzlich von einem Reisenden. Die Redaktion führt jetzt Mitteis Heinrich 65,66 allein, die röm. Abteilung soll nun Kunkel — Heidelberg übernommen haben, ob schon für Bd. 67 weiss ich nicht.

Rebus sic stantibus sehe ich leider auch keinen Weg, von Professor Grossman Bd. III der *Archives* und Ihre Separata zu erhalten, zumal ich in Leipzig niemanden habe und an Grossman den ich so wenig kenne, wie er mich, zu schreiben, keinen Sinn

hätte, wenn er Ihnen auch nicht antwortet. Den Brief von Pirenne lege ich wieder bei, Sie werden ihn haben wollen.

Dass Sie in Ihrem *Journal* auch jungen Ausländern Gastrecht einräumen, wird Ihnen im Kreis der Papyrologengilde nie vergessen sein. Seidls Schüler sind ja quasi meine Enkelschüler! Ihr grosser Jouguet Memoriaband wird so sicher das schönste Ἐπιτύμβιον werden. Ich werde Ihnen mein ja leider nicht entsprechend grosses, mehr persönliches In memoriam sobald ich irgend kann, hoffentlich noch im März senden.

An der Förderung der Antiken Rechtsgeschichte haben Sie grosses Verdienst. Sie verdient über die Juristischen Fakultäten hinaus alle Förderung: ersetzen kann sie und soll sie auch nicht das römische Recht als dogmatisches Erziehungsmittel der Jugend, als die alte juristische Pandektenschule unserer Jugendzeit— nicht wahr?

Sehr mitfühlen kann ich Ihre gerührte Freude über die Krakauer Deputation und Ihren sehr glücklichen Lösungsvorschlag der Doppelp Professur. Mir war in den Jahren vor der definitiven Rückkehr nach Wien etwas Ähnliches in München beschieden, als ich freilich nur kurze Gastvorträge in Wien hielt.

Auch dazu und zu allem *Q.F.F.F.Q.S.* und *quod Deus bene vertat!*

Nehmen Sie bitte, ein paar Separata, die mit gleicher Post abgehen, als für vieles, was ich Ihnen schulde, ganz ὀλίγας ἀντιδόσεις von Ihrem Altkollegen und herzlichst auch von meiner Frau grüssend

(—) L. Wenger

PROFESSOR LEOPOLD WENGER
OBERVELLACH, KÄRNTEN

Obervellach, 22.2.51

Als ich Ihr *Journal* Vol. IV erhielt, sagte ich mir, Freund Taubenschlag sammelt glühende Kohlen auf mein sündiges Haupt: für all mein Versagen in der Mitarbeit dieses neue Volumen ausgezeichnet wie die früheren, und ein wahrer Ersatz für das noch immer nicht wiedererweckte *Archiv* von Wilcken. Besonderen Dank für die freundschaftlich gütigen Worte, die Sie meinen kleinen Parerga spenden. Manche Literatur und — leider auch — Publikation blieb mir unbekannt: die Zeiten vor dem grossen frevelhaften Kriege wo wir kaum ein „Notsein“ buchen mussten, sind noch immer — für mich noch mehr als für Sie — *tempi passati!* Aber *speramus!*

Freilich ist durch die Korrektur der Quellengeschichte, die endlich bei Justinian angelangt ist, jede sonst etwa freie Stunde beschlagnahmt — vor allem aber ist die Arbeitskraft nicht mehr die alte, was ich wiederholt bitter empfinde, wenn ich den Berg von Unerledigtem und Ungelesenem der dem Senex aus erquickender alter Freundschaft und den neuen Zuwachs der aus Alter und Neuer Welt zugeht, überblicke. So habe ich manchmal mit Herzaffektionen, dann wieder ständig mit Arthritis und anderen Dingen zutun, die wohl zu „antik“, aber nicht zur Rechtsgeschichte“ gehören. Und so *cheu fugaces labuntur anni* und es geht bei der Zersplitterung nichts Rechtes weiter. Werden Sie also in alter Freundschaft nochmals und ich hoffe nicht das letzte Mal verzeihen? Der schöne Nachruf Ihres Mitherausgebers auf Pierre Jouguet lässt bei seiner Gediegenheit und namentlich auch angesichts der Bibliographie kaum ein Wort zu sagen übrig. Es muss bei aller Mühe der Herausgeberstätigkeit, doch eine grosse Genugtuung sein, so die internationale Papyrologie führend um sich versammelt zu sehen: Seniores und vor allem *cupidam iuventutem*. Einer Ihrer Schüler, Josef Modrzejewski, schreibt mir auch von Ihrer hohen und längst wohlverdienten Auszeichnung durch Ernennung zum Dr h.c. (iur. oder phil.) Ihrer Universität, die Bestehendes freilich feststellt. Geben Sie ihm, bitte, das beiliegende Blatt.

Und sind Sie herzlichst auch von meiner Frau begrüsst, mit dem Wunsche bester Gesundheit und bisheriger Arbeitskraft mit nicht sich änderndem Dauererfolge

Ihr aufrichtig ergebenster

(—) Leopold Wenger

PROFESSOR L. WENGER
OBERVELLACH, KÄRNTEN

Obervellach, 4.4.51

Verehrter lieber Freund,

Mit Ihrem letzten Briefe vom 22.3. haben Sie mir eine ebenso ganz unverhoffte, als besonders grosse Freude und Ehrung bereitet. Dass die zweite Auflage Ihres *Law* bevorsteht, und Sie als Arbeiter von ungewöhnlichem Ausmasse auch von der gehörig gewachsenen Literatur seit Ed. I allen zu neuem Dank verpflichtenden Nutzen ziehen werden, ist sicher, ebenso dass Sie die Ed. 2 rechtzeitig im Hafen haben werden. Ob den dies ich erleben wer-

de, ist, so sehr ich es hoffe, leider ein *dies incertus an*, also eine *conditio*, für deren Erfüllung meine Frau und ich sorgen, aber eben nur sorgen können. Schön wäre der Tag durch Ihre Anwesenheit und Ihr unser aller der Mitteis-Schüler krönendes *monumentum aere perennius*! Aber Gott gebe es, bei Ihm steht es. Wir Menschen können nur *orare, laborare et sperare*.

Rührend und uns, die wir die Gedenktage übersahen, beschämend ist Ihr Plan des VI Bandes Ihres ganz ausgezeichneten *Journal*. Aber ich vermute, es werden wohl 2 Bände VI und VII werden: die erste und zweite Generation. Ist nicht Ernst Levy auch direkter Mitteis-Schüler? Am sichersten werden über die Späteren Jahre Schwarz und Pringsheim Genaueres wissen. Viel Arbeit wird Ihnen die Redaktion machen, aber auch viel Freude. Und auch das künftige Monumentum der Mitteis-Schule, deren Gründer und Meister nicht vergessen sein wird und darf.

Ich bin jetzt durch den Druck der Quellengeschichte und allerlei (kleine Zusagen, Festschriften etc.) in einen bedrückenden Generalrückstand (*concursum omnium receptarum, obligationum litterariarum*) geraten der mich beim Einschlafen und Aufwachen bedrückt. Dazu dieser Winter für mich als *pseudo-agricola*. Oft geht mir der helfende Humor aus. Glücklicherweise kommt er aber immer wieder. *Deo bene volente, usque ad octagesimum et ultra*! Es gibt immer fröhliche Anlässe, wenn auch nicht gerade so einen Klecks. Aber Sie bieten wieder einen sehr, sehr schönen Beitrag zum strittigen Volksrecht *post Const. Ant.* der mich und Schönbauer sehr, Arangio aber etwas weniger freuen wird. Das wäre doch ein Glanzstück für Ihr *Journal VI*?

Nun bleiben nur Sie so gesund und arbeitsfroh, und Gott behüte Sie und Ihr Werk! Schönen Gruss auch an Herrn Kollegen Manteuffel und an Ihre Schule und das von Ihnen neu geschaffene Zentrum der Papyrologie in Warschau, besonders auch Ihren Assistenten, Herrn Modrzejewski, der mir Ihre Bibliographie mit einem sehr freundlichen Briefe zukommen liess. *Vivat Schola Papyrologica Raphaeliana! Vivat Magister eius et doctissimus Fundator!*

Herzlichen Glückwunsch auch zum Ehrendoktorat!

Meine Frau schliesst sich mit Gratulation und besten Grüßen an.

Ihr herzlichst ergebener alter

(—) L. Wenger

PROFESSOR L. WENGER
 OBERVELLACH, KÄRNTEN

Obervellach, 6.6.51

Mein lieber, hochgeschätzter Freund und Kollege,

Mit der bei mir schon üblichen Verspätung kommt mein Dank für Ihren lieben und wie immer inhaltschweren Brief. Hoch erfreut bin ich über Ihren Plan der Mitteis'schen Gedenkgabe. Dass Sie mich im Vorschlag nennen, ehrt mich sehr, nur muss ich dringendst bitten, die *epitheta ornantia* wegzulassen, denn zunächst bin ich nicht der älteste Schüler, denn diese, u.a. Ernst Rabel (jetzt wieder in Europa, Tübingen, Universität [nähere Adresse?]) kamen schon aus Wien in seinem Comitatus nach Leipzig; und um Himmelswillen nicht der „wohl hervorragendste“, was manche abschrecken würde, die sich mit mehr Recht dafür halten, zumal ich den „faux pas“ der antiken Rechtsgeschichte (Mitteis selbst, mit Eifer Koschaker) begangen habe. Ich erlaube mir also einen „Entwurf II“ Ihnen vorzulegen und bitte Sie nur, denselben natürlich ganz als einen Vorschlag zu betrachten und mich höchstens so zu erwähnen, wenn Sie mich nicht besser ganz, als hinter den Kulissen steckend, weglassen wollen.

Es dürfte auch am besten sein, zuerst an die Gruppe A, die Schüler selbst heranzutreten (für Band VI) und sie um die Liste je ihrer Schüler zu ersuchen, dann erst die Schüler, Gruppe B, Band VII, anzugehen. Seidl wird ja schon eine weitere Generation vorweisen können.

Sie, Glücklicher, stecken, wie ich als Referent fürs *Arch. f. Pap. F.* vor lang vergangener Zeit, als Wilcken lebte, inmitten der Papyrusforschung stand — ich jetzt aber als *Senex claudicans* wirklich und bildlich — nur mehr am Rande als Zaungast stehe. Sie haben schon Ihre vorbereiteten Arbeiten für Band V. und VI. und wie viel sonst noch *in petto!* *Gratulor ex intimo corde tibi sine ulla invidia.* Ich sende demnächst ein paar Minima und arbeite an den Korrekturen des Quellenbuchs. *Nun rogo veritas et corrigas quae propono! Vale! Salve!*

Herzlichste Grüsse auch Herrn Manteuffel et *Scholae toti tuae*

(—) *Leopold Wenger*

Entwurfsentwurf mit meinen Einflechtungen und Zusätzen

In diesem Jahre sind 60 Jahre seit dem Erscheinen von Ludwig Mitteis *Reichsrecht und Volksrecht* und 30 Jahre seit dem Tode unseres geliebten Mei-

stets verfloren. Die grosse internationale Schüलगemeinde ist weithin zerstreut, und zu den alten Schülern sind deren Schüler gekommen, ja eine weitere Schüलगeneration reiht sich an; jene alt gewordenen, dauernd verbunden durch die Erinnerung an das unvergessliche romanistisch-papyrologische Mitteis-Seminar, alle aber durch die traditionelle *amicitia papyrologicorum* zu einer Einheit vereint.

So glaubte die unterzeichnete Redaktion des *Journal of Juristic Papyrology* mit gutem Grunde den Beschluss zu fassen, die zwei nächsten Bände des Journal als „*Gedenkschrift für Ludwig Mitteis*“ dem Andenken des Meisters zu widmen. Der erste Band soll ausschliesslich Arbeiten seiner noch lebenden Schüler (Vol. VI des *Journal*), der zweite (Vol. VII) Arbeiten von Schülern der Schüler und einer weiteren werdenden Schüलगeneration enthalten. Die Beiträge sollen das Ausmass eines Druckbogens des Journals nicht überschreiten. Als Einsendungstermin ist für Bd. I der 1. Januar 1952, für Bd. II der 1. Juli 1952 in Aussicht genommen. Jeder Schüler des Mitteis-Seminars ist gebeten, möglichst bald Name und Adresse seiner fachlich tätigen Schüler mitzuteilen.

Alle Zuschriften wollen an die Redaktion des *Journals* gerichtet werden