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"Die tabellae-Urkunden aus den pompejanischen und herkulanensischen Urkundenfunden", Peter Gröschler, Berlin 1997 : [recenzja]

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

and other religious texts into the language of the Egyptian population" (p. 3) est beaucoup trop catégorique. Les origines de l'écriture copte sont très obscures.

[Ewa Wipszycka]

Peter GRÖSCHLER, *Die tabellae-Urkunden aus den pompejanischen und herkulanensischen Urkundenfunden* (= *Freiburger Rechtsgeschichtliche Abhandlungen*, Neue Folge – Bd 26). Duncker & Humblot, Berlin 1997, pp. 424, ISBN 3-428-08921-9 brosch.

The book by Peter Gröschler presents the reader with the most thorough analysis of extremely interesting data, which, since a great part of them has been only recently published, have not been extensively examined yet. It deals with fascinating documents of Roman legal practice — the famous wax tables from Pompeii and Herculaneum.

The author begins with a general introduction to the problem of the *tabulae ceratae*, history of their discovery and rules of the methods of inscribing them in the first chapter (pp. 17-66). As the title suggests there are two main sources of the finds: Pompeii (and especially located in its neighbourhood so called 'villa dei triclini' in Murécine) and Herculaneum. Although preserved literally thanks to the explosion of Vesuvius in 79 AD, the tables were conserved in two different ways: these from Herculaneum were carbonised, those from Murécine, which constitute greater and the more important part of the evidence, survived covered with mud and swam. Although found in the excellent condition, right now they are in a much worse state which keeps aggravating. This process — along with the fact that a decent photographic documentation of the finds has never existed because the excavating works were conducted in haste — renders the tables very difficult to be deciphered. Reading results and the tables publications are listed on pages 33-36. Since there was a number of editions of the tables from Murécine, they bear different numerations — the first editors gave them *siglum TP* (*Tabulae Pompeianae*), the re-editors changed it to *TPN* (*Tabulae Pompeianae Novae*) and *TPSulp.* (*Tabulae Pompeianae Sulpiciorum*).

Gröschler, who uses in his work mostly Giuseppe Camodeca's results (sometimes altering his edition in particular places of minor importance — such as reconstructing the *nomen* of Titinia (pp. 67ff)) \bar{N} does not apply his numeration (which might have been useful in order to avoid confusion in the future, especially since it has been this scholar who has provided us with the most complete and intelligible version of the table reading) and repeats the old Sbordone and Giordano's one (cf. p. 37). The remaining part of the first chapter (pp. 38-66) is devoted to the most interesting survey of Roman banking institutions and bankers and their social and economic position. We find here information about Caii Sulpicii — the protagonists of the vast majority of the documents from Murécine, and their bank (pp. 57-66).

Chapter Two furnishes the reader with the information about *tabellae*-documents, their contents and their interpretation. The author argues that their function was to testify a tripartite legal relation — as in the case of a money order and not, as it had been interpreted before, to certify existence of a regular credit. This kind of document would be an evidence of the creditor's order to the banking institution to lend money

from his account to the debtor. It is an extremely interesting hypothesis which has its support in parallel documents from Egypt — bank *διαγραφαί* (cf. Chapter Five) —; it also seems to give plausible answers to the unsolved questions about the role of these documents,¹ but it leaves us with some doubts. The author's very clear reasoning does not solve one remaining problem. The lack of an explicit naming of the banking institution which would have dealt with its client's business basing on his *mandatum*. We have to remember that the *Tabulae Sulpiciorum* as well as *Tabulae Herculanaenses* are as detailed and explicit as possible. Therefore it seems strange that such an important piece of information as a possible participation of a third party is always omitted. It is even less convincing in case of *Tabellae C. Sulpici Cinnami* (cf. pp. 97-131). One can imagine that, as does the author himself, their function between Caius Sulpicius Cinnamus and his patron, Caius Sulpicius Faustus, as a kind of settlement of accounts. But there is no trace left on the document that would confirm this assumption. We approach the same in case of the archive of Lucius Cominus Primus from Herculanium. There is no record of any other party having taken place in the transaction between him and his debtors. The thesis that he had a patron (so his situation would be similar to this of C. Sulpicius Cinnamus) unfortunately cannot be proven and therefore remains a mere speculation (cf. pp. 138 ff).

Finally in Chapter Two the remaining fragments of the *tabellae*-documents from Herculanium are discussed. Unfortunately their reading is quite uncertain (which is expressly stated by the author) and therefore they cannot constitute a valuable material for a more profound study.

Chapter Three is dedicated to technical problems concerning money loans evidenced in the wax tables — the constitution of an *obligatio*, issues relative to the return of the money borrowed and a very interesting problem of not mentioning the interest rates in the documents. The chapter is closed with a part dedicated to female creditors.

Chapter Four ponders the role of the *tabellae*-documents in Roman system of book-keeping. It begins with a thorough introduction to the system. The author tries to establish the way in which the books were kept. His analysis is supported both by a profound linguistic study (the meaning of the expression *acceptum (re)ferre*) and study of the literal sources (pp. 199-245). Gröschler, having presented the theories concerning the Roman book-keeping and discussed the issues regarding *codex accepti et expensi, rationes* of the private people and finally *codex rationum*, which should be a special bank register of the personal accounts of the bank clients, decides that the *tabellae* are the extracts from the banker's *codex rationum* (or as in case of *Tabellae L. Comini Primi* settlement of accounts between a freedman and his patron).

Chapter Five discusses the possible influence of Greco-Egyptian banking institutions on the form and function of the *tabellae*-documents. The most interesting parallel between the expression '*domo ex risico*' and the one that is to be found in the papyri: *διὰ χεῖρὸς ἐξ οἴκου* is drawn and discussed. In the last part of the chapter the author

¹ Cf. above all: Giuseppe CAMODECA, *L'Archivio Puteolano dei Sulpicii I*, Napoli 1992, pp. 199-235; IDEM, "Per una riedizione delle *Tabulae Herculanaenses*. II. I *nomina arcaria* TH 70+71 e TH 74, *Ostraka* — *Rivista di antichità* 2.2, 1993, pp. 197-209, who thinks that *tabellae* are likely to be *nomina arcaria*.

compares the Greco-Egyptian *διαγραφαί*² with the *tabellae* and states that the form and function of the latter show clear influence of the former one. A thesis of international character of the antique banking institution finds therefore firm support. But again — the proposition that the *tabella* was a transfer document, remains only, however very plausible, a hypothesis. One should remember that finds from Pompeii and Herculaneum do evidence only the Campanian, or in the broadest approximation, Italian documentary legal practice from 1st century AD.³ It should be also pointed out that Gröschel cites papyri without commenting the later readings as listed in *Berichtigungsliste*. On page 343 citing *P. Flor.* I 1 B1, 23 neither he applies nor he comments Wilcken's correction;⁴ he assumes the same approach in the case of *P. Lond.* II 332 (pp. 209-10), line 19⁵ (p. 345) and *CPR* I 15⁶ (p. 346).

The book is closed with a detailed bibliography and two indices: source and problem one which allow for better utilisation of this important dissertation. Last but not least one has to underline the crystal-clearance of the author's discourse. The issues are extremely well presented in the inner-structure of the book — chapters, subchapters, paragraphs, subparagraphs. The questions concerning the main idea in a minor, or auxiliary manner are presented in separated sections and therefore do not interfere with pursuing the author in his reasoning.

[Jakub Urbanik]

Felice MERCOGLIANO, «*Tituli ex corpore Ulpiani*». *Storia di un testo* (= *Pubblicazioni della Facoltà di Giurisprudenza dell'Università di Camerino* 44), Jovene Editore, Napoli 1997, pp. 121, ISBN 88-243-1239-X.

Last decades could not be considered as the period of intensive studies on Roman legal sources. It should not surprise, because great discoveries in this field belong to the past. The *lex Irnitiana* is only an exception here. Fortunately, critical source studies become nowadays a part of modern Romanistic investigations. Latest paligenetic attempts or historical works on reconstructions of the XII Tables indicate this new approach of contemporary research. Although the studies are still rare, there is no doubt that ancient sources of law require reexamination. Firstly, new achievements of the discipline should be taken in account and secondly, modern methods can be applied.

² He mainly refers to the results of Peter DREWES, "Die Bankdiagraphie in den gräko-ägyptischen Papyri", *JJP* 18, 1974, pp. 95-156.

³ Let us remember about differences that are to be found in practice of *chirographa* documenting a loan, *mutuum*, between tables from Murécine and the documents from Egypt and Dacia (which are shown at least by the documents from *FIRA* III show: n° 121 (*P. Fouad* I 45 where *mutuum* is reported in a letter form) and n° 122 (*CIL* III p. 934 f. (n°V) — againg a wax table document but very different from the *TPSulp.* or *TH* in its content).

⁴ *P. Brem.* 68, com ad l. 24 (p. 157); cf. *BL* 3, 55.

⁵ *BL* 1,264 (GRENFELL and HUNT)

⁶ *BL* 1,113 (ZERETELI).