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"Sul regimo délla comproprietà in diritto attico", A. Biscardi, "Studi in on. di U. E. Paoli" : [recenzja]

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

In this interesting study the author asserts that ἄγραφος γάμος consisted in the cohabitation of the parties while ἔγγραφος γάμος designated this kind of marriage in which the cohabitation was followed by a written financial agreement.

U. E. Paoli, *Les limites juridiques de l'apheresis paternelle dans le droit attique* (*Recueil de l'Académie de législation de Toulouse* II [1953]).

This interesting article will be also of use for papyrologists.

E. P. Wegener, *Miscellanea Papyrologica: I. The Alexandrian Synchoreisis P. Vindob. Gr. Inv. 25817, II. Normal Family-Life in the Census-Declarations P. Brem. 32 and 33* (*JJP* 9—10 [1956] 97—116).

U. Brasiello, *SDHI* XXII (1956) 512.

In this report from the „11 Deutscher Rechtshistorikertag“ (Freiburg in Breisgau) a communication made by E. Kiessling on *Ein Damnationslegat auf Grund einer unveröffentlichten Papyrusurkunde* is mentioned.

H. J. Wolff, Πρὸξ (repr. from Pauly — Kroll — Ziegler, *RE* XXIII [1957] 134—170).

This excellent article deals with the πρὸξ in the ancient-Greek-city law. To the πρὸξ in the papyri is dedicated only p. 170. It is noteworthy that, as the author asserts, the term φερνή went out of use in Egypt in the IV cent. A.D. and was substituted by the word πρὸξ.

#### THE LAW OF PROPERTY

A. Biscardi, *Sul regimo della comproprietà in diritto attico* (*Studi in on. di U. E. Paoli*, 105—143).

In this monograph the author discusses the cases of joint ownership in the ancient and subsidiary sources, the rules governing the solidary and partial ownership and the evolution of the conception

of the joint ownership in the Greek law. The author makes also use of the papyri and of the papyrological literature (p. 112, 117, 139, 140, 142).

M. Kaser, *Eigentum und Besitz im älteren römischen Recht*. 2te Aufl. mit Nachträgen (*Forschungen zum röm. Recht* hg. von M. Kaser, H. Kreller u. W. Kunkel, 1 Abh.) (1956) 397 pp.

This fundamental work is also very interesting for a papyrologist although it lies beyond the sphere of papyrology (the papyri are quoted only on p. 205<sub>9</sub>). Noteworthy are especially the statements concerning the development of private land-property (p. 224—230), the right of assent (p. 99<sub>52</sub>, 166, 168<sub>7</sub>), the right of possession (p. 87 ff.), the provincial land (p. 222 ff., 322<sub>6</sub>). They can contribute to our understanding of analogous institutions in the law of the papyri.

Z. V. Oudaltsova, *K voprosu o melkom svobodnom zemlevladyeni v Italii nakanune vizantyiskogo zavoevanya* (*Vizantiyskiy Vremennik* XI [1956] 29—54) (in Russian).

This article is a contribution to the problem of small landed property in Italy in the epoch before the Byzantine Conquest and can be also of use for historians of law and papyrologists as well.

H. Petschow, *Neubabylonisches Pfandrecht* (Abhandl. der Sächsischen Akademie der Wiss., phil.-hist. Kl. Bd. 48, H. 1; Berlin, Akademie-Verlag 1956) 186 pp.

This excellent monograph gives a detailed presentation of the New-Babylonian lien and brings interesting parallels with the law of the papyri, as regards the dead pledge, the general hypothec, the antichretic pledge, the forfeiture pledge etc. The question is, whether it is due or not to speak about the influence of the Oriental Law on the law of Greco-Roman Egypt (p. 5, 6). As far the special and general pledges are concerned (p. 146), right is to be considered as the right endowed with real effect. Probably, however, it is not identical with the *ius in re aliena*, but signifies rather a form of property in the sense of property held by functionally limited shares. On the other side it was still no more a compen-