

Taubenschlag, Rafał

"Ein wichtiges Beispiel der nachklassischen Rechtsliteratur", Ernst Schönbauer, "Studi in onore di V. Arangio-Ruiz", III : [recenzja]

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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.

Erwin Seidl, "Kausales Rechtsdenken" e storia del processo (Estratto da Atti del Congresso internazionale di diritto processuale civile, 1950 Padova 1953, p. 361—366).

The author indicates how useful can be the application of modern law in historical researches and illustrates his assertions with examples drawn from the Ptolemaic Egypt.

Ernst Schönbauer, *Ein wichtiges Beispiel der nachklassischen Rechtsliteratur* (Studi in onore di V. Arangio-Ruiz III, 501).

Upon the evidence given by the papyri Berlin No. 16.976 and No. 16.977 published by W. Schubart in the *Festschrift für Wenger*, the author demonstrates that Justinian's *exceptio non numeratae pecuniae* must not be deduced with the aid of numerous interpolations from the Roman civil law, but that as well as the exceptions *longae possessionis* and *longi temporis* it belongs in the Hellenistic provincial laws. From the times of Severus all these exceptions had in particular been applied also in the provincial proceedings before the Roman judicial magistrates.

Ervin Seidl, *Neue Studien zum Eid im ptolemäischen Recht* (Aegyptus XXXII, fasc. 2, 311—324).

In these studies the author examines the Demotic texts which begin with the formula "The purport of the oath which will be sworn" and deals with the decisions reached in disputed cases.

A. Steinwenter, *Il processo di Gesù* (Estr. da "Jus", Rivista di scienze giuridiche pubblicata per cura dell'Università cattolica del Sacro Cuore, nuova serie, anno III, fasc. IV, [1952]).

The author states that the biblical research had taken an unexpected turn when use was made of priceless discoveries of the papyri in Egypt which throw also a new light on the law of neighbouring Palestine. The historians of the law have been investigating all that can be found in the papyri as a material of the exquisite juridical confrontation and all that that can explain the juridical problems of the Gospel, especially in regard to the trial of Jesus.

The essay of the author finds now a welcome complement in the evidence given by Wenger in his *Quellen des römischen Rechts* p. 288 ff.