



**FACULTY
OF LAW**
Masaryk University

Legal Personality and Family





Legal personality

- Human persons
 - Next slides
- Legal persons
 - Municipia, State
 - Churches and charities
 - Collegia



Caput

- *Status libertatis*
- *Status civitatis*
- *Status familiae (cognatio/agnatio)*
 - *Status illaesae existimationis (infamia, turpitude)*



Capitis deminutio

- *Maxima*
- *Media*
- *Minima*

Slaves

- *Servus nullum caput habet.*
- A thing (object of legal actions), not legal person (subject of law)
- Enslavement: Birth, Capture, Punishment, Sale by pater familias
 - *Ius postliminii (fictio legis Corneliae)*
 - Peculium
- Release (see next slide)



Freedmen – *liberti(ni)*

- Release (*manumissio*): *vindicta (assertor libertatis)*, *census*, testament (*lex Fufia Caninia*), church, informal (*epistula* or *inter amicos*, but still anything obtained belongs to the master)



Citizenship

- Commercium, connubium, testamenti factio
- Gain: Birth, Formal manumission, Grant (*veterani, constitutio Antoniniana*)
- Sui/alieni iuris (next slide), men/women (*ius trium/quattuor liberorum*), ingenui/libertini
- Latini
- Peregrini



Pater familias

- *acquires everything*
- *Potestas*
 - *Ius vitae necisque*
 - *Emancipation*
 - *Adoptio/arrogatio*
- *Manus*
 - *filiae loco*, dowry
 - See next slide for marriage
- *Mancipium*

Marriage

- Conubium, concubinatus, affectio maritalis, cum/sine in manum conventione
- Impedimenta matrimonii (absolute: age, existing marriage, physical/psychical incapacity,... relative: status/occupation, consanguinity (no lineal, collaterals: Claudius married his niece Agrippina), *agnatio*, religion, tutorship,...
- *Coemptio, confarreatio, usus*
- *Contrarius actus: Repudium (one-sidedly by man)/divortium (agreement or iustae causae)*