

Property relations of spouses in the period of the Emperors Augustus and Justinian I.

Abstract

The topic of this thesis is the property relations of the spouses in Roman law during the reign of Emperors Augustus and Justinian I. Marriage is generally an important legal institute, which can be viewed from different points of view. Legal regulation of marriage was included also in Roman law. Since the Roman marriage was very specific, it was relatively often undergoing major or minor reforms.

The aim of this thesis is to analyze the property situation of spouses during the reign of Emperors Augustus and Justinian I. Emperor Augustus came to power in 27 BC, in the time, when the institute of marriage and family was declining in importance and the whole Roman society was in a crisis. On the other hand, the religious-minded Justinian came to power in 527 AD. At this time the state religion was Christianity.

The thesis is divided into six main chapters. The first chapter gives a general view of the institute of marriage. The second part of the first chapter focuses on Roman marriage. The second chapter explains the basic legal institutes of matrimonial property law. The third chapter deals with the historical development of the Roman Empire. Coming to power of Emperor Augustus is discussed at the end of this chapter because this moment is considered as transformation of the Roman Republic to the principate.

The fourth chapter is one of the most important chapters. It describes the reforms of the legal area of property of spouses done by Emperor Augustus. As a part of his reforms, Augustus introduced an obligation for certain persons to get married and father offsprings. The law imposed punishments if somebody did not respect this obligation. He also reformed the dowry institute. In some respects, his reforms had a positive effect on property situation – for example the dowry reforms were more favourable, but rather for a wife. However, in some respects, his reforms were negative interference to property relations of spouses – for example penalties imposed for not respecting a compulsory marriage and the obligation to father offsprings.

The fifth chapter describes historical development from the end of Augustus' reign, including the coming to power of Emperor Justinian I. The sixth chapter is another important chapter. It deals with Justinian's reforms of family law. Justinian decided to organize classical Roman law into well-arranged and comprehensive codification. As a result the Code, Digest and the Institutional Law Textbook arose. Justinian's reforms of the legal area of matrimonial

law and property relations of spouses were largely influenced by his religious beliefs. At the same time, the property situation of the spouses was more positively affected by Justinian's reform than by August's reforms. For example, the dowry was always returned to the wife, the donation before the marriage could be established even after marriage was concluded, and under certain circumstances it was possible to donate between the spouses.

At the end of the thesis you can find comparison of the legislative activities of both Emperors and how they reformed the area of property relations of spouses. The reforms of Emperors Augustus and Justinian I. deserve further elaboration in the future, not only from the perspective of matrimonial property law, since reforms of both involve extensive legislative activity.

Klíčová slova: August's reforms, property relations of spouses, Justinian's reforms