

Summary (resumé)

The Concept of Legal Subjectivity in Roman law

The goal of this thesis is to present the concept of legal subjectivity and legal capacity in Roman law and to demonstrate how this subject is connected with essential issues in Roman law such as citizenship, personal freedom and personal status.

The first part of the thesis introduces the concept of legal subjectivity and offers definitions and descriptions of legal subjectivity and legal capacity provided by reputable legal experts and historians.

The second part of the thesis focuses on the legal subjectivity of natural persons and consists of several chapters which further elaborate on specific subchapters to the main topic of the second part; specifically: citizenship, personal freedom, slavery and personal status in the Roman family. The concept of Capitis Deminutio, which is so specific to Roman law and non-existent in modern legal systems, is also discussed in this part of the thesis.

The second part also attempts to shed light on the abundantly discussed topic of the legal position of women in Roman society. My endeavour was to point out that laws governing women, which would be considered discriminatory by today's lawyers, were functional and naturally accepted in Roman society. An explanation of the Roman legal institutions of 'tutela' and 'cura' concludes the second part of the thesis.

The main topic of the third part of this thesis is the legal subjectivity of juristic persons. Roman law was not familiar with the theoretical concept of juristic persons. Juristic persons were however present in ancient Rome as a purely functional assembly of natural persons, which embodied a new legal entity endowed with legal subjectivity. The two main types of juristic persons are discussed in the thesis.

The fourth and final part of the thesis describes the legal capacity of natural persons according to Roman law, with special emphasis on the legal capacity of infants, adults under twenty five years of age, women, mentally and physically disabled persons and slaves.

The thesis covers the period from the creation of the Law of the Twelve Tables up to the important codifications and innovative legislation of the Emperor Justinian.

Both original sources and modern exegesis were used as sources for the thesis.