

## ***Capitis deminutio minima***

The purpose of my thesis is to analyse the institute called the *capitis deminutio minima*. In this respect, it is primarily necessary to describe the meaning of the word *caput* for the understanding of the whole topic.

The first chapter deals with the explanation of the above-mentioned term. The *caput* of a human being has in Roman Law three elements: the status of liberty, of citizenship and of family, and the subdivisions of the first chapter correspond to it.

There, the first subchapter focuses on the persons who are free and those who are slaves; the latter were not considered to be legal persons at all. The following subchapter characterises the rights and duties of Roman citizens and the situation of the foreigners. The last subchapter contains basic information about the Roman family and its members, who are divided into two categories – the *sui iuris* and the *alieni iuris*. At the beginning the text describes the position of the head of the family (the *pater familias*), and his powers. The following text examines the conditions of those who are subjected to the authority of the *pater familias*. The last part of the text demonstrates the importance of religion in the daily life, both for the family and the whole society.

The second chapter contains the description of the *capitis deminutio*, which means a change of the personal status. There are three kinds of such change, the greatest, the middle, and the least. Each of them is related to one of the elements of the personal status. The two subchapters in this chapter overview the *capitis deminutio maxima*, which causes the loss of freedom, and the *capitis deminutio media*, which is associated with a change of the citizenship.

The main part of the thesis is contained in the third chapter. The *capitis deminutio minima* is a legal institute which is based on the change of the family. It has an influence in many areas of life of the person who is affected by it. Each way how a switch from one family to another took place has its own subchapter. Therefore, the third chapter has five subchapters: the adoption and the arrogation (this subchapter is divided into three smaller parts documenting both of them separately and also the process called *transitio ad plebem*), the emancipation, the *dare in mancipio*, the marriage connected with the power over the wife (*in manu conventione*) and the legitimization. The last part contains typical situations that are similar to, but in fact not considered to be, the *capitis deminutio minima*.