

SUMMARY

„The Roman Family in the Context of the Title *De secundis nuptiis*
From the 5th Book of the Justinian’s Code”

This doctoral dissertation presents the reconstruction of the organization and functionality of the Roman family as it is described in the title of the Justinian’s Code, *De secundis nuptiis* – “Concerning second marriages”. In order to research this topic in a clear and precise perspective, the first chapter of this dissertation underlines the fluctuations and transformations of the model of the Roman family from the archaic time until the first ages of AD in the historical context, with an elaborate description of the meaning of the Roman marriage, the ways of contracting the marriage, the status of a husband, wife and children born in this marriage. The next chapter of this dissertation deals with the ways of marriage termination and the consequences following such termination with regard to the family and inheritance laws. The last chapter analyzes the essential requirements needed to be fulfilled before contracting the secondary marriage in accord with the Roman law in the perspective of the teaching of the Church concerning the indissolubility of marriage.

The model of the Roman family, as it subsequently emerges from the findings of this dissertation, is both interesting and complex. The father’s power (*patria potestas*) is gradually diminishing and subsequently the restrictions placed on the father benefit the wife and children. In addition, these restrictions alter the possibility of a divorce. The transformation within the Roman family should be viewed in the context of the early Christian teaching since its morality significantly influenced the Roman *Weltanschauung* with regard to the marriage and family.

The content of this dissertation is based on the hypothesis that the consequences of a secondary marriage in the Justinian law concerning marriage and family were so significant that they had an incredible impact on the functionality of the Roman family at that time. This hypothesis is a fundamental method of the research in this dissertation. Other themes concern questions of a possibility of the secondary marriage and the requirements for its validity.

The text of the translation: *De secundis nuptiis* from the 5th book of the Justinian's Code, the first translation in the Polish language accomplished by the author of this dissertation is published in this work.