The Ratio of the Gift Prohibition among Spouses
Monopolization of the Matrimonial Law in the Dotal Regime

Por: Stagl, JF (Fortunat Stagl, Jakob)[1]

TIJDSCHRIFT VOOR RECHTSGESCHIEDENIS-REVUE D HISTOIRE DU DROIT-THE LEGAL HISTORY REVIEW
Volumen: 85
Número: 1-2
Páginas: 141-165
DOI: 10.1163/15718190-08512p06
Fecha de publicación: 2017
Tipo de documento: Article

Ver impacto de la revista

Resumen
The ratio behind the prohibition for spouses to donate to each other. Monopolising matrimonial property law in the dotal system. The present inquiry is based on the premise that the riddle of the highly contested rationale of the prohibition of donations between spouses can only be solved by taking into account the legal basis of this prohibition. The classical jurists treated the prohibition within the ius dotium, shorthand for ‘matrimonial property regime’, a legal matter heavily transformed by the lex Iulia et Papia which followed the goal of inciting the upper class to get married which would guarantee the desired offspring and control over the Emperor’s subjects. Considering the palingenetic context of the treatises on the prohibition, the lex Iulia et Papia is to be considered the legal basis of the prohibition which, therefore, has the purpose of channelling all economical transactions between the spouses into the ius dotium which in turn serves the goals of the lex Iulia et Papia. To sum it up: The prohibition was another legal ordinance in Augustus’ arsenal serving his fight for moral renewal, that is to say limitation of civil liberties, and the consolidation of his power.

Información del autor

Dirección para petición de copias: Stagl, JF (autor para petición de copias)

Univ Chile, Fac Derecho, Dept Ciencias Derecho, Pio Nono 1, Providencia, Santiago De Chi, Chile.

Direcciones:

[ 1 ] Univ Chile, Fac Derecho, Dept Ciencias Derecho, Pio Nono 1, Providencia, Santiago De Chi, Chile

Direcciones de correo electrónico: jakob.stagl@yahoo.de

Editorial

BRILL ACADEMIC PUBLISHERS, PLANTIJNSTRAAT 2, P O BOX 9000, 2300 PA LEIDEN, NETHERLANDS
Información de la revista

- Impact Factor: [Journal Citation Reports](#)

Categorías / Clasificación

- Áreas de investigación: History; Government & Law
- Categorías de Web of Science: History; Law