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CAPACITAS IURIDICA ET CAPACITAS AGENDI OF WOMEN IN ROMAN LAW

-Abstract-

Law has an important function in realizing women's rights and eliminating inequality between men and women. Making women more visible in society and recognizing and protecting their rights must be guaranteed by the rules of law. The situation of women in law is related to all branches of law, not a single branch. The first examples of women's rights struggles in history started and continued with radical legal system changes. Law emerged to regulate all kinds of interactions between people in order to ensure social order. Among all known ancient laws, it is accepted that Roman law is based on private law. However, with the development and change of the Roman society, the increase in its needs and experiences, and the development of the understanding of the social state, the rules that would cover personal rights and freedoms in Roman law naturally remained quite limited compared to today's legal rules. In this study, in order to understand the legal status of women in Roman Law, we will take a look at the legal regulations regarding rights and capacity to act, try to clarify the concepts of rights and capacity to act, and mention whether there are legal restrictions on these two types of capacity and whether these restrictions change the legal capacity of women.

Key Words: *Roman law, woman, capacitas iuridica, capacitas agendi.*

I. INTRODUCTION

The fact that social relations established between people since the earliest times have been subject to disputes has brought the concept of rights to the fore. Not every person had rights in Rome. To have rights, a person had to be free and a roman citizen. On the other hand, Roman lawyers rejected an order in law in which the political will would be implemented randomly or as it wished, and they looked for a more solid foundational content that would withstand the arbitrary discretion of humanity and impose itself on the political will[1]. According to Roman law, there was "equality among those considered equal", and it was certain that the rights of girls and women would be limited in this society, where male dominance was considered unconditional and legally and socially superior.[2] Although it left its mark on ancient history with its identity as a state of law, politics and administration, there is no doubt that the

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[1] Hamide Topçuoğlu, XIX. Yüzyıl Sosyologlarında Hukuk Anlayışı, Ankara 1961, 3.
[2] Barbara Levick, "Women and Law", A Companian to Women in the Ancient World, ed.

"individual justice" in Rome's laws was relative in this respect[3]. Within this general legal framework, it seems that the main goal of Roman legislators and practitioners was to protect the rights and ensure the comfort of noble and free male citizens.
According to Justinian, the situation of women was worse than that of men in many areas of Roman Law. In addition, although it is the generally accepted view of researchers who think that studies on women in the ancient period will be a study of how men see women and cannot be anything other than that, it is seen that the current situation is not always the same, it changes and reshapes over time. The dynamics that formed the Roman social structure were the factors that led to the separation of men and women before the law. Roman family structure, political, social, economic and religious life directly affected the legal structure. All these factors are constantly changing, sometimes positioning men and women differently in their guarantied rights, and sometimes bringing them together at the same point. Although the legal position of men and women in Roman legal history has never been like the legal position of men and women in today's law, the fact that it has undergone significant changes is a subject worth examining.

II. THE CONCEPT OF *CAPACITAS IURIDICA* ET *CAPACITAS AGENDI*

Examining the concepts of rights and capacity to act in terms of Roman Law, which forms the basis of our private law today, is important to the extent that they differ from their current meanings. These concepts, which do not differ theoretically in terms of Roman Law and today's law, differ in terms of content and application[4]. The main reason for this is that there are clearly many sociological differences between the ages in which these laws were applied. Contrary to the breadth of the concept of person in today's law, in Roman Law, as a result of class differences in society, the concepts of person and legal capacity do not overlap, thus creating the need to introduce the concept of capacity independently of today's law. Today's law and Roman Law also differ in terms of the relations between the concepts of rights and capacity to act. For example, in Roman Law, unlike today's law, it is possible for someone who does not have the capacity to have rights to have the capacity to act[5].

1.1. *Capacitas iuridica*

Contrary to today's law, legal capacity, which is the capacity to have rights and incur debts, was not a capacity that every person could have in Roman Law. In Roman Law, in order for a person to have legal capacity in terms of private law, he had to meet three conditions at the same time. These conditions, called *status*, showed the extent to which the person had rights[6]. In order for a person to have legal capacity, he had to be free, not a slave, according to the 1ondition of *status libertatis*, that is, the condition of freedom, he had to be a citizen, not a foreigner, according to the condition of *status civitatis*, that is, his citizenship status, and he had to be under his own rule, not under the rule of the head of the family, according to the condition of *status familiae*, that is, his family status. In Roman Law, legal capacity ended due to death and *capitis deminutio.*People may lose their legal capacity as a result of changes in

[3] Bülent Tahiroğlu-Belgin Erdoğmuş, Roma Hukuku Dersleri Tarihi Giriş Hukuk Tarihi Genel Kavramlar Usul Hukuku, İstanbul 2010, s. 84; Arslan Topakkaya,"Aristoteles'te Adalet Kavramı", Uluslararası Sosyal Araştırmalar Dergisi (The Journal of International Social Research), II/6 (2009), 628, 629.

[5] Ziya Umur, Roma Hukuku: Ders Notları, 3. bs., İstanbul, Beta Basım, 1999, 155.
[6] Bülent Tahiroğlu, Belgin Erdoğmuş, Roma Hukuku Dersleri: Tarihi Giriş, Hukuk Tarihi, Genel Kavramlar, Usul Hukuku, 3. bs., İstanbul, Der Yayınları, 2003, 113.

their status, and this was called *capitis deminutio*[7]. The disappearance of statuses that provide rights were named according to their degree of importance. A free person becoming a slave is the greatest loss of legal capacity, *capitis deminutio maxima*; a citizen becoming a foreigner is a moderate loss of legal capacity, *capitis deminutio media*; and a person under his own rights becoming under family rule is the smallest loss of legal capacity, *capitis deminutio minima*[8]. On the other hand, the opposite changes in status could result in the person gaining legal capacity later.

Status Libertatis, which is the first condition of having legal capacity, refers to the state of freedom. According to Roman Law, only the free people were divided into two groups: free and slave. Although slaves were not considered human beings in Roman society, they were legally considered the property of their owners. Owners have *dominica potestas* rights, which indicate that they have all kinds of disposition authority over their slaves[9]. A slave cannot be the owner of any rights, a *creditor*, a *debtior*, a plaintiff or a defendant, and all his earnings belong to his owner. Although the property of a slave, who did not have any property because he did not have legal capacity[10], and which he acquired as a result of transactions carried out with the consent of his owner, legally belonged to his owner, the owner could leave these assets to the slave. These goods were called *peculium*. Just as slavery was born later, it was also possible for it to disappear later.

The slave could gain his freedom through so called *manumissio*. Slaves who could be freed by various means were called *libertinus,* that is, freedmen. They had a different status from *ingenuus* who were free from birth, and *libertinus* and *ingenuus* could not marry each other. *Libertus* could not completely cut ties with their former owners, they had to fulfill some legal obligations towards them.

The second condition for having legal capacity in Roman Law is to be a Roman citizen. Roman society was divided into citizens and foreigners.

Peregrinus, meaning foreigners living within the borders of the Roman state, could not have the rights granted by *ius civile*, the law applied to Roman citizens. For this reason, rights such as being a party to legal transactions and cases recognized by the *ius civile*, having rights, incurring debts, and having a valid marriage belonged only to citizens. Roman citizenship was acquired by birth, by *manumissio*, or by the granting of citizenship by the power representing the political power. Citizenship was lost in cases of *naturalizatio* to another citizenship and loss of freedom or as a result of punishment[11]. With the *Constitutio Antoniniana* enacted in 212, the right to citizenship was granted to everyone living within the borders of the empire, and the distinction between citizens and foreigners was thus eliminated.

The third condition for a free Roman citizen to have legal capacity was that he should not be under the domination of the *pater familias*, that is, the father of the family. Depending on the Roman family structure, a person could be either *sui iuris* or *alieni iuris*. While *sui iuris* meant those who were subject to their own law, alieni iuris meant those who were subject to someone else's law. Within the Roman family, there was paternal dominance called *patria potestas*, and the father of the family, called *pater familias*, was the head of the family. The *pater fa*milias, the head of the family, was a *sui iuris* subject to his own law and had legal capacity. *Filius familias*, that is, children of the family under the domination of *pater familias,* were *alieni iuris* and did not have rights. However, the mentioned legal capacity was legal capacity in the sense

[7] Richard Honig, Roma Hukuku, Çev. Şemseddin Talip, 2. bs., İstanbul, İstanbul Üniversitesi Yayınları, 1938, 145.
[8] Umur,op.cit 156.
[9] Honig, op.cit133
[10] Tahiroğlu, Erdoğmuş, op.cit. 118
[11] Tahiroğlu, ErdoğmuĢ, op.cit 122

of private law, and family status was not a factor affecting legal capacity in the field of public law.

III. LIMITATIONS OF THE RIGHTS

Freed slaves were called *libertinus* and although they were now free, they were deprived of some rights. In addition to being subject to restrictions on some issues such as the right to vote and be elected in the field of public law, they also had restricted rights in the field of private law. The fact that they were forbidden to marry free Roman citizens and that they had legal obligations to fulfill towards their former owners are among the points that distinguish freedmen from those who were born free. Over time, it became possible for a freed person to be considered free from birth by the decision of the emperor[12].

Loss of respect in Roman society was called *dishonor*, and some of the rights of dishonorable people regarding both public and private law were restricted, even if they met the conditions of legal capacity. A person became dishonorable when the *censor* wrote that he was dishonorable in the civil registry, and the *censor* had broad authority in this regard. Those who engaged in behavior and activities that were considered degrading, vulgar and despised by society, those who were convicted due to lawsuits filed against them for not behaving like an honest and decent person, and those who lost their freedom and citizenship were recorded as dishonorable. Those who became dishonorable would lose their rights such as filing a lawsuit, testifying, and representing someone in court[13].

In the pre-Christian period, when all beliefs were respected, religion was not a factor affecting human rights. With the birth of Christianity, the situation changed, and Christians were punished for refusing to obey Roman laws. The situation was reversed when Christianity became the official religion of the state. After this date, the rights of believers in polytheistic religions and Jews were restricted, they were prohibited from testifying, owning property, inheriting rights, marrying Christians, and owning Christian slaves[14].

Roman society, which was divided into classes, was affected by this distinction in terms of having rights. People's rights may be restricted depending on the class or professional organization they belong to. The *patrician-plebs* struggle, which took place intensely in the early periods, greatly affected the issue of rights. Although this distinction, which led to the *Lex XII, Tabularum* was eliminated by legal regulations in later periods, the plebeians were deprived of many rights compared to the patricians during the years of the struggle. The fact that members of the senate are prohibited from doing business and marrying freedmen, that colonuses cannot leave the land where they were born and are sold together with it, and that their ability to transfer their assets depends on the consent of the landowners are examples of the effects of professional classes on legal capacity.

Gender, as a condition affecting legal capacity, took its place in legal life in all periods of the Roman Empire. Women have always lagged behind in terms of rights compared to men. Although the issue of gender has affected legal capacity at different rates over time, it has always existed. Gender, which mainly affects the capacity to act, also has some effects on the capacity to have rights. According to Roman Law, women do not have rights in the field of public law. Rights such as voting, being elected, and being appointed to civil servants, which concern public law, were not rights that women could have. Defining women with their duties and responsibilities within the family, Roman society saw being in the public sphere as a right reserved only for men. There is no distinction regarding gender within the conditions of legal

[12] Tahiroğlu, Erdoğmuş, op.cit. 126
[13] Umur, op.cit.177
[14] Umur, op.cit 178.

capacity. A free Roman woman who is *sui iuris* has the capacity to have rights; However, in this respect, it is not possible to compare her with a free Roman man[15]; there are certain issues in which she is restricted as a result of being a woman. These restrictions have been shaped by different legal regulations made over time. A woman who can be *sui iuris* has never been able to have *patria potestas*, and the status of pater familias, that is, the father of the family, has always remained a status specific to men. The corresponding status of *mater familias*, that is, the mother of the family, was not a legal concept, but only a social concept, and was used to define the role of women in the family.

IV. *CAPACITAS AGENDA*

Capacity to act, defined as a person's ability to acquire rights and incur debt through his own actions, is a concept that also exists in Roman Law, although it has been shaped by different regulations than today[16]. The concept of capacity to act, which is a parent concept, includes both capacity to act and tort capacity. While legal action capacity refers to being able to take a valid legal action, tort capacity refers to being held responsible for torts committed. While in today's law it is not possible for a person to have capacity to act without legal capacity, in Roman Law a person can have capacity to act without legal capacity or right capacity without capacity to act[17]. In addition to not having the capacity to act at all, it is also possible that it is missing as a result of reasons that restrict the capacity to act. In this case, the deficiency is completed through the *tutor*, that is, the guardian, or the *curator*, that is, the trustee. Reasons that limit the capacity to act can be examined under the headings of age, mental illness, extravagance and gender.

Age, which is effective in determining whether a person has the capacity to act in all legal systems, is the most important factor determining the existence of the capacity to act in Roman Law. In Roman Law, the age of majority was regulated as 25 by the law called Lex Plaetoria38. People over the age of twenty-five were able to have the capacity to act. People under the age of twenty-five were divided into groups and subjected to different regulations. Those under the age of twenty-five are divided into two: *impuberes minores*, that is, those who have not reached the age of puberty, and *puberes minores*, that is, those who have reached the age of puberty. *Impuberes minores* are again divided into two: *infantes* and *impuberes infantia maiores*. *Infantes* are minors between the ages of 0-7 and have been deprived of legal capacity on the grounds that they do not have the speaking ability to express themselves correctly. Moreover, since it is accepted that they do not have the power to discriminate, they do not have the capacity to act tort. If these minors, who were not fully competent, had the legal capacity, a guardian, that is, a tutor, would be appointed to them to carry out their legal procedures. Impuberes infantia maiores are over 7 years old; However, if they are girls, they are minors who are under 12 years old, and if they are boys, they are under 14 years old. Minors in this group may have limited legal capacity; while they do not have the capacity to make a will or marry, they could carry out legal transactions for their own benefit on their own. They could take legal actions that would lead to a decrease in their assets, either with the help of their family father or the guardian assigned to them, that is, *auctoritas*. It was a controversial issue whether the children in this group had the capacity to commit torts, but it was accepted that they would be held responsible for these torts if they were able to understand the consequences of the tort they committed.

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[15] Fulya İlçin Gönenç, Roma Hukukunda Kadın, İstanbul, On İki Levha Yayıncılık, 2010, 22.
[16] Tahiroğlu, Erdoğmuş, op.cit. 158
[17] Paul Koschaker, Modern Hususi Hukuka Giriş Olarak Roma Hususi Hukukunun Ana Hatları, Çev. Kudret Ayiter, Ankara, Ankara Üniversitesi Hukuk Fakültesi Yayımları, 1950, 79.

Puberes minores are people who have reached puberty but are not yet 25 years old. They actually have the capacity to take legal action; However, due to their young age, they were provided with some legal privileges so that they would not be deceived. Due to these legal privileges, legal proceedings with them were avoided over time, which led them to request the appointment of a *curator* to assist in the management of their assets. As an example of the impact of customs and traditions on law, as the appointment of trustees became more common, the legal capacity of the *puberes minores* narrowed and after a while, the appointment of a trustee became mandatory. Since people in this group have the power of discrimination, it is accepted that they have full tort capacity. During the reign of Emperor Constantine, it was possible for some people who were not yet 25 years old to have *venia aetatis*, that is, women who were 18 years old and men who were 20 years old, to have the capacity to act as if they were 25 years old, by the decision of the emperor.

Mental illness, that is, *furor*, is one of the reasons that restrict the capacity to act in Roman Law. In cases where mental illness was persistent, both the legal capacity and the tort capacity would be eliminated. In cases where the mental illness is not permanent, it is accepted that the person has the capacity to act when he has the power to discriminate. Guardians were appointed to adults who were mentally ill and *sui iuris*.

According to Roman Law, a person who excessively consumed his assets and left his family in financial difficulty was considered a wasteful person, and for this reason, a trustee was appointed to him, thus restricting his legal capacity to act. These people have the capacity to act in tort, as well as the capacity to marry and to take legal actions that increase their assets. On the other hand, they cannot make a will, and their trustees must have their consent, that is, their consensus, in legal transactions that reduce their assets.

In Roman Law, gender is one of the important factors that affects the capacity to act as well as the capacity to have rights. A woman who does not have legal capacity in terms of public law cannot take part in public law in terms of her capacity to act. The tort capacity, which is determined according to age limits and discernment, is kept separate from this issue. A woman does not lose her capacity to act tort due to her gender. In terms of legal capacity, women who were restricted on the grounds that they could not carry out legal transactions validly on their own due to their inexperience due to not participating in social life, were under the control of either their pater familias or their husbands by marrying with *manus*. Therefore, these people used the legal capacity to act on behalf of women. Since sui *iuris women* were not under domination, they were taken under *tutela*. As a rule, it was not possible for a woman who was under guardianship to become a guardian. This situation is stated in *Digesta* as follows[18]:

D. 26. 1. 16 pr.: *Tutela plerumque virile officium est.*
D. 26. 1. 16 pr.: Guardianship is mostly the duty of men.

It was not possible for the woman to have full capacity in terms of litigation capacity. The woman, who can be a party if she has the legal capacity, does not always have the capacity to sue, that is, the capacity to use her rights regarding the law of trial, and she can use these rights either through the person under her control or through her guardian. In this context, filing a lawsuit through *legis actio* and *iudicium legitimum*[19] is not something a woman can do on her own.

[18] Seldağ Güneş Ceylan, Roma Hukukundan Günümüze Velayet – Vesayet Hukuku, Ankara, Yetkin Yayınları, 2004, 68.
[19] Adolf Berger, Encyclopedic Dictionary of Roman Law, Volume 43 Part 2, 2. bs., Philadelphia, The American Philosophical Society, 1991, 520-521.

The only exception to suing women is in the case of *iniuria*, that is, torts committed against the person. Since *iniuria* committed against a woman will be deemed to have been committed against the man under her control, in these cases, both the man who is dominant and the woman who is subjected to iniuria can file a lawsuit.
Appointing guardians to women who did not have pater familias or husbands to perform legal procedures on their behalf was a practice that existed in the ancient legal period of Rome. Although it still exists in later periods, it appears to have undergone changes and has completely disappeared over time. In his *Institutiones*, *Gaius* stated that it was necessary to give women a guardian due to their lightness of character and their weakness and inexperience in work. Likewise, *Cicero* expresses the same need when he says:
"*Mulieres omnes propter infirmitatem consilii maiores in tutorum potestate esse voluerunt*"
"As our ancestors stated, all women should be under the control of their guardians because of their weakness in decision-making."[20]
Taking a woman who is thought to be unable to manage her own affairs under guardianship in order to protect her assets for the benefit of the family is called *tutela mulierum*. As a result of *tutela mulierum*, the validity and consequences of the woman's legal transactions depend on the consent of her guardian at the time of the transaction, that is, her *auctoritatis interpositio*. The woman's guardian must have auctoritas when performing legal transactions regulated by ius civile, when transferring *res mancipi* goods, when making transactions that put her in debt and reducing her assets, and when filing a lawsuit through *legis actio* and *iudicium legitimum*[21]. Apart from this, he can perform other legal transactions without his guardian. This situation shows that the restriction of women's legal capacity was implemented because the issue of protecting property was of great importance for Roman society, rather than gender discrimination. There are various ways to appoint a guardian for women. In the case of legal guardianship, that is, *tutela mulierum legitima*, the closest male relative from the woman's family was appointed as the guardian. In *tutela mulierum testamentaria*, the husband would appoint the guardian through his will. In addition, in later periods, women could be given full or limited right to choose in the will. A woman with full right to choose could change her guardian as many times as she wanted with her own consent, whereas with limited right to choose, she could use her right to change only a few times. In the method of appointing a guardian called *tutela dativa*, if the guardian was not determined by law or the will, was incompetent or could not be present, the praetor could appoint a guardian to the woman to carry out certain transactions[22].

V. CONCLUSION

In order to understand women's rights and capacity to act in Roman Law, it is necessary to first understand how their rights and capacity to act are determined in general. According to Roman Law, three conditions must be present in order to have legal capacity. If the person is free, a Roman citizen, and not under the control of the father of the family, called *patria potestas*, that is, *sui iuris*, he has the right to do so. Thus, it can be seen that there is no gender requirement in terms of legal capacity; However, the legal capacity mentioned here is valid in terms of private law. In terms of public law, there is a completely different situation between men and

[20] Suzanne Dixon, Reading Roman Women: Sources, Genres and Real Life, 2. bs., London, Duckworth, 2003, 74.
[21] Jean Gaudemet, "Roma İmparatorluğunda Kadının Hukuki Durumu", Çev.: Bülent Tahiroğlu, Mukayeseli Hukuk Araştırmaları Dergisi, Yıl:6 Sayı:9, İstanbul, Fakülteler Matbaası, 1972, 209.
[22] Kudret Ayiter, Roma Hukuku Dersleri: Aile Hukuku, Ankara, Ayyıldız Matbaası, 1960, 75.

women. It is not possible for women to have rights in the field of public law. Changes in the legal system and the status of women over time have not affected this area. Therefore, it can be accepted that this is a practice that can only be attributed to gender discrimination. The society, which sees women as emotionally and physically weaker than men, has distanced them from the public sphere.

There are certain limitations regarding having the capacity to act. Just as a person's capacity to act can be limited due to age, mental illness or moral characteristics, gender has also been accepted as one of the reasons that limit the capacity to act. At this point, the limitation is not just because of being a woman. The prevailing idea that it would be beneficial to legally restrict women due to the general social structure, especially the family structure, has led to this. Restricting the woman's capacity to act was achieved by appointing a guardian. Although it is not required for every legal transaction, it has been accepted that a woman must obtain the consent of her guardian for legal transactions that will reduce her assets or transfer the ownership of certain properties. The aim is certainly to protect the woman and the integrity of the family's assets from being damaged.

Bibliography:

1. Altop, Serpil: Roma Hukuku'nda Kölelik, İstanbul, Filiz Kitabevi, 2002.
2. Ayiter, Kudret: Roma Hukuku Dersleri: Aile Hukuku, Ankara, Ayyıldız Matbaası, 1960.
3. Bauman, Richard A.: Women and Politics in Ancient Rome, London and New York, Routledge, 1992.
4. Berger, Adolf: Encyclopedic Dictionary of Roman Law, Volume 43 Part 2, 2. bs., Philadelphia, The American Philosophical Society, 1991.
5. Cameron, Averil: "Neither Male Nor Female", Women in Antiquity, Haz.: Ian McAuslan, Peter Walcot, New York, Oxford University Press, 1996,
6. D'ambra, Eve: Roman Women, New York, Cambridge University Press, 2007.
   Di Marzo, Salvatore: Roma Hukuku, Çev. Ziya Umur, İstanbul, İstanbul Üniversitesi Yayınları, 1954.
   Dixon, Suzanne: Reading Roman Women: Sources, Genres and Real Life, 2. bs., London, Duckworth, 2003.
7. Dural, Mustafa, Tufan Öğüz: Türk Özel Hukuku: Kişiler Hukuku, 4 c., 7. bs., İstanbul, Filiz Kitabevi, C:II, 2004.
8. Emiroğlu, Haluk: Roma Hukukunda Kadının Durumu, Ankara, y.y., 2003.
9. Fraschetti, Augusto: Roman Women, Çev.: Linda Lappin, Chicago&London, The University of Chicago Press,2001.
   Gaudemet, Jean: "Roma İmparatorluğunda Kadının Hukuki Durumu", Çev.: Bülent Tahiroğlu, Mukayeseli Hukuk
10. Araştırmaları Dergisi, Yıl:6 Sayı:9, İstanbul, Fakülteler Matbaası, 1972,
11. Gönenç, Fulya İlçin: Roma Hukukunda Kadın, İstanbul, On İki Levha Yayıncılık, 2010.
12. Güneş Ceylan, Seldağ: Roma Hukukundan Günümüze Velayet – Vesayet Hukuku, Ankara, Yetkin Yayınları, 2004.
13. Honig, Richard: Roma Hukuku, Çev. Şemseddin Talip, 2. bs., İstanbul, İstanbul Üniversitesi Yayınları, 1938.
14. Karadeniz Çelebican, Özcan: Roma Hukuku: Tarihi Giriş, Kaynaklar, Genel Kavramlar, Kişiler Hukuku, Hakların Korunması, 13. bs., Ankara, Yetkin Yayınları, 2008.
15. Koschaker, Paul: Modern Hususi Hukuka Giriş Olarak Roma Hususi Hukukunun Ana Hatları, Çev. Kudret Ayiter,Ankara, Ankara Üniversitesi Hukuk Fakültesi Yayımları, 1950.
16. Levick, Barbara "Women and Law", A Companian to Women in the Ancient World, ed.
17. Tahiroğlu Bülent, Belgin Erdoğmuş: Roma Hukuku Dersleri: Tarihi Giriş, Hukuk Tarihi, Genel Kavramlar, Usul Hukuku, 3. bs., İstanbul, Der Yayınları, 2003.

Tahiroğlu, Bülent, Belgin Erdoğmuş: Roma Hukuku Meseleleri, 3. bs., İstanbul, Der Yayınları, 2003.
18. Topakkaya, Arslan:“Aristoteles’te Adalet Kavramı”, Uluslararası Sosyal Araştırmalar Dergisi
19. (The Journal of International Social Research), II/6 (2009).
20. Topçuoğlu, Hamide: XIX. Yüzyıl Sosyologlarında Hukuk Anlayışı, Ankara 1961.
21. Umur, Ziya: Roma Hukuku: Ders Notları, 3. bs., İstanbul, Beta Basım, 1999.