

Legal status of women in Roman law with a focus on Roman criminal law

English abstract

The merit of this thesis is to present a comprehensive systematic view of the issue of the legal status of women in Roman society and changes in their status over time, which form the first part of this thesis and also a suitable basis for the second main segment of this thesis, which is focused on the legal status of women in Roman criminal law.

The thesis is divided into two basic parts, which consist of four main chapters, which deal with the issue of procedural competence of women in Roman law, their delinquency, general definition of the legal position of women in Roman criminal law and crimes whose offenders have been (at least predominantly) Roman females. For better clarity and orientation in the text, the individual chapters are then divided into separate subchapters. The aim of this is to provide elementary information and a brief view of the then lawyers and contemporary Romanists on the basic institutes and topics related to the issue.

At this point I would also like to clarify that the first chapter entitled *Procedural Competence of a Woman in Roman Law* is devoted to a brief excursion into the perception of the legal personality of a person in times of Roman law, with a subsequent focus on the legal personality of women in Roman society. The interpretation of this topic also includes the legal status of women in the positions of *alieni iuris* and *sui iuris*, which, by its nature, was of huge importance in terms of the scope of subjective rights and duties entrusted to Roman women. The chapter also contains an explanation regarding legal capacity and its limitations and the related outline of the legal institute of guardianship with a focus on guardianship over women, the so-called *tutela mulierum*.

The following second chapter is entitled *Delict Competence in Roman law* and deals with the concept of tortious responsibility understood in general, but also with its meaning for Roman women and other persons in the position of *alieni iuris*. At the end of this chapter, a few paragraphs are devoted to *actio noxalis*, by which the injured party, who was harmed by the actions of a person with limited legal capacity (delinquent), could claim damages after the *pater familias*, under whose paternity or dominion the delinquent fell.

The third chapter entitled *Roman criminal law and the status of women as subjects of criminal law* includes both the brief historical excursion into the formation of Roman criminal law and also the scientific discipline and the basic characteristics of dualism of Roman criminal law and the differences in the status of Roman men and women.

The theoretical explanation of the issue of the third chapter of the presented qualificatory thesis is then followed by the fourth chapter, which is also made up of several separate subchapters, whose content is devoted to selected crimes that could only be committed fully or predominantly by a Roman woman. The unlawful acts specifically selected for the purpose of this rigorous thesis were adultery (*adulterium*), fornication (*stuprum*), pimping (*lenocinium*), abortion (*abortum*) and crimes of Vestal Virgins known as *crimen incestum*. Since the above-mentioned crimes can be considered as the crimes which are the most fitting to the subject of the issues discussed, these were included in the content of the submitted rigorous thesis.

Key words:

woman - roman law - criminal law