

Lecture 3. The Household:

The Roman Family



Domus

- ***Domus***: the household, home, used more often to *familia* to refer to the basic household unit, but like *familia* could refer to kin outside the household. *Domus* included all relatives linked through women, whereas *familia* typically referred only to relatives linked through male descent (*agnates*).

Structure of dependence for Roman citizens

- According to Roman law, free citizens were divided in two classes: those who were independent (*sui iuris*) and those who were dependent on another (*alieni iuris*)

Patriarchal Family

- The head of family was the *paterfamilias*, who was the senior male ascendant.
- All members of the family submitted to his power, that was lifelong.
- *Patria potestas* already attested in **Twelve Tables (c. 450 BC)**. Originally the *patria potestas* included power of life and death over the members of the family. In the later Republic, the *paterfamilias* still kept all the property of the family.

Peculium and Adoption

- ***peculium***: a fund of property made available to the dependent son or daughter (also a slave).
- The peculium remained in the property of the paterfamilias and could be withdrawn any time.
- **Adoption**: it was possible to adopt people into paternal power. Adoptees could be independent or in power. Very common strategy to secure the future of a family and his patrimony.

Marriage: *connubium*

- **Marriage**: secular matter. Its main legal effect was that children born within it were legitimate, Roman citizens and subjects to paternal power.
- Requirements for marriage? The ***connubium*** was the capacity of getting marriage once one got the appropriate age (12 girls and 14 boys).
- ***Connubium*** only possible among citizens, eventually with Latin and Peregrinae.

Connubium

- Definition by the jurist Ulpian (*Frag. V.3*) (3rd century AD):

"uxoris iure ducendae facultas",

(the faculty by which a man may make a woman his lawful wife)



The Intervention of the Sabine Women. 1799. by Jacques-Louis David

The wedding ritual: *nuptiae*

- The marriages needed to be consented by the paterfamilias of both parties
- a meeting of friends was sometimes held at the house of the maiden for the purpose of settling the marriage-contract, which was called *sponsalia*,
- The sponsalia were written on tablets (*tabulae legitimae*), and signed by both parties
- The ceremony concluded with the man putting a ring on the finger of his betrothed, as a pledge of his fidelity.
- The wedding day was fixed after consulting the auspices.



Roman couple in a wedding ceremony. The bride was dressed with the tunica recta and was bound round the waist with a girdle (*corona congulum*). The bridal veil, called *flammeum*, was of a bright-yellow colour.



Roman
Wedding
ceremony

Religious ceremony: *confarreatio*

- **Confarreatio**: during this rite a sheep was sacrificed and its skin spread over two chairs, upon which the couple sat down with their heads covered.
- The marriage was completed after a solemn formula. A cake and *mola salsa* prepared by the Vestal Virgins.
- The bride was conducted to the house of her husband in the evening in a collective ceremony.
- The husband received her with fire and water, which the woman had to touch. This was either a symbolic purification or it was a symbolic expression of welcome, as a reversal to the formula *interdicere aqua et igni*

Aulus Gellius, Attic Nights 1.6

- ‘If, men of Rome, we could live without a wife, we would all avoid that annoyance. But, since Nature has so arranged it that it is impossible to live very comfortably with them, and not at all without men, we must look to our long-term well-being rather than to short-term pleasure.’

The dowry

- A strict regime of separation of the spouses' property was preserved.
- The only exception to the rule that no property must pass from one side of the family to the other was the **dowry** (*dos*).
- This was property provided by or on behalf of the wife, for example by her paterfamilias or by relatives and friends.

The dowry

- The dowry was owned by the husband during the currency of the marriage, but a number of restrictions were placed on his free use.
- The size of the dowry, according to the jurists, ought to reflect the standing and wealth of the husband and wife.
- The dowry was sometimes paid in instalments.

Divorce

- Divorce in ancient Rome was relatively common.
- Unilateral repudiation of the marriage was enough to end it.
- Important aspects that arose in processes of divorce were the legitimacy of the children, the conduct of the spouses (adultery), etc.
- Since marriage itself had no effect on the spouses' property, divorce had none either.
- There was only the case of the dowry to resolve.

Divorce

- The action of recovering the dowry from the husband when the marriage was over was known as *actio rei uxoriae*.
- Retentions of the dowry by the husband due to penalizations upon the wife's conduct were also regulated.
- Women needed the dowry back to remarry.
- Marriage as commercial contract?

Tutors

- very common phenomenon in Rome due to the high mortality and low longevity.
- Children who were not yet of full age needed a tutor after the death of the paterfamilias
- The main reason for their existence was the preservation of the property.
- Also women needed a tutor out of marital or paternal authority.
- basic functions of authorization
- a woman could still perform many legal acts without it: for example, convey property informally, give a valid receipt. But she could not make a will, free her slaves, or do any other formal acts (more open to private business).

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Presentations

- 1 gobbet, 5 minutes
- Use of Power Point or/and handout
- Clear structure
- Include bibliography/sources used

Presentations content

- What? Who? When? What about?
 - source, genre, Author, context, content.
- Historical/literary relevance of the passage
 - Recognise the essence of the passage
 - Identify the aims of its author
 - Express your view

Reflective report on Presentations

- What I am supposed to do in my reflective report?
 - Comment upon your experience
 - What did you decide to analyse in the text chosen. Topics, problems etc. Why?
 - What did you leave out?
 - Use bibliography/ancient sources to argue