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The Ancient Roman Family in the Context of Antiquity

Abstract

This article discusses the every-day family life in ancient Rome and its functioning throughout the period of royal, republican, and imperial Rome. The article draws attention to the roles played by Roman family members of antiquity. Positive values cultivated by the ancient family, which are outlined in this essay, might provide a way to understand Roman antiquity through the contemporary lens and provide a postulate of the reflexive human nature in this respect.

Keywords

ancient culture, family, father, mother, son, daughter, slaves, marriage, children.

The word “culture” is derived from Latin and its original meaning could be translated to “cultivating the tillage” or “preparing the earth for crops.” Later on, the word “agriculture” carried a similar meaning. As early as during Cicero’s lifetime, the term “culture” was used metonymically to indicate the culture of the soul – “*animi cultura*” – understood as the ennobling of the human mind through philosophy. This definition of the word “*cultura*” was a continuation of a term named as “*paideia*” throughout antiquity. “*Cultura*” was a comprehensive cultivation and upbringing of people understood both as individual and social beings.

J. G. Herder redefined the contemporary understanding of the term “culture” as the fruit of individual and social life. The lifestyle of Europe’s peoples, understood in a similar manner, began to be referred to as “civilization”. This also meant the improvement of human life based on the example of Roman citizens “*civis romanus*” who enjoyed the right to personal development and the convenience connected with living in the city – Rome (Urbs). Thus, the term “civilization,” particularly among members of Francophone and Anglophone countries, was synonymous to the word “culture”. Civilization or “*urbanitas*” used in reference to Rome’s customs indicated nobleness of behaviour and, in a general sense, was interchangeable with the word “culture.” The cultures of ancient Greece and Rome were examples of civilizations which passed but, in fact, they still resonate with contemporary culture in a broader sense.

Theology emphasizes the autonomic dimension of culture and stresses its dependence on God by means of considering culture as an object of redemption and underlines the mediating and cooperative role that it plays in the process of human salvation.²

The definition of the word “human” and the concept of “humanism” entail certain unchangeable value. This quality was distinguished by a highly acclaimed scholar of antiquity and classicist Lidia Winniczuk. She draws her conclusions from the assertion made by B. Suchodolski: “It cannot be denied that in the whole idea of a human, and the whole concept of humanism, one can find some quality of permanence. One also cannot ignore the fact that this unchangeable value always appears at a designated place and time, and that its well-determined existence is enforced by its permanent value not only by means of introducing new elements but also by preserving the long-lasting characteristics. Human beings always exist ‘here and now’ and this very form of their existence is at least as crucial for establishing the essence of humanism as the conception that this essence is dictated by historical determinants.”³

Thus, culture is anchored to the metaphysical structure of the human, as it was reminded during the Second Vatican Council and in the statements made by the Magisterium of the Church later on.

¹ Cf. M. A. Krąpiec, *Człowiek i kultura*, Polskie Towarzystwo Tomasza z Akwinu, Lublin 2008, pp. 9–11.

² Cf. D. Capała, *Encyklopedia Katolicka*, tom 10, Lublin 2004, kol. 1888.

³ L. Winniczuk, *Ludzie, zwyczaje i obyczaje starożytnej Grecji i Rzymu*, part. 1, Warszawa 1985, pp. 6–7.

These documents put emphasis on several significant aspects, thanks to which it was possible to understand the humanist and universal characteristics of culture, and its roots in history and within a given human-inhabited environment. The Second Vatican Council notices the roots of culture as a crucial link between a human and the essence of inter-human relationships, so called “humanum.”⁴

Professor Michał Heller notices the similarity of culture with transience in its historical and theological dimension: “One of the deepest human experiences is the experience of transience. (...) From the theological perspective, transience ceases to be a dramatic end for a human and humanity but is characterized by opening a new beginning for an individual. The task for a man as a creator of culture is to help cope with transience and due to that fact his work of creation is not doomed to destruction. It simply takes part in the process of creating the world.”⁵ Bishop Jerzy Życiński asserts that the negation of culture finds its representation in the demoralization of humankind, which can be manifested, for instance, in the process of abortion. Book of Genesis reveals this “a-historicity” entirely by using the following words: “So God created mankind in his own image, in the image of God he created them, male and female he created them.” (Gen. 1, 27). The key for understanding the universality of humanism in its enduring aspect finds its final fulfillment in Jesus Christ in whom people find the grace of God that offers salvation to all people – “apparuit benignitas et humanitas, Salvatoris nostri Dei” (Titus 2, 11).

The expression “humanitas” entails an extraordinarily rich reality: humaneness, human nature, humanist approach to a given person, kindness, politeness, education, and propriety.⁶

Greek equivalents of Latin “humanitas” include: “antropotes” – humanness, “anthropatheia” – human sensitivity, “paideia” – upbringing, “kalokagathia” – beauty stemming from grace, and “prepon” – tact.⁷

Regarding the meaning of the word “humanitas” two well-known maxims are worth mentioning: “What a graceful being a man is when he is human”;⁸

⁴ *Gaudium et spes* 3.

⁵ M. Heller, *Przemijanie i kultura*, in: *Teologia, kultura, współczesność*, ed. Z. Adamek, Tarnów 1995, pp. 7–10.

⁶ Cf. L. Winniczuk, *Ludzie, zwyczaje i obyczaje...*, p. 7.

⁷ L. Winniczuk, *Ludzie, zwyczaje i obyczaje...*, p. 7.

⁸ Menander in: *Odpowiednie dać rzeczy słowo*, eds. J. Nowak, M. Rzepka, Tarnów 2016, p. 125.

“Homo sum; et humani nil a me alienum puto” - “I am human, and I think nothing human is alien to me.”⁹

Positive features which we notice in personal relations as well as in family, social, and international circles among ancient Greeks, are in line with ethical advice and rules given by ancient Romans which can be summarized in the words “treat the others the way you want them to treat you.” This message is found in Roman maxims such as “Quod tibi fieri non vis, alteri ne feceris” – what you would not have done to yourselves, never do unto others (Alexander Severus);¹⁰ “Si vis amari, ama” – love the way you want to be loved (Seneca);¹¹ “Ut salutabis, ita solutaberis” –greet the way you want to be greeted (an ancient proverb). Those rules can also be applied in the context of Roman family which is the subject of this article.

The most distinguished Latin orator and ancient prose author, Marcus Tullius Cicero (106–43 BC) in his treatise entitled “On Duties” (*De officiis*), which is written in the form of a letter to his son, states that household serves as the micro version of the state, and the family is “the seedbed of the state” (*principium urbis et quasi seminarium rei publicae*).¹²

According to Cicero, an element which links this peculiar micro city-state is love.

Cicero claims that love is manifested in such virtues as kindness, friendship, justice, nobleness, brings people together and makes them alike in shared good patterns of behaviour and character. He states that “there are several degrees of relationship among men. To take our departure from the tie of common humanity, of which I have spoken, there is a nearer relation of race, nation, and language, which brings men into a very close community of feeling. It is a still more intimate bond to belong to the same city; for the inhabitants of a city have in common among themselves forum, temples, public walks, streets, laws, rights, courts, modes and places of voting, beside companionships and intimacies, engagements and contracts, of many with many. Closer still is the tie of kindred; for by this from the vast society of the human race one is shut up into a small

⁹ Terence, *Heautontimorumenos*, I 1, 25. Cf. S. Sojka, *Imitatio et kontemplatio Christi*, Kraków 2006, pp. 27–28.

¹⁰ According to Rampadrios.

¹¹ Seneca, *Epistulae morales ad Lucilium*, 9, (I, 9) 6.

¹² M. T. Cicero, *De officiis*, 1, 17, 54, in: Ciceron, *Pisma filozoficzne*, przeł. W. Kornatowski, PWN 1960, p. 356.

and narrow circle. Indeed, since the desire of producing offspring is common by nature to all living creatures, the nearest association consists in the union of the sexes; the next, in the relation with children; then, that of a common home and a community of such goods as appertain to the home. Then the home is the germ of the city, and, so to speak, the nursery of the state. The union of brothers comes next in order, then that of cousins less or more remote, who, when one house can no longer hold them all, emigrate to other houses as if to colonies. Then follow marriages and affinities by marriage, thus increasing the number of kindred. From this propagation and fresh growth of successive generations states have their beginning. But the union of blood, especially, binds men in mutual kindness and affection; for it is a great thing to have the same statues of ancestors, the same rites of domestic worship, the same sepulchres. But of all associations none is more excellent, none more enduring, than when good men, of like character, are united in intimacy. For the moral rectitude of which I have so often spoken, even if we see it in a stranger, yet moves us, and calls out our friendship for him in whom it dwells. Moreover, while every virtue attracts us to itself, and makes us love those in whom it seems to exist, this is emphatically true of justice and generosity. At the same time, nothing is more lovable, and nothing brings men into more intimate relations, than the common possession of these moral excellences; for those who have the same virtuous desires and purposes love one another as they love themselves, and they realize what Pythagoras would have in friendship, the unifying of plurality. That also is an intimate fellowship which is created by benefits mutually bestowed and received, which, while they give pleasure on both sides, produce a lasting attachment between those who thus live in reciprocal good offices. But when you survey with reason and judgment the entire field of human society, of all associations none is closer, none dearer, than that which unites each of us with our country. Parents are dear, children are dear, so are kindred and friends; but the country alone takes into her embrace all our loves for all, in whose behalf what good man would hesitate to encounter death, if he might thus do her service? The more detestable is the savageness of those who by every form of guilt have inflicted grievous wounds on their country, and are and have been employed in her utter subversion. Now, if you make an estimate and comparison of the degree of service to be rendered in each relation, the first place must be given to our country and our parents, bound as we are to them by paramount benefits; next come our children, and the entire family which looks to us alone, nor in stress of need can have any other refuge; then, afterward, the kindred with whom

we are on pleasant terms, and with whom, for the most part, we are in the same condition of life. For the reasons indicated we owe chiefly to these that I have named the necessary protection of daily life; but companionship, conviviality, counsel, conversation, advice, consolation, sometimes reproof also, have their most fruitful soil in friendship, and that is the most pleasant friendship which is cemented by resemblance in character.”¹³

The term family (*familia*) in Roman sources viewed from a legal perspective had a broader meaning than we usually think. From its very beginning, it constituted a strong and well-organized social unit. This community was comprised of a father and a mother, sons and unmarried daughters, wives and son's children, slaves, and married daughters *sine conventione in manum* (the wives who legally and ritually remained members of their fathers' families).¹⁴

There were three forms of entering the family community under the control of the father (*conventio in manum patris familias*): by giving birth to a child of the marriage acknowledged by law and thus introducing that child to the family; by adoption (*adoptio*) yet the adopted child either remained independent (*sui iuris*) or was under the control of the family's father (*arrogatio*); or by passing control over the daughter-in-law to her father-in-law.¹⁵

The role of the head of the family was held by the father (*pater familias*) and legally he was the only family member who was entirely independent from anyone (*sui iuris*). The remaining members of the family were under his authority (*alieno iuri subiecti*). The father's control was three-fold: it comprised the control over the wife (*manus*), the power over children (*patria potestas*), and the control over slaves (*dominica potestas*).

The power over the wife stemmed from matrimony. The moment marriage was concluded, a woman was no longer under the control of her father or counsellor since when she entered married life, she automatically became the member of her husband's family and was under his authority (*conventio in manum*). In her new family, a woman would obtain the rights of a daughter.

Initially, Roman legislation granted full and unlimited power to the father. Due to a substantial number of those rights and its diversity, they can be divided into three groups, in which the father appears as the master of family ownerships

¹³ M. T. Cicero, *De officiis*, 1, 17, 53–56, in: *Cyceron, Pisma filozoficzne*, pp. 355–357.

¹⁴ Cf. L. Winniczuk, *Ludzie, zwyczaje i obyczaje...*, p. 232.

¹⁵ Cf. L. Winniczuk, *Ludzie, zwyczaje i obyczaje...*, p. 232.

and as an authority.¹⁶ The father would play the role of a priest of the hearth and performed rites of cult, by imitating his ancestors in this respect, and was not under any external control. His decisions could be altered or challenged neither by priests nor the society. As the religious superior, he would protect the continuant durability of cult and family. This strictly entailed the following laws:

- The right to acknowledge or reject a child after it was born. This kind of law was granted to both Roman and Greek fathers. The right is considered unnatural from the contemporary perspective, yet it was not regarded as contradictory to former rules of family life. The very origin of the child, even unquestioned by the family environment, was not perceived as a criterion relevant to the discussion whether a newborn can be acknowledged and accepted into the family or not. The necessary condition was the father's decision to acknowledge the child and introducing it to the family cult. As long as the child did not participate in the rites of family cult, it was not considered relevant for its father.
- The right to dismiss a wife due to the woman's infertility or the act of infidelity committed by her.
- The right to marry off a daughter which meant waiving the control over the daughter that was initially granted by the fact of being her father.
- The right to marry off a son.
- The right of emancipation which meant excluding the son from the family and family's cult.
- The right to adopt a child by accepting an alien child in the family.
- The right of succession in case of death of the wife's and children's guardian.

The rights above were only granted to the family's father.

The wife did not have the right to file for divorce and she could not emancipate or adopt children even after her husband's death. In the case of a divorce, children would remain under the control of the father.

Family property was initially considered as ownership which belonged to all family. The father, as the head of the family, used to hold the authority

¹⁶ Cf. P. Guirand, *Rzym. Życie prywatne i publiczne Rzymian*, przeł. J. L. Popławski, Warszawa 1896, p. 97.

in the “household tribunal” which formed judgments on the basis of husband’s or father’s power with the help of household gods.¹⁷

The father of the family granted the right to life and death against his children (*ius vitae necisque*). Also, he could decide on the fortune of family members whom he controlled. In addition, similarly to laws of Greek legislation, he could acknowledge a child born of his marriage and accept it into the family or reject and abandon it which often equaled sentencing the child to death when nobody would take care of the abandoned newborn.¹⁸

Over time “*ius vitae necisque*” became alleviated and it was abolished in the fourth century BC.¹⁹ As already mentioned, occasionally a father would waive his control over the son (*emancipatio*) or transfer his power over him onto somebody else by adoption (*adoptio*). Those kinds of practices no longer existed in royal times.²⁰

According to Roman legislation, slaves were not considered as persons but property (*res muncipii*). The owner could decide on everything that was related to his slaves or even kill them. Slaves were not allowed to marry (*matrimonium*). Occasionally, the owner would liberate a slave from his control (*manumissio*) but the slave took his owner’s name (“*nomen*” and “*praenomen*”). In this context it is worth mentioning the statement made by one of the most distinguished scholars of ancient culture in Poland, T. Zieliński. He claimed that “slavery in its old form, that is such kind of system due to which one person as a ‘slave’ becomes a ‘property’ for somebody else, his master, can be found only among savages. That type of slavery was a product of particular primitive conditions of social life. The ancient cultural world of Rome and Greece inherited this type of system from its forefathers from the primeval times and in this respect, it is no different from other ancient civilizations. The difference, though, stemmed from the fact that it was first their best poets and philosophers, and later Roman and Greek legislation and jurisdiction authorities followed by citizens themselves who condemned the practice of slavery. Thus, it is thanks to the antiquity that contemporary people believe that slavery is truly shameful. The main source of slavery was the conception that legal relationships exist only among citizens

¹⁷ Cf. P. Guirand, *Rzym..*, p. 98–99.

¹⁸ Cf. L. Winniczuk, *Ludzie, zwyczaje i obyczaje...*, p. 233.

¹⁹ Cf. L. Winniczuk, *Ludzie, zwyczaje i obyczaje...*, p. 233.

²⁰ Cf. A. Eckmann, *Starożytna rodzina grecka i rzymska*, „*Vox Patrum*” (1985), z. 8–9, p. 36.

or allies and not among enemies – thus, in case of a victory, the defeated and their wealth become the property of the victors.²¹

The manifestation of the functions of a father in a family is included in royal legislations (*lex, legis*). Dionysius in “Roman Antiquities” notes that “Romulus imposed a law upon his citizens that they would support all of their progeny of male kind and all first-born daughters and forbade killing offspring under the age of 3.”²² Those fathers who did not abide to royal bills were punished, for instance by expropriation of half of their wealth.

That royal legislation (*lex regis*) limited parental power over their children (*potestas patria*). Fathers used to have the right to life and death over them (*ius vitae necisque*). The royal bill deprived the father of the right to the decision about accepting a newborn into the family or its rejection (*ius tollendi*). It forbade abandoning children which equaled their imminent death. Neither could the father kill his male offspring and first-born daughters nor sell them. Also, the refusal to pay alimonies was considered similar to killing a child.

According to the royal legislation, the father could incarcerate his children of both sexes (*filios*),²³ could inflict physical punishments upon children of his inferiors (*verberatio*) but he was not allowed to lash them (*flagris caedere*). When the father intended to deprive his inferiors of their lives, he was allowed to do that only in front of witnesses.²⁴ The father could dispense justice from his son, including the act of killing the child but he was not allowed to do it at will.²⁵ According to Servius Tullius, when a son physically assaulted his father, he became denounced by the family (*saceresto*)²⁶ and the father was allowed to kill his son if he was able to gather witnesses of that act. Similarly, when the husband demanded to kill his wife, he had to convene a meeting with her relatives and perform an investigation in their presence.²⁷ Throughout the royal times, the father could not free his sons from his control (*emancipatio*) or hand over that control to another citizen by means of adoption (*adoptio*). A permission

²¹ T. Zieliński, *Rzeczpospolita rzymska*, Warszawa 1958, p. 372.

²² Cf. A. Eckmann, *Starożytna rodzina...*, p. 38.

²³ Cf. A. Eckmann, *Starożytna rodzina...*, p. 38.

²⁴ T. Liwiusz, *Dzieje Rzymu od założenia miasta*, 1, 26, przek. A. Kościółek, Warszawa – Wrocław – Kraków 1968, p. 35.

²⁵ Cf. A. Eckmann, *Starożytna rodzina...*, p. 38.

²⁶ Cf. A. Eckmann, *Starożytna rodzina...*, p. 38.

²⁷ Cf. A. Eckmann, *Starożytna rodzina...*, p. 38.

from the Roman nation was required to disinherit a child (exheradatio).²⁸ Also, banishing a child was not allowed. However, the punishment by selling a son *trans Tiberim* is neither a proven nor a probable practice. The father was allowed to sell a child only in case of extreme poverty so as to support and save the whole family.²⁹

In the republican period, the royal bill concerning abandoning children was not legally waived. Fathers of families could regain their original authority only in that respect. The control over family life and fulfilling *patria potestatis* was executed first by consuls and later by censors.³⁰ This topic was addressed by Terence and Plautus in their works. Plautus' comedy does not indicate clearly that during his lifetime Roman fathers of families were allowed to abandon or kill newborns. Also Cicero, who in "De legibus" devotes his attention to the topic of family, does not write about father's legal right to remove healthy offspring.³¹ When Seneca in "Controversiae" discusses the case of an abandoned child he notes that the father might desire to return "the orphan" if the costs of its upbringing are evened.³² In that collection of judicial speeches Seneca tackles the problem of children abandoned by their fathers and later found so mutilated by beggars that they were impossible to be recognized by the father and recovered.³³ Based on quoted statements, Seneca stated that the father did not hold the authority to abandon a child (*expositio*), however, in case of committing that act he did not lose the parental authority over that offspring (*patria potestas*).

Authors of antiquity do not provide arguments allowing to draw a conclusion that in republican Rome the father of a family was allowed to kill healthy and legitimate children who were born in conducive circumstances. Any right of that kind was granted neither by law nor public opinion.³⁴ What is more, other literary sources devoted to the Principate or the Roman Empire do not indicate that fathers had the right to abandon their newborns.

²⁸ Cf. B. Łapicki, *Władza ojcowska w starożytnym Rzymie. Czasy królewskie i republikańskie*, Warszawa 1933, pp. 31–34.

²⁹ Cf. B. Łapicki, *Władza ojcowska w starożytnym Rzymie. Czasy królewskie i republikańskie*, Warszawa 1933, pp. 48–51.

³⁰ Cf. A. Eckmann, *Starożytna rodzina...*, p. 39.

³¹ Cicero, *De legibus* III 9, 19, in: Ciceron, *Pisma...*, p. 295.

³² Cf. A. Eckmann, *Starożytna rodzina...*, p. 40.

³³ Cf. A. Eckmann, *Starożytna rodzina...*, p. 40.

³⁴ Cf. P. Guirand, *Rzym...*, p. 102.

Suetonius in “De vita Caesarum” while describing the life of Augustus³⁵ or Gaius Plinius Secundus in his letter to Trajan³⁶ seem to deny the existence of such laws.

Interestingly, there are documents demonstrating that in the republican period not only newborns but also children conceived were under legal protection. The Praetor’s Edict granted the legal support and family wealth for children born after their father’s death.³⁷ This matter is described in Cicero’s speech in defense of Aulus Cluentius Habitus who accused his stepfather Statius Albius Oppianicus of an attempt to poison him. In that speech, Cicero mentions the issue of three attempted abortions which were not successful. The orator claims that Oppianicus poisoned his pregnant sister-in-law at the time when her husband was still alive and he adds that “„(...) illud, quod errat ex fratre conceptum, necaretur. (...) Ceteri non videntur in singulis hominibus multa parricidia suscipere posse, Oppianicus inventus est qui in uno corpore pluris necaret.”³⁸ To justify his crime (scelus) Oppianicus refers to a situation which took place in Anatolia during his proconsulate. The case pertained to a widow who aborted a child after her husband’s death. Her deed was considered a major crime and she received a death sentence “rei capitalis esse damnatam.”³⁹ That harsh judgment is explained in the following way: “nec iniuria, quae spem parentis, mempriam nominis, subsidium generis, heredem familiae, designatum rei publicae civem sustulisset.”⁴⁰

The orator, referring to Oppianicus’ case, accuses him of a new crime, namely the act of stealing wealth after his relative (avunculus), Magius who on death’s bed bequeathed substantial wealth to his conceived child. Meanwhile, Oppianicus encouraged the widow to abort the child and only five months after her late husband’s death, he married that widow. Their marital relations were not long-lasting though as “it was not strengthened by the sanctity of marital dignity

³⁵ Suetonius, *De vita Caesarum. Augustus*, w: Swetoniusz, *Żywoty cesarów*, przeł. J. Niemirska-Pliszczyńska, Wrocław 1969, p. 150–154.

³⁶ Cf. A. Eckmann, *Starożytna rodzina...*, p. 41.

³⁷ Servius Sulpicius, D 37, 9, 1, 24: „cura et bonorum possessio ventris nomine”, in: B. Łapicki, *Władza ojcowiska*, p. 103.

³⁸ Cf. A. Eckmann, *Starożytna rodzina...*, p. 42.

³⁹ A. Eckmann, *Starożytna rodzina...*, p. 42.

⁴⁰ A. Eckmann, *Starożytna rodzina...*, p. 42.

but criminal cooperation.”⁴¹ In the murder of an unborn child, Cicero stressed the particularly shameful criminal cooperation (*societas sceleris*) of Oppianicus and the mother. The orator highlighted the very advanced process of degeneration and demoralization of wealthy citizens and the problem of breaking the laws of the republican period.⁴²

Titus Livius reports that as early as during the republican times, certain general principle of “*patrem sequuntur liberi*” became accepted.⁴³ The child’s belonging to a family was dictated by its origin – depending on whether it was a legitimate child or not. A father’s acknowledging of a child and accepting a newborn into the family (*tollere et suscipere liberum*) lost its original meaning and its value was merely that of a symbol.

During that period, the father’s responsibility included not only acknowledging the child but primarily the process of its upbringing and supporting him or her financially.⁴⁴ Raising infants was aimed at developing them in terms of their morals and teaching about the law (*instituere*). This process depended on promoting rules of sensitivity and moral purity (*puđicita, castitas*), honesty, and faithfulness. Children were taught about the laws and religion of their ancestors.⁴⁵ Upbringing was also closely related to educating (*erudire*) children and adolescents. They were taught the mother tongue and introduced into basic principles of human life. Apart from that, adolescents were instructed with the intention of performing, given occupations in the future and tutored about the rules of social and civic life. In addition, they were being prepared for the economic, political, and military life.⁴⁶ It was parents who played the prime role in the process of raising a new generation of Roman citizens.

⁴¹ A. Eckmann, *Starożytna rodzina...*, p. 42.

⁴² Cf. K. Kumaniecki, *Literatura rzymska. Okres cyceŕoński*, Warszawa 1977, p. 219–220.

⁴³ T. Liwiusz, *Dzieje Rzymu od założenia miasta*, p. 221.

⁴⁴ Cf. A. Eckmann, *Starożytna rodzina...*, p. 42.

⁴⁵ It may be said that, as heroes served as models in Greek upbringing, under the influence of Homer, ancestors were followed as examples in Roman upbringing. Vgl. H. J. Marrou, *Historia wychowania w starożytności*, (trans.) S. Łoś, Warszawa 1969, p. 335. However, Roman upbringing, as compared to its Greek counterpart, had a more civil, family character and was more permeated with the religious spirit. Rome did not adapt the Spartan understanding of upbringing. All possible measures had to be taken to save the homeland, however, not everything was allowed since the obligations of justice, customs and law had to be complied with.

⁴⁶ H. J. Marrou, *Historia wychowania w starożytności*, p. 325–335.

Father's power was controlled only when it involved persuading children to commit deeds considered wrong. In such circumstances it was not only the son's right but also the duty to disobey his father's orders. According to Seneca, all matters require a child's full obedience, with the exception of adoption and when the father intends to kill a child, which is forbidden by the law.

This rule found its application in certain specific cases. A father who benefited financially from his children being involved in prostitution (*lenocinium*) was considered unworthy of veneration by praetors and, as a consequence, he had limited procedural powers. According to Julian laws (*lex Iulia municipalis*), such a crime was a legitimate reason to move a citizen to a lower class and, for instance, remove him from the list of senators (*senatu movere*). Cato, who held the function of a censor, removed a father from the list of senators who hugged his wife in the presence of his virgin-daughter. Cicero accused Verres of committing iniquity (*iniuria*) against his adolescent son in Sicilia because he let him look at acts of debauchery (*voluptas*) and foul deeds (*flagitia et turpitudines*). Because his children belonged not only to the family's father but also the whole nation, ensuring children's behavior was also a responsibility of the nation. If the process of upbringing was not in line with the interests of Roman nation, this meant that the father acted unfairly against his homeland.

In conclusion, it can be said that the task of the father within a family included supporting his children financially and ensuring that they are raised according to the basic rules of Roman political system, morality (*boni mores*) and welfare of the state.

What is particularly interesting, is that the father held the function of the head of domestic religious cult. It was connected with the linguistic as well as the legal and historical implications of the word "father" (*pater*). It was used in reference to Roman gods and the head of the family. After his death, family's father was idolized and worshipped as the guardian of home and hearth.⁴⁷ When alive, he used to be the head of domestic cult as saying prayers and presenting the sacrifice (*sacra privata*) was his responsibility. Fathers would conduct ceremonies of funeral and made sure the family mourned the dead for an adequate period of time (*tempus lugendi*). In his will, he would appoint his successor and hand over the rules of protecting *sacra privata* and grant financial resources necessary for that purpose.⁴⁸

⁴⁷ Cf. A. Eckmann, *Starożytna rodzina...*, p. 43–44.

⁴⁸ Cf. P. Guirand, *Rzym...*, pp. 97–105.

As stated above, the role of the father in the family was fundamental. In addition, the role of the mother also carried a great deal of significance. Nevertheless, a Roman woman, unlike Greek women, did not possess any civil rights as she was removed from civil matters due to her innate modesty (*puđicitia*), weakness (*infirmitas*, *fragilitas*), and the lack of knowledge concerning public rights (*forensium rerum ignorantia*). On the other hand, she enjoyed more freedom than Greek women of antiquity. When a Roman woman married, she was no longer under the authority of her father but her husband. In her new family she held the position of a daughter (*iliae familias loco*). The husband did not have the right to life and death over her and he was not allowed to sell her or transfer power over her to somebody else. The wife could terminate the marriage by getting a divorce. She played a dignified role in the family as she was the landlady of the household (*domina*). She was responsible for managing the household, accompanied her husband in his activities, took care of family matters, supervised the domestic staff, nurtured and raised children, took part in social life, attended social gatherings and feasts, which was not allowed in ancient Greece. Her dependence on her father or husband was basically limited to finances. Over time that aspect improved significantly as she was given the right to choose the guardian responsible for finances and she could manage her dowry with the help of a skillful servant (*servus dotalis*, *atriensis*).⁴⁹

Romans held the family in high esteem and, in order to ensure its continuity and integrity, they took good care of the institution of marriage. Similarly to ancient Greece, it was the father, along with the future in-law who decided about marrying off the daughter. The age of lawful consent to a marriage was 12 for girls and 14 for boys. The Romans distinguished between two types of marital relationships: lawful marriage (*matrimonium iustum*) and unlawful (*matrimonium iniustum*). *Matrimonium iustum* could be concluded only between two people of the same class who had *ius connubii*. For instance, such right was given to patricians. The *Canuleia Bill* (*lex Canuleia*) from 455 BC abolished the division of citizens based on their class. From then on, the only condition to marry was Roman citizenship. Those marriages which were concluded despite not fulfilling that condition were considered unlawful. As mentioned above, two legal forms of marriage existed in ancient Rome. The first one was connected

⁴⁹ Cf. L. Winniczuk, *Słowo jest cieniem czynu czyli starożytni Grecy i Rzymianie o sobie*, Warszawa 1972, pp. 164–198.

to passing the wife directly from the hand (*manus*) of her father to that of her new husband (*conventio in manum*) and introducing her into the new family. The term “*manua*” referred to rights which were granted to the head of the family. In the second form of marriage, the wife was legally under the control of her father (in *potestate patris, sine conventione in manum*). Their children would be under the authority of the father but the wife herself was not subject to his legal power. The legal basis for a Roman marriage was ensured by the mutual agreement for intimate liaison (*affectio maritalia*).

The so called “*conventio marriage*” (*cum conventione in manum*) could come to fruition in one of the three forms. The first one included the symbolic act of “purchasing” the bride but she had to give her consent. The last time we learn about this form is during Tiberius’ lifetime. The second form included using the marital rights (*ex usu*). This form entailed a woman’s and man’s cohabitation for the period of one year as long as she did not spend three consecutive nights away from home. By common law, such men and women became husbands and wives. After the year 445 BC such practice of concluding a sacrament of marriage became obsolete. It was entirely liquidated by the emperor Augustus. The last form of marriage (*confarreatio*), along with its legal basis, entailed the religious and more ceremonial aspects.

According to Roman tradition, newlyweds would provide Jupiter with an offering of a cake of spelt (*panis farreus*) as he was the guardian of seed (*farreus*). That cake was eaten by the married couple and their wedding guests. A distinguished Roman historian, Pliny writes about that practice in his “*Natural History*”: “There was no other ceremony more festive than a wedding sealed by seed offering where a spelt cake was carried before the bride. That sacrifice was called *confarreatio* and was the most solemn and binding form of wedding which was accompanied by the chief priest.”⁵⁰

The ceremony of wedding was preceded by engagement (*sponsalia*), which was an oral vow. Although the choice of a husband was made by the daughter’s father, there was a fundamental difference when it comes to that consent between Greek and Roman marriages. In Greece, it was girl’s father, or the guardian if she was orphaned, who gave consent on behalf of the bride-to-be. In Rome, the fiancée herself answered the engagement question and made her promise. The

⁵⁰ Plinius, *Historia naturalna* 18, 19–20, trans. I. i T. Zawadzcy, Wrocław-Kraków 1961, p. 191.

engagement was concluded by the following words: “Spondense? – Spondeo” which could be translated to “Do you promise? I promise.”⁵¹

The ceremony of wedding was no less solemn. The day before the wedding a girl would take off her pristine garments (*toga praetexta*) and put on a white, straight *toga* dress (*togam puram*), which was more appropriate considering her new marital status. The unfitted *toga* (*tunicam rectam*) was tied at the waist with a girdle. She wore the *flammeum* or *croceum*, a flame or saffron colored transparent veil which revealed parts of her hair, face, and shoulders. Only brides would wear a colored veil which covered their bodies that is why the wedding ceremony was named after the words “*nuptiae*” and “*nubere*” which means to hide, to cover.⁵²

The day of the wedding ceremony began with watching for good omens which meant interpreting the flights of birds or examining the liver, lungs and entrails of animals sacrifice. After that, a hog, sheep or goat were sacrificed as they are animals symbolizing the goddesses of fertility and the earth, *Ceres* and *Terra*. Next, the family and guests prayed to guardian gods of marriage. After the religious ceremonies, the feast began (*cena nuptialis*) in the bride’s household. The matron of honor, or the *pronuba*, would introduce the newly-wedded wife to the family. The role of *pronuba* could be held by a woman of great dignity who was faithful to his wife for the entire life (*univira*). It was she who accompanied the bride during fortune-telling, passed the bride from the hands of the father to her new husband by joining their hands (*dextrarum iunctio*). After the feast in the evening, when the *Vesper*, *Venus’* star, appeared in the sky, the official procession from fiancées’ household to her husband’s home took place (*deduction domum*). The procession was particularly interesting as it was headed by a happy boy (*patrimus et matrimus*) carrying a blackthorn torch (*spina alba*). He was followed by two boys who could not be orphans and who led the bride to the groom’s home. Behind them there was a party of servants who carried symbols of household work and domestic life and were followed by the family, friends, acquaintances and others. The procession included singing and music. Humorous chants were sang (*fescenninae*) to make the walk even more pleasant. The groom greeted the wife in his household and she would say the sacramental “*Ubitu Caius, ibi*

⁵¹ Cf. O. Jurewicz, L. Winniczuk, *Starożytni Grecy i Rzymianie w życiu prywatnym i państwowym*, Warszawa 1973, p. 20.

⁵² Cf. P. Guirand, *Rzym...*, p. 86.

ego Caia” to symbolize the moment.⁵³ This statement was of great significance as the married linked the two for better and for worse, for life on earth and in the Proserpina’s land of shadows. After saying “as you are Gaius, I am Gaia,” she would anoint the door of the household with a hog’s or wolf’s fat in order to ward off the evil spirits from the house which she entered as future *mater familias*. She also decorated the doors with ribbons. A hog symbolized Ceres and wolf – Mars who was the god of war but also an agricultural guardian. The young wife was lifted over the household threshold by boys to avoid her potential stumbling, which was considered a bad omen,⁵⁴ and her husband greeted her with water and fire. Water symbolized purification and fire signified the common domestic hearth guarded by *mater familias*. Finally, *pronuba* helped the wife enter the atrium where the *mater-familias-to-be* devoted her prayers on family matters to the guardian god, *Genius*. The next day featured an after-wedding celebration (*repositia*) which, apart from the feast, included making sacrifices to gods.

Delving deeper into the essence of the form of the marital institution, one might come to the conclusion that Romans perceived the inseparability of spouses’ fortunes as the only moral rule of relationship between man and a woman and the ethical law which sanctifies monogamy.

In the imperial period, due to the general process of loosening manners and morals, women enjoyed more freedom. Fathers no longer chose husbands for their daughters and the latter could manage their finances independently. This state of affairs caused the increase in the number of divorces. It is believed that the first divorce took place in the year 231 BC. Near the end of the republic, divorces became widespread. The motivation behind filing for a divorce varied: from serious matters such as a wife’s infidelity to trivial reasons including the wife’s visiting public spaces with her face uncovered. The so called “Julian laws” were aimed at limiting the number of divorces by means of constraining the right to divorce. They were viewed as the Roman legislative way of defending the significance and sanctity of the domestic hearth. According to Ludwik Hieronim Morstin, Roman citizens held family life in high esteem and the mother was considered the greatest holiness that the world has who is able to unite not only the family but also the citizens, and the whole nation.⁵⁵

⁵³ M. Żołnierczuk, *Zarys prawa rzymskiego*, Lublin 1998, p. 112.

⁵⁴ Cf. K. Kumaniecki, *Historia kultury starożytnej Grecji i Rzymu*, Warszawa 1975, p. 398.

⁵⁵ Cf. L. H. Morstin, *W kraju Latynów*, Warszawa 1956, pp. 154–155.

One way to conclude the analyses of texts pertaining to the family life in ancient Rome is to quote an outstanding scholar of antiquity, philologist, and theologian, Augustin Eckmann whose pertinent observations can be found throughout this article. He states that “a Roman pre-Christian family was patriarchal and monogamous. It depended on a variety of legal laws. The family members included the father, the mother, sons and unmarried daughters, sons’ wives and children, slaves, and married daughters who concluded their marriages without passing the control from the father to their husbands. The father held the position of the head of the family and was entirely independent. The remaining family members were under his authority. The parental power was threefold as he controlled his wife, children, and servants. He had the right to life and death over his children in the first, primeval period but he was deprived of this law in the royal period as well as the following periods of republic, principate, and empire. In the republican period, the responsibility of the father included supporting children financially and raising them according to the rules of the system and morality and for the welfare of the state. Slaves were treated as objects. The owner wielded the right to liberate a slave from his authority. Another responsibility of the father was connected to performing the practices of the domestic religious cult. The wife was subordinate to her husband. She was not his slave but his life companion and the landlady. In this way, the Roman legislation protected the sanctity of the marital institution, protected the life of healthy newborns as well as the life of conceived but yet unborn children by means of ensuring their rights to family wealth after the death of the father. In a way, all these laid the foundation for accepting Christianity by Roman families.”⁵⁶

In the context of what has been said about the culture of antiquity, it seems relevant to address the question connected to perfections and imperfections of that culture viewed by its contemporary inheritors. The answer to that question to some degree can be found in the following commentary by L. Winniczuk quoted in this article earlier on. She said: “The ancient Greece and Rome have been subject to fascination of the whole world for the entire centuries. The perfection of Greek thought which taught us how to find beauty was and still is an object of awe. Also, the perfection of Romans as citizens, heroes, and lawyers is admired to this day. But was this perfection deprived from any shades or imperfections? Are stories of various antagonisms, intrigues, crimes, and

⁵⁶ A. Eckmann, *Starożytna rodzina...*, p. 49.

murders absent in that heritage? What about slavery? What about the attitude towards the impoverished who were forced to sell themselves to the rich so as to pay off their debts? What about the cases of infanticide facilitated by the laws allowing to abandon newborns? (...) The reason why we take our academic interest in the culture of ancient Greece and Rome is not that it was 'ultimately perfect' but thanks to its imperfections paved the way for the perfection of the following centuries."⁵⁷ Bearing in mind the positive aspects connected to family values protected by ancient Romans, it can be said that the culture of antiquity appears as "pedagogus in Christum" (see. Gal 3, 24)⁵⁸ in this respect.

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⁵⁷ Cf. L. Winniczuk, *Ludzie, zwyczaje i obyczaje...*, pp. 5–6.

⁵⁸ More on this subject: S. Sojka *Humanitas Hipokratesa w świetle rodziny i sztuki lekarskiej starożytnej Grecji* in: *Odpowiednie dać rzeczy słowo*, eds. J. Nowak, M. Rzepka, Tarnów 2016, pp. 124–149; S. Sojka, *Prawda o człowieku i jego historii w kręgu kultury antycznej*, „Tarnowskie Studia Teologiczne” (2016), pp. 99–112.

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