
 II

Introduction: approaches to the history of the Roman family

The discipline of history began nearly two and a half millennia ago with the study of war and politics. Little more than two and a half decades old, the subfield of family history is still struggling to agree on the right questions and the appropriate level of generalization.¹ The family as a historical phenomenon can be both banal and symbolically charged. It can be banal in the sense that family life so thoroughly permeates our experience that a description of mothers, fathers and children may hold few surprises and little interest. Roman authors believed family formation and the organization of the household to be natural steps in social evolution, rather than a matter of culturally specific development susceptible to historical analysis (Cicero, *Off.* 1.54).

At the same time, as a nearly universal experience, family relations have been used as a politically charged barometer of moral and social wellbeing. This is true today, as sociologists attempt to measure the disintegration of the family and the popular media carry stories such as the *Chicago Tribune's* front-page series entitled "Killing our Children."² The moral preoccupation with the family can be found in ancient Rome as well. In accounts of the horrors of the civil wars of the last century before Christ, stories of the violation of family bonds were narrated to illustrate social breakdown, and stories of family loyalty were told in praise of individual virtue.³ When Augustus enforced a new regime on the Romans, his legislation to improve society focussed primarily on matters of family and household – marriage, child-bearing, and slavery.⁴ Despite these laws, laments of moral decay within the family echoed down through the generations, to be exploited by early Christian communities claiming a higher morality.

¹ Anderson 1980; Kertzer and Saller 1991: ch. 1.

² On July 19, 1993, the annual toll stood at thirty-five, of whom eighteen were the victims of abuse within their own homes.

³ Appian, *BCiv.* 4.13, *ILS* 8393

⁴ Treggiari 1995

For the Roman historian, the central methodological challenge of family history is to rescue it from banality by asking significant questions answerable with the available evidence. The kinds of generalizations found in modern sociological discussions of the disintegration of families are mostly beyond the Roman historian's reach. In the nearly complete absence of quantitative evidence, much less a reliable time series of quantitative data, we are quite unable to identify trends in marriage, divorce, and child-bearing. The inconclusive debate over the frequency of divorce in imperial Rome shows how helpless we are with respect to such questions.⁵ The sort of analysis done by Wrigley and Schofield suggesting economic influences on family formation over centuries of modern English history, in particular the relation between rates of marriage and real wages, is well beyond the reach of the ancient historian.⁶ The Roman social historian must settle for painting with a broader brush.

This book aims to explore three general aspects of Roman family life which differentiate it from family life in the contemporary west. The three aspects, represented in the title, are "Patriarchy, property and death." The Roman family has been central to the elaboration of the image of primitive patriarchy. A recent sociological collection entitled *Fatherhood and Families in Cultural Context* begins its "Historical overview of concept of fathering" with the tale of the father Verginius' execution of his daughter to save her from violation and the absolute powers granted to fathers by Roman law.⁷ Such stories convey a powerful image of patriarchy, but are the stuff of legendary caricature, not to be mistaken for sociological description. They do not make good social history, nor even good cultural history, without careful nuancing. I do not mean to deny that the Roman normative order endowed fathers with power and authority in the household, but the quality of that patriarchy is often exaggerated and misunderstood. The stark image of the severe, all-powerful father is a legal construct which too easily ignores the complexities of human relationships in everyday life. The hundreds of letters of Cicero, our most intimate evidence for the day-to-day experiences of Roman families, give no hint of the exercise of the absolute legal powers of the father. At the level of Roman cultural values, the paternal caricature has tended to distract historians from exploring how the Romans construed the father figure in a social context pervaded by slavery. Part II presents an analysis of how the Romans defined their family and household within the slave context, and then seeks to understand how the quality of family relationships was construed and affected in practice by the presence of slaves. Latin texts over four

⁵ Compare the views of Treggiari 1991c and Bradley 1991: ch. 7.

⁶ Wrigley and Schofield 1981: 421–25

⁷ Tripp-Reimer and Wilson 1991: 1–2, citing Veyne 1987.

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centuries reveal a strong polarity in Roman thought between the power of the master, enforced by the whip, and the dutiful affection of the father.

Roman families of all social strata sought their basic sustenance primarily from agriculture. Property transmitted within the family, more than anything else, determined a Roman's place in the social hierarchy. That feature Roman society shared with many others before industrialization. Rome's special interest lies in the sophisticated set of institutions and instruments that Roman law provided for the protection and transmission of property. On account of the flexibility permitted by these institutions and instruments, the historian will look in vain through the legal corpus for a clearly structured "system" of property transmission of the sort that family historians of other eras can identify, such as primogeniture or ultimogeniture. Part III examines how the possibilities created by the legal institutions of inheritance, guardianship, and dowry were manipulated by individuals within the particular Roman demographic, social, cultural, and economic context. My model in these chapters envisages individual Romans pursuing strategies through a wide array of legal instruments toward goals given meaning by shared values within a demographic context marked by high and unpredictable mortality.

Since the transmission of property within the family was associated with major events in the life course, an understanding of it must incorporate a knowledge of the patterns of the basic events of life. Death, marriage, and birth occurred in rhythms in the Roman world quite different from, and much less predictable than, those of contemporary experience. While classicists are aware of the difference in regard to infant mortality, their general sense of the changing shape of the family and kin circle through the usual life course is much less satisfactory. Part I reviews the evidence for the Roman patterns of death, marriage and birth, and then explores the implications for the family unit through a computer microsimulation. The results of the simulation will affect our views of the configuration of authority in Roman families and will help us to make sense of important features of Roman strategies in the transmission of property. In particular, the simulation shows how the combination of high mortality and late male marriage limited the application of paternal power, as most Romans lost their fathers before adulthood.

It may be worthwhile to add briefly what this book does not attempt to offer and why. It is not a general and comprehensive description of the Roman family, which is now available in S. Dixon's *The Roman Family*. My special interest is in the father and intergenerational relations, in part because the subject of women in the family and marriage has been well served in the past few years by other historians, and also because Euro-

pean social and political thought has given the Roman father a special prominence.⁸

In treating “the Roman family,” the book is concerned with family life in regions of the Latin-speaking western empire affected by Roman culture during the classical era (c. 200 BC – AD 235). This focus inevitably biases the study toward the urban and elite populations that left written testimony to their family relations. It is not meant to be a judgment about the value of the history of the rural, working classes, but a pragmatic recognition of the limits of our sources. Where the evidence permits, I try to take the analysis to social strata below the elite. However, since so much of the local written evidence from the western provinces comes in standard Roman cultural formulae inscribed on stone and erected in towns, there is no point in pretending that the historian can adequately capture the regional variations in family practices in the vast unromanized areas away from the towns. The census data from Egypt lead us to expect differences in household formation between towns and countryside, but the nature of those differences cannot be described with the available evidence.⁹

The approach of this book diverges from some earlier influential studies, which advance diachronic theses about the development of family affection. My approach has only a small diachronic dimension and does not make affection the main subject. The synchronic analyses of the following chapters seek to describe the complex relations among demographic patterns, cultural definitions and values, and individual aims within a highly elaborated legal framework. There are few diachronic arguments because of the methodological difficulties in demonstrating changes in family sentiments and practices. I believe that those difficulties are not always fully acknowledged by historians.¹⁰ To trace change in social relations with confidence requires a series of comparable evidence over time. The uneven preservation of material from antiquity largely frustrates the historian’s search for a time series of evidence of tolerable quality. Perhaps the best series is to be found in the law, but the relation of law to social practice and ideology is problematic and does not permit the historian easy deductions about the nature of family life. Moreover, the principal legal institutions and instruments discussed in the following chapters were already in place by the second century before Christ, when Roman society began to emerge into the light of history and Latin authors for the first time wrote works that have survived. The earliest authors show that the written will was already being used to divide family estates among heirs and legatees and to choose guardians, that marriage *sine manu* and divorce were already practiced, and

⁸ See especially Treggiari 1991a, Dixon 1988, and Gardner 1986.

⁹ Bagnall and Frier 1994: ch. 2.3.

¹⁰ Bradley 1993 and Treggiari 1991b do express skepticism about change in family life.

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that the residual agnatic rules regarding property were already giving way.¹¹

Change from earliest times, there must have been, but the nature of that change is beyond our grasp. It is a methodological mistake, I believe, to take the stories of Livy, Dionysius, and Valerius Maximus about the virtuous early Romans as historical description rather than idealizing legend. Those legends tell us something of the ordering of values in the Augustan age, but nothing of family life in fifth and fourth-century BC Rome. By the period of our earliest surviving Latin literary works, the early second century BC, the conquests that placed Rome among the most powerful and richest states of the Mediterranean were already generations in the past, and moralizing authors like Cato were already complaining of decline. We have no contemporary written evidence for family relations from that pristine age before the decline. Historians may either imagine that an age of convergence of ideals and practice really existed in the prehistoric past, or believe that the virtuous age before the decline is a recurrent motif of moral rhetoric and should not be confused with the social realities of the prehistoric era. The latter strikes me as more plausible.¹²

I am deeply suspicious of the standard story of evolution from the severely authoritarian, extended family to the affectionate, simple family. This story overcomes the banality of describing family life by advancing an arresting thesis with a strong intuitive appeal, to judge by its application to various times and places. However, the evolutionary period before spouses, parents and children learned to love each other has been elusive, disappearing when the evidence for the period before the invention of family love is scrutinized.¹³ Such is true of Rome.

Roman historians have advanced various hypotheses about the development of affection between spouses or between parents and children.¹⁴ The difficulties with these hypotheses are suggested by the varied chronologies: did family affection develop in the second century BC or the first century BC or the first century of the imperial era? The latest chronology seems obviously to be excluded by Lucretius' poignant verses from the 50s BC about the common desire of men to return home to "the best of wives and children who race to snatch the first kiss and touch their hearts with silent sweetness" (3.894). The truth is that even the early chronology is impossible to sustain in any precise form, because the earliest surviving Latin literature already clearly represents family bonds as affectionate and

¹¹ Boyer 1950; Gardner 1986: 263; Dixon 1985a; Crook 1986a.

¹² It is interesting that already in the earliest surviving Latin literature, Plautus' characters are discussing whether there really has been a decline in family discipline or whether that sense is just a paternal illusion; see *Bacch.* 410 and *Pseud.* 437.

¹³ See Pollock 1983 for a powerful critique of the evolutionary scheme of Stone 1977.

¹⁴ Veyne 1978; Manson 1983; Dixon 1991.

pleasurable. Though Plautus may not apply the adjectives *dulcis* (sweet) and *suavis* (pleasant) to children in his plays, that argument from silence hardly proves the absence of parental affection, as has been claimed.¹⁵ In Plautus' plays, fathers use diminutives to express affection toward their daughters (*Poen.* 26, 1105; *Rud.* 39), and children are referred to as "my pleasure" or "your chick" (*Poen.* 1292). As part of the background of the plot of the *Menaechmi* (334–36), Plautus tells of a father who died of heart-sickness after the disappearance of one of his seven-year-old sons. Terence's comic characters speak of sons as the "pleasure" of their parents (*delectatio*, *Heaut.* 987) and explicitly indicate that a small son (*parvulus*) is expected to give his parents "delight" (*oblectatio*, *Adelph.* 49). Whatever the realities of family relations in the second century BC, Romans could certainly imagine families motivated by affection.¹⁶ The works of other literary genres of this early period are very fragmentary, but even the fragments provide evidence of parental affection: the early epic poet Ennius has Ilia, the legendary mother of Romulus and Remus, address her sister as the one "whom our father loved" (*amavit*) (*Annales* 1.36, Skutsch). If there existed an era in Roman history devoid of parental affection, it simply cannot be documented.

The empirical case for the emergence of conjugal affection is similarly doubtful. In Roman comedies male characters marry female characters out of passion and affection. Older male characters, it is true, make disparaging jokes about their wives and the trials of married life, but such jokes hardly exclude conjugal affection, as contemporary experience shows. Against Foucault's widely repeated suggestion that marriage took on a novel importance in noble Romans' construction of their subjective identity in the imperial era, it should be pointed out that the father of Latin prose literature, Cato, regarded it as higher praise to be judged a good husband than a great senator.¹⁷ I know of no comparably strong statement about the importance of marriage from an imperial senator. Given the lack of empirical support, the evolutionary story of Roman family life ought to go the way of other simplistic evolutionary interpretations applied to early Roman history, such as the religious evolution from animism to anthropomorphism.¹⁸ These schemes, I would suggest, are more the product of deep-seated presuppositions about early society than of convincing evidence.

¹⁵ Emphasized by Manson 1983 and repeated by Dixon 1991.

¹⁶ For a fuller discussion of the value of comedy as historical evidence for Roman family life, see Saller 1993.

¹⁷ Plutarch, *Cato maior* 20.2. How this statement of principle affected Cato's family life is impossible to know, but this statement and the evidence of comedy demonstrates that family affection and devotion were not later discoveries of the Romans. Foucault's discussion (1986) about the inflection in subjectivity in favor of the marriage bond omits the evidence of Cato. For a critique of Foucault's position, see Cohen and Saller 1994.

¹⁸ North 1989 deploys new archaeological evidence to challenge this once standard view.

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The effort to write Roman family history in terms of trends in affection is, in my view, methodologically misconceived for at least two reasons. First, as Plautus' comedies or Cicero's letters show, family bonds were for the Romans a complex mixture of love and frustration, discipline and leniency, devotion and independence, as they have been in other times. The mixture of these qualities must have varied greatly from family to family within Roman society at any particular moment, with the result that it is unclear how a chronological trend over the generations could be established. The usual method has been to resort to selective quotation. For instance, L. DeMause in his influential *The History of Childhood* made the claim on the basis of selected quotations and examples that mankind has progressed from the pre-Christian age of child abuse to the enlightened modern era of affectionate attention to children's interest. Given the variety of family experiences in any age, a different choice of examples would be possible, and the developmental scheme could even be reversed by quoting ancient authors on paternal love and then the current series in the *Chicago Tribune*, "Killing our Children," for contemporary child abuse. The point is that the extremes of loving devotion and cruel abuse can be found in many societies, so that any defensible account of change will have to be written in terms of shifts in patterns within the extremes. But it is difficult to imagine what kinds of evidence the Roman historian could find to document broad behavioral *patterns* of family affection or abuse.

Second, the problem of evidence is exacerbated by the fact that affection is demonstrated through culturally constructed expressions whose meanings must be interpreted through the eyes of the historical actors (not the historian) and have been subject to reevaluation. For instance, increasing divorce in Roman society (if it could be securely documented) could easily be interpreted by the historian as evidence of a weakening conjugal bond. Yet, as B. M. Rawson rightly points out, more frequent divorce could also be a positive sign, the result of higher expectations and more freedom to pursue emotional satisfaction in marriage.¹⁹ At the extreme, it would seem that infanticide and exposure must be incontrovertible evidence of lack of affection toward newborns, yet P. D. A. Garnsey has pointed out that such practices could also be interpreted as the result of parental concern for the survival of the whole family in economic circumstances demanding "stern realism."²⁰ Plutarch went so far as to suggest that some poor men, judging poverty a worse fate than death, decided not to rear their children out of love for them (*Mor.* 497E). Given the changing meanings attached to family practices, it is unclear what indicator the historian could use to track changes in the level of family affection. More plausibly, the historian can identify

¹⁹ Rawson 1986: 25.²⁰ Garnsey 1991: 49–51.

reevaluations of certain practices such as abortion and divorce. Within the classical period, I see no clear evidence for major revaluations, but rather ongoing philosophical debates concerning the value of marriage and child-rearing that preceded and continued after the classical era, with little noticeable effect on behavior.²¹ Rather than pursuing an intellectual history through philosophical works, the following chapters aim to illuminate Roman norms and practices of family life through examination of broader demographic, social and cultural patterns, which probably underwent no major changes in the classical era.

²¹ Cohen and Saller 1994.

PART I

Roman life course and kinship: biology and culture

The Antonine senator Fronto wrote a moving account of his anguish over the deaths in infancy of his first five offspring and of his first grandson – an experience that would be so rare in the contemporary developed world that it would raise suspicions of criminal wrongdoing.¹ High infant mortality is only one aspect of the very different patterns of births and deaths that separate our own family experiences from those of antiquity. Those demographic patterns are fundamental to an understanding of Roman family relations, and yet are problematic to study. Demography is a discipline based on quantitative data. For the Roman historian, the obstacle to demographic study is the lack of reliable statistics from antiquity and the nearly complete lack of samples of data from which meaningful statistics may be constructed. At the level of family and household, we have records neither of births, marriages, and deaths – the basis of reconstitution studies – nor of household census data for the empire outside Egypt. The absence of solid data may suggest the impossibility of worthwhile demographic studies to many classicists, accustomed to constructing arguments from fixed texts, though of course the fixity of the classical text is sometimes an illusion.²

Against any attempt at demographic understanding, the skeptical classical scholar will point out that comparative evidence from other societies cannot supply the data that we do not possess for ancient Rome. The argument against filling in the blanks from comparative material is certainly valid for

¹ *De nepote amisso* 2.1–2. Much has been written about the emotional impact of this sensational aspect of ancient mortality patterns (on which see the recent sensitive discussion of Golden 1988).

² I am in sympathy with the position of Parkin 1992: ch. 2, except that I think it an exaggeration to say that “demography as a mathematical science deals in facts, not impressions” in contrast to demography of the ancient world (p. 69). Modern demographers use models to analyze data which are problematic, though not nearly as problematic as data from antiquity.

the types of history usually pursued by classical historians. In writing a narrative of singular military and political events, the historian cannot hope that comparative evidence will lead to the discovery of previously unknown behavior. This line of argument, however, is not transferable to the study of the demography of the family, which rests on a few life course events. Birth and death are biological events, albeit interpreted through culture. Marriage is a cultural construct, but was more or less universal in the ancient Mediterranean world. Monogamy in Roman marriage simplifies the possible range of behavior. Thus, in approaching the demography of the Roman family, we are dealing with a limited set of variables, and those variables are heavily constrained by human biology. Consequently, it is possible to think in terms of the range of the probable in regard to mortality, age at marriage, and fertility in a way that is impossible in matters of politics, the wider social organization, or culture. Further, it makes sense to ask how the variables interact, given different probable values for them.

The following chapter will discuss each of the fundamental events of the life course – mortality, age at marriage, and fertility – in an attempt to establish the range of the probable. Then, the next chapter will be devoted to understanding how the probable distributions for each event over the life course interact to produce families and kinship universes of certain sizes and shapes through an individual's life. For instance, how did certain mortality rates and ages at marriage for men and women affect the likelihood that at a given age a Roman would have a mother or father alive? Even though the variables are few, the interactions are complex and best assessed through a computer microsimulation.

The computer microsimulation will be explained in detail in chapter 3, but perhaps a few preliminary words of defense should be offered here to allay the suspicions of classicists likely to view modelling and simulation as little more than a computer fantasy game. This defense is necessary for a humanist, and perhaps especially a classical, audience. In my experience, colleagues in the sciences require no apologetic, because they take for granted computer modelling as a tool to further our understanding of the real world. Models for the purpose of simplification are essential to understanding phenomena comprising individual events so numerous that they cannot be accounted for – indeed, have no significance – when taken individually.

The simulation is not intended to produce an exact replica of the Roman experience, but to reveal the consequences of interactions among variables with assumed values – consequences that are not obvious even in much better documented societies of the early modern era. Thus, to assess the results, the proper question to pose is not whether the numbers generated by the simulation are precisely accurate: they are not, although the appendix