

## PATER FAMILIAS, MATER FAMILIAS, AND THE GENDERED SEMANTICS OF THE ROMAN HOUSEHOLD

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FEW LATIN TERMS COME as heavily loaded with conceptual baggage as *pater familias*. In both scholarly and popular discourse, *pater familias*, defined as “head of household,” evokes the patriarchal organization characteristic of the Roman family and of the wider society.<sup>1</sup> Debates over family values in contemporary popular discourse make shorthand (and clumsy) references to the “*pater familias* model” of the family or “the Roman code of *Paterfamilias*,” as if everyone understands the content of that model.<sup>2</sup> A survey of undergraduate syllabi and study guides on the internet shows that *pater familias* is often listed as a key term for understanding Roman society. At the other end of the scholarly spectrum, the *Real-Encyclopädie der classischen Altertumswissenschaft* includes a long entry on *pater familias* by E. Sachers, who asserts that in the reverence and obedience toward the *pater familias* “lay the characteristic foundation for the greatness of ancient Rome.”<sup>3</sup>

A comprehensive survey of all uses of *pater familias* in classical texts, however, reveals a major disjunction between this modern understanding of the term (rooted in Roman law) and ancient usage. The following sections draw on the survey to generalize about where the term is used and where it is not, and present quotations from ancient texts to illustrate what the term connotes. I begin by illustrating the common modern understanding of *pater familias* as the severe patriarch whose power defined the Roman family. The next sections analyze the use of *pater familias* in legal texts and then nonlegal texts. The full word study shows that the term appears predominantly in legal texts and much less densely in literary texts. In both discourses, the most common meaning of *pater familias* is “estate owner” *without reference to familial relations*. The final section of this paper seeks to offer a gendered perspective on the meaning of *pater familias* by a parallel survey of uses of *mater familias* in classical Latin prose. Sociolinguists

1. This article develops a brief observation made in R. Saller, *Patriarchy, Property and Death in the Roman Family* (Cambridge, 1994), 155; its conclusions are of a piece with different arguments developed there.

2. “Achieving Full Fathering: A Conversation on the New Furor over Fathering,” *UTNE—The Father Vacuum*, 10 August 1998, <http://www.utne.com/lens/cs/parenting/conversation.html/>; “Historical Overview of Laws Supporting Battering,” *Women Helping Battered Women*, 2 May 1998, <http://together.net/~whbw/WHBWHistorical.html/>

3. 18.4 (1949): 2138.

have suggested that differences in usage of grammatically parallel forms for male and female can reveal interesting aspects of the construction of gender in a culture.<sup>4</sup> I believe that by posing the question, why was *pater familias* or *mater familias* used in certain contexts rather than the simpler *pater* or *mater*, we may understand the specific connotations of the former, which in turn provide some insights into gender stereotyping.

#### THE CONVENTIONAL MODERN UNDERSTANDING OF *PATER FAMILIAS*

The standard lexicons display some variation in defining *pater familias*. The *Oxford Latin Dictionary* offers the following meaning as 4a under *pater*: *pater familias*: "The head of a family, a householder." Lewis and Short under *familia* gives a more accurate definition, "The proprietor of an estate, head of a family." The *Thesaurus Linguae Latinae* in the entry for *pater* puts appropriate emphasis on the first element in Lewis and Short's definition—that is, *ferè de domino rustico*. Insofar as *pater familias* was typically used to mean the owner of an estate, the term had no necessary association with "family" as we use the word today.

Despite this linguistic fact, Roman social historians regularly use *pater familias* today as a heuristic device to explain the patriarchal family characteristic of Rome. F. Dupont's chapter on the family in her *Daily Life in Ancient Rome* starts in a typical fashion from the *pater familias*: "Family in its Latin sense, *familia*, covered every member of the household subject to the power of the father of the family, the *pater familias*: children, slaves and sometimes (depending on the type of marriage she had contracted) the wife."<sup>5</sup> In this presentation, as in so many others, the *pater familias* is the authoritative figure whose power over members defines the family.

S. Dixon in her general book, *The Roman Family*, perceptively notes that sociological description of everyday behavior should be distinguished from stereotypes, and she rightly adds that myths embodying stereotypes can have an influence of their own, regardless of their typicality in ordinary life. The evolutionary myth of Roman society included "the stark picture of the simple but virtuous life of early Rome, where the tyrannical *pater familias* reigned supreme over children and wife alike."<sup>6</sup> In the adjective "tyrannical," Dixon captures the modern stereotype of the *pater familias*; other common epithets are "severe," "authoritarian," "oppressive," and "rigid." But was this the stereotype held by the Romans themselves? Only a thorough survey of linguistic usage in different spheres of discourse can answer this question.

One brief, methodological caveat is in order. We must remember that a survey of usage is bound to be a survey of *male* usage. Feminist sociolinguists have taught us that female and male usage can differ. The rare

4. R. Lakoff, "Language and Woman's Place," *Language in Society* 2 (1973): 45–80.

5. F. Dupont, *Daily Life in Ancient Rome* (Oxford, 1992), 103. Similarly, E. Cantarella, *Pandora's Daughters* (Baltimore, 1987), 115.

6. *The Roman Family* (Baltimore, 1992), 44. This stereotype appears frequently in historical scholarship about more recent family life: e.g., E. Fox-Genovese, *Within the Plantation Household* (Chapel Hill, N.C., 1988), 63; D. Browning et al., *From Culture Wars to Common Ground* (Louisville, Ky., 1997), 77.

classical texts expressing the female voice—for example, some funerary inscriptions—do not use the phrase *pater familias*, and so offer no insight in this regard.

#### LEGAL DEFINITION AND USAGE

My analysis of *pater familias* in the *Digest* starts from Ulpian's formal definition and then examines how the term was used in many contexts to indicate the paradigmatic property owner, male or female. I will then argue, following J. Gardner, that this common linguistic practice in legal discourse has two consequences: by the use of *pater familias*, property ownership is superficially gendered as male, and, as a result, it is essential to remember (as some historians have not) that female property owners are subsumed in many categorical legal discussions cast in terms of the *pater familias*.<sup>7</sup>

The first, cardinal point to be made from a survey of classical word use is that *pater familias* is concentrated heavily in legal texts. To give a crude sense of proportion, *pater familias* appears in the *Digest* about twice as often as in all nonlegal classical Latin prose texts combined.<sup>8</sup> There are two reasons for the ratio: (1) *pater familias* was a key legal concept in the Roman law of persons and property, and (2) it is (surprisingly) uncommon in other genres.

The basic legal definition of *pater familias* is a male citizen *sui iuris*—that is, in his own power, without a *pater familias*. The *pater familias* was then conceptually central to the legal definition of *familia* as those “sub unius potestate, ut puta patrem familias, matrem familias, filium familias, filiam familias quique deinceps vicem eorum sequuntur, ut puta nepotes et neptes et deinceps” (“under the power of one man, for example the father of the *familia*, the mother of the *familia*, the son of the *familia*, the daughter of the *familia* and those who follow them in turn, for example grandsons and granddaughters, and so on”).<sup>9</sup> In addition to the family members, the slaves and the estate were part of the *pater's familia*. The *pater's* power included several dimensions of authority: (1) his *potestas* over his children (and his wife if in *manus*), (2) his *potestas* or *dominium* over his human chattels or slaves, and (3) his *dominium* over the family's property. In legal usage, the minimum essential dimension was the third, the capacity to own property. Fatherhood was *not* an essential aspect of a *pater familias*. Both a prepubescent boy without a living father and an impotent male adult could be designated “*pater familias*,” even though they could not be a *pater*, as Ulpian points out.<sup>10</sup>

7. J. Gardner, “Gender-Role Assumptions in Roman Law,” *Echos du Monde Classique/Classical Views* 39 (1995): 377–400 is a valuable study of gender roles in Roman law. My briefer remarks draw on and emphasize certain points of her article.

8. To give a sense of perspective, I estimate (very roughly) that the text of the *Digest* is about one-quarter the length of the combined literary oeuvres of the Latin prose authors cited in this article. In addition, it is clear that in many instances in the *Digest*, *pater* is used for *pater familias*.

9. *Dig.* 50.16.195.2.

10. *Dig.* 1.6.4, 32.50.1.

In many *Digest* passages, *pater familias* is used with all three of the above dimensions of power. But the heaviest concentration of uses in the *Digest* is to be found in the titles concerning testation, and in those titles *pater familias* frequently refers only to an owner-testator, without any necessary implication of family relationships. What is interesting about this most minimal meaning is that the legal discussion of *pater familias* as owner-testator certainly applied to female owners as well.<sup>11</sup> It is also true that when denoting the second dimension of power, *pater familias* as slave owner, the term encompasses women *sui iuris*, who in the wealthy strata of society undoubtedly had the legal right and did typically own slaves.

Now, the jurists were at times quite conscious of the gendered semantics of common words. The phrase *si quis* and the words *servus*, *parens*, *patronus*, and *filius* were explicitly said to include both male and female in legal discourse.<sup>12</sup> But nowhere in the *Digest* title "De verborum significatione" (50.16) is it suggested that *pater familias* should be read to include males and females *sui iuris*, even though a number of passages using *pater familias* must apply to women as well as men. Of course, the reason that *pater familias* could not be generally extended to women *sui iuris* is that the first dimension of *potestas*, power over one's citizen children, was sharply gendered in law, insofar as mothers could not have *potestas* over their children.

The quintessential expression of the power of the *pater familias* over family members *in potestate* is to be found in the legal formula for *adrogatio*, the adoption of a citizen *sui iuris* by another citizen. This legal act was regarded as so important and unusual that it was taken before the citizen assembly, which was asked in an archaic formula whether it wished "that L. Valerius be *filius* to L. Titius by *ius* and *lex* such that, as if he [Valerius] had been born by this *pater familias* and *mater familias*, he [Titius] would have the power of life and death (*vitae necisque potestas*) over him, as a *pater* has over a *filius*" (Gell. *NA* 5.19.9). In this abstract legal construction, the *pater familias* and *mater familias* form the *matrimonium iustum* from which legitimate citizen offspring are born in the *potestas* of the *pater*. As Y. Thomas has persuasively argued, "the power of life and death" here is a legal expression of the outside limit encompassing the whole *patria potestas*, rather than some sociological reality.<sup>13</sup> This formula arguably supports the conventional modern stereotype of the tyrannical *pater familias*, but it is essential to remember that the context is an extremely rare legal formula. Indeed, care should be taken not to expand modern use of the term *pater familias* into legal discussions where the Roman jurists did not apply it. The Augustan legislation on adultery, for example, referred to the adulteress' *pater*, not *pater familias*, with the consequence that the biological *pater*

11. Gardner, "Gender-Role Assumptions," 387; see p. 187 below.

12. *Si quis*: *Dig.* 50.16.1; *servus*: 50.16.40.1; *parens*: 50.16.51; *patronus*: 50.16.2; *filius*: 50.16.84. Ulpian, *Dig.* 50.16.195 pr states that in general "use of a word in the masculine is usually extended to cover both sexes."

13. Y. Thomas, "*Vitae necisque potestas*. Le père, la cité, la mort," in *Du châiment dans la cité. Supplices corporels et peine de mort dans le monde antique* (Rome, 1984), 500. For a fuller defense of this argument, see Saller, *Patriarchy*, 115–17.

could exercise the right of killing (*ius occidendi*) under very limited conditions, but not the woman's paternal grandfather as her *pater familias*.<sup>14</sup>

There is another gendered aspect of the semantics of *pater familias* in legal discourse that is more subtle and pervasive, and therefore probably more influential. *Pater familias* in both legal and nonlegal discourse has the connotation of the paradigmatic, responsible householder and estate owner. This connotation was developed in Roman law to become an explicit standard of responsibility, though the chronology of that development is disputed.<sup>15</sup>

In a world where complex status distinctions (citizen/non-citizen/slave, *pater familias/filius familias*, *pubes/impubes*, male/female) had a crucial bearing on property rights and the capacity to transact business, how did Romans know that they were dealing with someone with full property rights, that is, a *pater familias*? Commenting on the *Senatus Consultum Macedonianum* which discouraged loans to sons in their father's power, Ulpian suggested that "if someone, not misled by empty foolishness or ignorance of the law, believed [the borrower] to be a *pater familias*, since he appeared generally in public to be a *pater familias* by behaving, conducting business, and carrying out obligations as such, the *senatus consultum* will not apply" (*Dig.* 14.6.3 pr). In other words, there was a public presence or role associated with the *pater familias* in his exercise of property rights.

In a variety of legal discussions, *pater familias* was the paradigmatic homeowner or estate owner. The law on insult, the *Lex Cornelia de iniuriis*, concerned the insults of striking another person and forced entry into another's *domus*. Since Romans lived in every sort of shelter from derelict tombs to multiple palazzi, the question arose: what qualified as another's *domus*? Ulpian's answer was "every residence in which the *pater familias* lives" (*omnem habitationem, in qua pater familias habitat, Dig.* 47.10.5.5). "Home," then, was defined with respect to the *pater familias*. Consequently, it is not surprising to find that in the discussion of legacies of furniture (*supellex*), furniture is defined as "the household equipment of the *pater familias*" (*domesticum patris familiae instrumentum, Dig.* 33.10.1). In sorting out what was excluded from such a legacy, Alfenus distinguished between furniture made "for the common use of the *pater familias*" (*ad usum communem*) and craft tools in the house not for the use of the *pater familias* (*Dig.* 33.10.6 pr). Similarly, *penus* (household stores of food and drink) was specified with reference to the *pater familias*, as what was kept for the consumption of the *pater familias*, the *mater familias*, their children, and domestic slaves (*Dig.* 33.9.3.6 with Gell., *NA* 4.1.12). The wills of the well-to-do must often have avoided the tedious listing of every household possession by providing a more general legacy of a *domus instructa* (an equipped

14. Thus, the only one entitled to execute the adulterers had to be both the natural father and the *pater familias* with *potestas*. See E. Cantarella, "Homicide of Honor: The Development of Italian Adultery Law over Two Millennia," in *The Family in Italy*, ed. D. I. Kertzer and R. P. Saller (New Haven, 1991), 231.

15. W. W. Buckland defends as classical the standard of liability of *diligentia* against arguments that it was a postclassical interpolation in "*Diligens Paterfamilias*," in *Studi in onore di Pietro Bonfante* (Milan, 1930), 2: 85–108. Though the matter remains contested by lawyers, it is certainly true that the *diligens pater familias* was well known in nonlegal, classical literature (see below).

house). But that broad phrase left room for lawyers to argue about what was included. Ulpian said that it encompassed “everything in the house by which the *pater familias* was better equipped there” (*omne, quidquid in domo, quo instructor ibi esset pater familias*, Dig. 43.7.12.43). Again, the *pater familias* figures as the owner and central element of the *domus*.

So also the legal discussion of the legacy of the *fundus instructus*, “the equipped estate,” was framed in terms of the customary behavior and intentions of the *pater familias* (Dig. 33.7.12.27). The *instrumentum* included, for example, not only field slaves, but also slaves living in the villa to wait on the *pater familias* (Dig. 33.7.12.35).

And, again, legal texts use *pater familias* often to mean the paradigmatic slave owner. For instance, the censors’ law regulating harbor taxes in Sicily exempted from the tax those “slaves whom a person brings home for his own use.” The phrase *servi . . . suo usu* in the law was defined by the jurists as slaves whom a *pater familias* keeps around to care for himself (Dig. 50.16.203).

These legal uses of *pater familias* may seem natural enough until one remembers that in all of the above situations the rules applied to women as well as men, because Roman women had the legal right to own houses, estates, and *instrumenta*, among which were slaves.<sup>16</sup> This is tacitly acknowledged by the jurists, for example, in the title on *instrumenta*, where female testators bequeath *praedia instructa* (Dig. 33.7.27.1; also 33.7.6 and 33.7.12.47). But since the jurists do not explicitly say (as they do with regard to other gendered terms such as *patronus*) that *pater familias* should be extended to women *sui iuris*, the reader must constantly be deciding whether or not this is a case in which *pater familias* includes *dominae* or female owners. For the expert in Roman law, this mental process—here *pater familias* must be male, there all citizens *sui iuris*—may be second nature. But for other readers, and for some lawyers, there is a risk of taking the legal abstractions to be social realities. A. Kirschenbaum has written an interesting “sociolegal” study of how household dependents in the Roman world were employed in situations where modern law has developed the concept of agency. Like the classical jurists, Kirschenbaum frames his thesis with respect to “the needs of the *pater familias*”: “slaves and other dependent persons could be and were used to enter contracts, run businesses, acquire ownership and possession, and so forth, **for the *pater familias*.**”<sup>17</sup> It is not that the argument of Kirschenbaum’s study is incorrect, but it massively elides the many female owners in Roman society. As in the classical texts, Kirschenbaum very occasionally acknowledges the reality of women owners (Cicero’s wife Terentia in particular), but the reader is not made aware of the sociolegal fact that in much of the discussion of “heads of household” and their agents, those heads could equally well be women. The consequence of this inadvertent, nearly complete elision is not trivial for the social historian.

16. Gardner, “Gender-Role Assumptions,” 378.

17. A. Kirschenbaum, *Sons, Slaves, and Freedmen in Roman Commerce* (Washington, DC, 1987), ix, my emphasis.

In legal discourse the figure of the *pater familias* as owner was not only paradigmatic, but also became explicitly normative. Because legal documents such as wills regularly used brief, incomplete descriptions (such as a legacy of *argentum* or silver), jurists had to elaborate meanings. One tool of elaboration was to refer to what the *pater familias* customarily did: “the habit of the *pater familias* ought to be observed” (*consuetudinem patris familias spectandam*, Dig. 34.2.32.2, Paul). This could be a neutral, descriptive standard of what *patres familias* usually did (Dig. 28.1.21.1), or it could take on the prescriptive connotation of responsibility with which the *pater familias* was supposed to act. The adjectives most often used to describe the *pater familias* are *diligens* and *bonus*, and less frequently *prudens* and *idoneus*. To choose a few among many illustrations, Ulpian wrote that there was no defense for a guardian (*tutor*) who failed to do for his ward (*pupillus*) what a *pater familias idoneus* would do in estate management (Dig. 26.7.10). Or if someone borrowed an item for use, he had the responsibility to treat it and return it as a *diligentissimus pater familias* (Dig. 13.6.18 pr, Gaius). Or if a slave broke his leg before delivery to a buyer, the seller was liable if he had ordered the slave to do something dangerous that a *prudens et diligens pater familias* would not have ordered (Dig. 19.1.54 pr, Paul).

Though it is hard to prove decisively, it is highly probable that the figure of the *bonus pater familias* was firmly gendered in the Romans’ minds. When writing of a testator as *pater familias*, the jurists may have mentally appended “(he or she)”; but it is hard to believe that the phrase *diligens pater familias* summoned up anything other than a masculine image. Certainly, the *tutor* who was held to the standard of *diligentia* of a *pater familias* (Dig. 26.7.33 pr) had to be male in classical law.

The gendered language of standards of responsibility has a bearing on discussions of gender stereotypes related to economic behavior and household management. Suzanne Dixon may be right that the notion of female weakness embodied in the phrase *infirmitas sexus* is a Greek import and a relatively late development in Roman gender stereotypes, but it must also be said that the positive stereotype of responsible estate management was gendered as male already in Republican literature through the phrase *bonus* or *diligens pater familias*.<sup>18</sup>

To summarize the results of the analysis of juristic usage, *pater familias* is a term heavily concentrated in legal discourse. In its meaning of “head of household,” it provided a concept that organized much of Roman law about property rights. As the figure who exercised *potestas* over his children the *pater familias* was emphatically male. But in its barest sense, *pater familias* was used by jurists to denote no more than a property owner *sui iuris*, and by extension subsumed female owners. Yet, in other contexts

18. The gender stereotyping of the classical jurists is evident in their association of legacies of jewelry with the *testatrix* in Dig. title 34.2. Occasionally, an awkward anomaly intruded on the “natural” gender stereotypes, as in the case of a senator who left a legacy of his own clothing, including (according to the report of Q. Titius) “a woman’s dinner gown (*muliebribus cenatoriis*) that he was accustomed to wear” (Dig. 34.2.3.33, Pomponius).

where *pater familias* set the norm for responsibility in property management, it seems likely in some cases and certain in others that the term was gendered as masculine. In contrast to the alternative word for owner or slave master, *dominus*, which is easily automatically extended to the *domina* in legal discussions, the extension of *pater familias* was much less obvious, and required a knowledge of the law of persons and property to make appropriately.

For the social historian, on the one hand the extension of the property rights paradigmatically associated with the *pater familias* to women is an indication of the relative empowerment of propertied citizen women. On the other hand, there is serious risk that we will miss some of this empowerment because the gendered *pater familias*, commonly translated as “male head of household,” obscures it.<sup>19</sup>

#### NONLEGAL USAGE OF *PATER FAMILIAS*

A comprehensive survey of classical literary texts reveals that of the different aspects of *pater familias* as “head of household,” here again property ownership was primary; “fatherhood” as a meaning was so secondary that the term simply does not appear at all in most Roman discussions of family relations, even those about paternal severity.

When a Roman author used the word *pater familias* outside of legal discourse, what social identity was evoked, and with what connotations? The elder Cato, when asked who was a *pater familias*, answered that it was “the man who pastures well and sows well” (Serv., *ad Aen.* 7.539). Cicero also focused on estate management in writing that the *bonus pater familias* was the man experienced in cultivation, building, and keeping accounts (*Rep.* 5.4). In a similar vein, the younger Pliny wrote to Pompeius Falco that he was acting the role of the *pater familias* (*patrem familiae ago*, *Ep.* 9.15), by which he meant that he was riding around and attending to his country estate. In these three texts, to be a *pater familias* was to be an estate owner, and had nothing to do with the exercise of power over family members in our sense.

Indeed, in contrast to popular usage today, the Romans did not use *pater familias* at all in the few texts devoted to familial behavior. It is not found in Cicero’s or Pliny’s epistolary references to family relations (as distinct from estate management). Nor does *pater familias* appear in the funerary epigraphy of Rome collected in *CIL* 6, where terms expressing family identities and qualities are pervasive. Both Tacitus in his *Dialogus* and Quintilian in his *Institutes* devote some paragraphs to reflections on “parenting” in the contemporary sense, without mention of *pater familias*. The vocabulary of these discussions included *parens*, *pater*, and *mater*.

Valerius Maximus’ collection of *exempla* presents several titles about family morality (3.5, 5.4, 5.7, 5.8, 5.9, and 6.7), and here too the language is that of *parens*, *pater*, and *mater*. Not even in the title *De severitate patrum*

19. Gardner, “Gender-Role Assumptions,” esp. 387.



in *liberos* does the term *pater familias* appear.<sup>20</sup> It should be underlined that in the most famous *exemplum* of paternal severity reported by Valerius, the founder of the Republic, Lucius Brutus, “*laid aside* the role of *pater* so that he could play the part of consul” (5.8.1; similarly Livy 2.5.5). Roman authors, then, did not exploit any supposed connotation of severity or authority in the term *pater familias* in these stories, and in fact Valerius suggests that severity was not the natural connotation of *pater*, even in legendary times. On the contrary, Brutus had to step out of his paternal role in order to execute his treasonous sons.

Nepos’ *Life of Atticus* illustrates nicely the spheres of discourse in which *pater familias* typically was and was not used. The discussions of Atticus’ family background and his relationship with his father (chapters 1–2) do not include the term *pater familias*. That word is reserved for the description of Atticus’ responsible estate management. In describing Atticus as a *bonus pater familias* no less than a good citizen, Nepos meant that he was not extravagant in building or buying, but was able, through careful attention to business, to live in a tasteful *domus* with a *familia* of slaves that was optimal in *utilitas* and *forma* (13.1). As in the *Digest*, *bonus pater familias* here has little to do with “good fathering,” as we would think of it, as is clear from the fact that the first reference to Atticus’ competence as a *pater familias* comes at a point in the narrative before Atticus was married (4.3). For Nepos, then, *pater familias* was the most appropriate term to signify the role of property owner, but was not used in discourse about family relationships.

By far the most common meaning of *pater familias* in all extant classical, nonlegal texts is “estate owner,” without reference to family relations. Columella in his work on estate management used the phrase more frequently than other classical authors, and, like Cato, always in connection with issues of how to farm most effectively. The *De re rustica* is full of advice on how the attentive *pater familias* can turn a profit, for example, by arboriculture (5.7.4), by having the *vilica* make clothing for herself and other slaves (12.3.6), and so forth. Columella was following in the tradition of Cato in providing advice on how the *pater familias* should run an estate—that is, how to be a *diligens pater familias*.<sup>21</sup>

*Pater familias* as estate owner could, in different contexts, carry positive or negative connotations. On the positive side, even without a qualifier like *diligens*, the term carried a sense of solid responsibility and meant “respectable gentleman” or “man of substance,” both financial and moral (Cic. *Verr.* 2.3.183, 2.4.58; *Flac.* 71). In the uncorrupted days of the early Republic, the cultural hero Cincinnatus was said to enjoy the *dignitas patris familiae* by virtue of his modest seven-iugera farm (Val. Max. 4.4.7). When in 49 B.C.E. Pompey needed men of responsibility to take custody of Caesar’s gladiators, he distributed them in pairs to *patresfamiliarum* for safekeeping (Cic. *Att.* 7.14). In the sense of “respectable landowners,” *patres familias* was used of

20. In Sallust’s account of A. Fulvius’ execution of his son, the follower of Catiline, *parens* is used to describe his relationship to the youth (*Cat.* 39.5).

21. Cato’s uses of *pater familias* in *Agr.* (2.1, 2.7, 3.1, 3.2) are exclusively in reference to estate management. For the *diligens pater familias* in Columella, see *Rust.* 1.1.3, 1.2.1, 5.6.37, 9.1.6, 12.21.6.

foreigners as well as citizens, though in strict law the prerogatives of the *pater familias* were the preserve of citizens.<sup>22</sup>

The positive moral charge of uncorrupted country life could slide into negative connotations of lack of urbane cultural polish. Pliny reported his surprise at his visit with Terentius Junior on the latter's estate; Pliny knew him as a *bonum patrem familiae* and a *diligentem agricolam*, but was not expecting a man of literary taste. The virtues of the *pater familias rusticus*, such as limited wine consumption, could be negatively represented as a lack of urbanity (Sen. *Ep.* 122.6).

Property ownership and family relations intersected in important ways in Roman society, particularly in the transmission of a patrimony by will. Where the term *pater familias* was used in nonlegal texts in a context with wife or children, it was most often in discussions of testation that combined the dimension of property ownership with family obligations. Cicero in the *De inventione* several times describes a testator with family as a *pater familias* (2.62, 116; also *De or.* 1.241, *Top.* 21, and *Leg.* 2.48; similarly, *Ad Herennium* 1.20). The moral responsibility of the *pater familias* to manage the patrimony for the benefit of future generations was expressed succinctly by Seneca: "Let us play (the part of) the *bonum patrem familiae*; let us make larger what we receive; let that greater patrimony pass from me to my descendants" (*Ep.* 64.7). If the *bonus pater familias* increased the patrimony, conversely the *malus pater familias* diminished it—for instance, by entrusting management of the property to someone inept in his own affairs (Sen. *Ben.* 4.27.5).

Only very occasionally is the dimension of the father's authority over family members rather than property dominant in the use of *pater familias*. Perhaps the clearest instance is to be found in Phaedrus' story of a *pater familias* who was led to suspect his wife of adultery, killed his own son (her stepson) unjustly, and then killed himself (*Fabulae Aesopeae* 3.10.48). As far as I have been able to discover, this is the only instance of a nonlegal text where *pater familias* is used of a Roman father wielding drastic judgmental power over a family member.<sup>23</sup> Somewhat more often *pater familias* designates the head of household with responsibility to protect his wife and children (Cic. *Cat.* 4.12; Petron. *Sat.* 85).

*Pater familias* as the wielder of discipline more commonly appears in connection with the punishment of slaves, where it was an alternative to the more frequent *dominus* as the word for master. What meaning did the use of *pater familias* instead of *dominus* convey? Rather than projecting onto *pater familias* its modern negative connotations we should note the ancients' positive understanding of the term. Because *familia* in the classical period had the primary meaning of a body of slaves (not wife and children), the connotations of *pater familias* were elaborated with respect to the relationship

22. Cic. *Verr.* 2.3.120 of Sicilian *aratores*; Caes. *B. Gall.* 6.19 of Gauls; Tac. *Germ.* 10.2 of Germans.

23. It may be relevant that this singular example came from a Greek freedman, since the Greeks appear to have originated the stereotype of the tyrannical Roman father; see Saller, *Patriarchy*, 102. (I thank Peter White for calling my attention to this point.)

of the master to his slaves.<sup>24</sup> Seneca claimed that the ancestors called the slave masters (*domini*) *patresfamilias* as a means of softening the degradation of slavery (*Ep.* 47.14). In a letter praising the quality of *indulgentia* toward slaves and freedmen, Pliny cited as authority the Homeric phrase “gentle as a father” (*Od.* 2.47) and the Latin construction *pater familias*. For Pliny, the “*pater*” of “*pater familias*” connoted kindness toward slaves rather than severity toward children. Two centuries later Lactantius reiterated the point in his explanation of the term *pater familias* as a figure who combined the indulgence of a *pater* and the coercion of a slave master (*Div. inst.* 4.3.17). Much later Isidorus suggested that the *pater familias* was so called because he treated the slaves of his *familia* with a father’s love (*patria dilectio*, *Etym.* 9.5.7). In all of these explicitly reflective (male) statements, “tyrannical” and “oppressive” are not the epithets associated with *pater familias*; rather, the opposite is the case.

The commonest and barest meaning of *pater familias* as estate owner was deployed in the nostalgic moral discourse of the Romans to contrast the degenerate present with the better past. Criticizing the taste for Greek luxuries in the villas of his contemporaries, Varro claimed that the *patres familias* had given up the plough for urban pleasures—a complaint echoed by Columella (Varro, *Rust.* 2.pr.3; Columella, *Rust.* 1.pr.15). In the idealized, virtuous past, before urban ills, the three dimensions of paternal authority over family, slaves and property came together on a rural estate. The figure of the *pater familias* in discourse about the imagined social order of early Rome is more common in modern scholarship than in Latin texts. E. Sachers’ *Real-Encyclopädie* entry on *pater familias* runs to thirty-six columns, nearly all of which are devoted to a theory of the early development of Roman society in which the authority of the *pater familias* was the key to social order.<sup>25</sup> In my skeptical view, the nearly complete absence of contemporary evidence makes such social theories rather speculative, and it is ironic that the extant fragments of the Twelve Tables, the one arguably authentic sociolegal document from the early Republic, do not include the term *pater familias*.

To summarize the nonlegal textual evidence, whereas today *pater familias* conjures up the image of a severe, patriarchal male head of household, for classical Romans it brought to mind, first and foremost, an estate owner. To praise a Roman as a *bonus pater familias* was to credit him with responsible management of his property. *Bonus pater familias* did not mean “good father” to Roman readers, who did not use *pater familias* in their occasional moral discussions of family life.<sup>26</sup>

My argument here is not meant to show that the Roman family was not patriarchal. It certainly was, in the sense that the husband-wife and father-

24. Saller, *Patriarchy*, chap. 4.

25. *RE* 18.4 (1949): 2121–57. E. Saglio and M. Daremberg, *Dictionnaire des antiquités grecques et romaines* (Paris, 1875–1919), similarly offer a tale of social evolution rather than an analysis of usage in the classical era in their entry on *pater familias*.

26. In English, “husbandry” provides an interesting, partial analogy. If one were congratulated for “good husbandry,” it would have nothing to do with a conjugal relationship.

child relationships were believed by (male) authors to be unequal.<sup>27</sup> Rather, my argument is that the simple invocation of the *pater familias* as a shorthand description of Roman family values or social behavior can be misleading, if we think that this Latin phrase in its usual modern understanding yields a direct, basic insight into Roman family relations. The disjunction between ancient and modern understandings should alert us to potential misreadings of the evidence in the service of modern stereotypes.

#### MATER FAMILIAS

The parallel constructions of *pater familias* and *mater familias* might lead one to expect parallel meanings and usage. A word study of the latter, however, does not yield a comparably precise definition or specialized usage in legal discourse. Consequently, legal and other texts are taken together in what follows to illustrate the strong stress on sexual honor typically evoked by *mater familias*.

Modern lexicons are relatively consistent in defining *mater familias* as "the mistress of a household," "a respectable married woman," "a matron." Yet, ancient authors debated over the definition and what precisely distinguished a *mater familias* from an *uxor* or a *matrona*. The variation in ancient definitions may be explained in part by the supposition that the grammatical symmetry of *mater familias* and *pater familias* was in tension with the sociolegal asymmetry between the two terms. I know of no comparable ancient disputes over the meaning of *pater familias*, perhaps because *pater familias* was the conceptual focal point around which the Roman law of persons was organized with extraordinary logical rigor.<sup>28</sup> *Mater familias* did not have the same function as a legal concept, and the gender bias of the jurists in favor of males did not demand comparable consistency with respect to females.<sup>29</sup>

Roman authors attempted to define *mater familias* in contrast to *uxor* or *matrona* on legal, social, and cultural grounds. Cicero, echoed by Aulus Gellius, claimed that *matres familias* were the subset of all *uxores* who were in the *manus* of their husbands (*Top.* 14.3; *NA* 18.6.5). Whether this ever reflected general usage is hard to know, but other late Republican authors used *mater familias* of wives without restriction to *manus* marriage, or even to *matrimonium iustum* of citizens. Caesar, the author of the *Bellum Hispaniense*, and Varro labelled Gallic, Spanish, and Liburnian women *matres familias* (*B Gall.* 7.26.3; *BHis.* 19.3; *Rust.* 2.10.8).

The sharp legal definition of *pater familias* as the oldest living male in a direct line of ascent allowed only one in a *familia*. One of the juristic definitions sought to limit *mater familias* to the wife of the *pater familias* in order to avoid the conceptual messiness of having more than one *mater*

27. Against Foucault's assertion of the emergence of the symmetrical conjugal ideal in the imperial era, see D. Cohen and R. Saller, "Foucault on Sexuality in Greco-Roman Antiquity," in *Foucault and the Writing of History*, ed. J. Goldstein (Oxford, 1994), 49–55.

28. Crook, "Patria potestas," *CQ*, n.s., 17 (1967): 113–221.

29. Kunkel, *RE*, 14.2 (1930): 2183–84, rightly accepts the inconsistencies of definition of *mater familias*.

*familias* in the *familia*. This definition excluded both the wife of a *filius familias* and the widow living with her son who became a *pater familias* (no matter what his age) following the death of his father (Pauli Festus, p. 125). But the great classical jurists, Papinian and Ulpian, believed that this exclusive sense of mistress of the household did not capture the meaning of *mater familias*, and they explicitly included *viduae* (Dig. 48.5.11 pr; 50.16.46.1).

For his attempt to differentiate *mater familias* from *matrona*, one Aelius Melissus earned the ridicule of Aulus Gellius (NA 18.6.5).<sup>30</sup> Melissus suggested that the *matrona* had one child in contrast to the *mater familias* with more than one. Although Melissus was attempting too fine a distinction, his sense that the term *mater familias* ought to have something to do with motherhood may have been shared by others (e.g., Paul, Dig. 5.4.3).

In legal discourse Ulpian in different contexts highlighted two different aspects of a definition of *mater familias*. With respect to property rights, Ulpian defined *mater familias* in an analogy to *pater familias*. That is, a *mater familias* was a woman independent of the *potestas* of her father and with a capacity to own property (Dig. 1.6.4). This sense was meant to assert a difference from *filia familias* and was not based on marital status. This meaning was limited exclusively to legal discourse and was driven by the need to have a word for females parallel to *pater familias* for males in specifying independent property rights.

In his formal definition, however, Ulpian wrote that *mater familias* was a woman "who lives not dishonorably. For character distinguishes and separates a *mater familias* from other women; accordingly it makes no difference whether she is married or a widow, freeborn or freed; for neither marriage nor birth make a *mater familias*, but good character." ("quae non inhoneste vixit. matrem enim familias a ceteris feminis mores discernunt atque separant; proinde nihil intererit, nupta sit an vidua, ingenua sit an libertina; nam neque nuptiae neque natales faciunt matrem familias, sed boni mores," Dig. 50.16.46.1.) According to Ulpian, then, the essence of the *mater familias* was to be found not in marital status or child bearing or rank or property rights, but in honorable character.<sup>31</sup> In this stress on honor, Ulpian was sensitive to the primary connotations of *mater familias* in nonlegal discourse of the classical era.

*Mater familias*, like *pater familias*, was very occasionally used to evoke a better, simpler past, when *familia* meant parents, children, and slaves working all together on a country estate. Parallel to the *pater familias*' responsibility to manage the farm, "the ancient custom of the *mater familias*" (*vetus matrum familias mos*) was to supervise the household affairs (*domestica negotia*, Columella, Rust. 12. pr. 10). According to the elder Pliny, farmers in the old days were judged by the quality of their produce, and a neglected garden indicated a "worthless" *mater familias* (HN 19.57.3). In this archaizing evocation, there was clear comparability between the *bonus pater fami-*

30. L. Holford-Strevens, *Aulus Gellius* (Chapel Hill, NC, 1988), 108.

31. On the definition of *mater familias*, especially in connection with the law regarding adultery, see T. A. J. McGinn, "Concubinage and the Lex Iulia on Adultery," *TAPhA* 121 (1991): 335–75, particularly pp. 335 with n. 3 and 352 with n. 75.

*lias* and the *bona mater familias* in that *bonus/a* in each case was a judgment about the diligence of the contribution to the sustenance of the *domus*.

For elite Latin authors, the *mater familias* who worked on the farm was a distant memory. In classical usage, *mater familias* far more commonly connoted sexual honor within a legitimate marriage.<sup>32</sup> Thus, the *mater familias* was defined in opposition to the *meretrix* or *paelex* or *concupina* or *ancilla*.<sup>33</sup> Terence in the *Adelphoi* (747) had Demea exclaim over the incongruity of *meretrix et materfamilias* "together in one house." Cicero exploited this opposition in his humiliation of Clodia in the *Pro Caelio*. After lamenting what a bad thing it would be to taint a *mater familias* by falsely indicting "the sanctity of matrons," Cicero proceeded to charge that Clodia lived in an immoral *domus* "in which the *mater familias* lives in the style of a prostitute" (*Cael.* 32, 57). The same conceptual opposition appeared some years later in Cicero's condemnation of Antony for tainting Varro's villas by throwing parties that mixed "whores with *matres familias*" (*Phil.* 2.105).

Standing in conceptual opposition to the *mater familias*, the *meretrix* could also pose a threat to her in competition for the favor of men. One of the elder Seneca's *Controversiae* (9.2.1) concerned the case of Lucius Quinctius Flamininus who as proconsul allegedly ordered the execution of a criminal defendant for the pleasure of a *meretrix*. Such infatuation with a prostitute was a potential danger to "the *mater familias* whose beauty the *meretrix* envied."

The connotation of honorable respectability stressed by Ulpian made *mater familias* an especially appropriate term to describe women whose chastity was under threat, and it was in such contexts that *mater familias* was most often used. In late Republican oratory, it was a topos to allude to the violation of *matres familias* (along with *virgines* and freeborn youths) as the horrifying result of war or social disorder.<sup>34</sup> The sexual honor of this group distinguished them from slaves, who did not have such honor, a distinction at the heart of the aetiology of the festival of *ancillae*. This festival, held annually on July 7, was traced back to the conflict with the Latins, who were able to exploit their military superiority at one point to make the humiliating demand that the Romans send to the Latins their *matres familias* and *virgines*. The Romans tricked the Latin army by sending slave girls in the guise of honorable women, and the *ancillae* then signaled the Romans to attack at night. The logic of this tale hinges on the *ancilla*'s lack of the sort of honor enjoyed by the *mater familias*.<sup>35</sup>

32. S. Treggiari, *Roman Marriage* (Oxford, 1991), 27–28.

33. McGinn, "Concubinage." The distinction in women's roles is conveyed in the title of S. Pomeroy's pioneering book, *Goddesses, Whores, Wives, and Slaves* (New York, 1975). For the semantics of the vocabulary of women other than *mater familias*, see J. N. Adams, "Latin words for 'woman' and 'wife,'" *Glotta* 50 (1972): 234–53 and F. Santoro L'hoir, *The Rhetoric of Gender Terms. 'Man', 'Woman', and the Portrayal of Character in Latin Prose* (Leiden, 1992).

34. Cic. *Verr.* 2.4.116, 135; *Phil.* 3.31; *Ad Herennium* 4.12.6, 19; Sall. *Cat.* 51.9. Other examples of *matres familias* under threat of violation include Suet. *Aug.* 69; Val. Max. 6.1.8; Sen. *Controv.* 7.5.

35. Macrobius, *Sat.* 1.11.37–38. On this legend, see R. Saller, "Symbols of Gender and Status Hierarchies in the Roman Household," in *Women and Slaves in Greco-Roman Culture*, ed. S. Murnaghan and S. Joshel (London, 1998), 88.

The dignity of the *mater familias* was vulnerable enough to be infringed by acts well short of sexual violation. The Roman law regarding actions against insults (*iniuriae*) was strongly gendered.<sup>36</sup> Whereas the standard insults to men were striking and forcible entry into their *domus*, for women the standard insults were infringements on sexual honor, for example, by following a *mater familias* in public, by shouting at her, or by corrupting her slave attendant (Gai., *Inst.* 3.220; *Dig.* 47.10.1.2, 47.10.15.15, 47.10.25). In order to avoid attracting sexual insults, an honorable woman needed to dress respectably—that is, as a *mater familias* rather than a *meretrix* (*Dig.* 47.10.15.15, Ulpian)—and to conduct herself modestly. Since a beautiful slave attendant would attract the wrong sort of attention from male bystanders, Plautus' Demipho recommended that the honorable *mater familias* be accompanied by an ugly *ancilla* (*mala forma*, *Merc.* 415). The *Digest* title on the *actio iniuriarum* indicates that insults against the honor of a *mater familias* also detracted from the honor of her husband and her father, who were given separate legal actions against the culprit (*Dig.* 47.10.1.9, 18.2).

In sum, although *mater familias* occasionally had the bland sense of “mother of the family” or “mistress of the household,” it was most often used to evoke the quality of chastity associated with the respectable Roman matron.

#### CONCLUSION

Despite the parallel constructions of *pater familias* and *mater familias*, the lack of parallel in the gendered connotations is evident and interesting. Neither phrase was much used in Roman discourse about parenting; the stereotypes summoned up by them were not related to “fatherhood” or “motherhood.” Rather, the good *pater familias* was a responsible estate owner, with or without children and wife, and the good *mater familias* was a chaste, sexually respectable woman, married or widowed, with or without children.

It is essential for the social historian to remember that these ancient stereotypes do not coincide with the modern ones, and, furthermore, that they are not the full story of gender distinctions in Roman society. Though the head of the household was stereotyped as male by use of *pater familias*, in reality Roman women owned property and must often, in the absence of husbands, have wielded power over households with dependents. This gendered language causes historians to lose sight of female heads of households, even when they know better. The ramifications of female household heads are far reaching. For instance, discussions of the significance of decoration of the *domus* should take account of the possibility of gendered differences of meaning and taste, depending on whether the owner was male or female.<sup>37</sup> Carolyn Osiek has made the important point in regard to gen-

36. D. Cohen, “The Augustan Law on Adultery: The Social and Cultural Context,” in *The Family in Italy*, ed. D. I. Kertzer and R. P. Saller, 109–26; Gardner, “Gender-Role Assumptions.”

37. At the May 1998 meeting of the Association of Ancient Historians, three papers were given on aspects of Roman *domus* without acknowledging the possibility of women heads of household. A. Wallace-Hadrill, *Houses and Society in Pompeii and Herculaneum* (Princeton, 1994) provides an illuminating discussion of Pompeian houses without directly taking account of the possibility that some were owned and decorated by women.

dered roles in the early Christian church that women were in some cases the owners of the houses in which the earliest Christian communities met, and had the accompanying authority and prestige.<sup>38</sup>

At a more subtle level, to write of the Roman household in terms of the *pater familias* and *mater familias* is to represent it as more monolithic in its authority than it really was. In nonlegal discourse, the Roman authors only very occasionally used *pater familias* and *mater familias* to mean master and mistress of the household in a broad sense, encompassing the family, slaves, and property subjected to the father's authority. And those occasional uses were mostly with respect to the idealized, better-ordered, distant past. The social reality of the classical era was not at all monolithic, because wives were usually independent of their husband's *manus*. The gendered vocabulary of ownership, with the *pater familias* as the paradigmatic house and estate owner, has too often caused historians to underestimate the complexity of power relations in the household. Propertied women who lived in their husband's *domus* often had their own slave retainues to command and their own farms to generate income.<sup>39</sup> *Mater familias* does not capture the reality that the rich wife was likely to be a *domina* in her own right, a reality that disturbed Roman males at least as early as the elder Cato. The institution of slavery may have increased the independence of elite women in the way that the term *mater familias* obscures but the alternative *domina* highlights. The *domina* had slaves and freedmen to act as agents independently of her husband. It is telling that in Cato's early-second-century complaint about the wealthy wife, the woman ordered her slave as agent to hound her husband for return of her loan to him (Gell. NA 17.6).<sup>40</sup> It would have been jarring to have the wife in this story described as a *mater familias* with overtones of respectability, and she is not.

As I have argued in connection with patronage, historians are not required to use Latin terms in the same way as ancient authors used them, but it is necessary to be aware of the differences between ancient and modern usage.<sup>41</sup> More sensitivity to how Romans used *pater familias* and *mater familias*, and to how little they used them in discourse about the family, might help to move us beyond the modern stereotypes of the severe patriarch and the respectable matron.<sup>42</sup>

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38. C. Osiek and D. Balch, *Families in the New Testament World* (Louisville, KY, 1998).

39. J. Crook, "His and Hers: What Degree of Financial Responsibility Did Husband and Wife Have for the Matrimonial Home and Their Life in Common, in a Roman Marriage?" in *Parenté et stratégies familiales dans l'Antiquité romaine*, ed. J. Andreau and H. Bruhns (Paris and Rome, 1990), 153–72.

40. Saller, *Patriarchy*, 221.

41. R. Saller, "Patronage and Friendship in Early Imperial Rome: Drawing the Distinction," in *Patronage in Ancient Society*, ed. A. Wallace-Hadrill (London and New York, 1989), 49–62.

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