

FAMILY AND MARRIAGE IN ANTIQUITY - LAW AND CUSTOM

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Abstract

The family is an institution with a complex, open and dynamic content, it represents the nucleus of the formation and development of the individual and is the result of a millennial evolution in which it has undergone multiple transformations under the influence of religious, moral, economic, social or political factors.

The evolution of the ancient family through the transformation of its matriarchal character - where gender equality was specific - into patriarchal has decisively and definitively influenced the position of the two sexes in the family and in society in general, increasing gender inequality leading to strengthening the authority of the father (manus).

The marriage in the ancient world, regardless of religion, people or geographical area and regardless of its form, mono or polygamous, was generated by customary or legally established religious rules and norms, the purpose of marital union being procreation, the birth of healthy male children, sound in mind and body to be able to carry on the family name and to arrange its religious ceremony.

Marriage laws throughout the ancient world forbade marital union between a free person and a slave, and the children born of such a bond acquired the status of slaves.

The marriage could be contracted (after the conclusion of an engagement) in different forms: either by the payment of a sum of money made by the groom to the father of the fiancée (recorded at the Persians, the Romans – the coemptio marriage -, or by longer cohabitation, usus-at the Romans, the nubile age for marriage being generally very low (12 and 14 years respectively for boys at the Romans, even 8 years for girls in India, 15 years in Egypt, 14-15 years for girls and 17 years for boys, respectively in Greece).

As for the traditional religious ceremony, similarities are identified in the ancient world, some of which go as far as identity, the marriage usually lasting three days, with rigorous ritual procedures: witnesses, the bride's cleansing bath, the utterance of solemn words, wedding gifts, banquets etc.

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1. Introduction

The family, as we know it today, is the fruit of an evolution of centuries, suffering many transformations under the influence of religious, moral, economic, social or political factors. The management of the family, the relations between the members of the same family group, the status of the children are today totally changed compared to the way our ancestors

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perceived and practised them from antiquity, through the Middle Ages, through the modern period and reaching contemporaneity.

We consider that it is not at all advisable to “judge” the attitude (especially) of the ancients towards the family through the perspective of contemporary man because we risk drawing erroneous conclusions and making unfair assessments, especially since, at least in appearance, the modern and contemporary family seems to be much less cohesive than the old one, showing a really worrying instability (Gidro, R.; Gidro, A.; Nistor, V., 2009, p. 133).

The family in groups, as a result of the marriage in groups (a group of men from one family were the husbands of a group of women from another family), appears in the Middle Paleolithic and will form the basis of the later matriarchy, the family being the mother or the grandmother, the brother of one or the other having the role of natural protector of the child. The best available evidence suggests that the family is about 4350 years old, and the earliest recorded evidence of marriage ceremonies (between a man and a woman) dates to approximately 2350 BC in Mesopotamia.

An important feature of the matriarchal family was gender equality, a situation that will no longer be found in the patriarchal family (Iluț, 2005, p. 29) inequalities between men and women increasing more and more in ancient patriarchal civilizations, where the family was based on the authority of the father („manus”), and in Aristotle's opinion, “women and slaves have the same position” (Letourneau, 1888, p. 57).

Specific to the patriarchal family are monogamy and patrilineal parentage. This type of family led to the appearance of the small family, with incipient forms of private property, the primitive commune being on the verge of extinction. Over time, rich families become even richer, increasing their desire for power and control over as many people as possible, but also for the protection of accumulated property, all these factors leading to the expansionist mentality and the formation of great empires and civilizations: Egyptian, Greek, Roman, Persian, Thracian-Geto-Dacian, etc. (Coontz, 2006, pp. 5-7).

2. Family organization in Mesopotamia

Mesopotamia is an ancient geographical area where the civilizations of three peoples, the Sumerians, the Akkadians and the Assyrians, intertwined, and the most important information in the field comes from a famous ancient legislation, the Code of Hammurabi / Hammurapi. This legislation is made up of a fairly large number of articles (127 - 195) which contain rules on family organization, thus having a very high documentary value for researchers in this field of the history of law.

According to the rules of this code, the Mesopotamian family is organized and based on the fact that the marriage is recorded in a document drafted in the presence of witnesses and preceded by an engagement.

The family community established between husband and wife provides the woman with some legal capacity, but is strongly subordinated to the authority and will of the husband who could sell his unfaithful wife, divorce at any time without good reason or repudiate her in case of infertility.

Parental authority was exercised by the father until the time of the marriage of the children, when they settled under a different roof from that of the parents (Hanga, 1977, p. 69). In the absence of the father, the parental authority could be exercised by the mother and the older siblings.

Monogamy was practiced, but if the wife could not have children, the husband was entitled to take a second wife (concubine) but would not be on an equal footing with the first wife (art. 145), being forced to show obedience to the latter, otherwise she could be sold as a slave (art. 147). The wife herself could choose for her husband a concubine (*sugi*) from among the slaves in the house or among the purchased ones, and the children born from such a cohabitation acquired the quality of legitimate children. Wealthy Babylonians usually had 3-4 concubines, but they were inferior to their “secondary wives.” The king could also have 3-4 “secondary wives” and an unlimited number of concubines, called “palace women” by the Assyrians (Drimba, 2003, p. 90).

The marriage between free men and slaves was not considered legitimate, and children born of such relationships acquired the status of slaves. However, if their natural father legitimized them by declaring that they were his children, they became legitimate and acquired the right of succession to the father's property (art. 170).

Although the Mesopotamian family regime provided women with certain rights (restitution of dowry in case of repudiation, payment of a repudiation allowance, impossibility of repudiating a sick wife, the possibility of separation from a husband), the inferiority of a woman's social position to that of a man is certain.

Researchers - historians and jurists - of the Hammurapi era have concluded that “old community conceptions have been replaced by individual ones”, which could not fail to influence the family that becomes a group subordinate to the authority of a male chief, a typical practice of a slave society in full development (Hanga, 1977, p. 73).

3. The family in ancient Egypt

It seems that for antiquity, the Egyptians had the healthiest and most modern conception of the family, being an exception for ancient civilizations. Thus, the conditions of marriage were truly an exception to the rules known in ancient times, allowing young people to choose their partners (Drimba, 2003, pp. 174-177). The woman was raised in a position of dignity unknown in the ancient world, a mentality that probably later influenced the Romans. The married woman was considered the mistress of the house. If the wife remained

a widow, she became the rightful head of the family. The equality of the two (husband and wife) was strongly rooted in the conscience and mentality of the ancient Egyptians, the very religious norms requiring the woman to be treated well. In fact, the Egyptian religion, with the exception of the religious norms of other ancient peoples, allowed the exercise of the functions of temple priestesses and even the holding of supreme political functions, the most striking examples being that of Queen Hatshepsut¹ and especially Cleopatra (69-30 BC), daughter of Pharaoh Ptolemy XII Auletes, who became well known for her political, military, and romantic connections with Roman celebrities such as Julius Caesar and Marcus Antonius, her “charms” becoming immune to Octavius, the future *princeps* Augustus.

The status of the Egyptian woman was so “modern” and gave her so much freedom that, by comparison, she provoked the revolt of the famous Athenian statesman Solon (c.640 - c.558 BC), a well-known reformer of the Athenian Constitution and father of Athenian slave democracy.

The Egyptians believed that a marriage lasted only a few years, usually seven, from the time the couple moved in together. Thus, the bride's father had to provide the couple with food and household goods for up to seven years. Not only the passage of time, but also the appearance of several children truly validated a marriage².

Although the marriage of girls under the age of 15 was illegal in Egypt, the engagement of 9-year-olds was not uncommon, especially in Upper Egypt.

Although Egyptian society instituted monogamy, there was an exception for dignitaries when the king gave them, from his legal harem, a woman of superior rank to their wives, whom they took as a second wife. (Drimba, 2003, pp. 392-393).

Among the Egyptians, the dowry formed a family patrimony, having the role of materially guaranteeing the subsistence of the new family and not the representation of a purchase price of the woman, as it happens to most of the ancient peoples. During the life of the spouses, the dowry was to remain an intangible family patrimony, and in case of death of one of them, the other enjoyed the usufruct of the entire dowry, being able to dispose, according to their own will, only the part brought by him at the conclusion of the marriage. There are no definite data on divorce, but it is known that in the era of 11th - 6th century BC, in Egypt, the custom of “probationary marriage” (reminiscence of the family - couple) was practiced, according to which, after a year of cohabitation, the marriage was dissolved either through the fault of

¹ She was the Queen of Egypt after the death of her husband, Tutmes II, ruled from 1490 to 1468 BC and built a religious temple near the ancient city of Thebes.

² <https://wordpress.com/2012/03/27/căsătoria-în-egiptul-antic>, accessed at 21.10.2021.

one of the spouses or out of character mismatch, in which case the wife returning to parents could take their full dowry.

4. The family in the Jewish civilisation

The aspects of the Jewish family must be viewed differently, in relation to the historical epoch passed.

In the nomadic era of the Jewish people, there is a matriarchal regime in which the woman-mother played a decisive role in the family. She was considered the owner of the house (more precisely, the tent), the degrees of kinship were established on the maternal line, and the married man had to follow his wife, who also chose the names of the children (Drimba, 2003, pp. 239-240). Remains of the Jewish matriarchy are found even in the time of the famous and biblical King David³, his son's marriage to his stepmother, who was left a widow, being allowed; he could also marry his sister from his father's side, but not his sister from his mother's side.

After the Jews gave up nomadism and adopted a sedentary lifestyle, the matriarchal regime was replaced by the patriarchal one, imposing the supreme authority of the man in the family. Men were allowed to have more wives, provided that there was a solid economic situation in order to be able to pay the necessary amount to the woman's parent⁴. As a parent, with the consent of the family group to which he belonged, the father could sell his female children for irreverent behavior, fornication and drunkenness, but he could not sell his male children. The children's marriages were verbally contracted only by the father.

Although the married woman was under the authority of her husband, to whom she had to be faithful (the penalty for infidelity could be death by stoning), her status is considered superior to women in Assyria and other Eastern peoples. The widowed and childless woman was taken over, as a wife, by her ex-husband's brother (levirate), thus ensuring the continuity of the family, and the one who refused was reprimanded by the procedure of removing her sandal in public (*ius decalceonis*). The son born of this marriage was considered to have as his legitimate father the deceased and not his natural father.

In case of infertility, slaves were used, who gave birth on the wife's knees as in the case of Sara (Pricopi, 1998, p. 22).

According to Jewish custom, the woman had the right to go out in public and participate in various celebrations, being esteemed for her quality as a mother (Drimba, 2003, p. 241).

³ He was the second ruler of the Kingdom of Israel (c. 1089-965 BC). He was also the first to establish the capital in Jerusalem and began building the famous temple completed by his son, Solomon. The Bible mentions David's submission to the Philistines after the murder of their giant ruler, Goliath.

⁴ King David is said to have had six wives and ten concubines. The Bible (1 Kings, XI, 3) tells us that Solomon had six hundred ladies and three hundred paramours.

The Jewish family also included domestic slaves (from the ranks of those who were sold by their debtor parents), not the public slaves, who had their origin in captivity and were state-owned, working in its fields.

5. The Persian family

Unlike other peoples in the eastern neighborhood, in Persia⁵, the so-called religious norms (in fact, they came from the king, who “expressed” the will of the divinity, and their breach was considered an affront to the gods) were the main source of law. Only the well-known King Darius I⁶ decides to lay the foundations of a solid local legislation, known, among other things, by an excessive cruelty of the punishments applied⁷.

From the point of view of the family regime, it should be noted that the Persians adopted the polygamous regime, but only one of the wives, considered “privileged”, was elevated to the rank of mistress of the house.

The marriage was contracted by paying a sum of money to the fiancée's parents. The wedding ceremony, called *sofreh aghd*, was a traditional one, with blessings for the couple's⁸ new life together.

In high-ranking noble families, the marriage between brother and sister was frequently practiced, and the Jewish custom of *levirate* was also known: the widow without male children had to marry the deceased's closest relative. If the man remained a widower and had no male descendants, his closest relative would marry one of his daughters or nieces. The male descendant of such a marriage was considered the widower's son and heir. If the husband died and he had no daughter, a girl had to be bought to marry a close relative of the deceased. In the event of the father's death, his minor children came under the care of the widow.

All these rules set out above had to be honoured, being followed and controlled by the priests who also shared the inheritance, took care of the funeral and the fate of any minor orphans (Drimba, 2003, pp. 298-299).

The regime of the married woman was one of absolute obedience to her husband, but, depending on her social status, she could also enjoy some

⁵ The name of this region was originally established by the Indo-European tribes who migrated to this territory, naming it *Aryanam*, which meant the land of the Aryans, the nobles. Over time, this name became Eran or Iran. Following the occupation of this territory by the Arabs, Mongols and Turks, the name of the area was changed to the *Land of the Fars*, which later became Persia. The current state in the area adopted the old name of Iran only on March 12, 1935.

⁶ He lived in the 5th - 6th century BC and is considered the reformer of the Persian Empire. He entered world history with the famous defeat at the Marathon (514 BC), to the Athenians.

⁷ The Persian law of Darius I, in the case of murder, provided for the punishment not only of the perpetrator, but also of his entire family, as a collective responsibility of the entire group to which the perpetrator belonged.

⁸ <https://shanti-spirit.ro/obiceiuri-de-nuntă-persană>, accessed at 21.10.2021.

freedoms. Apparently paradoxically, such freedoms were recognized especially to women from the poorer social strata: the woman had the right of ownership over some material goods, legally disposing of them; could be invested in running the husband's business on his behalf; until the arrival of the Arabs, she could move freely and without a veil on her face; she could even be forgiven in case of adultery, if she became pregnant and did not have an abortion. The women in the aristocratic class had a more drastic regime, being forced to live in isolation, were not allowed to go out in public and meet men, and after marriage were not allowed to have relations even with men who were close relatives.

6. Aspects regarding family regulation in India

To understand the Indian legal system, we must start by recognizing *castes* as dominant and over 3000-year-old social institutions⁹. The caste included people of the same origin, the same occupations, with well-established rights and obligations, based on a Brahmanical religious conception according to which the man was predestined to belong to a caste, without being able to pass from one to another. Each member of a caste had to keep his or her duties and could move to a higher caste only after death. If you did not belong to any of the four recognized castes, you were socially non-existent. The member of a caste had to strictly observe the customs and traditions of their caste, including in matters of marriage, being forbidden to marry a person of another caste.

The Indian society was originally organized into castes by the Aryan invaders to delimit the conquerors from the natives. Only Buddhism ignored the caste system, and all other religions accepted it.

The organization of Indian society into castes was codified by the Brahmins, their caste being at the head of the hierarchy, the term *brahman* meaning priest, but also the absolute divine principle (Drimba, 2003, pp. 346-347).

From a legal point of view, in the case of the Indians there can be seen an absolute confusion between the notion of law and the cult, the religious norm also regulating social relations legally. The Indians did not know the European system of codes of law, their rules of good conduct (*Dharma*) being made up of the rules of the caste, royal dispositions and rural customs. Each such collection of rules was drafted by a particular Brahmanical school or sect with authority only over that group and was also a legal textbook for those destined for such a study.

⁹ The term *caste* comes from the colonizing Portuguese, is of Latin origin and has two meanings: 1. chaste, clean, spotless, honest; 2. holy pious. This term, related to India, has the meaning of *exclusive group* with a fundamental role for the entire social, religious and political organization of this area.

Of the many such collections, the best-known today is *The Law Code of Manu*¹⁰.

From the point of view of family relations, it should be noted that although Brahmanical laws recommended monogamy, the Indians allowed polygamy to be practiced¹¹. The Brahmanical norms codified eight types of marriages, the parents being the ones entitled to combine young people from a very young age, but the actual marriage could take place only within the same caste and only when the girl was 12 years old, even if she was not nubile (Drimba, 2003, p. 371)¹² In this way, the woman's role was reduced to reproductive function, being dedicated exclusively to the home¹³. Marriage was considered inseparable, but due to the fact that the perpetuation of the family was the fundamental purpose of any conjugal relationship, in case of infertility of the woman the divorce could be approved, “the infertile woman having to be replaced by another, after eight years; the woman whose children all died, in the tenth, and the woman who gave birth only to girls, in the twelfth” (*The Law Code of Manu* IX, 81).

The practice of early marriage and the dedication of the woman exclusively to the conjugal home also had a positive role, consisting in the considerable reduction of the phenomenon of prostitution, which was allowed to be practiced only in its “sacred” form, inside the temple, by the dancing courtesans. In Vedic times¹⁴, the Indian woman enjoyed a certain consideration, she could be repudiated by her husband only in cases expressly determined and provided by law (if she was a drunkard, wasteful, bad, disobedient, sick, but also if she kept her dowry as personal property) because as long as polygamy was allowed, the husband had to support all his wives. The woman ran the housework and attended various festivities with her husband. In this sense, the old Indian rules according to which “the complete man is made up of his wife, of himself and of his children”; “the man and the woman are one”; “mutual fidelity lasts until death” are as eloquent as possible (*The Law Code of Manu*, IX, 45, 101, 103).

¹⁰ *Manu*, in Sanskrit means man, the first man, the father of the human race.

¹¹ In the case of the woman, she could have more than one husband only in very rare cases, a situation that determined the whole society to “stigmatize” her as an easy woman.

¹² “To a distinguished, handsome suitor (of) equal (caste) should (a father) give his daughter in accordance with the prescribed rule, though she has not attained (the proper age) of 8” (*The Law Code of Manu*, IX, 88.). Other rules also stated that 3 years after becoming a single woman, the girl can choose her own husband or the rule that a 30-year-old man cannot take a 12-year-old girl he loves or when he is 24, a girl of 8 (IX, 90. 94).

¹³ “Women were created to give birth to children, and men to perpetuate the nation” (*The Law Code of Manu*).

¹⁴ The ancient Indian periods in which religious and literary texts were written in Old Sanskrit and which represented the first literary documents in India.

Due to the influence of the Brahmanical conceptions and especially of Islam, determined by the Muslim domination, the woman's regime changes quite radically by isolating her at home (even in the house she could only show herself to husband and children), covering her face with a veil, banning the wearing of jewelry, make-up or perfumes, being forced to sleep on the floor and eat only vegetarian food (Drimba, 2003, p. 372).

The widow remained subordinate to the eldest son's authority, and if she had no children, she had to remarry a relative of the deceased husband. Due to the indissoluble nature of the marriage, the widow could be barred by the new head of the family from remarrying, in order to be able to reunite with her ex-husband in a future existence.

In India, a special custom has been known since ancient times, called *satti* (devoted wife), according to which the widowed woman, during the cremation ceremony of the body of the deceased, was thrown in the funeral pyre, burning alive. Manu's law does not speak of this custom, but its practice is known in various tribes, being accepted by the Brahmans¹⁵.

7. The family in Asyro-Babylonian law

With Assyria - Babylonians, the family was monogamous, and the marriage was recorded in a document in the presence of witnesses and preceded by an engagement, on which occasion the future husband gave the girl's father a sum of money (*terbatum*), and this was a dowry (*seriqtum*) which surpassed the gift received, in a system reminiscent of the primitive age. The woman's position was privileged, as she could dispose of her own property, testify and administer her husband's property in his absence (Pricopi, 1998, pp. 20-21) Obstacles to marriage concerned girls consecrated to temples, men of bad repute, and widows with minor children could not remarry until after the inventory of their wealth had been made. The husband could sell the unfaithful wife, and in cases where he fell prisoner, the wife left without means was able to "not keep herself" without being considered adulterous. The man could divorce at any time, the woman only for justified reasons; in case of infertility of the woman, the husband could repudiate her with

¹⁵ The first claim about this practice of voluntary suicide of the devoted wife (*satti*) dates from 510 BC, but it seems to be much older. The name *satti* is taken from the goddess *Satti*, Shiva's wife, who burned herself to protest her father's mistreatment of her husband. It comes from the present feminine participle of the Sanskrit word *asti*, which means „she is true, pure.” Although it has been found mainly in India and Nepal, there have been examples of this practice in other traditions in Russia, Vietnam and Fiji (<https://www.greelane.com/ro/umanistic%C4%83/istoric-%C8%99i-cultur%C4%83/what-is-satti-195389/>, accessed at 21.10.2021.). This practice (*satti*) remained in force until the end of the 17th century when it was outlawed, causing discontent among Hindu leaders. Although illegal, the practice of throwing in the funeral pyre, as a sign of devotion, continued to be used until the end of the 19th century and even today in some isolated areas of India.

sacramental formulas or take another woman as an inferior wife (Pricopi, 1998, pp. 20-21).

8. Family in the Chinese law

In ancient China, the family was patriarchal and polygamous, but only one of the wives was considered true. The woman had an inferior condition¹⁶, her name of *Ti* designating both the slave and the concubine. The marriage was preceded by an engagement decided by the parents and which could only be dissolved for good reasons. The wedding ceremony required the bride and groom to drink from two glasses tied with a red thread and to eat from two vessels, the contents of which were consumed only half by each, then exchanging vessels between them, a gesture with such a deep symbolic content, as well as magic. After marriage, the wife lived in a separate part of the house and was not consulted about family matters (Pricopi, 1998, pp. 21-22). The widow's remarriage was allowed, but this was very rare because, as was the Indian custom, she was sacrificed on her husband's grave.

9. Family and marriage in pre-Islamic civilization

With regard to marriage, the general practice was polygamy, with men having the right to have as many wives as they wanted, but women had neither the right to choose nor the consent of their future marriage partner and could not remarry if the husband divorced them. The birth of a female child was ominous for the family, which is why the father resorted to burying it alive. (“And the *girl-child that was buried alive will be asked*, for what *sin she was killed...*”, in *Quran*, 81: 8-9); the female child could be buried alive if it was leprous, lame or had any other defects (Rahman, 2013, pp. 20-22).

“The only honor bestowed on a woman in the pre-Islamic era was her defense and protection as a person, her family, and her tribe, as well as revenge against anyone who humiliated or dishonored her, but even more so because of manly pride, tribal dignity and honor, rather than out of concern for the female sex” (Rahman, 2013, p. 22).

10. Regulations regarding the Greek family and marriage

With the old Hellenes, in the Homeric era, the family was monogamous, patriarchal, patrilocal and patrilineal, with the possibility for men to have other relationships, the children coming under parental authority.

In the later period, with the Spartans, the family continues to present remnants of matriarchy in the form of sorority, therefore the woman had a favorable position in relation to the situation of women in other legal systems.

¹⁶ A Chinese proverb says, „Listen to your wife, but never believe what she says”.

Traces of polyandry also appear in Licurg's legislation, in order to obtain the most gifted descendants.

Aristotle believed that the citizen should not have loyalty to the family, because it should be first and foremost the state, and Plato believed that the institution of marriage and the family should be abolished altogether (Coontz, 2006, p. 76). A law given by Pericles (451 BC) provided that a man could not be a citizen of Athens if his mother and father were not Athenian citizens. It seems that this idea imposed a mentality that the woman was just “a vessel that carried the man's seeds” (Coontz, 2006, p. 76). The law aimed to reduce the strategic marriages of Athenian aristocrats to foreign women. An Athenian who had contracted such a marriage would have taken the rights of citizenship from his heirs.

With the Athenians, marriage was contracted by verbal agreement between the parents of the future bride and groom (*engyesis*) or before the authorities (*epidikasia*), if it was a girl adopted or a heiress.

At the age of 20, after completing his military service, *ephebia*¹⁷, the young man could get married (although no law prevented him from doing so at 18 years old). The girls usually got married at the age of 14-15. The bachelors were under a cloud and despised throughout the Greek world, and in Sparta they were punished by law.

Unlike the Romans, the Greeks did not want to have more than two children, the boys being preferred to girls especially for religious reasons, these being the ones who ensured the continuity of fulfilling the legal obligations related to the family worship of the ancestors.

In Athens - but probably in other Greek states as well - no law forbade the incestuous relationship between brothers and sisters, but public opinion considers them a horrible act that would have entailed the punishment of the gods. Instead, marriage between stepbrothers, cousins, or between uncles and nieces was possible (Drimba, 2003, p. 77).

Preferably, marriages were concluded in winter (it was a Greek superstition) and on full moon days, with civil law imposing the need for solemn, oral, and unwritten consent between the groom and the girl's father, in the presence of the family and witnesses, the bride and the groom shaking hands. Information on Greek marriage customs is brief, but it seems that the marriage ceremony was similar to the Roman one: the bride offered as a gift to the guardian deities of the parental home the personal toys from her childhood, the houses of the youth were adorned with garlands of olive and laurel leaves, the bride took a ritual bath of purification with water brought from a sacred fountain by a procession of women carrying torches, preceded by an oboe

¹⁷ The word comes from the Greek *ephebe* and refers to a young man who did *ephebia*, a kind of military service.

player. A feast was held in the bride's parental home, and the bridegroom received gifts, followed by a procession of young people singing wedding songs to the bride and groom in their new home¹⁸, where the bride was greeted with nuts, fruit, dates, and the honey and sesame cake ritual. Similar to the Roman ritual, the wedding continued the next day, when the bride received gifts and dowry, and after a few more days, the bridegroom offered a feast to all members of the *fratria* to which he belonged (Drimba, 2003, p. 77).

In the Hellenistic period, a distinction was made between marriage by simple convention (*agraphos*), considered a probationary marriage, and solemn marriage (*engraphos*), with full legal effects.

The status of women or wives in ancient Greece was permanently inferior, and they were constantly monitored by a man every minute of their lives. Thus, if before marriage, her father and brother controlled her behavior and were responsible for her maintenance (including the preparation of the dowry for marriage), after marriage, the control was taken over by the husband. Not even the widowhood freed the woman from the man's authority because after her husband's death, her son took over the responsibility of acting on her behalf (Coontz, 2006, p. 76).

As in any society, there were affectionate and passionate marriages in Greece, but the Greek pattern of true love was not that between a man and a woman. True love was associated with love between a male adult and a younger man (Coontz, 2006, p. 77).

The Peloponnesian War ended the glory days of Athens, but Athenian philosophy, literature, and political theories survived to influence Western civil traditions transmitted primarily through Rome.

11. The Roman family

It is known that the early Roman society was patriarchal, the family power being held by the eldest man (*pater familias*), his wife, sons and daughters, but also slaves, goods and animals under his authority; the patriarchal nature of the Roman state had reverberations in the Roman family and the fact that the *pater familias* had the right of life and death over the children he could mistreat, sell as slaves, and even kill them, without that by

¹⁸ The road from the bride's house to their new home began like this: an *amphitales*, a child with both parents alive, was chosen to escort the bride (<https://istorie-edu.ro/istoria-universală/grecia-antică.html>, accessed at 21.10.2021.). He represented the prosperity and luck of the new couple and symbolized their future child. He distributed bread to the guests, the bread being another symbol of the final product of the union, the child, and the basket containing the bread symbolized the child's cradle. This procession began with a painful ritual, caused by the young woman's separation from the family. The groom grabbed her by the wrist, while her father offered it to her husband, telling her, „In front of the witnesses, I offer this girl to give you legitimate children” (<https://www.historia.ro/căsătoria-în-epoca-de-aur-a-atenei>, accessed at 21.10.2021.).

these tyrannical acts to bear any consequence as regards the sanctions on the part of the state authority. (Jucan 2007, p. 56-57, 62-66)

However, this situation will change, the Roman family being subjected to a structural reform, starting with the imperial era and continuing with the Justinian period, so that the power of the *pater familias* will be more limited, protecting the rights of *alieni iuris*, the *pater* must address the governor of the province or the prefect of the city for the application of more severe corrections to the persons under *manus* (Monier R. , 1947, p. 259) *apud* (Radu, Drept roman, 2015, p. 69).

Justinian also forbade the ancient Roman practice of exposing and leaving newborns in the street, this being a homicide, if the effect was the death of the exposed (Radu, The Protection of Children in the Post-classical Roman Law, 2017, p. 174), and if the abandoned one was taken by another person, the latter could not keep it as a slave (Radu, Drept roman, 2015, p. 69).

The authority of the head of the family in ancient Roman society is undeniable, but the question is how it came to be (Gidro, R.; Gidro, A., 2014, p. 87).

Was it the argument of the superior physical force of the man over the woman, respectively of the father over the children? (Fustel de Coulanges asks himself).

The answer - says the same author - is that “the members of the ancient family are united by something stronger than birth, than feeling and than physical strength: the religion of the sacred hearth and the ancestors. It makes the family a single body in life here as well as in the afterlife. The ancient family is more of a religious union than a natural one”. (de Coulanges, 1984, pp. 63-65).

The rules that governed the family appeared long before the birth of a legislator and are the result of practices, of very old customs that have their origin in even the oldest religious beliefs. When the fortress was formed, its legislator took over these ready-made rules and, with great caution over time, adapted them to the times (Gidro, R.; Gidro, A., 2014, p. 87). Each family had its own property, its own cult, its own laws (unwritten but strongly implemented in the memory and conscience of every member of the family), internal justice (over which there was no superior forum to which to turn). It has rightly been said that in this age, the old family had everything that man needed for his material, moral, spiritual, sacred life.

The family was a miniature organized state” (de Coulanges, 1984, p. 160), being more of a religious union than a natural one (de Coulanges, 1984, pp. 63-65), and some authors describe the Roman family as a political group (the head of the family was like a political leader), economic (possession of all the goods of the community) and religious because the cult was the fundamental foundation of the Roman family. (Gidro, R.; Gidro, A., 2014, p. 88).

Unlike the vast majority of ancient peoples, we must note a very important and undeniable fact: throughout their history, the Romans applied the principle of monogamy in marriage, bigamy and polygamy being forbidden.

The Roman marriage - a source of parental power -, preceded by an engagement (*sponsalia*) recorded in a document concluded between the parents of the young people¹⁹, was an unwritten act, a verbal agreement between the two *pater familias* of the two future brides. Thus, the Roman marriage was “a de facto institution that produced effects of law”, being a “private unwritten and not even solemn private institution”. (Veyne, 1994, p. 122).

Marriage was an obligation of every citizen, the reason why this was a duty was different depending on the historical epoch. Thus, initially, in the early Roman period, the domestic cult - apart from which a family could not exist - could be transmitted only on the male line, from man to man, which explains the agnatic kinship only on the male line.

Later, in a higher age, when the religion of the home lost importance, the obligation for every citizen to marry has its source in the idea of having “legitimate children to carry the civic body or the assembly of citizens.” According to a French author, “monogamous marriage has been integrated into a morality.” The first moral said: “Marriage is one of the duties of the citizen”, and the second: “if you want to be a serious person, you only have to make love to have children, marriage has nothing to do with bodily pleasures” (Veyne, 1994, pp. 123-124). These reasons led to celibacy being banned in the Roman world, with nothing more to mourn for a Roman than the lack of descendants to continue the family cult. For this reason, the Roman legislators created the possibility for the Roman citizen to be able to adopt someone who would perform these rituals through which the family name was perpetuated²⁰.

The campaign to promote family values, launched by Emperor Augustus, was part of an effort to increase birth rates. In this sense, the emperor decreed that the Romans had to marry until a certain age (the man, between 25 and 60 years old, and the women between 20 and 50 years old), and if they were not married or did not remarry after divorce, they were sanctioned. Both women who did not have children up to the age of 20 and men up to the age of 25 were fined. An unmarried person could only inherit

¹⁹ If they were *sui iuris* persons, the document could be concluded by them even from childhood. During the reign of Augustus, the *Lex Iulia de maritandi ordinibus* (Julia's Law on the Regulation of Marriage) was drafted, limiting the minimum age to 10 years to enter into an engagement. For a time, the effects of the engagement were only moral, but with the imperial era, the untimely and unilateral rupture of the engagement had consequences on the patrimonial level.

²⁰ The child received a name eight or nine days after birth, provided that the father recognized him in a purification ceremony. On this occasion, an amulet (*bullā*) was hung around the child's neck, which had a protective role against the powers of evil; the boys wore it until the age of 17, and the girls until they got married.

from a very close relative, and those who were married but had no children would lose half of their inheritance. Those who were married were more likely to enter public office, and if they had children, they were even better seen.

Augustus also decreed that free women who gave birth to three children gained independence from the law that kept them under the supervision and control of their father or husband. At the same time, a freed slave who was still under the power of her former master could be released from this authority if she gave birth to four children (Coontz, 2006, pp. 83-84).

Regardless of gender and age, education in the Roman family was based on the acquisition of moral precepts recognized and applied at the time. It was tried to instil in the young boys the idea of *civis* (citizen of Rome), with all that involved the responsibility of such a quality, but also the qualities of *virtus*, *pietas*, *fides* and *libertas*²¹ to make them worthy in relation to the glorious deeds of their ancestors and the city where they lived.

At a very young age, the mother's influence was decisive on the evolution of children's lives, maternal education being exercised in the same way, regardless of gender, the mother striving to raise them by instilling discipline and moral rules specific to the time. This is how Cornelia, the mother of the Gracchi brothers, Aurelia, the mother of Julius Caesar, or Attia, the mother of Augustus, became famous in Roman history. The replacement of the mother could only be done in situations where she was objectively unable to fulfill her educational duties, in which case the education lessons belonged to an older female relative and who had guarantees of high morale and severity.

In the case of boys, at the age of seven, they came out under the direct influence of their mother and the women in the family, in general, the father taking over the role of raiser who, in addition to writing, reading and counting lessons (insofar as was literate), introduced them to the knowledge of ancestral traditions (these are both religious traditions - regarding the rules and rituals of domestic religion - and secular), as well as practising activities specific to the environment in which they lived²². The role of the father was decisive in educating the boys in the traditional spirit, famous people from the end of the Republic - Cato the Elder, Cicero, Paulus Aemilius - continuing to closely supervise the education not only of children but also of their grandchildren (Lascu, 1965, pp. 281-282).

²¹ *Virtus* signified manhood, courage, character; *pietas* implies a sense of duty, respect and devotion to deities, parents and homeland; *libertas* meant civil liberty, independence; *fides* denotes faith, faithfulness, the word given, the promise made, all of which must be kept.

²² If the young people lived in rural areas, they were initiated in knowledge of agronomy, animal husbandry, field work, grazing, etc. In the case of urban boys, their fathers usually introduced them to various activities that glorified the family's ancestors, various personalities from the past of Roman history, and other aspects specific to the life they would lead in such an environment.

Unlike boys, in the case of girls, home education is continued under the supervision of mothers who usually give them a home education, teaching them to cook, to spin wool and other activities specific to the future status of *uxor* (wife).

Regarding the evolution of children's lives, maternal education is exercised in the same way regardless of gender, the mother striving to raise them by instilling in them the discipline and moral rules specific to the era.

Regarding the Roman marriage, we have already mentioned that it was preceded by an engagement (*sponsalia*)²³. In ancient Rome, a daughter could be engaged to a young man from the age of 6-7 years, even against her will, she being under the total authority of her father, but in the time of Augustus *Lex Iulia de maritandi ordinibus* is drafted which limits the minimum age for the engagement to 10 years. (Jucan 2008, p. 62-64)

The religious ceremony (which came from the custom and not the law) required the girl's fiancé to put a ring on the ring finger of her left hand, as a sign that she had promised to fulfill her marriage vow. It seems that the exchange of rings comes from ancient Egypt, the Egyptians being convinced that there is a vein in the third finger of the left hand that led directly to the heart. The rings were made of textile material (hemp) and thus symbolized the union of hearts. Later, the Romans adopted the custom, but made iron rings to symbolize the strength of the bond between the spouses. Aulus Gellius said that "this finger connects a thin nerve directly to the heart." In the Middle Ages, the British replaced iron with gold, emphasizing the idea of durability and purity²⁴.

12. Marriage ceremonies

It is necessary to distinguish between obligatory ceremonies, legal formalities and religious and family ceremonies that come from customs.

If we were to limit ourselves to written textiles, we could imagine that the only formality of the *solo consensus* marriage is an agreement drawn up between the parents of the young people, with *datio* or *dictio dotis*.

²³ The term derives from *sponsio*, which was a verbal agreement concluded by the two heads of the family of the engaged pair. Engagement was practically a proposal to establish a mutual obligation for a marriage to come and was recorded in a document (*tabulae instrumentum*) concluded by the parents of the young people, and if they were *sui iuris*, even by them, since childhood. The engagement had for a long time only predominantly moral effects, forcing the fiancée to fidelity and to the impossibility of concluding another engagement or marriage with someone else. Over time, in the imperial era, the untimely and unilateral breaking off of the engagement produced legal and patrimonial consequences. Thus, if the breaking off of the engagement was caused by the man, he was obliged to return any gifts received from the fiancée or her family. If the breaking off of the engagement was caused by the woman, she was obliged to return twice the value of the gifts received.

²⁴ <https://istorie-edu.ro/istoria-universală/roma-antică/căsătorie.html>, accessed at 21.10.2021.

A *confarreatio* wedding ceremony was a rare event, reserved for the highest echelons of the Roman elite, the patricians.

The wedding day was chosen with great care, avoiding the bad days for this event, the Romans making sure that no bad luck could affect the couple, if the wedding date was well chosen. For example, May was considered an unlucky month for marriage, while the second half of July was considered ideal.

The *nuptia* took place over three days (as in the Greek custom).

The night before the wedding, the fiancée sacrificed her childhood toys to the spirits of her parents' house, offering her dolls to the *lares* of the family, saying goodbye to her childhood. The future bride is ready for the ceremony in her house.

Thus, the bride wears a white tunic (*tunica recta*) (made of a fabric, according to an archaic custom), fastened with a belt (girdle) of sheep's wool (*cingillum*), which prevented misfortunes, being tied in a double knot (*nodus herculeus*). This simple white dress replaced the *toga praetexta* (girls' clothing) she had worn until then. The hairstyle was arranged with the help of a special tool (*hasta caelibaris*); the hair was divided into six strands surrounded by headbands, to be reunited in a bun. An orange veil (*flammeum*)²⁵ was placed on her hair, which descended slightly on her face. During the late Republic, they wore a wreath of flowers (verbena and marjoram, and later, orange and myrtle flowers, collected by the bride herself). A cloak (*palla*) was placed over the tunic, a kind of wide shawl that covered the upper half of the body. Sometimes a wreath of flowers²⁶, various jewelry, gold necklaces, bracelets were added. The young fiancée wore sandals the same color as the veil (Grimal, 1973, p. 122).

The marriage ceremony began at dawn the next day (this being the second day of the three reserved for the event) with the taking of auspices and the signing of the contract, which was deposited in a temple or sometimes in the hands of the priest, from where it would be recovered by the husband after the completion of the ceremonies (Sparkes, 1996, p. 221), the presence of 10 witnesses being also required. It is a ceremony that takes place in a private

²⁵ Regarding the bride's veil, many consider this custom a symbol of male domination. In fact, the custom has its origins in Greece, specifically in Sparta. Thanks to the educational system through which men were trained from childhood in a military spirit, an unnatural relationship was created between couples of men, based on a camaraderie whose meaning escapes us today. However, Spartan society had to provide for new generations of fighters, and in order to make women „attractive” to warriors, they had their hair cut like boys or even shaved and then covered with a veil. Later, in Roman society and in the Middle Ages, the lifting of the veil was exclusively the right of the groom and a sign of the man's authority.

²⁶ The bouquet of flowers can be associated today with the „bride's bouquet”. In ancient times, brides used plants that were known for their protection against evil to protect themselves from evil. The plants (certain varieties of protective herbs) were caught on the bride's clothing from head to toe.

setting, which brings together the families of the two spouses who give their consent. An extremely important ritual (*nuptiales tabule*) follows: an elderly woman, *pronuba*, who had been married only once (this is considered auspicious), takes in her hands the right hands (*dextrarum iunctio*) of the fiancés and unites them, pairs them, this signifying an exchange of silent vows between the bride and groom.

The whole ceremony takes place in the young wife's house. At the end of it, the bride's father offers a big feast (banquet), and at the end of the banquet there is a simulation of abduction by which the bride is torn from her mother's arms. This tradition is reminiscent of the abduction of Sabine women.

On the third day the *deductio* takes place, usually after sunset and by torchlight. When the first star begins to shine, the young wife is led to her husband's house, accompanied by three boys, two holding her by one hand, and the third walks in front of them with a rosewood torch, lit at a domestic altar. The charred remains of the torch were a symbol of luck and were distributed to the guests, as the bride's bouquet is thrown into the crowd today²⁷.

There were musicians in the procession, and the spectators on the road shouted for joy. "Rude" songs were also sung, probably to remove the "evil eye", but especially religious hymns were sung in which the refrain "Talassio, Talassio" was repeated, a symbolic name given to the happy groom. The groom throws small gifts and coins to the children, as well as nuts (Grimal, 1973, pp. 122-124). Arriving at the groom's house, the bride covers the threshold of the house with strands of wool and anoints it with lard and oil. Her husband, who was waiting for her at home, asks the bride to say her name. Because Roman women did not use first names, they answered in the famous words: "Ubi tu Gaius, ego Gaia" (where you are, Gaius, I will be Gaia).

It is not uncommon to cross the threshold to win over the gods: two friends of the groom took the bride in their arms and crossed the decorated threshold of the house so that they would not touch it with their feet. This prevented the religious accident that would have happened if the fiancée had tripped on the doorstep, and a broken wheel was placed next to the door of the house, signifying the idea that the bride would never leave her husband's house, their connection being *omnis vitae* (Grimal, 1973, pp. 122-124).

Then the husband performs a short religious ceremony, the wife receiving fire and water as a symbol of his new position. (Robert, 2002, p. 152) that of an *uxor*, saying the ritual prayers to the husband's domestic deities, from that moment the wife passing into the *manu mariti* (in the power and authority of the husband).

The Romans used to break a loaf of bread, a cake made of barley flour, sprinkled with sesame seeds, from which the bride and groom tasted, as a symbol

²⁷ <https://istorie-edu.co/istoria-universală/roma-antică/căsătoria.html>, accessed at 21.10.2021.

of fertility, at the end of the marriage ceremony. In this way, the belief was respected that the number of crumbs could have indicated all the children that the new couple would have. The guests collected these crumbs and kept them as good luck charms. For larger weddings, so that the guests do not leave empty-handed, breads were made bigger and bigger, with time, by refinement, these being replaced with cakes, and later, with the cake that we also know today („the bride's cake”).

Once the ceremony was over, *pronuba* would place the bride on a symbolic matrimonial bed, located in the *atrium*, for the consummation of the marriage, which sometimes did not take place until after days (Grimal, 1973, p. 124).

The next day of the marriage, called *repotia*, a new feast was organized as a sign of a new beginning. It is a small banquet for the couple's close relatives. On that day, the wife exercises the authority of the mistress of the house, performs some religious ceremonies, and receives gifts from her relatives and friends (Sparkes, 1996, p. 221), and also from her husband. After marriage, two very different destinies could await the bride. If she had been lucky enough to be fertile and have three or more children, she would have become a respected mother, an enviable wife, and gained community acceptance. If, however, she proved to be infertile, she would have been threatened with repudiation²⁸.

As we have presented at length, the type of *confarreatio* marriage consisted of an eminently religious ceremony, which took place in front of the family altar, sacrificing animals that were sprinkled with boiled lettuce flour (*far*), the young bride and groom sharing a cake (also from flour - *liburu farreum*) which meant offering a sacrifice in honor of the god *Iupiter Farreus*, the protector of marriage.

The disadvantage of this way of marriage was the fact that, beyond the rigorous religious procedure, it was reserved only for patricians, the plebs and the Latins could not conclude such a marital union provided by the old *ius civile*. Consequently, the praetors, through the given edicts, which greatly improved the exclusivist and rigid *ius civile*, paved the way for the conclusion of a marriage valid also in the case of the plebeians and Latins who were granted *ius conubium*.

Thus, through *coemptio*, a matrimonial union was achieved which consisted of a *mancipatio*, for the sale concluded between the woman's father and the future husband (the one that became a fictitious one in Gaius' time), the price paid being absolutely symbolic.

Manus was also acquired through *usus* (living together for a year), this fact being associated, according to an author (Tomulescu, 1971, p. 144), to a trial marriage, without formality, without the involvement of the authority, the woman having the status of concubine.

²⁸ *Ibidem*.

Therefore, if the woman lived without interruption for a year in the man's house, she was considered his wife, and if she left the man's house for three consecutive nights, this type of usucapion was interrupted and the marriage was no longer performed (*usucapio trinocti*).

Of the three forms of *cum manu* marriage, *usus* disappeared first, *coemptio* being the one that lasted the longest.

With the advent of Christianity, the Catholic Church, both as an institution and as an ideology, changed the history and politics of marriage.

Early Christianity (which began as a movement within Judaism, flourishing during the decline of the Roman Empire) was hostile to family and marriage obligations, with early Christians claiming that all of these were secondary to the Kingdom of God and a marriage would undermine the rigorous control needed to obtain the Salvation²⁹.

The Christian attitude toward marriage and sexuality was in stark contrast to most ancient religions. Although Christianity was indifferent - and even hostile to human affairs - and promoted celibacy to the detriment of marriage, the economic and political evolution of the church led to its very strong involvement in the institution of marriage, divorce, and family life in the new world kingdoms of Western Europe (Coontz, 2006, pp. 85-87).

Early Christianity's policy on marriage was based on the teachings of the Bible, but also on a number of canonical laws — inspired by Roman law — on marriage, over which religious imperatives prevailed. Over 81 canons (which survived)³⁰ dealt with issues related to family life, sex, marriage, and most of them contained severe disciplinary sanctions for violating them.

In addition to these canonical laws, some of the early Christians developed a distinct wedding ritual, although the most complete Christian marriage liturgies that have survived are those of the 8th century.

Since the 2nd century, some Christians who intended to marry had to obtain the permission of the bishop, and starting with the 4th century, Roman

²⁹ “He who is unmarried cares for the things of the Lord - how he may please the Lord. But he who is married cares about the things of the world - how he may please his wife...” (Corinthians 7: 32 – 34).

³⁰ The most expressive example of surviving Church laws comes from the Council of Elvila (Spain), which enacted a collection of canon laws around 300-309 AD. For example, the Council of Elvila forbade interfaith marriages:

(15) Christian girls cannot marry pagans, no matter how few options they have for it, because such marriages lead to „adultery of the spirit.”

(16) Heretics cannot marry Christian women unless they also convert to Catholicism. Catholic women cannot marry Jews or heretics because they will not be able to find unity in a relationship between a believer and an unbeliever. Parents who allow such marriages will be forbidden from confession for a period of three years . . . (Witte, J(ohn) Jr. „From sacrament to Contract, Marriage Religion and Law in Western Tradition”, Louisville, 2012, pp. 60 – 64).

Christians celebrated the marriage ritual in which the bishop covered the bride's head with a veil and gave her the blessing (Coontz, 2006, pp. 85-87).

Towards the end of the 4th century and later, politics, rules, and religious reflections wove a more elaborate model of Christian marriage that gradually reshaped the laws and culture of the Christian Roman Empire. Their most expressive and enduring formulation came from the “pen” of Augustine (354-450)³¹ who found a middle ground between the pro-marriage teachings of the Roman monk Jovinianus and the anti-marriage teachings of his opponents, Augustine considering marriage as “a gift from God”, in a normal society, created for procreation and for the protection of the parties from sexual sin, being “the first school of justice and virtue “and the union of three intertwining branches: procreation and childcare, faithfulness of spouses to the other, the commitment to the stability of marriage before God. According to Augustine's “reconciling” theory, the first two branches (procreation and faithfulness) are born of the natural laws and are known to all, and the third is known by the teachings of Scripture as a distinct quality of Christian marriage (Witte, 2012, pp. 66-67). The Old Testament and, later, the Jewish teachings called marriage a “divine commandment” and celebrated sexuality within it. The founders of Christianity agreed with the Jewish scholars that it is better to marry than to be constantly preoccupied with sex.

Pope Gregory the Great explained - at the beginning of the 6th century - that, even if you get married, it is not a sin,... the conjugal union cannot exist without carnal pleasure, and this pleasure could in no circumstances be without sin”, (Coontz, 2006, pp. 85-86).

Conclusions

Those who don't know history are destined to repeat it. (Edmund Burke)

Making an analysis of the ancient family we can not help but evoke the overwhelming importance of religious norms in its formation and evolution.

The history of the family also influences its present, because before the intervention of the legislator, this institution underwent many changes dictated by social, political, economic or religious factors. Most of the practices that have influenced and changed the evolution of marriage and family have their origins in ancient customs and religious norms that were later taken over and adapted from a legal point of view.

³¹ St. Augustine was Bishop of Hippo (North Africa) and set the tone for the marriage teachings of Western Catholics and Protestants. Having a tumultuous youth (which included cohabitation with a woman who had a child from a previous relationship), he converted to Christianity in 378, becoming a priest in 391 and Bishop of Hippo in 395. He is the author of some impressive works in the field of Christian philosophy, theology, and ethics.

The ancient family was not based on affection (feeling), marriage was not based mainly on love or the individual needs and desires of family members, husband, wife, children, but involved meeting the needs of a large group, transforming strangers into agnatic relatives, confirming the man's authority over the woman and determining when and if a child has a right of inheritance. For several millennia, marriage was a vital economic and political institution governed by a set of strict rules that had nothing to do with love, most of the time the love story between spouses was not known and lived by our ancestors. This practice of marriage to ensure succession also led to the consolidation of wealth, political alliances, military alliances and peace treaties were concluded, it was universal, it was found everywhere in the ancient world, it was not specific to a single people.

The Romans - through experience - have demonstrated over the hundreds of years that prosperity and state evolution are not difficult to achieve, and the interaction between Greek-Roman culture and the evolution of Christianity created a unique version of marriage in medieval Europe.

Today, we all want to live our lives in love and governed by strict rules, we all like the protection that contemporary society offers to marriage, but fewer and fewer are willing to sacrifice their quality of “bachelor” to benefit from the protection afforded by the rules governing marriage. Celibacy tends to become a mass phenomenon, with negative consequences in the perspective of what we traditionally call *family*. In addition, although the number of marriages worldwide has increased, the new trend is the childless marriage and all other types of freedoms offered by the contemporary societies have threatened, to a certain extent, the insitution of family, unfortunately shaking the moral and ethical values which have been the foundation of family for centuries.

The only conclusion of this page is the simplest: History is above all, a story close to the truth about what was once.

And for some of us, this is the most beautiful story of all time

(Adrian Cioroianu).

Bibliography

1. Coontz, S., 2006. *Marriage, a History: How Love Conquered Marriage*. New-York: Penguin.
2. de Coulanges, F., 1984. *Cetatea antică*, vol. I. București: Meridiane.
3. Drimba, O., 2003. *Istoria culturii și civilizației*, vol. I. București: Saeculum.
4. Gidro, R. & Gidro, A., 2014. *Drept privat roman. Elemente comparative cu dreptul civil și dreptul procesual civil român contemporan*. București: Universul Juridic.
5. Gidro, R., Gidro, A. & Nistor, V., 2009. Roma. *Cetatea și destinul ei juridic*. Târgu Lăpuș: Galaxia Gutenberg.

6. Grimal, P., 1973. *Civilizația romană*, vol. 1. București: Editura Minerva.
7. Hanga, V., 1977. *Mari legiuitori ai lumii*. București: Edit. Științifică și enciclopedică.
8. Iluț, P., 2005. *Sociologia și antropologia familiei*. Iași: Polirom.
9. Jucan, C., *Capacitatea juridică a femeii în dreptul roman*, in *Fiat Iustitia*, 1/2007, p. 53-70.
10. Jucan, C., *Căsătoria în dreptul roman. Statutul juridic al femeii în cadrul acestei instituții de drept*, in *Fiat Iustitia*, 2/2008, p. 60-73
11. Lascu, N., 1965. *Cum trăiau romanii*. București: Editura Științifică.
12. Letourneau, C., 1888. *L'évolution du mariage et de la famille*. Paris: s.n.
13. Monier, R., 1947. *Manuel élémentaire de droit roman*. Paris: s.n.
14. Pricopi, A., 1998. *Căsătoria în dreptul român*. București: Lumina Lex.
15. Radu, M.D., 2015. *Drept roman*. București: Pro Universitaria.
16. Radu, M.D., 2017. *The Protection of Children in the Post-classical Roman Law*. *Fiat Iustitia*, Issue 2, pp. 171-176.
17. Rahman, A., 2013. *Femeile în islam și combaterea unor concepții greșite despre acestea*. *Riyadh*: s.n.
18. Robert, J., 2002. *Roma*. București: All.
19. Sparkes, B.A., 1996. *The Red and Black. Studies in Greek Pottery*. London: s.n.
20. Tomulescu, C. S., 1971. *Les rapports entre le mariage et le manus*. *RIDA*, Volume XVIII, pp. 723-735.
21. Veyne, P., 1994. *Vol. I - De la Imperiul Roman la anul o mie*. In: P. Aries & G. Duby, eds. *Istoria vieții private*. București: Meridiane.
22. Witte, J., 2012. *From Sacrament to Contract. Marriage Religion and Law in Western Tradition*. 66-67 ed. Louisville: s.n.