

[Accueil](#)[Revenir à l'accueil](#)[CollectionBoite_028 | Ultimes papiers.CollectionBoite_028-2-chem | Pile - Ensemble. 1° médecins ; 2° Antiques \(notes diverses sur la sexualité dans l'Antiquité\). Dite `pile I` \[annotation de D. Defert\]](#) Item[J. A. Cook, Law and Life in Rome - suite]

[J. A. Cook, Law and Life in Rome - suite]

Auteur : Foucault, Michel

Présentation de la fiche

Coteb028_f0279

SourceBoite_028-2-chem | Pile - Ensemble. 1° médecins ; 2° Antiques (notes diverses sur la sexualité dans l'Antiquité). Dite `pile I` [annotation de D. Defert]

LangueFrançais

TypeFicheLecture

RelationNumérisation d'un manuscrit original consultable à la BnF, département des Manuscrits, cote NAF 28730

Références éditoriales

Éditeuréquipe FFL (projet ANR *Fiches de lecture de Michel Foucault*) ; projet EMAN (Thalim, CNRS-ENS-Sorbonne nouvelle).

Droits

- Image : Avec l'autorisation des ayants droit de Michel Foucault. Tous droits réservés pour la réutilisation des images.
- Notice : équipe FFL ; projet EMAN (Thalim, CNRS-ENS-Sorbonne nouvelle). Licence Creative Commons Attribution - Partage à l'Identique 3.0 (CC BY-SA 3.0 FR).

Notice créée par [équipe FFL](#) Notice créée le 22/03/2021 Dernière modification le 23/04/2021

Rome'. There would be betrothal,²⁷ with its family pacts and property bargainings:²⁸

'Taking a wife, eh, Postumus? There you are, in this generation, preparing pacts and agreements and betrothal ceremonies and getting a master-barber's haircut.'

There would be the actual marriage ceremony itself, of great elaboration. Above all there would be the evidence of dowry, to which we shall come.

But first it must be explained that in the time of the Republic there were two kinds of marriage (or rather two sets of effects of marriage), according to what the parties decided. In one (doubtless the earlier and original) form the woman passed into the *manus*, the hand, of her husband; which is to say that she left the agnatic family of her birth entirely and became part of that of her husband just as if she had been adopted. Whatever property she took with her (for she might own property if she was already *sui iuris*, not in the power of a *paterfamilias*) belonged henceforth to her husband or his *paterfamilias*. In the second form of marriage the woman did not pass into her husband's *manus* or his agnatic family. She stayed entirely in her own (though of course she and her husband formed a new matrimonial home), was not agnatically related to her husband or children, and continued to be in the power of her own *paterfamilias*, or, if none existed, remained legally independent, *sui iuris*, and in ownership of her own property. This second, non-*manus* form of marriage gradually prevailed over the former kind. We do not know how completely it had prevailed by Cicero's day; there were certainly still *manus*-marriages, referred to casually and not as freaks.²⁹ But within our period it became to all intents and purposes the only form of marriage; for simplicity's sake, therefore, in all that follows marriage will mean marriage without *manus*.

It is not possible to evaluate satisfactorily in general terms the much-asserted (or implied) independence of Roman women in the late Republic. The pieces of evidence that can be adduced point in different directions, or not unequivocally in any direction, and one must beware of generalizing from the notorious political

BnF
MSS

