

SOME REMARKS ON THE LEGAL STATUS OF THESPIAN'S CHILDREN IN ANCIENT ROME

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SUMMARY: 1.- Introduction; 2.- Actors' children; 3. Actresses' children; 4.- Belonging to the 'guild'; 5.- Conclusion

1.- Introduction

In ancient times not all social or professional groups were treated equally. This statement seems obvious but it is worth emphasizing, as a perception of a given group could influence a legal status of its members. Sometimes people belonging to a particular environment had no influence on the perception of it at all. As Christian authors' writings from the period show, it was believed to be inevitable for children not to be influenced by their fathers¹. Children following their parents' footsteps are common, the observation seems therefore correct. But this opinion could lead to a situation in which young people whose parents came from the lower social class, or were engaged in 'inappropriate', and regarded by the Romans as disgraceful, professions (actors, gladiators, prostitutes) were viewed as badly as their parents². This, in turn, could reflect offspring's legal status. Since they usually belonged to the same social stratum as their parents, parents' profession seen as not befitting a Roman citizen's dignity could later constitute an obstacle in children's independent life.

This principle is very evident in the case of children whose parents pursued a career in acting³. The profession was associated with liberal behaviour and, to put it mildly, with moral debauchery. One of the reasons for that was plays staged in Rome were often of erotic nature. Consequently, it was believed actors behaved promiscuously also in their private lives⁴. It is worth noticing the lack of approval for actors was seen by many authors as a distinctive feature of the Romans⁵.

2.- Actors' children

A legal position of a given person was also dependant on the fact whether they were or not under the authority of the father. The question therefore arises if male actors could exercise *patria potestas* over their children.

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¹ Cf. opinions presented by V. Vuolanto, *Elite Children, Socialization and Agency in the Late Roman World*, [in:] (ed.) J.E. Grubbs, T. Parkin, R. Bell, *Childhood and Education in the Classical World*, New York 2013, 582 ss.

² Cf. P. Bonfante, *Corso di diritto romano, I: Diritto di famiglia*, Roma 1925 = *Opere complete di Pietro Bonfante*, III, Milano 1974, 232.

³ It could refer to prostitutes and procurers' children too but because of the lack of clear source texts, it is impossible to prove. Cf. T.A.J McGinn, *The Augustan Marriage Legislation and Social Practice: Elite Endogamy versus Male "Marrying Down"*, [in:] (ed.) J-J. Aubert i B. Sirks, *Speculum Iuris. Roman Law as a Reflection of Social and Economic Life in Antiquity*, Ann Arbor, 2005, 54.

⁴ J. F. Gardner, *Being a Roman Citizen*, London 1993, 135 ss.

⁵ Nep., *Praef.* 5; C. Edwards, *Politics of Immorality*, Cambridge 1993, 98.

There is little doubt that actors, if only they were Roman citizens *sui iuris*, could acquire paternal authority over their offspring born out of the *iustum matrimonium*⁶. Hence, a child as an *alieni iuris* person received the status of its family supervisor, also in relationships in which the supervisor had a higher status than the child's mother⁷. The paternal power could result from taking a person under authority too⁸: initially through adrogation or adoption⁹, and later also through legitimacy¹⁰. It is worth checking whether these methods were equally available for actors.

Ulpian's text in the Digest's title *De adoptionibus et emmancipationibus et aliis modis quibus potestas solvitur* can indicate that the conduct of a future *pater familias* was important for the possibility of adrogation.

Dig. 1.7.17.2 (Ulp. 26 ad Sab.) *Et primum quidem excutiendum erit, quae facultates pupilli sint et quae eius, qui adoptare eum velit, ut aestimetur ex comparatione earum, an salubris adoptio possit pupillo intellegi: deinde cuius vitae sit is, qui velit pupillum redigere in familiam suam (...)*

The jurist listed the circumstances that had to be taken into account before allowing a person exercising *tutela* or custody in the past to carry out adrogation. Among them, there were the financial position of the adrogator and the adrogated (to check if the only motive of adrogation wasn't to grow rich) and the lifestyle of the adrogator. The jurist's opinion on the last issue was laconic but we can assume not every behaviour was accepted.

It was probably examined if the adrogator did not lie in wait to get the adrogated person's fortune. However, it seems that immoral lifestyle, often attributed to actors (and also associated with spendthrifters), could constitute the ground to refuse adrogation. Enormous financial resources were needed to lead such a life so in this case it was very likely that the adrogator was not driven by noble reasons.

But we cannot forget Ulpian's statement referred to a very specific situation: the adrogation of the former *pupillus* by a person exercising *tutela* over them. Apart from the fact that it is doubtful whether actors could perform the function of a guardian, this case seems to be so unusual that it should not offer any far-reaching conclusions. However, it shows the lifestyle of a *pater familias* could have an impact on the possibility of exercising power; to be exact, of having someone under their authority.

⁶ Cf. Ulp. 5.1.

⁷ McGinn, *The Augustan cit.*, 61 ss.

⁸ On the topic of adoption in ancient Rome first see: C. Castello, *Il problema evolutivo della 'adrogatio'*, *SDHI* 33 (1967), pp. 129 -162; M. Kuryłowicz, *Geneza i forma rzymskiej adopcji*, *Annales UMCS Sectio G* 22 (1975), 143-161; Idem, *'Adoptio' prawa rzymskiego. Rozwój i zmiany w okresie poklasycznym i justyniańskim*, Lublin 1976; Idem, *Rozwój historyczny rzymskiej adopcji*, *Studia Iuridica Lublinensia* 16 (2011), 35 ss.; J. Zabłocki, *Kompetencje 'patres familias' i zgromadzeń ludowych w sprawach rodziny w świetle 'Noctes atticae' Aulusa Gelliusa*, Warszawa 1990; C. Fayer, *La famiglia romana*, I, Roma 1994, 123 ss. ; Ch. Kunst, *Römische Adoption. Zur Strategie einer Familieorganisation*, Frankfurt 2005.

⁹ Ulp 8, 1-2 *Non tantum naturales liberi in potestate parentum sunt, sed etiam adoptivi. Adoptio fit aut per populum aut per praetorem vel praesidem provinciae. Illa adoptio, quae per populum fit, specialiter arrogatio dicitur.* Dig. 1,7,1 pr.-1 (Modestinus 2 reg.) *Filios familias non solum natura, verum et adoptiones faciunt. Quod adoptionis nomen est quidem generale, in duas autem species dividitur, quarum altera adoptio similiter dicitur, altera adrogatio. adoptantur filii familias, adrogantur qui sui iuris sunt.*

¹⁰ A. Berger, *Encyclopedic Dictionary of Roman Law*, New Jersey 2004, 543.

Probably the most complete text referring to how to carry out adrogation is a fragment coming from Aulus Gellius' *Noctes Atticae*:

Gell., *N.A.* 5.19.5-9: 5. *Sed adrogationes non temere nec inexplorate committuntur; 6. nam comitia arbitris pontificibus praebentur, quae "curiata" appellantur, aetasque eius, qui adrogare vult, an liberis potius gignendis idonea sit, bonaque eius, qui adrogatur, ne insidiosae adpetita sint, consideratur, iusque iurandum a Q. Mucio pontifice maximo conceptum dicitur, quod in adrogando iuraretur. 7. Sed adrogari non potest, nisi iam vesticeps. 8. "Adrogatio" autem dicta, quia genus hoc in alienam familiam transitus per populi rogationem fit. 9. Eius rogationis verba haec sunt: "Velitis, iubeatis, uti L. Valerius L. Titio tam iure legeque filius siet, quam si ex eo patre matreque familias eius natus esset, utique ei vitae necisque in eum potestas siet, uti patri endo filio est. Haec ita, uti dixi, ita vos, Quirites, rogo."*

An antiquarian clearly emphasized the importance of this institution – adrogation had to be conducted carefully and after thorough consideration. Pontiffs and other citizens gathering on a *comitia curiata* examined the age and the reproductive possibilities of the adrogator, their motivation and whether adrogation would not harm the interests of the person put under their authority¹¹. If the result of the examination was positive, the adrogator took an oath made by the *pontifex maximus* Quintus Mucius.

We may notice the strong similarity between the texts from the Attic Nights and the Digest. Perhaps while writing on adrogation, Gellius used the same text which was the base of the passage of Ulpian's writings, preserved in D. 1.7.17¹². However, the antiquarian made the text more general as he did not aim at describing a specific legal solution but at presenting this legal institution as such.

A cautious conclusion can be drawn for these texts – probably, actors could not adrogate due to the immoral lifestyle assigned to their profession. The second and probably more important hint referring to inability (or, at least, uniqueness) of actors' adrogation was the fact they were deprived of the *ius suffragii*, and thus possibly they could not take part in the *comitia*¹³. It is, however, likely that due to the specific nature of the institution exceptions were allowed.

Commenting on the *lex Iulia et Papia*, Paulus also discussed the position of actors' children:

Dig. 23.2.44.1-5 (*Paulus 1 ad legem Iuliam et Papiam*): 1. *Hoc capite prohibetur senator libertinam ducere eamve, cuius pater materve artem ludicram fecerit: item libertinus senatoris filiam ducere. 2. Non obest avum et aviam artem ludicram fecisse. 3. Nec distinguitur, pater in potestate habeat filiam nec ne: tamen iustam patrem intellegendum Octavenus ait, matrem etiam si vulgo conceperit. 4. Item nihil refert, naturalis sit pater an adoptivus. 5. An et is noceat, qui antequam adoptaret artem ludicram fecerit? atque si naturalis pater antequam filia nasceretur fecerit? et si huius notae homo adoptaverit,*

¹¹ Cf. also A. Tarwacka, *Czym jest adopcja, czym natomiast jest adrogacja oraz na ile różnią się one między sobą; a także – jakie i jakiego rodzaju są słowa tego, kto stawia przed ludem wniosek dotyczący adrogowania dzieci – Aulus Gellius, 'Noce attyckie' 5,19. Tekst - tłumaczenie - komentarz, Zeszyty Prawnicze 14.3 (2014), 258.*

¹² C. Castello, *Il problema cit.*, 134, note 12.

¹³ Just like women – cf. C. Castello, *Il problema cit.*, 159.

deinde emancipaverit, an non possit duci? ac si talis pater naturalis decessisset? sed de hoc casu contrariam legis sententiam esse Pomponius recte putat, ut eis non connumerentur.

The whole passage referred to the possibility of marrying actors and their offspring by the members of senatorial families. However, it contains significant regulations on the issue of children belonging to the acting family. Now fathers and mothers who were actors became an ‘obstacle’ for their children wanting to enter into marriage as they passed the inability to marry anyone from the *ordo senatorius* onto their offspring. It did not matter whether they were legitimate or illegitimate children, natural or adoptive ones, under the authority or not. What was crucial was the mere fact of any relations with the person acting on the stage. Still, it appears that this rule applied only to the first degree of family ties, because Paulus’s text indicates that dealing with *ars ludicra* by the grandparents of the potential prospective spouse did not affect the latter’s right to marry or the marriage validity in the light of the *lex Iulia et Papia*. Thus, presumably, a grandfather holding the function of the family superior could pursue the profession of acting without obstructing the matrimonial chances of his grandchildren.

Additionally, the jurist wondered whether the legal position of the child would be influenced by the fact of being natural or adoptive. The lawyer’s doubts can lead us to a conclusion that actors could adopt children. *Probrositas* assigned to actors had therefore no impact on the ability to exercise *patria potestas*. This referred both to natural paternal authority over a child born in a *iustum matrimonium*, as well as to an agnatic relation established through adoption.

Also, Paulus discussed more specific cases, wondering if a relation with an actor having purely agnatic character made it difficult to marry. The jurist theorized whether the fact that the father was an actor before adoption could harm a daughter, because a natural father did damage the matrimonial position of his daughter if he had been an actor before she was born. Was the situation similar in case of paternal authority through adoption? If such a father adopted his daughter first, and then emancipated her, was it possible to marry that woman? And if the natural father who was an actor died? Did it still obstruct the marriage ability of his daughter? To solve the controversy, Paulus called for the authority of Pomponius .

So far, the literature has been dominated by the opinion which emphasized that the last sentence of Pomponius confirmed the exclusion of certain people from marital bans introduced by the *lex Iulia*¹⁴. It seems, however, that we can offer a different, contrary understanding of this passage and explain it as follows: ‘Pomponius stated that in any case like this the decision would be against the law if such daughters were not included among women whom the senator could not marry’¹⁵.

It should be noted that such an interpretation of the Dig. 23.2.44.5 text remains consistent with the earlier fragments of Paulus’ speech. They show, in fact, the Augustus’ legislation was aimed at, among other things, limiting the number of marriages between senators and other members of the *ordo senatus* and actors and their children.

¹⁴ A. Carcaterra, (rec. B. Vonglis, *La lettre et l’esprit de la loi dans la jurisprudence et rhétorique*, Paris 1968), *RIDA* 20 (1969), p. 628; B. Vonglis, *Droit Romain et rhétorique*, TR 37 (1999), 251.

¹⁵ Cf. J.E. Spruit, *De Juridische en Sociale positie van de Romeinse Acteurs*, Assen 1966, 95. The author has been the only one so far to believe that the grammar of the text also allows for such understanding. His interpretation remained, unfortunately, isolated.

This last rule could be related to the fact that one of the most important functions of family superiors was to educate the children being under their authority to become good citizens of Rome¹⁶. Writings even stated that offspring ‘should have moral purity principles (*pudicitia, castitas*) instilled in them’¹⁷. Fathers were also obliged to introduce their sons into the political life¹⁸. For actors, it might have been difficult because of multiple constraints in the area of civil rights and public life. It therefore seems a natural consequence that *probrositas* attributed to parents affected their children’s possibilities of marriage – as if they anticipated actors being unable to perform the above-mentioned tasks properly¹⁹. Hence, the emancipation of an actor's daughter should have no impact on the possibility of getting married; indeed, when she remained under her father’s power, he had an opportunity to influence her negatively.

3.- Actresses’ children

Actors could therefore act as a *pater familias*, though, from Augustus’ time, children remaining under their control had their matrimonial situation hampered. It is also extremely interesting to take a look at the *status familiae* of children of unmarried actresses²⁰. We should remember the situation in which a father did not want to, or could not marry the child’s mother (for instance, because of her low social status) would result in abandoning the child²¹. This fact also made it difficult to determine the legal status of children whose father was an actor and mother remained unmarried. That is why, this aspect will be omitted in the further discussion. But a child was not always abandoned. What was its position in the light of law then?

The issue was considered in the period of the Dominate. Emperor Constantine stated that senators and other representatives of the higher social strata could not exercise *patria potestas* over actresses’ children:

Cod. Th. 4.6.3: *Senatores seu perfectissimos, vel quos (in civ)itatibus duumviralitas vel quinquennialitas vel fla[minis] vel sacerdotii provinciae ornamenta condecorant, pla(cet ma)culam subire infamiae et peregrinos a Romanis legibus (fieri, s)i ex ancilla vel ancillae filia vel liberta vel libertae (filia, s)ive Romana facta seu Latina, vel scaenica (vel scaenicae) filia, vel ex ta(bern)aria vel ex tabernari filia vel humili vel abiecta vel leno(nis v)el harenarii filia vel quae mercimoniis publicis praefuit, (suscep)tos filios in numero legitimorum*

¹⁶ Cf. J. McWilliam, *The Socialization of Roman Children*, [in:] *Oxford Handbook of Childhood and Education*, Oxford 2013, 270.

¹⁷ B. Łapicki, *Władza ojcowska w starożytnym Rzymie*, Warszawa 1933, 110.

¹⁸ Vuolanto, *Elite Children* cit., 586.

¹⁹ It is worth mentioning, however, that in other cases of parents’ *probrositas*, the *lex Iulia*, or at least some fragments of it preserved to this day in source texts, did not produce the inability to marry children by members of the senatorial class. Cf. R. Astolfi, ‘*Femina probrosa, concubina, mater solitaria*’, *SDHI* 31 (1965), 31. The author pointed out, however, that only imperial constitutions contained a rule stating that a disgraceful occupation of parents affected their children. It is no wonder then Augustus’s marital legislation earlier than them did not reflect this rule.

²⁰ On the topic of terminology used in source texts to describe out-of-wedlock children see: G. Kuleczka, *Prawo rzymskie epoki pryncypatu wobec dzieci pozamatżeńskich*, Wrocław – Warszawa – Kraków 1969, 57 ss. The author emphasized a wide semantic range of the used terminology which influenced the lack of precision.

²¹ Cf. J.E. Grubbs, *Infant Exposure and Infanticide*, [in:] *Childhood and Education in the Classical World*, ed. J.E. Grubbs, T. Parkin, R. Bell, New York 2013, 85 ss.

habere voluerint (aut propr)io iudicio aut nostri praerogativa rescripti²², ita ut, (quid)quid talibus liberis pater donaverit, sive illos legitimos (seu naturales dixerit, totum retractum legitimae subo(li redda)tur aut fratri aut sorori aut patri aut matri. (a. 336)

The aim of that constitution was to eliminate situations in which children born from relationships between high rank men and women from lower social classes (or those of reprehensible morals) could receive the position of *fili legitimi* and accompanying rights²³. What is interesting, the constitution does not refer to the marriage ban²⁴, which means the regulations of Augustus' marital legislation, supplemented by Hadrian, was still taking effect and Constantine was not going to change it.

Most probably, it was already the *lex Iulia et Papia* that began the process of preventing children born out of the *iustum matrimonium* from obtaining a legal and social position of natural fathers. It appears that this constitution finally completed the process²⁵. The emperor ultimately forbade to recognize children born out of wedlock, and this ban had a fixed criminal sanction. The punishment in the constitution made a child's father lose citizenship, and therefore, lose an ability to exercise a function of the family supervisor. We can thus assume the ban bore the invalidity sanction.

From the time of Augustus' marital legislation, concubinage was a relationship recognized by law, yet the position of children born out of such relationships was no different from the position of children born simply out of wedlock. In this way, although a senator's concubinage with an actress was possible, it stopped children from entering the father's social class automatically, which, as G. Kuleczka wrote, 'formally allowed to keep its elitist character'²⁶.

The situation of actresses' children changed slightly during the post-classical period after emperor Justin released the constitution referring to the possibility of regaining the good name by an actress who had given up her profession :

C. 5.4.23.5-6: *(Imperator Justinus) His illud adiungimus, ut et filiae huiuscemodi mulierum, si quidem post expurgationem prioris vitae matris suae natae sint, non videantur scaenicarum esse filiae nec subiacere legibus, quae prohibuerunt filiam scaenicae certos homines in matrimonium ducere. Sin vero ante procreatae sint, liceat preces offerentibus invictissimo principi sacrum sine ullo obstaculo mereri rescriptum, per quod eis ita nubere permittatur, quasi non sint scaenicae matris filiae: nec iam prohibeantur illis copulari, quibus scaenicae filias vel dignitatis vel alterius causae gratia*

²² M. Kuryłowicz (*Arogacja własnych dzieci pozamałżeńskich w rzymskim prawie poklasycznym i justyniańskim*, *Czasopismo Prawno-Historyczne* 26.2 (1974), 26) He stressed that this concept had to relate to adrogation, due to the fact that legitimacy by the imperial rescript was possible only in the time of Justinian. Although the author referred the statement to the corresponding text in Justinian's Code (C. 5.27.1 pr.), this is still a part of the same constitution.

²³ G. Luchetti, *La legittimazione degli figli naturali nelle fonti tardo imperiali e giustinianee*, Milano 1990, 18 ss.

²⁴ Cf. P. Voci, *Il diritto ereditario Romano nell'età del tardo impero [Il IV secolo]*, *IURA* 29/1978, 45; R. Astolfi, *Studi sul matrimonio nel diritto romano postclassico e giustiniano*, Napoli 2012, s. 289.

²⁵ Cf. G. Kuleczka, *Prawo*, cit., 13.

²⁶ Id, *Prawo*, cit., 37.

uxores ducere interdicatur, ut tamen omnimodo dotalia inter eos etiam instrumenta conficiantur. Sed et si a scaenica matre procreata, quae usque ad mortem suam in eadem professione duravit, post eius obitum preces imperatoriae clementiae obtulerit et divinam indulgentiam meruerit liberationem maternae iniuriae et nubendi licentiam sibi condonantem, istam quoque posse sine metu priorum legum in matrimonio illis copulari, qui dudum scaenicae filiam uxorem ducere prohibebantur. <a 520-523 >

It states that actresses' daughters born after giving up the acting profession by the mother could freely choose a candidate for a husband²⁷. In contrast, daughters born before their mother gave up her profession (or if she died before doing so) had to follow the same rules as former actress to regain reputation²⁸. Interestingly enough, Justin's reasoning also confirms the earlier conclusion relating to emancipated daughters of men acting on stage. These actresses' daughters who had no contact with their mother's profession had a better legal position.

4.- Belonging to the 'guild'

The fact that the legal position of parents determined the legal position of children is indicated in imperial constitutions related to the topic of *collegia* of people performing various professions²⁹. Children of people belonging to such "guilds" did not have a choice regarding the profession – they had to follow in their parents' footsteps. The following excerpt demonstrates the possibility to modify this rule by imperial constitutions:

Cod. Th. 15.7.2 (*Imppp. Valentinianus, Valens et Gratianus aaa. ad Iulianum proconsulem Africae*) *Ex scaenicis natas, si ita se gesserint, ut probabiles habeantur, tua sinceritas ab inquietantium fraude direptionibusque submoveat. Eas enim ad scaenam de scaenicis natas aequum est revocari, quas vulgarem vitam conversatione et moribus exercere et exercuisse constabit. dat. viii id. sept. mogontiaci gratiano a. ii et probo cons. (371 sept. 6).*

This text is a fragment of the *de scaenicis* title devoted to the general possibility of regaining the good name by actors and actresses if converted to Christianity³⁰. This particular passage refers to the situation of daughters of actors representing both sexes. Emperors decided that if they led an exemplary life and could be considered valuable people, then they could not be forced to appear on stage. However, those actors' daughters who led a lifestyle similar to their parents' and had a similar morality, were obliged to continue their occupation.

Belonging to the 'actors' guild' was a result of blood ties³¹ – it was unimportant which parent worked as an actor; if the daughter did not clearly distance herself from the behaviour attributed to persons associated with stage, she also had to appear on it.

²⁷ R. Astolfi, *Lex Iulia et Papia*, Padova 1986, 56. It's a new rule comparing to the earlier period – to that moment actresses did not regain a good social standing after giving up the profession.

²⁸ Cf. G. Luchetti, *Il matrimonio 'cum scriptis' e 'sine scriptis'*, *BIDR* 92-93 (1989-1990), 343 note 28.

²⁹ On this topic in general: F. M. De Robertis, *Lavoro e lavoratori nel mondo romano*, Bari 1963, 243 ss.

³⁰ Especially C. Th. 15.7.4 and 15.7.9.

³¹ F. M. De Robertis, *Lavoro e lavoratori* cit., 273.

The influence of a parent's profession on children's legal position appears to contradict Papinian's statement preserved in the Digest :

Dig. 1.7.13 (*Pap. 36 quaest.*) *In omni fere iure finita patris adoptivi potestate nullum ex pristino retinetur vestigium: denique et patria dignitas quaesita per adoptionem finita ea deponitur.*

This fragment is primarily concerned with the *dignitas* of family supervisors which was extended by gaining *patria potestas* over subsequent children³². It seems, however, that we can look at the text from a different angle. Since the termination of authority over a child restored a parent's *dignitas* to the previous state, theoretically, the situation should be analogical with a child not subject to any authority³³. But in the case of actors, it is not.

5.- Conclusion

The conducted reflections show that the profession of the actor done by either of parents had an impact on the legal position of a child, regardless of whether it was born out of wedlock or not. This influence took different shapes, depending on which parent was an actor and who was their partner, but it was always manifested by the limitations of the child's rights.

Abstract

Questo intervento intende illustrare la posizione giuridica dei figli di attori e/o attrici nell'antica Roma. Si parte dalla considerazione che i discendenti delle persone provenienti da bassi ceti sociali, o impegnate in professioni considerate dai Romani come vergognose (quali attori, gladiatori, prostitute), erano considerate nello stesso modo dei loro genitori, per poi chiedersi se e in che misura tale disvalore determinasse una limitazione del loro *status familiae*. Sembrerebbe che la professione esercitata da uno o ambedue i genitori abbia esercitato un determinante impatto sulla posizione giuridica del figlio, indipendentemente dal fatto se questi fosse nato all'interno o fuori del matrimonio. Tale influenza assunse forme diverse, ma sempre determinando delle limitazioni nei diritti dei figli.

This paper shows the legal position of the children of actors and/or actresses in ancient Rome. The descendants of people from lower social classes, or engaged in the profession considered by the Romans as shameful (as actors, gladiators, prostitutes) were seen in the same way that their parents. It may be that their position was independent of their *status familiae*. It seems that the acting profession made by one or both parents had a big impact on the legal position of children, regardless of whether they were born in or out of wedlock. This influence has taken different forms, but was always manifested in the limitations of the rights of children.

³² Cf. A. Tarwacka, *O przysposobieniach i emancypacjach oraz o innych sposobach ustania władzy ojcowskiej – 7 tytuł I księgi Digestów. Tekst – tłumaczenie – komentarz*, *Zeszyty Prawnicze* 10.1 (2010), 297.

³³ Cf. also D. 1,7,35, where Paulus stated that adoption did not result in diminishing dignity, and even a senator adopted by a plebeian still remained a senator.