

DOMUS, FAMILY, AND INHERITANCE: THE SENATORIAL FAMILY HOUSE IN LATE ANTIQUE ROME*

By JULIA HILLNER

I. INTRODUCTION

Scholars have traditionally believed that the late antique city of Rome concretely reflected the organization of late Roman senatorial society in terms of *gentes*. It is assumed that grand senatorial houses, each occupied by the leader of a *gens*, and passed down from father to son, characterized the urban landscape. This has led to a number of conclusions about the diachronic and synchronic aspects of domestic property ownership in late antique Rome.

On a diachronic level, continuous inhabitation from distant ancestors is posited for a number of late Roman senatorial residences. Perhaps the most enduring example of a presumed 'family house' of this definition is Gregory the Great's house on the Caelian Hill, which he transformed into a monastery.¹ On a synchronic level, the assumption of patrilineal inheritance has led to a tendency in scholarship to see the late Roman urban senatorial residence as a 'monument' of the senatorial *gens* in the eyes of contemporaries. Implied is a supposition that, even though the various familial units of a *gens* lived in separate houses, one or more of these houses had a special significance for the entire *gens*, because they had been family property for a very long time.²

The coinage of the term 'family house' and the application of the name of a *gens* to a specific house is therefore widely accepted, as many entries in the *Lexicon Topographicum Urbis Romae* demonstrate.³ Yet, Werner Eck has shown that ancient sources never connect single houses directly with the name of a *gens*, and that such terms as *domus Aniciorum* or *domus Valeriorum* are purely modern inventions.⁴ Furthermore, my

* Earlier drafts of this paper were delivered to the M6 Medieval Seminar, University of Manchester, on 11 October 2001 and to the Annual Conference of the American Academy of Religion, Toronto, on 25 November 2002. I would like to thank Klaus Rosen (Bonn), Federico Guidobaldi (Rome), Kristina Sessa (Berkeley), Marios Costambeys (Liverpool), all the members of the Late Antiquity Group at the University of Manchester, and the anonymous readers of the *Journal of Roman Studies* for critical comments and advice. I am especially grateful to Kate Cooper and Conrad Leyser (both Manchester) for their acute critique and constant encouragement. Responsibility for remaining errors is mine alone. All translations are my own.

¹ It is impossible to cite here the complete evidence for the identification of the house as belonging to Gregory's family perhaps as early as the fifth or the first half of the sixth century. See, for example, R. Lanciani, *Ruins and Excavations in Ancient Rome* (1897), 349; E. Wuescher-Becchi, 'Le memorie di S. Gregorio Magno nella sua casa del Monte Celio', *Dissertazioni della Pontificia Accademia Romana di Archeologia* 8 (1903), 419–50; A. M. Colini, *Storia e topografia del Celio nell'antichità* (1944), 205; G. Ferrari, *Early Roman Monasteries. Notes for the History of the Monasteries and Convents of Rome from the 5th through the 10th Centuries* (1957), 142; and, more recently, E. M. Steinby (ed.), *Lexicon Topographicum Urbis Romae*, vol. 2 (1995) (hereafter LTUR II) s.v. 'S. Andreas quod appellatur Clivus Scauri, Monasterium', 40, and s.v. 'Domus: Gregorius I (Anicii Petronii?)', 112; R. Markus, *Gregory the Great and his World* (1997), 10.

² The term 'monument (*monumento*)' is used by A. Giardina, 'Conclusioni', in W. Harris (ed.), *The Transformations of Urbs Roma in Late Antiquity* (1999), 287. Giardina discusses the rise of the senatorial *domus* as a predominant social factor in late antique urban life, a phenomenon first recognized by F. Guidobaldi, 'L'edilizia abitativa unifamiliare nella Roma tardoantica', in A. Giardina (ed.), *Società romana e impero tardoantico*, vol. 2 (1986), 165–237. Both scholars write in a long tradition of assigning famous archaeological remains of senatorial houses in the late antique city of Rome to specific *gentes*, from M. Besnier, *L'île tibérine dans l'Antiquité* (1902), 64–5, who located 'la demeure familiale de la *gens Anicia*' on the Tiber Island, to the various late ancient *domus gentiliciae* mentioned by LTUR II, see s.v. 'Domus: Aradii', 36; s.v. 'Domus: Caecilii', 71; s.v. 'Domus: Postumii', 163; s.v. 'Domus: Turcii', 204–5; s.v. 'Domus: Valerii', 207. See also S. Panciera, 'Ancora sulla famiglia senatoria africana degli Aradii', in A. Mastino (ed.), *L'Africa romana, Atti del IV Convegno di Studio, Sassari 12–14 dicembre 1986*, vol. 4.2 (1987), 559–60, on the *domus* of the Aradii, and idem, 'Un protettore di Spoleto', *Spoletium. Rivista di arte, storia e cultura* 34.5 (1990), 16, on the *domus* of the Turcii.

³ See note 2 and also, for example, LTUR II s.v. 'S. Erasmus', 233–4, where the author of the entry (G. de Spirito) connects the monastery of S. Erasmus to a *domus Aniciorum* and a *domus Valeriorum* on the Caelian Hill.

⁴ W. Eck, "'Cum dignitate otium". Senatorial domus in imperial Rome', *Scripta classica israelica* 16 (1997), 188.

own systematic cross-reference of the topographical and prosopographical evidence for every known senatorial property in the city of Rome from the fourth to the sixth centuries A.D. has revealed a number of instances of family property in Rome where a pattern of patrilineal inheritance was not followed. In the late antique city of Rome, at least, urban residences were not only transmitted to eldest sons, but also to younger sons or even daughters.⁵ What this means is that our model of senatorial domestic property transmission in Late Antiquity needs to be updated in the light of what we now know about the late Roman family.

On the basis of the model of the Roman family developed by Richard Saller, it is now acknowledged that, both in Antiquity and in Late Antiquity, Roman inheritance strategies were based on pragmatic decisions aimed at a one-generational transmission of property. This focus on the immediate future is best shown by the fact that Roman laws of intestate succession, according to which all children — sons and daughters — inherited equal shares, at no time established primogeniture. Nor did Roman testators apply primogeniture in their wills.⁶ To be sure, Roman testators employed a variety of *fideicommissa* in their wills as legal instruments to control the treatment of their property by the heirs. Even so, the aim of these was not to transmit property perpetually through agnatic progeny, but rather to ensure that the property could reach their immediate descendants in the first place. The *fideicommissa* dealt with the numerous adversities of Roman society, such as the high mortality rate, and were largely instructions to pass on property to somebody else in the future.⁷

Beyond the troubles of daily life, however, it is also true that membership of a multi-generational family was an important component of Roman aristocratic identity. Richard Saller noticed that the exceptional cases where a testator tried to ensure the perpetual maintenance of his property by his descendants always involved the ownership of a house. He concluded that this must have been due to the fact that the *domus* was regarded as the symbol of the family's lineage and consequently a display of the past and current power and the political ambition of the family.⁸

In the present article I will show that the lack of evidence for the modern construct of the late Roman 'family house' is by no means coincidental. Following a methodological inquiry into epigraphic and literary sources for single properties in late antique Rome, I will argue that the pragmatic attitude towards the transmission of property identified by Saller also applied to urban residences. Owners of urban residences either did not employ appropriate measures to ensure perpetual maintenance of their property by their agnatic progeny, or, if they did, as in the cases mentioned by Saller, their heirs might not have shared their visions and might have tried to by-pass the protection. This means that late Roman senatorial families did not follow predictable patterns of use and transmission of their residences which could justify the term 'family house' in the sense of a rigid line of succession to its ownership.

Yet, although houses did not come down through patrilinear transmission, late Roman senators were very aware of the potential of their residences to display dynastic connections, which was an important feature of late Roman aristocracy. In Late Antiquity, men and women would go to great lengths to advertise their relationship

⁵ J. Hillner, *'Jedes Haus ist eine Stadt': Privatimmobilien im spätantiken Rom*, unpub. diss. (2001). For example, Publius Ampelius, the *praefectus urbi* of A.D. 370, bequeathed his house to a female relative, very likely his daughter, some time before 397, and not to his son Priscus Attalus: Symmachus, *Epp.* 5.53 and 66. Definitely younger than his brother Vulcacius Rufinus, consul in A.D. 347, was Naeratius Cerealis, consul in A.D. 358, who seems to have inherited the house of their father, Naeratius Palmatus, on the Cispius, while his brother owned a house on the Quirinal, see LTUR II s.v. 'Domus: Vulcacius Rufinus', 172–3, s.v. 'Domus: Naeratius Cerealis', 79; I. Iacopi, *Bollettino d'arte* ser. 6, 6 (1980), 15 and 20.

⁶ For R. Saller's definition of the Roman family see

his *Patriarchy, Property and Death in the Roman Family* (1994), 79 and *passim*. For the application of his model to the late Roman family B. Shaw, 'The family in Late Antiquity. The experience of Augustine', *Past and Present* 115 (1987), 3; G. S. Nathan, *The Family in Late Antiquity. The Rise of Christianity and the Endurance of Tradition* (1997), 160. For republican to late antique inheritance strategies, E. Champlin, *Final Judgements. Duty and Emotion in Roman Wills, 200 B.C.–A.D. 250* (1991), 111; R. Saller, *Patriarchy, Property and Death*, 163–4, 170; A. Arjava, *Women and Law in Late Antiquity* (1996), 62.

⁷ Champlin, *op. cit.* (n. 6), 103; Saller, *op. cit.* (n. 6), 163–4, 170; Arjava, *op. cit.* (n. 6), 62.

⁸ Saller, *op. cit.* (n. 6), 91 n. 60, 169–70.

with Rome's most fashionable *gentes* — even to the extent of fabricating a connection, as many senators did not have illustrious ancestors.⁹ A senator could stress his genealogy through the ownership of his house by inventing a memory of his ancestors' ownership of his house. Often this genealogy was as fictitious as the supposed transmission of the house through the family line. But it also demonstrates an appropriation of family connections beyond patrilineal ancestry which parallels the pragmatic transmission of houses.

Subsequent to the general analysis, I will apply my observations on the manifold nature of property transmission in Late Antiquity to the evidence on the urban residences of the *gens Valeria*, which will allow me to reconsider historiographical assumptions about the patrimony of this famously wealthy late Roman family. I will conclude with a series of methodological principles, which might inform a sounder understanding of the use and transmission of residential property holdings in the late antique city of Rome.

II. THE COMPLEXITY OF THE SOURCE EVIDENCE

I will begin with an overview of the types of sources that document ownership of single properties in late antique Rome to give an idea of the kinds of evidence scholars generally employ in their discussions of family property. In the *Lexicon Topographicum Urbis Romae* more than half of the entries under the heading *domus* are based on epigraphic evidence, and, to be precise, mostly on honorific inscriptions.¹⁰ There is a good reason for the emphasis put on this type of source. It is widely accepted that the discovery of an honorific inscription commissioned for or by a private person is an indication of a private house, since it was not permitted to erect honorific items for private persons in public without the consent of the Senate and the emperor.¹¹

Nevertheless, as far as the transmission of property is concerned, the epigraphic evidence is less helpful. To be sure, inscriptions can sometimes imply the nature of the relationship between two owners of a house and, as a result, may allow conclusions to be drawn about the way in which a house was transmitted. An honorific inscription found on the Aventine, for example, talks explicitly about the place where an anonymous son of Vettius Agorius Praetextatus, *praefectus urbi* in A.D. 367/8, erected it, together with a statue, for his father after his death:

In order to show respect to his father in public and in private; he took care of the erection of *insignia*, that a statue in his own house might honour him.¹²

The use of the pronoun *ipsius* is ambiguous, since it could refer to the son (who is the subject of the sentence) and, therefore, to his ownership of the house alone. It is also

⁹ Nathan, *op. cit.* (n. 6), 31 and 167. An example is the case of Jerome's friend Paula, who, through her mother, a member of the Maecii Gracchi, claimed descent from the Scipiones and Gracchi of the Republic (Hieronymus, *Ep.* 108.1 and 3); see also Ammianus 28.4.7, where the historian is making fun of those senators who give themselves famous names. See also the careful and thorough study by F. Jacques, 'L'ordine senatorio attraverso la crisi del III secolo', in A. Giardina (ed.), *Società romana e impero tardoantico*, vol. 1 (1986), 1–225, on the lineages of the late Roman senatorial families.

¹⁰ See C. Bruun, 'Missing houses: some neglected *domus* and other abodes in Rome', *Arctos* 32 (1998), 88–9. For an in-depth discussion of honorific inscriptions of private origin dating from Late Antiquity see H. Niquet, *Monumenta Virtutum Titulique. Senatorische Selbstdarstellung im spätantiken Rom im Spiegel der epigraphischen Denkmäler* (2000), 25–33.

¹¹ I. Kajanto, 'Un'analisi filologico-letteraria delle iscrizioni onorarie', *Epigraphica* 33 (1971), 4; J. P. Rollin, *Untersuchungen zu Rechtsfragen römischer Bildnisse* (1979), 105–6; G. Lahusen, *Untersuchungen zur Ehrenstatue in Rom. Literarische und epigraphische Zeugnisse* (1983), 101–8; A. Kolb, *Die kaiserliche Bauverwaltung in der Stadt Rom. Geschichte und Aufbau der 'cura operum publicorum' unter dem Prinzipat* (1993), 37 n. 21; Eck, *op. cit.* (n. 4), 171; F. A. Bauer, 'Einige weniger bekannte Platzanlagen im spätantiken Rom', in R. Colella et al. (ed.), *Pratum Romanum. Richard Krauthheimer zum 100. Geburtstag* (1997), 49–51.

¹² *CIL* VI.1777 = *ILS* 1258. The completion given by *CIL* VI.8.3 p. 4757 reads: 'parenti publice privatimq(ue) reverendo; ut <eum> statua{e} ipsius domus <i.e. in domo ipsius posita> honoraret, insignia <i.e. statuam insignibus eius ornatam> constitui locarique curavit.'

possible that it refers to Vettius Agorius Praetextatus, who could have appointed his son heir to his house. His son, in turn, might have been interested in emphasizing this by commemorating his father's presence in this very house.

However, situations like this are rare.¹³ Epigraphic evidence is generally limited to a number of inscriptions found in the same area recording different members of the same *gens*.¹⁴ This presents a variety of problems for the conclusions one would like to draw about the patterns of transmission of urban residences.

The first problem is intrinsic to the nature of epigraphic evidence. It goes without saying that, if inscriptions are not found *in situ* or if the circumstances of the excavation are not clearly recorded, one has to be very careful in speaking about a single property in the first place, since a number of inscriptions found in the same area could also represent a number of properties in the same area.

Furthermore, although it is generally assumed that the presence of honorific inscriptions is a clear indication of a house's ownership, there is as yet no research on the question of whether items praising famous family ancestors could be moved from their original place and brought to other properties.¹⁵ If this were the case, honorific inscriptions would lose their value as a source for the transfer of ownership, even if they were found *in situ*. It would be senseless to use all the epigraphic evidence found in one place to investigate the transmission of the property in question if, in fact, one had to assume that a single owner had brought it there.

But even if we accept inscriptions as a source of evidence for the transfer of ownership (and we are generally inclined to do this, since it is difficult to prove the movement of inscriptions), we must demonstrate the exact relationship between all the people recorded in the house, in order to detect the line of succession to ownership of the property. This problem often presents itself as a chicken-and-egg question: in many cases inscriptions found in private houses are the only evidence we have about the family relationships of late antique senators, but we assume that these are family relationships only because the inscriptions have been found in private houses.¹⁶ The problem becomes even bigger with increasing chronological distance between the people recorded, as it becomes more and more difficult to establish their relationship and consequently any line of transmission.

In a small number of cases, the epigraphic material can be complemented by evidence from literary sources. Still, the corroboration by literary sources of spatial information provided by epigraphic evidence can also be misleading. The house of

¹³ It should be noted that Niquet, *op. cit.* (n. 10), 247–50, has recently challenged even the general assumption that the inscription refers to a son of Vettius Agorius Praetextatus at all. On the basis of her profound analysis of the exact wording of the inscription, especially the details regarding Praetextatus' *cursus honorum*, she reaches the conclusion that the Senate was the origin of the homage.

¹⁴ See, for example, the honorific inscriptions of Atteius Insteius Tertullus, *praefectus urbi* in A.D. 307/8, and of Attius Insteius Tertullus Populonium, *corrector* of an unknown province in A.D. 350, discovered in a house on the Velia north-east of the Basilica of Maxentius (*CIL* VI.1696; *CIL* VI.1697; see A. H. M. Jones and J. R. Martindale, *Prosopography of the Later Roman Empire*, vol. 1 (1971) (hereafter PLRE I) s.v. Tertullus (6) and (7)). See also the honorific inscriptions of Naeradius Scopius, *consularis Campaniae* at some point after A.D. 358, and of Naeradius Cerealis, consul in A.D. 358, found in the same area on the Cispius (*CIL* VI.1744a = 31916a, *CIL* VI.1744c = 31916b; *CIL* VI.1745, see PLRE I s.v. Cerealis (2) and Scopius); and see below the case of the Valerii.

¹⁵ F. Guidobaldi, in *LTUR* II s.v. 'Domus: Nummii', 147, hints at this problem in a reference to the second- and third-century inscriptions of the Nummii, discovered in the area of a presumed property of

the late antique Nummii, when he states (*CIL* VI.1748; *CIL* VI.31378b; *CIL* VI.32024–32025; *CIL* VI.32026 = 41225b): 'È notevole comunque in questo caso la documentazione di una certa continuità della proprietà nell'ambito di uno stesso nucleo familiare, anche se non si può del tutto escludere che il materiale epigrafico più antico sia stato in parte trasferito da un'altra precedente abitazione . . .'

¹⁶ A famous example is the case of the Turcii. From epigraphic evidence we know about a property of Lucius Turcius Apronianus Asterius in or after A.D. 346 on the Cispius (*CIL* VI.1769) and about the property of a (Turcius) Secundus in the second half of the fourth century in the same area (see K. J. Shelton, *The Esquiline Treasure* (1981), 31–3 and nos 1, 5–12, 17). Firm in their belief that the properties must have been identical and Asterius and Secundus, therefore, related, scholars have used this evidence to reconstruct the family stemma of the Turcii in various ways, yet without coming to a consensus about the nature of the relationship; see Panciera, *op. cit.* (n. 2, 1990), 16, and the debate between K. J. Shelton, 'The Esquiline Treasure: the nature of evidence', *American Journal of Archaeology* 89 (1985), 152 and A. Cameron, 'The date and the owners of the Esquiline Treasure', *American Journal of Archaeology* 89 (1985), 142–4.

Quintus Aurelius Memmius Symmachus, the son of the famous fourth-century orator Quintus Aurelius Symmachus, is a case in point. We know from various passages scattered throughout his famous letter collection that Quintus Aurelius Symmachus lived on the Caelian Hill. None of these passages gives the exact location.¹⁷ Under the modern Ospedale Militare on the Caelian Hill an honorific inscription has been discovered, erected by Quintus Aurelius Memmius Symmachus for his father Quintus Aurelius Symmachus after his death. From this discovery it was deduced that the son had inherited Symmachus' house on the Caelian Hill, mentioned in the letter collection. The presumed property has been labelled the Symmachian 'family house' and entered with that epithet in the *Lexicon Topographicum Urbis Romae*.¹⁸ To tell the full story we must also note, however, that the same son in the same house erected an inscription honouring his wife's grandfather.¹⁹ This forces us to reassess the first inscription's evidence for Symmachus' former ownership of the house. Apparently Quintus Aurelius Memmius Symmachus was creating some kind of ancestral gallery in his house, which included both his own and his wife's family. The house, therefore, may have originated from Memmius Symmachus' wife's family or from his own, or Memmius Symmachus may have acquired it from a different source altogether.

Literary evidence taken on its own provides important information about property ownership, but in a very different way from epigraphic evidence. While find locations offer precise *loca*, texts, such as the letter collection of Quintus Aurelius Symmachus and the writings of Pope Gregory the Great, are infamously less exact. Even so, they can still tell us something about the late Roman conception of property.

It is from the letters of Symmachus that we learn how much time and money he and his senatorial friends spent on the embellishment and enlargement of their urban properties, giving us an insight into the importance of the appearance of the *domus* for senatorial self-conception.²⁰ It is also from this evidence that we can deduce more precise information about the practice of property transmission. Two of the letters of Symmachus, for example, deal with the case of a *matrona* whose house in the city of Rome was disputed in a law case.²¹ Symmachus, describing the history of the house which, according to him for unjustified reasons, was claimed by the *fiscus*, tells us that the woman had inherited it from a male relative, very likely her father, the *praefectus urbi* of A.D. 370, Publius Ampelius. We know from further literary evidence that Publius Ampelius also had a son, Priscus Attalus, who owned a house on the Caelian Hill, which raises questions about the inheritance strategies of the father.²² Yet in none of these texts is the pattern of transmission of the respective properties the main argument, which makes a conclusion about common practice rather difficult.

The same is true for the letter of Gregory the Great in which he tells us about the transformation of his house into a monastery. We learn a great deal about the exact circumstances of the transaction, such as the endowment of the new foundation with rural estates, but we would also like to know whether this property, called *locus noster* by Gregory himself, and *domus* or *doma* by later sources, had come down to him through the family line.²³ Gregory certainly did inherit a house from his father, which he mentions in his *Dialogi*.²⁴ The sources do not tell us though whether this house and the one he transformed into a monastery were identical, and we therefore have to rely entirely on guesswork for any conclusions about Gregory's attitude towards family values such as patrimonial continuity.

¹⁷ Symmachus, *Epp.* 3.12; 3.88; 7.18.

¹⁸ *CIL* VI.1699; *LTUR* II s.v. 'Domus: Q. Aurelius Symmachus s. Eusebius', 183: 'Dato che il ritrovamento si verificò appunto sul Celio, nell'area dell'attuale Ospedale Militare, è logico pensare che l'eventuale *domus* fosse quella di famiglia e che quindi appartenesse prima a Symmachus padre.'

¹⁹ *CIL* VI.1782 = *ILS* 2947.

²⁰ A large number of Symmachus' letters deal exclusively with this issue, see *Epp.* 1.10; 1.12; 2.59; 2.60; 6.66; 6.70; 6.77; 7.18; 8.42; 9.17; 9.50.

²¹ Symmachus, *Epp.* 5.53 and 66; see also above n. 5.

²² For Attalus' house on the Caelian Hill see Symmachus, *Ep.* 7.18; for the relationship between Ampelius and Attalus *PLRE* I s.v. Ampelius (3) and Attalus (2).

²³ Gregorius Magnus, *Ep.* Appendix I (MGH *Epp.* II); *LP* 1.312 (*domus*); Johannes Diaconus, *Vita Gregorii* 1.6 (*doma*).

²⁴ Gregorius Magnus, *Dial.* 4.36.

As we can see the prosopographical and topographical material on families and houses provided by epigraphic and literary sources on single properties is abundant. However, the comparison of prosopographical and topographical data on their own cannot answer the question of transmission because they do not explicate transmission strategies. For that reason we need to look at the behaviour of senatorial testators in the matter of urban houses according to the legal evidence.

III. *DOMUS* AND INHERITANCE

If a Roman testator was aiming at the perpetual maintenance of his property by his descendants, he would have turned to an inheritance strategy firmly rooted in Roman society. He would have protected it through the employment of a *fideicommissum*. This procedure is shown by three texts in the *Digest*, all dealing with the transmission of urban residences. According to these texts, testators sometimes installed a *fideicommissum*, the so-called *fideicommissum quod familiae relinquitur*, to transmit houses to family members and to prevent these family members from alienating the house outside the family.²⁵

The first text records the case where a testator left his house (*domus*) to his brother, asking for it not to be alienated, but to remain in the agnatic family (*familia*).²⁶ It is then discussed who should be the first to claim the *fideicommissum* if the heir alienated the house or appointed an outsider to the family as his heir. It was established that the rules of intestate succession should be followed in this, even if some of the members of the family had been emancipated.²⁷ The second text of the *Digest* deals with a case where a testator had first emancipated and then appointed his son as his heir, providing that his houses (*oikíαι*) should not be sold or mortgaged by his son or the son's children except to their co-heirs. If sale or mortgaging happened the co-heirs could claim the *fideicommissum*. The reason for discussion of the case was that one of the son's children had made over to his creditor his share of the income of the houses, which had been let.²⁸ The third case, finally, was that of the testator Iulius Agrippa who did not wish either his suburban burial plot or his main house (*domus maior*) to be pledged or alienated by his heir. He appointed his daughter as heiress, who kept the properties, while her own heiress, again her daughter, left it to an outsider of the family. The text established that this was not acting against the will of the first testator.²⁹

Testators seem to have employed the *fideicommissum quod familiae relinquitur* only when dealing with the transmission of urban residences, which indicates a certain importance attributed to this kind of property. Even so, the fact that the problems arising from these wills were discussed in the *Digest* shows that heirs to urban residences often did not fulfill the wish of the testator to keep them perpetually in the hands of the family. Houses transmitted with this ambition were indeed alienated within one or two generations, either because the heirs did not respect the *fideicommissum* or because the *fideicommissum* did not restrict the activities of subsequent owners. In fact, the *fideicommissum quod familiae relinquitur* could bind only family members who were explicitly mentioned in the will and alive at the time of its execution.³⁰ The will of Iulius Agrippa for example, in the third *Digest* text quoted above, imposed limits only on his

²⁵ See Saller, *op. cit.* (n. 6), 91 n. 60, 170. See also M. Kaser, *Das römische Privatrecht*, vol. 2 (2nd edn, 1975), 554.

²⁶ For *familia* meaning 'agnatic family' in this context, see Saller, *op. cit.* (n. 6), 76.

²⁷ *Digest* 31.69.3-4 (Papinianus). Emancipated children no longer had the right to be appointed heir, having already received their share of the patrimony with their emancipation, see M. Kaser, *Das römische*

Privatrecht, vol. 1 (2nd edn, 1971), 697-701 and 733-5; vol. 2 (1975), 473 n. 25.

²⁸ *Digest* 31.88.15 (Scaevola). The testator was apparently Greek.

²⁹ *Digest* 32.38.3 (Scaevola).

³⁰ Kaser, *op. cit.* (n. 25), 554. It should be noted that Justinian changed this (see *Cy* 6.38.5 and *Just., Nov.* 154.2) by allowing the binding of property holdings to *personae incertae* up to four family generations.

immediate heir, Agrippa's daughter.³¹ A testator therefore needed to trust the disposition of every further generation to obey his wish, but could not legally require it.

Yet, the texts from the *Digest* raise the questions why a testator sought perpetual maintenance of a residence by his descendants, and why it apparently often did not work. The answer to the first question seems to be that a testator saw a house from the point of view of the *paterfamilias*, who wished to extend his power beyond his death by establishing a tradition of family ownership. In the third case quoted above the testator in question was not concerned with any house, but with his *domus maior*. This means that he must have owned more than one house, but considered one of these his most important one, which he, consequently, wanted to be kept in the family. According to the jurist Alfenus Varus, the most important house of an owner of several was where the person in question had installed his household deities.³² The installation of the household deities — the *lares familiares*, the *dii penates*, and the *genius* — indicated the place where the *paterfamilias* executed his power over his dependents. The *lares familiares* and the *dii penates* were venerated as protectors of the family's procreation, while the *genius* of the house, traditionally believed to be the guiding *numen* of the continuity of the family through its male line, especially protected the *paterfamilias* and his fertility.³³ This idea prevailed until Late Antiquity, as a number of passages from Prudentius show which make fun of pagan senatorial families who imagined that their house was inhabited by a *genius*.³⁴ Indeed, there is no need for us to assume that in Christian households a notion of the link between the residence and the power of the *paterfamilias* did not persist. It is significant that the nomination of a dwelling as the *lar* outlived the actual veneration of the *lar*.³⁵

A glance at property ownership in late antique Rome tells us that late Roman senators, like their earlier predecessors, often owned more than one house. As a *constitutio* issued in A.D. 435 by Theodosius II and Valentinianus III attests, owning two (or more) houses was so common for high-ranking senators residing in Constantinople that it became difficult to establish whether all the houses remained exempt from the *munus* of quartering soldiers if they were left to relatives. Without doubt the same problem arose in the city of Rome.³⁶ From the letters of Quintus Aurelius Symmachus we know that Symmachus himself owned five *villae* in the *suburbium* of Rome and at least three houses in Rome.³⁷ According to Cassiodorus, Quintus Aurelius Memmius Symmachus *iunior*, one of Symmachus' descendants, also owned more than one house in

³¹ See Saller, *op. cit.* (n. 6), 169.

³² *Digest* 50.16.203 (Alfenus Varus); see Saller, *op. cit.* (n. 6), 81.

³³ D. G. Orr, *Roman Domestic Religion: A Study of the Roman Household Deities and their Shrines at Pompeii and Herculaneum* (1999), 34–5, 43–4, 54; *idem*, 'Roman domestic religion: the evidence of the household shrines', in H. Temporini (ed.), *Aufstieg und Niedergang der römischen Welt II*, 16.2 (1978), 1562–75.

³⁴ Prudentius, *Contr. Symm.* 1.197–214; 2.445. For discussion of the household deities in a late antique context see now M. R. Salzman, *The Making of a Christian Aristocracy. Social and Religious Change in the Western Roman Empire* (2002), 155–6. The persistence of the household shrines in Late Antiquity is further confirmed by the fact that the term *lararium* was first used only by the Scriptores Historiae Augustae, at the end of the fourth century: *Marcus Antoninus* 3.5 and *Tacitus* 17.4; see Orr, *op. cit.* (n. 33), 84.

³⁵ The term was still used by Christian writers in the fifth and the sixth centuries to designate a resid-

ence, see, for example, Sidonius Apollinaris, *Carm.* 9.292; *Ep.* 1.9, 1. 3; Cassiodorus, *Var.* 1.17, 4; 3.21; 6.1, 6. The worship of household deities (*lares*, *genius*, and *penates*) was prohibited by a law issued by Theodosius, Arcadius, and Honorius in A.D. 392: *CTh* 16.10.12.

³⁶ *CTh* 7.8.16 (A.D. 435). It was established that, if a *consularis* owned two houses which were because of his rank exempt of the *munus* of quartering, only one of them remained so after having been left to members of his family. For the *munus* of quartering, see W. Goffart, *Barbarians and Romans. The Technique of Accommodation A.D. 418–584* (1980), 42–3.

³⁷ To his friend Iulius Naucellius Symmachus mentions two *domus* he could give to guests: Symmachus, *Ep.* 3.14. Furthermore he owned the house on the Caelian Hill (*Epp.* 3.12; 3.88; 7.18). Symmachus also mentions building work in two houses, but it is not clear whether these were identical with each other or one of the other three attested houses: *Epp.* 9.50 and 6.70. If they were not identical, Symmachus owned at least five houses in Rome. For the *villae* see *Epp.* 2.52; 2.57; 2.59; 3.55; 3.82; 6.32; 6.60; 6.66; 6.72; 6.8.

Rome at the beginning of the sixth century.³⁸ The house Quintus Aurelius Symmachus refers to as his *lar* is the one owned by him on the Caelian Hill — and only this one, which shows that it had a special meaning for him. Interestingly it is also the one which his son might have inherited.³⁹

Symmachus' case might also answer the second question arising from the *Digest* texts regarding the neglect of a testator's wish for a house's perpetual maintenance. It shows that an heir to a house might not share the idea of its association with paternal authority, because they had installed their own household elsewhere. The house on the Caelian Hill, where Symmachus venerated his *lares*, was in fact not the one where he grew up and which he had inherited from his father, but very likely the one he acquired when he got married while his father was still alive. His father, Lucius Aurelius Symmachus, owned a house in *Transtiberim*. This house, we hear from Ammianus Marcellinus, had been destroyed in a riot, presumably in A.D. 374, when Symmachus was just beginning his career.⁴⁰ We know from a letter of Symmachus that, shortly after this event, his father rebuilt a house which can be identified as the house in *Transtiberim*, in view of the fact that one of his houses had just been destroyed. In his description Symmachus, recently appointed by his father to supervise the building work, implies that it was the very house in which he had been born, but which he had left to live in a different house.⁴¹ Another letter of Symmachus tells us that, at a certain point in his life, he had bought (or at least acquired) a house, clearly from somebody outside the Symmachan family, where he now needed to repair the walls. This could have happened when he decided to leave his father's house, presumably when he founded his own family.⁴² The house in question might have been the house on the Caelian Hill.

Symmachus' case shows that the place where somebody venerated his *lares* and therefore his most important house does not necessarily have to be identical with a house that had come down to him through the family line. *Lares* could be established in any house, since their function was the protection of the household without any connection to ancestral cults. In fact, late Roman senators had officially to declare their main residence, that is, where they established their *lares*, in order to allow the state to recognize the place where they had to attend court and pay their *aurum oblativium*. This procedure suggests that the place of the *lares* could be changed according to individual circumstances.⁴³ However, the main reason for their installation seems to have been the

³⁸ Cassiodorus, *Var.* 4.51; see for him PLRE II s.v. Symmachus (9). There are other cases apart from the Symmachi. The *praefectus urbi* of A.D. 367/8 Vettius Agorius Praetextatus, for example, owned a *domus* on the Aventine, which his son inherited, but he is also mentioned, together with his wife Fabia Aconia Paulina, on a *fistula* found outside the Porta Esquilina, where further epigraphic evidence attests this family's property, see LTUR II s.v. 'Domus: Vettius Agorius Praetextatus', 164 and PLRE I s.v. Praetextatus (1). Another case is Anicia Faltonia Proba, of whom Jerome reported that the Visigoths had destroyed a number of her *domus* in Rome in A.D. 410: Hieronymus, *Ep.* 130.7.

³⁹ Symmachus, *Ep.* 7.18 to Priscus Attalus: 'When I recently came back from the bay of Formio to my Caelian *lar* I learned that you have been away from home for a long time' ('Proxime de Formiano sinu regressus in larem Caelium domo iamdiu abesse te conperi'). For the bequest to his son see above n. 18.

⁴⁰ Ammianus 27.3.4; for a discussion of this event see J. Rougé, 'Une émeute à Rome au IVE siècle. Ammien Marcellin XXVII, 3, 3-4: Essai d'interprétation', *Revue des études anciennes* 63 (1961), 60-1.

⁴¹ Symmachus, *Ep.* 1.12, dating from before A.D. 377. He calls the house *aedes nostrae*, but gives an account of the work, which he was told to supervise by his father, that makes it clear that not he but his father would enjoy it in the future: 'It was the duty of the censors to watch over the buildings they had

erected; you wanted me to do this job. (...) Listen then how much my care has achieved in our house (...). This is all you need to know. I will continue to inform you as soon as I see a progress in the building work' ('Censurum notio fuit spectare opera, quae locassent; hoc me negotium curare voluisti. (...) audi igitur quantum in aedibus nostris cura promoverit (...). hactenus est, quod scire debueris. deinceps tantum adiciemus cognitione tuae, quantum aedificatione viderimus accedere').

⁴² In *Ep.* 6.70 Symmachus complains about the fact that one of his houses was very badly constructed since the previous owner had been more interested in getting the setting ready to invite guests and therefore had neglected the proper building work ('domi corruptorum parietum discidia sarciuntur, quia frequentationem soliditati conditor primus antetulit et antiquior ei visa est celeritas utendi quam securitas succedentium'). From this it can be concluded that Symmachus bought the house since it is hard to believe that he would have talked about a relative in such a disparaging way. When Symmachus got married in A.D. 370 his father in any case gave him a house in Ostia: Symmachus, *Ep.* 1.6.1; see D. Vera, *Commento storico alle relationes di Quinto Aurelio Symmacho* (1981), 271; A. Marcone, *Commento storico al Libro VI dell'Epistolario di Q. Aurelio Simmaco* (1983), 152-3.

⁴³ *CTh* 6.2.13; *CTh* 6.2.16.

foundation of a new household by a new *paterfamilias* and therefore the separation of his household from his father's.⁴⁴

Adult children's non-cohabitation with their parents was frequent in Roman aristocratic society, especially in Late Antiquity. This is confirmed by a further letter of Symmachus to his friend Iulius Naucellius. The children of Iulius Naucellius were indeed, as Symmachus calls it, 'distributed in other houses' and did not live in the house of their father, which had been empty since Naucellius had moved to Spoletium. To Symmachus it seemed appropriate that Naucellius' children did not continue to live in their father's house, since he praises the advantages of this to his friend, who seemed to be reluctant to return to his house in Rome.⁴⁵ Yet, adult children's non-cohabitation with their parents did not always imply the installation of a new *paterfamilias*. As early as the time of the Republic and Early Empire, unemancipated children received a *peculium*, a fortune given to them by their father, which they were legally permitted to administer on their own and with which they could and would also acquire an individual residence, while staying under the *patria potestas*.⁴⁶ In Late Antiquity, however, children were frequently emancipated very early from the *patria potestas*, on which occasion they were given their legal share in their father's fortune and, if applicable, the *bona materna*, the property the mother had left her children but which had been administered up to that date by the *paterfamilias*.⁴⁷ We know, for example, that Symmachus' wife Rusticiana was emancipated before her father's death, on which occasion she received landed property.⁴⁸ Both the grant of a *peculium* and the custom of emancipation led to the fact that adult children could live in a household separate from their parents' house, but only emancipation established a new family tradition linked to a new house, which was expressed by the installation of the worship of the *lares*. Since in Late Antiquity emancipation happened much earlier and was more frequent, this must have resulted in a multiplication of households and consequently nuclear family traditions attached to these households.

It is unlikely that emancipated children who inherited their father's house would attribute greater importance to the paternal house than to their own house, because their families had never lived in the paternal house. We can glimpse a reflection of this in the second text of the *Digest* quoted above, which sees the previously emancipated heirs firmly engaged in letting and mortgaging the houses they inherited, and not living in them. In Late Antiquity, we can imagine, this must indeed have been the norm. But if even immediate heirs did not attribute any deeper significance to their father's house that justified their maintenance inside the family it becomes even more unlikely for later generations to do so.

IV. DOMUS AND ANCESTRY

Although in late antique Rome most houses were not 'family houses' in the legal sense of a linear succession in ownership, senatorial residences were still conceived as symbols of lineage, as a *constitutio* issued by the emperor Constantine in A.D. 326 shows. In this *constitutio* on the duties and limitations of tutors Constantine ordered that the tutor of a minor was not allowed to sell the house (*domus*) 'in which his [i.e. the minor's] father died and where it is very sad not to see the ancestors' images established or even

⁴⁴ Orr, op. cit. (n. 33, 1978), 1579; H. Flower, *Ancestor Masks and Aristocratic Power in Roman Culture* (1996), 196 and 209–10; see also *Digest* 25.3.1.2 (Ulpian) defining the house of a couple as 'where they installed the *lar* for the marriage' ('ubi larem matrimonio collocarent').

⁴⁵ Symmachus, *Ep.* 3.14: 'A house indeed which was good enough for you when you were young and ambitious, living there with your children, should suit you even now, since you are now old and modest and since your children are distributed in other houses'

('siquidem domus, quae tibi prius ambitioso per aetatem iuventae et habitanti cum liberis satisfecit, senilem moderationem distributis in alias domus filii non debet offendere'). See PLRE I s.v. Iulius or Iunius Naucellius (1).

⁴⁶ Saller, op. cit. (n. 6), 123–4, 131.

⁴⁷ Eck, op. cit. (n. 4), 165; see also Kaser, op. cit. (n. 25), vol. 2, 211–15; Arjava, op. cit. (n. 6), 50.

⁴⁸ Symmachus, *Rel.* 34.12; Symmachus, *Ep.* 9.150; see A. Chastagnol, *Les Fastes de la préfecture de Rome au Bas-Empire* (1962), 145; Vera, op. cit. (n. 42), 271.

to see them torn down'.⁴⁹ Constantine therefore presupposed the wish of a father, even if not explicitly stated in a will, that his house should not be alienated, because it was a place where the heir could sense the presence of his ancestors, expressed by their *imagines*, and he imposed the execution of that wish on the tutor.

At first glance the Constantinian *constitutio* seems to be concerned with the more distant future of a father's patrimony. Nonetheless, we need to interpret this *constitutio* in the light of the pragmatic attitude towards the transmission of property prevailing in Roman inheritance law. In fact, it was not designed to secure the perpetual maintenance of the house by a family. Rather it was intended to ensure that the house passed to the legitimate heir in the first place. It prevented the tutor from selling the house, but no one could prevent the minor, once an adult, from selling it, if he so chose.

In terms of force of the law the further transmission of the house by the heir was unpredictable. Yet, the *constitutio* seems to suggest that he would not get rid of the house, even when he could do so, because it housed the *imagines*, the wax masks, of his ancestors.⁵⁰ This, in turn, implies that houses containing the *imagines* of ancestors were transmitted inside the family from the time of the ancestors in question. As should be clear from the above discussion, however, the transmission of a house inside the family rarely happened because, in practice, the house was the space of the nuclear family and their current power, which could be in conflict with the interests of the following generations.

The passage of the Constantinian *constitutio* in question reminds us of the Roman custom, known above all from Republican times, of displaying the wax masks of the ancestors in the house with the aim of turning it into a symbol of the, above all political, continuity of the family.⁵¹ As Harriet Flower has pointed out, the tenor of the *constitutio* owes a great deal to the description of this custom by classical Roman writers, such as Pliny the Elder.⁵² Classical writers were especially concerned with the educational effect of the presence of ancestral wax masks on the children of the house.⁵³ This raises the suspicion that the praise of the *domus* as the place of old family tradition might have been just a rhetorical ornament of the text. It should be noted that the *constitutio* was addressed *ad populum*, therefore including a non-aristocratic audience that was hardly concerned with ancestral *imagines* at all. This shows that the style of the *constitutio* cannot have been designed to match the actual lifestyle of the audience, but was supposed, very much in line with the wider traditional tenor of Constantine's family legislation, to confront even non-élite classes with an ideal of ancient family values.⁵⁴

The interpretation of the passage in question as a rhetorical strategy is confirmed by the fact that in Constantinian times very few senatorial families could boast distant family ancestors, and consequently could have been in possession of an impressive number of wax masks.⁵⁵ The application of the strategy in connection with a law concerning the transmission of property shows, however, how powerful the idea of ancestry and therefore patrimonial continuity was considered to be in Late Antiquity. This is certainly true, as we have seen, for the late Roman aristocracy. It is hence not surprising that late Roman senators used their residence — traditionally conceived as

⁴⁹ *CTh* 3.30.2 (very fragmentary) = *CJ* 5.37.22 (A.D. 326): 'nec vero domum vendere liceat, in qua defecit pater, minor crevit, in qua maiorum imagines aut videre fixas aut revulsas non videre satis est lugubre.'

⁵⁰ For the interpretation of the term *imagines* as 'wax masks' see Flower, op. cit. (n. 44), 32–6 and, in this special case, 265.

⁵¹ See for a discussion of this custom Saller, op. cit. (n. 6), 89–91 and Flower, op. cit. (n. 44), *passim*.

⁵² Flower, op. cit. (n. 44), 265. See, for example, Pliny, *NH* 35.2.6: 'There were different things to be looked at in our ancestors' halls; not statues executed by foreign artists, not bronzes or marbles, but in separate cupboards were displayed wax masks, so that there were images to accompany funerals of the *gens*' ('aliter apud maiores in atriis haec erant, quae spectantur; non signa exteriorum artificum nec aera aut

marmora: expressi cera vultus singulis disponebantur armariis, ut essent imagines, quae comitantur gentilia funera'); see also Sallust, *Jug.* 85.66.

⁵³ Flower, op. cit. (n. 44), 221, who cites evidence ranging from Polybius (6.53–4) to Tacitus (*Ann.* 2.27).

⁵⁴ See J. Evans Grubbs, *Law and Family in Late Antiquity. The Emperor Constantine's Marriage Legislation* (1995), 330–42, especially 338–9. Flower, op. cit. (n. 44), 205, wonders whether Constantine chose the term *maiorum imagines* because late Roman aristocratic society knew what these were, and whether the *constitutio*, consequently, reflects social reality. She does not, however, take into account the highly rhetorical style of late Roman imperial legislation; see on this Kaser, op. cit. (n. 25), 8.

⁵⁵ See above n. 9.

the symbol of ancestry, even though the ancestors might not have anything to do with the concrete physical space in question — to emphasize their family relationships through the erection of ancestral statues, thereby creating the idea of continuity. As we have seen, Quintus Aurelius Memmius Symmachus created an ancestral gallery in his house on the Caelian Hill by erecting statues for his father and the grandfather of his wife.⁵⁶ In the light of the above, we cannot be sure that this is evidence for transmission of the house to Memmius Symmachus through his family line, but it clearly shows that he conceived domestic space as the ideal place to display his ancestry.

In the case of Quintus Aurelius Memmius Symmachus we know that he erected these statues to make a dynastic claim. However, I argue that we could interpret much of the epigraphic evidence recording obscure members of the same *gens* found in the same domestic environment in the light of just one owner of the house expressing his desire for aristocratic ancestry. In view of the unpredictable destinies of urban residences due to individual inheritance factors, the image of a late Roman senator re-erecting inscriptions for his famous ancestors in the hall of his house, where his ancestors had never lived, is in fact far more convincing than the idea of a linear transmission of this house via ancestors very distant from each other in time. For example, in the case of the presumed house of the Nummii at the *Alta Semita* on the Quirinal, where an honorific inscription for Marcus Nummius Attidius Tuscus from the second century A.D. has been found, as well as inscriptions for Nummius Tuscus and Nummius Albinus Triturrius from the beginning of the fourth century, it is likely that the last recorded owner, Nummius Albinus Triturrius, accumulated all of these.⁵⁷

Still, some late Roman senators went even further in their search for aristocratic credentials by actually building on the illusion of the house as part of ancestral patrimony that the Constantinian *constitutio* expressed. We know in fact of a number of cases which demonstrate that a member of a late antique family owned property in a place where several generations before him his putative ancestors had owned property. Most spectacularly, a house of Anicius Acilius Glabrio Faustus, the *domus ad Palmam*, was situated, if it can be located behind the Forum Transitorium, in a place which took its name (*compitum Acilii*) from a property of the Acilii here in the third century B.C.⁵⁸ Furthermore, the place where fourth-century honorific inscriptions for Naeratius Cerealis and Naeratius Scopioid were found is very close to the place where *fistulae aquariae* mentioning members of the Naeratii family of the first and second centuries A.D. were discovered.⁵⁹

These ownerships cannot have been the result of a real transmission of the properties in question through the family lineage. Yet, they reflect the strategy of late Roman senators of emphasizing their ancestry through the social memory of a long-established link between their ancestors and the location of their property. His exact relationship to these ancestors, or in fact whether there existed a relationship at all, must have been as obscure to the fourth- and fifth-century owner of the house as it is to the modern scholar.⁶⁰ But, as onomastic practice of the fourth century shows, it was not necessary to define family relationships exclusively in terms of patrilineal ancestry, as long as one could prove an aristocratic connection at all. What mattered to late Roman senators was the appropriation of ancient aristocratic prestige, which, in fact, included

⁵⁶ See above nn. 18 and 19. For evidence of similar enterprises in senatorial residences see Niquet, op. cit. (n. 10), 26–31.

⁵⁷ CIL VI.32026 = 41225b.

⁵⁸ M. Dondin Payre, *Exercice du pouvoir et continuité gentile. Les Acilii Glabrones* (1993), 142. The house of Glabrio Faustus is mentioned in the *Codex Theodosianus* as *domus ad Palmam* (CTh 1.2–3). It can be identified as the *domus Palmata* of Albinus, recorded in the *Variae* of Cassiodorus, which has been located near the Forum Transitorium (*Var.* 4.30). See for this house G. Marchetti Longhi, 'Senatus ad Palmam, porticus curva e porticus absidata', *Rendiconti della Pontificia Accademia di Archeologia* 25–26 (1949–51),

183–229; LTUR II s.v. 'Domus: Albinus', 28; LTUR II s.v. 'Domus: Anicius Acilius Glabrio Faustus', 99; Bauer, op. cit. (n. 11), 35–6; E. M. Steinby (ed.), *Lexicon Topographicum Urbis Romae*, vol. 4 (1999), s.v. 'Palma (ad Palmam)', 53.

⁵⁹ For Naeratius Cerealis and Naeratius Scopioid see above n. 5; for the *fistulae aquariae* see G. Gatti, *Bullettino della commissione archeologica* 33 (1905), 245 = *L'Année épigraphique* 1906, 133; F. de Caprariis, *Bullettino della commissione archeologica* 92 (1987–88), 124 n. 45; see LTUR II s.v. 'Domus: Neratii', 144.

⁶⁰ See for this attitude towards the implications of the *gens* in Late Antiquity, Nathan, op. cit. (n. 6), 167.

also bi- and multilateral connections, as the ancestral gallery of Quintus Aurelius Memmius Symmachus demonstrates.⁶¹

However, as much as the acquisition of a house might have been dictated by the individual and immediate need for the enhancement of aristocratic pedigree, the next generations could have seen it quite differently according to their own individual circumstances. The *domus ad Palmam* of Anicius Acilius Glabrio Faustus near the *compitum Acilii* came into the family of the Caecina Decii, in a way that cannot be exactly reconstructed. At the beginning of the sixth century it belonged to a member of this family, Faustus Albinus, consul in A.D. 493. Albinus' father, Flavius Caecina Decius Maximus Basilius, had married a daughter of Gennadius Avienus, son-in-law of Anicius Acilius Glabrio Faustus.⁶² This might suggest that Anicius Acilius Glabrio Faustus had chosen the female line of his progeny, his daughter, and subsequently his granddaughter, to transmit his house. This would confirm quite clearly that, although a house at some point was used as a symbol of agnatic lineage — in this case that of the Acilii — its owner would not necessarily prevent it from eventually ending up in a completely different family. In turn, we also cannot exclude the possibility that Faustus Albinus simply bought the house to gain some prestige through its association with his maternal ancestry.

V. A NEW APPROACH TO THE CASE OF THE VALERII

Bearing in mind a less rigid pattern of transmission of property there is a good chance that new light can be shed on one of the most famous unresolved problems encountered by historiography with regard to senatorial property in late antique Rome: the ownership of the house on the Caelian Hill, often identified as that of the younger Melania and her husband Pinianus. If we recognize that senatorial families took a pragmatic approach to managing what was often a wide portfolio of properties, it becomes less necessary to suppress discrepancies in the source material in order to identify a single property as the single focus of dynastic identity.

At the beginning of the fifth century Melania and Pinianus, who were both members of the *gens Valeria*, renounced their life of luxury as a young married senatorial couple to live a life of asceticism. The *Vita Melaniae*, written shortly after Melania's death in A.D. 439 by her follower Gerontius, tells us that they tried to sell their magnificent urban residence. However, since the house was so expensive, they had problems finding a buyer.⁶³ The two existing versions of the *Vita* give different accounts of to whom this house had originally belonged: according to the Greek text the owner was Pinianus alone, but the Latin one states that it belonged to both of them.⁶⁴

It is generally assumed that the house of Melania and Pinianus was identical with the so-called *domus Valeriorum*, the remains of which were uncovered on the Caelian Hill in Rome in the sixteenth and eighteenth centuries.⁶⁵ The inscriptions found in the house on the Caelian Hill seem to provide us with a picture of its ownership. In the third century, according to an honorific inscription found in its remains, the house apparently

⁶¹ As B. Salway, 'What's in a name? A survey of Roman onomastic practice from c. 700 B.C. to A.D. 700', *JRS* 84 (1994), 133, shows, many late Roman senators imported the names of connections rather than direct ancestors into their nomenclature, a custom of which Ausonius, *Opuscula* I. *praefatiunculae* 1.9–12 disapproved. The incorporation of the maternal *gentilicium* to complement the lack of aristocratic ancestry on the father's side had been common since the first century.

⁶² See A. H. M. Jones and J. R. Martindale, *Prosopography of the Later Roman Empire*, vol. 2 (1980) (hereafter PLRE II), stemma 25; E. Wirbelauer, *Zwei Päpste in Rom. Der Konflikt zwischen Laurentius und Symmachus (498–514)* (1993), 22 n. 61

and 59 n. 212. For Albinus' ownership of the house see above n. 58.

⁶³ *Vita Mel. graec.* 14.

⁶⁴ *Vita Mel. graec.* 14: τὴν οἰκίαν τοῦ μακαρίου Πινιανοῦ; *Vita Mel. lat.* 14: 'habebant'.

⁶⁵ Its precise location is in the grounds of the Ospedale dell'Addolorata and the area to the east. It was situated alongside the *Arcus Caelimontani* and features building activity in the first and second centuries; see the summary of the state of research by B. Brenk, 'La cristianizzazione della Domus dei Valerii sul Celio', in W. Harris (ed.), *The Transformations of Urbs Roma in Late Antiquity* (1999), 71–4 and 75–7.

belonged to Lucius Valerius Poplicola Balbinus Maximus, who may have been a direct ancestor of Melania.⁶⁶ His house, as well as his name, passed through his granddaughter into the family of her husband, Aradius Rufinus. This is shown by honorific inscriptions found *in situ* in the atrium of the house recording two of this woman's sons, Quintus Aradius Rufinus Valerius Proculus Populonium and Lucius Aradius Valerius Proculus Populonium.⁶⁷ Finally, there is epigraphic evidence from the second half of the fourth century: an inscribed bronze *lucerna*, indicating that at that time the house belonged to a Valerius Severus, has also been found in the atrium.⁶⁸

Resolving the problem of transmission of the house between the people mentioned by the epigraphic sources and Melania and Pinianus is vital for many scholars. In fact, we would have a far clearer picture as to which one of the two versions of the *Vita* gives the correct indication of ownership if either Melania or Pinianus could be brought into connection with the other Valerii recorded as previous owners of the house.⁶⁹

Scholars have tried to establish a relationship between Valerius Severus and the Aradii on the one hand and Valerius Severus and Pinianus on the other, but this is purely hypothetical and, at least in the former case, not very convincing.⁷⁰ Lucius Aradius Valerius Proculus Populonium had a son, Aradius Rufinus, *praefectus urbi* in A.D. 376, who apparently did not inherit the house on the Caelian Hill, as it belonged to Valerius Severus during his lifetime. Furthermore, Aradius Rufinus' name is recorded, together with that of his father, in a dedicatory inscription to Mercurius, the *comes et custos Larum Penatum*, originating from the remains of a private house on the ancient Via Latina (in the first Augustean region, the *Regio Porta Capena*).⁷¹ Although this suggests that Lucius Aradius did not consider the house on the Caelian Hill as his main house, where he venerated his *lares*, it has been assumed that Lucius Aradius must have had another, older son, who inherited the house on the Caelian Hill. This son has been identified as Proculus, *proconsul Africae* in A.D. 340. He is believed to have been the father of Valerius Severus and the grandfather of Pinianus, inheriting his father's house and subsequently giving it to his son.⁷² Yet, Silvio Panciera has demonstrated that the *proconsul Africae* Proculus cannot have been the son of Lucius Aradius, since he had been appointed *proconsul* only eight years after his presumed father's own *proconsulate*.⁷³ As a result, this defect in the chronology of the links between the Valerii again leaves the house on the Caelian Hill without an heir.

The difficulties in creating a relationship between the people mentioned in the house on the one hand and Melania and Pinianus on the other are very easy to resolve if we accept that we cannot assume the identity of Melania's and Pinianus' house and the Valerian house on the Caelian and hence the relationship itself. Identification of the house on the Caelian Hill with the house of Melania and Pinianus depended on the conviction that other houses of the Valerii could not have existed in Rome — only a single, spectacular, property. In contrast, it now seems more likely that all the nuclear families of the *gens Valeria* lived in their own residences separate from one another,

⁶⁶ *CIL* VI.1532 = *ILS* 1191; for the relationship with Melania see PLRE I s.v. Melania (2), Publicola (1), Maximus (17) and stemma 30; E. A. Clark, *The Life of Melania the Younger* (1984), 83, Jacques, op. cit. (n. 9), 215–18.

⁶⁷ *CIL* VI.1684–94.

⁶⁸ *ILCV* 1592.

⁶⁹ The possibility of Melania's ownership was first stressed by M. Rampolla del Tindaro, *Santa Melania Giuniore Senatrice Romana. Documenti contemporanei e note* (1905), 173, who is opposed by G. B. de Rossi, 'La Basilica di S. Stefano Rotondo, il monastero di S. Erasmo, e la casa dei Valerii sul Celio', *Studi e documenti di storia e diritto* 7 (1886), 238; Lanciani, op. cit. (n. 1), 345; Chastagnol, op. cit. (n. 48), 210–11; and, recently, by Brenk, op. cit. (n. 65), 71; see also 97–8. Rampolla's argument that the Greek version of the *Vita* is the original one has been superseded by the acceptance that both versions originate from a common *Urtext*, the language of which is, however, still debated, see Clark, op. cit. (n. 66), 5; S. Wittern,

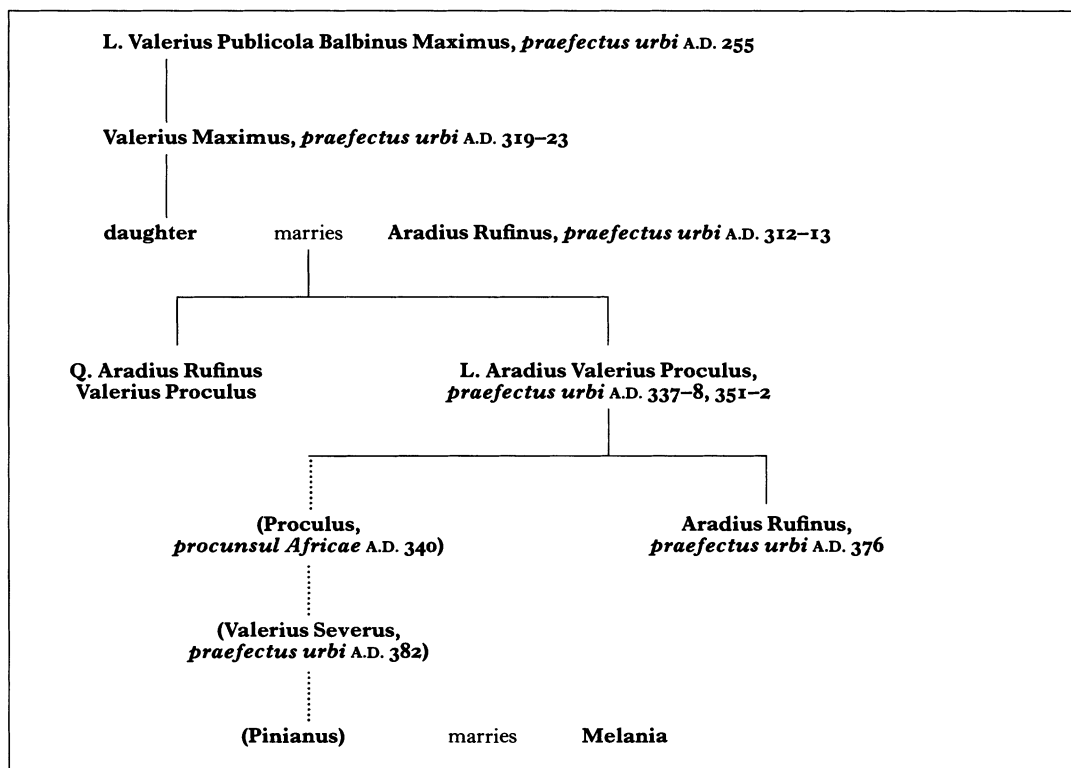
Frauen, Heiligkeit und Macht. Lateinische Frauenviten aus dem 4. bis 7. Jahrhundert (1994), 44.

⁷⁰ For this see below the stemma of the Valerii and Aradii.

⁷¹ The inscription is published by Panciera, op. cit. (n. 2, 1987), 555: '[Deo Merc]urio | [L]arum P[e]natium | [c]omiti adque custodi | Aradii Proculus et | Rufinus vvcc et XV[viri]'. The excavations that brought the inscription to light in 1945 also revealed building structures and decorative material, which strongly suggest that the site was once a private dwelling of high standard. The archaeological remains have been dated to the late second or early third century A.D., see Panciera, op. cit. (n. 2, 1987), 559–60.

⁷² Chastagnol, op. cit. (n. 48), 210–11.

⁷³ See Panciera, op. cit. (n. 2, 1987), 564–5, and his discussion of the fact that Chastagnol has literally 'created' Proculus to fill the gap between the Valerii Aradii and Valerius Severus.



which indeed could all have been as impressive as the house on the Caelian Hill. Furthermore, the association of Melania and Pinianus with the house on the Caelian seems to derive from the idea that their house must have come down to them through a long linear succession of ownership within their family. To be sure, the house Melania and Pinianus lived in had in fact been the house of his or her parents, since we know from Melania's *Vita* that at a certain point their petition for permission to move out was turned down, not because it was uncommon for senatorial children to leave their paternal house, but because of the anxieties of their parents.⁷⁴ This fact alone, however, confirms neither that the house in question was an old family property of the Valerii nor that it was the house on the Caelian. This last statement is all the more true since scholarship fails to clarify the relationship between Melania and Pinianus and the Valerii mentioned on the Caelian Hill, or indeed, how the heterogeneous group of the *gens Valeria* recorded in the house could have developed a common strategy to transmit this property.

The epigraphic sources discovered in the house on the Caelian Hill, in fact, show all the characteristics of the transmission of senatorial property in late antique Rome which we have discussed. The first recorded owner Valerius Poplicola Balbinus Maximus left the house to his immediate progeny. As soon as a female heir was appointed this linear succession was interrupted. In this way the house came into the possession of a member of a different family. The second recorded owner Quintus Aradius Rufinus Valerius Proculus Populonium left the house to his brother Lucius Aradius Valerius Proculus. This consecutive owner seems to have used the house only

⁷⁴ *Vita Mel. graec.* 5-6. The passage does not make it clear whether they lived with Melania's or with Pinianus' family.

as a second property not his main one, where he venerated his *lares*.⁷⁵ For the last recorded owner, Valerius Severus, we could presume an interest in the wider topographical memory of the place being related to the name of the Valerii since at least the third century. Instead of having been heir to the house he could have simply bought it in order to make a dynastic claim.

As a matter of fact, Melania's *Vita* itself confirms that the house on the Caelian Hill did not subsequently pass from Valerius Severus to Melania and Pinianus. The identity of the two houses as presumed by modern scholars is based entirely on the huge price of the house of Melania and Pinianus attested by the *Vita*, which in itself is a fairly unreliable source in this respect because it seeks to glorify Melania's adoption of an ascetic lifestyle.⁷⁶ Scholars have seen a link between this enormous value attributed to the house of Melania and the impressive size of the house on the Caelian. However, the *Vita* clearly states that Melania's house was eventually burned down in the sack of Rome by the Visigoths and Melania and Pinianus sold it for almost nothing.⁷⁷ It surprised the modern excavators of the house of the Caelian Hill that, despite the claims of the *Vita*, the archaeological remains were in a splendid state and showed no signs of destruction, with the inscriptions praising the Valerian ancestors still hanging in the hall. They were so convinced that they had found Melania's house that it did not even occur to them to consider the more obvious conclusion that this was an entirely different house. Instead they accused Melania's biographer of inaccuracy.⁷⁸ In this tradition, even today scholars search for locations that are described in the *Vita Melaniae* among the remains on the Caelian Hill, commenting on the fact that these have not yet been found, such as the chapel where Melania, according to the *Vita*, used to pray.⁷⁹ It was probably in the grounds of the house on the Caelian Hill that later the 'xenodochium in hac urbe Roma constitutum quod Valerii nuncupatur' was founded. The *xenodochium* is mentioned by Gregory the Great, and his comments may offer further confirmation that the house had not been sold after A.D. 410, but remained the property of a member of the *gens Valeria*, and was at a certain point transformed, or at least parts of it, into a Christian hospice.⁸⁰

V. CONCLUSION

The above by no means suggests that we do not often find cases of houses where we can detect the presence of different people belonging to the same family at different times. We have nonetheless to bear in mind a number of principles that should influence the conclusions we draw from the material.

Three issues have emerged. Firstly, there is the nature of the source material itself. Inscriptions and, specifically, honorific inscriptions, that we generally believe to be the most reliable source on private ownership in the late antique city of Rome, might indeed be the most complex. Inscriptions could be moved or, indeed, could be left in their original place while the owner moved on. Only if all the problems arising from the circumstances of their discovery can be resolved, can we speak about the existence of a

⁷⁵ However, the dedicatory inscription to the *lares* by the two Aradii found on the Via Latina confirms neither that it had come down to Lucius Aradius Valerius Proculus from his ancestors, nor that he transmitted it to his son (as assumed by Panciera, *op. cit.* (n. 2, 1987), 565–6, and, subsequently, LTUR II s.v. 'Domus: Aradii', 36). In view of the lack of archaeological evidence from the house at the Via Latina to confirm ownership by the Aradii in the third century or the continuity of ownership by the Aradii after Lucius Aradius' death, we could conclude that it had been acquired by Lucius Aradius when he founded his family.

⁷⁶ See Clark, *op. cit.* (n. 66), 97, according to whom Gerontius' 'emphasis on the couple's staggering wealth serves mainly to highlight the spectacular nature of their renunciation'.

⁷⁷ *Vita Mel. graec.* 14.

⁷⁸ Lanciani, *op. cit.* (n. 1), 345: 'There must be some inaccuracy in the account [i.e. of the house's sale after the destruction by the Visigoths]. (. . .) the house was discovered in 1554, 1561 and 1711 in such a wonderful state of preservation that we must exculpate the Goths from the charge of having pillaged and gutted in 410.'

⁷⁹ Brenk, *op. cit.* (n. 65), 79.

⁸⁰ Greg., *Ep.* 9.28. To be sure, the *xenodochium Valeriorum* is mentioned here without indication of location. Yet a later attestation in the *Liber pontificalis* (LP I, 473) from the time of Pope Stephanus III shows that it was situated near the Lateran, therefore in the area of the former Valerii/Aradii residence; see Brenk, *op. cit.* (n. 65), 72–3.

property (or more) in the first place. Secondly, there is the use of prosopographical information as a method of following the exact way in which a property was transmitted. This is problematic because it is hard to fill in the genealogical gaps arising from generations not historically attested. It can also be misleading due to the ways in which late antique senatorial families defined themselves. Often they tried to impress their contemporaries by inventing extravagant family relationships, for which they might have exploited the topographical memory of a place, or, indeed, have established such a topographical memory in the first place. Thirdly, there are the inheritance issues. Although gender and order of birth could be taken into account, Roman senators made use of their freedom to pass on their property in whatever ways it suited their individual strategies. Certainly, Roman testators sometimes left their urban residences to one of their children, or to a close relative, in the hope of creating a tradition. However, if they did not take care to establish specific conditions for the future treatment of their property, they could not prevent their heirs from disposing of the house. But even if testators adopted certain measures, alienation seems to have happened. At all times we have to consider the fact that there might have existed a discrepancy between the meaning a testator attributed to his house and the ideas his descendants associated with it, especially the more chronologically distant they became from each other.

With these reservations in mind, we need to reassess the prosopographical and topographical data on urban residences with which the late antique city of Rome provides us. We should be very careful in using this evidence to reconstruct family stemmata of late Roman senators or the transmission of their properties. Still, the evidence can tell us a great deal about the self-conception of late Roman senators. The late Roman senatorial house was not a deliberate 'monument' for a *gens*, but it was a monument for the current power of the single owner as a *paterfamilias* of his nuclear family, and, if an owner so chose, a monument to an aristocratic notion of wider familial continuity.

As may have become obvious in the course of this discussion, of flexibility towards past and present ownership of urban property was not an innovation of the late antique senatorial aristocracy. The handling of urban residences was as pragmatic in the Republic and Early Empire as it was in Late Antiquity. To cite a famous example, in 62 B.C. Marcus Tullius Cicero left the house on the Carinae he inherited from his father to his brother Quintus, to move to the more prestigious environment of the Palatine, where he installed his *lares* and *penates*. Shortly afterwards, he was joined on the Palatine by Quintus himself, who rented out their father's house.⁸¹ However, if the current scholarship on the importance of emancipation in Late Antiquity and therefore the change in the structure of the late Roman family is correct, the desire for reflection of the new status of a *paterfamilias* in a newly acquired house must have been more frequent in Late Antiquity than ever before.

In turn, the desire of some late Roman senators to create an idea of continuity by means of their houses very much resembles the lifestyles of *homines novi* of the Republic and Early Empire. In fact, Pliny the Elder tells us that in his time some new senators left the honorific items they found in the properties acquired from old republican families *in situ* to show off.⁸² One might imagine that the *novi homines* of the fourth century pursued the same strategy. Even so, the senators of late antique Rome faced one development, at least, which was quite different from the experience of their classical predecessors. The removal of the imperial court from the city of Rome created a civic vacuum which gave senators new opportunities to appropriate urban space. The archaeological evidence from the late antique city indeed presents a boom in senatorial dwellings of a high

⁸¹ See Plutarch, *Cic.* 8.3 and 6; Cicero, *har. resp.* 31 for Cicero's move; for his household deities: Cicero, *dom.* 108; for Quintus' move, Cicero, *Att.* 1.14.7; for the letting of their father's house: Cicero, *ad. Q. fr.* 2.4.2. See for the urban property holdings of the senatorial families of the Republic and Early and High

Empire, E. Rawson, 'The Ciceronian aristocracy and its properties', in M. I. Finley, *Studies in Roman Property* (1976), 85–9; see also Eck, *op. cit.* (n. 4), 188.

⁸² Pliny, *NH* 35.2.7.

standard.⁸³ Under these circumstances the idea of continuity of a house gains a new aspect. This continuity may have been illusory, but must have been very real for the public implications of the senatorial residence. It may not have been because of a real tradition of ownership that private houses became a point of orientation in the wider context of the city.⁸⁴ However, the enhancement and sometimes creation of property histories must have had an effect on the topographical consciousness of the wider population, even if legally speaking these properties were in no way 'family houses'. It is therefore not surprising that we find evidence for this phenomenon especially among the late Roman aristocracy, who, in view of the upheaval of imperial real estate, must have been eager to redefine their houses — and their ancestry — as landmarks of urban social life.

University of Manchester

julia.d.hillner@man.ac.uk

⁸³ Guidobaldi, *op. cit.* (n. 2) *passim*; idem, 'Le domus tardoantiche di Roma come sensori delle trasformazioni culturali e sociali', in W. Harris (ed.),

The Transformations of Urbs Roma in Late Antiquity, JRA Supp. Ser. 33 (1999), 53–68.

⁸⁴ A point made by Eck, *op. cit.* (n. 4), 190.