

Doctrine of Adoption - I. Roman Style

In Rome, Patrician children stayed under the mother's care until they were seven years old. After that time, the boys went to private school and were under the discipline and training of a pedagogue.

The pedagogue was not an academic instructor. His job was to inculcate standards of moral and physical well-being. The pedagogue was therefore a surrogate father during these formative years. The boy's academic training was usually handled by a Greek slave.

The curriculum consisted of learning how to read and write and to compute with Roman numerals. The only textbook was the Twelve Tables, the Roman equivalent of the Magna Carta in England and the Bill of Rights in the United States.

In addition, physical education was emphasized with competition in spear, sword, wrestling and running. Therefore, the first seven years a child was under the care and nurturing of his mother. For the next seven, he was placed under the rigorous discipline of a private school.

The greater emphasis was the development of enforced humility, respect for authority, and inculcation of virtue. These young Romans were confined to a very strict military system which allowed very little freedom. The objective was to make out of every Roman male a citizen of highest integrity and moral character.

Once a boy successfully completed his 14-year indoctrination, he was considered ready to receive full Roman citizenship. By age 14 he was either ready to enter Roman society or he was considered a loser.

The father would receive consistent reports from the instructors and the pedagogues on the progress of his son. If the reports indicated that the son was not going to measure up then the father was faced with a decision regarding the inheritance of his estate.

Roman law allowed a father to pass his estate, position in society, political office, wealth, and possessions down to one of his sons. It further allowed that if the father believed that none of his sons demonstrated the ability to take on such a responsibility, then he could go outside the family to obtain an heir.

A search would be made of qualified candidates, young men of plebeian parents who showed ability, attitude, and capability. Many times, such a candidate would be located in one of the plebeian families employed by the patrician's estate. When this young man was found he would be offered the opportunity to demonstrate his abilities.

If the teachers and pedagogues reported back positively, then the father had the option of bringing that young plebe into his household. At 14, the young man was inducted into the family and granted heirship of the father's estate and fortune. At the death of the father, the adoptive son became head of the household.

The legal process of assigning heirship to a natural-born son, a relative, or the worthy son of a plebe was called adoption. This process was called in the Latin, *adoptia* and in the Greek, *huiiothesia*.

Doctrine of Adoption - II. The Ceremony of Adoption: *Adrogatio*

Once a child was chosen as an heir, the official ceremony of adoption was conducted and was called *adrogatio*. The one selected could be the father's legitimate son; the son of a relative, or the son of a plebeian family. Selection could occur at any age but a boy could not be adopted until his 14th birthday. Up to that point the child was a minor in the eyes of the law. As a result, he was legally no different than that of a slave, even though he had been designated as the heir of his father's estate.

On his 14th birthday, his father would organize an *adrogatio* ceremony. Invited would be all potential heirs as well as the immediate family members. The adopted son would enter wearing the robe of youth: the *toga praetexta*. The father would step forward, touch the boy on the shoulder with a ceremonial baton called a *festuca*, and say, “*I claim this man as my son.*” The young man would then remove his *toga praetexta* and be helped on with the fine white linen of the *toga virilis*, the robe of manhood. The father would then place the family signet ring on the young man’s finger.

The privileges and opportunities associated with being adopted were many. In the eyes of Roman law, he was a new creature, being considered born again into a new family. The transformation was considered so complete that intermarriage was forbidden. He became the heir of the family fortune, the family business, his father's seat in the Senate, or, as the case might be, the next Emperor. He was immediately enlisted in the Roman army.

Upon fulfilling his service in the military, he was free to get married if he so desired. On the other hand, the father continued to control the adoptee until his death. He was responsible for his discipline and was held liable for any of his actions.