

**wardship and tutelage** Roman law placed all fatherless children below puberty under guardianship (*tutela impuberis*). It ended at the age of twelve (girls) or fourteen (boys). The tutor administered the ward's property, not selling land and avoiding risk. In wealthy families the father used to nominate a guardian (*tutor*) in his will. Otherwise the nearest male relative was called to duty, or the guardian was appointed by a magistrate. Officially, women could not be guardians, although local tradition in Egypt, Palestine and probably elsewhere had allowed mothers this role. Imperial law admitted widows as guardians over their children in the 4th cent., if they pledged not to remarry. By the 6th cent., unmarried widows were customarily recognized as guardians both in the east and west. The Visigothic and Burgundian laws endorsed the same usage, while the position of the Franks and other Germans is unclear.

From the late 2nd cent., magistrates regularly appointed a curator (*curator minoris*) for all adolescents between puberty and 25 years, now considered the actual legal age. From 324, a personal majority (*venia aetatis*) could be granted for boys at twenty and girls at eighteen, if they proved their honourable character. In late imperial law, the roles of tutor and curator were gradually assimilated. Curators were also appointed for special reasons, like mental illness or profligacy.

Originally, adult Roman women were also placed under guardianship (*tutela mulierum*). As they only needed the guardian's consent for certain legal acts, his practical role was limited. Most adult wives had also given three births and qualified for exemption from guardianship (*ius trium liberorum*). The official Roman system replaced or transformed provincial customs in the 3rd cent. (poorly known, but attested esp. in Egypt). Having lost all real meaning, the guardianship of women was abolished in imperial law in the 4th cent., leaving room for local variation. Later eastern and western practice tended to accept the husband as a virtual guardian. In post-Roman

societies, married women may have kept some of their legal autonomy, but eventually Roman and Germanic traditions fused: unmarried girls were supervised by their relatives, and wives by their husbands, whereas widows were legally independent. Only in Langobardic law were women always subjected to male domination (*mundium*).

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Arjava *Women*.

Beaucamp *Femme*.

Evans Grubbs *Women*.

Kaser *Privatrecht* 1.352–72, 2.222–37.

Krause *Witwen*, vol. 3.

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Abbreviations used not in current list:

Arjava *Women* = A. Arjava, *Women and Law in Late Antiquity* (1996).

Beaucamp *Femme* = J. Beaucamp, *Le Statut de la femme à Byzance (4e–7e siècle)*, 2 vols. (1990–2).

Evans Grubbs *Women* = J. Evans Grubbs, *Women and the Law in the Roman Empire: A sourcebook on marriage, divorce and widowhood* (2002).

Kaser *Privatrecht* = M. Kaser, *Das römische Privatrecht*, 2 vols. (<sup>2</sup>1972–5).

Krause *Witwen* = J.-U. Krause, *Witwen und Waisen im Römischen Reich*, 4 vols. (1994–5).