

Unwelcome competitors. Hereditary conflicts between agnate and cognate kin in Ancient Rome

Familial tension arising between adopted and biological offspring around issues of inheritance is not in itself a specific issue of antiquity. The Romans, however, were particularly obsessed with it, as can be seen both in law and rhetoric. There are several *controversiae* in the so-called *declamationes Romanorum* that address the topic, both on an *intragenerational* level as a conflict between siblings and from an *intergenerational* perspective as a conflict experienced by the son of two fathers, i.e. a biological and an adoptive parent, both disinheriting him in their wills. The rhetorical disputes reflected structural changes in the organisation of Roman families during the transition from the Republic to the Principate, and so did the law. While around 50 B.C. the centumviral court had decided in favour of an adoptee who argued *contra tabulas* against the blood relations whom his biological father had appointed as his heirs¹, this point of view became increasingly disputed among the *jurisconsulti* of the Principate. *Papinian*, *Paulus* and *Marcian* hotly debated whether an adopted son should be given the right of action against the will of his biological father, and disagreed on the issue. The *querela inofficiosi testamenti* was an action a disinherited member of the family could bring against the will of an undutiful *pater familias* with a view to inheriting the estate based on the law of intestacy. My paper will discuss the underlying cultural and political concepts of this legal discourse and give reasons for the gradual shift from virtual agnate to blood-based cognate kinship. Whereas the traditional view (*Goody*) emphasizes the Christian influence in late antiquity, my aim is to show that the trend began much earlier due to the rise of a new style of governance in the Principate (*Foucault's* governmentality).

¹ Val. Max. 7,7,2.