

AGE CATEGORIES IN ROMAN LAW –  
A YEAR IN ANCIENT ROME AND ITS IMPORTANCE FOR DETERMINING  
PEOPLE’S AGE

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SUMMARY: 1. – Introduction; 2. – Age categories in Roman law; 3. – A year in the early law and in the pre – classical period; 4. – A year in the classical and post – classical period; 5. - Conclusion

### **1. – Introduction**

At the present time I am conducting research devoted to the age categories in Roman law. The main intention of my efforts is to collect and describe all legal sources connected to the human age. What is obvious, the research is being made with reference to the human beings’ legal position. It means – what legal consequences are brought to a person after achieving a certain age. The elementary unit to determine people’s age is a year. It is not surprising that in ancient Rome a year had the same function as today. The main difference lays in the definition of a year. In modern times a year is comprehended as 365 days, or 366 days when it is a leap year. In the Roman times, in divergent periods a year was counted differently. This article can be treated as an introduction to age-related matters in ancient Rome. In the first place, the method of counting time by the Romans is presented, i.e. how they counted years. In other words, the initial reflections were devoted to the Roman calendar and its development over the centuries. It must be noted that the modern approach to the year and its length can be misleading if we refer to ancient times. One year in the reign of Romulus was different from that of the Republican times or later years after the reforms of Julius Caesar. The obvious remarks about the Roman calendar are introductive and limited only to how the Romans understood and counted a year, which is the basic measure of human age.

### **2. – Age categories in Roman law**

Age categories functioned in Roman private law, due to which the legal position of a person was determined<sup>1</sup>. The ages of 7, 14 (12) and 25 together with adjusted terms such as

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*infantes*, *impuberes* and *puberes* where characteristic for the Roman private law. A person's age determined the capacity of action which is the capacity to act in such a manner as to produce a legal result. In Roman law there were three degrees of such capacity: total absence of capacity, partial absence of capacity, and full capacity. *Infantes* i.e. children under 7<sup>th</sup> year of age were incapacitated from all juristic acts. *Impuberes* i.e. those who completed their 7<sup>th</sup> year, but had not yet completed (boys) their 14<sup>th</sup> year or (girls) their 12<sup>th</sup> year were incapacitated from some juristic acts, but capable of other. According to Roman law minors who are above the age of puberty, but under 25 years (*puberes minores xxv annis*), enjoy full capacity<sup>2</sup>.

The aforementioned division is less detailed and it can be called as an elementary division due to the person's legal capacity of action. A more complex division is presented in the following table, according to P. MacChombaich de Colquhoun<sup>3</sup>:

Tab. 1. Age categories in Roman law

<i>Males</i>	<i>Females</i>
From birth to 25 complete – <i>minor sensu lato</i>	From birth to 25 complete – <i>minor sensu lato</i>
From birth to 14 complete – <i>impubes</i>	From birth to 12 complete – <i>impubes</i>
From birth to 7 complete – <i>infans</i>	From birth to 7 complete – <i>infans</i>
From 14 to 25 complete – <i>pubes</i>	From 12 to 25 complete – <i>pubes</i>
From 14 to 18 complete – <i>pubes minus plene</i>	From 12 to 14 complete – <i>pubes minus plene</i>
From 18 to 25 complete – <i>pubes plene</i>	From 14 to 25 complete – <i>pubes plene</i>
From 25 et deinde – <i>maior</i>	From 25 et deinde – <i>maior</i>

<sup>1</sup>About the age categories in Roman law, cf.: M. Kuryłowicz, A. Wiliński, *Rzymskie prawo prywatne. Zarys wykładu*, Warszawa 2008, p. 101 and other; A. Dębiński, *Rzymskie prawo prywatne. Kompendium*, Warszawa 2011, 147 and other; K. Kolańczyk, *Prawo rzymskie*, Warszawa 1986, 208 and other; W. Wołodkiewicz, M. Zabłocka, *Prawo Rzymskie. Instytucje*, Warszawa 2009, 114 and other; W. Osuchowski, *Rzymskie prawo prywatne. Zarys wykładu*, Warszawa 1981, 186 and other; W. Dajczak, T. Giaro, F. Longchamps de Bériér, *Prawo rzymskie. U podstaw prawa prywatnego*, Warszawa 2009, 191 and other; R. Taubenschlag, *Rzymskie prawo prywatne*, Warszawa 1969, 109 and other; W. Litewski, *Rzymskie prawo prywatne*, Warszawa 1990, 143 and other; M. Żołnierczuk, *Zarys prawa rzymskiego*, Lublin 1998, 96 and other; M. Kaser, *Das Römische Privatrecht*, München 1955, 238 – 240; И. Б. Новицкий, *Римское право: учебник*, Москва, 2009, 60-61; R. Świrgoń – Skok, *Kategorie wieku w prawie rzymskim*, Zeszyty Naukowe Uniwersytetu Rzeszowskiego, Seria Prawnicza, 77/2013, 144 and other; W. Kosior, *Kategorie wieku w prawie rzymskim okresu królewskiego*, Zeszyty Naukowe Uniwersytetu Rzeszowskiego, Seria Prawnicza, 89/2015, 9 and other.

<sup>2</sup> R. Sohm, *The Institutes of Roman law*, London 1892, 127.

<sup>3</sup> P. Colquhoun, *A Summary of the Roman Civil Law, Illustrated by Commentaries on and Parallels from the Mosaic, Canon, Mohammedan, English, and Foreign Law*, London 1849, 353.

The explanation how the Romans counted and comprehended a year can be found in the Digest of Justinian:

**D. 50, 16, 134, Paulus libro secundo ad legem Iuliam et Papiam;** *"Anniculus" non statim ut natus est, sed trecentesimo sexagesimo quinto die dicitur, incipiente plane, non exacto die, quia annum civiliter non ad momenta temporum, sed ad dies numeramus.*

In this text it is stated that someone is not called “yearling” as soon as he is born, but on the three hundred sixty – fifth day, clearly when the day begins, not when it finishes, since in the civil law we do not reckon the year by moments of time, but by days<sup>4</sup>. As it results from the cited source in Roman law a year was treated as number of days. During the Justinian’s period a year was reckoned as 356 days. But in different periods of Roman law that differed a lot.

## 2. – A year in the early law and pre – classical period

The ancient Romans borrowed daily life time frames from the Etruscans, or at least used their solutions to a large extent. The oldest Roman calendar<sup>5</sup> was based on the Etruscan 10-month solar calendar<sup>6</sup>. Although it is also known that the oldest Roman calendar consisted of 12 months since the beginning<sup>7</sup>.

<sup>4</sup> A. Watson, *The Digest of Justinian, Vol. 4. English – language translation*, Philadelphia 1985, 459.

<sup>5</sup> The complex history of the Roman calendar, cf. E. Greswell, *Origines Kalendariae Italicae*, Oxford 1854, Vol. I, 522, Vol. II, 710, Vol. III, 526, Vol. IV, 586.

<sup>6</sup> Latin names of the Etruscan months are: *Velcitanus* (March), *Cabreas* (Apris), *Ampiles* (Mai), *Aclus* (June), *Traneus* (July), *Hermius* (August), *Celius* (September), *Xosfer* (October), cf. M. Pallottino, *Testimonia Linguae Etruscae*, [in:] ‘La Nuova Italia’ Editrice, Firenze 1954, 801, 805, 818, 824, 836, 854, 856, 858. According to A. Niemiowski names of the Etruscan months were following: *velcitna*, *capre*, *ampill*, *acall*, *turane*, *herme*, *celi*, *xuru*, cf. А.И. Немировский, *Этруску: от мифа к истопии*, Москва, 1983, 164 – 229. Names of the Etruscan months were derived from gods’ names. It is possible that names of the months were differing from one region to another, cf. J. Heurgon, *Życie codzienne Etrusków*, Warszawa 1966, 167. About the Etruscan calendar cf. J. M. Turfa, *The Etruscan Brontoscopic Calendar and Modern Archaeological Discoveries*, [in:] *Etruscan Studies Journal of the Etruscan Foundation*, 2007/10/13, 163 – 173. Every month in a year had 30 days. Etruscans knew also a time division called *saeculae* (a century) with variable length. The length of a century exceeded 100 years and it was connected to some maximum of human’s life from birth to death of a person born in the first day of a new century, cf. Censorinus. *De Die Natali*, 17, 1; *Saeculum est spatium vitae humanae longissimum partu et morte definitum*. How Etruscans counted centuries, cf. J. M. Turfa, *Divining the Etruscan World: The Brontoscopic Calendar and Religious Practice*, Cambridge 2012, 29 – 30. For example the fifth, sixth, seventh and eighth century had 123, 119, 114 and 129 years respectively, cf. Censorinus. *De Die Natali*, 17, 6; *Haec portenta Etrusci pro haruspicii disciplinaeque suae peritia diligenter observata in libros rettulerunt. Quare in Tuscis historiis, quae octavo eorum saeculo scriptae sunt, ut Varro testatur, et quot numero saecula ei genti data sint, et transactorum singula quanta fuerint quibusve ostentis eorum exitus designati sint, continentur. Itaque scriptum est quattuor prima saecula annorum fuisse centenum, quintum centum viginti trium, sextum undeviginti*

The basis of the calendar in early Roman times was the so-called Romulus year:

**Leges Regiae, 1,12;** *Haec fuit a Romulo annua ordinata dimensio, qui – annum X mensium, dierum uero CCCIII habendum esse constituit mensesque ita disposuit, ut quattuor ex his XXXI, sex uero XXX haberent dies*<sup>8</sup>.

As arises from the above passage of the royal statutes, in Rome under the rule of Romulus, the year of 304 days was divided into 10 months<sup>9</sup>. Four months consisted of 31 days and the other six had 30 days<sup>10</sup>. The first month was March (*Martius*), established in honor of the god Mars - the legendary father of Romulus, another April (*Aprilis*) from the verb *aperire, aperio* which meant “to open”, then May (*Maius*) from the goddess name called Mai, the embodiment of development<sup>11</sup>; June (*Iunius*) from the adjective *iunior*, meaning

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*et centum, septimum totidem, octavum tum demum agi, nonum et decimum superesse, quibus transactis finem fore nominis Etrusci.* The proven oldest Etruscan aristocracy member was Larth Felsnas, who was 106 years old, cf. J. M. Turfa, cit., 30; G. Bonfante, L. Bonfante, *The Etruscan Language: An Introduction*, Manchester 2003, 90. The generation was – according to different sources - 25 or 30 years, cf. Censorinus. *De Die Natali*, 17, 2; *Hoc quidem geneas tempus alii aliter definiunt: Herodicus annos quinque et viginti scribit dici genean, Zenon triginta.*

<sup>7</sup> Censorinus, *De Die Natali*, 20, 2; *Annum vertentem Romae Licinius quidem Macer et postea Fenestella statim ab initio duodecim mensum fuisse scripserunt; sed magis Junio Gracchano et Fulvio et Varroni sed et Suetonio aliisque credendum, qui decem mensum putarunt fuisse, ut tunc Albanis erat, unde orti Romani.* Cf. W. Smith, *Dictionary of Greek and Roman Antiquities*, New York 1878, 191; W. Hales, *A new analysis of chronology and geography, history and prophecy*, London 1830, Vol. 1, 37.

<sup>8</sup> Cf. Macrobius, *Saturnalia: Sat.* 1,12,38; *Haec fuit a Romulo annua ordinata dimensio, qui, sicut supra iam diximus, annum decem mensium dierum uero quattuor et trecentorum habendum esse constituit, mensesque ita disposuit, ut quattuor ex his tricenos singulos, sex uero tricenos haberent dies;* Censorinus, *De Die Natali*, 20, 3; *Hi decem menses dies CCCIII hoc modo habebant: Martius XXXI, Aprilis XXX, Maius XXXI, Junius XXX, Quintilis XXXI, Sextilis et September tricenos, October XXXI, November et December XXX; quorum quattuor maiores pleni, ceteri sex cavi vocabantur.*

<sup>9</sup> About early Roman calendar in the Romulus times cf. O. E. Hartman, *Der Römische Kalender. Aus dem Nachlasse des Verfasser*, Leipzig, 1882, 1 – 15; A. Philip, *The Calendar; its history, structure and improvement*, Cambridge 1921, 9.

<sup>10</sup> There is also a different opinion according to which months in the Romulus's year had between 20 and 35 or more days – cf. Plutarch, *Numa Pompilius* 18,1; *ἡμεροῦ δὲ καὶ τῆς περὶ τὸν οὐρανὸν πραγματείας οὔτε ἀκριβῶς οὔτε παντάπασιν ἀθεωρήτως. Ρωμύλου γὰρ βασιλεύοντος ἀλόγως ἐχρῶντο τοῖς μηνὶ καὶ ἀτάκτως, τοὺς μὲν οὐδὲ εἴκοσιν ἡμερῶν, τοὺς δὲ πέντε καὶ τριάκοντα, τοὺς δὲ πλείονων λογιζόμενοι, τῆς δὲ γινομένης ἀνωμαλίας περὶ τὴν σελήνην καὶ τὸν ἥλιον ἐννοίαν οὐκ ἔχοντες, ἀλλ' ἐν φυλάττοντες μόνον, ὅπως ἐζήκοντα καὶ τριακοσίῳ ἡμερῶν ὁ ἐνιαυτὸς ἔσται.* And as Censorinus says, in different regions the length of months varied from each other cf. Censorinus, *De Die Natali*, 22, 6; *Apud Albanos Martius est sex et triginta, Maius viginti duum, Sextilis duodeviginti, September sedecim; Tusculanorum Quintilis dies habet XXXVI, October XXXII, idem October apud Aricinos XXXVIII.*

<sup>11</sup> Robert Turcan, *The Gods of Ancient Rome: Religion in Everyday Life from Archaic to Imperial Times*, New York 2001, 70.

younger. The next names of the months were created from the number of months which they occupied in a year, i.e. *quinque, sex, septem, octo, novem* and *decem*<sup>12</sup>.

Changes in the Roman calendar were introduced by the successor of Romulus, king Numa Pompilius:

**Leges Regiae, 2,18;** *Numa (anno Romuli) L dies addidit, ut in CCCLIII dies, quibus XII lunae cursus confici credidit, annus extenderetur ; atque his L a se additis adiecit alios VI, retractos illis VI mensibus qui XXX habebant dies, – factosque LVI dies in duos novos menses pari ratione diuisit: ac – priorem Ianuarius nuncupavit primumque anni esse uoluit, – secundum dicauit Februo deo. – Paulo post Numa in honorem inparis numeri – unum adiecit diem, quem Ianuario dedit – Ianuarius igitur, Aprilis, Iunius, Sextilis, September, November, December, XXVIII censebantur diebus; – Martius uero, Maius, Quinctilis et October dies XXX singulos possidebant, Februarius XXVIII retinuit dies*<sup>13</sup>.

The Numa Pompilius's reform approached the Roman year to what we currently rely on, not only in the numerical sense but also on naming<sup>14</sup>. For the year set by Romulus, 50 days were added to obtain the number 354 corresponding to the length of twelve moon cycles. Numa Pompilius divided a year into 12 months according to the moon cycle, taking into

<sup>12</sup> Cf. O. E. Hartman, cit., 3.

<sup>13</sup> Cf. Macrobius, Saturnalia: Sat. 1, 13, 1- 7; *1 Sed secutus Numa, quantum sub caelo rudi et seculo adhuc inpolito solo ingenio magistro comprehendere potuit, vel quia Graecorum observatione forsitan instructus est, quinquaginta dies addidit, ut in trecentos quinquaginta quattuor dies, quibus duodecim lunae cursus confici credidit, annus extenderetur. 2 Atque his quinquaginta a se additis adiecit alios sex retractos illis sex mensibus qui triginta habebant dies, id est de singulis singulos, factosque quinquaginta et sex dies in duos novos menses pari ratione diuisit: 3 ac de duobus priorem Ianuarius nuncupavit primumque anni esse uoluit, tamquam bicapitis dei mensem respicientem dicavit Februo deo, qui lustrationum potens creditur: lustrari autem eo mense civitatem necesse erat, quo statuit ut iusta dis Manibus solverentur. 4 Numae ordinationem finitimi mox secuti totidem diebus totidemque mensibus, ut Pompilio placuit, annum suum computare coeperunt: sed hoc solo discrepabant, quod menses undetricenorum tricenumque numero alternauerunt. 5 Paulo post Numa in honorem inparis numeri, secretum hoc et ante Pythagoram parturiente natura, unum adiecit diem quem Ianuario dedit, ut tam in anno quam in mensibus singulis praeter unum Februarium impar numerus seruetur. Nam quia duodecim menses, si singuli aut pari aut impari numero putarentur, consummationem parem facerent, unus pari numero institutus universam putationem inparem fecit. 6 Ianuarius igitur Aprilis Iunius Sextilis September November December undetricenis censebantur diebus et quintanas Nonas habebant, ac post Idus in omnibus a. d. septimum decimum Kalendas computabatur. 7 Martius uero Maius Quinctilis et October dies tricenos singulos possidebant. Nonae in his septimanae erant: similiterque post Idus decem et septem dies in singulis usque ad sequentes Kalendas putabantur: sed solus Februarius viginti et octo retinuit dies, quasi inferis et deminutio et par numerus conueniret; Censorinus, De Die Natali, 20,4; Postea sive a Numa, ut ait Fulvius, sive, ut Junius, a Tarquinio XII facti sunt menses et dies CCCLV, quamvis luna XII suis mensibus CCCLIII dies videbatur explore; Ovidius, Fasti, 1,43; at Numa nec Ianum nec avitas praeterit umbras, mensibus antiquis praeposuitque duos.*

<sup>14</sup> About the Numa Pompilius's year, cf. O. E. Hartman, cit., 16 – 65.

account leap years<sup>15</sup>. As a result of the reform the months: *Ianuarius*, *Aprilis*, *Iunius*, *Sextilis*, *September*, *November*, *December* consisted of 29 days, *Martius*, *Quinctilis*, *October* of 30 days, and *Februarius* received 28 days. Next to these extra 50 days, the king added six more days taking one day from six months. This was because the Romans were superstitious and tried to avoid even numbers<sup>16</sup>. In the final effect, in the Numa Pompilius's calendar seven months i.e. January, April, August, September, November, and December had 29 days; four months i.e. March, May, July and October 31 days and February had 28 days<sup>17</sup>. The Numa's year consisted of 355 days and was divided into 12 months. The calendar established by king Numa was called the royal calendar.

According to Plutarch, during the reign of Numa Pompilius, additional efforts were also made to adjust the lunar year (354 days) to the solar year (365 days). Therefore, the king decided to add a doubling of eleven days after February to every four years in four-year cycles. That created an additional month which was called *Mercedinus*<sup>18</sup>. By this method a leap year was acquired. According to other reports, king Numa was not responsible for this reform, but the reform was implemented in the middle of the fifth century BC and it was commissioned by the *decemviri* board. The reform was based on the fact that the number of days in February was set for 23 or 24 days, followed by an additional 27 or 28 days. This extra leap month was referred to as *mensis intercalaris*<sup>19</sup>. As a result, the final year counted 377 or 378 days. Due to its weak source<sup>20</sup>, it is difficult to determine definitively when this reform was conducted and how exactly this extra month was introduced<sup>21</sup>.

<sup>15</sup> Livius, 1 19.6; *atque omnium primum ad cursus lunae in duodecim menses describit annum; quem, quia tricenos dies singulis mensibus luna non explet, desuntque dies solido anno, qui solstitiali circumagitur orbe, intercalariis mensibus interponendis ita dispensavit, ut vicesimo anno ad metam eandem solis, unde orsi essent, plenis omnium annorum spatiis dies congruerent.*

<sup>16</sup> Romans comprehended even numbers as unlucky ones. They believed that gods prefer odd numbers, cf. Vergilius, *Eclagues*, 8,75; *numero deus impare gaudet.*

<sup>17</sup> In this month there was an event called *Februalia* connected to a symbolic purification. Later on this ceremony was continued during the *Lupercalia*.

<sup>18</sup> Plutarch, Numa Pompilius 18, 2; *Νομῆς δὲ τὸ παράλλαγμα τῆς ἀνωμαλίας ἡμερῶν ἔνδεκα γίνεσθαι λογιζόμενος, ὡς τοῦ μὲν σεληνιακοῦ τριακοσίας πενήκοντα τέσσαρας ἔχοντος ἡμέρας, τοῦ δὲ ἡλιακοῦ τριακοσίας ἑξήκοντα πέντε, τὰς ἔνδεκα ταύτας ἡμέρας διπλασιάζων ἐπήγαγε παρ' ἐνιαυτὸν ἐπὶ τῷ Φεβρουαρίῳ μηνὶ τὸν ἐμβόλιμον, ὑπὸ Ῥωμαίων Μερκηδῖνον καλούμενον, εἴκοσι καὶ δυοῖν ἡμερῶν ὄντα.*

<sup>19</sup> Macrobius, *Saturnalia*: Sat. 1, 13, 21; *Tuditanus refert libro tertio Magistratum Decemviros, qui decem tabulis duas addiderunt, de intercalando populum rogasse: Cassius easdem scribit auctores: Fulvius autem id egisse M'. Acilium consullem dicit ab urbe condita anno quingentesimo sexagesimo secundo, inito mox bello Aetolico. Sed hoc arguit Varro scribendo antiquissimam legem fuisse incisam in columna aerea a L. Pinario et Furio consulibus, cui mentio intercalaris ascribitur. Haec de intercalandi principio satis relata sunt.*

<sup>20</sup> Cf. L. Winniczuk, *Ludzie, zwyczaj i obyczaje starożytnej Grecji i Rzymu*, Warszawa 1983, 183.

In 191 year BC pursuant to *Lex Acilia de Intercalando*<sup>22</sup>, introduced by consul Manius Acilius Glabrio, pontifices were granted the right to introduce leap months at their own discretion. The intention of the bill was to adjust the calendar to the solar cycle<sup>23</sup>. However, this entitlement was used by the pontifices for their political purposes, which in the end led to confusion<sup>24</sup>. A clear example of the effect of this law is the period between 59 and 46 years BC when there was no leap year at all and that caused that there were 90 days difference between the official events and the relevant dates of those events<sup>25</sup>.

The fundamental change took place in 46 year BC when Julius Caesar being advised by Sosigenes of Alexandria, an Egyptian mathematician and astronomer, decided to adjust the year to the solar cycle.

On the Cesar's reform, Suetonius writes:

**Suetonius, Divius Iulius, 40;** *Conversus hinc ad ordinandum rei publicae statum fastos correxit iam pridem vitio pontificum per intercalandi licentiam adeo turbatos, ut neque messium feriae aestate neque vindemiarum autumno competerent; annumque ad cursum solis accommodavit, ut trecentorum sexaginta quinque dierum esset et intercalario mense sublato unus dies quarto quoque anno intercalaretur. Quo autem magis in posterum ex Kalendis Ianuariis novis temporum ratio congrueret, inter Novembrem ac Decembrem mensem interiecit duos alios; fuitque is annus, quo haec constituebantur, quindecim mensium cum intercalario, qui ex consuetudine in eum annum inciderat.*

According to the above passage, Caesar reformed the calendar<sup>26</sup>, which, due to pontifices' actions, caused chaos in the process of ordering state affairs. The arbitrary

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<sup>21</sup> Opinions how the Mercedonius was added cf. A. K. Michels, *The Calendar of the Roman Republic*, Princeton, 1967, 145–172. Also: O. E. Hartman, cit., 83 – 100.

<sup>22</sup> Cf. L. Franchini, *Osservazioni in merito alla lex Acilia de intercalando*, [in:] *Annali Lumsa*, 2002, 323-340.

<sup>23</sup> G. W. Botsford, *The Roman Assemblies: From Their Origin to the End of the Republic*, New Jersey 2001, 358.

<sup>24</sup> See the footnote 15.

<sup>25</sup> L. Winniczuk, cit., 184.

<sup>26</sup> About the Caesar's reform, cf. A. Philip, cit., 11 – 16.

decisions of the priests led to the strange situations, for example when the official harvest<sup>27</sup> did not fall during the summer and the official vintage<sup>28</sup> did not fall for the autumn. Caesar adjusted the year to the sun cycle by dividing it into three hundred and sixty-five days. The *mensis intercalaris* was abolished, and for exchange, in every four years one day was added to a year. Caesar added two months between November and December to have a compatibility between the count of time and year's seasons. So the year of reform - 46 BC had fifteen months with the leap month, which was exactly this year. That year counted 445 days, resulting from the fact that up to 355 days of the normal year were added a leap month of 23 days. These two abovementioned additional months were added together (67 days in total). Year 46 BC was called a strange year by Macrobius - *annus confusionis*. He informs us that this year had 443 days, and that the whole reform was due to the fact that Julius Caesar, a pontifex maximus, decided to adapt the calendar to the Egyptian solutions based on the solar cycle of 365 and a quarter of a day<sup>29</sup>. This fraction of the day was to compensate for a leap month once every four years for which the *Februarius* was fixed. Just like today – there was no such day as February 29<sup>th</sup> but the day of February 24<sup>th</sup> was repeated. According to the Romans, February 24<sup>th</sup> was the sixth day before March 1<sup>st</sup>, so that repeated day was called *bissextilis*<sup>30</sup>.

The reformed calendar, now called in honor of Caesar - Julian - began to apply from January 1<sup>st</sup> 45 BC. At the same time, the official start of the year and the calendar beginning of the year (1<sup>st</sup> of March) were unified and since the implementation of the Caesar's reform it was a common date i.e. 1<sup>st</sup> of January.

### 3. – A year in the classical and post – classical period

In subsequent years the calendar and the way of counting the days and the length of the year was not transformed anymore. The changes only concerned names of months. In 44

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<sup>27</sup> *Messis, is* – żniwa, żniwo, zbiór, plon (harvest) [in:] J. Korpanty, *Mały słownik łacińsko – polski*, Warszawa 2004, 402, (s.v.; *messis, is*); czas żniw, żniwo, zbiory, plon (harvest season) [in:] J. Sondel, *Słownik łacińsko – polski dla prawników i historyków*, Kraków 2009, 621, (s.v.; *messis, is*).

<sup>28</sup> *Vindemialis, is* – święto winobrania (vintage) [in:] J. Sondel, cit., 994, (s.v.; *vindemialis, is*).

<sup>29</sup> Macrobius, Saturnalia: Sat. 1, 14, 3; *Ergo C. Caesar exordium novae ordinationis initurus dies omnes qui adhuc confusionem poterant facere consumpsit: eaque re factum est ut annus confusionis ultimus in quadringentos quadraginta tres dies protenderetur. Post hoc imitatus Aegyptios solos divinarum rerum omnium conscios ad numerum solis, qui diebus tricenis sexaginta quinque et quadrante cursum conficit, annum dirigere contendit.*

<sup>30</sup> L. Winniczuk, cit., 184 – 185.

year BC after the death of Julius Caesar, Mark Antony, then in charge as a consul, changed the name of the month from *Quintilis* to *Iulius*, for Caesar's birthday was in that month. In 8 BC the month *Sextilis* was renamed Augustus in honor of Octavian Augustus to celebrate his accomplishments which took place that month. It was in August that Octavian was first elected a consul, triumphed in Rome three times, and in that month he assumed command of the legions, and Egypt was under Roman rule and the civil war ended. As we can read in the Senate resolution changing the name of the month, for these reasons August was seen as the happiest month in the year (*felicissimus*)<sup>31</sup>. During the reign of Tiberius, a proposal was made for September to be named after him and October in the name of Tiberius' mother, Livia<sup>32</sup>, but this proposal was refused<sup>33</sup>. The emperor Caligula did not resign from this privilege and the month of September was renamed to *Germanicus* in honor of his father<sup>34</sup>. During Nero's reign, the Senate changed April to *Neronius*<sup>35</sup>. The next change was introduced by Emperor Domitian, who after the receiving the Germanic title, changed September to *Germanicus*, and October to *Domitianus*<sup>36</sup>. A complete renaming of the months' names brought the reign of Emperor Commodus when, at the request of his flockers, all months were renamed in honor of the emperor's nicknames. And so the year then consisted of the following months:

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<sup>31</sup>Macrobius, *Saturnalia*: Sat. 1, 12, 34; (...) *sed postea in honorem Iulii Caesaris Dictatoris legem ferente M. Antonio M. filio consule Iulius appellatus est, quod hoc mense a.d. quartum Idus Quintiles Iulius procreatus sit. 35 Augustus deinde est qui Sextilis antea vocabatur, donec honori Augusti daretur ex senatusconsulto cuius verba subieci: CUM IMPERATOR CAESAR AUGUSTUS MENSE SEXTILI ET PRIMUM CONSULATUM INIERIT. ET TRIUMPHOS TRES IN URBEM INTULERIT. ET EX IANICULO LEGIONES DEDUCTAE SECUTAEQUE SINT EIUS AUSPICIA AC FIDEM. SED ET AEGYPTUS HOC MENSE IN POTESTATEM POPULI ROMANI REDACTA SIT. FINISQUE HOC MENSE BELLIS CIVILIBUS INPOSITUS SIT. ATQUE OB HAS CAUSAS HIC MENSIS HUIC IMPERIO FELICISSIMUS SIT AC FUERIT. PLACERE SENATUI UT HIC MENSIS AUGUSTUS APPELLETUR.*

<sup>32</sup>J. Rüpke, *The Roman Calendar from Numa to Constantine: Time, History, and the Fasti*, Malden, 2011, 133.

<sup>33</sup>Suetonius, *Tiberius*, 26; *Intercessit et quo minus in acta sua iuraretur, et ne mensis September Tiberius, October Livius vocarentur.*

<sup>34</sup>Suetonius, *Gaius*, 15; *At in memoriam patris Septembrem mensem Germanicum appellavit.*

<sup>35</sup>Tacitus, *Annales*, 15, 74; *Tum [decreta] dona et grates deis decernuntur, propriusque honos Soli, cum est vetus aedes apud circum, in quo facinus parabatur, qui occulta coniurationis [suo] numine retexisset; utque circensium Cerialium ludicrum pluribus equorum cursibus celebraretur mensisque Aprilis Neronis cognomentum acciperet and 16, 12; Publius Gallus eques Romanus, quod Faenio Rufo intimus et Veteri non alienus fuerat, aqua atque igni prohibitus est. liberto et accusatori praemium operae locus in theatro inter viatores tribunicios datur. et menses, qui Aprilem eundemque Neroneum sequebantur, Maius Claudii, Iunius Germanici vocabulis mutantur, testificante Cornelio Orfito, qui id censuerat, ideo Iunium mensem transmissum, quia duo iam Torquati ob scelera interfecti infaustum nomen Iunium fecissent.*

<sup>36</sup>Suetonius, *Domitianus*, 13; *Post autem duos triumphos Germanici cognomine assumpto Septembrem mensem et Octobrem ex appellationibus suis Germanico Domitianumque transnominavit, quod altero suscepisset imperium, altero natus esset.*

*Amazonius, Invictus, Felix, Pius, Lucius, Aelius, Aurelius, Commodus, Augustus, Hercules, Romanus, Exsuperatorius*<sup>37</sup>. All these modifications, except those made in honor of Julius Caesar and Octavian August, did not last longer than the reign of the emperor initiating the change.

## 5. - Conclusion

As it was mentioned in the beginning, a year is the main and elementary measure for human's age. Nowadays, we got used to the fact that a year consists of 365 days and 366 every four years. There is nothing surprising that in ancient Rome a year also was comprehended as a time measure tool. The difference between modern and ancient times concerns the length of a year. When talking about Rome, we can describe three significant calendars which are worth mentioning. There are: the king Romulus's Calendar, the king Numa Pompilius's Calendar and the Julius Caesar's Calendar. The following table presents in the most accurate way disparities among those calendars.

Tab. 2. Roman calendar in the historical context.

<i>Romulus Calendar</i>		<i>Numa Pompilius Calednar</i>		<i>Julius Caesar Calendar</i>	
<i>Month</i>	<i>Days</i>	<i>Month</i>	<i>Days</i>	<i>Month</i>	<i>Days</i>
<i>Martius</i>	31	<i>Ianuarus</i>	29	<i>Ianuarus</i>	31
<i>Aprilis</i>	30	<i>Februarius</i>	28 (23/24)	<i>Februarius</i>	28/29
		<i>Mercedonius/In tercalaris</i>	27/28		
<i>Maius</i>	31	<i>Martius</i>	31	<i>Martius</i>	31
<i>Iunius</i>	30	<i>Aprilis</i>	29	<i>Aprilis</i>	30
<i>Quintilis</i>	31	<i>Maius</i>	31	<i>Maius</i>	31
<i>Sextilis</i>	30	<i>Iunius</i>	29	<i>Iunius</i>	30
<i>September</i>	30	<i>Quintilis</i>	31	<i>Quintilis</i> ( <i>Iulius</i> )	31
<i>October</i>	31	<i>Sextilis</i>	29	<i>Sextilis</i> ( <i>Augustus</i> )	31

<sup>37</sup> Cassius Dio, *Historiae Romanae* 73, 15, 3; και ἀνδριάς τε αὐτῶ χρυσοῦς χιλίων λιτρῶν μετὰ τε ταύρου καὶ βοῶς θηλείας ἐγένετο, καὶ τέλος καὶ οἱ μῆνες ἀπ' αὐτοῦ πάντες ἐπεκλήθησαν, ὥστε καταριθμῆσθαι αὐτοὺς οὕτως, Ἀμαζόνιος Ἀνίκητος Εὐτυχῆς Εὐσεβῆς, Λούκιος Αἴλιος Αὐρήλιος Κόμμοδος Αὐγουστος Ἡράκλειος Ῥωμαῖος and *Historiae Augustae* 11, 8; *Menses quoque in honorem eius pro Augusto Commodum, pro Septembri Herculem, pro Octobri Invictum, pro Novembri Exsuperatorium, pro Decembri Amazonium ex signo ipsius adultores vocabant.*

<i>November</i>	30	<i>September</i>	29	<i>September</i>	30
<i>December</i>	30	<i>October</i>	31	<i>October</i>	31
X		<i>November</i>	29	<i>November</i>	30
		<i>December</i>	29	<i>December</i>	31
<b><i>Year</i></b>	<b>304</b>	<b><i>Year</i></b>	<b>355 / 377 / 378</b>	<b><i>Year</i></b>	<b>365 / 366</b>

In Roman private law a year was reckoned as a number of days. During the evolution of that law the length of a year slightly differed in various periods. That means that it will be a false simplification to uncritically apply our modern point of view that a year consists of 365 days, to Roman law in general. In this article I presented the evolution of the Roman calendar by focusing on the length of the year. This article is very useful when talking about age categories in Roman law. There is no other way to describe legal consequences of achieving an exact age if not to mention how the age was defined. The results described above can be used to every research when some remarks in reference to age are made.

### **Abstract**

The age of a human being is a common research topic in many branches. This topic is also used by the legal science. Age categories functioned in Roman law, due to which the legal position of a person was determined. The ages of 7,12,14 and 25 together with adjusted terms such as *infantes*, *impuberes* and *puberes* were characteristic for the Roman private law. The elementary unit to determine people's age is a year. In ancient Rome it was not so clear as it is today, that a year consisted of 365 days. The main aim of this article is to present how the ancient Romans reckoned a year through different Roman law historical periods.

Wiek człowieka jest popularnym przedmiotem badawczym wielu dziedzin nauki i ich pochodnych. Przedmiot ten wykorzystywany jest również przez naukę prawa. W prawie rzymskim funkcjonowały kategorie wieku, od przekroczenia których zależała pozycja prawna danej osoby. Charakterystycznymi dla rzymskiego prawa prywatnego są kategorie wieku 7, 12, 14 i 25 lat, wraz z przypisanymi do nich pojęciami tj. *infantes*, *impuberes* i *puberes*. Podstawowym miernikiem wieku człowieka jest rok. W starożytnym Rzymie nie było to takie oczywiste jak współcześnie, że rok równy jest 365 dniom. Głównym założeniem niniejszego

artykułu jest zaprezentowanie tego jak starożytni Rzymianie pojmowali rok na przestrzeni różnych okresów rozwoju prawa rzymskiego.