The Roman Family in the Empire
Rome, Italy, and Beyond
THE ROMAN FAMILY IN THE EMPIRE
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This volume is dedicated to Beryl Rawson
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Most papers in this volume were given at the Fourth E. T. Salmon conference in Roman Studies held at McMaster University in Hamilton, Canada, in September 2001. Exceptionally, Antti Arjava’s paper, ‘The Roman family in the Greek east’, which he delivered at the conference, will appear in a forthcoming volume, and Mary T. Boatwright’s paper, included here, was a welcome later addition. The conference was made possible by generous financial support from the E. T. Salmon Fund for Roman Studies of McMaster University and the Social Sciences and Humanities Research Council of Canada, to which I am greatly indebted. Many hands went into the organization of the conference and the making of the volume, but special thanks must go to Carmen Camilleri and to Marina Salmon, whose unfailing interest and warm encouragement were constant positive forces. Alexa Holbrook valiantly assumed responsibility for the preparation of the final text, with editorial assistance from Oxford University Press. From their inception, the shape and scope of conference and book benefited from the judicious guidance of Keith Bradley, to whom I extend my profound gratitude. Finally, and above all, the conference owes its genesis to Beryl Rawson, whose contribution to the study of the Roman family cannot be underestimated; this volume is dedicated to her.

M.G.
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ABBREVIATIONS

AE  L'Année épigraphique
BGU  Aegyptische Urkunden aus den Königlichen (later Staatlichen) Museen zu Berlin, Griechische Urkunden
ChLA  Chartae Latinae Antiquiores
CIJ  Corpus Inscriptionum Judaicarum
CIL  Corpus Inscriptionum Latinarum
CLE  Carmina Latina Epigraphica
CMBad.  Catálogo monumental de España: Provincia de Badajoz, J. R. Mélida (Madrid, 1925–6)
CPILC  Corpus provincial de inscripciones latinas: Cáceres, R. Hurtado de San Antonio (Cáceres, 1977)
CPR  Corpus Papyrorum Raineri
CSIR Österreich 1.5  Die Reliefs der Stadtgebiete von Scarbantia und Savaria, M. L. Krüger (Vienna, 1974)
DJD  Discoveries in the Judaean Desert
EE  Ephemeris Epigraphica
Abbreviations


FE  Ficheiro Epigráfico (supplement to the journal Conimbriga)

FIRA  Fontes Iuris Romani Antejustiniani

HAE  Hispania Antiqua Epigraphica
HEp.  Hispania Epigraphica

ILAlfr.  Inscriptions Latines d’Afrique

ILER  Inscripciones latinas de la España romana, J. Vives (Barcelona, 1971)

ILS  Inscriptiones Latinae Selectae, H. Dessau (Berlín, 1892–1916)

ILTun.  Inscriptions Latines de la Tunisie, ed. A. Merlin (Paris, 1944)

IRCP  Inscrições romanás do Conventus Pacensis, J. d’Encarnação (Coimbra, 1984)

IRT  Inscriptions of Roman Tripolitania

LICS  Latin Inscriptions from Central Spain, R. C. Knapp (Berkeley, Los Angeles, and Oxford, 1992)

LTUR  Lexicon topographicum urbis romae

O. Florida  The Florida Ostraka: Documents from the Roman Army in Upper Egypt, ed. R. S. Bagnall (Durham, NC, 1976)

P. Amb.  The Amberst Papyri


P. Brem.  Die Bremer Papyri


P. Col.  Columbia Papyri
P. Coll. Youtie: Collectanea Papyrologica: Texts Published in Honor of H. C. Youtie

P. Fam. Tebt.: A Family Archive from Tebtunis, ed. B. A. van Groningen (Leiden, 1950)


P. Iand.: Papyri Iandanae

P. Köln: Köln Papyri


P. Lips.: Griechische Urkunden der Papyrussammlung zu Leipzig

P. Lond.: Greek Papyri in the British Museum

P. Mert.: A Descriptive Catalogue of the Greek Papyri in the Collection of Wilfred Merton


P. Oslo.: Papyri Osloenses

P. Oxy.: The Oxyrhynchus Papyri

P. Princ.: Papyri in the Princeton University Collections

P. Ryl.: Catalogue of the Greek and Latin Papyri in the John Rylands Library, Manchester

P. Sakaon: The Archive of Aurelius Sakaon, ed. G. M. Parássoglou (Bonn, 1978)

PSI: Papiri greci e latini

P. Stras.: Griechische Papyrur der Kaiserlichen Universität- und Landes-bibliothek zu Strassburg
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<td><em>The Wisconsin Papyri</em></td>
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<td>RIU</td>
<td><em>Die römischen Inschriften Ungarns</em></td>
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<td>SB</td>
<td><em>Sammelbuch griechischer Urkunden aus Aegypten</em></td>
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<td>Sent. Pauli</td>
<td><em>Sententiarum Receptarum libri quinque qui vulgo Iulio Paulo adhuc Tribuuntur</em>, text in <em>FIRA</em> II, at pp. 317–417</td>
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<td>UPZ</td>
<td><em>Urkunden der Ptolemäerzeit (ältere Funde)</em>, ed. U. Wilcken</td>
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<td>ZPE</td>
<td><em>Zeitschrift für Papyrologie und Epigraphik</em></td>
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Introduction

Michele George

This volume follows from the three Australian conferences begun by Beryl Rawson in 1981, a time when, quite coincidentally, a number of scholars in different parts of the mainly Anglo-American world were beginning to focus on the topic of the Roman family as a distinct theme in ancient social history. Research on family studies in the ancient world was in part the result of a growth of interest in the 1960s and 1970s in the history of the family among historians at large (e.g. Laslett, MacFarlane, Stone), and, for some, the growth of a very ‘scientific’ approach to demographic studies, represented especially by the Cambridge Group for the History of Population and Social Structure.¹ From these new historical methodologies emerged Keith Hopkins’s pioneering application of demography to the ancient context, which opened up a new form of analysis that continues to thrive while remaining highly controversial.² Rawson, who herself had had interests in the Roman family since the time of her graduate studies, had the acumen to recognize this nascent movement in Roman history and to gather these scholars together to produce the conferences in Australia.³ The subject has matured since the 1980s and each of the three volumes shows a growing refinement of approach and a better set of results.

One of the problems that was faced by these scholars but which has never been satisfactorily resolved is that of how the

³ Rawson 1966. The first three conferences on the Roman Family, held at the Australian National University in Canberra, resulted in three volumes on the subject: Rawson 1986a, 1991a, Rawson and Weaver 1997.
Roman family is to be defined. The need for definition seems essential but the problem is more complicated than appears at first sight. In modern western societies ‘family’ is an ambiguous term, but it connotes something that most people most of the time can understand. In 1984, using funerary inscriptions from the western empire, Saller and Shaw argued that the Roman family was essentially nuclear, not extended, a claim that has dominated the discussion ever since. There are, however, problems with this view. First, the Romans themselves had no term for ‘family’ in any modern sense, and there are many contexts in which they show interest in non-nuclear or partial-nuclear family members in ways that are distinct from the modern cell-like concept of the nuclear family. Secondly, the demography of Roman Egypt shows that many households in that province had non-nuclear family members and offers a far different model from the paradigm traced by Saller and Shaw of what was normative in Roman society at large. For example, although it is only one region of the Roman empire, the existence of sibling marriage in the Fayum raises questions about household composition and domestic organization at large, and about how to identify and account for discrepancies from the Italian norm. The insistence of some scholars on regional demographic variability and scepticism about applying model life tables to ancient populations underlines the difficulties of the demographic approach. Valid as they may be, however, such debates do not affect the legitimate questions about household composition that are related to the issue of family definition. Thirdly, the term *familia* to the Romans meant ‘household’ rather than ‘family’ in any biological sense, and it is in terms of household organization and structure that family relations are therefore best understood.4

A significant complicating factor that modern historians of the family (in Europe at least) did not have to face was the presence of slavery. When, as in Rome, slaves were responsible for most childcare, at least in elite circles, to think in terms of nuclearity without any nuance or allowance for cultural specificity is an oversimplification. Because Romans had no concept of the

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family as a collective unit, referring instead to their wives and children specifically, or just to ‘their own’, it is questionable whether a definition of the Roman family is possible without injecting anachronistic and therefore culturally irrelevant elements. A challenge to Saller and Shaw was raised by an examination of funerary commemorations in Asia Minor which identified an emphasis on the ‘extensive’, rather than the nuclear, family, proving that epigraphic evidence can be used in different ways to paint a variety of pictures and highlighting the problems inherent in seeking a specific family type that dominated the Roman Mediterranean. In turn, however, the conclusions of this study have been criticized for not fully acknowledging the regional diversity that emerged in its results.5

Definition, however, is not the only issue which has engaged historians of the family. The last generation of scholarship has focused on the component elements of family life that are regarded now and were regarded then as important: paternal power, family law, marriage patterns (including divorce and remarriage), the history of children and childbearing, the life course, old age, relations between family members (spouses, parents, and children), as well as between kin and non-kin members of the household.6 Instead of trying to contain the Roman family within a particular set of parameters, such studies have adumbrated the diverse elements of domestic life and considered their interplay. Rather than resolving the question of structure, they have complicated it by enhancing our understanding of the many dimensions of experience which fall within the category of ‘family life’, but for which the issue of structure has only minor relevance.

This fourth volume builds logically on its predecessors and on the scholarship on the family that has appeared in the intervening years. It has a twofold approach. A number of the studies complement the emphasis of the earlier conference volumes on

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Rome while also looking to a wider orbit. Using evidence from Italy, and most often Rome, the first three articles (Treggiari, George, Bradley) explore notions surrounding the family in the abstract and in reality. Treggiari examines the way the idea of ‘family’ was used in the forensic works of Cicero as a touchstone for elite morality, especially for men, and how the social family norms of *pietas* and affection informed the identity of the Roman nobility. George’s discussion of family portrait groups on Republican and early imperial funerary commemoration takes up the same set of attitudes toward family life and shows how the emerging urban middle class of Italy, former slaves in Rome and citizens of mixed origins in Cisalpine Gaul, used family imagery to position themselves in the mainstream culture. Bradley, by contrast, investigates the harder side of ancient family life in his survey of diseases and treatments of illnesses, thus retrieving a sobering dimension of ancient experience which is radically different from the modern.

The remaining chapters begin the examination of family life in the Roman world outside Italy in a systematic way focusing on specific regions. These studies revisit the issue of family structure, both directly and obliquely, as they tackle the enormous problem of how the Roman family, or forms of the Roman family, may have revealed themselves in Rome’s provinces in the imperial age. Using a lesser known source, rescripts mostly from the east which are preserved in the Justinianic Codex, Evans Grubbs examines the domestic tensions that arose between parents and adult children, and shows how certain social values such as marital happiness were prized above *patria potestas*, the central doctrine of Roman family law. In raising the question of precisely how ‘Roman’ these third-century families from the Greek east were, this study introduces the problem of Roman identity, the issue at the heart of the remaining chapters. Williams and Alston examine family life in the eastern Roman empire and the different points of access, in the form of various kinds of evidence, which might allow us to discern its shape and track its development. Williams looks at the impact of Roman political rule on Jewish family life in the early imperial period, charting the relatively minor changes in circumcision, onomastics, and burial practices and drawing attention to the crucial role of Hellenization. Adopting methodologies from anthropological theory, Alston
considers family structure in Roman Egypt, the role of local practices such as sibling marriage, and variations in patterns between urban and rural families.

Pursuing similar questions, but in quite different cultural contexts, the four final studies consider regions within the western empire, ranging from areas such as Spain and Gaul, which might justifiably be expected to have adopted more Roman practices and institutions than the Greek east, to the farther corners of North Africa and Pannonia, where multicultural layering poses special challenges. In his search for family structure, Edmondson’s statistical analysis of funerary commemorations in the province of Lusitania provides an illuminating pendant piece to Alston’s. Examining factors such as gender, age, and onomastic conventions, Edmondson argues for a direct relationship between the Roman political presence and the shape of social relations in the province, while at the same time tracing the presence of indigenous cultural attitudes, such as the particularly high valuation of women, which diverged from Roman norms. In Lusitania, as in Egypt, it seems that families might have assumed a Roman form to some degree while at the same time maintaining attitudes and behaviours rooted in the pre-Roman context.

This might well have been true in Roman Gaul as well, but, as Woolf explains, the three Gauls taken as a whole offer far less evidence on which to base an analysis. In the absence of sufficient conventional sources, Woolf contemplates the potential value of certain aspects of culture, such as a rhetorical education and Roman law, as agents of change and as inducements for family members to adopt Roman family values and structure. ‘Going Roman’ had the greatest appeal for men, Woolf suggests, but in many aspects Gallo-Romano families, like those in Egypt and Lusitania, probably exercised choice in the ways in which they conformed to Roman models. The delineation of cultural identity presents similar problems in North Africa for Corbier, not for lack of evidence but for its complexity. In extricating possible Roman influence on family structure and practice from among the varied cultural influences (indigenous, Hellenized Greek, Punic, Roman, and eventually Christian) which shaped family life, Corbier finds conventional Roman approaches to funerary commemoration (albeit with the occasional local twist),
but speculates that distinctive North African customs might be visible in, for example, regional variations in marriage customs. In distant Pannonia, Boatwright’s funerary stelae portray affectionate family groups attired in both Roman and local traditional dress, making a statement about family identity in a way that is not exclusively Roman, yet is congruent with Roman attitudes. Behind these studies lies the thorny question of ‘Romanization’, the process of acculturation that has conventionally been viewed as a kind of local imitation of Roman attitudes and institutions. In recent years, however, this assumption has come under careful scrutiny, and increasingly it is argued that, far from being a straightforward mimicking of the dominant power, the evidence from the provinces illustrates the formation of new regional cultures and identities through the blending of Roman and local forms. New debates about the meaning of ‘Romanization’ and the extent to which local cultures adopted and absorbed Roman norms, practices, and ideologies add another complicating element in the search for the family in the Roman provinces.7

The collection does not pretend to cover the whole Roman empire, nor do the authors presume to offer definitive coverage of the family in their respective areas. On the contrary, a shared characteristic of the provincial chapters is an awareness of the difficulties inherent in exploring issues such as family structure and more intractable matters such as affective relationships in social contexts which cannot be assumed to have been entirely ‘Roman’. The authors in this volume exploit different kinds of evidence in diverse ways, reflecting the reality of often vastly heterogeneous material which exists in differing degrees of quantity and quality. Some (Alston, Edmondson) rely extensively on papyrological and epigraphic material, while others (George, Boatwright) focus on visual imagery. Treggiari and Bradley draw from conventional texts, while Evans Grubbs concentrates on an undervalued juridical source. Still others (Williams, Woolf, Corbier) adopt an eclectic approach, taking advantage of the evidence available in their respective regions. Yet, even in the face of limited sources, it seems clear enough

that in different parts of the empire variations in family practice existed within a set of accepted social values, whose precise shape admittedly we cannot always see. This is not surprising, considering the flexibility the populace at Rome itself enjoyed in matters of marriage, adoption, and inheritance, while operating within the bounds of Roman law.

Although preliminary in many respects, this volume takes a definite step outwards from Rome and Italy to try to understand family life in the Roman imperial period on a wide geographical basis in a way that has not been previously attempted. The exploratory approaches selected here lay the groundwork for further provincial studies and, ultimately, for a better understanding of family life across Rome’s empire as a whole. In opening up new lines of inquiry into the Roman family, this volume raises questions about how the terms ‘Roman’ and ‘family’ are defined, and suggests numerous avenues which might be followed in future research. The anthropological and theoretical methodologies in Alston’s and Woolf’s chapters, for example, might fruitfully be applied to other provinces, as might Williams’s and Corbier’s selection of particular kinds of epigraphic and archaeological material for family life and social values. Another potential topic for discussion is the possible variation in attitudes and practices over time, both within particular regions and in comparison with one another. For example, did Apuleius or Plutarch mean the same thing as Cicero when they wrote about family, and to what extent is modern scholarship able to elucidate the distinctions that must have existed among them? What are the differences between the west and the east, where the Greek traditions of family life automatically come into play? Scholarly interest in the Greek family has followed from the growth of Roman family studies, but the extent to which family behaviour as evidenced in classical Greece was the same as or different from family life among the Greeks of the Roman imperial age remains to be examined. What, if any, were the ramifications of the spread of Christianity on family life and forms of family interaction? While family studies within early Christianity have been undertaken by New Testament scholars, only rarely has there been any significant engagement with the conventional Graeco-Roman texts or secondary literature, nor in general have classical scholars ventured into the unfamiliar territory of biblical sources. Finally,
family life in late antiquity, for which there are numerous good sources, has received less attention than it deserves.\textsuperscript{8}

The subject is far from exhausted. No one has as yet produced the definitive book on the Roman family that combines all these approaches, uses a comprehensive theoretical framework, or considers how the Roman family changed over time. Despite the problems of definition and of available evidence, it is clear that there is still much to be learned about Roman family life, and that great advances in scholarship have been made in the last twenty plus years. This collection, like all conference volumes, is partial and lacks the consistency demanded of a single-authored monograph. It does, however, offer answers to a number of specific questions while setting new challenges for another generation of scholars in a field still ripe for investigation.

I

Putting the Family Across:
Cicero on Natural Affection

Susan Treggiari

That he (Cicero) lied,—is as I have said a matter of course
because he was a Roman; and equally a matter of course that
he lied successfully, because he was gifted with the use of
words.

(Trollope, Letters, i. 305–6, to G. H. Lewes, 1 June 1865)

Introduction

One of the things most Roman citizens had in common was
experience of a family. Even ex-slaves, deprived of legal parents
and perhaps of actual children, aspired to family life. In an age
when politicians tremble to think that if they indicate approval of
marriage they will make some of the electorate feel excluded, it is
interesting to see how Roman orators, such as Cicero, assume
norms of family affection and proper behaviour and deploy them
in advocacy, invective, and political speeches, with audiences of
all types.¹

I am grateful to Michele George for organizing an outstanding conference and
for editing this volume, to the participants and to the two readers. This chap-
ter is part of a larger study on morality. I acknowledge the generous help of the
J. S. Guggenheim Foundation and of All Souls College.

¹ It was pointed out by Professor Woolf that Hillary Clinton, in the imme-
diate aftermath of 11 Sept. 2001 (in which the conference was held) linked her
feelings for her own family with sympathy for the families of victims of the
attack. I have the impression that similar rhetoric was used by other politicians.
This may be, partly, because a major human crisis concentrates the mind on
essentials. Woolf’s formulation was different: ‘How does talking about the fam-
ily let you avoid talking about something else?’ Cherie Booth in 2002 provided
an example when, in a broadcast defending the circumstances in which she had
The focus in this chapter is on Cicero’s speeches, though I shall appeal on occasion to the letters and rhetorical or philosophical treatises. I shall begin with some general considerations, and go on to two speeches which highlight the relationship between parent and child, then focus on moralizing about the family and end up with Cicero’s presentation of himself as a good family man.

We still debate the relevance of what we regard as private life to our assessment of the qualifications of a person to lead us in public life. The Romans took that relevance for granted. In theory, any human society had its origins in the mating of a couple (according to ‘natural law’): from this derived the relationship with children, other kin, fellow-citizens, and the whole human race. Romans talked about Rome, their polity (civitas, res publica), their native land (patria, which is linked with pater, a father), but the state was constitutionally the Roman people, the collectivity of all citizens, represented on public occasions by social ranks and by men, women, and children. The state depended on the family.

Cicero might divide various experiences up into public, common, or individual. For instance, public occasions involved the whole citizen body: games, festivals, or war. Shared experiences might include harvests or cold or hot weather. Individual (singulare) events were experienced privately, privatim: weddings, sacrifices, funerals, a party, or going to sleep (Inv. 1. 40). A number of these involve the family, friends, and staff, not just one person, but there was no general admission for members of the public. There is a concept of the individual operating in a personal and private sphere. Nevertheless, how a person behaves with his

bought two flats with money held in a blind trust, wept when explaining that her eldest son, an undergraduate, was living away from home for the first time.

Works of Cicero are cited by title alone. In citing the letters (A. = ad Atticum, F. = ad familiares, QF = ad Quintum fratrem), I give Shackleton Bailey’s number before the slash and then the traditional number. The fourth number is that of the paragraph and does not appear in all translations. Unspecified dates are BC, except in this footnote. Translations are mine.

2 Fin. 5. 65, Off. 1. 54; cf. Fin. 4. 17, Tusc. 5. 5, Off. 1. 12; D. 1. 1. 1. 3, Ulp.; Treggiari 1991: 208–9.

3 Discussed further in Treggiari, forthcoming a.

4 e.g. Rep. 5. 7, Treggiari, forthcoming b.
nearest and dearest spills over into the public sphere, where he is observed by outsiders. When Aeneas took his father on his shoulders and his son by the hand to get them out of burning Troy, he was behaving like a proper leader. The family conduct or irregular sex-lives of emperors mattered to the overall assessment. The Greeks and Romans, Plutarch tells us, took an interest in their leaders’ private lives.

Men in public life are not responsible merely for their public words and actions. Their dinners, their bed, their marriage, their amusements and interests are all objects of curiosity. (Plut. Rules for politicians, tr. Russell 144)

Roman politicians, who had repeatedly to submit their characters and records to the judgement of the electorate, needed to appear to be ‘good men’. Lucilius in his description of the indefatigable and wily public man includes using charm as a weapon and pretending to be bonus vir (‘a good man’; Warmington (1938) Lucil. 1145–51). One element of that capacious word bonus was attested by conduct and feeling to kin and wife. Plutarch says that Caesar’s funeral eulogy for his dead wife, Cinna’s daughter Cornelia, and his observed grief won him the favour of ordinary people, who ‘loved him as a gentle man’ (Plut. Caes. 5. 2).

The defendant’s ‘private’ behaviour, as far as it could be perceived, indicated his character and proved him likely or unlikely to have committed the crime of which he was accused. Cicero’s courtroom speeches, mostly for the defence, allow us to see how he and the prosecution attempted to represent character.5

Cicero’s mature treatise on the perfect orator (55 BC) hammers home the point that the orator must speak so as to be understood by ordinary people.6 He must understand the emotions which nature has given to all mankind: the whole point is to quieten or excite their minds.7 He must appeal to their shared sentiments, sensus hominum communis.8 The adroit orator Antonius says he tries to scent the audience’s perceptions, opinions, expectations, and wishes, and fit his speech to them in order to get his hearers

5 Cf. Fantham 1997. 6 de Orat. i. 12; cf. i. 81 (Antonius speaking). 7 de Orat. i. 17; cf. 31, 53, 69 (Crassus speaking), 2. 30–6 (Antonius), 3. 92 (Crassus). 8 de Orat. 2. 68, cf. i. 94 (Antonius).
moving in the direction he wants (de Orat. 2. 186). One of the three things he thought about in deciding on his strategy in making a speech was what would fit in with the hearers’ ideas.  

The task is to present oneself in a way that fits in with the preconceptions of the hearers. In the run-up to the British election of 2001 a leaked Tory memo was alleged to have included this statement:

The more conservatives talk like (and as a party look like) the rest of Britain—in both language and content—the more credible our messages will be and sound.

Janet Daley commented:

‘Will be and sound?’ Are they the same thing? And what (or who) is the ‘rest of Britain’? All the bits outside the Tory party? Does the rest of Britain have one homogeneous style of speech and appearance that the Tories have somehow missed out on over the years in office and must now catch up with? (Janet Daley, Daily Telegraph, 24 April 2001)

Obviously, Roman audiences were not homogeneous either (except that those present in the Forum on formal occasions would be mostly adult citizen men). Antonius is thinking especially of forensic oratory and of judges or arbitrators of the upper classes. Mutatis mutandis, the orator also had to think about his hearers when addressing Senate or People. There was plenty of room for different opinions on politics or guilt or innocence even when the people who had to be convinced came from the wealthier strata: the judges (iudices) of Cicero’s time were deliberately drawn from three groups. There was also the corona, the bystanders who listened to forensic speeches, from a wider cross-section of society (Fin. 4. 74). Their reactions might influence the verdict and their own assessment of the orator’s standing. I

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9 de Orat. 2. 114–15: ‘accomodatum ad eorum animos . . . ad id, quod volumus, commovendos.’ In sum: ‘. . . (1) that we prove our case to be true, (2) that we win over our hearers to us, (3) that we call their minds to whatever feeling our cause demands’. (1) depends on evidence and argument; (2) is commendation of ourselves and our clients. It was inept and tactless to misjudge the audience (de Orat. 2. 17 (Crassus speaking), 2. 303–6 (Antonius speaking)). Cf. Inv. 1. 29. See Fantham 1973: 262–75 and May 1988: 2–4 for the Aristotelian background.

shall suggest that the ideas about family which the orators deploy had broad appeal to all sections of society.

Antonius in Cicero’s treatise explains how the orator must put both himself and his client across by getting the audience to approve their characters and way of life: ‘hype’ is easier than sheer invention (de Orat. 2. 182, cf. 2. 114–15). The speaker’s reasonable tone will portray him as moral, of good conduct and bonus (de Orat. 2. 184, cf. 1. 87, 2. 192, and Part. or. 22, 28).

Good behaviour to kin was one of the indices of goodness. The Defence of Plancius (54 BC) has a particularly significant passage, arguing that pietas towards parents and other relations was the best possible indication of probity in all social dealings, including politics.

I omit those things which are less in the limelight but are certainly praised when they are publicized, how he lives with his people, first of all with his parent—for in my judgement pietas is the foundation of all virtues—whom he venerates like a god—and indeed a parent is not very different from a god to his children—and loves like a companion, a brother, a contemporary. What shall I say about his relationship with his father’s brother, his kin by marriage, his relatives, with Cn. Saturninus here, that distinguished man? . . . What shall I say about me, when I feel at his trial that I am the accused? What shall I say about the great number of good men whom you see here in mourning clothes? These are the solid and clear proofs, judges, these are the signs of a probity which is not painted with the cosmetics of public display but branded by the private marks of truth. When we canvass and court the people, it’s an easy thing; it can be looked at but not handled; it shows up well at a distance, it isn’t shaken out and scrutinized, it can’t be picked up in the hand. (Planc. 29) Constant play is made with family affection in appeals to the jurors in speeches for the defence. The roll-call of family members who can be exploited in this way depended chiefly on the kin a man had at the time, though ancestors could be invoked at need. So the presence of M. Marcellus’ weeping cousin Gaius could evoke all the dead ancestors (Marc. 10). Calling up ghosts was, Cicero makes Antonius say, a trick of the great Crassus (cos.

11 ‘amat . . . ut sodalem, ut fratrem, ut aequalem.’ Cf. QF 3/1. 3: 3: ‘When I miss you, am I missing just a brother? For me you are brother for pleasantness, (why) almost a contemporary, a son for obligingness, a parent for counsel’. (. . . suavitate fratrem, <aeetate> aequalem, obsequio filium, consilio parentem.)
12 Cf. A. 18/1. 18. 1 for the contrast between show and real feelings.
who would conjure up a dead father before the eyes of the 
*centumviri* and make him embrace his son and commend him 
tearfully to the court (*de Orat.* 1. 245).13

**Constraints and Opportunities Created by the**
**Defendant’s Circumstances**

For demographic realities meant that the surviving kin of a 
Roman defendant were often few. They are invoked especially in 
the peroration, but may be referred to elsewhere in a speech. 
Young sons, in mourning garb, might supplicate the People or the 
judges.14 Both the spoken word and the sight of those who stood 
in various family relationships suggest that the defendant is a man 
like the judges.

For instance, the son of L. Valerius Flaccus was too young to 
understand much of what was going on and may be the one 
whom Cicero mentions elsewhere as a prop he used to great 
effect, by picking him up and filling the Forum with tears and 
lamentations. He is treated as a little suppliant. If the judges leave 
him his father, they will leave him a model of a good citizen; if 
not, they will show him that goodness is not rewarded.15

M. Caelius Rufus too was short of close relatives, so that 
Cicero makes much of the loneliness faced by his father, whose 
only son he is and who depends utterly on him. The appeal, as 
so often, is to men who will understand the strength of paternal 
affection because they remember their own fathers or have 
children of their own. Caelius will repay his debt not only to them 
but to their children (*Cael.* 4, 79–80).

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Her.* 2. 50, 4. 51; *Brutus* 90; for the success of fathers pleading for defendants see
*Cltu.* 195.
15 *Flac.* 106, probably referred to in *Orat.* 131. For appeals in the name of 
the defendant’s offspring (*liberi*) see e.g. *Quinct.* 97, for allusions to the orator’s 
children *Mil.* 100, 102. For the judges thinking of their own *liberi* in making 
their decision see *Cael.* 80 (final paragraph), *Planc.* 103 (penultimate paragraph). 
Cicero commemorates Flaccus’ services to the judges and their wives and chil-
dren (*Flac.* 104). Flaccus’ son supplicates the judges and their children (*Flac.* 
106). The tax-contractors who voted for Plancius were thinking of their own 
children (*Planc.* 24). In political speeches about his own status Cicero can make 
promises of service to the descendants of his hearers (*Red. Pop.* 25) or invokes 
his *liberi* at the very end (*Dom.* 147).
The clever orator deployed kin who existed and kin who did not. In both his speeches on his return, Cicero compares his own small contingent with those of other illustrious exiles. In his speech of thanks to the Senate after his recall, he lists those who had pleaded for men who had earlier been threatened with banishment:

For me there was no adolescent son to plead as young sons and a multitude of kin had begged the Roman People for mercy on behalf of that noblest of men, P. Popilius. Q. Metellus, that eminent and famous man, had a son whose youth had already been observed; he had L. Metellus and C. Metellus, both of consular rank; their children; Metellus Nepos, who was then a candidate for the consulship; the Luculli, Servilii and Scipiones, sons of the Metellae, all of whom weeping and in mourning (flentes ac sordidati) supplicated the Roman People. I had just one brother, who for pietas proved himself a son to me, for counsel a parent, for love the brother which in fact he was.16 By his grieving appearance (squalore) and tears and daily prayers he compelled the renewal of longing for my name and the cherishing of the memory of my deeds. (Red. Sen. 37)

Cicero avoids the appearance of self-pity and keeps a stiff upper lip by invoking his family, a good way to move his audience to compassion. He must have thought the theme worked, for he reused it to the People, stressing the popular hero Marius17 and, while continuing to give his brother Quintus the major credit, mentioning also his son-in-law, whose grief was also in the public eye, and his wife, daughter, and little son (Red. Pop. 6–9). It is interesting that the evocation of the extended family of Metellus Numidicus, which requires extensive footnoting for us, with the picture of dignified senators and probably around ten little future politicians, was expected to be so powerful with ordinary citizens and not just with the upper classes.18

16 ‘... sed unus frater, qui in me pietate filius, consiliis parens, amore, ut erat, frater inventus est.’ Cf. n. 11 and Red. Pop. 8: ‘This one man was found to be a son to me in dutifulness, in conferring benefit a parent, in love, as he always was, a brother.’ (‘Unus hic... mihi pietate filius inventus est, beneficio parens, amore idem qui semper fuit frater’).

17 He was another consular exile, but came back by violence, not intercession. He appears in Red. Sen. only as a footnote (38).

18 P. Popilius C. f., consul 132, was exiled 123. Q. Caecilius Metellus Numidicus (exiled 100, recalled late 99) had a young son, Q. Metellus Pius (the future praetor of 89/88, consul 80); his cousins the ex-consuls L. Metellus Diadematus (consul 117, censor 115, with his son Q. Celer) and C. Metellus...
The orator in lament or complaint, *conquestio*, to evoke pity, was advised (among other things) to detail the pleasure he had taken in a dead son, to deplore separation from loved ones, to commend his children or parents to the audience, to claim that he grieved for his loved ones’ suffering, not his own (*Inv.* 1. 107, 109). He might ask the audience, when looking at him, to remember their own children or parents or others who ought to be dear to them (*Inv.* 108, cf. 105). The insistence on the impact of judicial or political decisions on the family of defendant or politician not only creates pathos but underlines the man’s domestic virtues and innocent and deserving kin. These may be a theme, not only in the peroration, but throughout a speech.

**Exploiting Relationships**

Affection between family-members is held up as the social norm. Taken as a given, it is often evoked to great emotional effect, as in a highly wrought passage of *On his house* (below). Love of one’s own family, *sui*, says Cicero, is demanded by common humanity: we naturally hold them dear, *cari*, and find them agreeable, *iucundi* (*Dom.* 97–8). In this passage, Cicero uses the blanket-word *sui*. In general, the relationship most often exploited in the speeches is that between parent and child. So that is the area I shall focus on here, first giving a general sketch.

Caprarius (consul 113, censor 102) and his sons Gaius (senator in 82), Q. Creticus (consul 69), Lucius (consul 68), Marcus (praetor 69); his cousin Balearicus’ son, Q. Metellus Nepos (consul 98); children of Metellae, his sister and three cousins. See especially Wiseman 1974b: 176–8, 182–3.


20 The adjectives *carus* and *iucundus* occur frequently together to describe family members, e.g. *Font.* 47, *Planc.* 69.

21 The *Defence of Ligarius* and Cicero’s own exile give prominence to brothers, but I touch only lightly on that relationship. Wives are not often highlighted in speeches (despite the priority of the sexual bond to that between parent and child in philosophical theory: *Off*. 1. 54, as a reader pointed out), in part because it was not normally proper to drag their names in: nevertheless Cicero might choose to mention his own wife in public and he will attack Antony for betraying Antonia (Phil. 2. 99) or for being hand-in-glove with Fulvia (e.g. Phil. 3. 10; cf. Treggiari 1994: 94–7). Proper behaviour in marriage is one theme of the *Defence of Cluentius*. 
The common sentiment of children about parents or parents about children is constantly invoked (Cael. 79–80). Philosophers held that it was natural to desire to procreate and to love one’s children (A. 125/7. 2. 4; Fin. 1. 23; 3. 57, 62–8; 4. 17, 5. 65, 68–9, 81–2, 84; Off. 1. 12). Children give parents delight, through their iucunditas (e.g. Dom. 98, Cael. 79). An only son is the prop of his father’s old age; hope in his future is his father’s comfort, fear for him his major worry.22 We love our children out of duty and natural predisposition to favour them. They are a gift from heaven (Red. Pop. 5). P. Sulla is said to love his young son more than life (Sulla 88). This is a conventional expression, but we need not doubt that the emotion existed (Red. Pop. 2, F. 155/14. 7. 1). Indulgentia is the natural feeling of any parent towards a child (Verr. 2. 1. 112; de Orat. 2. 168). Cicero portrays it in action in the Defence of Ligarius (46 BC), when he asks Caesar to exercise forgiveness like a father to Q. Ligarius who had opposed him in the civil war.

I have pleaded many cases with you, Caesar, while your political career kept you in the forum, but never one like this: ‘Forgive him, judges; he made a mistake, he slipped up, he did not realize; if he ever does anything like it again . . .’ This is how one speaks to a parent. To judges one says, ‘He did not do it, he never even thought of doing it. The witnesses are liars, the charge is invented.’ Say, Caesar, that you are a judge about what Ligarius did; ask in what forces he was engaged: I hold my peace, I do not even collect points like these, which might perhaps have some weight even with a judge: ‘he went out as a lieutenant before war broke out, he was abandoned in peace, overwhelmed by war, in war itself he was not irreconcilable, he is now all yours in heart and commitment.’ That is how I might speak to a judge, but I am speaking before a parent: ‘He made a mistake, he acted rashly, he is sorry; I take refuge with your mercy, I ask pardon for his offence, I pray for forgiveness.’ (Lig. 30)

Caesar’s reaction is attested. Reckoning that Cicero could not make him change his mind, he chose to listen to his oratory and was so much moved, especially by the treatment of Pharsalus (Lig. 27–9, which immediately precedes the passage comparing Caesar with a father) that he forgave Ligarius (Plut. Cic. 39. 5–6).

Cicero also plays on the paternal instinct in political speeches. The old appeals to the need to defend the status quo against political opponents who are defined as people who would act like foreign foes, are couched in terms of defence of hearth, home, fortunes, household gods, wives and children. Children alone can evoke all the rest. They are called *liberi*, the term which highlights the idea of legal descent, and which could be used even if a man had only one child.\(^{23}\) (The English ‘issue’ has nothing like the same emotional charge.) Cicero took the position in the *Catilinarians* that he was defending the children of his hearers against threats of fire (especially the alleged plot to start a conflagration in the City) and the sword (*Catil. 3.1; Flac. 1, 95, 99, 104*). Clodius was the next major threat. Building on the *Bona Dea* scandal and the alleged incest with sisters, Cicero can make Clodius out to be a direct threat to family life. If he had become consul, he would scarcely have kept his hands off the wives and children of the citizens (*Mil. 76*). The watching multitude at Milo’s trial thought the struggle was on for themselves, their children, country, and fortunes. Cicero hoped for a happy future for them, which was impossible if Clodius had lived (*Mil. 3, 78*). The Antonii, in arms against the Senate in 43, might inspire a more rational fear, especially after L. Antonius had allegedly massacred women and children at Parma (*Phil. 14. 9–10; cf. Phil. 3. 31*).\(^{24}\)

Parents

Filial affection is also invoked. We owe to parents our life, liberty, citizenship, patrimony, and innumerable blessings. Cicero equates the Senate to his parents in a passage of high emotion in his elaborate thanks for his recall from exile in 57:

> If we ought to hold our parents very dear, because it is from them that our life, patrimony, freedom and citizenship are handed down; if we owe the same love to the immortal gods, by whose grace we have possessed these things and have been given other blessings; if we ought to love the Roman People, by whose election to offices we have been

\(^{23}\) Ter. *An.* 891; *S. Rosc.* 96 (cf. 42); *Verr.* 2. 1. 153, *Phil.* 1. 2; *D.* 50. 16. 148, Gaius.

\(^{24}\) The sack of cities, involving rape and murder, is a commonplace from Homer onwards, e.g. *Rhet. Her.* 4. 51; Paul 1982.
placed in the most distinguished council and in the highest rank of dignity and in this citadel of the world, and if we should love this very order [sc. the Senate], by whose splendid decrees we have been honoured, immense and infinite is what we owe you who by your remarkable support and unanimity have restored to us all in one moment the benefits of our parents, the gifts of the immortal gods, the offices bestowed by the Roman People, your many testimonials to me. Now, though we owe much to you, great things to the Roman People, innumerable gifts to our parents and everything to the immortal gods, we have recovered all these things together through you. (Red. Sen. 2)

Here parents are set in parallel with the gods, the Roman electorate, and the senatorial order. Elsewhere, they may be compared with the gods and the country, patria, as benefactors to whom gratitude is due (Rh. Her. 3. 4; Fin. 3. 32). Violence to parents was a sin, parallel to sacrilege or treason (S. Rosc. 63; cf. Fin. 3. 32, 4. 76; Rh. Her. 4. 19, 38, 46).

Fathers

Sometimes the theme of family was central to a case and we see how advocates on opposing sides deployed stereotypes about family life and interpreted the behaviour of individuals in opposite ways. Contemplating in the Defence of Sextus Roscius of Ameria (80 BC), the worst conceivable murder, parricide (Parad. 24–5), Cicero remarks that a mere look could mark a failure of pietas. Human and divine law might compel a child to die to save his father (S. Rosc. 37). It was unbelievable that a son would attempt to kill his father without very serious reasons. Similarly, it was impossible to believe that a father would hate a son without grave cause. In defending Roscius against a charge of having instigated his father’s murder, Cicero makes the most of the unnaturalness of such an act.

25 Benefactors are habitually compared with parents (e.g. Pis. 25). The consul of 57, P. Lentulus Spinther, architect of Cicero’s recall, receives extravagant praise, as parent, god, and saviour of Cicero’s life, fortune, memory, and name (Red. Sen. 27, Red. Pop. 11; cf. Red. Sen. 35 on Plancius, Mil. 102, on Milo as father to Cicero’s children).

26 Cf. the (later) surviving rhetorical declamations and contrasting views of character in historians.

27 On dying for one’s country cf. Rh. Her. 4. 57; Phil. 10. 20.
Unless there are many manifest proofs, such a criminal, atrocious, and wicked deed cannot be believed. For the strength of humanity is great; shared blood has a strong influence; nature herself cries out against such suspicions. An aberration of nature, a monster clad in human form—that is what a man must certainly be who can so surpass beasts in ferocity that he can foully deprive of the light of day those parents thanks to whom he gazes on this lovely light. Even wild animals are brought together by birth and rearing and nature. (S. Rosc. 62–3)28

The parricide must be dehumanized, either a wild youth given over to vice and corrupted by his companions or a man hardened to violence and driven by extravagance and debt or selfish desires (S. Rosc. 38–40, 68). Cicero paints the younger Roscius as an austere and mature countryman (S. Rosc. 48, 75). Moreover, only strong cause could motivate parricide. So the prosecution had alleged that Sex. Roscius’ father disliked him, had given his affection to another son who died young, saw very little of him, and intended to disinherit him. To show the context of dislike, the prosecution stressed the fact that the son lived near Ameria, managing some family property, while the father was often in Rome. They apparently claimed that the father had in effect banished the son, an argument which Cicero rebuts by saying that he could have achieved that by sending his son to live at one farm with just an allowance for food and necessities, whereas (Cicero hints) it was generally known that he was in charge of several farms and drew an income direct from some of them, in his father’s lifetime (S. Rosc. 40–4, cf. 18). This was kindness, not hatred, an honour, not a punishment. The prosecutor, Erucius, had made the tactical mistake of arguing that country life was less desirable than town life and sophisticated society, from which the younger Roscius was excluded by coarse manners and antisocial character (S. Rosc. 42–52). Erucius perhaps did not have the luck to know who his father was and so find out for himself what a father’s feelings were towards his children. But his own talents and ambition had given him an education, so he could find out from comedy, a reflection of everyday life, that keeping a son in the country was

28 Cf. Inv. 1. 103: to produce indignation, the orator may show that a crime is rare and would not even be committed by animals, e.g. cruelty against parents, children, wives, etc. or against the helpless (women, children, the old).
no indication of disapproval (S. Rosc. 46–7). In short, Erucius had failed to bring evidence of any faults in the younger Sextus Roscius which could have angered his father. Erucius’ conjecture (clearly intended to account for the timing of the murder) that the elder Roscius was thinking of disinheriting his only surviving son was without foundation (S. Rosc. 53–4, 58). Cicero argues that the instinct of a father to love his son is so strong that only serious faults would cause him ‘to manage to conquer nature herself, to cast out from his heart that deeply rooted love, to forget that he is a father’ (S. Rosc. 53). Only a madman could hate a son without cause (S. Rosc. 46–1, 52–5). Yet the prosecutor had been unable to prove such cause. To disinherit a sole surviving son was incredibly harsh (S. Rosc. 53–4, 58; Clu. 135). The judges should not believe that the elder Roscius hated his son, for that would be unnatural. Nor had the prosecution proved that the son was unnatural and capable of killing his father.

Mothers

In a later defence (66 BC), Cicero, driven to take a different line, produces the ultimate family soap-opera. The speech on behalf of the eques A. Cluentius Habitus, in its classic portrayal of an unnatural mother, gives a partial idea of what a good mother should be like and how she should be treated. In the Defence of Plancius (54 BC), Cicero had to argue that Plancius’ father was not an electoral liability (as the prosecution said) and certainly not turpis (shameful, disgraceful) or sordidus by reason of his position as an eques and tax-contractor. Even if he had been, ‘yet he would have influence on merciful and compassionate judges, he would, I say, have influence because of the common feeling of all mankind (communi sensu omnium) and the sweet commendation

29 Ordinary observation of his fellow-tribesmen and neighbours had convinced Cicero that they valued sons who were engaged in farming. A farming life was not only considered honourable by the patresfamilias of Umbria and the country towns but had long been the best preparation for service of the Roman state (S. Rosc. 47–51). On this speech see recently Rigginsby 1999: 55–66, Alexander 1990: no. 129.

of nature’ (Planc. 31–2 at 31). A different twist to the turpitudo of a parent is given in the Defence of Cluentius. Here defending counsel wants to argue that his client’s mother is disgraceful (morally, not socially) and, quite unlike the reputable Plancius who came to his son’s defence, was engineering the prosecution and was, in fact, a long-standing enemy.

The ramifications of the families in Larinum to which Cluentius was attached are too complicated to be explored here. Suffice it to say that Cluentius was prosecuted on a charge of having procured the death of his stepfather, Statius Abbius Oppianicus, several years earlier. The prosecution was brought by Oppianicus’ son (of the same name) who was married to Cluentius’ half-sister, and Cicero alleges that the person who stood behind the prosecution was Cluentius’ own mother, Sassia, widow of the dead man. Cicero’s intention is to portray Sassia and the elder Oppianicus as the chief villains of the piece, the younger Oppianicus as a tool (Clu. 178, 181), and in particular to deflect suspicion of murder away from his client. In this character-assassination, Cicero had first to break the rules of etiquette and chivalry which forebade attacks on women and to win over the judges who would normally have considered that the fair name of the defendant’s mother had to be protected, especially by the defendant and his advocate.

I am perfectly well aware that, whatever a mother is like, it is scarcely fitting to speak of the shamefulness (turpitudo) of a parent at a son’s trial. I would not be competent for any case, judges, if, when I am called in to defend people against danger, I did not see this, which is firmly implanted in the common feelings of mankind and in nature herself (in communibus hominum sensibus atque in ipsa natura). I thoroughly understand that people ought not only to keep quiet about injuries done them by their parents but also to endure them with equanimity. But I think that they should endure those which can be endured and be silent about those which can be passed over in silence. (Clu. 17)

All Cluentius’ sufferings had been caused by his mother and he would have remained silent about them, but he could not do so when she had him charged with poisoning and used wealth and influence to bring witnesses against him. Cicero therefore claims to be entitled to bring her name into the defence: he is not lightly breaking the taboo against naming women in public or attacking kin (Clu. 17–18; cf. 169).
When he deprecates the judges’ reaction, Cicero has already alleged that he must answer a two-pronged attack by the prosecution (Clu. 1). Not only must he tackle the accusation of poisoning, which is what the case is really about, but he must deal with allegations intended to produce prejudice (invidia)—Cicero’s coloured representation of the prosecution’s routine argument about the character of the accused—that Cluentius, when he had prosecuted his stepfather on a charge of having tried to poison him in 74, had secured a condemnation by bribing the judges (Clu. 1–11, 62–96, 105, 133–45). He must therefore say much about the elder Oppianicus. He then launches into the narrative of previous events and rapidly comes to the first mention of Sassia. It is intended to shock the audience, much as the abrupt introduction of Sulla’s freedman Chrysogonus had been, in the speech on behalf of Roscius at the start of Cicero’s career (S. Rosc. 6). Like Chrysogonus or Clodia in the speech for Caelius, Sassia is the sinister figure who stage-manages the prosecution. The passage begins calmly, in what sounds like an ordinary sketch of the client’s background. His father was an eminent man in Larinum. He died in 88, when Cluentius was 15 and his sister marriageable. The sister made a good match with her cousin A. Aurius Melinus. Then comes a change of tone:

This marriage was eminently respectable and harmonious. Then a reckless woman’s wicked lust was suddenly fired and brought with it crime as well as disgrace.

Who is the woman? Has the bride suddenly fallen in love with someone else? Is there some alien seductress? Much worse:

For Sassia, the mother of my client Habitus—for mother is what I will call her throughout the case, although she is a cruel enemy to my client, mother, I say, I will call her, nor, even when I mention her wickedness

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31 This was embarrassing, since Cicero here wants to argue that Cluentius was innocent of judicial corruption, while Oppianicus had tried bribery, but in the Verrines (70 bc) he had accepted that both parties had bribed judges (e.g. Verr. 1. 39) and in 69/68 he attacked the senator C. Fidiculanius Falcula for having been bribed to condemn (Caec. 28–9). Cluentius’ prosecutor T. Attius taunted Cicero with his previous statements (Clu. 138, with Classen 1985: 73–4 or 1998: 88–9).

32 A general allusion in Cael. 1 points forward to her appearance as Palatine Medea in 18, but she is not named until 30.
and monstrosity shall she lose the name nature gave her. For the more loving and kindly the name of mother is, so much the more shall you think that you should hate the wickedness of this mother, who for many years, and more than ever now, has desired that her child might be killed. (Clu. 12)

The fractured syntax leads in to the mother’s love-affair with her son-in-law.

Since Sassia was overtly supporting the prosecution, siding with her dead husband Oppianicus and his son (her son-in-law), against her own son, Cicero had to deflect the judges’ natural assumption that there was something badly wrong with Cluentius.33 He therefore portrays Oppianicus as an arch-villain, a profiteer, a serial husband34 and the murderer of his brother-in-law (Clu. 21–5), the man who engineered the proscription and/or death of several other Larinates, including A. Aurius, husband of Sassia and previously her son-in-law (Clu. 25, 36–9); the man who killed two of his own children to persuade Sassia to marry him (Clu. 27), the poisoner of his mother-in-law, Dinaea (Clu. 40–1), and of one of his own wives and of his brother’s wife, unborn child, and the brother himself (Clu. 30–1) and, in collusion with the widow of his wife Magia’s brother, of her unborn child (Clu. 33–5). It is credible, then, that he also tried to poison his stepson A. Cluentius Habitus.35

Sassia is portrayed as a mother so unnatural that she emulates the conventional stepmother.36 She desires death and ruin for her

33 Alexander 1990: nos 147–9. See especially Clu. 46–56 for the alleged attempt to poison Cluentius and the subsequent trials. Cicero claims that Cluentius was driven to initiate the prosecution (Clu. 11, 20, 48). Much space is devoted to rebutting the suspicion of corruption. For Cicero’s boast that he had succeeded in obscuring the truth see Quint. Inst. 2. 17. 21.

34 He was married to Sassia; Magia, by whom he had a son (Clu. 21, 33); Novia, by whom he had a son, who died an infant before he married Sassia (Clu. 27); Papia, by whom he had a son, who was being brought up by his (divorced) mother at Teanum and who died on a visit to his father before the marriage to Sassia (Clu. 27); Cluentia, the aunt of Cluentius (Clu. 30); an unnamed woman, previously married to Cn. Magius (Clu. 34–5), unless she is identical with one of those just named. The chronological order cannot be completely established. Cicero claims that he was a polished performer in the murder of wives (Clu. 52).

35 Clu. 45–8—and once Sassia had inherited from her son, he intended to get rid of her too (Clu. 45)! There is a neat summary of the murders at Clu. 125.

son; she breaks up her daughter’s marriage. She brings about the death of two young children who would have been her step-children. Her hand is detected behind the prosecution (e.g. Clu. 18, 192–4). Accusations are inevitable as long as she lives (Clu. 167). The list of her crimes is shorter than that of Oppianicus, but she is smirched by the association with him. Like him (e.g. Clu. 23, 26, 27, 29, 31, 33), she is characterized by reckless effrontery (audacia) (Clu. 15, 18, 184). As the narrative of Oppianicus’ career and of Sassia’s marital history dominate the narratio at the beginning of the speech, so her machinations against her own son dominate the rebuttal of the actual charge against Cluentius at the end. After Oppianicus was condemned, Cicero claims that she was over-familiar with a lusty farmer while her husband was lying sick. On his way to Rome (to get away from the farmer), Oppianicus injured himself by a fall from his horse and subsequently took a fever and died (Clu. 175, cf. 182). Suspicion ought to have attached to Sassia rather than to Cluentius, but she at once used the death as a pretext for accusing him and savagely tortured slaves in order to obtain evidence. The slaves admitted nothing and one of the witnesses suggested that she was not trying to extract truth but falsehood. The widow therefore turned for home, grieving—that her son was now safe from her hidden plots (Clu. 176–8).

In summing up, Cicero lists monstrosities which allow him to portray her as an unnatural mother:

What a portent is this, immortal gods! What monster like her could we say has ever been born anywhere? what dangerous and terrible crime has there been like this? Where did she spring from? Now at last, judges, you see that it was not without great and necessary reasons that I spoke about his mother at the beginning of my defence. There is no evil, no crime which she did not from the beginning will for her son, long for, think out, bring into effect. I pass over that first wrong motivated by lust, I pass over the wicked marriage with her son-in-law, I pass over the daughter driven out of her marriage by the desires of her mother. These things were relevant to the shared disgrace of the family, but not to the risk of my client’s life. I make no complaint about the second marriage with Oppianicus, when, after taking his sons from him, dead, as hostages, she married into the family’s mourning and the obsequies of her stepchildren. I leave out the fact that when she learned that A. Aurius, whose mother-in-law she had once been and whose wife she was only a short time before, had been proscribed through Oppianicus’ agency and slaughtered, she chose for her home and dwelling the house
in which she might see every day the proofs of the death of her previous husband and the trophies of his fortunes. The first point about which I complain is about the crime which has only now been revealed, about the Fabrician poison [sc. the attempt on Cluentius’ life], which when it had just occurred was suspected by others but incredible to my client, but now seems open and manifest to everyone. His mother was not kept in the dark about that poison; Oppianicus thought nothing out without input from this woman; if she had been uninformed, she would of course not have left him as a bad man, but would have fled from him as from a cruel enemy and left for ever that house which flowed with all sorts of crime. Far from doing that, from that time onwards she let slip no opportunity to plot some trap and all night and day with all her mind the mother thought about how to destroy her son. (Clu. 188–90)

Where a normal mother would pray and sacrifice for her son’s welfare, Sassia performs secret nocturnal sacrifices and makes vows for her son’s destruction (Clu. 194). Where an advocate would normally beg judges to forgive a son’s transgressions in mercy to his parents, Cicero must ask them not to surrender Cluentius to his mother’s cruelty (Clu. 195). This is an extreme instance of the thirteenth way of achieving pathos recommended in De inventione, when we lament that we are treated badly by the least appropriate people, such as relatives and dependants (Inv. 1. 109; cf. Scaur. 13).

But what a mother! You see her carried away by cruelty and crime, whose lust has never been checked by any disgrace, who, by her faults of character, turns all human laws (iura) to the bad, so stupid that no one can call her a human being, so violent that no one can call her a woman, so cruel that no one can call her a mother. It is not just the name and laws of nature she has changed, but the names of relationships: wife of her son-in-law, stepmother of her son, mistress of her daughter’s husband. She has gone so far that only her outward shape makes her seem a member of the human race. So, judges, if you detest crime, stop the mother getting her son’s blood, give a parent incredible pain from the victorious acquittal of her child, allow a mother not to rejoice bereaved of her son, but rather to leave the court conquered by your fairness. (Clu. 199–200)

All the usual pleas on behalf of sorrowing parents are turned inside out: in each imperative clause of the final sentence of this extract there is a sudden shock as Cicero asks for the opposite of what

37 For such clandestine activities cf. Catil. 1. 6, 24; 2. 13; Vat. 14.
would usually come next. The end of the peroration, in which he argues positively for acquittal that the judges should do their job and satisfy the good people of Larinum, is routine by comparison.

Despite the denigration of Sassia, Cicero must make his client act dutifully towards her as long as possible. Even a mother as disgraceful as Sassia had a claim on the loyalty or discretion of her son. Even when she was conducting an adulterous affair with her son-in-law and Cluentius not only disapproved strongly but owed a duty to his sister, he merely stopped seeing his mother so that he would not appear to condone her behaviour (Clu. 16). Later, when she was married to Oppianicus, Cicero claims that the reason Cluentius had never made a will was that he could not bear either to leave such a mother anything or to pass over a parent entirely (Clu. 45). So there was animosity (simultas) between son and mother and reconciliation (in gratiam redire) continued to be impossible (Clu. 86). Cicero could, he says, pass over the wickedness which did not directly affect his client. He imputes to her acting as accessory in Oppianicus’ attempted poisoning of her son (Clu. 189), persuading the younger Oppianicus to prosecute Cluentius for the murder of his father (Clu. 181, 190), suborning witnesses and masterminding the prosecution (Clu. 191–4). Though he then turns away from Sassia to concentrate the judges’ attention on the innocence and suffering of Cluentius, almost at the end of the speech he describes his client as dear and agreeable, carus and iucundus, to many people, a delicate reminder that he was not loved by his mother as a son would be loved by any normal mother (Clu. 202).

Moralizing on Behaviour within the Family

The topic of the family could not be avoided when a man was accused of the murder of father or stepfather. But it is striking how often the orator introduces family virtues or offences against them when their relevance is less apparent.

Pietas, dutiful affection, was demanded between all family members.38 No offence must be done to a parent (Catil. 1. 17–18),

38 On pietas see especially Saller 1994: 102–53; Bradley 2000b: 297–8, 301. For Cicero’s emphasis on it in rhetorical theorizing see e.g. Inv. 2. 66; Part. 56–7; for actual cases cf. e.g. Suet. Rhet. 6. Philosophers had views on duty towards e.g. parents and brothers, ‘how to live with them’ (Div. 2. 11, cf. Planc. 29).
a standard which Cluentius upheld. The good mother was the opposite of Sassia. Deductions about behaviour in more normal families were freely made by both prosecution and defence. Caelius’ opponents built on the known fact that he had left the family house to live independently in an apartment to criticize him for failure in *pietas*. The defence had to show the judges that a man’s own family and fellow-townsmen held him in esteem.

A young man of this age could not be adequately recommended to you if he were disapproved of by such a distinguished and serious-minded town, let alone by his excellent parent. *(Cael. 5)*

Cicero uses the tears of Caelius’ mother and the mourning clothes of his father as visual evidence of their support for their son and their judgement of his character *(Cael. 4)*.

By extension, it was deplorable for a third party to offend against the natural *pietas* of others. The Verrine orations use Verres’ destruction of other people’s families as a recurrent theme. The slaughter of the innocent and the wrecking of parents’ hopes for their children run through the whole of Verres’ record as young official, judge, and governor. In contrast, his father’s normal family affection for him is turned to corrupt ends and his son is brought up as a worthy successor to his father’s vices *(Verr. 1. 23–5; 2. 2. 95–8; 2. 5. 30, 64, 81, 137)*. Impiety towards families is one of the sins which drives Verres mad according to the highly-wrought exordium to the published version of what Cicero would have said in the second part of the trial, if it had taken place.

The *di patrii* dragged him to punishment because he brought himself to conduct to execution sons torn from the arms of their parents and demanded from parents a fee for their children’s burial. *(Verr. 2. 1. 7)*

This is later given full-scale treatment. Sicilian sea-captains were made scapegoats for a naval disaster at the hands of pirates, for which Cicero held Verres responsible. Their mouths had to be stopped, so only the death-penalty would do *(Verr. 2. 5. 100–22)*. The relatives of the young men (they are young, to increase the pathos) flock to Syracuse to plead for mercy. They include an aged father, a former host of Verres.

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39 Gods who protected fathers (*patres*) and children, home and country (*patria*).
You were unmoved by the tears of the father for the peril of his inno-
cent son. You had left your father behind at home; you had your son
with you. Did not the son who was with you remind you of the dear-
ness of our children, nor your father at home make you think of the
kindness a father has for his child? \(\text{Verr. 2. 5. 109}\)

Cicero identifies several of the parents involved, with pathetic
detail \(\text{Verr. 2. 5. 108, 110, 112}\). All are pictured as lying at the
threshold of the prison the night before the execution, paying the
gaoler for the privilege of taking food and clothes to their sons,
or for the promise of a quick death or proper burial \(\text{Verr. 2. 5.}
117–20, cf. 138; for another instance 2. 5. 16, 21–3\). Verres is por-
trayed as having trampled on all the dearest family-feelings of
those in his power.

**Cicero as a Family Man**

We have seen how family solidarity and dutiful conduct to kin
can be used as a norm by which people are judged. Cicero points
out that a man’s good repute spreads outward from his household,
and boasts that this had helped build his own reputation.\(^{40}\)
Cicero consistently portrays himself in public statements as a
devoted family man. This is particularly apparent in the speeches
which follow his return from exile, after more than a year’s separ-
ation from wife and children and when he had not seen his
brother since Quintus went to his province in 61. In his thanks to
the Senate in 57 he stresses the point that the favour they have
conferred on him is also one to his brother and children. He
insists on the reciprocity of their affection.

You have restored to me the brother I longed to see, me to my loving
brother, parents to our children, to us our children, dignity, rank, for-
tunes, the great commonwealth, country, the most delightful of all
things, in sum us to ourselves. \(\text{Red. Sen. 1; cf. 8, 27; QF 3/1. 3. 1}\)

The same ideas are recycled in his speech to the People two days
later:

For, Quirites, although nothing is more to be wished by a human being
than a prosperous, equable and unceasing fortune with a favourable
course of life without mishaps, yet, if everything had been tranquil and

\(^{40}\) *Cael. 6.* Cf. p. 13 above on the self-presentation of the orator.
peaceful for me, I would have missed an incredible and almost divine pleasure of happiness which I now enjoy thanks to you. What sweeter thing is given to the human race by nature than his own children to each of us? To me both because of my kindness for them and because of their own excellent character my children are dearer than my life: yet I did not feel as much delight in acknowledging them as babies as I now feel in having them restored to me. Nothing was ever pleasanter to anyone than my brother to me: I never felt that so strongly when I enjoyed it as I did when I went without it and after you restored him to me and me to him. . . . Through my parents I was born, inevitably, as a little baby, by you procreated as a consular. They gave me a brother, but we could not know how he would turn out; you gave him back to me tested and known for his incredible devotion. . . . The immortal gods gave me children; you gave them back. We won many things besides which we desired from the immortal gods; had it not been your will, we would have been without all the gifts of the gods. Finally the honours you gave, which we had gradually achieved one by one, now we have all together from you, so that whatever we owed before to parents, gods and you yourselves, we now owe it all to the whole Roman People. (Red. Pop. 2–3, 5)41

It is clear that he thinks mention of his family will strike a chord with his audience. In speaking to the priests about his house later in 57, he assumes that common humanity demands that we love our families (Dom. 98).

The theme is fully exploited in the following passage, where Cicero, while duly specifying the pain his exile inflicted on his family, does not refrain from piling on his own agony, in order to boast of the sacrifice he had allegedly made for his country:

When I had judged the situation, I wept for the separation from my unhappy wife, the loneliness of my dearest children, the ruin of my loving and excellent brother (who was abroad), the sudden ruin of a well-established family; but I put all these things second to the lives of my fellow-citizens, and I preferred that the commonwealth should fall stricken at the departure of one man rather than perish by the destruction of all . . . Could I, when I was torn from so many different things, which I do not list because even now I cannot mention them without weeping, deny my humanity and repudiate the common feeling of our nature (communem naturae sensum)? I would not claim to have done a

41 Cf. Red. Sen. 2 (above, pp. 18–19). For rebirth and family affection cf. Sest. 131. In a formal letter to Ap. Claudius Pulcher in 50, F. 73/3. 10. 10, Cicero’s restoration to country, children, safety, dignitas, and himself could be attributed to Pompey, the father-in-law of Pulcher’s daughter.
praiseworthy deed nor to have conferred any benefit on the state, if I
could have lost with equanimity the things I left for the sake of the state,
and I would have thought such toughness of mind (like that of a body
which does not feel a burn) an insensitivity, not courage. To take on
such mental agony, for one man to suffer while the city still stands the
things which happen to the conquered when a city is captured, and to
see oneself torn from the embrace of one’s family, the house taken stone
from stone, one’s fortunes plundered, to lose one’s very country for the
sake of country, to be despoiled of the glorious privileges conferred by
the Roman People, . . . to undergo all this and that when you are pre-
sent and sorrowing, not such a philosopher as those who care for noth-
ing, but loving your own people and things as common humanity
(communis humanitas) demands: that is glorious and godlike fame. For
a man who with equanimity for the sake of the commonwealth aban-
dons things which he never thought dear and pleasant, demonstrates no
remarkable benevolence towards the commonwealth; but a man who
leaves for the sake of the commonwealth things from which he is ago-
nizingly torn, truly loves his country, whose survival he puts before his
love of home and family. (Dom. 96–8)

Cicero’s chief aim must be to evoke the sympathy of the various
audiences for suffering which they could easily imagine and to
carry them away on a wave of shared exultation in his joy. Not
only must he boast of his courageous self-sacrifice on behalf of
his country, but he must persuade people that he deserves full
restoration of his house and fortunes, so important to his wife
and children. New popularity for Cicero with Senate and People
would enhance his political authority, enabling him to pay off the
debts incurred for his recall, and launch him, his brother, and
their sons on new political careers. This is not to say that his own
emotions, as described in the speeches, are false. They are con-
sistent with those rehearsed in the letters to Atticus, Quintus, and
Terentia, which similarly sound both rhetorical and deeply felt.
His training and talent as an orator must inevitably shape what
he chooses to say and how he says it. But conversely his person-
ality and his range of emotions must always have fed his rhetor-
cal abilities. If he had not known how to feel, as well as been able
to weep, would he have reduced his audience to tears?42 He could

cry and, sometimes, his claim that he has made his hearers cry see e.g. Planc.
104 (final paragraph), Mil. 92, 95, 101, 105 (where Milo fails to weep). Cicero
weeps, along with Rabirius’ friends (Rab. Post. 47). Pathos was only sometimes
risk the delicately balanced mixture of political self-justification and strong emotion even to the priests, his fellow-politicians.

Even in forensic speeches, Cicero can allude to his family in order to evoke fellow-feeling. In the *Verrines*, he castigates Verres for having enforced the Voconian law against an only daughter to whom her father had wished to leave his estate.

I am sure that this seems harsh and unworthy to each of you, as it does to me. I delight in my daughter; you are moved by a similar feeling (*sensu*) and kindness (*indulgentia*) towards your daughters. What is there that nature meant to be pleasanter or dearer to us? What more deserves all our care and kindness? Cruel man, why did you do such injury to the dead P. Annius? Why did you brand this pain on his bones and ashes? Why did you snatch away from his child the father’s property which was handed down by her father’s wish, by right and by the laws? (Verr. 2. 1. 112–13)

A little later, thinking of the vulnerability of fatherless wards, he again identifies with fathers’ hopes for their posterity: ‘We have small children (*liberos*)’ (Verr. 2. 1. 153).

Manipulation of himself as a family man will be chiefly used in political speeches. Representation of his own family worked in the *Catilinarians* much as it was to work in 57–56. Cicero could inspire the Senate to stand firm by pointing out how much he himself was risking. If Cicero’s story that the conspirators had tried to assassinate him at his morning reception is true, it was possible for him to claim that his wife and children might have been closely involved with violence (*Sulla* 18). He is not too tough to be moved by the suffering of his family (*Catil. 4. 3*) and he commends Marcus to the senators as the son of the saviour of the state (*Catil. 4. 23*). He speaks repeatedly of the need to save the wives and children of his hearers (*Catil. 3. 1*, cf. 23; 4. 2, 3, 12, 18, 24). Later he was able to claim that he had achieved this (*Mil. 82–3*). The rhetoric used by other senators matches Cicero’s. From late 63 to at least 61, every time Crassus saw his wife, house, and country, he remembered that he owed them all to Cicero. Or

the keynote in perorations, but was used especially when the defendant faced exile (usually involving separation from family).

43 Tullia in 70 (aged about 7) represented all his descendants, as did Annia for her father.
so he said, in a flattering speech in the Senate which Cicero relays with glee.\textsuperscript{44}

Cicero will refer to his own family in speeches in particular circumstances and to heighten emotion. The Catilinarian crisis, allegedly threatening massacre and rapine to all classes, provides one type of context. Rejoicing after the end of the crisis of his own family makes up the pair. Had he spoken in public to oppose Clodius in the spring of 58, instead of creeping into exile, he would hardly have missed the chance to paint a picture of the suffering of his family as he had done for so many men accused in the lawcourts. Once he had recovered his house in 56, there was no need to bring his family into his speeches. But for years he continues to refer to the suffering inflicted on them by Clodius and the debt he owes to those who worked for his recall.\textsuperscript{45} He even claims in the \textit{Defence of Plancius} in 54 BC to have earned the right, by his sacrifice for the sake of the commonwealth, to work for his own advantage and that of his family (\textit{Planc.} 91–2; cf. \textit{A.} 173/9. 4. 2 \textit{fin.}). He can permit himself some personal remarks about his hopes for his son (\textit{Planc.} 59).

In the \textit{Defence of Milo} (52 BC), he is again ready to risk his and his children’s property for the sake of rescuing his old protector (\textit{Mil.} 100). By the time Cicero was again able to speak on great crises, his family was much reduced. The divorced husband of Terentia and Publilia could not introduce a wife, and Marcus represented all his \textit{liberi} by the time of Cicero’s crusade against Antony. Marcus appears in a low-keyed statement that he has received the surrender of an Antonian legate (\textit{Phil.} 10. 13).

Marcus’ senior and cousin, the younger Quintus, is staunchly defended against an attack by Antony which included the allegation that he had plotted to murder his father and uncle. Cicero declares the unshakeable harmony and affection of the family and his conviction of his nephew’s ability and good character in terms which contradict much of what he had said over the years in confidential discussion with Atticus (\textit{Phil.} 3. 17–18).\textsuperscript{46} A nephew must

\textsuperscript{44} \textit{A.} 14/1. 14. 3, 13 Feb. 61; for the tropes cf. \textit{Pis.} 25, \textit{Planc.} 69.

\textsuperscript{45} Allusion to \textit{méi} and their sufferings: \textit{Dom.} 145; \textit{Sest.} 47, 145; \textit{Har.} 4; \textit{Cael.} 50; \textit{Balb.} 58; \textit{Planc.} 76, 91–2; \textit{Rab. Post.} 47; \textit{Mil.} 102, 103.

\textsuperscript{46} For the relationships of Cicero, his brother Quintus, and Atticus, with Quintus’ son, the nephew of both Cicero and Atticus, as they varied over the period June 45 to July 44, see especially \textit{A.} 317/13. 9. 1, 344/13.41. 1–2,
be supported against Antony, for the discredit of an individual would discredit the family.

How amazingly shameless, bold and rash to dare to write this against a young man whom my brother and I vie in loving because of his sweet and virtuous character and outstanding talent, and whom at all times we keep in our sight, hearing and embrace! (Phil. 3. 18)

Cicero gets a chance to idealize the strong family affection of all his surviving kin. Both individual virtue and a proper relationship of pietas and duty (officium) between members of the family justify the trust and respect of fellow-citizens. The orator could appeal to the common people as well as to senators or equites when he asked them to think of their own affections and sense of duty to their families.47

Conclusion

It is obvious that many of Cicero's digressions, which in a modern law-court would be ruled out of order, were a red herring to put the judges off the scent. The attack on Sassia, like those on Chrysogonus or Clodia, distracted attention from the actual charges. It was carefully judged to appeal to the judges' prejudices.48 Here, then, talking about family allows Cicero to smother suspicions that his clients may well have been guilty (though not to avoid talking about their conduct as family-members). The whitewashing of Roscius and Cluentius as family men is likely to be as false as the denigration of Sassia.49 Here I have used these two examples of Cicero's discussion of parent–child relations to suggest what Romans' gut-reactions were about reciprocal duties. Even where the circumstances in which a speech was delivered did not directly raise questions of

47 Dr George's chapter documents the testimony of one section of the lower classes to their assertion of family affection and solidarity. Warmington 1940: nos. 49 and 108 are vivid examples.
48 Especially fears about the conduct and influence on family members and property of wealthy women who married several times.
49 But it is important to remember that Cicero was not usually the only advocate for the defence. His role was especially to arouse the judges' emotions. It was his job to play on their feelings and beliefs.
‘how people should live with their family’, he often appeals in passing to ‘the common feeling of humanity’, especially about the innocent young and about obligations and love between relatives. It is these almost incidental passages which are in the end more significant. Certain purple passages of pathos, for instance, though highly rhetorical, follow lines of thought which seem natural to both speaker and audience. They allow a crescendo of emotion. They suggest that there were accepted beliefs and experience of life common to Cicero and his hearers, unquestioned and pervasive. The family was central to people’s concerns.
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Among the best extant visual imagery of families in Roman art is a form of funerary commemoration that emerges in the archaeological record around the beginning of the first century BC. Appearing first at Rome, and then throughout Italy, with its zenith falling in the years of the late Republic to early Augustan era, the formal and minimalist genre features relief portraits of individuals presented in groups and arranged frontally to face the viewer. The duo of husband and wife is the most common composition, but the trio of parents and child is well represented, and there are also examples which appear to fall outside the nuclear family model, in which an inscription, facial resemblance, or gesture indicates a degree of group identity. At Rome, the genre was apparently developed for the late Republican freedmen who emerged in this period as an increasingly wealthy and influential social group. Commemorative reliefs that feature family portrait groups are found throughout Italy in the first century AD, and, although less well-preserved and smaller in number than their counterparts at Rome, they were probably inspired by those in the capital. At Rome they were originally displayed on the exteriors of chamber tombs in the cemeteries that were strung out along the major roads leading into the city, where, with rare exceptions, they commemorated libertini.¹ By contrast, outside Rome the genre was more often used on grave stelae and was adopted by the freeborn as well as former slaves. Both libertini at Rome and the rising local elites of the provincial north saw in the family motif an effective image through which they could display their

¹ For a view of the solitary example still in situ at Rome, see Kockel 1993: pl. 1a.
social ascendancy and lay claim to a public profile, albeit one conditioned by practical and cultural limitations. The following discussion considers the meaning of the family collective in this funerary imagery and its common appeal for two diverse social groups.

Relief Portraits of Freedmen from Rome

Freedmen and the family

To a contemporary audience, the relief portraits from Rome are a familiar sight due to their frequent use as illustrations of the ‘typical’ Roman family, generally without mention of their libertine ownership. It is at once ironic and yet completely logical that former slaves, individuals whose origins were not Roman but were very likely in this period to have been Greek, and whose path to manumission probably involved experiences which differed considerably from that of the ‘average’ Roman, were responsible for the production of images so often viewed in the modern era as quintessentially Roman. Scholarship on the reliefs has generally focused on stylistic aspects of the portraiture while giving some attention to their expression of status and legitimacy. Building on these studies, the discussion of these monuments can be reframed in order to examine more closely the implications of the slave experience to their form and contents, and in particular the role of the family motif to their commemorative message. The importance of this material as the earliest and most explicit evidence for libertine self-representation should not be underestimated. Unlike subsequent forms of commemoration, the epitaphs on these reliefs consistently include the epigraphic indicator of libertation (‘l’ for libertus), making them

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2 On the reliefs from the city of Rome: Zanker 1975, Kleiner 1977, Volpi 1986/7, Kockel 1993, Koortbojian 1996. Two related groups of portraits, portrait busts in the round and the full-figured standing type, are sometimes included with the reliefs, but are fewer in number, e.g. in Kockel relief portraits represent 61% of the total, while portrait busts in the round make up 23% and the standing type only 16% (Kleiner includes the standing type but omits portrait busts). I have chosen to focus on the panel reliefs because they constitute the largest group, and, in contrast to the busts or standing type, they much more often have accompanying inscriptions which identify them as belonging to libertini.
the only extant group of funerary monuments that can be identified so closely with freedmen. The reliefs from Rome enable the isolation of a distinctive commemorative genre datable to a relatively limited time period that can be attributed unequivocally to freedmen, a group that occupied a unique position in the social hierarchy of the capital in the late Republican era.³

A number of factors made the family motif an attractive choice of memorial for Republican freedmen. First, there is the centrality of the family in Roman life. A critical element in the formation of Roman identity and citizenship, the family provided protection, economic and emotional support, and was the institution through which wealth and property was protected and transmitted. In Roman thought the strength of the family reflected the stability of the state, making membership in a family membership in the polity of Rome itself writ small.⁴ Belonging to society was especially important for freedmen, who as slaves had been considered property and less than human, and who were eager to display their new status as Roman citizens. Even after manumission, however, libertini in the late Republic faced restrictions because of their social status that were not encountered by freeborn citizens, and the disgrace of former slave status continued to define the freedman’s life in numerous ways. In addition to owing work and allegiance (operae et obsequium) to their former masters, freedmen were hindered in the full engagement in the most prestigious activities of Roman public life, and their economic success could not be matched with a parallel strength in the gaining of honos, a major element in the biography of the elite. The formation of autonomous families with legitimate children, who were born with full Roman citizenship and

³ Over a third of the 270 portraits in Kockel’s catalogue are on complete (or almost complete) relief panels; these form the focus of this discussion. Of these, over half have inscriptions, and with two exceptions they indicate either libertine ownership or, as in 3 cases (e.g. Kockel 1993: J1, L7, L19, here Fig. 2.1), a freeborn man married to a slave woman. The altars and urns that dominate funerary commemoration in the 1st cent. AD were used not only by freedmen and their descendants, but also ingenui (with filiation), including even a few members of the senatorial and equestrian orders (5 and 13 examples respectively; see Boschung 1987: 55). See also Kleiner 1987, who focuses on altars with portraits.

⁴ E.g. Cicero says of the family (Off. 1. 54): ‘id autem est principium urbis et quasi seminarium rei publicae’. See Treggiari in this volume.
to whom they could leave an inheritance, was a crucial achieve-
ment for freedmen who had few ways of attaining public distinc-
tion. Moreover, the display of this accomplishment before the
public gaze in family tombs was itself a form of participation in
public life and one of the few permitted to late Republican freed-
men. For them, the declaration of a family identity on funerary
monuments was the assertion of an agency that was denied them
in other spheres of Roman life.5

This is not to suggest that the family was more highly valued
by freedmen than by freeborn Romans, but rather that the fam-
ily was valued within a distinct set of realities. The heightened
appreciation of family life by libertini must be viewed against the
background of the slave condition from which they had been
delivered, for behind these commemorations also lie the remnants
of the slave experience which shaped the freedman mentality.6
Natal alienation, the denial of any claim to a personal family his-
tory and one of the basic premises of Roman slavery, meant that
any family ties a slave might have had before enslavement were
not recognized by Roman law. Domestic slaves, who were likely
the majority among those manumitted, lived with the master and
his family within the context of family life, and the structural and
affective consequences of that experience shaped their attitudes
and aspirations. Providing the slave with, in Pliny the Younger’s
words, ‘a country and a kind of citizenship’, the domestic house-
hold was a critical locus for the socialization of slaves before man-
umission and served as a fulcrum for shaping the social values of
servus and libertus. Within the master’s domus, family structure
was both model to follow and, for many slaves, the mode of lived
reality. Epigraphic commemorations between contubernales, slave
partners in the informal, quasi-marital unions (contubernia) that
slaves often formed, utilized conventional terms for ‘husband’ and
‘wife’, revealing slaves’ own view of their bond, despite the legal
disqualification.7

5 On libertini generally, see Treggiari 1969, Duff 1958, Fabre 1981. For the
epigraphic evidence of freedman commemoration, see Rawson 1966, Treggiari
Such relationships existed, however, only with the slave-owner’s permission and primarily to serve his needs. While a symbol of security and stability in Roman culture at large, family life for slaves represented precisely the opposite, a precarious arrangement that was utterly unstable, perpetually vulnerable, and under constant threat of disruption. Their informal marriages could be broken up at any time by the sale of one of the partners, and the practice of breeding slaves for profit meant that they could be separated from their children at the slave-owner’s convenience. The very real threat of family break-up and the psychological state of uncertainty in which such familial bonds developed in servitude must have made the attainment of a family after manumission a profound pleasure beyond the comprehension of most freeborn Romans.

Family values

Besides the public affirmation of legal and social legitimacy, family imagery resonated with a set of associated values and behaviours which were particularly attractive to former slaves. This included many of the core ideas in the Roman value system which were centred on the family, such as *pietas*, ‘affectionate devotion’, and archetypal social roles for men and women which were constructed around the family unit, such as the *paterfamilias* and the *matrona*. Furthermore, there existed the romantic myth of the archaic Roman family which, it has been argued, occupied an important place in the Roman mindset. Harking back to the early Republic, this idealized family consisted of stock members who exhibited the stereotypical characteristics on which the Romans prided themselves: the severe *paterfamilias*, guiding his brood with a firm but loving hand; the *matrona*, exemplar of feminine docility and faithfulness; the children, loving bulwarks for their parent’s old age and the promise of future family glory. Virtues with special significance in the family context—the *auctoritas* of the *paterfamilias*, the *castitas* of the *matrona*—are highlighted in this model, and furnished the moral backdrop against which these reliefs should be set. As a cultural reference point, this mythic Roman family was the notional standard, setting the bar

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for family conduct to which all, including freedmen, could aspire.9

The moral dimension and the stress on propriety in the iconography of these reliefs suggest that a broader moral legitimacy, beyond the public acknowledgement of their legal status, is also at issue in these commemorations. Implicit in this iconographic declaration of respectability was a claim to membership in the moral realm of Roman society, for the transformation to libertus meant a radical difference in cultural perceptions and expectations. Beyond the benefits of legal status there were critical conceptual distinctions between servus and civis. Slaves were believed to be morally degenerate and inconstant by nature, prey to irrational behaviour, and eminently corruptible; the two virtues proverbially considered most desirable in a slave, fides (loyalty) and obsequium (obedience), were also the scarcest.10 In the circular logic typical of ancient rationalizations for slavery, it was the slave’s inborn moral inferiority which justified his enslavement in the first place. The prejudices engendered by this view of the slave persisted in popular attitudes toward freedmen, to whom were applied the standards of servile behaviour, despite their legal status, rather than the higher moral behaviour expected of the free-born. Cicero implies that good moral behaviour from libertini was worthy of comment simply because it could not be expected as a matter of course. Placing the greatest importance on conduct toward their patrons (and former masters), he uses the previous servile condition of libertini as the basis for evaluating their character, and writes approvingly of those who possessed probitas (modesty), who were frugi (honest), and above all who showed benevolentia (goodwill) and fides (fidelity) in fulfilling their obligations to their former masters. ‘Bad’ freedmen, by contrast, were distinguished by their superbia (arrogance) and improbitas (lack of modesty).11 In tarring them with the same brush as

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9 On the concept of pietas in the family context, see Saller 1994: 227, whose translation of the term I have used; for the sentimental ideal of the Roman family: Dixon 1991.


11 Cf. Cicero’s comment (Pro Sex. Rosc. 22) that every domus had a few dishonest slaves and freedmen, thereby grouping them together and viewing them
slaves, Cicero reveals the fundamental liminality of the freedman, who occupied an ambiguous and temporary position somewhere between *servus* and *dominus*, the two opposed poles on the spectrum of status and morality in Roman thought. Despite enjoying the pleasures of freedom which most slaves never knew, *libertini* could not fully escape the stigma of slavery and the suspicion of their essential and irreparable inadequacy in the eyes of the elite. As the head of his own household, however, a *libertus* could fulfill on equal terms one of the few affirming social roles he shared with the freeborn, by wearing the toga, fathering freeborn children who had Roman citizenship, and being a good husband to a good wife. Part of the appeal of family imagery was therefore the moral validation it carried, and the public repudiation of the servile stereotype and all its pejorative associations that lingered in the popular perception of freedmen.

Accordingly, family members on the reliefs are clothed in the standard attire of the Roman citizen, as men wear the toga, the garment of Roman public life which was forbidden by law to non-citizens, and women the tunic and *palla* of the Roman matron (Figs. 2.1–5). When the imagery expands to include offspring, it is initially only adult children who are shown (e.g. Fig. 2.2), while young children do not appear until the Augustan age (Fig. 2.3). They too display their social status through clothing and attributes, with children of both sexes attired in the *toga praetexta* while boys frequently sport the *bulla*, a circular locket of metal or leather that was another item restricted by law, in this case to freeborn youths. Demonstrations of affection between parent and child occur, but only in a minority of examples; in general, the children on these reliefs are portrayed with the same low expectations. On the prejudices toward freedmen, see Treggiari 1969: 217–27; on the positive and negative stereotypes of freedmen, see Fabre 1981: 232–41.

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12 Fig. 2.2: relief of the Maelii, Kockel 1993: K 3, dated to the mid-Augustan era. Inscription: Sex. Maelius | Sex. l. Stabilio || Vesinia (mulieris) l. | Iucunda || Sex. Maelius | Sex. l. Faustus. Fig. 2.3: relief of the Vettii, Kockel H 13, dated to 205 BC. Inscription: Antonia P. l. Rufa || C. Vettius (mulieris) l. Nicephor || C. Vettius C.f. Secundus || Vettia C. l. Calybe.

13 e.g. Kockel 1993: M 2. For the *toga praetexta* and *bulla*: Gabelmann 1985; *bulla* only: Palmer 1998. The *bulla* could be worn only by the sons of freeborn men until the mid-2nd cent. BC, when the right to wear it was extended to the freeborn sons of freedmen.
formality and gravity as their elders. The recurrence of the *dextrarum iunctio*, the symbolic joining of right hands, conveys the attainment of legally recognized marriage, but also symbolizes *concordia*, marital harmony, the proverbial *desideratum* of Roman marriage, as well as related marital values such as *fides*, mutual loyalty and trust, and *comitas*, amiability. The Gratidii, for example (Fig. 2.1), are inclined toward each other, the woman’s left hand resting lightly on her husband’s shoulder, their right hands clasped in the conventional gesture, thereby conveying not only the simple fact of their union’s legitimacy, but also the successful forging of the kind of marital bond to which freeborn Romans aspired in their marriages.

The same concern for social respectability is expressed in the portrayal of the women on the reliefs through gesture and costume. Adopting the attitude and attire of the *matrona*, the cultural paradigm of virtue for Roman women, they signal their chastity through the so-called *pudicitia* gesture, in which the hand holds the *palla* as if about to veil the face and hide it from an intrusive gaze. With the *palla* sometimes covering their heads, they evoke an attitude of modesty befitting the most conservative view of female behaviour. Beneath the *palla*, some women on these reliefs wear the *vitta*, the woollen hair band which was closely identified with the Roman matron and her proverbial purity. The defining garment for the Roman

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14 Gestures of affection, e.g. Kockel I 8, M1, M2. Kleiner 1978 attributes the increased appearance of young children and affective gestures to the influence of Augustan art and social policy. See also Rawson 1997a.

15 This was not the exclusive meaning of the gesture; for examples beyond married couples, see Davies 1985, who does not, however, address the meaning of the gesture for this particular status group; see also Kockel 1993: 50 n. 420.

16 For the effectiveness of these portraits in expressing Roman virtues, see Koortbojian 1996: 219–20. On the Gratidii, see Kockel 1993: L 19. An inscription (*CIL* vi. 35397, Gratidia M. l. | Chrite || M. Gratidius | Libanus, now lost) identified them as Marcus Gratidius Libanus, a freeborn Roman probably descended from a former slave, and his wife, Charite, who was probably his own *liberta*. On Roman marital values: Treggiari 1991: 229–61.

17 e.g. Figs. 2.2; 2.3; 2.4, central figure Fig. 2.5.

18 e.g. Figs. 2.2; 2.4, 2.5, second from left; cf. the story of C. Sulpicius Rufus, who divorced his wife for leaving the house with her head uncovered (Val. Max. 6. 3. 10).

19 e.g. Fig. 2.4, central figure; Fig. 2.5, first woman on left. On the *vitta* and other forms of head adornment, see Sensi 1980/81.
matrona, however, was the *stola*, a slip-like garment worn between tunic and mantle. In literature the *stola* goes hand in hand with the *vitta* as *insignes pudoris*, symbols of modesty, as Ovid puts it in his introductory admonition in the *Ars Amatoria*. Associated in funerary and honorific inscriptions with legitimate marriage, both items were synonymous with the respectability which marriage conferred on women, and with the moral rectitude it demanded of them.\(^{20}\) Although it constituted the closest sartorial equivalent for women to the toga for men, the *stola* was more exclusive still, for by law only freeborn Roman women had the right to wear it, a restriction that was amended to include freedwomen who were

FIG. 2.2 Funerary relief of the Maelii, Raleigh, NC
FIG. 2.3 Funerary relief of the Vettii, Rome
FIG. 2.4 Funerary relief of the Furii, Vatican
married to *ingenui* during the second century BC.\(^{21}\) If the scant ancient sources are correct, strictly speaking the women on these reliefs were excluded by law from wearing the *stola* because of their husbands’ freed status; in fact, the *stola* is absent except in rare cases (e.g. Fig. 2.5, first woman from left).\(^{22}\) The same distinction does not seem to have applied to the *vitta*, however,

\(^{21}\) Festus ii 26 L; Macrobius *Saturnalia* 1. 6. 13–14.

\(^{22}\) Kockel points to the possible identification of the *stola* on a small number (6) of these reliefs (Kockel 1993: 51–2). It is difficult to identify *stolae* in all these cases, whether from photos or on-site autopsy; however, if accurate the identification can be explained in several ways: (i) there was a relaxation of the legal restriction in the late Republican period, and the *stola* was in fact worn by *libertinae*, which does not, however, explain its scant representation; (ii) noting a decline in the appearance of the *stola* on reliefs of the Augustan age in general, Kockel suggests that it had lost its force as a symbol of legal status in honorific and commemorative statuary, even if it kept its connotations in literary
suggesting that the depiction of freedwomen on these monuments exploits as far as possible the elements of the matron's clothing. The indictment of immorality imposed on slaves was an especially troubling burden for slave women, who were limited by their gender to the domestic sphere and whose worth was established by their good reputation. Believed to be promiscuous and morally depraved, slave women represented the precise opposite of the pristine *matrona* on the moral spectrum. Although credited with sexual licentiousness, in reality they had no control over their own bodies and were at risk of sexual exploitation by their masters. By adopting the attire and manner of the archetypal *matrona*, the Roman model of female propriety and sexual restraint, freedwomen could reform the moral universe they had inhabited as slaves and declare their willingness to be judged by the same standards of decency as freeborn women.\(^{23}\)

Some reliefs represent several adults who appear to share some form of group identification but who do not conform to the patterns of lone married couple or nuclear family.\(^{24}\) The inscriptions attached to some of these reliefs suggest that the individuals depicted were probable *conservi*, slaves from the same household, sometimes with a sufficient resemblance to prove a blood relationship, as in the case of the Furii, another familiar example (Fig. 2.4).\(^{25}\) The inscription suggests that the first four individuals (left to right) were slaves in the household of the Furii, while the fifth was previously owned by the Sulpicii. Even with the

contexts; (iii) or, alternatively, in view of this decline in Augustan relief, that there was a stricter (if not absolute) enforcement of the regulation in response to the emperor’s concerns about status-orientated clothing. It is also possible that the tunic and *stola* were differentiated from each other on sculpture with paint which does not survive on existing examples.

\(^{23}\) The protection clothing brought was literal as well as figurative, for women who scorned the matron’s garments exposed themselves to the risk of harassment in public, a danger that was less likely for a woman who was easily identified as a *matrona* (Ulpian, *Digest* 47. 10. 15. 15) On this passage, McGinn 1998: 331–5, George 2002: 49–50. For conceptual parallels between the matron and the slave, see Parker 1998.

\(^{24}\) e.g. Kockel 1993: E 6, F 1, G 7, I 6, L 9.

\(^{25}\) Kockel 1993: G 10, dated to 30s BC. Inscription (*CIL* vi. 18795): Furia (mulieris) l. || P. Furius P.l. || Furia (mulieris) l. || Furia (mulieris) l. || C. Sulpicius C. l. Unique to this relief is the absence of *cognomina*; the most prominent and repeated name is that of the gens Furii.
facial similarity and nomenclature, however, it is impossible to ascertain the relationships between these individuals. The three women might be sisters, and in fact they share the same physiognomy; it is possible that two of them are shown inclined toward their husbands, with an unmarried sibling on the far left. In examples with no extant inscriptions sorting out the possible permutations of the relationships between figures is even more difficult. On a relief in the Palazzo dei Conservatori (Fig. 2.5), six figures are pictured in a row, with no obvious connection through gestures or facial resemblance. They might be two families, each a husband and wife with an adult son, or two married couples with an unmarried brother.

The representation of non-nuclear groups on portrait reliefs points to the extended network of relationships beyond contubernia which arose among domestic slaves within the house and which were maintained after freedom was obtained. The impression is supported by epigraphic evidence in which the terms collibertus or conservus, rather than vir or coniunx, are used even when a marital relationship is implied, suggesting the particular importance of the shared slave experience to individuals even after manumission. The choice to be commemorated with siblings or colliberti might have been especially attractive to freedmen who were childless, a circumstance possibly common to many due to manumission later in life. Group reliefs might also reflect an early manifestation of burial collegia, organizations of individuals without families of their own who joined together to ensure proper burial and funerary ritual for themselves. By drawing on family

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26 Alternatively, the high degree of similarity in their faces could be attributed to the generic output of a particular workshop rather than consanguinity. For further possible kin relationships, see Kockel 1993: 133. More complex is the relief of the Servilii and Scaevii, whose panel depicts the portraits of three men and two women, but whose lengthy inscription names nine individuals whose connection to each other is far from clear (Kockel 1993: J 4, CIL vi. 26421).

27 Kockel 1993: F 1.

28 Flory 1978, especially 82–4. Although it is generally impossible to date the epigraphic evidence, and so tie it to the late Republic/early imperial era, it does indicate the significance of slave life to freedmen.


30 The standard work on collegia is Waltzing; see also Joshel 1992: 113–22.
imagery, individuals from the same (or even different) *familia* could claim for themselves the associated normative values of social respectability while commemorating relationships which fell outside the nuclear family model. In its conveyance of notions of propriety and stability, values especially associated with the family, such imagery endowed these relationships with the social worth of more conventional familial arrangements.

**Freedman self-representation**

Following the custom on most late Republican epitaphs, the dedicants on these reliefs are unspecified, and the inscriptions function as labels that assert the identity of each individual with no indication of the circumstances surrounding the erection of the tomb.\(^{31}\) In only a few instances are other forms of status or identity given visual expression. For example, the *fasces*, symbols of involvement in the cult of the Augustales, appear only twice on reliefs with family portrait groups, while in other cases titles of civic honour are included in the text but have no place in the imagery.\(^{32}\) References to work are also subordinated to the family motif, with tools appearing on only three family groups, while occupational title is given in two inscriptions, but without accompanying imagery.\(^{33}\) In a few instances, the portraits are of patrons, put up and paid for by their *libertini*.\(^{34}\) It is possible that

\(^{31}\) Also absent are the abbreviations such as ‘DM’ for *Dis Manibus*, which became standard in later funerary monuments. In only a few cases is reference made to which of the figures were deceased and which were living at the time of the monument’s erection, e.g. Kockel 1993: H 13, here Fig. 2.3, where there is a ‘v’ for *vivit* under the portraits of Nicephor and Calybe, indicating that the freedman father Nicephor and his daughter Calybe, herself a freedwoman who was probably born while her parents were still enslaved, survived the other two figures on the relief, Antonia Rufa, probably Nicephor’s wife and Calybe’s mother, and the young boy Secundus, the only *ingenuus* in the family. On others the epigraphic marker of the *theta nigrum* indicates that certain individuals were deceased. See also Kockel 1993: A 10, B 4, D 3, E 11, F 2, F 12, H 13.

\(^{32}\) *Fasces*: Kockel 1993: G 7, L 17. Kockel 1993: 245 lists the handful of cases where engagement in the imperial administration and cult is included in the inscription. For *libertini* as staff to Roman magistrates, see N. Purcell, *Papers of the British School at Rome*, 51 (1983), 126–73.

\(^{33}\) Kockel 1993: 245. For work imagery on early imperial freedman reliefs, see Zimmer 1982.

\(^{34}\) Kockel 1993: C 4, K 16, L 4, L 6, and L 17.
these patron portraits were rendered in this genre because they functioned not as funerary commemorations to patrons, but as honorific dedications, possibly built into the freedman’s tomb along with images of his own family.

In constructing substantial family tombs situated in prominent public contexts, late Republican freedmen were participating in a form of self-representation that burgeoned in this era among a range of social and economic groups. Although borrowing aspects of gesture, costume, and portraiture from the conventions of elite self-representation, the genre presents a combination of these elements in a form that was innovative in Republican art. There is no single model for the genre, which shares characteristics with commemorative formats from both Hellenistic and Roman art. Relying on a rudimentary, schematic treatment of the external features to express individuality and family resemblance, these portraits of Republican freedmen employ a rough Italic verism and draw on standardized Republican portrait types, in contrast to some contemporary elite portraiture which often favoured the Hellenistic approach to the medium, with its interest in psychology and idealization. Similarly, the reliefs eschew heroic nudity, another trend favoured by the more Hellenophilic of the elite, giving preference instead to the traditional dress of commemorative sculpture, the garments of the Roman citizen—toga and tunic for men, palla and tunic for women—which fixed them firmly and unmistakably on Roman soil. Despite the contrast with contemporary elite monuments, the choice of this mode of representation should not be misconstrued as a lack of sophistication among freedmen, but rather as a preference for the stylistic idiom which presented them as Roman as possible and

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36 Possible inspiration can be found on one type of Hellenistic stela of the 2nd cent. BC, which differs from classical Greek models in the formality of its composition and the lack of interaction between the figures (see Zanker 1993). It has also been suggested that the format is a visual reference to the imagines, the ancestral portraits of the elite. See Kockel 1993: 11–14, with further bibliography; on the imagines and their exclusivity to the elite, see Flower 1996.
37 On the style of the portraits, in addition to the works cited in n. 2, see also Zanker 1976, 1983, 1988: 5–31; Borg 2000.
in the most conventional and conservative terms. In creating a public persona of the most staid Roman kind they could hope to mitigate, although not hide, their servile origins.

The remarkable consistency in theme and motifs on these reliefs suggests that on some level a collective identity had emerged for freedmen in the late Republic, or at least a common set of priorities which arose from a shared servile past and the realities of life after manumission. Relative to their blossoming strength in the early imperial era, libertini with considerable wealth were still somewhat new on the social scene of the late Republic. In attempting to assert a public identity at a time when their place in the tightly structured social order of Republican Rome was still ambiguous, freedmen were faced with an awkward problem. In contrast to the confidence and outrageous excess of Petronius’ infamous freedman Trimalchio, Republican freedmen were pioneers in formulating forms of commemoration and self-representation that were appropriate to their unique status, that reflected the achievements they most valued, and that would also be acceptable to the wider society. Unlike the brash caricatures in the Neronian Satyricon, this generation of libertini was still engaged in the process of defining what it meant in Rome to be a successful ‘freed man’, a former slave who through his own efforts and his master’s good graces had navigated the often tortuous path to manumission. The relative homogeneity of the genre, therefore, might reflect not only common values, but also a lack of sufficient confidence to express a strong element of individuality in personal commemoration. Status could be asserted, but only within the safe confines of a genre based on the most traditional Roman ideals and presented in a highly formalized arrangement. The hesitancy to promote rugged individualism in these reliefs hints at the ambivalence of the social valuation of even wealthy freedmen and a degree of caution that influenced their initial commemorative choices.

Much of this had changed by the end of the Julio-Claudian era, however, when freedman commemorations broadened considerably, moving from group to individual memorials and from the relative conservatism of family portrait reliefs to embrace a mix of eclectic themes. The most famous and most striking example of this new trend, the tomb of the baker Eurysaces beside the Porta Maggiore in Rome, best illustrates the willing-
ness to minimize, if not depart entirely from, the family motif.\footnote{Ciancio Rossetto 1973. Kockel has cast doubt on the conventional association between the tomb and the standing relief of a man and woman who have been identified as Eurysaces and his wife Atistia (Kockel 1993: A 8, with bibliography).} Compared to the traditional, formal, and morally laden family portrait groups, the tomb of Eurysaces is a clear assertion of individual will and identity that transgresses the late Republican ideals of \textit{probitas} in freedmen to fall squarely into the realm of \textit{superbia}. Reflecting a radical shift in freedman commemoration, the tomb of Eurysaces anticipates the expanded and more idiosyncratic repertoire of funerary imagery that emerged in the libertine monuments of the first century AD, when mythological allegory becomes the pre-eminent choice.\footnote{Wrede 1981.}

The strong presence of freedmen in Roman commemorative evidence in general has been characterized as an over-representation related to a heightened social pressure to strive for honour (\textit{honos}) and to display their worldly success obtained against great odds.\footnote{Von Hesberg 1992: 239.} The overwhelming preference for family portrait reliefs among late Republican freedmen reflects a desire to display their embodiment of fundamental Roman moral values at the same time as they commemorated social status and affective bonds with family members. Their faith in the efficacy of the family motif to convey \textit{honos} underlines the family’s primacy of place in the Roman social order while also revealing the lingering consequences of former servile status.

\section*{Beyond Rome: Cisalpine Gaul}

Of the portrait reliefs from outside Rome, those from central and southern Italy are in the poorest condition and few have extant related inscriptions. In form, however, they are similar to the genre at Rome, with horizontal family groupings of two or more individuals wearing conventional Roman dress. Their chronological range is confined to the late Republic to Julio-Claudian period, and their dedicants were mostly \textit{libertini}, although a
significant number of *ingenui* are also represented.\(^{41}\) Family portrait reliefs from Cisalpine Gaul (northern Italy) comprise a smaller corpus than the freedman reliefs at Rome but exist in sufficient quantity and condition to allow a brief comparative study.\(^{42}\) Appearing initially in the mid-first century BC, most are dated from the Augustan era to the end of the first century AD, with the majority falling within the Julio-Claudian to Flavian eras. The composition of the Cisalpine reliefs, which is more often vertical rather than horizontal, is the most obvious visible divergence from the Roman evidence. In many cases the vertical arrangement is used to reflect directly different forms of social hierarchy within the domestic context. In the relief of the Alennii from Bologna (Fig. 2.6), the family group is ordered into vertical registers on the basis of age and rank: in the upper register, a freedman couple, below them their two freeborn sons, followed by their daughter, and beside her a freedwoman.\(^{43}\) The positioning of figures follows clear lines of status as dictated by both age and rank, as parents are placed above their children, male children above female children, and the freeborn daughter before a *liberta*. Not only does this hierarchical arrangement demonstrate the calibrated status of household members, it also puts visual emphasis on the successful formation of more than one generation of the family.

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\(^{41}\) On portrait reliefs from central and southern Italy: Frenz 1985, Eckert 1988; from northern Italy: Pflug 1989, Mercando 1998. Frenz (1985) lists only 159 examples from the whole of southern and central Italy (excluding the city of Rome), compared with 328 extant (and 63 now lost) from Cisalpine Gaul (Pflug 1989).

\(^{42}\) Cisalpine Gaul: Pflug 1989; also Mercando 1998. Outside Italy, funerary portrait reliefs most often depict single individuals, with a few married couples; family groupings are unusual, and occur with frequency only in Pannonia and Dacia, where they are dated to the late 2nd to 3rd cents. AD. For reliefs in Pannonia, see Boatwright, this volume; Dacia: Ţeposu Marinescu 1982; Bianchi 1985; for Spain: Edmondson, this volume; also Edmondson, Nogales Basarrate, and Trillmich 2001; for Gaul: Braemar 1959; for the Rhine region: Faust 1998.

\(^{43}\) Pflug 1989: no. 44, dated to mid-1st cent. AD. Inscription (*CIL* xi. 6825): V(ivus) f(ecit) sibi et suis | L(ucius) Alennius L(ucii) l(ibertus) | Stephanus sibi et | Freiae M(arci) l(ibertae) Euphemi(ae) | L(ucius) Alennio L(ucii) f(ilio) Celeri | T(ito) Alennio L(ucii) f(ilio) IIIIII | viro filiis | Stacte l(ibertae) Saturninae f(iliae) | Q(uo) q(uo) v(ersus) p(edes) XVI.
In other examples the nuclear family is represented by a tightly grouped trio, as father and mother flank a small child as if enveloping him in a parental embrace (e.g. Figs. 2.7, 2.8).\textsuperscript{44} In general, however, the vertical format reflects critical distinctions in the relationship between the individuals included in the groupings, since the Cisalpine reliefs tend to use membership in a

\textsuperscript{44} Also Pflug 1989: nos. 34, 59, 117.
wider family household to illustrate their social status. Unlike the reliefs from Rome, dependent freedmen are sometimes included on these reliefs as if part of an extended family. For example, on a relief now in Ravenna a libertus commemorates in the top register his own nuclear family—himself, his wife, and his small son—as well as four of his male freedmen, who are arranged in two lower registers, thus illustrating both his role as a paterfamilias and as patron to other former slaves. In some cases, as on another stela from Ravenna (Fig. 2.7), a complex set of household ties is suggested, not all of which can be untangled. At the top, there is the bust of a liberta who is probably patron to the others; beneath, a nuclear trio of father, mother, and child (the parents are freedmen, the child’s status is unspecified); beneath this, two freeborn men, whose nomenclature is unrelated to the others, but whose cognomina suggest servile ancestry; lastly, at the bottom, a small boy named Speratus, who is labelled a verna, a houseborn slave. Although the three adults in the upper half share the same praenomen and nomen, their relationship to the two freeborn men is not clear; it seems likely that the latter were attached to the household in some way, perhaps as employees in the family business. Their inclusion along with the verna, however, hints at a potential affective relationship between them and the dedicant, who was probably the woman holding the child.

More significant than compositional differences between Cisalpine and Roman family reliefs is the status of the dedicants, who were not chiefly freedmen. On the contrary: of those with related inscriptions, fully a half belonged to ingenui, freeborn citizens who supply their filiation; 30 per cent belong to libertini.

45 Pflug 1989: no. 34, dated to AD 50–75.
46 Pflug 1989: no. 10, dated to c. AD 25–50. Inscription (CIL xi. 178): P(edes) XX || Firmia L(uci) l(iberta) Prima || L(ucio) Firmio | L(uci) l(iberto) Principi | — || Firmia L(uci) l(iberta) | Apollonia | Lezbiae filiae sibi et suis de pecun(ia) s(u)a v(iva) f(ecit) || M(arco) Latronio | Sal(vi) f(ilio) | Secundo | — || Sal(vio) Latronio | Sal(vi) f(ilio) | Saturnino || Sperato verna. Firmia Apollonia could be either patron or colliberta to the other libertini; Pflug prefers patron because she appears to be older than the others. The identity of Prima is also unclear; she might be the female bust at the top of the relief, and could be sister or colliberta to Apollonia. The two freeborn youths could be sons of Apollonia or Prima by a man who is not included, but other possible explanations exist. The verna could be a favoured juvenile slave who died young, or the illegitimate offspring of his master.
FIG. 2.7 Funerary relief of the Firmii, Ravenna
who indicate libertinage, and 15 per cent fall to incerti, those whose status is unspecified, but whose cognomina hint at a servile ancestry. 47 This is a significant departure from the reliefs at Rome, on which ingenui appear in less than a handful of examples. Aside from indications of social status, however, there is little to distinguish between the Cisalpine stelae of ingenui and libertini in form and content. Much like libertini in the region, the ingenui from the north often memorialized an extended household, including dependent freedmen: so P. Arrius Montanus (Fig. 2.8) commemorates not only his own nuclear family—he himself, his wife, and his son—but also his sister-in-law and her husband (in the second register), and two of his own freedmen at the bottom. 48

The relative distribution of freeborn and freed dedicants reflects the spread of urbanization in the region. There are more ingenui than libertini from the west Po plain and beyond (e.g. Lombardy and Piedmont), which in this period was generally more agricultural and had fewer towns, whereas freedmen dominate on the stelae from Emilia-Romagna, where were located some of the oldest urban foundations in Cisalpine Gaul, including Bologna, which was founded in the early third century BC, and the harbour towns of Ravenna and Rimini. It was in these urban centres in particular, with their thriving local economies and active commercial life, that freedmen flourished, whereas ingenui were more prominent in the social hierarchy of towns with a rural economic base. 49

The greater focus on internal domestic hierarchies and on the representation of the extended household, rather than the nuclear family, can be partially attributed to the function and context of the reliefs. The family portrait reliefs from Rome were attached

47 Pflug 1989: 132–44. The remaining 5% is made up of peregrini (3%) and servi (2%).
49 On the history and culture of Cisalpine Gaul, see Chilver 1941; on the Romanization of the region, see Denti 1991; on the local middle class, see the assorted articles in Sartori and Valvo 2002.
FIG. 2.8  Funerary relief of the Montani, Ravenna
to larger monuments and might have been augmented by additional inscriptions which listed household slaves and dependent freedmen who possibly were included in the tombs. Conversely, in general the stelae from Cisalpine Gaul functioned for the most part as funerary stelae used to mark off family tombs of more modest scale and constituted a complete, self-contained commemoration, with no other opportunity for a secondary related inscription. This might also explain why both freeborn and libertine stelae often include substantives which indicate familial relationships (mater, pater, uxor, filia, etc.), an element only rarely seen on the reliefs from Rome itself.\(^{50}\) It is also likely that the presence of household freedmen (and in one case a slave) on these reliefs mandated the clarification of kin and status relationships in obvious terms, so that members of both the nuclear and extended family, as well as the domestic familia, were clearly distinguished from one another.

The inscriptions on the Cisalpine reliefs are more typical of funerary epitaphs of the imperial era, naming a dedicant and the family members and dependants for whom the marker was erected. Most often the dedicant is the male head of the household, although sometimes it is his wife or children who set it up for themselves, deceased relatives, and dependants. Frequently, indications are given of which individuals among those depicted were alive and which were deceased when the monument was erected. On Fig. 2.6, for example, the dedicant Stephanus is labelled vivus, there is a theta beside the portrait of his wife and the liberta Stacte, and the letter ‘v’ beside his two sons and daughter Saturnina. In unusual cases former slaves dedicated stelae to their former masters and his family, as well as to themselves, and in one case the patron and libertini shared the cost. On two examples (e.g. Fig. 2.7) a bust of the patron sits at the top of the panel, isolated from the main family group, but still loosely connected to it and, by virtue of its position, superior in status.\(^{51}\)

\(^{50}\) e.g. Pflug 1989: no. 250. On kinship terms, see Pflug 1989: 128–9. At Rome, e.g. Kockel H 6. Kinship terms are also used on a handful of reliefs from south and central Italy, although the poor state of the inscriptions hinders conclusions about the degree of frequency. See Frenz 1985: nos. 35, 107, 122, 132.

\(^{51}\) Dedicated to patrons: Pflug 1989: nos. 50, 243; shared cost: no. 7. Patron bust: Pflug 1989: no. 10 (here, Fig. 2.7); also no. 52.
While incorporating many of the same elements as those from the capital, these reliefs also demonstrate a number of differences which are embedded in their distinct social milieux as well as artistic preferences which vary throughout the region. There is a greater proportion of examples with single portraits, mirroring a parallel trend toward individual representation on memorials in first-century Rome, and there is more frequent use of the portrait bust without a clothed torso, which puts less emphasis on status garments. Portraits which do include the upper body feature conventional Roman dress: tunic and toga for men and tunic and palla for women, the latter with their heads mostly uncovered.  

Children are mostly shown in bust form, but when the torso is shown they generally wear the toga praetexta, and few examples depict a child wearing a bulla. The dextrarum iunctio and the so-called pudicitia gesture are far less common than at Rome; instead, men and women tend to grasp their toga or palla, and in some cases men hold a scroll and women fruit or flowers. Overall, there is less subtlety and attention to detail in aspects of costume and gesture on these representations than on the reliefs from Rome. In part, this might be attributable to the skill of local sculpture workshops and the absence of a long-standing regional tradition in portrait sculpture. It could also indicate, however, that there was less concern among the dedicants for the finer distinctions of rank and status that such elements could express. Beyond the somewhat rarefied and status-conscious capital, with its highly refined set of social prejudices, the semiotic authority of the bulla or the vitta might simply have been less relevant. Moreover, the freedman’s symbols of honour were less appropriate, since in this region the genre was not his own, but was shared with freeborn Romans of a different background but similar economic means.

52 On occasion the palla covers the heads of older women to distinguish them from younger women on the same relief. There is only one example of a stola (Pflug 1989: no. 91), which Pflug interprets either as a sign that they were out of fashion or that de facto they were worn mostly by elite matronae, even though de iure others were allowed to wear them (Pflug 1989: 99).

53 Children: Pflug 1989: 101; bulla: nos. 117, 224; possibly also 234; gestures: Pflug 1989: 101; see also Frenz 1985: 124 and 134. There are also references to a military career, reflecting the important role of the army in the region (Pflug 1989: 139).
Other kinds of personal bonds and symbols of status are also in evidence, sometimes intersecting with one another. Three reliefs from Mutina (modern Modena) commemorate shared involvement in public service. On one, two couples are shown, and although all four were former slaves, they were not *colliberti*; instead, their mutual interest was in serving as *Apollinares*, members of a priesthood in the local imperial cult. On another example, a freedman, also an *Apollinaris*, appears with his wife and daughter, along with a portrait of his patron, who is identified as both a decurion and a fellow *Apollinaris* and who occupies the uppermost position at the top of the stela. Both men wear the *toga praetexta*, which is clearly indicated on the surface of the stone, and beneath the portraits are the insignia of public office (a chair, table, *scrinium*, scroll, and tablets), while the *fasces* decorate the frame. A stela from an elaborate monument now in Reggio Emilia suggests the network of kin and power relationships among local elites which involved *libertini*. Busts of two men are set side by side within a shell at the top, while portraits of their wives are contained in a single *clipeus* on a lower register. In fact, the two couples are apparently in-laws, the older man and woman the parents of the younger woman, who was probably married to the younger man, Rhenus. Both men served in the local sevirate; all, except for the daughter Festa, were freedmen. Rhenus was either the former slave of his father-in-law, who had become his patron, or his *conservus*; in either case the elder man probably assisted the younger in advancing his public profile in the town.

The diminution in stark status distinctions between freedmen and the freeborn in Cisalpine Gaul compared to Rome can be attributed to another local factor. Competition for garnering honour at the municipal level seems to have operated differently in Cisalpine Gaul from other parts of Italy. It has been argued that in north Italian towns social mobility was limited since membership in the local *ordo* was less accessible to the freeborn than in other Italian cities. The existence of long-standing local

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55 Pflug 1989: no. 52; see also no. 49.
56 Pflug 1989: no. 58.
57 On the *ceti medi* of Cisalpine Gaul, see Abramenko 1993; Tassaux 2000; Sartori and Valvo 2002.
elites in most towns apparently reduced the opportunity for the entry of freeborn families with newly acquired wealth into municipal politics and forced them to find other means of gaining a public reputation. As a substitute, they turned to the sevirate and the cult of the Augustales, public priesthhoods that in Rome were strongly identified with libertini, rather than ingenui, and that offered them a form of public service through which they might achieve some measure of social status. Moreover, some of the freeborn on these reliefs were quite possibly the first generation of their family to have full Roman citizenship, since it was only in 49 BC that Julius Caesar extended Roman citizenship to all the cities of Cisalpine Gaul. The ceti medi of Cisalpine Gaul, whose citizenship was freshly minted and who were excluded from local politics, shared the marginalization of successful freedmen and the necessity of circumventing the limitations to public recognition that were imposed by local circumstances. A form of social levelling between ingenui and libertini that did not pertain to the same extent in the rest of peninsular Italy (and certainly not at Rome itself) might therefore be identified as a particular feature of urban northern Italy. The mutual exploitation of closely related genres of funerary commemoration by these two social groups indicates the shared concerns of social outsiders and their confidence in the family portrait group to communicate their worth as upstanding citizens.

Conclusion

A comparison of these two groups of monuments illustrates the value of family imagery to social groups from different parts of Italy with distinct cultural contexts, but not entirely dissimilar commemorative needs. Both sets of reliefs reflect the emergence of a social group, whether of freeborn or libertine origins, with middle to upper-middle means, which had no existing tradition of self-representation of its own. For freedmen in Republican Rome, the family was a particularly apt symbol of freedom, the social institution which best represented their rise in status, and a potent metaphor for their very particular personal achievements. By this iconographic sleight of hand, these former outcasts could display their adoption of Roman social values and insert themselves into the landscape of the idealized Roman
family. While contact with Rome did not introduce family structure to Cisalpine Gaul, with Roman political hegemony came the high value put on the family in Roman culture and its attendant notions of status, stability, and morality. Representations of family portraits offered a means of identification with Rome and its traditions while simultaneously articulating aspects of status and local identity. The absence of refinements in gesture and costume on the Cisalpine reliefs and the strong representation of the free-born among the dedicants suggest that, over the course of the century since its inception at Rome, the imagery lost its specific reference to former slaves and came instead to be related more generally to mainstream notions of stability and moral standing associated with the family in Roman thought. The robust representation of *ingenui* on the Cisalpine reliefs demonstrates the appeal the family motif had for the new urban gentry in the region who lacked other forms of social distinction. In this respect, the citizenry of Cisalpine Gaul, *ingenui* and *libertini*, shared the Roman freedman’s desire for social legitimacy and recognition of personal achievement. The genre of the family portrait and its visual conventions allowed both groups to clothe themselves literally and figuratively in the values of the dominant culture of the capital which they aspired to join.
Once upon a time during a great pestilence the Sabine Valesius found his three children, two sons and a daughter, on the brink of death. As the doctors despaired of their lives Valesius prayed to his household gods and asked that his children's illness might be transferred from them to him. Unexpectedly, however, the gods replied by saying that the children would be saved if they were taken down the Tiber to a place called 'Tarentum' and given water to drink from an altar there to Dis and Persephone. Where Tarentum was Valesius did not know, but sailing from Sabine Eretum he followed the gods’ directions and inadvertently cured his children when he gave them water from the Tiber at a spot in the Campus Martius which turned out to be the required place. In due course his slaves, digging the foundations of an altar of thanksgiving at the site, discovered another altar to none other than the gods of the underworld, and a little later his children were divinely instructed to offer sacrifice. For three successive nights therefore Valesius offered victims and held games and lectisternia to celebrate his children's recovery from the terrible pestilence that had so severely threatened their lives.

This story, summarized from the account of Valerius Maximus (2. 4. 5), provided an explanation for Romans of the historical age of how the Ludi Saeculares first came into existence and where they were celebrated: for Rome’s first consul Valerius Poplicola was believed to have founded the games in order to commemorate his ancestor Valesius' discovery of the cult site of Dis and Persephone. The story is arresting, however, not so much for its aetiology as for what it implies about fathers and children in the historical age when it was circulating. It suggests, first, the desperation a Roman father might feel when his children were ravaged by uncontrollable disease of the sort which periodically
swept through the Roman world—the great plague under Marcus Aurelius being the most notorious example—and which over time must have carried off vast numbers of children; it connotes, secondly, an ideal of fatherhood according to which a parent was expected to undertake any action humanly possible, even give his own life, to protect his children; and it presupposes, thirdly, that children, of both sexes, were highly prized in Roman society.1

Romans of the historical epoch understood that in theory people should die in generational sequence. But they also knew that the reality was rather different: ‘non citamur ex censu’, as Seneca (Ep. 12. 6) expressed it. So the story of Valesius also captures an anxiety with which Roman parents always had to live, the fear that their children might die untimely deaths—a fear that can be understood particularly well from the portents of child death catalogued in Artemidorus’ Interpretation of Dreams. To dream, for instance, of a woman losing her breasts (i. 41), of a small boy turning into a man (i. 50), of a father having sex with a son younger than 5 years old (i. 78)—these were just some of the many dreams Artemidorus took to portend the death of dreamers’ children, the significant point being that he had collected his dream evidence from real people all across the Mediterranean world. The fear indeed knew no limits. It was said that in order to make their loss more bearable the Persians, well beyond the sphere of Graeco-Roman culture, did not even look at their children until the children had passed the age of 7.2

1 Zosimus (2. 1–3) also tells the story of Valesius, though with some variations: in his version Valesius offered the gods his wife’s life as well as his own in return for his children’s recovery, the number of whom is not specified. His text implies that Valesius’ celebration of the children’s return to health was the first celebration of the Ludi Saeculares, but Valerius Poplicola is shown offering sacrifice to Dis and Proserpina to free Rome from pestilence and to acknowledge the Roman people’s new freedom. See Taylor 1934: 111; Gagé 1955: 79; and for full sources, Pighi 1965. On Tarentum see Platner and Ashby 1926: 508–9; Richardson 1992: 377; LTUR V. 20–2 (F. Coarelli). On the plague (smallpox) under Marcus Aurelius, Gilliam 1961; Littman and Littman 1973; cf. Sallares 1991: 248; for its social and economic ramifications, Duncan-Jones 1996; and for other outbreaks of pestilence under the Principate, Gilliam 1961: 248.

Translations are from the Loeb editions when available, or from the standard English translations in the case of, for example, Soranus.

2 Seneca: cf. Ep. 63. 14; 66. 42; 70. 4; 93. 1; Celsus, Med. 1 prooem. 5; 2 prooem. 2. Many dreams: for further examples, Bradley 2001: 48. Persians: Val. Max. 2. 6. 16; cf. Hdts. 1. 136, where the age is given as 5.
And die the children did. Any number of examples could be summoned by way of illustration—the sons of Aemilius Paullus succumbing at the ages of 12 and 14, Quintilian’s sons at the ages of 5 and 9, Plutarch’s daughter Timoxena at the age of 2—and their representativeness is confirmed by the results of modern demographic research which reveal clearly enough, even if experts are unable to reach consensus on matters of detail, that infant and child mortality at Rome was extremely high, with perhaps a third of newborns dying within the first year of life and half of all children dying by the age of 10—a regime scarcely imaginable in contemporary western societies. It means that the sight of children dying and the sight of children’s bodies being disposed of were sights that no one in the Roman world could really miss; and it also means that a distinctive mentality towards the loss of children emerged, which is reflected for instance in Marcus Aurelius’ choice (Med. 9. 33) of the deaths of the very young and the deaths of the very old as natural points of comparison: from a modern perspective there is nothing natural about that at all.³

The story of Valesius suggests that one, perhaps the most important, factor that affected child mortality was the Romans’ inability to deal effectively with disease. This is an obvious demographic point but one worth demonstration. A famous passage in Soranus’ Gynecology (2. 43–4) offers an analysis from an observant and skilled practitioner of medicine of how bone deformities were thought to arise in infants, especially in the city of Rome itself:

When the infant attempts to sit and to stand, one should help it in its movements. For if it is eager to sit up too early and for too long a period it usually becomes hunchbacked (the spine bending because the little body has as yet no strength). If, moreover, it is too prone to stand up and desirous of walking, the legs may become distorted in the region of the

³ Examples: Livy 45. 40; Plut. Aem. 5. 3, 35. 2; Quint. Inst. 6 pr. 6–13 (the older boy may have been more than 9 at his death but that is the last age mentioned for him); Plut. Cons. ad uxor. 8; for some imperial instances, Suet. Claud. 1. 6; Ner. 35. 3; Galb. 5. 1; Vesp. 3, 5. 2; Domit. 3. 1. Demographic research: Frier 2000, for a summary account; cf. Parkin 1992: 70–90 on the essentially fabricated nature of the evidence. Consensus: cf. Scheidel 2001a, 2001b; Sallares 2002. Mortality: see references in Bradley 1999: 184 n. 1. The emphasis placed by Sallares on regional and social variability in ancient demographic patterns does not affect the general point of relatively high infant and child mortality. For a select number of burials of girls and accompanying grave goods, from both Italian and provincial sites, see Martin-Kilcher 2000.
thighs. (44) This is observed to happen particularly in Rome; as some people assume, because cold waters flow beneath the city and the bodies are easily chilled all over; as others say, because of the frequent sexual intercourse the women have or because they have intercourse after getting drunk—but in truth it is because they do not make themselves fully acquainted with child rearing. For the women in this city do not possess sufficient devotion to look after everything as the purely Grecian women do. Now if nobody looks after the movements of the infant the limbs of the majority become distorted, as the whole weight of the body rests on the legs, while the ground is solid and hard, being paved in most cases with stones. And whenever the ground upon which the child walks is rigid, the imposed weight heavy, and that which carries it tender—then of necessity the limbs give in a little, since the bones have not yet become strong.

There is evidence here of an intellectual effort to understand a medical condition—in this case not an inherently fatal condition—but there is also evidence of the massive ignorance that characterized all medical science before the modern era. The disease Soranus describes is almost certainly rickets, the essential cause of which is the absence of vitamin D which leads to softening of the bones, bowed legs, and hunched backs. Historically rickets in children has been associated with the growth of urbanization in Europe consequent upon the Industrial Revolution, a context in which huddled buildings blocked out sunlight—the chief source of vitamin D—and children were kept indoors for long periods of daytime by the demands of labour. Comparable conditions may have obtained at Rome in the late first and early second centuries AD when Soranus was writing. In the absence of any ancient knowledge about vitamins, however, it was impossible for Soranus or for any other doctor to know the true cause of the deformities mentioned and any therapy prescribed for the problem therefore was unlikely to be effective.4

To what extent was disease regarded as a special characteristic of childhood in the Roman world, and, if it was, how did parents respond to it? What are the illnesses that were associated with childhood, and how visible in the historical record is the sick child? These are the questions with which this chapter is

concerned. In treating them I survey briefly the evidence of select writers on medicine and medical remedies under the early Principate, a period from which a remarkable (but surely fortuitous) clustering of material survives. The emphasis falls only on Roman perceptions of childhood illnesses—the names and descriptions of illnesses used by ancient authorities—not on modern medical diagnosis and terminology, and largely does not go beyond the level of the descriptive. But by drawing attention to the abundant material available I hope to elicit something of the experience of childhood in Roman antiquity, to add some substance to the obvious demographic point mentioned a moment ago. It may be noted at once that Pliny the Elder provides reason for thinking that certain diseases were associated with childhood as a matter of course. ‘What can be found more marvellous than this,’ he states, ‘that some diseases should arise suddenly in a special part of the world, should attack the special limbs of human beings or special ages, or even people of a special position in life (just as if a plague chose its victims), one children (in pueris), another adults, one making the nobility especially liable, another the poor’ (HN 26. 4, my emphasis). Children emerge here as one of what could be called several demographic constituencies of illness, and as will become clear there is much to be filled in under the rubric.5

An incipient awareness of children’s illnesses emerges at an early date, the early second century BC, in the agricultural handbook of Cato. In the famous encomium of cabbage Cato says (Agr. 157. 5) that barley-meal is to be added to cabbage as a remedy for ‘sores’ in boys and girls, and (Agr. 157. 10) that weak children are to be washed in the urine of cabbage-eaters in order to make them grow strong. Cato also differentiates (Agr. 156. 6) between children and adults in his recommendations about the use and application of cabbage for curing colic, even though prescribing the same treatment for men, women, and children. Elsewhere (Agr. 127. 2) he distinguishes children from adults in the amount of a remedy to be administered for dyspepsia, strangury (painful passage of drops of urine), and worms. The

5 Writers on medicine: for full repositories of material from antiquity at large, see Bertier 1990, 1996; Hummel 1999. Terminology: cf. Nutton 1986: 54 n. 47: ‘very few of the diseases named in antiquity . . . can be identified with anything like certainty.’
conditions mentioned are not of course unique to children, but Cato’s evidence is valuable for its recognition that children could form a medical category separate from that of adults. The implication that the *paterfamilias* who read Cato’s book ought to have first-hand knowledge of how to treat various ailments by which his dependants were affected is also important. The presumption must be that Cato’s evidence reflects widespread social conventions and attitudes, not the behaviour of a single individual.⁶

Much fuller information is provided by the encyclopaedist Celsus in *De medicina*. In a passage, first, relating health to stages of life and the seasons (*Med. 2. 1. 17–20*), Celsus gives a long list of childhood conditions so that it becomes possible, despite the imprecision involved, to think in terms of predictable complaints that could appear at one stage of a child’s life after another:

As regards the various times of life, children and adolescents enjoy the best health in spring, and are safest in early summer; old people are at their best during summer and the beginning of autumn; young and middle-aged adults in winter. Winter is the worst for the aged, summer for young adults. (18) At these periods should any indisposition arise, it is very probable that infants and children still of tender age should suffer from the creeping ulceration of the mouth which the Greeks call *aphthas*, vomiting, insomnia, discharges from the ear, and inflammations about the navel. Especially in those teething there arise ulcerations of the gums, slight fevers, sometimes spasms, diarrhoea; and they suffer as the canine teeth in particular are growing up; the most well-nourished children, and those constipated, are especially in danger. (19) In those somewhat older there occur affections of the tonsils, various spinal curvatures, swellings in the neck, the painful kinds of warts which the Greeks call *acrochordones*, and a number of other swellings. At the commencement of puberty, in addition to many of the above troubles, there occur chronic fevers and also nose-bleedings. (20) Throughout childhood there are special dangers, first about the fortieth day, then in the seventh month, next in the seventh year, and after that about puberty. The sorts of affections which occur in infancy, when not ended by the time of puberty, or of the first coitions, or of the first menstruations in the females, generally become chronic; more often, however, puerile affections, after persisting for a rather long while, come to an end.

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Adolescence is liable to acute diseases, such as fits, especially to consumption; those who spit blood are generally youths.7

From other passages more details emerge. There is the phyma, a kind of boil that affects children but not adults (Med. 5. 28. 9) and ophis, a balding disease that generally occurs in young children, beginning at the back of the head and gradually creeping forward (Med. 6. 4. 2). The mouth ulcers mentioned, apthae, are especially dangerous in children, if not unique to them, and life-threatening: they begin from the gums, Celsus says (Med. 6. 11. 3–6), invade the palate and the whole mouth, pass into the uvula and the throat, and make it difficult for the child to recover. For nursing infants they are a virtual death sentence. Celsus also reports a condition (Med. 7. 7. 1) that generally occurs in children in which fatty and weighty cysts appear in the upper eyelids, preventing the eyes from being raised and producing a slight but persistent discharge; it was a problem that required surgery. There is a potentially fatal condition giving bladder pains, persistent fever, and no bowel discharge which was most dangerous in boys aged between 7 and 14 (Med. 2. 8. 21); and a condition with diarrhoea, fever, inflammation of the liver or of the parts over the heart or stomach, great thirst, varied and painful stools, and dysenteries, which killed children ‘mostly . . . up to the age of ten’ (Med. 12. 8. 30). Epilepsy is a disease which might be expected to affect boys until the age of puberty and girls until the onset of menstruation (Med. 3. 23. 1). Children might also suffer from painful chilblains (Med. 5. 28. 6) or cataracts (Med. 7. 7. 14 B: cataract surgery in childhood was not recommended). Boys, in particular, might need surgery for hydroceles (Med. 7. 18. 7; 7. 21. 2) or intestinal prolapse (Med. 7. 20. 1). Surgery was also possible for bladder stones (Med. 7. 26. 2), though only as a last resort. Dental surgery, including the extraction of roots, was recommended for children whose first

teeth were not falling out to make space for the second teeth \((\text{Med. 7. 12. 1 F})\).\(^8\)

Celsius gives a good idea, therefore, of the range of illnesses and ailments that could be associated with childhood. They were not all necessarily fatal, but with conditions for which surgery was required there must always have been a likelihood of death from shock (in the general absence of anaesthesia) or from haemorrhage or infection: Celsius is in no doubt that surgery to correct the birth defect of deafness from a blocked ear canal was potentially lethal \((\text{Med. 7. 8. 1})\) and that a procedure to separate the tongue from the lower mouth could lead to dangerous bleeding \((\text{Med. 7. 12. 4})\). The illnesses he mentions were not all specific to childhood, but they were conditions that might be contracted in childhood, examples of what was possible. This is not to take account of accidental deaths. Celsius knew of a boy who was miraculously saved from the bite of an asp by drinking vinegar \((\text{Med. 5. 27. 4})\), but presumably other victims were not so fortunate. He speaks too \((\text{Med. 8. 11. 3})\) of dislocations of the bones resulting from accidents or the application of force, to which boys and youths were especially prone because their bodies were underdeveloped: physical deformity or even death could be the result, as with a dislocation of the head or spine \((\text{Med. 8. 11. 4; 8. 13, 14})\).\(^9\)

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8 Eyelids: observe that a certain Severus, cited by Aetius of Amida, wrote a now lost book on treating children’s eyes \((\text{RE s.v. ‘Severus’, no. 48})\). Prolapse: ‘only admissible in boyhood and when the trouble is limited’ \((\text{Med. 7. 20. 5})\). Stones: ‘This operation is not suitable for every season or at any age or for every lesion, but it must be used in the spring alone, in a boy who is not less than nine years of age and not more than fourteen, and if the disease is so bad that it cannot be relieved by medicaments, or endured by the patient without shortly bringing his life to a close’ \((\text{Med. 7. 26. 2})\). Roots: ‘In children too if a second tooth is growing up before the first one has fallen out, the tooth which ought to come out must be freed all round and extracted; the tooth which has grown up in the place of the former one is to be pressed upwards with a finger every day until it has reached its proper height. And whenever, after extraction, a root has been left behind, this too must be at once removed by the forceps made for the purpose . . . ’ \((\text{Med. 7. 12. 1 F})\). See also \text{Med. 2. 6. 11; 2. 7. 1, 7; 2. 8. 14, 25; 5. 28. 14, 15 B, 15 E; 6. 6. 1 M; 6. 15. 3; 8. 1. 10.}

9 Likelihood: Galen’s account \((\text{AA 7. 13; cf. Plac. Hipp. et Plat. 1. 5})\) of the procedure performed on a slave wrestler with an infected sternum, apparently a case of osteomyelitis \((\text{Moraux 1985: 180})\), which involved exposure of the man’s heart, indicates how unexpected his recovery was. For the torment which surgery
Pliny the Elder displays in the *Natural History* great interest in the medicinal properties of natural substances, and he mentions, strikingly so, many remedies pertinent to the subject of children’s illnesses. Childhood diseases per se he does not discuss, only the relief that various natural products will bring. His references to children’s complaints are generally oblique, therefore, the ailments themselves simply taken for granted. The following passage (HN 28. 257–9, my emphasis), which contains certain points of overlap with Celsus, again gives some indication of the types of ailments Pliny could associate with childhood:

For babies nothing is more beneficial than butter, either by itself or with honey, especially when they are troubled with *teething*, *sore gums*, or *ulcerated mouth*. The tooth of a wolf tied on as an amulet keeps away *childish terrors* and ailments due to *teething*, as does a piece of wolf’s skin . . . (258) Hare’s rennet applied to the mother’s breasts checks the *diarrhoea* of babies. Ass’s liver mixed with a moderate amount of *panaces* and let drip into the mouth protects babies from *epilepsy and other diseases*; the treatment, it is prescribed, should continue for forty days. Ass’s hide laid on babies keeps them free from *fears*. The first teeth of horses to fall out make *the cutting of teeth* easy for babies who wear them as an amulet, a more efficacious one if the teeth have not touched the ground. (259) Ox spleen in honey is administered internally and externally for *painful spleen*; for *running sores* with honey . . . a calf’s spleen boiled in wine, beaten up, and applied to little sores in the mouth.10


from a modern point of view, but helpful none the less. It includes teething problems, warts, various sores and ulcers (many remedies are prescribed for mouth ulcers, perhaps an indication of their incidence), various inflammations, coughs, worms, prolapse of the anus, heart disease, lichens and other skin rashes, intestinal hernia, umbilical rupture, stone and strangury, varicose veins, opthalmia, and epilepsy (for which again many remedies are given). Treatments are recommended also for problems attributable to accidents such as snake bite and the consumption of poisons. For consumption by a snake there presumably was no remedy, but Pliny knew (\textit{HN} 8. 37) of such an event from the principate of Claudius: a child had been discovered when a large snake, a boa, was killed on the Vatican.\footnote{List: \textit{HN} II. 70, 21. 140, 32. 137 (teething); 28. 71 (warts); 13. 67, 20. 148, 22. 65, 23. 130, 24. 50, 26. 141, 28. 52, 71, 32. 137 (sores); 20. 17, 22. 59, 30. 135, 32. 137 (inflammations); 20. 126, 21. 140 (coughs); 22. 154 (worms); 22. 31 (prolapse); 23. 51 (heart disease); 24. 106, 28. 66 (rashes); 26. 79, 30. 135, 136, 137 (hernia); 26. 79 (rupture); 27. 87 (stone, strangury); 30. 76 (veins); 29. 39 (ophthalmia); 20. 191, 21. 130, 22. 59, 35. 175, 182 (epilepsy); cf. 29. 41, 30. 136, 138 (procidence and incontinence). Incidence: a high number of recorded remedies for a particular complaint may indicate a high incidence of the ailment, but also the ailment's persistence or resistance to treatment (or both); further, the availability of herbal remedies may be seasonally affected; I am grateful to Patricia Clark for these observations. Accidents: \textit{HN} 24. 46, 83.}

All in all Pliny seems to confirm the picture given by Celsus and it could be assumed that their evidence, taken together, reflects circumstances that were widespread in Roman society. It is a natural inference after all that Celsus and Pliny wrote of medical conditions their audiences would recognize, that they did not describe anomalous situations. Celsus indeed was a man of practical medical experience, less a \textit{medicus} than a \textit{paterfamilias} in the tradition of Cato who expected to know a certain amount of medicine as a matter of course in order to meet the responsibility of taking care of his household—the same responsibility that in the Gospel of Matthew (8: 5–13), for example, underlies the centurion’s appeal to Jesus to heal the paralytic boy in his house and that was sadly not met by the Roman father Epictetus lectured (1. 11) when a sick daughter was abandoned. Pliny undoubtedly knew the tradition. An obstacle to this view, however, arises from the fact that parts of Celsus’ \textit{De medicina} are translated or adapted from the sixty or so Greek treatises that make up the
Hippocratic corpus of medical literature from the classical Greek and Hellenistic eras, and that the authorities on which Pliny drew for his medical information included not only, likewise, ‘Hippocrates’, but also Celsus. Such reliance on previous authorities was standard practice among medical writers in antiquity and it led to a rather rigid conceptualization of children’s illnesses. More importantly, however, the Roman representativeness of Celsus and Pliny is clearly brought into question. To give just one example, the passage on the relationship between diseases and stages of life earlier quoted at length (Med. 2. 1. 17–20) can be traced directly to a section of the Hippocratic Aphorisms (3. 18; 3. 24–8). How, therefore, is this obstacle to be confronted? 12

The conversion of Greek knowledge into Latin form had a long history by the time Celsus and Pliny wrote their works. Cicero and Varro come easily to mind for instance as men who had once respectively transformed Greek knowledge of statecraft and household management into a Latin idiom. The process, moreover, continued well beyond the era of Celsus and Pliny, for as late as the second century Apuleius claimed (Apol. 38) that he was the first to have rendered into Latin certain scientific terms from the Greek. The impulse behind such activity was to make available to Roman audiences useful knowledge of practical import, not to disseminate knowledge simply for its own sake, and it might be assumed in consequence that it was Celsus’ and Pliny’s purpose to convey Hippocratic material to Roman audiences because the material was of contemporary relevance. Practical application was undoubtedly the goal that lay behind the composition of the medical handbook of the first-century

12 Widespread: Dioscorides, the 1st-cent. writer on pharmacology, has relatively little to offer on children’s complaints but the information he provides is generally consistent with that in Celsus and Pliny; see Med. med. 1. 125 (alopécia (cf. Riddle 1985: 53)); 2. 19 (teething); 2. 60 (sialorrhea); 2. 135, 4. 70 (siriasis (cf. Riddle 1985: 117)); 3. 12 (convulsions); 3. 150 (stone); 4. 69 (umbilical hernia); 4. 87 (intestinal hernia); 4. 121 (epilepsy). Medical experience: see the passages collected by W. G. Spencer, Loeb edn., vol. i, pp. xi–xii. On the Roman tradition of medical self-sufficiency, see Beagon 1992: 208–10. Responsibility: even on his deathbed an emperor could make enquiries about a sick granddaughter; Suet. Aug. 99. 1. Standard practice: Bertier 1996: 2148, 2156. Aphorisms: the ‘most widely read, commented, and cited treatise of the entire [Hippocratic] collection’, which was not written before the 4th cent. BC (Jouanna 1999: 376–7). For Pliny’s authorities, HN 1. 20–8.
medical writer Scribonius Largus. In turn, this view could be supported by supposing that the medical problems of childhood, in the absence in antiquity of any truly revolutionary medical breakthroughs in knowledge, largely remained constant. It has to be acknowledged, however, that such a generalizing view covers a vast amount of time and space and that variations are to be expected, if difficult to specify, and, more tellingly, that diseases were sometimes recognized in antiquity as having their own histories: ‘The face of man’, Pliny wrote (HN 26. 1), ‘has also been afflicted with new diseases, unknown in past years not only to Italy but also to almost the whole of Europe, and even then they did not spread all over Italy, or through Illyricum, the Gauls, and the Spains to any great extent, or in fact anywhere except in and around Rome.’ Rickets is one example of a disease that probably advanced dynamically over the course of antiquity. Osteoarchaeological evidence has revealed some isolated cases in classical Greece, but it was not apparently until a much later Roman epoch that the disorder became entrenched. It remains possible, therefore, that the apparent contemporary significance of Celsus’ and Pliny’s evidence is sometimes suspect because of their dependence on Greek sources, but it is unlikely that their evidence can be dismissed completely. No matter how abstruse or arcane the material sometimes seems, especially that of Pliny, the presumption behind their works is that the remedies they recommend would be effective for illnesses with which their readers were familiar on an everyday basis.13

The same is true of the children’s illnesses found in Soranus’ Gynecology, the work of a Greek physician who, as noted above,

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had personal experience of life in the city of Rome in the era of Trajan and beyond. As a book on midwifery and complaints specific to women, the *Gynecology* once more does not address children’s illnesses directly or comprehensively. But it contains incidental information on the afflictions of newborns which readers are expected to recognize, both genuine illnesses and problems resulting from accidents or the poor care provided by children’s nurses. The illnesses include inflammation of the gums, jaws, and tendons from teething (*Gyn.* 2. 49), inflammation of the tonsils (*Gyn.* 2. 50), mouth ulcers (*Gyn.* 2. 51), blisters and itching (*Gyn.* 2. 52–3), coughs (*Gyn.* 2. 54), fever (*Gyn.* 2. 55), and diarrhoea (*Gyn.* 2. 56–7). The points of overlap with what has already been seen should be obvious. Other difficulties include accidental injury to the eyes as a possible outcome of nurses sleeping with their nurslings, a practice of which Soranus disapproved (*Gyn.* 2. 37). The danger of strangulation from the nurse’s breast was also very real (*Gyn.* 2. 38), while an ill-tempered woman, it appears, might simply drop an infant to the ground (*Gyn.* 2. 19). Excessive crying or excessive movement of the child might harm the eyes and in boys endanger the testicles (*Gyn.* 2. 39–40). A nursling might become comatose or apoplectic if a nurse drank too much wine (*Gyn.* 2. 27). Ulcers might develop from dirty clothes if the infant were not kept clean (*Gyn.* 2. 19) and if the nurse’s milk were poor, epilepsy or apoplexy might threaten the child’s life (*Gyn.* 2. 38). Excessive bathing, excessive feeding, and abrupt weaning could also lead to illness (*Gyn.* 2. 30, 2. 38, 2. 47).14

Soranus closes his remarks on children’s problems this way: ‘Having thus completely finished the discussion of things normal, we must go more deeply into the main topics which deal with things abnormal in women’ (*Gyn.* 2. 57, my emphasis)—a statement that implies that all that has been said about newborns’ complaints belongs very much to the everyday world of Rome at the time of writing. Soranus after all was a practising Methodist physician and his book was instructional in intent. Galen, the greatest of all medical authorities from antiquity, certainly supports what he has to say about the dangers of inadequate nursing, mentioning on the basis of autopsy the physical problems and

disfigurements that occurred in girls from attempts nurses made to stretch their hips and thighs. It was ‘the fault and stupidity’ of such women, he said (De caus. morb. 7), that resulted in broken backs and misaligned shoulder blades. He also knew (De alim. facult. 3. 14) of a nurse who transmitted a disease due to inadequate diet, as he thought, to a nursling: the child became covered with the same kind of sores from which the woman was suffering herself. Throughout Soranus’ material on nurslings there is a consciousness of the fragility of the young child’s life, an awareness that death was never far away.15

A clear image, then, emerges from the authors resumed of the illnesses by which children in Roman antiquity were thought to be afflicted, of the medical dangers to which they were exposed, and of a consciousness among adults of children’s susceptibility or predisposition to illness. Perhaps an urban bias is detectable in the sources, all the work of elite men, but it can hardly be the case that the details they purvey pertain exclusively to urban contexts (especially if Cato is kept in mind). Many of the complaints concerned—coughs, fevers, sores—appear as symptoms rather than illnesses proper and their underlying causes remain generally unknown. In reality it is likely that Roman children, newborns in particular, suffered from overwhelming gastrointestinal diseases and respiratory tract infections such as cholera and dysentery, typhoid and tuberculosis, conditions which were often lethal because they were not properly understood. Poor standards of sanitation and hygiene, both public and private, together with contaminated supplies of water in fountains and baths contributed heavily to the high mortality rate, especially in cities. Chronic malnutrition, at all levels of society, may have been another relevant factor and malaria probably had ravaging effects, both as a cause of death directly and as a condition that rendered the body prone to other deadly dangers. But while illnesses cannot have been properly understood, society was very much aware of the vulnerability of children and of a tightly bound link

between sickness and death of a kind that is unimaginable in the contemporary western world.\textsuperscript{16}

This awareness, moreover, was not restricted by geography. The literary sources that refer to children’s illnesses predictably tend to focus on Rome and Italy—Martial’s poem (\textit{Epig.} \Pi. 91) for instance about a girl who seemingly died from the mouth ulcers that the medical writers suggest were so common, or the correspondence of Fronto, in which an extensive catalogue can be found of the medical misfortunes suffered by the children of Marcus Aurelius. But occasionally a less Romanocentric source points to a broader, provincial perspective. In the Gospels, for example, the wonderworker Jesus is regularly called upon by concerned parents to heal sick children or even to restore to life the untimely dead: a Gentile woman asks for her daughter to be cleansed of an unclean spirit; a father brings a son who has suffered all his life from epilepsy to be healed; the daughter of the ruler Jairus and the older son of the widow of Nain are brought back from the dead; a fevered boy on the brink of death is dramatically restored to his nobleman father.\textsuperscript{17}

How did parents respond? What might have been done to secure and to maintain the health of the child? To appeal for help from a wonderworker was one strategy by which an attempt might be made to overcome children’s vulnerability. To appeal to healing gods was another: among the patients cured long ago by


Asclepius at Epidaurus had been a boy who could not speak, another with bladder stone, a third who could not see, and a fourth who had a growth of some sort on his neck. Once installed at Rome the god could respond appropriately to local pleas for help. A fragment from a work by the elder Cato suggests that many women once relied on praecantrices, ‘singers of charms’, to heal their sick children, and in due course Christian martyrs developed the capacity to bring back to life young boys and girls who had died. The appeal of the supernatural, even magic, was evidently great. More prosaic attempts at cures, however, were also possible. From the passages already quoted it is clear that the medical authorities all prescribe remedies of one sort or another that were regularly administered, and some pharmacological therapies were certainly effective in at least treating symptoms. Galen (De praecog. 12) describes how he treated a secondary fever in the young Commodus when the boy was suffering from tonsillitis. The pedagogue Peitholaus had given Commodus a mixture of honey and sumac which was too strong for a child and had caused sore spots to develop in the boy’s mouth; so Galen substituted a mixture of honey and rosewater and over the next day or two the boy’s fever and the inflammation gradually disappeared; Commodus was then bathed as the final part of his ‘cure’. Such treatment no doubt soothed and brought relief to the sufferer, but it could not of course have been a real cure, any more than Galen’s programme for ‘curing’ epilepsy: a purgation in the spring, followed by a daily regimen of gentle exercise, study, a carefully controlled diet, a drink made from honey and vinegar and a medicine made from honey and squills. Galen (Puero epilectico consil.) claimed that this could be effective within forty days and that he had cured many children with it. But the programme can only have brought symptomatic relief at most. The methodical procedure for variously adjusting the balance of the child’s body recommended in the following passage from Celsus (Med. 3. 7. 1 B–C), despite its apparent rationalism, is unlikely to have had much effect at all:

But if a child is the sufferer, and not robust enough for blood-letting to be possible, thirst is to be used in his case, the bowels are to be moved by a clyster whether of water or of pearl-barley gruel; then and not before he is to be sustained by light food. Indeed in general children ought not to be treated like adults. Therefore, as in any other sort of
disease, we must set to work with more caution in these cases; not let blood readily, not readily clyster, not torment by wakefulness and by hunger or excess of thirst, nor is a wine treatment very suitable. After the remission of the fever a vomit is to be elicited, then food of the lightest nature is to be given, after which let the child sleep; next day, if the fever persists, let the child be kept without food, and on the third day return to food as above. Our aim should be, as far as possible to sustain the child, by food when suitable, with abstinence in between when suitable, omitting all else.18

Whatever their efficacy, treatments of this sort were certainly dispensed. If not on the knowledge that a paterfamilias like a Cato or Celsus might command, their administration depended on the availability of doctors. Already in the last century of the Republic it had become conventional for elite Romans to have personal doctors, usually Greeks, at their beck and call and medici attached to the households of the great and glorious might treat the slaves and ex-slaves in the familia as well as the immediate family of the paterfamilias. (Other members of the lower classes had to seek help from the independent physicians who practised their profession, or rather plied their trade, in the streets of Rome.) Elite parents were also in a position to summon the most reputable of doctors to their aid as occasion required—so the solicitous Flavius Boethus summoned Galen to attend his son Cyrillus when the mischievous boy was sick for no apparent reason—and Galen even gave advice on how to do so. The social status of doctors, their training, and expertise all varied greatly. But they were the men, like Alexio, the doctor of Cicero, or the anonymous doctors who ministered to the dying Minicia Marcella, who knew something of the remedies listed by Celsus, Pliny, and Soranus that could be applied once their diagnoses had been made.19


From the prescriptions recorded by medical writers an imaginative picture can indeed be painted of the Roman child’s medical career, as it were, an aspect recovered of the child’s experience of childhood. For instance, with Soranus’ help the infant suffering from teething inflammations can be imagined being treated by a nurse with ‘poultices of the finest meal, or fenugreek or linseed and fomentations with sea sponges, especially for the gums, and . . . honey boiled down to the right degree’ (Gyn. 2. 49). For bodily itching, ‘a warm decoction of roses or lentils . . . with myrtle or mastich or bramble or pomegranate peel’ was the treatment (Gyn. 2. 52), and for coughs, ‘lozenges prepared with small pine cones, roasted almonds, linseed, the juice of licorice, pine seed, tragacanth, and honey’ (Gyn. 2. 54). An infant with mouth ulcers unfortunate enough to have a Syrian nurse might be imagined to have suffered more rather than less when the woman wrapped some hair around one of her fingers, coated it with olive oil or honey and wiped the ulcers, thereby removing their scabs and irritating them (Gyn. 2. 51). These are just a few of Soranus’ remedies with which children in the Roman world must be understood to have been commonly treated.20

The older child, with Celsus’ help, can be imagined being subjected to bloodletting for almost any ailment as long as the treatment could be tolerated (Med. 2. 10. 1–3). For a pestilential fever when a child could not afford to lose blood, however, a combination of water or barley-gruel enemas and a light diet without drinks might be the course to adopt (Med. 3. 7. 1 B). A child with worms might be given ‘pounded-up seeds of nettles or of cabbage or of cummin in water, or mint in the same or a decoction of wormwood or hyssop in hydromel or cress seeds pounded up in vinegar’ (Med. 4. 24. 2). For chilblains, the treatment was ‘a hot decoction of turnips, or . . . some kind of repressant vervain’, or the application of hot copper if the ulcers were not yet open, or else, if they were, an application of ‘equal parts of alum and frankincense pounded together with the addition of wine, or pomegranate-rind


20 See also Gyn. 2. 50, 53, 55, 56–7. Mouth ulcers: cf. the treatment prescribed by Celsus, Med. 6. 11. 4–6.
boiled in water and then pounded’ (Med. 5. 28. 6 B). In the much more serious case of bladder stones, from which children in antiquity appear to have suffered widely, surgery, although potentially fatal, might be practised as a last resort to deal with a painful condition that was itself potentially deadly. The procedure varied according to gender. But in the case of a boy, to produce an operable position a strong man sitting on a stool held the child on his lap, the boy facing outwards with his legs drawn up and his hands behind his knees, the man’s chest pressing down on the boy’s shoulders. Two other men stood on either side of the holder to prevent him from slipping. The doctor then set out to locate the stone in the boy’s bladder digitally—the fingers of one hand being inserted into the boy through the boy’s rear end, the fingers of the other hand being lightly placed on his lower abdomen—in order to manoeuvre the stone to the lowest part of the bladder. Then internal incisions were made to allow the stone to pass into the urethra, from where it could be extracted either manually or with an instrument. The operation was an exercise in one torment after another, the hope of complete success and recovery obviously minimal, and the child’s full experience in this particular instance perhaps utterly beyond imagination.21

With Pliny’s help the imagination can run riot. A gum from the vine, he says (HN 13. 67), is good for children’s sores, the wild gourd colocynthis for inflammations of babies’ heads (HN 20. 17), basil, especially with goose grease, for their ears (HN 20. 123). Rocket soothes their coughs (HN 20. 126), the mere touch of nettle restores prolapse of the anus (HN 20. 31), a mixture of wild lupine, rue, and pepper treats worms (HN 22. 154), glycyrrhiza is a cure for bladder stones (HN 27. 87). Remedies of this sort can be regarded as folklore remedies, having a rational basis in generations of practice and, perhaps, observed benefits. But Pliny can often combine the

rational folkloristic remedy with preventative treatments in a way that leaps back to the miraculous and the magical.²²

Babies that are troubled with curdled milk have a preventative in lamb’s rennet taken in water; or if the trouble has occurred with milk already curdled it is dispersed by this rennet given in vinegar. For dentition the brain of a sheep is very beneficial. The inflammation of babies called siriasis is cured by the bones found in dog’s dung worn as an amulet, and hernia in babies by bringing a green lizard to bite them while asleep. Afterwards they fasten the lizard to a reed and hang it in smoke, and they say that as it dies the baby recovers. The slime of snails applied to the eyes of babies straightens the eyelashes and makes them grow. Hernia is cured by the ash of snails applied for thirty days with frankincense in white of egg. There are found in the little horns of snails sandy grits; worn as an amulet these make dentition easy. The ash of snail shells mixed with wax checks procidence of the end of the bowel, but the ash should be mixed with the discharge that exudes when the snails are pricked. A viper’s brain tied on with a piece of his skin helps dentition. The same effect have also the largest teeth of serpents. The dung of a raven attached with wool as an amulet cures babies’ coughs. Certain details can scarcely be included as serious items, but I must not omit them, since they have been put on record. As a remedy for hernia in babies they recommend a lizard; there should be taken a male, which can be recognised by its having one vent beneath the tail. The necessary ritual is: that it must bite the lesion through a gold or silver barrier; then it must be fastened in an unused cup and placed in smoke. Incontinence of urine in babies is checked by giving in their food boiled mice. The tall, indented horns of the beetle, fastened to babies, serves as an amulet. In the head of the boa is said to be a little stone, which is spit out by it when in fear of violent death; they add that dentition is wonderfully aided if the creature’s head is cut off unawares, the stone extracted and worn as an amulet. The brain too of the same creature they recommend to be worn for the same purpose, or the stone or little bone found on the back of a slug. A splendid help also is the brain of a ewe rubbed on the gums, as for the ears is goose grease put in them with juice of ocmum. On prickly plants are grubs which are rough and downy. These worn by babies as an amulet are said to effect an immediate recovery when part of their food sticks in the throat. (HN 30. 135–9)

Pliny is sometimes characterized as a credulous writer, but as this passage indicates he is not altogether uncritical and can dis-

tinguish (to his own satisfaction) between the serious and the silly. He has a particularly venomous attitude towards the Magi (the ‘they’ of this passage), and dismisses their medicinal remedies as utter nonsense, even though to a modern reader they seem no more outlandish than many of the treatments he himself recommends as beneficial. What Pliny writes, however, confirms the well-known fact that the dividing lines drawn in antiquity between medicine, magic, and the miraculous were very narrow, so that it is best to draw no lines at all but to think of all three categories as elements that merged into one another along a single continuum of restorative strategies. To Galen (De praecog. 10. 15), notably, it was a source of pleasure that his medical rivals slandered him as a wonderworker and magician because they could not compete with his cures, while the beneficiaries of the wonderworker Jesus of Nazareth do not seem to have complained at all because they had been cured by a man who made no claim whatsoever to being a trained physician.23

Both as remedies and as protective devices Pliny has much to say about amulets, and it is on this form of the magical that I want to concentrate finally in order to develop the imaginative picture of the life of the Roman child as it was actually lived. Observe, for example, Pliny’s recommendation that teething infants or infants with coughs should have red iris tied to them (HN 21. 140), that the pith of a branch of the wild fig, pulled from the tree and stripped of its bark by a pre-adolescent boy with his teeth, will keep the boy free from scrofulous sores if tied on before sunrise (HN 23. 130), that a dolphin’s tooth or the tooth of a canicula worn as an amulet takes away a child’s sudden anxieties, that a frog tied backwards on an infant’s skull dampened with a cold sponge cures siriasis (HN 32. 137). General medical protection was afforded by a stag-beetle hung from a child’s neck (HN 11. 97), from branches of coral worn by babies (HN 32. 24), from amulets of amber (HN 37. 50), malachite (HN 37. 114), and galaxias (HN 37. 162).

23 Magi: see especially HN 30. 1; cf. Nutton 1986: 44; French 1994: 225–8. Dividing lines: at D. 50. 13. 3 Ulpian draws a distinction between doctors and those who heal by means of incantations, imprecations, and exorcisms, acknowledging, however, that the latter were credited with genuine cures by grateful patients; cf. Sallares 2002: 52–4 on the minimal use in antiquity of Hippocratic medicine (only on the part of the educated elite).
Pliny was not alone in recommending the use of amulets. Doctors did so as well. Soranus was categorical that they had no real healing value, but he was aware of the psychological relief they might none the less bring to those who used them: ‘even if the amulet has no direct effect, still through hope it will possibly make the patient more cheerful’ (Gyn. 3. 42). The pharmacological writer Dioscorides was equally sceptical about the effectiveness of amulets but still recorded their use (Mat. med. 5. 141–3); and Galen (De simpl. med. 10. 19) wrote both of the general belief in their efficacy and his own use of one particular kind that he thought had therapeutic value. He had found the green jasper to have the kind of power others attributed to stones in general and that in the form of an amulet jasper helped the stomach and oesophagus. He conducted a personal experiment, making a necklace of small jasper stones which he wore from his neck, to the benefit of the area they touched. Even more to the point Galen also told of an amulet (De simpl. med. 6. 3) made from the root of the peony which cured children suffering from epilepsy. He knew of a boy who had been kept free from epileptic attacks for eight months by this means but who was afflicted with seizures once the amulet slipped off. When a new amulet was put around his neck, however, the boy recovered. To convince himself of the causal connection Galen in turn removed the new amulet, saw that the boy became convulsive once more, and so placed another piece of peony root around the child’s neck. The boy remained healthy and free from seizures thereafter. Galen believed that a logical explanation for what he had seen could be found in the drying nature of the peony root. But those who used and benefited from the peony may have been less interested in the logic of the matter than the amazing relief the peony amulet seemed to bring.24

The evidence on amulets does not apply to children exclusively, but the doctors’ sober statements help validate what at first seems the far less credible testimony of Pliny. In society at large opinions probably differed about the relative values of individual amulets. Where Galen is confident about green jasper and the root of the peony a much later source speaks of tying ‘bits of coloured thread round wrists, arms, and necks’ and fastening

24 Dioscorides: referring to selenite, jasper, and serpentine; see Riddle 1985: 158–62.
‘moon-shaped plates of gold, silver, or cheaper material’ on infants as the work of ‘foolish old women’, a practice apparently as absurd as the incantations the women chanted to avert evil (‘at the same time licking the babies’ foreheads with their tongues and spitting, blowing to each side’). Whatever the degree of credibility placed in them, however, there can be no doubt about their use. The surviving physical objects themselves provide whatever confirmation might be needed. A standard catalogue of Graeco-Egyptian amulets reveals an abundance of extant charms made from semi-precious stones and metal that were worn to avert all forms of evil, the evil of sickness included. The charms show protective deities or animals and are sometimes accompanied by inscriptions or images that indicate their purpose. Thus the common illustration of a bent-over grain reaper, sickle in hand, represents the sciatica or lumbago associated with the backbreaking toil that the wearer of the amulet wished to avoid. Other amulets combated stomach disorders, digestive tract ailments, colic, fever, eye diseases, consumption, and, in women, disorders of the uterus. In the case of children, therefore, the use of such devices should be taken seriously as a widespread response to dealing with their predisposition to sickness, and children themselves, from infancy on, must be pictured as commonly and noticeably wearing them. Amulets were an integral element of the culture of Roman childhood.25

Two types of charm especially associated with children were the phallic amulet and the bulla. Children sometimes wore the former

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25 Pliny: Bonet 1998: 197–8 associates Pliny’s amulets with the world of wise women. Later source: a scholium (Migne, _PG_ 36. 907 BC) on Greg. Naz. Or. 40. 17 on baptism (= Migne, _PG_ 36. 381 A), where Gregory remarks that the only amulet or talisman a child needs is the Trinity (cited by Bonner 1950: 4); cf. Leyerle 1997: 249–50 on John Chrysostom, in whose works a recurring anxiety about children’s illnesses is detectable, recommending that Christian parents ‘apply the sign of the cross, or hang a small gospel text around their children’s necks for protection’, instead of other devices of dubious merit in common use. Standard catalogue: Bonner 1950; cf. also Zazoff 1983: 349–62. For the practice of accompanying the use of amulets with magical incantations, see Kotansky 1991; and on the complexity of the cure in folk-medicine, Gordon 1995. Pictured: cf. the remarks of Montserrat 1996: 203, on erotic amulets: ‘it is important to think of these objects being used by living people, and to imagine how individuals might have felt when they drew the gem onto the finger or hung it around the neck.’
in the form of finger rings but other amulets were worn around the neck. They brought the protection of the god of the divinized penis Fascinus, who fended off the influence of the sometimes strikingly visible Evil Eye. Listing reports of bewitchment from far-flung quarters of the ancient Mediterranean, Pliny (HN 7. 16–18) records the ability of some African sorcerers to kill children with a look, while Plutarch (QC 4. 7), speaking of a seemingly common belief in his day, tells how children, because of their physical immaturity, might be harmed by the gaze of certain people—in some instances even their fathers so that mothers took pains to prevent fathers’ eyes falling on them. The bulla, a golden locket, was in part a symbol of free birth but also an apotropaic device worn by boys from infancy on around the neck until it was discarded when they took the toga virilis. Both have to be understood as just two of many other comparable objects that were always to be seen on children. They were so common that at Caesar’s funeral many women tossed their children’s bullae onto his pyre.26

The widespread resort to amulets is a sign of the widespread awareness in Roman society of the frailty of childhood, and perhaps also of the well-recognized inadequacies of doctors in solving medical problems. It was easier to trust the protective powers of the superhuman than the restorative capacities of mortals: ‘medicus enim nihil aliud est quam animi consolatio’ (Petr. Sat. 42. 5). From a modern demographic perspective, however, it is notable that the time at which the bulla was set aside was roughly the same as the age at which the Roman child’s prospects of greater life-expectancy had increased. Boys were usually between 14 and 16 when they assumed the toga of manhood, and girls, especially elite girls, were often about the same age when they first married. (Non-elite girls tended to be in their late teens.) These ages are approximately the same as those by which historical demographers suggest that children had emerged from the greatest period of deathly danger and could look forward to a relatively safe number of years before them until the next steep

26 Phallic amulet: Johns 1982, with Varro, Ling. 7. 97. Strikingly visible: as on a Tripolitanian relief shown in Polidori et al. 1999: 46; see further Dunbabin and Dickie 1983. Bulla: Palmer 1989, at enormous length, stresses that it was the contents of the locket that afforded protection rather than the locket itself. How conscious Romans were in everyday life of this strict distinction it is difficult to tell. Caesar’s funeral: Suet. Jul. 84. 4.
mortality gradient, that of old age, came into play. It is as if there were an understanding that the child's survival to the mid-teens was a highly significant accomplishment, acknowledged, for example, in the way Ovid, telling mythological tales, can leap from the birth of a mythologically important infant to the child's almost unbelievable emergence as a young adult, with the years of childhood left completely unmentioned. Thus in *Fasti* (2. 153–92) the bastard son of Jupiter by Callisto is suddenly a youth of 15 as he encounters a mother an irate and indignant Juno has transformed into a bear; and Romulus and Remus are infants one minute and 18-year-old men the next when the story of the City’s founding is told (3. 41–70). There is a certain correspondence here with Celsus’ incidental description (*Med.* 3. 22. 8) of the period between the ages of 18 and 35 as ‘the most stable part of life’. 27

One story Ovid tells (*Fasti* 4. 503–62) is that of Ceres’ search for her lost daughter Persephone. In Eleusis Ceres encounters a peasant named Celeus, who informs the goddess that he has an infant son at home lying sick in his cradle unable to sleep. Ceres goes to his home and finds his wife and 2-year-old daughter stricken with grief, all hope of the son’s recovery lost. But the sadness caused by the boy’s impending death gives way to elation when the goddess miraculously heals the boy by performing a sort of mouth-to-mouth resuscitation: she quite literally breathes new life into him, so that his pallor flees and his strength returns. ‘There was joy in the whole household’ as a result, Ovid says (4. 543). 28

It is from literary sources that the quality of life in Roman antiquity, in all its varied detail, is most completely understood. From the material surveyed here a high consciousness in society of children’s susceptibility to illness, especially fatal illness, is readily admissible. Across time many parents are likely to have found themselves in the despairing position of Celeus and his wife when their children fell sick, as they are likely to have sympathized with Valesius’ fears and the threat to family continuity his children’s illness represented. Losing a child was something

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pressingly real, almost calculable, to be anticipated. Parents accordingly had to find ways of coping with this reality, and when confidence in doctors was lacking or failed, recourse to the amulet was one culturally distinct method of trying to stall what must often have seemed the inevitable. Faith was put in the other-worldly in the broadly comparable way that a Victorian mother such as Catherine Booth, when the inevitable had actually occurred, made sense of the loss of her children by believing that they had entered upon a better, blissful state of existence in a Christian Heaven. By modern western standards Roman children suffered from appalling levels of sickness. Most of their illnesses could not be cured, and even trivial conditions could become fatal. When survival was all that mattered, every expedient had its place.29

Many children did of course survive. Death did not take them all. When that happened, however, as Celeus and Valesius knew, an element of the miraculous was involved, and perhaps an answer to prayer. In the process of recovering Roman family experience, a prime place might indeed be properly allowed for parents regularly praying to their household gods for their children's safe entry into the adult world. Marcus Aurelius (Med. 9. 40; cf. 10. 35) was certainly aware that parents prayed not to lose their children, and recommended that their prayers should rather be not to fear their loss. I imagine that his advice was largely disregarded and that his was very much a minority attitude. When the age of adulthood was reached, the ceremony by which healthy Roman boys became men, the assumption of the toga virilis, was a presumably memorable and joyful event. It involved the laying aside at home of the bulla, the ritual exchange of the toga of childhood for the toga of manhood, the offering of prayers to the household gods, and a procession from the family home to the Forum and eventually the Capitol where sacrifices were duly performed. It was, that is to say, an occasion for thanksgiving, and at that moment in a family's life there was much for which to be thankful.30

29 Catherine Booth: Hattersley 1999: 87, 416. For a comparable classical view, Plut. Cons. ad ux. 9; see also August. Conf. 1. 11: fear of a child's death prompting immediate thoughts of baptism and the cleansing of sins; and Gregory of Nyssa, On Infants' Early Deaths (the title itself is revelatory) with Gould 1994: 50: a providential God ending the lives of evil children to prevent the growth of wickedness and to show mercy to their better parents.

Parent–Child Conflict in the Roman Family:
The Evidence of the Code of Justinian

Judith Evans Grubbs

This chapter looks at parent–child conflict in the third-century empire as seen in imperial rescripts, replies given by the emperors to petitioners who had written them for help or information on points of law. Our major source for these rescripts is the Codex Justinianus (Code of Justinian), which preserves nearly 2,500 rescripts from before the reign of Constantine. Most are subscriptiones (that is, replies to private individuals rather than to public officials), and date to the third century, more than half being from the reign of Diocletian, under whom the first collections of rescripts were made.¹

I would like to express my thanks to Antti Arjava, Tom McGinn, Susan Treggiari, and the two readers for OUP, all of whom have read this chapter in some incarnation and have greatly helped to improve it. Needless to say, any errors or infelicities that remain are my own.

¹ The 6th-cent. Cod. Just., our source for most surviving rescripts, drew on two earlier collections of rescripts made under Diocletian in the late 3rd cent., the Codex Gregorianus (containing rescripts from the reigns of Hadrian to Diocletian) and the Codex Hermogenianus (containing rescripts from Diocletian’s time, almost all dating to 293–4). For the editing process, see Honoré 1994 and Corcoran 1996: esp. 25–42.

The Digest also cites dozens of rescripts of Hadrian and Antonine and Severan emperors, sometimes quoting them verbatim. Some rescripts in the Digest are subscriptiones, replies to the petitions of private subjects (including women), but many are actually epistulae, letters to imperial officials, whereas the great majority of Cod. Just. rescripts are subscriptiones. Additionally, some rescripts are preserved in late antique legal collections, such as the ‘Fragmenta Vaticana’, found in FIRA ii. Both subscriptiones and epistulae are rescripta, written imperial responses. This chapter looks at subscriptiones, which take their name from the fact that the emperor’s reply was subscripta, written underneath
Subscriptiones were the responsibility of the imperial secretary for petitions (a libellis), who was usually a jurist with the legal knowledge required to assess and comment on the petitioner’s situation. According to Tony Honoré, not only the composition, but sometimes the decision itself was that of the imperial secretary, not the emperor. This is probable for the mid-third century, when rescripts continue to set forth good classical Roman law despite a rapid turnover of military emperors who can have had little time or training for responding to private petitioners, but less likely for the earlier period. For the sake of conciseness, however, the rescripts will be referred to as the rulings of the emperors themselves, not of their more learned secretaries.²

As with all our ancient sources, using the rescripts as evidence for ‘lived reality’ presents problems. For one thing, the Code of Justinian preserves only the emperor’s replies, not the original petitions, and often the compilers abbreviated even the reply so that only the legal gist was retained. Sometimes, however, a rescript will recapitulate the original inquiry and enable us to reconstruct the situation, at least in part. Moreover, the Code does not include all, or even most, of the rescripts issued by second- and third-century emperors. It was intended to serve as a guide to the law of Justinian’s own day, and so preserves only the original petition. For the sake of conciseness, I will call them rescripts rather than use the more cumbersome term subscriptiones.


² Honoré (1994) has distinguished the styles of a number of secretaries a libellis of the 3rd cent., identifying several of them with well-known jurists. 2ndcent. imperial constitutions reveal more of the individual emperor’s personality and are more likely to have been their own compositions (though few of those extant are subscriptiones); see W. Williams, ‘Individuality in the Imperial Constitutions: Hadrian and the Antonines’, JRS 66 (1976), 67–83. For the continuation of classical Roman legal principles in 3rd-cent. rescripts, see A. Watson, ‘Private Law in the Rescripts of Carus, Carinus and Numerianus’, Tijdschrift voor Rechtsgeschiedenis, 19 (1973), 19–34. This, and Watson’s ‘The Rescripts of the Emperor Probus (276–282 A.D.)’, Tulane Law Review, 48 (1974), 1122–8, were pioneering in that they also looked at the rescripts as evidence for ‘real life’ of Roman provincials living in a world quite different from that of the classical jurists.
those texts that were still relevant and legally valid in the eastern empire of the sixth century.

Nevertheless, the rescripts provide a valuable and under-exploited source of information for our understanding of social relations in Roman society in a period for which we have few literary sources. The recipients of imperial rescripts represent a much broader spectrum of the population of the Roman empire than do the authors of classical literature. About 20 per cent of the rescripts are addressed to women, and the proportion rises to around 25 per cent in the reign of Diocletian. Soldiers, freedpeople, and sometimes even slaves also receive replies. Thus they allow us to hear, albeit indirectly, the voices of those who are otherwise largely silent.

Many petitioners are from the provinces rather than Rome and Italy; indeed, almost all of the rescripts from the reign of Diocletian are from the eastern half of the empire. Most of the rescripts preserved in the Codex Justinianus postdate the Constitutio Antoniniana of 212, when the emperor Caracalla bestowed Roman citizenship on virtually all free subjects of the empire. Before this time the population of much of the empire, especially the east, had not been citizens and had by and large come under the native law of their province. After 212, Roman law was to apply throughout the empire, although it appears that often local law and especially custom continued. Consequently, third-century rescripts often respond to inquiries from recently enfranchised citizens who appear to have little knowledge or understanding of Roman law. The emperors repeatedly state what the law is and insist on its validity over non-Roman practices, and in so doing they provide evidence about local custom in the less ‘Romanized’ areas of the empire. Thus the rescript process itself was an important means of ‘Romanization’ in the provinces. This does, of course, raise questions about the ‘Roman-ness’ of the people of the rescripts and the relevance of their situations to the study of the ‘Roman family’—questions which I shall attempt to answer in the course of this chapter.

It wasn’t easy to get a petition to the emperor, or indeed, to get a response. A petitioner would have to see to it that his or her petition was actually delivered to the emperor—not a light

3 Coriat 1985: 323 and esp. 335–44.
undertaking, especially in areas not regularly visited by the imperial court. Private subjects did not have access to the *cursus publicus* or other public means of transmitting requests to higher authorities. They would either have to travel to the place where the emperor was residing or send a trusted representative to deliver the petition—for instance, a freedman or son, or in the case of female petitioners, a husband. The petition, with the emperor’s reply written underneath, was then posted, apparently for a period of about thirty days, in a long sheet with other petitions answered at the same time, in a public place wherever the emperor was then residing. Petitioners were also responsible for getting the emperor’s reply while it was posted; rescripts were not delivered to the individuals to whom they were addressed, or even to the governor of the province where the petitioner lived.

Second- and third-century emperors did travel a great deal throughout the empire and the rescript system illustrates the ‘hands-on’ style of ruling and the (theoretically) easy access to the imperial ear that Roman subjects were supposed to be able to enjoy. But the obstacles to delivering a petition to the emperor and receiving a reply were formidable, given ancient communication and transportation conditions, even in times of peace and prosperity. And frequently the emperor simply sent the petitioner back to his or her provincial governor, which might mean a delay of some months, as the petitioners would have to wait until the governor was near by on his annual assizes (*conventus*).  

Still, some petitioners managed to obtain not just one, but two or more, imperial responses to their petitions. ‘Since, not content with the rescripts which you had received in reply to your first petitions, you again wanted to make a plea, you will take back a rescript according to law.’ So wrote Diocletian and Maximian, with barely concealed annoyance, to a woman named Calpurnia Aristaeneta.  

Calpurnia was seeking help regarding her son, who

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4 Already by the Antonine period, a standard phrase was being used in imperial rescripts: ‘You will be able to approach the man who is in charge of your province’ (*D. i. 18. 8–9*). On the *conventus*, see N. Lewis, ‘The Prefect’s *Conventus*: Proceedings and Procedures’, *BASP* 18 (1981), 119–30.  
5 *Frag. Vat.* 282, posted 10 Feb. 286 at Milan. This rescript is of interest because it illustrates the editing process of Justinian’s compilers. They split in two the imperial reply (which emanated from Diocletian’s western colleague Maximian, since it was posted at Milan), and put the pieces into two different
(she claimed) had exhausted his patrimony in lavish gift-giving; she wanted to know if she could recover the gifts in his name. Like so many other petitioners, she is told to see her provincial governor.

The domestic nature of Calpurnia Aristaeneta’s petition is not unusual. Many rescripts, especially those to women, involve family affairs, often disputes over inheritance. It is these rescripts that interest me, for they give us a glimpse of the internal functioning—or dysfunctioning—of otherwise nameless families throughout the empire. Of course, given the nature of the rescript system, that is, as (in part) an imperial ‘advice bureau’ to deal with the legal problems of Roman subjects, what we see are the areas of tension and dispute in the society, the pressure points where harmony has broken down and at least one person has felt compelled to resort to the law. To assess family relations in the Roman empire solely on the evidence of imperial rescripts would be rather like assessing contemporary American society solely from letters to advice columnists like ‘Dear Abby’ or the late Ann Landers. Happy families do not usually write to the authorities for help; only when all other means have failed will they go to that much time and trouble. The vast majority of family disputes would be dealt with either within the household or by private arbitration, or, if the problem persisted, by petitioning local or provincial officials.6

But sometimes matters had come to such a pass that recourse to the highest authority in the empire was the only solution. In 259 Valerian and Gallienus received a petition from a woman books of the Code: Cod. Just. 3. 29. 4 (under the title de inofficiosis donationibus) and Cod. Just. 8. 53. 6 (under the title de donationibus). Neither of these actually preserve the rescript’s opening sentence quoted above, which was too ad hominem for Justinian’s compilers, as they were interested in the rescripts purely as statements of law. The entire rescript is preserved in one piece in a late antique western legal compilation known as the Vatican Fragments, with the exception of the last sentence of Cod. Just. 3. 29. 4, which does not appear in Frag. Vat. 282 (and therefore may be a Justinianic addition). On all this, see Corcoran 1996: 18–19, 78–9, 273–4. The Fragmenta Vaticana date to the early 4th cent.; see Corcoran 1996: 10 and Robinson 1997: 64–5.

named Galla, who was complaining about her children’s disrespectful behaviour and perhaps alleging physical abuse also. The emperors’ reply betrays a hint of exasperation at having to deal with such dirty family linen:

It certainly seems more fitting that any controversies arising between you and your sons be brought to an end within the household. But if the matter is such that because of their injuries to you, you have proceeded to go to law and (to seek) retribution, the governor of your province, after you have approached him, will certainly order that the usual legal rule be employed concerning disputes over money. Moreover, he will force your sons to show the reverence owed to a mother, and if he discovers that their wickedness has advanced to unkind injuries, he will punish more severely the insult to filial duty. (Cod. Just. 8. 46. 4)\textsuperscript{7}

Surely it would have been better for such sordid family disputes to be dealt with in private, \textit{intra domum}. But Galla has already started legal proceedings, and the emperors give her the imperial go-ahead to approach the governor, who will exact the proper filial \textit{reverentia} from her undutiful sons. (Rather oddly, the Justinianic compilers put this rescript under the title on \textit{patria potestas}, along with responses to indignant \textit{patresfamilias}.)

Similarly, Diocletian and Maximian reply to Apollinaris:

If your daughter is living shamefully and with flagrant foulness, so that you think she should be excluded from inheriting from you, you will have the free choice of your final judgment—if you have been impelled to this hatred because of her deserts and not out of unthinking anger. (Cod. Just. 3. 28. 19)\textsuperscript{8}

\textsuperscript{7} Cod. Just. 8. 46. 4, posted 16 June 259: ‘Impp. Valerianus et Gallienus AA. et Valerianus C. Gallae: Congruentius quidem videtur intra domum, inter te ac filios tuos si quae controversiae oriuntur, terminari. (i) Sed si ita res fuit, ut iniurias eorum et ad ius experiundum et ad vindictam processeris, aditus praeses provinciae super disceptationibus quidem pecuniaris consuetum exerceri iubebit ordinem iuris: reverentiam autem debitam exhibere matri filios coget et, si provocant ad inclementiores iniurias improbitatem reprehenderit, laesam pietatem severius vindicabit. PP. XVI k. Iun. Aemiliano et Basso conss.’

\textsuperscript{8} Cod. Just. 3. 28. 19, given 16 June 293 at Sirmium. ‘Idem (Diocletianus et Maximianus) AA. Apollinari: Si filia tua turpiter et cum flagitiosa foeditate vivit, ut a successione tua eam excludendam putes, si non inconsulto calore, sed ex meritis eius ad id odium incitatus es, postremi iudicii liberum arbitrium habebis. D. XV k. Iul. Sirmi ipsis V et IIII AA. conss.’
Apollinaris has the right to disinherit his daughter for her behaviour, but the emperors do not seem to be very pleased with his decision. Twice the rescript uses the conditional: *if* you are sure that you are not overreacting in the heat of the moment, and *if* your daughter really is living as shamefully as you claim (what did she do? have an illegitimate child? practise prostitution?). What the emperors do not say explicitly is that if Apollinaris’ reasons for disinheriting his daughter are not as good as he thinks, she may, after his death, bring a suit for ‘undutiful will’ (*de inofficioso testamento*) to claim her portion. If successful, such a suit would result in the will being either completely or partially voided, so that Apollinaris’ daughter would receive the ‘Falcidian fourth’ owed to a man’s *sui heredes*. Indeed, this rescript is found in the Code’s title on undutiful wills, which suggests that the Justinianic compilers at least thought that was a possibility. A number of rescripts testify to the popularity of this legal action, revealing how family conflicts could continue even after death.

Rescripts concerning financial disputes, especially inheritance, have attracted the interest of several scholars, most recently Jane Gardner in her book on ‘family and *familia’*. This chapter focuses instead on two other issues which occasioned imperial rescripts: the choice of spouse for a young man or woman, particularly one under paternal power, and the ability of a *paterfamilias* to force his married child to divorce. Rescripts issued in response to these issues illustrate the tension between *patria potestas*, the theoretically all-encompassing power of the Roman *paterfamilias*, the demands of parental and filial *pietas*, and the personal desires of individuals.

**Consent to Marriage and Paternal Power**

The *paterfamilias* was responsible for arranging suitable marriages for his children, and his agreement was necessary for the marriage of any child under his power, male or female, to be legally valid.

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9 That is, those who would have inherited if he had died intestate: any legitimate children he had (including emancipated children) and grandchildren by his sons. See Cod. Just. 3. 28. 1–26 (dating from 193 to 304), all on the *querela inofficiosi testamenti*. For discussion, see Gardner 1986: 183–90; and 1998: 220–8; also B. Nicholas, *An Introduction to Roman Law* (Oxford, 1962), 261–4.


11 On *patria potestas* and *pietas*, see Saller 1994.
The validity of Roman marriage depended on the consent of all parties involved: the bride, the groom, and the *paterfamilias* of both, if they were still alive. But sometimes it was difficult to determine what precisely constituted consent, and at what point consent had to be given, and whether it could be revoked. The need for paternal consent and the power of the *paterfamilias* over his children’s actions set the stage for conflicts between fathers and their children over choice of spouse, a potential source of family disharmony in any age.

The dynamics of consent as found in the Digest and in classical literature have been well studied, but less attention has been given to the third-century rescripts of the Code. The rescripts in the Codex Justinianus that concern familial disagreements over consent to marriage indicate how the competing powers and desires of children, fathers, mothers, and guardians led to family disputes which could only be resolved through recourse to legal authority. The rescripts are particularly valuable because they provide ‘case studies’ where the emperors apply legal principles to the actual situations brought to their attention.

For instance, the reply of Diocletian and Maximian to Sabinus reveals the potential for conflict between father and son in the choice of marriage partner:

The teaching of the laws does not permit even a son in the legal power of his *paterfamilias* to be forced to take a wife against his will. Therefore, just as you desire, after the precepts of the law have been observed, you are not prevented from joining in marriage to yourself a woman whom you wanted, in such a way, however, that you have your father’s consent in contracting the marriage. (Cod. Just. 5. 4. 12)\(^{14}\)

12 *D. 23. 2. 2* (Paulus); cf. *D. 23. 1. 7. 1* (Paulus); *D. 23. 1. 11* (Julian).
Evidently Sabinus and his father have disagreed about whom Sabinus is to marry. Indeed, it appears that not only does Sabinus not want to marry the woman his father has picked out for him, but he may have someone else in mind. The emperors tell him he does not have to marry his father’s choice if he is unwilling, but that he does need paternal consent if the union he wants is to be considered legal marriage.

This response is quite in keeping with classical law. The jurist Terentius Clemens, writing in the second century, had said that a son in power could not be forced to marry (D. 23. 2. 21). But another second-century jurist, Celsus, stated: ‘If, when his father forces him, he does take a wife whom he would not marry of his own free will, he has nevertheless contracted marriage, which is not contracted between those who are unwilling. He appears to have preferred this course’ (D. 23. 2. 22). It was also necessary to have the consent of a daughter under patria potestas, but, Ulpian says, ‘if she doesn’t fight against her father’s wishes, she is understood to consent. Moreover, the liberty to dissent from her father’s decision is only allowed her, if her father chooses a fiancé who is disgraceful or unworthy in his way of life’ (D. 23. 1. 12). It was also necessary to have the consent of a daughter under patria potestas, but, Ulpian says, ‘if she doesn’t fight against her father’s wishes, she is understood to consent. Moreover, the liberty to dissent from her father’s decision is only allowed her, if her father chooses a fiancé who is disgraceful or unworthy in his way of life’ (D. 23. 1. 12). In other words, a fait accompli demonstrates consent: once marriage has taken place, the consent of both partners is assumed, even if it only occurred after intense paternal pressure. But tacit consent worked both ways: the famous Hadrianejun jurist Julian (as cited by Paulus in the third century) said that a girl’s father was always understood to consent to her marriage, ‘unless he clearly refuses to consent’ (D. 23. 1. 7. 1). It was, however, less problematic to interpret lack of objection as unspoken consent in the case of a daughter than that of a son. The children of a daughter in a legitimate marriage would come under the patria potestas of her husband, not her father, whereas the legitimate children of a son in power would come under his father’s potestas and therefore, as sui heredes, would have a claim on their paternal grandfather’s estate.

15 D. 23. 2. 21; this comes from the third book of Terentius Clemens’ commentaries on the lex Julia et Papia and so may reflect a provision in the Augustan legislation: see Matringe 1971: 199. Cf. D. 23. 1. 13 (Paulus).

16 As Susan Treggiari has pointed out to me (on sui heredes, see n. 9). After the senatusconsultum Orphitianum of 178 (which was passed after Julian was writing but before Paulus), however, children did have first claim to inherit from their mother if she died intestate, which would then put them in line to her
Jurists did admit the possibility that a person under paternal power might contract legal marriage without the consent of his or her *paterfamilias*. But the situations they discussed involve either situations where the father did not know of his child’s union, for understandable reasons (for instance, because the father was away, perhaps in captivity beyond the borders of the empire) or where he was unable to come to a rational decision about his child’s marriage due to mental incapacity. Even in the case of the son whose father had gone mad, jurists differed; the matter does not appear to have been definitively settled until 530, when Justinian extended the policy on daughters of mad fathers (who could marry, as long as their fathers did not actively object) to sons also. Papinian says that a son in power who is a soldier father’s estate. Even then, a father’s explicit consent to his daughter’s marriage does not seem to have been as essential as it was to his son’s. See Gardner 1993: 175–6 regarding the consent of a mad father (cf. below, n. 18).

17 When the *paterfamilias* was away: cf. *Frag. Vat*. 102 (on which see n. 25 below). In captivity: *D*. 49. 15. 3 (Tryphoninus) says the son can marry, and a child from such a marriage will be in the *potestas* of his grandfather when he returns from captivity. Paulus (*D*. 23. 2. 10) says that if a father has been absent for three years and it is unknown where he lives or whether he is still alive, his children (male and female) may contract legal marriage; cf. *D*. 23. 2. 9. 1 (Ulpian), mentioning sons only. *D*. 23. 2. 11 (Julian) says the children (male or female) may marry before the three years is up, as long as the spouse is someone whom the father would not repudiate. Although Corbett (1930: 63–4) thought that references to a three-year waiting period were post-classical interpolations, this may instead have been an area where jurists disagreed (T. A. J. McGinn, in a personal communication).

18 *D*. 23. 2. 9 pr. (Ulpian) says that if a grandson in his grandfather’s power wishes to marry and the grandfather is mad (*jurens*), the permission of his father (who would himself be a *filiusfamilias* to the grandfather) is sufficient, and if it is the father who is mad, then the grandfather’s consent is sufficient. Justinian’s law of 530 (*Cod. Just*. 5. 4. 25; cf. his Institutes 1. 10 pr.) settled what Justinian says had long been a matter of debate. Evidently it had been generally agreed in classical law that the *daughter* of a madman (*furiosus*, as opposed to one who was *captus mente*) could marry, but the marriage of the *filiusfamilias* of a *furiosus* was more doubtful. The difference between a *furiosus* and someone who was *captus mente* seems to be that the former has ‘lucid intervals’ in which he can make reasoned decisions on matters such as his child’s marriage, whereas the latter is permanently mad and so incapable of any decisions: see Gardner 1993: 175. Justinian extended a constitution of Marcus Aurelius which had allowed children (male and female) of fathers who were *capti mente* to marry to apply also to children whose fathers were *furiosi*. Cf. Treggiari 1991: 173–4; 1982: 42–3.
cannot legally marry without his father’s permission (*sine patris voluntate*). 19 Probably such a situation would arise not because his *paterfamilias* actually refused to consent, but because (like the father held captive outside the empire), he did not know about the union, since his son was away from home. Nowhere in the classical jurists is there a clear statement regarding a *filiusfamilias* who deliberately defies his father and marries not merely without paternal consent, but against paternal wishes. 20 Ancient legal writers appear to skirt the issue, perhaps because of its inherent unlikeliness to Roman legal minds and to Roman fathers.

In Sabinus’ case, only the imperial reply is preserved, and so we do not know how the struggle of wills between Sabinus and his father was resolved. Did he manage to obtain his father’s agreement to his own choice of spouse, or was he forced to give in and take a woman he did not want, even against ‘the teaching of the laws’? And what if he had decided to defy his father and live with the woman he wanted without paternal consent? Such a union could not be *iustum matrimonium*, since that required the consent of all parties—especially that of the couple’s *patresfamilias*. But the actual legal status of a union contracted without the permission of the *paterfamilias* is a matter of dispute among scholars today; it may have been *iniustum matrimonium*, that is, the partners would not have *conubium* but the relationship would still have some of the legal consequences of marriage. Or it might

19 D. 23. 2. 35 (Papinian). Soldiers did not have the right to marry at all while on service until the reign of Septimius Severus. Thus the possibility that a soldier *filiusfamilias* might enter legal marriage without his father’s consent did not arise until the end of the 2nd cent. at the earliest.

20 By ‘classical’ jurists I mean those writing before the mid-3rd cent. (235, the death of Alexander Severus, is often taken as the cut-off date for ‘classical’ Roman law). A passage in the Sententiae Pauli does suggest that marriage contracted without paternal consent might still be considered legal: ‘The marriages of those who are in paternal power are not contracted legally without his agreement, but once contracted, they are not dissolved. For consideration of the public benefit is placed before convenience to private citizens’ (Sent. Pauli 2. 19. 2). The expression ‘without his agreement’ (*sine patris voluntate*) could signify active objection, rather than simply lack of knowledge and thus of consent. But this passage has been interpreted differently by different scholars, and in any case is not by Paulus himself, as the Sent. Pauli date to the late 3rd or early 4th cent.; see Robinson 1997: 63–4. Thus this passage was written no earlier than the rescript to Sabinus, and probably later.
have had no validity whatever. 21 At the very least, however, Sabinus could expect to be cut off by his father, losing both financial support now and his inheritance later. And any children of a marriage made by a filiusfamilias without paternal consent would have been considered illegitimate. 22

Concerns about the legitimacy and inheritance rights of a grandchild appear to be behind another rescript from earlier in the third century. Alexander Severus assures a woman, Maxima:

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21 Treggiari (1982: 42 and 1991: 174) considers it iniustum matrimonium, citing in support D. i. 5. 11 (Paulus), on which see n. 28 below. But Corbett (1930: 62), also citing D. i. 5. 11, thought the union was null. Matringe (1971: 206–7) says that the union’s validity ‘pouvait être contestée’, and even if a daughter got a magistrate to validate her marriage without paternal consent, she risked not getting a dowry or other financial help while her father was alive or after his death (sons who had a means of making a living or a peculium castrense or quasi-castrense would be less dependent on paternal resources). Matringe also cites D. 48. 5. 14. 6 (Ulpian), which says that a husband cannot prosecute his wife for adultery by a husband’s right (ius mariti) if the offence was committed before her father had consented to the union (he could still prosecute by ius extranei, however).

Note that all these passages involve the marriage of a daughter in power, not that of a son, which would have been more problematical (see at n. 16 and cf. the later Sent. Pauli 2. 19. 2, cited n. 20). This was really an issue to be decided on a case-by-case basis, when someone had an interest in either challenging or maintaining the marriage’s validity: ‘what is clear [is] that this was a very foggy area and that the situation might not be clarified until something happened, e.g. the birth of a child, [or] the death of a husband or father’ (Treggiari, personal communication).

22 Cf. D. 37. 4. 3. 5 (Ulpian), involving the marriage of an emancipated son against his father’s will. The son’s marriage was valid, as he was no longer under patria potestas and so did not need his father’s consent. Ulpian says that after the son’s death, his son was able to inherit from his grandfather, though he had not been mentioned in the grandfather’s will. Children of an emancipated son could inherit from their paternal grandfather under the succession rules put forth in the praetor’s edict, as could the emancipated son, if he had not been explicitly disinherited (though in this case he probably had been); see Gardner 1998: 20–42. This was possible through a legal fiction that the praetor had ‘cancelled’ (rescindit) the emancipation; see Gardner 1998: 98, citing D. 37. 1. 6. 1 (Paulus). But, continues Ulpian, this does not mean that a legitimate (iustus) son of an emancipated father ceases to be legitimate because his father’s emancipation was (theoretically) cancelled. Thus even if a man had married a woman so ignominosa as to be a source of disgrace to himself and his father, his son by that woman is still able to inherit from his grandfather. The implication is that if the son had not been emancipated when he married against his father’s wishes, a child born of the marriage would have been illegitimate. See Gardner 1998: 96–9 for explanation of this passage.
If, as you claim, the father of your former husband, in whose power he was, did not object to your marriage after he had learned of it, you ought not to fear that he will not acknowledge his own grandchild. (Cod. Just. 5. 4. 5)\(^{23}\)

Maxima and her child’s father are no longer married, and although they may have been divorced, her anxiety about her father–in-law’s acknowledging his grandchild suggests that she was a widow. If her husband had died while still under \textit{patria potestas}, then he would have owned no property in his own right, for everything he had possessed would legally belong to his \textit{paterfamilias}. If Maxima’s marriage had been \textit{iustum matrimonium}, her husband’s child would be under the \textit{patria potestas} of his paternal grandfather, and therefore his heir. Maxima wanted to be sure that her son’s inheritance rights were safeguarded.

It appears that Maxima’s father–in-law did not originally consent to the marriage, but \textit{when he learned about it}, he didn’t object. The legal question of a son in power marrying without his father’s knowledge was mentioned above, as was the analogous situation regarding a daughter.\(^{24}\) A case similar to Maxima’s is discussed in a juristic commentary, which mentions a ruling of the jurist Paulus that a marriage made by a son in power in his \textit{paterfamilias}’ absence was legal if the father had never raised an objection to it after he returned and that therefore after the son’s death, his wife had an action for the return of her dowry.\(^{25}\) (Maxima, however, does not seem to be concerned about reclaiming her dowry; perhaps she had not had one.)

In Maxima’s case, her husband’s father may have been away for a long period of time and his son’s marriage may have been arranged without his knowledge; we might compare the third marriage of Cicero’s daughter Tullia.\(^{26}\) Or perhaps Maxima and her

\(^{23}\) Cod. Just. 5. 4. 5, not dated, but between 222 and 235: ‘Idem (Alexander) A. Maximae: Si, ut proponis, pater quondam maritii tui, in cuius fuit potestate, cognitis nuptiis vestris non contradixit, vereri non debes, nepotem suum ne non agnoscat.’

\(^{24}\) See above, at nn. 17–19. On the daughter’s marriage: D. 23. 1. 7, 1 (at n. 16).

\(^{25}\) Frag. Vat. 102, a case involving ‘L. Titius’ and his wife ‘Septicia’ (a \textit{filiafamilias} herself; her father must have consented to the marriage since we are told that he provided the dowry). See Corbett 1930: 59–60. The names suggest that this may be a hypothetical case, but the principle would stand. On the \textit{Frag. Vat.}, see n. 5.

\(^{26}\) On Tullia’s third marriage, see Treggiari 1991: 127–34.
husband simply eloped. In any case, all appears to have ended well: Maxima’s father-in-law implicitly approved his son’s marriage by not objecting to it, and her son was his grandfather’s heir.

Possibly Sabinus’ situation, discussed above, had a similar outcome. Although Sabinus’ father had objected to his choice of wife in the beginning, if he had later relented and accepted the union, what began as a non-legal marriage would have become legal by virtue of the father’s belated consent. In that case, however, a child born before consent was given would not come under his grandfather’s potestas, and so would not inherit upon intestacy.

Legally, both men and women who were no longer under paternal power did not require anyone’s consent to enter into marriage. But even if she was legally independent, a young woman marrying for the first time could expect the input of her mother and her guardian, and perhaps also of other interested relatives and friends, though she was not legally bound to follow their suggestions. Sometimes pressure was applied in the form of testamentary bequests promised if she married the man of the testator’s choice. The terms of such legacies were valid, as long as marriage with the designated spouse(s) was possible and not dishonourable.29

This would also explain the absence of any mention of dowry. In cases where a paterfamilias’ consent was unforthcoming, elopement presented an alternative. Elopement under the pretext of abduction (raptus) was harshly punished a century later by the Emperor Constantine (Cod. Theod. 924. 1), who also penalized parents who had consented after the fact to a marriage brought about by abduction. See J. Evans Grubbs, ‘Abduction Marriage in Antiquity: A Law of Constantine and its Social Context’, JRS 79 (1989), 59–83.

Cf. D. 1. 5. 11 (Paulus): if a paterfamilias died without ever knowing about his daughter’s union, her child could never be considered the legitimate son (iustus filius) of the man from whom she conceived him, even if the grandfather died before the child was born. The daughter’s union is characterized as coniunctio, not iustum matrimonium. This is cited as Paulus’ opinion, not necessarily shared by all. But it implies that if a man was unaware of his daughter’s union in the first place and died without ever knowing about it (let alone approving of it), it cannot be a legal marriage.

D. 35. 1. 63 (Gaius, in a commentary on the Augustan marriage legislation), says that a legacy left on condition that a daughter marry Titius was perfectly legal, unless Titius was indignus. In that case, the woman’s father had essentially prevented her from making an honourable marriage, against the spirit of the Augustan law which said a father could not prevent his children marrying. (On the other hand, leaving a legacy on condition that she marry anyone but Titius was valid, since she still had plenty of men to choose from.) Cf. D. 35. 1. 64 (Terentius Clemens, also commenting on the lex Julia et Papia).
Several passages in the Digest refer to cases where a father left his daughter a legacy to take effect \textit{cum in familia nuperit/nupsisset}—‘when she has/had married in the \textit{familia}'.\textsuperscript{30} Given the range of meaning embraced by the word \textit{familia}, it is not clear exactly who these prospective husbands were, but they must have been connected in some way to the legatee’s household or family (that is, related by blood or through marriage). In all these cases, the legatee had a choice: if she wanted the inheritance or legacy, she had to marry the man designated by the testator, but she was free to refuse the marriage and lose the legacy. Therefore, jurists felt, the condition was reasonable.\textsuperscript{31} Some of the Digest cases may be hypothetical, but similar situations in third-century rescripts were certainly real, and it is significant that all involve the marriage of young women whose right to receive an inheritance or legacy depends on their marrying the testator’s choice of husband. Despite the legality of such conditions, the rescripts suggest that there were young women who tried to invalidate the condition and still accept the legacy.

\textsuperscript{30} D. 27. 2. 4 (Julian); D. 33. 5. 21 (Scaevola); D. 32. 41. 7 (Scaevola, evidently the same case); cf. D. 32. 27 pr. (Paulus), where a woman Paula makes a certain Callinicus (her husband?) part heir and leaves his daughter (her stepdaughter?) a legacy \textit{cum in familia nupsisset}. Passing references to legacies given on this condition at D. 36. 2. 21 (Paulus) and D. 35. 1. 15 (Ulpian). All these examples listed in Matringe 1971: 207. See Saller 1994: 74–80 on the meanings of \textit{familia}; he relies mainly on literary uses and does not cite these passages. He finds that when \textit{familia} refers to kin (as opposed to slaves), it is used not of cognate relatives, but agnates only. I can find no discussion of these passages or the meaning of \textit{in familia} in Gardner 1998.

Cf. D. 35. 1. 101 pr. (Papinian): a father in his will designated his daughter, Severiana Procula, for marriage with a \textit{cognatus}, Aelius Philippus, and left her an estate if she married him. (Aelius Philippus was to get it if she \textit{didn’t} marry him.)

\textsuperscript{31} But marriage, even with a designated spouse, was supposed to be a matter of consent. Thus Paulus ruled that a stipulation in a contract between a married couple that penalized anyone who stood in the way of the marriage of their children (who were step-siblings) to each other had not been made ‘according to good morals’ (\textit{secundum bonos mores}), ‘because it did not seem honourable for marriages, either in the future or already contracted, to be constrained by the bond of punishment’ (D. 45. 1. 134 pr.). Cf. Cod. Just. 8. 38. 2 (Alexander Severus to Menophilus, 223): pacts that say a couple may not divorce are invalid and stipulations to enforce such an agreement are of no effect. In the 5th cent., however, the western emperor Honorius declared that the betrothal pact a father had made for his daughter was to be enforced even after his death (Cod. Theod. 3. 5. 12 = Cod. Just. 5. 1. 4, dated 422).
Alexander Severus informed a certain Licinia that she was mistaken if she thought she could still take the bequest left by her paternal uncle on the condition that she married his son (her cousin), when the son had died before the marriage could take place.32 Marriage with a cousin was in fact a perfectly reasonable prerequisite for inheritance, as Caracalla told Cassia in a rescript posted at Rome (which suggests that Cassia was probably from Rome or elsewhere in Italy):

If you did not obey the condition under which you were instituted heir by your mother’s will, the appointment of a substitute heir is valid. For it cannot appear that she imposed widowhood (i.e. spinsterhood) on you under the pretext of (demanding) a shameful marriage, since she wished with justifiable reason to join you in marriage with her sister’s son, your cousin. (1) Nor do you need exceptional aid since, on the basis of what you included in your petition, it is revealed that it was not due to him that you did not satisfy the final judgment of your mother, the testator. (Cod. Just. 6. 25. 2)33

Marriage to relatives may not have been unusual, at least among those who had property to leave.34 The purpose was evidently to keep wealth and property within the kin group; thus Licinia’s uncle and Cassia’s mother made their bequests contingent on marriage between cousins. The reply to Cassia also

32 Cod. Just. 6. 46. 4, Emp. Alexander Severus to Licinia, posted 1 Dec. 226: ‘Legatum sive fideicommissum a patruo tuo relictum tibi sub condicione, si filio eius nupsisses, cum mortuo filio, priusquam matrimonium cum eo contraheres, condicio defecerit, nulla ratione tibi deberi existimas.’ Cf. D. 35. 1. 101 pr. (n. 30 above) for a similar case, where the daughter died before she was ready to wed (viripotens).


34 The legal passages cited in nn. 30 and 32–3 would appear to agree with the view of Mireille Corbier (relying mainly on epigraphical evidence) that marriage between collateral relatives, especially cousins (whether first cousins or beyond) was not uncommon in the late 2nd and early 3rd cents. See Corbier 1998: 101–52, esp. 118–31. I disagree with the thesis of Shaw and Saller 1984: 432–44.
implies that if her cousin had refused to marry her, she would have been heir, and other rescripts confirm that if the testator's choice of husband rejected the marriage, the legatee could still inherit.35

In these cases the testator was not the woman's *paterfamilias*. Mothers, uncles, and maternal grandfathers could all wield the power of the purse over their female relations, but could not actually force them into marriage. For girls marrying for the first time (when they could be as young as 12),36 however, this freedom of choice could also create problems. Two rescripts refer to conflict over marriage plans between the relatives and guardians of a young person no longer under *patricia potestas*. In 199 Septimius Severus and Caracalla told a man named Potitus:

When a girl’s marriage is being sought and there is no agreement between her guardian (*tutor*) and her mother and relatives concerning the choice of a future husband, the judgment of the governor of the province is necessary. (Cod. Just. 5. 4. 1)37

Conflict has arisen between a girl’s guardian and her mother and other relatives regarding choice of husband. The guardian is a *tutor impuberum*, appointed for girls under 12 (and boys under 14) whose *paterfamilias* was dead.38 At this period a *tutor* did not have the right to contract or break off a betrothal agreement on behalf of his ward, but he might well wish to have a say in the

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35 Cod. Just. 6. 25. 1 (Septimius Severus and Caracalla to Alexander, posted 1 Oct. 199); Cod. Just. 6. 45. 1 (Caracalla to Saturnina, posted 28 Dec. 211).

36 12 was the age at which women could legally be married (*D. 23. 2. 4, Pomponius*), but betrothal pacts could be made when the prospective spouses were as young as 7 (*D. 23. 1. 14, Modestinus*). The rescripts do not provide much evidence for age at marriage, although if a *tutor* (*impuberum*) is mentioned, the situation involves a person under 12; if a *curator* (*minorum*) is involved, the minor is over 12 but under 25. See below, at nn. 38 and 41.


38 Not a *tutor mulierum*, who also would not have had the power to contract a betrothal in the name of the woman whose guardian he was. All references to *tutela mulierum* were edited out of both the Digest and the Codex Justinianus by Justinian’s compilers, as it had long ceased to be a living legal construct. See Arjava 1996: 112–23 and Evans Grubbs 2002: ch. 1, part III.E.
arrangements. The girl in question is thus below the legal age of marriage, but plans are already being made for the future. The role of the petitioner Potitus in this family drama is unclear: he may be the guardian, a male relative, a thwarted suitor, or even a provincial official who had not known how to resolve the dispute and had sent the case on to the emperors.

The emperors reply that in order to resolve such a family dispute, the provincial governor himself will have to decide! They do not even suggest that the girl herself be given the choice of whom she will marry. She was probably still a young child, perhaps not even aware of the conflict that had arisen in her name. This was an individual case, but the same situation, of a fatherless minor woman whose choice of husband is in dispute, is found in general laws of the fourth and early fifth centuries, which call for the same solution. In these cases, the nubile girls were probably from the wealthy elite, where social rank, property, and family honour were at stake to a far greater degree than in most marriage arrangements.

The second rescript must involve a somewhat older minor, since it refers to a curator minorum, a guardian appointed for fatherless children above puberty (considered 12 for girls, 14 for boys) but under 25. In 241 Gordian III told a certain Romanus:

39 This appears to change in the 4th cent., when guardians are liable for their ward’s breaking a betrothal; see n. 44 below. In earlier times, also, when marriage with manus was the norm, a tutor would need to give his authority; see Corbett 1930: 5–7; cf. ibid. 60–2.

40 Cod. Theod. 3. 7. 1, a law of Valentinian I (addressed to the Senate) dated 371, says that in controversies surrounding choice of spouse for a widow under 25 (whose father is dead; if he is still alive she must abide by his choice, even if she has been emancipated) a iudicaria cognitio is to be held, ‘as has been ordained in the marriage of pupillae’. Cod. Just. 5. 4. 20, a law of Honorius dated 408–9, says that in a dispute over choice of spouse for a woman whose parents are both dead but who has a curator (and so is between 12 and 25; see n. 41), if the woman’s sense of shame (verecundia) prevents her from expressing her own opinion, a judge is to decide. Translation and discussion in Evans Grubbs 2002: ch. 2, part 11.B.

41 On the curator minorum, see F. Schulz, Classical Roman Law (Oxford, 1951), 190–6; and M. Lemosse, ‘L’Incapacité juridique comme protection de l’enfant en droit romain’, Recueils de la Société Jean Bodin, 35 (1975), 247–55. By the time of Marcus Aurelius, appointment of a curator for fatherless minors past puberty but below 25 had become standard. On guardianship in general, see Saller 1994: 181–203, who rightly stresses how common it was for young people to have guardians, since so many would have lost their paterfamilias before they turned 25.
In joining marriage, neither the curator, who is responsible only for administering (his ward’s) property, nor the relatives by blood or marriage have any authority to intervene, but the wish of the person whose marriage is being discussed must be considered. (Cod. Just. 5. 4. 8)\textsuperscript{42}

As it has been preserved in the Code of Justinian, this rescript gives only the legal rule and provides no information about the situation which prompted Romanus to petition the emperor. Indeed, the language of the rescript is completely gender-neutral: ‘the wish of (the person) whose marriage is being discussed’. Romanus himself may have been the young person in question, or, on the other hand, the suitor of a woman whose relatives and guardian disapproved of her choice, or a guardian who wished to determine his ward’s choice of spouse, or an interested relative ‘by blood or marriage’, or even a magistrate faced with settling a family dispute.

Unlike the rescript of 199 to Potitus above, this one does not mention a judgment by the governor. This may be because the particular case it addresses involved a ward over puberty, or perhaps because the young person in question was a male, whose own wishes might be given greater weight. Another rescript of Septimius Severus and Caracalla, preserved in the Digest, suggests that the different solutions given in these two rescripts may be due to the age rather than the gender of the ward in question: ‘Management (of the business affairs) of a female ward is the curator’s duty; but she can marry by her own decision.’\textsuperscript{43} In the

\textsuperscript{42} Cod. Just. 5. 4. 8, given (data) 24 Feb. 241: ‘Idem (Imp. Gordianus A.) Romano: In copulandis nuptiis nec curatoris, qui solam rei familiaris sustinet administrationem, nec cognatorum vel adfinium ulla auctoritas potest intervenire, sed spectanda est eius voluntas, de cuius coniunctione tractatur. D. V k. Mart. Gordiano A. II et Pompeiano conss.’ Corbett (1930: 66–7) says this must refer only to the marriage of a male under 25, not a female (despite the gender-neutral language) because otherwise ‘it could not have been left standing in open contradiction with C(od. Just.) 5. 4. 1, 5. 4. 18, 5. 4. 20.’ But that does not mean that Gordian was referring only to males, only that Justinian’s compilers may have wanted the rescript to be understood that way.

\textsuperscript{43} D. 23. 2. 20 (Paulus): ‘...et ita Severus et Antoninus rescripserunt in haec verba: “Ad officium curatoris administratio (rerum) pupillae pertinet: nubere autem pupilla suo arbitrio potest.”’ This excerpt is taken from Paulus’ book on the oration given to the Senate by Septimius Severus and Caracalla in 195, which introduced several measures intended to protect the interests of minors; see R. Talbert, \textit{The Senate of Imperial Rome} (Princeton, 1984), 449 (no. 134) for the legal sources.
second and third centuries, guardians were not responsible for arranging their wards’ marriages and did not have to give their permission for their ward to marry. This seems to have changed in late antiquity, however; legal and documentary evidence of the fourth and fifth centuries suggests that guardians of young women often did play an active role in determining their choice of husband. In his rescript to Romanus, Gordian upholds the freedom to choose his or her spouse of a person, male or female, who has no paterfamilias and is therefore legally independent.

**Paternal Power and Divorce**

Several rescripts involve another aspect of paternal power: the father’s right to break up the already existing marriage of a child under his power. Classical Roman law took essentially the same attitude in regard to ending a marriage as it did to beginning one. If either spouse no longer felt ‘marital intent’ and wished to dissolve the marriage, he or she had only to make this intention known, and the marriage would no longer exist; only in the fourth century did Roman emperors begin to restrict the freedom of either spouse to repudiate the other unilaterally. And since the consent of each spouse’s paterfamilias was necessary to make a marriage, it only stood to reason that he also had a say in his child’s divorce. Indeed, until the Antonine period, a paterfamil-
ias actually had the right to break up the marriage of any child under his legal power. This changed in the mid-second century, as a rescript of Diocletian and Maximian explains to a certain Scyrion:

Our father, that most pious emperor the deified Marcus [Aurelius], decided that when a daughter under paternal power was a wife living in harmony with her husband, the objection of a father who consented to the union in the beginning is not valid, unless the father has done this (objected) because some great and just reason arose (after he had originally consented). (1) On the other hand, no constitution of law has ordered her to return to her husband if she is unwilling; (2) But a father does not have any choice over the divorce of a daughter he has emancipated from paternal power. (Cod. Just. 5. 17. 5)46

A father who originally agreed to his daughter’s marriage cannot step in to break it up later if she is living in harmony with her husband—unless he has a ‘great and just reason’. But neither

of paternal opposition, even without paternal knowledge (D. 24. 3. 41, Papinian); see Arjava 1996: 45–6. The lack of a clear statement from the jurists could be due to changes in divorce law made by Justinian (e.g. Cod. Just. 5. 17. 12 of 534, which penalizes those who divorce collusively in order to defraud their pater familias of the dowry or pre-nuptial gifts he had given). Any juristic texts or rescripts which ran counter to Justinian’s policies would have been left out of his corpus or changed to reflect his law. See A. Arjava, ‘Divorce in Late Roman Law’, Arctos, 22 (1988), 5–21, on Justinian’s editing policies and their effect on what we know of divorce in the classical period.

I note one rescript regarding a case where (if I understand it correctly) a father left a fideicommissum to his daughter on condition that she guarantee not to divorce her husband; the emperors tell the recipient to proceed as though the condition had never been made: Cod. Just. 6. 46. 2 (Septimius Severus and Caracalla to Gallicanus, 205) This may be an epistula to an official rather than a subscriptio to a private individual: see Honoré 1994: 47.


Sent. Pauli 5. 6. 15 attributes the same policy to Antoninus Pius; evidently Roman emperors ruled more than once on the question. Ulpian (D. 24. 1. 32. 19) refers to a rescript of Septimius Severus to the same effect, though this may have just been clarifying the Antonine ruling; see Corbett 1930: 240.
should a daughter be forced to return unwillingly to her husband—even, it is implied, if her father (or her husband) wants her to. And if the daughter is no longer under *patria potestas* because her father emancipated her, he has no authority to bring about her divorce at all. Since the rescript as we have it retains only the legal rule, we do not know if Scyrion was the father or the husband, or perhaps a judge faced with a difficult family dispute. This decision was intended to discourage blatantly arbitrary paternal decisions without detracting too much from the concept of paternal power.\(^{47}\)

Significantly, the rescripts in the Code of Justinian that concern parental attempts to break up children’s marriages all involve the marriage of daughters. And although the issue really revolves around the limits of paternal power, the emperors base their decision on the state of mind of the married daughter: does she want the divorce? Or is her father acting unilaterally to break up a harmonious union? For indeed, a father might have a selfish financial motive for taking back his daughter—the desire to get back the dowry he had given. A passage in a fourth-century legal manual describes a case which had come to the attention of the jurist Paulus in the early third century:

A father sent a *repudium* to his son-in-law against his daughter’s wish; I ask whether he can get back the dowry which was provided from his own resources. Paulus replied that indeed the marriage seems to have been legally dissolved by the very act (of sending the *repudium*), but that it is not permitted for a father to take his daughter away from her husband against her will, nor is he able to get back the dowry unless his daughter consents.\(^{48}\)

The divorce was valid after the *repudium* was sent, but the father could not forcibly separate his daughter from her husband. And (as other jurists and imperial rescripts also point out) after the

\(^{47}\) Cf. also *D.* 43. 30. 1. 5 (Ulpian): the rule that *bene concordantia matrimonia* should not be disturbed by right of *patria potestas* is to be followed in such a way ‘that the father should be persuaded not to exercise paternal power harshly’.

\(^{48}\) *Frag. Vat.* 116: ‘Pater invita filia repudium genero misit; quaero an profectam ex suis bonis dotem petere possit. Paulus respondit matrimonium quidem re ipsa iure solutum videri, sed patri filiam invitam a marito abducere non licere nec eum dotem repetere posse nisi filia consentiente.’
end of his daughter’s marriage, a father could bring an action for recovery of her dowry only with her consent.\textsuperscript{49}

Paulus’ ruling may or may not have been in response to an actual situation; I suspect that it was. Certainly similar situations are found in the rescripts. Gordian replied to a certain Aper:

If, as you assert, the marriage was broken up after a complaint concerning her husband was reported to you by your daughter, and she did not return to him with your consent, the union is not at all legal since the consent (\textit{voluntas}) of the father, in whose power she is, has ceased. And therefore, as long as your daughter is not unhappy about it (\textit{non paenitente}), you are not prevented from asking for her dowry back. (Cod. Just. 5. 4. 7)\textsuperscript{50}

According to the rescript, Aper claimed that he had brought about his daughter’s divorce after she had complained to him about her husband, and that his daughter had left her husband and ‘did not return to him with your consent’ (\textit{nec te consentiente ad eundem regressa est}). The bone of contention is the daughter’s dowry, still held by the husband, which Aper wants returned.

\textsuperscript{49} D. 24. 3. 2 (Ulpian); see also D. 24. 3. 34 (Africanus). At D. 24. 3. 22. 6, Ulpian suggests that a daughter might even hide from her father so as not to be forced to consent to an action for return of her dowry. A rescript of Caracalla cited by Ulpian (D. 24. 3. 2. 2) said that a daughter seems to consent to her father bringing the action ‘unless she clearly opposes (him)’; cf. the policy on a daughter’s consent to marriage in D. 23. 1. 12 (also Ulpian), mentioned above. Rescripts also mention the rule that a father needed his daughter’s consent to get her dowry returned: Cod. Just. 5. 18. 2 (Septimius Severus and Caracalla to Aquilia, 207); 5. 18. 7 (Diocletian and Maximian to Erotius, 294) and 5. 18. 10 (same emperors to Epigonus, 294).

\textsuperscript{50} Cod. Just. 5. 4. 7, posted 29 Oct. 240: ‘Idem (Gordianus) A. Apro: Si, ut proponis, post querellam de marito a filia ad te delatam dissociatum est matrimonium nec te consentiente ad eundem regressa est, minus legitima coniunctio est cessante patris voluntate, in cuius est potestate: atque ideo non paenitente filia petitionem dotis repetere non prohiberis. PP. III k. Nov. Sabino et Venusto conss.’

There is a textual problem in the last clause, which renders this rescript even more ambiguous. One manuscript (C) has \textit{non petente filia petitionem dotis} (‘if your daughter does not ask for the return of her dowry’), and the 16th-cent. legal scholar Jacobus Cuiacius (Jacques Cujas) suggested \textit{non renitente filia petitioni dotis} (‘if your daughter does not object to asking for the return of her dowry’). Note that I am assuming that the ablative absolute has a conditional force; there could be other translations. I confess that I am not sure of the meaning of this rescript.
Aper’s former son-in-law may be refusing to return the dowry because (he claims) the divorce was due to his wife’s fault, or perhaps he is denying the validity of the divorce altogether and claiming that her father acted against her will. The last clause of the rescript hints that Aper’s daughter may not agree with her father’s request for the dowry, in which case (as we saw above), he could not get it back. Indeed, the rescript could even be interpreted as suggesting that his daughter did return to her husband, but without Aper’s consent. Paternal consent was required even for the remarriage of a couple who had been married and then divorced, so, if Aper’s daughter went back to her former husband without her father’s approval, the remarriage would not be iustum matrimonium.51

Perhaps Aper had acted according to his daughter’s wishes when he brought about her divorce. But some daughters did not want to be divorced; they were living in a harmonious marriage.

51 D. 23. 2. 18 (Julian): ‘Marriage renewed between the same persons is not considered valid unless their parents are willing’ (‘Nuptiae inter easdem personas nisi volentibus parentibus renovatae iustae non habentur’; note that the Watson edition of the Digest mistranslates this passage).

There might be some question about whether a couple had divorced and then remarried or simply been temporarily separated and then reconciled; see D. 23. 2. 33 (Marcellus, in his third book on the lex Julia et Papia): ‘Many think, when the same woman returns to the same man, that it is the same marriage. I agree with them, if they have been reconciled after not much time has intervened and if, within the interval, she did not marry another nor did he take another in marriage, and especially if the husband has not returned the dowry.’ (Note, however, that Marcellus says nothing about paternal consent.) Cf. D. 24. 2. 3 = D. 50. 17. 48 (Paulus).

Several passages describe cases where a woman divorced her husband and later remarried him (sometimes having been married to someone else in the interval), and the status of the dowry from the first marriage is in question; generally, it is assumed that the dowry too is renewed along with the marriage. See D. 23. 3. 40 (Ulpian, quoting a rescript of Septimius Severus to Pontius Lucrianus); D. 23. 3. 64 (Javolenus); D. 23. 4. 29. 1 (Scaevola); D. 23. 3. 13 (Modestinus); D. 24. 3. 19 (Ulpian); and D. 24. 3. 66. 5 (Javolenus). Could these be cases where a woman was pressured by her father to divorce, and then went back to her husband after her father’s death? On the other hand, doubt might be cast on the genuineness of a divorce if the couple remarried later, especially if the (ex)-husband had given his divorced wife a gift to induce her to return; since gifts between spouses were not valid, it might be suspected that the ‘divorce’ was a ruse to justify the gift. The marriage(s) of Augustus’ friend Maecenas and his wife Terentia involved just such a situation: see D. 24. 1. 64 (Javolenus) with Treggiari 1991: 449–50.
What we see is a conflict between the ideal of marital *coniugia*, and the prerogatives of paternal power. The Antonine emperors, who gave public expression to conjugal *coniugia* on their coinage,\(^52\) decided in favour of marriage.

But it is clear from third-century rescripts that fathers continued to try to break up their daughter’s marriage when it suited them. Thus Diocletian and Maximian respond to a certain Faustina:

Since you say that you did not violate the observance of *pietas*, but that you were unwilling to break up the marital union which you had been allotted, and for that reason your father, offended and angry, stooped to (punishing you with) the disgrace of disinheritance (*ad exhereditationis notam prolapsum*), you will not be prohibited from bringing a complaint of ‘undutiful will’. (Cod. Just. 3. 28. 18)\(^53\)

Faustina’s father had disinherited her because she had refused to divorce her husband. Since it is assumed that her father had at an earlier time consented to the marriage, his demand that she now divorce is unreasonable. Therefore Faustina has grounds to bring a suit of *inofficiosum testamentum* to reclaim her share of the inheritance.\(^54\) Here the preservation of a concordant marriage is put clearly above the claims of filial *pietas*.

Another rescript of Diocletian and Maximian is addressed to an abandoned husband, Alexander, rather than to a wife or her father:

\(^{52}\) Symbolized by the *dextrarum iunctio*, the handclasp of the married couple, found also on imperial sarcophagi. Originally the *dextrarum iunctio* was used to depict public *coniugia*—agreement and loyalty among different political or social groups. Antonine emperors first made use of the image to portray on coins the marital concord between the imperial couple: see Reinsberg 1983. Kampen 1991 shows that the Antonine interest in depicting private familial ideology on public monuments continues into the Severan period also. See also at n. 78 below. Of course, the Roman ideal of marital *coniugia* goes back much further; see M. B. Flory, *Sic Exempla Parantur*: Livia’s Shrine to Concordia and the Porticus Liviae*, Historia, 33 (1984), 309–30, and S. Dixon, ‘The Sentimental Ideal of the Roman Family’, in Rawson 1991a: 99–113.

\(^{53}\) Cod. Just. 3. 28. 18, posted at Nicomedia 14 Feb. 286: ‘Impp. Diocletianus et Maximianus AA. Faustinae: Cum te pietatis religionem non violasse, sed mariti coniugium quod fueras sortita distrahere noluisse ac propterea offensum atque iratum patrem ad exheredationis notam prolapsum esse dicas, inofficiosi testamenti querellam inferre non vetaberis. PP. Nicomediae XVI k. Mart. Maximo II et Aquilino cons.’

\(^{54}\) See above, n. 9 on *querela inofficiosi testamenti*. The rescript to Faustina is found under the Cod. Just. title *de inofficioso testamento*. 
If your wife is being held by her parents against her will, our friend the governor of your province—after you have approached him for help—will relieve your desire, following the woman's own wish when she has been brought forth. (Cod. Just. 5. 4. 11)55

Alexander claims that his wife is being held by her relatives (parentes, which could be parents or more generally her family) against her will. Now the emperors cannot be sure that the petitioner is really telling the truth; maybe his wife left him and returned to her family willingly and now simply refuses to see him. So they tell Alexander to go back to the governor of his province, who will then use his official power to interview the woman herself and see what she wants. If she does want to go back to her husband, as he claims, then the governor will see to it that she does: 'he will relieve your desire' (desiderium), the emperors assure him.

Two rescripts of Diocletian and Maximian refer to cases where mothers tried to force their daughters to divorce. A man named Piso is told: 'A mother does not have the power to bring about her daughter’s divorce' (Cod. Just. 5. 17. 4).56 This gives no clue to the circumstances that gave rise to it, nor do we know what Piso’s role was. The other rescript, addressed to a certain Sabinianus, is more informative:

A daughter left an orphan by her father, who is living in concord with the husband she married when her mother was willing, does not offer just cause for offence after the same mother’s change of mind, nor is she legally (iure) compelled to be married or unmarried at the momentary whims of her mother. (Cod. Just. 3. 28. 20)57

55 Cod. Just. 5. 4. 11, not dated, but between 284 and 292: ‘Idem (Diocletianus et Maximianus) AA. Alexandro: Si invita detinetur uxor tua a parentibus suis, interpellatus rector provinciae amicus noster exhibita muliere voluntatem eius secutus desiderio tuo medebitur.’

56 Cod. Just. 5. 17. 4, given at Sirmium 30 Dec. 294 (293): ‘Idem AA. et CC. Pisoni: Filiae divorcium in potestate matris non est. D.III k. Ian. Sirmi CC.’ That would be 30 Dec. 294 but Mommsen (ad loc.) and Honoré (1994) date it 293. This is clearly a case where the Justinianic compilers abbreviated the emperors’ reply, leaving only the statement of the legal principle—frustrating for the 21st-cent. social historian! Cf. Cod. Just. 3. 28. 20, on the same topic, dated six days later (at n. 57).

57 Cod. Just. 3. 28. 20, given at Sirmium 5 Jan. 294: ‘Idem AA. et CC. Sabiniano: Filia in orbitate patris relicka cum marito, cui matre volente nuptis, colens concordiam iustas offensionis post eiusdem matris paenitentiam causas
No need to invoke the decisions of second-century emperors here, for Roman law had never granted mothers the power to dissolve their children’s marriages. A father’s authority to do so, limited though it was by second- and third-century emperors, derived purely from *patria potestas*. The daughter in question was now legally independent (*sui iuris*), and maternal claims to *pietas* did not include forsaking a harmonious marriage. Interestingly, the rescript considers relevant the mother’s earlier consent to her daughter’s marriage (since this makes her subsequent change of mind appear whimsical and ill-founded); in fact, a mother’s initial agreement to her child’s marriage was no more legally necessary than was her consent to its continuation.

As it happens, we know more of the circumstances surrounding the reply to Sabinianus because another response, preserved in a different book of the Code under a different title, is part of the same original rescript. It appears that Sabinianus was the daughter’s husband (like Alexander above). His mother-in-law had provided the dowry, over which she had retained the usufruct and which she was now trying to sell. Evidently she wanted her daughter to divorce so that she could get control of the dowry—the same ploy attributed to a *paterfamilias* in the situation discussed by the jurist Paulus, cited above. The emperors say clearly that she (like Paulus’ *paterfamilias*) cannot do this.

Sometimes, however, mothers could impose their will through their pocketbooks rather than legal authority. Maxima’s mother told her that if she wanted to be her mother’s heir, Maxima had to divorce her husband. Ever the dutiful daughter, Maxima obeyed. Later she had a change of heart and wrote to the emperors Valerian

on praestat nec ex momentariis voluntatibus matris nupta atque vidua esse iure compellitur. D. non. Ian. Sirmi CC. conss.’

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Cod. Just. 3. 28. 20 and 5. 12. 17 both have the same addressee and place of enactment. Cod. Just. 3. 28. 20 is dated the nones of January (5 Jan.), whereas the MS date of Cod. Just. 5. 12. 17 was the nones of July (7 July). But confusion would be easy, and Mommsen (ad loc.) and Honoré (1994) change Cod. Just. 5. 12. 17 to the nones of January also.

and Gallienus. They were highly displeased by Maxima’s mercenary behaviour: ‘You are more to be rebuked than your mother,’ they say:

You are more to be rebuked than your mother. For if she wanted you to be her heir, she would not order something which is invalid, (that is) for you to break up your marriage with your husband. (1) You, moreover, approved her wish by divorcing. However, even if a condition of this type were allowed, you ought to have put marital concord before material gain. But indeed, since good morals (boni mores) forbid this (condition) to be observed, you would have been able to maintain your union without any loss. (2) Therefore, return to your husband, knowing that you will keep your mother’s inheritance even if you have returned, since indeed you would keep it, even if you had not gone ahead and left him. (Cod. Just. 6. 25. 5)\textsuperscript{60}

Maxima had put her financial interests before concordia maritalis, reprehensible behaviour in the eyes of third-century emperors. ‘Therefore, return to your husband’—an excellent example of the crisp tone of third-century rescripts, combining legal ruling and moral declaration.

These rescripts addressing a parent’s right to bring about a daughter’s divorce suggest that the issue came up fairly often and engendered a good deal of family conflict. Interesting evidence of the same conflict is found in Egyptian papyri of the Roman period, particularly the lengthy petition dated 186 which was sent to the prefect of Egypt from a certain Dionysia of Oxyrhynchus.\textsuperscript{61}

\textsuperscript{60} Cod. Just. 6. 25. 5, posted 20 Nov. 257: ‘Impp. Valerianus et Gallienus AA. Maximae: Reprehendenda tu magis es quam mater tua. Illa enim si heredom te sibi esse vellet, id quod est inutilis, matrimonium te dirimere cum viro non iuberet. (1) Tu porro voluntatem eius divorcio comprobasti: oportuerat autem, etsi condicio huiusmodi admitteretur, praeferre lucro concordiam maritalem. Enimvero cum boni mores haec observari vetent, sine ullo damno coniunctionem retinere potuisti. (2) Redi igitur ad maritum, sciens hereditatem matris, etiamsi redieris, retenturam, quippe quam retineres, licet prorsus ab eo non recessisses. PP. XII k. Dec. Valeriano IIII et Gallieno III AA. conss.’

\textsuperscript{61} P. Oxy. 11. 227, first published in The Oxyrhynchus Papyri Part II, ed. B. P. Grenfell and A. S. Hunt (London: Egypt Exploration Fund, 1899), 141–80. I give only a bald summary of this extremely complicated case, which involved two prefects (not including the prefect cited in a precedent) a strategos, and a deputy-strategos. A translation of the sections of P. Oxy. 11. 227 (including the precedents) that involve the issue of a father’s ability to break up his daughter’s marriage is found in J. Rowlandson (ed.), Women and Society in Greek and Roman Egypt (Cambridge, 1998), 183–8. Discussed by Arjava 1996: 44–5.
Dionysia had been involved in a protracted dispute with her father Chaeremon over her claim to property from her mother which had been held and administered by Chaeremon. The case had been decided in Dionysia’s favour, which prompted Chaeremon to send another petition to the prefect asserting his right, under ‘the law (nomos) of the Egyptians’, to remove Dionysia from her husband against her will.62

In a counter-petition, Dionysia protested against Chaeremon’s assertion of his right to break up her marriage, rightly seeing this as another way for him to gain control of the property which had been the subject of their first dispute. She cited a number of earlier cases from Roman Egypt as precedents to back up her claim that her father’s attempt to bring about her divorce should be rejected.63 Among her many supporting documents are three official reports of legal proceedings before magistrates in Egypt (including one before an earlier prefect) and one jurist’s opinion, all on the question of whether a father could remove his daughter from her husband under Egyptian law.

It appears that under local Egyptian (not Roman) law, a father could in some circumstances make his daughter divorce her husband.64 But in the three court cases cited by Dionysia, the judges, who were themselves Romans but were judging provincials who did not have Roman citizenship, all decided against the father. They did so not on the basis of legal principles, but because they

62 On the meaning of ‘the law of the Egyptians’ here, see J. Modrzejewski, ‘La Regle de droit dans l’Égypte romaine’, in Proceedings of the Twelfth International Congress of Papyrology (Toronto: A. M. Hakkert, 1970), 317–77, at 331–4. Such law could be Greek or Egyptian, but was recognized by Roman officials as being on the same level as custom, not law.
64 Under the ‘law of the Egyptians’ a father could make a daughter who had been born to him in an ‘unwritten marriage’ divorce her husband against her will (whereas he could not if the daughter had been born in a ‘written marriage’). See H. J. Wolff, Written and Unwritten Marriages in Hellenistic and Postclassical Roman Law (Haverford, 1939), especially 60–5 on P. Oxy. 11. 227. Cf. N. Lewis, ‘On Paternal Authority in Roman Egypt’, RIDA 3rd ser. 17 (1970), 251–8, who thinks that by the 2nd cent., an Egyptian father could no longer force a married daughter to divorce if she were unwilling (he could bring about her divorce if she wanted him to, however). In any case, the Roman officials who are judging these cases involving non-Roman citizens in Egypt base their decisions not on local law, but on what they perceive to be humane and just from a Roman point of view.
did not think it right for a father to break up his daughter’s marriage against her will. In a case dated 128, Flavius Titianus, the prefect of Egypt, decided: ‘It makes a difference with whom the married woman wishes to be.’65 The second case cited, before the epistrategos Paconius Felix five years later, used the decision of Flavius Titianus as a precedent. The epistrategos ordered that the daughter be asked (through an interpreter; evidently she was a native Egyptian and did not speak Greek) what she wanted; she said ‘to remain with my husband’, and so the epistrategos ruled.66

Here we see the same rationale being used by Roman provincial officials in cases involving non-Roman citizens as was later used by third-century emperors in rescripts to Roman citizens, even when that rationale runs contrary to the native law of the province where they hold office. It seems that by the second century, the prevailing sentiment among the Roman elite who were governing the empire was that even the claims of a *paterfamilias* should not be allowed to destroy a concordant marriage. In other words, maintaining marital bonds was more important than maintaining paternal control. The husband’s lawyers in the case before the epistrategos of Egypt in 133, using the decision of the prefect Flavius Titianus as a precedent, say that his decision ‘did not follow the inhumanity (*ananthropia*) of the [local] law but the intention of the child’.67

The cases cited by Dionysia actually occurred shortly before the reign of Antoninus Pius, and so apparently anticipated rather than followed the imperial rulings mentioned above. We do not know the outcome of her own case, which took place under Commodus, but if the prefect of Egypt in 186 followed his predecessor, he would have ruled in her favour. However, as the third-century rescripts indicate, these Antonine rulings on both the imperial and provincial level did not bring an end to family disputes over a father’s right to break up his daughter’s marriage. And later papyri show that the problem continued in the fourth century.68

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65 *P. Oxy. xi. 227*, col. vii, line 29.
67 *P. Oxy. xi. 227*, col. vii, lines 34–5.
68 See *P. Sakaon 38 (= P. Flor. 36)*, dated 312, where the father, Sakaon, attempted to take his daughter away from her husband Zoilus on the grounds that he had never received the *bedna*, the marriage gifts given by a husband to a wife or her parents. This was one stage of a long-standing family feud;
Conclusion

Until quite recently, work on ‘the Roman family’ has centred on Italy of the late Republic and early Principate, and has drawn largely on literary and epigraphic sources from that period and from the juristic writings of the Digest, most of which antedate the death of Alexander Severus in 235. This focus is reflected in the papers given at the first three ‘Roman family’ conferences held in Canberra in the 1980s and early 1990s. In recent years, study of the ‘Roman’ family has shifted to the later, post-Severan empire and to the imperial provinces, and many of the papers given at the 2001 conference in Canada reflect this change in focus. Very few of the rescripts preserved in the Code of Justinian are earlier than the reign of Septimius Severus, and most are considerably later; moreover, almost all of those dating to the tetrarchic period derive from the eastern half of the empire, under Diocletian, rather than the Latin-speaking west under his co-ruler Maximian. Are we in fact talking about the ‘Roman’ family any more? And even if the third-century petitioners to whom the rescripts respond are Romans, what relevance do their

thirty-one years later, Sakaon was involved in another seizure of a married woman from the home of her husband (and of the husband’s father Zoilus, the deprived husband in the incident of 312!), this time at the instigation of the wife’s mother (P. Sakaon 48 = SB vi. 9622), dated 343. Texts and translation in G. M. Parassoglou (ed.), The Archive of Aurelius Sakaon: Papers of an Egyptian Farmer in the Last Century of Theadelphia (Bonn, 1978). See J. W. B. Barns, ‘A Fourth-Century Deacon’s Petition from Theadelphia’, Studia Patristica, 1 (Berlin, 1957), 3–9 on the feud.

Cf. also P. Cairo Preis. 2 (dated 362, referring to an incident three years earlier), where a husband claims that while he was out of town, his mother-in-law, telling him that her daughter had a demon, removed her from his home and married her to someone else—a situation recalling Cod. Just. 5. 17. 4 and 3. 28. 20 above. Text in F. Preisigke, ed., Griechische Urkunden des Aegyptischen Museums zu Kairo (Strasbourg, 1911), 2–3.

Out of a total of 2,508 pre-Constantinian rescripts in the Code, only twenty-three date before the reign of Septimius Severus. Of these, one is Hadrianic; ten are from Antoninus Pius; six are from the ‘deified brothers’ Marcus Aurelius and Lucius Verus, and four from the reign of Marcus Aurelius alone. Two are from the short rule of Pertinax (none are from Commodus).

Some rescripts of Maximian are preserved outside of the Cod. Just., particularly in the Fragmenta Vaticana, such as Frag. Vat. 282 to Calpurnia Aristaeneta, cited at the beginning of this chapter. See Corcoran 1996: 78–83 and 341.
family conflicts have to the family relationships of the people of Rome and Italy two or three centuries earlier?

I, of course, would argue strongly that the people of the rescripts are Romans, both legally and socially, even if their lives, mores, and family structures differ significantly from those of the imperial family and Roman senatorial aristocracy, and their freedmen and women, who have been the focus of earlier ‘Roman family’ studies. After 212, all of our petitioners would have been Roman citizens (although the Code of Justinian does include rescripts to slaves, they are not among the sample I have discussed here),70 and even if those rescripts dated before 212 were addressed to non-citizens, their recipients must still have been sufficiently ‘Romanized’ and familiar with the imperial legal and administrative system to be able to get a petition to the emperor and make use of the reply. For the social historian, the lives and conflicts of otherwise unknown and undistinguished Roman subjects are as worthy of study as those of the elite inhabitants of late Republican or Augustan Rome. Moreover, many of the rescripts are contemporary in date with those jurists who are best represented in the Digest—Ulpian, Papinian, Modestinus, and Paulus—and indeed were in all probability often composed by those very same jurists.71 It is standard practice for those studying the Roman family in the early Principate to draw on the writings of these third-century jurists as evidence, and the rescripts themselves have been used to good effect to illustrate the legal situations posited in the Digest.72

How does the evidence of the rescripts, which shed light on family life in a later period and a more provincial milieu, compare to what we know of the ‘Roman family’ of the late Republic and early Principate? Can we detect differences in attitudes toward the marital bond and parent–child relations, or a change over time in ‘family feeling’? Or did individual emotions and desires, and the family conflicts which those emotions and desires produced, remain essentially the same? This question has been debated

71 As argued by Honoré (1994); see n. 2 above.
72 I am thinking particularly of the work of Jane Gardner, especially Gardner 1998, but the 3rd-cent. jurists of the Digest provide essential evidence for the studies of Treggiari, Saller, and Dixon, among others.
recently by more than one scholar of the ancient family, and the answer is essentially unknowable, given the paucity of evidence for family life in all time periods and social strata (even among the elite about whom we know the most) and the subsequent impossibility of any sort of quantitative or comparative study.\(^{73}\)

One of the most valuable aspects of the rescripts (inadequate and unsatisfactory though they are for answering the kinds of questions we would like to ask) is that they show us a far more diverse range of men and women, both geographically and socially, than do the authors of classical literature and even the legal writers of the Digest. The recipients of the rescripts were not for the most part members of the senatorial or equestrian ranks, or even of the provincial local elites.\(^{74}\) Clearly they had the means to get a petition to the emperors and enough property to occasion family disputes over its distribution, so we are not dealing with the lowest levels of *humiliores* whose lives are almost entirely unrecoverable. But the people of the rescripts do by and large derive from a social level not found in classical literature of the first centuries BC and AD; they are, perhaps, more like some of the provincials who appear in works of the late second and early third centuries, such as the *Metamorphoses* of the North African Apuleius.\(^{75}\) Now our evidence for the lives of individuals

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\(^{74}\) Some were, however; for instance, senatorial women concerned with preserving their rank: Cod. Just. 12. 1. 1 (Alexander Severus to Severiana, no date); Cod. Just. 5. 4. 10 (Diocletian and Maximian to Paulina, no date). In some cases, rescripts that have been assumed to be addressed to ordinary subjects may have been to imperial officials: see M. Peachin, ‘Consultation with a Magistrate in Justinian’s Code’, *Classical Quarterly* 42 (1992), 448–58; cf. Honoré 1994: 48–51. (This obviously would not be the case for the hundreds of rescripts addressed to women.)

below the elite in the earlier empire is very limited, drawn from funerary inscriptions which are not likely to mention parent–child disputes over marriage and divorce. So if we try to locate changes or continuities in family sentiment between, say, the first and the third centuries, by juxtaposing the evidence of funerary epitaphs with the evidence of imperial rescripts, we are really comparing apples and oranges. Both sets of evidence are valuable and both have something to tell us, but they are not comparable.

It is worth noting, however, that what evidence we do have for family conflict in the earlier period, such as the letters of Cicero and the lives of Augustus and the first-century emperors, reveal situations similar to those found in the rescripts I have been discussing. The circumstances surrounding the third marriage of Cicero’s daughter Tullia are well known and have often been discussed; they provide a clear illustration of the dynamics of paternal, maternal, and filial choice and consent, and show the limits of paternal authority. And as for a father’s attempt to break up his child’s marriage and the emotional upheaval it could cause, we need only recall Suetonius’ description of Tiberius’ behaviour after Augustus forced him to divorce Vipsania (who had already borne him one child and was pregnant with another) and marry Julia. Of course, that situation was exceptional—dynastic succession to the Empire was at stake, and in any case, Augustus did not at that time have paternal power over Tiberius, as he had not yet adopted him. And the cases known from the rescripts and the papyri all involve parental attempts to break up a daughter’s marriage, not a son’s. But the situations found in the rescripts will occur in any society where marriage arranged by the father is the norm, and where fathers wield extensive authority over their children, even their adult children, whether or not such power takes on the dimensions of Roman patria potestas.

76 See n. 26. It is not certain that Tullia was still under patria potestas at the time.

77 Suetonius, Tiberius 7: ‘he grieved that he had driven [Vipsania] off even after the divorce, and when he saw her face to face just once, he followed her with eager and moist eyes, so much so that precautions were taken that she never again come into his sight’.
That said, the evidence of the rescripts may still reflect a change. More than one legal source refers to a decision by a second-century emperor that a father cannot break up the harmonious marriage of his child, and it may be that Antonine emperors departed from their predecessors in tilting the balance toward the wishes of the child. Certainly, both marital *concordia* and family *pietas* are hallmarks of second-century imperial iconography, on coins and monuments. Imperial interest in parent–child relations appears in other Antonine rescripts concerning the responsibility of parents to furnish physical support to their children and the duty of adult children to support their aged or disabled parents. Out of only twenty Antonine rescripts preserved in the Code of Justinian, three are found under the title *de alendis liberis ac parentibus* (‘on the support of children and parents’), and an excerpt from Ulpian’s second book ‘On the Duties of the Consul’ preserved in the Digest also cites a number of early rescripts on the topic of *alimenta*, at least four of which are Antonine. The legal and iconographic evidence both point to a real concern with children and with parent–child relations on the part of second-century emperors. But again, it is difficult to compare the evidence for the legislative agenda of second- and

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**Footnotes**


79 Under the title *de alendis liberis ac parentibus*: Cod. Just. 5. 25. 1 (Antoninus Pius to Bassus, no date); Cod. Just. 5. 25. 2 (Marcus Aurelius and Lucius Verus to Celer, dated 161); Cod. Just. 5. 25. 3 (Marcus Aurelius and Lucius Verus to Tatiana, dated 162). The only other rescript under that title, Cod. Just. 5. 25. 4 is from Septimius Severus and Caracalla to Sabinus, dated 197. (See n. 69 for total number of pre-Severan rescripts.) Rescripts known from Ulpian’s book, *de officio consulis*: D. 25. 3. 5. 6 (citing a rescript of Antoninus Pius); D. 25. 3. 5. 7 (quoting verbatim another rescript of Antoninus Pius); D. 25. 3. 5. 9 (citing a rescript of Marcus Aurelius); D. 25. 3. 5. 14 (quoting another rescript of Marcus Aurelius, to Antonia Montana). In the same work, Ulpian mentioned several other rescripts without attributing them to a particular emperor: D. 25. 3. 5. 11; D. 25. 3. 5. 12; D. 25. 2. 5. 16 and 17. Most, if not all, of these are probably also Antonine; they cannot be later than 223, when Ulpian, then praetorian prefect, was killed by the praetorian guards, see Honoré 1994: 84.

Compare these imperial rescripts with Trajanic and Antonine monuments and coins that emphasize *alimenta* for needy children and familial *pietas*; on which see Rawson 2001: 21–42.
third-century emperors with that for earlier rulers. Even Augustus’ famous and extremely important legislation on marriage and adultery is known only through later writers, historical and legal.

But the rescripts are well worth looking at for what they are—miniature case histories of families in conflict, tiny spotlights on interpersonal relations for a time and a place of which we know all too little. For that reason alone, we should listen to what they have to tell us, however brief and ambiguous.
In spite of the analytical energy devoted to family, often centred on its perceived ‘decline’, agreed definitions of family remain elusive.\(^1\) The issue is of considerable importance since much scholarship on the family focuses on the issue of change. The predominant historical model has been to relate industrialization to a move from the ‘traditional’ complex families to more simple nuclear family units.\(^2\) This shift was understood in economic-functionalist terms as representing a substitution of traditional agricultural regimes with industrial or proto-industrial wage labour, though Saller and Shaw crucially modified the traditional model by suggesting that the development is to be associated with urbanism rather than with industrialism.\(^3\) Such an association has encouraged some to define family in economic terms as the group into which the economic resources of individuals are pooled, and the building block of the consuming and often the productive economy.\(^4\) Nevertheless, economic definitions of family are unsatisfactory since they stress only one of the many functions that

\(^1\) Roman moralists saw decline in the family as undermining the social order. See also Patlagean 1977: 131 on Libanius’ linking of social and familial decline. For the problems of defining the Roman family see Saller 1984; 1994: 74–101; Hammel (1984: 40) laments that a ‘major reason why talk goes on forever is often that those engaged in conversation do not know what they are talking about . . . The household is simply not a very good unit of observation . . . What we are really studying most of the time in investigating households . . . is the classification habits of census takers but without any Linnean system of our own against which to measure their decisions.’

\(^2\) This idea can be traced back at least as far as Le Play 1871. See discussions in Shaw 1984 and Berkner 1966; cf. Yangisako 1984.

\(^3\) Saller and Shaw 1984; Shaw 1984; Saller 1984; 1994: 5–8.

family performs. The family can be seen as the primary area for the socialization of the young and the subsequent reproduction and enforcement of social values that bind together a social group. The family is also a political unit. It is intermediate between the individual and broader social and political structures such as the polity, the village, the neighbourhood. Here, I avoid a restrictive definition: family is a social unit intermediate between the individual and wider social units such as neighbourhoods and polities.

The family in Egypt appears most clearly attested in 300 census returns preserved from three centuries of Roman rule. The census declarations are submitted *kat' oikian*, by house, and normally submitted by a single member of the household who registers all members of the unit and their relationship to each other. Bagnall and Frier demonstrate differences in composition between the *oikiai* of the villages and those of the cities (see Table 5.1). Although all types of family structure could be found in both urban and rural settlements, *oikiai* in cities tended to be based on a single conjugal unit, while in the villages more complex *oikiai*, often based on multiple conjugal units, tended to be the norm. Nevertheless, the *oikiai* in the city were slightly larger than those in the villages, mainly because of the larger number of slaves in urban *oikiai*. The images of family derived from the census returns are, however, only partial depictions of the varied social systems that encompass family. To understand how the family operated, we need to animate those structures and to unpick the ideologies that lie behind their workings. In so doing, I emphasize the social practice that was generated by and generated social structures. In keeping with the permissive definition of family,

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5 Bagnall and Frier 1994.

6 The *oikia* was either the household or the inhabitants of a particular house: the Greek would allow either interpretation. See Bagnall and Frier 1994: 23–5; 57–8. The issue is complicated by the practice of house-sharing in Roman Egypt. See Hobson 1985; Alston 1997; and 2002: 70–5. For the taxing system see Hanson 1994.

7 Reay (1996) argues (p. 96) that ‘it is a giant step from structure to kin’, suggesting that the residential family easily reconstructable from various records does not account for all kin. Caftanzoglou (1994) shows that there is a close correlation between structural type and the age of the head of the household.

8 Wilk and Netting (1984) emphasize action rather than function as the key aspect of analysis and look to ascertain ‘the relative density of activity groups’ based on frequency of operation. Such analysis would undoubtedly be useful, but fails to take into account the significance of the action in establishing...
though not as a result of it, the image of the family in Egypt that emerges is complex and varied. I start at the centre, the conjugal unit and offspring, and proceed by examining the way in which relations with other elements of the family are constituted, from the nuclear to the extended and beyond, to the point at which family merges into community.

Descent and Conjugal Relations

Egyptians placed considerable emphasis on the nuclear family and the direct line of descent. Both matrilineal and patrilineal lines were valued. This is seen at its most obvious in issues of inheritance where although testamentary bequest allowed a certain freedom of action to the testator, the normal assumption appears to have been of a more or less equal division of goods between children or the nearest relatives. As such, the will appears not to have been quite so controversial a document in Roman Egypt as it was in Italy. Such patterns could be complicated if, for any reason, the lines of succession became community. Hammel (1980) shows how varied in operation the Serbian ‘zadruga’ is, making issues of classification problematic. Instead of classifying households, one should attempt to understand how they behave in individual cases. For a combination of traditional cultural and economic factors shaping households see Douglass 1984: 109–29.

10 Frier (1985: 37–8) argues that wills and the division of estates was one of the activities most likely to lead to litigation in Italy. Champlin (1991: 10–11) suggests that the will was an opportunity to speak without restraint. See also Pliny, Ep. 7. 20.
confused by the formation of two conjugal relationships or through the provision of use of property to a wife or to another party, but this does not invalidate the general principle.11 Wills often made specific provisions for the divisions of estates, but in numerous cases, the property was divided simply.12 In these circumstances, the rights of children were far more significant than those of any extended family.

Status also followed descent in Roman Egypt. This can be seen most spectacularly in the Roman creation of a gymnasial metropolitan (urban) status group.13 By the second century, applicants for the status were expected to trace their descent on both maternal and paternal lines back to a mass registration in the mid-first century (the date varies slightly depending on which city the applicant came from), or an Augustan registration. This mirrored the provisions for Alexandrian citizenship, the examination for which required proof of Alexandrian descent on both sides of the family.14 The same rules applied to the lesser metropolitan status, though the status examinations were less rigorous. Descent was also crucial in establishing priestly status and even in determin-

11 See, for example, P. Oxy. xlvi. 3311, P. Meyer 8, P. Mil. Vogl. ii. 73, and P. Fam. Tebt. 20. On wills in general see Montevecchi 1935; Arangio-Ruiz 1906; Kreller 1919 and for editions and discussions of individual wills see n. 12.

12 See, for example, SB viii. 9824, P. Oxy. xxxi. 2583, P. Mil. Vogl. ii. 99, P. Oxy. x. 1278, P. Stras. i. 29, P. Köln ii. 100, SB x. 19572, ChLA x. 427. For more detailed divisions, see for example P. Mich. v. 321–6, P. Tebt. ii. 319, P. Oxy. xiv. 1637, 1638, P. Amb. ii. 99, P. Tebt. ii. 383, CPR i. ii, P. Ryl. ii. 157, P. Mich. x. 584 at least some of which appear to strive for equality between the children. BGU i. 241 is an unequal division of property between the son and grandson of the deceased and P. Tebt. ii. 382 is a similarly unequal division between brothers, cf. PSI viii. 903 = Sel. Pap. i. 51. For examples of other divisions of property see P. Cair Isid. 104, P. Mert. iii. 105, P. Oxy. xxxviii. 2857, P. Wisc. i. 13. An equal division is sometimes confused by the inclusion of provision for the spouse in the will: P. Oxy. xxxvi. 2857, FIRA2 iii. 47, P. Mich. viii. 439 = ChLA v. 301, P. Oxy. xlii. 3692. For the laws of inheritance see Taubenschlag 1955: 22–219; Amelotti 1966; and Migliardi Zingale 1991, 1997. The will was also used to adjust the flow of goods in the light of unusual family circumstances: BGU i. 326 is a veteran’s will in favour of his freedwomen (see Keenan 1994), P. Princ. ii. 38 records a daughter disinheriting her sons to benefit her mother. The holding of property in common could remove the need for elaborate testamentary provisions but create problems later: Youtie 1977a, 1997b.


14 Delia 1991. For more liberal qualifications for citizenship of Antinoopolis, see Bell 1933, 1940; Zahrnt 1988.
ing eligibility for particular priestly offices. Patterns of nomen-
clature which show both local and family traits demonstrate a
concern with descent and ancestry.

The economic character of Egyptian society, with a high popu-
lation practising intensive farming and land being at a premium,
would probably also work to emphasize descent since the family
was presumably the major source of wealth. In such circum-
stances, social power could concentrate on the senior generation
of landowners, who had power to dispose of property and thus
control younger members of the family. Nevertheless, although
there are numerous examples of fathers and sons in partnership,
and powerful patriarchal figures may lurk behind these seemingly
co-operative and indeed educational relationships, it is not easy
to find figures who might correspond to the type. One exam-
ple, and rather late, might be Sakaon, whose influence is shown
in an extensive fourth-century archive. In 312 Aurelius Melas
petitioned the prefect about Šakaon (P. Sakaon 38). Melas had
betrothed his son Zoilos to his aunt’s daughter Taues. Taues’
mother had died some years earlier and when Taues’ father,
Sakaon, married Kamoution, Taues was expelled from her house.
Melas took Taues in and brought her up until she reached an age
when she could be married to his son. This was accomplished by
a public ceremony, but Sakaon abducted Taues and laid claim to
wedding gifts. After arbitration, Melas paid the gifts, but Sakaon
refused to provide the girl, for whom Melas now petitions. The

16 Hobson 1989.
17 There is a crucial difference between the stem family, as outlined by
Berkner (1966), in which one child inherited the family farm and the other sib-
lings either stayed on without marrying or moved, and the Egyptian situation
in that there were only limited opportunities for alternative economic activity or
acquiring land.
18 See Champlin 1991: 22 on the power over children that came with the will.
Pliny (Ep. 5. 1) became involved in a very complex case in which a son was
disinherited by his mother, an example of matriarchal power. See also Pliny, Ep.
7. 14, on a ‘good will’. Lane Fox (1985) argues that partible inheritance systems
are most likely to discourage emigration. Veyne (1987) argues, esp. pp. 25–31,
that the absence of power for the young can be connected to the Roman
concern with parricide, but see Saller 1991.
19 One example is the Roman veteran Bellenus Gemellus, see Hohlwein 1957.
One can compare the early 2nd-cent. farmer Sarapion (P. Sarap.) and his son
Eutychis.
family politics here are intriguing. The marriage itself is endogamous and the fact that Taues was brought up within Melas’ household renders the relationship closer. Although, if we believe Melas, Sakaon had taken no role in the education of his daughter, he still claimed an interest that had to be reflected in marriage gifts. We may also be seeing here Sakaon defending his honour which had not been adequately acknowledged or perhaps had even been slighted by Melas. A generation later Sakaon acted against Zoilos’ son in abducting his wife, though the context of this dispute is less clear.20

Key to control of a family is the influence that can be exerted over the formation of marriage alliances and, perhaps subsequently, if the emphasis on direct descent is correct, on the sexual behaviour of women. Since women could hold property both as part of the dowry and under their own authority, there was at least some economic motive for ensuring that women remained within the family and, therefore, for practising endogamous marriage.21 Retaining women in the family would also mean that they, and their spouses, would be protected against the unknown of other families and minimize the disturbance caused by the new conjugal relationship. Patlagean has argued that what she perceived as an increasing tendency towards endogamous marriage in late antiquity was in part a reaction to the political and social turbulence of the period, with families seeking marriage partners of whom they could be certain.22 In this scheme, preference for

20 P. Sakaon 48. For similar cases, see P. Oxy. 11. 237.
21 I know of no correlation between societies that practise endogamy and societies which bestow significant property holdings on women, though the Athenian epiklerate would seem to encourage close-kin marriage. In Egypt the economic advantage of sibling marriage was negligible, given that the exporting of dowries would have been compensated for with the corresponding importation of wives. Assets bestowed on women, and thus potentially removed from the family, were not controlled any more tightly than property held by men. The Egyptian kurios appears to have been a rather more liberal institution than the Roman tutor. See, for example P. Oxy. iv. 720, xii. 1466, Modrzejewski 1974 and Arjava 1997. At times, women could even act as representatives of men; see P. Oxy. vi. 932, xxxvi. 2789, xxxiii. 2680; SB viii. 9642; P. Coll. Youtie 11. 67; P. Mert. 11. 63. For female property-holding, see Hobson 1984.
22 Patlagean (1977: 119) argues that individuals in the high empire showed indifference to kin in the choice of marriage partners, operating ‘un régime de panmixie’ (compare Shaw and Saller 1984) but later adopted close-kin marriage because ‘la structure familiale reprend la force et l’importance que la structure
endogamy relates to social insecurity and families turning away from an unattractive and potentially hostile wider social world. Roman Egypt provides examples of extraordinarily close kin marriage in the sibling marriages common in some areas in the first two centuries AD.23

Lévi-Strauss (1969: 25) described the prohibition against incest as a meeting point, ‘a union’ between biological and social drives. He nuances his argument by characterizing this meeting point as ‘less a union than a transformation or transition. Before it culture is still non-existent; with it, nature’s sovereignty over man is ended. The prohibition of incest is where nature transcends itself. It speaks of the formation of a new and more complex type of structure and is superimposed upon the simpler structures of physical life through integration, just as these themselves are superimposed upon the simpler structures of animal life. It brings about and is in itself the advent of a new order.’ For Lévi-Strauss, incest regulation is at the birth of culture and society which explains that while there are many different marital practices and forms of incest regulation, the regulation of marital and sexual partnerships and the limitation of possible spouses is universal and all societies have some form of incest prohibition (pp. 9–10). Lévi-Strauss asserts that this does not derive from an instinctual repugnance, in contrast to Scheidel’s recent reassertion of this position, since there is a tremendous variety of incest regulation, the taboo would be pointless if incest prohibition was genetic (pp. 17–18), and ‘incest does exist and is no doubt even more frequent by far than a collective conspiracy of silence would lead us to believe’ (p. 17).24 The reason for the prevalence of regulation against close-kin marriage is, in Lévi-Strauss’s view, to ‘bring the

civile est en train de perdre’, linking the issue to the seeming decline of the city from the 4th cent. AD onwards. Patlagean acknowledges (p. 113) that her analysis is based on inadequate data, but argues that legislative activity defining incestuous partnerships was a response to an increased propensity for close-kin unions (pp. 119–28). Nathan (2000: 88–90), argues that Christian concern with close-kin marriage relates to early accusations of incestuous activity levelled at Christian communities. O’Roark (1996) argues that John Chrysostom thought exogamy was the norm.

women out of the family and offer them to the group’ (p. 51), the group in endogamous marriages being a close-knit band of fellows, and, in exogamous marriage, being a rather more amorphous, loose social unit (even society perhaps). In this scheme, women are a commodity which men exchange and this allows Lévi-Strauss to reuse the methodologies of Marcel Mauss in studying gift exchange. The comparison explains Lévi-Strauss’s reading of the regulation of incest as being central to the formation of a social system since the gift was fundamental to binding together different groups through reciprocity.

Some of Lévi-Strauss’s argument, especially the commodification of women, seems a little strange for modern western societies (to which the argument should similarly apply) and is perhaps too mechanical a response to the delicately negotiated relationship of marriage in many societies. Zonabend (1996: 60) argues that ‘the diversity of forms in which marriage occurs shows that its purpose is not the satisfaction of sexual instincts, nor even the socialization of children. Its primary function is to establish a union between two individuals, to ensure that a marriage contract ties them to each other from that time forth. The terms of the contract do not really matter: the important thing is that the contract should actually exist . . .’ ‘This legal agreement does not exist for reasons of sexual morality or because of any other preoccupa-

25 The argument bears some similarity to John Chrysostom, I Cor. hom. 34 (PG lxii. 290): ‘And He devised another pretext of arrangement. For having forbidden the marriage of natural kin, he led us out among strangers and in that place drew them again to us. For since on account of this natural order of kinship, it was not possible that they should be united with us. He bound us newly by marriage, uniting together entire households through the single person of the bride, and mingling entire peoples . . . by taking a wife from outside the family, and through a chain of kinsmen, both mother and father and brothers and their connections’, as discussed by O’Roark 1996. See also Augustine, City of God i. 16.

26 Lévi-Strauss 1969: 116: ‘The relationship of reciprocity which is the basis of marriage is not established between men and women, but between men by means of women, who are merely the occasion of this relationship’. Lévi-Strauss developed his theory from Mauss 1954.

27 The notion that the key factor in establishing a marriage was the consent of the conjugal couple irrespective of the wishes of their families or any feudal lord was a fundamental tenet of both popular and learned Church teachings on marriage as early as the 12th cent. in the west: see Sheehan 1978. Hiatt (1984) relates the complex regulation of sexual behaviour in aboriginal societies.
tions with sensual pleasure; rather it reflects considerations of an economic nature . . . The common element in all types of marriage is the establishment of mutual services between men and women. Marriage lays the foundation for a sexual division of labour which has the effect of making both sexes dependent on each other: co-operation is necessary to survive’ (p. 66). This again follows a strongly materialistic line, relating marriage to economic structures, but a line which would not in itself explain incest and certain patterns of avoidance of marital partners. To explain these regulations, Zonabend turns again to the gift-exchange model of Lévi-Strauss, emphasizing the social functionalism of forcing individuals to marry outside their immediate family for fear of social dislocation and isolation, turning society into a series of hostile families.

This is a model with which I have some difficulty, since it seems to accept that the rules are imposed on social groups by societies fully aware of what is good for the functioning of that society, whereas it seems to me that incest taboos are too common and fundamental to be the imposition of some higher communal authority. If we were to assume, for a moment, that the incest taboo was not generated by a normative power in society, but emerged within the basic family and social structure, then we would have to find a material interest for individuals in seeking their sexual and marital partners outside their immediate kin: that outsiders brought something extra. Biologically, outsiders bring different genes, but it seems very unlikely that individuals would be sufficiently aware of the deleterious effects of close-kin marriage for it to determine their sexual and marital behaviour to the extent that the incest taboo does. In some societies, marrying

28 In most cases, dominant discourses within societies defend exogamous relationships, arguably reflecting perhaps the interests of the group in promoting exogamy. In pharaonic Egypt, however, according to Forgeau 1996, from the XVIIIth dynasty onwards, there was a tradition in Egyptian literature which idealized loving spouses as sibling equivalents, creating a discourse that would seem to represent the harmonious and therefore socially ideal couple as being siblings. Similarly, in middle Persian texts, marital relations between mothers and sons and other extreme close relations are treated as being morally ideal (see Lee 1988).

29 I find the socio-biological arguments forwarded by Scheidel (1996: 9–51), unconvincing. Scheidel argues that there is an incest taboo programmed into human behaviour because of the genetic implications of such relationships and adduces support for this from the reluctance of those educated together from an
out brings an additional family, perhaps particularly important when large groups are required from time to time to pool labour or economic resources. Thus, the relationship with the brother-in-law or the father-in-law becomes crucial and this can be transferred a generation to help explain the much-puzzled-about close relationship of some children with the maternal uncle. While for the woman, exogamous marriage spreads the possible resources that she or her children might eventually have call upon, possibly also producing another set of family relationships that can be manipulated. In some ways this seems an absurdly functional explanation for a predominant social pattern. Incest, in this regard, would be a foolish marital strategy, but of little concern to wider society. Similarly, the rejection of the other, the outside, inherent in close-kin marriage might give rise to feelings of isolation, but would again not seem to be worthy of the depth of feeling relating to incest, and would not explain why some societies allow close-kin marriage. We need an explanation that is rather more fundamental.

early age to form sexual relationships. Yet the examples Scheidel uses are drawn from societies which have incest prohibitions so that the quasi-sibling relationships he discusses would inevitably lead to feelings of uncertainty about the sexualization of the relationships. This is further discussed by Willner (1983), who argues that in many societies children growing up together often engage in sexual play, that the cultural and psychological damage caused by an incestuous and abusive relationship can be mistaken for genetic abnormality, and that when that incestuous relationship is socially approved (which is only in very unusual circumstances), there appears to be no psychological damage. du Boulay (1984) shows that relationships between cousins were allowed in law but were regarded as being dangerously close to incest and thus caused social worry, while Merzario (1990) argues that families regularly allowed incestuous marriages in certain parts of Italy without obvious reluctance, justified by the absence of other feasible sexual partners. For a restatement of the original proposition see Wolf 1995 but the case studies may point in the opposite direction. A woman from Lu-kang is reported as having an unsatisfactory sexual relationship with her husband: 'People say it was this way because they were raised the same as they would have been if they were brother and sister. They weren’t really brother and sister, but they were raised the same way’ (p. 74). In another description of sim-pua marriage, the local informant said ‘Often the boy and girl will say they don’t want to marry because they are like brother and sister and think it is embarrassing to marry . . .’ (p. 69) and a sim-pua notes herself ‘I just couldn’t do it. I was shamed by it. At the time I thought to myself, “It’s just because I don’t want to marry yet,” but that wasn’t the real reason. I think that it was because he was my brother. Marrying your brother! I felt embarrassed about it . . .’ (p. 66). See also Wolf 1998.
In most societies, incest regulations create two groups: those with whom sexual relations are allowed and those with whom it is forbidden. The latter represent a quite small selection of people who are defined as special in part because of the asexual nature of the relationship. The breach of that relationship through sexual relations of an incestuous nature is destructive of close personal relations since it annuls one of the basic elements by which the relationship is understood. The understanding that a particular relationship must be asexual defines an inner core of the family, but that inner core may be defined in very different ways. The incest taboo may also be extended to quasi-kin, which may explain reluctance to enter into marriages, such as the Chinese sim-pua marriage, in which the prospective partners were educated as if brother and sister. Thus in societies which practise endogamy, the inner core may exist with a separate outer core with whom sexual and especially marital relations are preferred: cross-cousins for instance. For societies that practise sibling marriage, all it means is that the brother or sister stands outside that inner core, though perhaps in the outer element of the family with whom sexual-marital relations are preferred.

Although papyri provide numerous documents relating to marriages from contracting to dissolution, the nature of the documentation is such that it provides little insight into the psychological drives of the individuals concerned. Also, it is very difficult to establish whether there was any prior relationship between the marital couple. Sibling marriage may be detected through patronymic and metronymics, but more distant endogamous marriages may escape our attention, especially given the restricted range of names in use in any particular community. Endogamous marriage limited the exchange of property within the community and also potentially limited the changes in residence that occurred on marriage, Egypt being a predominantly virilocal society. Bringing a new female into the family may not have been traumatic, but exporting a female to another family may have been of greater concern.

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30 Possible marital partnerships are often a smaller group than possible sexual partners. See Augustine, *Confessions* 6. 15 and Saller 1991.
31 Barker 1997.
Endogamy strengthened the family bond and the parental couple’s relationship extended for another generation. Endogamous marriage means that the partners were known to each other and this hopefully reduced the trauma of the foundation of a new conjugal unit. For the male, this new conjugal relationship may not have been any great change from his pre-marital life but a woman in her spouse’s house was more vulnerable to abuse and there may have been some desire to protect the woman. Interestingly, although men often mention property in divorce disputes, only women mention the behaviour of errant spouses.\textsuperscript{32} Such patterns perhaps suggest a hostility or suspicion between the family and wider society and a tendency of the family to place more emphasis on internal relations than on external links.\textsuperscript{33}

**Residence and the Co-habiting Family**

The introversion of the family might explain a reluctance on the part of some families for conjugal units to break from pre-existing paternal or sometimes fraternal residences. Nevertheless, if the complexity of family structure can be seen as a response to similar social pressures that produced sibling marriage, we need to explain why village \textit{oikiai} appear more complex than urban \textit{oikiai} while the incidence of sibling marriage was higher in cities. The answer to this apparent contradiction lies in residence patterns.

Although households might occupy only a portion of a house, there was a parallel tendency among Romano-Egyptians to con-

\textsuperscript{32} Arnaoutoglou 1995.

\textsuperscript{33} This argument is similar to that proffered by Shaw (1992), who argued that sibling marriage in Roman Egypt was a response to the Greek colonial situation. Greeks, wishing to maintain their integral Greekness, avoided marriage with Egyptians with the result that their choice of possible partner was almost impossibly restricted. This argument cannot hold since the Greeks settled in communities not isolated farmsteads, there is evidence for Greek intermarriage with Egyptians, and sibling marriage was not an exclusively Greek phenomenon. Forgeau (1996: 133) suggests that ‘the tender relationship between brother and sister served as a reference point for both amorous and conjugal relationships and was a sign of their perfect harmonization’, an observation that suggests that siblings were preferred marital partners in the pharaonic period. In spite of these problems, Shaw’s fundamental observation, that the reluctance to engage with the wider society may lie at the root of the custom, has considerable weight.
centrate house property in limited areas. This can be seen in
topographical registers from third-century Oxyrhynchus (P Oslo.
III. iii) and fourth-century Panopolis (P Berl. Bork.) which show
that although owners did not necessarily look to acquire contin-
gent properties, there was a premium on the close concentration
of housing property.34 This can also be seen in P Oxy. 1. 99 of AD
55 in which the weaver Tryphon of Dionysios acquired a share in
property belonging to Pnepheros, his maternal cousin. That
property had been inherited by Pnepheros from his mother, Tryphon’s aunt. West of this property was a house belonging to
Pnepheros’ sister and to the north was a house belonging to
Thamounis, Tryphon’s mother. What we seem to have is three
adjacent houses which were divided between Thamounis and her
sister. The sister’s houses were inherited by her children. In 55,
Tryphon appears to be reconstituting the original holding, prob-
ably in the expectation of inheriting his mother’s house.35 In such
a case, it seems that there were discrete units of at least two
households but the family extended beyond the boundaries of
each house to encompass the group of houses and the combined
family continued to have a stake in all the property at the site.

The same pattern can be observed in a small number of status
examination returns from families of the gymnasiastic group. These,
as already mentioned, traced back descent over several genera-
tions. For most entries, the place of residence of the applicant or
his antecedents at the point of their applications is noted. There
is only sufficient of these texts to produce an analysis for the gym-
nasiastic group of the city of Oxyrhynchus, but the texts show that
even down the male line, families moved from generation to gen-
eration across the city. Given the tendency of families to acquire
adjacent properties, it would seem probable that families that
change residence over a generation would be predisposed to
remain within the same district. The movement itself, then, is
notable, but there is also a clear tendency of secondary move-
ments (so of a third or fourth generation from the founder of
the line) to return to the original district. This cannot be a ran-
dom pattern and must reflect a drawing back of families to the

35 See below for further discussion on Tryphon and family. For a similar sit-
uation see P Mich. ix. 554 with P Mich. vi. 428, as discussed in Alston 1995:
132–3.
original property, perhaps caused by continued powerful cultural and social links to the original residence.\textsuperscript{36} Instead of looking at the house as the significant container of family, the co-residential group appears to be just one manifestation of family and a family might encompass residents of several houses.\textsuperscript{37}

**Searching for the Extended Family: Archives and Letters**

Finding this extended family is not, however, straightforward. As they were not co-resident they do not appear in the census returns and tax lists. As a social group that was not legally recognized and had no obvious financial function, they did not generate much documentation. Instead of relying on such ‘hard’ evidence, we are forced to rely on the essentially anecdotal information that can be derived from archives and private letters. The archival material is at first sight the most promising. The collections of families’ papers sometimes allow papyrologists to construct huge, often awe-inspiring family trees. When based on legal documents, one can have a certain confidence in many of the relationships discovered, though epistolary data in archives present more problems. One of the most impressive of these family trees is that

\textsuperscript{36} For further discussion, see Alston 1997.

\textsuperscript{37} Segalen 1984 shows that in Brittany it was common for conjugal couples to establish their own residence, but there was still a regular, often daily, commensality at a parental residence, and virtually all productive activity and social care was based on the extended family to the extent that the residences of junior conjugal couples were often empty. Kertzer, Hogan, Karweit (1992) argue that the continued concentration on elucidating the structures of households fails to reflect the great importance of non-residential kin and although most family historians are aware of this, the quality of the data for that non-residential kin network is so poor that historians return repeatedly to census and similar data which concentrate on households. Nevertheless, several painstaking attempts have been made to reconstruct the links between non-resident kin in a variety of communities. Reay (1996) argues that the nuclear family was one of a series of family cells within a community which co-operated in matters such as social care. For similar arguments for Italy, see Levi 1990. Cooper and Donald (1995) argue that the ‘servants’ in houses were often kin, especially maternal kin, which makes them very difficult to relate to the householder. This observation probably means that the now conventional view of the dominance of the nuclear family in English late medieval and modern demography is somewhat oversimplified. For a similar discussion with regard to the Roman epigraphic record, see Martin 1996 and Rawson 1997b.
produced by the editors of *P. Fam. Tebt.* This family tree contains 82 named individuals, spread over several generations and attested in documentation dating from AD 89 to AD 224. Nevertheless, not all these relationships could be described as active. Many persons on the family tree appear merely as patronyms, papponyms, or metronymys. There is also a generational problem since, obviously, family members died and would thus effectively disappear from the social world.38 More nuanced patterns emerge if we only use chronologically close texts. *P. Fam. Tebt.* 7 of 102–3 relates to the repayment of a loan. Dioskoros alias Kastor, son of Kronion and Apollonarion (maternal brother of Herakleides), acknowledge receipt from Herakleides of Maron in partial repayment of a loan contracted between Thaubarion (mother of Herakleides) and Apollonarion. The contract is made in conformity with an earlier contract between Herakleides and his maternal brothers Apollonios and Lysimachos. The active family tree is displayed in Fig. 5.1.39

The initial loan was contracted between mother and daughter, but when the debt was extended to the next generation the loan was recalled, Dioskoros alias Kastor being quite remote from Herakleides, though the social relationship with the half-brothers

![Family Tree](image)

**FIG. 5.1** The family of Thaubarion I

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38 Although I use stemmata with short chronological frames here, I acknowledge that this is not always a suitable tactic since when a family constructs itself around a remote ancestor death does not remove the important individual from the social world. The distinction I operate is between genealogical kin and affective kin, as suggested by Plakans 1984.

39 Throughout the figures that follow, active family members appear in bold.
appears to have been maintained. Further documents, *P. Fam. Tebt.* 8 (AD 103–14) and 10 (108) fill in elements of the same family. Fig. 5.2 provides evidence for more extended relations at the same degree of separation within the family and one could further extend the stemmata by inclusion of more of Didyme’s family, as in *P. Fam. Tebt.* 21 of AD 122 and 23 of AD 123, and the children of Didyme and Herakleides appear by AD 112 (*P. Fam. Tebt.* 11), 113–14 (AD 113) and 122 (*P. Fam. Tebt.* 21).40

By Fig. 5.3, the stemma is becoming scholarly fantasy. *P. Fam. Tebt.* 21 shows Didumarion acting with her cousin, Kronios, as her *kuriós*. Since the contract concerned her dowry and was with her brothers, neither Lysimachos nor Herakleides could represent her. There was thus a social relationship between these cousins, but there is no evidence for a similar relationship between Didumarion and her other cousins, still less between Kronios and the sons of Apollonarion and Kronion. Moreover, several of the dealings attested deal with the recovery of loans contracted by parties now dead, some of which are within the family.41 Loans made within the family or shared by the members of the family are also attested in *P. Fam. Tebt.* 11 and 16. The transfer of resources within the family, even from son to parents (*P. Fam.

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![Diagram](image-url)

**FIG. 5.2** The family of Thaubarion II

40 This section of the family tree is particularly interesting for the patterns of nomenclature. Didyme’s children had names derived from her father, from her husband (with the addition of the mysterious Valerius), and from herself. The names Lysimachos and Kronios/Kronion (both common in the region) appear on both sides of the family.

41 *P. Fam. Tebt.* 7; 10; 25; 29.
Tebt. 11), may be seen as reinforcing or establishing a social link. Nevertheless, the financial dealings which dominate the archive do not show any great use of an extended family network apart from in resolving issues of inheritance. Apart from the cases already mentioned, only in P. Fam. Tebt. 25 (of AD 129) do we see an extended family at work. In this case, a man represents his female paternal cousin.42

Another extensive archive involves the weaver Tryphon son of Dionysios.43 Tryphon was born into a family of weavers, the male members of which (excepting his younger brothers Abaros and Onnophris) are registered in a census or status return of AD 12–13, submitted when Tryphon was about 4 years old.44 All the adults (those other than the sons of Dionysios) were weavers. Approximately twenty years later, Tryphon complains that his wife Demetrous had deserted him, taking some of his property.45 In AD 36, Tryphon entered into a contract with Saraeus daughter of Apion who deposited the equivalent of a dowry with him.46

42 In P. Fam. Tebt. 27 Herakleia of Hermes rather oddly gave permission to her husband Herakleides alias Valerius to sell a slave using as kuriōs her relative Lysimachos. It is not evident why Herakleides did not sell the slave while acting as kuriōs and this rather more elaborate process of appointment of a representative had to be undertaken.
43 See on this archive Brewster 1927.
44 The texts were re-edited by M. V. Biscottini (1966). The abbreviation P. Tryphon will be used for this edition. The census return is P. Tryphon 1 = P. Oxy. 11. 314.
45 P. Tryphon 10 = P. Oxy. 11. 282 = M. Chr. 117.
46 Gagos, Koenen, McNellan (1992) argue that such deposits were common practice in early Roman Egypt, perhaps representing a native tradition of dowry payment. Whitehorne (1984) posits a psychological explanation, suggesting that the damaging break-up with Demetrous had left Tryphon reluctant to commit
They were cohabiting without contract. In the same year, Thamounis apprenticed Abaros to a fellow-weaver with Tryphon acting as *kurios*. Sometime after that, another contract appears to allude to the birth of a daughter to Saraeus and Tryphon. In 37, Tryphon complained about a violent attack on Saraeus by Demetrous and her mother Thenamounis. In 44, Thamounis, acting with the *kurios* of Sarapion son of Sarapion registered Thoonis, her son, among those who had gone missing. In AD 49–50, Saraeus and Tryphon became embroiled in a dispute with a certain Pesouris over a child whom Pesouris claimed to have been placed with Saraeus for wet-nursing and Saraeus and Tryphon claimed to be born to them. In 55, Tryphon contracted a loan of 104 drachmae with a Thoonis son of Thoonis whom one might assume to be either his cousin or his nephew, and in the same year he bought a half-share in a family house. This share was bought from his maternal nephew, Pnepheros, who had inherited the property from his mother. Alongside this property to his new relationship and Saraeus worked round this with this dowry equivalent. Yet, as Allam (1981) points out, marriage was essentially a private matter, and it would seem unlikely that even without a formal dowry, Saraeus’ children by Tryphon could have been declared *apatros*. On illegitimacy in Roman Egypt see Youtie 1975.

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47 *P. Tryphon* 12 = *P. Oxy.* 11. 267 = *M. Chr.* 281.
49 *P. Tryphon* 17 = *P. Oxy.* 11. 315.
50 *P. Tryphon* 19 = *P. Oxy.* 11. 251.
51 *P. Tryphon* 23 = *P. Oxy.* 1. 37 = *M. Chr.* 79; *P. Tryphon* 24 = *P. Oxy.* 1. 38 = *M. Chr.* 58.
52 *P. Tryphon* 31 = *P. Oxy.* 11. 304 = *SB* x. 10246; *P. Tryphon* 32 = *P. Oxy.* 1. 99.
was a house belonging to Thamounis and a house belonging to Pnepheros’ sister Tausiris. In 59, Tryphon, Onnophris, and Saraeus stood security for a loan from a certain Tryphaina (the name perhaps suggesting a familial relationship), whose son-in-law acted as kurios. Tryphon’s sons, Apion and Thoonis, both followed their father into the weaving trade. The picture of the active family in the 50s and 60s is rather different from that of the earlier family.

Tryphon had contact with an extended family, one that includes his maternal cousins and possibly also paternal cousins. There is no guarantee that the sample of documentation within the archive accurately reflects either the social or business dealings of Tryphon, but Thamounis and her family emerge as at least as influential as Dionysios and his brothers and, after the presumed death of Dionysios, Thamounis took an active part in running the family, both apprenticing Abaros and registering Thoonis as having left the community. Thamounis’ prominent role is probably reflected in Tryphon’s interest in securing her property. Thamounis acted with a range of kurioi, including Tryphon, which is perhaps indicative of her independence. Female influence may also be reflected in the names of Tryphon’s children: Apion being derived from Saraeus’ line.

![Diagram of the family of Tryphon](image)

**FIG. 5.5** The family of Tryphon in the 50s and 60s AD

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53 *P. Tryphon* 35 = *P. Oxy.* ii. 320.
54 *P. Tryphon* 33 = *P. Oxy.* ii. 310 = SB x. 10247; *P. Tryphon* 38 = *P. Oxy.* ii. 275.
There are relatively few archives that allow this detailed analysis over time. More often we can only deal with fragments of family. The small archive of Pekebkis from second-century Tebtunis contains a complaint from Kronion the elder, son of Pakebkis. Kronion and his brother, Kronion the younger, and their wives had been living with their father’s wife Taarmiusis, presumably after the death of their father. The property (that of Pakebkis?) was shared with her and her sons and contracts were made to that effect. On the death of Taarmiusis, the brothers came into conflict with Taarmiusis’ children. The family unit appears to survive the death of the father, but cannot survive the death of his wife. The other texts in the archive are fragmentary letters or rental agreements and involve the brothers Kronion with a Louris and an Isidora who may be relatives.

The archive of Kronion is described by Foraboschi (1972: xxii) as providing an example of a patriarchal family with a close nucleus co-operating continually in economic matters. Much of the archive centres on those economic matters and such documentation only rarely sheds light on the family. Nevertheless, in P. Kronion 8 four members of the family, Kronion, his wife Thenapunchis, their son, Kronion, and their daughter Taorsenouphis contracted a loan. Taorsenouphis and the younger Kronion were married to each other. Thenapunchis’ brother may appear in P. Kronion 9 in which an Orsenouphis, who carried the same patronym as Thenapunchis, partnered the elder Kronion in borrowing grain. In 116, the elder Kronion rented some of his and

![Diagram](https://example.com/diagram.png)

**Fig. 5.6** The active family of Kronion

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55 *P. Mil. Vogl.* ii. 73.
56 *P. Mil. Vogl.* ii. 76–9. Texts 78 and 79 are to AD 138–9 and 143 respectively.
his daughter's lands to a Helene. Taorsenouphis' role in this trans-
action seems passive. In 135, the elder Kronion repayed a loan con-
tracted with Helene to her daughter-in-law who appears to have
inherited her estate. This extremely fragmentary portrait of fam-
ily life emphasizes the economic interdependence of the nuclear
family of the elder Kronion and Thenapunchis and their children.
Nevertheless, the probable appearance of Thenapunchis' brother
in the archive suggests that the extended family may have played
a significant role, and, as with the Tryphon archive, the maternal
connections retain their importance.

Another family, associated with Soter, appears in inscriptions
on coffin lids and from papyri probably found in a tomb in
Thebes, though the archaeological context is not completely
clear.\textsuperscript{57} The tomb contains three generations of a family, most
and possibly all of whom were direct descendants of Soter and
Kleopatra. It contains a married daughter of Soter and her child
and also the children of Herakleios suggesting that in death,
Soter's family continued to control both male and female mem-
bers of the family, irrespective of their marital status. There are
considerable problems reconstructing this family (Fig. 5.7).\textsuperscript{58} The
Greek texts, as is normal, give the paternal line of the individual
and sometimes the maternal line while the Egyptian texts often
only give the maternal line. In addition, it is possible some indi-
viduals used different Greek and Egyptian names. This leads to
problems reconstructing the family tree, most notably in placing
a Kleopatra and a Petronios, both born of Kandake. These two
are either Kleopatra alias Kandake and her brother or further
children of Soter and Kleopatra and I would, on balance, favour
the first option.\textsuperscript{59} It also seems possible that Taloulou and

\textsuperscript{57} See Kakosky 1995 for the archaeology of the tomb.
\textsuperscript{58} The reconstruction here is based on the collection and identification of
texts carried out by Landuyt (1995).
\textsuperscript{59} Kleopatra alias Kandake normally appears in both Greek and Egyptian as
Kleopatra. It is not unusual for the ‘alias’ name to be derived from a parent,
which would suggest Kleopatra was the daughter of Kandake. Of course, names
follow family lines and it would be normal for Kleopatra to name a child after
herself or her mother. The name Petronius adds to the difficulties by bringing
a second unexplained Roman name into the archive. Soter was probably born \(\text{c. AD 60}\), which puts his father’s birth \(\text{c. AD 30}\). The name could derive from a mil-
itary connection or be a reward to an influential individual and Soter’s boast of
his importance may reflect the status of his family. In such circumstances, a
Sarapous are the same person. If the reconstruction in Fig. 5.7 is correct and Kleopatra’s brother Petronios was buried in the tomb as well, then we may be examining the family of Kleopatra alias Kandake rather than that of Soter.60

Further evidence of familial and domestic social groups can be found in letters.61 Very often letters include greetings from people close to the writer and to people close to the recipient. Such greetings reinforced social links to a remote group of friends and family and had a symbolic value in maintaining social relationships that distance had put under threat. The culture of letters was less private than we are perhaps used to and we might expect letters to preserve a relatively complete listing of local social circles.62 The letters of Claudii Terentianus and Tiberianus mostly relate to the social circle of the army, though there is some connection with another family which had previously been rewarded by the Roman rulers seems less implausible.

60 The archive has a mix of Roman, Egyptian, and Greek names, and, although the burials are in Egyptian fashion, they use a mixture of Greek and Egyptian in the funerary documentation. The most interesting name is Kleopatra alias Kandake, combining the nomenclature of Ptolemaic and Merotic queens.

61 One of the earliest family archives is that of Athenodoros and family which dates to the first three decades of Roman rule and consists mainly of letters between seeming siblings. Even though family terms could be used as marks of honour for non-kin (explaining Athenodoros’ multiple parentage), the nomenclature suggests biological family. For the texts, see BGU iv. 1204; 1205; 1206; 1207; 1208; 1209; cf. 1203; xvi. 2615; 2616; 2617; 2618; 2665.

62 For these archives, see Alston 1999; 1995: 127–38; Pighi 1964; Adams 1977.
mention of non-military connections. For instance, P. Mich. viii. 468 includes greetings sent to fifteen military figures by Terentianus. In P. Mich. viii. 471, however, Terentianus writes to his father Tiberianus about a series of apparently unforeseen events that had delayed Terentianus, including his mother giving birth, and his father Ptolemaios leaving for Alexandria and being involved in a fracas. This other father also appears in P. Mich. viii. 467 in which Ptolemaios and Terentianus’ brothers send greetings and is referred to without being named in P. Mich. viii. 468. Females with Tiberianus include Aphrodisia (P. Mich. viii. 468) and Isidora (P. Mich. viii. 467). Also a Tabatheus addresses Terentianus as ‘brother’. As far as can be judged, Terentianus resides with his mother and father Ptolemaios, and his brothers, but writes to his father Tiberianus, who both shares his nomenclature and holds some authority over him. The archive of Iulii Sabinus and Apollonarius also provides us with a great range of people, many of whom were also military, with whom the central pair are connected. Nevertheless, Apollonarius had a sister, Iulia Sarapia, and the letters send greetings to Abaskantos, Ptolemaios, Thermouthis, Tasoucharion, Demetrous, and Aphrodisia, who appear to be located at ‘home’. A Sabinianus wrote to ‘his brother’ Apollonarius thanking him for a kindness towards Sabinianus’ mother and sister, and Sabinianus’ name would suggest a connection with Iulius Sabinus.

Letters which are not part of an archive are more difficult to exploit yet they provide insight into one moment in the life of a family. In the third century Ischyron wrote to Cornelius, his father. Ischyron had received a letter, to which he was replying, from Cornelius through Serenus. Ischyron had news of his mother. He discussed sending clothes. He sent greetings to his brother Horion, his mother Thaesis, and ‘all those in the house.

63 One could see the army as providing some sort of alternative family since fellow soldiers may provide a primary or basic social group intermediate between the individual and the community. It is possible that the community of soldiers overlay or existed alongside family communities: see Alston 1999.

64 P. Mich. viii. 473.


66 P. Mich. viii. 465; 493. In P. Mich. viii. 497 Theon addresses Apollonarios as brother and mentions another brother Apollonios, but it seems very likely that these were honorary titles.

by name’.68 This final phrase, or its reverse, ‘all in the house greet you’ is frequently repeated in various letters.69 The letters seem to operate a two-stage distinction between those who are named and those who are subsumed into the unnamed categories. Quite frequently, siblings are included in the named category, though, equally frequently, those named have no stated familial relationship. In 280–1 Thermouthis wrote to her brother Isidoros. The letter covered many items of business, such as the movements of the governor, problems with the grain supply and clothing, then we have greetings from Taesis, Kopreas, Amois, and ‘each and every man’.70 Arsinoe wrote to her sister saying that she would collect rents. Her sister was married to Polykrates, to whom Arsinoe sent greetings and also forwarded greetings from Poleta and Demetrous.71 The two sisters, at least one of whom resided with her husband, maintained financial and emotional ties. P. Oxy. lii. 3643 provides an example of a different sort of letter. Valerius wrote to his brother Ophellianus asking him to look after and support the son of Diogenes, the father being an Epicurean philosopher, a striking example of social and familial networks in co-operation. Letters are often formulaic and business-like, but correspondents sometimes express strong emotions, though the papyri have not, unfortunately, produced an extensive corpus of amatory epistles, an exception being P. Oxy. xlili. 3059 in which Didyme wrote to Apollonios, her ‘brother and sun’: ‘Know that I cannot see the sun because you cannot be seen by me for I have no other sun but you’. She goes on to send thanks to Apollonios’ brother Theonas and to his father. Didyme and Apollonios were lovers, and the ‘brother’ appears not to reflect consanguinity. A less romantic, though perhaps more typical letter was sent by

68 P. Oxy. lvi. 3853.
69 See, for example, and with minor variations, such as ‘look after’ rather than greet BGU i. 33; 64; iii. 815; xv. 2492; CPR vi. 80; P. Brem. 1; P. Col. viii. 225; P. Fay. ii; ii5; P. Graux 2; P. Haun. ii. 16 = SB xviii. 13687; P. Iand. vi. 104; P. Lond. iii. 897; P. Mert. 1. 28; P. Oslo. ii. 48; iii. 153; P. Oxy. xiv. 1761; xxxi. 2595; xxxvi. 2787; xliv. 3504; xlvi. 3312; P. Wisc. ii. 68; 69; P. Würzb. 21; SB v. 7571; vii. 9882; xvi. 12578; O. Florida 14. The reverse is less common. See BGU i. 26; P. Hamb. i. 86; P. Mert. ii. 81; P. Mich. iii. 212; P. Michael. i. ii; P. Oxy. iii. 531; xliv. 3505; PSI vi. 943; P. Wash. Univ. ii. 106; P. Wisc. ii. 73; SB xiv. 11899; 12178. See also UPZ i. 59 for a similar expression used in a papyrus of 168 bc.
70 P. Oxy. lvi. 3855.
71 P. Oxy. xxxiii. 2680.
Dionysios to his sister. Various goods were sent along with the letter and greetings to the children ‘and those in the house’ and greetings were sent from Chaeremon and Agathos. Filial devotion is shown by Harpokras who wrote to his father ‘knowing that you will be most pleased, I am obliged to write to you that there is nothing wrong with me . . . I took great pleasure in your letter in which I found you were in the best of health, lord father, and my spirit was raised on receiving your letter and at that hour I thought it must be an oracle of a god and my health improved.’ Harpokras sent a gift of sandals and greetings to Thatres, his mother, and three females, Thaisous, Nike, and Eutyche, and all those in the house.

The recent excavations at Kellis have produced a number of letters from closely defined archaeological contexts (house 2 or house 3 at the site). There are reasons to be suspicious of these letters, since they are both later than the period on which I have focused and deal with an unusual oasis community. Moreover, that community was religiously atypical, having Manichaean elements. It is difficult to disentangle elements of the religious community from the familial communities and, anyhow, it is not always clear that this is proper. These letters, however, suggest extensive familial or quasi-familial groups. A letter from house 2 Titoue to his son Shamoun informs Shamoun that his mother and brethren are well. Greetings come from Shamoun’s wife and children, his son Titoue who has gone to the monastery, and from his siblings Pshemnoute, Kuria, Tapshai, and Taoushai and from a seemingly unrelated person, Tbeke. Shamoun appears to be away from his entire family and in the delineation of that family,

72 P. Oxy. xxxvi. 2787.
73 P. Oxy. xlvi. 3356.
74 For instance, P. Kell. Copt. 25 is from Matthaios to his mother Maria. He tells her he sent his fathers Pseke and Pishai with medicines to her and his teacher had not yet met his father because ‘they are in mourning in the city for the blessed soul of my great mother. We are remembering her very much. And I was distressed that she died when we were not with her, and that she died without finding the brotherhood gathered around her. Do not neglect to write to us about your health.’ The letter opens with an extraordinary expression of affection: ‘To my mother, my loved lady, very precious to me, the beloved of my heart; the one whose memory and worthy motherhood are sealed in my heart every hour; the one whose kindness and goodness that she performs for me at all times are sealed in my innermost thought, my mother, very precious to me, Maria.’
we find father, mother, siblings, wife, and children. A more nuclear family is attested in another letter from house 2 in which a mother writes to her son sending greetings from his sister and his children and mentioning his father. Perhaps the most interesting of the letters, however, is *P. Kell. Copt.* 19 which, at face value, would reconstruct the family in Fig. 5.8. A similarly extensive group is registered in *P. Kell. Copt.* 25 where Matthaios sends greetings to or mentions five fathers, five mothers, and eight other nuclear family groups.

The Kellis Coptic papyri are at one end of an extreme in the depictions of family, an end in which family disappears into community. Far from there being a nuclear family structure, family becomes a concept extended far beyond any possible genetic or even economic link. This is not to say that family is not deployed as a useful concept here or that family has no meaning. The extension of the terminology of family suggests, on the contrary, that family terms retained a meaning which Egyptians sought to apply to a range of relationships. Motherhood had extended beyond the progenetrix to the collectivity of mothers. Although the Kellis Coptic papyri may provide extreme examples, multiple fathers are found elsewhere and the terms ‘brother’ and ‘sister’ appear to have been widely applied. Although one would not expect there to be real confusion over paternity, there is inherent in these terminological slippages a blurring of definition: we

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**Fig. 5.8** The family of Makarios: *P. Kell. Copt.* 19

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75 *P. Kell. Copt.* 12.
76 *P. Kell. Copt.* 11. There is no mention in this letter of the recipient’s wife and the ‘sister’ carries the same name as the author of the letter, adding to the supposition that she was the ‘sister’s’ mother.
should recall that for a writer sometimes a ‘brother’ who was a husband was also a brother. The letters addressed and stemmed from populous local communities comprising different groups of people. Some received familial epithets, some are given names alone, and others seemingly based around the house, perhaps the household, greet and are greeted by a ‘catch-all’ phrase. If there is a gender bias in the naming of those seemingly ‘at home’ it is towards women. The studied family archives present a rather less diverse family, emphasizing the nuclear or close to nuclear structure, with family connections not being extended laterally. Where we do see connections beyond the nuclear, these appear often to be maintained through the surviving member of an older generation who stops the fragmentation of families. It is notable that although families form around a conjugal couple, maternal relations often appear to be as or more important than paternal relations. The archives sometimes give the impression that women formed the centre of families in spite of male dominance of public and economic life.

Conclusions

At the heart of most extended or complex families are one or more nuclear families and these elements of families figure heavily in our evidence. The nuclear family was important for the transmission of property and status and, at least in some urban areas, appears to have been the basis of residential groups. This is hardly surprising and is common to many societies. What is more difficult and interesting to measure is how those structures were animated in social life, how they provided support for individuals, how they interacted with social institutions and forces outside the immediate family group, how power was felt and expressed within the family. The assembled evidence in this study points to another not very radical conclusion: that there was considerable variation in family structure and probable experience in Egypt and there is no reason to postulate even a relatively

Familial terms are used for those outside the family in other cultures. In colloquial Arabic ‘maternal uncle’ or ‘paternal uncle’ can be applied to respected older men and ‘sister’ to women of roughly equivalent age to the speaker and we would not expect there to be any confusion as to the familial status of the individuals addressed.
homogeneous experience of the ‘Egyptian family’. Although I have not elaborated on this theme here, there is every reason to believe, partly because of the differences noted in urban and village census returns, that families of different cultural leanings and of differing economic status might have disparate family experiences, and, no doubt, some more Roman patterns of behaviour were introduced.

Families appear to have had a fairly tight-knit centre, often concentrating on a single conjugal relationship. Family extended from that conjugal couple to include children, sometimes the siblings of the conjugal couple, incorporated the community of the house, and a wider, more amorphous community, reflected especially in the letters. Most of our texts emphasize the legal and economic functions of social entities but with the extended family, we have a grouping of people the functions of which appear to have been social, and were ill-defined. We have good evidence that this grouping included non-co-resident kin. There are plenty of parallels in the comparative literature to suggest how such relationships might work. Further, we have the greeters and greeted of the letters, most of whom are just names to us, some of whom have familial designations, but many of whom might not have been kin. At this stage, family begins to dissolve into community. Yet, there are boundaries, boundaries powerfully reinforced by endogamy. The practice of endogamy reflects a certain insecurity about those outside the group. Endogamy enhances the sense that family was a focal point, a place around which other social relations were negotiated. If my reasoning is right, brothers and sisters were not seen as having the same proximity of familial relationship as parents and children, but since the incidence of sibling marriage was so high, we know that siblings were preferred marital partners, in a special and possibly idealized loving relationship. Siblings existed in a secondary core, a step closer to the extended familial community.78 The family’s functions, social welfare, social reproduction and socialization, might thus be spread across a spectrum of familial feeling, from the family’s conjugal heart to the quasi-familial fringes. We may speculate that in matters of law and status, the conjugal couple and

78 The distinctions here are obviously different from the modern nuclear-extended dichotomies.
children might be the crucial element, there might be a greater diversity of structures for economic purposes, and for functions such as the socialization of children or political activities, the wider family became important. The value invested in the wider group should not be seen as detracting from the importance of the core groups. Instead, a variety of structures coexisted and reflected the importance placed on the family by Egyptians in the face of the hostility of the wider world.
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The Jewish Family in Judaea from Pompey to Hadrian—the Limits of Romanization

Margaret Williams

As for marriage and the burial of the dead, Moses saw to it that the Jews’ customs should differ widely from those of other men. But later, when they became subject to foreign rule, as a result of their mingling with men of other nations . . . many of their traditional practices were disturbed.

(Hecataeus of Abdera, as cited in Diodorus Siculus 40. 3)

Hecataeus, as the full text of Diodorus makes clear,¹ was speaking of the impact of Persian and Macedonian rule upon the Jews. But foreign domination of the Jews did not stop with the early Macedonians or even with the Ptolemies and Seleucids. With Pompey’s conquest of Syria in 63 BCE, Judaea came under Roman control. From then until the seventh century CE, it was Roman power that was paramount there, at first exercised indirectly through the Hasmonaean and Herodian families and subsequently by governors sent out from Rome. The nature of Roman political power in Judaea, particularly in the period covered in this essay (63 BCE–135 CE), has been extensively studied.² What has received far less attention is the social impact of Roman rule, particularly upon the Jewish family. That is not to say that there are no accounts of the Jewish family in Judaea in the early Roman period. The most accessible, S. Šafrai’s chapter, ‘Home and Family’, in volume ii of CRINT, provides a substantial

Thanks are due to Professor J. A. Crook of St John’s College Cambridge, for reading a draft version of this chapter and suggesting a number of improvements. The views expressed here are my own.

¹ Stern 1974–84: no. ii.
² See, for instance, Schürer i 1973; Smallwood 1976; Millar 1993: chs. 2 and 3.
discussion of the subject. But the problem with this and with works drawing heavily upon it is that, being based mainly on rabbinic evidence, they are essentially ahistorical and so present the Jewish family as if it were homogeneous and unchanging. But if, as Hecataeus claims, Persian and Macedonian rule changed Jewish family practices, it surely is no less likely that Roman rule will have done so too and, what is more, impacted upon different families in different ways. That is the hypothesis that will be tested here through an examination of contemporary source material for the Judaean Jewish family in the early Roman period. While the main focus will be on the writings of Josephus and papyri from the Judaean desert, attention will also be paid to archaeological evidence for family habitation and burial, ossuary inscriptions, and relevant New Testament texts. Questions that I will be asking are these: Is there any evidence for change in the Jewish family as a result of the establishment of Roman hegemony over Judaea, particularly after 37 BCE, the year when the rule of Herod, otherwise known as C. Julius Herodes, effectively started? If there is, does that change intensify (i.e. become greater) over time? What was its nature—was it fundamental, affecting the very structure of the Jewish family, or did it amount to no more than the adoption of the outward signs of romanitas—for example, Latin personal names, Graeco-Roman style houses, and Graeco-Roman burial practices? And finally, who was affected by it—only elite families, such as that of Herod, whose members hobnobbed with Roman officialdom, visited Rome, and networked and intermarried with other aristocratic families in the Roman east, or were lower status families, through imitation of the elite, in due course affected as well?

3 S. Safrai 1976a: 728–92. Useful material is also to be found in S. J. D. Cohen 1993 and Ilan 1995.

4 This is especially the case with Archer (1990), who treats the rabbinic evidence, much of it rather late, as though it has a virtually timeless validity. Although Collins (1997) considers a wider range of evidence, there is very little sense of movement during the six hundred years covered by his study.

5 Unlike Collins (n. 4 above), I shall not include the documentary evidence from Elephantine in my discussion, as it is too early (5th cent. BCE) and not Judaean. I shall also exclude rabbinic material because of its lateness and dubious historicity.

6 On the fusion of Greek and Roman elements in contemporary Roman culture, see Huskinson 2000 and, more briefly, Goodman 1997: 149–56.
I begin with a brief discussion of the shape of Jewish families in the period between Pompey and Hadrian. I then investigate what changes Jewish families underwent at that time. Since it is in the archaeological evidence for habitation that change is most obvious, I start by considering that. Then, using my findings as a template, I will see whether analogous developments occurred in other areas of family life. Taking the family life-cycle as a broad framework, I will look first at the circumcision and the naming of sons, secondly at education and the arrangement of marriages and, finally, at divorce and burial practices. My reason for selecting these topics is that they provide the most fruitful evidence for attempting to answer the questions posed above. Ideally, I would have liked to discuss also other aspects of family life such as the exposure of infants (ekthesis), the adoption of Roman social rituals (e.g. mixed-sex banqueting and the celebration of birthdays), and Jewish use of Roman legal practice in, for instance, the area of testamentary disposition. The reason that I have not done so is that the evidence is either too slight or too restricted in its social range.

The Shape of the Jewish Family in Judaea: Monogamy and Polygamy

Although in the period with which we are concerned a minority of Jews (e.g. the Essenes) rejected conventional family life altogether in favour of a celibate, ‘monastic’ existence, most Jews took literally the divine injunction to ‘be fruitful and multiply’ (Genesis 1: 28). As to how that multiplication could best be achieved, the Almighty himself offered no prescription. Genesis and Exodus, however, did supply two models—one through

7 The tiny amount of evidence suggesting that Jews, as a result of Gentile influence, may have practised infanticide mostly relates to the Diaspora, not to Judaea. For a useful discussion of the subject, see Reinhartz 1992.

8 i.e. it relates solely to the Herodian family. For their mixed-sex banqueting, see Osiek and Balch 1997: 59–60; for their birthday celebrations, see n. 108 below; for the testamentary dispositions of Herod the Great, see Josephus, Jewish War 1. 668–9 and 2. 93–100; Antiquities 17. 188–90 and 317–23. For a modern discussion of the Jewish and Roman features of Herod’s will, see Hanson 1990: 18–19.

9 For celibacy in the Second Temple period and the extent to which it was practised at Qumran, see Baumgarten 2000.
monogamy, the paradigm here being the relationship between Adam and Eve, the other through polygamy, the most conspicuous and influential example of this being provided by the Patriarch Jacob. A further reason for polygamy was subsequently provided by the levirate law (Deuteronomy 25: 5–10), under which a married man was required to take as an additional wife the childless widow of his brother and have children by her in order that, fictitiously, that brother’s name and line might be kept alive: the first son she bears shall perpetuate the dead brother’s name so that it may not be blotted out from Israel (Deuteronomy 25: 6).

Given this biblical background, it should come as no surprise to learn that two types of families, both patriarchal, are attested in Judaea in our period—one, monogamous, the other, polygamous. With regard to their relative prevalence, the former is by far the more frequently attested in the literary sources—the Gospels and early chapters of Acts, for example, texts full of references to Jewish families, elite and other, contain not a single instance of polygamy. If we had only such sources to go by, the conclusion would be inescapable that by the first century CE bigamy and, even more so, polygamy had become rare practices, restricted to a tiny minority of the elite. Papyrological finds in Judaea over the last few decades, however, have forced a revision of that conclusion. The key text here is P. Yadin 26, a document from the Babatha archive dating from 131 CE, relating to a property dispute between the two widows of Judah, son of Eleazar Khthousion, namely Babatha herself and Miriam, daughter of Beianos. I cite only the relevant part of the text:

Before the attending witnesses who also affixed their signatures, Babathas [sic], a Maozene woman, daughter of Simon, summoned Miriam, an En-gedian woman, daughter of Beianos, to accompany her in person before Haterius Nepos, legatus Augusti pro praetore, wherever his venue may be, [to answer] why you seized everything in

10 Note here the Damascus Doc. iv. 20, where the Creation narrative is used to denounce polygamy as fornication. For a translation of this text, see Vermes 1997: 130.
11 For a brief discussion of levirate marriage, see S. Safrai 1976a: 789–90.
12 Apart from Herod the Great’s grand-scale polygamy (n. 75 below), the practice is little attested, even in the Herodian family. The few cases known, some of them arising out of the levirate law, all relate to aristocratic families, some of them High Priestly. For documentation and discussion, see Lowy 1958: 118–19.
the house of Judah son of Eleazar Khthousion my and your late husband . . . and, equally important, to attend before the said Nepos until judgement. Miriam replied, saying: Before this I summoned you not to go near the possessions of my and your late husband . . . .

Although R. Katzoff (1995) contends that the situation here is one of serial monogamy, N. Lewis (1997) is surely right to argue that ‘the simple, unforced sense’ of the phrase, my and your late husband, points to polygamy. For while it is understandable that Miriam, even if a divorcée, would use those words to put herself on a par with Babatha, it is, to quote Lewis, ‘inconceivable that Babatha, if Judah’s sole wife at the time of death, would tolerate such language . . . blurring the distinction between herself, the lawful wife, and a divorced former wife’. Assuming, then, that these two women had been married to Judah concurrently, it follows that polygamy was more prevalent than had hitherto been thought and also practised further down the social scale: Babatha and Miriam, though belonging to wealthy, property-owning families in the border region between Judaea and Nabataean Arabia, were not in the same socio-economic league as the other families hitherto known to have practised polygamy.

P. Yadin 26, however, is not the only documentary evidence pointing to the ongoing practice of polygamy in the social stratum occupied by Babatha. Several of the broadly contemporaneous marriage contracts from the Judaean Desert (six out of the eight certain examples) contain a clause making special provision for the sons of the marriage in the event of the mother dying before the father—namely, they are to be the sole inheritors of her dowry. This stipulation is seen by H. M. Cotton as a means of protecting the ‘sons of polygamous marriages against the loss of part of their mother’s property to the sons of another woman’. Assuming that she is right, this clause provides good,

13 For the full text, translation, and commentary, see Lewis 1989: no. 26.
15 See P. Mur. 20, 21, 115, and 116 in Benoit, Milik, and de Vaux 1961 = DJD 11, nos. 20, 21, 115, and 116; P. Yadin 10, for which see Yadin, Greenfield, and Yardeni 1994; XHev./Se. Gr. 2, for which see Cotton and Yardeni 1997: no. 69 = DJD xxvii, no. 69. For the two marriage contracts without this clause (P. Yadin 18 and 37), see Lewis 1989: nos. 18 and 37.
unwitting testimony to the likely continuation of polygamy at least in the rural parts of Judaea in the late first and early second centuries CE.17

**Family Habitation in Judaea (1st century BCE–1st century CE)**

Compared with the Byzantine era, the number of excavated Jewish dwellings dating from the early Roman period in Judaea is fairly small.18 Despite this comparative lack of evidence, there are still enough examples from across the social spectrum to enable us to form some idea of the impact of Rome and its culture upon the various strata of Jewish society. To illustrate how the very rich lived we have Herod the Great’s palaces, most notably those at Masada and Jericho, built to house not only his large extended family, the consequence of his grand-scale polygamy (ten wives) but his even larger court.19 Rich Jewish families, like their Roman counterparts, owned multiple dwellings, some in the city, others in the country. Likely urban dwellings of Judaea’s priestly aristocracy are thought to have been the substantial first-century (CE) houses, most of them equipped with ritual baths (*miqvaot*), that have been excavated in the Upper City of Jerusalem.20 The best known and most frequently illustrated of these is the so-called Palatial Mansion.21 A particularly fine example of an elite rural dwelling of the same period, possibly also belonging to a priestly family,22 is the so-called Hilkiya Palace, a magnificent Roman-style villa situated at Khirbet el-Muraq on the western slopes of the Hebron hills.23

Although non-elite housing is comparatively poorly represented in the archaeological record, examples exist of both medium and small town houses24 and farms.25 Most typical,
though, of non-elite housing are the complexes made up of small
dwelling units (usually of one or two rooms) built around the
sides of a central courtyard, generally onto its perimeter wall, if it
had one.\textsuperscript{26} A good example of this is the so-called House of Peter
at Capernaum, once the home to one or more fisher families.\textsuperscript{27}

To what extent does Roman influence display itself in these
buildings? In non-elite dwellings it is not to be seen at all—we
have to wait until the Byzantine era before mosaics, for instance,
become widely used in 'middle range' homes.\textsuperscript{28} However, in
many of the dwellings of the rich we find examples of the deco-
rative and the structural features most commonly associated with
elite housing in the early Roman empire—mosaics, frescoes,
carved stucco, peristyle courtyards, triclinia, and heated bath
complexes. Nowhere are these more in evidence than in those
palaces of Herod the Great which were built at the height of his
power when he was enjoying the close friendship and support of
both the emperor Augustus and his right-hand man, Marcus
Agrippa. For detailed information about the palaces, reference
can be made to the works cited above (n. 19). All that is required
here is a brief demonstration of how these buildings became
increasingly Romanized as Herod’s reign progressed. This can be
achieved most easily by comparing the earliest and the latest of
them, namely the so-called Western Palace at Masada, dating
from the 30s BCE, and the Third Winter Palace at Jericho, built
around 15 BCE. In the former, thought to have been constructed
by local craftsmen, there are no specifically Roman features—the
internal courtyard, for example, is in the local ‘columnless’ style
(i.e. it is non-peristylic) and the baths (all non-heated) are of
either Greek or Jewish design (\textit{miqvaot}).\textsuperscript{29} By contrast, the Third
Winter Palace at Jericho contains so many western features that
scholars generally have concluded that Herod probably hired for
its design and construction architects and craftsmen from Italy.\textsuperscript{30}

\textsuperscript{27} Snyder 1985: 71–3; Blue 1994: 138–40 and 193–4; Osiek and Balch 1997: 14;
Guijarro 1997: 52.
\textsuperscript{28} Hirschfeld 1995: 270.
\textsuperscript{29} Nielsen 1994 and 1999: 184–7. On the ‘essentially Oriental’ character of this
palace, see Foerster 1996: 56–8.
\textsuperscript{30} Nielsen 1994 and 1999: 200; Netzer 1996: 28, citing Kelso and Baramki,
the original excavators of the palace.
Among the most obvious of those features are *opus sectile* flooring, *opus reticulatum* wall facings, wall paintings in the Second Style, and, as a complement to the obligatory ritual baths (*miqvavot*), a state-of-the-art Roman bath suite right out of the pages of Vitruvius.

Roman influence on Jewish dwellings, though most powerfully in evidence in Herod’s palaces, is not restricted to them. We can also see it in some of the homes of the Jewish aristocracy, some of whose families, priestly and lay, were connected to the Herods by marriage. N. Avigad (1984: 82) has observed that ‘Herod’s winter and summer palaces established norms which deeply permeated the material aspect of the lives of the upper crust in Judaea’. So it is not unexpected to find mosaic flooring becoming increasingly popular in aristocratic houses in Jerusalem in the first century CE. Nor is it surprising to learn that, while the Palatial Mansion included elaborately carved stucco and fine wall paintings in the Second Style among its various expensive Roman effects, the villa at Khirbet el-Muraq contained, suitably decorated, a tetrastyle atrium, a peristyle courtyard, two triclinia, and a heated bathhouse.

But these palaces and houses, while providing indisputable evidence of Romanization, do something else as well—they reveal with absolute clarity the limits of that Romanization. Herod was so rich and domestically so powerful that he could have built and decorated his palaces in any way he liked. It is therefore highly significant that, in obedience to the Second Commandment, the mosaics and wall paintings contain no depictions of humans, birds, or animals. That is also the case with nearly all the other elite dwellings of the period which show signs of Roman cultural influence. Rare exceptions are the house on Mt. Zion, containing a depiction of birds in one of its frescoes.

31 Josephus, *Jewish War* 1. 241, 432, and 562 (daughters of rich Jerusalemites); *Antiquities* 15. 321–2 (Mariamme II, daughter of Simon, son of Boethus, one of Herod’s appointees to the High Priesthood).
32 Hirschfeld 1995: 270.
33 Avigad 1984: 99 and 103, noting parallels with Pompeii.
34 Plan and description in Hirschfeld 1995: 88–90.
35 Broshi 1976: 58. The only other depiction of birds in Jewish art of the 1st cent. CE is to be found in the tomb of the Goliath family at Jericho. See Hachlili and Killebrew 1983: 113–14, who claim that the inspiration for the painting came from ‘the Graeco-Roman tomb frescoes prevalent at this time’. 
and Herod Antipas’ palace at Tiberias which, shockingly, had representations of animals on its walls and was in consequence burned to the ground by the Jews in the rebellion of 66 CE (Josephus, Vita 65–6). What this avoidance of the figural reveals is that while there was an openness on the part of at least some aristocratic Jewish families, priestly as well as lay, towards the elite culture of the Roman world and a willingness to appropriate some of its status symbols, such Romanization was to be on Jewish terms, the principal one being that the commands of God, as set out in the Law of Moses, had to be observed. With this in mind, we will now turn to other areas of Jewish family life and examine what changes, if any, took place in them as a result of the establishment of Roman hegemony over Judaea.

### Circumcision and the Naming of Sons

These two practices, as the Gospel accounts of the circumcision and naming of John the Baptist and Jesus of Nazareth make clear, both took place in the family home on the eighth day after birth. Of the former, Luke (1: 59) writes:

> Then on the eighth day they came to circumcise the child; and they were going to name him Zechariah after his father. But his mother spoke up and said, ‘No! he is to be called John.’

Although circumcision and name-giving both took place at the same time, in status and significance the two acts were quite different. Circumcision, the outward sign of the covenant between God and Israel, was a divine injunction: Every male among you in every generation shall be circumcised on the eighth day (Genesis 17: 12). By contrast, the name-giving which happened to take place on the same occasion was merely a matter of custom, the Torah being totally unprescriptive in the area of onomastic practice. Such being the situation, one would not expect to find much evidence for the abandonment of circumcision in the early Roman period, notwithstanding the mixture of contempt and abhorrence with which elite Romans tended to regard the practice. With name-giving, however, innovation is only to be

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36 For the circumcision and naming of Jesus, see Luke 2: 21.
expected—historically, change of ruling power had always brought in its wake change in Jewish onomastic practice.  

So what do our sources reveal about circumcision and naming in the early Roman period? With regard to circumcision, the considerable evidence supplied by Josephus about Herodian practice is extremely illuminating. The Herods, if anyone, might have been expected to abandon the practice, given their enormous political ambition and keen desire to find acceptance at the highest levels of Roman society. Josephus’ narrative shows that they did no such thing. Not only did they observe the ritual themselves but they insisted that Gentiles who wanted to marry into their family underwent circumcision too. (The one recorded instance when this did not happen will be dealt with below under marriage.) On two occasions highly desirable alliances with other Roman client kingdoms are known to have foundered upon this Herodion insistence on circumcision. The reason for this tough stance of the Herods is not hard to deduce: they recognized that their Jewish subjects would not tolerate the rule of those who ‘forsook the covenant’, as those who abandoned the practice of circumcision were described (1 Maccabees 1: 15; Jubilees 15: 33–4). The uprising of the Maccabees, which had humbled the Seleucids and swept away their aristocratic non-circumcising Jewish collaborators, provided all too clear a warning of the likely fate of those who flouted popular feeling on this issue.

If the Jews remained uncompromising on the issue of circumcision, in the area of onomastics they were prepared to show a modicum of flexibility. Here, once again, it was Herod the Great who led the way, by starting the practice of using Latin personal names. Unlike his fashion-setting in architecture and interior decoration, however, Herod’s innovations in the sphere of onomastics were extremely modest and rather late. It was only with his grandson, Agrippa, born in 10 BCE and named in memory of Herod’s late friend and patron, Marcus Agrippa (died 12 BCE), that Roman names entered the family name-pool. For his children, Herod had generally chosen the Greek names that had

39 Josephus, Antiquities 16. 225; 20. 139 (two cases); 20. 145.
40 Josephus, Antiquities 16. 225 (Nabataean Arabia); 20. 139 (Commagene).
41 For Herod’s friendship with Agrippa, see Josephus, Antiquities 16. 12–26 and 60–1.
become popular in the Hasmonaean period—for example, Alexander, Aristoboulos, and Philip.42

Given the slowness with which even the Herods adopted Latin names, it is not surprising to find that their take-up by other Jewish families in Judaea was also limited and late. The evidence from ossuaries is particularly illuminating here. These were the small, rectangular, (mainly lime)stone chests, used for secondary burial,43 that enjoyed great popularity with wealthy Jewish families from the middle of Herod’s reign (c.20–15 BCE) down to the fall of Jerusalem in 70 CE.44 Often decorated with geometric designs and inscribed with the name of the deceased,45 they provide us with a rich supply of data for aristocratic naming practices. Of the one hundred and forty-seven names found in the largest assemblage of ossuary evidence, L. V. Rahmani’s catalogue,46 only seven are Latin.47 Other sources for the same period tell the same story—in the writings of Josephus, hardly any Jews bear Latin names apart from some of the later Herods (e.g. Agrippa I’s daughter, Drusilla, named after the sister of the emperor Gaius), a handful of pro-Roman aristocrats in the city of Tiberias (e.g. Julius Capella), and the sons born to Josephus himself after his exile to Rome (e.g. Agrippa);48 in the Gospels and the Acts of the Apostles we do not meet a single Judaean Jew

42 For the overwhelmingly Greek character of Herodian prosopography, especially of Herod the Great’s children, see Kokkinos 1998: Appendix 1.
43 This involved placing in a special container, in a special way (Hachlili and Killebrew 1983: 120, fig. ii), the disarticulated bones of corpses from which the flesh had been allowed to decay. Previously, in their primary burial, these bodies had lain in coffins or on shelves in the family tomb. The reason for the sudden and short-lived use of ossuaries is much debated. On this, more below in the section on burial practices.
46 Rahmani 1994a.
47 Rahmani 1994a: nos. 142, 259, 348, 404, and 421 (both instances of Gaius), 498, 565, 568.
48 For these and other Jews with Roman names, see L. H. Feldman’s index to the Loeb edition of Josephus. Confirmatory evidence for increased Herodian use of Latin names in the mid-1st cent. CE has recently come to light through excavations at Jatt, an area that in Roman times was part of the territory of Caesarea Maritima. See Porat, Yannai, and Kasher 1999. Of particular note is the occurrence there of the names Tiberius, Marcus, and Paulus and several more instances of Agrippa.
with a Latin name. As to the names which were popular, on this point our sources are unanimous: they were largely those borne by the Maccabees and their royal descendants—for men, Judah, Simon, John, and Matthew and, for women, Mariamme/Miriam and the various forms of Salome(zion) (= Peace over Zion).49

For the period after 70 ce we have much less evidence—ossuaries ceased to be as fashionable as they had been and narrative sources dry up. From documents found in the Judaean Desert, however, we can see that Latin names had at last begun to trickle down to the non-elite. The Babatha archive, for instance, provides two good examples of this process—Germanus, son of Judah, a one-time clerk with the Roman army in Judaea (P. Yadin 20–7 and 34) and a certain Judah Cimber, husband of Babatha’s stepdaughter, Shelamzion (P. Yadin 18), whom we shall be meeting again below in connection with marriage and divorce. Such instances, however, were rare, the majority of Jewish families continuing to opt for the patriotic favourites listed above.

**Education and the Arrangement of Marriages**

Should children survive infancy, the prime duties of the father (food and clothing apart)50 were their education and the arrangement of their marriages. Education, as prescribed by the Torah, involved only sons (Deuteronomy 4: 9). It was a father’s duty to teach them the statutes and ordinances, that is, the Law and commandments.51 In the Hellenistic period the practice had grown up in some aristocratic families of supplementing this with Greek paideia. Greek had become the language of government and international diplomacy. So, for the politically ambitious, a sound knowledge of Greek culture was essential. Hence the appearance in Ptolemaic Judaea of private Greek tutors52 and in

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49 On this, the most striking, feature of the Palestinian Jewish onomasticon in the 1st and early 2nd cents., see Ilan 1989: 192; Williams 1995: 106–9.
50 These are stipulated in several of the surviving marriage contracts, e.g. P. Yadin 18 and 37.
51 The familial and son-centred character of Jewish education in the Graeco-Roman period is well brought out by Archer 1990: 69–101.
52 For their use by Joseph the Tobiad in the education of his sons, see Josephus, Antiquities 12. 191.
Seleucid Jerusalem of the gymnasium and palaestra, so abominated by ‘fundamentalist’ Jews.\textsuperscript{53}

The establishment of Roman hegemony over Judaea in 63 BCE made very little difference to this area of family life. Greek remained the language of government and diplomacy in Judaea, as in the rest of the Roman east. So the acquisition of Latin and knowledge of Roman culture did not become pressing requirements for Judaean Jews. Apart from the Herodian princes, who from the 20s BCE were routinely sent to Rome to complete their education\textsuperscript{54} and presumably did include a knowledge of Latin among their accomplishments, most aristocratic Jewish youths appear to have studied only the Torah and ‘Greek Wisdom’ in the course of their higher education. The amount of time devoted to each depended upon the proclivities of the families concerned: while in the palace ‘schools’ of the Herods the emphasis was mainly on the Greek,\textsuperscript{55} in priestly families, such as that of Josephus, the opposite was the case. The formal education of Josephus and his brother, conducted privately within the family home, appears to have consisted largely of Torah study.\textsuperscript{56} If Josephus is to be believed, it was only after his move to Rome that he started on his intensive study of Greek literature and acquisition of basic Latin.\textsuperscript{57} The minimal use of Latin by the elite is confirmed by the ossuary inscriptions—of the two hundred and thirty inscribed ossuaries appearing in Rahmani’s collection, only two bear texts written in the Latin script.\textsuperscript{58} Of the education of the non-elite little is known—the degree to which the system of

\textsuperscript{53} Despite being so detested, these pre-Maccabean institutions were probably never abolished. So H. Thackeray in the Loeb edition of Josephus, \textit{Jewish War} 2. 344 and Gruen 1998: 31.

\textsuperscript{54} For Herod’s three Hasmonaean sons, see Josephus, \textit{Jewish War} 1. 435; \textit{Antiquities} 15. 343 and 16. 6; for Archelaus, Antipas, and Philip, see \textit{Jewish War} 1. 602; \textit{Antiquities} 17. 20–1; for Agrippa I, see \textit{Antiquities} 18. 143 and 165; for Agrippa II, \textit{Antiquities} 19. 360 and 20. 12.

\textsuperscript{55} Josephus, \textit{Jewish War} 1. 479; \textit{Antiquities} 16. 203 and 242. On the Greek paideia/sophia of Agrippa II, see Josephus, \textit{Vita} 359 and \textit{Contra Apionem} 1. 51.

\textsuperscript{56} Josephus, \textit{Vita} 8. For discussion, see Rajak 1983: 26–7.

\textsuperscript{57} For the suspicion in which Judaean Jews held Greek paideia, see Rajak 1983: 60.

\textsuperscript{58} No. 202 (iohana) and no. 497 (marion). Given the rarity of the use of Latin in Judaea, Rahmani suggests a Roman origin for both these Jews.
primary education attributed to Joshua ben Gamala (first century CE) was operative in Judaea is disputed.\footnote{For a cautious estimate see Rajak 1983: 27; for an uncritical acceptance of the rabbinic evidence, see S. Safrai 1976b: 946–7.}

In the area of marriage arrangement, too, the establishment of Roman hegemony appears to have had no major impact. One reason for this lack of change will have been the prescriptions of the Torah about whom Jews could marry. Intermarriage with all Gentiles, for instance, though not explicitly banned in the Pentateuch, by implication was divinely forbidden.\footnote{See Exod. 34: 11–16; Deut. 7: 1–4 for the divine ban on marriage with specified neighbouring peoples to prevent the Israelites falling into idolatrous ways. After the return from Babylon, Jewish leaders, for reasons of purity, extended the ban to all Gentiles. See Archer 1990: 127–31.} If anyone was likely to ignore the Torah on this point, it would be the Herods, given their own ambitions abroad and the desire of the Romans to integrate them fully into their network of eastern ‘client’ dynasties (Suetonius, \textit{Augustus} 48). However, as we saw above, even the Herods were careful, when negotiating exogamous unions, to stipulate that the prospective bridegroom be circumcised—that is, become a Jew. Only one member of the family is attested flouting the law—Drusilla, daughter of the late Agrippa I, who saw marriage with the then Roman governor of Judaea, the uncircumcised Antonius Felix, as the best way out of her personal problems (Josephus, \textit{Antiquities} 20. 141–3). Josephus’ heavy criticism of her ‘transgression of the ancestral laws’ is indicative of the disapproval with which intermarriage was viewed and helps explain why we do not hear more of it. Although many of the documents found in the Judaean Desert reveal easy relations between the Jews, their Gentile neighbours, and the occupying Romans, they contain no reference to intermarriage.\footnote{Goodman 1991: 175.} Outside the Herodian dynasty, it has yet to be attested in Judaea in the early Roman period.

But there is another reason for the absence of change in the marriage arrangements of the Jews during the early Roman period: their nuptial practices will already have been brought broadly into line with those of the Romans through the ‘disturbance’ to their marital customs in the Persian and Hellenistic periods, mentioned by Hecataeus in the passage quoted at the
start of this survey. Although Hecataeus does not specify what that ‘disturbance’ was, it can be deduced fairly easily by comparing the marriage arrangements described in the narrative sections of the Bible with those attested in post-biblical literary and documentary sources. While in the Bible marriages are established through the payment by the suitor or his father to the prospective bride’s father of a bride-price and the dowry system does not appear at all, in post-biblical sources the bride-price is unmentioned—indeed, the word for it, mohar, drops out of use—and it is the dowry that comes to the fore. Whether this change came about as a result of oriental influence in the Persian period or from western influence in the Hellenistic period is a matter of dispute which need not concern us here. It is sufficient to note that by the early Roman period the dowry system had become predominant. Thus, the numerous marriages arranged by the Herods for the women of their family were all dowry-based. Essentially dotal also were all those that figure in the marriage contracts, whether Aramaic or Greek, found in the Judaean Desert. In the five Greek documents, this is made obvious by the use of such words as proix, prosphora, and pherne, standard Greek terms for dowry. Although in the three Aramaic, ketubba-type contracts, precise words for dowry are not used, the arrangements there described are to all intents and purposes dotal, in that the only property that actually moves on the establishment of a marriage is the bride’s contribution.

Given that Roman marriage was also dowry-based, one would not expect to see any fundamental change in this area of Jewish

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64 Wasserstein 1989: 126 n. 88.
65 DJD 11. 252 (comm. on P. Mur. 115).
66 See, for instance, Josephus, Jewish War 1. 483 and 553; Antiquities 16. 228 and 17. 11.
67 P. Mur. 115 and 116; P. Yadin 18 and 37; XHev./Se. Gr. 2 = DJD xxvii, no. 69.
68 In P. Mur. 21, the expression ‘the money of your ketubba’ occurs instead. Translated there by the editors as ‘l’argent de ta dot’, the same expression is also to be found in P. Mur. 20 (restored) and P. Yadin 10.
69 So Cotton (1998: 175). In P. Yadin 10, for example, Babatha’s ketubba-money is treated in exactly the same way as the dowry in the Greek marriage contracts.
nuptial practice in the Roman period. But is no change at all to be detected? The evidence of the Babatha archive shows that Jews in the border area between the Roman provinces of Judaea and Arabia had not the slightest qualm about using Roman courts and adopting Roman legal practices when it suited them. Did their marriage arrangements remain immune from the influence that can be detected in other family matters where resort to the law was taken? Some scholars think not. A. Wasserstein, for instance, has seen Roman influence in the dotal arrangements of P. Yadin 18, the marriage contract between Judah Cimber, mentioned above, and Judah, the father of Shelamzion, Babatha’s stepdaughter. Drawn up in 128 CE by a Roman clerk in a Roman provincial court, this document is a fascinating mélange of diverse cultural elements—for example, Greek dotal terminology, Aramaic signatures, and Roman legal language. To the elements universally accepted as Roman, namely the opening dating formula and the closing stipulatio clause, Wasserstein would add another: the groom’s undertaking (lines 14–15) to add to the bride’s prosphora, mutually agreed to be worth 200 denarii of silver, a further 300 denarii, the total of the two amounts together to be counted as her dowry (panta eis logon proikos). Hitherto seen as ‘the most uniquely Jewish’ feature of the document, for Wasserstein it is ‘primarily reminiscent of donatio ante nuptias in dotem redacta’. Were his view to be accepted, then here at least we would have one piece of evidence for Roman influence in the area of Jewish marriage arrangement. However, the late date of that procedure—S. Treggiari, following P. Corbett, assigns it to the fifth–sixth centuries—suggests anachronism on Wasserstein’s part. Better, therefore, with Katzoff (n. 72 above), to see the groom’s undertaking here as essentially Jewish after all.

But if the documents yield little in the way of Roman influence on Jewish marriage arrangements, Josephus is not so uninformative. From the detailed information he provides about Herodian

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70 As Babatha did in her property-dispute with her co-wife, Miriam (P. Yadin 26, discussed above) and in her quarrels with the guardians of her son. On this, see Cotton 1993, especially 102–5.
71 For a succinct description, see Feldman and Reinhold 1996: 235.
marriage arrangements over five generations, it seems fair to deduce that the Herods came to abandon polygamy as a result of their contact with Rome. Although this form of marriage was practised in the early days of the dynasty, most notably by Herod the Great, no Roman-educated Herodian prince (n. 54 above) is mentioned as having more than one wife—perhaps polygamy smacked too much of the desert and the east.

**Divorce**

Before we can assess Roman influence on the dissolution of marriages, we need to discuss briefly Roman and Jewish divorce procedure. With regard to Roman divorce procedure, it is sufficient to point out that it was basically simple and, in gender terms, equitable: either party to a marriage (or the *paterfamilias* of each) could initiate divorce proceedings and no bill of divorce was required. With the Jews, the situation was more complicated, largely on account of the fact that the Torah has remarkably little to say about divorce. It does not legislate on the subject and in the one brief passage devoted to the topic, Deuteronomy 24: 1–4, the focus of the discussion is on the circumstances in which a divorced woman may or may not remarry the husband who has issued her with a written notice of divorce—in later rabbinical parlance, a *get*. Whether a wife may also initiate divorce proceedings is not addressed. Given the limited guidance of the Torah material on this important social issue, it is not surprising that divorce was both intensely debated and variously practised. Many Jews, particularly those inclined towards Pharisaism and rabbinism, took the line that only the husband could issue a bill

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75 *Jewish War* 1. 477 and 562–3. For the marriages of his bigamous eldest son, Antipater, see *Jewish War* 1. 619 (Loeb edn. with Thackeray’s note ad loc.) and Ilan 1995: 87.

76 On the harems of the kings of Adiabene and Charax Spasini (mid-1st cent. CE), see Josephus, *Antiquities* 20. 20 and 34. Note also Lewis’s suggestion (1997: 152) that the polygamy implied in *P. Yadin* 26 was the result of Nabataean influence.


78 Collins 1997: 117.

79 On the narrow scope of the Deuteronomy passage, see Brooten 1982, followed by Cotton and Qimron 1998: 115 n. 38.

80 Shown most clearly by Mark 10: 11–12.
of divorce and thus free his wife to remarry another Jew, a view succinctly set out by Josephus, himself a Pharisee, at *Antiquities* 15. 259:

It is *only the husband* who is permitted *by us* to do this [i.e. issue a bill of divorce], and not even a divorced woman may marry again on her own initiative unless her former husband consents. 81

The categorical nature of Josephus’ comments here, intended primarily to point up for his Graeco-Roman readers the main difference between Jewish practice and their own, should not be allowed to obscure the fact that not all Jews followed this Pharisaic/rabbinic line. Jewish papyri from Egypt point to a variety of divorce practices there, 82 and Mark 10: 12, if taken at face value, suggests that even in Judaea there were Jews prepared to countenance the idea of women as well as men initiating divorce proceedings. That complicates the situation for us: where we find evidence of women taking such a step or being legally empowered to do so, are we to see in it native custom 83 or Roman influence? To decide, we will consider carefully each case in turn, starting with the most contentious, *XHev./Se. Ar.* 13, a document most easily accessed at *DJD* xxvii, no. 13. 84

Known since 1956 but receiving preliminary publication only in 1995 85 and final publication two years after that, 86 this controversial Aramaic document has been variously interpreted. While J. T. Milik, who first made its existence known, thought it was a bill of divorce issued by a woman, 87 others subsequently categor-

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81 For a documentary example of this, see *P. Mur. 19*—the so-called Masada *get*, probably to be dated to 71/2 ce. So Goodblatt 1999.
82 Note, for instance, *CPJ* ii, no. 144 (r3 bce), in which a regular, Greek-style divorce is enacted. For Jewish use of Hellenistic law in Egypt, see V. A. Tcherikover in *CPJ* i. 33–6.
83 For arguments that there were two Jewish traditions of divorce, the rabbinic and another, traceable from the Elephantine papyri onwards, which accorded women the same status in the matter as men, see most recently Ilan 1996: 201–2. For earlier enunciations of this view, see the authorities cited by Cotton and Qimron 1998: 115–16.
84 *XHev./Se. Ar.* or Gr.: documents from the Seiyal collection, written in either Aramaic or Greek; believed to have come from one of the Nahal Ḥever caves in the Judaean desert.
85 Details in Cotton and Qimron 1998: 108.
86 As *DJD* xxvii, no. 13.
87 *DJD* 11, 108 (comm. on *P. Mur. 19*).
ized it as (i) a receipt by a woman of a *get* issued by a man,\(^{88}\) (ii) a receipt by a woman of a *ketubba*,\(^{89}\) and (iii) a possible (?) waiver of claims by a wife.\(^{90}\) The position adopted here is that recently argued for by H. Cotton and E. Qimron (1998), who translate the disputed central section of the text thus:

I, Shelamzion, daughter of Yehosef Ḏbn from Ein-gedi, have no claim against you, Eleazar, son of Hananiah, who previously were my husband and who had (have) a deed of abandoning and expulsion from me. You, Eleazar, owe me nothing concerning anything whatsoever. And I accept as binding on me, I, Shelamzion, daughter of Yehosef, all (the obligations) written above.

For Cotton and Qimron (1998: 115), the document is thus a waiver of claims, which mentions ‘*en passant* as a background to the wife’s renunciation’ the writ of divorce she had previously issued. Assuming that they are right and we therefore do have evidence here of a wife divorcing a husband, is Shelamzion following Roman practice or some ancient, non-Pharisaic, non-rabbinical Jewish tradition? Total certainty in the matter is not possible. However, the overall Jewish character of the document makes Roman influence extremely unlikely. In addition to the fact that it is written in Aramaic, its method of dating could not be more emphatically Jewish: On the twentieth of Sivan, year three of Israel’s freedom, in the name of Simon bar Kosibah, the Nasi of Israel (= 134/5 CE). With T. Ilan (1996: 201), it seems fair to surmise that the document was drawn up ‘in a full Jewish court of law’.

Less problematic is the case of Shelamzion, wife of Judah Cimber, whose marriage contract, *P. Yadin* 18, was discussed above. Here we need mention only the part relevant to divorce, namely, the clause immediately following those dealing with the dotal arrangements:

Judah called Cimber shall redeem this contract for his wife Shelamzion, *whenever she may demand it of him*, in silver secured in due form, at his own expense interposing no objection. (lines 21–3)

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89 Yardeni and Greenfield 1996.
90 Yardeni’s revised view at *DJD* xxvii, no. 13.
The implication of this would appear to be clear: Shelamzion may, at any time she likes, effectively terminate the marriage by requiring that her dowry be paid back. But does this reflect Jewish tradition or Roman influence? Given that the contract was drawn up by a Roman official and its Greek and Roman characteristics far outnumber the Jewish ones, Roman influence, though not absolutely certain, seems quite probable.

Finally, we come to the Josephan evidence for divorces instigated by women in the Herodian family. The earliest relates to Herod the Great’s sister, Salome, who c.28/7 BCE sent her husband Costobar a bill of divorce and thus terminated their marriage (Antiquities 15. 259–60). Everything here points to Roman influence. Besides the general Romanizing tendencies of the Herods, already in evidence at this relatively early date, we should note Salome’s personal friendship with Augustus’ wife, Livia. This, according to Antiquities 17. 10, was sufficiently close for Salome to request and receive advice from her about whom she should marry next. Important also in assessing the Salome–Costobar divorce is the language used by Josephus to describe Salome’s behaviour. She chose, so he tells us, not to follow her native law (ton engene nomon) but, acting on her own authority (ep/ap exousias), repudiated her marriage, telling her brother Herod that she had separated from her husband out of loyalty to Herod himself. This is the comportment of a legally independent Roman matron, which is precisely what (Iulia) Salome was.

Salome’s divorce of Costobar, though the first case recorded by Josephus of a Herodian female taking the initiative in ending her marriage, is not the last. The contempt with which Herodian women came to regard ‘the native law (on marriage)’ reached its peak with Agrippa I’s three daughters: while Drusilla, as mentioned above, married an uncircumcised Gentile, her two sisters, Mariamme and Berenice, abandoned their spouses, Iulius Archelaus and M. Antonius Polemo, and embarked on new marriages with a casualness that Jews such as Josephus assumed was a male prerogative. Behaviour of this type was very common in

91 Wasserstein 1989, with supporting evidence from other Greek papyri.
92 Josephus, Antiquities 20. 141–3 (Drusilla); 146 (Berenice); 147 (Mariamme). For an earlier example of similarly ‘lawless’ behaviour in the matter of divorce by their aunt, Herodias, see Josephus, Antiquities 18. 136.
the aristocratic Graeco-Roman circles in which the Herods had been moving with increasing frequency and confidence since the reign of Augustus. It will surely have been the major influence on (Iulia) Mariamme and (Iulia) Berenice here.

**Funerary Practices**

Finally a few words on changes in Jewish funerary practice in the Roman period. Hecataeus, as we saw at the beginning, observed that as a result of mingling with foreigners, Jewish burial practices had undergone some modification in the Persian and Hellenistic periods. As with marriage arrangements, that change had been made possible by the lack of prescription in the Torah, which barely concerns itself with funerary matters. Certain practices, however, even though not prescribed by the Law, had become conventional, as the narrative sections of the Bible (OT) show. Corpses were buried, not burned; inhumation normally took place in a family tomb, whence arose the common biblical metaphors for death and burial—being gathered unto one’s people\(^93\) and sleeping with one’s fathers.\(^94\) When burial space in the family tomb, often a cave, ran out, old skeletons were exhumed and the disarticulated bones consigned to a charnel pit or pile.\(^95\) Individuated tombs bearing personalized epitaphs, such as we regularly meet in the Graeco-Roman world, are rarely found.\(^96\) During the Hellenistic period, however, a number of changes are to be seen, at least in the area of elite burial, to which most of our evidence relates. The most striking of these is the appearance in the second century BCE of monumental family tombs, such as that of the Maccabees at Modin (1 Macc. 13: 25–30) and the Tomb of Jason in Jerusalem.\(^97\) Also to be noted is the more modest practice, now seen in Judaea for the first time, of the burial within family tombs of individuals in wooden coffins—a borrowing, according to Hachlili and Killebrew (1983: 127), from the Greek world.

\(^93\) See, for instance, Gen. 49: 29 and 33 (burial of Jacob).

\(^94\) Of the numerous examples in Kings and Chronicles, note 1 Kings 2: 10 (David) and 11: 43 (Solomon).


\(^96\) Hachlili and Killebrew 1983: 122—only 4 in the whole First Temple period.

\(^97\) Rahmani 1994b: 193 and 199.
Such was the situation at the end of the Hellenistic period. What changes are to be seen in Roman Judaea? Of the burial of the non-elite, there is little to say—for many of them, a shallow, unmarked grave was probably still as much as they could hope for.98 In the burials of the elite, certain new practices are to be observed. A minor innovation was the placing of a coin (Charon’s fare) in the mouth of the corpse, examples of which have been found both at Jericho and in the tomb of the Caiaphas family at Jerusalem.99 Although Greek in origin, the custom had been adopted by the Romans and through their influence disseminated widely through the empire, including the province of Britain.100 We may suspect such influence in these first-century CE Judaean examples of the practice, too.

A far more substantial change in which Roman influence has also been discerned at least by some scholars is the fashion for using stone ossuaries, many of them ornately carved, that started with a puzzling suddenness in Jerusalem around the middle of Herod’s reign (c.20–15 BCE). The traditional explanation for this—that it reflects a change in views about the afterlife—is rather implausible, not least because there is no evidence for any abrupt change in Jewish eschatological beliefs at that time. Far more convincing, in my opinion, are the hypotheses recently advanced by S. Fine and Y. Tsafrir. While the former connects the new funerary fashion closely with the rapid development of the stone-carving industry under Herod,102 the latter sees in the use of ossuaries the importation and adaptation of a Roman funerary custom.103 Italian craftsmen are a conspicuous element

98 See Zissu 1999: 52 and 62 for details of some 25 of these graves from 5 sites around Jerusalem.
101 i.e. a more widespread belief in bodily resurrection. For a brief exposition of this popular theory, see Rahmani 1994b: 193–4. For pertinent criticisms of this ‘nineteenth century scholarly trope’, see Fine 2000: 69–73.
102 Fine (2000: 73) sees great significance in the fact that the construction of the Temple, Herod’s biggest building project, began around 20 BCE (i.e. just before ossuaries became fashionable).
in Herod's workforce from 31 BCE onwards.\(^{104}\) Since carved stone chests for funerary purposes had long been common in Italy, the idea for their use in Jewish funerary rituals could well have come from those workers.

Even if Roman influence remains conjectural here, it surely cannot be doubted in the widespread occurrence from Herod's reign onwards of personalized epitaphs. Before the Roman period, epitaphs of any kind were exceedingly rare. From around the middle of Herod's reign, coinciding with the new fashion of decorated ossuaries, it became quite common in elite families not only to inscribe the name of the deceased on their final resting place but to give some indication of their status in life also—a very Roman practice. While occasionally the individual's standing in the wider community was given prominence,\(^{105}\) mostly status was expressed solely in familial terms—for example, son of X, daughter of Y, wife of Z. The recently published ‘James, son of Joseph, brother of Jesus’ ossuary is a good example of this.\(^{106}\)

**Conclusion**

I started this chapter by quoting Hecataeus on the changes that Jewish family customs had undergone in the Persian and Hellenistic periods. I suggested that change to the Jewish family in Judaea in the Roman period was no less likely, and formulated a series of questions to enable us to identify and evaluate that change. It is now time to provide specific answers to those questions. To the question, Is change to be observed, particularly after 37 BCE?, the answer clearly is yes. Did it intensify over time? For families other than the Herods, we have insufficient data to answer this question. As far as the Herodian family itself is concerned, the answer has to be in the affirmative. The increasingly Roman character of Herod’s palaces is testimony to this, as is the increasingly careless attitude of his descendants towards the

\(^{104}\) For their probable employment at Jericho, for instance, see the authorities cited in n. 30 above.

\(^{105}\) e.g. teacher (CIJ 1266 and 1268–9), scribe (CIJ 1308), priest (CIJ 1221), builder of the sanctuary—Naveh (1970: 33–4); freedman of Queen Agrippina—Hachlili (1979: 33 and 46–7).

\(^{106}\) Lemaire 2002. Other examples of the practice are provided by the epitaphs of the Goliath family. See Hachlili 1979: 34–5.
ancestral laws of the Jews\textsuperscript{107} and their growing preference for conducting their lives in an overtly Roman way\textsuperscript{108}. Were the changes we have seen superficial or fundamental? Undoubtedly the former. For the most part change occurred only where the Torah was unprescriptive, as in the areas of marriage arrangements and burial. Where the Torah issued precise injunctions, very little change is to be observed. Circumcision, a divine command, continued to be regarded by virtually everyone as the sine qua non of being a genuine Jew (Josephus, \textit{Antiquities} 20. 38) and breaches of the Second Commandment are exceedingly rare—decoration, whether of tombs, ossuaries, houses or palaces, remained for the most part non-figural. And what of the social diffusion of change? The evidence presented above shows that it was largely restricted to the elite. To some extent, the limited nature of Romanization is consequent on wealth—only the very rich could afford such expensive status symbols as mosaic floors, stuccoed and frescoed walls, and Roman-style baths. But choice also played a large part, as the onomastic evidence, important for relating to all social strata, makes abundantly clear. It would not have cost non-elite Jews anything financially to give their children Roman names. That they chose not to do so but continued throughout the period from Pompey to Hadrian to display a very strong preference for the Hebrew names used by the Maccabees and the Hasmonaean dynasty speaks volumes not just about their cultural identity but about their political attitudes too and helps explain the intensity of their opposition to Rome in both 66 and 132 CE.

\textsuperscript{107} In addition to the evidence discussed above, note also Josephus, \textit{Antiquities} 17. 341 and Mark 6: 17–18 (trangression of the levirate laws by two of Herod’s sons).

\textsuperscript{108} Besides the topics discussed in the text, note also the lavish celebration of birthdays by the Herods, for which see Matt. 14: 6–11, Mark 6: 21–8, and Josephus, \textit{Antiquities} 19. 321. For discussion, see Hoehner 1972: 160–1. For Jewish disapproval of celebrating birthdays, regarded as a pagan custom and contrary to the Law, see Josephus, \textit{Contra Apionem} 2. 204 and S. Safrai 1976a: 767. For the Roman celebration of birthdays, see Balsdon 1969: 121–2.
Family Relations in Roman Lusitania: 
Social Change in a Roman Province?

Jonathan Edmondson

Introduction

In the later second century AD the handsome tombstone shown in Fig. 7.1 was set up in a suburban necropolis of Augusta Emerita (modern Mérida), Roman colony and capital of the province of Lusitania. Asellia Claudia, who describes herself as a ‘most devoted daughter’ (\textit{filia piissima}), set it up for her mother, Asellia Hygia, and father, M. Publicius Felix.\footnote{\textit{HEp.} 2. 37 = Edmondson, Nogales Basarrate, and Trillmich 2001: 154–6, no. 16 with plates 16A–C and figs. 2.9–10: \textit{Asellia Hygia an(norum) XXXIX et M. Publicius Felix | amantissimi h.s.s.s.v.t.l. | [ex testame]nto matri et patri et Asell(ia) [Cl]audia fil(ia) piiss(ima).}} Typical of a number at this Roman colony, the tombstone is classically Roman in style, with fine portraits of the deceased couple shown within an \textit{aedicula}, which has Cupids adorning its sides.\footnote{For a full study, see Edmondson, Nogales Basarrate, and Trillmich 2001.} Reminiscent of some of the best funerary monuments from the city of Rome, it provides a snapshot of a simple nuclear family comprising a mother, father, and daughter, caught at a moment when the surviving daughter sought to present a striking image of this ‘most beloved’
married couple (amantissimi) to her fellow Emeritenses. In perpetuating their memory, she was fulfilling her duty as their daughter and heir, as she had been instructed to do in the will (ex testamento) of one of her parents.

At the urban centre of the Igaeditani (modern Idanha-a-Velha, distr. Castelo Branco), originally a peregrine civitas stipendiaria promoted to municipal status under the Flavians, 150 km. northwest of Emerita, a rather different act of funerary commemoration took place in the later first century AD. Claudia Tangina, whose bicultural name with its Roman nomen (gentilicum) and distinctly Lusitanian cognomen suggests that her father had been enfranchised during the reign of Claudius ahead of the general grant of the Latin rights of citizenship by Vespasian to the Hispanic provinces in AD 73–4, designed an epitaph on a well-cut granite block with a moulded edge to be inserted, we may pre-
sume, into the façade of a tomb (Fig. 7.2). On it she commemorated her paternal grandparents, Lubaecus Antae lib. and Binarea Triti f., her paternal uncle, Boutius Lubaeci f., and his wife, Cilia Caenonis f. In the final clause of the epitaph, she had it recorded that she was setting up the monument ‘for her own people’: suis f(aciendum) c(uravit). Her notion of sui, those she considered related to her, was rather broader, it appears, than that of Asellia Claudia at Emerita.

The difference may have something to do with the different type of monument used in each case: a block to be set into a mausoleum rather than a free-standing aedicula, several of which could have been set up for various members of the same family in the same funerary enclosure or within the same mausoleum. But

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5 For a brief discussion of how questions of genre can affect the nature of the evidence that epitaphs provide for Roman family history, see Dixon 2001b: 122.
we do appear to be dealing with something more significant than just the genre conventions of our evidence. For at Emerita of more than 300 acts of funerary commemoration where the relationship between the deceased and the commemorator is expressed, only four involved grandparents and just one an uncle or an aunt.6 At the civitas capital of the Igaeditani, on the other hand, of the 125 cases where the relationship is clear, four others involved grandparents (three of whom were maternal grandparents), one a maternal aunt, and another a maternal uncle.7 The participation of more extended kin in funerary commemoration, especially on the maternal side, does seem to have been more marked here than at Emerita.

In this chapter I want to argue that there were subtle differences in the ways in which ‘the family’ was conceived in different parts of a Roman province. Family relationships were not monolithic across the entire province, let alone across the entire Iberian peninsula. A combination of quantitative and qualitative approaches is needed to bring out this regional cultural and social variation, which, I would argue, probably existed in many other provinces of the Roman empire as well. Ideally one would like to conduct such an inquiry diachronically, to see how the shape of family relations developed as Lusitania became more integrated into the Roman empire after its creation as a separate province when Augustus split Hispania Ulterior into Hispania Ulterior Baetica and Hispania Ulterior Lusitania (sometimes called, more fully, Hispania Ulterior Lusitania et Vettonia), perhaps in 16 BC.8 But the main type of evidence, private funerary commemorations, makes this difficult, as they are never explicitly dated. Broadly speaking, the large majority of surviving Lusitanian epitaphs range in date from the early first century AD to the mid-third century AD, but much more detailed epigraphic work on the

7 Grandparents: CIL 11. 447 (maternal grandmother); HAE 1112 = AE 1967, 159 (maternal grandfather and maternal grandmother); HAE 1169 = ILER 4838 (grandson, unclear if paternal or maternal); maternal uncle (avunculus): AE 1967, 167 = HAE 1128; maternal aunt (matertera): HAE 1163.
8 For the division into Baetica and Lusitania, see Plin. HN 3. 6; for discussion regarding the date, see Étienne 1992: 361–2; Le Roux 1982: 54–84; Richardson 1996: 135–6.
chronology of the epitaphs from the different regions of the province is needed before a diachronic analysis is possible.

In the last twenty years, Roman social historians have placed the family very firmly at the centre of our scholarly attention. Although a variety of approaches and evidence has been deployed, funerary inscriptions such as the ones just discussed have featured prominently in a number of the most important studies. In particular, it was epitaphs from Italy and the western provinces that provided Richard Saller and Brent Shaw with their data for an important series of interrelated articles on family relations in the Roman west published since 1984. For Saller and Shaw, acts of funerary commemoration are revealing because they ‘flowed from previous social relationships with the deceased’. In particular, it was usually the heirs of the deceased who felt the obligation to set up the tombstone or the family member or members ‘thought to be tied by the strongest bond of duty’. As a result, epitaphs do provide some useful orientation as to how the various commemorators wished to advertise their family connections within their respective communities. The rituals of burying and commemorating the dead provided families with one of the few opportunities they had to act in public as a family unit and make a powerful statement to their fellow-citizens about the emotional ties that bound the unit together.

Although their method has elicited some criticism, it still retains validity if we remember that its aim was to elucidate family relations rather than family structures. Some of Saller and Shaw’s critics have misrepresented the goal of their study. They were clear that their figures did not allow them to reconstruct precise family structures, still less the shape and size of households; for them funerary commemorations reflected in a necessarily approximate manner the most important emotional ties that lay at the heart of family relations. Saller and Shaw’s main conclusion was that in civilian families in the Roman west funerary commemorations were made in the overwhelming majority of

12 For criticism, see Krause 1991; Martin 1996; Corbier 1998: 102; for a recent defence, see Rawson 1997b.
cases by members of the nuclear family: most commonly, wives commemorating husbands or vice versa, parents setting up memorials for children, or children for one or both their parents. These were the emotional bonds that for the most part lay at the heart of family relations and family obligations.

More recent studies have provided more nuance by emphasizing that while conjugal ties and bonds between parents and children were important, the family was a flexible unit into which in-laws, stepchildren, and half-brothers and sisters sometimes entered as the result of marriage, adoption, or remarriage following a death or divorce. Slaves and dependent freed-slaves were important members of the family too, both conceptually and in actual social practice. Family relations evolved over the course of the life-cycle, expanding as a result of the birth of new offspring or through the need to care for an aged grandparent, contracting after death or divorce or once children departed to form conjugal units of their own.

Saller and Shaw also looked in more detail at patterns of commemoration within the nuclear family category. Here they highlighted some interesting local variations across the western empire. Particularly striking was the marked prominence of women (both wives and mothers) as commemorators in Roman Spain. This, they suggested, might hint at some vestigial matrilineality in kinship organization and transmission of property. It was this ‘Spanish peculiarity’ that first attracted my attention to Saller and Shaw’s method, but the fact that they treated the three Spanish provinciae (Baetica, Tarraconensis, and Lusitania) as a single unit raised suspicions. For one of the most important features of Roman Spain was the high degree of local diversity discernible in many aspects of its society, economy, and culture. And while Saller and Shaw did note some regional differences in passing, their main aim was to emphasize the general patterns that they encountered across the Latin-speaking west, since they were keen to establish ‘Roman family norms’ broadly conceived. There is now a growing awareness that we need to look more

14 Bradley 1991: chs. 2–4; Saller 1987b.
16 Étienne et al. 1976; Keay 2001 (with a full bibliography).
closely to see if there were significant differences in the ways in which the family was conceived and family relations operated across the various regions of Italy and the Roman empire.\textsuperscript{17} A few regional studies are beginning to emerge, and this volume, it is hoped, will represent an important step forward in this direction.\textsuperscript{18}

This increasing body of work on family relations in the Roman provinces is a timely development. Studies of Roman provinces have traditionally focused on the cultural and social changes brought about by their incorporation within the political system of the Roman empire and recently there has been much stimulating debate concerning the difficult concept of ‘Romanization’ in various provincial contexts. The development of Roman-style public and private architecture in town and country, the adoption of Roman consumer goods, the nature of personal names, the spread of epigraphic culture, and changes in the local religious universe have all received attention, as have the complex legal issues of personal and civic status and the spread of citizenship.\textsuperscript{19}

The family, however, has remained largely on the sidelines of this discussion. But since the family represented the basic unit of social organization and social reproduction in Rome, it is a fundamental question to investigate to what extent the ‘Roman’ model of family was adopted in various provincial contexts and whether any alternative, perhaps indigenous, forms of social organization persisted or indeed developed in a province under Roman rule.

It is the aim, therefore, of this chapter to investigate funerary commemoration and family relations in just one part of the Iberian peninsula, the Roman province of Lusitania, to see whether any variations can be discerned within a single province. A more regionally based study should add nuance to the general conclusions reached by Saller and Shaw. Furthermore, their

\textsuperscript{17} Important regional distinctions are made in Shaw 1991; for the need for more regional studies, see Dixon 1992: 17–18; Bradley 1993: 246.

\textsuperscript{18} Martin 1996 (on Asia Minor); Gallivan and Wilkins 1997 (on Italy); Cherry 1997 (on Algeria); Bradley 2000a (on North Africa, as represented in Apuleius’ Apologia); Hope 2001: esp. chs. 6–7 (comparing Aquileia, Mainz, and Nîmes); cf. Bradley 2000b.

\textsuperscript{19} For example, Blagg and Millett 1990; Alcock 1997; Metzler et al. 1995; Laurence and Berry 1998; Woolf 1998; Keay and Terrenato 2001.
computations were based just on *CIL II* and its supplement, published in 1869 and 1892 respectively. The number of inscriptions now available has increased at least fivefold, thanks in no small part to the project to produce a completely new edition of *CIL II*, and so by using all known inscriptions, one can test whether the balance has been altered to any significant degree by the large number of new inscriptions now available. But more importantly, this larger quantity of data means that it is now becoming feasible to analyse family relations in more restricted geographical zones, since larger and hence more meaningful samples can be assembled for individual towns or regions of the province than was possible when just *CIL II* and its supplement were used.

While this study was in preparation, two articles have appeared that examine family relations in Lusitania using Saller and Shaw’s methodology. A very detailed study of women in the *conventus Scallabitanus* makes a number of useful remarks about family relations in the north-western third of Lusitania. Although some comparisons are made with the southern part of modern Portugal, the Spanish part of the province is excluded entirely from the discussion. In a briefer survey of the ‘Lusitano-Roman family’, Curchin has analysed the funerary commemorations from Lusitania according to the three juridical *conventus* into which the Roman province was divided: the *conventus Pacensis*, *Scallabitanus*, and *Emeritensis*. His analysis clearly reveals that the province as a whole does not differ substantially from the picture drawn for the whole of the Iberian peninsula by Saller and Shaw. However, he chose not to concentrate on regional variations within the province, restricting himself to a mere twelve lines on this in his concluding remarks. This is the subject that I want to treat in much more detail in the rest of this chapter.

**Patterns of Funerary Commemoration in Lusitania**

As a starting-point for this study, I analysed all funerary inscriptions from seven different towns or regions in Lusitania (see Map 7.1).

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20 On the project to prepare a new edition of *CIL II*, see Stylow 1995; Edmondson 1999.


22 Curchin 2000a, with regional differences discussed at 336–7.

23 This chapter will amplify a number of points made in my earlier study of family relations at the Roman colony of Emerita: Edmondson 2000.
MAP 7.1  The Roman Province of Lusitania
1. Augusta Emerita (modern Mérida, prov. Badajoz), a Roman colony and capital of the province;

2. the south-western third of the province, the conventus Pacensis, which contained one Roman colony, Pax Iulia (modern Beja), three native communities granted the Latin rights of citizenship under Augustus at Salacia (modern Alcácer do Sal, distr. Setúbal), Ebora (modern Évora) and Myrtilis (Mértola, distr. Beja), and at least another four communities promoted to municipal status in the Flavian period: Ossonoba (Faro) and Balsa (Tavira, distr. Faro) in the Algarve, Ammaia (São Salvador de Aramenha, distr. Portalegre), and Mirobriga Celtica (Santiago do Cacém, distr. Setúbal);

3. the civitas capital of the Igaeditani (modern Idanha-a-Velha, distr. Castelo Branco), in the north-central part of the province, a native community (civitas stipendiaria) promoted to Roman municipal status following the grant of the ius Latii in AD 73–4 (its precise Roman name is as yet unattested);

4. Olisipo (modern Lisbon), already a municipium civium Romanorum in the Augustan period;

5. Conimbriga (modern Condeixa-a-Velha, distr. Coimbra), in the north-west of the province, another native community that became a municipium under the Flavians;

6 and 7. the modern Spanish provinces of Salamanca and Ávila in the north and east of Lusitania; these areas contained relatively few urban centres: no Roman colonies and only one certain municipium, Salmantica (modern Salamanca), and three possible ones: at Mirobriga (modern Ciudad Rodrigo, prov. Salamanca), Bletisa (modern Ledesma, prov. Salamanca), and Ávila (whose Roman name was perhaps Avela).

All commemorations involving soldiers have been excluded, since the legal ban on soldiers’ marriage in force until the reign of Septimius Severus requires that they be treated separately. All told, these seven regions provided a sample of 1,586 funerary commemorations, which compares favourably with the 1,745 used by Saller and Shaw for their study of the whole of the Iberian peninsula. I have collated the data using precisely the same method as Saller and Shaw (see Table 7.1). The samples from Conimbriga and

24 Saller and Shaw 1984: 133–4, 139–45; for soldiers’ marriage, see recently Phang 2001.
from the modern province of Ávila are too small (N = 54 and 38 respectively) to provide the basis for any firm conclusions, and so they have been largely excluded from the discussion that follows. The sample from the modern province of Salamanca is sizeable enough (N = 252), but the fact that only 8 per cent of these epitaphs included the name of a commemorator renders the sample useless for this type of analysis. This leaves us with four sizeable samples: (1) Augusta Emerita; (2) the conventus Pacensis; (3) the civitas capital of the Igaeditani; and (4) Olisipo. In addition, I have provided a total for all seven areas of Lusitania sampled and—for comparative purposes—included Fernandes’ figures for the conventus Scallabitanus (which includes Olisipo) and Saller and Shaw’s figures for the Iberian peninsula as a whole.

In Table 7.1 three columns of figures are given for each city or region. The first column gives the total number of acts of funerary commemoration of each specified type. The second expresses this figure as a percentage of the total number of commemorations from the city or region from which the relationship between the commemorator and the deceased can be extracted. The third column is restricted to those commemorations involving members of the nuclear family and expresses the number of each type of commemoration as a percentage of all commemorations made between members of the nuclear family. Thus from Emerita 58 commemorations set up by husbands to their wives have survived (Column 1). These amount to 19 per cent of all the commemorations from Emerita where a relationship is expressed or can be securely inferred (Column 2) or 25 per cent of all commemorations set up by members of the nuclear family (Column 3).

To put the results into a clearer perspective, I have prepared a comparative table (Table 7.2) which draws together the statistics for the various broad types of commemorative relationship attested in each of the seven regions of Lusitania, as well as Fernandes’ figures for the conventus Scallabitanus and Saller and Shaw’s figures for Spain as a whole and for various other parts of the western empire.

25 For a more detailed study of family relations from Emerita, see Edmondson 2000.
Table 7.1. Funerary commemoration in various regions of Lusitania

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<tbody>
<tr>
<td>Husband</td>
<td>Wife</td>
<td>58 (19) (25)</td>
<td>28 (16) (20)</td>
<td>7 (6) (7)</td>
<td>7 (6) (7.5)</td>
<td>2 (4)</td>
</tr>
<tr>
<td>Wife</td>
<td>Husband</td>
<td>44 (14) (19)</td>
<td>23 (13) (17)</td>
<td>15 (12) (15)</td>
<td>6 (6) (6.5)</td>
<td>1 (2)</td>
</tr>
<tr>
<td><strong>TOTAL CONJUGAL</strong></td>
<td></td>
<td>102 (33) (43)</td>
<td>51 (28) (37)</td>
<td>22 (18) (22)</td>
<td>13 (12) (14)</td>
<td>3 (6) (7)</td>
</tr>
<tr>
<td>Parents</td>
<td>Son</td>
<td>6 (2) (3)</td>
<td>7-8 (4) (5)</td>
<td>1 (1) (1)</td>
<td>1 (1) (1)</td>
<td>5 (10) (12)</td>
</tr>
<tr>
<td></td>
<td>Daughter</td>
<td>8 (3) (4)</td>
<td>4-5 (2.5) (3)</td>
<td>1 (1) (1)</td>
<td>6 (6) (6.5)</td>
<td>2 (4) (5)</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL DESCENDING</strong></td>
<td>58 (19) (25)</td>
<td>53 (31) (38)</td>
<td>27 (22) (28)</td>
<td>58 (55) (61)</td>
<td>28 (58) (68)</td>
</tr>
<tr>
<td>Father</td>
<td>Son</td>
<td>9-11 (3-4) (4-5)</td>
<td>12-13 (7) (9)</td>
<td>3-5 (2.4) (3-5)</td>
<td>11 (10) (11.5)</td>
<td>2 (4) (5)</td>
</tr>
<tr>
<td></td>
<td>Daughter</td>
<td>9-11 (3-4) (4-5)</td>
<td>12-13 (7) (9)</td>
<td>3-5 (2.4) (3-5)</td>
<td>2 (2) (2)</td>
<td>3-4 (6-8) (7-10)</td>
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<tr>
<td>Mother</td>
<td>Son</td>
<td>13-15 (4-5) (5-6)</td>
<td>10-9 (5) (7)</td>
<td>8-9 (6-7) (8-9)</td>
<td>18 (17) (19)</td>
<td>8 (17) (20)</td>
</tr>
<tr>
<td></td>
<td>Daughter</td>
<td>13-12 (3-4) (4-5)</td>
<td>14 (8) (10)</td>
<td>10 (8) (10)</td>
<td>20 (19) (21)</td>
<td>7-8 (15-17) (17-20)</td>
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<tr>
<td><strong>TOTAL ASCENDING</strong></td>
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<td>56 (18) (24)</td>
<td>22 (13) (16)</td>
<td>42 (34) (43)</td>
<td>16 (15) (17)</td>
<td>5 (10) (12)</td>
</tr>
<tr>
<td>Brother</td>
<td>Brother</td>
<td>7-9 (2-3) (3-4)</td>
<td>3 (2) (2)</td>
<td>3-4 (2.3) (4)</td>
<td>4-5 (4) (5)</td>
<td>3 (6)</td>
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<tr>
<td></td>
<td>Sister</td>
<td>4 (1) (2)</td>
<td>3 (2) (2)</td>
<td>1 (1) (1)</td>
<td>0 (1)</td>
<td>—</td>
</tr>
<tr>
<td>Sister</td>
<td>Brother</td>
<td>4-6 (1-2) (3-4)</td>
<td>3 (2) (2)</td>
<td>2-3 (2) (2)</td>
<td>2-3 (2) (2)</td>
<td>3 (6)</td>
</tr>
<tr>
<td></td>
<td>Sister</td>
<td>2-3 (1) (1)</td>
<td>3 (2) (2)</td>
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<td>7 (6) (7)</td>
<td>8 (8.5) (9)</td>
<td>5 (10) (12)</td>
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<td><strong>TOTAL NUCLEAR</strong></td>
<td></td>
<td>236 (77) (100)</td>
<td>138 (81) (100)</td>
<td>98 (78) (100)</td>
<td>95 (90) (100)</td>
<td>41 (85) (100)</td>
</tr>
<tr>
<td><strong>EXTENDED KIN</strong></td>
<td></td>
<td>23 (8)</td>
<td>10 (6)</td>
<td>12 (10)</td>
<td>6 (6)</td>
<td>2 (4)</td>
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<td><strong>HEIRS</strong></td>
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<td>8 (5)</td>
<td>12 (10)</td>
<td>1 (1)</td>
<td>2 (4)</td>
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<tr>
<td><strong>AMICI</strong></td>
<td></td>
<td>2 (1)</td>
<td>4 (2)</td>
<td>—</td>
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<td>1 (2)</td>
</tr>
<tr>
<td><strong>Patron</strong></td>
<td></td>
<td>6 (2)</td>
<td>4 (2)</td>
<td>—</td>
<td>—</td>
<td>1 (2)</td>
</tr>
<tr>
<td><strong>Master</strong></td>
<td></td>
<td>4 (1)</td>
<td>—</td>
<td>1 (1)</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td><strong>Libertus/a</strong></td>
<td><strong>Slave</strong></td>
<td>21-2 (7)</td>
<td>5 (3)</td>
<td>2 (2)</td>
<td>3 (3)</td>
<td>1</td>
</tr>
<tr>
<td><strong>Slave</strong></td>
<td></td>
<td>—</td>
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<tr>
<td><strong>Conservus/libertus</strong></td>
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<td>5-6 (2)</td>
<td>2 (1)</td>
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<td>—</td>
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<td><strong>TOTAL SERVILE</strong></td>
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<td>37 (12)</td>
<td>11 (6)</td>
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<td>2 (4)</td>
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<td><strong>TOTAL RELATIONSHIPS</strong></td>
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<td>63 (100)</td>
<td>51 (100)</td>
<td>72 (100)</td>
<td>43 (100)</td>
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<tr>
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<td></td>
<td>161 (33)</td>
<td>158 (47)</td>
<td>33 (19)</td>
<td>140 (47)</td>
<td>5 (9)</td>
</tr>
<tr>
<td><strong>Se vivo sibi</strong></td>
<td></td>
<td>19 (4)</td>
<td>8 (2)</td>
<td>15 (9)</td>
<td>1 (0.5)</td>
<td>1 (1)</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>486 (337)</td>
<td>173 (246)</td>
<td>54 (54)</td>
<td>246 (98)</td>
<td>48 (89)</td>
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<td>%</td>
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<td></td>
<td>23-4</td>
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</tr>
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<td>Son</td>
<td>1-2</td>
<td>2</td>
<td></td>
<td>40-6</td>
<td>5-6</td>
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<td>1</td>
<td></td>
<td>21-7</td>
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</tr>
<tr>
<td>Mother</td>
<td>Son</td>
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<td>3</td>
<td></td>
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</tr>
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<td></td>
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<td>Father</td>
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<tr>
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<td></td>
<td>37-41</td>
<td>5</td>
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<tr>
<td>Daughter</td>
<td>Father</td>
<td>—</td>
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<td></td>
<td>30-2</td>
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<td></td>
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<td></td>
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<td>—</td>
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</tr>
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<td>—</td>
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<td>Heirs</td>
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</tr>
<tr>
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<td>—</td>
<td>—</td>
<td></td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Master</td>
<td>Slave</td>
<td>—</td>
<td>—</td>
<td></td>
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</tr>
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<td>Libertus/a</td>
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<tr>
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<td>—</td>
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<td><strong>TOTAL SERVILE</strong></td>
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<td></td>
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<tr>
<td><strong>TOTAL RELATIONSHIPS</strong></td>
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<td>8</td>
<td>21</td>
<td>(100)</td>
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<td>Se vivo sibi</td>
<td>232</td>
<td>92</td>
<td>17</td>
<td>45</td>
<td>746</td>
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<td><strong>TOTAL</strong></td>
<td></td>
<td>252</td>
<td>38</td>
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<td>1386</td>
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</table>

**Notes:**
- Percentages in parentheses.
- Some entries have been rounded for clarity.
### Table 7.2. Comparison of commemorative practices in Lusitania and other parts of the western empire

<table>
<thead>
<tr>
<th>City/Region</th>
<th>A. Conjugal</th>
<th>B. Descending</th>
<th>C. Ascending</th>
<th>D. Nuclear family relationships/all relationships</th>
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<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>(%)</td>
<td>N</td>
</tr>
<tr>
<td>Emerita</td>
<td>102</td>
<td>33</td>
<td>(43)</td>
<td>58</td>
</tr>
<tr>
<td>conv. Pacensis</td>
<td>51</td>
<td>28</td>
<td>(37)</td>
<td>53</td>
</tr>
<tr>
<td>civ. Igaedit.</td>
<td>22</td>
<td>18</td>
<td>(22)</td>
<td>27</td>
</tr>
<tr>
<td>Olisipo</td>
<td>13</td>
<td>12</td>
<td>(14)</td>
<td>58</td>
</tr>
<tr>
<td>Conimbriga</td>
<td>3</td>
<td>6</td>
<td>(7)</td>
<td>28</td>
</tr>
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<td>Salamanca prov.</td>
<td>4</td>
<td>20</td>
<td>(21)</td>
<td>10</td>
</tr>
<tr>
<td>Ávila prov.</td>
<td>4</td>
<td>11</td>
<td>(20)</td>
<td>8</td>
</tr>
<tr>
<td>Rome: lower orders</td>
<td>79</td>
<td>33</td>
<td>(42)</td>
<td>62</td>
</tr>
<tr>
<td>Ostia/Portusb</td>
<td>157</td>
<td>37</td>
<td>(45)</td>
<td>118</td>
</tr>
<tr>
<td>Italia: Latiumb</td>
<td>67</td>
<td>31</td>
<td>(40)</td>
<td>61</td>
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<td>Italia: Regio XIb</td>
<td>146</td>
<td>35</td>
<td>(44)</td>
<td>68</td>
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<tr>
<td>Gallia Narbonensisb</td>
<td>118</td>
<td>33</td>
<td>(40)</td>
<td>71</td>
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<td>Britannia</td>
<td>35</td>
<td>36</td>
<td>(46)</td>
<td>25</td>
</tr>
<tr>
<td>Germania Inferiorb</td>
<td>36</td>
<td>36</td>
<td>(41)</td>
<td>27</td>
</tr>
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<td>Germania Superiorb</td>
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<td>28</td>
<td>(31)</td>
<td>28</td>
</tr>
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<td>41</td>
<td>(45)</td>
<td>175</td>
</tr>
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<td>Africa: Lambaesisb</td>
<td>271</td>
<td>35</td>
<td>(38)</td>
<td>173</td>
</tr>
<tr>
<td>Africa: Auzia b</td>
<td>57</td>
<td>26</td>
<td>(29)</td>
<td>62</td>
</tr>
<tr>
<td>Africa: Caesarea b</td>
<td>51</td>
<td>26</td>
<td>(30)</td>
<td>73</td>
</tr>
</tbody>
</table>

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**a** Figures derived from Fernandes 1998–9: 209, table v.

**b** Figures derived from Saller and Shaw 1984: 147–50, Tables 4–16.
The main conclusion from these figures is that in Lusitania members of the nuclear family massively predominated as commemorators of the dead over extended kin, non-kin heirs, friends, and dependent or fellow-slaves and freedmen (Table 7.2D). The commemorator is drawn from the nuclear family group in 81 per cent of the cases. This is very much in line with what Saller and Shaw found for Spain in general (where 83 per cent of all commemorations were made within the nuclear family) and everywhere else in the western empire, where nuclear family members account for between 77 and 91 per cent of all acts of commemoration. It is also consistent with what Fernandes and Curchin found for the conventus Scallabitanus, where members of the nuclear family were responsible for 83.5 per cent (Fernandes) or 86 per cent (Curchin) of the commemorations where a commemorator was named.26

Of all the regions analysed in my study and by Saller and Shaw, Emerita, the provincial capital of Lusitania, has one of the lowest proportions of nuclear family commemorators (N = 236 of 306; or 77 per cent). This must be connected to the much higher slave and freedman population in this the most thriving urban centre of the province, where slaves and freedmen were responsible for 12 per cent of all commemorations. This is significantly higher than the Spanish average for commemorations by slaves and/or freedmen (4 per cent), and only comparable with the lower orders at Rome (14 per cent) and Ostia/Portus (11 per cent), thriving urban centres where slaves and ex-slaves were active within the local economy and had better chances of social mobility than in other more agrarian regions of the western empire.

In contrast, extended kin form a small proportion of commemorators in all the Lusitanian samples. With one exception, this proportion ranges between 4 and 6 per cent, very much in line with what Saller and Shaw found in general for the Iberian peninsula (5 per cent: see Table 7.1). Two towns slightly diverge from the norm: Emerita, where 8 per cent of all commemorations were set up by extended kin, and the civitas capital of the Igaeditani, where as many as 10 per cent were. At Emerita many of these extended kin were in fact in-laws or step-relations rather than grandparents, aunts and uncles, or cousins.27 But at the civitas capital of the...

27 Two commemorations were set up by a father-in-law or mother-in-law.
Igaeditani we find a rather different pattern: two cases of a father-in-law commemorating his son’s wife (*HAE* 1157); one grandmother commemorating a grandson along with her own son (*HAE* 1169: the grandson is certainly not this son’s son, although it is unclear whether he was another son’s son or her daughter’s son); two cases of a niece commemorating a paternal aunt or paternal uncle (*HAE* 1144); while two more nieces commemorated a maternal aunt and maternal uncle respectively (*HAE* 1163, 1128); two granddaughters commemorated maternal grandfathers (*HAE* 1112, 1144; *CIL* 11. 447). All in all, more than just a hint of an emphasis on matrikin in this native community which was promoted to municipal status in the Flavian period and which displays a marked indigenous streak in its local pattern of personal names (a point to which I shall return).

As regards patterns of funerary commemoration within the nuclear family, spouses, parents, and children were the most active categories of commemorator, effecting 31, 27, and 23 per cent respectively of all the acts of commemoration on record from the province. Commemoration by siblings was much rarer in Lusitania (8.5 per cent), as in the rest of Hispania (10 per cent) and throughout the western empire, presumably only being practised when other close kin were not available.28 However, if we compare the relative balance between ‘conjugal’, ‘descending’ (i.e. father and/or mother to a son and/or daughter), and ‘ascending’ (i.e. a son and/or daughter commemorating a father and/or mother) commemoration within the nuclear family, considerable

(CIL 11. 500; *AE* 1994, 846); three by a son-in-law (*AE* 1983, 494: 2 cases; *CIL* 11. 530); one by a daughter-in-law (*AE* 1962, 64); two by a brother-in-law (*CIL* 11. 5267; *AE* 1983, 494); one by a stepmother (*Hept. 7. 118); one by a stepson (*AE* 1993, 910); two involving an *alumna* (*HAE* 1481 = *ILER* 5747 = Edmondson, Nogales Basarrate, and Trillmich 2001: 143–5, no. 12; *CMBad*. 988 = *HAE* 699b); cf. four by grandparents (*CMBad*. 933; *EE* 9x. 54, 80; *AE* 1994, 846); one by a nephew to a maternal aunt (*AE* 1993, 903); five by maternal cousins (*sobrini*) (*AE* 1993, 904; *ERA* 356; *Hept*. 7. 122; *EE* 911. 59; Álvarez Sáenz de Buruaga 1946: 37, no. 4 = Gamer 1989, 194, BA 31 and plate 77d). One commemoration was set up by Aponia Serana for Petronia Agilis, who is described as *familiaris sua* (*AE* 1994, 866). For further discussion, see Edmondson 2000: 311.

28 Siblings were responsible for between 4 and 13% of the commemorations set up within civilian families in the regions studied by Saller and Shaw (1984: 147–50, tables 1–16), with 8 to 10% being the most common range.
FIG. 7.3  Types of funerary commemoration within the nuclear family in Lusitania
local variation within Lusitania can once again be discerned (see Fig. 7.3).

Emerita has a very high degree of conjugal commemoration: 43 per cent of all commemorations within the nuclear family were made by husbands for their wives or vice versa, which is much higher than the Spanish norm of 29 per cent. This, I would argue, may again be explained by the much higher proportion of slaves and freedmen in the population of the provincial capital compared to that found in other cities of the province. Recently manumitted slaves were by definition kinless. They had no recognizable parents to commemorate them in death and so were especially keen to advertise their emergence within local society with as eye-catching a funerary monument as possible. At Emerita a number of libertini (and even some slaves) chose to commemorate themselves, their spouses, or their children with the most elaborate form of funerary monument found in the colony: those in the form of an aedicula which incorporated a portrait of the deceased or, especially relevant here, portraits of a deceased couple, emphasizing the strength of the conjugal bond (see Fig. 7.1). The parallel with late Republican–early imperial Rome and Italy is striking. For here too there was a high proportion of conjugal commemoration and a number of tombstones of freedmen included portraits of this newly established family.31

On the other hand, Olisipo (modern Lisbon) and its territory has a far higher proportion of parent–child (‘descending’) commemoration than the norm (61 per cent, compared to 37 per cent for Lusitania, and 36 per cent for Hispania in general).32 This suggests strong nuclear family bonds, with children remaining

29 For further discussion, see Edmondson 2000: 311–16. Saller and Shaw (1984: 133) note that in Republican Rome and Latium, where there is a strikingly high proportion of conjugal commemoration (66%), funerary inscriptions tended to be set up from among the middling and lower echelons of society.

30 See Edmondson, Nogales Basarrate, and Trillmich 2001: esp. 75–94. In some cases they set these up when one of the partners was still alive (se vivo/viva): e.g. Edmondson, Nogales Basarrate, and Trillmich 2001: nos. 17, 18, 24 = García y Bellido 1949: 292–3, no. 283, EE viii. 30, CIL ii. 494 respectively.

31 Shaw 1991: 86–8; Zanker 1975; Kockel 1993; George (this volume).

32 This is confirmed in Fernandes’ study of the conventus Scallabitanus as a whole: that is, the region of Portugal stretching north from Olisipo to the Duero, where 54.6% (or 130 of 238) of all commemorations within the nuclear family were set up by one or both parents to a son or daughter: see Fernandes 1998–9: 161 and 209, table v.
closely in touch with parents and natal kin even after marriage (a point to which I shall return). Although Olisipo was a thriving port-city with a significant population of slaves and freedmen, its territory had some of the most agriculturally promising land of the entire province.\(^{33}\) The agrarian nature of local society may well have encouraged this strong maintenance of nuclear family ties. It is particularly striking that mothers played a very significant role as commemorators. They were responsible for thirty-eight of all the acts of commemoration (that is, 40 per cent), almost double the rate found in Lusitania as a whole, and sometimes they commemorated adult sons and daughters. In nine of the fifteen cases from the urban centre, an age-at-death was recorded. These range from 17 to 40, while at least three of those commemorated by mothers were married at the time of their death.\(^{34}\) From the territory, there are fourteen cases where mothers commemorated sons, whose ages range from 17 to 51, and another nine in which mothers buried daughters who had died between the ages of 12 and 32.\(^{35}\) This would all suggest that parents maintained strong emotional and social bonds with their children even after the latter had married.

Finally, at the civitas capital of the Igaeditani it is the high proportion of child–parent (‘ascending’) commemorations that is striking; these account for 43 per cent of all commemorations within the nuclear family. This would also suggest strong family ties, with children remaining close to their natal family even after marriage. This was probably connected with the desire to inherit landed property from their parents. At a larger, more flourishing urban

\(^{33}\) For Olisipo in general, see Mantas 1990: 160–73; Ribeiro 1994.

\(^{34}\) Mothers commemorating sons: \textit{CIL} 11. 238, 5001 (in both cases son aged 17), 4996 (aged 27), 214 (aged 40, married). Mothers commemorating daughters: \textit{CIL} 11. 222b (daughter aged 18, married), 235 (aged 26), 278 (aged 27); da Silva 1944: no. 144-C (aged 27); \textit{CIL} 11. 219 (aged 30). Age unspecified or not fully preserved: \textit{CIL} 11. 212 (married), 215, 218; da Silva 1944: nos. 10, 50 (= \textit{CIL} 11. 50, from Olisipo, not from Elvas).

\(^{35}\) Mothers commemorating sons: \textit{AE} 1982, 467 (son aged 17); \textit{CIL} 11. 261 (aged 18); \textit{AE} 1982, 464 (aged 19); \textit{CIL} 11. 5021 (aged 20), 288 (aged 22), 5002 (aged 23), 5005 (aged 30), 319 (aged 32), 308 (aged 33), 323 (aged 39); \textit{AE} 1993, 878 (aged 51); age not specified or not fully preserved: \textit{HAE} 1614; Pereira 1970: 45–6. Mothers commemorating daughters: \textit{AE} 1982, 463 (daughter aged 12); \textit{CIL} 11. 296 (aged 20), 314 (aged 25), 318 (aged 27); \textit{HAE} 2642 (aged 27); \textit{CIL} 11. 271 (daughter aged 32); age not specified or not fully preserved: \textit{CIL} 11. 5220; \textit{HAE} 2128; Camacho, Calais, and Nunes 1996: 184–5.
centre such as Emerita with its strong urban economy families functioned as working units, as at Rome, for example, and children’s desire to maintain links with their natal kin was commensurately less strong than in smaller centres where agriculture dominated within the local economy. The prominence of child–parent commemoration could also denote that there was a strong respect for the aged in this community located in the ethnic heartland of the Lusitanians proper. Strabo believed (3. 3. 7) that the Lusitanians sat to dine ‘according to age and rank’ and singled out their particularly harsh punishment of parricides, who were stoned to death way beyond the traditional territory of the community. For Strabo these were two clear indices of their respect for the aged, a point to which we shall return (see below, pp. 212–13).

Gender and Age as Factors in Funerary Commemoration

Commemorators

One of the peculiarities of Spanish commemorative practices noted by Saller and Shaw, as we have seen, was the striking prominence of women (especially wives and mothers) as commemorators of the dead. In their samples of commemorations involving spouses, husbands almost always outnumber wives, but the gap is narrowest in Spain (a ratio of 1.1 husbands to every wife).36 In my sample from Lusitania (see Table 7.3A), the balance between husbands and wives closely approximates that found by Saller and Shaw for the whole peninsula (again, a ratio of 1.1). Within Lusitania, one area seems to diverge: the civitas capital of the Igaeditani, where a high predominance of wives over husbands as commemorators is found (68 per cent wives to 32 per cent husbands, or a ratio of approximately two wives to every husband). Admittedly, the sample of conjugal commemorations is small (N = 22), but the importance of wives as commemorators is consistent with the emphasis on matrikin already noted in extended family commemorations (see above, p. 198).

Saller and Shaw also found that mothers played a more important role than fathers as commemorators in certain areas of the

36 Saller and Shaw 1984: 138–9 and table 8, with the summary table C, p. 140. For further discussion of the important role played by women in funerary commemorations in the conventus Scallabitanus, see Fernandes 1998–9: 162–5.
Roman empire (for example, among the lower orders of imperial Rome, in Latium, and in Gallia Narbonensis they outnumbered fathers), but nowhere to the same degree as they did in Spain, where mothers outnumbered fathers by 73 per cent to 27 per cent: that is, a ratio of 0.37 father-to-child commemorations to every mother-to-child commemoration. In all my samples from Lusitania mothers also outnumber fathers, but it is only at Olisipo (ratio 0.45), the civitas capital of the Igaeditani (ratio 0.35) and Conimbriga (0.33) that they do so to the same degree as in Hispania as a whole (see Table 7.3B). In the conventus Pacensis and at Emerita fathers played a much greater role than was usual for Hispania: here they were responsible for 47 per cent and 45 per cent of all commemorations set up by parents (that is, ratios respectively of 0.9 and 0.8 father-to-child commemorations

<table>
<thead>
<tr>
<th>Table 7.3. Gender balance between commemorators</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. husbands : wives</td>
</tr>
<tr>
<td>----------------------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Emerita</td>
</tr>
<tr>
<td>conv. Pacensis</td>
</tr>
<tr>
<td>civ. Igaedit.</td>
</tr>
<tr>
<td>Olisipo</td>
</tr>
<tr>
<td>Conimbriga</td>
</tr>
<tr>
<td>Salamanca prov.</td>
</tr>
<tr>
<td>Avila prov.</td>
</tr>
<tr>
<td>Lusitania</td>
</tr>
<tr>
<td>conv. Scallabitanus</td>
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<tr>
<td>Hispania</td>
</tr>
<tr>
<td>Rome: lower orders</td>
</tr>
<tr>
<td>Ostia/Portus</td>
</tr>
<tr>
<td>Italia: Latium</td>
</tr>
<tr>
<td>Italia: Regio XI</td>
</tr>
<tr>
<td>Gallia Narbonensis</td>
</tr>
<tr>
<td>Britannia</td>
</tr>
<tr>
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</tr>
<tr>
<td>Germania Superior</td>
</tr>
<tr>
<td>Africa: Lambaesis</td>
</tr>
<tr>
<td>Africa: Caesarea</td>
</tr>
</tbody>
</table>


to every mother-to-child commemoration). This may hint that Emerita as a Roman colony and provincial capital and the southwestern third of the province, which could boast a Roman colony (Pax Iulia) and three native communities granted the Latin rights of citizenship under Augustus (Eboracum, Salacia, and Myrtilis), constituted a rather different cultural milieu from the more northerly and interior zones of the conventus Scallabitanus and the conventus Emeritensis to the north of Emerita. Again the predominance of women seems to be more marked in less Romanized parts of the province.

When it comes to children commemorating their parents, sons predominate over daughters in every area of the western empire studied by Saller and Shaw, except among senators and equestrians from Rome (see Table 7.3C). They found that the balance was more even in the Iberian peninsula than elsewhere (a ratio of 1.55 commemorations by sons for every commemoration set up by a daughter) and my sample from Lusitania would confirm this general picture: sons outnumber daughters as commemorators by a ratio of 1.3:1 (see Table 7.3C). There are variations between different regions within Lusitania. Sons are most predominant in the conventus Pacensis with 3.2 commemorations set up by sons to every one by a daughter, while daughters narrowly outnumber sons at Emerita and Olisipo, where the ratios of commemorations set up by sons as opposed to by daughters stand at 0.9 and 0.8 respectively. But the samples from each city or region are rather too small to draw meaningful contrasts between different regions of Lusitania.

Those commemorated

It is now widely recognized that cultural factors played an important role in determining whether an individual deserved to be commemorated with an epitaph. In particular, Brent Shaw (1991) has shown that the chances of receiving commemoration varied considerably depending on the gender and age of the deceased. In most regions of the western empire sons and fathers

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37 For senators and equestrians at Rome, see Saller and Shaw 1984: 147, tables 2 and 3: 15 commemorations by sons, compared to 22 by daughters: a ratio of 0.7.

were more likely to receive a tombstone than daughters and mothers. This is the case in Spain, but as usual the gap between sons and daughters is narrower than in many other parts of the western empire (see Table 7.4B: a ratio of 1.2 sons commemorated for every daughter). In other words, women (and especially daughters and mothers) appear to have been more highly valued culturally in Spain than in many other regions of the empire and so in general stood a better chance of receiving an epitaph than women did elsewhere in the western provinces.

In this respect, the province of Lusitania does not appear to have differed substantially from the rest of the Iberian peninsula. Here, as in other parts of Spain, women (and especially daughters and mothers) were also more likely to receive an epitaph than their counterparts from most other areas in the western empire.

<table>
<thead>
<tr>
<th>Table 7.4. Gender balance between those commemorated</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. husbands : wives</td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Emerita</td>
</tr>
<tr>
<td>conventus Pacensis</td>
</tr>
<tr>
<td>civ. Igaedit.</td>
</tr>
<tr>
<td>Olisipo</td>
</tr>
<tr>
<td>Conimbriga</td>
</tr>
<tr>
<td>Salamanca prov.</td>
</tr>
<tr>
<td>Ávila prov.</td>
</tr>
<tr>
<td>Lusitania</td>
</tr>
<tr>
<td>conv. Scallabitanus</td>
</tr>
<tr>
<td>Hispania</td>
</tr>
<tr>
<td>Rome: lower orders</td>
</tr>
<tr>
<td>Rome: Ostia/Portus</td>
</tr>
<tr>
<td>Latium</td>
</tr>
<tr>
<td>Italy: Regio XI</td>
</tr>
<tr>
<td>Gallia Narbonensis</td>
</tr>
<tr>
<td>Britannia</td>
</tr>
<tr>
<td>Germania Inferior</td>
</tr>
<tr>
<td>Africa: Lambaesis</td>
</tr>
<tr>
<td>Africa: Caesarea</td>
</tr>
</tbody>
</table>

(see Table 7.4). However, there are some regional distinctions within Lusitania. In the *conventus Pacensis*, for example, sons predominate to a slightly greater extent (1.3 sons per daughter commemorated) than they do elsewhere in the province (1.1 sons per daughter), while conversely at the *civitas* capital of the Igaeditani daughters even outnumber sons (0.9 sons per daughter). These indices are in line with the marked prominence of males as commemorators in the *conventus Pacensis* (Table 7.3) and the greater prominence of wives and mothers as commemorators at the *civitas* capital of the Igaeditani (Table 7.3A–B). In the commemoration of mothers as opposed to fathers (Table 7.4C), Lusitania is again very close to what Saller and Shaw found for Spain as a whole in that fathers were commemorated slightly more frequently than mothers. In one region of Lusitania, the *conventus Pacensis*, there appears to be some divergence from the Spanish norm, with mothers receiving more commemorations than fathers (0.75). It is not clear why this should have been the case, and one might not want to press the distinction too much since the sample is disappointingly small (N = 21).

In addition to gender preferences, certain age-groups in the population were more likely to receive an epitaph than others, although this varied considerably not only between regions of the western empire, but also within regions between urban and rural contexts. In urban and rural Spain Shaw found a very low rate of commemoration of children under 10, while in the countryside the aged (people in their 70th decile: i.e. those aged 60–9) received among the highest degree of commemoration anywhere in the western empire. Such analysis of age preferences is more suggestive than proven, given the much smaller number of inscriptions available for study that provide an age at death, but the epitaphs from Emerita, the *conventus Pacensis*, and Olisipo allow some insights for Lusitania. In the commemoration of children by one or both parents (see Table 7.5), the high proportion of children over the age of 20 who were still commemorated by their parents rather than by spouses is striking: 45 per cent of all children at Emerita, 43 per cent in the *conventus Pacensis*, and 65 per cent at Olisipo.

This Lusitanian sample confirms a general feature of commemorative practices in Spain as a whole, already noted by Saller and Shaw in their respective studies of the age of Roman men and women at marriage.40 It must reflect the continued role of natal kin in the affairs of their children even after marriage. This desire to commemorate children is further reinforced by those commemorations set up by parents-in-law to sons-in-law and daughters-in-law. So, for example, at the civitas capital of the Igaeditani Rufus Triti f. commemorated his daughter-in-law, Prisca Frontonis f. along with his two sons, Niger, Prisca’s husband, and Rufinus, his daughter, Vitalis, and Camala Docquiri f., perhaps another daughter-in-law (HAE 1157 = ILER 4855), while at Olisipo Sempronia Rufina looked after the burial of her 40-year-old son and 18-year-old daughter-in-law (CIL II. 214).41 These parents-in-law presumably took on the responsibility only when parents were not available to look after the burial of their children, either because they had died or because their children had moved from their home region to settle elsewhere, as in an

40 Saller 1987a: 28 and n.15; Shaw 1987a: 38; cf. Saller 1994: 25–41, esp. 35–8, 41 and table 2.2h.
41 For an unnamed father-in-law commemorating his daughter-in-law at Emerita, see AE 1994, 846.
example from Emerita, where an immigrant from Aeminium (modern Coimbra) was commemorated jointly by his daughter and his mother-in-law (CIL II. 500).

In some cases, this could extend a further generation with grandparents looking after the burial of grandchildren. So in the conventus Pacensis at Rio de Moinhos (Aljustrel) Agria Rufina was responsible for commemorating her own husband, M. Valerius Rufus, her son, M. Valerius Marcellus, and her grandson, also called M. Valerius Marcellus (IRCP 137). In the western Algarve Pompeia Exoce looked after the burial of her 5-year-old grandson, C(a)epio Sempronianus (IRCP 65, Mexilhoeira Grande, Portimão), while at Olisipo Annia Corinthia was responsible for the burial of her grandson, M. Cassius Marcianus, who had died aged 22 (CIL II. 4998). Similarly at Conimbriga, two examples survive of grandmothers commemorating their granddaughters, who had died aged 22 and 16 respectively, with the deceased’s mother also involved in the first case (CIL II. 387, 389 = Fouilles de Conimbriga, II, nos. 62, 67). Clearly marriage and the formation of a new conjugal unit did not, in Lusitania, necessarily sever the bonds, both social and emotional, with one’s natal family.

In the commemoration of children by their parents (Table 7.6), no obvious gender preference seems to have operated. This is again something of a Spanish anomaly, since boys tend to predominate in Italy and the other western provinces. This anomaly should certainly be connected to the higher cultural valuation of women and girls in the Iberian peninsula, a feature apparent in other types of commemorative practice. Furthermore, there is very little variation between males and females at each of the various stages of the life-cycle. One possible exception is at Emerita where girls in their third decile (i.e. aged between 21 and 30) outnumber boys by a proportion of more than 3 to 2. This is the decile in which women were culturally most valued, since this was when many women had recently married and were at their most fertile for child-bearing. The loss of a woman at such a moment was especially distressing and represented an event particularly worthy of commemoration.

42 See Shaw 1991: 68–9; for Italy, see also McWilliam 2001: 79–82, with tables 5.1 and 5.2.
In commemorations involving spouses (Table 7.7), some interesting gender distinctions can be discerned at various stages of the life-cycle. For at Emerita and in the conventus Pacensis husbands dramatically outnumbered wives as commemorators of those who died between the ages of 15 and 45; but as the age of couples increased, wives took over as the dominant commemorators. This adds a considerable nuance to the apparent predominance of wives in funerary rituals (see above pp. 202–4). They only emerged as dominant commemorators in Lusitania, it now appears, in middle- to old-age. It might be argued that this relates to the demographic profile of the local populations of Emerita and the conventus Pacensis; that is, that women tended to outlive their spouses and so became more visible in funerary commemorations as married couples aged.43 This may well be the case, but cultural factors were surely also at play. The distribution of ages shows a shifting cultural valuation of women and men over the life-cycle. Women during their child-bearing years were

43 On the dangers of using Roman tombstones to reconstruct demographic profiles, see Hopkins 1987 against older studies such as McDonnell 1913, R. [sic] 1954, or Szilágyi 1963.

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**Table 7.6. Gender balance in the commemoration of children at various stages of the life cycle at Emerita, in the conventus Pacensis, and at Olisipo**

<table>
<thead>
<tr>
<th>Age</th>
<th>Sex</th>
<th>Emerita</th>
<th>conv. Pacensis</th>
<th>Olisipo</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–10</td>
<td>M</td>
<td>6</td>
<td>3</td>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>F</td>
<td>7</td>
<td>3</td>
<td>—</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>?</td>
<td>—</td>
<td>1</td>
<td>—</td>
<td>1</td>
</tr>
<tr>
<td>11–20</td>
<td>M</td>
<td>7</td>
<td>9</td>
<td>8</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>F</td>
<td>8</td>
<td>8</td>
<td>3</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>?</td>
<td>—</td>
<td>2</td>
<td>—</td>
<td>2</td>
</tr>
<tr>
<td>21–30</td>
<td>M</td>
<td>7</td>
<td>5</td>
<td>6</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>F</td>
<td>11</td>
<td>5</td>
<td>9</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>?</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>31+</td>
<td>M</td>
<td>4</td>
<td>5</td>
<td>5</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>F</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>?</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>M</td>
<td>24</td>
<td>22</td>
<td>21</td>
<td>67</td>
</tr>
<tr>
<td></td>
<td>F</td>
<td>28</td>
<td>20</td>
<td>14</td>
<td>62</td>
</tr>
<tr>
<td></td>
<td>?</td>
<td>—</td>
<td>3</td>
<td>—</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>All</td>
<td>52</td>
<td>45</td>
<td>35</td>
<td>132</td>
</tr>
</tbody>
</table>
thought especially worthy of a marked commemoration; hence the much higher ratio of tombstones set up by husbands to wives who died between the ages of 15 and 45 (47 : 12 = a ratio of almost four tombstones for a wife to every one for a husband). But as women grew older past menopause, their centrality to the family unit became less important and the male head of the household emerged as the most honoured member of the family. Hence for those aged over 45, three and a half times more tombstones were set up for husbands by their wives than for wives by their husbands (35 : 10; that is, a ratio of 3.5 husbands to every 1 wife).

The epitaphs from the modern Spanish province of Salamanca at last come into play here. For although they usually fail to name a commemorator, they very frequently include the deceased’s age at death. This occurs in 191 of the 252 epitaphs (i.e. in just over three-quarters of the sample). Again the spread of ages cannot be used to provide a demographic profile of the population, but they can provide useful data about changing patterns of commemoration of men and women over the life-cycle (Table 7.8). The representation of males and females in the sample is fairly equal, with a total of 89 males and 76 females. (In 26 cases the gender of the deceased is

| Table 7.7. Balance of commemorator gender and age spread in conjugal commemoration |
|---------------------------------|-------------|-------------|-------------|
| Age at death | Emerita Male | Emerita Female | conv. Pacensis Male | conv. Pacensis Female | Total Male | Total Female |
| 15–20 | — | — | 1 | — | 1 | — |
| 21–25 | 8 | 1 | 3 | — | 11 | 1 |
| 26–30 | 7 | — | 3 | 1 | 10 | 1 |
| 31–35 | 7 | 2 | 6 | 1 | 13 | 3 |
| 36–40 | 5 | 4 | 2 | 1 | 7 | 5 |
| 41–45 | 3 | 1 | 2 | 1 | 5 | 2 |
| TOTAL: 15–45 | 30 | 8 | 17 | 4 | 47 | 12 |
| 46–50 | 2 | 2 | 1 | 4 | 3 | 6 |
| 51–55 | 1 | 3 | 1 | 1 | 2 | 4 |
| 56–60 | 1 | 4 | 1 | 3 | 2 | 7 |
| 61–65 | 2 | 6 | — | 1 | 2 | 7 |
| 66–70 | — | 3 | — | — | — | 3 |
| 71+ | — | 4 | 1 | 4 | 1 | 8 |
| TOTAL: 46+ | 6 | 22 | 4 | 13 | 10 | 35 |
| TOTAL | 36 | 30 | 21 | 17 | 57 | 47 |
unclear.) But in contrast to what we have just observed at Emerita or in the conventus Pacensis (see Table 7.7), there is a generally even gender balance for each decade through the life-cycle.

From the particular ages at death recorded, it is clear that age-rounding was practised in this region—to a much more significant degree than elsewhere in the province. Almost half (48 per cent) of those attested were thought to have died on a round decile (four deaths at 10, fourteen deaths at 20, fifteen at 30, six at 40, twenty-one deaths at 50, twenty-seven at 60, ten at 70, four

---

Table 7.8. Age at death for men and women: modern province of Salamanca

<table>
<thead>
<tr>
<th>Age</th>
<th>M</th>
<th>F</th>
<th>Uncertain</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–5</td>
<td>6</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6–10</td>
<td>3</td>
<td>5</td>
<td>3</td>
<td>19 (10%)</td>
</tr>
<tr>
<td>11–15</td>
<td>7</td>
<td>6</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>16–20</td>
<td>10</td>
<td>6</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>21–50</td>
<td>17</td>
<td>12</td>
<td>3</td>
<td>32 (17%)</td>
</tr>
<tr>
<td>26–30</td>
<td>8</td>
<td>7</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>31–50</td>
<td>8</td>
<td>9</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>36–40</td>
<td>6</td>
<td>3</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>31–40</td>
<td>9</td>
<td>6</td>
<td>2</td>
<td>17 (9%)</td>
</tr>
<tr>
<td>41–50</td>
<td>1</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>46–50</td>
<td>12</td>
<td>7</td>
<td>2</td>
<td>25 (13%)</td>
</tr>
<tr>
<td>51–50</td>
<td>13</td>
<td>10</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>56–60</td>
<td>12</td>
<td>11</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>61–60</td>
<td>12</td>
<td>13</td>
<td>9</td>
<td>34 (18%)</td>
</tr>
<tr>
<td>66–70</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>71–70</td>
<td>4</td>
<td>5</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>76–80</td>
<td>9</td>
<td>8</td>
<td>4</td>
<td>21 (11%)</td>
</tr>
<tr>
<td>71–80</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>81+</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>5 (3%)</td>
</tr>
</tbody>
</table>

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44 See briefly also Curchin 2000b and, for the Portuguese part of the province, Encarnação 2000.
at 80, and one at 90), while another 21.4 per cent were recorded as having died at the mid-point of a decade (three at 5, seven at 15, nine at 25, six at 35, three at 45, four at 55, seven at 65, one at 75, and one at 85). It is only up to the age of 26 that any attempt was made to estimate precisely the age of the deceased, with deaths recorded at age 2, 3 (two occurrences), 4 (two occurrences), 6, 7 (three occurrences), 8, 9, 11 (three occurrences), 12 (three occurrences), 14, 16, 17 (two occurrences), 19, 21, 22 (two occurrences), 23 (three occurrences), 24, and 26. The only ages attested above 26 that do not coincide with a round decile or a mid-decile point are single occurrences of 32, 34, 41, 52, 57, 59, 61, 63, 66 (i.e. 9 out of a total of 191 or just 4.7 per cent).

As for the spread of ages, there is a marked proclivity to commemorate the older members of local society. Of those whose ages were recorded on their tombstones (N = 191), 88 (or 46 per cent) were aged over 40, while 63 (or 33 per cent) were older than 50. Conversely, the very young were thinly represented: so, for example, only 19 (or 10 per cent) were aged 10 or younger. In the middle decades of life there is a more or less even distribution: 17 per cent in their teens, 18 per cent in their twenties, 9 per cent in their thirties, and 13 per cent in their forties. This stress on the aged must reflect the honoured position that the aged held within local society. Shaw has noted the tendency for rural regions to put special emphasis on the elders of the community, especially in rural North Africa,45 and this seems to be the case too in the province of Salamanca, a predominantly rural society, as we have noted, where only a handful of cities developed under Roman rule. However, among those aged over 60, women were almost as prominent as men (14 women as opposed to 16 men). So here at least stress was not just placed on the male heads of patrilineal descent groups; the almost equal appearance of older women hints that kinship relations were organized along essentially bilateral, or cognatic, lines. I do not wish to place any emphasis on the actual ages recorded. As Duncan-Jones has shown, age-rounding involved not only a fair degree of approximation, but often also the addition of extra years to the ages recorded on tombstones, especially among the more elderly in society.46 But

45 Shaw 1991: 78.
the very urge to exaggerate and round up ages underlines still further the special social prestige accorded the most senior members of local society. The region around modern Salamanca, therefore, seems to have retained the marked respect for the aged that Strabo (3.3.7) noted was so strong among the Lusitanian peoples who inhabited this general area of Spain in the later Iron Age. It is no coincidence that this was one of the areas of Lusitania in which native culture seems to have retained more of its force than occurred elsewhere in the province. A number of late Iron-Age hillforts remained in occupation right through the Roman period, while native deities and indigenous personal names continued to flourish into the third century AD, when the epigraphic record dies out. The inhabitants of the region set up tombstones that were highly distinctive in style, aggressively local with little in the way of Roman stylistic influence, such as the funerary stela from Salmantica (Salamanca) for Cloutia Ambini f. shown in Fig. 7.4 (HAE 1318 = ILER 2321). It would be entirely consistent, therefore, if some elements at least of pre-Roman kinship and family relations had survived under Roman rule.

The patterns of funerary commemoration that we can discern for Lusitania, therefore, suggest that it was members of the immediate family who were in the overwhelming majority of cases responsible for the commemoration of the dead: in the main, surviving spouses, parents, or children; only in the absence of one of these groups were siblings drawn in, and only in the latter’s absence did it then devolve to members of the wider kin group of the deceased, whether in the paternal or maternal line. However, subtle differences can be discerned across the province. Augusta Emerita, a Roman colony implanted ex novo on the landscape in 25 BC and within ten years chosen as the capital of the new Roman province of Lusitania, developed along rather different lines compared with other communities whose social structures had their roots in the pre-Augustan period. At Emerita there was less emphasis on long-established lines of descent. In a

47 For Iron-Age hillforts, note, for example, Yecla de Yeltes: Maluquer de Motes 1956: 121–8, with plan; Martín Valls 1982. For native deities, note, for example, AE 1985, 543, correcting AE 1972, 285 (Martíago), HEp. 1. 520 (Alba de Tormes); CIL 11. 861 (Ciudad Rodrigo); in general, Blázquez Martínez 1993; for onomastics, see Salinas de Frías 1994; for local tombstones, de Navascués 1963.
community with a relatively high proportion of slaves and freedmen, new conjugal units were more frequently being formed, especially as slaves won their freedom. Although house-bred slaves were very occasionally allowed to maintain contact with their natural slave-mothers and their natal kin, much more often than not these units had no ascendant nor collateral kin.48 Emerita also boasted a higher proportion than elsewhere of free-born immigrants, who came to settle not just from the other towns of Lusitania, but from the rest of Spain and overseas as

well. The possibility that these immigrants could have had complex kin-networks was severely limited. On the other hand, in the conventus Pacensis, at the civitas capital of the Igaeditani, and at Olisipo there was greater stress on maintaining bonds with one’s natal family and as a result more frequent commemoration by parents and by children. In a more traditional, agrarian society bonds with one’s natal family were that much stronger, as children were keen to stake their claim to inherit some of their parents’ property. Finally, in the more rural interior of the province women appear to have had a more predominant role in funerary commemoration than in more urbanized parts of the province and certainly than was the norm in all but Rome’s Spanish provinces. These significant fluctuations between the various cities and regions of Lusitania suggest that a globalizing analysis such as that of Saller and Shaw for Spain can obscure important local differences.

Joint Burials and Joint Acts of Commemoration

One criticism that has been levelled at Saller and Shaw’s method is that their focus on individual acts of commemoration required them to split up all acts of joint or multiple commemoration into a series of individual relationships. Thus an epitaph that was originally set up by a man for his wife, son, daughter, son-in-law, and cousin was separated by Saller and Shaw into five separate acts of commemoration: three within the nuclear family (one of conjugal type, two of descending) and two involving extended kin. Dale Martin (1996) in particular has argued that this skewed their resulting computations and led inevitably to the conclusion that Saller and Shaw favoured: namely, that the nuclear family was overwhelmingly dominant in acts of funerary commemoration in the western Roman empire. Martin instead proposed a different set of categories that do not divide a multiple act of commemoration into its individual components. Thus, for Martin the hypothetical example I have just mentioned would count as a single act of commemoration undertaken by an extended family.


50 Saller and Shaw were willing to admit differences between various towns in Africa (1984: 128–30); the same seems to apply in Lusitania.
His case-study of funerary commemoration in various cities of Roman Asia Minor seems to show a much greater emphasis on extended kin than Saller and Shaw had argued was normal in the western provinces.

Martin’s point has some validity and led me to reanalyse the funerary commemorations from Emerita and the civitas capital of the Igaeditani according to his divisions, to see if this resulted in radically different results from those obtained using Saller and Shaw’s method. The results are summarized in Table 7.9.

The results of this reanalysis of the material from two regions of Lusitania do not diverge to any significant degree from those obtained using Saller and Shaw’s method (see above, Table 7.1). Commemorations involving extended kin are still relatively insignificant at 6 per cent of all commemorations at Emerita and 9 per cent at the civitas capital of the Igaeditani and broadly commensurate with what we found using Saller and Shaw’s method: 8 per cent at Emerita, 10 per cent at the civitas capital of the Igaeditani (see above, Table 7.1). What Martin’s study does underline, I would argue, is that in Roman Asia Minor family relations operated in rather different ways than was the case in Rome’s western provinces; there was perhaps a broader emphasis

<table>
<thead>
<tr>
<th>Type</th>
<th>Emerita</th>
<th></th>
<th>civitas</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>A Fragmentary inscriptions</td>
<td>41</td>
<td>9</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>B Epitaphs of one person: no commemorator</td>
<td>96</td>
<td>21</td>
<td>25</td>
<td>21</td>
</tr>
<tr>
<td>C Husband and wife only</td>
<td>79</td>
<td>17</td>
<td>17</td>
<td>14</td>
</tr>
<tr>
<td>D Nuclear family (complete or partial)</td>
<td>115</td>
<td>25</td>
<td>45</td>
<td>38</td>
</tr>
<tr>
<td>E Persons outside immediate family included (extended)</td>
<td>27</td>
<td>6</td>
<td>11</td>
<td>9</td>
</tr>
<tr>
<td>F Multi-person epitaph, but relations unclear</td>
<td>79</td>
<td>17</td>
<td>18</td>
<td>15</td>
</tr>
<tr>
<td>G Slave relations</td>
<td>22</td>
<td>5</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>TOTAL</td>
<td>459</td>
<td></td>
<td>120</td>
<td></td>
</tr>
</tbody>
</table>

51 To Martin’s categories (1996: 42–3, 59–60), I have added an extra one (‘G. Slave relations’), to take account of commemorations set up by slaves to their fellow-slaves, slaves to their masters, ex-slaves to fellow conliberti, or ex-slaves to their former masters or patrons.
on maintaining links and emotional ties with more distant kin. It does not seriously undermine the validity of Saller and Shaw’s methodology.

However, Martin’s more general point that it is profitable to look at epitaphs in their entirety reminds us that qualitative analysis of epitaphs can be just as revealing as quantitative. In particular, joint acts of commemoration where several different individuals collaborated in commemorating a deceased person and epitaphs which reveal that various individuals were buried within the same tomb and commemorated jointly on a common epitaph are particularly valuable types of documents to focus on.  

There is not time here to undertake a detailed analysis of all these joint-acts, but a brief survey of the main types of joint-burials and joint acts of commemoration is revealing (see Tables 7.10 and 7.11).

In the four regions surveyed, joint or multiple burials or multiple acts of commemoration usually involved various members of the nuclear family. 79 of the 142 joint or multiple burials (or 56 per cent) (Table 7.10, lines 1, 2, 4) and 72 of the 113 multiple acts of commemoration (or 64 per cent) involved the nuclear family (Table 7.11, lines 1–3). At Emerita it is impossible to establish securely any kinship bonds between the deceased in a relatively high number (42 per cent) of the joint burials (Table 7.10, line 7). In some of these cases the deceased may have been related, but chose not to express their relationship on their epitaph. However, in other cases they may have been individuals who had joined a funerary collegium and were buried alongside non-relatives in a columbarium-style tomb. For example, a large plaque, more than 2 metres wide, that was reused as a grave-cover in a fourth-century necropolis, contained at least six separate epitaphs inscribed—on the basis of the letter-forms and funerary formulæ—in the first and second centuries AD.  

Three of the epitaphs

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52 Ideally one would like to go further and analyse the epitaphs in the physical context of the tombs for which they were originally designed, but in Lusitania very few epitaphs have been discovered in situ: for some examples from Emerita, see Edmondson 2000: 299–303; see also Nogales Basarrate and Márquez Pérez 2002; Caetano 2002. For studies from elsewhere that reveal the benefits of this approach, see, for example, Hope 1997a; Nielsen 1996 [2000]; Heinzelmann 2001; Feraudi-Gruénais 2001.

<table>
<thead>
<tr>
<th></th>
<th>Married couple</th>
<th>Two or more members of a nuclear family (parent + child; two siblings)</th>
<th>Members of nuclear family + one or more extended kin</th>
<th>Members of nuclear family + slave(s) or ex-slave(s)</th>
<th>conservi/conliberti</th>
<th>sibi et suis</th>
<th>Multiple burial, with unclear relation between deceased</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Married couple</td>
<td>14 20</td>
<td>12 17</td>
<td>8 11</td>
<td>1 1</td>
<td>0</td>
<td>29 42</td>
</tr>
<tr>
<td>2</td>
<td>Two or more members of a nuclear family (parent + child; two siblings)</td>
<td>5 21</td>
<td>13 54</td>
<td>11 33</td>
<td>2 3</td>
<td>7 2</td>
<td>2 8</td>
</tr>
<tr>
<td>3</td>
<td>Members of nuclear family + one or more extended kin</td>
<td>11 2</td>
<td>8 24</td>
<td>1 5</td>
<td>0 0</td>
<td>7 5</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Members of nuclear family + slave(s) or ex-slave(s)</td>
<td>6 9</td>
<td>1 1</td>
<td>0 0</td>
<td>0 0</td>
<td>0 0</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>conservi/conliberti</td>
<td>1 1</td>
<td>1 3</td>
<td>0 2</td>
<td>2 1</td>
<td>1 1</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>sibi et suis</td>
<td>2 2</td>
<td>0 0</td>
<td>0 2</td>
<td>2 2</td>
<td>2 2</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Multiple burial, with unclear relation between deceased</td>
<td>29 42</td>
<td>2 8</td>
<td>3 9</td>
<td>7 47</td>
<td>41 29</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>70 24</strong></td>
<td><strong>33 15</strong></td>
<td><strong>142</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Table 7.10. Joint burials in various regions of Lusitania by type**

<table>
<thead>
<tr>
<th></th>
<th>Parents</th>
<th>Siblings</th>
<th>Members of nuclear family</th>
<th>Member(s) of nuclear family + extended kin</th>
<th>Extended kin</th>
<th>Members of slave familia</th>
<th>Coheredes</th>
<th>Amici</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>1</td>
<td>Parents</td>
<td>14</td>
<td>12</td>
<td>2</td>
<td>7</td>
<td>35</td>
<td>31</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Siblings</td>
<td>4</td>
<td>4</td>
<td>3</td>
<td>0</td>
<td>11</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Members of nuclear family</td>
<td>13</td>
<td>4</td>
<td>3</td>
<td>6</td>
<td>26</td>
<td>23</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Member(s) of nuclear family + extended kin</td>
<td>6</td>
<td>4</td>
<td>1</td>
<td>3</td>
<td>14</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Extended kin</td>
<td>1</td>
<td>1</td>
<td>9</td>
<td>0</td>
<td>11</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Members of slave familia</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Coheredes</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>7</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Amici</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>48</strong></td>
<td><strong>28</strong></td>
<td><strong>21</strong></td>
<td><strong>16</strong></td>
<td><strong>113</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Table 7.11. Joint acts of commemoration in various regions of Lusitania**
were set up by members of separate nuclear families: the doctor C. Domitius Pylades was commemorated by his wife, Cornelia M.I. Maurilla, and freedman, [C.] Domitius C.I. Restitutus (AE 1994, 859a = HEp. 6. 102a); L. Valerius Reburrus, a retired soldier (missicius), set up an epitaph for himself and his wife Attia Libas (AE 1994, 859b = HEp. 6. 102b), while C. Nonius Batullus had one inscribed for himself and for Fausta Coelia and Atlia Specia, his first and second wives (AE 1994, 859c = HEp. 6. 102c: meas uxores). But the fourth epitaph on the plaque simply lists two pairs of names with a gap between: L. Iustulenus Chrestus and Helvia Aucta and then below L. Peticius Felix and Iulia Apana (AE 1994, 859d = HEp. 6. 102d). These may each have been married couples, but even if this is correct, the relationship between the two pairs was left unclear. The fifth epitaph was set up by P. Curtius Phoebus for himself and for Scantia Bella, Iulia Maura, Ascanius, Pastorilla, and Echion (AE 1994, 859e = HEp. 6. 102e), but again the relationship between the individuals was not specified. The final epitaph simply commemorated Naevidia Optata, daughter of C. Naevidius Optatus (AE 1994, 859f = HEp. 6. 102f). Most of all, the fact that these six disparate epitaphs were all carved on the same plaque would strongly suggest that they had joined a funerary club and were buried in the college’s multiple tomb, on the façade of which the plaque was originally displayed.54

However, occasionally more complex groupings drawn from natal and conjugal kin were buried together or were active in joint acts of commemoration. This was especially so at the civitas capital of the Igaeditani, from where two examples survive of an individual who buried his father, mother, brother, and his own son or daughter—all, it appears, in the same tomb (HAE 1099, 1142). Extended kin were particularly prominent, buried alongside members of a nuclear family in almost one-quarter of the joint burials (Table 7.10, line 3) and implicated in almost half the joint acts of commemoration (Table 7.11, line 5). Several generations within the same family sometimes joined together to commemorate the dead: so, for example, two daughters and a granddaughter set up an epitaph for Chresumus and Amoena, their

54 For funerary collegia, see further Hopkins 1983: 211–17; Patterson 1992 and 1994.
father/grandfather and mother/grandmother respectively (HAE 1112). The joint acts of commemoration or burial involved members of an extended patrilineal descent group. However, there are also examples from this community where blood-kin joined with affines in commemorating the dead, as, for example, when Modestus Proculi f. was commemorated alongside his mother-in-law, Dutia Puci f., by his wife, Rufina Ruli Tongetami f., and his own daughter, Modestina (CIL II. 447). Sometimes the remains of even more extended kin were laid to rest within the same tomb, as in the case discussed at the start of this chapter, where Claudia Tangina commemorated her paternal grandparents, her paternal uncle, and her paternal aunt (HAE 1144 = ILER 6454; see above, Fig. 7.2). These more complex relationships at the civitas capital of the Igaeditani point to more complex family relationships in this community in the heartland of the Lusitanians—very different on the whole from what we find at the Roman colony of Emerita or in the conventus Pacensis.

Onomastics and Family Relations

Funerary commemorations, however, can be used in other ways to throw light on family relations in a province such as Lusitania. Quantitative analysis is not the only avenue of approach. Much can be gleaned, for example, from patterns of nomenclature, not least because personal names were bestowed within a familial context. The quintessentially Roman type of name (the tria nomina) underlined the importance of patrilineality in Roman family organization and the transmission of property. This was used by Roman citizens and perhaps also by provincial non-citizens (peregrini) who wished thereby to advertise their emerging Romanness, whether or not they realized that it was strictly...
illegal.\textsuperscript{58} The family name (\textit{nomen gentilicium}) was handed down from father to legitimate children, both male and female, who in turn expressed their filiation by means of their father’s \textit{praenomen}. Thus from Emerita, for example, the family of C. Voconius C.f. Pap[iria tribu] comprised himself, his wife Caecilia Anus, their son C. Voconius C.f. Proculus, and daughter Voconia C.f. Maria (\textit{HAE} 1634 = \textit{ILER} 3643 + 4878). However, more indigenous forms of personal names also emphasized important family relationships. So among the Igaeditani, for example, children often received a single name related to that of their father, but in adjectival or sometimes in diminutive form: Rufinus Rufi f. (\textit{HAE} 1157); Rufina Rufi f. (\textit{CIL} ii. 447); Modestina daughter of Modestus Proculi f. (\textit{CIL} ii. 447); Probina daughter of Probus (\textit{HAE} 1253); Severina Sereri f. (\textit{HAE} 1160); Longinianus Longini (f.) (\textit{HAE} 1143); Liguria Ligeris f. (\textit{HAE} 1142). The recently enfranchised also displayed this same process in their names: for example, C. Valerius Flacci f. Q(uirina tribu) Flaccinus (\textit{HAE} 1177) and Iulia Severi f. Severina (\textit{CIL} ii. 444). There are also a few cases of grandsons who bore the same name as their patrilineal grandfather: for example, Clemens Lupi (f.), whose father was Lupus Clementis (f.) (\textit{HAE} 1116) or Vegetus Vegetini f., whose patronymic would suggest that Vegetinus’ father was a Vegetus (\textit{HAE} 1183).\textsuperscript{59} This all suggests a strong system of agnatic descent, even in contexts where the full Roman onomastic system had not taken root.

However, to balance this, in the territory of the Civitas Igaeditanorum two cases survive where granddaughters were named after one of their maternal grandparents: Prisca Reburri f., whose mother was Cabrula Prisci f., and Sunua Elavi (f.), whose

\textsuperscript{58} On the usurpation of the Roman \textit{tria nomina} by non-citizens, note \textit{CIL} v. 5050 = \textit{ILS} 206 (edict of Claudius granting citizenship to various peoples in the Italian Alps in AD 46), esp. lines 36–7: nominaque ea, quae habuerunt antea quam cives Romani, ita habere is permittam; see further Alfoldy 1966.

\textsuperscript{59} For further examples from the territory of the \textit{civitas}, note \textit{FE} 23 = \textit{AE} 1983, 473 (Orjais, conc. Covilhã): Silo Tranquilli f. whose father was Tranquillus Silonis f.; \textit{AE} 1977, 364 (from near Fundão): Tongius M(a)elonis f. whose father was Maelonius Tongi f.; \textit{AE} 1967, 170 = \textit{HAE} 1209 = \textit{ILER} 4859 (Telhado, conc. Fundão): Caeno Lovi f. whose father was Lovius Caenonis f.; note also Nepos Arconis f. (\textit{AE} 1977, 365, near Fundão). From further west in Lusitania, the sons of Florus Valentiis f. were named Florinus and Florentinus: Vaz 1997: 240–1, no. 48 (Quinta dos Matos, Rãs, Sátão, distr. Viseu).
grandmother was Sunua Pisiri f.60 This would confirm the emphasis on maternal kin found earlier in our analysis of funerary commemoration in this community (see above pp. 197–8, 201–2). Further examples can be found to the north-east in the modern province of Salamanca.61

Furthermore, there are a few isolated cases from Lusitania where a matronymic was used as part of a personal name in addition to, or sometimes instead of, a patronymic. At Mirobriga (modern Ciudad Rodrigo, prov. Salamanca) a deceased pair (perhaps a married couple) each bore a matronymic as well as a patronymic: Eligius Flavius was described as the ‘son of Flavinus and Flaccilla’ and Allia Avita the ‘daughter of Serenus and Varilla’ (CIL ii. 866). Again at the urban centre of the Igaeditani, the 32-year-old Lubana was described as ‘the daughter of Amoena’, when her mother commemorated her with a distinctively tall granite stela topped with a triangular pediment decorated with a crescent moon (HAE 1145 = ILER 4309 = Almeida 1956: no. 100). On a funerary monument that in style is very similar to those found in more northerly districts of Lusitania and the neighbouring zones of Hispania Tarraconensis further to the north, we may be witnessing the vestigial survival of pre-Roman matrilineal patterns of descent and familial organization. Two further examples survive from the territory.62 Quantitative analysis suggested that maternal kin in this community played a more important role than in more fully Roman contexts; the appearance of matronymics provides vivid confirmation of this.
However, onomastics also reveal that the nuclear family was not the only organizing principle of kinship in the interior of Lusitania during the Roman imperial period. For in the modern Spanish provinces of Salamanca, Ávila, Cáceres, and Toledo (i.e. the north-eastern and eastern third of the province, or the region inhabited by the ethnic group known by Roman sources as the Vettones), more than fifty men and women were identified not just by a patronymic, but also by their affiliation to what appears to be a wider kinship grouping, or *cognatio*. For example, at the town of Ávila we find Curundus Aelcecum Cadani f. (*LICS* 34) or Dobiterus Caburoniq(um) Equasi f., who was buried alongside Arena Mentovieq(um) Aelci f. (*LICS* 37b). Similar kinship groupings are found outside Lusitania to the north in Asturias and Cantabria, to the north-west in Gallaecia and to the north-east and east in Celtiberia. Because the evidence is purely onomastic, it is difficult to reconstruct how these kinship groupings functioned in actual social practice, but it is clear that their titles derived from indigenous personal names. So from Lusitania, for example, we have an Aravus Araviaq(um) Turani f. (*LICS* 23) or Matugenus Matugen[i]q(um) Tancini f. (*LICS* 42), both from Ávila, or Caurunius Ambati (f.) Caurunicum from Yecla de Yeltes, prov. Salamanca (Albertos Firmat 1975: no. 196 = González Rodríguez 1986: no. 89). It is impossible to tell whether those individuals whose personal names matched the title of a wider kinship grouping were the heads of these kinship groups, but it does permit the inference that they were descent groups, tracing their existence back to a common ancestor, real or mythical. Not all homonymous individuals, however, were members of the same kinship grouping: at Yecla de Yeltes Alaesus Triti f. was a member not of the kinship-group Tritecum (which is attested at Yecla), but of the group Ubonicum. Similarly Erguena

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64 González Rodríguez (1986: 121–37) lists 206 of such wider kinship groupings in total, of which 45 come from Lusitania, the other 161 from neighbouring regions. Her work needs to be updated in light of recent discoveries: to her examples from Ávila, add *LICS* 23, 25, 28, 36, 41, 50bis.
daughter of Boutius belonged to the kinship grouping Ammaricum, not Boutiecum.\textsuperscript{65}

Some kinship-groupings are found in more than one region of the province: for example, Calaetiquum is attested at Ávila and Guisando (prov. Toledo); Arreinicum at Ávila and Villar del Pedroso (prov. Cáceres); Matugeniquum at Ávila and Yecla de Yeltes.\textsuperscript{66} Some of those found in Lusitania are also attested outside the province: Crastuniqum at Ávila (to which an immigrant from Uxama, modern Osma, prov. Soria, belonged), and also at Cuevas de Amaya (prov. Burgos) and Langosto (prov. Soria); Magilan(ic)cum at Alconétar (prov. Cáceres) and at Montealegre de Campos (prov. Valladolid).\textsuperscript{67} This feature ought not to be taken to suggest that these kinship groupings had wide geographical boundaries, cutting across Roman political limits. It is much more likely that they were very localized kinship groupings, with the replication of their titles due to the relatively restricted quantity of indigenous personal names.\textsuperscript{68} In some cases children appear to have been members of the same \textit{cognatio} as their fathers: at Caesarobriga (modern Talavera de la Reina, prov.


\textsuperscript{68} On indigenous personal names from Lusitania, note Palomar Lopesa 1957; Untermann 1965; Grupo Mérida 2003.
Toledo) Ammia daughter of Pistirus belonged to the cognatio Pistiricum, to which her father Pistirus was presumably also attached.\(^69\) Similarly outside Lusitania at Argovejo (prov. León), Turennus son of Boddus was a member of the cognatio Boddegun.\(^70\) Clearer proof that membership could be inherited patrilineally is provided by an epitaph from Ventosilla y Tejadilla (prov. Segovia), where two sons explicitly belonged to the same cognatio (Abinicum) as their father.\(^71\) On the other hand, there is at least one case from just beyond the eastern limit of Lusitania where a daughter belonged to a different cognatio from that of her father.\(^72\) There is also one example from Barcebalejo (prov. Soria) of a son, C. Iulius Barbarus Medutticorum C.f., who shared the same cognatio as his mother, Aemilia Acca Medutticorum, but here it seems likely that the man who appears to be his father, C. Iulius Labeo Crastunonis f. Medutticum, was also a member of the same kinship grouping, in which case we would have another confirmation of patrilineal descent.\(^73\)

It would also be useful to know how the nuclear family related to these wider kinship groups. However, there are no attestations from Lusitania of married couples both of whose cognationes appear on their epitaphs. From outside the province there are two (or possibly three) cases of a husband and wife belonging to the same kinship grouping, but two where they belong to different ones.\(^74\) So in the current state of knowledge we cannot determine whether exogamy or endogamy was the norm. The examples of husband and wife in the same clan might also be the result of wives changing their cognatio after marriage, on the analogy of Roman marriage cum manu.

\(^{69}\) Albertos Firmat 1975: no. 185 = González Rodríguez 1986: no. 170a.

\(^{70}\) Albertos Firmat 1975: no. 8 = González Rodríguez 1986: no. 55.

\(^{71}\) \(HAE\) 1030 = González Rodríguez 1986: no. 5.


\(^{74}\) Same cognatio: Albertos Firmat 1975: no. 29 = González Rodríguez 1986: no. 38 (Bleño, prov. Asturias); \(CIL\) II. 3121 = Albertos Firmat 1975: no. 122 = González Rodríguez 1986: no. 133 (Uclés, prov. Cuenca); for another probable married couple from the same cognatio, see previous note. Different cognatio: \(CIL\) II. 6294 = Albertos Firmat 1975: no. 127 = González Rodríguez 1986: no. 1 (Almadrones, prov. Guadalajara); \(CIL\) II. 5879 = Albertos Firmat 1975: nos. 80, 103 = González Rodríguez 1986: no. 50a–b (Medinaceli, prov. Soria).
In sum, the evidence is too patchy to allow us to discern how these wider kinship groupings related to the nuclear family, but they do at least provide striking evidence for the existence in certain parts of Lusitania (and in other northern regions of the Iberian peninsula) of family structures more extensive than the two-generational Roman nuclear family. Moreover, these extended kinship groups were still functioning in the third century and perhaps even into the fourth century AD. They are often assumed to provide evidence for the preservation of indigenous, pre-Roman social structures under Roman rule, and this may well be so. But it might also have been the appearance of Roman armies in the area in the second century BC that forced the locals to form these wider kinships units out of concern for property or defence, a situation for which there are anthropological parallels. Their existence in the less Romanized parts of the province of Lusitania may also help to explain the relative prominence of extended kin as commemorators in centres such as the civitas capital of the Igaeditani, where no cognitiones are yet attested, but where indigenous traditions (observable in personal names) seem to have remained quite strong even after the community had been promoted to municipal status following Vespasian’s grant of the Latin rights of citizenship to all the Spanish provinces in AD 73–4.

Conclusion

Quantitative analysis of funerary commemoration does reveal some interesting features of family relations among the ‘inscription-erecting’ classes in various towns of Lusitania. Nuclear families clearly predominated, but there were some subtle variations between different regions of the province. The most typically ‘metropolitan Roman’ patterns were found—not surprisingly—in Roman colonies such as Augusta Emerita, and in the more Romanized zones of the provinces (as, for example, the conventus Pacensis). Emotional attachment to the simplest form of family unit (based on the mother-father-children triad) was most preva-

75 González Rodríguez 1986: 63.
76 For this in Galicia, see Tranoy 1981: 362–84.
78 For personal names, see Dias 1985.
lent in flourishing cities with strong urban economies, such as Emerita, in particular among those ex-slaves who were able to establish new family units after manumission or to solidify quasi-familial unions that their masters had permitted while they were slaves. But in areas where Roman settlers and Roman culture penetrated to a lesser degree, a greater reliance on wider kin is discernible and women (whether in their capacity as mothers, wives, or daughters) appear to have played a more prominent role as commemorators and were commemorated more often than in more Romanized parts of the western empire.

This might suggest that ties of matrilineal kinship were stronger here than was normal elsewhere. But at the same time there is no doubt that patrilineal descent predominated. What we, therefore, seem to have is a stronger emotional emphasis being placed on bilateral kinship relations in less Romanized parts of Lusitania and of Spain in general than in other parts of the Roman west, and as a result a greater social valuation of women. Rather than matrilineality, it might be better to think of ‘matrifocal death rituals within a patrilineal descent system’. It is going too far, however, to think in terms of matrilineal descent, still less vestigial matriarchy, as has sometimes been suggested. After all, even Strabo commented of the Lusitanians that they ‘married in the same way as the Greeks’ (3. 3. 7), restricting his hostile comments about ‘gynaecocracy’ (or ‘women on top’) for the Cantabrians in the far north, where, he claimed, husbands paid dowries (or better, bride-price) to their wives, daughters were left as heirs, sisters were responsible for marrying off their brothers (3. 4. 18), and women worked the fields (3. 4. 17) and in the mines (3. 2. 9). Here too husbands took to their beds after their wives had given birth, happy to tend their sick husbands and to work the fields: the practice known to anthropologists as the couvade (3. 4. 17). Appian’s report (Iber. 71) on the physical bravery of Lusitanian women who fought alongside their menfolk against D. Junius Brutus’ army in 138 BC needs also

79 On which see in general Rawson 1974; Flory 1978.
80 To quote Morris 1992: 160.
81 For example, Étienne et al. 1976: 100.
82 On the couvade, see Rivière 1974; Broude 1988, Rival 1998. (I am grateful to my York colleague Thomas Gallant for these references.)
to be read as an instance of a familiar ethnographic *topos* rather than necessarily relating to any real social practice.\textsuperscript{83}

However, the continued existence into the second and third centuries AD of wider kinship groupings in several, more remote parts of the province shows at the very least that a completely Roman model of family organization did not spread evenly across the entire province. Or even if it did, it did not necessarily obliterate all elements of pre-existing kinship and family systems. In Roman colonies, where Roman family law pertained, the development of Roman-type families is to be expected. In towns promoted to municipal status Roman legal norms came to influence how marriage and family relations were regulated here too, as is clear from the Flavian municipal charters from Baetica and especially from Domitian’s subscript of AD 91 to the charter for Irni, in which the emperor made it clear that certain forms of marriage previously recognized under local law were no longer valid now that the new *municipium* had been granted a Roman charter.\textsuperscript{84}

But even in these communities, there was still a peregrine, native stratum, which did not necessarily have to fall into line with Roman norms regarding the manner in which they organized and conducted their relations with kin. In less urbanized regions of the province, there was less incentive to adopt a completely Roman model of family relations. It is in the distinctive patterns of personal names (determined within the family or at least the kin-group), in the survival of wider kinship groupings, and in the slightly divergent patterns of funerary commemoration that social historians can catch flickering glimpses of the fact that the inhabitants of Lusitania did not necessarily conceive of, and practise, ‘family’ relations in an identical manner across the entire province. The later history of family relations in Spain and Portugal is also marked by significant regional variation.\textsuperscript{85}

This would suggest that the elements of diversity that we have been

\textsuperscript{83} Cf. Strabo 7. 2. 3 on the Cimbri, Tac. *Agr.* 32. 2 on the Britons, and *Germ.* 8. 1 on the Germans, with the comments of Rives 1999 *ad loc.*

\textsuperscript{84} Note especially, *lex Irnitana*, ch. 29 (guardians), ch. 86 (assuming the existence of *patria potestas* in non-Roman family relations). On Domitian’s subscript regarding types of marriage, see Mourges 1987.

\textsuperscript{85} See the various articles in the *Journal of Family History*, 13/1 (1988) and 19/3 (1994), special issues devoted to family history in Iberia and in Portugal respectively. In general, see Douglass 1988.
able to discern, however imperfectly, in family relations in Roman Lusitania should not cause surprise. Although the spread of Roman power did bring a good deal of uniformity across its provinces, it did not obliterate, still less seek to obliterate, all local traditions and particularities. The manner in which family relations were organized in Roman Lusitania, it seems, provides no exception to this general rule.
In an ideal world, the study of the Roman family in the provinces would mean an investigation of the diversity of family life across the empire. What were the peculiarities of Dacian divorce and Mauretanian marriage, Turdetanian testation and Pannonian patriarchy? And so on. These questions have more than local significance. Much written on the Roman Family leaves the geographical scope of the institution unclear. How similar were the families on which Roman-style states were founded? How deeply into provincial societies did Roman institutions penetrate? Was family life left untouched by imperialism, the empire only a game for the males of the family, or was it transformed by it?

Sadly the world is not ideal, and there are fundamental obstacles to the practices of family history in relation to Rome’s northern and western provinces. Put simply, there is too little evidence, and no reliable means have been found of extrapolating general truths from the few cases we can document. Classical ethnographies say virtually nothing (and nothing reliable) about family
life before the conquest. Even in prehistory there was probably little uniformity among all the peoples of the region, and the law codes of medieval peoples speaking Celtic languages are no longer regarded as useful guides to Iron Age realities.\(^1\)

Equally, this is not a region within which social history can be written from epigraphy.\(^2\) There are too few usable inscriptions to reach conclusions that are statistically significant.\(^3\) The north and west is poorer in epigraphy than most regions of the empire: not only are there fewer texts but they are rarely lengthy or detailed, and we have almost no documentary sources. Worse still, as historians have become more and more alert to regional variation in family structure and to the possibility of quite dramatic change over time, the cruder statistical approaches are shown to be even more deficient. In order to identify such variability, investigators must subdivide the gathered epigraphic evidence again and again, producing samples so tiny that even the most tempting correlations are unsafe. The epitaphs from these provinces do yield some local peculiarities of commemoration. They were tabulated, and compared to those of other provinces, nearly twenty years ago.\(^4\) Behind those variations in commemorative practice, peculiarities of family life may lie, at least for the inscribing classes. But even this is uncertain. Death rituals often vary considerably even when we have no reason to suspect other differences in family structure. A few monuments and grand inscriptions offer vignettes of family life. The Secundinii from Igel is one example, another is the family of Caius Julius Rufus which dominated early Roman

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\(^1\) James 1999 is the latest of a series of critiques that have demonstrated the enormous problems facing this approach.

\(^2\) For imaginative attempts to do this for other regions of the empire see Cherry 1998 and Edmondson, this volume, both rather more optimistic than this author about the prospects for this line of inquiry.

\(^3\) Anyone who doubts the limitations of the Gallo-Roman epigraphic evidence need only look at Keith Hopkins’s (1990) comments on Yves Burnand’s (1990) learned contribution to an earlier colloquium on the Roman family in 1986. Burnand’s epigraphic and prosopographic knowledge of Roman Gaul is without rival, yet even so the very paucity of the evidence means it is impossible to move from the anecdotal and particular to the general.

\(^4\) Saller and Shaw 1984. Among their findings are that ante-mortem commemorations were relatively common in eastern Gallia Narbonensis, as in Noricum, Raetia, and Cisalpina (p. 126); and that there, as in all civilian populations in the western empire, the vast majority of named commemorators were closely related to the deceased.
Saintes for three generations. Those families, certainly among the wealthiest and best connected of their communities, represented themselves as the very image of The Roman Family. But it is impossible to generalize from the tiny number of cases of this sort to broader social patterns and trends. At best, their monuments may be used to illustrate propositions made plausible by other means.

It is no surprise, then, that evidence from these provinces has played little part in the debates over the Roman family that have flourished during the last two decades. Other chapters in this volume show the potential of Egyptian papyri and Greek epigraphy, of the rich and varied evidence for the Jewish family and the still unexhausted potential of the iconography, epigraphy, and literature of Roman Italy. Rome’s northern and western provinces, however, offer nothing similar.

The focus of this chapter, then, is on plausibilities, not certainties. It is also, necessarily, a hunt for the familiar, that is for features that recall Roman families as we know them from elsewhere. The argument is as follows. Although it is not possible to demonstrate that large numbers of families were organized on Roman lines in the region, it is certain that many members of local communities were well acquainted with Roman notions of the family. Many heads of families had the power as well as the knowledge needed to reproduce them if they wished to do so. Since it will often have served their interests to do so, we must suspect many did. Yet families, as we know from our own lives, are rarely driven wholly by considerations of interest. The irrational dimensions of family life are beyond our reach, in this part of the empire at least.

**Arguments from Analogy**

If we are to deal with plausibilities it is a good idea to narrow down the range of what we might consider. Comparative evidence often provides a good starting point, and many of those who

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6 To which might be added the papers gathered in Kertzer and Saller 1991 and Rawson and Weaver 1997 on Italy and the important study of van Bremen 1996 on Asia Minor.
have written the social history of barbarian Europe’s encounter with the Roman world have been inspired by the better documented histories of more recent expansions and imperialisms. For Roman Gaul, the Scottish Enclosures and the Atlantic Slave Trade have both been invoked. For some, the well-attested trade in wine into Iron Age Britain and Gaul has suggested the working of economic forces similar to those manifested in modern world-systems. Since analogies have provoked imaginative reconstructions and suggested novel interpretations, can they help with family history?

Family structure and kinship were high on the agenda of those anthropologists who, for much of the twentieth century, recorded the social systems of so-called indigenous peoples on the verge of their incorporation into nation-states and the world economy. Such societies were often envisaged as essentially stable entities subjected to dramatic change only by the arrival of European colonialists. When, in Chinua Achebe’s (1994) phrase, ‘Things Fall Apart’, the family, it was commonly held, was often one of the first things to go. Ethnography does not, however, supply general rules about what happens to ‘traditional families’ when drawn into larger political and economic systems.

It is easy enough to find cases where new pressures (or new opportunities) have split up large family groups. The growth of migrant labour in the wake of industrialization and urbanization is a common direct cause. Changes in demography linked to medical developments and the disease and diet regimes characteristic of underdevelopment are important indirect causes. Not all pressures lead to social disintegration. Missionary activity, legal reforms, and some social policies have strengthened some familial ties, if often at the expense of others. Gender politics in particular have often been transformed. Younger men may acquire greater opportunities for gaining wealth outside family-based activities; the state may determine to deal only with male heads of family; previously communal property may be registered in the names of individuals; foreign aid or health care may be

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7 e.g. among many others, Stevens 1970; Nash 1987, the latter drawing on the anthropology of Meillassoux and Terray. The technique is best exemplified in the work of prehistorians such as Michael Dietler and Michael Rowlands. On the use of world-systems theory in relation to Rome, Woolf 1990 and 1993. See also Webster 2001.
directed primarily to mothers of young children and so on. In many parts of the modern world urbanization and globalization together have led to the emergence of new employment opportunities open to young women from secretarial work to domestic cleaning and the sex industry. Education policies can even alter the relations between children and their parents, for example by empowering children to speak, read, and write ‘official languages’ better than their parents can. On the other hand this can lead to new burdens being placed on them. It is clear enough that understanding the precise impact of change involves in each case a careful analysis of a wide range of variables. The local effects of incorporation are enormously variable. If in some societies the social and economic power of older males has actually been strengthened, in others younger males or even women and children seem to be the ‘winners’. But none of this is easy to predict. Modern experience cannot provide a single pattern that can be applied to the Roman world.

Nor is it completely obvious that imperialism always brings change, or that pre-colonial situations have always been static. Arguably the entire project of trying to gauge the impact on family structures of incorporation into a wider world is fundamentally flawed.

The first objection to this approach is that families are not passive objects on which social forces act. ‘Traditional’ families were in reality no more genuinely stable or well balanced than ‘indigenous’ societies. It is metropolitan historians of empire who imagine empire’s victims in this way, when they allocate agency and responsibility only to colonizers and government. The pace and direction of change may well be dramatically altered by the colonial encounter, but all societies have their own historical trajectories. Pre-Roman Europe was no exception. The mortuary archaeology of northern Europe allows us to trace a slow growth in the size of human communities, the emergence of social ranking at least by the late Bronze Age and the appearance of prominent families, ones who buried even their female and infant members with extravagant investment of goods and time. The European Iron Age saw further changes, in particular enormous increases in social and economic power. There is some reason to believe in dynastic marriages between powerful chiefs and in the development of fictive kinship alongside clientage. Whatever else
archaeologists of late La Tène Europe disagree on, there is a consensus that it was a period of rapid social change. It is difficult to imagine family life being unaffected by all of this.

The second objection is that ‘family structure’ is itself an artefact of anthropological and sociological analysis, the product of a particular style of imperial historiography and ethnography. Like ‘society’ and ‘culture’, ‘family structure’ and ‘kinship systems’ were rendered apparently stable and orderly by the very functionalist and normative paradigms with which they were investigated. The effect was reinforced when they were described through conventions like ‘the ethnographic present’ which notoriously stressed statics over dynamics and edited traces of ‘modernity’ out of the picture. Family structure, in this sense, has been produced by the way family relations were studied.

It is preferable to treat each family as a transient expression of the changing balance of power among a group of more or less closely related individuals differentiated by gender, by age, by access to resources, by social skills and much else, but united by affective bonds and some common interests. Families are transient corporations for several reasons. Some change is often manifested in kinds of conflict that are perfectly normal and have been well studied for Roman society. Change deriving from patterns of social replacement can be thought of as cyclical. Chayanov showed that many peasant families underwent a cycle from poverty through prosperity to poverty as children moved from being dependants to becoming a source of productive labour before moving out to establish their own families. Indeed this kind of change is shared with the family groups of other primates. But if all change were like this it would be easy to adjust analyses of family structure in terms of norms to take the cycle into account. In fact, many if not most families are composed of individuals whose interests do not always coincide, and whose cooperation is provisional. New opportunities may suddenly make it possible for individuals to strike out on their own, or to alter their position within the family. The key point is that family structure has no inertia, and it can be transformed very rapidly when circumstances change.

8 Dixon 1997 for insightful remarks on conflict and also on collective expressions of family solidarity.
All this is a familiar scenario today, when effects of this kind are produced at an unprecedented level, owing to the complexities of western division of labour and the power of capitalist enterprise. But even Roman society was more complex than most of its predecessors in the west.9 ‘Stadtluft macht frei’ went the medieval proverb. There is no Latin equivalent and there are few stories of Roman Dick Whittingtons seeking their fortunes in the rapidly growing metropolises of the west. But it is difficult to see how cities like Rome and Carthage can have grown or remained large without a constant influx of population, not all of whom can have been slaves.10 Even the much smaller cities of Rome's European empire recruited their craftsmen and labourers from among former peasants.11 The army offered chances for individual males to move outside their natal societies, either permanently or, as seems to have been the case among the Batavii, simply for a portion of their lives.12 Conceivably commerce and some labour-intensive industries, such as pottery production, promoted the mobility which is only partly visible in the epigraphic record.13 Finally, the Roman peace, and the existence of empire-wide media of communication including the Latin language, Roman coinage, and Roman law, expanded the horizons of many westerners. Put otherwise, there were now many more routes out of the family or ways available for family members to enrich themselves individually.

Perhaps the best indication that Roman families were far from stable is paradoxically provided by repeated claims for the authority of ancestral custom (mos maiorum). Ancient historians for a long time behaved like those ethnographers who investigated family structure through questioning ‘expert’ local informants (usually high-status males) about social ‘norms’ and conventions.

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9 The argument here owes much to Runciman 1984 pointing out how increased social differentiation leads to higher rates of social mobility.
10 Hopkins 1978 is the classic statement of this, and the only real doubt is over how voracious these cities were as consumers of population.
11 Woolf 2000 for further discussion.
12 On the Batavii see Roymans 1995.
13 Wierschowski 1995 is the fullest study, but see also Horden and Purcell 2000 on the phenomenon of mobility in general, with arguments that apply outside the Mediterranean world, however defined. On mobility among potters see Hartley 1977: the example is important because it indicates mobility well below the social level of those normally commemorated epigraphically.
Anthropologists are now very aware that the supposedly normative orders extracted are often interested statements, usually heavily gendered. Social and religious rituals, themselves controlled by wealthier members of society, mystified the power of the dominant members of family groups. Roman historians too need to consider quite how complex the relationship is between reported norms and actual practice. Romanists think naturally of the *paterfamilias* in this context. It is now reasonably clear that a combination of high age at first marriage for males and low life expectancy would have made the large extended family dominated by a *paterfamilias* relatively rare in practice.\(^{14}\) So why did Valerius Maximus, Livy, and so many other authors rehearse such extraordinary claims about the prerogatives of the male head of the Roman family? I suggest we are dealing here with a ‘norm’ of family life promulgated by the powerful, perhaps promulgated all the more energetically in the face of social change. These images are ideological, then, attempts at reinforcing differentials of power within Roman families that were already under threat.

Ethnographic analogies suggest that dramatic changes in family structure—including assertions of traditional values—often manifest wider changes in the balance of social power. In times of rapid social change, we should expect family structure to be susceptible to sudden transformations, even when it seems (or claims) to be deeply rooted. There are some brakes on change. Rational choice analysis applied to the interests and strategies of individual actors explains only so much. Quite apart from the success with which rituals and symbols reproduce images of the family that suit those who are powerful in any society, there is affection, love, piety, possessiveness, and the rest, emotional states conceptualized differently from one culture to another, but to some degree universal. The affective dimensions of family life derive their power from deep-seated priorities we shared with our nearest non-human relatives. Virtually all humans live in families of one kind or another, and few seek to emancipate themselves from family life for very long, preferring to remodel their birth-families or create new ones. All that said, we should be prepared for the possibility of major changes in the family lives of provin-

\(^{14}\) Saller 1994 for the definitive demonstration of this.
cial Romans. Predicting the precise nature of those changes is less straightforward.

**Learning the Roman Family**

What access did individual provincials have to new and different ideals of family life? Here, at least, it is easy to provide an answer . . . at least for the elite. That qualification applies to the rest of what follows, since family structure is notoriously variable according to social status and wealth. Here at least it is less plausible that innovations piloted by the local elites would be disseminated more widely in society through imitation or other mechanisms.

Most western elite males learned Roman family values at school. It is certain that the standard Roman educational system became widespread in the west from early in the Principate,¹⁵ not long, in other words, after it reached the form it would have until late antiquity. Tacitus describes a school of the children of Gallo-Roman nobles in Tiberius’ reign, while orators and other writers are known from Gaul, Spain, and Africa in the late first century AD. Elementary education involved becoming familiar with a series of canonical texts. By the middle of the first century AD this canon included many of Cicero’s speeches and Virgil’s *Aeneid*, and perhaps Terence and Horace as well. Virgilian quotations are frequent in the graffiti and epigraphy of the western provinces.

It is easy to see how Roman family values might be learned by those working with this canon.¹⁶ Cicero’s speeches provided many exemplifications, positive and negative, of Roman family norms.¹⁷ The *Aeneid* too mythologizes familial relations, idealizing Aeneas’ relations with his father and his son, and offering competing models of matrimonial relations and of male and female virtue. The next stage of education was a series of rhetorical

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¹⁵ On education in Gaul see Haarhoff 1920 and Marrou 1948: 424–30. Suetonius’ *Lives of the Grammarians* along with the pedagogic works of the elder Seneca and Quintilian allows this process to be followed throughout the west. For discussion of its role in relation to the urbanistic and civilizing projects in the 1st cent. see Woolf 2000.

¹⁶ Morgan 1998: 110–52 for a discussion of this mostly in relation to Greek education in the Roman period.

¹⁷ Treggiari’s chapter in this volume explores the subtleties of the Ciceronian discourse of the family.
exercises designed to teach young men not only to speak, but also to act, as Roman males. Education inculcated normative gender roles and embodied them in gesture and posture as well as speech.\textsuperscript{18} Making practice speeches, students took on the roles of historical and mythical figures.\textsuperscript{19} Family relationships, especially those of fathers and sons, were common in both kinds of exercise, to judge from the examples provided by the elder Seneca. The same is true of the exemplary anecdotes gathered by Valerius Maximus, ostensibly for the use of orators.

By the end of their formal education, then, the male children of the western nobilities had learned how (some) Romans imagined the family, and were practised impersonators of them. These exercises did not compel them to accept these values, any more than they enforced moralizing norms in Rome itself. Education might also have empowered them to break the rules, to play against type and adopt and create minority and counter-cultural models of behaviour.\textsuperscript{20} Educated provincial males knew, however, how Roman fathers and sons were expected to behave. Equally they could measure their female relatives’ behaviour against the norms made patent in these late Republican and Augustan texts. An authoritative image of Roman family life, in other words, was available to them.

\section*{Families in Law}

Epic poetry and rhetorical exercises were not the only media through which Romans theorized about the family. Of all media, law made the clearest statements and the most detailed. Modern historians of the Roman family have mined Roman legal texts for details of family life, and have also disentangled from them more fundamental norms, constructs, and ideals such as \emph{patria potestas} and \emph{familia} itself.\textsuperscript{21} Only a few westerners will ever have come to understand the Roman family in this way, and then only very late in the principate. Nevertheless, individual laws and civic charters communicated an ethic of the family, both when promulgated and also when used by enfranchised western aristocrats to further their own and their families’ interests.

\textsuperscript{18} Gleason 1995. \textsuperscript{19} Beard 1993. \textsuperscript{20} A major theme of Gleason 1995. \textsuperscript{21} This section owes a great deal to Gardner 1998.
Enfranchisement is the easiest stage of this process to map out. The *coloniae* of Gaul and later of Germany and Britain were the nearest thing in the north-west to Italian *municipia*, entire communities of Roman citizens living by Roman laws. Can we imagine un-Roman families within societies like this? Certainly we can, given the vast cultural differences between Roman colonies in this period. Nevertheless the citizens of Orange and Lyon, Nyon and Narbonne and all the others were legally bound by Roman laws on marriage and adultery, inheritance, property, and status including the moral legislation of Augustus and Tiberius.

More westerners lived in communities that were formally Latin or peregrine in status. Only from Spain have charters survived for Latin communities, although they were certainly widespread. Peregrine communities must have varied considerably, despite some indications of a convergence on Roman institutional forms. As far as family life went, however, conditions were probably broadly similar throughout the western provinces. To begin with, Roman families—in the sense of families, the heads of household of which were full citizens—must have been rare in such communities. They will have coexisted alongside families of many other kinds, families governed and defined by local laws and customs. Perhaps Roman families formed something of a closed circle within some communities: the institution of the *conventus* of Roman citizens remained important in Gaul, even after most Gallo-Romans were enfranchised.²² But there would also be local pressures not to allow the chance or timing of enfranchisements to disrupt existing relations of amity. The situation eased over time, since during the two and a half centuries between the Augustan reorganization and Caracalla’s edict the Roman family in this strict sense must have expanded at the expense of competing forms. Grants of colonial status to communities like the Treveri converted hundreds of families at a stroke, while magistracy in Latin *municipia*, immigration, the return of auxiliary veterans, and (perhaps especially importantly) emancipation by Roman citizens promoted gradual but presumably exponential growth.

Family politics in Latin and peregrine communities must have been rather complex. Even if the emperors had intended to

²² Audin *et al*. 1954.
create communities in which citizen aristocracies ruled over non-citizen masses, the actual effect would have been rather different. The propertied classes would for a long time have been divided between citizens and non-citizens. Likewise, citizenship would also have been found among the masses, notably among ex-slaves of local citizen nobles. In these circumstances, we might expect Roman conventions and practice to become widespread, even among those not legally entitled or obliged to behave in accordance with Roman law. It has recently been argued that charters of the kind issued to Latin *municipia* like Irni encouraged many to live as if they were Roman citizens. 23 Chapter 93 of the *lex Irnitana* gives explicit instruction to the Irnitani to deal with each other as if they were Roman citizens in any matters not covered by the law itself. But this *fictio* does not show a lack of concern with legal status, or with the effects of municipalization. The Spanish charters include some indications that the Roman authorities believed that the grant of municipal status, with the consequent changes in personal status for their inhabitants, risked undermining ancestral institutions including the family. 24 Domitian’s letter, appended to the *lex Irnitana*, indicates that marriages must in future conform to the requirements of the law.

Special problems arose in families which had been incompletely enfranchised. Crudely simplified, although a magistrate’s agnatic ascendants and descendants were enfranchised at the same moment as he was, some significant relatives were omitted. Siblings were not included making them in principle ineligible to inherit from their newly enfranchised fathers or to receive legacies from their citizen brothers. Perhaps, in practice, few magistrates had living fathers who had not already obtained citizenship. 25 No doubt in many such families all the brothers took


24 The idea that these clauses of the charters provide evidence for the existence of institutions such as *patria potestas* in Roman Spain prior to the Flavian period seems unsafe. Rather we may simply be seeing the limits of the Roman imagination about alternative kinds of family life and an indication of the kind of institutions they were concerned to promote rather than undermine.

25 To the arguments of Saller 1994 about the likely effects of demographic conditions on family structure may be added the likelihood that in many Latin communities a ruling class with Roman citizenship would have emerged in the course of the 2nd cent. with the result that many candidates for magistracy would already be citizens.
their turn at high office. But there would have been exceptions, and sisters remained vulnerable. Analogous problems would arise in some marriages. A magistrate might, in principle, find that he had condemned his future grandchildren to illegitimacy by invalidating his children’s marriages. What solution the elites of Latin communities found to these problems is unknown. When all parties agreed, no doubt the letter of the law might safely be ignored, local laws might be applied, or the *fictio* that all were Roman citizens might be resorted to. But in disputes, for example over inheritances, it might be less easy to reach resolution between parties of different statuses, one of them claiming the exclusive rights of the Roman citizen. However conflicts were resolved, the elite would be drawn into a debate about the nature of the family in which Roman normative models would be a constant point of reference. In debates of this kind, there might be distinct advantages to both sides in conforming to Roman norms, at least temporarily.

Similar questions occurred in some peregrine communities. It is probable that many of the Julii prominent in the historical accounts and epigraphy of first-century AD Gaul were descended from aristocratic warband leaders enfranchised and enriched after service in triumviral campaigns and the Augustan wars of conquest. Well before municipalization, then, an influential group of citizen families was emerging in Gallo-Roman communities. The social mix of communities with only a few dozen Roman families offered several choices to these citizen elites. They might choose to form closed circles of the kind already mentioned, bound together by webs of intermarriage and testation. The grandest families might begin to seek husbands and wives for their children among the richer citizen families of neighbouring communities. It is not possible to show this strategy was widespread, but analogy with the better attested situation in Achaea and Asia makes it likely. Yet many would presumably wish to marry within local elite circles which were still part-citizen, part-peregrine. The obvious solutions would be either to marry under

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27 Drinkwater 1978.

28 The family of Julius Indus is a good example, on which see Wightman 1970: 36–7.
local law or to marry as if both parties were Roman citizens. Given goodwill on all sides, any resultant inheritance problems could be sorted out amicably. This was risky, but no more risky than the decision many people today make to remain intestate or to live together outside matrimony. Ancient practice may have been no more rational than our own.

Despite all the uncertainties, it is clear that a degree of choice existed in the Roman provinces over how far to conform to what they supposed to be the norms of Roman family life. Roman law was not so much a straitjacket as a way to think about and discuss the family, as well as support for families of a particular type. Disputes of various kinds brought this Roman legal theory of the family out into the open. It does not follow that all members of western elites accepted Roman notions. But they were certainly aware of the Roman model. Equally, what we call the Roman law of family had itself been developed over centuries as a means of extending and facilitating the control exercised by adult males over their property and dependent relatives. Unsurprisingly it was often useful to provincials. While we cannot measure the extent to which it was used to engineer choice, there is no doubt that it enabled provincials to choose to constitute Roman-style families if it suited or attracted them to do so.

Un-Roman Families in Provincial Houses?

One drawback with the method pursued so far is that the hunt for the familiar is inevitably one-sided. Roman law and Roman will always illuminate the Roman at the expense of the other perspectives. Yet there are no local texts to answer, correct, or supplement Roman municipal laws and pedagogic handbooks. The only evidence that offers a chance of identifying peculiarly local species of family life is archaeological, specifically the traces of houses, urban and rural. Evidence for house design is accumulating in the provinces, and modern excavations no longer routinely interpret all features of these structures in terms of Italian models and agronomical texts. Yet, in the provinces as in Italy itself, it is not a straightforward matter to excavate the family.

The point may be illustrated in relation to Gaul, where some of the best traditional and also some of the most radical interpretation has been conducted. Recent years have seen a substantial increase in the excavation and publication of Gallo-Roman domestic sites. The acts of two conferences held in the mid-1990s offer new syntheses on Gallo-Roman rural residence and urban housing respectively. Not only is the scale and elaboration of the larger residences clearer than ever, but so is the diversity in house plans. Some examples are difficult to interpret except in terms of the translation onto provincial soil of building types developed in Italy. The phenomenon was long ago recognized for public buildings. The first Gallo-Roman peristyle houses and atrium houses too are difficult to explain except in terms of the work of Italian-trained architects and craftsmen. Other types seem rather to be an application of Roman constructional techniques, materials, and decorative elements in the rebuilding of massive rural residences first constructed in the late Iron Age. Controversy really focuses on how these various house types should be peopled. Should we imagine Roman families going with Roman architecture, or can traces be found of un-Roman families in local peculiarities of structure and construction?

Social analysis of urban housing in terms of the family has focused mainly on the Vesuvian cities. Initial research sought to identify normative house plans, or features so common they could be said to structure Roman houses, and then to relate them to features of Roman society known from literary sources.

I am grateful to Simon Esmonde-Cleary for bibliographical help with this part of the chapter.


Smith 1997 for the most trenchant arguments that non-Roman families can be detected in the villa plans of Britain and northern Gaul. For discussion see below. Reece (no date) offers limited support for the hypothesis. For thoughtful discussions of house types and their social correlates, cf. Hingley 1989 on Romano-British material, and on the Lower Rhine the publications of the Pionier-project ‘Power and Elite’ to which Slofstra 1991 is a good introduction.

Wallace-Hadrill 1994; Bon and Jones 1997; Laurence and Wallace-Hadrill 1997 give an idea of the range of the debates.
Subsequent studies have examined the differentiation of Vesuvian houses, again in relation to categories important in Roman discourse such as luxury and wealth, leisure and work, and ‘Greek’ as opposed to ‘Roman’ elements. House designs were held to reflect customary patterns of usage, from ritual such as the worship of the Lares and Penates, through formal social routines such as dining and bathing, to the mundane organization of sleeping and cooking. The various valuations of these repetitive activities were manifested in the design choices of those for whom these houses were built, modified, and decorated. Houses could be thought of as the exoskeletons of long dead family units, another Pompeian plaster-cast that revealed the shape of what once had been living social tissue.

Various nuances have since been added to these pioneering accounts, and others might be. First, there is a distinction to be drawn between what was normal in the sense of common, and what reflected norms in the sense of publically articulated notions of proper and normative behaviour. Some patterning relates to this first, uncharged, sense of normal. That storage rooms are often close to kitchens, for example, need carry no ideological charge. Second, houses do not simply reflect social structure, but play some part in shaping the lives of all who inhabit them. So some aspects of house design may be seen as providing ideologically charged visions of family life that, in some respects, served the interests of the powerful, men rather than women, adults rather than children, the free rather than their slaves, and so on.36 One might even see houses as part of the means by which the powerful invested their wealth so as to influence the way social inequalities were reinforced and replicated, so long as it is allowed that the rich will often have been conformists rather than innovators in this respect.

It is easy to exaggerate the social force and significance of architecture. If atria were highly distinctive stages on which were performed a range of family rituals from common cult to the reception of clients, the function of many other rooms could be modified with a simple change of furniture.37 The continua between public and private, between grand and less grand spaces,

36 Alston 1997; George 1997; Flower 1996.
37 e.g. Allison 1992 and Berry 1997.
and the like account for only a small part of the elaboration and diversity of known houses. In other contexts, anthropologists have focused less on the normative aspects of housing than on the potential that dwellings offer their inhabitants for self-fashioning and individuation. The approaches are complementary. If normative analysis tells us why atria are so important, looking at differences helps explain the attractions of those decorative media, such as wall-painting and mosaics, which can use a small range of materials and stylistic variants to make every room in every house distinctive. House architecture and decoration offered their Roman owners ways of differentiating themselves as well as ways of conforming to particular social or cultural norms. Part of being Roman involved knowing precisely how to balance between social status and tasteful individualism. The modern analogy would be the poise needed to situate oneself between banality of taste and eccentricity.

When we turn to housing in Roman Gaul, then, the appropriate question is not, Did Gallo-Roman house owners conform to Roman styles? but rather, Did they know how to manipulate these complex assemblages to signal novelty and tradition, conformity and individualism in an appropriate way? Put otherwise, does house architecture suggest that Gallo-Roman nobles could play at Roman Families if they wished to do so?

The start of an answer is provided by the massive domus PC1 re-excavated by the University of Lausanne working within the international project of excavations on Mont Beuvray in Burgundy. The house closely resembled contemporary Italian housing. Its size—well over 3,000 square metres in surface area—amazes. In its fifth phase, constructed around AD 15, the house incorporated an atrium, equipped with an impluvium, and a large peristyle. Some traces of wall-paintings have been found,

38 e.g. Miller 1987. Admittedly his case study deals with a very different social context, modern housing schemes in which the architecture itself is uncompromisingly uniform and personalizing spaces with decor assume a new importance.

39 In advance of the full publication of this structure the best account is included in the very full Rapports annuels d’activité scientifique produced by the Centre archéologique européen du Mont Beuvray. I am grateful to Vincent Guichard for providing me with copies of these reports and for his hospitality at Glux-en-Glenne.
apparently in early Pompeian third style.\textsuperscript{40} PC\textsubscript{1} is not an isolated example. A series of large houses with atrium and/or peristyle is known from this area of the hillfort, surrounded by a number of much smaller houses organized in a systematic fashion.\textsuperscript{41} The complex as a whole dates from the last half of the last century BC, between the Caesarian conquest and the Augustan reorganization of Gaul, and some parts of it remained occupied until AD 30 or 40, some time after the foundation of Augustodunum, present-day Autun. Here then is proof that some Gallic notables at least could, from the very beginning, acquire perfectly good Roman houses to live in.

The dossier of urban housing from southern Gaul provides many more examples of relatively large urban houses, with surface areas of several thousand square metres, many equipped with wall-paintings, mosaic floors, hypocausts, and the like. More peristyle houses have been identified than houses with atria. Entire quarters have been excavated in a few cities: those of Glanum, Orange, St Romain-en-Gal, and Vaison are the best documented. Large and small houses exist side by side, and porticoes with shops line major streets. There is little sign of specialised quarters outside the monumental centre. The organization of space, in other words, is broadly comparable to that in the Vesuvian cities.

A number of northern cities have also produced evidence of large houses equipped with similar amenities. Internal courtyards feature in the larger houses known from Amiens and Reims. The house plans show considerable variety, and not just in size. A few are simple structures with just a few rooms, usually interpreted as in the tradition of small rural structures. But the larger houses are better known. There is no simple trend in size or elaboration over time. A few very early houses, in both the north and south, were very large and elaborate, with decor equivalent to that of contemporary Italian domus. Large houses appear all over Gaul in the later first century AD but small, irregular houses never disappear entirely from Gallo-Roman cityscapes. The variety of house types at the upper end of the size range does not include any types that are unique to Roman Gaul, but then the larger houses of Italy

\textsuperscript{40} This style appeared in Lyon and Vienne from around 15 BC, within a few years of its first appearance in Campania, and is widely attested in southern and central Gaul.

\textsuperscript{41} Meylan 2000.
and Africa are also fairly variable in detail. There is no gradual convergence on a canonical Roman house-type that might accommodate a canonical Roman family. This is no surprise, given the way the Vesuvian houses are now interpreted.

The strongest case for locally specific house types that might reflect Gallo-Roman family structures has been made in relation to the grand, rural residences of the northern provinces. Earlier generations termed these villae and saw in them signs of the spread of Italian systems of agriculture and residence of the kind described by the agronomists. The revelation that most were built and inhabited by provincials rather than settlers led to a search for local peculiarities. What was spreading was a set of constructional techniques and associated building materials. Typical features included roofs of tegulae, walls built on stone socles, carpentry based on a variety of Roman joints and extensive rectilinear plans. The larger examples had mosaic floors and bathhouses, and sometimes wall-paintings, towers, and second storeys. Some were located in imposing locations, on hill tops, in the bend of a river, even within an Iron Age hillfort at Villejoubert in the Limousin, and might be associated with tombs and shrines. There is no doubt that in some regions of Gaul at least, the building of enormous rural residences, with extravagant façades and approaches, reflected social competition among the landowning classes.

How far can the differences between the commonest Gallo-Roman villa types and those of Roman Italy be explained in terms of differences in social or family structure? It has been suggested that the plans of some of the largest farms show traces of a ‘unit system’, each unit comprising accommodation and other facilities for a single family. If so, the several families resident in a villa might then form a kin-group who together worked an estate owned in common, or one which had been divided among the heirs of a single head of household. Rural residences would provide some hard evidence, at last, for the existence of non-Roman styles of family in Gaul.

Unfortunately the evidence for this reconstruction is ambiguous. While it is true that house plans are one respect in which

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42 Smith 1997 is the culmination of a number of influential conference papers and short articles.
these structures least resemble Italian farms, it is difficult to identify the functions of rooms from plans alone, especially when these plans have not been the result of extensive excavation. Even where separate residential units have been identified, there is no real way of deciding who inhabited them. The labour systems used on farms of this kind are uncertain. There is no reason to believe that local family structure closely resembled that described in the early medieval Welsh law codes. Finally, if students of the Vesuvian cities are now less sure that Roman houses there always reflect the standard Roman family, then deductions from the much-less-well-preserved remains of Gallo-Roman farmhouses must be treated with caution. None of this means that Gallo-Roman farms were the residences of families identical to those that inhabited Pompeian houses. It simply means that these structures have little to tell us about family life in Roman Gaul.

What the archaeology of the Roman house in Gaul shows is that those who built and commissioned houses had their choice of virtually every component used elsewhere in Italy and the western provinces. There are many rooms, decorated with mosaics and wall-paintings, that would have served as perfect venues for social rituals such as *cenae* just as the great town houses on Mont Beuvray could have played host to *salutationes* and the like. How far these spaces were exploited in this way, of course, is another matter.

**The Seductions of Roman Patriarchy**

The leading men of the Gallo-Roman communities, through their education and citizen status, in their towns and in their residences, possessed all they needed to join the circle of Roman families. Their plate, pottery, and wine cellars, like their *triclinia*, opened up the possibility of joining the social rituals through

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43 Percival 1976 remains the best single-volume account of the subject.
45 An idea suggested by Stevens 1970 and developed by Smith 1997.

Whatever view is taken of the existence of ‘Celts’ in antiquity, a matter of considerable debate, it is certain that there were enormous variations in the social institutions of the various areas that have been considered ‘Celtic’ at one period or another.
which family life was put on display. The rights conferred on them by the *ius civile* empowered them to organize their families and property very much as they wished. The investment must have been considerable. The only question that remains is whether or not they chose to make Roman families for themselves.

It was pointed out above that the number of Roman families, in a formal sense, increased as a consequence of successive enfranchisements. Today, we usually think of the spread of Roman citizenship in terms of the recruitment of individuals to the Roman citizen body. Perhaps this is so partly because citizenship, at least since the French and American revolutions, has been most important as a way of describing the relationship of individuals to nation-states. Roman perspectives were perhaps different. When they offered enfranchisement to magistrates of Latin communities, to auxiliary veterans on discharge, or to Roman allies as commemorated in the *tabula Banasitana* grants were often made explicitly to families. Only manumitted slaves seem to be exceptions to this rule, and even then their enfranchisement could be viewed as bringing them closer within the family that had owned them. Enfranchisement, among other things, was about entering an interconnected network of families. The ancient right of *connubium*, along with the capacity to inherit from other Roman citizens, makes it clear that in some contexts the *populus Romanus* was still thought of as bound together by endogamy. Romans might not celebrate common ancestry, but through citizenship they celebrated an alternative style of kinship.

Historical analogy helps us envisage one way that this might have been conceptualized. Peter Laslett, the founding father of family history, once castigated historians of early modern England for their ‘failure to look realistically at the familial texture of society. What does the word *England* mean, for the year 1640, shall we say?’ He answered in the following terms:

England was an association between the heads of such families, but an association largely confined to those who were literate, who had wealth and status, those, in fact, who belonged, with their families as part of them, to what we have already called the ruling minority. Almost no woman belonged to England as an individual, except it be a queen regnant—scarcely a woman in the ordinary sense—or a noble widow and heiress or two, a scattering of widows of successful merchants and
yeomen. No individual under the age of thirty was likely to be a member, except in the very highest reaches of society, and very few men who had never been married.46

By ‘such families’ Peter Laslett meant a set of relationships that had at its heart a nuclear family but was also a business concern, and might in certain senses include servants and apprentices alongside blood relatives. There are clear resemblances between this conception of the early modern family, and the way the Roman familia functioned as a central component of the legal institutionalization of the Roman economy.47

Rome, naturally, represents a different cultural matrix and one within which family life was institutionalized slightly differently. It has been insisted, for instance, that historians recognize the ‘slave context’ within which the Roman family and the normative roles of all its members were defined.48 Adapting Laslett’s characterization of patriarchal society to suit the Roman state would involve some other changes: deletion of the possibility of queens regnant and translation of ‘successful merchants and yeomen’ into more disciplinary correct terminology. But, with those slight modifications, we would perhaps have an authentic representation of how some Romans understood what we call the Roman state.49

Authentic, that is, for some of its members. This vision too is ideological, an interested view, and it was never the only way that Rome was defined. But the widespread metaphorical usage of familial terms shows their centrality in Roman conceptions of the state. Senators were addressed as patres conscripti and each emperor adopted the title pater patriae. If the public cults of

46 Laslett (1965: 19) unchanged in Laslett (1983: 19) except that he expands his initial question to read ‘What does the word “England” mean, for the year 1640, shall we say, the England of politics and political history, the England of the older textbooks?’ For England read Rome, for 1640 read 31 BC, for ‘the older’ read ‘modern’?

47 Wallace-Hadrill (1991), and Aubert (1994) have begun to show some of the ways the familia, including slaves and ex-slaves, managed a wide range of economic ventures.


49 This is not the same claim as that which Saller (1994) challenges, that Roman families were dominated by fathers to an extraordinary degree, or that Roman fathers, especially in early Rome, had virtually unlimited power over all their dependants.
Rome were managed by the patres conscripti much private cult was managed by the heads of households. Roman law was a powerful medium for communicating these ideas. Roman citizens who were not patres were not fully independent agents, and patres mediated between society at large and the other members of their households. Members of the familia could get their rights only via the pater, and he was responsible to some extent for their actions. The myth of the all-powerful paterfamilias tells us something about Roman society, even if it does not describe reality.

This myth of patriarchy maybe suggests one attraction Roman family life might have had for those elite males able to bring it about around them. Gaulish chieftains would certainly not have had their power over their dependants diminished by adopting the Roman family. Roman patriarchy offered power to old over young and to males over females. When the enfranchised were young, citizenship and the spoils of Roman warfare may have helped them evade the power of their own elders. But their children, in a Roman family, would never have the same opportunity. The possibility of living family life the Roman way emerges as a potential incentive for adult males to sign up to the Roman order. The family, and the socialization entailed in growing up within one, becomes a key institution for the integration of new Romans.

This should be no surprise. All expansionist societies need to reproduce their core institutions in new territories. During the Middle Ages, fiefdoms and bishoprics were rolled out across Europe in all directions. European empires in the nineteenth century set up law courts and companies, schools and churches in the same way. We should expect institutions that were equally central at Rome, like the Roman family and Roman slavery, to play similar roles in the expansion of Roman society. Perhaps the key difference is that the Roman family was never compulsory in the Roman provinces. Even when mass enfranchisements like those associated with colonization suddenly created hundreds of ‘Roman families’ it would have been easy to evade Roman norms in favour of diverse local practices. In the end, it is consideration

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50 So for Edwards (1993: 34–5) law was ‘a moral discourse’.
51 Gardner 1993 passim.
52 Purcell, forthcoming, for a compelling vision of how this was achieved.
of the interests of adult males, those with citizenship and those who hoped to acquire it, that makes it likely that many chose to organize their families in the Roman way even when they did not have to do so. I am well aware, of course, that much of this chapter has been concerned with working out how things must have been, rather than in documenting how they were. It would be much more comfortable to be able to demonstrate the truth of what I have proposed, but for the social historian of antiquity good guesses are often the best we can do, and they are always preferable to bad arguments.
The objective of this chapter is to consider our current understanding of the family in the Roman era in a regional setting, specifically the provinces of North Africa, with a view to enabling a comparison with other provinces in the empire. This task presents a number of difficulties, but also affords an opportunity for some general reflection on several important methodological problems of ancient history. The difficulties that arise are both spatial and temporal. Roman Africa covers a vast territory and the extant information is not only very scattered, but also unevenly scattered, throughout the region. The evidence covers a multitude of cultural contexts and deals with people of very different juridical status and social levels, furnishing a series of examples that should be examined as individual cases before any attempt at generalization is made. Furthermore, this evidence extends over half a millennium, from the first century to the fifth century AD, and bears the mark of multiple changes which are far from unilinear.

Although the important work of African authors such as Apuleius, Tertullian, or Augustine on this topic cannot be neglected, the fact remains that the evidence is primarily epigraphic, thereby introducing two additional distortions. First, there are the social and cultural biases inherent in a reliance on epigraphic sources. A concentration on inscriptions privileges not only the elite, but also those, often the same people, who wanted to express their Romanitas more than their ‘difference’, even if it is far from clear that such differences can in fact be indirectly revealed through the use of Roman vocabulary. Large strata of the population therefore remain hidden. One revealing sign is the

Many thanks to Elena Silvestri for her translation and to Magali Cullin for her help in the layout of the documents.
occurrence in late antique sources of African-sounding names that were less represented than Latin cognomina in funerary inscriptions during the first three centuries AD. This should not be read as a ‘return to the roots’, but rather that these names had probably never stopped being in use by sections of the populace who had only limited access to epigraphic commemoration. In a charming letter to Maximus of Madauros, a grammarian who was still pagan and who disdained the African names common among Christians probably because they were characteristic of the poor and uneducated, Augustine suggests that, since both of them were Africans, they were hardly in a position to deride Punic names.

Secondly, there are the biases related to the history and constitution of the field of ancient history. Traditionally, the discipline has been built on the accumulation of epigraphic texts that were more often than not entirely cut off from their context, about which we therefore know nothing, except when the editors of the standard collections (e.g. CIL viii, ILTun., ILAlg.) were content to give the briefest description reduced to its bare essentials. In the same rhythm and direction as archaeology, however, ancient history has evolved over the past few decades, with the result that the most recent publications of our Tunisian, Algerian, Moroccan, and Libyan colleagues (and of colleagues, notably French and Italian, who work with them) closely associate text and context, providing the placement of inscriptions, funerary and honorific, on the monuments on which they were found. These publications also show us the extent of the work that would have to be done, through systematic verification in the field (and obviously beyond the scope of this study), in order to reproduce the same context for previously discovered and published inscriptions. When a monumental mausoleum is studied in a monograph, such as the mausoleum of the Flavii at Cillium, and the mausoleum of Quintus Apuleus Maxsimus at El Amrouni, or when we can reconstruct the order in which epitaphs were engraved, thanks to the photographing of a funerary stela with multiple epitaphs, such as in two recently published

1 Optatus, De schism. donat. 3, 4; Augustine, Ep. 16 (letter of Maximus); see Lassère 1988: 98–9.
2 Ep. 16–17.
collections from Dougga, the set of problems for consideration expands significantly.  

Biases aside, no inquiry concerning the family in Roman North Africa can be meaningful without asking an array of questions related to cultural anthropology. Rome took lasting control over this vast territory, bringing along with its colonists its language, its urban models, its administration, its civilization; in short, its own modes of cultural expression. But Rome was not the first power in the region. It was preceded by Carthage, whose cultural influence radiated much more widely than its political control, and by Hellenistic influence, as has recently been suggested for Numidia. As strong as Roman influence must have been, at least among the elite, it is unlikely that it eliminated everything that preceded it. What we are looking for, beneath the translations and adaptations, are elements of continuity and some evidence of the unique features of local societies and cultures. This is all the more important since, after being one of the most Christianized regions of the empire, with all the profound modifications in the structures and conceptions of family, marriage, and kinship conventionally attributed to Christianization, North Africa was later Islamicized, a change which, however progressive, was nonetheless long-lasting and irreversible. It is precisely this Islamicized North Africa that some twentieth-century anthropologists have used as a field of study to identify specific kinds of relationships, the best known being ‘Arab marriage’, preferential marriage to the parallel patrilateral first cousin, that is, the daughter of the father’s brother. New biases can emerge, leading us to try above all to identify pre-Roman origins for these regional peculiarities, whether Libyan or Punic, and thus to minimize the deep influence Rome might have had.

These then are the hypotheses—and calls for caution—that directed this inquiry. Adopting several different angles and combining a critical presentation of the evidence with some reflection on the structures of family and kinship, I will focus my attention on marriage, with particular regard to the following issues:

4 Coarelli and Thébert 1988.
5 On family relationships in Islamicized North Africa, see most notably Tillion 1966 and Bourdieu 1972.
—burial and family relations in connection with the corresponding vocabulary of kinship;
—the inscribed text, and especially the epitaph, as ‘biography’;
—most especially, the question of the choice of spouse.

Rather than presenting a statistical exploitation of a vast epigraphic corpus, I have instead chosen an approach that is more sensitive to individual lives and to the particular context of the specific families, an approach in which micro-historians have led the way.

Burial and Family Structure

Funerary stelae decorated with images of married couples are far from rare. Exceptional examples, the product of local workshops, have been found in the Bou Arada region as well as at Mactar in Tunisia. Sometimes the couple is accompanied by a child or a servant (Figs. 9.1–9.3). Many funerary stelae with portraits, however, say very little about the deceased, some even being anepigraphic, and, conversely, lengthy epitaphs that give more information than others are not necessarily accompanied by images of the individuals who are mentioned.

Married couples often share the same tomb as well as the same stela, with the epigraphic field divided vertically in half. Sometimes only one of the epitaphs has been inscribed (Fig. 9.1).

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6 Especially Saller and Shaw 1984, and Shaw and Saller 1984; more recently other types of statistical analysis have been conducted by D. Cherry (1997 and 1998).

7 The representation of the married couples is found not only on funerary monuments, but is also characteristic of votive stelae, in particular stelae dedicated to Saturn, the Latin name given to an African divinity which was especially venerated. See Le Glay 1966a and 1966b.


9 Fig. 9.1: stela with married couple, Mactar (Tunisia) (photo Y. Thébert). CIL viii. 23, 432; Picard, Le Bonniec, and Mallon 1970: 136, no. 1, fig. 9; M’Charek, 1982: 54–5 (fig. 1). Fig. 9.2: stela with banquet scene from Tlil Bou Eukla, region of Bou Arada, Bardo Museum, Tunis; Benzina Ben Abdallah 1986: no. 208. Fig. 9.3: cippus with couple and daughter (imperial freedman and slave); exact provenance unknown. Bardo Museum, Benzina Ben Abdallah, 1998 (see AE 1998: 1581).
FIG. 9.1  Stela with married couple, Mactar
The metrical inscription on the funerary cippus of Hr Ben Ismail near Dougga declares that the spouses ‘are reunited in a common tomb, a witness to their shared lives’.\textsuperscript{10} The identification of those deceased who share collective tombs is more relevant to the topic at hand. At Mactar, the founder of a mausoleum had foreseen the presence, with him and his wife, of his parents, of his children and descendants, and of his brother and sister-in-law.\textsuperscript{11} At Dougga, the cippus of the Licinii connects the founder, P. Licinius Secundianus, another man of the same name, and a Licinia Nina, who could be either a sister, as proposed by the editors, or the wife of one of the two men; these three who died in very old age are commemorated along with two very young children, a telling combination in a society with a high rate of infant mortality.\textsuperscript{12}

These family mausolea and cippi, however, do not include an individual’s entire circle of loved ones. The real-life experience of Fronto, as we know it through his correspondence, was similarly not limited to his wife, his daughter and son-in-law, and his grandsons, who were nonetheless very dear to him. In the case of Augustine, an assertion by Brent Shaw can be more finely nuanced: ‘His own experience of family relations was concentrated overwhelmingly on the rather narrow circle of his mother and father, his siblings and his own child. Notices of persons outside this group are rather rare; they include the chance mention of some nieces, a nephew and two cousins, each case being alluded to in passing only once.’ In fact, his mother aside, Augustine is no more communicative about his close family, either his son (whom he names, in recounting his death in his \textit{Confessions}, as Adeodatus), or his brother and sister, less still about his concubine, who remains anonymous.\textsuperscript{13} The \textit{Metamorphoses} by Apuleius gives examples of fictional families who in their own way provide evidence of family customs of the time.\textsuperscript{14}

The necropoleis which have been published, such as Sétif, Tipasa, and Pupput (which awaits final publication), provide more information on funerary rites than on family and family

\textsuperscript{10} \textit{CIL} viii. 27380 = \textit{CLE} 1971; see Ladjimi Sebâï 1990; Khanoussi and Maurin 2002: no. 1541.
\textsuperscript{11} \textit{CIL} viii. 23515; mausoleum of M. Gargilius Fortunatus.
\textsuperscript{12} Khanoussi and Maurin 2000: no. 154; and 2002, nos. 671–3; 678–9.
\textsuperscript{13} Shaw 1987b: 10; Fredouille 1993.
\textsuperscript{14} Bradley 2000b.
structure. They are highly illuminating about the practice of funerary banquets at the family tomb, a pagan practice that was not renounced by Christians. In the eastern necropolis at Sétif a tomb dating between the end of the first and the mid-second century contained the inhumation of a lamb (along with a mirror and two long bone pins), its head facing east, legs south, in the same pose as deceased human beings, thereby indicating the practice of substitute sacrifice (the lamb offered in the place of a new-born) which is attested elsewhere, in particular in the second-century inscriptions at N’Gaous. The large necropolis at Pupput (mainly second century to the first half of the third century) presently being excavated by Aïcha Ben Abed and Marc Griesheimer was levelled to a height which leaves the cupulae intact in the funerary enclosures but all the identifying inscriptions have been destroyed. This site is particularly valuable for our knowledge of funerary banquets due to the presence of numerous masonry tables (mensae). It suggests the presence of family burials in which the bodies or ashes of close relatives, found under the massive structures that covered and individualized each of them, were grouped together. It is tempting to imagine a family name above the door of each enclosure or in another prominent position. Such collective enclosures are also characteristic of the western necropolis at Tipasa (third to fourth centuries), published by Mounir Bouchenaki, where a unique tessellated mensa with a Christian inscription demonstrates that the pagan custom of funerary banquets was retained by Christian families.

At Dougga, which is surrounded by necropoleis, the oldest has only one extant mausoleum, known as ‘Libyco-punic’, but in the other necropoleis outside the town the proximity of certain tombs proves the existence of family burials. Beyond the suburban cemeteries, on the probable site of an estate, rose a grand tomb, the columbarium of the Remmii. Monumental cippi accommodated up to eight epigraphic fields, although not all were

17 In Chr(ist)o Deo | pax et concordia sit | convivio nostro: Bouchenaki 1974 and 1975; Marrou 1979 (see AE 1979: 682).
inscribed. In contrast, the epigraphy of Cirta includes five examples of family burials (with four found out of context) that are identifiable by the family name alone. It seems that the term *gens* was used at Cirta to identify the family group.

Considered from the point of view of the married couple, North African epitaphs show an unusual use of the term *marita*, and, more often than at Rome, *sponsa* and *sponsus* are used to refer to spouses and not only to the betrothed. It would be useful to establish a precise chronology for these epitaphs (in fact, from *sponsus* and *sponsa* come the names of husband and wife in several romance languages), but these terms seem to have been largely forgotten in studies concerning Roman marriage, which for the most part are based on the epigraphic documentation from Rome and Italy. The terms of kinship derived from remarriage are met infrequently, whereas remarriages can be attested by inscriptions, notably by the difference in the *gentilici*um of children in the case of the mother’s remarriage. One possibility is that these terms might not have been used in everyday language, another that family members other than step-children or stepparents might have taken care of funerary obligations.

The Inscription as ‘Biography’

The moral portrait of a deceased man or woman drawn by several epitaphs cannot be read as ‘biography’. As a genre, funerary poetry

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20 e.g. a commemorated *sponsa* died at the age of 61 (*CIL* vii. 26150). Note, however, that in *CIL* vi. 36235, among the funerary inscriptions of Rome, is found a husband (*coniunx*), named Primus, who commemorates Quartilla, *sponsa sua bene merens*, who lived 53 years.
22 e.g. from a glance at the index of *CIL* viii: *vitricus* occurs twice, *priviginus* once, and there is no example of *noverca*. Gascou 1982: no. 457, shows a *priviginus* (engraved *priviginus*) commemorated by his stepmother. For an example (at Timgad) of remarriage identified by the different *gentilicia* of the children, see Laronde 1985 and Corbier 1991a: 58.
was much appreciated in Africa, where the local *grammaticus* or, if possible, a literate member of the family might compose a poem in a somewhat shaky metre, sometimes reminiscent of Virgilian verse. To judge from the epitaphs written by their husbands or sons, African women were endowed with the traditional qualities prized in Roman matrons, especially *castitas* and *pudicitia*. The two epithets juxtaposed as *casta pudica* are the beginning of a verse which is also found in Italy.\(^{23}\) The epitaph of Postumia Matronilla (‘with a predestined name’ as Leïla Ladjimi Sebaï put it) is a minor masterpiece that reveals precious little about her other than the fact that she had only one husband (whose name is not mentioned) and that she lived to see one or more of her grandchildren.\(^{24}\) The Roman ideal of the *univira*, a woman who had known only one man, seems to have been widespread,\(^{25}\) and the oft-cited doublet *univira unicuba* is particularly suggestive. The expression *sola contenta maritu* (for *solo contenta marito*, ‘happy with only one husband’) found at Cirta, in which we might be tempted to find a personal touch, is in fact the end of a hexameter, which is also present in Gaul, at *Vesontio*.\(^{26}\) Individualized eulogies extolling competence, culture, or charm are rare: *paedagog* at Dougga,\(^{27}\) *filosofa* at Sousse,\(^{28}\) while at Haïdra Mevia Felicitas is praised for her beauty and her conversation.\(^{29}\)

‘Dedicated to her husband’, ‘a mother to her family’, these are the qualities worthy of praise in a woman. Julius Maximus of Mactar valued his wife’s sense of economy, ‘for her husband’s property as well as her own . . . she barely spent what was needed to cover her personal needs’, interesting evidence which hints at the division of property between spouses that was characteristic of ‘Roman’ marriages.\(^{30}\) Fertility is also praised: the twelve

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\(^{23}\) *ILAlg.* 11/1. 829, at Cirta in Algeria; Galletier 1922: 303.


\(^{25}\) *ILAlg.* 11/1. 1185 and 1406: examples of Geminia Ingenua and Iuventia Rogata, at Cirta.

\(^{26}\) *ILAlg.* 11/1. 1079, at Cirta, and *CIL* xiii. 5383, at Vesontio.

\(^{27}\) *CIL* viii. 1506 = Khanoussi and Maurin 2000: no. 102, and 2002: no. 263.

\(^{28}\) *AE* 1950: 99.

\(^{29}\) Fuit enim forma certior, moresque facundi (*CIL*, viii. 403, cf. i15Ii and p. 2359 = *CLE* 1329 = *ILTun.* 421); see Ladjimi Sebaï 1991.

\(^{30}\) *CIL* viii. 647 = 11787 = *CLE* 116; see Picard 1990: 240.
children of Claudia Fortunata near Hippo and the five children and ten grandchildren of Sulpicia Victoria at Auzia must represent exceptional numbers worthy of commemoration. The recently published epitaph of Rubria Festa at Cherchel gives proof of the notion, common in the mid-second century (and reminiscent of Rousseau), that it was virtuous for a woman of high standing to breastfeed her own children. Fronto belongs to this trend in sentimentality, especially regarding young children.

Whether in prose or verse, this funerary praise seems characteristic of the municipal elite, but it is hardly suitable for women of high social standing, for whom the rank of their father and/or husband, their noble (clarissimi) children, and their own acts of euergetism are sufficient finery. Much like their husbands, and often along with them, they are honoured in the public sphere or, more often, in the semi-public sphere created by the building activity of the family. In the Severan era, the wives of the Aradii of Bulla Regia are represented in the form of statues beside those of their husbands in the marketplace which they had constructed, while in the same period the baths offered by Julia Memmia, patrona [et alumna], to her native city (where she apparently did not reside) housed a statue of the benefactress whose pedestal records her generosity, exactly as would have been done for a man. At Cirta, Seia Gaetula, widow of a municipal magistrate and very proud to be the mother and the grandmother (from another daughter) of two women of senatorial rank, obtained from the town council public space on which to erect at least three statues whose bases still extol the prestigious marriage alliances made by her daughter and granddaughter with senators from the same town.

As far as the relationship between husband and wife is concerned, the epitaphs seem marked by conformity. Indeed, the vast

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31 Hippo: CIL viii. 17463; Auzia: CIL viii. 9162.
32 Rubria Festa was the provincial flaminica (AE 1995: 1793) See Document no. 2. On breastfeeding, see Bradley 1986; on Fronto, see Corbier 1991b: 190–1 and on the sentimental trend, see Corbier 1999a.
35 CIL viii. 7054–6 = ILAlg. 11/1. 641, 639, 640; see Document no. 3; also Corbier 1998: 106–7.
majority of funerary inscriptions speak of legitimate unions and mutual love between spouses, as at Theveste, where a passionate widower adds to his eulogy of his wife *digna coniunx te adoro.*\(^{36}\)

At Sétif, however, it is a concubine—Arria Dativa—who has a *tumulus amoris,* a ‘tomb of love’, dedicated to her by her anonymous lover.\(^{37}\)

In Africa, as elsewhere, epitaphs are not a true reflection of conjugal life; thus, inequality, constraints, even violence, so astutely detected by Brent Shaw in the *Confessions* and other writings of Augustine, are not expressed in inscriptions.\(^{38}\) Tertullian even asserts that some pagans married to Christian wives would not hesitate to denounce them, making ‘the dowry the price of their silence’.\(^{39}\) For his part, Pliny the Elder brought back from Africa the image of women treated as beasts of burden: ‘There I saw the earth dug up after the rains by a plough to which were harnessed on one side a poor little donkey and on the other a woman’.\(^{40}\)

The double standard applied to the sex lives of men and women which Augustine condemned he presents as normal in his era.\(^{41}\) A suggestion of it can be found in this long epitaph ‘prepared while living for the day of my death’ by Praecilius Fortunatus, a goldsmith from Cirta, who depicts himself as a bon vivant (‘I always loved to laugh with my dear friends and make the most of luxury’) and who evokes with emotion the memory of his marriage to Valeria; once a widower, he ‘could not find another wife as chaste as she’.\(^{42}\)

The rituals of daily life are even less in evidence. It would not be enough, as L. Ladjimi Sebaï rightly notes, to juxtapose the representations of funerary banquets which are characteristic of the region of Bou Arada (on the stelae mentioned above), where the wife is seated at the foot of her husband’s bed (Fig. 9.2), and the passage in Apuleius’ *Metamorphoses,* where Lucius, upon arriving at his host’s house recounts: ‘I entered just at the moment when, reclining on a little couch, he was about to take his

\(^{36}\) *CIL* viii. 2005 = *CLE* 1615, at Theveste; see Ladjimi Sebaï, 1991.

\(^{37}\) *CIL* viii. 8532.  

\(^{38}\) Shaw 1987b.  

\(^{39}\) Tertullian, *Ad uxor.* 2. 5. 4.  

\(^{40}\) *HN* 18. 21.  

\(^{41}\) See Shaw 1987b: 29.  

\(^{42}\) *ILAlg.* 11/1. 820; see Picard 1990: 240–1.
FIG. 9.2 Stela with banquet scene, region of Bou Arada
FIG. 9.3  *Cippus* with couple and daughter, provenance unknown
supper. At his feet was seated his wife, and then to conclude that African wives observed this ancient custom as an expression of deference to their husbands. The funerary images reproduce the iconographic motif of reclining at the banquet, which is well studied for the Near Eastern and Greek worlds, in its context, however, Apuleius’ description contains its share of derision.

The Choice of Spouse

The question of choice of spouse is one of the most important for the history of the family. I will discuss only briefly the somewhat modern notion of mixed marriages with regard to a recent publication which requires particular comment. For Tertullian too ‘mixed marriages’ were an important issue in African society at the end of the second and beginning of the third century AD. In his case, however, it was a question of marriage between Christian women and pagan men, for which the funerary inscriptions give no clue. Different kinds of statistical analyses have recently been conducted by David Cherry on several Roman sites in Algeria, the most important a comparison between Thubursicus Numidarum and Lambaesis. Focusing on the issue of indigenous acculturation, he has also tried to identify ‘mixed marriages’, which he defines as marriages between Roman or ‘Romanized’ and ‘un-Romanized’.

The notion that the proportion of ‘mixed’ marriages can be taken as an indicator of the degree of ‘acculturation’ of ‘indigenous people’ in a ‘colonial’ society deserves to be discussed before being taken as self-evident. Marriage between people of different social status and cultures does not in itself imply the weakening of cultural difference, nor the acceptance of values and ways of thinking by members of one or the other cultures concerned, or by members of both. It implies only that the two families recognize that they share the same social rank, and that theirs is a relationship of equals.

But even if this approach is accepted, it would still be necessary to rely on established categories. My two main reservations

are based on the insufficient attention given to the importance of juridical status in Roman society and an abusive use of onomastics. To distinguish between ‘non-Romanized’ and ‘Romanized’ using the adoption of a Latin single name by *peregrini* (a term Cherry himself rarely uses) is a somewhat unreliable method that leads the author to contradict himself. Why, for example, class a man named Gallus among the ‘Roman(ized) men’ because he has a Latin single name,\(^{46}\) and consider his wife Berebal Secundi *f(ilia)*\(^ {47}\) ‘un-Romanized’, when she is the daughter of Secundus who, according to the criteria used by the author, would be a ‘Roman(ized) man’? Within the same family Roman and African names can alternate without allowing us to measure, using this criterion, the degree of assimilation of its members. Jean-Marie Lassère noted the mix of African and Roman names in five families at Auzia and of Punic and Roman names in the Tapapii family at Lepcis Magna.\(^ {48}\) Furthermore, names with a Latin sound such as *Saturninus*, -*a*, are common among *peregrini*. In married couples of peregrine status one (sometimes the husband, sometimes the wife) can bear a Latinized name and the other not.

On the subject of matrimonial exchange, anthropologists have insisted on two opposed behaviours: in some societies marriage with close relatives is a common practice, in others it is expressly avoided or even prohibited.\(^ {49}\) Roman Africa gives evidence of close-kin marriage (i.e. marriage between cousins), as well as examples of the remarriage of a widow to her husband’s brother; Apuleius’ own experience is informative on this second point.\(^ {50}\)

Born in Madauros, Apuleius spent several years of his life in Tripolitania following his marriage to Aemilia Pudentilla, a rich widow of Oea who was older than him. In AD 158–9 Apuleius was accused by his wife’s family of having used magic to seduce her. He took on his own defence, and the speech he made on this occasion (*Apologia*) is a document rich in evidence for an anthropological study of the society of Tripolitania in the middle of the second century. Among the many facts that we can glean from it is the persistence of a form of remarriage not much practised by

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\(^{46}\) Cherry 1998: 129.

\(^{47}\) *ILAlg.* 1. 1438.


\(^{49}\) See, notably, Bonte 1994.

\(^{50}\) On Apuleius’ personal history, see Bradley 2000a.
Romans, although it was not forbidden, in which the widow married her late husband’s brother.\textsuperscript{51} In Rome itself, there are at least two examples among the elite. One was the triumvir Marcus Licinius Crassus who, according to Plutarch, married his brother’s widow.\textsuperscript{52} Secondly, a passage in Tacitus can only be understood if we reconstruct behind the double kinship of two men, Mamercus Aemilius Scaurus and Lucius Cornelius Sulla, the remarriage of the mother of the latter to the half-brother of her first husband. A nephew should share the same \textit{gentilicium} as his \textit{patruus}, his paternal uncle, which is not the case here, since \textit{pater} and \textit{patruus} had the same mother but different fathers.\textsuperscript{53} Should we follow Philippe Moreau’s interpretation of certain passages of Ovid and Seneca, who seem to present relationships between brother-in-law and sister-in-law as ‘incestuous’?\textsuperscript{54} In both cases (Tereus and Philomela, sister of his wife Procris, and Thyestes, seducer of Aerope, wife of his brother Atreus), it is in fact a question of adulterous relationships and not remarriage. If they are presented by Ovid and Seneca as contrary to \textit{fas}, divine law, it may be because of the particular seriousness of adultery in the bosom of the family itself.

When her husband Sicinius Amicus died, Aemilia Pudentilla, who was not yet 30 and had two young sons, Sicinius Pontianus and Sicinius Pudens (who from then on passed into the paternal power of their grandfather), was under intense pressure from her father-in-law to marry her deceased husband’s brother, Sicinius Clarus. The father-in-law threatened to disinherit his two grandsons. Pudentilla had been able to resolve this delicate situation by accepting an indefinitely prolonged engagement. When she was about 40 years old and had attained more independence because her sons had meanwhile received their inheritance from their grandfather, Pudentilla met and married Apuleius. Several years later, a similar situation befell the next generation—Pontianus, Pudentilla’s elder son, had married the daughter of Herennius Rufinus, himself another respected citizen of Oea, despite the

\textsuperscript{51} This kind of remarriage with an affine (relative by marriage) of the same generation was prohibited by Constantius II in 355: Cod. Theod., 3. 12. 2.

\textsuperscript{52} Plutarch, \textit{Life of Crassus} 1. 1.

\textsuperscript{53} So the two half-brothers did not belong to the same \textit{familia}: Tacitus, \textit{Ann.} 3. 31; see Corbier 1998: 121–2 with stemma.

caricature Apuleius draws of him. Pontianus died unexpectedly at
a young age, leaving behind a widow who was also young and to
whom he had bequeathed precious little. The young Herennia’s
father endeavoured to arrange a remarriage for her with Pudens,
the younger brother of her dead husband and the youngest son of
Pudentilla. Although Apuleius recounts these arrangements in
highly negative terms (in the context, it should be remembered,
of his dispute with Pudentilla’s family), jurists and historians have
recognized in these two marriage plans the practice of levirate,
which was widespread in many societies in the Near East and
which therefore could represent a Punic heritage among the
families of Oea who were otherwise very ‘Romanized’.\textsuperscript{55}
Levirate, an obligation imposed on the brother of a deceased man
to marry his widow, was tied to the desire to perpetuate an
existing marital alliance, and allowed eventually the preservation
of the dead man’s rights over his descendants. To put it in more
prosaic terms, in the two cases presented by Apuleius, the family
sought to maintain an alliance which had been broken by the
death of one of the interested parties. For the Sicinii, it was a
question of keeping Pudentilla’s dowry and patrimony; then,
for the Herennii, of maintaining an alliance formed in the next
generation with the sons of her first husband.

Are there other examples of this type of union beyond that of
Pudentilla and her sons? Among the Aufidii, an elite family from
Saldae with a son who attained equestrian rank, the remarriage
of the mother to the brother of her first husband is certain. In an
inscription on a statue base erected in memory of the son in 197
there is a reference to kinship ties which proves the existence of
this type of union.\textsuperscript{56} The vocabulary used in the inscription
allows us to reconstruct the family links: the double kinship rela-
tionship connecting the deceased young knight to his mother’s
husband (\textit{patruus idemque vitricus}) reveals that she married two
brothers in succession.

The relationship between onomastics and kinship vocabulary
lets us hypothesize the existence of a kind of marriage which

\textsuperscript{55} Norden 1912; Fantham 1995; Bradley 2000a. See Document no. 4.

\textsuperscript{56} \textit{CIL} \textit{viii}. \textit{8937}; on the family see also Mathieu 1999: 94 with a prosopo-
graphic note in no. 65 and stemma no. 10. See Document no. 5: the Aufidii of
Saldae.
French anthropologists customarily describe as ‘remarquable’ as it implies the reduplication of matrimonial alliance: that of two brothers with two sisters. At Cirta, the homage offered by a freedman to his female patron suggests a union between two sisters, the Antoniae, and two brothers of a senatorial family, the Arrii Antonini. If the dedicant followed Roman kinship terms, Antonia, matertera of three Arrii of senatorial rank, is the sister of their mother; in other respects, the three clarissimi viri are the nephews of her husband, C(aius) Arrius Pacatus.  

But what about close-kin marriage, meaning marriage between cousins? In a work of fiction set in Greece, the same Apuleius describes the marriage between a ‘handsome young man, who was also my first cousin’ (speciosus adulescens . . . meus alioquin consobrinus), a marriage consisting of two stages, since it had been preceded by an engagement. From a remarkable epigraphic dossier at Chemtou (Simitthus) in Tunisia comes an example of a real marriage of this type. Although not exactly the ‘saga’ the editors of the three stelae deem it, since only two generations are concerned, this family history is nevertheless a beautiful piece of micro-history.

The three funerary stelae, found in situ vertically aligned beside each other at Sidi Mohammed Lazrag, near Simitthus, are now exhibited in their original alignment in an attractive display in the museum at Chemtou (Figs. 9.4–9.6). It would be valuable to know if we indeed have all of the occupants of the funerary enclosure or only some of them. The first stela (Fig. 9.4) commemorates C(aius) Sulpicius Primus and his wife Laetoria Rufina. The second (Fig. 9.5) tells of the marriage of Sulpicius Faustus and Sempronia Urbica, who came from another town (Masculitana, i.e. from Mascula), and who was much younger than her husband. Although she was left a widow with a young daughter named Faustina, Urbica did not return to Mascula or remarry, preferring instead to enjoy the good repute accorded to widows who remained ‘univira’, and in time she saw to the arrangement of a good marriage for her daughter. The third stela (Fig. 9.6) sets

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57 *ILAlg*. 11/1. 616; see Corbier 1998: 122–5 with stemma. See Document no. 6: the Arrii and the Antoniae at Cirta.


Family and Kinship in Roman Africa

FIG. 9.4 Stela of C. Sulpicius Primus and Laetoria Rufina, Sidi Mohammed Lazrag

FIG. 9.5 Stela of Sulpicius Faustus and Sempronia Urbica, Sidi Mohammed Lazrag
FIG. 9.6 Stela of Sulpicius Primus and [Sulpicia] Faustina, Sidi Mohammed Lazrag
out a married couple of the next generation, revealing that the husband chosen by destiny (and helped along by her mother) was in fact her first cousin, the son bearing the same name, Sulpicius Primus, as the deceased on the first stela.

It is interesting to note that Sempronia Urbica is designated as *Masculitana*, ‘a native of Mascula’; Sulpicius Faustus did not marry a woman from his own town. But did he go as far as *Mascula* in Numidia to find her? She might instead have come from *Masculula*, a small ancient town near Simiththus, and the stone-carver might simply have left out a syllable. The detail which most sparks my interest, however, is the indication of the choice of a husband made by the mother from among the many suitors. Sempronia Urbica made an excellent choice for her daughter since, according to the inscription, she became destiny’s spokeswoman! As the editors put it, ‘it was therefore inevitable (*fatum*) that two first cousins, born of two very close brothers, should marry’.

In the era of the Sulpicii, the closest blood relatives who were permitted to marry by Roman standards were indeed first cousins (as it is in contemporary French law). Of interest here are several fragments of jurisconsults integrated by the compilers of the *Digest* during Justinian’s reign and a rescript of Caracalla, dated AD 213, which was included in the Code of Justinian. In the context of a comment on *patria potestas*, the jurist Paul specifies that the grandfather alone had the right to allow a marriage between his grandson and granddaughter, born of two different sons of his, who are under his paternal power. This remark confirms, if we still need confirmation, the legitimacy of the union between parallel patrilateral first cousins. The jurists Marcellus and Papinian envisaged the writing of wills in which a brother favoured the one of his two brothers who would marry their first cousin (*consobrina*). The rescript of Caracalla was issued in response to a request by a certain Cassia, who would not submit to her mother’s condition that she marry her matrilateral first cousin in order to become her heir and therefore saw her rights

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A suggestion made to me by Azedine Beschouch.

In Justinian’s era marriage with a first cousin was still permitted: Justinian, *Institutiones* 1. 10. 4.

Paul, *Digest* 23. 2. 3.

Marcellus, *Digest* 28. 7. 23; Papinian, *Digest* 28. 7. 24.
contested by the substitute heir. The emperor—that is, the jurists in his entourage—judged that the planned marriage was perfectly acceptable; as a result the substitution of heir could proceed.64

Was the ‘fated (fatum) marriage’ between Primus and his parallel patrilateral cousin Faustina a simple marriage between first cousins (consobrini)? Or was it the perpetuation of a ‘preference’ for a union with a cousin that could have been shared by some of the Berber societies before the arrival of the Romans? The two ideas are reconcilable: a local practice of preferential marriage could have been inserted within the framework of Roman law. In order, however, to verify the preferential character of this type of union, evidence for other value judgements, such as the one expressed here, is required (but is not extant), as well as objective data demonstrating the existence of this type of marriage.

It is not possible to conclude that marriage between cousins was uncommon strictly on the statistical observation of the rather limited number of known spouses who carry the same gentilicium. This was the rather hasty conclusion drawn by R. P. Saller and B. Shaw from their onomastic study of the epitaphs of the western provinces.65 I would argue that it is necessary to work on each site with real families and try to reconstruct families over several generations wherever possible.

At Thubursicu Numidarum a group of inscriptions allows us to identify the family relationships of the leading citizen (whose three sons attained equestrian rank) Q. Vetidius Iuvenalis (called Iuventius), and his wife, Gellia Honorata, who does not bear the same gentilicium as he does. She is the daughter of his first cousin Vetidia Mustacia, who was herself the daughter of his paternal uncle Vetidius Mustiolus.66 Cousins can therefore be hidden where we least expect to find them.

The Flavii at Cillium were married to Flaviae, who could have been, but were not necessarily, their cousins, since several families of Cillium might have gained Roman citizenship under the

64 Cod. Just. 6. 25. 2.
65 Shaw and Saller 1984. I will not here address this issue, which I have treated elsewhere; see Corbier 1988: 196–7; 1991: 140–1; 1998: 121.
66 ILAlg. 1. 1362–6 with stemma; see Lassère 1977: 480. See Document no. 8: the Vetidii at Thubursicu Numidarum. Here we see a direct delayed exchange between the Vetidii and the Gellii.
There is, however, no doubt concerning the Caecilii at Volubilis, who do not have an imperial gentilicium. Divided in two main branches, they clearly marry among themselves. Although it was a second marriage, one L. Caecilius even married a certain Caecilia Caeciliana, whose name could reveal that, in a previous generation, a Caecilius married a Caecilia. The recent publication in a single volume of hundreds of epitaphs from Dougga does not provide any contradictory evidence, although it is true that they rarely mention kin relationships. Whatever had been the frequency of close-kin marriages at the beginning of the third century, two centuries later Augustine, from Thagaste, then bishop of Hippo, gives a very different point of view in the *City of God*. He starts by stating that ‘in his time’ (nostri temporibus, although it is not certain that he means African society in particular) marriage between first cousins (consobrini) had become rare, implying that they had been frequent, because of changes in social customs (per mores), even though still permitted by law. Augustine justifies this fact by arguing that the degree of kinship is very close to that of brothers and sisters (germani). His reservations about this type of marriage are not based on divine law, which he himself points out imposes no ban, but rather on his desire to multiply alliances, by preventing only one person from accumulating two kinship relationships which could be distributed between two persons, and to enlarge the circle of kinship.

He presents his argument less from the perspective of family interests—which are called upon to manage family capital as well as possible by diversifying and renewing investments—than from that of human society, in the belief that the caritas ensured by alliance and kinship guaranteed harmony and efficiently created the bases for ‘social life’. For the choice of spouse, he offers an ideal that is completely different from that of Sempronia Urbica, and which was shared in the same era by two other church

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67 Les Flavii de Cillium, 1993: 221.
69 Gascou 1982: no. 457; see above, n. 22.
70 Khanoussi and Maurin 2002.
71 Augustine, *City of God* 15. 16.
fathers, Ambrose of Milan and John Chrysostom, and which was beginning to be applied in imperial legislation. At the end of the fourth century Theodosius is credited by contemporary authors (Libanius in the east and Ambrose and Pseudo-Aurelius Victor in the west) with a law which is no longer extant forbidding marriage with first cousins (*consobrinae*), whether patrilateral (*sorores patruales*) or not. Reaffirmed in 396 by Arcadius for the east, and in 409 by Honorius for the west, this interdiction was subsequently annulled in 405 by the same Arcadius for the eastern half of the empire, which had a long-standing tradition of close-kin marriages.75

Was this a new ‘Christian’ ideal in the sense that it was ‘inspired by Christianity’? Augustine, it must be said, refers to the transformation of social mores in society as if it were an objective fact, an evolution of social practice. In a recent work, Philippe Moreau underscores certain passages in pagan authors of the fourth century, specially Firmicus Maternus and the Emperor Julian, who, according to him, also condemn this type of union as incestuous, leading him to see ‘a general tendency to assimilate cousins and sisters’ (the former coming to be considered, as the latter, prohibited spouses).76 In fact, the astrological treatise which Firmicus Maternus wrote before his conversion to Christianity, upon which the author relies, presents sexual relationships between a woman and the sons of her paternal uncle as incestuous.77 The reproach made by the Emperor Julian to ‘marriages which are not marriages’ is very allusive: commentators have accepted that this general formulation intended to criticize the marriage of Constantius II, Constantine’s son, with his first patrilateral cousin Constantia; but Julian himself had contracted a similar type of marriage.78

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75 Cod. Theod. 3. 12. 3 (396); 3. 10. 1 (409); Cod. Just. 5. 4. 19. For details on these measures, read the classic study by Roda 1979 as well as Puliatti: 2001 176–8 and Moreau 2002: 192–8.
78 Julian, *Against Heraklios the Cynic* 22. 228c.
There is one certainty, however: in less than two centuries marriage between cousins, from being legally and socially acceptable as it still was at the beginning of the third century, had become suspicious. The break is neither dated nor explained. A process of broadened social horizons tied to the Roman empire might be the origin of this change in perspective.

Even if this new ‘ideal’ is not actually rooted in Christianity, it certainly became a Christian ideal and rule for centuries in the west, as medieval theologians borrowed Augustine’s justifications for the ban on marriage between first cousins. Thus, after the reception of Islam in the Maghreb, when some ancient traditions in the family sphere could have been reinforced, and then in Spain, with the Arab invasion in 711, different models of family structure emerged, creating different choices, some still relevant today: the system of descent, the status of the conjugal pair (e.g. polygyny versus monogamy), the matrimonial alliance (a major theme of this chapter), the social position of women, and the notion of honour.79

Documents

1. Epitaph of Postumia Matronilla

_CIL_ viii. 11294 = _ILS_ 8444 = _ILTun._ 314 (Hr Zaatli, region of Feriana, Tunisia); photo in Ladjimi Sebaï 2001.

D(iis) M(anibus) s(acrum). | Postumia Matronilla inconpa/rabilis coniux, mater bona, avia | piissima, pudica religiosa laborio/sa frugi effi-caxs vigilans sollicita | uniuira unicuba [t]otius industriae et fidei | matrona, vixit annis n(umero) LIII mensibus n(umero) V diebus tribus. To the gods of the Underworld. Postumia Matronilla, incomparable spouse, good mother, most devoted grandmother, modest, pious, industrious, well-behaved, efficient, attentive, zealous; married once, she shared one bed, she was a conscientious and faithful matrona. She lived 53 years, 5 months, and three days.

79 These were clearly shown by Pierre Guichard 1977, for Muslim Spain and re-examined by Jack Goody 1983. On the topic of kinship and alliance in the Roman world, see Corbier 2004.
2. Funerary poem of Rubria Festa

AE 1995: 1793 (Cherchel, Algeria)

[Ha]nc struem perennis arae posuit his in sedibus | [J]ulius Festae
Secundus coniugi karissimae. | Vixit annos sextriginta bisque viginti
dies. | Pondus uteri enisa decimum luce rapta est tertia. | Nata claro
Rubriorum genere de primoribus | sancta mores pulchra visu praecluens
prudentia | exornata summo honore magno iudicio patrum | aurea uitta
et corona Mauriae provinciae | haec et divum consecuta est summa pro
meritis bona. | Quinque natos lacte mater ipsa quos aluit suo | sospites
superstitesque liquit votorum potens.

Julius Secundus had an altar made on this eternal spot for Festa, his
dearest wife. She lived 36 years and 40 days. Bringing into the world the
weight of her womb for the tenth time, she was carried off on the third
day. Born of the race of the Rubrii, famous among the great families,
chaste in her ways, fair of face, very well known for her wisdom, she
received the gold fillet and crown of the province of Mauretania, the
highest honour that could be accorded to her by order of the patres, and
she attained the greatest good of the gods for her merits. She left safe
and sound five children, whom their mother had fed with her own milk,
fulfilling her vow.

3. Relatives of Seia Gaetula

After three statue bases erected to her household at Cirta
Corbier 1998: 106–7

CIL viii. 7054 = ILAlg. 11/1. 641 (Cirta, Algeria)

Seiae M(arci) f(iliae) Gaetu|lae, uxori Naeui Censiti, matri Nae|viarum
Marcia|nae et Naevillae, c(larissimae) m(oriae) f(emiae), nuptae
Fulvio | Faustino, praeto|rio viro, aviae Sabi|niae Celsinae, c(larissimae)
f(eminae), nuptae Geminio Mo|desto, praetorio vi|ro, eadem Gaetula |
d(ecreto) d(ecurionum) s(ua) p(ecunia) p(osuit).

CIL viii. 7055 = ILAlg. 11/1. 639

M(arco) Naevio | M(arci) f(ilio) Seiano, | fratri Naevi|arum Marcianae |
et Naevillae, c(larissimae) m(oriae) f(eminae), nuptae Fulvio
Faus|tino, praetorio viro, | avonculo Sabiniae | Celsinae, c(larissimae)
f(eminae), Seia Gae|tula mater | d(ecreto) d(ecurionum) s(ua) p(ecunia) p(osuit).
CIL VIII. 7056 = ILAlg. 11/1. 640

Naeviae | Naevillae, | c(larissimae) m(emoriae) f(eminae), Naevi
Cen/siti fil(iae), nuptae | Fulvio Fausti|no, praetorio | viro, Seia
Gae|tula, mater | d(ecreto) d(ecurionum) s(ua) p(ecunia) p(osuit).

Stemma

4. The Sicinii of Oea (Libya)

After Apuleius’ *Apology*

Stemma
5. The Aufidii of Saldae

*CIL* VIII. 8937 (Saldae, Algeria). Date: 25 January AD 197.

M. Aufidio M. fil(i)o | Arn(ensi tribu) Honorato | eq(uo) pub(lico) ornato dec(urioni) | col(oniae) C. Aufidius L. f(ilius) | Arn(ensi tribu) Honoratus | patruus idemque | vitricus et Sellia | Q. fil(ia) Satura ma|ter filio piissim[o] | secundum volunt | tem [sic] eius statu|am posuerunt | dedicaverunt|que. Dedicata VIII kal(endas) | Ianuarias T. Sextio Laterano C. C[u][p[i]]o | Rufino co(n)s(ulus) a(nno) p(rovin- ciae) CLVIII ob cuius dedicatio|nem sportulae datae sunt l(oco) ab ord(ine) | sanc(tissimo) accepto.

Stemma

\[
\begin{align*}
L. \text{Aufidius} &= \\
C. \text{Aufidius L. f. Arn. Honoratus} &= M. \text{Aufidius L. f. Arn. Honoratus} = \\
&\text{Sellia Q. f. fil. Satura mater} \\
M. \text{Aufidius M. fil. Arn. Honoratus} &= \text{equo publico ornatus, decurio coloniae}
\end{align*}
\]

6. The Arrii and the Antoniae of Cirta (Numidia)

*ILAlg.* 11/1. 616 (Cirta)

Antoniae | L(ucii) fil(iae) | Saturninae, | coniugi C(ai) Arri | Pacati, | materterae Arrio|rum Antonini Maxi | mi Pacati, clarissi|morum viro- rum, | L(ucius) Antonius | Cassianus lib(ertus) | patronae merenti | l(ibens) a(nimo) s(ua) p(ecunia) p(osuit) d(ecreto) d(ecurionum).

Stemma

\[
\begin{align*}
\text{C. Arrius Antoninus} &= \\
\text{(C. Arrius Antoninus)} &= \text{(Antonia)} \\
\text{Antonia L. fil. Saturnina} &= \text{C. Arrius Pacatus} \\
&\text{materterae Arriorum (…)} \\
&\text{clarissimorum virorum}
\end{align*}
\]

\[
\begin{align*}
\text{Arrius Antoninus} &= \text{Arrius Maximus} &= \text{Arrius Pacatus} \\
&\text{clarissimi viri}
\end{align*}
\]
7. The Sulpicii of the region of Simitthus


Stela I (Fig. 9.4)

Laetoria Rufina L(ucii) f(ilia)
pi(a) u(ixit) a(nnis) XLVII.
H(ic) s(ita). O(ssa) t(ibi) b(ene) q(uiescant).
D(iis) M(anibus) s(acrum).
C(aius) Sulpicius Primus pi(us)
vi(xit) a(nnis) LXXVI.
H(ic) s(itus).
O:ssa) t(ibi) b(ene) q(uiescant).

Laetoria Rufina, daughter of Lucius, attentive to duty, lived 47 years. Here she lies. May her bones rest in peace.

Consecrated to the gods of the Underworld. Gaius Sulpicius Primus, attentive to duty, lived 76 years. He lies here. May his bones rest in peace.

Stela II (Fig. 9.5)

Sulpicius Faustus uxor ducta
Semproniam Vrbicam Masculitana
[s]uscepit filiam parvam Faustinam;
optabat vita ut coniungeret illam
nec licuit illi optinere vota:
annis sup(p)letis moritur sexaginta.
Mater aeducat cum magna molessa
petitorum cuinam sit coniungenda:
electo multis bono tradidit viro.
Vixit cu<m> cura annis sexaginta.

Sulpicius Faustus, having married a woman from Mascula [or Masculula, suggested by A. Beschaoch], Sempronia Urbica, had a daughter, Faustina. He wanted to live long enough to marry her, but he was not allowed to see this wish come true: he died with 60 years completed. Her mother raised the daughter, and had great difficulty knowing to which suitor she should marry her. She gave her to a good man, having chosen from several. She lived with the desire to do the right thing for 60 years.
Stela III (Fig. 9.6)

[Sulpicii] Primus et [Fa]ustina
cuntur duo fratribus unanimitatis?
noniuncti bene sunt fato volente,
matre Vrbica fato praedican
tet; uxerunt bona industria matrem.
Mortua uxor non altera ducta
annis invitus vixit octoginta
et coniux illi iuncta quinquaginta.

Sulpicius Primus and Sulpicia Faustina were born of two brothers who were very close. They were happily married, as destiny decided, with Urbica, their mother, lending her voice to destiny; they mourned this devoted mother. After the death of his wife, he (Primus) did not remarry; he lived, against his will, for 80 years and he was united in marriage with his wife for 50 years.

Stemma

Stela I
(2nd cent.)

Laetoria Rufina
dead at 47 years

C. Sulpicius Primus
dead at 76 years

Sulpicius Primus
dead at 80 years

Stela III
(3rd cent.)

[Sulpicius]  

Sulpicius Faustus
dead at 60 years

Sempronia Vrbica Masculitana
dead at 60 years

Sulpicia Faustina
dead c. 70 years

Stemma
(after Lassère 1977: 480)
8. The Vetidii of Thubursicu Numidarum

*ILA*lg. 1. 1362–6 with complete stemma (Thubursicu Numidarum, Algeria)
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Children and Parents on the Tombstones of Pannonia

Mary T. Boatwright

Ancient bias and the turbulent modern history of central Europe have contributed to the relative obscurity of Roman Pannonia in the English-speaking world. Yet this northern frontier province at the bend of the Danube was key to the empire’s history, and the artefacts from its Roman period are visually striking and informative. Pannonian stelae are especially remarkable. Combining image and Latin text, these often massive tombstones uniquely illuminate the individuals they memorialize as well as aspects of life on this frontier. This chapter focuses on one feature of the Romano-Pannonian tombstones, a recurrent emphasis on ‘family’ that is evidenced both visually and in the epitaphs. We can see this in a very pronounced form on a third-century stela commemorating Aelius Munatius and his family (Fig. 10.1).1

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1 RIU 1153 = AE 1906. 110 = ILS 9169; limestone, 185 cm. H, 80 W, 20 D; letter height, 4.5–3: D M Ael(io) Munatio caps(ario) coh(ortis) (milliariae) Hem(e)s(enorum) stup(endiorum) XXVIII dom(o) Sam(osata) Aur. Cansauna con [or con(iux)] Ant(onio) Basso vex(illario) sec(undo) her(ede) sanctiss(imo) coniug[i] con se natib(us)q(ue) suis fecit m(onumentum) m(emiae). Further bibliography found in Die römischen Inschriften Ungarns, ad loc. This corpus of inscriptions hereafter referred to as RIU.
FIG. 10.1 Stela of Aelius Munatius, Aurelia Cansauna, and family, Intercisa (Hungarian National Museum, Budapest, *RIU* 1153)
The tombstone was raised at the cavalry camp Intercisa (in Pannonia Inferior) for Aelius Munatius, Aurelia Cansauna’s ‘most revered husband’ (sanctissimo coniugi), who served the cohort there as a specialized attendant and had come from Samosata; Aurelia and a second heir were responsible for the monument. In its portrait zone husband and wife are depicted with four children, one an infant whom Aurelia holds to her bared left breast. This startling image, like others from Pannonian tombstones memorializing families, appears all the more peculiar when contrasted with funerary portraiture from Rome and its environs. The analysis of the Pannonian tombstones sheds light on cultural ideals in this frontier province, where Roman and non-Roman alike apparently construed ‘family’ in terms of affection between husband and wife, parent and child, and siblings.

Some background information on Pannonia and its Roman history is in order. Pannonia, much of which roughly coincides with western Hungary, was conquered by the Romans in the late Republic and the Augustan period. It remained part of the empire for over four centuries, though not a particularly secure part. The area was critical to communications in Europe. Through it ran the great Amber Route, linking Aquileia and the Baltic Sea. More significantly, the Sava, Drava, and Danube river valleys, ultimately connecting Europe to the Black Sea, provided Rome’s major links between its north-west and north-east territories. In 35–33 BC Octavian subjugated the southern region of later Pannonia as part of Illyricum. The peoples the Romans confronted were Illyrians mixed with Celts, who had begun arriving from the west three centuries before. The Celtic presence is more visible in the north. Fiercer Illyrians dominated in the south. The Romans advanced the boundaries of Illyricum to the Danube in 12–8 BC, enslaving and deporting most of the adult

2 For this history, see Millar 1981: 221–38; Wilkes 1996a; and Wilkes 1996b, focusing on southern Pannonia Inferior.
3 This province was later divided into Dalmatia (along the Adriatic coast) and Pannonia: Wilkes 1996a: 545–50; 1996b: 416–18.
4 See the elder Pliny, *HN* 3. 148. Alföldy (1995: 27) locates the tribes once called ‘Illyrii’ but now considered ‘Pannonii’ between the Sava and the Drava, and the Celtic tribes to the west, north, and extreme south-east; Mócsy 1974: 152. None had a centralized power structure as strong as that of tribes in Noricum or Dacia.
males south of the Drava. Such brutal treatment resulted in the great Pannonian–Dalmatian Revolt of AD 6–9, savagely fought in the south. The northern tribes, such as the Boii and Eravisci, were more acquiescent, apparently preferring the Romans to the Transdanubians on their east and north. In this northern region the Roman province Pannonia was established in AD 9, divided into Upper and Lower Pannonia in 106, and further subdivided under Diocletian.

Pannonian life was not tranquil. The presence and movements of non-indigenous peoples were constants. Most noticeable were the Roman soldiers required by the exposed location of the province. By the end of the first century AD four legions and numerous auxiliaries served here, and the numbers rose to some 42,000 men, probably 10 per cent of all Roman troops, by the early third century. Although many auxiliaries serving here were

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5 Wilkes 1996b: 417, and 1996a: 551–2: Tiberius led the troops from 12 to 9 BC and the Romans established four forts: Siscia and Sirmium on the Sava, and Poetovio and Mursa farther north along the Drava. Material considerations were apparently inconsequential for the Romans: according to Strabo (5. 1. 8), the only imports from the Danubian provinces were slaves, cattle, and animal skins.

6 Velleius Paterculus 2. 115. 4: the Pannonian Illyrians (Desidiates and Perustae) of modern central and eastern Bosnia had to be virtually exterminated before the area could be pacified. Wilkes (1996a: 554 n. 16) notes that Tiberius’ victory is ‘the likely subject’ of the Gemma Augustea, and that the Perustae were among the ethne featured in the Julio-Claudian Sebastion at Aphrodisias (see Smith 1988: 60–2, and his pl. 1; the ethne’s names are spelled differently in the sources). For the campaign, see also Suetonius, Tiberius 16, Cassius Dio 56. 16. 4; Velleius Paterculus 2. 96; and Wilkes 1996a: 552–4.

7 The presumable Tiberian fort or settlement at Carnuntum, the first legionary camp in the north of the new province, has not yet been attested archaeologically. The Roman troops in Pannonia revolted in AD 14, only five years after the province was established: Tacitus, Annales 1. 16–30.

8 Alföldy 1995: 30. The division of 106 separated the German and Sarmatian fronts into Superior and Inferior (respectively). During the Tetrarchy Pannonia Superior was subdivided into Pannonia Prima in the north (cap. Savaria), and Pannonia Ripariensis or Savia in the south (cap. Siscia); Pannonia Inferior became Pannonia Valeria in the north (chief sites, Aquincum and Sopianae), and Pannonia Secunda in the south (cap. Sirmium).

9 Visy 1995: 85–90: the four legionary forts were at Vindobona, Carnuntum, and Brigetio in Pannonia Superior, and at Aquincum in Pannonia Inferior. At least 10 cavalry alae and 20 cohortes are known from diplomata. See also Wilkes 1996b: 419.
Pannonians themselves,\textsuperscript{10} other auxiliaries and legionaries came from elsewhere: the Rhine area, North Africa, and, especially from the 160s until the 260s, Syria.\textsuperscript{11} Many not forming part of Rome’s military forces also were brought into the province. Tiberius seems responsible for moving the Illyrian Azali from south in the province to between the more northern Boii and Eravisci.\textsuperscript{12} As early as AD 50 the Romans settled Germanic Transdanubians south of the Danube,\textsuperscript{13} and by the end of the century they had transplanted to Pannonia at least one Celtic group.\textsuperscript{14} The Romans continued such intrusions periodically through the fourth century.\textsuperscript{15} When in 212 the Constitutio Antoniniana granted Roman citizenship to all free inhabitants of Rome’s dominion, its boon may not have extended to \textit{dedictitii}, non-Romans transplanted to Roman lands. If that is the case, the law’s effects may have been less profound in this province, which saw new groups of Germanic, Celtic, and other tribes from across the Danube sporadically settled as aliens.\textsuperscript{16}

Civilian Romans were also integral to the province, and at least originally they represented an occupying group. By the mid-first century AD Claudius established Savaria as the Romans’ first

\textsuperscript{10} From the mid-1st cent. on: Mócsey 1974: 39, 51–2.

\textsuperscript{11} See e.g. for North Africans, Di Vita-Evrard 1995; Fitz 1972, for Syrians; and see nn. 30 and 33 below.

\textsuperscript{12} Mócsey 1974: 152.

\textsuperscript{13} In AD 50 Romans transplanted here the followers of Vannius, a ‘friendly king’ who with Rome’s help had ruled the Suebi above the Danube until ousted by rebellion (Tacitus, \textit{Ann.} 12. 29–30). This is analogous to the better known settlement on the lower Danube of ‘more than 100,000 Transdanubian peoples, along with wives and children, chiefs or kings’ by Tiberius Plautius Silvanus Aelianus during Nero’s reign: \textit{ILS} 986. See Wilkes 1996a: 556–7. Mócsey (1974: 57–8), with archaeological evidence, argues for other transfers of ‘barbarians’ into northern Pannonia in the Julio-Claudian period.

\textsuperscript{14} The Cotini, apparently Celtic (Tacitus, \textit{Germania} 43), were relocated south of Lake Balaton: Mócsey 1974: 57.

\textsuperscript{15} During the temporary truce of 175, and upon demand from the ‘barbarians’ themselves, Marcus Aurelius settled unknown numbers of Transdanubians in Pannonia, Moesia, Dacia, Thrace, and even Italy: Cassius Dio 72. 11. 3–5. Analogous settlements occurred in the 3rd and 4th cents.: e.g. Wolfram 1997: 88.

\textsuperscript{16} Without comment, Wolfram (1997: 56–7) excludes from the grant \textit{dedictitii} and their descendants (\textit{laeti}). But the matter is not so clear: see Sherwin-White 1973: 380–942.
veteran colony in northern Pannonia, the area furnishing the tombstones I discuss. From the Flavian era into the third century other northern towns were settled as colonies, granted municipal status, or granted colonial status (beginning in the second century). But Pannonia was never as urbanized as Italy, for example, and its cities developed slowly in terms of political and physical infrastructures alike.

Pannonian life was often disrupted by matters outside the province itself. Its troops were moved elsewhere when Rome needed: for example, it served as a springboard for some of Trajan’s Dacian campaigns, and in 193 Septimius Severus launched his bid for the imperial power with the three legions of Pannonia Superior that followed him as their governor. At other times hostile invasions occurred. From 167 to 180 Quadi, Marcomanni, and Iazyges swept into the province from the east and north almost yearly. On the Column of Marcus Aurelius in Rome the Transdanubians are typified as barbarians: men are shown as trousered, with unkempt beards and wild hair, and women are depicted as dishevelled, often with one breast exposed, and at the prey of the Roman soldiers. Despite the Roman superiority over the barbarian such iconography proclaims, in the late third, fourth, and early fifth centuries Transdanubians again invaded the province in thrusts towards

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17 Savaria is actually Pannonia’s second colony, since the first, of veterans and Italian citizens, was established under Augustus (perhaps as early as the 30s BC) at Emona, on the site which the camp legio XV Apollinaris vacated when moved north to Carnuntum.

18 Borhy (1995: 73) illustrates this process with the civilian settlement at Brigetio. Vespasian established Siscia and Sirmium as colonies; Trajan, Poetovio; Hadrian, Mursa. The three Flavian municipia are Neviodunum, Andautonia, and Scarbantia. Settlement was more rapid along the Sava and Drava than farther north: Borhy 1995: 71.


20 e.g. Gabler 1998.

21 He later liberally thanked the province for its support, encouraging great prosperity in the early 3rd cent.: Fitz 1982.

Italy. By the mid-fifth century Romans gave up the area as Hunnish.

The Pannonian tombstones are particularly valuable in light of the scarce, and biased, notice Pannonia receives in ancient literary sources. For Romans in Rome, Pannonia was peripheral, the land and its inhabitants barely civilized. Positioning the area outside civilization and humanitas, the elder Pliny characterizes Pannonia as ‘acorn-bearing’ (glandifera Pannoniae, HN 3. 147, implicitly contrasting the province to the more civilized grain-bearing Mediterranean regions). Aurelius Victor dwells on its frightful forests (immanes silvae, Caesares 40. 6). Almost no senators are from here, and Decius and other memorable emperors who hailed from this region in the third and fourth centuries are typed as uncultured men of action, great warriors but unpredictable primitives. Cassius Dio, who served in Pannonia in the 220s, describes life in the province as miserable and uncultured. But he ends, ‘For all that the Pannonians are considered the bravest of all men . . . for they are very high-spirited and blood-thirsty, as men who possess nothing that makes an honorable life worth while’ (49. 36. 2; Loeb translation by E. Cary, 1969).

23 Commodus constructed army lookout posts at spots along the Danube ‘exposed to hidden crossings by bandits’ (CIL 111. 3385). The more concerted, later invasions were by Iuthungi, Vandals, Suebi, and Sarmatians: Millar 1981: 236–7. The invasion of 270 reached as far as Italy, and was stopped only by Aurelian.

24 By AD 447, the time of Priscus’ famous visit to Attila’s Hunnish court north of the Danube, all of the area within five days’ travel south of the mighty river was part of Attila’s ‘frontier’: Whittaker (1994: 254), citing Priscus, History, fr. II, p. 243 Blockley.

25 Herodian (1. 6. 1–2) reports criticism of Pannonia’s cold and foggy climate, which made for poor harvests; Tacitus has the insurgent troops of Pannonia lament that at retirement there they receive not fields (nomen agrorum), but morasses and mountain slopes (uligines paludum vel inculta montium: Tacitus, Ann. 1. 17).

26 See e.g. Aurelius Victor, Caesares 39. 26; Historia Augusta, Aurelian 24. 3; and Birley 1998.

27 Earlier, Velleius Paterculus said that Pannonians were not to be trusted: they had adopted Roman ways too quickly and only superficially (2. 110. 5). See also Fronto, Principia Historiae 13. 13, and Herodian 2. 9. 11, who remarks that the inhabitants of the district of Pannonia are tall men of fine physique, natural and fierce fighters, but intellectually dull and slow-witted when it comes to crafty words or subtle actions’ (Loeb trans. by C. R. Whittaker, 1969).
Yet most Pannonian stelae apparently espouse what Cassius Dio would probably consider ‘honourable’ and Roman, the family. Pannonia is one of the areas of the Roman world in which the deceased were commemorated by tombstones carrying Latin inscriptions and portrait relief. Although other types of funerary monuments were also used in Pannonia, stelae are more common, particularly in the northern area from Carnuntum down to Sopianae (modern Pécs; the region corresponds roughly with western Hungary today). They are usually worked on only one side. Of limestone, sandstone, or (rarely) marble, the Pannonian tombstones tend to be massively conspicuous, over 2 m. tall, about 80–90 cm. wide, and 20–30 cm. deep. They were in use from the second half of the first century AD into the fourth, a longer period than for comparable tombstones from elsewhere in the empire, and their floruit is the second and third centuries AD. When with funerary portrait relief, the common configuration during the second and third centuries, the portrait ‘zone’ is placed near the top of the stela, often as a slightly elongated rectangle (see Fig. 10.1). When more than two individuals are depicted, they frequently overlap in the relatively restricted space, contributing to an impression of interaction and affection.

In Pannonia the use of figured and inscribed stelae began under influence from northern Italy and the Rhineland. Before the Romans arrived, the inhabitants of Pannonia practised nothing similar and apparently had no written language; further, the Roman occupation of north Pannonia began with soldiers from north Italy and Germany. Some of the earliest tombstones here are to soldiers from those regions. In the appearance of this

28 Mócsy explains this geographical incidence as reflecting where Romans settled first, where legionary and auxiliary camps were clustered, and where trade contacts were most frequent and there was a pre-existing Celtic presence (1974: 47–53).
29 Most are of local limestone, perhaps a fifth or less are of sandstone, and only a handful are of (imported) marble or some other stone. The limestone can be good—that of nearby Noricum is compact, crystalline, and fairly white—or fissured, dark, and with inclusions. The red or yellow sandstone is friable. It is often held that the incidence of commemoration varied locally according to the availability of suitable stone, as in Britain: see Mann 1985.
30 See e.g. the tombstone of Castricius Victor from Como, who served and died in Aquincum in the late 1st cent. and is depicted standing in his military uniform (CIL iii. 14349 = Schober, no. 162), and see Mócsy (1974: 124–5), who
Roman custom in the new province we may see a desire, on the part of the Roman military, ‘to assert and maintain its identity’ in its protectorate.\textsuperscript{31} The relationship between military and civilian was very close in Pannonia,\textsuperscript{32} however, and the use of figurative tombstones spread outside the camps almost immediately. (See the late first-century tombstone of Cassus and Strubilo from Scarbantia, discussed below.) Such tombstones were revitalized in Pannonia when, from the 160s until the 260s, Intercisa was manned by Syrian auxiliary troops, who maintained many of their original traditions in this 1,000-man cavalry camp overlooking the Danube.\textsuperscript{33} Even outside of Intercisa the use of stelae continued relatively frequently into the third century.\textsuperscript{34} Whatever their origins and influences, Pannonian tombstones are distinctive in many ways.\textsuperscript{35} One is their emphasis on what seems to be the ‘nuclear family’—husband and wife, parent and children, and siblings. This aspect emerges in even greater prominence in comparison to funerary depictions of families from Rome and its environs. The emphasis can be seen even on some tombstones for soldiers erected before 197, when Septimius Severus lifted the legal ban on soldiers’ marrying while in service.\textsuperscript{36}

Grouped individuals, apparently nuclear families of varying configurations, are frequently shown on Pannonian tombstones. An elaborate marble stela (second-century) from Savaria, for

notes as influenced by the Rhineland Aquincum’s 1st-cent. full-length figured military tombstones, and those with eagles with outstretched wings (e.g. CIL III. 14349\textsuperscript{8} = Schober, no. 57).

\textsuperscript{31} Cf. Hope 1997b: 245, on the appearance of military tombstones in Roman Britain.

\textsuperscript{32} Mócsy 1974: 239; Borhy (1995) examines Brigetio as a case study.

\textsuperscript{33} The cohort I Hemesenorum, an equestrian auxiliary cohort from Syrian Emesa, was transferred to Intercisa under Marcus or Commodus, and was reinforced with troops from Syria under Septimius Severus: Mócsy 1974: 228, 195; Fitz 1972. My Figs. 10.1 and 10.8 are stones raised by or to soldiers in this cohort.

\textsuperscript{34} The decline of figured tombstones in Germany after the 1st cent., and their relative rarity in Britain (for both, see Hope 1997b: 247–9), emphasize the distinctive longevity and frequency of the custom in Pannonia.

\textsuperscript{35} One might infer this from the recurrent epigraphic specification found in these epitaphs, that the one erecting the monument made it while still alive: see n. 75 below.

\textsuperscript{36} See Debrunner-Hall 1994, on inscriptions from Carnuntum; Phang 2001: esp. ch. 6; and nn. 47 and 48 below.
example, depicts together a mother, father, and son (Fig. 10.2). The inscription specifies that a ‘most wretched’ mother, Comminia Valagenta, erected the monument, while still alive, for her son, Tartonius Secundinus (a man of ‘incomparable piety’ (incomparabili pietate) who died, aged 25, while on a military expedition). Also commemorated by her tombstone are her husband, Tartonius Finitianus Daiber (a veteran who died aged 70), and another man, Comminius Optatus. Comminius’ name indicates that he is her brother. Since his age at death is not expressed in the epitaph, he may have been alive when Comminia commissioned the tombstone, and he seems not to be depicted. In the portrait a woman (l.), undoubtedly Comminia, drapes her left arm naturally over the shoulder of the full-grown youth to her left. Her left hand appears on his left shoulder, and with the first two fingers of her right she points at him. The youth holds a military sword, probably a sign that he is Tartonius Secundinus. To his left and a bit behind stands an older, slightly larger and bearded man, who holds a scroll. This is probably the father, a Pannonian who received Roman citizenship (signified by the scroll) after serving in Rome’s auxiliary troops.

Other stelae are more humble, but express familial links just as conspicuously. For example, Scarbantia, a town along the Amber Route that received municipal status in the Flavian period, provides a late first-century tombstone attesting Cassus, a slave (ser[vus]) of Musa, and his wife (uxor) Strubilo, the freedwoman of Scalleo. The rough portrait (not illustrated in this chapter) shows the heads of a woman (l.) and man. The woman wears a Norico-Pannonian turban, an element of native dress. The stone was commissioned by the children of this indigenous couple. Despite Cassus’ servile status and presumable inability to

37 Riu 89 = CIL iii. 4184 = Schober, no. 239; 147 H, 74 W, ii D, letter height, 5.0–3.5; D M Comminia Valagenta an vv ev[iva] f(ecit) sibi et Tartonio Secundi[no mil(iti) leg(ionis) X]III. G(eminiae), de[func]to in expediti[o]ne incomparabili pietate an(norum) XXV mater infelicissima et Tart(onio) Finitiano Daiberi vet(erno) LXX et Com(minio) Optato mil(iti) l(egionis) XIII an(norum).

38 CIL iii. 4551 = II 301 = CSIR Österreich 1.5, Scarbantia, no. 11: Cassus Musa [sic] ser[vus] annor(um) C, Strubilo Scalleo(nis) lib(erta) uxor ann(orum) LX. H(ic) s(ita) e(st). Fili(i) posierun(t). Correct Latin would read: Cassus Musae servus . . . et Strubilo . . . H(ic) s(it) s(un)t.

39 For this type of turban and other indigenous dress, see Garbsch 1965: 13–22 and passim, with illustrations.
FIG. 10.2 Stela of Comminia Valagenta and family, Savaria (Hungarian National Museum, Budapest, RIU 89)
contract a legal marriage or make a binding will, his children identify themselves as sons/children (filii) and call their mother Cassus’ wife (uxor) in the short epitaph. In terms of understanding the spread of ‘Roman’ inscribed and figured tombstones in Pannonia, we should note that Cassus and Strubilo were not the dependants of Roman citizens. Further, the stated servile status of Cassus, and the portrait’s depiction of him and his wife alone (without their presumably more privileged children), caution against simplistically applying to Pannonian tombstones the purpose of memorializing social mobility.

Trios or couples like the examples discussed above have some similarities with funerary relief from Rome and its environs. Less common in other locales are slightly more extended family units that seem equally loving. On a second-century stela, found in Intercisa but perhaps made in Aquincum, we see three individuals identified by the epitaph as Demiuncus, son of Coucus; his wife (coniunx) Anculata, daughter of Caupio; and a sister (soro) Veneria. The stone was raised by two liberti (Fig. 10.3). The strikingly indigenous dress of the two women, who are depicted at left and slightly larger than the man, includes winged fibulae and the Norico-Pannonian turban with veil. The bouffant hair of the man assimilates his portrait to the female ones so dominated by the turbans. Again the figures overlap, each one’s left side slightly hidden by the figure to its left. The somewhat descending heights of the three from left to right emphasizes the left hands of the two women, which are placed on the left shoulders of the person next to them. The gestures of the women seem to me to exclude the notion that Veneria is the sister of one of the liberti; perhaps Veneria is the sister of Anculata, and the order is Veneria, Anculata, and Demiuncus.

Cf. Woolf (1996: esp. 30–9), who begins with noting that monuments may generally be seen as ‘responses to perceptions of insecurity’ (31), but in his investigation of Roman inscriptions goes on to stress social considerations over more essential ones of life and death.


The small axe he holds may also indicate non-Roman status.
Children on the Tombstones of Pannonia

FIG. 10.3 Stela of Demiuncus and family, Intercisa (Hungarian National Museum, Budapest, RIU 1224)
A remarkable number of Pannonia’s tombstones represent children, at all ages, together with other members of their family. A fragmentary stela from Intercisa unusually depicts outside the portrait zone what seems to be the younger of two deceased daughters. The image of the girl, who is called Otiouna, is partly below, partly protruding into, the squarish portrait area that shows the more regular grouping of mother, father, and almost adult child (Fig. 10.4: RIU 1251; the older sister was 12 when she died). The 4-year-old girl’s smaller size and youth seem reflected in the parents’ choice of parvae rather than filiae to designate their two daughters. A damaged stela from Ulcisia Castra dedicated to members of the Flavii family retains most of its epitaph and portrait zone (Fig. 10.5). We see three adults—again apparently mother, older sister, and father—in front of whom stand two smaller children. The incomplete epitaph identifies a boy who died at age 5, a sister who died aged 20, and another sister who died aged 2. The mother protectively clasps the little boy to herself with her right hand. Although the small girl is not touched by her relatives, she appears sheltered between the fruit basket her elder sister carries, and the scroll her father holds in his left hand. Many other Pannonian tombstones depict children and parents exhibiting apparently affectionate gestures and interaction. As in illustration 10.5, young children tend to appear in the bosom of their family rather than alone.

Indeed, as we see below with RIU 763 and 913 (Figs. 10.6 and 10.7), some Pannonian stelae feature children in the portrait zone but do not name or mention them in the epitaph. Perhaps in this region, conventionally scorned as uncultured by writers in Rome, a greater significance was assigned to imagery than to text. The

43 Limestone; 152 H, 93 W, 22 D, letter height, 5: Otiouna vixit an(nos) XII et Regilia an(norum) IIII h(ic) s(itae) sunt. Ianuarius (et) Otio[n]a p[arvae] vis (et) sibi [vivi] posuerunt. The unusual placement of the child’s depiction suggests that Regilia died after the stone was commissioned at the death of her sister Otiouna.

44 RIU 902 = CIL III. 14354; limestone, now 150 H, 86 W, 21 D, letter height 4.4–4.0: D M T(ito) Fl(avio) Constantino ann(orum) V et Flaviae Exsuperatae ann(orum) XX et Flaviae Constantiae ann(orum) II fil(i)i T—tas et[. . . .

45 My still incomplete database, which now includes only stelae (and some sarcophagi) with largely extant inscriptions and portrait relief that are catalogued in RUI, has only one example of a child portrayed alone (RIU 1181), against 35 examples of children in group settings.
FIG. 10.4 Stela of Otiouna, Intercisa (Hungarian National Museum, Budapest, *RIU* 1251)
Fig. 10.5 Stela of the Flavii, Ulcisia Castra (Aquincum Museum, Budapest, RIU 902)
incongruity may also suggest prefabrication of stelae to the point of their epitaphs, which could then be filled in by customers who bought their tombstone ‘ready made’. Even if this latter explanation is valid, however, the presence of children on pre-carved funerary portraits indicates widespread desire in the province to be commemorated as a family of parents and child(ren).

A first reaction to the Pannonian tombstones might be that such a stress on family is Roman. In 1984 R. Saller and B. Shaw used the epitaphs of military Pannonian stelae, although not their images, as part of a wide-ranging article on Roman tombstones and family relations. According to their analysis, over 70 per cent of Pannonia’s stelae commemorate family units, being raised by the husband, wife, son, daughter, or parent of the deceased. The concurrence of the Pannonian evidence with epigraphic data from other western Roman provinces led Saller and Shaw to argue that the ‘nuclear family unit’ was a Roman phenomenon, not something from a more modern period.

Their conclusions have been challenged on various grounds, but for Pannonia my analysis of the tombstones corroborates theirs. My incomplete database of more than 160 figured Pannonian tombstones includes 50 dedicated by a wife, 51 by a husband, 37 by a father (in 15 cases also identified as a husband), and 28 by a mother (identified also as wife in 13 cases). Thirty-six include images of children. Further, according to extant epitaphs, 31 tombstones of my database commemorate 3 family members;

46 Indeed, in the only remark about children’s presence on the Pannonian stones have seen, Schober (1923: p. 100), comments on the stela commemorating Aelius Munatius and his family (my Fig. 10.1) that the depiction of four children refers to the ius liberorum. This interpretation is less persuasive when we consider how many tombstones with children are for non-Romans. But see George, in this volume, on funerary reliefs from Roman Italy and the appropriation of ‘Roman’ self-representation by individuals and families originally excluded from Roman society.


48 For instance, Roxan (1991) holds that the proportion of commemorated marriages among military populations is less than Saller and Shaw maintain; she uses Pannonia as her counter-example and maintains the evidence is skewed by the high proportion of stones from Intercisa. In a more general analysis of Roman tombstones, Meyer (1990) downplays affection to highlight legal issues, while arguing that the installation of tombstones was motivated by inheritance laws. The high number of non-Romans on my stones discredits her interpretation.
19 commemorate 4; 10, 5; 4 stones commemorate 6 family members; 7 stones, 7; and 2 tombstones commemorate 8. Less than ten tombstones, however, mention *liberti/libertae*. The nuclear family predominates on the Pannonian stones.

Saller and Shaw’s work has figured in other controversies, for instance about the intensity of parental affection in antiquity. Although I personally find the Pannonian images of parents and children quite moving, I do not assume these tombstones tell us the true feelings and emotions of the deceased or their survivors. On the other hand, the Pannonian evidence can reveal the cultural values and ideas of the society in which the stones were raised. But the ‘Roman’ society the Pannonian tombstones illustrate looks different from that of Rome itself.

Many modern scholars concur with Aulus Gellius (*Attic Nights* 17. 21. 44, 4. 3. 2), that (legitimate) child-bearing and child-rearing were the purpose of Roman marriage. The stupifyingly high rate of infant mortality in the Roman world—it is roughly estimated that half the children born in any year died before the age of 10—helps explain this aim. Albeit greatly desired by most, children were problematic, and they were not often depicted in Roman art. They appear on surviving Roman works only at the end of the Republic. Although infants were always under-represented, children became more regular subjects after Augustus promoted

49 Only three, *RIU* 537, 549, and 1179, are solely from *alumni* or *liberti* to a patron. Merely 18 stones were raised by someone identified as an heir or heirs, and of this group three of the heirs are also identified as wife, one as *libertus*, four as sons, and one as daughter. See also n. 45 above, for images of children on the tombstones.

50 See now Saller 2001: 105, referring (e.g.) to Veyne and Foucault. A related discussion concerns the effect on parents of the death of infants and small children: see (e.g.) Parkin 1992: 95, with references. I do not discuss here the wider controversy pertaining to the Romans’ conception of childhood.


52 Bradley (1994b: 143–6) points out that Roman sources focus more on ‘the older child, the one . . . who has successfully negotiated [infant mortality]’; Parkin 1992: 92–4.

53 See Rawson 1997a; and the forthcoming monograph by J. D. Uzzi on children in official Roman art (Cambridge). Rawson’s earliest image of a child on a funerary monument is the Servilii relief, which she dates to 30–20 BC: see references in n. 56 below. George 2001 discusses the standing relief of a mother and daughter from the Palazzo dei Conservatori collection of the Capitoline Museums, dating it to c.50 BC.
citizen marriage and procreation, and grandstanded his adoptive sons Gaius and Lucius. But my reading of the visual evidence, much of which comes from Rome and its environs, is that most images do not show parents interacting with their children. The early Augustan relief of the Servilii family may serve as an extreme example. On it the freeborn child P. Servilius Globulus appears physically detached from his parents, separated from their likeness by a pilaster. The few representations of parent–child interaction tend to show one-sided interest; as on the Ara Pacis, the child tugs at an often indifferent or preoccupied mother.

More children appeared in private and public art in the second century AD. Since the earliest images of this group date to the Trajanic era, such as the children carried on their fathers’ shoulders and in the personified city’s arms on the Arch of Beneventum, some tie the apparent rise of children’s depictions to the time of C. and L. Caesar’s prominence (13 BC) the appearance of private busts and statues of boys and girls, and notes the number of children on funerary reliefs greatly increases between 13 BC and AD 5. Bradley (1994: esp. 146) discusses the under-representation of infants in epitaphs, literature, and art.

The (Tiberian–Claudian) funerary relief of the Sertorii family, Kockel (1993: pl. 114 A and B), does show some affectionate interaction between the parents and their children: George 2001: 185–6. At times interaction depicted on images from Rome and environs seems unnatural: on Vat. 262 from the Museo Chiaramonti, for example, the father’s arm draped over his child’s shoulder is unrealistically attenuated.

A similar image comes from the Villa Doria Pamphilj: see Rawson 1997a: 217 and fig. 9. 5; Kleiner 1977: cat. no. 66; George 2001: 180–3 and pl. 11.2; Kockel 1993: 152–3 and pl. 66 B. Kockel argues that the motif of the tugging child predates the Ara Pacis; Kleiner, that the motif was influenced by it.

Though Rawson (1997a: 223) notes her earliest examples of monuments to young girls on their own come from the Flavian period (e.g. Kleiner 1987: no. 23: an 8-year-old freeborn daughter of a man and his freedwoman wife).
to social and political changes in that period. Yet many children still appear alone, as on kline monuments. The monument of a young woman now in the Getty Museum may exemplify this type: on the lid of a sarcophagus and depicted as if on a kline, the melancholy adolescent toys with a small dog, her only companion, and isolates herself by her averted gaze. Depictions of parents and their children, often including more than one child, become more frequent in the second half of the second century. This is when Faustina the Younger bore Marcus Aurelius perhaps as many as fifteen sons and daughters. Although only six survived (one of whom was Commodus), their births and lives as children were celebrated on coinage that was widely disseminated. This emphasis was carried a step further in coinage struck for Lucius Verus and Lucilla, Faustina’s daughter, which depicts Fecunditas (or Lucilla), apparently about to nurse her child.

The unusual image of a nursing mother and child has parallels on a few children’s sarcophagi that show the life cycle of the deceased. (We return to the nursing image at the end of the chapter.) This type of sarcophagus, which begins in the second century AD, now has only about eighteen (largely) extant examples, and two spectacular ones clearly include the depiction of a mother nursing her child. The sarcophagus of M. Cornelius Statius in the Louvre, which seems to come from Ostia and to

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60 Rawson 1997a: 224; 2001, looking particularly at the alimenta that Nerva began and Trajan expanded in Italy.
62 Wrede 1990: 15–28, on Getty inv. no. 73 AA.11, dating this controversial piece to the Trajanic period.
63 Fittschen 1999: 2.
64 e.g. sestertius, AD 164–9, BMC iv. 1202, pl. 77. 14: Lucilla or Fecundity, seated with infant; child standing r. & l.; legend: FECUN[DIAS] SC.
65 For the type, see Huskinson 1996; Amedick 1991: 60–81; further on these two sarcophagi, see George 2000: 191–3. The example I do not discuss (Huskinson no. 1. 33 = Amedick no. 236, late 2nd cent.; dimensions unrecorded; photo in Amedick, pl. 55. 2), originally from Tivoli, is now in the Villa Doria Pamphilj in Rome. Most of the few nursing women depicted on such sarcophagi are identified as (servile) wet-nurses by kerchiefs on their heads: Amedick 1991: 62–4. Some presumable mothers do not nurse but simply carry their babies at their breasts, as the mother in the carriage on Amedick no. 190 (pp. 153, 63–4; Rome, Museo Nazionale Romano; c. AD 100). The Terra Mater relief of the Ara Pacis offered an exemplar for nursing scenes, as did images of Isis Lactans (Tran 1973). See also Šašel Kos 1999: 153–92, with further references.
date to AD 150–60, displays milestones of the young boy’s life on its front. From left to right we see him at four different stages. As a newborn, he is nursed by his mother with his father looking on. Still an infant but no longer in swaddling clothes, he is held in his father’s arms; then, ‘portrayed as a small-scale adult’, he playfully drives a ram-drawn chariot. Finally, he is shown declaiming in front of his father. The boy progresses quickly to adulthood, at least in his facial features, in a motif so common that it has been dubbed ‘puer-senex’. Despite such second-century examples, monuments from Rome and its environs show relatively few children interacting affectionately with their parents; instead, children are depicted more frequently in images reflecting status relations within the household. In contrast, on Pannonian tombstones children appear frequently, and in number, with their parents. As on some stelae illustrated in this chapter, such apparently loving families often include more than one child. Such imagery occurs equally on tombstones commemorating Romans and on ones for individuals identifiable by name and/or costume as indigenous. The imagery is sometimes employed even on stelae whose epitaphs are silent about the children depicted. For example, a second-century limestone stela raised by Suriacus Secuindinus [sic] for his ‘incomparable wife’ Aelia Vitalina (coniugi incomparsabili) shows three adults and three children, although only the husband and wife are mentioned in the inscription (Fig. 10.6: RIU 763). The woman on the left, presumably Aelia Vitalina, has her left arm over the shoulder of the man (or woman?) next to her; her right hand rests on the right shoulder of the child in front of her. The man on our right, probably Secuindinus, rests his right hand protectively on the shoulder of the girl who stands before him.

Fig. 10.6 Stela of Suriacus Secuindinus and family, Brigetio (Hungarian National Museum, Budapest, *RIU* 763)
holding an apple. Although the inscription does not identify everyone portrayed, it does specify that Suriacus Secundinus was a decurion of a municipium (perhaps Mogetiana) and a quadri- 
torvir, asserting his Roman status and values.71 He seems to wear 
the toga. His wife’s Roman status is signalled by her duo nom-
ina.72 In comparison to the commemorated Mira, discussed 
immEDIATELY below, and to some other women illustrated in this 
chapter, Aelia Vitalina appears Roman in hairdo and dress.

Our next example, from the first half of the second century, 
shows family imagery and language on a Pannonian stela raised 
to and/or by individuals who do not obviously identify themselves 
as Romans. The ‘well-deserving’ wife Mira (con(iugi) b(ene) m(eren-
ti)), the daughter of Crescens, is commemorated by a 
sandstone stela in Ulcisia Castra raised by her husband, M. Attius 
Rufus, a veteran of the Second Legion (Fig. 10.7: RII 913).73 As 
a veteran Attius Rufus wears the toga, but his wife Mira is 
marked as non-Roman by her single name, filiation from the 
non-Roman Crescens, and indigenous dress. She wears a Norico-
Pannonian turban (here with a long veil behind), a heavy torque, 
and huge fibulae to hold up the shoulders of her dress.74 A boy’s 
likeness is central to the portrait zone, despite the epitaph’s 
silence about any child. The adults’ hands closely hold between 
them their presumably young son, also dressed in a toga. Their 
gesture, which must have linked their arms behind his back, 
pushes the boy into the foreground of the group portrait.

Such family imagery seems deliberate. These affectionate fam-
ily groups are found on tombstones whose diverse workshops are

71 Municipal positions are not commonly noted in Pannonian epitaphs. The 
index for RII 1–4 has three pages of references to ‘Städtewesen’ (of which one 
page comprises references to ‘augustales et seviri’ and to ‘collegia’), but 12 pages 
for ‘Militärwesen’.

72 Phang (2001: 191) rightly notes that such women may be Roman citizens 
or Junian Latins, freedpersons informally manumitted by Roman citizens and 
with lesser rights.

73 230 H, 88 W, 23 D, letter height 5.4–5.0: Mira Crescentis f(ilia) an(norum) 
XXX t(itulum) p(osuit) M. At(t)ius Rufus vet(erus) leg(ionis) II. Ad(iutricis) 
sibi et con(iugi) b(ene) m(ereni) pos(uit). Visy (1997: 18, no. 17, and pl. 17) pro-
vides the date.

74 Further affirmations of ‘ethnicity’ are the motifs of the intermediate zone: 
the horse-drawn carriage, and the tripod and servant at the funeral feast. See 
Visy 1997.
Stela of M. Attius Rufus and family, Ulcisia Castra (Balassa Bálint Museum, Esztergom, *RIU* 913)
revealed by the stelae’s materials as well as by their execution: for example, sandstone and limestone would be carved by different sculptors. Further, patrons’ choice and agency are indicated by the formula *vivus/viva sibi fecit* (or *posuit*)—made (or installed) this for himself/herself while alive—which frequently appears.\(^75\) We see it, for example, on a late second- or early third-century limestone stela from Intercisa (Fig. 10.8: *RIU* 1161).\(^{76}\) While still alive Germanius Valens, who served in the cavalry troop transferred here from Syria, raised the memorial to his wife (*uxor*) Aurelia Baracha (who died age 35), his two daughters (successively named Aurelia Germanilla before their deaths at age 4 and 2), and his mother, Immosta. The portrait zone represents, under an elaborately segmented half-vault, three adults with two children in front of them. The two flanking adults, an older woman (l.) and a bearded man (r.), place their innermost hands on the shoulders of the central woman, whose importance is further signalled by the older woman’s pointing to her with her right hand. The younger woman pulls to herself with both hands a little girl with a variation of the top-plait hairstyle. In front of the man and sheltered with his left hand stands a slightly smaller girl with a different hairstyle. Here the affection of the close-knit family conspicuously transcends death, since the two daughters are shown as coexistent, simultaneously embraced by their parents.\(^77\) Although they died very young, they did not simply lapse from memory, as regrettably yet inevitably lost before their time.

\(^{75}\) About 15% of the inscriptions in my incomplete database carry this formula, which appears on slightly less than half of the tombstones discussed in this article: *RIU* 89, 1153, 1251 (Figs. 10.2, 10.1, 10.4), and *CIL* III. 4548 (Fig. 10.9). It is not used on either tombstone that portrays a child without specifying a child in the epitaph.

\(^{76}\) = *AE* 1906: 107 = Schober, no. 198; limestone: 193 H, 90 W, 17 D, letter height 4.4–2.5; D M Aureliae Barachae vixit ann(os) XXXV et Aurelia Germanillae vixit ann(os) IIII et altera filia Aurelia Germanilla vi[xi]t ann(os) II et Immostae matri su(a)e vixit ann(os) XL. Germanius Valens mil(es) coh(ortis) (milliariae) Hemes(enorum) uxori et matri et filiis posuit et sibi {v}vi(v)us fecit.

\(^{77}\) The relative ages at death of the mother, 40, and her daughter-in-law, 35, also suggest that the stone commemorates individuals who died at very different dates: women’s age at marriage was probably 15–18. The identification of the mother on the stone suggests Immosta came with her son to Pannonia.
Fig. 10.8  Stela of Germanius Valens and family, Intercisa (Ferenczy Museum, Szentendre, RIU 1161)
We should return to the striking image with which I began, the memorial of Aelius Munatius, Aurelia Cansauna, and their children (Fig. 10.1, RIU 1153). Although the children are not named in the epitaph, only referred to in the phrase con se natibusque suis (‘with herself and her children’), they are as prominent on this tombstone as children on other Pannonian stelae. We have now seen other examples of multiple children individualized by different heights and hairstyles (Figs. 10.4, 10.5, and 10.8). The overlapping of figures and the placement of young children in front of their parents must now also seem familiar (cf. Figs. 10.5, 10.6, 10.7, and 10.8). The emphasis on touch, as Aurelia’s hand supporting her baby grazes the head of the little girl before her, is manifest on all the Pannonian stones I have discussed. What is more unusual, however, is that Aurelia is shown about to nurse, with her breast bared. I have found two Pannonian comparanda for the nursing scene. One commemorates Flavia Aiulo, who died aged 20 in Aquincum; the now headless portrait shows a tightly swaddled infant, held with its face upwards, lying angularly across the mother’s clothed chest (CIL III. 14352).78 The other, my Fig. 10.9, comes from second-century Scarbantia. This elaborate limestone stela, mostly complete, memorializes Claudia Julia and her parents Tiberius Claudius Surus and Ulpia Restituta (CIL III. 4548 and p. 1792 = CSIR Österreich 1.5, Scarbantia, no. 15).79

The epitaph of Fig. 10.9, CIL III. 4548, asserts that the parents commissioned the stone while alive, for themselves and for their daughter who had died at the age of 20. Incongruous with the text, the portrait shows only a young mother cradling an infant at her breast. The mother is fully clothed, including conspicuous Pannonian fibulae at her shoulders and a heavy necklace and bracelet. Her baby is depicted realistically, nuzzling its mother and stretching out its arm, with its little hand blissfully curling in anticipation of nursing. M.-L. Krüger, who published this stela in CSIR Österreich 1.5, ventures that the young woman is Claudia

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78 Also published, with photograph, in Szilágyi 1956: 70 and pl. xxxiii: Flavia Aiulo ann(orum) XX h(ic) s(ita) e(st). Gallio sorori pientis(simae) et Avitus consobrin[i] [sic] pientissim[---]. Flavia’s name suggests a terminus post quem of the early 2nd cent.

79 Limestone, 203 H, 92 W (no depth given), letter height 11–6.5: Ti(berius) Claudius Surus et Ulpia Restituta v(ivi) s(ibi) et Cl(audiae) Iul(ae) fil(iae) an(norum) XX h(ic) s(ita) e(ecurunt).
Stela of Claudia Julia, Scarbantia (City Museum, Wiener Neustadt, CIL III. 4548)
Julia, who died in childbirth. But the analogy of other Pannonian stones like RIU 1161 (Fig. 10.8), which display emblematic affectionate family scenes, suggests that the portrait here may be of Ulpia Restituta, with Claudia Julia portrayed as an infant. Despite the uncertain identification of those portrayed, the image on the Scarbantia stela is a striking one.

Nursing mothers are extremely rare in Roman art. In part this relates to the negative connotations the naked breast usually carried in Graeco-Roman art. Further, at least among the elite in Italy and the Greek East, Roman mothers seem not to have nursed their own children regularly, instead handing them to servile or otherwise dependent wet-nurses. Other than the three Pannonian stelae, the coins honouring Lucilla, and the two children’s sarcophagi discussed above, I know of only one other depiction of a mother who nursed her child. An early first-century AD limestone stela from Cologne depicts Bella Rema, the daughter of Vonucus, holding her infant tightly to her clothed chest and partially enveloped in her mantle; it was erected by her husband Longinus.

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80 CSIR Österreich 1.5, Scarbantia, no. 15, p. 17. Some support for Krüger's interpretation might be the 'declamation' scene right of the portrait zone, which she notes as unusual in Pannonia. Perhaps here we have two elements featured elsewhere on childhood sarcophagi, the deceased's birth and education: cf. Kampen 1981b: 57–8. The tombstone of Flavia Aiulo, CIL III. 4548 in n. 78 above, also depicts a young mother without mentioning her husband, but the epitaph is fragmentary.

81 See Cohen 1997; Bonfante (1997) advances social, religious, and magical reasons for the reluctance to depict naked breasts of actual women. But the breasts of ‘barbarian’ women, such as on the Column of Marcus Aurelius, were often bared (n. 22 above).

82 Bradley 1994b; Bonfante 1997: 184–5. The practice occasioned much controversy: Plutarch (Consolatio ad uxorem 5–6, De amore prolis 3–4, and the spurious De libris educandis 5), and Aulus Gellius (Attic Nights 12. 1, referring to Favorinus); see Bradley 1986 and Tacitus at n. 84 below.

83 Galsterer and Galsterer 1975: no. 310, pl. 67: 196 H, 45 W, 25 D, letter height 4.6–3.3: Bellae Vonuci f Remae Longinus vir illiaeus fecit pie. The more famous nursing woman from Cologne, Severina nutrix (wet-nurse), is depicted on the top part of an early-3rd cent. limestone funerary altar for a (now) unnamed man that was probably commissioned by Severina (or perhaps vice versa): see Galsterer and Galsterer 1975: no. 331, pl. 73; cf. Fildes 1986: pl. 1. 10, and George 2000: 200. Severina is shown on one side nursing an infant, and on the other leaning over a swaddled baby in what seems to be a cradle. I do not address here non-human nursing mothers; see nn. 66 and 86.
The provenance of Bella Rema’s tombstone, like that of the three nursing Pannonian mothers, is significant. In *Germania* 20. 1, written at the end of the first century AD, Tacitus notes that maternal nursing was prevalent among German tribes. Although he adduces this notice in oblique criticism of Roman mothers’ handing their babies over to wet-nurses, a practice censored also by other authors,84 German and Celtic traditions, especially those relating to women, were particularly tenacious in Pannonia at least into the second century.85 Through the middle of the third century Poetovio (in southern Pannonia Superior), for example, had a well-attested epichoric cult of the Nutrices Augustae. These deities, originally Celtic but later Romanized and distinguished by the epithet Augustae, were depicted nursing. They have similarities to the various Matres and Matronae, ‘divine Mothers’ that were worshipped in the Germanies.86 Further, slaves were relatively rare in Pannonia in our period,87 inhibiting the use of female slave wet-nurses and childminders, the nutrix so scorned by Tacitus and others. The representation of a mother nursing her infant, found on three Pannonian stelae and depicted in my Figs. 10.1 and 10.9, may reflect actual practices in the region. But even simply as an image, it is simultaneously powerful and tender.

The image allows us to address directly the question of Romanization in Pannonia, since all the nursing mothers here are marked as Roman by the use of duo nomina. The ‘native’ cognomen of Flavia Aiulo (from Aquincum; *CIL* iii. 14352 discussed above) suggests she was only recently enfranchised as a Roman, receiving citizenship and her nomen Flavia either personally or through her parents.88 The duo nomina of Claudia Julia, as well as the names of her parents (*CIL* iii. 4548; Fig. 10.9), are Latin names more common in this province and elsewhere. Yet the costume of the young mother from Scarbantia, whom I tentatively identify as Claudia Julia, is decidedly non-Roman, with its large

84 See also Tacitus, *Dialogus* 28. 4–29. 2, and references in n. 82 above.
85 Harl (1993) investigates some 100 Pannonian items (not all stelae, and excluding Roman women) for the information they provide for continuation of Celtic women’s traditional power despite living in Roman Pannonia.
86 Šašel Kos 1999: 153–92, with further references. 87 Mócsy 1956.
88 Moreover, her right shoulder, still visible despite the stela’s break, shows a large Pannonian fibula.
Pannonian fibulae and other jewellery. The slightly later depiction of Aurelia Cansauna and her family (RIU 1153; Fig. 10.1) is even more confounding and interesting. Its provenance at Intercisa, and her husband’s specified origin of Samosata, argue that the family had Syrian origins. Yet Aurelia’s pose with her infant, and the prominent, affectionate display of her various young children in front of her and her husband, have parallels with Pannonian funerary material not from this Syrian enclave. These similarities indicate that ethnic and ideological boundaries were not rigid in this province. These nursing mothers, although extreme within the general iconography of Roman funerary portraiture, are less peculiar in the wider context of the Pannonian tombstones’ distinct emphasis on family. The emphasis united non-Roman and Roman in this province.

The Pannonian stones’ familial emphasis, constant through the remarkably long use of figured tombstones here, cuts across simplistic binary oppositions of ‘native’ and Roman, civilian and military. Affectionate family portraits are frequent among all presumable groups, and distinct from what was common in Rome itself. The family portraits here let us see how ‘the Roman family’ was constructed in this border province, with its Germano-Celtic traditions and the exigencies of its location and strategic Roman roles. The many images of (multiple) children and their parents, interacting affectionately with one another, reveal that the nuclear family itself was valued. Less evident in the epitaphs and portraits, and thus presumably less significant overall, are the various distinctions of social status used frequently in Rome, Italy, and elsewhere to denote and demarcate servile, freed, and free, Roman and non-Roman, soldier and civilian.

The stelae disclose strong idealization of the nuclear family in Pannonia. This can be linked to two interconnected aspects of this frontier zone’s history. One is the uncertainty of day-to-day

89 She may also be wearing a Pannonian turban rather than have her hair wrapped around her head in a more Roman coiffure. Phang (2001: 191) notes that such ‘colorless’ names ‘may mask a native ancestry’; see also n. 72 above. Surus may indicate a Syrian origin for Tiberius Claudius.

90 Thus the use of figured tombstones in Pannonia differs from that in Britain, where Hope argues that they were of particular relevance to immigrants and outsiders who used the medium to assert their identity in a strange land’ (1997b: 246).
existence, which may have rendered family life especially pre-
cious. From the first to the fifth centuries AD, Pannonia was
repeatedly occupied and overrun by alien groups, be they
Romans, Romano-Syrian cavalry, Transdanubians, or others.91
Male children enrolled in the auxiliary forces and legions at the
age of 17, if not before. Upon marriage at an equally early age,
women had little assurance that their husbands, and later their
sons, would not be killed in battle or while patrolling the borders.
It must also have been painfully clear that a family’s integrity and
safety could not be guaranteed during invasions and at other
unsettled times, and throughout history women and children
have been the most numerous victims of wars, especially in
occupied lands. Rome’s traditional but vague exaltation of family,
particularly pronounced during and after the desperate
Marcomannic Wars and attendant Antonine plague,92 may have
resonated especially strongly here.

Further, the affectionate nuclear family enabled presumably
distinct identities in Pannonia to be negotiated and accommo-
dated. We may see this hybridization most clearly in RIU 913
(Fig. 10.7), where native Mira, daughter of Crescens, and her
Roman veteran husband, M. Attius Rufus, both resplendent with
marks of status and distinction, display their son between them.
But such family imagery spread widely in Pannonia. As we have
seen, it was used for families of quite different status and origins,
including servile and freed natives (Cassus and Strubilo, in CIL
III. 4551 = 11301), free non-Roman citizens (RIU 1224, Fig. 10.3),
enlisted soldiers from Syria (RIU 1161, Fig. 10.8), and Roman
municipal magistrates and wives (RIU 763, Fig. 10.6). Pannonia’s
tombstones, themselves intriguing in their imagery and epitaphs,
also give us a glimpse into the process of Roman self-definition
in this frontier province.

91 As Whittaker (1994) and others now convincingly argue, Roman frontiers
were zones of exchange, not impenetrable barriers.
92 This period was one when official Roman art and ideology most promoted
the family, and when the empress Faustina and at least one daughter visited
Pannonia in the company of Marcus Aurelius (in 174): Philostratus, Vita sophis-
tarum 2. 1. 11 (2. 1. 560); for date, see Fittschen 1999: 5. Cf. Historia Augusta,
Marcus 26. 8.
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