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Roman legionaries and their wives

A complex relation linking soldiers and feminine world

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How I Met Your Mother: Relations of Family, Friendship and Clients in Ancient Rome

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Introduction

The relationship between the military field and women was quite controversial in the ancient world. Women did not participate to the episodes of war and their involvement in the battle wasn't even thinkable by the ancients, aside from the exception of the Amazons, female warriors in Greek and Latin mythology. Indeed, the etymological analysis of the Greek name *Ἀμαζών* led to consider the "A-" a privative alpha, that would nullified *μαζός*, giving as result the meaning of "breast-less". This interpretation seems confirmed by many classical authors,¹ describing the Amazons' custom of cutting off the right breast in order to stretch the bow properly; such habit fits perfectly with the relationship between the concealment and mutilation of feminine attributes and the improvement of the fighting skills, considered by ancient people as clearly masculine qualities. The dualism man/warrior has ancient roots, that can be traced back to the Sumerian epic poem of Gilgamesh, without bothering with Homer and Odyssey; soldiers' virility and courage in battle were so important that *"at least since the ancient Egyptians, cowardice in battle by warriors or their enemies has earned them epithets of female genitalia to indicate that they are 'weak' men"*.² These beliefs were deeply rooted in ancient people and lead most of the women to be an ineffectual spectator of the wars in which was forbidden any form of direct involvement, aside from as relatives of soldiers.

«Either with it or upon it.»

-Spartan mothers to their sons referring to their shields.

Excluded from the military framework, women had often a major role in espionage, acting, however, in a more political context. Although classic historiography has painted such engagement with remarkably negative tones, there were cases of women employed as professional informers.³

¹ On this topic: Diodorus Siculus, *TLH*, II, 45; Virgil, *Aen.* I, 493.

² Otto, 2006, p. 424.

³ Petracchia, 2012, p. 101.

The Roman case is not immune to the context here described, but family involvement in Rome is further complicated, mainly because of the numerous reforms of the army which brought consequent changes to the legal status of Roman soldiers. These changes were a natural consequence of the expansion of the city that led the same military episodes to change, switching from regional conflicts to real pitched battles involving tens of thousands of men. The overseas expansions of the 3rd-2nd centuries BC and the foundation of the first provinces forced the Senate to direct part of the military effort to defend the borders, by allocating a certain amount of legionaries far away from Rome for long periods of time. The primary consequence of this new policy is the birth of the professional soldier, who became concrete with the army reform implemented by the Consul Gaius Marius in 107 BC, and later completed by Augustus.

The introduction of this norm modified for centuries the relationship between soldiers and female gender, since now the status of soldier was changed, especially under a juridical point of view. The voluntary enlistment was associated with the loss of the *ius connubi* (namely the right to marry) followed by the prohibition to buy property in the province where the soldier was serving. This development changed radically the legionaries' everyday life, and created an internal contradiction, which will be the core issue of investigation of this study. How did the new ban affect the Roman candidates already married at the moment of joining the army? Which military ranks have been affected? Were there other types of union created by legionaries and tolerated by Rome? More in general, to what extent did the consequences of the Augustan ban affect the relationship between Roman legionaries and the feminine world?

Enter the historical debate is not easy, especially because no scholar has dedicated himself organically to the argument, at least in recent times. This important mutation in the Roman military law has been too often studied as a contingent topic of more general researches on the military reforms under Marius and Augustus. In many books of ancient military history⁴ the application of Augustan ban is never questioned, whereas all the social consequences on the Roman legions are ignored.

In a tiny chapter dedicated to the women, in the context of her study on the Roman army, Southern argued that if the candidate was married at the moment of joining the army, the

⁴ Brizzi, 2002; Campbell, 1994; Keppie, 1984; Southern, 2006.

union was nullified.⁵ Unfortunately it is not specified which kind of sources she used to support her thesis, but the brevity of the chapter (one page) shows that she probably considered this topic as a secondary aspect in her multifaceted study of the Roman army. The same author argued that the Augustan ban affected all the soldiers of the legions under the rank of centurion.

These considerations need to be examined in depth; the social consequences of the loss of the *ius connubii* were incisive and led to several exceptions and stratagems, survived partly in the sources. The ban had been eventually removed by Septimius Severus at the end of the second century, perhaps with the aim to improve the bond with the legions.

For what concern concubinage, in a study devoted to this topic, Rawson argues that such unions also existed outside the military context, and for this reason there was not any type of moral prejudice on them. It was not uncommon for a civilian Roman citizens couple to prefer the cohabitation de facto to an official marriage, although they were both legally eligible for such union, according to the rules of Roman law.⁶

The paper will start with a chapter examining the situation before the Augustan ban, and then a more substantial analysis of the period in which it was valid, in the first two centuries AD. A chapter will be focus on the relevant exceptions of it that can be noticed by sources available; Soldiers' rank and background will be included in the analysis, as well as concubinage and other kind of union. A special focus will be spent on what we can notice from the sources collected in Carnuntum and Vindolanda. Each facet of these elements will be faced in its own chapter. The narration will be focused on the main reforms of the Roman army, excluding those which did not introduce regulations to the family life of the soldiers, such as, for example, the manipular reform in the 3rd century BC.

I. IV-II century BC: the citizen soldier

We do not know exactly how the Roman warriors of the early days used to organize themselves. The sources on the previous archaic army are scarce and incomplete, and do not

⁵ Southern, 2006, p. 144-145. "Women": «*If a soldier was married when he enlisted, the marriage was broken off.*»

⁶ Rawson, 1974, p. 282.

allow us to get a full, clear picture on the topic. Giovanni Brizzi, in one of his masterpieces, argues that Rome had certainly known tribal clashes motivated by a homicidal *raptus*, interpreted as exaltation of war devoted to a god in the early days of his military history. This tendency was soon shelved in favour of a military organization more devoted to the discipline, namely a successful model represented at the time by the hoplitic formation.⁷ This choice would have proved to be winning for the whole Roman history,⁸ decreeing the primacy of the city on all his contemporary civilisations, then forced to supply military contingents known as auxiliary soldiers. The tribal habit of the archaic Roman army is certainly noticeable in his mythical history, such as in Romulus' and Tullius Hostilius' brutality.⁹ The starting point of this dissertation is the first official reform of the army, known as Servian reform. According to tradition, it was implemented around 570 BC by Servius Tullius, sixth king of Rome.¹⁰ Such promulgation subdivided the Roman citizens in five classes of *census* (seven including *equites* and *capite censi*) based on the amount of citizens' possessions; higher classes had more political rights corresponding to more military duties. The idea behind the reform was that richest citizens had the preeminent right to decide on the Roman politics but also the duty to provide a greater contribution to the defence of the city. As a direct result of this, the higher classes occupied the front row of the formation deployed on the battlefield, because their economic means allowed them to provide more comprehensive and superior armours and weapons. On the other hand, the *capite censi*, that were citizens unable to reach the fifth class of *census*, were not called to fight, except in emergency situations. *Equites* constituted the richest class and they fought organized as mounted troops.¹¹

At this stage we may consider the army as a cross section of Roman classes of census, that included all the men (in the age for serving) between smallholders and the offspring of the richest aristocratic families. It follows that the Roman legionary till the late Republic was firstly a citizen, with his job, his home and his family; he had to suspend his routine as a civilian at the time of the military efforts that Rome had to face, serving in the army limited to the war duration. Serving in the army did not exclude the making of a family:

⁷ Brizzi, 2002, p. 31.

⁸ Vegetius, *EMS*, 2, 2.

⁹ Brizzi, 2002, p.31.

¹⁰ Dionysius of Halicarnassus, *RA*, IV, 16.

¹¹ *Idem*, IV,18.

«I, Spurius Ligustinus of the tribe of Crustumina, come of Sabine stock, fellow-citizens. My father left me an acre of land and a little hut, in which I was born and brought up, and to this day I live there. When I first came of age, my father gave me as wife his brother's daughter, who brought with her nothing but her free birth and her chastity, and with these a fertility which would be enough even for a wealthy home. We have six sons, and two daughters, both of whom are now married. Four of our sons have assumed the toga of manhood, two wear the boys' stripe. I became a soldier in the consulship of Publius Sulpicius and Gaius Aurelius. [...] (Livy, *HOR*, XLII, 34)

This extract from Livy perfectly supports such thesis. Spurius Ligustinus takes up arms for the first time in 200 BC, during the consulship of Publius Sulpicius Gabba Maximus and Gaius Aurelius Cotta; he participates to several campaigns until 171 BC, when according to Livy, he pronounces these words during an assembly. Spurius has therefore served in the army for 22 years on 29 since it was first enlisted, but that did not stop him from expanding his family that counts 8 children. At this stage there is not a clear distinction between soldier and civilian, and the legal status of the legionary coincides with the one of the citizen.

This, by extension, concerns all social aspects relating to him, such as marriage and inheritance. The issue of inheritance is particularly interesting when compared to statistics on life expectancy of the Roman legionary. It is not surprising that the dangers of the military service, combined with the harsh living conditions of the ancient world allowed to one legionary out of two to reach the discharge alive.¹² If we accept this estimate it is obvious that the beneficiary of the legacy of the deceased was especially important. If the marriage was contracted *cum manu*, the bride came to be in the *familia* of the husband, acquiring inheritance rights on his property as a consequence of his death. On the other hand, if the marriage was *sine manu*, the wife left under the *potestas* of her father (or under the one of the brother if he was dead) lacking of any priority over the inheritance of the deceased, that was up first to his *agnates* (father, brothers, sons).¹³

¹² A.R. Burn, *The Romans in Britain*, 1932 in "Carrié, 1989, p. 129".

¹³ Gardner, 1986, p. 45.

The amount of the bequest was only partially influenced by her husband's military career, because until the Marian reform soldier's economic benefits were limited to a scarce *stipendium*,¹⁴ and to fractions of the spoils of war. Roman military service was firstly a duty and a privilege, and that is why a real retribution was not expected; with the establishment of the professional soldier the economic aspect will be revolutionized (see below). We can speculate some sort of valuation in this field: the core source of men for the legions of Rome till the late Republic was the Italic rural smallholders, namely that large group of landowners owning a plot large enough to fit in the Servian classes of *census*. Knowing this, is it easy to assume that generally, at least at this stage, the legacy of a dead soldier was mostly a propriety, rather than cash money.

II. I century BC – II century AD: The professional soldier

II.1 The army reform

«Meanwhile, he [Marius] himself enrolled soldiers, not according to the census classes, in keeping with the ancestral tradition, but just as the fancy took anyone, for the most part the poorest of the poor.» (Sallust, *The war with Jugurtha*, 86)

«Now the consul [Marius], after having brought up to full strength the ranks of the legions and the cohorts of auxiliaries, set out for a fertile district, one rich in booty; there he gave to the soldiers everything that was taken.[...] the bravest were the safest, that by means of arms liberty, country and parents, and all else were protected, while glory and riches were won by the same.» (Sallust, *The war with Jugurtha*, 87)

We said that with the reform of 107 BC, initiated by Gaius Marius and completed by Augustus with the establishment of the *aerarium militare*, the state insurance dedicated to the soldiers' retribution, legionaries become more professional and lose the *ius connubi*. The reason for this measure, introduced perhaps by Augustus, is obvious: the marriage was perceived as a distraction for the soldier, whose primary function was to fight and promote the expansion of the *Urbs*. A part of the disaffection for the army felt by Italic people from

¹⁴ Livy, *HR*, IV, 59.

the second century was due to the military service, which forced them to leave their family and their job. The prohibition of marriage has been also interpreted as a latent encouragement for the soldiers to return to their region of origin, breaking every potential bond with the provinces and preventing a build-up of influence and power on the profession of the soldier (something that happened anyway in the middle imperial period). The ban on buying proprieties in the province assigned certainly had the same purpose.

The voluntary enlistment also changed radically the same socio-economic nature of the soldier: military career, from this point on, will be perceived as a springboard to improve the economic and social status. The army becomes more proletarian, in the sense that by now its primary component will be the rural and city proletariat previously exempted from the service. The upper classes will begin to take up the military *cursus* of the officers, that was much more attractive because better paid and exempted from most despised tasks. The economic treatment had been improved: the soldier starts to receive a proper salary, to which it is added an enlistment bonus, and a huge prize at the discharge, consisting of a sum of money or a plot of land. Even some specific privileges linked to the status had been introduced, as certain tax exemptions and occasional donations of emperors (*donativa*). It was noted that the standard pay of the legionary was a pittance, if compared to the equivalent earned by an artisan or an employee.¹⁵ Some ancient sources reflect this theory:

«In fact, the whole trade of war was comfortless and profitless: ten asses a day was the assessment of body and soul: with that they had to buy clothes, weapons and tents, bribe the bullying centurion and purchase a respite from duty!» (Tacitus, Annals, I, 17)

This hard and poorly paid employment should be evaluated at the end of the military career, when the economic privileges received along the years are revealed more clearly. A study made by Duncan-Jones on the funeral arrangements of the demobilized veterans, stresses that the expenses of burial in North Africa could achieve by entities an annuity of salary; in Italy the average expenditure reaches one year and a half, even if there are exceptional circumstances, such as a burial in Pompeii paid four annuity of salary. The study's findings argue that burial expenses generally depended on the personal preferences

¹⁵ Carriè, 1989, p. 125.

of the soldier;¹⁶ in the context of the topic here treated it highlights that the enrichment of certain legionaries was remarkable, and depended more on savings and investment capabilities than on the single payment amount.

The first consequence of this improvement of the economic treatment is that if before the inheritance issue was important, now it is even crucial, mainly because of the accumulation of patrimony within the family unit; this is even truer in those families where more than one component served in the legions. Generalizing, the new army social nature together with the economic benefits now introduced will lead changes also in the average legacy of the fallen soldiers. It will be no longer concerning plot of land, but consisting mainly of cash money, slaves and movable property.

II.2 Long distance relationships

The new recruit legionary was hardly already married, since most of the candidates, according to estimates by Keppie, were enlisted at an age included between 17 and 23 years.¹⁷ This seems confirmed also by Tacitus in the passage describing colonial deduction after Augustus.¹⁸ Indeed, it is possible to detect exceptions, as is proved by the *Letter of Theon (1)*, a papyrus dated in the last quarter of the 1st century AD, in which a legionary of Egyptian origins reassures a relative, probably his wife, about its possible displacement in another province:

(1) «*Theon to his sister [wife] Serapous, greeting. Above all else, and enjoined upon you when with you, take care of yourself so that I may have you well, and do not be anxious about me because I am away from home, for I am personally acquainted with these places and am not a stranger here...*»¹⁹

¹⁶ Duncan-Jones, 1974, p. 79-80.

¹⁷ Keppie, 1984, p. 181.

¹⁸ Tacitus, *Ann.*, XIV, 27.

¹⁹ P.Oxy. VIII, 1154. *Letter of Theon*. Translated by Luuk de Ligt and Laurens E. Tacoma (Eds.). Leiden University, *Migration and Mobility in the Early Roman Empire*, Leiden, 2016. The problem concerning the nature of the addressee is contextual and not literal. The term *ἀδελφή* means “sister”, but the style of the letter conveys more of a doubt, as argued by Carrié, 1989, p. 117. We need to consider also that the last fragments of the papyrus reports this: “[...]your father and mother and brothers/siblings [...] of Arsinoeitou” [My translation]. This sentence is out of context in a correspondence between brothers, because of the obvious community of parents.

We don't know where Theon was stationed at the time when he writes the letter, but his testimony is crucial, because it represents an exception to the Augustan ban. It is not easy to extrapolate additional information, since he does not specify which unit he is serving;²⁰ his name is not Latin, and thus suggests a militancy in an auxiliary cohort. It is important to stress that from the 1st century, Rome began to extend the recruitment in the legions to Provincials, even if it was previously a prerogative of Italic people. It became necessary for those legions that needed urgent replacements, and in which it was enlisted a number of *peregrines* (men without citizenship) among the most Romanized.²¹ One of the consequences of this new policy will be the gradual collapse of the division between legionaries and auxiliary troops, since the distinguishing element *par excellence*, Roman citizenship, will lapse as recruiting requirement.

(2)«*To Tiberius Claudius Valerius, son of Brittus, decurion of the second ala of Aravaci, from Spain, fifty years of age, thirty years of military service, and to Claudia Januaria, his wife, and to Claudia Hispanilla, his daughter, both still living, in accordance with his will, Flaccus, decurion, his brother, and Hispanilla, his daughter, heirs, had this erected.*»²²

This inscription **(2)** has been found in the site of *Teutoburgium* and dated in the I century AD. This is probably another example of soldier already married during service; the name of his wife, Claudia Januaria, did not suggest any geographical indication that allows us to determine if she was a Latin woman (or at least from imperial territories) or a concubine known locally and married after his discharge (see below). The name “Januaria” is not specifically from Hispania, that is Tiberius’ region, nor of Pannonia, where the inscription has been found. The same name has been found on inscriptions in London and Greta Bridge (Yorkshire).²³ Considering the etymological similarity with the month of January (*Januarius*), we can assume a Latin woman background, without excluding the possibility that she was a freed slave Romanized changing her name. Tiberius’ militancy in Aravaci confirms his

²⁰ If Theon was enlisted in a Roman legion, he may have served in the III Scythica or in the III Cyrenaica, both involved in the Jewish wars and in operations against the Parthian Empire during the second half of the 1st century AD.

²¹ On the exceptional enlistment of *peregrines*: BGU 423=SP 112 and Aelius Aristides, *Roman Oration*, 77-78.

²² CIL 3. 3271. Inscription. Translated by Campbell, 1994.

²³ Warburton, 1753, p. 80.

Hispanic background, since it was a Celtiberian mounted unit. Significant in this context is the military rank of Tiberius, decurion of cavalry. Hispanic origins, thirty years of service, and the militancy in the mounted troops demonstrate beyond any doubt that he served in auxiliary troops; the grade of Decurion of the wing was the lower in the officers chain of command.²⁴ Tiberius transfers his goods to his brother Flaccus and to his daughter Claudia Hispanilla, both his *agnates*. This is eventually valid if he received the Roman citizenship when he has been discharged; in absence of other relatives this specification would not have been necessary since they were the designated heirs because of their legal status. The choice to nominate them as heirs suggests the presence of other *agnates* excluded from the will. It should also be considered that Claudia Januaria had been married *cum manu*, and that she was therefore under Tiberius' *potestas*: in this case (although it is an unconvincing scenario, because it was no longer common in the imperial period) testamentary wills would be crucial to exclude his wife from inheritance.

(3) «*Gaius Luccius Sabinus, son of Gaius, of the tribe Stellatina, town councillor at Beneventum, in his lifetime constructed this for himself and Ofillia Parata, his wife, and Luccius Verecundus, his brother, and his descendants; he served in the first urban cohort at the side of the tribunes, was an attendant (secular), orderly (optio) of the hospital, orderly of the prison, aide (singularis), clerk (beneficiarius) of a tribune, put in charge of the examination of witnesses by Annius Verus prefect of the city, also officer in charge of the watchword, orderly, standardbearer, clerk of the treasury, orderly in charge of records, senior clerk (cornicularius) of a tribune, clerk of Valerius Asiaticus prefect of the city, discharged by Emperor Hadrian Augustus in the consulship of Servianus for the third time and Vibius Varus, town councillor, 22 April, in the consulship of Erucius Clarus for the second time [...]*»²⁵

This inscription was found in Benevento and dated in 146 AD **(3)**; it describes in detail the career of Gaius Luccius Sabinus, who has been elected in charge of the *municipium* of Benevento at the end of his military career. There is no doubt that Gaius was a Roman citizen, as demonstrated by his belonging to the tribe Stellatina: the extension of Roman

²⁴ Poma, 2002, p. 230.

²⁵ CIL 9. 1617=ILS 2117. Translated by Campbell, 1994.

citizenship to Italic people was promulgated at the end of the social war, in 88 BC.²⁶ It is necessary to contextualize the many grades performed by Gaius during his long military career. Hard is the placement of the role of *secular* in the Roman military ranking, although it seems to be the soldier providing assistance to the tribunes in the camp. The role of *optio* is described by Vegetius and Polybius, which define it as the rearguard official appointed by the centurions, destined perhaps to replace them in case of emergency or illness.²⁷ The *singularis* was responsible for the safety of one of the highest officers in the camp (in this case the tribune) whereas the *beneficiarius* was an assistant officer for administrative matters, so named because he was exempted from many of the hardest tasks of simple legionaries. Finally, the role of *cornicularius* was the officer in charge at the administrative office in the camp, the one who coordinated and directed the *beneficarii*.²⁸ All these charges, standardbearer (*aquilifer*) included, were collocated in the category of *principales*, a petty officer or specialized soldier located between the simple legionary (*miles*) and the centurion in the chain of command.²⁹

The inscription reports that Gaius was married to a woman named Ofillia Parata, with whom he had an unspecified number of descendants. It is very unlikely that Ofillia was a concubine or a freedwoman, since the militancy of Gaius in an urban cohort places his service near Rome, or at least on the Italian territory.³⁰ The woman is almost certainly of Italic origins and provided of Roman citizenship: although it cannot be excluded that they married after his discharge, the long military *cursus* of Gaius, at least 20 years long, suggests that he was already married when he joined the army.

It must be noted that the degree of Gaius would represent an exception to the Augustan ban, since he was not at the top of the chain of command. It is not clear if the marriage contracted found its reason in a special concession, or if it was the habit for those soldiers already married before the recruitment: we can conclude that maybe Gaius obtained this privilege because he was allocated close to home. Indeed, the tasks of an urban cohort soldier were not binding as those of a legionary sent to defend the *limes*.

²⁶ Marcus Velleius Paterculus, *CRH*, II, 16-17.

²⁷ Polybius, *Hist.*, VI, 24; Vegetius, *EMS*, II, 7.

²⁸ Vegetius, *EMS*, II, 7.

²⁹ *Ibid.*

³⁰ Keppie, 1986, p. 188-189. Campbell (Campbell, 1994, p. 45) places the urban cohort of Gaius in Lyon starting from the Flavian period, probably with reference to Tacitus (Tacitus, *Ann.*, VI, 41). Indeed, Tacitus does not offer any indication about which urban cohort had been sent to Lyon, and even the period is incongruous.

II.3 Concubinage: a family replacement?

(4) «*Emperor Caesar Nerva Trajan Augustus, Conqueror of the Germans, son of the divine Nerva, chief priest, in the fourth year of his tribunician power, father of the fatherland, consul for the third time, has granted to the cavalrymen and infantrymen who are serving in the three alae and twenty-one cohorts, which are called [...] which are in Upper Moesia under the command of Gaius Cilnius Proculus, and who have been honourably discharged having completed twenty-five or more years' service, and whose names are written below, to them, their children, and their posterity, citizenship and the right of marriage (conubium) with the wives they had when citizenship was given to them, or, if they were unmarried, with those whom they married afterwards, limited to one wife for each man. [...]*»³¹

As regards unmarried legionaries, undoubtedly the vast majority, the Augustan ban represented more a formal legal limit than a concrete one. Unable to get married according to Roman law, the legionaries started to establish relationships representing a family surrogate with slaves or peregrines from the province where they were allocated.

The situation of concubinage that they used to create was usually legalized after their discharge, and the women, as well as the children born from the relationship, received Roman citizenship, as the Trajan diploma above seems to demonstrate **(4)**. Concubines were defined *hospita* (a guest) or even *focaria* (the woman cooking rations to the soldier)³² and they used to live in the *canaba*, which is the area outside of the camps built in order to allocate civilians. It has been suggested that this was even the allotment of prostitutes (see below). From the first century BC to the end of the 2nd century AD, we have found several inscriptions demonstrating an unofficial female presence in the vicinity of Roman *castra*.

(5)«*To the spirits of the departed. Titus Flavius Virilis, centurion of Legion II Augusta, centurion of Legion XX Valeria Victrix, centurion of Legion VI Victrix, centurion of Legion XX Valeria Victrix, centurion of Legion III Augusta, centurion of Legion III Parthica Severiana as*

³¹ ILS 9054=Smallwood NH 343. Translated by Campbell, 1994. Other diplomas: ILS 1986=Smallwood GN 295; Roxan 1985:102; ILS 1993=MW 400; Roxan 1985:132.

³² Carrié, 1989, p. 116.

hastatus posterior of the ninth cohort, lived seventy years and served forty-five years. Lollia Bodicca, his wife, and Victor and Victorinus, sons of Flavius, his heirs, had this constructed at a cost of 1,200 sesterces.»³³

This inscription is part of a bust of a male bearing a book; such bust that was eventually made as decoration for of a tombstone. It was found at Lambaesis, North Africa, and dated in the 3rd century. The very late dating might suggest a legal marriage contracted after the abrogation of the Augustan ban, which occurred at the end of the 2nd century AD. Considering the last legion in which Titus served, we recognize that it is the III Parthica, a legion established by Septimius Severus in 197, in occasion of his campaign against the Parthian Empire in the East.³⁴ We deduce therefore that all the previous military experiences listed in the inscription were due when the ban was still valid. The surprising *cursus* of Titus has begun in the II Augusta, a legion established by Augustus and stationed in Britannia.³⁵ It seems to be proved that Titus met here his wife Bodicca: the name of the woman belonged also to the famous Queen of the Iceni, who led the anti-Roman revolt in 60 AD, and then suggests the same geographical origin.³⁶ Titus militancy in a Roman legion confirms that he was a Roman citizen.

Considering the ban of marriage, we must conclude that the relationship of the couple had begun with the canons of concubinage. The lack of formalization of the union did not prevent the establishment of a very deep devoted bond, which encouraged the woman to follow her husband up in Mesopotamia and then in Numidia, where the tombstone was found. The choice of Numidia as final destination may not be accidental, since it was, starting from 100 AD, the permanent establishment of III Augusta, in which Titus had served.

(6) *«Longinus Hy [_ _ _] declared that he, a Roman citizen, had served in the first cohort of Thebans under Severus, and had while in military service lived with a Roman woman by whom he had begotten Longinus Apollinarius and Longinus Pomponius, and he asked that these be certified (as Roman citizens). Lupus, having talked with his legal advisers, stated:*

³³ CIL 8. 2877 = ILS 2653. Translated by Campbell, 1994.

³⁴ Dio Cassius, *RH*, LV, 24.

³⁵ *Ibid.*

³⁶ *Idem*, LXII, 2.

*'The boys will be [certified] since they have been born of a Roman woman. You also wish to establish them as [legitimate (?)], but I cannot make you their legal father.'*³⁷

(7) *«Epimachus, son of Longinus, soldier of the second cohort of Thebans, century of Octavius Alexander [affirmed _ _ _] that a daughter, Longinia, had been born to him on 26 December just past, from Arsus, daughter of Lucius, his concubine. Therefore he said that he had made this declaration because of the restriction imposed by military service. Carried out at Philadelphia in the winter quarters of the second cohort of Thebans on 26 December, in the consulship of S[ergius Octavius] Laenas Pontianus and Marcus Antonius Rufinus, in the sixteenth year of Emperor Caesar Trajan Hadrian Augustus, on the thirtieth day of the month Choiak. (In Greek) I, Epimachus, son of Longinus, the soldier mentioned above, have affirmed that my daughter, Longinia, was born, just as is written above.»*³⁸

The first papyrus **(6)** is dated in 114 AD and it has been found in Alexandria, whereas the second one **(7)** has been found in Filadelfia and the reference to the consuls in charge allowed us to date it in 131 AD. Longinus served in the I Theban cohort whereas Epimachus was a simple soldier of the II cohort of Thebans. Both were auxiliary forces enlisted at the end of the first century AD and recruited on the spot: the former was allocated in Syène,³⁹ the latter in Thebes.⁴⁰ The aim of these two certificates is to legitimize the paternity on illegitimate children born during the fathers' military service: the big difference between the two is that Longinus and his partner claim to own the Roman citizenship.

The fact that Longinus was a Roman citizen suggests that he was already discharged at the time of this declaration. It is unthinkable that he was a Roman citizen at the time of joining the army, because the Theban cohort was composed by Egyptian *peregrines* recruited in the site, and the terms of service in an auxiliary unit were lower than those guaranteed by a Roman legion. The sons who he had from the Roman woman receive the Roman citizenship: following the rule to accord to the illegitimate children the legal status of

³⁷ FIRA 3, 19 (extract). Translated by Campbell, 1994.

³⁸ BGU 1, 326 = FIRA 3, 50. Translated by Campbell, 1994.

³⁹ Lesquier, 1918, p. 93: *«Cette cohorte, recrutée dans la province après l'annexion, existait dès l'époque d'Auguste ou de Tibère; [...] En 83 elle était toujours au nombre des auxiliaires d'Égypte (Dipl. 15.), en 99 elle se trouvait à Syène, où elle faisait avec la coh [...]*»

⁴⁰ *Idem*, p. 95: *«La présence de cette cohorte en Égypte n'est établie que pour les années 83 ct 95, par le diplôme des auxiliaires (Dipl. 15.) et par une inscription du colosse de Memnon, qui relate une visite du préfet d'Égypte et est gravée par les soins de T. Attius Musa, préfet de la cohorte; elle tenait probablement garnison dans le voisinage et peut-être à Thèbes même.»*

the mother. The paternity is not recognized due to the absence of legal marriage and as a consequence of this, Longinus' sons lose also any right on the father inheritance. The illegitimate children owning the Roman citizenship (*spurii*) were not socially denigrated, but they had different legal status due to the absence of a *paterfamilias*. Their juridical condition places them in a normal family and emotional background "*but their primary point of reference is the natural mother: they do not belong, in the fullest sense, to a family, as they are not subject to the web of rights and responsibilities involved in patriapotestas.*"⁴¹ Under a legal point of view an illegitimate son had some disadvantages: they could not be included into the birth register established by Augustus; they could run for public office, sometimes giving precedence to legitimate children.⁴²

The situation of Epimachus is clearly more complicated because he is still serving at the time of drafting his document, and then he is legally a *peregrinus*. His attempt to certify his paternity on the daughter has doubtful legal value, and although he is aware of the restrictions imposed by the military service, still tries to draft such documentation. The reason that encouraged him in this direction is the aim to leave some form of certification in order to allow the daughter to claim his property, in the event of his sudden death. But there might be another motive. The age difference between Longinus and Epimachus seems to be attested by the fact that the former is already discharged. This, however, presents the latter with a further problem: if the soldiers' sons were too young to assume the *potestas*, or, as in this case, they could not, then a tutor had to be nominated. Legal supervision of children is a controversial subject, but in general "*the honor to be derived from being named as tutor depended in part on the status of the testator and pupillus.*"⁴³ According to Saller, the social status of the tutor must be equal to or greater than the one of the deceased father. In the case of the legionaries a military career exempted from the protection of civilians' sons, but not from the counsel of fallen comrades' children; the structure of military guardianship was submitted to a strict observation of the soldiers' rank, who could take care of the sons of their equal or, sometimes, of their subordinated.⁴⁴ In this context, the declaration of Epimachus might have had as its purpose the regulation of guardianship for his daughter.

⁴¹ Rawson, 2003, p. 75-76.

⁴² *Idem*, p. 267.

⁴³ Saller, 1994, p. 201.

⁴⁴ *Ibid.*

The comparison of these two evidences allows us to draw some conclusions about the treatment accorded to auxiliary troops. These documents assume some interest, because it confirms to what extent was concubinage accepted into the Roman army, even among *peregrines*. Unofficial relations were more than tolerated, since their mention was freely accepted within legal documentation. The core elements in inheritance issues were the Roman citizenship, but even a legal Roman marriage, as demonstrated by the case of Longinus **(6)**.

II.4 Carnuntum and Vindolanda

Carnuntum and Vindolanda represent an important source of evidences, even the field of study related to this paper. Carnuntum is a center of Celtic origin, raised to the rank of *castrum* in 50 AD. It was located in Pannonia, in what is now Austria, and had both a legionary and an auxiliary fort. The archaeological excavations here have unearthed a vast *canaba*; it is relevant because it allows us to obtain some information on the issue of concubinage among legionaries (see below).

Vindolanda was an auxiliary *castrum* located close to Hadrian's Wall, and built in 79 AD following the conquest of North-Britannia. Over 500 wooden tablets with inscriptions have been found during excavations on this archaeological site; main topics of these tablets are both official military documents, and personal letters. Thanks to these fragments we can ensure the presence of women at Vindolanda (see below).

(8) «Here lies Lucius Plotidius Vitalis, son of Lucius, of the tribe LEMONIA, born in BONONIA, legionary of XV APOLLINARIS, who lived for 50 years and served for 23 years. ANNA MAXIMA to his dear husband, had this erected.»⁴⁵

This inscription **(8)** has been found on a tombstone in Carnuntum. It is particularly interesting because it concerns a simple legionary (*miles*) and not an officer. Dating this evidence can be problematic, since there are not chronological references. Indeed, some inscriptions prove the transfer of the Legio XV Apollinaris in Cappadocia, in 117 AD, for

⁴⁵ HD017945. My translation.

Hadrian's decision.⁴⁶ It was therefore possible to date the inscription between the beginning of the 1st century AD and the beginning of the 2nd century AD, and, in any case, before the abrogation of the marriage ban. Although more than one location within the Roman Empire was called Bononia,⁴⁷ the belonging of Lucius to the tribe Lemonia confirms his Italic provenance, certainly from today's Bologna (North-Italy) and then that he held the Roman citizenship. It is hard to determine the origins of Anna Maxima, the woman who dedicates the inscription defining herself as his wife. Even if she was married before the enlistment, she could not follow Lucius till Carnuntum. Considering the 23 years of military service, it is possible that Lucius was discharged at the time of death, and then that he regularized a previous situation of concubinage; the Latin name of the woman might be a name changed as a result of the accorded Roman citizenship. In this case the couple would have decided to stay in Pannonia, maybe in the *canaba* of Carnuntum, instead of returning to Bononia, Lucius' city. However, it has to be considered the possibility that the woman was still a mere concubine, and that she lied about her status to confer greater honour to the remains of the fallen soldier.

(9) *«I, sister, just as I had spoken with you, and promised that I would ask Brocchus, and that I would come to you – I did ask him, and he replied that it is always, wholeheartedly, permitted to me, together with ... to come to you in whatsoever way I can. There are, truly, certain intimate matters which [I long to discuss with you (?). As soon as I know for sure (?),] you will receive my letter from which you will know what I am going to do ... I was ... and I will remain at Briga. Farewell, my dearest sister and my most longed for soul. To Sulpicia Lepidina from Severa, wife of Brocchus.»*

(10) *«On 11 September, sister, for the celebration of my birthday, I ask you warmly to come to us, you will make the day more enjoyable by your presence. Greet your Cerialis. My Aelius and our little son greet you. Farewell, sister, dearest soul, as I hope to prosper, and hail.»⁴⁸*

⁴⁶ AE 1975, 818; AE 1988, 1044; CIL III, 13647 a-d.

⁴⁷ Bononia was the Roman name for Bologna, but even the name of the nowadays Vidin, Bulgaria, and the name of the nowadays Boulogne-sur-Mer, France.

⁴⁸ Bowman and Thomas 1987:137–40. Translated by Birley, 2002.

These inscriptions **(9) (10)** are part of extensive documentation found on wooden tablets at Vindolanda, auxiliary *castrum* erected near Hadrian's wall, and dated at the beginning of the second century AD. The author of the letters is Claudia Severa, wife of Aelius Brocchus, Commander of another military infrastructure in Northern Britain: probably in the mentioned Briga, whose position is still unknown. The receiver is instead Lepidina, wife of Flavius Cerialis, prefect of the ninth cohort of Batavians stationed at Vindolanda.⁴⁹ The rank of prefect of cohort was one of the highest among the officers of the auxiliary troops, together with the prefect of the wing. In order to obtain this charge, an officer needed to belong to the equestrian order: the prefects of the cohort were therefore recruited from the municipal aristocracies belonging to this status, or between the deserving centurions *primipili*, whose the equestrian order was conferred when discharged.⁵⁰

The case of Cerialis, Batavian officer coming from today's Netherlands, confirms that it was probably granted to highest officers to bring the family at the *castrum* where they served. It is not clear where these families were resident, but it is plausible they received a lot inside the *canaba*. We do not know the military grade of Aelius Brocchus, Claudia's husband, but it is certainly another officer; in the birthday invitation is mentioned a son, to complete the household. If in the previous case of Tiberius **(2)** it was possible to doubt about origin of Claudia Januaria, now the conditions are very different: this is a couple with a specific social position, for which the Augustan ban was probably irrelevant. We can conclude that this last evidence **(10)** could support Southern theory about the limit of Augustan ban till the rank of centurion⁵¹.

II.5 Other kinds of relationship

Perhaps not surprisingly, it is hard to find ancient evidences about the presence of prostitutes near Roman *castra*. Although prostitution was legal and regulated in Roman law, with the establishment of *lupanaria*, it should probably be incompatible with the strict moral control which was established on legionaries starting from the Augustan period. A reference

⁴⁹ Birley, 2002, p. 45.

⁵⁰ Poma, 2002, p. 230.

⁵¹ Southern, 2006, p. 144-145

to the world of prostitution is present in the context of the siege of Numantia in 134 BC, when Scipio Aemilianus expelled them from military camps with the intention of restoring the discipline.⁵²

Some further results can be obtained from the analysis of Roman *fiscus*: we know that Caligula introduced a tax on prostitution, which provided a levy affecting the whore but also the customer if married.⁵³ Tax collection was entrusted to the *publicani*, even if soldiers were sometimes used for specific duties,⁵⁴ as seems to demonstrate an inscription found at Chersonesus, and dated in 185/186 AD.⁵⁵ It is especially important, because it comes from some civilians who complain about excessive brutality perpetuated by soldiers stationed on site during the collection of the tax on prostitution. Although the sources remain silent mostly on the relationship between soldiers and prostitutes, it would be wrong to imagine the two worlds as sealed off from each other, although it is not possible to say with certainty that it was granted to them living in the *canaba*. It has been hypothesized that the level of control and regulation of the relationship soldier/prostitute belonged to the discretion of the commanders in charge in the *castrum*, rather than a formal law.⁵⁶

In conclusion, Roman policy on the management of homosexuality in the camps deserves a mention. In pre-Christian Rome homosexuality was tolerated and practiced, and mostly free of any sort of moral judgment similar to those of today. The main restrictions were related to legal and social status of men involved: homosexuality was mostly practiced with slaves and freedmen, because it was morally unacceptable that a Roman citizen assumed roles of sexual passivity in relationships with partners of equal or lower social class. Two very important evidences about it come from the poems of Catullus,⁵⁷ and from Tibullus.⁵⁸ The spirit of tolerance and mocking noticeable in the two authors seems to fall dramatically in the military context:

⁵² Florus, *ERH*, I, 34; Livy, *HOR*, LVII; Appian, *RH*, VI, 85.

⁵³ Suetonius, *Cal.*, 40.

⁵⁴ Petrucci, 2012, p. 73.

⁵⁵ CIL 3, 13750 = IGR 1, 860.

⁵⁶ McGinn, 1998, p. 40.

⁵⁷ Catullus, *Poems*, 21, 37, 55, 56.

⁵⁸ Tibullus, *El.*, I, 4: *To Priapus*.

«The bastinado (fustuarium) is also inflicted on those who steal anything from the camp; on those who give false evidence; on young men who are caught in homosexual acts; and finally on anyone who has been punished thrice for the same fault.» (Polybius, Hist., VI, 37)

This terrible punishment that eventually led to the death of the convicted was employed to punish serious crimes within the camp; it is deducible that homosexuality in this context had been fought strongly and that it was not an option among the accepted kind of relationship for the Roman legionary.

The most important conclusion we can get from the considerations found in this chapter is that the theme of morality in Rome is perceived as drastically different when it concerns the civilian or the military context. The Roman open society values are sacrificed under the strict discipline of the legions, where the maintenance of the military efficiency is more important than any type of distraction.

Conclusions

The methodology of work of this paper involved the analysis of the (few) primary sources available, followed by the study of some inscriptions found a couple of *castra stativa* (permanent Roman camps). Papyri and epigraphic data were finally important to complete the spectrum of sources available.

The preliminary point of our final analysis will cover the main problems encountered during the preparation of this study, which are essentially two:

- The first limit was to find relevant sources for this subject referring to the simple legionary or, even so, to soldiers excluded from the chain of command. In the case of papyri, this can be partially explained by the different literacy rates dividing the mere *miles* and the officers, but it is necessary not forget that many *immunes* and *principales* (3) were deputed more to administrative roles rather than military, and then the literacy was a prerequisite in order to be admitted. These categories included specialized soldiers or petty officers, however low ranked legionaries. For what concern inscriptions, a great number of tombstones belonging to *milites* were found (even in *Carnuntum*) but they do not report any significant information with reference to the Roman family. Indeed, most of such inscriptions contain only name, tribe (in the case of Roman citizens) and years of life and service, maintaining minimalist canons absolutely poor of details. This could be explained admitting that the Augustan ban on marriage was mainly respected;

- The second issue concerns the proportion between legionary and auxiliary evidences. Oddly, we have a large number of data regarding auxiliary troops, from foot soldier to the highest officers, both for inscriptions and papyri; at the same time, however, it was possible to highlight a certain poverty of sources related to legionaries, provided of Roman citizenship, survived in much smaller quantity. This issue does not respect the real proportion in terms of number among them, and allow us to argue that probably legionaries used to be monitored much more than auxiliary troops. Roman citizenship had to be an important role in this context.

If we consider Southern's speculations on the nullification of legionaries' marriage at the moment of enlistment as a starting point of this paper, we can notice some important

conclusions: firstly, the loss of the *ius connubi* did not prohibit to candidates already married the enlistment in the legions, and this caused a certain number of exceptions to the rule. There are several epigraphic evidences of married men even before the discharge, so the only possible explanation is a previous marriage still valid at the time of the soldier's departure.⁵⁹ How to justify such exceptions? It seems clear that the Augustan ban was mainly respected; maybe some special concessions depending on the specific soldier's features were considered. The case of Gaius **(3)**, for instance, allows us to argue that geographic conditions must have an important part in this.

The same author argued that the Augustan ban affected all the soldiers till the rank of centurion; in this case her thesis seems acceptable, and it would explain the lack of sources regarding *milites* of the Roman army. It would be further strengthened by the correspondence of Vindolanda **(9) (10)**. If we accept this explanation, then it is possible to interpret differently the inscription of Titus Flavius Virilis **(5)**. He always served as centurion, and then he was able to marry Bodicca without elapse in the limit imposed by law.

Prostitution definitely existed close by the camps, although it highlighted a certain lack of sources. The already mentioned case of Numantia allows us to conclude that it was probably tolerated, except in those cases in which it led to insubordination or intolerable lack of discipline. Morality within the *castra* was treated with the usual formal rigidity, even if the officers in charge should have some discretion on it.

For what concern concubinage, surviving sources show that it was an absolutely common type of relationship, for both legionary and auxiliary troops. We can extend Rawson's considerations on civilian concubinage to the military scenario, since soldiers used to mention their union on legal documents without any consequence **(6) (7)**. It seems clear that the central government stopped fighting liaisons between soldiers and local women before trying. Then, while maintaining a very rigid theoretical principle, not giving any real chance to encourage the soldier's family life, the military authority closed its eyes on the private life of the legionary. Indeed, it proved to be accommodating upon discharge, allowing to regularize the soldier's family with the military diplomas.

⁵⁹ In this paper **(2) (3) (8)** and maybe **(1)**, but we can notice other cases: ILS 2590; RIB 363; CIL 8. 2094=ILS 2518; CIL 13. 1906=ILS 7531.

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