

# RE-PRESENTIN ROMAN MARRI



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[Title] The title of my PowerPoint presentation reflects my twofold intent: I intend to RE-present Roman Marriage

1. by looking at the effect of class on marriage,
2. by showing the potential of the Internet for enriching our knowledge.

[2] This paper is an offshoot of a larger project still in progress to create a webpage about Roman marriage, hyperlinked to primary sources.

[3] Marriage – that is, *iustum matrimonium* – was a core institution of Roman culture, critical to the future of Rome from its legendary foundation. It intertwined with class and intersected with public and private life in important ways throughout Roman history.

[4] *Conubium*, the right to marry, was a key benefit of Roman citizenship; a citizen couple who had the right degree of relationship and were adults could enter into *iustum matrimonium*.

[5] Apart from the legal prerequisites, what constituted a marriage? Later Roman jurists answered that it was not ceremonies, or contracts, or cohabitation, but that only *affectio maritalis* brought about marriage – the intention or desire to be married.

[6] In the first part of my paper I discuss *manus*, a legal consequence of marriage for Roman women which is often mistakenly described as a form of Roman marriage. In effect until the late Republic, it is significant to an episode in Livy about an event that took place in the mid-Republic involving patrician marriage. In the second part of my paper I turn to the new class of Roman citizen which arose during the late Republic, the *libertini*.

[7] Their acquisition of Roman citizenship opened to them the possibility of legal marriage. I use the iconography on their funerary monuments to illustrate how they used images of *iustum matrimonium* to symbolize their new citizen status.

[8] I. *Manus* was one of three forms of legal guardianship for Roman women, who were considered to be in need of adult male supervision their whole lives. Children were born into the family and class of their *paterfamilias* and were subject to his *patria potestas*. When a daughter married *cum manu*, she left her natal family and her father's authority and became a member of her husband's family and social class, subject to his legal control (*manus*). In his commentary on the law, the 2<sup>nd</sup> century jurist Gaius describes the three ways by which a married woman entered *manus*: *usus*, *confarreatio*, or *coemptio* (#1 on your handout). I will focus on *usus*, the only one of the three that brought about *manus* automatically, after a year of cohabitation, although there was provision in the Law of the Twelve Tables for married women to opt out of *manus*. A woman who married *sine manu* kept her legal position in her natal family, remained under *patria potestas*, and could be her father's heir. By the first century BCE, few women in the elite class married *cum manu*.

The impact of *manus* on a married woman's legal and social standing during the mid-Republic is illustrated by Livy's story of the founding of the cult of [Pudicitia Plebeia](#). The 11<sup>th</sup> Law of the Twelve Tables forbade marriage between the patrician and plebeian class.

[9] In 445 BCE this law was overturned, despite fierce patrician objection, by the law presented by the Tribune of the People, C. Canuleius. It made little difference in practice, however. Since legal marriage required the consent of both *patresfamilium*, it was an easy matter for patrician fathers to forestall plebeian overtures of marriage. Even 150 years afterward, intermarriage remained a source of patrician resentment. Livy (#2 in your handout) describes the opposition of the elite *matronae* to Verginia, the daughter of Aulus Verginius, a member of a consular family, who sought to enter the shrine of *Pudicitia Patricia* to worship in 296 BCE.

[10] The women refused her entrance because she had married out of her noble class (*e patribus enupsisset*) when she, a patrician woman, put on the bridal veil for a plebeian male (*patriciam plebeio nuptam*). Their charge indicates that Verginia had entered marriage *cum manu*, probably by *usus*, with the result that she had become a plebeian. In her response to the *matronae*, Verginia does not deny their accusation. Instead she asserts that she has the necessary birth and moral qualifications to worship at the patrician shrine (*et patriciam et pudicam . . . uni nuptam . . . virgo deducta*) and that she is not ashamed of her plebeian husband, a military hero and twice a consul. Livy praises her for establishing a shrine to *Pudicitia Plebeia* in her home. Perhaps aware that she was opening a new arena in the Conflict of the Orders, Verginia invites the plebeian *matronae* to compete with patrician women in *pudicitia*, as their husbands did in *virtus*.

**II. [11]** Marriage was experienced very differently by the freed class, which came into being in the late Republic. *Manus* was irrelevant for *libertini*, for as slaves they had neither *paterfamilias* nor family nor even personhood. Marriage and family, forbidden to slaves, was a precious gift of Roman citizenship. As a class not based on wealth but on personal history, *libertini* were separated from *ingenui* by law as a lower category of citizen, for they were not entirely free. They needed the approval of their *patronus* to marry. They owed status, loyalty and service to their former master, who was sometimes himself a member of the freed class.

**[12]** The freedman's formal name identified him at once as a member of his *patronus'* *familia* and as a former slave. His *tria nomina* of Roman citizenship consisted of his former master's *praenomen* and *nomen*, his freed status, and his slave name, now his *cognomen* ([P.Aedius P. L. Amphio](#)); freedwomen, too, added the feminized form of their master's *nomen* to their status as *liberta* and their slave name.

In response to the numbers of slaves freed at the end of the Republic, the Senate passed the *Lex Aelia Sentia* in 4 CE, limiting the amount of slaves a master could free in his will and setting strict conditions for formal manumission. However, if a master wished to marry his female slave and produce legitimate children with her, then he could free her before the age of 30, the minimum age set by Augustan law.

**[13]** Although there is evidence that women also were slave owners, this provision did not extend to *patronae*.

While there is little literary testimony about lower-class marriage outside of legal sources, the 1<sup>st</sup> -3<sup>rd</sup> centuries CE are rich in material evidence from funerary monuments dedicated by freedpersons.

**[14]** Many contain scenes of marriage which may be more symbolic than real, although the couple's individuality is verified by their portraits and the inscription bearing their names. Wearing citizen clothing, the husband in his toga, the wife in the dress of a *matrona*, *libertini* present themselves as bonded, with clasped right hands, in poses that conflate the source and product of their new status.

**[15]** This relief of [Philematium](#) and her husband Hermia is one of the earliest monuments to commemorate the marriage of freedpeople (#3 on your handout). The butcher Lucius Aurelius Hermia, dressed in a toga, faces a youthful veiled Aurelia Philematium, her left hand lifting his right to her lips in a sign of marital *obsequium* or farewell. Although dedicated to Philematium, the crudely chiseled inscription contains both voices, their words a public display of *affectio maritalis*. Hermia praises his *coniunx* for her chastity, her loving spirit, her dutifulness, her loyalty. Philematium describes herself as *casta*, *pudens*, *fida*, a *matrona* in whose care her husband flourished. Though unequal in age, they model the *concordia* that Romans sought in marriage and express the marital virtues repeated in succeeding centuries.

**[16]** The monument of the [Servilii](#) represents them as a quintessentially Roman family. The inscription below each figure contains only the name and relationship of each member, but no

other words are necessary to express the civic and personal achievement celebrated here. The severe togate portrait bust of Quintus Servilius Hilarus, freedman of Quintus Servilius (*QL*), is identified simply as *pater*, the citizen head of his household. Beside him is Sempronia Eune, freedwoman of Gaius Sempronius (*CL*), identified as *uxor*, no longer a property. Emulating the clothing and modest pose of the respectable *materfamilias*, she is wrapped closely in her *palla* and displays her betrothal *anulus* on her left hand. A Corinthian capital separates the couple from their child, Publius Servilius Quinti Filius Globulus and, for good measure, *F[ilius]*. One of the earliest funerary reliefs to include a child, his filiation (*Quinti Filius*), his toga and his *bullae* proclaim him *ingenuus*, freeborn, released, like the poet Horace, from the class of *libertini* by his parents' civic status and their *iustum matrimonium*.

[17] This ash chest is dedicated to [Vernasia Cyclas](#), who is, typically for this period, not identified as a *liberta*; her Greek *cognomen* suggests she was freed by a member of the *gens Vernasia*. Her husband Vitalis, however, inscribes not only the fact of his manumission (*Augusti libertus*), but his occupations in the emperor's household: *scriba* (secretary, copyist) and *cubicularius* (steward of the bedchamber). In doing so he claims for his wife and himself the superior status within the freed class accorded those in imperial service.

[18] Their handclasp is a gesture found elsewhere in Roman art, in contexts that signify an exchange of faith and loyalty. Although there is no literary evidence that the *dextrarum iunctio* formed part of the wedding ceremony, nevertheless, it became a symbol of marital union.

[19] Vitalis and his *coniunx optima* wear the clothing of citizen marriage. Inscribed in the space between them are 3 letters that possibly stand for *Fides Amor Pietas*. The couple appears in a niche beneath a canopy, enclosed by torches and garlanded pillars associated with weddings.

[20] This ash chest, suggestive of an actual ceremony, shows the couple standing before the open doors of a temple or a house, beside an altar. It is dedicated by the freedwoman [Sextia Psyche](#) to her *coniugi bene merenti*, whom she identifies as Helius Alfianus, *Servus Publicus Augurum*, a public slave of the College of Augurs. Helius is dressed in the citizen toga, presenting a scroll with his left hand while clasping the right hand of Psyche, in matronal attire.

[21] The chest, which can be found in *The Companion to the Worlds of Roman Women*, raises fascinating questions about the status of this couple who produced a freeborn daughter, Vivenia Helias. It is one more example of how former slaves, striving for acceptance and assimilation into Roman society, chose to represent themselves in death as citizens in lawful marriage.

[22] Because of the complexity and scope of this distinctive Roman institution and its frequent misrepresentation on the Internet and in print, *Companion* offers online resources which RE-present Roman marriage more accurately, with attention to individuals, to period and to class. Texts, essays and images are already available in the Worlds of Marriage, Family, and Class, as

in Instructional Materials there is a lesson plan on the Roman wedding for middle-school students.


[23] In addition, the *Matrimonium* webpage is being created for students and colleagues who wish to learn more about Roman marriage. It will contain explanations and definitions and will link to valuable primary sources – law, literature and artifacts.

Companion: Roman Marriage

www2.cnr.edu/home/araia/matrimonium.html

Under Construction

## MATRIMONIUM



*Concordia of the Imperial Family*      *Julia Augusti with her Sons*      *Wedding Salutation*

Marriage was a core institution of Roman culture, closely linked to the origins and well-being of the State. Signs that the Romans appreciated this fact are evident in the early legends of their city — the marriage of Trojan *Aeneas* to Lavinia, princess of Latium, that was destined to found the Roman race (Livy, *AUC* [1.1](#); Vergil, *Aeneid* [VI.760 ff.](#), [VII.254 ff.](#)), the [encounter](#) of the Alban priestess *Rhea Silvia* with the god *Mars* that produced the [twins](#) Romulus and Remus (Livy, *AUC* [1.4](#); Vergil, *Aeneid* [1.273-277](#)), and the [abduction](#) of the Sabine women that brought into being Roman wives and children (Livy, *AUC* [1.13](#)). Not at all a romantic pairing of *vir* and *femina*, the intention of *iustum matrimonium* was the production of new citizens for Rome. To this end the State offered qualified adults civic and social privileges to encourage legal marriage as well as re-marriage, upon the death of a spouse — common, given the regularity of war and the dangers of childbirth and disease — or after divorce, to which wives had easy access from the last half of the first century BCE. Recent philological, historical and archaeological scholarship has re-examined ancient literary and material evidence about marriage and added to our understanding of both the institution and its significance in Roman life.