CHAPTER 3:
EARLY ROME

What is meant by “early” Rome?

The time period we allot to “early” Rome depends on why we are making the allocation. Constitutional historians might define it as the age of kings, between the founding of the city by, according to the famous myth, twin brothers Romulus and Remus in 753 BC, and the start of the Republic around 509 BC, when the last of the seven kings of Rome, Tarquin the Proud, was deposed by Lucius Junius Brutus, ancestor of Julius Caesar’s assassin. This revolutionary settlement saw the founding of a system based on annually elected magistrates and the establishment of representative assemblies. The new constitution would famously be headed by two consuls who exercised military command but whose authority was subject to oversight by a Senate of the nobility, or patricians.

The change to a long-lasting republic, with its annual elections to office, and even a constitutional role coming later for the plebeians, a much wider class than the founding patricians, which included small-scale farmers and other propertied citizens of less than grand estate, was of immense practical and cultural importance, establishing importance preconditions for Rome’s vigorous expansion. Here, though, the founding of the Republic will not be the defining feature of what constitutes “early” Rome.

For present purposes we are concerned with a period in which particular kinds of family structure and marriage patterns developed and continued; later periods will be ones in which these patterns were put under pressure. Early Rome for these purposes is a much longer span of time than the age of kings, running from Rome’s earliest beginnings to the end of the second century BC. The evidence, literary and other, is more limited than for later ages, but this period is foundational for Roman society and culture. It saw the establishment of family structures and marriage patterns which, despite the far-reaching social and political changes brought by the following centuries of the late Republic and the Empire, proved to be remarkably durable.

A pattern is set: agricultural surpluses, emerging elites
The habit of early marriage would have arisen naturally enough in a society of warriors and peasants such as early Rome. It was a rising agrarian state system, exhibiting the classic productive and reproductive features expected of a society at that stage of development. The preceding stages can be briefly summarized. First, there was the Neolithic transition to “broad spectrum” hunting-gathering, in which the small-scale cultivation of plants meant abandonment of the nomadic life for one of fixed abode. Wherever it occurred, this had enabled a closer spacing of births and a significant increase in population densities. Next, agriculture encouraged the rearing of an increased number of children because, for the first time, their labor could be usefully employed to generate more surplus. The cycle of population growth and intensification of agricultural production typically continues until the limits of either suitable land or available technical expertise are reached.

The emergence of an elite able to coerce more labor and greater surpluses may intensify the cycle yet more, even if the standard of living for the lower classes falls as a result. The elite, whose interests were served by having ever-greater numbers of producers and warriors at their disposal, will typically want to see more births, and so will promote a pro-birth ideology. The lower classes will conform to it or evade it based on their own cost-benefit calculus: there will be a rough balance between the number of children reared and the benefit of such offspring to the parents.

In the mid-first millennium BC, central Italy met all the conditions for agrarian demographic expansion and elite state-building. There was a relative abundance of land suitable for cultivation on the plains of Tuscany and Campania and in the surrounding hills, and a mild climate with rainfall sufficient for productive farming. In contrast with Greece south of Thermopylae, where only some 20% of the land surface was arable, more than half of peninsular Italy could be so used. The pattern, prevalent in central Italy in early republican times, of peasant families established on small freeholds, at a near-subsistence level of production but capable of being mobilized for intensified effort, is described very well by Hopkins:

The political system reflected the widespread obligation to bear arms and the widespread ownership of land.... The bulk of agricultural land and of common land was exploited by small-holders or yeoman peasants, some of whom were partly dependent on the patronage of the prosperous. Most Romans were under-employed. Even independent yeomen living just above the level of minimum subsistence had plenty of
time with nothing to do. An average peasant household producing its minimum subsistence on quite good arable land used up very much less than half of its own labour power. This chronic under-employment is still common in many peasant economies using dry farming. It was institutionalized in Rome in numerous public holidays and in popular participation in politics. Above all, under-employment allowed the state, when it could not extract a sufficient surplus of produce in the form of taxes, to tax labour instead. Surplus labour was taxed in the form of military service.

This analysis dovetails with the historian Livy's picture of early Rome. Livy, author of the Books from the Foundation of the City, was an almost exact contemporary of Augustus (63 BC – 14 AD), the first emperor. Livy’s monumental study covered the whole span of Roman history from its founding myths through to his own time. He depicted a Rome perennially at war with its neighbors, a picture which must be true in general if also fictitious in many details.

The pattern of seasonal warfare he describes, where the peasant soldier was never very far from home nor long in the field of combat, would in no way have prevented these men from marrying and maintaining families. On the contrary, a peasant would have been encouraged to marry and breed early in order to assure himself of enough sons to help work the land as well as furnish recruits for the army. This need for sons to work the land might seem odd in view of Hopkins’ remark that most Romans were under-employed, until we think about the seasonal nature of agricultural work: peasant farmers are indeed under-employed for much of the time while the crops are growing, but there could never be too many hands at busy times such as tilling, planting and harvest.

Any tendencies to overpopulation and resultant strains on the subsistence base, which might have pressed for smaller families and delayed AAFMs, would have been checked by the frequent occurrence – also mentioned in Livy – of wars, famines and plagues, in the wake of which conditions would again have enhanced a pre-existing disposition to early AAFMs and large families. The behavior of the elite would have been similar, only a little less tied to economic necessity while more responsive to their own patriotic, warlike, and expansive ideology, which brought rewards of prestige to fathers who could field many sons for the Republic. Under high-mortality conditions, of course, large
numbers of adult offspring can be obtained only by early and prolific marriages.

The few hints about AAFMs in this period that Livy and the Greek historian Plutarch (circa 46 – 120 AD) furnish us suggest that this interpretation is correct. The eponymous founder himself, Romulus, was supposed to have taken a Sabine wife when no older than 18 or 19. According to the legendary “rape of the Sabine women”, the first Roman men abducted their women at a religious festival the rival Sabines had come to attend. Not that the Romans called it rape. In Livy’s account, Romulus offered the women free choice and promised them civic and property rights. History does not record what the Sabine men thought of this arrangement!

Like Romulus, Gaius Marcius Coriolanus lost his father early, was raised by his widowed mother, Veturia, and "married according to her wish and request, and continued to live in the same house with his mother after children were born to him". The context of this passage implies that he married quite young. It is also an early instance of the power of matronly prestige, or the authority of respectably married mothers (materna auctoritas), which, like patria potestas, must be considered when assessing the dynamics of Roman commemoration practices and other matters relating to AAFM as discussed below.

The extended family and an extending landscape

Just as interesting is the reference to life in the household of an extended family. The nuclear family may have become the prevalent type in the later Republic, especially among urban dwellers of means, but the evidence suggests that the extended family model was normal earlier. Cato the Censor lived in the same house as his married son. Plutarch also reports the case of 16 family members of one family who shared "one very small house, and one small farm sustained them all. They all lived there in one household along with their several wives and children.” John. K. Evans, author of War, Women and Children in Ancient Rome, has suggested that communal living arrangements and patriarchal control of property, especially land, were likely to persist in agrarian settings. He criticized Richard Saller and Brent Shaw for asserting that the nuclear family was exclusively predominant in Roman society, pointing out that the epigraphic data upon which this judgment is based are overwhelmingly urban.
Extended peasant households make sense in the context of early Roman agricultural “underemployment”, seasonal warfare and colonial expansion – which provided an extending landscape, as it were, for a growing population. If a single farm may include more than one nuclear family, sons need not wait for the father to die before they can marry and reproduce, and the family acreage may come to be shared among several brothers, each married and raising children. The carrying capacity even of a relatively well-favored agricultural area such as central Italy was not infinite, however, and, despite recurring plagues and famines, the population would eventually expand to the point where customs tending toward family limitation would have become more prevalent. But success in war enabled the colonization of conquered districts in Italy, providing an outlet for surplus Roman and Latin population and putting off the day of local resource exhaustion. The Roman peasantry thus could continue their habit of early and prolific marrying throughout the fourth and third centuries BC. Livy explicitly refers to the colonists as being sent out for the purpose of increasing the family. If local agrarian resources were becoming strained, younger sons could find a new lease on family life as colonists.

The existence of considerable numbers of land-hungry younger sons implies that families continued to be prolific. Despite the inconsistencies and inaccuracies of early census figures down to 225 BC, these and records of the size of the colonies show that the Roman and Latin populations were indeed expanding during these centuries. It has already been remarked that such expansion under conditions of high mortality is well-nigh impossible without early female AAFMs. In the absence of widespread polygamy – and there is no evidence that Roman custom ever extended to embrace this practice – male AAFMs also must be relatively early. So long as reproduction is based on the institution of monogamous marriage and mortality is high, the later the general AAFM of men the fewer men there are to marry, hence fewer women find husbands and the reproductive burden on the ones that do increases correspondingly. We have shown that this burden – which amounts to between 6, 7 or 8 live births per woman surviving through her reproductive years – is already near the upper boundary of practicality even with female AAFMs set very low, at or soon after puberty. Any customs, such as delayed male marriage, tending to increase that burden would soon result in collapse and a declining trend in population. It is instructive that the Romans were careful to limit the demographically restraining effects of monogamy by promoting the remarriage of widows, an early instance of which is reported in Plutarch’s The Life of Camillus.
As long as the common Roman male made his living by farming and fighting (and by the late teens or early twenties he was fully qualified to do both), he had every incentive to marry and produce children as early as possible. To put it crudely, his would be a life of farming, fighting and fucking, with the last coming first as a matter of more than merely libidinous urgency. He needed progeny to carry on the line in case of his early death in war and farm hands to help him work the property in case he survived. The same process of expansion which helped to sustain the high reproductive rate of the masses also worked to the advantage of the elite. While some of the lands conquered in Italy were given to colonists to settle, much of the so-called public land acquired through war was exploited by the rich and powerful. By building private estates out of public lands, the elite could maintain their fortunes and status even with more than one heir claiming a share in the property. Consequently, these Romans, unlike their Greek counterparts, who had no such opportunity, were never forced to resort to the revolutionary expedient of institutionalizing delayed male marriage.

Nevertheless, there may have been customary limits on reproduction even within wealthy households. In the family of Licinius Crassus Dives, who maintained a household in Rome complete with two married sons, these sons and a third, the future triumvir Crassus, "all shared the same table". It may be significant that the youngest of the three did not get married until one of the older brothers died, whereupon the youngest son married his dead brother's widow.

The controlling power of the head of family

The Law of the Twelve Tables, as far as it has come down to us through later sources, reveals a rigorously patriarchal family structure. Completed in 449 BC, this legislation stood at the foundation of Roman law; it was the centrepiece of the constitution of the Roman Republic and the core of Roman custom. The Twelve Tables came about as a result of the long social struggle between patricians and plebeians, and it established basic procedural rights for all Roman citizens in their dealings with each other, including the resolution of conflicts.

Evidence for one aspect of the system – households that included members of the extended family – has already been mentioned. Additional aspects included patriarchal control over the marriage arrangements or divorces of offspring and over the disposition of property. And while the habit of living in
extended families may have become less common in later centuries, the laws regarding marriage and property transfers continued to bear a decidedly patriarchal stamp because they responded to the need of the elite to safeguard the basis of their social pre-eminence and political power. Technically, the aristocrats (nobiles) consisted of families who could claim the right to have the portrait masks of their ancestors carried at their funerals. This privilege was confined to families with an ancestor who had held an office of the highest rank, or so-called curule office, holders of which were entitled to use a “chariot chair” (curule).

The importance of the right to carry the masks was immense, as was any renown won in military service. However, in practical terms, the ability of the elite to maintain the privileges of a ruling class – including monopoly of offices, networks of clientage, and great economic leverage – depended in great part on their ability to conserve their clan property accumulations or to recombine them at need. Yet the key feature of the system, the patria potestas, was never seriously curbed, much less done away with. The power of Roman fathers to determine their children's marriages and dispose of their property was real and was routinely resorted to whenever the need and opportunity arose. In the upper classes, this exercise of parental authority continued demonstrably as a spur to large numbers of early AAFMs across every century of Roman history.

The changes which Roman law underwent are more certainly represented in the record than the corresponding changes in custom and practice. Nevertheless, much can be reconstructed about the latter. The rather rigid formalism of the Twelve Tables gives way, for instance, to more flexibility and sophistication in the interpretation of civil law. This was facilitated through annual edicts of the chief justice (praetor), which allowed for existing rules and procedures to be amended and supplemented.

We also see a system of marriages within the clan evolving into a more varied and flexible one which saw women increasingly married outside it. This development created scope for a wide range of options regarding the associated property transfers.

There were two kinds of marriages. They could be cum manu ("with the hand") or sine manu ("without the hand"). The difference depended on whether the bride was or was not handed over into the protection and ownership of her husband’s family.
Marriages within the clan were of the cum manu type, which was originally the only kind of marriage. Cum manu union meant the wife legally and ritually became a member of her husband's family and came under the control of the head of the husband’s household – either the husband’s father if he was still alive or else her husband if the father had died. Either way, the bride’s own father relinquished control over her when she married. The wife would no longer inherit from her father but from her husband. She could not own any property. Everything acquired prior to the marriage was thus transferred into the husband’s family.

In a sine manu union, by contrast, the wife remained a member of her father's family, under her father's control. A sine manu marriage did not change the legal status of the bride after the marriage with regard to property rights and there was no civic ceremony to mark the marriage. The children of this union were legally members of the husband’s kin. Sometimes sine manu union is referred to as free marriage, because the bride does not fall under the control of her husband and his family and she could own property. However, this term should not obscure the continuing significance of control exerted over her by her birth family.

Whether it was a traditional marriage or a free one, the wedding was customarily celebrated publicly, with a wedding feast and a variety of customs such as a symbolic joining of hands, a sacrifice, and a torch-lit procession to the bridegroom's house.

The right to marry outside the clan was an exceptional privilege as late as 186 BC. Not only was property kept within the clan by the widespread practice of endogamy (marriage confined within the clan), but the institution of “perpetual protection of women” was likewise designed to prevent the dispersion of such property. This was the lifelong tutelage (close guardianship) of women, usually under a relative from her father’s clan. Guardians were expected to supervise the wills made by their female charges and to veto exogamous marriages (outside the clan). Various degrees of guardianship were also established for males under the age of 25.

While these measures were designed to curb the "irresponsible" tendencies of underage men and women of any age, the affairs of older daughters and sons were determined along similar lines by their fathers. Whether the object was to arrange the conservation of property within the clan or, increasingly, to use
marriage links to forge political alliances between families, there was every reason to complete the transaction while the offspring were as young and tractable as possible. As remarked by Hopkins regarding the funerary inscriptions he had studied:

...the transfer of property between families, which is one of the chief functions of aristocratic marriage, works more easily without the interference of romantic love. Very early marriages would have been compatible with aristocratic interests. We might conjecture, but we cannot prove, that aristocrats married earlier than those who set up most of the inscriptions. But if this was so, their marriages would have been early indeed.

The subject of the inscriptions will be returned to later. The phenomenon of very early AAFMs among the aristocracy, meanwhile, conforms to the expectations discussed in Chapter 2. Aristocrats, unlike members of the lower or middle classes, generally did not need to await improvement in their career position or financial capability before marrying. A Roman aristocrat derived his status and eligibility largely from his lineage on both sides and the network of family alliances this pedigree represented. Since the senatorial class was defined in large part by a rather high property qualification, it would go almost without saying that, usually, there were sufficient resources to equip any young bride with a dowry, or groom with an allowance, adequate for meeting the financial responsibilities of matrimony. That dowries came to be greatly inflated in later republican times and could put financial strains on the fathers who had to provide them in no way lessens the fact that, in a practical way, no young aristocratic couple ever needed to defer marriage for economic reasons as the less exalted classes often had to.

Most writers concede that senatorial female AAFMs were very early. It is our contention that senatorial male AAFMs were early as well. While very few males were married off at the legal minimum age of 14, there is considerable evidence that many if not most AAFMs were in the 17-22 range. The frequent incidence of early male marriage ages in the sources has been widely noted, and it is reasonable to expect this would be the case. Aside from the fact that a younger man would be more tractable than an older, more independent and experienced one, the longer the delay in settling the marriage of an offspring the greater the chance that either the intended groom or the paternal broker himself would die before the deal was completed. Saller frequently remarks that fathers chose the legal instruments for the disposition of inheritances and
the provision of guardianships with an acute awareness of mortality. Such awareness would surely have prompted a sense of urgency: best for a father to get a son’s future mapped out before the grim reaper came looking for himself and while the lad was still young and manageable.

Marriage in literature and law by the second century BC

The plays of Plautus and Terence constitute an important body of evidence for many aspects of Roman society in the early second century BC. While these works are modeled on Greek comedy and, therefore, do not reflect contemporary Roman life in every detail, the situations and attitudes portrayed must have been understandable and relevant to the audience, not all of whom were particularly well educated. The outstanding feature of these plays for present purposes lies in the fact that Romans of this period expected fathers to interfere in their sons' and daughters' matrimonial arrangements.

The 26 surviving comedies employ a limited cast of stock characters who play out the conflicts inherent in the system of contemporary Roman social values. Typically, the father figure upholds the conventional marriage customs while the boy tries to break away from them. The typical young lover in Plautus, such as Pleusicles in *Miles Gloriosus* or Calidorus in *Pseudolus*, gives the impression of being quite young—in his late teens to early twenties—and inexperienced in the ways of the world.

These plays show the senior generation of males putting social pressure on each other to maintain their collective dominance over rebellious youth. Regarding their legal power to arrange and break off daughters’ marriages, they are portrayed as exercising this authority—as, so to speak, laying down the law.

The same power applied to the marriages of sons. It is not necessary to imagine Roman fathers as tyrants, or the family as exclusively severe and affectionless, before it can be admitted that the legal expression of power relations within the family had ubiquitous effects. Clearly, the existence of laws authorizing or forbidding the exercise of certain options does indeed influence people's lives in fundamental ways. If this were not so, there would be no need to mention, as Saller does, that "it is reasonable to suppose that the effects of parental compulsion were less grave in the classical era, when divorce was available, than in the Christian era, when marriage was meant to be a lifetime arrangement." The exercise of his legal power in order to determine a son's
marriage was an option available to Roman fathers in every era of Roman history. Individual cases were, naturally, negotiated according to the character of the parties involved. Thus while many conflicts between fathers and sons may have been settled reasonably and amicably, in other cases the paterfamilias no doubt proceeded dictatorially.

Much has been made of the nuanced character of father-son relationships in matters relating to marriage, in which mutual respect and negotiation are supposed to outweigh the naked force of paternal fiat. Additional light on the matter can be shed by looking at specific Roman statutes concerning the validity of coerced consent to marriage. The law expected a marriage to be made with the consent of all four parties: the groom and his parents and the bride and her parents. This expectation could then be reversed to hold that anyone who took part in a marriage contract showed by doing so that they must have preferred it to some other, less desired, alternative, and was therefore not entitled to claim that they had been forced into the union against their will. The law also states that not even a son under his father’s power could be forced to marry against his will.

Similarly, a son was within his rights to marry the woman of his choosing so long as his father approved of the match. The way out of such a potential impasse of conflicting wills was to regard the stricture against coercion of consent to marriage as a law with no means of enforcement or penalty for violation. An unenforceable, or “imperfect” law of this kind (lex imperfecta), would not have resulted in any marriage annulments. In other words, while the law proclaimed that marriages (and divorces) should not be coerced, once a marriage was made the question of how the consent of the parties had been obtained or whether or not it had been freely given became irrelevant. Whoever could produce a fait accompli would win. In the contest between a father's authority and a son's freedom to consent or resist, the father had the advantage while he was still vigorous and the son still young. As the son matured and the father perhaps became enfeebled, the son's chances of making his own will prevail in the choice of marriage partner must inevitably have increased. Once again it is clear that a father who intended to determine his son's marriage was well advised to do it sooner rather than later.

The comedies show a wide variety of strategies and outcomes in the contest of wills between fathers and sons on the question of marriage. None of this implies any cancellation of a father’s normal prerogatives. Indeed, the fact that the farcical aspects of paternal behavior are portrayed more frequently and
extensively in the Roman comedies than in their Greek counterparts is itself a reflection of the greater scope of paternal power in Rome as compared with Athens. The Roman audience was more in need of a release via staged slapstick of the tensions generated by the all-too familiar phenomenon of conservative, dictatorial fathers. However, the father characters lampooned the most are the ones who abdicate their proper, expected roles. They resort to buying a son's affection and obedience with cash or are themselves led astray by unrestrained passions unbecoming to responsible family heads. These were cases of traditional behavior gone wrong. The paterfamilias was expected to order his commands according to the traditional values.

Issues of coercion and proper decorum aside, a brief summary of the relevant laws is in order regarding marriage and divorce as they were in the second century BC. Concerning the marriage of a son, the son's consent is needed, but it is customary for it to be given. The paterfamilias can also force the divorce of a son under his authority, but a son can initiate a divorce even over paternal objections. Concerning the marriage of daughters, the paterfamilias can do practically as he pleases. If, however, the daughter is given in marriage cum manu, then neither the father nor the bride is legally able to initiate divorce proceedings. Only in cases of marriage sine manu can divorce can be initiated by the father of the bride, or by the bride with his permission.

For property transfers, it was customary for a son under paternal authority to be granted an allowance, or peculium (which more widely meant any funds or property given by the head of a household for the personal spending or ownership of its members, including slaves), but there were legal limits to his discretion in using it. The son could not make gifts, free a slave, nor make a binding contract. In public life there was no legal disability on account of being under a father’s authority, but a son would be foolish to enter politics without his father's blessing. Interestingly, one of the few ways to escape officially from patria potestas was to become a consul or a Roman colonist. This, no doubt, would have been a further incentive to ambitious younger sons chafing to set up families on their own.

As for dowry, there were different types, two of which are of particular concern for present purposes. The main type was the dowry the wife's father, or in his absence her paternal grandfather, was required to give; a secondary type was dowry might be provided from other sources, such as the wife's relatives.
The main type, “required dowry”, could be recovered by the donor if the wife died. In the case of dowry from a secondary source, the wife could recover the dowry upon divorce or widowhood. The amount might be reduced, though, to take into account justified expenses incurred by the husband or bad behaviour on the wife’s part.

Influences from Greek culture

The plays of Plautus and Terence are but one of many indications of the growing influence of foreign arts and mores on Roman society in the second century BC. This influence came primarily from Greece and is particularly evident among Roman youths and men of letters, as well as among those who served in the eastern wars. One of the best witnesses to this process is Polybius (c. 200–118 BC).

Two major strands or aspects can be observed within the Greek influence. First, aristocratic Roman youths, such as the 18-year-old Scipio Aemilianus, began to take older Greeks as mentors and guides. In the case of Scipio, the guide was Polybius himself. Polybius paints the young Scipio as passionately eager to be guided in the arts and virtues and avers that the two became inseparable companions, having an affection and care for each other much like a father and son. While there is no hint of homoerotic overtones in this particular case, it is otherwise a typical example of the mentor-protégé relationship that was the rule between youths and older men in Greece. Along with other philosophical values and norms of behavior, Roman youths such as the young Scipio must surely have been exposed to their mentors’ attitude in sexual and marital matters. Some were no doubt influenced to imitate the Greek custom of delayed marriage.

The second aspect of Greek influence on Rome worked in the opposite direction to the first. Polybius reports that the young Scipio Aemilianus strove for the reputation of one who did everything in proper measure, and to surpass his peers in leading a life of irreproachable morality. But this was unusually easy, Polybius continues, because Roman youths had lately given themselves over to riotous debauchery. Some were obsessed with mistresses or boys, others with prostitutes; many thought only of drink and entertainment and other costly pleasures. He himself asserts that the Romans learned this lifestyle from the Greeks after their victory over King Perseus in the Third Macedonian war (171 BC - 168 BC), which flooded Rome with Greek
treasure. Some were now said to be spending as much as a talent for a slave-boy, a fact mentioned also by Cato the Censor. In the words of Polybius:

So great in fact was the incontinence that had broken out among the young men in such matters, that many paid a talent for a male favourite and many three hundred drachmas for a jar of caviar. This aroused the indignation of Cato, who said once in a public speech that it was the surest sign of deterioration in the republic when pretty boys fetch more than fields, and jars of caviar more than ploughmen.

Polybius would have meant a talent of silver, which amounted to 25kg of the precious metal – a fabulous price to pay. And even allowing for censorious exaggeration by the Censor – his role included the regulation of public morals – and by Polybius, the message is clear: a disgraceful amount was being spent on such indulgences.

Cato went on record as encouraging young men to visit prostitutes in moderation, as did Cicero later. Cato was most likely upset by the luxury and waste of resources rather than the homosexual indulgences per se. The free-born Roman male child was supposed to be protected from pederastic advances by the wearing of a bulla, a kind of amulet which, besides being thought of as magically warding off evil, signified that he was not to be molested; and sex between fully adult men was considered abnormal and degrading, especially in the case of those who took the passive role. The law defined the molestation of free-born boys, youths, and maidens as stuprum, a crime which could be prosecuted. There was no legal restriction, however, on the Roman male enjoying sex with non-citizens of any gender. Nevertheless, the practice among those who could afford it of keeping sex-slaves must have been an innovation. The father in Plautus's Asinaria agrees to indulge his son and buy him a girl, and is ridiculed for this departure from customary behavior. One can only imagine what stern, traditional Roman fathers thought of their Hellenized offspring spending their peculium on overpriced slave-boys!

Changing Roman sexual mores during the second century BC and later, especially among upper class youths, is a topic explored in some detail by Elaine Fantham in a study of the penalties for sex offences during the Republic. She concludes that "there is enough evidence to confirm the breakdown of youthful obedience to family sanctions and the decline of marriage in the prominent social classes that occupy Roman historical narrative". This is, no doubt, the beginning of the trend to be discussed more fully below which led
to the custom of delayed marriage for some among the old aristocracy in the
time of Pliny the Younger (61 AD – ca. 112 AD). The older norm of early male
marriages (and the basic laws governing marriage) coexisted, however, and
took precedence in most times, classes, and circumstances.

Another innovation in Roman lifestyle which must be ascribed to Greek
influence is the custom of shaving, which also came to complicate the picture
of Roman sexual and marital behavior. Shaving was not introduced to Rome
until around 300 BC. Scipio Africanus (236–183 BC) is the first Roman known to
have shaved daily, and the custom did not become general until Augustus’ day.
By the time of Nero, an interesting elaboration in the traditional scheme of
Roman rites of passage had come into being. This was the depositio barbae,
according to which, around the age of 20, a young man ceremoniously shaved
for the first time, thereby “putting aside the beard”, or, rather, depositing the
downy first growth which until then signalled his potential as an object of
desire for older men; it symbolised the transition from boyish soft down to
manly rough stubble.

Youths were seen as potentially available for homosexual initiation from the
time they laid aside the toga praetexta and bulla of childhood, the latter being
worn like a locket on a neck chain: it contained amulets, usually phallic
symbols, to protect against evil. The interpretation that would be put upon a
child wearing such things these days would doubtless be very different: far
from offering protection, carrying images of the male sex organ would be seen
as a highly “inappropriate” form of premature sexualization. As Mary Beard
said, the Romans really were different.

The childhood toga, worn on ceremonial occasions as opposed to the everyday
short tunic, was white, with a broad purple border stripe, a feature shared,
oddly enough, with the senatorial toga. This rather grand apparel, which would
have been limited to the more well-to-do, was set aside at 14 or shortly
afterwards to don the plain white toga virilis, worn until a youth’s first shaving.
Despite the laws forbidding homosexual initiation, Roman youths were being
described as debauched already in the era of Polybius, and Juvenal implies that
in his day, about a couple of centuries later, homosexuality, “debauched” or
otherwise, had become general. Many famous figures in Roman history,
including Catiline, Julius Caesar, Octavian, and Nero, were accused of
homosexual debauchery. Pliny the Younger remarked about a young
acquaintance: "Though he is extremely beautiful, he escaped every malicious
imputation both whilst a boy and when a youth; he was a husband at four and
As remarked above, late marriages may have been more common in Pliny's time than in any other era.

Two features of the homosexual aspects of Roman culture are relevant to marriage. The first is youths becoming so accustomed to sex with boy slaves that swapping to sex with a female could be problematical. Poems by Catullus and Martial allude to the issue and the latter goes into it graphically, including sodomy of the bride. The second is young husbands who had not undergone the depositio barbae being courted for sexual favors by older males, a curious but not uncommon overlapping of sexual roles. In this respect among others, Livy's account of the Bacchanalian scandal of 186 BC plays upon Roman anxieties and prejudices: the female prostitute Hispala claimed not only that the initiation ceremonies were rife with male same-sex debaucheries and that men and women of the highest rank participated in the orgies, but also that, over the past two years, the rule had been that no man or woman older than 20 should be initiated. The young married women, meanwhile, mingled with the men in a variety of social settings with almost modern freedom: they were not locked away in the women’s quarters like their Greek sisters.

Finally, it should be remembered that the Romans had a source of Greek influence much nearer at hand than the contacts with Macedonia and Achaea (a province covering much of central and southern Greece in Roman times) that developed in the course of the conquests of the second century BC. This source is Magna Graecia, part of modern Italy, which was already fully incorporated into the Roman state prior to the outbreak of the Punic wars. The Hellenic influence in Plautus is thought to have come via southern Italy rather than directly from the Greek mainland. Since the plays do not state the ages of the individual characters, there was nothing to prevent Greek and Roman audiences from interpreting a given scenario according to their own age assumptions.

Southern Italy's Greek roots show up in a variety of contexts. Saller's epigraphic data for southern Italy, for example, may reflect the persistence of the urban Greek custom of delayed male marriage.

Real people, actual marriages

Vital statistics – figures for births, marriages and deaths – for the early Republic are virtually impossible to come by. Reasonably reliable biographical data are not available before about the outbreak of the war against Hannibal,
the Second Punic War, in 218 BC. Even this scant information is enough down to around 100 BC to establish a pattern of early male AAFMs in the late third century and the second.

The list in our Appendix of Roman males from the early Republic starts with the elder Scipio Africanus (born in 235 BC) and ends with Aemilius Lepidus who married by 100 BC. Most of them gained distinction while still teenagers, commonly as fighters, but sometimes as orators, as in the case of Licinius Crassus. Out of the 17 for whom at least latest (ante quem) AAFMs can be calculated 12 were married by 22; 15 out of 17 were married by 23.

The two outstanding exceptions to the pattern, Cato the Censor and Scipio Aemilianus, deserve some comment. In the case of Cato, it has been suggested that his marriage to Licinia was his second, not his first. It is entirely plausible – especially taking into account Cato's documented virility, even at an advanced age – that as a much younger man he had a wife, possibly from the rural district of his origins, who died young without surviving offspring and was ignored by later biographers. This point needs to be made to underscore the uncertainty surrounding many of the apparently late AAFMs in the sources. The other outstandingly late AAFM in this series from the early Republic, that of Scipio Aemilianus, must be ascribed to family politics. The likeliest explanation for his delay in taking a wife is that he was determined to renew the alliance of two great families, the Corneliis Scipiones and the Sempronii Gracchi, which had been established by the earlier marriage of Cornelia, daughter of Scipio Africanus Maior, to Tiberius Gracchus the elder. The Sempronia that the younger Scipio (adoptive grandson of the other) married was the first, and only surviving, daughter of the earlier union. Such dynastic calculation would be entirely in line with the character and other actions of the younger Scipio as depicted by Polybius. This Sempronia is, incidentally, the only female from this period for whom a reasonably sure AAFM (at 15) can be reconstructed. It accords with the contention that most Roman females first married at 12-15.

Of the other 15 AAFMs in this initial block of biographical examples, 12 are based on latest dates possible (ante quem), with a very strong presumption that they are well above the given average. This presumption is especially strong, for example, in the case of Gaius Gracchus, who seems to have followed closely in the footsteps of his brother Tiberius in every other way. Similarly, there is no reason to assume that Scipio Africanus, the great general who defeated Hannibal, waited until his father's death and the eve of his own
departure to Spain before marrying the daughter of the long-fallen Aemilius Paullus; evidence points to a marriage by 217 at the latest. Indeed, the father-son sequence of Africanus and his eldest son Publius, as well as that of two Publlii Corneili Scipiones Nasicae (plural of Publius Cornelius Scipio Nasica), are of special significance. If we keep in mind the general scarcity of vital statistics for this period, the existence of even one father-to-son-to-grandson sequence demonstrably involving early AAFMs is a strong indication that the practice of early marriage was ubiquitous, at least among the aristocracy. Here we have two such sequences. Moreover, the sequence of Scipiones Nasicae can be extended farther. Five generations of Scipiones Nasicae males were born at intervals of 22, 24, 28, and 20 years, with corresponding AAFMs therefore no greater than 21, 23, 27, and 19 for an average of 22.5.

Relatively high average AAFMs, like those between the five generations of the Scipiones Nasicae obtained by ante quem dates assume that every one of these marriages immediately produced a surviving male heir, which cannot have been the case. It has to be remembered that half of all offspring would be female, and of the half that was male fully one third would die before their first birthday. Thus a father might wait a long time before securing a son who survived to carry on the name and take up the offices of his progenitor. The Aemilius Paullus who died at the Battle of Cannae (216 BC) apparently had three daughters before a son, the future victor at the Battle of Pydna (168 BC), was born to him around 229 BC.

Furthermore, Roman men sometimes did things that lengthened the odds still further. The Aemilius Paullus who won at Pydna, for example, divorced his first wife and gave up his two sons by her for adoption as soon as he saw the birth of two other sons by his second wife. In this event, we know the identity of the adoptees, and we also know that the two later boys both died as children. But if the case were less well documented, and one of the second set of sons had survived to carry on his father's name, we might well be unaware of the two earlier sons that had been given up for adoption and might attempt to calculate a late AAFM on the basis of the birth of the official surviving son.

All things considered, the available biographical data amply demonstrate the ubiquity of early male AAFMs among the Roman upper classes in the second century BC. Indeed, the apparent 40-year, or even 60-year, intervals frequently found between generations in Rome's political elite, calculated mainly by culling data from lists of office-holders, may be illusory. In his study of political succession in the Late Republic in his book *Death and Renewal*, Hopkins argues...
that most aristocratic families did not send a son to the Senate in every generation or two. A family member who was a senator would transmit the privileges of his rank to the following three generations; therefore, for a family to retain its status it was necessary only for the great-grandson of a senator to again enter the Senate. Only the most prominent and politically active branches of the great families contended for office in every generation; even the Corneli Scipiones apparently skipped a generation because the son of the elder Africanus was physically unfit for a public career. The expense of politicking was just too great for most families to run for office more often than they deemed absolutely necessary. Moreover, there were always losers as well as winners in the electoral contests. Very often, genealogies must be reconstructed almost solely from the lists of magistracies, without the aid of additional biographical data. Where such evidence appears to indicate generational gaps of 40 or 60 years it could well be misleading. Such cases should be re-examined for the presence of one or even two generations of members in that particular lineage who did not attain office.

The effects of militarism

Ancient Rome was one of the most militaristic societies known to history, and the elite were personally exposed to the risks of battle. Such exposure would give every incentive, in the absence of economic or social reasons for delay, for a noble family to ensure the survival of its line by having the young male procreate before he placed himself in imminent danger. However, marriage came before military service in very few of the cases that we examined. It seems, rather, that many teenage fledgling army officers of the Republican era made use of the opportunity to prove their manhood and, once they had succeeded, to marry soon afterwards. This appears to be the case, for example, with Cato Licinianus and Tiberius Gracchus.

On closer inspection, though, many other young nobles may well have entered marriage before being truly put to the test in combat roles. Active military duty for a young noble typically commenced around age 17 (but could be earlier), when he went on campaign with his father or some other relative or a family friend. He was not in practice required to fight in the ranks but rather to serve as a junior staff officer. Honorific military appointments for sons of the later emperors likewise hint at what may have been more widespread elite thinking: best to marry before undertaking a regular command or other duty where serious risk was an expected rather than an optional factor. Drusus and
Ancient Romans Married During Their Teens by Thomas O’Carroll & William A. Percy

Germanicus would be good examples of such a pattern, but without more data a pattern cannot be established definitively.

Through most of Roman history military service was an integral part of the career path of the elite, and the pattern of early male marriage this appears to have encouraged would have applied not just to the senatorial class of aristocracy (nobiles), but also to the lesser ranking aristocracy represented by those who were defined as rich enough to keep horses. This was the knightly class (equites). Originally they were expected to serve as cavalry but this function had become obsolete by the time of Augustus. By the late Empire, the equites had taken over most of the administrative functions formerly reserved for senators.

Unlike the nobiles and equites, with their privileged careers, the ordinary citizen was routinely recruited into the slogging infantry. Hopkins shows the scale of conscription in republican Italy in the second and first centuries BC which, averaging about 13% of the adult male population kept under arms at all times, presupposes that most male citizens began to serve soon after their seventeenth birthday for terms in excess of five years. It is known, for example, that the usual tour of duty in what is now Spain in the second century was about six years, and the pressure to recruit as young as possible is demonstrated by the fact that Gaius Gracchus, as part of the reforms passed in 122 BC when he was Tribune, found it necessary to secure a measure reaffirming 17 as the lower limit of legal recruitment.

What does this imply for marriages among the Roman peasantry in the second century BC? We saw that conditions in the early Republic were conducive to early and prolific marriages, and there is no reason to believe that they had changed substantially. The immense battle losses and terrible depredations of the war against Hannibal would have served as a spur to renewed fertility in early marriages for both females and males, even if there had been some retrenchment in reproductive customs earlier, in the third century BC. But now the young men were being drafted for extended terms of overseas service where, unlike before, they were perforce away from their families for years at a time, creating severe and well attested hardships for their dependents.

The point to bear in mind is that the distress of peasant families would have been far less pervasive if, as some claim, Roman males generally acquired wives and children only in their late twenties. In that case, few if any rustic families would have experienced distress on account of an absent husband and
father during military service abroad; by that time the conscript’s term of service would have been completed: as Hopkins has shown, most of the recruits would have been much younger and even a six-year stint of service in Spain would have ended before they reached their late twenties. On the late male marriage theory, the young conscripts would have been single.

This is plain wrong. The sources almost universally indicate that soldiers had wives and children. This forces us to the conclusion that at least in the early second century BC, large numbers of peasant sons were still marrying and acquiring families before being recruited to the army. They would thus have married in their late teens or, at the latest, early twenties.

The career of one peasant soldier, Spurius Ligustinus, is revealing. From 200 to 171 BC he spent fully 22 years abroad on various campaigns, meanwhile supporting a wife and raising eight children on his share of the spoils of war. Considering his frequent and lengthy absences on foreign campaigns, the only credible way in which he could have fathered eight children by the same wife was to have been married to her throughout his unusually prosperous 29-year career as a legionary, including many years as a “professional” i.e. one who volunteered for further terms after completing his conscripted service.

This is indeed confirmed in Livy’s History of Rome. Livy was writing much later (27-25 BC) and his information, based on the work of earlier historians, is by no means always accurate. In this case, though, he is describing formal testimony in an important appeal heard by the assembly of the tribunes. One of the witnesses is Ligustinus himself, who presents an outline of his life and career in his own words. We hear that he was of Sabine stock, from the mountainous spine of peninsular Italy, and of the military campaigns in which he took part. Among much else, he says:

As soon as I came of age, my father gave me his brother’s daughter to wife, who brought nothing with her save her free birth and her chastity, together with a fertility which would be enough even for a wealthy home. We have six sons, and two daughters (both already married)....I held the rank of Chief Centurion. Thirty four times I was rewarded for bravery by the generals. I have been given six civic crowns. I have completed 22 years of service in the army, and I am now over 50 years old.
What would “coming of age” have meant in this context to Ligustinus? In Chapter 1 we heard from Vern Bullough that it would probably have meant reaching manhood in the sense of being physically old enough to procreate, a biological marker that would have been taken as an indication (as it was in many early cultures) of readiness for marriage. That age was later standardised in Roman law, as Bullough noted, at 14 for boys and 12 for girls. So it seems likely that Ligustinus – a peasant, not an aristocrat – married at around age 14.

The hearing described in Livy relates to recruitment in 171 BC for the Third Macedonian War. As we have just heard, Ligustinus was over 50 by this time. He had passed from the class of young soldiers fit for field service to the class of older ones who would normally be relegated to the home guard. This was the issue over which the appeal was being held. The commander appointed for the coming war wanted to take men of proven experience and ability, including some who were over the usual age limit. Those men, including Ligustinus, were keen to be appointed because the war promised plenty of booty for themselves. A number of younger but less well proven men thought these plum commissions should be theirs, and they appealed.

According to Livy, when Ligustinus had finished his eloquent speech he was taken to the Senate and thanked. The Senate and the military tribunes made him Chief Centurion in the First Legion in recognition of his bravery. The other contenders abandoned their appeal. Whether Ligustinus actually fought in the new Macedonian campaign is another matter, as there is no historical record of any such exploits. From our perspective, though, the important thing this anecdotal biography reveals is that the man was already married, as a teenager, before his army service.

The effects of slavery

The introduction of large numbers of slaves into Italy during the second century BC and the displacement of peasant proprietors by the establishment of great landed estates owned by the elite must have had an effect on the usual AAFM among the rural population where such changes were concentrated. Deliberate slave breeding may have been practiced as far back as the third century BC, with owners designating slave wet nurses on their establishments to care for the slave infants being born on the estate. The reproductive unions of slaves, the age at which they were paired off, and the extent to which their reproduction affected the overall size of the population, are interesting and important issues in themselves; but controlled breeding is a
practice quite separate from the marriage customs of free Romans. Our concern here is to establish AAFM in the latter, so slave breeding, including the age at which slave unions commenced, need not be considered further.

There is evidence that many areas did not experience a wholesale displacement of peasant proprietors on account of estates run using slave labour. Substantial areas of Italy must have preserved economic and reproductive patterns suitable to sustaining early marriages and large families, or else depopulation would have been a far more obviously observable phenomenon. Despite alarm over falling numbers in the later second century BC, it seems that the population of Italy continued to increase well into the first century AD. Plutarch's allegation of demographic collapse in the countryside in the time of the brothers Tiberius and Gaius Gracchus, tribunes in the late 2nd century BC, does serve, however, to show that it was not only the elite who were inclined to down-size their families to suit their means:

Then the poor, who had been ejected from their land, no longer showed themselves eager for military service, and neglected the bringing up of children, so that soon all Italy was conscious of a dearth of freemen.

No amount of patriotic rhetoric urging people to go forth and multiply for the good of the country would induce the common masses to procreate if it was economically unfeasible for them to do so.