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Spurii/ae in CIL VI.

by

Marie Laurence

A thesis submitted to
the School of Graduate Studies and Research
of the University of Ottawa
in partial fulfilment of the requirements for
the degree of Master of Arts

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UNIVERSITÉ D'OTTAWA
UNIVERSITY OF OTTAWA

For Robin

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INTRODUCTION

Modern scholarship on illegitimate children in Roman times is scanty. Late nineteenth and early twentieth century scholars such as J.B. Mispoulet and W. Kubitschek studied the civic and legal status of these children, but were hampered by the lack of resources at their disposal. They did not possess the completed fascicles of Volume VI of CIL (Corpus Inscriptionum Latinarum), nor the computer index of this work compiled by E. J6ry. Moreover, they made limited use of the legal testimony. More recently, scholars have tended to deal with Roman family life in general, referring to children, both legitimate and illegitimate, only within this broader context.

My objective in this thesis is to examine one type of illegitimate children, spurii/ae, through a study of the epigraphic and legal evidence. The literary sources are unfortunately of limited use: Plutarch, followed much later by Isidorus, provides the only definition of spurius outside the legal sources; otherwise the word appears only in Apuleius' Metamorphoses 6. Nothus, the Greek equivalent for bastard, occurs more frequently in the literature, but it is beyond the scope of this thesis to analyse the usage of this general term.

My study is largely concerned with spurii/ae at Rome from the late Republic to the second century A.D. I have

restricted it in this way mainly because it is impossible to examine the data for a wider area or longer period adequately in a work of this length. One hundred and seventy-six inscriptions recording spurii/ae are listed in Jory's invaluable index to CIL VI but five of these date from the Christian era and another six are too fragmentary to be useful. I have however discovered an additional inscription in CIL VI (20645) which escaped the computer. A list of these 166 inscriptions which I have employed as the basis of my study is presented in the Appendix.

In Chapter 1 I discuss the definition and etymology of the term spurius and attempt to determine when it was used as a praenomen and when it came to denote a bastard. In addition to the epigraphic evidence in CIL VI and the testimony of literary and juristic sources such as Plutarch's Quaestiones Romanae and Gaius' Institutiones, I also consulted the inscriptions from Rome in CIL I and the Fasti Consulares for comparative purposes.

Chapter 2 deals with the family relationships of spurii/ae and the marriage patterns of their parents. After providing a brief preliminary catalogue of the types of unions which produced these illegitimate offspring, I examine in detail the inscriptions which record family members. I include both those identified by familial terms (pater, mater, soror and frater) and those whose relationship to the spurii/ae can be inferred through nomenclature.

In Chapter 3, I examine all of the inscriptions in CIL VI which record spurii with tribal affiliation. Although it

is widely accepted that spurii were normally assigned to the Collina tribe, the precise figures have never been tabulated. I also discuss how and when the Collina was chosen as the tribe of spurii and why some spurii are registered in other tribes.

The fourth and final chapter considers the social, legal and economic status of spurii/ae. I examine the evidence for spurii/ae in the senatorial order, the equestrian class, etc., and their legal position in such matters as inheritance, adoption and guardianship. I also analyse the epigraphic evidence for the light it sheds on the occupations of spurii/ae and their right to participate in the program of alimenta introduced by the emperor Nerva.

CHAPTER ONE

SPURIUS: DEFINITION AND ETYMOLOGY

The definition of spurius is certain. The term denotes a freeborn but illegitimate Roman citizen. It was used as an adjective to mean illegitimate (or born outside a valid Roman marriage), as a noun to designate a bastard.¹ The jurist Gaius writes that children born of illicit or illegal unions (nefarias atque incestas nuptias) or by random intercourse (quos mater vulgo concepit) are called spurii filii.² The children of a matrimonium iniustum were also spurii.³

By the rule of ius gentium, illegitimate children, who (in the eyes of the law) were considered to have no fathers, took the status of their mothers.⁴ Accordingly, those who were born of either freeborn or freed Roman women were also Roman citizens. It is nowhere explicitly stated that the term spurius was applied only to illegitimate children who were both freeborn and Roman citizens. But that this was the case can be inferred from the context of Gaius' references to spurii and is confirmed by epigraphy. Gaius' Institutiones, the "only legal classical work to have come down to us in substantially its original form"⁵ provides the first extant example of the term spurius in a legal context (1.64). And in this first book, Gaius is speaking principally of Roman citizens: "he is not concerned with peregrini; all we hear of

them is in connexion with access to civitas. Slaves and Latins are discussed...because they are sources from which the class of cives is constantly being recruited."⁶ The epigraphical evidence is even more decisive. Inscriptions show spurii/ae with filiation⁷ (Sallundia.Sp.F.Primigenia), and in the case of some males, membership in a tribe (L.Petronius.Sp.F.Suc.Saturninus).^{7a} Both were signs of free birth and of Roman citizenship.

The etymology of the word spurius is more problematic, and different theories and suggestions have been advanced by ancient authors.⁸ Plutarch (A.D. 50 - 120) and Isidorus (A.D. 602 - 36) mention the view that children of an unwed mother were called spurii because spurium was a Sabine or archaic term for pueranda muliebria. According to this hypothesis, a spurius, being fatherless, was the offspring of his mother's private parts. Plutarch finds the theory absurd but Isidorus is less sceptical. Using natura instead of pueranda muliebria, he provides a similar explanation of why the children of concubines were called naturales.⁹

Isidorus also suggests a possible relationship between spurius and spurcus, a word which characterizes something as impure or dirty.¹⁰ In this view bastards (spurii/ae) were the result of an impure union.

Gaius, on the other hand, believes that it could be derived from the adverb σποράδην (a Graeca voce quasi σποράδην concepti).¹¹ The noun σπορά means seed or human

semen, and belongs to the family of words which includes the verb σπείρειν (to sow, to beget or engender children). The Latin equivalent for σπείρειν is spargere (to scatter), which has the same root as spurius.¹² Thus spurius may be connected ultimately with the scattering of semen, i.e., random intercourse.

An alternative, and quite different, explanation of why spurius came to mean bastard is put forward by Plutarch. He alone suggests that the noun came from the praenomen Spurius as a result of the confusion which arose because in its abbreviated form (SP.) it resembled the abbreviation of the expression sinè patre (S.P.), which was also used to designate a bastard. The praenomen was one of a Roman citizen's tria nomina, which constituted his official name, and was usually abbreviated.¹³ Conventions were followed for the abbreviations. Some modern authors claim that S. was the republican form of Spurius and SP. the imperial.¹⁴ This view, however, is contradicted by the evidence in CIL I (republican inscriptions), and CIL VI. Although the former shows four instances of the praenomen Spurius abbreviated as S. and only one as SP.,¹⁵ the Fasti Consulares (eponymous magistrates in CIL I) reveal that SP. was used widely during the early Republic. The latter produces five occurrences of S. and six of SP.¹⁶

Ambiguity did perhaps arise from the abbreviations. The inscriptions in CIL VI show that the abbreviated form, SP.,

was used both for the praenomen Spurius and for spurius to designate a bastard. Moreover, the abbreviation S.P. was employed for sine patre. It must have been possible to distinguish the abbreviated forms of the praenomen and of the expression sine patre, provided that the latter was written with a space between the S and the P. However, an error on the part of the stonecutter (or the composer of the sepulchral text) or the need to save space (since inscriptions could be expensive) may have caused the occasional joining of the two letters.¹⁷ This, as Plutarch points out, would have resulted in a resemblance with the abbreviated form of the praenomen (SP.). The following two inscriptions in CIL VI, to the same individual, display this:

(16643) P. Curtius S.P.F. Col. Maximus

(16663) P. Curtius SP.F. Col. Maximus.

W. Kubitschek proposes that S.P. (sine patre) was later than SP. (spurius), and that it was introduced to eliminate the confusion between SP. designating a bastard, and SP., the praenomen.¹⁸ This view, however, contradicts Plutarch's explanation. Moreover, if this were the case one would expect a predominance of inscriptions with the abbreviation S.P. rather than SP. to identify illegitimate offspring during the Empire. In CIL VI, there are 166 inscriptions with SP. and three with S.P. (There are no inscriptions in CIL I with S.P.).

It is possible that repeated misuse of the abbreviation SP. for sine patre caused it to be confused with SP., the praenomen, which then took on the meaning "bastard". The process may have been accelerated because the Romans were able to find etymological explanations for the use of the noun spurius to denote bastard (spurium, spurcus, σπορδόνυ, etc.). Ultimately, this would explain the use of the common noun spurius to show illegitimacy in the legal sources. It is difficult to determine exactly when this might have occurred. A terminus post quem is provided by Quintilian, who observes that the Greek term for bastard (nothus) was employed during the time of Cato the Elder (c. 241 B.C.) because the Latins had no equivalent word.¹⁹ There are at least five republican inscriptions in CIL I where the word spurius may have been used to denote illegitimacy:

- 1887 Q.Tettieidieis.Sp.F
- 1888 M.Vergilius.Sp.F.Rufus
- 2535 M.Gemineus.Sp.F
- 2548 L.A[r.]unti(us) S(puri).F.Buco
- 2580 M.Leptina.Sp.F.

Unfortunately, they cannot be precisely dated. A terminus ante quem is more easily established. Plutarch's testimony shows that spurius was used both as a praenomen and as a term denoting illegitimacy in the late first or early second century A.D. and Gaius shows that spurius was a legal term by the mid-second century A.D. An inscription from Veleia

indicates that spurius was used to mean bastard in the reign of Trajan.²⁰ A private declaration of birth made in A.D. 145 by a woman named Sempronia Gemella refers to the lex Aelia Sentia (A.D. 4) and the lex Papia Poppaea (A.D. 9), which forbade the registration of illegitimate children:

ideoque se has testationes interposuisse dixit quia lex Aelia et Papia Poppaea spurios spuriasve in albo profiteri vetat.²¹

However it is impossible to ascertain whether the word spurius appeared in the original texts of the laws or was an anachronism used by Sempronia. Many inscriptions in CIL VI, many of which are said to date from the late Republic and the early Empire, record spurii/ae.²² And so the noun spurius (bastard) must have been introduced sometime between the third century B.C. and the second century A.D.

Study of the prevalence of the praenomen Spurius is more useful in determining when spurius came to be used to denote illegitimacy. The name is likely to have become distinctly unpopular when this occurred. To determine the frequency with which the praenomen was used, I examined the Fasti Consulares in CIL I, T.R.R. Broughton's Magistrates of the Roman Republic (MRR) and the Prosopographia Imperii Romani, 1st ed. (PIR¹). These works are admittedly limited in their usefulness, since they are concerned mainly with the upper echelons of Roman society and give little indication of the prevalence of the praenomen Spurius among the lower classes. But the upper classes must often have been responsible for

setting the trend in name-giving.²³ The data which follow have been extracted from MRR, since Broughton employed ancient authors to fill the gaps in the Fasti and therefore offers a more complete list of the magistrates from 509 to 31 B.C. He shows fifty-seven individuals with the praenomen Spurius. They come from twenty-five aristocratic families: the Afranii, Antii, Borii, Carvillii, Cassii, Cluvii, Furii, Icillii, Larcii, Licinii, Lucretii, Maecillii, Maelii, Minicii, Mummii, Nautii, Oppii, Papirii, Postumii, Rutilii, Servillii, Sicinii, Tarpeii, Verginii and Veturii. Chart 1 divides the republican period into centuries and lists the number of men in each gens who had the praenomen Spurius.

In examining the chart (p. 8), it should be kept in mind that the sixth century B.C. represents only nine years and the first century B.C. sixty-nine years. Nevertheless, it is clear that there was a marked decline in the use of the praenomen Spurius in the first century B.C. And this pattern continued in the imperial period. The praenomen is almost non-existent in PIR¹: the sole reference is to Sp. Turranius. L.F.Sp.n.L.pron.Fab.tribu.Proculus.Gellianus (PIR¹, no. 137). The praenomen was used most frequently in the fifth century B.C., with 23 magistrates from 16 families, and the second century B.C., with 13 magistrates from 9 families. It appears to have been particularly popular with the Postumii (9), the Carvillii (7), the Furii (6) and the Nautii (6). But of these only the Postumii continued to use it in the first

Chart 1
SPURII
Centuries B.C.

Gens	6	5	4	3	2	1	Total
Afranius					1		1
Antius		1			1		2
Borius					2		2
Carvilius			1		4		5
Cassius	1						1
Cluvius							
Furcius		3	2				5
Icilius		1					1
Larcius		1					1
Licinus	1				1		2
Lucretius		1			1		2
Maecilius		1					1
Maelius		1					1
Mincius		1					1
Mummius					1		1
Nautius		4	1		1		6
Oppius		1				1	2
Papirius			1		1		2
Postumius		2	2			4	8
Rutilius		1	2				3
Servilius		1					1
Sicinius		1					1
Tarpeius		1					1
Verginius		1					1
Veturius		2					2
TOTAL	3 (3 gentes)	23 (16 gentes)	9 (6 gentes)	7 (4 gentes)	13 (9 gentes)	2 (2 gentes)	57

century B.C. A second chart (pp. 10-11) based on MRR shows the other praenomina used over the same period by the gentes listed in Chart 1.

Chart 3 (p. 12) (also based on MRR) shows the use of all the praenomina (including Spurius) employed by the gentes listed in Charts 1 and 2.

It is perhaps significant that no praenomen other than Spurius (with the possible exception of Titus, for which the data are rather scanty) was used frequently in the early Republic and then declined sharply in the first century B.C. On occasion, "a traditional praenomen was ostentatiously abandoned by an aristocratic family because one of its members to whom the name belonged had incurred disgrace."²⁴ Examples include Lucius (the Claudii) and Marcus (the Manlii).²⁵ Spurius Cassius Vicellinus was condemned to death in 485 B.C. for planning an agrarian law on behalf of the plebeians, and Spurius Maelius was killed as a tyrant for distributing corn at his own expense (c. 439 B.C.).²⁶ These events may explain why the Cassii appear to have dropped the praenomen in the fifth century B.C. and the Maelii in the fourth. But they cannot account for the virtual disappearance of the praenomen in the other gentes.

Perhaps praenomina were sometimes dropped by certain families because they had been usurped by the lower classes. But there is no evidence which indicates that this happened to Spurius, and in any event, the decline in the use of such

Chart 2Other Praenomina
Centuries B.C.

Gens	6	5	4	3	2	1
Afranius					G.	L.
Antius					M.	L.(2)
Borius						
Carvilius				L.		
Cassius				Q.	C.(3) L.(3) Q.	C.(4) L.(6) M. Q.
Cluvius					C.(3)	C.
Furius		Sex.	L.(5)	L.(3)	C.(3)	L.(2)
		M.(2)	M.	M.	L.(5)	P.(2)
		Agrip.	Agrip.	C.	M.(2)	
		L.(3)		P.	P.	
		P.				
		C.(2)				
		Q.				
Icilius		L.(2)				
		L.				
Larcus	T.					
Licinius		C.	C.(2)	P.(2)	C.(8)	C.(5)
		P.(2)		L.(2)	M.(4)	P.(4)
				C.	L.(5)	M.(3)
					P.(6)	L.(3)
					A.(2)	A.
Lucretius	P.	Hostus	L.	L.	C.	M.
	T.	L.		M.(2)	Cn.	Q.(2)
		P.			M.	L.
Maecilius				T.		
Maelius		P.	Q.			
Minicius	M.	M.	Tib.	M.(2)	T.	L.(2)
		P.	M.	Q.(3)	L.(2)	C.
		L.			P.	M.
		Q.			Q.(3)	Q.(2)
					C.(2)	
					Tib.(2)	
					M.(2)	
Mummius					L.(2)	C.
					Q.(2)	M.
Nautius		C.		C.	C.	

Chart 2 (cont'd)

Gens	6	5	4	3	2	1
Oppius		C. M.		C.	L.(2)	M.(2) P. Q.(2) Cn.
Papirius	C. M'.	C.(2) L.(4) M.(5)	L.(10) C. M.(2) Tib.	L.(4) C.(2) P.	C.(4) Q. Cn. M. L.	C.(3) Cn.
Postumius	P.	L. M.(3) P. A.(3)	A.(2) L.(2)	A. L.(3)	C. A.(3) L.(5)	A.(3) L.(2) M. Q. C.
Rutilius					P.(4)	M. P.(4) Q. L.
Servilius		Q.(4) C.(4) P.(2)	C. Q.(2)	P.(2) Cn.(3) C.(4) M.	C.(6) M. Cn.(3) Q.(3) P. Cn.	M.(3) C.(3) Q.(2) P.(6)
Sicinius		C. T. L.	L. T.			C. Cn. Q. L.
Tarpeius Verginius	Opet.	A.(4) L.(3) Opet. Proc.(2) T.(3)	A. L.	L.		
Veturius	C.	C. L. T.(2)	T. C. L. M.	L.(2) Tib.	T.	

Key to abbreviations of praenomina.*

A	= Aulus	Opet	= Opiter
Agrip	= Agrippa	P	= Publius
C	= Gaius	Proc	= Proculus
Cn	= Gnaeus	Q	= Quintus
L	= Lucius	Sex	= Sextus
M	= Marcus	T	= Titus
M'	= Manlius	Tib	= Tiberius

*J.C. Egbert, Introduction to the Study of Latin Inscriptions
(New York: American Book Company, 1896), pp. 85-9.

Chart 3
Centuries B.C.

	6	5	4	3	2	1	Total
Praenomina	6	5	4	3	2	1	
Agrippa							2
Aulus		1	1	1	5	4	17
Gaius	2	4	3	10	33	22	86
Gnaeus		14	5	3	6	3	12
Hostus		1					1
Lucius		17	21	17	25	19	99
Manlius	1			6	11	14	1
Marcus	1	12	5				49
Opiter	1	1					2
Proculus		2					2
Publius	2	9	3	6	13	17	47
Quintus		6		4	10	13	36
Sextus		1				2	1
Spurius	3	23	9	7	13		57
Tiberius			2	1	2		5
Titus	2	6	2	1	2		13
TOTAL	12	97	51	56	120	94	430

praenōmina would probably have been more gradual than was the case with Spurius. A more likely reason for the sharp decline in the use of the praenomen Spurius in the first century B.C. is that the word spurius had become or was becoming widely known as the legal definition of "bastard."

CHAPTER TWOSPURII/AE AND THEIR FAMILIESMARITAL UNIONS

Whether an individual was freeborn (ingenuus) or slave (servus), legitimate or illegitimate, depended on his parents' marital status. Illegitimacy was caused by unions not recognized as lawful marriages.¹ The rules governing marriage seem to have been dictated by custom, religion and, especially, law.² Roman lawyers devoted a great deal of attention to the question of whether unions were lawful or unlawful.³

Unions for which the partners possessed conubium, the capacity to contract a lawful marriage with each other, were iusta matrimonia.⁴ Iniusta matrimonia (unions without conubium), though not regarded as lawful, were often treated as marriages (a modern day parallel is common-law marriage).⁵ But they lacked certain benefits of iusta matrimonia, e.g. the legitimacy of offspring. Unions which were incestuous were null and void, and also resulted in the illegitimacy of offspring.⁶ It is beyond the scope of this chapter to give a comprehensive description of the types of unions (iniusta matrimonia, null and void marriages) which produced illegitimate children.⁷ Instead, they will be listed so that the reader can recognize those which resulted in the birth of

spurii/ae (freeborn but illegitimate Roman citizens). They include unions between two Roman citizens, between Roman citizens and non-Romans, and between Roman citizens and slaves. Lastly I shall consider those unions in which the mother's status changed after conception. A study of the inscriptions recording spurii/ae and one or more family members follows this brief catalogue.

I Unions Between Two Roman Citizens

1. Patricians and Plebeians

In the early Republic, patricians were forbidden to marry plebeians. The date of the introduction of the ban is unknown, but the prohibition is found in the XII Tables. The lex Canuleia of 445 B.C. allowed the intermarriage of the two classes.⁸

2. Relatives

A marital union between ascendant and descendant ad infinitum was prohibited, even where the partners were related by adoption. The rules seem to have been less rigid for collateral relatives (e.g. uncle-niece), especially through adoption.⁹ Persons related by adoption could marry after the adopted party or the natural child had been emancipated (Claudius was obliged to emancipate Octavia before she married Nero).¹⁰ The regulations were modified on occasion. For example, Claudius had them changed to allow him to wed his brother's daughter.¹¹

3. Minors

The minimum marriageable age was fixed at twelve years for girls and (probably) fourteen or puberty for boys.¹² Any union contracted before the legal age was not considered valid.

4. Parental Consent

Parental consent was necessary before a son or daughter could marry, if they were under the potestas of their father or grandfather.¹³ This was also the case in the event of second marriages.

5. The Augustan Marriage Legislation

The Augustan marriage laws (the lex Iulia de maritandis ordinibus of 18 B.C. and the lex Papia Poppaea of A.D. 9) dictated who could marry whom.¹⁴ In some cases, the restrictions were aimed at all freeborn Roman citizens regardless of class; in others, at senators and their families. Unions which involved a Roman citizen and a prostitute, a procuress, a slave girl manumitted by procurers or procuresses, a woman condemned for adultery or in a public prosecution, or an actress, were "unacceptable", though not invalid.¹⁵ Unions which involved on the one hand a senator, his son, his daughter or descendants (male and female) in the male line to the third generation and on the other a freed person or an actor/actress (as well as children of the latter), were likewise "unacceptable".¹⁶

6. Concubines (free or freed)¹⁷

Concubinage was the cohabitation of two individuals who "lacked the intention to be married to each other (affectio maritalis)".¹⁸ One of the partners was usually of a lower social standing.

7. Military Service

Augustus may have introduced the ban on the marriage of serving soldiers.¹⁹ Unions formed prior to enlistment and continued during service were not regarded as legal.²⁰ Septimius Severus is thought to have lifted the ban.²¹

8. Guardians and Their Wards

Between A.D. 175 and 180, rules were laid down which did not permit a guardian or his son to marry his ward.²²

9. Provincial Officials and Provincial Women

While in office, governors and other provincial officials were forbidden to marry women from the provinces in which they served, even when these women were Roman citizens.²³

10. Remarriage

A widow was forbidden to marry within ten months of her spouse's death.²⁴

II Unions Between Roman Women and Non-Romans

By ius gentium, children born outside of lawful marriage took their mother's status at the time of birth and so the offspring of a Romana and a Latin or a peregrine man was a spurius/a (illegitimate Roman citizen).²⁵ With the lex Minicia de liberis (passed before 90 B.C.), the child born of a mixed union (with a Latin or peregrine) assumed the status of the inferior parent.²⁶ A senatus consultum proposed by the emperor Hadrian (aimed especially at the children of a Romana and a Junian Latin without conubium) re-established the rule of ius gentium, and so once more the child of a mixed union took his mother's status.²⁷

III Unions Between Roman Women and Slaves

Contubernium was a quasi-marriage between two slaves or a Roman citizen (freeborn or freed) and a slave.²⁸ The relationship, though not legally recognized, was often permitted by the slave's owner. The status of offspring was determined at birth by ius gentium, so that the children of a Romana and a slave were spurii/ae. But by a senatus consultum passed in the reign of Claudius, a child born of the contubernium of a citizen woman and a slave could become a slave if the owner of the natural father claimed the child or if he forbade the union.²⁹ The emperor Hadrian modified the decree and returned to the rule of ius gentium: mother and child could become slaves of the natural father's owner

if he did not consent to the contubernium; where the owner gave his consent, the mother remained free and gave birth to free children.

IV Change of Personal Status

1. Slave to Freedwoman

a) The child of a slave woman who had conceived by a Roman citizen and had been manumitted before giving birth was born free and a Roman citizen. But he was illegitimate since he had not been conceived in a civil marriage.³⁰

b) The child of a slave woman impregnated by a slave and manumitted before giving birth was also freeborn. But he too was an illegitimate Roman citizen, since there was no legal union between slaves.³¹

2. Peregrina to Cives Romana

If a peregrine woman received Roman citizenship while pregnant, her child was born a Roman citizen. But it was illegitimate if it could be shown that she conceived outside a marriage valid under her community's laws.³²

Family Relationships

In Roman law, the only parent who existed for an illegitimate child was his mother.³³ In Roman society, however, an illegitimate child was part of a family with a mother, brothers and sisters, even a father. This is

confirmed by the following study of the inscriptions recording spurii/ae in CIL VI.

Of the 166 inscriptions which record spurii/ae, 64 include one or more family members. Some of these are firmly identified by a term such as pater, mater, soror, frater or avia, e.g. 11206:

Sex. Afranius. Lautus
Sp. F. Vix. An. X. Mens. VIII
Dies IIII
Afrania. Protè. Mater
Et. Herma. Pater. Filio
Pissimo

and 15266:

Ti. Claudius. Sp. F. Similis
Mat. Et. Ti. Claud. Aug. L. Thamyrus
Frater. Claudiae. Aug. L. Ephoridi
Fecerunt. Et. Sibi. Et. Suis. Libertis
Libertabus. Posterisque. Eorum

Others can be identified as parents since they refer to an illegitimate child as filius/filia, e.g. 15114:

Dis. Manibus
Ti. Claudio. Sp. Filio
Honorato
Vixit. Ann. IIII. Mens. VI
Claudia. Theophila. Et
Anthus. Caesaris
Filio. Carissimo

Still others are not referred to by any specific familial term. I have assumed that they are probable family members on the basis of nomenclature. The following criteria have been employed. As R. Cagnat and Sir J.E. Sandys have observed, an illegitimate child was normally given his mother's nomen.³⁴ So where a spurius/a is recorded with a

woman bearing the same nomen but their relationship is not stated, I have treated the woman as the probable mother, e.g.

12364:

Arena
Sp. F.
V. Arena
O. L. Civitas.

Sometimes too a spurius/a is found on an inscription with a man bearing the same nomen, e.g. 33279:

M. Sextilio. Chiloni
M. Sexti[lio]. Sp. F. Col
Nigro.

According to P.R.C. Weaver, it was only in exceptional cases that illegitimate children took their father's nomen.³⁵ But on several of my inscriptions a man with the same nomen as a spurius/a is identified as pater, e.g. 15007:

Ti. Claudio
Spuri. F. Quir
Dio. Annos. Nato. XII
Menses. III. Dies. XII
Ti. Claudius. Dius
Pater Fecit.

It is possible that the mother also bears the same nomen as both husband and child but is not commemorated on the inscription. And so in the ten cases where a spurius/a is recorded together with a man bearing the same nomen, I have treated the man as the spurius/a's father.³⁶ When a spurius/a and several other individuals with the same nomen are listed on an inscription, but with no relationship stated, I have treated them as probable parents and siblings, e.g. 37987:

Cn. Annaeus. C. L. Eumenes (father)
 Vettiena. L. L. Flora (mother)
 L. Vettienus. L. L. Hermo (son)
 Vettiena. Sp. F. Tertia (daughter)

Such lists are admittedly problematic since the individuals could be colliberti from the same familia with the same patronus.³⁷ But they may have chosen to list only their names for a number of other reasons. Unions which had begun when one or both parents were slaves were not considered valid and the parents may not have wanted to emphasize the fact. Also, since inscriptions were expensive (maybe the cost was per letter), they may have opted to show their status indications (e.g. libertus) rather than to acknowledge each other as man and wife. Table 2, Probable Parents (p. 25), shows a larger number of fathers and mothers with status indication (38), when compared with Table 1, Identified Parents (p. 24), which shows only ten.

The main conclusions which emerge from a study of the 64 inscriptions can be briefly summarized.³⁸

1. On 8 inscriptions both parents are firmly identified.³⁹
2. On 7 inscriptions one parent is firmly identified and the other is probable.⁴⁰
3. On 18 inscriptions both parents are probable.⁴¹
4. On 10 inscriptions, the mother is firmly identified.⁴²
5. On 5 inscriptions the mother is probable.⁴³
6. On 8 inscriptions the father is firmly identified.⁴⁴
7. On 5 inscriptions the father is probable.⁴⁵

Siblings are found on 14 of the 64 inscriptions (two of which, 15651 and 21599, record only siblings).

1. On 5 inscriptions, siblings are firmly identified (four brothers and one sister).⁴⁶
2. On 9 inscriptions, they are probable (six brothers and four sisters).⁴⁷

Two inscriptions record grandparents, a grandmother (24039), and a grandfather (20109), the only family member identified on the epitaph.

The data can be broken down as follows: 17 fathers are firmly identified, 29 are probable; 25 mothers are firmly identified, 23 are probable; 5 brothers and sisters are firmly identified and 10 are probable; 2 grandparents are firmly identified. So in addition to the 64 spurii/ae, a total of 111 family members can be firmly or tentatively identified: 46 fathers, 48 mothers, 15 brothers and sisters, and 2 grandparents.⁴⁸

Status⁴⁹

The personal status of the 111 family members is as follows (Tables 1 and 2, pp. 24 and 25): 13 ingenui/ae (stated in 11 cases and conjectured in 2), 90 liberti/ae (stated in 48 cases and conjectured in 42) and 8 servi/ae (stated in 5 cases and conjectured in 3).

Table 1

Status of Men and Women Identified as Family Members

Family Members	Ingenuus/a Sp F	F	libertus/a imp	non- imp	servus/a imp non- imp	? servus serva	? libertus liberta	? ingenuus ingenia	Total
Fathers		1			3		1		11
Mothers		4	1	2					12
Siblings	1			1					2
Grandparents			1						1
Total	5	2	4	4	9	3	1		25
									49

Key to abbreviations:

- Sp F = spurius/a
- F = fillius (ingenuus)
- imp = imperial
- non-imp = non-imperial
- ? servus = probable slave
- ? libertus = probable freedman
- ? ingenuus = probable free person

Table 2Status of Probable Family Members

Family Members	ingenuus/a Sp F	F	libertus/a imp	non- imp	servus/a imp non- imp	? servus serva	? libertus liberta	? ingenuus ingenia	Total
Fathers			1	12	2	2	12		29
Mothers		1		18			4		23
Siblings	2			5			1	2	10
Total	2	1	1	35	2	2	17	2	62

Key to abbreviations:

Sp F = spurius
 F = fillius (ingenuus)
 imp = imperial
 non-imp = non-imperial
 ? servus = probable slave
 ? libertus = probable freedman
 ? ingenuus = probable free person

The ingenui are recognized by their filiation, e.g.
28431:

C. Velius. A. F. Scaptia;

the liberti by the patron's praenomen followed by L. or Lib.,
e.g. 24039:

Petronia. P. L. Isidora;

the servi by the indication that they belong to the imperial
household, e.g. 28637a:

Hermes. Imp. Vespasiani. Aug. Ser.,

and the probable servi by their single name, e.g. 11206:

Herma.

Those classified as probable liberti have no distinctive
status indication, only the tria nomina for the men and the
gentilicium and cognomen for the women, which are signs of
free status (freeborn or freed),⁵⁰ e.g. 21948:

P. Manlius. Pamphilus
Et. Iulia. Chreste

It is likely, however, that the majority of them are freedmen
and freedwomen. According to Lily Ross Taylor, omission of
the status indication was more common among freedmen than the
freeborn, unless of course the former belonged to the
imperial familia, in which case they would take pride in
indicating their status.⁵¹ The probable ingenui have been
identified as such because (24751) the mother of the two
incerti is herself ingenua.

Marriage Patterns

There is a total of thirty-three inscriptions on which the parents of spurii/ae are identified, or one parent is identified and the other individual recorded is probably a parent, or a man and woman recorded are probable parents.⁵² Table 3 (p. 28) shows the marriage patterns of these parents. The table indicates that the majority of the unions were valid, i.e. both partners were freeborn or freed (the table shows only seven where "the husband" is a servus or a probable servus). However, the unions probably began as contubernia, i.e. quasi-marriages which involved two slaves, a freedwoman and a slave, or a freeborn woman and a slave.⁵³ A more detailed analysis is given below.

1. Woman Freed; Man Freed⁵⁴ (twelve unions)

These unions probably began while both partners were slaves. That their children are freeborn and illegitimate shows that the wives were manumitted before their partners. The probable husband (16663) is an imperial freedman and in this case the woman has done well for herself.

2. Woman Freed; Man Probably Freed⁵⁵ (four unions)

It is likely that these relationships began while both partners were slaves and that the spurii/ae were born before the men were manumitted. Otherwise (i.e. if the men had been freeborn), the children would not have been illegitimate,

Table 3
Status of Mother

Status of Father	Status of Mother				Total		
	serva imp	non- imp	liberta imp	? serva ? liberta SP F			
imp servus non-imp				4	4		
imp libertus non-imp			1		1		
? servus			1	2	3		
? libertus			4	7	14		
SP F ingenuus F							
? ingenuus							
Total			17	13	1	2	33

Key to abbreviations:

- Sp F = spurius
- F = fillius (ingenuus)
- imp = imperial
- non-imp = non-imperial
- ? servus = probable 'slave
- ? libertus = probable freed man/woman
- ? ingenuus = probable free person

since the relationship would not have been invalid in Roman law. There was no ban on marriages between a freeborn Roman citizen and a freedwoman, unless the man was a senator or a senator's son, etc.⁵⁶

3. Woman Freeborn; Man Probably Freed⁵⁷ (three unions)

The situation here is much the same as in the previous case. The men cannot be freeborn, since unions involving two freeborn Roman citizens were valid and the children born of them legitimate, unless the partners were descendant and ascendant; or a senator/senator's son and an actress; or a freeborn citizen and a prostitute or woman of infamous character, etc.⁵⁸ On one inscription (34321), the woman refers to her partner as contubernalis, a term which usually indicates that a relationship began when one (or both) partner was a slave, and which was often used even after a union had been validated.⁵⁹ On another (16337), the woman refers to her partner as coniunx, a term usually reserved for a partner in a legal marriage, although there are many instances, especially in epigraphy, where marital terms are usurped and used inappropriately.

4. Woman Probably Freed; Man an Imperial Slave⁶⁰
(four unions)

A union with a slave from the imperial household was an attractive prospect for freeborn and freed women alike.⁶¹ It

is therefore difficult to ascertain whether the women with "husbands" who are imperial slaves are freeborn or freed. One of the four women, Claudia Theophila (15114), has an imperial nomen. But she is as likely to be a descendant of imperial freedpersons as an imperial freedwoman herself. Whatever the personal status of these women, their unions with slave partners were invalid and resulted in the illegitimate birth of their children.

5. Woman Freed; Man Probably a Slave (one union)

The woman identifies her partner as her contubernalis (18975). His single name, Chrestus, as well as his designation as contubernalis, strongly suggests that he is a slave.

6. Woman Probably Freed; Man Probably a Slave⁶²
(two unions)

There exists here the same problem, that of identifying the women's status. There probably would have been less appeal for a freeborn woman to enter into a union with an ordinary slave. In any case, whether the women are freeborn or freed, the unions which they formed were contubernia and the offspring born to them were illegitimate. On one inscription (29540), Volusia Herois calls her partner coniunx, but, as I have noted above, the misuse of marital terms was frequent.⁶³

7. Woman Probably Freed; Man Probably Freed⁶⁴
(seven unions)

In four cases, the couples have the same nomen, which suggests that they had been slaves in the same familia (unless some of the women were descendants of freed persons).⁶⁵ That the women were freed before their partners and the children born prior to their "father's" manumission made the relationship contubernium and the children spurii/ae. The men were subsequently freed, which explains their use of the tria nomina.

In three cases I have identified the men as probable freedmen because, as was noted above, illegitimacy was often the result of a union in which the man's status was servile at the time of the children's birth. One man, Andronicus Fulvianus (4462), had probably been a public slave (Publicus). The women's status is uncertain. Iulia Chreste (21948) has an imperial nomen, but this is not sufficient proof that she was of freed rather than freeborn status.

Siblings⁶⁶

There are fifteen brothers and sisters of spurii/ae included on the epitaphs. Seven are shown to be freed, (one brother is an imperial freedman (15266)), which means that they were born slaves and manumitted either by their mothers' patrons or by their own fathers at a later date (depending on whether their praenomina are those of their mothers' patrons

or those of their father's).⁶⁷ D.Lucilius.Glycus is definitely freed since his daughter has legitimate filiation (21599).

Three are freeborn but illegitimate.⁶⁸ Vestoria Io (28637a) has a nomen which is the same as her brother. Neither parent has a recorded nomen; Cleopatra is acknowledged as mater. Another spurius, T. Feronius Priscus (23196) has a nomen which is different from that of his parents and of his sister. However he bears the same cognomen as his sister. He may have been given the nomen of his maternal grandfather, as perhaps were Vestoria Io and her brother.⁶⁹ Their illegitimate birth suggests that they were born while their fathers were still slaves.

Five siblings are of uncertain status.⁷⁰ On one inscription (24751), both brother and sister have their mother's nomen (she is an ingenua), although the son has his father's cognomen. They are probably spurii/ae, like their sister. Perhaps because they died at a tender age (7 months and 10 months), the dedicant (the mother) did not find it necessary to specify their personal status. Three are probable freedmen since they possess the tria nomina.

Nomenclature⁷¹

The following table shows the relationship between the nomina of spurii/ae and those of their parents.

Table 4nomina

same as			different from			total
mother	father	parents	mother	father	parents	
27	10	16	3	5	1	62

1. Forty-three spurii/ae can be said to have received their names from their mothers: twenty-seven have the same nomen as their mothers and sixteen have the same nomen as both of their parents. The mothers were either freeborn or freed before their partners' manumission, and the children are likely to have assumed their mothers' names at birth, since their fathers would still have been slaves.

2. Ten spurii/ae have a nomen which is the same as their fathers. There are several possible reasons for this.

- Both parents belonged to the same familia but only the father commemorated the child (i.e. the unrecorded mother had the same nomen).

2. The fathers, ignoring or in ignorance of the law, gave their nomina to their sons or daughters, since for them there was no question about their relationship with their children.
3. P.R.C. Weaver argues that children could be legitimized after their fathers had been manumitted.⁷² He provides several examples, such as 15592/5:

M.Ulpus.Aug.Lib.Crotonensis (father)
 Claudia Semne (mother)
 M.Ulpus (M.fil.Pal) Crotonensis (son).

But his theory is not applicable in the present context, since the use of spurius (Sp.) with the filiation (F.) shows that the children are still illegitimate which is not the case in his example.⁷³ On one inscription (20171), a libertus named C. Iulius. P h alleus who died at age thirty-two is commemorated by his illegitimate son, C. Iulius. Sp. F. Phalleus. His free status (libertus) should have allowed him to legitimize his son. Perhaps, as happened on occasion, he received his freedom on his death-bed.

3. Five spurii/ae have nomina which differ from those of their fathers (the only other individuals on the inscription), three have nomina which differ from those of their mothers and one has a nomen which differs from that of both parents. It is possible that the child bears his

unrecorded mother's nomen or that the child took on his maternal grandfather's nomen as he was a cognate relative of the maternal household.⁷⁴

CHAPTER THREE

SPURII AND TRIBAL AFFILIATION

A tribe was a division of the Roman people, determined originally by geography.¹ Membership in a tribe was a proof of Roman citizenship and every Roman male had to possess tribal affiliation.² The tribes served as the basis for the census, for the elections and for the grain distributions.³ Servius Tullius is credited with using the existing urban divisions to form the four urban tribes: Palatina, Collina, Suburana and Esquilina. To these were eventually added thirty-one rural tribes: Aemilia, Aniensis, Arniensis, Camilia, Claudia, Clustumina, Cornelia, Fabia, Falerna, Galeria, Horatia, Lemonia, Maecia, Menenia, Oufentina, Papiria, Poblilia, Pollia, Pomptina, Pupinia, Quirina, Romilia, Sabatina, Scaptia, Sergia, Stellatina, Teretina, Tromentina, Velina, Voltinia and Voturia. After 241 B.C., no other tribes were formed; when the need arose, the existing tribes were expanded through extension of area or areas which were not adjacent were attributed to them.⁴

Several nineteenth and twentieth century scholars have observed that illegitimate males in Rome were concentrated in the urban tribes (which were generally regarded as inferior to the rural tribes) and particularly in the Collina.⁵ Yet the precise figures have never been fully tabulated. Of the

94 illegitimate males recorded on inscriptions in CIL VI, 43 spurii show tribal affiliation.⁶ They are distributed among the tribes as follows:

Table 1

Tribe		Number of Spurii
Urban Tribes	Collina	24 (56%)
	Esquilina	1
	Palatina	3
	Suburana	3
Rural Tribes	Arnensis	1
	Clustumina	1
	Fabia	1
	Menenia	1
	Papiria	1
	Pomptina	1
	Quirina	1
	Sergia	1
	Teretina	1
	Velina	2
	Voltinia	1
TOTAL		43

By way of comparison, the distribution of tribal affiliation in all the inscriptions in CIL VI (other than those which record spurii) is as follows:

Table 2

Tribe		Number of Males
Urban Tribes	Collina	116
	Esquilina	6
	Palatina	145
	Suburana	20
Rural Tribes	Aemilia	35
	Aniensis	38
	Arniensis	39
	Camilia	42
	Claudia	87
	Clustumina	58
	Cornelia	24
	Fabia	85
	Falerna	35
	Galeria	37
	Horatia	16
	Lemonia	21
	Maecia	15
	Menenia	24
	Oufentina	24
	Papiria	32
	Poblilia	7
	Polia	102
	Pomptina	45
	Pupinia	21
	Quirina	110
	Romilia	16
	Sabatina	17
	Scaptia	30
	Sergia	49
	Stellatina	32
Teretina	23	
Tromentina	16	
Velina	50	
Voltinia	42	
Voturia	18	
TOTAL		1477

Table 1 shows that slightly more than 72% (31/43) of the spurii belonged to the urban tribes (Collina 24, Esquilina 1,

Palatina 3 and Suburana 3) as compared to 19.4% (287/1477) of the total population of legitimate males. More importantly, over 77% (24/31) of the spurii registered in the urban tribes and 56% of all the spurii show the Collina as their affiliation, in comparison to 40% (116/287) and 7.9% for the total population of legitimate males.

The total number of inscriptions recording spurii with tribal affiliation is small. But the pattern of affiliation which they reveal cannot be ascribed to coincidence; there must have been a deliberate policy of assigning freeborn but illegitimate Roman males (spurii) to a specified tribe (the Collina). A parallel can be found. In the early Empire, legionaries were not allowed to marry while on active service.⁷ Those who ignored the ban and either continued former unions or formed new ones were not considered legally married, and, as a result, any children born to them were illegitimate. The children were spurii if their mothers were Roman citizens; they were non-Romans if their mothers were foreigners. If one of the latter enrolled in the legions, he received Roman citizenship and was assigned to the Pollia tribe.⁸ Similarly, new communities were assigned en masse to a particular tribe, e.g. the Hernicans to the Poblilia, "recognized as the tribe of that people", the Vestini to the Quirina, "where some of their people were already enrolled."⁹ It is possible then that a policy was established by legislation for spurii not unlike the ones which assigned

those born castris (i.e. in a camp) and the members of new communities to specific tribes.¹⁰ Yet if such a policy existed, why are some spurii registered in tribes other than the Collina? Before exploring this question, it is necessary to consider briefly the two means by which males acquired tribal affiliation: through heredity or at the discretion of the censors.

The transmission of tribal affiliation from father to son was a straightforward procedure in that the son simply acquired his father's affiliation at birth.¹¹ Several modern scholars assert that young men were registered in their tribes at the age of majority.¹² But a number of inscriptions show individuals who died below the age of majority already in possession of tribal affiliation. Examples from CIL VI are:

- 9330: P.Cervonius.P.F.Cla.Firmus
V.A.IIIII
- 15268: Ti.Claudio.Ti.F.Camil.Sotericho
Vixit.Annis.Duobus.Mensibus.XI.Diebus.X
H.IIIII
- 15770: P.Clodius.P.F.Cla.Priscus
V.M.X.
- 18196: L.Flavio.L.F.Anien.Saturnino
Vix.An.V.M.VI
- 23158: C.Numonio.C.F.Cla.Rufo
V.A.XV
- 24011: C.Petronio.C.F.Cam.
Liguri.Viriano.Postumo
Vix.Ann.X.M.X.D.XX

The important criteria in the case of hereditary tribal affiliation were that the child be legitimate and under his father's potestas. When he reached the age of majority, his father, escorted by relatives and friends, led him to the Forum.¹³ There he exchanged his toga praetexta for the toga virilis and was registered on the list of citizens. Henceforward he was eligible to vote and the tribal affiliation which he had received at birth took on a political significance.¹⁴ The next important step was registration on the census-list.¹⁵

The second means by which tribal affiliation was obtained (i.e. through the censors) applied mainly to individuals or communities to whom citizenship was granted and to those who wished to change their tribes. At a pre-determined time all citizens and prospective citizens were compelled to present themselves before the censors and to provide the information required by the formula censoria: "le cens s'étend à tous les citoyens sans distinction d'âge ni de sexe; ni à plus forte raison de rang ou de condition juridique quelconque; même celui qui n'a le droit ni de porter les armes ni de voter et qui est exempt de l'impôt comme dénué de fortune doit se déclarer au cens."¹⁶ Failure to be present at the census, unless excused because of old age, illness or military service abroad, could lead to harsh penalties: confiscation of property or even the sale of one's person.¹⁷

All males who were sui iuris were obliged to make a declaration.¹⁸ They were divided into three groups: the tribules, those who did not yet have tribal affiliation (e.g. the newly enfranchised), and the aerarii. The tribules, those who already enjoyed membership in a tribe, were called forth in ordo tribuum.¹⁹ They were required to answer questions about their civic status: praenomen, nomen patris vel patroni, tribus et cognomen, details concerning their family members and all property claims.²⁰ For these individuals, the census was merely a re-assessment, a time to confirm or revise any facts given at the previous census. Those who were to be assigned their tribal affiliation were obliged to make a similar declaration. In light of all the information gathered, the censors normally kept the tribules in their former tribes and directed the newcomers to their appropriate tribes. Individuals whom the censors chose to exclude from the tribes were entered on the Caeritum tabulae.²¹ They thereby lost their public rights of citizenship and became aerarii (cives sine suffragio).

In the case of spurii, tribal affiliation obviously could not be inherited: in the absence of a legal father, they were not under patria potestas.²² Nevertheless, it is clear that spurii in some way acquired tribal affiliation at birth or shortly afterward. Of the 43 inscriptions, 10 give an age at death and 6 show spurii who were already in possession of tribal affiliation before the age of 16/17 (normally the age of majority):

- 4462 M. Herennius. Sp. F. Esq. Fatalis
V. An. VIII
- 5163 M'. Allienus. Sp. F. Clu. Romanus
Vix. Ann. XI
- 7911 ...n. Geminus. Sp. F. Col. Atax
Vixit. Annis. XI
- 15007 Ti. Claudius. Spuri. F. Quir. Dius
Annos. Nato. XII. Menses. III. Dies. XII
- 23299 C. Octavius. Sp. F. Col. Paetus
V. A. XIV
- 36077 M. Petreius. Sp. F. Pap. Cal [i] istus
Vix. Ann. XV. D. XXXV

No doubt spurii, like their legitimate counterparts, received their ius suffragii at the age of majority and their tribal affiliation took on a political significance. This would be recorded at the following census.

In the case of spurii, the evidence of the statistics indicates an attempt to place them in the Collina. And yet, as noted above, considerable latitude, seems to have been allowed since forty-four percent of the spurii were in tribes other than the Collina. There were, it is true, a number of ways in which tribal affiliation could be changed: a tribal affiliation obtained either through heredity or a decision of the censors was not set for life. Place of residence originally determined the tribe to which a man belonged, but this was never strictly enforced. A man could live at Rome yet belong to a rural tribe because he owned land there or because his ancestor had been listed there: "thus a man who lived in the Collina and had property in the Camilia would

normally be listed in the *Camilia*.²³ Obviously, nothing precluded the possibility that men who were born illegitimate could become wealthy, accumulate enough capital to buy property and thereby give themselves the option of changing their tribe while remaining at Rome.

Men who were given land in Italy or abroad by *viritalis* assignment or who enrolled in Roman colonies in Italy or in the provinces regularly adopted the tribe of their new home.²⁴ Spurii could have been members of either group. And while it is true that all the inscriptions used in this study were discovered at Rome, it is possible both that some spurii lived away from Rome and later returned to the city and that some of the inscriptions in CIL VI which attest spurii were set up in absentia by relatives or friends.

In the late Republic, a man could win the right to change his tribal affiliation by successfully acting as prosecutor in the quaestiones at Rome. Upon conviction, the prosecutor could adopt the tribe of the condemned man. An example can be found in Cicero's Pro Balbo: L. Cornelius Balbus, agent in turn of Pompey and Caesar, and a member of an urban tribe (probably the Palatina), was awarded membership in the Clustumina tribe as a reward for a successful prosecution. No doubt such transfers were made only when the new tribes were more advantageous (e.g. transfer from an urban to a rural tribe).²⁵

Not every change of tribe was subject to an individual's personal preference. Nor did the change always enhance his position. As a penalty for unacceptable behaviour (e.g. neglect of one's property, celibacy, dissolution of marriage, abuse of power in office, impiety, perjury, etc.) the censors could transfer a man from a rural to an urban tribe (tribu movere) or have him expelled from his tribe.²⁶ The former is self-explanatory; the latter caused the citizen to be reduced to the status of an aerarius. But his situation could be improved. The next pair of censors could lift the penalty set by their predecessors and the individual could be readmitted to a tribe.²⁷ That a man could be placed in another tribe, often inferior to his previous one, could account for the presence of spurii in the Esquilina and the Suburana, two urban tribes considered inferior to the Palatina and the Collina.²⁸

Yet it is questionable whether the various ways in which men could change tribes can explain all the cases where spurii are attested in tribes other than the Collina. It seems more likely that illegitimate sons were sometimes allowed to be registered in other tribes; it is not inconceivable that a certain latitude was shown by the authorities when it was justified. One can easily imagine circumstances in which an application for membership in a tribe other than the Collina was made and approved: perhaps the family of the spurius' mother was influential and the

child was allowed to take the tribe of his maternal grandfather; possibly a spurius sometimes took the tribe of his mother's place of origin or of his mother's patron if she was a freedwoman.²⁹

There still remains the question why the Collina was chosen the tribe of spurii. I suggest as a possible explanation that it was drawn by lot from among the urban tribes. Selection by lot was not an unusual way for the Romans to settle issues. In 169 B.C., for example, all libertini were enrolled in the Esquilina, a tribe chosen by lot.³⁰

When could the selection of the Collina tribe have been made? In 189 B.C., a law was passed by which the censors προσεδέξαντο δὲ πολίτας ἀπογραφόμενους πάντας, ὅσοι γονέων ἐλευθέρων ἦσαν.³¹ There are two different interpretations of the passage. H.H. Scullard and L.R. Taylor, following Th. Mommsen, maintain that the law granted full citizenship to the sons of libertini and distributed them in all the rural tribes.³² E. Badian, following another suggestion of Mommsen, and later followed by S. Treggiari, proposes that the law provided civitas to the illegitimate sons of free parents.³³ It may be that both views are correct. Plutarch says that citizenship was granted to the sons γονέων ἐλευθέρων. Scullard and Taylor think that the γονεὺς ἐλευθέρου are freedmen. But ἐλεύθερος can mean

"free", in the sense of freeborn or freed.³⁴ It is possible therefore that the law gave full citizenship both to the sons of freedmen and to spurii, the illegitimate offspring of freeborn or freed parents. If this view is correct, spurii were citizens without voting rights before 189 B.C. and therefore had no need of tribal affiliation. In 189 B.C. the newly enfranchised spurii would have been in need of a tribe and it was perhaps at that time that the Collina was chosen by lot.

CHAPTER FOUR

SPURII/AE IN ROMAN SOCIETY

Spurii/ae do not seem to have suffered many political, social or economic disabilities because of their illegitimate birth. They did encounter state regulations which set them apart from others (e.g. those governing registration of birth, inheritance rights, alimenta), but as will be seen the authorities usually took steps to help alleviate the problems which arose from these differences. Even the label spurius used to identify a member of this group, when examined in its proper context (the legal sources), is not a derogatory term but merely a qualifier: it means a freeborn but illegitimate Roman citizen.

As ingenui and Roman citizens, spurii/ae, particularly the males, were given certain rights and duties.¹ The rights included ius suffragii, ius honorum, appellatio (right of appeal), conubium and commercium.² Spurii had the right to vote when their names were registered in the citizens' lists upon reaching the age of majority.³ They were probably excluded from the ius honorum during the early Republic since the patricians attempted to maintain a strong hold on the public offices and because a distinguished ancestry was important when seeking a magisterial position: spurii, fatherless by law, were sui iuris (independent) and could not

boast of an ancestry.⁴ During the Empire, spurii appear to have been permitted to hold certain posts, and at least from the time of Marcus Aurelius and Lucius Verus (co-emperors from A.D. 161 to 169), they were expressly allowed to be decurions (local councillors in a Latin or Roman municipality) but only when no candidate of legitimate birth presented himself or if this candidate proved unworthy of holding office.⁵

The duties involved military service and taxation, though the former was not often required after Marius had made the legions accessible to all Roman citizens and thereby created an army of semi-professional soldiers who entered by choice rather than by conscription.⁶

As Roman citizens, the men were entitled to don the toga and use the tr̄a nomina.⁷ The women were given the double name which identified them as citizens (and which in early Roman times had consisted of the gentilicium preceded by the praenomen). In the written form of the official name, illegitimate children were given their mother's nomen and filiation (F.) preceded by Sp. (Spurius), while legitimate children were given their father's nomen and filiation preceded by his praenomen in the abbreviated form.

An illegitimate male could include his tribal affiliation in his name, e.g. 23299: Octavius.Sp.F.Col.Paetus. It seems that spurii were usually enrolled in the Collina tribe but could transfer to any other of the thirty-five tribes.⁸

As members in a tribe, they were no doubt entitled to partake of the grain dole which was distributed on a tribal basis.⁹

Through the lex Aelia Sentia of A.D. 4 and the lex Papia Poppaea of A.D. 9 Augustus set up a system to register the births of legitimate Roman children: their parents were required to make official declarations (professiones). In theory, "children born ex incerto patre could not be entered in the album (birth registry)."¹⁰ But in practice, because the authorities made no effort to verify legitimate birth, some parents could have passed off their illegitimate children as legitimate.¹¹ The birth of illegitimate children could be declared privately in a testatio:

ideoque se has testationes interposuisse dixit quia
lex Aelia et Papia Poppaea spurios spuriasve in
albo profiteri vetat.¹²

Several examples have survived. J.A. Crook notes this tablet from Herculaneum (A.D. 60):

In the consulship of Gaius Velleius Paterculus and Marcus Manlius Vopiscus, 24 July, L. Vennedius Ennychus testified that a child was born to him of Livia Acte his wife.¹³

Such testationes usually recorded the names of the parents, the name of the child, the date of birth, the place and date of the testatio (the fact that it was a testatio had to be stressed because the registration of illegitimate children was forbidden) and the number of witnesses who attested to the truth of the declaration.¹⁴ These documents sometimes served as evidence of Roman citizenship and must have been

crucial in determining the inheritance rights of illegitimate children (from their mothers), since non-Romans could not be instituted heirs in a Roman will.¹⁵ Whether the practice of making these private declarations was strongly encouraged is difficult to ascertain. But provident parents will have ensured that a testatio was made, since "the only means of securing the rights of citizenship for them [i.e. spurii/ae] in the future was the pis-aller of a certificate of the present type."¹⁶ The problem was eventually resolved when Marcus Aurelius (A.D. 161-180) declared that every freeborn Roman child, whether legitimate or illegitimate, had to be registered.¹⁷

Generally speaking, spurii/ae were at a disadvantage in matters of inheritance since they had no legal father and he, in turn, had no legal obligation towards them. If their natural father died intestate, they had no claim to a share of his properties. However, legal theory (that spurii/ae had no fathers) was not always in tune with social reality (that spurii/ae had known fathers). Inscriptions attest to the fact that spurii/ae and their parents considered themselves very much a family unit and referred to each other in familial terms.¹⁸ Perhaps this explains why the state provided natural fathers with a way around the quandary: they could institute their illegitimate offspring as heirs.¹⁹ That this proved to be a suitable solution is perhaps attested by the fact that there is no record of testamentary

quarrels between illegitimate and legitimate siblings.²⁰ In a letter to Rammius, prefect of Egypt in A.D. 119, Hadrian recognized as legal heirs the illegitimate children born to serving soldiers. Classified as cognate relatives, they had the right to claim the property of fathers who died intestate.²¹

Illegitimate children fared better in inheriting from their mothers, who by law were their sole parents. In the Republic, the Praetorian Edict declared that in the case of intestacy mother and child were, as cognate relatives, heirs to each other in the third order of succession, i.e. after sui heredes or proper heirs (children who were in potestate at the time of death) and heredes legitimi, normally the nearest agnate relatives; of course women did not have proper heirs, since they could not exercise patria potestas.²² Two imperial senatus consulta improved their position. Passed during the reign of Hadrian (A.D. 117-38) the Senatus Consultum Tertullianum granted to the mother full statutory right of succession to the property of illegitimate children who died intestate.²³ In the reign of Marcus Aurelius (A.D. 161-80), the Senatus Consultum Orphitianum gave illegitimate children the right of succession to their mother's property, if she was sui iuris and if she died intestate.²⁴ And the praetors allowed them to claim the estate of their maternal grandmother or those of their mothers' freedmen, if they died intestate.²⁵

Patria potestas gave a father absolute control over the members of his household: his wife (if in manu), children and slaves.²⁶ Children who were subject to their father's potestas, or in some cases to their grandfather's, were alieni iuris. Illegitimate children, who had no legal father, could not be under patria potestas and were therefore sui iuris.²⁷ Individuals who were alieni iuris could be released from patria potestas by emancipatio.²⁸ Those who were sui iuris could come under the potestas of another by adrogatio.²⁹

During the Republic and early Empire, adrogatio seems to have been the only avenue open to parents who wished to legitimize their offspring.³⁰ In the early Republic, adrogatio began with a pontifical inquiry.³¹ If the pontiffs gave their approval, the case went before the comitia curiata, presided over by the Pontifex Maximus.³² The comitia met twice a year.³³ The Pontifex Maximus put the following rogatio to the people:

Express your desire and ordain that Lucius Valerius be the son of Lucius Titius as justly and lawfully as if he had been born of that father and the mother of his family, and that Titius have that power of life and death over Valerius which a father has over a son. This, just as I have stated it, I thus ask of you, fellow Romans.³⁴

By Cicero's time, the comitia curiata was represented by the 30 lictors.³⁵ The procedure was altered again at a later time, certainly by the reign of Diocletian (emperor A.D. 285-305) and probably before.³⁶ The inquiry was no longer

performed by rogatio populi but by imperial rescript.³⁷ The new system made legitimization accessible to more Romans, since adrogatio could now be performed from the provinces (in the past it could only be executed in the comitia at Rome).

Various restrictions were imposed on the adrogatus and the adrogator. Initially, only men of the patrician order who were sui iuris could be adrogated. Those of the plebeian order, impuberes, and women could not be adrogated, because they were not allowed to stand in the comitia curiata where adrogatio was performed.³⁸ But after 445 B.C., when their civic standing improved, plebeians could be adrogatus or adrogator: "après une dure lutte de classes les plébeiens recevaient toujours plus de droit. L'accès à l'adrogation leur fut peut-être concédé avec le ius conubii."³⁹ Antoninus Pius (emperor A.D. 138-161) permitted the adrogation of impuberes, but only after a careful investigation to determine whether it would be advantageous for the child.⁴⁰ With the changes instituted by Diocletian, women could be adrogated by imperial rescript. The adrogatus/a had to be a Roman citizen and had to consent to the adrogatio.

The adrogator could be a bachelor or a married man.⁴¹ But a married man could not adrogate more than one person if he was already a parent.⁴² He had to be at least sixty years of age or unable to have children of his own because of impotence, and at least eighteen years older than the adrogatus.⁴³ These regulations were no doubt designed to

prevent the type of adrogation which occurred during the Republic when the adrogatus was older than the adrogator (e.g. Clodius' adrogation into a plebeian family). Freedmen were permitted to adrogate.⁴⁴ However, guardians and tutors could not adrogate a minor (i.e., the youth had to be at least twenty-five years of age). This was to ensure that the guardian's motives were honourable and that the adrogation was not made for financial gain.⁴⁵ It seems likely that the relationship between the adrogator and the adrogatus was also taken into account: a natural father was probably not allowed to adrogate an illegitimate child born from a union which was null and void in Roman law and considered to be against the mores, such as an incestuous or adulterous relationship.

What were the advantages and disadvantages of adrogatio for a freeborn but illegitimate Roman citizen? For legal purposes, it placed him in the same position as a legitimate child.⁴⁶ He assumed his adoptive father's name and rank, was allowed to retain his former tribal affiliation,⁴⁷ and acquired the rights of succession to the estate of his adoptive father.⁴⁸ He was given the right of agnation, whereas before he had been a cognate relative of his mother and her family, with all the disabilities that this entailed.⁴⁹

Not only did the adrogatus come under the potestas of the adrogator but also all persons who were under his own power, e.g. his children.⁵⁰ He relinquished all his property

to his new pater familias, and because he ~~was~~ now a filius familias, forfeited all his civil rights; he could not own property, needed parental consent to marry, etc.⁵¹ That the spurii attested on inscriptions in CIL VI had not been adrogated is clear from their filiation (Sp. F.); if they had been adrogated, they would show the filiation typical of legitimate children (e.g. C. F).^{51a} No doubt some of them could not find a willing adrogator. Others may have found someone prepared to adrogate them, but either they or the adrogator did not meet the requirements. And in some cases, the loss of personal independence may have outweighed any advantages to be gained by adrogatio.

Children who were sui iuris were assigned tutors to safeguard their property.⁵² Men became tutors by testamentary appointment, by right of agnation, or by praetorian appointment. A father could name a testamentary guardian (tutor dativus).⁵³ In the absence of a will, an agnatic relative automatically assumed the duties of guardianship (tutor legitimus). Spurii of course had neither a legal father nor agnatic relatives. It was only through adrogatio that they acquired a legal father and agnatic ties. And adrogatio was only performed when the adrogatus had reached the age of maturity, which was also the age at which tutelage ended for boys.⁵⁴ Spuriae, who could be adrogated from the time of Diocletian, may well have been assigned testamentary tutors, since the guardianship of women was

life-long (though in practice the guardian's authority seems to have decreased).⁵⁵ The automatic guardianship over women was abolished by the emperor Claudius.⁵⁶

The urban praetor selected a tutor when one was needed to represent someone in a legis actio or when children who were sui iuris would otherwise not have one, as was the case with spurii. The former type (tutor praetorius) disappeared when the actiones fell into disuse (sometime in the late Republic).⁵⁷ The latter type (tutor Atilianus) was selected by the praetor and a majority of the tribunes of the plebs, according to the lex Atilia of c. 210 B.C.⁵⁸ The terms of this law were extended to the provinces by the lex Iulia et Titia of the Augustan period.⁵⁹ Another Augustan law, the lex Papia Poppaea of A.D. 9, released freeborn women (including spuriae) with three children from their guardians' authority.⁶⁰

The emperor Nerva introduced officially a programme of alimenta, by which interest paid on loans to farm-owners was turned over to state officials for use in providing sustenance for poor and needy children.⁶¹ Private individuals sometimes followed the example set by the emperors and made substantial donations to the poor children of their home-towns.⁶²

An inscription from Veleia (CIL XI 1147), which dates to the time of Trajan (A.D. 98-117), records 300 children, including two spurii/ae (a boy and a girl), who received

financial assistance from the state. The spurius was given twelve sesterces per month (four sesterces less than the 263 legitimate boys) and the spuria ten (two less than the thirty-five legitimate girls).⁶³ They are set apart by the use of the term spurius and given less money. But at least they were not altogether barred from receiving financial assistance.

Parents and their children were morally, and sometimes legally obliged to support one another (another type of alimenta) in time of need.⁶⁴ The law expected a mother (and maternal grandfather) and her illegitimate offspring to furnish mutual support.⁶⁵ However a natural father and his illegitimate children were only morally obliged to help one another. Where one party denied that there was a family tie, he was released from the liability of alimenta.⁶⁶

For the sake of discussing the place of spurii/ae in Roman society of the late Republic and early Empire, I have divided that society into five broad groups: the senatorial order (senators and their families), equites, decurions, legionaries, and plebeians.⁶⁷ Not a single spurius/a is attested as a senator or a member of a senatorial family.⁶⁸ Several pretenders claimed to be the illegitimate sons of illustrious men; among them an ex-convict (or fugitive slave) named L. Equitius who claimed to be the son of Tiberius Gracchus and was elected tribune of the plebs for 99 B.C. (he was killed before taking office), and an honorary consul of

Nero's reign, Nymphidius Sabinus, who described himself as the issue of Gaius Caesar.⁶⁹ There is evidence of aristocratic women who gave birth to illegitimate children only to have them exposed (e.g. Julia, the grand-daughter of Augustus, and Urgulanilla, compelled by Claudius to expose her daughter Claudia, allegedly fathered by her freedman Botes), and of prominent women who were forced to have abortions (e.g. Octavia, the daughter of Claudius, and Julia, the niece of Domitian).⁷⁰ At least some bastards must have been able to accumulate the minimum fortune which qualified men for admission into the ranks of senators (set at 400,000 sesterces by Augustus and later raised by him to 1,000,000 or 1,200,000).⁷¹ But as noted above (p. 48), they lacked the crucial qualification of a distinguished ancestry.

Equestrian status was acquired by birth, by the accumulation of a personal fortune of at least 400,000 sesterces, or by having the honour bestowed by the emperor.⁷² Obviously spurii could not be born equites since they had no legal fathers. But some no doubt acquired the requisite amount of property, perhaps through ties with their mothers' families. At least one spurius is attested as a military tribune, a rank reserved for men of equestrian status.⁷³ The emperors sometimes elevated men to the ranks of the equites, including ex-slaves such as Titus Vinus Philopoemen (made an eques by Augustus for saving his patron during the proscriptions), and it is not inconceivable that they may

have occasionally granted the same honour to freeborn but illegitimate Roman citizens.⁷⁴

The next two groups, of decurions and legionaries, were more accessible to spurii. It has already been noted (p. 49) that, at least from the time of Marcus Aurelius and Lucius Verus and perhaps earlier, a man of illegitimate birth was eligible to serve as a decurion, provided that no candidate of legitimate birth wanted the post or that this candidate proved to be unworthy. It was only in the third century A.D. (if not later) that membership in the ordo decurionum became hereditary.⁷⁵

All Roman citizens, normally with the exception of freedmen, could enlist in the legions and thereby earn a fixed salary and various benefits.⁷⁶ Two inscriptions in CIL VI show spurii who took advantage of the opportunities offered by military service:

2744: C.Iulius.Sp.F.Fab.Rufus.Coh.X.Eq.

3528: C.Paccius.Sp.F.Vol.Firmus.Trib.Milit.Coh.
II.Italicae.

The majority of spurii/ae probably belonged to the last group, the plebeians. Some were born of free parents or of a free mother and a freed or slave father, but most were born to unions where the mother was freed and the father freed or a slave.⁷⁷ They probably had little opportunity for advancement, though some freedmen (especially former servi publici and imperial freedmen) became wealthy and influential

and thereby improved the position of their offspring.⁷⁸ The careers of four spurii are recorded in CIL VI. Sex.Pompeius.Sp.F.Col.Mussianus (567) was magister quinquennalis of a college of priests in some way connected with places struck by lightning: quinquennalis decur(iae) bidentalis. P.Petronius Sp.F Hermona (975 col. 5. 1. 29) was magister of a vicus (Longus Aquila): the city of Rome was divided into fourteen regions (regiones), which in turn were divided into vici; the magistri vicorum were responsible for the administration of religious cults, especially that of the Lares Compitales. P.Calvius Sp.F Iustus (8455) was an agent (or contractor) representing five workshops specializing in copper (or bronze) and a silver foundry: mancips [sic] officinarum aerariarum quinquae [sic] item flaturae argentariae. And D.Artorius.Spuri.F Fructu (37779) was a goldsmith: aurif(ex).

- The marriage patterns of spurii/ae, and in particular the status of their spouses, also serve as an indicator of their standing in Roman society. Table 1 (p. 62) shows the status of the husbands/wives of the forty-two married spurii/ae in CIL VI.⁷⁹

Table 1
Status of Spouse

	ser.		lib.		I	? lib.	Total
	imp	non-imp	imp	non-imp	f Sp.f		
spurius				6	1	4	11
spuria	1		1	8	7	14	31
Total	1		1	14	7	18	42

Key to abbreviations:

I = ingenuus
 Sp F = spurius
 F = filius (ingenuus)
 ser. = servus
 lib. = libertus
 imp = imperial
 non-imp = non-imperial
 ? lib. = probable freedman

One inscription records the contubernium of a spuria and an imperial slave (20572); she may have done well for herself, since at least some imperial slaves became wealthy and influential freedmen. The same can be said of the spuria who married an imperial freedman (9035). Eight epitaphs record marriage to an ingenuus/a: seven spuriae to free men and one spurius to a freeborn but illegitimate woman (spuria). In contracting such unions the spurii/ae acquired the benefits of a valid Roman marriage, among them the legitimacy of offspring. There are fourteen marriages between spurii/ae and non-imperial liberti/ae. As was the case with the parents of spurii/ae, many of the marriages began as contubernia.⁸⁰ One of the unions is between a spurius and a freedwoman whom he calls contubernalis (23015), indicating that their relationship began while she was still a slave and suggesting that he belonged to a level of society where contubernium was not unacceptable.⁸¹ Eighteen inscriptions record the union of spurii/ae and partners whose status is not specified, the majority of whom are likely to be freed.⁸² And so it appears that most spurii/ae married below their social class, i.e. married persons who, unlike themselves, were not ingenui/ae; over 76% (32/42) of the married spurii/ae in CIL VI formed unions with freedpersons or probable freedpersons. The marriage patterns for spurii/ae are not unlike those established for the parents of spurii/ae. This may explain why some of the

offspring of spuriae are themselves illegitimate, e.g. 34321:

Aemilia.Sp.F.Pia (daughter)
Aemilia.Sp.F.Veneria (mother)
Ti.Claudius.Ialyssus (father).⁸³

CONCLUSION

A study of the inscriptions in CIL VI and of the Roman legal sources has shown that spurii/ae, albeit illegitimate, were freeborn Roman citizens. From the legal sources we learn that they had one legal parent, their mother, from whom they acquired their citizenship at birth by the rule of ius gentium. But from the epitaphs we see that they were part of a family unit. In spite of the law, several "fathers" are recorded along with other family members.

One basic point concerning the identification of spurii/ae emerges from the study of the inscriptions in CIL VI. Modern scholars generally agree that the abbreviation SP. followed by filiation (F.) denotes a bastard. The possibility does however exist that SP. (Spurius) could represent the father's praenomen, which was normally part of the written form of the official name of any legitimate Roman citizen. Several arguments, however, suggest that this is very rare in the inscriptions which I have studied, if it occurs at all. First, if SP. were the abbreviated form of the father's praenomen, one would expect SP. itself to appear more frequently as an individual's own praenomen. However there are only six such inscriptions in CIL VI compared with 166 inscriptions which show SP.F. (p. 3). Secondly, a first-born son was generally given his father's praenomen but no individual with SP. and filiation is named Spurius.

Thirdly, where the names of spurii/ae and of one or both parents are recorded, the majority of spurii/ae possess their mothers' nomina (pp. 33-35), a sign of illegitimate birth. Finally, where unions of the parents can be determined, the majority are of a type, e.g. contubernia, which resulted in the birth of illegitimate offspring.

It is noticeable too, that the use of the praenomen Spurius declines significantly during the late second century and first century B.C. (pp. 6-13). This decline was perhaps accelerated when spurii acquired full citizenship and membership in the Collina tribe in 189 B.C. (pp. 46-47). Since they will have become more prominent as a group, the link between the abbreviation SP. and illegitimate status was presumably accentuated.

Spurii/ae seem to have enjoyed, for the most part, the same basic rights and privileges as their legitimate counterparts. They possessed the tria nomina (or the equivalent for women), characteristic of a Roman citizen, although in some cases they were shown to be illegitimate by possessing their mother's nomina and in all cases, by the filiation SP.F. The men were normally assigned to the Collina tribe, but they seem to have had at their disposal more opportunities of changing tribes than other Roman citizens (pp. 45-46). A law passed during the reign of Augustus prevented the birth registration of spurii/ae. But a private declaration (testatio) could be made, which would

certainly have helped to establish their inheritance rights. Although they were not allowed to share in the property of their natural father if he died intestate, he could make provisions for them in his will by designating them as heirs. Their rights of succession to their mothers' estates gradually improved, especially during the reigns of Hadrian and, later, of Marcus Aurelius.

Adrogation, a process of legitimization by which an individual took on the name and rank of his adoptive father, was available in the case of spurii (and spuriae from the time of Diocletian). However, the fact that 175 spurii/ae are recorded in CIL VI suggests that not everyone took advantage of it.

The social standing of spurii/ae is less easy to establish. No evidence exists for spurii/ae in the senatorial order, although some individuals did claim to be the illegitimate offspring of illustrious men. Moreover, it is known that certain prominent women were forced either to expose illegitimate children or to have abortions. One spurius is attested as a military tribune, a post usually reserved for a man of equestrian status. The ranks of the decurionate and the legions were, however, more accessible to spurii, although most illegitimate children were probably members of the lower orders. The marriage patterns of spurii/ae resemble those of their parents, with most of their partners being of freed status.

More work needs to be done on the subject of spurii/ae. Studies could be profitably undertaken on such topics as illegitimate Roman citizens in the provinces, and comparative studies could prove illuminating. I hope that I may have stimulated an interest in the subject and provided some of the groundwork for future research.

- 5301 Sex • Voconio • Sp • F • Col • / Sex • Voconivs • Spintharus • /
Sibi • Et • Patrono.
- 5535 C • Ivliivs • Sp • F • Priscvs • / Vix • Ann • XXII • Et •
Men • III • / Et • Dies • XX • / [Ivlio • Locvpleti].
- 5614 Ravsia • C • L • / Vrbana • / L • Octavivs • / Sp • F • Col • /
Pativvs.
- 5754 T • Atellivs • Sp • / F • Svc • / Primvs • / V • A • XXX.
- 6650 [Appv]eia • Sp • F • / [Appv]eia • C • L • / ..la • /
..nnia • Sp • F • / Appvleia • C • L • Epigene • / Appvleia •
C • L • Favsta • / C • Mvllivs • C • L • / Tigravvs.
- 6797 Caesia • Sp • F • Primigenia • / V • A • XXII • / V • /
Atilia • Sp • F • Favsta • / Mater.
- 6913 Annia • Sp • F • Felix • / Vixit • Ann • XXVIII.
- 7459(c) M • Rvtilivs • Sp • F • Col • Niger • / Emptor • Adiectis •
Partibvs • / Ivris • Q • Appvlei • Evtychi.
- 7547 V • M • Maecivs • M • L • Hilarvs • / V • M • Clodivs • M •
L • Posidonivs • Vitric • / Clodia • M • L • Tyrannis •
Mater • / Serrenia • Sp • F • Maxsvma • Vxor • / V • Perpernia •
P • L • Athenais • Vxso[r] • / P • Perpernae • > • L •
Philargyro • Pat[er].
- 7911 ...n • Geminiys • Sp • F • Col • Atax • / Vixit • Annis •
XI.
- 8068 A • Licinivs • A • L • / Pamphilvs • / Avrelia • Sp • F • /
Tertvlla • Vxor.
- 8148 L • Abvccivs • Onesimvs • / Sibi • Et • / L • Abvccio • Sp •
F • Onesimo • F • / Posterisque • Eorvm.
- 8455 P • Calvivs • Sp • F • / Ivstvs • / Mancips • / Officinarvm • /
Aerariarvm • / Qvinqvae • / Item • Flatvrae • / Argentariae • /
Hoc • Monvmentvm • / Cvm • Aedificio • / Me • Vivvs • Feci •
Mihi • Et • / Calviae • / Asclepiadi • / Conivgi.
- 8665 M • Ivlio • Sp • F • Pietat[i] • / Epelys • Ti • Clavdi •
Caesari[s] • / Avg • Disp • Maternvs • Ab • / Aedificis •
Volvntaris.
- 9035 D • M • / T • Flavivs • Avg • Lib • / Narcissvs • Fecit •
Sibi • / Et • Coeliae • Sp • Filiae • / Ieriae • Conivgi •
Svae • / Et • Libertis • Libertabvsque • / Posterisque •
Aeorvm • / T • Flavivs • Avg • Lib • Firmvs • Narcissianvs • /
Relator • Avctionvm • Monvmentvm • Refecit • Ex • /
Svscriptione • Eorvm • Qvorvm • Ivris • Est • Dandi •
Fecit • Idemque • Svb • / Stitvit • Sextiam • Chrysidem •
Conivgem • Svam • Et • Sexti • / Ae • Epitevsix • Cognatae •
Eivs • Et • Libertis • Libertabvsq • / Posterisq • Eorvm.

- 9373 Licinia • Sp • F • Tertvlla • / Conivnx • Vix • Ann •
XXVIII • / C • Avianivs • Cla • / Priscvs • V • A • XXXII.
- 9411 C • Gavivs • C • L • Dardanvs • / C • Cavivs • Spv • F •
Rvfvs • / Gavia • C • C • L • Asia • / C • Gavivs • C •
L • Salvivs.
- 9630 L • L • Scantii • L • L • Demetrivs • Et • Heliades • /
Mercatores • / Scantia • L • L • Ammia • / Scantia • Sp • F •
Pvtilla • / L • Scantivs • L • F • Statvs • / L • Scantivs •
L • L • L • Zethvs • De • Sva • Pec • Fac • Cvr.
- 9897 Diis • Manibvs • / M • Caecilio • Sp • F • Svc • / Rvfo •
Solatario • Ab • Lvco • / Semeles • Ex • Testamento • /
Eivs • Calvisia • Zosime • Et • / M • Caecilivs • Callippvs • /
Heredes • / Fecervnt.
- 10025 ...nio • M • I... / ...odoto • / ...a • Post • Atrivm •
Liber [tatis] / ...a • Picati • Sp • F • Col • Svr... /
...mi • T • L • Primi.
- 10319 ...nivs • C • L • Trvpo • / [M] ag • Desig • / ...cania •
Sp • F • Tertia.
- 10600 Secvnda • Aebvtia • Sp • F.
- 11012 M • Aemilivs • / Sp • F • Col.
- 11032 Dis • Manibvs • / M • Aemili • Sp • Fili • / Candidi.
- 11191 L • Aetidi • Sp • F • / Arn • Ossa • Hic • / Sitā • Svnt.
- 11206 Sex • Afrānivs • Lavtvs • / Sp • F • Vix • An • X • Mens •
VIII • / Dies • IIII • / Afrānia • Prote • Mater • / Et •
Herma • Pater • Filio • / Pissimo.
- 12364 Arrena • / Sp • F • / V • Arrena • / D • L • Civitas.
- 12471 Dis • Manibvs • / T • Artidio • / Martiali • / Oppia • Sp •
F • Ma • / De • Se • / Bene • Merenti.
- 12486 Artoriae • Spv • F • / Felicvlae • Sibi • Et • / Cn •
Pompeio • Cn • L • / Antigono.
- 12791 T • Av... / Sp • F • ... / Sex • Vib [io] / Crinito • / Patri •
Svo.
- 13196 [Au]relivs • Spv • F • / [P]rocvlvs • / Vix Ann • III •
Men • VIII • Dies • II.
- 13231 Diis • Manibvs • / [M] • Avreli • Severi • / Vixit • Annis •
XXIII • Men • V • / M • Martiae • Sp • [F] • Sabinae • /
Matri • Qv • Vixit • Annis • / XXXX // // // // //.

- 13439 M • Axio • Lalo • / Lucilia • Sp • Filia • / Felicula •
Patr • / Svo • Fecit.
- 13452 Babriæ • Sp • F • / Primigeniæ • / V • A • XXVIII.
- 13464 M • Baebivs • Sp • ... / C • Cornelivs ... / C • L •
Sosvs • Viv •
- 13850 Dis • Manibvs • / Caeciliae • Sp • F • Saturnin • / Vix •
Anh • Et • Mens • VIII • / Ursio • Thalami • Caesar • /
Avg • Xanthiani • Vic • / Filiae • Carissimæ • Fec • /
Cvm • Caecilia • Primig • Matre • Eivs • / Vibia • Sex •
F • Commvnis • / Locvm • Et • Impensam • / Fvneris • / D • S • D.
- 14310 T • Camvrenvs • Sp • Filivs • / Celer • Vix • Ann • XXXII • /
M • XI • D • XV • T • Camvrenvs • / Eros • Pater • Et •
Camvrena • / Tyche • Lib • Bene • M • Fec.
- 14593 L • Cativs • Sp • F • / Vestalles.
- 15007 Ti • Claudio • / Spvri • F • Qvir • / Dio • Annos • Nato •
XII • / Menses • III • Dies • XII • / Ti • Clavdivs • Divs • /
Pater • Fecit.
- 15114 Dis • Manibvs • / Ti • Claudio • Sp • Filio • / Honorato • /
Vixit • Ann • IIII • Mens • VI • / Claudia • Theophila •
Et • / Anthus • Caesaris • / Filio • Carissimo.
- 15266 Ti • Clavdivs • Sp • F • Similis • / Mat • Et • Ti • Clavd •
Avg • L • Thamyrvs • / Frater • Clavdiae • Avg • L • Ephoridi • /
Fecervnt • Et • Sibi • Et • Svis • Libertis • / Libertabvs •
Posterisque • Eorvm • / H • M • H • N • S.
- 15488 D • M • / Clavdiae • Laidi • Vxori • / Cvm • Qva • Vixi •
Ann • XXIII • / Clavdiae • Spvri • F • Helene • / Vxori •
Cvm • Qvem • Vivo • Ab • / Infantia • Sine • Contvmelia • /
Ann • XXXVIII • / Ti • Clavdivs • / Pannychvs • Cvm • /
Inscriberem • Aram • / Habvi • Ann • LXXXVI.
- 15564 D • M • / Clavdiae • / Sp • F • / Priscillae.
- 15640 Hoc • Monvmentvm • Ita • Vti • Est • Maceria • Clvsvm • /
Cvm • Horto • Et • Stabvlo • Et • Meritoris • Clavdia •
Veneria • / Ti • Claudio • Sp • F • Ser • Narcissiano •
Filio • Optimo • Et • / Libertis • Libertabvs • Svis • Et •
Narcissi /// Viva • Dedit • / Concessitq • Ita • Vt • Ni •
Eivs • Abalienandi • Cavssa • Qvoqvo • / Genere • Coeant •
Sed • Vt • Ipsi • Posterique • Eorvm • Freqventandi • /
Cavssa • Possideant • Et • Vt • In • Familiam • Meam •
Meorvmqve.

- 15651 D • M • / Clavdiae • Sp • / Filiae • Victo / Rinae • Va •
XXXXI • / D • Seivs • Italicvs • / Sorori • Piissi / Mae.
- 15706 P • Clodivs • C • L • Bar... / Clodia • C • L • Am... /
Clodia • Sp • F • Amoena • V... / Clodia • P • Et • C • L •
Glaph[yr]a] • / Fecit • Sibi • Et • Svis • Libert... /
Posterisqve • Eorvm... .
- 15889 Dis • Manibvs • / M • Coccei • Sp • F • / Avgvstalis • /
Vix • Ann • XVIII • / Mens • VIII • Dieb • XIII • / Cocceia •
Avg • Lib • / Plvtn • Mater • / Filio • Piissimo.
- 16069 Considia • Q • L • / Chreste • / Vetvria • Sp • F • / Posilla • /
Heic • Ossa • Sita • / Svnt • Have • Et • / Tv.
- 16253 A • Cornelivs • A • L • Licinvs • / Lvcretia • Sp • F • Rvfa.
- 16337 [Cor]nelia • P • F • / ...ta • Fecit • / [Sibi • Et] • P •
Fannio • / ...o • Conivgi • Svo • / [Et • P • Corneli]o •
Sp • F • Ianvario • / [Filio • S]vo • Vixit • An • XIX.
- 16551 Crassicia • / Sp • F • / Bassa • / L • Fannivs • / L • L • /
Lvpercvs.
- 16663 Cvrtia • C • L • Prapis • / Cvi • Pars • Dimidia • Hvivs • /
Monimenti • Concessa • Est • Ab • / C • Maecenate • Helio •
Sibi • Et • / P • Cvrtio • Sp • F • Col • / Maximo • Filio •
Et • / Ti • Ivlio • Avg • L • Glyconi • / Et • Svis •
Posterisqve • Eorvm.
- 16789 Decia • Calena • / Deciae • Primae • / Matri • Dulcissimae •
Et • / M • Octavio • Sp • F • / Parmenoni.
- 16801 Dellia • Sp • F • Antio / Chis • Delliae • / Q • Dellii •
Cononis • / Primigeniae • / Matri • Svae • Et • Svis • /
Abac • D • D.
- 17780 Asia • Q • L • Favsta • Et • Fvria • C • L • Ter[tia] • /
[E]mervnt • Locvm • Ollarvm • XV • Af • / Lvcretia • Sp • F •
Rvfa • Sv̄m • Ollarvm.
- 18059 Dis • Manib • / T • Flavi • Sp • F • / Evtyche • / Vix •
Ann • V • M • V • / D • XXIX • Fec • / Flavia • Peloris •
Mater.
- 18785 L • Fvri • L • F • Col • Rvfi • / Fvriae • L • L • Evphrosynes • /
Fvriae • Sp • F • Bassae • / L • Fvri • L • L • Felicis.
- 18952 L • Geganivs • Tib... / Gerinia • Sp • F • Tert... /
Dis • Manibvs.

- 18971 Gellia • Sp • F • Felix • / Mvnati.
- 18975 Gellia • L • D • L • / Prima • Sibi • / Et • Chresto •
Contv • / L • Gell... / Sp • F • Hes... / Vix • A... .
- 19519 Q • Hordionivs • Q • L • Cerdo • / Q • Hordionivs • Q •
L • Catamitv • / Q • Hordionivs • Sp • F • Col • / Q •
Hordionivs • Q • L • Hilarvs • / A • Pvpivs • A • L • Eros.
- 19876 C • Ivlivs • / Sp • F • Col • / Bassvs • / Favo[nia] • /
Q • L • Rv[fa].
- 20040 C • Ivlivs • Sp • F • / Hedyon • / Vix • Annvm • Et • /
Menses • X • / C • Ivlivs • / Primvs • / Vernae • Svo • /
Dvlcissimo.
- 20109 C • Ivlivs • Avg • Lib • / Libanvs • V • A • LV • / M •
Vipsanivs • Sp • F • / Ter • Gallicanvs • / Nepos • Libani •
Avg • L • / V • A • XXXV.
- 20128 C • Ivlivs • Sp • F • Maximvs • / Vixit • Annis • II •
Mensibvs • V • / Atrox • O • Fortvna • Trvci • Qvae •
Fvnere • Gavdes • / Qvid • Mihi • Tam • Svbito • Maximvs •
Eripitvr • / Qvi • Modo • Ivcvndvs • Gremio • Svperesse •
Solebat • / Hic • Lapis • In • Tvmvlo • Nvnc • Iacet •
Ecce • Miser.
- 20171 Diis • Manibvs • / C • Ivlio • C • L • Palleo • /
Vixit • Annis • XXXII • / Posterisqve • Eivs • / C • Ivlivs •
Sp • F • Col • / Phallevs • Patri • / Indvlgentissimo.
- 20467 Ivliae • Sp • F • Felici • Et • / Ti • Ivlio • Moscho • /
Ivlia • Tertvlla • F • / Filiae • Et • Viro • Et • Sibi •
Et • / Ti • Ivlio • Primigenio • / Libertis • Libertabvsque •
Svis • Et • / Ti • Ivli • Primigeni • Posterisqve • Svis.
- 20572 Ivliae • Sp • F • Mopsid[i] • / Felix • Caesaris • Contvber.
- 20645 Dis • Manibvs • / Ivliae • Sp • F • / Procvlae • / C • Ivlivs •
Theophilvs • / Vxori.
- 20903 D • M • Ivniae • Sp • F • Priscae.
- 21123 Larcia • Sp • F • / Synerosa.
- 21258 Ser • Licinivs • Sp • F • / Fortvnatvs.
- 21432 Livia • Sp • F • Pelagia • / Nvtricio • Svo • Bene • /
Merenti • Fecit • / C • Mario • C • L • / Agathocli.

- 21599 Diis • Manibvs • / Lvciliae • Sp • F • / Melitines • /
D • Lvcilius • Glyco • / Sorori • Carissimae • / Et • Bene •
Merenti • / Et • Lvciliae • D • F • Melitine • / Idem • /
Glyco • Et • Lvcilia • Helpis • / Parentes • Fecervnt.
- 21782 Maecenatiæ • / C • L • Hoporæ • / Fecit • Sibi • Et • /
C • Vario • Sp • F • Vel • / Bellico.
- 21948 Diis • Manibvs • / P • Manlio • Pamphilo • / Et • Ivliæ •
Chreste • / Et • C • Ivlio • Sp • F • Ceriali.
- 21954 Manllivs • / Sp • F • Pal • / Rvfvs.
- 22048 M • Marcivs • Sp • F • / Caledvs • / Vixit • Annis • XLV • /
Fecit • Sibi • Et • Svis • / Posterisque • Eorvm.
- 22283 Matellia • C • L • / Chia • / Matellia • Sp • F • / Gallia • /
M • Precilivs • M • F • / Pvp • Hispanvs.
- 22444 D • M • / Messiae • Sp • F • / Svavi • / L • Sergivs • /
Helenvs • Vxori • / Karissimae • / Fecit.
- 22643 Q • Mvnatidivs • Sp • F • / Gallvs • / Vix • Ann • V •
Dies • XLV.
- 22665 C • Mvnativs • C • L • Nicephor • / Postvmia • Sp • F •
Polla.
- 23015 Diis • M • S • / L • Nonio • / Sp • F • / Cvltiano • / Qvi •
Vixit • / Ann • XXII • / Et • Mens • II • / Fecit • / Manilia • /
Faventina • / Contvber • / Svo • Carissimo • / Et • B • M.
- 23196 M' • Obellivs • Syneros • / Calcivia • P • L • Secvnda • /
Fecervnt • Sibi • Et • Svis • / Posterisque • Eorvm • Et • /
P • Calcivio • Primo • Patrono • / Calciviae • Sp • F •
Priscae • Vixit • Ann • IIII • / T • Feronio • Sp • F • Prisco.
- 23299 C • Octavivs • Sp • F • Col • / Paetvs • V • A • XIV.
- 23355 Octavia • M • F • / Procvla • / Sibi • Et • Pacvviae • /
Sp • F • Phile • / Fecit.
- 23859 [Po]mponia • Sp • F • Pallas • / ...ivs • Chresimvs.
- 23894 //sconia • Sp • [F] • / [Pr]aenestin[a] • / Monvmentvm •
Fec... / Sibi • Et... / C • Pedvcao • C • [F] • /
Scap • Avgvstal • F • V • A • X... / Et • Svis • Posterisque •
Eor[vm].
- 23975 Dis • Manibvs • / C • Petili • Sp • F • Adepti • / Vix •
Ann • IIII • / Mens • IIII • D • XXI.

- 24025 P • Petronivs • Sp • F • / Pal • Romanvs • / P • Petronivs • Hospes • / Petronia • Antiochis • / P • Petronivs • Socrates • / P • Petronivs • P • F • Col • / Ianvarivs • / Caecilia • C • L • Trahis • Sibi • / Et • Posterisq • Eorvm.
- 24039 Petronia • / P • L • / Isidora • / Mater • / P • Petronivs • / Sp • F • Col • / Ferox • / V • An • XXII • / Coelia • / C • L • / Dosis • / Avia.
- 24202 L • Pinnivs • Sp • Fil • / Celsvs • / Vixit • Annis • XLIX • Diebvs • ΠΠ.
- 24345 Plotia • Sp • F • Tertia • / Pia • Hic • Sita • Est • / Et • Mygale • Delicivm.
- 24402 P • Pollivs • Hilarvs • / Vetvriae • L • L • Ingenvae • / Et • Sibi • Et • Svis • Et • / P • Pollio • Sp • F • Sperato • / V • A • XXI.
- 24751 Pontia • M • F • / Primilla • Fecit • Sibi • Et • / C • Sentio • Felici • Et • / M • Pontio • Felici • Vix • Anno • / Men • VII • Et • / Pontiae • Zoe • Vix • Anno • M • X • / Pontiae • Sp • F • Procvlae • / P • R • Q • Eor.
- 24824 Poppidia • Sp • F • Spe [rata] • / V • A • XXIIIX • Ivlia • S [p] [F] • / Procla • F • Eivs • V • An • X • / Men • IIII.
- 25122 Dis • Man • / D • Pvblicio • Antiocho • Et • / Pvbliciae • Mvsae • Vxori • / Pvblicia • Sp • F • Albana • / Patri • Et • Matri • Optvmis • / Cvm • M • Caesonio • Primo • / Liberto • Fecit.
- 25313 Dvo • Qvinti • V... / Qvinti • Fili • Mol... / Postvmia • Sp • F • Ti... / Mater • Eorv [m].
- 25316 D • M • / Qvintiae • Sp • F.
- 25325 Dis • / Manibvs • / Qvintiae • / Sp • F • / Sabinae.
- 25498 M • Rvbivs • Sp • F • / Restitvvs • Vixit • / Annos • III • M • II • Dies • XX • / M • Rbbivs • M • L • / Minivs.
- 25537 Rvbria • Sp • F • Donata • Et • C • Ivli [ivs]... / Conivges • Dvlcissimi • Hic • Svnt • Sep [ulti] • / Bene • Valeas • Qvi • L [egis].
- 25654 A • Hirtivs • Sp • F • Pal • Rvfvs.
- 25746 P • Saenivs • Sp • / F • Col • Scaeva • / Vix • An • XXXX.
- 25773 D • M • / Sallvndiae • / Sp • F • / Primigeniae.

- 26008 Scetasia • L • L • Oecumen[e] • Sibi • Et • Svis • Et • /
 Scetasiae • L • L • Mvsae • Mammae • Et • / L • Scetasio •
 Sp • F • Celeri • Filio • Et • / Larniae • C • Et • Mvsa[e] •
 L • Thaldi • Matri • / Arbitratv • / C • Larni • C • F •
 Ste • Aquilae • Heredis.
- 26135 C • Selicivs • C • L • Glyco • Sibi • Et • / Rvtiliae •
 P • L • Erotini • / P • Rvtilivs • Sp • F • Col • Lvpvs • /
 Rvtilia • Lvpi • Lib • Opora • / Selicia • C • Lib • Melete • /
 C • Selicivs • C • Et • P • Rvtili • Lib • Felix.
- 26287 L • Septvmvleivs • / Sp • F • A • III.
- 26395 N • Serviliivs • N • L • Damo • / Servilia • N • L • Evcharis • /
 C • Serviliivs • Sp • F • Col • Potens • / Apollonivs • /
 Servilia • N • L • Erat[o].
- 26449 Servilia • Sp • F • / Sabina • / Servilia • L • O • / Lavdice.
- 26974 P • Svlpicivs • Sp • F • / Princeps • / Vix • Ann • III.
- 26976 L • Svlpicio • L • Svlpici • Nymphi • F • / Romano •
 Annis • Vix • XVIII • Et • / Ivliae • Pieridi • Mat •
 Eivs • Et • / Vibidiae • Sp • F • Thaliae • Svae • / Vxori •
 Nymphi • Et • Vibidio • Thale • / Ti • F • Thaliae.
- 26977a Ossa • / L • Svlpicii • Sp • [F] • / Gol • Rvfi.
- 27042/3 D • M • / Sylliae • O • Lib • / Glaphyrae • / Matri • Karissimae • /
 P • Syllivs • Sp • Fil • / Genvcivs • Fec.
- 27100 L • Tampivs • Alypvs • / Fecit • Sibi • Et • / Pontiae •
 Sp • F • Secvndae • / Vxori • Carissimae • Et • / Svis •
 Posterisqve • Eorv[m].
- 27470 C • Titinio • Sp • F • / Crescenti • Fecit • / Cornelia •
 Cleopatra • / Delicio • Svo.
- 27713 Tvccia • Spv • / [F] • Priscilla • / Vix • An • III.
- 27839 L • Marci • Sp • [F] • / Col • Rufi • E... / Octavia •
 L • L • Avge.
- 28305 Valgiae • Sp • F • / Secvndinae • / Vixit • Ann • VIII • /
 Mens • X.
- 28354 Variae • Sp • F • / Florentinae • V • A • XXII • / M •
 Aebvtivs • Chivs • / [Ti]tvlv • Aedicvlam • / D • S •
 Meritae.

- 28421 C • Veillvs • Philippvs • / Sextia • Sp • F • Sperata.
- 28422 C • Veivs • T • F • Mai • / Homo • Frvgi • Et • Tv • /
Basilia • Sp • F • Posilla • / Optvma • Femina • Salve.
- 28431 C • Velivs • A • F • Scaptia • / Sibi • Et • Cvnvbinæ •
Svae • / Et • Veliae • Sp • F • Tertiae • / Filiae • Meae •
Et • / C • Velio • C • L • Philomvso • / Et • C • Velio
C • L • Chiloni.
- 28435 Dis • Manibvs • / Velleiae • Sp • F • / Ianvariae • Prepsa •
L.
- 28637a T • Vestorivs • Sp • F • Ve... / Vestoriae • Sp • F •
Iò • So[rer] • / IGI • Novendiali • Svo • Et • /
Cleopatrae • Matri • Piissim[ae] • / Amissae • Filiae •
Vno • IIXX • Die • C • / Hermeti • Imp • Vespasiani •
Avg • Ser • / Libertis • L • Posterisqve • Eo[rum] • /
Locvm • Ded... • Honorio • Delic • Sv[o] • / D • D • ...
S • A • Et • CC • H • M • H • N • S.
- 28640 C • Vetilivs • C • F • Arn • / C • Vetilivs • Sp • F •
Col • Rvfvs • / C • Vetilivs • C • L • Eros • / Vetilia •
C • L • Salvia.
- 29513 D • M • / L • Volvseno • Sp • F • / Victori • / Volvsena •
Restit • / Et • Agrypnvs • Caes • / Fil • Piissimo • Vix • /
Ann • V • M • VI.
- 29540 Diis • Manibvs • / C • Volvsio • Sp • F • Severo • / Filio •
Optimo • Et • Piissimo • Vix • / Ann • XV • Mëns • IIII •
Diebvs • XIII • / Volvsia • Herois • Mater • Fecit • Et • /
Sibi • Et • Phoebø • Conivgi • Optim • / Et • Carissimo • /
Et • Libertis • Libertabvs • Posterisq • / Nostris • Omnibvs.
- 32276 Q • Apvsvlens • / Secvndvs • Scr • A[ed] • / Cvr • Sex •
Primvs • / Cocceia • Sp • F • Libera • / Conivnx • Sacravit.
- 33164 V • M • Minati • M • L • Antioc • / V • M • Minati •
M • L • Anterot • / V • Minatiae • M • M • L • / Psycharlon • /
V • M • Minati • Sp • F • Sabini • / Ø • M • Minati •
M • M • L • Favsti.
- 33279 M • Sextilio • Chiloni • / M • Sexsti[lio] • Sp • F •
Col • / Nigro.
- 33352 L • Ap • Spvr • F • Bassvs • / Q • Servili • Scaedai.

- 33513 M • Avrelivs • Sp • F • / Secvndvs • Qvem • Sibi • / T •
Sextivs • Hilarvs • Adopt / Arat.
- 33530 M • Cassi • Sp • [F] • / [Ca]pitoli [ni].
- 33754 [Ca]rianae • L • L • Matri • / [Ca]rianae • Sp • F • Secvndae •
Sorori • / [C] • Boviano • C • F • Clv • Procvlo • Secvn... /
[H]yblaeo • Divi • Avgvsti • A • Ma[nu].
- 33922 Cn • Mvnati • Cn • L • Paridis • / Vestiari • De • Dianio • /
Mvnatae • Cn • L • Anatoleni • / M • Petroni • Sp • F •
Col • Sabini • / Mvnatae • Cn • L • Secvndae • / Cn •
- Mvnati • Cn • L • Philerotiſ • Vestiari.
- 34321 Aemilia • Sp • F • Pia • Carissima • Par • / Svis • An •
XVI • Agens • Rapta • Est • / Aemilia • Sp • F • Veneria •
Mat • Hoc • Mon • / Macer • Clvsvm • Piissime • F • Viva •
- F • Et • Sib • / Et • Ti • Claudio • Ialyſso • Contvb •
Et • Liber • / Libertab • Sv • Q • D • S • B • M • Es •
Posterisq • Eor.
- 34839 D • M • / Cirpiniae • Sp • Fil • / Calliopes • / M • Ulpivs • /
Expectatvs • Et • / T • Flavivs • L • F • / Cirpinivs • /
Expectatvs • / Dvo • Sexti • / Pientissimi • / Pater • Et •
Filivs • / Bene • Merenti.
- 35047 Cornelia • Sp • F • / Secvndilla • / P • Cornelivs • Sp • F • /
Cerialis.
- 35127 M • Domitivs • / Sp • F • Pom • / Secvndvs • / Sibi • Et • /
Scantiae • Sp • F • / Primillae • / Conivgi • Svae.
- 35499 Dis • Manibvs • /bia • ...irene • / Mⁱ • Lorentivs • /
Sp • F • Latiaris • / Conivgi • Karissimae • / Fecit •
Et • Sibi.
- 35705 Liviae • Venvstae • / Spvri • F • / Vix • An • XII • M • /
VI • D • IX.
- 36077 M • Petreio • / Sp • F • Pap • / Cal[1]isto • / Vix • Ann •
XV • / D • XXXV • / Ivlia • Tertvlla • / Alvmno • Svo.
- 36168 M • Popi... / Sp • F • Me....
- 36183 ...a • Sp • F • / M • Precilivs • M • F.
- 36550 Vidiae • / [C] • L • Mvsae • / L • Cocceivs • / Primigenivs • /
Conivgi • Et • / L • Cocceivs • / Sp • F • Salvivs • / Matri •
Piissime.
- 37615 M • Magiani • / Sp • F • Col • / Petisiae • / T • L • Helpini.
- 37779 D • Artorivs • / Spvri • F • Frvctv • / Avrif • Vixet • /
Annos • XXVII.

- 37987 Cn • Annaeivs • / C • L • Evmenes • / Vettiena • / L • L •
Flora • / L • Vettiens • / L • L • Hermo • / Vettiena • /
Sp • F • Tertia • / Gn • Gelli • Gn • [L] • / Hilar.
- 38226 [C] ominia • Sp • F • Lade • Vixt • / Annos • VI • / ...
[C] lodivs • Ivliivs.
- 38425 P • Grattivs • Sp • F • / Col • Celer • / Hic • Ego • Nvnc •
laceo • Grattivs • / Infelix • Svb • Tegmine • Terrae • /
Barba • Deposita • Peragens • / Tertivm • Et • Vicensimvm •
Annvm • / Infelix • Indigne • Svbiectvs • / Acerbe • Morte •
Nefanda • / Occisvs • Calce • Et • Manibvs • Extra • /
Fatvm • Protrvsvs • In • Has • Tenebras • / Hoc • Opto •
Moriare • Malis • Ex / Emplis • Crvciatvs • Et • Ipse • /
Nec • Te • Nvnc • Liceat • Qvo • Me • / Privasti • Lymen •
Videre • / Et • Tv • Des • Poenas • Qvas • Mervist [i] • /
Defensvs • Iniqve • / Vos • Nvnc • Conso [lor]
- 38428 P • Habonivs • P • F • Rvfys • / Volvsia • Sp • F • Salvia • /
C • Volvsivs • D • L • Onestmvs.
- 38530 Laelia • / Sp • F • / Apphe.
- 38771a M • Popillivs • Sp • F • / Achaicvs • Qvietus • / Heic • Est •
Conditvs • / Mensorvm • XI.
- 39070 Dis • Manib • / P • Vmbri • Sp • F • / Apollinaris • / Vix •
An • XII • D • LXX • / Hor • VIII.

NOTES

Abbreviations of the names of ancient authors and of the titles of their works are those employed in the Oxford Classical Dictionary, 2nd ed. The titles of journals are abbreviated as in L'Année Philologique. The titles of articles and books are given in full the first time that they appear in the notes of each chapter and are subsequently abbreviated.

CHAPTER ONE

¹See C.T. Lewis and C. Short, eds., A Latin Dictionary (Oxford: Clarendon Press, 1955), p. 1748, Oxford Latin Dictionary (Oxford: Clarendon Press, 1982), p. 1811, and W. Kubitschek "Spurius, Spurius Filius, Sine Patre Filius und Spurius," WS, 47 (1929), pp. 138-39.

²1.64; cf. Dig. 1.5.23 (Modest.) and Tituli Ulpiani 4.2 and 5.7. See also Chapter 2, pp. 15-19.

³J.B. Mispoulet, "Du Nom et de la Condition de l'Enfant Naturel Romain," Nouvelle Revue Historique du Droit Français et Etranger, 9 (1885), p. 22: "Tous sont d'accord en effet pour désigner par ce nom l'enfant né en dehors d'un mariage légitime, celui qui n'a point de filiation légale vis-à-vis du père; qu'il soit né du contubernium ou du concubinat ou d'une relation passagère peu importe." Cf. E. Weiss, "Spurius," RE, vol. 3a, 2 (1929), 1889. See also B. Rawson, "Roman Concubinage and Other De Facto Marriages," TAPA, 104 (1974), p. 282, who lists the types of unions which were illegal or iniusta; cf. Chapter 2, pp. 15-19.

⁴On ius gentium: Tituli Ulpiani 5.9, Gaius Inst. 1.56 and 75-76 and Dig. 1.5.19 (Cels.). The lex Minicia (passed before 90 B.C.) overthrew the rule of ius gentium in the case of mixed unions (e.g. a Roman woman and a Latin man): children born of such unions took the status of the inferior parent; see Tituli Ulpiani 5.8 and Gaius Inst. 1.78-79. On children taking their status from the time of conception or from the time of birth, depending on the status of the marriage, see Gaius Inst. 1.89.

⁵The Oxford Classical Dictionary, 2nd ed. (Oxford: Clarendon Press, 1973), p. 453.

⁶W.W. Buckland, A Textbook of Roman Law From Augustus to Justinian, 3rd ed. (Cambridge: University Press, 1963), p. 60; cf. Gaius Inst. 1.14-15.

⁷CIL VI 25773 and 392 (Suc. is the abbreviation for the Suburana tribe).

^{7a}Arguments which show that the abbreviation SP. followed by the filiation in CIL VI identifies a bastard and is not used for the praenomen Spurius are assembled in the Conclusion, pp. 65-66.

⁸Plut. Quaest. Rom. 103, Gaius Inst. 1.64, and Isid. Etym. 9.5.24.

⁹Isid. Etym. 9.5.19; cf. the definitions of natura (private parts) and naturalis (the genitals) in the Oxford Latin Dictionary (Oxford: Clarendon Press, 1982), p. 1159, Lewis and Short, pp. 1189-90, A. Forcellini, Lexicon Totius Latinitatis (Orig. pub. 1771, rpt. ed., Patavii: typis seminarii, 1940), Vol. 3, p. 337, and J.N. Adams, The Latin Sexual Vocabulary (Baltimore: John Hopkins University Press, 1982), pp. 59-60.

¹⁰Etym. 12.1.25. Cf. Lewis and Short, p. 1748, OLD, p. 1811 and A.E. Ernout and A. Meillet, Dictionnaire Etymologique de la Langue Latine, 4th ed. (Orig. pub. 1959; rpt. ed., Paris: C. Klincksieck, 1967), p. 645.

¹¹Inst. 1.64; cf. Dig. 1.5.23 (Modest.), Justinian Inst. 1.10.12 and Isid. Etym. 9.5.24. Plutarch (Quaest. Rom. 103) is not convinced of the relationship between spurius and τροπάδην.

¹²Lewis and Short, p. 1748.

¹³Varro recognized thirty praenomina (cited in Val. Max. De Praenominibus 3); G.D. Chase, "The Origin of Roman Praenomina," HSCP, 8 (1897), p. 135, compiled a total of sixty-four. J.C. Egbert, Introduction to the Study of Latin Inscriptions (New York: American Book Company, 1896), p. 85, provides a list of the abbreviated forms of the praenomina; cf. R. Cagnat, Cours d'Epigraphie Latine (Paris: Fontemoing et Cie., 1914), p. 39.

¹⁴See for example, J.B. Mispoulet, "Des Spurii," Bulletin Epigraphique, ed. R.K. Mowat, 4 (1884), pp. 164-71.

¹⁵S.:112, 187, 255, 345; Sp.:1580.

¹⁶S.:20792 (2 men), 32522 (3 men); Sp.:209, 7592, 7593, 16779, 21055, 37161.

¹⁷In some cases the joining of letters may have been done intentionally in order to obscure illegitimate birth. But this was probably rare, since there would usually be other signs which revealed the child's illegitimacy: e.g. it had the same nomen as its mother; the parents' status

indication showed that their union was not a valid one. Cf. Chapter 2, pp. 27-35.

¹⁸WS (1929), p. 139.

¹⁹Inst. 3.6.97.

²⁰CIL XI 1147; cf. pp. 57-8.

²¹FIRA vol. 3, no. 4.

²²B. Wilkinson, The Names of Children in Roman Imperial Epitaphs. A Study of Social Conditions in the Lower Classes, Ph.D. diss. 1961 (Michigan: University Microfilms International, 1983), p. 1.

²³E. Pulgram, "The Origin of the Latin Nomen Gentilicium," HSCPh, 48-49 (1948), p. 170.

²⁴J.P.V.D. Balsdon, Romans and Aliens (London: Duckworth, 1979), p. 147.

²⁵For Lucius, see Suet. Tib. 1.2; for Marcus, Livy 6.20.14. See also J.E. Sandys, An Introduction to the Study of Latin Inscriptions 2nd ed. (Orig. pub. 1927; rpt. ed., Groningen: Bouma's Boekhuis, 1969), p. 209.

²⁶On Sp. Cassius Vicellinus, see Livy 2.41.1-12 and Dion. Hal. Ant. Rom. 8:69.1-80.4; cf. Cic. Rep. 2.60, Diod. Sic. 11.37.7, Val. Max. 5.8.2 and Pliny HN 34.4. On Spurius Maelius, see Livy 4.13.1-15.8.

CHAPTER TWO

¹Random intercourse, another cause of illegitimacy (Gaius Inst. 1.64), is not discussed in this chapter, since it does not imply a lasting relationship and therefore cannot properly be called a union.

²Incest is an example of a union which was prohibited initially by custom and religion, and only later by law; see Livy Frag. Bk. 20 and A. Berger, "Encyclopedic Dictionary of Roman Law," TAPA, 43.2 (1953), p. 497.

³This is evident from Gaius' Institutiones, 42 passages of which are devoted to the topic.

⁴Gaius Inst. 1.56.

⁵Gaius, for one, treats them as marriages (e.g. Inst. 1.77-79); cf. Dig. 48.5.14.1 (Ulp.) and J. Gaudemet, "Iustum Matrimonium," RIDA, 2 (1949), pp. 309-66.

⁶Gaius Inst. 1.64; cf. A. Watson, The Law of Persons in the Later Roman Republic (Oxford: Clarendon Press, 1967), pp. 38-9, and P.E. Corbett, The Roman Law of Marriage (Oxford: Clarendon Press, 1930), pp. 47-51.

⁷In general, see Watson, Persons, pp. 32-40, Corbett, pp. 24-67, Gaudemet, RIDA (1949), pp. 309-66, S. Treggiari, "Concubinae," PBSR, 49 (1981), pp. 59-81, and "Consent to Roman Marriage: Some Aspects of Law and Reality," EMC, 26 (1982), pp. 34-44, B. Rawson, "Roman Concubinage and Other De Facto Marriages," TAPA, 104 (1974), pp. 279-305 and L.F. Raditsa, "Augustus' Legislation Concerning Marriage, Procreation, Love Affairs and Adultery," ANRW, 2.13 (1980), pp. 278-339.

⁸Livy 4.1.1-2; see also Berger, TAPA (1953), p. 548, Corbett, p. 30, Watson, Rome of the Twelve Tables: Persons and Property (Princeton: University Press, 1975), p. 20, and Persons, p. 32.

⁹On the nature of an incestuous relationship and the degrees of relationship which prohibited intermarriage, see Gaius, Inst. 1.59-64. Cf. Tituli Ulpiani 5.6-7.

¹⁰Dig. 23.2.17 pr. -1 (Gai.)

¹¹On incest in general see Corbett, pp. 47-51 and Watson, Persons, pp. 38-9. For Claudius, Suet. Claud. 5.3, Tac. Ann. 12.6.

¹²For girls: M.K. Hopkins, "The Age of Roman Girls at Marriage," Population Studies, 18 (1964-65), pp. 309-327, Corbett, p. 51, Watson, Persons, p. 39, A.G. Harkness, "Age at Marriage and at Death in the Roman Empire," TAPA, 27 (1896), pp. 35-51.

For boys: Gaius Inst. 1.196; cf. Tituli Ulpiani 11.28. See also Corbett, pp. 52-3.

¹³Dig. 23.2.18 (Ulp.), 23.2.25 (Modest.) and 50.17.30 (Ulp.). See also Treggiari, EMC (1982), pp. 34-44.

¹⁴See R.I. Frank, "Augustus' Legislation on Marriage and Children," CSCA, 8 (1975), pp. 41-52, and Raditsa, pp. 278-339.

¹⁵Tituli Ulpiani 13.1 and 16.2, and Dig. 23.2.43 (Ulp.). See also Corbett, pp. 34-5.

¹⁶Tituli Ulpiani 13.2 and 16.2, Dig. 23.2.27 (Ulp.), 23.2.31 (Ulp.), and 23.2.44 (Paul.). See also Corbett, p. 31 and Watson, Persons, pp. 32-37, who discusses whether this type of relationship was considered iniustum.

¹⁷In general, see Rawson, TAPA (1974), pp. 279-305 and Treggiari, PBSR (1981), especially pp. 64-71.

¹⁸Treggiari, PBSR (1981), p. 59; cf. Rawson, TAPA (1974), p. 279.

¹⁹On the ban, see B. Campbell, "The Marriage of Soldiers Under the Empire," JRS, 68 (1978), pp. 153-66, and J. Lesquier, "Le Mariage des Soldats Romains," CRAI, 1917, pp. 227-36.

²⁰Dig. 24.1.61 (Gai.).

²¹Campbell, pp. 159-66.

²²J.P.V.D. Balsdon, Roman Women: Their History and Habits (London: Bodley Head, 1962), p. 175, Corbett, pp. 39-42 and Watson, Persons, p. 38.

²³Dig. 23.2.38 pr. (Paul.), 24.1.3.1 (Ulp.) and 34.9.2.1 (Marc.); cf. Balsdon, p. 175, Corbett, pp. 42-4 and Watson, Persons, p. 38.

²⁴Dig. 23.2.6 (Ulp.); cf. Watson, Persons, p. 40.

²⁵According to the lex Aelia Sentia of A.D. 4 a Latin could be a former slave who had received Latin rights after his manumission. See Gaius Inst. 1.16-17 and 30.

²⁶Gaius Inst. 1.78-9 and Tituli Ulpiani 5.8.

²⁷Gaius Inst. 1.76-7; cf. Corbett, p. 100 and Balsdon, p. 176.

²⁸See Treggiari, "Contubernaes in CIL VI," Phoenix, 35 (1981), pp. 42-69.

²⁹Tac. Ann. 12.53 and Gaius Inst. 1.84; cf. P.R.C. Weaver, Familia Caesaris (Cambridge: University Press, 1972), pp. 162-9.

³⁰Gaius Inst. 1.88.

³¹See Tituli Ulpiani 5.5 and 5.9; cf. Treggiari, Phoenix, (1981), p. 43.

³²Gaius Inst. 1.89.

³³Gaius Inst. 1.64, Tituli Ulpiani 4.2, Dig. 1.5.23 (Modest.).

³⁴Cagnat, Cours d'Epigraphie Latine 4th ed. (Paris: Fontemoign et Cie., 1914), p. 72; Sandys, Latin Epigraphy 2nd ed. (Orig. pub. 1927, rpt. ed., Groningen: Bouma's Boekhuis, 1969), p. 216.

³⁵p. 146.

³⁶This is of course inconsistent with the tenet expressed in the legal sources that a spurius had no father; see p. 1.

³⁷M.B. Flory, "Family in Familia: Kinship and Community in Slavery," AJAH, 3 (1978), p. 85.

³⁸The numbers of the 64 inscriptions (which can be found in the Appendix) are listed in notes 39 through 47.

³⁹4462, 11206, 13850, 15114, 16337, 25122, 29513. 28431 has been included among the inscriptions which show only a father because there is no way of determining whether the concubine (whose name is not given) is indeed the child's mother.

⁴⁰14310, 16663, 16801, 20467, 28637a, 29540, 34321, 36550.

⁴¹2247, 5163, 9411, 9630, 9897, 15706, 18785, 18975, 21948, 23196, 24025, 24402, 24751, 26135, 26395, 28640, 33164, 37987.

42 6797, 15266, 15640, 15889, 18059, 24039, 24824,
26008, 27042, 33754.

43 12364, 22283, 26449, 35047, 36077.

44 116/117, 12791, 13439, 15007, 20171, 28431, 34839.

45 5535, 8148, 8665, 25498, 33279, 38226.

46 116/117, 15266, 15651, 21599, 28637a.

47 5163, 9630, 15706, 23196, 24025, 24751, 26135, 26395,
37987.

48 I have not included anyone who I thought was not part of the immediate family, i.e. patrons, liberti/ae of the family, etc.

49 "Status indication is a regular part of the name proper and in the full name is usually placed inside the name before the cognomen." (Weaver, p. 72).

50 See Treggiari, "Women as Property in the Early Roman Empire," in Woman and the Law: The Social Historical Perspective, ed. D. Kelly Weisberg (Cambridge, Mass.: Schenkman, 1982), vol. 2, p. 30 n. 31. Among those classified as probable libertae, there is one woman who has the single name, 28637: Cleopatra. I think that it was used to show familiarity (perhaps it was the name by which the mother was addressed at home) or for the sake of brevity, especially when mother and child have the same nomen and that of the child is written in full. Her partner also has the single name, and it was perhaps as a sign of respect toward him that she chose to be referred to by only one name.

51 "Freedmen and Freeborn in the Epitaphs of Imperial Rome," JPh, 82 (1961), pp. 119-23. Weaver, pp. 84-6, does not fully agree with her explanation.

52 Parents are identified: 4462, 11206, 13850, 15114, 16337, 25122, 29513. One parent is identified, the other probable: 14310, 16663, 16801, 20467, 28637a, 29540, 34321, 36550. Both parents are probable: 2247, 5163, 9411, 9630, 9897, 15706, 18785, 18975, 21948, 23196, 24025, 24402, 24751, 26135, 26395, 28640, 33164, 37987.

53 See pp. 18-19 and Treggiari, Phoenix, (1981), pp. 42-69.

54 2247, 5163, 9441, 9630, 15706, 16663, 18785, 26135, 26395, 28640, 33164, 37987.

In ten of the unions both partners have the same nomen and the same patron.

⁵⁵14310, 23196, 24402, 36550.

⁵⁶See p. 16.

⁵⁷16337, 24751, 34321.

⁵⁸See p. 16.

⁵⁹See Rawson, TAPA (1974), p. 293 and "Family Life Among the Lower Classes at Rome in the First Two Centuries of the Empire," CPh, 61 (1966), p. 76 and Treggiari, Phoenix, (1981), p. 57.

⁶⁰13850, 15114, 28637a, 29513.

⁶¹See Rawson, CPh (1966), p. 75, Flory, AJAH (1978), p. 82 and Weaver, p. 1, on social mobility among those born as slaves.

⁶²11206, 29540.

⁶³For comment on 11206, see Rawson, CPh (1966), p. 74, and TAPA (1974), p. 286.

⁶⁴4462, 9897, 16801, 20467, 21948, 24025, 25122.

⁶⁵For comment on 25122 see Rawson, CPh (1966), p. 75. Several modern scholars propose that a wife often took her husband's nomen at marriage; see, for example, H. Thylander, Etude sur l'Épigraphie Latine (Lund: Gleerup, 1952), pp. 85-8 (where he discusses the woman's gentilicium). But this is unlikely to be the case in these unions, because the women received their nomen before their partners' manumission.

⁶⁶Identified⁴ siblings: 116/117, 15266, 15651, 21599, 28637a. Probable siblings: 5163, 9630, 15706, 23196, 24025, 24751, 26135, 26395, 37987.

⁶⁷9630, 15266, 15706, 21599, 26135, 26395, 37987.

⁶⁸5163, 23196, 28637a.

⁶⁹Weaver, p. 144.

⁷⁰116/117, 15651, 24025, 24751 (two).

⁷¹Same as mother: 4462, 11206, 12364, 13850, 15114, 15266, 15640, 15889, 16337, 16663, 18059, 18975, 21948, 22283, 23196, 24039, 24751, 26008, 26135, 26449, 27042, 29513, 29540, 33754, 34321, 35047, 37987. Same as father: 116/117, 5535, 8148, 15007, 20171, 24402, 25498, 28431, 33279, 36550. Same as both parents: 2247, 5163 (two), 9411, 9630, 9897, 14310, 15706, 16801, 18785, 20467, 24025, 25122, 26395, 28640, 33164. Different from mother: 6797, 24824, 36077. Different from father: 8665, 12791, 13439, 34839, 38226. Different from both parents: 23196.

⁷²Weaver, pp. 149 and 152.

⁷³It is interesting to note that the parents of the spurii/ae in CIL VI did not take advantage of a process of legitimisation which, according to Weaver, would have allowed them to use filiation reserved for legitimate children. Early age at death cannot be the reason since several spurii/ae died in their 20's and 30's, e.g.:

14310	32 years
5163	22 years
24402	21 years

Perhaps the fathers had not been freed by the time their children had reached this age. See pp. 53-56 for a discussion of adrogatio, the process by which spurii/ae could be legitimized.

⁷⁴Cf. Weaver, p. 144.

CHAPTER THREE

¹A. Berger, "Encyclopedic Dictionary of Roman Law," TAPA 43, 2 (1953), p. 744.

²p. Willems, Le Droit Public Romain 7th ed. (Louvain: Imprimerie - Librairie Charles Peeters, 1910), pp. 45-46. Citizenship was highly valued and a matter of pride at least until 212 A.D. when Caracalla granted Roman citizenship to all inhabitants of the Empire except the dediticii. Tribal affiliation was a "test of perfect citizenship": see G.W. Botsford, The Roman Assemblies (New York: Cooper Square Publishers, 1968), pp. 64-65.

³For the census: Livy 1.42.4; cf. Tac. Ann. 3.26, Dion. Hal. Ant. Rom. 4.14, T.P. Wiseman, "The Census in the First Century B.C.," JRS, 59 (1969), pp. 59-75, Cl. Nicolet, Le Métier de Citoyen dans la Rome Républicaine (Gallimard, 1976), pp. 71-121, J. Suolahti, The Roman Censors: A Study on Social Structure (Helsinki, 1963), pp. 20-27 and A.E. Astin, "The Censorship of the Roman Republic: Frequency and Regularity," Historia, 31 (1982), pp. 174-87. For the elections: L.R. Taylor, Voting Districts of the Roman Republic (Rome: American Academy, 1960), pp. 9-16, Wiseman, p. 64. The tribes played no role in elections after they were transferred from the assemblies to the senate in A.D. 14 (Tac. Ann. 1.15). For grain distributions: CIL VI 10211; cf. Wiseman, pp. 62 and 64.

⁴On Servius Tullius, see Dion. Hal. Ant. Rom. 4.14.1. On the expansion of tribes, see W. Kubitschek, "Tribus," RE, Vol. 6A2, pp. 2492-2517 and Taylor, VD, pp. 3 and 116.

⁵Th. Mommsen, "Le Droit Public Romain," 3rd ed., trans. P.F. Girard, in Manuel des Antiquités Romaines (Paris: E. Thorin, 1889-96), Vol. 6, p. 29, J.B. Mispoulet, "Des Spurii," in Bulletin Epigraphique, ed. R.K. Mowat (Vienne, 1884), vol. 4, pp. 160-67, Kubitschek, "Spurius, Spurii Filius, Sine Patre Filius und Spurius," WS, 47 (1929), p. 137, L.R. Taylor, "The Four Urban Tribes and the Four Regions of Ancient Rome," RPAA, 27 (1954), p. 227 n. 9.

⁶Collina: 445, 567, 5301, 5614, 7459, 7911, 10025, 11012, 16663, 19519, 19876, 20171, 23299, 24039, 25746, 26135, 26395, 26977, 27839, 28640, 33279, 33922, 37615, 38425. Esquilina: 4462. Palatina: 21954, 24025, 25654. Suburana: 392, 5754, 9897. Arnensis: 11191. Clustumina: 5163. Fabia: 2744. Menenia: 36168. Papiria: 36077. Pomptina: 35127. Quirina: 15007. Sergia: 15640. Teretina: 20109. Velina: 21782, 28637. Voltinia: 3528.

⁷Dio 60.24.3; cf. Tac. Ann. 14.27. The ban was probably introduced by Augustus and abolished by Septimius Severus; see B. Campbell, "The Marriage of Soldiers under the Empire," JRS, 68 (1978), pp. 153-66.

⁸See H.M.D. Parker, The Roman Legions (Cambridge: W. Heffer and Sons, 1958), pp. 182-3, E. Birley, Roman Britain and the Roman Army (Kendal: Titus Wilson and Sons Ltd., 1961), pp. 26-7 and G.R. Watson, The Roman Soldier (London: Thames and Hudson, 1969), pp. 38-39.

⁹Taylor, VD, p. 157.

¹⁰Kubitschek, p. 137, notes that certain tribes were designated for specific purposes. See also J.A. Crook, Law and Life of Rome (London: Thames and Hudson, 1967), p. 46, Taylor, VD, pp. 17-24.

¹¹Taylor, VD, p. 280; cf. Gell. NA 5.19.15-16. See also the registration of birth (professio) made in A.D. 62 by L. Valerius Crispus (FIRA, vol. 3, no. 2) and quoted in Crook, p. 47.

¹²Willems, pp. 68-73, J. Maurin, "Remarques sur la Notion de Puer à l'Époque Classique," BAGS, Ser. 4, Num. 2 (1975), p. 222.

¹³Willems, p. 70 n. 7, describes the process; see also Maurin, pp. 222-3 and S.F. Bonner, Education in Ancient Rome (Berkeley: University of California Press, 1977), pp. 84-5.

¹⁴App. BGiv. 4.30, Pers. 5.30-33, Sen. Ep. 4.2, Augustus, Res Gestae, 14.1; cf. A.N. Sherwin-White, The Roman Citizenship 2nd ed. (Oxford: Clarendon Press, 1973), p. 314.

¹⁵It is highly improbable that this took place only during the period of the census, which was theoretically held every five years, since youths coming of age between the censuses would have had to wait for the next census before they could exercise their ius suffragii, and since the irregularity of census-taking, especially from 86 B.C., would have disenfranchised many Roman citizens. See J.S. Reid, M. Tulli Ciceronis pro A. Licinio Archia Poeta Oratio ad Iudices (Cambridge, 1877), pp. 14-15, quoted in H.M. Last, "The Servian Reforms," JRS, 35 (1946), p. 36. Wiseman, p. 70, notes that each tribe had its own scribae and that it was the job of the curatores tribuum to know the name and circumstances of all the tribal members.

¹⁶Mommsen, vol. 4, p. 38. Cf. FIRA vol. 1, no. 13, (Tabula Heracleensis) ll. 145 ff.

¹⁷On the penalties, Dion. Hal. Ant. Rom. 4.15.6 and Gaius Inst. 1.160. Soldiers were included in the census (Livy 29.37.5-7).

¹⁸All males who were not under patria potestas were sui iuris: Gaius Inst. 1.64, Tituli Ulpiani 4.2; cf. P.A. Brunt, Italian Manpower 225 B.C. - A.D. 14 (Oxford: Clarendon Press, 1971), p. 15: "it was the duty of citizens who were sui iuris to appear before the competent authorities and to give the information required under the formula censoria on oath."

¹⁹Taylor, RPAA (1954), p. 237 explains that the "order of the urban and also of the rural tribes was determined by the line of religious processions..."

²⁰Cic. Flac. 80, Dion. Hal. Ant. Rom. 5.73.3; cf. FIRA vol. 1, no. 13, (Tabula Heracleensis) ll. 142 ff.

²¹On the Caeritum tabulae, Brunt, pp. 515-18.

²²Gaius Inst. 1.64.

²³Taylor, RPAA (1954), p. 226.

²⁴ILS 2460 and 6933; cf. Taylor, VD, p. 23 and p. 91 nn. 35-6. Brunt, pp. 294-344, discusses land allotments in Italy during the first century B.C.; see also Augustus Res Gestae 3.3. Taylor, VD, p. 87, marks the Pomptina tribe as attached to such allotments.

²⁵Taylor, VD, p. 280.

²⁶H. Nettleship and J.E. Sandys; eds., A Dictionary of Classical Antiquities 2nd ed. (New York: MacMillan, 1891), p. 122.

²⁷Cic. Clu. 122.

²⁸See the Tabula Hebana, paragraphs 4-5 (Ehrenberg-Jones, no. 94a). The document records amendments to an electoral law of A.D. 5. It excludes the Esquilina and Suburana tribes from voting in the tribal Assembly. Taylor, VD, pp. 278-9 and RPAA (1954), pp. 225-36, discusses the status of the four urban tribes.

²⁹J.B. Mispoulet, "Du Nom et de la Condition de l'Enfant Naturel Romain", Nouvelle Revue Historique du Droit Français et Etranger, 9 (1885), p. 54; cf. Dig. 50.1.9 (Nerat.).


³⁰Livy 45.15.3-7; cf. Taylor, VD, p. 140. Governors of provinces were often selected in this manner: Vespasian was chosen by lot in A.D. 63 to govern Africa (Suet. Ves. 4.3).

³¹Plut. Flam. 18.1. The law was proposed by Terentius Culleo, tribune of the plebs.

³²Scullard, Roman Politics 220-150 B.C. (Oxford: Clarendon Press, 1973), p. 145; Taylor, VD, p. 138; Mommsen, vol. 6, pp. 20-23.

³³Badian, review of L.R. Taylor, VD, in JRS, 52 (1962), p. 207; Mommsen, vol. 6, pp. 20-23; Treggiari, Roman Freedmen During the Late Republic (Oxford: Clarendon Press, 1969), p. 43.

³⁴See H.G. Liddell and R. Scott, A Greek-English Lexicon 9th ed. (Oxford: Clarendon Press, 1973), p. 532; cf. Gaius Inst. 1.10.



CHAPTER FOUR

¹See J.A. Crook, Law and Life of Rome (London: Thames and Hudson, 1967), p. 36.

²Appellatio was open to all Roman citizens "car la protection de la personne est le premier privilège du droit de cité" (P. Gauthier, "Générosité Romaine et Avarice Grecque," in Mélanges d'Histoire W. Seston (Paris: de Boccard, 1974), p. 214; cf. Cic. Verr. 5.162, Suet. Galba 9.1, Acta Apostolorum 25.11-12, and A.N. Sherwin-White, The Roman Citizenship 2nd ed. (Oxford: Clarendon Press, 1973), p. 273.

³Refer to Chapter 3, pp. 42-43.

⁴See P. Willems, Le Droit Public Romain 7th ed. (Louvain: Charles Peeters, 1910), p. 90 and M. Mispoulet, "Du Nom et de la Condition de l'Enfant Naturel Romain," Nouvelle Revue Historique du Droit Français et Etranger, 9 (1885), p. 47.

⁵The rule was probably an Antonine innovation. Ulpian says (Dig. 50.2.3.2) that it was laid down in a rescript of Marcus and Verus (the divi fratres); cf. Dig. 50.2.6.pr. (Papin.). And while it is true that the first appearance of a regulation in a legal text is not evidence of the date of its introduction, it was precisely at this time (mid-second century A.D.) that the authorities began to have difficulty in finding men who were willing to serve as decurions; see P. Garnsey, "Aspects of the Decline of the Urban Aristocracy in the Empire," ANRW, 2.1 (1974), pp. 230-31.

⁶On taxation and conscription see P.A. Brunt, Italian Manpower 225 B.C. - A.D. 14 (Oxford: Clarendon Press, 1971), pp. 33-4, 96, 113-14, 130, 241-2, 413-15 and 469, and L. Keppie, The Making of the Roman Army (London: BT Batsford, 1984).

⁷See M. Reinhold, "Usurpation of Status and Status Symbols in the Roman Empire," Historia, 20 (1971), p. 282, for the toga as the insignia of Roman citizenship.

⁸See Chapter 3, pp. 37-46.

⁹CIL VI 10211: NUMERUS TRIBULIUM et
QUIBUS . LOCIS

PAL	H	CLXXXXI.In
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¹⁰H.I. Bell, "A Latin Registration of Birth," JRS, 27 (1937), p. 32.

¹¹F. Schulz, "Roman Registers of Births and Birth Certificates," JRS, 33 (1943), p. 63.

¹²FIRA vol. 3, no. 4 (Sempronia Gemella, A.D. 145).

¹³Law and Life, p. 47.

¹⁴F. Schulz, "Roman Registers of Birth and Birth Certificates," JRS, 32 (1942), pp. 78-91 and 33 (1943), pp. 55-64.

¹⁵On the use of testationes as evidence of Roman citizenship, see Bell, JRS (1937), p. 32, and Reinhold, Historia, p. 290. For professiones and inheritance rights see Apul. Apol. 1.89. For the inheritance rights of non-Romans, see Gaius, Inst. 2.110.

¹⁶Bell, JRS (1937), p. 32.

¹⁷See S.H.A. M.Ant. 9.7; cf. Dig. 22.3.29.1 (Scaev.).

¹⁸See Chapter 2, pp. 20-23.

¹⁹Dig. 28.6.45.pr. (Ulp.); see also Crook, Law and Life, p. 107.

²⁰Crook, Law and Life, p. 107.

²¹BGU, 140.

²²B. Nicholas, An Introduction to Roman Law (Oxford: Clarendon Press, 1962), pp. 246-51.

²³Dig. 38.7.1.2-3 (Ulp.); cf. A. Berger, "Encyclopedic Dictionary of Roman Law," TAPA, 43.2 (1953), p. 699.

²⁴Dig. 38.7.2.1 (Ulp.); cf. Berger, TAPA (1953), p. 699.

²⁵Grandmother: Dig. 38.8.8 (Modest.); freedmen: Dig. 38.2.18 (Paul.). Of course they had no claim on the estate of their paternal grandfather or those of their father's freedmen.

²⁶Gaius Inst. 1.55.

²⁷Gaius Inst. 1.64 and Tituli Ulpiani 4.2; cf. W.W. Buckland, A Textbook of Roman Law from Augustus to Justinian 3rd ed. (Cambridge: University Press, 1963), p. 101.

²⁸Gaius Inst. 1.132.

²⁹Gaius Inst. 1.97.

³⁰See Dig. 1.5.27 (Ulp.) and 1.7.46 (Ulp); see also H. Janeau, De l'Adrogation des Liberi Naturales à la Légitimation par Rescrit du Prince (Paris: Publications de l'Institut du Droit Romain, 1947), pp. 11, 99 and 100 n. 21, and Buckland, Textbook, pp. 124-27.

³¹Cic. Dom. 33-38, Gell. NA 5.19.6.

³²Gaius Inst. 1.99 and Gell. NA 5.19.6.

³³M. Horvat, "Les Aspects Sociaux de l'Adrogation et de l'Adoption à Rome," in Studi in Onore di G. Grosso, (Torino: Giapichelli, 1968), vol. 3, p. 49.

³⁴Gell. NA 5.19.9.

³⁵Cic. Leg. Agr. 2.31.

³⁶Oxford Classical Dictionary, pp. 8-9 and B. Nicholas, p. 77.

³⁷Dig. 1.7.2 (Gai.) and 1.7.21 (Gai.), and Cod. Inst 8.47.2.6; cf. Buckland, Textbook, p. 125.

³⁸Gaius Inst. 1.101, Tituli Ulpiani 8.5, Gell. NA 5.19.10; see also Horvat, Studi Grosso, vol. 3, p. 50.

³⁹Horvat, Studi Grosso, vol. 3, p. 51.

⁴⁰Gaius Inst. 1.102, Tituli Ulpiani 8.5; cf. Buckland, Textbook, pp. 126-7.

⁴¹Dig. 1.7.3 (Paul.), 1.7.15.2 (Ulp.), 1.7.40.2 (Modest.).

⁴²Dig. 1.7.15.3 (Ulp.).

⁴³Dig. 1.7.15.2 (Ulp.), and 1.7.40.1 (Modest.).

⁴⁴Dig. 1.7.15.3 (Ulp.), 2.4.10.2 (Ulp.), 37.12.1.2 (Ulp.), 38.2.49 (Paul.).

⁴⁵Gell. NA 5.19.10, Dig. 1.7.17.pr. (Ulp.). As noted above (p. 54), Antoninus Pius allowed the adrogation of impuberes after a thorough examination.

⁴⁶Gell. NA 5.19.16.

⁴⁷Gell. NA 5.19.16.

⁴⁸Dig. 1.7.22.pr. (Ulp.).

⁴⁹Dig. 1.7.23 (Paul.).

⁵⁰Gaius Inst. 1.107, Dig. 1.7.15.pr. (Ulp.), 1.7.40.pr. (Modest.), 49.15.13 (Paul.) and Tituli Ulpiani 8.8.

⁵¹Tituli Ulpiani 11.13.

^{51a}Cf. 33513: the verb adopto (adoptarat) here probably carries its principal meaning of "to associate (with oneself) in a specified capacity, select or secure (as an ally, advocate, or protector)", and not the meaning "to adopt legally" (see the Oxford Latin Dictionary, p. 52 and cf. Plaut. Cist. 744, Varro Ling. 5. 91 and Cic. Div. Caec. 54); certainly, if the composer of the text had intended to convey the meaning "to adopt legally", he should have used the verb adrogo (not adopto), since spurii, who were sui iuris, could be adrogated but not adopted.

⁵²See Crook, Law and Life, pp. 113-14.

⁵³Dig. 26.3.2 (Nerat.), 26.2.4 (Modest.), 26.3.7.pr. (Hermog.).

⁵⁴Gaius Inst. 1.196.

⁵⁵Crook, Law and Life, pp. 113-15.

⁵⁶Crook, Law and Life, p. 115. It was through adrogatio that spuriae would acquire agnatic ties.

⁵⁷Gaius Inst. 1.184 and 4.30.

⁵⁸Gaius Inst. 1.185.

⁵⁹Gaius Inst. 1.185.

⁶⁰Gaius Inst. 1.145.

⁶¹ILS. 6509; cf. N. Lewis and M. Reinhold, eds., Roman Civilization Sourcebook II: The Empire (New York: Harper and Row, 1966), pp. 344-49, and R.P. Duncan-Jones, The Economy of the Roman Empire (Cambridge: University Press, 1974), pp. 288 and 294-5.

⁶²See Duncan-Jones, Economy, pp. 27 and 80-1.

⁶³In general, see Duncan-Jones, Economy, pp. 289-90, 294, 301 and 311.

⁶⁴Dig. 25.3.15 (Ulp.); cf. A.A. Schiller, "Alimenta in the Sententiae Hadriani," in Studi in onore di G. Grosso (Torino: Giappichelli, 1968), vol. 3, pp. 402-3, and Duncan-Jones, Economy, pp. 29-30, 145, 228 and 302-3.

⁶⁵Dig. 25.3.5.4-5 (Ulp.).

⁶⁶Dig. 25.3.5.8 (Ulp.); cf. Schiller, Studi Grosso, vol. 3, p. 406.

⁶⁷Cf. K. Hopkins, "Elite Mobility in the Roman Empire," P&P, 32 (1965), pp. 12-26, who notes (p. 12) the privileged position of decurions; see also Reinhold, Historia, (1971), p. 299.

⁶⁸Full discussion in R. Syme, "Bastards in the Roman Aristocracy," PAPhS, 104 (1960), pp. 323-7; see also "No Son for Caesar?" Historia, 29 (1980), pp. 424 and 436. Syme, (PAPhS, 1960, pp. 326-7) discusses the improbable tale that Brutus was the illegitimate son of Julius Caesar.

⁶⁹For Equitius, see Cic. Rab. Perd. 20 and App. BCiv. 1.32; for Nymphidius, Tac. Ann. 15.72; Plutarch (Galba 9) says that Caligula was too young to have been the father. Cf. Syme, PAPhS (1960), p. 324 (a short list of other pretenders).

⁷⁰Julia: Suet. Aug. 65.3; cf. T.D. Barnes, "Julia's Child," Phoenix, 35 (1981), pp. 362-3; Urgulanilla: Suet. Claud. 27.1; Octavia: Tac. Ann. 14.63; Domitian's niece: Suet. Dom. 22.1, cf. Juv. 2.32-33.

⁷¹Dio 54.17.3 gives 1,000,000; Suetonius says (Aug. 41.1) that it was 1,200,000; cf. R. Syme, The Roman Revolution (Oxford: Clarendon Press, 1939), pp. 358-59.

⁷²Suet. Iul. 33.1 and Pliny HN 33.32; see also H.H. Scullard, From the Gracchi to Nero 4th ed. (London: Methuen, 1976), p. 9, M. Crawford, The Roman Republic (Hassocks: Harvester, Press, 1978), pp. 200-1, Cl. Nicolet, L'Ordre Equestre à l'Époque Républicaine (312-43 av. J.-C.) (Paris: de Boccard, 1966), p. 462, and T.P. Wiseman, "The Definition of Equus Romanus in the Late Republic and Early Empire," Historia, 19 (1970), pp. 67-83.

⁷³CIL VI 3528 (quoted on p. 60).

⁷⁴Suet. Aug. 27.2.

⁷⁵Garnsey, ANRW (1974), pp. 241-50.

⁷⁶See for example, Augustus Res Gestae 15.3 and 16.1-2.

⁷⁷See Table 3 in Chapter 2, p. 28.

⁷⁸P.R.C. Weaver, Familia Caesaris (Cambridge: University Press, 1972), p. 133 and S. Treggiari, "Contubernales in CIL VI," Phoenix, 35 (1981), p. 50.

⁷⁹Identified spouses: 7547, 8068, 8455, 9035, 9373, 15488, 20572, 20645, 22444, 23015, 25537, 26976, 27100, 28422, 32276, 34321, 35127, 35499; probable spouses: 4691, 5614, 10319, 12471, 12486, 16253, 16551, 16789, 18952, 18971, 19876, 21782, 22283, 22665, 23859, 23894, 27839D, 28354, 28421, 33922, 36183, 37615, 37987, 38428.

About one-half of the marriages (18) can be identified by the use of marital terms such as uxor and coniunx. In the other cases I have treated the men and women as couples because, for example, the stone on which they are recorded depicts a man and woman holding hands, or because the man or woman making the dedication uses the expression de se bene merenti or D(e) S(e) meritae (on which see Treggiari, Phoenix (1981), p. 59), etc.

⁸⁰See Table 3, Chapter 2, p. 28.

⁸¹Treggiari, Phoenix (1981), p. 57.

⁸²See Chapter 2, p. 26.

⁸³See also 6797, 24824, 35047.

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ABSTRACT

Spurii/ae in CIL VI

When I began searching for a topic for my Master's thesis I knew only that I wanted to work on children in the Roman world. I originally thought of writing my thesis on twins but soon discovered that there was not enough ancient testimony. It was then that Professor Susan Treggiari suggested Spurii/ae in CIL VI. At first I was hesitant partly because I did not know what a spurius was and partly because I thought that epigraphy would be dry, too much concerned with numbers and statistics. My curiosity was piqued when I discovered that a spurius was a bastard, and I became deeply interested when I began to examine the epigraphic evidence, which at first glance had seemed so reticent, but which in fact offered a great deal of information about illegitimate children and their families.

Aware that I should know more about the meaning of the word spurius, I collected as many passages as I could find in which the term was used, a task made more difficult because, of course, TLL (Thesaurus Linguae Latinae) has not yet reached the letter S. What I found seemed to me sufficient to warrant further investigation into the definition and etymology of the word. Since Plutarch offered what I believed to be the most plausible etymology of the word - that it was associated with the praenomen Spurius - I thought it worthwhile to examine the use of the praenomen in the Republic. In studying the list of magistrates in Professor Broughton's Magistrates of the Roman Republic, it became evident that the praenomen Spurius, while used frequently in the early Republic, had almost fallen

out of use by the end of the Republic. I believe that this occurred because the word spurius had become or was becoming widely known as the legal definition of 'bastard'.

Having satisfied myself that the word spurius was indeed used to denote an illegitimate child I went on to examine all the epitaphs in CIL VI which record spurii/ae. Finding them was a job made easy by Jory's computer index. I chose to examine first the family relationships of the spurii/ae attested in CIL VI, modelling my study on similar ones undertaken by Professors Rawson, Flory and Treggiari. The two principal points which emerged from my study of the epitaphs were that, in spite of the law which stated that spurii/ae had only one legal parent (the mother), they were in practice part of a family unit with fathers, and brothers and sisters. And, secondly, that most spurii/ae appear to have been born to parents whose unions can be classified as contubernia.

In the modern scholarship which I read in connection with my study of the epigraphic evidence, time and again I found it stated that spurii were assigned to the Collina tribe, a theory which I eventually traced back to Theodore Mommsen. Since I was fortunate enough to have access to a complete index of CIL VI, I decided to test the hypothesis by tabulating the figures for the tribal affiliation of spurii. Though I found that Mommsen's theory was, for the most part, correct, I also noticed that a large number of spurii were registered in tribes other than the Collina. This led me to research the ways in which tribal affiliation was acquired and the ways in which it could be changed. In the process, I stumbled upon a passage in Plutarch (Life of Flamininus, 18) which in the view of at least two modern scholars, reported a grant of civitas to spurii in

189 B.C.

In studying the epigraphic evidence, both for family relationships and for tribal affiliation, I became more and more interested in the position of spurii/ae in Roman society. Aware that because of the vastness and complexity of the subject of illegitimate children in Roman society I could not give it comprehensive treatment in a single chapter, I chose to focus my attention on certain aspects of the topic.

In her study on family, Beryl Rawson characterized spurii/ae as second-class citizens. It seems to me that her view of the place of spurii/ae in Roman society is overly pessimistic. I believe that Roman society was sufficiently fluid to allow for upward mobility among those who were born illegitimate. It is to the credit of the Romans that illegitimacy was not the social stigma at Rome which it seems to have been through much of modern history.

