

# *Conubium cum uxoribus*: wives and children in the Roman military diplomas

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For at least the first two centuries of empire, marriage for most soldiers during their years of active service was legally banned by the state.<sup>1</sup> It is equally clear that the law forbidding *iustum matrimonium* did not stop some auxiliary soldiers from forming *de facto* relationships and creating families whilst in service. In some cases, families will have traveled with soldiers who were in service. Whether they dwelt within the forts or in extramural settlements,<sup>2</sup> family members formed an integral part of the military community.

The presence of women and children within military communities has been illuminated in recent decades by artefacts from the German and British frontiers; but artefacts considered in isolation can only indicate the habitation and activities of women and children in various places within a military community. Military diplomas need to be considered alongside the artefacts from forts, for they not only provide the social backdrop for the artefacts, but add information about individual members of military families that is not available from any other source. Military diplomas of the 1st-3rd c. A.D.<sup>3</sup> record personal information about soldiers, their wives<sup>4</sup> and children. As official state records, they offer

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- 1 Phang 2001, *passim*; ead. 2002, 873-78; Roxan 1991, 462-67. Wells 1989 for Augustus and the marriage ban. Now see Eck 2014 for a thorough review of military reforms by Augustus. For the marriage ban specifically, see Eck 2014, 26-33. For Septimius Severus' alleged rôle in lifting the ban, see Garnsey 1970a; E. Birley 1969. Whether auxiliary centurions and decurions were legally allowed to marry is still somewhat unclear: Jung 1982, 340. Legionary centurions were allowed this privilege, but senior officers could not marry a woman from the province in which they served (*Dig.* 23.2.63: *praefectus cohortis vel equitum aut tribunus contra interdictum eius provinciae duxit uxorem, in qua officium gerebat: matrimonium non erit ...*), but they were legally allowed a concubine from the provinces (*Dig.* 25.7.5: *concubinam ex ea provincia, in qua quis aliquid administrat, habere potest*). Most scholars assume that auxiliary officers of the rank of centurion and higher were allowed marriage during service: Phang 2001, 129-32; Hassall 1999, 36; Allason-Jones 1999, 42-43; ead. 2004, 274; Cherry 1989, 128; id. 1997, 113. For the quarters of legionary centurions being larger to accommodate family members, see Hoffmann 1995, 110. Cf. Hassall 1999, 35-36. For families in ordinary barracks, see van Driel-Murray 1998.
  - 2 This article does not mainly intend to discuss exactly where — whether inside the barracks or in the extramural settlements — women and children of the military community actually lived. Diplomas cannot illuminate such details, although it was argued by Roxan (1989, 127-81) that the context of the findspot could be suggestive. For the archaeological arguments about women in military camps, see especially Allison 2013; for detailed investigation of patterns of artefact deposition within and without the fort walls at Vindolanda, see Andrew Birley 2010 and 2013. For archaeological case-studies, see Van Driel-Murray 1995, 1997 and 1998; Maxfield 1995; Allason-Jones 1999, 2004 and 2005; Allison 2006, 2007, 2008, 2011 and 2013; Greene 2013a, 2013b and 2014; also the papers in Brandl 2008a. For other discussions of military and family life, see Hänggi *et al.* 1992; Debrunner Hall 1994; Speidel 1997; Wells 1997; papers in Goldsworthy and Haynes 1999; Palao Vicente 2000; Stoll 2006.
  - 3 All dates in this article are A.D. unless otherwise noted. Diplomas cease to be issued in the early 3rd c., and only diplomas up to A.D. 140 offer extensive information about soldiers' children.
  - 4 I use the term "wives" throughout to signify women in *de facto* relationships formed by soldiers who were not legally allowed to marry. The exact relationship — whether wife, girlfriend or otherwise — cannot be determined by the available evidence. Similarly, the term "marriage" indicates *de facto* relationships created by non-citizen soldiers, and not the legal form of *iustum matrimonium* that existed for citizens in the Roman world, unless noted.