

[Accueil](#)[Revenir à l'accueil](#)[CollectionBoite_028 | Ultimes papiers.CollectionBoite_028-2-chem | Pile - Ensemble. 1° médecins ; 2° Antiques \(notes diverses sur la sexualité dans l'Antiquité\). Dite `pile I` \[annotation de D. Defert\]](#) Item[J. A. Cook, Law and Life in Rome - suite]

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Présentation de la fiche

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service, and even children of marriages contracted before entry, if born during service, did not count as born of *iustae nuptiae*; the prefect of Egypt is found affirming this principle in AD 115 and 117:⁶

'Martialis could not have a legitimate son during his military service; though he quite legitimately made him his heir. . . . It is not possible for a soldier to marry.'

(c) Officials in the provinces could not marry women of their province, nor (by a constitution of Marcus and Commodus) could guardians marry their wards. Secondly, there were, as in all societies, certain 'taboo' or 'prohibited' degrees—ascendants and descendants, and in our period anything nearer than first cousins. Marriage of an uncle with his brother's daughter was allowed on the precedent of Claudius and Agrippina.⁷ Thirdly, there was a minimum marriageable age, based on the general notion of puberty but fixed at twelve for females and fourteen for males (although in the case of males some held that it must depend on physical inspection). If either of the parties was younger the union simply counted as an engagement until the legal age was reached;⁸ it was in no way an offence to enter upon such a union. The striking thing is the extremely low minimum age of marriage for girls. It has been shown by statistical study of inscriptions that females in Roman society did in fact marry extremely early; the latest survey gives a modal marriage-age for women of twelve to fifteen, and argues forcibly the unlikelihood that the age of puberty of Roman girls was as low as twelve.⁹ This is an important set of facts for the understanding of Roman society. It made the likelihood of early widowhood great, and second marriages of women common (Antonia the wife of Drusus was regarded as exceptional in remaining a widow);¹⁰ and whether or not it was possible in law for a father to force his daughter to marry, little girls of twelve or less cannot have had much practical freedom of choice.¹¹

Consummation was not a necessary requirement of a valid marriage.¹² What is more, although marriage was normally begun to the accompaniment of many forms and ceremonies,

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