Chapter 6

The Concept of Conubium *in the Roman Republic*

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1. INTRODUCTION

During their conquest of Italy, the Romans devised various legal instruments to regulate their relations with people who did not possess Roman citizenship. One of the issues that needed regulation was marriage: laws had to be formulated to enable marriage between people from different political entities, and to lay down rules for the regulation of inheritance in such unions.

It is often assumed that the main instrument devised by the Romans to regulate marriage with *peregrini* – a term which included Latin and Italian allies, as well as other non-citizens – was *conubium* or *ius conubii*, which might be translated as a 'right to marry each other'. It is usually assumed that *conubium* was a right that could be granted by Rome to non-citizens, and permitted them the use of certain legal instruments related to marriage, which were otherwise only available to citizens. The presence of *conubium* was especially important because of its implications for inheritance law. If a marriage was not concluded legally, any children would not be recognised and therefore would not be the automatic heirs of the parents. This meant that the legality of marriage remained important throughout Roman history. Unfortunately, our sources for *conubium* in the Republic are extremely scanty; for the Empire there is much more information available, but we cannot assume that *conubium* in this period followed the same rules as before. Nevertheless, some sources exist that claim to be describing very early Roman history, although their reliability is questionable.

Here I will review the legal possibilities for marriage between Romans and non-citizens in the Republic, especially the idea that *conubium* with Roman citizens was a privilege granted to people with Latin status. Thus, the relations between the legal framework and the practical side of marriage will become clear. I will argue that many long-standing assumptions about marriage between Romans and aliens in the Republic cannot hold; in particular, the idea that Latins enjoyed widespread *conubium* with Romans seems to me very unlikely. This has important implications for our ideas concerning social relations between Romans and their allies in Italy.

2. *CONUBIUM* UNDER THE EMPIRE

First of all we must investigate the basic meaning of the term *conubium*, which was derived from *con* + *nubere* ('marry + to/with'). The usage of *conubium* as a shorthand for 'marriage' occurs occasionally from the late Republic onwards, for example in Livy's description of the war between Romans and Sabines. The Sabine women tell their fathers: 'If you are weary of these ties of kindred, these marriage-bonds (*si conubii piget)*, then turn your anger upon us; it is we who are the cause of the war, it is we who have wounded and slain our husbands and fathers'.[1] Cicero describes the development of ties between people, leading to the growth of states: 'Then follow in turn marriages (*conubia*) and connections by marriage, and from these again a new stock of relations, and from this propagation and growth states have their beginnings'.[2] This meaning becomes much more common in the later Empire, for example in Augustine: 'It is perhaps not absurd to call it "marriage" (*conubium*), if (the union) has been agreeable to them up to the death of one of them'.[3] It was also used in this way in official texts: 'It seems unworthy for men who do not possess any rank to descend to sordid *conubia* with slave women'.[4] However, for the Republican period and the early and middle Empire, *conubium* usually denotes a legal right or privilege to conclude marriage.

Conubium as a legal right is widely discussed in imperial sources; however, it should be kept in mind that we cannot assume that the same rules applied during the Republic. A starting point is the Rules of Ulpian, written down in the third century CE. Ulpian states:

> A rightful marriage exists, when between those who contract a marriage there is *conubium* [. . .] *Conubium* is the ability to take a wife. Roman citizens have *conubium* with Roman citizens, but with Latins and *peregrini* only if this has been granted. With slaves there is no *conubium*.[5] Between parents and offspring to a certain grade *conubium* never exists[6] [. . .] If *conubium* applies, the children always follow the (status of) the father; if *conubium* does not apply, they pertain to the condition of the mother, except that from a *peregrinus* and a Roman citizen woman a *peregrinus* is born, because the *Lex Minicia* ordered that one born from a *peregrinus* on one

[1] Liv. *Hist.* 1.13. Tacitus uses it thus in *Hist.* 3.34: Cremona, through 'the many connections and intermarriages formed with neighbouring nations (*adnexu conubiisque gentium*), grew and flourished'. See *Hist.* 4.65: 'Those who in former days settled here and have been united to us by marriage' (*nobiscum per conubium sociatis*). Similar meanings in Verg. *Aen.* 3.136, 4.168, 7.96, 7.333, 12.821; *Cul.* 299; Stat. *Theb.* 7.300; *Silv.* 1.2.195.

[2] Cic. *Off.* 1.54.

[3] Augustin. *Bon. Con.* 5.

[4] CTh.12.1.6 (318 CE); Prudent. *c. Symm.* 2.617. See Volterra (1950), pp. 368–9.

[5] Treggiari (1991), p. 44 thinks marriage between free and freed was not forbidden in the Republic.

[6] See Corbett (1930), pp. 47–51.

> side should follow the condition of the inferior parent. From a Roman citizen and a Latin woman a Latin is born, and from a free man and a slave woman a slave, because in these cases there is no *conubium*, and they therefore follow the status of the mother.[7]

Gaius in the second century gives much the same regulations:

> Roman citizens are understood to have contracted legal marriage and to have children born from it in their power, if they have married Roman citizen women or Latin or peregrine women with whom they have the right of marriage. For it happens that, because the right of marriage results in children following their father's status, not only do they become Roman citizens, but they are also in their father's power.[8]

Therefore, the rule was that '*conubium* always means that he who is born follows the condition of the father'.[9]

Therefore, someone enjoying *conubium* would be able to contract a *iustum matrimonium* according to the rights of Roman citizens. Thus, *conubium* was 'the right to contract a marriage with a foreigner which will be upheld in a Roman court of law, with full validity of testamentary power and paternity rights'.[10] Roman citizens could always marry each other, unless there was a legal impediment.[11] However, being a Roman citizen did not automatically carry *conubium* with everyone else; it was a condition that had to exist between both people.[12] Marriage with a Latin or peregrine was only possible

[7] Ulpian. *Reg*. 5.2: 'Iustum matrimonium est, si inter eos, qui nuptias contrahunt, conubium sit [. . .] 3. Conubium est uxoris ducendis facultas. 4. Conubium habent cives Romani cum civibus Romanis; cum Latinis autem et peregrinis ita: si concessum sit. 5. Cum servis nullum est conubium. 6. Inter parentes et liberos infinite cuiuscumque gradus conubium non est [. . .] 8. Conubio interveniente liberi semper patrem sequuntur, non interveniente conubio matris conditioni accedunt, excepto eo, quod ex peregrino et cive Romana peregrinus nascitur, quoniam lex Minicia ex alterutro peregrino natum deterioris parentis condicionem sequi iubet. 9. Ex cive Romano et Latina Latinus nascitur, et ex libero et ancilla servus, quoniam, cum his casibus conubia non sint, partus sequitur matrem'. For marriage between freedmen and their patrons, see D.24.2.11pr-2; 23.2.45.4–6; 25.7.1pr (all Ulpian. 3 ad Leg. Iul. et Pap.); C.5.5.1; for pupils, see C.5.6.1. See Serv. *Aen*. 1.73: *Conubium est ius legitimi matrimonii*. See Gardner (1986), pp. 32–6; Treggiari (1991), pp. 37–43; Evans-Grubbs (2002), pp. 154–5.

[8] Inst.Gai.1.56–7: 'Iustas autem nuptias contraxisse liberosque iis procreatos in potestate habere cives Romani ita intelleguntur, si cives romanas uxores duxerint vel etiam Latinas peregrinasve cum quibus conubium habeant, cum enim conubium id efficiat ut liberi patris condicionem sequantur, evenit ut non solum cives Romani fiant sed et in potestate patris sint'. See 1.76–80; C.5.27.11pr.

[9] Inst.Gai.1.81: 'Semper conubium efficit ut qui nascitur patris condicioni accedat'.

[10] Sherwin-White (1973), pp. 33–4. See Corbett (1930), p. 24: '*Conubium* is said to exist between a man and a woman when they are capable of legal intermarriage'.

[11] De Visscher (1952), p. 405. For *conubium* as a right awarded to discharged soldiers, see Inst. Gai. 1.57 with Corbett (1930), pp. 39–42; Sherwin-White (1973), p. 268; Mirkovic (1986); Treggiari (1991), p. 44.

[12] De la Chevalerie (1954), pp. 272–3.

if *conubium* had been granted to them, individually or to a whole people or city, by the Roman state.[13]

Children from such a marriage followed the citizenship status of the highest-ranked partner, at least after the *Lex Minicia* was introduced (see below). Children from a *iustum matrimonium* were in *patria potestas*; without lawful marriage, they were fatherless and *sui iuris*.[14] This had important consequences for inheritance rights: in case of intestate death, the first heirs were the *sui heredes*, that is those who were *in potestate* (legitimate children who had not been emancipated) or *manus* (wives married *in manus*, see below);[15] they now became *sui iuris*. Illegitimate children were not *in patria potestas* and therefore were not *sui heredes*. If there were no *sui heredes*, the intestate heirs would be, first, the *agnati proximi* (male relatives on the father's side), then the *gentiles*.[16] All *sui*, male or female, took equal shares. A woman could not have *sui heredes*, since she did not have *patria potestas*.[17] Therefore, in a marriage without *conubium*, there was no automatic succession between parents and children on intestacy in Roman law.[18] Furthermore, after the death of one partner, the remaining partner could only claim the estate if the marriage was valid, and only if there were no *heredes* or *agnates*.[19] Wives married *sine manu* and who were *sui iuris* could be appointed heirs, but only by a will; they were not intestate heirs.[20] Furthermore, if someone was not a Roman citizen *sui iuris*, he could not make a will. Making a will was an act of the *ius civile*, and therefore *peregrini* could not make one, nor inherit from a Roman by law.[21]

In practice, it was difficult to check whether *conubium* existed between two intended partners; at the census a man had to declare that he had a wife 'to his best knowledge' (*ex sententia*);[22] since, if he were married without *conubium*, he would not have a legal wife, the question likely intended to ask whether he was legally married. However, the censors could not easily check the truthfulness of the answer; if the husband and/or wife were Roman citizens, it would have been possible to check previous census lists to see if they had been registered before as such. For a Latin or *peregrinus*, the only

[13] Volterra (1950), pp. 357–8; Crook (1967), p. 40; Gardner (1986), pp. 142–4; Evans-Grubbs (2002), pp. 18–21; Frier and McGinn (2004), p. 32.

[14] Inst.Gai.1.87.

[15] Fayer (2005), pp. 197–222 points out that marriage and *conventio in manus* were not necessarily part of the same process nor occurred at the same time.

[16] Treggiari (1991), pp. 28–9; Saller (1994), p. 163; Gardner (1998), pp. 15–16; Frier and McGinn (2004), pp. 322–4.

[17] Inst.Gai.3.1–8. See Watson (1971), p. 175; Gardner (1986), pp. 190–4; Evans-Grubbs (2002), p. 219; Frier and McGinn (2004), pp. 339–40.

[18] Treggiari (1991), pp. 49–50.

[19] D.38.11.1pr (Ulpian. 47 ad Ed.). See Cic. *Top*. 4.20.

[20] Treggiari (1991), p. 383.

[21] Watson (1971), pp. 22, 26, 33; see in general Kaser (1960), pp. 695–7.

[22] Sulp. *ap*. Gell., *N.A.* 4.3.2; Gell. *N.A.* 4.20.3; Dion. Hal. 2.25.7; Cic. *De Or.* 2.260. See Treggiari (1991) p. 58.

option was to check local census records, but this would have been cumbersome or impossible. Therefore, it may regularly have occurred that a couple discovered they were not legally married, even if they thought they were. The discovery that no *conubium* existed with a betrothed was a valid reason to end the engagement.[23] Under the Empire there were regulations about marriage in error, since this may have occurred frequently:

> If a Roman citizen man has married a Latin or peregrine wife through ignorance, because he believed that she was a Roman citizen, and has begotten a son, the child is not in his power, because he is not even a Roman citizen, but either a Latin or peregrine [. . .] By a decree of the Senate it is permitted to prove a case of error, and so the wife also and the son arrive at Roman citizenship, and from that time the son begins to be in his father's power [. . .] Likewise, if a Roman citizen woman has married a peregrine man through error, as if he were a Roman citizen, it is permitted to her to prove a case of error, and so also her son and her husband arrive at Roman citizenship, and equally the son begins to be in his father's power.[24]

The most important aim was to ensure that children were legitimate, because having legitimate children, and therefore making sure they were legal intestate heirs, was the most important goal of marriage.

3. *CONUBIUM* AMONG CITIZENS IN THE EARLY REPUBLIC

The sources suggest that a concept of *conubium* already existed in the early Republic, and that some of its elements were similar to those we encounter in later sources.

In 445 BCE debate erupted about intermarriage between patricians and plebeians: 'C. Canuleius, a tribune of the plebs, introduced a law with regard to the intermarriage of patricians and plebeians. The patricians considered that their blood would be contaminated by it and the special rights of the houses thrown into confusion'.[25] Canuleius then held a speech in which he argued:

> In one of these laws we demand the right of intermarriage, a right usually granted to neighbours and foreigners – indeed we have granted citizenship, which is more than intermarriage, even to a conquered enemy [. . .] Was not this very prohibition of intermarriage between patricians and plebeians, which inflicts such serious injury on the commonwealth and such a gross injustice on the plebs, made by the decemvirs within these last few years? [. . .] They are guarding against our becoming connected with them by affinity or relationship, against our blood being allied with theirs [. . .] If your nobility is tainted by union with us, could you not have kept it pure by private regulations, by not seeking brides from the plebs, and not

[23] Sen. *Ben*. 4.27.5. See Treggiari (1991), p. 158.
[24] Inst.Gai.1.67.
[25] Liv. *Hist*. 4.1.2.

> suffering your sisters or daughters to marry outside your order? [. . .] That this should be prohibited by law and the intermarriage of patricians and plebeians made impossible is indeed insulting to the plebs [. . .] For, as a matter of fact, what difference is there, if a patrician marries a plebeian woman or a plebeian marries a patrician? [. . .] Of course, the children follow the father.[26]

Dionysius states that the *decemviri* in the Twelve Tables of 451–50 BCE forbade marriage (*epigamia*) between patricians and plebeians; *epigamia* may be a translation of *conubium*, or at least of the concept as it existed in Dionysius's own time.[27] It is likely that patricians and plebeians in earlier periods did in fact marry each other, and that the ban on doing so was only a result of an increasing movement by the patricians to separate themselves from the plebeians.[28] Already for the very start of Roman history, Livy describes *conubium* as a legal concept that could be shared by different peoples:

> Rome had now become so strong that it was a match for any of its neighbours in war, but its greatness threatened to last for only one generation, since through the absence of women there was no hope of offspring, and *there was no right of intermarriage with their neighbours* [. . .] Romulus sent envoys amongst the surrounding nations to ask for alliance and the right of intermarriage on behalf of his new community.[29]

Of course most of these stories are legendary, so they do not offer real evidence for a legal concept of *conubium* in this early period.[30]

It is likely that this episode was constructed later as an element of the 'Struggle of the Orders' between patricians and plebeians, possibly on the basis of misunderstood evidence. Forsythe, for example, argues that the idea of a marriage ban between the classes was based on a later obligation for priests to marry by the rite of *confarreatio*, which Livy might have understood as being the result of an earlier limitation on marriage between patricians and plebeians.[31] The class struggle was not limited to Rome, but was considered by later authors to be an element of society in Latium in general. Livy relates that in 443 BCE a conflict erupted in Ardea, because

[26] Liv. *Hist*. 4.3.4–4.11.

[27] Dion. Hal. 10.60. See Twelve Tables 11.1; Dion. Hal. 11.2.2; Cic. *Rep.* 2.63. See Volterra (1950), p. 373; Catalano (1965), p. 99.

[28] Corbett (1930), p. 30, however, states that intermarriage occurred from 445 BCE onwards apparently misunderstanding Livy.

[29] Liv. *Hist*. 1.9.1–2: '... nec cum finitimis conubia essent. Tum ex consilio patrum Romulus legatos circa vicinas gentes misit qui societatem conubiumque novo populo peterent'. Ov. *Fast*. 3.195–200 also says that 'rights of intermarriage' were granted to foreigners: 'Rights of intermarriage are granted to distant peoples, / yet none wished to marry a Roman' ('extremis dantur conubia gentibus, at quae Romano vellet nubere, nulla fuit').

[30] Cornell (2005).

[31] Forsythe (2005), p. 229.

> two young men were courting a girl of plebeian descent celebrated for her beauty. One of them, the girl's equal in point of birth, was encouraged by her guardians, who belonged to the same class; the other, a young noble captivated solely by her beauty, was supported by the sympathy and good-will of the nobility.[32]

If we assume that Romans and Latins at this time shared *conubium* (see below), then it appears that *conubium* would have been especially important for the nobility as a mechanism by which they created alliances throughout Latium, while not permitting the members of their class to reduce its power by marrying plebeians.[33] In any case, it is likely that the ban on marriage between patricians and plebeians was lifted shortly after 445 BCE, since there is much evidence for marriage between the two groups in the later Republic.[34]

4. *CONUBIUM* BETWEEN ROMANS AND LATINS BEFORE 338 BCE

A commonly held belief among modern scholars is that *conubium* was essential for a legal marriage between Romans and *peregrini*. A special group of *peregrini* were the Latins, and it is usually assumed that *conubium* existed between them and the Romans before and after the Latin War of 341–38 BCE.

Our earliest evidence for *conubium* in a non-legendary context appears in Livy's description of the settlement of Latium by the Romans in 338:

> Lanuvium received the full citizenship [. . .] Aricium, Nomentum, and Pedum obtained the same political rights as Lanuvium. Tusculum retained the citizenship which it had had before. [. . .] Antium [. . .] [was] admitted to citizenship. [. . .] The rest of the Latin cities were deprived of the rights of intermarriage, free trade, and common councils with each other ('ceteris Latinis populis conubia commerciaque et concilia inter se ademerunt'). Capua [. . .] was given *civitas sine suffragio*, as were also Fundi and Formiae.[35]

This passage is crucial in our study of *conubium*, although we should keep in mind that it was written 300 years after the events it describes. Nevertheless, Livy's detailed enumeration of Latin towns and their varying treatments suggest that he had reliable details available regarding the privileges and punishments they received. The phrasing suggests that most of the Latins (apart from those retaining their privileges) were deprived of *conubia* and *commercia*

[32] Liv. *Hist*. 4.9.

[33] De Visscher (1952); see De la Chevalerie (1954), p. 280.

[34] Gardner (1986), p. 32.

[35] Liv. *Hist*. 8.14: 'Lanuvinis civitas data sacraque sua reddita [. . .] Aricini Nomentanique et Pedani eodem iure quo Lanuvini in ciuitatem accepti [. . .] Et Antium [. . .] civitas data. [. . .] Ceteris Latinis populis conubia commerciaque et concilia inter se ademerunt. Campanis [. . .] Fundanisque et Formianis [. . .] civitas sine suffragio data'.

generally, both those with Rome and with each other, whereas the *concilia* were *inter se*, that is between the Latin towns.[36]

Dionysius mentions that *isopoliteia* existed between Romans and Latins in the period before 338 BCE, and that they had received this through the *Foedus Cassianum* of 493 BCE: 'All the Latins, to whom we lately granted equal rights of citizenship, will be on our side, fighting for this commonwealth as for a country now their fatherland'.[37] In combination with Livy's passage for 338 BCE, this leads to the assumption that before 338 *conubium* was a reciprocal right, which not only granted a Latin the right to marry a Roman, but also a Roman to marry a Latin, and for Latins between themselves to marry each other. This would be in keeping with the principle of *isopoliteia* as claimed by Dionysius. Some assume that this was the result of individual treaties between Rome and the Latin cities, or of a grant by Rome;[38] however, in the early Republican period, there is no reason to assume that Rome was very much stronger than the other Latin towns, and that therefore this grant was a hegemonic permission emanating from Rome, as it would later become. In any case, it is likely that marriage between Romans and Latins already existed very early in the Republic.[39]

The Latin War of 341–38 BCE marked a fundamental change in the relationship between Rome and the Latins. Before this war, Rome had not been powerful enough to impose its will on other states – at least in theory; we can see growing interference by Rome and resulting dissatisfaction among the allies from the early fourth century. Now, however, Rome was the most important power in central Italy, and could take one-sided, hegemonic decisions about the rights of its allies (or rather subjects), as is clear from Livy's description of Rome's decisions in 338 BCE.

In 306 BCE, according to Livy,

[36] Sautel (1952), pp. 38–9 assumes that all these rights were valid between the Latin towns, not with Rome. De Visscher (1952), p. 417 suggests that Latins were still allowed to marry into Roman families, but not amongst each other; this would have strengthened Rome's control over the Latins. However, the text suggests that they were deprived of *conubium* generally, including with Rome.

[37] Dion. Hal. 7.53.5. This speech was held during the trial of Coriolanus in the early fifth century. Similarly, in 8.35.2 Coriolanus demands that 'the Romans will . . . give [the Volsci] equal rights of citizenship: as they have done in the case of the Latins'. In 6.63.4, citing a speech held by Brutus before the *Foedus*, Dionysius suggests that the Latins did not yet have equal rights: 'I say nothing of the thirty cities of the Latin nation, which would be only too glad to fight our battles by reason of their kinship, if you would but grant them equal rights of citizenship, which they have constantly sought'. See also 8.70.2, 8.72.5, 8.74.2, 8.75.2, 8.76.2; see 4.58.3 for *isopoliteia* between Romans and Gabii. For the *Foedus* itself, see Dion. Hal. 6.95.2, where, however, he does not mention marriage rights.

[38] Mommsen, cited in De Visscher (1952), p. 405.

[39] De Visscher (1952), pp. 406–7; Dixon (1992), p. 79; Forsythe (2005), pp. 184. Humbert (1978), p. 97 thinks that *isopoliteia* was the same as Roman citizenship, but it is not clear why Latins would have desired Roman citizenship.

> three of the Hernican communities – Aletrium, Verulae, and Ferentinum – had their municipal independence restored to them as they preferred that to the Roman franchise, and the right of intermarriage with each other was granted them (*suae leges redditae conubiumque inter ipsos)*, a privilege which for a considerable period they were the only communities amongst the Hernicans to enjoy. The Anagnians and the others who had taken up arms against Rome were admitted to the *civitas sine suffragio*, were deprived of their municipal self-government and the right of intermarriage (*concilia conubiaque adempta*).[40]

Sherwin-White argued that 'if *civitas sine suffragio* implied the equation of its holder to a *civis Romanus* in all but political rights, then the Anagnini would automatically have shared in the *conubium* with the other Hernici which all *cives Romani* enjoyed'.[41] However, this is not what Livy says: he states that Anagnia was deprived of *conubia* and *concilia*. It is likely that the *concilia* were again *inter se*, as in 338 BCE; for the *conubia* we do not have evidence, but since the Hernici had been admitted to the *Foedus Cassianum* on equal terms with the Latins, we can assume they had enjoyed the same rights, namely *commercium* and *conubium*, with Rome. This they would now have lost.[42] The other towns received *conubium* with each other (*inter ipsos*), not with Rome, so we cannot conclude that all Hernici were now allowed to marry Romans. We see here again a clear indication of Rome's growing power, which allowed her to make unilateral decisions about which legal rights were granted to her allies; any rights should therefore be seen as privileges granted by Rome, which could be taken away at any point. This development became even more pronounced in the later Republic.

5. *CONUBIUM* IN THE LATER REPUBLIC

A persistent assumption for the later Republic is that Latins enjoyed many privileges in their relations with Rome; these are usually cited as *conubium*, *commercium*, and the *ius migrationis*. *Conubium* would have constituted a privilege that could be granted to Latins (and *peregrini*), which would have allowed them to contract valid marriages with Romans. This would mean that a Roman could marry those Latins and *peregrini* who either individually or as a group had received *conubium* with Rome. It is almost universally believed that the Latins as a collective had been granted *conubium* by the *Foedus Cassianum* and that they retained this after 338.[43] Sherwin-White,

[40] Liv. *Hist*. 9.43.23.

[41] Sherwin-White (1973), p. 49.

[42] De Visscher (1952), p. 417 believes they only lost the right of intermarriage with each other.

[43] Crook (1967), p. 44; Sherwin-White (1973), pp. 32–7; pp. 109–16; Humbert (1978), pp. 98–108; Treggiari (1991), pp. 44–5; Crawford (1992), p. 36 who assumes that this remained unchanged since the *Foedus Cassianum*; Capogrossi Colognesi (1994), pp. 16–23;

for example, thinks that *Latinitas* became 'the path to Roman citizenship, and almost a secondary form of the *civitas* itself'.[44] He argues that 'for the Republican period before the Social War there can be no doubt. The statement in Livy [. . .] implies that these rights persisted between Latin and Roman'. However, I have argued above that the *commercia* and *conubia* that the Latins lost referred to all rights, both between Romans and Latins and between Latins themselves, while the *concilia* that were taken away were common councils between Latins only.[45] Livy clearly states that the Latins were now deprived from *commercia* and *conubia* with Rome, and it is nowhere indicated that they regained these rights later.

Therefore, there is in fact no reason to assume that the Latins were privileged over other allies in their contacts with Rome after this year. The evidence in fact suggests that Latins were placed on the same footing as all other *peregrini*. Livy states that in 169 BCE 'there were two portents which were not taken into consideration, one because it occurred on private, the other on foreign soil' (*in agro peregrino*).[46] The 'foreign soil' in question was the Latin colony of Fregellae. Furthermore, Gaius states: 'The *Lex Minicia* classes as *peregrini* not only foreign races and peoples but also those called Latins; it also applied to the other Latins, who had their own communities and cities and were in the category of *peregrini*'.[47] There has been some debate over the date of the law, but it is likely that it should be dated to shortly before 90 BCE,[48] showing that in the late Republic Latins were considered *peregrini*.

The privilege of *conubium* between inhabitants of different Latin towns is another debated issue; Livy suggests that the Latins were deprived of this right in 338 BCE. However, Servius Sulpicius refers to a particular betrothal procedure among Latins: 'The man who was to take the woman

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Cornell (1995), pp. 295–7; Forsythe (2005), p. 290. Coşkun (2009), pp. 35–6, n. 70 argues that the ban on marriage between Latins issued in 338 BCE did not last long, although there is no evidence that it was lifted. Watson (1971), p. 27 argues that Latins could receive inheritances from Romans, but it is not clear why this should be the case.

44 Sherwin-White (1973), p. 98.

45 This is not considered by Sherwin-White, who actually omits the word *concilia* from his quote: Sherwin-White (1973), pp. 109–10.

46 Liv. *Hist*. 43.13.6.

47 Inst.Gai.1.79. The passage may be interpreted in two ways: either the Latins were always classed as *peregrini* or they were only interpreted as such in this law. However, it is more likely that the definition was not created only for the *Lex Minicia*, but was valid in other cases as well; see Catalano (1965), pp. 278–87.

48 Cherry (1990), pp. 248–50; Treggiari (1991), p. 45; Dixon (1992), p. 124. Coşkun (2009), p. 38, fn. 80 argues it should be dated after 90 BCE or even in the imperial period, but gives no arguments. A date shortly before 90 BCE fits well with other laws passed at the same time, which all aimed to restrict the rights of Italian allies. This may reflect a desperate attempt by the Roman state to maintain a barrier between it and other Italians, who increasingly demanded more rights. The *Lex Licinia Mucia* of 95 BCE, which expelled *peregrini* from the Roman census lists, is another example of such a law.

to wife made a formal promise'. If the marriage was cancelled, 'he who had asked for her hand, or he who promised her, brought suit on the ground of breach of contract', and a fine was payable. Sulpicius adds that 'this law of betrothal was observed up to the time when citizenship was given to all Latium by the *Lex Iulia*' (i.e., 90 BCE).[49] It may be that this was a custom of the *prisci Latini* and had earlier been shared by Romans; the Latin colonies seem not to have been involved.[50] This passage is sometimes used to argue that all Latins possessed *conubium* with each other, although Sulpicius does not say that marriage occurred between *different* Latin peoples; the partners could very well have been of the same Latin group. There is therefore no positive evidence that Latins were allowed to marry each other after 338.

The problem of the possession of *conubium* by Latins should be connected to that regarding the other two privileges they are commonly assumed to have had: *commercium* and the *ius migrationis*. However, the possession of both these privileges by the Latins has recently been questioned. Regarding the *ius migrationis*, in two well-known episodes from 187 BCE and 177 BCE the Romans were asked by some Latin towns to return to them people who had moved to Rome; Rome then ordered the Latins to return home.[51] However, if the Latins had possessed *ius migrationis*, these expulsions make no sense. If Latins had the right to migrate to Rome, then the Roman state could not expel them.[52]

I have argued elsewhere that it is also unlikely that the Latins, as a rule, held *commercium*,[53] apart from those who were settled in colonies of Latin status. It is likely that a similar arrangement pertained to *conubium* as well. A passage dating to 177 BCE has been interpreted as showing evidence for the widespread existence of *commercium* among the Latins:

> The law entitled the Latin allies to become Roman citizens as long as they left a son of their own at home [. . .] To avoid the necessity of leaving a son at home, men would hand their sons over as slaves (*mancipio dabant*) to anyone with Roman citizenship, on the condition that the sons would be manumitted; as freedmen they would become citizens. Men with no offspring to leave behind adopted sons to become Roman citizens.[54]

[49] Sulp. *ap*. Gell. *N.A.* 4.4. See Corbett (1930), pp. 9–15.

[50] Coşkun (2009), p. 37 fn. 76.

[51] Liv. *Hist*. 39.3.4–5; 41.8.6–12; 41.9.9–12; 42.10.3; Cic. *Sest*. 13.30.

[52] Broadhead (2001) in more detail; Coşkun (2009), pp. 107–10. Laffi (1995), p. 51 thinks that *ius migrationis* was a privilege granted to all Latins at the time of the *Foedus Cassianum*, but in that case it would have been abolished in 338; furthermore, there is no reason why the Romans would care about the population levels of Latin towns other than colonies, since they were not of strategic importance.

[53] Roselaar (forthcoming).

[54] Liv. *Hist*. 41.8.8–10. See Laffi (1995) for a detailed discussion of this passage.

The expression *mancipio dabant* seems to suggest that *peregrini* (in this case, Latins) who sold their sons as slaves – which were *res mancipi* – to Roman citizens were admitted to *mancipatio*, and therefore that they held *commercium*.[55]

However, the passage should be considered in the light of the *ius migrationis*. It is thought that Latins were allowed to migrate to Rome and thereby take up Roman citizenship. However, from Livy's passage, it is clear that this was not as simple as is often thought: if Latins had been allowed to migrate to Rome, they would not have needed to resort to such ingenious methods of gaining citizenship for their sons. It is more likely that we should identify a specially privileged group within the Latins, namely the inhabitants of the Latin colonies. Since many Latin colonists were originally from Rome,[56] it would make sense that they were allowed to return to Rome if they left a son behind in their colony. This would make it more attractive for Romans to join a colony, because they would have an opportunity to return; for the state this assured that the colonies, which were strategically important for the Romans, remained up to strength.[57] Those of Latin origin who joined a colony may have been granted the same right, to encourage them to join and as a reward for services to the Roman state.[58]

I suggest that the Latin colonists may have been granted the right to use *mancipatio* as a special privilege, like the right to migrate if they left a son in the colony. It is possible that they were also granted *commercium*. This would have been necessary especially for reasons of inheritance: if many settlers were of Roman origin, then it was to be expected that they would receive inheritances from or want to bequeath them to family members who had remained Roman citizens. *Commercium* was needed to receive inheritances, since inheritances might include *res mancipi*.[59] However, *commercium* was not sufficient to arrange inheritances with their Roman relatives: *conubium* would be necessary as well.

That indeed some Latin colonies enjoyed special inheritance privileges is clear from a passage in Cicero:

> Sulla himself passed a law respecting the rights of citizenship, avoiding any taking away of the legal obligations and rights of inheritance of these men. For he orders the people of Ariminum to be under the same law that they have been. Who does

[55] Galsterer (1976), p. 103; Sherwin-White (1973), p. 109.

[56] Sherwin-White (1973), p. 27; Luraschi (1979), pp. 261–2, 272–81; Cornell (1995), pp. 367–8.

[57] The Romans were adamant about the need to keep up the strength of the colonies; in the case of Roman citizens' colonies, intricate regulations existed to keep the colonist contingent up to strength; see Roselaar 2009.

[58] Broadhead (2001).

[59] Inst.Gai.2.210 indeed states that *peregrini* could not inherit, but see Mayer-Maly (2003), p. 6.

not know that they were one of the twelve colonies and that they were able to receive inheritances from Roman citizens?[60]

It appears that twelve colonies had the right to inherit from Romans, including Ariminum, and that the rest did not. Such inheritances could not have been possible without *conubium*, so this passage suggests that there were, at least in Cicero's time, twelve colonies with *conubium*. A commonly held theory is that they were the last twelve Latin colonies, founded from 268 BCE onwards; the first of these was Ariminum.[61]

However, there are problems with this interpretation. Firstly, Cicero's words *eodem iure esse, quo fuerint Ariminenses* do not sound as if the Ariminenses had a clearly defined set of rights; it sounds more like an ad-hoc measure, possibly a Sullan innovation applying only to Ariminum. Furthermore, it is strange that the last twelve colonies, which were furthest away from Rome, received more rights than others closer to Rome. Their rights would not have been very useful, because they would not interact with Romans so much. Since there is no indication anywhere in the sources before Cicero that there was a difference in status between Latin colonies, I am inclined to believe that Cicero is referring to an innovation by Sulla which affected twelve colonies.[62]

[60] Cic. *Caec*. 102: 'Deinde quod Sulla ipse ita tulit de civitate ut non sustulerit horum nexa atque hereditates. Iubet enim eodem iure esse quo fuerint Ariminenses; quos quis ignorat duodecim coloniarum fuisse et a ciuibus Romanis hereditates capere potuisse?' See Catalano (1965), p. 109; Luraschi (1979), pp. 281–99.

[61] Bernardi (1973), pp. 76–88. The others would be Beneventum, Firmum Picenum, Aesernia, Brundisium, Spoletium, Placentia, Cremona, Thurii Copia, Vibo Valentia, Bononia and Aquileia. However, there is debate about the status of some other towns, especially Luna and Luca; if either of them was a Latin colony, as is assumed by some (see Roselaar (2010), p. 325), then the total of twelve would not add up. Watson (1971), p. 27 argues that it was only by Sulla that the rights of Ariminum were extended to other cities, but Cicero does not say this. Corbett (1930), pp. 24–6 argues that Ariminum and eleven other colonies had an inferior status, rather than more rights. However, if anything, they would have had more rights than other colonies, since they could inherit and others could not. Sherwin-White (1973), pp. 102–4 is indecisive, but does not believe that the twelve towns enjoyed other rights than the rest of the Latin colonies. Coşkun (2009), pp. 34–9 with fn. 70, 80; 64–70 with fn. 192; 119; 146–7; 169 fn. 522 argues that the *ius XII coloniarum* included *commercium*, *conubium*, *nexum*, *enktesis*, the *ius testamenti factio*, and *ius hereditatis captio*, and was created in the 120s BCE. Because the *ius civitatis adispiscendae per magistratum*, which Coşkun assumes to have been created in this period, made many local elites citizens, Latins in the same colonies would have had problems in dealing with their own townsmen, so the *ius XII coloniarum* was created to deal with this problem. It is unclear, however, why only twelve colonies were granted this; Coşkun suggests it may have been granted individually to each colony at their request. The *ius civitatis adispiscendae per magistratum* is another thorny problem; Sherwin-White (1973), p. 112, argues that it was created in the early first century. I am inclined to agree with Bradeen (1959) that citizenship *per magistratum* was not automatically granted to Latins at all during the Republic.

[62] Antonelli (2006) argues that they were the twelve towns in which Sulla had founded colonies; however, we do not know how many colonies Sulla established.

There would, in that case, be no evidence for the possession of *conubium* by any colony before Sulla, but the idea that the Latin colonies received this right, together with *commercium* and the *ius migrationis*, is in my view attractive. I suggest that Latin colonists were the only group in possession of these three rights, which would on the one hand make sure that the manpower of the colonies remained up to strength, and at the same time make joining a colony more attractive because existing family ties were not sundered by the change of status from Roman to Latin.[63]

A second problematic group were the *cives sine suffragio*. Since they were *cives*, they would fall under the Roman *ius civile* and therefore have *conubium* with Romans.[64] In the case of Anagnia in 308 BCE, the grant of this right was clearly intended as a punishment, which makes it unlikely that they were given the privilege to marry Romans. However, the Capuans, who had received it as a reward in 338 BCE, clearly did marry Romans. They joined Hannibal in the Second Punic War, but before they decided to defect,

> the only circumstances which prevented them from immediately revolting were the old established right of intermarriage (*conubium vetustum*) which had led to many of their illustrious and powerful families becoming connected with Rome and the fact that several citizens were serving with the Romans.[65]

After Rome recaptured Capua in 211 BCE, its leaders were punished with the loss of their *civitas*. They appealed to the Romans, stating that 'they were for the most part Roman citizens, connected with Roman families by intermarriage (*conubio vetusto*)'.[66] There is indeed some evidence for marriage between Romans and Campanians: Pacuvius Calavius, the leader of Capua in the Second Punic War, had married a daughter of Appius Claudius, and Calavius' daughter had married one of the Livii.[67] The daughter of Fabius Maximus Rullianus married Atilius Calatinus, another Campanian noble.[68]

The situation of the Campanians had not yet been resolved in 188 BCE. As Livy states,

> the censors had obliged the Campanians to register for the census at Rome, since it had not been clear earlier where they should register. The Campanians now requested that they might be allowed to take wives who were Roman citizens and

[63] Bernardi (1973), p. 68 argues that there was no *conubium* between the colonists of different colonies, but this is unlikely, since members of the same family might go to different colonies.

[64] Sherwin-White (1973), p. 46.

[65] Liv. *Hist*. 23.4.7.

[66] Liv. *Hist*. 26.33.3. A Roman ambassador in 200 BCE, according to Liv. *Hist*. 31.31.11, pointed out to the Macedonians that 'we had forged links with [the Campanians] first by a treaty, subsequently by marriage and family ties (*deinde conubio atque cognationibus*), and finally by granting them citizenship'.

[67] Liv. *Hist*. 23.2.6.

[68] Val. Max. *Mem*. 8.1.9.

> that any who had taken them be permitted to keep them; and they also asked that any children born to them before that date be considered as legitimate and able to inherit. Both requests were granted.[69]

This shows clearly that the Campanians, who at this time held the status of *peregrini*, did not have *conubium* before they made this request, for in that case they would not have had to ask for recognition of their marriages.[70]

It is clear from this passage that a grant of *conubium* was a unilateral decision made by the Roman state: it could grant this privilege to an individual or group at its own discretion. As in the case of Capua, the Senate could also take away the privilege whenever it wanted, especially as a punishment to disloyal allies. In this way grants of *conubium* – like grants of other privileges, like *commercium*[71] – functioned as a tool to maintain Rome's hegemony over its allies. This is itself makes it very unlikely that all allies, or even all Latins, possessed this right;[72] if that were the case, Rome would have found it more difficult to use *conubium* as a tool of government. All attestations in fact refer to individual cases. The use of *conubium* and related privileges was, I suggest, first and foremost a hegemonic tool, and not an element of 'Romanisation'; it simply privileged some people over others in their relations with Rome, but did not always make them any more 'Roman' in their cultural outlook – Latin colonists of Roman descent would have a 'Roman' mindset already; other Latin colonists, however, may have been proud of their new privileged status, and thus grants of legal privileges may have engendered a new feeling of *Romanitas* among certain groups in Italy. It is clear that *conubium* was a closely guarded privilege, as was Roman citizenship itself.

For example, a grant of *conubium* to a specific group was made in 171 BCE:

> A deputation from Spain arrived, who represented a new race of men. They declared themselves to be sprung from Roman soldiers and Spanish women who were not legally married (*cum quibus conubium non esset)* [. . .] The senate decreed that they should send in their own names and the names of any whom they had manumitted to L. Canuleius, and they should be settled on the ocean shore at

[69] Liv. *Hist*. 38.36: 'Campani . . . petierunt, ut sibi cives Romanas ducere uxores licere, et, si qui prius duxissent, ut habere eas, et nati ante eam diem uti iusti sibi liberi heredesque essent'.

[70] De la Chevalerie (1954), p. 277. Volterra (1950), p. 367 fn. 57 argues that being counted in Rome meant that they gained citizenship, but this is not necessarily the case. It only means that they were registered in a separate group by the censors at Rome, since there was no Capuan administration that could have done the job.

[71] Roselaar (forthcoming).

[72] Corbett (1930), pp. 26–8 and Volterra (1950), p. 380 argue that Rome had to grant *conubium* to every treaty partner separately; however, they still assume that eventually all allies received it. In fact, if only a few allies held *conubium*, there would be no reason why it should be part of the treaties with allies; on the other hand, it was possibly a standard item in charters of Latin colonies.

> Carteia, and any of the Carteians who wished to remain there should be allowed to join the colonists and receive an allotment of land. This place became a Latin colony and was called the 'Colony of the Libertini'.[73]

What we see here is a kind of retrospective grant of *conubium*: the marriages were recognised in a sense, since the sons were considered legally born; however, they did not receive Roman citizenship, as their fathers had held, but only Latin status. If their parents had received full 'retrospective' *conubium*, the men should have been made *peregrini*, since children of a Roman man and a peregrine woman with *conubium* followed the mother's status and so were *peregrini* (see below). Apparently this was felt to be inappropriate for the situation, and indeed the *lex Minicia* shortly afterwards changed this law. We see again that the Roman state could unilaterally make whatever grants it wished from its hegemonic position.

In 186 BCE the Senate decided that the freedwoman prostitute Hispala Faecenia, who had assisted Romans in the Bacchanalian affair, 'be permitted to marry a free-born man, and that whosoever married her suffer thereby no prejudice or loss of status'.[74] The absence of *conubium* in her case was due to her freed status rather than the fact that she was not a citizen; nevertheless, the Senate could, again, simply decide that such objections were taken away. Citizenship and *conubium* could also be granted separately: in 89 BCE some Spanish cavalry were granted Roman citizenship, but not *conubium*; this would mean that they could not marry Roman women.[75] Thus, it is clear that the Roman state could decide whatever it wished in regard to its civic rights: it could grant all rights separately, to specific peoples, groups, or individuals.

As for the Italian *socii*, there is no indication that they as a group possessed *conubium*, as is sometimes assumed for *commercium*. Diodorus suggests that some Italian *socii* also enjoyed *conubium*: in a battle during the Social War, soldiers from both parties recognised each other as 'men whom the law governing intermarriage had united in this kind of friendly tie'.[76] Some scholars argue that all *socii* already possessed *conubium*,[77] but this is very unlikely; some of the Italian rebels may have been Latins or *cives sine suffragio*.

An important change in marriage rights was introduced by the *Lex Minicia*, possibly dated to before 90 BCE (see above). Before this law, if there was no *conubium* between two people, they were not legally married, and the child took its mother's status. If there was *conubium*, it took the father's status. Therefore, children of a Roman mother and non-Roman father without *conubium* had been Roman citizens, since according to the

[73] Liv. *Hist*. 43.3.1–4.

[74] Liv. *Hist*. 39.19.5. See Humbert (1987). Volterra (1950), p. 358 and De Visscher (1952), p. 403 are therefore wrong that *conubium* was not an individual right, but only that of a group.

[75] ILS 8888. See Mirkovic (1986), p. 171.

[76] Diod. 37.15.2. See Sherwin-White (1973), p. 125.

[77] Galsterer (1976), p. 103; contra Bernardi (1973), p. 83; Coşkun (2009), p. 38 fn. 78.

ius gentium, illegitimate children followed the mother. In the case of a valid marriage, children took the status of the father.[78] Therefore, children of a Roman woman and a peregrine man with *conubium* had been *peregrini*, since *conubium* meant that children followed the father. This was seen as somewhat of a paradox; therefore, the *lex Minicia* enacted that when there was no *conubium*, the child followed the parent with the lowest status. Nothing changed for cases in which the father was a citizen: a Roman father and a peregrine mother without *conubium* had a peregrine child, while a peregrine father with *conubium* and a Roman mother had a Roman child, as had been the case earlier.[79]

Another legal development related to marriage and inheritance rights was the growing prevalence of marriages *sine manu*, which gradually replaced those with *manus*; by the mid-first century BCE, if not earlier, *sine manu* was the most common form of marriage.[80] With *manus*, a woman who married passed from the *potestas* of her father to that of her husband; the husband would then have complete control over her possessions, and upon her death these would be inherited by his family. If a woman was married *in manu*, her father could only give her a dowry, and she would have no right to an inheritance on her father's death; when married *sine manu*, she could inherit from him. *Sine manu*, a woman remained in her father's *potestas*, to which she returned in the case of her husband's death; her possessions would be inherited by her family on her father's side.[81]

The earliest reference to *sine manu* marriage dates to 204 BCE, when the *Lex Cincia* limited gifts between husband and wife.[82] It is also referred to by Ennius[83] and in Cato's comments on the *Lex Voconia* of 169, which allowed women to have their own property.[84] An increase in *sine manu* marriages occurred possibly after the divorce of Carvilius Ruga around 230 BCE, who was, apparently, the first to divorce his wife for reasons other than those laid down in the Twelve Tables.[85] Because no laws existed for this situation, the wife and her father did not have a legal action to claim the return of her

[78] Corbett (1930), p. 97; Sherwin-White (1973), ch. 15; Coşkun (2009), p. 34.

[79] Inst.Gai.1.76–8. Ulpian and Gaius also say that if either parent was peregrine, the child was peregrine, but this refers to parents without *conubium*. See Gardner (1986), p. 31; Treggiari (1991), pp. 45–7; Frier and McGinn (2004), p. 32.

[80] Kaser (1960), p. 324; Dixon (1992), p. 40; Evans-Grubbs (2002), p. 21.

[81] Dixon (1992) pp. 40, 74.

[82] *FV* 302. However, the Twelve Tables 6.5 (cited in Inst.Gai.1.111) already refer to the avoidance of *manus*: if a woman did not sleep in the marital bed for three nights per year (the so-called *ius trinoctium*) she would avoid entering into *manus* and stay instead in her father's control. See Gardner (1986), pp. 12–13; Lewis and Crawford (1996), pp. 661–2.

[83] *Her.* 2.24.38: a father is given authority to end his daughter's marriage.

[84] Gell. *N.A.* 17.6.1.

[85] Dion. Hal. 2.25.7; Plu. *Quaest. Rom.* 14; *Romulus* 35.3–4; *Numa* 25.12–13; Val. Max. 2.1.4; Gell. *N.A.* 4.3.1–2, 17.21.44.

dowry. When divorce became more common, the *cautiones rei uxoriae* and *actio rei uxoriae* were created.[86] A marriage *sine manu* had other advantages for a *paterfamilias*, who would in most cases make the decisions about his daughter's marriages.[87] If his daughter was widowed young, he would be able to arrange her next marriage to his advantage, since she was still under his *potestas*. The fact that she was still entitled to a share in her father's inheritance would enable the father to make decisions about his fortune up to the moment of his death. The development of *sine manu* marriages would therefore be in keeping with the availability of larger fortunes towards the end of the third century, over which a *paterfamil*ias would wish to retain control.[88]

It is possible that the *Lex Minicia* was passed for the same reasons that caused the increase in *sine manu* marriages, namely a growing preoccupation with regulations regarding inheritances. This indicates a growing desire to make sure that the increasingly large fortunes accumulated in this period remained in the hands of the same family; on the part of the Roman state, it suggests a desire to ensure that wealth remained in the hands of Roman citizens. *Conubium* would be a part of this development, because it would ensure that *peregrini* would not have access to Roman wealth: children of a marriage in which one of the partners was a non-Roman would, as *peregrini*, not be able to inherit from a Roman citizen. In this sense, *conubium* and other privileges worked as an important element of separation between Romans and others, rather than as a mechanism of integration. This fits in with the very restricted admittance of *peregrini* to Roman citizenship in general, as we have seen.

6. CONCLUSION

I have reviewed some common ideas about *conubium* in the Roman Republic. *Conubium* as a legal concept originated quite early in the history of the Republic, since by 338 it was an established privilege that could be granted to others. *Conubium* underwent some important innovations in the Republican period, for example the *Lex Minicia*. Gradually it developed from a loosely defined custom, as it was before the Latin War, to a strictly

[86] Kaser (1960), pp. 337–8; Gardner (1986), pp. 48–9; Dixon (1992), p. 45.

[87] Gardner (1986), pp. 45–6.

[88] Looper-Friedman (1984), pp. 293–5; Gardner (1998), pp. 40–1; Jacobs (2009), pp. 109–10. Some have seen this development as a liberation of women from male control (see discussion in Dixon (1992), pp. 20, 30–1). However, when this development took place, women were still expected to be under the *tutela* of a man, and the erosion of *tutela* as a practical limitation on women's powers had not yet begun; see Crook (1986); Dixon (1986); (2002), pp. 77–88; Gardner (1986), pp. 16–22; Dodds (1991–2). The 'liberation of women' cannot therefore have been the aim of those who, in the third and second centuries, chose marriages *sine manu* instead of with *manus*.

delineated instrument of Roman hegemony, used to keep a close watch on allies and subjects.

The Roman state was completely hegemonic in its decisions; it could grant *conubium* in combination with citizenship or separately, to groups, individuals, or peoples. There is no evidence for a widespread grant of *conubium* to Latin and/or Italian allies; however, I argue that the inhabitants of Latin colonies did enjoy this right, because it was important to maintain the strategic function of these colonies. The *cives sine suffragio* also shared in this right because they participated in the Roman *ius civile*.

We may conclude that the absence of *conubium* was an important mechanism of separation between Romans and colonial Latins and, on the other hand, the other Latins and allies. It is likely that the limited possibilities for access to Roman wealth, and the wish to be able to inherit from Roman citizens, formed an important drive in the desire for Roman citizenship that *peregrini* felt in the late Republic. This may have been one of the reasons that drove the Italian allies to revolt in the Social War; I hope to explore this issue further in future work.[89]

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