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Nubit amicus: Same-sex weddings **in Imperial Rome**

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Abstract

This article presents ancient Roman texts dealing with the topic of same-sex weddings with the purpose of examining the reliability of these sources and contributing to the understanding of this element of the ancient tradition. In order to do so, this paper takes literary and historiographical sources and legal aspects into consideration, making use of research by Craig Williams, Bruce Frier, and Michael Fontaine. Apart from a Late Imperial *constitutio*, our most important sources are historiographical works on two emperors of scandalous reign, namely Nero and Elagabalus; Juvenal's Satire 2; and two epigrams by Martial: 1, 24 and 12, 42. In the closing section of the paper, I suggest a new interpretation for the punchline of the latter poem.

Keywords

homosexuality; marriage; same-sex wedding; Martial; Juvenal; Nero; Elagabalus

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Ancient sources presenting same-sex weddings are scarce and far from obvious: in some cases doubts might arise if the given text speaks about real weddings or marriages, instead of presenting a mock-wedding or using this or a similar expression as a metaphor for concubinage or simply for sexual acts. However, there is one particular textual source from the Late Imperial Age which suggests that at least in some occasions, we can speak about actual weddings of two adult men: the *constitutio* of emperors Constantius and Constans from 342 AD that was preserved in the *Codex Theodosianus*.

*Cum vir nubit in feminam viro porrecturam quod cupiat, ubi sexus perdidit locum, ubi scelus est id, quod non proficit scire, ubi venus mutatur in alteram formam, ubi amor quaeritur nec videtur, iubemus insurgere leges, armari iura gladio ultore, ut exquisitis poenis subdantur infames, qui sunt vel qui futuri sunt rei.*¹ (9, 7, 3)

I quote and understand the passage, which was the subject of both text-critical and interpretational debate,² based on the emendation and explanation of Gordon Williams, who claims that the words *nubit in feminam* are to be understood as meaning a man “weds into a woman” (i.e. weds in the manner of a woman), that is playing a female role in the wedding. Craig Williams discusses the possibility that the text refers to a simple homosexual relationship, applying the metaphor of wedding to it; however, he also dismisses this suggestion when claiming that contemporary legal texts “elsewhere speak more directly, if euphemistically of *men’s bodies* being used in *feminine* ways.”³ Therefore, if the quoted reading is correct, this imperial *constitutio* in the 4th century AD intended to prohibit the wedding of two males, which can justify the supposition that weddings like these did take place in the Imperial Era.

This article focuses on the existence of same-sex *weddings* in the ancient Rome.⁴ Since all of our relevant sources speak about same-sex *weddings*, and not same-sex *marriages*, a clear distinction should be made between the concepts of wedding and marriage: the former denotes the ceremony, while the latter marks the union. I consider a source relevant for this paper if the participants of a wedding ceremony belong to the same sex; they are aware of this fact; and they consent to wed⁵ – to summarise: they are both men

1 “When a man weds in the manner of a woman who is going to offer a man what he desires, when gender has lost its place; when the crime is one which is not profitable to know; when Venus is changed into another form; when love is sought and not found, we order the statutes to arise, the laws to be armed with an avenging sword, that those infamous persons who are now, or who hereafter may be, guilty may be subjected to exquisite punishment.” Based on the transl. of Pharr. Quoted from Koptev’s edition with the emendation of G. Williams – for the latter, see Williams (2010: p. 421, n. 5).

2 Fontaine (2015) e.g. summarised as follows: “All we can tell is that whatever the behavior is, the law definitely doesn’t like it – and definitely doesn’t sanction it.”

3 Williams (2010: p. 280; and pp. 421–422, n. 6).

4 Greek sources cannot be taken into consideration, since, however rich is the tradition of the same-sex relationships in the Ancient Greek culture, none of these texts mention the word marriage or other concepts closely connected to it.

5 The latter two render the wedding scene of Plautus’ *Casina* irrelevant for this study, as one of the participating slaves does not know about his “partner” being a male, while the other is only an instrument in the scheme of Cleostrata.

who intend to wed another man.⁶ It is also important to note that not all of our sources speaking about same-sex weddings are to be understood literally. In his *Second Philippic*, when speaking about the lewd past of Mark Antony, Cicero presents his political opponent as a bride:

*Sumpsisti virilem, quam statim muliebrem togam reddidisti. Primo volgare scortum; certa flagiti merces nec ea parva; sed cito Curio intervenit qui te a meretricio quaestu abduxit et, tamquam stolam dedisset, in matrimonio stabili et certo collocavit. Nemo unquam puer emptus libidinis causa tam fuit in domini potestate quam tu in Curionis.*⁷ (Cic. Phil. 2, 44–45)

This passage shall not be taken as evidence for the existence of same-sex weddings, since the reference to the wedding (*stolam dedisset*) is preceded by the expression “as if” (*tamquam*), and therefore the mention of marriage (*in matrimonio stabili et certo*) serves only as a hyperbolic attack in Cicero’s invective. With these words, Cicero at first emphasises the lewdness and promiscuity of the young Mark Antony (serving as a public prostitute with high prices), before illustrating Antony’s subjection to Curio in both the sexual and social sense by means of using marriage as a metaphor to their relationship.⁸ Sexuality and subjection as key motifs are emphasised once more when comparing Antony to a slave boy – a comparison which is nothing less or more serious than the mentioning of marriage.

1. Elagabalus and Nero

In the case of other prominent Roman figures, however, there is a historiographical tradition of same-sex weddings that is worth examining. Chronologically, the latter of them is Emperor Elagabalus (or Heliogabalus), who took the throne in 218 AD at the age of 14, and was assassinated in 222 AD after four years of scandal-filled reign. According to the tradition, he had known no taboos either in religious, or in sexual matters: he circumcised himself to become the high priest of the sun deity Elagabal, whom he placed above Jupiter;⁹ he had

6 While studying same-sex weddings in Rome, we can speak about men only since there are no sources that would deal with the wedding or marriage of two women.

7 “You assumed the manly toga, which you instantly made a womanly one: at first as a public prostitute, with a regular price for your wickedness, and not a low one. But very soon Curio stepped in, who carried you off from your public trade, and, as if he had bestowed a matron’s robe upon you, settled you in a steady and durable wedlock. No boy bought for the gratification of passion was ever so wholly in the power of his master as you were in Curio’s.” Based on the transl. of Yonge.

8 Cf. Ormand (2009: pp. 229–231). Cf. also Williams (2010: p. 279): “These are fighting words, and the rhetoric makes the point that Curio and Antony were involved in a sexual relationship in which Antony, the younger partner, played the receptive role; the language of marriage is invoked so as to heap further scorn on Antony.”

9 D.C. 79, 11: τῶν δὲ δὴ παρανομημάτων αὐτοῦ καὶ τὸ κατὰ τὸν Ἐλεγάβαλον ἔχεται, οὐχ ὅτι θεὸν τινα ξενικὸν ἐς τὴν Ῥώμην ἐσήγαγεν, οὐδ’ ὅτι καινοπρεπέστατα αὐτὸν ἐμεγάλυνεν, ἀλλ’ ὅτι καὶ πρὸ τοῦ Διὸς αὐτοῦ ἤγαγεν αὐτόν, καὶ ὅτι καὶ ἱερέα αὐτοῦ ἑαυτὸν ψηφισθῆναι ἐποίησεν, ὅτι τε τὸ αἰδοῖον περιέτεμε... “Closely related to these irregularities was his conduct in the matter of Elagabalus. The offence consisted, not in his introducing a foreign god into Rome or in his exalting him in very strange ways, but in his placing him even before

five wives including a Vestal Virgin,¹⁰ which was considered to be an *incestum* according to the traditional view; he usually visited taverns and brothels to prostitute himself,¹¹ and later “he set aside a room in the palace and there committed his indecencies, always standing nude at the door of the room, as the harlots do, and shaking the curtain which hung from gold rings, while in a soft and melting voice he solicited the passers-by.”¹²

Besides his five wives, the historiographical tradition also knows about two husbands of Elagabalus. Dio tells the story of his wedding to his chariot-driver, a blond Carian slave named Hierocles,¹³ while the *Historia Augusta* informs us of his wedding to Zoticus, a Smyrnesse athlete. The former source, which is generally considered much more reliable,¹⁴ gives a little insight into the relationship of the emperor and Hierocles, and suggests that Elagabalus took their marriage seriously. According to the historiographer, the young emperor was named as wife, mistress and queen,¹⁵ and wanted his husband to become an actual Roman Caesar despite being physically abused by him.¹⁶ While it is rather unlikely that all of Elagabalus’ weddings established a “real” marriage – especially taking his very short lifetime into account –, the tradition about Hierocles suggests that this wedding was followed by a kind of union, or, at least, a kind of partnership. Dio also tells about his other lover, Zoticus, whom the *Historia Augusta* does not only mention as his husband, but also tells about their wedding, at first stating that Elagabalus’ subjects

Jupiter himself and causing himself to be voted his priest, also in his circumcising himself...” Cassius Dio is quoted in the transl. of Cary.

- 10 D.C. 79, 9: εἶτα τὴν Παῦλαν ὡς καὶ κηλιδά τινα περὶ τὸ σῶμα ἔχουσαν ἀποπέμψας Ἀκουλία Σεουήρα συνώκησεν, ἐκφανεστάτα παρανομήσας· ἱερωμένην γὰρ αὐτὴν τῇ Ἑστία ἀσεβέστατα ἤσχυεν. [...] καὶ οὐδ’ ἐκείνην μέντοι ἐπὶ πολὺ κατέσχευεν, ἀλλὰ ἐτέραν, εἴθ’ ἐτέραν καὶ μάλα ἄλλην ἔγημε, καὶ μετὰ τοῦτο πρὸς τὴν Σεουήραν ἐπανήλθεν. “Afterwards he divorced Paula on the ground that she had some blemish on her body, and cohabited with Aquilia Severa, thereby most flagrantly violating the law; for she was consecrated to Vesta. [...] However, he did not keep even this woman long, but married a second, a third, a fourth, and still another; after that he returned to Severa.”
- 11 D.C. 79, 13: ἐς τὰ πορνεία τὰ περιβόητα ἐσεφοίτα, καὶ τὰς ἐταίρας ἐξελαύνων ἐπορνεύετο. “He frequented the notorious brothels, drove out the prostitutes, and played the prostitute himself.”
- 12 D.C. 79, 13: καὶ τέλος ἐν τῷ παλατίῳ οἰκημά τι ἀποδείξας ἐνταῦθα ἡσέλαυνε, γυμνός τ’ αἰεὶ ἐπὶ τῆς θύρας αὐτοῦ ἐστῶς ὡσπερ αἱ πόρναι, καὶ τὸ σινδόνιον χρυσοῖς κρῖκοις ἐξηρημένον διασειών, τοὺς τε παριόντας ἀβρᾶ τε καὶ κεκλασμένη τῇ φωνῇ προσεταιριζόμενος.
- 13 D.C. 79, 14–15: καὶ ἐγήματο [...] ὁ δὲ δὴ ἀνὴρ αὐτῆς[!] Ἱεροκλῆς ἦν, Καρικὸν ἀνδράποδον... “...he was bestowed in marriage [...] Her husband was Hierocles, a Carian slave...”
- 14 On the reliability of the *Historia Augusta*, see e.g. Breisach (2007: p. 75). According to Birley (2006: p. 23), the *vita* of Elagabalus is among the more trustworthy ones.
- 15 D.C. 79, 14: γυνὴ τε καὶ δέσποινα βασιλῆς τε ὀνομάζετο... “...he was termed wife, mistress, and queen...”
- 16 D.C. 79, 15: καὶ γὰρ μοιχεύεσθαι δοκεῖν, ἵνα κὰν τούτῳ τὰς ἀσελεγεστάτας γυναῖκας μιμήται, ἦθελε, καὶ πολλάκις ἐκὼν καὶ ἐπ’ αὐτοφῶρῳ ἠλίσκετο, καὶ διὰ τοῦτο καὶ ἐλοιδορεῖτο ἀσελγῶς πρὸς τοῦ ἀνδρός, καὶ ὥστε καὶ ὑπόπια σχεῖν πληγὰς ἐλάμβανεν. ἐκεῖνον δ’ οὐδ’ οὕτως οὐ κούφη τινὶ φορᾷ ἀλλὰ πόνῳ καὶ δευσοποιῶ ἔρωτι ἡγάπα, ὥστε μὴ ὅτι ἐπὶ τοιούτῳ τινὶ ἀγανακτήσαι, ἀλλὰ καὶ τούναντίον ἐπ, αὐτοῖς ἐκεῖνοις μᾶλλον αὐτὸν φιλεῖν, καὶ Καίσαρα ὄντως ἀποφῆναι ἐθελῆσαι. “He wished to have the reputation of committing adultery, so that in this respect, too, he might imitate the most lewd women; and he would often allow himself to be caught in the very act, in consequence of which he used to be violently upbraided by his husband and beaten, so that he had black eyes. His affection for this husband was no light inclination, but an ardent and firmly fixed passion, so much so that he not only did not become vexed at any such harsh treatment, but on the contrary loved him the more for it and wished to make him Caesar in very fact.”

treated him as the emperor's consort, then referring to their actual nuptial ceremony and the consummation of their marriage.¹⁷

The stories depicting Elagabalus as a *wife* are consistent with other elements of the tradition; according to the *Historia Augusta*, he often took the role of Venus when the story of Paris was played in his home, and imitated the *Crouching Venus* with depilated body,¹⁸ while Dio tells about him demanding with feminine gestures to be addressed as Mistress,¹⁹ and also desiring to be operated to become a woman.²⁰ Based on these texts, Elagabalus, who posed as Venus, who wanted to be treated as a lady, and even physically wished to become a woman, should be considered as being a transgender or transsexual person.²¹ As it is underlined in the monograph of C. Williams, nothing compels us to doubt that the historiographical tradition is reliable in the case of Elagabalus' weddings to Zoticus and Hierocles;²² however, I argue that these stories describe a peculiar kind of same-sex wedding: the stories about a licentious emperor breaking the traditions on many levels seem to be irrelevant to the general situation, i.e. to the question whether ordinary homosexual men had weddings with their significant other or not?

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- 17 Hist. Aug. *Heliog.* 10 *Zoticus sub eo tantum valuit, ut ab omnibus officiorum principibus sic haberetur quasi domini maritus. [...] nubit et coit cum illo ita, ut et pronubam haberet clamaretque 'concide Magire', et eo quidem tempore quo Zoticus aegrotabat.* "During his reign Zoticus had such influence that all the chiefs of the palace departments treated him as their master's consort. [...] With this man, Elagabalus went through a nuptial ceremony and consummated a marriage, even having a bridal-matron and exclaiming, 'Go to work, Cook' – and this at a time when Zoticus was ill." The *Historia Augusta* is quoted based on the transl. of Magie.
- 18 Hist. Aug. *Heliog.* 5 *agebat praeterea domi fabulam Paridis ipse Veneris personam subiens, ita ut subito vestes ad pedes defluerent, nudusque una manu ad mammam altera pudendis adhibita ingenicularet posterioribus eminentibus in subactorem reiectis et oppositis. vultum praeterea eodem, quo Venus pingitur, schemate figurabat corpore toto expolitus...* "Moreover, he used to have the story of Paris played in his house, and he himself took the role of Venus, and suddenly dropped his clothing to the ground and fell naked on his knees, one hand on his breast, the other before his private parts, his buttocks projecting meanwhile and thrust back in front of his partner in depravity. He would likewise model the expression of his face on that with which Venus is usually painted, and he had his whole body depilated..." On this scene, see also Vout (2014: p. 453).
- 19 D.C. 79, 16: προσειπόντα, οἷα εἰκὸς ἦν, 'κύριε αὐτοκράτορ χαῖρε, θυμαστώσ τόν τε αὐχένα γυναικίσας καὶ τοὺς ὀφθαλμοὺς ἐπεγκλάσας ἡμείψατο, καὶ ἔφη οὐδὲν διστάσας 'μή με λέγε κύριον· ἐγὼ γὰρ κυρία εἰμί'. "When Aurelius addressed him with the usual salutation, My Lord Emperor, Hail! he bent his neck so as to assume a ravishing feminine pose, and turning his eyes upon him with a melting gaze, answered without any hesitation: Call me not Lord, for I am a Lady."
- 20 D.C. 79, 11: ἐβουλεύσατο μὲν γὰρ παντάσῃν αὐτὸ ἀποκόψαι· ἀλλ' ἐκεῖνο μὲν τῆς μαλακίας ἔνεκα ποιῆσαι ἐπεθύμησε... "He had planned, indeed, to cut off his genitals altogether, but that desire was prompted solely by his effeminacy..."; and 79, 16: ἐς τοσαύτην δὲ συνηλάθη ἀσέλγειαν ὡς καὶ τοὺς ἰατροὺς ἀξιῶν αἰδῶ γυναικείαν δι' ἀνατομῆς αὐτῷ μηχανήσασθαι, μεγάλους ὑπὲρ τοῦτου μισθοὺς αὐτοῖς προϊσχύμενος. "He carried his lewdness to such a point that he asked the physicians to contrive a woman's vagina in his body by means of an incision, promising them large sums for doing so."
- 21 See e.g. the definitions provided in *Gender and Sexual Identity Lexicon* (2014): "Transsexual: A person who does not identify with the gender they were assigned at birth and has changed or is in the process of changing his or her sex, whether by surgery or hormone therapy, and wishes to live as a person of the resulting sex"; "Transgender: A person whose gender identity or biological sex is situated outside traditional male or female roles, who does not identify herself or himself with her or his assigned sex at birth or who started a process to better correspond with her or his expression of gender and gender identity."
- 22 Williams (2010: p. 280).

Much the same is true to the other prominent Roman figure whose weddings with men are known from the historiographical tradition: another emperor with a scandalous reign, Nero. We can turn to Cassius Dio again who introduces a young slave, Sporus after telling about the demise of Sabina, the emperor's second wife. As reported by the historiographer, the boy who resembled Nero's deceased spouse, was castrated and treated as a wife by the emperor. Later they had a formal wedding assigning a dowry as well, and their wedding was publicly celebrated – and moreover, Dio also mentions a husband(!) of Nero named Pythagoras.²³ The historiographer presents Nero's wedding with Sporus in an objective and unbiased way, which stands in a clear-cut contrast with the descriptions of Tacitus and Suetonius, who both mention this element of the Nero tradition as a scandalous one. The former tells about the emperor's wedding with Pythagoras in Book 15 of his Annals, as follows:

*ipse per licita atque illicita foedatus nihil flagitii reliquerat quo corruptior ageret, nisi paucos post dies uni ex illo contaminatorum grege (nomen Pythagorae fuit) in modum sollemnium coniugiorum denupsisset. inditum imperatori flammeum, missi auspices, dos et genialis torus et faces nuptiales, cuncta denique spectata quae etiam in femina nox operit.*²⁴ (Tac. ann. 15, 37)

The expressions *foedatus*, *flagitii*, *corruptior*, and *contaminatorum*, as well as the last words of the passage renders the attitude of Tacitus as being much more attacking than Dio's neutrality, while in the biography of Suetonius, Nero's wedding with Sporus appears in the enumeration of his deviant behaviours and sexual crimes, together with visiting brothels, rape, the violation of a Vestal Virgin, the incest with his mother, the mauling of the genitals of his victims as a wild beast, and a public threesome with Sporus and another freedman²⁵ – who is possibly the same as his husband, Pythagoras.²⁶ Thus, three historiographical sources state that Nero had weddings with two men, one as a husband and one as a wife.²⁷ However, it is far from obvious that these elements of the tradition

23 D.C. 62, 28: και οὕτω γε αὐτὴν ὁ Νέρων ἐπόθησεν ὥστε μετὰ <τὸν> θάνατον αὐτῆς τὰ μὲν πρῶτα γυναῖκὰ τινα προσφερῆ οἱ μαθὼν οὖσαν μετεπέμψατο καὶ ἔσχεν, ἔπειτα καὶ παῖδα ἀπελεύθερον, ὃν Σπόρον ὠνόμαζεν, ἐκτεμῶν, ἐπειδὴ καὶ αὐτὸς τῇ Σαβίνῃ προσεῖκει, τὰ τε ἄλλα ὡς γυναῖκι αὐτῷ ἐχρήτο καὶ προῖόντος τοῦ χρόνου καὶ ἐγήμεν αὐτόν, καίπερ Πυθαγόρα τινὶ ἐξελευθέρῳ γεγαμημένος, καὶ προῖκα αὐτῷ κατὰ συγγραφὴν ἔνευμε, καὶ τοὺς γάμους σφῶν δημοσίᾳ οἱ τε ἄλλοι καὶ αὐτοὶ οἱ Ῥωμαῖοι ἐώρτασαν. “Nero missed her so greatly after her death that on learning of a woman who resembled her, at first sent for her and kept her; but later he made a boy of the freedmen, whom he used to call Sporus, to be castrated, since he, too, resembled Sabina, and he used him in every way like a wife. In due time, though already married to Pythagoras, a freedman, he formally married Sporus, and assigned the boy a regular dowry according to contract; and the Romans as well as others publicly celebrated their wedding.”

24 “Nero himself, defiled by every natural and unnatural lust had left no abomination in reserve with which to crown his vicious existence; except that, a few days later, he became, with the full rites of a legitimate marriage, the wife of one of that herd of degenerates, who bore the name of Pythagoras. The veil was drawn over the imperial head, witnesses were despatched to the scene; the dowry, the couch of wedded love, the nuptial torches, were there: everything, in fine, which night enshrouds even if a woman is the bride, was left open to the view.”

25 Svet. Nero 27–29.

26 Champlin (2003: p. 161).

27 Cf. Hubbard (2003: p. 383) on the credibility of these elements of the Nero tradition: “But [Suetonius] ac-

are to be taken at base value. Fontaine raises the question if these stories have any degree of historicity or just originate in mimes or similar profane forms of entertainment, which presented Nero in various forms of scandalous behaviour and situations. And even if the wedding between Nero and Sporus actually happened, there are good reasons to suppose that the emperor considered it as a theatrical act after his wife's death, rather than an actual wedding. The intention could be the conscious imitation of Orpheus, the mythological lyrist, who preferred the love of young men to women after losing his wife Eurydice the second time.²⁸ Therefore, the emperor who had enormous aspirations in music, could aim to make a symbolical connection with the legendary lyre player by means of this wedding, which possibly happened right at Saturnalia, as Champlin suggests.²⁹

Moreover, it is even more problematic to consider this story as one depicting a real wedding or marriage, in the sense we use this concept today. Not only that neither of the sources utters a single word about the consent of Sporus (or Pythagoras), or about the former's willingness to be castrated, but none of such consents would matter whatsoever in this case: Nero as the supreme leader of a totalitarian regime could coerce whatever he wanted from anyone, and therefore this story most probably has nothing to do with our concept of marriage that binds two consenting adults together. It is worth quoting Fontaine's conclusion on this matter word-for-word: "Real or fictitious, the anecdote has no place in a discussion of gay marriage as we know it. To think of it as analogous to two consenting men or women wanting to get married in the twenty-first-century America is to make a category error, like calling a whale a fish. As a whale is not a fish, Nero's purported castration of and 'marriage' to Sporus is not an example of gay marriage."³⁰

2. Martial and Juvenal

However, there are literary sources from the Imperial Rome that present the wedding of two consenting adult men as well. In his *Satire 2* dealing with hypocrisy and homosexuality, Juvenal presents Gracchus, a former *Salius* who becomes the wife of a horn player in a ceremony having the stock elements of a wedding: the dowry (and a contract); the acclamation of the guests; the feast; the brocade, the long full dress, and the veil of the *bride*

count of Nero's same-sex "marriages" and gladiatorial-style sexual performances may be more deserving of credit, given their public nature and Nero's well-attested penchant for unusual iconoclastic displays."

28 See *Ov. met.* 10, 78–85: *Tertius aequoreis inclusum Piscibus annum / finierat Titan, omnemque refugerat Orpheus / femineam Venerem, seu quod male cesserat illi, / sive fidem dederat; multas tamen ardor habebat / iungere se vati, multae doluere repulsae. / ille etiam Thracum populus fuit auctor amorem / in teneros transferre mares citraque iuventam / aetatis breve ver et primos carpere flores.* "Three times the sun had ended the year, in watery Pisces, and Orpheus had abstained from the love of women, either because things ended badly for him, or because he had sworn to do so. Yet, many felt a desire to be joined with the poet, and many grieved at rejection. Indeed, he was the first of the Thracian people to transfer his love to young boys, and enjoy their brief springtime, and early flowering, this side of manhood." On the bisexuality of Orpheus, see Fox (2015: pp. 335–351).

29 Champlin (2003: pp. 145–150); cf. Fontaine (2015).

30 Fontaine (2015).

sitting in the husband's lap.³¹ Martial similarly exposes the attributes of a Roman wedding (torches; a veil; a dowry; *tua verba, Talasse*) in *Epigram* 12, 42, and emphasises that the whole act happened "in the same way as a virgin is usually taken in marriage by her husband."

*barbatus rigido nupsit Callistratus Afro,
hac qua lege viro nubere virgo solet.
praeluxere faces, velarunt flammea vultus,
nec tua defuerunt verba, Talasse, tibi.
dos etiam dicta est. nondum tibi, Roma, videtur
hoc satis? expectas numquid ut et pariat?*³²

The Juvenalian narrator finds the Gracchus' wedding outrageous, but he concentrates only on the male bride whom he names wife and uses other words of feminine grammatical gender referring to him. Having said that, it is crucial for the interpretation that this one is not the biggest "crime" of Gracchus according to the narrator as he continues his speech with the words *vicit et hoc monstrum* (2, 143; "he surpassed even this monstrosity"), before telling that he presented himself as a gladiator, albeit being a noble from an esteemed family. The two deeds of Gracchus stirring up the indignation of the narrator share a common feature: in both cases the role of Gracchus is incongruous with his birth – at least in the narrator's view.³³ The role of a gladiator is as discrepant with the noble heritage as the bridal veil with the cultic dress of the *Salii*, or being a bride while being a man. And it is also must be noted that Juvenal does not simply speak about the wedding of two men, but there is a male groom and a male bride again, just like in our previous sources.

This is the "great crime", the *nefas tantum* in Juvenal's words: a nobleman is becoming a wife, and moreover the wife of a man of lower status. It is not a coincidence that our sources about same-sex weddings put much less emphasis on the groom than the bride (except for the morally more than questionable story of Nero and Sporus), and the same can be observed in Martial's *Epigram* 1, 24, the last Roman literary text to be quoted linked to this topic:

*Aspicias incomptis illum, Deciane, capillis,
Cuius et ipse times triste supercilium,*

31 Iuv. 2, 117–124: *quadringenta dedit Gracchus sestertia dotem / cornicini, sive hic recto cantaverat aere; / signatae tabulae, dictum 'feliciter', ingens / cena sedet, gremio iacuit nova nupta mariti. [...] segmenta et longos habitus et flammea sumit...* "Gracchus has given a dowry of four thousand gold pieces for a horn-player, or one perhaps who plays the straight pipe; the contract's witnessed, 'felicitations!', a whole crowd asked to the feast, the 'bride' reclines in the husband's lap. [...] He's wearing brocade, the long full dress, and the veil..." Juvenal is quoted based on the transl. of Kline.

32 Mart 12.42: "The bearded Callistratus has been taken in marriage by the rigid Afer, in the same way as a virgin is usually taken in marriage by her husband. The torches shone forth, the flame-coloured veil concealed the bride's face, and the words heard at a wedding were not missing. Even the dowry was settled. Rome, does not this seem yet enough to you? Do you expect the bride to give birth as well?" Based on the transl. of Bohn's edition.

33 For Gracchus as a class betrayer, see Nappa (2017: pp. 106–111).

*Qui loquitur Curios adsertoresque Camillos?
Nolito fronti credere: nupsit heri.*³⁴

The husband is completely overlooked again, while the target of the epigram before its punchline gets almost ridiculously masculine attributes, thus putting the contrast between the physical attributes and the role of the bride in the limelight. This common feature of these texts leads to a more general implication that is summarised by C. Williams as follows: “Marriages between men were represented as anomalous not because of homophobic anxieties regarding intimacy between males, but rather because of hierarchical, androcentric assumptions regarding the nature of marriage. The fundamental problem was not that two men joined themselves to each other, but that one man was thought necessarily to play the role of the bride.”³⁵

If we accept that the main cause of the negative attitude towards same-sex weddings is the “misappropriation of a venerable ceremony”,³⁶ the question of the relation of same-sex weddings (and marriages) to the traditional ones arises. Boswell and scholars following him state that the marriages commenced in these ceremonies were as legal as the ordinary ones, while Adams for example considers these weddings as “mockery”.³⁷ Neither of these views seems to be acceptable. On the one hand, Frier sufficiently demonstrates³⁸ that it is inconceivable that a legally acknowledged marriage that is a *matri-monium* could be made without exactly one man and one woman; however, on the other hand, these weddings were not parodies or mockeries but they were taken very seriously, at least in some cases.

While concerning the emperors, Nero and Elagabalus, it would be a mistake to treat these elements of the historiographical tradition as speaking about proper same-sex weddings, the texts of Juvenal and Martial prove the existence of that. The satire would lose its power and effect if it did not have strong connections with reality.³⁹ Together with the two quoted epigrams, *Satire 2* of Juvenal indicates that same-sex weddings did happen in the early Imperial age, and the participants took them seriously without doubt. This is why the extreme conservative Juvenalian narrator engages into a rant against the male-bride Gracchus and his wedding.⁴⁰ Both him and Martial in his epigram from Book 12 emphasise the stock elements of Roman weddings, underlining the so-to-say “realness” of these ceremonies, which were not rare at all. As Frier observes, neither Juvenal nor

34 “Do you see that man, Decianus, with uncombed hair, whose grave brow even you fear; who talks of the Curii and the protector Camilli? Do not trust his looks; he was taken to wife yesterday.”

35 Williams (2010: p. 280).

36 The context of the quotation in Frier (2004: pp. 6–7): “Their protest is not against same-sex unions themselves, but against this misappropriation of a venerable ceremony.”

37 Boswell (1980: p. 82); Adams (1982: p. 160). For a more complete list, see Frier (2004: p. 11).

38 Frier (2004: pp. 11–14).

39 Cf. e.g. Williams (2010: p. 280).

40 Cf. Frier (2004: pp. 14–15). This reading does not contradict the more traditional interpretations appearing in the commentaries of Courtney (1980: pp. 121–122) and Braund (1996: pp. 153–159), or e.g. in the monograph of Nappa (2017: pp. 105–111).

Martial “anticipates that a reader would not previously have heard of such same-sex weddings”, and the short dialogue with the *interlocutor* in Juvenal also confirms this:

*‘officium cras
primo sole mihi peragendum in valle Quirini.’
quae causa officii? ‘quid quaeris? nubit amicus
nec multos adhibet.’ liceat modo vivere, fient,
fient ista palam, cupient et in acta referri.⁴¹ (Iuv. 2.132–136)*

In this brief conversation, the narrator’s partner does not feel that his words *nubit amicus* that is “a friend will be taken to wife” need any further explanation. The narrator’s answer refers to the reclusive and secret nature of these events that is also telling: these words show that at least in this era, these weddings were performed in the secluded private sphere, most probably because of the general attitude towards them.⁴² This objection of the society might be based on the same principle as that of the extreme conservative Juvenalian narrator: the holding of a wedding ceremony with all of its conventional formalities, but without establishing a legitimate marriage. Of course, Chambers is right when he suggests that “it is unclear that they would have been equally offended if two men had lived together without engaging in a ceremony”,⁴³ but the fact that all of our sources speak about same-sex *weddings*, and not same-sex *marriages*, seems to confirm that it is not the partnership, the union of two males that was outrageous, but their wedding ceremony – with its traditional formalities including one of them being the groom and the other the bride.

3. Wedding and marriage

These are not the only passages of the Roman historiographical and literary sources that describe a wedding without establishing a legally acknowledged marriage. In his *Annals*, Tacitus presents the wedding of Silius and Messalina, who listened to the auspices, assumed formal dress, offered sacrifice, dined with guests, and spent their wedding night after the feast, albeit Messalina was the wife of Emperor Claudius.⁴⁴ While the aim of

41 “I’ve a ceremony to attend at dawn, tomorrow, down in the vale of Quirinus.’ ‘Why’s that?’ ‘Why? Oh, a friend of mine will be taken to wife: he’s asked a few guests.’ Live a while, and we’ll see it happen, they’ll do it openly, want it reported as news in the daily gazette.”

42 Cf. Frier (2004: p. 9).

43 See in Frier (2004: p. 7, n. 15).

44 Tac. *ann.* 11.27 ...*consulem designatum cum uxore principis, praedicta die, adhibitis qui obsignarent, velut suscipiendorum liberorum causa convenisse, atque illam audisse auspicum verba, subisse, sacrificasse apud deos; discubium inter convivas, oscula complexus, noctem denique actam licentia coniugali.* “...that on a specified day, with witnesses to seal the contract, a consul designate and the emperor’s wife should have met for the avowed purposes of legitimate marriage; that the woman should have listened to the words of the auspices, have assumed the veil, have sacrificed in the face of Heaven; that both should have dined with the guests, have kissed and embraced, and finally have spent the night in the licence of wedlock.” Transl. by Jackson.

this ceremony was at least partly different from that of the same-sex weddings, as being a part of an attempted coup against Claudius, they share a common feature: having all formalities but no legal recognition.⁴⁵ As studies on Roman marriage repeatedly emphasise, the establishment of a marriage shows significant contrasts to its modern counterpart, as the state did not have that permitting and controlling role over the commencement of the marriage as it has nowadays, and therefore in extreme situations even the very existence of a marriage could be questioned – which is inconceivable in our culture. Thus, the ceremony and the legal entity, the wedding and the marriage were not as closely connected as in our age, as it is presented by Frier and Hersch⁴⁶ among others.

Taking this into consideration, let us have another look at Martial's *Epigram* 12, 42 that is usually understood as a mocking poem against same-sex weddings and its participants. However, I would suggest that we have to count with the possibility that the epigram should be understood from a legal perspective, emphasizing the contradiction that a wedding with torches, a veil, formal words, and a dowry, but without the establishment of a marriage has in itself. If we read Martial's words from this aspect, the epigram's punchline (*Nondum tibi, Roma, videtur / Hoc satis? expectas numquid ut et pariat?*) could be supplemented like this: "Rome, does not this seem yet enough to you *to recognise them as a married couple?* Do you expect the bride to give birth as well?"

But either Martial thought it right or not, to our best knowledge, same-sex marriages had no legal recognition in Rome. Of course, the unions celebrated in these weddings referred to by Martial and Juvenal could be considered as being the same as a different-sex marriage but *only* in the private sphere. Law did not treat these men as a married couple, and according to Juvenal's words they also had to endure public scorn. Thus, the answer to the question of the existence of same-sex weddings in Rome is not obvious: from a legal perspective it seems clear that no legal marriages could be created in these ceremonies, but on the other hand, there were couples who held formal weddings to celebrate their union. With a state having much less role in the creation of a marriage than nowadays, the border between a marriage and a marriage-like partnership, and therefore a wedding and a wedding-like celebration of a union could be much less distinct. Based on the evidence presented, it is my opinion that the purpose of these free adult men who decided to bind themselves together in these ceremonies, was not to play their part in a kind of mockery or parody of a wedding, but to express their devotion to each other (as it did not bring any benefits or additional rights to them), and, therefore, in certain cases such ceremonies could be much more honest and emotional than the often politically arranged, legally acknowledged, regular weddings and marriages – and this might be the cause of the Juvenalian narrator's indignation in *Satire 2* as well.

45 Hersch (2010: p. 33) mentions slave-weddings (testified by only one source) as another possible parallel. See also Frier (2004: pp. 17–19).

46 Frier (2004: pp. 15–17); Hersch (2010: pp. 19–43).

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