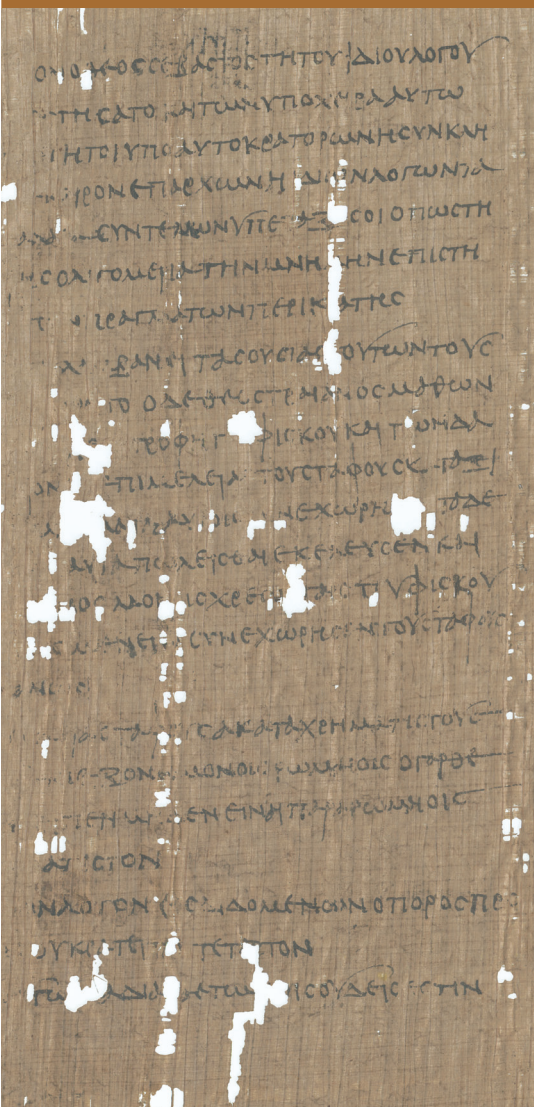


TELL ME WHO YOU ARE: LABELLING STATUS IN THE GRAECO-ROMAN WORLD

16 (2017)

U SCHYŁKU
STAROŻYTNOŚCI
STUDIA ŹRÓDŁOZNAWCZE



EDITED BY
MARIA NOWAK,
ADAM ŁAJTAR & JAKUB URBANIK



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CONTENTS

Preface.....	7
<i>Yanne Broux</i>	
Ancient profiles exploited: First results of Named Entity Recognition applied to Latin inscriptions.....	11
<i>Mark Depauw & Yanne Broux</i>	
Identification in Graeco-Roman Egypt: The modalities of expressing filiation.....	35
<i>Esther Garel</i>	
Le titre $\pi\alpha\kappa\omicron\Upsilon$ dans les documents coptes fayoumiques.....	57
<i>Urpo Kantola</i>	
Social standing and Latin names in Greek: Case studies on name catalogues of the early imperial period.....	73
<i>Małgorzata Krawczyk</i>	
Paternal onomastical legacy vs. illegitimacy in Roman epitaphs....	107
<i>Thomas Kruse</i>	
The labeling of strangers and aliens in Roman Egypt.....	129
<i>Micaela Langellotti</i>	
Occupations and naming trends in first-century Tebtunis and Philadelphia.....	147
<i>David Lewis</i>	
Notes on slave names, ethnicity, and identity in Classical and Hellenistic Greece.....	183
<i>Maria Nowak</i>	
Get your free corn: The fatherless in the corn-dole archive from Oxyrhynchus.....	215

Paweł Nowakowski

‘And there, unworthy as I was, I wrote the names of my parents’:

The family identity of supplicants

in pilgrims’ graffiti and dedicatory inscriptions

from the Late Roman and Byzantine East..... 229

Tuomo Nuorluoto

Emphasising matrilineal ancestry in a patrilineal system:

Maternal name preference in the Roman world..... 257

Christian Ammitzbøll Thomsen

The ‘Thirteenth Deme’ of Lindos..... 283

Małgorzata Krawczyk

PATERNAL ONOMASTICAL LEGACY VS. ILLEGITIMACY IN ROMAN EPITAPHS*

INTRODUCTION

In Roman onomastics, children born of a legitimate marriage usually received the *nomen* of their fathers, while children of any other union received the family name of their mother (or rather of her own father or former *patronus*). Thus Claudia Dioscoris, the daughter of Aelius Aelianus and Claudia Zosime (*CIL* VI 10634), who had her mother's *gentilicium* and no filiation, was very likely illegitimate. Similarly, M. Attius Leander was probably an illegitimate son of Ti. Claudius Aug. lib. Leander and Attia Secunda (*CIL* VI 12776 = X 1088*, 53); he took his gentile name from his mother, although he also received the *cognomen* of his father (Leander), which seems to have been an established practice. Hilding Thylander, in his *Étude sur l'épigraphie latine*, provides several examples of illegitimate children who had the *nomen* of the mother and the *cognomen* of the father;¹ yet, he attempted no explanation of this phenomenon. As Beryl Rawson has noted, these families ought

* This article is a result of the research project no. 2015/19/N/HS3/00909 funded by National Science Centre in Poland. I would like to thank Prof. Adam Łajtar, as well as Dr. Maria Nowak for their comments on earlier versions of this paper. I am also very grateful to Dr. Jesse Simon for correcting my English.

¹ H. THYLANDER, *Étude sur l'épigraphie latine: date des inscriptions, noms et dénomination latine, noms et origine des personnes*, Lund 1952, pp. 90–91.

to be examined to see whether this practice was applied also in the milieu of slaves and freedmen.² A further question is whether this onomastic practice could be explained in terms of family affection and identity: as slave fathers had no *nomina* of their own, their children would have received the paternal *cognomen* instead; children would have received the *cognomen* as well in cases when the father received freedom and a *nomen* after a child was born, as it would have been too late to pass the *nomen* on to his children.

In this paper, I will examine 107 epitaphs from the city of Rome attesting illegitimate children who bear the *cognomen* of their natural father – all dated to the first three centuries CE – in an attempt to determine whether or not the above hypothesis can be proved. I have taken into account only those inscriptions in which familial relations are indicated explicitly using terms such as: *filius*, *filia*, *pater*, *mater*, *parens* etc. The evidence can be divided into two main groups: (I) children of fathers who appear to be slaves, (II) children of fathers who are either freed or freeborn.

I. CHILDREN OF SLAVE FATHERS

I.1. BOTH PARENTS WITH SINGLE NAMES, CHILD WITH *NOMEN GENTILICIUM*

The first group consisting of 11 epitaphs includes children whose parents share a single personal name without status indication, and could thus be identified as slaves.³ Their children have citizen names, which suggests that they would have been manumitted.⁴

² See B. RAWSON's important review of I. KAJANTO's *The Latin cognomina* ([= *Societas Scientiarum Fennica. Commentationes Humanarum Litterarum* 36.2], Helsinki 1965) in: *Classical Philology* 63 (1968), pp. 154–159, esp. p. 158.

³ For a comprehensive discussion of slave onomastics, see H. SOLIN, *Die stadtrömischen Sklavennamen. Ein Namenbuch*, vol. I–III [= *Forschungen zur antiken Sklaverei* 2], Stuttgart 1996. See also P. R. C. WEAVER, *Familia Caesaris. A Social Study of the Emperor's Freedmen and Slaves*, Cambridge 1972, pp. 83 and 113; B. RAWSON, 'Roman concubinage and other *de facto* marriages', *TAPhA* 104 (1974), pp. 279–305, esp. p. 284; S. TREGGIARI, 'Contubernales in CIL 6', *Phoenix* 35 (1981), pp. 42–69, esp. p. 46; EADEM, 'Concubinae', *PBSR* 49 (1981), pp. 59–81, esp. p. 65, who recognized people commemorated in epitaphs with only one name as probable slaves.

⁴ In Roman law, children born *in contubernio* followed the status of their mother at the time of birth, G. 1.56, 80, 82, 89 (yet, see: H. ANKUM, 'Der Ausdruck *favor libertatis* und das

CIL VI 14170 = 19621: Hypnus + Prima = L. Calpurnius Hypnus, died aged 5.

CIL VI 17231: Epimachus + Pallas = L. Cornelius Epimachus, died aged 5.

CIL VI 18545: Fortunatus + Successa = Aetatia Fortunata, age unknown.

CIL VI 21146: Antiochus + Semne = C. Lartius Antiochus, died aged 16.

CIL VI 24925: Alypus + Meroe = Pretiosa Alypia, died aged 3.

CIL VI 24956 = *AE* 1991, 227: Ionicus + Primigenia = Domitia Ionice, died aged 10.

CIL VI 26244: Archelaus + Bacchis = L. Septimius Archelaus, died aged 5.

CIL VI 26919: Repentinus + Egesagore = M. Sueius Repentinus Fortunatus Bellus, died aged 4.

CIL VI 27285/6 = 34179 = *ILS* 8067 = *IG* XIV 2036 = *IGVR* II 974 = *AE* 1996, 114: Tertius + ? = [---]a Tertia Aug. lib., died aged 26.

CIL VI 27743: Vitulus + Saturnina = C. Tullius Tulliae C. f. l. Vitulus, died aged 8.

CIL VI 28209 = XI 101*, 165: Hermes + Sabbatis = Valeria Hermocratia, died aged 3.

In fact, only two of the children in this group have an explicit indication of freed status. A clear instance is visible in *CIL* VI 27743:

Dis Manibus / sacrum / C(ai) Tulli Tulliae / C(ai) f(iliae) l(iberti) Vituli / vixit
ann(os) VIII / Vitulus pater / Saturnina mater.

Vitulus + Saturnina
|
C. Tullius Tulliae C. f. l. Vitulus

The epitaph was set up for C. Tullius Vitulus freedman of Tullia daughter of Caius, from whom the commemorated boy received his *nomen*. His parents were Vitulus and Saturnina, which is indicated by the terms *pater* and *mater*. The fact that both parents bore single names indicates their servile

klassische römische Freilassungsrecht', [in:] E. HERRMANN-OTTO [ed.], *Unfreie Arbeits- und Lebensverhältnisse von der Antike bis in die Gegenwart*, vol. I, Hildesheim 2005, pp. 82–100 on favor libertatis). Therefore, children whose mothers were slaves automatically took on the slave status. On this see for instance S. DIXON, *The Roman Family*, Baltimore 1992, p. 45, and J. F. GARDNER, *Women in Roman Law and Society*, London 1986, pp. 138–142.

status. Furthermore, both father and son had the same personal name 'Vitus'. It seems, therefore, that Vitulus the son received his *cognomen* from his slave father; as the father had no Roman *nomen* of his own, this would have been his only means of underlining the familial bond. This interpretation is most plausible if the entire family belonged to the same owner, in this case Tullia; yet, as I will demonstrate below, this is not the only possible scenario.

In *CIL* VI 17231 the term *contubernalis* indicates that the union between Epimachus and Pallas, took place while at least one of them was still a slave.⁵ We can therefore assume that their son L. Cornelius Epimachus was born in slavery. In *CIL* VI 14170 = 19621 the question arises which of two men is the father of L. Calpurnius Hypnus, son of Prima. Because of the similarity in *cognomina* we can be fairly sure that the father was Hypnus and not M. Cestius Faustus, who may have been a stepfather to the five-year-old boy. In *CIL* VI 27285 = 27286 = 34179 = *ILS* 8067 = *AE* 1996, 114 the name of the mother is unknown but the freed status of Tertia Aug. lib. proves that the mother herself was a slave when the child was born.

I.2. FATHER WITH SLAVE INDICATION OR SINGLE NAME, MOTHER AND CHILD WITH *NOMEN GENTILICIUM*

A. Mother and child with the same *nomen gentilicium*

In this group both the mothers and children are free, but the fathers remain slaves. In nine instances the mother and child share the same *nomen*:

CIL VI 8790: Thallus N(eronis) Caesaris Aug. cubicl. + Iulia Arne = Ti. Iulius Thallus, died aged 4.

CIL VI 15086: Genetlius + Claudia Aglais = [---] Claudius Genetlius, age unknown.

CIL VI 15416: Bootes + Claudia Eutychia = Ti. Claudius Bootes, age unknown.

CIL VI 16956: Phoebus + Domitia Eutychia = Cn. Domitius Phoebus, age unknown.

CIL VI 18161: Philetus + Flavia Veneria = T. Flavius Philetus, died aged 6, T. Flavius Venustus, died aged 19.

⁵ G. LUCHETTI, *La legittimazione dei figli naturali nelle fonti tardo imperiali e giustiniane*, Milan 1990, p. 12 n. 18 with further literature.

CIL VI 18424: Saturninus Caes. n. + Flavia Successa = Flavia Saturnina, died aged 13.

CIL VI 27274: Tertius Augustorum servus + Aelia Nicotyche = Aelius Tertiolus, died aged 3.

CIL VI 27980: Daphnicus Iulianus + Valeria Hedone = M. Valerius Daphnicus (Valeria's *alumnus*), died aged 5.

CIL VI 34901: Vitalis Caes. + Claudia Fortunata = Claudius Vitalis, died aged 1.

Only four of the nine fathers, all imperial slaves, have their slave status indicated, as in the following case (*CIL* VI 18424 [2nd c. CE]):

D(is) M(anibus) Fl(aviae) Saturninae / sanctissimae fil(iae) vix{s}it / an(nos)
XIII d(ies) III comparavit / Fl(avia) Successa mater et sibi suis/que contubernali suo Satur/nino Caes(aris) n(ostris) posterisq(ue) / eorum.

Saturninus Caes. n. + Flavia Successa

|

Flavia Saturnina

Flavia Successa, a citizen woman, set up an epitaph for herself, her daughter Flavia Saturnina and her *contubernalis* Saturninus, who was an imperial slave. Because of the similarity of *cognomina* we can be fairly certain that Saturninus was the actual father of their thirteen-year-old daughter. Saturnina had therefore received her gentile name from her mother along with the *cognomen* of the father, as Saturninus was a slave at the time of her birth and would not have had a *nomen* to give her. P. R. C. Weaver has demonstrated that it was quite common for freed or freeborn women to enter into non-marital union with imperial slaves.⁶ Yet, nothing certain can be said of the status of Flavia Successa: she could indeed have been freeborn, but it is also possible that she was a slave when Flavia Saturnina was born, and was later freed together with her daughter.

Only one mother in this group is clearly identifiable as *liberta*. In *CIL* VI 16956 Domitia Eutychia, together with her son Cn. Domitius Phoebus, set up an epitaph for her *coniunx* Phoebus and her apparent patron, Cn. Domitius

⁶ WEAVER, *Familia Caesaris* (cit. n. 3), pp. 122–136, 165, 188–193.

Paederotus. We can therefore deduce that she was a freedwoman of Paederotus and *contubernalis* of Phoebus. The *cognomen* of the latter would also suggest that he was the father of her son, Cn. Domitius Phoebus.

B. Mother and child with different *nomina gentilia*

In eight cases where the father appears to be a slave, the *nomina* of the children differ from that of their mothers:

CIL VI 7468: Isidorus qui et Hermias + Ostoria Acte = T. Calestrius Hermianus, age unknown.

CIL VI 8655 = *ILS* 1629: Iucundus vilic. d. Tib. + Catia Sympherusa = P. Hellenius Iucundus, died aged 2.

CIL VI 11002: Urbicus Aug. + Mulvia Iucunda = Aelia Urbica, died aged 18.

CIL VI 13927 = 36631 = *CLE* 1884 = *ILS* 8196: (Caerellius) Euodion + Caerellia Capitolina = Aurelia Euodia Aug. lib., age unknown.

CIL VI 21758: Macedo + Fortunata = C. Modestius Macedo, age unknown.

CIL VI 22060: Doryphoridus + Antonia Euhodia = Marcius Doryphorianus, died aged 8, Doryphorus, age unknown.

CIL VI 23287: Chryseros + Flavia Primitiba (!) = Octavius Isochrysus, died aged 1.

CIL VI 25937: Cucundas + Aurelia Filete = M. Saturninus Cucundas, died aged 10.

The specific legal status is indicated for only two of the fathers. The first is Iucundus, a *vilicus domus Tiberianae* (*CIL* VI 8655 = *ILS* 1629), who together with Catia Sympherusa, a citizen woman, set up an epitaph for their son P. Hellenius Iucundus, a citizen like his mother (*CIL* VI 8655 = *ILS* 1629 [1st–2nd c. CE]):

Iucundus / vilic(us) d(omus) Tib(eriana)e / et Catia Sy{n}m/pherusa P(ublio) /
Hellenio Iu/cundo f(ilio) du/lciss(imo) vixit / an(nos) II m(enses) III / d(ies) XX.

Iucundus vilic. d. Tib. + Catia Sympherusa

|
P. Hellenius Iucundus

The father was a slave and could not give his son a *nomen*, and as the boy's gentile name is different from his mother's, we can assume that the mother, too, was a slave at the time of her son's birth. In such circumstances it may be assumed that P. Hellenius Iucundus was sold into another house and freed there before dying at the age of two. Adoption seems unlikely in this case, as a child born *in contubernio* of a free mother was *sui iuris*, 'in his own power', and could not be subject to *adoptio* (adoption of someone still in *patria potestas*), while for *adrogatio* (adoption of someone already *sui iuris*) he would have been too young to express his consent.⁷

In the case of Caerellia Capitolina and her husband Euodion (*CIL* VI 13927 = 36631), the form of the epitaph suggests that the husband was the last of the three to be freed:

Memoriae / Caerell(iae) Capitolin(ae) / Euodion coniunx / fecit. // Memoriae / Aureliae Euodiae / Aug(usti) lib(ertae) Euodion pater / fecit. // Memoria[e] / Caerell(ius) Euodion / se vivo sibi et suis / fecit // tu quicu'm'que titulum nostrum releges rogo per superos / sic ut ad infernas partes recipiaris ne velis tribus / sepulc{h}ris molestari.

(Caerellius) Euodion + Caerellia Capitolina
|
Aurelia Euodia Aug. lib.

Only the third of the three parts of the epitaph gives his full name; on the other two, dedicated to his wife and daughter, his name is simply Euodion. It is clear that Aurelia Euodia Aug. lib. won her freedom from the Emperor himself (perhaps Marcus Aurelius), but her parents, Caerellius Euodion and Caerellia Capitolina, were freed in another household.⁸ Therefore, the girl

⁷ For the discussion on the obstacles to *adrogatio* of children, see: A. KACPRZAK & M. NOWAK, 'Foundlings in the Greco-Roman World – status and the (im)possibility of adoption', *TR* 86 (2018), pp. 13–54, esp. pp. 30–32.

⁸ On this family, see B. RAWSON, 'Family life among the lower classes at Rome in the first two centuries of the Empire', *CPh* 61.2 (1966), pp. 71–83, esp. p. 80, who also cites *CIL* VI 14452: C. Cartorius Horaeus + Cartoria Elpis = Martialis Aug. l., Elpistus Caesaris. See also P. R. C. WEAVER, 'The status of children in mixed marriages', [in:] B. RAWSON (ed.), *The Family in Ancient Rome. New Perspectives*, New York 1986, pp. 145–169, esp. p. 163.

must have been sold to the imperial house, while her parents remained in the house of Caere'llii.

I.3. FATHER WITH SINGLE NAME, UNKNOWN MOTHER, CHILD WITH *NOMEN GENTILICIUM*

There are eighteen epitaphs recording children of possible slave fathers whose mothers are not named:

CIL VI 16292: Proculus + ? = C. Cornelius Proculus, died aged 4.

CIL VI 17592 = XI 101*, 78: Epictetus + ? = Fabia Epictesis, died aged 5.

CIL VI 18345: Fortunatus + ? = Flavia Fortunata, died aged 30.

CIL VI 19005: Sophos + ? = Geminus Sopho, died aged 1.

CIL VI 19027: Adiectus + ? = Genneia Adiecta, died aged 3.

CIL VI 19835 = 34426: Antiochus + ? = L. Iulius Antiochus, died aged 2.

CIL VI 22325: Maximus + ? = Iulia Maxima, died aged 3.

CIL VI 22658: Felix + ? = Munatius Felix, died aged 4.

CIL VI 22781: Acanthus + ? = Mutilia Acanthis, age unknown.

CIL VI 23888: Amemptus + ? = Pedius Amemptio, died aged 2.

CIL VI 24410: Polus + ? = L. Cornelius Polus, age unknown.

CIL VI 27455: Martialis + ? = M. Titienus M. f. Martialis, died aged 1.

CIL VI 27695 = XI 259*, 116: Gaetulicus + ? = Tuccius Gaetulicus, age unknown.

CIL VI 27730: Crescens + ? = M. Tullius Crescens, died aged 4.

CIL VI 29557 = X 1088*, 392: Dionysidorus Longinus + ? = Volusia Longina quae et Dionysiodora, died aged 5.

ICVR VII 17416 = *ILCV* 2786: Alexandros + ? = Stabilia Alexandra, died aged 14.

AE 1969/70, 66: Epiphanes + ? = L. Volusius Epiphanes, age unknown.

AE 1995, 200: Geminus + ? = Aelius Geminus, died aged 10.

The absence of the *nomen* in the nomenclature of the father, as opposed to the son's, makes the slave status of the former more probable, for example (*CIL* VI 19835 = 34426):

D(is) M(anibus) / L(ucio) Iulio Antiocho / filio dulcissimo / qui vixit annis II / mensibus III / diebus X horis X / Antiochus pater.

Antiochus + ?
|
L. Iulius Antiochus

Here, the father has the same name as the *cognomen* of his son but no *nomen* or status indication, which strongly suggests that the father was a slave. However, it is also possible that he omitted his *nomen* for some reason. We do not know whether the mother was free or a slave at the time of the child's birth, so the child's status is not certain. The child might have been freed or freeborn.

II. CHILDREN OF FREE FATHERS

II.1. FATHER AND CHILD WITH *NOMINA GENTILICIA*, MOTHER WITH SINGLE NAME

Next to be examined are children belonging to fathers with *nomina* and mothers with single, personal names and without status indication. I have identified five such cases among the inscriptions from Rome:

CIL VI 18661: Fulvius Damas + Apronilla = M. Fulvius Damas iunior, died aged 4.

CIL VI 21113: A. Larcus Aprus + Philumene = Larcia Aprylla, died aged 5.

CIL VI 25153: M. Publicus Asiaticus + Valonagris = Publicia Asiaticae, died aged 5.

CIL VI 26999: Sulpicius Honoratus centurio + Domitilla = Sulpicia Honorina, died aged 11.

ICVR VIII 22662 = *ILCV* 3909: Sossius Priscus + Marciana = Sossius Priscus, died aged 9.

In this group, the lack of *nomina* for the mothers makes it impossible to determine whether the children were free- or slaveborn. The problem is illustrated in the following example (*ICVR* VIII 22662 = *ILCV* 3909):

M(agno?) D(eo?) / Sossio Prisco filio dulcissimo / qui vixit ann(o)s IX mens(es) VIII / Sossius Priscus et Marciana / parentes in pace depositus) VIII
Id(us) Sep(tembres).

Sossius Priscus + Marciana

|
Sossius Priscus

The epitaph was set up by Sossius Priscus and Marciana for their *filius dulcissimus*, Sossius Priscus, who bore both the *nomen* and *cognomen* of his father. If the mother was still a slave at the time of the inscription, as her single name may suggest, Priscus would have been born a slave himself. In this case he would have been formally manumitted by the unnamed owner of his mother, presumably Sossius. At the age of 9, however, Priscus would have been far too young for formal manumission. According to the Augustan *lex Aelia Sentia* of 4 CE a slave had to be at least thirty years old for the manumission to be valid and to obtain Roman citizenship.⁹ Informal manumission, which could occur at any age, is the most likely scenario here, in which case Sossius Priscus the son would have been a Junian Latin, a free person, but not a Roman citizen.¹⁰

It is not impossible that both the boy and the mother had belonged to Sossius Priscus, who freed them as members of his natural family (i.e. son and concubine).¹¹ This would eliminate any reservations regarding the *lex Aelia Sentia* (G. 1.18–19). But it could also be that the mother's *nomen* was omitted for the reasons other than slavery, e.g. lack of space on the stone. The deceased boy could therefore have been a Roman citizen and a legitimate child of free parents named Sossius Priscus and (Sossia?) Marciana.

⁹ See G. 1.17 and W. W. BUCKLAND, *The Roman Law of Slavery. The Condition of the Slave in Private Law from Augustus to Justinian*, Cambridge 1908, pp. 537–551; G. IMPALLOMENE, *Le manomissioni mortis causa. Studi sulle fonti autoritative romane*, Padua 1963, pp. 119–154; WEAVER, *Familia Caesaris* (cit. n. 3), p. 97ff.; O. ROBLEDA, *Il diritto degli schiavi nell'antica Roma*, Rome 1976, pp. 149–157; A. WATSON, *Roman Slave Law*, Baltimore 1987, pp. 26–34.

¹⁰ P. R. C. WEAVER, 'Where have all the Junian Latins gone? Nomenclature and status in the early Empire', *Chiron* 20 (1990), pp. 275–304; IDEM, 'Children of Junian Latins', [in:] B. RAWSON & P. R. C. WEAVER (eds.), *The Roman Family in Italy: Status, Sentiment, Space*, Oxford 1997, pp. 55–72.

¹¹ Yet, see the case of Gaius Longinus Castor and his family, J. G. KEENAN, 'The will of Gaius Longinus Castor', *BASP* 31 (1994), pp. 101–107.

II.2. BOTH PARENTS AND CHILD WITH *NOMINA GENTILICIA***A. Mother and child with the same *nomen gentilicium***

This group is the most complicated, as it consists of inscriptions in which both parents and children have *nomina gentilicia*, but the *nomen* of the child comes from the mothers. The question of whether these names resulted from the fact that one of parents was a slave at the moment of their child's birth cannot be answered. In many cases the *nomen* shared by the mother and child can be explained by the illegitimate birth of the latter. However, among those individuals who used the maternal *nomen*, some were presumably not illegitimate, but who were given the maternal *nomen* for other reasons.¹²

CIL VI 9477 = *ILS* 7806 = *AE* 2013, 143: P. Gellius Bitalio (!) + Valeria Berecunda (!) = Valeria Bitalis (!), age unknown.

CIL VI 9746: Q. Cospius Q. l. Phylacio + Cestia Epiphania = Cestius Phylacio, died aged 9.

CIL VI 12776 = X 1088*, 53: Ti. Claudius Aug. lib. Leander + Attia Secunda = M. Attius Leander, age unknown.

CIL VI 13150 = X 947*, 2 = *ILS* 8225: M. Aurelius Marcianus + Baleria (!) Felicissima = Valeria Marciana, age unknown.

CIL VI 15614: M. Ulpus Thallus + Claudia Helpis = Claudia Thalia, age unknown.

CIL VI 15678a = 26215b = *AE* 1992, 138b: P. Appuleius Protus + Sentia Cn. l. Cleopatra = Cn. Sentius Protus, age unknown.

CIL VI 17528: M. Herennius Faustus + Fabia Felicla = M. Fabius Faustus, died aged 10.

CIL VI 18053: Aelius Eunus + Flavia Vitalis = T. Flavius Eunianus, died aged 1.

CIL VI 18333: Maius Restutus + Flavia Eutyichis = T. Flavius Restutus, died aged 19.

CIL VI 18449: M. Aurelius Trophimus + Flavia Fortunata = Flavia Trophime, age unknown, L. Caecilius Priscus, age unknown.

CIL VI 20018: C. Iulius O. l. Fortunatus + Manilia Tyche = C. Manilius Fortunatus, age unknown.

¹² T. NUORLUOTO, 'Emphasising matrilineal ancestry in a patrilineal system: Maternal name preference in the Roman world', in this volume, pp. 257–281.

CIL VI 22043 = X 1088*, 232: M. Marcius Agathopus + Servilia Lais = Q. Servilius Agathopus, age unknown.

CIL VI 24723: Ti. Claudius Lascibus + Pontia [---] = L. Pontius Lascivus, died aged 11.

CIL VI 25577: P. Sempronius Amiantus + Rufria Ianuaria = T. Rufrius Amiantus, died aged 12.

CIL VI 26214: Appuleius Protus + Sentia Cleopatra = Sentius Protus, age unknown.

CIL VI 26624: Sophron Aug. lib. + Ulpia Theano = M. Ulpus Sophron, died aged 17.

CIL VI 27312 = *AE* 2001, 219: M. Ulpus Macedo + Tettia Prima = Sex. Tettius Macedo, age unknown.

CIL VI 28061: Ceionius Mercurialis + Valeria Secunda = Sex. Valerius Mercurialis, died aged 19.

CIL VI 29397 = XI 259*, 122: P. Acilius Eutychas + Ulpia Secunda = M. Ulpus Eutyches, age unknown.

AE 1939, 171 = 1949, 188 = 1950, 198: Aelius Martinus centurio coh. I pr. + Statia Moschianes = Statia Martina, age unknown.

In the majority of cases the *status libertatis* of parents and children is not indicated; they must have been either freed or freeborn. As we have mentioned, the presence of the maternal *nomina* suggests that the children were illegitimate, but the reasons for their illegitimacy remains obscure, except for one case discussed below.

a) *CIL* VI 26214

D(is) M(anibus) / Sentiae Cleopatrae et / Appuleio Proto viro / eius et Sentio Proto fil(io) / eor(um) L(ucius) Quir(inius) Amerimnus / tutor Sentiae b(ene) m(erenti) fec(it).

b) *CIL* VI 15678a = 26215b = *AE* 1992, 138b

Sentia Cn(aei) l(iberta) Cleopatra / sibi et / P(ublio) Appuleio Proto viro et / Cn(aeo) Sentio Proto f(ilio) posterisq(ue) suis / in fr(onte) p(edes) XX in ag(ro) p(edes) XV.

P. Appuleius Protus + Sentia Cn. l. Cleopatra

|
Cn. Sentius Protus

These two epitaphs are closely connected and probably, although not necessarily, commemorate the same family.¹³ The family structure can be reconstructed in the following way: Sentia Cleopatra, a freedwoman of Cn. Sentius, is the wife of P. Appuleius Protus and mother of their common son, Cn. Sentius Protus. The *status libertatis* of the father and child is not specified, but they could be either freed or freeborn. The question is, why does the son's *nomen* differ from that of his father?

Two alternative interpretations can be suggested: 1. the mother was a slave, and both she and her son were freed by the same patron; the father could have been either a free man from outside of the owner's family or a slave from another *familia* freed by his master before the epitaph was inscribed; 2. the mother was a freedwoman in an informal union with a free man, causing the son to be born as an *ingenuus*. This latter scenario would explain why Publius Appuleius Protus and Cnaeus Sentius Protus have no status indications.

In some cases, a relationship was formalized after the manumission of the father, as subsequent children from same couple bear the father's *nomen*: *CIL* VI 9041: P. Aelius Aug. lib. Telesphorus + Naevia Tyche = Naevius Telesphorus, age unknown, P. Aelius Telesphorus, age unknown, Naevius Succensus (Telesphorus' *filiaster*), age unknown.

CIL VI 13025: M. Aurelius Aug. lib. Ariston + Terentia Helpis = Terentia Ariste, age unknown, Aurelia M. f. E[---], age unknown, Marcus Aurelius M. f. Ariston, age unknown.

CIL VI 15893: Vestalis Aug. lib. + Cocceia Auge = M. Cocceius Crescens, died aged 2, Cocceia Auge, age unknown, M. Ulpius Vestalis, died aged 29.

CIL VI 22047: Q. Marcus Flaccillae l. Botrys + Mutillia P. l. Didyme = P. Mutillius P. l. Botrys, age unknown, P. Marcus Legitimus, age unknown.

¹³ On this family, see also M. ERPETTI, *Il sepolcreto al III miglio della via Prenestina. Tituli pedaturae dagli scavi di Lorenzo Fortunati (Roma, 1861)* [= *Studia Archaeologica* 205], Rome 2015, pp. 53–55, no. 3.

CIL VI 25841: C. Gallius Valentinus + Salvia Primigenia = C. Salvia Valentina, died aged 35, C. Gallius Verus, died aged 15.

As an example for this group, I will discuss *CIL* VI 9041 (117–138 CE):

D(is) M(anibus) / P(ublius) Aelius Aug(usti) lib(ertus) / Telesphor(us) s'i'lentia/rius fecit sibi et Aeliae / Fortunatae lib(ertae) karissi-<m>/ae et P(ublio) Aelio Telesphoro / fil(io) et Naeviae Tyche con/iugi sanctissimae et Naevio / Telesphoro filio et Naevio / Successo filiastro et P(ublio) Aelio / Felici lib(ertis) et lib(ertis) lib(ertabus) poster(is)q(ue) eor(um).

P. Aelius Aug. lib. Telesphorus + Naevia Tyche
 |
 Naevius Telesphorus — P. Aelius Telesphorus

One can easily assume that P. Aelius Aug. lib. Telesphorus entered into a relationship with Naevia Tyche, a citizen woman with whom he had at least two sons: Naevius Telesphorus who bears the *gentilicium* of his mother and the *cognomen* of the father, and P. Aelius Telesphorus who has the *nomen* of his father. The name of the first son suggests that he was illegitimate, born before the manumission of his father. By the time their second son, P. Aelius Telesphorus, was born the father was already free, and the couple was able to form a legally valid marriage.¹⁴ The younger son is, therefore, legitimate and freeborn.¹⁵ One of other people commemorated in this epitaph, Naevius Successus, has the same *nomen* as Naevia Tyche. He could be Naevia's son from a previous union, as he is specifically identified as a stepson (*filiaster*) to P. Aelius Aug. lib. Telesphorus.

¹⁴ Cf. B. RAWSON, 'The Roman family', [in:] EADEM (ed.), *The Family in Ancient Rome: New Perspectives*, New York 1986, p. 24, who suggests this explanation in the case of M. Aurelius Aug. lib. Ariston and his wife, Terentia Helpis, whose children are Terentia Ariste, Aurelia M. f. E[---] and M. Aurelius M. f. Ariston (*CIL* VI 13025).

¹⁵ It is theoretically possible that P. Aelius Telesphorus was born while his father was still a slave and was legitimised through adoption after his manumission. In that case, however, we would need to explain why his older brother was not treated the same way. On this, see: WEAVER, *Familia Caesaris* (cit. n. 3), p. 151. On this family, see also P. WATSON, 'Filiaster: privignus or illegitimate child?', *Classical Quarterly* 39.2 (1989), pp. 536–548, esp. p. 545.

An even more intriguing case is *CIL* VI 22047 (1st c. CE), an epitaph set up by Q. Marcius Flaccillae l. Botrys for himself and (among others) his wife, Mutillia P. l. Didyme, and two sons who are not of identical *status libertatis*:

Q(uintus) Marcius Flaccillae l(ibertus) / Botrys fecit sibi et / Mutilliae P(ubli) l(ibertae) Didyme coniugi kar(issimae), / P(ublio) Mutillio P(ubli) l(iberto) Botry P(ublio) Marcio Legitimo fil(iis), / P(ublio) Mutillio P(ubli) l(iberto) Modesto, Mutilliae Compse, / L(ucio) Roscio Daphno, Iuliae (mulieris) l(ibertae) Pontiae et / posterisq(ue) eorum.

Q. Marcius Flaccillae l. Botrys + Mutilliae P. l. Didyme

|

P. Mutillius P. l. Botrys — P. Marcius Legitimus

The older of the two brothers, P. Mutillius P. l. Botrys, who was slave-born and thus illegitimate, received his father's *cognomen*. The younger, P. Marcius Legitimus, who has his father's gentile name, was apparently born after his father had gained his freedom. The name 'Legitimus' is of particular interest. According to Beryl Rawson, such *cognomina* might have indicated that their bearer had been born of a legal marriage (*matrimonium iustum*); the text above would argue in favour of her reasoning.¹⁶

B. Mother and child with different *nomina gentilia*

The next group consists of nine cases in which the children have different *nomina* than their mothers or both parents; the parents either share a common *nomen* or they have different *nomina*. Again, the information regarding the *status libertatis* of parents and children is limited or even lacking, and this group cannot therefore be interpreted in a comprehensive way.

CIL VI 4228: P. Aelius Aug. lib. Menophilus + Caminia Fortunata = M. Ulpius Aug. lib. Menophilus adiutor proc. ab ornamentis, died aged 35.

CIL VI 17212: Flavius Epictetus + Flavia Italia = [---]lbius Epictetus, died aged 7.

CIL VI 17652: M. Valerius O. l. Glyco + Valeria O. l. Primilla = M. Vedius M. et O. l. Glyco, died aged 5.

¹⁶ On this point, see RAWSON's review of I. KAJANTO's *Latin cognomina* (cit. n. 2), p. 155.

CIL VI 28024: L. Valerius Halys + Valeria Successa = P. Suillius Halys, age unknown, P. Suillius Philadelphus, age unknown, Suillia Halina, age unknown, Valeria Halina, age unknown.

CIL VI 29391: Ulpius Felix + Ulpia Rhodine = Ulpia Rodine, died aged 16, T. Flavius Felix, died aged 27.

AE 1985, 87: L. Oppius O. I. Iamus + Oppia Grapte = Albinovana C. I. Iame, age unknown.

AE 1975, 55: Clemens Augustorum lib. pp. denuntiatorum + Ofilia Agapomene = Clemens Augustorum lib. adiutor a codicillis, age unknown.

AE 1975, 59: P. Aelius Aug. lib. Eros + Licinia Eucarpia = Aurelius Aug. lib. Eros, age unknown, Aelia Salviana, age unknown.

AE 2005, 238: Cn. Raius Agathopus + Ninnia Cloe = Naevia Agathe, died aged 5.

The familial situations in these texts would not have been identical, and a number of different interpretations are therefore possible:

1. The child was simply given a different *nomen* from their parents, perhaps from a more distant relative such as a paternal grandfather.¹⁷
2. The child was adopted; this, however, seems unlikely, as there are no other cases in which a child receives filiation from their adoptive father or a second *cognomen* referring to their natural father.¹⁸ And nothing else suggests adoption.
3. The family belonged to the *familia Caesaris*, and the parents were freed by one emperor but did not have a child until the era of a subsequent emperor.

In fact, there are two cases which seem to fit scenario no. 3. In *AE 1975, 59*, the father P. Aelius Aug. lib. Eros was a freedman of Hadrian, the mother seems to have been a free woman from outside of the *familia Caesaris*, and their child is Aurelius Aug. lib. Eros, freedman of Marcus Aurelius. As the *S.C. Claudianum* had to have been involved in this case, two interpretations are possible. First, Eros was born as a slave to a free mother before Hadrian abolished the rule of the *S.C. Claudianum* which specified that if a free woman conceived a child with someone else's slave, the child would be born a

¹⁷ NUORLUOTO, 'Emphasising matrilineal ancestry' (cit. n. 12).

¹⁸ For adoptive names in imperial Rome, see O. SALOMIES, *Adoptive and Polyonymous Nomenclature in the Roman Empire* [= *Societas Scientiarum Fennica. Commentationes Humanarum Litterarum* 97], Helsinki 1992.

slave.¹⁹ Second, the boy was born after Hadrian changed the *S.C. Claudianum*, but his mother was a Latina Iuniana whose children would remain slaves if conceived with a slave and if they knew of his servile status.²⁰

In *CIL* VI 4228, the opposite is true: M. Ulpius Aug. lib. Menophilus was freed by Trajan before his father and the latter P. Aelius Aug. lib. Menophilus gained his freedom by Hadrian.

4. A child was born to a slave mother, then sold and manumitted in their new house; the mother, however, gained her freedom in her original house. This scenario is perhaps attested in *CIL* VI 17652 (1st c. CE):

M(arco) Vedio M(arci) <et> (mulieris) l(iberto) Glyconi / vixit an(nos) V m(en-
ses) III M(arcus) Valeri(us) / (mulieris) l(ibertus) Glyco pat(er), Valeria (mulieris)
l(iberta) / Primilla mat(er) fecerunt aedic(u)la(m) fili(o) / dulcissimo, sibi po-
sterisq(ue) suis.

¹⁹ According to the *S.C. Claudianum* of AD 52 a woman who had a sexual relation with someone else's slave against the will of the slave's master and despite his warnings also became his *serva* (G. 1.160). Children born to such a union became slaves as well. However, the status of children conceived from the relationship to which the master of the slave has consented (G. 1.84) remains unclear. According to WEAVER, until Hadrian, the *S.C. Claudianum* provided that: (1) if the slave's owner did not consent to the union, the woman could be turned into slavery and give birth to slave children; (2) if he did consent, but no agreement (*pactio*) was made, she became his own *liberta* but her children were free; (3) if he did consent and made a *pactio* with her, the mother stayed free, but her children were born slaves. Hadrian probably changed the rule by eliminating the third option. See P. R. C. WEAVER, 'Gaius I. 84 and the *S.C. Claudianum*', *CR* 14.2 (1964), pp. 137–139. For further literature, see: IDEM, *Familia Caesaris* (cit. n. 3), pp. 163 n. 2. However, some researchers believe that this passage should be understood literally. They interpret *pactio* as an agreement between the free woman and the slave's master concerning cohabitation with a slave partner and protection of the freedom of a woman, but not her child, who, before Hadrian, had to be born slave, which excludes option 3. See: A. KACPRZAK, 'Servus ex libera natus – Überlegungen zum senatusconsultum Claudianum', forthcoming. Both interpretations fit our example, as either Licinia Eucarpia simply gave birth to slave children, as she had them with someone else's slave or she had a *pactio* with imperial House to keep her freeborn status.

²⁰ G. 1.85, see KACPRZAK, 'Servus ex libera natus' (cit. n. 19). A similar explanation could also apply to *AE* 1975, 55, where both the father and son were imperial freedmen with *nomen* omitted and the mother, who had non-imperial gentile name, was probably free.

M. Valerius O. I. Glyco + Valeria O. I. Primilla

|
M. Vedius M. et O. I. Glyco

The epitaph was set up by M. Valerius O. I. Glyco and Valeria O. I. Primilla for their son, M. Vedius M. et O. I. Glyco, who died at the age of five. The *nomina* of the parents indicate that they were freed in the house of Valerian, while the son belonged to Vedii. Although the boy was removed from his parents at a very early age, he bore his father's *cognomen* and his parents set up an epitaph for him. These and similar examples show that slave children were often named after their natural parents in order to create a sense of family identity. Natural family ties seem to have been strong, even though parents and children were often separated from one another.

II.3. FATHER WITH *NOMEN GENTILICIUM*, UNKNOWN MOTHER, CHILD WITH *NOMEN GENTILICIUM*

A. Father and child with same *nomen gentilicium*

CIL VI 8148: L. Abucius Onesimus + ? = L. Abucius Sp. f. Onesimus, age unknown.

CIL VI 15007: Ti. Claudius Dius + ? = Ti. Claudius Sp. f. Quir. Dius, died aged 12.

CIL VI 20171: C. Iulius C. I. Palleus + ? = C. Iulius Sp. f. Col. Phalleus, age unknown.

The last group consists of sources in which only the names of the fathers and children are known. All of the children have the *cognomina* of their fathers and filiation *Sp(uri) f(ilius)* which signifies that they were freeborn but illegitimate.²¹ The interpretation of texts belonging to this group is problematic as there is no information regarding parental status in the majority of epitaphs.

²¹ On the freeborn status of *Spurii filii*, see B. RAWSON, 'Spurii and the Roman view of illegitimacy', *Antichthon* 23 (1989), pp. 10–41, esp. p. 31. See also H. SOLIN, *Beiträge zur Kenntnis der griechischen Personennamen in Rom*, vol. I [= *Societas Scientiarum Fennica. Commentationes Humanarum Litterarum* 48], Helsinki 1971, pp. 39 and 125, who argues that filiation is not always an indication of free birth. He cites few examples where *Spurii filii* are referred to as *vernae*, for instance: *C(aius) Iulius Sp(uri) f(ilius) / Hedyon / vix(it) annum et / menses X / C(aius) Iulius / Primus / verna suo / dulcissimo* (*CIL* VI 20040).

Yet, in one case (*CIL* VI 20171) the family structure can be traced. Both the father and son have the same *nomen* ‘Iulius’ and the father is explicitly described as *libertus* of a certain C. Iulius. The mother had to have been free or a freedwoman, as she gave birth to a child who was freeborn albeit illegitimate.²² The father was either a slave²³ or already a freedman when the boy was born. It is likely that the mother was also a freedwoman of the same patron as her partner, or that she belonged to the patron’s *gens*: this would explain the *gentilicium* ‘Iulius’ for her son.

A similar scenario is possible in *CIL* VI 15007, *CIL* VI 8148, and *CIL* VI 20171. In those cases, children described as *Sp(uri) f(ilii)* have the same *nomen* as their fathers, and it could be inferred that the both parents belonged to the same family, perhaps as freedmen.

B. Father and child with different *nomina gentilicia*

As far as the last group is concerned, no coherent interpretation can be offered. In this group the mothers are never named and the *nomina* of the fathers differ from their sons. Only in some cases is the freed status of either the son (*CIL* VI 18245; *CIL* VI 26260) or the father (*CIL* VI 8526 = X 948*, 13 = *ILS* 1704; *CIL* VI 15041 = XI 101*, 52; *CIL* VI 18245; *CIL* VI 20144) mentioned, which may suggest that at least one of the parents was a slave at the time of the child’s birth; this would have been the reason the child was illegitimate. *CIL* VI 8526 = X 948*, 13 = *ILS* 1704: Ti. Claudius Aug. lib. Philargyrus tabellar. castrensis + ? = Domit(i)a Philargyris, age unknown + Ti. Claudius Ianuarius, age unknown.

CIL VI 9448: Pontius Clemens + ? = Nurvanus Clemens, age unknown.

CIL VI 13260: T. Aurelius Trypho + ? = Antistia Tryphaena, age unknown.

²² The freeborn status of this man is indicated not only by the description *Sp(uri) f(ilii)*, but also by *tribus Collina*. Cicero in his speech for Titus Annius Milo suggests that the membership of *tribus Collina* was in the republican period linked to inferior status and for that reason children born outside *matrimonium iustum* were often assigned to this tribe, cf. Cicero, *Pro Milone* 9.25. See also A. FERRARO & V. GORLA, ‘Le tribù urbane. Verifica della loro composizione sociale sulla base della documentazione epigrafica’, [in:] M. SILVESTRINI (ed.), *Le tribù romane. Atti della XVI^e Rencontre sur l’épigraphie (Bari 8–10 ottobre 2009)*, Bari 2010, pp. 341–347, esp. pp. 344–345.

²³ Either after Hadrian, or, if we accept WEAVER’S interpretation of G. 1.84, she had to have a *pactio* with her partner’s master. See n. 19.

CIL VI 15041 = XI 101*,52: Ti. Claudius Aug. l. Eulalus + ? = C. Asinius Eulalus, died aged 19.

CIL VI 15316 = *ICVRI* 3394 = *ILCV* 2783a: Caecilius Vincentius + ? = Claudius Vincentius, died aged 17.

CIL VI 18128: T. Flavius Marinus + ? = P. Valerius Marinus, died aged 3.

CIL VI 18245: T. Flavius Aug. lib. Verus + ? = M. Ulpus Aug. lib. Soter, age unknown, M. Ulpus Aug. lib. Verus, age unknown.

CIL VI 20144: L. Iulius L. l. Mysticus + ? = M. Terentius Mysticianus, age unknown.

CIL VI 21921: L. Manilius L. f. Volt. Silanus Viennensis + ? = Domitia L. f. Silanilla, age unknown.

CIL VI 22210a: P. Aelius Leontas + ? = Numerius Marius Leontas, died aged 19.

CIL VI 23411: N. Ogulnius Epaphroditus + ? = T. Staberius Epaphroditus, age unknown.

CIL VI 25351: M. Raecius Roscius Clodianus Siculus Syracusanus + ? = Clodia Roscia, age unknown.

CIL VI 26154: L. Antonius Campanus + ? = L. Sempronius Campanus, died aged 23.

CIL VI 26260: L. Faenius Theodorus + ? = L. Septimius Theodorus Augg. lib., age unknown.

CIL VI 26512 = X 728*, 7 = *AE* 1993, 130: L. Probus Firmilianus + ? = Sextilia Firmiliana, died aged 11.

BCAR 43 (1915), p. 229 = *NSA* (1916), p. 97 no. 4: C. Timinius Nepos + ? = C. Ptolemaeus Nepos, died aged 3.²⁴

AE 1973, 177 = 2011, 51 = 2014, 227: I. Domitius Secundianus mil. coh. X urb. + ? = Iulia Secunda, died aged 3.

AE 1981, 54: T. Flavius Actionicus + ? = Q. Thersius Actionicus, died aged 18.

AE 1990, 31 = 1993, 284: M. Ataenius Restitutus + ? = [---]arcia Restituta, age unknown.

²⁴ For the Greek *gentilicium* 'Ptolemaeus', see H. SOLIN, *Die griechischen Personennamen in Rom: ein Namenbuch*, Berlin 2003, p. 1485.

CONCLUSION

The majority of examples examined here attest to consistent onomastic practices among slaves and freedmen. Fathers of slave origin gave their own *cognomina* to their children, as they had no *nomen* to pass on to their offspring. While the slaves did not have children in any legal sense – they had no parental power and could not pass an inheritance to them either by will or intestate succession – the onomastic practices, and even the mere that these epitaphs were set up by members of those families, attest to strong familial bonds, even when the members of these families were separated from one another. That my conclusion is not limited to epigraphic material is demonstrated by the fact that, even in Roman law, blood relations between the members of slave families were recognized: slaves who were closely related were forbidden to marry after their manumission (e.g. Paulus, XXXV *ad edictum*: D. 23.2.14.2). Future studies, however, should focus on more data, including inscriptions from throughout Italy and other provinces, in order to see whether a similar naming pattern was also present among the rest of the population of the Roman Empire.

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PATERNAL ONOMASTICAL LEGACY VS. ILLEGITIMACY IN ROMAN EPITAPHS

Abstract

The subject of the present paper is epigraphic evidence for illegitimate children who bear the *cognomen* of their natural father. 107 epitaphs from the city of Rome dated to the first three centuries CE have been examined in an attempt to determine whether this onomastic practice was applied in the milieu of slaves and freedmen. The analysis of the source material showed that fathers of slave origin often gave their own *cognomina* to their children as they had no *nomen* to pass on to their offspring. This proves that the family bonds between members of these families were strong even though they were often separated from one another.

Keywords: Latin inscriptions, Roman onomastics, names of parents and children, *cognomina*, illegitimate children, families of slaves and freedmen

OJCOWSKIE DZIEDZICTWO ONOMASTYCZNE A NIEŚLUBNOŚĆ W EPITAFIACH RZYMSKICH

Abstrakt

Przedmiotem niniejszego artykułu są świadectwa epigraficzne dotyczące dzieci pozamażeńskich noszących *cognomen* swojego naturalnego ojca. 107 epitafiów z miasta Rzymu, datowanych na trzy pierwsze wieki naszej ery, zostało zbadanych w celu ustalenia, czy ta praktyka onomastyczna była stosowana w środowisku niewolników i wyzwolenców. Analiza materiału źródłowego pokazała, że ojcowie pochodzenia niewolniczego często dawali dzieciom własne *cognomina*, ponieważ nie posiadali *nomen*, które mogliby przekazać swojemu potomstwu. Dowodzi to, że więzy rodzinne pomiędzy członkami tych rodzin były silne, nawet jeśli byli oni często odseparowani od siebie.

Słowa kluczowe: inskrypcje łacińskie, onomastyka rzymska, imiona rodziców i dzieci, *cognomina*, dzieci pozamażeńskie, rodziny niewolników i wyzwolenców



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