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The Warren Cup: Male Sexual Transgression and Resistance in Ancient Rome

### **Introduction**

An examination of Greco-Roman artifacts rediscovered and unearthed in the eighteenth-century has allowed scholars of classical antiquity to identify a multitude of differences in the attitude and cultural norms surrounding same-sex male relationships between ancient Rome and the contemporary West. It is worth noting that the concepts of homosexuality and heterosexuality did not exist, for the nature of sexual relationships among Romans was not defined in terms of gender. While “same-sex desire is not a modern western invention”, the usage of the term *homosexuality* to “describe a single category of behaviour is a modern European term” and is therefore not necessarily applicable in describing relationships between men in ancient Rome (The British Museum). Sexual relation between males was not any more peculiar than that between a male and a female, and a “male citizen could admit to sexual experience with males in certain contexts and configurations without fear of ridicule or reprisal” (Williams 17). While the engagement in sexual acts with another man by itself was not the basis for a man’s honor and status in ancient Roman society to be affected, maintaining masculinity in accordance to *Lex Scantinia*, a law that penalized individuals who committed adultery or acts that deviated from the Roman ideologies for male sexuality, was deemed necessary in retaining a

freeborn Roman man's entitlement to *libertas* (political liberty) and *virtus* (virtue) (Williams 120).

Sexual conquests, aside from fulfilling physical needs, was also seen as means of accentuating a Roman man's masculinity. While *Lex Scantinia* did not impose restrictions upon the number of sexual partners a man could have, regardless of his marital status, nor did it have any regard for the gender of his sexual subjects, the law placed heavy emphasis on protecting the masculinity of a freeborn Roman citizen by prohibiting them from taking a "passive" role during intercourse. The Roman ideology for masculinity, in said context, was premised on taking the dominant and active role by being the penetrator in the act of sex. Another condition under the law instructs that the subject being penetrated could be anyone, as long as they are not a freeborn Roman citizen, which by default restricts the Roman man's selection of sexual partners to prostitutes and sex slaves. Due to the integration of said ideology into formal Roman law under *Lex Scantinia*, many classicists of the nineteenth and twentieth century have reached a consensus on categorizing the sexual behaviors or identities of ancient Romans on the basis of an "active/passive dichotomy" (Karras 1250).

Through an examination of the context and characteristics of the Warren Cup, a classical artifact that dates back to 27 B.C. - A.D. 14 during the reign of emperor Augustus, a more in-depth understanding of societal attitudes toward male-male sex can be achieved given the artifact's "high quality and relatively secure date", making the cup a suitable subject for the analysis of the social construction of male sexuality and behavior in ancient Rome (Clarke 277). With the two scenes of lovemaking between Roman males displayed on a silver drinking cup used in everyday life, it can be argued that sexual practices between men was just as common

and conventional in ancient Rome as those between members of different genders, as opposed to the inaccurate findings that homosexuality was persecuted by Roman law. In addition, the details in the depiction of the individuals engaged in sexual intercourse on the cup will be analyzed in order to demonstrate the cultivation of romantic relationships between men of equal status in spite of *Lex Scantinia*, and the presence of sexual identities beyond the rigid dichotomous structure of activity and passivity that scholars tend to limit the sphere of ancient Roman male sexuality to, which “denies the possibilities of the existence of male intimacy, role reversal, or reciprocal sex” (Eger 131).

### **The Commonness of Male-Male Sexual Relationships**

Intimate scenes of sexual intercourse between male-male and male-female couples alike were extensively portrayed across various cultural mediums in ancient Rome, including literature and art. The Warren Cup is only one of the many erotic artifacts to exhibit depictions of male-to-male copulation. Each side of the drinking vessel is seen decorated with a scene of intimacy between two males figure, which were meticulously “raised by hammering and elaborated with chased and engraved details, some enhanced by gilding” (The British Museum). Surrounding the couples is a stacking of layers of textiles and draperies, with the loose curtains hanging from the top in particular taking a phallic form. Complementing the elaborate drapes is a lyre and a pair of aulos behind the couplings. The decorative elements seen on the cup are suggestive of a romanticized view of sexual relationships between males, which within this context is condoned if not even celebrated ancient Roman society, rather than being an act that was heavily stigmatized or forbidden in many modern civilizations. Despite their intricate

depictions of sexual contact, such silver drinking vessels were far from being illicit - instead, they were used by “guests of both sexes...and [were] meant to entertain the guest with their engaging imagery and fine craftsmanship” (Clarke 279). The notion of homosexuality being forbidden in ancient Rome, as expressed by the author L.P. Wilkinson, is therefore inaccurate. Likewise, the existence of the Warren Cup along side with other erotic artifacts of similar nature debunk the idea that lawmakers at the time sought to “set the death penalty for convicted homosexuals”, as inaccurately acclaimed by W. Thomas MacCary, another writer of the twentieth century, in his work *The Bacchae in Plautus' Casina* (Williams 120). Artistic scenes of lovemaking can also be seen in a number of other archaeological remains restored from antiquity. Representations of male-male and male-female sexual relations can be perceived as to be equally common for the compositions of both couples “get repeated on a variety of vessels...and exported throughout the Empire” (Clarke 287).

### **Roman Male Sexuality Under *Lex Scantinia***

The erroneous assumptions made about homosexuality being prohibited in ancient Rome are most likely to have stemmed from the poor documentation of *Lex Scantinia*, the aforementioned legal system that sought to govern male sexuality and behavior in accordance with the Roman ideology for masculinity. At the core of the law is the condemnation of *struptionem*, a term used by Roman writers in their descriptions of offenses consisting of the “violation of the sexual integrity of freeborn Romans of either sex” (Williams 96). Pederasty, the act of cultivating sexual relationship between an adult male and a freeborn minor, was considered Hellenistic, or of Greek influence, and was categorized as a subset of *struptionem*. While

the policy entailed a strict prohibition of a relationship of sexual nature between an adult male and a free Roman youth regardless of gender, it did not restrict those with child *slaves*. The same condition was held for adult sexual partners of Roman men, who could be of either gender, but was only permissible under the law if the individual was the man's formal wife, in the case that he is married, or anyone that was not another freeborn Roman citizen. In addition, the law specifies that the freeborn Roman man is to be the dominant figure, both in the grand scheme of society as well as within the walls of the bedroom, and must therefore take on the role of penetrating his partner. With these two interlocking rules, the free Roman male is designated as the "penetrator" that was to dominate his partner in all of his sexual acts, while the subject of submission was to be the "penetrated" - a role assigned for sex slaves and prostitutes. To subvert said established system, whether it is to be a Roman man that made the choice to knowingly penetrate another freeborn, and in doing so violating his integrity, or to be the one to allow himself to be penetrated and thereby betraying his citizen status, was to be subjected to persecution.



*Fig 2. Side B of the Warren Cup; a scene of man-to-boy sex*

Seen on one side of the Warren Cup is a stereotypical scene of sexual intercourse between “an adult man and a boy sex-slave” - the standard male relationship allowed by the law in ancient Roman society. The contrast between the older man and the significantly younger boy, evident in the muscular build of the *erastes* (the active subject) and the lean figure of the *eromenos* (the passive subject), as well as the boy’s long locks of hair that are indicative of his slave status, makes the image one that adheres to the “Roman rule that the partners in male-male sex be unequal in both age and social status” (Clarke 293). The couple, shown to be looking away from one another, suggests that the relationship between the two figures depicted is non-romantic. The outstretched position of the young boy and his body’s reliance on the support of the adult man precisely complements the binary model of the boy slave playing the submissive/passive role by portraying him as to be completely subjected and vulnerable to the control of his dominant partner. Such representation abides to the Roman ideology and particularly *Lex Scantinia* for its emphasis on the absolute authority of the adult Roman male.

### **Reciprocal Love Beyond Sexual Slavery and Prostitution**

In spite of the attempt of the *Lex Scantinia* to restrict the dominant role to male aristocrats, and thereby the passive role to the *infames* (individuals excluded from official Roman citizenship; gladiators, prostitutes, and slaves) of society, “unofficial morality”, or general public attitude, as “seen in Augustan poetry and the visual arts - was more tolerant about...acts and roles” in sexual activity between men (Clarke). Though many classists uphold the misconception that “traditional Romans frowned upon male homosexuality” and classified the common occurrence of male-male sexual relationships among Romans as a Greek attribute, pieces of early

Latin literature that were “full of homosexual allusions” written prior to the Roman conquest of Greece suggest that “Rome did not have to wait for hellenization to allow various forms of love between males” (Greek Love at Rome 517). While the presence of Greek musical instruments in the background and the laurel wreaths on the heads of the *erastes* may suggest that the cup is a product of grecophilia and therefore harkens back to the Greek custom of condoning romantic relationships between free men and pederasty, Cornelius Clarkson Vermeule III, an American scholar of classical antiquity and the curator of the Boston Museum, asserts that the males figures bear a close resemblance to princes within Augustus’s family - thereby attributing the scene of lovemaking between equal men to the reality in the ancient Roman civilization rather than being Greek-inspired.



*Fig 3. Side A of the Warren Cup; a scene of man-to-man sex*

As opposed to the couple on side B of the Warren Cup (fig. 2), side A exhibits a scene of lovemaking between two Roman men that are visibly closer in age. The younger man is seen laying on top of his partner, and is holding on to strap from above to position himself as well as to facilitate penetration. His buttocks and the site of anal intercourse is situated in the center of the composition and is clearly visible to the audience. Unlike the man-and-boy couple from the other side of the cup, the two men face toward the same direction, with the younger man's right hand resting on that of his partner. The two figures are depicted to be closely similar, with no discernible differences in "body size, facial type, or hairstyles" - unlike the locks of hair on the boy on the other side of the cup that conveys his slave status. In his article *Representations of the Cinaedus in Roman Art*, the author John Clarke hypothesizes that if an audience from modern time were to observe the composition by itself without any prior knowledge or context of *Lex Scantinia*, they "would be inclined to read this image as modern gay sex: reciprocal sex between adult men" (Clarke 293). The only distinguishing feature that sets the couple apart from what the law forbids was the lack of facial hair on the younger man - one of the "long standing conventions used to denote the penetrated youth" (Clarke 292). With such singular difference, the artist is able to come close to challenging the ideology set by *Lex Scantinia* without necessarily risking persecution. Despite still subtly characterizing one of the figures as a stereotypical "penetrated" subject, the rest of the similarities between the two men in the scene hints at a possibility of reciprocal and genuine affection during intercourse in an implicit manner as to not violate the law forbidding sexual relationships between Roman men of the same age and status. Regardless of the possibility of being punished for constructing representations of romantic relationships between freeborn Roman adult men, many vase painters came as close as



allowed to intentionally “make it difficult to distinguish man from boy by depicting both *erastes* and *eromenos* as the same size and age” (Clarke 292).

In addition, the position that the penetrated figure takes on top of his partner blurs the binary that is activity and passivity. While the non-bearded individual would be considered the *eromenos* for being the one that is penetrated, he is very much taking on the active role by taking agency in the act of lowering his body for the insertion of his partner’s penis. Such depiction challenges the fixed correlation between playing the passive role in sex and being penetrated, as well as between being the active, dominant figure and necessarily having to be the penetrator.

Possibilities of reciprocity in sex beyond the passive and active model and the existence of relationships between freeborn Roman men are also supported through accounts of the weak reinforcement of *Lex Scantinia*. Despite its description of *struptionem* as a capital crime, the court of law imposed a fine upon violators for committing the crime instead of sanctioning executions. For aristocratic Roman men at the time, the fine posed as a light punishment. In comparison to the death penalty, the punishment of having to pay a sum of money questions the extent to which *Lex Scantinia* was truly reinforced. A scenario from the Book IV of the *Institutio Oratoria*, a textbook written by the Roman rhetorician Quintilian in A.D. 95, reveals the penalty for penetrating a free Roman youth:

He assaulted a freeborn boy, and the latter hanged himself, but that is no reason for the author of the assault to be awarded capital punishment as having caused his death; he will instead pay 10,000 sesterces, the fine imposed by law for such a crime. (Thayer)

## Conclusion

Once dusted and scoured from being buried underneath the hardened lava of mount Vesuvius, the Warren Cup unveils an alternate version into the history of the expressions of sexual attraction and behavior between the men of ancient Rome. In contrast to published findings of male-male relationships being prohibited, the elaborate artistic portrayals of sexual contact between two Roman males testify to the argument that sexual relations between Roman males were a part of society norms. While a deviation from such norms, namely the relationships between men of equal status and social class, was considered a capital crime under *Lex Scantinia*, the practice persisted to exist outside the legal strictures of the Republic. While one side of the artifact presents the standard kind of sexual relationship between a male Roman citizen and a slave - as permitted by law - the other embodies a transgression of norms through the artist's craft of a couple where both males are implicitly to be understood as of equal standing in society. The detailed design of the placement and position in the individuals involved is suggestive of a relationship of romantic nature rather than for the sole purpose of physical gratification as well as blurs the line between the dichotomous model of activity and passivity. In challenging the ancient Roman law of forbidding romantic relationships between free Roman men and breaking from the upheld standard for masculinity, the Warren Cup embodies values of resistance against government regulation of sexuality in the beginnings of Roman civilization.

## Works Cited

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