Extra readings on sex workers Romans UnRomans CLST 360E

March 19, 2019

**43. *Ulpianus, On the Lex Julia et Papia, Book I*.**

**We hold that a woman openly practices prostitution, not only where she does so in a house of ill-fame, but also if she is accustomed to do this in taverns, or in other places where she manifests no regard for her modesty.**

**(1) We understand the word "openly" to mean indiscriminately, that is to say, without choice, and not if she commits adultery or fornication, but where she sustains the role of a prostitute.**

**(2) Moreover, where a woman, having accepted money, has intercourse with only one or two persons, she is not considered to have openly prostituted herself.**

**(3) Octavenus, however, says very properly that where a woman publicly prostitutes herself without doing so for money, she should be classed as a harlot.**

**(4) The law brands with infamy not only a woman who practices prostitution, but also one who has formerly done so, even though she has ceased to act in this manner; for the disgrace is not removed even if the practice is subsequently discontinued.**

**(5) A woman is not to be excused who leads a vicious life under the pretext of poverty.**

**(6) The occupation of a pander is not less disgraceful than the practice of prostitution.**

**(7) We designate those women as procuresses who prostitute other women for money.**

**(8) We understand the term "procuress" to mean a woman who lives this kind of a life on account of another.**

**(9) Where one woman conducts a tavern, and keeps others in it who prostitute themselves, as many are accustomed to do under the pretext of employing women for the service of the house; it must be said that they are included in the class of procuresses.**

**(10) The Senate decreed that it was not proper for a Senator to marry or keep a woman who had been convicted of a criminal offence, the accusation for which could be made by any of the people; unless he was prohibited by law from bringing such an accusation in court.**

*Digest* Book 23.43

… while fools shun [one sort of] vices, they fall upon their opposite extremes Malthinus walks with his garments trailing upon the ground; there is another funny man who has them tucked up right to his waist; Rufillus smells like perfume itself, Gorgonius like a he-goat. There is no balance. There are some who would not keep company with a lady, unless her modest garment perfectly hides her feet. Another, again, will only have those as take their station in a filthy brothel. When a well known man came out of a whorehouse, the divine Cato [greeted] him with this statement: "Proceed (says he) in your virtuous course. For, when once foul lust has inflamed the veins, it is right for young fellows to come here, compared to meddling with other men's wives." [35] I should not be willing to be commended on such terms, says Cupiennius, an admirer of the white cunt.

Horace, *Satire* 1.2

But as for us, we have been taught that to expose new-born children is an act of wicked men; and this we have been taught in case we should do any one an injury, and in case we should sin against God, first, because we see that almost all so exposed (not only the girls, but also the males) are brought up to prostitution. And as the ancients are said to have reared herds of oxen, or goats, or sheep, or horses, so now we see you rear children only for this shameful use; and for this pollution a multitude of females and hermaphrodites, and those who commit unmentionable iniquities, are found in every nation. And you receive the hire of these, and duty and taxes from them, whom you ought to exterminate from your realm. And any one who uses such persons, besides the godless and infamous and impure sex, may possibly be having sex with his own child, or relative, or brother. And there are some who prostitute even their own children and wives, and some are openly mutilated for the purpose of sodomy; and they refer these mysteries to the Mother of the Gods, [[1]](#footnote-1)and along with each of those whom you esteem gods there is painted a serpent, a great symbol and mystery.

Justin Martyr, *Apology* 1.27

133 In dealing with brothel-keepers and their trade we must certainly betray no weakness as though something were to be said on both sides, but must sternly forbid them and insist that no one, be he poor or be he rich, shall pursue such a business, thus levying a fee, which all the world condemns as shameful, upon brutality and lust. Such men bring individuals together in union without love and sex without affection, and all for the sake of filthy money. They must not take unfortunate women or children, captured in war or else purchased with money, and expose them for shameful ends in dirty booths which are flaunted before the eyes in every part of the city, at the doors of the houses of magistrates and in market-places, near government buildings and temples, 134 in the midst of all that is holiest. Neither barbarian women, I say, nor Greeks — of whom the latter were in former times almost free but now live in bondage utter and complete — shall they put in such shameful constraint, doing a much more evil and unclean business than breeders of horses and of asses carry on, not mating beasts with beasts where both are willing and feel no shame, but mating human beings that do feel shame and revulsion, with lecherous and dissolute men in an ineffectual and fruitless physical union that breeds destruction rather than life. Yes, and they respect no man nor god not Zeus, the god of family life, not Hera, the goddess of marriage, not the Fates, who bring fulfilment, not Artemis, protectress of the child-bed, not mother Rhea, not the Eileithyiae, who preside over human birth, not Aphrodite, whose name stands for the normal sex and union of male and female. 136 No, we must proclaim that neither magistrate nor lawgiver shall allow such merchandising or legalize it, whether our cities are to house a people of the highest virtue or to fall into a second, third, fourth, or any other class, so long as it is in the power of any one of them to prevent such things. 137 But if old customs and diseases that have become entrenched in the course of time fall to the care of our ruler, he shall by no means leave them without attention and correction, but, with an eye to what is practicable, he shall curb and correct them in some way or other. For evils are never wont to remain as they are; they are ever active and advancing to greater wantonness if they meet no compelling check.

138 It is our duty, therefore, to pay some attention to this and under no condition to bear this mistreatment of outcast and enslaved creatures with calmness and indifference, not only because all humanity has been held in honour and in equal honour by God, who begat it, having the same marks and tokens to show that it deserves honour, to wit, reason and the knowledge of evil and good, but also because of the following consideration, which we must always remember: that for flagrant wrong fostered by licence it is difficult to set a limit that it will no longer, through fear of the consequences, dare to transgress. Indeed, beginning with practices and habits that seem trivial and allowable, it acquires a strength and force that are uncontrollable, and no longer stops at anything.

139 Now at this point we must assuredly remember that this adultery committed with outcasts, so evident in our midst and becoming so brazen and unchecked, is to a very great extent paving the way to hidden and secret assaults upon the chastity of women and boys of good family, such crimes being only too boldly committed when modesty is openly trampled upon, and that it was not invented, as some think, to afford security and abstinence from these crimes.

Dio Chrysostom, *Orations* 7

adultera meretrix tene me quia de Bulla R(e)g(ia):

adulteress-prostitute: detain me because I have run away from Bulla Regia

ILS 9455, Bulla Regia, North Africa, 4th century CE

14 A story told of Hostilius Mancinus, a curule aedile, and the *meretrix* Manilia; and the words of the decree of the tribunes to whom Manilia appealed.

1 As I was reading the ninth book of the Miscellany of Ateius Capito, *On Public Decisions*, one decree of the tribunes seemed to me full of old-time dignity. 2 For that reason I remember it, and it was rendered for this reason and to this purport. Aulus Hostilius Mancinus was a curule aedile. 3 He brought suit before the people against a *meretrix* called Manilia, because he said that he had been struck with a stone thrown from her apartment by night, and he exhibited the wound made by the stone. 4 Manilia appealed to the tribunes of the commons. 5 Before them she declared that Mancinus had come to her house dressed as a reveller; that it would not have been to her advantage to admit him, and that when he tried to break in by force, he had been driven off with stones. 6 The tribunes decided that the aedile had rightly been refused admission to a place to which it had not been seemly for him to go with a garland on his head;[[2]](#footnote-2) therefore they forbid the aedile to bring an action before the people.

Aulus Gellius, *Attic Nights* 4.14

And besides, not to flatter ourselves, what value is there in a poor man's serving here in Rome, even if he takes the effort to hurry along in his toga before daylight, seeing that the praetor is ordering his lictor to go full speed lest his colleague should be the first to salute the childless ladies Albina and Modia, who have long ago been awake. Here in Rome the son of free-born parents has to give the wall to some rich man's slave; for that other will give as much as the whole pay of a legionary tribune to enjoy the chance favours of a Calvina or a Catiena, while you, when the face of some fancy dressed whore takes your fancy, scarce dare to help Chione step down from her lofty chair.

Juvenal, *Satire* 3.130-136

1. Presumably referring to the *Galli* and Magna Mater, though there were other similar mother goddesses with self-castrated priests, as we have seen. [↑](#footnote-ref-1)
2. As a client, that is, rather than on business. The aediles seem to have been in charge of the mangement of prostitution as a business. [↑](#footnote-ref-2)