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## The Social Effect the Law had on Prostitutes in Ancient Rome

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Prostitution quickly became a popular source of income and pleasure for the Roman population, but it seemed to be viewed dichotomously. Between 200 B.C.E. and 250 C.E., “prostitution was both socially approved and suspect for moral reasons.”<sup>1</sup> Although the people went to brothels for pleasure and companionship, they were also scared of the ethical implications of paying for sexual relations. Despite this conflict, brothels were a common sight in Roman cities. For example, brothels in Pompeii were located throughout the “elite and impoverished residential and commercial neighborhoods.”<sup>2</sup> No matter how accepted prostitution appeared to be, early laws prohibiting the activities inside these buildings seemed to contradict social acceptance. It was not until taxes regulating the profession were enacted in 40 C.E. by the state that prostitution seemed to be accepted as a legitimate business entity by the government and citizens alike.

Although we do not have any direct accounts from the prostitutes themselves, early documented laws that regulated them socially and financially help to paint a picture of their lives and what they experienced. It is interesting to examine the effects these laws had upon the prostitutes; while doing so, it can be concluded that the laws passed regulating prostitutes and pimps of ancient Rome had contradicting social effects upon these people. The first laws controlling prostitution hindered prostitutes socially, while the tax later placed upon them seemed to indicate that the state, and therefore the community, approved of their actions. It can be said that this shift was the result of a changing attitude; the state finally realized it could profit from something that was previously frowned upon.

Prostitution in ancient Rome can be defined by three components: sex, money, and the emotional indifference between partners. Prostitutes were usually raised in this profession; it was common for children to be purchased by entrepreneurs and then brought up as sex workers.<sup>3</sup> As the workers grew older, they began to understand the unspoken rules of their job. The prettier the prostitutes were, the more exclusive they were able to be by selectively choosing customers. The cheaper they were, the higher the chance that they were less attractive. As for the brothel keepers, they allowed their workers to uphold the three key aspects that characterized the profession. In the words of Dio Chrysostom, a Roman philosopher, they “[brought] people together for intercourse...and the fulfillment of lust without love, all for the sake of profit.”<sup>4</sup> Owners did this by giving each worker a stall—much like a room—of their own, where they serviced their customers.<sup>5</sup> The workers usually stood outside their stalls, giving potential customers the ability to evaluate the “product” before purchasing it. Horace, a lyric poet during the time of Emperor Augustus (who ruled from 27 B.C.E.- 14 C.E.), describes a prostitute in a common brothel scene: “In Coan silk she’s nearly nude, and can’t hide a malformed leg or gnarly foot. You may measure her body with your eye. Or do you prefer to be swindled and

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<sup>1</sup> Thomas McGinn, *Prostitution, Sexuality, and the Law in Ancient Rome* (New York: Oxford University Press, 1998), 10.

<sup>2</sup> Barbara Voss, “Sexuality Studies in Archaeology,” *Annual Review of Anthropology* 37 (2008), 325.

<sup>3</sup> Thomas McGinn, *Prostitution, Sexuality, and the Law in Ancient Rome*.

<sup>4</sup> Dio Chrysostom, “Orations,” in *Greek and Roman Sexualities: A Sourcebook*, ed. Jennifer Larson (New York: Bloomsbury Academic, 2012), 282.

<sup>5</sup> Juvenal, “Satires,” in *Greek and Roman Sexualities: A Sourcebook*, ed. Jennifer Larson (New York: Bloomsbury Academic, 2012).

separated from your money, before you even see the goods?”<sup>6</sup> This inspection was a common courtesy for the clients at a brothel. There was a very important unspoken rule: the more clothes a girl wore outside her stall, the higher the chances she had a hidden deformity.<sup>7</sup>

Along with writings of the time, we are able to gather information on what it was like to be a prostitute from architectural remains. What is left of the city of Pompeii provides us with the best remains of brothels, and studying them gives us a fantastic inside look.<sup>8</sup> The walls of brothels occasionally contained graffiti from the workers and customers alike. One prostitute advertised herself, writing “I am yours for an As”.<sup>9</sup> During Roman times, an As was the lowest form of currency, and here the woman is clearly attempting to cheaply advertise herself to the masses. This would indicate her lack of selectivity when it came to customers, suggesting she was not an extremely popular worker. Another common theme was ratings from the customers. One statement found on a wall is a great example of this: “Sabina, you suck, you do not do it well”.<sup>10</sup> Clients rated their experience with a prostitute publicly as a reference for potential clients. This graffiti also reflects the social status of the women inside the brothels, as people felt no qualms about writing about them like products. They did not feel the need to refrain from publicly writing about women who had sex for money.

In ancient Rome, social status was directly correlated with “sexual honor, more acutely and directly for women”.<sup>11</sup> If a woman of Rome was regarded as unchaste, she was immediately viewed negatively by the community. In an ideal situation, the family was expected to uphold the image of the women in their family by controlling their sexual behavior. The role of the men in a family was to protect the pure and innocent image of their sisters, wives, and daughters.<sup>12</sup>

Legally, most prostitutes were slaves. They had no male relatives to protect their image in society. Instead their pimps were in charge of them, basically controlling their whole lives, as seen in the comedy *Pseudolus* written by the Roman author Plautus. Here, we have a pimp named Ballio addressing his sex workers and instructing them as to what he expects. He says, “See to it that today many gifts come to me from your lovers. For unless annual provisions come to me today, tomorrow I’ll prostitute you to the common herd”.<sup>13</sup> Although from a comedy, this scene accurately reflects the complete control pimps had over their women. They were allowed to tell them when to work, whom to work for, and how much they were expected to charge.

Due to their slave status, the people of Rome considered prostitutes social equals with actors and gladiators, two groups that were not looked upon highly.<sup>14</sup> The ancient Romans felt strongly about the sense of sight; they believed it was as powerful as physically touching a

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<sup>6</sup> Horace, “Satires,” in *Greek and Roman Sexualities: A Sourcebook*, ed. Jennifer Larson (New York: Bloomsbury Academic, 2012), 276.

<sup>7</sup> *Ibid.*, 276

<sup>8</sup> Barbara Voss, “Sexuality Studies in Archaeology.”

<sup>9</sup> Marguerite Johnson and Terry Ryan, *Sexuality in Greek and Roman Society and Literature* (New York: Routledge, 2005), 102

<sup>10</sup> *Ibid.*, 102

<sup>11</sup> Thomas McGinn, *Prostitution, Sexuality, and the Law in Ancient Rome*, 9.

<sup>12</sup> *Ibid.*, 9

<sup>13</sup> Plautus, “Pseudolus,” in *Sexuality in Greek and Roman Society and Literature*, ed. Marguerite Johnson and Terry Ryan (New York: Routledge), lines 178-80.

<sup>14</sup> Thomas McGinn, *Prostitution, Sexuality, and the Law in Ancient Rome*.

person. Because actors and gladiators were commonly viewed by a huge crowd of people, they were basically being “touched” by a large audience. This placed them on the same social level as prostitutes, people who were physically touched on a regular basis.

Because of their lowly status, prostitutes and their pimps were even omitted from certain responsibilities that a full citizen of Rome would enjoy.<sup>15</sup> This social standing was due to prostitutes’ impure actions and line of work. Actually, prostitutes were “regarded as so impure that a priestess could not even encounter one without dishonor”.<sup>16</sup> The women of the brothels were not allowed to participate in certain religious cults, and the fact that they were not allowed to encounter a priestess reflects just how negatively the people of Rome viewed them.

In actuality, early laws set up by the Republic treated prostitutes as lowly people, which influenced the way the people of Rome viewed them. This first statute, the *lex Iulia et papia*, did not allow prostitutes or their pimps to marry outside of the ranks of ex-slaves.<sup>17</sup> By creating this law, the government had set them up for social failure. Because sex workers were not allowed to marry anyone who was not a former slave, they had to no opportunity to ever move up the social ladder. The common people of Rome could easily use this rationale to explain why they did not treat these people as Roman citizens. Why waste time worrying about someone who would never be more than an ex-slave?

The statute that began the great shift in the view on prostitutes and pimps was the *lex Iulia de adulteriis coercendis*. This law, enacted by Augustus, banned sex workers from the penalties that all other citizens received for illicit sexual relations.<sup>18</sup> We know for sure that this law covered adultery and “criminal fornication,” but it is unclear as to whether or not incest and rape were covered as well.<sup>19</sup> This ban caused a larger separation between the normal citizens and prostitutes. While regular people were expected to return to the older, more moral ways, prostitutes and pimps were allowed to continue their unchaste acts. While this law caused regular citizens to look down on prostitutes due to the large social gap between them, it is also clear that the same law was paramount when it came to accepting prostitution as a legitimate means of making money. Because Augustus did not make prostitution illegal, or ban these people from the sexual acts they were selling, he appeared to be approving of them. With this law, there seemed to be a simultaneous approval from the state coupled with a degradation of the workers themselves. Even though the Republic was allowing the workers to profit from sexual acts, they could still be condemned by the citizens themselves for these actions.

Ultimately, the Republic’s laws directly affected how the Romans felt toward prostitutes. The feelings toward prostitutes and the laws that came about to regulate them are very similar to the chicken and egg debate. Were the laws restricting prostitutes responsible for the social rifts, or was it the social rifts that caused the laws? Either way, it is plain to see that the decree enacted

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<sup>15</sup> Ibid.

<sup>16</sup> Ibid., 29.

<sup>17</sup> Thomas McGinn, *Prostitution, Sexuality, and the Law in Ancient Rome*.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

by the Republic fueled the fire of dislike towards prostitutes by making them dishonorable individuals and controlling what they were able to do with their personal lives.

As stated earlier, there was a hierarchy within the prostitutes of Rome. The most sought-after and expensive women were called *meretrix* while the sex workers who charged less for their work were called *scortum*, and sometimes *lupa* (wolf).<sup>20</sup> This separation between the higher and lower paid workers was not a large problem until the emperor Caligula came into power in 37 C.E. (and ruled until 41 C.E.). He made a statute that required prostitutes to register for both tax and identification purposes.<sup>21</sup> This tax required a large portion of a prostitute's income (from seventeen to seventy-five percent) to be paid to the state. This tax made it a lot less common for part-time prostitutes to continue with the profession. The amount they owed did not change relative to how much they worked, so a prostitute who charged a lot less would have to pay the same amount of money to the state as a worker who was able to charge more for their work.<sup>22</sup> To prevent evasion of this tax, Caligula made sure to cover his tracks by taxing pimps as well as prostitutes that got married.<sup>23</sup> This enabled him to collect money from anyone even associated with prostitution thereby allowing him to procure more money for the state.

At first, Caligula collected the profits from this tax via the *publicani* without regard to whether or not the taxpayer lived in Rome. The job was eventually transferred to the Praetorian Guard (body guards to the Roman emperors) for those who resided in Rome. Outside of Rome, the money was collected from ordinary army troops and then transferred over to the emperor. This way of collecting money was used for security and ensured that the maximum profit was collected. The army was the largest source of manpower that the emperors had, as well as the most intimidating. It would have been extremely hard to collect the money from such a large empire any other way.<sup>24</sup>

The creation of a tax specifically designated for prostitution resulted in a major shift in attitude towards sex workers and what they did. While prostitution was extremely popular until Caligula came into power, the workers were still looked down upon for their impure line of work. Once the tax was enacted, this view was altered dramatically. Thomas McGinn, a professor of classics at Vanderbilt University, puts it perfectly, claiming that by creating a profit from sexual commerce, in a way, Caligula legitimized prostitution.<sup>25</sup> By taxing it, Emperor Caligula seemed to give prostitution even more approval than Augustus had given it with his earlier law. Caligula appeared to put prostitution in the same category as legitimate businesses because he also implemented taxes on taverns, food, slaves, and artisans.<sup>26</sup>

Caligula was the first emperor to have written references to sex into a Roman tax law. Essentially, the tax was an income tax, the type of tax that was imposed on most other professions at the time.<sup>27</sup> We are not sure the exact reason for the creation of this tax; some say

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<sup>20</sup> Jennifer Larson, *Greek and Roman Sexualities: A Sourcebook* (New York: Bloomsbury Academic, 2012).

<sup>21</sup> *Ibid.*

<sup>22</sup> Thomas McGinn, *Prostitution, Sexuality, and the Law in Ancient Rome*.

<sup>23</sup> Jennifer Larson, *Greek and Roman Sexualities: A Sourcebook*.

<sup>24</sup> Thomas McGinn, *Prostitution, Sexuality, and the Law in Ancient Rome*.

<sup>25</sup> *Ibid.*

<sup>26</sup> Anthony Barrett, *Caligula: The Corruption of Power* (Yale University Press, 1998).

<sup>27</sup> Thomas McGinn, *Prostitution, Sexuality, and the Law in Ancient Rome*.

that it was enacted to disgrace the work of prostitutes further, and some claim the reasoning behind it was to simply raise money for Caligula's political program. The latter reasoning seems more likely, due to the fact that Caligula also created taxes for other legitimate businesses in Rome. In summary, he did not discriminate by just taxing pimps and prostitutes.<sup>28</sup> If he was attempting to disgrace prostitutes further, taxing them was not the most effective way to do it, which further proves the shift in beliefs.

No matter the reasoning behind it, Caligula got the idea for this tax from other places in the empire. Apparently Caligula, like many other Romans, had a fascination with other cultures and civilizations, and this was something that may have affected the statutes he passed.<sup>29</sup> Despite the fact that he had specific interests in Egyptian laws, the idea for this tax could have come from a multitude of places. At the time, there was "a tax on prostitutes at Athens, Egypt, Cos, and Syracuse".<sup>30</sup> Cities with this tax in place supported prostitution when it came to making money, which must have influenced the views of their citizens toward prostitution.

The tax on prostitution was one of the most effective taxes enacted by the state. Taxes on other businesses, for the most part, were abolished once the emperor following Caligula, Claudius (who ruled 41 C.E.- 54 C.E.), felt the state had generated enough money. He even refunded some of the tax dollars back to the businesses. The tax on prostitution was not abolished, though, because Claudius felt it was too profitable to eliminate.<sup>31</sup> Claudius was correct in this belief. Severus Alexander, a later emperor, was able to use the proceeds of the prostitution tax for the construction of buildings in Rome during his reign (222 C.E. – 235 C.E.).<sup>32</sup> Eventually, the state became so reliant on the money brought in from this tax that the Christian emperors continued to leave it on the books until 498 C.E.<sup>33</sup>

The fact that emperors following Caligula continued to enforce his legislative act for about 450 years just goes to show how important it was to the state, and how long the changes in attitude towards prostitutes lasted. Although the Christian emperors were following a new religion that seemed to look down upon sexual promiscuity, they kept enforcing the tax and collecting money from it. Despite the fact that the Christians may have left it in effect just for monetary reasons, by doing so they continued to subtly support prostitution. In a sense, "as long as the tax was collected, prostitution was officially legitimized to some extent."<sup>34</sup> Therefore, this leads us to believe that the legitimization of prostitution was long lasting and effective in the eyes of the public.

This alleged attitude shift does not necessarily mean that the entirety of the Roman population was suddenly accepting of prostitution, but rather that the legitimization of sex work made it seem more tolerable in the eyes of the people. With Caligula's creation of this statute and the rest of the emperors keeping it in effect, it demonstrated to the people that prostitution was a legitimate way of making of money. In fact, prostitution had begun to follow the simple "enter

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<sup>28</sup> Jennifer Larson, *Greek and Roman Sexualities: A Sourcebook*.

<sup>29</sup> Anthony Barrett, *Caligula: The Corruption of Power* (Yale University Press, 1998).

<sup>30</sup> Thomas McGinn, *Prostitution, Sexuality, and the Law in Ancient Rome*.

<sup>31</sup> *Ibid.*

<sup>32</sup> Anthony Barrett, *Caligula: The Corruption of Power*.

<sup>33</sup> Thomas McGinn, *Prostitution, Sexuality, and the Law in Ancient Rome*.

<sup>34</sup> *Ibid.*, 287.

store, purchase goods, leave” model that many businesses of the time had. This thoughtless process directly shows the change in opinion towards prostitutes. Instead of customers worrying about the moral implications of what they were doing as before, they purchased a prostitute’s “goods” without thinking twice.

From the first laws regulating a prostitute’s marriage to the taxes implemented by Caligula, the attitudes toward prostitution can be directly correlated to the legal statutes of the time. The earlier laws regulating what prostitutes and pimps could or could not do limited them both legally and socially. By restricting their actions, the Roman population assumed that prostitutes were subpar. They believed people who had laws enacted specifically upon them did not deserve to be considered full citizens because they legally were not considered as such. When Caligula came into power, he seized the opportunity to create a plethora of taxes to help raise money for the state, the most successful being the tax on prostitution. While initially the people of Rome believed prostitution was acceptable (albeit morally questionable) when they benefited from it, the laws enacted in 40 C.E. caused a shift in opinion. Ultimately, these laws effectively altered the social view of prostitution to a legitimate form of business in ancient Rome.

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