CHAPTER EIGHT

Prostitution

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Prostitution in antiquity was pervasive. Freeborn, slave, ex-slave, male, female, citizen, foreigner—all openly practiced prostitution. According to the literary sources, prostitution occurred in private and in public, in secular and nonsecular contexts. Access to prostitutes was easy, even for slaves: the prices were cheap (an average of three obols in Athens and a common price of two *asses* in Pompeii),[1] and prostitutes were readily available in various and diverse venues. It is only recently, however, that a history of prostitution has gained the attention of serious scholarship. No longer "the literature of deviancy and crime,"[2] studies on prostitution reveal much about the gender hierarchies and attitudes of a culture and add to analyses of social and economic history. A history of ancient prostitutes, however, is difficult to write, since the voices of prostitutes themselves are lost. In their place exist the musings of elite male writers and legislation on ancient sexuality. In both cases, the prostitute is only of secondary concern: an image invented, constructed, and manipulated—frequently, for social and political ends. Greek writers especially, such as Anacreon, Athenaeus, and Lucian, whether from the Greek or Roman world, had a tradition of fetishizing the prostitute. Visual representations of prostitutes are frequently products of male fantasy, designed with male viewers in mind. The large numbers of brothel workers, streetwalkers, and other types of prostitutes should not lead us to believe that prostitution was an acceptable activity, or an acceptable profession for everyone. While the ancients did not have a moral aversion to prostitution and those who sought them out, prostitutes could be socially and/

or politically disadvantaged, and clients were criticized for having too much enthusiasm for their pursuit.

DEVELOPING AN APPROACH

For ancient Greece, much of the discussion of prostitution has centered on the *hetaira* (sexual companion; commonly translated as courtesan) and the sacred/temple prostitute. Such foci have obstructed the study of prostitution in ancient Greece. For example, the impression of the *hetaira* as beautiful, educated, and witty is based on anecdotes (such as those from Pausanias and Athenaeus), written at least a few hundred years after any such woman likely lived—and that have little bearing on the reality of the *hetaira* in classical Greece. The contemporary context of these texts (in particular, those of Lucian, Machon, and Athenaeus) reveals that the *hetaira* represents the loss of a golden age and a unified Hellenic culture not recoverable for the Greeks living under the Romans. She represents the fragmentary nature of Greek culture and the focus on artifice in the literature of the Second Sophistic.[3] As such, she is a literary device that critiques the contemporary culture and thus has little to tell about prostitution or sexuality in her own period, let alone in classical or Hellenistic Greece.

While there are only two contemporary references to what might be interpreted as sacred prostitution at Corinth, the study of prostitution in this ancient city has remained focused on temple prostitution, neglecting the many references to prostitution at Corinth in general. But was there a class of prostitutes serving the goddess Aphrodite and working in her sanctuaries? Such a conclusion is highly problematic and controversial.[4] Ignoring the importance of context and prioritizing one type of evidence over another combined to create false dichotomies between *hetairai* and *pornai* (common prostitutes) and sacred and nonsacred prostitution. The result is the modern idealization of the *hetaira* and the sacred prostitute. In Roman studies, research has shown, in contrast, how prostitution is connected to larger social issues such as women's place in society, laws on marriage and sexuality more generally, ideas of social privilege, and hierarchies of gender. The study of prostitution as a sociocultural reality has advanced more rapidly for Rome than for ancient Greece because of the amount of available archaeological evidence from such sites as Pompeii. The willingness of Roman historians to apply comparative material to understand prostitution in Rome has also aided the scholarship.[5]

This chapter aims to refocus the discussion of prostitution for ancient Greece, as well as to compare and contrast the social, legal, and cultural practices of Greek and Roman prostitution. Both cultures covered a vast geographical and temporal area, but the focus will be on the places for which we have the most evidence: classical Athens, republican and imperial Rome and Pompeii. For the same reason, while we know that Greeks and Romans frequented male as well as female prostitutes, the emphasis is primarily on female prostitution. While a universal definition of prostitution is difficult and much debated, the basic definition of prostitution used here is any sexual activity in which payment, through hard currency, gifts, or other personal benefit, to a pimp, slave owner, or prostitute outweighs the concern for personal pleasure on the part of the individual prostitute. My examination of terminology, practice, law, and the impact of prostitution on women (and men more generally) reveals the varying sociocultural attitudes toward—and the significance of—prostitution in these parts of the ancient Mediterranean.

GREEK AND ROMAN TERMINOLOGY

The ancients had various terms for prostitutes.[6] Our own conceptions of prostitution—and the terminology we use to translate the ancient terms—often bias our scholarly interpretations and confuse the novice—so a discussion of terminology is necessary. In Greek, the lexicographers list the "ground-beater" (*chamaitypē*), "bridge-girl" (*gephyris*), and streetwalker (*spodēsilaura, peripolis, dromas*): all terms that suggest prostitutes could ply their trade throughout the city. Common terms from the classical period for a prostitute were *pornos/pornē, paidiskē, hetaira,* and *pallakē. Pornē* likely comes from the verb *pernēmi* (to sell), and nicknames and slang terms such as *Obolē* (one obol), *Didrachmon* (twelve obols), and *chalkiditis* (penny whore) emphasize the material nature of the prostitute-client relationship, the low cost of such women, and their communal accessibility. While there is the possibility that independent, high-priced prostitutes (*megalomisthoi*) such as Phryne (Ath. 13.567e, 591d) and Rhodopis (Hdt. 2.135) did exist, these women were far fewer in number than we should imagine. *Mysachnē* (polluted one) and *pornoboskos* (pimp; from *boskō*—to feed or tend—commonly used in the case of cattle) imply the low regard some ancients had toward prostitutes.

Modern scholarship generally assumes that *pornai* worked for a fee in brothels and were of slave status, while *hetairai* were longer term companions who could be freed or freeborn, and who were often paid in kind rather than in cash.[7] The ancients, however, did not so clearly distinguish between the two. For example, the orator Apollodorus regularly refers to the prostitute Neaera as slave and freed, as receiving pay for her services and as available to anyone: though sometimes branded a *pornē*, she is nonetheless most commonly labeled a *hetaira* ([Dem.] 59). *Pornē* is clearly the more pejorative term, and was regularly used as a term of abuse, making it a mistake to associate terminology with a particular status or experience. Each prostitute's experience varied: overnight, she could go from being a regular partner of one man to working in a brothel. The sources speak of a *pallakē* of slave status whose lover plans to hand her off to a brothel (Antiph. 1.14–15). In a converse example, Alce begins her career as a *paidiskē*, a young slave prostitute in a brothel, but she is eventually freed and becomes the favorite of a wealthy Athenian (Isae. 6.19–20). Plutarch comments that *hetaira* was simply an Athenian euphemism for *pornē*—just as "contributions" was one for tribute, and "protectors" was one for garrisons posted in cities (*Sol.* 15.3). Cognates of *hetaira,* a term first appearing in the sixth century B.C., are related to *hetairos* (a man's war companion): they hint at the affection and regular association that could exist between a prostitute and her client. The term *hetaira* may have been an elite invention of archaic Greece, a time of much social and political tension. Participants in the aristocratic symposia (male drinking parties) assimilated prostitutes as fellow celebrants—but, at other times, put the *hetaira* in her place by differentiating the symposiasts from the prostitute via the use of *pornē.*[8] In each case, the motivation was political: we should not mistake the depiction for an accurate reflection of everyday life. While it is too simplistic to assume that there were no actual differences between prostitutes, it is our mistake to impose a strict taxonomy of prostitution that positions *pornē* at the bottom and *hetaira* at the top.

There is not as much confusion surrounding Latin words for prostitutes in republican and imperial Rome. The most popular terms were *meretrix* and *scortum. Scortum* was a common word for both male and female prostitutes from the second century B.C. onward;[9] it was more disparaging than *meretrix*. Neither term is obscene, neither refers to a particular class of prostitute—but *meretrix* would be preferred for a more sophisticated prostitute (Cic. *Verr.* 2.1.136–9), even though it is also used to identify the brothel prostitute (Cic. *Verr.* 2.1.101, 2.4.83, 2.5.38). The root of *meretrix, mereo* (to earn or to buy), like *pornē*, highlights the economic aspect of prostitution. But the term also indicates a prostitute with whom a client might have a regular association or deep affection. Another euphemistic term that also may indicate more of an affectionate bond between the prostitute and client is *amica,* "female friend" (Plaut. *Merc.* 923–5), but even this term is pejorative in certain contexts. Cicero refers to the matron Clodia as *amica omnium,* "a friend of everyone," to suggest her behavior is like a prostitute's (Cic. *Cael.* 32). A similar term is simply *puella,* which by the late Republic becomes common when referring to a woman of easy virtue—that is, a prostitute (Hor. *Sat.* 1.5.82; Mart. 6.66.1).

It also appears in erotic graffiti in Pompeii (*CIL* 4.1516, 2175, 10197). Less common terms for prostitutes refer to their method of solicitation by either sitting in front of a brothel or inn or walking the streets: *proseda* (Plaut. *Poen.* 268), *sellaria* (Schol. Juv. 3.136), *prostibulum* (Plaut. *Aul.* 285), *prostituta* (Sen. *Controv.* 1.2.2, 5, 6, 2.7.8; Pliny, *NH* 10.172, 30.15; Suet. *Cal.* 36.1, 40) and *circulatrix* (*Priap.* 19.1). *Togata,* which refers to the female's toga worn by prostitutes and women who commit adultery, indicates that Romans liked to know from appearances where an individual fit in their social hierarchy. *Publica* refers pejoratively to the indiscriminate access and easy virtue of prostitutes (Sen. *Ep.* 88.37), but the most derogatory way to refer to a prostitute is *lupa*, or "she-wolf" (Cic. *Mil.* 55; Mart. 1.34.8). The term hints at prostitutes' predatory nature, their wildness, and their lack of sexual virtue (Serv. on Virg. *Aen.* 2.647).

PROSTITUTES, CUSTOMERS AND PIMPS

The visual and literary evidence (e.g., [Dem.] 59 and Xen. *Mem.* 3.11) highlights the ambiguous attitude toward prostitutes in Greek society, both idealized as

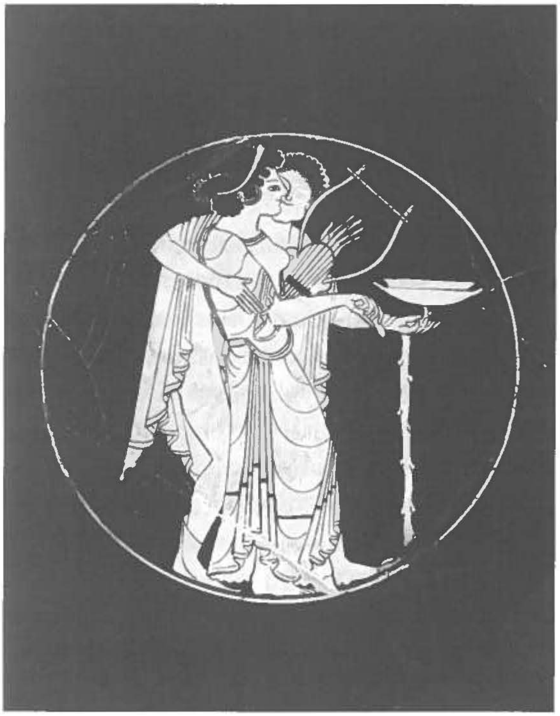

FIGURE 8.1: Attic red-figure kylix (ca. 510 B.C.), Pedieus Painter; Louvre: Louvre G 13, Interior (photo credit, Erich Lessing/Art Resource).

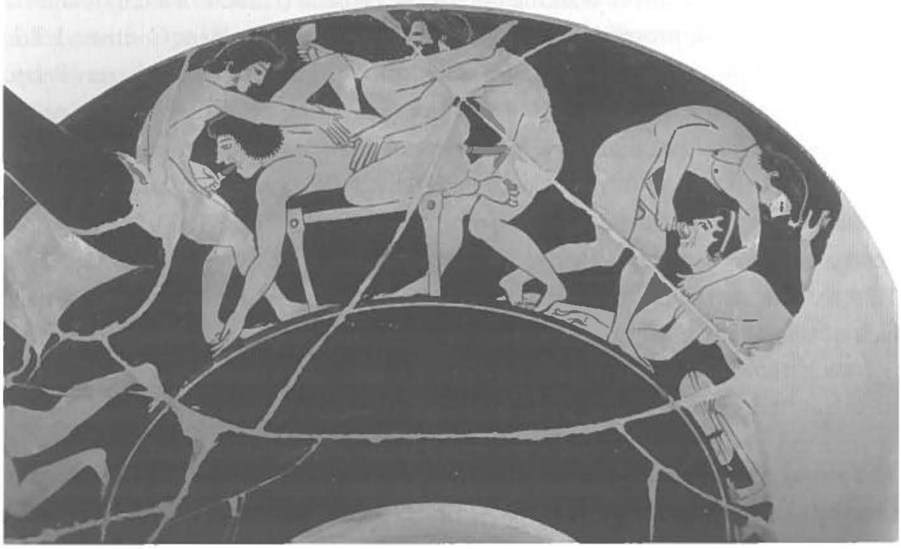

FIGURE 8.2: Attic red-figure kylix (ca. 510 B.C.), Pedieus Painter; Louvre: Louvre G 13, Exterior (photo credit, Réunion des Musées Nationaux/Art Resource).

companions and despised as "other" as illustrated on the interior and exterior of an Attic red-figure kylix (figs. 8.1 and 8.2).

In practice, prostitutes could be slave, freed, or freeborn. In Athens, they appear to be popular with elite and nonelite alike. They walked the streets, worked in brothels, entertained at drinking parties and special festivals—traveling from city to city—or were the personal companions of one or two men. These different situations did not correspond to their actual status (as noted earlier), or with their working conditions: the experience of each of these women or men would have been very different. Those working in brothels, in particular, were likely of slave status—but brothels were not necessarily the slum holes of the poor and unfree, as some scholars have assumed them to be.[10] The only extant remains of a brothel dating to the classical period are in the Ceramicus of Athens.[11] The archaeological remains of Building Z, as it is called, suggest that the prostitutes were adorned with jewelry and that the space itself was "commodious,"[12] with a garden courtyard, mosaic floors, ample water facilities, and drinking ware. The prostitutes likely also worked at looms and as servers when not with clients.[13] On occasion, brothel workers could end up quite well-off. Alce seems to have become a favorite of the Athenian Euctemon: he freed her, put her in charge of another of his *synoikiai* (rooming houses), took most of his meals with her rather than with his wife and family, enrolled one of her children (who may or may not have been his) in his phratry (kinship group, or clan), and eventually lived with her full-time (Isae. 6.21).[14] Symposia were another important context for prostitution. The guests of such parties expected to be entertained, so hosts hired female dancers, harp-players, and flute-players (*aulētrides*) to such purpose.[15] These women, often of slave status, doubled as prostitutes. Some guests brought along personal companions—but even these could be of slave status (Antiph. 1.16–19; [Dem.] 59.24).

Though some freeborn or freed prostitutes and ex-prostitutes may appear to have worked independently, working for or with a manager was common. Managers of female prostitutes and brothels were frequently freedwomen, likely prostitutes once themselves, sometimes working for their former master ([Dem.] 59.18; Isae. 6.18–20). Despite their own past status as slave and/or prostitute, the *pornoboskousai* were not necessarily sympathetic to their workers and did not guarantee a less exploited existence for their prostitutes. The freedwoman Nicarete, for example, appears to have taken possession of any gift given to one of her girls by an admirer ([Dem.] 59.21). If not working for a pimp, prostitutes might seek out a lover who could offer protection. Neaera, a prostitute from Corinth, sought the protection of the Athenian Stephanus ([Dem.] 59.37–9).[16] Sometimes, two men would purchase a favorite brothel prostitute and share her between them. Once again, Neaera is our example. She began work as a *paidiskē* who was owned by the *pornoboskousa* Nicarete ([Dem.] 59.19).[17] Two of her lovers bought her for a large sum of money—and thus had exclusive use of her. These two lovers eventually allowed her to purchase her freedom ([Dem.] 59.29–32). When working for themselves, prostitutes entered into elaborate contracts with lovers, often long-term, that specified their cost, maintenance, and/or terms of use. Legally termed *autē hautēs kyria* (her own master), Neaera entered into a contract in Athens whereby she agreed to spend a certain amount of time with each lover each week, with each lover agreeing to cover her costs ([Dem.] 59.46). Such sharing sometimes ended in disputes requiring arbitration or formal legal action. The male prostitute Theodotus entered into a contract with two men, who ended up in court when the arrangement did not work out to the satisfaction of either of them (Lys. 3).[18]

While the majority of prostitutes at Athens were foreign and of slave or freed status, male and female citizens did practice prostitution.[19] Such individuals gave up certain civic rights: men could no longer speak in the assembly, be an ambassador, or hold office (Aeschin. 1.19–20); women were no longer eligible for marriage. None of these privileges was likely as much a concern for the poorer citizens, and thus their loss was not a deterrent. Athenians, however, conveniently ignored the fact that their own citizens might become prostitutes (not to mention the reasons for taking on such a profession), especially in the case of citizen females ([Dem.] 59.112–14).[20] At the same time, a man working as a prostitute was no different from one working as a fishmonger or a carpenter in some Athenian eyes (Pl. *Chrm.* 163b); elites looked down on all who had to work for a living, especially if they were working for another, whatever the reason. If a male citizen were to prostitute himself, however, he was not charged or singled out as a prostitute unless he attempted to exercise his right, as an Athenian, to speak publicly and hold office. However, male visits to prostitutes—and especially to brothels—regardless of the client's age or status, were socially sanctioned and encouraged as a safer alternative to illicit liaisons with wives, daughters, or sisters of male citizens (Ath. 13.569af). Penalties for the latter were steep and included fines, corporal punishment at the hands of the injured party, or even death (Lys. 1.32; [Dem.] 59.65–6; Plut. *Sol.* 23). But too much affection for prostitutes was discouraged, and lavishing gifts on them was seen as a threat to a citizen's patrimony (Isae. 3.17; Aeschin. 1.42). Denigrating an opponent for such attentions was an effective strategy among Athenian orators (e.g., [Dem.] 48.53).

The situation in Rome was somewhat different. Once again, prostitutes could be slave, freed, or freeborn. Prostitutes could work independently, but contracts—like those, mentioned in the Athenian texts, that outlined the conditions of a longtime association between a prostitute and customer—appear to have been uncommon in Rome.[21] More frequently, prostitutes worked under a manager, a male pimp called a *leno,* who was frequently also their master if they were of slave status. Although *lenae* (female pimps) likely existed (*Dig.* 23.2.43.7), they seem rarer and less important in Rome than in Greece.[22] Prostitutes could also freelance in brothels (Juv. 6.115–32). As in Greece, prostitutes were highly mobile, traveling from city to city. They walked the streets and worked in brothels, but were also common in inns, taverns, and baths. They were a well-known fixture at festivals and public places of entertainment, such as the circus, theater, and amphitheater. Physical remains of a purpose-built brothel, a structure solely intended for prostitution, have been found at Pompeii. The structure, commonly known as the Lupanar, was located on a backstreet near the forum.[23] It had five rooms on the ground floor, and another five above that. Each room on the lower level had a masonry bed and erotic decoration (Figures 8.3 and 8.4). A *titulus* (inscription) above or beside the door indicated the price of an encounter (Sen. *Controv.* 1.2.1, 5, 7; Mart. 11.45.1; Juv. 6.123). Brothels also existed in conjunction with *cauponae* and *popinae.*[24]

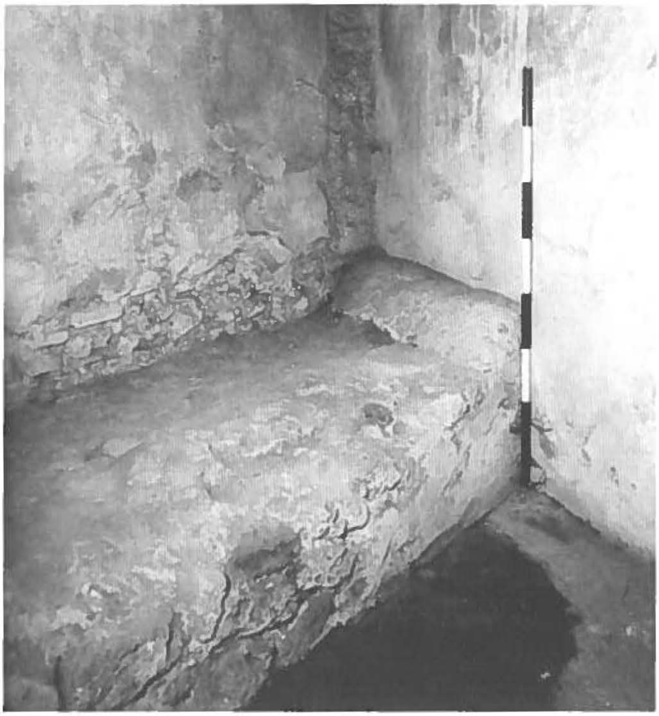

FIGURE 8.3: Masonry bed (ca. 79 A.D.); Lupanar, Pompeii (photo, Fotografica Foglia, House of the Lupanare/photo credit, Scala/ Art Resource).

Prostitutes in Pompeii and other Roman cities could also be found in cribs.[25] Such structures were single rooms operated by one prostitute at a time. These rooms may have been rented out on a pay-per-use basis, with the price included as an extra cost to the prostitute's fee. As with the brothels, they are easily identified by a masonry bed and/or erotic art—but any stand-alone room with direct access to the street might have been a crib (there are currently eleven known cribs in Pompeii). Occasionally, these cribs appear in the back room of a shop or tavern (Plaut. *Pseud.* 214, 229).[26] There is no specific Latin term for such rooms, known as *cellae meretriciae* among modern scholars. Freelance prostitutes could solicit customers on the street or in the baths and bring them to these cribs. The Roman sources suggest such spaces were unpleasant (Plaut. *Poen.* 268; Hor. *Sat.* 1.2.30; *Priap.* 14.9; Sen. *Controv.* 1.2; Juv. 6.131), and the archaeological evidence does not seem to contradict this.

Prostitutes were not regularly brought into one's home as they were in ancient Athens.[27] They were not a standard feature of the *cena* (main meal of the day—the equivalent of a dinner party) because Roman wives regularly

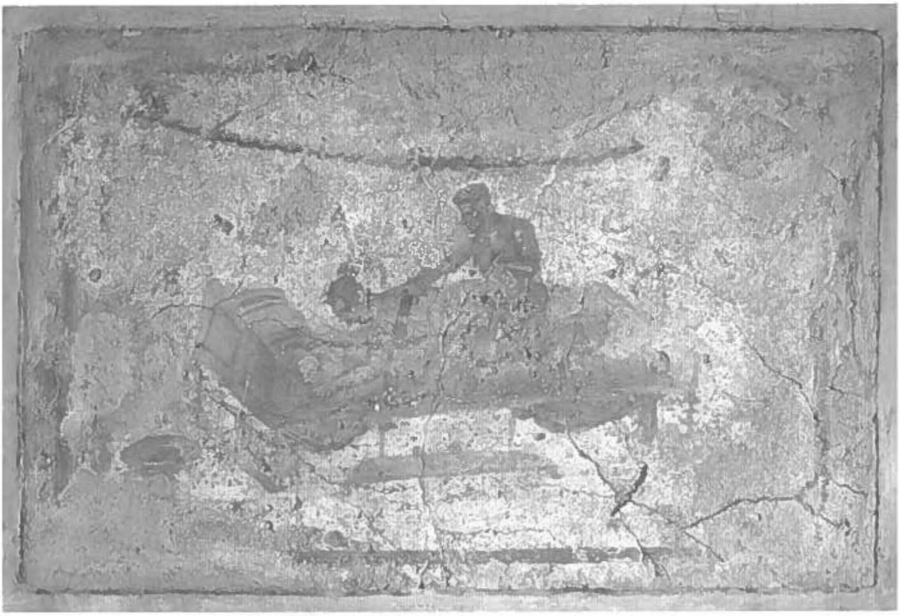

FIGURE 8.4: Erotic painting (ca. 79 A.D.); Lupanar, Pompeii (photo, Fotografica Foglia, House of the Lupanare/credit, Scala/Art Resource).

attended these with their husbands. The presence of prostitutes at such banquets is portrayed negatively in elite sources (Cic. *Sen.* 42, *Cat.* 2.10, *Fam.* 9.26.2; Plut. *Cato Maior* 17.3; Sen. *Controv.* 9.2.2.pr; Val. Max. 9.1.8), except in the case of youths (Plaut. *Most.* 326–7, 341–3). However, while visiting prostitutes and brothels was acceptable for young men of any status, as long as they kept their visits to a minimum (Hor. *Sat.* 1.2.31–4; pseudo-Acro 1.20), prostitutes were more commonly associated with the nonelite.[28] In fact, prostitutes in late republican and imperial Rome were, along with actors and gladiators, *infames* (individuals who lacked honor, and could bring dishonor to certain Romans if they entered into their presence).[29] Roman priestesses avoided them in the street (Sen. *Controv.* 1.2.8), and it was considered dishonorable for noble citizens over a certain age to visit prostitutes—especially in brothels, where the various classes easily intermingled. The Roman censors could declass citizens who became prostitutes or pimps from their tribe, and mark them with *notae.* Such individuals could no longer remain members of the senatorial or equestrian orders and thus (when male) were disqualified from the offices and distinctions of those orders. They were also barred from serving in the military. Roman emperors could decide such issues themselves and brought in legislation that excluded prostitutes from the top ranks. Even among the lower ranks, according to McGinn, prostitutes were excluded from honors and declassed to Caerites and/or aerarii, which meant they lost the civic right to hold office or even vote.[30] Ancient Rome had a more visible social hierarchy than did classical Athens, and, as a result, being a prostitute in Rome had more serious sociopolitical consequences.

Despite the infamy of pimping, members of the Roman elite, like wealthy Athenians, became involved with prostitution because of the potential for high profits (e.g., Sen. *Prov.* 5.2). In fact, they were likely the prime beneficiaries of prostitution.[31] Romans had to be careful to involve themselves indirectly so they would not be identified with a pimp and suffer the social stigma and other disadvantages associated with this status. Citizens among the elite invested in property used for prostitution. They also employed intermediaries to deal with the business associated with such property. More direct involvement included setting up a pimp with slave prostitutes and/or space, in the same manner as they might do for any other business. They could be the owner or patron of the pimp, who acted as a social and legal buffer, providing the owner a necessary distance from the business in addition to its management. Such elite involvement, however, did not improve attitudes toward prostitutes or their working conditions—nor did it motivate beneficial legislation.

PROSTITUTION AND THE LAW

Little evidence exists for the regulation of prostitution in ancient Greece. A recently discovered inscription from Thasos, the so-called stèle du port, suggests that city restricted solicitation by prostitutes and their pimps. Dating to the late archaic period, the stele prevents male and female prostitutes from showing themselves to customers by climbing on the roof or by hanging out the windows of the brothel.[32] Thasos also had a law restricting female dress (no. 155 Pouilloux), as did other Greek cities: only prostitutes (male or female) could wear particular jewelry and bright or elaborate garments.[33] These laws attempted to regulate the dress of regular citizens by equating the transgressors with prostitutes, thus enforcing distinctions between prostitutes and non-prostitutes rather than regulating prostitution.

On close examination, the various laws frequently reconstructed as relating to prostitution in Athens are not specific to prostitution at all. Graham has recently suggested, based on the stèle du port from Thasos, that Aristotle records a law against solicitation (*Ath. Pol.* 50.2).[34] But taken in context, the regulation simply concerns restrictions on windows and their shutters.[35] Based on the same passage of Aristotle, Herter and Davidson have further argued that the *astynomoi* were responsible for setting and enforcing the price of a night with a prostitute.[36] The passage has no specific mention of prostitutes—only of *aulētrides* and other musicians, who often doubled as prostitutes, but who most likely charged an additional fee for intercourse. Prices of prostitutes, instead, were variable, depending on "the attractiveness of the prostitute and the resources and urgency of the customer."[37] There are two interesting cases involving Athenians put to death for crimes possibly relating to prostitution: for committing *hybris* (outrage) against a Rhodian lyre-player and for placing a *paidiskē* (young girl) in a brothel (Din. 1.23). In both cases, it does not appear that a law particular to prostitution was used, suggesting that, despite their profession, prostitutes obtained protection from the laws in general. The references, however, lack the details necessary for firm conclusions.

Protecting the integrity of the citizen body, as defined by marriage, was the prime motivator in legislating sexuality in Athens. The Athenians had laws on procurement that restricted the selling of Athenian children for the purpose of prostitution. Solon restricted the right of a father to prostitute his daughter by allowing only daughters found unchaste to be sold for such purposes (Plut. *Sol.* 23).[38] Punishments for such crimes were severe. A father was charged a heavy fine in the case of prostituting a son, and a professional procurer could face capital punishment (Aeschin. 1.14, 184). The laws on adultery helped define and legitimize prostitution by claiming that no one who had relations with a woman openly bought and sold could be charged with a sexual crime ([Dem.] 59.67; Plut. *Sol.* 23). This distinction is important: for both men and women, adultery had severe consequences (Aeschin. 1.183; Lys. 1.30–3; [Dem.] 59.73–6). It was adultery, not prostitution, that the polis focused on preventing. In fact, adulterous women—banned from all festivals and from any sort of adornment—were more restricted than prostitutes (Aeschin. 1.183; [Dem.] 59.86). The concern of these laws, dating back as far as Solon, is legitimacy, based on marriage in a restricted citizenry,[39] and the concern seems to have increased over time, as Pericles' citizenship law (451/0 B.C.) makes clear.

Laws against procurement also protected the full citizen rights of future citizens and protected the citizen body from a prostitute's influence. A male citizen who had acted as a prostitute—whether out of youthful folly or compulsion—lost his right to hold office, speak in the assembly and law courts, or act as an ambassador (Aeschin. 1.19–20; Dem. 22.30; Andoc. 1.100). The act of prostitution itself was not a punishable crime,[40] but Athenians distrusted any male who allowed himself to be penetrated[41]—or, as Aeschines explains it, who used his own body in an absurd way—just as they lost confidence in anyone who abused his parents or appeared to be a coward. In the case of this particular trial, Aeschines accuses Timarchus of prostituting himself to pay for his expensive habits, having previously squandered his patrimony. If he sells himself, wastes his own wealth, and is addicted to pleasures, how can he possibly be trusted? Prostitution is only one in a list of behaviors that prevent Timarchus from speaking in public. To members of the nonelite—those not likely to be speaking in the assembly and law courts or acting as ambassadors anyway—such restrictions were not a deterrent. The law, therefore, protected the citizen body from the influence of prostitutes rather than punishing such characters for their behavior. There do not seem to be any laws suggesting a moral aversion to prostitution and visiting prostitutes—or suggesting a legal approach to prostitution more generally. It is noteworthy, in contrast, that adulterers were prosecuted and punished as criminals for their sexual crime alone.

In Rome's history, there was never any law specific to prostitutes and prostitution either, and evidence for any regulation of prostitution by the aediles in the late Republic or early imperial period is only slight.[42] There is a single reference to an elite woman, Vistilia, registering herself as a prostitute with the aediles (Tac. *Ann.* 2.85). Such registration, however, is likely to exempt prostitutes from the crime of adultery (it is for this reason that she registers), rather than to monitor or otherwise regulate their behavior. As in Athens, the prostitute and the *leno* do come up in laws on marriage and adultery. Romans of the senatorial order faced restrictions on whom they could marry, but all free Romans were forbidden to marry prostitutes, *lenones, lenae,* or anyone convicted of adultery (*lex Iulia de maritandis ordinibus* [18 B.C.] and *lex Papia Poppaea* [9 A.D.]). The law on adultery equated a convicted adulteress with a prostitute by forcing her to wear the prostitute's toga (*lex Julia de adulteriis coercendis,* 18 B.C.).[43] A husband who remained married to a female adulterer could be charged with pimping. Such laws construct the female prostitute and *leno* as the exact opposites of the *matrona* and *pater familias,* thereby defining the appropriate behavior and obligations of the latter two: she is expected to be virtuous, and he is expected to protect and ensure her sexual virtue.

Enacted as early as the first century A.D., the *Ne serva prostituatur,* an important law relating to prostitution, restricted the sale of slaves so they would not be used for prostitution. The penalty was stipulated at the time of sale: the seller typically specified a material fine, or the right to reclaim the slave, if the covenant was violated by the buyer. The imposition of a covenant usually meant that the buyer procured a slave for a slightly lower price; in cases where no penalty was agreed upon, the jurists calculated a fine based on the estimated financial loss to the original seller at the time of sale. With a ruling of Vespasian, any second buyer was bound by the covenant, even if the original buyer had not informed the subsequent purchaser of the restrictive clause (Modestinus, *Dig.* 37.14.7). In such a case, the slave was also granted her freedom and became a freedwoman of the original vendor. This law, however, only related to female slaves, and it did nothing to benefit the slave who was already a prostitute. In fact, the law suggests that once a female was prostituted, she became tainted for other professions and could thus expect to remain a prostitute. Still, the purpose of the law was not consideration for the slave herself, but, as McGinn suggests, protection of the original vendor, who, as a respectable Roman citizen, depended on the sexual virtue of all the female members of his household (past and present) to uphold his honor.[44] It also protected the vendor from a charge of pimping (*lenocinium*).[45] After Hadrian, the interest of the slave herself may have become a factor in lawmaking: now, even the original vendor violated the covenant if he regained a slave and used her for prostitution. In such cases, he lost his right as her patron (Marcellin.-Ulp., 5 *ad edictum, Dig.* 2.4.10.1; Paulus, 5 *quaest., Dig.* 18.7.9). But even this change does not reflect a desire to protect and improve the conditions of prostitutes, or to discourage prostitution as a state policy: after all, it was up to the individual vendor whether or not to utilize the *Ne serva prostituatur*. Instead, it represents a way to reward a loyal slave, or punish one who is less deserving.[46]

Roman law further reflects social disapproval of prostitution, although the censure is economic rather than moral. There were no laws in force against visiting prostitutes, but anyone who lent money to a young man for the purpose of purchasing or lending to a prostitute could not take legal action for any default of payment (Ulp. *Dig.* 17.1.12.11, cf. Julianus, *Dig.* 41.4.8). The concern of the law was most likely to prevent young men from wasting their patrimony on such pursuits, an accusation leveled against them on the comic stage (e.g., Plaut. *Merc.* 42–3).[47] On the other hand, the law protected profits from prostitution for posterity: an inheritance could include rent collected from a property containing a brothel. Specific laws avowing the rights of prostitutes did not exist. Prostitutes and pimps were instead denied basic rights common to other Romans. For example, a pimp was unable to claim theft, as a citizen would do for a regular slave, if his prostitute was abducted out of lust (Ulp. 41 *ad Sabinum, Dig.* 47.2.39; Paulus, *Sent.* 2.31.12)—nor could he charge anyone with corrupting his slave. A prostitute could not take legal action for theft against a customer who caused her to be robbed (Ulp., 41 *ad Sabinum, Dig.* 47.2.39). The law, however, did ensure the right of prostitutes to inherit (Maecianus, *Dig.* 36.1.5), to bequeath (Ulp. *Dig.*

38.17.2.4), and to receive payment for their services (Ulp. *Dig.* 12.5.4.3). While, as in Athens, there was no moral aversion to prostitution, citizens of Rome suffered greater disadvantages and loss of reputation upon becoming a prostitute.

Athens, Rome, and other Roman cities, such as Pompeii, show little evidence of zoning prostitution. Locales for prostitution, including brothels, do not appear to have been restricted to one particular area in the Athenian polis. Xenophon indicates that the streets of Athens were full of prostitutes, and that brothels were common (*Mem.* 2.2.4). Philemon refers to brothels in "various quarters" (Ath. 13.569e).[48] Building Z is located within the city walls, in the Ceramicus, the onetime potters' quarters containing a significant graveyard by the Sacred Gate. According to Hesychius, the district had numerous prostitutes in residence. Brothels mentioned in the sources were also located in the Peiraieus. The Athenian Euctemon had at least two *synoikiai,* one in each location, managed by freedwomen (*pornoboskousai*), that housed prostitutes (Isae. 6.19, 20). There also appear to have been *porneia* near the agora (Aeschin. 1.74). Brothels seem to have occupied space common to other businesses: the orator Aeschines comments that the same space could house at different times a surgery, a laundry, a carpenter's workshop, or a *porneion* (Aeschin. 1.124). Such sites of business were not segregated from residential areas, as they are in North America today—so a citizen might easily find his house next to a brothel. Renters may also have found themselves in the same situation. A *synoikia* in the Peiraieus functioned as a rooming house while also keeping working prostitutes (Isae. 6.19). Workshop and home could coexist in the same space.[49] Brothels did collect in certain high traffic areas—such as the Peiraieus and Ceramicus—that is, in harbors and near city gates. The fact that there was little stigma attached to having prostitutes in one's own home—at a symposium, or even for a short-term stay ([Dem.] 59.22)—may explain why brothel spaces were not segregated from other parts of the city.

Brothels in Pompeii were not located on main roads, but on narrow backstreets and on the blocks behind public baths.[50] Brothels and other businesses of prostitution, such as inns and taverns, did not commonly appear on streets where the houses of the elite were found—at least, not near their main entrances. Some scholars therefore assume that, if the location of places of prostitution were restricted, the motivation must have been moral disapproval.[51] Laurence argues that keeping prostitutes and their clientele away from *matronae* (and elite children, in particular) was the motivation for such locations, but this also meant that a Roman would only encounter prostitution if he sought it out.[52] That prostitutes and pimps were *infames,* that an encounter with a prostitute in the street could bring dishonor to a priestess, and that elite Romans avoided places of prostitution for the same reasons all suggest some logic for zoning. McGinn argues in contrast that such a thesis is too restrictive: prostitution was common in many venues. The uncertainty of the archaeological evidence makes it difficult to posit any kind of zoning.[53] Places of prostitution, like taverns and inns, mixed with lower-class housing, while possible brothels and *cellae meretriciae* were not far from elite housing. Elite houses in Rome, for example, could be found in the Subura (a notorious district), where brothels are thought to have been common. As with Athens, there is no evidence of zoning for businesses in general in Pompeii or other cities—and, in the end, the evidence supports the conclusion that brothels were scattered throughout these areas.[54] Certainly, as with Athens, specific areas such as harbors, town centers, city gates, and other high-traffic areas likely had more such businesses—but accessibility and economic factors, rather than moral censure, explain such placement.[55]

The governments of Athens and Rome, however, did have an economic interest in prostitution: both taxed prostitutes. Athens collected a *pornikon telon* (prostitution tax; Aeschin. 1.119). The *pornoboskoi* and *pornoboskousai* in charge of prostitutes must have paid this tax as well. Caligula introduced a prostitution tax in the early part of his reign (Suet. *Cal.* 40; Cass. Dio 59.28.8), and evidence suggests it was collected throughout the empire until 498 A.D.[56] Unlike the Athenian tax, the Roman version seems to have been restricted to female prostitutes and pimps. Prostitutes were charged a daily or monthly rate equal to the cost of one sexual encounter.[57] The rate, especially if daily, was high—and may have deterred part-time prostitutes. It is not clear what pimps paid. The existence of a tax indicates the economic importance of the profession and gives some legitimacy to it, suggesting that these ancient societies were not, in principle, opposed to prostitution.[58] It was only under the Christian emperors that discomfort with collecting such a tax arose.

PROSTITUTION AND GENDER

Women who became prostitutes were thought to be naturally predisposed to their profession. Neaera, one of the prostitutes of Nicarete, began practicing well before puberty—an age considered young, even for a Greek ([Dem.] 59.22). The speaker ignores the fact that she is working out of compulsion and identifies her licentiousness as the motivation instead. Augustus's daughter Julia and Claudius's wife Messalina are accused of prostituting themselves because of their lustful dispositions (Sen. *Ben.* 6.32.1; Juv. 6.115–32).[59] Firmicus Maternus (fourth century A.D.) comments that a *meretrix* is a woman who understands the economic potential of her internal desires. While verb forms referring to prostitution are most commonly used to indicate a male working as a prostitute, a female prostitute in ancient Athens is referred to by the nouns *hetaira* and *pornē,* suggesting that—while for men prostitution is simply an activity for making a living—for women, prostitution is an identity.[60] A Roman prostitute's dress distinguished her from *matronae,*[61] indicating that being a prostitute was as much a status as being a patrician or a plebeian was. The fact that adulterous women also had to wear the prostitute's toga suggests that Romans envisioned prostitutes as being licentious by nature.[62] The distinction in terminology for male and female prostitutes in Athens, as well as the restrictions on dress for female prostitutes at Rome, reinforces the attitude that women were prostitutes by nature, and that being a female prostitute was more than simply a way to make a living.[63]

Both cultures used images of the prostitute to enforce particular behavior in women—especially in elite women—by developing an opposition between the prostitute and the marriageable woman; in Rome, this was also accomplished by equating adulterous women with prostitutes.[64] Sexual virtue was the most important quality for female citizens in both cultures. The Greeks judged women by way of concepts such as *aidōs* (shame, humility, modesty) and *sōphrosynē* (self-control, moderation), the near-equivalents of the Latin *pudor* and *pudicitia* (chastity and modesty). Certain rules were to be followed when respectable women ventured into public. The more elite the woman, the more such rules were in force. In Greece, this meant averting one's eyes in the presence of men, avoiding non-kin males completely, and wearing a veil. Women in Rome had more freedom to circulate, but they avoided being seen alone with non-kin males, and were encouraged (at least under Augustus) to wear the *stola* in public[65] and to be accompanied through the streets by an appropriate number of slaves. The prostitute was seen as the polar opposite of such behavior. Although differences between wives, sisters, daughters, and prostitutes may not have been apparent in everyday life, especially in Athens, in certain contexts, such as the law courts, the differences were exploited. Apollodorus's famous statement, "we have *hetairai* for pleasure, and *pallakai* for the daily services of our bodies, but wives for the production of legitimate offspring and to have a reliable guardian of our household property,"[66] divides women into those available for sexual enjoyment and those available for the production of offspring. In the course of the rest of the speech, Apollodorus distinguishes between wives and daughters and the *sōphrōn* behavior required of these women (chastity, prudence, and moderation), and the behavior that marks a woman, such as Neaera, as a prostitute: sexually available to anyone for pay, extravagant in her tastes, excessive, and even arrogant.[67] Constructing the prostitute as the exact opposite of the wife, sister, and daughter is also a strategy in other speeches: for example, Isaeus discusses a situation where inheritance rights are at issue. The speaker claims that the mother of Phile was the deceased's *hetaira*—sexually available to everyone for a fee, attendant at symposia, and excessive in her behavior—while her brother claims she was his legitimate wife. While speakers sometimes use accusations of prostitution against men, the consistency with which they are lobbied against women reveals how the existence of prostitution and prostitutes could work as a form of social control on female sexual behavior more generally. A woman (or the man in charge of her) would pay close attention to her behavior so she might not be labeled a prostitute. Such an identity was not simply an insult: it brought her status as wife, as well as the legitimate status of her children, into question.

The same is true for late republican and imperial Rome. The most famous example is the portrayal of Clodia in Cicero's *Pro Caelio*.[68] Here, the family and the status of the woman are distinguished,[69] but Cicero uses wit, innuendo, direct accusation, and terms such as *meretrix* and *amica* to establish her identity as no better than a prostitute.[70] Cicero constructs a boundary between two types of women—the *matrona* and the *meretrix*—and places Clodia on the side of the whore. An identity associated with the prostitute as promiscuous and available to all is used to defame and abuse Clodia and remove the jurors' confidence in her as a witness. A similar strategy appears in Seneca's *Controversiae,* a collection of rhetorical exercises by famous declaimers modeled on legal disputes from the early imperial period. Although often fictional cases, these exercises reveal the claims a speaker makes when he wants his audience to find favor with a woman or, in contrast, to dislike or distrust her, since a declaimer presents arguments on both sides of an issue. They reveal how easily a female crosses the boundary between sexual propriety and sexual impropriety—and how speakers manipulate such behavior to suggest her identity as a prostitute or a wife, thereby winning disdain or sympathy for her. In 2.4, a father recognizes his dying son's child, born to him by a woman working as a prostitute. Declamations disputing the legitimacy of the grandson emphasize the notoriety and promiscuity of the woman by claiming that the father of her child is uncertain, while she is herself known only too well. Supporting arguments present the woman as a mourning wife tending to a dying husband, claiming she does not have the character, only the label, of a prostitute. In 2.7, a husband is suspicious of a bequest left to his wife by a young man and accuses her of adultery. The declaimer, using the persona of the husband, comments that her dress, walk, conversation, and appearance are not those of a faithful wife and associates her with *lenocinium,* a prostitute's allurement. He claims that she negotiated, like the most shameful women do (suggestive of prostitutes), for a higher price by at first rejecting the young man. Opposing arguments are less detailed and less interesting, merely claiming that the wife behaved appropriately, with *pudicitia,* and ignored the advances of the young man. These declaimers construct the prostitute and wife as opposites, using behavior associated with the prostitute to defame any woman and to act as a check on female behavior and sexuality in general.

Visual imagery reinforces such distinctions among types of female behavior. Female prostitutes frequently appear in Attic vase scenes depicting symposia, popular in the late sixth and early fifth centuries B.C.[71] Their gestures and behavior suggest interesting possibilities for the Athenian concept of the female prostitute and her opposition to the Athenian wife.[72] These women recline with symposiasts, participate in erotic games and intercourse, and are often either in transparent garments or nude, their limbs extended and torsos exposed, conveying their sexual availability and lack of modesty. Take, for example,

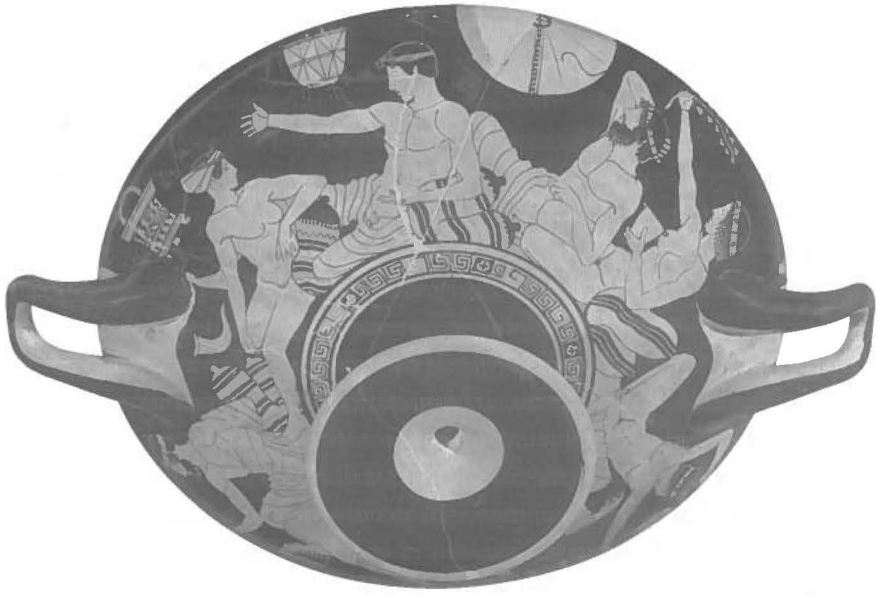

FIGURE 8.5: Attic red-figure kylix (ca. 470–460 B.C.), Tarquinia Painter; Side A; Antikenmuseum Basel und Sammlung Ludwig, Inv. Kä 415/photo credit, Andreas F. Voegelin. (Photo Courtesy of Antikenmuseum, Basel.)

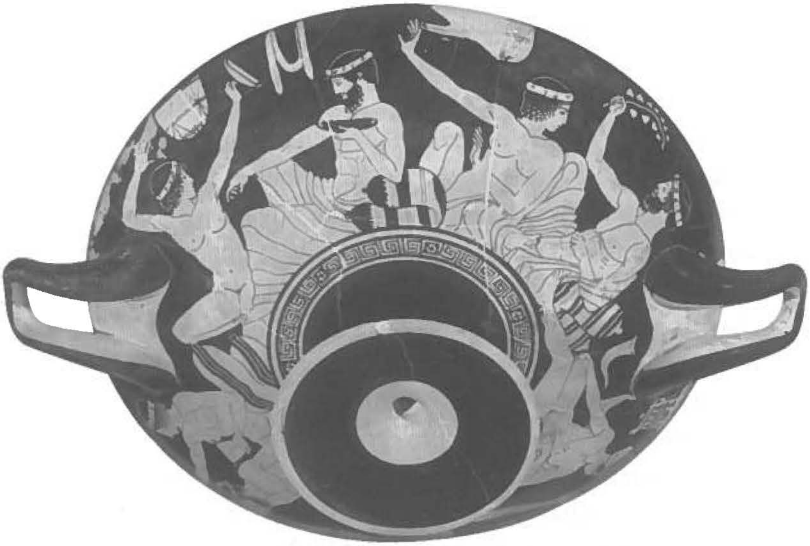

FIGURE 8.6: Attic red-figure kylix (ca. 470–460 B.C.), Tarquinia Painter; Side B; Antikenmuseum Basel und Sammlung Ludwig, Inv. Kä 415/photo credit, Andreas F. Voegelin. (Photo Courtesy of Antikenmuseum, Basel.)

an early fifth-century (around 470–460 B.C.) kylix, a wine-drinking cup on which prostitutes recline with symposiasts (Figures 8.5 and 8.6).[73] The women, completely nude, extend their arms in ways that expose a full frontal view of their torsos. They look directly into the eyes of male participants and/or have physical contact with them. In general, aside from the youths, the gestures of the prostitutes are more exaggerated than those of the men, suggesting these women's lack of restraint. The scenes do not necessarily present an accurate picture of prostitutes at symposia, but they do make clear the Athenian attitude that prostitutes were sexually available and unrestrained.[74] This attitude is shared, almost a hundred years later, by Greek orators.

While such images oppose the *sōphrōn* behavior expected of the female members of an Athenian's family, they, like images of satyrs,[75] also remind the male participants to keep control of themselves at symposia. A red-figure psykter (a pot that holds and cools wine) decorated with prostitutes banqueting alone enforces these women's role as a reminder to behave (fig. 8.7).[76] It depicts four women in different sympotic activities: playing the flute, playing a drinking game, and drinking. One of the women holds a drinking cup in each hand, staring out at the viewer as she drinks from a skyphos and cradles a kylix (both types of cups for drinking wine) in her right hand. The frontal gaze

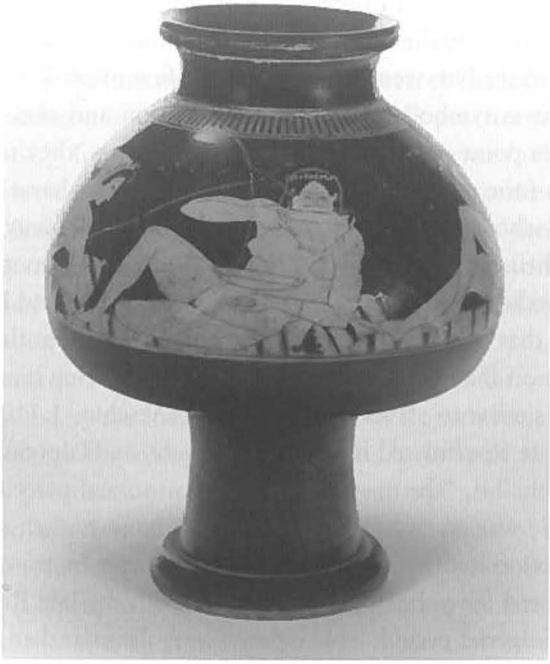

FIGURE 8.7: Attic red-figure psykter (505–500 B.C.), Euphronios; the State Hermitage Museum, Saint Petersburg, B.1650. (Courtesy of the State Hermitage Museum, Saint Petersburg.)

is rare in Attic vase painting and is reserved for altered or bestial states. It highlights her lack of control and deviant excess, traits associated with the feminine in Greek thought. The gaze also directly engages the viewer, causing him to reflect on and check his own behavior.[77] In a society such as that of ancient Athens, where *sōphrosynē* (moderation) and *enkrateia* (self-control) were important elements of masculinity, such reminders had social importance. Doing anything in excess was looked down upon and reflected badly on the perpetrator's masculinity. The *hetaira* (as both prostitute and female) came to symbolize such excess. We have already seen this association in Athenian oratory. Stories of the wealth and attention lavished on *hetairai* are also used in Attic oratory to critique male opponents ([Dem.] 48.53; Dem. 36.45). They also point out corrupt Macedonian and Hellenistic rulers and their feminization.[78] For example, Demetrius Poliorcetes, Harpalus, Ptolemy II Philadelphus, and Ptolemy IV Philopater are all described as being controlled by their *hetairai* (Plut. *Demetr.* 19.4; Ath. 13.594e, 595bc; Ath. 13.577a; Plut. *Mor.* 753f). Similarly, Cicero focuses on *meretrices* in his attack against Verres:[79] the *meretrix* Chelidon, rather than Verres himself, ran things while the latter was *praetor urbanus* of Rome. Cicero claims that she had a dominating influence over Verres, and that anyone wishing to see him went to see Chelidon first (*Verr.* 2.1.136–7). In this case, the *meretrix* is symbolic of Verres' feminization and also his excess. Because such stories point out corrupt and feminine rulers, they tell more about the masculinity of the male subject than about the *hetaira* herself.

Male citizens who became prostitutes were automatically untrustworthy, forfeiting some of their civic rights. In addition to a lack of self-control, prostitutes had penetrable bodies—whereas, in elite ideology, Athenian and Roman citizens did not. The fact that women and slaves were penetrated meant that an Athenian citizen who took on the role of a prostitute (that is, allowing himself to be penetrated) became similar to slaves and to females (Aeschin. 1.110–11). In other words, a prostitute surrendered his masculinity—or, as Halperin comments, he surrendered his phallus, "the marker of one's socio-sexual precedence."[80] Thus, a prostituted male was an emasculated male who, having taken on the negative traits normally associated with women, could no longer be trusted to have the self-control required for public life. Similarly, in both the late Roman Republic and the Roman imperial period, male citizens were distinguished from other societal members—particularly slaves and women—by the fact that their bodies were physically impenetrable. They further embodied masculinity via their status and their sexual integrity as the penetrant, not the penetrated.[81] Like in Athens, a penetrated man was emasculated and thought to have endured being a woman (Sall. *Cat.* 13.3; Tac. *Ann.* 11.36). Being penetrated was further equated with being a slave; therefore, any penetrated man was also slavelike. There were laws protecting Roman youths from such unmanly relations.[82] While the Roman citizen's bodily integrity extended to not being subjected to beatings, a freeborn prostitute—even if Roman—was no more protected from any such assault than was a slave (Aul. Gell. *NA* 9.12.7). The prostitute was the opposite of the Roman male and the Roman concept of citizen masculinity.[83] As in ancient Greece, male opponents could therefore be defamed through charges of prostitution (Cic. *Phil.* 2.44–5). In both cultures, the prostitute was the reverse of the manly citizen and the virtuous wife and was thus intimately connected to concepts of gender and appropriate sexuality for both male and female citizens.

CONCLUSION

Greeks and Romans had various terms for prostitutes, but they did not place them in recognizable classes, such as that of the courtesan. More often than not, the terms indicate a particular tone, whether neutral or pejorative, rather than a status such as slave, freed, or freeborn—and they should be read in context, since the tones can change. While the terminology is generally somewhat euphemistic, it often relates to the economic aspect, or the locale or solicitation practices of prostitution—even if not to the specific practices of the individual prostitute herself.[84] Expressions such as *lupa* and *mysachnē* reveal that the ancients might have despised those who practiced the profession. The attitude revealed by such words in classical Athens is more neutral than that in Rome, where the term *togata* (female wearer of the toga) reveals the prostitute as a status that could be physically marked. The Romans wanted to know who was and who was not a prostitute—just as they wanted to know a person's rank—while the Athenians only cared at certain times. This difference, like many others, is explained by the hierarchical nature of Roman society.

Laws on prostitution in modern Western enclaves such as Amsterdam and Nevada, where prostitution is openly practiced, typically include age restrictions, zoning, solicitation, and controls to stop the spread of disease. In other modern Western states, prostitution is criminalized—a policy motivated by a sense that it is universally wrong and/or exploitative. But concern for the practicing prostitute was alien to legislation in the ancient world. The ancients were against certain members of the community working as prostitutes—but they were not against the reality of working prostitutes, who were often slaves. In Athens, a citizen woman working as a prostitute gave up her right to bear legitimate children, and a male citizen gave up part of his civic rights. An individual was not guilty before the law for practicing prostitution, but was only accountable for being a prostitute if they claimed such rights. On the other hand, a procurer—whether a parent or a professional—could be punished for pimping in the case of free boys and free women, since these two groups lost important civic rights, whether or not they had been coerced. In Rome, concern regarding who was practicing prostitution was even greater. Disincentives to working as a prostitute included being declassed and having the status of *infames,* both of which brought many legal disabilities and prevented marriage. In general, though, legislation on prostitution is indirect, which suggests that both the Athenians and the Romans accepted prostitution in their midst, but saw no need to regulate the profession.

The prostitute, especially among Greek writers, was sometimes idealized, sometimes degraded. In both Athens and Rome, the habit of portraying prostitutes as excessive, untrustworthy, and licentious—as well as that of citing the behaviors associated with them to denigrate others—reveals a double standard. While prostitution was accepted, many practicing prostitution were devalued and denigrated.[85] Both women and men had to watch their behaviors so as not to be confused with whores. In Athens, it was easy to misrepresent the relationship between a male and a female, or a man and boy. Such a blurring of boundaries made for great political cannon fodder. In Rome, the division between prostitute and wife was not so readily confused, since Roman women had more public presence. But the behaviors of both men and women could be equated with prostitution, and their reputations subsequently sullied. Prostitution was not a controversial issue in either Athens or Rome, but being a prostitute was, in certain contexts, problematic.

A CULTURAL HISTORY OF SEXUALITY

IN THE CLASSICAL WORLD

Edited by *Mark Golden and Peter Toohey*

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