LUPAE ET LENA:
SEXUAL MORALITY IN THE ROMAN REPUBLIC

BY
PETER N. MITCHELL

Peter N. Mitchell is a senior studying International History at the United States Military Academy. He wrote this paper for a course on the History of Ancient Greece and Rome. His interest in classical Rome has been sharpened by recent explorations into the topic by modern entertainment and the multiple corrections that he has had to make to his classmates upon the topic.

The modern view of the Roman attitude towards sex, sensationally documented in such series as "Spartacus: Blood and Sand" and "Rome," is of lascivious conduct so shocking as to appall and impress the modern viewer with its debauchery. Unfortunately for *Showtime*, the historical evidence about these mores does not support such a perception. It is obvious that the producers of modern television know that sex markets well, and to not take advantage of legendary Roman perversity would be foolish. It would be equally foolish to take these productions at face value, since ancient sources provide proof to the contrary. Although there is generally a common misunderstanding of Roman society as shockingly sexual, due in part to surviving artistic and literary depictions of graphic activity, the Romans did in fact have their own moral standards and sexual mores that kept their society ordered even before the emergence of Christianity. If an accurate depiction of upper-class Roman views toward prostitution and sexual conduct in the Late Republic is made, one can draw further conclusions about the culture that did so much to shape the modern Western World and learn lessons from the challenges they faced regarding the regulation of prostitution and other vices.[1]

Justinian's Digest, complied in the sixth century A.D. of Roman law dating back to the early Principate, classifies prostitutes as *infames*, those who lack reputation (*fames)*.[2] *Infamia* was a vital tool in Roman society for enforcing acceptable behavior, similar to the modern mark of a convicted felon. The loss of *fames* through unsavory behavior resulted in a legal and moral stigma that would deprive the offender of many of her legal

[1] Special care has been taken to distinguish between the upper-class views of sexual morality and the lower-classes, as the more wealthy and educated had the ability to share their perspectives through laws and literature, a luxury the poor could not afford.

[2] Triboniam, *Corpus Juris Civilis*, Book XXII, Title V, 4.

privileges.[3] Prostitutes, as *infames*, were not allowed to speak on behalf of others in a court of law and were forbidden to bring accusations against others, save in exceptional cases.[4] This shows the depth to which Roman society despised the activity of prostitutes, leaving them no legal protection in case of any outrages committed against their persons. The scorn with which the populace held these ladies of the night can be seen in their nickname, *lupa*, meaning "she-wolves."[5]

Seneca describes the woeful condition of the prostitute as a common slave for sale, "Naked she stood on the shore, at the pleasure of the purchaser; every part of her body was examined and felt. Would you hear the result of the sale? The pirate sold her; the pimp bought her, that he might employ her as a prostitute."[6] To be seen naked in public in Roman society was a sign of utter degradation, as only slaves were stripped in such a way. To lose one's clothing was to lose all hope of human dignity and control over one's body. Horace speaks of the experience of seeing prostitutes through their sheer silk dresses, "Of the matron, except for the face, nothing is open to your scrutiny unless she is a Catia [prostitute] who has dispensed with her clothing so that she may be felt all over thoroughly, the rest will be hidden. But as for the other, no difficulty there! Through the Koan silk it is as easy for you to see as if she were naked."[7] For many Roman writers, prostitution represented the basest form of female existence imaginable. Plautus, in the comedy *Curculio*, mockingly maintained that the prostitute was the *via publica*, the public road that all might trample underfoot.[8]

Pimps (*lena)*, both male and female, were shown no clemency in the matter, sentenced to infamy just the same as the girls they exploited. "The occupation of a pimp is not less disgraceful than the practice of prostitution. We designate those women as procuresses who prostitute other women for money."[9] Pimping was defined in Roman law by the act of receiving money in a transaction regarding a prostitute. These types of associations with prostitution were looked down upon in Roman society and stigmatized as well. Pimps were solely responsible for the protection and care of their prostitutes, as there was no legal assistance offered for *infames*. "You stood with the prostitutes, you stood decked out to please the public, wearing the

[3] This paper chooses to focus on female prostitution. For those interested in the also-common male prostitution, read Amy Richlin, *The Garden of Priapus* (New Haven: Yale University Press, 1983).

[4] Judith P. Hallett and Marilyn B. Skinner, *Roman Sexualities* (Princeton: Princeton University Press, 1997), 66.

[5] Sarah Pomeroy, *Goddesses, Whores, Wives, and Slaves: Women in Classical Antiquity* (New York: Schocken, 1995), 23.

[6] Seneca, *Controversiae*. i, 2.

[7] Koan is an extremely expensive, fine, and transparent silk from the Aegean island of Kos. Horace, *Satires*, I, ii.

[8] Hallett and Skinner, 82.

[9] Triboniam, Corpus Juris Civilis, Book XXII, Title V, 5-6.

costume the pimp had furnished you."[10] Whether managing a prostitute's income, advertising and soliciting customers as they passed by, or simply owning a house in which prostitutes congregated, all were grounds for the loss of *fames* and being forbidden to run for public office, a corresponding loss of privileges shared with actors and gladiators.[11] Although the Romans did not want to stop the vast entertainment industries of prostitution, stage plays, or gladiatorial combat, this did not stop them from looking down upon those who chose it as their profession.

Corresponding with these harsh regulations against the selling of sex, the Senate mandated that all prostitutes be registered with the *aedile,* giving her correct name, her age, place of birth, and the pseudonym under which she intended to practice her disreputable profession.[12] The whole process is explained in detail in the comedy *Poenulus* by Plautus. If the young prostitute-applicant appeared to be of a respectable background, the *aedile* would advise her to consider an alternative career. Failing this, the young *lupa* would be registered in the records and receive her *licentia stupri.*[13] Once recorded, her name could never be removed, remaining an impassible barrier to respectability should her fortunes ever improve.[14] The account is unclear if pimps were mandated to undergo such registration.

We now follow our recently-registered prostitute to her new place of work. Most brothels in ancient Rome, known as *lupanarium*, were exceedingly nasty places, as noted by Horace.[15] Seneca, in addressing a compatriot recently returned from a night of carousing, commented, "You reek still of the soot of the whorehouse,"[16] in reference to the confined spaces heated by simple oil lamps. This intimate knowledge of the inside of a common brothel, at the least through hearsay, from such diverse writers as Seneca, the son of wealthy Hispanian equestrians, and Horace, the son of a freed slave, point to a ubiquitous custom among Roman men of patronizing such houses of ill-repute. Despite the loathing that their society placed upon the workers there, it seems contradictory to our modern sensibilities that partaking of the services offered in a brothel bore no undue stigma towards Roman men.

Cicero, in his speech *Pro Marco Caelio*, goes to great lengths to discredit the female plaintiff Clodia by comparing her personal life to a prostitute, "that in such a home as that in which the mistress of the house

---

[10] Seneca, *Controversiae.* i, 2.

[11] Hallett and Skinner, *Roman Sexualities*, 82.

[12] An *aedile* is a Roman governmental rank roughly equivalent to a modern-day county commissioner.

[13] "Unchastity license;" Plautus, *Poenulus*, 1010-1014.

[14] Mary R. Lefkowitz and Maureen B. Fant, *Women's Life in Greece and Rome* (Baltimore: Johns Hopkins University Press, 2005), 118.

[15] "Place of the *lupae;*" Horace, *Satire* i, 2, 30.

[16] Seneca, *Controversiae*, i, 2.

lives after the fashion of a prostitute – in which nothing is done which is fit to be mentioned out of doors – in which debauchery, and lust, and luxury, and in short all sorts of unheard of vices and wickednesses are carried on."[17] Cicero's acidic jabs on the floor of the Senate provide a window into the rigid morality that the Roman upper-class held their women to. As indicated by their epitaphs on tombstones, women were expected to respect the rules of *fides marita* and remain faithful to their husbands. Even the remotest suspicion of sexual misconduct could be enough to ruin a woman's reputation. Practically, such restrictions would vary between social strata, as women of the lower-classes would have fewer eyes on them, and thus relatively more sexual freedom. Even so, such activities were risky, as women could become *infames* if they were caught in the act of adultery or even remarried too soon after their husband's death.[18] Adultery, made a criminal offence by Caesar Augustus but highly stigmatized during the Republic, was defined as the sexual activity between a married woman and a man that was not her husband.[19] Married men had no legal containment over their sexual activity, aside from being prohibited in turn from fornicating with another man's wife.

Men were far less constrained in their sexual choices, being restrained more by personal dignity and reputation rather than any sort of morality. Prostitution was seen as an activity more disgraceful to the prostitutes than those who frequented their company. Slaves provided an outlet that did not even require the man to leave his house. Marcus Cato the Elder, censor of the Late Republic famed for his puritanical standards, had his own nocturnal dalliances with a slave girl recounted by Plutarch:

> Having lost his own wife, he married his son to the daughter of Paulus Aemilius, who was sister to Scipio; so that being now a widower himself, he had a slave girl who came privately (κρύφα) to visit him, but the house being very small, and a daughter-in-law also in it, this practice was quickly discovered; for the young woman seeming once to pass through it a little too boldly, the youth, his son, though he said nothing, seemed to look somewhat indignantly upon her.[20]

"κρύφα," describing the girl's actions, is translated by John Dryden as "secretly" and Bernadotte Perrin as "privately," implying that Cato was attempting to keep his activities unknown to the rest of the household. Interestingly, Cato is then obligated to halt his trysts due to the displeasure

[17] Cicero, *Pro Marco Caelio*, 57.
[18] Triboniam, Corpus Juris Civilis, Book XXXII, Title 3, 1.
[19] Hallett and Skinner, *Roman Sexualities*, 154.
[20] Plutarch, *Marcus Cato*, 24.1-2.

of his son upon noticing Cato's liaisons with a slave girl. Cato appears more concerned about his son's approval of such actions than any possible blows to his reputation, showing that trysts with slave girls were far from unusual, even from such dour and parsimonious examples of Roman virtue as Cato. Plutarch relates Cato's resolution of the matter in his usual practical manner by promptly going out to the Forum the next morning and marrying the daughter of one of his *clienta*.[21]

The Floralia, a colorful festival dedicated to the goddess Flora and held on the Calends of May, was first introduced in 238 BC and was mournfully heralded by Cato the Elder as a beginning of the decline of the "good old" Roman values. Lactanius, an early Christian adviser to Constantine in the third century A.D., gives a rather sensational account of its origin.

> The games were solemnized with every form of licentiousness. For in addition to the freedom of speech that pours forth every obscenity, the prostitutes, at the importunities of the rabble, strip off their clothing and act as mimes in full view of the crowd, and this they continue until full satiety comes to the shameless lookers-on, holding their attention with their wriggling buttocks.[22]

This spectacle, although probably exaggerated considerably by Lactanius, as he was writing for a Christian audience, was still shocking to the more prudish members of the upper-class when the festival first began. The actions performed were considered rude enough for the censor at the time, Cato the Elder, failing to get the Senate to ban the Floralia entirely, to demand that the more bawdy aspects of the festival be postponed until he and his retinue had departed the theater.[23] Such displays of public wantonness and excess like the Floralia or the Festival of Bacchus were considered uncouth by most upper-class Romans, although they were still staged to the apparent delight of the plebeian masses.

From this evidence surrounding Roman prostitution, one can draw the conclusions that social mores regarding sexuality most likely developed around the necessity of determining the legitimacy of children. For the sake of defining the family line and property rights, controlling female sexuality within marriage was a societal imperative. Since men did not bear the children that would hold the future of a *gens,* they were allowed relatively free access to prostitutes and slaves, since a child produced from such a

[21] Ibid, 3-5.
[22] Lactantius, *Divinarum Institutionum*, xx 6.
[23] Ibid. xx, 8.

coupling would not have any legal right to the father's inheritance.[24] Much of an individual's social standing during the Republic depended heavily on the *gens* to which he belonged, and whether or not he came from a patrician or plebian *stirp* of his *gens*. Due to Roman religious beliefs, contrary to modern Judeo-Christian philosophy, marriage was not considered a sacred institution from a moral standpoint. Though marriage was held to rigid legal standards, like the power of the husband in *pater potestas*, the intimate activities of a husband and wife were not nearly as regulated. It appears that it was common and acceptable for a man to consort with women other than his wife, evidenced by the sources regarding prostitution and other such activities. Women were held to a much stricter chastity standard. However, the Roman social concept of *dignitas* demanded that such sexual activity be moderated and not give the appearance of excessive hedonism, for fear of losing all respectability. Being seen by one's peers as moderate in all things, to include sex, was a cornerstone of Roman virtue, and probably did more to control a Roman man's sex life than legal or moral considerations.[25]

[24] The Latin term for a clan who shared the same *nomen* and claimed descent from a common ancestor. A branch of a *gens* was called a *stirps* (pl. *stirpes*).

[25] μηδεν ἀγαν, "Nothing in excess," inscribed in Apollo's Temple in Dephi.