

Contents

Abbreviations xv

Chapter 1 Introduction: Law in Society 3

1. Design of the Book 3
2. Law in Society 4
3. Problems with Nonlegal Evidence 9
4. Honor and Shame 10
5. Marginal Status 14
6. Defining Prostitution 17
7. Prostitution, Sexuality, and the Law 18

Chapter 2 Civic Disabilities: The Status of Prostitutes and Pimps as Roman Citizens 21

1. Women and Citizenship 21
2. Religious, Political, and Civic Disabilities Imposed on Prostitutes and Pimps 23
3. Disabilities at Law 44
4. The Core of *Infamia* and the Community of Honor 65

Chapter 3 The *Lex Iulia et Papia* 70

1. The Statute 70
2. Marriage with Prostitutes before Augustus 85

	3. The Terms of the <i>Lex Iulia et Papia</i> regarding Marriage with Practitioners of Prostitution	91
	4. Marriage Practice and Possibilities	102
Chapter 4	Emperors, Jurists, and the <i>Lex Iulia et Papia</i>	105
	1. History of the Statute	105
	2. Subsequent Legislation	106
	3. Juristic Interpretation	120
Chapter 5	The <i>Lex Iulia de Adulteriis Coercendis</i>	140
	1. The Statute	140
	2. The Status of the <i>Mater Familias</i>	147
	3. The <i>Adultera</i> as Prostitute	156
	4. <i>Lenocinium</i>	171
	5. Exemptions	194
	6. Pimps, Prostitutes, and the <i>Ius Occidendi</i>	202
	7. Social Policy and the <i>Lex Iulia</i> on Adultery	207
Chapter 6	Emperors, Jurists, and the <i>Lex Iulia de Adulteriis Coercendis</i>	216
	1. History of the Statute	216
	2. Subsequent Legislation	216
	3. Juristic Interpretation	219
	4. The Law on Adultery and the Policymaking Elite	245
Chapter 7	The Taxation of Roman Prostitutes	248
	1. Taxing Prostitution	248
	2. The Evidence for Caligula's Introduction of the Tax	249
	3. Caligula's Motives for Introducing the Tax	250
	4. Methods of Collection	256
	5. The Rate of the Tax	264
	6. Criticism of the Tax	268
	7. Fictional Criticism and Later History of the Tax	269
	8. Two Special Cases: Egypt and Palmyra	274
	9. Profitability, Legitimacy, and Social Control	286
Chapter 8	<i>Ne Serva Prostituat</i> : Restrictive Covenants in the Sale of Slaves	288
	1. Public Policy and Private Law	288
	2. Four Covenants	289
	3. Migration and Manumission	291
	4. <i>Ne Serva Prostituat</i> : History	292
	5. <i>Ne Serva</i> and Prostitution	304
	6. <i>Ne Serva</i> and Slavery	306

7. Honor and Shame 311
8. *Humanitas* and Policy 316

Chapter 9 Prostitution and the Law of the Jurists 320

1. Private Law and Prostitution 320
2. Damaged Goods: *Fiducia*/Pledge 321
3. Good Money after Bad: Inheritance, Mandate, and *Usucapio* in Sale 322
4. An Honest Day's Wage: *Condictio* 324
5. Coveting Thy Neighbor's Harlot: Theft and Wrongful Appropriation of Slave Prostitutes 325
6. All Honorable Men: The *Petitio Hereditatis*, *Compromissum*, and *Operae* 328
7. Sexual Harassment: *Iniuria* 331
8. Diamonds Are Forever: *Donatio* 335

Chapter 10 Conclusion: Diversity and Unity in Roman Legal Perspectives on Prostitution 338

1. Summary of Findings 338
2. Prostitution and the Law 341
3. Public Policy 343
4. Society and Law 345
5. Unity in Diversity 347

Bibliography 349

Index of Sources 391

Index of Persons 403

Index of Subjects 408