

ROMAN SEXUALITIES

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Photograph of *Lagynos*, Roman, late first–second century A.D.
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UNSPEAKABLE PROFESSIONS: PUBLIC PERFORMANCE AND PROSTITUTION IN ANCIENT ROME

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ACTORS, gladiators, and prostitutes in ancient Rome were symbols of the shameful. Their signal lack of reputation was reflected and reinforced in the law, which, in the late Republic and early Principate, classified them as *infames* (*infamis* may be translated as “lacking in reputation,” *fama*). Even those among them who were Roman citizens (as opposed to free noncitizens or slaves) were subject to a range of legal disabilities. The legal sources (compiled later than the period under consideration here) are fragmentary and hard to interpret; the principal text, Justinian’s *Digest*, was compiled in the early sixth century C.E., when the attitudes of Rome’s ruling elite had been transformed by Christianity. Literary and epigraphic texts can offer more immediate perspectives on earlier periods. It seems that those who followed infamous professions were generally not permitted to speak on behalf of others in a court of law. Under most circumstances they were not permitted to bring accusations against others. They were debarred from standing for election to magistracies. Their bodies might be beaten, mutilated, or violated with impunity.

The legal position of those who followed shameful professions under the Republic is often difficult to determine. I shall not attempt to examine the origins of *infamia*, which may well have developed in quite different ways for the different professions under discussion here. But it is clear that even from an early period, some disabilities did apply, in par-

I am most grateful to Amy Richlin for encouraging me to develop my ideas for this piece when we first met in 1990, for allowing me to see work of her own at that time unpublished, and for her stimulating comments on an earlier draft. The editors of this volume have also prompted me to rethink some important issues. In addition, I would like to thank Thomas Wiedemann and Kathleen Coleman, who offered perceptive criticisms. Michael Crawford and Jane Gardner kindly helped me to negotiate some legal questions. Any remaining faults are, of course, my own.

ticular to actors. As the sphere of Roman power and the number of Roman citizens grew, legal prescriptions proliferated. The rigidification and codification of the social hierarchy under Augustus confirmed and demarcated the position of the flagrantly humble. *Infames* may not have constituted an entirely coherent legal category until the second or third century C.E., but it still makes sense to scrutinize what it was that, in earlier periods, too, caused certain professions in ancient Rome to be marked out as infecting their practitioners with an indelible stain.

The legal status of those who followed these stigmatized professions was in most respects equivalent to that of soldiers dishonorably dismissed or convicted criminals. Yet for convicts, this status and the legal disabilities that it entailed were not necessarily permanent. For actors, gladiators, and prostitutes, by contrast, *infamia* was an inescapable consequence of the way they earned their living. While disgraced soldiers and criminals, marked with shame, withdrew from public life (even if they could not entirely escape public notice), actors, gladiators, and prostitutes took on their degraded status when they embarked upon their public roles.

Those who followed professions associated with public performance and prostitution were utterly devoid of honor—that precious commodity that was thought to inhere most fully in those who governed Rome. But so conspicuously did they lack honor that they played a vital part in the processes by which honor was constructed. Actors, gladiators, and prostitutes were paraded as examples of what those who sought officially sanctioned *dignitas* (“social standing”) should at all costs avoid. Paradigms of the antithesis of honor, they occupied a crucial place in the symbolic order.

Why were these particular professions so shameful? And why should shame bring legal stigma? In exploring these questions, I shall try to set out what these professions had in common, the logic underlying a categorization that might at first seem bizarre. My tentative answer involves Roman attitudes toward pleasure, as well as toward honor and public life. In the theaters, arenas, and brothels of Rome, the infamous sold their own flesh (in the case of actors, gladiators, and prostitutes; and the flesh of others, for pimps and trainers of gladiators were also stigmatized). They lived by providing sex, violence, and laughter for the pleasure of the public—a licentious affront to Roman *gravitas*. But at the same time, the life of vulgarity and excess that they stood for was as authentically Roman as the consulship, triumphs, and temples to the gods.

In Michel Foucault’s account of sexuality in the Greco-Roman world, the experience of pleasure is presented as becoming increasingly problematic as one moves from the time of Plato to the time of Plutarch.¹ Excessive indulgence in pleasure threatened the public profile of the elite male citizen in the early first century C.E. (when lack of self-control was

associated with an inability to govern others). By the second century C.E., in Foucault's account, such indulgence tended rather to challenge the elite male citizen's self-image.

Volumes 2 and 3 of *The History of Sexuality* offer a wealth of provocative insights into a number of ancient texts.² But in concentrating so closely on male members of the elite, Foucault gives little consideration to those against whom the new forms of self-constitution served to define these individuals.³ It may well be the case that the texts that survive from the ancient world allow us to engage only with those of the male elite class from which virtually every one of their authors came. But we cannot hope to understand the construction of elite male identities without considering those who were excluded from this category and the processes by which they were excluded.

The specific associations of those pleasures from which the philosophically inclined reader is encouraged by his preceptors to draw away receive little attention from Foucault. Underlying the texts he examines, however, is a notion of low sensual pleasure, dangerous, at least in part, because its power, its appeal, is universal. Self-control and discernment regarding sensual pleasures were traditionally the markers of masculinity and social refinement. Immoderate pursuit of low pleasure was associated with women, slaves, and the poor—those who had to be controlled by others if they were not to fritter away their lives in self-indulgence. Thus, to enjoy vulgar pleasures—the pleasures of eating and drinking, sex, gambling, going to the games—was to risk one's identity as a cultured person.⁴

My aim in this essay is to examine the position of public performers and prostitutes in ancient Rome in the context of Roman constructions of pleasure, sexuality, and social hierarchy. Some similar issues have been explored by Amy Richlin in her study of the figure of the *cinaedus* (a Roman term for an adult male who allows himself to be penetrated); *cinaedi*, like those who followed the professions to be examined here, were stigmatized as *infames*.⁵ Richlin's suggestive study also stresses the interdependence between Roman constructions of sexuality and Roman social hierarchy. Carlin Barton's recent work dramatically emphasizes the powerful fascination the figure of the gladiator exercised over Roman society.⁶ The parallels she observes between gladiators and actors are worth investigating further, as is the association between public performers and prostitutes. An exploration of what Romans felt these professions had in common can cast light on the reasons they were felt to be especially shameful. It is surely no coincidence that all professions that incurred *infamia* were associated with transgressive sexuality. These figures were the objects of other people's desires. They served the pleasure of others. They were tarnished by exposure to the public gaze.

The final part of my essay will look briefly at the relationship between those who, because of their professions, were branded with dishonor by the law and those whom the law marked out as conspicuously honorable, the senatorial and equestrian elite, and, in particular, Roman emperors and their families.

Debarred from official public life, actors, gladiators, and prostitutes were nevertheless conspicuous public figures, made more so by the stigma that attached to them. Hand in hand with official stigmatization went the increasing allure that surrounded these professions. In the first century C.E. in particular, some members of the senatorial and equestrian orders, the juridically defined elite of Rome, are said to have deliberately embraced these infamous professions for themselves. And Roman emperors are to be found, in the pages of ancient writers at least, prostituting upper-class matrons, fighting in the arena, and appearing onstage. The conceptual link between actors, gladiators, prostitutes, and their associates is strikingly illustrated by texts that deplore elite participation in these activities.

Infamia

Infamia, "lack of public honor," was the opposite of *existimatio*, "reputation," and *dignitas*, "social standing."⁷ An *infamis* had, as a consequence of moral turpitude, lost the status of a full citizen. There were several ways in which a person could become *infamis*. *Infamia* was a consequence of conviction in some civil and all criminal trials. Some forms of sexual behavior might entail *infamia*; a woman caught in adultery, even if not convicted of the crime, was *infamis*, in the view of some jurists.⁸ As we have seen, a man who allowed himself to be penetrated by another man was also termed *infamis*.⁹ *Infamia* was also a consequence of participation in the professions that form the subject of this essay.

A.J.H. Greenidge, whose monograph on *infamia* was published in 1894, defined *infamia* as follows: "Special disqualifications based on moral grounds from certain public or quasi-public functions."¹⁰ The term is not used only of disqualifications; it often appears in ancient texts in a less technical sense, meaning the degraded moral state that might or might not be recognized with the stamp of *infamia* by the law.¹¹ Cicero, referring to the *infamia* that is imposed on convicted criminals, draws a distinction between *infamia* that arises from condemnation for an offense and *ipsa infamia*, "true *infamia*," which arises from committing the offense, regardless of whether legal stigma is imposed (*Leg.* 1.90.50–51).¹² Elsewhere, Cicero speaks of the *infamia* suffered by a man who is waiting to be tried

(Att. 1.16.2). And we should not necessarily assume that when the satirist Juvenal describes one of his victims as *infamis* he is referring to the man's legal status (for instance, *Sat.* 2.2). This ambiguity is disconcerting.

There are a number of legal sources relevant to the study of *infamia*. The most extensive is Justinian's *Digest*, compiled as a codification of current law in the early sixth century C.E. from the commentaries on the law of earlier jurists (mostly composed in the second century C.E.). Not surprisingly, this work cannot always be relied on as an accurate guide to the law of several centuries earlier. It is often difficult to discover to what extent the texts of earlier jurists have been altered by the later compilers. We glimpse the contours of the pagan world obscurely through the pages of the Christian *Digest*. Some important changes may be inferred. Since gladiatorial games were banned under the Christian emperors, it seems highly likely that some references to gladiators have been omitted (even if, in practice, the games continued to take place).¹³ In general, we should not expect the passages preserved in the *Digest* to be complete. This may explain some of the disparities between lists of infamous persons.

Some sources have not been subject to Christian emendation and can provide a useful check on material in the *Digest*. An inscription known as the *Tabula Heracleensis*, probably from the time of Julius Caesar, records legislation relating to local government, sometimes referred to as the *lex Iulia municipalis*. This includes lists of categories of persons whose participation in local government is restricted. Among those barred from standing for local magistracies are anyone "who has or shall . . . have been hired out for the purpose of fighting as a gladiator . . . or who has or shall have prostituted his person; or who has been or shall have been a trainer of gladiators or actor; or who shall run <or shall have run> a brothel" (*queive depugnandei caussa auctoratus est erit fuit fuerit . . . queive corpor<e> quaestum fecit fecerit; queive lanistaturam artemve ludic<am> fecit fecerit; queive lenocinium faciet <feceritve>*, (lines 112–23, trans. Crawford).¹⁴ This provides important confirmation that these professions were legally stigmatized even in the time of Julius Caesar.

I shall look at some of the different legal forms of *infamia* in a little more detail below. First, though, one might note one of the conclusions of Greenidge's study. He doubts that "a definite and uniform conception of *infamia* existed under the republic or even under the principate."¹⁵ Instead, he suggests, *infamia* was a portmanteau term that appeared relatively late. The range of disqualifications that are often termed *infamia* were not directly connected in the period before Hadrian, when it seems that the current version of the praetor's tralaticy edict (the *edictum perpetuum*) came to be regarded as providing the definitive list of *infames*, as of many other legal categories.

Scholars of Roman law have traditionally placed a premium on the pur-

suit of system and coherence in the object of their study, a pursuit that may run up against insuperable obstacles in the study of *infamia*. Yet for the historian, the diverse meanings attaching to the term (as well as the range of terms that are often treated as parallel to it) in legal and non-legal texts can be suggestive rather than frustrating. Cicero's reference to the ambiguity of *infamia* in the *De legibus* suggests that Romans saw the different applications of *infamia* as significantly related. These applications might not always cohere with one another. The law might not always be an accurate index of the moral censure with which certain activities and persons were regarded. Particular applications of the law might be open to contestation. Yet those who expounded and administered the Roman legal system were brought up on Cicero and may well have read the works of Juvenal or Seneca. Their moral world was partly constituted by, and indeed helped constitute, these and other literary texts.

An additional difficulty with attempting to explore the legal disabilities imposed on those who followed infamous professions in the late Republic and early Principate is that these seem to have varied considerably in the course of this period.¹⁶ However, it is worth sketching roughly the different kinds of legal disability that might be imposed as a consequence of an individual's profession, before going on to look briefly at the chronological development of the law.

Different forms of legal disability, which might be referred to as *infamia*, could be imposed by several different mechanisms. Legislation was one means of imposing disqualifications on the infamous. Those who followed shameful professions were not permitted to bring criminal accusations under some laws.¹⁷ The infamous were also banned from sitting on juries. The *lex Acilia repetundarum* of 122 B.C.E., for instance, prescribed a jury of 450 equestrians. Specifically excluded were men who had hired themselves out to fight as gladiators, as well as convicted criminals.

Under the Republic, the censors were charged with reviewing the social and moral standing of Roman citizens, in particular the senatorial and equestrian elite, every five years (in theory—tenure of this office was sporadic in the late Republic). It was they who excluded individuals considered unfit from the army, the senate, and the public assemblies. Actors were certainly excluded from the Roman army. The *Digest* prescribes capital punishment for soldiers who appear on stage (48.19.14; 49.16.4.1–9).¹⁸ Gladiators, too, were not permitted to become soldiers (though many may have served as soldiers before entering the arena). The oath gladiators swore when they embarked on their profession is regularly represented in ancient texts as a counterpart to—a shameful parody of—the oath of allegiance sworn by soldiers.¹⁹ We may think of military service as a burden rather than a privilege, but it was a significant element in full citizenship (especially in a state such as Rome, which represented itself as

composed of citizen-soldiers), denied to those who earned their living on-stage or in the arena.

We may assume, too, that practicing a disgraceful profession was one of the many possible grounds for dismissal from the senatorial and equestrian orders.²⁰ The censors were also responsible for assigning citizens to tribes for the purpose of voting in elections. Actors, it seems, were not assigned to a tribe and were thus unable to vote. This was already the case in the fourth century B.C.E., according to Livy (7.2.12).²¹ Censors might ban individuals from standing for magistracies on the grounds that they were not morally worthy. Actors, gladiators, and prostitutes were banned from standing for local magistracies in the legislation recorded on the *Tabula Heracleensis*. They were also banned from standing for magistracies in Rome.²² The Christian writer Tertullian, in his homily on the evils of the pagan games written in the second century C.E., remarks that the pagan Romans themselves felt public performance to be disgraceful and banned performers from participating in state functions (*De Spect.* 22):

enim ipsi auctores et administratores spectaculorum quadrigarios, scaenicos, xysticos, arenarios illos amantissimos . . . ex eadem arte qua magnificent, deponunt et deminunt, immo manifeste damnant ignominia et capitis minutione, arcentes curia, rostris, senatu, equite, ceterisque honoribus omnibus simul et ornamentis quibusdam.

Even those who finance and administer the games, while they celebrate the art of the charioteers, actors, athletes, and gladiators (whose appetite for love outdoes that of any other men) . . . at the same time degrade and stigmatize them for that same art. Indeed, they condemn them to public disgrace and civil dishonor, banning them from the council chamber, the rostra, the senate, the equestrian order, all other public honors, and a good many distinctions.²³

Tertullian's list is more extensive than those to be found in the law codes; athletes and charioteers are generally not subject to the same legal disabilities as are imposed on other performers (though this was a source of debate among the jurists). It seems all public performers were excluded from state honors.²⁴

Due to accidents of preservation, a great deal less is known of the imposition of *infamia* by the censors than of praetorian *infamia*. *Infamia* as imposed by the praetors seems to have related largely to legal procedure. The praetor's edict, as it appears in Justinian's *Digest*, preserves a later form (the Julian redaction of the *edictum perpetuum*, dating from the reign of Hadrian) of what was probably the earliest codification of *infamia*. The rights of several categories of person are circumscribed by this edict, one of the objectives of which seems to have been the preservation of the dig-

nity of the praetor's court. Thus the edict sets out lists of persons who may not represent others in legal actions before the praetor (women, the blind, and those who were *in turpitudine notabiles*, "infamous due to the shamefulness of their lives") and persons who may represent others only under exceptional circumstances (including *omnes qui edicto praetoris ut infames notantur*, "all those who are branded as *infames* in the praetor's edict"). Those *in turpitudine notabiles* include *qui corpore suo muliebria passus est*, "a man who has allowed his body to be treated like that of a woman," and those who have hired out their services to fight with wild beasts (gladiators may have been included in this category in the pre-Christian period).²⁵ Those who have been convicted of certain crimes are also included here. The second category (i.e., those who may represent others only in exceptional circumstances) covered actors and pimps, besides soldiers who had been dishonorably dismissed, bigamists, those who had failed to obey certain rules relating to mourning, and those convicted of certain crimes. These persons were also banned from appointing others to represent them in court.²⁶

The praetor's edict imposed restrictions on male prostitutes, wild-beast fighters, pimps, actors, and probably gladiators (women engaged in any of these professions were already banned on the grounds of their sex from representing others). These restrictions may not seem particularly severe in themselves. Yet they are an indication of the impotence of such individuals in all legal situations. Judges were advised by legal authorities to trust witnesses in accordance with their social and moral standing (*Dig.* 22.5.2; 5.3 pr.).²⁷ Of course, prejudice will affect the application of the law in any system. But it is striking that the law in ancient Rome specifically encouraged judges and juries to disregard the words of those whose way of earning a living was thought shameful. One jurist advised that the word of gladiators and similar persons should be trusted only if they were under torture (*Dig.* 22.5.21.2).

One of the most striking aspects of the legal situation of those labeled *infames*, which emerges from a few incidental references in literary texts and the law codes, is their liability to corporal punishment. An important step in the development of the Roman Republic (according to the mythical account cherished in later centuries) was the successful struggle on the part of the plebs to achieve protection from a magistrate's arbitrary use of his *virgae*, the rods that were a symbol of his power. The tribune of the plebs was their protector, and they might make an appeal to the people of Rome (this right was later superseded by that of appeal to the emperor).

Protection from corporal punishment was one of the hallmarks of Roman citizenship. Cicero, speaking in defense of Rabirius, claimed that the infliction of beating and death on a citizen amounted to an attack on

libertas (*Rab. Post.* 12). Similarly, in his denunciation of Verres, he speaks with horror of corporal punishment inflicted on a Roman citizen by Verres while he was governor of Sicily (*Verr.* 2.5.161ff.). Freedom in Rome was primarily conceived of in terms of the right to protection from arbitrary use of power. This protection marked off Roman citizens from noncitizens (who could not appeal against the arbitrary use of force by, for instance, a provincial governor), and, in particular, it marked them off from slaves. Liability to corporal punishment was one of the most vivid symbols of the distinction between free and slave in Rome.²⁸ The distinction between free and slave with regard to corporal punishment continued to be invoked by the classical jurists in their arguments even after it was effectively blurred in the second and third centuries C.E., as low-ranking free persons became liable to a wide variety of forms of corporal punishment.²⁹

Public performers, even if Roman citizens, were traditionally liable to corporal punishment even in the late Republic. Suetonius includes the following in his list of Augustus's measures relating to the theater: "He curbed the power allowed the magistrates by an ancient law of punishing actors anywhere and everywhere, restricting it to the time of the games and to the theater" (*Suet. Aug.* 45). The power of the magistrates is restricted but not wholly removed. The biographer goes on to describe how an actor was beaten with rods through the three theaters of Rome because of his association with a wellborn Roman matron.

The jurist Paulus, commenting on the *lex Iulia de vi*, writes that magistrates are to be punished under this law if they inflict corporal punishment on a Roman citizen who attempts to appeal to the emperor. Some citizens, however, are not covered by this protection (*Sent.* 5.26):

hac lege excipiuntur, qui artem ludicram faciunt, indicati etiam et confessi et qui ideo in carcerem duci iubentur, quod ius dicenti non obtemperaverit quidve contra disciplinam publicam fecerint.

Excluded from this law are those who appear onstage, so long as they have been accused and have confessed their guilt, and have been sent to prison on the grounds that they failed to obey the magistrate or did something contrary to public order.

The magistrate's power to inflict corporal punishment is hedged about with restrictions—but then, so was a master's power of life and death over his slave.

Private individuals were permitted to exact violent revenge for their offended family honor from those who followed infamous professions (and some other categories of humble persons, including slaves, the family's freedmen, and men condemned in a court of law). This was not allowed

against more respectable citizens. Augustus's legislation on punishing adulteries included the following provision (*Dig.* 48.5.25[24] pr. Macer):

hac lege cavetur, ut liceat viro deprehensum domi suae . . . in adulterio uxoris occidere eum, qui leno fuerit quive artem ludicram ante fecerit in scaenam saltandi cantandive causa prodierit.

For it is provided by this statute that a husband is permitted to kill a man whom he catches in adultery with his wife in his own house . . . if the [paramour] is a pimp or if he was previously an actor or performed on the stage as a singer or dancer. (Trans. Watson)

Other jurists, writing with reference to the same legislation, offer slightly different lists of persons whom the injured husband may attack with impunity.³⁰ The inconsistencies between these lists, originally derived from the same law, illustrate the degree of variation that might be introduced in the course of several transcriptions.

The jurist Callistratus, writing in the first half of the third century C.E., presented it as a tradition of Roman law that those without reputation were to be punished more severely than the respectable (*Dig.* 48.19.28.16). Though only stage performers are subject to corporal punishment by magistrates, all those who followed infamous professions were to some degree left more vulnerable than other citizens by the law. Moral turpitude corroded the citizen's legal armor.

So far I have referred rather loosely to infamous professions. The lists of persons subject to various disabilities do not always correspond exactly. In part, this may be due to the haphazard way in which the legal prescriptions have been preserved. But the question of exactly which professions were to bring infamy on their practitioners was certainly a matter of some dispute among the jurists. Chariot drivers, some jurists argued (presumably against others who wished to penalize them), were pursuing honor rather than gain and should not be classed as *infames*.³¹ In general, chariot drivers do not seem to have been subject to legal disabilities (though they are included in Tertullian's list of those excluded from magistracies). To some extent, their exemption from the penalties inflicted on other performers may be explained in terms of the historical associations of chariot driving. The elder Pliny refers to the participation of aristocratic Romans in the circus games (chariot races) in the early days of Rome (*HN* 21.7). When Tacitus describes Nero's desire to participate in the games, he presents chariot driving as considerably less shameful than appearing onstage (*Ann.* 14.14). It was perhaps also because the bodies of chariot drivers were so much less the focus of the public gaze than those of actors or gladiators.

A further difficulty was the question of whether one had to be paid for

one's performances in order to count as an actor, beast-fighter, or gladiator. The *Digest* includes a lengthy discussion by the jurist Ulpian, who concludes that only the man who has hired out his services to fight wild beasts in a public show is to be *notatus* (3.1.1.6). The jurist Labeo (who wrote under Augustus) emphasized the importance of the public nature of the spectacle (*Dig.* 3.2.2.5).³² A disagreement over the relevance of pay is also attested with regard to prostitutes. Ulpian suggests that a woman who is openly promiscuous should be classed as a prostitute, even if she does not accept money (*Dig.* 23.2.43.3).³³

Other professions, besides those associated with public performance and prostitution, were sometimes stigmatized to a certain extent. Usury was forbidden by the Twelve Tables but was subsequently legalized, after which it brought no more disqualification than other trades.³⁴ The *Tabula Heracleensis* lists a number of professions that are incompatible with holding a local magistracy, in addition to those associated with public performance and prostitution (lines 104–7). This may well have been because they involved paid work for local government, so that holding a local magistracy could have involved a conflict of interest.³⁵

Those who followed infamous professions were systematically limited in their civil rights. Legal disqualifications were justified with reference to the moral shortcomings of the persons stigmatized—the ways in which they earned their living were incompatible with being a full Roman citizen. Actors, gladiators, and prostitutes were treated like condemned criminals, as profoundly untrustworthy. Those who sold their bodies for the pleasure of others forfeited the protection Roman law accorded to the bodies of other citizens.

Infamous License

Legal and literary sources repeatedly group these professions together. One striking feature of the legal position of the infamous is their assimilation to slaves, in particular, as regards their liability to corporal punishment. The legal texts that have been examined so far relate only to those actors, gladiators, and prostitutes of free-citizen status. Probably the majority of those who followed these professions were slaves or free noncitizens. But this does not explain the legal stigma attaching to those who were Roman citizens. Many Roman citizens worked alongside slaves as builders, agricultural workers, shopkeepers. What made the infamous like slaves was that they too served the pleasures of others, they too had no dignity, their bodies too were bought and sold.

It is important not to blur differences. The half-starved prostitute who

sold her body among the tombs of the via Appia no doubt had little in common with the star gladiator of the emperor Titus's games or the actor who dared to make a joke about Nero's murder of his mother in front of a huge audience—and got away with it (*Suet. Ner.* 39). Yet, those who followed these professions, in addition to their déclassé legal status, shared an association with various forms of sexuality constructed as deviant in ancient Roman texts. I shall explore the particular associations of each profession in turn before going on to consider how these varieties of sexual “deviance” relate to the social and legal marginalization of these categories of people.

Gladiatorial shows were originally given only as part of the funeral celebrations of important public figures, which were provided by their heirs. From the time of Augustus, however, such games were regularly given by the emperor without the excuse of a funeral and came to be expected as manifestations of imperial generosity. Wild-beast fights, at first part of the circus games, were included among the shows in the arena under the Principate.³⁶ Emperors monopolized the provision of gladiatorial games in Rome itself. Though they were held on only a few days each year, the cultural significance of these immensely popular shows was vast. The games were volatile occasions, for the crowd might take advantage of the emperor's presence to voice protests.³⁷ While emperors risked their popularity, gladiators risked their lives.

Gladiators will be discussed only briefly here, since they have been the subject of several thorough and suggestive studies in recent years.³⁸ Professional gladiators of free status seem to have been found in Rome from the third century B.C.E. Even in the time of Plautus, the term “gladiator” could be used in a metaphorical sense.³⁹ If they were free men rather than slaves, gladiators, in return for money, took an oath, undertaking to suffer branding, being bound in chains, beating, or death by the sword.⁴⁰ They thus surrendered their bodies to indignities normally experienced only by slaves. These men regularly fought one another to the death, though a popular gladiator might be spared (on the decision of the man providing the games rather than his fellow fighter) to compete another day. A few gladiators survived long enough to retire from the arena, but probably most met their deaths at the hands of their fellows, a source of entertainment to the Roman people.⁴¹

Gladiators were celebrated as heroes.⁴² Under the Principate, in an age when most Roman citizens had no personal experience of warfare, they were a reminder of the virtue (*virtus*, “military courage,” “manliness”) that had made Rome great.⁴³ But they were also despised. For cultured Romans, the gladiator was the epitome of the thug—a man who earned his living through brute force. Politicians alleged to have used violence to get their way were regularly compared to gladiators.⁴⁴

Emblems of an aggressive masculinity, gladiators were thought to be overpoweringly sexually potent and attractive to women.⁴⁵ Tertullian, in a passage quoted above, refers to them as “gladiators, whose appetite for love outdoes all others, to whom men surrender their souls and women their bodies, too” (*De Spect.* 22). Juvenal describes a senator’s wife who abandons her family to follow a gladiator (6.103–12):

qua tamen exarsit forma, qua capta iuventa
Eppia? quid vidit propter quod ludia dici
sustinuit? nam Sergiolus iam radere guttur
coeperat et secto requiem sperare lacerto;
praeterea multa in facie deformia, sicut
atritus galea mediisque in naribus ingens
gibbus et acre malum semper stillantis ocelli.
sed gladiator erat. facit hoc illos Hyacinthos;
hoc pueris patriaeque, hoc praetulit illa sorori
atque viro. ferrum est quod amant.

So how did he look, this man who set Eppia on fire? Was it his youthful charm? What did she see in him to make it worth the sobriquet of “gladiatress”? Her darling Sergius was no spring chicken, past middle age, retirement on the cards with that wounded arm. Besides that, his face was a sight, scarred from his helmet, a large sore on his nose, his infected eye always weeping. But he was a gladiator. That makes them all Adonises. This was what she set above her children, her homeland, her sister, and her husband. The sword is what they love.

The insatiable sexual appetites of wellborn females are the object of frequently expressed disapproval on the part of Roman moralists.⁴⁶ Lust causes these women to disregard social hierarchy, drawing them to the lowest of the low. Stripped of the social and cultural paraphernalia that give identity and status to most men, the gladiator is naked, defined only by his weapon. He is all sword.⁴⁷

The ambivalence some elite Romans felt toward gladiators and those who fought wild beasts may seem one of the more understandable features of these horrific spectacles. But the suspicion with which actors were viewed is for us more puzzling. Actors seem to have been subjected to the widest range of legal disqualifications, to judge from the surviving sources (though we should remember that gladiators are likely to have been omitted from some legal texts by Christian compilers, while female prostitutes would already have been subject to legal disqualifications *qua* women). This was perhaps a consequence of an actor’s potential for unorthodox social mobility.⁴⁸ While most actors were humble figures, stars could earn large sums of money (though this is also true of gladiators).

Performers in general, but actors in particular, are regularly alleged to have become the friends of emperors.⁴⁹ The suspicion with which actors were regarded is perhaps also due to their public voice—an opportunity to command the attention of the Roman people, otherwise denied to all but the political elite. But actors were explicitly in the business of trickery and illusion. While all those who sold their bodies for entertainment thereby undermined the trust one might place in their words, the speech of actors was paradigmatically false.⁵⁰

Acting was associated with political challenge. Magistrates and even emperors could find themselves the objects of subtle or not so subtle mockery in the theater. Tiberius expelled actors from Italy, Tacitus writes (*Ann.* 4.14), on the grounds that

multa ab iis in publicum seditiose, foeda per domos temptari; Oscum quondam ludicrum, levissimae apud vulgum delectationis, eo flagitiorum et virium venisse, ut auctoritate patrum coercendum sit.

they frequently fomented sedition against the state and stirred up debauchery in private houses; the old Oscan farce, once the light entertainment of the common people, had attained such extremes of immorality and power, that it had to be contained by the authority of the senate.

The intertwining of sexual and political license in the description of the crimes of actors attributed to Tiberius reflects the characteristic preoccupations of Roman representations of stage players.⁵¹

Actors’ ability to arouse laughter seems to have been considered particularly disturbing. What was regarded as “low” comedy was especially disapproved of by moralizing critics.⁵² Martial (9.28) plays on this association, making an actor boast that he could have made Cato and “the stern Curii and Fabricii” (archetypes of old-fashioned sobriety) laugh. The Atellan farce was a long-established tradition of Roman comedy. Under the Principate, the form of drama known as mime, which also seems to have been a kind of farce, became increasingly popular, too. Juvenal’s excoriation of members of the elite who appeared onstage focuses particularly on the shame aroused by their comic gestures and vulgar jokes (see the passage from *Satire* 8 quoted below).

The Christian Tertullian inveighs against the indecency of the theater (*De Spect.* 17), describing it as

privatum consistorium impudicitiae, ubi nihil probatur quam quod alibi non probatur. ita summa gratia eius de spurcitia plurimum concinnata est, quam Atellana gesticulatur, quam mimus etiam per muliebres res repraesentat, sensum sexus et pudoris exterminans, ut facilius domi quam in scaena erubescant, quam denique pantomimus a pueritia patitur ex corpore ut artifex esse possit.

the proper home of all unchastity, where nothing is admired unless it is elsewhere disapproved of. Its greatest charm is above all contrived by its lewdness—the lewd gestures of the comedian in the farce, the lewd performance of the actor playing a woman, stamping out all sense of sex and shame, so that they are more likely to blush at home than onstage, and finally the obscene experiences of the pantomime actor, who must suffer sexual humiliation from his youth, if he is to become a performer.

The sexual ambiguity of male actors was disturbing. Their ability to imitate women is the object of Juvenal's indignation, too (3.95–97).⁵³ So closely are deviant sexuality and the stage associated for Tertullian that he represents the experience of being penetrated as a necessary part of an actor's professional training.

Actors were often represented as highly desirable to both men and women.⁵⁴ The dictator Sulla had a lengthy affair with an actor called Metrobius, according to Plutarch (*Sull.* 3.3). Augustus's associate Maecenas was said to have been in love with the actor Bathyllus (*Tac. Ann.* 1.54). The wives of the emperors Claudius and Domitian allegedly had affairs with actors.⁵⁵ As was noted above, the depravity of high-ranking women is often signaled in Roman texts by the baseness of the men they desire. A slave girl in Petronius's *Satyricon* criticizes the low tastes of her mistress (*Sat.* 126):

quod servum te et humilem fateris, accendis desiderium aestuantis. quaedam enim feminae sordibus calent, nec libidinem concitant, nisi aut servos viderint aut statores altius cinctos. harena aliquas accendit aut perfusus pulvere mulio aut histrio scaenae ostentatione traductus. ex hac nota domina est mea: usque ab orchestra quattuordecim transilit et in extrema plebe quaerit quod diligit.

When you admit you are a base slave, you set her desire alight. For some women lust after common filth and cannot feel aroused except when they see slaves or serving men with their tunics hitched up. Gladiators set some of them on fire, or a muleteer covered in dust, or an actor disgraced by appearing onstage. My mistress is one of those: disdainful of the first fourteen rows, she looks to the back of the crowd, seeking out a man to love among the lowest plebs.

Seating arrangements at the theater were a vivid representation of Roman social hierarchy: the senatorial elite sat in the front rows, equestrians sat in the fourteen rows behind the senators, the poorest citizens, those who could not afford a toga, sat at the back.⁵⁶ For the licentious woman (in the view of Roman moralists), those outstanding for their lowliness and disgrace were the most attractive.⁵⁷

Actors and actresses were regularly assumed to be prostitutes.⁵⁸ We should not deduce that this was because many actors and actresses sold their sexual services. Rather, the way in which they made their living, exposing themselves to public view, their bodies objects of fascination and desire, was perceived to be analogous to the way in which prostitutes made their living. Like prostitutes, their bodies had to please—as did those of gladiators. The very sight of these performers was thought to produce sexual pleasure—*Ledam molli saltante Bathyllo / . . . Apula gannit / sicut in amplexu, subito et miserabile longum*, “As she watches the pantomime Bathyllus playing the role of Leda . . . all at once Apula moans in drawn-out ecstasy, as if in a man's embrace” (*Juv.* 6.63–65).

The prostitute, in particular the female prostitute, was an evocative figure in the literature of ancient Rome.⁵⁹ Venal, shameless—but also alluring and persuasive—she was regularly invoked as a metaphor for corrupt literary style.⁶⁰ Prostitutes were marked out by their clothing. Expensive courtesans, we are told, wore dresses of gaudy and transparent silk. Prostitutes were also distinguished for wearing the toga, that uncomfortable garment otherwise worn only by male Roman citizens—a blatant display of their exclusion from the respectable social hierarchy. The female prostitute was antithetical to the male Roman citizen.

It seems likely that prostitute status had to be legally registered. Tacitus relates the case of Vistilia, the daughter of a senatorial family who registered as a prostitute, allegedly to avoid prosecution for adultery: *licentiam stupri apud aediles vulgaverat, more inter veteres recepto, qui satis poenarum adversum impudicas in ipsa professione flagitii credebant*, “She had registered her license to commit adultery among the aediles, in accordance with the custom of our ancestors, who believed that public disgrace was sufficient punishment for abandoned chastity” (*Ann.* 2.85).

Despite the probable existence of such a register of prostitutes, scholars often suggest that the boundary between prostitutes and “respectable” women was less than clear.⁶¹ Certainly Roman writers regularly attribute meretricious attributes to women of every social class. Propertius and Ovid harp on the venality of their mistresses. Propertius, for instance, suggests that a common prostitute would be less grasping than his loved one (2.23). This preoccupation seems as much an indication of the fascination exercised by the figure of the prostitute as a reflection of the means by which the female associates of the literary elite made their living. When Cicero describes Clodia, a wealthy widow who was the sister of his enemy Clodius, as a *meretrix*, we would be rash to deduce that she made her living by selling her body (*Cael.* 47–50). Cicero's mode of attack here is parallel to his use of the term *gladiator* in his attack on Roscius's senatorial opponent (*Rosc. Am.* 3.8, 6.17). This is not to say that

members of Rome's elite never engaged in such activities (there is some evidence that they did, as we shall see below), but we must beware of taking the metaphors of invective or elegy at face value.

Prostitution, for many Roman writers, represented the most degrading form of female existence imaginable. One of the elder Seneca's rhetorical exercises presents as a particularly grotesque and lurid case a dispute over whether a woman who had been kept in a brothel could subsequently become a priestess. One part of the argument runs: "It is not without reason that a lictor attends a priestess: he removes a prostitute from her way" (*Controv.* 1.2.8). As a priestess moved through the city, her attendant would drive away prostitutes (and other disgraceful persons) so that they would not pollute her sight. Priestesses were public figures symbolizing purity; prostitutes, also public figures, represented the depths of impurity. Plautus in the *Curculio* makes one of his characters distinguish between inaccessible objects of desire—freeborn boys, girls, and matrons—and accessible ones. He uses a simile, contrasting fenced-off land with the public road. Respectable women and children are the property of individual men. The prostitute is the *publica via* (33–38)—what everyone treads underfoot. The extreme lowness of prostitutes is also reflected in their frequent association with dirt (Prop. 2.23, for instance, singles out as the prostitute's defining attribute her *immundo . . . sacco*, "filthy slipper").⁶²

Men as well as women lived by selling their sexual services. A calendar from Praeneste, dating from early in the first century C.E., records a holiday for male prostitutes (on the day following that for the female prostitutes).⁶³ They often appear in the legal texts examined above. Generally, male prostitutes receive less attention than female ones in literary texts, though Juvenal's ninth satire takes the form of a dialogue between the satirist and one, Naevolus, who lived by selling his sexual services.

Prostitutes and public performers were not the only individuals to be subject to *infamia* as a result of their professions. Pimps and trainers of gladiators were also stigmatized. *Lenones* (keepers of brothels) often, though not invariably, owned the prostitutes whose services they hired out. "Procuring is no better than prostitution," observes the jurist Ulpian (*Dig.* 23.2.43.6). A *lanista* was the manager of a troupe of gladiators. If they were slaves, he was their owner. If they were free men, it was to him (usually) that they swore their oath, binding themselves to submit to branding, being bound, and dying by the sword. *Lenones* and *lanistae* regularly appear as a pair,⁶⁴ often cropping up, for instance, as the hangers-on and supporters of those of Cicero's opponents whom he wishes to present as most disreputable.⁶⁵ For some, these people were even more degraded than the prostitutes and gladiators from whom they earned their living.⁶⁶ Seneca refers to the pander and the trainer of gladiators as "the most despised of men," *contemptissimo cuique* (*Ep.* 87.15).⁶⁷

Dangerous Pleasures

Actors, gladiators, and prostitutes, and those who hired out their services, were regarded with profound ambivalence by their fellow citizens (as well as by the law). They were all associated with forms of transgressive sexual behavior. Yet this association does not explain the suspicions with which they were regarded or their relegation to the category of *infames*. It is rather another manifestation of the struggle on the part of those laying claim to moral and legal authority to marginalize these threatening persons. But why were they perceived as threatening?

One explanation might be that they were associated with pleasures, and pleasures of a very dubious kind. Cicero, discussing which professions might be appropriate to an honorable man, remarks on the shamefulness of earning one's living by ministering to the pleasure of others (*Off.* 1.150):

minimeque artes eae probandae, quae ministrae sunt voluptatum:

cetarii, lanii, coqui, fartores, piscatores

ut ait Terentius; adde huc, si placet, unguentarios, saltatores, totumque ludum talarium.

Least respectable of all are those trades which serve the sensual pleasures:

"Fishmongers, butchers, cooks and poulterers, and fishermen,"

as Terence says. Add to these, if you will, perfumers, dancers, and all the cabaret.

These pleasures, *voluptates*, are pleasures of the senses.⁶⁸ Cicero refers explicitly to purveyors of luxury foods and perfumes and to dancers. His remarks seem obviously applicable to those professions legally stigmatized as well, although he does not directly refer to them. They were perhaps too low, too troubling to be openly discussed in this context—unspeakable as well as infamous.

The entertainment to be derived from watching actors or gladiators perform might not seem to the twentieth-century reader to have much in common with sexual pleasure. But the term *voluptas* is regularly used of the experience of watching the games, as well as of the more commonly recognized pleasures of the flesh.⁶⁹ Livy speaks of the pleasure, *voluptas*, of watching gladiators in the arena (41.20). Tertullian exhorts Christians to abjure the pleasures of the shows, *spectaculorum voluptates*, warning against the force of these pleasures, *voluptatum vis* (*De Spect.* 1). The sensual nature of these pleasures is repeatedly emphasized (*De Spect.* 13, 14, 17). Augustine, too, warns against the pleasure, *voluptas*, of watching gladiators fight (*Confessiones* 6.8).⁷⁰

We might wish to identify some Roman *voluptates* as sadistic, in contrast to straightforward sensual pleasures, but this distinction is not made by Roman writers. Rather, they regularly imply a strong connection between susceptibility to the *voluptas* associated with attending the games and susceptibility to other kinds of “low” pleasure. In the writings of the literary elite, it is often slaves who dream of such delights, along with gambling and the food and drink purchased in *tabernae*.⁷¹ In one of Horace’s *Epistles*, for instance, a master upbraids his slave for desiring the low pleasures of the city: *ludos et balnea*, “the games and the baths,” and *fornix et uncta popina*, “the brothel and the greasy tavern” (1.14.14ff.). These were the pleasures of those whose base natures prevented them from enjoying the refined pleasures of the mind—or so it was conveniently believed by the educated elite.

Some kinds of pleasure, or indeed, pleasure in general, might be described as *infamis*. Seneca describes *voluptas*, in the strictly Stoic sense, as a *res infamis*, “shameful thing” (*Ep.* 59.2). Quintilian quotes an emotive aphorism that he classifies as belonging to the hortative department of oratory: *virtus facit laudem . . . at voluptas infamiam*, “Virtue brings praise . . . but pleasure brings disgrace” (*Inst.* 5.10.83). Excessive indulgence in low pleasures was alleged to be inimical to a life of public duty. The life of virtue and the life of pleasure were often contrasted in Roman texts.⁷² Orators repeatedly castigate their opponents for their low tastes.⁷³ To be physically implicated in the provision of such pleasures was to pose an obvious danger to the stability of Roman society. Seneca’s exposition of the evil allurements of pleasure is particularly revealing (*De vita beata* 7.3):

virtutem in templo convenies, in foro, in curia, pro muris stantem, pulverulentam, coloratam, callosas habentem manus; voluptatem latitantem saepius ac tenebras captantem circa balinea ac sudatoria ac loca aedilem metuentia, mollem, enervem, mero et unguento madentem, pallidam aut fucatam et medicamentis pollinctam.

Virtue you will find in the temple, in the forum, in the senate house, standing before the city walls, dusty and sunburnt, her hands rough; pleasure you will most often find lurking around the baths and sweating rooms, and places that fear the police, in search of darkness, soft, effete, reeking of wine and perfume, pallid or else painted and made up with cosmetics like a corpse.

Pleasure is embodied in the figure of the prostitute, associated with darkness, filth, softness, artifice and death—the antithesis of what it is to be a true and vigorous man, committed to the public good.

What is especially shameful is the public presence of this figure, visible—as the term prostitute (derived from the Latin *prostare*, “stand out”) suggests. Seneca elsewhere speaks of the bodies of prostitutes exposed

publico . . . ludibrio, “for public humiliation” (*QNat.* 1.16.6). Similarly, what is shameful about professional gladiators is not that they fight, but that they do so for money and in public.⁷⁴ And other Romans derived pleasure from these spectacles of degradation. Augustine explicitly lists public performers and prostitutes as the lowest form of humanity, again emphasizing the public nature of their disgrace (*De fide et operibus* 18.33).

All these professions are disgraceful, but perhaps that of the prostitute most vividly symbolizes the shame of the infamous. The commodity of the prostitute, sex, serves as a metonymy for the sensual pleasure purveyed by all those Romans labeled infamous, hence the erotic associations of actors and gladiators. Those who sell their bodies for public exhibition in the theater or arena are assumed to be sexually available. All these bodies are the objects of uninhibited public gaze. Subordinated to the desires of others, these infamous persons are assimilated to the feminine and the servile, unworthy to be fully Roman citizens.

Aristocrats of Infamy

The final part of my essay will look briefly at the involvement of the elite—and of the imperial family—in infamous activities. My aim here is to suggest the paradoxical glamour of the conspicuously disgraced and to confirm the parallels that, according to my argument, Romans perceived between professions labeled infamous.⁷⁵ The alleged participation of members of the senatorial and equestrian elite in public performance and prostitution reflects, too, the role played by the archetypically dishonorable in constructions and contestations of the honor members of Rome’s elite were thought, above all, to possess.

Actors, gladiators, and prostitutes were paradigmatically lacking in honor in ancient Rome. How better, then, to humiliate the honorable elite than by compelling some of its members to take on these conspicuously shameful roles? Historians relate the scandalous degradation of senators, equestrians, and their female relatives, forced by perverted autocrats to entertain with the spectacle of their humiliation the Roman people whom their ancestors had governed.

Yet it seems, too, that some members of Rome’s elite *voluntarily* took on the roles of actor, gladiator, and prostitute. The motives usually ascribed to them are financial necessity consequent on a profligate lifestyle or, in the case of women registering as prostitutes, an attempt to escape the legal sanctions their sexual misbehavior would normally attract. It seems puzzling, though, that such people should choose precisely the most shameful means of escaping from their predicaments. Rather, these stories are the most striking demonstration of the peculiar glamour of infamous professions.

The juridically honorable perhaps felt envy at the freedom brought by the total lack of *dignitas* of those who followed infamous professions.⁷⁶ Rigorous exclusion from the social and political hierarchy liberated the infamous from some of the preoccupations of those who had access to legitimate honor—preoccupations (with attaining the emperor's favor, above all) regularly likened to servitude by ancient authors.⁷⁷ Public performance and prostitution were associated with license and disorder, with pleasures that escaped the control of official authority. At the same time, ostentatiously degraded senators and equestrians may be seen as taking advantage of the potential offered by public humiliation to parade their disempowerment under the autocratic regime of the emperors.⁷⁸

The appearance of members of the senatorial and equestrian elite onstage and in the arena is first attested under the dictator Julius Caesar. Suetonius, in his biography of Caesar, records that in his games of 46 B.C.E., two equestrians (one of them a former senator) fought in a gladiatorial contest in the forum, and another equestrian, the playwright Laberius, was forced by Caesar to appear onstage (39.1).⁷⁹ Equestrians are alleged to have fought as *bestiarii* in 41 or 40 B.C.E. (Dio Cass. 48.33.4). The first known occasion when a senator fought as a gladiator was at the dedication of the temple of Julius Caesar in 29 B.C.E. (Dio Cass. 51.22.4).

Several emperors reputedly compelled members of the elite to appear in the public games or to take on the role of prostitute. This humiliation of the rich and privileged was said to be a source of enormous pleasure to the common people (Dio Cass. 56.25.8).⁸⁰ According to Suetonius and Dio Cassius, the emperor Caligula opened a brothel in his residence on the Palatine, staffed by the wives of the foremost men and the children of aristocratic families (Suet. *Calig.* 41.1; Dio Cass. 59.28.9). Nero's amusements for the people involved every variety of humiliation for Rome's upper classes. The entertainment of 64 C.E. included the prostitution of elite women and children.⁸¹ On another occasion, men and women of the senatorial and equestrian orders are said to have appeared in plays, while a well-known equestrian rode a tightrope-walking elephant (Suet. *Ner.* 11.2).⁸²

Tacitus emphasizes the degradation these appearances brought Nero (*Ann.* 14.14):

ratuque dedecus molliri, si pluris foedasset, nobilium familiarum posteros egestate venalis in scaenam deduxit; quos fato perfunctos ne nominatim tradam, maioribus eorum tribuendum puto. nam eius flagitium est qui pecuniam ob delicta potius dedit quam ne relinquerent. notos quoque equites Romanos operas arenae promittere subegit, donis ingentibus, nisi quod merces ab eo qui iubere potest vim necessitatis adfert.

Thinking he might lessen his own disgrace, if he polluted others, too, he brought onstage the descendants of noble families, made venal through their poverty. They are dead now and I shall not relate their names, from respect for their ancestors. And the fault lay rather with him who gave them money not to dissuade them but to encourage them to do wrong. He also induced some well-known Roman equestrians to appear in the arena, by means of huge bribes; the money of one who may resort to force can itself be compelling.

Luxury has ruined these scions of the nobility, but the bribes of an autocrat are peculiarly irresistible. Compulsion, the desire for financial reward, and the wish to win imperial favor are here indistinguishably intertwined.

But sometimes dishonor itself seems to have been actively sought out by aristocrats. Juvenal vividly expresses disgust at the appearance of patrician Romans as actors and gladiators (8.183–92):

consumptis opibus vocem, Damasippe, locasti
sipario, clamosum ageres ut *Phasma* Catulli.
Laureolum velox etiam bene Lentulus egit,
iudice me dignus vera cruce. nec tamen ipsi
ignoscas populo; populi frons durior huius,
qui sedet et spectat triscurria patriciorum
planipedes audit Fabios ridere potest qui
Mamerorum alapas.

When you had run through your family fortune, Damasippus, you hired yourself out for the stage, to act in that noisy play, Catullus's *Ghost*. Lentulus was a star as the crucified bandit (a performance worthy of real crucifixion in my opinion). The audience shares in the disgrace. They sit there without a blush, looking on at the gross buffooneries of patricians, listening to the farces of barefoot Fabii, laughing at the slapstick of the Mamerci.

Part of Juvenal's point is that these men chose to undergo this humiliation. It has not been forced on them by an exigent emperor, *nullo cogente Nerone*. The satirist's disapproval focuses especially on the laughter aroused by the patrician comedians. The shame of this spectacle is exceeded only by the appearance as *retiarius* of another nobleman, Gracchus, who was a member of a distinguished priesthood.⁸³

Some emperors attempted to prevent members of the senatorial and equestrian elite from embracing these forms of conspicuous degradation. Up to the end of the first century C.E., there are numerous references to legislation against their taking on shameful roles.⁸⁴ In 38 B.C.E., "an act was passed preventing any senator from acting as a gladiator" (Dio Cass. 48.43.2–3).⁸⁵ A more extensive restriction, banning senators' descendants

and probably equestrians, too, was imposed in 22 B.C.E. by Augustus (Dio Cass. 54.2.5).⁸⁶ Several equestrians are recorded as appearing onstage or in the arena, nonetheless. The ban seems to have been temporarily raised as regards equestrians in 11 C.E.⁸⁷ Dio Cassius comments (56.25.7–8):

The equestrians—surprisingly—were permitted to fight as gladiators. This was because some were making light of the dishonor imposed as punishment. Since, then, forbidding it had proved useless and those who had taken part seemed to deserve a greater punishment, or else because it was thought that they might be dissuaded, permission was given for them to participate in the contests. And so they met death instead of dishonor, for they continued to fight as much as ever, encouraged by the eagerness of the crowds looking on.

Dio Cassius seems almost to imply that it was the prospect of incurring *atimia* that had prompted some equestrians to enter the arena—lifting the ban might discourage equestrians from fighting. The imposition of degraded legal status contributed to the frisson aroused by the spectacle of Rome's most honorable citizens engaging in one of Rome's least honorable professions.

In 19 C.E., under Tiberius, a law was passed imposing severe penalties on members of the senatorial and equestrian orders who attempted to evade the ban on their appearances onstage or in the arena by deliberately incurring *infamia* through condemnation in a public court (thus losing their status as senators or equestrians, and so no longer being subject to the ban). The text is preserved in a fragmentary inscription from Larinum in the south of Italy.⁸⁸ Presumably, an earlier piece of legislation (not attested) had prescribed punishment more severe than *atimia* for members of the senatorial and equestrian orders who so appeared.⁸⁹ The last attested piece of legislation against public performance by the elite is listed by Tacitus among the measures of Vitellius in 69 C.E. (*Hist.* 2.62).

Suetonius, in his life of Tiberius, lists measures to prevent elite women taking on the role of prostitutes alongside measures to prevent the appearance of members of the elite onstage and in the arena (*Tib.* 35.2):

feminae famosae, ut ad evitandas legum poenas iure ac dignitate matronali exsolventur, lenocinium profiteri coeperant, et ex iuventute utriusque ordinis profligatissimus quisque, quominus in opera scaenae harenaeque edenda senatus consulto teneretur, famosi iudicii notam sponte subibant; eos easque omnes, ne quod refugium in tali fraude cuiquam esset, exsilio adfecit.

Notorious women, who had registered themselves as procuresses in order to escape prosecution under the adultery law (to which, as matrons, they would otherwise be liable), and those most profligate young men of the senatorial and equestrian orders, who had sought out the legal stigma consequent on

criminal conviction in order to evade the law banning persons of their orders from stage and arena, he punished with exile, so that no one should find refuge from the law by such trickery.

The legislation on appearance onstage and in the arena is presumably the same as that recorded in the inscription from Larinum. It seems highly unlikely that the same law covered the registration of high-ranking *matronae* as prostitutes, but Suetonius's juxtaposition of these measures suggests a parallel between the conspicuous disgrace associated with stage appearances and that associated with prostitution. The measure against prostitution is also referred to by Tacitus, who reports that it was specifically aimed at women of senatorial and equestrian families (*Ann.* 2.85).⁹⁰

The emperor's position as legitimate ruler was underwritten by the ordered nature of the rest of the social hierarchy. The first emperor, Augustus, by legislating to enforce lines of demarcation between senators, equestrians, and the rest, indirectly enhanced his own position at the top.⁹¹ It was by part of the same process that the legal status of those at the bottom of the hierarchy of citizens, those who were branded as *infames*, became more rigidly defined and circumscribed. The greater formality of the social hierarchy, the tighter control exercised over it, reflected well on its guarantor, the emperor—so long as he remained in control. But disregard for social hierarchy—especially on the part of those who appeared to have most to gain from its reinforcement, senators and equestrians—was a challenge to the emperor's authority and, indeed, might be seen as undermining the legitimacy of his own position.

Some emperors are praised for taking seriously their moral responsibilities and attempting to limit the disruption to the symbolic order wrought by aristocratic renegades. Others displayed their power over the Roman social hierarchy by themselves disrupting it—or at least, so their subjects alleged. Hence emperors are themselves represented as *lenones* and *lanistae* profiting by traffic in the bodies of Roman citizens—worse, of Roman aristocrats. As we have seen, Caligula was said to have kept a brothel on the Palatine, and Nero, too, was alleged to have provided elite women and children for the sexual gratification of the people of Rome. These emperors and others are said to have amused the people by engaging the services of senatorial and equestrian actors and gladiators, submitting them to the most public humiliation in the heart of Rome. If the emperor was the crucial figure on whom the whole edifice of public honor depended, he was in the best position to destroy it. There is no need to be convinced of the literal truth of these stories to see them as illustrations of the powerful associations of public performance and prostitution.

Under the Principate, the family of the Caesars became a public institution. Just as the emperor was supposed to exemplify male virtue, his female relatives were to incarnate the virtues proper to Roman woman-

hood. Insofar as any women had access to public honor in Rome, they did. The emperor's womenfolk were assimilated to Vestal Virgins (Dio Cass. 49.38).⁹² The unprecedentedly public role taken on by female members of the imperial family is also to be detected in the ascription to some of them of a very different—but also public—role, that of prostitute. Augustus's daughter Julia sold her sexual favors by the statue of Marsyas in the forum, according to Seneca (*Ben.* 6.32). Claudius's wife Messalina is alleged to have taken on the prostitutes of Rome at their own game—and outdone them (Juv. 6.115ff.). The body that gave birth to Britannicus bared to the world, the emperor's insatiable wife demands cash for sex. Messalina's disgrace is summed up in Juvenal's oxymoron *meretrix augusta*, "imperial whore."⁹³ A figment of the satirical imagination, perhaps, but one that can cast light on the perceived extremes of the Roman social hierarchy.⁹⁴

And emperors themselves appeared onstage and in the arena—or so historians tell us. Nero's appearances onstage, described by Tacitus and Suetonius, are presented as among his most shocking deeds.⁹⁵ A soldier involved in a conspiracy against the emperor is made by Tacitus to explain why he abandoned his previous loyalty: it was when the emperor was revealed as parricide, matricide, and actor. The emperor Commodus is said to have been assassinated when he planned to be inaugurated as consul for 193 c.e. dressed as a gladiator.⁹⁶ Emperors were making a mockery of the whole social hierarchy, by themselves taking on the roles of the most degraded members of Roman society. Only their elimination could restore order.

Whether or not emperors and their families actually took on these infamous roles, they were nevertheless powerful categories of analysis for those trying to make sense of their rulers. Emperors should be sources of order and authority, incarnations of *gravitas*. Represented as embracing the positions of the lowest citizens, those whose lives were so base they scarcely counted as citizens at all, emperors could most clearly be seen to cause chaos. As category distinctions collapsed, so social order was radically destabilized. These aspects of imperial behavior are presented by ancient accounts as emblematic of transgressive rule—a clear indication that activities that appear to be socially marginal may at the same time occupy a central position in the symbolic order.⁹⁷

Notes

1. Foucault 1985, 1986.
2. Though for some of the problems with Foucault's approach, see Richlin 1991.
3. This deficiency is partially remedied by a number of recent studies of the

sexually marginal in the ancient world, such as Winkler 1990: chap. 2; Halperin 1990a; and Richlin 1993b.

4. For a more detailed exploration of this, see Edwards 1993: chap. 5, "Prodigal Pleasures."
5. Richlin 1993b.
6. Barton 1993.
7. The fullest discussion of *infamia* is Greenidge 1894. Richlin 1993b makes a number of perceptive observations about *infamia*. Gardner 1993: chap. 5, "Behaviour: Disgrace and Disrepute," provides a clear account of the practical consequences of being *infamis*. For a detailed exploration of the associations of *dignitas*, see Pöschl 1989.
8. Cf. *Dig.* 23.2.43.12 and 13 (Ulp.).
9. For a full discussion of this kind of *infamia*, see Richlin 1993b, esp. 554–69.
10. Greenidge 1894: 8. Cf. Paulus *Sent.* 1.2.1.
11. Other terms are sometimes used as equivalent to *infamia* or the adjective cognate with it, *infamis*. Parallel nouns include *probrum* and *ignominia*. As adjectives, one might find *famosus*, *turpis*, *probrosus*, and sometimes *infamia notatus* (discussed by Kaser 1956). The use of cognate terms in a wide variety of contexts inevitably affects usage of the technical legal term.
12. Greenidge 1894: 5. Cf. Richlin 1993b: 555–61.
13. Greenidge 1894: 70. Cf. Ville 1981: 340; Wiedemann 1992: chap. 4.
14. Newly edited Latin text and English translation in Crawford 1996, 1: 355–91.
15. Greenidge 1894: 35. Cf., too, criticisms of previous scholars in Kaser 1956 regarding their attempts to find a single definition of the term covering all instances of its use.
16. Greenidge 1894: 20.
17. *Ibid.*: 163ff. Cf., e.g., *Dig.* 47.23.4, 48.2.4. Women were only permitted to bring accusations in cases concerning themselves or their immediate families.
18. On the construction of acting and fighting as antithetical activities, see Edwards 1993: 101–2.
19. Sources discussed by Ville (1981: 246–55).
20. Cf. Greenidge 1894: 88ff.
21. *Ibid.*: 34 and 106ff. Cf. Tert. *De Spect.* 22, quoted below, and Cic. *ap. August. De civ. D.* 2.13).
22. Greenidge 1894: 67–68. Engaging in any kind of trade seems to have been regarded as a disqualification. It seems likely that those following particularly disgraceful professions were subject to a ban that continued in force even after the profession in question was abandoned.
23. In the case of passages from the *Digest* I have used the translation edited by Alan Watson (1985). In all other cases translations are my own, except where otherwise indicated.
24. The earliest attestation of this in a legal text is a rescript of Severus and Antonius in the early third century c.e. (*Dig.* 1.7.5[4].1).
25. On these categories, see Richlin 1993b: 558–59, 561; and Greenidge 1894: 121.
26. Greenidge 1894: 159–60; Gardner 1993: 110–18.

27. See Garnsey 1970: 231 for a discussion of the importance of the moral standing of witnesses.
28. See Saller 1991, esp. 151–55.
29. *Ibid.*: 154.
30. Paulus *Sent.* 2.26.4; *Mosaicarum et Romanarum legum collatio* 4.3.1ff. Cf. *Dig.* 48.5.39.9.
31. Greenidge 1894: 124.
32. *Ibid.*: 198. Cf. Cic. *Off.* 1.150. Roscius, the famous actor of the late Republic, was granted equestrian status by the dictator Sulla. This is surely to be connected with his refusal of payment for subsequent public performances (Cic. *QRosc.* 23). Nevertheless, Roscius's new status was felt to be highly problematic, an exceptional instance of preferment that vividly demonstrated the exceptional power of Sulla (cf. Edwards 1993: 130–31).
33. See Gardner 1986: 132ff. on jurists' definitions of prostitutes.
34. Greenidge 1894: 70. It was, however, again subject to penalty under the later empire (*Codex* 2.11 [12] 20, 290 C.E.).
35. Gardner 1993: 130–34; Crawford 1996: 383–84.
36. *Bestiarii*, wild-beast fighters, were perhaps less glamorous than gladiators (Ville 1981: 335). They have a much lower profile in literary texts, though they are regularly mentioned in legal prescriptions. They continued to be tolerated by Christian emperors long after gladiatorial fights were banned. Beast fighters are sometimes treated as a category separate from gladiators in the legal and literary texts examined above. Often, though, they are assimilated.
37. Cameron 1976; Yavetz 1969; Bollinger 1969; Nicolet 1980: chap. 9; Hopkins 1983: chap. 1; Clavel—Lévêque 1984; Edwards 1993: chap. 3.
38. In particular, those of Ville 1981; Hopkins 1983; Wiedemann 1992; and Barton 1993.
39. "Le gladiateur professionnel fait déjà parti du paysage psychologique de Rome" (Ville 1981: 47).
40. Ville 1981: 246–55 discusses the gladiator's oath in detail. Cf. Barton 1993: 3, 14–17.
41. Barton 1993: 12ff. effectively evokes the horror of such spectacles.
42. On the glamour of gladiators, see Ville 1981: 334–39, and Barton 1993: chap. 1.
43. Cf. Wistrand 1992; Wiedemann 1992: chap. 1; and Hopkins 1983: 2, which quotes Pliny *Pan.* 33. Cicero also emphasizes the exemplary nature of the spectacle of gladiatorial courage (*Tusc.* 2.17.41).
44. Cic. *Cat.* 1.29, 2.24; *Rosc. Am.* 3.8, 6.17. Cf. Velleius Paterculus on Egnatius Rufus (2.91.3). For discussion, see Ville 1981: 342–43; Wiedemann 1992; chap. 1; Barton 1993: 18 n. 21, 48. In the late Republic, political figures sometimes seem to have used bands of gladiators to terrorize their opponents (Ville 1981: 270–71).
45. See Ville 1981: 303, 330–31, on the numerous sexual conquests regularly attributed to gladiators in graffiti as well as literary texts. Barton (1993: 47–49) makes some perceptive observations about the paradoxical association of gladiators with both discipline and wantonness.

46. No doubt this in part reflects an anxiety that the ranks of the elite might be penetrated by children of base fathers (cf. *Juv.* 6.76–81), though such fears do not often find explicit expression (Edwards 1993: 49–54).
47. See Hopkins 1983: 22. Cf. Adams 1982: 19–22. Ville also refers to the link between violence and eroticism in Roman culture (1981: 343, with additional material contributed by Paul Veyne). Most gladiators seem to have been renowned for their excessive masculinity. But one type of gladiator, the *retiarius*, who fought with a net and trident, seems to have been regarded as effeminate. Perhaps the entrapping, engulfing net was felt to be a particularly feminine accessory. On the different varieties of gladiator, see Ville 1981: 306ff.; on *retiarii*, *ibid.*: 227–28, 310. For the terminology, see Housman 1904.
48. See Levick 1983: 108.
49. See Dupont 1985, and Edwards 1993: 123–34, for more detailed discussion of the position of actors in ancient Rome.
50. Actors were regarded as totally lacking in *fides*. This is suggestively, though sometimes misleadingly, discussed by Dupont 1977.
51. Cf. Tac. *Ann.* 1.16; *Dial.* 40.1.
52. See Richlin 1992a: chap. 1, on Roman sexual humor in general.
53. The epitaph of an actor named Vitalis celebrates his ability to impersonate women (*Anth. Lat.* 487a).
54. On effeminacy, see Richlin 1992a, esp. chap. 4, and 1993b; Gleason 1990 and 1995; and Edwards 1993: chap. 2, "Mollitia: Reading the Body."
55. Tac. *Ann.* 11.28 and 36; Suet. *Dom.* 3 and 10.
56. On seating, see E. Rawson 1987, esp. 106–10.
57. For women desiring actors and gladiators, see also Suet. *Aug.* 45, and *Juv.* 6.60–113, part of which is quoted above.
58. For the identification of actors with prostitutes, see, e.g., Tac. *Ann.* 1.72; of actresses, Stat. *Silv.* 1.6.65ff. T. C. Davis 1991 explores the assimilation of actresses to prostitutes in nineteenth-century London. This was not because many actresses were prostitutes but rather because, "like prostitutes, actresses were public women; their livelihood depended on their attractiveness and recognizability" (139).
59. Surprisingly little has been written on prostitution in Rome. Abundant material is collected by Herter (1960). However, much of it—in particular references from Roman comedy and the writings of the early church fathers—is highly tentative. Herter treats as pertaining to his study of prostitution all references to women perceived to be sexually available. Krenkel (1988) is more reliable, though very brief. McGinn (1989) offers a sensitive approach to some aspects of prostitution. He is working on a full-length study of prostitution in Roman society (McGinn, forthcoming).
60. For instance, Tac. *Dial.* 26; Sen. *Helv.* 6.2ff.; Plut. *Mor.* 142. On effeminate literary style, see Gleason 1995: 103–30.
61. See, e.g., J. Griffin 1986: 28. Veyne (1988: chaps. 5 and 6) suggests that the apparently fluid social status of the elegists' mistresses should be seen as another aspect of the literary game-playing so characteristic of Roman love elegy.
62. Cf., too, Sen. *De vita beata* 7.3 (quoted below); *Juv.* 6.131–32.

63. Degrassi 1963: tab. 43. For discussion of male prostitution in ancient Rome, see Kroll 1933: 160ff.; Griffin 1986: 22–26; MacMullen 1982: 484–502; and especially Richlin 1993b.
64. E.g., Sen. *Controv.* 10.4.11; Sen. *Ep.* 87.15; Juv. 6.216–18; [Quint.] *Declamationes* 287.
65. For instance: *Verr.* 2.1.33; *Phil.* 2.58; *Cat.* 4.17.
66. Cf. Ville 1981: 272ff., 341, 343.
67. Cf. Juv. 6.216–18.
68. In another Ciceronian treatise (*Fin.* 2.4.13), the character named Cicero is made to set out two meanings of *voluptas*, one cerebral, the other sensual: *laetitia in animo, commotionem suavem iucunditatis in corpore*.
69. The term *voluptates* is used to refer to organized public entertainments by a number of writers, e.g., Cic. *Mur.* 74; Stat. *Silv.* 1 pr.; Tac. *Hist.* 3.83; *Ann.* 3.6, 4.62; Suet. *Tib.* 42.2; Apul. *Met.* 4.13; *CIL* 8.11340.
70. On the erotic pleasure some Romans seem to have felt at spectacles of cruelty, see Barton 1993: 47ff.
71. It is intriguing that those women who worked in such taverns are regularly assimilated to prostitutes in legal texts, e.g., *Dig.* 23.2.43.9, 4.8.21.11 (Ulp.). Does this indicate merely an overlap of personnel, or perhaps also a conceptual overlap?
72. For example, Ter. *Ad.* 863ff.; Cic. *Off.* 1.106. For a fuller discussion of this, see Edwards 1993: chap. 5. Barton (1993: chap. 2, “Desire”) explores Roman anxieties about the dangers posed to the state by the desire for sensual pleasure on the part of its citizens.
73. Cf. Wiedemann 1992: chap. 1, on excessive interest in the games as a subject for criticism in classical invective.
74. Cf. Ville 1981: “Ce qui est infamant dans la gladiature n’est pas l’activité meurtrière elle-même, mais le caractère public de l’exhibition: il en était de même des comédiens” (270).
75. Gladiators appear most often, and their symbolic significance is well emphasized by Barton (1993). Although she gives little consideration to acting and prostitution, texts discussing elite participation in these activities go some way toward supporting her argument for the obsession of the Roman elite with abasement.
76. Remarkd on by Plutarch (*De tranq. anim.* 13). Cf. Barton 1993: 12, 25–40.
77. E.g., Tac. *Ann.* 1.2; Epictetus *Dissertationes* 4.1.6ff.
78. Cf. Barton (1993: 25–40) on the essential ambiguity of the aristocratic gladiator’s position under the Principate. She draws attention to the role of the gladiator as a model for the collusion necessary to elite success in this period.
79. Cf. Dio Cass. 43.23.5; Macrobius *Sat.* 2.7. Ville (1981: 256) suggests they were all relieved of the *infamia* that would normally attach to public performances of this kind. This is explicitly stated with regard to Laberius.
80. As Barton (1993: 35–36) emphasizes with reference to gladiatorial games, the higher the status of the performers, the greater the gratification for the audience.
81. Dio Cass. 62.15.2ff.; Tac. *Ann.* 15.37; Suet. *Ner.* 12, 27.

82. This was a family tradition, according to Suetonius, who describes games given by an earlier Domitius Ahenobarbus when he was praetor under Augustus (*Ner.* 4). The youth games (*Iuvenalia*) initiated by Nero are severely disapproved of by Tacitus (*Ann.* 14.15). Ville (1981: 267–70) suggests, however, that these games, which were open only to young amateurs, did not bring the same disgrace on participants as regular public spectacles but were rather a source of prestige for those who performed well in them.
83. See note 47 above on the *retiarius*. Ville (1981: 142–43, 262) suggests that Juvenal is hinting that Gracchus appeared in the arena dressed in the insignia of the priesthood.
84. See Levick 1983.
85. It is quite probable that this covered the stage as well (*ibid.*: 106).
86. Levick (*ibid.*) sets out a highly plausible emendation that would make the ban cover equestrians, too.
87. See the discussions by Levick (1983: 107ff.) and Ville (1981: 257). Ville sees this as an attempt on the part of legislators to encourage members of the elite to appear onstage and in the arena, thereby adding glamour and interest to the games, now largely given by the emperor himself. See Suet. *Aug.* 43.2–3 for games given by the emperor involving members of the elite.
88. For an extensive discussion of problems of interpretation, see Levick 1983. The text has recently been reedited by Lebek (1990).
89. See Levick 1983: 112–13, for a discussion of the technical difficulties.
90. Cf. *Dig.* 48.5.10.2, discussed by Gardner (1986: 133). Some difficulties with the text are discussed by Levick (1983: 111).
91. Cf. Wallace-Hadrill 1981: 46–47.
92. On the public role of imperial women, and in particular of Augustus’s wife Livia, see Purcell 1986.
93. Dio Cass. 60.31.1 also refers to Messalina’s activities as a prostitute, adding that she compelled other women of the highest rank to follow her example.
94. See further Joshel, this volume.
95. Tac. *Ann.* 15.33 (Nero’s stage debut in Neapolis), 15.40, 15.67, 16.4; Suet. *Ner.* 21.2–3. Nero’s acting is discussed in detail in Woodman 1993 and Edwards 1994.
96. Hdn. 1.14–17; Dio Cass. 72.19–22. See Wiedemann 1992: chap. 5, for a discussion of examples of other emperors practicing as gladiators. So long as this was done in private, it is not presented as deserving criticism.
97. As Babcock notes (1978: 32).