

Female Sex-Workers in Rome: Agency and Self-Representation

by

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## Author's Declaration

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners. I understand that my thesis may be made electronically available to the public.

## Abstract

This project addresses the notion that female sex-workers at Rome wore the toga. The toga was a symbol of masculine responsibility, authority, political involvement, and citizenship. Focusing on legal, literary, and material evidence from Rome's late Republic to early Imperial period, this investigation primarily uses an intersectional feminist lens to examine the ways in which female sex-workers exercised agency. We examine first the legal climate in which sex-worker and clothing existed during this period, and discuss avenues of agency available to sex-workers in the realm of Rome's legal constraints. We also consider the *Ars Amatoria* and other Latin literary sources for evidence of the toga as a symbol which changes meaning based on its wearer, and the wearer as being perceived differently based on their clothing. In the literature we encounter diametrically opposed archetypes of matron and whore, and understand that sex-workers were able to manage their appearance and behaviour agentively to defy or align themselves with these identities. Finally, the Lupanar, or Purpose-Built Brothel of Pompeii will be examined as well, since it boasts an enormous amount of evidence for a sex-worker's daily life, and through graffiti demonstrates evidence of self-narration, reclamation of identity and sexual agency. We conclude by discussing how toga-wearing asserted personal identity, action, and group affiliation, and is therefore consistent with other agentive avenues used by sex-workers.

## Acknowledgements

First I thank my husband, Sam. This thesis would absolutely not have been possible without your unwavering, sacrificial support and many hand-delivered cups of coffee. I thank my mother; you were the first to teach me perseverance, strength, and the value of learning. I thank my massive extended family, who have supported me in more ways than I can count, and in more ways than they know.

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I would also like to acknowledge that the discussion of prostitution in antiquity necessitates discussions of sexual slavery, sexual assault, and sexual disempowerment. This should cause discomfort among the readership, but may impact some in re-traumatizing or triggering ways. If you or someone you know is being sexually victimized or trafficked, the resources below may be of service.

Canadian Human Trafficking Hotline: <https://www.canadianhumantraffickinghotline.ca/>

Ending Violence Canada - Sexual Assault Centres, Crisis Lines and Support Services:  
<https://endingviolencecanada.org/sexual-assault-centres-crisis-lines-and-support-services/>

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## Dedication

For Victoria the unconquered,  
who wrote her name on the walls,  
and for the women like her.

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Figure 1.

### **Description**

Seated statue of Empress Livia Drusilla, A.D. 14-19, from Paestum. Found in the National Archaeological Museum of Spain, Madrid. She wears the palla and the stola to symbolize her modesty and matronhood.

### **Author**

Carole Raddato from FRANKFURT, Germany

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Figure 2.

**Description**

Fresco scenes from Caupona of Salvius in Pompeii. Leftmost scene shows a sex-worker (wearing yellow) kissing a client, the second scene shows a barmaid serving clients, and the third shows two people playing board games. The fourth is too deteriorated to offer a description. The barmaid's clothing has been identified as a toga.

**Author**

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Figure 3.

**Description**

Fresco scene from the House of the Baker in Pompeii. Image shows a man handing bread to customers from one of the powers of bread that surrounds him. The bread merchant's clothing has been identified as a toga.

**Author**

Marie-Lan Nguyen. Naples National Archaeological Museum. Licensed under Creative Commons Wikimedia - Public domain. October 2011.

List of Abbreviations Discussed in the Text

Juvenal	Juv.
Martial	Mart.
Propertius	Prop.
Cicero	Cic.
<i>De Legibus</i>	<i>Leg.</i>
<i>Orationes Philippicae</i>	<i>Phil.</i>
Livy	Liv.
Aulus Gellius	Gell.
Tacitus	Tac.
<i>Annales</i>	<i>Ann.</i>
Valerius Maximus	Val. Max.
Macrobius	Macrob.
<i>Saturnalia</i>	<i>Sat.</i>
Dionysius Halicarnassensis	Dion. Hal.
<i>Antiquitates Romanae</i>	<i>Ant. Rom.</i>
Pliny	Plin.
<i>Epistulae</i>	<i>Ep.</i>
<i>Naturalis historia</i>	<i>HN.</i>
<i>Digesta</i>	<i>Dig.</i>
Suetonius	Suet.
<i>Divus Claudius</i>	<i>Claud.</i>
<i>Gaius Caligula</i>	<i>Calig.</i>
Horace	Hor.
<i>Epistulae</i>	<i>Epist.</i>
<i>Epodi</i>	<i>Epod.</i>
<i>Satirae</i>	<i>Sat.</i>
Iulius Paulus	Paulus.
<i>Sententiae</i>	<i>Sent.</i>
Ovid	Ov.
<i>Ars Amatoria</i>	<i>Ars. am.</i>
Apollodorus mythographus	Apollod.
<i>Bibliotheca</i>	<i>Bibl.</i>
Homer	Hom.
<i>Iliad</i>	<i>Il.</i>
Lucan	Luc.
<i>Dialogi meretricii</i>	<i>Dial. meret.</i>
Varro	<i>Varro.</i>
<i>De lingua latina</i>	<i>Ling.</i>

*CIL 4.2226:*

*Victoria invicta hic*

Victoria, the unconquered, was here

## Introduction

This project is situated within the discipline of social and cultural history of the ancient Mediterranean. It specifically examines an aspect in the lives of Roman female sex-workers. In the 1950's, 60s, and 70s, a few publications spearheaded the study of women in ancient Greece and Rome.<sup>1</sup> The 1970s saw the second wave of the Women's Rights Movement and the subsequent incorporation of the study of women and gender into Classical Studies as a thriving sub-discipline;<sup>2</sup> this now includes studying the lives of non-elite women. While sex-workers in antiquity have received a significant amount of attention in the past 30 years, the current project will build on these previous publications and investigate the agency of these women, particularly how they chose to present and identify themselves through the consideration of toga-wearing as an agentive act. This thesis is indebted to the methodologies of recent studies focused on agency, identity and sex-workers, in both Greece and Rome as well as beyond.<sup>3</sup>

In antiquity, as today, dress was perceived as being – and was in fact – connected to agency.<sup>4</sup> Once assumed, the toga indicated the rights and responsibilities of a citizen man, including his ability to marry, establish a household, and to participate in civic life. The toga was not, however,

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<sup>1</sup> See for example Assa 1960 and Balsdon 1962.

<sup>2</sup> For example, Pomeroy 1975 and Treggiari 1975.

<sup>3</sup> I am especially indebted to the work of K. Olson and S. Levin-Richardson, and their treatments of complex systems of oppression.

<sup>4</sup> For modern theories and studies regarding dress and agency see Rucker, Anderson, and Kangas 1999; Rudd and Lennon 1999; Tranberg Hansen and Sovini Madison 2013; Lynch and Medvedev, 2019; Gailard and Visser 2022.

only worn by men. It has long been understood that sex-workers at Rome wore the toga.<sup>5</sup> Among the many studies of dress and its functions in marking gender and sexuality are those focusing on the toga. It has been argued that sex-workers wearing the toga suggests their masculinization and transgression of feminine ideals.<sup>6</sup> More recently, more nuanced studies on self-fashioned identity have emerged. The adoption of labels, symbols, and group affiliation to categorize oneself have been considered, rather than accepting the exonymous imposition of these as a means of oppression. So too have studies of women's agentic expression emerged, especially for Rome's Imperial period.<sup>7</sup>

This thesis will evaluate sex-workers' toga-wearing alongside other expressions of agency, i.e., agency within the Roman legal system, personal adornment and cosmetic use, and wall-writing found in Pompeii's purpose-built brothel. It will be determined that toga-wearing performs a similar social function as these aforementioned agentic pathways, in that it allows sex-workers to agentially claim their identity by adopting a sartorial symbol of gender and sexual transgression; this allowed them to claim and perform their identity as sex workers through the use of the symbol of the toga, the title *togata*, and demonstrating that they belong to a larger class of women who do not fit within their prescribed gender (i.e., group affiliation). The source material on this topic is at its most detailed during the Late Republic and early Imperial period, and thus permits us to focus our analysis to this period. While Rome proper will be the geographical cen-

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<sup>5</sup> Juv. 2.68; Mart. 2.39, 10.52; Prop. 4.2.21-26.

<sup>6</sup> Parker 1997: 58; Dixon 2014: 298.

<sup>7</sup> Joshel 1992: 164; Levin-Richardson, 2019: 61; Olson 2022: 387-420.

tre of our analysis, exceedingly relevant evidence from Pompeii necessitates that we include it. Finally, given that common laws governed most of the empire and that many literary texts circulated across the Roman world, we are also including these as similar socio-legal environments could well have existed in places outside of Rome.

There are three contexts critical to understanding the agency of togate sex workers: legal, cultural (largely as expressed by literary works), and finally, the graffiti records of the sex-workers themselves. Legal status, statutes, and laws governed the sex-work industry. This matter is important as it will lay the groundwork for understanding what rights and responsibilities female sex-workers were required to adhere to and to provide insight into the social stigma of sex-work to the extent that it was enshrined in law. We will also discuss legal regulations surrounding dress in particular, including the *Lex Oppia* and the resulting protests as an expression of women's agency. Further, there has been some scholarly debate as to whether or not convicted adulteresses and sex workers were legally required to wear the toga, which is important to consider when examining whether or not the toga was an agentic decision. For this discussion, we will engage especially with the works of Thomas McGinn, who has published the most extensive texts on the legal particularities of the sex trade.<sup>8</sup>

The second contextualizing factor is the world of sex-workers as created within literature. As we have no historical accounts of sex workers, we turn to literature where we find fulsome characterizations of the lives of women, sex workers, self-expression, and agency. We are also com-

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<sup>8</sup> McGinn 1998, 2007.

pelled to use our literary sources as little surviving visual art shows the toga on female bodies. All literary instances (there are few) of togate sex-workers will be discussed, largely using philological analyses to understand the gendered implications of these representations. We will also examine the third book of the *Ars Amatoria*, to examine practices of appearance management, which were known avenues of agency used by sex-workers.

Finally, an examination of agency would be impossible without input from the sex-workers themselves. It is not common to have access to first-person statements written by a marginalized group from this period, but the purpose-built brothel's graffiti in Pompeii offers several such statements. These graffiti are of value to this analysis because they exhibit agency by showcasing firsthand sex-workers claiming identities and group affiliation through the use of self-representation, monikers, titles, and first-person narration of sex-acts. We will use especially Sarah Levin-Richardson's analysis of the building and its contents, which offers the most recent and authoritative scholarship on sex-worker's agency. We will analyze the language of sex acts, titles, self-description, and advertisement to demonstrate self-representation in wall-writing as a known avenue of agency for sex-workers in our time period.

### **Preliminaries: Definitions and Challenges**

Before we begin, it is crucial to define key terms to be used throughout and discuss our approach to this study. Agency here is defined as the ability to make a decision on behalf of oneself; it is a less-comprehensive version of self-determination in that it removes the implication of a person

being in control of the end result. We must understand that the condition of women under the Roman patriarchy prevented them from having full authority (legal or otherwise) over their own lives. The result of this is that many women of the Roman period were not able to choose their occupation, husband, living situation, government, or the fate of their material assets with partial or complete independence.<sup>9</sup> Therefore we must look towards less impactful, quotidian choices for evidence of autonomous decision-making. Dress is one way in which we might examine agency. This thesis will evaluate whether agency played a role in sex-workers wearing the toga, by first establishing dress as a known avenue by which women of all statuses could exercise agency, and then by examining the auto-biographical graffiti from Pompeii to determine whether self-presentation and self-identification was an element of a sex worker's agency.

A sex-worker is any woman who routinely engages in sexual activities in exchange for payment (either money or gifts). Defining this term clearly is particularly important, so too is understanding that 'sex worker' is not ideal, since it connotes a profession and is therefore un-encompassing of women for whom the sex trade was a requirement of their enslavement. Enslaved women were often forced into the sex industry at Rome and suffered sexual assault and rape at the order of their enslavers (sometimes formalized pimps, sometimes private slave-owning citizens), sometimes in exchange for gifts or payment. On the other hand, some freeborn and freed-women, and even some citizen women, entered the sex trade for various reasons: some returned to the industry after developing the skills and experience necessary during a previous period of enslavement, some no doubt entered the trade out of necessity, and citizen women would some-

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<sup>9</sup> Cic. *Mur.* 27. See also the overview of the lives of Roman women in Clark 1981: 193-212.

times register themselves as sex-workers to avoid the penalty for adultery.<sup>10</sup> While it is imprecise to attempt to represent such a broad range of situations with the term “sex-worker”, alternatives like “escort”, “prostitute”, “courtesan”, “whore”, and “harlot” are fraught with negative connotations and many of these terms are antiquated and inappropriate for use in scholarship that wishes to remain objective.<sup>11</sup> As well, the latter terms have the effect of equating labour with a woman’s permanent identity, whereas “sex-worker” provides the most separation between a woman’s identity and her actions, i.e. a prostitute is a category of woman, whereas a sex-worker is a woman whose work is sex-centric. Modern scholarship on identity and belonging ought to distinguish personal identity from labour unless the group in question has made clear that they conflate the two.

This thesis fits best in the category of cultural history and in this case faces the typical hurdles of analyzing the lives of any marginalized group. First, there is the challenge of intersectionality; sex-workers exist at the crossroads between woman, social pariah, lower-class, and sometimes enslaved. Determining their identity therefore requires an evidence-based analysis of their legal status, social status, gender status, and self-perception. The second challenge is the general paucity of sources relating directly to such a specific group, and equally the overwhelming volume of source material commenting on specific aspects of the sex-worker’s identity. As well, evidence which does survive reflects the patriarchal nature of Roman society, the literature and (very probably) the material evidence was produced for and oriented towards elite masculine

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<sup>10</sup> Duncan 2006: 256.

<sup>11</sup> These terms are, of course, appropriate for translating of Greek or Latin terms which bear semantic similarities.

perspectives. In other words, very little ancient evidence survives for female togate sex-workers of the Late Republican/Early Imperial period, but too much ancient evidence exists for the categories of women in the Late Republican/Early Imperial period, toga-wearing, clothes of sex-workers, sexuality, and enslaved people than can ever be properly discussed in a brief essay. Therefore, with the understanding that the subject is deserving of further scholarly work, we have identified three crucial areas for discussion, namely the legal status of sex-workers, their representation as togate in literature, and their self-representation as seen in graffiti at the purpose-built brothel in Pompeii.

## 1.1 Introduction To Legal Analysis

This chapter offers a contextual overview of Roman legislation and its impact on the status, standing, roles and authority of Roman people during the Augustan Era. Beginning with the establishment of the Twelve Tables in 451/50 B.C., and throughout the Republic and Empire, laws in ancient Rome were culturally significant and impactful, allowing Romans to strive for more transparent self-governance. Law regulated both public and private affairs, including ownership, citizenship, governing bodies, and contracts. Law also directly and indirectly impinged on people's day-to-day lives. Women were encouraged to present themselves as restrained, modest, and self-controlled, not by legislation, but to be perceived as acting in accordance with a social atmosphere requiring that their sexual fidelity be above reproach, at the risk of their children's legitimacy being questioned. Men and women demonstrated their support and conformity with the laws in various different ways. From its founding, men and women were treated separately as distinct categories according to the bedrock of Roman law. Laws of the early and late republic tended to promote the authority of the head-of-the-house (*paterfamilias*), both within and outside the family unit. Conversely, law often withheld authority and power from women, instead situating them within the home/family unit as wives, mothers, and household managers, and establishing laws and customs that honoured and incentivized these roles. Late Republican/Early Imperial laws, specifically those passed by Augustus, will also be examined as a good number of these promoted the nuclear family as the social unit, revealing legal complications which impacted the agency of men and women in Rome.

This chapter will move from discussing general legal context of Roman laws governing the behaviour, roles, and activities of men and women of varying statuses to the specific. It will examine and discuss the legal particularities surrounding three garments that asserted both gender and status. It will especially examine surviving evidence of legislation that would have formally prohibited non-citizen and enslaved men from wearing the toga. The evidence will also be investigated to determine whether or not the *stola* and *palla* were legally restricted to a certain

class of married women who possessed substantial social capital (modesty). While the toga, stola, and palla were worn to express social and economic standing and legal status too, situating these garments within the legal climate associated with their ‘correct’ use allows us to better understand how they might have been manipulated to transgress status, sexuality, or gender roles and expectations.

Finally, this chapter discusses the the laws surrounding women, especially in their roles as wives and mothers and ways in which they used dress and adornment to express agency. The importance of modesty and the method by which modesty was communicated through dress will be particularly important. As the chapter moves from Roman wives and mothers to sex-workers, both free and enslaved people, the complexities of status of women sex-workers - their varying legal statuses, the intersection of legislation which governed their capacity as women, taxable workers, and *infamia*, and the implications of all these on their overall agency (including sartorial agency), will be considered. Legal particularities are important for our understanding of sex worker’s clothing and agency as they offer information on the rights, freedoms, and (more relevantly) exclusions of sex-workers from society as officially sanctioned by the institution of Roman law. This is significant because, simply put, people are more likely to wear a garment if they can do so without the fear of legal repercussions, and if, in wearing it they are risking retaliation. Knowing this helps us understand what possible personal gain might have offset this risk. Legal contexts also have the ability to create and reflect social climates, thereby offering insight into the social attitudes towards and treatment of sex workers by those around them, which certainly impacted their daily lives and decision making.

## **1.2 Background - Roman Law**

Law at Rome did not deal in abstract theories or debate the nature of justice. Instead, as Rafael Domingo notes, Roman law demonstrates an “intuitive resistance to abstraction.”<sup>12</sup> The resulting legislation was precise and practical. Roman legislators considered their civilization to be based

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<sup>12</sup> Domingo 2018: 6.

on unchanging principles of Natural Law, but regularly re-defined terms to justify institutions such as slavery.<sup>13</sup> Livy records that the famous Twelve Tables of Roman law began as ten laws established by the decemvirs to solve private and public affairs, and that they were added to and codified publicly on bronze plaques and thus made accessible to all literate citizens, protecting even lower classes from aristocratic abuse.<sup>14</sup> The Twelve Tables were of cultural importance at Rome; Cicero even describes the laws as being in agreement with nature (Cic. *Leg.* 2.62), and states that they were mandatory memorization for boys in school.<sup>15</sup> They acted as the basis for all proceeding Roman legislation, and Rome did not codify law again until the Theodosian code in 438 A.D.<sup>16</sup> That is not to say that no new laws were created until the 5th century; in fact Augustus famously passed several sets, which we will examine, since they especially encouraged and incentivized adherence to societal gender norms, which directly impact on an individual's authority and behaviour. Before that, we must examine the remains of the Twelve Tables for information pertaining to the status and expression of status by men and women, to understand the implications for female sex-workers and toga-wearing.

### 1.3 The Twelve Tables

Having been published and negotiated between the *decemvirs* and the Roman people, the Twelve Tables equalized rights between the social classes (Liv. 3.34) Livy records this, and he is, of course, exaggerating, but he demonstrates the radical generosity of these laws and the democratic nature of outlining and providing public access to Rome's literate population. The Twelve Tables are fragmentary, and while the original tablets almost certainly included stipulations regarding the sex industry, none of them survive so we must limit our scope to the analysis of laws applic-

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<sup>13</sup> Domingo 2018: 11.

<sup>14</sup> Liv. 3.34; 3. 57.10.

<sup>15</sup> Cic. *Leg.* 2.59. Cicero claims that he had been required to learn the Twelve Tables, but that none of the schoolboys learned them anymore. It is unclear whether this reflects a reality of magisters placing a lower importance on the 12 Tables, or whether Cicero is using this to comment on general societal and moral erosion of the upcoming generation.

<sup>16</sup> Domingo 2018: 48.

able to women more broadly. Paternal power (*patria potestas*) allowed a family's eldest male (oftentimes the father, called the *paterfamilias*) to exercise exhaustive power over the members of his household.<sup>17</sup> Those under the authority of a *paterfamilias* were legally considered *alieni iuris*, those who were independent of this power were known as *sui juris*. Most women were part of a larger household either in their roles as wives, daughters, granddaughters or slaves. Women overall were subject to some form of legal guardianship, with very few exceptions.<sup>18</sup> In the case that a woman did become *sui juris* by the passing of male relatives or by any other procedure, she was relatively free to manager her affairs, with the stipulation that a male tutor (*tutela mulierum*) be appointed: his role was to grant permission for wills, emancipations, and other legal processes, though this position seems to have been largely a formality.<sup>19</sup> A woman who desired marriage but did not want to be placed under their husband's power had the option of leaving the home for three successive nights per year, thus interrupting his authority over her.<sup>20</sup> It is unclear, and perhaps impossible to determine what percentage of women were *sui juris* or *alieni iuris*, and whether leaving their husband for three nights was common among women who desired to maintain their *sui juris* status. It is not always clear to what extent wives and mothers exercised agency, since their lives were largely private. One class of women who did not and could not conform to the idealized roles of wives and mothers, but worked outside the home, in the public eye, were sex-workers. Sex-workers did not all share a common legal status, and it is possible that some women practiced sex work while under male legal authority, and presumably, some *sui juris* women practiced as well. It is possible to conclude that Rome's legal system, from the beginning, allowed for different levels of agency among women.

#### **1.4 Lex Oppia**

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<sup>17</sup> Domingo 2018: 129; Johnson, Coleman-Norton, and Bourne 1961: 10.

<sup>18</sup> Domingo 2018: 133; Johnson, Coleman-Norton, and Bourne 1961: 10.

<sup>19</sup> Cicero, *pro Murena*. 27; Gillian 1981: 193–212; Domingo 2018: 132-3.

<sup>20</sup> Johnson, Coleman-Norton, and Bourne 1961: 10.

In addition to laws which regulated a woman's official status and affairs, the legal system also interfered with non-official, day-to-day aspects of a woman's life, including sumptuary laws which limited their agency when it came to dressing and adorning themselves as they wished. Worth mentioning in the discussion of legal sartorial restriction - and responding agency - is the *Lex Oppia*, created during the desperation of the Second Punic War (215 B.C.) to curb women's expenditures and displays of wealth. It prohibited women from owning more than one half-ounce of gold, wearing richly dyed (costly) fabrics, and limited the use of carriages within one mile of Rome (Liv. 34.1.1-4). There is some debate as to whether this law confiscated a woman's excess gold, or only prevented them from wearing more than half an ounce at a time, but we know that it was not always strictly enforced since senators were permitted to keep a full ounce for each woman in his house.<sup>21</sup> Irrespective of the strictness or confiscatory nature of the law, it is apparent that the *Lex Oppia* impacted the lives of women by restricting their ability to publicly assert their status and wealth. For example, Aemilia Tertia, a Roman aristocrat and wife to Scipio Africanus, had a reputation for decadence in dress, adornment, use of gold, and eagerness to participate in lavish celebrations (Polyb. 32.12). As one scholar points out, it is possible that this is an exaggerated depiction of a young matron relishing her newfound agency over the expression of her status and wealth, after living under the *Lex Oppia* for most of her life.<sup>22</sup>

The *Lex Oppia* was repealed in 195 B.C. and was therefore not active during the period in which we are primarily interested. However, the way in which it was repealed is of interest to the discussion of women's agency. Pomeroy says "the issue, obviously, was of concern only to the wealthy, and presumably they alone were the demonstrators. This demonstration may have been orchestrated by men and have resulted from factional disputes among them."<sup>23</sup> While her note about men is true,<sup>24</sup> it is unlikely that poor and non-elite people were absent from the demonstra-

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<sup>21</sup> For the argument that the Oppian Law included a confiscatory element: Pomeroy 1975: 178. For the counter argument: Culham 1982: 793. For evidence that the law was not consistently enforced, see Liv. 26. 36. 5; Pomeroy 1975: 180.

<sup>22</sup> Barnard 1990: 385.

<sup>23</sup> Pomeroy 1975: 180.

<sup>24</sup> Livy. 34. 1.4; 34. 2.1-14.

tions. While Livy's emphasis is on *matronae*, he does so to highlight their deviant behaviour; they defy their husband's orders to stay home, disregard modesty and temperance in favour of accosting authoritative men in public, and dare to involve themselves in politics (Liv. 34.1.5-7). These women opposed familial, social and governmental authorities to advocate on behalf of themselves in public:<sup>25</sup> this is a display of each individual's agency, but also of the agency of the collective group. Livy also mentions that the matrons were joined each day by women from towns and public centres, using the less-specific term *mulieres* to describe them, which permits a mixed-status interpretation of the demonstrators (Liv. 34.1.6-7). Elite women were certainly the most directly impacted, as they were unable to express their status and wealth, and unable to accumulate certain luxuries during widespread hardship.<sup>26</sup> However, non-elites also wore jewellery; some owned glass beads and gems that mimicked luxury items with more accessible prices and materials, and some non-elites wore jewellery emblematic of their belonging to cultural groups, or a reflection of local tastes.<sup>27</sup> Therefore, we can conclude that the *Lex Oppia* impacted both elite and non-elite women.

It is not rare for lower-class populations to advocate for the privileges of the wealthy. Smiths, jewellers, fullers, importers of silks, dyes, and gemstones would all see increased demand, and better profits for their wares if the *Lex Oppia* were repealed. As well, increased demand for labour pertaining to a woman's adornment (hairdressing, cosmetics knowledge, jewellery and fabric maintenance, etc.) might allow for working and enslaved women to be reassigned to preferable working conditions. Non-elite workers were impacted by the *Lex Oppia* and

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<sup>25</sup> Pomeroy 1975: 180.

<sup>26</sup> There may be a parallel between a Roman woman's desire to wear/purchase jewelry and fine clothes during the war and the subsequent years of economic turmoil, and the modern woman's tendency to purchase small luxuries during times of recession, also known as the Lipstick Effect. Two articles analyzing the Lipstick Effect are below; one which examines it from an evolutionary-psychological lens, and one that examines it as a means of professional/power advancement. Both point to relatively small indulgences (a luxury lipstick rather than, for example a car) becoming a sort of avenue for agency and restrained self-indulgence during times of socio-economic strife. This may be what we see happening in elite women during the period leading up to the *Lex Oppia*. See Hill, Rodelheffer, Griskevicius, Durante & White 2012: 275-91; Netchaeva and Rees 2016: 1157-68.

<sup>27</sup> Swift 2003: 347-8; Swift 2005: 217-222.

advocating for its repeal presented a rare avenue through which to impose their will onto elite lawmakers.

The *Lex Oppia* demonstrations are by far not the only example of non-elites and lower-class individuals using their personal agency to assert their political will in a public and effective capacity. A certain sex-worker named Manilia was being sued by a curule aedile after he had tried to break into her apartment and she fended him off by throwing stones (Gell. 4.14) She represented herself in court and appealed successfully to the tribunes, using her understanding of legal processes to present a convincing enough case to overcome the distrust associated with her position. Although Gellius does not specify, she likely invoked *provocatio* (repeal) or *appellatio* (appeal) in her case.<sup>28</sup>

Another prominent manifestation of women's political agency from a state-religion perspective is a public space of worship. The altar of Patrician Modesty was set up by a curule aedile in the Forum Boarium, and was a place for the veneration of Modesty for women of patrician birth and marriage. A certain patrician-born woman named Verginia who had married a plebian was denied the right to worship, due to her husband's status. In rebellion, Verginia agentively consecrated a section of her own house and there established the altar to Plebian Modesty, and invited plebian and non-elite married women to worship there (Liv. 10.23). Worshipers here were unimpeded by the strict requirements of the patrician version, and the altar was embraced by non-elite women as a way to participate in quasi-civic religion, and circumvent the state's oppression of women in mixed-status marriages.<sup>29</sup> So large and so diverse was this crowd of worshippers, that Livy mentions that the altar did not only accept matrons, but also polluted women (*pollutis nec matronis solum*); he does not offer further specifications, but we can wonder whether enslaved women, adulteresses, and sex-workers were among them (Liv. 10.23.10). Enslaved men also displayed political agency in several ways, perhaps the most emblematic being the uprisings which resulted in the three Servile Wars ranging from 135-71 B.C. Although no firsthand accounts exist recording the leader's desired outcome of these wars, we can perhaps

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<sup>28</sup> Bauman 1994: 46

<sup>29</sup> Bauman 1994: 15.

imagine they had to do with escaping or ameliorating the harsh realities of enslavement. More broadly, Roman non-elite masses could bestow honour or shame on government officials for their personal lives, contributions to the city, legislative actions, etc. One way in which this was done was through cheering or jeering for certain men during official and unofficial appearances. For elite Roman men, honour was social capital – their reputations, families, and livelihoods were greatly impacted by the public’s perception of their honour.

As Lendon points out, these are instances of class-based friction, and elites took pains to appease the masses through public benefaction which acted as the “ransom the rich pay for the untroubled enjoyment of their wealth.”<sup>30</sup> Through rioting and jeering at officials, non-elites could shape the narrative around the perception of powerful lawmaking individuals, and the aristocratic classes overall – the Roman concept of honour (*dignitas*) was comprised in part by socially-bestowed respect and honour, by denying this honour, or by offering shame in its place, elites could bend unofficially influence politicians and lawmakers according to their own will.<sup>31</sup> Therefore, sex-workers, non-elite women and other non-elites had several political pathways, official and unofficial, through which to exercise agency and make known their political will.

Livy also suggests that the *Lex Oppia* required women to refuse luxurious gifts (Liv. 34.4.6-8) If this is true, and if it was enforced with any vigour, would have negatively impacted a sex-worker’s earnings. Receiving gifts was an important interaction for rapport-building with clients, and costly gifts could supplement wages and thereby increase a woman’s quality of life.<sup>32</sup> In an extreme example, Juvenal even condemns a man for leaving all his wealth to a brothel-based sex-worker (Juv. 10). If the *Lex Oppia* indeed governed gifts, it is difficult to imagine that sex-workers were missing from the throng of demonstrators. Therefore, non-elites, including sex-workers, could have been present at the *Lex Oppia* demonstrations, placing them at a fascinating agentive event which led women to not only abandon the ideals assigned to their gender, but to *also* infringe upon the activities assigned to men (i.e. lawmaking and public life). These

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<sup>30</sup> Lendon 1997: 88.

<sup>31</sup> Lendon 1997: 181-222.

<sup>32</sup> Flemming 1999: 48-9.

events predate the Augustan period, and indicate a precedent in Roman Republican society that women, including sex workers, are willing to take drastic advantage of their personal agency to protest against limitations placed on their wardrobes. It is therefore not a stretch to imagine that if sex-workers were prohibited legally from the toga, they may have chosen to disregard this rule.

### 1.5 Augustan-Era Legislation

Augustus passed a collection of laws according to his reverence for Rome's ancestral ways (*mos maiorum*), which included prioritizing the legitimacy of noble lineage and the use of a nuclear family as a social unit. One way in which this was achieved was through incentivizing traditional gender roles, such as the *Jus Liberorum* (Right of Children), which was part of the *Lex Julia* and *Lex Papia Poppaea*, which allowed special privileges (including freedom from guardianship, and certain inheritance rights, and the freedom to wear pearls)<sup>33</sup> to freeborn mothers with three or more children.<sup>34</sup> Not all of Augustus' laws regarding women were compensatory in nature: in 18 B.C., the *Lex Julia de Maritandis Ordinibus* prohibited intermarriage between all citizens and "disreputable persons such as prostitutes," and between senatorial and freed families.<sup>35</sup> Roman women did not generally exercise a great deal of agency in the standard marriage process; this law, however, did further restrict a low-status woman's (and especially a sex-worker's) agency with regards to marrying and also restricted her social mobility. Another restrictive piece of legislation is the *Lex Papia Poppaea* of 9 A.D., which supported and refined the other two *leges Juliae*, seemingly because they were less effective than Augustus hoped (Tac. *Ann.* 3.25). All these laws aimed to reward reproduction in a nuclear family setting, while dis-incentivizing celibacy, childlessness and adultery, but Tacitus reports that they were unsuccessful.<sup>36</sup> While these state-

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<sup>33</sup> Kunst 2005: 137. Suet. Jul. 43.

<sup>34</sup> Berger 1953: 530. For freedwomen to unlock these privileges, they needed four children.

<sup>35</sup> Domingo 2018: 141.

<sup>36</sup> Domingo 2018: 141; Tac. *Ann.* 3.25

led efforts were not aimed at dismantling systems of prostitution, they did encourage legitimate marriages and reproduction thus restricting a sex-worker's social mobility and agency.

Augustus also passed a few laws restricting sexual activity outside of marriage bonds, including the *Lex Julia de Adulteriis Coercendis* in 17 B.C., thereby outlawing adultery. Adultery was defined as any sexual relation between a married woman and any man other than her husband; both man and woman could face criminal conviction for such an act.<sup>37</sup> Of course, this law did not outlaw prostitution and allowed married men to conduct extramarital affairs with sex-workers or any unmarried woman of ill repute or low social standing. Although the law assumes that a woman's status as married would exempt her from also being a sex-worker, this is not necessarily the case. There are accounts of married citizen women registering themselves as sex-workers, which may indicate a variety of situations: perhaps they were indeed selling sex without their husbands' knowledge, or being pimped out by their husbands, or using legal loopholes to avoid punishment for extramarital affairs while accusing their husbands of being pimps (thus giving them *infamis* status that they would carry for the rest of their lives).<sup>38</sup> The latter situation may suggest that at least some Roman women (despite not being known for civic participation) had an understanding of the legal system and how to manipulate it for their own benefit.<sup>39</sup>

## 1.6 Laws Regarding Dress - *Palla* and *Stola*

Legal restrictions and prescriptions surrounding dress are likely the result of, or had a profound impact upon, social and cultural attitudes towards dress. Dress was also the way in which status, authority, affiliation to a particular group, and wealth were asserted in public. We will examine cultural and social attitudes in chapter two, the current analysis will focus primarily on legal sources regarding gendered clothing, the legal status of Roman sex-workers, whether there is suf-

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<sup>37</sup> Domingo 2018: 141.

<sup>38</sup> *Dig.* 3.2.4.2-3. On women registering as sex-workers to avoid the fine for adultery, see Duncan 2006: 256 ; Ackerman 2014: 10 ; For a brief discussion on husbands being branded as pimps if they refused to divorce an adulterous wife, and more, see McGinn 1998: 156–93.

<sup>39</sup> Ackerman 2014: 10.

ficient evidence to believe that they were mandated by law to wear togas, and whether the legal evidence supports an agentive use of the toga by female sex-workers.

One woman's garment which is somewhat accounted for from a legal perspective is the *palla*, a shawl/veiling garment which expressed a woman's status as an honourable married woman (see Figure 1). It also had an apotropaic function, since it allowed her to shield her face from impure objects/people and evil omens.<sup>40</sup> The *palla* also prevented onlookers from seeing a woman's figure and uncovered head,<sup>41</sup> and probably allowed her to maintain a small degree of anonymity consistent with her role as a private rather than a public-facing figure. In fact, honourable women were not supposed to appear in public without a *palla*.<sup>42</sup> This regulation seems to have been taken seriously in the first century A.D., since Valerius Maximus shows a man divorcing his wife because she had gone in public without her *palla*, saying that by law, only he was allowed to see her in such a state (Val. Max. 6.3.10).

The *stola* is another part of the honourable matron's insignia, similar to a slip dress, but with much more fabric that allowed for modesty and characteristic folds.<sup>43</sup> The *stola* provides neck to ankle coverage and the gathered fabric obscured most of a woman's figure, except the suggestion of breasts, which might serve to assure us of her ability to nurse children in her role as mother, as can be seen in the image provided of Livia Drusilla (see Figure 1). The immense volume of fabric required for a long garment which relies on draping and folds for its distinguishability would itself assert a woman's wealth and status. The *stola* was the most distinctive visual "symbol of chastity and marital fidelity."<sup>44</sup> The *stola* was a much privileged garment, and only patrician matrons were permitted to wear it until the 2nd Punic War, when it became open to

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<sup>40</sup> Sebesta 1994: 49.

<sup>41</sup> Hor. *Sat.* I.2.96-100. Horace laments that the *palla* is one of the many factors preventing a man from scouting out a good-looking honourable woman.

<sup>42</sup> Wilson 1938:148.

<sup>43</sup> Sebesta 1994: 49.

<sup>44</sup> Wilson 1938: 156.

freedwoman who married citizens.<sup>45</sup> This decision was made by the duumvirs and the senate, which demonstrates that the gatekeeping of the stola was enshrined into law (Macrob. *Sat.* I, VI, 13). There is no evidence suggesting that this law was abolished or amended before the 1st century A.D. The augur Lentulus, sometime during the reign of Tiberius successfully proposed a law that all respectable women must dress as such, or accept treatment as adulteresses.<sup>46</sup>

### 1.7 Sex-Workers, Law, and Toga-Wearing

While the symbols of honourable matronhood were kept exclusive by law, the matter of formal legislation prescribing the toga to a sex-worker is much less clear, allowing us to interpret toga-wearing as a potentially agentive action. McGinn suggests that regulations may have existed within the *leges Juliae* condemning sex workers and adulteresses to wearing the toga, and that the dress code could have been regulated by the aediles.<sup>47</sup> The evidence for this argument is largely peripheral (as is sometimes necessitated by the paucity of sources), but compelling enough that it should not be entirely dismissed. During the Punic wars, for example, Rome had sumptuary laws impacting a woman's right to adorn herself extravagantly, in an attempt to curb "feminine luxury" (*luxuria muliebris*) (Liv. 34.6).

McGinn's theory has been criticized by scholars, most authoritatively by Kelly Olson who notes that, "...there is no extant Roman law stating that assumption of the toga was part of the penalty for a *matrona*'s conviction of prostitution; nor is there any edict that states that a common whore had to wear the toga, even if she registered with the aediles as such..."<sup>48</sup>

McGinn himself acknowledges that such a regulation would be unique even among known sartorial laws, since no other garment was prescribed as punishment at Rome, and he points out the

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<sup>45</sup> Wilson 1938: 155; Sebesta 1994: 49.

<sup>46</sup> Tert. *Pallio* 4.9; McGinn 1998: 161-2.

<sup>47</sup> McGinn 2007: 151-2.

<sup>48</sup> Olson 2002: 395; Olson 2008: 49. For scholarship against the legislation of togas: Dixon 2014: 298; Rothe 2020: 40. Larson agrees that legislated togas for sex workers is a possibility: Larson 2012: 265.

difficulty of enforcement.<sup>49</sup> Moreover, it was not in the best interest of Rome to have any “legally binding sartorial order” that would distinguish the poor, enslaved or otherwise marginalized individuals from elite populations, lest the lower classes come to understand that they outnumbered their oppressors.<sup>50</sup> Therefore, McGinn’s theory is worth considering, even though it does not unequivocally prove that togas were legislated for sex-workers and/or adulteresses.

To explore more sources, Juvenal says of a particular woman on trial for adultery, if she is found guilty she will not put on a toga (Juv. 2.68-70). He does not explicitly state that she is required to wear one according to any law or sentencing, and the fact that she will not wear the toga indicates an agentive factor within her dress that is not overruled by legislation. If it were required that she wear the toga, a penalty might have been mentioned. The passage showcases a potential cause/effect relationship between adultery and toga-wearing, and perhaps suggests an expectation of a wardrobe change in connection to her sentencing (*damnata*), but does not state that it was required by law.<sup>51</sup> Therefore, the quality and quantity of evidence is not compelling enough to suggest that prescriptive legislation was the reason that sex-workers and adulteresses wore the toga.

In light of the aforementioned legislation surrounding the *palla* and *stola*, a more convincing legal explanation for sex-workers and adulteresses wearing the toga is because they were legally banned from the *palla* or *stola*. As Edmondson notes, such a ban would result in adulteresses being visually indistinct from sex-workers, uniting both groups as having abandoned their claims to idealized feminine modesty and virtues.<sup>52</sup> This notion still leaves room for these women to have exercised individual agency, since Roman fashion was not a *stola/toga* dichotomy. Tunics, Greek cloaks, and Coan silk dresses were all popular styles for those who did not or could not wear privileged garments. Being banned from the *stola/palla* combination did not re-

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<sup>49</sup> McGinn 1998: 161-2.

<sup>50</sup> Rothe 2020: 71; Sen. *Clem.*1.24.

<sup>51</sup> Rothe 2020: 38-40. On *damnata*: Olson 2008: 49.

<sup>52</sup> Edmondson 2008: 25.

quire the toga, and with other more affordable and convenient clothing options available, the toga was likely a personal choice.

### 1.8 The Toga, the Roman Man, and Agency

Relative to women, men had more social and legal permission to exercise agency in their dress, however some restrictions may have applied when it came to the toga. Dionysius of Halicarnassus tells us that the toga was originally the default costume of both men and women, a tradition borrowed from the Etruscans (Dion. Hal. *Ant. Rom.* 3.61). Since the early Roman economy depended largely on shepherding, a massive wool outfit was appropriate, but by the early Empire became a man's regalia of court and citizenship.<sup>53</sup>

Technically, there are no extant legal sources that account for a formalized ban on non-citizens wearing a toga.<sup>54</sup> However, there are non-legal sources which suggest that the law was involved in the ban on non-citizens wearing togas.<sup>55</sup> It seems that the all-purple toga (*toga purpurea*) was only for the highest offices including the emperor and censors, but what of the standard *toga virilis* (toga of manhood)?<sup>56</sup>

The toga was closely tied to male citizenship status, such that the Digest records that any man taken hostage wearing the toga and behaving in a manner befitting a citizen must be treated as one (Dig. 49.14.32). This allows the hostage the privileges afforded a citizen; they cannot be subject to capital punishment and their bodies are considered inviolable. It also demonstrates that the actual fact of one's citizenship was irrelevant in this situation — if they dressed and acted like a citizen, these factors alone legally protected them from certain abuses to which a non-citizen hostage would be subject.

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<sup>53</sup> Stone 1994: 38.

<sup>54</sup> Rothe 2020: 81. "Legal sources" meaning sources that explicitly and exclusively record legislation such as Justinian's Digest, or the Twelve Tables fragments.

<sup>55</sup> Olson 2017: 52.

<sup>56</sup> Wilson 1938: 37; Rothe 2020: 75.

Pliny records that a banished man wore a Greek *pallium* since it was forbidden (*interdictum*) for him to wear the toga (banishment meant being stripped of citizenship) (Plin. *Ep.* 4.11.3). *Interdictum* often accompanies legal stipulations but is not exclusively found in legal contexts.<sup>57</sup> While a man was on trial for usurping citizenship, he was allowed to wear a toga during his defence (when he was actively proclaiming his citizenship), but was made to change out of it during the prosecution (when his citizenship was being called into question) (Suet. *Claud.* 15.2). Suetonius also tells us that Augustus mandated togas in the Forum and in its vicinity, which may have been a declaration of a preference, but he tasked the aediles with the enforcement of this rule, which suggests formalized legislation may have been involved.<sup>58</sup>

A particularly odd legal case involves an orator pressing charges against a man who bumped into him and ruined his immaculate toga pleats — this case is recorded because it is outrageous, rather than because it represents a norm, but it is evidence that public figures took care to wear their togas in a meticulous way, reflective of their moral scruples.<sup>59</sup> The significance of the toga was not only in the materiality of the thing, but also in the wearing of it, an inelegant toga wearer was, bluntly, an inelegant man. Authors frequently equated a properly-worn toga with good manly character, even mocking men whose togas were dirty, of improper lengths, threadbare, or poorly pleated.<sup>60</sup> A toga spoke to a man's character and social standing, and sabotaging a toga was akin to sabotaging reputation.

Therefore, while Rothe is correct in stating that no legal sources point to a law banning non-citizens from wearing the toga,<sup>61</sup> there exists an abundance of non-legal accounts demonstrating that the toga was embedded in legislation. In my opinion, this is sufficient evidence to conclude that it was likely illegal for non-citizens to wear the toga, especially as part of an at-

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<sup>57</sup> Lewis & Short, 1879, 979. For more uses, especially in legal contexts: Cic. *Pis.* 21.48; Just. *Inst.* 4.15; Gai. *Inst.* 4.142.

<sup>58</sup> Rothe 2020: 83.

<sup>59</sup> Olson 2017: 42; Macr. *Sat.* 3.13.4-5.

<sup>60</sup> Cic. *Phil.* 2. 44; Hor. *Epist.* 1.1.95-7; Hor. *Epod.* 4.5-10; Hor. *Sat.* 1.3.30-32; Hor. *Sat.* 2.3.171-2; Juv. 3.147-153; Mart. 6.50; Mart. 3.30.

<sup>61</sup> Rothe 2020: 81.

tempt to usurp citizen status. This law was likely not enforced for female sex workers because their appropriation of the toga had nothing to do with usurping citizenship.

## 1.9 Usurpation and Clothing as Status Insignia

Status-indicating dress codes are reliable only insofar as people adhere to them, and when clothing denotes status and status confers privilege, there are many reasons to dress above one's station, using sartorial agency to usurp another status or agentively asserting one's own social standing through clothing. As previously mentioned, a class-related sartorial order was not strictly enforced at Rome since it could cause friction between classes, but the appropriation of these garments to suggest or impersonate a higher rank were frequent enough.<sup>62</sup> The earliest recorded case of usurpation at Rome does not involve any mention of clothing, but is significant nonetheless for our understanding. In the second century B.C., the father of a Etruscan family pretended to be a Roman citizen, the family exercised their newfound social mobility until his son was elected into consulship in 130 B.C. After the son's death, the Perperna family was exposed and their ex-consul son was condemned posthumously, demonstrating the severity of status usurpation during this time.<sup>63</sup>

Around the first century, the most frequently reported episodes of usurpation by far are of those assuming equestrian status. The equestrian class required that their members be both free-born, and meet certain property requirements (an estate value of 400 000 sesterces).<sup>64</sup> It was not unheard of for those who once held equites status to dress as usual despite bankruptcy, or for nouveau riche freedmen to act as *equites* for the social privileges it offered (especially the seats reserved for knights in the theatre).<sup>65</sup> Martial tells us of three situations of equestrian status being usurped — and in every instance he specifically mentions their equestrian-presenting attire. Mar-

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<sup>62</sup> Rothe 2020: 71; Reinhold 1971: 282.

<sup>63</sup> Val. Max. 3.4.5; Reinhold 1971: 278.

<sup>64</sup> Reinhold 1971: 285.

<sup>65</sup> Reinhold 1971: 281-2; Olson 2017: 67.

tial refers to “those purple and arrogant (robes)” (*illas purpureas et adrogantes*) (Mart. 5.8.12), and has one man say that their segregated equestrian seats allow them to be “neither pressed nor polluted by the throng” (*Turba non premimur nec inquinamur*) (Mart. 5.8.9). Of Bassus, who used to dress in neutral grassy hues, Martial says that his new pretence dyed of scarlet-coloured berries and shellfish do not make him a knight and are not convincing (Mart. 5.23). Dress also takes pride of place with a certain Euclides, who, boasting about his wealth and high birth, wears purple dyed robes to assert his status. He is ultimately betrayed by the *sinus* of his toga, out of which pops a clunky key, revealing his secret: he is a porter, not knight.<sup>66</sup> For Martial, at least, status usurpation is always accompanied by symbolic clothing.<sup>67</sup> In none of these examples do the perpetrators face explicit legal repercussions, at best they are escorted to their proper seats in the theatre. These situations are lower-profile than the Perperna family’s violation, which is presumably why no severe consequences are paid them. The lawyer Paulus writes in his *Sententiae* that anyone who assumes a false birth or parentage is persecuted according to the *Lex Cornelia*, and that using the symbols of a higher class in order to inflict fear or oppress anyone results in death (if lower class) and banishment (for the elites) (Paulus *Sent.* 5.25.11-12). Clearly the scale and severity of usurpation mattered at Rome, such that a consul could be condemned but a social climbing theatre-goer was not, as he did not present enough of a threat to punish.

While no evidence is available that sex-workers wore the toga in order to usurp a higher rank, it is reasonable to thus conclude that this avenue of inquiry is not viable. As we have established, women did not assert their elite status through the toga, but through the *stola* and *palla*. As well, there is no evidence suggesting that they were trying to exercise the rights of citizen men, or attempting to be perceived as such. Therefore, female sex-workers’ toga-wearing is incongruent with the conditions of usurpation, and we are able to dismiss this as an explanation.

## 1.10 Taxation

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<sup>66</sup> Mart. 5.35; Soldevila 2019: 219.

<sup>67</sup> Reinhold 1971: 282.

In many ways sex-workers were alienated from civic participation. However, an ironic exception to this rule is taxation, which was perhaps not an empowering, agentive decision of a sex worker but a forced action (anti-agentive). However, paying taxes provided, in a small way, a form of civic participation which was a world generally closed off to women and enslaved people. The taxation laws and methods also reflect numerous business structures, allowing us to interpret sex-workers as exercising some agency in their work. The Roman government was not interested in safeguarding the women who sold sex, but benefited immensely from their earnings. In the year 40 A.D., Caligula imposed a notorious blanket tax on goods, incomes, legal proceedings, and services, including sex work.<sup>68</sup> Taxing sex work was particularly lucrative, such that it remained in place until 498 A.D., despite later Christian attitudes towards it.<sup>69</sup> The daily tax for a sex-worker was equal to her total earnings from one encounter (Suet. *Calig.* 40). Based on an estimate posited by McGinn, this may have amounted to one tenth of a low-class sex-worker's income.<sup>70</sup> It is also worth noting that this method of taxation allows and displays a certain agency in the daily business practices and rate-setting of the sex-worker, and speaks to their role in civic participation, since taxation was a mandated civic responsibility. The issue to contend with is the fashion in which sex was taxed: tax on food was fixed (*certum statumque*), porters were charged an eighth of their daily income (*pars octava*), but no such fixed amount or set ratio was demanded of sex-workers (Suet. *Calig.* 40).

This method of taxation was optimal for a complex industry as sex work, and in doing so, may reveal that lawmakers were aware of the nuances of individual agency held by sex-

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<sup>68</sup> McGinn 1998: 249.

<sup>69</sup> McGinn 1998: 250.

<sup>70</sup> McGinn 2007: 176-7; 49. McGinn cautiously estimates that an average low-class sex-worker at Pompeii took on about 10 clients/encounters per day. This number is only an estimate, and is based more on comparative data from global populations than on ancient Roman sources. That said, his argument presents the only substantive attempt by modern Classicists to quantify an average sex-worker's workday, and the figure is useful for our analysis. He also mentions that this number likely varied based on the rates charged by each sex-worker, and that those charging 8-10 asses per encounter likely had a workday of about five transactions, and up to 15-20 transactions for those charging 2 asses.

workers.<sup>71</sup> A tax in a fixed amount, like the one governing foods would have been inappropriate. Since rates were so variable, with graffiti evidence showing prices from one to 23 asses at Pompeii,<sup>72</sup> any fixed tax may have forced workers to increase their prices, resulting in rapid artificial inflation of services. Avoiding fixed-rate taxation probably reflected the vast range of fees possible based on a woman's fame, skill, desirability, or, potentially, the price she set herself.<sup>73</sup>

A fractional tax, like that which governed income made by porters, may have been appropriate for brothel work, or contexts in which an overseer was involved, but sex work was not confined to such situations.<sup>74</sup> Many business models had the sex-worker reporting to a pimp, madam, innkeeper, bar owner, or enslaver who presumably kept track of their appointments, provided a location to practice out of, and took a share of their income.<sup>75</sup> However, not all sex-workers operated within structures that required them to be accountable to an authority figure. Ambulatory sex-workers or independent contractors may have operated as gig workers; accepting jobs when and wherever they became available, like modern-day Uber Drivers. These women may have worked outside of brothel contexts for any number of reasons, including resistance to pimp fees, fear of abuse by overseers, some were perhaps even *sui juris*, and exercised their right to self-governance. As well, using fractional taxation on ambulatory and independent workers would require income to be self-reported, since they were accountable only to themselves. Since the court testimony of an *infamis* (infamous/disreputable person) did not hold any

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<sup>71</sup> The tax was 'optimal' in that the taxation scheme was appropriate for the job and resulted in state profits, it was not necessarily optimal in terms of the collection of the tax, for a brief discussion of sex-workers evading taxes see McGinn 2007: 147.

<sup>72</sup> For records of one as see *CIL* 4.5408; *CIL* 4.8248. For records of 23 asses see *CIL* 4.8034. For an example of a denarius see Mart. 9.32. For further discussion on price ranges see McGinn 2007: 42.

<sup>73</sup> "Some contexts" meaning sex-workers who weren't being employed by pimps, enslavers, or other overseers who might set or affect their rates or workload. For situations in which overseers are absent, we can only assume that the worker set her own rate, according perhaps to standard market rates, her own valuation of her labour, and/or her monetary requirements.

<sup>74</sup> In addition to dedicated brothels, bars, restaurants, inns commonly offered sex work on the side. McGinn 2007: 15-18.

<sup>75</sup> McGinn 2007: 52.

weight,<sup>76</sup> it is unlikely that her eroded legal credibility would permit her to report income honestly for tax purposes. Even in Roman comedy (which is potentially more representative of contemporary social attitudes) sex-workers are consistently portrayed as deceitful.<sup>77</sup> However, setting the tax at the rate of one encounter per working day would not be impacted by the worker's daily income or overall encounters. It seems that Caligula's taxation method on sex-workers was financially optimal for the state, but in its efficacy, testifies to variety and agency among sex-workers as it came to their individual rates and business structures.

### 1.11 On *Infamia* Status

While their status as sex workers forced them into civic participation, sex-workers were also socially and politically isolated: they held the legal distinction of *infamia* (infamous/disreputable woman).<sup>78</sup> This category also included convicts, gladiators, actors, and other stigmatized groups, all of whom provided entertainment and some form of pleasure to the Roman public.<sup>79</sup> Being *infamis* did not necessarily ban someone from nominal citizenship, but it did restrict certain rights including will-making, holding office, being a witness on legal documents, and protection from corporal punishment.<sup>80</sup> In this particular analysis, we are especially concerned with the social impacts of the title, since some legal restrictions overlapped with those already placed on Roman women; female sex workers were thus likely less impacted than their male counterparts by the legalities of this categorization.<sup>81</sup> Being *infamis* was a permanent mark of shame, and complicat-

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<sup>76</sup> Edward 1997: 73; *Dig.* 3.2.21. For more on the status of the *infamis*, see page 27.

<sup>77</sup> Duncan 2006: 257-8.

<sup>78</sup> Edwards acknowledges that it may not have been until the second or third centuries AD that infames “constituted an entirely coherent legal category”, but insists that at least the social effects are worthy of consideration for the Augustan period. Edwards 1997: 67.

<sup>79</sup> Wallace-Hadrill 2020: 26; On pleasure and entertainment being a uniting force for all infames professions: Edwards 1997: 83-90. The categorization of *infames* is somewhat ambiguous according to Gaius (*Gai. Inst.* 4.182), but it is more clearly laid out in *Dig.* 2.11.1-22.

<sup>80</sup> Wallace-Hadrill 2020: 26.

<sup>81</sup> Ackerman 2014: 10.

ed a woman's social mobility; men were disincentivized from marrying them, as the title would be carried over to their husbands (*Dig.* 3.2.13.4). Sex workers and undesirables were removed from the procession paths of priestesses in Rome, so as not to corrupt their gazes, the division between the sacred and profane mirroring the social climate.<sup>82</sup> The *infamia* designation purposefully and successfully deepened the legal and social divide between sex workers and the well-to-do population of Rome, limiting the social and political agency of sex-workers.

### 1.12 On Political Partisanship

Another example of sex-workers asserting agency in the realm of Roman law comes from Pompeian graffiti, where on the façade of a tavern, multiple women, likely sex-workers, ask (*rogant*) for votes in favour of certain politicians. It was commonplace in taverns, inns and restaurants to be able to purchase sexual services, and frequently from the establishment's staff, and Della Corte identifies this particular tavern as such a place.<sup>83</sup> The most important graffiti from this location is *CIL* 4.7863:

*C(aium) Lollium  
Fuscum Ilvir (um) v (iis) a (edibus) s (acris) p (ublicis) p (rocurandis)  
Asellinae Rogant  
nec sine Zmyrina (CIL 4.7863)*

Asellina's (girls), not without Zmyrina, ask (that you vote for) Gaius Lollius Fuscus as duumvir, for caring for the roads, and sacred and public buildings.

The use of the singular genitive *Asellinae* indicates that Asellina is not asking on her own, but speaking for 'her girls', a group of sex-workers who are led in some way by Asellina.<sup>84</sup> The request to elect a specific candidate, and the demonstration of understanding of the duumvir's of-

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<sup>82</sup> Sen. *Controv.* 1.2.8; Edwards 1997: 82.

<sup>83</sup> For ancient mentions see Hor. *Ep.* 1.14.21; Catull. 37.1. For modern analysis of the availability of sexual services in taverns and other establishments, see McGinn 2007: 16-22.

<sup>84</sup> Lourdes Conde Feitosa 2013: 8-9; Della Corte 1925: 19-21.

fice (caring for roads, buildings, etc.) showcases a high degree of political knowledge and comprehension of local legal systems. Perhaps more remarkable is the fact that Asellina's girls are not anonymous. Their names are found elsewhere on the tavern façade, again, expressing favour for politicians:

*C (aium) I (ulium) P (olybium) I vir (um) i (ure) d (icundo)*  
*[[Zmyrina]] rog (at) (CIL 4.7864)*

Zmyrina asks that (you) rightly declare Gaius Julius Polybius as duumvir.

*Cn (aeum) Helvium Sabinum aed (ilem) d (ignum) r (ei) p (ublicae) o (ro) v (os)*  
*f(aciatis) Aegele rogat (CIL 4.7862)*

I beg you to make Gnaeus Helvius Sabinus aedile, (he is) worthy of public office. Aegele asks (you).

*Cn (aeum) Helvium Sabinum aed (ilem) d (ignum) r (ei) p (ublicae) o (ro) v (os)*  
*f(aciatis) Maria rogat (CIL 4.7866)*

I beg you to make Gnaeus Helvius Sabinus aedile, (he is) worthy of public office. Maria asks (you).

Asellina, Zmyrina, Aegele, and Maria have each been identified as sex-workers in previous scholarship.<sup>85</sup> Zmyrina is mentioned twice, once as supporting Gaius Julius Polybius as duumvir in the first graffito (*CIL* 4.7863), and again as supporting Gaius Lollius Fuscus for duumvir (*CIL* 4.7862). It is probable that *CIL* 4.7862 was written first, and that “not without Zmyrina” (*nec sine Zmyrina*) was added to 4.7863 afterwards, to show her allegiance to both candidates (the office of duumviri was filled by two men, so her support of one did not alienate the other). Specifying that she supports Asellina's candidate as well, is agentive in that it demonstrates her group affiliation, as one of Asellina's girls, but *CIL* 4.7862 expresses an aspect of her political will that is uniquely her own. This demonstrates that Zmyrina asserted agency in political expression both as an individual and as part of a group (Asellina's girls). Maria and Aegele both express support

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<sup>85</sup> Asellina, Zmyrina, Aegele and Maria have all been catalogued according to the context of their graffiti in McGinn's catalogue of potential sex-workers. McGinn 2007: 295-30 and also identified as likely sex-workers by Della Corte: 1925, 19-21.

for Gnaeus Helvius Sabinus as aedile, and with identical statements. This may be the result of limited literacy and one copying down the other's statement (for more on ancient literacies as they pertain to Pompeian writing, see page 53), but in the same vein, they identify themselves using their names, and expressing their support for a candidate. These two statements employ two different verbs to stress their request; *orare* (to beg) and *rogare* (to ask). This emphasis reminds us that this is not simply a statement of favour, but a call to action (voting) which the reader was expected to act on, it is an expectation that by expressing their agency, Agele and Maria can indirectly enact political change. Therefore, it is clear that through political graffiti, some sex-workers were able to exercise their agency through identifying themselves, expressing favour, and demanding action from the voters around them. o imagine that Asellina, Zmyrina, Aegle, and Maria voted or exercised formal power in Pompeii's election, but the evidence shows that they used graffiti to express their political wills in an agentive manner, inviting us to understand their civic participation in terms hitherto unconsidered.<sup>86</sup>

### 1.13 On Enslavement

Another difficult legal status that could be held by sex-workers was the harsh reality of being oppressed by slavery. Enslavement adds yet another layer to the intersectional identity of a female sex worker in Rome. Slavery is incompatible with Natural Law, which necessitates that all human beings are free and equal; in Roman law, this is subverted through the classification of enslaved people as legal objects rather than people, thus denying them the rights associated with personhood.<sup>87</sup> Power and authority were conceptualized in the form of honour (*dignitas*), a category which slaves categorically did not possess.

It is impossible to know with any degree of certainty what portion of the women who performed sex work did so of their own agency, how many were forced into the sex-trade by their enslavers, and how many were freedwomen who continued to sell sex after manumission. In

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<sup>86</sup> Conde Feitosa 2013: 8-9.

<sup>87</sup> Domingo 2018: 11.

some cases, enslaved people of both sexes were forced to provide sexual services at their enslaver's demand.<sup>88</sup> It is certain that not all sex workers were enslaved, as slavery did not allow its victims any legal capacities, including property ownership, yet there is record at Pompeii of an enslaved hairdresser belonging to a sex-worker.<sup>89</sup> Perhaps the most famous free woman to have (allegedly) participated in prostitution was Messalina, wife of Augustus (Plin. *HN*. 10.83). Although this accusation is vituperative, and/or an attempt to delegitimize Augustus' line, and in all likelihood fictional, the premise must have been somewhat plausible. Writing centuries later, Ulpian mentions that pimps of both enslaved and free sex-workers are *infames* (*Dig.* 3.2.4.2-3). Specifying that pimps of free and enslaved sex-workers incurred the same legal consequences regarding *infamia* may suggest that there were certain legal contexts which distinguished between free and enslaved sex work. In the second century A.D., emperor Septimius Severus issued an edict rescinding the *infamia* status for women who were forced into prostitution during their enslavement (*Dig.* 3. 2. 24). This demonstrates that as early as the second century, free and enslaved sex-workers were not always subject to the same distinctions, presumably because free/freed women had the privilege of personhood and were comparatively more agentive than their enslaved counterparts, and were deemed more accountable for their actions. Whether or not this edict influenced or was the result of, a widespread socially-recognized distinction between enslaved/free sex-workers is indeterminable from this evidence. We are also unable to draw unequivocal conclusions pertaining to the 1st century A.D. However, we understand that while freed and enslaved women were not treated equally from a legal perspective, their social perception is more likely to have impacted their daily lives, since legal status was not always immediately apparent. There are no known records of client's inquiry about a sex-worker's legal status, which may suggest that they were perceived first according to their occupation and labour capacity rather than legal status. The notion that perception is more impactful on social reality than legal technicality is further supported by Ulpian stating that if an honourable woman were as-

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<sup>88</sup> Domingo 2018: 134.

<sup>89</sup> For enslaved people as having no legal capacities: Domingo 2018: 133. For the sex-worker's enslaved hairdresser: CGL 2.100.45: "CINERARIUS, DOULOS ETERAS" ('ETERAS' is hetairas, according to McGinn 2007: 37.

saulted in the street, her claim would be dismissed if she were dressed in a way more appropriate for a sex-worker than a woman of her station (*Dig.* 47.10.15.15). In this scenario, legal status gives way to social perception.

The existence of free, freed, and enslaved sex-workers makes delicate any discussions of agency. It would be inappropriate to argue that all female sex-workers at Rome could exercise meaningful, unchallenged agency over their bodies on a daily basis. Sexual enslavement has always entailed sexual assault, freedwomen who were previously forced into prostitution may have continued due to a lack of viable options, and impecunious freeborn women may have required sex work to supplement their income. Therefore, we will not be attempting to determine whether any of these women were empowered or even consensual partners, but rather how they may have perceived themselves within and despite their situations. The goal of this analysis is not to re-frame sexual slavery into a false narrative of female choice-empowerment, but to understand the complex systems of oppression surrounding sex workers regardless of legal status, examine the evidence pertaining to their self-perception, self-expression, and resistance, and determine whether toga-wearing is aligned in any way with their known channels of agentive self-expression. In conclusion, we have discussed the various possible legal statuses, laws and social stigma accompanying Roman sex-workers around the first century A.D. and can conclude that while the intersection of all these factors meant they were more restricted in their legal rights than honourable women, sex-workers maintained a number of avenues through which they could exercise agency.

## 2.1 Representing the Toga: Clothing, Sex Workers, and their Literary Context

Since the world of Latin literature often represents dress as a manifestation of character, sartorial deviation was understood to reveal behavioural deviation, and where these garments were charged with gendered symbolism, deviation could suggest gender non-conformity.<sup>90</sup> In this chapter, we will discuss the symbolism behind the toga, as it appears in literature, and especially its fluidity as a symbol depending on its wearer. We will also examine how individuals can be impacted by the clothing they wear in literature, and discuss the literary archetypes of stolate matron and togate whore. Finally, we will examine some literary evidence for sex-workers manipulating their appearance in an agentive way. Although there exists no literature stating that the toga was the exclusive garment of the sex-worker, and no sex-worker authors survive to enlighten us of their motives in toga-wearing, we will examine the existing literature as it supports two principal notions: first, that the toga was a garment with significant symbolic meaning, worn by sex-workers, and second, that people (including sex-workers) exercised agency through the use of emblematic dress (including the toga) and appearance management.

If we focus our discussion on the toga alone, we find a complex network of meanings depending on the particulars of its wearing. Typically, it was used in literature to symbolize masculine authority and civic status and pride, recalling the heritage of the “masters of [all] things, the togate race.”<sup>91</sup> Livy uses Cincinnatus’s toga to symbolize his transformation from farmer to authoritative, politically active civil servant. The humble farmer-elected-dictator was found working in the field, requested his toga be brought straight away, and was not hailed as dictator by the messengers until he had donned it - his toga being the physical manifestation of his political authority, power, and right to participate in political life.<sup>92</sup> A dark-coloured toga (*toga pulla*) was

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<sup>90</sup> Olson 2002: 391; Mowat 2021: 291-2.

<sup>91</sup> Rothe 2020: 41. See also Virg. *Aen.* 1.282. “*Romanos rerum dominos gentemque togatam.*”

<sup>92</sup> Liv. 3.26; Vout 1996: 214.

associated with mourning,<sup>93</sup> and men are sometimes recorded reversing their toga (*toga perversa* or *mutatio vestis*) to agentively express personal mourning, protest, and anguish (sometimes seen in court, when one's life is being threatened).<sup>94</sup> A properly-worn toga was indicative of good character, moral standing and Roman authority, but a toga that was too short, dirty, or not worn with sufficient care, grace and attention to pleating was associated with poor character. Suetonius describes Caligula angrily rushing out of an amphitheatre with such haste that his toga came loose and he tripped on it, falling down the stairs - all because he was irrationally emotional and jealous of the attention given to a gladiator (Suet. *Calig.* 35). This episode is critical as it suggests serious lapses in judgement and characterizes him as unstable and prone to being overwhelmed by his emotions in a way unbecoming of Roman masculinity, using the toga malfunction to express this.<sup>95</sup> The toga's symbolism as the garment of masculine authority and responsibility is perhaps no clearer than in the *toga virilis* ceremony, during which freeborn boys formally ascended to manhood, a transition symbolized by the putting on of his first toga - after this coming-of-age. He assumed all the rights and responsibilities of a citizen man; including political participation, the right to own land, the right to a legitimate marriage, etc.<sup>96</sup> The toga was a symbol of citizenship and political participation especially during the Augustan era, since it was the government-mandated uniform for men while in the Forum and during ceremonies, in an attempt to restore Rome to its ancestral glory.<sup>97</sup> The toga was a powerful means by which Roman men implicitly (and sometimes explicitly) asserted their legal right to agentive participation in or control over their affairs, whether they were economic, legal, political, military, or domestic. It was also a symbol that could bring honour if worn correctly, but invite criticism and a negative perception of a man if he wore it in a nonstandard way - indicating that one's agentive choices relating to toga-wearing significantly impacted how he was received in Roman social circles.

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<sup>93</sup> Dighton 2017: 348-9.

<sup>94</sup> Olson 2017: 101-2; Dighton 2017: 345. For some instances of the reversed toga, see Val. Max. 9.12.7; Sen. *Ira* i.16.5.

<sup>95</sup> Christ 1997: 28.

<sup>96</sup> Edmondson & Keith 2008: 53; Suet. *Claud.* 2.2.

<sup>97</sup> Suet. *Aug.* 40.5; Christ 1997: 25.

## 2.2 Propertius 4.2: a Case Study in Dress, Gender, and Power

For further examples of how agency in clothing can impact how a wearer is perceived, we find an excellent example in Propertius, which highlights the gendered implications of clothing. In his fourth book of elegies, Propertius uses the shapeshifting deity Vertumnus to illustrate the symbolic power of gendered garments in literature:

*opportuna meast cunctis natura figuris:  
in quamcumque voles verte, decorus ero.  
indue me Cois, fiam non dura puella:  
meque virum sumpta quis neget esse toga?  
da falcem et torto frontem mihi comprime faeno:  
iurabis nostra gramina secta manu. (Prop. 4.2.21-26)*

My nature suits any role: turn me to which you please, and I shall fit it well.  
Clothe me in silks, and I will become a none too prudish girl: and who would deny that, wearing the toga, I am a man? Give me a scythe and bind my forehead with a wisp of hay: you will swear that my hand has cut grass.<sup>98</sup>

Propertius demonstrates Vertumnus' gender fluidity through clothing, even associating gendered actions with each. The luxurious silks are not merely associated with the feminine, but specifically with one who is *non dura*, understood by Goold in definitively sexual terms.<sup>99</sup> Conversely, Vertumnus' masculine expression is togate and associated with the hard manual labour of harvesting hay. In the world of elegy, gendered clothing is enough to transform Vertumnus from a promiscuous woman to a labour-hardened farming man. Humans, on the other hand, are expected to match their gender to the associated garments, and men who wear silks and dyes are characterized as the effeminate *pathicus* or *mollis* archetypes.<sup>100</sup> Vertumnus, not being bound to one

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<sup>98</sup> Goold 1929: 323-4. See also Rothe 2020: 4.

<sup>99</sup> Goold 1929: 323-4.

<sup>100</sup> Olson 2014: 188 & 200; Olson 2017: 135-41. For mentions of gender-deviating men, see also Tac. *Ann.* 2.33; 3.53.

physical sex or a socially-imposed gender, is able to demonstrate the gendered power of dress in literature to each extreme, of actually becoming each gender. This is evidence that, although a garment's meaning can be impacted by the wearer (i.e. the toga is honourable on a man, dishonourable on a woman), the reverse is also true; the way someone's gender and behaviour is perceived can also be altered by their agentive clothing decisions.

### 2.3 Literary Dress and Dichotomy

Ancient literature uses a variety of literary devices to assert the power of clothing. Instead of being metamorphosed *by* their clothes, metonymy is used to transform people *into* their clothes, demonstrating how explicitly clothing can be used to denote characteristics such as status, identity, and character. The impact of clothing-related metonymy is that the office or status is emphasized at the expense of the individual; if one swears allegiance to the *crown*, Elizabeth (and the institution of the monarchy) is understood, but her personhood is downplayed. If Wall Street is swarming with *suits*, their individual identities are insignificant. This device is frequently used in Latin literature, and often where emblematic clothing is concerned.<sup>101</sup> Ovid begins his scandalous *Ars Amatoria* by sending away modest hemlines and fillets: *Este procul, vittae tenues, insigne pudoris, Quaeque tegis medios, instita longa, pedes* (*begone, delicate fillets, symbols of modesty, and you long hems which cover the middle of the feet*) (Ov. *Ars Am.* 1.31-2). These garments stand in for chaste women. The command issued to the garments to be gone also underlines how removal of clothing can change a person. These lines could be interpreted subversively; by removing the *symbols* of chastity, women may gain more social flexibility regarding expectations of their modesty, or they may lose social capital by falling prey to men seeking sex.<sup>102</sup>

There are, of course, other ways in which clothing is used to emphasize status and to de-emphasize personhood. In Roman literature, there exists a deeply-entrenched binary of matron and whore, wherein clothing played an important role in the expression of the 'ideals' of each

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<sup>101</sup> Olson 2002: 396.

<sup>102</sup> Ziogas 2014: 736-7.

archetype. The matron of literature was symbolized by a few different pieces including fillets (*vittae*), the *palla*, sometimes a veil,<sup>103</sup> but above all, the *stola*. Each of these garments, but especially the *stola*, became emblematic of feminine modesty (of physicality and demeanour) (*pu-dicitia*), and loyalty (*fides*), the antithesis to the literary depictions of the sex worker.<sup>104</sup>

When worn correctly and by a male citizen, the toga held real-world and literary significance as an emblem of virility and civic responsibility. On a woman, a toga demonstrated that she was prohibited from wearing (or unworthy of wearing) the privileged garments of a matron, and had sexual appetites which deviated from the ideals of their gender (i.e. enjoying or desiring sex was a masculine trait).<sup>105</sup> The type of woman who wore the toga in Latin literature was exclusively a sex worker or an adulteress<sup>106</sup> - the distinction is not made between these two types of women, which may be the result of a legal or social environment which branded them as equally problematic due to acting in an agentive way to fulfill their masculine-coded sexual desires, as represented by their masculine-coded dress.<sup>107</sup> The notion of a *togata* (togate woman) also came to symbolize the system of morals and ‘ideals’ associated with sex workers. Luxury, sexual licence, and trickery are characteristic of sex workers in literature. So too is the transgress of gender. Ultimately, they are not the ideal *stolatae*, but rather occupy a liminal space of being women who are barred from the conventions of feminine honour.<sup>108</sup> In calling an enemy’s mother a “*mater togata*,” (Mart. 6.64.4). Martial positions *togata* directly after *mater* and thus offers a sharp moral contrast between archetypes in a way which subverts the reader’s expectations in a shocking way. Cicero offers another juxtaposition with shock value:

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<sup>103</sup> For a complete discussion of veiling see Hughes 2007: 220.

<sup>104</sup> Vout 1996: 215.

<sup>105</sup> Parker 1997: 58.

<sup>106</sup> Brøns, Skovmøller, & Gisler 2017: 58.

<sup>107</sup> Adams 1983: 350-1; McGinn 1998: 155.

<sup>108</sup> Dixon 2014: 298.

*Sumpsisti virilem, quam statim muliebrem togam reddidisti. Primo vulgare scortum; certa flagiti merces nec ea parva; sed cito Curio intervenit, qui te a meretricio quaestu abduxit et, tamquam stolam dedisset, in matrimonio stabili et certo collocavit.* (Cic. Phil. 2. 44-5)

You put on the toga of manhood and promptly turned it into the badge of a harlot. You started out as a common whore. Your shame had a fixed price, and no mean one. But quite soon, along came Curio, who took you out of the prostitute's trade, gave you a married lady's robe as it were, and settled you down in steady wedlock.<sup>109</sup>

This passage bristles with gender, clothing, and sex work-related language. The first line pairs both *virilem* and *muliebrem* with *togam*, displaying the duality of the garment's symbolism. *Sumpsisti virilem...statim* alludes to the *toga virilis* ceremony in which a young boy dons his toga for the first time, formally transitioning from boyhood to manhood and 'putting on' his new rights and responsibilities. This was a ceremony in celebration of Roman masculinity and dignity — to pervert it with imagery of a marginalized sex-worker no doubt shocked Cicero's original audience, even independent of the allegations themselves. To contrast the image of Antony the *togata*, Cicero sustains his slander by continuing to portray him as a woman (i.e. a gender deviant who embodies the opposite of Roman male ideals), and says that his client, Curio, made him into a good wife by giving him a stola (*stolam dedisset*). This is especially degrading because of the implication that, even as Antony is no longer a sex worker, he owes his virtue to a former client and this undermines his masculinity as it implies that he does not fulfil the Roman male ideals because of the permanent stains of prostitution and effeminacy. Not only does Cicero call him a woman, he calls him a former *togata* and suggests that he has no more honour than a *stolata*. Therefore, *togata* and the *stolata* are literary archetypes, diametrically opposed, and women (and non-women) are called by these adjectives regardless of their actual attire.<sup>110</sup>

## 2.4 The Togate Woman in Horace

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<sup>109</sup> D. R. Shackleton Bailey 2010: 129.

<sup>110</sup> Olson 2008: 50.

Horace makes two references to togate sex-workers, once when he derides a man for thinking much of himself for only having affairs with a toga-wearing enslaved girl (*ancilla togata*), and another, more significant passage:

*atque etiam melius persaepe togatae est.  
adde huc quod mercem sine fucis gestat, aperte  
quod venale habet ostendit, nec, si quid honesti est,  
iactat habetque palam, quaerit quo turpia celet.  
regibus hic mos est, ubi equos mercantur: opertos  
inspiciunt, ne, si facies, ut saepe, decora  
molli fulva pede est, emptorem inducat hiantem,  
quod pulchrae clunes, breve quod caput, ardua cervix.* (Hor. *Sat.* 1.2.82-89)

“nay, often the advantage is with the strumpet. She, moreover, presents her wares without disguise; what she has for sale she openly displays; and if she has some charm, she does not boastfully show it off, while carefully concealing all unsightliness. This is the way with the rich when they buy horses; they inspect them covered, so that if a beautiful shape, as often, is supported by a tender hoof, it may not take in the buyer, as he gapes at the comely haunches, the small head, the stately neck.”<sup>111</sup>

Horace praises the togate sex worker for her honesty without boasting and the techniques she uses to display her attractive features, but more important is his comparison of her to a prized horse - neither horse nor woman hide anything. In the case of the sex-worker, her lack of deception is presented as a choice, using a series of active verbs (*gestat* (presents), *ostendit* (displays), *celet* (conceals), *nec... iactat* (does not boast)) to indicating agentive decision-making through active participation in the advertising of her body. By turning her into a horse for the comparison, he turns her clients into elite kings (*regibus*, translated in the Loeb as ‘the rich’) who evaluate her fitness but are ultimately distracted by her beauty from anything unseemly. This comparison may reflect a reality that has yet to be considered. Many of our surviving sources who use the toga to denote the whore archetype are elite men writing within institutions and social circles populated by other elite men. Presumably, such men would have had access to a particular section of the sex trade - while they may have frequented inexpensive sex-workers who marketed their services to the lower classes, it is likely that the sex-workers they encountered catered their services to the

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<sup>111</sup> Rushton Fairclough 1926: 25.

upper classes, and were themselves high-earners.<sup>112</sup> Such women would be much likelier than their poorer counterparts to surmount the financial barrier to owning a toga, either through their income, or through gifts.<sup>113</sup> This notion is also reflected in the overrepresentation in the literature of sex-workers wearing silks and richly dyed fabrics - this cannot have been the case for most sex-workers, as the wages charged in Pompeii according to graffiti do not reflect an income that would have allowed for net profits sufficient for the purchase of luxury items,<sup>114</sup> but those with a roster of wealthy clientele may have been able to charge higher rates, or receive more expensive gifts, allowing them to access the toga - thus explaining their overrepresentation in the writings of the elite. While we understand that these are literary conventions, we also know that the uniform for Roman matrons was indeed the *stola*, and we will explore the evidence for togate sex-workers being a real-life practice, that indicated their public-facing position and agency outside of acceptable gender roles.

## 2.5 Evidence for Toga-Wearing as a Real-World Practice?

There has been some relatively recent scholarship questioning whether sex-workers actually wore the toga, or whether the applications are literary metonymy, or representing an ideal counter-type to the archetype of the stolate matron, the authority of late-antiquity scholiasts who claim that sex-workers were togate.<sup>115</sup> The surviving sources that associate sex-workers and togas are admittedly not plentiful, but some of them reference the materiality and a real-world

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<sup>112</sup> In the previous passage (Cic. *Phil.* 2.44-5), a young Marc Antony is feminized into a sex worker, and reported to have catered to elite tastes, charging high (*nec ea parva*) wages and securing Curio (an older, elite man of means) as a long-term client. Whether or not there is any truth in these allegations, Cicero may have modelled this behaviour after real-life practices he'd observed in sex-workers servicing elites.

<sup>113</sup> Mart. 2.39. Martial makes a tongue-in-cheek comment about sending a famous sex-worker a toga as a gift, it is unlikely that this reflected any real practice, but it is symptomatic of the culture of clients giving expensive gifts to sex-workers, see Mowat 2021: 291.

<sup>114</sup> McGinn 2007: 176-7 ; 51-55.

<sup>115</sup> Olson 2017: 3; Rothe 2020: 40. Rothe also notes that there is a lack of evidence for togate sex workers in the surviving visual material, but this is largely consistent with the paucity of visual evidence displaying sex workers overall, regardless of their attire.

practice of wearing a toga existing outside of the literary world, which means they must have been worn to a certain extent. Juvenal says the following about a certain adulteress.

*“est moecha<sup>116</sup> Fabulla;  
damnetur, si vis, etiam Carfinia: talem  
non sumet damnata togam. “sed Iulius ardet,  
aestuo.” nudus agas: minus est insania turpis.  
en habitum quo te leges ac iura ferentem  
vulneribus crudis populus modo victor et illud  
montanum positus audiret vulgus aratris.” (Juv. 2.67-74)*

“Fabulla is an adulteress. Imagine even Carfinia found guilty, if you like. But if she is found guilty, she won’t put on a toga like that. “But July’s blazing—I’m sweltering.” Then plead stark naked. Insanity is less disgusting. Just look at the outfit you’re wearing for citing laws and statutes, in front of an audience consisting of the populace fresh from victory with their wounds still raw and those famous mountain folk who have just put down their ploughs!”<sup>117</sup>

Here, by stating that Fabulla and Carfinia would not dare wear a toga as light and airy as their opposition’s legal representative, Juvenal criticizes the lawyer’s flamboyantly-light toga as improper for his station - legal work, like all civic service requires reverence and proper comportment (there is also criticism of his hypocrisy in accusing others of deviating from right behaviour, when his own choices deviate perhaps farther from the masculine ideal). Juvenal implies that even convicted adulteresses, who may wear togas after the trial, would be unlikely to debase themselves farther by wearing a toga *like that one*. Thereby he demonstrates the complexity of correct toga-wearing, and how the lawyer’s improperly light toga does not offer him virile honour, but is instead a point of criticism.

As well, there are currently two figures that have been identified as artistic depictions of the toga on a female body. One is the statue of Cloelia in the forum, the statue does not survive, but multiple written descriptions assure us that her statue was definitely togate (in fact, it was

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<sup>116</sup> *Moecha* is used of both adulteresses and sex workers in Latin; its Greek equivalent denoted adulteresses but this specification is not a feature of the Latin usage. For more see Adams 1983: 350-1.

<sup>117</sup> Morton Braund 2004: 155.

equestrian!) and situated in the Forum.<sup>118</sup> Cloelia was a young girl who led her fellow captives to swim across the Tiber to freedom, her statue in the forum honours her deed and holds her up as an *exempla*, an emblem of Roman excellence.<sup>119</sup> Due to her age and the honorific nature of public equestrian statues, it is certain that this depiction does not suggest that she was a sex-worker and that her toga exists outside of any allusions the sex trade. Rothe argues that the toga symbolizes her bravery, rather than actual attire, and she is correct.<sup>120</sup> The statue was also commemorative of a single event: defying her captors - a highly agentic act, which even inspired agency in those others who followed her across the Tiber, her toga is emblematic of her agentic willpower in escaping. As well, the statue is of interest for this thesis because it was situated in the highly-visible, high-traffic area of the Forum at Rome, allowing women who spent time in public (i.e. sex-workers), to see it. Cloelia's public statue means that the togate female form was not alien to Romans, and particularly to public-facing women. With this evidence, we are not able to form conclusions regarding sex-workers mimicking the statue's dress, or even drawing inspiration from it. The statue is significant because it demonstrates that the togate woman was not an alien concept in Rome's material culture, that it certainly had a life outside of literature.

Most recently, Hughes has identified a female figure in a Pompeiian fresco of a tavern scene from the Caupona of Salvius which she cautiously identifies as a toga-wearing barmaid (Figure 2), who may have also offered sexual services alongside food, and may have worn the toga as a uniform, identifying her as selling sex.<sup>121</sup> Her analysis includes comparison to a similarly-clothed bread vendor (male), also depicted in fresco at Pompeii, who, it has been suggested, is wearing a toga (Figure 3).<sup>122</sup> Both images depict a similar long, white garment with some folds visible, indicative of the long, intricately gathered fabric of a toga. Furthermore, the greater context of the tavern scene is important - it sits to the right of a scene involving Myrtalis, a sex-

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<sup>118</sup> Plin. *HN*. 34.28; Sen. *De Consolatione ad Marciam*. 16.1-2.

<sup>119</sup> Liv. 2.13.4-11; Sen. *De Consolatione ad Marciam*. 16.1-2; Roller, 2004: 33-7.

<sup>120</sup> Rothe 2020: 40.

<sup>121</sup> Hughes 2021: 430-5.

<sup>122</sup> Hughes 2021: 430-5.

worker dressed in bright colours, kissing a client (Figure 2).<sup>123</sup> Following Myrtalis' scene with a togate sex-worker scene is a completely logical continuation which binds the two images with the common thread of sex-work. This fresco, alongside Cloelia's statue demonstrates that the togate female form existed outside of literary trope. Neither of these artistic depictions, when discussed in isolation are directly indicative of sartorial agency, or agentive toga-wearing, but they are necessary to discuss as the only surviving depictions of togate female bodies. In Roman texts, there are devices and tropes that equate acceptable femininity with the *stola*, and acceptable masculinity with the toga. As we will see, the figure of the togate sex-worker subverts this binary: gender-bending, sexually available, public, and somehow having agency.

## **2.6 Ovid *Ars Amatoria*: A Case Study in Dress, Gender, and Power**

While Ovid's works arguably present the female perspective more frequently than most authors, this study will focus on the third book of the *Ars Amatoria* as an eroto-didactic poem aimed at sex-workers and other sexually problematic women. It is my belief that it likely reflects the reality of a sex-worker's agency more than anything else in the Ovidian corpus. In fact, by providing specific appearance-management options available to women which appeal to men, Ovid offers sex-workers in his audience the ability to seduce and satisfy their clientele, resulting in steady income. Although, it must be understood that, if the *Ars* served this purpose for sex-workers, it does not reflect the primary purpose or primary audience of the poem. The poem is aimed at men who want to understand seduction and women (sex-workers and non-sex-workers), and book three offers insight into women's management of their self-representation, ultimately so that men can understand the techniques a woman might use to seduce and satisfy them. However, it is possible that sex-workers who had access to the *Ars Amatoria* used it for their own purposes. Moreover, by detailing appearance-management practices that already existed, Ovid reveals that, although he is an elite male source, he is aware of women's agency in their appearance.

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<sup>123</sup> Clarke 1998: 27–48.

It is important for this study to establish that the audience of the *Ars* could well have included sex-workers, and that the instructions on seducing men would be of particular importance for them. Using their personal agency to manipulate their dress, adornment, and behaviour, women could cater to the desires of their male customers. Good customer service could naturally result in a higher frequency of repeat business, a more stable client base, and could result in stable wages. The audience of the *Ars* is vague, and perhaps purposefully so. The lack of dedication is uncommon and creates a de-individualized/anonymous atmosphere from the outset.<sup>124</sup> Ovid's opening metonymy, which we have discussed in our introduction to this section, banishes modest hemlines (Ov. *Ars am.* 1.31-4), and modest women.<sup>125</sup> The seriousness of this disclaimer has been called into question by ancient and modern readers, since Ovid was banished for allegedly promoting adultery in this work.<sup>126</sup> By virtue of being written down, the poem presents an accessibility barrier to illiterate and low-status women and instead privileges an audience of wealthier courtesans and elite non-sex-worker women.<sup>127</sup> As well, a recent philological analysis of the third book, showed that *munera* (gifts) appear much more frequently than in the first two books of the *Ars*, and that the language of advantage/disadvantage hold a financial tinge, while the woman's body is commodified.<sup>128</sup> For example, line 3.65 reads: *utendum est aetate: cito pede labitur aetas* (*make the most of your age, age slips away, fleet of foot*). *Utendum* represents more than a carpe diem attitude towards sexuality; it is a crucial reminder to sex-workers to maximize profits while they are young in order to protect against starvation in senility.<sup>129</sup> Two more useful lines demonstrate the objectification and commodification of a woman's body which characterizes the piece, advising:

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<sup>124</sup> Barchiesi 2006: 98-9.

<sup>125</sup> Ziogas 2014: 736.

<sup>126</sup> Harlow 2012: 43. Whereas Ovid says that he was banished due to a song (*carmen*) and an *error*, Gibson 2006, 122 claims the work in question is the *Ars*.

<sup>127</sup> For a fuller discussion of literacy among sex-workers, see page 53 in this thesis. See also James 2008: 136.

<sup>128</sup> Gellar-Goad 2021: 302-5.

<sup>129</sup> Gellar-Goad 2021: 290-1.

*Si niger aut ingens aut non erit ordine natus,  
dens tibi, ridendo maxima damna feres. (Ov. Ars am. 3.279-80)*

If you have a tooth that is blackened, oversized, or did not grow straight, you will bring about great losses by laughing.

*damnis munera uestra carent (Ov. Ars am. 3.98)*

your gifts are free from forfeiture

Gellar-Goad understands *damna* as referring to financial losses, thus Ovid equates the showing of ugly teeth with loss of profit, but also tells the sex-worker that she suffers no financial losses by giving away sex for free, as a gift (*munera*) (since it is a repeatable service, rather than a finite good).<sup>130</sup> In perhaps the most obvious allusion to his audience, he instructs women wanting to seduce men to be seen often in public:

*Ad multas lupa tendit oves, praedetur ut unam,  
Et Iovis in multas devolat ales aves. (Ov. Ars am. 3.420-1)*

The she-wolf/sex-worker descends upon many sheep,  
that she might prey on one.

*Lupa* being used literally to depict a wolf descending on many sheep, but also subversively, as a synonym for *meretrix* (sex-worker), since the word is recorded as being used first of sex-workers before it was used to describe a she-wolf, and denotes the perceived rapacity of a sex-worker, and a brothel is a *lupanar*, or a 'place for wolves'.<sup>131</sup> This may suggest Ovid's awareness of sex-workers in his audience.

Because the *Ars* assumes a basic level of familiarity with love elegy, and the world therein<sup>132</sup> - it is likely that sex-workers with access to the world of elegy serviced high-status, literary-

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<sup>130</sup> Gellar-Goad 2021: 291.

<sup>131</sup> Adams 1983: 333; Adams 1982: 205.

<sup>132</sup> James 2008: 140.

minded men. As Barchiesi points out, the nature of the poem changes based on the readership, if the reader is a matron, the poem instructs adultery, if a sex-worker, it is “a witty cover-up for a financial transaction.”<sup>133</sup> The *Ars* is no feminist manifesto; the first two books instruct men on how to recreate the world of love elegy, and the third book shows women how to fit into that world, for the direct benefit of men - highlighting the avenue of agency found in a woman’s self-presentation and cosmetics is simply a by-product.<sup>134</sup> Therefore, we can conclude that the intended audience was any woman who rejected chastity in favour of seducing men, but especially sex-workers.

## 2.7 Agency in Appearance Management

The *Ars* offers many choices and recommendations on the topic of appearance and behaviour. In Ovid’s imagination, he portrays women as agentive enough to manipulate even their laughter for seductive purposes. In fact, his claim that *discunt etiam ridere puellae* (girls even learn to laugh) (Ov. *Ars am.* 3. 281) uses a present indicative (*discunt*) rather than an imperative or subjunctive, implying that women are already learning to laugh to seduce men, independent of Ovid’s teachings; this may point to a practice of agency outside of his own teachings. Within the world of elegy, a woman’s laugh has a particular connotation - it is most often encountered in the context of women laughing at or mocking the unlucky poet, creating a power dynamic which threatens a poet’s ability to exercise his masculine authority.<sup>135</sup> By recommending that they control and, in some cases, stop their laughter altogether, Ovid attempts to manipulate a woman’s perceived vanity to correct this imbalance<sup>136</sup> but in doing so, acknowledges the power of a woman’s self-expression.

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<sup>133</sup> Barchiesi 2006: 96.

<sup>134</sup> Merriam 2011: 401.

<sup>135</sup> Merriam 2011: 421.

<sup>136</sup> Merriam 2011: 421.

Ovid also recognizes that *nec genus ornatus unum est*, (Ov. *Ars am.* 3.135) and describes flattering hairstyles, clothing choices, and colours for each face shape and skin tone. For example, he advises women who are short to present themselves lying across a couch, with a robe draped over their feet (to hide where their bodies end, and create the illusion of length), women who are “too slim” (*nimum gracilis*) he says should wear looser, draping fabrics with a high thread count/texture (presumably to create the illusion of a fuller figure) (Ov. *Ars am.* 3.263-8). These passages are scattered throughout the third book and reflect a woman’s ability to choose whether or not she would consciously engage with her appearance, and her ability to decide on specific matters of appearance, ultimately encouraging them towards agentic decision-making (while promoting adherence to male-created beauty standards).<sup>137</sup> These sex-workers commodified their bodies, therefore a client’s favourable perception of their appearance could result in a reliable clientele base, and a steady flow of income.

In addition to cosmetic and general behavioural recommendations, Ovid offers some saucy advice to allow a woman to showcase her most desirable aspects in bed.<sup>138</sup> This advice encourages women to be active, involved, sexual participants, rather than passive recipients of sex acts. It offers them specific methods by which to exercise agency in the perception of their bodies, for example, if a woman has a beautiful face, they should lie on their back, putting their face on display (Ov. *Ars am.* 3.773), and if she has stretch marks from childbirth (Ovid seems to think this is an undesirable trait) he suggests a reversed horse-riding position, which would conceal it from her client (Ov. *Ars am.* 3.785-6). Of course, all these recommendations cater to the male gaze, and thus show us a boundary - Ovid permits women to exercise all the bedroom agency they desire, provided that their purpose in it is to please their male partner. This serves as a reminder that any agency a sex-worker may have had was never absolute, and always existed within the context of deeply patriarchal Rome. However, this does not diminish the significance of Ovid’s description of women manipulating their sexual encounters and their ability to control the way in which their bodies were perceived. If the prior advice regarding behaviour and adornment

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<sup>137</sup> Harlow 2012: 42-3.

<sup>138</sup> Ov. *Ars am.* 3.769-788.

were meant to attract potential clients, the sexual position recommendations were to ensure customer satisfaction, repeat business, and a steady, reliable stream of income. The ability to choreograph a sex act with a certain goal in mind is, in itself, an agentic act of behavioural management for the purpose of influencing how their bodies and services are perceived.

## 2.8 Blurring the Binary

Ovid's instructions on appearance are very moderate,<sup>139</sup> especially when understood in the context of the 'anti-cosmetic tradition.' This literary tradition was ingrained in the Roman cultural zeitgeist, and presented an extreme binary: on one end, the simplicity, modesty, and moral goodness of a monogamous matron, on the opposite end, a whore dripping in gold and luxurious silks whose moral and sexual licence was reflected in her material excess.<sup>140</sup> The *Ars Amatoria* presents a third option which does not prescribe either excessive or absent adornment, but rather customized, strategic adornment.<sup>141</sup> Ovid's students will look neither like the whore nor the matron of Roman literature — purposefully encouraging women to blur the lines between these two literary archetypes, and presumably, between the sexual ethics of these opposing stations, producing a woman who is not so sexually available that she is socially condemnable (like the sex-worker), but not so honourable that a sexual encounter with her would have severe legal and social consequences (like the matron).<sup>142</sup>

In fact, Ovid demonstrates this blurring of lines between archetypes by sexualizing chaste women from myth. Atalanta, whose myth drips in Artemis' iconography, was a notorious huntress-virgin, suckled by a she-bear as an infant, who told her father she would marry any man

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<sup>139</sup> Barchiesi 2006: 96.

<sup>140</sup> Gibson 2006: 126-8.

<sup>141</sup> Ovid also discusses cosmetics and records recipes for the making blush and other skincare/makeup products in his *Medicamina faciei*, mentioning a woman's ability to enhance her appearance and the way in which she is perceived (Ov. *Medic.* 31-2). Anyone seeking information on cosmetic recipes in Rome must consult this source.

<sup>142</sup> Gibson 2006: 138-42.

who could beat her in a footrace, killing those who lost the race (Apollod. *Bibl.* 3.9.2). Ovid describes her with legs over Milanion's shoulders (the winner of the race and her husband), in the act of intercourse (Ov. *Ars am.* 3. 775-6). Andromache, the virtuous Trojan princess and dutiful wife of Hector, who fulfilled her role as wife by giving him a son (Astyanax), and happened to be a relative by marriage to Aeneas (Hom. *Il.* 6. 395-413), is also sexualized. Andromache is said to have never put herself on top of Hector like a horse due to her height - that Andromache considered a position typical of a sex-worker, shows a woman whom the readership knows to be modest seemingly trying out a pornographic scenario (Ov. *Ars am.* 3. 777-8). Another sexually explicit scene describes a certain Phylleian mother (*Phylleia mater*), with loosed hair and a neck tilted back in pleasure<sup>143</sup> — It is unclear who this woman is, but it is likely that she fits into the pattern of mythological figure, and her named status as a mother places her alongside Andromache and Atalanta as women we expect to be modest and non-sexualized. Atalanta and Andromache's sections have been characterized as “pure a form of pornography as we find in antiquity,” because they autonomize the women's body parts, emphasize the visuality of the scene, intentionally “blurring the distinction between viewer and male sex-partner.”<sup>144</sup> The description of the Phylleian mother, with its vivid description of reflexed neck and flowing hair, and that the reader is presented the scene from the male lover's perspective (rather than from hers) can be added this pornographic category. In our final analysis of this work, we can conclude that Ovid encourages women to exercise agency via their self-adornment and their behaviour outside the bedroom to control the way they are perceived, and also teaches them ways to control and maximize the perception of their bodies during sex for the enjoyment of their male partners. As well, Ovid uses highly pornographic examples of mythological matrons in these examples, frustrating audience expectations of their modesty: intentionally blurring the lines between the matrona/whore archetypes, and by extension, encouraging this behaviour among his students. All these instructions recommend some amount of sensual or sexual initiative — the result is showcasing multiple pathways through which a sex-worker (or any student of the *Ars*)

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<sup>143</sup> Ov. *Ars am.* 3.783-4. This reference may be to Laodamia: Goold 1929: 173.

<sup>144</sup> Barchiesi 2006: 112.

could exercise agency, even in ways that subvert social expectations. Therefore, for the sex-worker, the *Ars Amatoria* was not only a manual for cultivating love, it was also a handbook for appealing to the male gaze using dress, adornment, and behaviours to agentively manipulate the way they are perceived, and allowing them to decide the level of customer service they want to provide. Therefore, the *Ars* provides the sex-worker with an array of agentive choices and changes to their appearance and behaviour in order to seduce male clients, and maintain a steady flow of income.

## 2.9 Chapter Conclusion

While it would be irresponsible to refute the claim that sex-workers wore the toga at all, and that the togata was exclusively a literary creation, it is equally irresponsible to apply this dress universally. We also know there was sartorial plurality among sex-workers, and that while the toga evoked the profession, it was certainly not the only garment emblematic of sex-workers: silks and rich dyes are mentioned throughout literary descriptions,<sup>145</sup> especially as they relate to immodesty and foreign indulgence.<sup>146</sup> Some sex-workers were known for wearing nothing at all.<sup>147</sup> The toga was restrictive, hot, expensive to purchase and maintain, conspicuous, and would have been impractical for many sex-workers - especially ambulatory workers and workers who required spontaneous performance and clothing that could accommodate it.<sup>148</sup> This may suggest that it was worn predominantly by wealthier courtesans who could afford it, and those who were reliably able to plan their sexual encounters. This, as well as the little representation in art of togate sex-workers permits us to conclude that the toga was by no means a standard uniform, but at the same time we cannot neglect its mentions in literature. We have also discussed by examining the final book of the *Ars Amatoria*, that women had established sartorial decision making as a

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<sup>145</sup> Sen. *De Benef.* 7.9; Hor. *Serm.* 1.2.101–2; Tac. *Orat.* 26.1.

<sup>146</sup> Sen. *De Benef.* 7.9; Hor. *Serm.* 1.2.101–2; Vout 1996: 215.

<sup>147</sup> Olson 2008: 50.

<sup>148</sup> Olson 2002: 390.

form of agency, being able to manipulate the way their bodies were perceived to maximize their profits. It is also important to consider that the source material is dominated by the elite male perspective, and therefore results in the disproportionate representation of wealthy and elite-facing sex-workers. Therefore the real-life use of the sex-worker's toga is very likely overrepresented in elegy/literature in comparison to reality. Rather than the notion that sex-workers exclusively wore the toga, and did so in an agentive fashion to drive sales or assert their profession, the literary evidence supports complex social relationships between clothes, wearer, and the way in which the wearer was perceived. The literature tells us that the toga was one of a few garment options that a sex-worker could wear to demonstrate her profession. It also showcases how a person (of any gender and status, including a female sex-worker) might make agentive decisions regarding their attire, appearance, and behaviour to influence the way in which their gender, identity, and character are perceived.

### 3.1 Introduction to Pompeii's Brothel

In chapter 1, we examined the agency of individuals in the late Republic/Augustan period, focusing on the impact of Rome's legal system on men and women, especially sex-workers, and how governing bodies impacted their self-presentation. In the second chapter, we examined sex workers in literature, and reports of their engagement in agentive appearance-managing. In this chapter, we will examine the agency of female sex-workers in light of the toga, their physical surroundings, and their own expressions of identity, action, and agency. We will turn to the workers themselves to understand if and how sex-workers asserted agency. One of the topics treated in the first two chapters, toga-wearing, will be discussed as an element that fits into a larger pattern of agentive masculine-coded expressions of self.

Few avenues of agency were available for sex-workers to express themselves; we have no poetry, history or indeed any other document knowingly authored by a woman sex worker. This forces us to turn to inscription for expression of agency and more specifically, to Pompeian wall-writing within the Lupanar. By focusing on evidence from inside the Lupanar, we aim to minimize falsely-attributed authorship. The purpose of this chapter is to discuss the ways in which women sex workers used graffiti to lexically assert their agency by writing and displaying their names, occupational titles, experiences, and personal statements, and to demonstrate that these acts of self-definition demonstrate a collection of evidence onto which we might graft the practice of toga wearing.

Pompeii's earliest inhabitants were the Oscans who founded it around the 7th century B.C.; the Samnites invaded it around 420 B.C. and by 80 B.C. it was besieged by Sulla during the social wars.<sup>149</sup> The city saw many different populations move in and out. Estimating the pre-

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<sup>149</sup> Tanzer 1939: 1.

cise population of Roman Pompeii is particularly difficult since it was a port city and had a diverse population of settlers, travellers, immigrants, and tourists at any given time. Much like other bustling port cities like Athens and Corinth, this constant cultural exchange and movement of people and populations resulted in a thriving sex trade.<sup>150</sup> Tanzer remarks that Pompeii likely had a “*limited permanent population*” but had the permanent infrastructure to accommodate massive population swells during peak tourism seasons.<sup>151</sup> Pompeii also had a particularly lively (and well-preserved) wall-writing culture. Especially relevant for this project is the fact that as of 2014, over 15% of uncovered graffiti in the city uses sexual vocabulary.<sup>152</sup>

Moving forward, we must establish a few basic assumptions when interacting with brothel graffiti. First, wall-writing in Pompeii was not completely analogous to modern notions of ‘graffiti’ in that it did not carry the same social taboos and association with illegal vandalism.<sup>153</sup> In Pompeii, anyone who wanted to, wrote (*scripsit qui voluit*, *CIL* 4.3502) without the expectation of reprimand. Today’s wall-writing tends to occur in private spaces like bathroom stalls and back alleys, whereas Pompeiian wall-writing was often clustered at eye-level and found in public and private spaces.<sup>154</sup> It was meant to be seen, read aloud, and responded to.<sup>155</sup> One fuller even parodies the *Aeneid* in the public Via dell’Abbondanza, writing “*Fullones ululamque cano non arma virumq(ue)*” (“I sing of the fullers and the owl, not of the arms and the man,” *CIL* 4.09131), and in one private home a simple rendering of most of the Latin alphabet assures us that someone living in the House of the Grand Portal was somewhat literate (*CIL* 4.10711). There was an expectation of text-to-reader interaction implicit in Pompeiian wall-writing culture. For the purposes of this study, we will refer to these inscriptions as graffiti, with the understanding that no unlawful sentiments were attached to them. We will also keep in mind that graffiti is a

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<sup>150</sup> Robson 2013: 67.

<sup>151</sup> Tanzer 1939: 2-3.

<sup>152</sup> Keegan 2014: 260.

<sup>153</sup> Keegan 2016: 258; Benefiel 2016: 98.

<sup>154</sup> Benefiel 2016: 93-8.

<sup>155</sup> Milnor 2014: 77.

unique source, existing at the crossroads of written expression and physical artefact. It both purposefully expresses and permanently memorializes its author's experience.<sup>156</sup> So, while our primary interest is in lexical analysis, the nature of graffiti demands robust textual and metatextual approaches to underpin the duality of the source material - we will aim to offer both.

The second important assumption, is that literacy is a spectrum, especially in societies (like Rome) that do not place the responsibility of educating their masses on the government.<sup>157</sup> What we consider full literacy in the 21st century in Canada was rare among Romans, and several occupationally-defined 'literacies' existed instead (e.g. religious literacy, commercial literacy, legal literacy, etc.).<sup>158</sup> We must understand that a woman sex-worker, like any specialized labourer, could exist somewhere on this spectrum of literacy. She may be able to read and write words related to her professional activities, or practice what Milnor calls "*recreational literacy*", including literary parody, jokes, etc.<sup>159</sup> She may even have received an education and developed effective literacy skills, allowing her to read and write long swaths of text - since some enslaved people received formal education if at any point during their lives an enslaver thought literacy useful for their labour. Hallett's discussion of evidence from *Pseudolus* is convincing in its assertion that literary skills were "*not merely survival tools but weapons of combating human oppression*" among sex-workers.<sup>160</sup> Lucian's *Dialogues of the Courtesans* mention instances of literacy among female sex-workers at Athens, which may be useful to understand the place of literacy in the life of a sex-worker in Rome. Extending this, we also assume that women sex-workers are plausible authors of autobiographical graffiti. Acknowledging that graffiti authorship could be falsified for slanderous purposes,<sup>161</sup> we will largely use sources from the Lupanar and use this context to minimize the risk of falsely-attributed authorship. We will examine first-person and

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<sup>156</sup> Milnor 2014: 31.

<sup>157</sup> Milnor 2014: 49.

<sup>158</sup> Woolf 2009: 46-7.

<sup>159</sup> Milnor 2014: 25-6.

<sup>160</sup> Hallett 2011: 193.

<sup>161</sup> Luc. *Dial. meret.* 4.2-3 ; 10.4.

third-person statements about woman sex-workers, treating them as self-referential. It is ultimately impossible to prove graffiti authorship, and we acknowledge that this assumption is fallible, but maintain that it is no more or less fallible assuming male authorship. Finally, we will be examining graffiti as catalogued by Benefiel's important project, the Ancient Graffiti database, and adopting their epigraphic convention.

### 3.2 On the Use of Personal Names

The names by which we call ourselves, and the names which others call us, offer particular insights into our self-perception and the ways in which we allow ourselves to be represented. According to Roman nomenclatural conventions, citizens had patronymics which demonstrated their belonging to a recognizable family unit, whereas enslaved people and free non-citizens did not.<sup>162</sup> According to Varro's description of voluntary derivation (*declinationum voluntarium*), it was possible for enslavers to re-name their enslaved people according to the place of purchase, vendor, or any arbitrary source (Varro, *Ling.* 8.21).

Consequently, many names found in the brothel pay homage to sexual performance.<sup>163</sup> Many of these names also lack a familial *nomen*, leading us to believe that either they were given to enslaved women, or that they were akin to stage-names. *Victoria* (triumphant) is named more than once, (*CIL* 4.2227; 2221). *Mola*, meaning millstone, may refer to a woman who moved her body during sex and ground her clients down (*CIL* 4.2203; 4.2204).<sup>164</sup> *Restituta*'s name refers to restoration and revivification, and she announces to potential clients that she has *bellis moribus* (charming ways) (*CIL* 4.2202). A particularly funny example is *Cadia* (small jar), which resembles modern racy descriptions of the vagina as a 'tight box' (*CIL* 4.2243). Deviation from conventional human names conjure particular images of these women's work, emphasizing their labour rather than their personhood. The effect is comparable to the stage names of modern stage

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<sup>162</sup> Joshel 1992: 35.

<sup>163</sup> Levin-Richardson 2019: 61.

<sup>164</sup> Levin-Richardson 2013: 333.

performers, whereby the performer is de-emphasized and the performance is highlighted.<sup>165</sup> It is more likely that these names were forced onto these women by their enslavers, rather than the workers being free non-citizen sex workers, since the lack of a familial name is insufficient to firmly categorize these women as free.<sup>166</sup> Working with a variety of statistical sources, Levin-Richardson suggests that the number of graffiti showcasing female names associated with patronymics allow us to estimate that around 20% of the women whose names are documented are free women.<sup>167</sup> People write their names on objects for various reasons, often to claim ownership, but always to extend their participation with the material world around them - writing one's name is a method of extending one's self, and thus the inscribed object becomes a place in which our "*personhood is inscribed, stored, communicated and shared.*"<sup>168</sup> The Lupanar's workers were no different, and used the walls of their workspace to extend and monumentalize their experience according to their own agency.

### 3.3 On the Descriptions of Deeds

Although names makes up the largest category of graffiti at the Lupanar, some records are autobiographical and record acts performed by sex-workers themselves (as sexual agents) or descriptions of actions done towards them by clients (portraying themselves as sexual subjects). It is common for self-referential graffiti to be written in the third person, and this grammatical construction should not lead us to assume male client authorship in the cases of graffiti like *Fortunata fellat* (*Fortunata sucks*) and *Nice fellat* (*Nice sucks*). Indeed, they follow the same formula as *scribit Narcissus* and other male-voiced self-referential inscriptions.<sup>169</sup> This is perhaps similar to the common graffiti formula of salutation: "*X send their greetings to Y*", where the author is as-

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<sup>165</sup> Levin-Richardson 2019: 61.

<sup>166</sup> Joshel 1992: 39.

<sup>167</sup> Levin-Richardson 2019: 40.

<sup>168</sup> Woolf 2009: 60-1.

<sup>169</sup> Levin-Richardson 2013: 25-6.

sumed to be “X”: this style is inherited from the Roman epistolary tradition, which necessitated the immediate use of both names at the beginning of the letter, since unrolling the whole scroll to find the sender’s name was inconvenient.<sup>170</sup>

It is worth noting that other graffiti found within the brothel use second-person verbs (as in the case of *CIL* 4.2266; 4.2273 and 4.2268), and thus suggest it was not the women themselves who wrote these graffiti, rather a client or perhaps another sex-worker. The possibility of client authorship offers insight into the way these workers were perceived by their clientele and demonstrate the efficacy of their self-marketing. For example, Victoria, by virtue of her name may have consistently offered a more assertive sexual performance, and if client-authored, the valediction to Victoria the conquer-ess (*victrix victoria v̂a(le)* (*CIL* 4.2212)) may indicate that her personal brand was successfully communicated to her client. The second possibility, that sex-workers wrote about (or on behalf of) each other is supported by Lucian’s *Dialogues of the Courtesans*, in which Chelidonium writes a graffiti on behalf of the illiterate Drosis, in an attempt to get her client to return to her (*Luc. Dial. meret.* 10.310-317). This short scene offers precedence for the possibility that sex-workers wrote graffiti on behalf of their less-literate co-workers, in the hopes of influencing real events.<sup>171</sup> There is no reason that this phenomenon could not be used to advertise someone’s services or praise the ability of their co-workers in a collegial way (*CIL* 4.2273). Given Lucian’s scene, it is at least possible that these writings are sex-worker authored, while not necessarily autobiographical. The significance of documenting events on walls is that it offers a relatively permanent memorialization of autobiographical events. Keegan concludes that it “denotes a personal need to express individual life-choices,”<sup>172</sup> however within the context of mostly-enslaved sex-workers perhaps we might replace ‘life-choices’ with ‘deeds done’.

### 3.4 On the Use of Titles

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<sup>170</sup> Milnor 2014: 164. For examples of this format in the brothel, see *CIL* 4.2201 ; 2208 ; 2231.

<sup>171</sup> Milnor 2014: 202. Levin-Richardson 2013: 322.

<sup>172</sup> Keegan 2011: 170.

Sandra Joshel, a leading scholar on the use of occupational titles by enslaved people has concluded that “*slaves themselves saw something essential for their own identity in their work*” and that the use of occupational titles by the slave likely reflect the slave’s perspective, not the enslaver’s.<sup>173</sup> For our purposes, occupational titles will be confined to nouns that are descriptive of labour offered, and that employ agentive endings. Treggiari offers a robust exploration of the documented skilled domestic jobs and titles associated with freed staff and enslaved people, many of which follow this word-forming pattern. Most relevant to this study are those concerning women: *obstetrix* (midwife), *nutrix* (nurse), *ornatrix* (hairdresser), *unctrix* (masseur), *tostrix* (hair trimmer), *textrix* (weaver), and *sarcinatrix* (clothes mender).<sup>174</sup> As we will demonstrate, *fellatrix* and *fututrix* are like these.

One purpose of an enslaved person’s labour was to meet the needs (both material and social) of the elite.<sup>175</sup> One might argue that elite Roman men were required by society’s normative sexual dynamics to be active penetrators.<sup>176</sup> It was important to a Roman man’s self-actualization and social role that he be perceived appropriately. Thus, sex-workers who advertised themselves with specific occupational titles advertised their skilled, specialized labour as well as the opportunity for her clients to assert their sexuality in a penetrative way, implying which role he could take on (to borrow Parker’s terminology, a vaginal, oral or anal “insertor”).<sup>177</sup>

### 3.5 Graffiti Case Studies

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<sup>173</sup> Joshel 1992: 50.

<sup>174</sup> For the first four titles see Treggiari 1975: 72-7. For the final titles see Treggiari 1975: 52-4. The feminine agentive ending is paramount for this study, but the masculine agentive ending -tor has many associated job titles as shown in Treggiari’s study, including: *Dispensator* (steward), *ministrator* (waiters), *praegustator* (food taster), *saluator* (guest-greeter), *nomenclator* (enslaver’s reminder of their guests’ names), *oponsator* (caterer), *calciator* (shoemaker), *structor* (builder), *inaurator* (gilder), *caelator* (carver), *colorator* (furniture polisher), *strator* (horse-saddler), *lector* (reader), *pictor* (painter), etc.

<sup>175</sup> Joshel 1992: 76.

<sup>176</sup> Parker 1997: 54-5.

<sup>177</sup> Parker 1997: 49.

*Μόλα · φουτοῦτρις (CIL 4.2204)*

Levin-Richardson translates the graffito, *Μόλα · φουτοῦτρις (CIL 4.2204)* to “Mola is a Fucktress,” and *Miduse fututrix (CIL 4.4196)* to “Miduse the Fucktress”.<sup>178</sup> While the second instance is not from the Lupanar, it is worth mentioning as this is the only known use of the noun *fututrix* as a title in literature or graffiti.<sup>179</sup> Some notable lexical points - *fututrix*, is the feminine version of *fututor*, taken from the active form of *futuo* alongside the feminine agentive ending *-trix*.<sup>180</sup> *Futuo* does not indicate that Mola was passive.<sup>181</sup> This word often denotes a man’s active role, specifically in vaginal penetration.<sup>182</sup> *Futui*, the passive form, is typically used to denote a woman’s passive, receptive role.<sup>183</sup> Thus, these *fututrices* must be understood both as penetrated *and also* active participants in sex, especially if we are to understand them as the authors of these graffiti.<sup>184</sup> Levin-Richardson’s attention to the prosopographical positioning of *CIL 4.2204* recognizes Mola’s self-representation as a response to *CIL 4.2203*, *futui Mula hic*, rather than allowing her male client to announce his active role unchallenged, she reasserts her own agency through the use of this evocative occupational title.<sup>185</sup> Parker and Adams each identify a similar instance of an active form of *futuo* applied to a woman that corroborates the notion that her role is seen as active and virile, from Martial, a 1st century A.D. poet famous for short, impactful epigrams:

*Ipsarum tribadum tribas, Philaeni,*

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<sup>178</sup> Levin-Richardson 2019: 59.

<sup>179</sup> Levin-Richardson 2013: 333.

<sup>180</sup> Levin-Richardson 2013: 333.

<sup>181</sup> Conde Feitosa 2013: 44.

<sup>182</sup> Adams 1982: 118.

<sup>183</sup> Adams 1982: 121.

<sup>184</sup> Levin-Richardson 2013: 333.

<sup>185</sup> Levin-Richardson 2013: 333.

*recte, quam futuis, vocas amicam* (Mart. 7.70)

Philaenis, butch of the butches themselves,<sup>186</sup>  
you rightly call her your girlfriend, that girl you're fucking.

Elsewhere (the same?) Philaenis is portrayed as assuming a masculine sex role:

*Pedicat pueros tribas Philaenis  
et tentigine saevior mariti  
undenas dolat in die puellas* (Mart. 7. 67. 1-3)

Philaenis the lesbian butt-fucks boys,  
and more savagely than a husband's lecherousness,  
she penetrates eleven girls in a day.

*non fellat — putat hoc parum virile —,  
sed plane medias vorat puellas* (Mart. 7.67.14-15)

She does not suck (men's penises) — she finds this insufficiently manly,  
however she completely devours the middles (of) girls.

Philaenis is depicted using active verbs and an adjective stressing masculinity (*futuo* (*fuck*), *pedico* (*fuck, anally*), and *virile*) and this marks her as taking the active, penetrative, sex role. Martial paints a picture of a woman who forgoes the gender roles assigned to her (“she does not suck men”) and instead assumes agentive, active, masculine sexual ideals.

Similarly, the use of *fututrix* suggests that Mola is claiming an active sexual role, which demonstrates her self-assertion and agency in a manner that is normatively associated with masculinity. This deviance from prescribed gender roles supports the possibility that women like Mola, Miduse, and Phaenis could have strengthened their assertions of offered skill for sale by adopting the toga; both express their outward sexual/gender nonconformity.

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<sup>186</sup> *Tribadum tribas* is tricky to translate. We have chosen “butch” in accordance with the semantical implication of masculinity (according to Lewis and Short 1879: 1896, the term describes a woman who engages sexually with other women). We have done so with the understanding that “butch” is not always an offensive term within 21st century queer communities, but that it has been used in a derogatory manner by out-groups to undermine the femininity of queer women - this unflattering sense is what we believe best represents Martial's intentions here.

***Murtis · fellatrix (CIL 4.2292)***

*Fellatrix* is a more common occupational title, from *fella-* (to suck) and the agentive suffix *-trix*.<sup>187</sup> It is much more common in Pompeii's graffiti than *fututrix*,<sup>188</sup> but lacks the distinctly masculine edge. Instead, *fellatrix*'s agentive component comes from the notion that more passive vocabulary exists to describe a woman's role as oral insertee: *irrumata* (to have been mouth-fucked), as a perfect passive verbal participle is the term which emphasizes the passivity of this role, *fella-* is the more agentive of the two.<sup>189</sup> *Irrumo* appears only once at the brothel in an unclear context (*CIL* 4.02277), and elsewhere in Pompeii, a graffito suggests that while *irruamatio* was an act reserved for enemies, whereas *fellatio* could theoretically occur between a man and his friend (*CIL* 4.10030).<sup>190</sup> While this argument is not the most convincing, more worthy of our attention is an observation made by Levin-Richardson concerning two *fellatrix* graffiti, the second of which is from the Purpose-Built Brothel, and can be easily attributed to a sex-worker:

*Timele · fellatrix / Timel (CIL 4.1388)*

Timele · suck-tress / Timel

*Murtis · fellatrix (CIL 4.2292)*

Murtis · suck-tress

She highlights how the use of the agent noun rather than the verb *fellare* indicates “a stronger identification between the named woman and the act of *fellatio*”, suggesting that this was part of Murtis and Timele's “self-fashioned identity.”<sup>191</sup> And she also connects the interpuncts found in these examples to those used by men in political offices who asserted their positions via public

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<sup>187</sup> Levin-Richardson 2013: 331.

<sup>188</sup> *CIL* 4.1510. (Forum), *CIL* 4.2292 (Purpose-Built Brothel) ; *CIL* 4.4192 (House of the Silver Wedding), *CIL* 4.9228, (Villa of Mysteries) ; *CIL* 4.1388 ; 1389 (Vicolo del Labirinto)

<sup>189</sup> Parker 1997: 50; Levin-Richardson 2013: 331; Conde Feitosa 2013: 42.

<sup>190</sup> Milnor, 2014: 178.

<sup>191</sup> Levin-Richardson 2013: 332.

monuments and inscriptions.<sup>192</sup> The notion of sex-workers advertising themselves as quasi-political entities is further supported by D’avino’s remarks about the graffiti involving a group of sex-workers who, led by Aselina, expressed support for certain political candidates at Pompeii (*CIL* 4.7863 ; 7864 ; 7873) — inviting us to ponder the possibility of these women’s civic participation in terms hitherto unconsidered.<sup>193</sup> Certainly, a class of largely enslaved women sex-workers were ineligible to vote at Pompeii, but this evidence suggests that on more than one occasion, sex-workers could ‘try-on’ civic life as a part of their self-expression. Given that the toga is a garment indicative of civic identity and involvement, it is easy to imagine how their quasi-political self-representation may be extrapolated to occasional toga-wearing.

### 3.6 “I Was Fucked Here,” and Other Agentive Statements

#### *fututa sum hic (CIL 4.2217)*

Perhaps the most subtly spectacular displays of agency comes from the statement *fututa sum hic*. As Levin-Richardson points out, the feminine participle and first person verb in this statement make it irrefutably tied to a female author.<sup>194</sup> As previously established, women were expected to be subjected to sex acts, rather than to be actively performing sexual agents. This graffito’s author highlights her position as being penetrated, which traditionally places her at the lower end of the Roman sexual dynamic, but simultaneously centres her own (female) experience of being ‘fucked’. Indeed, we understand the heteronormative necessity for a male penetrator in this situation, and yet she has erased him entirely from her retelling. The first-person verb also indicates that she is asserting personal ownership of her own sexual subjectivity.<sup>195</sup>

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<sup>192</sup> Levin-Richardson 2013: 332.

<sup>193</sup> Conde Feitosa 2013: 8-9.

<sup>194</sup> Levin-Richardson 2013: 326.

<sup>195</sup> Levin-Richardson 2013: 333.

### ***Beronice [h]abenda futuere (CIL 4.2198)***

Another interesting graffito worth examining is *CIL 4.2198; Beronice is fuck-able*. The use of a personal name asserts an aspect of her identity. Unlike the anonymous writer of *CIL 4.2217*, Beronice asserts that her name be known in connection to this graffito. The name itself is interesting; while stage-like names like *grindstone (Mola)*, *victory (Victoria)*, and *pleasure (Hedone)* abound in the brothel, *Beronice* is not directly affiliated with sex-work. In fact, it resembles Berenice, a name of Macedonian origin popular with previous Hellenistic aristocracy.<sup>196</sup> There were at least four notable Berenices among the Ptolemaic dynasty, and Herod Agrippa's daughter and lover of emperor Titus had the same name. It is possible that this was Beronice's given name at birth, rather than one assigned to her by an enslaver, especially if the name gained popularity after being emblematic of royalty. It is also possible that this name carries with it a certain exoticism, since many notable Berenices were rulers in eastern kingdoms. Perhaps Beronice possessed ancestral ties to Macedonia, Egypt or the Near East — perhaps not. This claim is ultimately speculative but should not be dismissed outright given the paucity of sources on the naming practices among sex-workers of unclear social status. The claim that she is 'fuck-able' is agentic in itself - in declaring this, she emphasizes and controls the perception of her sexuality, and claims herself as the subject of sexual desire.

### ***Victoria invicta hic (CIL 4.2226)***

Many of the graffiti discussed in this dissertation assert agency in a subtle way, *CIL 4.2226* is unlike these. The graffito reads *Victoria invicta hic* (Victoria, the unconquerable, here). this statement seems more agentic than *fututa sum hic* and even than *Beronice habenda futuere*. Like Beronice, Victoria includes her name, which asserts an aspect of her identity (though it may be a name/stage name given to her by an enslaver), while providing information that would allow readers to connect the graffito back to herself.

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<sup>196</sup> Lewis & Short 1879: 233.

*Invicta* is more common in its masculine form. Echion is *invictus* in speed, Achilles' body is *invictum*, Ajax the Lesser struggles, *invictus*, against disaster, Memmius calls the Romans *invicti* to spur them into action, and Quintus Fabius Maximus has his spirit characterized as *invictus* despite problematic legislation passed in his absence.<sup>197</sup> It is worth noting that while *invictus* is not exclusively used in military contexts, many instances of its use are found in connection to wars, the frontline of battle, and the indomitable Roman spirit. The use of *invicta*, along with her *victorious* name support a strong connection with bellicosity. Roman military operations being a male-governed field, it is plausible that using this imagery allowed Victoria, in writing this graffito, to 'try-on' masculine war ethos and the indomitable spirit often associated with the citizen man. As well, she asserts her own unconquerable sexual nature, clients may penetrate her, but this graffito suggests that despite this, she does not view herself as the submissive party. This act of self-definition in spite of her probable enslavement, demonstrates an effort to exercise what little agency she had available to her, and assert herself as an unconquered sexual agent.

### 3.7 Chapter Conclusion

Women sex-workers in Pompeii lived on the margins of Roman society, whether or not she was enslaved. Those who were enslaved lived in an environment of “*social poverty and natal alienation*” as their heritage, relationships, names and personal agency were stripped from them.<sup>198</sup> In the graffiti at Pompeii's brothel, we have the largest collection of their voices that exists in the Roman world. It is important to note that much of what these women had to say asserted their identity and agency in one way or another. The use of names, or enslaved-names proclaimed an aspect of their identity. Occupational titles like *fututrix* and the description of specific sexual activities demonstrates an attempt to define themselves through an association with specialized

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<sup>197</sup> For Echion: Ovid. *Met.* 8. 311; Achilles: Ovid. *Met.* 12. 164-7; Ajax: Sen. *Ag.* 533-4. For the Roman people: Sall. *Jug.* 31.17-20. “vos autem, hoc est populus Romanus, invicti ab hostibus, imperatores omnium gentium, satis habebatis animam retinere.” (but you, the Roman people, (who are) unconquered by your enemies, emperors over all people-groups, considered it sufficient to retain (only) your vitals). For Quintus Fabius Maximus: Liv. 22.26.7. “cum invicto a civibus hostibusque animo ad exercitum rediit” (he returned to the army with a spirit unconquered by enemies or by citizens).

<sup>198</sup> Joshel 1992: 55.

labour and allowed them to be active sexual participants rather than a passive outlet for a client's pleasure.<sup>199</sup> We have also examined the language with which some women represented themselves, from the bellicose *invicta* to the preference for *fellat* over *irrumat*, and determined that, in some instances, they chose to represent themselves as active sexual participants in ways that allowed them to 'try-on' relatively masculine roles. These women had few avenues available for agency within marginalization, graffiti being by far the most well-documented, so it is plausible to hypothesize that since their written self-representation pushed gender boundaries, that occasional toga-wearing would be an appropriate extension of this behaviour.

## **Final Conclusion**

In summary, we have examined the legal, literary and wall-writing evidence relevant to a sex-worker's agency. We have determined that there is insufficient evidence to support a legally-mandated togate dress-code among sex-workers, and that women in Rome used sartorial means to assert status and wealth. We also established that women took this avenue of agency seriously, and were willing to challenge male authority by protesting when the *Lex Oppia* limited them their right to agentive dress.

We have also examined the literary evidence for toga-wearing sex-workers and determined that this literary representation served to strip them of their femininity and reflect their sexual licence as encroaching onto the masculine sexual ideal. We've established as well that Ovid's instructions on adornment are meant to offer dress options outside of the literary matron and whore binary, inviting women to exercise agency in the way they are represented and perceived by potential clients. In doing this, we have established dress as a known avenue of agency among sex workers.

Finally, we examined wall-writings from Pompeii's purpose-built brothel, analyzing the use of sexual moniker, first-person statements and interactions with graffiti to establish a second

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<sup>199</sup> Joshel 1992: 164.

known avenue for agency and among sex-workers, and provided them with the ability to identify themselves with their work via with unique first-person accounts of their lives.

In the final analysis, we are able to conclude that toga-wearing among sex workers is congruent with known avenues of agency, as it employs an element of dress (consistent with literary depictions) as well as the ability to identify themselves as sex-worker (consistent with the use of monikers like *fututrix* and first person graffiti). It is certain, though, that not all sex workers wore the toga, and that their representation in literature is the result of writers being exposed especially to wealthy, elite-facing sex workers who could access the garment. Ovid shows us that there was a market for sex-workers to make money by imitating elegy, which is one possibility for why a rich, elite-facing sex worker might decide to wear a toga. Another reason may have been to take control of their public image by outwardly showcasing their rejection of feminine ideals indicating to potential clients that they were 'safe' to engage with sexually or romantically without fear of acquiring social stigma or a husband's retaliation. It could be that certain sex workers preferred to display their status on their own terms before anyone was able to make derogatory accusations - beating them to the punch. Perhaps this phenomenon is reflective of a fashion sub-culture among Rome's elite-facing sex-worker population which simply favoured the toga as a matter of preferring a menswear-style aesthetic. No matter the reasoning behind the decision, it has been established in this thesis that is possible to conclude that toga-wearing is consistent with other agentive expressions of self that a sex worker employed - it was not necessarily her costume because it was forced onto her; the toga was hers because she took it.

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## Appendix

<b>Appendix of Graffiti Mentioned</b>		
<b>Graffito</b>	<b><i>CIL</i> Reference Data</b>	<b>English Translation</b>
Fortunata fellat	4.2275 and 02259	Fortunata sucks
Nice fellat	4.2278	Nice sucks
Ver+++ felas (:fellas) Fortuna sic	4.2266	Fortunata suks Ver(+++) in this way
Murtis (:Myrtis) bene felas (:fellas)	4.2273	Myrtis suks well
Myrtale Cassacos fellas	4.2268	Myrtale sucks Cassacos
Victoria	4.2227 ; 4.2221	Victoria (victory)
Rusatia	4.2262	Rusatia (potentially to do with farming, or red (hair?))
Ver et Aenedia	4.2269	Ver and Aenedia
Cadia	4.2243	Cadia (small jar)
Ianuaria	4.2227a ; 2201a	Ianuaria
Helpis	4.2189	Helps
Beronce	4.2256	Beronice
Panta	4.2178b	Panta (all ; Greek)
Cressa	4.2215	Cressa
Victoria invicta hic	4.2226	Victoria the unconquered, here
Beronice [h]abenda futuere	4.2198	Beronice is fuck-able
fututa sum hic	4.2217	I was fucked here
Miduse fututrix	4.4196	Miduse the fuck-tress
Μόλα · φουτου̣τρις	4.2204	Mola the fuck-tress

## Appendix of Graffiti Mentioned

futui Mula hic	4.2203	I fucked Mula (Mola) here
Murtis · fellatrix	4.2292	Murtis · suck-tress
Timele · fellatrix / Timel	4.1388	Timele · suck-tress / Timel
Restituta bellis moribus	4.2202	Restituta of the charming ways