

☞ Chapter Three ☞

ZONING SHAME

tonsor, copo, cocus, lanius sua limina servant.
nunc Roma est, nuper magna taberna fuit.
—Mart. 7.61.9–10

WHERE THE BOYS ARE

In the first appendix to this book I set out a list of some forty-one possible brothels, about half of which I regard as more likely to have been brothels than the rest. My purpose in doing this is chiefly to provoke further discussion on the subject. Even if my “more likely” list meets with skepticism, I trust even the skeptics will agree that a great deal of uncertainty surrounds the identification of brothels at Pompeii.

This uncertainty paradoxically makes it difficult to agree with the argument of Ray Laurence and Andrew Wallace-Hadrill that the Romans practiced a kind of moral zoning, keeping brothels in certain areas and out of others.¹ Laurence, who depends on Wallace-Hadrill’s restrictive identification of

1. A similar view is more assumed than argued by Chauvin, *Chrétiens* (1983) 17–18. Hoskins Walbank, review of *Urban Society* (1996); Schoonhoven, “Residences” (1999) 229; Patterson, “On the Margins” (2000) 95, agree with Laurence and Wallace-Hadrill. A prescient objection is raised by Kellum, “Spectacle” (1999) 291. DeFelice, *Roman Hospitality* (2001) 129–49, also expresses skepticism, though not without self-contradiction and lack of clarity. For what it is worth, my views first appeared in McGinn, *Prostitution* (1986) 13–15.

brothels,² holds that the concern was to render the sale of sex isolated from, and invisible to, elite women and children. Wallace-Hadrill posits a more general purpose, arguing that the aim was to purify one area of the town center by displacing and concentrating “impure activities in another inconspicuous and hidden, but nevertheless central area.”³ He supports this contention by referring to the location of “the definite brothels,” by which he means the Purpose-Built Brothel and the *cellae meretriciae*.⁴

What is striking about the topography of Roman prostitution, however, is the complete absence of any evidence for such moral zoning. First, to turn the argument about “definite brothels” on its head, we cannot be certain that any of the possible brothels listed in the first appendix was *not*, in fact a brothel. In other words, the Roman list of “definite brothels” would almost certainly be longer than any we can construct, if it is correct to assume that they recognized the concept of “definite brothel” at all.⁵ At a certain point in the analysis the problem of identifying individual brothels is less important than the conclusion that Pompeii was home to a number of brothels scattered throughout the city.⁶ This means that what we should focus on are the probable, or even possible, venues for the sale of sex in Pompeii, that is, if we want to argue for the segregation of prostitution in that city.

In the matter of zoning, moreover, it is a bit misleading to concentrate on brothels and ignore prostitutes.⁷ Public buildings and elite town houses may have squeezed the former, but not the latter, out of some areas to judge from the fairly abundant evidence,⁸ which shows a wide pattern both of public

2. Laurence, *Roman Pompeii* (1994) 73, expresses some confusion over the precise number of brothel sites identified by Wallace-Hadrill and, like him, lumps the Purpose-Built Brothel with the cribs.

3. Wallace-Hadrill, “Public Honour and Private Shame” (1995) 51. He contrasts the irregular plan of *Regio 7*, immediately to the east of the Forum (where the Purpose-Built Brothel and most of the known cribs are located), approached by through “narrow, dark, winding streets,” to the “conspicuous, regular, symmetrical, open spaces of the Forum or the upper *Via dell’Abbondanza*.” His point seems to apply Della Corte’s design criterion for brothel-identification to the city as a whole: see chap. 7.

4. Wallace-Hadrill, “Public Honour and Private Shame” (1995) 54.

5. There survives, for example, no Roman legal definition of brothel, which would have been essential, one would think, for any serious attempt at zoning. The jurists even seem to have gone out of their way to avoid constructing such a definition, to judge from Ulp. D. 3.2.4.2; Ulp. D. 23.2.43 pr., 9. See app. 1.

6. Cf. Jongman, *Economy* (1988) 252, for a similar argument regarding onomastics, where (un)certainly over individual cases yields to a possible statistical application overall.

7. Cf. DeFelice, *Roman Hospitality* (2001) 101. Much more might be said about Pompeian prostitutes than is possible here: see the list in app. 3.

8. See chaps. 2 and 9.

solicitation and nonbrothel prostitution in places of public entertainment such as circuses, temples, and baths as seen in chapter 2.

The Vicus Sobrius at Rome may be relevant to the argument. According to the grammarian Festus,⁹ the Romans called one street “Sober,” because it had no *tabernae* or *cauponae*. We may doubt it was the only street of its kind, but even if it were not, the notion suggests that it is wrong to assume that the Romans practiced moral zoning. Brothels, including what would be termed, on a narrower definition than the one I have adopted, strictly nonbrothel venues such as *cauponae* and *popinae* where sex was sold, tended to blend in with a city’s lower-class housing stock in a manner that rendered them invisible to many elite Romans and, unfortunately, to us as well.¹⁰ While most scholars would not assume that every *caupona*, *popina*, and *deversorium* offered sex for sale, it is far from certain which ones did and which ones did not, a point made in chapter 7 in regard to baths. For this reason, the well-explored Roman port city of Ostia, for example, has not one certain example of a brothel and not many good candidates at that.¹¹

A further point to make is that brothels were often not located at any great distance from upper-class dwellings.¹² The houses of the Roman elite were not distributed evenly throughout their cities, but neither were they packed together in a manner isolated from the rest of urban society.¹³ As we have seen in chapter 2, a pattern of modest clustering, as opposed to rigid segregation, has been found in a number of Roman cities, including Rome itself, where a large number of aristocratic dwellings were located in and near the Subura, supposedly the city’s main red-light district. If Roman cities were relatively

9. Festus 382–83L. See Kleberg, *Hôtels* (1957) 60. Mart. 7.61 also suggests retailers were ubiquitous in Rome, not only before imperial intervention, but afterwards as well: Domitian seems only to have aimed at clearing the streets; see also 1.41; Spano, “Illuminazione” (1920) 62–64; Purcell, “*Plebs Urbana*” (1994) 659–73; Purcell, “Rome and Italy” (2000) 419.

10. All kinds of shops were integrated into the context of urban housing, Gassner, *Kaufläden* (1986) 84, 88. For cross-cultural parallels on the integration of brothels and lower-class urban housing, see the notes to chap. 8.

11. See the discussion in chap. 8.

12. See Stansell, *City of Women* (1987) 174–75; Corbin, *Women for Hire* (1990) 141; Gilfoyle, *City of Eros* (1992) 47; Hill, *Their Sisters’ Keepers* (1993) 178, 195, 378, for evidence from nineteenth-century Paris and New York. In fourteenth-century London, the phenomenon generated complaints: Hanawalt, *Repute* (1998) 116. Cf. the mix of respectable and nonrespectable commerce in 1880s London: Walkowitz, *City* (1992) 129. For a pattern of mixed residence in Renaissance Rome, see Cohen, “Courtesans and Whores” (1991) 205.

13. Martial’s suggestion that the houses of his patrons were scattered throughout the city may well have involved some degree of exaggeration. It should not be taken, however, as sheer invention: see Kardos, “Quartiers” (2002) 120.

socially homogeneous,¹⁴ as the evidence suggests, there is simply no rationale supporting the theory of moral zoning. Given the absence of officially segregated prostitution-districts, we can assume brothels were distributed throughout the city, with some clustering in areas that presented the right mix of residential and commercial elements, especially a good share of lower-class housing, in what we might describe as the “Subura-effect.”¹⁵

Even where Roman authors appear to suggest a different pattern, that is, the existence of a clear distinction between wealthy and poor districts, an alternative reading is often possible and perhaps preferable. For example, when Ovid writes of the heavenly Palatine, almost certainly in reference to the Rome of his own day, that “the common people live elsewhere” (“plebs habitat diversa locis”), the obvious meaning is that the rich had made that hill exclusively their own, but a covert reference to imperial usurpation of prime urban real estate seems an even more plausible explanation, at least to me.¹⁶ In any event, the point is that literary topography—topography on the page—is not always coterminous with material topography—topography on the ground, though scholars will inevitably disagree on how precisely to reconcile these different maps of the ancient Roman city.¹⁷ Even when they appear to coincide, there is perhaps at times more than a literal interpretation of the evidence at stake.¹⁸

In an important sense, the point I have just made should end the discussion on moral zoning. If there is no evidence for any rules, legal or administrative,¹⁹ enforcing the geographic segregation of brothels, and if the location of such establishments is uncertain and quite possibly widespread, the argument for moral zoning fails. The difficulty is, however, that the thesis advanced by

14. For a general statement in support of this thesis, see Storey, “Population” (1997) 969.

15. See chap. 9. For an important parallel from nineteenth-century New York City, see Hill, *Their Sisters’ Keepers* (1993) 95.

16. *Ov. Met.* 1.173. For the first interpretation, see Wallace-Hadrill, “Emperors and Houses” (2001) 134. For sensitivity over the issue of imperial appropriation of property, especially in the first century, see McGinn, “Caligula’s Brothel” (1998).

17. For a similar point regarding the poet Martial’s use of topography, see Kardos, “Épigrammes” (2001) 206, 209, 214; Kardos, “*Vrbs*” (2001) 389. Essential reading on the *urbs scripta* is Edwards, *Writing Rome* (1996). See also the collection of sources in Kardos, *Topographie de Rome* (2000).

18. There is evidence to suggest that the Romans themselves were mindful of the distinction drawn here. On Augustus’s use of a text, the *Res Gestae*, to construct an ideology of space in Rome, see Elsner, “Inventing Imperium” (1996). For the competing efforts of Horace and Ovid in this vein, see Edwards, *Writing Rome* (1996) 7 and 24. See also Dyson and Prior, “Horace, Martial, and Rome” (1995).

19. The aedilician regulations cited by Laurence, *Roman Pompeii* (1994) 80–81; Wallace-Hadrill, “Public Honour and Private Shame” (1995) 45, 50–51 are irrelevant: see chap. 5.

Laurence and Wallace-Hadrill, even in the absence of evidence to support it, remains somewhat compelling, at least from a modern perspective.

Just how compelling this modern perspective can be is well illustrated by the dire problems facing Nevada's legalized brothels at the time of writing. Nevada is famously the only state in the Union to permit these establishments, a situation that has prevailed in ten of its seventeen counties since 1971, though the tradition of prostitution in the state dates back to the days of the Gold Rush in the nineteenth century.²⁰ While legal, these brothels are nevertheless heavily regulated. They are for the most part permitted only in a few rural areas, in contrast to the much more common urban setting that is characteristic of illegal and unregulated prostitution. Advertising is not permitted, nor is public solicitation in any form.²¹

The prostitutes who work in such places are not strictly employees of the brothels but independent contractors who are required to pay for weekly examinations for sexually transmitted diseases. The brothels themselves pay hefty registration and licensing fees to their local communities. They prefer to call themselves "ranches" and most retain the same 1970s decor that they had when they opened three decades ago. In fact, when a brothel owner in Pahrump, about sixty miles west of Las Vegas, announced a plan to convert his "ranch" into a major resort facility with a golf course, casino, and steak house, the proposal rocked the entire state's prostitution industry, since publicity of any kind is something akin to poison.²²

The paradoxical situation of Nevada's brothel business shows how deeply rooted assumptions in our culture are about how prostitution should be, and often actually is, hidden away from public view. The barriers to thinking outside of this box are uncomfortably high. Nevada also serves as an example of the false promise held out by some of the comparative evidence available on the subject of prostitution.

Given the lack of ancient evidence for zoning, however, it is difficult, if not impossible, to raise the issue without resort to comparison with other cultures. A useful example lies in attempting to see a link between official approaches toward brothels on the one hand and sewers on the other. Wallace-Hadrill draws a connection between keeping the streets and sewers clean and controlling prostitution that is reminiscent of much nineteenth-century

20. On prostitution in nineteenth-century Nevada, see Goldman, *Gold Diggers* (1981).

21. For the information provided in this paragraph, see Nieves, "Anxious Days" (2001).

22. For these details, see again Nieves, "Anxious Days" (2001). Note also the hostile reaction of brothel owners to the appearance of the website Georgia Powers (see the list of abbreviations): Albert, *Brothel* (2001) 240.

discourse on venal sex, above all that of the famous Alexandre Parent-Duchâtelet.²³ The key question, of course, is whether such a connection existed regarding Roman policy on prostitution.²⁴ This is not a simple matter of anachronism, but, given the variety of experience with prostitution in past cultures, an issue of just what kind of comparative evidence is most likely to shed light on ancient Rome.²⁵

We might try to evade the problem of the “brothel next door” posed by Roman comedy, where in such plays as Plautus’s *Menaechmi*, *Mostellaria*, and *Pseudolus*, brothels are shown on stage next to respectable dwellings, by citing dramatic convention, Greek influence, and so forth. But the truth is the Romans had no difficulty with this juxtaposition. Much is made in the *Menaechmi* of the Epidamnian brother’s affair with a prostitute *ex proximo*, but the heft of this criticism has to do with the nature of the relationship, that is, with its material and moral consequences for his marriage, as well as its blatantly high profile.²⁶ Plautus never suggests that the prostitute’s dwelling should be relocated. For a young, that is, unmarried man involved with a prostitute, the very proximity of that prostitute might help absolve him of responsibility, as we see was the case for Livy’s Aebutius and Hispala.²⁷

A policy aimed at the segregation of venal sex from respectable elements of the population has every appearance of having emerged following the rise of Christianity. It may be relevant that, despite a longstanding association between brothels and filth and a “special relationship” between the sewer and the kind of moral criticism found in satire (a genre quite familiar with the brothel),²⁸ the first ancient to identify brothel with sewer appears to have been Cyprian, Bishop of Carthage. He writes of a putative follower of his opponent Novatian “. . . having entered a brothel, the location of the sewer

23. Wallace-Hadrill, “Public Honour and Private Shame” (1995) 50–51; cf. Harsin, *Policing Prostitution* (1985) 96–130; Bernheimer, *Figures of Ill Repute* (1989) esp. 6–33; Corbin, *Women for Hire* (1990) 3–8. For an anticipation of the theory of “moral geography,” see the argument of the sociologist Robert Park in 1915 that it was in the very nature of urbanization for a city to develop “moral regions”: Connelly, *Response* (1980) 11.

24. On what is meant by policy here, see chap. 5.

25. The problem is put with striking clarity by a reviewer who writes of Wallace-Hadrill’s arguments concerning Pompeii, “Should we be entirely surprised at these arrangements? Zoning into public, residential and commercial areas is commonly found in modern North American cities; brothels or their equivalent are often located centrally near places of entertainment”: Hoskins Walbank, review *Urban Society* (1996).

26. See Plaut. *Men.* 790: the wife complains of her husband’s behavior. The Senex praises this behavior at 790–91.

27. Liv. 39.9.6, with McGinn, *Prostitution, Sexuality, and the Law* (1998) 88–89.

28. On this special relationship, see Gowers, “The Anatomy of Rome” (1995) 30–32.

and the slimy black hole of the rabble, he has befouled his own sanctified body, God's temple, with hateful filth. . . ."²⁹

By itself, however, this account cannot explain an inclination to zone brothels away from respectable establishments. The sewer itself presents a complex metaphor at least in pre-Christian discourse. Though possessing its dark side like the city itself (chapter 9), the sewer might also form the object, along with aqueducts, of fulsome praise from pagan moralists.³⁰ Cyprian's concern with squalor and the horrors of class mixing are very old hat from a Roman elite perspective and, importantly, do not necessarily range beyond the walls of the brothel in their consequences. From what he writes, it does not appear that he believes a person would be implicated in the evils of the brothel without actually setting foot in one.

BAD COMPANY

The evils of the brothel are worth a closer look. It is easy to find evidence that they were filthy and poorly lit, but the evidence we should remember has the odor of an upper-class sensibility about it that must be discounted at least to some degree.³¹ This is also true for the issue of class mixing, obviously, though curiously the Romans, as already seen, did not display a particular sensitivity to this phenomenon in the matter of urban planning.³² Nevertheless, their negative attitude toward class mixing and brothels meant that some Romans found it dishonorable even to set foot in a brothel or *popina*.³³

29. Cypr. *Ep.* 55.26 CCSL 3.1.289: "... lupanar ingressus ad cloacam et caenosam voraginem vulgi sanctificatum corpus et dei templum detestabili conluuione violaverit. . . ." See Gowers, "The Anatomy of Rome" (1995) 27 with n. 42.

30. See Gowers, "The Anatomy of Rome" (1993); Edwards, *Writing Rome* (1996) 105–9.

31. See Plaut. *Poen.* 834–35; Hor. *Serm.* 1.2.30; Sen. *Contr.* 1.2.21; Petron. 7 (*locus deformis*); *Priap.* 14.10; Mart. 12.61.8; Iuv. 6.131–32, 11.172–73; Dio Chrys. 7.133; Apul. *Met.* 7.10, *Plat.* 1.13. It is difficult to believe lamps in brothels were as a rule smokier than those elsewhere; all the same, the lamp, when placed outside the door, may have served an iconographic function for the Roman brothel akin to the "red light" in other cultures: see chap. 7.

32. See chap. 2. On prejudice against class mixing in general, see Joshel, *Work* (1992) 68. On class mixing in Athenian inns, bars, and brothels, see Davidson, *Courtesans and Fishcakes* (1998) 55–59, 223, 225; in medieval German brothels, see Schuster, *Freien Frauen* (1995) 249.

33. *Viv.-Cels.-Ulp.* D. 4.8.21.11; Paul. D. 47.10.26, with McGinn, *Prostitution, Sexuality, and the Law* (1998) 329–30. See also Sen. *Ep.* 51.4; Gell. 9.2.6; *HA Pesc.* 3.10. The insults of Apuleius are instructive here: *Apol.* 57.3, 59.2. More evidence of criticism of those who visited taverns and the like is found in Kleberg, *Hôtels* (1957) 93; cf. 103–5. On tales of emperors visiting brothels, see McGinn, "Caligula's Brothel" (1998). The point appears contradicted by Cato's salute to the young man exiting the brothel at Hor. *Serm.* 1.2.31–32, but I argue that this gesture is not well understood: see Chap. 8.

When an elite Roman entered or exited a brothel, or any establishment that was taken for a brothel, he might have covered his head to disguise his identity.³⁴ As Isidore of Seville later explains, prescriptively if not descriptively, “he who sets foot in a brothel usually blushes.”³⁵ Cicero describes how embarrassed honest men were when they had to debase themselves by visiting the house of Verres’s mistress—which he equates with a brothel (*domus meretricis*)—in order to conduct business.³⁶

Brothels were extremely inauspicious. The dream-specialist Artemidorus warns that dreaming of a brothel is generally harmful and even fatal in some circumstances, comparing the brothel to a cemetery. He concedes that actually having sex with a prostitute in a brothel entails a bit of disgrace and some minor expense.³⁷ Prostitutes in dreams, on the other hand, are always a good sign, according to Artemidorus.³⁸

According to a rhetor whose opinion is recorded by Seneca the Elder,³⁹ if a magistrate entered a brothel in his official capacity preceded by lictors, this action threatened to breach the criminal statute that safeguarded the interest and dignity of the state, the *lex maiestatis*. This text mentions the office of praetor, a magistrate who—we may presume—had no official business in the brothel, and so could not without disgrace set foot in one. The fuss made about lictors can be explained by the fact that it was even considered inappropriate for these attendants to enter the brothel because they were associated with an official whose high rank and range of duties kept him out as well.⁴⁰ Otherwise, we would have to conclude that the aediles themselves could not enter, without risk of social censure, some of the places they oversaw as part of their duties, an idea that seems extreme and implausible, given an incident involv-

34. See the sources in chap. 2. To be clear, it is not true that upper-class Romans never visited inns or other places of low repute, but they are criticized for such behavior by the sources or shown coming to a bad end: see Kleberg, *Hôtels* (1957) 91.

35. Isid. *Orig.* 19.26.2: “. . . solet erubescere qui lupanar intrauerit.”

36. Cic. *Verr.* 2.1.120, 137.

37. The qualifications suggest that Artemidorus is writing with a broad audience (or at least a broad social spectrum of past and possible clients) in mind that reached below the level of the elite. For discussion of this somewhat controversial point, see Winkler, *Constraints of Desire* (1990) 17–44 (drawing on the work of Michel Foucault); Bowersock, *Fiction as History* (1994) 77–98; Walde, *Antike Traumdeutung* (2001) 144–99. On social values reflected in Artemidorus’s dream-interpretations, see also Annequin, “Entre signifiant et signifié” (1999) esp. 260.

38. Artemid. 1.78, 4.9.

39. Pompeius Silo *apud* Sen. *Contr.* 9.2.17.

40. Another speaker suggests the proper use of a lictor is to remove prostitutes from the path of the praetor: Sen. *Contr.* 9.2.2; cf. 21, also 1.2.7.

ing the aedile A. Hostilius Mancinus, which I discuss below. Aediles would have had to rely on their attendants to enforce their will in any case.⁴¹

Sensitivity over visiting a brothel extended even to images. At the death of King Agrippa of Judaea in A.D. 44, the people of Caesarea and Sebaste insulted his memory by carrying statues of his daughters into brothels.⁴² According to Suetonius, carrying a ring or a coin with the emperor's likeness into a latrine or brothel might ground an accusation of *maiestas* under Tiberius.⁴³ In the highly charged political atmosphere of Tiberius's last years it is not inconceivable that such a prosecution was brought or even that it was successfully brought.⁴⁴ But it is obvious that routine enforcement of such a rule would have brought the brothel business to a standstill or at least seriously compromised it. Interfering with the revenues generated by brothels was in nobody's interest.

For obvious reasons, the social mix in a brothel was very close, closer even than in a *popina*. The atmosphere in both places was sexualized to a degree, but more so where prostitutes worked, since they often walked about nude or at any rate scantily clad.⁴⁵ Brothels, like prostitution itself, were supposed to assert the social hierarchy, but could, through implicating upper-class visitors in their "evils," threaten to overturn it. What really distinguished the brothel as "bad" however, was the combination of social mixing and atmosphere of criminality that pervaded it, first and foremost in the elite imaginary, but not only there.

Comparative evidence suggests that brothels, as well as the prostitutes working inside and outside of them, have only rarely *not* been exposed to criminal activity, in the form of beatings, rape, murder, robbery, theft, and destruction of property.⁴⁶ "Fighting, drunkenness, and mayhem filled the air of the

41. According to Mommsen, *Staatsrecht* 1³ (1887/1969) 386 n. 4, 2.1³484, aediles had no licitors to attend them, though that is hardly the issue here.

42. *Ios. Ant.* 19.357.

43. *Suet. Tib.* 58. Dio 58 fr. 2C (4B) has the latrine version, with more detail. For a recent attempt to explain this latter version, see Ryan, "Majestätsverbrechen" (2002).

44. Cf. Bauman, *Impietas* (1974) 80. A similar charge was brought against an equestrian who carried a coin with Caracalla's image into a brothel; sentenced to death, he was saved by the emperor's own death: Dio (in *Exc. Val.*, Xiph.) 77.16.5. No evidence supports the modern theory that so-called *spintriae*, small bronze or brass tokens with erotic scenes, were used in lieu of coins to pay for sex in brothels, precisely to avoid a criminal charge of insulting the emperor: see chap. 4, n. 15.

45. See Petron. 7; *Iuv.* 6.121–24, 11.172; *Tac. Ann.* 15.37.3; Dio (in *Exc. Val.*, Xiph.) 79.13.3; [Cyprian.] *Spect.* 5 CSEL 3.8. Cf. *Sen. Contr.* 1.2.7.

46. Barry, *Slavery* (1979) 8; Finnegan, *Poverty* (1979) 27; Heyl, *Madam* (1979) 149–59, 159, 162; Pavan, "Police" (1980) 246, 253, 261; Prus and Irini, *Hookers* (1980) 2, 12, 22,

brothel.”⁴⁷ The behavior of prostitutes themselves might contribute to the negative atmospherics. Dio of Prusa cites prostitutes trading obscenities from their respective booths as a *malum exemplum* of civic behavior, the sort of thing that persons with a pretense to respectability should avoid.⁴⁸ But the main threat to order came from elsewhere. The idea that there is a connection between space and violence is supported by the fact the same close confines that encouraged the mixing of ranks and genders also bred disorder.⁴⁹ Rome itself has been persuasively described as a culture of violence,⁵⁰ a judgment thoroughly supported by evidence about the climate prevailing in and near brothels. Two questions emerge from this discussion⁵¹: Were brothels more violent than other places in the Roman city? Were they perceived as more violent than they actually were?

Definite answers are impossible, but one is inclined to respond, in turn, “yes” and “perhaps not.” A combination of factors, such as the consumption of alcohol, social mixing, and the presence of young men prone to impulsive behavior, might produce explosive results. One manifestation was the high level of noise generated, for example, by drunken, often obscene singing, and violent, often bloody confrontations.⁵² The practices of male boasting, performing, and competing lent an edge to an already volatile atmosphere.⁵³ The

64–65, 76, 80, 162–67, 180, 200; Goldman, *Gold Diggers* (1981) 1, 33, 88, 113–16, 132–33; Rosen, *Sisterhood* (1982) 98, 131, 172; Harsin, *Policing Prostitution* (1985) 121, 138–48, 166–204, 299; Otis, *Prostitution* (1985) 68, 83–85, 91; Reynolds, *Economics of Prostitution* (1986) 114, 125–26, 141; Butler, *Daughters of Joy* (1987) 27, 33, 42–43, 61, 110–11; Sutton, “Pornography” (1992) 32; Guy, *Sex* (1991) 110–11; Gilfoyle, *City of Eros* (1992) 76–92, 98, 321–29; Høigård and Finstad, *Backstreets* (1992) 57–63, 142–43, 146–49, 154; Schuster, *Frauenhaus* (1992) 72–77, 125; Hill, *Their Sisters’ Keepers* (1993) 40, 166–70, 202, 211, 224–29, 247, 255, 270, 295, 305, 315; Tong, *Unsubmissive Women* (1994) 126–58; Bernstein, *Sonia’s Daughters* (1995) 68–69, 154–55, 178–83; Schuster, *Freien Frauen* (1995) 79, 117–18, 137, 199–202, 249–50, 313; Karras, *Common Women* (1996) 58, 61, 71, 95, 100; Sleightholme and Sinha, *Guilty Without Trial* (1996) 85–91; Hershatter, *Dangerous Pleasures* (1997) 82, 87, 157, 292–94; Davidson, *Courtesans and Fishcakes* (1998) 82, 329.

47. Butler, *Daughters of Joy* (1985) 61.

48. Dio Chrys. 40.29. I take *oikēma* here to be the equivalent of *cella*, though the word could mean “brothel.”

49. See the comments of Hanawalt, *Repute* (1998) 111.

50. See Brown, “Death” (1992). See also Eyben, *Youth* (1993) 107–12; Nippel, *Public Order* (1995); Purcell, “Rome and Italy” (2000) 418–19 on urban violence.

51. Similar questions are asked in Schuster, *Frauenhaus* (1992) 72, in regard to the brothel in medieval Germany.

52. See, for example, Plaut. *Merc.* 408–9, *Persa* 568–69; Prop. 2.5.21–26, 2.19.5–6, 4.8.19; Tib. 1.1.73–75; Sen. *Contr.* 1.2.10; [Quint.] 15.2, 6, 7; Suet. *Nero* 26–27, *Otho* 2.1; Tac. *Ann.* 13.25.1–4; Apul. *Apol.* 75; Dio (in *Exc. Val.*, Xiph.) 61.8.1–2; *Vita Sanctae Thais* I PL 73.661; Eyben, *Youth* (1993) 91, 94, 96, 107–12.

53. See Cantarella, *Bisexuality* (1992) 147, for a good evocation of this atmosphere.

competition might take the form of gambling, which, despite its being for the most part illegal, was rife throughout taverns and brothels.⁵⁴ The basic premise of the brothel was to celebrate all forms of transgression, not just the sexual.⁵⁵

Violence was such a familiar part of the experience of visiting a brothel or bar, it came to be represented in the wall decorations of some establishments.⁵⁶ The potential sources of violence included not only pimps, clients, and public officials, but prostitutes themselves, who were at a minimum acting in self-defense.⁵⁷ Since the dynamics of power inevitably meant the prostitute was on the receiving end of the larger share of this violence, it is fair to regard it as “violence against women rather than as violence per se.”⁵⁸ Indeed, the comparative evidence cited above suggests that one important use of violence in the brothel is to keep women working there.

A well-known incident concerning an attack on a brothel by the aedile A. Hostilius Mancinus, datable to the mid-second century B.C.,⁵⁹ illustrates various aspects of the problem of violence in Roman brothels. Mancinus approached the lodging of a prostitute named Manilia one night in the course of a drinking party. Repulsed by a shower of stones, he brought a suit against her, claiming assault. Manilia appealed to the tribunes, asserting that Mancinus had approached her building in the garb of a reveler, that it was not in her best interest to admit him, and that he attempted a forced entry.

The remark about Manilia’s “best interest” is evidently a polite reference to her fear that Mancinus would destroy her property, subject her to rape or another form of physical assault, and/or murder her.⁶⁰ The tribunes accepted

54. Cic. *Cat.* 2.10; [Verg.] *Copa* 37; Mart. 5.84; Paul. D. 47.10.26; C. Titius *apud* Macrob. 3.16.15–17. Depictions of a game of dice erupting into a violent confrontation and ending in expulsion by the *caupo* is found on the wall of one Pompeian tavern (6.14.35–36) and a more placid version of a game of dice is found in one of our possible brothels (6.10.1, 19 = Cat. no. 12). See Kleberg, *Hôtels* (1957) 118. The legal regime on Roman gambling has been the focus of a series of studies by Marek Kurylowicz; see, for example, “Glücksspiel” (1985).

55. On the latter point, see chap. 7.

56. Kleberg, *Hôtels* (1957) 118; DeFelice, *Roman Hospitality* (2001) 112.

57. I do not want to suggest here that nonbrothel prostitutes, namely streetwalkers and crib prostitutes, were less exposed to violence than those who worked in brothels: see Gilfoyle, *City of Eros* (1992) 84, 89; Tong, *Unsubmissive Women* (1992) 144–45.

58. See Sleightholme and Sinha, *Guilty Without Trial* (1996) 91. See also Harsin, *Policing Prostitution* (1985) 167; Walkowitz, *City* (1992) 225; Hill, *Their Sisters’ Keepers* (1993) 181; Tong, *Unsubmissive Women* (1994) 40.

59. Gell. 4.14; literature at McGinn, *Prostitution, Sexuality and the Law* (1998) 60 n. 324. For the identification of the brothel with prostitutes’ lodgings, see chap. 8.

60. Gell. 4.14.5: “eum sibi recipere non fuisse e re sua.” Flemming, “*Quae Corpore*” (1999) 46, suggests that Manilia refused a “paying customer,” but there is no evidence to suggest that Mancinus had anything but rape and other forms of violence on his mind.

her plea, holding that Mancinus had been with justice barred entry, since it was inappropriate for him to approach her residence wearing a garland, a finding that would hardly deter violence from being visited upon prostitutes in the normal course of a magistrate's duties.⁶¹ The judgment also implies that Mancinus could enter a brothel while performing his duties as aedile, a rare exception to the usual *animus* against members of the elite visiting brothels.

Rape was a very real prospect for a brothel-prostitute, who might otherwise be thought to enjoy a modicum of protection, in comparison to a street-walker, for example.⁶² Her vulnerability is illustrated by the sarcastic comments of the speakers in the rhetorical exercise recorded by the Elder Seneca about the brothel-inmate who kills her rapist.⁶³ They question the woman's ability to avoid rape by the pirates who captured and sold her, the pimp who acquired and installed her in a brothel, and the various customers who confronted her, including drunks, gladiators, and hot-blooded young men bearing arms.⁶⁴ The visitors she could expect to receive amounted to "a low and hurtful mob" ("sordida iniuriosaque turba").⁶⁵ In other words, rape was the fate of a woman in a brothel: the place raped her, if no man did.⁶⁶

Forced entry, or its attempt, into a brothel is a theme with a long history in Roman literature and, it seems, life as well.⁶⁷ Perhaps most interesting is a *Digest* text in which Ulpian holds that a man who has broken down a prostitute's doors because of lust ("libidinis causa") is not liable if thieves enter independently and take her property.⁶⁸ The assumptions embedded in the text sug-

61. In other words, the magistrates responsible for maintaining order in brothels were apt to provoke disorder themselves. On the escalation of violence as a consequence of rule-enforcement, see Marx, "Ironies of Social Control" (1981) esp. 223–26. One should not, at all events, overestimate the magistrates' effectiveness or even interest in preventing commonplace violence in public areas: for the latter point, see the suggestive observation of Suet. *Aug.* 45.2, with Scobie, "Slums" (1986) 433.

62. The legal position on the liability for raping a prostitute is not clear: McGinn, *Prostitution, Sexuality, and the Law* (1998) 326–27.

63. Sen. *Contr.* 1.2.

64. Sen. *Contr.* 1.2.2–4, 6–8, 10, 12, 18.

65. Sen. *Contr.* 1.2.8.

66. Sen. *Contr.* 1.2.7; see also Ter. *Eun.* 923–33, where it is assumed that in a brothel rape was part of the atmospherics.

67. See Plaut. *Persa* 569; Ter. *Ad.* 88–92, 100–103, 120–21; Lucil. 793–803W, 937–48W; Cic. *Cael.* 38; Hor. *C.* 1.25.1–3, 3.26.6–8; Prop. 1.16.5–6, 2.5.21–26; Tib. 1.1.73–74; Ov. *Am.* 1.6.57–60, 1.9.19–20, *Ars* 3.71–72, 567–70; Rem. 31–32; Apul. *Apol.* 75. Given its status as a literary topos, it is perhaps worth citing evidence for this theme from other cultures. Prus and Irini, *Hookers* (1980) 163; Gilfoyle, *City of Eros* (1992) 79–80; Schuster, *Frauenhaus* (1992) 73; Hill, *Their Sisters' Keepers* (1993) 169–70.

68. Ulp. D. 47.2.39, with McGinn, *Prostitution, Sexuality, and the Law* (1998) 325–28.

gest that such behaviors were both common and usually deemed beneath the attention of the law. A prostitute who denied a client entry to a brothel—in many cases no doubt apprehending violence from the start—had good reason to fear an assault on her property and person. Manilia’s successful defense should not lead us to conclude that all or most such encounters ended so happily.

Ulpian’s focus on theft in this passage raises another point about the disorderly and criminal atmosphere associated with the brothel. Violence did not tend to occur in the absence of other behaviors associated with delinquency, such as theft and drunkenness, a point supported by the comparative evidence.⁶⁹ Theft and the consumption of alcohol have often formed part of the dynamic of the brothel as the drunken state of clients makes it easier for prostitutes to steal from them and vice versa.⁷⁰ In any case, pimps, madams, and prostitutes have commonly resorted to theft as a way of supplementing their incomes, sometimes by stealing from each other.⁷¹ Brothels have witnessed numerous deceptions designed to relieve customers of their money, the most popular one perhaps being the “adultery” scam, wherein a client in bed with a prostitute is discovered by an irate “husband” and forced to pay a premium. Examples come from ancient Greece, Rome, as well as more recent periods.⁷² Balzac’s symbolic coupling of prostitution and theft, located in his critique of contemporary Parisian society, has deep roots in the lived experience of the brothel.⁷³

In medieval England, the line between a brothel and a den of thieves appears to have been very thin, if it existed at all.⁷⁴ This was in part because brothels have traditionally acted as a magnet and a haven for criminals of all

69. See Best, *Controlling Vice* (1998) 19, 28–29, 53, 71, 101–2.

70. See Prus and Irini, *Hookers* (1980) 59; Hill, *Their Sisters’ Keepers* (1993) 37, 157; Tong, *Unsubmissive Women* (1994) 145; Best, *Controlling Vice* (1998) 70–71.

71. See Decker, *Prostitution* (1979) 207, 331; Finnegan, *Poverty* (1979) 104–6, 112; Butler, *Daughters of Joy* (1985) 43, 56–58, 105; Harsin, *Policing Prostitution* (1985) 37 n. 62, 50, 134, 148–51, 155, 183, 385, 391; Mahood, *Magdalenes* (1990) 143–48; Gilfoyle, *City of Eros* (1992) 217, 360 n. 14; Hill, *Their Sisters’ Keepers* (1993) 57, 122, 145, 155, 165, 278–79, 256, 307, 315; Bernstein, *Sonia’s Daughters* (1995) 170; Hershatter, *Dangerous Pleasures* (1997) 47, 222–23.

72. [Dem.] 59; Plaut. *Miles*; Prus and Irini, *Hookers* (1980) 151–57; Gilfoyle, *City of Eros* (1992) 173, 285; Hershatter, *Dangerous Pleasures* (1997) 14, 137.

73. See Bernheimer, *Figures of Ill Repute* (1989) 58–59.

74. Karras, *Common Women* (1996) 100. See also Harsin, *Policing Prostitution* (1985) 150, on nineteenth-century Paris.

stripes, not simply thieves to steal from the prostitutes.⁷⁵ Evidence from a number of cultures shows how easily stolen property makes its way to the brothel and there is divided up among thieves or fenced to third parties.⁷⁶ So at Rome, an experiment of Nero's provides the most secure parallel to Caligula's foundation of a brothel on the Palatine:⁷⁷

Suet. *Nero* 26.1:

quintana domi constituta, ubi partae et ad licitationem dividendae praedae pretium absumeretur.

A market was set up in his [i.e., Nero's] house, where the booty he had acquired was split up, auctioned off, and the proceeds squandered.

As for the consumption of alcohol, the details offered by the Roman legal and literary evidence make clear that a violent visit to a brothel was a common feature of the male drinking party, the *comissatio*, a topic that deserves more extensive treatment than is possible here.⁷⁸ Often associated with the aristocratic banquet, the *comissatio* was a sort of after-dinner entertainment for young men in their late teens and early twenties.⁷⁹ It might have entailed the heavy consumption of alcohol, gambling, casual acts of violence against persons and property, and resort to prostitutes.⁸⁰ The atmosphere of the *comissa-*

75. See Prus and Irini, *Hookers* (1980) 91; Hershatter, *Dangerous Pleasures* (1997) 82, 137, 215, 225.

76. See Prus and Irini, *Hookers* (1980) 184–85, 222, 225; Schuster, *Frauenhaus* (1992) 66; Karras, *Common Women* (1996) 100. For late-antique evidence, see Socr. *HE* 5.18 PG 67.609–12.

77. See the discussion in McGinn, "Caligula's Brothel" (1998) 99.

78. See also chap. 2.

79. See, for example, Sen. *Contr.* 2.6.7. Mau, *RE comissatio* (1901) 612 (cf. 618) appears to assume the *comissatio* was closely tied to the dinner party; cf. Marquardt, *Privateleben* 1 (1886) 331; Eyben, *Youth* (1993) 103–4. This was not always the case, especially if the *comissatio* was held off-site: see, for example, Cic. *Verr.* 2.3.31; Eugegraph. *ad Ter. Ad.* 783 (which can be taken to imply any of the three alternatives mentioned below) and below in the text. By the same token, eroticized entertainment after dinner was not necessarily a *comissatio*: see Gell. 19.9. On the conventions of elite dinners, see, for example, Landolfi, *Banchetto* (1990) esp. 68–70, 95; Treggiari, *Roman Marriage* (1991) 422–23; D'Arms, "Performing Culture" (1999) with literature.

80. For example, Plaut. *Capt.* 72–73, *Curc.* 354–61, *Men.* 124, *Miles* 652, *Most.* 959–61; Ter. *Ad.* 101–2, *Eun.* 934–36, *Heauton* 206–10; C. Titius *apud* Macrob. 3.16.15–16; Cic. *Verr.* 2.1.33, 2.5.28, 81, *Mur.* 13, *Pisonem* 22, *Phil.* 2.6, 42, 63, 67, 105 (Antony is accused of eliding the distinction between respectable *cena* and debauched *comissatio*); Liv. 3.13.2; Philo *Vita Contempl.* 40–56; Plin. *NH* 14.142 (who complains of the potential for adulterous liaisons at 141); [Quint.] *Decl.* 9.10; Tac. *Ann.* 13.25.1; Suet. *Nero* 26–27; Plut. *Ant.* 9.3–6, *Sulla* 36.1–2; Lucian. *Conviv.* 43–46 (mythological); Galen. *Meth. Med.* 1.1 Kühn 10.3; Dio (in Xiph.) 62.15.6; *HA Verus* 4.6.

tio, with its sex, drink, and potential for violence, is notably exploited in different ways by the sources in order to condemn the heinous behavior of L. Quinctius Flamininus, who is said to have executed a man at such an affair at the behest of a prostitute.⁸¹

The heavy consumption of alcohol with attendant disorder might occur in a private venue, such as the site of the preceding *cena*, if there was one, in a brothel or tavern, or in an even more public place such as the Forum.⁸² After drinking with friends, individuals were free to seek out prostitutes on their own, a practice perhaps reflected in the literary tradition of the *exclusus amator*, the elegiac lover shut out of his mistress's house.⁸³ There is a strong affinity in all this with the Greek practice of the male drinking party known as the *kōmos*.⁸⁴

The evidence discussed above allows me to state with confidence that an atmosphere of disorder and criminality was associated with the operation of Roman brothels. It is impossible, however, to determine the extent to which this evidence reflects upper-class prejudice or social reality. The casual nature of some of the references suggests that they do not simply reflect elite bias. On the other hand, the problems of the brothel did not loom so large as to prompt a shift in official approaches to the brothel. The aediles in Rome and, we may suppose, their equivalents in other cities were, as we shall see, entrusted with the oversight of brothels, but this meant above all the preservation of public order without resort to an elaborate system of regulation or repression.⁸⁵ This

81. See Landolfi, *Banchetto* (1990) 62; Suerbaum, "Sex und Crime" (1993).

82. For the first option, see Plaut. *Miles* 652; Ter. *Eun.* 422–25; Cic. *Cat.* 2.10; Liv. 39.6.8 (female musicians at dinner); Val. Max. 9.1.8 (the house-brothel mentioned here was perhaps an elaboration of the custom of inviting prostitutes for the *comissatio*; for the evidence, see chap. 5); Sen. *Ep.* 95.24; Iuv. 11.171–79; Plut. *Ant.* 9.5. For the second option, see Gell. 4.14; *Hist. Ap. Tyr.* 34; *HA Verus* 4.6 (in Pompeii, at least one of the now-destroyed sexual scenes on the south wall of Room b of the *caupona*/brothel at 6.10.1, 19 [cat. no. 12] appears to have depicted sexual violence against a prostitute: Clarke, *Looking at Lovemaking* [1998] 211). For the third option, see Sen. *Ben.* 6.32.1; though the details given about Julia's behavior are incredible, the point was to make her out to be a prostitute, assisting in a revel: see McGinn, *Prostitution, Sexuality, and the Law* (1998) 168–70. On prostitutes in the Forum, see chap. 9. At times, entertainers, including actresses, dancers, and musicians, provided sexual services on-site or elsewhere: Mau, *RE comissatio* (1901) 617–19.

83. Lucr. 4.1177–84; Hor. *Serm.* 1.4.48–52, Prop. 1.16.5–8; Ov. *Rem.* 31–32; [Quint.] 15.2, 7, with McKeown, "Elegy" (1979) 82 n. 27.

84. See Landolfi, *Banchetto* (1990) 48; Henry, "Edible Woman" (1992) 256–58 (very good on the "sexualization of food" in the descriptions by Athenaeus); Davidson, *Courtesans and Fishcakes* (1998) 81–82.

85. See chaps. 3 and 5.

may mean that the social pathologies the Romans associated most intimately with the brothel may well have been contained there for the most part.⁸⁶

CHRISTIAN TOPOGRAPHY

In regard to segregation itself, the first well-attested example is a text that attributes to Constantine the establishment, in his new city of Constantinople, of a large brothel in the Zeugma district, complete with a statue of Aphrodite outside on a stone pillar (a nice touch), which was supposed to be the only brothel, indeed the only place where prostitutes worked, in the entire city.⁸⁷ I am inclined to distrust this report as representing yet another effort in the long campaign to make Constantine appear more Christian than he ever was in actual fact.⁸⁸ This example perhaps represents a case of wholesale invention or, more probably, the recounting of a popular legend.⁸⁹ At any rate, the notion that this pragmatist emperor attempted to limit prostitution in his new capital to a single venue defies belief. Nevertheless, it must stand as an example of what some Christians thought a Christian emperor ought to do. This is where its true value as evidence lies.

I hasten to point out that even a Christian might shrink from such an attribution. By establishing a brothel as an act of public policy, Constantine would seem to join the distinguished, if at the same time dubious, company of ruler-pimps such as Solon and Caligula.⁹⁰ A fundamentalist of this kind might

86. Violent activity itself by *iuvenes* (groups of young men) was hardly linked exclusively to the brothel. See, for example, Apul. *Met.* 2.18; Call. *D.* 48.19.28.3. On this last text, see Randazzo, “Collegia Iuvenum” (2000) esp. 208; Legras, “Droit et violence” (2001). More generally, Kleijwegt, “*Iuvenes*” (1994).

87. *Patria Const.* 2.65 185–87 Preger. On this work of c. 995, see Kazhdan, “Patria of Constantinople” (1991) 1598.

88. For some—other—examples of Christian spin on Constantine’s actions, see McGinn, “The Social Policy of Emperor Constantine” (1999) esp. 70–71.

89. This example seems unlikely to be derived from Constantine’s measure repressing some or all aspects of male prostitution (below), especially since the text of the *Patria* mentions female prostitutes. A better candidate is the shelter established for poor prostitutes by Theodosius I (below), but even this would require considerable elaboration.

90. We owe knowledge of Solon’s brothel to the evidence of fourth-century comic poets. See Rosivach, “Solon’s Brothels” (1995); Kurke, *Coins* (1999) 196–97; Frost, “Solon” (2002) all of whom are rightly skeptical about the historicity of the anecdote. McGinn, “Caligula’s Brothel” (1998) is inclined to credit Caligula with actual pimping, though this may be a case of the exception that proves the rule regarding the truth of the tradition. According to one tale, which is no doubt apocryphal, Cato the Elder recommends recourse to the brothel and in so doing, falls more or less into the category of ruler-pimps: see the evidence and discussion in chap. 8.

not view as a saving grace the attempted “paganification” of the brothel-site through the alleged installation of the statue of Aphrodite. At any event, let us not saddle emperor Constantine with more credit, or blame, than the sources allow. For example, as one scholar writes, “[i]t is characteristic of his pragmatic approach to prostitution that Constantine designated a section of his new capital city, Constantinople, as an official red-light district and required all of the city’s harlots to remain within its confines”.⁹¹ The legend lives on.

A more likely candidate for the first Christian intervention in the business of zoning brothels is perhaps seen, albeit indirectly, in the *Historia Augusta*, which reports that the emperor Tacitus “outlawed brothels in the capital, a measure which, to be sure, could not hold for long.”⁹² The author is almost certainly making fun of Christian antiprostitution legislation, rather than reporting an action that we can reliably attribute to the third-century emperor. We might guess the measure was an initiative of the Theodosian dynasty, which has been lost to us at least in part because of its swift and manifest failure.⁹³ Even if one believes the report about Constantine’s Zeugma brothel, a similar conclusion is inevitable, namely that the policy of zoning failed. Brothels in Constantinople, as in other Byzantine cities, were located where the customers were found— at the harbors, near the holy shrines, and, where we might expect the administrative heirs of the classical aediles to be most attentive, in the heart of the city center.⁹⁴

Where did the Christian ideas about zoning prostitution arise? Before attempting an answer to this question, I must first confront a difficulty in my argument. If it is indeed possible to show, or simply to suggest strongly, that the impetus to segregate venal sex within cities originated with Christianity, this does not render the arguments of the proponents of zoning at Pompeii

91. So Brundage, *Law, Sex, and Christian Society* (1987) 105, argues, though without citing a source.

92. *HA Tac.* 10.2: “meritoria intra urbem stare vetuit, quod quidem diu tenere non potuit.”

93. See McGinn, *Prostitution, Sexuality, and the Law* (1998) 269–74, for a discussion of the anti-Christian disposition of the author of the *HA*. Christian sensitivity to the problem at this time is suggested by the evidence of *Mac. Aeg./Alex. Acta* 1 PG 34.221A, if this is correctly dated to the late fourth century. Though the *HA* text does not specify male brothels, it does perhaps refer to the suppression of such brothels in 390: see below in the section on “Augustinian Policy.” For another view, see Neri, *Marginali* (1998) 205 (206) n. 29, who sees in the text a possible historical reference to the reign of Tacitus.

94. *Mac. Aeg./Alex. Acta* 1 PG 34.221A; Iustinianus Nov. 14 (a. 535); *Proc. Aed.* 1.9.2–4; with Leontsini, *Prostitution* (1989) 63–65, who accepts the report about Constantine’s brothel, arguing for its utter failure.

somehow automatically anachronistic. Such an argument in fact opens the door to the suggestion that the Christians, as with a number of aspects of their teaching on sexual matters or morality in general, took some elements of the various moral traditions that predated them in the Mediterranean world and made them their own.⁹⁵

What makes the difficulty particularly acute in the matter of segregating prostitution is that there is nothing about Christian moral teaching in antiquity that in any sense predestines it to favor this policy over others. A peculiar fact about Christian doctrine is that over the centuries it has shown itself remarkably supple in accommodating itself to any number of policies regarding the sale of sex, ranging from repression, to regulation, to tolerance, to various combinations of these approaches.⁹⁶

AUGUSTINIAN POLICY

A useful demonstration of the point I have just made is provided by a text of St. Augustine, which has been of monumental importance in the formation of public policy on prostitution in the Christian West and beyond and in the historical understanding of this policy:

Augustinus *Ordine* 2.12 CCSL 29.114; Doignon 198:
 Aufer meretrices de rebus humanis, turbaveris omnia libidinibus.

Remove prostitutes from human societies and you will throw everything into confusion through lusts.

By itself, this text is polyvalent. By itself, all it really amounts to is an argument against the repression of prostitution, rather than one for the regulation, or tolerance, of the profession. Because of its ambiguous nature, the text has been interpreted in various ways, as justifying tolerance, or regulation, or some combination of the two. The historical—and historiographical—record in fact is full of such varied interpretations.⁹⁷ This fact does not render the search for Augustine's meaning any easier.

95. For an elegant presentation of this question regarding the particular aspect of sexual renunciation, see Brown, *Body and Society* (1988).

96. See McGinn, *ESH* (1994) s.v. "Prostitution." Cf. Chauvin, *Chrétien* (1983) 27, 52, 68–71, 85, 93, 96, who cannot be followed on many points of detail.

97. See Chauvin, *Chrétien* (1983) 60 (for this general point); Harsin, *Policing Prostitution* (1985) 110 (for the point that Alexandre Parent-Duchâtelet used Augustine to justify his work, which laid the foundation for French nineteenth-century regulationism); Otis, *Prostitution* (1985)

Of course, the approach Augustine is implicitly criticizing in the *De Ordine* was not characteristic of pre-Christian Roman policies on prostitution, at least, not in the drastic form he presupposes, that is, complete removal from human society. In other words, this too was a Christianizing policy. We do not have to go far to find Christian hostility toward prostitution in the sources.⁹⁸ The Roman practice of punishing Christian women, mentioned by Tertullian, among others, by interning them in brothels may have helped sour them on the profession.⁹⁹ But the disfavor is much older than that, based in no small measure on a text by Paul that appears to exclude both prostitute and client from the Christian Church.¹⁰⁰

We may reasonably question whether all of this evidence is inevitably linked to the repression of prostitution, since disapproval of the practice can notably coexist with other official approaches, though admittedly is unlikely to be found alongside sheer tolerance. In any event, we do find various repressive measures launched by Christian emperors, albeit partial in nature. In most cases, these measures were directed at pimping, rather than at prostitutes or prostitution itself.¹⁰¹ We may contrast these measures with the official line taken toward male prostitution in late antiquity, which began with a pagan emperor, Philip the Arab, and which was significantly harsher, as well as an anomalous campaign directed against male and female prostitution under Julian.¹⁰² It is worth reviewing briefly the late-antique measures adopted against prostitution in the years before Augustine wrote.

12, and Rossiaud, *Medieval Prostitution* (1988) 80–81 (for the idea that Augustine was critical for the medieval intellectual position on fornication); Brundage, *Law, Sex, and Christian Society* (1987) 106 (for the argument that Augustine advocated the toleration of prostitution); Perry, *Gender and Disorder* (1990) 46–47 (for the point that authorities in sixteenth-century Spain used Augustine to prove prostitution was a necessary evil); Guy, *Sex* (1991) 13, 50, 181, 200, 202 (for the fact that both Catholics and anti-clerics cited Augustine to justify regulating prostitution instead of repressing it in late nineteenth- and early twentieth-century Buenos Aires and discussion of at least one important objection to this position); Karras, *Common Women* (1996) 6 (for the point that Augustine was critical for the development of the medieval version of the hydraulic thesis of male sexuality).

98. See, for example, Justin. Martyr. *Apol.* 1.27 Munier 70–72; Tert. *Apol.* 15.7 CCSL 1.114, 50.12 CCSL 1.171, *Cultu Fem.* 2.12.1 CCSL 1.367, *Pallio* 4.9 CCSL 2.745; Min. Fel. 25.11 Kytzler 24.

99. Tert. *Apol.* 50.12 CCSL 1.171. See chap. 8.

100. Paul. 1 *Cor.* 6.15–16: below in the text.

101. Valent., Theod., Arcad. *Coll.* 5.3 (a. 390); Nov. Theod. 18 (a. 439): one can certainly more accurately describe the latter as a measure repressing pimps. See also Constantius CTh. 15.8.1 (a. 343); Theod., Valent. CTh. 15.8.2 (a. 428) (= C. 1.4.12 = C. 11.41.6); Leo C. 1.4.14 (a. 457–67) (= [?] C. 11.41.7); Iustinianus Nov. 14 (a. 535).

102. On the alleged Christianity of Philip, see the recent negative assessment of Körner, *Philippus Arabs* (2002) 273.

Aurelius Victor tells us that Philip the Arab during his short reign (A.D. 244–49) decided to outlaw male prostitution when, following an unsuccessful sacrifice, he caught sight of a young male prostitute soliciting outside of a brothel who resembled his own son.¹⁰³ Victor asserts that the measure failed, while also implying that male prostitution remained illegal in his own day just over a century later. Jerome reports that Constantine prohibited male prostitution, at a minimum from the arches of places of public entertainment such as theaters and amphitheaters, though a broader ban might be implied as well.¹⁰⁴ Jerome, of course, wants to claim this measure as a victory of Christian ideology, though it is hardly necessary to assume that this was a motive of Constantine, given the precedent set decades before by Philip.

All the same, Christian emperors continued to repress male prostitution. Constantine's sons instituted yet another ban in A.D. 342, which is laid down in a law that seems to embrace nonvenal same-sex relations as well as prostitution.¹⁰⁵ Worth mentioning, though it occurred just after Augustine's time of writing the *De Ordine*, is the violent attack on male brothels that was launched in Rome in 390.¹⁰⁶ We may compare the official attitude toward male prostitution with that toward female prostitution. To our knowledge, one repressive measure (apart from a very partial exception noted below) was taken by a fourth-century Christian emperor against female prostitution, a law by Constantius that placed limits on, if it did not prohibit outright, the prostitution of Christian slave women against their will.¹⁰⁷

The measures mentioned by the emperor Julian in a speech delivered at Constantinople in 362 were nothing new for male prostitution; but for female prostitution they were quite extraordinary. Julian, in the midst of a denunciation of his bitter enemies the Cynics, describes an unnamed city filled with temples and secret rites as well as many holy priests who dwelled in its sacred precincts. These priests, notes Julian approvingly, had driven out everything unnecessary, low, and base from the city, such as baths, brothels, and taverns, in order to preserve its purity.¹⁰⁸

Baths, brothels, and taverns were three of the leading centers of prostitu-

103. Aur. Vict. *Caes.* 28.6–7. With this move, Philip placed himself in the conservative Roman moral tradition, according to Körner, *Philippus Arabs* (2002) 180–81.

104. Hier. *Comm. in Esaiam* 1.2.5–6 CCSL 73.32.

105. Constantius, *Constans*, CTh. 9.7.3 (= C. 9.9.30[31]) (a. 342). The literature is vast. Among the more reliable guides are Dalla, *Ubi Venus Mutatur* (1987) esp. 167–70 and Cantarella, *Bisexuality* (2002) 175–76.

106. Valent., Theod., *Arcad. Coll.* 5.3 (a. 390).

107. Constantius CTh. 15.8.1 (a. 343). The language of the statute suggests a very limited protection at best was made available: see Evans-Grubbs, "Virgins and Widows" (2001) 235.

108. Iulian. *Or.* 6.7.

tion in the Roman city, as we saw in chapter 2. Thus, Julian's campaign may be regarded as fundamentally directed against the presence of prostitution, though of course it went even further than that.¹⁰⁹ Despite the misgivings of some moralists, as noted, baths were an important aspect of city life for the Romans. Thus it seems as if Julian's intent here was as much about reforming the basic experience of urban culture.¹¹⁰ One may compare this initiative with his implacable hostility toward the theater.¹¹¹ Julian mentions just one city, evidently a religious center where pagan priests enjoyed great political influence, but may be taken to imply that more than one was involved. All the same, it is difficult to imagine that many urban centers participated in this project of repression, not only for reasons of ideology, culture, and pragmatic policy (not to speak of self-interest), but also given the fact of Julian's very brief reign.

Julian does not claim credit for this project of urban purification, though there can be little doubt he was behind it. He took a great interest in reforming the pagan priesthood in order for it to serve as the spearhead of his religious reform of all of Roman society.¹¹² So he forbade priests from visiting the theater, drinking in taverns, or engaging in any occupation that was shameful or degrading.¹¹³ Thus, it is not surprising to find pagan priests tasked with enacting an ambitious moral reform. As with other aspects of Christian social reform, such as poor relief, Julian perhaps wanted to beat them at their own game.¹¹⁴ While the attempt to repress completely male prostitution had pre-Christian roots, extending this attack to venal sex *tout court* was a novelty. Even so, there is some reason to think that Dio of Prusa's hostility toward prostitution influenced Julian, insofar as Julian depended on him for certain other aspects of his attack on the "uneducated Cynics."¹¹⁵ If so, this is another sign

109. We cannot describe this policy as zoning, since the point was to drive brothels, and prostitution in general, outside the physical limits over which the local authorities enjoyed power, i.e., the city itself. Worth noting is that Julian uses the metaphor of the body in his speech, not to accommodate venal sex in the Roman city as Augustine does (below), but to describe the hierarchical structure of philosophy itself: see Or. 6.10, with Prato and Micalella, *Giuliano* (1988) 74–75, on the tradition.

110. So Bouffartigue, *Julien* (1992) 668–69.

111. See, for example, Iulianus *Misopogon* 21.351C–D.

112. See Bowersock, *Julian the Apostate* (1978) 87–88; Renucci, *Idées politiques* (2000) 324–59; van Nuffeln, "Deux fausses lettres" (2001) 137–38, 141–43.

113. Iulianus *Ep.* 84.430B Bidez, 89.304B Bidez. Van Nuffeln, "Deux fausses lettres" (2001) 136–48, argues that the first letter (84) is spurious, though his argument seems undercut by the radical measures taken against taverns, brothels, and baths.

114. See, for example, Raeder, "Kaiser Julian" (1944/1978) 210–15; Bowersock, *Julian the Apostate* (1978) 87–88.

115. Dio Chrys. 7.133. See Athanassiadi-Fowden, *Julian and Hellenism* (1981) 128–29; Prato and Micalella, *Giuliano* (1988) xxv–xxvi, for Dio's influence on this speech.

of just how extraordinary his position was on prostitution, given Dio's radical stance.

The evidence about attempts to repress prostitution does encourage an inference to be drawn about the significance of the *De Ordine* regarding the politics of prostitution. A number of different measures had been taken against prostitution in late antiquity, none of which seem to have enjoyed success beyond a limited period of time at best. The initiative taken under Julian, despite its evident failure, might still have been regarded by some Christians as a challenge to their own position, especially regarding the tolerance of female prostitution. As suggested, it may very well have been intended as a challenge. The matter was therefore still open for debate. Disagreement among Christians was perhaps rendered sharper by the repressive measures taken against brothels, at least some brothels, in Rome by Theodosius I in 385, the year before the composition of the *De Ordine*.¹¹⁶ What we seem to have in this passage by Augustine is the outline, bare as it is, of a debate among Christians about the optimal public policy on prostitution.

Can we be any more precise about Augustine's own position? It is perhaps possible if we look at the context of the sentence quoted above in the text. The future bishop is grappling with the problem of the place of Evil in God's creation.¹¹⁷ Does it show the limits of His power or, worse, suggest that God endorses Evil?¹¹⁸ Centuries later Thomas Aquinas, who was likewise grappling with the problem of Evil, adapted Augustine's words regarding the repression of prostitutes in order to justify the toleration of the religious practices of non-believers.¹¹⁹ With that context in mind, it is not surprising to find that, immediately before introducing the problem of prostitution in this passage, Augustine cites the need to abide the existence of the marginal and socially despised figure of the executioner in a well-ordered society (*bene moderata civitas*).

Augustinus *Ordine* 2.12 CCSL 29.114; Doignon 198–200:

Quid sordidius, quid inanius decoris et turpitudinis plenius meretri-

116. A tavern-brothel attached to a bakery had a practice of abducting patrons to work in a mill; other brothels had adulteresses work as prostitutes. Theodosius not only ended these practices but ordered the brothels in question destroyed: Socr. *HE* 5.18 PG 67.609–13; Theoph. *Chron.* PG 108.208–9.

117. The dialogue *De Ordine* is one of Augustine's earliest surviving works, dated to December of 386 by Brown, *Augustine of Hippo* (2000) 64. On the problem in Augustine's works overall, see Cancelo, "Anotaciones" (1994).

118. The dilemma is laid out at Augustin. *Ordine* 1.1 CCSL 29.89; Doignon 69–71.

119. Aquinas, *Summa* 2a2ae.10.11. I rely on the text and translation furnished by the monument of scholarship produced by the English Dominicans: "Blackfriars." *St Thomas Aquinas, Summa Theologiae* 32 (1975) 72–75.

cibus, lenonibus ceterisque hoc genus pestibus dici potest? aufer meretrices de rebus humanis, turbaveris omnia libidinibus; constitue matronarum loco, labe ac dedecore dehonestaveris. sic igitur hoc genus hominum per suos mores impurissimum vita, per ordinis leges conditione vilissimum. nonne in corporibus animantium quaedam membra, si sola adendas, non possis adtendere? tamen ea naturae ordo nec, quia necessaria sunt, deesse voluit nec, quia indecora, eminere permisit. quae tamen deformia suos locos tenendo meliorem locum concessere melioribus. quid nobis suavius, quod agro villaeque spectaculum congruentius fuit pugna illa conflictuque gallinaciorum gallorum, cuius superiore libro fecimus mentionem? quid abiectius tamen deformitate subiecti vidimus? Et per ipsam tamen eiusdem certaminis perfectior pulchritudo provenerat.

What can be said to be baser, more devoid of honor, more laden with disgrace than prostitutes, pimps, and the other vermin of this type? Remove prostitutes from human society and you will throw everything into confusion through lusts. Confer on them the status of respectable women, and you will only disgrace the latter through blot and humiliation. So instead this kind of person is rendered most foul in terms of lifestyle by their conduct, and lowest in social status by the laws of the universal order (ordo). Aren't there, in the bodies of living creatures, certain parts, which if you should pay attention only to them, you wouldn't be able to pay attention? Nevertheless, the natural, universal order (naturae ordo) did not wish them to be lacking, since they are necessary, nor did it allow them to stand out, because they are ugly. These misshapen elements, all the same, by retaining their own contexts, yield a better place to the better parts. What has been more pleasant to us, what entertainment more appropriate for field and farm, than that combat and contestation of barnyard-bred cocks, of which we spoke in the preceding book? All the same, what have we seen that is more cast down than the defacement of the one who is defeated? And yet it is through that very defacement that the beauty of this same competition had emerged as more perfect.

First, we must note that much of this passage is woven simply from the more or less whole cloth of traditional Roman male upper-class attitudes about prostitutes and prostitution. The characterization of prostitutes in the language of social disgrace and sexual shame (e.g., *dedecus*, *turpitude*) is very familiar,¹²⁰ as

120. Such language also plays an important role in moral discourse about *decorum*, particularly in relation to the body: see Doignon, *Ordre* (1997) 347 citing Cic. *Off.* 1.126 (see also 127), 3.85, and below in the text.

is the contrast between the status of respectable women (*matronae*) and that of prostitutes, which had been, after all, a fundamental premise of the Augustan law on adultery.¹²¹ The same statute assumed that prostitutes ideally served to distract male lust away from respectable women and so exempted both prostitutes and the men who had sexual relations with them from its penalties.¹²² We can easily see that the idea, which we would locate in a kind of biological determinism, that prostitutes functioned—or should function—as a safety valve for male sexual desire is central to Augustine's thinking in the passage quoted above. His use of the map of the human body to help chart the coordinates of the body politic also has an excellent classical pedigree, traceable, for example, to Livy's Menenius Agrippa.¹²³

A closer examination of the passage, however, suggests that Augustine's stress on the precise *location* of the parts in his version of the fable of the body finds only very limited precedent in the tradition. The degree of emphasis he places on this one aspect is far, far greater, suggesting an intent to marginalize the prostitute not only socially but topographically as well. The difference is essential then for understanding the nature of his own particular contribution to this discourse on the body. Livy, in his account of Menenius's fable, mentions merely in passing that the stomach is found *in medio*.¹²⁴ Most of the other authors who trade in the tale of the parts of the body, such as Xenophon, Aesop, Cicero, Dionysius of Halicarnassus, Seneca, and Polyaeus, are silent on the point of location.¹²⁵

There are two significant exceptions to this rule, however. In one of the many passages where he adopts the body metaphor, Dio of Prusa implicitly rejects zoning vice, when he states that publicly displayed flaws in the body politic are preferable to hidden vice, just as physical illness that is visible is preferable to illness that is internal, since the former is easier to treat.¹²⁶ In one of his speeches, Aelius Aristides, who also favors this metaphor, compares internal diseases, which are the most severe for the body and require the most

121. See McGinn, *Prostitution, Sexuality, and the Law* (1998) 147–71.

122. See McGinn, *Prostitution, Sexuality, and the Law* (1998) 194–202.

123. Liv. 2.32.9–12. For discussion of this passage and its parallels, see Ogilvie, *Commentary on Livy* (1970) 312–13; Martin, *Spirit* (1984) 22–23; Collins, *First Corinthians* (1999) 458–61. Dionysius of Halicarnassus, at 6.86, also has Menenius use the fable of the body, which the historian says was based on Aesop: 6.83.2.

124. Liv. 2.32.9. For a brief discussion of the evidence—not as rich as we would like—for the literary transformation of Rome into “a kind of bodily map,” see Gowers, *Loaded Table* (1993) 14–15.

125. Xen. *Mem.* 2.3.18; Aesop. 159; Cic. *Off.* 1.85, 3.22–23, 26–27, 32; Dion. Hal. 6.86; Sen. *Ep.* 95.52, *Ira* 2.31.7; Polyaeus. 3.9.22. For the emperor as *caput imperii*, see Ando, *Ideology* (2000) 392–93 with literature.

126. Dio Chrys. 9.2.

attention, to domestic problems and conflict, which are the worst mischance for a city.¹²⁷ Far from testifying to the practice of zoning, such evidence suggests that for the pre-Christian ancients an entirely different calculus prevailed regarding the screening of vice from public view.¹²⁸

An evident third exception is even more telling. Notably, it involves a passage by St. Paul in which the Body of Christ is analogized to the human body. Paul offers the closest precedent to Augustine's thought in the *De Ordine*, though perhaps not in any straightforward sense. He argues that the different parts of the body ideally exist in accord with one another, and he asserts that Christians should bestow greater honor on those parts they deem less honorable, just as they should bestow greater honor on those less seemly among them, since the more seemly have no need of this.¹²⁹ Paul seems less concerned with the location of body parts than with matters of social, moral, and even aesthetic hierarchy, but we are getting close to the heart of the matter of zoning, as we shall soon see.

These issues are obviously of central concern to Augustine as well, though he presents them in a very different manner. For one thing, Paul appears to question or even subvert the social hierarchy in the passage in First Corinthians, while Augustine is evidently concerned about shoring up and defending that hierarchy.¹³⁰ He is surely more "Roman" in this sense than is Paul.

Where, then, is the line that leads from the earlier text to the later? Very possibly, it runs through Cyprian's text, which I discussed above. Its content is very conservative, aside, as we have seen, from the identification made of sewer and brothel. Perhaps it was this citation of a public facility, ideally covered over and hidden from view, that suggested to Augustine a model for the

127. Aristid. 24.18.

128. On the Roman moralists' concern with hidden vice in particular, see chap. 9. The idea of removing diseased body parts seems too extreme for zoning prostitution: *cic. Phil.* 8.15–16.

129. Paul *1 Cor.* 12.12–31. The crucial lines are at 12.23–24.

130. On Paul as a questioner or subverter of hierarchy, at minimum that of the Christian Church at Corinth, see Martin, *Spirit* (1984) 28–29; Watson, *First Epistle* (1992) 135–36; Martin, *Corinthian Body* (1995) 94–95; Witherington, *Conflict and Community* (1995) 258–61; Hays, *First Corinthians* (1997) 215–16; Horsley, *1 Corinthians* (1998) 172–73; Collins, *First Corinthians* (1999) 464–65; Schrage, *Evangelisch-Katholischer Kommentar* (1999) 226–28, 242. It is obvious enough that Augustine is asserting the importance of social hierarchy, and one that even in its most immediate implications of a Christian society reaches far beyond the conception of Paul. I note that the (extensive) literature on Augustine's debt to Paul tends to privilege Augustine's later works and to conceive of this debt as highly changeable, informed by Augustine's inner spiritual development, itself a product in part of contemporary events, but placing no emphasis, as far as I can tell, on the radically different worlds each man inhabited. See, for example, the contributions by R. A. Markus, P. Fredriksen, and W. S. Babcock, in Babcock, *Paul* (1990). Bammel, "Pauline Exegesis" (1993/1995) (a very partial exception). On Paul and the body see also Sandnes, *Belly* (2002).

geographic disposition of brothels. About this crucial element Cyprian says nothing, so the connection remains speculative. The same holds for the role of the sewer as a body metaphor in pre-Christian discourse, figuring as “the bowels of the city.”¹³¹ Augustine was perhaps aware of this tradition and made the connection upon reading Cyprian. We cannot know for certain.

It would require an exegete far braver than I am to exclude categorically the possibility that Paul refers to prostitutes in some way or other in the passage from First Corinthians. I am content to point out simply that Paul’s comments earlier in that same Letter appear to exclude any possibility that the bodies of prostitutes—and those of their clients, who may fairly be described as the author’s true concern—can belong to the Body of Christ.¹³² The difference between Augustine’s and Paul’s perspective might be explained by the fact that Christian Church was Paul’s frame of reference and for him ideally did not include practicing prostitutes or their customers and a Christian society was Augustine’s frame of reference and for him embraced both groups.¹³³ For this reason perhaps, Paul’s challenge to male sexual autonomy is far more radical than what Augustine seems prepared to accept.¹³⁴

At the same time, there is no doubt that Augustine shares Paul’s low estimate of male sexual behavior and may even be more pessimistic on this score. Many commentators, pointing to the language of honor and shame that Paul deploys in the passage from First Corinthians, are almost certainly right to insist that he refers to the sexual organs and their veiling,¹³⁵ a suggestion that at the very least approaches the idea of zoning on a metaphorical plane. This helps clarify, to an extent, Augustine’s possible reliance on a line of thought

131. See Gowers, “The Anatomy of Rome” (1993) 14–15; the evidence for the tradition is itself tenuous.

132. Paul. 1 *Cor.* 6.15–16. See Watson, *First Epistle* (1992) 60–61; Kirchhoff, *Sünde* (1994) (whose argument at 34–37 that Paul means here a broader group of women than prostitutes is undercut by her concession at 37 that Paul writes primarily of prostitutes); Martin, *Corinthian Body* (1995) 176–79; Witherington, *Conflict and Community* (1995) 168–69; Hays, *First Corinthians* (1997) 101–9; Horsley, *1 Corinthians* (1998) 92; Collins, *First Corinthians* (1999) 245–46.

133. See, on a general level, Brown, *Poverty* (2002) 6, 24–25, 74. This does not mean, however, that in other contexts Augustine hesitated to adopt Paul’s position on the prostitute’s body and the Body of Christ: see, for example, *Sermo* 161.1 PL 38.878; *Sermo* 162.1–2 PL 38.885–87; *Moribus Eccl. Cathol. et Manich.* 78 CSEL 90.84; *Retractationes* 1.19 CCSL 57.58; *Speculum* 31 CSEL 12.211. Furthermore, the perspective of the *De Ordine* was hardly inevitable, even in Augustine’s day. See, for example, Hier. *Ep.* 77.3 CSEL 55.2.39; Ioh. Chrys. *In Ep. 1 ad Cor. Hom.* 30 PG 61.249–58.

134. For Paul’s approach to male sexual autonomy, see Hays, *First Corinthians* (1997) 109. If anything, Augustine’s views seem more the product of gender than class bias, despite Brundage, *Law, Sex and Christian Society* (1987) 106.

135. See Martin, *Spirit* (1984) 28; Carson, *Showing the Spirit* (1987) 48–49 (though Carson goes too far, I believe, in denying the passage’s sociological import); Ellington and Hatton, *Trans-*

that in other respects seems very different from his own. What does seem reasonably clear at a minimum is Augustine has taken up the tradition of the human body as a metaphor for human society as found in Cicero, Livy, Paul, and the rest and utterly transformed it.

One influence on Augustine in this matter that cannot be discounted is that of Plotinus. In his *Enneads*, the neo-Platonist philosopher argues that the organizing principle of the universe assigns, on the basis of justice, a place (*topos*) to each person according to his moral character and in this way sustains the harmony of the whole.¹³⁶ According to Plotinus, there are diverse areas of the universe, both better and worse, and each area suits some souls more than others, a fact that contributes to, rather than detracts from, the general harmony. Plotinus, in order to explain the accommodation of Evil in the universe, even includes the example of the public executioner, who holds his own place in the well-governed city. He does not, however, mention prostitutes or brothels nor employ the metaphor of the body and its parts.¹³⁷

Augustine also seems to have made use of a passage by Cicero, which deals not so much with the body as metaphor as with the body as body.¹³⁸ Nature, he asserts, shows a great plan (*ratio*) in the arrangement of the body's parts in that she places the honorable/attractive (*honesta*) parts in plain view, while she covers over and conceals those that are ugly, unsightly, and given over to necessity, a reference to the organs of reproduction and excretion. Human modesty is modeled on that of nature, so that all right-minded persons keep from view the ugly parts of the body and perform the functions associated with them in private.¹³⁹ The emphasis on the proper aesthetic of the ideal order of

*lator's Handbook*² (1994) 286; Martin, *Corinthian Body* (1995) 92–96 (good on the subject of social status); Witherington, *Conflict and Community* (1995) 258–61 (also helpful on social status); Collins, *First Corinthians* (1999) 464–65 (usefully invokes Mikhail Bakhtin's concept of "heteroglossia" or polyvalent vocabulary); Schrage, *Evangelisch-Katholischer Kommentar* (1999) 226–27; Soards, *Biblical Commentary* (1999) 265.

136. Plotin. *Enn.* 3.2.17, with Doignon, *Ordre* (1997) 197 n. 44, commenting on the Augustine passage that immediately precedes ours (2.11).

137. For some of the differences between Plotinus's and Augustine's treatment of the problem of Evil, see Pacioni, *Unità* (1996) 232–34.

138. Cic. *Off.* 1.126–27. On Cicero's engagement in general with Cicero's work in this dialogue, see Foley, "Cicero" (1999) esp. 71–75. I note in passing that the assertion of Dyroff, "Form" (1930) 51 n. 77, that Augustine owes a debt to Varro is not persuasive.

139. See the useful discussion of this passage in Dyck, *Commentary on Cicero, De Officiis* (1996) 300–303.

things must have had some import for the question of zoning in Augustine's mind.¹⁴⁰

It is obvious that what Augustine did was take disparate elements of the different traditions on the universe, including the social order, and on the body, such as its construction, its decorum, and, above all, its use as a metaphor for the universal hierarchy of things and transform these elements into something new.¹⁴¹ His purpose was to explain what for him was only apparently a paradox in God's providential design. Evil, he believed, was not simply an inconvenience, but a part of the deep structure of the universe, the DNA or source code of the universal order.

What the passage from *De Ordine* offers us, in a nutshell, is the Christian rationale for zoning prostitution. Just as the human body segregates certain elements, so too does a well-ordered society isolate and render as inconspicuous as possible the sale of sex.¹⁴² By displacing and concentrating this "impurity" in a hidden, though nevertheless central area, society concedes and guarantees a purity to the rest. The social order is confirmed, with respectable women (*matronae*) at the top; the natural order is ratified, with prostitutes at the bottom. Unlike Paul apparently, Augustine does concede prostitutes a place, however humble, in society, even Christian society. He felt prostitutes are necessary for a desirable social order, in the same paradoxical way that for Augustine and his audience the splendor of a cock fight was dependent on the harm wrought upon its vanquished participant.

Because he wanted to regulate prostitution does not necessarily mean Augustine approved of it, or even avoided criticizing it. He wrote in subsequent works many times and at some length on the subject of venal sex, in a spirit of manifest hostility toward its practice.¹⁴³ There is no obvious caesura

140. On this aesthetic and its connection with Cicero, see the comments of Gunermann, "Tradition" (1974) 205–8.

141. That the body itself in this discourse enjoys the status of a construction should be reasonably clear. For a discussion of various aspects of historical experience in this field, see Turner, *Body and Society*² (1996).

142. Augustine prepares us for this discussion in the passage immediately preceding at *Ordine* 2.11 CCSL 29.113; Doignon, 196, where he says, regarding the way of life of the imprudent (*vita stultorum*), which is embraced in the order of things (*rerum ordo*) by Divine Providence, ". . . and, just as certain places are arranged by that ineffable and eternal law, it is in no way allowed to be where it ought not to be" (" . . . et quasi quibusdam locis illa ineffabili et sempiterna lege dispositio nullo modo esse sinitur, ubi esse non debet").

143. On Augustine's hostility to prostitution, see the texts cited in n. 133 above regarding his use of the Pauline contrast between the prostitute's body and Body of Christ. Add, for example, the condemnation of the practice under the *divina atque aeterna lex* at *Faustum* 22.61 CSEL

between the prebaptismal *De Ordine* and what follows, as has been suggested.¹⁴⁴ This is not to deny Augustine's position on prostitution was complex or even inconsistent. But there is no good evidence of a conversion on his part from the policy of "tolerance" to something else, whether regulation or repression.

This much may be clear, but later evidence from the writings of the Bishop of Hippo makes it far less certain whether he himself actually ever intended to advocate the segregation of brothels by the civil authorities. In book 14 of the *City of God*, composed in the years 418–20, he observes that while in the earthly city no law regulates prostitution, sex that is permitted and goes unpunished still shuns the public gaze, and brothels themselves, as though they possessed a sense of shame (*verecundia naturalis*), provide for privacy.¹⁴⁵

Augustin. *Civ. Dei* 14.18 CCSL 48.440–41:

Opus vero ipsum, quod libidine tali peragitur, non solum in quibusque stupris, ubi latebrae ad subterfugienda humana iudicia requiruntur, verum etiam in usu scortorum, quam terrena civitas licitam turpitudinem fecit, quamvis id agatur, quod eius civitatis nulla lex vindicat, devitat tamen publicum etiam permissa atque impunita libido conspectum, et verecundia naturali habent provisum lupanaria ipsa secretum faciliusque potuit inpudicitia non habere vincla prohibitionis, quam inprudencia removeere latibula illius foeditatis. sed hanc etiam ipsi turpes turpitudinem vocant, cuius licet sint amatores, ostentatores esse non audent.

Of course the very act which is accomplished by such lust (is characteristic) not only of all manner of illicit sex, where hiding places are sought in order to escape the criminal courts established by humankind, but also of recourse to prostitutes, which base conduct the earthly city has rendered lawful. Although no ordinance of this city punishes the latter practice, this sort of lust which is tolerated and goes unpunished all the same avoids the public gaze.

25.656, as well as *Civ. Dei* 14.18 CCSL 48.440–41, where he implicitly criticizes the earthly city for tolerating prostitution: see below in the text for this passage. A similar line of thought is found in *Sermo* 153.5 PL 38.828. The assertion that adultery is worse than prostitution at *Bono Coniug.* 8 CSEL 41.198 hardly compromises this perspective.

144. Chauvin, *Chrétiens* (1983) 57, suggests there was a caesura in order to reconcile perceived differences between the statement in *De Ordine* and Augustine's later work.

145. For the date of the book, see Brown, *Augustine of Hippo* (2000) 282.

So brothels themselves, from an inborn sense of shame, have made provision for a place set apart, and unchastity has been able more easily to do without the chains of repression than shamelessness has been able to take away the seclusion of that disgraceful behavior. But this sort of thing even base persons describe as base behavior. And although they may be its patrons, they dare not act as such in public view.

This would indeed be a wonderful world if I could cite this passage as evidence that between the time of writing the *De Ordine* and the *City of God*, Augustine's ideas on brothel-location had been read as prescriptive by an imperial legislator and turned into law, the first certain experiment in zoning brothels.¹⁴⁶ Unfortunately, if this did in fact happen, the statute was already a dead letter, since the author is very clear that no law governed the operation of brothels at this time. It is even more tempting to take Augustine's words as an assertion of the tendency of brothels to self-segregate. The idea would still be attractive, even if it were modified, as indeed it must be, by the reflection that the alleged *verecundia naturalis* of brothels is in no small part a misreading of motive by Augustine. Perhaps then he misunderstands the tendency of brothels to avoid major thoroughfares because the rents are prohibitive.¹⁴⁷ This suggestion, however, also melts away on closer inspection, as does the idea that privacy prevailed in the brothel.

All Augustine appears to be saying in the passage above is that venal sex takes place within the confines of a brothel and that this is a good thing as far as it goes. As with other forms of human sexuality, whether adulterous or marital, people prefer privacy, even relative privacy. Even so, there is more than a hint here of the traditional rhetorical *topos* on the modesty of prostitutes.¹⁴⁸ Thus we cannot use this passage to argue that prostitution was practiced any less openly in Augustine's day than in the classical period. What matters most for us is that this text from the *City of God* raises the possibility that a policy

146. Regrettably, I cannot follow Neri, *Marginali* (1998) 212 with n. 58, who sees in the references to *casae in vicis* at Augustinus *Enarr. in Ps.* 80.2 CCSL 39.1121, 80.17 CCSL 39.1130 an indication that brothels were removed to suburban areas. If true, this would represent a regime of repression akin to that pursued under Julian, as opposed to the kind of zoning outlined in *De Ordine*, but the evidence does not support even the latter.

147. For similar instances of upper-class male misreading of behavior related to prostitution, see McGinn, *Prostitution, Sexuality, and the Law* (1998) 137–38, 297 n. 43. The idea that (private) considerations of honor and shame might have in some way influenced the location of brothels does retain a measure of plausibility, however: see chap. 10.

148. See chap. 2.

of mere tolerance might for Augustine achieve the ideal result represented in the body imagery of the *De Ordine*.

This possibility seems highly unlikely, however, given Augustine's hostility to prostitution, which is visible in the context of his remarks in the *De Ordine* itself. Prostitution was an evil, and some Christians evidently thought that it should be prohibited. Few if any would have advocated a policy of tolerance. Augustine argues that it should be allowed only under conditions that permit the social order to be preserved. The most obvious, and most important, condition to emerge in this passage is that the practice of prostitution should be limited only to certain inconspicuous places. We might at most concede an element of ambivalence, or indifference, over the precise role of the State in overseeing this result, parallel to Augustine's notorious unconcern even with the basic form that a government should take.¹⁴⁹ At any rate, in political matters he was no utopian.¹⁵⁰

As suggested above, few of Augustine's readers have viewed the passage from *De Ordine* as ambiguous, even—or especially—when they seem to have misread it. We can easily see how a late fourth or even very early fifth-century emperor might have been tempted to translate what could appear to be no more than Christian common sense into action. Segregating brothels might have seemed both more practical and palatable than the alternative of repression, which we know was tried at this time.¹⁵¹ It may have been the attempted (I write this because it cannot have been any more successful than most campaigns aimed at repressing prostitution) suppression of male brothels at Rome in 390 that inspired the author of the *Historia Augusta* to attribute, satirically, the prohibition of brothels in the city to the third-century emperor Tacitus.¹⁵² Augustine himself may have been moved, in part by the evident failure of Julian's policy of repressing venues of prostitution, both male and female, to develop a Christian regulationist response.

Zoning was certainly more acceptable to Christians than tolerance, which would have led to more (and louder) of the sort of complaints about the urban distribution of brothels from this period registered above. It may be that, if the story of Constantine's Zeugma brothel has any small kernel of truth to it, that

149. On the latter, see Fortin, "Introduction" (1994) esp. vii, xiv–xv, xxii–xxvi; Taylor, "St. Augustine" (1998) esp. 293–94, 300–302. For Augustine, "the Empire is theologically neutral": Markus, "Early Christian Historiography" (1963) 347. On his attitude toward law, see Fortin, "Augustine's City" (1979) 337.

150. Taylor, "St. Augustine" (1998) 290.

151. Cf. the later experience of Justinian, as traced by Chauvin, *Chrétiens* (1983) 29–30.

152. On the date of the *Historia Augusta*, which is often given as c. 395, but which might have been a bit later, see the discussion with bibliography in McGinn, *Prostitution, Sexuality, and the Law* (1998) 270–73.

experiment dates to this period, that is, the late fourth or very early fifth centuries and did not last very long.¹⁵³

A possible candidate for a policy of Christian zoning occurs with Theodosius I, who reigned from 379 to 395. According to John Malalas, this emperor converted a temple of Aphrodite in Constantinople into a garage for vehicles for the praetorian prefecture and installed lodgings on the site to which he invited “the very poor prostitutes.”¹⁵⁴ The details as reported are very different from those associated with the story of the brothel attributed to Constantine recorded above. Theodosius’s gesture may simply have been intended as a social welfare measure or even as a means to allow at least some prostitutes to escape the oppression of pimps.¹⁵⁵ There is a third alternative. It perhaps represented an attempt to limit the geographic distribution of prostitution within the city; we cannot be certain of this, however.¹⁵⁶

I admit that the evidence for the Christianizing segregation of brothels in late antiquity is not as strong as I would like it to be.¹⁵⁷ It lies beyond proof, to say the least. The important point, however, is simply that the evidence is so much stronger than anything we have for the classical period. In any case, the real impact of Augustine’s thought on prostitution policy was not felt until centuries later. One decisive step was its reception by Thomas Aquinas in the thirteenth century. Aquinas falls in with an effort made by some canon lawyers and other authorities to create a legal and moral space, albeit a tenuous one, for prostitutes in medieval society.¹⁵⁸ Another manifestation of this tendency is the interlinear gloss on Augustine, nearly contemporaneous with Aquinas, that introduced the famous metaphor of palace and sewer to describe the ideal place of the prostitute in human society.¹⁵⁹ This metaphor was to mesmerize and confuse later ages and authorities, ranging from sixteenth-cen-

153. It seems unlikely to have been in force in A.D. 418–20, when Augustine asserts that there was no law regulating brothels: *Civ. Dei* 14.18 CCSL 48.440–41. See also *Civ. Dei* 2.20 CCSL 47.52, which indicates a widespread presence of prostitution in the late Roman city.

154. Ioh. Mal. *Chron.* 13.38 Thurn 267.

155. Neri, *Marginali* (1998) 204, speculates that the second alternative was true.

156. Malalas places the measure in the context of the suppression of pagan temples at Constantinople, making it tempting to date the measure to the early 390s (and thus after the *De Ordine* was written) and to name Ambrose as a conduit for Augustine’s ideas on zoning; see, on Theodosius’s anti-pagan campaign and relationship with Ambrose, Williams and Friell, *Theodosius* (1994) 119–33. But all of these ideas are a matter for speculation.

157. One other possible reference to such a policy is at Iustinianus Nov. 14 (a. 535): see Neri, *Marginali* (1998) 205, 223.

158. See Brundage, “Prostitution” (1975/6); Kelly, “Bishop” (2000) 343–49.

159. See Chauvin, *Chrétiens* (1983) 21; Rossiaud, *Medieval Prostitution* (1988) 80–81 with n. 17.

tury Spanish clerics to the great Alexandre Parent-Duchâtelet, down until our own time.¹⁶⁰

The basic elements of the Augustinian model are clear enough. Prostitution is assumed to be inevitable and therefore attempts at repressing it are futile. Even worse, to whatever extent that they are successful, male lust will be diverted to prey upon respectable women. Meanwhile prostitution, if unsupervised and therefore uncontrolled, poses even more of a danger to the social order.¹⁶¹ But if venal sex is not to be repressed, where and under what conditions should it be permitted?

Christianizing and post-Christianizing policies to “zone” prostitution within cities, as well as those designed to expel prostitutes, emerged from the concern that the presence of prostitution could lead to moral if not also medical contagion, as well as public disorder. These policies were a hallmark of the medieval and early modern periods. Though they managed to survive a new campaign of repression in the latter, they were generally toughened considerably.¹⁶²

An institution of central importance in the Middle Ages was the municipal brothel, a structure owned or leased by a town and subject to stringent regulation, while at the same time granted an at least theoretical monopoly on the local practice of venal sex. The first beginnings of this institution can be traced to the early thirteenth-century regulations of prostitutes’ public behavior by Occitan towns like Arles, a softening of the rigorously exclusionary policy adopted by neighbors such as Toulouse and Carcassonne.¹⁶³ Aquinas’s restatement of the Augustinian doctrine paved the way for the first permanent establishments of officially recognized zones of prostitution, beginning in Montpellier in 1285.¹⁶⁴

A few decades later the municipal brothel, or *Frauenhaus*, began its long arc as an increasingly common feature of the life of the towns in the German-

160. On Parent-Duchâtelet and Augustine, see, for example, Corbin, *Women for Hire* (1990) 62.

161. See, for example, Best, *Controlling Vice* (1998) 5.

162. The generalization made in the text should not obscure the fact that these concerns gave rise to some quite varied policies. See Pavan, “Police” (1980) 242–45, 250–51; Trexler, “Prostitution florentine” (1981) 990; Chauvin, *Chrétiens* (1983) 22, 64–65; Otis, *Prostitution in Medieval Society* (1985) 17–18, 25–26, 31–32, 35, 41, 56, 77–78, 95–97, 104; Perry, “Deviant Insiders” (1985) 142, 148, 156–57; Brundage, *Law, Sex, and Society* (1987) 524–25; Rossiaud, *Medieval Prostitution* (1988) 4–5, 9; Schuster, *Frauenhaus* (1992); Schuster, *Freien Frauen* (1995) 26, 45, 52, 56, 67, 71–79, 88–102, 131, 181–82, 215–23, 262, 305–15, 342–50, 352, 358–95, 399–404, 411–19; Karras, *Common Women* (1996) 15, 18–20, 32–33.

163. Otis, *Prostitution in Medieval Society* (1985) 17–19.

164. Otis, *Prostitution in Medieval Society* (1985) 25.

speaking areas of Europe, a development that also occurred in southern France and northern Italy.¹⁶⁵ The authority of Augustine and Aquinas was so total and, one may say, consistent with the cultural matrix of the time that there is typically little or no justification for these developments found on record until long after the fact. A rare exception took place in Krakow, where the citizens sought an opinion from a Dominican professor in 1398 before establishing a municipal brothel.¹⁶⁶ We have to wait as late as 1433 for an exposition of motive from the city authorities in Munich.¹⁶⁷ It was simply taken for granted that municipally regulated prostitution was the lesser of two evils, the greater one being the overthrow of chastity and public order dreaded by Augustine.

For all of their importance in this period, policies zoning prostitution reached their zenith in the nineteenth and early twentieth centuries, when concern with moral pollution and social instability was—if only partially—subsumed into a fear of sexually transmitted disease.¹⁶⁸ The Romans themselves appear to have been utter strangers to this apprehension of contagion both medical and moral. Evident lack of concern over the spread of disease might be explained by reference to the existence among them of less-virulent forms of sexually transmitted diseases and/or inadequate medical knowledge. But what is the reason for their apparent indifference to what any of us might regard, with justice, as the moral challenge of brothels and prostitutes?

165. Schuster, *Frauenhaus* (1992) 36, dates the first foundation to Lucerne in 1318, with a wave cresting in and around 1400. For foundations in France and Italy, see Schuster, 39–40.

166. Schuster, *Freien Frauen* (1995) 184.

167. Schuster, *Frauenhaus* (1992) 40–41, 199, 209.

168. Here, too, there was no uniform approach to zoning. See Evans, “Prostitution” (1976) 111, 117–18; Walkowitz, *Prostitution* (1980) 34, 41, 58, 78, 103, 130, 179, 183, 229; Goldman, *Gold Diggers* (1981) 59–63, 147–48; Rosen, *Sisterhood* (1982) 78–80; Mackey, *Red Lights Out* (1987) 188–92, 199 (which discusses problems in legally evaluating damages arising from the “moral taint” of prostitution), 208 n. 56 (which notes a house did not actually have to be disorderly to qualify as a “disorderly house” under the law); Corbin, *Women for Hire* (1990) 54–60, 84–86, 205, 317, 322–25, 333; Mahood, *Magdalenes* (1990) 18, 116; Clayson, *Painted Love* (1991) 15; Gilfoyle, *City of Eros* (1992) 313–14; Best, *Controlling Vice* (1998) 5; Gibson, *Prostitution and the State*² (1999), 136–37, 240 n. 93 (which describes an informal clustering of brothels, much like the Roman model). For a late twentieth-century perspective, see Gorjanicyn, “Sexuality and Work” (1998) 181–84.