### Table of contents of fascicule 2

**Reviews**

<table>
<thead>
<tr>
<th>Author</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>V. Kozlovskaya</td>
<td>Pontic Studies 101</td>
<td>473</td>
</tr>
<tr>
<td>G. Bradley</td>
<td>An unexpected and original approach to early Rome</td>
<td>478</td>
</tr>
<tr>
<td>M. Lawall</td>
<td>Towards a new social and economic history of the Hellenistic world</td>
<td>488</td>
</tr>
<tr>
<td>S. L. Dyson</td>
<td>Questions about influence on Roman urbanism in the Middle Republic</td>
<td>498</td>
</tr>
<tr>
<td>R. Ling</td>
<td>Hellenistic paintings in Italy and Sicily</td>
<td>500</td>
</tr>
<tr>
<td>L. A. Mazurek</td>
<td>Reconsidering the role of Egyptianizing material culture in</td>
<td>503</td>
</tr>
<tr>
<td></td>
<td>Hellenistic and Roman Greece</td>
<td></td>
</tr>
<tr>
<td>S. G. Bernard</td>
<td>Politics and public construction in Republican Rome</td>
<td>513</td>
</tr>
<tr>
<td>D. Booms</td>
<td>A group of villas around Tivoli, with questions about otium and</td>
<td>519</td>
</tr>
<tr>
<td></td>
<td>Republican construction techniques</td>
<td></td>
</tr>
<tr>
<td>C. J. Smith</td>
<td>The Latium of Athanasius Kircher</td>
<td>525</td>
</tr>
<tr>
<td>M. A. Tomei</td>
<td>Note su <em>Palatium</em> di Filippo Coarelli</td>
<td>526</td>
</tr>
<tr>
<td>F. Sear</td>
<td>A new monograph on the Theatre of Pompey</td>
<td>539</td>
</tr>
<tr>
<td>E. M. Steinby</td>
<td>Necropoli vaticane — revisioni e novità</td>
<td>543</td>
</tr>
<tr>
<td>J. E. Packer</td>
<td><em>The Atlante: Roma antica</em> revealed</td>
<td>553</td>
</tr>
<tr>
<td>E. Papi</td>
<td><em>Roma magna taberna: economia della produzione e distribuzione nell’Urbe</em></td>
<td>561</td>
</tr>
<tr>
<td>C. F. Noreña</td>
<td>The socio-spatial embeddedness of Roman law</td>
<td>565</td>
</tr>
<tr>
<td>D. Nonnis &amp; C. Pavolini</td>
<td>Epigrafi in contesto: il caso di Ostia</td>
<td>575</td>
</tr>
<tr>
<td>C. Pavolini</td>
<td>Porto e il suo territorio</td>
<td>589</td>
</tr>
<tr>
<td>S. J. R. Ellis</td>
<td>The shops and workshops of Herculaneum</td>
<td>601</td>
</tr>
<tr>
<td>A. Wallace-Hadrill</td>
<td>Trying to define and identify the Roman “middle classes”</td>
<td>605</td>
</tr>
<tr>
<td>T. A. J. McGinn</td>
<td>Sorting out prostitution in Pompeii: the material remains,</td>
<td>610</td>
</tr>
<tr>
<td></td>
<td>terminology and the legal sources</td>
<td></td>
</tr>
<tr>
<td>Y. Perrin</td>
<td>L’écrit au quotidien dans le monde romain</td>
<td>634</td>
</tr>
<tr>
<td>D. L. Stone</td>
<td>Surveying urban landscapes</td>
<td>640</td>
</tr>
<tr>
<td>C. Williamson</td>
<td>The consul at Rome</td>
<td>642</td>
</tr>
<tr>
<td>S. Thakur</td>
<td>Organized opposition to a principate in transition?</td>
<td>645</td>
</tr>
<tr>
<td>L. L. Brice</td>
<td>The emperor (Claudius) in the Roman world</td>
<td>648</td>
</tr>
<tr>
<td>J. S. Nikolaus</td>
<td>The study of slavery: past issues and present approaches</td>
<td>651</td>
</tr>
<tr>
<td>M. L. Laird</td>
<td>The progress of scholarship on <em>liberti</em></td>
<td>662</td>
</tr>
<tr>
<td>N. M. Ray</td>
<td>A collected economy</td>
<td>673</td>
</tr>
<tr>
<td>W. Scheidel</td>
<td>Italian manpower</td>
<td>678</td>
</tr>
<tr>
<td>A. L. Goldman</td>
<td>Rome and the power of the <em>gladius</em></td>
<td>687</td>
</tr>
<tr>
<td>B. I. Sandor</td>
<td>Jupiter’s finest wheels</td>
<td>693</td>
</tr>
<tr>
<td>V. H. Pennanen</td>
<td>Seeing the gods — or not</td>
<td>701</td>
</tr>
<tr>
<td>T. V. Franconi</td>
<td>Rome and the power of ancient rivers</td>
<td>705</td>
</tr>
<tr>
<td>B. D. Shaw</td>
<td>Collected historical essays around Apuleius</td>
<td>712</td>
</tr>
<tr>
<td>R. S. Bagnall</td>
<td>The Antonine Plague returns</td>
<td>714</td>
</tr>
<tr>
<td>M. MacKinnon</td>
<td>Modern perspectives on ancient animal sacrifice</td>
<td>718</td>
</tr>
<tr>
<td>W. Heinz</td>
<td>An engineer studies heating systems in baths</td>
<td>721</td>
</tr>
<tr>
<td>W. Heinz</td>
<td>Bedeutende Forschung zu einem ’anrüchigen’ Thema</td>
<td>723</td>
</tr>
<tr>
<td>R. Ling</td>
<td>Wall-paintings in Greek and Roman sanctuaries</td>
<td>727</td>
</tr>
<tr>
<td>A. E. Hanson</td>
<td>A farming handbook and its relevance for science and medicine</td>
<td>730</td>
</tr>
<tr>
<td>A. M. Small</td>
<td>A major conference on central Apulia and Peucetia and a new synthesis on rural settlement</td>
<td>741</td>
</tr>
<tr>
<td>E. Fentress</td>
<td>The <em>patrimonium</em> and the peasant</td>
<td>750</td>
</tr>
<tr>
<td>I. J. Marshman</td>
<td>Return to sender? Letters, literacy, and Roman sealing practices</td>
<td>755</td>
</tr>
<tr>
<td>J. L. Davies</td>
<td>A major work on temporary camps in Scotland</td>
<td>760</td>
</tr>
<tr>
<td>H. W. Horsnæs</td>
<td>Coins from Roman Britain in light of the Portable Antiquities Scheme</td>
<td>763</td>
</tr>
</tbody>
</table>
### Table of contents of fascicule 2 (continued)

<table>
<thead>
<tr>
<th>Author</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>T. V. Buttrey</td>
<td>Gold coins from <em>Britannia</em> and their (archaeological) value</td>
<td>768</td>
</tr>
<tr>
<td>M. Segard</td>
<td>Gestion et usages de l’eau dans les Alpes occidentales romaines</td>
<td>770</td>
</tr>
<tr>
<td>P. Visonà</td>
<td>Monetary circulation in the south of France from the 6th c. B.C. to the age of Augustus</td>
<td>775</td>
</tr>
<tr>
<td>D. L. Bomgardner</td>
<td>The Fréjus amphitheatre: to be or not to be? The place of an ancient monument in a modern world</td>
<td>780</td>
</tr>
<tr>
<td>R. Reece</td>
<td>Cremation and cremation burial in NE Gaul</td>
<td>785</td>
</tr>
<tr>
<td>A. Gavini</td>
<td><em>Isiaca et aegyptiaca</em> nella penisola iberica</td>
<td>788</td>
</tr>
<tr>
<td>W. E. Mierse</td>
<td>Post-colonial theory and the study of Roman Spain</td>
<td>791</td>
</tr>
<tr>
<td>H. Williams</td>
<td>Lamps from Algeria</td>
<td>797</td>
</tr>
<tr>
<td>E. Papi</td>
<td>Châteaux en Espagne? <em>Lixus</em> 3 et le palais de Juba II</td>
<td>800</td>
</tr>
<tr>
<td>S. Stevens</td>
<td>Cyprian’s intangible Roman foundations</td>
<td>808</td>
</tr>
<tr>
<td>J. Freed</td>
<td>Excavating Roman Carthage: two contrasting (French and German) reports</td>
<td>810</td>
</tr>
<tr>
<td>S. Keay</td>
<td>African olive oil and its distribution to Spain and Rome</td>
<td>820</td>
</tr>
<tr>
<td>D. P. S. Peacock</td>
<td>Getting around in Albania</td>
<td>825</td>
</tr>
<tr>
<td>C. Eger</td>
<td>Some late graves, mortuary practices, and their relevance for social life at Isthmia</td>
<td>827</td>
</tr>
<tr>
<td>C. S. Lightfoot</td>
<td>The results of surveying around Aphrodisias</td>
<td>839</td>
</tr>
<tr>
<td>J.-P. Sodini</td>
<td>L’île de Cos et ses basiliques protobyzantines</td>
<td>848</td>
</tr>
<tr>
<td>R. Gordon</td>
<td>Hero-cults, old and new</td>
<td>852</td>
</tr>
<tr>
<td>C. Foss</td>
<td>The archaeology of cities (and more) in Turkey</td>
<td>861</td>
</tr>
<tr>
<td>P. Kenrick</td>
<td>The joys of studying Roman cooking ware in the Middle East (Syria and Turkey)</td>
<td>864</td>
</tr>
<tr>
<td>M. Fischer</td>
<td>The minor arts and cultural influences at Dor</td>
<td>867</td>
</tr>
<tr>
<td>Z. Weiss</td>
<td>How do we study daily life in the Second Temple period?</td>
<td>871</td>
</tr>
<tr>
<td>J. A. Overman</td>
<td>Roman temples in Israel: <em>caveat emptor</em></td>
<td>877</td>
</tr>
<tr>
<td>B. Ward-Perkins</td>
<td>Le Mura Aureliane</td>
<td>879</td>
</tr>
<tr>
<td>R. Reece</td>
<td>Archaeological <em>versus</em> historical ‘facts’</td>
<td>882</td>
</tr>
<tr>
<td>T. D. Barnes</td>
<td>The <em>Theodosian Code</em> and the personality of Constantine</td>
<td>887</td>
</tr>
<tr>
<td>L. Dossey</td>
<td>Late-antique peasants: tensions, misunderstandings, and élite distaste</td>
<td>895</td>
</tr>
<tr>
<td>E. Rizos</td>
<td>Keszthely-Fenékpuszta and the Danube from late antiquity to the Middle Ages</td>
<td>898</td>
</tr>
<tr>
<td>A. H. Chen</td>
<td>Sorting out palaces and villas in late antiquity</td>
<td>904</td>
</tr>
<tr>
<td>J. Conant</td>
<td>Christians ‘persecuting’ Christians in North Africa, and intrusions by the State</td>
<td>910</td>
</tr>
<tr>
<td>M. Whittow</td>
<td>The Maeander valley in the Long Ancient World: or, Why bother with archaeology?</td>
<td>914</td>
</tr>
<tr>
<td>W. Eck</td>
<td>Zur Analyse der Kriterien politisch-administrativer</td>
<td>925</td>
</tr>
<tr>
<td>D. Frankfurter</td>
<td>Books, lists, and scribes in Early Christian Egypt</td>
<td>929</td>
</tr>
<tr>
<td>J. Magness</td>
<td>A colloquium on the Byzantine-early Islamic transition</td>
<td>933</td>
</tr>
<tr>
<td>J.-P. Sodini</td>
<td>Le commerce byzantin du IVe au XVe siècle: de la région au monde méditerranéen</td>
<td>941</td>
</tr>
</tbody>
</table>

**BOOKS RECEIVED**

**BOOKS REVIEWED IN THIS ISSUE**
Sorting out prostitution in Pompeii: the material remains, terminology and the legal sources

Thomas A. J. McGinn


1. Material culture and venal sex

Pompeii preserves the vast bulk of the material evidence for the sale of sex in the Roman world. This makes an archaeological analysis of the remains something greatly to be desired: above all, presentation and discussion of photographs, plans, measurements, and finds ranging from wall-painting, graffiti, masonry beds, to various portable objects. The task is not an easy one, owing to the adverse conditions in excavating, recording and preserving the evidence at the site. P. G. Guzzo, who served with distinction as the Soprintendente for well over a decade until 2009, and V. Scarano Ussani, who teaches Roman law at the University of Ferrara, have taken on this challenge. The result is in some ways commendable, in others disappointing — at times, surprisingly so.

The authors justify the book with the observation that, while in recent years much has been written about Roman prostitution, no book has focused exclusively on Pompeii. It could be debated whether one should approach the problem in this way, but in any event this is not in fact what they do, for the book invokes much evidence (e.g., the writings of the Roman jurists) that does not directly concern Pompeii. In fact, the first of the three chapters does not deal with Pompeii much at all. This lack of a clear focus comes with a price, as we shall see.

After a brief introduction, chapt. 1 summarizes, largely without analysis, much of the legal evidence for Roman prostitution. Chapter 2 sets out the material evidence for the sale of sex in Pompeii, offering a catalogue of brothels, cribs and other places where prostitution has been thought to have been practiced, an abundance of color photographs, a list of such places categorized by type, and 38 pages of plans keyed to the catalogue. Chapter 3 is a brief essay discussing some of the implications of the Pompeian evidence. Next comes a series of 11 tables with information derived from inscriptions containing details such as prices for sexual acts and names of persons thought to be prostitutes. One appendix provides a transcription of Pompeian inscriptions with erotic content, another is a photographic reproduction of G. Fiorelli’s report of the uncovering of the Purpose-Built Brothel, while an index of sources and a bibliography round out the volume.

2. Prostitution and law

In “Meretricio e lenocinio nel diritto romano del I secolo d.C.”, the authors summarize much information about Roman law and prostitution. One effect of this compressed treatment is to jumble together a number of sources that vary greatly in terms of type and chronology. We find indifferently cited the classical jurists, late-antique collections such as the Pauli Sententiae and Tituli ex Corpore Ulpiani, inscriptions such as the Late Republican Tabula Heracleensis, literary sources such as Plautus and Cicero, and, occasionally, evidence from Greek authors, especially the orators.¹ Over the 5 sections, the bulk of the discussion is linguistic in nature: the first discusses various terms for prostitute and prostitution,² with particular emphasis on

---

¹ They struggle with the attribution of the speech Against Neaera to Demosthenes (“Ps. [?] Demosth.”). The recent scholarship agrees in assigning it to the orator Apollodorus: see, e.g., Kapparis 1999, 48-51.

² For example, the authors cite (7 and 9) the many Latin words that can mean “prostitute” as evidence for the importance of prostitution in Roman society. The phenomenon is better evidence for
Ulpian’s definition of prostitute under the Augustan marriage legislation; the second and third take up the usages of turpitudo and its cognates where relevant for prostitution and its practitioners. The fourth treats lenocinium and other terms related to pimps and pimping, while the fifth contains a disquisition on the terminology (or some of it) for brothels.

While providing a broad, if largely derivative, summary might appear to have some utility, this one presents some disadvantages. On a practical level, technical terms and concepts are not explained, leaving in the lurch the reader who is not already familiar with Roman law. In substantive terms, the schematic presentation has the effect of generalizing beyond the evidence, with the result that rules that are very different in terms of their context, articulation and/or (as far as can be known) application are in practice synthesized, yielding a Roman “law of prostitution” that the Romans themselves never knew. Differences among the jurists, possible or actual chronological developments, norms that simply do not sit well with each other — all tend to be smoothed over or ignored. The static and monolithic picture does scant justice to the admittedly difficult evidence. The historiographical method is decidedly presentist. I believe the authors would have done better to forego the recitation of legal matters and focus on the material evidence from Pompeii in a book that is, after all, ostensibly devoted to that subject; the discussion of law seems to have had an adverse impact on the understanding of the material evidence, and vice versa.

Toward the end of this chapter, just as they begin to introduce the material evidence, Guzzo and Scarano Ussani encounter serious difficulties:

- They confuse the definition of “brothel” with the question of its typology (22). The two concepts are related but not at all the same. The mistake is an easy one to make given the reductive approach they take in conceptualizing this type of establishment.

- They misread (22) the evidence of the Regionary Catalogues, confusing the total numbers of brothels (lupanaria) given for the entire city of Rome (46 and 45) with the evidence for their distribution on the Caelian, so that they take these numbers as signifying the number of brothels solely in that area. The main part (perhaps) mentions brothels only in connection with Regio 2 (the Caelian), without giving

the misogyny of upper-class Roman males than for the significance of venal sex, for which we do possess ample proof of a more trustworthy nature.

3 The jurists in this context emerge as fungible in their approach to lawfinding and generic in the results they achieve. It is a picture at odds with what one finds with Scarano Ussani’s earlier work (e.g., 1989), where he is at pains to bring out their individual characteristics, and especially their different approaches to law.

4 This is a subject I first raised (despite evident assumptions to the contrary: 22-23) in McGinn 2002, 36 (see 11 for my definition of brothel, also given in the text below).

5 These Catalogues contain a main text organized by the 14 Augustan regiones that gives, under each regio, a series of named monuments followed by a list of types of various topographical features and their number. Two appendices follow that (imperfectly) summarize and supplement the main text for the city as a whole. The first provides a list of building-types and other topographical features, their number and names. The second (sometimes called the Breviarium) simply gives types of such features and their numbers, generally without their names. Two versions of the Catalogues exist, the Curiosum and the Notitia, that appear to derive from a common archetype; scholars date the versions we have to the 4th c. and debate their purpose (see discussion in Behrwald 2006; id. 2009, 185-211).

6 The Curiosum gives 46, the Notitia 45: see Nordh 1949, 105.10.

7 Ibid. 75.4.

8 Given the confusion, it is important to emphasize that we lack precise information on the numbers of brothels and the overall population for Pompeii in the 1st and for Rome in the 4th c., making an attempt at comparison in the end impossible: McGinn 2004, 167-73.

9 This is how most scholars understand the information given at this point in the text. Nordh (1949, 75.4) prefers the manuscript reading luparios to the alternative lupanarios. In either case, while lupanaria are perhaps meant, it is still not entirely clear what is being referred to. It is strange that the item falls under the part of the text devoted to specific monuments, so that no number is given.
a number, which it does only for the city-wide totals in the second appendix. Guzzo and Scarano Ussani confuse the two.

- This error leads to an exercise in circular reasoning. The authors assume that the term *lupanarium* in these Catalogues must mean the same as they assume it does in Ulpian’s definition of “prostitute”, where *lupanarium* is not itself defined,10 and then assign it (in the form of *lupanar*, or “Lupanare”) to the Purpose-Built Brothel in Pompeii, which no ancient source identifies as such. In fact, we have no idea whether *lupanarium* in the Catalogues refers to large brothels, Purpose-Built Brothels, state-owned brothels, or inns and taverns that offered sex for sale in addition to other services.11 The Catalogues do not mention *cauponae*, *deversoria*, *popinae* or *hospitia*, so the latter possibility cannot be excluded. Even *tabernae* appear but once on these lists — and for *Regio 6*, not *Regio 2*.12 If anything, this evidence supports the opposite conclusion to that drawn by the authors, since it seems at least possible that all types of brothels might be included in these references. But it would be unwise in fact to draw any firm conclusions about the meaning of “brothel” or their numbers on the evidence of the Regionary Catalogues.

There is a thread that connects all of these difficulties. The root problem is located in a misreading of the sources in service of a theory that, for a brothel to qualify as such, it must sell not just primarily (as is sometimes implied) but exclusively sex (see, e.g., 21, 23, 60, 115). It is not helpful that nowhere do Guzzo and Scarano Ussani actually define “brothel”. For what it is worth, I define it as a location open to the public where sex is the principal business or, at any rate, is a major component of the business, and where two or more prostitutes can work simultaneously. This definition does not, of course, exclude the possibility that other things besides sex, such as food and drink, were sold in a brothel.

Support for their theory is not to be found in any of the definitions of brothel and its equivalents known to me, including those in both English and Italian, none of which excludes the sale of more than sex.13 There is a considerable body of comparative evidence that associates in particular the sale of alcohol with prostitution, extending from ancient Athens to modern Nevada, with many stops in-between.14 One challenge in identifying brothels in many cultures is that they know no particular building type, and may not even be equipped with beds. So almost any type of building could be used as a brothel, even if it were designed for another purpose (e.g., a tavern/bar, inn, bath complex). In fact, the historical record suggests that the vast majority of brothels over time and in different cultures have been located in other building types, meaning that purpose-built brothels are relatively rare; and yet that is the model the authors adopt, strangely, as the exclusive one for the Romans.15

Lacking a firm basis in the archaeological or literary record for their conception of brothel, the authors return to the legal evidence. They argue (22-25) that the Roman jurists recognized a typological distinction between brothels, on the one hand, and inns, taverns/bars, baths, on the other, and that this difference applies not only to the legal sources, but to the literary and material evidence as well. For example, when Ulpian explains a restriction on the ability of pimps to make requests regarding legal remedies (*postulare*) before the Praetor, he says that this applies to pimps who prostitute slaves as well as to those who prostitute free persons, and to pimps who conduct this as their main line of business (*principaliter*) or as a sideline to another line of business, such as in the case of a *caupo*, *stabularius* or *balneator*.16 Guzzo and Scarano Ussani assert that the jurist makes a hard distinction between two different types of establishment

---

10 Ulp. (1 ad legem Iuliam et Papiam), D. 23.2.43 pr.-5. See below.
12 Nordh (1949, 81.18) gives just 10 *tabernae* here.
13 See, e.g., the *OED*, for brothel: “a house of ill-fame, bawdly house”; Zingarelli, for bordello: “casa ove si esercita la prostituzione”; for lupanare: “postribolo”; for postribolo: “casa di prostituzione”.
14 See, e.g., that evidence cited at McGinn 2004, 17-18 and 290.
15 The authors make what might be described as a category error. For a similar mistake, see Beard 2008, 237.
16 Ulp. (6 ad edictum) D. 3.2.4.2.
that where prostitution is the main line of business, and that where it is a sideline. In fact, Ulpian avoids making any such distinction, attaching the same consequences at law to pimps in either case, and recognizing no more of a distinction between these venues than between cases of prostituting free persons or slaves. In this passage the jurist, aside from a reference to baths, does not mention the type of establishment concerned, meaning that, as far as we can tell, he would classify precisely as brothel any tavern that simply had prostitutes. The fact that the same person, in Ulpian’s view, could be a leno and a caupo, a leno and a stabularius, or a leno and a balneator suggests that, for him, the lines between these establishments were fluid and not fixed in stone.

A similar point can be made for another text in which Ulpian names, as places where prostitutes worked, a lupanarium and a taberna cauponia. In his commentary on the marriage legislation of Augustus, he writes that a woman who prostitutes herself in either one ranks as a prostitute under these statutes, meaning that she was prohibited from marrying freeborn men. The jurist defines neither establishment, so that we cannot know on what basis he would distinguish between them, let alone whether and to what extent such a distinction would be recognized beyond this text. Again the point is to collapse rather than to assert any difference between the two for the purpose of applying this rule, which is construed broadly: it applies to any prostitute, no matter where she works.

This result is supported by another passage (Viv.-Celsus-Ulp. (13 ad editum) D. 4.8.21.11):

Sed si in aliquem locum inhonestum adesse iusserit, puta in popinam vel in lupanarium, ut Vivianus ait, sine dubio ei non parebitur: quem sententiam et Celsus libro secundo digestorum probat.

But if he [sc. the arbiter] ordered them [the litigants] to appear in some disreputable place, for example, in a popina or in a lupanarium, as Vivianus says, there is no doubt that he may be disobeyed with impunity. Celsus too, in the second book of his Digesta, approves this view. The passage deals with the rules governing the behavior of the arbitrator (arbiter) appointed by private agreement to settle a legal dispute (compromissum), specifically raising the issue of when the litigants can disobey him without incurring a penalty. Our authors insist (22), even at the cost of self-contradiction (see 22 n.90), that the text signifies that for these jurists popina (which may be translated as “fast-food restaurant”, “bar”, “tavern”) and lupanarium (“brothel”) are two distinct entities, as emphasized by the word vel, a “congiunzione disgiuntiva”. But this reflects a profound misunderstanding both of Latin and of law. To take the implications of vel first, according to the OLD this can be found “introducing alternatives, in which mutual exclusiveness is not normally emphasized, nor other possibilities excluded”, meaning, e.g., “Either ... or (... or)”. This sense is reinforced by the legal point made by Ulpian, namely, that it makes no difference as to which disreputable place the litigants are ordered to present themselves in, or why each such locus is inhonestus. According to the way this text is written, a popina might very well function as a brothel: the possibility is left open, and with regard to the application of this rule it is a matter of indifference.

17 Ulp. (1 ad legem Iuliam et Papiam), D. 23.2.43 pr. In Ner.-Paul., D. 33.7.13 pr. Paul, in disagreement with Neratius, draws a distinction between a taberna cauponia and a caupona in the context of a discussion of whether the contents of a legacy of their instrumenta included their managers (institores) or not. The distinction has been convincingly shown to turn on an understanding of taberna as the physical plant of the business, so that its instrumentum would include various utensils and containers for food and drink, but not personnel, since, for example, the owner might have leased the premises to a third party to operate; and of caupona as the business operation itself, whose instrumentum would also include institores: Ligios 2001, 79-88 (cf. 104-6). Thus taberna cauponia and caupona do not constitute different types of businesses, at least in this text.
19 OLD 2nd edn. s.v. vel 2a. See also Kühner and Stegmann 1955, 2.107-12. Even a particle such as vel cannot be assumed to have a special legal meaning because found in a legal text: Carcaterra 1966, 132; Sicari 2007, 5129-35; McClintock 2010, 40.
20 This is consistent with the practice of the jurists in developing rules that applied to a broad range
series of other legal texts dealing with establishments in the hospitality industry and their man-
gagers.\textsuperscript{21} So we find, for example, \textit{caupo} equated with \textit{stabularius} in the text of Ulpian discussed above and elsewhere too,\textsuperscript{22} \textit{meritorium} treated as synonymous with \textit{stabulum},\textsuperscript{23} \textit{cauponae} with \textit{stabulum},\textsuperscript{24} and \textit{taberna} assimilated to \textit{popina}.\textsuperscript{25} A text from the late-antique collection known as the \textit{Pauli Sententiae}, despite some problems with abbreviation, “clearly equates \textit{cauponae} with \textit{meritoria}, \textit{stabula}, and \textit{deversoria}”.\textsuperscript{26}

In text after text we see the jurists employ a familiar technique, that of constructing a legal category through listing examples.\textsuperscript{27} The lists they provide are not meant to be exhaustive, and at the same time they characterize the particular category in a manner that allows new instances to be included (or not) based on the contents as they stand. In the texts discussed above, we can see Ulpian (and his predecessors in some cases) extending the concept of brothel to embrace by implication all venues where prostitution was practiced. He does this by assimilating establishments that might be called different things on the ground that the legal result is the same: what matters is where prostitutes work. Such a venue is what he would evidently construe as a brothel — a rose by any other name, in other words. To be clear, in each case the jurists construct out of a series of examples a category that they do not name or explicitly define. The precise nature of the category differs from case to case. So one category is that of places where women work who are regarded as prostitutes under the \textit{lex Iulia et Papia}. There is a particular quality, almost an artificiality, to this exercise that calls for comment. If we are going to treat this as a conceptual category representing “brothel”, it must be recognized that the results do not inevitably align with what we might expect to find in real life, or even in other areas of the law. It seems not impossible, for example, that Ulpian would regard an establishment with only one such prostitute as falling into the category. If so, this would put him at variance not only with the definition of brothel I offer above but with the conception I believe most Romans had of \textit{lupanar}: that it need not have been a large place, but was not typically to be identified with what we would term a crib or a “\textit{cella meretricia}”. This is hardly a surprising result if one looks, for example, at the text of Cervidius Scaevola in which the jurist effectively construes “\textit{taberna}” not as a place of business (as we, and Romans who were not jurists, might expect) but as the merchandise for sale it contains.\textsuperscript{28} This rather particular meaning for \textit{taberna} is singular even among the jurists. Other passages where they discuss the term suggest a

\textsuperscript{21} For a discussion of the literary sources, see the next section.
\textsuperscript{22} See above Ulp. (6 \textit{ad edictum}), D. 3.2.4.2 (\textit{caupo fuit vel stabularius}); also Ulp. (38 \textit{ad edictum}), D. 47.5.1.6 (\textit{caupo vel stabularius}), with Földi 1999, 127-28. Ulpian uses the term \textit{institor} to refer to the manager of any kind of business, including the \textit{tabernae praepositus} and \textit{stabularii}: Ulp. (28 \textit{ad edictum}), D. 14.3.3 and 5.
\textsuperscript{23} Ulp. (31 \textit{ad edictum}), D. 17.2.52.15 (\textit{et meritoriorum et stabulorum}); Labeo-Ulp. (56 \textit{ad edictum}), D. 47.10.5.5 (\textit{meritoria vel stabula}); Ulp. (2 \textit{de omn. trib.}), D. 50.16.198 (\textit{stabula sunt vel alia meritoria}).
\textsuperscript{24} Ulp. (14 \textit{ad edictum}), D. 4.9.1.5 (\textit{cauponae autem et stabularios ... cauponam vel stabulum}); Labeo-Pomp.-Ulp. (14 \textit{ad edictum}), D. 4.9.3.1 (\textit{in stabulo aut in caupona}).
\textsuperscript{25} Ulp. (21 \textit{ad Sabinum}), D. 30.41.8 (\textit{vel tabernas vel popinas}).
\textsuperscript{26} So Frier 1977, 33, on \textit{Pauli Sententiae} 2.31.16 (\textit{in cauponae vel in meritorio stabulo diversoriove}), and also for the general point made here. On this text, see also Cerami 2009, especially 455 and 462, who recognizes that terms such as \textit{deversorium}, \textit{stabulum} and \textit{cauponae} are used indifferently but still attempts to articulate a concrete typology based largely on the legal and literary sources. More generally on \textit{taberna} in the legal sources, see Ligios 2001, showing that this term can apply to a vast diversity of businesses. Not surprisingly, the same result emerges from the literary sources: Holleran 2012, 117-18 and 146. See below in the next section.
\textsuperscript{27} See in general Nörr 1972/2003. For specific instances of juristic category-building through the collection of specific examples, see Frier 1982-83; Rainer 1992, especially 360-61; Frier 1994; Bannon 2009, 148-49.
\textsuperscript{28} More precisely, the jurist understands a security agreement, or hypothec, made over a \textit{taberna} to amount to a hypothec made over the merchandise it contains at the time of the debtor’s death: Scaev. (27 \textit{dig.}), D. 20.1.34 \textit{pr.}, on which see, e.g., Wagner 1982; Daubermann 1993, 116-26; Sturm 1993, 26-58; Löffelmann 1996, 171-77.
significantly different meaning for it — one more consistent with our expectations. Perhaps not surprisingly, the same point holds for other texts of Scaevola himself.29

Thus the very purpose behind Ulpian’s construction of a category of “brothel” with respect to the Augustan marriage laws informs its nature and content. The same is true of his conception of prostitute under this legislation. Following his predecessor Octavenus, Ulpian includes in this promiscuous women who do not accept sex for money.30 This is hardly to be taken as a universally accepted definition of “prostitute”; indeed Ulpian’s citation of Octavenus suggests that this view was controversial even among jurists. It takes on meaning precisely in the context of the interpretation and application of the *lex Iulia et Papia*, regarding which the jurist is pronouncing on the issue of unacceptable marriage partners for freeborn Romans.

As for the category of places where women who were defined under this legislation as prostitutes worked, it does seem likely that, limiting cases aside, most instances of its application concerned places that we would regard as a “brothel” and that most Romans would think of as a *lupanar*. All the same, Ulpian’s category cannot be taken as a general definition of “brothel”. Can we go further in any case, drawing together the various discussions in the legal texts about venues for prostitution? While the jurists themselves were unlikely to generalize on this point, were we to do so — meaning, were we to attempt to abstract a general significance from the different (contextualized) categories they constructed for places where prostitution was practiced —, we might arrive at a conception very similar to the definition of “brothel” offered above. Yet this risks pressing the evidence too hard. What we can say is that the result of such an effort at abstraction would not be very inconsistent with my definition or with the general Roman conception of *lupanar, vel sim.*

Thus no ‘formal’ dichotomy between brothels and all other forms of hospitality establishment is to be found in the law. The authors of the book under review confound what they wish to see in the archaeological evidence with what they wish to see in the legal evidence. One can make a similar point about their treatment of literary sources. For them, these all too easily align with the material record. So a passage from Suetonius describing Caligula’s brothel on the Palatine is pressed into service to show that Pompeii’s Purpose-Built Brothel was far from unique (24):

... lupanar in Palatio constituit, districtisque et instructis pro loci dignitate compluribus cellis ...

It seems almost rude to point out that Suetonius says nothing about masonry beds, erotic paintings or graffiti, any more than Ulpian does. To be sure, the description would suit a number of locations that might in actual fact be brothels, slave-quarters or storage areas; it would also fit many a structure identifiable as a “*hospitium*, “*deversorium*”, or even “*caupona*”.

There is a deeper problem in the treatment of evidence. Even if we could assume that the authors’ reading of the legal evidence is correct, the assumption that this can be used in a straightforward manner to interpret the archeological evidence is open to serious question. The jurists display an almost complete lack of interest in, or knowledge of, actual prostitutes and real brothels. At Pompeii, there is no evidence that prostitutes did not accept payment for sex, or that there was a flourishing trade of clandestine prostitution.32 Legal discourse is not

29 See, e.g., Ulp., D. 14.4.5.17; Scaev., D. 31.88.3; Scaev., D. 33.7.7; Ulp., D. 50.16.183; and n.17 above on Ner.-Paul., D. 33.7.13 pr.
30 Oct.-Ulp. (1 ad legem Iuliam et Papian), D. 23.2.43.3.
31 Suet., Cal. 41.1: ‘... he (Caligula) set up a brothel in the imperial palace and, after setting aside and furnishing — in a manner appropriate to the high-class setting — a number of single rooms ...’. I stand by the translation, though of course the phrase *pro loci dignitate* is a fairly obvious piece of irony, in which *locus* is meant to refer to both “palace” and “brothel”. This detail makes reading a reference to the Pompeian Purpose-Built Brothel a tad problematic. On the passage, and a difficulty with the text, see McGinn 1998a.
32 On the first point, see above at n.30. The second concerns not just the authors’ naïve view of the relation between law and life but their misunderstanding (9-12) of a key element in Ulpian’s definition of prostitute under the *lex Iulia et Papia*, namely, his understanding of the legislative language
inevitably sociological in nature, and can in fact be strikingly artificial.33 One cannot assume that law is an uncomplicated and straightforward reflection of life.34 By the same token, one looks in vain to the legal texts for any hint of the three criteria that are supposed to characterize a brothel — masonry beds, erotic paintings and graffiti. One might well conclude that such details mean nothing for Ulpian when he writes about *lupanaria*, or that his conception, at law, of this establishment was so vague and general as to accommodate various arrangements on the ground; that he was thinking of the Purpose-Built Brothel, a unique (as far as we know) institution in the Roman world and one long since buried, seems unlikely, to say the least.

3. A ‘kitchen-sink’ catalogue

The heart of the book ("Elementi archeologici per lo studio del meretricio in Pompei") contains a catalogue of Pompeian places that might (or might not) be associated with the sex trade, accompanied by numerous photographs and detailed maps and line-drawings of individual sites. The photographs are of high quality, but they are employed merely for purposes of illustration. By this I mean that they are not used to make an argument for or against any of these places as a venue of prostitution. The same is true of the excellent maps and drawings: the reader is left to fend for him- or herself in drawing any conclusions from them. And a broadly similar point can be made about the catalogue itself, which accumulates data, rather than providing analysis or argument. It assembles references to all sites that have been identified in the scholarship as venues for prostitution, adding those that the authors consider relevant to the topic (28). The result is a ‘mare’s nest’ of brothels, cribs, inns, taverns, baths, private houses, that at first glance makes it appear that there are many more such places at Pompeii (59 items in all) than anyone has ever believed. And it contains not much more than the piling on of detail, most of which is of little consequence. In many cases the authors do not offer reasons for including an item in the catalogue — who (and why someone) made an identification, what precisely this identification is, and what material evidence supports this. What is genuinely surprising is how little is the result of personal observation.

On pp. 71-73 the authors offer a separate list of the catalogue items broken down into:

1. a (single) brothel;
2. places in which venal sexual activity came to be exercised in a complementary manner, under formal cover of activities of another kind35 (the rubric is divided into one sub-category that embraces “cauponae”, “tabernae” and “popinae” and another that includes only “cellae”;
3. places in which female or male slaves were used sexually by their fellow-slaves and/or their master (and so not *palam*);36
4. places in which venal sexual activity is not thought to have occurred, or the proof is inconclusive.

The authors do not always give their reasons for assigning a particular site to a particular category. In fact, of the 22 items listed under (2), subcategory 1, just over half have no reason given for their assignment. While the authors swear great fealty elsewhere (27-28, 69) to the three criteria set forth by A. Wallace-Hadrill for the identification of brothels (namely, erotic graffiti, erotic wall-paintings and masonry beds), in practice they often ignore them, mentioning a “caupona con accesso alla pergula” or a “taberna con vani sul retro” as the putative reason...
Sorting out prostitution in Pompeii

A central question arises: what is the difference between a brothel and “a place in which the venal sexual activity came to be exercised in a complementary manner, under formal cover of activities of another kind”? Before addressing this, we do better perhaps to turn to a series of questions that receive little or no attention: what is a *caupona*, a *taberna*, a *popina*, and what are the differences between them? The short answer is that no definitive answers are possible. We are unable to identify with confidence the archeological remains of any of these establishments. We cannot even be certain in the abstract (that is, on the basis of the literary evidence) what precisely they were, meaning that it is impossible to distinguish one from the other in any definitive sense.

We begin with a term that must be discarded: *thermopolium*. Some time ago T. Kleberg suggested persuasively that this was a coinage of Plautus and nothing more; it appears 3 or 4 times in his works and then drops out of usage entirely, apart from appearances in late glossaries which appear to derive from Plautine usage. Its application to the archaeological record mistakes a joke for a technical term in the hospitality industry. In other words, applied to this evidence it is a modernism. Our authors express skepticism over the word without being able completely to let go of it, hedging their bets through reference to the “so-called” *thermopolia* (see 23, 66, 119). It is perhaps worth pointing out that even the Purpose-Built Brothel would in a strict sense qualify as a “so-called” Lupanare. But how is it useful to identify the material evidence in terms of “so-called” anything?

All the same, Kleberg attempted to rescue several other Latin labels (e.g., *tabernae*, *cauponae*, *popinae*, and terms for their managers) for establishments in the hospitality industry through a discussion primarily of the literary sources. In his chapt. 1 he examined their semantics and etymology, arguing rather fitfully that they might serve as technical terms for various types of establishment in this industry (that is, denoting shops, taverns, restaurants, hotels, or some combination thereof). He recognized that the sources provide at best only a partial foundation for this argument, admitting, for example, that *ganea/ganeum* can refer to *lupanar*, *popina*, *taberna* and *caupona*, while the situation of *gurgustium* scarcely differs. One might be tempted to conclude that these terms do not represent establishments that differ fundamentally from each other. Kleberg attempted to get around this problem by postulating an historical development (or a series of them) whereby a word begins with a specialized application but comes to be employed more generally, so that it can refer to different types of establishment, or the reverse, or that over time a supposedly neutral term took on a pejorative cast. Let us say, at minimum, that not all of these arguments carry equal conviction: at the end, Kleberg’s own analysis can only support the conclusion that these terms were used more or less interchangeably in the

---

37 They are far from clear on this point, however. I argue for the expansion of A. Wallace-Hadrill’s third criterion, the presence of masonry beds, into a broader one of design, meaning one that includes the layout of rooms (such as when one finds a series of small rooms off of a corridor or two or more rooms in back of or above a shop): McGinn 2004, 198-204 and 286. The authors seem to accept this version without comment, while professing allegiance to the former version. There is a significant difference between the two, not just in substance but in the implications for the sheer number of establishments identifiable as brothels.

38 See Kleberg 1957, 24-25; more emphatically, Wallace-Hadrill 1995, 45-46; McGinn 2004, 15-16. Some continue to favor the term, however: e.g., Acero Pérez et al. 2011, 114 and 125, where *thermopolia* are in one place identified as “simple eateries” and in another apparently defined as “taverns and eateries”. One may contrast the caution of Holleran 2012, 142: “... this term was probably very rarely used in Rome, if at all”.

39 Kleberg 1957, 8-11.
literary sources at various periods. He himself largely accepted this view, at least to the extent that in his chapt. 2 he grouped caupona, deversorium, hospitium and stabulum as denoting inns/hotels that provided food and drink in addition to lodging, and placed popina and taberna together as representing bars/taverns that offered food and drink but not lodging. But he has already shown that some sources place caupona and its cognates in the second category and taberna in the first, so his scheme cannot hold. Even popina, which A. Mau and F. Wotke had treated indifferently with caupona, presents problems. While popina can have a specialized meaning in individual contexts, it does not show this consistently enough for us to formulate a clear and coherent definition of it on the basis of the literary sources, let alone apply the term with confidence to the archaeological evidence.

T. Kleberg’s weak and problematic argument has been refuted by historians on the basis of literary and legal evidence showing that, while specialized meanings might emerge from time to time, overall such terms as caupona, stabulum, meritouria, taberna, taberna meritoria, deversorium, synoecium, hospitium refer to establishments that served as both lodging houses and inns. Meanwhile, those examining the material evidence in particular have cast profound doubt on the applicability of these terms to the archaeological remains, above all at Pompeii. A. Wallace-Hadrill, pointing to the limitations of Kleberg’s analysis, rejects, in addition to the entirely dubious thermopolium, the use of the terms caupona, popina and taberna to identify establishments at Pompeii. P. M. Allison raises questions about the use of the words cenaculum and taberna both in connection with Pompeian domus and in commercial settings. S. J. R. Ellis, in an important survey of the locations of Pompeian bars, shows that the terms caupona, taberna and popina simply find no application to the material evidence. He identifies bars on the basis of the attestation of a masonry counter, and from this develops a typology based on the presence or absence of a cooking facility. That seems a more reasonable way to proceed. And yet Kleberg, to all appearances, continues to exert a baneful influence on contemporary scholarship, well beyond the book under review, despite the fact that reliance on his arguments or — I would argue — on any conceivable scheme involving Latin labels, seems almost bound to lead to confusion and self-contradiction.

Contrast the recent, somewhat agnostic conclusion of Holleran 2012, 140: “... the differences between the terms are not fully understood: the variations in meanings were probably subtle and fluid, and may not have been immediately clear even to a Roman audience”.

Kleberg 1957, 27. He does not ask if an inn/hotel might lack dining and drinking facilities.

Ibid. 3 and 19-20.

Mau 1919; Wotke 1953. Kleberg (1957, 17) lodges a strong if futile protest.

For example, stabulum can refer to lodgings where transport animals (such as mules and horses) are accommodated as well as travelers; and popina can mean specifically an establishment that offers food and drink, and not lodgings too: OLD 2nd edn. s.v. popina a, stabulum 2a. The recent article on popina in the TLL shows that the word was often assimilated to other terms for hospitality establishment.

As Kleberg 1957, 26-73, attempts to do with several of these tags, with predictable results.


She also criticizes the use of a number of terms drawn from the literary sources (above all, Varro and Vitruvius) in order to classify strictly domestic space: Allison 1993; 2001, 187; 2004, 12, 64, 161, 166, 168 and 174-75. See also Leach 1997; Nevett 1997; Kastenmeier 2007, 13-15.


This holds, at least, for any scheme that pretends to be based on actual Roman usage. See DeFelice 2007, 474, who declares, citing Kleberg, that “[i]t is generally agreed that there are four basic categories of hospitality businesses. These include hospitia, stabula, tabernae and popinae”. A few lines later, without any acknowledgment of the change, the four categories suddenly become three: hospitia and cauponae, stabula, and tabernae and popinae, with stabula functioning as a subcategory of hospitia, and a mysterious fourth rubric (this may be meant as a new category) thrown in, evidently in order to cover all bases, of “mixed establishments”. 
Guzzo and Scarano Ussani repeatedly use these Latin tags to identify specific sites as if they were fixed and known entities, while they never define them or offer adequate descriptions of them. At one point (66) there is even an admission that these terms can more or less amount to the same thing. Not surprisingly, they are inconsistent in their usage. It is hard to see how it could be otherwise. For a time, one has the sense that for them the difference between caupona and taberna lies in the number of rooms, so that the former has multiple rooms, and the latter is a single room (though some contain mezzanines or loft spaces, which the authors call pergulae). At another point, however, we learn that some tabernae have more than one room (see 51 and 66). Most striking perhaps, given their (more than justified) concern with the question of whether the extant legal evidence is relevant for Pompeii, the authors never ask themselves what these terms meant in or around August A.D. 79, or even whether this can ever be adequately known.

A similar concern arises with hospitium. We are told (67) that as many as 44 have been identified at Pompeii, but that more recently this has been reduced to 3. But what exactly is a hospitium? The authors assert that the decisive criterion for identification is the presence, epigraphically attested, of non-Pompeians. But did it offer lodging to permanent as well as to temporary guests? Did it offer food and drink as well as lodging? How big did one have to be? How was it different from a deversorium or a caupona? The authors appear at one point to distinguish between the latter and hospitium on the basis that two of the three hospitia had a caupona. Specifically, how do these three “hospitia” differ from the 3 (or 4) “cauponae” attested for Moregine, a locality just outside Pompeii? Too often in this book, “archeological analysis” consists of simply assigning a (problematic) Latin tag to the remains of a building.

It is time to abandon the use of these terms in identifying and/or classifying the archeological evidence into different types of establishment. Given the state of the evidence, it is simply impossible to develop a series of definitions that emerge with clarity and consistency from the literary and legal sources and that can be applied to the material remains. The authors are evidently apprehensive of resorting to modernizing expressions. But through their uncritical application of these terms this is precisely the trap they fall into. The result is an attempt to screen their reliance on a modern typology — one that remains vague and unsatisfactory because never expressly articulated — behind a spurious Latin terminology. This is a fundamental question of method. In the end, it is better to call a bar a bar rather than to resort to nebulous notions of popinae vel sim.

The same reflections apply to brothels and cribs. No securely attested ancient term exists to describe the latter, which is a one-room venue for sex lying off a street or in back of a bar. “Cella meretricia” is a modern invention. The authors acknowledge this fact, but go on to use it anyway, sometimes preferring the short form cella (see 25 and 71), which is no better supported by the sources. Cella has the additional liability of being confusing, since it can refer to many other types of space, including the rooms in a brothel where prostitutes sold sex. Since we have

---

They also acknowledge, somewhat begrudgingly, the difficulties in using Kleberg’s labels (22, but cf. 23).

See Guzzo 2005 for a discussion of two building complexes found in this area (ancient Murecine), one of which, containing a series of “triclinia”, has been argued to be, among other things a hotel or a “taberna deversoria”, the other to contain at least 3 (or 4) “cauponae”, on the upper storey of which lived (of course) the manager. One might well wonder if some or all of these are of the same type as the two inns with dining and drinking facilities inside the town mentioned in the text above. In any case, we are left with the possible result that there were more hotel facilities just outside than inside Pompeii, but whether this reflects ancient reality more than modern confusion would not be for me to say.

Later (118) the authors stress the rôle of Pompeii as a center of travel, arguing that it was crowded with visitors. One wonders where they all stayed, with only three hotels in town (if that is what they mean by hospitium).

Not content with Latin, the authors invoke (35, 39) a Greek term, kulikeion, used by Athenaeus (11.460D-E) to denote a sideboard or credenza on which drinking cups were kept.

They are at one point reduced to describing them as “le cellae cosi dette meretriciae” (69).
no choice but to use a modern term, whether drawn from Latin or from some other language, we do better to aim at precision.

I note that the linguistic distinction between brothel and crib is not at all inevitable: we can hardly be certain that the Romans did not use certain words, such as *fornix* and *stabulum*, for the latter that we (and they) associate with the former. My interest in distinguishing the two is primarily grounded in a concern not to exaggerate the presence of prostitution in Pompeii. Lumping them into a list of brothels would almost certainly have this effect. Of course, the places we might identify as brothels in Pompeii tend to be small. Even the Purpose-Built Brothel can be described as large only in relative terms. Cribs may have had two or more prostitutes working in turn, or even in shifts. Some brothels may have been half-empty, at least at certain times or in certain seasons. All of these imponderables would seem to reduce the force of this distinction. It retains a certain utility all the same.

Apart from the catalogue, much of this chapter is devoted to a discussion of the epigraphical evidence for prostitutes and prostitution in Pompeii. The authors note (60), as have others before them, that we can draw no firm conclusions from the appearance of the same or similar names in this evidence. Just as more than one woman with the same name may have worked in the same brothel, so the same woman’s name may appear in different brothels. Adding to the uncertainty is the fact that we cannot date with confidence most of these epigraphs. The fact that one, attesting a price of 5 *asses* for a woman named Tyche, places itself with a consular date in 3 B.C. signifies that, although many or even most are not unlikely to derive from a period close to the destruction of the city, there is no guarantee of this in the absolute, or complete certainty over which ones would so qualify.

The authors seem to regard an expression of appropriate caution as affording them *carte blanche*, and so making way for unsubstantiated speculation about the personal and professional lives of possible prostitutes. We pass very quickly from the conditional expression of possibility to the assertion of what it is legitimate to suppose, in order then to proceed without hesitation to the oxymoron of solid speculation. It is a slippery slope. In fact, we do not know with certainty if any of the women recorded in these graffiti were actual prostitutes, or if this evidence communicates more about (male) misogyny than about the working conditions of women who sold sex. While it is possible to share the authors’ frustration over the poverty of results to be gleaned from this relatively abundant resource, it is unwise to follow them in their attempts to make more creative use of it. So when they declare (62) that one way to be certain that an actual or apparent reference to a woman as a prostitute is not merely a gratuitous insult is to look for at least three or more repetitions of the same, one is bound to observe that, beyond the realm of Pompeian epigraphy, the repetition of an insult is often regarded as no more than that, rather than as a job description. Similarly, inspired by their own argument that multiple instances of the same name in the same place are likely to refer to the same person (which for reasons just given is far from guaranteed), they postulate (62) that mentions of the same name in different places reduce the possibility of insult, since it would make more sense for the latter to be registered near the victim’s residence — unless there are more than two of them to reckon with, I suppose.

4. The regulation of prostitution at Pompeii

In “Prostituzione e società” the authors embark on a series of themes broadly (i.e., not always closely) related to that which has come before. What emerges here is a view of the relationship between the state and the practice of prostitution that is more reminiscent of the great

---

56 See also Panciera 2007, on the difficult case of Glyco the *halicaria*; Varone 2003 and Levin-Richardson 2011 on graffiti in the Purpose-Built Brothel.

57 *CIL* IV 2450. The imprint of a coin minted in A.D. 72 found in the plaster of a room on the ground floor of the Purpose-Built Brothel makes it likely, though not absolutely certain, that some or all of the graffiti in this establishment date from a relatively late period: see Clarke 1998, 199.

58 One is reminded of the freewheeling reconstructions of M. Della Corte, on which see Mouritsen 1988, especially 19-30; Wallace-Hadrill 1995, 40.
19th- and early 20th-c. continental regulationist systems, above all that advocated for Paris by A. Parent-Duchâtelet in his influential book of 1836, than anything supported by the evidence for the Roman world. Parent-Duchâtelet argued that prostitution was necessary but dangerous, which meant that it should be tolerated, while closely supervised.59 Thanks in no small part to his efforts, the authorities in Paris and elsewhere developed a system of brothels that were licensed and policed by the state, a system that provided for the delivery of “essential” services in a manner that was widely regarded as efficient, safe and profitable. Its reach and ultimate efficacy were compromised, however, by the fact that a flourishing industry of clandestine prostitution grew up around it. That the rise — and fall — of the regulationist system is inextricably tied to modern developments such as industrialization, capitalism, urbanism and certain advances in medicine, especially in the field of public health, goes without saying, and it has little to tell us about ancient Pompeii.

For our authors, Pompeii had but one maison de tolérance, the Purpose-Built Brothel (7.12.18-20), which in their view is The Brothel (Il Lupanare). This was the only establishment “formalmente deputato” (114; cf. 21: “specificamente destinato”, “espressamente deputato”) as a venue for commercial sex in that town. They argue on the basis of legal evidence that simply does not support their case (and is irrelevant, as far as we can tell, for Pompeii) that a “distinzione ‘formale’” (113) operated between this lone brothel, where prostitution was practiced “in via principale e dichiarata”, and all of the other places where sex was available for sale, but accessory, as they allege, to other activities.

They concede that the vast bulk of prostitution at Pompeii took place in the latter, (in their view) unofficial and unlicensed, venues (114) — unofficial and unlicensed only for prostitution, that is, because our authors assume a high level of supervision and control of various businesses by the authorities.60 Each one had an officially designated “negotiatio” (114: “... prestazioni structuralmente connesse al tipo di negotiatio che ufficialmente vi si svolgeva [my emphasis]).61 Prostitution was somehow not among these. Even attendants in the changing-room at the Suburban Baths were no mere casual employees but official clothes-minders, even if they worked as prostitutes. By the same token, the balneator was officially a bathkeeper, even if he or she worked as a pimp or a procuress (24).62 So a bath, tavern or inn could never officially be a brothel.

This distinction between the official and unofficial practice of prostitution encourages the authors to postulate that the latter was essentially clandestine. Women working in the “unofficial” brothels could always hope to escape identification as prostitutes and procuresses (115). So, for example, prostitution was exercised in such places in a complementary manner, not just under cover (“al riparo”), but under formal (“formale”) cover or shelter of other activities (71). This language designates a rubric that embraces more than a dozen “cauponae”, a half-dozen “tabernae”, and a single “popina”.63 Bakeries (63-64), too, were capable of serving as a “screen”

---

59 The best treatment remains Corbin 1990, on whom I chiefly depend. See also Harsin 1985 and Bernheimer 1989 on France; Krafft 1996 on Germany; Gibson 1999 on Italy. For the work itself, see the fine edition curated by A. Corbin: Parent-Duchâtelet 1981.

60 There is a world of difference, of course, between a system of regulation of the nature and scope postulated by our authors and a complete absence of regulation of brothels and other venues of public resort: for what there was, see McGinn 2004, chapt. 5.

61 See also discussion of the “ragione sociale” (66) of each and every business and dwelling at Pompeii, a very modern concept drawn from Italian law: see the Codice Civile Art. 2292, 2295 and 2314.

62 This was not the way Ulpian and other jurists viewed their status, certainly with regard to the Augustan marriage laws: see above, p. 613.

63 This is consistent with their distinction (13) between brothels (“lupanari”), where prostitution was practiced in an open and declared manner (“in modo palese e dichiarato”) and elsewhere, where it operated surreptitiously (“in maniera surrettizia”): they list cauponae, popinae, hospitia, stabula and balnea. This aligns with a reference (66) to the “l’esplitica, o anche mascherata, utilizzazione meretricia degli impianti commerciali”. A misunderstanding of the legal evidence is a partial explanation for this theory (see 19).
("schermo") for prostitution, and their workers therefore ranked among the "usual suspects" of practitioners of the same ("... sospetti preferenziali di praticare commerci sessuali merce - nari"). Guzzo and Scarano Ussani recognize degrees of clandestinity, so that they seem to draw a distinction between these places and "luoghi nascosti e periferici della città" that were used, evidently unlike other venues for prostitution, above all at night (114). But it is difficult to be certain.

So who was it who administered this system? Who licensed and supervised the town brothel, il Lupanare? Who drove prostitutes and pimps working elsewhere under cover, so they were compelled to practice their trade surreptitiously? At times it seems that this rôle was fulfilled by the Severan jurists, or their unnamed predecessors, but more often it is assigned to the town aediles. It was these public officials who supposedly kept a register of all prostitutes, at least all "official" prostitutes, but not, of course, the clandestine ones, though they also supervised the places where the latter worked; and it was their oversight that influenced the distribution of commercial sex throughout the town, at least in its allegedly officially recognized form (13, 66-67 and 113-14). It is here that we are able to locate the ancient equivalent of the Parisian police des moeurs. As so often happens with modernizing assumptions about the ancient world, the modern element comes to be conceived in a notably idealized form.

At a crucial point, the authors lose the courage of their regulationist convictions. After energetically assembling arguments in favor of a thesis of moral zoning, where prostitution would have been officially assigned to certain parts of town and away from others, in the end they renounce this idea, arguing that prostitution was not limited in its distribution as a matter of official policy as if the notion were original to them. In fact, the thesis of moral zoning is much more consistent with the assumptions and arguments that run throughout this book than is the argument that no such policy existed.

One further contradiction lies athwart our authors and their evidence. There were, no doubt, all sorts of clandestine activities, such as theft, that have left no trace in the record that has come down to us. It is difficult to see how, if there were a surreptitious practice of prostitution at Pompeii, we could know much about it: where the ancient inhabitants have left signs of this activity it seems anything but hidden. What the material remains suggest in fact is that no attempts were made to disguise it.

Despite the lack of evidence for clandestine prostitution at Pompeii, should we postulate that it existed anyway? Unlike theft, it was not an illicit activity, as Guzzo and Scarano Ussani themselves recognize. A motive to hide might have been to dodge the Caligulan tax. But the authors deny (see 17-18) that this was collected after the accession of Claudius in 41. They argue (115) that the point was to escape the legal consequences of identification as a prostitute.

---

64 On the aedilician register for prostitutes, which I argue to have been initiated by the Augustan adultery law in order to enable prostitutes (and others) to claim an exemption from liability under it, and to have ceased functioning soon after the Vistilia episode of A.D. 19, see McGinn 1992. There is no sign that one existed at Pompeii, or anywhere but Rome, for that matter. Leach (1997, 50) points out that a strong tradition in Pompeian historiography identifies this town, in terms of its political institutions, as a Rome in miniature; but there is no good reason for assigning a 19th-c. regulationist policy even to the capital. See McGinn 2004, 142-43 and 148-57.

65 Recent work has suggested that the profile of Roman "policing" was higher than previously thought. All the same, the key developments occurred only after 79, involved primarily reliance on soldiers, and even at their height were far from approaching the 19th-c. model evidently accepted by our authors: Fuhrmann 2012.

66 For this tendency with regard to the matter of Roman policing, see Fuhrmann ibid. 12-14, who shows how this idealization can generate both excessive pessimism and (as here) optimism about the phenomenon in antiquity.

67 It is a central argument of McGinn 2002 and 2004.

68 Cf. the arguments about the implications of policing deviant behavior made by Laurence 2007, 82-101 (a somewhat revised version) in the context of an argument in favor of moral zoning, a theory imbued with assumptions that are consistent with, if not grounded in, 19th-c. thinking.
or pimp. But which ones? Most, if not all, of the civic and legal disabilities imposed on practitioners of venal sex were strictly irrelevant for the vast majority of prostitutes because they were women, slaves or peregrines (or more than one of these). Even in those cases where such disabilities applied in a technical sense, we may wonder whether they had much practical import, given the low, not to say marginal, status of such persons. This is not to deny that some upper-class males may have assumed some prostitutes hid their activities from public view, but that is a discourse for another time; it is of little use in understanding the material remains of Pompeii.

It is clear that any student of Roman prostitution must be prepared to tolerate uncertainty: we must be content with awkward categories of “possible brothels”, “possible cribs”, and even “possible prostitutes”. It is difficult not to have sympathy for the frustration of the authors on this score. But it will not do simply to translate my “possible prostitutes” into “probabili prostitute”, as they do more than once (113). Or to interpret “possible brothels” as meaning that such venues must have (“dovevano”) offered sex for sale (114). This slippage is at the heart of their confusing distinction between what they assert is the town’s only brothel (“il Lupanare”) and the 22 other places in which they allege “venal sexual activity was practiced in a complementary manner”. In the end possibility becomes certainty, at least regarding the practice of prostitution in such places, though not, of course, their status as brothels (cf. 72 with 114-15).

These difficulties plague their discussion of the alleged rôle for “possible prostitutes” in local elections (perhaps the most interesting section of the book). A number of professionally painted epigraphs portray such women as supporting various candidates for public office. The authors take the optimistic view that, despite their marginal status, prostitutes were able to take a visible and active rôle in the shaping of a popular consensus at the polls, even going so far as to postulate (118-19) the existence of a collegium-like institution as its vehicle. This seems to me to press the evidence very hard. One might perhaps better argue that a good way to smear your political opponents was to invent — and advertise — some base of support for them among the dregs of society.

The authors make a further interesting point about imperial policy toward prostitution, arguing that it deliberately attempted to make this as cheap and accessible as possible, along with various popular entertainments and subsidies (120). In this way, venal sex, rather than religion, served as the opiate of the masses:

Poteva infatti rappresentare un efficace mezzo per mantenere ‘tranquilli’ i ceti inferiori della popolazione, talvolta veicolando o comunque producendo consenso.

As a satirist might put it, this would have been a policy of scortum et circenses.

Such functionalist explanations of social phenomena typically have a strong flavor of petitio principii about them, and this one is no different than most in this respect; worse, it is supported by no actual evidence, and contradicted by a lot of it. The authors admit the “policy” did not always work very well at keeping Pompeii calm and orderly, given the terrible riot that broke out in there in A.D. 59 at a gladiatorial show. They ignore the copious evidence that brothels

---

69 See also mention (64) of the “graffiti con sicuro riferimento ad attività meretricie”. At another point (65) they opine that in some places it was not necessary to write explicit graffiti since the purpose of the establishment was well-known — a curious assertion, especially given their assumptions about the prevalence of clandestine prostitution at Pompeii.

70 For a contrast, I note their conclusion (70) that, because we lack secure examples, there is no evidence of a brothel at Ostia.

71 Tac., Ann. 14.17. The incident, which occurred before the earthquake of 62, seems to have been unique to Pompeii: Fagan 2011, 93-96; Fuhrmann 2012, 4. There is an ongoing debate over the degree of disruption to daily life in the years 62-79. Allison (2004, 179-98) argues for considerable disruption in this period; more recently, Anderson (2011) sees a more varied pattern of disturbance and continuity. It is to be hoped that scholars continue to refine this picture; but these arguments are based on painstaking analysis of the material remains, while the theory of Guzzo and Scarrano Ussani is not grounded in any evidence at all. It seems reasonably clear that social tensions in
themselves — which should have been epicenters of tranquility on their theory — were venues of disorder and criminal activity, or at the very least were regarded as such by members of the upper classes.72

Of course, the ill success of a policy is no conclusive argument that it was not pursued in the first place. Here is where the authors’ unacknowledged model, 19th-c. French regulation-ism, re-asserts itself. This policy was designed above all to preserve order, and that in the end is what it failed to do. Brothels and the practice of prostitution in general became associated with physical assault, theft, disorderly conduct, vagrancy, and other forms of violence and criminality.73 As noted, conditions prevailing in Roman brothels do not appear to have been much better. The catch is twofold: unlike 19th-c. Paris, there is no evidence the Romans ever pursued such a policy, and yet the authors not only assert its existence, but its success.

5. A closer look at the Purpose-Built Brothel

Central to the conception of “brothel” entertained by Guzzo and Scarano Ussani is that this is a place that sold “only sex”, meaning not food, drink, or lodging as well (115). This is as close as they get to a definition of “brothel” (or “lupanare”).74 The criterion is based above all on their belief that Purpose-Built Brothel (7.12.18-20) is the only true brothel in the town, and on their assumptions about what activities did and did not take place there.

The strength of this conviction is tested by evidence to the contrary. The authors acknowledge (23) that food was recorded as found in the Purpose-Built Brothel by G. Fiorelli at the time the building was unearthed in 1862. According to him, this was a meal of beans and onions in a bronze cooking pot (caccabus), recovered along with a bronze candlestick in the hallway of the ground floor.75 For our authors this find is of absolutely no consequence, insofar as it...

Pompeii existed before the earthquake, and were exacerbated by this event (as well as, it seems, by continuing seismic activity) so that there was a relatively greater level of disorder post-62 as efforts at rebuilding were ongoing. This does not mean the economy did not flourish in this period, as money was spent on reconstruction, or that the population declined, though there may have been an appreciable imbalance in favor of males: see McGinn 2004, 177-81.

72 See McGinn 2004, 86-90 and 121.
73 See Harsin 1985, 133-237; Corbin 1990, 115-85, 189 and 304.
74 Occasionally (24 and 114) in the book under review postribolo or even bordello comes to be used of brothels, but it is the more literary lupanare, a word cognate to the Latin lupanar, lupanarium, that Guzzo and Scarano Ussani prefer for the Purpose-Built Brothel. Unfortunately, use of this term seems to contribute to a certain circularity of reasoning on their part.
75 Fiorelli apud Guzzo and Scarano Ussani 165.
76 The authors overlook other evidence for food (slender as it is) at the Purpose-Built Brothel; it includes remains of shellfish and snails, as well as a boar’s tooth (which hardly proves that an entire boar was consumed there): Van der Poel and Poli Capri 1994, vol. 2, 21 and vol. 3, 111. My thanks go to Steven Ellis and Emily Holt for assistance with the subject of food remains at Pompeii.
77 Regarding the problems in the discovery, recording and preservation of objects, and the conclusions that one may reasonably draw from these, see, e.g., Allison 1992, 50: “... in the study of artefact assemblages, the absence of material has no meaning”. See also Ellis 2004a, 375.
fairly clean by scavengers in antiquity.\textsuperscript{78} The fact that the food was found in a cooking pot raises the possibility, certainly, that it was prepared on-site, rather than representing a form of take-out.\textsuperscript{79} In either case, it was presumably available to both staff and guests (see below), suggesting that more than sex was indeed sold here.

If food and drink were brought in from the outside, rather than prepared on-site, it would make this brothel in this respect like baths, in which wine and various foods (eggs, lettuce, fish, meat including sausages, pastries and more) were typically made available to customers.\textsuperscript{80} Baths might have ambulatory or stationary vendors (the latter perhaps in stalls); and while it seems impossible to rule out the possibility that some of the food was prepared on-site, it is also true that a great deal of it must have come from nearby taverns or inns. If sex were available at these places, it would make the line between brothel and the rest difficult, arbitrary and, in the end, impossible to draw, at least in the sense desired by our authors.

It is remarkable that, even in places where we would expect to find it, remains of food do not appear to be superabundant at Pompeii, at least above ground.\textsuperscript{81} For example, the large earthenware containers (usually styled \textit{dolia} by scholars) embedded in the masonry counters of bars/taverns only rarely appear to have yielded any of their original contents, while at Herculanum a number of similar objects have been found containing such comestibles as beans, chick-peas, grains and “legumes”.\textsuperscript{82} Thanks to recent advances, however, it is more possible than before to begin to draw some conclusions about the frequency of such finds, although the overwhelming bulk of food remains found above ground at Pompeii derives from private houses and other contexts that are manifestly non-commercial in nature, and so are none of our concern here.\textsuperscript{83} I would also exclude as non-pertinent a few instances where food was manufactured or even sold on a retail basis, such as (carbonized) bread in bakeries or the remains of anchovy bones in a \textit{garum} shop.\textsuperscript{84} The same holds for the \textit{macellum}.\textsuperscript{85} What we have for actual hospitality establishments is very meager. S. J. R. Ellis, whose survey of Pompeian bars/taverns yields 158 specimens scattered throughout the town, cites only one where the remains of actual food (here lentils) have been recorded as found, later adding one more, the evidence of which appears to have been preserved solely in the oral tradition of archaeologists.\textsuperscript{86} To this result I can add 6 others, all identifiable as bars/taverns on the basis of archaeological remains (i.e., evidence that they do or did possess a retail counter).\textsuperscript{87} One case registers the presence of lentils

\textsuperscript{78} Fiorelli \textit{apud} Guzzo and Scarano Ussani 164-65: “... le stanze superiori venissero ricercate in tempi prossimi alla loro rovina, e dispogliate di quanto contenevano di più utile e necessario alla vita”.

\textsuperscript{79} If Borgongino (2006, 79) is correct to identify Fiorelli’s find with a dish containing similar vegetables (evidently uncooked) once displayed at the site’s Antiquarium, this suggests that the preparation of food did occur in the Purpose-Built Brothel.

\textsuperscript{80} Particularly evocative is Sen., \textit{Ep}. 56.2. See Fagan 1999, 32-34, for the evidence and discussion. Also Ellis 2004a, 382-83, who stresses competition between baths and other establishments offering food and drink. This is a possible explanation, as is cooperation or even a form of synergy: for example, some of the bars near baths probably supplied the latter with food and drink, in the form of sales off-site.

\textsuperscript{81} The obvious explanation lies in the circumstances of Pompeii’s destruction. For this reason I except the ever-increasing discoveries of food remains found in drains: see Ellis and Devore 2008, 317; the online reports at www.fastionline.org, especially Ellis and Devore 2010; Ellis 2012, 109. For more on excavated finds of possible food remains, see, e.g., Clark 1999; J. Robinson 1999; M. Robinson 1999.

\textsuperscript{82} See Packer 1978, 48, now supplemented by the far more complete survey in Borgongino 2006.

\textsuperscript{83} This result emerges clearly from the massive surveys in Jashemski and Meyer 2002, and Borgongino 2006.

\textsuperscript{84} For the bread, see Mayeske 1979, 40; Stefani 2005, 90 (81 loaves recovered from the bakery at 7.1.36); Borgongino 2006, 140-46 (much more complete information); cf. Monteix 2009, 330-31; id. 2010, 276-77. For the \textit{garum} shop, see Reese 2002b, 280-81; Stefani 2005, 87.

\textsuperscript{85} See Van Andringa 2008, especially 59-62.

\textsuperscript{86} Ellis 2004b, 48; id. 2012, 108 and 201 (“legumes”). The first location is 9.7.21-22, the second 6.2.5.

\textsuperscript{87} See Ellis 2004a, 374, for the list.
in a bronze vessel and seeds from turnips or a similar vegetable in a small ceramic container, another a dish of cooked beans together with another vegetable in a bronze vessel, a third the (separate) remains of both onions and beans, and a fourth lentils. The last two examples show the remains of shellfish.

My list may not be complete, but even as it stands these scarce remains suggest that we should not take for granted the find (above ground) of any food remains in a hospitality establishment at Pompeii. This result rather raises the profile of the humble repast Fiorelli came across in the Purpose-Built Brothel. One might postulate that the food whose remains have been recorded was not meant for sale to customers but for consumption by the staff. The latter possibility cannot be ruled out, nor perhaps should it be, at least for these particular items; but it is not a strong one, especially when viewed in light of the evidence surveyed below for eating and drinking on-site. It is clear that clients of the brothel must have ranked among the consumers of food and drink in the brothel.

Given that food was prepared on-site and/or readily available from the immediate neighborhood, not much stock should be placed in the evident lack of a kitchen at the Purpose-Built Brothel. The curious fact is that, if a kitchen had been discovered there, this would not, according to the methodology of our authors, make it a brothel with a kitchen, but rather deprive it of its status as a brothel entirely. This emerges from their discussion of the middle floor of the building containing the Suburban Baths. The building seems originally to have had three floors: a top floor that was destroyed by the eruption, a bottom floor where the baths themselves are located, and a middle floor where Guzzo and Scarano Ussani are persuaded that prostitution took place, but which their peculiar definition of “brothel” does not allow them to identify as such. It has erotic art (in the apodyterium of the baths), one lone erotic inscription on the street, near the direct entrance to the middle floor, and a layout of rooms that they find reminiscent of that in the Purpose-Built Brothel, though no masonry beds. So the criteria are fulfilled, if weakly, but for our authors this still cannot be a brothel. For a time there was a direct internal connection between the baths and the middle floor, which for our authors would mean that the “brothel” was an activity accessory to the main one of the baths (so no brothel at all). At a relatively late date, this connection was closed off, leaving the middle floor accessible only by its direct connection to the street, but this development could not convert the establishment into a brothel. The offending element is the presence of a kitchen. Yet no ancient source informs us that Roman brothels did not or could not have kitchens; rather, a number show

---

88 The first is 1.3.11 (Borgongino 2006, 71 and 103-4), the second is 1.11.10-12 (Borgongino 2006, 77, who evidently misidentifies the location as 1.11.1), the third is 5.4.7 (ibid. 68 and 85), and the fourth is 7.12.15 (Van der Poel and Poli Capri 1994, vol. 3, 122).

89 See Reese 2002a, 302, for an establishment identified as a “thermopolium” located no more precisely than 6.16. Ellis’ list (2004a, 274) offers 5 possibilities. The other is at 9.11.2: Stefani 2006, 88. Another possibility (1.7.3) suggested by Reese (2002a, 311) is not on Ellis’ list.

90 There is, to be sure, plenty of ground for skepticism about the automatic identification of baths as brothels. While prostitution was evidently practised on-site in many baths, we usually lack enough information to be reasonably certain that it constituted such an important line of business to characterize the establishment as a brothel. On the other hand, to maintain that a bath-complex can never contain a brothel, especially when evidence points in this direction, seems just as unacceptable.

91 So they say in one place (63), while emphatically denying this in another (24; but see also 23), where it is asserted that the second floor was “formalmente” appointed as a residence for the bathkeeper and perhaps for his or her staff too. The former view seems to win out in the end (115).

92 How they can know this without inspecting the receipts of both businesses is not explained, but it is their firm principle in dismissing the possibility that any bathhouse in the Roman world could function with a brothel. The middle storey of this building is the only known upper level of a bath complex in Pompeii or Herculaneum that is completely preserved: Kastenmeier 2005, 148. One should keep this in mind when making broad generalizations about the relationship between baths and prostitution.

93 For a similar view, see Kastenmeier 2005, 150, who, however, criticizes our authors for earlier accepting (Guzzo and Scarano Ussani 2000, 23) that this was a brothel. Interestingly, Kastenmeier
that food, and especially drink, were available in such places. It seems unreasonable to assume that, where food and drink and/or lodging were offered in addition to sex, any combination of the first three elements must represent the “main” business, and the latter an “accessory” one, let alone that they should matter for identifying a brothel in the first place. It is far from clear that prostitution was not the main business in the present instance, or at the very least a major component, when we note the number of rooms available for prostitutes to work (as many as 10 or more, perhaps, on the middle floor alone), and even if there were only half as many, when we take into account the ample space available on the lost third floor, we have a possible brothel that was larger than the Purpose-Built Brothel. After the Purpose-Built Brothel, this is our most likely example of a brothel for the Roman world as a whole.

The thesis, a true brothel sold only sex so the Purpose-Built Brothel is the only true brothel in all of Pompeii, does not stand up to scrutiny for another reason. Guzzo and Scarano Ussani have surprisingly little to say about its upper storey, given the centrality of this site for their conception of the Roman brothel. It is true that, as it survives, the upper storey contains no erotic paintings, no graffiti and no masonry beds. The authors correctly describe it (48) as having 5 rooms of different size united by an external balcony that serves as a corridor connecting them, with remains of rather generic Fourth-Style painting on some walls. Their assertion that the entire (“tutto”) upper storey is a modern reconstruction, if not much of an exaggeration, is unfortunate since this part of the building has much to tell us about Roman brothels — or the apparently few that were constructed as such.

Of the 5 rooms upstairs, two are small enough to support the idea that they had the same purpose as all 5 rooms downstairs: the sale of sex typically by a single prostitute working at a time; we might call these “bedrooms”, “stalls” or “booths”. A third room resembles the first two but is perhaps twice as large. One might speculate that at least on occasion more than one prostitute worked here simultaneously, although this would not exclude other possible uses to entertain guests. The real surprise lies further down the corridor. The function of the two remaining rooms (Rooms 4-5; figs. 1-2), even as they vary in size, will be readily apparent to anyone who has seen their like. The remains of Fourth-Style painting (in the larger of the two), together with their size and shape, mark them as dining/entertainment facilities, usually labeled in the scholarship as “triclinia”. The larger one (fig. 2) has a cut-out in the wall between the room itself and the corridor/balcony on one side of the entrance that makes it seem larger and perhaps more ‘public’ than it really is. Here it is obvious that more than sex was being sold, but at the same time, despite the lack of

---

94 See the plan offered by Kastenmeier at 2005, 149.
95 I am grateful to the Soprintendenza Archeologica di Pompei for granting me permission to visit this part of the building and to take photographs. For more photographs of the upper storey, see my personal web page at Vanderbilt University, accessible at www.vanderbilt.edu/classics.
erotic art, graffiti and masonry beds, we can be fairly certain that sex was available. The same considerations apply to the third room mentioned above, which, being of intermediate size between the two “triclinia” and the two bedrooms or stalls, may have functioned at times as a more intimate drinking and dining facility (it too has remains of generic Fourth-Style painting). We cannot rule out the occasional or even regular provision of lodging, both here and in the two smaller rooms — and for periods briefer than the span of one night, as the Purpose-Built Brothel served a variety of purposes, including perhaps that of assignation-house. These considerations receive further support from a number of small objects that might have been used in preparing for or in holding events associated with the commercial provision of food, drink and/or sex; they include a series of (at least) 3 small glass pitchers, a couple of containers for oil, (at least) 2 perfume containers, a bottle and several cups, a small silver spoon and the remains of a mirror, and what appears to have been a mold for making pastry in the form of a seashell. While this material was apparently found downstairs, that hardly deprives it of relevance for the rooms above. It suggests that even the ground-floor level might function at times or in part as a lodging and/or entertainment center, and less exclusively as a venue exclusively for the sale of sex — if such places did in fact exist for the Romans.

Given the general lack of information about the upper part of the building, there has been relatively little speculation about its purpose, beyond the thought that it was the living quarters of prostitutes and/or pimps, or that it served as an extension of the business downstairs. Based on what I was able to see, no use associated with the vast majority of establishments in the hospitality business (i.e., the provision of food, drink, sex, lodging) can safely be excluded. Before we rush to assign it to an illusory category of caupona, taberna, popina or hospitium, we might reflect on how, once again, the evidence illustrates the inadequacy of these labels for the purposes of identifying and classifying the material remains of Roman hospitality establishments. Is it really a surprise that, if private means were inadequate to install a “brothel” in one’s domus, one could at least aspire to enjoy a similar atmosphere in an actual brothel? This

---

96 On this theme see McGinn 2004, 217-19.
98 So my explanation for the presence of explicit erotic art in a small number of private houses in Pompeii: McGinn 2004, 157-66. For an explanation offered by Guzzo and Scarano Ussani, see below in the text (pp. 629-30).
new element complicates any attempt to establish a typology of brothels. It is now more difficult than ever to distinguish between a purpose-built brothel, a tavern-brothel with or without lodgings, and an inn that also functioned as a brothel. All sold various services in varying measures, the relative proportions of which are impossible to reconstruct. More than that, it demolishes any theory that attempts to distinguish between “brothels” and “places with meretricious activity”. The archaeological evidence supports this idea no better than the legal and literary sources do.

6. Conclusion

The authors are right to assert (70, 113) that analysis of the material evidence by itself is insufficient to arrive at a proper understanding of the phenomenon of prostitution in Pompeii. One challenge is that little of the legal and literary evidence has a direct reference to Pompeii, and a good deal of what they cite has no clear relevance at all. Even where this relevance is manifest, care must be taken, so that the use of such sources does not prejudice the sense to be derived from more broadly conceived arguments. In other words, misreading the literary sources can compromise the understanding of the material evidence. An example concerns a passage of Plutarch from his *Life* of Cato the Elder, in which he reports that his subject, fearing that sex was the factor most likely to lead his (male) slaves astray, compelled them to couple exclusively with the female slaves of the household at a fixed price.99 The authors use this story to explain the function of about a half dozen venues in Pompeii where explicit erotic art is found in the context of private houses. Though other uses were possible, they concede, an important one was to operate a service for members of the *familia* on the “modello Catoniano” (21, 67, 69, 115 and 118). But this seems highly unlikely. First, it is far from clear that Plutarch approves this behavior. Elsewhere he sharply criticizes Cato for his treatment of his slaves, particularly for selling them when they became older and less productive. While some had dismissed this practice as evidence of his subject’s stinginess or even defended it as a critique of the less restrained comportment of others, the biographer regards it as a sign of a defect in character.100 The anecdote concerning the Censor’s rôle in managing the sexual behavior of his slaves simply recounts another of his questionable practices in the same area. While making money was crucial to members of the élite, even on the municipal level, it rather mattered how

100 Plut., *Cato Mai.* 4.4-5.2.
you were seen to do this, but this particular method provided none of the social insulation that, say, merely owning a building containing a brothel evidently did. Cato’s reputation appears to have suffered as a result of this practice, and this fact alone would have discouraged imitators. The greatest difficulty occurs precisely at the juncture of the literary and archaeological evidence. Plutarch’s account says nothing about the Censor deploying erotic representations, which would have increased his costs and threatened to render his house even more of a brothel than did the operation Plutarch describes. The idea that upper-class Romans were accustomed to install such benefits in their houses for their slaves seems far-fetched in principle. If any Pompeians were following the “modello catoniano” (and there is no evidence that any ever did), none of this took place in a venue graced with paintings depicting explicit sex unless they were being untrue to their alleged paradigm.

Examples of less than sophisticated treatment by our authors of the literary sources could easily be multiplied. All the same, analysis of the material remains lies at the core of book’s stated purpose, and it is here that we are disappointed by a missed opportunity. The archaeological evidence for the practice of prostitution at Pompeii has never been closely and thoroughly examined by experts. The authors had unparalleled access to this evidence but chose instead, in a sense, to circle the wagons around the Purpose-Built Brothel. Apart from the excellent pictures, maps and line-drawings, the book focuses too much on rehashing the results achieved by others, when it could have offered so much more. Here is where their reductive definition of brothel has cost them and us dearly, by diminishing their incentive to look closely at the other sites where prostitution was practised. In the end they fail even to examine carefully the Purpose-Built Brothel itself, distracted as they are by the evidence of law and literature. This is why I do not share the pessimism they express (70) over the capacity of archaeology to tell us more about prostitution in Pompeii.

What is to be done? The authors reproduce (153-65) Fiorelli’s account of the Purpose-Built Brothel as it appeared in the 1862 edition of the Giornale degli Scavi; but it serves largely as an illustration. They refer to it only rarely, and it breaks off in mid-sentence. Are there no similar publications in the files kept by the Soprintendenza, no other excavation records or accounts of early explorations that might shed light on prostitution or the places in which it might have been practised? There are indeed areas of the town where the material remains themselves bear closer examination. The installation of the modern tourist restaurant just north of the Forum entailed the destruction of two ancient bars and part of a third (a fact overlooked by some proponents of a theory of zoning that postulates an absence of such establishments in the area). Were any of these brothels? This question is never asked in this book. But when we consider the epigraphical evidence for venal sex in this area where “... five bars once looked onto the forum, while another nine were within less than 50 m of this important civic center...” it is not without interest. Here it might help focus attention if we were to call a brothel a brothel.

Another opportunity lies in a comparison of the dining or entertainment rooms on the upper storey of the Purpose-Built Brothel with similar spaces in other hospitality establishments. What can be deduced from a consideration of their respective size, decoration and

---

101 See the account in D’Arms 1981.
102 I refer to Cato’s endorsement of the brothel in Hor. Serm. 1.2, where the presentation of Cato as a ‘ruler-pimp’ is consistent with similar unflattering portrayals of Solon and Caligula. On the latter, see McGinn 1998a.
103 For criticism of the idea that the erotic paintings in a room in the House of the Vettii, located as they are in a room near the kitchen, were a reward for the cook, see McGinn 2004, 165 and 201.
104 This is admittedly speculative, but I am encouraged by the (re-)publication of Fiorelli’s account of the discovery of the Purpose-Built Brothel in the work under review as well as that of the Giornale dei Soprastanti from the years 1861-67 by Van der Poel and Poli Capri 1994.
105 At 7.5.14 and 7.5.17 (total removal); 7.6.22-25 (partial). See Ellis 2004a, 376-77, who notes the irony.
106 Ellis ibid. 379.
107 See, e.g., the discussion in Ellis and Devore 2010.
(possible) appointments? For a sense of what can be achieved, I point to S. J. R. Ellis’ work on bars/taverns. Dispensing with the Latin tags for these establishments and working solely with the archaeological evidence, he has produced a register of 158, drawn important conclusions about their location, and (recently) laid down a refined typology based on the number of rooms and whether or not a bar was attached to a private house.108 Insofar as some of these locations have been identified as possible brothels, Ellis’ results have direct relevance to the study of sex for sale at Pompeii. And concerning possible brothels not on Ellis’ list, it seems clear that his criteria have their uses in refining our typology of those establishments.

Despite claims to the contrary, the book under review is fundamentally more of an attempt at social history than archaeology. I think it might have been better to try to offer more of the latter and less of the former. The authors have tackled a difficult subject with a seriousness of purpose, but much work remains to be done.


Kleberg, T. 1957. Hôtels, restaurants et cabarels dans l’antiquité romaine (Uppsala).


Kleberg, T. 1957. Hôtels, restaurants et cabarels dans l’antiquité romaine (Uppsala).


