Part 2: **Prostitutes**

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Prostitution and Marginality in Byzantium

Ποίην τις πρὸς ἔρωτας ἴοι τρίβον; ἐν μὲν ἀγυιαῖ μαχλάδος οἰμώξεις χρυσομανῆ σπατάλην.[1]

By what road shall one go to the Land of Love? If you seek him in the streets, you will repent the courtesan's greed for gold and luxury.

1 Introduction

Examining the relationship between prostitution and marginality in Byzantium is a difficult task that raises more problems than can be resolved in a single contribution such as this one, which aims to present only certain aspects of this polymorphic issue. Neither area is well studied for Byzantium. We lack a social history of prostitution[2] like those written for antiquity,[3] and studies on marginality remain embryonic. With regard to prostitution, scholarship is typically limited to its legal or literary aspects, while the confusing Byzantine terminology sometimes leads to serious misunder-

1 Agathias, *Poems*, V.302, ed. and trans. William Paton, *The Greek Anthology* (London, 1916), I:290–291.

2 For the early Byzantine period there is a fairly extensive bibliography: Hans Herter, "Dirne," *Reallexikon für Antike und Christentum* 3 (1957): 1190–1204; Stavroula Leontsini, *Die Prostitution im frühen Byzanz*, Dissertationen der Universität Wien 194 (Vienna, 1989); Claudine Dauphin, "Bordels et filles de joie: la prostitution en Palestine byzantine," in *ΕΥΨΥΧΙΑ: Mélanges offerts à Hélène Ahrweiler* (Paris, 1998), 177–194; Kyle Harper, *From Shame to Sin: The Christian Transformation of Sexual Morality in Late Antiquity* (Cambridge, 2013); Gary Leiser, *Prostitution in the Eastern Mediterranean World: The Economics of Sex in the Late Antique and Medieval Middle East* (London, 2017); for the middle and late Byzantine periods, Phaidon Koukoules, *Βυζαντινῶν Βίος καὶ Πολιτισμός*, 6 vols. (Athens, 1948–1956), 2:117–162; Johannes Irmscher, "Die Bewertung der Prostitution im byzantinischen Recht," in *Gesellschaft und Recht im griechishen-rômischen Altertum*, eds. Mihail Andreev et al. (Berlin, 1969), 77–94; Johannes Irmscher, "Η πορνεία στο Βυζάντιο," in *Πρακτικά του Α΄ Διεθνούς Συμποσίου: Η καθημερινή ζωή στο Βυζάντιο: τομές και συνέχειες στην ελληνιστική και ρωμαϊκή παράδοση* (Athens, 1989), 253–258; for the entire Byzantine period, see now the very useful survey of Avishalom Laniado, "L'empereur, la prostitution et le proxénétisme – droit Romain et morale chrétienne à Byzance," in *Le prince chrétien de Constantin aux royautés barbares (IVe–VIIIe siècle)*, eds. Sylvain Destephen, Bruno Dumézil, and Hervé Inglebert, *TM* 22/2 (2018): 49–97, and the very important contribution of Despoina Ariantzi, "Byzantinische Prostituierte. Zwischen Marginalisierung und Reintegration in die Gesellschaft," *Byz* 91 (2021): 1–45.

3 See for ancient Greece (I quote the most recent publications) Konstantinos Kapparis, *Prostitution in the Ancient Greek World* (Berlin, 2018); for Rome, see Thomas McGinn, *Prostitution, Sexuality, and the Law in Ancient Rome* (Oxford, 1998); Thomas McGinn, *The Economy of Prostitution in the Roman World. A Study of Social History and the Brothel* (Ann Arbor, 2004); for Ottoman Constantinople, see Marinos Sariyannis, "Prostitution in Ottoman Istanbul, Late Sixteenth – Early Eighteenth Century," *Turcica* 40 (2008): 37–65.

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standings. With regard to marginality, discussion is dominated by the effort of scholars to examine the boundaries between conformity and non-conformity and to point out the tensions between the realities of secular society and Christian teaching on the one hand and between the multiple standards of behavior (at least two) demanded by Christianity on the other.[4] In this discussion, "variance in normality" is sometimes identified with marginality, whereas the latter itself remains most often, in Byzantium at least, a space with fluid and permeable contours. The notion of marginality, initially used as a methodological tool in sociology, was introduced into Medieval Studies by historians of the school of *Annales*, including Jacques le Goff and Borislav Geremek. In Le Goff's categorization, marginality is defined on the basis of accepting or rejecting the system of Christian values imposed by the state and the church.[5] For Geremek, marginality "résulte du rejet du système établi par des individus ou des groupes refusant de se conformer aux normes de coexistence, aux lois et aux pratiques auxquelles la vie collective est soumise."[6] Among categories of marginalized people, banished and exiled persons being the most striking examples, Geremek also includes prostitutes; however, he is not very convincing on this point. The two criteria that he uses for their case is the existence of "prostitution ghettos" in certain cities of the medieval West and their exclusion from the marriage market.[7] We will come back to these criteria later when talking about marginality in Byzantium.

Marginal people began to interest Byzantines Studies quite late: in 1992, during a symposium held in Athens on the subject of "Marginal People in Byzantium," an effort was made to study marginal people more systematically, defining them, following Jacques le Goff, in two ways: as people who, by their own will, place themselves in the margins, rejecting the values of society, and people whom society rejects by putting them in the margins. The categories examined were those of pagans, the anathematized (excommunicated), blacks, the insane, Jews, the ill, homosexuals, and magicians.[8] One could contest several of these categories, but prostitutes are at any rate missing from this brief list of marginalized people in Byzantium.

We will address these questions through textual evidence by considering prostitution as a manifestation of the relationship of power established between the sexes; as Ruth Karras has well noted, "medieval culture … made the prostitute a paradigm of

4 See the seminal studies of Hans-Georg Beck, "Formes de non-conformisme à Byzance," *Bulletin de la Classe des Lettres et des Sciences Morales et Politiques: Académie Royale de Belgique*, série 5, 65 (1979): 313–329, and of André Guillou, "Le système de vie enseigné au VIII^{e} siècle dans le monde byzantin," in *Settimane di Studio del Centro italiano di studi sull'alto medioevo: I problemi dell'occidente nel secolo VIII, 6–12 aprile 1972* (Spoleto, 1973), I:343–381.

5 Jacques Le Goff, "Les marginaux dans l'Occident médiéval," in *Les Marginaux et les Exclus dans l'histoire*, ed. Vincent Bernard (Paris, 1979), 19–28.

6 Borislav Geremek, "Le marginal," in *L'homme médiéval*, ed. Jacques Le Goff (Paris, 1989), 381–413, here at 381.

7 Geremek, "Le marginal," 404–406.

8 *Οι περιθωριακοί στο Βυζάντιο*, ed. Chrysa Maltezou (Athens, 1993).

the feminine."[9] We should also not forget that Christianity made a remarkable effort to include some of the marginalized people of ancient society and that the new society that it advocated, paraphrasing Jean-Claude Schmitt's remarks about the Western Middle Ages, "se construit en intégrant."[10]

2 Prostitution

The words πορνεία and πόρνη in Byzantine Greek[11] indicate two realities that differ essentially but which are often confused by Byzantine authors for rhetorical reasons. The bequeathed use of antiquity considers as *porneia* any erotic relationship that involves a material exchange or money and implies that there were people—women, children, or feminized men—who exercised a kind of profession around this trade; the term in this case must be translated as prostitution. The use taken from the Bible characterizes as *porneia* any sexual intercourse of an unmarried man or woman; it is not essentially a material exchange (even when that is taking place), but promiscuity itself, the freedom of women to act, to frequent spaces intended for men, and to freely dispose of their bodies. It is this kind of *porneia* that is mainly present in theological treatises and ecclesiastical canons. The term must, in this case, be translated as "fornication."[12] Metaphorical meanings were also grafted onto this latter use, which seriously widens the semantic field of the word to the point where it begins to indicate any sexual misconduct that transgresses the monogamic norm. In the forensic language of the middle Byzantine period, *porneia* is defined as the relationship between a man and an unmarried woman, or, conversely, the relationship between any unmarried woman and any man, married or not.[13]

9 Ruth Mazo Karras, "Holy Harlots: Prostitute Saints in Medieval Legend," *Journal of the History of Sexuality* 1 (1990): 3–32, at 32.

10 Jean-Claude Schmitt, "L'histoire des marginaux," in *La nouvelle histoire*, ed. Jacques Le Goff (Paris, 1978): 277–305, at 302; for other aspects of marginality in the Medieval West, see *Rethinking Medieval Margins and Marginality*, eds. Ann Zimo et al. (London, 2020).

11 For the terminology concerning prostitution in Byzantium, see Leontsini, *Die Prostitution*, 22–44.

12 For the transformation of the notion of *porneia* in late antiquity or early Byzantium, see Aline Rousselle, *Porneia* (Paris, 1983); for the theological notion of *porneia*, see Kathy Gaca, "The Sexual and Social Danger of *Pornai* in the Septuagint Greek Stratum of Patristic Christian Greek Thought," in *Desire and Denial in Byzantium*, ed. Liz James (Aldershot, 1999): 35–40; Kyle Harper, "Porneia. The Making of a Christian Sexual Norm," *Journal of Biblical Literature* 131 (2012): 363–383.

13 For the term *porneia* in legal texts, see Angeliki Laiou, "Sex, Consent, and Coercion in Byzantium," in *Consent and Coercion to Sex and Mariage in Ancient and Medieval Societies*, ed. Angeliki Laiou (Washington, D.C., 1993), 109–221, at 128–130; Irmscher, "Die Bewertung"; Spyros Troianos, *Ο Ποινάλιος τοῦ Εκλογαδίου* (Frankfurt am Mainz, 1980); Spyros Troianos, "Έρως και νόμος στο Βυζάντιο," in *Έγκλημα και τιμωρία στο Βυζάντιο*, ed. Spyros Troianos (Athens, 1997), 173–201; for the roman period,

While it is difficult to find clear definitions of *porneia* as prostitution, we do find several definitions of the prostitute. I will mention two here, a literary definition from Basil the Great, who claims that there are two types of prostitutes, "the one who was bought by a pimp and commits evil out of necessity, furnishing the fruits of her labor to her evil master; the other is the one who offers herself to sin for pleasure with her own will."[14] Here we find a statutory division between free women and women with slave status, whereas prostitution, in the modern sense of the term, concerns only women of lower or servile status and is the result of coercion.

The other definition is legal, taken from the *Basilica*, the Greek adaptation of Justinian's *Digest*:

> We say, then, that a woman openly earns a living from her body (πόρον ἐκ τοῦ ἰδίου σώματος) not only when she works in a brothel (χαμετυπείῳ) but also when she does not guard her honor while working in a workshop (ἐργαστηρίῳ). The term "openly" applies when she offers herself indiscriminately and without shame not to adulterous and obscene men but when she behaves as a prostitute (ἡ τάξιν προεστώσης ἐπέχουσαν). The woman who takes money for sex from one or two men is not said to earn a living openly from her body. To these should be added the one who prostitutes herself not in order to make a living but out of lust (κατὰ ἡδυπάθειαν).[15]

We can see the embarrassment of the jurist when trying to categorize women who operate outside the marital framework in an intermediate space between the public and the private. The question of the woman's status does not appear in this definition; more important is the frequency of the venal relations in which she engages and the extent of their public exposure. A prostitute is thus one who makes her sexual availability openly visible in public places.

Women thus operate between these definitions of the term *porneia,* each of which is trying in its own way to circumscribe a fluid landscape. There are, in fact, two paradigmatic types of women who exemplify the two types of *porneia* designated by these definitions: a) women who, during antiquity, were called *hetairai* (ἑταῖραι),[16] who regardless of their own social origins accumulated wealth by associating with important men, making the sexual act an art of living and a means of entering the world of men; they were destined, during the early Byzantine period, to spectacular

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Thomas McGinn, "The Legal Definition of Prostitute in Late Antiquity," *Memoirs of the American Academy in Rome* 42 (1997): 75–116.

14 Basile, *Homelia in principium proverbiorum*, in *PG* 31, 404A–B.

15 B. 28.4.13 = D. 23.2.24 et 43pr. § 1–2 (Ulpian, Lex Julia et Papia). The last sentence comes from the compiler of *Basilica*.

16 We will see that the terms *hetaira* (ἑταῖρα), *hetairis* (ἑταιρίς), and their derivatives connoted prostitution in Byzantium. The authors of late antiquity, to avoid the word *porne* (πόρνη), which was too loaded with negative connotations, returned to this ancient term by changing its meaning. See the explanation of this process in Athenaeus, *Deipnosophistae*, 13, 571 [*Athenaeus Deipnosophistae*, ed. Georg Keibel (Stutgartt, 1962), III: 260.8–10]: καλοῦσι δὲ καὶ τὰς μισθαρνούσας ἑταίρας καὶ τὸ ἐπὶ συνουσίαις μισθαρνεῖν ἑταιρεῖν, οὐκ ἔτι πρὸς τὸ ἔτυμον ἀναφέροντες, ἀλλὰ πρὸς το εὐσχημονέστερον.

careers as actresses, and then as saints or empresses; b) women who, of miserable social origin, poor, captives, or slaves, sought to earn a living by offering themselves for a few pennies and had to surrender the major part of their wages to their pimps.[17]

All of these women held remarkable literary potential. Byzantine texts are concerned with prostitutes and not prostitution; they leave us scattered individual portraits and do not approach the phenomenon of prostitution with the aim of fully comprehending its social mechanisms. Before looking for a sociology of "marginality" and prostitution in Byzantium, let us examine the world of prostitutes as portrayed in the Byzantine texts.

3 Prostitutes and Law

In the field of law, prostitutes become visible in two ways. The first, which is based on a broad definition of the prostitute, contains provisions concerning the prohibition of marriage between different statutory categories. In this case, women who worked in certain places, plied certain low trades or came from families that plied these trades, are grouped in the same legal category as "infamous" women, who were treated as equivalent to prostitutes.[18] One thus defined as a prostitute any woman who had to work in public (actress, tavern keeper, bath attendant, small shopkeeper, etc.). A law of Constantine the Great from 336 prohibited persons of high rank from marrying this type of women.[19] This legal provision was abolished by Justin in ca. 523,[20] who allowed actresses, if they repented, to marry high officials and senators, a permission reiterated by Justinian, who had personally made use of this provision.[21] In the case of Justinian, however, the law required the signing of dowry contracts, whereas these contracts were not compulsory for the marriages of people who did not hold high dignities. A similar prohibition, however, which, according to Zonaras, derived from the Bible,[22] remained in force in canon law with regard to the marriage of clerics. Accord-

17 Evelyne Patlagean, *Pauvreté économique et pauvreté sociale à Byzance, 4e–7e siècles* (Paris, 1977), 132; cf. also Joëlle Beaucamp, *Le statut de la femme à Byzance (4^{e}–7^{e} siècle), I. Le droit impérial* (Paris, 1990), 128–129, and Joëlle Beaucamp, *Le statut de la femme à Byzance (4^{e}–7^{e} siècle), II. Les pratiques sociales* (Paris, 1992), 54–57 and 338; Dauphin, "Bordels," 184–189.

18 For the notion of *infamy* in Roman law, see Sarah Band, "Altering Infamy: Status, Violence, and Civil Exclusion in Late Antiquity," *Classical Antiquity* 33 (2014): 1–30; for infamy about women, see McGinn, "The Legal."

19 CTh 4.6.3 = CJ 5.27.1.

20 CJ 5.4.23.

21 Just. Nov. 117.6, in *Corpus Iuris Civilis*, vol. 3: *Novellae*, eds. Rudolf Schoell and Wilhelm Kroll (Berlin, 1895, repr. 1972); see also B.28.4.13.

22 Zonaras on Canon 18 of the Apostles, eds. Georgios Rhalles and Michael Potles, *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων τῶν τε ἁγίων καὶ πανευφήμων Ἀποστόλων καὶ τῶν ἱερῶν οἰκουμενικῶν καὶ τοπικῶν συνόδων*, 6 vols. (Athens, 1852–1859), 2:25: καὶ τοῖς Ἰουδαίοις ἀπηγόρευτο παρὰ τοῦ νόμου τοῦ

ing to Canon 18 of the Apostles, "he who has married a widow or a woman repudiated by her husband or a courtesan or a slave or an actress, cannot be bishop, priest, deacon, or even belong to the clergy."[23] The same canon was reiterated by the Council in Trullo (as canon 3).[24]

That was the first way by which prostitutes became visible to the law. The second rested on a strict definition of prostitution that emerged from laws concerning pimping.[25] The State, in fact, did not turn on prostitutes or their clients, but only on pimps (πορνοβοσκοί), and it took measures to prevent forced prostitution. The prohibition of pimping was therefore a permanent feature of imperial law. From Theodosios II to Justinian, pimping was the subject of several constitutions that endeavored to prohibit it in all its forms: Theodosios II legislated against pimping on two occasions, once in 428 (with a law for redeeming prostitutes from their pimps)[26] and again in 439 (to ban pimping for the first time).[27] Leo I also promulgated two laws, one to punish pimps with exile or consignment to the mines and to impose penalties of loss of office and fortune on "honorable" pimps;[28] the other law prohibits women from becoming actresses and dancers, this is to say prostitutes.[29] Caring for women who were forced into prostitution became a sign of imperial philanthropy in the early Byzantine period.[30] Justinian followed the same tradition and in 529 penalized the owners of brothels.[31] In 535, with Novel 14, "the most important document on pimping in Byzantium" according to Laniado,[32] he again authorized marriages between prostitutes and "honest" men and invalidated contracts that bound prostitutes to their pimps.[33] This Novel describes in great detail the trade of poor girls who were brought from the provinces, recruited by cunning, trickery, or coercion to prostitute themselves, and thereafter had to reimburse their pimps in order to earn their sustenance. John Mala-

παλαιοῦ τοὺς ἱερεῖς αὐτῶν πόρνας πρὸς γάμον ἄγεσθαι … καὶ τὰς ἐκ καπηλείας καὶ τοῦ πανδοχεύειν τὴν ζωὴν ποριζομένας.

23 *Canons of the Apostles* 18, ed. Périclès-Pierre Joannou, *Discipline générale antique (IVe–IXe s.), I.2. Les canons des synodes particuliers* (Rome, 1962), p. 16.

24 Rhalles and Potles, *Σύνταγμα*, 2:312–314; Hans Ohme, *Concilium Constantinopolitanum a. 691/2 in Trullo habitum (Concilium Quinisextum)* (Berlin, 2013), 25–26.

25 Beaucamp, *Le statut*, 1:121–132 and 202–209; Laniado, "La prostitution," 50–70.

26 CTh 8.2.

27 CTh 18; see also Laniado, "La prostitution," 54–57.

28 CJ 11.41.7.

29 CJ 1.4.14. Laniado, "La prostitution," 58–59 explains the existence of this provision on spectacle as due to "des tentatives de certains proxénètes pour dissimuler leur activité, devenue illégale, par l'exercice d'une autre," but the assimilation of women of spectacle to prostitutes is much earlier.

30 See also, Harper, *From Sin*, 188: "At its core, this campaign against coerced prostitution is an expression of a new model of human solidarity. The campaign brought the most morally invisible bodies inside the horizons of public solicitude."

31 CJ 8.513.

32 Laniado, "La prostitution," 63.

33 See most recently, Laniado, "La prostitution," 63–66, where the previous bibliography.

las describes in his own way the whole operation put in motion by this Novel and by other laws and policies that have not left written traces, attributing them to the initiative of Theodora, who presided over the redemption of women from their pimps.[34] Finally, Novel 51 legislates on actresses and their right to free themselves from oaths (it is not clear if it concerns prostitution).[35] According to the laws of Justinian, we are faced with "une forme particulière d'exode rural," involving women from the provinces who, because of the poverty of the countryside in the middle of the 6th century, entered into prostitution.[36] The misery of the countryside, however, was endemic and the situation in the 6th century found analogies in the previous and following centuries in regard to supplying cities with prostitutes.

There were also other legal provisions that indirectly concerned prostitutes, such as the law of Anastasios, which in 498 abolished the tax known as the *chrysargyron*. It was Evagrios, a century later, who spoke explicitly of the *chrysargyron* imposed on prostitutes (among other classes) by Constantine the Great, and he criticized the tax for legitimating this activity; the imposition of a tax meant recognition of the trade and its integration into the legal economy of city and empire. According to Evagrios, the tax also weighed on men who prostituted themselves and "who outraged not only nature, but also the State";[37] this constitutes one of the rare references to male prostitution in the 6th century.

It becomes clear that the laws of the early Byzantine period penalized pimps, who organized prostitution often through coercion, but not voluntary prostitution. As the redactor of the *Nomocanon in XIV Titles*, a text of canon law attributed to the Patriarch Photios, points out, "prostitution is certainly not approved by civil law, but it is not prohibited either."[38] This *Nomocanon* also proposes, in accordance with the civil law, a simple definition of the pimp, relevant for any Byzantine period: "A pimp is one who makes an infamous gain from enslaved or free people, either by trading

34 Malalas, *History*, 18.24, ed. I. Thurn, *Ioannis Malalae Chronographia* (Berlin, 2000), p. 368; for a contrary opinion on the possibility that Malalas is referring to Novel 14 of Justinian, see Laniado, "La prostitution," 66.

35 B.60.38.4. Laniado, "La prostitution," 70.

36 Patlagean, *Pauvreté*, 133: "les familles paysannes, toujours à court de numéraire s'en procurent <en vendant ou en cédant leurs filles> en même temps qu'elles se défont des filles en excédent sur les possibilités locales."

37 Evagrios, *History*, III.39, eds. Joseph Bidez and Léon Parmentier, *Evagre le scholastique, Histoire ecclésiastique, livres I-III* (Paris, 2011), pp. 500–502. Evagrios is following Procopios of Gaza, *Panegyricus in Anastasium*, in *PG* 87C, 2813A = eds. Eugenio Amato et al., *Procope de Gaza: Discours et fragments* (Paris, 2014), p. 296, lines 1–5: αἱ γὰρ ἐπὶ τῶν οἰκημάτων γυναῖκες, ὄνειδος ἀναγκαῖον λαχοῦσαι τὸν βίον, οὐδὲ τὸ δυστυχεῖν ἐπ'ἀδείας ἐκέκτηντο, ἀλλ' ὤνιον ἐποιοῦντο τὴν τοῦ σώματος ὕβριν, καὶ τοῦ μὴ σωφρονεῖν μισθὸς κατεβάλλετο. The two authors speak of a tax on prostitutes working in brothels. Cf. also Beaucamp, *Le statut*, 1:125; Harper, *From Sin*, 186; Laniado, "La prostitution," 60–61.

38 *Nomocanon in XIV titres*, 13.5, in Rhalles and Potles, *Σύνταγμα*, 1:304.

these people directly or by holding them under the pretext of another trade, namely as tavernkeeper, innkeeper, or bathkeeper."[39]

In the middle Byzantine period, it was *porneia*-as-fornication that preoccupied the law. Laws of the former period were inserted in Greek translation into the *Basilica*, but contemporary legislation ignores prostitution and pimping; for example, the *Ecloga*[40] of the 8th century and the *Eclogadion* of the 9th century. Only one provision of the latter might indirectly concern prostitution, namely 17.25, which talks about women who work in small businesses in cities:

> One who commits sin with a vile (εὐτελῆ) married woman who works in a tavern, a bakery, or a grocery store must be beaten and exiled. The woman who works in such workshops and has relationships with another man must be exiled after being beaten.[41]

In this case, the law speaks of vile married women, not unmarried women who practice prostitution as a profession. In the middle Byzantine period, the crime of pimping also changed aspect. Present in the laws were not the old *pornoboskoi* (πορνοβοσκοί), but the *proagôgoi* (προαγωγοί), husbands who tolerate or profit from the misconduct of their wives.[42]

A reference to prostitution is also found in the *Laws of the Homerites*, a text that poses serious problems of dating and interpretation:

> Regarding all those who make their houses into dwelling-places of fornicators and receive those who do their iniquity there and provide cover for them, if they are caught doing this, all their property shall be confiscated by the *geitoniarches* and they shall be banished from the city, writing also with their own hand a document which threatens them with capital punishment, that they will never again enter into the country in all the days of their life.[43]

In this case also, what is prohibited is pimping, not people who work freely with their bodies.

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39 *Nomocanon in XIV titres,* 13.21, in Rhalles and Potles, *Σύνταγμα*, 1:322–324: Προαγωγός ἐστιν ὁ πόρον αἰσχρὸν ἀπὸ δούλων ἢ ἐλευθέρων ποιούμενος, εἴτε πρωτοτύπως τοῦτο πραγματεύεται, εἴτε προσχήματι πραγματείας ἑτέρας ἔχει τὰ τοιαῦτα πρόσωπα, ὡς κάπηλος ἢ πανδοχεὺς ἢ βαλανεύς. Photios reworks the definition proposed by D.23.2.43 §9, translated in *Basilica* 28.4.13, which talks explicitly about female pimps: πορνοβοσκὸς δέ ἐστιν ἡ προϊστῶσα γυναίκας ἐπὶ μισθῷ τοῖς παρατυχοῦσι συμφθειρομένας, κἂν ἑτέρῳ προσχήματι, τυχὸν δι' ὑπηρεσίαν ἐν καπηλείῳ.

40 *Ecloga,* 17.19–23, ed. Ludwig Burgmann, *Ecloga, das Gesetzbuch Leons III und Konstantinos V* (Frankfurt, 1983); Laiou, "Sex," 132.

41 Troianos, *O Ποινάλιος*, 74.

42 Troianos, *O Ποινάλιος*, 96–99.

43 *Laws of Homérites*, lig. 123–127, ed. and trans. (modified) Albrecht Berger, *Life and Works of Saint Gregentios, Archibishop of Taphar* (Berlin, 2006), 420–442; for the text and its problems, see Charis Messis, "La famille et ses enjeux dans l'organisation de la cité idéale chrétienne. Le cas des *Lois* des 'Homérites'," in *Les réseaux familiaux: Antiquité tardive et Moyen Age*, ed. Béatrice Caseau (Paris, 2012), 87–120.

Canon law, on the other hand, remained virtually silent on prostitution by focusing on fornication. Very few provisions refer to prostitution. The *Apostolic Constitutions* stipulate, for example, in accordance with the spirit of laws against procuring, that "If anyone maintain prostitutes (πορνοβοσκός), let him either stop prostituting women, or else let him be cast out of the Church. If a prostitute comes, let her leave off whoredom, or else let her cast out of the Church."[44] The *Nomocanon in XIV Titles*, in title 13.21 devoted to actors and mimes, is limited to citing civil legislation regarding pimps. Only the Council in Trullo (691/2), always in the same spirit against pimping, issues a corresponding canon: "In the case of those who procure and maintain harlots to the perdition of souls, we decree that, if they are clerics, they should be deposed, if laymen, excommunicated."[45]

What is interesting for the realities of prostitution are the comments that accompany this canon and more precisely what Balsamon writes, partially illuminating the realities of the 12th century and the practices of the law. First, Balsamon repeats the two main things by which, according to the Byzantines, a free woman might be led to prostitution: "by force of (sexual) nature or by poverty." Then he cites the three legitimate reasons for bringing together prostitutes, which carried no penalty: "the mere fact of bringing them together does not deserve punishment, because prostitutes may be brought together in order to instruct them for salvation, or to offer them assistance for correcting their ways, or to lead them to the archon so that they are punished" (παραδοῦναι τῷ ἄρχοντι χάριν σωφρονισμοῦ).[46] The first two options relate to social assistance, whereas the third speaks of turning prostitutes over to the authorities to be punished. This last option leaves us puzzled. This is a process with no provisions in any specific law. Does it concern accusations for offenses other than prostitution, such as theft or night-time noise, or is it a targeted "operation of virtue" that remained in the margins of legality? An operation like that seems to be described in the 9th-century *Life of Saint Anthony the Younger*, whose hero, who is governor of the city of Attaleia, imposes on prostitutes, but also on their customers (?), punitive tonsure and ridicule.[47] We do not know if that city, being a naval station, had more prostitutes than other places, but nothing excludes the possibility that certain local officials took exceptional measures to "sanitize" their cities or regions. Balsamon's reference is weak and perhaps not enough to conclude that this also happened in the capital. We

44 *Constitutions of Apostles*, VIII.32.7, ed. Marcel Metzger, *Les constitutions apostoliques*, 3 vols. (Paris, 1985–1987), 3:236–237.

45 Canon 86, in Rhalles and Potles, *Σύνταγμα*, 2:503: Τοὺς ἐπὶ ψυχῶν ὀλίσθῳ πόρνας ἐπισυνάγοντας καὶ ἐκτρέφοντας, εἰ μὲν κληρικοὶ εἶεν, καθαιρεῖσθαι ὁρίζομεν· εἰ δὲ λαϊκοί, ἀφορίζεσθαι; Ohme, *Concilium*, 55.

46 Rhalles and Potles, *Σύνταγμα*, 2:504–505.

47 *Life of Antony the Younger*, ch. 11, lines 11–14, ed. Ioannis Polemis, *Ανθολόγιο βυζαντινής πεζογραφίας* (Athens, 2018), p. 394: ἐκτίθεται δὲ καὶ δόγμα ὡς, εἴ τις εὑρεθείη πόρνος ἢ γυνὴ ἑταιριζομένη, τοῦτον συλλαμβάνεσθαι καὶ τῷ αὐτοῦ ἀγεσθαι πραιτωρίῳ, οὓς καὶ ἐμπίπτοντας, τῆς κόμης τῶν τριχῶν ἀποστερῶν, γελοίους ἀπέλυεν.

can also assume that the prostitutes to whom Balsamon refers belonged to the category of married women according to provision 17.25 of the *Eclogadion*, which provides for them to be beaten and exiled. Nothing, however, is certain. The only other references to the submission of prostitutes to a penalty of social stigma through humiliating processions and the like come from Venetian Crete in the 14th century, and do not interest us here.

Prostitutes also appear in certain canonical responses, such as those of Peter the Chartophylax in the 11th–12th centuries, specifically concerning the offerings that they make to churches. To the question: "Are the offerings of prostitutes (ἑταιρίδων) to be received or not?," the answer of the canonist is "No, because these women are under canonical penalty; thus, no offerings or incense will be accepted."[48] No further explanation is given. We gather that prostitutes were subject to permanent canonical penalties until their repentance. Did the prohibition extend only to offerings, or did it relate to communion too? The refusal of communion to prostitutes, however, is not provided for in any canon. Their donations were seen as impure and probably assimilated to offerings from unclean women (menstruating etc.). The subject is treated, somewhat extremely, also in the *Life of Theodore Sykeon*, where a chalice and a paten are excluded from the liturgy because they have been proven to come from "the melting pot of a prostitute's chamber."[49] In this case, however, it is the prior use of the metal that causes the problem, not that it was an offering from a prostitute. Peter the Chartophylax's response to prostitutes' offerings seems isolated, almost idiosyncratic. In later canon law, prostitution continues to be invisible. In the *Syntagma* of Matthew Blastares of the 14th century, there is no reference to prostitution.[50]

Into this landscape of general indifference towards prostitution dropped a Novel of Andronikos II, dated to 1306, which ratified a decision made by the patriarch Athanasios.[51] Among other provisions, § 3 stipulates that:

> Women, and more particularly virgins, must not offer their honor to all comers. Anyone who rapes this woman in a deserted place must be subjected to the vengeance of the law. The woman who offers herself freely will be punished by cutting her hair and an infamous procession. Far from escaping unscathed, the culprit will pay the legal fine to the tax-authorities; if he has nothing, he will suffer the penalty provided <for this case>.[52]

48 Rhalles and Potles, *Σύνταγμα*, 5:370–371.

49 *Life of Theodore of Sykeon*, ch. 42, lines 34–35, ed. André-Jean Festugière, *Vie de Théodore de Sykéon*, 2 vols. (Brussels, 1970).

50 See for example, Rhalles and Potles, *Σύνταγμα*, 6:433–440, ch. 15 (περὶ πορνείας), ch. 16 (περὶ τοῦ πορνεῦσαι ἐπιθυμήσαντος καὶ μὴ πράξαντος), and ch. 17 (περὶ πορνοβοσκῶν).

51 For this Novel, see Laniado, "La prostitution," 81–85.

52 *Jus Graecoromanum*, 1:535.

It is not clear whether the text is referring to prostitution, as Laniado believes, based on a hasty translation of this sentence by Vitalien Laurent,[53] or to fornication. "The woman who offers herself freely" and who will be punished by the loss of her hair and procession of humiliation could also mean a woman who engages in sexual intercourse without payment, and the case of the virgin refers to the crime of παρθενοφθορία (corruption of a virgin), dealt with by several laws in Byzantium.[54] If, in fact, the law intends to punish prostitutes, we are facing a revolution: that of the criminalization of voluntary prostitution and of the client. But this is unlikely, if not completely so. The only provision that undoubtedly concerns prostitution and in which only the pimp is penalized, in accordance with Byzantine legal and canonical tradition, is found below: "If anyone among them is caught maintaining vile women for the purpose of corrupting souls, without being afraid of canonical punishment, he will be subjected to the procession of infamy."[55] The references to canon 86 of the Council in Trullo are clear.

4 The Typology of the Prostitute in Byzantine Literature

As we have hinted at already, prostitutes formed a fairly diversified literary topic, because their presence constituted a commentary on femininity, focusing on the domain of women who had strayed far from the path of virtue. An important branch of Byzantine culture drew on the monastic experience of Egypt and Syria-Palestine. In the first monastic accounts we find a complex relationship between the monk and the prostitute. The presence of the latter in this literature is far from marginal.[56] In the outskirts of the desert, prostitutes still formed a necessary element for the construction of the holiness of the anchorite and for his rejection of worldly social values. At the same time, their presence grants to the narrative an undeniable entertainment value coupled with a strong ideological message: the prostitute plays a central role in

53 V. Laurent, *Les Regestes des actes du patriarcat de Constantinople. 4. Les regestes de de 1208 à 1309* (Paris, 1971), no. 1606, 389–395, translates the sentence γυναῖκα μὴ ἐπιρρίπτειν αὐτῆς τὴν τιμήν as *se prostituer* (389) instead of *forniquer*.

54 See in general, Troianos, *Ο Ποινάλιος*, 87–91; Laiou, "Sex," 120–122 and passim.

55 *JGR*, 1:536, § 8: εἰ δὲ καὶ γύναια φαῦλα τούτων τις φωραθῇ ἐπ'ὀλίσθῳ ἔχειν ψυχῶν, τοῦ κανόνος μὴ φρίττων τὸ ἐπιτίμιον, ὑποκείσθω δημεύσει.

56 Benedicta Ward, *Harlots of the Desert: A Study of Repentance in Early Monastic Sources* (Oxford, 1987); Lynda Coon *Sacred Fictions: Holy Women and Hagiography in Late Antiquity* (Philadelphia, 1997), 71–94; Virginia Burrus, *The Sex Lives of Saints: An Erotics of Ancient Hagiography* (Philadelphia, 2004), 128–159; Stavroula Constantinou, *Female Corporeal Performances: Reading the Body in Byzantine Passions and Lives of Holy Women* (Uppsala, 2005), 59–89; Harper, *From Sin*; Nana Mirachvili-Springer, *Prostituées repenties et femmes travesties dans l'hagiographie géorgienne* (Paris, 2014).

the mental universe of the monks and their effort to imitate Christ, who saved a prostitute (Luke 7:36–50).[57] The stories adapt to the reality of prostitution and may be divided into those that talk about poor and peasant prostitutes and those that star courtesans of the big cities. One of the oldest accounts, in the *Apophtegmata* of the Desert Fathers, concerns Paisia, containing in embryonic form the most important elements that would be reworked in subsequent prostitute portraits:

> The parents of a young girl died, and she was left an orphan; she was called Paesia. She decided to make her house a hospice, for the use of the Fathers of Scetis. So for a long time she gave hospitality and served the Fathers. But in the course of time, her resources were exhausted and she began to be in want. Some wicked men came to see her and turned her aside from her aim. She began to live an evil life, to the point of becoming a prostitute. The Fathers, learning this, were deeply grieved, and calling Abba John the Dwarf said to him, 'We have learnt that this sister is living an evil life. While she could, she gave us charity, so now it is our turn to offer her charity and to go to her assistance. Go to see her then, and, according to the wisdom which God has given you, put things right for her.' So Abba John went to her, and said to the old door-keeper, 'Tell your mistress I am here.' But she sent him away saying, 'From the beginning you have eaten her goods, and see how poor she is now.' Abba John said to her, 'Tell her, I have something which will be very helpful to her.' The door-keeper's children, mocking him, said to him, 'What have you to give her, that makes you want to meet her?' He replied, 'How do you know what I am going to give her?' The old woman went up and spoke to her mistress about him. Paesia said to her, 'These monks are always going about in the region of the Red Sea and finding pearls.' …[58]

The narrative keeps the same rhythm until the end, which is the conversion of Paisia, her sudden death, and reception in the arms of God. This story contains elements that would be developed in portraits of both poor prostitutes and great courtesans. What the narrative suggests as a cause of prostitution is poverty or a reversal of fortune, which leads women to exercise this profession continuously or occasionally, as a last resort. This is a typical element in stories about prostitutes. But the story also emphasizes the prostitutes' thirst for material gain and luxury. This is an essential component in the portrait of the courtesan. Elements of this scenario are repeated or adapted several times and shape any story that recounts the experience of a woman who makes a living by exploiting her body. Another story cited by John Moschus exemplifies the love of a woman who, in order to save her husband from debts or from prison, prostitutes herself; versions of this appear in several later texts.[59]

The *Apophthegmata Patrum*, the *Spiritual Meadow* by Moschus, and the *Lausiac History* by Palladios all contain a multitude of related stories. When we move from

57 Simon Légasse, "Jésus et les prostituées," *Revue théologique de Louvain* 7 (1976): 137–154.

58 *Apophthegmata patrum*, in *PG* 65, 217BC; trans. Benedicta Ward, *The Sayings of the Desert Fathers: The Alphabetical Collection* (Kalamazoo, 1975), 93–94.

59 John Moschus, *Pratum Spirituale*, no. 186, in *PG* 87C, 3061–3064; *Life of Theodulos Stylite*, in *AASS* Mai VI, 755–765, at 763C–364D; see also, Paul of Monembasia, *Stories*, ed. John Wortley, *Les récits édifiants de Paul, évêque de Monembasie et d'autres auteurs* (Paris, 1987), 127–137; for the last text, see also Laiou, "Sex," 185–187.

the desert to the cities, the presence of prostitutes becomes even more prominent. The little village prostitutes give way to courtesans who put on a luxurious show for their urban clienteles. The smaller stories that were at first embedded in desert travel literature were followed by hagiographical texts devoted exclusively to prostitutes.

The *Life* of Pelagia, the great courtesan of Antioch, is a well-known archetypal text that presents the spectacular reconversion to the solitary life of an actress and courtesan.[60] This same scenario is reworked in a much less ambitious story with a different outcome, the *Life of Theophanes and Pansemne*. Pansemne, an actress and courtesan in Antioch, falls in love with the handsome and wealthy young Theophanes. During a succulent dinner, Theophanes offers to baptize and marry her.[61] Conversion born of love ensues. Marriage thus begins to be presented as a means for the salvation of prostitutes. This solution was already envisaged in previous accounts,[62] but it will be the almost unique option during the middle Byzantine period. Marriage is sometimes real but sometimes a metaphor or simply a cause of slander, as in the case of Porphyria, a prostitute whose story is incorporated in the *Life of John of Cyprus*, written by Leontios of Neapolis. In this pious tale, the monk and the prostitute form a married couple in the eyes of all and have an adopted child: "The rumor spread that the abba had taken madame Porphyria as his wife" and, at the sight of the child, people addressed Porphyria with teasing words: "In truth, you gave birth to a beautiful little son of an abba."[63] The cohabitation of monk and ex-prostitute has become a commonplace fact.

If Antioch and Syria are dominated by actresses, Alexandria and Egypt offer another archetype of the prostitute in the person of Maria, an extreme case that remains unique and fundamentally inimitable. According to her *Life*, written by Patriarch Sophronios of Jerusalem, at the end of the 6th century, Maria fled her parents' home at the age of twelve and spent seventeen years as a prostitute before arriving in Jerusalem and changing her life by practicing an extreme *anachoresis* in the Syrian desert.[64] Her life follows the path of a typical prostitute who is forced to engage in the profession by poverty. What makes her exceptional, however, is the fact that she acts not out of necessity, but out of a consuming sexual desire bordering on nymphomania.

60 Pierre Petitmengin et al., *Pélagie la Pénitente, métamorphoses d'une legende, I: Les textes grecs présentés par B. Flusin* (Paris, 1981); metaphrastic version in Stratis Papaioannou, *Christian Novels from the* Menologion *of Symeon Metaphrastes* (Cambridge, MA, 2017), 61–83; Harper, *From Sin*, 226–229.

61 E. de Stoop, "La Vie de Théophane et de Pansemnè," *Le Musée belge: Revue de Philologie Classique* 15 (1911): 313–329.

62 *Apophtegmata Patrum*, in *PG* 65, 209BC, à propos de John the Dwarf; English trans.: Ward, *The Sayings*, 88–89.

63 *Life of John of Cyprus*, ch. 50, lines 25–42, ed. André-Jean Festugière, *Léontios de Néapolis, Vie de Syméon le fou et Vie de Jean de Chypre* (Paris, 1974).

64 *Life of Mary of Egypt*, in *PG* 87/3, 3697–3725. Maria Kouli, "Life of St. Mary of Egypt," in *Holy Women of Byzantium: Ten Saints' Lives in English Translation*, ed. Alice- Mary Talbot (Washington, D.C., 1996), 65–93.

Maria does not just offer herself to men in order to survive, like the other prostitutes, nor does she prostitute herself to gain luxury and wealth, like most other courtesans, but rather is a downright 'devourer of men.' Sophronios, using concepts taken from the medical profession, makes Maria an exemplary case of one of the most stubborn phobias of men of this period: when the woman is heated up through the sexual act and injection of sperm, she becomes "masculine," namely sexually energetic. If the other prostitutes have a limited portion of this appetite, Maria takes this paradigm of threatening femininity to the extreme.

Some modern scholars treat the accounts of prostitutes and courtesans as an effort by Christian authors to create their own romance novels or to denounce "pagan" femininity in favor of a femininity that is tamed by asceticism or, for lack of anything better, by marriage. In this new literary trend, "the Life of Mary is the quintessential antiromance,"[65] or the quintessential "new romance." The "pagan" erotic romance of that period inspires the Christian novel in many ways, and the latter often gives the role of protagonist to prostitutes. One of the finest Christian achievements of the erotic novel is the account about a different Mary and her uncle, the monk Abraham. The orphan Mary was dependent on her uncle until she was twenty. Seduced at this age by a wicked and devilish monk, she shamefully flees from her uncle and is hired in a tavern. A series of dreams warns the uncle and he begins a search that, after two years, leads him to Mary. He disguises himself as a soldier and arranges a meeting with her. She serves him food, caresses, and kisses him.[66] When they retire to the bedroom, the monk reveals his identity and there follows a scene of moving recognition, like those found in such abundance in the erotic novel. We are thus led to the conclusion, which is the joint salvation of uncle and niece.[67]

Without going into detail or multiplying examples,[68] we can say that the hagiography of the early Byzantine period depicts a porous world between monasticism and brothels, between city and countryside, between extreme sin and sudden conversion to the values of Christianity, and between old femininity and new femininity. The prostitute becomes a symbol and an allegory of sin and redemption. It would not be daring to say that a cult of prostitutes was established with the monk as the main worshiper. In the literary spectacle of the meeting between prostitute and monk, it is the monk most often who takes the initiative and pays for one or more nights so that he can lead the prostitute to salvation.[69] But sometimes it is the prostitute herself who asks the monks to be saved, like the anonymous one who accompanies two young

65 Harper, *From Sin*, 234.

66 The consumption of food and wine is a ritual by which woman and client approached each other.

67 *Life of Mary and Abraham, premetaphrastic version* (BHG 5), in *AASS* Martii II, 932–937; *metaphrastic version* (BHG 8), in *PG* 115, 44–77; Harper, *From Sin*, 229–230.

68 For other examples, see Harry Magoulias, "Bathhouse, Inn, Tavern, Prostitution and the Stage as Seen in the Lives of the Saints in the Sixth and Seventh Century," *EEBS* 38 (1971): 233–252.

69 Dauphin, "Bordels," 178; Harper, *From Sin*, 219–234.

men, but then asks an old monk to save her and lead her to God.[70] The saint thus acts as a "pimp" of virtue, in open competition with real pimps, as happens in the *Life of Marcian the Economos:* "those who before used to menage the women, being deprived of revenue from them, disparaged the saint with vituperations."[71]

In this multifaceted literary landscape there is also a place for stories relating to martyred women of the time of the persecutions. Noble girls who adopt Christianity are relegated to brothels as a punishment, which is not so much the rape that they will suffer but their social degradation. The noble woman suffers the fate of an infamous woman. Forced relegation to a brothel seems to constitute a penalty of customary law for adulterous women until the 4th century, as the ecclesiastical historian Socrates Scholasticus informs us. According to him, the emperor Theodosios I abolished "an indecent custom" that confined adulterous women to a brothel:

> When a woman was detected in adultery, they punished the delinquent not in the way of correction but rather of aggravation of her crime. For shutting her up in a narrow brothel, they obliged her to prostitute herself in a most disgusting manner; causing little bells to be rung at the time of the unclean deed so that those who passed by might not be ignorant of what was going on within. This was doubtless intended to brand the crime with greater ignominy in public opinion. As soon as the emperor was apprised of this indecent usage, he would by no means tolerate it; but having ordered the Sistra—for so these places of penal prostitution were denominated—to be pulled down, he appointed other laws for the punishment of adulteresses.[72]

This background is exploited by the authors of the *Passions* of the martyrs to dramatize the story and make the brothel a place of miracles. The victim is miraculously saved from the assaults of men and keeps her honor intact, such as Agatha in the *Passion* dedicated to her,[73] or Theophila in the *Passion* of Indes and Domna who, led to the "place of debauchery" or "the workshop of dishonor" (τόπον τῶν ἀκολάστων/ ὕβρεως ἐργαστήριον), is saved thanks to holding a Gospel and to the appearance of an angel.[74] On a more realistic register, a Christian woman can escape the dishonor that her persecutors impose on her by evoking a venereal disease.[75] Often it goes in

70 Moschos, *Pratum*, in *PG* 87C, 2880AB.

71 *Life of Marcian*, ed. John Wortley, "Vita Sancti Marciani Oeconomi," *BZ* 103 (2010): 715–772, at lines 374–376 (p. 752), trans. at 768.

72 Socrates, *History*, V, 18, lines 9–11, ed. G. Hansen, *Socrate de Constantinople, Histoire Ecclésiastique*, SC 505 (Paris, 2006), pp. 204–205; English translation: A. Zenos, *The Ecclesiastical History of Socrates Scholasticus* (New York, 1886), 127 (modified).

73 *Passion of Agatha of Catane*, in *PG* 114, 1332–1345 (metaphrastic version), at 1333–1336.

74 *Passion of Indes and Domna*, ed. Kleopas Koikylidès, *Βίοι τῶν Παλαιστινῶν Ἁγίων* (Jerusalem, 1907), 71–72. For other examples, see Francesca Rizzo Nervo, "La Vergine e il Lupanare. Storiografia, Romanzo, Agiografia," in *La narrativa cristiana antica. Codici narrativi, strutture formali, schemi retorici. XXIII° Incontro di studiosi dell' antichita cristiana. Roma, 5–7 maggio 1994* (Rome, 1995), 91–99.

75 Palladios, *Lausiac History*, ch. 65, ed. G. Bartelink, *Palladio, La storia lausiaca*, 2nd ed. (Milan, 1998).

the opposite direction: prostitutes are mobilized to seduce a saint and to lead him away, as in the case of the monk Jacob.[76]

In the sagas of city life so colorfully presented in the *Lives* of the Holy Fools, prostitutes are an integral part of the urban landscape, and are even main actors. The topography of urban prostitution consists of the streets, taverns, inns, baths, often the home of the pimp or the prostituted woman, and, finally, the brothels (καταγώγια).[77] This was a form of prostitution open to the majority of men, and cheap. Symeon the Fool frequents the prostitutes of Emesa, is surrounded by and plays with them, pays them so that they stop their trade, and punishes them when they persist. They, on the other hand, try to incite him to debauchery, touch, or hit him.[78] Prostitutes are the only women with whom the saint establishes real contact and dialogue. In the *Life* of Andrew the Fool (generally dated for no good reason to the 10th century, but in its nucleus a story dating to the 7th century), prostitutes are an essential part of the decor of the city and the activities of the saint. Young men go to brothels, prostitutes try to seduce beautiful boys, the saint is tempted by them with touching and teasing words, and adult men abandon their wives and waste their property in brothels,[79] all in an urban ambience where prostitutes define male sociability to a significant degree.

Finally, the historiography of the early Byzantine period is dominated by the portrait that Procopios paints of Theodora in his *Secret History*. Theodora, who combines aspects of the poor prostitute and the courtesan and who rises to the throne through a successful marriage, remains the most powerful portrait of a femininity that still both charms and frustrates. Procopios' portrait of Theodora has been treated several times,[80] and does not require additional commentary here.

From the 7th century onwards, literature attempted to find other ways to enhance the presence of the prostitute in the narrative. The courtesans of the big cities disappear completely or appear in hagiographic rewritings as a reminiscence of a distant, glorious, and heroic ascetic past, while those who remain visible in historiography and in hagiography are poor women, mostly anonymous.

76 *Life of Monk Jacob* (metaphrastic version), in *PG* 114, 1213–1230, at 1216B. This is a common motif.

77 Magoulias, "Bathhause"; Dauphin, "Bordels," 181–183.

78 *Life of Symeon Salos*, ch. 22, ed. Lennart Rydén, in Festugière, *Léontios de Néapolis*, pp. 88–89; for this text, see Derek Krueger, *Symeon the Holy Fool: Leontios's Life and the Late Antique City* (Berkeley, 1996).

79 See respectively, Lennart Rydén, *The Life of St. Andrew the Fool* (Uppsala, 1995), lines 251–253; 2206–2210; 298–301; 303–331; 2438–2443; 3482–3483; 3792–3794. For the dating, see the discussion and bibliography in *Alexander Kazhdan: A History of Byzantine Literature (850–1000)*, ed. Christina Angelidi (Athens, 2006), 193–200.

80 See in general Leslie Brubaker, "The Age of Justinian. Gender and Society," in *The Cambridge Companion to the Age of Justinian*, ed. Michael Maas (Cambridge, 2005), 427–447; David Potter, *Theodora: Actress, Empress, Saint* (Oxford, 2015); for the author and the period, Antony Kaldellis, *Procopius of Caesarea: Tyranny, History, and Philosophy at the End of Antiquity* (Philadelphia, 2004).

At this time appears a new type of prostitute, that of the prostitute-mother, with one glorious example: we witness the hagiographic elaboration of Saint Helena as a former prostitute. Using an anti-Constantinian legend, Philostorgios is the first to attribute to the Emperor Julian the accusation that Constantine was born "of a vile woman and in no way different from prostitutes (φαύλης τινὸς γυναικὸς καὶ τῶν χαμαιτύπων οὐδὲν διαφερούσης)."[81] According to this text, Helena does not differ from prostitutes, but she is not exactly identified with them either. Responding to Philostorgios, the chroniclers of the 9th century, Theophanes and George the Monk reject such a possibility by attributing the dissemination of this slur to pagans and Arians.[82] So far, however, the texts avoid specifying whether the *porneia* committed by Constantios I was an occasional sexual relationship with the daughter of an innkeeper or a sexual relationship with a "professional." Indeed, the difference is minimal, given that the daughter of an innkeeper and a prostitute shared the same legal status of infamy. The resemblance to a prostitute, indicated by Philostorgios, becomes a rather clear identification with a prostitute in the version of the *Passion of Saint Eusignios*, which stages the interrogation by the Emperor Julian of the future martyr. But in this case, it is the martyr Eusignios who calls Constantine the "son of a prostitute (ὁ τῆς πόρνης υἱός)," while Julian reacts indignantly to this insult:

> Eusignios: "Are you not ashamed, you, the most atheistic of all humans, to be distant from God, while Constantine the emperor, the son of the prostitute, knew the Lord Christ?" Julian replied: "What did you dare to say, scoundrel? Do you call the Emperor Constantine a son of a prostitute?"[83]

Eusignios then presents himself as an eyewitness to the meeting between Constantios and Helena and narrates the "true" tale of general and prostitute in a country inn, a sexual encounter that resulted in the future founder of Constantinople, where Julian

81 For all the texts that present Helena as prostitute, see also Alexander Kazhdan, "'Constantin imaginaire'. Byzantine Legends of the Ninth Century about Constantine the Great," *Byz* 57 (1987): 196–250, here at 212–215. Kazhdan dates the appearance of this legend to after the 7th century and wonders about the relationship between Helena and Theodore Sykeon's mother.

82 Philostorgios, *History*, fr. 2.16a, ed. Joseph Bidez, trans. Edouard des Places, *Philostorge, Histoire ecclésiastique*, SC 564 (Paris, 2013), p. 230.

83 Theophanes, *Chronographia*, ed. Carolus de Boor *Theophanis Chronographia* (Leipzig, 1883), p. 18, lines 8–9: ἄλλοι δὲ Ἀρειανοὶ καὶ Ἕλληνες ὡς νόθον διαβάλλουσι τὸν μέγαν Κωνσταντῖνον; George the monk, *Chronographia*, eds. Carolus de Boor and Peter Wirth, *Georgii Monachi Chronicon*, (Stuttgart, 1978), p. 484, line 23 – p. 485, line 1: ὃν ἐκ πορνείας γεγεννῆσθαί τινες τοῦτον εἰπόντες ἐλέγχονται σαφῶς ὑπὸ διαφόρων ἐξηγητῶν ὡς ψευδολόγοι καὶ ματαιόφρονες. Among the middle Byzantine versions of the *Life of Constantine*, one reproduces the history of the inn, but another avoids assimilating Helena to a prostitute: ἔν τινι τόπῳ διαναπαῦσαι τὸν στρατὸν βουλόμενος εὑρίσκει πανδοχεῖον ἐν ᾧ κόρη εὐειδὴς ἔλλην τῇ θρησκείᾳ Ἑλένη τοὔνομα·ἧς ἐρασθεὶς συνεισῆλθεν αὐτῇ (François Halkin, "Une nouvelle Vie de Constantin dans un légendier de Patmos," *AB* 77 [1959]: 63–107, ch. 2).

was born.[84] An accusation against Constantine launched by Julian, according to Philostorgios, turns here into a literary asset, a romantic story, which sees the son of a prostitute as a future hero and new founder of the Empire. Let us not forget that the foundation of Rome was attributed to two abandoned boys fed by a wolf (*lupa*), a wolf that some rationalist authors of the early Byzantine period considered to have been a metaphor for a prostitute.[85]

The case of Saint Theodore Sykeon's mother is largely modeled on that of Helena. In the case of Theodore, it is a family composed exclusively of women who work as prostitutes in a provincial inn (αὗται δὲ αἱ γυναῖκες, κατοικοῦσαι ἐν αὐτῷ (τὸ πανδοχεῖον) ἐξετέλουν καὶ τῆν πρᾶξιν τῶν ἑταιρίδων). A courtier passing through impregnates Mary, one of the daughters of the innkeeper, whose name was Elpidia. A premonitory dream marks the baby's extraordinary destiny.[86] The two cases are not unrelated and valorize, each in its own way, the figure of the mother-prostitute.

In literature from the 9th century, prostitutes became rarer and anonymous. They were transformed into background figures, for whose benefit the saints, men but especially women, exercised their miraculous powers and pious emperors their philanthropy. In hagiography, the monk-prostitute couple[87] of the previous period is replaced by that of the woman saint-prostitute. She almost never converts to *anachoresis* or solitude, but to a social activity more respectful of conventions or to marriage. Thus, Thomais of Lesbos in the 10th century devotes two of her miracles to prostitutes. One of them is cured by a hemorrhage, promising not to ply her profession during the great Christian holidays;[88] the other, who suffered from the same illness, promised to give up her job and enter into a legitimate marriage.[89] What one expects now from prostitute is a minimum of decency or her social rehabilitation through marriage.

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84 Paul Devos, "Une recension nouvelle de la Passion grecque BHG 639 de saint Eusignios," *AB* 100 (1982): 209–228, at 218: 'οὐκ αἰδῇ, ἀθεώτατε πάντων ἀνθρώπων, ὅτι ὁ τῆς πόρνης υἱὸς Κωνσταντῖνος ὁ βασιλεὺς ἐγνώρισεν τὸν δεσπότην Χριστόν, καὶ σὺ ἀπέστῃς ἀπ' αὐτοῦ'; Ὁ δὲ Ἰουλιανὸς ἀποκριθεὶς λέγει·'τί τοῦτο ἐτόλμησας εἰπεῖν, μιαρώτατε; τὸν βασιλέα Κωνσταντῖνον πορνογέννητον ἀναγορεύεις;'.

85 E.g., Macrobius, *Saturnalia*, I.10.

86 *Life of Theodore of Sykeon*, ch. 3, lines 6–9.

87 There are still cases that highlight the meeting between saint and provincial prostitute, as with Gregory of Decapolis and the prostitute of Syracuse who lived in a tower near the port and corrupted poor sailors; in this case, the *porneion* turns into a monastery (καὶ τὸ πρὶν πορνεῖον σεμνεῖον εὐαγὲς τῇ ἑαυτοῦ προσεδρείᾳ διέδειξεν), ed. G. Makris, *Ignatios Diakonos und die Vita des hl. Gregorios Dekapolites* (Stuttgart, 1997), ch. 28 and 29.

88 *Life and miracles of Thomais of Lesbos*, miracle 4, in *AASS* Nov. IV, 234–242, at 238DE: … ἔκκοψον τὸ ἐν ταῖς θείαις καὶ μεγάλαις ἑορταῖς συνουσιάζειν ἀνδράσι καὶ ἄθεσμα πράττειν κατὰ τὸ σύνηθες. English translation, Paul Halsall, "Life of St. Thomaïs of Lesbos," in Talbot, *Holy Women*, 291–322.

89 *Life and miracles of Thomais of Lesbos,* miracle 5, 238EF: εἰ θέλεις ὑγιὴς γενέσθαι, τῆς παραλόγου καὶ βορβορώδους ἀπόστηθι μίξεως, τὸ ταύτης ἔκκοψον πάθος καὶ συζεύχθητι νομίμῳ ἀνδρὶ καὶ τεύξῃ ταχείας τῆς θεραπείας. Alexander Kazhdan, "Byzantine Hagiography and Sex in the Fifth to Twelfth Centuries," *DOP* 44 (1990): 131–143, at 136.

In this new ambience concerning prostitutes, there are also some recalcitrant cases. The sister of Psellos, a saint in the eyes of her brother, acts on several occasions to save a woman in her neighborhood who "sold her beauty to whomever wanted it" (μισθὸν τοῖς βουλομένοις τῆς ὥρας ἐλάμβανε), first with threats and reproaches and then with promises of shelter, clothing, food, even luxury. This lady was surrounded by young men who were ready to waste their money for her graces. For a time, the prostitute respected the agreement with Psellos' sister, but she returned to her former life, with no obvious untoward consequences.[90] If Psellos' sister failed, the same thing happened in Constantinople in the fourteenth century, more precisely in the church of Theotokos of Pege. The Virgin performs a miracle for a sick prostitute who seeks refuge there and promises to give up the profession. After recovering her health, she keeps her promise while in Constantinople, but when she leaves the capital to settle in Vizye, she goes back to her work as a prostitute. According to her logic, probably, a promise to the Virgin of Constantinople was valid only in Constantinople. But the Virgin of Constantinople still remained the Virgin of the whole Empire, and thus the disease returned to the perjured woman with greater force, ultimately leading to her death.[91]

The figure of the prostitute in *the Life of Theodore of Edessa* stands somewhere between tradition and more "modern" trends. This hagiographic novel contains several stories of holiness in the old fashion and was written in Greek at the beginning of the 11th century by Euthymios the Georgian.[92] From ancient tradition, the story retains the prostitute's repentance and salvation through the most rigorous asceticism in a dark cell. Novelty is signaled by the fact that she achieves salvation through the mediation of a noble woman who was going to lose her child. It is the prostitute's prayer that ensures the salvation of the child and it is the stylite Theodosios who sees the divine light that surrounds the prostitute. The healing of the child surprises above all the prostitute herself, and it is this astonishment that leads her to repentance and asceticism under guidance by the stylite.[93] The prostitutes in middle and late Byzantine

90 Psellos, *Encomion of Mother*, ch. 38–39, ed. Ugo Criscuolo, *Michaelis Pselli: Encomium in matrem* (Naples, 1989). English translation in Antony Kaldellis, *Mothers and Sons, Fathers and Daughters: The Byzantine family of Michael Psellos* (Notre Dame, 2006), 74–75.

91 Nikephoros Xanthopoulos, *Miracles of the Pege*, no. 53, ed. Amvrosios Pamperis, *Νικηφόρου Καλλίστου τοῦ Ξανθοπούλου περὶ συστάσεως τοῦ σεβασμίου οἴκου τῆς ἐν Κωνσταντινουπόλει Ζωοδόχου πηγῆς καὶ τῶν ἐν αὐτῷ ὑπερφυῶς τελεσθέντων θαυμάτων* (Leipzig, 1802), 1–99, at 73–76.

92 On this text, see André Binggeli, "Converting the Caliph: a legendary motif in Christian hagiography and historiography of the early Islamic period," in *Writing 'True Stories': Historians and Hagiographers in the Late Antique and Medieval Near East*, eds. Arietta Papaconstantinou, Muriel Debié, and Hugh Kennedy (Turnhout, 2010), 77–103, with bibliography; for the author, see Christian Høgel, "Euthymios the Athonite, Greek-Georgian and Georgian-Greek Translator – and Metaphrast?," in *Mélanges Bernard Flusin* [=*TM* 23/1 (2019): 353–364] (Paris, 2019), 353–364.

93 *Life of Theodore of Edessa*, ch. LVIII-LX, ed. Ivan Pomjalovskij, *Zhitie izhe vo svjatych otca nashego Feodora archiepiskopa Edesskogo* (St. Petersburg, 1892), 58–60; cf. Kazhdan, "Byzantine Hagiography," 137.

hagiography thus play a secondary role in enhancing the central character, who is more commonly a woman.

The pious emperors of the middle Byzantine period followed the tradition of their late antique predecessors. Romanos I Lecapenos (920–944) gives each prostitute two coins during his wanderings in town.[94] Michael IV (1034–1041), for his part, followed another path:

> Scattered all over the city was a vast multitude of harlots (ἑταιριζουσῶν γυναικῶν), and without attempting to turn them from their trade by argument – that class of woman is deaf anyway to all advice that would save them, – without even trying to curb their activities by force, lest he should earn the reputation of violence, he built in the Queen of Cities a place of refuge to house them, an edifice of enormous size and very great beauty. Then, in the stentorian notes of the public herald, he issued a proclamation: all women who trafficked in their beauty, provided they were willing to renounce their trade and live in luxury were to find sanctuary in this building.[95]

Psellos, who reports this story, gives a sort of "psychology" of the prostitute: it's not the prohibitions, the violence, or persuasion that make them change their lives, but a beautiful home, luxury, and abundance: that is what the emperor procures for them. The result is, in the eulogistic writing of Psellos, spectacular: "Thereupon a great swarm of prostitutes descended upon this refuge, relying on the emperor's proclamation, and changed both their garments and their manner of life, a youthful band enrolled in the service of God, as soldiers of virtue."[96] With this triumphant image of imperial policy towards prostitutes, let us move to the subject of their marginality.

5 "Marginality"

The answer, therefore, to the question of whether prostitution as a marginal activity in Byzantium must be resolutely negative, insofar as it was recognized as free. In that case it was indifferent to the law, which penalized only deviations and dysfunctions. The question, on the other hand, of whether prostitutes were among marginalized people in Byzantium remains open and requires an answer, even if only a tentative one.

If marginality concerns groups, it must be recognized that prostitutes do not constitute a homogeneous group either synchronically or diachronically. There is little in common among a peasant woman from Egypt, a courtesan from Antioch, a city girl

94 *Theophanes Continuatus*, VI, 44, ed. Immanuel Bekker, *Theophanes Continuatus* (Bonn, 1838), p. 430, lines 1–3: ἐδίδει πᾶσαν πολιτικὴν ἀνὰ ἀργυρῶν δύο.

95 Psellos, *History*, 4.36, ed. Diether Reinsch, *Michaelis Pselli Chronographia* (Berlin, 2014), p. 69; English trans. in Edgar Sewter, *Fourteen Byzantine rulers: the Chronographia of Michael Psellus* (London, 1953), 73–74.

96 Psellos, *History*, 4.36; cf. Laniado, "La prostitution," 91.

from Constantinople, a daughter of an innkeeper along army roads, women from the 4th, 10th, or 14th centuries, other than a rather vague designation of infamy.

If marginality concerns individuals, it is difficult to trace it in the past by following the career of one or another prostitute. In this case, there is something that we might call effective marginality, created by the absence of family ties and by the "freedom" of women to dispose themselves in a society composed of groups rather than individuals. And there is a different kind of marginality, too, that which resides "in the eye of the beholder"[97] and derives from the flux of social identities. Prostitutes are marginalized for some, necessary for others (say, in order to satisfy their sexual needs). In this period appears a new type of prostitute, that of the prostitute-mother, central for other women in order to make a profit from them or, conversely, in order to fulfill their duty of philanthropy. Prostitutes, for their part, seem to manage the effects of marginalization on a daily basis, but they often appear while their fellow citizens or former emperors are themselves being marginalized, as with the prostitute who participated in the public humiliation of Andronikos I by throwing hot water on his face,[98] or the prostitutes who must punish a *pingernis* (cupbearer) in a satirical work of 14th century: "one must seize him like a thief, strip him off and, arms tied behind his back, paraded him around the town before leaving him in the hands of five of the most famous tavernkeepers, Anna 'the Golden', Magganina of Eudokimos, Eudokia 'the milk seller', Tamarosa, and Roubachlada. Each of them must slap him, peck at his bare bottom, and kick him."[99] The tavern-keepers, obviously prostitutes, participate energetically in the humiliation and occasional marginalization of the poor *pingernis*.

If, however, we want objective criteria by which to define a state of indisputable marginalization for prostitutes, perceived as a group or as individuals, we could have recourse to three such: a) access to marriage and to "normal" life; b) spatial restrictions on movement and activity; c) and the status of infamy, conditioned by the first two. To this we could add a purely Christian criterion: access to holiness, or communion.

Prostitutes in Byzantium had access to marriage. Laws allowed them to marry people across the entire social ladder, without any restrictions, and saints often encouraged them to marry, as we have seen, to escape prostitution. The laws of marriage demonstrate that the status of infamy was not granted once and for all, but it

97 Erik Spindler, "Were Medieval Prostitutes Marginals? Evidence from Sluis, 1387–1440," *Revue belge de philologie et d'histoire* 87 (2009): 239–272; Spindler concludes that, for the case under consideration, although some prostitutes were probably marginalized, "prostitution as a whole cannot be called marginal" (270), as it was present at the center of urban life.

98 Niketas Choniates, *History*, ed. Jan-Louis van Dieten, *Nicetae Choniatae Historia*, CFHB 11/1 (Berlin, 1975), 350.

99 Herbert Hunger, "Anomymes Pamphlet gegen eine byzantinische 'Mafia'," *Revue des Études Sud-Est Européennes* 7 (1969): 95–107, here 96, at lines 12–17.

was revocable by marriage. The laws thus defined the possibility of converting marginality into normality.

As far as prostitutes and space are concerned, matters are more complex. First, prostitution in Byzantium was a phenomenon both urban and rural, in Constantinople, "la capitale de l'empire est aussi la capitale de la prostitution,"[100] as also in late antique Rome, Alexandria, and Antioch. We can posit the existence throughout the Byzantine period of prostitution networks run by pimps who circulated prostitutes from place to place, according to circumstance, as described by Procopios for the 6th century: "for there had been a numerous body (ἑταιρία) of procurers in the city from ancient times, conducting their traffic in licentiousness in brothels and selling others' youth in the public market-place and forcing virtuous persons into slavery."[101] Prostitution in Constantinople does not seem to be confined to specific sections of the city. Evagrios, in the text cited previously, speaks of the hidden parts of the cities, echoing Justinian's Novel 14, but this is only a manner of speaking. Psellos talks about a prostitute who lives next to her sister, in a residential district of the middle class. In a proven case of prostitution, presented before the patriarchal court in the middle of the 14th century, it was the neighborhood that asked the authorities to "take measures and remove this shame from their home (ἐζήτησαν προμηθεύσασθαι καὶ ἀπαλλάξαι τῆς ἀτιμίας αὐτούς)." They did this when a woman named Thiniatissa (Thiniatis' daughter), disguised as a nun, received her clients at home. Her house was also inhabited by other "nuns" who practiced the same profession.[102] These testimonies lead us to think that prostitution was practiced almost everywhere in the city, even if disguised so as not to disturb others.

The various renovations of the city's districts and buildings indirectly reveal imperial attitudes to the installation of prostitutes. At Zeugma (north of Constantinople), for example, Constantine the Great built a brothel, to be the only one in the city, organized into compartments separated by curtains. It was provided with a statue of Venus, which had the magical power of publicly revealing the shameful parts of adulterous women.[103] Theodosios I, in turn, built houses for the poorest prostitutes around

100 Laniado, "La prostitution," 96–97. Cf. also Lynda Garland, "Street-life in Constantinople: Women and the Carnivalesque," in *Byzantine Women: Varieties of Experience 800–1200*, ed. Lynda Garland (Aldershot, 2006), 163–176, at 166–167.

101 Procopios, *Περὶ κτισμάτων*, I, 9, 2, ed. and trans. in H. B. Dewing, *Procopius: On Buildings* (Cambridge, MA, 1940), 74–75.

102 Franz Miklosich and Joseph Müller, *Acta et Diplomata graeca medii aevi sacra et profana* (Vienna, 1860), no. cxil, I:323–325.

103 *Patria*, II.65, ed. Theodorus Preger, *Scriptores Originum Constantinopolitanarum* (Leipzig, 1901); cf. Gilbert Dagron, *Constantinople imaginaire. Etudes sur le recueil des* Patria (Paris, 1984), 139–140. On all these renovations, see also Hans-Georg Beck, *Byzantinisches Erotikon* (Munich, 1986), 94–95; for a topography of prostitution, see also Leontsini, *Die Prostitution*, 63–72.

the temple of Venus on the acropolis.[104] Constantine's building would have another destiny in the middle Byzantine period: it was converted into a hospice (for whom?) by Theophilos in the middle of the 9th century,[105] though the texts do not tell us if it was still used by prostitutes or whether they were dislodged for the conversion. This information from the *Patria* is curious and puts Constantine the Great and Theophilos in an antagonistic relationship: Constantine creates this unique brothel of the city to control prostitution, while Theophilus, by converting it into a hospice, re-inaugurates "free-range" prostitution, unless, in the logic of the author of this note, the mere rearrangement was enough to eradicate prostitution. Leon VI, in turn, chased the prostitutes out of a building called Kyphé and converted it into a hospice for the elderly.[106] In all these cases we see the efforts of the middle Byzantine emperors to make prostitutes invisible in places recognized as intended for prostitution. In the late Byzantine period, regulations appeared in the legal collection of Armenopoulos (14th century), that summarized an earlier tradition, more precisely the treaty of Julian of Askalon of the 6th century.[107] This prohibited the creation of a brothel anywhere, so that neighboring houses would not lose their value, without, however, indicating a precise place for their construction. In any case, it is a question of the neighborhood that had to be resolved by the people involved. On the other hand, for the villages the same text mentions taverns and similar shops as places of prostitution.[108] In conclusion, in the capital, and likely in the other big cities of the Empire, during the middle and late periods prostitutes were present in residential areas, without excluding that they were more concentrated in some places, not for reasons of ghettoization but to provide easier access to their customers (ports, etc.). Geographically, prostitutes do not seem to have been marginalized in the cities.[109]

104 Malalas, *History*, 13.38, ed. Thurn, p. 267. According Laniado, "La prostitution," 88, the goal of Theodosios could have been to confine the prostitutes to a particular place, but it is not certain whether these houses functioned also as workplaces.

105 Patria, II.65, ed. Preger; a more detailed version of this information in Symeon Magistros, *History*, 130.42, ed. Stephan Wahlgren, *Symeonis Magistri et Logothetae Chronicon*, CFHB 40 (Berlin, 2006), 230–231 and *Theophanes Continuatus*, eds. Michael Faethersone and Juan Signes Codonez, *Theophanis Continuati Libri I–IV*, CFHB 53, Series Berolinensis (Berlin, 2015), 138. See also Laniado, "La prostitution," 86 and 89–90, who considers the two buildings different.

106 *Theophanis Continuatus*, VI.23, ed. Bekker, p. 370, lines 15–16: γέγονε τότε καὶ ἡ Κύφη γηροκομεῖον, τῶν ἐκεῖσε ἑταιριδῶν ἐκδιωχθέντων; see also Pseudo-Symeon, ed. Bekker, p. 645, lines 21–22.

107 For this text, see Catherine Saliou, *Le traité d'urbanisme de Julien d'Ascalon (VIe siècle)* (Paris, 1996).

108 Armenopoulos, *Exabiblos*, 2.4.27, ed. Konstantinos Pitsakis, *Κωνσταντίνου Ἁρμενοπούλου Πρόχειρον νόμων ἢ ἑξάβιβλος* (Athens, 1971): ἑταιρεῖον δὲ μὴ ἐξεῖναι ὁποτέρῳ αὐτῶν κατασκευάζειν διὰ τὴν τῆς ἑτέρας οἰκίας ὕβριν. Καὶ ταῦτα μὲν ἐν πόλεσιν, ἐν δὲ ταῖς κώμαις περί τε τῶν καπηλείων καὶ τῶν τοιούτων χρήσονται ἰδίοις ἀναλόγοις.

109 See, for example, the case of the monk Helias, who knows well the geography of prostitution in the capital, according to Michael Psellos, *Letters*, no. 219, ed. Stratis Papaioannou, *Michael Psellus, Epistulae*, Bibliotheca Scriptorum Graecorum et Romanorum Teubneriana 2030 (Berlin, 2019), p. 586,

If the practice of prostitution seems to have been free in the capital, there is nevertheless a geography of repentance, which "marginalizes" them in the sense of removing them from social life. This consisted of hospices, such as the one of "Repentance" built by Justinian and Theodora,[110] the building of Michael IV that was described by Psellos, and the various monasteries where women who had committed aggravated sexual crimes (equivalent to adultery, etc.) were retired from circulation. It is not insignificant that Thiniatissa's brothel in the 14th century looks like a monastery.

The status of infamy was a legal category of imperial law and concerned prostitutes. An infamous person lost the bodily protection of the law and could face humiliating punishment, sexual abuse, or any type of violence without legal consequences for the assailant. In this case too, infamy does not simply define a margin, but is a *sine qua non* of social organization whose balance is based on the management of the opposition between honorable and infamous, between respectful matrons and women accessible to all and therefore "consumable." The law is clear on this point. According to the *Basilica* and then the *Procheiron auctum* at the end of the 12th century, "the laws are concerned with the chastity of respectful women and not concerned with pitiful and vulgar women."[111] If the law generally defines social margins by penalizing misconduct, prostitutes are then part of regular society. It was the women of the aristocracy who were placed in the margins of the social economy, a valued and ideal margin this time.

Secondary elements of marginalization might also include the wearing of special clothing, a perceived link between prostitution and disease, and also insults. But Byzantine prostitutes did not wear clothing indicative of their profession. What distinguished some of them from ordinary women was luxury, bright colors, and more makeup. Hagiography of the early Byzantine period makes disease a matter of tension between prostitute and client,[112] but in late hagiography disease is an unhappy state that afflicts only the prostitute herself.

Finally, insults are sometimes part of a process of marginalization. In a case cited by the *Peira* in the 11th century, a person is insulted as a "cuckold and son of a

lines 9–11: ἀλλ' ὁπόσα μὲν ἐν τῇ πόλει χαμαιτυπεῖα, ὁπόσα δὲ καπηλεῖα καὶ πόσαι μὲν τῶν ἑταιρουσῶν γυναικῶν ἀκριβῶς τὴν τέχνην ἠσκήκασι, πόσαι δὲ οὐκ ἀκριβῶς τῷ πράγματι ἥρμοσαν.

110 For 'rgefsaepentance' see Procopios, *Anecdota*, 17, lines 5–6; Procopios, *Περὶ κτισμάτων*, I.9, lines 6–10.

111 B.60.37.66 and *Procheiron Auctum*, 40.101, in *JGR* 7: 329: οἱ γὰρ νόμοι περὶ τῆς τῶν εὐυπολήπτων γυναικῶν σωφροσύνης προενοήσαντο, οὐδένα λόγον θέμενοι τῶν οἰκτρῶν καὶ εὐτελῶν γυναικῶν.

112 Palladios, *Lauciac History*, ed. Bartelink, ch. 65 tells an ancient story of persecution where a Christian girl is confined to a brothel (τῷ ἐργαστηρίῳ τῆς ἀπωλείας) with the obligation to collect three nomismata per day. To avoid the erotic assaults of young men, she claims to have a venereal disease. Moschus, *Spiritual Meadow*, in *PG* 87C, 2861C, connects prostitution to leprosy: (a monk) ὡς εἰσῆλθεν εἰς τὸ καταγώγιον τῆς πορνείας εὐθέως ἐλεπρώθη ὅλως. On the relationship between illness and prostitution, see Leontsini, *Die Prostitution*, 112–117; Dauphin, "Bordels," 191.

bitch."[113] The two insults constitute cases of symbolic rather than effective marginalization and are used strategically in the context of an antagonistic situation to offend an opponent, without, however, marginalizing him. The insulted person is, in our case, a respectable *kandidatos*.

These indices, in sum, constitute weak markers of marginalization in Byzantium. If dreams are a deeper and safer indication of mentalities and social tension, having sex with prostitutes in the Byzantine world indicates wealth and success, at least for secular dreamers. Only for anchorites and pious men, namely for a truly marginal part of the Byzantine society, did the prostitute signify sadness and failure.[114]

6 Conclusion

The prostitute, embedded within multiple socioeconomic realities, constitutes a central figure in the reality and the imagination of the Byzantines. In reality, Byzantine society recognized prostitutes for their function and provided them a place in the community and an established role in the sexual order. According to Laniado, "la prostitution n'est pas un phénomène suffisamment sérieux pour susciter la promulgation de nombreuses lois générales,"[115] while for Dauphin, "le puritanisme byzantin encouragea la prostitution."[116] In any case, a movement from conformity to marginality, passing through the different forms and degrees of variance and deviance, and vice versa, was not impossible for a Byzantine prostitute. The statutory rigidity that dominated ancient Roman society was replaced in the Byzantine East by significant social

113 *Ἡ Πεῖρα – Die Peira: Ein juristisches Lehrbuch des 11. Jahrhunderts aus Konstantinopel – Text, Übersetzung, Kommentar, Glossar*, eds. Dieter Rudolf Simon and Diether Roderich Reinsch, Forschungen zur byzantinischen Rechtsgeschichte, neue Folge 4 (Berlin, 2023), 61.6, p. 558, lines 1–2: ὁ δὲ ὕβρισεν τὸν κανδιδάτ(ον)·'κερατὰν, κούρβας υἱὸν'.

114 See, for example, Achmed, *Oneirocriticon*, ed. Franz Drexl, *Achmes Oneirocriticon* (Leipzig, 1925), 77.9–12: καὶ ὅσον συνουσιάζει τις κατ᾽ ὄναρ ἑταίραις γυναιξί, τοσοῦτον πλουτήσει φιλόκοσμος ὤν. ἐπὶ δὲ τῶν ἐυλαβῶν καὶ ἀναχωρητῶν ταῦτα εἰς θλῖψιν κρίνεται. The same interpretation in Artemidoros, *Oneirocriticon*, I.87, lines 3–14, ed. Roger Pack, *Artemidori Daldiani Onirocriticon Libri V* (Leipzig, 1963), with a negative value placed on the place of their work; see Michel Foucault, *Histoire de la sexualité. 3. Le souci de soi* (Paris, 1984), 31–32. For an interpretation of the logic behind relationships with prostitutes, see Steven Oberhelman, *Dreambooks in Byzantium: Six Oneirocritica in Translation* (Aldershot, 2008), 100, n. 364: "Sexual relations, as portrayed in all the Byzantine dreambooks, are cast in the framework of penetration and reception, domination and submission, profit and loss, taking pleasure and giving pleasure. Generally, the receptor of the penis can expect to receive some profit from the penetrator. To put it crudely, the person receiving semen will receive profit, and the one giving the semen will yield profit. Not all is loss for the penetrator, however, for he can expect joy and happiness, success in his business and way of life, and peace and stability in his domestic situation."

115 Laniado, "La prostitution," 92.

116 Dauphin, "Bordels," 124.

mobility, even if only on a psychological level and not in economic reality. The path between prostitution and "normality" was open in both directions and, if there was marginalization, it was a stop along the way and not a terminus.

In the Byzantine imagination, things are even clearer. The majority of the texts tell us stories of integration rather than marginalization. More particularly, the challenge in hagiographic texts is not to convert the prostitute from marginality to normality, but from "normality" (for a poor woman with no family ties, for a captive or a slave or a perverted woman) to holiness (in most cases) or to the creation of a family.

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