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SOCIAL DEVIANCY

A medieval approach

G. Geltner

The moral test of a government is how it treats those who are at the dawn of life, the children; those who are in the twilight of life, the aged; and those who are in the shadow of life, the sick, and the needy, and the handicapped.

Hubert H. Humphrey

NIMBY (Acronym: not in my backyard). Opposition to the locating of something considered undesirable (as a prison or incinerator) in one's neighborhood.

Merriam-Webster Dictionary

"Harm Reduction" refers to policies, programmes and practices that aim primarily to reduce the adverse health, social and economic consequences of the use of legal and illegal psychoactive drugs without necessarily reducing drug consumption. Harm reduction benefits people who use drugs, their families and the community.

International Harm Reduction Association

Between the twelfth and fourteenth centuries, European cities witnessed a growth of what are sometimes called marginalizing institutions and spaces – hospitals, brothels, leper-houses, prisons, and Jewish quarters. Historians have often cited this development in order to illustrate the persecuting mentality that allegedly characterized a Europe coming into its own: an increasingly introspective society seeking self-definition and, so the argument runs, closing its ranks to religious outsiders, such as Jews and heretics, as well as to internal Others, from homosexuals and lepers, to prostitutes, to the physically and mentally ill. Seen in this light, medieval society appears to have failed yet another moral test set to it by its modern heirs.

The available evidence supports a different reading, however, one that stresses the social semi-inclusiveness of institutions benefiting those at the dawn, twilight, and shadow of life. From this revised perspective, the choice to create facilities such as

brothels and prisons within cities and to govern them responsibly constitutes a high – rather than low – benchmark of medieval adaptation to social and religious heterogeneity and the growing presence of at-risk populations. In the parlance of modern public health, medieval city councils adopted a strategy of harm reduction. For this particular, spatial form of othering did not merely create stigmatized groups from disparate individuals; it also enabled their monitored social inclusion. Given the abrasive and generally intolerant environment in which urban magistrates operated, the choice raises an important question: Why bother with the weakest members of society by allocating substantial resources for keeping them alive and well in designated spaces?

The answer lies partly in medieval urban society's increasing social, economic, ethnic, and religious heterogeneity, and partly in local governments' desire to control their populations more effectively and reduce disorder. The creative tension between these two developments produced some new centralized facilities for deviants (prisons, brothels, and "red-light" districts), and revised approaches towards existing institutions and spaces (hospitals, leper-houses, Jewish quarters). Jointly these places underscored the presence of threatening Others while normalizing their presence; born of a need to organize a diverse population, such spaces integrated some deviants further into society and expanded the boundaries of civic responsibility towards others. On a theoretical scale between the absolute reception of deviants and their total ejection, so-called marginalizing institutions offered a middle ground of semi-inclusiveness.

The durability of harm-reducing, semi-inclusive institutions runs up against modern quests for manicured cities, as attested, among other phenomena, by the rise of not-in-my-backyard (NIMBY) organizations. Across Europe, numerous prisons, hospitals, asylums for the mentally ill, and even leprosaria (leper houses) continued to function in mildly revised forms in urban areas well into the nineteenth century, even as their rationales gradually fell out of favor and as time and neglect rendered their fabrics obsolete. By the end of the twentieth century, it was the institutions themselves that came to be seen as undesirable constituents of the urban landscape, although their roles and activities had been substantially rethought. From symbols of central power and civic responsibility they have come to epitomize social despair and civic shame, which in turn rendered them easy targets for the juggernaut of urban real-estate development.

In light, however, of the massive erosion of the social welfare state and its role in addressing deviancy, tailoring semi-inclusiveness to modern needs may have considerable benefits. For one, it would reverse the dangerous trend towards warehousing the underprivileged and the dispossessed in violent, mammoth, underfunded, and often remote prison facilities. Second, it would prevent societies from slipping further into a narrow, self-indulgent form of solipsistic politics which values good housekeeping over good citizenship, or, even more alarming, confuses the former with the latter.¹

The present essay introduces medieval semi-inclusiveness and explores its relevance to present-day debates on urban social justice. It is divided into two sections. The first begins by describing and analyzing the key marginalizing institutions of medieval urban Europe, and then explains their proliferation as a process reflecting a shift in attitudes towards certain stigmatized groups, from flat rejection to partial, structured

acceptance. The second section suggests how an adapted form of semi-inclusiveness can benefit modern cities, spaces increasingly threatened by homogeneity under a veneer of diversity and by widespread ignorance about social groups tagged as undesirable.

Semi-inclusiveness in the medieval urban context

Several years ago I wrote a book on late-medieval urban prisons. Reflecting on how best to conclude the work, it seemed useful to me to juxtapose these facilities with other so-called marginalizing institutions that were thriving in that period: the brothel, the leper house, the Jewish quarter, and the hospital. My working hypothesis – or, to call a spade a spade – my superficial impression was that what distinguished the prison from other facilities for other socially stigmatized groups was its central location and physical prominence in the urban landscape, which contrasted with the physical marginality of institutions for non-criminal deviants.

Delving deeper into the topic challenged my assumptions on three counts. First, the scale of medieval cities was generally rather modest. Crossing even the largest among them (Paris, Florence, Granada) would have been a feat lasting little more than 20 minutes on foot – the equivalent of two subway stops in a modern North American city. Thus physical proximity worked against any attempt (medieval or modern) to equate spatial with social marginality. The observation is especially true when a deviant community (such as Jews) or an institution (such as a brothel) existed within a city's walls – structures that were continuously expanded until the onset of the Black Death in 1348.

Second, even when a marginalizing institution was located beyond a city's walls, as in the case of most leper houses and some hospitals, the social disjuncture was more apparent than real. Leprosaria were founded outside medieval cities ostensibly to prevent contamination, but lepers themselves were never wholly barred from interacting with urban residents so long as they followed certain dress and behavioral codes that communicated their presence and approach. Likewise, the inmates of hospitals, especially the poorer among them, relied for their livelihood on begging for alms outside the hospital, and so came into constant touch with urban residents who in any case were never far away.

It was not only inmates who sought proximity to the city and its residents. Urban regimes too were expanding their walls as well as their jurisdictions, a process that integrated leper houses and hospitals even further into society. Driven perhaps more by greed and a desire for control than by compassion, by the fourteenth century, urban magistrates in France stressed the location of leprosaria “near the city” (*iuxta civitatem*) in contrast to their earlier designation “outside the city” (*extra civitatem*); and English municipalities became increasingly invested in securing their jurisdiction over hospitals and leprosaria, despite their lack of active involvement in these institutions.²

Third and most importantly, being both visible and accessible, most marginalizing institutions, much like contemporaneous prisons, never severed their inhabitants from free society. Their routine functioning depended on and was variously shaped by

external interventions. For instance, hospital, leprosaria, and prison inmates were fed daily by their families or charity officials, and they were often allowed to leave their respective compounds to beg for alms or plead with creditors to resolve debts. Moreover, external social and economic hierarchies were frequently grafted onto the space and routine of these institutions, as is apparent from the classification of inmates into wards according to their ability to pay rather than the crimes they committed (in the case of prisons) or their physical condition (in hospitals).³ Physically, legally, and socially, then, such compounds reflect an approach to urban undesirables perched between integration and marginalization.

After recovering from these three strikes, I could no longer justify branding the medieval prison an anomalous, semi-inclusive space in an urban landscape otherwise characterized by a blanket rejection of socially stigmatized groups. Instead, I began to understand it as exemplifying a quest – however uncoordinated – by different governments, organizations, and individuals to accept the presence of such groups, on the one hand, and to regulate social interaction with them, on the other. The approach enabled governments to identify urban Others but at the same time offered the latter a place of their own within the urban panorama. Identifying this harm-reducing, semi-inclusive approach towards socially stigmatized groups and individuals did not convince me that medieval cities suddenly or even gradually became progressive havens of tolerance and cultural relativism. Yet it did suggest that the foundation of marginalizing institutions can be seen in a new light, one that qualifies some historians' belief that facilities and their residents were indeed marginal, their proliferation ill-omened, and their routines inhumane and typical of a brutal culture.

A generation ago, influential medievalists such as Norman Cohn, John Boswell, and R. I. Moore observed how medieval society gradually closed its ranks through a process of identifying "Europe's inner demons" (Jews, heretics, homosexuals, lepers, etc.).⁴ Stigmatization and the ubiquitous profiling of dangerous Others precipitated their persecution by various religious and secular powers, a process that culminated at length with their attempted destruction. Like many scholars with a social conscience at the time, Cohn, Boswell, and Moore were pondering a looming question in post-Second World War historiography, partly exacerbated by the Civil Rights movement in the 1950s and 1960s, namely, where and how were the seeds sown for the systematic annihilation of minorities and deviants in twentieth-century Europe. From these scholars' perspective, the foundation of leprosaria and brothels, and, perhaps more ominously, the creation of Jewish quarters, signaled the "formation of a persecuting society" – an introspective reflex within Latin (Western) Christian Europe as it began defining its eventual geopolitical borders during the Crusading Era.

While minorities such as Jews, lepers, and prostitutes suffered greatly and almost constantly throughout the middle ages, the proliferation of marginalizing institutions did not epitomize their agony. Instead, the foundation of Jewish quarters, leprosaria, and brothels can be seen as a way to address a broader shift in attitudes toward integrating stigmatized groups, not eradicating them, in the increasingly heterogeneous cities of later medieval Europe. Much had changed since Rome's western provinces had entered a phase of accelerated political fragmentation in the early fifth century.

Lack of effective centralized rule encouraged the kind of paralegal alternatives for punishment described by Celia Chazelle elsewhere in this volume. By contrast, later medieval urban governments were operating in far more ambitious and highly centralized environments, rendering earlier ideas about dispute settlement (even if they were never fully realized) antithetical to contemporary political endeavors.

The available alternatives differed in each case for urban magistrates. Take prisons, for instance. From a penal perspective, incarceration represented a marked departure from routine measures that were (at least from a post-Enlightenment perspective) violent and socially destructive: exile, execution, and a variety of corporal punishments. Medieval prisons, by contrast, maintained culprits in a reasonable state of health and allowed for frequent social contact with the outside world. If such facilities were not yet envisioned as rehabilitative institutions (though certain elements of such an approach certainly can be detected), they nonetheless differed from many of the socially destructive measures that contemporary penal law sanctioned.

We, witnessing the incarceration binge of the late twentieth century, are loath to imagine an expansion of the penal state that was actually accompanied by a growing focus on inmate conditions and the social integration of deviants. Yet precisely such concerns for the welfare of stigmatized groups are attested across thirteenth- and fourteenth-century Europe, even as other crises (for instance, incessant wars and the Black Death) could have justified their neglect. Seemingly minor problems such as corruption among prison staff and inmate hygiene genuinely occupied urban magistrates, who rather than excusing deteriorating conditions as collateral damage for "getting tough on crime," rolled up their sleeves: they founded effective supervisory committees and devised mechanisms to reduce overcrowding and improve living conditions and access to water and health care. The modern solution to rising inmate numbers is — at best — to build more cells for less money, by privatizing prisons and moving them to remote locations, far from the public eye and often inaccessible to convicts' friends and families. By contrast, for some pre-industrial cultures, including medieval Europe, severing culprits from their social world would have been the epitome of barbarity.⁵ For they were following, in practice if not in theory, the path of socially integrative harm reduction.

Jewish quarters offer another striking example of a semi-inclusive approach to urban marginals. The clustering of Jews in and within cities had various religious, economic, and social roots, yet their periodic enclosure by urban magistrates formed part of a complex strategy to *maintain* these communities, not eradicate them.⁶ Furthermore, it is often forgotten that, when the Venetian Council designated the first Jewish ghetto, in 1516, its action in fact "marked the *abandonment* of the traditional policy of excluding Jews from the city."⁷ True, the founding of Venice's ghetto, much like the occasional enclosure of Jews in previous centuries, was hardly an act of Christian charity. Cities, like kings, had much to gain from regulating and protecting "their" Jews, since the latter's presence enabled credit-based activities to expand in a mainly Christian society theoretically forbidden from lending at interest. And, to be sure, throughout medieval history Jews were rarely free from persecution,

oppression, or expulsion, whatever regime they lived under. But pointing to the foundation of Jewish quarters and, later, ghettos, as the quintessence of a medieval persecuting mentality, one, moreover, that foreshadowed the violent extermination of European Jewry in the twentieth century, is fundamentally flawed. Jewish quarters were not heavens and often not even havens, but their designation or formation addressed real safety concerns and offered their residents a modicum of coexistence alongside a large Christian majority, hostile, friendly, or simply apathetic. Such a solution may be unacceptable today, not least due to its *twentieth-century* connotations, but its origins lie in a semi-inclusive approach to rather than a rejection of urban marginals.

Municipal brothels furnish us with a final and palpable example of urban magistrates' attempt to provide for a traditionally undesirable population, namely sex workers. From the thirteenth century on, and often in the face of ecclesiastical resistance, urban governments across Europe organized and regularized the activities of sex workers under their jurisdictions.⁸ Much as in modern metropolises, there were diverse forms of paid sex in medieval cities and various solutions for accommodating it: from turning a blind eye, to imposing non-deterrent fines, to founding municipally run brothels. But whatever the solution, the underlying trend towards tolerance and regulation became increasingly noticeable.

Medieval sex workers, like Jews, were beneficial even if not essential for local economies. Both groups were periodically ejected from their cities and regions, and yet they gradually emerged as constant fixtures of the urban landscape. As cities grew and trade routes spread, sex workers became conspicuous with rising demand by locals and foreigners. Paid sex offered local but especially non-local, working-class women a way to augment their salaries or altogether break out of low-paid and often precarious employment situations such as domestic servitude. Over time, and despite unequivocal resentment by Church authorities, attempts to ban sex workers from cities, or even relocate them beyond their walls, had all but ceased. Like modern advocates of harm reduction, what late-medieval urban magistrates began to look for was a way to accept the inevitability of such activities, on the one hand, and yet regulate them, make them safer, and even profit from them, on the other.⁹

In this way brothels or designated areas where paid sex was licit (prototypical red-light districts) became increasingly integral to a city's social and economic fabric. Throughout urban Europe brothels were joined by other institutions and spaces – prisons, hospitals, leper-houses, alms-houses, and Jewish quarters – which, in the name of social control, reflected and promoted a trend towards acceptance, coexistence, and structured tolerance. In short, the growth of so-called marginalizing institutions suggests more than a clumsy attempt by municipalities to index Others or isolate them from mainstream society. Indeed, these institutions served to acquaint city dwellers with and teach them how to address key consequences of rapid urbanization. Semi-inclusiveness offered no panacea for the myriad social problems afflicting medieval cities, but at the very least it promoted and reflected contemporaries' awareness of them. In this way, learning how to live alongside traditionally undesirable populations became part of a practical civic education.

Semi-inclusiveness and the just city

Since the 1980s, urban policy makers inspired by the theory of Broken Windows have repeatedly stressed a correlation between manicured downtowns and low crime rates: "if a window in a building is broken *and is left unrepaired*, all the rest of the windows will soon be broken."¹⁰ In other words, allow minor rules to be bent, and soon even the most affluent neighborhood could turn into a lawless no-man's land. Conversely, acting swiftly and decisively to counter deviancy, especially in its minor and seemingly harmless forms, will prevent crime from daring to raise its ugly head.

Accordingly, physical as well as social clean-up operations have become widely accepted as instrumental for expanding a city's tax-base, attracting businesses, middle- and upper-middle-class families, and of course tourists. Rudolph Giuliani's term as Mayor of New York City (1994–2001) is often cited in this connection as a striking demonstration of the doctrine's efficacy, as crime rates dropped below national averages and the city's quality of life indicators improved. Despite widespread critiques of Broken Windows, its particular implementation in New York, and its dubious relation to Giuliani's proclaimed success, the methods associated with his administration have been celebrated and emulated far and wide.¹¹

In the gentrified urban landscape that the proponents of Broken Windows envisaged, there is little room for modern total institutions such as prisons and mental asylums. Equally unwelcome are facilities, such as methadone clinics, psychiatric halfway houses, brothels (at least where these are legal), or even homes for developmentally disabled people, which rendered visible certain communities deemed undesirable. Various citing safety issues, property values, space shortages, the presence of children, and (this is not a joke) the inhumane state of existing facilities, governments and NIMBY organizations have begun clearing these blemishes (at least where these are legal) and exporting them to the countryside. Widely supportive of this move has been a cynical form of "IMBYism," by which under-employed rural communities seek to harvest the fruits of inner-city poverty and disenfranchisement by lobbying for such institutions to be transferred nearer to them.

In this way, after centuries of activity among urban communities, marginalizing institutions are finally being themselves marginalized, indeed blotted out of city centers, residential neighborhoods, and social memory. Disregarding inmates has become progressively easier, their presence outside impoverished neighborhoods disturbingly rare. In 2007, for example, Harding Village, an affordable housing scheme for the homeless situated in Miami Beach, adjacent to the affluent town of Surfside, was finally completed after complaints from a local PTA froze the project. Tellingly, the eventual go-ahead was given only after the contractors agreed to erect a six-foot wall around the compound – a former hotel – in order to give it the veneer of an enclosed space.¹² The architectural gesture to the prison clearly had a calming effect on the residents. Yet elsewhere, especially in city centers, such facilities that remained *in situ* have been camouflaged as hotels and office buildings. In downtown Los Angeles, by the early 1990s tourists were unknowingly ogling drug lords from their hotel windows – a reality now common among a number of US cities, including San Diego, Chicago, Philadelphia, and New York.¹³

The disappearance of institutions for undesirables such as prisons from US cityscapes both attests and furthers the ignorance of many regarding the scale, composition, and social needs of their inmates, who are predominantly urban African-Americans and Latinos of lower socio-economic strata. Prisoners, let alone their families, greatly benefit from the vicinity and accessibility of prisons and jails. Yet their welfare is hardly of interest for those seeking to increase local property value. For instance, Stop BHOD, an advocacy group founded in 2008 to oppose the reopening of the Brooklyn House of Detention (BHOD), argued that reactivating the prison, located in downtown Brooklyn, undermined "economics and the best interests of the community and city as a whole."¹⁴ Exploiting popular unease about living near convicts (who are mostly non-violent offenders), NIMBY organizations such as Stop BHOD imply that inmates are not people but environmental hazards, like incinerators or open sewers. The BHOD is a "dinosaur," State Senator Marty Connor commented in June 2008. "*People live here now.* It (the Brooklyn neighborhood) has the fabric of a real community. A jail doesn't fit – it makes no sense."¹⁵ Stop BHOD offered an alternative, "progressive vision" for the site of "mixed income housing" and a "public middle school," and stressed its alliance with other "community organizations."¹⁶ As an alternative to reopening BHOD, it argued that reallocating funds to renovate the penal complex on Rikers Island was "the humane thing to do," given that some of its 16,680 beds were empty. Coincidentally, the organization's chief legal advisor, Randy M. Mastro, was former Deputy Mayor of Operations in the Giuliani administration. The attitude toward inmates illustrated by Connor's remark is as telling as it is troubling at a time when prisoners are becoming more numerous than ever before: there are currently about 2.4 million people in US custody – the largest documented per capita population in the world and the largest in absolute numbers; Justice Department officials estimate that one of every 15 US citizens born in 2001 will spend time behind bars during his or her lifetime.¹⁷

Scholarly discussions of the relations between urban planning and social justice have underscored the dangers of striving for a manicured modern city that bears no trace of the social problems it continues to breed.¹⁸ Although they are not prominent in these discussions, the fantasies of predominantly white, middle-class anti-prison NIMBYists precisely epitomize the many dangers of this out-of-sight, out-of-mind approach, especially in the absence of clear boundaries between cleaning and cleansing.

The success of NIMBYists' myopic endeavor should concern us all. For how will we promote respect for the needs and rights of the homeless, the physically handicapped, substance abusers, or the mentally ill if we never see them? How will the welfare of sex workers be defended and the abuses they suffer be avoided if they are forced to operate in unprotected environments? What can we do to improve our understanding of the relations between unequal access to housing and education and crime and disease, if most of our exposure to these genuine social problems is – at best – through televised fiction? And how can we, as citizens, critically monitor our expansive criminal justice system, the most powerful arm of the executive, when zoning boards and public transportation authorities successfully conspire to make prisons and their inmates virtually invisible?

For those interested in integrating social justice and urban planning, such questions highlight the advantages of a medieval semi-inclusive approach to stigmatized urban residents, especially institutionalized or semi-institutionalized inmates. Consider, once again, medieval municipal prisons: they were doubtless imperfect institutions, and yet, largely thanks to their visibility and accessibility, they avoided being used as drainpipes for deviants. Their daily operation afforded inmates face-to-face interaction with the outside world, whether for legal and financial affairs, labor, religious worship, or nourishment. Unlike today, inmates' major contact with free society was not through TVs; their spouses did not lose precious wages while traveling far and in scarce public transportation for visits cut ever shorter by oversized and understaffed facilities; and they did not accrue debts in order to pay ghastly collect-call fees – a common practice today, even in non-privatized facilities.

Accessibility and visibility helped medieval inmates avoid what modern social psychologists call prisonization, or the process of conforming to prison subculture.¹⁹ Increasing contact between prisoners and free society nowadays would counteract prisonization, which many experts agree inhibits successful re-entry. And, assuming we still believe that imprisonment's fundamental role is to keep offenders at arm's length – but no more – from free society, then allowing prisons to remain accessible and visible would also help curb corruption and mitigate some major pains of modern incarceration, including violence, substance abuse, material poverty, the deprivation of autonomy and security, and, crucially, the severing of social ties to the outside world, which have come almost to substitute for the prison's original penal role. Today's prisons present inmates of whatever stripe with fewer chances of surviving imprisonment unscathed, let alone emerging from it prepared for life at large. Small wonder that recidivism rates for adult male prisoners in the US approach 70 percent.²⁰ Frequent and structured contact with free society, by contrast, may help reduce some of these pains, avoid others altogether, and reaffirm for convicts what normative expectations they will face upon release. In fine, it will remind them that the prison is *not* their home, primary or surrogate.

Medieval prisons' openness and visibility, like that of other marginalizing institutions at the time, meant that they expanded the boundaries of civic responsibility. While not all local residents were pleased about living or working near criminals, prostitutes, or Jews, these groups' presence in population centers reminded everyone that society is a complex beast, and that governing it inclusively ought to benefit everyone. There would have been no obstacle to exiling such groups permanently or building prisons, brothels, or Jewish quarters outside the city walls. And yet few polities chose that path until the early modern period. Mostly for reasons of efficiency and political expedience, medieval urban regimes built marginalizing institutions within city centers and in plain view of passers-by, whose joint action or mere presence often benefited inhabitants' welfare. Locals cared and acted because undesirable institutions *were* in their backyards, and never did it seem that they wished to alter that basic situation.

Few modern cities can truly pride themselves on being tolerant and heterogeneous places, open-minded about religion, race, and sexual orientation. Reality is more than meets the eye even in places like Amsterdam, Barcelona, San Francisco, and

Brooklyn. Genuine diversity is not defined by the number of "ethnic" restaurants along Main Street, but by the range of people who can afford eating and living there without harm. Instead, real estate developers keep us on an artificial diet of normality, and municipalities hasten to remove any social blemishes from our parks, train stations, and shopping malls. In this way, under a veneer of diversity, we grow accustomed to a certain kind of cookie-cutter social landscape and, still worse, expect to find it wherever we go. But the greater danger attending this type of gentrification is that it leads us to blame social undesirables for their undesirability rather than search for a solution in our own manicured backyards.

One way to avoid slipping into social NIMBYism is to really "get medieval" on certain stigmatized groups: not by planting mammoth rural prisons and mental asylums back in population centers as-is, but by downsizing and then re-establishing them in cities, where most inmates originate. Ditto for facilities that cater to socially and developmentally disabled groups, who are finding it increasingly difficult to rent or purchase properties in their original residential areas. It may sound counterintuitive, even scary, but re-urbanizing (and de-camouflaging) some prisons, halfway homes, and other institutions for socially stigmatized groups may not only improve their residents' quality of life, but ours as well. A semi-inclusive approach towards deviants, through the monitored presence of modest-scale institutions, can teach us important lessons in civic responsibility and distributive justice: we will be less likely, indeed unable, to cast weaker members away. Loving all of our neighbors may be too much to ask, but we have much to gain from remembering that their plight is really, not just potentially, our own.

Notes

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Suggestions for further reading

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