

## Regulating Prostitution

In 1879, Felipe Huguet, the Sub-Prefect of Lima, wrote to the mayor of the Provincial Council. A brothel had been discovered at “N...” of “S...” street. Doubtless because of the scandal that such a discovery would have provoked, Huguet thought it prudent not to reveal either the number of the house or the name of the street. The owners of the brothel had been fined 250 soles, but Huguet recommended that the house be torn down and that the fine be used to install two gas lamps in the very dark street. Huguet described the brothel as a veritable house of sin that attracted the worst of society and represented a threat to public health and public order:

All types of people visit these brothels [casas públicas] including young men and women, drunks, known thieves and layabouts, and they are open all night, operating as veritable schools of vice in which robbery, vagrancy, and murder are taught, destroying in this manner the most noble sentiments of the human heart. They are, therefore, a threat not only to [public] health but also to public peace and order.<sup>1</sup>

He insisted that this and other brothels needed to be closed down. Their very existence was a danger to the wellbeing of families, society and the state. They were places in which “positive and permanent infection” could put an end to “human nature,” since their negative effect was not only physical but also moral and intellectual. However, Huguet’s views were at odds with many in Peru in the second half of the nineteenth

<sup>1</sup> Letter in *La Gaceta Médica*, Año V, N. 9, Sept. 30, 1879, pp. 259–260.

century who believed that brothels needed to be policed and regulated rather than closed.

In the eighteenth century both the colonial and religious authorities put forward proposals to establish “casas de reclusión” in effect prisons, for prostitutes, suggesting that prostitution was a matter of some concern in the Viceroyalty of Peru. According to Richard Chuhue Huamán, women suspected of prostitution were regularly jailed and sometimes subjected to corporal punishment.<sup>2</sup> Following independence, and particularly beginning in the mid-nineteenth century, physicians and lawyers, as well as government authorities, started to argue in favor of a new, transnational paradigm that seemed to offer a solution to prostitution’s perceived effects on society: regulation.<sup>3</sup> The regulation of prostitution as a means to deal with female prostitutes and with the spread of venereal disease with which they were associated was adopted in Europe, and particularly in France, in the early nineteenth century. With its emphasis on the policing and the enclosure of prostitutes in brothels in isolated areas of the city, regulation promised to address the threat to public order, public morals and public health associated with female prostitution. But Peruvian doctors and lawyers, as I show in this chapter, also perceived regulation as expressive of a modern, rational, even scientific, approach to prostitution, and, by extension to “sexual health and the reproductive activity of the population,” as Mannarelli has put it, which they viewed as essential to achieve progress and civilization.<sup>4</sup>

Clearly aware that they were inserting Peru in a European, even global, campaign to address the ills of prostitution, Peruvian doctors and lawyers, then, embraced regulation as an ideological project in the second half of the nineteenth century. However, they were unable to implement it as an effective policy. Arguments in favor of regulating prostitution circulated in the 1850s and several detailed proposals in favor of regulation were put forward beginning in the 1870s through the 1890s. But Peru did not implement regulation until the first decade of the twentieth century. In this chapter, I examine debates over regulation in detail.

<sup>2</sup> See, for example, Macera, “Sexo y coloniaje,” pp. 342–344 and Chuhue Huamán, “Plebe, prostitución y conducta sexual en el siglo XVIII.”

<sup>3</sup> To be sure, nineteenth-century regulation shared many of the characteristics of earlier, medieval and early-modern forms of regulation (enclosure in isolated districts of the city for example). As Gilfoyle notes, the assumed “modernity” of regulation-era prostitution is problematic. It quickly spread, and was adopted and adapted, in much of the world in colonial and non-colonial contexts. Gilfoyle, “Prostitutes in History,” pp. 136–137.

<sup>4</sup> Mannarelli, *Limpias y modernas*, p. 54.

Debates over prostitution in Peru were shaped by, and in turn, helped shape, broader debates over the regulation of female and male sexuality, the family and the threats that it faced, and the character and health of the nation; what I call the sexual question. In particular, the regulation of prostitution expressed broader concerns about “normal” and “deviant” sexuality and what could be done to promote the former and discourage the latter. As elsewhere then, debates over prostitution in Peru also reflected ideas about the role of the state in managing “the social,” and more specifically, “the sexual,” and more concretely about the state’s role in protecting men and women from sexual dangers, whether moral or biological. Debates over prostitution and its regulation, I argue, expressed the ways in which the sexual question came to occupy an increasingly central place in discussions over state formation and nation building in Peru.

“HOW MANY VICTIMS AND HOW MANY LOSSES FOR SOCIETY!”

In August 1861, a short article titled “HOW MUCH LONGER!!!” and signed by “A father [un padre de familia]” noted that a young man had had two ounces of gold as well as a watch and chain stolen by “one of those butterflies that hover around San Agustín church.” The author of the article called on the police to “destroy” the artisan workshop where the so-called butterflies, or prostitutes, operated.<sup>5</sup> This and other articles published in *El Comercio*, Peru’s principal newspaper, point to how prostitution and its threats to order became an increasingly public as well as a police matter in the mid-nineteenth century. As already noted, in the nineteenth century, no legislation was passed and no regulations of the French type or those introduced in Britain in 1864, the so-called Contagious Diseases Acts, or indeed those that were introduced in Mexico (where prostitution was officially regulated in 1864), Cuba (1873), and Argentina (1875), were put into effect in the Peruvian case. The 1863 Penal Code only referenced prostitution in relation to children and established that anyone who “promoted” the prostitution of children would be liable to imprisonment.<sup>6</sup> The management of prostitution in this period in Peru, therefore, may well have resembled the German system (at least until 1871) where it “depended not on legislation, as it did in England with the Contagious Diseases Acts, but merely on a wide

<sup>5</sup> *El Comercio*, Aug. 23, 1861, n.p.

<sup>6</sup> See Article 279, *Código Penal del Perú*. Lima: Imprenta de la calle de la Rifa, 1863, p. 79.

interpretation of the powers of the police.”<sup>7</sup> Prostitution was not formally illegal, but the police often acted toward prostitutes in a way that both stigmatized and criminalized their behavior.

To judge from available evidence, the Prefectural authorities in Lima attempted to rein in brothel prostitution throughout the nineteenth century. In early 1863, for example, the Sub-Prefect, or “intendente,” in effect the chief of police, of Lima, Juan Rubina, informed his superior, the Prefect, that he had visited several brothels, motivated by his desire to “completely extirpate all types of excess and immorality that takes place in brothels,” which remained in operation in spite of warnings to abstain from such an “immoral industry.” He had fined brothels 50 pesos. He identified the brothels as located at the small gate [“portalito”] to Santo Domingo Church, in a small inn on Calonje Street facing the entrance to San Agustín Church, in the “casa de Caridad” in Plateros Street, in the broad alley leading from Bodegonas to Petateros Street, and on Plumereros Street. Commenting on the measure, *El Comercio*, which referred to the brothels as “infiernillos” or little hells, praised the measures taken by the Sub-Prefect: “fines and more fines, rigor and more rigor, and presto, they will disappear.”<sup>8</sup> A few days later, however, noting that the fines had done nothing to stop the operation of what he described as “houses of corruption,” Sub-Prefect Rubina ordered that a “celador,” or watchman, be placed at the entrance of each brothel to prevent women from entering. He added that, if the owners of the brothels resisted the measure, they were to be taken to the “cuartel Santo Tomás,” that is to say to the city jail.<sup>9</sup>

However, such measures were controversial. In the following weeks, *El Comercio* published several letters from readers both critical and supportive of Rubina. A reader who signed his or her letter simply as “Moralidad” criticized Rubina for not doing anything to “extirpate” brothels and complained about what he or she described as “a cave that horrifies all those who walk past it, from seven in the evening until very late at night,” in Plumereros Street. In describing the source of horror, the writer of the letter invoked notions of filth, dishonor, shame, and immodesty. He or

<sup>7</sup> Evans, “Prostitution, State and Society in Imperial Germany,” p. 110.

<sup>8</sup> Rubina’s letter is reproduced in *El Comercio*, Jan. 8, 1863, n.p. See also *El Comercio*, Jan. 19, 1863, for a letter from Nicolás de los Ríos, of the Comandancia del Cuerpo de Celadores to Rubina, in which the former confirms that he has carried out the order of placing watchmen, “of known honesty and morality,” at the entrance of the brothels, which are described variously as “hoteles” and “fondas.”

<sup>9</sup> *El Comercio*, Jan. 15, 1863.

she was concerned by “the filthy and profane traffic of clumsy and animal pleasure that takes place there [...] the dreadful depravation of the filthy prostitutes who sell themselves to the highest bidder in a public auction.” The brothels were “an arena of dishonor, debauchery, and of agony of the last vestiges of modesty” and represented “the shame and disgrace suffered by society.” The writer criticized the fact that the authorities “tolerated” this “extremely indecent spectacle” and accused Rubina of “tepidity” and “softness.” The writer asked rhetorically: “Do you want this seed of dissolution and bewilderment with scenes so repugnant and immoral to flower in the soul of the young?”<sup>10</sup> Other letters, by contrast, defended Rubina. One, signed by “Los padres de familia” [the parents], claimed that Rubina had already taken measures “to cut at the root this sort of social cancer [...] and one of the fruits of an Ultra-American civilization that was beginning to acclimatize in our country;” an indication that, for some, prostitution was inherently alien to Peruvian culture.<sup>11</sup>

Most interestingly, the debate in *El Comercio* over Sub-Prefect Rubina’s measures led one person, who signed his or her letter as “Garantido,” to provide a very different take on the matter. Though claiming not to accuse Rubina specifically, the writer gave a skeptical and even cynical appraisal of the way the authorities tackled such matters. When they took up their posts, the writer argued, these authorities were quick to concern themselves with morality and order and specifically with gambling and prostitution. But the good intentions typically ended when an arrangement was found between the owners of gambling houses and brothels and the authorities. The writer went on to suggest that the authorities had been known to publish the addresses of the brothels in the press, “with all the details so that young men who did not know them could find them;” a clear criticism of Rubina’s recent report. The general public applauded the measures but did not realise that they brought about “a few ounces for the intendente’s pocket, the promotion of vice, and the ruin of good families.” The writer concluded: “it would be better if the government did what is done in some capitals of the civilized world: regulate prostitution and vices and subject them to a hygienic regime to make them less dangerous.”<sup>12</sup> As this suggests, for some at least, the solution to

<sup>10</sup> *El Comercio*, Jan. 17, 1863.

<sup>11</sup> *El Comercio*, Jan. 20, 1863.

<sup>12</sup> *El Comercio*, Jan. 20, 1863.

prostitution was not merely policing brothels and prostitutes but, more interestingly, the introduction of medical examinations for prostitutes.<sup>13</sup>

As this suggests, transnational debates over prostitution directly influenced discussions in Lima. In 1858, Dr Leonardo Villar, professor of anatomy at San Marcos University, published an article in *Gaceta Médica de Lima*, Peru's foremost medical journal of the time, which stressed the need to "improve" and "correct" prostitution.<sup>14</sup> Villar's arguments in favor of the regulation of prostitution mirrored closely those of French regulationists of the early nineteenth century such as Alexandre Parent-Duchâtelet, who, as Gilfoyle puts it, "ultimately defined much of the modern discourse on the subject" of prostitution.<sup>15</sup> For Villar, as for regulationists elsewhere, it was clear that the negative effects of prostitution "affect society in general." Certainly, prostitutes were a matter of concern for medical doctors, since they invariably suffered multiple physical ailments as a consequence of their profession. But, of more concern were the numerous syphilis sufferers who overwhelmed the hospitals' surgical and medical wards and what they represented in terms of the broader social good: "How many victims and how many losses for society!" The cost to society of prostitution, measured in terms of able bodies disabled by venereal disease, was heightened by the belief that children who were born syphilitic could look forward only to a life of suffering and an early death. It followed that the regulation of prostitution was necessary in order to protect society as a whole and indeed the future of what was often called the "race," i.e. the national population.

The particular economic and political circumstances of mid-nineteenth century Peru made regulation not only imaginable but also seemingly possible. Indeed, these mid-century transnational discussions over

<sup>13</sup> In his study of prostitution in France, Corbin, drawing on contemporary debates, establishes a distinction between regulation, based on the policing of prostitutes, and neo-regulation, characterized by a more medicalized approach. As Gilfoyle explains, "whereas Parent-Duchâtelet had regulated prostitutes for reasons of sexual morality and social order, neo-regulationists feared 'white-slavery', venereal disease, and 'racial degeneracy'." Gilfoyle, "Prostitutes in History," p. 122. In this chapter, and more generally in the book, I use regulation and regulationism to refer to the Peruvian experience, although, as we will see, Peruvian regulationism in the twentieth century, with its growing emphasis on the medicalization of prostitution, matched more closely the neo-regulationist paradigm. See Corbin, *Les filles de noce*.

<sup>14</sup> Villar, "La Prostitución en Lima," *Gaceta Médica de Lima*, Año II, N. 39, April 30, 1858, pp. 170–173. Continues in *Gaceta Médica de Lima*, Año II, N. 40, May 15, 1858, pp. 185–186.

<sup>15</sup> Gilfoyle, "Prostitutes in History," p. 121.

prostitution occurred against the backdrop of the so-called Pax Castellana and the guano boom. Since the 1820s, when it gained its independence from Spain, Peru had experienced acute instability as military caudillos fought each other for control of the central government. Beginning in the 1840s, Peru's fortunes changed dramatically. The revenues from guano – the bird dung accumulated on islands off the Peruvian coast that fertilized Europe's (and North America's) agricultural revolution – filled the country's coffers, while a new strongman, Ramón Castilla, succeeded in establishing a new political order. The age of guano and the Pax Castellana were years of state building. Relative stability and guano revenues allowed the governments of the 1850s and 1860s, bolstered by an expanded state bureaucracy, to act upon and shape economic and social life in Peru.<sup>16</sup> Peru's professional and intellectual circles, including its legal and medical communities, also expanded in this period as did their contacts with similar communities elsewhere in Latin America but also in the United States and most importantly in Europe; contacts that resulted in the establishment of transnational scientific and intellectual networks.<sup>17</sup>

While Villar's article suggests that some Peruvian physicians were receptive to regulation as it was implemented in Europe, they inflected it in important ways. Villar stressed the need to help redeem the prostitute, in a manner that departed from the French approach.<sup>18</sup> He was in favor of "regulating prostitution" and of establishing what he termed the "sanitary surveillance [vigilancia sanitaria]" of prostitutes but also of changing the conditions that led women to prostitute themselves. He believed that prostitution had several causes, including poor parenting and poverty, which led young women, and particularly migrants from the provinces, to prostitute themselves. Several measures could be taken, including educating them in order to instill notions of "honor" and "industriousness" and expanding the professions that were available to them.<sup>19</sup> He urged parents to show greater "love and tenderness" toward their offspring. In particular, he thought couples should be encouraged to

<sup>16</sup> See, among others, Gootenberg, *Between Silver and Guano* and Cushman, *Guano and the Opening of the Pacific World*.

<sup>17</sup> Cueto, *Excelencia científica*.

<sup>18</sup> On the lack of a redemptive dimension to French regulationism, see Corbin, *Women for Hire*, ix.

<sup>19</sup> On the gendered interplay of honor and hard work in early republican Peru, see Chambers, *From Subjects to Citizens*, chapter 6.

marry and in so doing contribute to the fight against “concubinato,” or common-law marriages, which he viewed as an almost certain first step toward prostitution. Abolishing prostitution, in the sense of rendering it illegal, he argued, made little sense and was bound to fail. He rejected the argument that regulation would in fact help to spread prostitution and its negative health effects by creating the impression among young men that their health was no longer at risk once prostitution was regulated. Regulation, he concluded, would both enable the authorities to help those women who had entered the trade to escape it and dissuade others from entering it.

Such views were not generally accepted. The Church responded to Villar in an article published in the periodical *El Católico*.<sup>20</sup> The anonymous authors, self-described as “also doctors, but of souls, whose therapeutics we possess,” criticized not so much the publication of Villar’s article, or the description of the effects of prostitution, which they claimed would, alone, dissuade its victims from engaging in sexual commerce, as the solution offered by Villar. For *El Católico*, regulation would only serve to increase the problem: “the young woman who is held back by modesty, which she is not willing to abandon; and the young man who is afraid of the public gaze and who ignores the disgusting language of this odious commerce, this young woman and this young man, could they continue to count on this unique obstacle that today holds them back?” Regulation would also, the article claimed, increase the risk of venereal contagion for both men and prostitutes. It added that no one, including doctors, would be willing to oversee the implementation of regulation since assuming such a role would mean an end to honor and morality. It was incomprehensible, moreover, that France, “la culta Francia,” had regulated prostitution. In Peru, the writers were confident, this would not happen: the authorities would leave to religion “responsibility for that which is hidden.” Indeed, prostitution was an evil [“mal”] that was primarily moral, even if its effects were physical. It followed that it was the role of the Church to address its ills by reminding men that they were not brutes but made in the image of God, “which they must not soil by thrashing about in the filthy mud of voluptuousness.” Prostitutes, meanwhile, would be taken care of by religious orders like the sisters of the Good Shepherd “whose goal is to save from crime the sort of victims that we are lamenting.”

<sup>20</sup> *El Católico*, Año IV, N. 296, May 19, 1858, pp. 415–416.



Discussions over prostitution and its regulation, thus, dovetailed with broader debates over the spheres of social life that Church and state ought to occupy. These were debates that marked Latin America's so-called liberal age and that led in other countries to the introduction of progressive, even radical, liberal policies that reduced the power of the Church significantly and extended the power of the state to areas such as education and welfare that had previously been under ecclesiastical authority. By contrast, liberals in Peru proved unable to enforce their reforms.<sup>21</sup> Peru's ultramontane Church proved particularly resilient. Still, these discussions demonstrate that challenges to the authority of the Church in Peru in the nineteenth century extended to the sphere of prostitution, and by extension, to the sphere of sexuality. Though largely unsuccessful in the nineteenth century, these challenges would eventually bring about important reforms in the early twentieth century, such as religious toleration, civil marriage, and the laicization of cemeteries, and, indeed, the emergence of a form of social Catholicism.<sup>22</sup> For the Church, prostitution was not only a question of morality but also a private matter. The intervention of the state in the sphere of prostitution through regulation turned a private matter into a public one. It put into conflict the care of bodies, and by extension of the population, spheres that professional elites such as Villar and others viewed as amenable to state action, with the care of souls, which the Church viewed as its sphere of action.

In an article published in *La Gaceta Judicial* in 1861, Manuel Atanasio Fuentes, a lawyer and man of letters, appeared to directly address the Church's criticisms of regulation by invoking St. Augustine's justification of tolerated or regulated prostitution: "those countries where a strong hand has tried to extirpate public women," he suggested, "have had to deal with multiple scandals of adultery or sex outside marriage." This confirmed that it was preferable, as he put it, to "tolerate prostitution."<sup>23</sup> For Fuentes, far from promoting dishonor and immorality, as the Church maintained, prostitution in fact had a useful moral function, since it served as a safety valve for male sexual urges, thus ensuring morality

<sup>21</sup> On the strength of the Catholic Church and conservatism and the relative weakness of liberalism in nineteenth-century Peru, see García Jordán, *Iglesia y poder en el Perú contemporáneo, 1821–1919*; and Armas Asín, *Liberales, protestantes y masones*.

<sup>22</sup> See Cubas Ramacciotti, *The Politics of Religion and the Rise of Social Catholicism in Peru (1884–1935)*.

<sup>23</sup> Fuentes, "La prostitución," *La Gaceta Judicial*, June 11, 1861, quoted in Ramos Nuñez, *Historia del Derecho Civil Peruano*, p. 107.

and virtue in the home, an argument that echoed the views of St. Augustine, and later of St. Thomas Aquinas, that while female prostitution was repugnant it was necessary.<sup>24</sup> A few years earlier, Fuentes had devoted a page and a half of his famous *Estadística general de Lima*, a wide-ranging social and statistical study of the population of Lima, published in 1858, to prostitution.<sup>25</sup> Neither “civilization” nor “religious education” had succeeded in eradicating prostitution, he noted. But more advanced countries, such as France and England, had understood that prostitution was inevitable and had implemented measures to reduce its most negative effects.<sup>26</sup> Fuentes was clearly aware that implementing such measures in Lima would produce resistance from Peruvian society, gripped by what he termed a “wrongheaded morality.” Nevertheless, he argued in favor of “introducing in this country the custom of subjecting public women to a strict system of regulation and regular medical inspections.” Like Villar, he also advocated other measures aimed at redeeming prostitutes or addressing prostitution’s root causes, such as increasing women’s access to formal education.

Drawing on his statistical expertise, Fuentes suggested that one fourth of young people in Lima suffered from venereal disease. This belief was not quite borne out by the data from the Santa Ana women’s hospital, which he included in his study: out of a total of 5,720 patients only some 197 had syphilis (unfortunately, he provided no equivalent statistics for syphilis morbidity among men being treated at the San Andrés men’s hospital).<sup>27</sup> Still, he believed that the authorities, once apprised of what he considered to be high rates of infection, would be impelled to take urgent action to address the threat of venereal disease to individuals and to society as a whole by regulating prostitution. To do so, he argued, would reduce “vice” while at the same time protecting the health of the population. He listed the effects of venereal disease in alarming terms, stressing both moral and physical ailments: the loss of the freshness of youth; the loss of limbs; the disfigurement of faces by shameful marks; a life of despair; the sacrifice of a young virtuous woman infected by a man who carries in his blood the virus that will destroy the beauty of his wife and whose progeny is destined to be unhealthy.<sup>28</sup>

<sup>24</sup> See Guy, *Sex and Danger*, pp. 13–14.

<sup>25</sup> On Fuentes and his study in the context of the development of statistical knowledge in Peru, see Ragas, “Ideólogos del Leviatán.”

<sup>26</sup> Fuentes, *Estadística general de Lima*. Lima: Tip. Nacional de M. N. Corpancho, 1858, p. 76.

<sup>27</sup> Hospital statistics on page 86. <sup>28</sup> Fuentes, *Estadística*, p. 76.

Fuentes included in his *Estadística* a brief statistical study of prostitutes or “mujeres públicas,” part of a broader section on “vice statistics,” which also considered gambling, drunkenness, and begging. According to this study, Lima was home to 640 prostitutes of varying ages (from 12 to 63 years). Most were aged 21 to 45 and hailed primarily from other parts of Peru (465) or from Lima (127). But there were women from other countries, including Ecuador (19), Chile (14), Bolivia (4), France (3), Italy (3), Spain (2), Panama (2), and Germany (1). Fuentes also classed these women according to their “race:” the largest group were mestizas (270), followed by “Indias” (140), “Negras” (133), and “Blancas” (97).<sup>29</sup> We do not know how Fuentes obtained these statistics, or why he chose to focus on their age, nationality, and race and not on other issues (such as where they lived or worked, whether they were considered “high” or “low” class, and so on) as later observers of prostitution would do. Fuentes accompanied his statistical overview with a brief commentary which emphasized that prostitution was a problem that did not affect all classes in Lima and that most prostitutes were not from Lima; indeed limeño prostitutes, presumably prostitutes born in Lima, accounted for only a sixth of the total: evidence, Fuentes suggested, “of the morality of our women.” Fuentes went on to stress that the majority of prostitutes were mestizas while white women represented the smallest group.<sup>30</sup>

We can only speculate why Fuentes decided to stress that prostitution was associated with certain classes and that prostitutes were not primarily white, although this points to the importance that class and race played in understandings of prostitution in Peru. However, it is noteworthy that the section on prostitution veered off into a discussion of the high levels of informal unions in Lima. Fuentes argued that, though there were fewer marriages than one would expect, or perhaps desire, the majority of “concubinatos,” or informal unions, were in fact de facto marital unions. He contrasted this common situation with cases where young women were indeed seduced and corrupted by men who led them “on the road to perdition.” Fuentes, it would seem, sought to challenge the assumption that women who did not marry were no different to prostitutes by stressing that informal unions were not necessarily immoral: men and women who lived in concubinato generally loved each other and often ended up marrying after some years, particularly if they had children. As if to further refute the idea that the general absence of marriage in the city

<sup>29</sup> Fuentes, *Estadística*, pp. 607–609.

<sup>30</sup> Fuentes, *Estadística*, p. 609.

condemned its women to a state of immorality similar to that of prostitutes, Fuentes added: “in general, women are affectionate, steadfast and passionate.” They loved luxury but would live in misery, “for the man who knew how to captivate them.” He conceded, however, that they were jealous, which often led to separations.<sup>31</sup>

In diagnosing prostitution as an issue for concern and a topic worthy of study, commentators such as Villar and Fuentes were influenced by debates taking place in Europe on prostitution and on venereal disease. The same medical journal which published Villar’s article on prostitution also reproduced studies on venereal disease published in European medical journals.<sup>32</sup> But Villar and Fuentes were not merely reproducing ideas that originated elsewhere. They were also undertaking what Marcos Cueto has called peripheral scientific research, backed by data collection and incipient if unsystematic statistical analysis, into the character of prostitution in Lima and the reasons women prostituted themselves.<sup>33</sup> Villar and Fuentes were engaged in making sense of, and offering solutions to, prostitution as it manifested itself locally, and as it was recorded in the statistics that local hospitals such as the Hospital de San Andrés produced (which revealed that 24 cases of “syphilitic diseases” had been treated in June 1858, for example).<sup>34</sup> They were making prostitution, and its regulation, a matter for official concern, i.e. for state policy, by adopting and adapting a paradigm that made prostitution an object of state action and by producing knowledge on prostitution that made prostitution “legible” to the state.<sup>35</sup> Whether they favored regulation because of a perceived increase in the number of prostitutes in the Peruvian capital is unclear. Villar’s reference to women who migrated to the city, and Fuentes’s statistics, suggest that perhaps migration had indeed led to an increase in sexual commerce in this period.

In discussing the regulation of prostitution, Villar and Fuentes were, of course, discussing sexuality. Their writings reflect perhaps an attempt to

<sup>31</sup> Fuentes, *Estadística*, p. 608.

<sup>32</sup> For example, in 1857, *Gaceta Médica de Lima* reproduced an article from *El Siglo Médico*, a Spanish medical journal, which reported on a study undertaken by a Dr Wilks in London the previous year on the liver of a recently deceased man who had suffered from syphilis for over three years. *Gaceta Médica de Lima*, Oct. 15, 1857, p. 66.

<sup>33</sup> On the notion of a medical periphery distinct from the medical core, see Cueto, *Excellencia científica*.

<sup>34</sup> “Estadística de hospitales” in *Gaceta Médica de Lima*, Aug. 7, 1858, pp. 295–296.

<sup>35</sup> On state legibility, see Scott, *Seeing Like a State*.

shift “the sexual” from being primarily a matter for the Church to being increasingly a matter for the state. They reveal assumptions about the sexual behavior of Peruvian men and women, and about the role that the state should play in regulating not only prostitution but also sexuality. While, in some ways, their writings challenged the authority of the Church, they were nevertheless influenced by religious moral codes. Indeed, for Villar “concubinato” was one of the key contributors to prostitution; it followed that the encouragement of marriage would reduce the incidence of prostitution.<sup>36</sup> Fuentes too viewed the regulation of prostitution as a means of ensuring the integrity of the family. Though he took a different view of the links between concubinato and prostitution, he reproduced the belief that male sexual desire could not be satisfied within marriage. Prostitution served a useful social function that addressed, indeed helped to satiate, male sexuality, avoiding adultery and sex outside marriage.<sup>37</sup> By channeling excess, but natural, male sexual desire away from the family, but, at the same time, reducing the risk of the spread of disease from fallen women to married women and to the unborn, both the integrity of the family, and by extension, of the nation, could be preserved. While Fuentes and many others like him deemed excess sexual desire in men natural, excess sexual behavior, that is to say sexual behavior with non-procreative objectives, in women was clearly an expression of deviance. The regulation of prostitution therefore involved disciplining prostitutes, but also, and more importantly, protecting men who used prostitutes in order to satisfy their sexual urges.

Implicit in such views was not so much a critique of the gendered order, but rather of the failure to address the circumstances that prevented women from getting married. Villar and Fuentes sought to address the conditions that led women to prostitute themselves. They identified the lack of work and education available to women as key factors. Mariano Arosemena, who in the late 1870s held the chair in legal medicine at Lima’s medical school, echoed this view. In an article on mortality statistics published in *La Gaceta Médica*, Arosemena established a direct link between low wages or the lack of work for women and the need to resort

<sup>36</sup> On anxieties surrounding concubinato, see Mannarelli, *Limpias y modernas*. On the ideas, and practices, that shaped the experience of marriage in nineteenth-century Lima, see Hunefeldt, *Liberalism in the Bedroom*.

<sup>37</sup> On the judicialization of “seducción” in nineteenth-century Cajamarca, see Christiansen, *Disobedience, Slander, Seduction and Assault*.

to prostitution.<sup>38</sup> Such a situation was more worrying since, Arosemena argued, it did not favor the “fecundity” of the mother or the “viability” of her offspring; a statement that reveals how the issue of women’s lack of access to work was connected not only to the health of women but also to the health of the nation. He noted, optimistically, that measures were being taken to address this problem, and that the President had recently established asylums for young women, where they would be fed and given a wage. This measure, he argued, would give women independence and dignity and would enable them to see “their honor safeguarded by work.” He appended a series of recommendations to his article, which included the establishment of “trade and craft” schools for young girls and the promotion of marriage by exempting poor men who married from military service and direct taxation.

In contrast to the United States, where a combination of religious moralism, attempts to discipline the working class, and the growing authority of doctors shaped much of the earlier debate on prostitution in the nineteenth century, discussion of prostitution in Peru developed primarily in the context of the emergence of new professional elites, such as doctors and lawyers, who sought to extend the role of the state, and through it, their authority, into new areas of “the social” and “the sexual.”<sup>39</sup> However, such discussions did not translate into effective changes in policy. An article published in *El Comercio* in September 1876, which reproduced the Lima Sub-Prefect’s instructions to police commissioners, confirms that the authorities saw their role as one of policing prostitutes, with orders to “frequently watch over the houses of women of ill repute [de mala vida],” rather than providing medical examinations or treatment.<sup>40</sup> Still the discussions of prostitution and venereal disease in the medical and legal journals of the time point to a clear development: in Peru, as elsewhere, prostitution was now a matter of concern for those, like Villar, responsible for the health of individuals and the nation, or for those, like Fuentes, responsible for the laws that governed the behavior of the individual and structured society as a whole. But it was also a matter for the state, though this was a state whose powers to reorder society were still limited even if its field of action was beginning to expand.

<sup>38</sup> Mariano Arosemena, “Informe,” in *La Gaceta Médica* Año IV N. 6, June 30, 1878, pp. 186–194.

<sup>39</sup> See D’Emilio and Freedman, *Intimate Matters*, pp. 140–145.

<sup>40</sup> *El Comercio*, Sept. 15, 1876.

## COBIÁN'S PROPOSAL

In late 1878, Dr José Cobián, Inspector of Hygiene of the Provincial Council of Lima, put forward what appears to have been the first proposal to regulate prostitution in the Peruvian capital.<sup>41</sup> The proposal, some 40 pages long, was published the following year. It contained 272 “articles” and envisaged a complete regulatory system that included (i) the registration and classification of brothels, whose owners or managers would be obliged to pay a license in order to operate, (ii) the registration of “public women” by the Municipality, and (iii) the establishment of a system of medical inspection for prostitutes. The proposal contained all the forms (17 in all) that Cobián thought necessary to the effective operation of regulation: forms needed to open a brothel; the form that corresponded to the prostitutes’ registration card; forms that brothel keepers would fill in and submit to the authorities on a weekly or daily basis (depending on the type of brothel); a form to register prostitutes in the general prostitutes’ register; a form that prostitutes would be required to complete if they wanted to be removed from the register; a form to register all the removals of prostitutes from the general register; the form that granted prostitutes the right to move to a different brothel; the form that medical officers would complete when they undertook a medical examination, and so on. Cobián’s proposal was, arguably, a technology of state management and “simplification:” its purpose was to identify and classify that which was to be brought under the purview of the state while at the same establishing the mechanisms through which that purview was to operate.<sup>42</sup>

The proposal, Cobián explained, was the outcome of both a careful study of other systems of regulation introduced elsewhere in the world and of a keen understanding of the “peculiar conditions” that Peru faced. Unfortunately, he did not specify which particular regulations from which other countries he had been inspired by or what peculiar conditions he took into consideration. What is clear is that with this detailed proposal Cobián sought to introduce into Peru a particular means of controlling

<sup>41</sup> *Proyecto de reglamento de prostitución: precedido de algunas consideraciones sobre su necesidad, que presenta al honorable Consejo Provincial de Lima en el año de 1878 el Inspector de Higiene Doctor D. José Cobián*. Lima: Imp. de F. Masías y Ho., 1879. In the 1860s, Cobián was one of the “Major surgeons” of the military hospital and an assistant professor in the faculty of Medicine in San Marcos University. See Cabello, *Guía política, eclesiástica y militar del Perú*.

<sup>42</sup> On state “simplification,” see Scott, *Seeing Like a State*.

prostitution that had been developed and introduced elsewhere, in particular in France beginning in the early nineteenth century, and which invoked a specific understanding of (i) prostitution as a necessary evil which, nonetheless, put men at risk of contagion, and (ii) of the state, which was called upon to counteract that risk by subjecting prostitutes to medical examinations and registering prostitutes to ensure compliance with the medical inspections.<sup>43</sup> In putting forward his proposal, therefore, Cobián was also intervening in a broader transnational debate over which areas of the social and the sexual were amenable to state management, a debate that had divided opinion in Europe where some countries had followed the example of France in implementing regulation while others, most notably England until the 1860s, had rejected such measures.

Cobián clearly was aware that his proposal would generate opposition from, as he put it, those who considered raising the issue of prostitution in the public sphere an “offense to morality,” from those who viewed any administrative innovation with suspicion, and from those, still, who viewed with indifference what they believed did not concern them. Many, Cobián admitted, would brand his proposal a “utopia.” Yet he clearly understood what he termed “administrative intervention” as an imperative. Civil society, he suggested, “has without a doubt the right and the duty to repress the scandals of prostitution and to prevent its dangers, from both the perspective of morality and public hygiene.”<sup>44</sup> Failure to act would be disastrous, he argued, as the English example demonstrated. The decision to reject regulation by this “most judicious and reflexive of peoples” had resulted from England’s respect for liberty and from the belief that prostitution was “a consequence of the wrongful use or abuse of this freedom.” But, Cobián insisted, “the truths of science and the eloquence of rigorous statistics” had shown the horrifying consequences “among its race and population” of such a policy and the English authorities had been forced to introduce measures to regulate prostitution; a reference, no doubt, to the English Contagious Diseases Acts introduced in the 1860s.<sup>45</sup>

<sup>43</sup> For a useful overview, see Luddy, “Prostitution from 1800,” pp. 409–426.

<sup>44</sup> Cobián, *Proyecto*, p. 5.

<sup>45</sup> Under the Contagious Diseases Acts, which introduced a system of regulation similar to those that existed in other European countries in naval ports and garrison towns, the police could arrest women suspected of being prostitutes, subject them to mandatory medical examinations, and, if they believed them to be contagious, send them to so-called lock hospitals (medical establishments where prostitutes were treated for venereal disease). The Acts were finally repealed in 1886, following years of effective campaigning by



Cobián concluded: “May this serve as an example from which we can learn.”<sup>46</sup>

Like many of his contemporaries, in taking sides on this debate, Cobián foregrounded the effects of venereal disease and, specifically, syphilis on the population: “one of the worst plagues that afflict humanity.” Its effects were “dreadful” and tended to impact primarily “the most vigorous in the population,” i.e. the young and the fit. Moreover, it claimed all kinds of victims. Citing Alexandre Parent-Duchâtelet, the French “hygieniste” most closely associated with the campaigns to regulate prostitution in Europe, Cobián noted that innocence and virtue “do not escape its disastrous effects.”<sup>47</sup> Syphilis led to sterility, while those who escaped this fate were left to “engender a degenerate, rickety and sickly race.” Prostitution, an evil inherent to human societies, was responsible for the contagion that originated these sad developments. But, since left to its own devices prostitution propagated the moral and physical degeneration of the species, it followed that society had the right to “subject it to surveillance and regulation in order to prevent the spread of its fatal consequences.” Cobián insisted that the containment of syphilis was not a utopia. It had been shown that syphilis spread only from individual to individual and that therefore there was no risk that it would appear spontaneously like other infectious diseases. The prophylaxis of syphilis depended “on the intelligent implementation and extension of well-known sanitary measures, which countries of advanced culture have already implemented.”<sup>48</sup>

In addressing what he clearly understood to be the key argument against the regulation of prostitution, Cobián claimed that the measures envisaged were not an attack on freedom, or the rights of the women who prostituted themselves. Invoking the French pharmacist and author of works on syphilis and prostitution, Julien-François Jeannel, he claimed that “it is clear that he who does not fulfil his duty loses his

so-called abolitionists such as Josephine Butler, who decried the double standard that in effect stigmatized women while tolerating and licensing vice by, as Julia Laite notes, “making it safe for men, and, in so doing, granted legitimacy to a world view in which certain kinds of women were expected to be sexually available to men and in which sexual licentiousness, male lust, and the abuse of women were inevitable.” The repeal of the Acts led to the establishment of a regime that effectively criminalized prostitution. Laite, *Common Prostitutes*, pp. 7–8. See also Walkowitz, *Prostitution and Victorian Society*.

<sup>46</sup> Cobián, *Proyecto*, p. 5.

<sup>47</sup> On Parent-Duchâtelet, see Corbin, *Women for Hire*.

<sup>48</sup> Cobián, *Proyecto*, p. 6.

rights.”<sup>49</sup> Throughout history, prostitutes had been considered, and had come to consider themselves, abject. They were subject to fines, to expulsion from communities, to wearing certain clothes and ornaments, to isolation in particular neighborhoods, to mutilation, “and even worse punishments.” But none of these measures had succeeded in destroying this “evil inherent to human agglomerations.” It was not possible legally to either authorize or prohibit prostitution. It was imperative, however, to “tolerate it, subjecting it to suitable regulations.” What was required was a combination of “inevitable tolerance and necessary repression of prostitution” and to place this matter in the hands of the “morality and hygiene police.” The “police,” by which he referred not to modern police forces but rather to municipal authorities charged with keeping order in the city (sometimes still called in Peru “baja policía”), oversaw “unhealthy industries” and was responsible for clearing “filth from the streets and preventing the contagion and spread of diseases.” It followed that it was the “police” who should be charged with “repressing prostitution, limiting it in ways compatible with public morality, order, and health.”<sup>50</sup>

Cobián was particularly insistent that legislation on prostitution was unnecessary and potentially counterproductive. It was far better to rely on regulations that could be applied discretionally. The policing, in the sense of municipal management, of prostitution that he advocated would establish the proper limits of where and in what conditions prostitutes could operate, but (and here perhaps he echoed Villar’s earlier writings) it would also involve the redemption of women still considered redeemable: “we must sympathize with those wretched people and bear in mind the probability of redemption as a consequence of the love and influence of [their] family.” This was particularly the case with younger women. Cobián argued, therefore, that the qualities required in order to implement a system of regulation included “discretion, experience and good judgment.” As elsewhere in the world it was the role of municipal authorities to “watch over, regulate and repress prostitution.” But the municipal authorities would only be able to undertake the regulation of prostitution, he stressed, if they received the full support of the government on the one hand and the “Beneficencia” on the other, i.e. of the charitable institution

<sup>49</sup> It is likely that Cobián had access to some of Jeannel’s published works, including *Mémoire sur la prostitution publique*. Paris: Germer-Balliere, 1862; and *De la prostitution dans les grandes villes aux dix-neuvième siècle*. Paris: J-B Balliere et fils, 1868. Jeannel is briefly discussed in Corbin, *Women for Hire*.

<sup>50</sup> Cobián, *Proyecto*, pp. 6–7.

that had provided what limited hospital care was available in Lima since the 1830s. In this sense, Cobián went further than his predecessors in explaining how prostitution might be initially regulated.

The success of the regulation that he proposed, Cobián argued, hinged on the ability of both the government and the Beneficencia to provide a range of resources. Moreover, “political authorities” would need to support the work of the municipal authorities, while Army and Navy surgeons would be required to undertake regular inspections of soldiers and sailors and of women who sold sex in barracks, to sequester those found infected by a venereal disease, and to provide regular statistical data on rates of infection. He argued for the establishment of a hospital devoted exclusively to the treatment of venereal disease but was aware that, until the funds required to fund such a project were available, it would be necessary to depend on the Beneficencia’s hospitals, where a special service for the treatment of prostitutes with a venereal disease was to be established. These special venereal wards would be more than mere treatment centers: they would provide prostitutes with moral and religious education and some work experience so that they might be able to live honorably and in order to awaken in them the habit of work “so that they will cease to be a danger to society and become useful and productive.” He recommended that detailed statistics be kept on the prostitutes treated in the special wards. He also argued for the need to establish “health clinics” [locales de sanidad] where people of both sexes suffering from venereal diseases could get free consultations, medicines, and treatment.

The participation of the central government and the Beneficencia in the regulation of prostitution was imperative for its success but it would also benefit both institutions. Cobián argued that most of the members of the Army, Navy, and the Gendarmería who were being treated in hospitals were there because of a venereal disease. Their usually long hospitalizations were costly and this expenditure could be easily avoided or much reduced once the regulation of prostitution was established since it would greatly reduce the incidence of venereal disease in the military. Similarly, Cobián argued, venereal diseases incapacitated a great number of state employees or public servants. Because these employees had to be replaced by others who were unlikely to have the same degree of expertise, the quality of the service suffered and this had a negative impact on society as a whole.<sup>51</sup> In short, the regulation of prostitution would not only address

<sup>51</sup> Cobián, *Proyecto*, pp. 9–10.

a key public health and public morality issue, it would also cut costs and improve state services.<sup>52</sup> Perhaps aware that the moral or hygienic argument might not be sufficiently compelling to convince the authorities to which he directed his proposal, Cobián added an economic justification.

In his proposal, Cobián developed ideas already present in the discussion of prostitution that Villar and Fuentes had initiated some 20 years earlier. On the one hand, he proposed the idea that prostitution, and the venereal diseases that prostitution invariably helped to spread, affected not only the individual but also the collective, the population itself. Regulation implied the disciplining of certain bodies (while allowing the possibility that disciplined prostitutes were amenable to redemption) as part of a broader strategy to protect other bodies, in particular the bodies of men that, given their sexual nature, needed prostitutes to satisfy their sexual needs. Regulation, therefore, was a necessary step in the protection of the population as a whole. In taking this step, Peru would be putting into practice the recommendations of eminent thinkers and following in the example of more advanced and civilized nations. To do so, Peru needed to develop the institutional capacity, in terms of its ability to police prostitutes and to offer medical care to those afflicted with a venereal disease, in order to implement a coherent system of regulation. In short, like Villar and Fuentes before him, Cobián identified new areas of the social understood as susceptible to state management and in turn expanded the functions of and, indeed, the understanding of the state as the entity called upon to regulate not only prostitution, as part of a more general expansion of its sanitary purview, but also sexuality.

The outbreak of the War of the Pacific in 1879 probably ended any possibility that Cobián's proposal would be implemented. But, during the occupation of Lima (1881–1883), the Chilean authorities implemented a limited regulation in Callao, as the chief medical officer of the port city (whose name is unknown) acknowledged in late October of 1883: "it is shameful to admit but also necessary to recognize that the enemy was responsible for implementing measures in this port – incomplete measures, for sure – to reduce the consequences of this scourge, while at the same time cleansing our most densely populated areas of this disgusting plague [prostitution]."<sup>53</sup> The official was in favor of continuing and

<sup>52</sup> Cobián, *Proyecto*, p. 10.

<sup>53</sup> BN/D3934, Reglamento provisional sobre la prostitución en el Callao, presentando a consideración de la Prefectura por el médico titular de dicho puerto, Callao, Octubre 29 de 1883.

expanding the measures introduced by the Chilean occupying forces.<sup>54</sup> Like many of his contemporaries, he believed that prostitution was “a necessary plague” that needed to be regulated: “if we vaccinate to prevent smallpox [. . .], it is only correct that we regulate prostitution, which is the only means, known to date, to reduce the transcendental effects of venereal disease. In short, it is the best prophylactic that science has against the syphilitic virus.”<sup>55</sup> He elaborated a provisional “reglamento,” which he submitted to the Prefect of Callao for his approval. This reglamento, which contained 14 articles, established, among other things, the restriction of brothels and “casas de paso” to certain parts of the port (although exceptions could be granted), the obligatory registration of prostitutes (to be undertaken by the police), the subjection of prostitutes to fortnightly medical inspections (for which prostitutes were obliged to pay one silver sol), and the forced hospitalization of prostitutes with a venereal disease.

As with Cobián’s proposal, nothing came of the Callao chief medical officer’s proposal. In practice, then, at the end of the nineteenth century, prostitution in Lima continued to be tolerated, in the sense that it was not banned but neither was it regulated. But, as one case illustrates, those who enforced the law, informed by a moral censure of prostitution, sometimes viewed its existence as sufficient reason to punish those who were involved in it. In 1884, a criminal case was brought against Guillermo Abrahams (sometimes spelled Abraham in the documents) and Dominga Muñoz, who were accused of having “secuestrado” [kidnapped] Elvira González in the brothel they ran in Callao.<sup>56</sup> González, originally from the mining town of Cerro de Pasco and 20 years old, had arrived in Lima three years earlier and had quickly found her way to Abrahams’s brothel after working briefly in bars in Lima such as Salón Iquique and Salón de La Victoria. When she arrived at the brothel, she claimed, she was a virgin. She was raped and then put to work. She explained that she was beaten whenever she tried to escape or when she refused a client. On one

<sup>54</sup> It is worth noting that prostitution was not regulated in Chile until 1896, which suggests that the Chilean military authorities were able to implement in occupied Lima a system of regulation, albeit briefly, because of the exceptional circumstances that occupation created. Occupied Lima, then, may well have served as a “laboratory” of regulation that fed into Chilean policy, which suggests a certain parallel with colonial experimentation of public health measures. On prostitution in Chile, see Góngora, *La Prostitución en Santiago*.

<sup>55</sup> BN/D3934, Reglamento provisional sobre la prostitución en el Callao, Callao, Octubre 29 de 1883.

<sup>56</sup> AGN/RPJ/Causas Criminales/legajo 3, 1884–1892, “Juicio criminal seguido de oficio contra Guillermo Abrahams y Dominga Muñoz iniciado el 3 de noviembre de 1884.”

occasion, she had been locked up for a whole day with no food. She accused Muñoz of attacking one girl with a knife (this was later confirmed by a witness called María Silva, a ten year old who made the beds in the brothel) and kicking another girl called Rosa, who lay dying in a hospital from the beating (a policeman who later went to the hospital to confirm the accusation found no trace of Rosa). According to González, Muñoz boasted that she could bribe the police.

Muñoz, described as 27 years old, a “costurera” or seamstress, and originally from the southern port city of Moquegua, and her lover Guillermo Abrahams, a “negociante” or trader, 31 years old and originally from the United States, claimed that González lived in their house “in a free and voluntary manner” and was always allowed to leave the house. Muñoz explained to the judge that she had given González a room to live in, clothes and money. She explained further that women like González were required to pay one sol for the use of a room when they had a client, but nothing otherwise, and that the main business of her establishment was the sale of alcohol to clients, which was the job of women like González. In response to several witness accounts that confirmed that González and others were being held against their will in the brothel and were regularly beaten, Muñoz claimed that Gómez was being manipulated by two policemen called Ureta and Braga, who were behind the accusation that she and Abrahams had kidnapped González and who were trying to get back at her and Abrahams because they had refused to pay them bribes. Several witnesses claimed that, if González was locked up, it was because she tended to get drunk (one man even claimed that González had cut him with a knife) and that this was done to protect her.

Responding to an accusation that, together with Abrahams, she was encouraging and enabling prostitution, Muñoz argued that such an accusation was irrelevant since prostitution was tolerated and protected [amparado] by the authorities. Moreover, they could hardly be blamed for the supposed “corruption” of González since the latter was already working as a prostitute before she came to their brothel. However, this argument did not convince the judge, who on April 15, 1885, sentenced both Muñoz and Abrahams to two years in jail. Significantly, in his sentence, the judge indicated that this sentence was merited because of the “reproachable conduct of keeping a brothel or house of corruption.” This moral rather than purely legal interpretation of the case ultimately saved Muñoz and Abrahams from jail. In appeal, their lawyer pointed to several errors in the trial and sentence, as well as contradictions in the witness statements. This resulted in a new sentence on August 8, 1885,

which absolved Abrahams and Muñoz on the grounds that there was no evidence that González had been kidnapped and, moreover, “that the law does not consider criminals those who engage in the prostitution of women, except when they promote or facilitate the prostitution of minors [menores de edad].”

#### REGULATION OR FREEDOM

In the late 1880s, as the country began to recover after the end of the war with Chile, the expansion of Peru’s biomedical establishment and the advent of bacteriology prompted new discussions on prostitution and regulation.<sup>57</sup> These debates were shaped by the impact of Peru’s defeat in the War of the Pacific, which produced highly gendered and sexualized explanations of the outcome of the war, in addition to more well-known negative assessments of the Peruvian elites’ failure to build an integrated nation exemplified by the writings of Manuel Gonzalez Prada. As Mannarelli suggests, “even at the end of the twentieth century, Peruvians remembered with discomfort how the Chilean press had represented the essence of Peruvians.” Chilean newspapers described young Peruvians as weak and effeminate and of “having devoted their limited virility to sexual indulgence.”<sup>58</sup> As far as Chilean soldiers were concerned, Peruvians were “maricones,” homosexuals.<sup>59</sup> Peru had been violated in defeat, the virility of its men had been found wanting. The future of the country depended on re-building a vigorous population with virile men and healthy women. In order to address the supposed “depopulation” of the country, it was necessary to reduce morbidity and mortality by means of public health initiatives. The management of prostitution and venereal disease was essential to this project.<sup>60</sup>

<sup>57</sup> I discuss such changes in greater detail in Chapter 4.

<sup>58</sup> Mannarelli, *Limpias y modernas*, p. 56.

<sup>59</sup> For the quote, and more generally, for the gendered language that informed victory and defeat in the war, see Mc Evoy, “Bella Lima ya tiemblas llorosa del triunfante chileno en poder,” p. 216.

<sup>60</sup> Of course, it was also deemed necessary to promote births and nuptiality and reduce the number of illegitimate children, since illegitimacy was seen as one of the primary causes of low population growth. According to one study, 50% of children born in 1900 were illegitimate. This rose to 60% in 1915 and fell to 47% in 1933, levels that were much higher than those registered in Europe or even in the capitals of neighbouring countries, such as Buenos Aires (10.8%), Santiago (33.7%), Bogotá (31.8%) and Guayaquil (45.5%). See “Demografía e ideas jurídicas sobre natalidad ilegítima” en *La Crónica Médica*, Año 52 N. 879, 1935, pp. 465–481. These concerns explain the policies

In late 1887, Manuel Muñiz defended his doctoral dissertation titled “Reglamentación de la prostitución” at Lima’s medical school.<sup>61</sup> The fact that both *El Derecho* and *La Crónica Médica*, important legal and medical journals respectively, decided to publish Muñiz’s dissertation points to how the question of regulation bridged both legal and medical concerns (and was perceived as a key issue in the increasingly important field of medical jurisprudence or legal medicine), but also to the perceived timeliness and relevance of the subject matter. Like many of his contemporaries, and indeed like Villar and Fuentes before him, Muñiz argued that prostitution was a necessary evil: “it is a plague, if you will allow the term, that derives naturally from what we are.”<sup>62</sup> The reason for this was simply men’s sexual needs: “The act of copulation is as necessary as eating, drinking, sleeping, etc. for the individual. His satisfaction cannot be postponed. Perpetual abstinence, absolute in men, is impossible. The inactivity of genital organs at an age when their use is essential is the cause of a great number of pathologies.”<sup>63</sup> Prostitutes, in short, provided an essential service to men. But, because prostitution was a key vector of syphilitic infection, it followed that it needed to be regulated in order to reduce the risk of contagion: “if [prostitution] must and should exist, it is logical and natural to regulate and control it, in order to avoid its dangers. It is better to tolerate it under surveillance than left to its own devices.”<sup>64</sup>

Muñiz went further: prostitution not only satisfied men’s sexual or, as he termed it, “genetic” needs, it also prevented the development of sexual deviance. He pointed to what he believed to be an increase in masturbation among schoolchildren and adults that risked the development of pathological states: “this vice, hidden and private, is increasingly frequent.” The reason for this increase in masturbation was simple: the

developed by hygienists at the start of the twentieth century that sought to promote both maternity and domesticity among women. Mannarelli, *Limpias y modernas*. See also Necochea, *A History of Family Planning*, chapter 1.

<sup>61</sup> Manuel Antonio Muñiz (1861–1897) obtained his “licencia” in medicine with one of the first studies of suicide in Peru. See Drinot, “Madness, neurasthenia, and ‘modernity’.” He was one of the founders of *La Crónica Médica*, Peru’s foremost medical journal in the late nineteenth and early twentieth centuries. He would go on to play a key role in the reform of psychiatric treatment in Peru, as both head of Lima’s asylum [manicomio] and key proponent of the establishment of a modern psychiatric hospital.

<sup>62</sup> Manuel Muñiz, “Reglamentación de la prostitución,” *El Derecho*, Año III N. 97, 1887, pp. 777–780, continues in Año III N. 98, 1887, pp. 811–818; and Año III, N. 99 and 100, 1887, pp. 834–841. Quote on p. 812.

<sup>63</sup> Muñiz, “Reglamentación de la prostitución,” p. 779.

<sup>64</sup> Muñiz, “Reglamentación de la prostitución,” p. 812.



young were too inexperienced and too shy to turn to prostitutes in order to satisfy their sexual urges. A regulated prostitution would counteract the rise in masturbation, Muñiz contended. He also noted that homosexuality, or pederasty, was not as rare as it ought to be. Again, the solution was to make it easier for those who were drawn by this “secret and occult” vice to satisfy their “genetic functions.” Muñiz reassured his readers that Peru had not yet reached a state of advanced *moral* prostitution where “these repugnant and varied aberrations of the sexual instinct are tolerated and undertaken, leading people of both sexes, consumed generally by the [lure of] pleasure, to engage in such revolting misconduct.” But he believed that Peru would soon reach that state. Failure to regulate prostitution in a way that would help meet men’s genetic needs could very easily bring that situation about: “if the natural satisfaction of a necessity becomes repugnant or dangerous, it will not be long before someone, regrettably, succumbs to such excesses.”<sup>65</sup>

Muñiz’s dissertation highlights the ways in which biomedical discussions of prostitution in the late nineteenth century, in Peru as elsewhere, increasingly reflected anxieties about male sexuality. Like his predecessors, Muñiz viewed prostitution as a necessary evil, necessary because of what he and others viewed as normal male sexual behavior. But he added a further perspective on this view; a perspective that reflected the increasing attention physicians gave to sexual behaviors considered normal and abnormal and the growing influence among doctors of sexual science or sexology as a field of knowledge.<sup>66</sup> Prostitution, Muñiz asserted, not only satisfied male sexual urges and protected the population as a whole. It also helped to prevent sexual deviancy. The satisfaction of male sexual urges through unnatural sexual behavior such as masturbation and homosexuality could be avoided by facilitating access to prostitutes. Again, we see here how the regulation of prostitution inevitably invoked the regulation of sexuality. Muñiz and others like him viewed female prostitution within a broader framework of normal and deviant sexual behavior. Prostitution had a role to play in encouraging normal sexual behavior and discouraging deviant behavior such as masturbation and homosexuality. It followed that the state’s role in the regulation of prostitution did not stop at policing or disciplining female prostitutes.

<sup>65</sup> Muñiz, “Reglamentación de la prostitución,” p. 839.

<sup>66</sup> On medical discussions of sexuality and sexual deviance in the late nineteenth century, and particularly the influence of Krafft Ebing’s work, see Oosterhuis, *Stepchildren of Nature*. See also Fuechtner, Haynes, and Jones (eds.), *A Global History of Sexual Science*.

It extended to the regulation of the sexuality of men and, indeed, of the population as a whole.

Beyond biomedical discussions, lawyers were drawn also to the study of prostitution from a perspective informed by criminology. The *Diario Judicial* published in late 1891 an exposé of Lima's foci of criminality and vice titled "La podre de Lima" (the rot of Lima), authored by a certain Dr Vidrieras, a pseudonym.<sup>67</sup> This article focused on Chinese gambling houses and opium dens and on the city's "casas de tolerancia" or brothels. They were presented as spaces of depravity and criminal activity. The author distinguished two types of brothels, described as "scattered in the city," which differed according to their clients: the middle class or the "obreros," which meant the urban poor more generally. The middle-class brothels were described as containing different rooms: a room for dancing, which typically boasted a piano, a room described as a "cantina," where drinks were sold, and several bedrooms: "there are beds with untidy and not very clean bedsheets." According to the report, the women who worked in these brothels solicited passers-by from the windows. They made sure that plenty of drink was bought, for the benefit of the "matrona" or "tía," the madam. The author concluded that these places were not doing particularly well: in eight years no new women had come to work in the brothels and several had emigrated (whether to other cities or to other countries is unclear). Those who remained had been working many years, which was evident from their complexion and state of health. The author noted that, if regulation were implemented, 60 percent of the women would be unable to work on account of venereal infections.

The brothels that catered to the urban poor were described as of greater concern from a hygiene perspective. They had three or four rooms, and were mostly located in the streets that bordered the river Rímac "on the right," that is to say across the river from central Lima in the district known as Abajo el Puente. These brothels also had a cantina, which served as the front room. The second room was where most people gathered. It had little furniture, a pianola that was always playing, and a tightly packed group of men and women dancing to the mazurka, a style chosen, the author suggested "because it leads to libidinous movements." The atmosphere was asphyxiating. According to the report, although sex was on sale in these brothels, it was not the main

<sup>67</sup> *El Diario Judicial*, Dec. 1, 1891. n.p.

activity: “in these houses we find poor people and mulattas or black women. The men come in their work clothes. The women are clean and well dressed. There are a few, though not many, syphilitics, in the corner, with a shawl on their shoulders, a handkerchief to the face, the nose daubed with rice powder [...] These worker houses, properly speaking, are for drinking. Sex is rarely bought [se sacrifica a Venus por complemento], people go there ‘for a dance and a drink’.” Dr Vidrieras concluded that the state of prostitution in Lima was “deplorable.” The middle-class brothels were doing badly and this situation, he suggested, had led to a growth in what he termed clandestine prostitution, by which he meant prostitution that took place outside brothels, in “streets and theatres.” He argued for policies to concentrate and regulate prostitution.

Probably in part in response to this report, in 1892, Pedro Muñiz, the Sub-Prefect and police chief [Intendente] of Lima, presented a proposal to regulate prostitution in the city.<sup>68</sup> As Muñiz explained in a letter to the Prefect of Lima, his superior, which *La Gaceta Judicial* reproduced in full, the reglamento had been drafted by doctors Miguel A. De la Lama, Manuel Barrios, David Matto, and Lorenzo Lozano following consultations between a “junta” of “serious and intelligent people,” the directors of the capital’s newspapers, and members of the Academia de Medicina.<sup>69</sup> It drew on the regulations in place in a number of other cities in Europe and the Americas, and, indeed, the regulations included in proposals such as Cobián’s 1879 *reglamento* or that of the Callao medical officer drafted in 1883, and reflected, in spirit and objectives, the rationale for regulating prostitution expounded by Dr Manuel Muñiz. It proposed to isolate prostitutes in certain parts of the city where they could be more easily supervised; it divided prostitutes into different categories (those who worked and lived in brothels, those who worked but did not live in brothels and those who worked from home); it compelled prostitutes to register with the authorities and carry a registration card that indicated their health status, which would be determined by means of regular medical visits for which they were liable to pay; and it envisaged a system

<sup>68</sup> Pedro Muñiz’s proposal to regulate prostitution was part of a range of initiatives implemented during his tenure as Sub-Prefect (1890–1893) and later Prefect of Lima (1893–1895), which included an overhaul of the police force, a census of the city, and the creation of a Sección de Identificación y Estadística. See Carlos Aguirre, *The Criminals of Lima*, pp. 69–70; and Huertas Castillo, “Whistles and Clubs.” Muñiz would go on to become minister of war (1903–1907), prime minister (briefly in 1914), and presidential candidate for the Constitutionalist Party in 1915.

<sup>69</sup> *La Gaceta Judicial*, Jan. 8, 1892, n.p.

of fines and punishments to discipline recalcitrant women who failed to comply with the regulations.

Muñiz's proposal was met with approval in both legal and medical circles. *La Gaceta Judicial* published an editorial that praised Muñiz's initiative and restated what was clearly becoming a dominant narrative on the role of the state regarding prostitution: since prostitution could not be eliminated, it was the responsibility of the authorities to "adopt hygienic and public health measures that can isolate it, so that its mortal symptoms decline, the cases reduce, and contagion is avoided." Statistics from several "civilized countries" proved that regulation worked. The editorial writer rejected the claim that regulation equaled the legalization of vice: regulation amounted to distancing vice from the healthy while removing its mask in order to show "its full deformity and to lock it up in the sewers in order to dominate it."<sup>70</sup> Physician Leonidas Avendaño, writing in *La Crónica Médica*, meanwhile, also praised Muñiz for the proposal and noted that such a measure reflected the legitimate right of the authorities "to watch over both public and private health." He restated the view that prostitution could not be eradicated because "in truth, it is a valve that maintains a moral equilibrium in human societies." Regulation would therefore succeed in "harmonizing the decorum of society, the requirements of the human organism, moral prescriptions and the salubrity of the city" in addition to limiting the contagion of venereal diseases. Avendaño urged the authorities to approve Muñiz's proposal.<sup>71</sup> An editorial titled "La Prostitución" in *La Gaceta de Policía*, meanwhile, again, noted that prostitution was a "necessary evil" but that it was also necessary to "attenuate its terrible consequences." It made no sense to oppose regulation: it was the role of the authorities to "find the necessary means if not to suppress it then to make it harmless, and to contain the spread of this social disease, which has reached astonishing proportions."<sup>72</sup>

Surprisingly, given the support in legal, medical and, indeed, police circles for regulating prostitution, Muñiz's proposal was rejected by the Agente Fiscal, or Attorney General, Manuel Gálvez.<sup>73</sup> According to

<sup>70</sup> "Reglamento de la prostitución," *La Gaceta Judicial*, Jan. 13, 1892.

<sup>71</sup> L. Avendaño, "La Reglamentación de la prostitución," *La Crónica Médica* Año IX N. 98, Feb. 29, 1892, pp. 29–30.

<sup>72</sup> *La Gaceta de Policía*, Año II, N. 72, Nov. 24, 1892.

<sup>73</sup> Manuel María Gálvez was Agente Fiscal of the Supreme Court. He had been senator for Cajamarca and dean of the Colegio de Abogados. I am grateful to Carlos Ramos Nuñez for his help in identifying this individual.

Gálvez's "Dictamen Fiscal," reproduced both in *La Crónica Médica* and *La Gaceta Judicial*, Muñiz's proposal to concentrate vice was an unattainable "utopia." Gálvez argued that the registration of prostitutes amounted to the "abasement" of women "and a perpetual state of disgrace." Only those women who had lost all sense of modesty and shame, or those forced by extreme poverty to eke out a living working in brothels, would register. Others would resist registration, which would mean that the police would need to use force in order to compel a few women to register. Meanwhile, most women would continue to work as clandestine prostitutes, "while society will have succeeded in obtaining nothing more than the registration statistics and the scandals arising from the violent acts committed by the authorities charged with enforcing regulation." Gálvez referred to statistics from Paris that showed that of some 30,000 "public women," only 2,475 had registered, and worked from home, and only 1,107 worked in brothels. The rest were clandestine prostitutes. Gálvez went on to argue that the measures proposed by Muñiz represented a violation of the "freedom [libertad de acción]" of women who did not have the support of fathers or husbands, who performed manual labor or who were "vulnerable to seduction because of their youth and poverty."<sup>74</sup>

Gálvez's rejection of the proposed *reglamento* involved two key arguments. On the one hand, he argued that regulation represented a restriction on women's freedom and extended public sanction to areas where "sanction is a matter only for religion and conscience." Moreover, the creation of brothels under a system of regulation, which, he argued, served only to foment vice, also served to restrict women's freedom: he described the women who worked in brothels as "slaves who sacrifice their personality in order to become things that the madam takes on, the property of the public, and destined to die young in the hospitals." Moreover, regulation did nothing to halt the spread of venereal disease:

As daily or even more frequent medical visits are not possible, the sanitary cards offer no guarantee because from one moment to the next diseases can be contracted and be spread with even greater ease because of the confidence that these cards transmit and the few precautions that men take. [Moreover,] the medical visits are so deficient! The doctors inspect dozens of women with the same speculum [instrumento] and in a very short amount of time, and it is unlikely that they pay attention during the whole examination or when they clean the mirror

<sup>74</sup> See *La Crónica Médica*, Año XI N. 99, March 31, 1892 and *La Gaceta Judicial*, March 5, 1892.

[as a consequence] very often it is the examination itself that leads to infection [while] the certificate is misleading, despite the good faith of the person who signs it.

Again, Gálvez invoked statistics from Paris in 1880 that showed that infections were more likely to occur through contact with women who worked in brothels than with clandestine prostitutes.

Gálvez argued that, as with gambling, it was necessary to abolish rather than to regulate prostitution: “we cannot regulate vices; they must be banned since they affect public order and morality.” If vice could not be eradicated that did not mean that it had to be authorized. To think otherwise, he suggested, was “to make the authorities complicit of the evils that degrade and corrupt society.” It was the prerogative of the authorities to reduce the incidence of prostitution by policing immoral behavior in public and closing down brothels. The voluntary or forced registration of prostitutes, he suggested, was a “bloody stain that cannot be erased and that prevents rehabilitation.” Moreover, regulated brothels inevitably became dens of immorality full of “lost and degraded women, unconscious and insensitive *instruments of men whose tastes and mores are as perverted as their own*” [added emphasis]. Gálvez concluded that he opposed Muñiz’s proposal on grounds of morality, hygiene and social order. Neither the fact that “civilized nations” had implemented systems of regulation nor the fact that systems of regulation had been tried in the past were good reasons to implement the regulation of prostitution in Lima. He claimed, instead, that “Christianity, the advances of civilization and the promotion of the rights of women” made the ideas on which regulation was based no longer sustainable in “free counties that live according to the rule of law, which, when it is correctly observed, always guarantees the social good.”

The arguments put forward by Gálvez faithfully reproduced the arguments deployed by the international abolitionist movement, which had developed in opposition to the English Contagious Diseases Acts under the leadership of Josephine Butler. Like Butler, Gálvez invoked liberalism, Christianity and, to some extent, feminism too, in formulating his critique of regulation. Moreover, and as I discuss below, in his rejection of regulation Gálvez introduced a critique of men who frequented brothels.<sup>75</sup> Debates in Europe between regulationists and abolitionists

<sup>75</sup> On how Josephine Butler’s abolitionism merged liberalism, feminism, and Christianity, see Summers “Which women? What Europe?” See also the special issue of the *Women’s History Review* (17:2; 2008) on the International Abolitionist Movement in Europe.

received some attention in the Peruvian medical press around this time. In August 1893, *La Crónica Médica* reported on the debate that had arisen in European medical journals following the abolition of regulation in England and Italy (the Contagious Diseases Acts were repealed in 1886) on the grounds that regulation was incompatible with “individual freedom.” The article reported on the counter-argument put forward by a certain Servier that, although a prostitute was indeed a woman and therefore could demand that her individual freedom be respected, she was also a “merchant [comerciante]” or trader who offered a commodity for sale and therefore was subject to regulation like any other commodity or commodity trader.<sup>76</sup> Although Gálvez’s opposition to regulation echoed developments in a number of European countries that were moving toward abolitionist positions at the time, both the legal and the medical professions in Peru appear to have favored regulation over abolition.

The objections of the Agente Fiscal to Muñiz’s proposal were themselves the object of severe criticism from several observers. An editorial in *La Gaceta Judicial* rejected Gálvez’s argument that regulation infringed the rights of women who offered their services in a private or occasional manner. The anonymous author suggested that regulation was only concerned with public and habitual prostitution whereas the Agente Fiscal was, perhaps rightly, concerned to protect “women who still conserve their modesty, [...] the women seduced because of their youth or poverty.” The writer rejected, moreover, the notion that regulation degraded women, “what is already degraded cannot be degraded.”<sup>77</sup> The lawyer José B. Ugarte, also writing in *La Gaceta Judicial*, argued that prostitution, like other vices, could not be extirpated:

[P]rostitution must exist, as must exist the born criminal, the gambler, the drunk. This fault or vice is almost always the consequence of things over which we have no control, and especially to sexual urges [“exigencias sexuales”], which can only be controlled by moral and hygienic precepts and by the oversight of the authorities. The state of celibacy is unsustainable, it gives way to powerful natural impulses. We must accept that man has virtues and vices.

Ugarte went on to argue that regulation did not contradict either morality, hygiene, social order, or, for that matter, the law. He claimed that it was in Peru’s interests to follow the example of “more advanced nations,”

<sup>76</sup> “Sobre la reglamentación de la prostitución,” *La Crónica Médica*, Año X N. 116, Aug. 31, 1893, pp. 578–579.

<sup>77</sup> “Editorial: Ordenanza de la prostitución,” *La Gaceta Judicial*, March 10, 1892, n.p.

which showed that countries where regulation existed “are better placed than we are” and had gained a sizeable income from the licenses and fines that prostitutes were obliged to pay, “income that we badly need,” and which he estimated could reach a total of some 7,000 soles per year.<sup>78</sup>

Meanwhile, Casimiro Medina, a doctor writing in *La Crónica Médica*, similarly rejected the idea that the registration of prostitutes served only to “degrade” women. He argued that prostitutes were already degraded: “[they have] already lost completely all notion of dignity.” It followed that such women had nothing to lose and everything to gain from registering with the authorities. But clearly what most irked Medina was the claim made by Gálvez that the medical examinations did little to reduce the spread of venereal disease and that doctors would actually be contributing to the spread through neglect or poor practice. “This fear,” Medina suggested, “can only be harbored when there is complete ignorance of the current advances, and the recent progress in medical sciences, in particular with regard to the rigorous antiseptics that doctors employ and that avoid all fear of contagion or infection.” Medina also felt offended by Gálvez’s insistence that regulation would, in effect, subject women to the arbitrary power of doctors, and was moved to express his “energetic protest” against such a claim.<sup>79</sup> Clearly, Gálvez had upset the medical community, as a report prepared by the Academia Nacional de Medicina confirmed. The report, co-authored by doctors Manuel Muñiz and Leonidas Avendaño, largely echoed Medina’s arguments, and targeted Gálvez’s “erroneous and whimsical appreciations of medical procedures: appreciations so serious that they wound severely the prestige of the profession.”<sup>80</sup>

In his 1893 *memoria*, Muñiz, now Prefect of Lima, directly addressed Gálvez’s objections in a proposal that reproduced many of the arguments in favor of regulation that he and others had previously put forward. Prostitution, he argued, was a vice that could not be eliminated. But it needed to be regulated. Its free exercise, which relied on “repulsive methods” free of any control, represented an attack on social and moral

<sup>78</sup> José B. Ugarte, “Ligeras observaciones sobre el Dictamen Fiscal acerca de la Ordenanza de la prostitución,” *La Gaceta Judicial*, March 12, 1892, n.p.

<sup>79</sup> Casimiro Medina, “Boletín: Reglamentación de la prostitución,” *La Crónica Médica*, Año IX, N. 100, April 30, 1892, pp. 93–97.

<sup>80</sup> Manuel C. Barrios, Antonio Perez Roca, Gerardo Bravo, Manuel A. Muñiz, and Leonidas Avendaño, “Informe emitido por la Sección IV de la Academia en el proyecto de Ordenanza sobre la Prostitución,” *La Crónica Médica*, Año IX, N. 100, April 30, 1892, pp. 208–211. Quote on p. 210.



order. It was necessary to limit prostitution, restricting it in a manner that lessened the evil it produced, an evil (and here the reference to Gálvez's argument was clear) based on an "unchaste and harmful freedom." Muñiz favored banning children from working as prostitutes, limiting prostitution to specific locations, and subjecting prostitutes to medical exams that were "detailed and frequent." Failure to implement such regulations would expose today's authorities to the "just reproach of ill-fated generations." Muñiz argued that it was widely agreed that it was legitimate to address a greater evil with a lesser evil. Those, like Gálvez (not named but clearly alluded to), who thought that regulation was "an attack on personal freedom" were clearly mistaken: "there is no attack. Regulation is merely the right to a legitimate defense, implemented by society against the attack on hygiene and morality."<sup>81</sup>

In Peru as elsewhere, then, the debates over regulation and abolition reflected broader intersecting debates about the role of the state in society, medical expertise, and sexuality. Firstly, we can see in Gálvez's critique of Muñiz and in others' critique of Gálvez a debate over the limits of state action, or put differently, the social spheres over which the state could claim legitimate responsibility. For Gálvez, the state exceeded its natural functions in attempting to regulate sexual behavior; that is to say in bringing sexuality, a private matter in his understanding, into the sphere of state action. In so doing, rather than redeeming prostitutes as the regulationists claimed, it stigmatized them further and subjected them to physical and symbolic violence. Secondly, Gálvez undermined the expertise of the medical establishment and their claims to effectively implement the medical policing of prostitutes by pointing to evidence that medical examinations of prostitutes did nothing to stop the spread of venereal disease. Finally, Gálvez questioned the assumptions regarding male sexuality that underpinned the regulation. Men who bought sex, he suggested, were not blameless victims of their sexual urges. They were complicit and as perverted as the women whom they exploited. All three arguments, as we have seen, were rejected by supporters of the Muñiz proposal, who argued that already degraded women could not be stigmatized further, that Gálvez had no understanding of medical advances, and that male sexual urges could simply not be repressed. For good measure, they added that regulation generated income for the state, and was the chief paradigm in advanced nations.

<sup>81</sup> *Memoria del Prefecto del Departamento de Lima Coronel Pedro E. Muñiz*. Lima: Imprenta del Universo, 1893, pp. 11–13.

In 1895, Pedro Muñiz's successor as the Sub-Prefect and Intendente de Policía of Lima, Coronel Gonzalo Tirado, again put forward a proposal for the regulation of prostitution in the capital. Like his predecessor, Tirado argued that although prostitution – “this social cancer” – could not be completely “extinguished,” it was the duty of “good government” to seek to reduce its effects for the good of morality, hygiene, and order, as was recognized in “all civilized countries.”<sup>82</sup> The proposal included 29 articles divided among four general “chapters” that dealt with “prostitutes,” “brothels,” “sanitary measures,” and “general measures.” It echoed earlier proposals but added certain changes: women who wished to work as prostitutes would be required to register with the police. Failure to do so would lead to arrest and a fine. In order to register, the women were required to submit two photographs of themselves and proof of their date of birth. The women would have to undergo fortnightly medical inspections. The proposal also included a range of restrictions on what these women could do (they were forbidden from going to theatres or restaurants, for example) and where they could live (in houses that were at least three streets distant from schools, barracks, and churches). Similarly, the location of brothels was controlled (again, at least three streets distant from schools, barracks, and churches) and could not exhibit any sign showing it as a brothel. Finally, women were expected to pay one silver sol for each medical inspection and twenty centavos for each monthly registration. As before, Tirado's proposal did not prosper.

#### CONCLUSION

In 1899, looking back on two decades of proposals for regulation, physician C. Alberto García lamented the failure of any of the proposals to have led to effective regulation. The projects prepared by Dr Cobián in 1878 and by Muñiz in 1892 had both come to nothing. He contrasted this situation with that in neighboring Chile, which he applauded, where projects to regulate prostitution were being developed both in large cities such as Valparaíso and Santiago and in smaller ones such as Punta Arenas.<sup>83</sup> García repeated familiar arguments: regulated prostitution

<sup>82</sup> In *Memoria del Subprefecto e Intendente de Policía de Lima Sr Coronel Gonzalo Tirado*. Lima: Imprenta del Estado, 1895, pp. 37–41.

<sup>83</sup> C. Alberto García, “La prostitución reglamentada,” *La Crónica Médica* Año XVI N. 251, June 15, 1899, pp. 165–166.

was preferable to unregulated prostitution, regulation would not affect public morality, it did not need vast sums of money to be implemented, and all that was required was a little “good will.” But, like others before him, García also framed the question of regulation in a way that reflected elite anxieties and aspirations concerning Peru’s standing as a nation: “Our pernicious tendency to stand still and the spirit of progress that the Chileans embrace puts in evidence the very clear difference that we seek to highlight, in spite of our resentments as eternal rivals.” Regulation, García implied, was desirable not simply because of the obvious benefits that it would bring Peru in terms of public morality and public health. Regulation, and its perceived ability to check the spread of venereal disease, also signaled modernity: “To prevent diseases, to enable their prophylaxis, therein the great challenge, the modern challenge! [. . .] If other South American nations move forward on the road to progress, we should not cover our eyes in order to not see them: let’s make haste to catch up with them or at least to stop them from being too far ahead of us.”<sup>84</sup>

The history of the regulation of prostitution in nineteenth-century Peru was marked by repeated attempts to extend the reach of the state to the sexual. The attempt to regulate prostitution expressed a broader desire to regulate sexuality and discipline prostitutes, while protecting male clients, their wives, and their offspring. In particular, it reflected evolving ideas about male sexuality shaped by the emergence of new anxieties: in the 1850s, Fuentes argued that access to prostitutes reduced adultery; in the 1880s, Muñiz argued that access to prostitutes reduced the spread of homosexuality. These projects of regulation reflected transnational processes and the ways in which such processes were locally inflected in Peru. In particular, they served to channel national aspirations and anxieties articulated most clearly by modernizing elites such as Leonardo Villar in the 1850s or Alberto García at the turn of the twentieth century concerning Peru’s place in the world and the ability of science, medicine, and expertise to address social and individual ills and to engender progress. Finally, these projects of regulation also expressed a growing belief in the role of the state in transforming society for the better and more specifically in addressing the moral and public health problems associated with prostitution; the sexual question. Such a belief was severely tested in the twentieth century. As I discuss in the following chapters, prostitution in

<sup>84</sup> García, “La prostitución reglamentada.”

Lima was finally regulated by the 1905 Decreto sobre Licencias y Multas de Policía. Thus, by the turn of the twentieth century, the regulationists had finally won the argument. But this was a pyrrhic victory. Although a medico-policing system was gradually put in place in the 1910s and 1920s, the prostitutes whom it targeted resisted it and it proved largely ineffective in addressing the spread of venereal disease.