

INTRODUCTION

The varieties and pressures of human sexual desire have always caused major problems for governments and voters, especially in those societies which put high ideological value on stable family structures and the production of legitimate children, who should inherit their fathers' properties and take their place as members of the community. States often attempt to regulate sexual relations, usually justifying this by appeal to what is believed to be 'human nature', required by god(s) or by the 'universal laws' of all societies. Yet the history of societies demonstrates tremendous variations between what, in these areas, is thought of as natural, honourable, or in accordance with divine law, and what is not; while within individual societies, different people hold different views and have different tastes. Further, societies are often full of contradictions and undergo radical change (as has been especially evident in Western societies in the last hundred years). The frequency, origins, and moral worth of homosexual desire and behaviour have been especially problematic and contentious for many societies; but their approaches have been remarkably various. The complex patterns of approval of, tolerance for, and hostility to differing types of same-sex relationships and sexual practices found in Greece, so markedly different from Christian and contemporary post-Christian societies, continue to attract interest and controversy.

It is further noticeable (and seems to have been especially notable in Western Europe and North America in the last forty years or so) that a good many leaders of democratic societies have themselves displayed a particular tendency to break the very rules governing sexual behaviour and financial regulations which they have a major part in introducing or implementing. It may be that those driven by the craving for glory and the excitement and risks of political life are not only subject to greater temptations of wealth and power, but are also impelled by excessive energy in their private lives and subject to curious cravings to take extra risks. Since they are usually supposed to lead by example, and often tempted into proclamations of the need for morality and social control, their own lapses provoke outrage and cries of

hypocrisy or treachery. Our recent experience of complex political and sexual allegations and scandals has shown how revealing they can be of a society's political preoccupations, its anxieties about human sexuality, and its consciousness of changing perceptions and values.

Fourth-century democratic Athens had its equally revealing scandals. The trial of Timarchos in 346/5¹ on the charge of unsuitability for public life because of his shameful past is perhaps the most spectacular example. Aeschines' prosecution speech has more to tell us than any other single source about Athenian laws and attitudes to homosexual behaviour and relations, and about Greek understanding of the 'construction' of human sexuality and their peculiar sets of moral norms and anxieties; it can also help us to understand the nature of the general political, cultural, and moral crisis perceived in Athens in the 340s and 330s, which was faced with a real challenge from Philip II of Macedon to its political freedom and to its cultural hegemony in Greece.

The Trial and the Characters

I. THE POLITICAL BACKGROUND OF TIMARCHOS' TRIAL

This trial arose directly from the intense political disagreements and personal rivalries between some of the ten prominent Athenians who had served on a crucial embassy to Macedon. In the spring of 346 the Athenians had reluctantly agreed to negotiate peace and an alliance with Philip II of Macedon, as his gains in Thessaly and elsewhere, and the last stages of the Sacred War, were bringing him ever more clearly into a position of power, influence, and authority in central Greece.² The making of

¹ All three-figure dates are BC unless otherwise indicated. Dates of this double form (346/5) reflect the facts that the Athenian official year ran from midsummer to midsummer, and the name of the main or 'eponymous' archon at Athens was the standard way of indicating year-dates inside Athens, and frequently used by contemporary and later historians and chronographers.

² Treatment here of the complex political and military issues between Athens and Philip will necessarily be brief and sketchy. For good recent accounts of these complex events from Philip's perspective, see Ellis (1976), Hammond and Griffith (1979), and Cawkwell (1978); on the Sacred War, Buckler (1989); from Aeschines' perspective, E. M. Harris (1995); from Demosthenes', Sealey (1993); on the relations and motives of the individual politicians, and the issue of 'bribery', also Mitchell (1997); a good collection of articles is Perlman (1973) (ed.).

the Peace of Philokrates involved an immensely confusing and complicated set of negotiations and changes of positions, and the ten Athenian envoys were throughout embroiled in mutual suspicions, hostilities, and recriminations. In no time at all the disagreements produced major political trials before the Athenian popular law courts. Our primary sources are the various law-court speeches involved, primarily this prosecution of Timarchos by Aeschines, the prosecution of Aeschines for misconduct on the Embassy by Demosthenes in 343 and his defence (Demosthenes 19 and Aeschines 2), and the prosecution in 330 by Aeschines of Ktesiphon for his proposal to honour Demosthenes with a 'crown', which is in effect an attack on Demosthenes' whole career, and his reply (Aeschines 3 and Demosthenes 18). Our texts, the published versions of what each said in court in 343 and 330, which they themselves subsequently circulated for their contemporaries and for posterity to read,³ are naturally full of lies, evasions, and misrepresentations on both sides: as a result, we, like no doubt very many ordinary Athenian citizens, have very little chance of penetrating these radically conflicting accounts to achieve a clear view of the course of events, the negotiating positions adopted, and the motives of the chief characters.

After the Peace of Philokrates was approved by the Athenian assembly, the same ten envoys who had negotiated the peace went again to Pella to see it sworn and ratified. Delays in making contact with Philip (May–July 346) were exacerbated by fresh divisions between the envoys. Some, especially Philokrates of Hagnous⁴ and Aeschines of Kothokidai,⁵ spread hopes that Philip would effect a settlement of the Sacred War that would spare the Phokians and be unfavourable to the Thebans. Others, including Demosthenes,⁶ doubted Philip's intentions and feared the consequences of establishing a group of anti-Theban states in Boeotia dependent on Philip. When the envoys returned, an atmosphere of mutual hostility and fear existed, and those more sceptical of Philip's good will towards Athens, led by Demosthenes, lost no time in attacking the over-optimism of those who were fostering hopes of a settlement of the war favourable to Athens' interests.

³ On the issue of widespread revision of speeches for later circulation, see e.g. Dover (1968: 167–9), Worthington, 36–9.

⁴ *LGN* 76; *PA* 14576 + 14599; Hansen, *Inventory* 62.

⁵ *LGN* 54; *PA* 354; *PAA* 115030; Hansen, *Inventory* 34–5.

⁶ *LGN* 37; *PA* 3597; *PAA* 318625; Hansen, *Inventory* 41–3.

Some such allegations against Philocrates and Aeschines were probably made by Demosthenes at a meeting of the *Boule* (Council of 500) (Dem. 19. 17–19). The assembly on 16th Skirophorion 346 (early July) which received the reports of the envoys, refrained from voting them the honours and thanks usual in such circumstances, perhaps because they could see major disagreements between them, and expected further trouble when they each, as individuals, presented their accounts (Dem. 19. 31–2). They also passed a motion extending the alliance with Philip, and sought to assist a settlement of the war by proposing that the Phokians give up control of the sanctuary at Delphi to the Amphiktyons (which Demosthenes, 19. 48–51, represents, unfairly, as a complete surrender of the Phokians to Philip).⁷ It was also agreed to send a third embassy to Philip, on which Demosthenes refused to serve. Aeschines initially declined to go, claiming illness (faked, according to his enemies), and so was enabled to watch Demosthenes' movements; his brother Aphobetos, who testified to his illness, was chosen to go instead.⁸

As the third embassy was preparing to leave, and some sort of settlement of the Sacred War was clearly imminent, the quarrelling between the ambassadors intensified, and the first legal move was made. Demosthenes and a friend and supporter, Timarchos, who was on the Council that year, launched a little later in July 346, at the presentation of the envoys for their accounting (*euthyna*), a prosecution against Aeschines for misconduct on the embassy (*parapresbeia*).⁹ The central allegation was that he had taken bribes from Philip to betray Athens' interests, when he claimed that Philip had given him undertakings that he would settle the war without either destroying the Phokians or giving further power to Thebes. Aeschines' opponents alleged that all the time he was aware of Philip's contrary intentions (Dem. 19. esp. 257–8; *first hypoth. to Aesch.*, 2). It seems clear that he and other envoys had accepted varied gifts of hospitality in gold from Philip (Demosthenes had ostentatiously suggested using the money to ransom Athenian prisoners). It was alleged later that Aeschines had received a grant of land at Pydna, a city on the

⁷ Cf. Cawkwell (1962); E. M. Harris (1995: 89–91).

⁸ Dem. 19. 121–30; Aesch. 2. 94–6, with Cawkwell (1962); E. M. Harris (1995: 167–8).

⁹ On the date, *scholia* on Aesch. 1. 169, Ellis (1976: 270–1). On the details of the *euthyna* procedure and the complaint against Aeschines, Piérart (1971: 560–4).

Macedonian coast between Methone and Dion.¹⁰ It was further alleged that this estate brought Aeschines an income of 3000 drachmai a year (Dem. 19. 166–8, 145, and cf. 314; *scholia* to Aesch. 1. 3).¹¹ The issue then became whether Aeschines accepted generous ‘gifts’ in the conscious knowledge that he was damaging Athens’ interests by serving Philip’s, in which case the gifts could be classified as ‘bribes’, and treasonable, or whether, as most scholars now tend to believe, he was genuinely deceived by Philip’s subtle manipulations.¹² When the case eventually came to court in 343, the Athenian jury narrowly decided that Aeschines had not colluded for gain; he was acquitted by only thirty votes (*second hypoth. to Aesch.*, 2; Plut. *Dem.* 15; Ps. Plut. *Mor.* 840c).

Aeschines’ first, and as it turned out successful, response was to bring an anticipatory retaliation against Timarchos. The precise move he chose may well have come as something of a shock to his opponents. It was a very common practice, and a clear indication of the personal nature of Athenian politics, that those engaged in intense political conflict in assembly or courts would seek to damage their opponents by prosecuting them (or arranging for friends or political allies to prosecute them) on what might be regarded as allegations of personal or private offences.¹³ What was less usual about Aeschines’ attack was that the charge, and most of the allegations, concerned activities alleged to have taken place some decades earlier, when Timarchos was still a young man.

The process started with a proclamation (*epangelia*: see **32, 81**), brought right at the end of Skirophorion, the last month in the Attic year 347/6, that Timarchos was not fit to be an active citizen, e.g. by holding public office, speaking in the assembly, or

¹⁰ Originally a Greek colony, under Macedonian control at least from the time of Archelaos, Pydna was among the places seized by Timotheos, perhaps in 360/59, and reannexed by Philip c. 356, with the help of some internal support, and, perhaps, by using a supposed secret ‘deal’ with the Athenian *boule* to allow him Pydna if he returned Amphipolis. See Dein. 1. 4; Dem. 20. 63; Diod. 16. 8, 2. 6–7; Theopompos, *FGH* 115F30; and Hammond and Griffith (1979: 230–1). That the estate was at a place about whose loss to Philip still produced resentment at Athens might make the gift yet more offensive.

¹¹ Cf. Davies, *APF* 547, who is inclined to accept some at least of these and later allegations of corruption, E. M. Harris (1995: 85–6, 189), who is inclined to dismiss them all as unsubstantiated Demosthenic allegations; and Hammond and Griffith (1979: 337) and Mitchell (1997: 183), who point out that the gift of the land is at least a detailed charge.

¹² Cf. E. M. Harris (1995: 95–6), Hammond and Griffith (1979: 337), and Mitchell (1997: 154–7, 181–6) above all on the issues of gifts and ‘friendship’ between the King and Greek politicians.

¹³ The point is made by Aeschines himself, 1, and notes.

bringing court actions, because he had previously ‘lived disgracefully’ (28). The consequence was a jury trial. The whole process is called by Aeschines (186) the ‘scrutiny of orators’ (*dokimasia ton rhetoron*).¹⁴ The four grounds of disgraceful living listed by Aeschines (28–32) are a) maltreating parents, b) military evasion or cowardice, c) having been a prostitute (*pornos*) or having lived off men as an ‘escort’ (*hetairisis*), and d) having devoured one’s inherited estate. As Demosthenes was to say later (19. 286) and no doubt did say at the trial itself, Timarchos had been an active politician for some time, and no one had up to this point prosecuted him for his unfitness to appear as a speaker before the assembly and as a prosecutor in the courts. Aeschines took this course now, primarily on the twin grounds that Timarchos had ‘prostituted himself’ when younger and had dissipated his property. Of these two charges, the first occupies more attention in the speech, and has aroused the greatest debate in recent years (see sections 7 and 8 below, and on 37–117), but the importance of the second should not be underestimated. The jury convicted Timarchos, and thus imposed permanent and total disenfranchisement (*atimia*, literally dishonour) on him.¹⁵ This result may well have been something of a surprise, especially to Timarchos and his supporters (see section 8 below).

2. THE DATE OF THE TRIAL

It is certain that the trial took place some time in the Attic year 346/5, between late summer 346 and spring 345. The precise date depends on the interpretation of certain allusions in the speech.

Aeschines’ main aim would have been to ensure that the trial of Timarchos took place before his own for misconduct on the embassy; but as that did not in fact reach court until three years later in 343, it does not follow that Aeschines must have sought to bring the trial on as soon as possible. Harris argued that to be on the safe side, he would have done just that, and the trial should

¹⁴ On the accuracy of Aeschines’ citation of the crucial law, see on 28.

¹⁵ On the penalty of total *atimia*, which includes permanent inability to participate in politics or the ritual life of the city, indeed to appear in public places such as the *agora*, or in court, cf. Aesch. 134. 3. 176; Dem. 19. 257, 284; Hansen (1989b: 267); S. C. Todd (1993: 365), and Allen (2000: 202–5, 230–2) on this punishment as the imposition of public silence and deprivation of male honour. For the possibility that such *atimia* might be rescinded, see also below, p. 23.

probably be placed in the latter part of 346 rather than early in 345;¹⁶ but Aeschines might have delayed a little, or been frustrated by his opponent. In ways which are not entirely clear, both parties to a legal action might hold matters up; one means was by requesting an adjournment, on grounds of illness or absence from Attica, which the other might or might not oppose. If a case were delayed, it may have been up to the other litigant to attempt to reinstate the case.¹⁷ Of course, in important political trials such as these, each side would seek to bring it on at the best time for them, as new events might affect their personal standings or the popularity of their policies. Hence delays were frequent. In the case of the Embassy trial, Demosthenes suggests (19. 107, 257) that Aeschines was responsible for long delays, in the wish to choose the best time to undergo his scrutiny; the Crown case was delayed for six years until 330, presumably until Aeschines felt the moment had arrived when he might get a retrospective condemnation, in effect, of Demosthenes' whole career.

There are two places in the speech where Aeschines refers to events that took place 'the other day' (*proen*). One, Demosthenes' report to the Council (168), took place on 13th Skirophorion 346 (= early July). The other is a reference to a comedy performed at the Rural Dionysia in the deme of Kollytos, where there was a topical joke at the expense of 'big Timarchian whores'; this could in theory be either the rural Dionysia of the previous year, winter 347/6, or the current year, winter 346/5. E. M. Harris (1985) argues it could easily be the earlier year, and the date of the trial still no later than late autumn 346; but the older view in favour of the later year, restated by Wankel (1988), also has some force. One point is that a joke at a rural comedy is more likely to fade between December/January 347/6 and late summer/autumn 346 than is a statement made by Demosthenes at a highly charged meeting of the Council over a period of about six months or so (July 346 to early 345); but one could argue against that if such a reference and audience reaction had occurred, Aeschines would be very keen to use it, and describe it as 'recent'. Another argument is that a comic reference which could be taken to re-open memories of Timarchos' alleged early career is more likely to have taken place while the trial was known to be pending than before Aeschines had reactivated (or even created) awareness of

¹⁶ E. M. Harris (1985: 378–80).

¹⁷ Cf. Harrison (1968–71: II, 154–6).

his nickname as ‘the prostitute’ and his youthful excesses (see section 8 below). If that is right, it increases the possibility, at least, that Aeschines’ portrait of these excesses was not necessarily based on widespread and current gossip. A stronger point is perhaps that in **77–8** Aeschines refers to the recent sequence of deme-investigations and court trials which had been provoked by Demophilos’ measure commanding all demes formally to review their citizen-lists (the *diapsephisis*). This took place during the archon year 346/5 (Dem. 57; Isaeus 12), and is likely to have lasted a matter of some months, yet Aeschines (**77–8, 114–15**) speaks of the whole process as essentially complete.¹⁸

The issue remains open. The balance of argument perhaps slightly favours dating the trial early in 345; on the other hand it cannot be pushed any later. It must have taken place before the affair of Antiphon, and the rejection by the Areopagos of Aeschines as an Amphiktionic ambassador to plead their case on the Delian temple dispute (Dem. 18. 132; Dein. 1. 63; Plut. *Dem.* 14; Dem. 18. 134–6);¹⁹ otherwise Aeschines is unlikely to have been so consistently fulsome in his praise of the Areopagos’ decisions (1. 81–5).

3. AESCHINES’ CAREER TO 345 BC

Aeschines’ father, Atrometos,²⁰ a member of the small deme Kothokidai (north of Eleusis, in the foothills of Mt Parnes), left his three sons little in the way of wealth or distinction of birth. All Aeschines can say on the question of birth is that his father ‘was by birth a member of the phratry which shares use of the same altars as the Eteoboutadai, from which comes the priestess of Athena Polias’ (2. 147); this implies no special distinction in itself, but rather that his family were ‘ordinary’ members of a phratry which was ancestrally linked to the ancient *genos* of the Eteoboutadai:²¹ Atrometos, who was born *c.* 436 (2. 147), and died when he was

¹⁸ Wankel (1988); Harris’ response (1995: 202, n. 52) focuses on the swift initial decisions taken in each deme (one or two days, cf. Dem. 58), and argues that the process of appeals would not need to wait until all the demes had met; but even so a large number of appeals could well have taken months rather than Harris’ ‘several weeks’ to work through the courts.

¹⁹ Cf. Ellis (1976: 131–2), E. M. Harris (1995: 121, 169–71).

²⁰ *LGPV* no. 3; *PA* 2681; *PA* 225105.

²¹ Davies, *APF* 544 f.; Bourriot (1978: 1057–60); Lambert (1993: 55).

ninety-five *c.* 342/1, had been, his son alleges, an exemplary fighter in the cause of the democracy. The language used of these prewar activities is revealing. 'It befell him when he was young . . . to train with his body'; 'he showed manly excellence (*aristeuein*) in the dangers' (2. 147), and especially 'My father, whom you (*sc.* Demosthenes) slander, though you don't know him, nor saw him during his prime of life (*helikia*), what quality of man he was' (2. 77): all this suggests that he is presented as not only a fit and brave soldier, but also a notable athlete, famed for his physical skills and probably also his youthful beauty. Aeschines further claims that his father lost his property during the war, and was exiled, along with several hundreds of other Athenians, when the Thirty Tyrants were in power in Athens (2. 77, 147). Going first to Corinth, accompanied by his wife, he then distinguished himself as a mercenary soldier in Asia, before returning to Athens in time to help in the restoration of the democracy (2. 78, 147, *cf.* 3. 191–2).²²

His wife came from a rather more distinguished and wealthier family. The career of her brother, Aeschines' uncle, Kleoboulos,²³ is recorded on his gravestone, as well as gaining a mention in Aesch. 2. 78; he earned renown both as a participant, apparently as general, in a sea-battle, probably late in the Corinthian War, and as a public seer (2. 78; *SEG* XVI 193).²⁴

Atrometos then apparently worked as a schoolteacher, an employment poor in pay and status in Athens, though Demosthenes exaggerated its ignominy grossly and with increasing wildness, first in the Embassy speech (19. 249), and later in the Crown speech, where Atrometos has been transformed into a slave called Tromes (8. 129). His wife's name is given by Demosthenes as Glaukothea,²⁵ and she was the daughter of one Glaukos of Acharnai.²⁶ She becomes the subject of increasingly ludicrous allegations in Demosthenes' rhetoric: that she performed

²² On such exiles, Strauss (1991: I, 61–71). There are grounds for doubting this story (Schaefer 1985–7: I², 194; E. M. Harris 1995: 22–3), especially that the rule of the Thirty was too brief to allow for an extended spell of mercenary service in Asia, and opportunities for such service are attested from 403 onwards; it is at least possible he was exiled by the Thirty, returned to play a (minor) role in the democratic restoration, and went off again rather for economic reasons (*cf.* Davies, *APF* 544–5).

²³ *LGPV* no. 3; *PA* 8558; Hansen, *Inventary* 52

²⁴ *Cf.* Daux (1958: 364–6); Bourriot (1978: 1373–5); Bourriot (1995: 436–7).

²⁵ *LGPV* no. 1; *PAA* 275915.

²⁶ *LGPV* no. 19; *PA* 2996; *PAA* 276200.

mystery initiation rituals into religious *thiasoi* (19. 199–200, 249, 281) in the later speech identified as those of Sabazios (18. 258–60), and that she acted in effect as a prostitute (18. 129–31). Possibly some priesthood she may have held formed the origin of these slurs; there may also have been a connection with her brother's activities as a seer.²⁷ Aeschines boasted in 330 that his father would often describe to his son political events of the city that he had lived through (3. 191–2).

Our trust in the breadth and reliability of Atrometos' oral history is not increased by the fact that, when he needed a brief account of the events between the Persian Wars and the amnesty, Aeschines lazily had recourse to the wildly inaccurate account perpetrated by Andocides, which bears clear traces of Andocides' own aristocratic family traditions (Andoc. 3. 3–9; Aesch. 2. 172–6).²⁸ It seems likely, however, that the father may have nourished in his sons two ambitions: to recoup the family's finances and to participate in public life. It was probably not by accident that their early jobs gave them skills and experience which served them well in their later political careers.

The years in which Aeschines and his two brothers Philochares²⁹ and Aphobetos³⁰ were born are disputed, and solution of the problem depends on the interpretation of various data in this speech. Aeschines claims (49) that he and Misgolas, allegedly one of Timarchos' lovers, are the same age and were ephebes together (see note there), whereas Timarchos, of course, is markedly younger than both, despite the fact that Aeschines, but not Misgolas, has grey hair and looks his age. The manuscripts at this point report Aeschines as saying that he and Misgolas were 'in their forty-fifth year'. If this is right, they would have been born *c.* 390. But at another point (109) Aeschines describes Timarchos' activities on the Council of 500 in the archon-year of Nikophemos (361/0), in which case, on the generally accepted view that Councillors had to be 30,³¹

²⁷ Schaefer (1885–87: I², 197–8); Parker (1996: 159); S. R. F. Price (1999: 116). That we may know her name (if *Glaukothea* is not an insulting nickname) is a result of Demosthenes' insults; Aeschines naturally adhered to the practice of not naming a respectable woman in a public utterance, but Demosthenes deliberately expresses his contempt by naming (or misnaming) her, as he does by giving Atrometos a slave-name. See Schaps (1977).

²⁸ Cf. Thomas (1989: 101, 119).

²⁹ *LGNP* 22; *PA* 14775; Hansen, *Inventory* 62.

³⁰ *LGNP* 1; *PA* 2775; *PAA* 242605; Hansen, *Inventory* 39.

³¹ On which see, however, Develin (1985).

Timarchos must have been born by *c.* 391, and if Aeschines is telling the truth in **49**, the number 45 given by our manuscripts for his and Misgolas' ages must be corrupt. That view has been argued by Lewis (1958: 108), and accepted by Davies (*APF* 545–6); they suggest that Aeschines and Misgolas (and hence also Nausikles, Aeschines 2. 184) were born between six to ten years earlier, *c.* 399–6.³²

The counter-argument has been well put by E. M. Harris (1988), who argues, rightly, that orators would tell quite shameless lies if they thought they could get away with them, and that it is indeed important to Aeschines' case that Misgolas was a few years older than Timarchos, and thus in a position to have been his lover (*erastes*) and to have 'kept' him in a homosexual relationship. He suggests that Aeschines was indeed lying, and that he, Misgolas, and Timarchos were in fact much the same age (*c.* 45 in 346); and hence that the other two did not form, at least, a normal homosexual pair of unequal ages (see section 7), and indeed could just as well have been merely 'good friends' all the time.³³ Further, to imply that Timarchos was about 40, or even younger, if he was in fact about 45, makes the alleged youthful offences closer in time to the trial and increases the sense of shame Aeschines is trying to foster at the apparently seedy nature of Timarchos' physical condition (**26**). Such a misrepresentation is perfectly possible, and comparable cases can be suggested.³⁴ Aeschines was taking a risk in thus understating Timarchos' age: he does himself provide the relevant information for Timarchos' age at 346/5, by reminding the jury of Timarchos' service in the Council in the archonship of Nikophemos. But this would only be damaging on the assumption that some jurors at least would remember the age-limit, how long ago Nikophemos was archon and the events recorded by

³² Lewis and Davies make some use also of Apollonius' *Life of Aeschines*. 2.12 (Dilts), that Aeschines died at the age of 75 (in 322 BC); but this is too suspiciously round a number to be of any use (cf. Whitehead 1986b: 313–14, Worthington, 264).

³³ If this is correct, one might wonder why Aeschines did not choose to accept that the two were about the same age, and argue that this made their sexual relationship even more objectionable (as Golden 1984: 321 mistakenly claims he does argue). Presumably Aeschines thought this would not be so easily believed by the jury, nor did it fit the picture of Timarchos he is so carefully constructing.

³⁴ Cf. E. M. Harris (1988); uncertainty and disputes over people's ages is not unlikely, in the absence of documentary material such as birth certificates, and a tendency to judge ages by appearance rather than documentation (cf. the procedure of the Council in judging those allegedly of age by inspecting them naked (Ar. *Wasps* 578, Arist., *Ath. Pol.* 42. 1).

Aeschines in that year, and do the simple sum; or else that Timarchos would take time to point this out and be believed. The risk was worth taking. It would have been possible, and important, for Timarchos to assert, and provide witnesses to testify to his age relative to that of Misgolas; whether he did take time to try to do this we do not know. Harris points out that what seem to be easily falsifiable claims are made by Demosthenes against Aeschines, which he did in fact refute adequately, by having official state documents read out (Aesch. 2. 5, 62, 89–96, cf. 135, and 3. 24, 75); as Thomas has shown, Aeschines was highly unusual (see also below) in his use of state documents to prove precise chronological points. As a further argument for accepting Aeschines' birth date as *c.* 390, Harris points to Aeschines' failure to cite military service before *c.* 363, which might be odd if he came of age *c.* 378 (see below); Lane Fox (1994: 136–7) adds that Aeschines' claim that he and Demosthenes were the two youngest of the ten ambassadors (2. 25, 108) is more plausible if they were something like six years apart rather than ten to sixteen. On balance, it is best to accept the date for his birth suggested by our text of 49, *c.* 390, and its implications for our understanding of the gross lies Aeschines and the other orators thought they could get away with, and often did (see now Robertson 2000).

Growing up in their father's school may well have given Aeschines and his brothers a broader grasp of the skills of literacy and a broader knowledge of literature than was normal for non-élite Athenians.³⁵ Both Aeschines and his younger brother Aphobetos first spent periods acting as clerks, and perhaps first as junior clerks, though that may be merely Demosthenes' exaggeration, who greatly relished taunting Aeschines with this ignoble and almost slavish profession.³⁶ As full clerks they received pay and their keep in the *tholos*, the round building where the standing committee (*prytaneis*) were fed and lived (Dem. 19. 249). This work, though again not of high status, had the great advantage of giving them valuable direct experience of the political system, and daily contacts with politicians.³⁷ In particular, it may well have alerted

³⁵ Cf. Aeschines' pride in his quotations from Homer, Solon, and so on, and his concern to claim a proper understanding of literary culture, Bourriot (1995: 437–8), Ford (1999).

³⁶ See Dem. 19. 70, 95, 98, 200, 237, 249, 314; 18. 127, 209, 261, and also Ps. Plut. *Mor.* 840a–b, Libanius, *Hyp. Dem.* 19, and Develin, *AO* p. 297. The nature of these posts is described at Arist. *Ath. Pol.* 54 (cf. Rhodes *ad loc.*, and Rhodes 1972: 139–41).

³⁷ The first of the ancient lives of Aeschines (3; not a reliable source in general) seems to

Aeschines to the rhetorical use of documents in the public records.³⁸ It seems clear that in fact Aeschines and his brothers had no formal higher education in rhetoric or philosophy, despite some ancient traditions placing him as a pupil of Isocrates, Plato, Leodamas, or whoever;³⁹ instead Aeschines and Aphobetos may have made useful contacts (e.g. with Euboulos or those in his circle) while serving as clerks.

Two of the brothers also enjoyed successful military careers.⁴⁰ Aeschines gives an account of his own military services to Athens, in response to a sneer of Demosthenes' in the Embassy speech (2. 167–70, cf. Dem. 19. 113—probably Demosthenes had expatiated more on this in the original speech). He claims that on coming of age he served as an ephebe among the frontier guards (*peripoloi*).⁴¹ He next cites his participation in a Peloponnesian campaign defending the Phliasiens against the Argives in 366.⁴² Next he cites successive campaigns including the major one in Mantinea (362)

support this idea of useful contacts: 'being clear-voiced, he served as secretary to Aristophon and Euboulos, and gained experience by reading the decrees and laws he began to speak in public, and being well-favoured, he stood out from his contemporaries'. But it seems a little implausible that a *grammateus* would 'serve' specific politicians, and the reference to individual leaders is probably an inference from the sneer at Dem. 19. 162.

³⁸ Thomas (1989: 69–71), doubted by Lane Fox (1994: 140–1). But his examples where Demosthenes cites some laws and a decree—from a speech (24) attacking the terms of a specific law, where you would especially find detailed quotations—do not match up to Aeschines' use of earlier decrees to establish precise chronological points, nor does he explain away the allegations of grubbing among documents that Demosthenes levels at Aeschines (e.g. 18. 206–9).

³⁹ The scholia on 1. 4 observe against the connection with Plato that whereas Aeschines uses the standard tripartite division of constitutions, Plato used either two or five; in itself no argument, but the conclusion is right.

⁴⁰ On the treatment of this theme in Aeschines' speeches, Bourriot (1995: 438); Burckhardt (1996: 238–9).

⁴¹ On the importance of ephebic patrols in Athenian defence of their territory in the early fourth century cf. Xen. *Poroi*, 4. 51–2 and Gauthier, 190–5; Ober (1985: 90–5); Munn (1993: 31–2, 188–9); Hunter (1994: 151–3); Sekunda (1992: 323–9); Burckhardt (1996: 32–3). Mitchel (1961: 357) and Sekunda (1992: 329) suggest accepting the manuscripts' *synarchontas* ('fellow-officers') in 2. 167 rather than Bekker's emendation *archontas*, and the consequence that Aeschines served, perhaps in a third year, as a commander (*taxiarch*) of the ephebic patrols; but one might have expected Aeschines to make a bit more of such an appointment.

⁴² Aeschines cites as his commander a mercenary leader, Alkibiades, whereas Diodoros mentioned Chares as the commander; perhaps the reason for the variation is that Aeschines was currently critical of Chares (2. 71, cf. Dem. 8. 30). On the contribution of this passage to the solution of whether Xenophon, *Hell.*, 7. 2. 18–20 and Diodoros (15. 75) are referring to the same or different battles or skirmishes near Phlius, see W. E. Thompson (1983: 303–5), and Stylianou (1998), on Diod. 15. 75. 3. Aeschines seems clearly to be describing a victory over Argives.

and two in Euboia (357, 349/8: on which see 113 and notes). The eldest brother, Philochares, seems to have made his way up essentially through military service, initially under Iphikrates, to be three times general between 345 and 342 (2. 149). On the other hand, the youngest, Aphobetos, after his spell as a clerk, was appointed to a post in charge of finances (presumably under, and perhaps at the suggestion of, Euboulos), and then served in summer 346 as ambassador in Aeschines' place to Philip, and on an embassy to the King of Persia, some time before 343 (Aesch. 2. 94, 149).⁴³

The next profession Aeschines adopted was that of actor. Our information about this comes largely from Demosthenes' attacks on him (and later elaborations based on them), and have equally to be treated with extreme caution. Demosthenes attacked Aeschines' thespian career ruthlessly,⁴⁴ and most extravagantly and recklessly in the later speech. In 343 he claimed that Aeschines always played the third-actor parts (*tritagonistes*), such as tyrants,⁴⁵ in troupes led by the actors Theodoros and Aristodemos (19. 247); and in 330 he argued that he acted with the so-called 'roarers' Simylos and Sokrates, earned more picking up the fruit thrown at the performance than by his fees for his 'all-out war with the audiences', and in particular 'murdered the part of Oinomaos' playing the Rural Dionysia at Kollytos (18. 261–2, 180). Further alleged details of this episode are to be found tacked on to the end of one of the *Lives* of Aeschines; here it is stated that 'Demochares, Demosthenes' nephew, if one should believe him when he is speaking about Aeschines, claims that Aeschines was the third actor for Ischandros the tragic poet, and that when playing Oinomaos, and pursuing Pelops, he had an ugly fall, and was picked up by Sannion the chorus-trainer' (*Life of Aeschines* 7: on Sannion, see Dem. 21. 58–9). If this story does go back to Demochares, it is, as the *Life* itself points out, a most doubtful source.⁴⁶ We do not have to believe anything more than that

⁴³ See Develin *AO*, pp. 351, 323, 350.

⁴⁴ See Stefanis (1988: no. 90), cf. O. J. Todd (1938), Pickard-Cambridge (1968: 132–5); Ghiron-Bistagne (1976: 158–9, 307).

⁴⁵ Demosthenes' rhetorical point here is to set up the argument that Aeschines would have been familiar with Kreon's speech in Sophocles' *Antigone*, in order to use Kreon's words against him: cf. Pickard-Cambridge (1968: 141, n. 2).

⁴⁶ Dorjahn (1929/30: 225); further, Ischandros is otherwise known as an actor and politician, not a tragedian, and elsewhere it is Sophocles' *Oinomaos* (Pickard-Cambridge (1968: 50, n. 5).

Aeschines acted for some time with the highly respected actors Theodoros and Aristodemos, probably each in charge of their own troupe, and *perhaps* that something amusing happened at that one production at the theatre in Kollytos (see on 157). One should certainly doubt the story of a spectacular and decisive failure. Equally dubious is the more general view that failure to achieve success as an actor was the main reason he left the profession, as has been claimed by many scholars.⁴⁷

On the contrary, it would be better to recognize that acting provided Aeschines with excellent opportunities to hone his rhetorical skills and make useful money and contacts, preparatory to an entry into Athenian politics. Successful acting would have offered valuable training for the memory, gesture, voice, and delivery, for which Demosthenes has to admit he became famous (Aesch. 2. 157; 3. 21, 228; Dem. 19. 199, 216, 285–7, 336–40; 18. 129, 285, 259–60, 308).⁴⁸ Equally, a number of famous actors, some of whom had performed with Aeschines, were beginning to play a notable part in public life, and the status of the profession, while remaining somewhat raffish for some (see Ps. Arist. *Probl.* 30. 10, 956b), was markedly on the increase. Aristodemos, with whom Aeschines had acted, was sent as an ambassador to sound out Philip's preparedness for peace (winter 347/6) 'because of his acquaintance with him, and the good will towards the craft' (2. 15); he was also one of the ten ambassadors on the later embassy to Philip (2. 52; *2nd Hyp. to Dem.* 19. 4).⁴⁹ Neoptolemos of Scyros, a major star who acquired great wealth, also played a prominent political role with Aristodemos, using his contacts with Philip to persuade the Athenians to listen to his offers (Dem. 5. 6–8; 19. 12; 18, 94, 315); Demosthenes argues that he did so treacherously, and ended up absconding with all his wealth to Philip's court.⁵⁰ Ischandros the Arkadian actor, described by Demosthenes as 'the

⁴⁷ E.g. O. J. Todd (1938: 36–7); some, perhaps insufficient, scepticism, in Pickard-Cambridge (1968: 135, 141); and see Easterling (1999: 156–8).

⁴⁸ Cf. Ghiron-Bistagne (1976: 158–9); Hall (1995: 46–9); and on the voice, Easterling (1999).

⁴⁹ According to Schol. Aesch. 2. 15, Aristodemos came from Metapontium in S. Italy, in which case he must have been given citizenship, to be an envoy, cf. Stefanis (1988: no. 332); M. J. Osborne (1981–3: II, 172); *PAA* 168590; Hansen, *Inventory* 37.

⁵⁰ Stefanis (1988: no. 1797). *LGN* 1; *PA* 10647; Hansen, *Inventory* 62. Probably not a naturalized Athenian: M. J. Osborne (1981–3: III–IV, 124); Easterling (1997: 218–22; 1999: 161–3).

second actor (*deuteragonistes*) of Neoptolemos' (Dem. 19. 10),⁵¹ spoke on Aeschines' invitation in Athens against Philip's intrigues in the Peloponnese, claiming to act on behalf of the Arkadians.

Thus famous actors were now, thanks to the repute of the classic Athenian dramas, able to make good year-round livings, performing not only in the city and rural festivals in Attica but also throughout the Greek world and at the courts of avidly phil-Hellenic rulers such as the Macedonian Kings.⁵² They were rewarded with higher status and immunity from hostile action, and could if pressed use their presentational skills and contacts to plead the case of their city, or of their patrons. Whether Aeschines himself performed such a role before becoming a full-time politician is not attested, and doubtful; otherwise Demosthenes would probably have alleged illicit deals struck at that time with Philip, instead of concentrating his fire on Aeschines' third-actor, and third-rate, performances in the rural Dionysia. On the other hand, Aeschines' reluctance to allow any such thoughts to enter the jurors' minds may help to explain why he refrained totally from responding to these allegations. But he may well have made some initial contacts with politicians or courtiers while performing with his colleagues in or outside Attica, which increased his ambitions to enter full-time politics. He may also have made considerably more money out of his acting than Demosthenes allows.

Aeschines continued to serve in the hoplite army, and with distinction. He claims (2. 168–9) to have fought in both of the expeditions to Euboea (357 and 348), and in particular to have made a brave showing in the second campaign as a member of a picked corps of experienced soldiers (*epilektoi*).⁵³ He fought especially bravely in the battle of Tamynai, where he was crowned, and was also selected for the honour of reporting the

⁵¹ The word *deuteragonistes* here must surely have some theatrical reference, even if only as an appropriate metaphor for two actors, against Pickard-Cambridge (1968: 133); it is easier to suppose that Demosthenes is reminding the jury (or alleging) that Ischandros had acted with Neoptolemos than claiming they were now acting politically together, given that Ischandros was seeking to arouse anti-Philip feelings, while Neoptolemos was about to plead Philip's cause; their political opposition may be part of Demosthenes' point. The phrase should not be read as 'Ischandros, son of Neoptolemos, supporter of Aeschines', as e.g. Cawkwell (1960: 418); Ghiron-Bistagne (1976: 185, 333); Stefanis (1988: no. 1303); *LGPV* 1, given their different origins as well as opposing political lines.

⁵² Cf. on the significant spread of dramatic performances across the Greek world, Taplin (1993; 1999).

⁵³ On this campaign, also on 113 below.

victory back home, for which he received another crown (2. 168–9); it is also possible that his selection as a herald owed something to his actor's memory and voice, as well as to his heroics on the field.⁵⁴ He is likely to have formed contacts which would last with the leading general of the campaign, Phokion, and at the same, perhaps through him, with Euboulos. The decision to fight in Euboeia, in preference to giving assistance to Olynthos, was a victory for the policy favoured by Euboulos over that of Demosthenes. Both Phokion and Euboulos spoke as advocates for Aeschines in the Embassy trial (2. 183).⁵⁵ It was very soon afterwards that Aeschines made his debut as a political speaker and ambassador, in 348, following Ischandros' appeal and supporting Euboulos' attempt at a major diplomatic initiative to create an anti-Philip coalition through the Peloponnese. Despite powerful speeches before the Arkadian assembly at Megalopolis, the initiative came to nothing (Dem. 19. 10–12, 302–6; Aesch. 2. 79).⁵⁶

His fame as an actor and his good showing as a soldier may have brought him into contact with the family with which he made an extremely advantageous marriage; this could well also have eased his path into politics. He married a daughter of Philodemos of Paiania,⁵⁷ whose uncle Philokrates⁵⁸ appears on the obscure '*diadikasia* documents' of *c.* 380, which list pairs of men who exchange a position with each other and are probably men of the propertied classes, though the precise significance of the documents is disputed (*IG*² II 1929 line 18).⁵⁹ Demosthenes alleged (18. 312) that Aeschines' wife's brother Philon left five talents to Aeschines; while this is likely to be a considerable exaggeration, he must have been known to be much richer than Aeschines, and rich enough for this not to be completely ludicrous. Demosthenes (19. 287) makes a point of insulting Aeschines' two brothers-in-law, and attributing nasty nicknames to them, whereas Aeschines defends them (2. 150–2).⁶⁰ One of the brothers-in-law, evidently

⁵⁴ On the campaign, cf. Brunt (1969), Tritle (1988: 81–9); on these honours, Gauthier (1985: 120, n. 135) (though he seems to place the battle of Tamynai erroneously in the 357 campaign) and S. Lewis (1996: 54–5).

⁵⁵ Another associate at this time and later was probably Meidias, Demosthenes' particular enemy: cf. on 114.

⁵⁶ Cf. Cawkwell (1960); E. M. Harris (1995: 50–1 and 156–7).

⁵⁷ *LGPV* 41; *PA* 14494.

⁵⁸ *LGPV* 121; *PA* 14625.

⁵⁹ Cf. Davies (1981: 133–50); Rhodes (1982: 13); Gabrielsen (1994: 70–1).

⁶⁰ On the identities and nicknames of the brothers-in-law, E. M. Harris (1986).

Philon,⁶¹ Demosthenes calls ‘the disgusting Nicias, who hired himself out to Egypt with Chabrias’, indicating by this soubriquet that as a soldier and commander he was no match for the famous fifth-century general; whereas Aeschines defends him as an excellent and solid hoplite soldier (as opposed to an effeminate *kinaidos* like Demosthenes, see section 7, and on 131). It is conceivable, if speculative, that Philon’s service as a mercenary soldier with Chabrias in Egypt provided the link between Aeschines and his wife’s family; Phokion, who served in many of Chabrias’ campaigns (and tried to protect his dissolute son Ktesippos from his vices), was probably a friend of Aeschines at least from the time of the Euboian campaign.⁶² The other brother-in-law is called by Demosthenes ‘the accursed Kyrebion, the man who appears in the revels in the Dionysiac processions without a mask’ (see on 43), but he was actually called Epikrates,⁶³ and was indignantly defended on the charge of inappropriate behaviour by Aeschines. ‘Kyrebion’ (bran-man) is the nickname of a well-known ‘parasite’, the subject of many jokes in comedy quoted by Athenaeus, and allegedly the dedicatee of a food book written by another noted parasite, Chairephon (see Athen. 244a, and cf. Alexis 173 K/A). It is not clear whether Epikrates and the ‘parasite Kyrebion’ are one and the same, and Aeschines’ brother-in-law was often mocked for his alleged love of food, wit, and scrounging dinners (see Athen. 242d, and see Arnott on Alexis 173 K/A), or whether Demosthenes has created a sudden nickname for Epikrates by associating him with a separate, already famous, gourmet (so E. M. Harris 1986).

Aeschines was thus a relatively late entrant into the world of the political and social élite at Athens (at least in his late 30s), and had to face some contempt and snobbery from those already established there (played up for all it was worth by Demosthenes). Socially, he and his brothers and brothers-in-law seem to have sought to participate as fully as possible in the world of the *gymnasia*, literature, and the pursuit of young men, as he admits readily himself (135–41, see also 155–7, 189, and 3. 216), where he has to repel the expected allegations of inconsistency between his prosecution of Timarchos and his own activities.⁶⁴ The

⁶¹ *LGN* 158; *PA* 14862.

⁶² On all this, cf. Davies, *APP* 543–5; E. M. Harris (1995: 31–3).

⁶³ *LGN* 104; *PA* 4908; *PAA*.

⁶⁴ Schaefer (1885–7: I², 212); cf. also Ober (1989: 281–3), who argues plausibly (though

impression given by Demosthenes' attack on Aeschines and his family, when working up a sense of outrage that Timarchos had his life ruined by the trial, is that while Aeschines' own conduct with boys in the *gymnasia* could allow some general sneers, there were no detailed horror stories to retail; there was more mileage to be got, as seen above, from attacks on his brother Aphobetos and his brothers-in-law Philon ('Nikias') and Epikrates ('Kyrebios') (19. 287–8). According to Aeschines (3. 216), Demosthenes was intending to make some renewed attacks on his own pederastic career in 330; such allegations are missing from the published version of the Crown speech. He himself remained staunchly proud, at times to the point of gaucherie, of his achievements in attaining and defending his conception of Athenian culture and morality: a nice example is provided by his idiosyncratic list of deities and abstractions to which he appeals at the conclusion of the Embassy speech (3. 260)—'Earth, Sun, Virtue, Intelligence, and Culture'.⁶⁵

Following the failure of the appeal to other Greek states, especially in the Peloponnese, Athenian public opinion coalesced to agree to overtures from Philip for peace negotiations, and early in 346 Aeschines had won sufficient support for his rhetorical and diplomatic skills that he was appointed to the First Embassy, on the nomination of his old friend Nausikles, who had been his fellow-ephebe (2. 18, cf. 2. 184, 3. 159).⁶⁶ During the long and complicated periods of negotiations, all the Athenian ambassadors came to accept, with varying degrees of enthusiasm, that peace and alliance with Philip was the best option; Philocrates and Aeschines were those who were most easily persuaded that peace with Philip would bring benefits, and had to bear the major criticism from Demosthenes and his friends.⁶⁷

His political career after Timarchos' trial need not be surveyed

Lane Fox 1994: 138 has doubts) that his determination to seem a member of the gymnastic élite is also reflected in a fondness for athletic analogies and metaphors: see on 176. Also Bourriot (1995: 435–8), and Golden (2000: 169–71). Allegations about an inappropriate relationship with a younger, pro-Macedonian politician, Pytheas were made in a speech of Deinarchos', fr. VI. 14 Conomis, cf. on 42.

⁶⁵ Cf. Demosthenes' attacks on his 'tragic' cries, and cultural pretensions, 18. 127–8, Kennedy (1963: 239) and Wilson (1996: 320–2). Ober (1989: 182–4) points out that Demosthenes is also, in a rather more mock-modest way, proud of his superior education (e.g. 18. 256–8, contrasting it with Aeschines' acting as his father 'slave').

⁶⁶ Cf. Cawkwell (1960); Ellis (1976: 105–7); E. M. Harris (1995: 50–3).

⁶⁷ Good recent narrative in E. M. Harris (1995: chs. 4–5).

here. It was dominated as far as we can see by the need first to defend his position on the peace as it became increasingly fragile, and second by his continuing rivalry with Demosthenes, culminating in his eventual attempt to have Demosthenes' whole career judged a failure by the case over the Crown, which came to court eventually in 330. After his failure there, Aeschines retired from public life, perhaps suffering the penalty for failing to win a fifth of the votes in a public trial. The ancient lives, and Pseudo-Plutarch, tell inconsistent stories (none very convincing) of a retirement to teach rhetoric (or even grammar in a school) in Rhodes, and a final grudging compliment on Demosthenes' superior rhetorical skills.⁶⁸

4. TIMARCHOS' CAREER

Timarchos' father, Arizelos, of the deme Sphettos,⁶⁹ is alleged to have been a rich man who deliberately kept his wealth invisible, and sold some of his properties to avoid paying liturgies (101). We have virtually no evidence for his career or family connections beyond this speech and the later exchanges between Aeschines and Demosthenes. As we saw above, Timarchos must have been born at least by 391/0, as he was on the Council in 361/0.⁷⁰ The one area of common ground between Aeschines and Demosthenes is that the youthful Timarchos displayed an unusual physical attractiveness (Dem. 19. 233); we may suspect, though Aeschines chose not to labour the point, that he was something of an athletic star at the *gymnasia* (his uncle was a trainer; see on 101) and attracted admirers there. Arizelos died while Timarchos was still young (103). Aeschines lists a series of alleged lovers with and off whom Timarchos is supposed to have lived (42–76). Many (though very probably not all) may well have in fact been his friends and political associates as well; this was certainly the case with Hegesandros and his brother Hegesippos (see on 54–71), perhaps with his fellow-demesman Phaidros of Sphettos, who was a general in 347/6 (see on 43). Aeschines alleges that his first significant lover was the doctor Euthydikos, and Timarchos lived with him under the pretext of learning his profession; it may (or

⁶⁸ *Lives*, 1. 5–6, 2. 12, 3. 2–5, and Ps. Plut. *Mor.* 840c–e.

⁶⁹ *LGN* 1; *PA* 1617; *PAA* s.v. 162070 + 162075.

⁷⁰ *LGN* 36; *PA* 13636; Hansen, *Inventory* 59–60.

may not) be the case that Timarchos did briefly contemplate medicine, though at some probably early stage (perhaps as early as 364/3, see on 107) he must have decided to become a politician, probably encouraged by the friends he had made in his youthful leisure activities. The absence of any attack on his preparedness to fight in Athens' campaigns may suggest that he had a fairly acceptable record on that score (see below on 37-116). By 346/5, he was an established, middle-aged politician, who had been on the *boule* in 361/0, a *logistes*, an official of the Confederacy on Andros, an inspector of the mercenary troops on Euboia in 348, a prominent member of the *boule* again in 347/6, at the time of the debates on the Peace, a proposer of (allegedly) more than a hundred decrees, and a frequent prosecutor in the courts.

In politics between *c.* 348 and the trial in 346/5, Timarchos can plausibly be seen as working first with Hegesippos and then with him and Demosthenes. Conceivably, if speculatively, his activities in charge of moneys for mercenaries in Euboia had something to do with Hegesippos' later motion (*IG II²* 125) criticizing those who had acted illegally on the campaign, and perhaps also the view associated with Demosthenes that more emphasis should be paid to Philip's activities at Olynthos (see on 113). By 347/6 he had become very closely associated with Demosthenes, as well as with Hegesippos and Hegesandros, in opposition to Philip. As a member of the *boule* in 347/6 he made proposals on the assembly, though Aeschines does his best to hide the issues behind the display of Timarchos' raddled body and obscene double entendres at his expense (see below section 7, on 26, 80-5). Timarchos appears to have struck martial poses and discussed the rebuilding of fortifications ('towers' and 'walls'); to have had a proposal concerning rebuilding or tidying-up of the Pnyx discussed (adversely) by the Areopagos; and according to Demosthenes, to have proposed the death penalty for any who conveyed arms or naval equipment to Philip (19. 286). By this time, as a natural ally for Demosthenes, and as a vigorous, experienced, but still youngish orator and politician with anti-Macedonian sympathies, he was happy to assist the dissident ambassador in his attacks on his former colleagues. Unfortunately, Aeschines' ultra-personal counter-attack turned out to be a surprising success.

Timarchos' political career presumably was destroyed by this case, as Demosthenes claimed a couple of years later, despite his

appeal to his old mother and his children (see Dem. 19. 283; nothing is said of his wife).⁷¹ There is a hint of a possible reappearance in public life, but not a happy one. The late lexicographer Harpokration (s.v. *Autokleides*) claims that these ‘excessive pederasts’ (listed in 52) were also mentioned by Aristogeiton in his ‘Against Timarchos’. The Suda (a Byzantine dictionary) also reports (s.v. *Aristogeiton*) that he wrote a speech against Timarchos, and (s.v. *Timarchos*), suggests that he prevented Timarchos from acting as a guardian (*epitropos*). The Byzantine bishop Tzetzes (in his notoriously unreliable *Histories* or *Chiliades*, VI 104)⁷² appears to be able to paraphrase some of Aristogeiton’s arguments against Timarchos, indicating, in the same manner as Aeschines, that someone who uses the parts of his body as a woman, and does all the most hated acts, must not be trusted with an ‘office’. In theory this might be before the present trial, since after the trial Timarchos was in a state of total *atimia*.⁷³ Aeschines suggests (105) that Arignotos, his blind and infirm uncle, was first looked after by guardians (*epitropoi*), but then neglected by Timarchos when he became of age; conceivably Aristogeiton succeeded, perhaps only temporarily, in preventing Timarchos from exercising any control over his uncle, by exploiting rumours of sexual debaucheries as Aeschines did later. But it is perhaps difficult to see Aristogeiton active as early as this; his first dated appearance is during the time of the Chaironea campaign in 338.⁷⁴ It may be more likely that after the conviction, Timarchos was acting quietly as a guardian of another member of his family. Those afflicted with total *atimia* might still perhaps engage in life inside their families, but their inability to bring legal actions, or enter the *agora* or the sanctuaries, made them extremely vulnerable to enemies. He might then have been denounced as an unsuitable guardian by

⁷¹ Ps. Plut. *Lives of the Ten Orators*, *Mor.* 840f. claims, citing Demosthenes, that Timarchos hanged himself on leaving the court, but this seems likely (contra e.g. Sissa 1999: 156) to be a dramatic exaggeration of Demosthenes’ language in the Embassy speech, that Aeschines had ‘removed’ and ‘destroyed’ Timarchos (19. 2, 285).

⁷² On his work, cf. N. G. Wilson (1983: 94–100); RE s.v. Tzetzes.

⁷³ On which see Hansen (1976: 54–67).

⁷⁴ References to his career in *LGPN* 4; *PA* 1775; *PAA* 168145; Hansen, *Inventory* 36–7. See the general attacks on him mounted in Dein. 2, and the two speeches attributed to Demosthenes (25 and 26). Sealey’s attempt to attach him to the family of Aristogeiton the tyrannicide of Aphidna is unlikely, given the occurrence of the name in many demes, and the failure of his attackers to contrast his behaviour with the honours of the tyrannicides: see Davies, *APF* 476.

Aristogeiton. This orator, who claimed to be the ‘watchdog of the people’ but was frequently and naturally traduced as a sykophant, would have been able to recycle much of Aeschines’ material, including references to ‘womanish’ practices and to the ‘wild men’ like Autokleides. This is perhaps the more likely scenario.⁷⁵ There is a possibility (though not very likely in my view) that Timarchos won a reprieve from his *atimia*, either because of a special plea made to the assembly (under the procedure attested at Dem. 24. 45), or because of a general amnesty: on these see Hansen (1976: 68–9). We have no idea how frequently individual reprieves were granted, and the only possible general amnesty which might help Timarchos would be the one proposed by Hypereides in 338/7 BC along with a mass enfranchisement of slaves, at the height of the emergency after the defeat at Chaeronea. The proposal was challenged by Aristogeiton using a *graphe paranomon*, and though Hypereides was acquitted, the proposals were apparently never implemented (Hyper. fr. 32–6, cf. Hansen 1974: 36–7). At all events there is no sign that Timarchos was able to rebuild his political career. Another fragment, from a speech against Timarchos attributed to Deinarchos by the Roman grammarian Priscian (18. 26), may also come from such a trial; it had the appropriate opening ‘he was very frightened to appear before you’.⁷⁶

5. DEMOSTHENES AND THE DEFENCE

It appears from our speech (94 and 117–19) that Demosthenes was at least master-minding the defence strategy and supplying arguments for Timarchos (and allegedly revealing some of them in advance to people in the *agora*). Many arguments against Demosthenes later in the speech, and especially 173–6, seem to imply further that he was confidently expected to make a strong appearance speaking for Timarchos as a fellow-advocate (*synegoros*). Aeschines takes great trouble to warn the jury against being

⁷⁵ Cf. Schaefer (1885–7: II², 337, n. 2); and Blass (1898: III 2., 149).

⁷⁶ A funerary *lekythos* (Clairmont (1993–5: 3. 342) shows three members of a family, a seated female and two males and names the men as Timarchos and Zelias, both sons of Arizelos, and the woman as Deipyle, daughter of Timarchos: this may well have recorded our family, and so give us the names of Timarchos’ brother and daughter. Which is the deceased is not clear; Clairmont suggests that it is more likely to be the younger brother Zelias. See also *PAI* s.v. 162070 and 162075.

diverted by Demosthenes from the central issue of Timarchos' offences on to the current political issues. Demosthenes in the Embassy speech (19. 241–3) explicitly refers to Aeschines' elaboration of this strategy, as he claimed how Demosthenes would later boast of his triumphing in 'filching' the case away from the jury (and Demosthenes tries to turn the argument back against Aeschines in the trial of 343). Many have asserted even so that Demosthenes certainly, or probably, did not appear himself, despite Aeschines' careful anticipation, because no evidence of a defence speech exists, and because in many places in the Embassy speech Demosthenes counters arguments used in the prosecution of Timarchos.⁷⁷

Against this one should state first that, as Rubinstein will show in detail, lengthy supporting speeches by *synegoroi* for both prosecution and defence were very frequent in the Athenian courts, especially in public cases, and there is no reason in principle to doubt that Demosthenes and 'the General' made significant contributions to Timarchos' defence. One can also suggest that it would have seemed defeatist and treacherous for Demosthenes not to appear for Timarchos, and would enable Aeschines to claim that he had frightened him off; while arguments which had been used to no avail in the defence of Timarchos might easily be repeated or even sharpened in the Embassy speech. And Demosthenes would also be unlikely to draw attention to his failure to appear, by repeating as he did Aeschines' argument about the strategy he was going to use. That the case was lost is sufficient reason why we hear nothing of a later circulation of Demosthenes' defence speech; many of Demosthenes' defenders earlier in this century give the impression that they preferred to believe that he managed to avoid appearing in such an 'unsavoury' trial, in support of such an unattractive defendant.⁷⁸ There is no good reason to doubt that Demosthenes appeared for Timarchos, to share directly in the humiliation and anger of the defeat.

⁷⁷ e.g. Beloch (1912–27: III, 532); Pickard-Cambridge (1926: 302); Ellis (1976: 275, n. 16); Schaefer (1885–7: II², 342) was non-committal; Dover (1978: 39) and Rubinstein (forthcoming) assert, and E. M. Harris (1995: 104–6) implies, that Demosthenes did appear.

⁷⁸ e.g. Pickard-Cambridge (1926: 302).

The Main Issues

6. HOMOSEXUAL RELATIONS IN CLASSICAL ATHENS

Aeschines' speech is in fact our best source for Athenian laws regulating sexual behaviour between males, for the varieties of such behaviour in classical Athens, and for the values and attitudes that citizens professed in public on such matters. Both prosecution and defence agreed to place the case in the context of a more general debate on the moral education of the young, and the proper part to be played in it by 'noble' erotic relations between men and youths in the settings of the *gymnasia*, wrestling grounds, *symposia*, and places of rhetorical and philosophical education. Hence this speech has played a central part in the intense discussion of these topics which began over two decades ago with Dover's pioneering work,⁷⁹ and was given greater prominence by Foucault's influential and provocative *History of Sexuality* and his interest in variations in the 'moral problematization of pleasures' in the development of Western cultures.⁸⁰

Dover established some fundamental points about the standard patterns and norms involving homosexual behaviour in ancient Greece; parts of his presentation have come in for serious criticism (and his nuanced views have at times been misinterpreted).

First, ancient Greeks did not believe it to be a central part of people's 'identities' to be either heterosexual, homosexual, or bisexual; hence they lacked any conception that such identities might be either given from birth ('in the genes'),⁸¹ or at any rate fixed by the end of adolescence. In fact both the term 'homosexual', and the idea of a fundamental division of people into such categories, seem not to have been clearly expressed and widely

⁷⁹ Above all in Dover (1978). Following Dover, I use 'homosexual' as well as 'same sex' applied to nouns such as 'acts' or 'behaviour, without any implication that the Greeks operated with a conception of 'individual homosexual identity', or that I adopt a more 'essentialist' than 'constructionalist' position.

⁸⁰ Foucault (1985; 1986), and his American followers, especially Winkler (1990a) and Halperin (1990) (cf. Halperin's introduction for an assessment of Dover's and Foucault's contributions); on Foucault, esp. the essays in Larmour, Miller, and Platter (1998) (eds.).

⁸¹ In the last few years the alleged discovery of an identifiable genetic predisposition to a homosexual identity (the 'gay gene') attracted much excitement and controversy; the findings seem not to have been satisfactorily replicated (see e.g. discussions in Nye 1999: 285–305).

adopted before the late nineteenth century.⁸² Ancient Greek texts do not apply such labels, nor do they assume that if a person has a preference for sex with either males or with females, he or she is likely to feel distaste or loathing at the thought of sex with the other. They tend to assume that both desires are common and natural, and found often with comparable force in the same person, though, ideally at least, to differing degrees at different stages of life. So the assumption that most or all males are ‘naturally’ likely to feel sexual desire for other males, especially boys or young men, as well as for women, is found in comedy (e.g. Ar. *Clouds* 1071–4; *Wasps* 578; *Birds* 137–42; *Frogs* 55),⁸³ history (e.g. Thuc. 6. 54, 8. 74), and law-court rhetoric (e.g. Lys. 3. 4–5, 40, 43, 4. 7).⁸⁴ The way Aeschines describes the general interest the people as a whole took in attractive young athletes, and his attribution to Solon of the view, which he endorses, that free men should be positively encouraged to pursue youths at the *gymnasia*, while slaves may not (136–40), demonstrates that he shares that position in theory, as he admits he does in his own practice, and also, importantly, that he expects such a view to be very widely held among the jury.⁸⁵

Secondly, accepted Greek cultural values tended consistently to select one type of homosexual relationship as especially common and natural, to such an extent that it could be argued (136–40) that it was positively encouraged by the laws of Athens: the relationship between an adult male, especially one still young, in his 20s or so (often called the *erastes*, the lover) and a younger male in his teens (generally known as the *eromenos* or the *paidika*, the boyfriend). An excellent forensic use of this assumption appears at an important point in the speech (49), where Aeschines argues, almost certainly falsely, that contrary to appearances Misgolas is a bit older than Timarchos, and *can* therefore have been his lover.⁸⁶

⁸² Hence Halperin’s influential essay, ‘One Hundred Years of Homosexuality’ (1990: ch. 1).

⁸³ Cf. Dover (1978: 135–53); views that comedy generally disapproved of homosexual acts, or pederasty, as elite activities (recently Hubbard 1998) are misleadingly over-simple.

⁸⁴ cf. Dover (1978: 60–8).

⁸⁵ This view is far too deeply embedded throughout the speech for it to be plausible to suppose, as do most recently Hubbard (1998) and or Sissa (1999: 156–8), that it was put in to appeal only to a minority of more elite jurors, or was inserted by Aeschines in the published version, to appeal to the educated reading public, rather than to the jury; see also below pp. 58–60.

⁸⁶ Cf. above pp. 10–12. See Dover (1978: 16, 84–7), and a great deal of other material, above

Such relationships, pursued above all initially in the social settings of *gymnasia* and evening *symposia* and banquets, seem to have played a major part in Athenian cultural life. I shall argue below for the view that by Aeschines' time these practices were not restricted solely to small, closed worlds of Athenian élites; rather, as suggested by the crucial passage at **132–40**, 'noble', and even 'democratic', pederasty was widely held to have long been an essential element in Greek culture from Homer onwards. For Athenian citizens the 'role-models' were the democracy's founding fathers, the tyrant-slayers and lovers Harmodios and Aristogeiton.⁸⁷ As access to gymnastic and sympotic culture widened, so the concomitant pederastic emotions and relationships may also have become more widely admired and imitated.

Two rival theories currently contest the question of the origins of Greek homosexual patterns, and especially the privileging of this type of relationship. One theory imagines a long-term historical process, which began with closed initiatory rituals involving formalized homosexual pair-bonding. Such rituals have been discovered in a great many societies (especially in New Guinea and parts of Africa), and their complex varieties of initiation rituals and sexual practices have been analysed by anthropologists. In many such societies (including many Stone Age communities in New Guinea) there is no question of any conceptions of 'homosexual identity'. The assumption is rather that to grow into men, and to become warriors, fathers, and members of the community, all boys must endure painful ritual beatings or nose-bleedings, and repeatedly take in the semen of older males (orally or anally); next they will take their turns as the 'lovers', before they marry and propagate. In practice in these New Guinea societies the initiatory sexual acts (oral or anal) could involve loving relationships, and at least some older partners enjoyed the sex acts and continued the practices well after they were supposed

all perhaps the Socratic writings of Plato and Xenophon. The same assumption is made by the problematizing of exceptions, e.g. Xen. *Anab.* 2. 6. 28, where Xenophon includes among his adverse comments on the Thessalian Meno, one of the generals on the 10,000 expedition, that he had a boyfriend who was bearded when he was still without a beard. Cf. also Theopompos' outrage at Macedonians who had anal sex with adult male 'companions', some with beards, some with shaved bodies (*FGH* 115F, 225); and Golden (1984: 321–2). On Alkibiades' constant and pervasive subversions of all these norms, see above all Wohl (1999: 365–80).

⁸⁷ On their importance in this 'democratic ideology', see notes on **132**, Stewart (1997: 69–75), and Wohl (1999: 355–9).

to stop; but it must be emphasized that the practices were in general strongly age-delimited, and not seen as essentially individual choices, preferences, or tendencies.⁸⁸

The argument that some sort of comparably age-determined and secretive rites of passage originally existed among many or most Greek-speaking peoples (as also among some other Indo-European peoples), might sometimes at least involve homosexual pairings, and were the ultimate source for the various later forms of more optional, non-universal forms of pederasty and homosexual relations, rests both on some items of evidence and on a general argument that one might envisage elements of continuity as well as change in the archaic period.

Attention focuses above all on the relatively isolated island of Crete. There was a belief current in fourth-century Greece that male homosexuality originated and remained strong in Crete (e.g. Plato, *Laws* 636a–b, 836b; Arist. *Pol.* 1273a23–6;⁸⁹ the fourth-century historians Ephoros, *FGH* 70F149, quoted by Strabo 10. 4. 21, and Timaeus, *FGH* 566F144). Some scholars argue for interpretations of certain Bronze Age Minoan cups (especially the so-called Chieftain Cup) and later early Iron Age bronze figures and statuettes, above all from Kato Syme, in terms of a continuity of institutions of male bonding and initiation into men's clubs (the *andria*).⁹⁰ As early as the eighth or early seventh century we seem to find a man called 'Lover of boys' (Paidophila)—a *pithos* from Phaistos of c. 700 is inscribed with words probably to be interpreted as 'the possession of Erpeidamos son of Paidophila' (*SEG* 26. 1050, 29, 831). This suggests some sort of socially accepted love of boys. Myths and rituals based at Phaistos and elsewhere have also been argued with some plausibility to suggest well-established rituals of transvestite initiation rituals and perhaps sexual bonding between older and younger males.⁹¹ Literary

⁸⁸ Cf. the descriptions and analyses in Herdt (1984; 1987; 1994). On rites of passage in general the classic work was van Gennep, *Les Rites de Passage* (Paris, 1909; Eng. tr., London, 1960).

⁸⁹ I am not convinced by one reason Aristotle offers for the Cretan system's encouragement of male seclusion and homosexuality, namely as a birth-control mechanism (cf. Leitao 1995: 143), and even less by the elaborate reworking of this idea as the major explanation for Greek pederasty by Percy (1996).

⁹⁰ Koehl (1986; 1997); some criticisms in Halperin (1997: 41–4).

⁹¹ Cf. the wide-ranging and interesting article of Leitao (1995: *passim*). On initiatory myths and connections with pederasty, see Sergent (1986a; 1986b) (at times too positive); Dowden (1992).

sources and archaeological and epigraphic material alike suggest that men in many Cretan cities in the archaic period spent much of their time in the men's clubs (*andreia*), which formed systematic parts of the cities' organization.⁹² Finally Ephoros preserves an impressively detailed account of initiation rituals in Cretan cities, whereby boys spent periods together in herds (*agelai*) and were trained to hunt, run, and fight; then each hoped to be selected by a young 'lover', who carried him off in a staged 'rape' to spend two months away hunting and copulating in the country, and on return gave him presents which may plausibly be taken to mark a successful transition to manhood: an ox and a cup (to sacrifice, and drink, as an adult in the male clubs), and military clothing.⁹³ It must be admitted that Ephoros' account is disappointingly generalized, as if all Cretan cities had the same customs in the fourth century, which is clearly unlikely. It may reflect the somewhat idealizing and over-simplifying approach common in fourth-century theorizing, according to which Crete and Sparta were conservative societies which preserved ancient traditions. One must recognize too that the development of myths and rituals, in Crete as elsewhere in Greece, may often have intruded homosexual elements into existing accounts.⁹⁴ But it seems hard to deny some long-term continuities here between the impression of rituals given in these later sources and some ancient ritualized social practices.

Rock-cut graffiti from Thera (probably sixth-century) record that individual acts of homosexual couplings took place, often combined with praise of boys' qualities; they have been found very close to the terrace of a temple of Apollo, and some are associated with dedications to Apollo Delphinios, an aspect of the god which is associated in many places with young men and initiatory myths. All this strongly suggests that more than merely casual boasts of sexual contacts or conquests was involved on

⁹² On Cretan *andreia*, J. B. Carter (1997); Lavrencic (1988). Cf. also the interesting abdominal guard (*mitra*) inscribed with the duties and privileges of the community scribe (the *poimikastas*) published by Jeffery and Morpurgo-Davies (1970), with Viviers (1994) for the suggestion that the building at Afrati where the object was found was the *andreion* of the Cretan city of Dattala.

⁹³ See Bremmer (1980; 1990); Cantarella (1992: 3–12); Ogden (1996b: 123–5); Stewart (1997: 27–9); Calame (1999: 96–9, 101–9). Patzer's attempt (1982) to see official or approved Greek 'love of boys' as fundamentally initiatory or educational with few or no sexual acts or emotions involved is, however, unconvincingly reductionist.

⁹⁴ Cf. Dover (1978: 185–96; 1988: 115–34).

archaic Thera; on the other hand their very publication, and the probable expression of personal feelings of pride or hostility, suggests that the transition to more overt and individualized pairings has already begun.⁹⁵

The contrary view argues that evidence for continuities back to homosexual behaviour in initiatory rites is insufficient, and cannot explain the sudden presence across most of Greece of open and optional homosexual love, especially among the leisured élites. This view also lays great weight on the supposed absence of explicit or implicit references to homosexual love or sex in the earliest surviving Greek poets, Homer, Hesiod, and Archilochus. When we do find, from *c.* 600 on, male erotic poetry based on the symposion (Alcaeus, Solon, Theognis, and Anacreon) we find no sign of male initiatory practices (though arguably female rites and homoerotic expressions may be seen in the poems of Sappho of Lesbos and Alcman of Sparta);⁹⁶ instead we find culturally approved expressions of homosexual or pederastic desire, pursuit, and love. At the same time pederastic courtship and sex acts become rampantly widespread in ceramic iconography in the sixth century. This is then presented (but not really explained) as a new phenomenon in the development of the leisure activities of Greek aristocracies, which is associated with other developments in Archaic Greece. For example, access to free women outside marriage is limited, and there is intense interest in competitions, display, and athletics; in this period the athletic contests take their standard Panhellenic shape in the early sixth century, and athletic nudity is introduced, and there were major opportunities for young adults, in the relative absence of formal education, to be involved in the socialization of boys and youths.⁹⁷

My preference would be to deny the exclusivity of these competing explanations, and combine elements of both. It seems implausible to suppose that there was no connection at all between the very marked privileging in the archaic and classical periods of the asymmetrical and educational aspects of one form

⁹⁵ Cf. *IG XII* 536–56; Cantarella (1992: 7–8); Calame (1999: 105–9); for the (in many ways) similar fourth-century graffiti found on sea-side rocks, near a fort, on Thasos, and one in the tunnel leading to the stadium at Nemea, cf. Garlan and Masson (1982) and Calame (1999: 106); for the ‘casual’ interpretation, cf. Dover (1978: 123, 195).

⁹⁶ Above all Calame (1997: *passim*).

⁹⁷ Above all Dover (1978: 185–203; and 1988: II, 115–34); cf. also Percy (1996); on athletic nudity, Bonfante (1989), McDonnell (1991).

of homosexual relations above others, and the hints of earlier initiatory practices. Evidence for those may not be as solid as one could wish, but such as there is does help to explain the prevalence of, and social approval for, just this educational pattern of pederastic relationships, which become evident in so many different areas of Greece.⁹⁸ It can be argued with considerable plausibility that Homer shows at least awareness, albeit expressed with delicacy and reticence, of homosexual desire, for example in Zeus' interest in Ganymede, and also of the possibility of extraordinarily intense, loving emotions between men (primarily Achilles and Patroklos). There are grounds too for suggesting that these may be seen as having a sexual dimension and perhaps even a hint at physical expression (see on 141–50, Aeschines' attempt to argue a similar point).⁹⁹ It has also been suggested that Hesiod alludes to the prevalence of homosexual desire among his agricultural workers.¹⁰⁰ Homer, and perhaps Hesiod, like the earliest rock graffiti, may reflect the beginnings of a social shift from a concentration on secretive initiatory bondings to more openly acknowledged relationships.

But it is equally important to emphasize that the much greater openness of expression in poetry and art from the early sixth century must indeed reflect the development of strikingly new patterns in different parts of Greece. In some places, especially Crete and Sparta, what look like quasi-initiatory, age-determined, and standard, homosexual relations can best be seen as part of a 're-institutionalization' of ancient customs to fit new structures and new political needs of these communities. In Sparta the increasingly rigorous upbringing designed to create homogeneous Spartiate fighters to cope with the problems of helot-control was probably aided by the use of homosexual pair-bonding.¹⁰¹ For the Cretan institutions described by Ephoros, the constant warfare between the cities mentioned by Aristotle (*Pol.* 1269a1) may be relevant; Ogden has noted that a successful pair of lovers in Ephoros' description may stay together in the army after completion of the initiatory process.¹⁰²

⁹⁸ Bremmer (1980; 1989; 1990), Calame (1999: 101–9).

⁹⁹ Clark (1978); Ogden (1996b: 123–5).

¹⁰⁰ Poole (1990).

¹⁰¹ Cf. esp. Cartledge (1981) on Spartan pederasty; the process of formation of the social institutions of the classical Spartan state may have taken much longer to complete; cf. e.g. Hodkinson (1998).

¹⁰² Cf. Ogden (1996b: 117).

In many other cities, the development of overt, formalized expression of love for boys among élite men at leisure arguably reflects the breakup into voluntary groupings of the more structured rituals, which had been, by common consent, rarely spoken about in public, though probably widely known. For Athens, there are a number of rituals and associated myths that have plausibly been held to suggest initiatory practices (the myths later often came to involve Theseus as a proto-ephebe). The institutions which may have been involved, the phratries, along with some form of military training for youths known (certainly by the fourth century, and probably at least from the sixth century) as ephebes, went through many transformations. But by the fifth century any systematic homosexual bondings linked specifically to the phratries or to ephebic training appear to have disappeared.¹⁰³ Instead, the needs of members of the archaic aristocracies to love and care for younger boys came to be expressed in the more overt proclaiming of the educational value of loving and affectionate relations between youth and boy, centred on the optional settings of the *gymnasia*, the games, and the *symposia*. Initially, it seems, restricted to the culturally dominant wealthy aristocrats engaged in hunting, athletics, and drinking, these practices acquired the characteristic complex of romantic idealization, of lovers' competitive rivalry, stylized pursuit, and expression of their emotions in love poetry. As a consequence they imposed on the boys some very delicate decisions: to which of their suitors, if to any, should they grant their favours, in exchange for the presumed educational or social advantages?¹⁰⁴

But even in the sixth century, other forms of homosexual relations besides those between élite young men and adolescent boys/youths (the 'pederastic model') existed. The pictures of courtship in black- and early red-figure Attic vases (roughly between 570 and 470) predominantly display older bearded youths approaching, giving presents (such as cocks and hares) to, touching genitals or intercrurally copulating with younger beardless (and apparently unexcited) youths. This all seems to fit well

¹⁰³ Cf. Vidal-Naquet (1986a and b), Calame (1996). See, however, the more sceptical account of phratries and initiation in Lambert (1993). Ogden's valuable survey of Greek homosexuality in military contexts does not seem to me to find satisfactory evidence for *systematic* homosexual bondings in the ephebic training or in the Athenian army (1996b: esp. 125–35).

¹⁰⁴ Cf. Bremmer (1990); Calame (1999: esp. 23–38).

with much of the literary evidence which indicates that relationships were expected to be asymmetrical in ages, should involve as inducements presents rather than cash, and should avoid anal sex, and any suggestion of sexual pleasure for the boys.¹⁰⁵ Yet there are important variants. A few black-figure vases (especially by the pot-painter known as the 'Affecter') show courtship between two beardless boys, or two bearded young men, both cases where it is not at all clear which is the older. Other black-figure vases show men with greater interest in the boys' buttocks than touching genitals, or give indications of both partners with signs of erections, or boys visibly responding warmly, with kisses or other signs of affection. A very few show or strongly suggest anal intercourse; one in particular, doubly anomalous, shows a beardless youth anally penetrating a bearded man.¹⁰⁶ Red-figure vases down to c. 450 show fewer variations in modes, and, for reasons which are not at all clear, explicit scenes of sexual activity, whether homosexual or heterosexual, tended to go out of fashion after that date.¹⁰⁷

How far this can take us is not clear, as our understanding both of the conventions of these artefacts and of their markets is seriously incomplete. The great majority of Attic vases, including the explicit ones just mentioned, have been found in Etruria, not in Greece, but whether all which reached Etruscan graves were explicitly aimed at Etruscan markets, or only some (and if so, how do we decide which ones), is hotly disputed.¹⁰⁸ Even so, some doubt seems to be cast on the complete dominance of the pederastic/educational model in representations in the archaic

¹⁰⁵ Cf. on in general Dover (1978); on the pictures, especially Shapiro (1981), Koch-Harnack (1983), Kilmer (1993a), and for analysis of the complex polarities between presents and cash in texts as well as in iconography, von Reden (1995: ch. 9), pointing out that males offering money to boys seem more acceptable in gymnastic than in sympotic contexts; cf. also Fisher (1998a: 97–8). Satyrs on the other hand may engage in all forms of sexual or bestial activities.

¹⁰⁶ Hupperts (1988); de Vries (1997); Kilmer (1997a: 15–26). The convention of showing couples, often of similar ages, under the same cloak may well be a decorous way of indicating intercourse; see Koch-Harnack (1989). Cf. also for casual sex between coevals, Theopompos the comic poet fr. 29 K–A; Dover (1978: 87), and below on **IO–II**.

¹⁰⁷ Though it is worth noting the red-figure bell-krater by the Dinos Painter (c. 420s) (Dover 1978: no. 954*, 87, 99; Kilmer 1993a: 23–5, 183), where a very keen boy climbs on to a chair to sit on another boy (or perhaps youth) with an erection, apparently for anal, or perhaps intercrural, copulation; their headresses suggest the licence of a festival, perhaps the Anthesteria (von Blankenhagen 1976).

¹⁰⁸ e.g. Spivey (1991), Sparkes (1996).

period. One might in any case suspect that in a society which for whatever historical reasons placed an extraordinary high cultural value on one particular form of pederastic relationship (and allowed many controlled opportunities for the display, admiration, and discussion of naked male bodies), many other types of homosexual relationships or casual sex acts would be tolerated, at least by many, and in any case would certainly occur with great frequency.

By the period of full Athenian democracy, as our literary sources become more abundant, Athenian society itself became more complex, and increasingly contained many contradictory ideologies and values. As the speech given to Pausanias in Plato's *Symposium* explained, this was especially true of same-sex relations. On the one hand, homosexual desire was almost universally seen as natural for any man; on the other all respectable men were under strong social pressures to marry, settle down, and produce heirs for their households and for the city. The age by which marriage was expected seems to have been around thirty. Hence exclusively homosexual practice and refusal to marry would arouse condemnation on the grounds that one was betraying both one's family and the city, and confirmed bachelors are very rare.¹⁰⁹ These parameters provide room, and reason, for those Athenians who had the necessary attractiveness and inclinations, or those who were put under the appropriate social pressures, to spend early portions of their lives as boyfriends, lovers, or both, before settling down, marrying, and perhaps entering politics. Aeschines' speech provides the best evidence that these patterns, if conducted without 'disgrace', can be presented as 'noble love', and an essential part of Athenian culture: as a pattern which ordinary Athenian citizens might hope for themselves or for their sons (see section 8 below).

But other patterns and other preferences are also presented by the speech, as by other evidence, as both common and not unacceptable, without the issue of an exclusively homosexual 'identity' being explicitly raised. So Timarchos is attacked for his

¹⁰⁹ e.g. Solon fr. 27. 9–12; Dein. 1. 71; Lyc. fr. 96 Conomis; Golden (1990: 98, 108–10); on age at marriage, also Verilhac and Vial (1998: 214–16), emphasizing individual variations. Euripides' *Hippolytus* is an excellent example of a fictional youth whose attempts to avoid marriage and sex, and stay permanently an 'ephebe', antagonized Aphrodite and caused disaster (though a preference for male lovers is not suggested); cf. Dowden (1989: 113–15); Cairns (1993: 316–19); Calame (1999: 7).

acceptance of a great many male lovers, yet his own preference was allegedly for extravagant fun and gluttony with girl-pipers and *hetairai* (esp. 42), and he appears to have married and had children (Dem. 19, 287).¹¹⁰ On the other hand, Misgolas, one of his lovers, maintained until well into middle-age his exceptional preference for slender musicians and singers (41, a *prohaeresis*).¹¹¹ Aeschines himself admits a still active life pursuing youths, getting into fights and writing poetry, when the same age as Misgolas, also well into middle-age (135–6).¹¹² Agathon and Pausanias in Plato's *Symposion* form the most plausible example of an intense asymmetrical partnership which grew into an affectionate and lasting relationship well into both their adulthoods.¹¹³ In his conclusion (195) Aeschines addresses all those who have such an inclination to avoid citizen youths and instead 'hunt easily-caught youths', i.e. non-citizens; he does not urge them to give the practice up. Plato himself apparently did not marry, and like some of these other men has been labelled a 'homosexual';¹¹⁴ certainly his work displays a passionate and abiding interest in the possibilities for 'noble' and serious homosexual love (not excluding some physical expression) to lead towards philosophical commitment and understanding, above all in *Symposion* and *Phaidros*. In the *Laws*, however, a much more condemnatory attitude to any physical form of homosexuality is adopted.¹¹⁵ Plato is also often

¹¹⁰ Sissa (1999: 153–60) seems to suggest that Aeschines' arguments that Timarchos' character and body have been marked for life by having 'sold himself' for sex 'against nature' (185), and pursued his pleasures, are enough to label him (and the others involved in the case) 'homosexual' or 'a gay man'; this ignores the insistence throughout the speech that Timarchos shamelessly accepted what his lovers wished to do to him solely to pay for his own different pleasures.

¹¹¹ Whether he married and had children is unclear; Aeschines chooses to treat him kindly. There are also the 'wild men' listed at 52, cf. Dover (1978: 37–8).

¹¹² About which he—necessarily—shows less embarrassment than the apparently even more elderly speaker of Lys. 3, whose passions have led him into fights and a difficult lawsuit.

¹¹³ Cf. also the picture of Agathon as an effeminate, shaven, adult who still enjoyed anal penetration (*euryproktos*) in Aristophanes' *Thesmophoriazusa*, Dover (1978: 140–4). *Phaidros*' examples of famous couples in his speech do not always fit the major pattern either; cf. on 141–4 on Achilles and Patroklos, and Hubbard (1998: 71).

¹¹⁴ e.g. Wender (1973); Vlastos (1973: ch. 1). On whether it is in general appropriate to call, with due qualification, those with varying degrees of 'preference' for same-sex relationships 'homosexuals' or 'gay men', cf. e.g. Boswell (1980); Halperin (1990); Thorp (1992), and with reference to Rome, Richlin (1994); Richlin (1997) (ed.); and Williams (1999).

¹¹⁵ For analyses of the value of pederastic relationships for Plato's philosophy, and his rejection in the *Laws*, e.g. Dover (1978: 153–68); Vlastos (1973: 1–42; 1987); A. W. Price (1989: chs 2 & 3).

supposed to present, in ‘Aristophanes’ speech’ in the *Symposion*, an ‘essentialist myth’, which assumes, and then purports to explain, an accepted division of men and women into (roughly in equal proportions) homosexuals and heterosexuals;¹¹⁶ but there are good grounds for supposing that these assumptions underlying the myth serve complex Platonic agendas in the work, and are not to be taken as straightforward representations of possible Greek beliefs in the sexual identities of heterosexuals and homosexuals.¹¹⁷

In conclusion, one might say that that there were probably very few males indeed who would have said they were exclusively lovers of males, but there were those who consistently preferred sex with males (or certain types of younger males) to sex with women through much or all of their lives, some very passionately or with great commitment. There were those who were very keen on romantic attachments, and sex, with younger males at certain periods of their lives; and in general a relatively high level of actual homosexual sex probably occurred, much of it casual. This activity may have been especially frequent in the leisured classes, but was found pretty widely in the rest as well. But there were a good many conflicts, variations, and moral problematizations throughout the society as well, and the easiest way to approach these are through a consideration of the laws and the moral values discussed in our speech.

7. HOMOSEXUAL RELATIONS AND THE LAW

The prevailing form of these relationships assumed asymmetrical relationships, in which the younger partners were described as boys (*paides*), youths (*meirakia*), or young men (*neoi*, *neaniskoi*). There must have been issues of parental or legal protection for boys who were not yet of an age to be responsible for their own decisions. Aeschines claims there was a coherent set of laws designed by the lawgiver Solon, to protect the boys against attack or abuse at schools and *gymnasia* (9–11, and see also 187), against being forced into prostitution by pimps or fathers, and against *hybris*,

¹¹⁶ e.g. Boswell (1980: 54); cf. D. Cohen (1991a: 190–2), with a different emphasis, seeing ‘Aristophanes’ presenting an argument against social disapproval of males with a preference for their own sex, as also Thorp (1992).

¹¹⁷ See Carnes (1998), and also Ludwig (1996).

deliberately insulting or dishonouring behaviour. Aeschines claims these laws might among other things protect boys and youths against rape or under-age seduction or prostitution (13–18). Much later he cites laws forbidding slaves from exercising in *gymnasia* or from being the lovers of free boys (138–40). The laws cited are probably rather more of a rag-bag of provisions of different dates than the allegedly planned ‘Solonian’ programme, but some of them at least may well go back to the sixth century.¹¹⁸

Many of Solon’s more certainly genuine laws and constitutional reforms, as well as his poems in justification of his reforms (e.g. fr. 4–6), show a persistent concern for the maintenance of status-distinctions, the protection of the honour and appropriate status of the citizens, and the stability of the family. Some more personal poems display an interest in the ideals of pederasty; see fr. 24.5–6, and especially fr. 25 West, a couplet apparently giving a standard picture of the erotic man: ‘while [or until] he loves a boy (*paido-philesei*) in the delightful flower of youth / desiring thighs and sweet mouth’.¹¹⁹ Politically Solon divided the citizens into four income-classes, with appropriately graduated duties and office-holding opportunities for each; many laws protected the weaker members of families, and their inheritance patterns, or showed concern for the preservation of physical or social boundaries.¹²⁰ The public suit (*graphe*) of *hybris*, designed to protect the honour of all, but especially of male citizens, against all forms of serious abuse (and especially violence or sexual abuse), fits these patterns very well, and is very likely Solonian, or at least sixth-century.¹²¹ Also probably Solon’s are the laws forbidding slaves access to the *gymnasia* or to be lovers of free boys and arguably thereby indicating approval for pursuit of boys at the still essentially aristocratic *gymnasia*. They are also mentioned by Plutarch (*Solon* 1), the text contains an archaic-looking word (*xeraloiphein*), and the content suits Solon’s concern to maintain the slave/free boundary at the social setting where they would certainly come into contact.¹²² The other laws cited may conceivably have a Solonian

¹¹⁸ See notes on 6–36 and 138–40 below, and D. Cohen (1991: 175–82); Cantarella (1992: 27–36, 42–4, 51–3); Ford (1999: 243–4).

¹¹⁹ Quoted by Plut. *Amat.* 751b, cf. his *Life of Sol.* 1. 2; Athen. 602e; Apuleius, *Apol.* 9.

¹²⁰ See esp. Murray (1980); P. B. Manville, *The Origins of Citizenship in Ancient Athens* (Princeton, 1990), Ch. 5.

¹²¹ So argued by Murray (1990b) and Fisher (1990), and also Fisher (1992: ch. 2).

¹²² Cf. Murray (1990b), and Golden (1984: 317–18); Kyle (1984; 1987: 22–3); Mactoux (1988).

origin, at least, but may well contain later elaborations (see notes). The fundamental point is perhaps that Athenian legislation in these areas is above all concerned with issues of status, honour, and shame: the central question is what exactly is it that constitutes shameful behaviour in both partners to a homosexual relationship.

There is no evidence on how often, if at all, these laws designed to protect the younger boys against sexual abuse or prostitution resulted in prosecutions. In principle Athenian fathers might *claim* that any sexual act by an outsider, against their permission, with a son not yet of age (or indeed an unmarried daughter) rendered the seducer or rapist liable to a charge of *hybris* against the offender, conceived as a gross insult to the father and family. D. Cohen has argued that this in effect constituted a notion equivalent to 'statutory rape' designed to cover all sex with minors. But evidence is lacking for widespread awareness of such a general interpretation of the legal offence of *hybris*, and, as Golden and Cantarella have pointed out, 'Pausanias' in Plato's *Symposium*, when he is arguing the case for the more noble love of youths presided over by the pair of Ouranian Aphrodite and Ouranian Eros, which prefers youths beginning to grow beards and acquire discretion, over the 'commoner' or 'demotic' love of younger, foolish boys, suggests that there 'should be a law' preventing such love of boys (181d–e). He does not suggest that such a law in effect exists, but is not implemented (though he does praise the noble love for being without *hybris*).¹²³

In practice, fathers, and the slaves appointed to watch over and protect boys (*paidagogoi*), must have tried to ensure their charges did not 'yield' too easily to unsuitable lovers, while respectable and controlled would-be lovers of boys under eighteen no doubt were supposed to proceed with caution and seek the approval of their fathers.¹²⁴ Prosecutions of one's teenage son's lover where

¹²³ D. Cohen (1987: 6–8; 1991a: 176–80); objections in Cantarella (1989: 160–5; 1992: 42–5); Golden (1990: 58–62). On the value to Aeschines of his arguments about *hybris* see on 16–17.

¹²⁴ Cf. the emphasis on the approval of Lykon for Kallias' love of Autolykos in Xenophon's *Symposium* (1. 8–11), in contrast, evidently, to the presentation of the relationship in Eupolis' *Autolykos* attacking Kallias as a rich keeper of parasites, Lykon as an effeminate parasite, and Autolykos as 'well-bored', presumably buggered by Kallias (fr. 48, 58, 61, 64 K–A; Dover 1978: 146–7); and contrast the fantasy of Ar. *Birds* 137–42, where an ideal city is one where a father remonstrates with his old family friend for not immediately kissing, embracing, and tickling the testicles of his good-looking, freshly bathed son, where

the issue was persuasion by gifts or by money, not rape, would have seemed a very risky procedure. Conviction would be difficult, especially on what was regarded as the very serious charge of *hybris*, and the publicity might well be more likely to increase family shame than to save it.¹²⁵ One might, however, suspect (though there is no evidence) that the younger the boy, the greater the likelihood of a stronger desire to prosecute, and a better chance of success.¹²⁶

Once Athenian boys had come of age and registered in their demes (see on **18**), at around eighteen, the only sexual acts likely to bring *immediate* legal penalties were rapes or seductions of citizen wives or daughters, or perhaps, as above, rape of young free boys. To engage in homosexual relationships, as senior or junior partner, or as an equal, or even voluntarily to engage in prostitution (*porneia*) or be an escort (*hetairisis*) was not in itself illegal (though Aeschines often asserts the contrary, see on **72, 87, 163–4**; Dover 1978: 31–3). Such relationships were open, as the speech fully reveals, to a great deal of gossip, scandal and disrepute, especially directed at the junior partners, but so far from being illegal, they could be the subject of legal contracts (see on **158–64**) and taxes were levied on male as well as female prostitutes (see on **119–20**). A major reason was the general liberal principle of the Athenian democratic system, that its citizens should be free to live ‘as they please’; the most famous expression of these values comes in Pericles’ Funeral Speech (Thuc. 2. 37. 3).¹²⁷ The Athenians had a conception of ‘private life’ which should be left alone by the laws, provided the honour of other citizens, or the interests of the state, were not attacked. The moral problematics of homosexual relations only became of interest to the laws if those who could be held to have ‘lived shamefully’, that

the joke is I think that normally one would have to proceed much more cautiously and work hard to be thought worthy of such approaches (rather than, as Hubbard 1998: 54–5, supposes, fathers from the perspective of comedy would wholeheartedly resist any such propositions to their sons).

¹²⁵ Cf. Fisher (1990; 1992: 50, 81–2); R. G. Osborne (1985b: 50). Part of Sokrates’ strict judgements in Xenophon’s *Symposion* (8. 19–21) envisages a practised seducer of boys who assigns what he desires to himself, not caring that this brings the greatest shame on the boy, and alienates his family from him, but there is no hint that they might resort to the law.

¹²⁶ For attempts to divide boys and youths into differing categories in this area, cf. Dover (1978: 84–7); Cantarella (1992: 30–44); Golden (1990: 58–62).

¹²⁷ Cf. also Thuc. 7. 6. 2; among the philosophers, Arist. *Pol.* 1317a40–b14; Plat. *Rep.* 577b, and the orators Lys. 26. 5, Isocr. 7.20. See Wallace (1994; 1996) and Hansen (1996a).

is, it seems, had engaged in prostitution or *hetairēsis*, later sought to exercise *active* citizenship—for example by proposing motions, speaking in the assembly, bringing a law suit, or standing for office. Hence while the law's interests in the 'private morality' of youths may seem illiberal and in tension with the praise of the 'negative freedom',¹²⁸ it can also be seen as 'democratic' and 'egalitarian', as it imposes a higher standard of personal morality on those who enter public life, who choose to seek the extra honours and financial rewards which may derive from success in addressing, and representing, the city.

It appears from Aeschines' speech that two procedures might then be used; but the crucial point here is that these procedures were not immediately operable, but could only come into operation if the youth with a doubtful past entered serious politics. Aeschines might in fact have prosecuted Timarchos by a public indictment (*graphe hetaireseos*) on the grounds of having been a prostitute though a citizen and over the age of sense and knowledge of the laws: in which case he might allegedly have been liable to the death penalty (see 20, and also Dem. 22.30 ff.). Aeschines claims to have used an alternative procedure which he calls the 'scrutiny' (*dokimasia*) of orators (26–32).¹²⁹ Under this procedure 'anyone who wishes'—in fact a personal enemy or someone currently engaged in a political struggle, like Aeschines—might challenge the man's eligibility to speak or be otherwise politically active (*epangellein dokimasian*) (32, 81), as Aeschines did at the assembly at which Timarchos' proposal about the Pnyx was under discussion. This then led to a hearing before a jury. Timarchos was accused primarily on two of the four counts of inadequate behaviour as a male and an active citizen (see section 5, and below on 37–116), and clearly the sexual charges were the more significant.

Several important questions remain: what did the law mean by *porneia* and *hetairēsis*, and what was necessary to prove it? And why did the law bear down on youths who commit these offences if and only if they then engage in public life? Why did it impose higher standards of *sophrosyne* and *eukosmia* solely on the powerful, the members of the honour-seeking, political élite?

As far as we can tell from Aeschines, the law gave no further

¹²⁸ Cf. e.g. Thomas (1994: 119, 124–5); Lane Fox (1994: 144–5).

¹²⁹ On doubts about Aeschines' accuracy, cf. Lane Fox (1994: 149–51).

definition of *hetairēsis* or *porneia*, and in that it was entirely typical of the Athenian approach to lawmaking. Nor did it indicate whether their use in homosexual relationships was at all different from that in heterosexual (see **13**, **19**, **29**). The main issue of debate in homosexual contexts concerns whether the distinction between *porneia*, *hetairēsis*, and a proper relationship, is based more, or entirely, on the types of payment or advantage accruing to the ‘boyfriend’ or on the performance of certain specific sexual acts. Involved in this debate is the precise meaning and moral denotation of certain expressions applied to the participants. It seems to me that the defining element in being a *pornos* in texts of this period is pretty clearly and consistently seen in terms of selling oneself, one’s body, or one’s sexual favours, nearly always for hard cash, and from a frequently changing cast of clients; *hetairein*, to be the male equivalent of a female *hetaira*, or the relationship of *hetairēsis*, is harder to define or to distinguish exactly from *porneia*, but involves rather appearing to be a ‘friend’ and ‘companion’, while being thought to be benefiting materially from one or more (often longer-term) sexual association(s).¹³⁰ In contrast to both, a ‘good’ boyfriend is in a relationship of friendship and affection, and benefits rather from valued advice and guidance, perhaps by some presents, but not in terms of cash of a living. In contemporary terms, one may compare a distinction between *pornoi* as ‘whores’ or ‘rent-boys’, and those in *hetairēsis* as ‘escorts’; the parallel is not exact, as ‘escorts’ nowadays seem to be classier and hence more expensive sexual partners than rent-boys, but also involved in what are usually also short-term arrangements. So in the translation I usually render *pornos* as ‘prostitute’ or, in some places, where a more colloquial tone seems appropriate, (e.g. **157**), as ‘whore’ (‘rent-boy’ seems too low a register, given Aeschines’ extravagant care to avoid appearing to break the rules of decorous language for the court). I usually translate, with reservations, the female *hetaira* as ‘escort’ or ‘escort-girl’, *hetairein* and *hetairēsis* of males as ‘be an escort’ and ‘escortship’. Comparison of two crucial passages in the speech (**51–2** and **119–20**) seems to make it clear that to take pay or live off one man while ‘doing

¹³⁰ Dover (1978: 20–2); on the fluid distinction in relation to women and men, esp. Davidson (1997: *passim*). See also Kurke (1999: 175–221), who traces possible origins of the term *hetaira* in the context of the archaic *symposion*, and explores the distinction in terms of the opposition between the cash commodification of *porneia* and the friendship and ‘mutual favours’ of *hetairēsis*.

this thing' might be enough for a charge of *hetairēsis*, while to sit in a house, take pay for sex and pay the whores' tax, certainly demonstrated *porneia*; but the distinction is fluid, and depends on one's argument. If, as Timarchos was alleged to have done, one is thought to have lived with and off a succession of men over a considerable period of time, though not necessarily ever receiving specific sums of money for particular acts, one gives the opportunity to an enemy to argue with some plausibility that such behaviour merited being called *porneia*, not just *hetairēsis*.

There is little or no indication that the law named specific sexual acts, nor that Aeschines felt he had to make it utterly unambiguous what acts Timarchos had allowed to be performed; he prefers to make repeated play of the need to maintain decorum of language, and express reluctance even to use a term which the law itself uses, *pornos* (see above all 37–8, 40–1, 45, 51–2, 74–6). If it was crucial to argue that anal or oral sex was involved, one suspects that Aeschines would have made it clearer which acts he was delicately alluding to, by reference for example to 'rear parts' or 'mouth'.¹³¹ In that sense, then, it is not correct to claim that submission to bodily penetration, in any type of relationship, was clearly indicated by the laws as behaviour which constituted the offence of *hetairēsis*.¹³² If an enemy had reason to suppose (not in itself very likely) that an otherwise socially approved couple who engaged in an apparently loving and educational relationship had also performed buggery, and the younger one then went into politics, it seems unlikely that he would calculate that he would have much of a chance of a successful prosecution under the *hetairēsis* rule.

On the other hand, Aeschines does make constant, allusive references to 'the thing' or 'the act', as if everyone knows what he means. This is best explained by a set of common assumptions which made a close, *de facto*, connection seem plausible between mercenary arrangements and certain sex acts, especially buggery.

¹³¹ Cf. also Cantarella (1992: 48–53); Davidson (1997: 177, 219–21, esp. 253–6); Calame (1999: 139–40), all suggesting (with different emphases) that it is the 'prostitution' issue that matters for the law, not the nature of the acts. Aeschines comes closest to implying that a specific act was in itself illegal at 40–1. He is more explicit in reference to Demosthenes' mouth at 2.99–100; and may hint at sexual 'bending down' at 187.

¹³² e.g. D. Cohen (1987: 9; 1991a: 181): 'at Athens public submission to such intercourse as required of Melanesian initiates (i.e. anal or oral penetration in an approved initiatory bonding) would [or, in the later publication, 'could'] result in disenfranchisement'. Dover was generally more circumspect, though 1978: 103 comes close.

The assumptions (see 40, 52, 69) are that the man who pays for the arrangement can insist on whatever acts he prefers; that anal sex is what homosexual lovers usually want, and that 'good boys' should not, as *pornoi* would, agree to 'present their bottoms' to their lovers for money (Ar. *Wealth* 149–56). It is interesting that the next lines of that play add the usual comic addition which works to collapse the vital distinction between good and bad boys, by assuming that even the good ones are persuaded to accept buggery by agreeable and generous presents. It is in general the assumption of comedy (esp. Ar. *Clouds* 1085–104) that all boyfriends are 'wide-bummed' (*euryproktoi*).¹³³ The fact that the vast majority of vases which display what look like 'normal' homosexual pairs engaging in sex shows face-to-face genital handling or intercrural sex (for which the Greek term was evidently *diamerizein*, 'to (do it) between the thighs')¹³⁴ supports the view that this, if anything, was what, in much polite discourse, noble lovers were supposed to do. The relative infrequency of the younger partners displaying either much of an erection or much facial sign of excitement (though as recent work is emphasizing, there are significant exceptions to this picture) supports the view found in some of the literary sources, namely that good boys did not seek sexual enjoyment from an affair (put very strongly by Sokrates in Xen. *Symp* 8. 21–3).¹³⁵ Sokrates' view, much of the time, in both Plato and Xenophon, was that noble lovers should, if they can manage it, avoid physical copulation with the boys they love;¹³⁶ but this was an extreme view.¹³⁷ Most believers in the traditions of noble love and the importance of distinguishing this from a shameful sort would insist, one suspects, not so much on a rigid avoidance of any orgasmic intercourse, nor even on the strict avoidance of penetration, as on more fluid notions such as mutual consent, affection, honest persuasion, and respect for the boy's

¹³³ Dover (1978: 99, 140–7). Cf. also Amphis 15K–A, where the cynical character does not believe that any lover only loves his boyfriend's character, ignores his looks (*opsis*), and is really *sophron*. On the meaning of *euryproktos*, below pp. 45–9, and Davidson (1997: 176–7).

¹³⁴ Dover (1978: 98).

¹³⁵ Cf. also Plat. *Phaedr.* 255d; Dover (1978: 52–3).

¹³⁶ Cf. Dover (1978: 159–61); Hindley (1999: 79–80); the loving philosophical couple in the *Phaidros* may have a momentary lapse into temptation, brought on by mutual affection and excitement, and be tolerated; but it is better if this is avoided.

¹³⁷ Hindley (1999) argues plausibly that Xenophon's personal views were more tolerant of 'respectful' physical love than is his Sokrates, above all in *Symp.* 8; Plato's *Laws* show him ending in a more extreme position yet.

interests and reputation. Whether boys agreed to intercrural, even anal, sex, and whether they also permitted (or encouraged) masturbation,¹³⁸ or enjoyed anal sex, was for many understood to be matters left to the couple, who should keep outsiders guessing.¹³⁹ The greater the numbers of lovers a boy or youth was supposed to have had, the greater the grounds for believing that he was living with and/or off one or more lovers. The more he went on living like this while becoming an older youth, or even an adult, the more the assumption would be that there was no delicate and sensitive negotiation and mutual respect between the pair, but the lover with the wealth would insist on whatever acts he preferred, and that they would be performed ‘in *hybris*’, or ‘with shame’.¹⁴⁰

For these reasons Aeschines builds his case above all on the narrative he constructs. It highlights a long series of men Timarchos had been involved with once he, as a *meirakion*, had reached the age of sense and knowledge of the laws: Misgolas; Kedonides, Autokleides, and Thersandros the ‘wild men’; Antikles; Pittalakos; and Hegesandros. It dilates on the lovers’ houses he had lived and been available in, and dwells on some famous scandals, involving illegal and violent acts by some of his lovers, notably Hegesandros. On the back of these narratives he throws out repeated (and unsubstantiated) assertions that all these lovers naturally called the shots, and insisted on the performance of shameful, self-hybristic, and degrading acts (which cannot of course be named explicitly) for which Timarchos voluntarily sold his body and to which he subjected himself.

One may separate out in analysis the issue of self-control and mastery of one’s own body from that of the moral values of specific acts. In all cases there may have been issues of the disgraceful assimilation of a citizen male to those of lesser status—women, barbarians, or slaves. For boys who were about to assume

¹³⁸ The interesting passages (esp. *Ar. Ach.* 591–2; *Kn.* 963–4) relegated by Dover to his Appendix (1978: 204) (‘because I could not explain [them]’; but he does a good job), suggest that if those engaged in homosexual rape would be likely to handle their victims’ penises, kinder lovers would do the same; to say nothing of what one might in practice expect of vigorous adolescents fond of their lovers, cf. also de Vries (1997).

¹³⁹ Cf. Dover (1978: 106–9), whose caution here has not always been noticed; Vlastos (1987).

¹⁴⁰ Cf., in addition to Aeschines’ defence at 136–40, esp. Pausanias’ speech in *Plat. Symp.*, the ‘non-lovers’ speeches in *Plat., Phaedr.*, and *Xen. Symp.* 1. 10. See also Cantarella (1992: 18–20); Hindley (1999: 89).

(or had just assumed) citizen-status to allow a lover to dictate sexual terms could be seen as accepting a shameful surrender of control to another merely for gain, an inappropriately mercenary exchange of one's supposedly inviolable body. This risked the assimilation of their behaviour and characters to those of women, who have less choice in such matters, and even more to those of slaves, who were legally debarred from loving boys (see on 138–9) and had often to serve their master's sexual demands. It is noticeable how 'decent' lovers often emphasized how they chose to 'enslave themselves' to their boyfriends (e.g. 'Pausanias' in Plat. *Symp.* 183a; Xen. *Mem.* 1. 2. 11; the motif is found as early as the pederastic poems in 'Theognis' Book II, e.g. lines 1235–8, 1305–10, 1337–40, 1341–50, 1357–60). One advantage of this was to counter any suggestion that they may be inappropriately in control. For the older males, most no doubt already enrolled as citizens, to adopt a position of abasement, competing with rivals and pleading for 'favours', making offers and promises, even taking up a relatively submissive, knees bent, position in intercrural sex, could pass as an acceptably paradoxical pose, and did not seriously damage their civic status. More importantly this apparent reversal of power relations often masked reality, and constituted a useful defence for the lovers against the charge of abuse of superior age and power, and treating their free boyfriends as women or slaves, and for the boys against the more serious charge of slavish surrender.¹⁴¹

What then was so objectionable and sensitive about the sexual acts which Aeschines alludes to but will not mention? It seems uncontroversial that in some sense 'anal intercourse' is central, but how that is to be interpreted is a complex and hotly debated question. A view which has become widespread, perhaps standard, especially since the books by Dover, Foucault, Winkler, and Halperin, puts heavy emphasis on a simple division between those who penetrate with the penis and those who passively accept it. This is built up into a 'phallocratic' theory of Greek culture (and a specifically Athenian, democratic, version of it) which links citizen status with active exercise of the phallos,¹⁴² and

¹⁴¹ See esp. Golden (1984; 1990: 58–9).

¹⁴² Evidence for these attitudes comes, *inter alia*, from the frequency of phalluses, and phallic imagery, on Greek vases, on the stone images of bearded, phallic Herms at the point where Athenians' private houses met the street, and from comic passages asserting

stigmatizes those free males who receive a penis inside them as losing masculinity, by being ‘soft’ or ‘passive’.¹⁴³ This view then interprets certain crucial terms of abuse applied to deviants in this light. *Euryproktos* (wide-bummed) is held to be applied especially to those noted as accepting (many) lovers because habitual buggery was supposed permanently to distend the anus; *lakkos* (cistern, tank—see on 84) and *lakkoproktos* (tank-arse), similarly denote those with widened anuses; *katapugon*—‘down the arse’—(usually) denoted those who passively accept anal sex; and a *kinaidos* (which seems to take over from *katapugon* as a sexually charged term of abuse, see on 131) is seen as an effeminate male most importantly characterized as one who submits to regular penetration. This view supposes that what is especially objectionable in moral terms is that by passively accepting penetration these characters assimilate themselves to women, who are expected to be penetrated and to be inferior, and to slaves; occasionally this position can be designated as ‘against nature’ (see on 185).

Recently this view has come under sustained challenge, above all by Davidson (1997), essentially as monolithic and obsessed with the single issue of penetration, phallic power, and submission. He points out, correctly, that many of the texts describing individuals as *euryproktoi*, *kinaidoi*, and so on, focus not on passivity but rather on their capacity to find sexual pleasure in the anus, and on an insatiable appetite for this pleasure. This can be discussed as a physiological problem, as by Arist. *EN* 1148b15–49a20, and [Arist.] *Probl.* 4. 26, or seen as an unacceptable or disgusting way to choose to live, as by ‘Kallikles’ and ‘Sokrates’ in Plat. *Gorg.* 493a–4c, where the life of the *kinaidos*, endlessly seeking to satisfy his apparently disgusting desire, like scratching an itch, revolts even the amoralist Kallikles. The notion of insatiability is applied equally to other pleasures, such as food, drink, and gambling. Similarly, *euryproktos* and *lakkos* may indicate not so much the forced widening of the anus by constant buggery as the capacity of a ‘lewd’ youth to widen or contract it himself to increase his pleasure and his capacity to be ‘filled up’. For Davidson and

‘Solon’s’ democratic spirit as displayed by the provision of cheap brothels for all (Philemon 4 K/A; Dover 1978; Halperin 1990: 102–4).

¹⁴³ Cf. Winkler (1990), more strongly; Halperin (1990); Stewart (1997: 156–71). On the *kinaidic* styles of dress, posture, gesture, etc., cf. Winkler (1990: 46–54); Thornton (1997: 99–110); Gleason (1995: 62–70).

others what is thought wrong about being buggered was not passivity and humiliation, but lewd and insatiable pleasure-seeking, comparable to the nymphomania often attributed to women.

This analysis undoubtedly adds important and neglected elements to a complex picture, perhaps gives a more realistic picture of the enjoyments some may have experienced, and certainly reflects better many hostile beliefs about what *'kinaidoi'* did and why. But it does not necessarily make the alternative account redundant. 'Passivity' or 'moral cowardice' may not be the only sources of moral error in this area; yet Davidson has not discussed or disposed of all the evidence for a deep-rooted association of phallic assertiveness and display with masculine status, nor has he in my view accounted adequately for the focus of so much sexual hostility in relation to homosexual acts on those who accepted being buggered. There is plenty of evidence (*pace* Davidson 1997: 169) that many Greeks saw anal rape and forced masturbation in certain circumstances as a means of asserting power or inflicting revenge: see for example *Ar. Ach.* 592; *Knights* 355, 364, 962–4; *Thesm.* 157–8 and *Theocr.* 5. 40–4, and also the supposed 'radish' punishment which might be inflicted in reassertion of his lost masculinity by a wronged cuckold on an adulterer (see on 185). Further, the so-called 'Eurymedon vase' does in my view demand a political interpretation. It shows a naked Greek (captioned as saying 'I am Eurymedon', meaning perhaps the personification of the major victory which the Greeks inflicted on the Persians in the early 460s at the river Eurymedon),¹⁴⁴ striding forwards holding his erect (or half-erect) penis as if about to penetrate a terrified Scythian/Persian figure (who is captioned saying: 'I stand bent over'). This should be read as a political statement, which perhaps asserts something like 'we can bugger the Persians as we did at Eurymedon, because they are softies and gagging for it', implying perhaps a variety of ways in which Greeks can now dominate and exploit the Persians.¹⁴⁵ Davidson may be right that

¹⁴⁴ On who utters which caption, the personification of 'Eurymedon', and the ethnic associations of the victim, see most recently Smith (1999: esp. 135–9).

¹⁴⁵ For all Davidson's sophisticated arguments (1997: 170–1, 180–2), it is hard to believe that an Athenian vase featuring 'Eurymedon' as a sexually aggressive Greek and a soft Oriental, in the 10–20 years after the battle, would not convey a political meaning. Cf. Kilmer (1997b: 135–8); Cartledge (1998: 56–7); Humphreys (1999: 130–1), and most fully now Smith (1999).

other cultures, including Roman, have been more dominated by images of phallic power, but he seriously underrates their significance in Athens. The choices of the *kinaidoi* may be found especially objectionable because they found excessive pleasure in forms of sex more appropriate for women (or slaves) than free men, as also in feminine styles in dress, hair, etc.; but those who accepted the commands or requests of other men for penetrative sex in exchange for money are also subjected to much obloquy.

In our speech it is significant that Timarchos is not described as a *kinaidos*; Demosthenes, however, who is not exactly presented as a 'shameful boy', is called a *kinaidos* for his frilly clothes and ambivalent sexual habits with his youthful pupils (see on 131). Throughout his life Timarchos was allegedly devoted to a variety of pleasures, but was not, it seems, especially effeminate in appearance, and he is criticized for having no qualms about performing what his lovers demanded of him, not for actively enjoying it as a form of sex (see esp. on 41–2, and also 76, 95).¹⁴⁶ Nonetheless the emphasis in Aeschines' abuse towards the end of the speech of his opponent's 'most shameful' (if unspecific) sexual offences is focused on Timarchos' selling himself for self-degradation (*hybris*), on how he, with his male body, was guilty of 'bending down to the acts of shame', 'committing women's offences', 'committing *hybris* against himself contrary to nature' whereas an adulterous woman offends 'in accordance with nature' (see 185–7). If he did not agree to the shameful acts for his pleasure, but for the money to spend on other pleasures, the point must be that the acts themselves should be seen as shameful and unnatural for men, because they put the man in the place of the woman (185, 187 and notes; see also 37, 41). The point is made forcefully in two other forensic denunciations: Hypereides fr. 215 Jensen, a fragment surviving only in Latin, argues (rather as does Xen. *Oik.* 7. 20–34) that Nature has distinguished the male and the female and given them their specific tasks and duties, yet his opponent had abused his body in a feminine way; and Deinarchos VI. 14 Conomis, where the alleged former boyfriend of Aeschines himself, Pytheas, is accused of 'doing or

¹⁴⁶ Davidson (1997: 254–7) acknowledges this, but also contemplates the idea that Aeschines may hint at times (but does not specify where) that Timarchos may 'enjoy his job', because he's sex-mad, not because he enjoys being a sex-object.

enduring whatever was proposed to him by Aeschines' (see also on 42).¹⁴⁷

The situation for the younger partners was admittedly extremely complex (as was recognized) and arguably to the point of incoherence or contradiction.¹⁴⁸ The issues of the nature of the relationship (loving and educational, or based on sex, or sex and money), and of the acts through which it was expressed could not be easily separated in the discussion of particular cases. The law focused on the 'mercenary' issue; and observers were no doubt inclined to allow their feelings one way or the other about that to colour their speculations and their judgements about the acts the pair might be performing. Thus one might suppose—following the model of a neat division between good and bad youths at 155–8—that if the relationships generally were felt by outsiders to be within the limits of acceptability (which were of course not easy to define), relatively relaxed attitudes might be adopted. If there seemed to be not too many lovers (see 52), and not too many gifts or inappropriately extravagant lifestyles (see 75), if the clothing worn or the mannerisms adopted were not too bizarre, and there were not too many gratuitous displays of affection, then one suspects that relatively little damage might occur: the questions of whether they stuck to kisses or intercrural sex, what the junior partner got out of it, and in particular whether anal sex was involved, or whether they switched sexual roles, need not have gone beyond relatively harmless gossip. Polite or friendly discussions might wish to assume they had not, more cynical observers, or enemies, would adopt the tone found in comedy and assume the opposite.¹⁴⁹ Neither group would feel so far that the law should be involved at any stage. But if circumstantial evidence suggested the junior partner was 'selling' himself too easily, from excessive desire either for the sex itself, or for other pleasures and advantage, gossip would be the more intense and hostile, and prejudices about the nature of certain acts be invoked; but only if the youth

¹⁴⁷ Cf. Winkler (1990a: 61), D. Cohen (1987; 1991a: 187–8), and Hubbard (1998: 64–6), may make too much of this line of denunciation, in their attempts to paint a picture of fairly widespread hostility to the whole practice among many Athenians; on the other hand Davidson only refers to Pamphilos' allegation that Timarchos was Hegesandros' 'woman' (111, see note), and seems nowhere to consider why Aeschines here condemns the offences as womanish and against nature.

¹⁴⁸ Cf. esp. Dover (1978: 106–9).

¹⁴⁹ Cf. the sensible discussions of Dover (1978); Vlastos (1987); Halperin (1990; 1995: 47–8).

later went into politics would even the threat of legal action arise, let alone a prosecution.¹⁵⁰

Yet this dichotomy is of course far too neat. It assumes (as does Aeschines) an agreed, *ex post facto*, decision of the community on the youth's behaviour, whereas in fact, in many cases, disagreements and doubts would persist, and become affected by later events and relationships; it also assumes that the decision down which path to go was clear-cut at the time. During their erotic careers attractive youths faced difficult decisions whose effects would be hard to predict. As they contemplated whether to get involved in this sort of activity at all, how to respond to flattering attentions, how many lovers to encourage, how far to go with lovers, and when to switch from being a beloved to pursuing a boy as a lover,¹⁵¹ they should have been aware of the dangers. Not only did they risk incurring contemporary shame and gossip, but they had to contemplate the unpredictable consequences of hostile gossip, and later threats of prosecution, which might possibly hamper their careers and status at any time in the future, and could even ruin them. If they had rival lovers competing for their attentions, they had to balance competing claims (attractiveness, wealth, intelligence, connections, and fame). They had also to calculate the dangers of playing the field too long, or rejecting one suitor for another, if one was too importunate, jealous, unhelpful, or violent. The gap between sensibly looking for the best and most valuable lover and appearing to behave like a mercenary 'escort' might seem slight; yet overstepping this almost invisible line might yet turn out to have been crucial, especially as the same facts and relationships would be very differently interpreted by friends and enemies, both at the time and later. Naturally disappointed lovers would make the most effective ene-

¹⁵⁰ Cf. also Omitowaju (1997: 5–7 and n. 19). Gossip might extend to adverse comments or jokes in comedy (cf. 157). But the infrequency of comic references to current athletic or gymnasium stars, and the caution claimed by Ar. *Wasps* 1023–4, *Peace* 762–3, may suggest comic poets did try to avoid spreading uncertain gossip about possible bad boys, while constantly peddling the line that all future politicians were *euryproctoi* (cf. Sommerstein 1996: 331 and his lists; some of those he labels 'pathics' may of course be gymnastic stars, as well as the certain case of Autolykos).

¹⁵¹ Cf. the picture of Kritoboulos (son of Kriton) in Xen. *Symp.* 4. 10–16, still attractive to many older men, including Sokrates, but himself the passionate, and noble, lover of Kleinias (son of Axiochos), whom he had first begun to fancy when they were both at school (4. 23–4); the relative growth of their facial and back hairs seems to be intended also to suggest that they are very close in age (cf. Davies, *APF* 336).

mies. The parodic speech Plato gives to ‘Lysias’ in the guise of the cunning suitor who claims not to be in love points up the many difficulties lovers and ex-lovers can cause for those boys who fear ‘the established *nomos*, lest, when people find out, shame results’ (*Phaidros* 231e). *Nomos* is usually, and rightly, interpreted to mean primarily ‘established social values’ here, but it may perhaps also convey a hint of a possible later prosecution under the law. As the speech makes clear, the danger to their reputations would come especially from over-emotional and passionate lovers blabbing of their conquests, creating enemies, among the boy’s own parents or outside the family, through their jealous possessiveness, or reacting with vindictive hostility when their passion has cooled (*Phaidros* 231–4c).¹⁵² Equally indicative seems to be Aristophanes’ amusing claim that he never abused his sudden position as a famous poet either to try to pick up boys at the *palaistra* or to agree to attack someone’s boyfriend (*paidika*) in a comedy when requested by the disgruntled lover (*Wasps* 1023–8).¹⁵³

It is time to face the fundamental question of why these bizarre laws against adult citizen prostitution or *hetairiasis* were explicitly directed solely at those who (subsequently, often much later) entered active political life.¹⁵⁴ Both Aeschines (esp. 195) and Demosthenes (22. 30) confirm that this fact was well understood. Allusion is made to these laws as examples of Athens’ excellent traditions at Isocr. 12. 139–40 (composed c. 342–339). Other laws in the Athenian system were also reserved specifically for use against the ‘*rhetores*’, as Hypereides (*Eux.* 7–9) argues *à propos* of the legal procedure of the *eisangelia* law; he observes that as the *rhetores* claimed to derive extra honours and other benefits from political activities, they deserve to be subjected to greater risks.¹⁵⁵ Even so

¹⁵² Good illustrations of all these points can also be found in the *Erotic Essay* attributed to Demosthenes, (esp. 17–21), a valuable document from the later fourth century whether written by Demosthenes or someone else.

¹⁵³ I would read this denial as a claim by a newly famous man to be refusing himself an understandable temptation (cf. Fisher 1998a: 97), rather than a claim to be sticking to one’s common roots by displaying populist hostility to the pederastic ethos, as Hubbard (1998: 50–1).

¹⁵⁴ This point is properly highlighted by Winkler (1990a: 59–61). D. Cohen’s treatment of these themes regularly speaks inaccurately of such illegitimate relationships ‘disqualifying future citizens’, which ignores this vital restriction (e.g. (1987: 8–9; 1991).

¹⁵⁵ On the honours politicians sought and received, and the widespread recognition, increasingly built into the official language of honorific inscriptions that ‘love of honour’ (*philotimia*) was the proper motive for public office and service, cf. on 129, 195–6, and Whitehead (1983 and 1993).

the offences envisaged under this procedure, at least properly and normally according to Hyperides, were essentially offences which the *rhetores* alone would be likely to be in a position to commit.¹⁵⁶ The procedure Aeschines calls the *dokimasia rhetoron* set up a group of preliminary qualifications which could be held, by a jury, to be so important that shameful failure in these areas of private life rendered the perpetrator unsuitable for the extra responsibilities of public life.

One common factor uniting these disqualifications may be identified as a failure in the primary functions or civic duties of a male citizen in relation to his military duties, his family responsibilities, and his sexual life (see on **28–32**). Another point constantly made in justification of these rules is the well-worn argument that any one who has shamed his parents, destroyed his inheritance, betrayed his courage and manhood, or sold his own body in shameful sex, would have no qualms about selling his country to the highest outside bidder. Another argument was that to have such people as the city's representatives brings it into disrepute (see **26, 65, 67**).¹⁵⁷ Also used was the argument that sexual deviants are somehow polluted, and may defile the sacred wreaths worn by officials (see **19, 54, 95, 188**). One may, however, also go beyond all these common positions and, following up Hyperides' point, suggest that these laws fit into broader patterns of encouragement and control between the mass and the élite: the people encouraged the ambitious and active members of the élite to earn their rewards of extra honour and extra wealth, not only by forcing them to greater expenditure through liturgies, but also by forcing them to meet higher standards of personal morality, even though this was at the expense of some infringements of the Athenians' general ideals of personal freedom. Further, the mechanisms by which this control was exercised required prosecution to come from another (inevitably prominent) citizen, as did a great deal of the legal and political system; this kept the élite divided by their internal competitions, hatreds, and feuds. The show trials provided public entertainment and amusement both for the mass juries and for the bystanders who crowded the areas of the courts.¹⁵⁸ It is going too far to conclude that the so-

¹⁵⁶ Cf. also Hyper. *Dem.* 24–5, on differential penalties for bribe-taking; Hansen (1989: 213–14, 268–71).

¹⁵⁷ Cf. Winkler (1990a: 56–7).

¹⁵⁸ Cf. the analyses by Ober (1989); Foucault (1985); Winkler (1990a).

called *dokimasia rhetoron* had little to do with sex, and was almost entirely to do with élite competition and its harnessing by the people to maintain their control and amusement.¹⁵⁹ The moral concerns for male independence, for the maintenance of a masculine role, and for control over one's desires in the areas of sex and money, along with the demonstration of courage, family feeling, and care for property and inheritance, were all genuinely felt throughout the citizen community. But the crucial point is that they also felt it right to make these moral failings legally problematic only for the ambitious élite.

The dangers of prosecutions should not be exaggerated. Besides the Timarchos case, Aristophanes refers to an apparently successful prosecution of Gryttos by Kleon (*Knights* 876–9);¹⁶⁰ we find in Demosthenes' speech against Androtion the promise to bring a prosecution on such a charge against Androtion (22. 21–4), and in Aeschines' speech the report of a comparable threat against Hegesandros allegedly made by Aristophon of Azenia, which apparently had the desired effect of stopping his attacks on him (64, and see notes). It may well be that public, or private, threats to bring such a charge were much more frequent, and effective, than prosecutions which came to court. This raises all the more urgently the question of Aeschines' success.

8. 'BIG TIMARCHIAN WHORES': AESCHINES' STRATEGY AND ITS SUCCESS

The case was a triumph for Aeschines. His enemy, an established, middle-aged, well-connected politician who had held many offices, was disenfranchized and his career was ruined. If we can trust the published version of what he said in his prosecution of Aeschines in 343, Demosthenes believed that there was political mileage to be extracted from an attempt at exciting sympathy for the dishonoured Timarchos. He mentions Timarchos' aged

¹⁵⁹ So Winkler (1990a: 60–1); against, partly rightly, but also exaggerating the hostility to anal penetration as such, Thornton (1998: 258, n. 110).

¹⁶⁰ *LGPV*i. This allegation (whether factual or invention) is overlooked by Keuls (1995), in her otherwise simplistic and implausible argument that legal and social hostility to pederasty only began in the fourth century, primarily as a result of Democritus' medical theories. See also the accusation levelled by Andocides against Epichares, one of his prosecutors in the mysteries trial of 400 or 399 (*Adoc.* 1. 100), that Epichares was not eligible to plead in the courts because of his self-prostitution.

mother and his children, and arouses indignation at the spectacle of Aeschines, despite his own disgraceful public and private record, and those of his relatives, playing so heavily the role of the moral reformer (*sophronistes*), claiming that the *sophrosyne* of the nation's youth was in danger and that his prosecution would improve things (19. 283–7). Demosthenes' public reaction suggests two things: first, that the verdict could be presented as a surprise and an outrage, given Timarchos' long and hitherto unchallenged career in public life, and the complete absence of witnesses (19. 241–4); and second that what seemed to be the crucial argument leading to this travesty of justice could plausibly be said to be the serious concern assumed by Aeschines for the morality of the young.¹⁶¹ One must note, however, that Demosthenes used the opportunity of this response to make a strong personal attack on the moral behaviour of Aeschines and his relatives; and one should also remember that some of the jurors may have been as much or more influenced by the other major allegations in the speech, how Timarchos has 'eaten up' his property, maltreated his family, and engaged in many acts of political corruption. Another cause of surprise at the result—then as now—is the wholly justified belief that the speech adduced nothing in the way of reliable evidence or witnesses, above all for the allegations of youthful sexual misconduct. This lack of human witnesses explains why Aeschines places such emphasis on the 'general knowledge' about Timarchos shared by all the jury, and why he built up the divinity and reliability of Report (*Pheme*) as a witness, going so far as to claim that it would be impious not to believe a Report which was found spread throughout the *polis* (see on 125–9).¹⁶² This section will examine aspects of Aeschines' presentation of Timarchos' character and reputation, and his heavy concentration on an alleged moral crisis, and suggest reasons why this strategy may have been so successful.

Historians primarily interested in the issues of the peace of Philokrates and the settlement of the Sacred War often infer from the verdict the contemporary state of public opinion towards these issues, and suggest that Demosthenes had not yet managed

¹⁶¹ Notice also Aeschines' proud and defiant riposte at 2. 180 to Demosthenes' charge (19. 283–7).

¹⁶² Cf. also on gossip in general in Athens, and the crucial importance of accepting it as reliable in this case, above all Hunter (1990; 1994: ch. 4).

seriously to undermine Aeschines' credibility as a non-corrupt politician and ambassador.¹⁶³ It is true that the speech is much concerned to undermine Demosthenes as the man likely to be commanding the defence and the main man behind the prosecution of Aeschines' over the embassy (see notes on **119–35**, **131**, **170–5**). But Aeschines' strategy was to avoid any serious discussion of the embassy and the peace. Philip, the embassy, and the Phokians are alluded to only to be explicitly declared completely out of bounds. Recent events are used only as the basis for the personal attack on Demosthenes' conduct on the embassy and back in Athens, his lack of culture and *savoir-faire* in his allegations about the boy Alexander and Aeschines' alleged attentions to him,¹⁶⁴ his dubious relations with his rhetorical pupils (including the murder allegations over Aristarchos), his frilly clothes and *kinaidia*, and his supposed demonstration of his power in diverting from issues of personal morality to foreign policy.¹⁶⁵ Instead of focusing on the political issues, Aeschines forces the jury to contemplate unpleasantly lurid images of his two opponents, as part of his more general aim to win a conviction on moral grounds, not on the political grounds of the value of the peace or his own repute.

As well as offering narratives of Timarchos' past, the speech purports to present a powerful image of the apparently respected politician who was in reality an unreconstructed, and unreconstructable, degenerate. Attention is focused both on his body and on his name. Early in the speech the jury is 'reminded' of Timarchos' current physical appearance, carrying the imprint of his shameful past so vividly that it is impossible to take him seriously, or attend to his arguments. Aeschines presents a picture of Timarchos' performing 'all-in fighting routines naked in the assembly' (**26**), and claims that the sight of his body ruined by drink and debauchery was so offensive that it caused sensible men to veil their heads in shame that the city was using such men as him as advisers. By this dramatic means, one of the crucial arguments of the case is presented in a vivid picture; simultaneously

¹⁶³ e.g. Ellis (1976: 128); E. M. Harris (1995: 105–6).

¹⁶⁴ An agreeably retaliatory reversal of the terms Aeschines has earlier claimed the 'General' will use against him: see on **131**.

¹⁶⁵ See notes on **166–6**, and above all the excellent analysis of Davidson (1997: esp. 260–7, 306–8).

the jury sees Timarchos the politician but is prevented from hearing what he was talking about. They are permitted to see merely his raddled body shamefully and gratuitously exposed.¹⁶⁶

The theme of Timarchos' significant nickname is subtly developed in concert with his appearance to reinforce the idea that he can never be taken seriously, as the riddle of his name is teasingly explored and explained at strategic points throughout the speech. A nickname could be said to fall within the sphere of the 'goddess' *Pheme*, a form of common speech or gossip which reliably reflects an important truth of the individual's character. It is first mentioned, on the occasion of Timarchos' naked assembly display, as a sobriquet as well-known as Aristeides', though of opposed meaning, and so well known that neither needed to be spelt out (26, see notes).¹⁶⁷ Another reason for assumed diffidence becomes clearer when, at the crucial point (52) where Aeschines claims Timarchos' succession of lovers entitles him to use the *pornos*-term, not just *hetairisis*, he makes a great to-do about actually uttering the word (though he had used it when allegedly citing a law in 29).¹⁶⁸ An extra, humorous, point would be picked up by those who have realized that it is precisely this word which is his nickname. If any have not yet got this point, a further clue comes in the next visual portrait of Timarchos' unsuccessful displays in the assembly, as the debate on the Pnyx rebuilding dissolves into a string of double entendres and helpless laughter at 77–80, and the argument is put that the people had in effect on that occasion already voted on the question of whether Timarchos had been a ' *pornos*'. As part of the full-scale praise of *Pheme* the reliable and revered goddess, it becomes at last explicit that Timarchos' nickname is recognized by the jury to be precisely *ho pornos*, the whore, just as Demosthenes' nickname, *Battalos*, means the 'Arse' (and not the 'stammerer', as Demosthenes likes to say is the meaning of his nickname: see on 131). When they hear the

¹⁶⁶ According to Dem. 19. 286, Timarchos was energetically proposing motions stipulating the death penalty for those who carried arms or naval equipment to Philip. Cf. notes *ad loc.*, and Davidson (1997: 261).

¹⁶⁷ The addition of 'the so-called Just' is probably a later gloss, see note. Aeschines evidently liked this ploy, as 'Aristeides the just' is also alluded to in both Aeschines' other speeches: see 2. 23, and esp. 3. 181—where he makes a similar contrast between Aristeides' nickname and Demosthenes' of *Battalos*, cf. on 131.

¹⁶⁸ Cf. his reticence just before on the statement he has written for Misgolas to confirm under oath, forbearing to put in 'the actual name of the act that Misgolas used to commit with him' (45).

name Timarchos (a name borne by a good many Athenians) they ask ‘Which Timarchos? The whore (*pornos*)’ (130)?

This point recurs, and some evidence for this audience reaction is presented, when Aeschines brings into the argument the difference between Timarchos and his namesake, the pretty but respectable nephew of Iphikrates. The alleged fact that a jibe at a ‘recent’ comedy at the rural Dionysia mentioning ‘big Timarchian whores’ was understood by all to be to Timarchos is proof that Timarchos is evidently ‘the true heir of this practice’. As the whore *par excellence* of his generation, he cannot now leave the ranks of the self-prostituted, because he has chosen to register into their ‘property-group’ (*symmoria*) and cannot (as a slave) desert to the life-styles of the free men (see notes on 157–9). His nickname, this suggests, is a deliberately self-inflicted designation (because it accurately reflects his life), which cannot be removed. Aeschines further suggests that Demosthenes may try to mitigate the effects of Timarchos’ nickname (as he does in his own case), by the argument that it was because Timarchos was pretty (*horaios*) that he had acquired an unpleasant nickname through slanderous distortion (126).

Further confirmation that Demosthenes could not avoid making concessions on this issue, and had to admit both that Timarchos’ youth had aroused suspicion and that he had recently been behaving foolishly, comes in the embassy speech (Dem. 19. 235; and cf. also 251):

So then, Aeschines did not prosecute this man (sc. Phrynon), because he sent his own son to Philip to his dishonour; but if an individual on his point of adulthood were better than another in appearance, and if he then, not anticipating the suspicion which would arise from his looks at that time, lived his life after that rather more energetically, that was the man (sc. Timarchos) whom Aeschines brought to trial on grounds of having prostituted himself (*peporneumenon*).

If in fact Timarchos had been referred to as ‘the whore’, even before Aeschines first announced the prosecution, however unfairly, this may help explain the attitude of a good many of the convicting jurymen; especially if the comedy mentioned ‘Timarchian whores’ had been performed in winter 347/6, rather than the following year (see above pp. 6–8).¹⁶⁹ On balance it seems

¹⁶⁹ But the *hypothesis* asserts that ‘from this trial people called *pornoi* ‘Timarchuses’; this

unlikely that the allegations about double entendres in the assembly in the Pnyx debate, and the nickname *ho pornos*, were entirely made up after the laying of the charge, and probable that allegations about Timarchos' relations with Misgolas, Pittalakos, and Hegesandros had been dredged up by his personal and political opponents for a decade or more.¹⁷⁰ But many jurors may well have been unaware of them, or had forgotten them; Aeschines worked hard to make them seem familiar and reliable.

But Aeschines had not only to persuade the Athenians of the reliability of the rumours, but more importantly that they mattered enough to ruin a career, especially if such prosecutions were rare. Of course he deploys for all they are worth the usual arguments (summarized above): the threat to Athens' reputation that one of their representatives was deficient in the qualifications of masculine citizenship; the probability that one who so betrayed such ideals against his family, his inheritance, and his own body would also be treacherous and corrupt in public life; the allegations that scandals in Timarchos' actual political career confirmed this expectations (and these parts of the case may well also have carried considerable weight). But more was surely needed. As we have seen, Aeschines also works hard to elucidate and defend the vital, if somewhat subtle and shifting, distinction between 'noble love', which he also calls 'democratic', disciplined (*sophron*) or moderate (*metrios*), and the shameful, degrading, enslaving, and self-hybristic behaviour of those who had too many lovers, were living off them, and consented to whatever sexual acts they demanded. Demosthenes later suggested that what especially carried weight—wholly mistakenly—with the jury was Aeschines' strategy in planting himself on the high plateau of moral ground with his assertion that Athens' young were in present danger of corruption: (19. 287).

It is very important to take seriously here the surprising fact may be based on the comic joke referred to in 157, on the assumption, very possibly correct (cf. Wankel 1988), that this joke was made in the winter of 345, while the charge had been made and the trial was awaited.

¹⁷⁰ Cf. e.g. Demosthenes' allegations against Androtion (Dem. 22.30 ff, alluded to by Aesch. 1. 165, see note). Suspicion that this damaging nickname was a careful creation of Aeschines since his decision to prosecute Timarchos cannot quite be erased. Lanni (1997) has pointed to the large crowd of bystanders in important trials like this (cf. on 77, 117, 173), who might vocally confirm or deny allegations of what all Athenians are supposed to 'know'; but of course many of the most vocal bystanders would be partisans of one side or the other.

that Aeschines presents his opponent, the so-called ‘General’, as sharing with him important basic assumptions about this vital distinction (131–40, see notes). They agree that proper homosexual relationships were an essential part of Athenian culture, to be found in Homer and among the democratic founding fathers Harmodios and Aristogeiton, and that all Athenians understood this ideal; they agree that to participate in such relationships was part of the proper aspirations of many ordinary Athenians, whether for themselves or for their attractive sons (see especially 134, and also 156–7).¹⁷¹ Some have recently disputed the plausibility of this picture, holding that other evidence compels the view that the emotional homosexual relationships that blossomed in the *gymnasia* and the *symposia*, and produced jealousies and fights, in all of which Aeschines admits he participates, remained pretty much the preserve of upper-class or leisured groups, and would be regarded as alien by the majority of jurors, who would not imagine themselves or their sons as likely to be involved, and would find any actual sexual expressions of these relationships with distaste. Hence they seek ways of evading the implications of this argument.¹⁷²

This approach, in my view, underestimates the coherence of the speech. The suggestions that the speech is somehow deliberately incoherent, because it is aimed at two separate audiences,¹⁷³ or that this section praising ‘noble and democratic love’ was added in the published version, for the more educated reading public,¹⁷⁴ are neither necessary nor convincing. ‘The General’s’ argument is that Aeschines, whose own pursuit of boys, fights, and poetry are coarse and unsophisticated, can only assume (like the comic poets) that all relationships are of the ‘wrong’ sort, and so assumes that Timarchos’ relationships were

¹⁷¹ Cf. Dover (1978); Winkler (1990a: 64); Cantarella (1992: 21–2); Fisher (1998a: 100–4).

¹⁷² e.g. Ober (1989: 257, but also 283); S. C. Todd (1990a: 166).

¹⁷³ See Sissa (1999: 155–7), who accuses Aeschines of being inconsistent and incoherent in his attempts, first to maintain a distinction between ‘a good and a disgusting homosexual eros’, love against money, and second to claim that the bad eros involves acting against (male) nature; she tries to explain this in terms of two audiences, with two radically opposed sets of attitudes, those represented by the ‘General’ and the élites, defending the noble form, and the mass of Athenians, happy to accept the whole sexual business as distasteful. But it better fits Aeschines’ strategy throughout the speech, and the rest of the evidence as well, to assume many, perhaps most, Athenians appreciated and tried to maintain this delicate, and perhaps strictly untenable, balance.

¹⁷⁴ See Hubbard (1998: 66–8).

shameful; and the effect of a conviction in the case would be to diminish the people's understanding and sympathy for the 'noble love'. Aeschines' clear response is that it is the 'General' who is displaying a snobbish contempt both for him and for the jury, in attributing to them a lack of understanding of the niceties of the cultural phenomenon. He thus identifies his cultural level with the jury, admitting his own, not too impressive origins; he claims that he has (like his brothers) managed to gain admittance to full-scale participation in gymnastic life and in the concomitant pederastic affairs, fights, and erotic poetry, and fully understands the importance of the distinction (and, I think one can assume, implies that he engages in restrained and consensual forms of 'proper' sex);¹⁷⁵ and finally he agrees with 'the General' that *all* men do and should long for their sons to be attractive and to attract attention, from lovers and from observers at large (133–6). This is supported by the later picture of the interest all citizens took in the achievements and careers of the prettiest youths (157–9).¹⁷⁶

Further, and equally important, it is not in fact at all implausible that such views could be widely held, and that they have probably been increasing over the previous half-century or so. One may point first to the constant exposure to large audiences of attractive, naked citizens and foreigners, running, boxing, wrestling, posing in the 'manhood' (*euandria*) contests, jumping on and off chariots, at the games and at the innumerable other festival competitions at varying levels.¹⁷⁷ Displays of beautiful youths exercising or engaged in courtship, or sex, or simply named as *kalos*, on a good many Attic vases may also testify in the late archaic period both to visual tastes and perhaps to general interests in the named beauties, though interpretation of the possible targets of these images and namings remains very controversial.¹⁷⁸ In the more democratic period from the time of Kimon

¹⁷⁵ Cf. Dover (1978: 42–5); Hindley (1999: 89–90).

¹⁷⁶ Cf. also Winkler (1990a: 63–4).

¹⁷⁷ On the significance of athletic nudity in arousing the admiring 'gaze' of the general public, as well as the desire of individual would-be lovers, Bonfante (1989); Bossi (1995); Stewart (1997: 33–4, 67); and in relation to the praise poems of Pindar, see Instone (1990); Steiner (1998). On the *euandria*, cf. Crowther (1985); Neils (1994); Fisher (1998a: 92, 98); Goldhill (1998: 108, 114).

¹⁷⁸ Cf. Kilmer (1993b); Slater (1998); Lissarrague (1999) and P. J. Wilson (2000: 254–6). Much commoner than the labelling of a specific painted beauty on the vase as *kalos* is the simple inscribing of words 'the boy's lovely' or 'you're lovely' (*ho pais kalos* and *kalos ei*), inviting the viewer(s) (e.g. at a *symposion*) to apply the label appropriately.

and Pericles onwards, official sculptural representation (most famously the Parthenon frieze) may present the youthful 'citizen' as a frozen, often naked, unaroused, beardless youth or ephebe; the sculptures encouraged an eroticized but sanitized gaze at images which are idealized but not necessarily to be seen as aristocratic or heroized: rather visions of naked loveliness combined with decorum and order, *sophrosyne* and *kosmiotes*, with signs of arousal strictly under control.¹⁷⁹ Such representations as ideals may well have encouraged hoplite fathers to send sons to the *gymnasia*, and train for the ephebic and other festival contests, albeit with evident fears of possible adverse consequences; opportunities certainly existed for considerable athletic participation, in the *ephebeia*, and in the festivals for fairly large numbers of young men of middling citizen families.¹⁸⁰ I have also argued more speculatively that the formation of homosexual relationships at the *gymnasia* and its associated cultural activities between richer lovers and talented and/or attractive youths of less favoured families may have been an additional cause of greater mobility into the athletic, political, or leisured élites of fourth-century Athens.¹⁸¹

Of course the view that 'all' jurors nourished ambitions for their sons' admiration and advancement through successful gymnastic and pederastic exposure may be largely ideological, as may be comparable flattery of jurymen as slave-owners or as effectively controlling their women's capacity to move outside the household, and as representations of them as *eisphora*-payers almost certainly is.¹⁸² But they may also make some sense in a fairly mobile society full of contradictions, where access to a leisure class was increasing, while there were relatively limited opportunities for really serious luxuries even for the rich. Hence many middling citizens may in fact have been open to persuasion that the delicate moral choices open to boys or youths pursued by older lovers might yet face their own sons or those known to them, or they might at least hope so; and they may therefore be more likely to

¹⁷⁹ Cf. Stewart (1997: 63–85); R. G. Osborne (1998a; 1998b); other aspects of the democratization of the ideal Greek body in Humphreys (1999).

¹⁸⁰ Cf. R.G. Osborne (1993); Kyle (1992; 1996); Fisher (1998a).

¹⁸¹ Fisher (1998a); for similar arguments for varied participation at *symposia* and other drinking and eating settings, Fisher (2000). The constant comic assertion that it is the young *enryproktoi* who become, in steadily increasing numbers (cf. esp. Plato Com. 202 K/A), the new politicians can be seen as the typically cynical response to this perception.

¹⁸² Cf. e.g. S. C. Todd (1990a).

take seriously allegations about dangers of serious immorality at these settings. The spread of gymnastic and sympotic activities and associated culture, as well as the widening of other educational activities often attached to the *gymnasia*, which offered boys 'transferable skills' such as rhetoric and philosophy, may then all help to explain how this prosecution successfully evoked a widespread concern for the moral well-being of the nation's youth.

The growing threat to Athens' foreign interests and political independence from Philip and Macedonian power, and the protracted and uneasy debate on the best ways of facing it (the political issues that divided Demosthenes and Aeschines), are likely in principle to have stimulated a wider debate about the fitness of the polis' institutions, and the moral 'fibre' of the young. Major trials would provide occasions for such debates to surface, and their results would have their effects on their development. There is no doubt that the defeat at Chaeronea in 338 and the creation of Macedonian hegemony through the League of Corinth directly inspired a major reorganization of a great many aspects of Athenian life, the changes which we associate with 'Lycurgan Athens'. There is good evidence for significant signs of the debates beginning a little earlier, around the time of the trial, which need to be brought into the discussion of Aeschines' strategy and to the verdict.

First, there is the *diapsephisis* of 346/5, the complete revision of the citizen lists held by the demes, itself mentioned twice in the speech (77–8, 114–15), either the only one, or one of the only two, held between 451/0 and 322.¹⁸³ The decision to approve such an elaborate process (see Dem. 57. 49) must have reflected strong and widespread anger that money or illicit sexual liaisons were responsible for filling the demes illegitimately with metics, slaves, and sons of *hetairai*; the process itself, however, may have done nearly as much damage in allowing manipulators to expel their enemies, and by creating new grounds for feuds, as Euxitheos alleged happened to him in Halimous (Dem. 57 *passim*), and Aeschines alleged Timarchos somehow assisted his friends to perpetrate in Kydathenaion.

Second, another famous trial may be relevant. Apollodoros'

¹⁸³ Cf. Whitehead (1986a: 99–109). The doubtful case is that of 445/4, probably a general *diapsephisis*, but conceivably a very large rash of prosecutions for breach of citizenship rules in relation to the special grain distribution from Psammetichos of Egypt (see *scholia* on Ar. *Wasps* 718; Philochoros, *FGH* 238 F 119).

prosecution of Neaira (Ps. Dem. 59), part of his personal and political quarrel with Stephanos, probably occurred a few years later than Timarchos' trial.¹⁸⁴ Stephanos' sons had presumably survived the 346/5 scrutiny in their deme (whether or not a challenge was mounted then, it is not surprising that Apollodoros makes no mention of it); a few years later Apollodoros (and perhaps Demosthenes, who had been involved with Apollodoros at the start of this affair) felt the time appropriate to go for revenge on Stephanos by bringing the case against the apparently famous *hetaira*.¹⁸⁵ In the case the central issues are the boundaries of citizenship, marriage, and inheritance, and a major part of the speech is taken up with lurid sexual narratives. The success of the Timarchos case, following on the *diapsephisis* furore, as well as changing views about the desirability of the peace, may have encouraged them to think that moral denunciation of a *hetaira*'s career of sexual outrages and breaches of the citizenship rules would play well in the court. Unfortunately we do not know the result, though the case against Stephanos is also notably weak and rests on arguments about the parentage of the woman called Phano which would have been very hard to prove.¹⁸⁶

Other evidence concerns the procedures and physical settings of some central democratic institutions. There were evidently allegations of widespread political bribery flying around at the time of our speech (see 86–7 and notes). Sometime around 340, the physical arrangements and admissions procedures for the major law-court complex underwent a highly elaborate reorganization (new fencing, complex allotment machines, juror identification tokens, and so on), in order further to minimize any possibilities of bribing juries as they entered the buildings.¹⁸⁷ A law passed just before our speech (33–4, see notes, and also Aesch. 3. 4), created a procedure whereby members of each tribe in turn

¹⁸⁴ On Apollodoros (*LGPN* 68; *PA* 1411; *PAA* 142425) see esp. Trevett (1992). The trial has been dated to c. 343–340; see Trevett (1992: 48–9); Carey, *Neaira* 3; Kapparis, *Neaira* 28–31, but see now Wallace (2000): 591. Cf. below on 186, for similar arguments used in the two speeches.

¹⁸⁵ Stephanos, a minor politician (*LGPN* 33; *PA* 12887; Hansen, *Inventory* 59) had won a case against Apollodoros for having proposed an illegal motion in 348, and perhaps in 341 followed this up with a co-ordinated but unsuccessful attempt to convict him for homicide of a slavewoman. See Ps. Dem. 59. 1. 10, with Carey, *Neaira* 86–90 and Kapparis, *Neaira* 29–30, 174–8, 182–4.

¹⁸⁶ See Kapparis, *Neaira* 31–43.

¹⁸⁷ See the detailed and convincing accounts, based on Arist. *Ath. Pol.* 63–9, and the archaeological remains, in Boegehold *et al.* (1995: esp. 36–41, 110–13).

were charged with keeping order, or reducing heckling and undignified behaviour in the assembly. Aeschines of course argues that this law was introduced as a direct response to Timarchos' shameful gestures and display of saggy flesh. Timarchos' other contribution to recent debates, on the Pnyx (79–85), allegedly produced a rash of double entendres which brought into collision two clashing worlds—the open, public, spaces of debate, and the dark haunts of prostitutes' houses and deserted places—and demonstrated that Timarchos' deep familiarity with the one in effect precluded his serious participation in the other. The assembly's laughter at Autolykos the Areopagite's confusion at the talk of 'quietness' and 'cisterns' (83–4) may also suggest popular concern at shady activities near the assembly-site; again Aeschines avoids making explicit the nature of the debate (see notes on 81). But whether it was merely a relatively minor tidying up of unsavoury areas on the fringes of the Pnyx, or the beginnings of what would become the major rebuilding of Pnyx III,¹⁸⁸ the debate suggests that the people were already worried that the central decision-making space of the democracy should look and sound respectable, and that the major rebuilding of the public spaces and defences of the city associated with the Lycurgan period may have begun to be planned already in the mid-340s.¹⁸⁹

This was also precisely the period when the Areopagos was asserting a more prominent and proactive role in political life. Aeschines mentions, obliquely, its role in the debate on the Pnyx (whatever line it may have taken), and shows it considerable respect (tinged with some gentle humour at its pompous representative Autolykos).¹⁹⁰ It seems to have played some part in investigating the religious aspects of the alleged participation by Neaira's daughter, as the wife of the Archon *basileus* Theagenes, in the 'Sacred Marriage' with Dionysos at the Anthesteria festival (Ps. Dem. 59. 80–4);¹⁹¹ these are clear signs of its growing concern to protect Athens' moral and civic identity. Some time after this trial Demosthenes proposed yet greater supervisory powers to punish offenders to the body (Dein. I. 62–3) and there came, ironically

¹⁸⁸ So H. A. Thompson (1982); Hansen (1996a), and notes on 81.

¹⁸⁹ Notice also that some of Timarchos' reportedly ambivalent phrases also suggest proposals to strengthen Athenian defences ('towers').

¹⁹⁰ Despite *his* own later troubles, the prosecution by Lycurgus of c. 338, Lyc. 1. 53, fr. 9.

¹⁹¹ Cf. Wallace (1985: 108–9); de Bruyn (1995: 124–5); Carey, *Neaira* 126–8 and Kapparis, *Neaira* 344–8.

enough, the serious snub to Aeschines over the Antiphon affair and the dispute with Delos at the Delphian Amphictiony.¹⁹² Already in the years *c.* 346–340, then, the Areopagos commanded considerable respect, was given extra duties, and displayed a renewed vigour for the defence, the liberties, and the moral well-being of the city. After Chaeronea, it maintained its prominence and high profile, amid much controversy, as testified above all by the specific mention of it as a possible danger to the democracy in Eukrates' law about traitors of 337/6,¹⁹³ and the cautious approval offered to it by Lycurgus in 330 (I. 12, 52–4). Both Aeschines and Lycurgus interestingly combine guarded praise for the conservative, dignified, and stable court of the Areopagos, with equally guarded praise of some Spartan institutions and moral values.¹⁹⁴

Finally, one of the major changes rightly associated with the Lycurgan years specifically set out to transform the training of the young, namely the reform of the *ephebeia* achieved, it seems, by Epikrates' law of 335/4.¹⁹⁵ Aeschines focuses throughout the speech on the message the verdict will send out to the young, and repeatedly claims that their *sophrosyne* and that of their guardians and teachers was in urgent need of protection and regulation. One can suggest then that the concern for current standards of education and upbringing offered to young Athenians (which both Aeschines and his opponents sought to tap into) helped to produce the major change in the *ephebeia*. The new ephebes after 335/4 had a far more systematic programme of military, civic, and cultic training and participation, in the Peiraeus, in the *gymnasia*, and then in the second year in the frontier forts, and, probably, a much more extensive set of activities in the city's festivals.¹⁹⁶ Their gymnastic training became more structured and controlled, in new premises.¹⁹⁷ Most notably, they came under the

¹⁹² Cf. above p. 8, and see Carawan (1985: 124–32); Wallace (1985: 176–7); de Bruyn (1995: 126–8); E. M. Harris (1995: 121–2); Hansen (1983a: 194) dates Demosthenes' law immediately after Chaeronea.

¹⁹³ *SEG* 12. 87 (1952); Ostwald (1955); Wallace (1985: 180–4); cf. also Dein. I. 62–3 on alleged contradictions in Demosthenes' handling of the Areopagos.

¹⁹⁴ Cf. Fisher (1994: 370–9).

¹⁹⁵ Lyc. fr. 25 Sauppe.

¹⁹⁶ Cf. Reinmuth (1971); Mitchell (1970); above all Humphreys (1985: 205–9), and also Sekunda (1990 and 1992).

¹⁹⁷ Humphreys (1985a: 207 and n. 32); Xen. *Poroi* 4. 51–2 complained in the mid-350s that while the ephebes had trained in *gymnasia*, organized by the gymnasiarchs, they did not spend enough time there.

control of new officials, who were given programmatically strict titles which echo, strikingly, the two key value terms for moral control and order used *ad nauseam* in our speech. Ten ‘Regulators’—*sophronistai*—(one from each tribe), were elected by the people, each from a short list of three selected by the tribes ‘from those over 40 who they believe to be the best and most suitable to have care for the *ephebes*’; and the people also elected one ‘Director’—*kosmetes*—to be supreme commander of the whole body of ephebes (Arist. *Ath. Pol.* 42. 2). The titles (‘very moralizing and Spartan in tone’),¹⁹⁸ the age-limits and the facts that the more technical aspects of military and gymnastic training were in the hands of the generals and specialist *paidotribai* and combat-teachers, all suggest that the function of the *kosmetes* and the *sophronistai* was above all seen as the protection of the ephebes (‘young, handsome and conspicuous in their short distinctive cloaks’)¹⁹⁹ from improper sexual attentions or behaviour, whether instigated by themselves or older pursuers. This particular aspect of the major ephebic reform must then be in part a response to a feeling, very much in accord with the views expressed so strongly in our speech, that increased guidance and protection were needed for the boys and the youths at publicly approved institutions such as schools, *gymnasia*, and liturgically managed festival contests.²⁰⁰ The tightening of the *ephebeia* and the message of the new officials’ titles and ages also gives good support to the view that Aeschines’ speech picked up effectively on a growing mood of moral anxiety for the Athenian young, and perhaps also contributed to its spread.²⁰¹

Thus, while the competing politicians may have treated their mutual moral assaults and hypocritical accusations of corruption, treachery, or a misspent youth as part of the game of politics, yet

¹⁹⁸ Hansen (1989: 301). Ironically and interestingly Dem. 19. 287 uses the term in mockery of the pose Aeschines (and his relatives) have adopted for the trial. See also notes on **6, 8, 22** on the use of *sophrosyne* and *kosmos* in the speech.

¹⁹⁹ Humphreys (1985a: 208).

²⁰⁰ The extra age-limit of 40 for the *choregoi* of boys had been already established some time earlier in the fourth century (9–12 cf. *Ath. Pol.* 56.3, with Rhodes *ad loc.*; both Alkibiades and the speaker of *Lys.* 21 (1–5) had so acted when less than 40. Cf also the narrative of Antiphon 6. 1–13, which shows the care a *choregos* for the boys’ dithyramb in the late fifth century should take to avoid giving offence or alarm to their parents when recruiting and training the boys.

²⁰¹ More generally, a wider fourth-century debate over the content of education both in elementary schools and in the varied forms of post-school education, can be seen in Plato, Isocrates, and Aristotle (*Pol.* 8), and see Ford (1999: 243).

the Athenians could on some occasions, at least, still decide to take them with deadly earnestness. So they did at least in 345. We need not suppose they did so out of any particular approval of Aeschines; it can be seen as part of a set of confused yet insistent responses to the challenges facing their political and social systems. On this view, then, the verdict of the majority of the jury suggests that many of them did care about the preservation of the delicate boundary between, on the one hand, the legitimate homosexual pursuit of attractive youths, and the youths' decent acceptance of (not too many) lovers, and, on the other, the more ruthless pursuit of sexual gratification by the elders, and the youths' surrender of their bodies for 'mercenary' reasons which might mean that they, like Timarchos, might be known years afterwards as 'whores'. It was probably above all for these reasons that they decided to end Timarchos' career, and demonstrate that they believed it to be right to impose higher standards of civic, familial, and sexual morality on those active in political life. What counted for these jurymen in the Athens of the mid-340s was in part a not unreasonable sense of alarm for the future of their independence and their political system, and more generally a vague and confused fear for their culture, education, and the 'moral fibre' of their citizens. This fear, after the major defeat at Chaironeia, did much to produce Lycurgan Athens; previously it had played a large part in the ending of Timarchos' political career.

The Text and the Translation

9. SOURCES OF THE TEXT

I have translated the latest Teubner text, by M. R. Dilts (1997), and the main aim of the translation has been to convey Aeschines' arguments as clearly and accurately as I could. The primary basis of our knowledge of the text circulated by Aeschines, and collected in the Alexandrian libraries, is a number of medieval manuscripts, the oldest of which (*f*) dates from the late tenth century AD; also important are a number of other manuscripts (thirteenth to fifteenth centuries), which often share many readings and other characteristics, and are conventionally grouped

under the label β , and a fifteenth-century manuscript designated D.²⁰² In a few places papyri discovered in the sands of Egypt, mostly written in the second and third centuries AD, make contributions. I comment on disputed readings only where they are of historical significance. Very brief, and often unreliable, ‘lives’ of the orator, and extracts from ancient commentaries (called the *scholia*) are included in the margins of some of the manuscripts (recently edited by M. R. Dilts); the information contained therein can at times be valuable, or at least worthy of consideration.

10. THE DOCUMENTS

Many manuscripts of our law-courts speeches include what purport to be the texts of the laws and testimony cited by the orator and read out to the court. Opinion is divided as to whether all of these citations are spurious, later compositions by students of rhetoric editing these texts in the Hellenistic or Roman periods, or whether only some of them are: there are some arguments for suspecting all documents in principle, but the prevailing view at present is that some may be genuine, and each case needs to be judged on its merits. In the case of this speech, the decision is easy: all the documents included are universally and rightly condemned as spurious. The general reasons are that these documents are only found in the set of later manuscripts grouped under the collective label β , not in the oldest manuscript, f ; that documents are found only in the first part of Aeschines’ speech 1 (the last comes at 1. 68); and that there is no room for any documents in the surviving papyri. Some of the more specific reasons for believing individual documents to be spurious are given in the notes.²⁰³

²⁰² For the manuscript tradition see Diller (1979).

²⁰³ The last systematic discussion was a century ago, by Drerup (1898: esp. 305–8 on documents in Aeschines). Recent discussions: Carey, *Neaira* 20 and *passim*, Kapparis, *Neaira* 56–60, and MacDowell, *Meidias* 1990, 43–7, E. M. Harris (1992: 70–7) and see also my note on 16, on the text of the *hybris*-law cited in Dem. 21. 47.