

## Body-Abuse: The Rhetoric of *Hybris* in Aeschines' *Against Timarchos*

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Aeschines' speech *Against Timarchos* (346/5 BC)<sup>1</sup> makes repeated and rhetorically effective use of the term *hybris*, and of its law, the *graphe hybreos*: the term and the law are discussed systematically in sections 15-17, and it is claimed that it can properly apply to various forms of sexual misbehaviour between males, those which are the focus of much of Aeschines' case against Timarchos, under the *dokimasia rhetoron* procedure, that he is not a fit person to be a *rhetor*, an active politician, in Athens. The speech has thus always been a text of primary importance for the study of the use of *hybris* in Greek law and legal discourse;<sup>2</sup> because of its fundamental concern with homosexual malpractices, it may have lacked until very recently the standard scholarly support of commentaries and translations,<sup>3</sup> but for that same reason it has received exceptional attention for its presentation of Athenian attitudes to sexuality and

1. References to sections from this speech are by number only. I am most grateful to the organisers and all the participants of the excellent Paris *Colloque sur la violence* for inviting me to contribute to its proceedings, and making it such a stimulating occasion.

2. See e.g. two classic works, J.H. Lipsius, *Das attische Recht und Rechtsverfahren*, Leipzig, 1905-1915, 423-35, and the far more wide-ranging thesis of Louis Gernet, *Recherches sur la développement de la pensée juridique*, Paris, 1917 (Gernet, *Recherches*), now happily reprinted with an excellent introduction by Eva Cantarella, Paris, 2001, especially 17-48, 212-6, 389-422; more recent work on the law includes D.M. Mac Dowell, "Hybris in Athens", *Greece & Rome*, 23, 1976, 14-31; M. Gagarin, "The Athenian Law against Hybris", in G. Bowersock, W. Burkert and M. Putnam (eds.), *Arctouros*, Berlin-New York, 1979, 229-36; N. Fisher, *Hybris*, Warminster, 1992, Chapter 2 (Fisher, *Hybris*); D. Cohen, "Sexuality, Violence and the Athenian Law of Hubris", *Greece & Rome*, 38, 1991, 171-88 (Cohen, "Sexuality"); D.M. McDowell, "Athenian Laws about Homosexuality", *RIDA*, 47, 2000, 13-27 (MacDowell, "Laws").

3. See now C. Carey's translation of Aeschines in the Texas series of *The Oratory of Classical Greece*, Austin, 2000, and my translation and commentary, *Aeschines, Against Timarchos*, Oxford, 2001.

sexual offences since Sir Kenneth Dover and Georges Devereux, partly in collaboration, first directed classical scholarship in that direction in the 1960s, and Michel Foucault, Paul Veyne and their American followers made it a hot topic in the late 1970s.<sup>4</sup>

*Hybris* is not the same as violence,<sup>5</sup> even in legal discourse, though many acts labelled as hybriatic were violent; in fact the great majority of the cases where we hear that a legal charge was brought involved violence, sexual assault or forceful restraint.<sup>6</sup> The essential distinction between mere violence and *hybris* is made especially clearly by Demosthenes in the speech whose core is the presentation of Meidias as a persistent man of *hybris*, and his assault on Demosthenes at the Dionysia as one of characteristic, premeditated *hybris*:

It was not the blow which roused his anger, but the dishonour (*ἀτιμία*): it is not being beaten which is terrible (*δεινόν*) for free men, though it is terrible, but being hit "in *hybris*" (*ἐφ' ὑβρεί*). A man hitting another may do much, Athenians, some of which the victim could not report to another, with his body shape, his look, his voice, when he shows that he is committing *hybris*, that he is his enemy, when he hits him with his fists, on the face.<sup>7</sup>

Dem. 21, Against Meidias 71-2.

In the *Timarchos* speech Aeschines applies the term variously to violent, forcible and consensual acts. However it remains a single concept, and one of very considerable potency for his rhetorical strategy; all uses involve maltreatment of the body. It is applied most often to the homosexual offences of which Timarchos is accused under the headings of *porneia* or *hetairisis*, in six contexts (28-9, 55, 87, 108, 116, 185-8); when applied to the consensual sexual acts in which Timarchos allegedly engaged with a long sequence of older men, the *hybris* is said to be committed on him by those who hired or kept him, or, more often, by the defendant on himself or on his body. In two cases Aeschines claims more active acts also revealed Timarchos to be a persistent *hybristes* against

4. See K.J. Dover, "Eros and Nomos, Plato *Symposium* 182a-185c", *Bull. Inst. Class. Stud.*, 9, 1964, 31-42, and *Greek Homosexuality*, London, 1978 (Dover, *Homosexuality*); G. Devereux, "Greek Pseudo-Homosexuality and the Greek Miracle", *Symb. Osl.*, 43, 1967, 69-92; M. Foucault, *L'Usage des plaisirs*, Paris, 1984 (*The Use of Pleasure*, London-New York, 1985); J.J. Winkler, *The Constraints of Desire*, London, 1990; D. Halperin, *One Hundred Years of Homosexuality*, London, 1990. James Davidson provides an interesting, critical account of this "revolution in our thinking about the Greeks", in "Dover, Foucault and Greek Homosexuality: penetration and the truth of sex", *Past & Present*, 170, 2001, 3-51 (Davidson, "Dover").

5. Seen already clearly by Getnet, *Recherches*, e.g. 19.

6. Cases discussed in Fisher, *Hybris*, 38-53. The main exception is Apollodoros' slightly eccentric attempt (other charges being temporarily unavailable) to claim that the marriage by his mother to their ex-slave Phormion dishonoured him and the family (themselves ex-slaves!); what was alleged in some cases involving *hetairai* of girl-pipers (e.g. Dein., 1.23) is often unclear.

7. See on this passage Fisher, *Hybris*, 47-9, J. Ober, *The Athenian Revolution*, Princeton, 1996, 92-100.

others, namely the humiliating beating he helped his friends Hegesandros and others to inflict on Pittalakos (59-62) and the outrage (*aselgeia*) of his sexual acts with the wives of free men when holding an office on Andros (108). The plausibility of this claim, made towards the end of his narrative of Timarchos' misdeeds, is said to be precisely that it fits the character that has already been established:

But what can you expect? If there is a man who, at Athens, is a *hybristes* not only against other people but also against his own body, where laws exist, where you are watching him, where enemies are set against him, if this same man had obtained immunity from prosecution, power and public office, who would expect that he would abstain from any of the most wantonly aggressive acts (*τῶν ἀσελεγεστάτων ἔργων*)?

Aeschines, 1, *Against Timarchos* 108.

This reinforces the earlier defence of the law of *hybris* and its application even to slaves as victims, which stated that the law represented the correct view that "in a democracy the man who is a *hybristes* against anyone else at all was not a fit person to share in the political system" (17).<sup>8</sup> Hence the starting points of this paper are, first, that *hybris* denotes all types of seriously insulting or humiliating behaviour, not solely those which are violent or sexual, or it may denote the trait of character or attitude of mind that lead men to behave like that;<sup>9</sup> second, that as a possible legal charge under the *graphe*, hybriatic behaviour is usually seen as seriously insulting behaviour which threatens the honour and personal integrity of the citizen, and hence the basic values of the democracy; and third that a major part of the strategy of Aeschines' prosecution was to present *hybris* as a unified fault of character deeply imbued in Timarchos, and revealed variously in homosexual acts, heterosexual adultery, or violent humiliation, a character fault which made Timarchos quite unsuitable to be an active citizen or a representative of his country.<sup>10</sup>

As stated already, one thing these forms of serious *hybris* do not have in common is "violence"; in neither type of sexual offences is that the main issue. Timarchos is said to have consented to everything he did to gratify his lovers from the doctor Euthydikos onwards, and the brief reference to the outrage (*aselgeia*) committed with the wives of the Andrians shows no interest in distinguishing rape from persuasion: the focus is placed rather on the dishonour

8. The following accusations of more explicitly political offences in relation to the Council, the post in Euboea and the *diapsephisis* (109-15) are not stated explicitly to be *hybris* but the term seems implicitly to be extended to them.

9. See Fisher, *Hybris passim*. It is worth adding that explicit connections between *hybris*-words and words for dishonour and shame are as frequent throughout this speech as in any other piece of Greek literature.

10. See on this crucial argument, also Dover, *Homosexuality*, 36-9.

done to the husbands, free men of Andros.<sup>11</sup> This lack of concern for consent is characteristic in such depictions of sexual offences with other men's wives, sons, and daughters; denunciations of the disgraceful behaviour of tyrants or oligarchs who abuse their power for sexual purposes very often label such acts *hybris* against women and/or boys, without feeling the need to raise the question of the consent of the other person.<sup>12</sup> What they do have in common is shameful abuse of a physical body; this will become the main focus of this paper.

First, however, it is appropriate to comment on some recent interpretations of the legal sections of the speech (6-36), in which the *graphe hybreos* plays a very important part. Initially (7-17), Aeschines concentrates on the protection by various laws: for boys at schools and *gymnasia* against attack or abuse (9-11, and see also 187), and for boys and youths against being forced into prostitution by pimps or by their fathers (13-14), and against *hybris*, deliberately insulting or dishonouring behaviour (15-17).<sup>13</sup> It has been argued by both David Cohen and Edward Cohen that the *graphe hybreos*<sup>14</sup> in fact offered genuine protection against sexual abuse, for example operating in effect as a virtual equivalent to a law on "statutory rape" protecting under-age boys or girls.<sup>15</sup> Whatever the merits of this view in general, Aeschines' arguments make this text an insecure base for such views. What Aeschines keeps emphasising in his interpretations of these laws is the need to protect boys from being hired out for a form of prostitution (13-18). So when quoting what is probably close to the exact text of the law – "if anyone commits *hybris* against a boy, or against a man or a woman, either free or slave" – he adds after "boy" the

11. In any case, since some form of abuse of his "power" as an Athenian official is clearly involved, seeing it as mere "seduction" might be difficult.

12. e.g. Thuc., 8.48, Dein., 1.19. See Fisher, *Hybris*, 105ff., and above all R. Omitowaju, *Rape and the Politics of Consent in Classical Athens*, Cambridge, 2002 (on this passage, 123-4), and also S. Lape "Democratic Ideology and the Poetics of Rape in Menandrian Comedy", *CA*, 20, 2001, 79-119. On the (mis)interpretations of Athenian laws relating to rape and *moicheia*, and variant views on the relative seriousness of heterosexual rape and seduction, see also E.M. Harris, "Did the Athenians regard Seduction as a worse crime than Rape?", *CQ*, 40, 1990, 370-77 and C. Carey, "Rape and Adultery in Athenian Law", *CQ*, 45, 1995, 407-17.

13. Aeschines claims to be describing a coherent set of laws all carefully designed by the lawgiver Solon; in fact the laws cited are probably a rag-bag of provisions of different dates, but some of them at least may well go back to the sixth century. See E. Cantarella, *Bisexuality in the Ancient World*, New Haven, 1992, 27-36, 42-4, 51-3 (Cantarella, *Bisexuality*); A. Ford, "Reading Homer from the Rostrum: poems and laws in Aeschines' *Against Timarchus*", in S. Goldhill and R.G. Osborne (eds.), *Performance Culture and Athenian Democracy*, Cambridge, 1999, 243-4.

14. And the *dike biaion* is often mentioned in this context as well as offering protection for rape or under-age sex, with lesser penalties: Lys., 1.32, with e.g. MacDowell, "Laws", 19.

15. D. Cohen, "Sexuality", 171-88, and *Law, violence and community in classical Athens*. Cambridge, 1995, 156-61 (Cohen, *Law*); E. Cohen, *The Athenian Nation*, Princeton, 2000, 116-20 (Cohen, *Nation*).

supposedly obvious explanatory gloss that 'the man who *hires* a boy for his own use surely commits *hybris* against him' (15).<sup>16</sup> Aeschines is not then interested in the extent to which this or other laws actually protected boys against anyone either raping them or seducing them with promises of love and educational help; his interest lies in suggesting a legal connection, on which he can later build, between commercial sex – "hiring a boy for one's own use" – and *hybris*.<sup>17</sup> Aeschines fails to make the sort of claim in relation to assaults or seductions of young boys or girls which Demosthenes makes about the application of the *hybris* law to maltreatments of slaves (21.49), that many men have been put to death on such a charge, or give examples as Deinarchos does, with his mention of three specific victims, a free boy from Pellene imprisoned as a slave in a mill, a *kitharistria* treated with (sexual?) *hybris* at the Eleusinian mysteries, and the (free?) Olynthian girl installed in a brothel, which lead to the death penalty for all three perpetrators (all cases where the actual charge may well have been *hybris*: Dein. 1.23). We have no evidence at all that laws designed to protect younger boys against sexual abuse or prostitution resulted in any prosecutions; nor is there any specific awareness of such a possible interpretation of the legal offence of *hybris*. On the contrary, we can see two texts where the point is *not* made in the case of seduction of boys. In Plato's *Symposion*, when Pausanias is explaining his preference for the "noble" love of youths presided over by Ouranian Aphrodite, which pursues youths who are 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, even though he does praise the noble love for being without *hybris*. Secondly, in Xenophon's *Symposion* Socrates characterises a practised seducer of boys, as opposed to a true lover, as one who takes what he wants for himself, not caring that this brings the greatest shame on the boy and alienates his family from him (8. 19-21); there is no hint that they might resort to the law.<sup>18</sup> Protection for boys and youths was surely much more a matter of vague "principle" than

16. Despite E.M. Harris' strong arguments to the contrary (in his review of MacDowell's edition of the *Meidias*, *CP*, 87, 1992, 71-80, I still think the wording of the law cited in our MSS of Demosthenes, 21.47, very close to Aeschines' own words here, and echoed also in another law cited at [Dem.], 43. 75, may be genuine: see my note *ad loc.*

17. Dover labelled this argument "idiosyncratic and illegitimate" because hiring a free youth was evidently not illegal (*Homosexuality*, 37-8). But Aeschines is here explicitly envisaging the hiring of an under-age boy, not yet registered in the deme. One can imagine scenarios whereby an Athenian boy's father or guardian, or else an outsider or more distant relative (anyone who wishes), *might* hold that such a hiring arrangement with an under-age boy was unacceptably dishonouring to boy and family, and even a harmful example to the city, and think of prosecuting. But such cases seem extremely unlikely in practice.

18. See also along these lines E. Cantarella, "L'omosessualità nel diritto Ateniense", *Symposion 1982: Vorträge zur griechischen und hellenistischen Rechtsgeschichte*, Cologne, 1989, 160-5, and



normal practice. One could speculate none the less that here absence of consent might make a difference. Prosecution for abuse of a youth seems more plausible when the claim was rape rather than persuasion by gifts or by money, which would surely be a very risky and shaming procedure for the family. But even with rape, conviction would be difficult, especially on what was regarded as the serious charge of *hybris*, and the publicity might well be more likely to increase family shame than to save it.<sup>19</sup> The younger the boy, one might suppose, (though there is no evidence), the greater might be the likelihood of a successful prosecution; questions of consent would not apply at all, and the sexual acts treated as forced and certainly as insulting to the family.<sup>20</sup>

The next rhetorical move Aeschines makes is one made by at least three other orators, the appeal to the paradoxical fact that the *hybris* law envisaged slave victims (also in Dem. 21. 47-9, Hyper. fr. 120 and Lyc. fr. 10/11.12, all mentioned in Athen. 266e-7a), a fact that received competing explanations then and now. In my view, *hybris* against slaves could be thought conceivable in principle, in that they might be thought to have some minimal status and to deserve to be protected against the most degrading forms of abuse.<sup>21</sup> On the one hand, early laws (probably Solonian) were concerned to define the boundary between slaves and citizens (such as the laws referred to in 138 which excluded slaves from taking an active part in *gymnasia*); but they could well also have offered them some limited protection as human beings. Further, it emerges from Solon's poems that he viewed *hybris* as a major cause of social discontents and *stasis* in Athens and generally, and it is likely, in my view, that it was he who passed the original *graphe hybreos*;<sup>22</sup> if so, he may very well have taken the view which Aeschines adopts here (as did Dem. 21. 489, Plato, *Laws* 777c, and doubtless many other Athenians), that his law should cover all possible victims in order to signal as fully as possibly the unacceptability of all forms of *hybris*.<sup>23</sup> But of course Aeschines' choice of justification was not an exercise in historical reconstruction, even if it happened to be on the right

*Bisexuality*, 42-5; M. Golden, *Children and Childhood in Classical Athens*, Baltimore-London, 1990, 58-62. On the views of "Socrates" presented here, not necessarily those of Xenophon, see also C. Hindley "Xenophon on Male Love", *CQ*, 49, 1999, 74-99 (Hindley, "Xenophon").

19. See Fisher, *Hybris*, 50, 81-2. R. Osborne, "Law in action in classical Athens", *JHS*, 105, 1985, 50. A similar point is made with reference to the Andrian husbands, victims of Timarchos' outrages, in our speech (107): see also Arist., *Rhet.*, 1373a35, with Cohen, *Law*, 129-132.

20. For attempts to divide boys and youths into differing categories in this area, cf. Dover, *Homosexuality*, 84-7, Cantarella, *Bisexuality*, 30-44.

21. See also N. Fisher, "Slavery and the Law of *Hybris*", in *The Greek World*, A. Powell (ed.), Routledge, 1995, 44-84.

22. See Fisher, *Hybris*, 68-81.

23. It is also possible that in the time of Solon slaves were not so clearly identified as non-Greek barbarians; and some –e.g. those serving in households, or as sexual partners– were more highly

lines;<sup>24</sup> his reason for emphasising the possibility of slave victims is to suggest the ideological connection both with the constant accusation that Timarchos committed *hybris* against himself, in "slavish" collusion with his lovers, (see 29, 55, 108, 116, 185, 188), and with the charge that, in support of his most famous "lover" Hegesandros, he committed *hybris* against the unfortunate Pittalakos, whom Aeschines calls (perhaps wrongly) a state-slave.

One might think that Aeschines' strategy here was problematic, an attempt to connect together three significantly different types of activity and flaws of character, that do not seem obviously to belong together psychologically: youthful acceptance of homosexual acts as the "beloved", aggressive heterosexual rape or seduction, and savage violence on a defenceless victim.<sup>25</sup> Labelling all these acts as *hybris*, and hence as centrally involving the infliction of dishonour and shame, goes far to give the rhetorical tactic coherence: Timarchos is represented as caring as little for his own honour or self-esteem when he allowed his lovers to perform shameful and womanish acts with him, as he did for the honour of the Andrian husbands whose wives he had sex with, or for the honour of Pittalakos his ex-lover, when joining his new lover Hegesandros in the infliction of brutal humiliation. Aeschines treats these varied actions as all revelations of his inherent *hybris*, a single character fault, which makes Timarchos ineligible to be an active citizen.

Further, to come now to the main point of this paper, what these acts of *hybris* have in common in addition is their physical nature: all involve damaging or shameful contact with a body. This distinguishes these acts from some other forms of *hybris* such as verbal insults or deprivation of liberty or political rights, and also neatly connects them all with a central concern of democratic ideology. The word *soma* is found, usually in conjunction with *hybris* and words for shame, twenty six times in the speech, mostly to describe Timarchos and those like him selling their bodies in shame, in *hybris*, or indulging their bodily desires. The first, most general, use of the word sets up this connection, in the opening statement of the difference between democracy and other political systems: "It is the laws that protect the bodies of those living in a democracy and their system of government" (τὰ μὲν τῶν δημοκρατουμένων

regarded by their masters. See O. Murray "The Solonian law of *hybris*", in Cartledge P., Millett P. and Todd S.C. (eds.), *NOMOS*, Cambridge, 1990, 139-46, and a similar, if rather exaggerated, argument in E. Cohen, *Nation*, 165-6.

24. Any more than was Demosthenes' use of the *topos* (21, 48-9); he added a gross and patronising flattery of the Athenians, prepared to show such gentleness and humanity in treatment of their barbarian slaves.

25. Aeschines shows himself aware of a different possible contradiction likely to be exploited by the defence, between self-prostitution and destruction of one's property through extravagance (94-5). He reports Demosthenes as going round the agora pointing out this contradiction, and responds by claiming that both are explained by Timarchos' shameless passion for expensive pleasures.



σώματα καὶ τὴν πολιτείαν οἱ νόμοι σώζουσι) whereas the rule of force and soldiers protect tyrants or oligarchs (5). Aeschines' version here of this common place in defence of democracy highlights the importance of citizens' bodies, and argues that it is the laws which must defend this bodily integrity against physical abuse. But whereas the other examples of the *topos*, such as Demosthenes' speech against Meidias, focus on *hybris* or other outrages committed by the arrogant rich or by those in power on citizens or their wives and children,<sup>26</sup> here the language is broader: it is those "whose speeches or styles of life are contrary to the laws" who need to be watched (6). This paves the way for the emphasis on how Timarchos is said to have committed *hybris* against his own body, and on how his physical activities and the state of his body itself are repeatedly said to excite disgust (*bdeluria*) among sensible people.<sup>27</sup>

We are often, with good reason, tempted to translate *soma* as "person", "individual", or "life" (as opposed to death), and think, in terms familiar to our culture, of the sense of one's personal identity, constituted by the indissoluble unity, at least in this life, of self, mind, and the physical body. In Athenian discourses, we may distinguish between cases where the main focus does seem to be on the individual as such, with no strong sense of the physical; often, however, the physical body is presented as the vulnerable part of the person, contexts where blows, imprisonment or other physical outrages or constraints are held to lessen or destroy civic rights.<sup>28</sup> The idea that the integrity of the body was intimately bound up with notions of freedom was of course greatly exacerbated by the presence of slavery in the society. Slaves were regularly beaten, and could only give legal evidence after "testing" through physical pain (*βάσανος*), while, after the law of Skamandrios, citizens could not be so tortured.<sup>29</sup>

In addition, there are some contexts where the physical appearance of the male body in itself, its beauty or ugliness, its good or bad condition is the focus of considerable moral significance; this speech is full of such instances<sup>30</sup>.

26. Dem., 21, *passim*. A particularly good example occurs at 179: a prosecutor in another case defending the citizens' right not to be physically maltreated 'the laws have provided many measures to protect each man from being treated with *hybris* in relation to his body'. See also R. Lane Fox, "Aeschines and Athenian Democracy", in S. Osborne and R.G. Hornblower (eds.), *Ritual Finance Politics*, Oxford, 1994, 144-5.

27. A *bdeluria*-word is used thirteen times (26, 31, 41, 46, 54, 60, 70, 88, 95, 105, 107, 189, 192).

28. e.g. Dein., 1, 19, where the Thebans' revolted unable to endure the behaviour of the Macedonian garrison in the city, including *hybris* [...] *tas eis ta eleuthera somata gignomenas*.

29. e.g. Dem., 22, 51-2, and see M.H. Hansen, *Athenian Democracy in the time of Demosthenes*, Oxford, 1991, 76-7.

30. On these and other senses of *soma* see N. Loraux, "Un absent de l'histoire? Le corps dans l'historiographie thucydéenne", *Metis*, 12, 1997, 223-67: at n. 17, the emphasis on both the "lifestyle", and the soiled body of Timarchos are noted, with reference to the distaste engendered by the *paranomia* in respect of his body characteristic of Alcibiades (Thuc., 6, 15, 4).

Aeschines parades various bodies before the imaginary eyes of the jury: citizens' bodies in general, the bodies of attractive young athletes, Pittalagos' body, the bodies of all who have debauched themselves and might appear in support for Timarchos, and above all, Timarchos' own soiled body, which is a central character and repeated image, deliberately extruding any view of his political activities and views<sup>31</sup>. Of the twenty six uses of *soma* in this speech, in three the context suggests the primary sense of civic identity, though in two of these there is also a strong hint of bodily integrity (5, 18, 77)<sup>32</sup>, one use indicates "individuals" or "persons", but with the very strong suggestion that the obviously poor condition of their bodies is highly relevant (193: the jury will readily identify from his description those types of men prepared to support Timarchos); there is one use of bodily attractiveness in general (133); and in the remaining twenty one there is explicit reference to the pollution, abuse, selling or shaming of bodies, to the infliction of *hybris* against bodies, and/or to bodies used for the purposes of pleasure (19, 22, 26, 29, 31, 39, 40 bis, 52, 55, 87, 94, 99, 108, 116, 154, 185, 188 bis, 191, 195).

The various bodies so visualised are all male. It is very important to the perception of Timarchos' sexual character and identity that he is himself more interested in sex with women, whether expensive *hetairai* (42, 65, 95-6, 115) or other men's wives (107), but little attempt is made to visualise the physicality of these sexual acts, and certainly not the bodies of the women, wives or *hetairai*; this, aside from Hypereides' alleged display of Phryne's breasts in court, is the norm in the many forensic denunciations of luxurious extravagance with *hetairai*.<sup>33</sup> But the *hybris* of the violent assault on Pittalagos, and the *hybris* against Timarchos' own body, both in their natures and their effects, are presented more visually, and contrasted with the ideal beauty and integrity of the young male citizen often paraded elsewhere. The jurors are invited to picture,

31. On this see J. Davidson, *Courtesans and Fishcakes*, London, 1997, 260-7, 306-8 (Davidson, *Courtesans*) and my introduction, 55, and notes on 166-176.

32. On 5, see above; in 18 Aeschines claims, with a nice piece of particularly vivid rhetoric, that the "lawgiver" is not yet addressing the *soma* of the (under-age) boy, but his father/guardian, whereas in the next set of laws he is directly speaking to Timarchos; *soma* clearly implies both the "person" and the physical body of the boy which needs protection.

33. For example, the nearest Apollodoros comes in his speech against Neaira is the description (114-5) of her having prostituted herself all over Greece, having been with many men every day in many and disgusting ways (and possibly at 108, "using three orifices": see Kapparis and Carey *ad loc*); this is followed by the plea to the jury to remember the "facts" and when they look at her appearance to think whether "she -being Neaira- has done these things". It is not clear whether the strategy here was to warn the jury against her power as a still attractive woman (as K.J. Dover, *Lysias and the Corpus Lysiacum*, Los Angeles, 1968, 34-6) or her harmless as an old woman. On the question of how much of her body Phryne may have revealed in court, see the sceptical account of C. Cooper, "Hypereides and the Trial of Phryne", *Phoenix*, 49, 1995, 303-318.

and to remember, the public display of each body “naked”, though in neither case was the character likely to have been imagined as actually nude.<sup>34</sup> When Pittalakos had been tied to a pillar and inhumanely beaten, like a slave, by Hegesandros, Timarchos and fellow-gamblers, the next day he went “naked” (*gymnos*) into the agora and sat in supplication at the altar of the mother of the gods, to excite the outrage of the Athenians at their disgusting behaviour (*bdeluria*). The sympathy thus excited induced the assailants, fearful of the damage a scandal might do to their political standing, to persuade Pittalakos to give up his protest by impassioned pleas and a counter-supplication, touching his chin (59-61). But Aeschines does not give a detailed visual description of the body and its bloody scars (though he does claim that the cries were heard by the neighbours); there is less sympathetic detail than one finds, for example, in the description of the injury inflicted on Ariston, the well-off young victim of Conon’s assaults in Demosthenes 54, 1-12 (cut lip, closed eyes, bruises, fevers, internal bleeding and stomach pains) or the closely comparable situation in Hypereides *fr.* 200 –perhaps from a case of *hybris* or *aikēia*– of a man who was “hung up from a pillar, and thrashed so that his skin is still (at the time of the trial) covered in welts.”<sup>35</sup> The reason is probably connected to the ambivalence surrounding the status of Pittalakos, whom Aeschines first describes as a state slave, and later hints that he may have been no longer slave. It seems in fact likely that he was by now a freedman, and it is conceivable that he was even a slave or ex-slave of Hegesandros.<sup>36</sup> Aeschines treats him as a slave, in order to claim that it was especially shameful of Timarchos to allow his body to be treated hybridically by his slave-lover. Later he is treated with a modicum of sympathy, as a jealous love-sick man and pitiful victim of this assault, who tried to take his revenge in a proper legal manner by bringing a suit, but eventually gave up, even though he won some support from bystanders and more especially by a champion, Glaucon of Cholargos, who defended his “free status”.<sup>37</sup> On the one hand his slave status is not further enhanced, as it might

34. Cf. Dem., 21, 216, where Demosthenes describes how in the competitive jostling after Meidias’ punch in the theatre he “dropped his cloak in fear at the noise and was virtually naked in his tunic (χιτωνίσκον)”.

35. What remains of the description of the beating of Archippos in the Teisis case (*Lys. fr.*, 75-6), also shows the victim, tied to a pillar and beaten like a slave, displayed to the public in the Peiraeus, though without a detailed description of wounds.

36. On Pittalakos and these events in general, see also N. Fisher, “The Perils of Pittalakos, Settings of Cock Fighting and Dicing in Classical Athens”, in S. Bell and G. Davies (eds.), *Games and Festivals in the Ancient World*, Oxford, 2004 (BAR International Series 1220), 65-78.

37. Ed. Cohen, *Nation*, 111, 136, 163), treats this evidence in a similarly cavalier manner; he is aware that the text allows the possibility of any of three statuses, but continually argues that we should believe Aeschines’ first version that he was still at this time a public slave-status, in order to conclude that some slaves might have the legal powers to bring actions.

have been, by dwelling on his evil-smelling ill-trained slave body,<sup>38</sup> or on the illegality, mentioned later in the speech, of a slave being the lover of a free youth or training in the *gymnasia* (137-9); on the other, when the narrative seems to suggest a free status for Pittalakos, any sympathy for his maltreatment by such a beating is kept to a minimum and not emphasised by the addition of any gruesome details.

The main physical focus in the speech is naturally the body of Timarchos, along with those of his supporters and of degenerates like him, in opposition to those of decent and fine young men or other respectable orators. The jury is first invited to contemplate his body in a form of gratuitous self-display in the assembly.<sup>39</sup>

Timarchos, not long ago, in fact just the other day, threw off his cloak and did all-in fighting routines naked (*γυμνός ἐπαγκρατίζεν*) in the assembly, and his body was in so dreadful and shameful a condition through drink and disgusting behaviour (*βδελυρία*), that men of sound judgement veiled themselves, ashamed for the city, that we use such men as him as advisers (26).

The argument seems to be that drink and depraved sexual practices make the human body—even one once much admired, like Timarchos’ (42)—flabby and aesthetically disgusting. These practices presumably include both his earlier homosexual acts, described as *hybris* against the body immediately afterwards (29), and his continuing excesses with *hetairai*. This physiognomic argument is in fact strikingly contradicted later (49), because Aeschines has reason to argue that Misgolas, the man with the passion for youths, especially slender musicians, who has still no grey hairs and a youthful appearance, and so looks no older than Timarchos, is in fact older and was his lover; so here Aeschines has to admit that in general people may show their age in different ways. Nonetheless the argument from physiognomy continues to be deployed with confidence throughout.<sup>40</sup> One reason why he may have got away with it is the extent to which Athenian culture—as the speech makes very clear—was at one and the same time deeply fascinated, even obsessed, by naked male bodies, especially

38. See e.g. Xen., *Symp.*, 2, 4, on the supposed “natural” difference in smell between slave bodies and bodies of well-trained free men, rubbed with olive oil; “unnatural” perfumes can, however, mask these differences. As with the effects of debauchery (see below), body ideology can come up against reality. See S. Lewis, “Slaves as viewers and users of Athenian pottery”, *Hephaistos*, 16/17, 1998/98, 80-1.

39. This is also the point at which Aeschines begins to play with Timarchos’ alleged nickname of *ὁ πόρνος*..., the prostitute, which is only made fully explicit at 130-1, along with the parallel insistence that Demosthenes’ nickname *Βάταλος* means not “stammerer”, but something which indicates effeminacy and deviance, apparently “arse”. On this, see my notes on 25, 126, 131.

40. Such beliefs about the mutual interaction between “body” and “soul”, and the effects on both of customisation to desires and pleasure, were of course widely held in this period and later: see e.g. Arist., *Pr. Anal.*, 70b7, and the Pseudo-Aristotelian, *Physiognomika*, esp. 808b12-30, with M. Gleeson, *Making Men*, Princeton, 1995, esp. 29-30.



those of boys and youths, and also –perhaps in part in rationalizing justification– convinced of the moral significance and military value of the citizens maintaining good, well-trained and controlled bodies, and of the dangers to citizens' bodies, characters, even their souls, from a lack of control over excessive desires and pleasures.<sup>41</sup> Many prominent features of Athenian culture all attest to a delight in the citizen public in viewing and physically desiring (at a proper distance) well-formed and trained naked male bodies: one might mention the athletic training and contests, including the tribal male beauty contest, the *euandria*, representations on public sculpture of naked citizens, most famously the idealised beardless youths on the Parthenon frieze,<sup>42</sup> and Platonic scenes of admiration of the latest stunning youth in the *gymnasion* (e.g. *Lysis* 204e, *Charm.* 154a-b), matched by references in comedy to individuals, who are not so evidently members of the elite, watching athletes, inspecting, ogling or fondling attractive youths, and chatting them up at the *gymnasia* (e.g. *Clouds* 961-89, *Wasps* 577-8, 1023-8, *Birds* 137-42).<sup>43</sup>

Appeal to this moral sensibility among the jury, keen to observe and praise beautiful, fit male bodies, and react with scorn and distaste to ugly or degenerate bodies, is made repeatedly in the speech, it was evidently one of Aeschines' strongest strategies, and arguably a successful one, to claim that the well-being of the country's youth and educational system depended on the signal sent out by the verdict. The theme emerges especially strongly in 134-40. The "general", who is said to be going to defend Timarchos, claims, and Aeschines happily agrees, that all fathers hope that their sons may be fine and good in appearance and worthy of the city (καλοὺς κάγαθοὺς τὰς ιδέας φῦναι καὶ τῆς πόλεως ἀξιούσας)<sup>44</sup> and that the city takes pride in those young men who are exceptional in beauty and the charm of youth, and are fought over by their lovers (κάλλει καὶ ὥρα διευεγκόντες ἐκπλήξουσιν τινὰς καὶ περιμάχητοι ἐξ

41. On the importance of these ideas in Athens, see e.g. L. Bonfante, "Nudity as a Costume in Classical Art", *AJA*, 93, 1989, 543-70, A. Stewart, *Art, Desire and the Body in Ancient Greece*, Cambridge, 1997, 75-85.

42. See also R.G. Osborne, "Men without clothes: Heroic Nakedness and Greek Art", in M. Wyke (ed.), *Gender and the Body in the Ancient Mediterranean*, Oxford, 1998, 504-28 (Osborne, "Men without clothes"); J. Tanner, "Social Structure, Cultural Rationalisation and Aesthetic Judgement in Classical Greece", in N.K. Rutter and B.A. Sparkes (eds.), *Word and Image in Ancient Greece*, Edinburgh, 2001, 183-205.

43. "Right Argument" may look back nostalgically and hypocritically to an earlier time when genital display and viewing was less problematic (Osborne, "Men without clothes", 506), but its attractiveness remained. On the importance of the assessing of the naked bodies of the ephebes whose claims for admission to citizenship are being scrutinised by a jury, see B.G. Robertson, "The Scrutiny of New Citizens at Athens", in V. Hunter and J. Edmondson (eds.), *Law and Social Status in Classical Athens*, Oxford 2000, 149-74.

44. καλὸς κάγαθος, like many other crucial value terms used in this speech (such as καλαί, αἰσχροὶ πράξεις and βδελυρία), itself spans indissolubly aesthetic, social and moral ideas; for its meaning in this text (attractive, fit and decent citizen, not necessarily aristocratic), see my note on 31.

ἔρωτος γένωνται); later in 155-59, appeal is made to the jury's knowledge both of a string of good and beautiful boys, many of them athletes, who were supposed to have had many lovers but kept their reputations, and a shorter list of those who notoriously did not. An attempt at audience participation allegedly brought a triumphant claim that Timarchos –with a reminder of his nickname as "the whore" (πόρνοι)– belongs indelibly in that category (*taxis*), of the prostituted (πεπορευμένοι).

Of the many discussions of sexuality and politics in the *Timarchos* since Dover and Foucault set this intense debate in motion, two recent treatments, both critical of the Foucauldian 'orthodoxy', include valuable discussions of precisely these themes in Aeschines' rhetoric of *hybris*: desire, both homosexual and heterosexual, shame and the damaged body.<sup>45</sup> Hence it will be helpful to note areas of agreement and disagreement with them. Both Sissa and Davidson argue, rightly, that moral problematisation of sexual behaviour is often expressed in terms of excessive "desire" or "insatiability", rather than simply of the type of act performed (active penetration or passive submission). They both rightly emphasize, as I have, the centrality to the speech of the ideas of the integrity and purity of the naked citizen body, and of the permanent damage done to it by sexual acts described as *hybris* and shame (*aischune*), and the powerful presentation of Timarchos' reckless and insatiable pursuit of varied and diverse pleasures as βδελυρόν, as physically and morally "revolting".<sup>46</sup>

Sissa's presentation of Aeschines' argument and position, however, is radically misconceived in at least two major respects. First, she enlists the text in her argument against the Foucauldian constructivist view of sexuality, and suggests that on the contrary Athenians could readily conceive of a lasting homosexual identity. She argues that Aeschines' arguments indicate that Timarchos' character and body have been marked for life by his having "sold himself" for sexual acts which are "against nature" (185), and so pursued his pleasures: as a result he can be labelled "homosexual" or "gay". But in fact the speech consistently presents Timarchos as a man who shamelessly accepted whatever his lovers wished to do with him not because he liked the acts but essentially to pay for his own, different, shameless, pleasures.<sup>47</sup>

45. G. Sissa, "Sexual Bodybuilding: Aeschines against Timarchos", in J.I. Porter (ed.), *Constructions of the Classical Body*, Michigan, 1999, 147-168; Davidson, *Courtesans*, and see also Davidson, "Dover".

46. On βδελυρός, see also Poll., 6, 126-7 (with M. Gleeson, *Making Men*, Princeton, 1995, 64-7), where it is listed among the words associated with the *kinaidos*, including many other words and phrases which occur in the speech such as ἀσελγεία –but they are not all necessarily identical in associations, not do they all necessarily imply effeminacy or enjoyment of a passive sexual role.

47. See here e.g. Davidson, *Courtesans*, 254-7 and my note on 95. Sissa ("Sexual Bodybuilding") does note, perhaps reluctantly, that Timarchos "switched" later to preference for *hetairai*, in fact the text asserts that from the start of his adult sexual career that was the form of sex he preferred (esp. 42, 95).



Second, Sissa argues that Aeschines is radically inconsistent and incoherent in his presentation of the legal and moral valuation of homosexual acts. There may be some contradictory statements in the text, but she is wrong, I think, to explain them by the argument that Aeschines is appealing, in different places, to two quite different sectors of the public, "elite" sympathizers with these practices and "populist" opponents of them. On the one hand, she argues, when Aeschines, in his imaginary debate with the "general", accepts the idea of a "fine and noble homosexual eros", as opposed to commercially-based sex, he is reluctant to offend the "refined audience" of the elite (132-40), but supposes that such legitimate and chaste relationships did not involve lust or sexual expression; on the other hand, towards the end of the speech, she suggests he adopts a much harder line, in effect condemning all forms of homosexual intercourse as instances of *hybris* and contrary to the laws. She points first to three passages where Aeschines plants the misleading suggestion that his quotations and discussions of the laws given earlier (14-18) demonstrated that a man and a youth of citizen age who engaged in a commercial arrangement, exchanging sex for material gain, were both guilty of *hybris* and might be liable to the most serious penalties (72, 87-8, 160-163), and especially claims if either partner tried to enforce a written contract in court they would be laughed to scorn and treated with hatred and contempt, and the older "lover" might perhaps be "stoned" and convicted of *hybris* (160-3).<sup>48</sup> Second, she refers to the strong condemnation of Timarchos' youthful sexual acts, expressed in the most explicit terms he allows himself (185-6): he is said to have had a male body, but committed womenish offences, to have committed *hybris* against himself "contrary to nature", which she interprets as hostile representations of all forms of homosexual sex as contrary to nature. These contradictions she explains in terms of two audiences, with two radically opposed sets of attitudes, one represented by the "General" and the elites, defending the noble form, and the other by the mass of Athenians, happy to accept the whole sexual business as distasteful.

Against this, I would argue, first, that for Aeschines deliberately to adopt such a strategy of inconsistency suggests baffling incompetence; one fails to see why, if the majority of the jury could be assumed to consider all types of homosexual expression unnatural and "distasteful", Aeschines would be so concerned to accommodate his position to the supposedly favourable views of the

48. Such plausibility as this extension has, saying that the hirer of an adult youth commits *hybris* with him, derives from the repeated statement that the young man commits *hybris* against his own body (as D. Cohen takes it, *Law*, 156); but it seems likely that people would hold that even if the behaviour of the man could be so labelled, it was not a good case for a legal action. The legal sanction only in fact operated on youths who went into politics, as is often made explicit, esp. in 195.

"general", nor why he accepts with such apparent insouciance, even pride, the allegations that he is involved himself in the erotic pursuit of youths.<sup>49</sup> Second, as Dover convincingly argued,<sup>50</sup> it seems certain that in 132-40 Aeschines' conception of the "noble" and "legitimate" form of love does not exclude sexual expression in the proper context of an affectionate relationship. Third, the passages (72, 87-8, 160-3) where Aeschines misapplies his earlier statements of the laws focus solely on the issue of "hiring", or commercial sex, and rest on the assumption that these necessarily involve *hybris*; there is deliberately no concern here at all to identify and condemn what "noble lovers" get up to. The point of these passages is to reinforce the idea that illegal "hiring", which could be described as necessarily involving *hybris* (even if self-*hybris*) was a fundamental part of Timarchos' chosen way of life. Finally, and most importantly, a favourable view of some, non-commercial, relationships is in fact found consistently throughout the speech, not just in the "General" passage, and is attributed repeatedly to all the jury, not just a few rich habitués of the *gymnasia* (especially also, as we saw, in 150-9). Thus far, it is the commercial context, not the sexual acts, which count. And even when the "unnatural" acts of Timarchos' youth are highlighted in the strong language in 185-7 these are acts which he performed – or "endured" – in a mercenary spirit, to finance his other vices, and are presented as examples of the "bad" "uncultivated" type of the homosexual ἐρως. Nowhere in the speech is there any expression of condemnation of *all* homosexual practices; nowhere is there any contradiction with the passages where "noble love" is praised.

Thus far, then, I am in agreement with Davidson's arguments, that it is the mercenary context, not the nature, of sexual acts performed, which for most Athenians made a homosexual relationship problematic and might render one or both participants liable to legal penalty.<sup>51</sup> On the other hand, Davidson takes too far, I believe, his root and branch assault on the whole idea, associated with Dover and Foucault *et al.*, that the gendered distinction between active and passive roles carried moral weight and that for a male to submit to physical penetration could in itself be seen as being effeminised and as morally

49. T.K. Hubbard, "Popular Perceptions of Elite Homosexuality in Classical Athens", *Arion*, 6, 1998, 48-78, taking a similar view of popular hostility to the whole practice, avoids this problem by the supposition that the debate with the "general" was added only in the written version, to appeal to a more literate and sophisticated audience; such a radical reworking of a speech for later readers cannot be ruled out on principle, but it needs a very strong argument in its favour. Here it rests on a view of a complete divide between elite and popular views which is not in my view sustained by the rest of the evidence any more than by this speech viewed as a whole.

50. Dover, *Homosexuality*, 42-54; see also Hindley, "Xenophon", 88-90.

51. Davidson, "Dover", 7-11, 20-22, also pointing out how Dover's position changed away from this view between 1964 and 1978.

degrading. One crucial passage in this speech speaks against him, the most explicit condemnation of Timarchos' acts of *hybris* against himself, and the only one where they are to be "unnatural":

Ἐπειθ' οἱ μὲν πατέρες ὑμῶν οὕτω περὶ τῶν αἰσχρῶν καὶ καλῶν διεγίνωσκον, ὑμεῖς δὲ Τίμαρχον τὸν τοῖς αἰσχίστοις ἐπιτηδεύμασιν ἔνοχον ἀφήσετε; τὸν ἄνδρα μὲν καὶ ἄρρενα τὸ σῶμα, γυναικεῖα δὲ ἀμαρτήματα ἡμαρτηκότα; τίς οὖν ὑμῶν γυναῖκα λαβὼν ἀδικοῦσαν τιμωρήσεται; ἢ τίς οὐκ ἀπαίδευτος εἶναι δόξει τῇ μὲν κατὰ φύσιν ἀμαρτανούση χαλεπαίνων, τῷ δὲ παρὰ φύσιν ἑαυτὸν ὑβρίσαντι συμβούλῳ χρώμενος; These then were the decisions made by your ancestors about shameful and honourable acts; are you going to let Timarchos go free, a man responsible for the most shameful practices? The man who has a male body, but who has committed womanish offences? Which of you then will punish a woman if you catch her doing wrong? Or who of you would not appear to be without understanding of our culture, if you get angry at the woman who offends in accordance with nature, but use as a political adviser the man who committed *hybris* against himself contrary to nature? (185)

What can these "womanish offences" be, which are unnatural and most shameful when performed done by males like Timarchos, that is those who let their lovers do unspeakable things to them, but "natural", and not quite so shameful, when performed by offending females (e.g. adulteresses). A general "whorishness" or the fact that polymorphous sexual desire cannot be had is being hinted at here<sup>52</sup> first, because Timachos, unlike *kinaidoi*, is not said to enjoy what his lovers did with him (see above all 42); and second because such excessive desire may be experienced by women or men. The passage makes sense only on the assumption that the jury would realise that some acts were in themselves unnatural for males but not for females, and would surely think of penetrative acts.<sup>53</sup> But I would also argue that the further tricky question, what sexual acts decent boys permitted to their serious and caring lovers, what they might do which did not break these rules of 'nature' or decorum, is carefully not addressed here, as it is avoided elsewhere in the speech.<sup>54</sup>

52. Davidson, *Courtesans*, 253-6. Aeschines makes a great play over his preservation of the reticence of language proper to a public lawcourt speech (especially 37-8, and my note there); I suspect though that the unusual verb selected at the end of this argument (186) "are bent down to/bend themselves down to the acts of shame" (κατακάμπτωνται hints delicately but amusingly at a posture adopted for anal or oral sex.

53. See also the debate between C. Hindley and D. Cohen, "Law, Society and Homosexuality in classical Athens, A Debate", *P&P*, 133, 1991, 170-89-94, and also C. Calame, *The Poetics of Eros in Ancient Greece*, Princeton, 1999, 137-41.

54. Nor is it e.g. in Xen., *Mem.*, 1, 6, 12: one who sells his youthful beauty to anyone who wishes for money people call a whore but one who makes dear to himself one he knows to be a good and decent man we consider to be controlled (σώφρων). On this endemic reticence, and on Xenophon's own complex attitudes to male love, see above all Hindley, "Xenophon", 74-99.

In this light, further study of the language used throughout the speech of Timarchos' consent to whatever shameful sex acts his paymasters demanded enables us to refine what is implied by the repeated allegation that he committed *hybris* against himself and against his own body, and to reconsider in what ways ideas of violence or force may be involved. At the start of the narrative, Aeschines promises that he will describe how he lived in the houses of his lovers "shaming his own body and the city, earning fees for that very thing which the law forbids one to perform, on penalty of losing the right to address the people" (40). Misgolas kept Timarchos "as he was of good flesh, young, revolting, suited to the deed which Misgolas chose to perform, and Timarchos to endure" (41, see also 45, 51). With the "Wild Ones" (*agrioi*), his behaviour demonstrated that the relationship with lovers was not only *hetairesis* but downright *porneia* (φαίνεται μόνον ἡταιρηκῶς, ἀλλὰ καὶ – μὰ τὸν Διόυσον οὐκ οἶδ' ὅπως δυνησομαι περιπλέκειν ὄλην τὴν ἡμέραν – καὶ πεπορευμένος) as he was "performing this act indiscriminately, with many men, and for pay" (52). With Pittalakos "he was shaming himself with a public slave", and "such offences and such *hybreis* were committed by that person on Timarchos' body that I couldn't possibly utter to you" (54-5). Finally, he showed himself "a man who has shamed himself with Hegesandros", one who "prostituted himself with the prostitute", and committed "excesses of loathsomeness (*bdeluria*) when drunk" (70).

Throughout this narrative it is made clear that what is needed for the legal charge under the *dokimasia rhetoron* is for the application of the term of *hetairesis* or even *porneia* to stick, and hence here it is the agreement to do sexual services in exchange for being kept, and having money to finance other pleasures; but it is equally often emphasized that Timarchos agreed willingly and regularly to performing dreadful if unspecific acts ("the deed", "this act", "such offences and *hybreis*") which are supposed to be intelligible, though Aeschines refuses to name them directly, and these acts were what the lovers desired and enjoyed, whereas he merely "endured" them (*paschein*).<sup>55</sup> Timarchos is emphatically not presented as a *kinaidos*,<sup>56</sup> man of effeminate appearance or dress, a man who was believed to enjoy all forms of sex, including accepting penetration. Timarchos agreed to "unnatural" and "womanish" acts, which, if performed with an unwilling partner, would evidently be regarded as violent and hybristic abuse, and might well be thought to be painful and physically

55. See also 76, 164, and the language used against Pytheas and Aeschines by Deinarchos (*fr.* VI.14 Conomis): "Pytheas did or endured whatever was proposed to him by Aeschines".

56. In this speech it is Demosthenes, with his effeminate clothes, and allegedly ambiguous relations with his "pupils", who is so labelled (181; see also 130-1, 170-2, 181, and 2, 23, 88, 99, 151). See Davidson, "Dover", 23-4.

damaging if the lover was simply concerned to please himself and took no concern for his partner. This possibility that rough or unwilling sex might be painful and damaging is mentioned or hinted at only rarely in our sources. One may however refer to the very heavy emphasis on mutuality as opposed to pain expressed by Xenophon's *Hiero*, who argues that with willing boyfriends the "mutual delights" (χάριτες) are the most pleasant: when the boyfriend returns affection, there are pleasant glances, questions and answers, and very pleasant erotic wrestlings and conflicts.<sup>57</sup> But with unwilling boyfriends, it is more like piracy than sex; though a pirate may get pleasure from gaining profit and painning one's enemy, it is a sign of a disagreeable and pitiable condition to derive pleasure when the beloved feels pain, as it is to be hated by the one you are kissing, or to touch one who hates your touch (Xen., *Hiero* 1, 33-38).<sup>58</sup> Rather less high-minded is a joke preserved in the fragments of a Hellenistic anthology of sympotic poetry and anecdotes, which presents delicately and wittily at once the guilt and the anticipation of post-death pleasures of an aged pederast: an "arse-lover" (φιλοπυγιστής) left a dying wish to have his bones burnt, crushed and pounded into a paste, to be applied as a remedy for those suffering pain in the anal region. In principle, it seems likely that lubrication would be used to mitigate such pains, by considerate lovers who persuaded their boyfriends to agree to anal sex. Kilmer argues persuasively that the cup by Douris from Boston, which shows heterosexual sex *a tergo*, very probably anal, with an inscribed message to the woman to "hold still", and an olive oil *aryballos* balanced (precariously) on some clothes on a stool, strongly suggests such lubrication and, more disputably, that the presence on many vases showing male seduction-scenes set in *palaistra*i of such *aryballoi* hanging up may at times hint delicately at such a use for homosexual sex, even though the artists tended almost always to display intercrural rather than anal acts.<sup>59</sup>

Hence Timarchos is said to co-operate willingly in this form of *hybris* inflicted on his body, which is explicitly and repeatedly said to serve the pleasure of his lovers, and so might be thought to have had elements of force; therefore he can equally be said to commit *hybris* against himself, and be seen as voluntarily turning himself from a free man conscious of the need to preserve his honour and the integrity of his body, to a commodity, a sex-object

57. See also Dover, "Homosexuality", 54-7; T.F. Scanlon, *Eros and Greek Athletics*, Oxford, 2002, 236-46 for the strong connections often suggested in texts and images between athletic training and wrestling, and erotic seduction and acts.

58. On this passage, see especially Hindley, "Xenophon", 89-95.

59. M.F. Kilmer, *Greek Erotica*, London, 1993, 81-9; the vase is Beazley, ARV2 444n = Kilmer's R577. See also T.F. Scanlon, *Eros and Greek Athletics*, Oxford, 2002, 236 n. 106, who finds the "lubrication" idea plausible, but also K. de Vries' review of Kilmer (*BMCR*, 95.8.10), who does not.

or a slave.<sup>60</sup> The power of the condemnatory language rests, then, in part, on the argument that such acts, which "use men as women" (as Xen., *Mem.*, 2, 1, 21-33 put it), could be presented as unnatural and as *hybris* against the boy/youth (and his family),<sup>61</sup> and as *hybris* against the body and the self; but this only applies, it seems, if the youth collaborated with it for cynical or mercenary reasons, and in Timarchos' relationships, at least, the pleasure in these acts was for the lovers alone.

What decent and loving couples could get away with without such language being used is deliberately left unstated in most of our texts; the ambiguities here are explored with comic freedom and cynicism in Aristophanes' *Plutus*:

CR. — Καὶ τὰς γ' ἑταίρας φασὶ τὰς Κορινθίας,

ὅταν μὲν αὐτὰς τις πένης πειρῶν τύχη,

οὐδὲ προσέχειν τὸν νοῦν, ἐὰν δὲ πλούσιος,

τὸν πρῶκτὸν αὐτὰς εὐθὺς ὡς τοῦτον τρέπειν.

KA. — Καὶ τοὺς γε παῖδας φασὶ ταῦτ' οὗτο δρᾶν

οὐ τῶν ἐραστῶν, ἀλλὰ τἀργυρίου χάριν.

CR. — Οὐ τοὺς γε χρηστοὺς, ἀλλὰ τοὺς πόρνους ἐπεὶ αἰτοῦσιν οὐκ ἀργύριον οἱ χρηστοί.

KA. — Τί δαί...

CR. — Ὁ μὲν ἵππον ἀγαθόν, ὁ δὲ κύνας θηρευτικὰς.

KA. — Αἰσχυρόμενοι γὰρ ἀργύριον αἰτεῖν ἴσως ὀνόματι περιπέττουσι τὴν μοχθηρίαν.

KHREMYLOS — And the hetairai, they say, the ones from Corinth,  
Whenever a poor man happens to proposition them,  
They pay him no attention, but if a rich man does,  
They turn their bums to him right away.

KARION — And they say the boys do just the same  
Not for their lovers' sake, but for the money.

KHR. — Not the good ones, but the whores; after all  
The good ones don't ask for money.

KA. — What do they ask for?

KHR. — One asks for a good horse, another for hunting dogs.

KA. — Yes, I suppose, ashamed to ask money

They cover up their wickedness with a word. (149-160)

60. The idea of commodification is emphasised by Davidson, *Courtesans*, 112-15; but his talk of Aeschines' strategy of "separating" Timarchos from his body, of "turning this well-known politician into a depersonalised anonymous object" (p. 116) rather misses the focus of the criticism of Timarchos' self-commodifying, which remains on Timarchos' agency: the body is the civic identity and the person, and Timarchos, like all citizens, was responsible for treating his body properly; to choose to sell it for *hybris* is to embrace his own slavery.

61. A similar line was taken apparently by Hyper. fr. 215 Jensen, that his opponent had abused his own body in a feminine way (a fragment surviving only in Latin).



“Good” boys, that is, according to the comic view, ask not for money, but for attractive, expensive “presents”, but then offer their bottoms as readily as do Corinthian *hetairai* or male prostitutes to their lovers, which must mean, in the males’ case at least, accepting anal sex. This suggests that the boundaries of acceptability could be recognised as tricky and hard to maintain, in terms both of what forms of “rewards” were acceptable and what forms of sex went on in the “good” relationships. As Davidson has recently insisted,<sup>62</sup> what marks out the good boys is that they don’t ask for money; equally, however, the jokes suggest that, thanks to the social convention whereby friends wouldn’t enquire too closely into what couples did, good boys could keep their reputations and avoid shame by seeming to be affectionate and accepting “gifts”, while agreeing to anal sex if asked respectfully. Outsiders might assume buggery was taking place, but would be unlikely to do more than gossip, unless there were also grounds for suspecting that a limit had been crossed in terms of rewards and negotiation, and significant maintenance was being provided in exchange for one-sided, perhaps painful, sexual acts. Grounds for such suspicion would be either promiscuity of relationships or startling extravagance (both allegedly the case with Timarchos). But neither Aeschines, nor did the Athenians in general, had any reason to face the question whether a youth who was thought to engage in anal sex with a considerate lover, and did not dislike it, should be regarded as committing *hybris* against his own body or as a *kinaidos*. Hence the contradiction which Sissa interprets as a device by Aeschines to appeal to two different classes among his audience should rather be seen as an endemic ambiguity, a refusal to face up to uncomfortable facts, which was constantly and conveniently accepted by many Athenians, both those in the gymnastic elite and among a wider number of ordinary citizens.

I would conclude then that the central rhetorical strategy of the speech, which was in fact, and perhaps surprisingly, successful, was to persuade the average Athenian citizen (and father) on the jury that to allow Timarchos to continue his political career, given the “evidence” of his shameful past, would endanger the necessary attempt to maintain this tricky and usually obfuscated balance, to encourage proper attachments and love affairs while discouraging disgraceful ones. The peroration (185-96) above all argues that to achieve these aims it was necessary not only to maintain moral controls at the schools, *palais-trai* and *gymnasia*, but also to ensure that political leaders set the best of examples, and those who failed were disenfranchised. It can indeed be argued that later developments in the 330s, above all the reform of the *ephebeia*, attest to the continuance of this mood.<sup>63</sup> An important part of this strategy is provided

62. Davidson, “Dover”, 21.

63. See the introduction to my edition, 62-7.

by the argument that *hybris* was a consistent element in Timarchos’ character, and united his past offences with his present, his behaviour with his lovers with his behaviour to his family and estate, his abuse of foreign husbands, and his general political corruption and contempt for all laws. A related strategy was to present the current ruined form of his body and his readiness to reveal it in public as proof alike of the effects alike of his past *hybris* and physical self-abuse, of his continuing shamelessness, and of the disgrace which would befall the city if it persisted in using him as a politician or ambassador. Thus Timarchos’ past behaviour is said to have corrupted both his body and his soul (189), and made him quite unsuitable as a political leader and representative. The varied types of *hybris* he showed, to his family, to an ex-lover like Pittalakos, to the Andrian women, or most of all to his own body in permitting his lovers to do what they liked with it, are shown to be a central part of his fundamental nature. While not necessarily violent acts, they are none the less acts which are either imposed by force, or ought to have been resisted, not accepted willingly or “endured” for the sake of other pleasures. They all demonstrate Timarchos’ contempt for the laws and values of the community and for the honour and feelings of others, and the subordination of all feelings of honour and shame, even those concerned with his own body, to his desires for the pleasures of sex with women, drink, food and gambling. As a result Aeschines is able to liken Timarchos to those who are led by their insatiable desires to act as servile underlings for tyrants and destroy democracy (191).<sup>64</sup> In these ways *hybris* plays a major role in the presentation of Timarchos’ condemnation as a necessary step to the moral regeneration of Athens’ culture, educational system and legal and political institutions, and is central to the reiteration of the imperative to maintain the delicate distinction between proper, democratic love and shameful lust, and uphold the law which imposed higher standards of sexual morality on youths who would be later be active in political life.

64. On the relation of this element in the picture to e.g. Plato’s tyrannical man, see my note on 191, and M. Meulder, “Timarque, un être tyrannique dépeint par Éschine”, *Les Études classiques*, 18, 1989, 317-22, Davidson, *Courtesans*, 294-301). The equivalents to the “tyrants” whom Timarchos served are doubtless meant to be Demosthenes and the brothers Hegesandros and Hegesippos.

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LA VIOLENCE  
DANS LES MONDES GREC ET ROMAIN

Actes du colloque international  
(Paris, 2-4 mai 2002)  
réunis par Jean-Marie Bertrand

*Ouvrage publié avec le concours  
du Conseil scientifique de l'Université Paris I Panthéon-Sorbonne,  
de l'équipe d'accueil « Phéacie : Les pratiques culturelles dans les sociétés grecques et romaines »  
(EA 3563 Universités Paris I et Paris VII)*

Publications de la Sorbonne  
2005

