

**Speaking Bodies: Physiognomic Consciousness
and Oratorical Strategy in 4th-Century Athens**

by

Julia P. Shapiro

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Doctoral Committee:

Professor Sara Forsdyke, Co-Chair
Professor Ruth Scodel, Co-Chair
Professor David Halperin
Professor David Potter

Dedication

For my parents, Albert and Ruth Ann Shapiro,
and for my husband, Adam Johnson

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Introduction

This is not a dissertation about the formal pseudo-science of physiognomics, loosely defined as the process of discovering an individual's character from the external configuration of his or her body. The term "physiognomic" as I use it is borrowed from Jon Hesk (who in turn borrows it from Demosthenes) to describe a specific strategy used in the forensic oratorical corpus of 4th-century Athens.¹ The most common form of the strategy consists of the orator citing a feature of the opponent's appearance (either in the court or on a previous occasion) and instructing the jurors in its interpretation, claiming that it demonstrates the opponent's reprehensible character and his guilt. The origins of physiognomic analysis are attributed to Pythagoras in the 6th century B.C. Four formal treatises on the topic, ranging from the 3rd century B.C. to the 4th century C.E., are preserved.² However, the formal study of physiognomics in the Classical Greek world relates to the oratorical strategy insofar as it reveals a cultural predisposition to believe that the inner workings of the mind can be discerned from a person's appearance.

Since this treatise will expand on Hesk's work, a further discussion of Hesk's work on the physiognomic strategy and how it relates to the purposes of his 1999 article

¹ Hesk 1999: 218-21. Hesk identifies this strategy as anti-rhetorical, insofar as his example *Against Stephanus* 1 (Dem. 45.68-9) claims to reveal a physical lie, a 'dishonest deportment.'

² These four treatises are: Pseudo-Aristotelian *Physiognomica*, 3rd century B.C., Polemo Rhetor of Laodicea's *De Physiognomia*, 2nd century C.E., Adamantius the Sophist's *Physiognomica*, 4th century C.E., and *De Physiognomica*, anonymous, 4th century C.E., in Latin (Evans 1969:1).

Pythagoras' foundation of physiognomics in the 6th Century B.C.: Evans 1969: 5.

The orators of Classical Athens were far from the last to apply physiognomic analysis in order to identify criminals. Physiognomic study remained influential in criminological theory in 19th and early 20th-century Europe. For physiognomics and criminological theory in the 19th and early 20th century, see Lilly et al. 2007: 18-30.

(in which he defines the strategy) is in order. In Hesk's "The rhetoric of anti-rhetoric," he explores the meta-discursive elements of speakers' accusing their opponents of deceptive rhetoric, and the role of such accusations in Athenian democratic ideology.³ Hesk identifies the physiognomic strategy as one of several strategies in which the speaker conducts a performative unmasking of his opponent's trickery.⁴ Since Hesk is specifically interested in how speakers 'reveal' their rivals' deceptions, he analyzes Demosthenes *Against Stephanos* I. The prosecutor Apollodoros claims that the defendant, Stephanos, intentionally assumes his habitual scowl and affected gait, which appear at first glance to give him an air of personal gravity (*σωφροσύνη*), but which he actually fashions in order to prevent people from approaching him with requests.⁵ I share with Hesk the basic approach of examining the speaker's strategic use of an individual's (usually an opponent's) appearance in oratory. In addition, Hesk proposes that the physiognomic strategy is usually anti-rhetorical, because the orator juxtaposes what he claims to be a manifest, physical reality against the opponent's spoken argument.⁶ This concept seems more applicable to some passages than others. A notable example of the former appears in Aeschines *On the Embassy* (Aeschin. 2.88) where Aeschines uses the (invisible) imprint of Demosthenes' fellatio on his mouth to discredit the accusations Demosthenes made.⁷ The 'truth' of Demosthenes' body overrides the possibility of the truth of his speech. However, Hesk's project is narrower; he is interested specifically in the deceptive aspects of the physiognomic strategy. I hope to discover a broader and more complex range of rhetorical uses to which appearance can be put.

³ Hesk 1999: 201-18.

⁴ Hesk 1999: 201-8.

⁵ See "Degrees of Distance," below, p. 34.

⁶ Hesk 1999: 224-6.

⁷ Aeschin. 2.88 is quoted on p. 65 in "Demosthenes *Kinaidos*."

The passage of Demosthenes from which Hesk draws the modern name for this tactic describes the readable appearance not of the opponent, as is most often the case, but of the jurors themselves:

“Ἐν δ’ εἰπὼν ἔτι παύσασθαι βούλομαι. ἔξιτ’ αὐτίκα δὴ μάλ’ ἐκ τοῦ δικαστηρίου, θεωρήσουσι δ’ ὑμᾶς οἱ περιεστηκότες καὶ ξένοι καὶ πολῖται, καὶ κατ’ ἄνδρ’ εἰς ἕκαστον τὸν παριόντα βλέψονται καὶ φυσιγνωμονήσουσι τοὺς ἀπεψηφισμένους. τί οὖν ἐρεῖτ’, ὦ ἄνδρες Ἀθηναῖοι, εἰ προέμενοι τοὺς νόμους ἔξιτε; ποίοις προσώποις ἢ τίσιν ὀφθαλμοῖς πρὸς ἕκαστον τούτων ἀντιβλέψεσθε; (Dem. 25.98).

After saying one more thing, I am willing to end my speech. Straightaway you will be leaving the court, and the people standing around, both foreigners and citizens, will observe you, and they will look at each man one by one and they will discern from their features those who have voted to acquit. What, then, will you say, men of Athens, if you go out after abandoning the laws? With what sort of countenance or what eyes will you look back at each of them?

Hesk takes Demosthenes’ use of the term “φυσιγνωμονεῖν” as grounds for applying the same word to examinations of appearance in the orators which lead to conclusions about character. In Demosthenes’ example, the visual evidence scrutinized is the jurors’ facial expressions, which reveal a specific act (a vote for acquittal), as opposed to an enduring aspect of personal character. His use of the verb implies that it had much broader applications than those which the author of the first pseudo-Aristotelian treatise assigned to it.⁸ He argues that since facial expressions are changeable, they cannot be good indicators of character. Likewise, the mental characteristics which he claims can be deduced from physical ones are not specific deeds, like a juror’s vote. Rather, he infers the presence of persistent mental traits such as shamelessness or ease of temperament, but also includes signs of habitual action (such as gambling).⁹ The common use of the term, then, seems to have covered more different kinds of inferences from appearance than the anonymous Aristotelian recognized as part of his “scientific” study of physiognomics.

⁸ Arist. *Physiogn.* 805b, Evans 1969: 8.

⁹ Arist. *Physiogn.* 807a-808b.

The 4th-century oratorical corpus has little in common with the formal physiognomic treatises of the 3rd century. However, the orators do invite the jurors to draw conclusions about the characters and (reprehensible) past acts of (typically) their opponents on the basis of physical appearance. They treat a whole variety of visual features, including facial expressions, physical fitness and clothing, as indicative of either the permanent nature of the man or of his having committed a specific crime. I accept Hesk's terminology for this oratorical strategy, on the grounds that Demosthenes' use of the word suggests that it applies more broadly than the texts from the Lycaean would allow.

Philosophical evidence bears out Athenians' general skepticism about formal physiognomics, rather than a universal acceptance of a lexicon of physical indicators of morality. In the Socratic *Phaedo* of Elis' dialogue *Zopyrus*, the title character conducts a physiognomic analysis of Socrates.¹⁰ However, he is catastrophically off the mark: he suggests that Socrates is a stupid man, a lover of women, and given to vice. Socrates' friends, Alcibiades among them, laugh. Socrates, however, validates Zopyrus' analysis, claiming that he is right, but that philosophy has given Socrates a tool which allows him to become better than nature intended.¹¹ *Phaedo*'s Socrates refuses to discredit physiognomic analysis, but the flexibility in the relationship between the observed man and the predictions which physiognomic "science" make about him is borne out by the oratorical corpus.

The orators display what Evans calls a "physiognomic consciousness," a general assumption that mental characteristics and past acts can be deduced from a person's

¹⁰ Boys-Stones 2007: 23-5. For Zopyrus as physiognomist (*φυσιογνωμῶν*), see Boys-Stones n. 8, citing fr. 6, 10, 11 Rossetti. For identification of Zopyrus as the tutor of the beautiful Alcibiades, see Boys-Stones p. 25.

¹¹ Plato's work, particularly his physical descriptions of Socrates, suggest an awareness of physiognomic theory, though he does not award it credit (Evans 1969: 19-20, Boys-Stones 2007: 22-44).

appearance.¹² But this “physiognomic consciousness” never provides so fixed a set of rules that description of the body is indicative of moral character without an explanation, instructing the jurors how to understand the correlation. This reflects a similar ambivalence towards the specifics of physiognomic analysis in 4th-century Athenian culture. Forensic oratory is a superior source for understanding how the common man of Athens understood his social environment, because the texts represent the efforts of speech-writers to persuade mass juries.¹³ Never does a speaker simply point out or report supposedly damning visual information about his opponent. Instead, the speaker’s explanation and interpretation of the incriminating appearance remains a crucial feature of the oratorical strategy. The evidence supports a pervasive “physiognomic consciousness” in Athens, but limited in its specifics. This lack of certainty about how exactly appearance and morality corresponded to one another might at first glance appear to weaken the power of physiognomics as an oratorical tool. However, speakers exploit the combination of the cultural plausibility of physiognomics and the malleability of the precise correlation between appearance and moral character. The first gives the speaker’s analysis credibility, while the second offers him a chance to make sign and meaning suit his immediate purposes.

The object of this project is to describe the physiognomic strategy in oratory. My purpose in doing so is to understand how the relationship between an individual’s appearance and morality functioned in the social world of 4th-century Athens.¹⁴ The dissertation consists of two chapters and an appendix. The first of these explores the forms and uses of the physiognomic strategy in Athenian forensic oratory, and consists of

¹² Evans 1969: 6.

¹³ Oratory as a source for popular morality: Dover 1974: 5-14, Ober 1989: 43-50.

¹⁴ *ibid.*

five sections. The first of these, “Using the Visual Environment as Evidence,” examines how forensic speakers anticipated that jurors would count the visual environment of the court as evidence in reaching their verdict. For example, in Aeschines’ *Against Timarchos*, Aeschines exploits the custom of witnesses coming forward to justify their testimony with their presence during the recitation (by a clerk) of their testimony, and uses a hostile witness’s appearance, rather than his testimony, to support his case.¹⁵ In addition, Aeschines also draws attention to the manner in which his opponents, Demosthenes and Timarchos, gesture and move and look as they speak in the assembly. Although he is reporting how these men looked as they spoke on previous occasions, they were also present and speaking in the court before the jurors. Aeschines focuses jurors’ attention on his opponents’ physicality in the act of speaking, asking them to read the bodies of the opponents to decide the merit of their words.

The second section, “Degrees of Distance,” examines the degrees of separation between the opponent’s physical appearance and the jurors’ conclusion about his character. Each step offers an opportunity for the orator to manipulate the significance of the raw visual information. Even if the speaker uses the opponent’s body in the court as evidence, and the jurors can see him directly, the orator’s interpretation of that visual evidence constitutes a step both connecting and separating the image and the conclusion about the opponent’s character. In the process, the orator translates a visual performance (given unwillingly by the opponent as an in-court prop) into an oratorical one. If the visual information is reported, then the orator substitutes an oratorical performance for an allegedly visual original (which need not, of course, ever have taken place). In these

¹⁵ MacDowell 1978: 242-3.

circumstances, the jurors are not even privy to the image, creating an additional degree of separation between the image and the conclusion that they are to draw from it. (However, as the orator describes the reported visual information, the jurors may turn their eyes to the opponent as he stands in the court, in effect superimposing the reported image over his present state.) The speaker can create an additional degree of distance between image and conclusion by claiming that the visible signs are deceptive: the opponent's appearance does not actually have the meaning which an initial observer would think. By alleging that the signs are intentionally fabricated by the opponent, the speaker can then argue that the markers demonstrate his hypocrisy and disingenuous nature. Demosthenes twice employs this strategy specifically to discredit opponents' witnesses. The power of the physiognomic strategy lies in the fiction of visual corroboration for the truth of the speaker's words. However, between that image and the conclusions the speaker claims to draw from it, there are degrees of separation which the speaker can exploit to suit his purposes.

We have no way of knowing how much jurors recognized these degrees of distance. The only evidence we have for the effectiveness of the strategy is its prevalence, (and it is not so common as other rhetorical *topoi*).¹⁶ But if the strategy were completely effective and functioned as the orator hoped it would, the answer would be that the jurors did not perceive these levels of separation. If the orator was lucky, in the moment of performance, the circuitous route between the "truth" he wished to prove and the visual image would go unnoticed. Instead, the speaker's physiognomic evidence would convey a sense of concreteness and immediacy. I borrow and expand on Hesk's proposal that the

¹⁶ Hesk 1999: 219, 224-5.

physiognomic strategy belongs to the general category of anti-rhetorical strategies. Some examples contain an implication that the physiognomic evidence is “hard” evidence, whereas the words of the opponent are mere empty claims, trumped and invalidated by the visual image (even when that image is reported and thus is itself a rhetorical construct).¹⁷

The third section, “The Physiognomic Strategy and Athenian Democratic Ideology,” explores the relationship between the physiognomic strategy in forensic oratory and Athenian democratic ideology. In Aeschines’ *Against Timarchos*, Aeschines uses Demosthenes’ clothes in the court as an auxiliary ‘proof’ to justify the validity of common knowledge (of Demosthenes’ effeminacy).¹⁸ Thus Aeschines employs the visual image of Demosthenes in the court as an additional demonstration of the reliability of the Athenians’ common knowledge, and in turn of their capacity to make informed decisions about litigants’ characters. Mass juries were a manifestation of the Athenian democracy’s faith in the wisdom of collective decision-making, which was predicated on the fiction of

¹⁷ For example, in the sentence immediately preceding Aeschines’ infamous staging of Demosthenes’ *kinaidia* contrasted with his brother-in-law Philon’s hoplite physique, Aeschines juxtaposes how the litigants conduct their lives with their words. Aeschines specifically intends Demosthenes’ allegedly kinaidic body to verify the corresponding moral decrepitude of his life and to discredit his accusations against Aeschines:

“Ἐκπέπληγμαί δέ, εἰ σὺ λοιδορεῖν Φίλωνα τολμᾷς, καὶ ταῦτα ἐν τοῖς ἐπιεικεστάτοις Ἀθηναίων, οἱ δεῦρο εἰσεληλύθασι δικάσοντες ἕνεκα τοῦ βελτίστου τῆς πόλεως, καὶ μᾶλλον προσέχουσι τοῖς βίοις ἡμῶν ἢ τοῖς λόγοις,” (Aeschin. 2.151).

“But I am amazed, if you dare to mock Philon, and this among the most reasonable of the Athenians, who have come hither to the court in order to give judgment for the best interests of the city, and are paying attention to our lives rather than to our words.”

¹⁸ The term “common knowledge” has been used by Chwe 2001 and Ober 2008 as a technical term for the kind of information which every individual in a group can know that others in that group also know. Both use this term to talk about this kind of knowledge as a prerequisite condition for collective action (Chwe 2001: 13-16, Ober 2008: 80-117). I do not use the term in the same sense, but refer instead to what Athenians believed was known in common, without any cause for certainty that the knowledge was genuinely shared. I am interested in Athenian faith in the accuracy of which they believe to be known collectively, and orators’ exploitation of that faith by identifying certain information as collectively known (Ober 1978: 148-51, 163-5, Hunter 1994: 96-119). This does not require actual common knowledge of the kind which Chwe and Ober 2008 describe. My choice of terminology here will be altered in a future version of this project.

a face-to-face society, where each citizen's character was known to the community as a whole. The city of Athens, with 300,000 inhabitants, was far too large to actually be a face-to-face society.¹⁹ If jurors were conscious of any ignorance of Demosthenes' past, Aeschines employs the physiognomic strategy as a convenient (if fictive) means of shoring up the gaps. Aeschines uses examination of Demosthenes' body in the court during the trial to bolster the authority of common report, and therefore of democratic decision-making.

Two indirect sources show that common report (*φήμη*) did not enjoy such authority as to make it unassailable in court, but these same sources also indicate that arguing for the falsehood of common report was a last resort, rather than an effective forensic strategy. Plato claimed that Socrates at his trial argued that the public image of him in rumor and comedy was unjust, and Aeschines claims that Demosthenes makes a comparable argument about Timarchos' undignified appellation (*pornos*).²⁰ These reports suggest that arguments against the justice and validity of rumor could be made in court. However, the more usual thing by far is for the speaker to claim that the majority opinion is with him; this is essence of the "you all know" *topos*.²¹ Socrates and Demosthenes were likely 'making the best of a bad job,' compelled by the circumstances of their respective cases to attempt to ameliorate genuine harm done to the defendants' reputations by rumor and comedy.²² The outcome of these two trials suggests what Aeschines' evidence corroborates, namely that Athenians were ready to give credence to

¹⁹ See "The Physiognomic Strategy in 4th-Century Athenian Oratory," n. 7.

²⁰ Plat. *Apol.* 18b-19a, 20c, Aeschin. 1. 125-131.

²¹ Ober 1989: 148-51.

²² Plat. *Apol.* 18b-19a, Aeschin. 1.157.

common report and that litigants arguing against its validity were fighting an uphill battle.

When the speaker reports the damning visual information instead of using the opponent's body in the court to illustrate his point, the physiognomic strategy implicitly depends on the authority of common knowledge in order to lend credibility to the speaker's claim regarding his opponent's appearance. Demosthenes describes Aeschines displaying his social pretensions and oligarchical views through his dress and facial expression as he makes his way through the Agora. Aeschines has transferred his loyalties, Demosthenes implies, from the Athenian people to Philip of Macedon. Demosthenes is implicitly relying on the common knowledge of the Athenian citizenry to verify the reported image. However, this example also supports democratic ideology in another way. While Athens was not a "face-to-face" society, political leaders were public figures, whose regular speeches in the Assembly and policy-pushing in the Agora most likely made them recognizable to Athenians who frequented either the markets or the Pnyx. By postulating that visual contact in public space is sufficient for knowing a man's inner character, Demosthenes suggests that the kind of knowledge about political leaders to which most Athenians had access was adequate for knowing where their loyalties lay. Thus Demosthenes' 'reading' of Aeschines' loyalties to the democracy from his appearance in the Agora supports democratic decision-making in the Assembly and the courts, because he postulates that the Athenians can know their political leaders' loyalties and crimes from observing their clothes, company and bearing.

The fourth section, "The Agora as Locus for Physiognomic Evaluation and Performance of Social Status," further explores the public space of the Agora as a place

where Athenians displayed markers of status, and consequently where they observed the anti-social ostentation of others.²³ As a result, Demosthenes uses his opponents' visible conduct in the Agora as a means of 'proving' their anti-democratic politics to the jurors.²⁴ Demosthenes depicts two different opponents, Meidias and Aeschines, pompously exhibiting markers of an aristocratic lifestyle in the Agora. Demosthenes uses these cues of dress and bearing to demonstrate their hostility to the values of the democratic government. Evidence from Theophrastos indicates that the Agora was the place to see and be seen, particularly if one's appearance implied elevated social status.

Theophrastos' *mikrophilotimos*, or "man of petty ambition," marches through the Agora in his spurs to show off his membership in the cavalry. In Theophrastos, the intention of the performer is to impress. However, Demosthenes' depictions of Meidias and Aeschines imply that the two men alienate moderate citizens through publicly advertising that they hold themselves above others. Demosthenes chooses the Agora as the site for evaluating his enemies' character and politics from their appearances precisely because the Agora is a venue for Athenians' performance of their social status.

The fifth and final section of the first chapter is entitled "Demosthenes *Kinaidos*," a case study of Aeschines' portrayal of his rival Demosthenes as a *kinaidos*, when they met in court in 346 and 343 B.C. (Aeschines' *Against Timarchos* and *On the Embassy*). On each occasion, Aeschines uses Demosthenes' body present in the court as a directly accessible proof of his gender deviance and sexual proclivities. In his two portraits, Aeschines uses different physiognomic markers to indicate Demosthenes' *kinaidia*, in

²³ For the role of the Agora in democratic ideology and as a place to gauge political character, see Millett 1998: 222-7, Vlassopoulos 2007: 39-47.

²⁴ For the role of public spaces and public rituals in creating common knowledge, such as public monuments, parades, feasts, oaths, and punishment for crimes, see Forsdyke 2008: 3-26, esp. 22 and Ober 2008: 106-117.

order to draw on different elements in the stereotype of the *kinaidos*. In Aeschines' *Against Timarchos*, Aeschines marks Demosthenes as a *kinaidos* via his clothing, specifically his *chlaina*, an outer garment whose connotations of luxury are evident in two speeches of Demosthenes.²⁵ Here, Aeschines draws on a construction of *kinaidia* as a failure of sexual self-control, a willingness to follow the most pleasurable course of action no matter the cost in shame. Aeschines' use of Demosthenes' *chlaina* blends two kinds of unmanly indulgence, both in shameful sex and luxury goods. The other villains of Aeschines' *Against Timarchos*, Timarchos and his lover Hegesandros, have over-consumption as their defining characteristic, and Aeschines' characterization of Demosthenes as a *kinaidos* fits him into this same thematic mould.

Aeschines' second portrait of Demosthenes focuses not on his clothing, but on his physique. Here, Aeschines contrasts Demosthenes' allegedly kinaidic body with that of Aeschines' well-muscled brother-in-law Philon, whom Aeschines describes as a hoplite. Aeschines uses the *kinaidia* which he claims is visibly apparent in Demosthenes' body to construct him as civically worthless because he is militarily worthless. This construction of *kinaidia* does not focus on the *kinaidos*' moral failings, such as his wild indulgence in shameful acts. Instead, this version focuses on the *kinaidos* as physically alienated from the male gender, and from the male citizenry. This portrait of Demosthenes as a *kinaidos* appears in a passage whose main purpose is Aeschines' defense of his own and his family's preeminent positions in the city. In his prosecution speech, Demosthenes challenges Aeschines to produce some liturgical service with which to show that he and his family deserve the positions of civic leadership (as generals and ambassadors) which

²⁵ "The Physiognomic Strategy in 4th-Century Athenian Oratory," p. 46.

Aeschines and his brothers have held.²⁶ In doing so, Demosthenes is unsubtly emphasizing the contrast between his own elite status as a wealthy and well-born aristocrat and Aeschines' more modest means and birth. Aeschines replies to Demosthenes' invitation to justify his family's prominent role in politics, but chooses a different, more flattering index with which to take the measure of his family's value to the city. Aeschines' criteria focus on military (and athletic) participation, and he uses the body as a visible index of individual military capability and therefore of civic worth. By this measure, Aeschines claims, Demosthenes himself is manifestly wanting. Thus Aeschines uses different components of the stereotype of the *kinaidos* to achieve different ends: Aeschines' portrait of Demosthenes as a *kinaidos* is not consistent from speech to speech, but tailored to the expediency of the occasion. Its diversity may contribute to our understanding of the various aspects of the *kinaidos* stereotype.

Since forensic oratory was meant to appeal to a mass jury, it may surprise some readers that both litigants at Timarchos' trial flaunted their espousal of beauty and appropriate pederasty, as I describe in the third chapter, "Three Faces of Timarchos: Two Meanings of Ephebic Beauty in Aeschines' *Against Timarchos*." The received academic wisdom claims that the common man at Athens, such as the jurors, held the pederastic practice of his "betters" in contempt. In order to justify my analysis of the uses and meanings of Timarchos' appearance and of ephebic beauty in Aeschines' *Against Timarchos*, it is necessary to re-examine the evidence for a class division in Athenian moral evaluations of pederasty. In the second chapter, "Pederasty and the Popular Audience," I attempt to show that the popular audience of jurors approved of

²⁶ Dem. 19.281-3.

appropriately conducted pederasty. In the works of Aeschines, Lysias and Demosthenes, litigants portray themselves as proper pederasts to show themselves to be decent men of humane sensibilities, and depict their opponents as badly behaved *erastai* (and *eromenoi*) to characterize them as lacking in those same qualities. If these orators believed the jurors to be hostile to pederasty, they would not use pederastic conduct as an index of morality and humane feeling.

That said, it is far from true that Athenians, whatever their social class, uniformly approved of pederasty. In texts aimed at an educated and wealthier elite and texts meant for performance before a large popular audience, good pederasty is inevitably defined through juxtaposition with bad pederasty, and there is a considerable grey area between these two poles. Pederastic practice was surrounded by a cultural anxiety which crossed class lines. This interpretation of the evidence allows for a popular audience of jurors both ready to accept Aeschines' proud ownership of his own pursuit of youths, while condemning Timarchos' calculating promiscuity as an *eromenos*. Some scholars have postulated that Aeschines' praise of pederasty aims to gratify an elite audience (either of the "published" written speech or in the audience on the occasion of its delivery), while his narrative of Timarchos' sexual career curries favor with the majority of the common jurors, who saw all pederastic practice in the terms in which Aeschines casts Timarchos. Rather, the division lies within Athenians of all classes, who praised good and condemned bad pederasty, although they were rarely sure where to draw the distinction between the two.

The third chapter of the dissertation, "Three faces of Timarchos: Two Meanings of Ephebic Beauty in Aeschines' *Against Timarchos*," is a case study of the uses of

ephebic beauty and pederasty in Aeschines' prosecution of his political rival. Both prosecution and defense drew on two culturally available meanings of ephebic beauty to make their cases. The first meaning is a positive one. Based on the surviving evidence (Aeschines' speech and several passages from Demosthenes' *On the False Embassy*), both sides claimed to be the champions of beauty and pederastic *eros*. This meaning of beauty embedded the possessor in the nexus of aristocratic values which included education, gymnastic exercise and decorously conducted pederasty. The second meaning of beauty was negative. A beautiful youth was commonly assumed to be the object of many an *erastes*' desires. The youth, as the possessor of a desirable commodity in the form of his own body, would be suspected of exchanging his favors for gifts or social advancement. This suspicion led to the youth being called by the epithet *pornos*, literally a "prostitute" but in this sense indicating a venal *eromenos* rather than a professional.

At the trial of Timarchos, the defense claimed that Timarchos, as an ephebe, was a much-pursued but proper *eromenos* whose beauty caused the boorish (specifically Aeschines) to call him a *pornos*, because of Aeschines' own failure to make the distinction of a cultured Athenian between proper and improper pederasty. (Demosthenes' evidence corroborates the essentials of Aeschines' version of Timarchos' argument.) The prosecutor Aeschines exploits at length this very suspicion of being a *pornos* which Timarchos' youthful attractions incurred; his prosecution is founded on blurring the distinction between a professional prostitute and a gold-digging *eromenos*. But Aeschines also stakes out the territory of appropriate pederasty and the beauty which provides the impetus for it, while seeking to alienate Timarchos from both. He 'admits' to being a frequent participant in pederasty as an *erastes*, and argues that the jurors can

display their own sophistication and refined discernment by recognizing that Timarchos transgressed the boundaries of decent pederastic conduct. Aeschines' speech reveals a contest between the litigants to appropriate ephebic beauty as the catalyst for appropriate pederastic love, and to manipulate to their respective advantage the social fact that the same beauty evoked suspicion of venality in *eros*.

The above accounts for the "Two Meanings of Ephebic Beauty," of the third chapter's title. The "Three Faces of Timarchos" represents the three different ways in which the litigants describe Timarchos' appearance in order to justify their respective positions, as they struggle to keep themselves in the category of decent pederasty while alienating the opponent from the same. The first face of Timarchos is the defense's version of the *rhetor* in his youth: a sought-after and beautiful ephebe, whose beauty attracted *erastai* and ill-bred suspicion, equally through no fault of his own. Aeschines acknowledges that Timarchos was visually appealing as a youth; he must do so if he is to capitalize on the jurors' suspicions that Timarchos was trading his charms for material gain (specifically expensive sympotic luxuries). But because Aeschines alienates Timarchos from the symbols of appropriate pederasty, he refuses to call Timarchos *kalos*. Instead, he describes Timarchos' youthful appearance as attractive, but closely associates this quality with the promiscuous sex which it occasioned. This sexy but sleazy youth is the second face of Timarchos. The third is Aeschines' version of the adult Timarchos, whose body bears the marks of the years of sympotic excess which he allegedly supported financially with prostitution while he could. Thus the litigants at the trial of Timarchos not only competed to appropriate ephebic beauty and appropriate pederasty, but also to define and interpret the appearance of Timarchos, past and present.

In “Pederasty and The Popular Audience” I claim that Athenians of all classes gave their blessing to the public activities of formal pederastic courtship, yet expressed anxiety about sex between *erastai* and *eromenoi*. If either party was with the other only for what he could get, then sex was morally reprehensible. These blameworthy motives were typically sex for the *erastes* and gifts or political advancement for the *eromenos* – or worse, a kinaidic enjoyment of passive sexual contact.²⁷

In presenting this dichotomy between the acceptability of courtship and that of consummation, I would argue that I am following the work of Kenneth Dover, who noted a similar division between the acceptability of courtship and that of actual seduction in the rhetoric of *eros*. If talking about a pederastic couple in neutral or positive terms, one does not mention any hint of physical intimacy. As Dover notes, when, in Plato’s *Symposium*, Alcibiades speaks frankly about his failed attempt on Socrates, he acknowledges his breach of conduct.²⁸ If the party or parties under discussion are being insulted, then the source is apt to be specific – or at least rife with innuendo – about who did what to whom.²⁹

Davidson questions Dover’s connection between Athenian anxieties about sex between *erastai* and *eromenoi* and the cultural construction of sexual penetration as a ‘zero-sum game.’³⁰ The argument of Dover’s to which Davidson most objects is that (a) to penetrate another individual sexually was, for Classical Greeks, to express social dominance over that individual, and to humiliate him, and (b) that the root cause behind the reticence and caution used when discussing sexual contact between pederastic lovers

²⁷ See “*Dikaios Eros*, Faithless Lovers, and Mercenary Beloveds,” p. 95.

²⁸ Plat. *Smp.* 217b, e, Dover 1978: 53-4.

²⁹ Aeschin. 1.41, 70, 3.162, Ar. *Plut.* 149-54, Dover 1978: 76.

³⁰ Davidson 2007: 116-121.

is to protect the *eromenos*, a future citizen male, from this shame.³¹ This conflict, Dover proposes, is also the impetus behind the conventions by which vase-painting depicts pederastic intercourse: instead of the shameful bent-over posture, lover and beloved stand and face each other for intercrural sex.³²

This analysis, Davidson argues, places too much emphasis on the physical role during intercourse, and reveals the preoccupations of the scholarly community, rather than the Classical Greeks. Davidson complains that scholars are injecting more homoerotic sexual innuendo and practice into Greek culture than is actually warranted. The highest value in this commentary lies in Davidson's reminding us that the prevailing scholarly wisdom is in fact the product of an academic argument, drawing on a variety of literary and material sources, and should not go unquestioned. It is true that, as Davidson argues, Plato, the apologist for sexual contact in the context of legitimate *eros*, never quibbles about which acts an *eromenos* should and should not do.³³ However, Dover's conclusions do explain features of the textual evidence on pederasty. When Aeschines accuses Timarchos of grossly overstepping the bounds of proper pederasty, he includes innuendo about specific acts.³⁴ If Dover is correct, then Aeschines is implying that Timarchos allowed himself to be penetrated, and even perhaps that he performed fellatio.³⁵ If we have no praise of intercrural sex beyond Dover's interpretation of

³¹ Dover 1978: 100-109.

³² Dover 1978: 96-100.

³³ Davidson 2007: 117.

³⁴ See n. 27 above.

³⁵ I concede that this second, my own speculative reading of Aeschines 1.70, may be exactly the kind of fevered scholarly fantasy about which Davidson complains. See also Fisher 2001: 193, commenting on Aeschin. 1.55.

pederastic intercourse on vases, we at least have evidence that there were acts which were considered beyond the pale for a decent youth.³⁶

Moreover, Athenian discussions of pederastic morality support Dover's association between concerns about pederastic sex and dominance and penetration in Greek thought.³⁷ Let us turn to the moral evaluation of sex in the context of a pederastic relationship in Xenophon's *Symposium*, to gauge the validity of Dover's and Davidson's analyses, and of Davidson's criticisms of Dover. I select this example because identifying the conditions which made physical contact permissible for lovers was a genuine ethical problem which lent itself to philosophical discussions of *eros*.³⁸

Athenian accounts of the morality of pederastic physical intimacy focus on motivations of both parties, which Davidson rightly emphasizes (but Dover does not neglect).³⁹ At the same time, sex remains a benefit to the *erastes* and a sacrifice for the *eromenos*, which fits with Dover's association between pederastic morality and Greek ideas about the power differential between sexual partners.⁴⁰ It would be wrong to exclude Greek ideas about sex acts from the discussion of pederasty, even when the text is circumspect. Athenians anticipated that sexual contact would be part of a pederastic relationship. Even Xenophon's Socrates, who disapproves of any physical intimacy, feels compelled to make excuses for his position, claiming that such a relationship has no less of the charms of Aphrodite for its lack of consummation.⁴¹ Xenophon's Socrates' reasoning is that sex introduces the wrong dynamics into the pederastic relationship,

³⁶ Davidson proposes that what is depicted on cups is not necessarily proper pederasty (Davidson 2007: 436-9).

³⁷ Dover 1978: 81-91.

³⁸ Plat. *Smp.* 183a-d, 184b-185c, *Phaedr.* 254a-257a, Xen. *Smp.* 8.7-43, and p. 75, n. 175.

³⁹ Davidson 2007: 46-50, 116-17, Dover 1978: 81-91.

⁴⁰ Dover 1978: 81-109.

⁴¹ Xen. *Smp.* 8.15.

undercutting the motives of the participants.⁴² He claims that a physical relationship turns any pederasty into bad pederasty, destroying the moral benefits which both lover and beloved derive from the best sort of *eros*.

For Xenophon's Socrates, as for other sources, the motive of the participants is crucial to the moral evaluation of sex between lovers and beloveds; prohibition of all sexual contact is a slightly extreme solution to the problem.⁴³ This emphasis on the motives of the lovers in the moral evaluation of sexual intimacy is not neglected by Dover; he does not, as Davidson accuses him of doing, focus exclusively on aspects of pederasty upon which the texts are silent.⁴⁴ Moreover, while Xenophon's Socrates thinks little indeed of the *erastes* who is interested in getting what he wants from a boy, he considers the *eromenos* to be much more the worse off, getting only from the sexual exchange, "τὰ ἐπovειδιστότατα," "the most shameful part of the business."⁴⁵ Xenophon's Socrates is concerned for the motives of the participants, but independently of these concerns, he treats sexual intimacy as something which the man enjoys at the youth's expense. Dover's claim that Greek ideas about penetration and dominance influenced their anxieties about pederastic relationships helps explain Xenophon's Socrates' assumption that the sexual act would shame the beloved more, even when the lover's seduction was itself a reprehensible act.

⁴² Xen. *Smp.* 19-27, *Mem.* i. 2.29f., Dover 1978: 158-60.

⁴³ Xenophon does not address the possibility that the youth might enjoy his sexual role (Xen. *Smp.* 8.21). He is exploring moral questions, and the moral evaluation of a male who enjoyed penetration was not a subject up for debate (Winkler 1990: 181-6).

⁴⁴ Dover 1978: 81-91, Davidson 2007: 118-20.

⁴⁵ Xen. *Smp.* 8.19.

Dover does not argue that decent *eromenoi* would never submit to penetrative sex. His argument about the taxonomy of acts and their relative capacity to shame focuses on the opprobrium of being publicly known to have done it. One late example, to which Dover refers in a footnote, suggests that an *eromenos* might be imagined to privately consent to being penetrated, but take the gravest offence at a lover who announced his penetration in public. Plutarch repeats the story that the tyrant Periandros of Ambracia asked his *eromenos* if he were pregnant, and the youth killed him.⁴⁶ There is no indication whether the comment were public or private. But the insult makes more sense if the youth has already repeatedly consented to being penetrated in private, and then his tyrant lover humiliates him by making it publicly known. This example is just the opposite of the decorous reticence with which discussion of acts is conducted, and it resulted in murder. This example supports Dover's conclusion, in that the severity of the insult seems to be magnified by the specific reference to penetrative sex: not only the fact of sexual intimacy but the kind of act was significant. It is not correct to make a straw man of Dover.

Nevertheless, I see Davidson's propositions as useful points of complication to the received scholarly wisdom, which is considerably less radical than the revolution in thinking about Greek sexuality which Davidson calls for. Davidson is right to compel us as scholars to revisit the tortuous routes through disparate kinds of evidence and interpretation which led the great scholars of previous generations to the current prevailing wisdom. Davidson's work is exceptionally valuable for reminding us of how the scholarly community arrived at the 'knowledge' about Greek sexuality we have, and, more importantly, that we can never be sure of as much as we sometimes suppose.

⁴⁶ Plu. *Dial.* 768f., Dover 1978: 107 n. 101, Halperin 2002: 148.

Chapter I

The Physiognomic Strategy in 4th-Century Athenian Forensic Oratory

Using the Visual Environment as Evidence

We know from Aristophanes' *Wasps* that seeing the action of the lawcourt as well as hearing the speeches was important to the jurors, at least for the purposes of enjoying the theatrics of the court.⁴⁷ The lawcourts, at least the venues most securely identified as such, are not necessarily set up for superior viewing: the seating was narrow and deep, so that more jurors were seated farther back from the speakers' platforms.⁴⁸ Demosthenes, in his speech for Sothiseos over the will of Hagnias, has the speaker say that he would have written all the family tree of Hagnias up on a *pinax*, but not all the jurors would have been able to see it.⁴⁹ Even though, as Demosthenes admits, the jurors were not able to see equally well, I suggest that the orators nevertheless treat the visual environment as if it were important in the deciding of the case. The *dramatis personae* of the court were visually available to the jurors, on display, as it were, atop two *bemata*,

⁴⁷ “ἐρῶ τε τούτου τοῦ δικάζειν, καὶ στένει, ἦν μὴ ᾗπι τοῦ πρώτου καθίζηται ξύλου,” (Ar. *Vesp.* 88-9).

“He is in love with being a jurymen, and groans if he does not sit on the first bench.”

In addition, the front-row seats were called *prohedria*, as in the theatre (Epicrates fr. 11 *PCG* and Hall 1995 p. 42). For the kind of show the jurors could expect, see Ar. *Vesp.* 560-576 and also Hall 1995.

⁴⁸ Structure of the courts: Boegehold pg. 11-16, 105-113.

⁴⁹ “τὸ μὲν οὖν πρώτον διενσήθην, ὡς ἄνδρες δικασταί, γράψας ἐν πίνακι ἅπαντας τοὺς συγγενεῖς τοῦς Ἀγνίου, οὕτως ἐπιδεικνύειν ὑμῖν καθ’ ἕκαστον· ἐπεὶ δὲ ἐδόκει οὐκ ἂν εἶναι ἐξ ἴσου ἡ θεωρία ἅπασιν τοῖς δικασταῖς, ἀλλ’ οἱ πόρρω καθημένοι ἀπολείπεσθαι, ἀναγκαῖον ἴσως ἔστιν τῷ λόγῳ διδάσκειν ὑμᾶς· τοῦτο γὰρ ἅπασιν κοινόν ἐστιν,” (Dem.43.18).

“So then at first, gentlemen of the jury, I intended to draw on a tablet all the kinsmen of Hagnias, and thus to show them to you one by one; but since it seemed that the view would not be from an equal distance for all the jurors, but that those sitting at a distance would be left out, it is perhaps necessary to instruct you with speech; for this method can be made common to all.”

See also Hall 1995 p. 42.

raised areas at the front of the court, one for the prosecutor and the other for the defendant, each joined by his supporters.⁵⁰ The witnesses, too, had to appear in person on the *bema* to vouch for their written testimony.⁵¹ Further elements of spectacle in the courts include displays of lamentation, particularly that of elderly parents or children.⁵² I will take the display of the witnesses as my first example of the consciousness of the visual environment of the courts evident in the speeches, specifically Aeschines' and Demosthenes' strategic manipulation of the spectacle of the witness at the *bema*.⁵³

In the *Against Timarchos*, Aeschines uses the display of his potentially hostile witness, Misgolas, the alleged first lover of Timarchos, as an opportunity for physiognomic commentary as a substitute for testimony.⁵⁴ Misgolas had the option of agreeing to the testimony which Aeschines supplied for him, that he was Timarchos' first steady "John," of denying the statement under oath, or paying a fine for refusing to appear.⁵⁵ (Since the speech is written in the dramatic context of the moment of delivery, it

⁵⁰ Boegehold pg. 201-5, and Boegehold #231, 241 and 239, which are Aeschin.3.207, Dem.48.31, and Schol. Dem.19.120, respectively.

⁵¹ Humphreys 2007 (1985): 153, 174 n. 55, Harrison 1971: 143-4.

⁵² For the practice of displaying one's weeping children and/or parents in court, see Dem. 19.283, 21.99 Aeschin. 2.147-8, and MacDowell 2000: 326-7 n. 281 for further examples. Other examples of courtroom theatre include anecdotes about the courtesan Phryne's mid-fourth century trial for impiety, at which she was reputed to have publicly wept and clasped the hands of the jurors, begging them for pity (Poseidippos *PCG* vii F13 and Athen. 591e-f). Athenaeus also tells a second version of the tale, in which her advocate Hyperides stripped off her *chitoniskoi* and showed her breasts to the jurors, then wept himself that her beauty would be destroyed were she convicted of the capital charge (Athen. 590d-e). Antisthenes the Socratic reports that when Pericles defended Aspasia at her trial for impiety, he wept more on her behalf than he did when his own life and property were at stake (Antisthenes fr. 34. = Athen. 589e). For both these impiety trials, see Dillon 2002: 194, 186.

⁵³ See also Andoc.1.18, in which Andocides requires the witnesses to "βλέπετε εἰς τούτους, καὶ μαρτυρεῖτε εἰ ἀληθῆ λέγω," (Andoc.1.18), "look at these men (the jurors), and bear witness whether I speak the truth." The speaker makes a spectacle of the witnesses' honesty in asking them to meet the eyes of the jurors. The command is equally an invitation to the jurors to look at the witnesses looking at them, as proof of their honesty and the speaker's veracity.

⁵⁴ This prosecution perforce has no proof, but relies instead on rumor and implication, which may explain Aeschines' heavy dependence on the appearance of his opponents to justify his case (cf. Dem.19.120, Aeschin. 1.74-85). For the portrayal of Misgolas in comedy as a man fond of youths, and especially of *kithara*-players, see Dover 1978 p. 73-4.

⁵⁵ Aeschin.1.45-7.

therefore reveals no consciousness of what actually transpired at the trial.) Aeschines invites the jurors to speculate about the sexual nature of the relationship between Misgolas and Timarchos, by pointing out that Misgolas is in fact older than Timarchos, despite the fact that he looks too close in age to be a plausible former lover. Aeschines uses Misgolas' appearance as much as his testimony to encourage the jurors to speculate about Misgolas' having once taken on Timarchos as a rent-boy:

“βούλομαι δὲ κακείνο προειπεῖν, ἂν ἄρα ὑπακούσῃ ὁ Μισγόλας τοῖς νόμοις καὶ ὑμῖν. Εἰσὶ φύσεις ἀνθρώπων πολὺ διαφέρουσαι ὀφθῆναι τῶν ἄλλων τὰ περὶ τὴν ἡλικίαν· ἔνιοι μὲν γὰρ νέοι ὄντες, προφερεῖς καὶ πρεσβύτεροι φαίνονται, ἕτεροι δὲ πολλὸν ἀριθμὸν χρόνου γεγονότες παντάπασιν νέοι. Τούτων δ' ἐστὶ τῶν ἀνδρῶν ὁ Μισγόλας. τυγχάνει μὲν γὰρ ἡλικιώτης ὡς ἐμὸς καὶ συνέφηβος, καὶ ἐστὶν ἡμῖν τοῦτι πέμπτον καὶ τετταρακοστὸν ἔτος· καὶ ἐγὼ μὲν τοσαυτασί πολιάς ἔχω ὅσας ὑμεῖς ὁρᾶτε, ἀλλ' οὐκ ἐκείνος. Διὰ τί οὖν ταῦτα προλέγω; ἵνα μὴ ἐξαίφνης αὐτὸν ἰδόντες θαυμάσητε καὶ τοιοῦτόν τι τῇ διανοίᾳ ὑπολάβητε· ὦ Ἡράκλεις, ἀλλ' οὗτός γε τούτου οὐ πολὺ διαφέρει.’ Ἄμα μὲν γὰρ ἡ φύσις ἐστὶ τοιαύτη τοῦ ἀνθρώπου, ἄμα δὲ ἤδη μεираκίῳ ὄντι αὐτῷ ἐπλησίαζεν.” (Aeschin.1.49).

“I want to make this statement beforehand, if in fact Misgolas answers the laws and you. There are natures of men which differ greatly from one another in the being-seen in respect to the features concerning age. For some, although they are young, appear prematurely aged and older than they are, but others born a great amount of time ago appear altogether young. Misgolas is one of these men. For he happens to be an equal in age and my co-ephebe, and this is our forty-fifth year. And I on the one hand have as many grey hairs as you see, but not that fellow. Why, then, do I say this beforehand? in order that right away when you first see him, you do not marvel and assume something of this sort in your thinking process. ‘By Heracles, but this man is not much different in age from this Timarchos here.’ For partly such is the nature of the man, and partly he associated with Timarchos when he was already a young man.”

Aeschines' so-called aside about the appearance of Misgolas has the jurors looking from Misgolas' youthful countenance, to Timarchos' (τούτου) to confirm the apparent lack of disparity in their ages, to Aeschines' grey hairs, which indicate how a man Misgolas' age typically appears. Misgolas' age is not a genuine sign, but deceptive: he appears too close to Timarchos in age to have been his lover when Timarchos was a youth. Naturally, this proves nothing about the financial nature of the relationship, so how does this example of the 'false sign' physiognomic strategy serve Aeschines' cause? Aeschines becomes an

interpreter of men's ages in order to obtain from Misgolas' appearance (specifically his hair) – not from his testimony – a corroboration of the sexual relationship between Misgolas and Timarchos.⁵⁶ By drawing attention to Misgolas and Timarchos with deictic pronouns, Aeschines refigures the purpose of Misgolas' taking the *bema*. Aeschines even dramatizes the jurors' scrutiny of Timarchos and Misgolas to see if they are the right age difference with a direct quotation, supposedly an articulation of the jurors' thoughts. The jurors are invited to interrogate not Misgolas' testimony but his countenance, and that of Timarchos. These say what Aeschines, as the speaker and interpreter of the physiognomic image, dictates they shall say.

Demosthenes also uses the witness on the *bema* as a spectacle, and unlike Aeschines above, who preemptively supplants his hostile witness's speech with image, Demosthenes substitutes image for testimony inasmuch as his would-be witness is silent.⁵⁷ In *Against Meidias*, Demosthenes demonstrates Meidias' *hubris* and overweening arrogance through his narrative of Meidias' treatment of Straton, an arbitrator who found in Demosthenes' favor over Meidias'. According to Demosthenes, when Meidias didn't show for the arbitration, Straton ruled against him. Meidias, finally arriving late in the evening, attempted to get Straton to change his ruling, and then allegedly attempted to bribe him, but Straton refused. Meidias retaliated by accusing Straton of misconduct in his role as arbitrator and getting him convicted in his absence, with the result that Straton lost his citizen rights (*atimia*). Demosthenes, in calling witnesses to support his version of

⁵⁶ Cf. Aeschin. 1.106, where Aeschines points out Timarchos' age by directing the jurors to deduce it from his appearance in the court.

⁵⁷ Demosthenes also makes a tableau of silence at *Against Olympiodoros* 48.31, where the speaker claims that he let Olympiodoros win a *diadikasia* for the estate of Komon by refraining from replying: "...καὶ γὰρ, ὦ ἄνδρες δικασταί, σιωπῆ ἑκαθήμην ἐπὶ τοῦ ἑτέρου βήματος." (Dem. 48. 31). "...and I, gentlemen of the jury, sat in silence on the other *bema*." Here, the silence has a different implication: the speaker says that he refrained from answering the charges of his opponent, in accordance with a private agreement the two of them made earlier. This is also the best evidence for the two *bemata* in the court.

events, calls Straton to the *bema* following his other witnesses, but of course Straton as an *atimos* cannot give testimony:

κάλει δὴ καὶ τὸν Στράτωνα αὐτὸν τὸν τὰ τοιαῦτα πεπονθότα· ἐστάναι γὰρ ἐξέσται δῆπουθεν αὐτῷ. (Dem.21.95).

Indeed summon Straton himself, too, the one who endured such offences. For, I suppose, it will be permitted to him to stand here.

Demosthenes makes a pathetic spectacle of Straton's silence on the *bema*, dramatizing his *atimia* and Meidias' *hubris* in depriving him unjustly of his citizen rights.

Demosthenes uses the enforced silence to enhance his characterization of Straton as a figure of pity.⁵⁸ Like Aeschines in the example with Misgolas, Demosthenes allows image to take over the significance of testimony, though here the fact of silence itself becomes the testimony.

In addition to exploiting the visibility of witnesses, Demosthenes and Aeschines both call attention to the appearance of their rivals (in this case each other) in the act of delivery. The examples do not all refer directly to the speech the opponent has or will make in the court. However, since the opponent would shortly be or had just been in the act of speaking, jurors might easily read a portrait of him delivering a speech on a previous occasion in the Assembly onto him as he stood in the court.

Demosthenes and Aeschines both capitalize on the jurors' alleged familiarity with their opponents' public *personae*, describing the other's actions in the Agora and on the *bema* in the Athenian assembly.⁵⁹ Aeschines in particular draws attention to his

⁵⁸ Dem. 21.83, 104.

⁵⁹ Zanker 1995: 48 ff. cites Demosthenes in *On the Crown* (Dem. 18.129) calling Aeschines a *kalos andrias* (a handsome statue) as an instance of such a characterization. He suggests that Demosthenes is making fun of Aeschines' rigid posture when speaking, in imitation of the model orators of old, in the same pose which Aeschines attributes to the statue of Solon (Aeschin. 1.25). It is tempting to suggest that Demosthenes refers to the actual honorific statue of Aeschines in this pose, which survives in a Roman copy, but the statue dates around 320 B.C.E. and thus came ten years after the delivery of *On the Crown*. However,

opponents' manner of oratorical delivery on the Assembly *bema*, in order to frame the speeches themselves in the context of the character of the speaker. Aeschines gives a full recital of a speech he claims Demosthenes made in the assembly, following their return from the First Embassy to Philip of Macedon (8 Elaphebolion 347/6 BCE).⁶⁰ He also gives a description of Demosthenes' manner as he takes the *bema*, "... portentious in his bearing, as he is accustomed to be, and scratching his head,..."⁶¹ Aeschines claims that Demosthenes typically approaches the *bema* as if about to utter an oracle. Although this is a report of a speech three years earlier, Aeschines is pointing out Demosthenes' habitual manner of speaking, in which he perhaps also delivered his prosecution speech. Also, since Aeschines reports the speech in direct quotation,⁶² it is likely that he actually mimicked Demosthenes, as Demosthenes accuses him of doing in Demosthenes *On the Crown*.⁶³ (Demosthenes minimizes the importance of his gesturing, suggesting its relative unimportance and that Aeschines is being silly to harp on it in this way).⁶⁴ Aeschines in *Against Ktesiphon* describes the excessive movements which Demosthenes made while speaking, in his commentary on Demosthenes' boasts in the Assembly that he incited the

Yunis 2001: 186 n. 129 argues that the context of the phrase *kalon andrionta* identifies it as a mother's endearment to her son. Demosthenes is patronizingly repeating the childhood pet names Aeschines' mother allegedly used for him.

⁶⁰ MacDowell 2000: 4, 311.

⁶¹ "καὶ τερατευσάμενος, ὥσπερ εἴωθε, τῷ σχήματι καὶ τρίψας τὴν κεφαλὴν," (Aeschin.2.49). Liddell and Scott consider the head scratching/rubbing to be a sign of puzzlement, since Aeschines says Demosthenes expresses amazement at the assembly's acceptance of Aeschines' speech before them (Liddell and Scott, *Greek-English Lexicon*, 9th ed., entry on *τρίβω*, p. 1817). Juvenal (9.130-3) identifies scratching the head with one finger as a gesture characteristic of the *pathicus* (Williams 1999: 198-9). However, there is no indication that Aeschines is referring to Demosthenes' alleged effeminacy at Aeschin. 2.49.

⁶² Aeschin. 2.50-53.

⁶³ "παραδείγματα πλάττων καὶ ῥήματα καὶ σχήματα μιμούμενος," (Dem.18.232), "inventing examples [of Demosthenes' oratorical excess] and imitating my words and gestures." See Yunis 2001 p. 238, Wankel 1976 p. 1038.

⁶⁴ "(πάνυ γὰρ παρὰ τοῦτο – οὐχ ὀραῖς; – γέγονεν τὰ τῶν Ἑλλήνων, εἰ τοῦτὶ τὸ ῥῆμα, ἀλλὰ μὴ τοῦτὶ διελέχθην ἐγώ, ἢ δευρὶ τὴν χεῖρα, ἀλλὰ μὴ δευρὶ παρήνεγκα), ..." (Dem.18.232), "For the interests of the Greeks – do you not see? – wholly depended upon this, if I spoke this word, but not this one, or if I waved my hand here, but not here."

Spartans to revolt against Macedon: “and again when you were speaking while whirling yourself in a circle on the *bema*, as if seeking to counteract Alexander...”⁶⁵ Aeschines repeatedly brings before the jurors the way in which Demosthenes speaks and how he looks on the *bema*, in the public space of the assembly.⁶⁶

Aeschines’ description of his opponent’s excessive rhetorical gestures is a method of characterizing the opponent and his speech as likewise outlandish and uncontrolled. He uses this method originally in the *Against Timarchos*, contrasting Timarchos’ too-vigorous and cloakless oratory with the sober orators of old:⁶⁷

καὶ οὕτως ἦσαν σώφρονες οἱ ἀρχαῖοι ἐκείνοι ῥήτορες, ὁ Περικλῆς καὶ ὁ Θεμιστοκλῆς καὶ ὁ Ἀριστείδης, ὁ τὴν ἀνόμοιον ἔχων ἐπωνυμίαν Τιμάρχῳ τουτῶι, [ὁ δίκαιος ἐπικαλούμενος] ὥστε ὁ νυνὶ πάντες ἐν ἔθει πράττομεν, τὸ τὴν χεῖρα ἔξω ἔχοντες λέγειν, τότε τοῦτο θρασύ τι ἐδόκει εἶναι καὶ εὐλαβοῦντο αὐτὸ πράττειν. μέγα δὲ πάνυ τοῦτου σημεῖον ἔργῳ ὑμῖν οἶμαι ἐπιδείξειν. εὐ γὰρ οἶδ’ ὅτι πάντες ἐκπεπλευκατέ εἰς Σαλαμίνα καὶ τεθεωρήκατε τὴν Σόλωνος εἰκόνα, καὶ αὐτοὶ μαρτυρήσαίτ’ ἂν ὅτι ἐν τῇ ἀγορᾷ τῇ Σαλαμινίῳ ἀνάκειται ὁ Σόλων ἐντὸς τὴν χεῖρα ἔχων. τοῦτ’ ἔστιν, ὧ ἄνδρες Ἀθηναῖοι, ὑπόμνημα καὶ μίμημα τοῦ Σόλωνος σχήματος, ὃν τρόπον ἔχων αὐτὸς διελέγετο τῷ δήμῳ τῶν Ἀθηναίων. σκέψασθε δὴ, ὧ ἄνδρες Ἀθηναῖοι, ὅσον διαφέρει ὁ Σόλων Τιμάρχου καὶ οἱ ἄνδρες ἐκείνοι, ὧν ἐγὼ ὀλίγῳ πρότερον ἐμνήσθην. ἐκείνοι μὲν γὰρ ἡσχύνοντο ἔξω τὴν χεῖρα ἔχοντες λέγειν, ... (Aeschin.1.25-6).

“And those speakers of old, Pericles and Themistocles and Aristides, who has a nickname [called ‘the Just’] dissimilar to this Timarchos, so that what we all do now habitually, speaking while holding the hand outside the cloak, at that time this used to seem somewhat bold and they were ware of doing it. And I consider that I will show you a wholly great proof of this in reality. For I know well that everyone has sailed to Salamis and has seen the image of Solon, and you yourselves could bear witness that in the Salaminian Agora Solon is set up as a statue holding his hand inside his cloak. This is, men of Athens, a reminder and an imitation of the appearance of Solon, who himself in this fashion addressed the Athenian people. In fact observe, men of Athens, how much Solon and those famous men, of whom I made mention a bit earlier, differ from Timarchos. Those men used to be ashamed to speak with their hands outside their cloaks...”

⁶⁵ “καὶ πάλιν ὅτε κύκλῳ περιδιῶν σεαυτὸν ἐπὶ τοῦ βήματος ἔλεγες, ὡς ἀντιπράττων Ἀλεξάνδρῳ.” (Aeschin.3.167).

⁶⁶ Note the anti-rhetorical aspects of drawing attention to how someone says something and causing the body to act as a discrediting contextualization for what the described speaker actually said, supporting Hesk’s claim that the physiognomic strategy is fundamentally anti-rhetorical in character (Hesk 1999: 218-19).

⁶⁷ Aeschin.1.26.

The orators of the previous century demonstrated their exceptional prudence and self-mastery through their controlled oratorical gesturing, and Timarchos showed his true character through his oratorical excess. In addition, Aeschines must be consciously pointing to the evidence of his own respectable oratorical practice. Even if he is not holding his own hand inside his cloak, which he hints is a manifestation of archaized restraint, he nevertheless must be modelling the proper conduct of a *rhetor*.⁶⁸ This passage shows the connection between rhetorical gesture and self-control, and suggests that Aeschines' focus on the way his opponents comport their bodies on the *bema* is designed to cast his opponents as unsavory and violent men. The connection between oratorical gesture and the moral fiber of the speaker is likewise borne out by descriptions of Cleon's uncontrolled oratory, which he allegedly conducted "girded up" to allow great freedom of movement. This girding seems designed to reinforce a portrait of Cleon as a violent demagogue.⁶⁹ At Aristophanes *Knights* 136-7, Cleon's violent oratory reveals him as *bdeluros*, the same quality which Timarchos' physicality on the *bema* reveals in him at Aeschin.1.26. It should be noted that this *topos* is inherently anti-rhetorical, insofar as it focuses on the moral qualities of the speaker via his rhetorical conduct, as opposed to

⁶⁸ For this point, I thank Josiah Ober (personal communication).

⁶⁹ "Περικλέους δὲ τελευτήσαντος, τῶν μὲν ἐπιφανῶν προειστήκει Νικίας ὁ ἐν Σικελίᾳ τελευτήσας, τοῦ δὲ δήμου Κλέων ὁ Κλεαινέτου, ὃς δοκεῖ μάλιστα διαφθεῖραι τὸν δῆμον ταῖς ὄρμαϊς, καὶ πρῶτος ἐπὶ τοῦ βήματος ἀνέκραγε καὶ ἐλοιδορήσατο, καὶ περιζωσάμενος ἐδημηγόρησε, τῶν ἄλλων ἐν κόσμῳ λεγόντων." (Arist. *Ath.Pol.*28.3).

"But after Pericles died, Nikias who died in Sicily was leader of the distinguished men, but of the people Cleon son of Cleainetos, who seemed most of all to corrupt the people with his incitements, and he was the first to shout on the *bema* and to rail abuse, and he addressed the people girded up, although others spoke in an orderly manner."

The "girded" Cleon presumably did something to check his cloak as an impediment to his gesturing, just as Timarchos appears to have thrown his cloak off entirely at Aeschin.1.26. Compare Thucydides' characterization of Cleon as "βιαιότατος τῶν πολιτῶν", "most violent among the citizens," just as he comes forward to speak in the assembly and give his opinion in the Mytilenian Debate. For an overview of characterizations of Cleon's oratory, see Connor 1971 p. 133.

what he says.⁷⁰ Although these examples focus on the attitudes of speakers on the *bema* in the Assembly on the Pnyx, Aeschines' observations regarding his opponents' manner of delivery suggest that for 4th-century Athenians, watching the way an orator used his body was part of contextualizing his words, because his bodily conduct revealed what kind of man he was. In addition, Aeschines' commentary on his opponent's uncontrolled delivery on previous occasions may have directed the jurors' attention and scrutiny to the opponent's physical bearing in the act of speaking in the court, as well. The visible, physical behavior of the litigant as he spoke was not just incidental. Rather, these examples suggest that the jurors treated the visual environment of the court, both the bodily conduct of the speakers and the appearance of the witnesses, as evidence in their decision-making process.

Degrees of Distance

The physiognomic strategy depends for its success on slippage between the visible body and the invisible soul or unseen actions, between image and interpretation, and between seeing first-hand and verbal description of visual "evidence."⁷¹ This section will explore the ways in which forensic speakers capitalize on the separation between what the jurors see and the conclusions about his opponent's character which the speaker wants them to draw.

The first sleight-of-hand act from a modern perspective is the basic premise that a man's character or actions can be accurately predicted from his appearance. This premise

⁷⁰ Cf. Hesk 1999, Ar. *Eq.* 136-7.

⁷¹ I put "evidence" in quotation marks to emphasize the fact that while the orators treat the opponent's appearance as evidence of his character, we as scholars are not in fact accepting them at their word. However, since I will be discussing this kind of spurious evidence at length in the section which follows, I will not continue to place the word "evidence" in quotation marks every time I use it, on the grounds that it would prove distracting.

was widely accepted enough that employing physiognomic “evidence” in court was worthwhile.⁷² At the same time, a passage from Aeschines *Against Timarchos* suggests that at least this orator felt the need to explain the value of such evidence.⁷³ Aeschines offers an explication of the means of interpreting a man’s inner moral being from the visible *schema* of his person. The prosecutor explains that one can learn the guilt of the accused by observing his behavior, namely that the sort of man who would prostitute himself as a youth will reveal his disgusting nature in his overall way of being and in his daily habits. To illustrate this point, Aeschines uses the analogy of an athlete’s manifest gymnastic fitness, comparing the possibility of discerning physical habits from visible physical traits to discerning moral habits and fundamental character from visible signs of behavior:

τίνοι δ’ ὑμῶν οὐκ εὐγνωστός ἐστίν ἡ Τιμάρχου βδελυρία; ὥσπερ γὰρ τοὺς γυμναζομένους, κὰν μὴ παρῶμεν ἐν τοῖς γυμνασίοις, εἰς τὰς εὐεξίας αὐτῶν ἀποβλέποντες γινώσκουμεν, οὕτω τοὺς πεπορνευμένους, κὰν μὴ παρῶμεν αὐτῶν τοῖς ἔργοις, ἐκ τῆς ἀναιδείας καὶ τοῦ θράσους καὶ τῶν ἐπιτηδευμάτων γινώσκουμεν. ὁ γὰρ ἐπὶ τῶν μεγίστων τοὺς νόμους καὶ τὴν σωφροσύνην ὑπεριδῶν, ἔχει τινα ἕξιν τῆς ψυχῆς, ἣ διάδηλος ἐκ τῆς ἀκοσμίας τοῦ τρόπου γίγνεται. (Aeschin.1.189).

To whom is Timarchos’ loathesomeness not familiar? For just as we recognize those who train in athletics even if we are not present at the gymnasium, when we look to their good habit of body, thus do we recognize those who have prostituted themselves, even if we are not present at their crimes, from their shamelessness and boldness and their ways of living. For the person who looks down upon the laws and temperance / chastity in the case of the most important things has a certain habit of the soul, which becomes distinguishable among others from the disorderly conduct of his character.

According to Aeschines, Timarchos inadvertently reveals his depraved nature and private habits through the manner of his daily public conduct, as plainly, according to Aeschines,

⁷² This physiognomic evidence is only one of many species of extra-legal argumentation, such as appeals to the jurors’ pity, which speakers used in forensic speeches. The majority of speeches blend extra-legal and legal argument, suggesting that jurors weighed the importance of both the justice and legality of a speaker’s cause in making their decision (Lanni 2006: 41-6, 59-64).

⁷³ Aeschines is an exceptionally heavy user of the physiognomic strategy, and especially the tactic of using the opponent in court as an object and prop for physiognomic scrutiny: see Aeschin. 1.49, 1.61, 1.106, 1.131, 2.88, 2.151, 3.212.

as an athlete's body indicates his gymnastic practice.⁷⁴ Aeschines here articulates a justification of the essence of the physiognomic strategy: it is possible to detect moral tendency, to identify the kind of man who would participate in vice, from visual signs in his behavior. Although here Aeschines does not claim that Timarchos' morality can be read from the physical formation of his body, Aeschines certainly does so at other points in the speech, claiming that Timarchos' life of indulging his appetite for sympotic luxury is writ large on his physique.⁷⁵ While Aeschines here keeps behavior and bodies parallel in analogy, in the speech as a whole the athlete's body is the implicit point of contrast for Timarchos' own ruined physique, indicative of his corresponding moral decrepitude.⁷⁶

The signs of behavior which here reveal the character of Timarchos' soul can have no source except the visible body. It is Timarchos' daily habits, his "way of living" physically performed, which constitute and reveal his shamelessness, boldness, and ultimately his loathesome disgustingness (*bdeluria*). Theophrastos' character of the *bdeluros* man suggests that these revealing habits are likely to be bodily, even specifically the conspicuous flaunting of the disgusting aspects of the body.

Theophrastos' *bdeluros* pulls up his clothes to expose his genitalia to free women, and

⁷⁴ It is worth noting that it was Alcibiades' ἐπιτηδεύματα at which Thucydides claims the Athenians took offence, and that they particularly feared him politically because of "τὸ μέγεθος τῆς τε κατὰ τὸ ἑαυτοῦ σῶμα παρανομίας ἐς τὴν δίαιταν," (Thuc. 6.15.4), "the magnitude of his transgression of the laws of decency against his own body in his mode of life." Like Timarchos, Alcibiades' habits are corporeal, and like Timarchos, these habits make him appear politically dangerous. However, neither Thucydides nor any other author testifies to the physical habits of Alcibiades the Elder being revealed in his appearance; the sources rather repeatedly testify to his beauty (Xen. *Mem.* 1.2.24, Plut. *Alc.* 1.4, Gribble 1999: 70-71). Perhaps we should find this puzzling.

Note that Aeschin. 1.189 (quoted above) starts off with a rhetorical question, suggesting to the jurors that Timarchos' *bdeluria* is known to all Athenians. This is an example of the "you all know" rhetorical *topos* (Ober 1989: 148-51, 163-5).

⁷⁵ Aeschin.1.26, 95.

⁷⁶ Aeschines constructs Timarchos' enthusiastic oratory as a warped version of a pankration, which displays Timarchos' raddled body to the disgust of "right-thinking" onlookers (Aeschin.1.26 , 1.33).

belches in the theater when it is silent to make people turn around and look at him.⁷⁷ Aeschines' portrayal of Timarchos is in keeping with Theophrastos' suggestion that *bdeluria* is constituted by inappropriate display of the body, in that Timarchos throws off his cloak during his indecorously vigorous assembly address.⁷⁸ Timarchos' *bdeluria*, the underlying condition of his soul which led to his self-prostitution, does not (in this passage) literally reveal itself in the contours of Timarchos' body, but it is nevertheless located in his body through his behavioral expressions of his soul's character.

The most direct species of physiognomic interpretation in a forensic setting is for the speaker to use the opponent's body in court as evidence.⁷⁹ For example, at Aeschines *Against Timarchos* 1.131, Aeschines uses Demosthenes' clothes to demonstrate his *kinaidia*.⁸⁰ This use of Demosthenes' appearance to prove his deviant gender and sexual practices constitutes a fairly direct form of seeing and judging the truth of the speaker's words. The jurors can see Demosthenes' clothing, and under Aeschines' guidance evaluate it as effeminate. In the physiognomic strategy, the orator claims to show the jurors first-hand visual evidence. However, the jurors viewing the opponent's body learned the alleged 'truth' of the opponent's character not by looking at him, but through the orator's interpretation. Although the jurors can see Demosthenes and his garments, it is the speaker Aeschines who frames the interpretation of his rival's image. In fact, since

⁷⁷ Theophr.11.2-4.

⁷⁸ In addition, like the *bdeluros* man in Theophrastos, Aeschines reports that Timarchos shows unprecedented *aselgeia* (licentiousness) towards free women (Aeschin. 1.107). Forsdyke notes that *aselgeia* is a term used to characterize the uncontrolled licentiousness of the mob in anti-democratic rhetoric (2005: 73-8, Arist. *Pol.* 1304b). However, in Demosthenes 22 *Against Androtion*, *aselgeia* is also a quality particularly of oligarchs - and of course of Androtion (Dem. 22.52, cf. Dem. 21.1). *Aselgeia* therefore is not without political significance, but is used in both anti- and pro-democratic discourses to describe the opponents of the author's own views.

⁷⁹ This form of the strategy is not particularly common, and must have been challenging to stage, for one thing. Aeschines uses the strategy frequently, however (see n. 49, above).

⁸⁰ I quote this passage in "The Physiognomic Strategy and Democratic Ideology."

the number of jurors ranged from 201 to 2501, for many of the jurors, to see the object of scrutiny well was potentially impossible.⁸¹ These jurors were even further dependent on the spoken ‘visual’ evidence performed by the orator. The jurors are offered the illusion of seeing first-hand the evidence of Demosthenes’ unmanliness on his body, but their conclusions are constructed and translated by Aeschines, not through the simple act of seeing.

Aeschines includes a further layer of physiognomic evaluation by specifically inviting the jurors to imagine a touch-test of Demosthenes’ clothes: if they were to feel Demosthenes’ garment without knowing whose clothing they handled, none would be able to tell if it was a man’s or woman’s.⁸² However, the test is necessarily imaginary, since even if Demosthenes were to strip in the court, the jurors would still already know that the cloth was worn by a male. Since the tactile aspect of the test is unreal, the effect of Aeschines’ words is to get the jurors to look at Demosthenes’ clothes and evaluate their gender suitability, which is the most direct possible incarnation of the physiognomic strategy (though of course the jurors are still invited to filter what they see through Aeschines’ interpretation of Demosthenes’ appearance). In spite of its unreality, the touch-test manages to derive power from the illusion of accessibility and directness.

An additional factor which distances the jurors from the apparent immediacy and accessibility of physiognomic ‘evidence’ is that speakers report physiognomic signs revealed out of court. In these circumstances, the spoken performance of scrutiny substitutes for the literal act.⁸³ The visual evidence is no longer directly available to them,

⁸¹ Hansen 1991: 186-8. If the *dokimasia rhetoron* commanded a jury equivalent to other public trials, the trial of Timarchos would have had 501 jurors, or possibly even more than one panel of 500 (plus one).

⁸² Aeschin. 1.131.

⁸³ Aeschin.1.26, Dem.21.72, 45.68-9, 54.34.

but instead is translated into the oral performance of the speaker, who also interprets its significance. (The speaker of course casts the recounting as a re-performance of an original visual performance, though this need not be literally true for the strategy to be effective.) Since the jurors could see the opponent in the court, they may have mentally superimposed the reported image over the man before them, so that the direct and reported forms of the strategy operated in tandem. Although both the image itself and the interpretation are provided by the orator, they still retain their authority as evidence because they are billed as eye-witness testimony to the opponent's character. This eye-witness testimony is implicitly provided by the Athenian citizenry. As I argue in my section on the physiognomic strategy and democratic ideology, the reported form of the physiognomic strategy depends on the assumption that the Athenian citizen body is a face-to-face community in which shared common knowledge provides an accurate record of each citizen's behavior.⁸⁴ In such circumstances, the common knowledge of the Athenian people would corroborate the visual evidence.⁸⁵ Aeschines uses this reported form of the physiognomic strategy in Aeschines 1 *Against Timarchos*, when he gives an account of how Timarchos' excessively vigorous oratory caused him to display his body, wasted by dissipated living:

ρίψας θοιμάτιον γυμνὸς ἐπαγκρατίαζεν ἐν τῇ ἐκκλησίᾳ, οὕτω κακῶς καὶ αἰσχρῶς διακείμενος τὸ σῶμα ὑπὸ μέθης καὶ βδελυρίας ὥστε τοὺς γε εὐφρονοῦντας ἐγκαλύψασθαι, αἰσχυνθέντας ὑπὲρ τῆς πόλεως, εἰ τοιούτοις συμβούλοις χρώμεθα. (Aeschin.1.26).

after throwing off his cloak he fought a pankration in the assembly, in such a vile and shameful state as to his body because of drunkenness and loathsome conduct, that right-thinking men hid their faces, ashamed on behalf of the city, if we employ such men as advisors.

⁸⁴ For the city of Athens as far too large to be a face-to-face community, despite Athenians' ideological construction of the city as such, see Ober 1989: 31-33, 150 and "The Physiognomic Strategy and Athenian Democratic Ideology" p. 52.

⁸⁵ See "The Physiognomic Strategy and Athenian Democratic Ideology" p. 52.

The Athenians' theoretical shared revulsion at Timarchos' body and the unsavory practices it represents should, according to Aeschines, disqualify him from speaking as an advisor to the assembly. The state of Timarchos' body, as Aeschines describes it, 'proves' the charge of prostitution, because Timarchos in the reported image becomes the evidence of the expensive sympotic habits which he supposedly funded by prostitution as a youth. Aeschines classifies those disgusted by Timarchos as "right-thinking men," an unsubtle encouragement to the jurors to agree with their (and Aeschines') evaluation of Timarchos' body and character. At face value, the significant physiognomic evidence in this example is reported, but it is probably simultaneously a direct use of the physiognomic strategy. Timarchos on his own *bema* in the court is not *gymnos*, that is, lacking his *himation* and standing only in a short *chiton*.⁸⁶ However, he is physically present as Aeschines is speaking, which circumstance surely encouraged jurors to directly scrutinize the defendant in court for visible evidence of his supposed debauchery.

An additional factor places distance between jurors' perception of the supposed evidence and the conclusions the speakers suggest. Orators' use of the physiognomic strategy supports broad cultural acceptance of the premise that character can be inferred from appearance. However, the correspondence between sign and meaning is not so universally agreed upon among Athenians as to be transparent: the orator must supply an

⁸⁶ The normal Athenian garb for men in the Assembly was a short chiton and a woollen cloak, or *himation*. Demosthenes shows how one can be construed as naked (or at least near to it) if one were to abandon one's *himation* and thus be underdressed: "ὥστε με... θοῖμάτιον πρόεσθαι καὶ μικροῦ γυμνὸν ἐν τῷ χιτωνίσκῳ γενέσθαι, ..." (Dem. 21.216), "so that I threw off my cloak and was barely shy of being naked in my short *chiton*,..." For *γυμνός* as not naked but simply lacking the outer garment, see also Ar. *Nub.* 498. It was appropriate to get rid of one's cloak when running away from someone who is trying to hit one (as is the case in Dem. 21.216), and this is what Strepsiades thinks is about to happen when Socrates tells him to take off his cloak. One may also remove the *himation* when readying oneself to fight (cf. Plat. *Rep.* 474a). Timarchos is presumably making the latter gesture. Aeschines implicitly compares Timarchos with a real pankratiast, who would actually fight naked, and whose body would reveal his athletic training, not his drinking, dining and womanizing.

explanation. The speaker's interpretation of the visual evidence is a crucial component of the physiognomic strategy. According to Aeschines' interpretation above, there is an uncomplicated correspondence between Timarchos' ruined physique and his habitual dissipation. Timarchos' body reveals Timarchos to be an unsuitable political leader because of his uncontrolled appetite for wine, delicacies and courtesans. However, speakers employing the physiognomic strategy do not always offer this simple link between the alleged visual evidence and the character flaw it indicates. For example, in Demosthenes 54 *Against Konon* and in Demosthenes 45 *Against Stephanos I*, two speakers in the corpus of Demosthenes employ this same essential strategy: they, too, 'read' in a reported image the poor moral character of a member of the opposing legal team. But instead of a simple sign, directly indicative of indecent conduct, as in the case of Timarchos, their readings have another layer. These speakers describe signs of morality in their opponents' facial expressions, dress and gait, but then re-interpret them as false affectation, designed to make the opponent appear more morally respectable than he actually is. The speaker interprets the signs on the opponent as deceptive: his true nature is not what an observer would naturally assume. He then characterizes the other man's self-presentation as the pretension of a mendacious and deceptive scoundrel. This extra layer of interpretation becomes a further factor in the physiognomic strategy which alienates the jurors from the physical image to be 'read'. This variation at first appears to discredit the physiognomic strategy, since the speaker claims that the visible signs are actually misleading. However, since the speaker assigns physiognomic meaning to the

very fact that things are not what they seem, this is a permutation of the strategy rather than a refutation.⁸⁷

The physiognomic markers under scrutiny in the case of these ‘false signs’ tend to be features under conscious control, such as clothing, facial expression, and gait.

However, the example of Lysias 10 *Against Theomnestos* I shows that a deceptive physiognomic sign need not be the result of intentional, manufactured deception. The prosecutor describes Theomnestos’ and his cronies’ bodies as deceptive: their physical fitness should indicate courage, but they are in fact cowards (see the quote below).

Similarly, in Aeschines’ *Against Timarchos*, Misgolas’ youthful appearance is potentially misleading.⁸⁸ Jurors, Aeschines claims, may initially think that Misgolas is closer in age to Timarchos and therefore might not be prepared to believe that Misgolas and Timarchos had a sexual relationship. However, Misgolas’ lack of grey hairs belies the fact that he and Aeschines are actually the same age, and that Timarchos was already getting past his adolescent bloom when he and Misgolas were a couple. The cases of Theomnestos’ body and Misgolas’ face show that not every deceptive physiognomic sign is the result of the bearer’s intentional manipulation of his appearance.

For example, in Lysias’ *Against Theomnestos*, a suit against Theomnestos for having called the prosecutor a father-killer, the speaker extols his father’s military virtues in contrast to the failed valor of his opponents.⁸⁹ The speaker says that his opponents’ handsomeness belies their inborn cowardice:

οὐ ἔτι καὶ νῦν, ὧ ἄνδρες δικασταί, τῆς ἀρετῆς τὰ μνημεῖα πρὸς τοῖς ὑμετέροις ἀνάκειται, τὰ δὲ τούτου καὶ τοῦ τούτου πατρὸς τῆς κακίας πρὸς τοῖς τῶν πολεμίων οὕτω σύμφυτος αὐτοῖς ἡ δειλία. καὶ μὲν δὴ, ὧ ἄνδρες δικασταί, ὅσω μείζους εἰσὶ καὶ νεανῖαι τὰς ὄψεις, τοσοῦτω μᾶλλον ὀργῆς ἀξιοὶ εἰσι. δῆλον γὰρ ὅτι τοῖς μὲν σώμασι

⁸⁷ Hesk p. 221-6, Aeschin.1.49, Dem.54.34, 45.68-9, 45.77, Lys.10.29.

⁸⁸ Aeschin.1.49, quoted in full in “The Visual Environment” above.

⁸⁹ Cf. Lys.10.1.

δύνανται, τὰς δὲ ψυχὰς οὐκ <εὖ> ἔχουσιν. (Lys.10.28-9).

Where even now, men of the jury, the memorials of his courage are dedicated in your shrines, but those of the cowardice of this man and his father are dedicated in the shrines of your enemies; thus ingrained by nature is their timidity. And in fact, gentlemen of the jury, by how much greater they are and young men in appearance, by so much more are they deserving of anger; for it is clear that they are capable in their bodies, but that they are ill in their souls.

The speaker reads the bodies of Theomnestos and his cronies against expectations: the jurors will naturally think that the opponents' fine, aristocratic bodies are indicative of military excellence.⁹⁰ However, in this case, the speaker assures them that the inborn nature of the breed is cowardly, so that the defendants' bodies are deceptive, and therefore require additional exegesis to get at their true meaning. The speaker interprets his opponents' handsomeness as a sign of the discrepancy between the expected meanings of their bodies and their actual moral failure: they are all the more reprehensible for their pusillanimous souls because their bodies are capable of fighting. The speaker does not credit the expected physiognomic interpretation of Theomnestos' body, which might cause one at first glance to read this passage as a rejection of physiognomic analysis. However, the speaker actually reassigns the meaning of his opponents' bodies (visible in the court); this reassignment is not a rejection of the possibility of physical appearance betraying inner character, but rather a circuitous exploitation of that possibility. As always in the physiognomic strategy, the speaker mediates between the visual image of his opponents and the jurors' understanding of significance and moral meaning in that image. While exhortations not to be fooled by appearances may initially seem like rejections of the possibility of physiognomic knowledge, ultimately the use of a 'false' physiognomic sign serves the same rhetorical

⁹⁰ Todd calls the plural for Theomnestos and some indefinite number of associates "the conspiratorial plural," suggesting an unsavory cabal (Todd 2007 p. 692-3). For the opponents' bodies being specifically representative of aristocratic *kalokagathia*, see Ober p. 255.

function as a claim of direct knowledge from the reading of the body. The physiognomic sign is counter-intuitive to the conclusion which the speaker wants the jurors to draw, but the speaker acts as advisor to the jurors and reveals the hidden truth behind initial appearances.

When the misleading sign is the product of deliberate fabrication, the crafted appearance demonstrates the opponent's deception and hypocrisy, thereby destroying his moral authority in general and specifically his credibility in his version of the case, as the following examples from the corpus of Demosthenes should show. In Demosthenes' *Against Konon*, the young Ariston charged Konon with battery,⁹¹ and *de facto* his son Ktesias as well. Ariston cites the hypocrisy of the Spartan-style dress of Konon's witnesses, as follows:

συμπόται δ' ὄντες τούτου καὶ πολλῶν τοιούτων ἔργων κοινωνοὶ εἰκότως τὰ ψευδῆ μεμαρτυρήκασιν. εἰ δ' ἔσται τὸ πρᾶγμα τοιούτου, εἴαν ἅπαξ ἀπαναισχυνηθῶσιν τινες καὶ τὰ ψευδῆ φανερώς τολμήσουσι μαρτυρεῖν, οὐδὲν δὲ τῆς ἀληθείας ὄφελος, πάνδεινον ἔσται πρᾶγμα. ἀλλὰ νῆ Δί' οὐκ εἰσὶ τοιοῦτοι. ἀλλ' ἴσασις ὑμῶν, ὡς ἐγὼ νομίζω, πολλοὶ καὶ τὸν Διότιμον καὶ τὸν Ἀρχεβιάδην καὶ τὸν Χαιρήτιμον τὸν ἐπιπόλιον τουτονί, οἳ μέθ' ἡμέραν μὲν ἐσκυθρωπάκασι καὶ λακωνίζουσι φασὶ καὶ τρίβωνας ἔχουσι καὶ ἀπλᾶς ὑποδέδενται, ἐπειδὰν δὲ συλλεγῶσιν καὶ μετ' ἀλλήλων γένηνται, κακῶν καὶ αἰσχρῶν οὐδὲν ἐλλείπουσι. (Dem.54.34)

And because they are fellow-symposiasts of Ktesias and accomplices in many such deeds, naturally they have given false testimony. And if matters will be such, if once some men have sufficient effrontery and will dare to give false testimony openly, and there will be no advantage in the truth, the state of affairs will be wholly terrible. Oh, but sure, 'they're not that sort.' But many of you, as I believe, know Diotimos and Archebiades and this grizzled old Chairetimos here, who by day wear grim faces and say that they are acting the Spartan and have short-cloaks and wear single-soled shoes, but whenever they assemble and come to be [alone] among one another, leave nothing undone that is base and shameful.

⁹¹ The *dike* for *aikēia* was less serious than the *graphe* for *hubris*. Both charges could be brought against someone who committed assault, but the difference lay in the intent behind the beating, specifically whether it was meant to dishonor the victim or bring pleasure to the assailant. Ariston in Demosthenes 54 says that while his friends counseled him that the offenses warranted the more serious charge, his youth and inexperience made the *dike* the better choice (Dem. 54.1-2, Carey & Reid 1985: 74-6, MacDowell 1978: 129-32).

Having characterized Konon's witnesses as habitual hypocrites, there are two ways in which Ariston undermines the witnesses' testimony. Ariston's first method relies on first creating and then re-fashioning (so to speak) their self-presentation, both as truthful witnesses and austere followers of a 'Spartan' lifestyle. Ariston depicts the witnesses as habitual deceivers in their clothing-based claim to the ascetic practice of 'acting the Spartan,' so that the jurors cannot trust the honesty of their testimony. The passage purports to dismantle the witnesses' authority as the kind of self-controlled, severe men whose testimony must be taken seriously. However, while it is possible that the witnesses truly did affect Spartan style to enhance their personal gravity, the passage does not require that to be true to be effective. Demosthenes constructs the witnesses' deception in the same moment that he unmasks it. (The claim that many jurors know Diotimos, Archebiades and Chairetimos makes the jurors themselves and the Athenians collectively bear testimony to the truth of Demosthenes' version of the speaker's claim about the witnesses' assumed personae.)⁹² In addition, the spectacle of failed pretension makes the witnesses ridiculous, further discrediting them. Ariston enumerates the Spartan accessories (short-cloaks, scowls, thin-soled shoes) in such a way as to paint a vivid and amusing picture, and so disinclines the jurors from taking the witnesses or their testimony seriously.

Laconizing dress also had political overtones, at least in the 5th century, and Ariston may here be referring to the aristocratic arrogance displayed by his opponents.⁹³

However, Aristophanes also indicates, Spartan dress was also a visible indicator of a

⁹² For the rhetorical strategy of suggesting one's characterization of one's opponent is widely known, see Ober 1989: 148-151, Arist. *Rhet.* 1408a32-36.

⁹³ Portrayal of Konon and sons as arrogant elites: Dem. 54.14, 20. Spartan dress revealing oligarchical inclinations: Ar. *Vesp.* 473-6, MacDowell 1971: 197 n. 475-7. For further testimonia to and explication of the meaning of Spartan dress, see Geddes 1987: 309 n. 19.

practice of and admiration for an ascetic lifestyle (imagined to be common to Spartans and philosophers) involving abstention from food, washing, and other pleasures.⁹⁴

Keeping the hair long, a highly politicized fashion choice which could even indicate tyrannical tendencies, was part of the Spartan 'look.'⁹⁵

However, after the Battle of Leuctra in 371, Sparta ceased to be a threat to Athens to the same degree, and Athens and Sparta were tentative allies during the Theban ascendancy.⁹⁶ All things Spartan became less overtly charged with oligarchical leanings, while remaining infused with the toughness and gravity of the Spartan lifestyle. I do not mean to suggest that it lost a certain elite flavor. In keeping with this aspect of meaning conveyed by Laconizing dress, Aeschines sets an anecdote of stern, upstanding, old-fashioned oratorical morality in the Spartan assembly.⁹⁷ Demosthenes' speech for Ariston is dated around the late 340's.⁹⁸ Spartan attire seems to have been a way to appear physically tough and abstemious, and perhaps offered an alternate style of being elite which did not open one to the accusations of effeminacy to which other elite styles of dress and deportment, those which drew more closely on Archaic *habrosune*, exposed an Athenian.⁹⁹

⁹⁴ Ar. Av. 1280-89.

⁹⁵ Hd. 5.71.1, Ar. Av. 1280-89.

⁹⁶ Fisher 2001: 327.

⁹⁷ Aeschin. 1.180-181, Fisher 2001: 327-8.

⁹⁸ Carey & Reid 1985: 69.

⁹⁹ For *habrosune* as an aristocratic style, see Kurke 1992. For the contrast between the traditional Athenian aristocratic garments and Spartan dress, see Thuc. 1.6.3-5. For accusations of effeminacy which might arise from aristocratic garb, see Aeschin. 1.131, Archippus fr. 48 K.-A. For further examples of contrast between beautiful, luxurious clothing and Spartan clothes, see Xen. *Hell.* 3.4.19 and Geddes 1987: 318.

However, both traditional *habrosune*-inflected aristocratic dress and Spartan affectations could be blended in the same outfit, for an overall classy effect. In Aristophanes' *Wasps* (Ar. *Vesp.* 1132-4) Bdelucleon compels Philocleon to trade his short *tribon* for a nicer, warmer *chlaina*, which is described as Persian or a *kaunakes*. The *tribon* is the same short cloak which Konon's witnesses are wearing above in Dem. 54.34, but Philocleon wears it out of poverty and lack of fashion sense. However, while Bdelucleon's new cloak is a piece of traditional Athenian aristocratic finery, his son has him pair it with footwear called, "Spartan-styles." Given the source, however, it is possible that mixing the two styles, Spartan and

Apollodoros' portrait of Stephanos in Dem. *Against Stephanos* I also uses the 'false sign' physiognomic strategy, and again with a view to discrediting an opponent's honesty in the case at hand and his moral authority in general. Phormion, Apollodoros' stepfather, had leased Apollodoros' family banking business, following the death of Apollodoros' father Pasion. After approximately a ten-year interval after Phormio's relinquishing control of the bank, Apollodoros brought charges against him for withholding some of the bank's capital.¹⁰⁰ Phormion brought forward a *paragraphe*, or a counter-prosecution on the grounds that the original prosecution was brought illegally, on the grounds that Apollodoros had made no complaint at the time of the dissolution of the lease.¹⁰¹ Stephanos was one of the witnesses for Phormion. Phormion's case was so successful that Apollodoros was not permitted a hearing and did not get even a fifth of the votes, and so was disallowed from raising the issue in court again.¹⁰² However, this did not stop Apollodoros from prosecuting one of Phormion's witnesses, Stephanos, for false testimony, and this is *Ag. Stephanos* I. Apollodoros casts Stephanos as habitually deceptive and broadly hostile, the sort of man who would have lied in court in the course of the earlier *paragraphe*, by offering a complex psychological explanation for and reinterpretation of Stephanos's allegedly affected facial expression and gait:

οὐ τοίνυν οὐδ' ἂν πέπλασται οὗτος καὶ βαδίζει παρὰ τοὺς τοίχους ἐσκυθρωπακῶς, σωφρωσύνης ἂν τις ἠγήσασαί' εἰκότως εἶναι σημεῖα, ἀλλὰ μισανθρωπίας. ἐγὼ γὰρ, ὅστις αὐτῷ μηδενὸς συμβεβηκότος δεινοῦ, μηδὲ τῶν ἀναγκαίων σπανίζων, ἐν ταύτῃ τῇ σχέσει διάγει τὸν βίον, τοῦτον ἠγοῦμαι συνεορακένας καὶ λελογίσθαι παρ' αὐτῷ, ὅτι τοῖς μὲν ἀπλῶς, ὡς πεφύκασι, βαδίζουσι καὶ φαιδροῖς καὶ προσέλθοι τις ἂν καὶ δεηθείη καὶ ἐπαγγείλειεν οὐδὲν ὀκνῶν, τοῖς δὲ πεπλασμένοις καὶ σκυθρωποῖς ὀκνησεῖ τις ἂν προσελθεῖν πρῶτον. οὐδὲν οὖν ἄλλ' ἢ πρόβλημα τοῦ τρόπου τὸ σχῆμα τοῦτ' ἐστὶ, καὶ τὸ τῆς διανοίας ἄγριον καὶ πικρὸν ἐν ταῦθα δηλοῖ. σημεῖον δέ· τοσοῦτων γὰρ ὄντων τὸ πλῆθος Ἀθηναίων, πρᾶττων πολὺ βέλτιον ἢ σὲ προσῆκον ἦν, τῷ πώποτ' εἰσήνεγκας, ἢ τίνι συμβέβλησαι πω, ἢ τίν' εἶ

traditional luxury, is an extreme measure of pretension which no one would actually wear and which actually makes Bdelucleon look ridiculous.

¹⁰⁰ Trevett 1992: 14-15.

¹⁰¹ Dem.36.9-10.

¹⁰² Dem.45.5-7.

πεποίηκας; οὐδέεν' ἂν εἰπεῖν ἔχοις· (Dem. 45.68-70).

Accordingly, neither should one reasonably consider the signs which this man has fabricated in walking along the walls wearing a grim face to be evidence of being sensible, but rather of hatred for mankind. For whoever, although nothing terrible has befallen him, nor is he lacking any of life's necessities, spends his life in this habit, I consider this man to have looked around and to have reckoned in his own opinion that to those who walk simply and cheerily, as they are disposed by nature, a person would without hesitation come forward and make requests and demands, but to those who have fabricated [their habit of body] and are grim-faced, a person would shrink from coming forward in the first place. This manner, therefore, is nothing other than a screen, and it reveals the savage and malignant aspects of his intentions.

Stephanos' deliberately fabricated expression and gait are intentionally deceptive. This qualifies as a 'false sign', since Demosthenes casts Stephanos' appearance as misleading. According to Demosthenes, Stephanos lives in a chronic state of dishonest performance. Note that like the witnesses for Konon in Demosthenes 54, Stephanos wears a crafted scowl, adopted to flesh out his *persona*. The verb *σκυθρωπάζω* is used by Aeschines of a sober Areopagite whose face genuinely reflects his dismay at laughter breaking out in the surrounding crowd.¹⁰³ This suggests that at times, the verb's semantic range includes genuine sobriety. However, other uses indicate that this expression can be disingenuously assumed to influence onlookers. Aeschines uses *σκυθρωπάζω* to describe Demosthenes making dire but false accusations against Aeschines, under which circumstances Aeschines clearly impugns Demosthenes' sincerity.¹⁰⁴ Since Apollodoros is prosecuting Stephanos for bearing false testimony, it behooves his cause to characterize Stephanos as a man who lives a lie and hates mankind, for such a man would have no qualms about lying in court in order to viciously undermine Apollodoros' (allegedly) just prosecution.¹⁰⁵

¹⁰³ Aeschin.1.83.

¹⁰⁴ Dem.19.36.

¹⁰⁵ Hesk 1999: 217-26.

But after ‘debunking’ the good sense which one might at first glance ‘read’ in Stephanos’s gait and face, Apollodoros goes on to debunk the ‘physiognomic’ strategy itself. However, in doing so, he paradoxically using the format of the ‘false sign’ strategy.

Apollodoros says of himself:

ἐγὼ δ', ὡς ἄνδρες Ἀθηναῖοι, τῆς μὲν ὄψεως τῇ φύσει καὶ τῷ ταχέως βαδίζειν καὶ λαλεῖν μέγα, οὐ τῶν εὐτυχῶς πεφυκότων ἑμαυτὸν κρίνω· ἐφ' οἷς γὰρ οὐδὲν ὠφελουμένος λυπῶ τινὰς, ἑλαττον ἔχω πολλαχού· τῷ μέντοι μέτριος κατὰ πάσας τὰς εἰς ἑμαυτὸν δαπάνας εἶναι πολὺ τούτου καὶ τοιούτων ἑτέρων εὐτακτότερον ζῶν ἂν φανείην. τὰ δ' εἰς τὴν πόλιν καὶ ὅσ' εἰς ὑμᾶς, ὡς δύνάμαι λαμπρότατα, ὡς ὑμεῖς σύνιστε, ποιῶ· (Dem.45.77).

But I estimate, men of Athens, in the nature of my appearance and in my walking quickly and talking loudly, that I am not among those who are fortunately formed by nature. Because of these things, since I annoy some people without any benefit to myself, in many respects I have the worse of it. However, in being moderate concerning all my expenditures on myself, I am manifestly living a much more well-disciplined life than this man and others of his sort.

Apollodoros suggests that someone reading his character based on his appearance would naturally be deceived, and offers a new interpretation (the fast walking and loud talking bear no relation to his temperament, but are merely unfortunate accidents of nature).¹⁰⁶ As in the case of the other two ‘false signs’ discussed above, the orator claims that the expectations raised by the physiognomic signs in question are at odds with the truth. Apollodoros’ statement here at first appears to threaten the premise that physiognomic markers correspond to features of a man’s character. However, this passage shares a lot in common with the two hostile (re-)readings of opponents’ self-presentation.¹⁰⁷

Apollodoros denies any connection between his own gait and manner of speech and his

¹⁰⁶ Since being *metrios*, “moderate,” is a quality which democratic rhetoric uses to describe its sympathizers, Apollodoros’ claim to be *metrios* concerning his expenditures is a claim of fealty to democratic values (Ober 1989: 162, Dem. 21.183). Forsdyke identifies *ataxia* as a quality of democrats in anti-democratic rhetoric (Forsdyke 2005 *JHS*: 76, Arist. *Pol.* 1302b 28-32). However, both Athenian democratic and anti-democratic rhetoric ascribe to their ideological opponents both an excess of power and an unbridled and reprehensible exercise of it, while claiming for their own side the judicious and moderate exercise of that same power (see also n. 78 and n. 361).

¹⁰⁷ I qualify the statement to indicate that the interpretations need not be based on any actual original self-portrayal by the opponent. The effectiveness of the strategy stands even if Demosthenes fabricates the *personae* which the opponents seek to propagate as well as their ‘true’ characters.

conscious effect on other people, contrasting his own genuine and unaffected (if disadvantageous) deportment with Stephanos' intentional manipulation of his appearance. Demosthenes uses Apollodoros' admission of his disadvantageous bearing to portray him as guileless and honest. By contrast, when Demosthenes claims that Konon's witnesses and Stephanos attempt to disguise their poor moral character with intentionally fabricated visible markers of sobriety and respectability, he casts them as disingenuous scoundrels. For the speaker Apollodoros, Demosthenes adapts the 'false sign' strategy so that it has the opposite resultant meaning. Demosthenes causes Apollodoros to imply, in a disarming fashion, that he cannot even play a part to the extent of mitigating his apparent natural defects. The net effect of the 'deceptive sign' is to characterize Apollodoros as honest and plain-speaking. Demosthenes contrasts Stephanos' feigned deportment and fabricated complaints against Apollodoros with Apollodoros' own unornamented habit of body and speech, and his own version of events, (allegedly) the plain truth. As a result, what appears at first glance to be a 'debunking' of the physiognomic strategy is in fact a clever adaptation of the "false sign" version of the strategy.

The "false sign" version of the strategy adds an extra degree of distance between jurors and the physiognomic evidence by introducing a new layer into the orator's interpretation. I will now return to the distance created by the speaker's reporting of the visual signs which reveal the opponent's inner character. In two passages of Demosthenes' *Against Meidias*, Demosthenes finds ways to exploit the separation between jurors and the incriminating sight of Meidias' conduct and countenance. When Demosthenes enumerates the ridiculously luxurious baggage which Meidias takes with him on campaign with the cavalry, he mentions that he heard about the scene second-

hand because he is a hoplite, not a cavalryman. Demosthenes adds this extra degree of distance between himself and the jurors and the visual evidence of Meidias' unwarlike luggage. However, he uses this opportunity to emphasize his own hoplite status and to juxtapose his credentials for moderation with Meidias' excess. A second passage in the speech also capitalizes on the jurors' distance from the cues which revealed that Meidias' motive for the attack was based in his calculated desire to insult Demosthenes.¹⁰⁸

Demosthenes states that these signs are recognizable to the victim and to the eye-witnesses, but impossible to verbalize. While Demosthenes tells the jurors that it is impossible to communicate the evidence of Meidias' motive to them, he simultaneously casts himself as the one person best able to see and analyze the physiognomic signs present in Meidias' bearing, looks and voice as he committed the assault.

Demosthenes offers visual evidence of Meidias' effeminate and unmilitary conduct on a cavalry expedition to Argura. However, he makes a point of saying that he, Demosthenes, was not present to see the spectacle of Meidias departing for the campaign weighed down with luxury goods: he, a hoplite, was not deployed via the same route. Demosthenes makes the fact that he did not see the evidence of Meidias' luxury with his own eyes a marker of his own credentials to relative moderation. Meidias has been saying in the assembly that the cavalry expedition to Argura (of which Meidias himself was part) was a mistake, a reproach to the city. Demosthenes responds that Meidias himself was a greater embarrassment, as follows:

καίτοι πότερ' εἰσὶν ὄνειδος, ὦ Μειδία, τῇ πόλει οἱ διαβάντες ἐν τάξει καὶ τὴν σκευὴν ἔχοντες ἢν προσῆκε τοὺς ἐπὶ τοὺς πολεμίους ἐξιόντας καὶ συμβαλουμένους τοῖς συμμάχοις, ἢ σὺ ὁ μηδὲ λαχεῖν εὐχόμενος τῶν ἐξιόντων ὅτ' ἐκληροῦ, τὸν θώρακα δ' οὐδεπωποτ' ἐνδύς, ἐπ' ἀστράβης δ' ὀχοῦμενος ἀργυρᾶς τῆς ἐξ Εὐβοίας, χλανίδας δὲ καὶ κυμβία καὶ κάρδους ἔχων, ὧν ἐπελαμβάνουθ' οἱ πεντηκοστολόγοι; ταῦτα γὰρ εἰς τοὺς ὀπίστας ἡμᾶς ἀπηγγέλλετο· οὐ γὰρ εἰς ταῦτόν ἡμεῖς τούτοις

¹⁰⁸ Fisher 1992: 57.

διέβημεν. (Dem.21.133-4).

And which are a reproach to the city, Meidias, the men who crossed in battle-order, and in possession of the equipment proper for those marching out against the enemy and to join with our allies, or you, the one who prayed that you would not draw to go out on campaign when you were appointed by lot, and never even putting on a breastplate, and borne on a silver saddle from Euboa, carrying shawls and drinking-cups and wine-jars, which the customs-officials seized? For these events were related to us hoplites; for we did not cross at the same place as the cavalry.

It should strike us as odd that Demosthenes feels obligated to mention that he did not see Meidias' display first-hand. Orators in general are not too particular about precisely who among the citizens can testify to their opponents' public misbehavior; they tend to explicitly or implicitly credit the Athenian citizenry as a whole with common knowledge of any individual citizen's public conduct (as in the case of Demosthenes *54 Against Konon*, quoted earlier).¹⁰⁹ In fact, the public setting in which Meidias makes himself conspicuous provides an implied set of witnesses to corroborate his second-hand testimony. Why, then, does Demosthenes admit to his personal removal from the evidence which reveals Meidias' hypocrisy in criticizing the cavalry service of others? The answer must lie in what Demosthenes "inadvertently" reveals about himself: he serves as a hoplite, not in the cavalry. Demosthenes is here defending the other cavalymen, and singling Meidias out not for serving in the cavalry but for carrying luxury goods on campaign with him. However, by identifying himself as a hoplite, Demosthenes isolates himself from any class resentment which might be directed against even the "good" cavalry (the cavalymen other than Meidias). Although he separates himself from the first-hand knowledge of Meidias' display, he capitalizes on distancing himself from the cavalry altogether and drawing a stark contrast between himself and Meidias. Despite admitting that he did not see Meidias' imported tack, fancy clothing,

¹⁰⁹ Ober 1989: 148-151.

and sympotic equipment (which the duty officials allegedly attempted to tax, thinking these are high-end imports), Demosthenes is able to get the advantages of emphasizing his own hoplite status without diminishing the authority of his testimony.¹¹⁰ Demosthenes manipulates his relationship to the visible evidence of Meidias' crimes in order to highlight the contrast between Meidias' inappropriate conduct as a cavalryman and Demosthenes' hoplite service.¹¹¹

Earlier in the *Against Meidias*, Demosthenes creates a further element of distance between the jurors and the physiognomic evidence of Meidias' *hubris*. Demosthenes claims that he, as the victim, is the sole witness of the elements of Meidias' facial expression and bearing in the act of hitting Demosthenes which reveal Meidias' underlying motive of *hubris*.¹¹² Although the signs of Meidias' thoughts at the time of the assault are reported, Demosthenes privileges his own testimony as the only possible

¹¹⁰ For cavalry as a resented elite: Ober 1989: 204 and Bugh 1982. Bugh discusses this passage at p. 30. For the significance of the *chlanis*, slightly fancier than even the *chlaina* and associated with luxurious excess, see Geddes 1987: 313, Dem. 36.45, Ar. *Vesp.* 677, Ar. *Lys.* 1189. For further information on the drinkware, see MacDowell 2002: 352-3. *Kumbia* were fancy enough to steal (Dem. 47.58), and may have been made of metal, rather than pottery. The wine-jars themselves are not special; they simply show that Meidias brought wine with him.

¹¹¹ Demosthenes was no less wealthy than Meidias; he belonged to the liturgical class himself, and he was a *choregos* at the time of Meidias' assault on him (Dem. 21.13-18; other liturgical service: 154-6, 160-1). However, wealth did not automatically mean that an Athenian would serve in the cavalry. In Lysias 16 *For Mantiheos*, Mantiheos claims that on a previous occasion he asked to be transferred to hoplite service after being called up as a cavalryman. (His claim that he did so because the infantry was more dangerous, and that shame induced him to prefer the braver course of action, is designed to make him appear less elitist and very public-spirited, unwilling to hide from danger in the refuge of the privileged.)

¹¹² The intention of dishonoring the victim and taking pleasure in insulting him is what makes the blow hubristic (Fisher 1992: 7-13, 45-9). For *hubris* as a fault especially of the rich, see Fisher 1992: 19-21, 48. For Fisher's analysis of Demosthenes 21 *Against Meidias*, see Fisher 1992: 44-51. Demosthenes' charge against Meidias is not a *graphe hybreos*, but a *proboule*, in which the prosecutor put forward a complaint of festival-day impropriety to be examined at the next assembly (MacDowell 1978: 174-7). Since Meidias' alleged *hubris* so dominates Demosthenes' argument, Demosthenes considers it prudent to explain why he is prosecuting him under the *proboule* procedure and not under the *graphe hybreos* (Dem. 21.31-5). For Cohen's analysis of this speech, see Cohen 1995: 90-101. Cohen argues that the response to *hubris* expected from a free Athenian was revenge and retaliation (Cohen 1995: 94-5). Demosthenes' speech is largely devoted to explaining away his failure to directly avenge the dishonor. He accomplishes this by portraying himself as fully cognizant of the magnitude of his own dishonor (and the quote above, Dem. 21.72, belongs to this explanation), but sufficiently self-controlled to carry out his vengeance through the law (Dem. 21.74, Cohen 1995: 94-5).

authentic source of the knowledge of Meidias' intentions, as read from his appearance. In addition, Demosthenes denies the possibility of reporting physiognomic evidence completely. The spoken report of Meidias' violence cannot show the jurors the *hubris* which was manifest to Demosthenes and the (many) onlookers at the time. By claiming the hopeless inadequacy of translating the visual evidence of Meidias' motive into speech, Demosthenes implicitly strengthens the credibility of his own physiognomic reading of Meidias' features, since he alone as a key and expert witness can see and interpret these signs:¹¹³

οὐδὲ τὸ τύπτεσθαι τοῖς ἐλευθέροις ἐστὶ δεινόν, καίπερ ὄν δεινόν, ἀλλὰ τὸ ἐφ' ὕβρει. π
 ολλὰ γὰρ ἂν ποιήσειεν ὁ τύπτων, ὡ
 ἄνδρες Ἀθηναῖοι, ὧν ὁ παθὼν ἔνι' οὐδ' ἂν ἀπαγγεῖλαι δύναιθ' ἑτέρω,
 τῷ σχήματι, τῷ βλέμματι, τῇ φωνῇ, ὅταν ὡς ὑβρίζων, ὅταν ὡς ἐχθρὸς ὑπάρχων,
 ὅταν κονδύλοις, ὅταν ἐπὶ κόρρης. τὰυτα κινεῖ, ταῦτ' ἐξίστησιν ἀνθρώπους αὐτῶν,
 ἀήθεις οὕτως τοῦ προπηλακιζέσθαι. οὐδεὶς ἂν, ὡ ἄνδρες Ἀθηναῖοι, ταῦτ'
 ἀπαγγέλλων δύναιτο τὸ δεινὸν παραστήσαι τοῖς ἀκούουσιν οὕτως ὡς ἐπὶ τῆς ἀληθείας
 καὶ τοῦ πράγματος τῷ πάσχοντι καὶ τοῖς ὁρώσιν ἐναργῆς ἢ ὕβρις φαίνεται.
 (Dem.21.72)

Nor is being hit a terrible thing to free men, even if it is terrible, but being hit because of wanton arrogance. For the hitter might do many things, men of Athens, *some of which the sufferer would not even be able to report to another, in his bearing, in his glance, in his voice*, whenever the hitter strikes because he commits violent insult, whenever because he is an enemy, whenever he strikes with the knuckles, whenever he strikes on the temple. These things stir, these make men beside themselves, because they are unaccustomed to being treated with contumely. *No one, men of Athens, would be able to set before the mind the dreadfulfulness of this deed by reporting it to listeners in such a way as the wanton violence is manifestly revealed to the sufferer and those who see the deed, in reality and actual fact.*

Demosthenes argues that the victim (himself) and onlookers are capable of accurately interpreting the markers of *hubris* in Meidias' face, voice, and bearing, but that it is impossible to report these markers to the jurors so that their significance remains intelligible. By making this claim, Demosthenes establishes his own authority as the witness and interpreter of the unreportable signs of Meidias' motive. However, even while Demosthenes announces that the jurors are excluded from access to the

¹¹³ see also Dem.21.195.

physiognomic evidence, it is likely that his statement had the effect of inducing jurors to attempt to see for themselves by scrutinizing Meidias as he stood on his *bema* in the court.¹¹⁴ Demosthenes thus stages the opportunity for jurors to look at Meidias and imagine the description-defying signs of *hubris* superimposed over his features.

Demosthenes turns his supposed inability to report the physiognomic signs of Meidias' psychological state during the assault into a source of authority for his own interpretation of them. This is a special instance where the speaker emphasizes the inadequacy of oratorical (re-)performance of visual evidence, but then uses it to privilege his own version of the case.

“False signs” and reported signs introduce extra degrees of separation between what the jurors can see for themselves and what the speakers exhort the jurors to conclude about the opponent's character. In the “false sign” version of the strategy, at first glance, the disruption of meaning between the apparent and “revealed” significance of the opponent's appearance appears to be a rejection of the reliability of physiognomic evidence. But while the “false sign” strategy does speak to the malleability of interpretation of physiognomic signs, in the examples discussed above, the very deceptiveness of the physiognomic markers becomes a marker itself with its own meaning. When the speaker reports the visual evidence of the opponent's moral laxity, his oratorical performance of an alleged earlier sighting substitutes for the jurors' viewing of the damning signs. Demosthenes in the examples above demonstrates that even this separation between the jurors and the so-called evidence can be manipulated to the orator's advantage. In spite of the convoluted path from visual evidence to conclusion,

¹¹⁴ For this point, I thank David Potter (personal communication).

instead of weakening the speaker's credibility, speakers use the additional twists and turns to adapt the physiognomic strategy to suit their specific needs.

The Physiognomic Strategy and Athenian Democratic Ideology

In the absence of a face-to-face society where jurors knew the characters of litigants personally, the jurors' capacity to 'see' and evaluate the character of a litigant first-hand was a convenient fiction (for orator and jurors) which supported the ideological underpinnings of the Athenian court: the collective wisdom of mass citizen juries on which the Athenian legal system was predicated.¹¹⁵ The physiognomic strategy supported the ideological underpinnings of democratic decision-making. Trust in collective decision-making formed the backbone of the Athenian democracy, and the accuracy of common knowledge and rumor ideologically guaranteed the wisdom of the People's decisions. The physiognomic strategy supplemented and supported the validity of common knowledge and rumor as a means (if from our perspective a fictive means) of a mass jury's determining a litigant's moral character and guilt.¹¹⁶

In the forensic oratorical corpus, the substance of this common knowledge which was vital for making good political and judicial choices focused on what kind of citizen a man

¹¹⁵ Hesk: 1999: 222-3, Humphries 2007 (1985): 145-6, Ober 1989: p.31-4, 163-5. Hesk calls the physiognomic strategy, "a classic (and classically manipulative) example of the interrelationship between a culture of surveillance and the strategic articulation of physiognomic assumptions," (Hesk: 1999: 225).

¹¹⁶ The jury ranged from 201 for private trials over sums less than 1000 drachmas, 401 if the private trial was over more than that sum, and 501 for a public trial, with examples of 1001, 1501, 2001 and 2501. It is worth noting that the more important the decision, the more people the Athenians put on the jury. I do not use the term "common knowledge" in the sense which Chwe 2001 and Ober 2008 use it. Both use "common knowledge" to refer to the shared knowledge upon which collective action in a community can be based (see n. 18 of the introduction). I instead identify "common knowledge" with the imagined body of knowledge which Athenians considered to be shared by the citizenry at large, an aggregate of common report and rumor. For Athenians' belief in the validity of such knowledge, see Ober 1989: 148-151. For a discussion of the function of gossip in Attic law and society, see Hunter 1994: 201-210 and Winkler 1990: 186-197.

was. As Ober points out, the speaker of Hyperides *In Defense of Lycophron* encourages jurors to cast their votes according to the jurors' knowledge of his life, and adds that no one could hope to fool the Athenians as a whole.¹¹⁷ This claim has two implications: (1) the collected knowledge of all the Athenian citizens is always right, and democratic government is therefore best, and (2) the Athenians' collective knowledge of their political leaders' characters prevents the citizens from being deceived by them, again justifying the unerring wisdom the people and their democratic government.¹¹⁸

Because Hypereides assumes that the jurors and the community at large are cognizant of how he has lived, his argument casts Athens as a "face-to-face society," a community in which every individual recognized everyone else so that the community is collectively aware of the moral behavior of each member.¹¹⁹ Aristotle's *Politics* also stresses the importance of citizens knowing each other personally as the ideal situation for the selection of office-holders and the just resolution of lawsuits.¹²⁰

In contrast with the implicit assumptions of the oratorical corpus, the Athenian polis, with over 300,000 inhabitants, was far too large to actually be a "face-to-face society", and Cohen has argued that not even the demes of Attica were examples of such communities.¹²¹ In the 4th century, the male citizen population was about 30,000 men, and the total citizen population, including women and children, was approximately 100,000.¹²² But Athenians could not tell whether someone was citizen, metic or slave by

¹¹⁷ Ober 1989 p.149-50, Hyper.1.14, Aeschin.1.179, 2.150. Cf. also Dem.37.55-56.

¹¹⁸ For the dangers of deceptive rhetoric to democracy, see Ober 1989: 165-70.

¹¹⁹ Face-to-face society: Ober 1989: 31-33, 150, Hunter 1994: 97, 117. Both Ober and Hunter consider the deme to be an example of a face-to-face society, but not the citizen population as a whole.

¹²⁰ Aristotle *Pol.* 1326b.

¹²¹ Cohen 2000:13, 105-129, Isocrates 15.172.

¹²² Hansen 1991: 90-94 and Hansen 1985: 27-64, 66.

looking at him or her.¹²³ Therefore, the total number of faces in the community would be drawn from the total population of Attica, since one would have to already be acquainted with a person to know his status and whether or not he counted as a fellow citizen. Also, the number of male citizens included those living outside of Attica as *klerouchs* or serving as mercenaries abroad.¹²⁴ The citizen body was an imagined community, not one defined by geographical boundaries. The physiognomic strategy provided jurors with fictive access to knowledge of litigants' moral characters – the kind of knowledge which Hyperides and Aristotle suggest was crucial for reaching a just verdict.¹²⁵ Thus the physiognomic strategy, in concert with the oratorical myth of a “face-to-face society”, helped to do the ideological work of assuring the wisdom of the jurors' collective decisions.

In the case of high-profile litigants, the citizens in general and even the jurors in question could potentially have some outside knowledge of the prosecutor or accused. These cases do not require the jurors' prior acquaintance with the litigants to be wholly fictitious. Prominent *rhetores* at least, such as Aeschines and Demosthenes, were most likely recognizable to the Athenian public. Plutarch reports that the crowd used to call on Demosthenes by name as he sat in the assembly.¹²⁶ To a regular attendant of the

¹²³ Ps.-Xen. *Ath.* 10-11.

¹²⁴ Hansen 1991 *ibid.*, Hansen 1985 *ibid.*

¹²⁵ See n. 117, 119.

¹²⁶ Plutarch *Life of Demosthenes* 8.3-4.

“ἐκ δὲ τούτου δόξαν ἔσχεν ὡς οὐκ εὐφυῆς ὢν, ἀλλ’ ἐκ πόνου συγκειμένη δεινότητι καὶ δυνάμει χρώμενος, ἐδόκει τε τούτου σημείον εἶναι μέγα καὶ τὸ μὴ ῥαδίως ἀκούσαι τινα Δημοσθένους ἐπὶ καιροῦ λέγοντος, ἀλλὰ καὶ καθήμενον ἐν ἐκκλησίᾳ πολλὰκις τοῦ δήμου καλοῦντος ὀνομαστὶ μὴ παρελθεῖν, εἰ μὴ τύχοι πεφροντικῶς καὶ παρεσκευασμένος, εἰς τούτο δ’ ἄλλοι τε πολλοὶ τῶν δημαγωγῶν ἐχλεύαζον αὐτόν, καὶ Πυθέας ἐπισκώπτων ἐλλυχνίων ἔφησεν ὄζειν αὐτοῦ τὰ ἐνθυμήματα.”

“And from this he held the reputation that he was not naturally gifted, but using cleverness and ability composed from labor, and it seemed to be a great proof of this, too, that it was not easy to hear something from Demosthenes speaking extemporaneously, but even when he was sitting in the assembly, although the people often called him by name, he did not come forward, if he did not happen to have considered the matter and prepared. And against this trait many others among those who addressed the people used to jeer at him, and Pytheas, making fun of him, said that his arguments smelled of lamp-wicks.”

assembly, an individual such as Timarchos, who proposed over 100 decrees, may well have been known on sight.¹²⁷ In addition, Dinarchos and Aeschines both depict Demosthenes putting forth his political agenda in the agora. As noted by Vlassopoulos, Demosthenes and perhaps other political leaders as well mingled with the Athenian people in the shared public space of the agora to pursue their political ends.¹²⁸ For example, when Demosthenes claims that Aeschines paraded through the Agora trailing his cloak and otherwise publicly adopting a pretentious and haughty attitude, many Athenians may have indeed witnessed Aeschines' performance, if in fact it ever took place.¹²⁹

However, Demosthenes' strategic use of this portrait of Aeschines relies not on actual familiarity, but on the idea that observation of the way a man comports himself in a public space is sufficient to reveal his character and whether to trust his advice on state policy. Even when the physiognomic evidence is reported, instead of read directly from the appearance of the opponent in court, the physiognomic strategy still ideologically supports the accuracy of common knowledge and its effectiveness for enhancing jurors' understanding of the litigants' characters. This is because the strategy postulates that the opportunity to observe a man's habitual behavior in public space, the only familiarity which jurors are likely to have with even the most high-profile litigants, is sufficient for knowing his inner character. It is in this way that the physiognomic strategy here supports democratic ideology.

¹²⁷ Suda *s.v.* Timarchos, Aeschin. 3.194, Hansen 1999 p. 272. We know of 39 decrees by Demosthenes. Aristophon of Azenia was allegedly acquitted 75 times in prosecutions for unconstitutional proposals (Aeschin. 3.194), so he actually must have proposed more decrees than that, unless he was prosecuted and acquitted for every decree he ever made.

¹²⁸ Vlassopoulos 2007b p. 40, Dinarchos 1.32, Aeschin. 2.86.

¹²⁹ Dem. 19.314.

In addition to the fiction that the Athenian *demos* constitutes a face-to-face society, the physiognomic oratorical strategy was a second method by which the accuracy of collective knowledge was justified. If character can be accurately ‘read’ from the appearance of a litigant before the court, the jurors are guaranteed the first-hand knowledge of the man, which supports the presumed security of their collective judgment. For example, Aeschines uses the appearance of Timarchos’ *sunegoros* (supporting speaker) to justify the validity of rumor, and thereby the validity of his prosecution of Timarchos for having been a prostitute and subsequently speaking in the assembly. Since Timarchos was rumored to have been a prostitute, Aeschines argues that there is no smoke without fire, so to speak, and gives as an example the nickname of Demosthenes, Timarchos’ supporting speaker. According to Aeschines, Demosthenes is allegedly nicknamed “Batalos,” not from its meaning, “stammerer” (the interpretation which Demosthenes allegedly claims, and says it was given to him by his nurse), but from its meaning “anus” as a reference to his sexual practices and gender deviance.¹³⁰ Aeschines moreover furnishes proof of the validity of rumor in the form of Demosthenes himself, as he stands in the courtroom:

ἐπεὶ καὶ περὶ τῆς Δημοσθένους ἐπωνυμίας, οὐ κακῶς ὑπὸ τῆς φήμης, ἀλλ’ οὐχ ὑπὸ τῆς τίτθης Βάταλος προσαγορεύεται, ἐξ ἀνανδρίας καὶ κιναιδίας ἐνεγκάμενος τοῦνομα. εἰ γὰρ τίς σου τὰ κομψὰ ταῦτα τὰ χλανίσκια περιελόμενος καὶ τοὺς μαλακοὺς χιτωνίσκους, ἐν οἷς τοὺς κατὰ τῶν φίλων λόγους γράφεις, περιενέγκας δοίη εἰς τὰς χεῖρας τῶν δικαστῶν, οἶμαι ἂν αὐτούς, εἴ τις μὴ προειπῶν τοῦτο ποιησεῖν, ἀπορήσαι, εἴτε ἀνδρὸς εἴτε γυναικὸς εἰλήφασιν ἐσθήτα. (Aeschin.1.131).

¹³⁰ For the pun, see the dictionary entry on *βάταλος* (Liddell and Scott, *Greek-English Lexicon*, 9th ed., p. 311) and Eupolis Kock fr. 82 *PCG* vol. V. Antiphanes, a 4th-century comedian, wrote a “Batalos” (Antiphanes Kock Frag. tit. 57 ln. 1). For further use of the epithet, see also Aeschin.2.99. The spelling alternates between one *tau* and two. For further commentary, see Fisher 2001: 266, Wankel 1976: 888-891, Dover 1978: 75, and Lambin 1982: 260. Aeschines (1.126) claims that Demosthenes acknowledges and is even the first to bring up the nickname, and Demosthenes repeats it in *On the Crown* (Dem. 18.180). If it were truly a damaging insult, it is hard to understand why Demosthenes would repeat it (Yunis 2001: 211).

And then, too, concerning Demosthenes' nickname, he is called Batalos by rumor not wrongly, and not by his nurse, having got the name from his unmanliness and kinaidia. For if someone, after stripping off these dainty little cloaklets and the soft little chitons, in which you write speeches against your friends, and after carrying them around, were to put them into the hands of the jurors, I think, if someone did not tell them beforehand that he would do this, that they would be at a loss, whether they took the clothing of a man or a woman.¹³¹

Aeschines uses the clothes Demosthenes is wearing, which the jurors can see, combined with an imagined touch-test, to demonstrate to the jurors Demosthenes' essential gender deviance. Aeschines capitalizes on the jurors' perception of immediacy and tangibility so that they can bear witness themselves to the 'truth' of rumor. The jurors' own perception (which is theoretical, since they do not actually strip Demosthenes and conduct the test on his clothes) corroborates common report, so that the jurors have two sources of 'democratic truth' available to them in support of Aeschines' characterization of Demosthenes. Aeschines' claim that a rumor of Demosthenes' effeminacy actually stands in the city need not be true; it need only be true that jurors credit rumor as his source, and that they believe in the veracity of rumor because it is in theory the collective wisdom of the Athenian citizens.¹³² Aeschines uses the visual evidence to add to and validate the information allegedly provided by rumor. If rumor is a reliable source of knowledge, then the people as a whole, whose shared information comprises rumor, are reliable decision-makers. Aeschines himself, in his speech *On the Embassy* vouches for the democratic character of rumor, portraying it as the unerring report of the collective body of citizens.¹³³ The reliability of common report justifies the validity of collective decision-making (as Ober 1989 demonstrates).¹³⁴ Aeschines marshalls the physiognomic strategy

¹³¹ The physiognomic body extends to clothes when it suits the speaker's purposes; cf. also Dem. 54.34.

¹³² We have only one for Aeschines' allegations of Demosthenes' effeminacy (p. 86 n. 217).

¹³³ Aeschin. 2.145.

¹³⁴ Ober 1989: 150.

in support of the accuracy of common report, and therefore in support of democratic ideology.

In the example of the strategy examined here, Aeschines points to Demosthenes' clothing to indicate his *kinaidia*; direct visual evidence on the body functions as an independent (if fictive) source of knowledge of Demosthenes' character, which bolsters and complements the validity of common report. As we have seen, Aeschines later envisions rumor itself as a manifestation of the Athenian people's shared, accurate knowledge. His claim that rumor is a trustworthy source of information is a claim for the reliability of democratic decision-making. In cases where the physiognomic evidence is only reported by the speaker, as with Demosthenes' allegation of Aeschines' snobbish affectations, the physiognomic strategy depends on the assumption that the community as a whole bears collective witness to the opponent's damning appearance. Nevertheless, the assumption that visible public conduct itself is sufficient to lay bare the character and culpability of an individual still ideologically supports the validity of the jurors' collective decision.

The Agora as Locus for Physiognomic Evaluation and Performance of Social Status

So far this section has focused on the significance of appearances in the court itself, and in the act of speaking both in and out of court. However, now I will turn to another venue for public scrutiny: the Agora.¹³⁵ Demosthenes describes the progress of two opponents, Meidias and Aeschines, through the Agora, on the grounds that their self-display on these occasions demonstrates their arrogance, and by extension their

¹³⁵ See n. 23.

politics.¹³⁶ Demosthenes' evidence, together with Theophrastos' *Characters*, suggests that the Agora was imagined as a place of public scrutiny, where one's character, politics and status were literally on display.

For Demosthenes, the Agora is a site of moral evaluation through physiognomic means. In both cases, Demosthenes uses Meidias' and Aeschines' alleged distaste for the *demos* to incriminate them. In Demosthenes' prosecution of Meidias, although the charge is technically *ἀδικεῖν περί τὴν ἑορτήν*, Demosthenes repeatedly emphasizes that Meidias is guilty of *hubris*, to convince the jurors that he deserves punishment.¹³⁷ *Hubris* is a flaw attributed especially to the stereotype of the arrogant elite.¹³⁸ In the prosecution of Aeschines, too, Demosthenes strengthens his case against Aeschines as a traitor by portraying him as hostile to the Athenian (democratic) government. In each case, Demosthenes uses the defendant's public conduct in the Agora to demonstrate to the jurors his anti-democratic sympathies, which sympathies will make his guilt seem more likely.

Demosthenes sites the visual evidence of his rivals' pretension and arrogance in the Agora for ideological reasons and for practical ones. One practical reason why Demosthenes chooses the Agora is that it seems to have been a place where Athenians went to show off, based on Theophrastos' depiction of the *mikrophilotimos* (the man of petty ambitions) strutting about in his cavalry garb.¹³⁹ It would therefore be a plausible locale for Aeschines to parade about with his cloak nearly dragging, attempting to look

¹³⁶ Millett 1998: 222.

¹³⁷ MacDowell 2002: 14-23, and Dem. 21. 1, 9, 28, 175. Demosthenes nevertheless hints that Meidias is guilty of other charges, such as *asebeia* (MacDowell 2002: 16-18, Dem. 21.51, 199, 227) and *hubris* (MacDowell 2002: 18-23, Dem. 21.1, 51, 72).

¹³⁸ Dem. 21.8, MacDowell 1990: 8, 16-17. For *hubris* as elite failing: Cohen 1995: 125, Ober 1989: 208-12.

¹³⁹ See n. 147.

upper-crust. Another reason is both ideological and practical: the Agora was a place where rumor spread fast. As described in the previous section, Athenians thought of rumor as a particularly trustworthy source of information, because of their cultural (democratic) inclination to consider the wisdom of the masses accurate.¹⁴⁰ Also, the Agora was actually a place where rumor abounded, and many witnesses were ready to hand.¹⁴¹ It would be plausible that ostentatiously unpleasant behavior, especially by a public figure such as Meidias or Aeschines, would be remarked upon and remembered. By setting his rivals' immoderate self-presentations in the Agora, Demosthenes is tacitly claiming the community as his witness (regardless of whether the tableaux he paints ever transpired outside of his speeches).

Demosthenes also had ideological reasons for choosing the Agora as the stage on which to display his rivals' hostility to the *demos*: the Agora stood for the *demos*' political power, and served as a venue for that power's exertion. Millett convincingly demonstrates that anti-democratic rhetoric included expressions of contempt for the common people by associating them with the Agora and especially its commercial transactions.¹⁴² Aristophanes' *Knights* echoes this elitist language, using the Sausage-Seller's intimate connections with the Agora to characterize him as a low-born rogue.¹⁴³ In keeping with the aristocratic portrayal of the Agora as representative of the political power of the populace, Vlassopoulos characterizes the Agora as a space in which people of all classes and status (e.g. slave, metic, citizen) were compelled to mix, and where

¹⁴⁰ See "The Physiognomic Strategy and Athenian Democratic Ideology," p. 48.

¹⁴¹ Hunter 1994: 98-9, Plut. *Nic.* 30, Lys. 23.3, 6.

¹⁴² Millett 1998: 223-4, Xen. *Mem.* 3.7.7.

¹⁴³ Ar. *Eq.* 181-2, 218, 293.

non-elites could and did voice their opinions to their political leaders.¹⁴⁴ The democratic character of the space perhaps makes Meidias' and Aeschines' public flaunting of their wealth and hostility to the *demos* more egregious.

Forsdyke describes a second species of moral evaluation through visual cues which (probably) took place in the Agora: public shaming rituals, such as imprisonment in the stocks for theft.¹⁴⁵ Forsdyke argues that in a variety of *poleis*, acts of popular justice – public punishments in which people from every level of society participated – were frequently directed at elite offenders, and thus were an expression of the political control of the *demos*.¹⁴⁶ In fact, when Demosthenes describes the public shaming of thieves in *Against Timocrates* (Demosthenes 24, written for the prosecutor Diodoros), he is suggesting that this punishment is what the *rhetor* and ambassador to Mausolos ruler of Karia, Androtion, and his fellow-ambassadors Melanopos and Glauketes deserve for their failure to present 9 ½ talents of public funds to the Athenian treasury in a timely manner.¹⁴⁷ There are no grounds for believing that Demosthenes expects these preeminent men will actually be put in the stocks, like the thieves of items like cloaks and oil-flasks (which Demosthenes identifies as “*φαιλότατον*,” “extremely trivial”).¹⁴⁸ However, his suggestion that these ambassadors deserve to suffer in the stocks suggests that this description, literally of the punishment of the poorest criminals, is actually an image of popular control over elite political leaders through public shaming ritual. (Demosthenes is not so explicit, however, in setting a visual scene of these political figures in the stocks to

¹⁴⁴ Theophr. *Char.* 6.7-10, Plut. *Per.* 5.2-3, Vlassopoulos 2007b: 39-47, 50.

¹⁴⁵ Forsdyke 2008: 11-16, 20, 33, n. 29 and n. 37, Hunter 1994: 181, Dem. 24.114-5, Arist. *Pol.* 1306b.

¹⁴⁶ Forsdyke 2008: 26-34 (house-raiding as a form of punishment of elites), 34-5 (popular justice and elites at Athens).

¹⁴⁷ Dem. 24.114-5, Forsdyke 2008: 11-16, 20, 33, n. 29, MacDowell 2009: 181-196.

¹⁴⁸ Dem. 24.114-5.

warrant categorizing the passage as an example of the physiognomic strategy.)

Demosthenes 24 *Against Timocrates* corroborates Forsdyke's conclusions about the democratic character of public shaming ritual, and the Agora is the (probable) locus of this kind of ritual. The Agora as a locus of physiognomic evaluation, particularly of a political leader's anti-democratic tendencies, is potentially another example of the Agora as a place where democratic ideology is justified through public visual display, in this case oratorically (re-?) created.

In *Against Meidias*, Demosthenes shows Meidias acting pretentiously in the Agora in order to demonstrate that Meidias devotes his wealth to excessive private expenditures, instead of liturgies. Thus it also reveals his hostility to the people insofar as he spends on himself without offering his money for the public good. Demosthenes depicts Meidias intentionally broadcasting (or at very least pompously failing to be discreet about) his sympotic expenditures:

...καὶ τρεῖς ἀκολούθους ἢ τέτταρας αὐτὸς ἔχων διὰ τῆς ἀγορᾶς σοβεῖ, κυμβία καὶ ῥυτὰ καὶ φιάλας ὀνομάζων οὕτως ὥστε τοὺς παριόντας ἀκούειν. (Dem.21.158).

and with three or four attendants for just himself he swaggers through the Agora, talking about 'small cups' and 'drinking cups' and 'pouring bowls' so that people passing hear.

Demosthenes uses Meidias' aggressively public discussion of his sympotic activities as proof that Meidias is unashamed to spend his money on private luxury while neglecting the public good, which in turn is proof of his hostility to the people. Meidias' conduct in the Agora is indicative of his political attitudes, according to Demosthenes. Demosthenes employs the public space of the Agora as a site of physiognomic evaluation, and specifically shows that flaunting signs of elevated social status in the Agora reveals political hostility to the *demos*.

Demosthenes also uses the public visual persona of Aeschines to illustrate his politics and character as he walks in the public space of the Agora with his associate Pythocles. Demosthenes uses Aeschines' appearance to gauge his political hypocrisy, accusing him of having grown snobbish as the result of Philip's having given Aeschines an estate.¹⁴⁹

καὶ γὰρ τοῦτο· πρὸ μὲν τοῦ πάντα κάκ' εἰργάσθαι τὴν πόλιν ὡμολόγει γεγραμματοτευκέναι καὶ χάριν ὑμῖν ἔχειν τοῦ χειροτονηθῆναι, καὶ μέτριον παρείχεν αὐτόν· ἐπειδὴ δὲ μυρὶ εἰργασται κακά, τὰς ὀφρῦς ἀνέσπακε, κἂν ὁ γεγραμματοτευκῶς Αἰσχίνης' εἶπη τις, ἐχθρὸς εὐθέως καὶ κακῶς φησιν ἀκηκοέναι, καὶ διὰ τῆς ἀγορᾶς πορεύεται θοιμάτιον καθεὶς ἄχρι τῶν σφυρῶν ἴσα βαίνων Πυθοκλεῖ, τὰς γνάθους φυσῶν, τῶν Φιλίππου ξένων καὶ φίλων εἰς οὗτος ὑμῖν ἤδη, τῶν ἀπαλλαγῆναι τοῦ δήμου βουλομένων καὶ κλύδωνα καὶ μανίαν τὰ καθεστηκότα πράγμαθ' ἡγουμένων, ὁ τέως προσκυνῶν τὴν θόλον. (Dem.19.314).

And this, too: before he did every evil to the city, he used to admit that he had been a secretary and that he was grateful to you for being elected, and he used to show himself to be moderate. But now that he has committed countless evils, he has puckered up his eyebrows,¹⁵⁰ and if someone says 'Aeschines who was a secretary,' straightaway Aeschines is his enemy and says that he has been ill-spoken-of, and he walks through the Agora letting down his cloak to the ankles, making his steps equal with Pythocles, puffing out his cheeks, it's one of Philip's guests and friends to you, [one] of those wishing to get rid of the people and considering the government in its present state to be a [billowing storm] wave and madness, who up to this time worshipped the Rotunda.

Demosthenes depicts this second rival pompously advertising his social status in the Agora, and connects such a display with anti-democratic sentiments.¹⁵¹ By casting Aeschines as a fawning, humble servant of the people, the prosecutor changes the meaning of the visual markers of status. Instead of signalling genuine social elevation (the end which Demosthenes implies that Aeschines means to attain), Demosthenes

¹⁴⁹ Aeschines received an estate in Pydna from Philip, according to a scholiast. Demosthenes claims that Aeschines' estate brought him thirty minae annually. Pydna was an Athenian possession from 373 until 357 when it was captured by Philip (Dem. 19.145, Schol. Aeschin. 1.3, Paulsen 1999 p. 40-1, MacDowell 2000 p. 262, 342).

¹⁵⁰ Liddell and Scott says that "τὰς ὀφρῦς ἀνασπᾶν" means "to pucker the eyebrows, and so put on a grave and important air," (Liddell and Scott, *A Greek-English Lexicon*, 9th ed., p. 121, 6th entry under ἀνασπᾶω).

¹⁵¹ Pythocles was an adversary of Demosthenes after 343 (Dem.18.285, 19.225, 314). He was also a liturgist, having performed a suntrierarchy and participated in a naval summons (Davies 1971 p. 485). See also Gribble's analysis of cloak-dragging as a form of conspicuous consumption (Gribble 1999: 71-2). Gribble suggests, based on the role of cloak-dragging in the comic discourse about Alcibiades (Archippus fr. 48 K.-A.), that this affectation indicated effeminacy as well as snobbery, but if he is correct, it is not apparent in Demosthenes' description of Aeschines.

makes these signs indicative of Aeschines' fickleness to the *demos* and his unwarranted ideas of his own social station. Demosthenes' explicit point is Aeschines' betrayal of the people, but his emphasis on visual details such as Aeschines' cheeks makes a ridiculous spectacle of Aeschines as "jumped-up," preening on social attainments which he got as a traitor's reward.

Based on this evidence, the Agora emerges as a locus of evaluation of character, especially political character, from appearance. More specifically, the Agora emerges as a locus of display of social status, and ostentatious displays of elite markers imply that the displayer aligns himself and his sympathies with the wealthy. Such displays also suggest a wish to set oneself apart as superior. In Theophrastos' *Characters*, the behavior of the *microphilotimos*, the man of petty ambitions, suggests that the Agora is in particular a place to demonstrate one's status. The *mikrophilotimos* makes a constant effort to impress others, including making a point of showing off his status as a cavalryman by parading through the Agora in his spurs.¹⁵² Demosthenes' rivals, so he alleges, go overboard with status displays in a way comparable to the *mikrophilotimos*: Demosthenes depicts both Aeschines and Meidias acting pretentiously in the Agora.¹⁵³ Demosthenes gives a specifically political dimension to the conduct of both men. Their pretensions are

¹⁵² "καὶ πομπεύσας μετὰ τῶν ἰππέων τὰ μὲν ἄλλα πάντα δοῦναι τῷ παιδὶ ἀπενεγκεῖν οἴκαδε, ἀναβαλόμενος δὲ θοιμάτιον ἐν τοῖς μύωψι κατὰ τὴν ἀγορὰν περιπατεῖν," (Theophr.Char.21.8). "and after processing with the cavalry, he gives all the rest of the equipment to his slave to take away home, and throwing his cloak over his shoulder he walks up and down through the Agora in his spurs." Diggle points out that a cavalryman wears a shorter cloak, the *χλαμύς*, but the *mikrophilotimos* changes this for the *ἰμάτιον* (which was presumably brought to him by the slave). The *mikrophilotimos* is more ridiculous for his pairing of his spurs with non-equestrian attire (Diggle 2004 p.405-18, esp. p. 409).

¹⁵³ As Millett 1998 says, "Demosthenes favoured as a technique of character assassination the delineation of inappropriate behaviour in the Agora," (Millett 1998 p.226). Millett also points out the antisocial conduct of Demosthenes' political rival Aristogeiton in *Against Aristogeiton* Dem.25.51-2.

indicative of their anti-democratic views.¹⁵⁴ Dinarchos testifies that Demosthenes used the Agora as a place to publicize his political agenda (or more specifically, to attach himself to Charidemus').¹⁵⁵ His evidence suggests that the Agora was a space in which to define one's political identity and affiliation. Hence the Agora becomes the space in which Demosthenes situates his opponents to display their alleged antipathy to the *demos*.

Theophrastos' *mikrophilotimos* and Meidias and Aeschines (according to Demosthenes) all ostentatiously advertise their social status in public, on the implicit assumption that they will gain respect and recognition of their elevated positions. However, since Theophrastos and Demosthenes suggest that these three succeed only in appearing pretentious and obnoxious, the displays (as described) are unsuccessful. The *mikrophilotimos* is too obvious in his showing off, and appears ludicrous and pretentious in his combination of daily wear and equestrian gear. According to Demosthenes, Meidias comes off as arrogant, while Aeschines, the jumped-up former secretary, appears ridiculous for his pretensions, like the *mikrophilotimos*.

When Demosthenes chooses to describe the signs of his rivals' antipathy to the democracy, he sets them in the space of the Agora because this is the venue where Athenians forge their public identities. The Agora is a locus of physiognomic scrutiny precisely because it is a place where Athenians can publicly advertise their social status and political affiliations.¹⁵⁶

¹⁵⁴ Dem.19.314, Dem.21.158. Meidias' refusal to spend his money on the public good belongs to a larger portrait of Meidias as a rich man who holds himself above all others in the city (Ober 1989 pp.206-12, e.g. Dem.21.153, 210-212).

¹⁵⁵ Vlassopoulos 2007b: 40, Dinarchos 1.32.

¹⁵⁶ For the role of the Agora in democratic ideology and as a place to gauge political character: Millett 1998: 222-7, Vlassopoulos 2007: 39-47.

Demosthenes *Kinaidos*

Aeschines' portrait of Demosthenes as a *kinaidos* is vivid and deictic, pointing to the body of Demosthenes present in the court. It is central to Aeschines' presentation of Demosthenes, appearing five times in the earlier two of our three preserved speeches, Aeschines 1 *Against Timarchos* and 2 *On the Embassy*.¹⁵⁷ It is also unique in oratory and rare in the literature of the 4th century. The sources which attest the *kinaidos* and are securely dated to the 4th century are Plato's *Gorgias*, Aeschines 1 and 2, and the Aristotelian *Physiognomica*.¹⁵⁸ The goal of this section is to understand how Aeschines uses the physical indicators of *kinaidia* in his portraits of Demosthenes, and how Aeschines' portraits of Demosthenes are situated in the existing 4th century evidence for *kinaidia*.

In the *Against Timarchos* (Aeschin.1.131, quoted on p. 56), to create a Demosthenes whose sexual misdeeds are connected with excessive luxury, Aeschines identifies *kinaidia* with the wearing of fine clothes, markers of aristocratic extravagance and also signs of effeminacy. Aeschines uses this portrait of Demosthenes to enmesh Demosthenes in the combination of sexual misbehavior and excess luxury which characterize Timarchos and his lovers, so that the portrait of Demosthenes in *Against Timarchos* is thematically consistent with that of the other villains of the piece. In Aeschines 2 *On the Embassy*, Aeschines uses Demosthenes' body as proof that he lacks the essentials for membership in the community of citizen hoplites (and thus undermines

¹⁵⁷ However, in prosecuting Ctesiphon for proposing a crown for Demosthenes in 336 B.C., Aeschines does not use the same portrait of Demosthenes. Perhaps Demosthenes' surging popularity in the intervening years precluded this characterization as an effective attack strategy.

¹⁵⁸ Plat. *Gorg.* 494e; Aeschin.1.131, 181, 2.88, 99, 151; Arist. *Phys.* 808a, 810a, 813a.

Demosthenes' superior social credentials).¹⁵⁹ Aeschines and his family allegedly enjoy the qualifications of elite manhood, particularly those which pertain to the manifest fitness of the body, namely athletics and military excellence. Demosthenes, however, fails to meet even the most basic criteria for membership in the community, such as manhood and citizen birth, and his body allegedly demonstrates his military worthlessness and kinaidic effeminacy. The essential bodily derailment of Demosthenes *qua kinaidos* which emerges in this speech is the earliest and fullest 4th-century articulation of the concept of a specifically kinaidic physique.

Winkler describes the *kinaidos* in the 4th century as a scare-figure behind every man, should he succumb to the effeminizing effects of pleasure. Not only is the passivity of the *kinaidos*' sexual practice effeminizing in this case, his "desire to lose" and voluntary surrender of his honor, but the very fact of giving in to pleasure instead of exerting self-control is in itself an unmanly and unmaning trait.¹⁶⁰ Winkler's construction, based primarily on Plato's *Gorgias* (494c-e), presupposes that the desire to participate in those acts might be had by any man, but that only the *kinaidos*' womanly lack of self-control and willingness to suffer shame and dishonor allows him to habitually satiate his desires.¹⁶¹ This construction of *kinaidia* supposes that every man, should he give in to his desires for pleasure, could enjoy being penetrated. Since any man might wish to succumb, it is the act, not the desire, which defines the *kinaidos*.

The above definition is majoritizing: it makes every man susceptible to *kinaidia*, if he fails in his masculine self-control. However, this majoritizing conception of *kinaidia* apparently competes with a minoritizing definition, which treats *kinaidia* almost as a

¹⁵⁹ Aeschin.2.151.

¹⁶⁰ Winkler 1990 p. 178-186.

¹⁶¹ Halperin 2002 p. 33-8, Winkler 1990 p. 185-6.

disease, a moral and physical derailment.¹⁶² The Pseudo-Aristotelian *Physiognomica* is among the texts which employs a minoritizing definition. This is unsurprising, insofar as it treats the entirety of human vice as diagnosable from visual cues, so that all moral failings are similarly defining of the individual who bears them.¹⁶³ This second construction of the *kinaidos* emphasizes that the *kinaidos*' gender is perverted on the level of the body. He has more about him that is not properly manly than his inability to resist shameful bodily desire; his condition of *kinaidia* separates him from 'normal' men and permeates every portion of his being. He is physically different from normal men in the way he moves and carries his body: he swings his neck to and fro, he inclines his head to the right, his knees knock, he has a distinct way of nodding his hips about or holding them rigid (to conceal his tendency?).¹⁶⁴ This concept of *kinaidia* which in this way determines every aspect of the individual and his behavior is developed further by Roman-period physiognomic pseudo-science (not to be confused with the ad-hoc 'physiognomics' used by 4th-century B.C. Athenian orators).¹⁶⁵ Within the confines of the 4th-century evidence, it is from Aeschines *On the Embassy* 2.151 that we add an effeminate physique to the *kinaidos*' oddities of movement, when Aeschines contrasts Demosthenes' kinaidic body with that of Aeschines' brother-in-law, allegedly the physical exemplar of a hoplite. In Aeschines *Against Timarchos* 1.131, the gender

¹⁶² Halperin 2002 p. 33-8.

¹⁶³ Winkler 1990 p. 199-200. See also Arist. *Physiogn.* 808a, 810a, 813a. It is worth noting, however, that while gait and carriage are pronounced in the elements of diagnosis for the *kinaidos* in the Pseudo-Aristotelian *Physiognomica*, physique is not; that is Aeschines' own particular contribution to the physical portrait of the *kinaidos* (Aeschin.2.151).

¹⁶⁴ Arist. *Physiogn.* 808a.

¹⁶⁵ Gleason 1995 p. 62-81.

disturbance extends to taste, so that Demosthenes the *kinaidos* dresses with effeminate luxury.¹⁶⁶

Aeschines chooses the visual cue for Demosthenes' gender deviance according to the context of the speech: In Aeschines *Against Timarchos* (Aeschin.1.131), Demosthenes' *kinaidia* indicates that he has lost masculine self-control over himself in terms of sex and in terms of luxury goods, following the example of the sympotic *akrasia* which Aeschines claims to be pervasive throughout the defense's legal team.¹⁶⁷ However, in Aeschines *On the Embassy* (Aeschin.2.151), Aeschines uses Demosthenes' *kinaidia* as a means of excluding him from the community of citizen males, thus alienating Demosthenes from any advantages which his actual social status as a liturgist might bring.¹⁶⁸ The focus of the passage where Demosthenes' *kinaidia* appears is Aeschines' own defense of his and his family's social status and the legitimation of their elite political roles in the city. Aeschines emphasizes the body as the locus of elite status, insofar as his father and brother exercise at the gymnasium, and of male and citizen worth, in the case of his brother-in-law Philon's body, which becomes a guarantor of his military might as a hoplite.¹⁶⁹ This location of political membership and prominence in the body is a strategic definition of status which allows Aeschines to justify his own elite position and to trump Demosthenes' social advantage, since Aeschines in actuality did not belong to the same elevated economic and social stratum as Demosthenes, which

¹⁶⁶ On the effeminacy of lack of control over personal appetites, see Winkler 1990 p. 181-2.

¹⁶⁷ Aeschin.1.65, 1.95. See also Demosthenes' greed in stealing from his would-be *eromenos* Aristarchos son of Moschos (Aeschin.1.170-2).

¹⁶⁸ At the trial in 343, Demosthenes emphasized his social and financial superiority over Aeschines, boasting of his own munificence in ransoming captives (Dem.19.169-170), and disparaging Aeschines' one-time subsistence poverty, which in the minds of the hearers would make him all the more susceptible to taking bribes (for example Dem.19.200). For the supposed increased vulnerability of a poor man to bribery and the suspicions of bribery which a newly-rich politician incurred, see Ober 1989 p.233-8.

¹⁶⁹ Aeschin.2.147,149, 151.

Demosthenes never tired of pointing out.¹⁷⁰ By contextualizing the portrait of Demosthenes as a *kinaidos* in Aeschines' *Against Timarchos* and *On the Embassy* through an examination of the contemporary evidence for the uses of *kinaidia*, we will better understand Aeschines' manipulation of the culturally available permutations of *kinaidia*.

James Davidson in his recent work has sought to problematize the definition of *kinaidia* and its contextualization within Greek ideas about sex which has prevailed since the 1970's, following the flowering of scholarship on Greek homoeroticism which included the works of Kenneth Dover.¹⁷¹ Davidson is interested in re-evaluating the construction of Greek sexuality as a 'zero-sum game' in which there must be a 'winner' and a 'loser', and the active partner, through the act of penetration, expresses his social dominance over the passive partner.¹⁷² The frequently cited *locus Classicus* for this (if one can call a piece of art by this name) is the so-called Eurymedon Vase, an Attic red-figure *oinochoe* upon which a Persian, labelled with the phrase, "I am Eurymedon; I stand bent over," makes an alarmed face in response to his incipient sodomization by a Greek male holding his erect phallus.¹⁷³ The vase compares the Greek victory over the Persians at Eurymedon in the early 460's B.C. with a sexual domination in the form of

¹⁷⁰ Demosthenes as economically and socially elite: Badian 2000 p.12-19, who cites Dem. 21.153-67 for testimony to Demosthenes' liturgies. Aeschines as not a member of the elite by his family's wealth or birth: Harris 1995: 21-40, esp. 25 (the probable status of Aeschines' parents). Aeschines' marriage to the wealthy Philodemos' daughter improved his circumstances but not to the point of entering the liturgical class (Harris 1995: 32). Aeschines gained entry into politics thanks to his friendship with Euboulos and Phocion, and through military honors, rather than through the exceptional performance of liturgies (Harris 1995: 36-40, Aeschin. 2.168-70). Demosthenes' invective against Aeschines portrays him as low-class: Dem. 19.288-9, 306-8, Dem.18.126-131, 257-66. Demosthenes contrasts his own status as a liturgist with Aeschines' allegedly debased background: Dem. 18.267-9.

¹⁷¹ Davidson 2001: 4-17, Davidson 2007: 102-121.

¹⁷² Davidson 2001: 17-18, Dover 1978: 100-109, Halperin 1990: 97, Halperin 2002: 147-8, Foucault 1985: 191-3, Winkler 1990: 178-80.

¹⁷³ Dover 1978: 105, Winkler 1990: 183, Schauenburg 1975: 97-122, Smith 1999: 128. The inscription, as restored by Schauenburg, reads: "εὐρυμέδων εἰμ[ι] κυβά[δε] ἔστ[ε]κα."

rape. (Davidson offers a new interpretation of the piece: the Greek is “no hero” but a lustful and debauched fellow taking advantage of a Persian voluptuary with no self-control.)¹⁷⁴ Because the *kinaidos* is typically identified as a deviant (from the Greek perspective) adult male who enjoys being penetrated, Davidson challenges this definition and offers new perspectives.¹⁷⁵

As mentioned above, *kinaidia* is a rare term, and not readily defined based on the 4th-century evidence alone.¹⁷⁶ Aeschines is the best 4th-century source for what sexual acts constitute *kinaidia*, hinting first at anal penetration (though this is vague) and then at *fellatio* (a clearer reference).¹⁷⁷ The *Lexica Segueriana* gives the following equivalency: “καταπύγους: κιναίδους,” “a *katapugon* : a *kinaidos*,” which is astonishingly unhelpful, since even Dover could not pin down the meaning of *katapugon* beyond a reasonable guess.¹⁷⁸ Davidson is utterly justified in questioning whether we know what exactly made one a *kinaidos*. In his 2001 article, Davidson offers an appealing addition to Winkler’s description of the *kinaidos* as a man who surrenders his masculine self-control to the shameful pleasures of *kinaidia* (whatever they are).¹⁷⁹ The *kinaidos*, Davidson suggests, not only suffers the moral failure of yielding to pleasure, which assimilates him to women because self-control is a characteristic gendered as male, but like women, the *kinaidos* is sexually insatiable. Davidson’s 2007 work gives a second definition for the *kinaidos*: he is like a *moichos* (adulterer) but chases males - a male seducer - and

¹⁷⁴ Davidson 2001: 22.

¹⁷⁵ Halperin 2002: 32-5, Winkler 1990: 185-6, Dover 1978: 75.

¹⁷⁶ See n. 156 for all 4th-century attestations.

¹⁷⁷ Aeschin. 1.131, 2.88, quoted at p. 56 and 84-5.

¹⁷⁸ Dover 1978: 113-14, 142-3. Dover considers the word to indicate a male who passively receives penetratio, but Davidson offers alternative meanings for *katapugon*, as he does for *kinaidos* (Davidson 2007: 61-3). Though Davidson himself translates “up-buttocks,” a paraphrase of his translation in the vernacular of the U.C. Berkeley dormitories c. 1996 C.E. might be “butt pirate.”

¹⁷⁹ Winkler 1990: 183-6, Davidson 2001: 23-6.

effeminate like the *moichos*.¹⁸⁰ Davidson sees the *kinaidos* as a “sexual abuser of other males,” and suggests that Demosthenes’ alleged practice of seducing young men with empty promises is what earned him the title of *kinaidos*.¹⁸¹

This proposed definition is original, and unites two otherwise apparently disparate elements of Aeschines’ portrait of Demosthenes, his predatory treatment of his would-be *eromenoi* and his effeminacy. However, the most promising connection between a specific sexual act and *kinaidia* consists of Aeschines calling Demosthenes a *kinaidos* and unclean in the mouth, and the definition of *kinaidia* as a male seducer does not explain.¹⁸² While Davidson is right to shake scholarly certainty about what makes a *kinaidos* a *kinaidos*, he is most successful in *aporia*. When attempting to supplant the received wisdom on active and passive roles by redefining terms traditionally understood as invective against penetrated males, Davidson offers interesting new perspectives, but does not manage to explain the evidence better than those whose analyses he would like to overturn. His work on the history of scholarship on Greek homoerotics is invaluable, and serves the academic community a much-needed reminder that the arguments on which current scholarship is built are just that: academic arguments, synthesizing an interpretation of Greek culture from a variety of texts and material evidence. For example, Dover’s analysis of intracrural sex as a form of consummation intended to spare the *eromenos* the shame of anal penetration is based on a combination of material evidence (vase paintings) testifying to the intercrural posture and textual and material evidence (the comic poet Timaios, Theocritus, the Eurymedon vase) for the shame

¹⁸⁰ Davidson 2007: 55-60.

¹⁸¹ Davidson 2007: 60, Fisher 2001: 315-8, Aeschin. 1.170-2, 2.148-9, 166, 3.162 and perhaps also 3.255-6.

¹⁸² Aeschines 2.88 (quoted p. 84-5).

associated with anal penetration.¹⁸³ Davidson’s arguments, while they demonstrate a wide-ranging command and a subtle understanding of the evidence, are not superior to those of Dover, Winkler, Halperin and Foucault, but he nevertheless offers much-needed complications and new insights.

In Aeschines *Against Timarchos* 1.131 (quoted on p. 56), Aeschines uses Demosthenes’ clothing, specifically “τὰ κομψὰ ταῦτα τὰ χλανίσκια περιελόμενος καὶ τοὺς μαλακοὺς χιτωνίσκους,” “these dainty little cloaklets and the soft short-*chitons*,” as the sign of Demosthenes’ unmanliness and *kinaidia*.¹⁸⁴ I argue that Aeschines chooses luxurious clothing as the physiognomic marker of Demosthenes’ *kinaidia* to involve Demosthenes in the same nexus of excess consumption in which the other villains of the piece are enmeshed.¹⁸⁵ Evidence from Plato’s *Gorgias* suggests that *kinaidia* is a catastrophic failure of self-control and *sophrosune*, indulging in satiation of sexual desires regardless of whether it is shameful to do so. Aeschines in his characterization of Demosthenes is blending two kinds of failure of *sophrosune*, sexual intemperance and intemperance with wealth.

Socrates’ discussion with Callicles in Plato’s *Gorgias* explores the complexities of the relationship between manhood, happiness and consumption; it is this exploration which leads to Socrates’ intentionally shocking question of whether the *kinaidos* has a happy life. The salient point for my argument is that Plato connects *kinaidia* with other forms of excess consumption. The context in which *kinaidia* appears in the dialogue

¹⁸³ Davidson 2007: 116, Dover 1978: 97-100, 103-106, Timaios Fr. 124b (Polybios xii 15.1f), Theocritus 5.39-43, 116-9.

¹⁸⁴ The significance of the *chlanis* (the non-diminutive form of the word for Demosthenes’ cloak) is discussed below at p. 75. The short *chiton*, however, is not a particularly marked garment in and of itself; the garment’s soft and effeminate qualities are presumably in the cut or fabric, not the kind of garment. Demosthenes describes himself wearing the same article, though he of course does not characterize it as *malakos*, “soft,” (Dem. 21.216).

¹⁸⁵ The physiognomic body extends to clothes also at Demosthenes *Against Konon* 54.34.

requires some background. Socrates' interlocutor Callicles has continued to maintain that superior individuals have the right to rule others and a right to a greater share of goods (although when Socrates presses him on what goods he means, he dodges the question).¹⁸⁶ When Socrates compels Callicles to attempt to clarify in what way this ruling, privileged individual is superior, Callicles hits on manliness. To put an end to Socrates' use of cobblers, doctors, and other experts in crafts as examples of wise people, Callicles specifies that the superior individual is knowledgeable in the affairs of the city, and adds that such individuals must be manly (*ἀνδρείοι*), so as to accomplish their ends without cowardice or softness of soul (*μαλθακία τῆς ψυχῆς*).¹⁸⁷

Callicles here introduces manliness in order to exclude Socrates' plebeian examples of knowledgeable people from Callicles' more aristocratic idea of who is a superior person. However, he ties this manliness to the ability to reach goals, and the natural right to rule over and have more than others. This is his first step towards his ultimate statement that manliness is the ability to satiate one's desires to the full. Socrates then raises the question of whether it is necessary to rule the self in addition to ruling others. Socrates implies that he who would rule over others must rule over himself, that is, one must exercise *sophrosune* and self-control over pleasures and desires.¹⁸⁸ This premise directly challenges Callicles' stated relationship between manhood and consumption, which is that manliness earns one the right to unbridled consumption. Socrates' raising *sophrosune* prompts Callicles to state his position in bolder terms: the moderate (*τὸν σώφρονας*) are fools. The man living according to natural justice should let his desires be as strong as possible, and he will be able to satiate them at their height

¹⁸⁶ Plat. *Gorg.* 490C-491B.

¹⁸⁷ Plat. *Gorg.* 491A-B.

¹⁸⁸ Plat. *Gorg.* 491C-E.

through his manliness and intelligence (*δι' ἀνδρείαν καὶ φρόνησιν*).¹⁸⁹ This is the full articulation of Callicles' thesis on the connection between consumption and manhood.

Manliness (combined with intelligence) is the means by which one gets access to the stuff of one's desires; the many lack these qualities and therefore lack the means to satiate their desires, and so praise *sophrosune* on account of their unmanliness (*ἀνανδρίαν*).¹⁹⁰

Luxury, licentiousness and license (*τρυφή καὶ ἀκολασία καὶ ἐλευθερία*) are all virtue and happiness, if one can make one's provision for it (through one's intelligence and manliness).¹⁹¹

The *kinaidos* comes into the picture as one of a string of examples Socrates marshalls to dissuade Callicles from his position. Socrates compares the ungoverned desire and satiation and consumption Callicles describes to the task of continually filling a leaky vessel, or to the life of the *charadrios*, a proverbially greedy bird, or to a *kinaidos*.¹⁹² If a man is continually itching and continually scratching, Socrates poses, would he be happy? Callicles with ill grace concedes that he would. Socrates then extends the argument to an extreme case, the life of the *kinaidoi* – can one call them happy, if they obtain in abundance what they require (*ἐὰν ἀφθόνως ἔχωσιν ὧν δέονται*)?¹⁹³ The life of the *kinaidos*, it seems, based on Socrates' definition, is a life of constant need and constant satiation. How, then, can we articulate the relationship between consumption and manhood, and how does *kinaidia* fit into the dialogue? To Socrates, although he never explicitly calls it manly to possess *sophrosune* and *kosmia*, still shows that his idea of happiness and proper personhood includes a governance of

¹⁸⁹ Plat. *Gorg.* 491E-492C.

¹⁹⁰ Plat. *Gorg.* 492A.

¹⁹¹ Plat. *Gorg.* 492C.

¹⁹² Plat. *Gorg.* 493A-494B.

¹⁹³ Plat. *Gorg.* 494D-E.

one's desires. Both Callicles' original premise, of experiencing and fulfilling one's wants as much as possible, and Socrates' own example of the *kinaidos*, continually scratching his "itch", stand as opposites for Socrates' moderate and orderly man. *Kinaidia*, therefore, is analogous to an endless, shameful consumption of goods, a kind of luxury.

The evidence of Plato's *Gorgias* suggests a connection between *kinaidia*, a loss of sexual self-control, and the loss of self-control in the consumption of goods in general which constitutes luxury. In turn, this connection offers an explanation for why Demosthenes' wearing a luxurious garment indicates *kinaidia*: Demosthenes' failure of self-restraint in the area of luxury can be indicative of a similar failure of sexual self-restraint. It should be noted that Aeschines emphasizes not the luxury of the garment but its unsuitability for males.¹⁹⁴ At the same time, other evidence regarding the social significance of the *chlanis* suggests that its mention is sufficient to summon the idea of luxury.¹⁹⁵ The cloak Aeschines assigns to Demosthenes is a diminutive of the *chlanis*, which is a fine woollen shawl, fancier and warmer than the more normal *chlaina*, which was a cut above the simple *himation*.¹⁹⁶ Aeschines' objection against Demosthenes' clothing at *Against Timarchos* 1.131 is on the grounds that it is indistinguishable in texture from women's clothing, and therefore indicative of *kinaidia*. It is on the basis of gender ambiguity, not luxury, that Aeschines detects kinaidic tendencies in Demosthenes' garments. However, in two speeches of Demosthenes, the *chlanis*, the same garment Aeschines mentions (in the diminutive) at *Against Timarchos* 1.131, is a marker of the

¹⁹⁴ For the simultaneous effeminacy and Eastern overtones of Athenian men's fancy party clothing, see Frontisi-Ducroux and Lissarague 1990: 216, 229-30.

¹⁹⁵ Dem.21.133, 36.45, Ar.*Vesp.*677, Men. *Dys.* 257 (MacDowell 1990 p. 352). Compare the use of a fancy Persian-style *χλαίνα* at Ar.*Vesp.*1132.

¹⁹⁶ Geddes 1987: 313.

luxurious excess of its wearer.¹⁹⁷ I argue that Aeschines here blends two kinds of offenses against *sophrosune* and self-control, in the areas of both sex and luxury. This marriage of joint failures helps explain the reason why Demosthenes' clothes specifically are singled out as the sign of *kinaidia*. It also connects the portrait of Demosthenes as a *kinaidos* with Timarchos' problematic relationship with sex, wealth, and self-restraint. Timarchos, according to Aeschines, prostituted himself in order to support his sympotic consumption of fish, flute girls, wine, and dicing.¹⁹⁸ Timarchos therefore willingly submits to shameful sexual practices to feed his rampant consumption. As a *kinaidos*, Demosthenes is a consumer of the shameful sex acts themselves, and neither does he venture to control himself in his consumption of luxurious clothing. Thus the choice of clothing as the physiognomic indicator for Demosthenes' *kinaidia* links the portrait thematically with the whole speech.

A comic fragment mentions the same piece of clothing which Aeschines uses to demonstrate Demosthenes' *kinaidia* (the *chlani*s) in proximity to a description of *kinaidoi*. However, the comic fragment does not establish clearly the relationship between the wearers of the cloaks (who are also wearing perfume) and the *kinaidoi*. If it is legitimate to link the *kinaidoi* with the fine-cloak-wearers, this would provide the only 4th-century evidence independent of Aeschines for the *kinaidos* wearing effeminate and luxurious attire:

χλανίσι δὲ δὴ φαναίσι περιπεπεμμένοι
καὶ μαστίχην τρώγοντες, ὄζοντες μύρου.
τὸ δ' ὅλον οὐκ ἐπίσταμαι
ἐγὼ ψιθυρίζειν, οὐδὲ κατακεκλασμένος
πλάγιον ποιήσας τὸν τράχηλον περιπατεῖν,
ὥσπερ ἑτέρους ὀρῶ κιναιίδους ἐνθάδε

¹⁹⁷ See n. 192 above.

¹⁹⁸ Aeschin.1.42.

πολλοὺς ἐν ἄστει καὶ πεπιττοκοπημένους.¹⁹⁹

Dressed up in bright clean fine cloaks
and nibbling pine-thistle, smelling of myrrh.
But I do not at all know how
to whisper, nor how to be enervated,
and make my neck go back and forth,
just as I see many others, *kinaidoi*, here
in the city, do, and waxed with pitch-plasters.

The *kinaidoi* in this fragment are definitely marked by their depilation practices and the movements of their necks, but only in proximity to whoever wear the clean *chlanides* and scent themselves with pine-thistle and myrrh.²⁰⁰ There is no direct link between the perfumed, well-dressed individuals and the *kinaidoi*, but the appearance of this garment so close to a reference to *kinaidoi* (and these are rare) is nevertheless worthy of note.²⁰¹

This passage also mentions bodily features which mark the *kinaidos*, specifically that he makes his neck go back and forth, and that he is “κατακεκλασμένος,” which Liddell and Scott specify should be translated in this passage as “enervated” or “effeminate.”²⁰² The basic meaning of the verb *κατακλάω*, however, is “to break short.” The simple verb *κλάω* can be used of a deflected line in geometry or a stream whose course has been altered. The perfect passive participle which appears in the above passage should then mean literally that the body of the *kinaidos* has been deflected or broken off short, perhaps from proper masculinity and masculine strength, hence Liddell and Scott’s other suggestion, “enfeebled.”

¹⁹⁹ Kock, *CAF* 3.470 and Clement *Paidagogos* 3.11.69.

²⁰⁰ The waxing with pitch-plasters will keep the *kinaidoi* looking physically more like youths, and render them more attractive to males (Dover 1978: 99, Mel. 90, 94).

²⁰¹ A comic fragment of Archippos makes fun of the Alcibiades the Younger for his adoption of his father’s deportment and dress by walking with a mincing gait, dragging his cloak, inclining his neck to one side, and lisping (Archippos fr. 48 K-A, quoted below; see also Gribble 1999: 71). The apparent implication of the mincing, the neck-bending and the lisp is that all are elite affectations and/or markers of effeminacy. For Alcibiades’ lisp, see *Ar.Vesp.* 42-6 and *Plut.Alc.* 1.7-8.

²⁰² Liddell and Scott, *A Greek-English Lexicon*, 9th ed., entry on *κατακλάω*, p. 893-4 and on *κλάω*, p. 956.

In the Aristotelian *Physiognomica*, the perfect passive participle is also used of eyes, including the eyes of the *kinaidos* (quoted below, p. X). Liddell and Scott suggest that when speaking of eyes, the translation should be “with drooping lids.” However, since the Aristotelian *kinaidos* also habitually looks all around, the description of the eyes could refer to the trajectory of the gaze being deflected, either looking down or looking sideways or repeatedly altering.²⁰³ The Aristotelian *Physiognomica* uses this same participle of the spiritless man, which may further clarify the quality which characterizes the body of the *kinaidos* in the comic fragment and his eyes in the *Physiognomica*:

ἀθύμον σημεῖα. τὰ ῥυτιδώδη τῶν προσώπων καὶ ἰσχνὰ ὄμματα κατακεκλασμένα, ἅμα δὲ καὶ τὰ κεκλασμένα τῶν ὀμμάτων, δύο σημαίνει, τὸ μὲν μαλακὸν καὶ θήλυ, τὸ δὲ κατηφές καὶ ἀθυμον. (Arist. *Physiogn.* 808a).

The signs of the spiritless man: the wrinkled quality of the face, and the eyes are weak and enfeebled, and the enfeebled quality of the eyes indicates two qualities, softness and femaleness/effeminacy, and dejection and spiritlessness.

The physiognomist confirms that the perfect passive participle from *κατακλάω* or from simply *κλάω* (for I argue that he treats the two forms as if they mean essentially the same) signifies a combination of weakness and effeminacy. These two qualities apparently permeate the *kinaidos*. This bodily definition of *kinaidia* marks a different way of constructing the stereotype. In the above discussion of Plato’s *Gorgias*, we saw that *kinaidia* was a moral failing, but here the *kinaidos* is defined for what he essentially is, not what he does (or even what he desires to do).

The physiognomist above clarifies how to interpret the visual information that someone is “*κατακεκλασμένος*”: that person is both enervated and effeminate. However, he does not explain what exact physical feature it is which indicates that the individual has these qualities. Is it something the alleged *kinaidos* consciously does, for example a

²⁰³ Arist. *Physiogn.* 808a.

way of carrying the body or lowering the eyes, or is it the way he essentially is, without art? The *kinaidos* in the comic fragment causes his neck to go back and forth.²⁰⁴ By analogy, it is possible, though not a necessary conclusion, that the author intends to describe a conscious affectation when he says that the *kinaidos* is “broken short,” or “deflected,” especially since the speaker says that he does not know how to do it, as if it were a skill of sorts.

Yet the prominence of the word in the descriptions of *kinaidia* in the Aristotelian *Physiognomica* argues against the “κατακεκλασμένος” quality of the *kinaidos* being anything consciously achieved. The spiritless man does not bear the signs of his spiritlessness because he is intentionally crafting them; the *Physiognomica* is a catalog of unconscious signs. It follows that when the unknown comic poet uses the same word, he is describing a quality inherent to *kinaidia*. This comic fragment, therefore, bears the first sign of the *kinaidos*’ unconscious symptoms, as if *kinaidia* were a disease infiltrating the morals and the body alike.²⁰⁵ The moral definition of *kinaidia* constructs it as a catastrophic failure of self-control, a wild indulgence in inherently pleasurable acts, to which any male in theory could succumb if he abandoned all self-respect and honor.²⁰⁶ However, the bodily definition of *kinaidia* portrays the *kinaidos* the morbid opposite of appropriate masculinity: he becomes not a fallen male, but never truly male in the first place, an unnatural being, a freak. It is this second, bodily definition of *kinaidia* which Aeschines uses to characterize Demosthenes in their second court battle in 343 B.C.

In Aeschines *On the Embassy* 2.151, Aeschines again employs his earlier characterization of Demosthenes as a *kinaidos*, but this time uses Demosthenes’ body in

²⁰⁴ See also Alcibiades the Younger’s bending of his neck at n. 200 (Archippos fr. 48 K-A).

²⁰⁵ *Kinaidia* as a disease: Halperin 2002: 73, Arist. *Eth. Nic.* 1148b.

²⁰⁶ Winkler 1990: 181-2, Halperin 2002: 34.

the court as the physiognomic “proof” of Demosthenes’ gender shortcomings. Aeschines is not alone in indicating that there is a specifically kinaidic body. I will examine the other evidence for physical indicators of *kinaidia*, to show how Aeschines’ characterization of Demosthenes in *On the Embassy* fits in with the larger cultural conception of what the *kinaidos* is (based on our relatively slim evidence). From there, I hope to show how Aeschines adapts the markers of *kinaidia* to his own purposes in Aeschines *On the Embassy*.

Unlike Plato’s *Gorgias*, which sheds light on the moral failings of the *kinaidos* but offers no hint of a particularly kinaidic physique, the two treatises on physiognomics preserved in the Aristotelian corpus predictably (given the subject to which they are devoted) focus on what makes the *kinaidos* physically unique.²⁰⁷ However, the Aristotelian *Physiognomica* focuses less on the actual physique than on deportment, that is, how the *kinaidos* moves and carries himself. In the *Physiognomica*, *kinaidia* is given physical indicators and made into a type, a person defined by that single overarching characteristic.²⁰⁸ However, this is not evidence by itself that *kinaidia* is more located in the body than other vices, since the *Physiognomica* takes a variety of moral features (for example bravery, cowardice, shamelessness, or fondness for gambling) and transforms them to defining characteristics, supplying for these a corresponding body and bearing.²⁰⁹ Aeschines in *On the Embassy* (2.151) constructs the physical manifestation of

²⁰⁷ The two treatises are preserved as a single work in the Aristotelian corpus; there is a clear break at 808B, with a second introduction and discussion of method (Boys-Stones p. 56-7).

This diagnostic approach is minoritizing, insofar as it implies that *kinaidia* exists at the level of the *kinaidos*’ inherent nature, reflected in his moral tendencies and in his body. It is not something that may happen to any man, should he slip towards giving in to pleasure. It is this minoritizing diagnostic rhetoric on which Aeschines draws in his portrait of Demosthenes at Aeschines *On the Embassy* 2.151, which contrasts Demosthenes’ kinaidic body with that of Aeschines’ hoplite brother-in-law Philon.

²⁰⁸ It is worth noting that there is no *pornos* in the Aristotelian *Physiognomica*, although there is a shameless man (807B.).

²⁰⁹ Arist. *Phys.* 807A-808A.

Demosthenes' *kinaidia* as a general lack in the bodily qualities of an adult male, as exemplified by way of contrast by Aeschines' brother-in-law Philon, whom Aeschines describes as a hoplite. While the Aristotelian *Physiognomica* suggests that the concept of a specifically kinaidic body was present in Athenian culture for Aeschines to draw upon, the *Physiognomica* does not use the same kind of markers which Aeschines uses. The physical traits of the *kinaidos* in Aristotle are ones of bodily disposition, how the *kinaidos* moves and holds himself:

κιναΐδου σημεΐα ὄμμα κατακεκλασμένον, γονύκροτος· ἐγκλίσεις τῆς κεφαλῆς εἰς τὰ δεξιά· αἱ φοραὶ τῶν χειρῶν ὑπτιαὶ καὶ ἐκλυτοὶ, καὶ βαδίσεις διτταί, ἢ μὲν περινεύοντος, ἢ δὲ κρατοῦντος τὴν ὀσφύν· καὶ τῶν ὀμμάτων περιβλέψεις, οἷος ἂν εἴη Διονύσιος ὁ σοφιστῆς. (Arist.*Phys.*808a).

The signs of the *kinaidos* are an enfeebled eye; he is knock-kneed; he leans his head to the right; he moves his hands with the palms uppermost and buoyant, and his gaits are twofold, one nodding the loins, and the other mastering / controlling them; and he looks about him with his eyes, as if he were Dionysios the sophist.

The *kinaidos* here is less marked by the qualities of his physique, as are, for example, the brave man, whose hair is stiff, or the coward, whose legs are small.²¹⁰ *Kinaidia* is revealed in the bearing, not the formation, of the body. Aeschines is not specific about what exactly makes Demosthenes' body kinaidic, but the aggregate of Aeschines' invective against Demosthenes suggests that he is not physically fit.²¹¹ Aeschines make it clear that the *kinaidos* is the physical and moral opposite of the exemplary citizen male, the hoplite. The Aristotelian *Physiognomica* confirms this, since it endows the *kinaidos* with the qualities of weak males such as the spiritless man (drooping eyelids) and (in the second treatise) with females (knock-knees).²¹² Even in a context where every vice is assigned a defining nature and a body, the *kinaidos* escapes without much bodily

²¹⁰ Arist.*Physiogn.*807a-b.

²¹¹ Demosthenes as physically unfit: Aeschin.2.151, 3.255-6.

²¹² Spiritless man: Arist. *Physiogn.* .810a. Women: Arist. *Physiogn.* 809b. I have not found any parallels which reveal the meaning of bending of the head specifically to the right; only that it is consistent within the Aristotelian *Physiognomica* (Arist. *Physiogn.* 813a).

description. His body is instead defined by physical tendencies and habits of motion. It is Aeschines who assigns a physique to the *kinaidos*, even if he only does so by contrasting it with a positive example.

Compare Diogenes Laertius' 3rd century CE anecdote of the third-century Stoic philosopher Cleanthes, the pupil of Zeno. This anecdote suggests that a *kinaidos* can (almost) hide his nature behind a strong body:

λέγεται δέ, φάσκοντος αὐτοῦ κατὰ Ζήνωνα καταληπτὸν εἶναι τὸ ἦθος ἐξ εἶδους, νεανίσκους τινὰς εὐτραπέλους ἀγαγεῖν πρὸς αὐτὸν κίναιδον ἐσκληραγωγημένον ἐν ἀγρῶ, καὶ ἀξιούδην ἀποφαίνεσθαι περὶ τοῦ ἦθους τὸν δὲ διαπορούμενον κελεύσαι ἀπιέναι τὸν ἀνθρώπων. ὡς δὲ ἀπιὼν ἐκείνος ἔπταρεν ἔχων, εἶπεν, 'αὐτόν,' ὁ Κλεάνθης 'μαλακὸς ἐστίν.'

(Diogenes Laertius 7.173.)

And it is reported that, after he asserted that according to Zeno the character may be apprehended from appearance, some young men playing a trick led to him a *kinaidos* who had been brought up hardy in the field, and they demanded that he give an account concerning the man's character, and Cleanthes, who was at a loss, bid the man go away. But when, after going away, that fellow sneezed, Cleanthes said, "I have him. He is effeminate.

This vignette indicates that while a lack of developed muscles is a sign of *kinaidia* (or the well-muscled state of the *kinaidos* would offer no deception), the bodily condition of *kinaidia* runs deeper than physical development. This evidence comes from a source centuries later, but I introduce it to raise the question of whether Aeschines' construction of how acts and morality are revealed in the body would allow for a muscular *kinaidos*. For Aeschines, the body reveals its collective acts. Demosthenes' face still bears the mark of Meidias' knuckles.²¹³ His mouth remains polluted from kinaidic activity.²¹⁴ Timarchos' body is made disgusting by wine and sympotic excess.²¹⁵ While Aeschines never

²¹³ Aeschin. 3.212.

²¹⁴ Aeschin.2.88 (quoted p. 84-5).

²¹⁵ Aeschin.1.26. Timarchos' body was specifically ruined by his *bdeluria*, which consisted of his heavy indulgence in luxury and does not include his homoerotic sexual encounters. His prostitution is rather the economic engine which supplies his *bdeluria* (Aeschin. 1.54). His physical ruin was caused by his

comments directly on the musculature of Demosthenes as a *kinaidos*, he does mention Demosthenes' lack of time spent in the gymnasium, saying instead that he trained himself in crafting traps for men of property (implying that he was a sycophant).²¹⁶ In the works of Aeschines, the body shows the accumulation of moral habit. When Aeschines says that Demosthenes' *kinaidia* is directly opposite the bodily disposition of a hoplite, the subtext (I propose) here is that an accumulation of morally weighted activities is imprinted on the bodies of each. Diogenes' Laertius' anecdote is an interesting point of reference precisely because the concept of a physically well-developed *kinaidos* may be antithetical to the concept of *kinaidia* as Aeschines defines it through the body of Demosthenes.

There are two deictic references to Demosthenes' body and its *kinaidia* in Aeschines' *On the Embassy*. The first invites the audience to see in Demosthenes' mouth the imprint of its acts, which then render irrelevant Demosthenes' false (so says Aeschines) accusations, because they come from a tainted source. At *On the Embassy* 2.88, Aeschines employs a third construction of the relationship between the body and *kinaidia*, dissimilar both to that in the *Against Timarchos* and to his later contrasting between Demosthenes' body and that of Aeschines' hoplite brother-in-law Philon. Aeschines draws on the imagined marks which *kinaidia* (and here specifically the act of fellatio) make on Demosthenes' body to negate his speech, employing the anti-rhetorical function of the physiognomic strategy to its full potential: bodies speak louder than

extremely costly indulgence in fish, wine, gambling, flute-girls and *hetairai*. It is perhaps counter-intuitive to the modern reader that heterosexual intercourse proved Timarchos' physical undoing, and not his homoerotic sexual encounters, though they receive a great deal more attention in the speech.

²¹⁶ Aeschin.3.255-6.

words.²¹⁷ Here the construction of *kinaidia* is based on acts, which leave a fictive imprint on Demosthenes' mouth and on his speech:

ἄρ' οὖν ὦ ἄνδρες Ἀθηναῖοι δοίητ' ἄν μοι συγγνώμην, εἰ κίναιδον αὐτὸν προσειπὼν καὶ μὴ καθαρεύοντα τῷ σώματι, μηδ' ὅθεν τὴν φωνὴν ἀφίησιν, ἔπειτα τὸ λοιπὸν μέρος τοῦ κατηγορήματος τοῦ περὶ Κερσοβλέπτην ἐπ' αὐτοφώρῳ δείξαιμι ψεῦδος οὖν;
(Aeschin.2.88).

Therefore then, men of Athens, you would pardon me, if while calling him a *kinaidos*, whose body is not pure, not even from where his voice comes, I should then show the remaining part of the accusation about Kersobleptes to be a point-blank lie?

This passage (I argue) would lead the audience to look at Demosthenes' face and mouth as he sits at his *bema* in court, and perhaps to picture the sexual act to which Aeschines alludes; it is therefore an instance of the physiognomic strategy, although Aeschines points to no physical sign of Demosthenes' practice of fellatio on his mouth. Aeschines gives the impression that Demosthenes' shameful acts remain on the body and pollute his words, which become disgusting on the basis of whence they issue in addition to being (Aeschines says) falsehoods. This is an instance of the physiognomic strategy where the imagined dimension of the body, the taint of *kinaidic* acts, obfuscates Demosthenes' speech and is therefore anti-rhetorical, as Hesk claims is a feature of this strategy in general.²¹⁸ Compare Aeschines' claim in *Against Ktesiphon* that the mark of Meidias' knuckles remain on Demosthenes' face, so that they are still visible: there too, the insult to Demosthenes' head stays and pollutes him so that the thought of crowning that head, as Ktesiphon would have, becomes odious.²¹⁹

²¹⁷ Aeschines earlier alleges that Demosthenes performed fellatio for money (Aeschin. 3.23).

²¹⁸ Hesk 1999: 218-20.

²¹⁹ “ὅς τοσοῦτον καταγελά τῆς πρὸς ὑμᾶς φιλοτιμίας ὥστε τὴν μιὰν κεφαλὴν ταύτην καὶ ὑπεύθυνον, ἦν οὗτος παρὰ πάντας τοὺς νόμους γέγραφε στεφανῶσαι, μυριάκις κατατέμῃκε καὶ τούτων μισθοὺς εἴληφε τραύματος ἐκ προνοίας γραφᾶς γραφόμενος, καὶ κατακεκονδύλισται, ὥστε αὐτὸν οἶμαι τὰ τῶν κονδύλων ἰχνη τῶν Μειδίου ἔχειν ἐτι φανερά· ὁ γὰρ ἄνθρωπος οὐ κεφαλὴν, ἀλλὰ πρόσσodon κέκτηται.” (Aeschin.3.212).

“For he treats the aspiration to achieve distinction in your eyes with such scorn that he has countless times cut that polluted and not-yet-audited head of his, and for these blows he has gotten a wage by bringing a suit for wounding with malicious intent, and it has been punched, so that I think he still visibly bears the

Aeschines' final deictic use of Demosthenes' *kinaidia* exploits the body itself as an index of membership in the community of citizens. Aeschines, in displaying his own family before the jurors, juxtaposes against them the negative exemplum of Demosthenes' body.²²⁰ Here, *kinaidia* is defined by a dysfunctional physique and corresponding lack of military value:

ἐκπέπληγμαι δέ, εἰ σὺ λοιδορεῖν Φίλωνα τολμᾶς, καὶ ταῦτα ἐν τοῖς ἐπιεικεστάτοις Ἀθηναίων, οἱ δεῦρο εἰσεληλύθασι δικάσοντες ἕνεκα τοῦ βελτίστου τῆς πόλεως, καὶ μᾶλλον προσέχουσι τοῖς βίοις ἡμῶν ἢ τοῖς λόγοις. πότερα γὰρ ἂν προσδοκᾶς αὐτοὺς εὔξασθαι μυρίους ὀπλίτας ὁμοίους Φίλωνι γενέσθαι, καὶ τὰ σώματα οὕτω διακειμένους καὶ τὴν ψυχὴν οὕτω σώφρονας, ἢ τρισμυρίους κιναιδούς οἴους περ σὺ; (Aeschin.2.151).

And I am stunned, if you dare to mock Philon, and these insults among the most equitable of the Athenians, who came hither to judge for the sake of the highest good of the city, and rather pay attention to our lives than our words. For do you expect that they would pray for there to be ten thousand hoplites similar to Philon, both thus disposed as to their bodies and thus chaste as to the soul, or thirty thousand kinaidoi like you?

Aeschines makes *kinaidia* an essential lack of military manhood, which is reduced to a visible and bodily quality. He uses the allegedly visible indications of manhood and utility in war to prove the relative worth to the citizens of his brother-in-law Philon versus Demosthenes.²²¹ Note that Aeschines articulates the essential idea behind the

prints of Meidias' knuckles; for the fellow has come to possess not a head, but an income."

Here, Demosthenes' body bears the marks of his willingness to subject his own body to dishonor for the sake of money. In this respect, Aeschines' portrait of Demosthenes is thematically comparable to that of Timarchos. In a similar vein, Aeschines accuses Demosthenes of accepting the shame of Meidias' punch in exchange for thirty minae – literally, that he sold the *hubris* against himself (Aeschin. 3.52). Aeschines refers to either Demosthenes accepting money from Meidias to drop the charges (less likely; see MacDowell 1990: 23-4, Dem. 21.3, 40, 151), or to Demosthenes' setting the penalty fee at thirty minae. If the latter, Aeschines here implies that this was a 'cop-out.'

The premise that Demosthenes' (alleged) act fellatio had somehow settled on his body and permanently polluted it was a fruitful line of invective for others besides Aeschines, too. One Pytheas accused Demosthenes of being impure in his upper parts and therefore not permitted to blow on the sacred flame. The same charge was made also against his nephew, Demochares (*FGH* 76 F 8, cf. also *FGH* 566 F 35, Fisher 2001: 272-3, Dover 1978: 99). (I have not found under what circumstances Demosthenes is supposed to have conducted this ritual.)

²²⁰ Aeschin. 2. 147-51.

²²¹ Political participation was dependent on military participation also insofar as an Athenian convicted of draft dodging (under the *graphe astrateias*) was sentenced to *atimia*, loss of citizen rights (Christ 2006: 62, And. 1.74, Dem. 24.3, [Dem.] 59, Aeschin. 3.175-6). Likewise, a soldier who threw away his shield was prohibited from speaking in the Assembly and could be prosecuted under the *dokimasia rhetoron* if he did (Christ 2006: 62 n. 46, Aeschin. 1.28-32).

formal study of physiognomics and behind the informal version used by the orators, namely that there exists a correspondence between a good body and a prudent soul. In addition, this example of the oratorical strategy has both men as objects of scrutiny: the physical appearance in court of both men, Philon and Demosthenes, proves the one's legitimate place in government while undermining the other's. This is significant because it may be a rare positive example of the physiognomic strategy, insofar as Philon's position is justified by his body.

In this section of the speech, Aeschines is displaying his family, his father and brothers, to the jurors, both as a move for sympathy and as a justification for his and his brother's elite positions in the city.²²² Demosthenes in his prosecution speech challenges Aeschines to defend his family's place in the city. Demosthenes speaks disparagingly of Aeschines' and his brother Aphobetos' service as magistrates' secretaries, implying that these tasks are paltry and menial, and later asks Aeschines what liturgies he or his family have done to benefit the city.²²³ Demosthenes exploits the disparity between his own wealthy and aristocratic status and Aeschines' relatively modest background. Aeschines' strategy is to establish his family credentials to a preeminent position in civic affairs through demonstrating in his family background traditional aristocratic achievements: his father and brother participate in gymnastic training, his family share an altar with the exalted Eteoboutidae, and finally, his brother-in-law Philon demonstrates his military excellence through the superiority of his physique. Demosthenes, as Demosthenes

²²² Aeschin. 2.147-51, Badian 2000: 12.

²²³ Dem. 19.249, 281-3. More puzzling is Demosthenes' snide remark sarcastically calling Aeschines "θαυμάσιος στρατιώτης," "an admirable soldier," (Dem. 19.113). At first glance this jibe seems to play to Aeschines' strengths and Demosthenes' weaknesses, since Demosthenes was prosecuted for desertion by one Euktemon (Christ 2006: 132, Dem. 21.103). However, Demosthenes is here implying that since Aeschines takes such pride in his military record, this would be all the more reason why he would be expected to prefer war to accepting Philip II into the Amphictyony. But Aeschines was in favor of accepting Philip, which, Demosthenes suggests, he would only do if he had taken bribes from Philip.

himself points out, is a liturgist and comes from an aristocratic family, and Aeschines does not; the best he can boast of is his military contributions and those of his family.²²⁴ However, by contrast with Aeschines' kin, Demosthenes is here depicted as a failed citizen, neither born nor begetting as a citizen should be or should do: he allows his boyfriend to sleep with his wife, and was only made a citizen because the members of his phratry, including Aeschines' father-in-law Philodemos, were kind enough to look the other way.²²⁵ Demosthenes' *kinaidia* marks his final failure to join the club of citizen manhood in the areas of gender and military service.

What does Demosthenes' *kinaidia* really consist of in this passage, and what is the relationship here between *kinaidia* and the body? Aeschines defines it by contrast with the body and morality of a positive example, that of a hoplite. There is no source of Classical evidence specifying what a hoplite should look like, though we can certainly extrapolate from other sources what a male military physical ideal might be. For example, the kouros Croesos found in southeastern Attica has a statue-base with an inscription which seems to imply (together with the date) a death in hoplite warfare. The kouros itself, a naked and well-muscled youth, is arguably the ideal embodiment of a hoplite.²²⁶

²²⁴ Dem. 19. 230, 282.

²²⁵ Aeschin. 2.148-9, 150, Fisher 2001: 273.

²²⁶ The kouros dates c. 530, two centuries before Aeschines' speech of 343 BCE. The inscription says:

“ΣΤΗΘΙ· ΚΑΙ ΟΙΚΤΙΡΟΝ· ΚΡΟΙΣΟ
ΠΑΡΑΣΕΜΑΘΑΝΟΝΤΟΣ· ΗΟΝ
ΠΟΤΕΝΙΠΡΟΜΑΧΟΙΣ· ΟΛΕΣΕ
ΘΟΡΟΣ· ΑΡΕΣ”

“Stand and have pity beside the tomb of dead Croesos, whom once in the foremost fighters rushing Ares destroyed.”

The date on the tomb suggests this is well after hoplite warfare became the norm among Greek states during the 7th century (Osborne 1996, p. 175-6). For the inscription, the dates, and an analysis of the physical ideals embodied in the kouros, see Stewart 1997 p. 63-70.

The answer to the question of how Aeschines is defining the kinaidic body and what makes it kinaidic lies in the other positive exempla of his relatives. Aeschines mentions the gymnastic practice and military service of his father, Atrometos, and his eldest brother Philochares.²²⁷ He also offers in his defense an account of his own rather impressive hoplite career.²²⁸ Based on Aeschines' mentions of his family's athletic exploits, and on another slur against Demosthenes' lack of an athletic physique thirteen years later in Aeschines' *Against Ctesiphon*, I suggest that Demosthenes' body here is kinaidic insofar as he lacks an athlete's musculature.²²⁹ Aeschines consistently uses visual signs (allegedly apparent or conjured in the jurors' imaginations) to "prove" Demosthenes' *kinaidia*. However, each sign and its implications are suited to the point Aeschines seeks to prove, and so each emphasizes different aspects of the culturally available definition of *kinaidia*.

Aeschines brings up the gymnastic activities of his father and brother explicitly to demonstrate their elevated social status and rebut Demosthenes' slurs against them.²³⁰ While Demosthenes was actually Aeschines' social superior by far, Aeschines here refigures the criteria for social status. He makes the athletic body the visible marker of social status, and a genuine sign of civic worth in the form of military capability. By pointing out Demosthenes' insufficient body, Aeschines excludes him from the physical signs of social status (as defined by Aeschines).

²²⁷ Aeschin.2.147, 149.

²²⁸ Aeschin. 2.167-70. See also Harris 1995 p. 29, 38.

²²⁹ Aeschin. 3.255-6.

²³⁰ Aeschines' boasts of his family's athletic exploits: Aeschin.2.147, 149. Demosthenes' slur against Aeschines' brothers as low-class: Dem.19.237. Aeschines uses his family's athletic practice as a marker of elevated social status: Paulsen 1999 p.393-4 (notes on Aeschin.2.147-149), Harris 1995 p. 22,

But Aeschines designates Philon as a hoplite, not an athlete. The gymnastically developed body becomes a guarantor of military strength, and therefore social worth. Plato's *Protagoras*, in describing the traditional Athenian education, explains that an athletic body facilitates courage in warfare.²³¹ Aeschines here draws on the same idea that a weak body will correspond to cowardice, or at least uselessness, in battle. In assailing Demosthenes' military worth, Aeschines is picking up a theme already prevalent among Demosthenes' enemies; as Aeschines mentions at 2.148, Demosthenes had already been prosecuted for desertion (sometime before 347 BCE).²³² Military value could be used as a justification of political participation, as it was by Theramenes in the more moderate oligarchical government of the Five Thousand in 411, when he reserved full citizen rights for the men who could afford hoplite equipment.²³³ Likewise, the Old Oligarch and Aristotle testify to the argument that the fleet's military importance gave legitimacy to the enfranchisement of the poor, who were the rowers.²³⁴ Compare Socrates in Plato's *Republic* connecting physical fitness in a military context with the right to rule. In unbridled oligarchy, Socrates argues, the rich allow themselves to become soft, so that when a poor but physically fit man is stationed in battle alongside a wealthy man who is overweight and out of shape, the poor man will think himself and his brethren the more worthy of running the government. Such circumstances, he claims, would lead to

²³¹ “ἔτι τοίνυν πρὸς τούτοις εἰς παιδοτρίβου πέμπουσιν, ἵνα τὰ σώματα βελτίω ἔχοντες ὑπηρετώσι τῇ διανοίᾳ χρηστῇ οὔσῃ, καὶ μὴ ἀναγκάζονται ἀποδειλιᾶν διὰ τὴν πονηρίαν τῶν σωμάτων καὶ ἐν τοῖς πολέμοις καὶ ἐν ταῖς ἄλλαις πράξεσιν.” (Plat.*Prot.*326b-c).

“still further in addition to this [instruction in music] they send [boys] to the gymnastics-trainer, in order that, because they have better bodies, they serve intention when it is worthy, and not be forced to play the coward both in war and in other undertakings on account of the poor condition of their bodies.”

²³² Dem.21.103. For the allegations of cowardice in battle against Demosthenes throughout his career, see Christ 2006 p.132-141.

²³³ Hansen 1999 p. 41, Thuc. 8.97.1-2, Arist. *Ath. Pol.* 33.1-2.

²³⁴ Strauss 1996 p. 315, Ps-Xen. *Ath. Pol.* 1.2, Arist. *Ath. Pol.* 23-25, Arist. *Pol.* 1304a.

democracy.²³⁵ In his defense of his own elite role in government as an (honest) ambassador to Macedonia, Aeschines demotes his accuser from the rank of genuine full citizen and even genuine male. He uses Demosthenes' body as a sign that Demosthenes is not worthy of any position in the city, and therefore is not a credible prosecutor.

Conclusion to "The Physiognomic Strategy in 4th-Century Athenian Forensic Oratory"

In the first section of this chapter, "Using the Visual Environment as Evidence," I show that Athenian forensic orators treated the visual environment of the courts as important for the jurors' decision-making process. As Aristophanes attests, jurors enjoyed the spectacle provided by the courts.²³⁶ Children and parents pleading for pity were regular features of courtroom spectacle.²³⁷ The physiognomic strategy was a means for orators to capitalize on the elements of theatre already present in the Athenian court. Aeschines and Demosthenes both exploit the practice of having witnesses stand on the *bema* while their testimony was read by the clerk to serve their own ends: Aeschines

²³⁵ Strauss 1996 p. 315, Plat. *Rep.* 555b-557a. See esp. 556c-e: "...ὅταν παραβάλλωσιν ἀλλήλοις οἱ τε ἄρχοντες καὶ οἱ ἀρχόμενοι ἢ ἐν ὁδῶν πορείαις ἢ ἐν ἄλλαις τισὶ κοινωνίαις, ἢ κατὰ θεωρίας ἢ κατὰ στρατείας, ἢ σύμπλοι γιγνόμενοι ἢ συστρατιῶται, ἢ καὶ ἐν αὐτοῖς τοῖς κινδύνοις ἀλλήλους θεώμενοι μηδαμῆ ταύτη καταφρουῶνται οἱ πένητες ὑπὸ τῶν πλουσίων, ἀλλὰ πολλάκις ἰσχνὸς ἀνὴρ πένης, ἠλιωμένος, παραταχθεὶς ἐν μάχῃ πλουσίῳ ἐσκιατροφηκότι, πολλὰς ἔχοντι σάρκας ἀλλοτρίας, ἴδη ἀσθματὸς τε καὶ ἀπορίας μεστόν, ἀρ' οἶει αὐτὸν οὐχ ἠγείσθαι κακία τῆ σφετέρᾳ πλουτεῖν τοὺς τοιούτους, καὶ ἄλλον ἄλλῳ παραγγέλλειν, ὅταν ἰδίᾳ συγγίγνωνται, ὅτι "ἄνδρες ἡμέτεροι· εἰσὶ γὰρ οὐδέν,";

"...whenever the rulers and the ruled come alongside one another either in journeys on the roads or in some other common associations, either at the theatre or on campaign, or as shipmates or fellow soldiers, or also, when they behold one another in the thick of danger, the poor are in no way scorned by the rich, but often a poor man, lean and sun-tanned, stationed in battle with a rich man who lives life in the shade and who has a lot of superfluous flesh, sees him full of gasping for breath and helplessness, do you not think, then, that he does not consider that such men are rich because of their cowardice, and that the poor say to one another, whenever they come to be in private, that, "Our folks are men. For they are nothing,"?"

²³⁶ Ar. *Vesp.* 88-9 and n. 47.

²³⁷ See p. 23 n. 52.

makes Misgolas' face say what his testimony will not about the sexual nature of his relationship with Timarchos; Demosthenes dramatizes Meidias' wanton *hubris* against his fellow citizens through the pitiful spectacle of the now-*atimos* and therefore silent Straton on the *bema*.²³⁸

Though Aeschines only once comments on the manner of his fellow-speakers' delivery *in* the court (his description of Timarchos' *sunegoros*, the unnamed General, as smugly snobbish), Aeschines draws attention his opponents' oratorical deportment in the Assembly, using their bodies as they speak to discredit what they say.²³⁹ His emphasis on his opponents' appearance may also have encouraged jurors to scrutinize their deportment with a critical eye as they spoke at the trial, as well. This feature corroborates Hesk's claim that the physiognomic strategy is fundamentally anti-rhetorical, insofar as it claims to substitute a manifest, visual truth for lying speech.²⁴⁰

However, as I claim in the second section, "Degrees of Distance," the substitution of an unvarnished visual truth for untrustworthy speech was a persuasive illusion from which the physiognomic strategy drew its power. Aeschines in the *Against Timarchos* is hard put to make Timarchos' alleged past, secret, unprovable acts of prostitution solidly real to the jurors' minds, and to this end he articulates a defense of the physiognomic strategy: just as an athlete's training is manifest in his body, so the kind of person who prostitutes himself reveals the character of his soul through his public behavior in daily life.²⁴¹ This defense of the physiognomic strategy attempts to discount the actual distance

²³⁸ p. 23-6.

²³⁹ The General: quoted p. 154. Speakers' delivery and their character: p. 26-30, cf. also Aeschin. 1.26, quoted p. 35.

²⁴⁰ Hesk 1990: 218-220.

²⁴¹ p. 30-33. It is likely that these telling daily habits (*epitedeumata*) include his expenditures at the fish-stalls, drunken revels, and street fights, which Aeschines mentions at Aeschin. 1.65.

between the visible signs on the opponent and the conclusion the orator wants the jurors to draw from them.

The physiognomic strategy derives its force from the claim that immediate, visual proof of the speaker's argument was available to the jurors, especially if the speaker directed them to scrutinize his opponent as he stood in the court. The fact that all the jurors could not see equally well did not hamper the strategy's utility.²⁴² In fact, the paradox of the physiognomic strategy lies in the fact that seeing has nothing to do with it: the crucial element is the orator's explanation of the moral significance of visual evidence, which he usually reports. The rare (and hard to stage) example of the physiognomic proof based on the body of the opponent in the court still required the speaker's explanation of the significance of whatever feature he pointed out. Moreover, the vast majority of the examples are physiognomic analyses of images which the speaker reports. The only visual elements involved are re-created for the jurors through the orator's speech. This fact, however, did not diminish the illusion of immediate access to a manifest truth about the opponent's character.²⁴³

In "The Physiognomic Strategy and Athenian Democratic Ideology," I discuss the ways in which the physiognomic strategy both supported and was supported by other Athenian beliefs about their government and community which justified the desirability of democratic decision-making. In Aeschines *Against Timarchos*, Aeschines uses the *sunegoros* Demosthenes' clothes to corroborate the validity of the alleged common report (*φήμη*) about his effeminacy. Aeschines portrays rumor as the collective knowledge of the Athenian citizenry as a whole, and the accuracy and reliability of this source of

²⁴² Jurors could not all see equally well; p. 22-3.

²⁴³ p. 33-6.

information validates the democratic practice of trusting government and judicial decisions to large numbers of citizens – the Assembly and the jurors, respectively.²⁴⁴ Aeschines thus uses the appearance of his opponent in the court to justify a ‘democratic’ source of knowledge.

The physiognomic strategy also depends on the trustworthiness of common report, particularly when the physiognomic sign is reported. When Demosthenes describes Aeschines’ pretentious progress through the Agora, he relies on the Athenians as a whole as tacit witnesses to the physiognomic evidence.²⁴⁵ At the same time, Demosthenes implies that seeing a political leader in public spaces is adequate for genuine knowledge of his character. Since this is the only venue in which an average Athenian citizen would ever see or know about the political elite, Demosthenes’ implication supports the premise that the Athenians’ knowledge about their political leaders is sufficient to judge their characters. The physiognomic strategy simultaneously depended on and corroborated the ideas about the accuracy of citizens’ collective knowledge which supported Athenian democratic ideology. This does not mean that the Athenians doubted the validity of collective wisdom and needed to be comforted by its exoneration. Rather, by reinforcing beliefs already held, the physiognomic strategy gained credibility from the Athenian faith in collective wisdom even while enhancing the credibility of collective wisdom itself.

The section, “The Agora as a Locus for Physiognomic Evaluation,” is a further exploration of the role of scrutiny in public space and the evaluation of character. Demosthenes situates his physiognomic evaluations of Meidias and Aeschines

²⁴⁴ p. 53, 56-7.

²⁴⁵ p. 58, 62-3.

respectively in the Agora for two reasons.²⁴⁶ First, it would seem plausible to jurors that Meidias and Aeschines would show off the visual signs of wealth and status in the Agora because it was a normal place for a pretentious display of one's status markers, as the evidence of Theophrastos' *mikrophilotimos* shows.²⁴⁷ Second, the Agora had political valence: it was democratic space. As Vlassopoulos and Millett argue, citizens of all classes, as well as women, metics and slaves, interacted in the Agora. Political leaders publicized their agendas there, and in doing so, exposed themselves directly to the criticism of common Athenians.²⁴⁸ These social phenomena made the Agora a locus and a symbol of the political power of non-elites. With the political character of the Agora in mind, Demosthenes sites Aeschines' and Meidias' alleged anti-democratic performances there, because the location would make them all the more reprehensible and odious to a pro-democratic jury.

In the case study "Demosthenes *Kinaidos*," I show that Aeschines' portrayal of Demosthenes as a *kinaidos* employs at least two different cultural constructions of *kinaidia*, suiting the definition of Demosthenes' perversion to the purposes of the speech. In Aeschines *Against Timarchos*, Aeschines characterizes Demosthenes as a *kinaidos* through his luxurious clothing. In doing so, he draws on the moral definition of *kinaidia*, as attested in Plato's *Gorgias*.²⁴⁹ *Kinaidia* under this construction is the result of the unmanly abandonment of self-control to pleasure, even a supremely shameful pleasure such as oral or anal penetration. Demosthenes' fine clothes are a sign of his effeminate yielding to excess consumption of luxury goods. While it is important to remember that

²⁴⁶ p. 58-65.

²⁴⁷ p. 63-5.

²⁴⁸ p. 59-61.

²⁴⁹ p. 66-77, Plat. *Gorg.* 494c-e, Winkler 1990: 183-6.

Timarchos' sexual passivity in his exploits as a prostitute never made him effeminate, he shares with Demosthenes a lack of self-control: his gross indulgences in sympotic delights has marked and ruined his physique.²⁵⁰ In this speech, Aeschines uses *kinaidia* to situate Demosthenes in a nexus of sexual shame and unbridled consumption similar to that which he weaves for Timarchos, uniting all the villains of the piece in comparable varieties of debauchery.

In Aeschines' *On the Embassy*, however, Aeschines uses Demosthenes' body as the indicator and the *locus* of his *kinaidia*.²⁵¹ In Demosthenes, Aeschines was faced with an opponent whose wealth and the liturgies it paid for elevated his civic status and his credibility as Aeschines' accuser.²⁵² Aeschines undercuts Demosthenes' status at the level of manhood. According to Aeschines, Demosthenes' body reveals him to be militarily worthless, compared with the musculature of Aeschines' hoplite brother-in-law, Philon. Aeschines refigures civic status so that it is corporeally evident, and embodied in himself and his family. Aeschines' relatives' athletic practice and military achievement confer normative masculinity while simultaneously bolstering their claims to elite political office, since they participate in such traditional aristocratic pursuits as gymnastic training. Demosthenes' *kinaidia*, here a morbid condition of the body, disqualifies Demosthenes for any military value and hence any value to the city, and thus discredits him as Aeschines' prosecutor.

²⁵⁰ Aeschin. 1.26, 42, 95.

²⁵¹ p. 79-90, Aeschin. 2.151.

²⁵² p. 87.

Chapter II

Pederasty and the Popular Audience

The hypothesis that forensic oratory and comedy illustrate popular contempt for pederasty at Athens, while the homoerotics espoused by Plato were confined to elites, remains influential in scholarship on Greek pederasty.²⁵³ However, recent scholarship has argued against this division of attitudes to homoerotic love along class lines, and rather suggested that the common citizen saw pederastic values as a source of aristocratic credentials to which he aspired.²⁵⁴

Scholars are right to see conflict in the sources; determining the Athenian moral evaluation of pederasty, let alone homoeroticism in general, is a complex exercise. When what “the Greeks” thought of “homosexuality” became an issue in a Colorado courtroom, the Classicists involved were as hard put to argue for Athenians’ unconditional acceptance of homoeroticism as the expert witness for the state was to claim they wholly disapproved.²⁵⁵ One explanation for the disparity in the sources is that they reflect cultural differences between the poorer classes and the wealthy and aristocratic men of Athens in what constituted accepted sexual practice: much of the praise of homoerotic relationships

²⁵³ Henderson 1975: 216-7, Hubbard 1999, Sissa 1999, Todd 1990: 344, Dover 1978: 149-151.

²⁵⁴ Wohl 2002: 3-29, Davidson 2007: 484-6.

²⁵⁵ Carnes 2004, on the case of *Evans vs. Romer*, in which the state of Colorado sought to prohibit any future legal protection against discrimination for any citizens with homoerotic practices or proclivities. Of the opposing expert witnesses, Carnes says, “If Finnis had an unenviable task--that of showing that the Greeks disapproved of same-sex activity--Nussbaum took on, for reasons that are easy to sympathize with, a task nearly equally difficult: that of explaining away virtually *every* negative reference to same-sex activity in the Greek world.”

is found in the poetry and prose of texts aimed at elite audiences, such as Plato, Xenophon, and the author of the pseudo-Demosthenic *Erotikos Logos*, while comedy and oratory, directed to a popular audience, contain numerous *ad hominem* attacks based on their homoerotic activities.²⁵⁶

However, some scholarship has contested the premise that the popular audience felt contempt for the homoerotic practices of their “betters.” Stewart and Wohl have suggested that, although pederastic practice as we know it from the works of Plato and Xenophon involved wealth, leisure and education, even those who could not participate in this aristocratic fashion ascribed to the same pederastic values and *mores*, so that they participated in formal pederastic courtship ideologically, if not literally.²⁵⁷ Both adduce as evidence the role of Harmodios’ and Aristogeiton’s homoerotic bond in civic ideology, particularly in Aeschines 1 *Against Timarchos* and in the statue group by Kritios which stood in the Athenian Agora. Stuart and Wohl do not suggest that pederasty lacked class inflection, but rather support the premise that Athenians associated pederastic courtship with social elevation. They indicate that the sources treat the sentiments behind legitimate pederasty as signs of an educated and refined sensibility, an inner quality of being elite to which all might aspire, instead of counting pederasty the sole province of the aristocrat. While Stewart and Wohl argue for broad ideological participation, the recent work of Nick Fisher suggests that leisure for and access to the social world of pederastic courtship, the Symposium and the gymnasium, increased dramatically during the 4th

²⁵⁶ Hubbard 1999, esp. 48-50.

²⁵⁷ Stewart 1997: 63-85, Wohl 2002: 3-10, Aeschin. 1.136 ff.

century. He argues for expanded participation in both the practices and values of these traditional provinces of the elite.²⁵⁸

The focus of this paper is primarily on the moral evaluation of formal pederastic courtship. No Classical texts suggest that the bare fact of sexual contact with youths, without benefit of any “proper” pederastic relationship, was morally improving (for either party); hence the morality of pederasty defined as strictly sex between men and youths is not under debate. However, it is worth clarifying that this sexual *prohairesis* was not confined to elites, though wealthier men would have more opportunities for exercising it. Rather, Athenians generally assumed that any adult male would see a beautiful youth as sexually desirable.²⁵⁹

This paper explores the commonalities in the moral evaluation of pederasty between texts aimed at popular and elite audiences. I do not suggest that pederasty at Athens was uniformly lauded. Comedy, oratory and philosophical texts all express anxiety about unacceptable erotic behavior, and the distinction between appropriate and licentiousness conduct was uncertain, even contradictory. Legitimate pederasty was always defined by and haunted by the shadow of its debauched opposite. The role of sex in the pederastic bond was at the heart of the distinction between “good” and “bad” pederasty. Praise of pederastic relationships as socially improving, such as the speech of Pausanias in Plato’s *Symposium* and the advice of Socrates in Xenophon’s *Symposium*, differ in the moral evaluation of sexual contact between the participants: the former condones it in a limited fashion while the latter prohibits any physical intimacy.²⁶⁰ The

²⁵⁸ Fisher 1998: 86-104, Fisher 2000, and see ft. 40 above.

²⁵⁹ Halperin 1990: 93-4, Parker 2010: 7-8.

²⁶⁰ Philosophical texts did not agree on how much sexual contact was permissible while still maintaining *dikaios eros*, and provide evidence for general cultural anxiety on the topic: Plat. *Smp.* 183a-d, 184b-185c,

most sanguine evaluations of sex, both in Plato, allow for it in the context of an otherwise unimpeachable relationship. Xenophon's Socrates permits none, though he feels the need to defend this position by saying that chaste love is not “ἀνεπαφροδιτοτέρα,” “less favored by Aphrodite.”²⁶¹ All of these texts contrast the “good” lover and beloved with the “bad” ones, but differ in their tolerance of physical relationships. If these sources testify to pederastic *eros* as a nurse of courage and moral fiber, consummation is a factor which complicates rather than contributes to the positive effect. Yet the evaluation of sex is not linked to the class of the target audience; rather, the variation cited is strictly within the philosophical texts.

Texts aimed at the common Athenian (e.g. Aeschines' speeches) and at his wealthy or aristocratic counterpart treat pederastic courtship as a means of making a youth better, but are deeply ambivalent about how much physical contact could be part of such a relationship without tainting it. Comedy and forensic oratory, both aimed at a popular audience, demonstrate similar cultural anxieties about loose morals and in chastity in *eromenoi* and lustfulness in *erastai* as philosophical texts, suggesting that the moral map of pederasty remained the same across lines of class and genre. Athenian anxieties over pederasty represent conflicting ideas within Athenian culture, instead of an ideological division along class lines. Proper pederastic behavior was rather a *topos* of Athenian popular - as well as aristocratic - morality.

Phaedr. 254a-257a, Xen. *Smp.* 8.7-43, and Davidson 2007: 464-5. Plato depicts Socrates refraining from sex himself (Plat. *Smp.* 218a-219c). Xenophon's Socrates' protestation at *Smp.* 8.15 (quoted above) suggests that he divides the public courtship of a youth by a lover might be divided from any physical relationship, but that he would be unusual in separating the two aspects of pederasty so completely. For the *topos* that nothing is in itself shameful or good, but the moral evaluation is produced by the manner in which it is conducted, see Plat. *Smp.* 180e-181a, Ps-Dem. 61.4.

²⁶¹ Plat. *Smp.* 184b-185c, *Phaedr.* 256a-257a, Xen. *Smp.* 8.7-43, 8.15. Plato depicts Socrates refraining from sex himself (Plat. *Smp.* 218a-219c). Xenophon's Socrates' protestation at *Smp.* 8.15 (quoted above) suggests that he divides the public courtship of a youth by a lover might be divided from any physical relationship, but that he would be unusual in separating the two aspects of pederasty so completely.

In addition, I propose that in both comedy and oratory, pederastic conduct is an index of morality: neither forensic orators nor comic poets express disapproval of *good* pederasty. In oratory, correct pederastic conduct is the mark of a good character, while violations of appropriate behavior are signs of a man uncultured and lacking in decent human feeling. Aeschines in his three forensic speeches, and the speaker of Lysias 3 *Against Simon* build up their own moral credentials by attributing proper pederastic behavior to themselves, while attributing sexual misconduct to their opponents. Both orators characterize themselves as passionate *erastai* to show their humanity and gentility, while using their opponents' ruthlessness toward a beloved to demonstrate the opponent's treachery and failure to maintain the ties of normal social and civic relationships. Comedy and oratory share with philosophical works - written for educated and wealthy, audiences - similar anxieties about immoral erotic behavior, in the form of deceitful lovers and mercenary beloveds.²⁶²

Texts generated for and by the wealthier and better educated Athenians would have one suppose that the poorer Athenians did not share in that subtle and romantic passion which fired the aristocracy, and held it in moral contempt. Scholars therefore who come to this conclusion do not do so without corroborating evidence. For example, Plato's Socrates in the *Phaedrus* suggests that a well-bred man of sensitive nature would naturally assume that a conversation about the evils of lovers for beloveds was between low-class people who were unacquainted with the best sort of love.²⁶³ However, this can

²⁶² Plat. *Smp.* 181d, 184a-b, Xen. *Smp.* 8.19-24.

²⁶³ Plat. *Phaedr.* 243c, Pindar fr. 123 ln 1-10.

plausibly be explained as an effort to reserve for the elite the common cultural approbation bestowed upon legitimate *eros*.²⁶⁴

The following is a brief guide to this chapter. The section below, entitled “The Popular Audience,” explores the problems of defining the popular, and in particular the difficulties involved when an audience of poorer Athenians apparently identifies with the ideology and rhetoric of elites. In “*Dikaios Eros*, Faithless Lovers and Mercenary Beloveds,” I attempt to show that comedy, if more cynical about the existence of “good” pederasty, nevertheless maintained the same moral map of erotics as philosophical and oratorical texts, concerned with the predatory lechery of *erastai* and the sexual looseness or gold-digging of *eromenoi*. The final section, “Erotic Conduct as a Measure of Morality in Oratory,” suggests that forensic speakers use proper pederastic conduct to characterize themselves as decent, humane men, while using their opponents’ alleged treacherous and unfeeling erotic conduct as indicative of their moral depravity in other spheres as well.

The Popular Audience

The discussion of “popular morality” as it has been applied to the study of Classical Athens is based on the classification of textual sources by the audience for whose sake they were composed. The sources labeled “popular” are those composed for public delivery and designed to win the favor of a socially and economically diverse audience, as in the case of theatre, or an audience of poorer citizens, in the case of the courts. These are distinguished from texts aimed at a coterie of readers essentially sympathetic to the author’s elitist political perspective, including the historical works of

²⁶⁴ I borrow the phrase “legitimate *eros*,” from Kenneth Dover (who takes it from Aeschin. 1. 136) and use it to refer to appropriate pederastic courtship (Dover 1978: 42 ff.).

Xenophon and Thucydides as well as philosophical texts.²⁶⁵ Thus classicists have historically defined as popular texts those which are necessarily a negotiation between an elite producer (since the producers of comedy and oratory, poets and logographers, are themselves members of the elite in education and wealth) and their allegedly popular audience.²⁶⁶ This phenomenon, combined with the tendency of these ‘popular’ texts to appropriate elite class narratives, has led some to suggest either that there are no popular sources extant for classical Athens, or that there is no popular culture distinct from and independent of the culture of the aristocracy.²⁶⁷ Recent scholarship has also offered important nuances to the overly simplistic division between ‘popular’ and ‘elite’ texts. Forsdyke shows that no text is ever purely the narrative of a single class, but that each represents an interaction among class narratives.²⁶⁸ Parker argues that sexual mores, including pederasty, crossed class lines, and that philosophical and popular texts from Greek and Roman sources alike demonstrate similar attitudes to sexual morality.²⁶⁹

Aristocratic ideology in Athenian literature properly consists of markers of status rather than of class. The sociologist Max Weber defines class as economically determined, a relationship between the individual and his or her share of power in the market.²⁷⁰ He distinguishes, however, between wealth alone and the markers of status, the symbolic capital which can be had through the ‘proper’ consumption of goods.²⁷¹ The most significant economic division in the 4th century divided Athenians into two groups

²⁶⁵ Dover 1974: 5-8, Hubbard 2003: 8-9.

²⁶⁶ Forsdyke 2010: 4-9

²⁶⁷ e.g. Loraux 1986: 180-202.

²⁶⁸ Forsdyke 2010 *ibid.*

²⁶⁹ e.g. Parker 2010: 1-14. I share Parker’s method, insofar as I too compare the values shown by popular and philosophical literary sources to reveal the commonalities between them.

²⁷⁰ Marx also describes class as an economic relationship, based on an individual’s relationship to the means of production (Marx and Engels 1848/1978: 475, Allan 2001: 109-110).

²⁷¹ Weber 1948: 180-95, Burke 1992: 58-69.

according to wealth: liturgists and eisphora-payers, and those exempt from both forms of taxation.²⁷² The highest economic class, the liturgists, were were liable to be called upon by the state to conduct liturgies, that is, to finance and organize state festival expenditures, or to command and pay for the upkeep of a ship of the fleet. The *eisphora* tax was a lesser financial burden, an annual tax imposed only on the rich, and even then adjusted according to an individual's net worth.²⁷³ These wealthiest citizens (and metics) of course had the greatest access to prestigious goods, the components of the Athenian 'aristocratic lifestyle,' which Ober describes as, "athletic training and contests, hunting, horse raising, involvement in homoerotic love affairs, and attendance at exclusive drinking parties (*symosia*)."²⁷⁴ However, some markers of status, such as *eugenes* birth, did not specifically require financial outlay to possess; these aspects of elite ideology came to be appropriated by the democracy as a whole.²⁷⁵ While the activities of the Athenian 'aristocratic lifestyle' comprised the justifications for elite status, not only the wealth elite capitalized on these sources of status and their ideological underpinnings. The ideological context of the elite lifestyle did not belong exclusively to elites, but could be taken over by the *demos*: it was rather a contested source of social credentials than an ideology confined to and espoused by aristocrats only.²⁷⁶ This problematizes the issue of deciding whether a text shows "popular" or "elite" values.

²⁷² By 358 BCE, the richest 1200 men (the richest 4% of the population of citizen males) paid the eisphora tax. In the 4th century, there were approximately 500 liturgies total including trierarchies and festival liturgies combined, so at least 500 of these men and probably more were liturgists. The Solonian property classes and their corresponding military divisions were less meaningful in the 4th century, in the latter decades of which the state funded hoplite training for all (Dem. 21.151-4, Hansen 1991: 110-15).

²⁷³ Hansen 1991: 110-116.

²⁷⁴ Ober 1989: 250. Ober discusses "aristocratic behavior" under the heading of "status," (Ober 1989: 248-292, ch. VI: "Status: Noble Birth and Aristocratic Behavior").

²⁷⁵ Ober 1989: 248-292, esp. 259-61, Loraux 1986: 174-220, and see also references to Fisher, n. 6.

²⁷⁶ Loraux 1986 *ibid*, Ober 1989: 248-292.

Since the principle extant sources for the ideology of pederasty are Plato's and Xenophon's dialogues on *eros*, the audience for their works is the most important for our purposes.²⁷⁷ Douglas Kelly argues that the small, private groups of well-educated and wealthy men portrayed discussing philosophical topics in Plato and Xenophon are realistic: these are the sort of people and gatherings at which such topics were read (usually aloud) and discussed.²⁷⁸ But their audience may have been broader than is usually assumed. Plato and Xenophon were part of a larger trend. The reading audience of Athens at least had an appetite for dialogues about socially improving pederastic *eros*.²⁷⁹ Evidence from Aeschines the Socratic philosopher (as distinct from the son of Atrometos who prosecuted Timarchos) and Antisthenes shows that philosophical dialogues on *eros* starring Socrates (and Alcibiades) constituted a literary fashion.²⁸⁰ The *eros* involved was alleged to be socially productive, in that Alcibiades had the potential to be made a better man through Socrates' teachings which *eros* and affection prompted. This predilection for Socratic dialogues on *eros* allows for, though it does not require, an audience for philosophical works featuring morally improving pederasty at least as large as the reading audience of Athens. A comic fragment from Alexis (4th-century B.C.E.), from a play entitled "Phaedrus," which seems to be a send-up of a philosophical dialogue on *eros*, suggests at the least a loose cultural familiarity among Athenians with these

²⁷⁷ For further exploration of the problems surrounding Plato's audience, see Blondell 2002: 25-6, 52.

²⁷⁸ Kelly 1996: 151.

²⁷⁹ The limits on the Athenian book-reading audience were based in education and interest more than in economics. As Plato's Socrates notes, the books of Anaxagoras may be bought cheaply (a drachma at most) in the agora (Plat.*Apol.*26d-e, W. Harris 1989: 85 n. 92).

²⁸⁰ Kahn 1994: 87-94, 103-6. Note also that Aeschines (referred to as Socraticus to distinguish him from the *rhetor*) was an educated but poor man, who charged for lectures and practiced as a *logographos* to make ends meet (Kahn 1994: 87-9). Plato himself was quite aristocratic, with blood ties to Kritias IV and Charmides, and a relative by marriage of the wealthy Kallias. He was wealthy enough himself to act as a liturgist, but only with some financial assistance from a friend (Nails 2002: 243-50).

erotic dialogues, and possibly even with Plato's *Phaedrus* specifically.²⁸¹ Of course, the comic audience would not necessarily need to have read any dialogue to find the play amusing, nor is the play direct evidence for popular approval of pederasty, but the existence of the play suggests widespread cultural familiarity with philosophical literature on *eros* (even if only after the fact, through the vehicle of the comedy itself).²⁸² Combined with the evidence of the other Socratics, the fragment of Alexis suggests that the audience for philosophical texts praising pederastic *eros* may have been as socially broad as the reading audience, and that cultural familiarity with the literary *topos* – though not necessarily approval – extended to the limits of the comic audience.

Turning now to oratory, the forensic speeches containing evidence for the jurors' reception of pederastic practice include Lysias 3 *Against Simon*, which concerns an attempted wounding and was delivered before the Areopagos, and several speeches by Aeschines and Demosthenes, all delivered at high-profile political trials.²⁸³ There was arguably no more "popular" audience at Athens than the mass juries of 501 to 2501 citizens over the age of thirty assigned to judge *graphai*, or public suits, and there is substantial reason to believe that there were more poor men among the jurors than in the general population.²⁸⁴ Evidence from Lysias and later Demosthenes depicts jurors as dependent on their 3-obol daily wage.²⁸⁵ Even if Aristophanes' comic portrayal of poor and plebeian jurors is an exaggerated mockery of elite discourses, the oratorical evidence suggests that it contains a grain of truth: the juries contained a higher-than-average

²⁸¹ Alexis, *Phaedrus* fr. 247 PCG and Hubbard 2003: 114.

²⁸² cf. Nails 2002: 249.

²⁸³ Aeschin.1, 2, 3; Dem. 19, 22.

²⁸⁴ Hansen 1991: 181-9.

²⁸⁵ Dem. 21.182, Lysias 27.1-2, Ober 1989: 143-4. Todd 2007: 335 suggests a jury comprised of mainly peasant farmers, who identified with the interests and ideologies of gentleman farmers as well.

proportion of poorer citizens.²⁸⁶ References in the Demosthenic corpus to jurors' financial status as *eisphora*-payers can be construed as flattery: jurors did not mind being counted as more well-to-do than they actually were (an example of their willingness to appropriate at least the identity of those better off than themselves).²⁸⁷

Even the jurors, arguably the most popular audience, found elitist narratives appropriate under the right circumstances. For example, Demosthenes, speaking before a mass jury in 343 BCE, expected jurors to agree with his contempt for tradesmen if it were a question of electing one to a generalship.²⁸⁸ Similarly, in their forensic rivalry for control in Athenian politics, Demosthenes and Aeschines each rebuke the other with lacking elite education.²⁸⁹ It should therefore not come as a surprise that even if jurors should identify pederastic practice as the province of the elite, they nevertheless aspire to it and appropriate its values for themselves.

The dramatic audience likewise has a claim to the title 'popular,' yet they too were willing to hear elitist narratives in addition to anti-elite invective, and shared the same pederastic morality as that described in philosophical texts. The Theater of Dionysos seated as many as 14,000 people, the majority of whom were citizen males.²⁹⁰ There is reason to believe that the dramatic audience was better-off than the jurors. The theatre was unique among civic institutions in that there was a fee for admission, albeit a

²⁸⁶ Todd 2007: 321-50, Hansen 1991 *ibid*, Ar. *Vesp.* 290-303, Isokr. 8.130 and 7.54.

²⁸⁷ Dem. 22.50, Todd 2007: 341-3, Hansen 1991 *ibid*.

²⁸⁸ “ἡμεῖς, Ἀφόβητε καὶ σὺ Φιλόχαρες, σὲ μὲν τὰς ἀλαβαστροθήκας γράφοντα καὶ τὰ τύμπανα, τοὺτους δ' ὑποργαμματέας καὶ τοὺς τυχόντας ἀνθρώπους (καὶ οὐδεμιᾶς κακίας ταῦτα, ἀλλ' οὐ στρατηγίας γε ἄξια) πρεσβειῶν, στρατηγιῶν, τῶν μεγίστων τιμῶν ἠξιώσαμεν.” (Dem. 19.237). “Aphobetos, and you, Philochares, we have found you, who paint small ornament-boxes and kettle-drums, and these fellows, under-secretaries and random ordinary people (and these professions do not deserve any ill-repute, but neither do they merit a generalship), worthy of ambassadorships, generalships, the highest honors.”

²⁸⁹ Dem. 18.128, 265, Aeschin. 1.166, 2.113, 147, Ober 1989: 177-87.

²⁹⁰ Goldhill 1997: 57-60.

small one (2 obols). Sommerstein argues for a wealthier and more elitist comic audience, especially before the institution of the *theorikon* stipend in the mid-4th century. This would place the comedies of Aristophanes, and in particular those which furnish the most evidence for homoeroticism (e.g. *Clouds* and *Knights*) within the period when the comic audience was at its most elite. Following the mid-fourth century, the *theorikon* stipend supplied funding for all Athenians to attend, but recipients did not have to spend it on the theatre, and poorer Athenians had more reason than richer ones to spend the money elsewhere.²⁹¹ Nevertheless, given that in the fourth century there were approximately 300-400 liturgists, and no more than 2,000 citizens total rich enough to comprise a *de facto* leisure class, the majority of the theatre seats were filled with non-elites.²⁹²

This audience, too, however, tolerated the appropriation of elite discourse, notably in the form of comic invective. For example, the comic narratives about the leading politicians after the death of Perikles exploited their alleged backgrounds in the lowest forms of trade.²⁹³ In addition, the dramatic audience was not averse to legitimate pederasty in the right genre. There is no known distinction between the audience for tragedies and that of comedies, and Athenians watched what seems to have been a positive depiction of a pederastic relationship between Achilles and Patroclus in Aeschylus' *Myrmidons*, at least within a heroic context.²⁹⁴ Producers and playwrights were competing to win at the Greater Dionysia, and the judges were believed to be

²⁹¹ Hansen 1991: 98, Sommerstein 1997: 66.

²⁹² Ober 1989: 128.

²⁹³ Carey 1994: 70, Cf. Ar. *Eq.* 734-41, and also the Sausage-Seller's less-than-elite education at 1231-42.

²⁹⁴ For the reperformance and continued cultural circulation of Aeschylus' works, see Pickard-Cambridge 1968: 86 and 99 ff. Aeschylus' *Myrmidons*, fr. 228a:

“ΑΧΙΛΛ.: ‘σέβας δὲ μηρῶν ἀγνόν οὐκ ἐπηιδέσω,
ὦ δυσχάριστε τῶν πυκνῶν φιλημάτων”

“you did not reverence the holy majesty of thighs, oh you, ungrateful for frequent kisses.”

See also Davidson 2007: 261.

influenced by the audience's reception of the play.²⁹⁵ This suggests that the dramatic audience and the citizenry as a whole approved of well-conducted pederasty.

Since I shall be arguing that Lysias 3 *Against Simon* demonstrates that a popular audience found pederastic love both an indicator of good nature and an index of personal morality, it is necessary to determine in addition the popular credentials of the judges who heard that case. *Against Simon* was not judged by the Heliaia and the popular jury described above; because it is a defense for attempted murder, it was heard and judged by the Areopagos, the murder court.²⁹⁶ Up until the early 5th century, the Areopagos was a stronghold of oligarchical sentiment. However, during the early 5th century, the Areopagos was composed of ex-archons who had gained their posts by election, and the social composition and politics of the council favored the aristocracy. However, after the reforms of 458 the archons were chosen by lot. When Lysias 3 was delivered, no earlier than 394 BC, the class composition of the Areopagites had become, according to Hansen, "a normal cross-section of the Athenian citizen male population over thirty."²⁹⁷ A speech addressed to such Areopagites should therefore be a credible source for Athenian popular morality.

Aeschines provides much of the oratorical evidence for pederastic conduct as a measure of morality. His enthusiastic paean to proper homoerotics in *Against Timarchos* (132-159) has led some scholars to propose two audiences for the delivered speech:

Aeschines appeals to the populist audience with his lurid account of Timarchos' alleged

²⁹⁵ Sommerstein 1997: 63, esp. n. 2, Plat. *Leg.* 659a-b, Ar. *Eq.* 546-50, Ar. *Av.* 445-6, Ar. *Eccl.* 1141-2. Since the identity of the judges was secret, and their decision not directly governed by the approval of the audience as a whole, drama's credentials as a source for popular morality may legitimately be called into question. However, it is not possible to impeach the popular credentials of tragedy without likewise impeaching those of comedy.

²⁹⁶ Carey 1989: 109.

²⁹⁷ Hansen 1991: 289.

sexual misadventures, while defending his social credentials to the wealthier or more aristocratic listeners who approve of genteely conducted pederasty. Hubbard offers the second explanation that Aeschines' praises of *dikaios eros* were not delivered before the popular audience of *dikastai* but were added post-delivery to bolster Aeschines' image with the elite readers of his published speeches.²⁹⁸ I shall argue below that Aeschines consistently uses pederastic misdeeds to concoct demonizing portraits of his political and forensic rivals. If Aeschines treats pederastic conduct as an index of personal morality throughout his extant works, in this particular case, where he claims to be defending himself against an accusation of boorishly casting appropriate pederasty into ill-repute, it should not seem striking if he arrogates legitimate *eros* to himself and his cause.²⁹⁹

Moreover, Aeschines' appropriation of proper pederastic sensibility for himself and the jurors in *Against Timarchos* is not simply or strictly elitist. For all the traditional elite values expressed therein, Aeschines frames his defense of proper pederasty as a defense of the refined values and elite credentials of himself and the jurors against the snobbery of his patronizing opponents. He starts by demonstrating a subtle understanding of the legitimate *eros* of Achilles and Patroklos, thus casting himself and the jurors as equally sophisticated and cultured in the ways of poetry and pederasty:

ἐπειδὴ δὲ Ἀχιλλέως καὶ Πατρόκλου μέμνησθε καὶ Ὀμήρου καὶ ἑτέρων ποιητῶν, ὡς τῶν μὲν δικαστῶν ἀνηκόων παιδείας ὄντων, ὑμεῖς δὲ εὐσχήμονες τινες [προσποιεῖσθε εἶναι] καὶ ὑπερφρονούντες ἱστορίᾳ τὸν δῆμον, ἵν' εἰδῆτε ὅτι καὶ ἡμεῖς τι ἤδη ἠκούσαμεν καὶ ἐμάθομεν, λέξομέν τι καὶ ἡμεῖς περὶ τούτων. (Aeschin.1.141).

But since you make mention of Achilles and Patroklos and Homer and other poets, as if the jurors are ignorant of education/culture, and you are some elegant fellows who despise the people because of your knowledge, in order that you may know that we, too, already listened and learned something, I will say something about these matters, also.

²⁹⁸ Hubbard 1984: 67-8, Sissa 1999: 156-9, *contra* Fisher 2001: 59-60.

²⁹⁹ Aeschin.1.133-5.

Aeschines frames his response as a defense of the jurors' own *paideia* against the condescension of his opponents. While he in no way challenges the value placed on *paideia*, he democratizes it, making it a possession of the jurors as representative of the *demos*. He further allows the jurors to demonstrate this culture and sophistication to themselves through their familiarity with the version of the myth that made Achilles and Patroclus a pederastic couple:

ἐκείνος γὰρ πολλαχοῦ μεμνημένος περὶ Πατρόκλου καὶ Ἀχιλλέως, τὸν μὲν ἔρωτα καὶ τὴν ἐπωνυμίαν αὐτῶν τῆς φιλίας ἀποκρύπτει, ἡγούμενος τὰς τῆς εὐνοίας ὑπερβολὰς καταφανεῖς εἶναι τοῖς πεπαιδευμένοις τῶν ἀκροατῶν. (Aeschin.1.142).

For that great poet, although he mentions Patroklos and Achilles many times, conceals their *eros* and the proper name of their affection, considering that the excesses of favor were manifestly evident to the educated among the hearers.

Aeschines allows the jurors to style themselves as the educated and sophisticated equals of his snobbish and pretentious opponents because of their implied familiarity with the pederastic version of the myth.³⁰⁰ He provides an opportunity for the jurors and the *demos* as a whole to participate in the virtue-production and social credentials of legitimate *eros* through their knowledge of myth.

The passages in praise of proper pederasty are in keeping with the attitudes conveyed by Aeschines' speeches as a whole. Aeschines' social background was modest for a *rhetor*, and justifying his elite political status is an integral part of his self-

³⁰⁰ The jurors themselves might easily be equally familiar with Aeschylus' *Myrmidons*, which depicted Achilles and Patroclus as *erastes* and *eromenos*, as they were with Homer (see n. 41 above). Aeschines casts familiarity with Homeric poetry as the attainment of an educated man, but in doing so, he sets criteria for *paideia* which most citizens could meet, and thus further democratizes *paideia*. Homer would be performed regularly at the Greater Panathenaia. The reperformance of Aeschylus is less secure: we cannot know that *Myrmidons* specifically was ever re-performed, but from 386 BC on (based on evidence from inscriptions) an old tragedy was performed regularly at the City Dionysia in addition to the new ones, and if anyone was willing to produce a play of Aeschylus, he was given the slot to perform it (Pickard-Cambridge 1968: 86, 99-100, 72; Philostr. *Vit. Apoll.* vi. II, *Vit. Aesch.* 12). On the performance of Homer at the Panathenaia, see Plat. *Hipp.* 228b-c, Lycurgus *Leocrates* 102 and Nage 1999.

fashioning throughout his three extant works.³⁰¹ For this reason, he habitually appropriates traditional aristocratic sources of social credentials - *paideia*, poetry, gymnastics and the gymnastically developed body, as well as legitimate pederasty – for himself, his adherents³⁰² and the jurors, while depicting his high-born and/or wealthier rivals as failures in these spheres of elite attainment.³⁰³ Aeschines’ habits of self-presentation increase the difficulties inherent in dividing the speeches into distinctly “popular” or “elitist” sections, and on that basis identifying any specific section as a post-delivery inclusion.

Moreover, speeches in Demosthenes and Dinarchos seem to allude to the passages in which Aeschines praises legitimate pederasty.³⁰⁴ These references do not echo his sentiment about pederasty specifically, but answer or repeat the point made in the passage, and may therefore corroborate the delivery of the original. It remains possible that all such references to the passages are post-delivery themselves, and reply to an

³⁰¹ Harris, Edward 1995: 21-40.

³⁰² Aeschin. 2. 147-151.

³⁰³ Aeschines’ self fashioning: Education: 1.141, 1.166-9, 2.153, 3.117, 3.130. Poetry: 1.141-52, 3.134-5. Gymnastics and the gymnastically-honed body: 1.26, 2.147, 149, 151; 3.255. Pederasty: 1.136-7, 1.138-42, 1.158-9, 1.166-9, 2.166, 3.255.

³⁰⁴ Aeschin.1.132 ff., rebutting the accusation that Timarchos’ unsavory sexual reputation arose from slander because of his beauty, is apparently referred to by Demosthenes (Dem. 19.233): “εἰ δέ τις ὦν ἐφ’ ἡλικίας ἐτέρου βελτίων τὴν ιδέα, μὴ προιδόμενος τὴν ἐξ ἐκείνης τῆς ὄψεως ὑποψίαν, ἱταμώτερον τῷ μετὰ ταῦτα ἐχρήσατο βίῳ, τοῦτον ὡς πεπορνευμένον κέκρικεν,” (Dem. 19.233). “And if someone, when he is in his youthful prime, is superior to another in appearance, and, not taking forethought for suspicion arising from that appearance, later on led a rather fast life, Aeschines brought this man to trial for having prostituted himself.”

The scandal of Aristarchos son of Moschos, concerning which Aeschines (Aeschin. 1.171, 2.166) portrays Demosthenes as a treacherous and cold *erastes*, and claims that Demosthenes’ treatment of his *eromenos* demonstrates his traitor’s heart (see pp. 38-9 below), is picked up by Dinarchos (Din.1.30, 47):

“οὐκ εἰς μὲν τὴν Ἀριστάρχου οἰκίαν εἰσελθὼν, βουλευσας μετ’ ἐκείνου τὸν Νικοδήμῳ θάνατον κατασκευασθέντα, ὃν ἴσ τε πάντες, ἐξέβαλε τὸν Ἀρίσταρχον ἐπὶ ταῖς αἰσχίσταις αἰτίαις; καὶ τοιούτῳ φίλῳ Δημοσθένει ἐχρήσατο, ὥστε δαίμον’ αὐτῷ τοῦτον καὶ τῶν γεγεννημένων συμφορῶν ἡγεμόνα νομίσαι προσελθεῖν;” (Din. *In Demosthenem* 1.30).

“Did he not, after entering Aristarchos’ house, after plotting with that fellow the death contrived for Nikodemos, which you all know, exile Aristarchus for the most shameful ends? And did Aristarchos not experience Demosthenes as such a friend, that he would naturally think that a god visited him as this fellow and was the instigator of the disasters which came to pass?”

Demosthenes also feels a need to defend his role in Aristarchos’ downfall in *Against Meidias* (21.104-5, 116, Worthington 1999: 150).

original post-delivery inclusion by Aeschines. However, it is equally possible that Demosthenes, when he brings Aeschines to trial in 343 three years after the conviction of Timarchos, is still doing public damage control for his role in defending Timarchos. When Demosthenes was prosecuted in 323 (twenty-three years later) for accepting bribes from the notorious Harpalus, the speaker who delivered *Dinarchos 1 In Demosthenem* may still have considered Demosthenes' venality and treachery towards his supposed *eromenos*, Aristarchos, worth dredging up again at the trial. It is impossible to know the precise relationship between delivered speeches and published ones. However, it is plausible that Demosthenes' enemies kept harassing him publicly regarding his disgraced associates (Timarchos and Aristarchos), and that he continued to defend his own role in the respective scandals. This external evidence makes it more likely that the passages of Aeschines most notable for their glowing recommendation of pederasty were in fact delivered in order to woo the popular audience of jurors.

In sum, the Athenian audiences regularly defined as 'popular', the courts and the dramatic audience, may justifiably be considered to represent the prevailing moral opinions of the common (citizen) man at Athens; however, the authors who write for these audiences share an affinity for appropriating elite discourses. This affinity suggests that the audiences addressed by Aeschines, Demosthenes and Lysias, as well as the dramatists, would have embraced ideologically a practice to which, in the fullest expression of its rituals as we know them, access depended on wealth, leisure and education. Although the formal pederastic courtship described in Plato and Xenophon required wealth and leisure, poorer Athenians aspirationally participated in the ideological framework of *dikaios eros*, "legitimate eros."

Dikaios Eros, Faithless Lovers, and Mercenary Beloveds

This “legitimate eros”, as portrayed by the philosophers, is that of an *erastes* who is in love with his *eromenos* for his soul, instead of solely for his body.³⁰⁵ His beloved is persuaded to accept the love out of affection and friendship, not for the sake of profit or social advancement.³⁰⁶ (The lecherous *erastes* and the promiscuous and/or mercenary *eromenos* appear as foils, and as such are integral in the articulation of correct erotic behavior, as I shall show below). Pederastic courtship in this milieu was expensive and time-consuming. The social spaces in which Plato and Xenophon depict it transpiring (the gymnasium, the Symposium) imply education and leisure.³⁰⁷ The usual love-offerings required more of the same, for example composing poetry or speeches of praise to the beloved, and wealth, too, since gifts, such as fighting-cocks or quail, were costly.³⁰⁸ However, those Athenians who lacked access to this social environment of pederastic practice nevertheless could also be ideological participants in *dikaios eros*.³⁰⁹

The narrative of the Athenian tyrant-slayers Harmodios and Aristogeiton was a vehicle for the ideology of *dikaios eros* among both aristocratic and popular audiences. For example, both Plato’s *Symposium* and Aeschines 1 *Against Timarchos* present the

³⁰⁵ Plat. *Smp.* 182e, 183d-e; Xen. *Smp.* 8.17-27, cf. also 8.6-7.

³⁰⁶ Wohl 2002: 4-5, Dover 1978: 44-9, Aeschines 1.132, 2.166, Phdr. 255A-265D, Plat. *Smp.* 181d, 184a-b, Xen. *Smp.* 8.19-24.

³⁰⁷ Gymnasium: Plat. *Phaedr.* 255b-c, *Smp.* 217c, Fisher 1998: 94-5, cf. also Theogn. 1335-6. Smposium: Xen. *Smp.* 1.2-10.

³⁰⁸ Speeches and Poetry: Plat. *Lys.* 204d, *Phaedr.* 227c, Dem. 61.1-3, Dover 1978: 57. Expense: Xen. *Oec.* 2.7, Is.10.25, Dover 1978 p.92.

³⁰⁹ Naturally, there were sexual outlets for those who did not have the leisure time, money and education to woo an elite *eromenos*. For example, Halperin suggests that professional prostitutes served this purpose (Halperin 1990: 90-4).

eros of the culture heroes as (in Wohl's phrase) "socially productive."³¹⁰ For Pausanias in Plato's *Symposium*, Harmodios and Aristogeiton's steadfast love forged the affections and the mindset which induced them to destroy the tyranny.³¹¹ Aeschines uses the lovers as exemplars of the moral benefits of proper *eros*.³¹² The public, democratic mythology of the Tyrannicides was also reflected in the visual arts. As Stewart points out, Kritias' over-life-size statue of Harmodios and Aristogeiton in the Agora depicted a beardless Harmodios beside a mature Aristogeiton, making visible their age difference and their eligibility for erotic partnership. By admiring the beautiful and loyal Harmodios, the viewer is invited to identify with Aristogeiton, and to share vicariously in his *eros*. At the same time, the lovers' shared slaying of Hipparchos politicizes their action, demonstrating that their *eros* is, as Plato's Pausanias put it, the foundation of their act of freeing Athens from tyranny.³¹³ The Athenians collectively shared the narrative of Harmodios' and Aristogeiton's *dikaios eros*, regardless of whether each individually had personal access to the social environs and the wealth which were necessary for the practice of formal pederasty.

As mentioned above, texts appropriate legitimate pederasty and its symbolic capital for the audience which the author aims to flatter. While Plato's Socrates in *Phaedrus* implies that proper pederasty is the exclusive province of the elite, a forensic

³¹⁰ Wohl 2002 *ibid*.

³¹¹ Plat. *Smp.* 182b6-c.

³¹² Aeschin. 1.139-141.

³¹³ Stewart 1997: 70-73. For further information about the role of the Tyrannicides in democratic ideology, see Ober 2003: 215-26 and Raaflaub 2003: 83-69. Apart from Aeschines' and Plato's account, the only other text to describe the tyrannicides' pederastic relationship is Thucydides, who 'debunks' Harmodios' and Aristogeiton's political motive and suggests instead that private sexual jealousy played a larger role (Thuc. 6.54-59). Thucydides does not portray the pair as violating the dicta of proper pederasty, but at the same time distances them from any political wish to end the tyranny (which, of course, their slaying did not in fact accomplish). Ober indicates that depoliticization of the Tyrannicides' act was, according to the Aristotelian *Ath. Pol.* (18.5), a version of history espoused by critics of Athenian democracy (Ober 2003: 221).

text aimed at a popular audience of jurors similarly annexes pederasty to the *demos*.³¹⁴ In Aeschines' *Against Timarchos*, in order to alienate his allegedly prostituted opponent from all decency, Aeschines arrogates legitimate *eros* to his own cause. In doing so, he accuses his opponents of being aristocratic snobs, and claims the decorous pursuit of youths for all free men as a means of shaping the virtue of the young citizen.³¹⁵ Aeschines thus appropriates the symbolic capital of proper pederasty for himself and the non-elite jurors, implying that, as Parker puts it, "pederasty is democratic."³¹⁶ The texts which imply that pederastic *eros* was the sole province of the elite are contending for exclusive rights to a set of ideals held in common by Athenians, and appropriated in service of the elite and the *demos* alike.

Dover, in his influential 1978 work, *Greek Homosexuality*, suggests that formal pederastic courtship was scorned by the poor majority of Athenians as a frivolous activity which only the rich can afford.³¹⁷ Expense was indeed a factor in the exercise of formal pederastic courtship (though not in ideological participation). Athenians expressed anxiety about the frivolity of large expenditures on *paidika*. For example, in Isaeus *On the Estate of Aristarchos* (a source delivered before a popular audience) the speaker claims his cousin has wasted his estate on boys.³¹⁸ Similarly, Xenophon's Socrates in his *Oeconomicus* (a philosophical text aimed at a limited and more elite audience) jestingly but with some degree of seriousness raises a similar concern about the money that Critobulus spends on pederastic pursuits.³¹⁹

³¹⁴ See n. 5.

³¹⁵ Aeschin.1.132-141.

³¹⁶ Parker 2010: 9.

³¹⁷ Dover 1978: 148-151.

³¹⁸ Isae. 10.25.

³¹⁹ Xen. *Oec.* 2.7.

Dover raises legitimate questions about the Athenians' conflicted attitudes towards pederasty, which is sometimes construed as socially productive, and sometimes as a drain on the resources of one's estate. In Xenophon's *Oeconomicus*, Socrates lists *paidika* as one of Critoboulos' allegedly ruinous expenses, which also include horse-raising and miscellaneous liturgies. The passage does not seem intended to cast him as morally in jeopardy, but rather as a wealthy man pursuing the traditional expensive habits of the Athenian aristocrat, some civic necessities and others comparatively decent indulgences. Xenophon takes a decidedly more tolerant tone than the hostile example at Isaeus 10 *On the Estate of Aristarchos*, where the speaker contrasts the pederastic expenditures of his opponent Xenainetos with his own, respectable use of funds, such as dowering his sisters. Xenophon's work, written for a more elite audience, is more sympathetic to the outlay of large sums towards *paidika*, but both sources reflect concern over such expenditures.

Comedy, aimed at a popular audience, is the genre least delicate and respecting of "legitimate *eros*," eager and willing to conflate it with its evil opposite.³²⁰ Hubbard's is the most convincing and carefully researched argument that comedy (and oratory) demonstrate a popular contempt for pederasty.³²¹ Comedy expresses exaggerated doubts about anyone practicing correct pederasty, suspecting all alike of the coarsest motives.³²² However, comic commentary on pederastic morality shows the same fault lines of moral evaluation as the texts most hospitable to pederasty, the same anxiety about self-seeking

³²⁰ Hubbard 1999: 50-55 and Hubbard 2003: 86-9; contra Dover 1978: 138. Because Hubbard's article is the best version of this argument, I offer interpretations of many of the same comic passages in order to reconcile disparities between Hubbard's conclusions and others'.

³²¹ For the opposing viewpoints, see n. 2, 5 and 6 above.

³²² Comic exaggeration: Parker 2010: 5 and Aristotle's *Poetics*: "ἐν αὐτῇ δὲ τῇ διαφορᾷ καὶ ἡ τραγωδία πρὸς τὴν κωμῳδίαν διέστηκεν· ἡ μὲν γὰρ χείρους ἢ δὲ βελτίους μιμείσθαι βούλεται τῶν νῦν." (Arist. *Poet.* 1448a), "And in this very distinction, too, tragedy stands apart against comedy: the one tends to portray people as worse than they are in the present day, but the other, better."

erastai and mercenary and/or easy *eromenoi* which is an integral part of philosophical texts as well as of comic invective. I shall now turn to certain passages which have been interpreted as condemnations of practices recognizable as components of proper pederasty, which, it has been argued, were accepted by aristocrats but condemned by the popular audience.³²³ I am most interested in comic views of aspects of formal pederastic courtship, because it is this set of practices which is praised in the sources commonly agreed by scholars to favor pederasty. If these same practices are condemned in comedy, a discrepancy in the sources' treatment of pederasty will become apparent.

Comedy and philosophical texts share the same suspicion of the lecherous *erastes*. Although the comic articulation expresses exaggerated doubt about the existence of a high-minded lover, the index of moral evaluation remains the same. The speaker in the following fragment of Amphis (4th Cent. B.C.E.) is cynical about the existence of a good lover, one who actually loves the boy's character:

τί φής; σὺ ταυτὶ προσδοκᾶς πείσειν ἐμέ,
ὡς ἔστ' ἔραστής, ὅστις ὠραίου φιλῶν
τρόπων ἔραστης ἔστι, τὴν ὄψιν παρείς;
ἄφρων γ' ἀληθῶς. οὔτε τοῦτο πείθομαι,
οὔθ' ὡς πένης ἄνθρωπος ἐνοχλῶν πολλάκις
τοῖς εὐποροῦσιν οὐ λαβεῖν τι βούλεται. (Amphis fr. 15 PCG).

What are you saying? Do you really think that you will persuade me of this, that there exists a lover, who, although he is fond of youthful beauty, is a lover of [sc. boys'] characters and disregards appearance? You are, at any rate, truly witless. Neither am I persuaded of this, nor that a poor man, when he often makes a pest of himself to the rich, doesn't want to get something.

This comic character's doubt that any *erastes* has the right motives has been interpreted as a reflection of the comic audience's general condemnation of all *erastai*.³²⁴ However, the fragment uses the same moral distinctions as philosophical condemnations of the bad

³²³ For further studies of sexual passivity in comedy more generally, see Worman, this volume.

³²⁴ For interpretations of this quote as a demonstration of popular contempt for all *erastai*, see Hubbard 1999: 50-55.

lover, and assumes the same moral poles of reference as do texts for elite consumption. Amphis' speaker does not say that the lover of the boy's character would be morally reprehensible; he denies that there is genuinely such a one. Both Plato and Xenophon define the good *erastes*, who loves the soul of the boy above his body, in contrast to the wicked *erastes* who prizes physical gratification alone, and emphasize the relative transience of love based on physical appearance rather than character.³²⁵ The comic speaker exhibits a moral map which overlaps with that of philosophical texts.

In addition to doubts and distress on the motives of *erastai*, comic texts likewise reflect philosophical anxieties about the mercenary *eromenos*, who gratifies his lover for the sake of profit. In Aristophanes' *Wealth*, Karion and Chremylos show a similar moral anxiety about the motives for which a youth yields his charms:

ΧΡΗΜΥΛΟΣ: καὶ τὰς γ' ἑταίρας φασι τὰς Κορινθίας,
ὅταν μὲν αὐτὰς τις πένης πειρῶν τύχη,
οὐδὲ προσέχειν τὸν νοῦν, εἴαν δὲ πλούσιος,
τὸν προκτὸν αὐτὰς εὐθύς ὡς τοῦτον τρέπειν.
ΚΑΡΙΩΝ: καὶ τοὺς γέ παῖδάς φασι ταῦτ' οὗτο δρᾶν,
οὐ τῶν ἐραστῶν ἀλλὰ τὰργυρίου χάριν.
ΧΡ: οὐ τοὺς γε χρηστούς, ἀλλὰ τοὺς πόρνους· ἐπεὶ
αἰτούσιν οὐκ ἀργύριον οἱ χρηστοί.
ΚΑ: τί δαί;
ΧΡ: ὁ μὲν ἵππον ἀγαθόν, ὁ δὲ κύνας θηρευτικάς.
ΚΑ: αἰσχυρόμενοι γὰρ ἀργύριον αἰτεῖν ἴσως
ὀνόματι περιπέττουσι τὴν μοχθηρίαν.
(Ar.Plut.149-159).

CHREMYLOS: And they say the Corinthian hetairai, at any rate,
Whenever some poor man happens to come on to them,
they don't even pay attention, but if the man is rich,
right away they turn their butts toward him.
KARION: And in fact they say that boys do this same thing,
not for the sake of their lovers but for money.
CHR: Not the good boys, but the whores,
since the good boys don't ask for money.
KA: What then?
CHR: One asks for a good horse, another for hunting dogs, ...
KA: Perhaps because they are ashamed to ask for money:

³²⁵ Plat. *Smp.* 183e, cf. Xen. *Smp.* 8.23-8. Plato's Pausanias claims that it is praiseworthy "καὶ μάλιστα τῶν γενναιοτάτων καὶ ἀρίστων, κἂν αἰσχίους ἄλλων ᾧσι, ..." "most of all, to love those who are noblest and most virtuous, even if they should be uglier than others, ..." (Plat. *Smp.* 182d).

in name, they hide their wickedness.

This passage has been used to show that the comic audience would view elite *eromenoi* as the functional equivalent of prostitutes.³²⁶ However, Karion's cynical response that all boys yield for the sake of gifts, just like paid courtesans, is not a condemnation of the "good boys," who "yield for the sake of their lovers." It is instead a comic exaggeration of human greed, a skepticism about the possibility that such a good *eromenos* exists. Aristophanes' moral distinctions between good and mercenary *eromenoi* are the same as those drawn by Plato and Xenophon. Moreover, Karion's conflation of "good" pederasty to "bad" is not an expression of a moral truth obvious to all in the audience. In George Bernard Shaw's *Mrs. Warren's Profession*, when madame Mrs. Warren suggests that marriage is the moral equivalent of prostitution, she disparages the morality of marriage, but does not imply that the two relationships enjoy equal respect from society as a whole.³²⁷ Rather, it is from the disparity in the degrees to which society sanctions them that these claims for their moral equivalency derive force. Karion's and Chremylos' exchange suggests that an *eromenos* accepting gifts in the context of formal courtship is (superficially) respectable.

Comedy does not depict the sexual appeal of youths as effective only on the elite portion of the male population. Proper pederasty may be limited to those with the education, leisure and funds to pursue it, but impropriety is more widely available. In

³²⁶ Hubbard 1999: 51-3, 64, Dover 1978: 145-6. The designation "whore" does not here indicate literal prostitution, but is a slur against mercenary *eromenoi* (Fisher 2002: 56-7, cf. Aeschin. 1.74-6 in which Aeschines attempts to collapse the two uses). A second interpretation supports the claim that this passage in *Wealth* is a de-bunking of aristocratic ideology. The characters are revealing elite gift-exchange as no different from or better than exchange of coin. For more on gift-exchange in aristocratic ideology, see Kurke 1999: 41-60, 178-199.

³²⁷ "What is any respectable girl brought up to do but to catch some rich man's fancy and get the benefit of his money by marrying him? – as if a marriage ceremony could make any difference in the right or wrong of the thing!" (George Bernard Shaw, *Mrs. Warren's Profession* act II). I owe this excellent comparandum and the point which accompanies it to David Halperin.

Aristophanes' *Birds*, the unaristocratic Euelpides envisions his ideal city as one in which fathers would allow him greater sexual access to their sons.

ὅπου ξυναντῶν μοι ταδί τις μέμψεται
 ὡσπερ ἀδικεθεῖς παιδὸς ὠραίου πατῆρ'
 καλῶς γέ μου τὸν υἱόν, ὦ Στιλβωνίδη,
 εὐρῶν ἀπιόντ' ἀπὸ γυμνασίου λελουμένον
 οὐκ ἔκυσας, οὐ προσεείπας, οὐ προσηγάγον,
 οὐκ ὠρχιπέδισας, ὦν ἐμοὶ πατρικὸς φίλος.

Where when some father of a youth in his bloom, when he meets me, reproaches me like a man wronged: 'Oh, just charming, Stilbonides, how when you find my son, bathed and coming back from the gymnasium, you didn't kiss him, greet him, embrace him, grab his testicles – and you a friend of the family.' (Ar. Av. 137-142).³²⁸

Those who emphasize popular disapproval of pederasty point out that this passage indicates that the father would ordinarily keep Euelpides away from his son, and therefore that comedy reveals its audience's general hostility to pederasty.³²⁹ Evidence from Plato and Xenophon corroborates the role of a boy's father as a guardian of his virtue from the wrong kind of pederastic attentions. Plato's Pausanias notes that fathers typically attempted to bar access to casual encounters with lovers, while Xenophon's Socrates indicates that Kallias demonstrates his honorable intentions by inviting his beloved Autolykos' father to the youth's victory dinner.³³⁰ However, there is no reason to suppose that the behavior Euelpides proposes - accosting a youth in private and fondling him on his way home - is part of legitimate courtship. The habits of comedy suggest that the behavior Euelpides desires is not proper, but rather belongs to the category of "sexual opportunism" which Dover mentions as a feature of the comic stage.³³¹ In Euelpides'

³²⁸ Note that the character's name is Euelpides, not "Stilbonides." The verb "στίλβω" means, "to glitter, gleam"; the name is unattested at Athens, although other names from the *στιλβ*- root are. The point of the name is most likely that in his fantasy, Euelpides is addressed with a name meaning he is sleek with oil, a gymnasticized and aristocratized desirable suitor. Euelpides imagines himself as receiving a social promotion in his ideal city, even if only in the eyes of this theoretical neighbor (Dunbar 1995: 178). See Dover 1978: 136-7 for his analysis of this passage.

³²⁹ Hubbard 1999: 54-5.

³³⁰ Plat. *Smp.* 183c-d, Xen. *Smp.* 8.10-11.

³³¹ Dover 1978: 139, Plat. *Smp.* 183c-d, Xen. *Smp.* 8.10-11.

fantasy utopia, “bad” pederastic conduct will win him even more praise from the lad’s father (and access to the lad himself) than ever appropriate pederasty could do.

Comedy presents the sexual desire for youths as normal for males, regardless of social class. The majority of Athenians might not have been able to afford the time, education and presents which would win an aristocratic young beauty at the gym, but they nevertheless considered it normal to desire erotic contact with youths. While some scholars understand comic invective on one Misgolas’ predilection for beautiful young cithara-players as a broader comic condemnation of any man sexually attracted to young males, other evidence from comedy suggests that this same orientation of appetites is expected of any man, regardless of his social class.³³² Thus there is evidence for broad participation in pederasty in the simple sense of desire for sexual contact with youths, even though formal courtship proceedings might remain out of reach for many. In Aristophanes’ *Clouds*, the pleasures which Wrong Argument warns Pheidippides against missing, should he take the path of sober chastity, include “youths, women, drinking games (kottabos), delicacies, big laughs,” (Ar. *Nub.* 1073). Wrong Argument offers him a

³³² Hubbard 1999: 52, 71, Fisher 2002: 170-2, Dover 1978: 73-4, Alexis fr. 3 *PCG*, Antiphanes fr. 27.12-18 *PCG*, and Timocles fr. 32 *PCG*. Misgolas is named as the first lover of Timarchos in Aeschines *Against Timarchos*, and Aeschines’ description of him appears to draw on his reputation in comedy (Aeschin. 1 41 ff.). From Timocles’ play entitled, “Sappho,” the following line is preserved:

“ὁ Μισγόλας οὐ προσιέναι σοι φαίνεται, ἀνθοῦσι τοῖς νέοισιν ἠρεθισμένος,” (Timocles fr. 32 *PCG*), “Misgolas does not appear to approach you, since he is excited by blooming youths.”

Alexis testifies to Misgolas’ reputed fascination with *kithara*-players:

“ὦ μήτηρ, ἰκετεύω σε, μὴ ’πίσειέ μοι τὸν Μισγόλαν· οὐ γὰρ κιθαρωδός εἰμι’ ἐγώ.” (Alexis fr. 3 *PCG*)

“Mother, I beg you, do not set Misgolas on me; I’m not a *kithara*-player.”

Antiphanes lampoons both Misgolas’ predilections, for youth and for musicians, in the following:

“καὶ τὸν Σινώπης γόγγρον ἤδη παχυτέρας ἔχοντ’ ἀκάυθας τουτοῦ τίς λήψεται πρῶτος προσελθών; Μισγόλας γὰρ οὐ πάνυ τούτων ἐδεστής. ἀλλὰ κιθαρος οὐτοσί, ὃν ἂν ἴδῃ τὰς χεῖρας οὐκ ἀφέξεται. καὶ μὴν ἀληθῶς τοῖς κιθαρωδοῖς ὡς σφόδρα ἅπασιν οὗτος ἐπιπεφυκῶς λαυθάνει,” (Antiphanes fr. 27.12-18 *PCG*).

“Who will be the first to come up and take a conger-eel with a backbone already thicker than Sinope’s? Because Misgolas is no eater of those. But this flatfish here (*kitharos*) - if he sees it, he won’t keep his hands off of it. Really, how his exceeding adherence to all *kithara*-players escapes people’s notice.”

menu of options, listing youths on a par with women as pleasing objects for sexual consumption (while Right Argument would have the boy groomed as a well-behaved object of sexual desire).³³³ Comedy testifies to the broad sexual appeal of youths, rather than suggesting that only aristocrats would find them attractive. Philokleon, the elderly and decidedly unaristocratic juror father in *Wasps*, considers it one of the many privileges of the jurors to ogle boys' genitals when they stand for examination at their *dokimasia*.³³⁴ Comedy suggests that the basic wish to take advantage of youths' sexual availability is implicitly shared by all males, which is hard to reconcile with a popular dramatic audience's scorn for pederasty.

Most comic characters are themselves not "proper" pederasts but sexual opportunists. One exception to this rule is the chorus in the parabasis of *Wasps*, which claims that the poet never took advantage of the sexual perks his fame affords by being a nuisance around the gymnasium, or by slandering a youth at the behest of an alienated lover:³³⁵

ἀρθεῖς δὲ μέγας καὶ τιμηθεῖς ὡς οὐδεὶς πώποτ' ἐν ὑμῖν,
οὐκ ἔκτελέσαι† φησὶν ἐπαρθεῖς, οὐδ' ὀγκῶσαι τὸ φρόνημα,
οὐδὲ παλαίστρας περικωμάζειν πειρῶν· οὐδ', εἴ τις ἐραστῆς
κωμωδεῖσθαι παιδίχ' ἑαυτοῦ μισῶν ἔσπευσε πρὸς αὐτόν,
οὐδενὶ πώποτέ φησι πιθέσθαι, γνώμην τιν' ἔχων ἐπιεικῆ,
ἵνα τὰς μούσας αἴσιν χρῆται μὴ παραγωγοὺς ἀποφήνη. (Ar. *Vesp.*1023-8).

And he says that when he became famous and honored as no poet ever was among you, he did not end up conceited, nor did he puff up his pride, nor did he go about the wrestling-grounds making sexual advances. And, if some lover was after him to lampoon his boyfriend, out of spite after a lovers' quarrel, he says that he never ever obeyed any of them, because he has a certain fair-minded understanding, in order that he not make the muses with whom he deals into procuresses.

³³³ Right Argument is a proponent of the traditional education and traditional morality: As such, he requires chastity from his pupils, and disapproves of flirtatious boys, but his motives are not strictly moralistic; he finds the demure ones more attractive (Ar. *Nub.* 960-1025).

³³⁴ Ar. *Vesp.* 578, Parker 2010: 7-9.

³³⁵ For the suggestion that Aristophanes is contrasting his own behavior with that of his rival Eupolis in a running gag, see Davidson 2007: 471 and 580 n. 11. See also Ar. *Pax* 762-4.

Some interpret this passage as Aristophanes' denial of any pederastic practice, because his audience looked down on *erastai* and *eromenoi* alike as practitioners of an objectionable, elite custom.³³⁶ Aristophanes, on this interpretation, would be denying that his success led him to join in this upper-class practice. It is equally likely, however, that Aristophanes is disassociating himself from conduct ill-befitting a good *erastes*, and aiding or abetting such conduct in another, because his audience will consider that *proper* pederasty is praiseworthy.

In this passage, Aristophanes denies two separate species of erotic misbehavior in which he might have engaged now that he is well-known. First, he suggests that he refrained from cheap conquests over youths hoping to capitalize on his fame. Philosophical texts condemn youths who are attracted by wealth or hope of advancement, and Aristophanes jokes that he does not take advantage of these morally suspect youths.³³⁷ Aristophanes' use of *περικωμάζω* suggests a second possibility: the poet is denying that he has become a variety of athletics-pest.³³⁸ Aeschines in *Against Timarchos* claims that his opponents will accuse him of making a nuisance of himself at the gymnasium with boorish and coarse innuendo; the poet here distances himself from the same sort of behavior.³³⁹

³³⁶ Hubbard 1999: 50-55.

³³⁷ Youths attracted by wealth or influence, to their shame: Plat. *Smp.* 184ab. For condemnation of the man who tempts *eromenoi* with advancement, see Demosthenes' specious offer of political preeminence to his would-be lover Aristarchos at Aeschines 1.171-2.

³³⁸ The verb *κωμάζω* is used of people parading in festival processions, but can also mean to conduct oneself as in a *komos*, a disorderly revel (*LSJ* entry on "*κωμάζω*." cf. Dem. 19.287. For the sense of disorderly revelry, see Isae. 3.14).

³³⁹ "...ἐν τοῖς γυμνασίοις ὀχληρὸς ὢν καὶ πλείστων ἐραστῆς γεγονώς,..." "... although I am irksome in the gymnasium and have become the lover of very many,..." (Aeschin. 1.135). It is not fully clear from the text what about Aeschines' behavior at the gymnasium is inappropriate. Since, immediately following this passage, he owns with pride to being frequently in love, and even getting into fist-fights, there cannot be anything too deeply inexcusable in these practices *per se*. The only thing Aeschines denies is the lascivious character of some of his poetry to youths which the defense has threatened to read aloud: Aeschines refuses the implication that he is the sort of lover who wants mere sex from his *eromenoi*, instead of the full

In addition to clearing himself of misconduct at the wrestling-ground, Aristophanes says that he has never selected his targets for invective at the behest of a spiteful lover.³⁴⁰ The first implication is that the poet's mockery is always genuine and deserved, since he and his muse serve no masters. In fact, scholars of sexuality (myself included) run the risk of over-emphasizing this passage's expression of pederastic morality, when it is primarily a claim for the purity of Aristophanes' poetic motives. Aristophanes, through his chorus, also disavows any association with the spiteful behavior of the *erastes*, which the audience may well have found hateful. Aristophanes is claiming that he has refrained from the temptation of taking erotic advantage of his fame and playing the part of a bad lover, and that he never aided a vicious *erastes* by publicly humiliating his boyfriend, which claim is consistent with Plato's and Xenophon's version of pederastic morality, rather than contradicting it.

Comedy is better known for its repeated condemnation of the *eromenos* who allows himself to be physically penetrated – the very opposite of “proper” behavior. The comic *topos* that all politicians are ‘wide-arsed’ appears frequently enough in Aristophanes that Plato has his Aristophanes in the *Symposium* repeat the theme (with minor but important distinctions). For example, the Sausage-seller in Aristophanes' *Knights* suggests that the Cleon-figure Paphlagon was moved by fear to strike the bugged from the citizen lists, lest they become serious rivals as politicians.³⁴¹ The implication is that the shamelessness required for freely (and perhaps indiscriminately?)

emotional complement of legitimate love. I suggest therefore that Aeschines' alleged gymnasium offenses consist of indiscriminate and coarsely sexual overtures, a crime consistent with overly suggestive poetry.

³⁴⁰ We have two examples of this *ad hominem* comic mockery of youths taking place. Aeschines recounts a comedy, apparently performed after Timarchos was an adult, in which appeared, in Fisher's words “big Timarchean whores” (Aeschin. 1.157, Fisher 2002: 57). Also, Eupolis produced a comedy entitled “Autolykos” in 421, featuring the young beloved of Kallias in Xenophon's *Symposium* with the nickname *Eutresios*, which appears to mean that he works well as a vagina (Eup. fr. 56 and Dover 1978: 147).

³⁴¹ For politicians as specifically *εὐρύπρωκτος*, see Ar. *Nub.* 1088-94.

allowing oneself to be the object of penetration is excellent preparation for a politician's shameless pandering to the People.³⁴² It is not obvious from the *Knights* whether the fault of the successful politician is enjoying penetration or selling himself. Oratorical evidence suggests that the latter was the more frequent charge.³⁴³ As Halperin puts it, by yielding his bodily integrity for money, the prostitute "indicated by that gesture that his autonomy was for sale to whoever wished to buy it."³⁴⁴ Such men are dangerous as politicians, because they have shown that their loyalties can be bought, and they cannot be trusted to speak only in the interests of the city. The figure of the prostitute politician is a sort of reverse image of the good *eromenos*: he is trained by men making him worse for their own benefit, not by men who make him better out of affection for him.

If one assumes that pederasty is a practice confined to those in the elite social strata from which political leaders came, then the theme of the bugged and/or prostitute politician looks like the common man's resentful perspective on a pederastic practice confined to elites.³⁴⁵ Characterizing elites as immoral by contrasting their sexual behavior with appropriate conduct is indeed a theme of anti-aristocratic sentiment, in both comedy and oratory.³⁴⁶ But condemnation of aristocrats for bad homoerotic behavior should not be assimilated to a blanket condemnation of all homoerotic (and specifically pederastic) behavior. Moreover, the scare-figure of the prostitute politician is hardly elite; it is his very lack of traditional aristocratic qualities that gives him the boldness and agora-savvy

³⁴² For this same *topos*, see Ar. *Eq.* 423-8, 876-80, 1241-5.

There is no evidence for any legal procedure restricting the rights of men who engaged in sex as the penetrated party, unless they took money for doing so. The *dokimasia rhetoron*, such as that which Aeschines brought against Timarchos, would only apply to an alleged prostitute who later spoke in the assembly, and the punishment was *atimia* (see also Winkler 1990: 186-7).

³⁴³ Aeschines 1 *Against Timarchos*, Andocid. *De Myst.* 100, Dem. 22.57-8.

³⁴⁴ Halperin 1990: 97.

³⁴⁵ Ober 1989: 112-8.

³⁴⁶ Cf. Dem. 54.17, and Comica Adespota fr. 12K: "οὐδὲις κομητήης ὅστις οὐ ψηνίξεται," "There's no long hair who isn't bugged," (see Dover 1978: 142, Hubbard 1998: 53).

which allow him to beat out “better” men.³⁴⁷ In comedy, it is whores of the lowest origin who are the most successful in wooing the *demos*.³⁴⁸

So ubiquitous is this theme in comedy that Plato, in his *Symposium*, comments on the career of the buggered politician in the voice of Aristophanes.³⁴⁹ Plato changes the more common prostitute politician into a lad guilty of enjoying his sexual role too much, but the reasons for the change must remain obscure. Since Plato’s Aristophanes defends the youth’s conduct, perhaps Plato alters his motives because prostitution is morally indefensible. However, *kinaidia* and/or the enjoyment of penetration is hardly a position of moral superiority. More importantly, Plato’s Aristophanes gives a twisted version of the correct trajectory of a pederastic relationship: the boys enjoy being penetrated as *eromenoi*, and as adults are sufficiently shameless to succeed in politics. Plato gives this narrative to his Aristophanes and thus identifies it as a comic narrative. However, he is not hostile to the underlying moral implications: a youth whose pederastic morality is wanting will prove morally unsatisfactory in other respects. This correlation between proper conduct in either pederastic role and general moral rectitude is borne out by oratorical evidence (below). The comic twist, which Athenians found both humorous and disturbing, is that a shameless bugger will excel in politics.

In Plato’s Aristophanes’ aetiological narrative of the origins of *eros*, each individual is the former half of a whole consisting of a man-woman, or two males, or two females, joined together. But the products of Plato’s Aristophanic *eros* are uniformly bad: from the men and women formerly joined with one another come adulterers and

³⁴⁷ Ar. *Eq.* 180-1, cf. also 735-40.

³⁴⁸ Ar. *Eq.* 735-40.

³⁴⁹ Notice that here there is no charge of prostitution; the failure of morality in this passage lies in the youth being too ready for intercourse.

adulteresses.³⁵⁰ Likewise, from the men formerly joined with men come males who thoroughly enjoy being the passive recipient of penetrative sex, and are not at all reticent and chaste as *eromenoi* ought to be:³⁵¹

ὅσοι δὲ ἄρρενος τμημά εἰσι, τὰ ἄρρενα διώκουσι, καὶ τέως μὲν ἂν παῖδες ᾧσιν, ἅτε τεμάχια ὄντα τοῦ ἄρρενος, φιλοῦσι τοὺς ἄνδρας καὶ χαίρουσι συγκατακείμενοι καὶ συμπεπλεγμένοι τοῖς ἀνδράσι, καὶ εἰσιν οὗτοι βέλτιστοι τῶν παίδων καὶ μειρακίων, ἅτε ἀνδρειότατοι ὄντες φύσει. φασὶ δὲ δὴ τινες αὐτοὺς ἀναισχύντους εἶναι, ψευδόμενοι· οὐ γὰρ ὑπ’ ἀναισχυντίας τοῦτο δρῶσιν ἀλλ’ ὑπὸ θάρρους καὶ ἀνδρείας καὶ ἀρρενωπίας, τὸ ὅμοιον αὐτοῖς ἀσπαζόμενοι. μέγα δὲ τεκμήριον· καὶ γὰρ τελεωθέντες μόνοι ἀποβαίνουσιν εἰς τὰ πολιτικά ἄνδρες οἱ τοιοῦτοι....”(191e-192b).

“and as many are a section of the male, they pursue the male, and so long as they are boys, inasmuch as they are a little slice of flesh of the male, they love men and rejoice in lying together and being entwined with men, and these are the best of the boys and youths, inasmuch as they are by nature the bravest. And indeed some say that they are shameless, but falsely; for they do this not because of shamelessness but because of boldness and courage and manliness, since they embrace what is like them. And here is a great proof: in fact when they reach maturity those of this sort alone prove to be men in public affairs....”

Plato’s Aristophanes gives a version of pedagogical pederasty done wrongly, and the sort of men who are the result of such moral influence - leading politicians. Plato thus presents an Aristophanic version of socially productive eros: the boys who are most inclined to sex with men are ‘brave’ (bold and shameless), and this ‘courage’ (boldness) makes them politicians.³⁵² Plato allows the conventional moral evaluation of such *eromenoi* peek through Aristophanes’ narrative, however, most markedly by his tongue-in-cheek disavowal of the charge of shamelessness. This comic inversion of the political,

³⁵⁰ For the observation that there are no “normal” sexualities in the taxonomy offered by Plato’s Aristophanes, see also Carnes 1998: 109-110.

³⁵¹ These lovers of the male, according to Plato’s Aristophanes, then grow up to be enthusiastic lovers of youths themselves. This corresponds remarkably well with our own construction of homoeroticism, insofar as we expect lovers of one gender to persist in their preference. However, in the ancient evidence it is unusual to articulate what seems ‘natural’ to us, that men would prefer sex with the same gender of persons regardless of the role allowed to them (*erastes* or *eromenos*).

³⁵² While Plato’s *Phaedrus* (255c-e) describes the *eromenos* experiencing a mirrored version of his *erastes*’ passion, the conventional pederastic relationship did not condone or expect any passion or enthusiasm for sex from the younger party, and the males described here by Plato’s Aristophanes seem too eager by half to be the model of ‘good’ *eromenoi* (Halperin 1986: 62-7).

tyrant-slaying eros of Aeschines and of Plato's Pausanias provides a parallel narrative of the bad *eros* that helps to create and define good *eros*.

Erotic Conduct as a Measure of Morality in Oratory

The speeches of Aeschines and Lysias corroborate the evidence of philosophy and comedy, suggesting that the most popular audience, the jurors, treated a litigant's conduct in pederastic relationships as a measure of his moral worth. Evidence from forensic oratory shows that litigants expect their mass audiences of jurors to treat pederastic conduct as a measure of a man's moral character. In Aeschines' three court battles with Demosthenes, Aeschines depicts Demosthenes as a moral failure by alluding to Demosthenes' scandalous treatment of his *eromenos* Aristarchos, and through Timarchos' career as a mercenary and faithless *eromenos*.³⁵³ In Lysias 3 *Against Simon*, the speaker characterizes his opponent as a vicious prosecutor by contrasting his cold reckoning of the most felicitous time to prosecute with his own sanguine temperament, which is that of a man in the grip of passion. In Demosthenes 22 *Against Androtion*, Demosthenes uses the defendant's alleged failings as an *eromenos* to demonstrate his lack of capacity for kindness and fellow-feeling towards other citizens, which capacity (Demosthenes claims) is a characteristic of free men in a democracy.³⁵⁴

When Aeschines brought a retaliatory prosecution against Timarchos for allegedly speaking in front of the assembly after acting as a prostitute, he contrasted his own legitimate erotic practice and the superior character it indicates with the indecent and

³⁵³ For Aeschines' version of Demosthenes' treatment of Aristarchos: see below. For his version of Timarchos' sexual career, see Aeschin. 1.40-73.

³⁵⁴ Cf. Dover 1978: 47.

hubristic sexual conduct and morals of his rival.³⁵⁵ Aeschines claims that his opponents will accuse him of improper erotic conduct, namely making a nuisance of himself at the gymnasium by writing lecherous too-suggestive poetry to his many *eromenoi* and by getting into fist-fights.³⁵⁶ In response, he defends the propriety of his own behavior, and stakes his claim to the good moral character it indicates, in contrast to the alleged grossness and violence of his opponent:

ὀρίζομαι δ' εἶναι τὸ μὲν ἐρᾶν τῶν καλῶν καὶ σωφρόνων φιλανθρώπου πάθος καὶ εὐγνώμονος ψυχῆς, τὸ δὲ ἀσελγαίνειν ἀργυρίου τινὰ μισθούμενον ὑβριστοῦ καὶ ἀπαιδεύτου ἀνδρὸς ἔργον εἶναι. (Aeschin.1.137).

I make the distinction that loving the beautiful and chaste is the condition of a humane and reasonable soul, but a person acting licentiously because he is hired for money is the deed of a violent and uncultured man.

Aeschines thus annexes for himself legitimate *eros* and the superior moral character it shows, reversing the anticipated attack on his pederastic habits. He depicts a contest, which evidence from Demosthenes corroborates, between defense and prosecution for ownership of legitimate *eros*, with each side attempting to tar the erotic practice of the other.³⁵⁷ This would not be an effective strategy for both litigants before a mass audience of relatively poor Athenians if they did not approve of proper pederasty.

The speaker in Lysias 3, defending himself against a charge of attempted murder in a fight over a Plataean youth named Theodotos, stakes out the moral high ground by portraying himself as an affectionate *erastes*, while casting his opponent Simon as brutal to their common love interest. Despite the fact that his 'beloved' is a prostitute under contract (and therefore is not properly an *eromenos* nor ever explicitly called one), the speaker of *Against Simon* casts his relationship as a pederastic courtship. Though

³⁵⁵ Aeschines in his prosecution capitalizes on the word *pornos* as a literal term for a professional prostitute and a slur for a too-easy or mercenary *eromenos* (cf. Aeschin.1.74-6).

³⁵⁶ Aeschin.1.135.

³⁵⁷ Dem.19.233, and Aeschin.1.126, 132-4, 136.

Theodotos is a prostitute, the speaker measures his own and Simon's conduct according to the *mores* of legitimate pederasty, because he hopes that the jurors will consider fights over *paidika* something to be settled outside of court, and that the jurors will be more sympathetic to him as an affectionate pederastic lover.³⁵⁸ The speaker claims that he himself attempted to gratify his love-object, while Simon treated him with *hubris*:

ἡμεῖς γὰρ ἐπεθυμήσαμεν, ὦ βουλή, Θεοδότου, Πλαταικοῦ μειρακίου, καὶ ἐγὼ μὲν εὖ ποιῶν αὐτὸν ἤξιουν εἶναι μοι φίλον, οὗτος δὲ ὑβρίζων καὶ παρανομῶν ὤρετο ἀναγκάσειν αὐτὸν ποιεῖν ὃ τι βούλοιο.

for we both desired, o council, a Plataian youth, and I for my part by treating him well considered that I would make him a friend to me, but this man, by treating him with outrage and lawlessness, thought that he would compel him to do whatever he wanted.

The speaker here represents a dispute over a prostitute as if were a “proper” pederastic courtship, which he presses with kindness and Simon with intimidation.³⁵⁹ There is no way to detect that Theodotos is a paid prostitute until the speaker begins discussing his price and contract, approximately half-way into the speech.³⁶⁰ Moreover, Theodotos is a slave, but his unfree status can only be deduced by the speaker's mention of his liability to torture.³⁶¹ The speaker of Lysias 3 frames the situation as if Theodotos' preference for one suitor over another, in the absence of any financial arrangement whatsoever, decided who should have access to him. He portrays his own actions toward Theodotos as those of a proper pederastic lover, while Simon presses a violent and unwelcome suit. By

³⁵⁸ For the term *paidika* meaning specifically *eromenos*, see Dover 1978: 16.

³⁵⁹ Cf. Lys.3.31. For “εὖ ποιεῖν” as the proper language of love, see Ar. *Eq.* 734.

³⁶⁰ Lys. 3.22-4. The boy is once obliquely referred to as “τὸν ἐταιρήσοντα,” which is as close as the speaker comes to naming the relationship in explicit terminology (Lys. 3.24). It is only when the speaker of Lysias 3 is re-telling his version of Simon's case that he even mentions anything as sordid as a contract. Contrast the language of Lysias 4 *On a Wound by Premeditation*, involving a fist fight in a dispute over a woman kept by two men for shared use. The speaker refers to the contested woman twice as *porne* (Lys. 4.9, 19).

³⁶¹ Lys. 3.33, 4.19. The contract seems to be between Simon and Theodotos, but if he is a slave, it could not be valid (Lys. 3.22-5). This suggests a possible contract with the owner, but there is no evidence in the text for such a person (Carey 1989: 90). The speaker's reticence to name Theodotos' status is very different from Lysias 4 (for which see n. 85), in which the speaker expresses outrage at being brought into such a serious lawsuit over his slave.

contrast, the speaker's version of Simon's case is decidedly unromantic: the speaker claims Simon will argue that he paid three hundred drachmas for Theodotos under contract, and that the speaker plotted and stole him away. In addition, in a rescue which imitates the valor generated by legitimate *eros*, the speaker comes to Theodotos' defense when Simon and company attempt to snatch him from the fuller's shop where he has taken refuge from them.³⁶² These rhetorical manoeuvres depend on the assumption that the audience of jurors would approve of the love of a good (pseudo-) *erastes*.

In addition to portraying himself as a principled and affectionate lover, and Simon as violent and disrespectful, the speaker further undermines Simon's claim to pederastic legitimacy by 'demonstrating' that he cannot be in love - Simon's spiteful and calculating actions prove his lack of genuine *eros*, in contrast to the speaker's own *eros*, which is the mark of an honest and direct character. The speaker impugns Simon's feelings as a lover in casting him as a spiteful prosecutor:

θαυμάζω δὲ μάλιστα τούτου τῆς διανοίας. οὐ γὰρ τοῦ αὐτοῦ μοι δοκεῖ εἶναι ἐρᾶν τε καὶ συκοφαντεῖν, ἀλλὰ τὸ μὲν τῶν εὐηθεστέρων, τὸ δὲ τῶν πανουργοτάτων. ἐβουλόμην δ' ἂν ἐξείναι μοι παρ' ὑμῖν καὶ ἐκ τῶν ἄλλων ἐπιδείξαι τὴν τούτου πονηρίαν, ... (Lys. 3.44).

But I wonder most of all at the spirit of this man's action. Because being in love and bringing false charges do not seem to me to be characteristic of the same man, but the one seems characteristic of better-natured people, and the other of the most villainous men. But I would like to be permitted to demonstrate before you his wickedness from other examples, too,...

The speaker states that pederastic love is characteristic of good-hearted, guileless men, in contrast with wicked sycophants like Simon. Simon, because he is merely pretending his *eros* and is not genuinely a lover (like the speaker), is the kind of 'heartless' man who would bring a groundless prosecution, and who suffers from all kinds of other character

³⁶² Lys. 3.21-6, 3.17. The speaker's gallantry, however, fails him at section 13, in which he admits abandoning Theodotos to Simon's alleged predations.

flaws as well. According to the speaker, lovers, as open and genuine people, are inclined to seek justice immediately when they are wronged, but Simon bided his time until the speaker was especially vulnerable:³⁶³

τὸ δὲ μέγιστον καὶ περιφανέστατον πάντων· ὁ γὰρ ἀδικηθεὶς καὶ ἐπιβουλευθεὶς ὑπ' ἐμοῦ, ὡς φησιν, οὐκ ἐτόλμησε τεττάρων ἐτῶν ἐπισκῆψασθαι εἰς ὑμᾶς. καὶ οἱ μὲν ἄλλοι, ὅταν ἐρώσι καὶ ἀποστερῶνται ὧν ἐπιθυμοῦσι καὶ συγκοπῶσιν, ὀργιζόμενοι παραχρῆμα τιμωρεῖσθαι ζητοῦσιν, οὗτος δὲ χρόνους ὕστερον. (Lys. 3.39).

But this is the greatest and clearest proof of all. For this man, after - as he says - being wronged and schemed against by me, over four years did not dare to denounce me before you. Other people, when they are in love and are deprived of what they desire and are beaten up, right away they get angry and demand vengeance, but this man did so far later.

Again, the figure of the lover stands for the straightforward honesty which is absent in the dealings of Simon, the non-lover and hubristic suitor. The speaker makes a show of catching Simon out in a lie regarding the motive for his prosecution: if all happened as Simon claimed, and he had truly been struck by *eros*, he would not have waited four years to bring charges. His motives for prosecuting, the speaker implies, are more spiteful and less respectable than he claims.

The speaker refigures this dispute over a prostitute under contract as a love-affair in order to measure his opponent's morality according to his pederastic practice, and to contrast Simon's spiteful and calculating character with the guilelessness of a genuine lover. This tactic would only work if the audience of Areopagites approved of appropriate pederastic love and did not consider it to be exclusively the practice of an alien aristocratic culture.³⁶⁴

Some scholars point to the speaker's stated embarrassment at being so infatuated with the youth at his age as evidence that pederastic desire was a matter of which to be

³⁶³ Lys.3.20; Simon waited to prosecute until the speaker lost an antidosis.

³⁶⁴ See above on the non-elite status of the Areopagites at this period.

ashamed.³⁶⁵ The speaker later reiterates his shame, and claims that if he were to bring charges, he would lay himself open to resentment of his elite status.³⁶⁶ Hubbard suggests that the speaker anticipates such hostility because of his pederastic desires, with which none but the speaker's own class would sympathize.³⁶⁷ Yet the poor character that the speaker attributes to the non-lover Simon should lead us to question whether the speaker is genuinely attempting to apologize for his pederastic passion as such. In both passages, the speaker is explaining why he did not undertake a prosecution against Simon, given that he now says he was the wronged party. Brawls over youths and courtesans (female as well as male) were stuff for young bucks, and the speaker is apparently of mature years: this is part of why he claims to prefer reticence.³⁶⁸ He must give an explanation for not bringing Simon to court, if in fact it was he and not Simon who suffered the wrong. The speaker puts forward embarrassment as the reason for not bringing charges, but this alleged embarrassment is at his age-inappropriate behavior, not the gender of his love-object. This embarrassment at his affection for Theodotos and the battles it entailed belongs to the speaker's portrayal of these fights as the sort of trivial affairs – fights over *paidika*, a normal part of pederastic courtship – in which apologies, not lawsuits, are called for.³⁶⁹ The speaker is not apologetic about pederastic desire, but rather exploits the

³⁶⁵ Lys. 3.3-4.

³⁶⁶ Lys. 3.9.

³⁶⁷ Hubbard 1999: 60. The speaker is a wealthy man, a liturgist, else he would not be involved in an *antidosis* (Lys. 3.20).

³⁶⁸ Cohen 1995: 119-42, Dem. 54.14.

³⁶⁹ “οὕτω δὲ διάκειμαι πρὸς τὰς ἐκ τῶν τοιούτων πραγμάτων διαφοράς, ὥστε καὶ ἄλλα πολλὰ ὑβρισμένος ὑπὸ Σίμωνος καὶ καταγείς τὴν κεφαλὴν ὑπ’ αὐτοῦ οὐκ ἐτόλμησα αὐτῷ ἐπισκήψασθαι, ἡγοούμενος δεινὸν εἶναι, εἰ ἄρα περὶ παιδικῶν ἐφιλονικήσαμεν ἡμεῖς πρὸς ἀλλήλους, τούτου ἕνεκα ἐξελάσαι τινὰς ζητῆσαι ἐκ τῆς πατρίδος,” (Lys.3.40).

“But I hold this attitude toward disagreements arising from such matters, so that even though I have been outraged many other times by Simon and had my head broken by him, I did not dare to denounce him and begin a prosecution, because I considered it a terrible thing, if then we engaged in a rivalry with each other over boy-loves, to seek to drive people out of their ancestral land.”

relative cultural acceptance of fist fights in erotic rivalries to portray the fights between Simon and himself as if they were nothing more than ordinary battles among *erastai*, to be settled out of court.

Following a description of a nocturnal battle, the speaker claims embarrassment kept him from bringing charges against Simon and company on this previous occasion as well, despite maintaining that he was the aggrieved party. He says that he feared then, too, that he would look a fool (*ἀνόητος*), and this explanation coincides with his concern, expressed earlier in the speech, over age-inappropriate *eros*.³⁷⁰ However, he also mentions that fear of resentment of his preeminent status in the city might hurt him if the affair came to trial. I suggest that it is not his *eros* for the Plataian youth which the speaker speculates might provoke class resentment. Rather, the catalyst would be the nocturnal brawl his *eros* occasioned: the speaker fears being painted as a violent and hubristic elite, such as Konon and sons in Demosthenes 54 *Against Konon*.³⁷¹ If this is truly the speaker's concern, the gender of his love-object is not a factor in his fear of anti-elite sentiment.

Lysias' strategic use of legitimate *eros*' positive moral valence in *Against Simon* becomes more evident when the speech is compared with Lysias 4 (*On a Wound by Premeditation*). The cases are similar – a wounding in a fight over a prostitute – but in the latter, the contested individual is female. In contrast to Lysias 3, this speaker distances himself from all desire, and portrays his opponent as crazed by love. His sober persona is well-designed to make the charge that he struck his opponent with malice

For embarrassment, see also Lys. 3.19. For hitting as a normal part of pederastic courtship, see Aeschin. 1.136 and Dover 1978: 54-7.

³⁷⁰ Lys. 3. 3-4, 9.

³⁷¹ Lys. 3.9, Ober 1989: 208-12, Cohen 1995 *ibid*, Dem.21, Dem. 54.13-14 (elite), 20 (violent).

aforethought appear unlikely. His opponent, he claims, struck first, driven by his *eros*-sickness for the woman; the opponent has an erotic motive for initiating the fight in question but the speaker does not.³⁷² *Eros* for a woman is not characterized as a feature of “better-natured people” but is a catalyst for violence. The speaker explicitly calls the woman a *pornê* and a slave, and implies that as such she is not worth fighting over.³⁷³ The difference between the strategies of these two speakers underscores the ways in which the speaker of Lysias 3 recasts his dispute with Simon as if it had taken place in the context of legitimate pederastic courtship.

In Aeschines 1 (*Against Timarchos*) and 2 (*On the Embassy*), Aeschines respectively also treats pederastic love as the sign of a humane man, and uses his opponent Demosthenes’ allegedly cold and manipulative treatment of his *eromenos*, Aristarchos son of Moschos, to characterize him as deceptive and vicious. Aeschines consistently presents legitimate *eros* as a credential of a humane and educated man. When defending himself against Demosthenes’ charge that he accepted bribes from Philip of Macedon, Aeschines used Demosthenes’ scandalous treatment of his *eromenos* to characterize him as a natural-born traitor in his social and civic relationships.³⁷⁴

εἰσῆλθες εἰς εὐδαιμονοῦσαν οἰκίαν τὴν Ἀριστάρχου τοῦ Μόσχου. ταύτην ἀπώλεσας. προύλαβες τρία τάλαντα παρ’ Ἀριστάρχου φεύγοντος. τοῦτον τὰ τῆς φυγῆς ἐφόδια ἀπεστέρησας, οὐκ αἰσχυνοθεὶς τὴν φήμην, ἣν προσεποιήσω, ζηλωτὴς εἶναι τῆς ἡλικίας τοῦ μειρακίου. οὐ γὰρ δὴ τῆ γε ἀληθείᾳ· οὐ γὰρ προσδέχεται δίκαιος ἔρως πονηρίαν. ταῦτ’ ἐστὶν προδότης καὶ τὰ τούτοις ὅμοια. (Aeschin. 2.166).

³⁷² “ἀλλ’ οὗτος ἐναντίως τοῖς ἄλλοις δύσερώς ἐστι, καὶ ἀμφοτέρα βούλεται, τό τε ἀργύριον μὴ ἀποδοῦναι καὶ τὴν ἀνθρωπον ἔχειν. εἶτα ὑπὸ τῆς ἀνθρώπου παρωξυμμένος ὀξύχειρ λίαν καὶ πάριουός ἐστιν, ἀνάγκη δὲ ἀμύνασθαι.” (Lys. 4.8).

“But this man, opposite of other people, is sick in love, and wants both, both not to pay the money and to have the girl. Accordingly, because he had been spurred on by the girl, he was drunk and exceedingly quick to strike, and it was necessary to ward him off.”

Cf. Lys. 4.2, where the speaker claims the opponent has initiated an antidosis for the sake of getting exclusive ownership of her.

³⁷³ Lys. 4.19.

³⁷⁴ Cf. also Aeschin. 2.163-5: “ὄμοσπόνδων καὶ συσσίτων κατήγορος,” “accuser of libation-sharers and dining-fellows,” and “ἐκ φύσεως προδότην,” “a traitor by nature.”

You came to the household of Aristarchos son of Moschos while it was flourishing; this household you destroyed. You took beforehand three talents from Aristarchos when he went into exile. You robbed him of the provisions for his exile, not ashamed at the report, to which you laid claim, that you were an admirer of the young man's youthful bloom. But this is not really how it was. For legitimate love has nothing to do with wickedness. These and all similar acts characterize the traitor.

Aeschines here treats genuine *eros* as indicative of a humane nature.³⁷⁵ Also, Aeschines suggests that Demosthenes should – and the jurors will – consider treachery against a onetime beloved as especially reprehensible, because Demosthenes breached that faith which the bonds of legitimate love inherently entail. Through this scandal, Aeschines portrays Demosthenes as lacking in decent feeling to others, the sort of man who would bring a wrongful prosecution against a fellow-ambassador.

Proper pederasty requires the right behavior from the *eromenos* as well as the *erastes*, and the wrong behavior in an *eromenos* equally demonstrates his lack of human decency.³⁷⁶ As *logographos* in 355 for one Diodoros in a public prosecution of the *rhetor* Androtion, Demosthenes uses Androtion's alleged conduct as a prostitute (in this case revealed as a slang term for an easy and mercenary *eromenos*) to characterize him as a man incapable by nature of decent human mercy.³⁷⁷ Androtion has, according to Demosthenes, been too harsh in his *eisphora*-collecting measures, having the Eleven arrest men in their homes for their outstanding debt to the state.³⁷⁸ He is sufficiently lacking in basic human feeling that he will distrain on the property of people who do not

³⁷⁵ Aeschines recounts also Demosthenes' other deviant relationships with *eromenoi*: see Aeschin. 2.149 (about one Cnosion), Aeschin. 3.162 (Aristion son of Aristoboulos) and 256, and Fisher 2002: 272-3, 315-20. Aeschines again uses Demosthenes' relationship with Aristarchos son of Moschos, but this time to show Demosthenes as a perverted mentor and a dangerous sophist (Aeschin. 1.172-3). If we can believe Aeschines' report of Demosthenes' speech, then Demosthenes paid Aeschines back in kind; at 166-169 he depicts Demosthenes accusing him of improper flirtations with Alexander and responds that Demosthenes is boorish and ill-bred to suggest such a thing.

³⁷⁶ Note that Aeschines at Aeschin. 1.137 (quoted above) juxtaposes his own conduct as an *erastes* with Timarchos' misconduct as an *eromenos*, and apparently considers the proper fulfillment of either role to be equally an index of decency and humanity.

³⁷⁷ Cf. Dem. 22.29.

³⁷⁸ Dem. 22.52-3.

owe money.³⁷⁹ His erotic conduct as a youth is indicative of his general failure to comprehend kindly feeling, such as the mercy in the intent of the laws. After Androtion supposedly seized the property of Sinope and Phanostrate (themselves allegedly *pornai*) who did not actually owe the *eisphora*, Demosthenes notes that some people may say that they deserved it nevertheless, because they were *pornai*. However, he declares such a lack of pity is unseemly in a democracy and is in keeping with Androtion's violent nature, which is further revealed by his erotic failure:

ἀλλ' οὐ ταῦτα λέγουσιν οἱ νόμοι, οὐδὲ τὰ τῆς πολιτείας ἔθη, ἃ φυλακτέον ὑμῖν· ἀλλ' ἔνεστ' ἔλεος, συγγνώμη, πάνθ' ἃ προσήκει τοῖς ἐλευθέροις. ὦν οὗτος ἀπάντων εἰκότως οὐ μετέχει τῇ φύσει οὐδὲ τῇ παιδείᾳ· πολλὰ γὰρ ὑβρισται καὶ προπεπηλακισται συνῶν οὐκ ἀγαπῶσιν αὐτὸν ἀνθρώποις, ἀλλὰ δοῦναι μισθὸν δυναμένοις· (Dem.22.57-8).

But the laws do not say this, nor the character of civic life, which should be guarded by you. But in it is pity, pardon, all the things which properly belong to free men. In all of which this fellow, it stands to reason, has no share by nature nor by education. For many times he has been treated with outrage and foul abuse, when he consorted not with fellows who had affection for him, but with those who could pay his wage.

Demosthenes suggests that a male who lies with men who do not care for him is a person without the mercy inherent in the spirit of free people in a democracy.³⁸⁰ He implies that if he had kept intimate company with men who held him in affection, this might have engendered *paideia* and the sentiments of a free man. Poor pederastic morality, this time in the role of *eromenos*, is an indicator of a violent and cruel nature and deficiency of culture and education.

³⁷⁹ Dem. 22.56-7.

³⁸⁰ It should be noted that a democratic jury would not necessarily be unsympathetic with the man who pressured the rich to pay their *eisphora*-taxes. Cf. Forsdyke 2005's (*Exile*, etc.) discussion (p.265-6) of the democratic value of *praotes*, "mildness." As Forsdyke points out, democratic ideology contrasts the mildness of punishment used by the democracy after its restoration following the reign of the Thirty with the Thirty's use of mass expulsion and execution.

Conclusion to “Pederasty and the Popular Audience”

I have endeavoured to show that the genres of Athenian literature delivered before mass audiences of a broad spectrum of Athenians show the same moral indices for erotic morality as the philosophical texts aimed at elites in wealth, leisure and education. The evidence of the orators suggests that pederasty is not without class valence: not only was the practice of formal pederastic courtship expensive, but on an ideological level, the articulation and espousal of legitimate *eros* could be a proof of cultured refinement and good character. Yet the orators’ strategies suggest that the popular audience of jurors wanted that proof of refinement for themselves, and considered a lack of good pederastic morals to be a sign of general moral depravity. The idea that legitimate *eros* is “classy” did not inspire class resentment among the popular audience so much as social aspiration. Anti-elite invective took the form of accusations that aristocrats failed to live up to the rules of legitimate *eros*. Greek literature on *eros*, both popular and philosophical, juxtaposes the lover of the soul with the carnal lover, and the chaste *eromenos* with his loose and flirtatious or mercenary counterpart.

We cannot assume that every text or artefact which represents pederastic *eros* in a positive light should be classified as aimed at a wealthy audience. The traditional spaces of pederastic courtship, the gymnasium and symposium, although hitherto identified as elite, may have offered broader access and appeal than previously recognized.³⁸¹ This should provide new opportunities for scholars re-evaluating existing evidence for pederasty, such as pottery, which was not in itself expensive (the wealthiest Athenians used precious metal dishware) but nevertheless has been classified as a product

³⁸¹ Nick Fisher has pioneered the study of expanded access to the gymnasium and symposium (Fisher 1998 and 2000).

exclusively made for elites because its symotic purpose and pederastic imagery were considered exclusive to the culture of the very wealthy.³⁸² However, if poorer Athenians both thought pederastic desire a natural impulse for adult males and approved of the *mores* of good pederasty, it becomes harder to say where the limits of participation may have fallen, and what forms that participation may have taken. Given an appetite for legitimate *eros*, poorer Athenians might have adjusted the practice of formal pederastic courtship to their own means and education. In order to see how pederastic practices as we “know” them may have been played out by the less wealthy, we will need to look at the existing evidence for pederasty with fresh eyes.

³⁸² Audience of dishware: Fisher 2000 p.360-1.

Chapter III

'Three Faces of Timarchos': Two Meanings of Ephebic Beauty in Aeschines' *Against Timarchos*

According to Aeschines in the *Against Timarchos*, the litigants in Timarchos' trial competed to define themselves as the guardians of ephebic beauty and legitimate pederastic *eros*, together with the aristocratic connotations of both. There are two sources for the defense in Aeschines' *Against Timarchos*: Aeschines himself and Demosthenes, prosecuting Aeschines 3 years later (Dem.19). (None of the defense speeches are preserved.) Both sources support the crucial role which Timarchos' youthful beauty played in his defense. This is the first meaning of beauty in Aeschines' speech and the first 'face' of Timarchos.

Aeschines does his best to alienate Timarchos from the aristocratic *cachet* of ephebic beauty in the context of the pederastic ideal. However, he must admit that Timarchos was attractive, to capitalize on the suspicions of whoring to which beauty gives rise. He therefore depicts Timarchos' youthful appearance as sexy but sleazy. This is the second face of Timarchos. Aeschines portrays Timarchos as the opposite of a proper *eromenos*, faithless and mercenary. He also never uses the language of formal pederasty (*kalos, eros, erastes, or eromenos*) of Timarchos or his lovers.

To further distance Timarchos from the cultural authority of ephebic beauty in the context of legitimate *eros*, Aeschines describes the body of the adult Timarchos (who was

visible in the court), supposedly raddled and disgusting from years of debauchery. This adult face is the third face of Timarchos. In a prosecution without evidence, Aeschines transforms a history of Timarchos' body into the evidence he lacks.³⁸³ The goal of this paper is to explore Aeschines' strategic uses of Timarchos' appearance, past and present, in the court and as reported by Aeschines.

But the youthful beauty of an *eromenos* is not simply a means of bestowing the status credentials of legitimate *eros*. It can also generate suspicion that a youth so attractive will be tempted to yield to an *erastes* for the sake of material gain. Since an *eromenos* in theory gets no sexual pleasure from the relationship, the unsavory motive attributed to a much-pursued youth who yields too readily is a wish for costly gifts. Hence the suspicion that a youth is 'too easy' earns him the epithet of *pornos*, 'whore'. This is the second meaning of beauty in Aeschines *Against Timarchos*. The precept that beauty alone generates suspicion of impropriety without additional provocation was crucial to Timarchos' defense, insofar as they claimed his youthful beauty was the sole cause of Aeschines' charge that he had acted as a prostitute.

Since the meaning of ephebic beauty as a catalyst for legitimate *eros* originated in aristocratic discourse, its appeal to a populist audience of Athenian jurors may be surprising. However, scholars (Osborne, Stewart, Wohl and Loraux) have documented similar appropriations of traditional aristocratic discourses and imagery in service of democratic ideology. Some scholars (Dover, Hubbard, Sissa) have suggested that the popular audience of jurors were unsympathetic to the pederastic ideal and its elite connotations. However, Aeschines in his speech systematically alienates Timarchos from

³⁸³ Lape 2006, p. 141.

all symbols of this pederastic ideal and takes them over as support for his own case.

Aeschines would not eagerly appropriate the status credentials of the pederastic ideal if the jurors did not sympathize with and aspire that ideal.

The Beauty

In Aeschines' *Against Timarchos*, Aeschines attributes to 'a certain General', an unnamed *sunegoros* for the defense, a speech which enmeshes Timarchos in the discourse of praise to legitimate *eros*.³⁸⁴ Aeschines portrays the defense as endeavoring to confer the cultural authority of legitimate pederasty on Timarchos and his lovers. To this speaker Aeschines attributes the following argument: to condemn Timarchos would be an indictment of the practice of pederasty. This position dismisses out of hand any impropriety on Timarchos' part (as Aeschines points out, 1.137), portraying Timarchos instead as a youth whose beauty made him a much-pursued *eromenos*. 'The General' praises mythical examples of courage inspired by love, and assimilates Athenian pederastic practice, and specifically Timarchos', to this ideal. A vote against Timarchos is a vote against the heroic loves of civic and Homeric myth:³⁸⁵

ὅς ἐπιχειρήσει διασύρειν τὴν ὅλην ἔνστασιν τοῦ ἀγῶνος, οὐ κρίσιν ἐξευρηκέναι με φάσκων, ἀλλὰ δεινῆς ἀπαιδευσίας ἀρχήν, παραφέρων πρῶτον μὲν τοὺς εὐεργέτας τοὺς ὑμετέρους, Ἀρμόδιος καὶ Ἀριστογείτονα, καὶ τὴν πρὸς ἀλλήλους πίστιν καὶ τὸ πρᾶγμα ὡς συνήνεγκε τῇ πόλει, ... καὶ τὴν λεγομένην γενέσθαι φιλίαν δι' ἔρωτα Πατρόκλου καὶ Ἀχιλλέως ὑμνήσει, καὶ τὸ κάλλος, ὡσπερ οὐ πάλαι μακαριζόμενον, ἂν τύχη σωφροσύνης, νῦν ἐγκωμιάζεται.

(a certain general) who will attempt to ridicule the entire undertaking of the legal action, alleging that I have not discovered a trial, but the beginning of a terrible lack of culture,

³⁸⁴ I borrow the term "legitimate *eros*" from Dover 1978 p. 45-6, who in turn draws it from Aeschines 1.136 and Demokritos B73. 'The general' is in quotation marks, because Aeschines is reporting his own version of the *sunegoros*' case.

³⁸⁵ The Tyrannicides, though historical individuals, in Athenian civic mythology have at this point attained the role of founders of the democracy. It is through the mythologized significance of their historical act that I refer to them as mythic.

bringing forward first your benefactors, Harmodios and Aristogeiton, and their faithfulness to one another and their affair, how it was advantageous to the city,... and he will celebrate the friendship on account of love of Patrocles and Achilles, and he will now extol beauty, as if it were not long ago deemed blessed, if it should meet with self-control. (Aeschin.1.132).

“The General’s” speech, in its use of the Tyrannicides and of Achilles and Patrocles, thematically resembles philosophical discourses in praise of legitimate *eros*, exemplified in the speeches of Phaedrus and Pausanias in Plato's *Symposium*. Aeschines moreover is evidently conscious of the philosophical character of his opponents' (and subsequently his own) discourse.³⁸⁶ Plato's character Phaedrus claims that public benefit accrues from the virtue inspired by pederastic relationships, insofar as *eromenoi* strive to emulate virtuous lovers, who in turn aim to be worthy of emulation.³⁸⁷ As an example of *eros* inspiring virtue, Phaedrus cites Achilles' loyalty in avenging the dead Patroclus at the cost of his own homecoming. Plato's Pausanias calls "the *eros* of Aristogeiton and the *philia* of

³⁸⁶ Plat. *Sym.* 178c-180d, Davidson 2007 p. 460-1, Wohl p. 4. According to Aeschines, he and his opponents both explicitly draw on philosophical discourses. In introducing his own use of the two exemplary couples, Aeschines excuses his use of verse and of a discourse he identifies as philosophical by saying that his opponents did this first. He accuses his opponents of being ready to use philosophers ("φιλοσοφῶν ἀνδρῶν") and take refuge in verse, and then uses both himself in a preemptive strike against their alleged incipient deployment. For Aeschines' negotiation of the potentially alienating effect of philosophical discourses on the popular audience of jurors, see Lape 2006 p. 145, 151, 155.

The distinction between *Koine* and *Ourania* Aphrodite has a particular affinity with the two heroic couples. Xenophon uses the exemplars of Achilles and Patrocles and Harmodios and Aristogeiton to illustrate this distinction, which is essentially what Aeschines announces as his intention: he will use the best poets to demonstrate, "ὅσον κενωρίσασθαι ἐνόμισαν τοὺς σώφρονας καὶ τῶν ὁμοίων ἐρῶντας, καὶ τοὺς ἀκρατεῖς ὧν οὐ χρῆ καὶ τοὺς ὑβριστάς," "to what degree they considered self-controlled individuals who are lovers of those like themselves to be distinguished from wanton men who are uncontrolled regarding what is unfit for them," (Aeschin.1.141). Both Xenophon and Aeschines use Achilles and Patrocles as an example of Heavenly, or in Aeschines' case, legitimate love, insofar as Achilles' grief focuses on his missing Patrocles' company, and their *philia*, as opposed to sexual contact (Xen. *Sym.* 8.31, Aeschin.1.147). Aeschines sees their affection within the context of an erotic relationship, and counts the recognition of the erotic element, in spite of Homer's silence on the matter, as a mark of sophistication (1.141, 143). While Xenophon's Socrates includes Achilles and Patrocles in a list of mythic lovers, he praises Homer's portrayal of them as comrades, not lovers. Harmodios' and Aristogeiton's citizen-making love is likewise used to illustrate the distinction between *Koine* and *Ourania* Aphrodite in the speech of Pausanias in Plato's *Symposium* (Plat. *Sym.* 180b).

For the purposes of this passage, it is not important to distinguish whether Aeschines or his opponents had Plato or Xenophon specifically in mind, or whether all three texts reflect a common theme of discourse on *eros* which Athenians counted as 'philosophical'.

³⁸⁷ Plat. *Sym.* 178c-179b.

Harmodios" the foundation of the bonds which make them unwilling to submit to tyranny. By their example, *eros* is the forger of free, democratic citizens; wherever it is disallowed by custom, the manly courage of the inhabitants inevitably suffers.³⁸⁸ It is within this ideological framework of pederasty as the nurse of heroic virtue and political manhood which Aeschines suggests "the General" will situate Timarchos.³⁸⁹

"The General" praises *kallos*, beauty, together with legitimate *eros* and the manly deeds it inspires because he follows common usage in treating ephebic beauty as the catalyst for this "socially productive" *eros*.³⁹⁰ In the idiom of pederasty, the adjective *kalos* designated both the desirability of a youth and the amorous perspective of the speaker.³⁹¹ In *kottabos*, a symposiast might dedicate his throw "to the beautiful So-and-so," (naming the object of his affections).³⁹² Instances of graffiti from Athens and elsewhere declare youths desirable as *eromenoi* by writing the youth's name and the description *kalos*.³⁹³ The language of pederastic practice at Athens is built around a conception of ephebic beauty as the basic impetus for pederastic *eros*. For this reason it takes its share in 'the General's' praise as the point of origin for the manly deeds *eros*

³⁸⁸ Plat. *Sym.* 180b-d, see also Wohl p. 3-9.

³⁸⁹ See Dover's analysis of this passage, Dover 1978 p.41-2.

³⁹⁰ I borrow the concept of "socially productive" *eros* from Wohl, p. 4. Ephebic beauty is treated as the catalyst for *eros* in philosophical discourses on *eros*: Dover 1978, p.12. Four of the six speeches in Plato's *Symposium* treat physical beauty as the trigger for *eros* in others (Dover 1980 p. 2, Plat. *Sym.* 180a, 197b, 201a-b and 204d-206c, 218d-e). Plato postulates that the philosopher's journey to the good may begin from a man's desire for a youth "who combines bodily beauty with 'beauty of the soul'" (Dover's words; Dover 1978 p.161 and Plat. *Sym.* 211c-e). Both Xenophon and Plato condemn carnal desire excited solely by an attractive body and not extending to love of the soul (Plat. *Sym.*181b-185b; Xen. *Sym.* 8.15-18).

³⁹¹ e.g. Plat. *Lys.* 204b, Xen. *Sym.* 4.27.

³⁹² Xen. *Hell.* 2.3.56.

³⁹³ Lissarague p. 359-61. Aristophanes parodies of this form of admiration at *Acharnians* 142-3, *Wasps* 97-9. Paintings on Athenian drinking vessels imitate this practice, and pronounce a pictured youth as *kalos* (Lissarague p. 363-73, esp. 363-7). The cups sometimes have the names of specific youths, but there are no grounds for believing that the named youths are the *eromenoi* of the painters or cup owners. Many cups bear a pictured youth and the inscription "ὁ παῖς καλός," with no name. These cups invite the symposiast to identify himself as a potential *erastes* and appreciate the charming youth depicted on the cup.

inspires.³⁹⁴ Specifically, it is the agent which 'the General' uses to assimilate Timarchos to the cultural authority and social cachet of legitimate pederasty. In the context of Aeschines' *Against Timarchos*, youthful beauty comes to represent legitimate *eros*, Athenian pederastic practice informed by and in communion with the pederastic ideal.

Having established the acknowledged civic benefits of legitimate *eros* as demonstrated via mythic exemplars, "the General" extends their cultural authority to the appropriate erotic practice of Athenians generally, and by implication, specifically the young Timarchos.³⁹⁵ "The General" argues that the jurors would be hypocritical to condemn Timarchos for the *eros* his beauty inspired, since they hope their own future sons will be beautiful as well:

...καλοὺς καγαθοὺς τὴν ιδέαν φῦναι καὶ τῆς πόλεως ἀξίους, τοὺς δ' ἤδη γεγονότας, ἐφ' οἷς προσήκει σεμνύνεσθαι τὴν πόλιν, ἐὰν κάλλει καὶ ὥρᾳ διενεγκόντες ἐκπλήξωσι τινὰς καὶ περιμάχητοι ἐξ ἔρωτος γένωνται, τούτους ὡς ἔοικεν Ἄισχίνῃ πεισθέντες ἀτιμώσετε. (Aeschin.1.134-5.)

...(that they) be born beautiful and noble in appearance and worthy of the city, and as for those (beauties) already born, of whom it befits the city to be proud, if, being outstanding in beauty and bloom of youth, they cause some people to be struck with desire and come to be fought over on account of *eros*, these youths, as it seems, you will dishonor if you are persuaded by Aeschines.

The circumstances which "the General" claims for the young Timarchos are here generalized to all of Athens' lovely ephebes.³⁹⁶ "The General" frames the youthful beauty which inspires *eros* in the language of aristocratic discourse: the jurors' sons' beauty, the

³⁹⁴ Aeschines' caveat about *sophrosune* looks ahead to his rebuttal, in which he appropriates the pederastic ideal for his own cause. Like Plato and Xenophon, Aeschines claims only virtuous and temperate youths to be worthy objects of *eros* (Aeschin.1.137).

³⁹⁵ S.C. Humphreys characterizes the use of witnesses in Athenian courts as a means of performing the litigant's legitimate social connections (inevitably in contrast with his opponent's disreputable ones) (Humphreys 2007 pp.140-6, 155-63). "The General" as reported here fulfils a similar function. His own rank allows him to generate both credibility for Timarchos and the authority to set Timarchos in the social sphere of the gymnasium and legitimate *eros*.

³⁹⁶ "περιμάχητοι" may refer to Aeschines' depiction of Timarchos' and Hegesandros' beating of Pittalakos (1.58-64). Aeschines uses this beating as an example of elite *hubris*, since Pittalakos despairs of seeking redress because of Hegesandros' political power (see also Cohen, p. 123-38). Here, the defense is arguing that Aeschines is making too much of fist-fights over love affairs too seriously, as does the speaker in *Lysias Against Simon* (Lys. 3.40).

catalyst to pederastic practice, makes them “gentlemen,” *kaloi kagathoi*, with respect to appearance.³⁹⁷ “The General’s” statement refigures the Athenian youth as aristocrats via their desirability as *eromenoi*. The general incorporates the jurors’ children into the status credentials carried within the ideal of pederastic love.³⁹⁸

The jurors’ future sons’ hypothetical *kalokagathia* likewise plays a role in the ideology of the pederastic relationship. The affectionate lover, according to Xenophon, will invest in the improvement of his beloved’s character, and will therefore strive to instill in him *kalokagathia*. In Xenophon’s *Symposium*, Socrates treats the pederastic relationship as a vehicle for transferring the moral qualities fitting for a gentleman. This *kalokagathia* is comprised of the qualities which aristocrats (or those who aspire to their form of cultural authority) use to characterize themselves to an audience of fellow-elites.³⁹⁹ According to Xenophon’s Socrates, Autolykos, as *eromenos* of the elite Kallias, should expect to gain the traditional elite accomplishments martial excellence and civic prominence.⁴⁰⁰ “The General” thus opens participation in elite identity to the Athenian citizenry through their beauty, indicative of the aristocratic credentials of all Athenians.

³⁹⁷ For the social-status and other connotations of the term *kalokagathia*, see Dover 1974 p. 41-5 (esp. p. 45), Donlan 1980: 129, 146, and Ober 1980: 251-2.; also *Ar. Eq.* 185-6, *Dem.* 54.14. Likewise, in Aristophanes’ *Frogs*, where the chorus protests a topsy-turvy social order:

“τῶν πολιτῶν θ’ οὓς μὲν ἴσμεν εὐγενεῖς καὶ σώφρονας
ἄνδρας ὄντας καὶ δικαίους καὶ καλοὺς τε κάγαθούς
καὶ τραφέντας ἐν παλαίστραις καὶ χοροῖς καὶ μουσικῇ,
προσελοῦμεν, τοῖς δὲ χαλκοῖς καὶ ξένοις καὶ πυρρῖαις
καὶ πονηροῖς κάκ πονηρῶν εἰς ἅπαντα χρώμεθα,” (*Ar. Ran.* 726-30).

“And of the citizens whom we know to be well-born and temperate, just and noble gentlemen, and reared in wrestling-schools and choirs and poetry sung to music, these we maltreat outrageously, but men of baser metal (=bronze) and foreigners and redheads and rogue sons of rogue fathers, those we employ for every purpose...”

For music and gymnastics as the features of elite *paideia*, see also Donlan p.156-7, *Xen. Ath Pol* 1.5-6.

³⁹⁸ Wohl 2002 p. 5-6, 8.

³⁹⁹ *Xen. Sym.* 8.16-7, 26-7, Donlan p. 81, 91, 165, Dover 1974 p.41-5.

⁴⁰⁰ *Xen. Sym.* 8.38-42. Xenophon expects the elder to be a model of the *kalos kagathos* for the younger to emulate (*Xen. Sym.* 8.11, 17, 23, 26, 41-2). See also Plato (*Sym.* 222a) for the value of an *erastes* who can teach his beloved to be *kalos kagathos*.

Ephobic beauty is elsewhere an indicator of *kalokagathia*, representing the value inherent in elevated status. For example, in Plato's *Lysis*, Socrates describes the lovely and aristocratic Lysis as manifestly *kalos kagathos*: He stands out among his peers,

...τὴν ὄψιν διαφέρων, οὐ τὸ καλὸς εἶναι μόνον ἄξιος ἀκοῦσαι, ἀλλ' ὅτι καλὸς κάγαθος,...

...excelling in appearance, deserving not only to hear himself called beautiful, but beautiful and noble,... (Plat. *Lys.* 207a).

In Lysis' case, his appearance sets him apart as not merely beautiful but classy, aristocratic in appearance. He visibly possesses the good qualities which aristocrats prefer to attribute to themselves, namely self-control and moderation, combined with excellence in athletics and/or warfare. Since he is an *eromenos*, Lysis presumably shows his modesty and the manly excellence evident in his gym-honed physique.⁴⁰¹ While Lysis belongs to the traditional Athenian birth elite, 'the General' attributes these qualities to the Athenians' sons, represented by the same manifestly aristocratic ephobic beauty. It is in this nexus of democratized class credentials that 'the General' locates the young Timarchos. The beauty of the ephobic Timarchos, like that of the young citizens, makes manifest his aristocratic credentials, which in turn supports his right to continue his role as leading advisor of the Athenian assembly.

As portrayed in Xenophon and Plato, the conventions of pederasty would present practical limitations to participation according to wealth, leisure and education.⁴⁰²

⁴⁰¹ For Lysis' status as an elite in both birth and wealth, see Plat. *Lys.* 205b-d. For the characterization of the good aristocrat in elite discourse, see Donlan p. 80-111 (esp. 91 and 107), 165.

⁴⁰² Obstacles to participation in pederasty as portrayed in Plato and Xenophon, based on wealth, education: Leisure was required to pass time at the gym and follow boys (Dover p. 150), though Fisher suggests that the gymnasium was increasingly accessible to a broader audience (Fisher 1998, p. 88-94). Though Fisher demonstrates that through civic apparatus, the 'aristocratic' province of the gymnasium was becoming increasingly available during this period, it would not have been so to all jurors judging the case of Timarchos (Fisher 2001, p. 61). *Erastai* with education, political influence and money had an edge in their wooing. Lovers were assumed to be jealous of the rich and the educated ("πεπαιδευμένους") (Plat. *Phaedr.* 232c). Also, promises of wealth and political power are temptations which might persuade a youth

However, there were no similar limitations on social aspirations. This pederastic ideal was appropriated from traditional aristocratic discourses in service of democratic ideology. Wohl's and Stewart's analysis of Harmodios' and Aristogeiton's role in democratic ideology and popular culture support the conclusion that common Athenians were ready and willing to appropriate the aristocratic credentials of homoerotics for themselves. Wohl suggests that every Athenian could identify with the "middling" Aristogeiton as *erastes* of the elite Harmodios, an appreciator of Harmodios' aristocratic beauty and virtues. Through vicarious enjoyment of the tyrannicides' faithful *eros* each citizen could participate in the ideology of pederasty. The middling *erastes* thus becomes himself an aristocrat by proxy, as in turn do the citizens who identify with him. In identifying with the *erastes* of an elite youth and imagining himself within the context of idealized pederastic love, the Athenian citizen figured himself as an aristocrat in spirit and sensibility.⁴⁰³

The mantle of youthful beauty likewise 'aristocratizes' the citizens in the monumental artwork of the Periklean democracy. In Osborne's and Stewart's interpretations of the Parthenon Frieze, the propaganda of an imperial and democratic Athens under Perikles renders the Athenian *demos* as unified and aristocratic by making the ephebic perfection of new cavalymen stand for the *demos* as a whole.⁴⁰⁴ The democratic espousal of these traditional aristocratic semiotics of the body follows a

to yield for the wrong reasons (Plat. *Sym.* 184a-b). Moreover, gifts to an *eromenos* could be expensive (Xen. *Oec.* 2.7, Ar. *Plut.* 157).

Halperin points out that less wealthy Athenians who found youths attractive would have professional outlets for their passion (Halperin 1990 p. 93-4). Also, if the population at large so aspired to the ideal of pederastic *eros*, there is no reason to suppose that they did not participate in it, if they were so inclined, by practicing versions modified to their financial situation (and with less aristocratic *eromenoi*).

⁴⁰³ Stewart 1997 p. 70-75, Wohl 2002 p. 3-9.

⁴⁰⁴ Osborne 1987 p.102-4, Stewart 1997 p.75-85. Strauss points out the Parthenon frieze has no rowers, despite ample evidence for their military importance to the democracy (Strauss 1996, p. 313). See also Fisher 2001 p.60-1.

general trend of appropriation of elite ideologies in service of democracy.⁴⁰⁵ In the context of this appropriation, ephebic beauty becomes a means of expressing an augmentation of the social status of the democratic citizenry.⁴⁰⁶

Aeschines replies to the speech he attributes to “the General” by appropriating ephebic beauty for his own cause. His strategy for taking over the pederastic ideal is to alienate the jurors from “the General” by casting him as a snob, talking down to the jurors as if they were unacquainted with the cultural refinements of legitimate *eros*. He then characterizes himself and the jurors as cultured *erastai* and sensitive appreciators of beauty, capable of discerning the difference between modest and virtuous beauties and so-called whores.

According to “the General,” Aeschines, the introducer of “a terrible lack of culture” to Athens, cannot properly interpret the love-affairs of others, because he lacks the *paideia* constituted by a sophisticated understanding of the pederastic ideal. The defense’s depiction of Aeschines, as he reports it, demonstrated his uneducated lack of

⁴⁰⁵ This trend has been explored by Stewart p. 63-75, Ober p. 259-66, 290-3, Loraux p.172-202, and Wohl p. 6, n. 10.

⁴⁰⁶ For the Athenian citizenry as an elite, see the following: Orators use descent from the Athenians of the Persian wars to make the Athenian citizenry collectively elite, and beholden to elite value systems. Andocides exhorts the Athenians “born neither baser nor lesser than those famous men, as good men born of good men (ἀγαθοὶ ἐξ ἀγαθῶν), display your native virtue,” (And. *De Myst.*109; see also Dem.18.199-208, Yunis p. 15, 218-27. For the class significance of the term *agathos*, see Donlan p.126-7, Ober, p.251-2). In Athens’ funeral orations for the war dead, Loraux sees a borrowing of aristocratic language and values, the effect of which is to suppress difference among Athenians through the creation of an “aristocratic democracy,” (Loraux, p. 173-202). The ‘aristocratization’ of the *demos* may have different justifications than descent from the Persian War generation. Stewart interprets Pericles’ citizenship laws and Athenian imperialism as the grounds for elevating the *demos* as a whole to elite status (p. 77-80, quote p.79).

Ephebic beauty as a symbol for superiority innate and cultivated is borrowed from the political discourse in support of the aristocracy. Stewart argues that, in a 6th-century Attika riven with class tensions and political upheaval, the idealized, athletic body of a youth in the form of the Kouros stood for “a stable, elitist social order,” (Stewart, p.68-70, also Donlan p. 129, 156-8, p. 208 n. 4). In a notable reversal, rowers see their physical superiority as the justification for political power in Plato's *Republic* (Plat. *Rep.* 556e, Strauss p. 315).

culture through his repeated misuse of the conventions of legitimate *eros*, both in his rude and hypocritical slander of Timarchos and his own coarse behavior at the gymnasium:

...κάνταῦθα δὴ τινα καταδρομήν, ὡς ἀκούω, μέλλει ποιεῖσθαι περὶ ἐμοῦ, εἰ οὐκ αἰσχύνομαι αὐτὸς μὲν ἐν τοῖς γυμνασίοις ὀχληρὸς ὢν καὶ πλείστων ἐραστῆς γεγονώς, τὸ δὲ πρᾶγμα εἰς ὄνειδος καὶ κινδύνους καθιστᾶς. καὶ τὸ τελευταῖον, ὡς ἀπαγγέλλουσί τινές μοι, εἰς γέλωτα καὶ λήρόν τινα προτρεπόμενος ὑμᾶς, ἐπιδείξεσθαι μου φησὶν ὅσα πεποιήκα ἐρωτικά εἰς τινὰς ποιήματα, καὶ λοιδοριῶν τιῶν καὶ πληγῶν ἐκ τοῦ πράγματος, αἱ περὶ ἐμὲ γεγένηται, μαρτυρίας φησὶ παρέξεσθαι. (Aeschin.1.135.)

...and then, as I hear, he is about to make some invective attack about me, if I am not ashamed myself to be troublesome in the gymnasia and to have been the lover of so very many, although I am bringing the matter into reproach and danger. And finally, as some people report to me, urging you on to laughter and some silly talk, says that he will exhibit love-poems, as many as I have written to certain youths, and for some quarrels and blows as a result of the matter, which came about in connection with me, he says that he will furnish witnesses.

According to “the General,” Aeschines shows his gross want of *paideia* in insinuating any impropriety on the part of a youth (meaning the young Timarchos) merely because his beauty attracts many hopeful *erastai*.⁴⁰⁷ In “the General’s” evaluation, Aeschines’ primary problem is his hypocrisy in judging Timarchos, when he himself is deeply embroiled in erotic affairs. This tacitly implies that Timarchos’ loves were within the context of legitimate pederasty, and not at all sordid. In addition, I propose that Aeschines, in “the General’s” depiction, is ham-handed and boorish in erotic matters. He is indiscriminately in love with every handsome youth; his poetry is unsubtle, and humorous because it is so baldly suggestive. Though Plato’s Socrates treats being in love with everyone as a source of humor,⁴⁰⁸ Aeschines’ lack of discrimination is here more likely to be indicative that he is the wrong kind of *erastes*, interested in the bodies of his love-objects without regard for their souls or characters. According to ‘the General’,

⁴⁰⁷ Fighting over beautiful youths was, if not a laudable activity, expected and apparently tolerated, and cast no aspersions on the youth (Cohen p. 123-38). If the defense actually impugned Aeschines for fist-fighting over *paidika*, there is something especially shameful about these fights which Aeschines strategically neglects to mention.

⁴⁰⁸ Plat. *Rep.* 474d-475e.

Aeschines lacks the credentials both in understanding and in temperance to judge the behavior of others and is hypocritical in attempting to do so. It is to this version of the defense that Aeschines responds with a view to proving his own *paideia*.⁴⁰⁹

In summary, Aeschines' failure to recognize or abide by correct erotic behavior confirms his *apaideusia* in the eyes of the defense; the *sunegoros* invites the jurors not to share in his failing by recognizing Timarchos' place in the context of legitimate *eros*. "The General" makes clear that the jurors' *paideia* is in jeopardy if they side with Aeschines, insofar as the jurors, as representatives of the Athenian people, have benefited from the faithful *eros* of Harmodios and Aristogeiton. If they then condemn *eros* as manifested in the decent pederastic affairs of Timarchos, they will join Aeschines in his *apaideusia*. By casting the defense as patronizing the jurors and questioning their capacity for informed judgment, Aeschines engineers an opportunity to come to the rescue and defend their *paideia* together with his own.⁴¹⁰ He accomplishes this through a

⁴⁰⁹ For the *apaideusia* inherent in suspecting shameful sexual practices where nothing shameful is taking place, see also Aeschin.1.160 and Fisher 2001 p.55 n.64. Aeschines' version of the defense's case, namely that they accused him of *apaideusia* in prosecuting Timarchos, is rendered more plausible in light of his comment on the *apaideusia* of suspecting him of harboring a *tendresse* for Alexander of Macedon. However, the sole external source for the substance of the defense, Demosthenes *On the False Embassy* (19.233) accuses Aeschines of viciousness in prosecuting, rather than boorishness.

The defense may have used Aeschines' brawling to portray him as an uncultured *hubristes*, the accusation Aeschines turns back on Timarchos (1.137). As for the accusation that Aeschines makes a nuisance of himself at the gymnasium, Aristophanes twice denies similarly making a pest of himself, in terms which lead Donlan and Hubbard to suggest that this is a practice associated with offensive elites (Donlan p. 164, Hubbard p. 51, Ar. *Ran.* 1025-8, *Pax* 762-3). However, the portrait Aeschines renders of himself here is not too elite; the problem is that he is not elite enough. Either the precise connotations of this vice elude us, or Aeschines has left out some relevant aspects of the defense's characterization of him.

For the characteristics of the wrong kind of erastes, see Plato *Sym.* 183d-184a, Xen. *Sym.* 8.4, Dover 1978 p.80, 85.

⁴¹⁰ So also Aeschines' portrayal of the defense on the subject of Homer: "Ἐπειδὴ δὲ Ἀχιλλέως καὶ Πατρόκλου μέμνησθε καὶ Ὅμηρου καὶ ἑτέρων ποιητῶν, ὡς τῶν μὲν δικαστῶν ἀνηκῶν παιδείας ὄντων, ὑμεῖς δὲ εὐσχημονέες τινες καὶ περιφρονούντες ἱστορίᾳ τῶν δήμων, ἴν' εἰδῆτε, ὅτι καὶ ἡμεῖς τι ἤδη ἠκούσαμεν καὶ ἐμάθομεν, λέξομέν τι καὶ περὶ τούτων;" (Aeschin.1.141), "But since you make mention of Achilles and Patrocles and Homer and other poets, on the premise that the jurors are ignorant of culture, but you are some elegant fellows and despise the people by reason of your learning, in order that you know that we too have already heard and learned something, we will say something about these topics, too."

demonstration that in erotic matters, he and the jurors are sensitive and discerning consumers of beauty.

By proclaiming his full participation in pederasty, Aeschines stakes the realm of legitimate *eros* for himself:

ἐγὼ δὲ οὔτε ἔρωτα δίκαιον ψέγω, οὔτε τοὺς κάλλει διαφέροντάς φημι πεπορνεῦσθαι, οὔτ' αὐτὸς ἐξαρνοῦμαι μὴ οὐ γεγονέναι ἐρωτικὸς καὶ ἔτι καὶ νῦν εἶναι, τὰς δὲ ἐκ τοῦ πράγματος γιγνομένας πρὸς ἑτέρους φιλονικίας καὶ μάχης οὐκ ἀρνοῦμαι μὴ οὐχὶ συμβεβηκέναι μοι. περὶ δὲ τῶν ποιημάτων ὧν φασιν οὗτοι με πεποιηκέναι, τὰ μὲν ὁμολογῶ, τὰ δὲ ἐξαρνοῦμαι μὴ τοῦτου ἔχειν τὸν τρόπον, ὃν οὗτοι διαφθείροντες παρέξονται. (Aeschin.1.136-7).

I neither censure love that is just, nor do I say that those who are surpassing in beauty have prostituted themselves, nor do I deny that I have been involved in the affairs of love and even now still am, and I do not deny that rivalries and battles which came about as a result of the matter have fallen to my lot. But concerning the poetry which these men say that I have written, the poems I acknowledge, but I deny that they have this character, which these men, by corrupting them, will supply.

Thus Aeschines refutes the charges that he is attributing shame to legitimate *eros* and that his own activities as an *erastes* transgress against propriety. By 'admitting' his role as an *erastes*, he is indirectly claiming that he is a cultured appreciator of those possessors of *kallos* who inspire legitimate love.⁴¹¹ However, he denies that the poetry actually contains the indecent innuendo which the defense surely imparted to it. In effect, by denying that he is an *erastes* of the wrong sort, as the defense portrayed him, Aeschines affirms his own *paideia*, and his participation in the pederastic ideal as a decent and discerning consumer of ephebic beauty.⁴¹²

⁴¹¹ Also 1.137: "ὀρίζομαι δ' εἶναι τὸ μὲν ἐρᾶν τῶν καλῶν καὶ σωφρόνων φιλανθρώπου πάθος καὶ εὐγνώμονος ψυχῆς, τὸ δὲ ἀσελγαίνειν ἀργυρίου τινὰ μισθούμενον ὑβριστοῦ καὶ ἀπαιδέυτου ἀνδρὸς ἔργον εἶναι." "I define that loving beautiful and temperate youths is the emotion of a humane and considerate soul, but behaving licentiously when you have hired someone for money is the deed of an insolent and uncultured man." Aeschines turns the accusation of coarseness back against the defense, while the mark of a man of feeling and refinement is to love beautiful youths (*kalôn*) who are likewise virtuous. For temperance as a qualifier needed for beauty to be good, see likewise Aeschin.1.132, and Plato's Charmides, 157c-d ff.

⁴¹² Regarding the charge and witnesses of his fisticuffs, "[Aeschines] accepts [the allegation] as true with so little sign of shame that we can easily imagine the words spoken in a tone of pride," (Dover 1978, p. 54).

Aeschines uses ephebic beauty as representative of the pederastic ideal to characterize himself (and the jurors) as cultured *erastai* whose *paideia* is beyond impeachment, and appreciators of beauty who are fully capable of distinguishing between an *eromenos* and a whore like Timarchos. At the same time, Aeschines also uses the class credentials inherent in the pederastic ideal to frame “the General” as elitist in order to preemptively undermine his defense. “The General,” he claims, will talk down to the jurors, and assume them ignorant of the cultural refinement and sophistication which constitute *paideia*: the recognition and sympathetic understanding of legitimate *eros* and the pederastic ideal.⁴¹³ Aeschines aims to capitalize on the jurors' resentment of his opponent's alleged snobbery to ally himself with the jurors in jointly defending his own threatened *paideia* and theirs. The jurors are to read and interpret the *sunegoros*' bearing as he takes the speaker's platform as an indicator of his snobbery:⁴¹⁴

...ὑπτιάζων καὶ κατασκοπούμενος ἑαυτόν, ὡς ἐν παλαίστραις καὶ διατριβαῖς
γεγονώς ...

...carrying his head high and checking himself out, as one born in wrestling-schools and [their] amusements;... (Aes.1.132).

By this strategem, Aeschines alienates the jurors from the opposing *sunegoros*, and invites the jurors to likewise read in “the General's” appearance confirmation of Aeschines’ allegations. Thus having characterized “the General” as pretentious via his self-carriage, Aeschines predisposes the jurors to believe he will address them condescendingly. The “*palaistra* and its amusements” act as the catalyst for class resentment

Contrast the apparent embarrassment of the speaker in Lysias *Against Simon* at his participation in brawls over love affairs (Lys. 3.9).

⁴¹³ For the jurors' threatened *paideia*, see also Aeschin.1.141.

⁴¹⁴ For the snobbery credentials of the office of general: Dem.19.237, Ober 1989 p.119-21 and Hansen 1991 p.346.

against the *sunegoros*.⁴¹⁵ Fisher connects these ‘amusements’ (*diatribai*) with the environs of Plato’s dialogues.⁴¹⁶ Aeschines thus characterizes the social sphere described in Plato’s dialogues, comprised of athletics, philosophy, and pederastic pursuits, as elitist, and uses it as a means of alienating the jurors from the opposition. But although Aeschines frames “the General’s” speech as delivered from a snob’s perspective, his reply to it appropriates these same features for his own cause.⁴¹⁷ Aeschines achieves this demonstration of his own and the jurors’ sophistication and fluency in the pederastic ideal by taking over for himself the ‘snobbish’ ideals which he attributes to his opponents. Thus, if Aeschines is correct in his estimations of the jurors, they both count the gymnasium and its activities (athletics, philosophical discourse, *eros*) as a source of snobbery, yet themselves value all, in spite of or because of their snob appeal. The sources of social resentment also function as social credentials.

In summary, Aeschines’ portrayal of “the General” implies that he is patronizing the jurors, treating them as if he possesses cultural attainments superior to theirs. The prosecutor’s strategy for undermining his opponents in this way relies heavily on casting

⁴¹⁵ Fisher (2001) translates “the wrestling-schools and their discussions,” (p.102). See also his note, p.275-6. For the class connotations of Aeschines’ description of the general, see Fisher 2001, p. 274-5 and Dover 1978, p.41 n.4. For the class connotations of the *palaistra*, see this dissertation, “The Beauty,” p. 143-160. For further comic evidence that gymnastic exercise belonged to an elite stereotype which could provoke resentment, in Aristophanes’ *Knights* the chorus of cavalymen ask, “μη φθονειθ’ ημιν κομωσι μηδ’ απεστλεγγισμενοις,” “Do not bear us malice because we wear our hair long and scrape with a strigil,” (Ar. *Eq.* 580).

⁴¹⁶ Fisher 2001 p.275-6.. For example, in Plato’s *Charmides*, Socrates, resuming his accustomed *diatribai*, goes to the *palaistra*, where he meets his friends and has a philosophical discussion with the extremely beautiful Charmides (Plato *Charm.* 153a). The lad’s host of *erastai* confirm that following one’s *paidika* is an activity for the *palaistra* (see also Dover 1978 p.54-5). Athletics were of course a possibility; Alcibiades’ narrative of his attempt on Socrates suggests that wrestling and courtship could be combined. (Plato *Sym.*217c and Dover 1980 p. 168-9; Alcibiades’ wiles are the sort usually done by a would-be *erastes*, not an *eromenos*). Kritias and Charmides’ aristocratic birth supports the class connotations of the *palaistra* and its social sphere (see P. *Charm.* 157e-158d and Davies 1971 p. 322). The *palaistra* is likewise the place to watch and follow well-bred *eromenoi* in Plato’s *Lysis* (204a-205a).

⁴¹⁷ Aeschin.1.138-9.

“the General” as a snob: according to “the General,” Aeschines and the jurors who vote in his favor lack *paideia*. Aeschines then goes about showing that he and the jurors are just as cultured as the defense. Although he characterizes “the General” as a snob who holds himself superior to the jurors, Aeschines also depicts “the General” as matching his own strategy of democratizing markers of elite status. “The General” bestows aristocratic excellence on the sons of the jurors via their ephebic beauty, just as Aeschines characterizes the jurors as *erastai* and connoisseurs of the flower of the youthful Athenian elite. Also, “the General” uses the markers of the pederastic ideal to defend Timarchos; he is not introducing the jurors to or defending the value of the pederastic ideal itself, but rather assuming the jurors already espouse it and need no tutoring on its worth. The contest which Aeschines actually depicts is a battle between himself and Timarchos (with his *sunegoroi*) to control ephebic beauty as the symbol of legitimate *eros*, with its attendant status credentials, and to control the *paideia* inherent in the correct recognition and appreciation of beauty.

Aeschines further proves that a vote for him is a vote for *paideia* by a didactic section articulating the distinction between legitimate love and whoredom. His goal in this section is to take over from the defense all articulations of the pederastic ideal and the markers of *paideia*, and distribute them among himself and the jurors.⁴¹⁸ This project is in keeping with Aeschines' strategy of claiming that “the General” treats the jurors and himself with condescension, considering prosecutor and jurors jointly incapable of the sophistication required to tell whoring from proper pederasty. He likewise appropriates

⁴¹⁸ Aeschin.1.138-50.

philosophical discourse and poetry to express his espousal of legitimate *eros*, the same media used by the defense which Aeschines earlier rebuked them for using.⁴¹⁹

Aeschines shows here to what extent he believes the jurors approve of and aspire to the pederastic ideal and its class credentials. He extends the *paideia* inherent in exercising in the gymnasium (which by his own earlier admission is the pastime of a snob) to all citizens, by interpreting a law forbidding slaves to exercise at the gym and to be lovers of free boys as a tacit exhortation to citizens to engage in athletics and *eros*.⁴²⁰ He then continues to explain the benefits of a temperate and self-controlled lover for a youth not yet of age: the lover will follow him and watch over the youth's chastity while he is still young and immature in judgment, while deferring the profession of his love until the boy matures. This reasoning, which resembles that of the speech of Pausanias in Plato's *Symposium*, further demonstrates Aeschines' mastery of philosophical discourse on the pederastic ideal and hence his *paideia*.⁴²¹ In the course of displaying his own credentials, he constructs the Athenian citizenry as gymnasium-frequenting *erastai*, and educators of the young in morality. In this respect the Athenian citizen acquires the role of Xenophon's and Plato's elite *erastes*.

The jurors also acquire through Aeschines another attainment constituting *paideia*, a thorough familiarity with and subtle understanding of poetry.⁴²² Aeschines claims the jurors' familiarity with Homer, and their understanding in recognizing the

⁴¹⁹ Aeschin.1.141-2.

⁴²⁰ Aeschin.1.138-40

⁴²¹ Scholars have noted the parallels between Aeschines 1.139 and Plato's *Symposium* (speech of Pausanias 180c1-185c3): Halperin 1986 p. 91, 183 n. 34, Fisher 2001 p. 284-5, Wohl 2002 p. 4. Aeschines is surely aware of the philosophical character of his argument. He reproaches his opponents for their use of philosophers and verse by way of a preface and apology for his own employment of Homer (1.141). He may similarly be apologizing for his own use of philosophy by pointing out that the other side will do so, as well.

⁴²² For learning Homer and other poets by heart as a feature of elite education, see Ford 1999 p. 233 and Xen. *Sym.* 3.5-6.

erotic relationship between Achilles and Patrocles, demonstrate their education.⁴²³ As before, a sophistication about and sensitivity to pederastic practice marks the jurors as cultured and educated men. Familiarity with Homer and with this version of Achilles' and Patrocles' relationship was by no means special or unusual knowledge; there were opportunities annually to hear Homer sung at public festivals, and if any Athenian did not already count Achilles and Patrocles lovers, he could see this interpretation of Homer on the stage in Aeschylus' *Myrmidons*.⁴²⁴ In his preemptive rebuttal to the poetic and philosophical arguments of the defense, Aeschines democratizes the attainments of elite education, taking over their cultural authority and elite connotations for himself and for the jurors.

Having defended his own *paideia* in terms of his status as an *erastes*, Aeschines turns to further defending the jurors' *paideia* as *erastai*, insofar as they demonstrate discerning and fastidious consumption of beauty. Aeschines (tendentiously) argues that the difference between beautiful and sought-after but sexually modest *eromenoi* and those who were too easily 'caught' and thus labelled "whores" was obvious and common knowledge.⁴²⁵ Aeschines dismisses the existence of the large grey area between accepted and transgressive conduct for *eromenoi*.⁴²⁶ His assumption that all Athenians know who among the youth is 'chaste' and who is not allows for no possibility of mistake, and

⁴²³ According to Aeschines, Homer "...τὸν μὲν ἔρωτα καὶ τὴν ἐπωνυμίαν αὐτῶν τῆς φιλίας ἀποκρύπτεται, ἠγούμενος τὰς τῆς εὐνοίας ὑπερβολὰς καταφανεῖς εἶναι τοῖς πεπαιδευμένοις τῶν ἀκροατῶν," (Aeschin.1.142), "...(he) conceals their love and the given name of their friendship, considering that the excess of their favor was evident to those educated men among the hearers."

⁴²⁴ Homer was performed at public festivals with regularity; for example, at the Greater Panathenaia, every four years citizens could hear competitions of Rhapsodes (Miller 2004 p. 139-42, Ford 1999 p. 232-6). An Athenian who saw *Myrmidons* at the Greater Dionysia, having 'seen the movie', so to speak, may subsequently have understood a homoerotic bond implied in Homer (Dover 1980, p. 94-5, n. on 180a4, and Aeschylus fr. 228f.).

⁴²⁵ Aeschin.1.155-7.

⁴²⁶ Fisher 2001, p. 49

'confirms' Timarchos' guilt on the grounds of the existence of rumor and suspicion. The pride of place which Aeschines gives to common knowledge as the best source of truth is a variation on the 'you all know' oratorical *topos*.⁴²⁷ Aeschines likewise attributes to the jurors and Athenians at large a participation in legitimate *eros*, insofar as they know and track the progress of egregiously handsome youth. The jurors, as Aeschines figures them, are all *erastai*, and capable of distinguishing the worthy *eromenoi* whose beauty is matched by temperance and modesty. In other words, the jurors know whose beauty is a true indicator of the pederastic ideal, and who has fallen short of this mark. Aeschines' list of examples of youths whom he expects the citizens to know of or remember implies that the high-profile youth of the city would be a subject of common knowledge and interest among the citizens. Of those named, two are athletes (runners) and one is the nephew of Iphikrates; these are epebes who have some status as public figures.⁴²⁸ Aeschines postulates similar acquaintance with and interest in the city's young beauties when he asks the jurors, "...who of the citizens was not annoyed at Kephisodoros, called the son of Molon, for having ignominiously ruined the bloom of his youth, most beautiful in appearance?"⁴²⁹ This tracking and interest in the latest promising youth is reminiscent of Socrates' question in Plato's *Charmides*, upon arriving back in Athens after the battle at Potidaea: "and I began to ask them about things here (at Athens),...and about the

⁴²⁷ Ober 1989, p.163-5.

⁴²⁸ Aeschin. 1.156. See also Winkler 1990 p.196-7.

⁴²⁹ "...τίς τῶν πολιτῶν οὐκ ἔδυσκέρανε Κηφισόδορον τὸν τοῦ Μόλωνος καλούμενον, καλλίστην ὥραν ὄψεως ἀκλέεστατα διεφθαρότα;" (Aeschin.1.158). This assumption that the chastity of youths was common knowledge is a version of the 'you-all-know' *topos*, an expression of democratic ideology which prizes the citizens' consensus as the best source of knowledge (Ober 1989 p.163-5). Fisher 2001 (p. 60) notes this passage as confirmation that pederasty, for all its elite connotations, was broadly accepted. Aeschines also indirectly defends his own use of rumor as evidence (1.125-31) by disallowing any possibility of popular confusion between chaste and unchaste youths. Fisher 2001 (p.305) suggests that Kephisodoros' patronymic is a nickname suggesting servile origins, hence Aeschines' qualifier implying that this was not Kephisodoros' real patronymic.

young, if any were outstanding in wisdom or beauty or both..."⁴³⁰ Plato's dialogue is set in the social context of a comparatively wealthy and educated leisure class, and unlikely to have been accessible to many Athenian jurors; however, that did not stop Aeschines from figuring them as *erastai* of the best and the brightest, nor did it prevent their aspiring to the ideals represented in his portrayal of them.⁴³¹

Drinking-cups inscribed with "[name] καλός" offer a similar instance of social aspiration expressed through admiration of high-profile youths.⁴³² In the case of named youths, since the same names occur on the cups of different painters, the most plausible explanation is that the names belong to celebrated beauties, and imply no particular relationship between the cup's painter or owner and the youth it acclaims. Instead, the cup announces the owner's good taste in ephebes (or perhaps flatters the drinker or owner by figuring him as a competitor for the affections of a high-profile catch actually far beyond his reach). The cup shows that its owner is, in spirit, the well-bred *erastes* of a well-bred and lovely young athlete, whatever his actual degree of participation in pederastic practice. Dover agrees, on the basis of pottery proclaiming the same famous

⁴³⁰ "...ἐγὼ αὐτοὺς ἀνηρώτων τὰ τῆδε, ... περὶ τε τῶν νέων, εἴ τινες ἐν αὐτοῖς διαφέρουτες ἢ σοφία ἢ κάλλει ἢ ἀμφοτέροις..." (Plat. *Charm.*153d). See also Plato *Lysis* 203b-204b.

⁴³¹ For broadening of access to the gymnasia in this period, see Fisher 1998 (p.88-94), though he does not insist on access much below the hoplite class. Fisher is right to emphasize the increasing accessibility of athletics to ephebic males; a man who was not born wealthy enough to participate in athletics as a youth and learn the skills and culture of the gymnasium may not have found it as easily approachable later in life, even if he had meanwhile acquired greater wealth and leisure. Thus the gymnasium, even if more broadly accessible, may not lose its class connotations.

For the jurors aspiring to and identifying with the pursuit of high-profile *eromenoi*, even if in practice this pursuit were beyond their reach, see Fisher 2001 (p.61), and also, Todd's analysis of Dem. 59.122: The average juror may not be able to support hiring *hetairai* for his pleasure in addition to keeping *pallakai* for his daily use and wives to bear legitimate children, but "...this remark need not have alienated the Athenian peasant, provided he aspired to the same view of the role of women in society: 'if only I had the money, that's what I would do,' " (Todd 2007 (1990) p. 343).

⁴³² Lissarague 1999, p. 363-7.

youth, Leagros, a beauty over the course of 50 years, a circumstance which argues against any personal connection between pottery-owners and youth.⁴³³

There existed ample opportunity at festivals (particularly the Lesser and Greater Panathenaia) to see the city's ephebes perform, and there is no reason to doubt Aeschines' premise that some exceptionally pretty youths became known to the general Athenian public.⁴³⁴ If there were one exceptional youth participating in the various games at Athens, spectators may have taken note of him as a rising star.⁴³⁵ In the jurors' tracking of famous beauties, Aeschines attributes to them the capacity of discerning between modest and ruined *eromenoi*, and therefore demonstrates their cultural refinement and *paideia*. Aeschines encourages the jurors to preen themselves on their good taste, their sophistication and practice of legitimate *eros*, and correct treatment and appreciation of youthful beauty.

The Foul Profligate

In addition to appropriating ephebic beauty as representative of the pederastic ideal and the cultural authority it carries, Aeschines constructs an alternate definition and interpretation of Timarchos' appearance. First, Aeschines supplants Timarchos the young beauty with the foul image of Timarchos' adult body, allegedly atrophied from his years of sympotic debauchery. According to Aeschines, Timarchos' body as he is in the court is a visible proof for the jurors of Timarchos' profligate character. The endless need

⁴³³ Dover 1978 p. 119. For the youths on vases bearing *kalos*-inscriptions as generic praiseworthy figures, see also Lear and Cantarella 2008 p.165-8.

⁴³⁴ On the opportunities to watch ephebes perform at the Greater and Lesser Panathenaia, including the team contest in *euandria* (manly beauty), see Miller 2004 p. 139-42. On comic portrayals of ogling ephebes, see Ar. *Ran.* 598 (at the *dokimasia*) and *Nub.* 987-8 (at the pyrrhic dancing at the Lesser Panathenaia). See also Fisher 2001 p. 60. On the class identity of ephebes, see Strauss 1996: 320, 325 n. 34 and Raaflaub 1996: 139.

⁴³⁵ Winkler sees this admiration of the young and lovely athletes as the "flip side" of the invective to which the young and prominent were vulnerable (Winkler 1990 p. 196-7).

for sympotic luxuries which induced Timarchos to destroy his physique in this fashion is the same need which drove him to sell his body; the wasted body of Timarchos proves Aeschines' version of Timarchos' sexual career. Thus Aeschines employs a redefinition of Timarchos' appearance in support of his own case.⁴³⁶

Aeschines claims that Timarchos' allegedly wasted physique literally reveals Timarchos' character, because it shows the effects of his addiction to expensive wine, food, and women (which he practiced whoring to finance).⁴³⁷ Timarchos' disgusting adult body is the first view we get of Timarchos in Aeschines' speech. According to Aeschines, Timarchos' physical appearance is indicative of his habitual behavior, namely his long-term over-indulgence in sympotic luxury:

...ρίψας θοιμάτιον γυμνὸς ἐπαγκρατίαζεν ἐν τῇ ἐκκλησίᾳ, οὕτω κακῶς καὶ αἰσχρῶς διακείμενος τὸ σῶμα ὑπὸ μέθης καὶ βδελυρίας, ὥστε τοὺς γε εὖ φρονοῦντας ἐγκαλύψασθαι, αἰσχυνθέντας ὑπὲρ τῆς πόλεως, εἰ τοιοῦτοις συμβούλοις χρώμεθα.
(Aeschin.1.26)

...after throwing off his cloak he fought a pankration in the assembly, in such a vile and shameful state as to his body because of drunkenness and loathsome conduct, that right-thinking men hid their faces, ashamed on behalf of the city, if we employ such men as advisors.

In this vivid report, Timarchos' excessively vigorous oratory leads him to show his true colors by displaying the years of drunken debauchery inscribed on his body. Timarchos' wasted body becomes a reliable indicator of his character and shows that he is (literally) unfit for the leadership role he has assumed.⁴³⁸

While Sissa articulately explains Aeschines' strategy of generating disgust at Timarchos' appearance (as Aeschines interprets it) and his tawdry sexual activities, Sissa's phrase, "sexual bodybuilding" may lead to the conclusion that passive sexual

⁴³⁶ Lape 2006 p. 141-44, Sissa 1999 p. 159-62.

⁴³⁷ e.g. Aeschin.1.95, Davidson 1997, p. 246.

⁴³⁸ Fisher 2001, p.55-6.

activity itself created Timarchos' unsavory adult physique. Sissa rightly identifies the cause of Timarchos' physical ruin, drink and *bdeluria* (Aeschin.1.26), as sympotic debauchery. Winkler demonstrates that, according to the Aristotelian *Problems*, the pleasures of *kinaidia* both create and are created by physical effeminization, but that is not what Aeschines indicates has happened to Timarchos. His physique is not now and was never in his prime effeminate. As an attractive youth, he looked more like the preferred *eromenos*, who is athletic, masculine and tanned. It is sympotic excesses, namely wine and heterosexual sex, which have ruined Timarchos' adult body.⁴³⁹

Aeschines drives home his hypothesis, that Timarchos' habitual practices in private are visibly apparent in his public behavior, via a mixed metaphor comparing Timarchos' arrogant public conduct to the physical fitness of an athlete.⁴⁴⁰ Both instruct the beholder about the practices in which each habitually engages. Even though Aeschines is speaking about Timarchos' general behavior, not his body, Aeschines' choice of analogy reinforces the concept that visual clues can supply information about Timarchos' activities and qualities out of the public eye, where the alleged offence of prostitution would inevitably transpire. Thus even in evaluating Timarchos' deranged soul, Aeschines indirectly reminds the jurors that derangement is likewise apparent in Timarchos' body. Aeschines claims that Timarchos' whoredom is an essential and apparent component of his being (and therefore does not require the proof and evidence which Aeschines cannot supply), while the simile of the athlete provides a further example for the premise that bodies tell the truth about deeds.⁴⁴¹ Aeschines proposes that

⁴³⁹ Sissa 1999: 159-62, Winkler 1990 p.201-2. Timarchos' adult body ruined by sympotic excess: Ps.-Dem.61.10-12, Dover 1978 p.68-9, Xen. *Oec.*I.13, 22-3.

⁴⁴⁰ Aeschin. 1.189, quoted p. 31.

⁴⁴¹ Aeschin.1.72-3, 1.119-20.

one might recognize the man who (in his youth) acted as a prostitute, based on observing his shameless behavior in all realms of interaction.⁴⁴² The *epitedeumata*, the habitual practices, which mark Timarchos are not features of the body itself, but the word still implies an unconscious way of being which can be seen by an observer, something which is part of and reveals the *phusis*. While Aeschines is not saying here that the disposition of the body will reveal a past in prostitution, he insists that scrutiny of the man as he presently is will cause jurors to recognize him for a prostitute, just as Timarchos' limbs, displayed to all in the course of his transgressive oratory in the assembly at Aeschin. 1.26 (above), revealed his years of drinking and hard living.

The juxtaposition of Timarchos with the athlete is also in keeping with Aeschines' appropriation of the gymnasium as the locus of the production of democratized aristocratic manhood, and Aeschines' alienation of Timarchos from the same.⁴⁴³ Aeschines also draws here on a common characterization of Greek education as the molding of the body and mind through parallel courses of training (*askesis*), in athletics and in philosophy, music, or rhetoric respectively.⁴⁴⁴ The results of training become evident in *hexis*, a manifest condition or state of being developed through skill and

⁴⁴² Demosthenes in *Ag. Androtion* (Dem. 22) refers to repellent habits including whoring under the category of *epitedeumata* (Dem. 22.58, 73, 78; for example, "...τοὺς ἐπιτηδεύοντας οἷα σοὶ βεβίωται τῆς ἀγορᾶς εἴργοντες," "...by barring from the agora men who use such practices as you have in conducting your life," Dem. 22.77). However, he does not use the word as Aeschines does here, to describe the behavioral signals indicative of whoring.

⁴⁴³ See Ps.-Dem. 61.24-26, Aeschin.1.137-40. Aeschines likewise earlier implicitly juxtaposes Timarchos' ruined body with that of an athlete, when he alludes ironically to Timarchos' rhetorical display in the assembly as a 'fine *pankration*' (Aeschin.1.26, 33). Also, in Aeschines' catalogue of famed but decent beauties, Timarchos is contrasted with at least one athlete, Timesitheos 'the runner' (Aeschin.1.156). Fisher (Cit.) argues that these decent youths are known throughout Greece as beauties precisely because they are athletes competing at Panhellenic festivals.

⁴⁴⁴ Isocrates *Antidosis* 210, *In Sophistas* 14-15, Plato *ResP.* 404e, Antisthenes fr. 64, Hawhee 2004 p. 6 and ch. 4, p. 86-108, ch. 6, p.133-162.

habitual practice.⁴⁴⁵ For Xenophon, the parallel processes of development of body and soul are crucial, in the sense that the same excess of 'easy pleasures' destroy both.⁴⁴⁶

Xenophon sees self-control against such pleasures as the necessary basis for virtue, and that self-control is a form of training, an *askesis*, the same term for the process by which an athlete prepares for a race.⁴⁴⁷ Xenophon's self-control is a guard against those very pleasures (wine, women, and other sympotic delights), counted mutually destructive of body and soul, which resulted in the bodily failure of Timarchos.⁴⁴⁸

In summary, when Aeschines describes Timarchos as displaying "a certain *hexis* of the soul", he indirectly reinforces the meaning of Timarchos' body. Timarchos' degenerate physique, which shows his habitual sympotic debauchery, reveals the nature which drives him to gain sympotic pleasures at any cost - that is, his endless appetite for luxury drives him to prostitute himself, at the cost of his eligibility to compete for civic honor as a *rhetor*.⁴⁴⁹ Though here Aeschines refers only to Timarchos' behavior as indicative of a prostitute's shameless soul, the juxtaposition of the physical *hexis* of the athlete and the behavioral *hexis* of Timarchos also recalls the contrast between the athlete's body and that of the adult Timarchos, and the respective habitual courses of 'training' revealed by each respectively.

⁴⁴⁵ Plato, in the *Theatetus*, has Socrates articulate this generally held truth, when he uses the corresponding ways in which the *hexeis* of the soul and the body respond to training to demonstrate natural laws (Plat. *Theat.* 153b-c).

⁴⁴⁶ Xen. *Mem.*1.5.1, *Oec.* 1.22.

⁴⁴⁷ Plat. *Theag.*128e, Xen. *Mem.*2.1.1.

⁴⁴⁸ There is a good case for Xenophon as a source for popular morality (Seager, p. 388). Xenophon provides the historical Socrates with moral authority via the completely unobjectionable ethical teachings of his fictional Socrates. Seager characterizes Xenophon's morality as 'democratic', inasmuch as Xenophon believes the man should contribute his money and military efforts to the collective good of the city. Xenophon's morality primarily consists of how to behave as an Athenian aristocrat should, and how to avoid the moral pitfalls of tyranny and sympotic excess, two marks of the bad elite. However, it is not quite correct to cast him as 'democratic', just because he shares the stereotype of the bad elite with popular rhetoric of sympotic excess and *hubris*. It would be more appropriate to describe Xenophon's ethical system as a conscious synthesis of traditional aristocratic morality and democratic ideology.

⁴⁴⁹ Aeschin.1.96, Halperin 1990 p.93-8, Winkler 1990 p.186-97, Fisher 2001 p.54-6, 243.

The Sexy Young Sleaze

Aeschines' narrative of Timarchos' allegedly lurid career is designed to counter the defense's portrayal of Timarchos as a former beautiful *eromenos* within the bounds of appropriate *eros*. However, Aeschines must depict Timarchos as an attractive youth, or he cannot plausibly sustain his account of Timarchos' purported 'career' without providing some motive for three wealthy individuals to spend extreme sums on Timarchos' high-living pleasures in exchange for sex.⁴⁵⁰ In other words, the younger Timarchos of Aeschines' narrative must be attractive in order to make the charge of whoring stick. However, the language Aeschines uses to describe Timarchos' youthful appearance is intentionally distinct from the terminology fit for an *eromenos*. Aeschines avoids the colloquial language of youthful beauty in the context of accepted pederasty in order to distance Timarchos from the positive ideological charge of legitimate *eros*. Thus Aeschines both provides his own competing image of Timarchos' appearance via his repeated references to Timarchos' present, allegedly deteriorated state, while reframing Timarchos' youthful charms as sexy but sleazy, alien from that chaste and praiseworthy beauty which embodies the pederastic ideal.

Aeschines distances the youthful Timarchos from the terminology and practice of appropriate pederasty by all available narrative means. As Aeschines depicts him, the faithless and mercenary Timarchos exhibits every worst failing in an *eromenos* in his ready sexual availability, his faithlessness toward his lovers, and his selection of servile and wicked lovers, instead of *kaloï kagathoi* worthy of emulation. Timarchos' gameness

⁴⁵⁰ Aeschin.1.42, 1.54, 1.65.

for sex in exchange for money bears no resemblance to the appropriate reluctance of an *eromenos*, whose motive to yield at last ought to be affection and high regard.⁴⁵¹ In contrast with the fidelity (*pistis*) unto death and beyond of the Tyrannicides and Achilles and Patrocles, Timarchos is always ready to exchange one lover for another for the sake of profit, and shows no evidence of affection towards his former connections.⁴⁵² At the point in Aeschines' narrative where Timarchos betrays Pittalakos for Hegesandros, teaming up with his new lover in cruel and violent mockery of the old, Aeschines remarks: "And his wickedness and faithlessness (κακία καὶ ἀπιστία) regarding this matter itself are dreadful, so that even from these events themselves he would reasonably incur hatred."⁴⁵³ Timarchos also takes lovers who are (in Aeschines' evaluation) progressively more socially and morally debased, unlike the model of the *kalos kagathos* which Xenophon's Kallias supplies for the young Autolykos.⁴⁵⁴ As long as he can get the money for his sympotic luxuries, Timarchos is unashamed to debase himself with a public slave, Pittalakos, so that "... he longer took any thought for what is noble and what

⁴⁵¹ For Timarchos' sexual 'easiness', see Aeschin.1.42 (quoted below). For the propriety of reticence to yield, see Plato *Sym.* 184a-b and Dover 1978, 83-5. The sexual acts to which Timarchos was willing to stoop (e.g. insertive oral sex) are also outside the ideological realm of the *eromenos* (Fisher 2001 p. 42-43, Aeschin.1.55, 70). The receptive role of the youth in sexual intercourse is minimized in vase-painting iconography, which shows couples practicing intra-crural sex facing one another; never is the youth shown bent over, as some female prostitutes are depicted (Lear and Cantarella 2008, p.107-11). For vases illustrating the bent-over posture as a humiliating one, see the 'Eurymedon vase', in which a Persian personification of the defeated army at the Battle of Eurymedon (c. 466 BC) announces, "I am stationed bent over," (Winkler 1990 p. 183, Dover 1978 p. 98, Fisher 2001 p. 43, 45-7).

For the lifelong affection of an *erastes* and an *eromenos* (regardless of their present sexual connection), see Plato *Sym.* 183e and Aeschin. 3.255 (of Demosthenes' failure to treat any *eromenos* in the proper way so as to inspire devotion).

⁴⁵² For the exemplary *pistis* of Harmodios and Aristogeiton and of Achilles and Patrocles, see Aeschin. 1.132, 147. For Timarchos' readiness to exchange lovers for more money, see Aeschin.1.51-2, 53-4.

⁴⁵³ Aeschin. 1.57.

⁴⁵⁴ Xen. *Sym.* 8.16-7, 8.38-42. Although Aeschines calls Misgolas "καλὸς κάγαθός", he contrasts this quality with Misgolas' desire for sex with Timarchos, and makes clear that the relationship between Misgolas and Timarchos consists of a mutually beneficial exchange of sex for profit (Aeschin.1.41-2).

is most shameful.”⁴⁵⁵ Aeschines portrays Hegesandros, a genuinely elite politician, as Timarchos' second appalling role model; Aeschines' version of their affair is a nightmare version of proper elite pederasty. Their relationship is educative, and Hegesandros is a genuine aristocrat, but he leads a ready Timarchos in *hubris*, debauchery, and peculation, instructing Timarchos in the traditional faults of the wicked elite Athenian.⁴⁵⁶ In a grotesque parody of the mutual *kalokagathia* on which Xenophon's Kallias and Autolykos forge their bond, Hegesandros takes up with Timarchos (as Aeschines speculates) because he sees something of his own nature (*physis*) in the lad - a nature disposed to sexual and civic malpractice.⁴⁵⁷

Aeschines alienates Timarchos not only from the practices but from the language of appropriate pederasty, and specifically from the adjective *kalos*, which would identify him as a potential *eromenos*. Aeschines must acknowledge that the young Timarchos was sexy in order to explain the appeal he held for his lovers, but he does not use the language of proper pederasty to describe these attractions. The adjective *kalos* is an integral part of the colloquial language of acceptable love, but Aeschines avoids this language and its positive valence.⁴⁵⁸ In his narrative of Timarchos' first encounter with Misgolas, allegedly Timarchos' first major lover, Aeschines substitutes his own coarse and graphic description of Timarchos' charms:

⁴⁵⁵ Aeschin.1.54-5: "...τῶν δὲ καλῶν ἢ τῶν αἰσχίστων οὐδεμίαν πρόνοιαν ἐποιήσατο."

⁴⁵⁶ Hegesandros' instruction of Timarchos: He commits *hubris* (1.58-64), he engages in wild sympotic expenditures and drunken orgies (1.65, 70), was himself the 'prostitute' of Leodamas (Aeschin. 1.69-70), and joins Timarchos in the embezzlement of public funds (1.110-12). For the traditional features of the stereotypical bad elite, see Cohen 1995 p.123-7 and 138, and Ober 1989 p. 206-8.

⁴⁵⁷ Xen. *Sym.* 8.11-12, Aeschin.1.57.

⁴⁵⁸ For Timarchos alienated from the context of *erastai* and *eromenoi*, see Aeschin.1.159: "...εἰς ὁποτέραν τάξιν Τιμαρχὸν κατανέμετε, πότῃρα εἰς τοὺς ἐρωμένους ἢ εἰς τοὺς πεπορνευμένους," "... to which rank do you assign Timarchos, the *eromenoi* or the whores?" For the significance of *kalos* in the language of proper pederasty, see this dissertation, "The Beauty," p. 143-160.

... ἀργύριόν τι προαναλώσας ἀνέστησεν αὐτὸν καὶ ἔσχε παρ' ἑαυτῷ, εὖσαρκον ὄντα καὶ νέον καὶ βδελυρὸν καὶ ἐπιτήδειον πρὸς τὸ πρᾶγμα, ὃ προηρείτο ἐκεῖνος μὲν πρᾶττειν, οὗτος δὲ πάσχειν. (Aeschin.1.42).

...After spending a little money in advance, he caused him to shift [from the doctor's house] and kept him at his house, since he was well-fleshed and young and disgusting and suitable for that purpose, which the former preferred to do, and the latter to suffer.⁴⁵⁹

Timarchos is clearly attractive, but in a sleazy sense; he is not one of the youths possessed of beauty and chastity, who constitute Aeschines' example of vessels worthy of pederastic admiration.⁴⁶⁰ Dover points out that the term *eusarkos*, although rare, is also used to praise the male physique by Xenophon, not in a specifically pederastic context.⁴⁶¹ I venture that in this context, the term suggests the tactile experience of Misgolas, and therefore collapses the aesthetic with the experience of sex and with Timarchos' failure in bodily integrity. The terminology of decorous pederasty refers to an *eromenos* 'gratifying' his lover, remaining circumspect in describing physical contact.⁴⁶² By contrast, Aeschines speaks directly of, "the deed / the business" (τὸ πρᾶγμα) followed by a spectacularly vivid and sordid qualifier. By Aeschines' report, the style of Timarchos' attractions inspired the requisite lust for sex which made his whoring

⁴⁵⁹ The context of Aeschin.1.42 indicates that while Timarchos is willing to suffer penetration, he is motivated by money, not pleasure, as an adult *kinaidos* would be (Fisher 2001, p. 173).

⁴⁶⁰ Aeschines rebuts the defence's argument that he has slandered Timarchos on the basis of his having been a popular *eromenos*; he lists of beautiful and self-controlled youths who attracted many lovers but kept their reputation at Aeschin. 1.156-159.

⁴⁶¹ "καταμαθὼν γε μὴν ὁ Λυκοῦργος καὶ ὅτι ἀπὸ τῶν σίτων οἱ μὲν διαπονούμενοι εὐχρῶι τε καὶ εὖσαρκοι καὶ εὖρωστοί εἰσιν, οἱ δ' ἄπονοι πεφυσημένοι τε καὶ αἰσχροὶ καὶ ἀσθενεῖς ἀναφαίνονται," (Xen. Lac.5.8).

"Indeed when Lycourgos observed, too, that from the rations men who work out have good color and good flesh and strength, but those who are idle appear plainly puffy and ugly and weak, ..."

For Dover's analysis of *eusarkos* and citation of this passage, see Dover 1978 p. 69.

For the role of the thighs in sex, see Lear and Cantarella 2008 p. 106-7. This premium placed on the thighs of the youth may mean that fleshiness such as *eusarkos* might indicate would specifically enhance one particular variety of sex.

⁴⁶² See Dover 1978 p. 42-6, 53-4 and speech of Pausanias, *Sym.* 182a, 217a, 218d, for χαρίζεσθαι as the appropriate term for an *eromenos*' physical gratification of his lover. Aeschines, in describing the postponement of erotic address until a boy matures to adolescence, refers only to "τοὺς τῆς φιλίας λόγους," (1.139) and avoids using a word even so graphic as "χαρίζεσθαι" in his description of proper eros. His reticence distances him from the suggestive poetry his opponents have read out, reinforces his decorous and cultured persona.

possible. However, it could not be farther from the *kallos* which inspires the decorous and tender passion of a gentlemanly *erastes*.⁴⁶³

Aeschines does not stop at rendering Timarchos' youthful good looks disreputable, but superimposes his own redefinition of Timarchos' appearance - the foul adult - over the unsavory but alluring features of Timarchos in his 'prime'. The young Timarchos, as he coaxes his ex-lover Pittalakos not to publicize and press charges for the beating he and his new lover Hegesandros gave him, is described thus:

... καὶ αὐτὸς οὗτος, οὐπω μὰ Δία ὥσπερ νῦν ἀργαλέος ὢν ὄψιν, ἀλλ' ἔτι χρήσιμος, ὑπογενειάζων καὶ πάντα φάσκων πράξειν, ἃ ἂν ἐκείνῳ συνδοκῆ. (Aeschin.1.61).

... and this same man, not yet, by Zeus, as he is now, grievous in appearance, but still serviceable, touching his chin in entreaty and promising to do everything, whatever might meet with his approval.

The orator, on the face of things, is explaining that a man now so repulsive was attractive enough as a youth that his charms enhanced the persuasiveness of his words. The effect, however, is to create a teleological foreshortening from the sexy but sleazy youth to the repulsive man, in which there is neither time nor provocation for acceptable pederasty. The *kallos* of legitimate *eros* is an aesthetic quality, but Aeschines uses language for Timarchos which focuses on acts. I argue that while this term *χρήσιμος* typically means “able-bodied” when used as a description of the body, here “useful” or “serviceable” is the right translation, effectively objectifying Timarchos and framing him so that his attractiveness and the uses to which Misgolas puts it are linguistically inseparable.⁴⁶⁴ The pronouns in the above passage do not just mark the star of the narrative, but point to the

⁴⁶³ e.g. Aeschin. 1.137.

⁴⁶⁴ For the use of *χρήσιμος* meaning “able-bodied” see Xen.*Lac*.5.9. See also Liddell and Scott, *A Greek-English Lexicon*, 9th ed., entry on *χρήσιμος* p. 2006.

man in the court, the adult Timarchos, inviting the jurors to look at him and confirm Aeschines' evaluation and interpretation of his appearance.⁴⁶⁵

The Dangers of Beauty: Aeschines' Reinterpretation of Timarchos' Attractiveness

Aeschines is not content with alienating Timarchos from that *kallos* which inspires the finer feelings of pederastic love via a re-framing of Timarchos' youthful charms. The prosecutor also presents a parallel definition of the implications of youthful beauty, by availing himself of a competing construction which Athenians placed upon it. A popular youth, sought after by many lovers, as "the General" allegedly claimed was the case with Timarchos, had the opportunity to exploit his lovers for gifts. This suspicion of erotic exploitation further implies that the young man is reciprocating and fueling his lovers' generosity by 'putting out', turning the relationship into a *quid pro quo* arrangement. Since an *eromenos* was not commonly believed to have erotic desire or pleasure as a motive for sex, Athenians tended to attribute a profit motive to *eromenoi* who were suspected of yielding too readily to their lovers.⁴⁶⁶ 'Whore' was the epithet applied to a gold-digging *eromenos*.⁴⁶⁷ Aeschines switches between portraying Timarchos as a mercenary *eromenos* and a professional prostitute, capitalizing on both meanings of the term *pornos* to increase his chances of securing a conviction.⁴⁶⁸

Aeschines uses this second interpretation of beauty to condemn Timarchos, an obviously desirable *eromenos*, is mercenary in dispensing his charms. Aeschines claims

⁴⁶⁵ For the significance of the layout of the courts and the visibility of the respective litigants, see the introduction, section "Physiognomics in Oratory." See also Aeschin.1.106 and Fisher 2001 p. 243.

⁴⁶⁶ Plat. *Sym.* 184a-b, Xen. *Sym.* 8.21.

⁴⁶⁷ e.g., Ar. *Plut.* 153-9, Fisher 2008 p. 187-194.

⁴⁶⁸ Aeschin.1.42, 47, 51-2.

that, if a youth is particularly attractive and enjoys expensive presents from a lover, it is as clear that the youth has sold his favors as if he sat in a prostitute's bed-sit taking customers:

Σκέψασθε δὲ καὶ ἐκ παραδειγμάτων· ἀνάγκη δ' ἴσως ἔσται παραπλήσια τὰ παραδείγματα εἶναι τοῖς τρόποις τοῖς Τιμάρχου. ὁρᾶτε τουτουσί τοὺς ἐπὶ τῶν οἰκημάτων οὗτοι μέντοι ὅταν πρὸς τῇ ἀνάγκῃ ταύτῃ γίνωνται, ὅμως πρό γε τῆς αἰσχύνῃς προβάλλονται τι καὶ συγκλήουσι τὰς θύρας. εἰ δὴ τις ὑμᾶς ἔροιτο τοὺς ὁδῶ πορευομένους, τί νῦν οὗτος ὁ ἀνθρωπὸς πράττει, εὐθύς ἂν εἶποιτε τοῦ ἔργου τοῦνομά, οὐχ ὁρώντες, τὸν εἰσεληλυθότα ὅστις ἦν, ἀλλὰ τὴν προαίρεσιν τῆς ἐργασίας τοῦ ἀνθρώπου συνειδότες καὶ τὸ πρᾶγμα γνωρίζετε. οὐκοῦν τὸν αὐτὸν τρόπον προσήκει ὑμᾶς καὶ περὶ Τιμάρχου ἐξετάζειν, καὶ μὴ σκοπεῖν, εἴ τις εἶδεν, ἀλλ' εἰ πέπρακται τοῦτω ἢ πράξις. ἐπεὶ πρὸς θεῶν, Τιμάρχε, τί ἂν εἶποις αὐτὸς περὶ ἑτέρου ἀνθρώπου ἐπὶ τῇ αἰτία ταύτῃ κρινομένου; ἢ τί χρῆ λέγειν, ὅταν μειράκιον νέον καταλιπὼν τὴν πατρῶν οἰκίαν ἐν ἀλλοτρίαις οἰκίαις νυκτερεύῃ, τὴν ὄψιν ἑτέρων διαφέρων, καὶ πολυτελεῆ δείπνα δειπνῇ ἀσύμβολον, καὶ αὐλητρίδας ἔχη καὶ ἑταίρας τὰς πολυτελεστάτας, καὶ κύβεύῃ, καὶ μηδὲν ἐκτίνῃ αὐτὸς, ἀλλ' ἕτερος ὑπὲρ ἐκείνου; ἔτι ταῦτα μαντείας προσδεῖται; οὐκ εὐδηλον, ὅτι πᾶσα ἀνάγκη τὸν τὰ τηλικαῦτα ἐπιτάγματα τισιν ἐπιτάττοντα καὶ αὐτὸν ἀντὶ τούτων ἡδονὰς τινας παρασκευάζειν τοῖς τὸ ἀργύριον προαναλίσκουσιν; (Aeschin.1.74-6).⁴⁶⁹

Examine [the matter] from examples, too. And, I suppose, the examples must be nearly resembling the habits of Timarchos. You see those people who sit in cribs, those who are admittedly practicing the business. These people, certainly, whenever they come to be intent on this necessity, nevertheless at least hold up some defense before themselves for the sake of shame and shut the doors. If in fact someone should ask you as you walk along in the street, what business that person was conducting right now, you would straightaway say the name of the deed, although you didn't see, and although you did not know who the man who went inside was, but because you know the person's choice of trade, you also gain knowledge of the act. Therefore you should inquire concerning Timarchos by the same method, and not look to whether anyone saw, but if the deed was done by him. Since by the gods what must one say, Timarchos? What would you yourself say about another man being judged on this charge; or what should one say, whenever a young man, after leaving behind his paternal house, spends the night at other people's houses, and he surpassing others in appearance, and dines on expensive suppers without paying, and has the most expensive flute-girls and *hetairai*, and plays dice, and never pays himself, but another pays on his behalf?

The prosecutor claims no difference between the indiscreet *eromenos* and the 'working lad': the handsome youth who sleeps at another man's house and spends the man's money on suppers, dice and women is as surely prostituting himself as the youth who takes

⁴⁶⁹ See also "καὶ οὐκ ἠσχύνθη ὁ μιὰρὸς οὗτος ἐκλιπὼν μὲν τὴν πατρῶν οἰκίαν, διαιτώμενος δὲ παρὰ Μισγόλα οὔτε πατρικῶ ὄντι φίλῳ οὔθ' ἡλικιώτῃ, ἀλλὰ παρ' ἀλλοτρίῳ καὶ πρεσβυτέρῳ ἑαυτοῦ, καὶ παρ' ἀκολάστῳ περὶ ταῦτα ὥραιος ὢν," (Aeschin.1.42). "and this accursed man was not ashamed to leave behind his paternal home, and to live with Misgolas although he was neither a paternal friend nor an agemate, but a stranger and older than himself, and, though he [T.] was in the bloom of youth, with a man undisciplined concerning these matters."

money from a customer and leads him upstairs to a crib. The youth's beauty is a key component in producing an argument that “the signs are all there.” The youth in question’s beauty is integral to Aeschines’ circumstantial evidence. Aeschines implies that no man would be willing to foot the bill for such sympotic luxuries without getting something in return, and Timarchos’ beauty suggests what that something must be. The suspicion, therefore, is based in plausible expectation, and thus is an argument from what is *eikos*, or reasonable. From the perspective of a cynical observer, the desirability of the youth leads to suspicion that he commodifies and trades on his beauty and his body.⁴⁷⁰ Such a mercenary *eromenos*, thus willing to exchange his body for gifts, becomes no better than the professional whore. In this rhetoric of suspicion, the visible body of a youth testifies against him. Aeschines draws on this cynical interpretation of youthful beauty to strengthen his case that Timarchos is a “whore.” Timarchos' exceptional physical attractiveness meant he had something desirable to offer, and his material gain in gifts becomes a sure sign that he has sold it.

Sufficient desirability to sell himself is integral to Aeschines' characterization of the youthful Timarchos as a whore. Aeschines confirms this in explaining why a man who prostitutes himself in his youth would then plausibly spend his father's estate as an adult. Having exhausted Hegesandros' wife's dowry and the public funds he and Hegesandros embezzled together, Timarchos could not find recourse to selling his body elsewhere, since “οὐτοσὶ δ’ ἔξωρος ἐγένετο, ἐδίδου δ’ εἰκότως οὐδεὶς ἔτι οὐδέν,” (Aeschin. 1.95), "but this Timarchos had passed his prime, and naturally no one would

⁴⁷⁰ For the use of arguments from *eikos* in Greek rhetoric, see Gagarin 1994 p. 49-55. Gagarin notes (p. 55-6) that arguments from probability are used primarily in cases where facts are unavailable, and this is certainly true of Aeschines' case against Timarchos, for which he conspicuously lacks evidence.

give him anything for it anymore."⁴⁷¹ Timarchos thus is forced to turn to his father's estate to support his addiction to wine, hetairai, and fish.⁴⁷² Aeschines makes explicit that attractiveness is crucial in Timarchos' plausible (*εἰκότως*) marketability.

A second speaker connects youthful beauty with the accusation of whoring. Andokides, deriding his prosecutor Epikhares, implicitly supports the expectation that a youth suspected of whoring will be beautiful by drawing attention to a supposed exception. His opponent Epikhares allegedly practiced as a cheap prostitute, "*καὶ ταῦτα οὕτως μοχθηρὸς ὢν τὴν ιδέαυ,*" (And. *De Myst.* 100), "and [he did] this although he was so miserable as far as appearance." Both orators support that Athenian expectations linked the slander of prostitution with attractiveness.

The link between youthful attractiveness and suspicion of the misconduct for which that attractiveness created opportunity was also crucial to the defense. Although Timarchos' defenders identified him as a beautiful and sought-after *eromenos*, they used the link between youthful beauty and suspicion of being 'too easy' to explain why Timarchos was accused of whoring at all. According to Aeschines, the defense claimed that it was only Timarchos' beauty in his prime led to slander and prosecution:

εἰ δὲ Τίμαρχος ὠραῖος ἐγένετο καὶ σκώπεται τῇ τοῦ πράγματος διαβολῇ καὶ μὴ τοῖς αὐτοῦ ἔργοις, οὐ δῆπου διὰ τοῦτ' αὐτόν φησι δεῖν συμφορᾶ περιπεσεῖν.
(Aeschin.1.126).

⁴⁷¹ The emphatic deictic "οὕτως" again directs the jurors to Timarchos physically present in the court, where again they may examine his alleged present unattractiveness for themselves. Andokides too uses Epikhares himself in the court as a visual point of reference. This strategy turns the jurors' eyes on their opponents with an evaluative and critical gaze, while allowing the speaker to become advisor to the jurors in their perception and interpretation of his opponent.

Given that Timarchos is no younger than 45 years old at the time of the trial (Fisher 2001 p.20), we must assume that the deictic is not meant to refer to over-ripe youth, but directs the jurors back to the supposedly loathsome appearance which Timarchos has earned through his alleged overconsumption of sympotic luxuries.

⁴⁷² Fisher 2001 pp. 139-58, 209-10, 254-7.

And if Timarchos came into the bloom of youth and is mocked by reason of slander from the circumstances, and not by reason of his own deeds, this fellow here says he surely must not fall into disaster on this account.

A sympathetic source, Demosthenes, confirms that the defense portrayed Timarchos as an attractive *eromenos*, slandered because of his beauty. In 343/2 B.C., Demosthenes brought to court his prosecution of Aeschines for acting against the interests of Athens on the embassy of 3 Mounikhion, 347 B.C. In his prosecution speech, *On the False Embassy* (Dem.19), Demosthenes corroborates that Aeschines' summary of 'the General's' argument corresponds to Timarchos' defense : Aeschines slandered Timarchos on the basis of his youthful beauty. Like 'the General', Demosthenes claimed that only Timarchos' beauty and desirability in his prime provoked his slander and prosecution. When prosecuting Aeschines, three years after Timarchos' conviction, Demosthenes uses Timarchos as a pathetic reminder to the jurors to spare no pity for a defendant who, as a prosecutor, showed none to his innocent victims.⁴⁷³

εἰ δέ τις ὦν ἐφ' ἡλικίας ἐτέρου βελτίων τὴν ἰδέαν, μὴ προιδόμενος τὴν ἐξ ἐκείνης τῆς ὄψεως ὑποψίαν, ἰταμώτερον τῶ μετὰ ταῦτα ἐχρήσατο βίῳ, τοῦτον ὡς πεπορνευμένου κέκρικεν. (Dem. 19.233).

And if someone, when he is in his youthful prime, is superior to another in appearance, and, not taking forethought for suspicion arising from that appearance, later on led a rather fast life, Aeschines brought him this man to trial for having prostituted himself.

Demosthenes indignantly implies that Timarchos did nothing inappropriate, but that his beauty combined with other circumstances caused his slander. We can only speculate to what circumstances Demosthenes refers, but the activities in question strengthened the suspicions which Timarchos' conspicuous good looks raised. The orator raises the

⁴⁷³ Compare Demosthenes' use of Straton in Demosthenes *Against Meidias* (Dem. 21.94-6). Demosthenes accuses Aeschines and Meidias respectively of prosecuting and disfranchising a man who interferes with their illegal actions. According to Demosthenes, Aeschines showed no pity to Timarchos' family and accordingly should be shown none as a defendant (Dem. 21.83-98, 97-9, D.19.2, 283). Aeschines elsewhere attributes roughly the same argument to the defense as he does when summarizing 'the general's' speech, quoted above (Aeschin.1.126).

possibility of a youth's self-conscious awareness of his own attractiveness leading him to manage his own actions or those around him in order to avoid damage to his reputation.⁴⁷⁴

While the charge is for prostitution, Aeschines (above, 1.75-6) does not describe behavior which is categorically different from socially acceptable pederasty, but rather in degree. Wooing an *eromenos* with gifts belonged to common practice.⁴⁷⁵ Plato's *Phaedrus* 232c suggests, insofar as lovers would be expected to be jealous of their *eromenoi* keeping company with wealthy men, that boys were wont to be impressed by gifts and power. Socrates, in Xenophon's *Oeconomicus*, half-jokes that Critoboulos' expenditures on his *paidika* are beyond his means, though he does not ascribe any impropriety to Critoboulos or his boyfriends.⁴⁷⁶ The line between the etiquette of acceptable pederastic practice and its breach is neither clear now nor was it likely to have been so to Athenians. Too many or too expensive gifts (criteria surely in the eye of the beholder) raised suspicion that the youth would give or had already given his lover something in return.⁴⁷⁷ Since *eromenoi* in theory get no sexual satisfaction from the relationship, the most reasonable motive for giving in too quickly is for gifts.⁴⁷⁸ From the argument *post hoc ergo propter hoc*, if a youth yields to his lover and then receives a large gift, then he is

⁴⁷⁴ It is not clear from context what Demosthenes means by a 'rather fast life'. It is surely intentionally vague, inasmuch as the hearer or reader may supply whatever he considers marginal but acceptable behavior. However, Demosthenes specifically mentions that Aeschines picks on Timarchos' cockfighting (Dem.19.245). Demosthenes is unlikely to mention anything truly reprehensible. Therefore cockfighting must fall in the moral category of things which are marginal or may be misconstrued, but are essentially innocent. For the moral evaluation of cockfighting, see Fisher 2001 p.70-1, Fisher 2004, and MacDowell 2000 p. 304, n.245.

⁴⁷⁵ For gifts to *eromenoi* depicted in vase painting, see Dover 1978, p. 92. See also Aristophanes *Birds* 707.

⁴⁷⁶ "... παιδικοῖς δὲ πράγμασι προσέχοντα τὸν νοῦν, ὥσπερ ἐξόν σοι." (Xen. *Oec.*2.7). Previously, Socrates listed the sort of sympotic expenditures (food, sex, wine) which destroy men's wealth and souls, but Critoboulos' spending on *paidika* is rather in the same list as his liturgies and hospitality, the expenditures connected to maintaining the lifestyle of an aristocrat (Xen. *Oec.*1.22-3, 2.5-8). The gifts listed in Ar. *Wealth* 157, a good horse or hunting dogs, explain why *paidika* could be expensive. For the suspicion to which young beauties were subjected, see also Winkler p. 195.

⁴⁷⁷ See also Fisher 2001 p. 43-4, 48-50.

⁴⁷⁸ Xen. *Sym.* 8.21-2.

suspected of yielding in order to receive the gift, hence the epithet of 'whore'. Carion and Chremylos, in Aristophanes' *Wealth*, use this designation for all *eromenoi*, since in their extreme cynicism they dismiss the existence of an *eromenos* whose aims are other than mercenary.⁴⁷⁹ In convincing the blind Wealth of his own power and importance, Carion argues that all youths yield for the wrong reasons, and hence all share in the same vice. Carion refuses to concede the possibility that any might give themselves "for the sake of their lovers." Through the language of love (*ἐραστῶν*) and the conventions of pederasty, such as the expensive accessories fit for the pastimes of a young aristocrat, Carion reveals that he is not speaking of literal prostitutes like the ones in Corinth, but of mercenary *eromenoi*, who through their base motives earn themselves themselves the title of "whore."⁴⁸⁰ *Pornos* also indicates a level of compliance which is unacceptable in the *eromenos*.⁴⁸¹ Foucault articulates the proper behaviour of the *eromenos* based on the pseudo-Demosthenic *Erotikos Logos* (Ps.-Dem.61): the youth praised in the speech, Epicrates, is praised for granting some favors, but not all. He is advised to reap the improving benefits which a good *erastes* has to offer him while avoiding shameful

⁴⁷⁹ Ar. *Plut.* 149-59, quoted on p. 113. Hubbard 1999 sees in Aristophanes' *Wealth* the vindication of his claim that among most Athenians, all *eromenoi* appeared the same as whores. While Carion and Chremylos say that sex with a lover for the sake of gifts places a boy in the same category as a whore doing so for the sake of money, they implicitly do not include an *eromenos* who consents out of esteem for his lover. They are merely too cynical to suppose that any boy is motivated to yield except in order to get gifts. Hubbard is likewise hasty in confining the suspicion of beloved youths' motives belongs only to the 'popular' genres of oratory and comedy; the discourse of suspicion is likewise integral to the philosophical *erotikos logos*, for reading and discussion among a highly-educated few (Kelly 1996 p.149-54). In practice, the gold-digger was distinguished from the well-behaved *eromenos* only by a murky grey area of questionable motives, but this does not mean that the two were identical conceptually. For a view similar to that of Hubbard's, see Dover 1978 pp. 145-6, 149.

⁴⁸⁰ The gifts conventionally presented to the *eromenos* reflect his initiation into aristocratic pursuits and values, such as the products and tools of the hunt, game or hunting dogs, or, in this case, a horse. Fighting cocks or quails were also a popular choice. The presentation of such gifts is a common subject depicted on ceramics (Dover 1978, p. 92-3).

⁴⁸¹ Halperin 1990 p. 96, Aeschin.1.70. Also, the suggestion of gross exchange attendant on the term *pornos* also offends the general reticence about the sexual act which accompanies the discourse of decorous pederasty, in concert with the emphasis on the finer feelings of affection attendant on *eros*. So also Phaedrus, reciting the speech of Lysias, voices an argument which assumes that youths will dread the 'locker-room boast' of a successful lover (Plat. *Phaedr.* 231e-232b).

behaviour.⁴⁸² The slur of *pornos* implies that a youth is too ready to surrender himself, and to do so to a greater degree, for the sake of money or power rather than affection.

Some scholars have suggested that suspicious and hostile constructions placed on pederastic relationships reflect a class divide in the moral evaluation of pederasty, along genre lines: the populist genres of oratory and comedy reflect the common man's contempt for the *eromenos* ' passivity, while the elite readers of philosophy looked favorably on the right sort of love between a man and a youth.⁴⁸³ In fact, the juxtaposition of the proper and the meretricious *eromenos* is central to the articulation of the pederastic ideal in texts for primarily elite audiences. Misbehaving *eromenoi* serve as warning negative *exempla* or as points of contrast beside whom a well-behaved beloved shines.⁴⁸⁴ According to the speech of Pausanias in Plato's *Symposium* , negative *exempla* help to illustrate that an *eromenos* ought to grant his favors only after holding out and testing the sincerity of his lover's regard, and should be motivated by affection and gratitude for the intellectual and moral benefits which his *erastes* can teach him.⁴⁸⁵ For his part, the fickle *erastes* , motivated solely by desire for the boy's body, serves as a moral lesson that an *erastes* should likewise be sincere; though the boy's beauty may be the genesis of his love, he must be a constant and genuine lover of the boy's soul.⁴⁸⁶

Pausanias expects youths to be tempted by the gifts of the wealthy or powerful lover,

⁴⁸² Foucault 1985 p. 206-11, who cites Ps-Dem.61.3, 20.

⁴⁸³ See references to Dover 1978, Sissa 1999 and Hubbard 1999 p. 97, n. 254.

⁴⁸⁴ e.g. Ps.-Dem.61.19-8.

⁴⁸⁵ Dover 1978, p.81-6.

⁴⁸⁶ Xen. *Sym.* 8.13-18; Plat. *Sym.* 183d-184a. Xenophon's Socrates sees all sexual congress in the pederastic relationship as belonging to the baser, transient desires of *Koine Aphrodite* . However, he approves of pederasty on the terms he considers render it Heavenly. Xenophon's Socrates sees the genesis of higher love in the lovers' recognition of nobility of soul in one another. Xenophon's Socrates thus combines the Athenian values of self-control and *sophrosune* with the social capital of pederastic ideology, the lovers' mutual regard for one another's gentlemanly qualities, and the true love inspired from these. Kallias and Autolykos clearly share tender and romantic feelings; Socrates' speech functions as both praise of them and an exhortation to maintain their self-control (Xen. *Sym.* 8.6-28, 42).

although he counts it shameful to be so persuaded.⁴⁸⁷ The suspicion of the mercenary *eromenos* does not function as a criticism of pederasty, but actually belongs to the ideology of proper pederasty, as a negative example highlighting the virtue and devotion of the true lovers.

Aeschines uses both meanings epithet for the 'too easy' boy, *pornos*, so that he paint Timarchos as a badly-behaved *eromenos* and as a lowly professional hooker, according to the immediate goals of his argument. The figure of the debauched *eromenos* belongs to Aeschines' project of depicting Timarchos as an unsuitable civic leader.⁴⁸⁸ In this context, Timarchos takes on many of the characteristics of the stereotypical 'bad elite' in oratory.⁴⁸⁹ Aeschines' Timarchos will stop at nothing, including selling his body, to feed his extravagant private consumption: he is for hire. He thus exhibits the worst failing of a civic leader. Accusations of political corruption and of prostitution share a common language, insofar as bribe-takers and whores willingly surrender their political or bodily integrity, respectively.⁴⁹⁰ Timarchos can be bought, and therefore shows that he would not scruple to act against the interest of the people because he was willing to take a bribe to do so. The second way in which Timarchos is a bad elite is his alleged decadent private spending, which not only drives him to sell his body, but also obviates his acting

⁴⁸⁷ Plat. *Sym.* 184a-b.

⁴⁸⁸ Hubbard 1999 notes this strategy, but considers Aeschines to be voicing the common man's opinion of all *eromenoi* in order to win over the jurors. Hubbard sees in Aeschines' assimilation of real whores to slutty and mercenary boys the popular opinion of elite homerotics (cf. also Dover 1978, pp. 145-9). Hubbard claims that in texts for a popular audience, such as oratory, a boy's status as an *eromenos* is categorically treated as shameful, and that only in philosophical texts aimed at an educated elite is pederasty celebrated. Hubbard (p.64-5) is right that Aeschines is assimilating *eromenoi* to professionals, but Aeschines goes out of his way to show that he does not think all *eromenoi* are implicated (Aeschin.1.137, 155-9). For Hubbard's explanation of Aeschines' embrace of pederastic morality at Aeschin.1.132-7, see the section in this paper on 'Text and Audience'.

⁴⁸⁹ Ober 1989 p. 206-8, 231-3.

⁴⁹⁰ For the common terminology of political corruption and of prostitution ("μισθός," "wages, pay, hire,") see Halperin 1990 p. 97, Dem.19.8, Dem.24.66, and Aeschin.1.52 (quoted this page). For Timarchos' own alleged forays into peculation, see Aeschin.1.107-11, 114.

as a liturgist. Timarchos thus joins the ranks of the stereotypical bad elite, spending on a decadent lifestyle rife with private luxuries, yet stingy with liturgies and public benefaction.⁴⁹¹ Aeschines pairs these *topoi* appropriate to demonizing an elite political figure (which Timarchos actually was) with portraying Timarchos as a bad *eromenos*. Timarchos thus appears to misuse every sphere in which an aristocratic and politically active Athenian operates.

However, in portraying Timarchos as the wrong kind of elite and a wanton *eromenos*, Aeschines does not give up his goal of alienating Timarchos wholly from the social context of acceptable pederasty and any shred of class credentials which might be maintained by such a sketchy beloved as Timarchos. To this end, Aeschines also assimilates Timarchos to a literal whore. In his narrative of Timarchos' lurid career, Aeschines first portrays Timarchos as a common prostitute, whom Misgolas then hires on a permanent basis.⁴⁹² He compares Timarchos' behavior in accepting expensive gifts and living with Misgolas to a prostitute leading a man to a crib.⁴⁹³ Aeschines works to remove Timarchos even from the grey area at the margins of legitimate *eros*, in order to place him on an equal footing with professional whores. Aeschines makes this shift explicitly and at great length, in the form of an elaborate, didactic distinction between *hetairiasis* and *porneia*:

εἰ μὲν τοίνυν ὦ ἄνδρες Ἀθηναῖοι Τίμαρχος οὕτως διέμεινε παρὰ τῷ Μισγόλα καὶ μηκέτι ὡς ἄλλον ἦκε, μετριώτερον ἂν διεπέπρακτο, εἰ δὴ τι τῶν τοιούτων ἐστὶ μέτριον, καὶ ἔγωγε οὐκ ἂν ἐτόλμησα αὐτὸν οὐδὲν αἰτιάσθαι ἢ ὅπερ ὁ νομοθέτης παρρησιάζεται, ἡταιρηκέναι μόνον. ὁ γὰρ πρὸς ἓνα τοῦτο πράττων, ἐπὶ μισθῷ δὲ τὴν πράξιν ποιούμενος, αὐτῷ μοι δοκεῖ τούτῳ ἔνοχος εἶναι. εἰ δ' ὑμᾶς ἀναμνήσας ἐπιδείξω μὴ μόνον παρὰ τῷ Μισγόλα μεμισθαρνηκότα αὐτὸν ἐπὶ τῷ σώματι, ἀλλὰ καὶ παρ' ἑτέρῳ καὶ πάλιν παρ' ἄλλῳ, καὶ παρὰ τούτου ὡς ἕτερον ἐληλυθότα, οὐκέτι δήπου φανέεται μόνον ἡταιρηκῶς, ἀλλὰ (μὰ τὸν Διόνυσον οὐκ οἶδ' ὅπως δυνήσομαι

⁴⁹¹ Private extravagance: Aeschin.1.42, 65; Timarchos' personal spending trumps the possibility of liturgies: Aeschin.1.95-7.

⁴⁹² Aeschin.1.40.

⁴⁹³ Aeschin.1.74-5 (quoted above).

περιπλέκειν ὅλην τὴν ἡμέραν) καὶ πεπορνεύμενος. ὁ γὰρ εἰκῆ τοῦτο καὶ πρὸς πολλοὺς πράττων καὶ μισθοῦ, αὐτῷ μοι δοκεῖ τοῦτω ἔνοχος εἶναι. (Aeschin.1.51-2).

Now if, men of Athens, this Timarchos here had stayed at Misgolas' house and never gone to another, he would have acted more moderately, if in fact something of the kind of these things is moderate, and I at any rate would not dare to accuse him of anything but that very thing which the lawgiver forbids, only that he acted as a courtesan. For the one who does with one man, and does the business for a wage, it seems to me myself that he is liable for that charge. ... But if, after reminding you, I show that he not only has worked for hire on his body with Misgolas, but with another and again with another, and that he has gone from this man to another, no longer, I suppose, will he be shown to have only acted as a courtesan, but (by Dionysos I do not know how I will be able to wrap it up in words the whole day) also to have acted as a prostitute. For the one who does this at random and with many people and for pay, it seems to me that he is liable for this charge.

Aeschines draws out the subtleties of whoring, building anticipation and finally reaching his punch-line (*πεπορνεύμενος*). The argument is not a legal one; Timarchos is no more or less guilty if his crime is *hetairisis* than if it is *porneia*.⁴⁹⁴ Aeschines treats *hetairisis* as a 'lesser' charge on the basis of pederastic morality. The youth stays loyal to a single lover, although he behaves as a gold-digger, offering sexual access for gifts. Aeschines' version of *hetairisis* represents a single (though ideologically significant) breach of correct pederastic conduct; his version of a youth engaged in *hetairisis* is the gold-digging youth. According to Aeschines' classification system, the breach between the mercenary *eromenos* and the out-and-out whore lies in the whore's willingness to go with any partner, and his absolute and frank commodification and sale of his wares. Aeschines creates discrete degrees of distance from legitimate social conduct, in order to set Timarchos wholly beyond it.⁴⁹⁵ Aeschines capitalizes on the rhetoric of suspicion and its

⁴⁹⁴ Aeschin.1.29.

⁴⁹⁵ Andokides, in *On the Mysteries*, uses a similar definition: "ὅς ἐνὶ μὲν οὐχ ἡταιρήσας (καλῶς γὰρ ἂν σοι εἶχε), πραττόμενος δ' οὐ πολὺ ἀργύριον τὸν βουλόμενον ἀνθρώπων, ὡς οὗτοι ἴσασιν, ἐπὶ τοῖς αἰσχίστοις ἔργοις ἕξῃς..." (Andoc. *De Mys.* 100).

"you who did not play mistress to one man (for this would have been well done for you by comparison), but, exacting a negligible sum from any fellow who wanted, as the jurors here know, you got your living for the price of the most shameful deeds..."

(My translation of "ἔταιρέω" as "mistress" unfortunately introduces an insinuation of effeminacy which is not in the original, and completely effaces the pun Andocides makes between this allegation and the charge

flexible epithet *pornos* to portray Timarchos simultaneously both as a debauched and unprincipled elite *eromenos*, and as a degraded professional whore, utterly outside of the social context of acceptable pederasty.

Text and Audience

'The General's' speech is a defense reported by a prosecutor.⁴⁹⁶ The source, Aeschines, is hostile, and therefore must be suspected of seeking to undermine the argument which he attributes to his opponents. Aeschines represents the General as using ephebic beauty as a means of tapping the class credentials of legitimate *eros*. Has Aeschines put a 'straw man', a completely non-viable case, in 'the General's' mouth, a case whose aristocratic pretensions are at odds with the values of the popular audience of jurors? Is it plausible that this argument could be favorably received by an Athenian jury?

Four factors show that Aeschines is not attributing a fool's argument to the defense. First of all, Aeschines employs the same tactics which he attributes to 'the

of *ἐταιρεία*, or political conspiracy, which Andocides says one of the accusers, Epichares, used against him.)

⁴⁹⁶ Is it possible that Aeschines at 1.132 gives a preemptive rebuttal on good intelligence about his opponent's intended defense? We know nothing of formal opportunities on which Aeschines could have learned the substance of his opponents' case; the *dokimasia rhetoron* was an unusual procedure and Aeschines provides much of our information. We know only of pretrial procedures in which Aeschines presented his case; he initiated the procedure by announcing his intentions to the *ekklesia* (Harrison 1971 p.204, who cites Aeschin.1.2, 32, 64 and 81). Aeschines' informal opportunities for learning his opponents' plans might include the rumor mill filtering back his opponent's discussion of the case with others, particularly in the public space of the agora, if Aeschines' portrayal of Demosthenes maintains a degree of verisimilitude (Aeschin.1.94, 173-5, and Fisher 2001 p.23-4.) Fisher convincingly argues that there is no reason to doubt Aeschines' accurate knowledge of the *sunegoroi* who supported Timarchos (Demosthenes 1.162-7, Hegesandros and his brother 1.71, and 'the general' 1.132). MacDowell 2000 (p.25-6) argues in favor of prosecutors obtaining accurate pre-trial intelligence about their opponents' intended arguments. In the case of Demosthenes 19 (Demosthenes prosecuting Aeschines), likewise a prosecution speech, the version we have is a pre-trial composition, because Demosthenes fails to refer to Philocrates' exile, but Aeschines' defense does. MacDowell therefore considers that when the prosecutor Demosthenes (19.182) answers an argument which Aeschines (2.178) makes, Demosthenes is using accurate pre-trial intelligence about his opponent's case, as he claims to be.

General'.⁴⁹⁷ Aeschines portrays his opponent as 'aristocratizing' the *demos* using their beauty. Aeschines himself uses a similar strategy in his preemptive rebuttal; he figures the *demos* as cultured *erastai*, discerning appreciators of ephebic beauty. Aeschines undermines the argument which he attributes to the General by suggesting that he thinks the jurors lack sophistication about pederastic love. Aeschines does not alienate the jurors from the defense via any distrust of the aristocratic discourse of the pederastic ideal. He does so instead by suggesting that the defense does not recognize the jurors' ownership of the pederastic ideal and their taste and sophistication in legitimate *eros*. Aeschines' rebuttal to the expected speech of 'the General' shows that Aeschines believes the pederastic ideal and the *paideia* attendant on a cultured understanding of it to hold considerable purchase with the jurors. Aeschines does not disown the nexus of values attached to legitimate *eros* and ephebic beauty, but rather competes for them.

The competition to control ephebic beauty which Aeschines depicts in the trial of Timarchos is also made more plausible in light of the prevalence of democratic appropriations of the visual and verbal discourses of the traditional elite. Both 'the General' and Aeschines in his reply to 'the General's' speech 'aristocratize' the Athenian citizenry, tapping into the same usages of democratic ideology apparent in public monuments and funeral orations. The egalitarian distribution of elite superiority also ameliorates and smooths over class resentment, insofar as the speaker flatters the audience that they too have a share of aristocratic excellence.

A third reason for a democratic audience's tolerance and embrace of aristocratic discourse in this trial is evident in the political context of the court speeches of Aeschines

⁴⁹⁷ Aeschin. 1.134-5, 137-42.

and Demosthenes. Aeschines, Demosthenes and Timarchos were among the relatively few Athenians with the wealth, training and leisure to effectively guide Athenian public policy in the Assembly.⁴⁹⁸ A *rhetor*, though literally anyone who addressed the Assembly, was, in colloquial terms, used for someone who did so habitually, an ‘expert’ politician. Political involvement on this scale would be difficult without expensive rhetorical training and sufficient leisure to pursue first training and then the formation of persuasive and effective policies. Moreover, proposers of decrees ran risks of ruinous prosecutions.⁴⁹⁹ Scholars therefore conclude that habitual speakers constituted an elite, as far as wealth and education.⁵⁰⁰ It is Timarchos’ status as a *rhetor*, a leader and an advisor to the Athenians, that Aeschines attacks under the *dokimasia rhetoron*, specifically for speaking in the assembly after having prostituted himself.⁵⁰¹ The trial of Timarchos is a contest among rival politicians competing to lead Athenian foreign policy.⁵⁰² When the

⁴⁹⁸ For Timarchos’ political career, see Fisher 2001, p.20-3. For Demosthenes’ political career, see Badian 2000 and the rest of the articles in the same volume, ed. Worthington. For Aeschines’ political career, see Harris 1995: 29-40 (and the entire work).

⁴⁹⁹ For the sum of fines in political trials, see Hansen 1991, p.275 ff.

⁵⁰⁰ For the elite status of *rhetores*, see Ober 1989 p. 104-21, and Hansen 1991, p. 275 ff. For the *dokimasia rhetoron* and expert politicians, see Ober 1989: 110-11. For the status implied by the term *sumboulos*, see Ober 1989 p. 106-7.

⁵⁰¹ The law, under which we know of this and one other possible charge, (see Todd 1993 p.116 and Lys.10.1), specified that if someone spoke in the assembly after mistreating his parents, failing to go on campaign when summoned or deserting, devouring his patrimony, or prostituting himself, he would suffer loss of civic rights (*atimia*, for which see Harrison 1971 p.169-76). As Todd points out, the law was retrospective: there was not an automatic review of speakers before they addressed the assembly, as there was before a magistrate took office. For the *dokimasia rhetoron*, see also Halperin p.91-9 (esp. 98-9), Harrison p.204-5, Todd 1993 p.116, Aeschin.1.28 ff. (*check A.I.*). See also Hansen 1983, p. 154.

⁵⁰² Aeschines’ prosecution of Timarchos was retaliatory. Demosthenes, Timarchos, and a third (unknown) prosecutor charged Aeschines at his *euthunai* with having acted against the interests of Athens on the embassy to Philip II which set out on 3 Mounikhion 347/6 BC. The Athenians had concluded the Peace of Philokrates with Philip II of Macedon, which from the Athenian perspective was unsatisfactory, insofar as it failed to protect their allies, Phokis, Halos, and the king Kersobleptes, all of which Philip defeated in short order. Philip then advanced on Central Greece, and kept the Athenians from coming to aid their allies the Phokians against him by giving the impression that Philip’s advance would be harmful to their enemy Thebes, and not their ally, Phokis. But Philip’s resolution of the Sacred War put Phokis under Thebes’ control, and was subsequently punished with destruction. The Athenians had gained none of their ends, and Philip now had a base in central Greece from which he could threaten Attika. The Athenians saw the Peace of Philokrates in retrospect as disastrous. Demosthenes and his fellow-prosecutors then initiated their prosecution of Aeschines for acting against Athenian interests and taking bribes from Philip.

case in question dealt with civic leadership, as here, jurors proved more tolerant of litigants' elite claims.⁵⁰³ Timarchos twice was a member of the Boule, including during the discussions of peace with Philip in 347/6, and a proposer of at least two decrees.⁵⁰⁴ The issue decided at law is the defendant's credentials to remain a member of this *de facto* political elite. In these circumstances, the Athenians apparently considered that some display of elite credentials was fitting. Aeschines emphasizes Timarchos' unworthiness for his elevated status as follows: "I am ashamed on the city's behalf, if Timarchos, the advisor (*sumboulos*) of the people and who dares to go around Greece as an ambassador, will not endeavour to get rid of the whole matter,..".⁵⁰⁵ Aeschines claims that the defense's demand that Aeschines produce proof of his accusations is unfitting. A man who represents Athens as an ambassador and guides Athenian public policy as *sumboulos* should not quibble about proof, but should vehemently deny the charges.⁵⁰⁶ The term *sumboulos* is a positive term for politician, which Demosthenes frequently uses to describe himself in *On the Crown*. In *On the Crown*, Demosthenes defends his right to be officially praised as a leader of Athenian policy.⁵⁰⁷ Like *On the Crown*, *Against*

Demosthenes' prosecution was a move to distance himself from the suddenly unpopular Peace of Philokrates, in the forging of which he and Aeschines had both taken prominent roles. Timarchos' anti-Macedonian record made him the perfect associate to help the younger Demosthenes redefine his relationship to the Peace of Philokrates. Timarchos had proposed two decrees, one about Athenian fortifications, and one assigning the death penalty to anyone who sold arms to Macedon. Aeschines launched a retaliatory prosecution against Timarchos, for speaking in the assembly after having acted as a prostitute. Aeschines' preemptive strike was successful; he won and Timarchos was never able to revive his political career (MacDowell 2000 p.6-27). For Timarchos' decree against selling arms to Macedon, see Dem.19.286-7.

⁵⁰³ Ober 1989, p. 279-89, Dem.19.237.

⁵⁰⁴ Timarchos also held numerous civic offices, for a list of which see Fisher p.20-3, 242-56, Aeschin.1.26, 106-116.

⁵⁰⁵ "αἰσχύνομαι γὰρ ὑπὲρ τῆς πόλεως, εἰ Τίμαρχος, ὁ τοῦ δήμου σύμβουλος καὶ τὰς εἰς τὴν Ἑλλάδα τολμῶν πρεσβείας πρεσβεύειν, μὴ τὸ πρᾶγμα ὄλον ἀποτρίψασθαι ἐπιχειρήσει,..". (Aeschin. 1.120)

⁵⁰⁶ See also 1.180, where A. says anyone who was a whore as a youth disqualifies himself in competing for 'noble honors' as an adult.

⁵⁰⁷ Likewise Aeschines calls Timarchos unworthy of being a *sumboulos* at 1.26. On the term *sumboulos* in Demosthenes 18 *On the Crown*, see also Yunis 2001 p. 212-3 n. on 189. Demosthenes in *On the Crown*

Timarchos is a contest over a politician's worthiness to hold his prominent rank. In this context, it is plausible that Aeschines' speech reflects a real contest among the litigants to define and own the ideal of youthful beauty as a credential for elite status in civic life.

Finally, Demosthenes' report (Dem. 19.233, see above) loosely corroborates Aeschines' version of the General's speech, insofar as they both claim Aeschines paired Timarchos' youthful beauty together with innocuous activities wrongly construed. Whereas Demosthenes leaves the precise innocuous activities open to speculation, 'The General' identifies Timarchos as an *eromenos* whose beauty has given rise to intense competition among his lovers, placing him explicitly in a legitimate pederastic context.⁵⁰⁸ Demosthenes' confirmation of the importance of Timarchos' youthful beauty to his defense renders Aeschines' portrayal of a contest between prosecution and defense to appropriate and control ephebic beauty more plausible.

Aeschines' evidence suggests that while the popular audience of Athenian jurors characterized legitimate pederasty with elite overtones, they themselves valued this *eros* and aspired to its ideals. However, some scholars treat the pederastic ideal as expressed in Plato's *Symposium* as strictly the province of the educated elite and philosophy, and alien from the perspective of the common Athenian.⁵⁰⁹ In order to explain Aeschines' appropriation of the pederastic ideal and of the same philosophical discourses which they

(Dem.18) makes clear that the proper *sumboulos* has elite credentials. He juxtaposes himself as *sumboulos* against Aeschines (the prosecutor) as a lowly clerk, bad actor, and sycophant (Dem.18.189, 209). When the city was faced with the prospect of invasion, Demosthenes claims, dire times called for a wealthy and patriotic man who had followed political affairs. In short, a good elite is required to advise (*sumbouleuein*) the city, and Demosthenes says he was the man for the job (Dem.18.171-3).

⁵⁰⁸ The orator raises the possibility of a youth's self-conscious awareness of his own attractiveness leading him to manage his own actions or those around him in order to avoid damage to his reputation. To what activities Demosthenes refers is not clear, but he alludes to Timarchos' attending cock-fights (that is, gambling) and fraternizing with Pittalakos (Dem. 19.245).

⁵⁰⁹ Hubbard 1999 p. 49-69, Sissa 1999 p. 156-7, 165, Donlan 1980 p. 164-6 (who follows Dover 1989 p. 150-1).

consider confined to the elite, Sissa and Hubbard, two proponents of this position, postulate multiple audiences for the text: a popular audience for the narrative of Timarchos' lurid career as a prostitute, and an elite audience for Aeschines' embrace of pederasty.⁵¹⁰

Dividing the audience of the speech in this fashion in order to explain the evidence is without precedent in terms of analyzing other speeches in the oratorical corpus, and the validity of doing so here should be called into question. Todd argues against the likelihood of Hubbard's hypothesis, insofar as he claims the written versions of forensic oratory we have maintain verisimilitude: They use rhetorical *topoi* which would in fact play well to real jurors, in contrast with the far more elitist tone of Isocrates' 'court speeches', which were composed only for a written audience and never delivered.⁵¹¹

Moreover, contextualizing the evidence of Aeschines among other instances of democratic appropriation of elite ideology eliminates the need to presuppose Aeschines' embrace of the pederastic ideal is antithetical to the values of a popular audience. Hence there is no need to divide the audience of Aeschines 1.136-58 from the audience of the rest of the speech. Moreover, the positive valence of legitimate *eros* is consistent throughout the speech, not just confined to the passages in question. Aeschines systematically separates Timarchos from the practices and language of appropriate pederasty, depicting a faithless and mercenary Timarchos who exhibits every worst failing in an eromenos. Aeschines' blackening of Timarchos' character based on his

⁵¹⁰ Sissa 1999 (p. 156-7) argues that Aeschines is engaging in "a cunning navigation between the refined audience and the crude one," postulating two different strata of class and opinion within the audience for the delivered speech. She also suggests that the acceptance of money for sex would not be frowned upon by this elite audience, a claim which is not supported by Plato or Xenophon (Plat. *Sym.* 184a-b, Xen. *Sym.* 8.21). Hubbard 1999 (p. 67-8) dismisses Aeschines' evidence as an artifact introduced solely into the written version of the speech, which would be distributed to an audience more elite than the majority of Athenian jurors.

⁵¹¹ Todd 1990 p. 316 n. 9.

failure to show himself a faithful, sincere and affectionate participant in affairs is consistent with malpractice and malevolence in the practice of *eros* as a *topos* of oratorical invective in Aeschines *Against Timarchos* and elsewhere. For example, Aeschines criticizes Demosthenes as a cold-hearted and manipulative *erastes*, and the speaker of Lysias' *Against Simon* claims that his opponent shows behavior too wicked to be truly in love with the Plataean boy over whose attentions the two men fought.⁵¹² Rather than a source of popular resentment against elites, legitimate *eros* and the ideals encompassed therein rather prove to be a means of measuring a man's character before a popular jury.

Conclusion to "Three Faces of Timarchos"

What, then, does the trial of Timarchos tell us about the various potential physiognomic meanings of beauty? There are several answers to this question. The first answer is based on the section entitled, "The Beauty": ephebic beauty evokes legitimate *eros* and the *paideia* required to properly understand and appreciate it, and situates its possessor in the social world of the gymnasium.⁵¹³ The second answer, put forward in "The Dangers of Beauty: Aeschines' Reinterpretation of Timarchos' Attractiveness," is that beauty had its dangers as well as its benefits.⁵¹⁴ A beautiful youth manifestly had something which Athenians expected he could potentially trade for gifts, social advancement, and money, and they were inclined to suspect him of exploiting this resource.

⁵¹² Lys. 3.44, Aeschin.1.170-2 and 2.166; see also Dover 1978 p.46.

⁵¹³ p. 143-160.

⁵¹⁴ p. 171-181.

It would be a mistake to see the verdict as simply a referendum on which was stronger, Athenians' suspicion of beauty or their esteem for it. Aeschines goes to great lengths to alienate Timarchos from the normal language of pederasty, and instead invents his own terminology for a debased sexiness, which strangely does not include any form of *kallos* or *eros*.⁵¹⁵ On top of this unique kind of attractiveness, carefully divorced from the language and potential for legitimate pederasty, Aeschines overlays the adult Timarchos of the present: disgusting, raddled, manifestly debauched. Aeschines directs the jurors to Timarchos' present appearance in the court twice, in addition to his vivid description of Timarchos' revealing himself in the Assembly.⁵¹⁶ The second time (Aeschin. 1.106) seems gratuitous – Aeschines asks the jurors to confirm Timarchos' age, not in relation to any sexual relationship, as in the case of Misgolas, but to make the point that Timarchos was young to have held all the public offices which he did.⁵¹⁷ Why would Aeschines not simply state Timarchos' age? Directing the jurors to look at him serves no immediate purpose in this particular passage, but fits with Aeschines' general project of putting Timarchos before the jurors as corporeal evidence of his own moral decrepitude. Aeschines' victory might just as well be a referendum on the jurors' response to Timarchos the debauched adult as to the sexy youth. It was certainly a victory for physiognomic tactics in the Athenian court.

⁵¹⁵ See "The Sexy Young Sleaze," p. 166-170.

⁵¹⁶ See "The Foul Profligate," p. 161-5, Aeschin. 1.26, 61, 106.

⁵¹⁷ Misgolas: Aeschin. 1.49, Timarchos' age: 1.106.

Conclusion: The Limits of the Oratorical Evidence

The relationship between appearance and morality in the oratorical corpus is ultimately not evidence for Athenians' social responses to images. What the evidence can attest to is how orators can plausibly construct, frame and interpret the visual to persuade an audience of jurors. Visual information plays a remarkably small role in this dissertation. There are no pictures, although perhaps there should be and will be in a later incarnation of the project. Since we as readers of the original texts are deprived of the visual environment of the court, we inevitably focus on it less than did the original audience on the occasion of the speech's delivery. However, the physiognomic strategy in oratory is first and last about building an image and its meaning through words. The examples of the physiognomic strategy discussed show what the body can be made to say when the orator verbally creates and explains the image. They are not examples of the body 'speaking' for itself, that is, the jurors' 'reading' meaning from a man's appearance without the intervention of the orator.

The evidence cannot be understood as a dictionary for the social meanings of visual cues, a guide to the lived social reality of 4th-century Athens. The significance of the image is tendentiously constructed by the speaker to serve his immediate purposes. It is difficult (or perhaps impossible) to learn from a speech how jurors responded to a litigant's physical appearance without the benefit of a speaker's guidance.

Let us turn now to an example. Lysias purports to anticipate of jurors' spontaneous evaluation of character and guilt from appearance, when he causes the young Mantitheos to seek to mitigate the jurors' antipathy towards him because of his long hair. (This is also an unusual example of the physiognomic strategy because the speaker apologizes for his own appearance, rather than seeking to incriminate his opponent via his.) Mantitheos presents his apology for his hairstyle as an acknowledgement of a social reality in which his hairstyle would make him appear more guilty of the charge. He is defending himself at his *dokimasia* for a seat on the *boule* against an accusation that he supported the government of the Thirty through cavalry service under them.⁵¹⁸ After narrating his deeds of courage on the battlefield, Mantitheos asks the jurors not to hold his long hair against him:

καίτοι χρῆ τούς φιλοτίμως καὶ κοσμίως πολιτευομένους ἐκ τῶν τοιούτων σκοπεῖν, ἀλλ' οὐκ εἴ τις κομᾶ, διὰ τοῦτο μισεῖν· τὰ μὲν γὰρ τοιαῦτα ἐπιτηδεύματα οὔτε τοὺς ἰδιώτας οὔτε τὸ κοινὸν τῆς πόλεως βλάπτει, ἐκ δὲ τῶν κινδυνεύειν ἐθελόντων πρὸς τοὺς πολεμίους ἅπαντες ὑμεῖς ὠφελείσθε. ὥστε οὐκ ἄξιον ἀπ' ὄψεως, ᾧ βουλή, οὔτε φιλεῖν οὔτε μισεῖν οὐδένα, ἀλλ' ἐκ τῶν ἔργων σκοπεῖν· πολλοὶ μὲν γὰρ μικρὸν διαλεγόμενοι καὶ κοσμίως ἀμπεχόμενοι μεγάλων κακῶν αἴτιοι γεγόνασιν, ἕτεροι δὲ τῶν τοιούτων ἀμελοῦντες πολλὰ κάγαθα ὑμᾶς εἰσιν εἰργασμένοι. (Lys.16.18-19).

And so then one must evaluate from deeds of this sort those men who participate in government in an orderly fashion and in pursuit of honor, but, if someone wears his hair long, one must not hate him on this account; for such practices harm neither private persons nor the common good of the city, but you all benefit from those who are willing to go into danger against the enemy. Consequently it is inappropriate, council, either to love or to hate anyone based on appearance, but [rather it is appropriate] to evaluate them from their deeds; for many men who say little and wear their cloaks modestly have come to be guilty of great evils, but others who are careless of such matters have done you many good deeds.

Lysias suggests that the council-members would be more likely to think Mantitheos a supporter of the oligarchical Thirty, based on his aristocratic hairstyle.⁵¹⁹ If Lysias is correct to anticipate the jurors' hostility, Mantitheos is making the best of a bad job. The

⁵¹⁸ Lys. 16.3, 6-7.

⁵¹⁹ Gribble 1999: 52, Thuc. 1.6. 3-4.

members of the *boule* must see his long hair when he appears before them, and knowing that he consciously portrays himself as an aristocrat via his personal grooming will incline them to think that he identified his own interests with those of the oligarchical Thirty. He therefore refigures the meaning of his appearance by claiming that the signs by which people lay claim to aristocratic status do not signify whether they are hostile or beneficial to the city. This is an example of the physiognomic strategy; Mantitheos defines and interprets his own appearance to suit the purposes of his case. While Lysias has Mantitheos deny the validity of judging men's politics from their appearances, the passage nevertheless depicts a social reality in which one's hair (and cloak) could provoke suspicion of anti-government sentiments.⁵²⁰

But taking this passage at face value, so to speak, raises other questions. If Mantitheos is eager to be on the council, and his hairstyle is truly damning, it seems implausible that he would keep it at all.⁵²¹ (However, if he initially judged that his locks would not be an impediment to his political ambitions, and then cut his hair only after he found himself charged at his *dokimasia*, this sudden alteration might also have worked against him among those who were aware of it.) But an excessive apology for his hair suits his persona. There is no point in playing down his status as a member of the wealth elite, insofar as he has served as a cavalryman. By apologizing for his hair and disclaiming any real political feeling behind his visual self-presentation, he distances himself from the oligarchical sympathies at which that self-presentation hints. A genuinely oligarchical aristocrat would *not* attempt to explain away his locks. Mantitheos' apology is not making the best of a bad job; it is an active component of

⁵²⁰ Gribble 1999: 71.

⁵²¹ If Mantitheos is in fact pursuing a political career, a certain degree of elitism may help his cause (Ober 1989: 324-7).

Lysias' crafting of Mantitheos' persona as a fine young aristocrat, innocent of complicity or sympathy with the Thirty.

Mantitheos' apology seems at first to mean that long hair indicates anti-democratic sentiment, but closer inspection shows that his hair cannot possibly be too damning. The relationship between how physiognomic signs are interpreted in oratory and how individual appearance functioned in the social environment is complex. In the visual semantics of the body, there is not a simple one-to-one correlation between the sign and meaning. If there were, the explanation of the visual which constitutes the core of the physiognomic strategy would be unnecessary. Indeed, we must assume that any consciously adopted elements of personal appearance, such as hairstyle, upon which an orator heaps opprobrium must have a positive meaning as well, or no one would intentionally look that way.

The extreme malleability of the relationship between the visual (even the oratorically constructed visual) and its social significance casts doubt on the usefulness of the value of the terminology "physiognomic strategy." In Hesk's description of the strategy, he calls the tactic Apollodoros uses against Stephanos "a 'folk' physiognomics," which he then further explicates as "the collective practice of the social semiotics of the body."⁵²² Perhaps the second quote, his clarification, is more apt than his initial suggestion of the connection between the strategy and the pseudo-science of physiognomics, particularly in my broader interpretation.

Above, using my example of Mantitheos, I attempted to put forward the problems of separating the study of visual performance of status and character at Athens and the

⁵²² See "Degrees of Distance," p. 43-6, and Hesk 1999: 222.

study of how orators talk about this performance. Another aspect of this same difficulty is that forensic speeches tend towards the verbal performance of the visible failings of rival litigants. The silent, visual performance, which the orator gives with his own body as he relates the signs of nefarious practices formerly or currently visible upon his opponent, is lost. To facilitate a better understanding of the correct performance of masculinity, elite status and political leadership, honorific statuary (such as the statue erected for Aeschines in 320 B.C.) is a promising line of evidence for future investigation.⁵²³ It is perhaps frustrating that the only visual performance which we can be sure coincided with the delivery of the speeches – that of the orator himself – is the one about which the orators are least communicative. While speakers boast about their liturgies and military service, they do not speak about positive elements in their own appearances. Mantitheos above, and Apollodoros in Demosthenes *Against Stephanos* 1, both excuse aspects of their appearance which they put forward as potentially damaging.⁵²⁴ The speaker of Lysias 24 *For the Disabled Man* uses his visible disability to cloud the issue of whether or not he meets the economic criteria to receive the stipend for the *adunatoi*.⁵²⁵ But these examples do not constitute deictic references to the positive aspects of the speaker's appearance; they are rather excuses for or commentary on negative aspects.

There are two examples of speakers whose physiognomic virtues intrude into the extant texts. The first is Timarchos. If Aeschines depicts 'the General's' speech on Timarchos' behalf accurately, a joking paraphrase of the argument might be, "don't hate Timarchos because he was beautiful." While I recognize that the meaning of this phrase does not strictly overlap with the argument which Aeschines attributes to the unnamed

⁵²³ p. 26 n. 59. I thank Prof. David Potter for suggesting this potentially fruitful line of enquiry.

⁵²⁴ p. 43-6, Dem. 45.77.

⁵²⁵ Lys. 24. 14, Carey 1990: 44-50.

sunegoros, the arrogance which it imparts may have presented a problem for Timarchos in defending himself against Aeschines' charges. The version of events which put him in the best light required that he or his supporters trumpet his youthful beauty. Even though I have argued that Athenians valued youthful beauty and legitimate *eros*, it was (I propose) not something an Athenian could claim in court to have possessed. I am not simply suggesting that talking about one's own beauty was problematic because it made one sound as if one desired the erotic attentions it would bring, although this may have indeed been a pitfall for anyone discussing his own ephebic charms. Rather, it is drawing attention to one's own positive physical traits which seems to have been inappropriate. The argument Aeschines claims 'the General' made is not one Timarchos himself could have effectively given on his own behalf. If it was made at all, it could only have been made for him by another person. If this is correct, what could Timarchos himself talk about? (Perhaps the answer was Philip II of Macedon.)⁵²⁶ The problems inherent in Timarchos' making a case based on his own former beauty could not have helped his cause, but ignoring it would leave him with no alternative construction of his youth with which to answer the charges.

Aeschines himself weaves a positive physiognomic evaluation of himself into his oratorical self-presentation, but subtly, and apparently with a greater measure of success. Aeschines praises the physical excellence of his hoplite brother-in-law Philon, and contrasts his body with that of Demosthenes.⁵²⁷ However, the famous hoplite was not Philon, but Aeschines himself, whose political career was founded on public recognition of his courage in hoplite warfare: for his role in Phocion's campaign in Euboea in 348, he

⁵²⁶ Aeschin. 1.66-9.

⁵²⁷ Aeschin. 2.151, p. 86-91.

was crowned first on the battlefield, and then again in the Assembly when the taxiarch announced the news of the victory.⁵²⁸ Behind Aeschines' juxtaposition of Demosthenes' body with Philon's is an implicit contrast between Demosthenes and Aeschines himself. Aeschines' exceptionally vivid and prolific use of the physiognomic strategy against his rivals Timarchos and Demosthenes may be Aeschines' way of indirectly capitalizing on his own normative masculinity, when other avenues of self-justification, such as liturgical service, were unavailable.⁵²⁹ If this theory is valid, then if Aeschines had not been handsome and well-muscled, the quantity of evidence for the physiognomic strategy in Athenian forensic oratory would be insufficient to warrant a full dissertation.

⁵²⁸ Harris 1995: 37-8 and 188 n. 57, Aeschin. 2.168-70,

⁵²⁹ For this observation, I thank Prof. David Halperin.

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