

The Joan Palevsky



Imprint in Classical Literature

In honor of beloved Virgil—

"O degli altri poeti onore e lume . . ."

—Dante, *Inferno*

HOMOSEXUALITY
IN GREECE AND ROME

A Sourcebook of Basic Documents

Edited by

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much more concerned he was with our political way of life than with the particular offense he legislated against. You can see it everywhere, but especially in this law, which forbids those who have prostituted themselves from speaking in the assembly and writing legislation. For Solon understood that even though all of you are permitted to speak in the assembly, most of you don't. So he thought that this restriction would not be burdensome; he could have made the law much harsher, if his intention had been to punish prostitutes. [31] But he wasn't very concerned with this. Rather, he forbade these things for your sake and for your form of government. For he knew, indeed, he *knew* that the form of government most hostile to men who live disgusting lives is the one where everyone is able to speak out about the shameful things those men do. What constitution is that? Democracy. He thought it would be dangerous if there was ever at one time a group of men who were both bold and powerful speakers, but also mixed up in such shameful matters. [32] For the people could in many ways be led astray by leaders of that sort. Indeed, those men surely would try either to overthrow the democracy altogether (in oligarchies, after all, no one can defame the magistrates, even if their lives are more disgusting than Androtion's), or, by corrupting the people, to bring them down to their own level. For this reason, Solon forbade such men from taking any part in political deliberation, so that the people would not be tricked and led into error. Disregarding this law, however, the fine gentleman here not only thought it necessary to write legislation and to propose it in the assembly (when it was illegal for him to do so), but also to do these things for the sake of a law that is unconstitutional.³²

... [56] Androtion was so shameless and greedy in his attitude toward you that he thought it right that his own father, who had been imprisoned on account of debt to the state treasury and who had neither paid up nor been acquitted by a jury, should escape, while any other citizen who was unable to pay his debts was dragged from his home to jail. On top of all this, since he was able to do anything, he forced an additional pledge of payment from Phanostrate and Sinope. Indeed, these women are prostitutes, but they owed no property tax. [57] So even if some people think that they were fit to suffer, surely this matter doesn't seem "fitting," that is, that certain individuals, given the chance, get so arrogant that they strut into households and make off with furniture from people who owe no taxes. Indeed, one can spot many people who are fit to suffer, or to have suffered, but the laws don't agree, nor do the customs of this government, customs that you have a duty to preserve. Rather, in these institutions

32. In the following sections the speaker goes on to rebut various arguments he expects Androtion to make in his defense.

there abide pity, sympathy, and all the sentiments that befit free men.

[58] The defendant, however, doesn't seem to share any of these feelings, neither by his inborn nature nor from his upbringing. For no doubt he has been abused and degraded many times while consorting with men who felt no affection for him, but who could pay his rates. And as for your anger over these matters, Androtion, you shouldn't have taken it out on any citizen you happened to meet, or on the whores with whom you share a profession, but on the father who raised you into this way of life.

START HERE

4-7 Aeschines, *Against Timarchus* 6.2-11, 13-15, 17-20, 26-32, 37-49, 51-62.1, 70-76, 90-91, 94-96, 106-12, 119-27, 130-40, 155-60, 166-72, 185-91, 194-95

Aeschines brought this prosecution against Timarchus in 346 B.C.E. to forestall Timarchus' attempt to prosecute him for corruption in office. By demonstrating that Timarchus should under law be deprived of his rights to political participation, Aeschines could deprive him of legal standing to bring a suit; he appears to have succeeded in this case.

Consider, men of Athens, how great a concern for decency was shown by that ancient legislator Solon, and Draco and the other legislators of that period.³³ [7] First of all, they legislated for the decency of our children and they laid down explicitly how the freeborn boy should live and how he should be brought up, then secondly for young men and thirdly for the other age-groups in succession, not only for private citizens but also for public speakers. They wrote these laws down and entrusted them to your care, making you their guardians.

[8] What I want to do now is to use the same order in my own speech to you as the legislator uses in the law. First of all, I shall describe the laws that are laid down for the good conduct of your children, then secondly those for the young men, and thirdly in succession the laws for the other age-groups, not only for private citizens but also for public speakers. In this way, I think, my argument will be easiest to grasp. At the same time, men of Athens, I also want first to give you a preliminary account of the city's laws and then after that to examine Timarchus' character, for you will find that his way of life has been contrary to all the laws.

[9] To start with, in the case of teachers, into whose care of necessity we hand our children, for whom decency means a livelihood and the oppo-

33. Draco was the first major Athenian lawgiver, dating to the late seventh century; his law code was notorious for its severity. Solon was a moderate reformer of the early sixth century, who set up the constitutional foundations for the later development of Athenian democracy.

site means poverty, even so the legislator was clearly suspicious, and he lays down explicitly the time of day when a free boy should go to school, then how many other children should go there with him, and the time he should leave. [10] He forbids the teachers to open the schools and the athletic trainers to open the wrestling schools before the sun is up and instructs them to shut them before sunset. He holds seclusion and darkness in particular suspicion. As to the young pupils, he prescribes who they should be and what ages, and the official who is to be responsible for them, and provides for the oversight of slave attendants (*paidagogoi*)³⁴ and the celebration of the festival of the Muses in the schools and of Hermes in the wrestling schools, and finally for the company kept by the boys at school and the circular dances.³⁵ [11] For he instructs that the chorus producer,³⁶ who will be spending his own money for you, should be over forty years of age when he undertakes this task, so that he is already at the age of greatest self-control when he is in the company of your sons.

Now the clerk will read out these laws to you, to show you that the legislator believed that a boy who had been brought up properly would be a useful citizen when he reached manhood. But when the individual's nature at the outset gets a corrupt start in its education, he thought that badly brought up boys would become the sort of citizens that Timarchus here is. Read these laws to them. . . .³⁷

[13] Now after this, men of Athens, he legislates for offences that, though they are grave, still (I think) occur in the city. For it was the fact that some unseemly acts actually took place that led the men of old to lay down the laws. Anyway, the law states explicitly that if any father or brother or uncle or anyone at all in the position of guardian hires a boy out as a prostitute—it does not allow an indictment to be brought against the boy in person but against the man who hired him out and the man who paid for him, the former because he hired him out and the latter, it says, because he hired him. And it has made the penalties the same for each of them, and it adds that any boy who has been hired out for prostitution is not obliged on reaching maturity to keep his father or provide him with a home; though on the father's death he is to bury him and to carry out the other customary rites. [14] Observe how fair this is, men of Athens. In life the law deprives

34. These would be owned by wealthy families to accompany and supervise children in public.

35. These are also known as "dithyrambs," narrative songs performed by a chorus of fifty youths at numerous public festivals, including the City Dionysia.

36. The chorus producer, or *choregus*, was a wealthy citizen who undertook the financing and training of the chorus as a voluntary liturgy (see n. 19). In some cases he would supervise the boys' training himself.

37. The actual text of the law that follows is almost certainly a later forgery by a Hellenistic editor.

him of the advantages of parenthood, as he deprived his son of the right of free speech,³⁸ while after death, when the recipient cannot perceive the benefit conferred on him, but it is the law and religion that receive the honor, finally it instructs the son to bury his father and to perform the other customary rites.

What other law did he lay down to protect your children? The law against procuring, to which he attached the most severe penalties, if anyone procures for prostitution a free boy or woman.

[15] What other law? The law of outrage,³⁹ which sums up in a single statement all such acts. In this law is written explicitly that if anyone commits outrage against a boy (and anyone who hires him commits outrage, I imagine) or man or woman, whether free or slave, or if he does anything contrary to law to any of these, it has allowed for an indictment for outrage and prescribed assessment of the penalty he is to suffer or pay. Read out the law. . . .⁴⁰

[17] It may be that someone at first hearing might wonder why on Earth this term, "slaves," was added in the law of outrage. But if you consider it, men of Athens, you will find that it is the best provision of all. For the legislator was not concerned about slaves; but because he wanted to accustom you to keep far away from outrage on free persons, he added the prohibition against committing outrage even against slaves. Quite simply, he thought that in a democracy the man who commits outrage against anyone at all was not fit to share the rights of citizenship. [18] Please remember this too, men of Athens, that at this point the legislator is not yet addressing the boy in person but those connected with the boy—father, brother, guardian, teachers, in sum, those responsible for him. But once he is entered in the deme register⁴¹ and knows the city's laws and is now able to determine right and wrong, the legislator from now on addresses nobody else but at this point the individual himself, Timarchus. [19] And what does he say? If any Athenian (he says) prostitutes himself, he is not to have the right to serve as one of the nine archons⁴² (the reason being, I think, that these officials wear a sacred wreath), nor to undertake any priesthood, since his body is quite unclean; and let him not serve (he says) as advocate for the state or hold any office ever, whether at home or abroad, whether

38. A reference to the law under which Timarchus is now being examined, stipulating that one who committed acts of prostitution could not speak before the Assembly or courts.

39. The Greek word is *hybris*, for the technical sense of which, see n. 8. The following parenthesis seems to be stretching the actual application of that law.

40. See n. 37.

41. At the age of eighteen, a boy was examined by the officials of his deme (a geographical district) to insure that he was the correct age and of citizen parents belonging to that deme.

42. See n. 29.

selected by lot or elected by a vote; [20] let him not serve as herald, nor as envoy (nor let him bring to trial people that have served as envoys, nor let him act as a sycophant for pay),⁴³ nor let him voice any opinion in the Council or the Assembly⁴⁴ (not even if he is the cleverest speaker in Athens). If anyone acts against these provisions, he has allowed for indictments for prostitution and imposed the most severe penalties.⁴⁵ Read this law out to them as well, to make you aware of the noble and decent character of the established laws, against which Timarchus has dared to address the Assembly, a man whose way of life is known to you all. . . .⁴⁶

[26] Now observe, men of Athens, the enormous difference between Solon and those great men whom I mentioned a little earlier in my speech and Timarchus. While they for their part thought it shameful to speak with their hand outside their robe, this man here, not some time ago but just the other day threw off his robe and cavorted like a pancratiast⁴⁷ in the Assembly, stripped, in such a vile and shameful physical condition on account of drunkenness and other abuses that decent men covered their faces out of shame for the city, that we take advice from people like this.

[27] With this in mind the legislator explicitly declared who should address the people and who should not speak in the Assembly. He does not expel a man from the platform if his ancestors have not served as generals, nor if he works at some trade to provide for the necessities of life; indeed, he especially welcomes these men and this is why he repeatedly asks: "Who wishes to speak?"

[28] Which men then did he think should not speak? People who have lived a life of shame—these are the ones he does not allow to address the people. And where does he state this? When he says: "The scrutiny of public speakers: if anyone who beats his father or mother or does not keep them or provide a home speaks in the Assembly"; this man he does not allow to speak. A fine rule, by Zeus, in my personal opinion. Why?

43. See n. 24.

44. The Council was the principal legislative body in Athens, consisting of 500 citizens chosen annually by lot, 50 from each of the ten tribes. The Assembly was a meeting that all voting citizens were entitled to attend.

45. This is usually taken as a euphemism for the death penalty. But it is very unlikely that the law carried any penalty beyond disenfranchisement. Aeschines may be exaggerating here, as also in attributing the law to Solon.

46. See n. 37. In sections 22–25 Aeschines proceeds to emphasize the dignity appropriate to public speakers: elders are always allowed to speak first, and the men of former times were so dignified that they did not even make the kind of hand gestures common in contemporary oratory. Aeschines here appeals to prejudice against brash young men involved in politics (such as Timarchus).

47. The pancratium was the most extreme form of contact sport practiced by the Greeks. It involved a combination of free boxing, wrestling, and kicking; the only forbidden moves were biting and eye gouging. Like all gymnastic events, it would be undertaken naked.

Because if anyone mistreats the ones he should honor on a level with the gods, what sort of treatment, says the legislator, will people unconnected with him and, indeed, the city as a whole receive from him? [29] And who are the next ones he forbids to speak? "Or anyone," he says, "who has not performed all the military service he is ordered to, or has thrown away his shield," and rightly. Why exactly? Mister, when you do not take up arms for the city or because of cowardice cannot protect it, do not presume to give it advice. Who are the third group he addresses? "Or anyone who has been a prostitute," he says, "or has sold himself." For the man who has willfully sold his own body would, he thought, casually sell out the interests of the city. [30] Who are the fourth group he addresses? "Or anyone who has squandered his paternal estate," he says, "or any other property he has inherited." For he considered that the man who has mismanaged his private household would treat the city's interests in much the same way, and the legislator could not conceive that the same individual could be worthless in private life and useful to the public good, nor did he believe that a public speaker should come to the platform fully prepared in his words and not in his life. [31] He believed that statements from a good and decent man, even when expressed in a clumsy or simple way, would be of advantage to the hearers, while those from an unprincipled man who had treated his own body with contempt and disgracefully squandered his ancestral property, would not benefit the hearers even when expressed with great eloquence. [32] These then are the men he bars from the platform; these are the ones he forbids to address the people. And if anyone in defiance of these rules does not just speak but plays the sycophant and behaves unscrupulously, and the city can no longer tolerate such a man, "Let any Athenian who wishes and has the right," he says, "declare a scrutiny," and at that point he bids you to decide the case in court. And it is under this law that I have now come before you. . . .⁴⁸

[37] But as I proposed at the beginning of my speech, now that I have spoken about the laws, I want to turn to the examination of Timarchus' way of life, so you will realize how far it differs from your laws. And I ask you, men of Athens, to pardon me if, when forced to speak about activities that by their nature are distasteful but have actually been practiced by this man, I am induced to use any expression that resembles Timarchus' actions. [38] It would not be fair for you to criticize me, if in my desire to inform you I were to use rather plain language, but rather criticize this man, if he has actually led such a life that anyone describing his behavior is unable to say what he wants to say without using expressions of this sort. But I shall avoid doing so to the very best of my ability.

48. Sections 33–36 consist of a largely irrelevant digression on those who preside over meetings of the Assembly.

[39] Observe, men of Athens, how reasonable I shall be in dealing with this man Timarchus. Any abuses he committed against his own body while still a boy I leave out of account. Let it be void like events under the Thirty or before Euclides,⁴⁹ or any other official time limit of this sort that has been laid down. But the acts he has committed since reaching the age of reason and as a young man and in full knowledge of the laws, these I shall make the subject of my accusations, and I urge you to take them seriously.

[40] Now this man first of all, as soon as he ceased to be a child, settled in the Piraeus⁵⁰ in the establishment of the doctor Euthydicus, ostensibly to learn the profession, but in reality because he had determined to sell himself, as events themselves showed. I pass over voluntarily all the merchants or other foreigners or our fellow citizens who had the use of his body during that period, so that nobody can say that I am dwelling excessively on every detail. I shall confine my account to the men in whose house he has lived, bringing shame on his own body and the city, earning a living from the very practice that the law forbids a man to engage in, or forfeit the right to address the people.

[41] There is a man named Misgolas, son of Eucrates of Collytus, men of Athens, a man who in other respects is decent and above criticism but has a phenomenal passion for this activity and is always in the habit of having male singers and lyre-players in his company.⁵¹ I say this not to indulge in low gossip but so you will recognize who he is. This man, perceiving the reason for Timarchus' spending his time at the doctor's house, paid a sum of money in advance and moved Timarchus and set him up in his own house, a fine figure of a man, young and unprincipled and ready for the acts that Misgolas was eager to perform, and Timarchus to have done to him. [42] Timarchus had no inhibition but submitted to it, though he did not lack the resources for all reasonable needs. For his father had left him a very large estate, which he had squandered, as I shall show later in my speech. No, he did all this as a slave, to the most disgraceful pleasures, gluttony and expensive eating and flute-girls and courtesans⁵² and dice and the other activities that should never have control of a decent and

49. The Thirty Tyrants were oligarchs installed by the Spartans after Athens' defeat in the Peloponnesian War. They were overthrown in 403 B.C.E., but a general amnesty was declared. In the same year a new legal code was put into place under the archon Euclides, but its provisions were not retroactive.

50. See n. 16.

51. See 3-31. Aeschines may also be making the point that Misgolas did not share the common taste for athletic types.

52. Flute-girls were slaves who performed at banquets, typically available as prostitutes on a fee-for-service basis. Courtesans (*hetairai*) were free women, usually from other parts of Greece, who offered high-class companionship, in some cases even of an intellectual or artistic nature. They expected lavish gifts and continuous financial support.

freeborn man. But this vile man felt no shame in abandoning his father's house and living with Misgolas, a man who was not a friend of his father nor one of his own age-group nor a guardian, no, a man who was unconnected and older than himself, a man without restraint in such activity, when he himself was young and handsome.

[43] Of the many ridiculous acts of Timarchus in that period there is one that I want to recount to you. It was during the procession for the City Dionysia, and Misgolas, the man who had taken him up, and Phaedrus,⁵³ son of Callias of Sphettus, were both taking part in the procession. This man Timarchus had agreed with them that he would join them in the procession, and they were busy with their preparations; but Timarchus had not returned. Angry at this, Misgolas went in search of him with Phaedrus; acting on information received, they found him dining in a lodging house with some foreign guests. Misgolas and Phaedrus threatened the foreigners and ordered them to come with them at once to the prison for corrupting a free youth; the foreigners took fright and ran off, leaving everything behind.

[44] The truth of this story is known to everyone who was familiar with Misgolas and Timarchus at that time. And I find it very gratifying that my dispute is with a man who is not unknown to you, and is known for precisely the practice on which you will be casting your vote. For in a case that concerns unknown individuals it is perhaps incumbent on the prosecutor to offer explicit proof, but where the facts are generally agreed, it is no great task in my view to act as prosecutor; for he needs only to remind his hearers. [45] Now although the matter is generally agreed, since we are in a law court, what I have done is draft a deposition for Misgolas, one that is accurate but not gross, or so I believe. The actual term for the acts he committed on this man are not included, nor have I written down anything that renders a witness admitting the truth subject to punishment under the laws;⁵⁴ what I have written is recognizable to you but without risk to the witness or disgrace.

[46] Now if Misgolas is prepared to come forward here and testify to the truth, he will be doing what is right. But if he would rather ignore the summons than testify to the truth, then you can see the whole business plainly. For if the active partner is to feel ashamed and prefer to pay one thousand drachmas to the Treasury to avoid showing his face to you,⁵⁵

53. A prominent Athenian general from a wealthy family, not to be confused with the Phaedrus of Plato's dialogues.

54. In other words, the deposition Aeschines presents Misgolas avoids self-incrimination.

55. The fine if a witness ignored a formal summons and refused either to affirm the truth or to deny knowledge of the events in a prepared written deposition. The amount is equal to over a year's wages for a skilled laborer.

while the passive partner is to speak in the Assembly, it was a wise legislator who barred people as vile as this from the platform. [47] But if he obeys the formal summons but takes the most shameless course, which is to deny the truth on oath, with the intention of showing his gratitude to Timarchus and at the same time demonstrating to others that he knows how to keep such activities secret, firstly he will be harming himself and secondly he will achieve nothing.⁵⁶ I have drafted another deposition for the people who know that this man Timarchus abandoned his father's house and lived with Misgolas, though the task I am attempting is, I think, a difficult one. For I must offer as witnesses neither my own friends nor their enemies nor people who are acquainted with neither of us, but their friends. [48] But if it transpires that they dissuade these witnesses from testifying (I don't think they will, anyway not all of them), this at least they will never be able to do, eradicate the truth, nor the general report in the city about Timarchus; I did not create this for him, he did it for himself. For the decent man's life should be so clean that it does not allow even the suspicion of blameworthy conduct.

[49] I want to say something else in advance, in case Misgolas obeys the laws and your authority. There are men who by their nature differ from others in their physical appearance as far as age is concerned. There are some men who though young appear mature and older, while others though old when one counts the years seem positively young. Misgolas is one of these. He is in fact a contemporary of mine and was an *ephebe*⁵⁷ with me; we are both in our forty-fifth year. And I myself have all these grey hairs that you see, but he doesn't. Why do I give this advance warning? So that when you suddenly see him you will not be surprised and mentally respond: "Heracles! He is not much older than Timarchus!"⁵⁸ For it is a fact both that his appearance is naturally like this and that Timarchus was already a youth when Misgolas had relations with him. . . .⁵⁹

[51] Now, men of Athens, if this man Timarchus had stayed with Misgolas and had not gone to live with anyone else, his conduct would have been more decent, if indeed there is any decency in such behavior, and I would have hesitated to charge him with anything beyond the frank term

56. There was apparently no formal penalty to a false disclaimer of knowledge.

57. This refers to mandatory military service between the ages of eighteen and twenty.

58. In fact, Timarchus seems also to be at least 45 at the time of this speech, judging from his service on the Council in 361 (mentioned in section 109); one had to be at least 30 to serve. Aeschines is apparently attempting to confuse the jurors and make Timarchus seem younger than Misgolas, whereas they were in fact the same age. Some commentators suspect textual corruption and think Aeschines and Misgolas were 54 rather than 45.

59. In section 50 Aeschines formally presents the written depositions to which he challenges Misgolas and Phaedrus.

used by the legislator, that is only with having been a kept lover. For I think that this is exactly the charge for anyone who engages in this activity with a single partner but does so for pay. [52] But if, ignoring these wild men, Cedonides and Autocliides and Thersander, into whose houses he has been taken to live, I remind you of the facts and demonstrate that he has earned his living with his body not only at the home of Misgolas but in the house of another and then another, and that he went from this one to yet another, then it will be clear that he has not only been a kept lover but (and by Dionysus!—I don't think I can evade the issue all day) has actually prostituted himself. For I think that this is exactly the charge for anyone who engages in this activity casually with many partners for pay.

[53] Now when Misgolas tired of the expense and dismissed Timarchus from his house, Anticles the son of Callias of Euonymon⁶⁰ next took him up. Anticles is away in Samos as one of the colonists; but I shall tell you what happened after that. When this Timarchus left Anticles and Misgolas, he did not reflect on his conduct or turn to better ways but spent his days at the gaming house where the gambling board is set up and people engage in cockfighting and dice playing. I imagine that some of you have already seen the place or, if not, have at least heard of it. [54] One of the people who pass their time there is a man called Pittalacus; this person is a public slave of the city.⁶¹ Now Pittalacus, who was financially well-off and had seen Timarchus passing his time there, took him up and kept him at his house. And this vile creature was not bothered even by this, that he was about to shame himself with a person who was a public slave of the city; no, his only concern was to get a backer⁶² to finance his vile habits, while to questions of decency or disgrace he gave not a moment's thought. [55] Now the abuses and outrages that I have heard were committed on the person of Timarchus by this individual were such that—in the name of Olympian Zeus!—I could not bring myself to describe them to you. The acts that this man felt no shame to commit in practice are ones that I would rather die than describe clearly in words among you.

But about the same time that this man was living with Pittalacus, Hege-sander sailed back to Athens from the Hellespont. I am aware that you have

60. This Callias was a Treasurer of the Athenian Empire in 410, not to be confused with the Callias of Xenophon's *Symposium* and of comedy.

61. Some skilled slaves belonged not to any individual master, but to the city, and could live quite independently, even accumulating money from business beyond their public duties. It may be that Pittalacus was actually a former slave and Aeschines is intentionally confusing the jury about his status to make Timarchus look worse.

62. Aeschines' actual word is *choregus*, on which see n. 36. Here it is metaphorical, but may imply something about the huge amount of expense involved, as well as the youth of the person sponsored.

been puzzled for some time at my failure to mention him; so notorious are the events I am about to narrate. [56] This Hegesander, whom you know better than I, arrived. As it happened, he had at that time sailed to the Hellespont as treasurer to Timomachus of Acharnae,⁶³ who served as general, and he returned to Athens the beneficiary, it is said, of Timomachus' gullibility, in possession of not less than eighty minas of silver;⁶⁴ and in a way he was not the least to blame for Timomachus' ruin. [57] Well-off as he was, and as a regular visitor to the house of Pittalacus, who was a gambling-partner of his, he saw Timarchus there for the first time. He was impressed and his passion was aroused and he wanted to take him into his own house; he thought, I imagine, that Timarchus' nature closely resembled his own. First of all he spoke to Pittalacus, urging him to let him have Timarchus; and when he could not persuade Pittalacus, he assailed Timarchus here in person. It did not take much argument; he persuaded him instantly. Indeed, when it comes to the actual business, his candor and openness to persuasion are remarkable; for this very reason he should properly be an object of hatred.

[58] After he had left Pittalacus and been taken in by Hegesander, Pittalacus was, I think, distressed at having spent so much money (as he saw it) to no purpose and jealous of what was going on. And he kept going to the house. And because he was annoying them, observe the great feat of Hegesander and Timarchus! At one point they and some others whose names I prefer not to mention got drunk and [59] burst at night into the house where Pittalacus was living. First of all they broke his equipment and threw it into the street (throwing dice and dice cups and other gaming items) and they killed the quails and cocks on which the wretched man doted, and finally they tied Pittalacus himself to a pillar and inflicted on him the worst whipping imaginable for so long that even the neighbors heard the commotion. [60] Next day Pittalacus, enraged at the treatment, went robeless into the Agora⁶⁵ and sat as suppliant at the altar of the Mother of the Gods. A crowd assembled, as usually happens, and Hegesander and Timarchus in panic that their vile behavior might be announced to the whole city (the Assembly was about to meet) ran up to the altar, accompanied by some of their dicing partners. [61] They clustered around Pittalacus and begged him to leave the altar, maintaining that the whole incident had been a drunken prank. Timarchus himself

63. An Athenian naval commander in the 360s B.C.E.

64. A small fortune (= 8000 drachmas), equivalent to over twenty years' wages for a skilled worker.

65. The central marketplace of Athens, through which people on the way to the meeting place of the Assembly would pass.

(who was not yet as ugly-looking as nowadays—heavens, no—but still serviceable) touched the fellow's chin in supplication and said he would comply with all his wishes. Eventually they induced the fellow to quit the altar on the understanding that he would receive some sort of justice. But once he left the Agora they took no further notice of him. [62] And Pittalacus, angered at the outrageous treatment, brought a suit against each of them. . . .⁶⁶

[70] Shall I bring myself to speak a little more frankly than is in my nature? Tell me, in the name of Zeus and the other gods, men of Athens, when a man has shamed himself with Hegesander, don't you think he has played whore to a whore? What excesses of vile behavior do we suppose they did not practice when drunk and on their own? Don't you think that Hegesander, trying to compensate for his notorious activities for Leodamas,⁶⁷ which you all know of, made arrogant demands in the belief that his own past behavior would seem moderate in comparison with the extremes of Timarchus?

[71] Nonetheless, you will see that Hegesander himself and his brother Crobylus will leap up here shortly and with considerable deviousness and rhetorical skill will claim that my case is one of downright stupidity. They will demand that I present witnesses who testify explicitly where he carried out the acts and who saw and what kind of act. This I think is a scandalous demand. [72] I don't consider you so forgetful that you do not recall the laws you heard read out a little earlier, in which it is written that anyone who hires an Athenian for this activity or anyone who hires himself out is liable to the most severe penalties, the same in both cases.⁶⁸ What man is so witless that he would agree to give explicit testimony of this sort by which it is certain, if he attests the truth, that he proves himself liable to the most extreme penalties? [73] So then, all that is left is for the passive partner to admit the facts himself. But this is why he is on trial, because after engaging in this activity he addressed the Assembly in defiance of the laws. So do you want us to abandon the whole issue and not investigate? By Poseidon, we

66. Pittalacus could not have brought a suit if he were actually a slave, as Aeschines alleges, although he might have had someone bring a suit on his behalf. Sections 62–66 proceed to narrate the legal maneuvers undertaken by Hegesander and Timarchus to block Pittalacus' suit. In 67–69 Aeschines challenges Hegesander to a deposition just as he had previously done with Misgolas.

67. An Athenian politician active as early as 376, here alleged to have been Hegesander's lover.

68. In point of fact, the law that Aeschines cites in sections 19–22 deals only with those who prostitute themselves, not with those who hire them. Aeschines appears to be conflating this with the law on *hybris* that he cites in sections 15–17 in an attempt to confuse his audience. On the "most severe penalties," see n. 45.

shall really manage the city well, if when we know that acts are taking place we are to ignore them simply because someone does not come forward in court and testify explicitly without shame.

[74] Consider the issue on the basis of parallels; and I suppose the parallels will have to resemble Timarchus' practices. You see these men who sit in the brothels, the ones who on their own admission practice this activity. Yet these men, when they are required to engage in the act, still throw a cloak over their shame and lock the doors. Now if someone were to ask you, the men passing by in the street: "what is this person doing at this moment?" you would immediately give the name of the act, without seeing who had gone in; no, once you know the chosen profession of the individual you also recognize the act. [75] So you should investigate Timarchus in the same way and not ask whether anyone saw him but if this man has engaged in the practice. For by the gods what is one to say, Timarchus? What would you yourself say about another person who was being tried on this charge? What is one to say when a young lad leaves his father's house and spends his nights in the homes of others, a lad of unusual beauty, and enjoys lavish dinners without making any contribution and keeps flute-players and the most expensive courtesans and plays at dice, while he pays out nothing himself but another man pays for him?⁶⁹ [76] Does one need to be clairvoyant? Isn't it obvious that the man who makes such enormous demands of others must himself inevitably provide certain pleasures in return to the men who pay out the money in advance? By Olympian Zeus, I can find no more decorous way of referring to the grotesque acts that you have practiced. . . .⁷⁰

[90] If this practice is to take place, as is usually the case, secretly and in isolated spots and private houses, and the man who possesses the full-est knowledge, but has shamed a citizen, is to be liable to the most severe penalties if he testifies to the truth; while the man on trial, against whom his own life and the truth have given evidence, is to insist on being judged on the basis not of what is known but of the depositions, the law and the truth are destroyed and a clear route has been revealed for those guilty of the worst felonies to be acquitted. [91] For what mugger or thief or seducer or homicide, or anyone else who commits the gravest offences but does so in secret, will be punished? For, in fact, those of them who are caught with

69. Athenaeus 13.572B-D quotes this section of the speech side-by-side with the comic fragments 3.25 and 3.26 as evidence that even a good meal could be considered a form of payment for sex.

70. In sections 77-89 Aeschines argues that the jurors should not need witnesses because they already know Timarchus' nature and laugh at him any time he is the subject of discussion in the Assembly. He adduces as parallels trials concerning bribery or deme votes on citizen qualifications, where witnesses are not necessary.

their guilt manifest are executed at once if they confess, but those who go undetected and deny their guilt are tried in the courts and the truth is discovered on the basis of likelihood. . . .⁷¹

[94] Yet a speechwriter, the one who has devised his defense, claims that I contradict myself.⁷² He says that in his view it is impossible for the same man to have prostituted himself and squandered his inheritance; to have misused one's body is the conduct of a child, while to have squandered one's inheritance is the conduct of a man. Furthermore, he claims that men who shame themselves charge fees for the practice. So he is going around the Agora expressing surprise and wonderment that the same man has prostituted himself and squandered his inheritance. [95] But if anyone does not realize how the matter stands, I shall attempt to lay it out more clearly in my account. While the estate of the heiress whom Hegesander, Timarchus' husband, had married, and the money that he brought back from his period abroad with Timomachus, lasted, they indulged in enormous excess and extravagance. But when it was all gone, wasted on dicing and lavish dinners, and Timarchus had passed his prime, as one would expect, nobody would pay money any more, while his vile and unholy nature still longed for the same pleasures, and in its extreme dissipation made continuing demands on him, and he was drawn back to his daily habits; [96] at that point he turned to eating up his inheritance. And he not only ate it up, but—if one can say this—drank it up as well! And indeed he sold off each of his possessions, and not even at its true value; he could not wait for a profit or a good price but sold it for what it would realize immediately. So compelling was his haste to enjoy his pleasures . . .⁷³

[106] Now he has not only devoured his inherited property but in addition all of your public property that he has had in his control. For at the young age that you see there is no office he has not held, and he acquired none of them by selection by lot or election but bought every one illegally. The majority of them I shall ignore and just mention two or three. [107] He became auditor and did enormous damage to the city by receiving bribes from people guilty of malpractice in office, though his favorite

71. In sections 92-93, Aeschines appeals to the example of the Council of the Areopagus (the homicide court) to show that witnesses or the lack of them are not always dispositive.

72. The reference here is to Demosthenes, whose credibility is undercut by being referred to as a professional speechwriter for hire. Prosecution speeches like this one were always delivered first, so it is unclear how Aeschines knew what Demosthenes was going to say: he may have heard rumors from common acquaintances, or more likely he was just guessing. It is also possible that the published version of this speech as we have it was altered to respond to arguments that the other side actually made in the courtroom.

73. In sections 97-105 Aeschines calls witnesses to prove the magnitude of Timarchus' father's estate and the fact that Timarchus now has nothing left. He also accuses Timarchus of failing to support his blind uncle, even when he begged for a state disability pension.

practice was to persecute innocent men undergoing their final audit. He was magistrate at Andros,⁷⁴ an office he bought for thirty minas, money he borrowed at a rate of eighteen percent,⁷⁵ using your allies as a means of funding his vile habits. And he displayed appetite on a scale never before seen from anyone in his treatment of the wives of free men. I present none of the men here to testify in public to the personal misfortune that he chose to conceal; I leave it to you to investigate. [108] But what do you expect? When the same man committed outrages not only on others but also on his own person while here in Athens, under the rule of law, with you watching and his enemies nearby, who could imagine that once he obtained impunity, opportunity, and public office, he would leave undone any act of the most extreme wantonness? Many times before now, by Zeus and Apollo, I have reflected on the good luck of our city, not least among many reasons for the fact that in that period no buyer could be found for the city of Andros!⁷⁶

[109] But perhaps one could argue that he was unprincipled when holding office alone but upright when he had colleagues. How could that be? This man, men of Athens, was appointed to the Council in the archonship of Nicophemus.⁷⁷ Now to attempt an account of all the crimes he committed in that year is not reasonable in a small portion of a day. But I shall give you a brief account of the ones most relevant to the charge that forms the basis of the present trial. [110] During the same archonship in which Timarchus was a member of the Council, Hegesander the brother of Crobylus was treasurer to the goddess,⁷⁸ and in collaboration like good friends they stole a thousand drachmas from the city. A decent man, Pamphilus of Acherdus, who had quarreled with the defendant and was angry with him, observed what had happened, and during an Assembly he stood up and said, "Men of Athens, a man and a woman are between them stealing a thousand drachmas of your money." [111] When you were puzzled at what he meant by a man and a woman and what he was talking about, he paused for a moment and said: "Don't you understand what I'm saying? The man is Hegesander over there—now, though before he was himself Leodamas' woman; the woman is Timarchus here. How the money is being

74. An Aegean island under Athenian control during this period.

75. A normal interest rate during this period would be twelve percent. That Timarchus borrowed at a much higher rate suggests either that he was considered a credit risk or that he was spendthrift and careless about his financial transactions.

76. The implication is that if Timarchus could have sold Andros for personal profit, he would have. In point of fact, magistrates did not have impunity for their acts, but would be audited at the end of their term in office.

77. 361 B.C.E.

78. Sacred monies were held in the name of Athena Parthenos, to be used only in national emergencies. A board of ten treasurers was chosen by lot to supervise these funds.

stolen I shall tell you." Then he gave a fully informed and lucid account of the affair. And after giving this information he said: "So what do I advise you to do, men of Athens? If the Council convicts Timarchus of the offence, expels him and hands him over to a law court, give them their reward,⁷⁹ and if they don't punish him, withhold it and hold this against them until that day." [112] When the Council next entered the Council chamber, they expelled him in the straw vote but accepted him back in the formal ballot. And because they did not hand him over to a law court or eject him from the Council chamber, though it pains me to mention it, still I must tell you that they did not receive their reward. So, men of Athens, do not show your anger against the Council and deprive five hundred citizens of their crown for failing to punish this man, and then yourselves acquit him and preserve for the Assembly a public speaker who was useless to the Council. . . .⁸⁰

[119] That consummate speaker Demosthenes claims that you must either expunge the laws or else you must pay no attention to my arguments. He says he is amazed if you don't all remember that every year the Council sells off the prostitution tax,⁸¹ and that those who buy the right to exact the tax do not guess but have precise knowledge of the people who engage in this trade. While I have had the audacity to charge that Timarchus has no right to address the people when he has prostituted himself, Demosthenes claims that the practice itself calls not for an allegation from a prosecutor but a deposition from a tax man who has collected the tax from Timarchus. [120] Men of Athens, see whether you find the reply I make to this simple and frank. I am ashamed for the city's sake if Timarchus, the people's adviser, the man who has the nerve to serve on embassies to the rest of Greece, will not attempt to cleanse his reputation of the whole business but instead query the locations where he offered himself and ask if the tax-collectors have ever collected the prostitution tax from him. [121] He should abandon this line of defense for your sake. I shall offer you another line of defense, an honorable and just one, which you should use, if you have nothing shameful on your conscience. Steel yourself to look the jurors in the face and say what a decent man should about his youth: "Men of Athens, I have been reared among you, from my childhood and adolescence, and my way of life is no secret. I am seen among you in the Assembly. [122] And I think that, if I were addressing any other body on the charge for which I am now on trial, your testimony would enable

79. It was customary for each year's outgoing Council to be awarded a gold crown for their service.

80. In sections 113–15 Aeschines gives additional examples of Timarchus' corruption in public office. In 116–18 he warns the jurors not to be misled by Demosthenes' verbal tricks.

81. Most taxes were contracted out to private tax collectors like Androtion (see 4.6).

me to refute the accuser's statements easily. I think the rest of my life not worth living, not only if I have committed any of these acts but if it is your belief that the life I have lived resembles the accusations made by my opponent, and I freely offer the punishment you inflict on me as a means for the city to defend itself in the eyes of Greece. I have not come to plead with you for mercy; no, destroy me, if you think me this sort of man."

This, Timarchus, is the defense that befits a noble and decent man, one who has confidence in his way of life and properly treats every attempt at slander with contempt. [123] In contrast, the argument that Demosthenes is trying to persuade you to use is not the speech of a free man but of a prostitute who is quibbling about locations. But since you take refuge in the names of the lodgings and demand that the case be proved on the basis of the establishment where you plied your trade, once you have heard what I am about to say you will not use this argument if you have any sense. It is not buildings or lodgings that give their names to the occupants but occupants who give the titles of their individual practices to their locations. [124] Where a number of people have rented a single building divided among them, we call it an apartment building. Where one man lives, we call it a house. Surely if a doctor moves into one of the shops by the roadside, it is called a doctor's surgery. If he moves out and a blacksmith moves into the same shop, it is called a smithy. If it is a fuller, it is called a laundry, if it is a carpenter, it is called a carpenter's shop. If a pimp and prostitutes move in, it gets the name brothel from the trade itself. And so you have created a lot of brothels from your skill in the profession. So then, don't ask where you ever engaged in the acts, but defend yourself on the ground that you have not done so.

[125] Another argument, it seems, will be offered, contrived by the same sophist. He maintains that there is nothing more unjust than common report; and he offers examples picked up from the marketplace and entirely consistent with his own life. . . .⁸² [126] And he offers himself as example by way of a joke, like a good-humored man making jokes about his own way of life. "Unless," he says, "I, too, must respond to the crowd when they call me not Demosthenes but Batalus, because my nurse gave me this nickname."⁸³ So if Timarchus was beautiful and is the butt of jokes

82. Aeschines goes on to say that Demosthenes will use examples of a commonly misidentified building and statue.

83. The nickname may have meant "stammerer," referring to Demosthenes' childhood speech impediment. But Eupolis, fr. 92 PCG, implies that it also means "anus," in which case Aeschines' reference to Demosthenes joking about his "way of life" suggests that he also was sexually passive with other men. Other sources tell of a flute-player of this name, who was known for effeminacy.

in slanderous distortion of the fact and not because of his own conduct, surely, says Demosthenes, he doesn't deserve to be ruined for this.

[127] Myself, Demosthenes, where dedicatory offerings and houses and possessions, in short all voiceless objects, are concerned I hear many tales of all sorts and never consistent. For they have no capacity for noble or base action; it is the man who happens to become associated with them, whoever he may be, who furnishes the common account according to the scale of his own reputation. But where men's lives and actions are concerned, of its own accord a true report spreads through the city announcing an individual's conduct to the public at large and often predicting future events too. . . .⁸⁴

[130] So recollect, gentlemen, the report you have encountered concerning Timarchus. Isn't it the case that as soon as the name is uttered you ask the question: "Which Timarchus? The whore?" So then, if I were offering witnesses, you would believe me. Yet if I offer the god as witness, will you not believe, when in all piety one cannot charge her with false testimony? [131] As to Demosthenes' nickname, he is rightly called Batalus, by common report and not by his nurse, having earned the name for unmanly and pathetic ways. For if someone were to remove these smart robes of yours and the soft tunics in which you write speeches against your friends and carry them around and place them in the hands of the jurors, I think that, if someone were to do this unannounced, they would be at a loss whether they were holding the clothing of a man or a woman.

[132] And one of the generals will take the stand for the defense, I'm told, head held high and preening himself, with the air of a man who has frequented the wrestling schools and the philosophers' haunts.⁸⁵ And he will attempt to discredit the whole basis of the dispute, maintaining that I have initiated not a prosecution but the start of an appalling coarseness. He will cite first of all your benefactors, Harmodius and Aristogeiton⁸⁶ and speak of their mutual loyalty and the good their relationship did for the city. [133] He will not shrink, they tell me, even from using the poems of Homer or the names of heroes, but will sing the praises of the friendship of Patroclus and Achilles, based on love, they say,⁸⁷ and will now eulogize beauty, as though it had not long since been considered a blessing—if it is combined with self-control. If certain people by slandering this physical

84. In sections 128–29 Aeschines quotes the poets to prove that Rumor was honored as a goddess.

85. Both places associated with promoting pederastic courtship.

86. The tyrannicides, on whom see 1.89 and 2.2.

87. This relationship was interpreted in explicitly pederastic terms in Aeschylus' *Myrmidons*; see 2.21.601–2 and 5.7.180.

beauty bring ruin on those who possess it, he claims, your collective vote will be at odds with your individual prayers. [134] For he finds it strange, so he says, if in the case of sons as yet unborn all of you who are about to sire children pray that they may be born noble in appearance and a credit to the city, but in the case of sons already born, who ought to be a source of pride for the city, if they stun people with their outstanding youthful beauty and become objects of lovers' rivalry, you will evidently disfranchise them under the influence of Aeschines. [135] And then he intends to make a direct attack on me, I'm told. He'll ask if I'm not ashamed to subject the practice to censure and risk, when I make a nuisance of myself in the gymnasia and have been in love with many. And finally, so certain individuals inform me, in an attempt to encourage idle laughter among you, he says he will exhibit all the erotic poems I have written to individuals and claims he will provide testimony to quarrels and blows which the practice has brought me.

[136] Personally, I neither criticize legitimate desire, nor do I allege that boys of outstanding beauty have prostituted themselves; nor do I deny that I myself have felt desire and still do. And I do not deny that the rivalries and fights which the thing provokes have befallen me. As to the poems they ascribe to me, some I admit to, but in the case of the rest I deny that their character is that presented by my opponents, who distort them. [137] According to my definition, desire for those who are noble and decent is characteristic of the generous and discerning spirit, but debauchery based on hiring someone for money I consider characteristic of a wanton and uncultivated man. And to be loved without corruption I count as noble, while to have been induced by money to prostitute oneself is shameful. The distance which separates them, the enormous difference, I shall try to explain to you in what follows. [138] Our fathers, when they were legislating about conduct and activities dictated by nature, prohibited slaves from engaging in activities which they thought should belong to free men. "A slave," says the law, "may not exercise and rub himself down with oil in the wrestling schools." It did not add further: "but the free man is to rub himself down and exercise." For when the legislators in considering the benefits derived from the gymnasia prohibited slaves from participating, they believed that with the same law in which they prohibited these they were also encouraging free men to go to the gymnasia. [139] And again the same legislator said: "A slave may not be the lover of a free boy or follow him, or he is to receive fifty blows of the public lash." But he did not forbid the free man from being a boy's lover or associating with and following him, and he did not envisage that this would prove harmful to the boy but would be testimony to his chastity. But since the boy is at this stage not responsible, and is unable to distinguish between real and false affection, it is the lover he disciplines and he postpones talk of love to the age of

reason, when the boy is older. And he considered that following and watching over a boy was the most effective way of securing and protecting his chastity. [140] In this way the city's benefactors, Harmodius and Aristogiton, those men of outstanding virtues, were brought up by that decent and lawful feeling—call it love or what you will—to be men of such merit that when their deeds are praised the panegyrics seem inadequate to their achievements. . . .⁸⁸

[155] But I don't want to talk at excessive length about the poets. Instead I shall tell you the names of older men who are well known, and young men and boys. Some of these have had many lovers because of their beauty, while others are still in the bloom of youth now; but none of them has ever been exposed to the same accusations as those made against Timarchus. And in contrast I shall give you the names of men who have practiced shameful and blatant prostitution; remembering these will help you to put Timarchus in the proper category. [156] I shall start with the names of people who have lived in the honorable manner which befits free men. Men of Athens, you know that Crito, the son of Astyochus,⁸⁹ and Periclides of Perithoidae and Polemagenes and Pantaleon, the son of Cleagoras, and Timesitheus the runner were in their day the most beautiful not only of the Athenian citizens but in all Greece, and that they attracted the largest number of lovers, and the most decent. Yet nobody has ever found fault with them. [157] Again, among those who are young men or still children even now, there is Iphicrates' nephew, the son of Tisias of Rhamnus, who bears the same name as the defendant Timarchus. Though he is good-looking, he is so foreign to shameful conduct that the other day, at the Rural Dionysia during the performance of the comic plays at Collytus,⁹⁰ when the comic actor Parmeno spoke an anapaestic line to the chorus in which mention was made of certain "big Timarchian prostitutes," nobody suspected a reference to the young man; everyone saw a reference to you. So firm is your claim to the practice. And again there is Anticles the sprinter⁹¹ and Phidias the brother of Melesias. Though I could mention still more, I shall stop there, to avoid seeming to flatter any of them with my praise.

[158] Turning to those who share Timarchus' habits, I shall avoid making enemies and speak of those who least concern me. Who among you does not know of Diophantus, known as "the orphan," who arrested the foreigner and brought him before the archon for whom Aristophon of

88. In sections 141–54 Aeschines quotes Homer and Euripides to show that the love they praised was chaste and noble.

89. This was a wealthy family. The rest of the names are otherwise unknown.

90. A district on the southern side of Athens.

91. An Olympic victor in the games of 340 B.C.E.

Azenia was serving as assistant. He alleged that he had been cheated of four drachmas owed for this service and cited the laws which instruct the archon to take care of orphans when he himself had broken those which cover chastity. What citizen was not offended by Cephisodorus, known as the son of Molon, who had defiled his most beautiful appearance with the most infamous acts? Or Mnesitheus, known as the cook's son, and many others whose names I purposely forget. [159] I don't want to pursue each of them by name spitefully. In fact in my love of my city I would dearly wish to have a shortage of such cases to cite. But now that we have mentioned some examples of each type, dealing separately with the objects of chaste love and those who abused their own persons, I want you now to answer this question from me: to which category do you assign Timarchus, to the people who have lovers or to the prostitutes? So then, Timarchus, do not try to desert the society you have chosen and defect to the way of life of free men.

[160] If they try to argue that a man has not prostituted himself if he did not make a contract to hire himself out, and demand that I provide documentation and witnesses to this effect, firstly remember the laws concerning prostitution; nowhere does the legislator mention contracts. He did not ask whether anyone had disgraced himself under a written contract but, however the activity takes place, he absolutely bars the man who has engaged in it from the public affairs of the city. And rightly so. If any man in his youth abandoned noble ambitions for the sake of shameful pleasure, he believed that this man should not in later years enjoy political rights. . . .⁹²

[166] Yet though these issues have been defined so clearly, Demosthenes will discover many diversionary arguments. The wickedness of his statements on the main issue might not arouse so much resentment. But the irrelevant arguments he will drag in to the detriment of the city's system of justice deserve your anger. Philip will be there in plenty; and the name of his son Alexander will be thrown in too.⁹³ For in addition to his other faults this man is a crude and insensitive individual. [167] His offensive remarks against Philip in his speech are uncivil and inappropriate, but less serious than the wrong I am about to mention; for his abuse will be directed incontrovertibly against a man, for all that he himself is not a man. But

92. In sections 161-65 Aeschines ridicules the notion that anyone would ever use a written contract for prostitution or be willing to go to court to enforce such a contract. However, see 4.4.22 for an alleged oral contract.

93. The king of Macedon and his son, Alexander (the Great). Philip's threat to the autonomy of Athens and the other Greek states was the source of conflict between Demosthenes' and Timarchus' anti-Macedonian faction and politicians like Aeschines, who favored appeasement and negotiation.

when with the use of labored ambiguous language he drags in shameful insinuations against the boy, he makes a laughing stock of the city. [168] In an attempt to spoil the audit I am about to undergo for my service on the embassy, he alleges that when he was giving the Council an account of Alexander the other day, how he played the lyre to us while we were drinking and recited speeches and debated with another boy, and was telling the Council all he knew about the matter, I grew angry at the jokes against the boy as if I were not one of the envoys but a relative.⁹⁴ [169] In fact, I have not spoken with Alexander, naturally, because of his youth. But Philip I praise right now for his auspicious statements. If his conduct towards us matches his present promises, he will make it a safe and easy task to praise him. I criticized Demosthenes in the Council chamber not out of a desire to curry favor with the boy but because I felt that if you listened to such things the city would appear to share the speaker's lack of decency.

[170] But in general, men of Athens, you should not admit lines of defense irrelevant to the main issue, first of all because of the oaths you have sworn, and secondly to avoid being misled by a fellow who is a master of the art of speaking. I shall take my story back a little to give you the information. When Demosthenes had squandered his inheritance,⁹⁵ he went round the city hunting for rich young orphans whose fathers were dead and whose mothers were in charge of the property. I shall omit many of them and mention one of the victims of appalling treatment. [171] He noticed a household which was rich but badly run. The head of the house was a proud but unintelligent woman, but the property was handled by a half-mad orphaned youth, Aristarchus the son of Moschus. He pretended to be in love with this young man, drew him into this intimate relationship, and filled him full of false hopes that he would very soon be a leading public speaker, and he showed him a list of names.⁹⁶ [172] And he encouraged and taught him to commit acts of a sort that the young man is now in exile from his fatherland, while this man, having got hold of the money which was to support Aristarchus in his exile, has robbed him of three talents; and Nicodemus of Aphidna⁹⁷ has been violently murdered by Aristarchus, with both his eyes gouged out, poor wretch, and the tongue cut out with

94. Demosthenes would appear to be implying that Aeschines was sexually attracted to Alexander, who was only ten at the time of the embassy.

95. In fact, Demosthenes had been defrauded of his inheritance by corrupt guardians, whom he later prosecuted with only partial success.

96. Presumably names of Demosthenes' former pupils who had become successful politicians.

97. A political enemy of Demosthenes, who indicted Demosthenes for failure to perform military service.

which he exercised free speech in confidence in the laws and in your authority. . . .⁹⁸

[185] So then, this was the view of your fathers on the issues of shame and honor. Will *you* acquit Timarchus, a man guilty of the most shameful practices? A man, with a male body, who has committed the offences of a woman? Which of you then, if he catches his wife in misconduct, will punish her? Who will not seem stupid, if he shows anger at a woman who does wrong according to her nature but uses as his adviser⁹⁹ a man who had abused himself against nature. [186] What will be the state of mind of each of you when he goes home from court? The man on trial is not obscure; he is well known. And the law on the scrutiny of public speakers is not a poor one but quite excellent. It is to be expected that boys and young men will ask their relatives how the case has been judged. [187] So what will you say, you who now have the power to vote, when your sons ask you if you convicted or acquitted? The moment you admit to acquitting him, won't you overturn the whole educational system? What's the use in keeping slave chaperones or appointing gymnastic trainers and teachers for our children, when the men who have been given responsibility for the laws are deflected from their duty when faced with disgraceful acts?

[188] I also find it surprising, men of Athens, if you, who hate brothel keepers, intend to let go people who have voluntarily prostituted themselves. Evidently this same man, who will not be allowed to obtain the priesthood of any of the gods, since under the laws his body is unclean, will draft in the text of decrees prayers to the Solemn Goddesses¹⁰⁰ for the good of the city. Then why be amazed at the failure of public policy, when speakers like this man attach their names to decisions of the people? Shall we send abroad as envoy a man whose life at home has been disgraceful and entrust to him our most important interests? What would a man not sell when he has sold off the abuse of his person? Who would this man pity when he has shown no pity for himself?

[189] Which of you is unfamiliar with the disgusting conduct of Timarchus? In the case of people who exercise, even if we don't attend the gymnasium, we can recognize them from a glance at their fit condition. In the same way we recognize men who have worked as prostitutes from their shameless and impudent manner and from their general behavior even

98. In sections 173–79, Aeschines again warns the jurors not to be distracted by Demosthenes' attempts to introduce the Macedonian issue. In sections 180–81 he praises the Spartans for not allowing unworthy men to advise them, and in 182–84 he praises the ancient Athenians for valuing chastity in their women and children.

99. On political matters.

100. The Furies, who came to be symbols of moral conscience and punishment of wrongdoers.

if we're not present at their activities. For if a man has shown contempt for the laws and for morality on the most important issues, he has a certain attitude of mind which is visible from his disorderly manner.

[190] You will find that it is men such as this more than all others who have destroyed cities and have themselves encountered the worst disasters. Don't imagine, men of Athens, that wrongdoing has its origins in the gods and not in the willfulness of men, or that Furies punish men guilty of impiety, as in the tragedies, and punish them with burning brands. [191] No, unrestrained physical pleasures and a feeling that nothing is ever enough, these are what recruit to gangs of robbers, what fill the pirate ships, these are each man's Fury; these are what drive him to slaughter his fellow-citizens, serve tyrants, conspire to overthrow democracy. They take no account of the shame or the consequences for themselves; it is the pleasure success will bring that mesmerizes them. So eradicate natures such as this, men of Athens, and turn the ambitions of young men toward virtue. . . .¹⁰¹

[194] Timarchus has three kinds of supporting speakers to help him, those who have squandered their inheritance with their daily expenditures, those who have misspent their youth and abused their bodies and are afraid not for Timarchus but for themselves and their way of life, in case they are brought to trial at some point, and others who are people without any restraint who have made unrestricted use of men like him and whose motive is that trust in the aid they offer will make people more ready to do wrong. [195] Before you listen to their speeches in support of Timarchus, remember their way of life. Tell the ones who have done wrong to their own bodies not to pester you but to stop addressing the people; for the law does not examine the conduct of private citizens but public men. Tell the ones who have squandered their inheritance to work and make their living in some other way. And tell the hunters of the young men who are easily caught to turn their attentions to foreigners and resident aliens; then they won't be deprived of their chosen passion and your interests will not be damaged.¹⁰²

4.8 Demosthenes, *On the Corrupt Embassy* 287

In 343 B.C.E., the prosecution that Timarchus had been blocked from bringing against Aeschines finally came to trial, this time with Demosthenes as the accuser. In it, he alludes to Aeschines' case against Timarchus.

101. Aeschines proceeds to warn that Timarchus' acquittal would send a bad message and inspire others like him.

102. A brief concluding summary follows in section 196.