

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

THOMAS K. HUBBARD

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CONTENTS

Translation Credits vii

Preface xv

Introduction I

- | | |
|---|---|
| 1. ARCHAIC GREEK LYRIC 21 | 2.10 Xenophon, <i>Constitution of the Lacedaemonians</i> 68 |
| 1.1–1.3 Archilochus 25 | 2.11 Aelian 69 |
| 1.4 Alcman, <i>First Maidens' Song</i> 26 | 2.12–2.13 Plutarch, <i>Lycurgus</i> 69 |
| 1.5–1.27 Sappho 29 | 2.14 Plutarch, <i>Pelopidas</i> 70 |
| 1.28 Solon 36 | 2.15 Aristotle, <i>Politics</i> 72 |
| 1.29–1.34 Anacreon 36 | 2.16 Ephorus 72 |
| 1.35–1.36 Ibycus 38 | 2.17 Pausanias 73 |
| 1.37–1.83 Theognis 38 | 2.18 Theopompus 74 |
| 1.84 Simonides 47 | 2.19 Carystius 75 |
| 1.85–1.87 Pindar 48 | 2.20 Plutarch, <i>Demetrius</i> 75 |
| 1.88–1.89 <i>Carmina Popularia</i> 53 | 2.21 Athenaeus 76 |
| 2. GREEK HISTORICAL TEXTS 55 | 2.22–2.26 Graffiti 82 |
| 2.1 Plutarch, <i>Love Stories</i> 59 | 2.27 Inscriptions on vases 84 |
| 2.2 Thucydides 60 | 2.28 Gymnastic law from Beroea 85 |
| 2.3 Phanias of Eresus 62 | |
| 2.4 Xenophon, <i>Hieron</i> 62 | 3. GREEK COMEDY 86 |
| 2.5 Plutarch, <i>Alcibiades</i> 63 | 3.1–3.10 Aristophanes, <i>Knights</i> 89 |
| 2.6–2.7 Xenophon, <i>Anabasis</i> 65 | 3.11 Aristophanes, <i>Clouds</i> 93 |
| 2.8 Xenophon, <i>Cyropaedia</i> 66 | |
| 2.9 Xenophon, <i>Agesilaus</i> 67 | |

Greek Oratory

Like comedy, Athenian forensic oratory gives us insight into popular attitudes toward homosexual practices. Mass juries (often as large as five hundred or one thousand) were typically comprised of a cross section of the citizen population, in which the poorer classes were far more numerous. Since Athenian juries were paid a subsistence wage, some older men may have even used jury service as a means of support. While the speechwriters and professional politicians were of well-educated, upper-class backgrounds, they had to calibrate their rhetoric to appeal to the prejudices and values of a broader audience.

While legal oratory doubtless existed as early as law courts did, it was only in the last quarter of the fifth century B.C.E. that it came to be the subject of systematic study in Athens and that speeches delivered in the courts began to be published as literary artifacts worthy of preservation. Our greatest examples of Attic oratory date from this period until Athens' loss of political liberty a century later.

Since the presiding judge's role was largely procedural and did not include ruling on evidence or interpreting the law for the jury, the nature of legal debate was very different from modern practice. Verifiable evidence and strict construction of the law were therefore less important than pandering to the jury's sympathies and seeming to be more credible than one's opponent. Hence vicious attacks on an opponent's character or family were commonplace, often with little basis in fact.

It is in this context that statements relating to an opponent's homosexual practices occur, always framed as a characteristic that will render him less appealing in the jury's eyes. In 4.2, 4.3, and 4.10 we see passing allusions to an opponent's pederastic liaisons, whether as active or passive partner, even

though it is not directly relevant to the case. In 4.5 and 4.9 we see speakers contrast their own devotion to family with an opponent's homosexual preferences. Effeminacy is a frequent charge: in addition to 4.9 and 4.11, see 4.7.110, where the charge stems from having once been another man's beloved, and 4.7.131, where it is connected with an opponent's fine clothing (as if to imply that all wealthy men are "soft" and "feminine"). But by far the most damaging charge one could make was that an opponent had been a male prostitute in his youth, since conviction on this count entailed disfranchisement of one's legal right to hold any office or address any political body, whether the Assembly, the Council, or a court. The motivation behind the law seems to have been a perception that character was constant, and a man who sold himself for money as a youth would sell his loyalty for a bribe as an adult in political office. This charge is made in passing in 4.1 and 4.8, at greater length in 4.6 (where it is, however, still not the actual legal issue on trial), and as the focus of the entire speech in 4.7, Aeschines' notorious prosecution of Timarchus.

None of these charges are backed with evidence, but Greek orators make free use of inference from probability: that Timarchus was extremely handsome as a young man, had lived with a succession of older men, and had a reputation for a spendthrift lifestyle add up (for Aeschines) to his having been a prostitute (see especially 4.7.75–76). What Aeschines relies on here is a vague suspicion on the part of some poorer members of the jury that the kind of gift-giving and lavish entertainment common to all upper-class pederasty was really little more than a glorified form of prostitution; we have seen the same confusion exploited in Aristophanes (3.17). By this line of reasoning, virtually any upper-class politician who had been involved in a pederastic relationship when younger might plausibly be accused of prostitution. The charge was therefore a potent one to use in stirring up class envy, and Aeschines loses no opportunity to remind the jury of the inherited wealth and careless extravagance of Timarchus and his lovers, whom the orator brands as equally culpable and lacking in self-restraint.

Aeschines' speech rebuts the arguments used by Demosthenes and another orator to defend Timarchus, which allows us to reconstruct their speeches in some detail. It appears that their counter-argument was couched as a defense of pederasty as a noble and traditional practice, as if they perceived the greatest threat in Aeschines' speech not to be the actual charges of prostitution, but its appeal to more general prejudices against male love.

Lysias' *Against Simon* (4.4) is unique in that it features a defendant who admits to a pederastic relationship, but what is apparent is that he does so only with an acute sense of embarrassment and fear of prejudice against him (see especially 4.4.4); contrast the relative nonchalance of the speaker

in Lysias' *On a Premeditated Wound* (not in this collection), concerning a similar fight between erotic rivals over a slave woman. Although the defendant in 4.4 complains of being violently pursued and harassed by his rival for the boy, he preferred to leave Athens rather than prosecute his antagonist, so afraid was he of exposing the matter to public gossip (4.4.9–10). He is a wealthy citizen from a prominent family and feared prejudice from a common jury on this basis too. Now, having been sued by his opponent, he has no alternative but to appear in court.

4.12 is a special case in that it is not a speech for public delivery, but an "epideictic" oration, or display piece, in praise of an ideal youth, written in a flowery and highly mannered style for what is clearly a select literary audience. Despite its title, the "Erotic Essay" (*Erōtikos*), it is not really a work in praise of pederasty: the youth Epicrates is congratulated precisely for being open and friendly to all men, but intimate with none (4.12.17–21). The version of boy-love advocated here, as at the end of Aeschines' speech (4.7.136–57), appears to be a chaste, self-restrained, nonsexual form, consistent with the concept of Eros promulgated earlier in the fourth century by Plato.

The orators also give us a rich store of valuable information about Greek daily life and thus afford a glimpse into some details about the actual practice of Athenian pederasty not available elsewhere. For instance, 4.4.22 (see also 4.7.41) refers to a contractual arrangement with a youth for companionship based on an up-front payment of three hundred drachmas (about a year's wages for a skilled worker). 4.2 tells us of a boy's lover being appointed his guardian in his father's will, showing that fathers sometimes did sanction and approve such relationships. 4.4, 4.7, and 4.10 all refer to boys or youths who live at the house of their lover; 4.7.40–41 suggests that this arrangement was ostensibly to learn a profession, but that the pedagogical relationship was also pederastic. All three of these cases (Theodotus, Timarchus, and Aristion) seem to involve *meirakia* (young men eighteen or older), suggesting that pederasty often involved post-adolescents. Interestingly, one of Timarchus' alleged lovers, Misgolas, appears to have been the same age (or possibly even younger—see n. 58). Misgolas, known also from comedy to be an active lover of boys (see 3.31), appears to have been handsome and to have cultivated a youthful appearance (4.7.49), perhaps to make himself more appealing to young companions. The speaker of 4.4, on the other hand, apologizes for being involved in such affairs at his advanced age. This new range of evidence provided by oratory shows that our stereotypical notions about the age ranges of lover and beloved may be in some need of revision; they may have been more fluid than often supposed.

Bibliographical Note

On homosexuality in Attic oratory, see Dover (1978) 19–109, Buffière (1980) 211–17, and E. Cantarella (1992) 48–53. On the relevant legal issues, see especially Rainer (1986) and D. Cohen (1991) 171–202; on male prostitution particularly, see Halperin (1990) 88–112 and Winkler (1990) 45–70, whose views are countered in E. E. Cohen (2000) 155–91. Hubbard (1998b) 59–70 connects the negative judgments in Greek oratory with appeal to popular prejudice against what was perceived as an upper-class practice.

On Lysias' *Against Simon*, see Harris (1997). For a commentary on this speech and *Against Alcibiades I*, see Carey (1989) 86–113, 141–79.

On Aeschines' *Against Timarchus*, see, in addition to Dover's lengthy treatment, Harris (1995) 101–6, who takes a very skeptical view of Aeschines' claims. Ford (1999) treats Aeschines' technique of citing and interpreting legal and poetic authority in this speech; see also Wooten (1988) 41–43. Meulder (1989) augments the old thesis of Hug (1874) about Platonic influence on Aeschines. Natalicchio (1998) 80–255 and Fisher (2001) provide well-annotated editions.

For an introduction and well-annotated edition of the *Erotic Essay*, see Clavaud (1974) 69–137, who retains this treatise as a genuine work of Demosthenes, but documents the strong influence of Plato and Isocrates; D. Brown (1977) also favors attribution to Demosthenes, and relates the work to proposed reforms of the Athenian *ephebeia* in 338/37 B.C.E. For such erotic discourses as a recognized genre, see Lasserre (1944).

4.1 Andocides, *On the Mysteries* 100–101

Dated to 399 B.C.E., this is a speech of self-defense against old charges of having participated in an aristocratic club that parodied the Eleusinian mysteries. Andocides addresses his accuser.

Now you, of all people, talk to me about the issue of political association and cast aspersions upon certain men? You? You yourself, after all, have "associated"¹ not just with one man (that would be fine), but used to offer pretty cheap rates for anyone who wanted. As these jurors know, you've lived off the lowest line of work, and this despite the fact you're so ugly. Nevertheless, gentlemen, this man dares to accuse others, even though your laws don't even grant him the right to speak in his own defense.

1. A pun on the Greek word *hetairos*, which can refer to either a companion, a member of a political club, or a male prostitute.