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Sexual Slander in the Attic Orators: A Survey of the Speeches of Lysias and Aeschines

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COLLEGE OF ARTS AND SCIENCES

SEXUAL SLANDER IN THE ATTIC ORATORS: A SURVEY OF THE SPEECHES OF LYSIAS AND
AESCHINES

By

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Table of Contents

INTRODUCTION	4
SEXUAL SLANDER IN THE SPEECHES OF LYSIAS	8
LYSIAS AND HIS SPEECHES.....	8
ADULTERY IN THE SPEECHES OF LYSIAS.....	9
LOVE QUARRELS IN THE SPEECHES OF LYSIAS.....	17
SEXUAL SLANDER IN THE SPEECHES OF AESCHINES	24
AESCHINES AND HIS SPEECHES.....	24
AESCHINES AGAINST TIMARCHUS.....	26
AESCHINES AGAINST DEMOSTHENES.....	34
GENERAL OBSERVATIONS AND CONCLUSION	38
BIBLIOGRAPHY	42

Introduction

In order to maintain a certain level of objectivity, modern legal systems have implemented a number of restrictions and limitations pertaining to what one is allowed to say in court, but in the fifth and fourth century Athenian courts such restrictions did not apply.¹ Speechwriters and orators were able to write and speak with only a small number of topics that would have been considered *verboden*. This freedom gave Athenian speechwriters and orators the license to verbally assault opposing parties in ways that would be unacceptable in today's litigation process. To criticize and slander someone for their personal affairs and sexual behavior would have no bearing on a jury's decision today and would be considered inappropriate, but in antiquity Athenian orators commonly put into question the character and private behavior of their opponents.

The purpose of this thesis is to explore the use of sexual insults and slander as a means of character defamation in the speeches of the Attic orators Lysias and Aeschines. Aeschines seems a fitting choice for an analysis of slander in Greek oratory considering the amount of attention his oration, *Against Timarchus* (Aesch. 1), has received from scholars for its commentary and criticism of sexual behavior, but the choice of Lysias is less obvious. My choice to include the corpus of Lysias in this study is largely based on my own personal experience with his work. Lysias 1 and Lysias 3, the first two speeches I ever read in Greek, both contain instances of sexual slander. This observation piqued my interest in the speeches of Lysias and I became curious to discover if sexual slander commonly appears in the corpus. I intend to investigate in what ways these authors utilized sexual insults and

¹ N.B. All dates are BCE.

slander, what sorts of sexual insults were used, how they compare to each other, and what they reveal to us about sexuality, culture, and morality in fifth and fourth century Athens.

One of the most interesting and informative sources for Athenian history and society are the speeches attributed to the Attic Orators, among whom are Lysias and Aeschines.² The term orator is slightly misleading in this context because, while all of the so-called Attic Orators wrote the speeches belonging to the canon, not all of them delivered the speeches themselves. Some of the Attic Orators, such as Lysias and Isocrates, worked strictly as logographers, writing speeches that would then have been delivered by litigants in Athenian trials. Others, like Aeschines, only wrote speeches that they delivered for their own benefit. Due to the wide variety of subject matter and careers of the authors in the canon of the Attic Orators, the cases reflected in these speeches, ranging from issues of homicide and assault to disputes over property and inheritance, serve as one of our best sources not only for insight into Athenian democracy, but also into daily life, culture, and popular morality.

In Athens there were two types of trials: trials concerning private affairs in which the litigant would represent himself in a case and trials concerning the public good in which any legitimate Athenian citizen could volunteer to serve as litigant in the case.³ This is quite a different structure from our own modern legal system in which attorneys are hired in a representative capacity for those whom the case concerns personally. Additionally, the structure and format of a trial differ significantly between fifth and fourth century Athens and modern times. In Athens each litigant was given an opportunity to speak, with the accuser going first followed by the defendant. Each of the speakers was

² For more on the canon of the Attic Orators see Worthington 1994: 244-263.

³ For more information on Athenian court procedures see Carey 1997.

given a certain amount of time to speak uninterrupted and would be given additional time for producing evidence or witnesses. After the two speakers had delivered their speeches, the judges, ranging in number from five hundred members to two thousand, would cast their votes and deliver their verdict on the very same day of the trial. These procedures differ quite dramatically from today's legal proceedings, in which trials can go on for months at a time, lawyers are given an opportunity to make objections and cross examine witnesses, a jury of six to twelve members delivers their verdict, and a judge decides on an appropriate punishment.⁴

Perhaps one of the most remarkable differences between legal cases in Classical Athens and modern times is that although the cases in Athenian trials all concern legal matters, the subject material for speeches delivered in court does not always focus strictly on the legal issues or facts at hand. Instead, a speaker often includes in his speech remarks that do not pertain to the case itself, but rather to the character and personal affairs of himself or his opponent, either to convince the audience of his own innocence and virtue, or to vilify his opponent. This is rather contrary to modern proceedings, in which this sort of material is considered inadmissible in a court of law.⁵ Judging from the frequency and types of character appraisals given in these speeches, it seems that the Athenians were given a considerable freedom of speech in legal trials. In a culture void of the news and social media to which we are accustomed, the speeches delivered in the Athenian courtrooms of the fifth and fourth centuries, which were later published for public distribution, served as the foremost method to circulate character appraisals of Athenian citizens. Slander was a popular rhetorical strategy employed in the courtroom and often

⁴ For an overview of court procedures in American trials see Hall 2002: 647-651.

⁵ On admissibility see Hall 2002: 280-282.

resulted in a manipulation of and damage to the reputation of one's opponent (not uncommonly a social or political rival) in either public or private trials.

To avoid ambiguity, a distinction must be made as to what is meant by the use of the word 'slander' in this thesis. Slander should be understood in this context to mean anything said publicly, which is in turn used to defame the character of the person against whom the speaker makes his claims.⁶ In Athens, Solon instituted laws that prohibited anyone from speaking ill of the dead at any time and speaking ill of the living in certain public forums, which included legal trials, religious sites, and public festivals.⁷ Based on the numerous instances of ill speaking of the living in the canon of the Attic Orators, it is likely that this law was modified or replaced by one in which only certain restrictions were implemented concerning what was considered slander in Athens.⁸ This presumption is based largely on Lysias 10, in which specific examples are given of what specifically could not be said about an opponent. We know from this speech that no one was allowed to call an opponent a mother-beater (*metraloias*), father-beater (*patraloias*), one who throws away (*apoballo*) his shield, or a murderer (*androphonos*). The Athenians called these restricted words *aporrheta* (meaning 'things that must not be spoken'), but just as lawyers today manipulate the law to suit their own devices, Lysias tells us that there were ways in which the same message could be delivered without making use of the specific *aporrheta*.

⁶ My definition of slander is largely based on Hunter's definition of gossip, with the understanding that slander does not need to be as widely circulated as gossip does (Hunter 1999: 96-97).

⁷ For these Solonian laws see Dem. 20.104, 40.49; Hyp. *Philippides* 3; *Lex. Cant.* under *κακηγορίας δίκη*.

⁸ MacDowell 1978: 128

Sexual Slander in the Speeches of Lysias

Lysias and His Speeches

Lysias, as one of the earliest writers in the canon of the Attic Orators, serves as an excellent starting place for a survey of slander in the canon. Born in the middle of the fifth century, Lysias belonged to a wealthy metic family living in Athens during the oligarchic regime of the Thirty Tyrants.⁹ Lysias was forced to flee from Athens after the Thirty robbed him of his wealth and killed his brother Polemarchus. We are told that for a short period of time Lysias had acquired Athenian citizenship after aiding in the restoration of the democracy and that it was during this period that Lysias might have delivered his speech *Against Eratosthenes* (Lysias 12), in which he accuses Eratosthenes of being responsible for the murder of his brother. Scholars believe that the notoriety and celebrity of the trial could very well have been the catalyst for Lysias' professional career as a logographer.¹⁰ It is interesting to note that although the Athenians did not think highly of the profession of logography, they did enjoy listening to good oratory and reading the published editions following the trials. Having published quite a large number of speeches, thirty-four of which we have today, Lysias seems to have been rather popular and successful as a logographer.

Only a small number of Lysias' extant speeches were written to be delivered outside of court. In quite a number of his speeches the speakers claim that they have been unjustifiably defamed and slandered by their opponents.¹¹ Nonetheless, Lysias does not

⁹ For more on the life of Lysias see Dover 1968: 28-46, Edwards 1994: 20-24, and Todd 2000:3-6.

¹⁰ Carey 1997: 20

¹¹ Cf. Lysias 7

avoid the use of slander and personal abuse in his own speeches. One of the most apparent ways in which Lysias uses slander against his rhetorical opponents is to criticize and admonish their sexual behavior. In five of his thirty-four speeches, all occurring in the first half of the corpus, examples of sexual slander appear. I have divided the types of slander that Lysias makes use of in his speeches into two categories: comments that deal with the topic of adultery and comments that deal with love quarrels. While there are multiple ways into which the speeches themselves could have been organized, in addition to the sorts of slander and insults present in the speeches, I find that dividing them into subject matter is the most organic organizational method for my purposes.

Adultery in the Speeches of Lysias

The first type of sexual slander I have observed in the speeches of Lysias deals with the topic of adultery (*moicheia*). What constitutes adultery varies from society to society, even in the ancient world. While Athenian males were certainly allowed to have extramarital relationships—and they often did—they were the only ones capable of committing adultery. There is no account of a woman in Athens actively committing an act of adultery nor is there a term in Greek for an ‘adulteress’ (that we know of). Scholars are mostly in agreement that the word *moicheia* must mean something along the lines of an act of extramarital intercourse performed by an Athenian male with a married woman, freeborn boy or girl, and, on some occasions, a concubine.¹² We base this largely on a

¹² For an in-depth discussion on adultery in classical Athens see Cohen 1991: 98-132 and Dover 1974:209.

passage from Demosthenes' oration (Dem. 23.53), which will be discussed in further detail in a later section.¹³

Lysias 1, 13, and 14 all contain remarks about adultery, but the cases themselves differ quite dramatically from each other, as do the particular comments made about the speakers' opponents. Lysias 1 is a defense speech written on behalf of a man who is being prosecuted for the murder of his wife's lover, Eratosthenes; Lysias 13 is a prosecution speech against an ally of the Thirty arrested for the murder of the brother of the prosecutor; and Lysias 14 is a prosecution speech brought up against Alcibiades (the son of the famous Alcibiades associated with the mutilation of the Herms in 415 BCE) for dereliction of military duty. In Lysias 1 the connection to adultery is appropriate due to the nature of the case, but in Lysias 13 and 14 the relevance is less obvious and does not have much to do with the actual charges the defendants have been accused of. What these speeches do have in common, however, are speakers who denigrate the character of their opponents by making comments about their sexual behavior— specifically that Eratosthenes (the deceased victim in Lysias 1), Agoratus (the defendant in Lysias 13), and Alcibiades (the defendant in Lysias 14) are all adulterers.

Lysias 1, perhaps the best known speech in the corpus of Lysias, has received a fair amount of attention for its commentary on adultery in Athens, but it is in fact a case concerning homicide.¹⁴ The speaker, a man named Euphiletus, has been accused of unlawfully killing Eratosthenes, the alleged lover of Euphiletus' wife. Euphiletus tells us that he caught Eratosthenes in bed with his wife and that he killed him soon after catching him in the act. Euphiletus has effectively turned the case of murder against him into a trial

¹³ Refer to page 11 in this paper.

¹⁴ On the speech and its background, see Todd 2007: 43-148.

of Eratosthenes for adultery. He cites three laws in his speech to illustrate how serious Athenian law considered the crime of adultery to be and to support his right to exact revenge (Lys. 1.28, 30, 31). The manuscripts of the speech do not preserve the texts of any of the laws cited, but the contents of one of them are suggested in a speech of Demosthenes, where he quotes a law stating:

If somebody kills a man after finding him next to his wife or mother or sister or daughter or concubine kept for producing free children, he shall not be exiled as a killer on account of this (Dem. 23.53).¹⁵

This appears to have been one of the laws Euphiletus based his defense on, and it would seem, then, if Euphiletus did indeed catch Eratosthenes *in flagrante delicto*, that the law was in his favor.

The challenge for Lysias seems to have been that this particular sort of homicide—the killing of an adulterer caught in the act of adultery—was uncommon in Athens, considering that there were alternative, less severe punishments for adultery more often utilized in these situations, such that Euphiletus' crime might have been considered questionable by both the family of Eratosthenes and Athenians at large.¹⁶ We do not know the arguments presented by the prosecution, but we can infer some of them from statements that Euphiletus makes in his speech. He constructs his narrative to make it clear that, when he killed Eratosthenes, he acted entirely within the scope of the law. In addition, in one part of his speech, he counters arguments that he had entrapped Eratosthenes or somehow lured him to his death (Lys. 1.37-42). He points out, however, that on the night in question he had had dinner at home with a friend, and that that friend had gone home when they were finished. If he had truly tried to entrap Eratosthenes, Euphiletus should

¹⁵ Translation from Todd 2000: 12

¹⁶ Todd 2000: 14

have had the friend stay so that he would not have to confront Eratosthenes alone. In addition, Euphiletus points out that when he discovered that Eratosthenes was in his house with his wife, he had to go outside and gather random witnesses on the street. That does not make sense, if he had really plotted to trap and kill Eratosthenes; in that case, he would have had his friends gather in a nearby house beforehand, so that he could summon them immediately to witness his actions.

Just how seriously the Athenians regarded accusations of adultery is illustrated when Euphiletus cites and discusses the different attitudes towards rape and adultery. Euphiletus argues that one law, which he has read in the courtroom but is not recorded in the manuscript, regards adultery as a more serious offense than rape (Lys. 1.31).¹⁷ He argues that the lawmaker believes:

Those who act by violence are hated by the people they have assaulted, whereas those who seduce corrupt the minds of their victims in such a way that they make other peoples' wives into members of their own families rather than of their husbands (Lys. 1.33).¹⁸

It appears, then, that the Athenians felt that only the body of a woman who had been raped had been corrupted and that she would not have ceased to have been loyal to her husband, whereas a woman who had been seduced would have been corrupted both physically and mentally. She would have ceased to be loyal to her husband, which would have been the greater issue at hand because having sexual intercourse with another man would put into question the legitimacy of the children produced during the marriage, hence the inclusion

¹⁷ There is some debate among scholars as to whether the Athenians actually considered the act of adultery to be worse than rape; see E.M. Harris 1990: 370-377 and Carey 1995: 407-417.

¹⁸ Translations of Lysias used in this paper can be found in Todd 2000.

of concubines in Dem. 23.53.¹⁹ By vilifying the act of adultery to such a degree, Euphiletus is able to vilify the man guilty of committing the act in equal proportions.

If this tactic alone were not enough to tarnish the reputation of his opponent, Lysias also refers to Eratosthenes explicitly as “the adulterer” (*moichos*) in his speech (Lys. 1.41). This use of name-calling is not uncommon in ancient rhetoric and is employed regularly. Lysias takes advantage of the freedom of speech afforded to him in the courtroom and aims to further ingrain in the minds of his audience that Eratosthenes is an adulterer. He does so by using the term *moichos* in place of Eratosthenes’ name or the use of a personal pronoun or demonstrative. The language is clear and concise, leaving little room for doubt. By calling Eratosthenes an adulterer, Lysias intends for his audience to have no hesitation in thinking that he is one. The message is clear: Eratosthenes is meant to be understood not only to have committed the act of adultery, but also to identify as an adulterer.

The most apparent use of sexual slander in Lysias 1 occurs when an old woman sent by a former lover of Eratosthenes approaches Euphiletus and tells him:

It is Eratosthenes of the deme Oe who is doing this. He has seduced not only your wife but many others as well. He makes a hobby of it (Lys. 1.16).

At this point in the narrative we have been given confirmation, though its credibility is questionable, as to whom Euphiletus’ wife has been having an affair with. What we are meant to interpret from this message is that not only has Eratosthenes had an adulterous relationship prior to his affair with Euphiletus’ wife, but also that he is skilled in the art of adultery. By characterizing Eratosthenes as a practiced adulterer, Lysias establishes a pattern of behavior that would lead his audience to believe that Eratosthenes is very much capable of having an adulterous affair with his wife. Lysias circulates this information in

¹⁹ See MacDowell 1978: 124-126 on sexual offenses.

Euphiletus' trial, but places the responsibility of the accusation on some unknown woman who cannot be called in as a witness. He would have his audience believe that others were privy to this sort of information in order to validate his accusation of Eratosthenes' identity as an adulterer.

Another mention of adultery in the corpus of Lysias occurs in Lysias 13, *Against Agoratus*.²⁰ Like Lysias 1, this speech was delivered not in a case of adultery, but in one for murder. This time however, the speaker is not the defendant, but the prosecutor. This speech also differs significantly from Lysias 1 in that the main argument does not focus weightily on the adulterous behavior of the opponent. The speaker, Dionysios, was not able to prosecute Agoratus explicitly for the murder of his brother Dionysodoros, because amnesty had been granted to all those who had committed offenses before democracy had been restored in 403 after the fall of the regime of the Thirty. Instead, he had Agoratus arrested for the violation of the laws that limited him from appearing in certain areas, due to restrictions of civic rights (*atimia*) on account of a previously committed crime (i.e. murder). This sort of procedure is referred to as *apagoge* and could be used by litigants even if no official charges had ever been brought up. In Lysias 13 the crime Agoratus was accused of, though it is not expressly stated in the speech, must have had to do with unlawful appearances of Agoratus in sacred or public areas after he had committed the crime of murdering the speaker's brother in the year that amnesty was declared.²¹ In this way, the family of Dionysodoros was able to seek legal retribution for his murder.

Only a single sentence in the speech, one of the longest in the corpus, makes any mention of adultery. About two-thirds of the way through the speech Lysias writes:

²⁰ On the speech and its background, see Todd 2000: 137-160.

²¹ MacDowell 1978: 122

And although he [Agoratus] is that kind of person [a sycophant], he has also attempted to commit adultery with the wives of citizens, and to corrupt freeborn women, and has been caught as an adulterer—something for which the penalty is death (Lys. 13.65).

Unlike the speaker in *Lysias 1*, this speaker calls forth witnesses to support his claim. There is no way to tell how many witnesses were summoned or what sort of claims they made, but the fact that the speaker intends to have witnesses corroborate his allegations is significant. Perhaps even, the brevity of the speaker's comments concerning Agoratus' crimes of adultery is due to the strength and number of the witnesses' testimonies. All we are told by the speaker is that Agoratus committed, or at least attempted to commit, acts of adultery more than once and that he had been caught. He reminds his audience that the crime of committing adultery and corrupting freeborn women is punishable by death, although he opportunely does not mention the less fatal punishments of adultery.

Lysias very well could have excluded any mention of Agoratus as an adulterer, because it is not immediately relevant to the charges against Agoratus, but he includes this slanderous comment in his speech, along with the summoning of witnesses, to malign Agoratus even further. In addition to being a murderer and sycophant, Agoratus is also described as an adulterer. *Lysias* endeavors to have his audience believe that there is no shortage of depravity or baseness in Agoratus. He has committed a laundry list of crimes that make it fairly easy for the audience to believe that Agoratus has broken such a menial law in comparison. This use of sexual slander is meant to paint a picture that casts Agoratus in the light of a wicked and shameful criminal.

The last speech in the corpus of Lysias in which an opponent is accused of committing acts of adultery appears in Lysias 14, *Against Alcibiades*.²² This speech differs dramatically from the other speeches in the corpus that deal with the topic of adultery. In this case the speaker brings charges against the younger Alcibiades, son of the famous Alcibiades, for dereliction of military duty (*astrateia*). According to the speaker, Alcibiades was summoned to serve as a hoplite, but instead served as a cavalryman. He did so without passing his *dokimasia* (judicial scrutiny) and was thus subject to suffer *atimia* (loss of civic rights), confiscation of property, and liability to statutory penalties (Lys. 14.9). This type of trial would have been heard by a jury of soldiers and overseen by generals. The outcome of this trial is unknown and there is no later text mentioning this Alcibiades.

Among other sexually nefarious activities attributed to Alcibiades in this oration, Lysias writes:

Hipponicus [Alcibiades' brother-in-law] summoned many witnesses and dismissed his own wife, claiming that the defendant [Alcibiades] had entered his house not as a brother but as her husband (Lys. 14.28).

In Dem. 59.87 we are told that a husband who catches his wife with an adulterer must divorce her, but an even greater issue in this case is that Lysias accuses Alcibiades of committing incest with his sister. Nearly every culture and society has an incest taboo and the Athenians are no exception, but just as every culture defines adultery differently, the same is true for incest. The most well known instance of incest in Greek literature occurs in Sophocles' famous tragedy *Oedipus the King*, but very little mention of incest occurs in

²² Lysias 14 and Lysias 15 both deal with the prosecution of Alcibiades for failing to undertake military service and are often read together. On the speeches and their background, see Todd 2000: 161-176.

Greek prose.²³ There does not appear to be any legislation prohibiting incest, nor any document that defines specifically what would have constituted as an act of incest, most likely because the act would have been considered too outrageous to require prohibition.²⁴

Love Quarrels in the Speeches of Lysias

A further category of sexual slander employed by Lysias in his orations deals with love quarrels over contested sex-objects. Lysias 3 and 4 are often read together because they both concern cases of premeditated wounding (*pronoias*), an offense the Athenians regarded just as seriously as attempted murder. What scholars have acknowledged, but haven't focused on with nearly as much fervor, is that both trials were instigated by disputes over slaves/prostitutes. These speeches actually have some interesting commonalities: mention of an exchange of property (*antidosis*; Lys. 3.20, 4.2), use of broken property as a weapon (Lys. 3.28, 4.6), and the possibility of subjecting the slaves in question to torture in order to extract evidence (Lys. 3.33, 4.10). Some scholars believe that Lysias 4 does not actually belong to the corpus of Lysias and was written as a rhetorical exercise modeled on its predecessor, but while the parallels are noticeable, Todd argues, "they are neither so striking nor so close as to be conclusive."²⁵

Lysias 3, *Against Simon*, is not a prosecutorial speech, as its name would suggest, but a defense speech. Simon has charged the unknown speaker of Lysias 3 with wounding with premeditation.²⁶ According to the speaker, however, it was Simon who was the aggressor

²³ In this illicit tale, Oedipus inadvertently kills his father and marries his mother. Upon discovering that his wife Jocasta is also his mother, he becomes incredibly distraught and gouges his eyes out in horror.

²⁴ *OCD* s.v. "incest."

²⁵ Todd 2000: 53

²⁶ On the speech and its background, see Todd 2007: 275-345.

in their altercations. The speaker designates his and Simon's attraction to a young man (*meirakion*) from Plataea named Theodotus as the reason for their quarrels.²⁷ The first confrontation between the two litigants (Lys. 3.6-8) occurred when Simon, after having learned of the relationship between Theodotus and the speaker, invaded the speaker's home and made his way into the women's quarters, reaching such a level of arrogance (*hubris*) that he would not leave until the men present in the speaker's home and the men who had accompanied Simon there threw him out.²⁸ Following his removal, Simon sought out the speaker, who was eating dinner at another's house. Simon first tried to hit him with his hands and then began pelting him with stones. He was unsuccessful in hitting his target, but did manage to strike his own friend on the forehead. The speaker tells us that he was so embarrassed by the whole ordeal that he did not wish to pursue any legal action and left to live in Piraeus.

The second confrontation (Lys. 3.12-18) occurred some time later when the speaker returned to the city and went to call on Theodotus. It was at this point that an inebriated Simon showed up with a squad of drunken companions and began attacking the speaker and Theodotus. Theodotus was able to get away during the outbreak but his attackers chased after him, cornering him at the fuller's shop, where they then beat up the fuller and several others who had been trying to protect Theodotus. The speaker, having left the initial scene of the fight after Theodotus fled, was walking by at this time and engaged in

²⁷ The civic status of Theodotus is unclear. The two popular theories among scholars are that he was either a slave or part of a lower class of freed Plataeans whose civic status was indeterminate (Todd 2000: 43).

²⁸ Cohen points out the significance of this intrusion which "makes clear that strangers who forcibly intrude into the presence of respectable women in their homes are insulting them by violating their sexual honor, and, hence, the honor of the men of the family" (Cohen 1991: 187).

the combat. At the end of the conflict all the men involved in the fight had their heads cracked open. The speaker tells us that the men who had joined Simon in the attack asked him forgiveness—“not as victims but as wrongdoers” (Lys. 3.19). Simon is said to have kept the peace for the four years following the fight, but when he learned that the speaker had lost some private cases resulting from an *antidosis*, he brought up the charges of premeditated wounding against the speaker.

The speaker of Lysias 3 states in the beginning of the speech:

It is obvious that I have behaved rather foolishly towards the young man, given my age, I shall ask you think no worse of me. You know that desire affects everybody and that the more honorable and restrained man is the one who can bear his troubles most discreetly (Lys. 3.4).

At first it seems that the speaker is addressing the inappropriateness of his relationship with Theodotus given that he is too old for such an affair. This reading has been a popular one amongst scholars. It seems to me, however, that the speaker is really arguing that his engaging in a contest with Simon for the affection of Theodotus was merely inappropriate, perhaps even immature, because he was not able to handle the situation without causing a scene. He acknowledges that his desire for Theodotus has led him to behave foolishly, but he tries to appeal to his audience and gain their sympathy by suggesting that everyone is a victim to his own desire in some way. He argues that the man who is able to handle his affairs discreetly, which Simon and the speaker did not do, is the one who has behaved properly. Thus, based on this oration, there does not appear to have been any sort of stigma among the Athenians concerning the age of the active lover, but rather towards how he conducted himself in his love affair.

Simon's poor conduct in the quarrel over the boy is the speaker's greatest criticism of Simon in the speech. When introducing the reason for the conflict between Simon and himself (i.e. their contest for Theodotus' affection), the speaker says:

I expected to win him over by treating him well, but Simon thought that by behaving arrogantly and lawlessly he would force him to do what he wanted (Lys. 3.5).

The speaker tells us that in addition to premeditated wounding, Simon has also accused the speaker and Theodotus of defrauding him of three hundred drachmas, which he paid for the purpose of making an arrangement to hire Theodotus out as his boyfriend (Lys. 3.22-26). The speaker says that Simon is yet again lying and that Simon didn't have that kind of money to begin with. The speaker specifies that Simon admits he only paid Theodotus the money:

So that he would not appear to be treating the young man so outrageously in the absence of an agreement (Lys. 3.26).

It seems, then, that Theodotus and Simon did not have a proper relationship, and perhaps even that the attention from Simon was unwanted by Theodotus. This becomes all the more plausible when the speaker says,

Theodotus was not even on speaking terms with [Simon], but hated him more than anyone (Lys. 3.31).

While the speaker has admitted to behaving foolishly, he makes it very clear that the person responsible for initiating their conflicts has always been Simon. Despite the fact that Simon and his companions had behaved so outrageously, the speaker never had any desire to bring legal actions against them because he thought that the consequences of their fight were too high a price to pay for a quarrel over a boy (Lys. 3.40). He reiterates this sentiment again when he says, this time in regards to himself if he were found guilty:

It would be a terrible thing if you were to impose such severe penalties, including expulsion from the fatherland, when people were wounded while fighting because of drunkenness or quarreling or games or insults or over a hetaera—the sorts of things that everybody regrets when they recover their senses (Lys. 3.43).²⁹

So the fact that Simon has stooped so low as to seek out such a serious punishment, because he felt slighted by his lover, is yet another poor reflection on Simon's character.

The final speech in the corpus of Lysias that contains any sort of sexual slander is *Lysias 4, On a Premeditated Wounding*.³⁰ Like *Lysias 3*, this speech concerns charges of premeditated wounding, resulting from a struggle between two litigants over a contested lover. On this occasion, however, the dispute between the two litigants is over a female slave. This speech is about half the length of *Lysias 3*, containing only proof (Lys. 4.1-7) and peroration (Lys. 4.18-20).³¹ The identities of the speaker and his opponent are unknown and there is no real account of the physical altercation between the two. The speech is not very well developed and the absence of a proem and narrative has led scholars to believe that the speech is incomplete, either because the client had only commissioned this part of the speech to be written and completed the speech himself or because the speech had been mutilated before its inclusion in the manuscript.³²

Even with the lack of proem and narrative, however, the sequence of events leading up to the trial can be reconstructed to some degree from the details provided in the oration. The speaker and his opponent fought at the latter's house, presumably aggravated by their

²⁹ The speaker's allusion to fighting over a hetaera and the mention of Theodotus being paid by Simon to be his boyfriend indicates that Theodotus was indeed a prostitute in some capacity.

³⁰ On the speech and its background, see Todd 2007: 347-383.

³¹ Ancient speeches usually maintained the structure of proem, narrative, proof, and peroration. For more on models of Attic oratory see Cole 1991: 84-85.

³² Todd 2007:349-351

dispute over the slave girl, whom they have both claimed ownership of after their exchange of property (*antidosis*). The speaker tries to rationalize his opponent's claim that he [the speaker] tried to kill him with a broken piece of pottery, but finds little sense to be made in the accusation (Lys. 4.5-7). He then tries to confirm his own innocence by showing his willingness to have the slave girl, whom he and his opponent have been fighting over, tortured to extract evidence (Lys. 4.13-17). He finds his opponent's false claim that the slave girl has been manumitted to be a sign of his guilt.

The speaker appears to be critical of not only his opponent, but also the slave girl when he writes:

My opponent is lovesick in a different way from other people. He wants two things: to retain the slave girl, and not give back the money. He has been aroused by the slave girl, at one moment she says she prefers me, at another she says she prefers him, because she wants to be loved by both (Lys. 4.8).

What Lysias seems to be saying is that not only is his opponent unable to control himself properly with regards to the slave girl, but also with regards to his greed for money. The speaker also seems to be voicing his own frustration with the slave girl's fickleness and finds fault with her in their dispute. This is very different from the speaker in Lysias 3, who appears to have been rather fond of his beloved and thought that his opponent had excessively wronged both of them. Here it seems that the speaker feels that both his opponent, by cheating him out of money that rightly belongs to him, and the slave girl, by being inconsistent, have wronged him.

However, just as the speaker in Lysias 3 felt that Simon has overreacted to the situation and has behaved inappropriately, the speaker in this oration finds his opponent's behavior to be excessive and unnecessary. His position is quite clear when he says:

I have been good-natured right from the beginning, and I still am; but he has become so surly that he is not ashamed to call a black eye a wound... and to pretend he is in a terrible condition—all for the sake of a slave prostitute, and he could have undisputed control of her if he simply paid me back the money (Lys. 4.9).

The speaker does not seem to be nearly as attached to the slave girl in this oration as the speaker in Lysias 3 is to Theodotus. He is quite willing to hand her over to his opponent if only he would pay the money that he owes. In the same way that the speaker in Lysias 3 criticizes Simon's inappropriate behavior, brought on by his desire of Theodotus, so too does the speaker in Lysias 4 reprimand his opponent's unscrupulous behavior, caused by his desire for the slave girl.

Lysias is not widely known for employing sexual slander in his orations and it does not seem as if this type of abuse/slander was a common rhetorical device used by him. However, when the speakers in his speeches do raise the issue, they tend to focus on either adulterous behavior or excesses associated with illicit love affairs as a sign of bad character. After reading Lysias 1, 13, and 14 it becomes easy for Lysias' readers to delineate adultery as shameful and dishonorable act representative of an immoral class of men. In each case where adultery is mentioned the speakers intend to malign the character of their opponent, either to justify actions in defense (Lys. 1) or to illustrate the criminality of an opponent in prosecution (Lys. 13, 14). Similarly, the love quarrels in Lysias 3 and 4 were largely related to illustrate the poor conduct and judgment of Simon and the unknown opponent of Lysias 4. Their attraction to prostitutes was not reason alone for criticism, but rather how they conducted themselves in their love affairs. Their inability to act with restraint and discretion appears to have been their greatest error, not the nature of their sexual exploits.

Sexual Slander in the Speeches of Aeschines

Aeschines and His Speeches

The topic of sexual slander in Ancient Greece can hardly go addressed without an examination of the speeches of Aeschines, with his most famous speech, *Against Timarchus*, serving as one of the most significant documents from antiquity concerning sexual protocols in classical Athens. The speech is valued among scholars for its profusion of laws cited and the insight it provides into the ever-popular topic of Greek homosexuality. While his oration, *Against Timarchus*, contains the most abundant and noteworthy sexual insults and instances of slander in the corpus of Aeschines, there are other instances of sexual slander in the remaining speeches in the corpus.

Our primary sources on the life of Aeschines are limited to his own speeches and those written by Demosthenes.³³ As is the case for most of the Attic orators, we know very little else about Aeschines' family life and upbringing. Aeschines was born in 390/389 in Athens.³⁴ His father, Atrometus, worked as a teacher (Dem. 19.249, 18.129) and his mother, Glaucothea, was probably a priestess of some sort (Dem. 19.199-200, 281; 18.130). Due to his humble origins, it seems unlikely that Aeschines' father was ever able to afford any sort of formal education in rhetoric for his son. Instead, Aeschines' career as a clerk to the Assembly provided him with the training and experience in politics and oratory necessary for a public career. His background in professional acting also provided Aeschines with the

³³ For more information on the life of Aeschines see Carey 2000: 3-14, Edwards 1994: 50-55, and E.M. Harris: 17-40.

³⁴ There has been difficulty determining precisely when Aeschines was born; see E.M. 1988: 211-214.

useful skill of speaking well in public.³⁵ It is mentioned multiple times in the speeches of Demosthenes (Dem. 18.127, 259; 19.126, 199, 206, 337) that Aeschines had a remarkable speaking voice. Although his path to politics was unconventional, Aeschines was certainly a formidable and persuasive public speaker in fourth century Athens.

Only three speeches remain in the corpus of Aeschines, all of which revolve around his rivalry with Demosthenes. The first speech, *Against Timarchus*, was delivered in 346 after Demosthenes and Timarchus prosecuted Aeschines on charges of high treason and collusion with the enemy, Philip II of Macedon. Instead of tackling the accusations head on, Aeschines sought to disqualify Timarchus (the more vulnerable and less established of his two opponents) as a public speaker by accusing him of prostituting himself and squandering his inheritance. Aeschines was successful in his case against Timarchus, which resulted in the conviction and disenfranchisement of Timarchus, and was cleared of the charges of treason. In 343 Demosthenes renewed the attack against Aeschines in his speech *On the False Embassy*, to which Aeschines replied with a speech bearing the same title; Aeschines was subsequently acquitted. In 336 Ctesiphon, an ally of Demosthenes, nominated Demosthenes for a crown in gratitude for his service to the city. To prevent such an honor for Demosthenes, Aeschines accused Ctesiphon of bringing an illegal measure. This final speech in the corpus, *Against Ctesiphon*, was delivered in 330.³⁶ Demosthenes countered Aeschines' attack in his speech, *On the Crown*. This time around the vote was in favor of Demosthenes and following the trial, Aeschines was forced to pay a fine of 1,000 drachmas and was left unable to bring lawsuits of a similar nature. This fatal blow to

³⁵ On Aeschines' acting career, see Dorjahn 1929: 223-229 and Harris 1995: 30-31.

³⁶ It is unclear as to why it took so long after the nomination for Aeschines to speak in court.

Aeschines' political career must have played an important role in Aeschines' decision to leave Athens and move to Rhodes in self-imposed exile, where he is said to have opened a school of rhetoric.

Recent scholarship has shown an increasing interest in the sexual and slanderous nature of the works of Aeschines. Sir Kenneth Dover's study on Greek homosexuality remains to be one of the most insightful pieces of scholarship on the topic and focuses largely on Aeschines' *Against Timarchus*.³⁷ Additionally, Nancy Worman's chapter on personal abuse in the orations of Demosthenes and Aeschines provides an excellent overview of the types of slander, including sexual, used by the orators.³⁸ Building upon the works of Dover and Worman and considering the narrower focus of the speeches of Aeschines, I find that the best way to approach the topic of sexual slander in these speeches is to focus on the recipients of the comments, in this cases Timarchus and Demosthenes.

Aeschines against Timarchus

The biggest challenge Aeschines faces in his lawsuit against Timarchus is his lack of evidence. Relying strongly on the calumnious reputation of Timarchus to propel his accusations forward, Aeschines accuses Timarchus of prostituting himself, squandering his inheritance, and behaving in a corrupt and criminal manner while holding public office. While Timarchus seems to be on trial for prostitution and the squandering of his inheritance, the actual charge brought up against him is for speaking illegally in public. There were a number of offenses that an Athenian citizen could commit that would result in a loss of rights and exclusion from public privileges, which the Athenians called '*atimia*.'

³⁷ Dover 1978: 19-110

³⁸ Worman 2008: 213-274

Scholars have generally agreed that disenfranchisement is an appropriate translation of *atimia*. A disenfranchised citizen was not allowed to hold public office, vote, be a juror, or speak in the Assembly or court, although it appears that his presence was not prohibited.³⁹ Aeschines lumps these disenfranchised citizens into groups of men who have lived their life in shame and asserts that these were the sorts of people whom the lawmakers prohibited from addressing the public (Aesch. 1.28). He lists types of offenses that would result in disenfranchisement: parental abuse (Aesch. 1.28), dereliction of military duty (Aesch. 1.29), prostitution (Aesch. 1.29), and squandering one's inheritance (Aesch. 1.30). Timarchus, whom Aeschines accuses of being guilty of not one, but two of these offenses, has been painted in a very compromising light from the start of the speech.

Aeschines begins his speech with a series of laws regarding prostitution and disenfranchisement, followed by a long narrative of Timarchus' sexual career as a prostitute and the squandering of his inheritance. He then includes anticipatory remarks concerning Demosthenes' defense arguments and finishes his speech with an appeal to the judges and a brief conclusion. He employs the use of narrative to relay accounts of Timarchus' sexual and frivolous behavior, while simultaneously defaming Timarchus and denigrating his reputation. With no real evidence to substantiate his claims, he speaks from a position of knowledge and authority concerning Timarchus' sexual history. Aeschines claims to know an assortment of incriminating details about Timarchus and trusts that the judges present during the trial were also familiar with Timarchus' notoriety as a sexual miscreant.

³⁹ For more on disenfranchisement see MacDowell 1978: 74-75 and Hansen 1976: 54-98.

Aeschines mentions eight of Timarchus' alleged lovers by name: Euthydicus (Aesch. 1.40), Misgolas (Aesch. 1.41), Cedonides (Aesch. 1.52), Autoclides (Aesch. 1.52), Thersander (Aesch. 1.52), Anticles (Aesch. 1.53), Pittalacus (Aesch. 1.54-66), and Hegesander (Aesch. 1.55-71). He insinuates that there were many others before he came of age and during his stay with his first lover, but does not want to spend time dwelling on every detail (Aesch. 39-40). His reasons for naming these eight lovers are most apparent when he says:

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, on penalty of losing the right to address the people (Aesch. 1.40).⁴⁰

Some of these men take up large portions of the narrative, while others are only briefly mentioned. By providing such a degree of variety in the narrative, Aeschines creates a very vivid depiction of Timarchus as a prostitute.

Aeschines begins the narrative of Timarchus' sexual career right at the moment that he came of age. Timarchus is said to have first lived with the doctor Euthydicus under the pretenses that he was learning the profession, but in reality he went there with the intention to sell himself (Aesch. 1.40). It is here that he says he will pass over the merchants, foreigners, and fellow citizens, to whom Timarchus sold himself while he was living with Euthydicus. This comment would leave his audience to believe that Euthydicus was acting not only as Timarchus' lover, but also as his pimp. Aeschines' intent here is to establish a pattern of behavior that demonstrates Timarchus' eagerness and willingness to

⁴⁰ All translations of *Against Timarchus* used in this paper can be found in Carey 2000 and/or Fisher 2001.

sell his body to anyone and everyone. Thus, this brief account of Timarchus' early days of self-prostitution launches a fitting origin of his alleged occupation as a prostitute.⁴¹

Following his stay with Euthydicus, Timarchus then went to live with a certain Misgolas. Aeschines tells us that he is a man seemingly respected in the community (*kalos kagathos*):

except that he is phenomenally devoted to this pursuit, and is accustomed always to have singers to the lyre and lyre-players around him (Aesch. 1.41).

He states that his reason for bringing up such a thing is not to engage in gossip, but rather to demonstrate what sort of person Misgolas is. Misgolas' penchant for smooth musicians appears to have been well known among the Athenians, as we see from references in the extant works of three fourth-century comedians.⁴² This comment is not so out of place when one considers that there is a strong connection between lyre-players and adolescent beauty, a quality frequently attributed to Timarchus as yet another sign of his sexual proclivities.⁴³ Additionally, Aeschines says Misgolas was so inclined to Timarchus because he was:

a fine figure of a man, young and unprincipled, and ready for the acts that Misgolas was eager to perform (Aesch. 1.41).

In this way again, Aeschines develops further the notion that Timarchus not only performs sexually perverse acts, but also is keen to do so. It is one thing to simply do something deemed inappropriate and illegal, but reaches a whole new level of depravity when eagerness is a driving force.

⁴¹ Fisher 2001: 169.

⁴² Cf. Timokles fr. 30, Antiphranes fr. 26.12-18, and Alexis fr.3.

⁴³ Dover 1978: 73-75.

To further illustrate the nefarious behavior of Timarchus, Aeschines recounts one of the more “ridiculous” acts Timarchus partakes in while under the care of Misgolas (Aesch. 1.43). Timarchus had apparently made arrangements with Misgolas to join in the procession for the City of Dionysia, but never showed up. Angry, Misgolas and his friend Phaedrus went in search of the truant Timarchus and found him dining with some foreign guests in a lodging house. Upon discovering the whereabouts of Timarchus, Misgolas threatened the foreigners for corrupting a freeborn youth, at which point the foreign guests ran away in fear leaving everything behind. Misgolas and Phaedrus were likely bluffing and had no real basis to their claims. Even if they had been caught in the throes of passion with Timarchus, all Timarchus would have had to say is that he was doing so of his own volition. It looks as if the fear of facing citizen accusers and ignorance of the law prompted the foreigners’ flight.⁴⁴ This episode is meant to demonstrate the promiscuity and volatility of Timarchus, Misgolas’ lack of self-control incited by his passion for Timarchus, and their inhospitality to foreign guests, which the Athenians considered to be a very serious indiscretion. The underlying message here seems to be: if it wasn’t shameful enough that Timarchus characteristically misbehaves, he also has a habit of inspiring reckless behavior in his lovers.

This trend of unruliness continues after Misgolas dismissed Timarchus from his care and the latter spent his days at a gaming house, where he was taken in by Pittalcus, a public slave (*anthropos demosios*; Aesch. 1.53-54).⁴⁵ Gambling houses in antiquity were notorious among freeborn youths for their depravity and debauchery.⁴⁶ There are a number of

⁴⁴ See Dover 1978: 34 and Scafuro 1997:82.

⁴⁵ The actual civic status of Pittalaculus is problematic; see Fisher 2001: 190-191.

⁴⁶ See Fisher 2001: 187.

references in both lawsuits and comedies to the disgraceful behavior of Athenian men in gaming houses.⁴⁷ It is at the gaming house that Timarchus was able to hone his skills as a prostitute and where he met Hegesander the man with whom he would perform some of his greatest acts of outrage (Aesch. 1.57-71). Aeschines tells us that Hegesander was quickly taken by Timarchus, “his passion aroused,” and he was overcome by his desire to have him (Aesch. 1.57). Here it seems that Hegesander was immediately attracted to Timarchus because of his good looks and charm and his propensity for a wide range of pleasures.⁴⁸ Despite Pittalacus’ refusal, Hegesander assailed Timarchus nonetheless. On a particularly eventful night, after Timarchus had left Pittalacus and been taken in by Hegesander, they got drunk and entered the house of Pittalacus and caused a serious ruckus: destroying property, killing livestock, and brutally assaulting Pittalacus (Aesch. 1.59). Pittalacus brought a suit against both of them, enraged by their outrageous crimes against him (Aesch. 1.62). Hegesander then, as a means to prevent the lawsuit, claimed Pittalacus, a slave to the city, as his own slave and they eventually settled the dispute outside of court (Aesch. 1.62-66).⁴⁹

This debacle between Pittalacus, Timarchus, and Hegesander takes up the largest part of the narrative. Timarchus has put himself in a compromising situation by mistreating and taking advantage of yet another lover. These detailed descriptions of the affairs that took place while Timarchus was living with Misgolas and then again with Pittalacus/Hegesander are meant to depict Timarchus as a flighty, disloyal, and reckless

⁴⁷ Cf. Lys. 14.27, 16.11; Isocr. 15.287; Ar. Wasps 74-76; Eupolis 99.85.

⁴⁸ Fisher 2001: 195.

⁴⁹ The deposition in 1.66 is likely a forgery, but one can assume that Pittalacus dropped the charges after Hegesander claimed Pittalacus as his slave; see Carey 2000: 48.

beloved. If Timarchus had stayed with Misgolas, Aeschines could only have accused him of being a kept lover, a less serious offense, but as Aeschines points out:

The facts demonstrate that he has earned his living with his body not only at the home of Misgolas but also in the house of another and then another, and that he went from this one to yet another, then it will be clear he has not only been kept a lover but (and by Dionysius!—I don't think I can evade the issue all day) has actually prostituted himself (Aesch. 1.52).

He does not stop at being the kept lover of one man, a fact which Aeschines hesitates to state outright, but has sold himself to a countless quantity of men, none of whom appear to have been able to satisfy Timarchus for very long. Timarchus does not seem to be satisfied with the modest life of a good and noble man, but prefers to act out in the most shameful and outrageous ways.

Aeschines' *Against Timarchus* is riddled with sexual insults meant to debase the reputation and character of Timarchus. In the beginning of the narrative, Aeschines calls Timarchus a "slave to the most shameful pleasures" (Aesch. 1.42), insinuating that Timarchus lacks discipline and self-control when it comes to sex. Calling an Athenian citizen a slave was an incredibly nasty insult because it infringes on the notion that he was a freeborn male who, as Fisher notes, "not only avoided enslavement to others but also was *sophron*, in control of his desires, not weaker than or enslaved to them."⁵⁰ Being able to control one's desires played an increasingly large role in Greek popular morality during this time especially in the works of Plato and Aristotle, but it is also apparent in the Attic orators as well.⁵¹

In addition to the slave language in Aesch. 1.42, Aeschines also calls Timarchus "the passive partner" (Aesch. 1.73) and a "whore to a whore" (Aesch. 1.70), both times referring

⁵⁰ Fisher 2001: 174. See also Dover 1974: 179-80, 280-9.

⁵¹ Cf. Lys. 3.4; Plat. *Laws* 835-842

to his relationship with Hegesander. Greek sexual protocols require an adult Athenian male to be the active lover in all of his sexual pursuits.⁵² There would have been no doubt in the Athenians' minds that Timarchus had become a passive partner when he began to sell his body, but Aeschines emphasizes the point by saying so explicitly. There are many implications to being the passive partner including: softness, effeminacy, and social inferiority. Being the whore to a whore suggests an even greater degree of sexual excess, this time in quality as opposed to quantity (c.f. Aesch. 1.52). So that he may further solidify Timarchus' reputation as a whore (*pornos*), Aeschines asks the judges:

Is it not the case that as soon as the name is uttered, you ask the question:
'Which Timarchus? The whore?' (Aesch. 1.130)

He is either relying on his audience's knowledge of Timarchus' sexual proclivities or he is psychologically manipulating his audience to believe that Timarchus is a notorious whore. Either way, he is exemplifying Timarchus' apparent penchant for self-prostitution.⁵³

Aeschines creates a very vivid image of the sort of person that Timarchus is in his oration against him. He accuses Timarchus of not only prostituting himself, but also being eager and willing to do so. Timarchus is insatiable in his pursuit of sex and luxury and is unashamed by his actions, no matter how disgraceful or outrageous. Being a known prostitute would have been just cause to disqualify Timarchus from speaking in the Assembly, but Aeschines aims to have his audience think the worst of Timarchus and his sexual character. Aeschines is not simply prosecuting Timarchus for illegally speaking in the Assembly despite the fact that he has engaged in activities that call for his disenfranchisement (i.e. prostituting himself and squandering his inheritance); in reality

⁵² On Athenian sexual protocols, see Dover 1978: 100-109 and Skinner 2005:88.

⁵³ Aeschines uses the same rhetorical method in Aesch. 158 when he expects his audience to shout out whores (*pornoî*) as the response for the group to which Timarchus belongs.

the majority of the speech serves as a full-blown character assassination of Timarchus in an attempt to acquit Aeschines of the charges brought by Timarchus and to eliminate Timarchus from the political arena.⁵⁴

Aeschines against Demosthenes

Timarchus is not the only political rival of Aeschines to have been on the receiving end of his sexual insults and slander. It is no surprise that Demosthenes, Aeschines' very public and very famous political rival, is also subjected to his sexual criticism and reproach. Aeschines makes some very offensive accusations in his orations concerning Demosthenes' sexual behavior that would have had serious social consequences for Demosthenes if believed valid by his peers. In each of his orations Aeschines manages to insult Demosthenes' sexuality. I have observed three ways in which Aeschines maligns Demosthenes' sexual character. He does so by calling Demosthenes effeminate and sexually passive, accusing him of performing fellatio, and criticizing him as a lover.

The first appearance of sexual slander in the corpus of Aeschines, in which Demosthenes is the recipient, occurs in *Against Timarchus*.⁵⁵ Just after Aeschines implies that Timarchus is known to the public as "the whore" (Aesch. 1.130), he denotes that Demosthenes too has his own deprecating nickname: Batalus (stammerer; Aesch. 1.131). It seems to have been common knowledge among the Athenians that Demosthenes had a speech impediment when he was a child, a fact which Demosthenes himself acknowledges in his speech *On the Crown*, where he mentions this very nickname and claims that his

⁵⁴ On the character assassination of political enemies, see Worman 2008: 213.

⁵⁵ It may seem unusual for Aeschines to have included demeaning words for Demosthenes in his prosecution speech against Timarchus, but this problem is easily reconciled when one considers that Demosthenes spoke on behalf of Timarchus in his defense, making Demosthenes the rhetorical opponent of Aeschines in the trial.

nurse gave it to him (Dem. 18.180). Aeschines, of course, rejects Demosthenes' explanation for the nickname, asserting instead that he was called Batalus by his peers due to his effeminacy and perverseness (Aesch. 1.131).⁵⁶ It appears then that the Greek term *bat(t)alos* is open to multiple interpretations. Carey states, "in its innocent sense it may (this is uncertain) have denoted a stammerer, in its indecent sense 'anus'."⁵⁷ No matter the specific definition of the term *batalos*, although it would certainly appeal to the modern reader for it to mean something similar to our own profane term 'asshole,' the significance in this passage is Aeschines' explanation for the nickname. He distinguishes Demosthenes' unmanliness (*anandria*) and perverseness (*kinaidea*) as the cause for his nickname, and he takes advantage of the well-known nickname from Demosthenes childhood to upbraid his sexual character. Similar comments appear in other passages of this speech and the remaining orations, all focusing on the effeminacy and sexual perverseness of Demosthenes.⁵⁸

Aeschines, however, does not stop at calling Demosthenes effeminate and sexually passive, but makes his insults all the more venomous when he accuses Demosthenes of selling every part of his body, including his mouth (Aesch. 2.23). He is implying here that Demosthenes has performed fellatio for monetary compensation. The act of performing fellatio was considered incredibly vile and disgraceful in antiquity not only because it was sexually passive, but more importantly because it sullied the purity of the mouth.⁵⁹ This would have been seen as especially shameful for someone like Demosthenes, who makes

⁵⁶ On effeminacy, see Dover 1978: 68, 145. On perverseness, see Dover 1978: 75.

⁵⁷ On the meaning and use of *batalos* in the speeches of Aeschines and Demosthenes, see Fisher 2001: 265-267; 271-272.

⁵⁸ Cf. Aesch. 1.181; 2.88, 99, 127, 179.

⁵⁹ For more on fellatio see Dover 1978: 99-101 and Skinner 2005: 103, 187, 262.

his living as a public speaker. Aeschines emphasizes this point by referring to the fellating organ as “the source of his voice” (Aesch. 2.23) instead of simply calling it his mouth. He influences his audience to immediately associate that particular part of his body used in giving fellatio to the instrument with which Demosthenes speaks. Aeschines wants his audience to distrust the words that come from Demosthenes’ mouth. This intent is quite clear when he says:

Will you then forgive me, men of Athens, if I call him a pervert (*kinaidos*) whose body is unclean, even the part his voice comes from, before giving manifest proof that the rest of the accusation concerning Cersobleptes is a lie (Aesch. 2.88)?

Aeschines indicates once again that Demosthenes is sexually passive by calling him *kinaidos*, but adds even more sting to the insult by insinuating that he practices fellatio. This insult could have been particularly effective in discrediting Demosthenes—for what better way is there to prove that Demosthenes is a liar than by revealing that his mouth, the source of his voice, has been corrupted?

Aeschines’ criticism of Demosthenes as a lover serves as the final example of sexual slander in the corpus of Aeschines. Part of Aeschines’ character assassination of Demosthenes in his speech *Against Timarchus* includes a brief narrative about Demosthenes’ exploits after he squandered his inheritance (Aesch. 170-172). Aeschines tells us that after Demosthenes ran out of money he sought out fatherless youths whose mothers were responsible for the property. He did so with the intention of robbing these young men of money. As is often the case, Aeschines says that he will pass over many of them and give example of only one of Demosthenes’ victims.⁶⁰ Aeschines accuses Demosthenes of ruining the life of a young orphan named Aristarchus by seducing him,

⁶⁰ Cf. Aesch. 1.40.

filling him with false hopes that he would train him to be an orator, encouraging and teaching him the sorts of things that led to his exile, and ultimately cheating him of money he was in need of during his exile (Aesch. 171). He retells this story again in his speech *On the False Embassy* when he says:

The household of Aristarchus the son of Moschus was prosperous when you entered it; you destroyed it. You received three talents from Aristarchus when he was going into exile; this was to support him in exile, and you cheated him of it, without any consideration of your public claim to be an admirer of his beauty. But you were not really; honest love has no place for deviousness. All this, and acts like this, mark the traitor (Aesch. 2.166).

It is clear that Aeschines finds serious fault with Demosthenes' seduction and corruption of a youth. He characterizes Demosthenes as deceitful and untrustworthy, as evidenced by his sexual exploits.

We see in the case of Timarchus that Aeschines finds a certain level of persuasiveness in giving detailed accounts of his opponent's sexual history, but he does not often relay such details when reproaching Demosthenes' sexual behavior. Most of the time when Aeschines is slandering Demosthenes' sexual character he prefers to focus on more general aspects of Demosthenes' sexual nature, such as his effeminacy and penchant for oral sex, but there are a few instances in which Aeschines recounts specific events in Demosthenes' past that reflect his sexual misconduct. However Aeschines makes mention of Demosthenes' sexuality and sexual behavior, it is clear that Aeschines does so to malign and vilify Demosthenes. Whether he comments on Demosthenes' unmanliness and sexual passivity, his scandalous love affairs, or his performance of depraved sex acts, Aeschines' purpose remains the same: to demonstrate Demosthenes' irregular sexual conduct as a sign of his bad character.

General Observations and Conclusion

With a rising interest among scholars in sexuality and gender in antiquity, the canon of the Attic orators offers much information about Athenian sexual culture and morality. In a society that places so much value on character and reputation, the ways in which speechwriters aim to defame and belittle their opponents reveals a lot about what they considered to be proper, ethical, and moral. This is especially true for sexual behavior. One of the most effective ways to learn what an Athenian living during the fifth/fourth century would have considered appropriate sexual behavior is to investigate how men labeled as sexual wrong-doers were criticized by their opponents, and why. The speeches of Lysias and Aeschines have proven to be an expedient starting place for an investigation of sexual slander in the canon of the Attic orators. Where Lysias is most active as a speechwriter in the aftermath of the Thirty, Aeschines is politically active about a generation later during the time of Phillip the II of Macedon and Alexander the Great. Where Lysias was a wealthy metic, Aeschines was a freeborn Athenian from humble origins. Where Lysias worked as a logographer, writing speeches (of which thirty-four extant speeches are attributed to his corpus) ranging from property and inheritance disputes to murder trials, Aeschines only wrote speeches (three in all) that he himself delivered for his own personal benefit. The contrasts between these two authors offers a variety of perspectives and topics concerning Athenian sexual protocols and the similarities in their works only help to provide more insight into Athenian morals and values.

While it is true that less than a quarter of Lysias' speeches contain any remarks about sexual misconduct, their presence reveals an impressive assessment of normative sexual protocols in classical Athens. On the occasion that Lysias brings up his opponent's

sexual behavior, he focuses his attention mainly on the poor behavior of his opponent because of his desire of a prostitute (Lys. 3-4) or the adulterous nature of his opponent (Lys. 1,13-14). It is quite interesting that Lysias' use of sexual insults and slander fit so nicely into these observable configurations, though it is difficult to say why that is.

It is no surprise that the Athenians had a very negative view of adultery and that there were very serious punishments for the crime, but it is useful still to examine the topic from an authoritative viewpoint. From the laws that Lysias cites and discusses in Lysias 1 we learn that adultery was punishable by death and was considered by some to be a more serious offense than rape. Lysias' motivation for including remarks about Eratosthenes' adultery serves as the defense's justification for his murder, but in the cases of Agoratus and Alcibiades, their sexual proclivities have little relevancy to the charges made against them. To a modern audience the mention of Agoratus' history of adultery should have little sway in case of murder or Alcibiades' adulterous and incestuous relationship with his sister in a case of dereliction of military duty. It seems that in both these cases Lysias aims to illustrate the depravity and criminality of his opponents by slandering their sexual character and accusing them of being adulterers. The message that Lysias seems to be conveying is that once one crime has been committed, especially one as deplorable as adultery, it is only natural that more would follow suit. So in accusing Alcibiades and Agoratus of committing acts of adultery, Lysias finds their sexual misdoings to be evidence of their ability, and even more importantly, their likeliness to commit the crimes they have been charged with.

The cases of Lysias 3 and 4, both of which deal with charges of premeditated wounding, offer an entirely different insight into Athenian popular morality. Neither Simon

nor the unknown opponent in Lysias 4 is guilty of a sexual offense like the adulterers in Lysias 1, 13, and 14. Instead, Lysias censures them for their poor behavior in their respective love quarrels. Simon, as the aggressor of the altercations between himself and the speaker of Lysias 3, is criticized by Lysias for taking things out of hand because of his desire for the prostitute Theodotus. It is also interesting that the speaker admits to being embarrassed by the whole ordeal, admiring the man who is able to handle his private affairs with restraint and discretion. The speaker in Lysias 4 has a similar sort of criticism for his opponent in that he finds his opponent's excessive behavior, in brawling over the contested prostitute and exaggerating his wounds, to be uncalled for, namely because he could have had the girl if he would only pay for her. In both these speeches, Lysias finds no fault in the opponents' sexual desires, but rather they way they behaved because of their said desires.

Aeschines' use of sexual slander appears much more frequently in his works than in the works of Lysias. The most likely reasons for this must in some way be due to his own personal investment in the orations, the rhetorical style of the orators active during his political career, his own rhetorical style, or perhaps a combination of the three. Whatever the reason(s) for his choice to include such an array of sexual insults, there are many and they are discerning. It is hardly peculiar that Aeschines would slander Demosthenes, his primary political opponent, in each and every one of his speeches, but it is certainly noteworthy that each speech contains comments about Demosthenes' sexuality and sexual character. It would strike the reader as odd if Aeschines did not include sexual insults in his prosecution speech against Timarchus for illegally speaking in the Assembly after having prostituted himself. Aeschines reproaches Demosthenes and Timarchus both for being

effeminate and sexually passive, features particularly unbecoming of an Athenian citizen. Likewise, they are both accused of having scandalous love affairs in which they both behave badly. Aeschines even accuses Demosthenes of having sex for profit, but takes the abuse to an entirely new level when he asserts that Demosthenes practices oral sex for monetary compensation. Timarchus is said to have behaved just as shamefully in not only selling his body, but being eager and wanton in the process. In the same way that Lysias aims to vilify his adulterous opponents, Aeschines too seeks to defame and discredit Demosthenes and Timarchus by detailing their sexual exploits. It would appear, then, that Aeschines found the inclusion of sexual insults and slander to be an effective and persuasive method of character assassination, perhaps because of the paramount role that sexuality played in establishing one's reputation and character in classical Athens.

I have no doubt that my study on the use of sexual slander in the speeches of Lysias and Aeschines could prove useful for future scholarship on the topic of sexual slander, but my investigation leaves plenty of room for more inclusive research. A study of the entire canon, though time-consuming, would provide a more complete and comprehensive assessment as well as an examination of all uses of slander in the canon, not just sexual. While scholars like Dover and Skinner have paved the path for the study of Greek sexuality and Worman and Hunter have made similar strides on the topic of slander and gossip in classical Athens, there is still much to be accomplished in the study of sexual slander in ancient Athens. However, an examination of sexual slander in the speeches of Lysias and Aeschines has shown itself to be a useful starting point.

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