THE DISCOURSE OF MASCULINITY IN DEMOSTHENES 21 AND AESCHINES 1

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Familiae amicisque qui me semper sustinent
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In the following chapters I will examine the spectrum of masculinity in ancient Athens. Men could be either too masculine or not masculine enough. It is useful to consider masculinity as a spectrum with proper manliness in the middle and deficient masculinity, represented by the kinaidōs, and hyper-masculinity, represented by the hybris tes on the ends. All men would have sought to portray themselves as hoplites, who represented proper masculinity as kinaidoi and hybristes represented the improper forms.

After a brief introduction I will examine Demosthenes 21 for details about the hybris tes. Demosthenes portrays his opponent as completely worthless to the city because he has allowed his masculinity to rage out of control. Unlike a man who keeps his masculinity in check, Meidias freely insults other citizens and disregards their rights. Additionally, he disregards the demos’ attempts to check his behavior and uses the courts to benefit himself rather than the city. For these reasons, Meidias’ masculinity harms rather than helps the city, as it should.

On the other end of the spectrum we find Timarchos, the defendant in Aeschines 1. Timarchos allows his lack of masculinity to control him. Instead of controlling himself, he is controlled by his desires. Because he is so addicted to physical pleasure, Timarchos prostitutes himself devours his inheritance and the city’s funds in his quest for satisfaction. While Meidias harms his fellow citizens for the sake of his own honor and amusement, Timarchos harms the
city by robbing it to support his habits. These two men were both faulty in their masculinity, though in opposite ways, and each man was a danger to the city because he valued himself more than the city and lacked self-control.
Ober begins his discussion of Demosthenes 21 with an explanation of the coercive and discursive paradigms of power (1994: 86-87). In the coercive model, power stems from the ability to deploy physical force. Power is centralized in the state, and the state reserves the sole authority to use force legitimately at home via police actions and abroad through wars. In this model, power represses individuals and behaviors that harm the laws or sovereignty of the state. The discursive paradigm, on the other hand, is not concerned with force *per se*, but defines power instead as the ability to gain one’s desires. The discursive paradigm recognizes that force can be used as power, but rejects the notion that force is the only way to exert power. Instead, it focuses on how ideas and assumptions legitimize the use of force, therefore standing as the true sources of power. For example, if we were to apply the coercive and discursive paradigms to Medieval Europe, the coercive paradigm might focus on how a king could send soldiers to enforce his will on a village in his realm, while the discursive paradigm would focus on the social concept of the divine right of kings as the source of the power that only sometimes manifests itself as physical force.

A close look at Athens immediately reveals that the discursive paradigm is superior to the coercive model as a tool for analyzing its social institutions. There was no police force to apprehend criminals; there were no designated prosecutors to pursue them in court. The state did not monopolize the legitimate use of force, though the democracy did monopolize the right to legitimize coercion among private citizens. Only after winning his case could one citizen enforce his will on another, and these cases took place in public courts before citizen juries. To win his case a litigant often presented himself as living in accordance with common mores while

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1 For more on self help see Hunter 120-124.
his opponent subverted them. If a litigant knew how to manipulate public opinions and stereotypes to his advantage, he could win the legal right to use force. Therefore the Athenian legal system linked knowledge with the legitimate use of force as power.

Extant speeches provide a window into how Athenians thought of themselves because litigants argued their cases from cultural ideals rather than realities. Ancient Athenian litigants, like modern politicians, attempted to appease their audiences by appealing to their opinions of how life should have worked, rather than to their knowledge of how the world actually was. Oratory depended more on how well it was received by an audience of common people for its success than did any other source. Therefore, these speeches are an indispensable source to help reveal common sentiments held by average Athenian citizens.

Comedy and tragedy were as accessible to a public audience as oratory, but they did not aim at winning a case in which anything from personal honor to life itself might be at stake. Instead they aimed to entertain, which means that they did not face the same rigid standards of ideological compliance that oratory did. Philosophy also reveals valuable information about public ideals, but because philosophers argued about the way things should have been in their own opinions rather than in the public opinion, they are also less useful than oratory. Other genres, such as history, touch upon common ideology at points, but are never more than tangentially related. For these reasons, though all extant literature is useful in one way or another, oratory is by far best suited to reveal public ideologies.

Orators regularly manipulated public ideals concerning masculinity to their advantage. This tendency is not surprising: because only men were citizens masculinity was rarely separated from civic issues. The link between citizenship and manhood cannot be overstated. To be a

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good citizen and to be a good man were synonymous in almost every case. Therefore, to understand the Athenian democracy we must first attempt to understand masculinity in Athens. This study is valuable today because the Athenian democracy was the first democracy, and to understand the roots of modern democracy we must look to its ancestor in Attica. The results of Athenian ideals concerning men and government have taken a long time to fall out of favor. For example, even up to the foundations of our own nation the link between full citizenship and masculinity was so basic that it was not until the last century that women received suffrage.

With such a strong link between masculinity and citizenship, there had to be a model for proper masculinity, and the hoplite provided that model for the ideal man. A hoplite was physically strong enough to stand shoulder to shoulder with his peers and fight off a common enemy. A hoplite also had a sufficient command of his mind and emotions to stand his ground without fleeing the possibility of death. Even though the *thetes* were the force that maintained the Athenian empire, the hoplite remained the ideal man.\(^3\) Because the orators recognized that the hoplite embodied the masculine ideal, they addressed their audiences as if each member were a hoplite, though as we have seen above only about one third of the *demos* was of hoplite status.\(^4\) This trope illustrates the points given above: oratory reveals cultural ideals rather than realities, and the cultural ideal for masculinity was the hoplite.

While the hoplite provided a model for ideal masculinity, there were models for deficient masculinity, as well. The character type for insufficient masculinity was the *kinaidos*. A *kinaidos* was uncontrolled in his sexual practices. There has been some recent debate of the precise meaning of the term *kinaidos*. Winkler, among many others, holds that while the term is

\(^3\) Cartledge argues that the *thetes* were the power behind the democracy and made up a huge portion of the *demos*, yet even *thetes* preferred to conceive of themselves as hoplites (61-65).

\(^4\) For several examples of rich litigants portraying themselves as hoplites, see Ober 1989: 204 and 207.
complex one of its central features is passivity toward penetration.⁵ According to his model, the *kinaidos* is certainly unrestrained, but what places him so far outside of the realm of acceptable masculinity is his desire to be penetrated, or in the zero-sum language often used to describe ancient Athens, his desire to lose.

Davidson rejects this Foucauldian model because it often emphasizes phallocentric interpretations.⁶ According to Davidson, *kinaidos* does not necessarily have connotations of passivity or penetration, but instead is a term that denotes a complete lack of restraint. He adduces several examples that support his claims, including examples from the animal kingdom in which animals that were thought to be especially sexually active were so branded. A *kinaidos* was not necessarily a man who enjoyed being penetrated but a man whose desires were as insatiable as a leaky jar. These observations on the uses of *kinaidos* that obviously do not fit the phallocentric model are quite helpful. Davidson’s efforts to unseat the penetrator/penetrated model fall somewhat short, however, especially as he attempts to explain terms like wide-anused (*euryproktoi*) and cistern-anused (*lakkoproktoi*) in terms of insatiability rather than anal penetration.

The combination of a lack of constraint and the desire to be penetrated emasculates the *kinaidos*. Winkler proposes that the hoplite and the *kinaidos* served as training wheels for masculine ideology. The idea of the *kinaidos* as a training wheel works, but the hoplite can hardly be seen as the other training wheel when instead he was the ideal that men sought to emulate. Instead of Winkler’s training wheel analogy, it makes more sense to consider

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⁵ Winkler 185.

⁶ Davidson 167-182.
masculinity as a spectrum. The *kinaidos* represents one end of the spectrum while the hoplite occupied the middle.

The spectrum analogy for masculinity mirrors points of middling ideology. According to Morris’ model, most Athenian men ascribed to middling ideology, which assumed that all citizens were similar in their mindsets, birth, and assets.⁷ An ideal middling man had as much money as he needed, but not enough to be extravagant. Likewise a middling man would be a hoplite, and would participate in the democracy in order to support his city. Men who fell outside the middling region could be dangerous to the democracy. For instance, men who were either too rich or too poor could be dangerous because their excessive wealth provided means to harm the *demos* or their poverty made them desperate. Obviously to a degree middling ideology was a dramatic fiction. Some citizens had much more money, education, land, and influence than others, but rhetors and litigants addressed their audiences as if they were middling men nonetheless. Masculinity provided another category in which men who fell outside of the middle were considered dangerous, some because they were not masculine enough, others because they were hyper-masculine.

While the *kinaidos* occupies the end of the spectrum reserved for the under-masculine man, the over-masculine *hybristes* occupies the opposite position. Both ends of the spectrum were to be avoided in favor of the hoplite ideal between them. As frightening as the image of the *kinaidos* was, the *hybristes* could be just as dangerous to the *demos*. Demosthenes uses the term *hybris* or one of its cognates 112 times in a speech that is only 227 sections long. He reiterates Meidias’ *hybris* over and over to demonstrate the pattern of behavior Meidias has exhibited over the course of his life. *Hybris* was indeed a serious offense and carried as a penalty exile or even

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⁷ Morris 114-119.
execution for the Athenian unlucky enough to be convicted for it. The definitions of *hybris* surviving from antiquity conflict and do not provide a clear understanding of exactly what it was. Recent works by MacDowell, Fisher, and Cairns have helped clarify the issue.

MacDowell searches for a comprehensive definition of *hybris* by examining some of the less conventional uses, for instance, when it is applied to animals or bodies of water. *Hybris* is often a characteristic of the youthful and the wealthy, and many examples of *hybris* involve violence and dishonor.\(^8\) It is not a religious offence unless it is committed specifically against a deity, and thus concludes that *hybris* is having energy or power and misusing it self-indulgently.\(^9\)

Fisher also examines the myriad uses of *hybris* and agrees with MacDowell’s assessment that it did not have anything to do with religion unless it was committed against a god. In contrast to MacDowell’s wide definition, however, Fisher defines *hybris* as an act of intentional insult meant to inflict shame and dishonor on others.\(^10\) Fisher argues that even if the victim of *hybris* is only loosely implied, *hybris* is not *hybris* without a victim, and likewise transgressions involving self-indulgent use of power and “thinking big” cannot be *hybris* unless they target a victim.

Cairns disagrees with Fisher and claims that *hybris* can be a synonym for *mega phronein*, which he translates as “thinking big.”\(^11\) He provides several convincing examples of how *hybris* and thinking big seem to be synonymous. Cairns also discusses *prohairesis*, which can be translated as predisposition. According to his analysis the predisposition toward hubristic acts

\(^8\) MacDowell 1976: 15-16.


\(^11\) Cairns 10-17.
often arises from an over-inflated self image, which is a problem shared both by the young and the wealthy. Cairns disagrees with Fisher’s estimation that *hybris* must have a specific victim, but affirms both MacDowell’s and Fisher’s findings that *hybris* is not an inherently religious offense. The most pertinent portion of this article for the present study addresses the relationship between *hybris* and masculinity. Here Cairns claims that there is “a clear link between the powerful forces of masculinity and a headstrong spirit which values self over others and rejects external restraint.”\(^\text{12}\) Therefore *hybris* is the fault that results from an abundance of masculine energy and a lack of restraint.

Cairns seems to be correct that thinking big can encompass *hybris*, and he acknowledges Fisher’s valid points about *hybris* having a victim in most cases, so for the most part I will accept Cairns’ definition. While Cairns’ definition is useful, however, I would not claim that it is perfect. Recent debate on the meaning of *hybris*, and the term *kinados*, as well, demonstrates how multifaceted these words could be. While there were core meanings for each term, one relating to an overinflated self image leading to demeaning other people and the other relating to sexual deviance, beyond such generalizations even ancient Athenians may have disagreed about the precise definition of each term.

Because the charge of *hybris* comes up so often, Demosthenes 21 is an excellent speech in which to examine *hybris* as an anti-masculine quality. Demosthenes attempts to demonstrate throughout the speech that Meidias is hubristic, and in the process he provides a great deal of useful information on the place of a *hybristes* in the city. A hubristic citizen is completely useless to the *demos* because he puts himself ahead of the needs of the city in every situation. In addition, *hybris* does not translate into any corresponding virtue, such as bravery. Therefore, a

\(^{12}\) Cairns 24.
hybristes is not a man who is too bold and daring, but one whose masculinity has become so
defective from his lack of self-control that the citizen body must fight him off.

Perhaps the best case to examine the opposite end of the spectrum, that of the kinaidos, is
Aeschines 1. The irony here is that Aeschines never calls Timarchos a kinaidos directly,
although he implies it constantly. Timarchos was completely unrestrained in his habits and
behavior, and he was frequently the object of penetration. No matter whose definition of
kinaidos we use, the term applies to Timarchos as Aeschines portrays him. Timarchos, like
Meidias, also represented a threat to the city. While Meidias threatened the city directly with his
insolence, Timarchos was dangerous because he would not hesitate to rob from the city to
support himself.

Both the kinaidos and the hybristes lack restraint, and it is that characteristic that separates
them from the hoplite. The hoplite remains in formation, puts the city before himself, and
generally embodies masculine ideals. In this thesis I will examine how Demosthenes and
Aeschines manipulate masculine ideals of the hoplite versus the hybristes and the kinaidos to
promote themselves and attack their enemies. These speeches provide chances to see how
proper masculinity was set against masculinity deficient either for being too masculine or too
effeminate. These specific orations provide perfect examples for how knowledge of the negative
extremes of masculinity could be very powerful indeed.
CHAPTER 2
DEMOSTHENES’ ORATION AGAINST MEIDIAS

Against Meidias provides a chance to examine self-restraint and moderation set against the negative hyper-masculine quality of *hybris*. In this chapter I will examine how Demosthenes depicts his self-restraint as conforming to common masculine ideals and Meidias’ *hybris* as subverting them. Before analyzing the text we must settle questions about its goal and delivery that affect the present discussion. Whether or not the case was delivered and what charge was used affect how we must read the text. I will argue that the case was delivered and that the charge was a *probole* for offences during the festival. We will then turn to the details Demosthenes presents to prove that Meidias is useless to the city. Because he allows his lack of self-control to sabotage his masculinity and turn him into a *hybristes* Meidias not only assaults the honor and rights of his fellow citizens, but even harms the *demos*. Furthermore, Meidias’ *hybris* does not bring with it any concomitant benefits. Instead, because he has allowed his masculinity to move out of the middle of the spectrum and into the range of the *hybristes* he has become entirely useless.

In the year 347/6 Demosthenes resumed prosecution of a wealthy Athenian named Meidias for an offence that occurred at the festival of Dionysos in the summer of 348. According to Demosthenes, Meidias struck him in the theater while he was serving as a chorus producer. He first pursued the case as a *probole*, a procedure immediately following the festival for infractions committed during it. This procedure took place before the Ekklesia, but did not carry with it any penalty beyond censure. Two years later he resumed the case by initiating a public suit which could carry a heavy penalty. At the beginning of the speech that he composed for trial, Demosthenes explains that he lodged a public suit against Meidias so that everyone would know that he was acting out of Athens’ best interests and not attacking Meidias for personal gain.
To form an accurate interpretation of this speech, we must examine two controversial topics. There has been disagreement about the procedure Demosthenes used to bring the dispute to court. First, some have claimed that he initiated a suit of *hybris*, while others that he either brought a suit for impropriety at a festival or it remained a *probole*. The actual legal charge and the procedure which Demosthenes used to prosecute Meidias are important since they affect our understanding of his rhetorical arguments. For instance, if Meidias was not charged with *hybris*, why does the case read like a *graphe hybreos*? Whether this was a *graphe hybreōs* or a *probole*, we must resolve if it was delivered at all. Because one of the reasons Demosthenes may not have delivered the case is that he did not think it would have been successful, whether or not the case was delivered affects how we must read the strength or weakness of the case. If this case was not delivered it is a less reliable source for masculine ideology.

Harris argues that the case began as a *probole* before the Ekklesia immediately after the festival, but then was next pursued as a *graphe hybreos* when presented to the court. Demosthenes, however, lists some of his options, and even mentions that Meidias will claim that he should have prosecuted him with a private case to recover damages and a *graphe hybreos* for the assault (25-28). MacDowell, as a result, concludes that the *probole* was indeed the proper name for a suit which came to the court after initially lodged as such before the Ekklesia (1990: 13-17). Similarly, the *apagoge* is another example of an initial procedure that lent its name to resulting legal action. Demosthenes accuses Meidias of *hybris* constantly throughout the speech, but he states that the *graphe hybreos* was a suit he could have but did not bring. Furthermore, because of the precedent for calling proceedings by their initial phases there is reason enough to accept MacDowell’s interpretation that this was not a *graphe hybreos* as Harris claims, but a *probole* for offences committed during the festival.
Many doubt whether Demosthenes ever brought Meidias to court because Aeschines alleges that he sold the case for thirty mnai.¹ Aeschines’ comments have often been interpreted to mean that Demosthenes agreed to settle the case out of court. Scholars also infer from internal evidence that the speech was never completed. As MacDowell sums up, the laws presented in sections 94 and 113 have no explanation and seem to be irrelevant; Demosthenes twice uses the metaphor of life as an eranos loan without acknowledging his repetition; and in consecutive sections Demosthenes repeats a list of Meidias’ supporters as if he had not mentioned them before (1990: 23-28).

Harris argues that the stylistic problems are insignificant and calls into question the truthfulness of comments Aeschines expressed in court.² Since the scholiasts do not express concern over Demosthenes’ style, Harris doubts that we lack sufficient reasons to call into question the delivery of the speech. Additionally, since so much time elapsed between the two cases, most jurors would not have remembered the case against Meidias, and therefore Aeschines was free to take liberties with the truth. Finally, if Demosthenes dropped the case before the anakrisis, then he could not have written a speech that displayed clear knowledge of Meidias’ defensive strategies. If, on the other hand, he dropped the case after the anakrisis, he would have suffered atimia.

Surely Aeschines would have mentioned that Demosthenes suffered atimia, especially if it was a result of the very case which he had already mentioned. So, one can safely conclude that

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¹ Aes. 3.52: καὶ ταυτ’ ἤδη τὰ περὶ Μειδίαν καὶ τοὺς κονδύλους οὓς ἔλαβεν ἐν τῇ ὀρχήστρᾳ χορηγὸς ὡν, καὶ ἦς ἀπέδοτο τράκακοντα μινών ἀμα τὴν τε εἰς αὐτὸν ὑβρίν καὶ τὴν τοῦ δήμου καταχειροτονίαν ἣν ἐν Διονύσου καταχειροτόνησε Μειδίου (“and you know already about the affair with Meidias and the blows he received while acting as a choregos in the orchestra, and that he sold for thirty mnai the hybris against himself and the decision of the demos in which they convicted Meidias”).

Demosthenes did not drop the case. Harris offers a simpler explanation for Aeschines’ statement. Because both the prosecutor and the defendant had the opportunity to propose penalties following the conviction, Aeschines could either have been referring to a penalty that Meidias had proposed and paid following his conviction or the penalty that Demosthenes had proposed. Since Demosthenes reiterates that Medias deserves death, it is hard to imagine that Demosthenes proposed a penalty of less than a single talent, but it is not impossible.

I believe that the speech was delivered at trial for a *probole* against Meidias and that he was convicted but only forced to pay a penalty of 30 mnai. Internal evidence supports this outcome. Demosthenes lists three other examples of men who have been convicted by *probole*, one of whom had to pay a fine, one died before he could be sentenced, and the third was condemned (175-183). Since the offender who was condemned whipped free people while marching in a procession, he went beyond impropriety and into the realm of *hybris* even more than Meidias had. Although Demosthenes uses these examples to prove that Meidias deserves a heavy penalty, only one involved a capital penalty. Therefore it is reasonable to infer that the *probole* usually resulted in only a fine. Aeschines probably referred to the penalty that the jury imposed upon Meidias as a payment in order to attribute pecuniary motives to Demosthenes.

Demosthenes paints Meidias as the worst sort of man: one with no inclination to do good but a constant need to act against the best interests of his city and fellow citizens. This portrait is clearest when Demosthenes contrasts Meidias’ actions with those that he considers proper. The goal of each detail is to prove repeatedly that Meidias contravenes the behavior prescribed by Athenian popular morality; particularly that he lacks self-restraint and moderation. This entire speech aims to show that Meidias was a hubristic man, a coward, and a threat to the democracy
in his old age, the time of life when a man conventionally should have been at his most restrained and circumspect.

The core of this case stems from a punch, but Demosthenes never allows for the possibility that this punch was only a punch: instead it was *hybris*. There are elements to *hybris* that go beyond merely striking another. What sets a hubristic attack apart from an average attack can be almost imperceptible details about the transgressor’s demeanor, how he speaks, whether he strikes on the face or elsewhere (72). Meidias exhibited signs of *hybris* and Demosthenes claims that he acted with self restraint (*sōphrona*) by deciding to take the case to court when he could have hit Meidias back (74).

Modern readers may be unimpressed with the severity offense, and indeed Demosthenes seems to be defending his honor when he discusses examples of *hybris* in which the victims responded more vigorously than he did (70-76). In two cases, the man who had been the victim of *hybris* killed his attacker in response to offenses that occurred at private parties where the participants were drinking. Demosthenes, by contrast, was a victim of *hybris* in public at the hands of a sober and insolent aggressor. Strong drink is one of the mitigating factors for hubristic behavior; so because Meidias was sober when he attacked Demosthenes, this incident demonstrates the sort of man he is even without outside influences. On the one hand, Demosthenes defends his own masculine honor by sympathizing with those who were not as restrained as he and killed those who dishonored them. On the other hand, he delicately avoids the uncomfortable suspicion that fear prevented him from responding to a physical attack more aggressively by subtly praising his own self-restraint, thereby turning his own possible weakness into strength of character. Indeed, how could anyone question the strength of Demosthenes’ character when he chose to act on behalf of the laws rather than respond to force with force?
Cohen argues that some level of violence was a common and acceptable part of elite feuds. In his view, the law courts served as an open forum in which private enmities between elite members of Athenian society were played out in front of juries. Because violence, along with drunkenness, sexual rivalry, and verbal insults were a well-known part of disputes among the elite, the prosecutor in a case of violence often had to prove not only that he had been attacked but also that the violence he had suffered merited a conviction and its accompanying penalty. According to Cohen’s analysis, Demosthenes found himself in a no-win situation because this speech betrayed two facts which were fundamentally at odds. On the one hand, Demosthenes was a member of the same leisured class as Meidias and participated in the agonistic struggle for honor. On the other hand, he claims that he did the right thing by taking the case to court rather than responding with violence. In Cohen’s view the jury would not have sympathized with Demosthenes’ position. Therefore, on the basis of Aeschines’ remarks cited above and his own ideas about the nature of violence in Athens, Cohen concludes that Demosthenes settled the case out of court. As we have already seen, however, there was no way for Demosthenes to drop his case without suffering atimia, so Cohen’s conclusions based on this case are suspect.

Herman, by contrast, argues that violence was in no way an acceptable part of Athenian society. Herman contrasts the ideal of instant and disproportionate revenge and the ideal of self-restraint and legal recourse. He proposes that the civilized ideal had won out completely and the primitive ideal, which would have required Demosthenes to hit Meidias back immediately,

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no longer held any weight. If violence was wholly unacceptable Meidias’ actions would have been reprehensible, and because Demosthenes had won the initial *probole*, it is reasonable to assume that he would have won before a jury, as well. If Herman is right about the unacceptable nature of violence, however, Demosthenes’ comments that seem to explain why he did not react more violently and quickly make less sense. Furthermore, if the punch were sufficient for a conviction Demosthenes would have focused more on it, so Herman’s analysis is also flawed.

Ober provides a nuanced analysis of these issues that does not suffer from the same problems as those of Cohen and Herman. Ober claims that standard ethics require instant and disproportionate revenge, while cooperative ethics require a victim to take his case to court and forego personal vengeance in favor of public redress. According to Ober these two ideologies worked together. While cooperative ethics took precedence in public disputes, standard ethics were still at work in private situations. Cooperative ethics dominated public matters because through that system of values citizens could obtain equality through the laws though they did not have equality of means. Ober’s ideas are most useful in analyzing Demosthenes 21. If these two sets of ethical standards operated simultaneously we can understand why Demosthenes provided a mild apology for his actions, yet was still able to gain a conviction worth 30 mnai. Furthermore if these dueling ideologies were both current, as Ober claims, then it makes sense that Demosthenes spends so much time through this speech on Meidias’ crimes against the city and her other citizens and so little on the punch itself.

Two prior incidents relate closely to the actual charge lodged against Meidias and concern men, who were still allowed to compete as choristers, even though they had neglected to perform their military service (58-60). Although their competitors were angry at them for illegally

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5 Herman 1994:102.
competing, the legal choregoi were so pious and metrioi, or moderate, that they did not interrupt the festival to prevent their unlawful competitors from participating. Meidias embodies the opposite of this ideal: he does not think enough of the festival, nor the laws, nor the demos, nor even Dionysos to restrain himself from accosting Demosthenes for little or no reason whatsoever. Where others refused to disturb the festival for their own benefit, Meidias must commit hybris for no benefit beyond his own pleasure. Demosthenes suggests that an acquittal will also set a dangerous precedent for future choristers and harm the fairness of the competition. Thus, he renders the dispute to be not just about a punch, but an issue that really does merit a jury’s attention.

Tampering with dramatic competitions was only one of Meidias’ crimes. Demosthenes reiterates that Meidias’ lifelong villainy should help to convict him before reading a list of his crimes to the jury (128). Demosthenes claims that he would be worried if Meidias had lived an otherwise restrained and moderate lifestyle and had committed hybris against him alone. If that had been the case Demosthenes would not have been able to convince the jury of Meidias’ crime. As things do stand, however, Demosthenes claims that he is concerned that, since Meidias has committed so many other serious crimes, the jury might think Demosthenes presumptuous for prosecuting him for such a small one (129). This section provides a perfect segue into the list of offences while it acknowledges and plays on the lightness of the offence at hand, making that complaint against Demosthenes’ case seem slightly ridiculous.

Of course the list of offences does not survive, but we may assume that each one of them followed the rhetorical plan of the rest of the speech and served to demonstrate both Meidias’

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6 61:καὶ μήτε τῆς ἐορτῆς μήτε τῶν νόμων μήτε τί ύμεις ἐρεῖτε μήτε τοῦ θεοῦ φροντίζειν.
lack of self-restraint and generally immoderate behavior. In addition these offences strengthen Demosthenes’ case that Meidias deserves enmity from the jury because of his life of *hybris.* Demosthenes seeks to show that, even if the punch he received was not significant in itself, the jury should take this opportunity to punish a man who has earned it not only by punching a rival at a festival, but in every aspect of his life.

Demosthenes introduces the metaphor of life as a loan to demonstrate how the *demos* should treat men like Meidias. Demosthenes first uses the metaphor that if a man has been moderate and helpful he deserves to be treated that way in return (101). If a man has been forceful and inconsiderate to his fellow citizens he deserves that same treatment himself. When he has described life as a loan Demosthenes addresses himself to Meidias directly, dramatically telling him that he has accrued interest on the latter sort of loan. Demosthenes uses the metaphor again to suggest that a man who is shameless and hubristic (ἀναιδῆς καὶ πολλοὺς ὑβρίζων) deserves to be repaid in kind (185). The loan metaphor reinforces the legitimacy of a serious penalty in return for what the jury may have been tempted to view as minor crime. In addition the repetition of the loan metaphor seems to fit in both places. Demosthenes first uses the metaphor before he lists Meidias’ offences, and repeats it after. It is possible that he used the metaphor twice so that he could make sure that the image of life as a loan was already in the *dikasts’* minds before he listed Meidias’ offences, and he reiterated the metaphor at the end of the speech when Meidias’ contributions to such a loan would be perfectly clear.

Perhaps the most heinous example of Meidias’ overweening *hybris* is how he treated the arbitrator Straton (83-101). Straton, a poor older man without political ambitions, was the arbitrator for a case between Demosthenes and Meidias that took place years earlier. Straton ruled in favor of Demosthenes by default when Meidias did not appear for the case. Meidias first
tried unsuccessfully to bribe Straton to overturn his ruling, then he used political trickery to bring a case against Straton in his absence and have him disfranchised though the man had done nothing more than justly perform his duties as an arbitrator. While Demosthenes may be distorting details of the dispute between Straton and Meidias, this anecdote holds two key features: the most important point was that Meidias was a threat to every Athenian citizen, but in addition Demosthenes uses the ages of the parties involved to make a multi-layered point.

When Straton came to the platform, he did not do so to testify. Because he had suffered atimia, he was not allowed to provide testimony before a jury. Meidias misused his own citizenship rights to deprive Straton of his. Demosthenes calls on the deepest pathos possible to illustrate the danger Meidias poses to the demos (95-97). The jury could easily sympathize with Straton: he was a poor man, like many of them would have been; he had served on military campaigns when called up for service, as they had; Straton was an upright citizen who had refused a bribe and instead of being rewarded for his integrity he was deprived of his citizenship rights. An average Athenian man’s citizenship rights were a main source of pride, and a poor man held his equality under the laws as tightly as a rich man held his personal honor. Meidias’ ability and willingness to use his wealth, power, and influence to deprive an average man of what he held most dear would have been one of the most damning points in Demosthenes’ oration. As Demosthenes made this point Straton stood nearby as visible proof of the results of Meidias’ behavior.

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7 According to MacDowell’s reading of section 91, Straton lost his appeal before a jury, which implies that he was not as blameless as Demosthenes claims. Whether he relates the story accurately or not the point of the story remains the same.

To be an arbitrator Straton must have been at least sixty years old. Demosthenes calls Straton up to the platform in order to show clearly the difference between an older man who knew how to behave properly and Meidias who still behaved as a child. Though he was younger than Meidias, Demosthenes portrays himself as wise beyond his years while Meidias has failed to grow up. Demosthenes brings up age again when he claims that he is thirty-two while Meidias is perhaps a bit younger than fifty (154). Harris has argued very convincingly that Demosthenes could not have been as young as thirty-two, but was probably closer to thirty-eight.\(^9\) Harris disagrees with those who claim this was a scribal error and attributes this lie to Demosthenes’ desire to make his own liturgical record seem much better than Meidias’. Ober agrees with Harris’ estimation but adds that Demosthenes may also be subtly comparing himself to one of the young men mentioned above who defended himself by killing the older man who committed \textit{hybris} against him.\(^{10}\) I would add that Demosthenes makes age an issue in an attempt to draw a comparison between himself and Meidias. Although Demosthenes is a young man, he acts with self restraint, a characteristic more typical of older men, while Meidias acts like a youth rather than a man of his more advanced years. Since youth was often regarded as a contributing factor in \textit{hybris}, when Demosthenes accuses Meidias of acting like a youth (e.g., 18, 131, 201) he is also attempting to add credence to his allegations of \textit{hybris} against an older man.

Of course, Meidias not only acts like a youth but is also very wealthy, one of the other primary causes of \textit{hybris}. But Meidias’ wealthy \textit{hybris} exceeds that of other men. Most rich men publicly submitted to the decisions of the \textit{demos} even if they privately reviled them. Demosthenes shows that Meidias cannot even do that as he discusses his behavior after the initial

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\(^{10}\) Ober 1994: 96.
probole. Most men would have toned down their actions after a public censure of that sort, but Meidias does the opposite (199). Instead Meidias now more than ever speaks before the Ekklesia and proposes laws so that he can show that he was not harmed by the decision of the Ekklesia.

Meidias’ poor behavior in the Ekklesia also demonstrates his hybris. Demosthenes states that he is violent, shameless, and that he thinks big (201). In the context of his arrogance before the Ekklesia, Meidias shames the demos by thinking big when he should submit to their disapproval. Here there is a solid link between thinking big and hybris. As Demosthenes lists Meidias’ faults at 201 he does not mention hybris while he does mention thinking big. If we accept that thinking big and hybris can be synonymous, as Cairns claims, this usage both fits Cairns’ definition and Fisher’s definition, which requires the intent to shame. By this point in the speech, members of the jury must have been tempted to convict Meidias if for no other reason than to prove he was no better than they and Demosthenes and Straton.

One would be tempted to believe that a man bold enough to punch Demosthenes in the face in public and disregard the demos would be useful to the city in other ways, perhaps as a brave soldier who would scorn enemy battle lines as he scorns social norms at home. But we should not be surprised when we find that Demosthenes does not allow his opponent a single redeeming quality. Demosthenes introduces Meidias as a soldier and relates the following story about his service in the cavalry on a campaign to Argoura (132-135). He brought with him such fancy items, like golden cups, expensive clothes, and a silver saddle, that his fellow cavalrymen taunted him. The mockery so enraged Meidias that he accused his fellow soldiers before the Ekklesia upon his return. This, at least, is how Demosthenes claims to have heard the story while serving as a hoplite. Meidias’ deficiency as a soldier does not end with pampering
himself and attacking his colleagues. After discussing Meidias’ use of his wealth for his personal luxury rather than for the benefit of the city the charge becomes cowardice (160-167). Demosthenes asserts that Meidias volunteered for a trierarchy in order to avoid serving in the cavalry again. When the call for cavalry was rescinded, however, Meidias elected to send a metic in his place instead of leading his own trireme. Demosthenes calls this behavior unmanly cowardice. The charge of unmanliness is repeated in section 172, this time set alongside wickedness and evil.11 Because Meidias is useless as a soldier, his masculinity is suspect. One cannot call the boldness necessary to punch a rival in the face before witnesses courage if that same boldness does not translate into success in battle. These anecdotes prove that Meidias has a prohairesis, or predisposition, towards hybris alone, and no propensity for courage. With a predisposition for hybris and the wealth and will to indulge his inclinations Meidias is not only completely useless to the city but is a serious danger, as well.

It is also significant that Demosthenes served as a hoplite while Meidias was in the cavalry. As we have seen the hoplite is the ideal form of Athenian masculinity, so it is no accident that Demosthenes mentions that he was in that branch of the military while his opponent served in the cavalry, the branch dominated by the elite. Demosthenes reveals his own status as a hoplite for two reasons. First, he portrays himself as the ideal man willing to fight side by side with his fellow citizens; second as a hoplite he would have been physically strong. The contrast between the image of Meidias who was bold, yet cowardly, and Demosthenes who was modest and willing to stand with his fellow citizens would have been a powerful one to the jury. Also, as a hoplite, Demosthenes would have been strong enough to defend himself against Meidias, in theory at least. Because he could have defended himself against the bully physically but instead

11 160: δειλίας καὶ ἀνανδρίας; 172: κακίαν καὶ ἀνανδρίαν καὶ πονηρίαν.
chose to take the case before a jury proves that it was self-restraint alone, rather than fear, that prevented Demosthenes from fighting back immediately.

Demosthenes’ record as a hoplite did have at least one small blemish. Euktemon prosecuted Demosthenes for desertion, allegedly at Meidias bidding as retribution for this \textit{probole} (103). Demosthenes does not deal with this case when he first brings it up, but says only that he did not need to answer the charge since the man who brought it suffered \textit{atimia} for failing to proceed with the case. He indicates that Meidias would attempt to destroy anyone who sought justice from him.\textsuperscript{12} Therefore while Meidias paid others to prosecute Demosthenes for desertion for selfish motives, Demosthenes would consider himself a deserter from the battle lines of justice if he did not continue prosecuting Meidias in the face of such hardship.\textsuperscript{13} If the jury has accepted Demosthenes’ account of events up to this point they can hardly help but agree that to prosecute Meidias would be equivalent to fighting for justice, especially given his ability to destroy less wealthy and powerful men like Straton. The metaphor of Demosthenes as a soldier in the ranks of justice reinforces the image of Demosthenes as a hoplite and the corresponding point that he stands with the \textit{demos} and is strong enough to help himself against a bully like Meidias. Though Demosthenes may have been physically able to stand up for himself, he could not stand alone in a court battle. By claiming a position for himself in the battle lines of justice Demosthenes asks the jury to stand beside him. Only by uniting as a hoplite force able to stand

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\textsuperscript{12} εἰ τις ὠφισθείς ὑπὸ τούτου δίκης ἀξιοὶ τυχεῖν καὶ μὴ σιωπᾶ, τοῦτον ἐξόριστον ἀνηρήσθαι καὶ μηδαμῇ παρεθῆναι, ἀλλὰ καὶ λιποταξίου γραφῆν ἐσαλωκέναι καὶ ἐφ᾿ αἵματι φεύγειν καὶ μόνον οὐ προσηλώσθαι. (“If someone whom Meidias committed \textit{hybris} against should think it right to have justice and not endure in silence, he would be destroyed as an exile and in no way let off, but instead he would be seized in a desertion trial and flee from a charge of murder and be all but nailed up.”)

\textsuperscript{13} 120: ἐγὼ δὲ αὐτὸ τούναντίον οίμαι, εἰ τούτον ἀφῆκα, λελοιπέναι μέν, ὃ ἀνδρεῖς Αθηναῖοι, τὴν τοῦ δικαιού τάξιν,
in unity before a common enemy does the _demos_ have the ability to save itself from men like Meidias.

Through the course of this speech Demosthenes uses accepted social conventions to construct two vastly different models. The first model is of the ideal man who embodies Athenian masculine virtue. The ideal man is a hoplite who stands with his fellow citizens, practices self restraint and moderation, uses his abilities to uphold the city, and submits to the laws. Of course Demosthenes nearly embodies the masculine ideal he constructs, while Meidias embodies the opposite. He is a coward, immoderate and hubristic at every turn, he abuses his abilities and possessions to destroy smaller men, he submits to no one. A vote for conviction upholds masculine ideology, while a vote for acquittal is a vote against everything that makes an Athenian man an Athenian man.
CHAPTER 3
AESCHINES’ ORATION AGAINST TIMARCHOS

While Demosthenes demonstrates what happened to men who allowed their masculinity to rage out of control, Aeschines shows masculinity gone soft. After examining the background of the speech I will turn to the text to analyze how Aeschines portrays Timarchos as mastered by his desires rather than mastering them. Aeschines presents a multi-pronged attack on Timarchos that centers on the theme that Timarchos did not have the self-control necessary to be a useful adviser for the city. Aeschines proves this point by alleging that Timarchos was a prostitute, that he squandered his patrimony, and that he then began using civic corruption to make the money he needed to satisfy his urges. This theme moves from the inside outward as Timarchos first devours his body, then his own possessions, then those of the city. Though Aeschines never calls him a *kinaidos* directly, that charge lurks behind each of the others he presents as he continually portrays Timarchos as a man who lacked self-control and sufficient masculinity.

When Aeschines prosecuted Timarchos in 346/345 under a *dokimasia tôn rhetorôn*, it was in response to a public suit Timarchos had brought against him, as he admits but he also admits that private hatreds often set right many public matters. ¹ He does not shy away from his true motivations: Timarchos attacked him in court, and he defends himself by prosecuting Timarchos. Their dispute arose from their service together on the embassy to Philip II of Macedon in early 346. Aeschines had been a major proponent of peace with Philip while Timarchos and his ally, Demosthenes, were less trusting of their northern neighbor. The embassy established the Peace of Philocrates, but when the ambassadors returned, Demosthenes’ anti-Philip camp began

¹ Ἀἱ γὰρ ἰδιαὶ ἐχθραὶ πολλὰ πάνω τῶν κοινῶν ἐπανορθοῦσι.
prosecuting supporters of the treaty for accepting bribes from Philip and mishandling their responsibilities as ambassadors.²

Timarchos and Demosthenes filed charges against Aeschines for misconduct, but they may not have expected the form his response would take. He could have launched a similar charge either against Timarchos or Demosthenes since both had been present on the embassy. Aeschines chose instead to file a *dokimasia* against Timarchos, alleging that he had violated the laws governing rhetors. There were four types of *dokimasiāi*.³ As an official entered office he underwent a *dokimasia* at which any citizen could speak against his fitness as a candidate. Young men underwent a *dokimasia* to decide if they were sons of citizens and fit to become full citizens themselves. Invalids also underwent *dokimasiāi* to decided if they should receive public aid. When applied to rhetors, the *dokimasia* took place not before, but after the citizen addressed the Ekklesia, by any Athenian who charged him with being unfit to speak. The four possible charges that Aeschines lists as grounds to disfranchise a rhetor are first failure to perform filial duties or abuse of parents, second avoidance of required military service or cowardice in battle, third prostituting oneself, and fourth squandering one’s patrimony (28-32). These each imply a lack of self-control or concern about the customs of the city that disqualified a citizen from addressing the Ekklesia.

Aeschines 1 has been studied most because the main charge Aeschines levels against Timarchos is that he had been a prostitute. Although Aeschines devotes most of his attention to the accusation that Timarchos prostituted himself in his youth, his accusations do not stop there. He also accuses Timarchos of squandering his patrimony. Like Demosthenes 21, Aeschines 1

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² See Buckler and Cawkell for additional information on the Peace of Philocrates

³ Hansen 258-9.
uses two separate charges to prove a single case. While Demosthenes 21 seeks to prove *hybris* in order to gain a conviction for impiety at a festival, this speech uses the charges of prostitution and squandering inheritance together to prove that Timarchos lacked the self-control necessary to be a useful adviser to the *polis*. Aeschines builds his case around Timarchos’ chief failing as a citizen and a man: he was, to his core, immoderate and incapable of controlling himself. To prove that primary fault Aeschines describes many other failings that would seem to be thrown together haphazardly if they were not tied together by Timarchos’ essential flaw.

Although Aeschines hints that Timarchos failed in his filial duties when he sold property where his mother wanted to be buried, the two charges that occupy most of the text are prostitution and wasting inheritance. The charge of prostitution both occupies the bulk of the speech and is mentioned first; so it is the most reasonable place to begin. To be successful in his charge of prostitution, Aeschines needed to prove that Timarchus received payment, had multiple partners, and submitted to penetration.4 Obviously prostitution must involve payment, though payment could be difficult to prove because it could come in the form of gifts. Gifts between lovers involved in proper relationships were common, so gifts alone could not help distinguish a proper relationship from an improper one. Promiscuity and passivity helped distinguish acceptable from unacceptable homosexual relationships when payment was not clear. Indeed, each of these three qualifications are met in the speech.

Aeschines declares his intent to discuss only the events of Timarchos’ life after he reached an age sufficient to understand the laws of the city as a young man.5 This passage reveals that,

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4 Winkler 177. For a good discussion of the charge of prostitution in this case see also Halperin 94-98.

5 39: ἀ δὲ ἦδη φρονῶν καὶ μειράκιων ἃν καὶ τοὺς νόμους ἐπιστάμενος τοὺς τῆς πόλεως διαπέπρακται, περὶ τούτων ἐγὼ γὰρ τὰς κατηγορίας ποιήσωμαι, καὶ ὑμᾶς ἐπ’ αὐτοῖς ἄξιον σπουδάζειν (“The things which he did as a youth of sound mind and knowing the laws of the city, about these things I will make my accusation, and I think you should pay attention to them”).
although he was old enough to know the laws, Timarchos refused to act according to self-restraint and moderation, and it reveals that prostitution is not the primary charge. If prostitution were the issue, it would not matter whether or not Timarchos was old enough to understand the laws. The law allowed men who as boys had been forced into prostitution to refuse care to the guardian who had hired them out, but it did not allow those men to act as rhetors. Aeschines passes over Timarchos’ alleged clients from before he reached an age of maturity because prostitution is not as important to his case as the lack of self-control and moderation that he alleges were central elements of Timarchos’ character. Prostitution was not Timarchos’ central fault, instead he was a deficient citizen because he could not control himself and therefore could not help guide the city.

When he reached the age of majority Timarchos moved in with a physician under the pretense of learning the trade, though in actuality he was selling his body to anyone he could. Aeschines alleges that in this period Timarchos was hired by citizens and foreigners alike, though he names none of them. These numerous encounters illustrate Timarchos’ promiscuity although Aeschines focuses instead on the men, whom Timarchos lived with as a paid companion later in his life (40). The first is Misgolas, whom Aeschines describes as otherwise fine and noble, except for his insatiable sexual appetite. Misgolas paid Timarchos a sum of silver to live with him, and Timarchos accepted without hesitation. Aeschines characterizes Misgolas as young, attractive, disgusting, and suited to the act that he chose to perform and Timarchos chose to endure (41). Although, for the sake of decorum, Aeschines refuses to name specific sex acts Timarchos and Misgolas performed, he implies that Timarchos allowed himself to be the passive partner in a sexual relationship for pay. If to be a free male was synonymous
with being dominant and active as Svenbro claims, then his role as the passive and penetrated partner effectively emasculates Timarchos.⁶

Aeschines mentions the sum of silver Misgolas prepaid to Timarchos, but states afterwards that Timarchos did not yet need the money because he had a large estate left to him by his father. So, although he did not have any overwhelming need for money, Timarchos voluntarily committed these acts and enslaved himself to shameful pleasures. He ate fish constantly, attended extravagant dinners, gambled, and spent his time with flute girls and courtesans, none of which are decent obsessions for a free and well born man (42).⁷ These obsessions, and his inability to control them, destroy Timarchos as a useful adviser for the city.

Aeschines uses an argument from silence to help demonstrate Timarchos’ faulty masculinity. Aeschines wrote out testimony for Misgolas to read before the court concerning his relationship with Timarchos. It is unlikely that Misgolas would have been willing to admit to any of Aeschines’ claims, but nevertheless Aeschines calls on him to testify. Fisher (2001: 180, 183) explains that Misgolas would have had three options when presented with Aeschines’ challenge to testify: he could have sworn an oath in denial of the testimony provided for him, he could have admitted to it all, or he could have declined to do either, which could have resulted in a summons and perhaps a fine of 1000 drachmai. There is no way to be certain which option Misgolas chose, but Aeschines is prepared for each one (45-48). If Misgolas accepts his testimony, the success is obvious: a witness who admits to paying Timarchos for sex would clinch this case for Aeschines. If he declines to comment, Aeschines claims that the jury should be amazed that Timarchos, who held the more dishonorable role in the relationship, is shameless

⁶ Svenbro 187-189. Also cf. Cartledge 56.

⁷ Cf. Davidson passim.
enough to address the people. Finally, if Misgolas denies the validity of the testimony he cannot, according to Aeschines, cover up the shameful reputation Timarchos holds for assuming a feminine role. The worst of these for Aeschines would be a complete denial, but he has already prepared his jury for that possibility. If Misgolas denies the relationship here, it will seem to reinforce Timarchos’ shame and emasculation for jurors who have accepted Aeschines’ allegations as true, while any other action would be an unexpected windfall for Aeschines.

Aeschines denounces Timarchos as the least moderate sort of person possible as he segues into a discussion of Timarchos’ relationship with his next long-term lover. If Timarchos had remained with Misgolas, he would have proven himself to be more moderate than his actual course of action demonstrates, and he would only have left himself vulnerable to the charge of having been an escort. Instead, after he left Misgolas, he found many other lovers, men whom Aeschines calls “wild” but does not describe in detail. Because of his behavior Timarchos should not be defined as an escort, but as a prostitute. Here, Aeschines allows his pretense of decorum to break down; because he cannot talk around it any longer he comes out and says the word: Timarchos was not an escort, but a prostitute (peporneumenos, 51-52). Of course, the filthy term that Aeschines displayed such chagrin for having to say aloud is the same one that the law he has already cited uses, and he had no qualms about saying it then (29). Aeschines is not content merely to charge Timarchos with a crime punishable by atimia, he seeks to convince the jury that Timarchos went beyond even that. If Timarchos had acted as an escort he would be disqualified to speak in public, but Aeschines seeks to clarify that Timarchos was not even as

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8 Εἰ γὰρ ὁ μὲν πράξας αἰσχυνεῖται καὶ προαιρήσεται χιλίας μᾶλλον δραχμὰς ἀποτεῖσαι τῷ δημοσίῳ, ὥστε μὴ δείξῃ τὸ πρόσωπον τὸ ἑαυτοῦ ύμιν, ὁ δὲ πεπονθὼς δημηγορήσει, σοφὸς ὁ νομοθέτης ὁ τοὺς ὀὔτω βδελυροὺς ἐξείργων ἀπὸ τοῦ βήματος (“If the man who performed the act is ashamed and would prefer to pay 100 drachmai to the treasury so as to avoid showing his own face to you, while the one who suffered the deed addresses the people, then wise indeed was the lawgiver who barred such disgusting people from the platform”).
moderate in his behavior as a male escort: Timarchos was a common prostitute, a creature whose
offences against proper masculinity offend the sensibilities of moderate and self-restrained
Athenians like Aeschines and the jury.

The charge of *hybris* was not given as possible grounds for a *doikimasia tōn rhētorōn*, but
it does help prove that Timarchos lacked the restraint and moderation an Athenian man needed.
Aeschines begins this strand of his argument as he explains the laws during the opening of his
speech. According to the law if anyone commits *hybris* against a boy, man, or woman, free or
slave, the guilty party is subject to the penalties assigned by the court (15). In his comments on
the law, Aeschines inserts his own opinion that anyone who hires a boy as a prostitute commits
*hybris* against him. Aeschines gives his opinion here so that he can link prostitution and *hybris*,
two charges that did not have a fundamental connection. One function of this conflation is to
link prostitution, which implied that the prostitute was penetrated by his client, with *hybris* so
that stating that Timarchos allowed someone to commit *hybris* against him is equivalent to
saying that Timarchos was the passive partner in the relationship.

After living with Misgolas, Timarchos moved in with Pittalakos, a public slave of
considerable means. The two had met at a gambling house and were quite compatible since they
were both devoted to the same vices (54). While the jury may have been shocked earlier when
Aeschines mentioned that Timarchos sold himself to foreigners, the revelation that he had even
submitted his body to a slave would have been devastating if the jury believed it. Aeschines
implies that Timarchos was the passive partner by stating that he heard that Pittalakos committed
such acts of *hybris* against Timarchos that he does not dare to repeat them.9 The effect of

9 Καὶ τοιαῦτα πράγματα καὶ τοιαῦτας ὑβρίσεις ἐγὼ ἀκήκοα γεγονέναι ὑπὸ τοῦ ἀνθρώπου τούτου εἰς
τὸ σῶμα τοῦ Τιμάρχου οἷς ἐγὼ μὰ τὸν Δία τὸν Ὀλυμπίον οὐκ ἂν τολμήσαιμι πρὸς ὑμᾶς εἰπεῖν·
(“And I have heard that such deeds and *hybris* were done by that man to the body of Timarchos that, by the
Olympian Zeus, I cannot dare to say them to you”).
Timarchos’ passivity on his masculinity in this instance is increased by Pittalakos’ low status as a slave who could not legally court free youths.

The relationship between Timarchos and Pittalakos did not last long after Hegesandros returned to Athens. Timarchos moved in with Hegesandros, but Pittalakos missed him so much that he made a nuisance of himself around Hegesandros’ house until Timarchos and his new lover went to Pittalakos’ home to both beat him and vandalize his property (56-59). Aeschines calls what they did to Pittalakos *hybris* (62), which is an example of faulty masculinity in itself. Pittalakos sought redress for these injustices, but soon found himself in real danger when Hegesandros responded by claiming that Pittalakos belonged to him. Pittalakos could not defend himself legally against Hegesandros and his powerful friends and let the matter drop (60-64).

Of course a charge of *hybris* could prove problematic in the present case. If the victim were a woman, child, or slave, the most likely candidate to bring the case on his or her behalf would be his or her citizen male guardian. Although any citizen could bring a *graphē hybreōs* on another’s behalf, there would have been little motivation for anyone other than the guardian to go through such trouble, especially when a loss by more than four fifths of the vote would result in partial *atimia*. This explains why no one was willing to take up Pittalakos’ case. On the other hand, if the victim is an adult citizen male, he can bring the case on his own behalf. Aeschines alleges that Timarchos allowed others to commit *hybris* against him, but *hybris* requires intent to shame. If Timarchos intended to shame himself, whose business was it but his own?

Aeschines accuses Timarchos of committing *hybris* against Pittalakos, but that incident involved several men, and the gravest threat to Pittalakos was not the violence he suffered, but the allegation that he belonged to Hegesandros rather than to the city (59-64). Although Athenian law allowed the possibility of charging a man with *hybris* against a slave there were no
corresponding cases in which Timarchos had assaulted a free person. In addition Pittalakos dropped the affair himself, so it is not surprising that Aeschines does not emphasize this event more. Therefore Aeschines cannot lean on hybris as heavily in the present speech as Demosthenes did against Meidias but he can use it to underscore the low value Timarchos placed on his own dignity.

Aeschines’ explicit statement that Timarchos committed hybris against himself is a culmination of all previous assaults on his masculinity: ἢ τίς οὐκ ἀπαίδευτος εἶναι δόξει τῇ μὲν κατὰ φύσιν ἁμαρτανούσῃ χαλεπαίνων, τῷ δὲ παρὰ φύσιν ἑαυτὸν ύβρίσαντι συμβούλω χρώμενος; (185).10 Not only is Timarchos hubristic, but he sins contrary to nature in a way that, if he were female, would be according to nature. This seems to be a clear reference to Timarchos’ capacity as a passive and penetrated sexual object. While nature could mean “proper” as it does here, it did not need to take on that connotation.11 Nature could also mean one’s innate inclinations, but that does not fit in this passage. Timarchos is unnatural not because he acts contrary to his own character: in fact he always acts in accordance with his personal nature. Aeschines constantly shows that Timarchos is by nature an immoderate and unrestrained person. His actions are, however, unnatural because they defy Athenian cultural norms. This distinction is most apparent as Aeschines praises natural homosexual relationships in contrast to Timarchos’ relationships.

As Aeschines accuses Timarchos of unnatural behavior and endorses other relationships, it becomes apparent that the key difference between Timarchos’ activities and those that were

10 “Would someone not seem uneducated if he treated harshly a woman sinning according to her nature but used as an adviser the man who committed hybris against himself contrary to nature?”

11 Winkler 171-209.
accepted and encouraged in Athens was the element of self-control. Aeschines claims that beauty was praised and still is, but only if it is mixed with self-control.\textsuperscript{12} He draws the distinction between the love for a beautiful and self-controlled youth, which is a mark of a noble soul, and the payment of a citizen for sex, which is proof of \emph{hybris}.\textsuperscript{13} This statement simultaneously reiterates the value of self-control and Timarchos’ role as a passive object of \emph{hybris}.

Aeschines claims that the laws mandate self-control in relationships between men and boys. The laws forbid relationships between boys and slaves and tacitly support relationships between self-controlled men and boys (139). Aeschines makes a double point by citing this law. Self-control is the key to proper relationships, and Timarchos is deficient in self-control. That Timarchos had a relationship with a slave demonstrates how little control he had, and how disgusting the results of his deficiency could be.

Aeschines strengthens the contrast between proper love and Timarchos’ relationships with historical and literary examples of proper love. Harmodios and Aristogeiton had the proper sort of love, and their appropriate relationship trained them to become benefactors of the city.\textsuperscript{14} Achilles and Patroklos are the first couple Aeschines mentions that demonstrate how poets

\begin{footnotesize}
\begin{enumerate}
\item[12] 133: καὶ τὸ κάλλος, ὡσπερ οὐ πάλαι μακαριζόμενον, ἄν τύχῃ σωφροσύνης, νῦν ἐγκωμιάσεται.
\item[13] 137: Ὅριζομαι δ’ εἶναι τὸ μὲν ἐρᾶν τῶν καλῶν καὶ σωφρόνων φιλανθρώπου πάθος καὶ εὐγνώμονος ψυχῆς, τὸ δὲ ἀσελγαίνειν ἀργυρίου τινὰ μισθούμενον ὑβριστοῦ καὶ ἀπαιδευτοῦ ἄνδρος ἔργον εἶναι.
\item[14] 140: Τοιγάρτοι τούς τῆς πόλεως μὲν εὐεργέτας, ταῖς δ’ ἀρεταῖς ὑπερεννικότας, Ἀριστοκράτων καὶ Ἀριστογέιτονα, ὁ σώφρον καὶ ἐννομὸς, εἴτε ἔρωτα εἴτε τρόπον χρῇ προσειπεῖν, τοιούτως ἐπαιδεύσεσθε...
\end{enumerate}
\end{footnotesize}
divide proper and self-controlled love from immoderate and hubristic love;\textsuperscript{15} though their status as lovers is never declared in the \textit{Iliad}, Aeschines claims that it is clear to an educated reader (142). He also cites Euripides for the link between self-control and proper love (151). Through these references to law, epic, and tragedy Aeschines delivers a clear message: the proper relationship between men is one of self-restraint, while Timarchos’ life has been a string of examples of the opposite.

The lack of self-control Timarchos has exhibited in his love life extends to the rest of his life, as well. This central characteristic both informs the other charges Aeschines brings and explains why a prostitute could not address the Ekklesia. Aeschines asks what a man who has sold \textit{hybris} against his own body would not sell.\textsuperscript{16} This is the fundamental concern behind prohibitions for rhetors against prostitution and wasteful living: if they are so immoderate in their private lives, how can they be trusted to run public affairs? Aeschines plays on this fear by claiming that when he finished devouring his body Timarchos devoured his estate, and finally the city’s funds in his pursuit of pleasure. Therefore Timarchos will not become dangerous to the city because of what he might do in the future, but he has already harmed Athens through the things he has already done.

While the charge of prostitution held primacy both of place and space in this case, the charge of squandering patrimony seems to be much stronger. Aeschines anticipates Demosthenes’ line of reasoning that his argument that Timarchos lived as a prostitute and afterwards spent his whole inheritance was nonsensical (94). Aeschines responds that it is very

\textsuperscript{15} 141: ὅσον κεχωρίσθαι ἐνόμισαν τοὺς σώφρονας καὶ τῶν ὁμοίων ἐρώτας, καὶ τοὺς ἀκρατεῖς ὡν οὐ χρὴ καὶ τοὺς υβριστάς.

\textsuperscript{16} 188: τί δ’ οὐκ ἂν ἀποδοῖτο ὁ τὴν τοῦ σώματος ὑβριν πετρακός;
simple: Timarchos lived wantonly on Hegesandros’ dime until Hegesandros ran out of money. By the time the cash ran out, Timarchos was no longer attractive enough to support his lifestyle by taking on clients; so he turned to his inheritance for funds. The order of this argument cannot work. Aeschines implies that Timarchos was an unrestrained and immoderate deviant before he became a prostitute, so he became a prostitute to acquire his pleasures (95). This line of reasoning is obviously flawed because no free Athenian male with ready money would turn to prostitution before he used up the money he already had. Of course, the jury could only hear the case once, so Aeschines can treat the point quickly and move on before the jury has a chance to analyze his argument.17 Instead of being based on facts this speech is based on a theme: Timarchos devoured everything he could, from his body outwards, in pursuit of his shameful pleasures. It is only in light of this theme that charging a man who had money of prostituting himself makes any sense.

Timarchos did not merely spend his inheritance; he devoured it whole and guzzled it down (95-96). Aeschines provides a rather lengthy list of properties that Timarchos’ father left to him, all of which he squandered. There were houses, slaves, workshops, and outstanding loans. There was enough before Timarchos used it all for fleeting pleasures that he would have been part of the liturgical class (97). Timarchos, however, was so addicted to fancy food and drink, courtesans, and gambling that he sold the property and the slaves for far less than they were worth. He also collected the outstanding debts only to send the money right back out, usually for whatever price he could get immediately rather than the actual value of the property (95-96).

Though common knowledge and gossip seem to be sufficient for a charge of prostitution to Aeschines, they apparently were not enough to prove that Timarchos wasted his paternal

17 Todd 171; Harris 117.
property, because Aeschines produces testimony to prove these claims and challenges Timarchos to produce the slaves he still owns, if he has not sold them all (100). Within this catalog of sold properties Aeschines mentions that he has heard that Timarchos’ own mother begged him not to sell one of the houses so that she could be buried there, but her supplications were not enough to overcome Timarchos’ addictions (99). Timarchos’ mother could not address the court, and her guardian would likely be Timarchos himself. So even if this anecdote were true, it would be impossible to prove, but Aeschines includes it anyway. His motivations seem clear: he cannot prove that Timarchos neglected his parents because Timarchos inherited the estate only after his father’s death, and his mother could not testify, but he can plant the seed of doubt in the minds of the jury members that maybe Timarchos indeed fit three rather than only two of the charges possible for a dokimasia tôn rhetorôn.

The most damning testimony given for Timarchos’ wasteful life is not from a friend of Aeschines who the jury might expect to lie, but from Timarchos’ own uncle Arignotos. Aeschines relates the family situation: there were three brothers, one of whom was Timarchos’ father Arizelos, and the other two were Arignotos and Eupolemos. The first to die was Eupolemos, after which Arizelos managed the oikos by himself and maintained Arignotos, who was both blind and physically weak. When Arizelos died and left the property to Timarchos he ceased providing a sufficient living for his disabled uncle. Timarchos even failed to testify on his uncle’s behalf before the Boule at his dokimasia for public support so that he could receive state funds for his maintenance, though at the time Timarchos was on the Boule (101-104).

Arignotos’ testimony is the strongest evidence in the case, but it is not without problems. Arignotos was Timarchos’ uncle, which may mean that he hoped to inherit the oikos following his brother’s death. Though ideally family relationships were the most harmonious, it was rarely
so. In practice relatives could be among the most serious threats to an oikos. Perhaps there was a logical reason for Timarchos’ treatment of Arignotos beyond his need to indulge himself at every opportunity. Even if there was a reason for Timarchos’ behavior a jury presented with a weak, elderly, blind man could hardly avoid feeling sympathy towards such a pathetic figure. Sympathy for Arignotos would necessarily result in antipathy towards the spendthrift who neglected his uncle, and thereby his duties as an Athenian man.

Athens did not have a public fund to support spendthrifts and wastrels as it did to support the disabled, so Aeschines alleges that Timarchos gained public office to extort the money he could not live without. Timarchos served as an auditor of officials leaving office, and in that capacity he accepted bribes to let bad officials off and threatened good ones with legal action in order to extort money from them (107). The contrast between a hoplite who is willing to sacrifice his body for the good of the city and Timarchos, who leeches funds from the city to support his body is perfectly clear in these sections.

Timarchos’ offences as an auditor were only the beginning, however. Because he had spent his patrimony he had to borrow money at a high interest rate so that he could bribe his way into office at Andros. It was while managing affairs in that ally city that Timarchos displayed his lecherous behavior with the wives of the free men in that city to an extent previously unknown. Aeschines declines to call as witnesses the men Timarchos dishonored during that period rather than publicly humiliate them, though it seems more likely that this is just another

18 Roisman 50.
19 On the interest rate see Fisher 2001: 245.
20 καὶ τοσαύτην ἀσέλγειαν ἐπεδείξατο εἰς ἑλευθέρων ἀνθρώπων γυναῖκας ήλίκην οὐδεὶς πώποθ’ ἐτερος.
Aeschines allows himself a bit of hyperbole as he claims that it was a good thing for Athens that there were no prospective buyers for Andros while Timarchos was there (108).

Aeschines also relates a story from Timarchos’ time on the Boule in which he was accused of embezzlement. A man named Pamphilos discovered their plot and brought it before the council, saying that a man and woman were stealing from the city. The man was Hegesandros and the woman was Timarchos. The Boule initially voted to expel Timarchos, but when a second vote was held they exonerated him (110-112). Apparently the Boule was not voted a crown that year, no doubt, according to Aeschines, because they had acquitted Timarchos. This anecdote reveals that according to Aeschines the whole city knew that Timarchos was wholly emasculated.

In addition to the crimes already listed Aeschines mentions one known occurrence of bribery in which Timarchos admitted to accepting money and cast himself on the mercy of the court (113). Presumably such a case in which Timarchos had pled guilty would be verifiable. As fits with the character Aeschines has fashioned for him, Timarchos did not respond to that setback with more moderate behavior, but instead went on to repeat the same sort of crime. Aeschines claims that Timarchos spoke out against a genuine citizen at the scrutiny of the citizen lists maintaining that the man was in actuality one of his freedmen. Of course this ploy was just another attempt to gain some fast cash, and it worked. Timarchos received 20 mnai to drop his case, though he had already sworn an oath that it was true (114-115).

Following his discussions of Timarchos as a prostitute, a spendthrift, and a corrupt politician Aeschines moves on to anticipate what sorts of arguments the defense will use. It is in his anticipation of Demosthenes’ defense tactics that we are faced with a paradox. Aeschines
says that if one were to unwrap Demosthenes from the dainty clothes he wears while he writes his speeches and pass them around room the men of the jury would be unable to tell whether they were a man’s clothes or a woman’s unless they had been told ahead of time. This is on account of Demosthenes’ womanish ways and *kinaidia* (131). A variation of the term reappears as Aeschines mentions an elderly Spartan leader who he says (sarcastically) would readily have permitted Timarchos or the *kinaidos* Demosthenes to practice politics (181).

The paradox is that Aeschines applies the term to Demosthenes, but never once to Timarchos. We have already seen, however, that there is reason enough to assume passivity in this case from the numerous passages in which Aeschines attacks Timarchos through innuendo. So why does Aeschines refrain from calling Timarchos a *kinaidos*? A *kinaidos* was unrestrained, as Timarchos was. A *kinaidos* was sexually promiscuous, as Timarchos was. In short, a *kinaidos* was a shameful individual concerned only with fulfilling his immediate desires, a description that applies to Timarchos just as easily as Demosthenes according to Aeschines’ account of his life. Aeschines frequently denounces Timarchos’ vices, but those vices are his addiction to food, drink, gambling, and often courtesans. Aeschines implies that Timarchos may have enjoyed his role with his clients by stating that he did not hesitate to accommodate them, but he never says directly that he enjoyed it (42). I would propose that Aeschines does not allege that Timarchos was a *kinaidos* because that would have implied clearly that he enjoyed his role with his clients, and if he enjoyed that role they may not have been clients at all but men who had their way with Timarchos for free. That role would be as shameful as that of a prostitute, but it was not actionable under a *dokimasia*.

While the most noteworthy charge in this speech is that of prostitution, Aeschines did not win on that allegation alone. This case was convincing not because of a single outstanding and
salacious charge, but because of Timarchos’ numerous failings that Aeschines presents.

Aeschines does not attempt to prove Timarchos had prostituted himself, he instead succeeded in proving, at least to the jury’s satisfaction, the theme that Timarchos began with devouring himself, then moved on to his patrimony, and finally to the city itself. The picture of Timarchos as an unrestrained deviant is powerful because of the links between prostitution, wasteful spending, and corruption as a city official. Perhaps none of these charges would have been powerful enough alone to gain a conviction, especially without any witnesses for the prostitution charge. Together, however, these charges make Timarchos as faulty in his masculinity as Meidias was. Although his masculinity was not strong enough while Meidias’ was overpowering, Timarchos is a danger to the city nonetheless.
CHAPTER 4
CONCLUSION

In his discussion of violence, Herman concludes that the official forces responsible for perpetuating the democracy were not strong enough to maintain law and order. Instead, the Athenians relied upon citizen hoplites, legitimate self-help, and the internalization of suprapersonal values. In Herman’s opinion, the most important factor in maintaining the democracy was the tacit backing of the hoplite class. He admittedly draws this conclusion not from any primary source evidence, but because he cannot see how the democratic system functioned if the citizen hoplite army were not the power behind the scenes.¹

I think Herman has underestimated the democracy in Athens by placing it in the hands of the hoplites rather than the whole demos.² On the one hand, of the 30,000 or so Athenian citizens, only 7,000-8,000 were hoplites (Ober 1989: 129). On the other, Herman assumes that there must have been a coercive force to uphold the democracy, but according to the discursive paradigm internalized suprapersonal values should have been enough to hold the city together under normal circumstances. In extraordinary circumstances, the city could unite under the Boule and prosecute serious threats more efficiently, as it did when the herms were mutilated.³ For less serious threats to the city, like the threats that Meidias and Timarchos may have posed, ordinary prosecution was sufficient to define the bounds of acceptable activity.

Demosthenes 21 illustrates how excessive masculine energies could be used against a defendant in court. Demosthenes seeks to show that Meidias is not only a menace to private citizens, but to the whole state. He proves his case by beginning with the offences he suffered

¹ Herman 1994: 115.
² Cf. Cartledge for the importance of the thetes in the democracy.
³ Hunter 120.
himself, but quickly progresses into a discussion of how Meidias has harmed the city. Perhaps
the most damning characteristic Demosthenes discusses is Meidias’ lack of concern for how the
demos views him. A man so preoccupied with his own personal agendas and gratification that he
disregards the collective will of the city is dangerous and must be censured.

Timarchos’ usefulness was also limited because he put his interests ahead of the city’s, but
for the opposite reason. While hybris was an excess of masculine energies, Aeschines accuses
Timarchos of playing a woman’s role. The most interesting charge in this speech is prostitution,
but Aeschines also attacks Timarchos as a son and a citizen. Timarchos robbed the city to fund
his own extravagance, while Meidias shamed other citizens to amuse himself. These two men
suffer from opposite faults, too much and too little manliness, but the result for each is the same:
imbalance in masculinity do not harm only the imbalanced individual, but the whole
community.

Through Demosthenes 21 and Aeschines 1 we have seen how masculine values can be
manipulated toward two opposite extremes and applied to political enemies. Because there was
the constant danger of prosecution under a myriad of charges, these masculine ideals were more
than guidelines to the rhetors who guided public policy. While a non-elite citizen could probably
do as he pleased in his private life, citizens who held highly visible posts, such as ambassadors,
would have had to be considerably more careful about how their actions could be perceived.

If one of these visible targets allowed his masculinity and pride to become too powerful he
could end up facing a case much like the one Meidias did. Perhaps it would not be a charge of
hybris, but as Demosthenes 21 proves, even if hybris were not the technical charge it could still
appear as frequently as if it were. Likewise in the case of Aeschines 1, if a man did not appear to
hold his masculine honor in high enough regard he could face charges arising from his deficient
masculinity. Indeed, if we accept that masculinity was a spectrum with kinaidic behavior on one end and hubristic behavior on the other, these two cases show well both the range of proper masculinity, and that the key feature that defined the spectrum of masculinity was self-control.
LIST OF REFERENCES


BIOGRAPHICAL SKETCH

Seth Boutin was born in Shreveport, Louisiana, in 1983. After being homeschooled through middle school Seth attended Caddo Magnet High School, where he captained their nationally ranked quiz team. After high school Seth went to Baylor University in Waco, Texas. While at Baylor Seth majored in University Scholars with a focus in classics. Upon graduating from Baylor, Seth began his studies at the University of Florida. Seth plans to continue his education by working toward his doctoral degree.