

Eötvös Loránd University
Faculty of Humanities
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Summary of PhD Dissertation

The indictment of Aeschines
Against Timarchos

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I. About the topic of the dissertation

The historical figure of the Athenian Aeschines had been covered by the shade of his great opponent Demosthenes until the 20th century: his rhetorical and political achievements were compared to those of the famous orator, and his deeds were judged less by his own works but rather by those of his rival. Demosthenes, the bold enemy of Macedonian imperialism, the valiant freedom fighter of his home city, fought a sixteen-year public tournament against Aeschines, and as his courtroom speeches reveal, he maintained a devastating personal and political opinion of his opponent. Their last confrontation in the “Crown-case” (330 BC) resulted in the decisive victory of Demosthenes, who was later declared the “prince of orators” (*princeps oratorum*) and the “standard of oratory” (*lex orandi*) by Cicero and Quintilian, thus modern judgement on Aeschines was fundamentally determined by the understandable bias of his adversary: until recently, Aeschines was commonly regarded a Macedonian-friend and a traitor.

The fact that research in the last half century revalued Aeschines' role is (in my opinion) due to two factors. First, scholars of late-classical Athenian history admitted that the speeches of Demosthenes, though more brilliant in rhetorical terms, are not superior to those of Aeschines as historical sources. Moreover, certain political actions and procedures, e.g. the series of negotiations leading to the Peace of Philokrates (346 BC), cannot be understood without the orations of Aeschines, which often provide us with a clearer narrative of the events. Demosthenes' speeches are not less biased and not more exempt from half-truths and sheer lies than those of Aeschines. The recognition of this fact is one of the reasons that lead to a more positive image of Aeschines — or, we can say, to a more sophisticated and nuanced approach to both orators.

The second factor is the basic source of the present doctoral thesis. The first oration of Aeschines was written against an alleged former male prostitute, Timarchos, who became an established and highly active politician of Athens by the time of his trial in 346/5 BC, however, Aeschines sued him for his lecherous past deeds with a procedure called the scrutiny of orators, and though no hard evidence was presented to support the charge, Aeschines managed to persuade the majority of jurors by colourful narratives and cunning argumentation, thus Timarchos was convicted and lost his citizen status. Because of the distasteful sexual content of the topic, academic scholars had neglected the speech against

Timarchos for long, but this situation radically changed with the rising interest in ancient Greek sexual ethics and morality in general. The first significant milestone of the research was the publication of Sir Kenneth Dover's *Greek Homosexuality* in 1978, which used the indictment against Timarchos as the main guideline to explore the topic. Dover's pioneering work showed an objective scientific tone to examine elements of an ancient culture that are regarded sensitive social phenomena even today. Thus the oration was released from a scholarly “quarantine”, and – in the words of Edward Harris, a prominent scholar of Aeschines – it “is now one of the most discussed works of Greek literature.” This is ample justification to prepare the first Hungarian translation and commentary of the Timarchos speech, especially if we consider how many academics translated various works of Demosthenes at the turn of the 19th and 20th centuries, while no oration of Aeschines has been available in Hungarian so far.

II. Structure of the thesis and major results

There is no point in giving a detailed biographical introduction in my dissertation, since a thorough and carefully balanced analysis on the life and political career of Aeschines was written by the aforementioned Edward Harris less than two decades ago, and his major points are still unquestionable.¹ It is more useful to collect ancient testimonia and biographies on Aeschines, which cast light on his career and provide some information about the speech against Timarchos, too. In the first chapter I present the Hungarian translation of short biographical summaries preserved in the manuscript tradition, and add the excerpts on Aeschines by Photios, the Suda lexicon, and a papyrus fragment from Oxyrhynchos (P.Oxy. 1800). The testimonia are annotated in the footnotes. Items of this collection of sources reveal a lot about the life of the orator, but in order to clarify some unreliable and sometimes even self-contradictory data, I provide a concise biographical summary as well, accompanied by a chronological addendum.

In the last unit of the biographical chapter I examine a votive inscription (IG IV² 1 255) from Epidauros that is commonly believed to be dedicated to Asklepios by Aeschines to commemorate his miraculous recovery from an ulcer on his head in the sanctuary. The hypothesis, first

1 HARRIS, Edward M.: *Aeschines and Athenian Politics*. New York–Oxford, 1995.

formulated by Rudolf Herzog² and followed by a number of scholars since then, is based on the assumption that the fragmentary inscription matches a votive epigram (AG VI.330) attributed to Aeschines in the codex tradition. However, some of the publications on the inscription seemed unreliable, and certain scholars, hindered by an imperfect understanding of each other's languages, have not reached agreement over the attribution, thus I tried to ascertain the authenticity of the inscription. At my request, the responsible ephorate (Η Δ' Εφορεία Προϊστορικών και Κλασικών Αρχαιοτήτων) kindly produced and sent me a digital image of the fragment held in the Archaeological Museum of Epidaurus. With the help of the photograph I tried to establish whether Herzog's assumptions can be verified or not.

Although the photo does not provide irrefutable evidence, I came to the conclusion that the inscription cannot be linked to the epigram attributed to Aeschines. One of the main reasons is that the letter before *H* (*eta*) of the *-ητος* patronym in the first line, though only a little part of it is visible, cannot be *M*, thus the patronym cannot be supplemented as Ἄτρο]μήτου to match Atrometos, the father of Aeschines. The letter in question ought to be read as *T* (or perhaps *Γ*). Second, the first legible letters in the third line cannot be read in the way Herzog assumed (εἰς δὲ τὸ θεῖον), thus they cannot match the ending of the first line of the epigram preserved in the *Anthologia Graeca*. A more probable reading is με τὸ θεῖον, whereas the preceding letters of the line are not decipherable. The inscription and the epigram are consequently unrelated, still, we neither have good reason to doubt that the author of the epigram was indeed the orator Aeschines, nor can we firmly refute his recovery in Epidaurus — nor prove it, for that matter.

The second unit of the dissertation includes ancient summaries (*hypotheses*) of the speech against Timarchos and the oration itself in Hungarian. In the case of the *hypotheses* no editions are available in any modern language, but for the oration I consulted German (Bremi) and English (Adams, Carey, Fisher) translations, overriding their interpretation if necessary. I took particular care to mediate the rhythmical opening and the inserted poetical excerpts in accordance with the original metrical form. The structure of the speech, the first oration of Aeschines translated into Hungarian, is summarized in the following

2 HERZOG, Rudolf: *Die Wunderheilungen von Epidaurus. Ein Beitrag zur Geschichte der Medizin und der Religion*. [Philologus, Suppl. Bd. 22,3] Lipsce, 1931, 39–41.

outline:

- Part I. (1–6) Introduction
 - 1–3: The cause of this trial
 - 4–6: The importance of laws

- Part II. (6–36) Citation and interpretation of laws
 - 7–16: Laws on the moral control of children
 - 9–12: On teachers, attendant slaves and choir leaders
 - 13–14: On boys compelled to prostitution by family members
 - 14: On procuring
 - 15–17: On *hybris*
 - 18–21: Laws on the moral control of adolescents: on prostitution (*hetairisis*)
 - 22–36: Laws referring to adults:
 - 22: On good order (*eukosmia*)
 - 23–27: On speaking in the assembly, on the moral control of ancient orators
 - 28–32: On the scrutiny of orators
 - 33–34: On the presiding officers of the assembly (invalid)
 - 36: The benefit of laws

- Part III. (37–116) The career of Timarchos and his sins
 - 37–39: Introduction, *praeteritio* of childhood offences
 - 40–70: Timarchos' lovers: voluntary prostitution of his own body
 - 41–50: Misgolas
 - 53–55: Pittalakos
 - 55–70: Hegesandros; abuse of Pittalakos, witness testimonies
 - 71–93: Parenthetic argument: the absence of direct witnesses
 - 72–73: The reason for the lack of witnesses
 - 74–93: Judgement not by testimonies but on the basis of prior knowledge. Examples:
 - 74–76: brothels
 - 77–78: scrutiny of citizen lists
 - 80–85: double entendres in the council and in the assembly
 - 86–88: the motion of Demophilos about bribery
 - 89–91: jurors are also witnesses
 - 92–93: the example of the council of Areiospagos
 - 94–105: Dissipation of the ancestral estates
 - 94–96: Preliminary refutation of Demosthenes' arguments
 - 97–101: Details of properties
 - 102–104: Origins of ancestral property, the case of Timarchos' uncle

- 106–116: Public career of Timarchos
 - 106–108: abuse of office as auditor and as magistrate on the island of Andros
 - 109–112: embezzlement case with Hegesandros in the council
 - 113–115: bribery case as financial inspector and at the scrutiny of citizen lists
- 116: summary of the speech so far
- Part IV. (117–176) Anticipated arguments of the defence and preliminary refutation
 - 119–124: Tax of prostitutes, places, occasions
 - 125–131: The “Report” (*Pheme*)
 - 132–140: Virtuous pederasty in the culture of Athens, the practice of Aeschines
 - 141–154: Virtuous pederasty and judgement in the works of poets
 - 142–150: Achilles and Patroklos in Homer's *Iliad*
 - 151–154: The idea of love and the judgement of men in the works of Euripides
 - 155–159: Examples for virtuous and for debauched Athenian youths
 - 160–165: Contracts and agreements
 - 166–176: Predicted attempts of Demosthenes to divert the case with recent political issues and rhetorical tricks
 - 170–172: interlude — Demosthenes' case with Aristarchos
- Part V. (177–196) Concluding arguments
 - 177–179: Respect for the the laws
 - 180–184: Moral examples of Sparta and Athens
 - 185–195: Need to maintain moral control, encouraging the jurors to convict Timarchos
 - 196: Closing

The third and largest part of the dissertation includes the commentary of the oration. I made explanatory remarks to highlight the internal connections and cohesion of the text, and I also attempted to interpret and comment upon the rich material of legal, rhetorical, cultural, and literary implications of the speech. I could rely on the excellent commentary of Nick Fisher published in 2001,³ but obviously I took all available recent scholarly literature into consideration. As far as it was possible, I tried to avoid simply reformulating statements of Fisher's brilliant contribution.

3 FISHER, Nick: *Aeschines: Against Timarchos*. Oxford, 2001.

The fourth chapter of the thesis examines how Aeschines argued to have the jurors convict the defendant, while no hard evidence was at his disposal concerning the alleged former debaucheries of Timarchos. I make a list of charges mentioned in the speech, which can be grouped around two points of the law on the scrutiny of orators (*dokimasia rhetoron*, see 28–32): 1) Timarchos took payment to fulfil any sexual desires of other men, thus he lived as a prostitute, while also committing *hybris* on his own body; 2) he dissipated a considerable amount of inherited properties to maintain a debauched lifestyle filled with feasts, drunkard carousing, and courtesans. Aeschines calls on witnesses to support the charges, but careful analysis of their testimonies reveals that they do not or cannot exactly prove the charges that the orator made against Timarchos, and furthermore, he either does not call self-evidently well-informed previous lovers like Pittalakos or the “wild men” (*hoi agrioi*, 52), or announces in advance that the attending witnesses are (probably) not willing to confirm their written testimonies (like Misgolas and Hegesandros). It is a remarkable accomplishment that Aeschines managed to take advantage of technically invalid testimonies: he made the jurors believe that the former (alleged) lovers are unscrupulous and shameless liars, who deny confirming the evidence (*exomosis*).

Aeschines explains the lack of witnesses testifying the crucial points of the indictment by claiming that the law punishes the sellers and the buyers of homosexual pleasures equally with capital punishment (72–73). Since this activity is known only by the person who offered himself and the man who hired him, it seems obvious that direct witness could be only one of them — yet they risk their own life. This appealing argument is fundamentally misleading, because Aeschines confuses four laws cited in the first part of his speech: the law about *hybris* (*graphe hybreos*, 15–17), the law about prostitution (*graphe hetaireseos*, 18–21), the law concerning boys compelled to prostitution by their own relatives (13–14), and the law on procuring (14). Although Aeschines sued Timarchos on the basis of the scrutiny of orators (*dokimasia rhetoron*), he takes the defendant's alleged debaucheries as if they were *hybris* and *hetairisis* at same time: *hybris* on behalf of the man who exploited him, and *hetairisis* on behalf of the passive partner, i.e. Timarchos. Aeschines tries to make the jurors believe that Timarchos' lovers all committed *hybris* on the body of the defendant, thus their life is in grave danger if they testify. Nevertheless, the law on *hybris* is hardly applicable if the victim voluntarily submits himself to the will of the *hybristes*, since on this

basis all clients of prostitutes could be sued for *hybris*. Second, this charge does not necessarily result in death penalty: the retribution was established by an additional procedure after conviction (*timesis*). The most severe (i.e. capital) punishment is mentioned on two occasions: in the case of convicted procurers (14) and people found guilty of *hetairiosis* (20). The idea of equal punishment for both participants of a deal is borrowed from the law on the protection of children compelled to prostitution (13–14), though in fact the law punishes the person who puts the child out to hire and the man who hires him or her, but not the child suffering sexual violence. Grabbing and confusing details of previously quoted laws enabled Aeschines to make the impression that all lovers of Timarchos refuse testimony out of fear from death punishment. The above cunning interpretation of various unrelated law can be summarized in the following chart:

| Law | Punishment | Detail exploited by Aesch. | Note |
|------------------------------------------------------|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| child compelled to prostitution by relatives (13–14) | <i>Timesis</i> , equal punishment to the one who put the child out for hiring and the hirer | “The law makes the penalties the same for both...” | The law is about the prostitution of children, and Timarchos was not a child any more. |
| on procurers (14) | the heaviest penalties, probably death punishment (τὰ μέγιστα ἐπιτίμια) | “...prescribed the heaviest penalties...” | There is no procurer in the case of Timarchos. |
| <i>hybris</i> (15–17) | <i>Timesis</i> | “if anyone commits <i>hybris</i> against a boy – and the man who hires a boy for his own use surely commits <i>hybris</i> against him...” | It is true that raping a child is probably considered as an act of <i>hybris</i> , but Timarchos was not a child. |
| <i>hetairiosis</i> (18–21) | the heaviest penalties, probably death punishment (τὰ μέγιστα ἐπιτίμια) | “If any Athenian prostitutes himself...” | Timarchos is not sued on the basis of this law, thus he cannot be convicted for <i>hetairiosis</i> . |

The other foundation of Aeschines' argumentation is *PHEME*, the widely known common Report, who tells the truth about everyone (125–131). The basement of *PHEME* can be called the “everyone knows”-technique: from the beginning of the oration Aeschines often repeats that his report on the accused is well-known by everybody, thus there is no need to supply further evidence. He applies this technique 16 times, and 14 of these references are made before the introduction of the *PHEME*-argument in 125. He used it to make the audience aware that Timarchos lived a lecherous life and prostituted himself. After carefully

setting up the awareness of the jurors, he introduces them the star witness, a personified and deified PHEME: “*where men’s lives and actions are concerned, of its own accord a true Report (φήμη) spreads through the city announcing an individual’s conduct to the public at large, and often predicting future events, too.*” (127) He even quotes poetic passages from Homer, Hesiod, and Euripides (some of them slightly falsified) to confirm the inaugurated image of PHEME. (Different forms of this allegory in ancient Greek literature, supplemented by the only attested occurrence of the deified PHEME in epigraphical evidence, is examined in the fifth chapter of the dissertation.)

Besides several other sources, the speech against Timarchos confirms the well-known fact that various forms of homosexual connections were common in Athens in the classical period, especially the relationship of an adult man (*erastes*) and a youth (*eromenos*). However, Aeschines pretends as if a clear difference existed between the accepted and morally virtuous (*sophron*) form of this relationship and the condemned, harmful and debauched (*bdelyros*) liaisons. He claims that magnanimous and free love is beautiful, whereas love purchased for money and endured as a slave is ugly — still, the practical borderline between the two forms was not always clear. Young men in the gymnasias and in the wrestling grounds were targets of numerous adult men, who notoriously competed for the most beautiful youths in word, with gifts, and sometimes even in violent actions as well. The *eromenoi* had to be very sensible not to give reason to unsuccessful *erastai* or to the public to regard them as profligate and lecherous young men. The Athenians were aware of the touchy issues of pederasty as a social phenomenon, and they were sensitive to everything affecting the education of young people or to moral control in general. Certain examples hint at the point that their sensibility was even more intensive in the 340s and 330s BC: the speech of Apollodoros against the prostitute Neaira and his alleged husband Stephanos; the council of the Areiospagos growing stronger than ever since the 450s BC, expressing opinion in moral and political issues as well; the modification of certain elements in the selection of jurors by a sophisticated procedure of lot described by the *Constitution of the Athenians* attributed to Aristoteles (AP LXIII–LXVI). The education of young people, referred to by Aeschines again and again in the speech, is soon basically reorganized in the ephebic reform of 335/334 BC.

Consequently, when the Athenian jurors decided whether to convict Timarchos and shatter his political career to pieces, their primary

concern was not the verbatim meaning of the existing laws or if the witness testimonies forcefully confirmed the claim that the defendant truly committed the alleged crimes that Aeschines ascertained, but they rather asked themselves if the good of the community is served by acquitting a person whose reputation is far from impeccable. The Athenians, being always sensitive to everything that could possibly threaten the moral controls, convicted Timarchos the same way as they had convicted Socrates in 399 BC for allegedly corrupting the youths. The good of the community required it.

The present doctoral dissertation is only a preliminary study to a major enterprise which aims at translating and interpreting the entire corpus of Aeschines, including the second oration (*On the Embassy*, 343 BC) and the third oration (*On the Crown*, 330 BC) as well.

III. Publications and conference participations in the topic

1. Publications:

- BAJNOK, Dániel: The Goddess of Report in the Courtroom. *Acta Classica*, 49 (2013), 181–189.
- : Phémé, avagy egy allegória deifikációja [Pheme, or the deification of an allegory]. *Vallástudományi Szemle*, 9/3 (2013), 77–82.
- : Aischinés epidaurosi felirata? *Antik Tanulmányok*, 58/1 (2014), megjelenés alatt.
- : Aeschines' inscription in Epidaurus? An old question revisited. *Graeco-Latina Brunensia*, 19/1 (2014), megjelenés alatt.

2. Conferences:

- BAJNOK, Dániel: *Phémé hatalma: Aischinés érveléstechnikája a Timarchos ellen mondott beszédben*. [The might of Pheme: Aeschines' argumentation in the speech against Timarchos] Paper read in Piliscsaba at the 10th Hungarian Conference of Classical Studies, 16 May 2012.
- : *The Goddess of Report in the Courtroom*. Paper read at the Non Omnis Moriar (Hahn 100) Conference in Budapest, 23 March 2013.
- : *Magánélet és közélet konfliktusa Athénban Démoszthenész idején*. [The conflict of private and public life in Demosthenic Athens] Paper read in Pécs at the “Egyén és politikai gyakorlat Országos Interdiszciplináris Doktorandusz Konferencia” (‘Individuum and Political Practice’ – National Interdisciplinary Conference for Doctoral Students), 19 April 2013.
- : *Aischinés epidaurosi felirata?* [Aeschines' inscription in Epidaurus?] Paper read in Debrecen at the workshop called “Régió és regionalitás” (Region and Regionalism), 26 June 2013.
- : *Démoszthenész és Aischinés – A hazafi és a hazaáruló?* [Demosthenes and Aeschines – The patriot and the traitor?] Paper read in Budapest at the 11th Hungarian Conference of Classical Studies, 22 May 2014.