

*Law, social control, and homosexuality in classical
Athens*

The preceding two chapters have investigated the processes of social control associated with male–female sexual relations, particularly adultery. This chapter turns to the area of sexual relations between men, and attempts to show how the politics of reputation and gender also govern this complex field of social practices. Further, the discussion of homoeroticism pursues the theme of the ambiguity, ambivalence, and manipulability of norms, values, expectations, and practices introduced above. Here, Giddens' comment about the centrality of contradiction as a characteristic of social systems can usefully serve as a guiding light for the investigation.

Recent scholarship has succeeded in greatly advancing our understanding of "Greek Homosexuality." Kenneth Dover and Michel Foucault have argued that the modern dichotomization of sexuality as heterosexuality/homosexuality does not apply to the ancient world, and they have shown how distinctions between active and passive roles in male sexuality defined the contours of the permissible and impermissible in paederastic courtship and other forms of homoerotic behavior. Among the Greeks, we are told, active homosexuality was regarded as perfectly natural: sexual desire was not distinguished according to its object. There was, however, a prohibition against males of any age adopting a submissive role that was unworthy of a free citizen.¹

Some Athenians in the classical period may have unjudgmentally thought that some men by nature liked boys, others women, still others both, but it does not follow that the normative categories of sexual roles associated with the dichotomy of homosexual/heterosexual were entirely absent. Further, though the delineation of active and passive roles was certainly important it was by no means

¹ Dover (1980: 60–8, 81–109), Foucault (1984: 47–62), Cantarella (1988: 35–78), and Halperin (1990).

the only determinant of social norms related to sexual roles and homoerotic behavior. What other normative expectations influenced homoerotic behavior, how such expectations influenced processes of social control, and how these processes, together with patterns of compliance, avoidance, manipulation, and interpretation, operated to reproduce the social system of homoerotic relations also remains largely unexplored.² Thus, despite the fundamental contributions of Dover, Foucault, Halperin, Cantarella, and others, major issues remain that the new orthodoxy that has followed in the wake of Dover's work does not resolve.

Foucault, for example, whose interpretation relies heavily upon Dover, has addressed some of these problems, but his interpretation manifests a desire to deny the force of any norms or values other than those associated with the dichotomies of active/passive and excess/moderation. This desire, in my opinion, arises largely from his programmatic need to locate a period largely free of the evils out of which the modern Christian problematization and "auto-regulation" of sexuality can develop. While Dover's account follows the traditional strategy of attributing differing attitudes towards paederasty to class distinctions, as manifested in the audiences and milieus associated with Platonic and Socratic circles, as opposed to the comic poets, Foucault recognizes that such an explanation does not go deep enough.³ Although he closely follows Dover's account of the social institutions and attitudes associated with paederasty, he emphasizes the extent to which sexuality was already a source of unease in that the naturalness of undifferentiated sexual desire was, for men, bounded by the dual limits of excess and passivity.⁴

Foucault's explanation of this conflict is, however, ultimately unsatisfying in that in the end it rests upon his account of philosophical speculation about pleasure, moderation and self-mastery in Plato, Xenophon, and Aristotle. The development of what he calls the principle of "auto-regulation," as embedded in the cultural ideal of the self-controlled man, operates to restrain that universal sexual drive which, Foucault argues, is seen as naturally tending towards excess. This tendency, he goes on, if realized, would place the sexual subject in a role of submission to pleasure, of slavery to passion in Plato's phrase, that is unworthy of a free man. Thus, by

² The most recent work of Winkler (1990) and Halperin (1990) considers some of these questions, though from a perspective rather different from the present study.

³ Dover (1980: 148-51).

⁴ Foucault (1984: 56-7).

"not yielding, not submitting, remaining very strong and prevailing over pursuers and lovers through firmness, temperance and resistance," the young man affirms his masculine worth. However, both Foucault and Dover seem to think that after sufficient struggle the boy may, under certain circumstances, give in.⁵ Thus, although Foucault raises the issue of ambivalence, he does not pursue it because his intellectual pre-inclinations lead him to underestimate the extent of the unease which he has correctly identified. Foucault, like many other scholars, is committed to finding that in Greek culture homoeroticism is regarded as natural, that a heterosexual/homosexual bivalence and accompanying modes of normalization do not exist, and that an ideal of asceticism and self-mastery over the body arises in philosophical speculation. Accordingly, he does find just these things which he needs for the larger story which makes up the enterprise of his history of sexuality, but in the process his account becomes a bit too univocal and homogenized.

In my opinion, an exploration of Greek homosexuality ought to begin by insisting very strongly on the profundity of the conflicts which permeated Athenian values and practices in this area. The argument which follows will show that current interpretations do not do justice to the complexity of these social patterns and will argue that Athenian homoeroticism must be understood in the context of a theory of social practice which emphasizes the centrality of cultural contradiction and ambivalence.

Beginning with the classical studies of Malinowski among the Trobrianders, an increasing number of anthropological theorists have focused on conflict and contradiction as central features of cultural systems.⁶ Malinowski first recognized the importance of identifying the conflict between cultural ideals and social practices implicit in the accounts which informants give of their culture. Later anthropologists like Bourdieu, Barrett, Turner, and Godelier have moved to a more sophisticated understanding of conflict and ambiguity as structural principles of culture. Chapter 9 will address the general theoretical question of cultural conflict and contradiction more fully, but the point here is that the historian should not always attempt to explain away every contradiction or ambiguity as if socio-

⁵ The precise position is not always clear; see e.g. Dover (1980: 81-109).

⁶ Malinowski (1929: 565-72), Bailey (1969: 125ff.), Turner (1967: 5-44), Handman (1983: 191), Gellner (1981: 114-16), Bourdieu (1977: 1-142), Godelier (1986: Chapters 2, 3, 6, 7).

historical explanation were a riddle which admits of a univocal solution.

As Malinowski discovered in his work on the incest taboo, and as later scholars have shown, such normative ambiguity is perhaps nowhere so pervasive as in the realm of sexuality.⁷ For Malinowski the moment of illumination came when he was forced to confront such a contradiction on the occasion of a public incest scandal involving a brother-sister relationship (the worst imaginable case by Trobriand standards). His informants had repeatedly assured him that such behavior was regarded as the supreme abomination and thus never had occurred. Having taken this testimony at face value, Malinowski was forced by these events to reconsider his premises. He realized that his informants had not been lying, but had sincerely described their society as they wanted it to appear to be, rather than acknowledging the multivalent force of brother-sister incest in family life, ideology, and myth. Indeed, his study of the Trobriand creation myth, where society comes into being through brother-sister incest, revealed fundamental tensions in normative ideals, tensions which also manifested themselves in Trobriand sexual practices. Affirming that such tensions and contradictions should not be dismissed or explained away, Malinowski's account reveals their centrality for an understanding of cultural complexity.⁸ The same principle holds good for the historian. Conflict and contradiction must likewise be the starting-point for Athenian homoeroticism.

The Athenians themselves were not unaware of such ambiguities and conflicts. To begin with, according to Xenophon Greeks acknowledged that laws and customs regarding paederasty varied widely between different states. Some prohibited it outright, others explicitly permitted it.⁹ Further, in his *Symposium* (182aff.), Plato put into the mouth of Pausanias an encomium of love which explicitly addresses the conflicts within Athenian norms and customs regulating paederasty. Whereas for the rest of Greece the laws and customs pertaining to paederasty are clear and well-defined, explains Pausanias, those of Athens and Sparta are "poikilos" – intricate, complicated, many-hued. He goes on to say that Athenian legislation in this area is admirable, but difficult to understand; the difficulty consists in the simultaneous approbation and censure which social

⁷ E.g. Handman (1983: 191), Gregor (1985: Chapters 2, 3, 4, 5, 10).

⁸ Malinowski (1929: 494–572). ⁹ *Lakonian Constitution* 2.12–14, *Symposium* 8.34–5.

norms and legal rules attach to the pursuit of a paederastic courtship.

Whatever its philosophical or other merits, Pausanias' famous explanation that society only condemns the unchaste love of Aphrodite Pandemus while justly praising the noble (i.e. unconsummated) love of Uranian Aphrodite, does not dispel the contradiction which it has correctly identified. Part of the difficulty is that Pausanias' speech conflates at least two distinct categories of norms and institutions. For although he repeatedly uses words like *nomos* (law, custom), it is often not clear whether he is referring to law, or to custom in the sense of traditional social practice. It may be appropriate, then, to start by examining Athenian legislation on this subject and then move to a comparison of the legal norms with social codes and practices.

Preliminarily (though in discussing Athenian attitudes towards homoeroticism, scholars often note that at Athens there was no law forbidding unremunerated homosexual intercourse between consenting males) this statement requires some qualification. As Chapter 9 will show, the fact that the law does not prohibit a particular sexual act does not imply that it is favored, but may arise out of the delimitation of a sphere of private activity which is thought to be beyond the legitimate scope of legislative activity. Thus, although most Athenians seem to have regarded incest as an abomination, there is no law which prohibits or punishes it. Likewise, most scholars would agree that, in general, Athenians would have regarded the idea of sexual intercourse between two middle-aged male citizens as disgusting. Such conduct, however, was not felt to transgress the public sphere which the law protects.¹⁰ This point will become clearer after the description of the Athenian statutes, but what deserves emphasis here is that the lack of statutory prohibition does not in itself imply permissive or positive attitudes.

The legal provisions regulating various forms of homoerotic behavior may be grouped in three categories: laws relating to prostitution, laws relating to education and courtship, and, finally, general provisions concerning sexual assault. These are only categories of convenience, however, and there can be considerable overlap between them.

The laws concerning male prostitution may be considered first.

¹⁰ See e.g. Halperin (1990).

One statute partially disenfranchised any Athenian citizen who engaged in homosexual intercourse for gain, whether as a boy or an adult; he lost his right to address the Assembly and to participate in other important areas of civic life.¹¹ Secondly, if a boy was hired out for sexual services by his father, brother, uncle or guardian, they were subject to a public action, as was the man who hired him (Aeschines 1.13-14). Thirdly, a general statute prohibited procuring and applied to any freeborn child or woman.¹² Finally, Aeschines several times suggests that the man who hired an Athenian male for sexual services was likewise liable to severe penalties, but it is not clear whether he is referring to the second statute described above which pertains to boys, or to a separate one. Moreover, many of the passages suggest that he may be extending his description of the law for particular rhetorical purposes (e.g. Aeschines 1.11, 45, 72, 90, 163).

The second category of laws pertained to education and set out a series of detailed prohibitions designed, among other things, to protect schoolboys from the erotic attentions of older males. These laws regulated all the contacts which boys had with adult males during the period at school, and provided for the appointment of public officials to ensure that proper order was maintained. According to Aeschines, the law forbade the schools to open before sunrise or stay open after dark, and strictly regulated who might enter and under what circumstances (Aeschines 1.9-14). Finally, another law prohibited slaves from courting free boys.¹³

The third kind of statutory prohibition is rather more problematical than the first two and has received scant attention in regard to the regulation of homoerotic conduct. Here I refer to the law of *hubris* (insult, outrage, or abuse). Current scholarship on paederasty commonly asserts that there was no law prohibiting an Athenian male from consummating a sexual relationship with a free boy without using force or payment. This point is usually adduced as the cornerstone of the standard interpretation.¹⁴ This interpretation, however, implicitly rests upon the assumption that such a

¹¹ Aristotle, *Ath. Pol.* 18.2; Demosthenes 19.200, 257; 22.21, 31-3; Aeschines 1.3, 13-14, 18-19, 29; Aristophanes, *Knights* 880ff; Isocrates, *Panathenaicus* 140-1; Andocides 1.100-1.

¹² Aeschines 1.14; cf. Aristotle, *N.E.* 1131a7.

¹³ Perhaps the *nomoi* (laws) referred to by Pausanias also regulated courtship. There is, however, a great deal of ambiguity in the text. Plato repeatedly uses the vocabulary of statutes and legislation, but at many points he clearly refers to societal attitudes and customs.

¹⁴ E.g. Dover (1980: 64ff., 88ff.) and Foucault (1984: 238).

prohibition would have been embodied in a statute specifically prohibiting intercourse between boys and men. Since we know of no such statute, it follows that this class of homoerotic conduct remained unregulated. Yet such an assumption ignores another possibility, which is that homosexual intercourse between a man and a boy was prosecutable by the boy's family under the law of *hubris*. That is, the fact that a boy consented to a sexual transaction with a man may not have prevented the family from prosecuting such an act as an injury to its, and the boy's, honor, in the way that Roman law permitted prosecutions for sexual insults to family members. More specifically, the traditional view leaves unanswered a series of questions concerning the way in which Athenian law viewed sexual relations between minors and adults. Did Athenian law acknowledge an age of consent in its conceptualization of sexual assault and seduction? If the consent of the boy was not a bar to prosecution did *any* consummated sexual relationship with a boy constitute *hubris*? Did Athenian law have some notion equivalent to statutory rape in modern legal systems, whereby intercourse with a child under a certain age constitutes rape regardless of whether or not the child consented?¹⁵

An affirmative answer to any of these questions would require one to reassess the standard view that the active role in paederastic relations was absolutely free from any taint of disapprobation. If the consent of the boy was not an issue, then the use of force or monetary inducements would be irrelevant, for intercourse with a boy of a certain age would constitute *hubris per se*. Thus any intercourse with a free boy younger than a certain age would give his father an action against the man. When an adult male consented to such an act, it would not be appropriate for his family to bring such an action.

Evidence from philosophical and legal contexts presents a view of *hubris* consistent with such an interpretation.¹⁶ First of all, it must be emphasized that the noun *hubris* and the verb *hubrizēin* have a strong sexual connotation. This is only natural in a society which, as was seen above, closely linked honor to sexuality in such a way that

¹⁵ See e.g. *People v. Hernandez* (1964) 61 C. 2d 529, 339 P. 2d 673. In the traditional statutory formulations, consent negates a required element of the offense (see *Regina v. Morgan*, House of Lords (1976), A. C. 182) or operates as an affirmative defense. An allegation that the victim consented to intercourse is, however, irrelevant in a prosecution for statutory rape where the age of the victim obviates any enquiry into his/her state of mind. For hints of Athenian attitudes, see Aeschines 1.139–40.

¹⁶ I rely here on the more thorough treatment of the law of *hubris* in Cohen (1991a).

sexually compromising a woman or child damaged the reputation of the family as a whole, and particularly its men. Many authors, for example, refer to captive women and children being taken off to suffer *hubris*, and here, as in numerous other references, this clearly implies being subjugated to the sexual will of others.¹⁷ Such passages reveal the way in which the inability to protect the sexual integrity of the family dishonors the men who bear this responsibility. Scholars usually do not refer to *hubris* in connection with paederasty because they believe *hubris* to require violent insult or outrage.¹⁸ They have not paid sufficient attention, however, to the way in which the law of *hubris* may have provided the principal criminal penalties for rape. But although rape is often characterized as *hubris*,¹⁹ so is seduction. Euphiletus, for example, refers to the *hubris* which the lover of his wife has committed against him (Lysias 1.4, 17, 25), and an oration of Demosthenes involves a prosecution for *hubris* (*hubreos graphe*) brought by a son on account of the seduction of his mother.²⁰

Such contexts perfectly match Aristotle's definition of *hubris* as any behavior which dishonors and shames the victim for the pleasure or gratification of the offender (*Rhetoric* 1378b). Indeed, it is in this connection that Aeschines introduced the law of *hubris* into the catalogue of statutes which he enumerated as regulating paederasty in Athens in the fourth century B.C. In fact, when he first refers to the law of *hubris* he characterizes it as the statute which includes *all* such conduct in one summary prohibition: "If anyone commits *hubris* against a child or man or woman or anyone free or slave..." (Aeschines 1, 15). Accordingly, Athenian sources qualify both rape

¹⁷ Thucydides 8.74; Plato, *Laws* 874c; Herodotus 3.80, 4.114; Aristotle, *N.E.* 1115a23, *Rhetoric* 1314b, 1315a15–20, 1373a35; Demosthenes 17.3–4, 19.309, *Letter* 4.10–11; Dinarchus 1.23; Isocrates 3.36, 4.114, *Letter to Archidamus* 10.

¹⁸ See e.g. Dover (1980: 34–9). Fisher (1976, 1979) rightly recognizes that it can cover both rape and seduction, but he does not pursue the point.

¹⁹ See e.g. Dinarchus, 1.23; Andocides 4.15; Demosthenes 10.27; 18.130; 23.56, 141.

²⁰ Demosthenes 45.4; 27.39; and cf. 23.53–6. Scholars commonly accept at face value Lysias' comparison of rape and seduction, where he argues that the law treats the latter far more seriously (Lysias 1.32–6). The problem here is that Lysias is using a common rhetorical technique of comparing laws from two different categories. He says that the law concerning *bia* (force) only awards double damages, while the law of adultery involves a capital offense. But the law he quotes about *bia* is a private suit for damages, while the action for adultery he refers to belongs to the most serious category of public offenses. The proper comparison would be with the public action for *hubris*, which did permit the death penalty. Lysias distorts the legal situation so as to emphasize the horror of adultery by showing that it is even worse than rape.

and seduction of women and children as acts of *hubris*, for both violate the sexual integrity and honor of the family.

Sexual relations with children, particularly for pay, dishonor them, and under this statute such shame and dishonor for the gratification of the offender constitutes *hubris*. Given the strong sexual connotations of the words *hubris* and *hubrizein* in ordinary language, Aeschines' argument seems perfectly reasonable, particularly in the case of minors, whose consent may be felt to be irrelevant.²¹ In fact, apart from the particular case of children, numerous passages from Greek orators indicate that using a male in a passive sexual role dishonors him and thus qualifies as *hubris*. Of course, in the case of adults, voluntary consent may undercut the attribution of blame to the offender, and indeed, such men who consent are often described as committing *hubris* against themselves by their submission, hardly grounds for prosecution.²² But in the case of a boy, such consent would have been regarded as irrelevant, and thus the attribution of wrongdoing adheres to the man who dishonors the boy, whether through rape or seduction. As in the modern law of statutory rape, the consent of a boy younger than a certain age would not negate the charge of *hubris*.

This picture of the sexual aspects of *hubris* finds additional support in Aristotle's description of shameful actions which cause dishonor to those who suffer them. He gives, as his example of such conduct, providing sexual services with one's body, and explicitly states that such shameful actions involve submitting to *hubris* (*N.E.* 1148b29). As was seen, Demosthenes and Lysias characterize both seduction

²¹ This may have provided one incentive for *erastai* (lovers taking the active role) to limit their demands to intercrural intercourse, as Dover suggests they did. This would have been less likely to be regarded as *hubris* because it involved no penetration. Vase paintings portray boys and men having intercrural intercourse facing one another. Thus the boy does not adopt the submissive "female" position which also connotes *hubris*. However, as will appear below, there are strong reasons for skepticism about the practical force of such limitations.

²² Aeschines 1.29, 40, 116, and the portrayal of the Persian defeat at Eurymedon discussed below, pp. 184-5... On the humiliation of submission to intercourse see F. Bailey (1969: 123) who relies on studies of primate behavior: "The males of one troop sort themselves out into patterns of dominance and subordination. If annoyed by a challenge - perhaps inadvertent - from an inferior, the dominant male will stare fixedly at him; the inferior should then look away. If he does not, the dominant male will move as if to charge; the weaker baboon should then cringe down to the ground... failing that there will be a charge and a chase... The weaker baboon may still avoid being bitten by turning its back, presenting its hindquarters and allowing itself to be mounted, just as a female is mounted in copulation." See Dundes and Falassi (1975: 188-9) on the role of mock homosexual rape in the rivalry of gangs of young men during the Palio in Siena. For similar associations in the Biblical context, see G. Bailey (1975: 32-4).

and adultery involving free women as *hubris*, and Aristotle unequivocally applies the same standard to boys when he says that some males enjoy homosexual intercourse because they were subjected to *hubris* as boys.²³ Clearly he does not mean that they acquired the habit of passivity because they were forcibly raped. Rather, they were subjected to *hubris* whether they consented for monetary gain or any other motivation. Thus, although they may have consented to such intercourse, their consent did not disqualify the act as *hubris*. Likewise, Demosthenes, in the oration *Against Androtion* (58), applies to adult males precisely the same judgment as Aeschines, arguing that the man who prostitutes himself must submit to *hubris*. Finally, Xenophon says that using men as women constitutes *hubris* (*Mem.* 2.1.30).

In short, Aeschines' characterization of the law of *hubris* as potentially providing penalties for certain homoerotic relations is not inconsistent with a good deal of other evidence. Since the law of *hubris*, like most other Athenian criminal statutes, provided no definition of the offense, *hubris* was whatever the mass bank of lay judges was prepared, without benefit of discussion or juristic advice, to regard as such. Given the wide variety of authors who denote subjecting a boy to the passive role in intercourse as *hubris*, such judgments may well represent the community consciousness which formed the only basis for determining in a particular prosecution whether or not a given act constituted *hubris*. Given the paucity of our sources, there is no way of knowing, however, if, or how often, the law was actually applied in this way. It would not be surprising if few prosecutions were brought for non-coercive *hubris* involving boys, for the very fact of prosecution would have provided the basis for future disenfranchisement.

Having briefly surveyed this wide range of legislation pertaining to homoerotic behavior it is easy to understand why Plato made Pausanias characterize Athenian law as many-hued, intricate, and difficult to understand in contrast with other Greek cities which either prohibited or permitted paederasty in a straightforward way. Now, if legal norms are one reflection or embodiment of the values, attitudes and ideology of a society (or parts of a society), what do these Athenian laws reveal about the values and beliefs of the social order which they defined and regulated? Scholars have not

²³ Aristotle, *N.E.* 1148b29; Demosthenes 23.56; Lysias 1.4, 16, 25.

addressed this question despite its crucial importance in unraveling the way in which homoeroticism was regarded at Athens.

The set of legal norms embodied in these statutes reflects a social order which encompassed a profound ambivalence and anxiety in regard to male-male sexuality; a social order which recognized the existence and persistence of such behavior but was deeply concerned about the dangers which it represented. The chief of these dangers was the corruption of the future of the polis, represented by the male children of citizen families. Boys who, under certain circumstances, participated in sexual intercourse with men were believed to have acted for gain and to have adopted a submissive role which disqualified them as potential citizens.²⁴ Likewise, adult citizens who prostituted themselves were subject to the same civic disabilities and opprobrium. These laws represented one of the severest sanctions which such a society could impose, and reflect the high level of concern for the preservation of the citizen body.

Further, several passages in Aristophanes refer to the possibilities for extortion and political advantage which such laws created, and of which Aeschines' prosecution of Timarchus was an actual example. In order to ensure that those who, in the words of Aeschines, are "hunters of young men," do not deplete the supply of new citizens, a group of laws aimed at deterring others from leading boys and young men into disenfranchisement: hence the various statutes, most of them capital offenses, regarding procuring, prostitution, regulation of schools, etc. Clearly, such laws imply severe censure both of the boy or young man who allowed himself to be led astray, as well as of those who were doing the leading, whether by means of financial incentives or other means.²⁵ At school, boys did not enjoy the supervision of their families, and the law protected them in this setting by providing the death penalty for those who sought to take advantage of this opportunity. Surely such a law does

²⁴ See for example Xenophon, *Symposium* 8.34ff. This point marks the great difference which separates Athens from cultures where homosexual intercourse plays a mandatory role in the initiation of young males. Although some scholars (for example, Bremmer [1980], and Sergent [1984]) wish to trace Athenian paederasty back to such a process of initiation, such public submission to intercourse, as required of Melanesian initiates, could have resulted in the disenfranchisement of young Athenians. On the variety of Melanesian rituals and attitudes, see Herdt (1984).

²⁵ Koch-Harnack's (1983: 77-9, 93-4) discussion of courtship reveals the way in which the giving of animals and money seems to be portrayed as interchangeable in Attic vase painting. She emphasizes the reciprocal nature of the transaction which the exchange of such "gifts" implies. See also Aristophanes, *Birds*.

not arise in a society which regards paederastic courtship and seduction as unproblematic? A man might do whatever he wished with a slave boy or foreigner; this was not the law's concern. Sons of citizen families, however, were felt to require the law's protection to help ensure their sexual integrity.

In many societies, such as those described by anthropologists like Herdt and Godelier, where homoerotic relations play a central role in the "making" of men out of boys, law and custom strictly delimit the boundaries of the licit. Thus among the Baruya men may use boys of a certain age only for oral intercourse (anal intercourse is strictly prohibited), and such relations must cease after initiation is complete and the boy has become a man and marries.²⁶ In Athens, however, law and custom did not assign a legitimate initiatory role to sexual intercourse with boys even under narrowly defined circumstances. Instead the law forbade a whole range of activities which could lead to the corruption of boys, and the law of *hubris* may have made prosecution at least a theoretical possibility for any consummated act of intercourse with minors.

In short, the range, variety, and overlapping of the Athenian statutes seem to reflect a society which was attempting over a period of time to cope with persistent patterns of behavior which were felt to jeopardize the well-being of the city. The mechanisms of the public law were deployed to deter and punish such conduct and to protect free boys.

Protection from their fathers or relatives who might hire them out, protection from their schoolmasters and chorus leaders, protection from seducers, protection from themselves: such legislation reflects strong underlying tensions about homoerotic behavior, tensions which manifest a community in conflict about its values and practices. The law may reflect such underlying conflicts but (and this is particularly the case in the sexual sphere) it is always an inadequate mechanism by which to resolve them. Hence it is not surprising that one knows of so few cases in which this impressive panoply of statutes was actually applied. Some of the reasons for this seeming disjunction between the normative potential which the law represented and the actual will to apply it may emerge from an examination of the cultural ideal, norms, and practices which, together with the law, reproduce the social fabric.

²⁶ Godelier (1987: 51-63).

In light of the discussion of *hubris* above, it is not surprising that these norms, practices, and beliefs operate within the politics of reputation, whose normative poles are honor and shame. Indeed, the fundamental antinomy that underlies all of the most important accounts of homoerotic courtship is that of honorable vs. shameful eros.²⁷ As Pausanias puts it in Plato's *Symposium* (182e), the *erastes* (the wooing, pursuing lover) gains honor by his success and is humiliated by defeat in his pursuit.²⁸ Likewise, the victory of the *erastes* means the defeat of the *eromenos* (the pursued beloved), for "it is shameful to gratify an *erastes*."²⁹ As Gouldner puts it, honor is a "zero-sum" game; the increase of one man's honor is at the expense of another's.³⁰ Unscrupulous *erastai* enhance their reputation by publicizing their victory: "...it may be expected that a lover, conceiving that everyone will admire him as he admires himself, will be proud to talk about it and flattering his vanity by declaring to all and sundry that his enterprise has been successful" (Plato, *Symposium* 232a, and 234a).

Indeed, that honor and shame define the normative boundaries of homoeroticism (and sexuality in general) is implicit, and often explicit, in all our sources from Plato, Aristotle, and Xenophon to the orators and drama.³¹ Sexual submission is shameful and slavish; it dishonors and humiliates a free male.³² Thus, as it constitutes public slander to say that a man's mother was a whore, the same is true of saying that his father or his son prostituted himself (Demosthenes 22.61). Similarly, Aristotle (*Ath. Pol.* 18.2) depicts the plot of Aristogeiton and Harmodius against the Athenian tyrant, Hippias, as arising out of an insult about the effeminacy of

²⁷ Plato, *Symposium* 181a-5b; Xenophon, *Symposium* 8.8-13; Aeschines 1.155-160; Demosthenes, 61.1-6, 18-22.

²⁸ Courtship could also involve fierce competition among admirers for the "favors" of the *eromenos*: Plato, *Phaedrus* 232b-d. Orations by Lysias (3.5-30, 4.5-11) and Demosthenes (54.14) elaborate the connections of erotic rivalry, *hubris*, and reputation.

²⁹ Plato, *Symposium* 182a, 183c-d.

³⁰ Gouldner (1965: 49). Winkler (1990) comments on the centrality of "zero-sum" competition in Athenian culture. Dover (1964: 31) emphasizes competitive features of courtship. As Professor Dieter Nörr correctly pointed out to me, however, this is not always a "zero-sum game" in the strict sense. That is, one party's honor may be enhanced at the expense of the other, but this does not imply that the diminishment is always total.

³¹ Aristotle, *Rhetoric* 1370b, 1378b, 1383b-4b, *Politics* 1311b; Plato, *Symposium* 182, 217, *Phaedrus* 251; Xenophon, *Agesilaus* 5.7, *Symposium* 4.52ff., 7.9ff., 8.23-35, *Memorabilia* 1.2.29, 1.3.11; Lysias 3, *passim*; Demosthenes, 61.1, 3, 5-6, 17-20; Aristophanes, *Clouds* 1085.

³² Aristotle, *Rhetoric* 1315a15-20, 1378b, 1384a; [Demosthenes] 10.27; *Letter* 4.10-12; 22.58.

Harmodius; or, as Isocrates comments, those boys who preserve their youth untrodden (*abaton*) by the base are honored greatly.³³

Though scholars have recognized the importance of honor and shame as dominant values in Greek society, some of the consequences which arise through their operation according to a "zero-sum" rule in the area of homoeroticism deserve elaboration. Indeed, such an elaboration permits a clearer understanding of the divergent attitudes and practices in Athenian homosexuality. As was shown above, honor is largely defined by reference to sexuality, both for men and for women. The honor of a man is measured through the sexual purity of his wife, mother, sisters, and daughters, and likewise through the virility to which his public behavior gives testimony. Thus, in the Andalusian communities studied by Pitt-Rivers and Brandes, a man of honor is a man who has *cojones* (testicles); a man without honor is *manso* – tame, castrated, woman-like.³⁴ For men and women, "The natural qualities of sexual potency or purity and the moral qualities associated with them provide the conceptual framework on which the system [of honor and shame] is constructed."³⁵ Thus the politics of reputation overlap with the politics of gender, for a male can become, morally speaking, a female (according to Aristotle, in the case of a eunuch also physiologically). This is most readily accomplished by acquiring the reputation of adopting the submissive, passive role that, ideologically speaking, characterizes women. The man who submits is a victim of *hubris*; he becomes woman-like, and hence dishonored, or even disenfranchised.³⁶ An Athenian vase painting makes this point rather graphically when it symbolically depicts the Persian defeat at Eurymedon by showing a Persian soldier bent over while an Athenian warrior approaches him from behind, erect phallus in hand.³⁷ As Dundes, Brandes, and other anthropologists have shown, the same attitudes still pervade many Mediterranean cultures today, where phrases like *tomarlo por culo* ("to take it by the ass") and *bajar*

³³ *Helen* 58. For the same sentiments in a Roman setting, see Cicero, *Pro Milone* 9, *Pro Caelio* 3.6–8, *Pro Sestio* 8.18, 17.39, 54.16.

³⁴ Pitt-Rivers (1977: 22).

³⁵ Pitt-Rivers (1977: 23). Campbell (1979: 269–70), for example, reports that a man who possesses *andrismos* (virility) must be *barbatos* (well-endowed with testicles).

³⁶ This, essentially, is Aeschines' argument against Timarchus.

³⁷ Schauenburg (1975).

los pantalones ("to lower the trousers") refer to the defeat and subordination which symbolically transforms a man into a woman.³⁸

Now, apart from defeating other men in battle or athletic competition, an obvious way in which a man may demonstrate his virility in an agonistic society like this is in competition for the favors of women.³⁹ There is one hitch here, however: success in this competition is purchased at the price of dishonor for the man who has failed to protect the woman whose favors have been received. Honor is a "zero-sum" game. Thus, since sexual conquest serves as a demonstration of masculinity, the adulterer or seducer gains in stature, but at the expense of others; the husband becomes the *cabron*, the cuckold. Thus Aristotle says that *hubris* against the women or sons of a family are wrongs that a man would be ashamed to disclose.⁴⁰ Isocrates even claims that desire for revenge for such wrongs is a major cause of civil strife, for only through revenge can sullied honor be redeemed (*Cyprians* 36).⁴¹ Xenophon's account of the treatment of adulterers is also informed by this "zero-sum" model, for he says that the adulterer suffers *hubris* and humiliation at the hands of the husband, because the husband must dishonor the man who has dishonored him. In comedy, at least, this might be accomplished by a painful mock homosexual rape.⁴² Whether or not such practices were comic inventions, the implicit cultural valuations are clear enough.

The greater the value attached to female purity, the keener the competition for the precious commodity, the greater the honor which is gained by conquest.⁴³ This is why, as Pitt-Rivers (1977: 92) points out, in this culture Don Juan is the punctilious man of honor, a judgment which has far-reaching implications for the whole range of sexual relationships:

Don Juan, the destroyer of reputations – this is the basic sense of his title *burlador* – whose aspirations to self-aggrandizement were founded upon the notion that the honor you strip from others becomes yours. In an agonistic society such as this, not only marriage but all romantic relations between the sexes have implications in the political realm even though they are

³⁸ Brandes (1981: 232–3) offers the most succinct analysis of this, and cf. Dundes (1975: 188–9). ³⁹ See the rivalry described in Lysias 4.

⁴⁰ *N.E.* 1173a, and cf. *Politics* 1311a–b.

⁴¹ And cf. *Lochites* 6–9.

⁴² Aristophanes, *Clouds* 1083.

⁴³ Seneca notes the way in which some men are attracted to adultery by the difficulty and danger: "Laetatur ille adulterio, in quod invitatus est ipsa difficultate."

seldom recognized. Thus the tenderest sentiments come together in the complex of honor with considerations of ethics, religion, prestige, economics and social pre-eminence to form a system of behavior that determines the distribution and redistribution of respect among the families of which the community is composed.

Now, as the foregoing analysis of Athenian legislation should have made clear, the Athenians were well aware of the "implications in the political realm" which sexual relations could have. Just as in Andalusia a man working in the employ of a widow (widows are regarded as sexually voracious) suffers in regard to his honor because he is seen to be subject sexually – "the one who is mounted" rather than "the one who mounts"⁴⁴ – so the Athenian male who adopts the passive, submissive role, the role of the woman, is likewise dishonored.⁴⁵ In Athens, agonistic sexuality could scarcely manifest itself in the competition for women for a variety of reasons. First, institutionalized courtship of unmarried women was non-existent, and clandestine courtship was difficult and somewhat impractical, since girls were married very young to prevent just such "accidents" and were zealously guarded during the brief period between pubescence and marriage.⁴⁶ As appeared above, adulterous unions were an attractive option to some men, but fraught with danger.⁴⁷ On the other hand, rivalry for prostitutes and slaves⁴⁸ was hardly a path to honor for an Athenian "gentleman" (*kalos kai agathos*), especially because they were automatically in a submissive and inferior position anyway and at the economic disposal of all who could pay.⁴⁹

Public sexual competition for honor, then, had largely to be directed towards boys (particularly since chasing after prostitutes was in itself judged as shameful according to conventional norms). This fact established the basic dynamic of paederastic courtship, a dynamic which necessarily threatened to put the boy *eromenos* in the role of a woman; pursued rather than pursuing, defensive rather than aggressive, submissive rather than dominant, mounted rather

⁴⁴ Pitt-Rivers (1977: 82).

⁴⁵ Plato, *Gorgias* 494c; Demosthenes 22.58; Aristotle, *N.E.* 1148b–gb.

⁴⁶ See Maher (1974: 150), and the discussion in Chapter 6 above.

⁴⁷ See Xenarchus Fr. 4 (Edmonds 1961: vol. II, 594–7) and Philemon Fr. 4 (Edmonds 1961: vol. IIIa, 6–9) on the sexual options available to men with heterosexual inclinations. Note the way that, as in the *Lysistrata*, homoerotic relations are not viewed as a satisfactory alternative outlet for the sexual drives in question.

⁴⁸ Demosthenes 54.14; Lysias 3 and 4.

⁴⁹ See also Xenophon, *Hiero* 1.27ff.

than mounting. The dangers of submission increased the scarcity value of victory, which in turn fueled the keenness of the competition and heightened its emotional overtones.⁵⁰ The way in which this dynamic turned paederastic courtship into an *agon* for honor in which the *erastes* sought to gain honor by making the boy a woman, and the *eromenos* to do the same by showing himself to be a man, must now be addressed. First, however, some preliminary remarks on gender and sexual roles may be appropriate.

What does it mean, "to make a boy a woman"? It is necessary to distinguish two related aspects of this claim. The first concerns the sexual act itself and the way in which the roles of the two participants are seen, while the second involves the larger social context of courtship and the role patterns associated with it. Although it has become quite fashionable to deny that any Greeks thought homoeroticism to be unnatural and that modern categories of homosexuality/heterosexuality can be applied to classical Greece, one should not make such universal assertions too facilely. Sexual roles in both of the senses distinguished above were defined in terms of a male/female dichotomy and judged by norms that were felt by some to be at once social and natural. Some scholars concede that Plato may have felt this way, but endeavor to portray his perspective as entirely idiosyncratic, standing in opposition to the entirety of Athenian society.⁵¹ This vision of a monolithic sexual normativity is, however, reductionist and incomplete.

To begin with the first sense of "making a boy a woman," there is ample evidence to show that the Levitical formulation "to lie with mankind as with womankind" (*Lev.* 20:13) represents a way of categorizing homosexual intercourse that was not unknown in Athens.⁵² Indeed, Xenophon refers to the hubristic practice of "using men as women," and Plato argues that the man who adopts the passive role in homosexual intercourse can be rebuked as the impersonator of the female, a situation which is "against nature"

⁵⁰ Barrington Moore's (1984: 66) discussion of Malinowski's treatment of sexuality is illuminating here: "Romantic intensification of erotic attraction... can occur only where there are strong obstacles to erotic satisfaction. Where several partners are available and the failure to obtain the joys and services of one partner may be no more than a prelude to success with another, the form of intense passion will not occur." This, it seems to me, helps to account for the excesses of paederastic courtship attested by the sources: sleeping on the boy's doorstep, going without food, etc.

⁵¹ See e.g. Winkler (1990).

⁵² See Daube (1986: 447-8) on the meaning of this phrase. See Herdt (1984: 118, 220) for descriptions of the way in which the younger partner is seen as taking the woman's role.

(*para phusin*).⁵³ Aristotle also characterizes such submission as dishonorable, shameful, and unmanly (*Rhetoric* 1384a). Such usage was not confined to philosophical circles, for Aeschines accuses Timarchus of making himself a woman by adopting a passive sexual role (1.111), a state which he also says is against nature (1.185, *para phusin*). Demosthenes likewise accuses the sexually submissive of effeminacy, a frequent subject for Aristophanic satire. A fragment of Hyperides (Fr. 215) is even more explicit, arguing that nature would be surprised at a man misusing his body by acting like a woman. Such a man, he continues, abuses nature's kindness by, having been born a man, changing himself into a woman.

In a lengthy passage in the *Laws* (836-41) Plato does, indeed, go further than this, in making an analogy to nature and the mating patterns of animals. He argues that, as it is natural for a male and female to mate, and natural that male animals do not seek other males, so it is unnatural when men do not follow their example (836c). It should be emphasized that Plato does not merely characterize *passive* behavior as unnatural for men, but rather sexual relations between men *per se*, although the passive role is seen as more shameful.⁵⁴ Such judgments are clearly based upon an implicit sexual norm of male-female intercourse, and they put the passive man or boy into the submissive role which is, according to nature, that of the female.

This characterization also represents the view of Aristotle, a view which is the basis for the analysis of procreation in his treatise on the *Generation of Animals*. What underlies that entire work is the same analogy that Plato uses in the *Laws*: in their procreative capacities human beings are like animals and it is natural for male to mate with female - natural in the sense of instinctual. In the *Nicomachean Ethics* (1162a20) he carries the analysis even further, arguing that the *philia* between man and wife is according to nature (*kata phusin*) because man is by nature even more of a pairing creature than a political one. They pair not only as animals, for begetting offspring, but also to order their lives around this mating. Thus, concludes the *Politics* (1252a26-31), it is a natural necessity for male and female to join together.

⁵³ Xenophon, *Memorabilia* 2.1.31; Plato, *Laws* 836e, 841d.

⁵⁴ The evidence for this point appears in the concluding part of this chapter.

To return to the *Generation of Animals*, that text defines these gender categories not only in terms of physiological differentiation, but also with reference to the principle which underlies them. Thus Aristotle says that after castration a male organism changes to become very much like the female; a judgment not far removed from Pitt-Rivers' statement that in the Mediterranean to have *cojones* is the essence of masculinity and the presupposition of honor. In the Greek context eunuchs were commonly judged in this light, and boys, who were regarded as being incapable of emitting semen or performing intercourse, were not truly male (*G.A.* 728a; *Problems* 879a).⁵⁵ At the more general level, Aristotle goes on to characterize the underlying principles of masculinity and femininity as based upon the dichotomy of active and passive sexual roles, and this characterization enables one to distinguish two levels of his analysis of what is natural in sexual relations.

In the first instance, it is natural that the physiological male mate with the physiological female. This is natural both in the sense that it represents the basic reproductive pattern of living organisms and also because nature has developed our sexual organs towards the fulfillment of this procreative purpose. The second level concerns the roles which are adopted within the procreative act based upon the principles of activity and passivity. At the level of physiology the infertile male is likened to a woman because he lacks the capacity to produce semen, the active ingredient required for procreation (*G.A.* 728-9). At the level of sexual role behavior, the man who adopts a submissive, passive role is unmanly, woman-like, and he therefore dishonors and shames himself. Since a boy also cannot produce semen, physiologically speaking he is not yet a man (*G.A.* 728a). Indeed, a passage in the *Metaphysics* (1019b) argues that boys and eunuchs are both like impotent men, though impotent in different senses, and the *Politics* concludes that a boy is an undeveloped citizen, possessing male virtues only in unfinished form (1260a11-33; 1260b20). Further, when he lends himself to sexual intercourse with a man it *necessarily* places him in the role of the female, the object to

⁵⁵ This view of the boy is widespread. See Herdt (1984: passim), and particularly the passage at 220: "Male cults have been known in Melanesia for a long time, and I think they share a common, basic, and underlying theme. To put it as simply and colloquially as possible, it is this: 'Girls will be women' but 'boys *will not* necessarily be men.' One may indeed say that male and female are opposed to each other as nurture to nature and thus the cultural necessity for promoting masculinity, of finishing through ritual an "unfinished, possibly ambiguous biological entity'."

which desire is directed. Yet, because he is not female, in the normal case he will experience no pleasure in the act,⁵⁶ and hence must be providing services with his body for gain, an act which dishonors and shames him, placing him in a submissive role which is against nature.⁵⁷ On the other hand, if he does experience pleasure this is characterized in one Aristotelian text as due to a physiological disorder, and hence unnatural in another sense.⁵⁸ The *Nicomachean Ethics*, however, emphasizes the relation of nature to habit. Here Aristotle claims that the disposition towards submitting to physical union with men is one of the bestial dispositions, a categorization arising from the contrast between natural pleasure and natural depravities. Such persons suffer from a diseased state brought about by habitual indulgence. Thus, he continues, women adopt the passive role from nature, but for men it is unnatural and morbid.⁵⁹

What this brief survey of views reveals is that despite the variations as to details, for those who took procreation as their starting point the "natural" pattern which provided the norm for sexual activity was the mating of male with female. Males who pursued other males were a category (or, as Xenophon puts it, a *tropos*, or disposition, way of life) defined in relation to a heterosexual norm.⁶⁰ Whereas males who submitted to other males were regarded as disgraced, the way in which the former category was judged was more controversial. But the force which the procreative heterosexual norm had for them too is perhaps most vividly seen in a text which seeks to honor such behavior: Aristophanes' famous encomium of love in Plato's *Symposium*.

Aristophanes presents heterosexuality and homosexuality as categories which are indeed both defined by nature: some individuals are naturally drawn to members of the opposite sex, others are attracted by their own sex. Further, he claims that males of the latter category are more virile, and superior to other men. But in order to justify this positive evaluation, he must create a fantastic new natural order which ignores the traditional one with its implicit valuation of heterosexuality. Hence he conjures up his famous

⁵⁶ Xenophon, *Symposium* 8.22.

⁵⁷ Aristotle, *Rhetoric* 1384a; Aeschines 1.185.

⁵⁸ *Problems* 879bff.

⁵⁹ See *N.E.* 1149a15 and b25 for further examples of the distinction between natural and diseased bodily pleasures. Another passage (1150b10) holds that, although most men can resist effeminate pleasures, the unrestrained man pursues "bodily pleasures contrary to the proper norm" (*para ton orthon logon somatikas hedonas*).

⁶⁰ Xenophon, *Anabasis* 4.7.

creation myth, which is elaborated so as to reach the conclusion that the youths who seek pleasure with men are not shameless, *as opinion holds*, but rather the more virile (191d–2a). The need to present a new creation myth, an entirely new model of nature, so as to justify this positive valuation, testifies eloquently to the power of the norm felt to be implicit within the traditional view.

Aristophanes' speech is interesting in yet a further respect. When he descends from the level of myth he comments that the homoerotic man is by nature (*phusis*) not inclined to marry and beget children, but is compelled to do so by law and custom (*nomos*, 192b). In the first instance, this formulation reveals that Athenians were prepared to categorize human beings according to the dichotomy homosexuality/heterosexuality, both in the biological *and* social-sexual spheres. Thus Aristophanes' speech explicitly distinguishes between those who *by nature* want to have intercourse only with women, marry, and beget children, and those who desire to have sexual relations and spend their lives only with other men. The former presumably include those who classify homoerotically inclined youths as "shameless"⁶¹ and would pass similar judgments on permanently unmarried adult males who openly consorted only with boys.⁶² In showing how such men felt compelled by social pressure to act against their natural inclinations and marry, the passage unequivocally demonstrates the social force that such normative judgments could have and bears further witness to the ambivalence in Athens concerning the kinds of sexual behavior considered natural, shameful, or honorable.

Aristophanes' speech also raises the question of the second of the two senses in which a boy can be made into a woman, the social-sexual sense as opposed to the physiological. For Aristophanes reveals that, for this society, law, custom, and opinion dictated that

⁶¹ 192b, and see e.g. Plato, *Phaedrus* 255a4–6. *Symposium* 192a–b reads, in a way, like a plea for greater understanding by those whom social pressure constrains to conform to sexual norms; not Plato's own plea, but his representation of one contemporary position on homoeroticism.

⁶² Note that the passage also implicitly accepts the normative classification that men be attracted only to boys and not other adult males. Aristophanes' speech explicitly says that, when these homoerotically oriented boys grow up, they in turn take boys as their lovers. Such norms do distinguish between legitimate and illegitimate objects of desire, for a male past the age of physical maturation (first beard growth) is generally regarded as "out of bounds." On the age of beard growth and its relation to sexual roles, see Møller (1987: 751). As discussed in Chapter 3, modern Mediterranean societies frequently express similar disapproval and suspicion of men who do not marry.

the natural role of every man was to be a husband and father. Heterosexuality is institutionalized as the foundation of the most basic social unit, the family.⁶³ This fact is perhaps most forcefully expressed in the Aristotelian *Oeconomica* and the *Nicomachean Ethics*. The *Ethics*, as noted above, holds that the *philia* between man and wife is a natural instinct. This instinct is the basis of the family and the division of labor; men and women cohabit both to reproduce the race and to provide the basic necessities of life (1162a15–30). In the *Oeconomica* (1343a–44a), the opening passages repeatedly emphasize that it is according to nature that a man and a woman join together to form a family. From the differentiated economic tasks and spheres which are sexually appropriate to husband and wife devolve the social roles which make up the patterns of community and family life.⁶⁴ It is in this broader context that the homoerotic valuation of boys became problematic, for while they were in the process of being educated to be citizens and warriors they were also subjected to patterns of courtship and norms of behavior which assimilated them to women.

In his discussion of the Athenian festival of the Oschophoria, Vidal-Naquet has commented upon the role of the two ephebes who dress as women.⁶⁵ He explains that the young man before his initiation as a warrior is not yet virile, not yet truly male:

It is a well known fact that the transvestism, of which we find an example in the Oschophoria, was, for archaic Greek societies... a means to dramatize the coming of the young man to the age of virility and marriage. The classic example... is that of Achilles at Skyros, disguised as a girl but unable to resist the sight of arms.

What is implicit in this passage is the equation, at least on the symbolic level, of the uninitiated male with the female. Similarly, Godelier (1987: 33) reports that in the first stage of Baruya initiation each boy is dressed half as a man, half as a woman. Symbolically, this costuming emphasizes the fact that an uninitiated male is essentially

⁶³ When sexuality is viewed from the starting point of the ideology of the family, the perspective, though not monogamous, seems inevitably heterosexual. Hence the famous tripartite division of the Demosthenic oration, *Against Neaera*, 122: "Mistresses we keep for pleasure, concubines for the daily care of our persons, but wives to bear us legitimate children and guard our households." One might object that the speaker does not mention boys only out of a sense of shame, but doesn't that just reinforce the point?

⁶⁴ A similar view of the foundation of the family is, of course, expressed by Xenophon in his *Oeconomicus*. ⁶⁵ Vidal-Naquet (1981: 167–8); and see Delcourt (1958: 1–27).

female: he must be made into a man, a complex social and biological process which takes many years.⁶⁶ The equating of the boy with the female went beyond the symbolic level, however, as Aristotle indicates when he says that in regard to form a boy is like a woman.⁶⁷

Given this ambivalent view of the sexual identity of boys, it is not surprising that in Attic vase painting courtship of boys and courtship of women were depicted in an almost identical manner.⁶⁸ Apart from one major difference (the depiction of the sexual consummation of courtship), the stages, gestures, rituals, and gifts of courtship were much the same whether the object was a boy or a woman.⁶⁹ Indeed, it seems that a sort of displaced courtship, leading to a sort of displaced marriage, is the appropriate context in which to understand the assimilation of the boy to a woman both in terms of his sexual identity, his role in courtship, and, in a mixed way, his social role in general. An example may help to clarify this notion of displaced courtship and marriage.

In an unjustly neglected article entitled "Sexual Inversion among the Azande," Evans-Pritchard describes the case of a warrior society in which the age of marriage for men is quite late, as at Athens, from the late twenties to the thirties.⁷⁰ Since girls were betrothed very young, the only way in which young men could obtain heterosexual satisfaction was through adultery. But that was what Evans-Pritchard terms "a very dangerous solution to a young man's problem," since husbands often tortured and mutilated adulterers taken in the act.⁷¹ The solution to this dilemma was, according to

⁶⁶ See also Herdt (1984: 220), and Poole (in Herdt, 1982: 107-9). It bears repeating that there appears to be no evidence at Athens for the ritualized homosexuality that Herdt, Godelier, Poole, Read, and others have found to be at the core of male initiation in some Melanesian societies. In those communities a complex socio-biological ideology requires that boys be grown into men through the regular ingestion of the semen of their elders. A boy not so nourished would remain, socially speaking, a female because he would not have gone through initiation, but biologically, it is felt, he could also not grow into a man.

⁶⁷ *G.A.* 728a. In addition, boys are also linked to that other category of submissive beings, slaves, by the linguistic usage which refers to both with the same word, *pais*, which can also refer to a female child. For a discussion of slavery and pederasty, see Golden (1984).

⁶⁸ I have refrained from relying heavily on vase paintings of homoerotic conduct because of the problems of interpretation posed by such an undertaking. Apart from matters of stylization and artistic convention, the principal of these is that the vase paintings all date from at least one hundred years before the literary evidence on which accounts of Athenian homoeroticism must rely.

⁶⁹ Dover (1980: 81ff.), Koch-Harnack (1983: 59-82), Foucault (1984: 244-7).

⁷⁰ See also Godelier's (1987: 52-4) description of similar relations between Baruya initiates and their older partners.

⁷¹ Evans-Pritchard (1970: 1429). For the parallels at Athens, see the discussion in Chapter 5 of the dangers of adultery.

Azande informants, for young men to marry boys when they went into the king's service as warriors: not marry in the legal sense, but rather to court a boy who would then move into the warrior's house as his lover. The pair often referred to each other as "husband" and "wife," with the man helping to educate the boy and the boy providing sexual and other services. When the period of military duty was over the warrior would end the relationship, return to his village, and marry. The boy would, in his turn, become a warrior and repeat the process in the "male role." After the termination of this relationship and marriage sexual activity was purely heterosexual. Significantly, all the Azande informants insisted that intercourse with the boys was only intercrural; they all expressed disgust at the suggestion of anal penetration.⁷² Similar patterns in Melanesia suggest that institutionalized patterns of homoerotic relations involve sharp distinctions between licit and illicit activities, usually including anal intercourse among the latter.⁷³

Evans-Pritchard's account suggests a number of interesting parallels with the situation at Athens. There too, late marriage of men, early marriage of the closely guarded adolescent girls, and the dangers of adultery combined to make boys an attractive alternative – but with a difference. Those Athenian men who pursued boys were not merely seeking immediate sexual gratification (nor, of course, were their Azande counterparts) since, as Xenophon put it, in this slave society cheap sexual fulfillment was available at every corner.⁷⁴ Devereux has remarked that courtship behavior is almost universal because it seems to fulfill a deep human need,⁷⁵ and in Athens courtship and the erotic relationship which it aims at was only possible with boys. This courtship, as Plato, Aeschines, Xenophon, and Demosthenes reveal, was institutionalized in the sense that it was governed by *nomoi* (customs/laws/prescriptions) which many Athenians viewed as distinguishing honorable and shameful conduct.⁷⁶ When the boy was seen as having become a man physiologically – after the growth of his first beard – he was no

⁷² Evans-Pritchard (1970: 1430).

⁷³ Godelier (1987), Herdt (1984).

⁷⁴ *Memorabilia* 2.2.4. For one obol according to Philemon Fr. 4.

⁷⁵ Devereux (1968: 82).

⁷⁶ I don't mean governed in the sense of "determined." These *nomoi* helped to define the parameters of normative expectations within which individuals pursue their own ends. Texts like Demosthenes' *Erotic Essay*, Aeschines' prosecution of Timarchus, or the speeches in Plato's *Phaedrus* reveal the way conventional standards were interpreted and manipulated according to the purposes and strategies of particular individuals.

longer an appropriate object for pursuit (Plato, *Protagoras* 309); his ambiguously defined androgynous sexuality had become definitively male.⁷⁷ Once again the heterosexual norm was the standard by which roles and behavior were judged. Even Aristophanes' speech in the *Symposium* implicitly accepts this dichotomization of sexual roles by concluding that when boys came of age they would then become pursuers of youths themselves. Similarly, Aeschines (1.41) claims that a man named Misgolas is generally regarded as having an upright character, but shameful and peculiar sexual tastes because he desires young men (not boys). Men, *pace* Foucault, were not appropriate objects of desire, nor should they submit to being objects of desire. Hence permanent male-male sexual partnerships were not a socially legitimate substitute for marriage.

Thus the Athenian boy seems to have found himself in a situation which, like the Athenian code of conduct itself, is aptly described by Pausanias' term *poikilos* – intricate, many-hued, ambiguous. While he was being educated to be a warrior and a citizen the Athenian boy was also, in many ways, cast into a feminine social role, as the vase paintings depicting courtship imply. Thus the ideal boy was supposed to be modest and chaste, avoid contact with adult males who were not relatives or close friends of the family, keep his eyes lowered and blush when made the object of attention, etc.⁷⁸ Their families protected them from male attention as if they were daughters, but since, if they were to become men, they could not be confined to the house like a daughter, a *paedagogus* watched over them:

Yet we find in practice that if a father discovers that someone has fallen in love with his son, he puts the boy in the charge of a tutor and won't let him talk with lovers; the tutors receive strict injunctions to forbid it. And friends of his own age reproach him if they see anything of that kind going on, and their elders will neither stop their being rude nor tell them the reproach is undeserved.⁷⁹

⁷⁷ Some sources also indicate that it was considered shameful for men past a certain age to be interested in boys: Lysias 3.1, Aeschines 1.11. Halperin (1990: 2–3) explains that when a boy comes of age he is no longer desirable. This occurs when the hair of the thighs and beard becomes fully developed, i.e. when they become manly and unwomanlike. See Moller (1987) for a comparative study of age and beard growth.

⁷⁸ Plato's *Lysis* and *Charmides*, and Xenophon's *Symposium* describe this ideal.

⁷⁹ Plato, *Symposium* 183c–d, and cf. *Phaedrus* 231e, 240, 255a. In Xenophon's *Symposium* 4.24–6 the father appoints a tutor for the boy who has a crush on a schoolmate, and cf. 4.52ff, and 8.19ff. Aeschines says that parents appoint a *paedagogus* to protect their sons (1.187), and

Thus the sexual purity of the boy was protected by the family under the same code of honor and shame as that which applied to women, but for Athenian boys, unlike their Azande and Baruya counterparts, sexual purity was defined as not assuming the woman's role in sexual intercourse. The attention paid to a beautiful boy might enhance his reputation, but suspicion of submitting to *erastai* could destroy it.⁸⁰ Moreover, the politics of sexual reputation applied to boys just as to women. As Aristotle puts it, some men prefer to shroud in silence their dishonor from the *hubris* done to their wives or daughters or sons rather than accept the publicity and humiliation of a lawsuit. The reputation of a boy was determined by the inferences drawn from his public behavior with men.⁸¹ Just as in a modern Mediterranean village (or in classical Athens) a girl who lingers at the fountain or takes longer than necessary to return from the fields compromises her honor and becomes the object of gossip and slander,⁸² so a boy who was seen spending much time alone with a man, particularly at his house, or drinking with him, or alone with him in a deserted place (particularly after dark) was compromised, and might even become the object of blackmail.⁸³ Propriety (or rather, a strategy for maintaining one's reputation by avoiding damaging gossip), as Xenophon informs us, ideally required that the lover inform the boy's father of his inclination and see the boy in public, in the presence of the father or other relatives.⁸⁴ Indeed, the first two speeches about homoerotic courtship in Plato's *Phaedrus* provide a perfect example of the strategic manipulability of these norms, expectations, and appearances: arguing opposite sides of the same question, both speakers utilize the same normative repertoire in support of their position.

Hence courtship was an elaborate and public game of honor, a "zero-sum" game in which the *erastes* won honor by conquering, the

cf. Aristophanes, *Birds* 137-42, Xenophon, *Memorabilia* 1.5.2, Aristotle, *N.E.* 1119b14. See also Vlastos (1987: 95-6).

⁸⁰ See Vlastos (1987: 95-6) on *eros kalos* and its hazards for the boy.

⁸¹ See Demosthenes 61.17-21 on the boy's conduct and reputation.

⁸² See Fuller (1961: 47) and Campbell (1979: 86, 190-201).

⁸³ Lysias 14.25; Aeschines 1, 42, 51, 60, 75-6, 82, 90; 3.162; Plato, *Theaetetus* 144c, *Symposium* 217c, *Phaedrus* 232a-b, 234a-b, *Charmides* 155a, *Euthydemus* 275b; Aristotle, *Rhetoric* 1348b; Aristophanes, *Clouds* 995ff., *Knights* 880. Also, Aeschines (1.75-6) claims that a boy having money for gambling, flute-girls, and the like would give rise to inferences that he must be receiving money in return for his "favors." ⁸⁴ Xenophon, *Symposium* 8.11-20.

boy by attracting much attention but not submitting.⁸⁵ As Isocrates comments (*Helen* 58), those boys who preserve their youth untrodden (*abaton*) by the base are honored greatly.⁸⁶ Similarly, Aristotle characterizes paederastic relationships as a kind of non-reciprocal friendship: one pursues for pleasure, the other allows the pursuit because his lover may prove useful.⁸⁷ The common result is that the *erastes* complains that his affection is not returned (because he is not being sexually gratified), while the *eromenos* complains that the *erastes* promised everything and doesn't deliver (*N.E.* 1164a). In this dynamic, the *erastes* is shamed by his failure to conquer, the boy by his submission, all of this behavior being judged by the community through its manifestations in the public arena of reputation, honor, and shame.⁸⁸ For, as Aeschines argues in his prosecution of Timarchus, no one can "prove" what took place between two individuals in private, so the judges must base their decision on their own general knowledge of the accused's reputation, a reputation based upon inferences from the behavior the community does see.⁸⁹ Aeschines, of course, manipulates the "facts" and normative expectations to blacken Timarchus' reputation, just as his opponent would to exonerate himself. Thus paederastic courtship at Athens was not unlike, in some ways, the gallant courtship of married women in other times and places in Europe. There too, honor was the stake of the game, and the public aspect of the politics of reputation was likewise present: society tolerated deviance from the ideal norms so long as the forbidden acts remained secret and the rules were obeyed. Madame X might have been "known" to be the mistress of Chevalier Y with no unpleasant consequences until she was publicly compromised by an accident, indiscretion, or her lover's gossip; thereupon her reputation was destroyed and she was cast out from society irremediably.⁹⁰

In Athens an ideal solution was offered to the dilemma of the "zero-sum" game of honor, an ideal indicated by the descriptions of chaste courtship in Plato, Xenophon, and Demosthenes.⁹¹ According

⁸⁵ For the honor which a boy receives by being admired and sought after for his beauty, see e.g. Plato, *Charmides* 154c; Aeschines 1.134; Demosthenes 61.10-14; and Vlastos (1987: 95-6). ⁸⁶ See also Aeschines 1.136-9, 155-60; Demosthenes 61.5-6, 16-20.

⁸⁷ *E.E.* 1245a25; cf. 1238b and 1243b15.

⁸⁸ Demosthenes 61.15-21; Aeschines 1.74-93.

⁸⁹ Aeschines 1.74-93.

⁹⁰ This is the hypocrisy which Tolstoy inveighs against in *Anna Karenina*. Laclos' *Les Liaisons Dangereuses* provides the most penetrating portrayal of this pattern.

⁹¹ Plato, *Symposium*, *Phaedrus*; Xenophon, *Symposium*; Demosthenes 61.

to this ideal an equilibrium was reached whereby the *erastes* and *eromenos* could both maintain their honor. The *erastes* was granted "favors" by his *eromenos*, but the *eromenos*, striving "to allow others no grounds for suspicion of wrongful conduct,"⁹² stopped short of granting (or appearing to grant) favors which would dishonor him.⁹³

Dover and Foucault argue that the *eromenos* only allowed intercrural intercourse and never anal penetration, but, as Vlastos (1987: 96) points out, "If submitting to anal copulation carries a stigma, the boy would always be under suspicion of it. Who is to know what goes on between him and his lover in the privacy of their *amours*?" Indeed, as pointed out above, the community can only rely upon gossip and the observation of *public* behavior to form judgments about what point a particular relationship has reached on the axis of honorable/shameful eros:⁹⁴

A lover is bound to be heard about and seen by many people talking with his beloved ..., so that when they are observed talking to one another, the meeting is taken to imply the satisfaction, actual or prospective, of their desires. (Plato, *Phaedrus* 232a-b)

This presents serious risks for the boy, for his reputation (and even civic rights) may be compromised by incorrect inferences and irresponsible gossip. Hence the evident concern in our sources about *erastai* who "kiss and tell."⁹⁵ Further, the maddening ambiguity of our sources about the precise boundaries of licit and illicit "favors" which *eromenoi* grant, mirrors the conflict and ambiguity on which the politics of reputation thrive. It is precisely the contradictory and ambiguous nature of normative expectations which, as Bourdieu has shown, permits individuals to manipulate standards and circum-

⁹² Demosthenes 61.19.

⁹³ Aristotle's discussion of the problematics of gratification in the *Prior Analytics* (68a40-69) reveals the complexity of the competing motivations and sentiments in which man and boy might be enmeshed: every lover, says Aristotle, prefers his lover to be disposed to gratify him without doing so rather than to gratify him against inclination. Since the boy feels no pleasure and no natural inclination to intercourse, it follows that the boy is not inclined and the lover should not want him to submit. This example, of course, proceeds from an implicit standard case: the lover wants to, the boy is not inclined. What the lover really aims at, according to Aristotle, is that the boy be willing to engage in intercourse, because this reveals that his *philia* is being returned. This willingness manifests reciprocity of sentiment, because the readiness cannot be due to desire. Cf. *N.E.* 1157a and 1171b30 for Aristotle's representation of the essentially chaste pleasures (ideally) of the *eromenos-erastes* relation: the *erastes* derives pleasure from looking at the *eromenos*, the *eromenos* from receiving the affection of the *erastes*.

⁹⁴ See du Boulay (1976: 389-406), and the discussion of gossip and reputation in Chapters 3 and 4.

⁹⁵ Plato, *Phaedrus* 232a, 234a.

stances for their own purposes, whether following strategies of justification or criticism. Aeschines' long disquisition on the role of gossip, inference, and public "knowledge" in establishing Timarchus' reputation for sexual depravity provides a powerful illustration of this potential.⁹⁶

While texts like Plato's *Symposium* and *Phaedrus* reveal that some Athenians, at least, felt able to resolve to their own satisfaction the contradictions implicit in their sexual code by means of this sort of ideal equilibrium, other sources offer a different picture. Indeed, it appears that some Athenians viewed this solution as hollow, raising again Malinowski's problem of distinguishing competing cultural ideals and practices. For there may be disagreement within a culture as to what is practice, what is ideal, and how each is to be valued. Thus at Athens some boys rejected paederastic relations altogether, some attempted to uphold the distinction between honorable and shameful relations, and others gave themselves openly.⁹⁷ Wilamowitz-Möllendorf referred to Pausanias' speech as the "Ehrenkodex der athenischen Knabenliebe," but Victor Ehrenberg has aptly commented that "There is little in common between the blushing boys of Plato's dialogues, and the world of unnatural lust which the comedians depict."⁹⁸

Thus Aristophanes in *Clouds* (961ff.) depicts the way in which such cultural ideals of chaste and virile youth are projected into the past to create a false history which is nothing more than ideology. Indeed, he appears to have been acutely aware of the problem of the contrast between ideal and practice, for in a number of passages he attempts to expose the hypocrisy of the paederastic ideal by contrasting it with stark reality (a view of reality strongly supported by Attic vase painting). In *Birds* and *Wealth* he refers to the general courtship practice of giving gifts of animals to the *eromenos*, and he seems to suggest that it is pure hypocrisy to regard it as distinguishable from the prostitution which the law forbids:

And they say that boys do the same, not for their lovers but for gold. Not those of good family, but the prostitutes. The well-bred ones don't ask for money. What then? A good horse or hunting dogs. Being ashamed to ask for money they disguise their vice with a name.⁹⁹

⁹⁶ As, in their own way, do the first two speeches in Plato's *Phaedrus*.

⁹⁷ Demosthenes 61.1, 5-19. This is also implicit throughout Plato's *Phaedrus* and *Symposium*, and Xenophon's *Symposium*.

⁹⁸ Wilamowitz-Möllendorf (1920: Vol. 1, 365); Ehrenberg (1962: 100).

⁹⁹ *Plutus* 153-9, and cf. *Birds* 704f.

Criticisms of the paederastic ideal are not limited to comedy, and, contrary to contemporary orthodoxy, are also not confined to passivity. Xenophon (*Memorabilia* 1.2.9, and 1.3.11), for example, relates how Critias loved the boy Euthydemus and tried to use him like those who enjoy the erotic pleasures of the body. Socrates turned him away saying this to be slavish and not fit for a respectable man because he was asking to be given that which is wrong. One can, of course, attempt to dismiss this as peculiar to Socrates, but these two passages are part of Xenophon's defense of Socrates' character, and here he seeks to show his moral uprightness by demonstrating that he was sexually self-restrained and considered the seduction of boys harmful and dangerous. If this view were entirely without resonance in the conventional morality of most Athenians, Xenophon could hardly use it as part of his defense of Socrates. Moreover, Xenophon expresses the same view (*Memorabilia* 2.1.24) when he has Vice personified counsel intercourse with boys and Virtue responds by saying that using a man as a woman is wrong, for such people are committing *hubris* all night (cf. *Rhetoric* 1384b and *Mem.* 2.6.21, 33). In these passages not only is it wrong to submit, but it is also wrong to demand submission.¹⁰⁰ As Xenophon's *Symposium* says, *erastai* feel ashamed of what they want the most.¹⁰¹ Thus the good *erastes* makes his affection public and tells the boy's father, and this is how it ought to be (*hoionper chre einai*), the normative ideal. Only shameful, unchaste love demands to be kept secret (8.8). Since the lover who demands submission wants what will cause the greatest disgrace for the boy, he hides the matter from the boy's family and may even resort to force. Many bad results have arisen from such shameful relations, and thus Athenian conventions (*nomima*) make unchaste paederasty disgraceful (8.19–34).

Similarly, Demosthenes (61.1) maintains that the good (*dikaioi*) *erastes* would neither do something shameful nor request it; many boys, however, refuse to associate with their admirers because of the men who defile (*lumainein*) such relationships. Likewise, Aeschines (2.166) says that a man should be ashamed of the reputation of being a pursuer of young men, and the speaker in an oration of Lysias (3.4) asks the judges not to think ill of him for chasing a boy at his age (and cf. Aeschines 3.162). Finally, Isocrates (*Helen* 58) argues that those

¹⁰⁰ In the *Symposium* Xenophon also claims that the open homoerotic relations of Theban and Elean warriors are condemned by Athenian custom (*nomima*) with the severest reprobation.

¹⁰¹ 4.15–16; and see Aristotle, *Metaphysics* 1019b20.

who hire themselves out are held in greater dishonor than those who do wrong against the bodies of others, a sentiment echoed by Plato in the *Phaedrus* (234b). Clearly, on this view the passive partner is worse, but both are dishonorable.

A final passage from Xenophon brings together these themes of honor and shame, public and private, as they inform the politics of reputation. Whether the story is historically accurate or not in no way influences its capacity to reflect Xenophon's perception of Greek values. In his life of the Spartan king Agesilaus, Xenophon relates how Agesilaus avoided being slandered about having homosexual relations by always lodging in public places where everyone would think such doings would be impossible. Agesilaus, cognizant of the politics of reputation and the power of gossip, thus took care to justify his behavior in advance by arranging the circumstances so as to prefer a particular set of inferences. Secrecy and privacy are associated with sexual transgression, so he confined his activities to public places where he could claim, like many speakers in Athenian orations, that his behavior was open for all to see. What his actual sexual preferences were matters little. What is significant is the way that he attempted to manipulate judgments about those preferences by playing upon the normative expectations that determine reputation. Further, it is likewise clear that Agesilaus felt that being regarded as a paederast would be a subject for slander that could damage his reputation.

What then is one to conclude about a culture whose laws expressed a deep rooted anxiety about paederasty while not altogether forbidding it?¹⁰² A culture in which attitudes and values ranged from the differing modes of approbation represented in Plato's *Symposium* to the stark realism of Aristophanes and the judgment of Aristotle that, in a man, the capacity to feel pleasure in a passive sexual role is a diseased or morbid state, acquired by habit, and comparable to biting fingernails or habitually eating earth or ashes.¹⁰³ A culture is not a homogeneous unity; there was no one "Athenian attitude" towards homoeroticism. The widely differing attitudes and conflicting norms and practices which have been discussed above represent the disagreements, contradictions, and

¹⁰² Plato, *Symposium* 182ff.; Xenophon, *Symposium* 8.35.

¹⁰³ N.E. 1148b. One could argue that the passage applies to all pleasure from homoerotic sexual intercourse, but I here limit the claim to its unequivocal application to the passive role.

anxieties which make up the patterned chaos of a complex culture. They should not be rationalized away. To make them over into a neatly coherent and internally consistent system would only serve to diminish our understanding of the "many-hued" nature of Athenian homosexuality.

LAW, SEXUALITY, AND SOCIETY

The enforcement of morals in classical Athens

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