

**Homosexual Subculture in Classical Athens: An Analysis of Unconventional
Same-sex Relationships in the Speech of Lysias Against Simon**

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I dedicate this endeavour to my late father. No one would be happier and prouder of me than him.

Abstract

The genre of Athenian forensic oratory is valuable evidence for evaluating Greek society's perception of men involved in long-standing homosexual relationships. A close examination of such relationships reveals that some citizen status males dispensed with the obligation of marriage and formed an enduring companionship with a socially marginalized man. Much of the scholarship on Greek homosexuality, however, ignores the role of subaltern groups in same-sex relationships and denies the existence of homosexual practices beyond the codified structures of the well-known pederastic relationship model. Applying a multidisciplinary lens to Lysias' speech *Against Simon*, this MRP considers how its narrative on same-sex desire, relationships, shame, and masculinity reveals a complex and diverse image of Greek homosexuality. By focusing on the participation of a subaltern man, I argue that a homosexual identity and subculture existed in classical Athens.

Keywords

Greek oratory, Homosexual relationships, Subculture, Social status, Marginalized group.

Acknowledgements

Part of the inspiration for this research topic came from a recent British television miniseries titled, *It's a Sin*, written by Russell T Davies. The series is set in the mid-80s at the height of the AIDS crisis in Britain. It portrays society's reluctance to recognize homosexual men and women as a legitimate community deserving social privileges and civic rights. At the same time, the powerful works of Amy Richlin and James Davidson set the inspiration on fire. Richlin's and Davidson's work compelled me to re-examine the well-established and influential studies of Kenneth Dover and Michel Foucault on Greek homosexuality from a different perspective that could challenge the elite voice in our primary sources. I feel fortunate to have had the opportunity of taking the ancient slavery course with Prof Allison Glazebrook. The Slavery studies alerted me to the role of socially and politically marginalized groups in influencing Athenian culture and values. I decided to focus on the representation of subaltern groups in Greek homosexual relationship models.

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methodologies more effectively. Prof Glazebrook introduced me to the innovative methodological lens of transgender studies, which allowed me to offer a strong analysis of subaltern participation and a homosexual subculture in Greek society. Dr Nickel and Prof Glazebrook provided valuable feedback for producing a polished and error-free final text. The fault is entirely mine if a reader finds a sentence awkward or a phrase jarring.

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Shakeel Ahmed

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A Note to the Reader

Following the current classics scholarship trend, I transliterate the Greek text and terms. When I need to provide the text in classical Greek, I provide it in footnotes so as not to distract the reader. I follow the *Oxford Classical Dictionary* (4th edition, edited by S. Hornblower, A. Spawforth and E. Eidinow [Oxford: Oxford University Press] for the abbreviated names of ancient authors and their work, except when I refer to Aristophanes' plays, I give their well-known English translation, e.g., *Wasps* and *Clouds*.

I use the standard format in the following list of the speeches appearing in this work:

Aesch. 1	Aeschines, <i>Against Timarchos</i>
Dem. 23	Demosthenes, <i>Against Aristocrates</i>
Dem. 54	Demosthenes, <i>Against Conon</i>
Dem. 47	Demosthenes, <i>Against Evergus and Mnesibulus</i>
[Dem.] 59	pseudo-Demosthenes, <i>Against Neaira</i>
Lys. 3	Lysias, <i>Against Simon</i>

Abbreviated Title

L.S.J. *A Greek-English Lexicon*, compiled by H.G. Liddell and R. Scott.

Online edition, access provided by Thesaurus Linguae Graecae (TLG): University of California.

Homosexual Subculture in Classical Athens: An Analysis of Unconventional Same-sex Relationships in the Speech of Lysias Against Simon

Introduction

Ancient Greek homosexual behaviour is often conceived of as a transitory phase in developing male sexuality. Greek homosexual practices are primarily assumed to be associated with a pedagogical aim— an adult male (*erastēs*) in an erotic relationship preparing a youth (*erōmenos*) for his role as an adult male citizen and moulding him into a noble, valuable member (*chrēstos*) of the community. It is assumed that such pederastic homosexual relationships met general societal approval and that although such homosexuality was physical, the *erōmenos* remained immune to desire. In what follows, I argue, in contrast, that Greek homosexual relationships were more diverse and complex and that some were a product of a subculture. In this subculture, Greek men constructed a self-image in defiance of their society's limits and restrictions. Through their relationships, they redefined desire and a way of life that contravened the accepted social norms. I also investigate how a homosexual subculture was able to subvert the ideals of masculinity, resist mainstream norms, and ultimately create a homosexual identity while negotiating status and social values. I hope that this research succeeds in highlighting greater complexity in the lives of Greek men who desired men. I attempt to portray a more inclusive image of Greek homosexual relationships by exploring the diversity of relationships present in the sources and challenging the current discourse that results in the erasure of a long history of homosexual men.

In particular, I examine the link between the homosexual relationships of citizen and non-citizen men from subaltern groups and the lifestyle of these men. I use the speech of the Athenian

orator Lysias *Against Simon* (Lysias 3) as my primary evidence. It was delivered before the Council of the Areopagus in 394 BCE.¹ The speaker in the speech is an elite member of Athenian society since he claims active participation in the city's political affairs, and thus his narrative presents an elite bias.² Simon, who is prosecuting the speaker for a violent assault, is also revealed as a rival of the speaker's current non-Athenian boyfriend (*philos*), Theodotus. Before his partnership with the defendant, socially marginalized Theodotus was Simon's companion (*hetairos*) based on a contract (*sunthēkas*) (3.22).³ This was a mutually beneficial monetary agreement in which the wealthy lover received the beloved's sexual favour in exchange for valuable gifts.⁴ As the speaker's statement shows, Simon alleged in his charge sheet that the speaker and Theodotus came to his house armed with broken pottery, intent on inflicting serious harm (3.28). In his opening statement, the speaker mentions that both Simon and he were contenders for Theodotus' affection, in which he prevailed because he treated the young man better than Simon did (3.5). The substantive adjective *philos* used by the speaker to refer to Theodotus in this section means that his relationship with Theodotus is a long-standing one in which physical intimacy is implied.⁵ The speech, therefore, presents two different perspectives of desire, one of citizens and the other of a non-Athenian. I aim to tease out details surrounding same-sex desire and relationships from this elite narrative to shed light on a subculture in Classical Athens. My analysis disregards the conventional model of a homosexual relationship formed within the pederastic institution.

¹ Carey 1989: 86, 88.

² The defendant stresses the point that he takes part in public life and performs liturgies (Lys. 3.9, 47). Only wealthy Athenians had enough resources and leisure to participate in the city's political life. See also, Hubbard 1998: 60; Carey (1989: 86,87); Todd (2007: 278-79).

³ See Carey (1989: 103) and Todd (2007: 326-27) on the plausibility of the contract between Simon and Theodotus and strong likelihood that Simon mentioned this in his *enklēma* (charge sheet).

⁴ Dover (1978[2016]: 147-50) on sexual contract between rich lovers and their beloved.

⁵ See Dover (1978[2016]: 49-50).

The speaker openly admits to practising a way of life that defies social codes surrounding masculine behaviour when he pleads to the jury “not to think of me as worse man” (*mēden me cheirō nomizein* not to think of me as a worse man 3.4). Despite being a man of mature age (*para tēn hēlikian tēn emautou* 3.4), his household lacks a wife and children, thus putting him in an unfavourable situation as an ideal Greek man. Noting the importance of marriage in Greek society, Aristophanes observes that even men who would rather pursue a homosexual relationship are compelled by the custom to marry and have children (Plato *Symp.* 192a).⁶ I contend that the defendant’s speech reveals a complex and unconventional image of homosexual relationships based on intense desire (*epithumein*) and love (*erān*) between politically empowered citizens and a socially marginalized non-Athenian man.⁷ The speaker’s choice of *epithumein*, to desire strongly, is deliberate because he knows that his audience can relate to this experience of intense desire inherent in the meaning of this verb.⁸ Their association is unconventional because it defied the strict protocol that marked the well-known pederastic model by lacking any pedagogical aims and created an emotional bond between citizens and non-citizens. Moreover, these unconventional relationships between men function beyond the age group typically associated with pederasty— a young adult male (20s-30s) and a boy or youth (late teens to early 20s). The defendant is possibly in his 40s, evidently unmarried, whereas Simon is in his 30s, closer to the appropriate age to court a citizen youth in a pederastic relationship.⁹

⁶ See also Dover (1978[2016]: 62) and Carey (1989: 94) on the speaker’s mature age and unusual unmarried status.

⁷ D. Kamen (2013) comprehensively discusses the wide range of privileges in terms of social right and responsibilities that Athenian society afforded to its denizens with respect to their social standing.

⁸ Dover 1978[2016] 42-43.

⁹ I use Todd’s (2007: 310) analysis of age differentiation in the Greek pederastic relationship that rules out courting prepubescent youth. See E. Cantarella and A. Lear (2008), A. Percy III (1996) and J. Davidson (2007) for their detailed examination of the institution. Dover, in his ground-breaking work *Greek Homosexuality*, provides a basic mechanism of Greek homosexuality that involved an older lover (20 years or older, but not beyond 25) and an adolescent boy or a youth but definitely not a pre-pubescent child; the older and experienced male takes an inexperienced youth under his patronage to prepare him for the adult world. Hubbard (2003: 120) and Davidson (2007: 68-98) maintain that the

Contesting Dover's and Foucault's views of Greek homosexuality

I am arguing that the literary evidence and language of Lysias 3, like the use of *meirakiōn* and *neaniskos*, frame the defendant's and the prosecutor's (Simon's) relationships with a young man in relation to social norms and complicate the cultural discourse on an Athenian homosexual ethos. I argue against the ground-breaking study *Greek Homosexuality* by Kenneth Dover. This work remained focused on examining power dimensions in the physical acts of lovemaking—mainly from the privileged adult male citizen's power perspective. His analysis overlooks the agency of the beloved—an age-differentiated peer or subaltern group partner.¹⁰ Since Dover's work, scholars of ancient sexualities have given disproportionate attention to the sexual acts in homosexual relationships.¹¹ His work formed the basis of the influential French philosopher Foucault's phallogentric and power-driven theory of masculine sexuality.¹² Scholars applying Foucault's theories on Greek homosexuality continue to downplay any notion of homosexual culture and community centred around same-sex desires and operating outside mainstream values, such as one that emerges from a close examination of Lysias 3.¹³ Others consider the pedagogical model of pederastic homosexuality the only one approved by Athenian society, viewing it as the only available and authentic image of ancient same-sex behaviour and practices.¹⁴

In *Greek Homosexuality*, Dover examines Greek same-sex desire strictly through the socially privileged and politically empowered adult male. For Dover, low-status youths, the penetrated partners and objects of male citizen desire, risk society's scorn because sexual passivity

beloved youths in pederastic relationships were already sexually mature when starting the relationship. The Plataean Theodotus is most certainly in his 20s.

¹⁰ Dover (1978 [2016]: 62).

¹¹ Davidson (2001), Percy III 2005.

¹² Foucault (1985: 85-6) on domination theory.

¹³ Some notable scholars who follow the Foucauldian approach include Halperin (1990: 34-5); Winkler (1990a 52,54); Skinner 2005: 9. Percy (2005: 14) and Hubbard (1998: 48-49) refuting this approach, describe it as Foucault's dogma.

¹⁴ Cantarella (2008: 2) stresses that the Greeks only approved of pederastic homosexual relationships between an adult man and an adolescent boy in the social spaces of gyms and wrestling schools. See also Lear (2014).

equals effeminacy, a serious transgression of masculine ideals.¹⁵ Although Dover briefly discusses emotional elements in same-sex relationships, he maintains that the homosexual act was nothing more than an expression of masculine power and status.¹⁶ The court speech of Lysias *Against Simon* contains an unusual narrative about homosexual relationships that challenge the entrenched understanding of Greek homosexuality as a transitory phase in the male experience of sexuality; it is not simply an expression of masculine power. Therefore, a close examination of the speaker's narrative in Lysias 3 can reveal the implications of homosexual love affairs and the role of the socially marginalized actor, Theodotus, for social norms and the Greek homosexual ethos. Dover disproportionately focused on the idea of sexual domination of the beloved by the adult citizen male lover in Greek homosexual relationships and avoided examining the issue of innate homosexual desire.¹⁷ Dover was, nevertheless, the first scholar who made the discussion of Greek homosexual practices a legitimate academic pursuit and inspired French philosopher Foucault's famous three volumes *History of Sexuality*. Foucault's influential work led to a number of scholars arguing that Greek homosexuality was simply a power game in which one party wins at the expense of the other.¹⁸

Dover's domination-submission analysis and Foucault's system of power implicit in the functioning of Greek homosexual relationships present the object of desire or beloved as a complete loser in relation to the desiring subject of the adult male citizen. In submitting to his male lover, the beloved male became a cause of social anxiety, since the beloved would be a future

¹⁵ Winkler's 1990: 46-64; Davidson 1997: 173-80; Glazebrook 2014: 434.

¹⁶ Dover (1978[2016]: 62, 144-47). See Davidson's introduction (*The Greeks and Greek Love* 2007) for the preeminence of these ideas concerning Greek homosexuality in current discourse. Halperin (1990), follower of Foucault's theory of Greek homosexuality, argues most strongly for the sexual act as an affirmation of masculine domination. He claims that Greeks did not have sex for pleasure but "committed" sexual acts (Halperin 1990: 32).

¹⁷ Surprisingly, Dover in *Greek Homosexuality* does not dwell on Aristophanes' speech in Plato's *Symposium* which provides valuable insight into Greek thought concerning homosexual desire and homosexual behaviour in Athenian society.

¹⁸ Halperin 1990: 34-35; Winkler 1990: 46-48, 52-54.

citizen— how could a submissive partner be a powerful defender of the *polis*.¹⁹ Dover argued that social codes required that the older partner practice intercrural sex with the beloved. For both Dover and Foucault, the perspective of a socially privileged male is the only one available to us to understand ancient homosexuality. In this view, if the beloved does not submit to the lover's sexual desire, it disgraces the lover; on the other hand, having submitted, the beloved cannot express any sexual pleasure or reciprocal love and desire. If he were to, he would be branded as a passive effeminate homosexual and jeopardize his chances of becoming an honourable community member.²⁰

Thomas Hubbard contends that Dover and the Foucauldian scholars built their understanding of Greek homosexuality in a narrow framework of Greek homosexual behaviour and practices that centres around politically empowered adult citizen males and their courting of youth in prestigious elite social arenas, such as gymnasia.²¹ Clifford Hindley's analysis of Xenophon's *Symposium* and *Hieron* clearly shows that a lover did not demand submission but sought reciprocity of desire and love from the beloved on equal footing.²² Contrary to Dover and Foucault, Hindley presents Greek homosexual love as a complex, enduring and profoundly emotional affair that involved careful negotiations between lover and beloved on mutually acceptable terms.²³ In his discussion on *charis* within the framework of homosexual associations, Fisher also argues that in Greek homosexual relationships, mutual love and pleasure sustained the bond between the lover and his beloved.²⁴ Hubbard argues that Greek homosexual practices were

¹⁹ Dover 1978[2016]: 100-109, Foucault 1985: 42-3, 194-5.

²⁰ Fisher 2001: 160-1.

²¹ Hubbard 1998: 55, 59, 70-2.

²² Hindley 1999.

²³ Hindley 1990: 80, 84, 90-94, 97.

²⁴ Fisher 2013: 56-59.

complex and diffused beyond the codified structures of the pederastic institution—the main focus of attention in Dover and Foucault’s work.²⁵

John Thorp’s analysis of Aristophanes’ speech in Plato’s *Symposium* shows that Greeks thought homosexual desire was deeply imprinted in the individual’s psyche.²⁶ The narrative of a homosexual love triangle in Lysias 3 underscores from the outset the significance of desire in homosexual love since the defendant invokes the universally accepted susceptibility to powerful love and desire and invites the jury to consider his and Simon’s passion in this context (3.4-5); it further supports the public display of a passionate homosexual affair between a non-elite and a non-Athenian; finally, it rejects the pedagogical-pederastic aspect of other relationships. The speech highlights the complex social reality behind unconventional same-sex love in which marginalized and sub-status men participated along with privileged male citizens. In his detailed analysis of Aristophanes’ comedies and four legal speeches, Hubbard points to the existence of diverse homosexual relationship models that operated outside the well-known elite institution of pederasty.²⁷

Furthermore, the speaker’s narrative and the scene of a passionate drama surrounding homosexual love spilling out onto the streets is part of a non-mainstream culture that centres around unconventional homosexual relationships. An investigation of the social and cultural processes behind this speech enables us to examine the issue of homosexual identity in non-pederastic models of same-sex relationships that challenges the strict active-passive dichotomy. It highlights the fluid parameters around homosexual associations, evolving social attitudes, and the tension between the values of the *polis* and the masculine image that practitioners of homosexual

²⁵ Hubbard (2014: 132-34) analyses the literary and the late 5th century iconographic evidence that portrays homosexual love scenes between age-symmetrical youth and men.

²⁶ Thorp 1992: 56-7.

²⁷ Hubbard 1998.

love embody. Furthermore, it exposes the tension between social norms and desire—the defendant’s feeling of shame stems from social norms and assumptions and the compulsion to make his love for Theodotus public belongs to the universally accepted power of desire.

The scholars who subscribe to the Foucauldian view posit that Greek homosexuality was a one-sided affair dictated solely by the adult citizen male, for whom the gender of the object featured little in the expression of his sexual desire.²⁸ In other words, homosexual behaviour was acceptable by Greek society because homosexual urges were a small and transitory phase of male sexuality.²⁹ In discussing the abusive term *kinaidos*, John Winkler argues that social disaster awaited beloved males who expressed pleasure in homosexual activities.³⁰ Dover’s and Foucault’s view of Greek homosexuality as a zero-sum/ plus-minus game have been very influential in creating what Davidson calls “a new consensus” on Greek homosexuality.³¹ For example, this view is presented as an authentic representation of Greek homosexuality in *the Oxford Classical Dictionary*, fourth edition 2012.

Adopting a multidisciplinary approach

The philological analysis of Greek terms and expressions that define desire, love and emotions is essential in determining the complexities of sexual practices and the values Greeks attached to them. To this end, I follow the research model of Dover (1978, reprint ed. 2016), Davidson (1997, 2007), Fisher (2001), Carey (1989), and Todd (2007). Although Dover discusses emotional elements in homosexual relationships, he remains focused more on describing lovemaking acts anatomically, albeit from the lover’s perspective, the privileged adult male citizen. In doing so, he

²⁸ Halperin 1990: 30-32, Winkler 1990: 47-54. Blanshard 2015.

²⁹ Dover 1978 [reprint 2016]: xxix, 80-81.

³⁰ Winkler 1990: 54-57.

³¹ Davidson 2001: 7, also Davidson 2007: 4.

overlooks the agency of the beloved— who might be an older or the same age or an underprivileged non-citizen male.³² My analysis of the text considers the two theoretical approaches to Greek homosexuality current in Classical studies; the constructionist (Foucault, Winkler and Halperin) and the essentialist (Davidson, Hubbard and Richlin). I recognize that the text of Lysias 3 projects elite views and ideals. To combat this view, I apply feminist, queer and transgender studies (a subcategory of queer studies) methodologies to recover a few glimpses of social reality in subaltern groups' lives and explore power dynamics in same-sex relationships from the beloved's perspective.³³

Dover's and Foucault's simplistic, reductionist and phallogocentric approach to a complex and diverse practice has been contested by several scholars.³⁴ Feminist scholars Page DuBois, Amy Richlin, and Nancy Rabinowitz, arguing against a Foucauldian view of ancient sexualities, draw attention to the male bias around sexuality and gender identity in Greco-Roman literary sources and advocate for a critical analysis of all ancient texts.³⁵ Another feminist classicist, Lin Foxhall, observes that Foucauldian sexuality theory has blurred our true understanding of Greek homosexuality in that it ignores the complexities of emotions and desire in same-sex relationships.³⁶ Appealing to the students of Greek cultural history, John Boswell, a queer classicist, notes, "if no effort is made to compensate for centuries of neglect of some groups and focus on the ruling male elite, a realistic view of human history will never emerge."³⁷ The zero-sum narrative pays scant attention to the role of sub-status and marginalized men of the society, whose participation in Greek homosexual relationships has been either suppressed or skewed in

³² Hubbard 2014, Davidson 2007: 85-89.

³³ See Stryker (1998) and Devun and Tortorici (2018) on the innovative methodology of transgender studies. See Sullivan (2003) on queer studies.

³⁴ I borrow the term "phallogocentric" from Page DuBois (1985) and Hubbard (1998).

³⁵ Rabinowitz 1992, Richlin 1993, 1998 DuBois 1998,

³⁶ Foxhall (1998: 65).

³⁷ Boswell 1995: xxviii.

the ancient sources. Redeeming the subaltern group's agency helps us to view the unconventional aspects of the Greek homosexual relationship model that broaden our understanding of ancient homosexuality.

Traditionally, scholars of ancient sexualities have devoted much attention to unravelling Dover and Foucault's binary system of sexually active-passive roles. Davidson, who applies queer methodology, Hubbard and feminist voices in Classics challenge these views and urge scholars to investigate the issue of homosexual identity operating "between symbolically charged zones".³⁸ In his 2007 book, *The Greeks and Greek Love*, however, Davidson underestimates the Athenian society's moral and cultural anxieties towards unrestricted homosexual behaviour.³⁹ My multidisciplinary approach, including the innovative transgender history lens, is unique in the discipline of Classics in its consideration of social constraints on same-sex desire, along with investigating the lives of homosexual men in antiquity. I hope this research model will challenge new researchers to apply modern critical theories in examining the social history of the ancient world.

The narrative in our traditional Greek sources celebrates homosexual love, but it also betrays society's discomfort in dealing with the diverse manifestation of homosexual desire, persistent homosexual practices, and men challenging the widely accepted masculine value system.⁴⁰ English writer and comedian Quentin Crisp and French novelist Jean Genet are 20th century iconic figures for the LGBTQ+ community worldwide.⁴¹ In pre-WWII Europe, these men

³⁸ Davidson 1997: 23.

³⁹ Davidson 1997:167-82, 2007: 52-64.

⁴⁰ Hubbard 1998; 69- 70. Fox's (1998) and Osborne's (1998) analysis of Greek discourse in the classical period show that sexual identity played an essential role in Greek thought surrounding masculinity.

⁴¹ Quentin Crisp in *Naked Civil Servant* (1968, reprint 1985) recounts his homosexual lifestyle in pre and post-WW-II England. Jean Genet's novel *Notre-Dame-des-Fleurs* (1943, trans. B. Frechtman, *Our Lady of the Flowers* 1987) is based on the author's experience as a male prostitute and drag queen living on the margins of Parisian society. See also Edmund White' *Genet: A Biography* 1993.

in their youth enraged society by subverting the ideals of masculinity and insisting on the validity of their sexual identity. As outcasts in post-WWII Europe, Crisp and Genet thrived in the culture at the margins of society. British theorist Dick Hebdige (1979) premises his cultural study of non-conforming behaviour and well-articulated expressions of resistance of some members of the community (including homosexual men and minority groups) on Jean Genet's experience with society's power structures: "Similarly, spectacular subcultures express forbidden contents (consciousness of class, consciousness of difference) in forbidden forms (transgressions of sartorial and behavioural codes, law-breaking, etc.). They are profane articulations, and they are often and significantly defined as 'unnatural'."⁴² I use Hebdige's subculture theory—a social process beneath the surface of a mainstream culture where conventions, and norms are inverted and appearances and language raise the issues of sexual and gender identity—to examine the role of Theodotus, a young man at the margins, the place of unconventional homosexual relationships in Greek society, and the diction reflecting upon society's prejudices against men in same-sex relationships.⁴³ By doing so, a homosexual subculture begins to emerge in Lysias 3, as Richlin has argued for the scorned passive homosexual man in ancient Rome.⁴⁴

My investigation inquires whether or not a subculture existed in classical Athens in which Greek men leading a homosexual-homosocial life defied the societal norms by embodying effeminate characteristics that patriarchal societies traditionally denote as shameful.⁴⁵ These individuals persist in their transgression of norms despite the risk of political disenfranchisement.⁴⁶ The examination of non-conforming social behaviour and sexual practices using modern social

⁴² Hebdige 1979: 91-92.

⁴³ As case studies, Hebdige (1979: 53-59, 60-64) focuses on Blacks' resistance to the White cultural values in the 60s and 70s US and Britain, as well as the pop singer David Bowie's provocative musical brand.

⁴⁴ Richlin 1993: 524-28, 1998: 162-68.

⁴⁵ Fisher 2005: 70-74; Robson 2013: 57-58; Glazebrook 2014:433, 441.

⁴⁶ Todd 2007: 278, Fisher 2001: 40-41,49.

studies and feminist and queer methodological lenses to inform the Greek homosexual subculture remains underexplored. The feminist, queer and social studies' lenses focus on the elite's negative representations of social groups at the margins of society and their participation in a cultural phenomenon.⁴⁷ These approaches help recast the object of desire as the subject and determine the competing values of a group seeking to assert its social identity.⁴⁸ I examine Theodotus' role in the homosexual relationship model: a young man belonging to a subaltern group who was otherwise excluded from the socially prestigious hubs of the Athenian elites, including gyms, wrestling schools and symposia.⁴⁹ By doing so, I attempt to recover the suppressed narrative and highlight the tension and complexity in ancient Greek homosexual relationships and Greek masculinity within a homosexual subculture, the discourse hitherto underexplored in current studies of ancient gender and sexual identities. Including the roles of underprivileged individuals in these relationships makes it possible to build a broader understanding of Greek homosexuality on the model of Richlin's illustration of a subculture in Roman society.⁵⁰

My research methodology brings interdisciplinary approaches to studying ancient sexualities and gender identities. Richlin, Davidson, Hubbard, and James Robson urge us to move beyond a phallogentric understanding of Greek sexuality to explore emotional bonds in homosexual relationships and examine the "nuanced situation around" Greek homosexual desire depicted in forensic speeches.⁵¹ I do not discount the benefit of the Foucauldian constructionist approach in recognizing the differences between ancient and modern homosexuality. But the differences do not necessarily mean a total disconnect between past and present cultural values

⁴⁷ Rabinowitz 1992: 36-52.

⁴⁸ Stansbury-O' Donnell 2011: 180-214

⁴⁹ See Dover (1993: 207- 14); Fisher (2014: 46-64); Lear (2014: 102) on the centrality of these social places in Greek culture. See Dover (1978[2016]: 48) on the importance of wealth and status and on exclusivity.

⁵⁰ Richlin 1993: 524-28.

⁵¹ Richlin (1993a, b); Davidson (2001); Hubbard (2014); and Robson (2016). Masterson 2014: 20.

and social attitudes toward same-sex relationships. As Richlin notes, the interdisciplinary methodology “looks to the past for a liberatory model rather than one that preserves the status quo.”⁵² By applying a new multidisciplinary approach in my investigation, I attempt to highlight how Greek homosexual males navigated through society’s contradictory assumptions and attitudes on same-sex love and relationships. By remarking upon their mode of negotiating social values that resemble the experiences of modern society’s homosexual men, I attempt to discover a Greek homosexual subculture where accepted gender and sexual identities are brought into question.

The Athenian lawcourt of the Council of the Areopagus

In the speech, Simon as the prosecutor, lodged a complaint, *enklēma* (3.1), against the defendant accusing him of wounding him with the intention of murdering him, and he filed the lawsuit of *trauma ek pronoia*. (3.28, 38, 41).⁵³ Some scholars, however, maintain that the implications in the charges of *trauma ek pronoias* involve violent offense and not killing.⁵⁴ According to the speaker, Simon alleged that the defendant had turned up at his house accompanied by Theodotus armed with broken pieces of pottery, intending to commit an act of violence on his person (3.28). A citizen seeking to harm another citizen physically was a serious offense in the Athenian legal register, and for this reason, the special court of the Council of the Areopagus took up Simon’s case.⁵⁵ Surveying the law court cases that involve violence perpetrated by a citizen against another citizen, David Phillips illustrates that the Council of the Areopagus was designed to deal with cases of altercations with the inclusion of a weapon (broken pottery or spears), arson, poisoning and

⁵² Richlin 1993b: 289.

⁵³ Todd 2007: 281.

⁵⁴ MacDowell 1978: 123-24; Phillips 2007: 86.

⁵⁵ Carey 1989: 88, 109.

homicide.⁵⁶ This special court was composed of experienced jurymen (as the speaker points out (3.28) who were experienced in examining cases like this.⁵⁷ Another distinguishing feature of the Council of the Areopagus was a great (*megan*) and sacred (*orkon*) oath (*diōmosia*) that the speaker and Simon took, including the witnesses before addressing the members of the jury (3.2), whereas in other lawcourts witness were not required to swear an oath.⁵⁸ Demosthenes reports that in the Areopagus court, the oath entailed the defendant and prosecutors invoking curses, calling upon gods to destroy the swearer, their children and family if they lied to the court (*Against Aristocrates* Dem. 23.67-68).⁵⁹

It is worth noting that the popular lawcourts included Athenian ordinary citizens of diverse socio-economic classes, as Aristophanes' character Philocleon, a middle-class retired man in *Wasps*, indicates.⁶⁰ The Council of the Areopagus, on the other hand, included former and serving archons and thus commanded more deference than a popular court.⁶¹ Despite the court's elite status, many ordinary citizens used to gather around the court to observe the special proceedings. The general public showed interest in what each speaker had to say in such a serious trial that involved gang violence and street fights (3.11-14), just as they eagerly watched the wealthy citizens battling for inheritance, prestige and status in the popular court or debating, like the speaker in *Lysias* 3, what it meant to be a man.⁶²

Demosthenes cites a law that states that the Council of the Areopagus shall judge (*dikazein*) cases of *trauma ek pronoias* (*Against Aristocrates* 23.22, 67). The jury's function as judges is

⁵⁶ Phillips 2007: 75-79.

⁵⁷ Todd 2007: 281-82.

⁵⁸ Todd 2007: 282 fn.30

⁵⁹ See also Carey (1989: 88) and Phillips (2007: 84) who discusses Demosthenes' speech 23 in detail.

⁶⁰ The studies of Sinclair (1998: 124-35) and Todd (1990b: 146- 73) show the Athenian jury mostly consisted of middle to low income class citizens and farmers.

⁶¹ Todd 2007: 282.

⁶² Osborne 1985: 52-53; Fisher 2001: 52. Athenians not only used to crowd such hearings, but they also often shouted and heckled the speaker, sometimes on the instigation of the speakers themselves (Bers 1985).

highlighted by the speaker using the middle infinitive of the verb, *diagignōskō*, to decide and give judgement.⁶³ Therefore, the members of the jury also acted as judges. The speaker's repeated address to the Council, *ō boulē*, his mention of "the great and sacred oath" (3.2) and the assembly's experience (3.28) also indicate that this court was not an ordinary court. Other notable features of the court included each speaker's address to the jury and the defendant's option of voluntary exile before the verdict was announced.⁶⁴ The court likely consisted of two hundred members who permanently held this position and acquired experience dealing with such serious crimes.⁶⁵

In the absence of lawyers in Athenian lawcourts, the prosecutor and defendant presented their cases before their jury. Rhetorical skills, therefore, played a crucial role in deciding the case, and wealthy Athenians regularly employed the services of professional speech writers (*logographers*) like Lysias, Aeschines, and Demosthenes. Aristophanes' *Clouds* highlights the growing demand for forensic orators in the city. Carey notes that Athenians disapproved of hiring professional speechwriters— but like many contradictory attitudes and assumptions that coloured Athenian civic life— they nonetheless "loved good oratory."⁶⁶

In homicide trials, it was customary to hear from prosecutors and defendants twice before the jury gave their verdicts.⁶⁷ Although the case in Lysias 3 involved no murder, the law of *trauma ek pronoias* envisioned a murder scenario if the conflict were to escalate continually between Simon and the defendant. In such trials, the two parties deemed it imperative that they were seen to be respectable in the eyes of the court, especially before a court as powerful and distinguished as the Areopagus. The respectable behaviour included using a reverential tone when addressing

⁶³ Todd (2007: 309) explains the technical use of the verb in relation to the activity of the jury giving judgment and thinks that probably the Basileus pronounced the verdict, determined by the jury's vote.

⁶⁴ Todd 2007: 282.

⁶⁵ Wallace 1989: 96-97; Carey 1989: 93, 106.

⁶⁶ Carey 1989: 6.

⁶⁷ Dem. 47, *Against Evergus and Mnesibulus*.

the jury and avoiding referring to matters not pertinent to the current case.⁶⁸ For example, when the speaker mentions Simon's military service record (3.45), he does so with calculated hesitation and care. The speaker's use of encomiastic language shows that he is eager not to offend the jury and eager to win them over. The role of the witnesses who are invited to provide their testimonies on various occasions during this speech must also have carried some weight. Unfortunately, these witness testimonies do not survive. Nevertheless, Aristophanes' plays, *Wasps* and *Clouds*, indicate that Athenian orators considered maintaining a deferential and flattering tone an essential forensic strategy.⁶⁹

The defendant's strategies

In court trials, the governing concern in the speech's effectiveness was to win the judges' sympathy, present the speaker as an upholder of the *polis*' values and present the opponent as a detriment to the welfare of society. His chief strategy is to implicate Simon in the charges of *hubris*, to portray Simon as a villain, and invite sympathy from the judges and *demos* for himself. Scholars broadly categorize all trials in two distinct classes: legal action or public suit *graphē*—cases that threatened the social and political stability of the *polis*; and *dikē* concerning private cases—where one citizen felt wronged by another, as is the case in *Lysias 3*.⁷⁰ The speaker's continued reference to *hubris* (infringing upon the honour of another person, unrestrained behaviour, and violation of social norms), however, makes the case a public concern. Therefore, David MacDowell argues that the case in *Lysias 3* falls within the legal framework of *graphē*.⁷¹ In explaining why cases like Simon's in *Lysias 3* were not tried as *graphai hubreōs*. Fisher contends that often cases took a

⁶⁸ Phillips 2007: 84; Todd 2007: 282, 340.

⁶⁹ Fisher (2001: 64) refers to Aeschines' flattery of one of the members of the court, Autolyclus.

⁷⁰ Fisher (2001: 120), and Osborne 1985.

⁷¹ MacDowell 1976: 23-24.

different legal route because that is how the prosecutors preferred to seek remedy for their violated rights.⁷² However, this legal distinction is of limited significance for this research. For our purposes, it is important to note that by appearing on a public platform, the speaker and defendant became the focus of public attention. In order to divert the jury's attention from his role in the violence, the speaker is keen to portray Simo's behaviour as characterized by *hubris*. For example, the speaker makes a point about how brazenly Simon barged into women's quarters (3.7, 29) and neglected his duties in a military campaign (3.45). He repeatedly emphasizes his opponent's flagrant disregard of social norms and values, appealing to the jury's sensibilities and evoking outrage.⁷³

Oratory skills, therefore, played crucial roles in influencing the jury. Ironically, the defendant himself observes how carefully prepared tricks (*paraskeuai*) and chance (*tuchē*) are integral components of lawcourt verdicts (3.2). The speaker employs several forensic strategies to convince the jury of his innocence. First and foremost, the defendant must establish the integrity of his character and remind the audience that he is a valuable and law-abiding member of the community and the *polis* (3.3, 9). In his statement (3.1-4), he asserts that he takes the *diōmosia* seriously, places his trust in the city's legal system, and performs all civic duties expected of a wealthy citizen. Having established his credentials, he straightaway goes after Simon's character, employing politically and socially charged terms (*paranomos*, *hubris* 3.5-7) that would appeal to the jury's civic responsibilities. Accusing an opponent of *hubris* is an effective strategy employed by forensic orators because of the term's close association with lawlessness and anti-democratic sentiments.⁷⁴ In this vein, he portrays Simon as one who has shown no regard for social norms

⁷² Fisher 1990: 133.

⁷³ Fisher (1990) and Hubbard (2003: 118) note that pandering to the jury's sentiments was an important forensic strategy.

⁷⁴ MacDowell 1976: 15-20; Fisher 1990:136-38.

(barging into the women's quarter, *gunaikontis*, in a drunken state threatened freeborn women, 3.6) and is a disruptor of peace (3.12-20). Analyzing Aristotle's account of forensic strategies, Allison Glazebrook argues that the speakers would go to the extreme to portray their opponent's character in such a way that it fell prey to the audience's prejudices.⁷⁵ The speaker knowing full well the Areopagus court does not permit irrelevant material, craftily exaggerating the fact, tells the judges and the audience that Simon was disgracefully punished by the Generals at Corinth, possibly during one of the military expeditions in the Peloponnesian War.⁷⁶ The speaker's purpose is to maintain Simon as a possessor of *hubris* for the audience and mitigate the charge of *trauma ek pronoias* against himself.

The speaker's narrative contains several rhetorical techniques to win over the judges. By providing circumstantial evidence (3.12-20) in vivid detail, the defendant aims to highlight the truthfulness of his account and present Simon as a violent prone character. In all of this, the speaker is always trying to avoid conflict. Believing the maxim out of sight and out of mind, he takes Theodotus and leaves Athens, hoping that Simon will forget the whole conflict. Even in drastic situations, the speaker claims, he did his best to avoid violence (3.13, 30, 37). By employing the rhetorical technique of ring composition, the speaker impresses upon the audience's sensibilities and emphasizes the grossness of Simon's behaviour. Fisher argues that forensic orators used narrative devices such as a ring composition to underscore society's moral and social anxieties.⁷⁷ For example, in sections 29 and 31, he references Simon's forced entry into the women's quarter and violent behaviour towards Theodotus. In a very condensed statement, utilizing socially and politically significant terms, such as *nomos* (customs and laws), he repeatedly accuses Simon of

⁷⁵ Glazebrook 2014: 432-33.

⁷⁶ See Todd 2007: 340- 42 for the details on the Athenian expedition and the falsehood of the speaker's claim that Simon was punished by *ekkēruxis* by the Generals.

⁷⁷ Fisher 2001: 118.

indulging in *hubris* and *komos* (unruly behaviour and excessively drink-induced revelry), and aggressively confronting citizen women (3.14).⁷⁸ The speaker's use of the term *hubris* against Simon at the beginning with reference to Theodotus is also of critical importance because *hubris* in the Athenian legal framework also implies rape. If a person is found guilty of sexual violation, the punishment includes exile, even death.⁷⁹ E. Cohen considers the possibility of the charge of *hubris* also being applied against a citizen sexual assaulting a subaltern person.⁸⁰ By applying the legal term in two different contexts, one in reference to Theodotus and the second in reference to his household women, the defendant sketches Simon's character as the vilest person in town.

The speech, delivered with carefully employed strategies, seeks the audience's sympathy and manipulates their social anxieties and prejudices, enabling the defendant to draw attention away from the weaknesses in his narrative and place Simon in the worst social and political position.⁸¹ Despite his mature age, the speaker understands that the conservative judges might not appreciate that he is emotionally involved in a same-sex relationship with a young man of non-citizen status. Although the defendant has clearly stated the status of Theodotus as a foreigner (3.5), the reticent admission of his penchant for same-sex relationships hints at his fear of Athenian laws concerning citizens' homosexual behaviour and practices "laws concerning the sexual exploitation of boys."⁸² One of such laws, which might be relevant here, was called *graphe hetairesos* concerning hiring out younger boys by their guardians to a more affluent lover.⁸³ These boys, 18 years or younger, would not have yet been registered as adult citizens in their demes.

⁷⁸ MacDowell (1976: 26) argues that *nomos* meant custom and all its related forms including written laws.

⁷⁹ See MacDowell (1976) on a range of meanings inherent in Greek's understanding of *hubris*, such as rape, excessive drinking, arrogance, etc., all with negative values. See D. Cohen (1994: 82-83) for particular definition of *hubris* that includes sexual violence.

⁸⁰ E. Cohen 2014: 186-88.

⁸¹ Glazebrook 2014: 431-33.

⁸² MacDowell 2000: 17.

⁸³ Fisher 2001: 135-36.

Dover, however, concludes that such laws only envisioned Athenian citizens and that as far as the Athenian legal system is concerned, Theodotus only possessed a marginal status.⁸⁴ Carey argues that the defendant's shame also stems from the assumption that this sort of tussle over a beloved is expected of younger people, not a mature and self-professedly responsible citizen like himself.⁸⁵ Therefore, he emphasizes his services to the *polis* to shift the focus away from his weaknesses. Though irrelevant to the case, he deems it necessary to remind the jury of Simon's shameful performance in Athenian military service (3.45).

The speaker's narrative also projects Simon as one who uses brute force, *bia*, to flaunt the private spaces of the household (3.6,7) and coerce Theodotus into leaving the speaker. He further asserts that Simon is accustomed to resorting to unlawful actions (*anomōs* [used adverbially] 3.17, does not behave according to *nomos* 3.23, *paranomia*-/*paranoma* 3.10, 37), and employs criminal and dishonest (*ponēria* 9, 30, 44) means to have his way.⁸⁶ The speaker uses *bia* eight times to refer to Simon's behaviour towards him and Theodotus. The combination of *hubris* and *bia* is a deliberate attempt to project Simon embodying a tyrannical character. Xenophon tells us a tyrant cannot be a true lover because he forces the beloved to love (Xen. *Hiero* 1.37). Citing Herodotus (*Histories* 3.80-2), MacDowell illustrates that the Greeks understood *hubris* as an integral feature of a tyrant's character.⁸⁷ Simon's shameless behaviour in the defendant's household, excessive drinking and street brawls, and forcefully trying to take Theodotus away all point to his lack of civic responsibility. In Isocrates's speech *Against Lorkhites* delivered in 390, the speaker associates his opponent's behaviour with the oligarchs who overthrew Athenian democracy in 404, trying to

⁸⁴ Dover 1978[2016]: 32-33. See also Hubbard (1998: 69) and Fisher (2014: 248) on non-elite Athenian's suspicions of wealthy men in same-sex relationships.

⁸⁵ Carey 1989: 94.

⁸⁶ Dover (1978[2016]: 46) renders *ponēria* as 'dishonesty' and 'badness,' whereas Todd (2007: 291) translates as criminal behaviour. However, in the context, the political connotation of this word must not be overruled (L.S.J. s.v. II.3).

⁸⁷ MacDowell 1976: 18.

paint him as anti-demos. For Aeschines, all kinds of *hubris* are manifestations of tyranny and anti-democratic expressions.⁸⁸ In contrast, the speaker and Theodotus are law-abiding and upholders of the *polis*' values.

By doing so, perhaps as a strategy to win over the judges, he conjures up in the jury's minds the image of the Athenian heroes Harmodius and Aristogeiton, who stood up to the Athenian tyrant Hippias in the late sixth century BCE. In the eyes of the Athenian public, the pair had become "the democratic founding fathers" by killing Hippias' brother Hipparchus.⁸⁹ Reportedly, Hipparchus used unlawful means, such as humiliating Harmodius' sister, to lure Harmodius away from his lover Aristogeiton and forcefully attempted to come between the true lovers.⁹⁰ Lin Foxhall states, "for classical Athenians, these were mythological prototypes for affectionate friendship: Achilles and Patroklos, Harmodius and Aristogeiton, and Orestes and Pylades were often cited, though there were others as well".⁹¹ Davidson argues that Greeks considered Harmodius and Aristogeiton's relationship on par with a married couple because of their devotion and commitment to each other.⁹² By framing the speaker's narrative of homosexual love around the famous homosexual couple, we understand the defendant's rationale behind his decision to make public his unconventional relationship with an outsider and set aside the shame (*aischunē* 3, 7, 9) that he feels being a persistent practitioner of same-sex love.

⁸⁸ See Dover's 1978[2016] discussion on Aeschines' use of *hubris* against Timarchos.

⁸⁹ Fisher 2001: 59.

⁹⁰ Thucydides in the *Peloponnesian War* (1.20, 6.54-59) discusses the couple's involvement in the slaying of Hippias's brother and Athenians falsely believing that the two liberated Athens of tyranny. See also Hubbard 2003:15.

⁹¹ Foxhall 1998: 59.

⁹² Davidson 2007: 27.

The politics of desire

Different terms related to desire are associated with particular characters in this speech and reveal the complexities surrounding a homosexual ethos that point to some fluidity in Greek ideals of manhood. As the speaker, himself in a long-standing homosexual relationship, asserts, the notion of honour should prevent a man truly in love (as he claims he is 3.5) from acting arrogantly and unlawfully against a weaker person and bending that person to his will.⁹³ Admitting that society expected a man his age to behave with restraint in sexual life, the speaker impresses upon his audience to resist assuming that his homosexual relationship with Theodotus is a sexual conquest. Greeks thought men of mature age (above 40) to be in control of their sexual desires (Aesch. 1.11). Aristophanes' *Wasps* (1300-1340) sheds light on Athenian young men taking pride in abducting courtesans from *symposia* during their drunken revelry.

The speaker appeals to the judges that he should not be lumped together with such men lacking self-control and moderation, arguing, “you know that it is in all human beings to desire (*epithumēσαι*), but he is the most honourable (*beltistos*, the superlative form of the adjective *agathos*, noble) and self-restrained man (*sōphronestatos*, the superlative of the adjective *sōphrōn*) who can bear his misfortune in most orderly fashion (*kosmiōtata*, the superlative adverb from *kosmios*)” 3.4.⁹⁴ I maintain that the speaker deliberately juxtaposes love and desire with the ideas of nobility and self-restraint to demonstrate that his homosexual relationship does not make him a lesser man, “I beg you not think of me as unworthy (*xeirō* comparative of *kakos*)” 3.4. In Greek

⁹³ οὗτος δὲ ὑβρίζων καὶ παρανομῶν ᾤετο ἀναγκάσειν αὐτὸν ποιεῖν ὃ τι βούλοιο: “but he (Simon) by acting arrogantly and unlawfully thought that he would force him (Theodotus) to do whatever he desired” Lys. 3.5.

⁹⁴ ἄλλως δὲ ὑμῖν φαίνωμαι παρὰ τὴν ἡλικίαν τὴν ἐμαυτοῦ ἀνοητότερον πρὸς τὸ μαιράκιον διατεθεῖς, αἰτοῦμαι ὑμᾶς μηδὲν με χείρω νομίζειν, εἰδότας ὅτι ἐπιθυμῆσαι μὲν ἅπασιν ἀνθρώποις ἔνεστιν, οὗτος δὲ βέλτιστος ἂν εἴη καὶ σωφρονέστατος, ὅστις κοσμιώτατα τὰς συμφορὰς φέρειν δύναται: “though I appear to you that I behaved towards the young man rather foolishly despite my age, I beg you do not consider me an unworthy man. As you know that it is in all human beings to desire, but he is the most honourable and self-restrained man who can bear his misfortune in a most orderly fashion.” Lys. 3.4.

thought, these words, *agathos*, *sōphrōn* and *xeirō*, can simultaneously refer to a person's class and character.⁹⁵ He argues that though in the struggle to win Theodotus' love, he acted rather foolishly (*anoētōteron* 3.4), his enduring relationship with the young man is proof that he managed his desire in a well-ordered manner, *kosmios*. He assures the audience that they should not consider him an unworthy man on account of his sexuality. For he is neither a law-breaker nor a violator of masculinity. Carey and Todd note that *agathos*, *sōphrōn* and *kosmios* carry moral as well as political connotations.⁹⁶ By premising his same-sex relationship in politically meaningful terms related to Greek masculine ideals, the speaker argues that a man like himself should not be viewed negatively based on the notion of his persistent homosexual behaviour. This idea posited by the defendant problematizes the phallogocentric theory of Greek masculinity.

The defendant expresses shame, on account of his age, for his involvement in such a passionate relationship with the young man. A man of thirty years or older was expected to be married in Athens and have control over his sexual desire.⁹⁷ Other court speeches show that juries tended to regard with greater indulgence young men involved in physical disputes over their lovers.⁹⁸ The audience might be more forgiving of Simon, a younger man closer to Theodotus' age.⁹⁹ Still, as Carey states, his dramatic conduct gleaned from the later part of the speech is not of a retiring man.¹⁰⁰ Simon, in turn, appears to be neither wealthy nor of aristocratic status. His military service as a hoplite shows that he is from a middling citizen family (3.24, 44).¹⁰¹ Examining this homosexual love triangle through the lenses of social status and age highlights the

⁹⁵ *agathos*, well-born, brave, good (L.S.J. s.v. 1-4); *sōphrōn*, a person of sound mind, having control over sensual desire, temperate (L.S.J. s.v. I, II); *kakos*, ill-born, craven, worthless, in moral sense, base, evil (L.S.J. s.v. 2-5).

⁹⁶ Carey 1989:94; Todd 2007: 311.

⁹⁷ Dover 1978[2016]: 62; Carey 1989: 94; Robson 2013: 41

⁹⁸ Dem. 54.14, 21-2, Lys. 24.16-17. See also Davidson 1997: 81-83; Fisher 2001: 175.

⁹⁹ Todd 2007: 310.

¹⁰⁰ Carey 1989: 90.

¹⁰¹ Thucydides describes Harmodius' lover, Aristogeiton as a middle-ranking commoner, indicate that some form of a class division existed in Greek society

non-conventional features of Greek homosexuality and redefines the expression of Greek masculine sexuality in the process.

Unconventional homosexual relationships outside of the gymnasium

In the archaic period, gymnasia, wrestling grounds and *symposia* had become the cultural loci of Greek aristocratic social activities. In this elite social arena early Greek lyric poets such as Theognis romanticized and idealized the love of an older male for a beautiful younger male body.¹⁰² As Theognis' didactic poetry shows, this love found social acceptance because of its additional educational component and the young mind's training.¹⁰³ In the classical period in democratic societies like Athens, however, this pedagogical pederasty came to be seen as a source of anxiety, mainly because of its association with the elite class.¹⁰⁴ Scholars disagree to what degree precisely same-sex pederastic relationships came under the scrutiny of ordinary citizens, but all accept that the dynamics of homosexual relationships underwent changes in the classical period.¹⁰⁵

The archaic elite social hubs in fifth and fourth century democratic Athens were becoming more accessible, and erotic relationships between an older adult and a younger male diffused into diverse socio-economic classes of society.¹⁰⁶ The spread of gymnastic educational activities among citizens of less-wealthy status also meant that the wider section of society was concerned for their youth's moral education.¹⁰⁷ We need to examine Athenian anxieties over same-sex relationships within the normative framework of a democratic society that was becoming

¹⁰² Glazebrook 2015: 162-3.

¹⁰³ Percy 2005: 19.

¹⁰⁴ Fisher 2014: 256

¹⁰⁵ Hubbard 1998: 69, also 2014: 138; Fisher 2001: 30-33. Robson 2013: 37; Lear 2014: 112-20.

¹⁰⁶ Fisher 2014: 255.

¹⁰⁷ Fisher 2001: 61-62.

suspicious of homosexual relationships between citizens who might prefer their friendship over the welfare of the *polis*.¹⁰⁸ The two citizens' homosexual relationships with Theodotus were based on unequal status and posed no threat to the city's political life. Nevertheless, it is unconventional for mature citizens to pursue homosexual love persistently. Their relationships, therefore, shine a light on the complex social reality of ancient society. In this complex reality, various models of same-sex relationships in the classical period informed Greek homosexual behaviour and practices.¹⁰⁹ A great example of another unconventional homosexual relationship model is the famous Athenian couple, Pausanias and the tragedian Agathon, the host of Plato's *Symposium*. Agathon, portrayed as a cross-dresser homosexual man in Aristophanes' *Thesmophoria*, maintained his youthful look by keeping clean-shaven in order to be attractive to male lovers past the conventional age prescribed in the pederastic institution.¹¹⁰ The unconventional homosexual relationship of Pausanias and Agathon, between two adult males of citizen status, endured very much like a married couple.¹¹¹ The love triangle in Lysias 3 is evidence of diversity and complexity in Greek same-sex relationships that Foucault and his followers underestimate in their assessment of ancient homosexuality.

Theodotus' marginalized status

Theodotus' social status is a point of scholarly controversy.¹¹² The defendant tells the jury that both he and Simon "have our hearts set on Theodotus, the young man from Plataea"

¹⁰⁸ Foxhall 1998: 61; Fisher 2013: 41-43.

¹⁰⁹ Dover 1978 [2016]: 80-81.

¹¹⁰ Fisher 2001: 35. Hubbard 2003: 114, 183 fn.30.

¹¹¹ Dover 1978 [2016]: 84.

¹¹² Davidson (2007: 447-48) hypothesizes that Theodotus was a runaway slave. Whereas Carey (1989: 87), Hubbard (2003:124), and Todd (2007: 280-81) conclude that though Theodotus was not a slave nor a naturalized Athenian citizen, he stood at the lower end of Athenian society's social status spectrum.

(*epethumēsamen Theodotou Plataikou meirakiou* 3.5).¹¹³ His alien status is confirmed, but then the speaker complicates Theodotus' status by suggesting that he might be forced to produce testimony under torture (3.33), a legal procedure to extract testimony from an enslaved person against his enslaver.¹¹⁴ The close examination of the speaker's narrative, however, indicates that Theodotus' enjoys higher status than an enslaved person and is able to sit in the court with the defendant, *touto ge to paidon* (this boy here, the particle *ge* adds emphasis on the young man's presence, 3.33). In section 33, the speaker excludes Theodotus' from his *oiketeia* (domestic enslaved labour); the negative conditional clause, *ei mē* in protasis, in combination with *an* and an imperfect verb in apodosis, proposes a counterfactual condition, a rhetorical technique that presents an unlikely scenario. Here I explore the ramification of the sexual relationship between a full-status citizen and an underprivileged outsider to the conventional homosexual ethos that traditionally celebrates homosexual love between two freeborn male lovers—past citizen lovers, like Harmodius and Aristogeiton and Achilles and Patroclus, exemplary models inspiring fidelity values and deep love in fellow citizens.¹¹⁵

Homosexual relationships were generally understood to form between freeborn men.¹¹⁶ The enduring relationship between the speaker and Theodotus, therefore, challenges the conventional model. Todd argues that examining the status of the men is the key to understanding

¹¹³ Plataea was a border town in Boeotian region and an Athenian ally during the Peloponnesian War (Hubbard 2003: 124).

¹¹⁴ Golden 2011: 138.

¹¹⁵ Plato *Symposium* 178d-180b; Aesch. 1.141-43. The homosexual lovers of equal social status, from the Homeric heroes Achilles and Patroclus to the so called Athenians tyrant slayers, Harmodius and Aristogeiton, to the 4th century Thebans Sacred Band continued to remind the Greeks about the inspiring qualities of same-sex associations. On Achilles and Patroclus' love relationship see Clarke 1978a "Achilles and Patroclus in Love"; Ogden 1996 "Homosexuality and Warfare in Classical Athens"; Fisher 2001: 27-31, 289-90; Davidson 2007: 25-27, 256-64. On the Theban Sacred band or army of homosexual lovers, see Boswell 1995: 187; Hubbard 2003: 56; Hupperts 2005: 179.

¹¹⁶ Carey 1989: 96

the complex image of a homosexual love triangle in Lysias 3.¹¹⁷ Though very likely not a naturalized citizen as Fisher and Todd believe, Theodotus is unlikely to be an enslaved person as Carey and Davidson speculate because the issue of his enslaver never arose in the speech.¹¹⁸ In a society where only adult males born to Athenian citizens held full social status, a marginalized individual was still eligible for limited social privileges and legal rights. For example, the Athenian law of *hubris* protected an enslaved person from physical violence.¹¹⁹ The studies of ancient slavery show that in the classical period, people of lower social status played important roles in the Greek's social and cultural life, according to their varying degrees of rights and privileges.¹²⁰ By repeatedly alleging Simon's violent behaviour towards Theodotus, the speaker attempts to compound Simon's guilt and makes Theodotus party to the case.

Since Theodotus is an outsider, both the defendant and the prosecutor's relationships with him fall outside the conventional pederastic model of Greek homosexuality. The relationship between the defendant and Theodotus is an enduring relationship, a far cry from what a prostitute (as Fisher and Todd suggest) could offer, but what the meaningful masculine form of *hetairos* (I suggest live-in-boyfriend) engendered.¹²¹ They have been together for over four years; the strife between the defendant and Simon over Theodotus began four years prior to the trial (3.19). During this time, the defendant had already strengthened his relationship with Theodotus and spent extended holidays together away from Athens (3.10).¹²² The defendant constantly mentions

¹¹⁷ Todd 2007: 277.

¹¹⁸ Hubbard 2003:124 not a slave; Todd 2007: 280-81 and Fisher 2013: 63 probably a live-in-rent boy. Carey 1989: 87; Davidson (2007: 84) does not elaborate on why he thinks that Theodotus is "very probably a slave albeit quite a high class one."

¹¹⁹ Fisher 2001: 36, E. Cohen 2014: 187.

¹²⁰ See Kamen (2013: 13) and Hunt (2018: 85-92, 100-10), for the roles and functions of non-citizens (enslaved and freed) in Athenian society.

¹²¹ See Foxhall (1998: 65-66) and Davidson (2007:27) and on homosexual connotation of ἑταῖρος.

¹²² Carey 1989: 98.

Theodotus as though the young man is a party to the trial as well (3.23, 26) in an effort to present a united front against the allegations of the prosecutor Simon.

Theodotus' agency in his relationships

The defendant's speech reveals that the Plataean man, Theodotus, is the root cause of a series of feuds between the two Athenian citizens, culminating in a violent incident. The legal status of Theodotus remains vague in that being an outsider and non-citizen, he is socially and politically marginalized. Nevertheless, the defendant's emphatic use of demonstrative pronouns (*ekeinos* this man there, Theodotus 3.5, *touto ge to paidon* this boy here, 3.33) and first-person plural (*hēmeis* 3.18, 23, 25 28) indicate that he is present in court, a fact overlooked by Davidson.¹²³ The speaker is undoubtedly a wealthy individual on account of his services to the *polis*, his involvement in other lawcourt cases (3.47) and his ability to travel abroad (3.10). The speaker is a bachelor— an unusual situation for a citizen male in ancient Greek society— and his household includes several female relatives (3.6).¹²⁴ Some scholars conclude that the speaker is wealthier than Simon, and that might be a factor in Theodotus' strategy to abandon Simon.¹²⁵ Theodotus' presence in the court and the speaker's carefully articulated defence suggests that the alleged attempted murder incident occurred in a brawl over the young man's affection (3.28).¹²⁶ The mention of a contract means that Theodotus, at first, was involved with Simon. Because of mistreatment and opportunity, he left Simon for the speaker, a wealthier, mature man of higher social status (3.31).

¹²³ Carey (1989: 92) notes Theodotus is with the speaker. Davidson 2007: 448.

¹²⁴ Todd 2007: 314, Fisher 2001: 34-6.

¹²⁵ Todd 2007: 278-79. There is a hint of Simon being less wealthy in the speaker's claim, if it is true, that Simon served as a hoplite under a commanding officer (Lys. 3.45).

¹²⁶ The speaker repeats Simon's claim that, "we came to his house bearing broken pieces of pottery," (Lys. 3.28)

The classicist feminist methodology of resisting interpretation and queer studies' strategic speculative approach illuminates Theodotus' active role in his decision to break up with Simon (3.31) and pursue another wealthier man—the beloved's aggressive rejection and pursuit are subtly concealed in the speaker's narrative—as his partner.¹²⁷ Traditional scholarship assumes that the defendant lured Theodotus away from Simon because of his citizen status and wealth, thus denying Theodotus any agency.¹²⁸ By employing the methodology of queer temporality that allows evidence and imagination to work creatively and produce a more inclusive and realistic image, I hypothesize that Theodotus made the decision to end his relationship with Simon. This strategy is appropriate for lawcourt oratory that only provides the (elite) speaker's perspective. Theodotus successfully exploits the system and his lovers to elevate his social position from being an escort (*hetairos*, 3.24) to a wealthy man's boyfriend and life partner (*philos* 3.5).

Dover views elite social hubs such as gymnasia and symposia, the cultural focus of Greek homosexual behaviour, in light of masculine power and domination that dictated the pursuit of a young male by an older male. His analysis of visual images from the archaic to classical period produces a seamless narrative of same-sex desire that is one-sided and deprives the younger beloved of any agency. Dover's assessment of the pederastic relationship found its more vocal supporter in Foucault. Though the French philosopher admits the possibility of diversity in the Greek same-sex relationship model, he focuses on viewing the same-sex relationship from the older, politically empowered citizen male perspective.¹²⁹ Although the narrative of same-sex relationships is presented in the voice of an Athenian elite such as the defendant in Lysias 3, the

¹²⁷ Richlin 1992: xvi-xxii and Rabinowitz 1992: 36-50. Richlin (1993: 275-83) outlines a classicist feminist strategy that resists removing the marginalized voices from the position of a desiring subject, and denying them the agency in their actions and turns the single voiced narrative into a story containing multiple actors. Devun and Tortorici (2018: 520) show how queer and trans theories use strategic imagination as a way "to rethink the past."

¹²⁸ Carey 1989: 95.

¹²⁹ Foucault 1986: 194-96.

evidence of the diverse relationship model and the image of a homosexual love lacking any elite male power dimension cannot be underestimated. In particular, when the Foucauldian image focuses on the ruling elite and reduces the beloved to an inert penetrated object of the male desire, it obscures the realistic representation of complex same-sex relationships.¹³⁰ Theodotus, the younger beloved of both Simon and the defendant, belongs to a socially marginalized class whose participation and role in this unconventional relationship would be lost by applying the Foucauldian theory of sexuality. Boswell and Richlin argue that a realistic understanding of human history needs to restore suppressed voices like that of Theodotus.¹³¹

All modern discourse on Greek homosexuality concentrates on sexual relationships between Athenians. Theodotus, an alien resident, complicates the conventions of the homosexual relationship model in a number of ways. Scholars who believe that Theodotus is an enslaved man overlook that Plataea, his hometown, was an Athenian ally that Megarians destroyed after its capitulation to the Spartans during the Peloponnesian War in 429- 427 BCE.¹³² He likely came to Athens as a refugee.¹³³ Lysias' claim (3.33) that Theodotus could be subject to torture to provide testimony is seriously undermined by the absence of an enslaver, whom Simon must deal with to obtain Theodotus' companionship (3.22-24), unless, of course, Theodotus is not an enslaved man.¹³⁴ A question becomes, would Simon have been able to strike a financial agreement, verging

¹³⁰ DeVries, for example, though using vase-painting as his evidence makes a strong case against the lack of participation in Greek homosexual desire by the beloved as argued by Dover and Foucault in their power-domination theory of male sexuality.

¹³¹ Boswell 1995, Richlin 1998.

¹³² Thucydides 2.71-75, 3.53-9, 3.68.

¹³³ See Todd (2007: 279-81) on Theodotus' status and discussing the possibility he might have been living at the margins of Athenian society, though not as enslaved but a free-non citizen. See also Davidson 2007: 446- 50.

¹³⁴ The prosecutor in Hyperides *Against Athenogenes* negotiated the purchase of his enslaved beloved youth with the enslaver Athenogenes. Lysias uses the middle voice of verb βᾶσάνιζω in present participle, referring to Theodotus. L.S.J. s.v. II.2 translates the term as "question by applying torture." See also Todd (2007: 333-34) on the Athenian legal framework that permitted the torturing of domestic enslaved labourers to produce testimony against their enslavers.

on prostitution, with Theodotus, as a free non-citizen? Aeschines refers to several Athenian laws that prohibited hiring youths for prostitution and prescribed severe penalties for the parents or guardians (Aesch. 1. 9-13). If we assume that Aeschines was reporting the laws accurately, then Simon has taken a serious risk by mentioning a sexual contract with Theodotus, who would have been in his late teens at the time of the contract.

On the other hand, considering Theodotus' status as a free non-citizen, Simon's companionship with Theodotus would put him in the situation facing society's derision—an adult male of marriageable age carrying on with an outsider young man—the similar situation the speaker is confronting (3.3, 9). Dover and Fisher, however, noting the lack of consistency in Aeschines' discussion of the laws, maintain that the orator manipulates the laws constantly to mislead the jury: it is not clear whether the clerk actually read out those laws; Aeschines himself is ambiguous on the nature of penalties for the offender.¹³⁵ Furthermore, Aeschines provides no evidence for Timarchos' sexual affairs in his youth but indiscriminately cites laws in order to project Timarchos as a sexual deviant and thus unfit for Athenian civic life.¹³⁶

But such laws would not be applied to Theodotus, who was not born to an Athenian family. Whether or not freeborn male citizens were involved in prostitution is beyond the scope of this paper. As discussed above, Theodotus was never an enslaved person. Demosthenes discusses a law allowing the displaced Plataeans to gain citizenship rights ([Dem.] 59.104).¹³⁷ From the text itself, it is impossible to determine to what degree a young man like Theodotus would have been

¹³⁵ Dover 1978[2016] 24-30; Fisher 2001: 134-37.

¹³⁶ Glazebrook 2014: 436.

¹³⁷ “On motion of Hippocrates, it is decreed that the Plataeans shall be Athenians from this day, and shall have full rights as citizens, and that they shall share in all the privileges in which the Athenians share, both civil and religious, save any priesthood or religious office which belongs to a particular family, and that they shall not be eligible to the office of the nine archons, but their descendants shall be. And the Plataeans shall be distributed among the demes and the tribes; and after they have been so distributed, it shall no longer be lawful for any Plataean to become an Athenian, unless he wins the gift from the people of Athens.” [Dem.] 59.104.

able to take advantage of the decree. As noted above, at the time of trial, he was in his early 20s. Todd observes that not all Plataeans availed themselves of the law and continued to live at the margin of Athenian society.¹³⁸ Dover assesses Theodotus as of “marginal citizen status.”¹³⁹ Glazebrook, however, argues that the lack of clarity in Theodotus’ status might be intended by the speaker “since it is to the speaker’s advantage that judges remain unclear as to the boy’s status.”¹⁴⁰ It is plausible that Simon made a contract with Theodotus to avoid any legal problems, such as a charge of sexual abuse, as the speaker alleges (3.26).¹⁴¹ He showered gifts on Theodotus and expected reciprocity that included the continuity of sexual companionship.

Although the speaker attempts to discredit any contractual agreement between Simon and Theodotus (3.26), some sort of an agreement (*sunthēkas* and *sumbolaion* 3.22, 26) must have existed between the former lovers. Otherwise, the speaker would have been in a difficult situation by inventing the whole scheme out of the blue.¹⁴² The speaker likely exaggerated the amount of three hundred drachmas so that Simon is shown to be a reckless man throwing away his inheritance; Aeschines portrays Timarchos’ reckless habit of spending his ancestral fortune on bodily pleasures as a serious failing of his character (Aesch. 1.42). The speaker, however, exploits the absence of the contract in a written form: he first reveals an exaggerated amount paid for Theodotus’ sexual service and second discredits Simon’s claim altogether. Carey argues that a verbal agreement would be difficult to prove before the court, especially an agreement of a sexual nature between voluntary individuals.¹⁴³ In their discussion, both Carey and Todd overlook that this contract makes Theodotus an active role player in his relationship with Simon. Citing

¹³⁸ Todd 2007: 280-81.

¹³⁹ Dover 1978[2016]: 32-33.

¹⁴⁰ Glazebrook 2021: 97.

¹⁴¹ Davidson 2007: 449

¹⁴² Todd 2007: 327.

¹⁴³ Carey 1989: 103.

Hyperides *against Athenogenes* (23-25), Glazebrook observes that even as an enslaved man, Theodotus “may have had some independence in attracting clients and negotiating contracts, similar to those skilled in craft and living apart from their owners.”¹⁴⁴ It is important to note that Theodotus stopped the mutual friendship with Simon because (if we trust the defendant’s statement, and I suggest we do, since here a marginalized voice is given an agency, capable of generating an action that results in a reaction from a citizen) he “hated him most of all humanity” (3.33).

Theodotus’ alien status renders the pederastic component implausible, highlighting the unconventional aspect of his relationship with Simon and the defendant. Even more interesting is the assumption, suggested by the speaker, that Theodotus lived with Simon, as Davidson argues, as his sexual companion, or partner, *hetairos*.¹⁴⁵ Arguing against Davidson, who assumes Theodotus is an enslaved man not present with the speaker, I contend he is living with the speaker now either in his principal residence in Athens or his second house in Piraeus (3.31). I noted above that the speaker uses first person plural frequently in the speech to include himself and Theodotus. My point is that regardless of different social positions, both Simon and the speaker are comparable in their non- pederastic relationship with Theodotus: they are part of a subculture where such companionships are formed. Theodotus’ active participation in his relationships with Simon and the defendant played an important role in identifying the Athenian homosexual subculture.

Rethinking homosexual desire and reciprocity

From the outset, the defendant attempts to set the parameters of homosexual desire within the broader discourse of love and friendship. He uses the verb *epithumein* in relation to desire (3.4-5),

¹⁴⁴ Glazebrook 2021: 98.

¹⁴⁵ Davidson 2007: 447-49.

first applying it generally (“it is in all of us to desire” 3.4) and then in a more personal context (“we both desired this Plataean young man, Theodotus” 3.5). A more literal translation of the verb is having one’s heart set on something (L.S.J s.v.): Davidson’s translation of the verb “in love with” appropriately captures the meaning and sentiments that the speaker wishes to convey as he sets out the issue of desire and love.¹⁴⁶ Dover argues that Greeks used *epithumein* and *eros* to discuss love and desire interchangeably.¹⁴⁷ For the defendant, love and desire are symbiotically linked. Rejecting any claim Simon might have on Theodotus, the speaker reiterates this idea arguing that if Simon had truly loved and desired Theodotus’ friendship, he would not have waited four years to come to court seeking revenge (3.39). The speaker locates the appropriate outlet for desire, at least in a homosexual ethos, in the form of a boyfriend, *philos*.

The scant modern discussion on Lysias 3 has overlooked the speaker’s deliberate juxtaposing of the idea of shame, *aischunē*, with desire and the Greek ideal of friendship. Notwithstanding the speaker’s mature age, the homosexual relationship that shows endurance and care, *eu poiein*, deserves the jury’s recognition. Of course, implicit in this argument is the ethics of Greek pederasty that projects the older lover as giving, with the beloved as receiving.¹⁴⁸ The question becomes, does the speaker not risk stoking the jury’s anxieties by mentioning the aristocratic practice of wooing younger men with lavish gifts? Lysias provides the answer in the speaker’s argument, contrasting his noble treatment with Simon’s alleged abusive pattern of behaviour towards Theodotus— the speaker’s *eu poiein* vs. Simon’s *paranomein*— and by referring to Theodotus as *philos* vs Simon’s *hetairoi*. The mercenary element inherent in *hetairoi* lacks true *eros* that requires mutuality of feeling; the speaker casts doubt if a reciprocal friendship

¹⁴⁶ Davidson 2007; 449.

¹⁴⁷ Dover (1978[2016]: 43-44) concludes that sexual desire eventually leads to love; in a way sexual love is not wholly devoid of meanings.

¹⁴⁸ Todd 2007: 278, 312; Lear 2014: 108; Glazebrook 2014; 434, 36;

ever existed between Theodotus and Simon.¹⁴⁹ As the defendant implies for Simon, “it would be incredible if he hired somebody for more money than he happens to have” (3.24). Foxhall shows that the term *philos*, denoting friendships of various degrees of intimacy (in same-sex relationships), encompasses the notion of doing good and *eunomia* or goodwill.¹⁵⁰ The speaker prays the judges to consider his love for Theodotus as a relationship model in which desire and love are framed around *eunomia*.

The speaker employs the verb *aksiō*, referring to wining over Theodotus. This verb adds a level of expectation in its meaning for the object; an idea of reciprocity in a subject’s thinking or resolve— one’s action makes one worthy of being someone, and thus one expects to receive something in return (L.S.J. s.v. II, III). The complete sense in this meaningful verb— action that anticipates action from the object— is difficult to convey in the English translation. Todd’s translation (“I was resolved to win him over by treating him properly” 3.5) renders Theodotus somewhat an inert object. The feminist studies lens enables us to focus on the suppressed meaning in *aksiō*.¹⁵¹ The speaker’s (as the subject of the verb) good actions create an expectation for Theodotus to react by being well-disposed towards him). Highlighted by *aksiō*, the emphasis in the statement is that both Theodotus and he bring something to their relationship—: the speaker, a full citizen-status male vs Theodotus, the promise of his love and companionship.

When Simon is the subject in the love and desire equation, the speaker uses the simple verb of thinking, *oiomai*. Simon’s desire is not bound with true *eros*, and he is driven by unruly and unlawful passion (*hubrizein, paranomein* 3.5) that compelled Theodotus to desert him. Theodotus’ beating at the hand of his comrades is further proof of Simon’s *paranomos* and *hubris*. The

¹⁴⁹ Dover (1978[2016]: 45) argues that lack of mutual love distinguishes true eros from prostitution.

¹⁵⁰ Foxhall 1998: 53-59.

¹⁵¹ Richlin 1993: 527, 1998: 139-42; Dubois 1998: 87.

reciprocal relationship model is built around the Greek norm of *charis*, which governs the idea of friendship and partnership.¹⁵² It is not that the speaker demands submission from his beloved for his good treatment: he expects reciprocity from his beloved by treating him well, “indeed I expected that by treating him well he would be well-disposed, *philos*” (and return my favour in the form of his companionship 3.5). Fisher illustrates that the idea of reciprocity or mutually beneficial relationship is embedded in all forms of relationships, including sexual ones and in “many cases, there are also suggestions, or at least hints, that in noble and loving relationships there may be on the beloved’s side both genuine affection and also some sexual pleasure (if usually less strong).”¹⁵³

The nuanced representation in the speaker’s statement of Theodotus’ agency and his desire in the relationship should not be underestimated or glossed over. The reflexive pronoun, *auton* (Theodotus), is the subject in the above subordinate clause with the infinitive verb *einai* taking *philon* (Theodotus) as its direct object and the speaker, to me (*moi*) in the dative as an indirect object. The defendant’s statement echoes Greek society’s commitment to the mores of reciprocity. The good treatment is not a reward for Theodotus’ insensate attachment but is a token of gratitude that the lover feels towards his beloved.¹⁵⁴ Theodotus is an “autonomous subject” in this love triangle and has something unique that both Simon and the speaker desire, namely love, which cannot be obtained by force or *hubris*, Simon’s mode of operation.¹⁵⁵ E. Cohen argues that the values of Athenian society put constraints on a masculine desire that might seek pleasure through coercion.¹⁵⁶ The fact that Theodotus ended the relationship with Simon and chose to live with the

¹⁵² Fisher 2013.

¹⁵³ Fisher 2013: 42.

¹⁵⁴ Davidson 1997: 110, Fisher 2013: 40, 53.

¹⁵⁵ Davidson 2007: 45.

¹⁵⁶ E. Cohen 2014: 187.

defendant is an affirmative indication that the role of citizen male power and expression of domination has been exaggerated by Foucauldian scholars. They have also grossly underestimated the value of reciprocity in desire and love.

As noted above, by mentioning a socially and emotionally significant word, *philos*, Lysias is tapping into the widely shared sentiments that love and devotion in his relationship with Theodotus are not one-sided. Dover's narrow understanding of *charis* reduces the over-arching meaning of *philos* and positions the beloved as simply an inert object of desire, impervious to pleasure. Boswell contends that Greeks did not subscribe to such a narrow understanding of *philos*; friendships, including love relationships, were mutually benefiting affairs.¹⁵⁷ In his analysis of Xenophon's depiction of the Syracusan tyrant Hiero (*Memorabilia* 2.6.22), Hindley has shown that it was expected that a model lover would take into account the reciprocal desire and pleasure of the beloved.¹⁵⁸ The speaker argues that a lover, as mature as himself, becomes *beltistos*, the best model of sensibility and discipline, and *sōphronestatos*, by expecting love as a reciprocal action initiated by his good treatment of the beloved. This view of desire and love in Greek homosexual relationships challenges the Foucauldian understanding that the younger partner or beloved neither played an active role nor drew any pleasure in the relationship with his older lover.¹⁵⁹ Noting the significance of desire and love in Greek same-sex relationships, Davidson observes, "*philia* is what the two slices of Aristophanes' couple [in Plato's *Symposium*] have when they physically connect."¹⁶⁰ Pausanias explains that deeply felt love shared by both lover and beloved forms the basis of a stable and enduring relationship between a same-sex couple (Plato *Symp.* 184a-e). Analyzing the level of reciprocity in Greek homosexual relationships in light of Xenophon and

¹⁵⁷ Boswell 1995: 75-78.

¹⁵⁸ Hindley 1999: 89-91.

¹⁵⁹ Halperin 1990: 34-36, 2002: 34-38.

¹⁶⁰ Davidson 2007: 32.

Plato's discourse, Fisher argues that "some of these cases may well allow more for the expressions of mutual sexual enjoyments than often supposed, as well as for a positive reciprocal system which presents diverse and alternate favours and emotions on each side."¹⁶¹ In enduring homosexual relationships, Dover admits, Athenian men did find a model of companionship that matched all levels of desire, love and contentment.¹⁶²

But the question remains, would the speaker's argument on the reciprocity and caring nature of his relationship with Theodotus have assuaged Athenian citizens' anxiety surrounding homosexuality? Lysias presents his client's same-sex relationship as one that does not conform to institutionalized pederasty. Some judges and the audience, comprised of ordinary citizens, would probably have been contemptuous of those social elite appearing before the court, who led comfortable lives with leisure time to visit gymnasias and admire young masculine flesh. Aristophanes' comedies, in their slanderous portrayal of the pederastic institution, tap into the Athenian lower class's anxieties over the elite's extravagant lifestyle and excesses that might harm the interest of the *polis*.¹⁶³ The speaker maintains that his relationship is not based on a financial contract, as was the case in Simon's relationship— although the speaker's discussion of the contract is full of contradiction (3.21-24).¹⁶⁴ Thus, the speaker shifts the focus away from his wrong or questionable behaviour in this love triangle and concentrates on presenting Simon as an undesirable character not worthy of Theodotus or any beloved to be his *philos*. Moreover, he attempts to mollify his audience's social anxieties by maintaining Theodotus' status ambiguous and placing his relationship with the young man outside the bounds of elite institutions.

¹⁶¹ Fisher 2013: 55.

¹⁶² Dover 1978[2016]: 202.

¹⁶³ Hubbard 1998: 54-55, 61.

¹⁶⁴ Carey (1989: 90) thinks it was possible that Simon and Theodotus had a contractual relationship, though I have argued above Theodotus decided that he was better off with the wealthier boyfriend, namely, the speaker.

Exploring a homosexual subculture

Unlike Simon, however, the defendant treats Theodotus not just as a *hetairos* but as a *philos*, boyfriend (3.5.) The speaker emphasizes, perhaps to dent Simon's character, that Simon hired Theodotus as a sexual companion, *hetairein* (3.24). By combining *hetairein* with the verb *misthomai* (I hire someone for a service, L.S.J. s.v. *misthō*), the speaker attempts to introduce the idea of paid sexual companionship. As I discussed above, the speaker wants to present Simon as a man reckless with his money. Fisher maintains that meanings in the term *hetairein* involve a lover providing for the beloved through gifts, and it is "explicitly less mercenary" than the Greek words used for prostitution.¹⁶⁵ The term *hetairos* (masculine noun from the verb *hetairein*), however, when used in relation to a male companion, certainly encompasses a range of male friendship which is closer to *philos* in the meaning of friendship and a step up from *epitēdeos*, a reliable and helpful friend: the speaker uses this noun referring to Simon's friends (3.11) and his (3.38), in non-sexual friendship contexts.¹⁶⁶ Although the masculine form of *hetairos* has a sexual connotation in a homosexual relationship's context, the term is not an objectional one.¹⁶⁷ The transactional nature of the relationship inherent in *hetairos* is best understood in terms of *charis*, reciprocity, as discussed above.¹⁶⁸ It certainly differed in meaning when used in relation to a female companion, *hetaira*, that denoted a sexual labourer whose services are maintained by one client over a period of time: she is a courtesan, or in Dover's words, "a mistress," clearly to be distinguished from a prostitute who sits in a brothel.¹⁶⁹

¹⁶⁵ Fisher 2001: 136.

¹⁶⁶ See Foxhall (1998: 58-59, 65-66) on a wide range of meanings of *hetairos* and *philos*, including profound homosexual relationships.

¹⁶⁷ Todd 2007: 328-29. Dover (1978[2016]: 20-21.

¹⁶⁸ Fisher 2013: 56-59.

¹⁶⁹ Dover's (1978[2016]: 21; Davidson 1997: 77.

Evidently, the speaker has no wife to contend with Theodotus; he is a bachelor and perhaps Simon too. If Simon mentioned a contract (as Todd and Carey argue), he must have mentioned Theodotus too, indicating he is not quite over the young man. Four years prior to the trial date, when the violent situation transpired between the speaker and Simon, Theodotus had been living with the defendant, and therefore, to his household Simon came looking for Theodotus (3.6). The speaker uses the participle form of the verb *phoitaō* (30) with the imperfect of *eis-eimi* (to go/come inside), referring to Simon's forced entry into his house, to convey the sense to the audience that his opponent, having no regards for social norms, kept visiting his house to disturb the peace of his household and neighbourhood. Does the speaker feel ashamed of confessing the unconventional aspect of his household before the citizen body? Did the defendant have to relocate Theodotus to avoid Simon's repeated arrival at his house? Answers to these questions are not easy, but with the feminist queer and transgender studies' lenses, pushing against the privileged male social script in the textual evidence, we are able to see in Lysias 3 the most unconventional features of the same-sex relationship model in Athenian urban society.

Pederasty might have become increasingly problematic, but Athenian society did not condemn homosexual behaviour to such a degree that it would have prevented men from continuing to desire love and a relationship with a same-sex partner in a fashion akin to a married relationship.¹⁷⁰ The highly regulated structures of gymnasia, however, would not be open for men like Theodotus to attract a male lover.¹⁷¹ His relationship model points to a homosexual subculture that allowed socially marginalized men to form sexual relationships with citizen men, lead a

¹⁷⁰ Lear (2014: 114) admits the changing attitude of Athenian society towards homosexuality but he sees no evidence for a full-fledged legal framework that sought to outlaw homosexual practices. Dover (1978[2016]: 137) examining Aristophanes' critical depiction of homosexual behaviour also rejects the idea that pederastic desire was coming under heavy scrutiny by ordinary citizens. He argues that contradictory attitudes are part of the Greek homosexual ethos.

¹⁷¹ See Fisher 2001: 130-31 and MacDowell 2000: 15-17.

comfortable life and be part of the household. The present participle of the verb *phoitaō* indicates that Simon developed a habit of visiting the speaker's house to find Theodotus there and, of course, to embarrass the speaker (3.29). The defendant's household is evidently complex and unusual because it lacks a wife and children despite his mature age. Not many people, the speaker says (3.3), know his household arrangement of Theodotus cohabiting with him as a partner. If they were to know, he feared he would become *periboētos*, a source of gossip and scandal in the community (3.30). The compound adjective *periboētos* (from the noun *boē*, shouting, and the verb *boaō*, to shout, L.S.J. s.v. *boaō*) explicitly refers to a matter much discussed negatively by people. Aeschines points to a corruption case in Timarchos' political career, a scandalous episode (*periboētōs*, used adverbially) that everybody is familiar with (Aesch. 1.113). In the defendant's case, the absence of a wife and the presence of a non-related male living in the household is gossip material; this aberration of social norms is a significant marker of a subculture.¹⁷²

Lysias supplies further evidence of this homosexual subculture at the closing of his speech. In his argument against severe punishments for his crime, the speaker explains that the contentious struggle, *philonikesamen*, which transpired between Simon and himself, is similar to the sort of contention the majority of the jury is accustomed to seeing over a courtesan, *hetaira* (3.40, 43). Lysias' choice of *philonīkesamen* and *philonīkia*, however, in the context of a messy quarrel, demands a closer inspection. Carey argues that the language emphasizes Lysias' strategy to underscore the struggle by highlighting that both parties are equally responsible. Throughout the speech, Lysias uses *machomai* (I fight) and its derivative noun *machē* (battle, fight) whenever he mentions a violent confrontation with Simon (3.14, 29, 32, 42, 43).¹⁷³ Only in sections 40 and 43

¹⁷² Hebdige 1979: 91-94.

¹⁷³ Todd (2007 ad loc 14 μάχη) objects to Lysias' use of war vocabulary to represent a street brawl, but notes that Greek lacked an alternate word.

does he insert a different phraseology, as noted above, to highlight another dimension of Simon and the speaker's relationship that would not be familiar to many in the audience. On the other hand, the jury and the audience would readily recognize the commonly occurring behaviour of male citizens fighting over sex-labourers, *hetairai*, either driven by over-consumption of alcohol or passion, which as Todd puts it was "regarded as regrettable but licensed violence."¹⁷⁴ Demosthenes casually describes young men coming to blows over *hetairai* in the public arena (*Against Conon*, Dem. 54.14). In another speech, *On a Wound by Premeditation*, Lysias offers another example of rival lovers disputing over a *hetaira* lacking any trace of shame, as the speaker in Lysias 3 exhibits. The speaker appeals to the jury for leniency because the quarrel between himself and the defendant is similar to citizens becoming rowdy over games or *hetairai* or just from drinking (3.43).

Generally, however, the tussle between lovers over a handsome youth occurred in the social arenas of the gymnasium and wrestling grounds and remained there.¹⁷⁵ Plato provides an instance of such a tense and volatile situation when Charmides, a beautiful young man, enters the gym; all eyes turned upon him, and lovers line up to woo him (Plato, *Charmides* 154C). In contrast, the struggle over a resident alien between two mature citizens does not belong to the mainstream cultural arena and, therefore, needs to be explained by the speaker. It remains off the radar until it reaches a climax and spills into the street. The speaker's shame in mentioning his homosexual relationship and being part of the love triangle stems from the social reality that comes in conflicts with the idealized image of Greek masculinity. Lysias' contention in 3.42, 43, and 48 taps into the tension between social norms and expectations of a culturally marginal group, to which both Simon and the speaker belong. Simon, now in his 30s, four years ago might have been acceptably

¹⁷⁴ D. Cohen 1995: 127-8; Davidson 1997: 81; Todd 2007: 339.

¹⁷⁵ Fisher 2014: 253-56.

considered *erastēs*. Both are in an age bracket where they should not be indulging in homosexual relationships. Instead, they continue to defy social norms surrounding male behaviour and sexuality; both are contenders for redefining masculinity.

The sociological study of Hebdige defines a *subculture* as a set of distinct emerging features— they might be reflected in vocabulary or actions not prevalent in the main society— that becomes conspicuous in a moment of crisis.¹⁷⁶ By placing sex at the centre of Greek homosexual discourse, the Foucauldian scholars Winkler and Halperin blur the complex social reality in the ancient homosexual relationship model. The speaker’s predicament at being discovered in a relationship with a marginalized man— a scandalous scenario for a politically active citizen (3.30)— is not dissimilar to the British liberal party leader, Jeremy Thorpe, who pursued homosexual activities and was secretly involved in a relationship with a gay man. In the 60s and 70s, Thorpe, from an elite background, much like the defendant, feared society’s dislike for his sexual behaviour and lifestyle despite the decriminalization of homosexuality by the British parliament in 1967.¹⁷⁷ In the fourth century BCE Athenian society was becoming more suspicious of male citizens pursuing homosexual companionships beyond the pederastic conventions.¹⁷⁸ Hubbard notes that Pausanias and Agathon left Athens because life had become unpleasant for the homosexual couple.¹⁷⁹ Unlike the British politician, who never admitted his homosexual relationship with Norman, an openly gay man from a working-class background, the speaker reveals his pursuit of a homosexual lifestyle and relationship with a person from a minority background. Moreover, he also draws the jury’s attention to all the services he and his family

¹⁷⁶ Hebdige 1979: 4, 52-54, 73-78, 90-98.

¹⁷⁷ The Amazon mini-series, “A Very English Scandal” (released 2018) though focusing on the conspiracy to murder, captures Thorpe’s struggle in coming to term with his sexuality and against the social expectations of British elite class.

¹⁷⁸ Davidson 2007: 464-65.

¹⁷⁹ Hubbard 2003: 183.

performed for the welfare of the *polis* in order to mollify their opinion of him.¹⁸⁰ The differences between ancient and modern homosexuality represent different social assumptions and norms that create tension between society and an individual's gender and sexual identity. By applying the transgender studies lens, we can analyze this tension as a social phenomenon where some citizens, who have a stake in society, resist conforming to expected social roles and statuses expected by their society.¹⁸¹ The subculture provided avenues for the speaker to resolve his homosexual identity, shun marriage, live with a same-sex partner of a marginalized status and rearticulate Greek masculinity.

Sexual Identity

In this last section, I discuss the over-arching implications in the defendant's narrative that seeks to redefine masculinity within the framework of same-sex desire. As discussed earlier in this paper, the defendant is keen to demonstrate his credentials showing himself to be a *chrēstos* citizen. Acknowledging the court's privileged status and the judges' flattery too is not out of place for the defendant.¹⁸² In his carefully constructed opening statement, the speaker observes, "if some other people (judges, court) were about to judge my case, I would have been terribly afraid, . . . but having come before you, I hope (Todd's translation of the main verb *elpizō* as "I am confident," seems fitting in the context) I will receive justice (3.2-3)." On another occasion, he acknowledges the jury's experience in judging disputes like this (3.28). Having placed oneself firmly on the side of the law, a speaker then set out to articulate his own interpretation of the laws unless "the opponent, if sharp enough to notice, could object."¹⁸³ Glazebrook's analysis of Apollodorus' construction of

¹⁸⁰ "I kept quiet so that I would not become notorious," Lys.3. 30.

¹⁸¹ Stryker 2008: 3.

¹⁸² Carey 1989: 93.

¹⁸³ Fisher 2001: 125.

Neaira's image as a disreputable and dangerous woman shows that in some cases, a speaker discusses the parameters of the laws to stress the importance of socially defined gendered roles.¹⁸⁴ The lawcourts provided ideal opportunities for citizens to engage in discussion on political and social norms. Considering the special status of the Council of the Areopagus, the defendant's narrative on masculine ideals and homosexual love acquires more significance.

The defendant in Lysias 3 engages in a discourse on masculinity by reconfiguring the meanings of *beltistos* and *sōphronestatos*. As I discussed on pages 22 and 23, these two adjectives define the role of a citizen male in light of his place in the community, *demos*; these are powerful, socially and politically loaded words.¹⁸⁵ The fact that the defendant is past the marriage age, and evidently focuses his energies on his homosexual relationship with Theodotus, appears to challenge Greek masculine ideals.¹⁸⁶ Aeschines pillories Timarchos for being persistent in a homosexual lifestyle, even making sexual liaisons with foreigners and wasting away his ancestor's wealth (Aesch. 1.30, 40, 43). Aeschines, on the other hand, feels no shame in mentioning his pursuit of young men in gymnasia because he is married and has children (Aesch. 1.136).¹⁸⁷ Therefore, the defendant's first task, before addressing Simon's accusation of *trauma ek pronoias* against him, is to redefine masculinity from a practising homosexual man's perspective. He can be in an enduring homosexual relationship without having a wife or children, but he can still maintain a household, fulfil family obligations and contribute to the polis: such a man is *beltistos*. Of course, being capable of doing all these things in a most orderly fashion, *kosmios*, despite his homosexual life, makes him a self-restrained and self-disciplined man, *sōphronestatos*.

¹⁸⁴ Glazebrook 2021: 80-84.

¹⁸⁵ Todd 2007: 311.

¹⁸⁶ Dover 1978[2016]: 62.

¹⁸⁷ Fisher 2001: 8-9, 281.

The speaker iterates the virtue of restraint, *anechein* (to endure 3.3, 9), as a necessary inclusion in this reconfiguration. Despite his mature age, presumably over 40, he remains unmarried and is involved in quarrels that “are more acceptable in youths than in old men.”¹⁸⁸ The audience was given a view of his household when the speaker alleged that Simon knocked down the door and burst upon the female residents, including his sister and nieces, but no wife or his own children (3.6). Todd’s speculation here on the speaker’s marriage status is unnecessary because the case of a homosexual couple, Pausanias and Agathon, highlights that some men preferred homosexual relationships instead of marriage—the defendant had been bachelor all his life. The Council of the Areopagus’ platform provided the speaker with an opportunity to articulate masculinity from a different angle, and where the audience, *hoi polloi*, who might consider him *anoētoton*, rather foolish (3.4), would understand his sexual life in light of his services to the community. By doing so, he reasserts his place in the polis as a *chrēstos* citizen, a valuable member of society capable of playing a positive role despite his non-conforming sexual identity. This struggle to remain relevant to the community while maintaining his homosexual lifestyle is his misfortune, *sumphora*. He is an adult citizen male who persists in keeping a same-sex companion, although against the social expectations of his peers since he is beyond the acceptable age bracket for homosexual relationships.¹⁸⁹

The speaker asserts that desire *epithumein* and love, *erān*, need to be incorporated in defining the conventions of manhood. By doing so, he attempts to articulate a sexual identity for a homosexual man like himself, Simon, and Theodotus (“Both of us fell in love with the Plataean young man.” 3.5). Matthew Fox argues that Greeks conceptualized sexuality as located at the centre of masculinity without interposing the most intimate moments of sexual experience in the

¹⁸⁸ Carey 1989: 94.

¹⁸⁹ Dover 1978[2016]: 62.

discourse.¹⁹⁰ Moreover, the gender of the desiring object underpins an individual sexual identity. Dover admits that *epithumein* and *erān* in Greek thought take into consideration the notion of preference for the beloved's gender.¹⁹¹ Lysias' client seems to be claiming that with you, members of the jury, we share the fundamentals of masculinity ("to desire is in all of us" 3.4), but we, Simon and I, differ from you in our same-sex proclivity.¹⁹² Contrary to Foucault, masculine identity cannot be viewed in total isolation from sexuality. Furthermore, the speaker does not articulate a homosexual identity in a vacuum. His voice competes with other stakeholders engaged in a similar exercise.

In Plato's *Symposium*, Aristophanes clearly identifies male and female sexuality in relation to the gender of the object of desire. (*Symp.* 189c- 193d). There are men, Aristophanes, observes, who can only love men, are quite happy to live with a homosexual partner not feeling the need to marry at all unless, of course, they are compelled to do so because of conventions (*Symp.* 191e-192a). In *Greek Homosexuality's* overlooked passage, commenting on Aristophanes' definition, Dover cites Aeschines as evidence to support the Greek view that sexual inclination is not a socially constructed phenomena but is "genetically determined".¹⁹³ Aristophanes is not simply philosophizing on the nature of a homosexual male specie. He must have men like the defendant in mind, and Simon, though we do not have a view of his household situation. The diction and vocabulary in Aristophanes' speech are worth examining because they concord with the defendant's narrative in Lysias 3. For Aristophanes Greek homosexual men are the best of the boys and young men (*eisin hootoi beltistoi tōn paidōn kai meirakiōn*) ... when they grow up, they

¹⁹⁰ Fox 1998: 9-12.

¹⁹¹ Dover 1978[2016]: 137.

¹⁹² Ἡμεῖς γὰρ ἐπεθυμήσαμεν, ὃ βουλή, Θεοδότου, Πλαταϊκοῦ μειρακίου (3.5), Ἡμεῖς γὰρ at the head of the sentence in a passage that clearly embarks on a new topic, stresses the importance of Simon and the speakers' shared same-sex desire.

¹⁹³ Dover 1978[2016]: 62.

embark on political life (*apobainousin eis ta politika*) (to serve their community); these are indeed men (*andres hoi toioutoi*) (*Symp.* 192a). Aristophanes criticizes society's negative attitude towards homosexual men of Athens, using the same word for shame (*an-aischuntoc*, cognate of *aischunē* and the middle-voice *aischunomai* in 3.2). Thus, examining the speaker's discourse on masculinity and homosexual desire with Aristophanes', we see that the Greeks thought of sexual orientation in terms of individual sexuality.¹⁹⁴

Through this discourse on masculinity, Lysias' client has brought the issue of gender and sexual identity from the private sphere into the public sphere. His earlier observation about the prejudices of *hoi polloi* contrasts the encomiastic narrative concerning the superior judgment of the jury that is sharpened by their examination skills, expressed as *skopein*, after presiding over the trials of many Athenian citizens (3.28). Unlike ordinary people, the seasoned jury understands, so the speaker hopes, the complex social reality of life that constantly challenges norms and values. The power of *Eros* works differently on different people depending on the deep-rooted sexual identity, as Aristophanes explains in his speech on love and desire.

I concede that the limited scope of my evidence from Lysias 3 and Aristophanes' speech may deter us from fully understanding the Greek approach to a homosexual identity. In my PhD project, I intend to further this discussion by examining Aeschines' speech *Against Timarchos* comprehensively, and expanding my evidence to include Hyperides *Against Athenogenes* and vase paintings. Still, I maintain that Lysias' and Aristophanes' discourse on the lover and his commitment to his beloved shows how Greeks thought of desire in relation to the gender of the desiring beloved. Greeks understood that the law of *Eros* binds such relationships, even when they seem to disapprove of unconventional homosexual relationships. The use of *aischunē* by Lysias

¹⁹⁴ Hubbard 2003b: 164.

and Aristophanes strengthens this view since these relationships contravened the socially expected roles a man must play in the private sphere of the household and the public arena. The shameful life with which Aeschines, in his opening remarks, implicates Timarchos, constitutes a homosexual lifestyle. Aeschines puts Timarchos' life choices in the harshest light of moral concerns, categorizing Timarchos and all those like him who persist in homosexual behaviour (Aesch. 1.75-76). Hubbard argues that Athenians came to associate certain traits and appearances negatively with men who persisted in pursuing same-sex desire.¹⁹⁵ The behaviour of these men should alarm responsible citizens much the same way as "in some contemporary political debates concerning homosexuality, where "Save Our Children" becomes the automatic rallying cry of those who oppose any gay rights initiative."¹⁹⁶ The negative portrayal embodied in clearly discernible acts creates a category of the other, as Hebdige's study of Jean Genet, the French novelist and social pariah of pre-World War II French society, demonstrates. The speaker, Simon, and Theodotus, are the participants in this homosexual lifestyle. They may be categorized as homosexual men (in Greek thoughts, "though, to be sure, there was no settled word for it"), a category that carries an element of shame to a degree and is a source of public laughter, *katagelān* (9).¹⁹⁷ Athenian society offered "confused yet insistent responses" to the challenges presented by stakeholders such as Lysias' client and his unconventional relationships and participation in a subculture that threatened an ideal Greek household containing a wife and children.¹⁹⁸

The struggle over a male beloved between the two citizens in Lysias 3, however, is a long, drawn out affair and has its origin at the margins of society, where they meet an outsider, Theodotus. Davidson and Glazebrook argue that certain areas in classical Athens, such as the

¹⁹⁵ Hubbard 1998: 53, 58, 61.

¹⁹⁶ Hubbard 1998: 63.

¹⁹⁷ Thorp 1992: 57.

¹⁹⁸ Fisher 2001: 67.

harbour district Peiraeus and Kerameikos, offered avenues for citizens to find young men (and women too, foreign or enslaved) of marginalized status for sexual companionship.¹⁹⁹ Greek society categorized people (albeit not in modern terms of homosexual and heterosexual, but the distinction is clearly there) based on their sexual preferences.²⁰⁰ Therefore, the defendant begs the jury to not think of him as less of a man, *mēden me cheirō nomizein* (*anēr*, man, understood with the comparative adjective *cheirōn* 3.4), because desire and sexual identity are imprinted in a person's psyche. Greeks defined *arsēn*, manliness (*Symp.* 191e), not in terms of his active or passive role in a relationship, as Dover, Foucault and Halperin argue, but instead on his services to the community and his devotion to his beloved.

Conclusion

Making the subject of ancient homosexuality a mainstream topic of great scholarly interest is Professor Dover's most outstanding contribution. However, in his concluding remarks in his seminal work, *Greek Homosexuality*, Dover presents the pederastic homosexual relationship model between the *erōmenos* and *erastēs* as the most prominent feature of Greek homosexuality.²⁰¹ In his view, even the most intimate same-sex relationships were the product of a political and social system that put the adult male citizen at the helm of all community affairs. Dover focuses on projecting the elite male perspectives on desire and sexuality since the privileged class is the narrative voice in the primary sources. Thus, *Greek Homosexuality*, owing to its considerable influence in Greek sexuality studies, made power and submission-domination theory crucial in understanding ancient same-sex behaviour and practices. Dover's great work has also rendered the

¹⁹⁹ Davidson 2007: 445; Glazebrook 2021: 48-49.

²⁰⁰ Thorp 1992, Hubbard 1998.

²⁰¹ Dover 1978[2016]: 185-203.

issues of desire, gender, and sexual identity insignificant. The view, however, is not an accurate reflection of the complex social reality, which also featured unconventional homosexual relationship models between citizens and non-citizens and the beloved as a desiring subject of an older male.

Dover's work does not suffer from a lack of evidence; for Lysias' speech *Against Simon* is referenced in Dover's discussion on hubris (39), status (32-33), reciprocity (42-44), and citizens brawls over courtesans and sex labourers (57). The absence of a critical methodology precludes the reader from viewing the diversity and complexity of Greek same-sex relationships. In this research exercise, I have attempted to produce an inclusive image of Greek homosexuality and highlight the issue of desire and participation of the beloved from a minority group. Using the classicist feminist approach, recognizing the narrator's elite bias in Lysias 3, I examine the issue of *aischunē*, shame in same-sex desire and identify society's moral anxieties towards male citizens who abandoned conventional marriage and formed enduring homosexual relationships. Richlin argues that examining social prejudices and anxieties enables us to see a group's challenges. By insisting on defying norms, the group produced an alternate narrative of sexuality in antiquity.²⁰² Challenging Davidson's view that glosses over Athenian anxiety on unconventional homosexual practices, discussing laws prohibiting the sexual exploitation of young boys (either by their male admirers or by their own parents), and penalties on citizens involved in prostitution (Aeschines *Against Timarchos*), I highlight Athenian society's changing attitudes towards non-pederastic relationships.²⁰³ In this paper, however, I explain that confining society's moral concern within an active-passive sexual role is reductive. I discuss how a group of men, like the speaker himself and the famous Athenian couple, Pausanias and Agathon, resisted society's constraints and articulated

²⁰² Richlin 1998: 153, 162.

²⁰³ See Davidson (1997: 173-80) discussion on the pejorative term *kinaidos*.

masculinity within the framework of homosexual desire and love; *chrēstos* and the homosexual male can coexist in one body.

Through textual analysis, I explained that Theodotus was still living with the speaker at the time of trial, four years since the alleged incident of *trauma ek pronoias* occurred. The speaker is not married, nor has children— as he is expected under social conventions of the time—; his description of the household reveals only his widowed sisters and nieces. The speaker worried that Simon’s repeated visits to his house would make his relationship with Theodotus public knowledge resulting in society’s scorn for him and perhaps for his household too. By applying a queer studies lens, I strategically speculate on Theodotus’ role in his contractual relationship with Simon and his decision to break off with Simon and choose the defendant instead. The speaker’s narrative provides opportunities to glimpse the private lives of Greek men in homosexual relationships that fall beyond the elite institutions of pederasty, gymnasia and symposia. A marginalized man, Theodotus, connects the lives of two Athenian citizens and their love struggle. I invited readers to imagine the speaker’s hesitation in divulging his relationship and his fear that this revelation might get him in hot water in light of a British scandal involving a leading politician and a working-class homosexual man. The “strategic anachronism” of transgender studies enables us to see the process of community formation connecting “marginalized people across time.”²⁰⁴ My aim has been not to interpret Greek homosexuality through modernity but rather to offer a more realistic and human history of homosexuality.

Utilizing Hebdige’s cultural theory, I discussed that the confrontation between same-sex desire and social assumptions creates tension in the form of a homosexual subculture. A homosexual subculture allowed a socially marginalized Theodotus to find male citizens seeking

²⁰⁴ Devun and Tortorici 2018: 520.

same-sex relationships. As Davidson and Glazebrook argue, the locales of Peiraeus' harbour district and Kerameikos were the haunts of Athenian men desiring men. Sometimes a sexual encounter in these quarters led to a couple forming an enduring relationship. As Hebdige's study shows, a subculture does not mean a total abnegation of social values. It constantly adopts values that provide negotiating power to its participants. Theodotus decides to end his first relationship because Simon's abusive behaviour violated the norms of reciprocity, a pederastic relationship principle. Accepting the speaker's claim that he treated Theodotus well, I argue that Theodotus changed his role from being Simon's *hetairos*, a term of companionship, which applied to a relationship with a marginalized individual, acquired mercenary connotations, to the defendant's boyfriend, *philos*.

The speaker's narrative employs widely accepted social values in the discussion of his private life in order to prove that embracing his sexual identity makes him the *beltistos* and *sōphronestatos* member of the *demos*. Given the extraordinary status of the Council of the Areopagus, the speaker's argument before the influential members of the jury acquires social and political significance. Dover and other commentaries on Lysias 3 overlook the juxtaposition of politically important terms, *agathos* and *sophron*, with desire *epithumein* and *eros* in the speech. By doing so, the speaker embarks on a homosexual identity discourse that finds its echoes in Aristophanes' speech in Plato's *Symposium*— or it could be vice versa since Lysias was no stranger to Plato.²⁰⁵ The similarities in Aristophanes' and the defendant's speeches lend credence to the argument that Greek recognized that a man who remained devoted to a same-sex partner was as a homosexual man, *to sungenes aspazomenos* (since he embraces his own kind— gender) because such love comes naturally to him, *ton noon phusei* (Plato *Symp.* 192b). There cannot be

²⁰⁵ One of Lysias' speech is reported by Plato in *Phaedrus* (Dover 1978[2016]): 44).

more explicit evidence of the Greek conception of categorizing men based on their desiring gender. Recognizing Aristophanes' and the defendant's choice of similar diction (*aischunē*, shame) to show their awareness of society's moral anxiety towards such men gives their argument a counter-narrative force pushing against the social script. Pausanias-Agathon's voluntary departure from Athens proves too that due to changing assumptions, classical Athenian society was not entirely comfortable with homosexual men, forcing them to seek same-sex partners at the margins of society among marginalized males. Such marginalized males, like Theodotus, could assert agency in negotiating relationship dynamics, which must be part of our analysis in order to reconstruct a realistic image of Greek homosexuality. However, the speaker's argument also shows that men like himself are part of a negotiating process on social values and their interaction between mainstream culture and a homosexual subculture.

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