

# Degradation

*What the History of Obscenity  
Tells Us about Hate Speech*

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# Introduction

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This book is ultimately about hate speech. That may not be obvious from the first half, which is a discussion of the history of how societies have accepted pornographic depictions or have rejected those depictions through lists of banned books or antiobscenity laws. Yet obscenity is a useful way to talk about racist, sexist, or homophobic speech. It stands as a sort of metaphor for hate speech, but like the best of the metaphors for hate speech, it is something more than simply a metaphor. In order to see this, we need to examine what bans on obscenity, or other reactions to pornography, have been all about. When this is understood, we can see that obscenity concepts can be useful in analyzing just what is wrong with hate speech and the factors that speak to a word's or phrase's being acceptable or unacceptable.

Because there is sometimes confusion between pornography and obscenity, some clarification may be helpful in reading what follows. *Pornography*, from Greek for the writing of or about prostitutes, includes all sexual writing or images. *Obscenity* has a somewhat different meaning, focusing on repugnance or offense. For sexual images and in legal contexts, *obscenity* attaches to those depictions of sex that may be proscribed by law. In nonlegal contexts, it may more broadly encompass acts or expressions that are morally objectionable. Thus, pornographic images are not necessarily obscene. Most societies tolerate some sexual images, not only as a legal matter but as a matter of morality and aesthetics. Images or descriptions become obscene when they are considered shameful or morally, or even legally, objectionable. As a result, precisely the same sexual image, though always pornographic, may be obscene in some societies and eras and not obscene in others.

Before proceeding with an examination of the nature of obscenity, it would be useful to consider the use of metaphor in discussing hate speech. The most powerful aspect of Charles Lawrence's work on hate speech is that part that treats it as an assault.<sup>1</sup> His description of the physical impact of hate speech is extremely forceful: "Psychic injury is no less an injury than being struck in the face, and it is often far more severe."<sup>2</sup> Elsewhere, Lawrence speaks of

more direct physical effects. Racist epithets “produce physical symptoms that temporarily disable the victim, and the perpetrators often use these words with the intention of producing this effect.”<sup>3</sup>

Richard Delgado and Jean Stefancic are more explicit regarding the injuries that may be caused by racist speech. “Hate speech is not merely unpleasant or offensive. It may leave physical impacts on those it visits. . . . The immediate, short-term harms of hate speech include rapid breathing, headaches, raised blood pressure, dizziness, rapid pulse rate, drug-taking, risk-taking behavior, and even suicide.”<sup>4</sup> Mari Matsuda makes similar points in her work.<sup>5</sup> The most drastic of these impacts, an increased likelihood of suicide, was documented in a 2004 study. In an article evocatively subtitled “Hate Speech Predicts Death,” Brian Miller and Joshua Smyth presented their study of the correlation between suicide and membership in an ethnic group subjected to hate speech. Their conclusion was that “[e]thnic immigrant groups subjected to more negative ethnophaulisms, or hate speech, were more likely to commit suicide. This pattern was obtained even after taking into account the previously established association between immigrant suicide rates and the suicide rates for those ethnic immigrant groups in their countries of origin.”<sup>6</sup>

When these authors speak of hate speech in terms of assault, it seems to be as more than simple metaphor. It is more than the whole world’s being like a stage or hate speech’s being *like* an assault. Hate speech, for them, is literally an assault. That is what makes it far more powerful than the ordinary metaphor. And that is why this book requires an extensive discussion of pornography and obscenity. That discussion provides the basis for arguing that hate speech is the current obscenity, although not necessarily in a legal sense. Rather, the conclusion is that what obscenity was all about in the past now applies to racist and sexist speech rather than to sexual images.

Before laying out the direction of this effort, I want to recognize a certain disability in addressing this topic. I am not a member of a minority group that has commonly faced, at least in my lifetime, racial invective. Nor have I been subjected to the sexist speech faced by many or most women. Although I find such speech distasteful, I do not feel the effects of such speech in the same way as its target groups do. Thus, I might be seen as offering, in that sense, unqualified or uninformed views.

I recognize that members of minority groups or women do not need me to validate their feelings or reactions. When I turn to the discussion of the factors that may make the use of a word offensive in some contexts and not so in others, my analysis is unaffected by personal impact. If those who have been

so affected feel differently, I certainly do not intend to criticize or diminish that response. I do hope that my analysis provides something to think about. But if a reader has thought about it and still finds more offense in a situation in which I might find less, then I have simply failed to appreciate the personal impact the language in question may have visited on that reader.

One of the distinctions I offer in the second part of the book is the use-mention distinction. That distinction recognizes a difference in using a word and talking about a word. This distinction is most commonly recognized by the use of quotation marks or italics. When a word is present without quotation marks or italics, it is most commonly being used. When there are quotation marks or italics, the word is more commonly being mentioned or talked about. I suggest that there is more likely to be reason for offense when a word is used than when it is mentioned. Ascribing a racial epithet to an individual is more offensive than talking about that word. The difference may be more or less clear. The statement “The word ‘nigger’ is the most offensive word in the American vernacular” mentions the offensive word, and one would hope it is less a ground for offense than using the same word to address or describe an individual. The statement “The best label to attach to you is ‘spic’” technically seems to be a mention of the racist word, but it is clearly intended as a use of the word.

I mention the distinction here, well before the discussion of racist speech, because it is one I intend to be guided by in the later chapters. Although I do not *use* racist or sexist words in this book, a book on hate speech can hardly avoid the *mention* of those words. Again, if this distinction does not lessen the offense some may find in the language, my apologies. But look again at the mention of a racial epithet in the preceding paragraph. I hope the reader sees that in statements about language, rather than about people, there is less reason for offense.

Now, as to where the book is headed, in the first part, I look at the history of how societies have treated sexual images. I show that in the classical era, the Greeks were very accepting of sexual images, while as Socrates was to find out, blasphemy and heresy were punishable even by death. The same is true of pre-Christian Rome. But with the onset of the Christian era there is a change. There was certainly the continuation of punishment for heresy, but at least certain instances of sexual depiction came to be proscribable. It is clear that this was not true for all sexual images. As Fred Schauer presents it, from the first Christian banning of a book as heretical in 325 CE for the next one thousand years, religious censorship increased, while secular bawdiness was uncensored.<sup>7</sup> Schauer sees a turning point in the invention of the print-

ing press in 1428, because of the increased availability of books to all classes. But even then, there was no concern over secular bawdiness. The increased concern was over the need for the Church to protect itself from attack. As Schauer points out, Boccaccio's *Decameron* was placed on the Church's list of forbidden books, not because of its sexual content but because of the identity of those who were sexually active. In a later edition, when the clergy was changed to the laity, monks to conjurors, nuns to noble women, an abbess to a countess, and the archangel Gabriel to a fairy king, the book was no longer forbidden.<sup>8</sup>

Although Schauer finds an increase in public demand for limits on obscenity that did not touch on religion or politics in the last part of the seventeenth century, he says the courts were not in line with the movement, rejecting the prosecution of a purely sexual book in the first decade of the eighteenth century. In 1727, a conviction was upheld for publishing a book titled *Venus in the Cloister or the Nun in Her Smock*, a book about lesbianism in a convent.<sup>9</sup> Though the book was still religious in terms of the actors, Schauer suggests that the religion factor is insignificant, since the actors were Roman Catholic rather than clergy of the Church of England.<sup>10</sup> Although he cites a reasonable basis for that conclusion in the comments of one of the judges, the Catholic Church and the Church of England may not have been so far apart, other than in their views on the pope, as to lessen the impact on the officially recognized church. On the other hand, the work was translated from a French work written as a Protestant tract.<sup>11</sup> And the attorney general at trial argued that there was a common-law offense to be found in that which, separately from an attack on religion, is against morality, arguing not that all immoral acts are indictable but that those that are destructive of morality in general and affect all the king's subjects are offenses of a public nature properly addressed by the courts.<sup>12</sup>

Schauer counts about three obscenity prosecutions per year through the first half of the nineteenth century,<sup>13</sup> still seemingly a rather small number. The great increase in prosecutions occurred in the United States in the latter part of that nineteenth century. There seemed to be little public call for limits through the Civil War, but in 1872 Anthony Comstock began political and prosecutorial activities that over the next forty years led to the destruction of 160 tons of obscene material and the imprisonment of over thirty-six hundred persons.<sup>14</sup>

The question then becomes one of why sexual images have been treated the way they have in these eras. I argue that the differences are explainable in terms of the impact of sexual images as statements regarding the place

of humans between the divine and the animals. In a culture in which the gods were themselves sexual creatures, there was no debasement of humans in depicting them in sexual situations. Once God becomes a singular, non-sexual being, showing humans in sexual acts is depicting humans as on the animal side of a divine/animal divide. This, at first, cuts mostly against the depiction of clergy in sexual acts. Whatever may be the status of the common person, the clergy must be held out as more godly. Sinning laypeople in the *Decameron* may be acceptable, but sinning priests and nuns were not.

As humans start to find our place in nature, during the Enlightenment, we became more comfortable with our, at least partially, animalistic nature. Darwin, however, later was taken by some people as telling us that we are nothing but animals. It is that revelation that came with the great increase in obscenity prosecutions, particularly in the late nineteenth through the first half of the twentieth centuries in the United States. It is as though society expressed itself in denial of Darwin's claims by proscribing the depiction of humans engaged in animal or such nondivine activities.

This recasting of the treatment of pornography and obscenity indicates that obscenity is not really all about sex. It is about the placement of humankind in the hierarchy of the animal, humanity, and the divine. It is about degrading humankind not only to less than divine but to something that is in a sense less than human, an activity shared with the animals.

Harry Clor expresses a view that is in accord with this approach. He says that obscenity is "a degradation of the human dimensions of life to a sub-human or merely physical level."<sup>15</sup> That clearly is a denial of the higher order of humanity and a reduction to the animal level. With regard to public display, Clor suggests that we bar from public view acts that are governed by animal urges, rather than the human spirit, or at least acts for which the observer will experience only the subhuman aspect.

There are certain bodily acts which will tend to arouse disgust in an observer who is not involved in the act and is not, at the time, subject to its urgencies. What the observer sees is a human being governed by physiological urges and functions. Now, to the participants, the act . . . can have important personal and supra-biological meanings. But the outside observer cannot share the experience of these meanings; what he sees is simply the biological process.<sup>16</sup>

That is, we see the act on the animal level, not on the human level and certainly not as an aspect of the divine.

If obscenity is about degradation, what should be its focus today? Most of us are comfortable with our sexual side. We also recognize ourselves as being animals, even if we hold out aspects that distinguish us from the rest of the animal kingdom. Sex may no longer be degrading in the sense just presented. So what does depict a person as less than human? I contend that racist, sexist, and homophobic speech do. They clearly state a belief in inferiority, a position that the target is, in some sense, less than fully human. Hate speech may be, if not in a legal sense, then at least in a conceptual sense, today's obscene depictions. At least, however, it offends for the reasons that obscene material offended in the past.

If hate speech is today's equivalent of obscenity, or is offensive for the same reason that obscenity offends, then the body of law that has grown up around obscenity may provide insight into the analysis of speech that may or may not qualify as hate speech. Obscenity has been the law of offensive degradation. If society wishes to sanction what is the current offensive degradation, hate speech, then some guidance in that effort may be found in obscenity law. That is the focus of the second half of this book. The legal test for obscenity, with factors addressing intent, offensiveness, and value, is applied to incidents of potential hate speech. In addition, the obscenity doctrine that finds objectionable material presented to children that might be acceptable for adults is examined in the context of racist, sexist, and homophobic speech.

The conclusion is not that hate speech should necessarily receive the same legal treatment as obscene speech; that is, this effort is not a call for legal sanctions against hate speech. It does, however, recognize the possibility that such proscriptions may at some future time come to exist and, if that happens, provides guidance for the application of the future law. Additionally, there are treatments of hate speech outside any criminal restrictions. Among the most common are limits on speech in the workplace. Looking at what makes obscenity objectionable may provide insight into which workplace incidents should lead to the loss of a job or some other penalty. Whatever choices society may make regarding the sanctioning of hate speech, careful analysis is required to make sure that the sanctions are reasonably applied. It is my hope that the examination of obscenity law provides some framework for that analysis.



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## Pornography, Life, and the Gods in the Greek and Roman Eras

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The noted journalist and author David Loth begins his discussion of pornography in the ancient world by saying, “For as long as man has had literature he has had pornography but most of the time he didn’t know it. Among the ancients sex was unashamedly joyous, in reading as in practice.”<sup>1</sup> Although the passage applies to even older civilizations, Loth is also addressing the Greek and Roman worlds. The point might be made instead by saying that, though there was a recognition that the material was pornographic, there was none of the shame or disapproval that is the hallmark of obscenity. Pornographic images celebrated sex, and therefore they were not hidden away. As art historian Peter Webb puts it, in concluding his section on the classical world, “The Classical world celebrated the joys of love-making as a vital, guilt-free, and often sacred activity, and to this end they devoted much of their finest literature, painting, sculpture, and decorative art.”<sup>2</sup>

What was it about the classical cultures that led to this wide acceptance of sex and sexual depictions? Although we may now have come again to a fairly widespread acceptance, there was an extended period, after the end of the classical era, in which there was lesser acceptance. That is not to say that pornography disappeared, but public art became less sexual, and sex and pornography came to be accompanied by a shame that was not present for the Greeks and Romans. To see the basis for the change, I first look to art, sex, and religion in Greece and Rome.

### *The Greek Arts*

The sculpture and pottery of classical Greece often conveyed a pornographic theme. Vases and other forms of pottery were decorated with sexual scenes. Given the continued existence of over thirty thousand Attic vases and the likelihood that most did not survive, it seems no exaggeration to suggest that

the output was, as Robert Sutton puts it, “comparable in relative scale to contemporary mass-market media.”<sup>3</sup> Interestingly, most of the output of sexually explicit pottery seems originally to have been exported to the Etruscans.<sup>4</sup> Nonetheless, the home population also fully accepted sexual scenes and were themselves consumers of the products.

The major difference between these pieces and modern “adult material” is more technological than thematic. Although the classical pieces lack the animation of a film, their subject matter is the same and is as varied. Pieces of pottery still in existence serve as examples. A cup found in the Louvre is said by Peter Webb to depict “a wild orgy with various types of intercourse depicted in vivid detail.”<sup>5</sup> An accompanying photo justifies the description, with scenes of females in congress with two male partners. Even accepting the claim of Kenneth Dover that vase painters who showed two or more couples having intercourse in the same scene may have been engaging in some form of pictorial convention,<sup>6</sup> the sexual activity among the individual pairs, or more accurately threesomes, is explicit. Dover provides other descriptions and photos of vases, cups, and bowls depicting characters with exaggerated erect phalluses and cavorting in rites honoring the god Dionysus.

The role these pieces of pottery played is of interest. Clearly, they may have been part of Dionysian rites. No less would be expected of a phallic cult and a concern for fertility. In addition to these cultic rites, it has been suggested by Harvey Alan Shapiro that the pottery was intended for “all-male symposia,” a lofty title for the stag parties that they seem to have been.<sup>7</sup> Webb also notes that pottery was the most common gift given in Greece and suggests that many of these gifts would have been given by men to hetaerae, the courtesans of the era.<sup>8</sup> A natural theme for such a gift would focus on sexual intercourse. On the other hand, it has been claimed by UK barrister, author, and parliamentarian H. Montgomery Hyde that similar representations of various forms of sexual intercourse were found “even . . . on the bottoms of children’s drinking bowls and plates, so that they could have something amusing to look at when they were having their meals.”<sup>9</sup> Further, the Danish scholar Poul Gerhard provides photos of two Attic cups from the period 490–480 BCE as evidence for the claim that ordinary domestic articles were decorated with pornography.<sup>10</sup> Whatever the uses of the pottery, they seem to bear out the claim of Webb that “[l]ove and its sexual expression were vitally important to the Greeks and did not involve feelings of shame.”<sup>11</sup>

The literature of the time was also rather open regarding sex. Greek society was very tolerant of sexual themes in the arts. As D. H. Lawrence reportedly said, “some of Aristophanes shocks everybody today, and didn’t galvanize

the later Greeks at all.<sup>12</sup> This is hardly surprising, given the origins of Greek drama in the festivals honoring Dionysius, festivals centered on fertility, with phalluses in prominence, and often developing into orgies.<sup>13</sup> Although the content of the plays does not contain the explicit material of a modern adult film or even of the pottery of the time, they are sometimes somewhat bawdy. That can be seen in Aristophanes's plays *Lysistrata* and *The Clouds*.

There are, of course, somewhat differing translations of Aristophanes's *Lysistrata*, but the plot concerns an agreement by the women of Greece to refrain from sex with the men, until the men reach a peace agreement among the city-states. In Douglass Parker's translation,<sup>14</sup> in one scene, the male and female characters all remove their tunics.<sup>15</sup> Although they do appear to have still worn undergarments, not wearing tunics would have made the situation more obvious later in the play when Kinesias staggers onto stage "in erection and considerable pain."<sup>16</sup> The males in the chorus are similarly affected, and a variety of characters end up on the stage trying to conceal their states of excitation. When a delegation from Sparta arrives, they show that they are in the same state by throwing their cloaks open, exposing their phalluses.<sup>17</sup> The play also personifies Peace in the person of "a beautiful girl without a stitch on," who, when she appears, contributes further to the men's excited condition.<sup>18</sup>

In Robert Henning Webb's translation,<sup>19</sup> when a Spartan herald arrives in Athens, an Athenian official asks the herald if he is Priapus in the flesh and goes on to suggest that the Spartan is hiding a weapon under his cloak. When the herald is asked about the state of things in Sparta, he replies, "Shparta iss rampant . . . ja, und her allies . . . Dere iss a gross uprising eferyvere!"<sup>20</sup> When a group of ambassadors later arrives from Sparta, the Chorus asks about their condition. The Spartans throw open their cloaks and respond, "Vy do you esk? Vat need of vords to zay? Your eyess kann tell you how it shtands mit us!"<sup>21</sup> The Athenians, in response, throw their cloaks open, showing that they share the same discomfort. Rather than Peace, in the Webb translation the goddess Appeasement appears "clothed in smiles."<sup>22</sup>

*Lysistrata* is not the only play with such sexual content. In William Arrow-smith's translation of Aristophanes's *The Clouds*, the character Strepsiades at one point is said to raise his phallus to the ready.<sup>23</sup> Later the same character repeats his action while threatening another character with, "I'll sunder your rump with my ram!"<sup>24</sup> In both cases the reference to a phallus is not to an actual phallus but to a symbolic leather thong the actor wore. Arrow-smith does point out that there is dispute over whether the actor did actually wear a thong, but he believes the text makes sense only if such a prop was employed.<sup>25</sup> The argument that there was no phallus worn is based on

the appearance of Aristophanes as a character earlier in the play,<sup>26</sup> when he delivers a monologue in which he describes the play: “She’s a dainty play. Observe, gentlemen, her natural modesty, the demureness of her dress, with no dangling thong of leather, red and thick at the tip, to make small boys snigger.”<sup>27</sup> Even if a thong was not employed in *The Clouds*, the demureness claimed by Aristophanes seems to have been meant as counterpoint to the common usage of the leather phallus in other Greek plays.

Later in *The Clouds*, the characters Philosophy and Sophistry are rolled onto the stage in large gilded cages. They are described as human from the shoulders down and fighting cocks from the neck up. Arrowsmith again recognizes a debate over their form, but the contention seems to center on whether the characters had any nonhuman aspects.<sup>28</sup> As far as the human portions are concerned, Philosophy is described as “large, muscular . . . , powerful but not heavy, expressing in his movements that inward harmony and grace and dignity which the Old Education was meant to produce.”<sup>29</sup> Sophistry, by contrast, is “comparatively slight, with sloping shoulders, an emaciated pallor, an enormous tongue and a disproportionately large phallus.”<sup>30</sup>

Bella Zweig, in her study of Aristophanes’s plays, describes a number of scenes, including a scene in which an adolescent female displays her genitals to an older man, who “paws the girl’s breasts and genitals while . . . negotiate[ing] her price” and another in which a male character handles “the goods,” two young nude females in piglet masks, as he negotiates their price.<sup>31</sup> Zweig concludes, seemingly quite reasonably, that “[i]f these were contemporary scenes, there would be little doubt that they were culled from pornographic movies.” She does note that male actors clad in padded costumes that included breasts and buttocks may have played the female roles,<sup>32</sup> which might have detracted from the pornographic impact, without affecting the literary pornographic content. She also notes, however, that the roles may have been played by hetaerae,<sup>33</sup> and she says, “The characters that represent desirable abstractions, such as Treaties, Peace, or Reconciliation, would hardly be subject to the ridicule that a costumed male actor would naturally evoke. A real hetaira, nude or suggestively dressed, and who already embodies male sexual fantasies, would more aptly dramatize the pleasurable attainability of the personified goal.”<sup>34</sup> She concludes that there was nothing preventing hetaerae from playing these roles and that given the comedic enhancement achieved by females in the roles, it is equally imaginable that women did play these nude characters.<sup>35</sup>

Although it has been noted that Aristophanes’s play *Lysistrata* was subject to customs seizure during the first thirty years of the twentieth century and

was considered obscene by the U.S. Post Office, as recently as 1955,<sup>36</sup> it was most likely not a result of the language of the script itself but of plates that often accompanied the play and depicted some of the scenes. Nonetheless, it shows how bawdy some performances of the play may have been.

Adding to the sexual depictions in art and the sexual content of literature, phallic symbols seemed to be ubiquitous in ancient Greece. They could be found on street corners, where people could pray for fertility,<sup>37</sup> and it seems, as Richard Posner concludes, that “every Athenian home had a statue of Hermes, with his penis erect, before its front door.”<sup>38</sup> These phalluses played an important religious role. Phallic worship may have come from the Egyptians,<sup>39</sup> but it was not uncommon among other early religions. In Dionysian rites, giant wooden phalluses were carried in procession to the temple and would be straddled by nude women attempting to assure fertility.<sup>40</sup>

This mix of religion and sex was also present in temples to the goddess Aphrodite. The temple in Corinth was said to have had in excess of one thousand hetaerae dedicated to the goddess, and the city grew rich off the visitors who came to avail themselves of the pleasures to be found there. This was not just commercial sex, since, according to Vern Bullough, “[i]f the girls prostituted themselves for money, part of which they donated to the temple treasury, this . . . could be an act of piety since it was a thanks-offering to the goddess of female beauty, maturity, and fruitfulness.”<sup>41</sup>

### *Greek Life*

The acceptance by the Greeks of pornography in the arts and strongly sexual themes in drama may be seen as mirroring their views on sexual activity in real life. It is important to recognize that most of what is known about Greek sexual custom is really the custom of Athens, with some additional knowledge of Sparta.<sup>42</sup> It is also possible that there is some skewing from the fact that our knowledge comes from literature and the arts, which, as Posner has pointed out, may reflect life in the intellectual and artistic subculture and may not be reflective of even Athenian society as a whole.<sup>43</sup> Nonetheless, it seems accepted that, as H. Montgomery Hyde says, “the Greeks thoroughly enjoyed sex in all its sundry manifestations and felt not the slightest sense of shame about it.”<sup>44</sup>

The conclusion that the Greeks were so sexually free is actually applicable only to males and noncitizen or slave females. The females of the citizen class did not enjoy the same freedoms. Among the citizen class, girls were kept at home, while the boys attended school at the gymnasium. A citizen girl

remained at home until she entered an arranged marriage that was seen as a contract between the girl's father and her husband to be.<sup>45</sup> After marriage, she lived in her husband's home, again remaining in the home except for religious or other special occasions. There seemed, then, little opportunity for citizen females to engage in premarital or extramarital sex, and indeed, if such sex did occur and was discovered while in progress, the father of the girl or husband of the woman could kill the adulterer without penalty or could recover damages or have the violator prosecuted.<sup>46</sup> The honor of men was heavily invested in the chastity of the women of their households.<sup>47</sup> Despite these restrictions, it is suggested by David Cohen that "some women were thought to buy the favors of young men, and some men to acquiesce in the financial advantage they might gain from their wives' infidelity."<sup>48</sup>

So, with females so sequestered, how did males gain the reputation for such openly sexual behavior? After all, the boys of the citizen class were also kept from their counterpart females, and marriage occurred later in life for males than for females. The key is that the restrictions did not apply to non-citizen females. Males had other outlets. There was a slave class in Greek society, and slaves could be used for sexual purposes. There were also prostitutes and the higher-class courtesans, or *hetaerae*.

The Greek male had few restrictions. Demosthenes is said to have said, "We keep courtesans as mistresses for pleasure. . . . Whores we pay for daily service, but wives we have for legitimate child bearing and looking after our domestic property reliably."<sup>49</sup> If a man was married, his duties to his wife did not include fidelity. He had to provide support for his wife, engage in sexual relations with her,<sup>50</sup> and not bring another woman into the household.<sup>51</sup> Beyond that, married and single men were free to satisfy their sexual urges, as long as their sexual partners were not the daughters or wives of citizens. There were taboos against incest, laws protecting young children, and what amounted to property rights for citizens regarding the women of their household, but most other activities were acceptable.<sup>52</sup>

A word should be said about the *hetaerae*. They seem to have been more sophisticated than citizens' wives, hardly surprising given the sequestered life the daughters and wives of citizens led. In addition to sexual sophistication, they were likely to be artistically and intellectually superior to the higher-class wife.<sup>53</sup> These *hetaerae* are also the women who are known from the era, with history having recorded their names, while making little to no note of the women who were citizens.<sup>54</sup> They were also often of great beauty. It is said that when the *hetaerae* Phryne of Thespieae was put on trial for the capital offense of corrupting the youth of Athens, her advocate became concerned

that he was losing the case. He had her stand up in court, and he then tore off her robe to, as Hyde describes it, expose “her beautiful breasts and figure . . . to the public view.”<sup>55</sup> Such beauty convinced the judges that the defendant had been divinely endowed by Aphrodite, and they found her not guilty. Reportedly, following her acquittal, a decree was promulgated prohibiting the introduction of such evidence by advocates in any future cases.<sup>56</sup>

With marriage some years away, the one outlet available to citizen youths for sexual relations with someone of the same social class was a homosexual relationship,<sup>57</sup> and the Greeks considered the desire of unmarried men and youths for boys and of unmarried men for youths to be a natural desire.<sup>58</sup> There were, of course, homosexual opportunities to be found with male slaves and prostitutes, but the children of citizens, the gymnasium boys, were also possible targets for seduction.<sup>59</sup> The homosexual relationship presented no problem for the older and presumably aggressive partner, but it was another matter for the younger, submissive youth or boy. Playing the submissive role did not fit well with future citizenship. The submissive partner’s role was not bragged about, could not continue into the manhood of a citizen, and was minimized by the use of standing interfemoral intercourse.<sup>60</sup> If, however, the boy, or for that matter a man, accepted money for his participation, he would lose his citizenship rights.<sup>61</sup>

### *The Gods and Sex*

The sexual activities of the people of classical Greece were matched, or perhaps exceeded, by the sexual exploits of the Greek gods. Zeus, the mightiest of the gods, was a rapist and adulterer. As already seen, prostitution in some cases had a religious significance, as when practiced at the temple of Aphrodite. Certainly, any festivals dedicated to the god Dionysus are reasonably characterized by David Loth as “wild sex orgies.”<sup>62</sup> Sex went well with religion.

The gods of the classical Greek era were not like the modern God of the Christian, Jewish, or Islamic worlds.<sup>63</sup> In the first place, while the “always will be” nature of the existence of monotheism’s God may have been believed to apply to the Greek gods, the “always was” part, especially in terms of supremacy, was not present. The gods were actually a third iteration. The first “beings” were Mother Earth, or Gaea, and Father Heaven, or Ouranos, who have been characterized as not really seeming to have been alive.<sup>64</sup> They were followed by the Titans, or the Elder Gods, who were said to have been of great strength and of enormous size. They were led by Cronus and his sister/

queen Rhea. Eventually Cronus was overthrown by his son Zeus. The Titans were then banished, with the exceptions of Atlas and Prometheus, who had taken the side of Zeus in his battle with Cronus.

Cronus had obviously not been omnipotent, another difference with the later Christian view of God. Neither, it seems, was Zeus. At least when it came to his relations with the other gods, Zeus may have been the leader, but he was not in complete control. In various instances, he and other gods took different sides, some helping one human faction, and others another in a battle among those humans. Zeus also seems to have been somewhat in fear of his wife/sister Hera, who took revenge on the various lovers of Zeus. Although the revenge was always taken on the lover, rather than on Zeus, Zeus did not have the power to stop her, other than through his guile or by taking steps to counter her actions.

Although Zeus may have been the chief god, there were a number of other major gods. Of course, there was Hera, his sister and wife. Zeus and Hera also had offspring, Ares and Hebe. Athena was said to have been the daughter of Zeus alone, not the daughter of Zeus and someone other than Hera but actually the daughter of Zeus alone, having sprung from him full grown. Hephaestus, the god of the forge, was also possibly of single parentage, being either the son of Zeus and Hera or of Hera alone.<sup>65</sup>

Other gods were also offspring of Zeus. Aphrodite is sometimes said to have been the daughter of Zeus and Leto, a daughter of the Titans Phoebe and Coeus, but it is also sometimes said that she sprang from the foam of the sea.<sup>66</sup> Whatever may have been her origin, she later married Hephaestus, who may have been a half brother, a stepbrother, or of no relation. Apollo and his twin sister, Artemis, were also said to be the children of Zeus and Leto. Another god, Hermes, was the son of Zeus and Maia, who was the daughter of the Titan Atlas.

There were also other siblings of Zeus and Hera among the Olympians. Poseidon, the god of the sea, was the brother of Zeus and Hera. He married Amphitrite, the daughter of the Titan Ocean. Poseidon was also said to have a human lover, Tyro, who bore him twin sons. Hades, the god of the underworld, was another brother of Zeus. He, too, was married; his wife, Persephone, was the daughter of Demeter, who was herself the daughter of Cronus. Hades would then seem to have married his niece, hardly shocking in a world ruled by a brother and sister who were also husband and wife. Hestia, or Vesta among the Roman gods, was yet another sibling. She was the goddess of the hearth and was, like Athena and Artemis, a virgin goddess. The combination explains the Roman Vestal virgins tending the sacred fire.



There were also a number of lesser gods. Eros was the son of Aphrodite. Hebe, mentioned earlier, was the goddess of youth. She married Hercules, who was said to be the son of the human general Amphitryon but who was “in reality” the son of Zeus and Alcmene, the wife of Amphitryon.<sup>67</sup> Dionysius and Castor, and perhaps Pollux, may also be considered to be among the lesser gods.<sup>68</sup>

This complex family life presents a different setting from the life of a single and omnipotent God. The Greek gods had husbands and wives, as well as offspring. They were clearly sexual creatures, and the fact that humans are also sexual creatures would not serve to distinguish humans from the gods. Human sexuality would not place humanity on the side of the animals and strongly differentiate humans from the divine, since there was no such divide between the gods and even the animals. Of course, what may be best established is that the gods had sexual relations within marriage. That would differentiate them from the animals and could lead to the conclusion that marital sex did not put humans on the animal side of a divine/animal split, but it might have said little about sex outside marriage.

The response to that limitation is already seen, somewhat, in the previously discussed offspring of Zeus with Maia and Leto. But Zeus was a far more promiscuous figure than the few relationships already presented indicate. Many Greek myths have as a subject the dalliances of Zeus and the acts of jealousy those relations inspired in Hera.

One of the better-known legends is the relationship between Zeus and Leda. Leda was the wife of the king of Sparta, with whom she had two mortal children, Castor and Clytemnestra, who later became the wife of Agamemnon. Zeus visited her in the form of a swan, and from that interspecies (or inter-god-human) sexual relationship resulted Helen of Troy and Pollux.<sup>69</sup> Here, too, not only was the chief god a sexual being but the relationship was with a human. Furthermore, the god took the form of an animal in order to enter into the sexual relationship. The sex act was one of god and human but also, in a strong sense, involved an animal. A culture with such a legend cannot have seen much difference between humanity and the divine, nor with the animals, when it came to sexual activity. Sex certainly could not be seen to differentiate humans from the gods, when the act was between a human and a god. It also could not speak to a divine/animal divide, in which sex served to differentiate the two, when the god took the form of an animal to engage in the sexual relation.

To recount just a few other relations between Zeus and human women, Zeus had relations with Aegina, resulting in a son named Aeacus, and with

Alcmene, resulting in Hercules. There was also Semele, a princess of Thebes, resulting in the god Dionysus, the only god without two divine parents.<sup>70</sup> Zeus's relationship with Aniope, another princess of Thebes, resulted in Amphion and Zethus. Amphion later married Niobe, the daughter of Tantalus, the founder of the royal house of Atreus and said to be another mortal child of Zeus, although we are not told by whom.<sup>71</sup>

Some of these additional relations of Zeus also involved interspecies, or even god-human-animal acts. Zeus changed Io, described as a princess, into a white heifer in order to hide his relationship from Hera. (He does eventually change her back into human form.) Zeus changes himself into a bull in order to carry off Europa, the daughter of the king of Sidon, to Crete. In another case of a human changed to an animal, Hera changes Callisto into a bear, after Callisto's son Arcas is born of Zeus. Hera later brings the bear/human Callisto into contact with a grown Arcas, hoping that Arcas will kill her. Zeus counters Hera with another transformation, this time not by changing them between animal and human but by changing them both into star formations, Callisto into the Great Bear, Ursa Major, and Arcas into the Little Bear, Ursa Minor.<sup>72</sup>

### *Animals, People, Gods, and Mixes Thereof*

Zeus's practice of changing into a swan or a bull and the metamorphosis, at the hands of Zeus or Hera, of humans to heifers or bears are not the only examples of gods or humans changing to some other form. Other humans who were turned into animals include Nisus and Scylla, a father and daughter who were both turned into birds. Humans even turned into plants. Clytie pined for the sun god and was changed into the sunflower,<sup>73</sup> which turns to follow the sun across the sky. Dryope, seemingly as punishment for having harmed a tree, grows bark and roots, becoming a tree.<sup>74</sup> There were also humans who became gods. Glaucus, a fisherman, turned into a sea god with a body ending in the tail of a fish.<sup>75</sup> Tithonus, the husband of Aurora, goddess of the dawn, was made immortal by Zeus at Aurora's request; although in an ironic turn he was not given the attribute of remaining youthful.

Even these examples may not be the strongest demonstration of the blurred lines between god, human, and animal. They were, after all, changes from one form to another. Better examples may be found in beings that were some combination of gods, humans, and animals. There are a number of examples of entities that were part god and part animal, which or who have been included as among the lesser gods.<sup>76</sup> The Gorgons were dragonlike,

with two of the three of them being immortal.<sup>77</sup> The satyrs, including Pan, the son of Hermes, were part god and part animal as well, having goat horns and hooves.<sup>78</sup> The centaurs were half human and half horse but are included among the lesser gods.<sup>79</sup> Of the centaurs, only Chiron appears to have been immortal, and even he was allowed by Zeus to die because of permanent suffering from being accidentally wounded by Hercules.<sup>80</sup>

There were also mixes of humans and animals. The Selini were part human and part horse. They walked on two legs, but the legs had the hooves of horses, and they had horse ears and tails. The Minotaur was half bull and half human, the result of a sexual relationship between Pasiphae and a bull. The Sphinx was said to have had the shape of a winged lion but the breast and face of a woman.<sup>81</sup> Somewhat hard to place is Erechtheus, the first king of Attica. It is said that he lacked human ancestry and that his form was only half human.<sup>82</sup> It is also said that he was born of a dragon, that his lower half was that of a dragon,<sup>83</sup> and that he was the son of Hephaestus and was raised by Athena.<sup>84</sup> From this, it seems unclear what combination of god, human, and animal is properly assigned to him.

There were also mixtures of differing animals. For example, Pegasus was a winged horse who sprang from the blood of a Gorgon. But combinations of animal species seem less troubling. They do not blur the lines between god and animal or human and animal, and they do not then have anything to say about the relationship between humanity and the divine.

The greatest human heroes were often of divine ancestry. Achilles, the Greek hero of the Trojan War, was descended from the gods on both sides. His mother was Thetis, who was a Nereid, a water nymph considered to be among the gods of the waters. His father was King Peleus, who was a grandson of Zeus by Aegina.<sup>85</sup> Achilles was the slayer of the Trojan Hector and Prince Memnon of Ethiopia, who was himself the son of the goddess of the dawn.<sup>86</sup> Although Achilles was mortal, he was almost invulnerable. He eventually was wounded fatally in the heel, the one part not protected by his mother's almost total immersion of her child in the River Styx. Aeneas, a hero of the other side said to be outshone only by Hector, was also the son of a goddess, this time Aphrodite.<sup>87</sup> Though on the losing side, he escapes with the help of Aphrodite and, after a journey that rivals that of Odysseus, lands in Italy and founds the city of Rome.

Not only did the descendants of gods engage in the combat of the Trojan War; the gods themselves at least took sides. Not surprisingly, Aphrodite was on the side of the Trojans, as were Ares, Apollo, and Artemis. Hera, Athena, and Poseidon sided with the Greeks. Zeus, favoring the Trojans but fearful of

disagreeing with Hera, took a largely neutral stance.<sup>88</sup> Ares, the god of war, rather than settling for cheering for his chosen side, actually engages in combat. He was driven back to Olympus, after being bloodied by Diomedes, who would have been unable to defeat the god without the help of Athena.<sup>89</sup>

The royal houses of Greek city-states also found their origins in the gods.<sup>90</sup> The royal House of Thebes, the family of Creon, Oedipus, and Antigone, was descended from Zeus, through his union with Io. Zeus later entered the family tree again; his union with Semele produced Dionysus, a cousin of Oedipus through both of Oedipus's parents, Laius and Jocasta. The House of Atreus, the family that produced Agamemnon, Menelaus (whose loss of Helen to Paris started the Trojan War), Orestes, and Electra, also found its origin in Zeus. The family descended through Tantalus, a son of Zeus. Turning to Athens, the first king of Attica is, somewhat disputedly,<sup>91</sup> said to be Cecrops, the half man, half dragon, thought to have had no human ancestor, without any mention of what his ancestry was, or alternatively thought to have been an ordinary man.

The split between the human and the divine is again blurred. The difference between human and god seems almost to be quantitative, rather than qualitative. There are gods, and there are humans, but there also those who are descendants of gods and humans. Those hybrids are better than humans; they are stronger, braver, and larger than life. They are also the founders of the royal houses, and through the veins of their descendants godly blood flows. These descendants of the gods, and indeed the gods themselves, do not behave differently from ordinary persons. They are simply more epic in their actions.

Another interesting aspect of the culture of Greece, speaking to this lack of strong lines between humans and animals, if not between the gods and either other group, is the tradition of animal fables. The most well-known fabulist was Aesop.<sup>92</sup> His fables involve animals of various sorts displaying human characteristics. Some, such as “The Ant and the Grasshopper,” simply demonstrate, through the animal figures, characteristics that would be beneficial or harmful for humans. In that fable, the grasshopper spends the warmer months frivolously, while the ant is hard at work, storing up food for the winter. When winter comes, the grasshopper has no food and is in danger of starvation. When it asks the ant for help, it is rebuked for its lack of industriousness. The animals serve only as stand-ins for the human virtue of hard work as opposed to idleness, and the blurring of the human/animal line is rather limited.

“The Tortoise and the Hare” makes a similar point. In that fable, the tortoise, in response to ridicule from the hare, challenges the hare to a race.

When the hare takes an early, and seemingly commanding, lead, it decides to take a nap. While the hare is asleep, the slow but steady tortoise passes him and wins the race. Again, there is not much attribution of human characteristics, but there is the lesson that a steady effort may be more successful than a stronger but intermittent performance.

Another fable that comes closer to attributing human characteristics to animals is the fable of “The Fox and the Grapes.” In it, the fox makes a number of attempts to reach grapes hanging on a high vine. When the fox’s attempts all fail, the fox concludes that the grapes are sour anyhow. The fox, therefore, copes with his failure in the way a human might.

Other fables show planning by animals that seems human in its design. In “The Fox and the Crow,” the crow is on a branch eating a piece of cheese it has found. The fox hatches a plan to obtain the cheese for himself. He flatters the crow, and once the crow’s ego is sufficiently inflated, the fox requests to hear a song. When the crow begins to sing, the cheese falls from its mouth and is eaten by the fox. “The Mice in Council,” from which the phrase “to bell the cat” comes, involves forward-looking planning by mice to protect themselves from the cat by putting a bell around the cat’s neck, which would warn them when it came near. The fable also shows another human characteristic, when there is reluctance of all the mice to perform the potentially fatal and certainly difficult task.

The gods even play a role in the fables. In “The Frogs Who Desired a King,” a group of frogs become discontented by their seemingly happy and peaceful life. They believe life would be better with a king to rule over them and ask Zeus to send them such a ruler. Zeus puts a large log in the pond and tells them that it is to be their king. The frogs fear their king but soon discover that it is inert. They tell Zeus they need a king that moves, and he sends them a large stork that proceeds to devour them. When they call on Zeus to save them, he tells them that they have to face the consequences of what they requested. While also involving the gods, the fable demonstrates the human characteristics of the inability to leave well enough alone and teaches the lesson of being careful what you wish for.

This may seem like a topic with an at best tenuous connection to the thesis of this chapter, but it has more relevance than at first appears. Joyce Salisbury, in her work *The Beast Within: Animals in the Middle Ages*, says that “[i]t is most likely that any society that sees a close relationship between humans and animals, that sees a parallel between species, will produce fable-type stories that explore the metaphorical relationship.”<sup>93</sup> This, then, is further evidence that, in the view of the Greeks, there were not significant differences in

character not only between the gods and humans but also between humans and animals. All three shared characteristics, and neither sex nor the depiction of sex served to place a chasm between the gods and humans and to put humans more in alignment with the animal than the divine.

### *Roman Life and Arts*

Roman society borrowed heavily from the Greek, with some facets derived from the Etruscans, so it is not unexpected that their attitudes toward sex, both in life and in the arts, were similar to those of the Greeks. In the theater, sexual themes were treated with at least as much toleration as in Greece. Richard Beacham, in his study of Roman drama, finds similarities between the performances given by Etruscan actors in Rome and the Greek phallica, phallic ceremonies aimed at assuring fertility.<sup>94</sup> He also points to the existence of the oversized phalluses of terra-cotta figures similar to the Greek examples and found in areas of Italy colonized by the Greeks, concluding that in early Rome there were performances of suggestive dances of the variety he characterizes as found at modern “stag-parties.”<sup>95</sup>

Later Rome continued in its liberal treatment of sex. Beacham says that the Floralia festival performances were known for their license and naked female performers.<sup>96</sup> The treatment of sex in the theater seems, in fact, to have gone beyond the Greeks. Beacham reports on the faithful reenactment in late Roman theater of the story of Pasiphae concealing herself in a false cow so as to be mounted by a bull.<sup>97</sup> He also says that, in the third century, it was ordered that all sexual scenes in performances be actually performed, rather than simulated.<sup>98</sup> Posner makes a similar assertion regarding the Roman theater, noting that “[w]omen appeared on the stage, as actresses and dancers, often in the nude and sometimes performing sexual acts.”<sup>99</sup>

As with the Greeks, the Romans mixed the arts, religion, and fertility. The Romans, too, had an annual fertility festival, the Liberalia, involving a huge phallus carried on a chariot and crowned with a flower garland, with the procession followed by a sexual orgy.<sup>100</sup> The frescoes of Pompeii depict all varieties of sexual intercourse,<sup>101</sup> and that decor was not limited to brothels. Peter Webb says that “[t]he walls of the Imperial Banqueting Hall in Nero’s Golden Palace were decorated by the finest artists in Rome with scenes of couples making love. The Emperor Tiberius had his palace on Capri hung with erotic pictures.”<sup>102</sup> Both brothels and “respectable” dwellings contained erotic paintings,<sup>103</sup> and there seems not to have been a difference in erotic content in the two venues.<sup>104</sup> There was also a domestic industry producing pornography,

centered around the city of Arezzo.<sup>105</sup> The subject matter of all this material may have carried over from the Greeks, who occupied parts of Italy,<sup>106</sup> but it is also clear that the Etruscans had their own erotic arts, perhaps themselves influenced by their Greek contemporaries,<sup>107</sup> and the two sources may have influenced the Roman era.

The literature of the Roman era also had its sexual side, with two of the best-known extant works being focused on sex. A description of Ovid's *The Art of Love* again shows the treatment of love and sex as joyous and unshameful. Hyde says that *The Art of Love* "has been described as perhaps the most immoral work ever written by a man of genius, though it cannot be called by any means the most demoralizing, since it is entirely free from any morbid feelings."<sup>108</sup> Perhaps the acceptance of this sort of literature is called into question by the fact that the emperor Augustus banished Ovid from Rome. Augustus seems to have had at least stronger moral pretensions than others of the time, but he may have been more influenced by his belief that Ovid's writings had led to rebellion by his daughter Julia.<sup>109</sup> After the deaths of two of Julia's husbands, the results of arranged marriages, Augustus tried to force a third marriage to his stepson, whose divorce he had forced to that end.<sup>110</sup> When Julia refused, Augustus seems to have blamed Ovid. It has also been suggested that Augustus was motivated by a concern that Ovid's work would undermine marriage, an institution he had been trying to promote as a matter of public policy.<sup>111</sup> The first explanation would not speak to a distaste for this sort of literature, and the second seems to be a concern over secondary effects.

Whereas *The Art of Love* is more a guide to seduction, Petronius's *Satyricon*, also a classic of the era, is more purely pornographic. Again in the words of Hyde, "the *Satyricon* is unsurpassed on the seamy side of Roman provincial life in the first century of the Christian era. The author describes in considerable detail, which leaves little to the imagination, every sexual deviation from oral copulation . . . to sodomy . . . and the defloration of little girls."<sup>112</sup>

The actual sex life of the Romans was at least as open as, and on some fronts more open than, that of the Greeks. The pederastic culture of the Greeks was not to be found in Rome, but it was less a necessity, since Roman women were not sequestered as Greek women were. Although married women were expected to remain faithful, men were not. Married women were out in the world, however, and were, according to Posner, even sometimes said to "have had a considerable and frequently indulged taste for adultery."<sup>113</sup> The increased worldliness of Roman women and their participation in public life also meant that there was not the same need for hetaerae, although these mistresses/courtesans certainly existed in the Roman world too.

The increased availability of women of even the upper social class did not completely eliminate the practice of pederasty. There was both male and female prostitution, commonly centered on bathhouses, which involved both adult and child prostitutes, so homosexual acts with children did occur.<sup>114</sup> The emperor Hadrian also had a very public relationship with a boy lover named Antinous, and when Antinous died, Hadrian had him deified, and he was widely worshiped.<sup>115</sup> But the cult of pederasty did not carry over from the Greeks.

Turning to the Roman gods, we find analogs to or renaming of the Greek gods.<sup>116</sup> The Romans had their own gods, before adopting the Greek gods, but they seem not to have had the same sort of personalities. As the classicist Edith Hamilton puts it, “It was a simple matter to adopt the Greek gods because the Romans did not have definitely personified gods of their own. They were a people of deep religious feeling, but they had little imagination. They could never have created the Olympians, each with a distinct, vivid personality.”<sup>117</sup>

Prior to the adoption of the Greek gods, the Romans had the Numina. The early Romans did not need beautiful and poetic gods but had a group of practical gods with no stories attached, no real personalities, and even no gender identified.<sup>118</sup> There were Numina attached to the various aspects of home life, and families had ancestor spirits to protect the household. Two of the Numina, Saturn, who was associated with planting, and his wife, Ops, who was the harvest helper, eventually became identified with the Titans Cronus and Rhea. From there, it was easy to adopt the rest of the family, with changes of name. Zeus became Jupiter, and Hera became Juno. Poseidon became Neptune; Aphrodite, Venus; Artemis, Diana; and Athena, Minerva. And as already indicated, Hestia became Vesta. Apollo managed to keep his Greek name. Each of the Olympians had a Roman counterpart, coming complete with their personalities and adding a richness to the lives of the gods that had been lacking in earlier Rome. As with the Greek royal houses, there was also a tie between the gods and the legendary founder of Rome; Aeneas was the son of Venus.

For the Romans, then, as for the Greeks, there was a parallel between the lives of their adopted divine immigrants and the lives and arts of the people. The gods were sexual, and the sexual activities of human beings did not, then, serve to distinguish them from the gods. Neither did sexual depictions of humans or the public display of sex serve to depict humankind in a way that might be seen as purely animal and far removed from the divine.



## *Sex, Pornography, and the Failure to Degrade*

Before moving on to a summary of the lessons to be learned from this examination of Greek and Roman culture, there is one cultural movement to be examined. Despite the history of open and celebratory sexuality in the life of the individual and in public art in classical culture, it has been noted that in both Greece and Rome there was a philosophical development that could have led to the renunciation of the sexual attitudes present in those polytheistic cultures. The Stoics led this movement, not so much out of a religious sentiment regarding sex but out of a belief that humankind is better off rejecting sensual pleasures of all sorts and participating in eating, drinking, and sex only to the degree necessary for survival. James Brundage describes this philosophical school:

The Stoics considered sex a special type of pleasure. Sexual enjoyment was in itself morally indifferent, they believed, but they considered that men make poor use of their time when they occupy their minds with such matters. Sex, like wealth, was not a worthy goal for reasonable adults to seek, and the pursuit for sexual pleasure was not conducive to a healthy morality. . . . The truly wise person . . . cultivated a sober and reserved demeanor; he abstained from sex and other lower concerns, such as eating and drinking, beyond the minimum essential for bodily health.<sup>119</sup>

Many of the Roman legislators were Stoics, and some sexual restrictions did begin to creep into Roman law.<sup>120</sup>

But the views of the Stoics were not the views of the majority. As put by a seeming admirer of the views of the Stoics and of moralists in general, the Irish historian William Lecky,

[A] broad chasm . . . existed between the Roman moralists and the Roman people. On the one hand we find a system of ethics, of which when we consider the range and beauty of its precepts, the sublimity of the motives to which it appealed, and its perfect freedom from superstitious elements, it is not too much to say that though it may have been equalled, it has never been surpassed. On the other hand, we find a society almost absolutely destitute of moralising institutions, occupations, or beliefs, existing under an economical and political system which inevitably led to general depravity, and passionately addicted to the most brutalising amusements.<sup>121</sup>

Thus, despite any philosophical movement to the contrary, an accepted and open sexuality was a characteristic of Greek and Roman culture. It is an atmosphere that differs starkly from life among the later monotheistic Christians, and it seems to be a difference that is the result of a different view of the nature of the relationship between humans and God or between gods on the one hand and humans and animals on the other. This claim may gain additional backing from the fact that the positions of the Greek moralists had to be preceded by a renunciation of the legendary sexual deeds of the gods.<sup>122</sup> The tie between the behavior of humans and gods was not denied by the moralists. Rather, to make humans more moral or more stoic, to remove human behavior from the camp of the animal, it was necessary also to move the behavior of the gods from that camp. Only then could the argument that humans ought to be more restrained in their sexuality have any force.

This is brought home in an explanation by Roger Scruton of Plato's position on sex and love. In discussing Plato's distinction between erotic love and sexual desire, Scruton says that in Plato's view

our animal nature is the principal vehicle of sexual desire, and provides its overriding motive. In desire we act and feel as animals; indeed, desire is a motive which all sexual beings—including the majority of animals—share. In erotic love, however, it is our nature as rational beings that is primarily engaged, and, in the exercise of this passion, altogether finer and more durable impulses seek recognition and fulfilment.<sup>123</sup>

For Plato erotic love could flourish only if desire could be eliminated. This view may be seen in the later work of St. Augustine and rests on the human/animal or the divine/human/animal issue at the heart of this book. Plato took a position in favor of separating humans from the animals in order to address his concern, but Plato was not the average Greek. For those who accepted the Greek gods, and for that matter the Roman gods, sex and other pleasures in which the gods engaged would not have been seen in the negative light of the Stoics or of Plato. If not only animals but also gods were sexual, sex could hardly be seen as bad or degrading.

The Greeks' and Romans' tie to the gods, in their emulation of the sexual activities of the gods and in not seeing sex or its depiction as making humans more animal than divine, can also, perhaps, explain the difference between the acceptance of sexual activity of males and that of female citizens in Greek society. Athena, Artemis, and Hestia were all virgin goddesses. Especially in Athens, the city to which Athena was so central and from

which we draw much of our understanding of Greek culture, the virginity of Athena could well have led to a difference between males and females with regard to chastity. Males, drawing guidance from the example of Zeus, might have seen an active sex life as godlike and certainly as not degrading themselves to the animal level. Females might have emulated Hera, the queen of the gods. She would have been a different sort of role model. Hera was no Zeus with regard to sexual exploits and was noted mostly for the jealous revenge she inflicted on the lovers of Zeus, but she was not a virgin goddess. She was, of course, the mother of at least some of the children of Zeus, and Athenian women certainly were allowed to be sexual partners to their husbands. There is not really indication of extramarital sexual activity on her part, other than the possibility that Hephaestus was her child alone, at least in the sense of not being the child of Zeus. However, if Athena could be the child of Zeus alone, springing from him full grown, it seems that Hephaestus could be the child of Hera alone. Whatever guidance women might have drawn from a link to Hera, the link to the other goddesses, especially to Athena, would have led to chastity, at least outside marriage. For women, sexual activity could be seen as separating women from the goddesses. Being separated from the goddesses and being identified with animal sexuality instead of divine behavior could have caused female sexuality to be seen as degrading. This discussion of the possible reasons for the difference between the acceptance of male and of female sexuality is not to deny any roots such a difference might have had in males' asserting a property interest in their wives or daughters or in the sexual insecurities of men or in the interest in certainty in parentage for a man's heirs, but it does offer an interesting consideration.

There was no sexually obscene material in Greek and Roman culture. There was a great deal of pornography that was quite explicit in its nature, but obscenity requires more than sex. In the more modern view, obscenity turns on how "hard core" the sex is. But the sexual depictions of Greece were every bit as hard core, at least to the degree that the available technology allowed, so it is not the amount or nature of the sex that made the difference. Pornography becomes obscenity not only when it becomes sufficiently explicit but also when it becomes offensive and when it appeals to a prurient interest. The Supreme Court, in its attempt in *Roth v. United States* to define obscenity, quoted the American Law Institute's Model Penal Code. The Court said it saw no significant difference between case law analysis of the concept and the definition set forth by the ALI, which said, "A thing is obscene if, considered as a whole, its predominant appeal is to prurient interest, i.e., a shameful

or morbid interest in nudity, sex, or excretion, and if it goes substantially beyond customary limits of candor in description or representation of such matters.”<sup>124</sup>

In Greek and Roman culture, sexual depictions were not offensive and certainly did not appeal to a shameful or morbid interest. What reason for offense would there have been? What would have been shameful or morbid about an interest in such depictions? Although many people would ask the same questions in the current era, in the classical era the religious beliefs of the time make for easy answers: there would not be offense, and the interest would not be shameful.

In antiquity, sex did not serve to distinguish humans from the gods and place them on the animal side of a divine/animal distinction; hence, society did not equate sex and pornography with obscenity or shame. True, at least the more advanced animals are sexual creatures, and true, humans engage in activities that are at least similar to those of the animals. But the gods engaged in the same activities. Sex simply did not define a chasm between the divine and the animal. Without that chasm, the sexual activities of humans did not serve to put humans on a lower level than the gods. Sex did not emphasize any animal, ungodlike nature of humans, and its depiction was not obscene.

If sex did not put humans in the camp with the animals and separate humans from the gods, depictions of human sexuality could not be degrading. Such depictions were simply of activities enjoyed by all but plants and the lower animals. They were not degrading, and without this degradation, there could be pornography, but there could be no obscenity. Sexual depiction could be a part of public art and not the closeted arts of later eras. However, as discussed in the next chapter, when God is seen as a single, nonsexual entity, sex comes to place humans on the animal side of the divine/animal split. Sexual depictions then may be seen as degrading images of humanity, focusing on the animal side of our natures and divorcing us from the divine.