

LIAISONS DANGEREUSES: PROCOPIUS, LYSIAS AND APOLLODORUS*

1. INTRODUCTORY NOTES

In his discussion of chapter 9 of the *Secret History*, Gibbon writes: Theodora's 'murmurs, her pleasures, and her arts must be veiled in the obscurity of a learned language'. This elaborate formulation, that perhaps reveals more than it hides, is suggestive not only of the (porno)graphic contents of Procopius' narrative, but also of Gibbon's readiness to accept its reliability.¹ Recent scholarship, however, has done much to elucidate the nature and the purposes of Procopius' *Secret History*. It is now widely accepted, that while this work amalgamates various literary features, its main purpose is polemical.² The *Secret History* is a ferocious attack directed against Justinian and his general Belisarius that relies heavily on character assassination, focussing on the wives of these two men, namely Theodora and Antonina.³ Procopius' text is therefore marked by the use of misogynistic stereotypes that enable him to construct his invective.⁴

My aim in this paper is to show that Procopius' adumbration of Theodora and Antonina relies heavily on two famous forensic speeches, namely Lysias' much admired *On the killing of Eratosthenes* and Apollodorus' *Against Neaera*, a speech that includes the most sinister forensic *diabolé* against a woman in the Attic orators. Given the existing difficulties in determining the extent to which Procopius distorts factual reality to serve the purposes of slander, I suggest that a comparison of some

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¹ See the relevant comments of A. Cameron, *Procopius and the Sixth Century* (London 1985), 48 on Gibbon's formulation: 'At the same time he [Gibbon] took the trouble to inform the reader with relish of Alemanni's bowdlerisation of the notorious chapter nine on the sexual habits of Theodora, and to note with mock solemnity that "a learned prelate, now deceased, was fond of quoting this passage in conversation". Thereby he set the tone of all subsequent reactions'.

² See especially Cameron (n. 1), ch. 4, including a summary of views put forward by previous scholars.

³ For a good overview of Procopius' treatment of Theodora and Antonina, see Cameron (n. 1), ch. 4.

⁴ E. Fisher, 'Theodora and Antonina in the *Historia Arcana*: history and/or fiction?', in J. Peradotto and J. R. Sullivan (edd.), *Women in the Ancient World: The Arethusa Papers* (Albany, NY, 1984), 287–314 shows sufficiently how Procopius' emphasis on specific traits of Theodora's and Antonina's behaviour that deviate from the social norms regulating the conduct of women underpins his slander of their husbands. For a recent discussion of sexual conduct and the rhetoric of invective, see J.W. Knust, *Abandoned to Lust: Sexual Slander and Ancient Christianity* (New York, 2006), especially ch. 1; see also N. Worman, *Abusive Mouths in Classical Athens* (Cambridge, 2008), ch. 5.

relevant passages from the narrative of the *Secret History* with these two forensic speeches can enhance our understanding of the nature and indeed the rhetoric of the ‘biographies’ of Theodora and Antonina; at the same time it offers a criterion against which we can test the reliability of Procopius’ evidence.

2. ANTONINA, BELISARIUS AND LYSIAS

Lysias’ *On the killing of Eratosthenes* (Lys. 1) is a fascinating speech including an extremely vivid narrative.⁵ The speaker, a certain Euphiletus, was brought to the court for killing Eratosthenes, whom he caught, according to his own account, in flagrante delicto with his wife. Despite the fact that the law made it possible for husbands to kill adulterers if they caught them ‘in the act’, it seems that this was an extreme form of punishment. This perhaps explains in part why Eratosthenes’ family decided to press charges against Euphiletus, thereby making it necessary for him to hire an expert speechwriter of Lysias’ calibre.⁶

One of the most eye-catching features of the speech is the characterization of the defendant who, in the course of the narrative, presents himself as a naïve, almost stupid husband.⁷ Euphiletus fails to grasp the full meaning of his wife’s strange behaviour after the birth of their child and thus belatedly realizes that he was being cuckolded in his own house. The narrative is marked by the extensive use of direct speech⁸ and temporal expressions that divide it into independent units. This clear signposting of the events narrated by Euphiletus enhances his characterization significantly, because it reveals his inability to cotton on to his wife’s infidelity.

As we shall see in the discussion of individual passages, Procopius not only inserts in his text verbatim quotations from Lysias’ speech, but also fashions his narrative about the extramarital relations of Antonina by exploiting Euphiletus’ story. But before we move on, it is necessary to outline briefly some pivotal differences that distinguish Procopius’ narrative from his model. Firstly, in Lysias’ time there was no word to describe an ‘adulteress’.⁹ Secondly, unlike Procopius who has every reason to highlight Antonina’s promiscuity and moral baseness, Lysias’ narrative predictably plays down the role of Euphiletus’ wife. For if he adumbrated the ethos

⁵ On the narrative of the speech, see M. Edwards, ‘Lysias’, in I. de Jong, R. Nünlist and A. Bowie (edd.), *Narrators, Narratees and Narratives in Ancient Greek Literature* (Leiden and Boston, 2004), 333–6; S.C. Todd, *A Commentary on Lysias: Speeches 1–11* (Oxford, 2007) offers an excellent commentary on the speech, including an Introduction that discusses sufficiently the rhetorical qualities of Euphiletus’ story.

⁶ It is also clear from the speech that Euphiletus must convince the jurors that he did not set Eratosthenes a trap, thereby dragging him into his house in order to kill him. On this issue, see Todd (n. 5), 43–6.

⁷ On the *ēthopoia* of Lysias’ speech under review, see S. Usher, ‘Individual characterization in Lysias’, *Eranos* 63 (1965), 99–119.

⁸ On Lysias’ use of direct speech, V. Bers, *Speech in Speech: Studies in Incorporated Oratio Recta in Attic Drama and Oratory* (London, 1997), 182–4.

⁹ The existence of this lexical gap reflects dominant male presumptions concerning women’s responsibility and independence; in this connection, it is also important to note that the penalties prescribed by law for male wrongdoers were more severe than those for women (on *moicheia* as ‘seduction’, E.M. Harris, ‘Did the Athenians regard seduction as a more serious crime than rape?’, *CQ* 40 (1990), 370–7). For a convenient outline of the legal issues concerning adultery, see Todd (n. 5), 47–9.

of his wife in the way that Procopius presents that of Antonina, he would impart suspicion concerning the legitimacy of his own child and consequently jeopardize its civic status when it came of age.

Procopius embarks on his account of Antonina with specific unfavourable references to her early life. The treatment of this topic presents obvious similarities with his account of Theodora's early career as an actress which I discuss later in connection with Apollodorus' story about Neaera. In the subsequent chapters of his narrative, Procopius recounts some details regarding Antonina's liaison with Theodosius, a young man from Thrace. Antonina, Procopius says, lusted for this handsome man and because of her uncontrollable passion frequently had intercourse with him even in the presence of slaves.¹⁰ At some point though, Belisarius caught the couple in the act. I cite the relevant passage and then proceed to discuss its similarities with Euphiletus' narrative in *Lysias* 1:

καί ποτε ὁ Βελισάριος ἐπ' αὐτοφώρῳ τὴν πράξιν λαβὼν ἐν Καρχηδόνι ἐξηπάτητο πρὸς τῆς γυναικὸς ἐκὼν γε εἶναι. ὁ μὲν γὰρ ἄμφω ἐν δωματίῳ καταγείῳ εὐρῶν ἐμεμήνει, ἡ δὲ οὔτε ἀποδειλιάσασα οὔτε καταδυσσαμένη τῷ ἔργῳ τούτῳ, 'Ἐνταῦθα', ἔφη, 'τῶν λαφύρων τὰ τιμιώτατα σὺν τῷ νεανίᾳ κρύψουσα ἦλθον, ὡς μὴ ἐς βασιλεῖα ἔκπυστα γένηται'. ἡ μὲν οὖν ταῦτα σκηπτομένη εἶπεν, ὁ δὲ ἀναπεισθῆναι δόξας ἀφήκε, καίπερ τῷ Θεοδοσίῳ ἐκκελυμένον τὸν ἱμάντα ὁρῶν τὸν ἀμφὶ τὰ αἰδοῖα τὰς ἀναξυρίδας ξυνδέοντα. ἔρωτι γὰρ τῆς ἀνθρώπου ἀναγκασθεὶς ἐβούλετό οἱ τὴν τῶν οἰκείων ὀφθαλμῶν θέαν ὡς ἦκιστα ἀληθίζεσθαι. (Lys. 1.18–20)

And on one occasion Belisarius caught them in the very act in Carthage, yet he willingly allowed himself to be deceived by his wife. For though he found them both in an underground chamber and was transported with rage, she, without either playing the coward or attempting to conceal the deed, remarked 'I came down here in order to hide with the aid of the boy the most valuable of our booty, so that it may not get to the knowledge of the Emperor'. Now she said this as a mere pretext, but he, appearing to be satisfied, dropped the matter, though he could see that the belt which supported the drawers of Theodosius, covering his private parts, had been loosened. For under compulsion of love for the woman, he would have it that the testimony of his own eyes was absolutely untrustworthy.¹¹

This passage contributes significantly to Belisarius' presentation as an extremely uxorious husband, who is easily manipulated by his knavish wife. Antonina takes the young Theodosius to a basement room in order to have sex with him. When Belisarius finds them, he first gets angry, but subsequently proves unable to act. On the contrary, he is too easily appeased by his wife's (perhaps premeditated) excuse, in underhandedly seeking to convince him that she went to the basement with Theodosius in order to hide the most valuable items of her husbands' booty

¹⁰ Cf. 1.17–18 and see discussion below (§ 3).

¹¹ For the passages from the *Secret History* I have used the Loeb translation. All the translated passages from *Lysias* 1 are from Todd (n. 5); for the passages from *Against Neaera* I have used C. Carey, *Apollodoros, Against Neaira* (Warminster, 1992).

and thus protect the interests of their family.¹² Belisarius swallowed the bait and withdrew, even though Theodosius' belt was hanging loose in front of his genitals.¹³

This passage eloquently displays Belisarius' gullibility, while Procopius notably underscores his characterization through the repetition of verbs of vision that emphasize Belisarius' blindness to events that he sees with his own eyes. At the same time, these verbs offer readers the opportunity to catch a voyeuristic glimpse of Antonina's embraces with a much younger man and in this way Procopius enhances his attempt to prejudice them against her.¹⁴ Belisarius' inability to transform his initial emotion of anger into action highlights the effectiveness of his wife's manipulative behaviour and his state of unbridled amorousness.

The characterization of Belisarius in this context presents striking similarities with Euphiletus' characterization in the narrative of Lysias' *On the killing of Eratosthenes*. As we saw earlier, in that speech Euphiletus is presented as a naïve husband who fails to interpret appropriately some clear indications showing that his wife was meeting Eratosthenes in his own house. This characterization is achieved through the carefully selected pieces of information that Lysias puts into Euphiletus' mouth and the frequent use of verbs denoting his state of mind. The following passage from Lysias' speech exhibits significant similarities with the description of Antonina's secret sexual encounter with Theodosius that we saw earlier:

ἐπειδὴ δὲ ἦν πρὸς ἡμέραν, ἦκεν ἐκείνη καὶ τὴν θύραν ἀνέωξεν. ἐρομένου δέ μου τί αἱ θύραι νύκτωρ ψοφοῖεν, ἔφασκε τὸν λύχνον ἀποσβεσθῆναι τὸν παρὰ τῷ παιδίῳ, εἶτα ἐκ τῶν γειτόνων ἐνάψασθαι. ἐσιώπων ἐγὼ καὶ ταῦτα οὕτως ἔχειν ἠγούμην. ἔδοξε δέ μοι, ὦ ἄνδρες, τὸ πρόσσωπον ἐψιμυθιώσθαι, τοῦ ἀδελφοῦ τεθνεώτος οὕτω τριάκονθ' ἡμέρας· ὁμῶς δ' οὐδ' οὕτως οὐδὲν εἰπὼν περὶ τοῦ πράγματος ἐξελθὼν ὠχόμην ἕξω σιωπῇ.
(Lys. 1.14–15)

When it was getting towards morning, she came and unlocked the door. I asked her why the doors had made a noise during the night; and she explained that the baby's night light had gone out, and so she had had it relit at our neighbours'. I was silent, and believed that this was the case. But it struck me, gentlemen, that she had put make-up on her face, even though her brother had not yet been dead for thirty days. Even so, I did not make any comment about the matter, but went out and left the house in silence.

This passage indicates that when Procopius was composing the narrative about Antonina he had Lysias' speech in mind.¹⁵ Like Belisarius, Euphiletus has a clear indication that his wife is playing games behind his back, but he is totally unable to invest with meaning what he sees. When he wakes up after a night that he spends locked in the upper floor of his house and his wife releases him, he is

¹² It is noteworthy that the antithesis visible/invisible in this scene attributes to Antonina's words ironic overtones that produce humour: Antonina asks Theodosius to help her *hide* Belisarius' booty from Justinian; but what she does is to hide the manifest signs of her sexual activity with Theodosius. In addition, the present context almost invites us to read the phrase 'the most valuable items of the booty' (τῶν λαφύρων τὰ τιμιώτατα) metaphorically and thus adds further significance to the disparagement with which Procopius treats Belisarius' credulity.

¹³ On *anaxyrides* in Procopius, see A. Brzostowska, 'Le mot *anaxyrides* chez Procopée de Césarée et dans la tradition littéraire grecque et romaine', *Eos* 68 (1980), 251–65.

¹⁴ On this see Cameron (n. 1), 71 with note 32.

¹⁵ It is perhaps a truism to mention that Procopius is a highly classicizing author and therefore his texts can be viewed as palimpsests that carry traces imprinted on them by centuries of rhetorical education. On Procopius' style and dependence on classical tradition, see Cameron (n. 1), ch. 3.

able to discern that she has make-up on her face, even though she did not spend the night with him and despite the fact that the family was going through a period of bereavement after the death of the speaker's brother. Furthermore, Euphiletus is too ready to swallow his wife's silly explanation concerning the squeaking of the doors during the night: all he does is go out in silence.

Although it seems to me clear that Procopius models Belisarius' persona on Lysias' Euphiletus, it is important to stress here that the characterization of the two men is not identical in every respect. For although both men are presented as gullible husbands who fall prey to the manipulations of their wives, there still exist important differences in the ways that these two authors sketch the personalities of Belisarius and Euphiletus. For, unlike Belisarius, who lets himself be convinced by Antonina's excuse on account of his passion for her, Lysias does not present Euphiletus as an uxorious husband and indeed nowhere in the speech is he shown to reveal marks of affection towards his wife. By contrast, at the beginning of his narrative (6) he clearly states that when his wife moved into his house, he 'kept watch on her as far as was possible'. It was only after the birth of his child, that he started to trust her. The inclusion of this detail aims to neutralize any possible suspicions concerning the legitimacy of his child and offers Lysias the opportunity to stress the credulity of Euphiletus, who believes that his wife was the best of women and an excellent housekeeper (7). He thus implicitly appeals to stereotypical beliefs about women's craftiness, which he expects that the audience of male judges will also endorse.

In the subsequent lines of Procopius' story, we learn that Belisarius came to realize the nature of his wife's relationship with Theodosius when a female slave, Macedonia, approached him in Syracuse, after his victorious campaign in Sicily. The forensic overtones of this scene are clearly enhanced by the detail that Macedonia was accompanied by two slaves of the bedchamber who, Procopius implies, were able to produce first-hand testimony concerning their mistress's sexual life. When Macedonia met Belisarius, she bound him with severe oaths that he would never betray her to his wife, and then proceeded to reveal the whole truth about his wife's affair with Theodosius. The relevant passage runs as follows:

τῆς δὲ μαχλοσύνης αἰεὶ προϊούσης ἐς κακὸν ἄφατον οἱ μὲν ἄλλοι θεώμενοι τὰ πραττόμενα ἐν σιωπῇ εἶχον, δούλη δὲ τις Μακεδονία ὄνομα ἐν Συρακούσαις, ἥνικα Σικελίας ἐκράτησε Βελισάριος, ὄρκους δεινοτάτους τὸν δεσπότην καταλαβοῦσα, μή ποτε αὐτὴν τῇ κεκτημένη καταπροήσασθαι, τὸν πάντα αὐτῷ λόγον ἐξήνεγκε, δύο παιδάρια πρὸς μαρτυρίαν παρασχομένη, οἷς δὴ τὰ ἀμφὶ τὸν κοιτῶνα ὑπηρετεῖν ἐπιμελὲς ἦν. (Procop. *Hist. Arc.* 1.21)

Now this wantonness kept growing worse and worse until it had become an unspeakable scandal, and though people in general, observing what was going on, kept silence about it, yet a certain slave girl named Macedonia, approaching Belisarius in Syracuse, when he had conquered Sicily, and binding her master by the most dread oaths that he would never betray her to her mistress, told him the whole story, adducing as witnesses two lads who were charged with the service of the bedchamber.

Apart from the individual verbal similarities of this passage with Lysias' speech that I cite below, Procopius seems to construct his story about Macedonia's revelation of the truth to Belisarius on the basis of Euphiletus' story. In Lysias' speech, it is an unnamed slave, whose mistress had had a liaison with Eratosthenes, that approaches Euphiletus and informs him about the identity of his wife's lover

(15–16). As she says, her own mistress was let down by Eratosthenes who was a professional adulterer and thus has been neglecting her for a long period of time. She then urges Euphiletus to interrogate under the threat of torture the slave girl who accompanied him to the agora and who, as is clear from the narrative, served as a go-between in her mistress's extramarital relationship. Furthermore, the passage from Procopius that I cited above, along with the passages that I cite here, also incorporates specific formulations that occur in Lysias' speech:

- (a) Macedonia's plea for secrecy parallels Euphiletus' austere words when he eventually takes hold of the slave girl (*ὅπως τοίνυν ταῦτα μηδεὶς ἀνθρώπων πεύσεται*, 21);
- (b) The phrase *ἐν σιωπῇ εἶχον* parallels its double use by Lysias at 14–15 (in both cases it is used to describe Euphiletus' reaction to his wife's silly excuses);
- (c) When later in the narrative Belisarius asks Photius, Theodora's son, to help him tackle Theodosius, Procopius has Photius say: *ὑπηρετήσῃ μὲν ὡμολόγει ἐς ἅπαντα, δεδιέναι δὲ μή τι λάβοι ἐνθένδε κακόν*. These words are also taken from Euphiletus' interrogation of the slave girl (*εἰ κατεμπούσαν ἅπαντα τᾶληθῆ μηδὲν παθεῖν κακόν*, 18; *πίστιν παρ' ἐμοῦ λαβοῦσα μηδὲν πείσεσθαι κακόν*, 20; *ἀνδ ὡμολόγει ταῦτα ποιήσῃ*, 21).

Finally, it is particularly notable that throughout his narrative concerning Antonina's adulterous relationship with Theodosius Procopius employs direct speech and temporal phrases, both of which are distinctive characteristics of Euphiletus' story.¹⁶

3. THEODORA, JUSTINIAN AND APOLLODORUS

Apollodorus' famous speech *Against Neaera* is a vehement attack against a retired courtesan. At the time of the speech, Neaera, who started her career at Corinth, was living in Athens with Stephanus, a minor political figure of the fourth century B.C. Although the prosecution was formally initiated by Theomnestus, a relative of Apollodorus, the trial itself was the product of the ongoing political disputes between Apollodorus with Stephanus. In order to serve his own political purposes, Apollodorus accused Neaera of fraudulently living together with Stephanus in Athens as if they were a married couple, thereby securing the privilege of Athenian citizenship for her children. Given the lack of circumstantial evidence, Apollodorus' speech relies heavily on slander. He thus directs his mud-slinging rhetoric against both Neaera and Phano, a woman who, according to Apollodorus, is Neaera's daughter. As we shall see, Procopius' narrative concerning Theodora, an empress who spent her early years as an actress in the shady world of the Hippodrome and the theatre, draws heavily on Apollodorus' account of Neaera's life.

Procopius starts his 'biography' of Theodora by describing the early steps of the empress in the Byzantine Hippodrome. Procopius puts significant emphasis on the upbringing of Theodora and her sisters, who, as he claims, were brought up by a mother who was a procurer of her own daughters. Theodora, Procopius claims, had improper sexual relationships even before she lost her virginity by indulging in anal sex with anyone willing to pay. This account of Theodora's early career

¹⁶ Cf. *τῆς δὲ μαχλοσύνης ἀεὶ προϊούσης*, 1.21; *οὐ πολλῶ δὲ ὕστερον*, 1. 26; cf. also 1.28.

exhibits striking affinities with Apollodorus' description of Neaera's early career in Corinth. It was there that Nicarete, a talent scout and an efficient procuress,¹⁷ trained Neaera along with other famous courtesans that Apollodorus mentions by their names. I cite the relevant passage:

ἔγχε δὲ γυναῖκα, ἣ ὄντινα τρόπον γενομένη τε καὶ τραφεῖσα καὶ τῷδε τῷ ἀνθρώπῳ ἐς γάμον ξυναφθεῖσα πρόρριζον Ῥωμαίους τὴν πολιτείαν ἐξέτριψεν, ἐγὼ δηλώσω. Ἀκάκιος ἦν τις ἐν Βυζαντίῳ θηριοκόμος ... παίδων οἱ ἀπολελειμμένων τριῶν θήλεος γένους, Κομιτοῦς τε καὶ Θεοδώρας καὶ Ἀναστασίας, ὧνπερ ἡ πρεσβυτάτη οὕτω ἐπαέτης γενοῦσα ἐτύγχανεν ... ἐπεὶ δὲ τὰ παιδία ταῦτα ἐς ἡβὴν ἦλθε, καθήκεν αὐτὰ ἐπὶ τῆς ἐνταῦθα σκηνῆς αὐτίκα ἡ μήτηρ, ἐπεὶ εὐπρεπεῖς τὴν ὄψιν ἦσαν, οὐ μέντοι ὑπὸ χρόνον τὸν αὐτὸν ἀπάσας, ἀλλ' ὡς ἐκάστη ἐδοξέν οἱ ἐς τὸ ἔργον τοῦτο ὠραία εἶναι. ἡ μὲν οὖν πρώτη Κομιτῶ ἤδη ἐν ταῖς καθ' αὐτὴν ἑταίραις λαμπρὰ ἐγεγόνη. Θεοδώρα δὲ ἡ μετ' ἐκείνην χιτωνίσκον χειριδωτὸν ἀμπεχομένη δούλω παιδί πρέποντα τὰ τε ἄλλα ὑπηρετοῦσα εἶπετο καὶ τὸ βᾶθρον ἐπὶ τῶν ὤμων αἰεὶ ἔφερεν, ἐφ' οὐπερ ἐκείνη ἐν τοῖς ξυλλόγοις καθῆσθαι εἰώθει. τέως μὲν οὖν ἄωρος οὖσα ἡ Θεοδώρα ἐς κοίτην ἀνδρὶ ξυνιέναι οὐδαμῆ εἶχεν, οὐδὲ οἷα γυνὴ μίγνυσθαι ἡ δὲ τοῖς κακοδαίμονουσιν ἀνδρείαν τιὰ μισητίαν <ἀν>εμίσητο, καὶ ταῦτα δούλοις, ὅσοι τοῖς κεκτημένοις ἐπόμενοι ἐς τὸ θέατρον πάρεργον τῆς οὔσης αὐτοῖς εὐκαιρίας τὸν ὄλεθρον τοῦτον εἰργάζοντο, ἐν τε μαστροπείῳ πολὺν τινα χρόνον ἐπὶ ταύτῃ δὴ τῇ παρὰ φύσιν ἐργασία τοῦ σώματος διατριβὴν εἶχεν. ἐπειδὴ δὲ τάχιστα ἔς τε τὴν ἡβὴν ἀφίκετο καὶ ὠραία ἦν ἤδη, εἰς τὰς ἐπὶ σκηνῆς καθήκεν αὐτὴν, ἑταῖρα τε εὐθὺς ἐγεγόνη, οἷανπερ οἱ πάλαι ἄνθρωποι ἐκάλουν πεζίην. (Procop. *Hist. Arc.* 8.1–11)

And he [sc. Justinian] married a wife concerning whom I shall now relate how she was born and reared and how, after being joined to this man in marriage, she overturned the Roman State to its very foundations. There was in Byzantium a certain Acacius, keeper of the animals used in the circus ... leaving three girls, Comito, Theodora and Anastasia, the eldest of whom was not yet seven years of age ... And when these children came of age, the mother immediately put them on the stage there – since they were fair to look upon – not all three at the same time, but as each one seemed to her to be ripe for this calling. Now Comito, the first one, had already scored a brilliant success among the harlots of her age; and Theodora, the next in order, clothed in a little sleeved frock suitable to a slave girl, would follow her about, performing various services and in particular always carrying on her shoulders the stool on which her sister was accustomed to sit in the assemblies. Now for a time Theodora, being immature, was quite unable to sleep with a man or to have a woman's kind of intercourse with one, yet she did engage in intercourse of a masculine type of lewdness with the wretches, slaves though they were, who, following their masters to the theatre, incidentally took advantage of the opportunity afforded them to carry on this monstrous business, and she spent much time in the brothel in this unnatural traffic of the body. But as soon as she came of age and was at last mature, she joined the women of the stage and straightaway became a courtesan, of the sort whom men of ancient times used to call 'infantry'.

The emphasis that Procopius places on Theodora's upbringing parallels Apollodorus' description of Neaera's upbringing at Corinth and the subsequent training of Phano in the house of Stephanus at Athens. Apollodorus deliberately in his speech insists on Neaera's early steps, because this allows him to present Phano as an effigy of Neaera and Stephanus' *oikos* as a brothel, rather than a decent Athenian

¹⁷ Apollodorus here presents Nicarete as a typical procuress (see Carey [n.11], 94). On the stereotypes surrounding procurers, see K. Kapparis, *Ἀπολλόδωρος, Κατὰ Νεαίρας* (Athens, 2008), 181–3.

household.¹⁸ He thus claims (18) that Neaera ‘was brought up and trained skillfully’ by Nicarete (ἐπισταμένη θρέψαι καὶ παιδεύσαι ἐμπείρως). This enables him to explain Phano’s unsuccessful marriage with Phrastor on the basis of her inappropriate upbringing by a former courtesan who bequeathed to her daughter all the negative traits of her manners and personality (ἀλλ’ ἐζήτει τὰ τῆς μητρὸς ἔθη καὶ τὴν παρ’ αὐτῆ ἀκολασίαν, ἐν τοιαύτῃ οἶμαι ἐξουσία τεθραμμένη, 51).

As Procopius proceeds to offer specific details concerning Theodora’s childhood, the similarities with Apollodorus’ narrative become more frequent. Just like Nicarete, the Corinthian procurer who owned Neaera, Theodora’s mother is an expert judge of her daughters’ beauty (cf. δεινὴ δὲ [καὶ δυναμένη] φύσιν μικρῶν παιδίων συνιδεῖν εὐπρεπῆ, 18). She is also able to determine the appropriate time to prostitute each one of them, exactly as Nicarete sells her girls only after she has made enough profit from their prime youth. Theodora also resembles Neaera in that she sold her body even before she reached puberty, following Comito, her older sister, who was already a famous prostitute (cf. σνηκολούθει δὲ καὶ Νέαιρα αὐτῆ, ἐργαζομένη μὲν ἤδη τῷ σώματι, νεωτέρα δὲ οὐσα διὰ τὸ μήπω τὴν ἡλικίαν αὐτῆ παρεῖναι, [Dem.] 59. 22–3).

Procopius’ slander reaches a climax at the point where he provides graphic details concerning Theodora’s promiscuity. He claims that her career as a mime actress involved indecent sexual practices frequently exercised in sympotic environments,¹⁹ especially in the company of young and robust men. Theodora, Procopius says, would often go to these feasts in the company of more than ten youngsters and have sex with the guests all night long (ξυνεκοιτάζετο μὲν τοῖς συνδείπνοις ἅπασιν τὴν νύκτα ὄλην, 9.16). As if this were not enough, when these young men were exhausted Theodora would subsequently have sex with their slaves (παρὰ τοὺς ἐκείνων οἰκέτας, 9.16) who frequently were no fewer than thirty in number. This description of Theodora’s lechery is clearly an exaggerated appropriation of an incident that Apollodorus includes in his narrative, in order to highlight Neaera’s promiscuity. According to Apollodorus, when Neaera was still with one of her lovers, a certain Phrynion, he took her to a symposium at Chabrias’ house. During the feast, Neaera got drunk and offered her body not only to many of Chabrias’ guests, but also to the servants of this wealthy Athenian (καὶ ἐκεῖ ἄλλοι τε πολλοὶ συνεγίνοντο αὐτῆ μεθύουσα καθεύδοντος τοῦ Φρυνίωνος καὶ οἱ διάκονοι οἱ Χαβρίου τράπεζαν παραθέμενοι, 33–4). This, Apollodorus claims, happened while Phrynion was asleep.

In the context of his discussion of Theodora’s indecent conduct at symposia, Procopius seems to exploit one of the most acrimonious formulations of Apollodorus’ speech. Procopius claims that during a feast Theodora mounted a couch and displayed her genitals to the guests, while at the same time she complained to nature that it did not provide her with two more openings on her breasts. In presenting this incident, Procopius comments with disparagement that this complaint was made by a woman who made her living by using three openings.

¹⁸ On Apollodorus’ narrative and the ‘biographies’ of Neaera and Phano, see D. Spatharas, ‘Kinky stories from the rostrum: storytelling in Apollodorus’ *Against Neaira*’, *Ancient Narrative* 9 (2009), 99–120.

¹⁹ On the association of professional performers and prostitution, see R. Webb, *Demons and Dancers: Performance in Late Antiquity* (Cambridge, MA and London, 2008), 49–50 and 53–4, with specific references to Theodora.

Despite the hesitations expressed by Carey (n. 11), 141–2, Procopius seems to pick up the phrase ‘three openings’ (κακ τριῶν τρυπημάτων) from Apollodorus. According to Hermogenes (*Id.* 2.3.84–7 Rabe), the manuscripts of *Against Neaera* omit the phrase ἀπό τριῶν τρυπημάτων owing to its obscenity. As Kapparis claims in his recent commentary on *Against Neaera* ([n. 17], 320), Hermogenes’ comment indicates that the phrase existed in the version of the speech that he was reading.²⁰ Kassel maintained that the occurrence of the phrase in Procopius vouches for its use by Apollodorus, an argument that gains further support from the fact that (as I am trying to show) Procopius models his slander of Theodora on *Against Neaera*.²¹ Yet two passages from Procopius which have not so far been noticed seem to provide further support to those scholars who favour the inclusion of the phrase in Apollodorus’ text.

The first appears at 9.12, where Procopius claims that Theodora was selling the whole of her body (ἐκ παντὸς ἐργαζομένη τοῦ σώματος, 9.12). The combination of ἐργάζομαι with τὸ σῶμα appears four times in Apollodorus (20, 22, 36, 44), while at paragraph 114 Apollodorus maintains that Neaera sold her body in all possible positions (μετὰ πολλῶν καὶ ἀσελγῶν τρόπων πολλάκις πολλοῖς ἐκάστης ἡμέρας συγγεγενημένη, ὡς ἕκαστος ἠβούλετο). The second relevant passage from Procopius refers to Theodora’s affair with Hecebolius. Procopius claims here that when this man sent her away (on this incident see discussion below), Theodora was forced to return to her unlawful profession (τὴν ἐς τὸ σῶμα παρανομίαν ... ἐργαζομένη) and sell her body disgracefully throughout the whole East (ἐς μὲν οὖν Ἀλεξάνδρειαν τὰ πρῶτα ἦκεν. ἔπειτα δὲ πᾶσαν τὴν ἔω περιελθοῦσα ἐς Βυζάντιον ἐπανῆκεν, ἐργασία χρωμένη ἐν πόλει ἐκάστη, 9.27–8). Procopius’ source of inspiration here seems to be *Against Neaera* (108) and more particularly the passage where the dubious reading concerning Neaera’s openings seems to belong. In that context, Apollodorus comments, with overt exaggeration, that Neaera sold her body throughout the world (εἶτα τὴν τοιαύτην καὶ περιφανῶς ἐγνωσμένην ὑπὸ πάντων <ἀπὸ τριῶν τρυπημάτων> γῆς περίοδον εἰργασμένην ψηφιεῖσθε ἀστὴν εἶναι; 108). Given these striking similarities, I suggest that the version of *Against Neaera* that Procopius knew included the phrase ἀπό τριῶν τρυπημάτων and that this phrase suited Procopius’ purposes in the most efficient way.

I now turn to Theodora’s marriage with Justinian. As we saw earlier, Procopius highlights in his narrative the empress’s upbringing. In doing so he aims to emphasize the inappropriateness of Justinian’s choice in marrying a woman such as Theodora and thus to underscore the political repercussions of this choice.²² It is thus particularly notable that Procopius employs once more the word *τραφεῖσα* at the point where he proceeds to discuss Justinian’s marriage with Theodora, whom, as he says, Justinian met as a client:

²⁰ Kapparis (n.17), note ad loc. also provides further evidence supporting his decision to include the reading at paragraph 108.

²¹ See R. Kassel, ‘Kritische und exegetische Kleinigkeiten IV’ *RhM* 116 (1974), 104–5.

²² Cameron (n. 1), 76–7 observes that Procopius’ account is unique in emphasizing the licence of Theodora’s premarital life. The rest of the sources, she claims, criticize her marriage with Justinian on the grounds of her being a professional actress.

ἐπεὶ δὲ ἀφίκετο εἰς Βυζάντιον αὐθις, ἠράσθη αὐτῆς Ἰουστινιανὸς ἔρωτα ἐξαισίον οἶον, καὶ τὰ πρῶτα ἐπλησίαζεν ὡς ἐρωμένη, καίπερ αὐτὴν ἀναγαγὼν εἰς τῶν πατρικίων ἀξίωμα. (Procop. *Hist. Arc.* 9. 30–1)

But when she came back to Byzantium once more, Justinian conceived for her an overpowering love; and at first he knew her as mistress, though he did advance her to the rank of the Patricians.

The description of Justinian's encounter with Theodora parallels Apollodorus' description of Stephanus' first encounter with Neaera at Megara. Neaera, according to Apollodorus, fled to Megara, because one of her Athenian lovers, a certain Phrynion, treated her outrageously. Because of the stinginess of the Megarians, Neaera was unable to sustain the luxurious life to which she was used, and this, according to Apollodorus, urged Stephanus, to whom Neaera offered her sexual services (*καταγόμενον ὡς αὐτὴν ἑταίραν οὖσαν καὶ πλησιάσαντα αὐτῇ*, 37), to take her with him to Athens and secure her a decent life in a house that Apollodorus later describes as a brothel. Stephanus also promised to Neaera that he would keep her as his wife and make his children Athenian citizens.²³

What seems to be the most important element that Procopius takes from Apollodorus in this context is Justinian's willingness to elevate Theodora to the rank of the patricians immediately after his first meeting with Theodora. Like Apollodorus' Stephanus, who is too ready to secure Athenian citizenship for Neaera and her children and thereby fraudulently become her *kyrios* in Athens, Justinian's uncontrollable passion for Theodora is the ultimate cause of her social advancement and acquisition of extreme powers.²⁴

However, this is not the only element that Procopius borrows from Apollodorus in order to construct his story about the emperor's marriage with a former courtesan. For it is particularly notable that he describes Theodora's marriage with Justinian immediately after the story of her unsuccessful relationship with one of her lovers, namely Hecebolius. The presentation of this man's decision to send her away and of her subsequent wandering before she meets Justinian are clearly reminiscent of Neaera's elopement to Megara prompted by the allegedly hubristic treatment that she suffered at the hands of Phrynion, one of her Athenian lovers. Interestingly enough, later in his narrative Procopius presents Theodora as the victim of Hecebolius' insolence (*οἷς δὴ περιύβριστό τε πρὸς τοῦ Ἐκηβολίου*, 12.30). This inconsistency is indeed striking, because it has its counterpart in Apollodorus' ambivalent story about Phrynion. For while Apollodorus claims that Neaera was treated barbarously by Phrynion (*ἀσελγῶς προὔπηλακίζετο ὑπὸ τοῦ Φρυνίωνος*, 35) and thus seems to adopt her point of view concerning this man's behaviour (*διηγησαμένη [sc. to Stephanus] ... τὴν ὕβριν τοῦ Φρυνίωνος*, 37), he is careful enough to attribute her escape to the fact that Phrynion had ceased to satisfy her desires (*καὶ οὐχ ὡς ᾔετο ἠγαπάτο, οὐδ' ὑπηρέτει αὐτῇ ἂ ἐβούλετο*,

²³ On Apollodorus' inconsistencies concerning the number of Neaera's children, see Carey [n. 11], 105–6. Procopius comments disparagingly at 17.16 that Theodora had conceived a child by one of her lovers and that she had no hesitation about having abortions. This note, of course, serves the misogynistic purposes of his invective.

²⁴ Cf. 12.31, where Procopius says that after Theodora's unsuccessful relationship with Hecebolius she had a consolatory dream that anticipated her marriage with Justinian (presented here as a demon). On the demonological aspects of the *Secret History*, see Cameron (n. 1), esp. 54–5.

35); to the same effect Apollodorus also mentions that at the time of her escape from Phrynion's house, Neaera had sufficient sangfroid to take with her some items of Phrynion's property (35). These details are consistent with Apollodorus' exploitation of stereotypes surrounding courtesans, including their greed and the threat that they pose to the stability and well-being of the *oikos*.

Before I conclude, I would like to discuss a passage from Procopius that expresses with remarkable density the repercussions of Theodora's coming to power. This significant passage seems to be modelled on a passage from *Against Neaera* where Apollodorus brandishes in front of the judges the consequences of Neaera's acquittal by emphasizing its repercussions upon the common interests of the city. I cite both passages:

Τότε καὶ ταῖς γυναῖξι σχεδόν τι ἀπάσαις τὸν τρόπον διεφθάρθαι ξυνέβη. ἐξήμαρτον γὰρ ἐς τοὺς ἄνδρας ἐξουσία τῇ πάσῃ, οὐ φέροντος αὐταῖς κίνδυνόν τινα ἢ βλάβην τοῦ ἔργου, ἐπεὶ καὶ ὅσαι μοιχείας ἀλοίεν, αὐταὶ κακῶν ἀπαθείς ἔμενον, παρὰ δὲ τὴν βασιλίδα αὐτίκα ἰοῦσαι ἀντίστροφοί τε γενόμεναι καὶ δίκην οὐ γεγονότων ἐγκλημάτων ἀντιλαχοῦσαι τοὺς ἄνδρας ὑπήγον. περιὴν τε αὐτοῖς ἀνεξελέγκτοις οὖσι τὴν μὲν προῖκα ἐν διπλασίῳ ἀποτινύναι, μεμαστιγωμένοις δὲ ἐκ τοῦ ἐπὶ πλείστον ἐς τὸ δεσμωτήριον ἀπαχθῆναι, καὶ αὐτὰς πάλιν τὰς μοιχευτῆρας ἐπιθεῖν κεκομψευμένας τε καὶ πρὸς τῶν μοιχῶν ἀδεέστερον λαγνευομένας. τῶν δὲ μοιχῶν πολλοὶ ἀπ' αὐτοῦ τοῦ ἔργου καὶ τιμῆς ἔτυχον. διόπερ οἱ πλείστοι τὸ λοιπὸν πάσχοντες πρὸς τῶν γυναικῶν ἀνόσια ἔργα ἀσμενέστατα ἀμαστιγῶτοι σιωπῇ ἔμενον, τὴν παρρησίαν αὐταῖς τῷ μὴ πεφωράσθαι δοκεῖν ἐνδιδόντες.
(Procop. *Hist. Arc.* 17.24–6)

At the time it came to pass that practically all women had become corrupt in character. For they sinned against their husbands with complete licence, since such acts brought them no danger or harm, because even those who were found guilty of adultery remained unscathed; for they straightaway went to the Empress and turning the tables brought counter-suit against their husbands and haled them before the court though no charges had been made against them. And all the husbands got of it was to was to pay a fine double the wife's dowry, although no charge had been proved against them, and then to be scourged and, usually, led off to prison, and afterwards to look on while the adulteresses preened themselves and more boldly than ever accepted their seducers' embraces. And many of the adulterers actually attained honour from this conduct. Consequently most men thereafter, though outrageously treated by their wives, were very glad to remain silent and escape the scourge, granting their wives complete freedom by allowing them to think that they had not been detected.

ὥστε πολὺ μᾶλλον ἐλυσιτέλει μὴ γενέσθαι τὸν ἀγῶνα τουτονὶ ἢ γενομένου ἀποψηφίσασθαι ὑμᾶς. κομιδῇ γὰρ ἤδη [παντελῶς] ἐξουσία ἔσται ταῖς πόρραις συνοικεῖν οἷς ἂν βούλονται καὶ τοὺς παῖδας φάσκειν οὐδ' ἂν τύχῳσιν εἶναι καὶ οἱ μὲν νόμοι ἀκυροὶ ὑμῖν ἔσονται, οἱ δὲ τρόποι τῶν ἑταυρῶν κύριοι ὃ τι ἂν βούλονται διαπράττεσθαι. ὥστε καὶ ὑπὲρ τῶν πολιτῶν σκοπεῖτε, τοῦ μὴ ἀνεκδότους γενέσθαι τὰς τῶν πενήτων θυγατέρας. Νῦν μὲν γὰρ, κὰν ἀπορρηθῆ τις, ἱκανὴν προῖκ' αὐτῇ ὁ νόμος συμβάλλεται, ἂν καὶ ὀπωσιτοῦν μετρίαν ἢ φύσις ὄψιν ἀποδῶ· προηπλακισθέντος δὲ τοῦ νόμου ὑφ' ὑμῶν ἀποφυγούσης ταύτης, καὶ ἀκύρου γενομένου, παντελῶς ἤδη ἢ μὲν τῶν πορνῶν ἐργασία ἤξει εἰς τὰς τῶν πολιτῶν θυγατέρας, δι' ἀπορίαν ὅσαι ἂν μὴ δύνωνται ἐκδοθῆναι, τὸ δὲ τῶν ἐλευθέρων γυναικῶν ἀξίωμα εἰς τὰς ἑταίρας, ἂν ἀδειαν λάβωσι τοῦ ἐξεῖναι αὐταῖς παιδοποιεῖσθαι ὡς ἂν βούλωνται καὶ τελετῶν καὶ ἱερῶν καὶ τιμῶν μετέχειν τῶν ἐν τῇ πόλει.
([Dem.] 59.112–13)

So it would have been far more beneficial if this trial had never taken place than that you should acquit now that it has. For there will then be complete freedom for whores to live in marriage with anyone they please, and to declare anyone at all the father of

their children. And your laws will be invalid, while the characters of courtesans will have the power to achieve whatever they wish. So you must also show concern for the women of citizen birth, to prevent the daughters of poor men becoming unmarriageable. For as matters stand, even if the girl is needy, the law contributes an adequate dowry for her, if nature gives her even a remotely moderate appearance. But if the law is brought into contempt by you with this woman's acquittal and becomes invalid, then without doubt the trade of whores will fall to the daughters of citizens, all those who because of poverty cannot be married, while the status of free women will fall to the courtesans, if they are given the freedom to bear children as they see fit and to share in the civic rituals and ceremonies and rights.

Although these passages exhibit only a few verbal similarities, it seems to me highly possible that Procopius depends here on Apollodorus. The most obvious characteristic of his dismissive adumbration of women's morals under Theodora lies in the emphasis that he places on the subversion of the hierarchy within the family caused by the example set by the empress. In Theodora's new world as presented by Procopius, men not only ceased to have the power to punish their wives for their extramarital relationships, but also any action that they would take against their adulterous wives resulted in their own punishment. This is no doubt a devilish reversal of social hierarchy that, in my view, echoes the reversal portrayed by Apollodorus in his attempt to frighten the jurors and thus prejudice them against Neera. Byzantine society under Antonina, where women's behaviour was, according to Procopius, indistinguishable from that of prostitutes, resembles the city that Apollodorus invites the jurors to envisage if they let Neera go unpunished.²⁵ In such a case, Athens will become a lawless community; the daughters of poor citizens will become prostitutes; and husbands will be uncertain about the legitimacy of their offspring because women will feel free to have children with anyone they wish. Both Theodora's world and Athens after Neera's acquittal are communities that annihilate masculine domination, because men are no longer in control of the private lives and the sexual appetites of women.²⁶

4. CONCLUSION

I have attempted to show that Procopius' *Secret History* and especially the invective that he directs against Antonina and Theodora rely heavily on two famous forensic speeches. In these speeches Procopius found useful material that enabled him both to construct his narrative and enhance his slander by sketching the personalities of the female protagonists of his *History*. It is particularly noteworthy, of course, that much of the 'biographical' material concerning Theodora is taken from one of the most sinister forensic attacks against a woman that survive in the corpus of the Attic orators. I hope to have shown that Gibbon, who, of course, is far from being the only one to take Procopius at his word, would have been more sceptical concerning Theodora's abominable conduct, if he had realized that the only existing account relating her 'murmurs, pleasures and arts' is dependent on a vehement forensic slander that capitalizes on murmurs and whispers concerning

²⁵ For a recent discussion of this reversal of social roles and its repercussions upon the community, see K. Gilhuly, *The Feminine Matrix of Sex and Gender in Classical Athens* (Cambridge, 2009), 55–7.

²⁶ On Procopius' insistence on the private lives of women, see Cameron (n. 1), 71–2.

the life of an elderly and retired courtesan. Procopius' choice to exploit the most scurrilous passages of *Against Neaera* clearly indicates that he programmatically intended to compose a slander against Theodora (and, of course, Antonina) and thus that the details concerning her life in the theatre and the Hippodrome must be treated with extreme caution.

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