

ANCIENT RAPE CULTURES: SEXUAL VIOLENCE IN THE GREEK, ROMAN, JEWISH, AND EARLY CHRISTIAN WORLD

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Rape Culture in Classical Athens

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Introduction: a brief note on terminology

This article examines the concept of “rape culture” and its applicability to Classical Athens: what is rape culture? Can the term be applied to Athens in the Classical period? And how can we determine if Classical Athens was a “rape culture”?

Given the centrality of language (both ancient and modern) to scholarly debates on the issue of sexual violence in antiquity, it is worth clarifying how I define the terms “rape” and “sexual violence” from the outset of this paper. I follow Hunter Gardner in understanding rape *not* as a verbally denoted and legally evaluated event, but as an embodied experience lived through by a victim.¹ The issue at stake is not how the laws of any one society criminalize and label a particular sexual act, but rather how the various parties involved experience that act. I thus use the term “rape” in its broadest, non-legalistic sense of non-consensual sex, and often use it interchangeably with the term “sexual violence”. I define “sexual violence” broadly as any non-consensual act of a sexual nature. If the circumstances of an act are coercive – that is, if they limit the ability of one party to grant or withhold their consent, to exercise autonomy over their own body – then the act in question is considered an act of sexual violence. For example, relation(ship)s between war-captives and their enslavers, which we see frequently in Greek literature, are inherently coercive and thus constitute sexual violence. This is true regardless of whether they were recognized as such under the law.

What is rape culture?

The term “rape culture” first appeared in the US in the 1970s, in the midst of the second-wave feminist movement. The first recorded use of the term appeared in 1975 in a documentary film titled *Rape Culture*, produced by Margaret Lazarus and Renner Wunderlich for Cambridge Documentary Films. This film established a link between sexual violence and “normal” patterns of behaviour under patriarchy, and examined the role media and popular culture played in perpetuating attitudes towards rape.² In the same year, Susan Brownmiller furthered the link between rape and culture in her landmark publication *Against Our Will: Men, Women, and Rape*, which sought to explain the prevalence of rape in society. The term gained popularity and entered common parlance in the 2010s, particularly with the emergence of the #MeToo movement. The term is used by feminist activists and scholars to denote a culture in which rape is widespread and normalized.

Beyond simply describing a culture in which sexual violence is prevalent, the term “rape culture” specifically refers to the ways in which the socio-cultural environment can facilitate and enable sexual

¹ GARDNER 2012, 134.

² CAMBRIDGE DOCUMENTARY FILMS, <https://www.cambridgedocumentaryfilms.org/filmsPages/rapeculture.html>.

violence.³ Gavey describes this as a “cultural scaffolding of rape” – that is, the cultural conditions – “the everyday norms, actions, and values” – that make sexual violence possible and that normalize coercive sex.⁴ Key amongst these cultural conditions are beliefs and norms regarding gender and sexuality. Gender and sex norms are key to the concept of rape culture because sexual violence is a gendered crime, most often perpetrated by men, and disproportionately affecting girls and women.⁵ In fact, it is the most common form of gender-based violence in the world.⁶ Moreover, the gendered nature of sexual violence is pervasive and cross-cultural; it is a phenomenon which “shows no cultural boundaries”⁷ and which affects “a substantial portion of girls and women ... in virtually every setting of the world”.⁸ The global pervasiveness of sexual violence is directly linked to the pervasiveness of patriarchal social structures around the world – in fact, Hayes argues that the terms “patriarchy” and “rape culture” are almost synonymous, since it is patriarchal ideas of gender that underpin rape culture.⁹ And indeed, decades of feminist, sociological, and transnational public health research – such as that carried out by the United Nations (UN), the World Health Organization (WHO), the Centre for Disease Control (CDC), and the European Institute for Gender Equality (EIGE), amongst others – have repeatedly identified gender inequality as the single biggest risk factor for sexual violence across all cultures.¹⁰

Gender inequality is the result of a society’s conception of and adherence to culturally constructed gender roles – the set of assumptions and beliefs about the nature, characteristics, and abilities of men and women, which determine the behaviours and roles considered appropriate to each. In patriarchal societies, the concepts of male and female are defined by mutual opposition - women tend to be portrayed as what men, ideally, are not.¹¹ As a result, women are usually assigned lower positions and less status in society than men.¹² As gender roles determine one’s status and position in society, gender is thus a critical element of power and inequality.¹³ Gender inequality facilitates violence, because if women do not have the same legal, political, and economic rights as men, they do not have the same resources to protect their interests, or to challenge, prevent, and seek justice for violence committed against them. Moreover, the exclusion of women and their perspectives from politics, law, and public discourse leads to women’s experiences of sexual violence being silenced and minimized.

This in turn leads to widespread misunderstandings about sexual violence, including how it arises and operates and the impact it has on the victim. Victim-blaming narratives and “rape myths” – that is, “prejudicial, stereotypical, or false beliefs about rape, rape-victims, and rapists”¹⁴ – are most likely to emerge in

³ GAVEY 2019, 228–29; HAYES 2023, 8; JORDAN 2022, 14–17; PHIPPS et al. 2017, 1; RENTSCHLER 2014, 67; SHUKLA 2022, 311; SILLS et al. 2016, 936.

⁴ GAVEY 2019, 228–29.

⁵ WHO 2019, 2.

⁶ WHO 2005, xii–xiii, 4.

⁷ GRUBB – TURNER 2012, 443.

⁸ BOTT – MORRISON – ELLSBERG 2004, 3.

⁹ HAYES 2023, 1, 8. This is not to deny that men also experience sexual violence, nor does the fact that they do so disprove the concept of “rape culture” – many of the challenges male victims face in seeking care and justice after an assault are directly linked to patriarchal attitudes about sex and gender.

¹⁰ BOTT – MORRISON – ELLSBERG 2004, 8; CDC 2016, 12; EIGE 2016, 1; EIGE 2017, 4; WHO 2019, 1–3; UN 1993.

¹¹ JUST 1989, 117, 154.

¹² AMNESTY 2004, 29.

¹³ Ibid.; GAVEY 2019, 31–32

¹⁴ BURT 1980, 217.

societies where there are no outlets for the voices of victims.¹⁵ Rape-myths have long been considered a defining feature of rape culture, and research has found a correlation between adherence to traditional gender roles and rape myth acceptance – the more a person accepts traditional gender roles, the more likely they are to hold unfavourable attitudes towards rape victims.¹⁶ Rape culture is thus “fueled by persistent gender inequalities and attitudes about gender and sexuality”.¹⁷

Despite the abundance of interdisciplinary and transnational research confirming gender inequality as the root cause of sexual violence, the term “rape culture” has not gone without criticism, even amongst the feminist movement itself. Most notable amongst the critics is the Rape, Abuse, and Incest National Network (RAINN), the United States’ largest organization supporting victims of sexual violence. In a report for a White House task force, RAINN has written about the “unfortunate trend towards blaming “rape culture” for the extensive problem of sexual violence” on university campuses. The report goes on to urge the task force to remember that “rape is caused not by cultural factors but by the conscious decisions, of a small percentage of the community, to commit a violent crime”.¹⁸ RAINN thus stresses the responsibility of the individual who chooses to commit an act of rape and rejects the idea that socio-cultural factors can facilitate or enable sexual violence.

This creates a false dichotomy between agency and structure. It is not an either/or scenario between individual agency and social structure – both elements come into play. Acknowledging the potential of socio-cultural factors to facilitate sexual violence is not the same as claiming that culture causes rape. Socio-cultural factors influence individual behaviour, but they are not deterministic – they do not *cause* individuals to rape; rather, they *facilitate* an individual’s choice to commit an act of sexual violence by creating an enabling environment. As Clark puts it, they provide a “script” which individual actors can interpret and perform.¹⁹ In 1998, the sociologist Lori Heise proposed an ecological model of violence that takes into account both the role of individual agency and the role of socio-cultural factors. This model envisions violence (all types of violence, including sexual violence) as arising from risk factors operating at four different levels, all of which are interconnected: the individual level, the relationship level, the community level, and the societal level. Here is a brief overview of the different levels:²⁰

The individual level focuses on individual characteristics which increase the likelihood of being a perpetrator or victim of violence and considers the role of biology and personal history.

The relationship level considers how one’s relationships with others – intimate partners, family, friends (“proximal social relationships”) – influences one’s risk of victimization and perpetration of violence. Krug et al. explains that “peers, intimate partners and family members all have the potential to shape an individual’s behaviour and range of experience”, and notes that individuals are much more likely to engage in violent behaviour if that behaviour seems to be condoned and/or encouraged by their friends and peers.²¹

¹⁵ BURT 1980; GAVEY 2019; GRUBB – TURNER 2012; LONSWAY – FITZGERALD 1994.

¹⁶ GRUBB – TURNER 2012, 447, citing BURT 1980 and LONSWAY – FITZGERALD 1995, amongst others.

¹⁷ SHUKLA 2022, 311.

¹⁸ SANYAL 2019, 102.

¹⁹ CLARK 2014, 461.

²⁰ BOTT – MORRISON – ELLSBERG 2004, 15; KRUG et al. 2002, 13; WHO 2010, 18–19; WHO 2005, 4–7.

²¹ KRUG et al. 2002, 13.

The community level examines the community contexts in which social relationships are embedded and particularly the characteristics of community settings that are associated with victimization and perpetration of violence.

The societal level examines the larger, macro-level factors that influence violence, such as gender inequality, religious or cultural belief systems, societal norms and economic or social policies that create or sustain gaps and tensions between groups of people. Social and cultural factors can facilitate violence by “creating an acceptable climate for violence” and “reducing inhibitions against violence”.²²

The diagram below (**Fig. 1**) shows how the various levels are embedded:

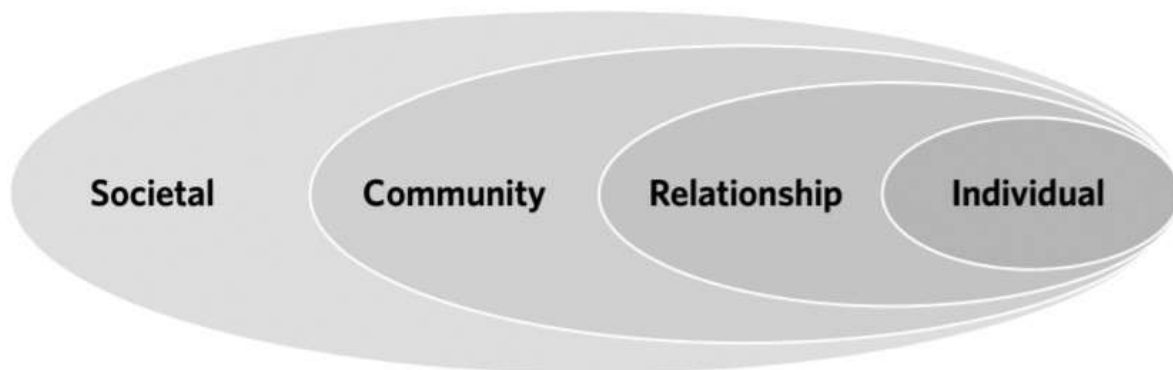


Fig. 1. The Ecological Model. Image from WHO (2010, 18) *Preventing intimate partner and sexual violence against women: taking action and generating evidence*.

A major benefit of the ecological model is that it accommodates both the role of individual agency and the role of social structure and demonstrates how these interact with each other and play out in relationships and communities. Heise explains that “an ecological approach to abuse conceptualizes violence as a multifaceted phenomenon grounded in an interplay among personal, situational, and sociocultural factors”.²³ The model has been widely adopted by transnational bodies such as the UN, WHO, and CDC. While all levels have a role to play, researchers agree that factors at the societal level are the most significant, since macro-level factors such as society and culture have a strong influence on shaping individuals’ beliefs and behaviours.²⁴ Moreover, scholars note that while gender inequality - the single biggest risk factor for sexual violence - primarily operates on the societal level, it manifests itself at all other levels also.²⁵ Thus sociological and public health research supports the feminist conception of rape culture, confirming the power of socio-cultural factors to facilitate sexual violence.

The second major benefit of the ecological model is that it is flexible and adaptable. It can be applied – and has been applied – cross culturally.²⁶ The specific risk factors in operation at each level may differ from

²² BOTT – MORRISON – ELLSBERG 2004, 15; KRUG et al. 2002, 13.

²³ HEISE 1998, 262.

²⁴ BOTT – MORRISON – ELLSBERG 2004, 15; CLARK 2014, 461–4, 467–8, 473, 475–6; GAVEY 2019, 4–6; HEISE 1998, 263; WHO 2012, 6.

²⁵ WHO 2012, 6.

²⁶ HEISE 1998, 262.

culture to culture, but the basic multi-level structure will remain the same. It is thus a potentially powerful model for understanding the dynamics of sexual violence in the ancient world.

Sexual offences and the law in Classical Athens

At this point in our discussion a brief explanation of the categorization and criminalization of sexual offences under Athenian law would be useful. The paradigmatic sexual offence in Classical Athens was that of *moicheia*,²⁷ often translated as “adultery”, but perhaps better thought of as a law on “seduction”, since it referred not only to the violation of a marital bond, but to sex with any woman incorporated into the household of a male citizen, without that citizen’s permission. *Moicheia* thus covered illicit sex with a man’s daughter, sister, mother, and *pallake* (a concubine kept for producing free children), as well as his wife.²⁸ While extra-marital sex was entirely forbidden for citizen women, the same restrictions did not apply to men, who were under no obligation to be faithful to their wives, and who were free to engage in sexual relation(ship)s with sex-workers and slaves. Sex-workers and other “unrespectable” women were explicitly excluded from the laws concerning *moicheia*.²⁹ The usual punishment for *moicheia* in Classical Athens appears to have been the payment of monetary compensation to the wronged *kurios* (a woman’s male guardian),³⁰ but sometimes punishment could be more severe: Draco’s law on unintentional or justifiable homicide provided a legal loophole by which an enraged *kurios* could kill the man he finds “with” or “on” (*epi*) his female relative or *pallake* and not be exiled as a murderer.³¹ This appears to be the law Euphiletus cites in *Lysias* 1 when he argues that the law proscribes death as the punishment for the adulterer. However, Euphiletus’ claim is not quite true: while Draco’s law provides a legal loophole by which an enraged *kurios* can escape punishment for murder, it does not demand death as the punishment for adultery.³² According to Aristotle, *moicheia* was prosecutable under the *graphe moicheias*, a public indictment for *moicheia*.³³ Since *graphai* were *agones timetoi*, the successful prosecutor could propose any punishment he saw fit, including, some think, the death penalty.³⁴ The accused could then propose an alternative – and presumably less severe – punishment, and a jury would decide between them. Several comedic accounts suggest the convicted *moichos* could suffer physical assault and humiliation, but not death.³⁵ *Graphai* were public indictments, meaning that any male individual could bring a charge of *moicheia* against another man – prosecution was not restricted to the wronged *kurios* himself. This indicates how seriously the Athenian state regarded *moicheia* – it was considered a matter of public as well as private concern. This was because only sons born in legitimate wedlock to an Athenian father and (after the introduction of Perikles’ citizenship law in 451/0 BCE) to an

²⁷ COHEN 1990, 148; ROBSON 2013, 114.

²⁸ Dem. 23, 53.

²⁹ [Dem.] 59,67.

³⁰ In Apollodorus’ *Against Neaira*, Stephanos seizes Epaenetus as a *moichos* and demands monetary compensation. Epaenetus in turn charges him with false imprisonment as a *moichos*, claiming that Phano was a sex-worker excluded from the laws on *moicheia* ([Dem.] 59,64–67). The existence of the law on false imprisonment as a *moichos* suggests that the seizure of *moichoi* and the extraction of monetary compensation was fairly standard procedure in Athens. In *Lysias* 1, upon being caught with Euphiletus’ wife, Eratosthenes offers to pay monetary compensation, which Euphiletus rejects (a rejection which he must explain to the court).

³¹ Dem. 23,53.

³² See HARRIS 1990, for a detailed discussion of Euphiletus’ arguments.

³³ Arist. *Ath. Pol.* 59,3.

³⁴ ROBSON 2013, 98; HARRIS 1990, 374.

³⁵ E.g., Ar. *nub.* 1079–84, *Plut.* 168, *Ach.* 849; Plato Com. F189 K–A; *Palatine Anthology* 9,520; Diog. Laert. 2,128; cf. [Dem.] 59,66. See OGDEN 1997, 37 n. 23 for further references, and ROBSON 2013, 95.

Athenian mother could go on to become full citizens with a share in the governance of the *polis*. The state sought to protect the integrity of the *polis* by ensuring that illegitimate children were not introduced into the citizen body. A man was legally compelled to divorce an adulterous wife, on pain of *atimia*, loss of his citizen rights.³⁶ This was because his wife's sexual corruption cast doubt on the paternity of any children she bore.³⁷ The purpose of the *graphe moicheias* may have been to prevent a husband from covering up his wife's adulterous affair.

The adulterous woman was also punished: she was forbidden from adorning herself and from participating in religious festivals; if she did so, she could be stripped and beaten, but not killed.³⁸ As participation in the religious and ritual life of the *polis* was a major part of the Athenian woman's life, the law effectively strips the adulterous woman of her civic status and the rights and privileges that go along with that status. Aeschines comments that the aim of the law was to make the life of the adulterous woman unlivable (*ἀβίωτος*). He further explains that part of the reasoning behind the adulteress' punishment was to keep her separated from other women, lest she spread her corruption to them.³⁹ A law attributed to Solon allowed a man to sell his female relative into slavery if he discovered that she had engaged in extra-marital sex,⁴⁰ but there is no record that this law was in use in the Classical period. Although there is no equivalent feminine term for *moichos* in the Greek language,⁴¹ it is generally assumed that the woman caught with the *moichos* was a consenting participant in their sexual activities. This is evidenced by the fact that Athenian law did not seek to punish the rape victim in the same way it did the adulteress.

No rape case survives from Classical Athens, but scholars think it likely that rape was prosecutable under the *dike biaion* (a private suit for *bia*, "violence") and the *graphe hubreos* (a public indictment for *hubris*, "outrage"). As Harris points out, both the *dike biaion* and the *graphe hubreos* were much broader than modern laws on rape, covering physical assault and hubristic behaviour in general, and were not specific to sexual attacks.⁴² They differ from modern rape laws too in that the consent – or rather lack of consent – of the victim was not their primary concern. Instead – as with the laws on *moicheia* – the issue at stake was the honour of the *kurios* and the integrity of the *oikos* and the *polis*.⁴³ A woman could not bring a case of *bia* or *hubris* herself – her *kurios* had to prosecute the case on her behalf. This means that a woman had no recourse to justice except via her *kurios*. Punishment for rape under the *dike biaion* was the payment of a fine to the victim's *kurios*, rather than to the victim herself. MacDowell notes that under the *dike biaion* rape was thus treated as a property crime against the woman's male guardian,⁴⁴ and indeed this is how rape historically tends to be viewed across cultures.⁴⁵ The *graphe hubreos* was a public indictment, and so any male individual could bring a case before the courts. As with the *graphe moicheias*, the purpose of this may have been to prevent a *kurios* from covering up the rape of one of his female relatives, which would be in the state's interests only if they were concerned with preventing the introduction of illegitimate children into the

³⁶ [Dem.] 59,87.

³⁷ In *Lysias* 1, Euphiletus is careful to emphasize that his wife's adulterous behaviour did not begin until *after* the birth of their son – he doesn't want the legitimacy of his child called into question.

³⁸ Aesch. in *Tim.* 1,182–84; [Dem.] 59,87.

³⁹ Aesch. in *Tim.* 1,183.

⁴⁰ Plut. *Sol.* 23,1–2.

⁴¹ ROBSON 2013, 98.

⁴² HARRIS 1997, 483; HARRIS 2004, 63.

⁴³ See OGDEN 1997; OMITOWOJU 1997, 2002; HARRIS 2004; ROBSON 2013.

⁴⁴ MACDOWELL 1978, 124.

⁴⁵ MERRY 2009, 174.

citizen body.⁴⁶ As *graphai* were *agones timetoi* the successful prosecutor could propose any punishment he saw fit, potentially including the death penalty. Draco's law on justifiable homicide was available in cases of rape as well as seduction, since the wording of the law (*epi*) makes no distinction as to the consent or lack of consent of the woman involved. Thus, the penalties for rape could potentially be severe.

Unlike the adulterous woman, the law did not seek to punish the rape victim. However, some evidence suggests that, like the adulterous woman, the rape victim was also viewed as sexually corrupted. In Menander's *Epitrepontes*, Charisius abandons his wife upon learning of her rape; however, there is no evidence that he was legally compelled to do so. Rather, Charisius seems to regard his wife as "damaged goods" and thinks staying with her will hurt his own honour. The idea that rape victims were sexually corrupted helps to explain the logic behind another potential "solution" to rape – the marriage of rapist and victim. Marriage was potentially an outcome of a *graphe hubreos*, but it could also be the result of an out-of-court settlement. This is the usual "solution" to rape in new comedy, and it is supported by plenty of comparative evidence from other cultures.⁴⁷ Cole explains that marriage was desirable because "the victim of rape is superior to a woman who has been seduced only in this respect: the sexual activity was not her fault. Consequently, she is still marriageable, but only to her attacker."⁴⁸ By offering to marry his victim, a man demonstrates that he did not intend to commit an act of *hubris* against her family, by leaving them with an unmarriageable daughter whom they would have to support for the rest of her life.⁴⁹ Marriage also ensures the legitimacy of any children born from the rape.

Thus the laws governing sexual offences in Classical Athens were primarily concerned with protecting the integrity of the *polis* and the honour of the male *kurios*.

Can the term "rape culture" be applied to Classical Athens?

Given the debates in the 1990s and 2000s over whether or not we could use the term "rape" in relation to Classical Athens, it is no surprise that the much more controversial term "rape culture" has been met with caution by classical scholars. To date, I am aware of only two scholars who have discussed the notion of rape culture in relation to Classical Athens at any length - Nancy Sorkin Rabinowitz⁵⁰ and Sotiria Rita Koutsopetrou-Moller,⁵¹ both of whom argue that the prevalence of sexual violence in Athenian literature leads to the normalization of sexual violence and the creation of a rape culture. Edward Harris was quick to warn classicists away from using the term, stating that it is both an inaccurate and unfair descriptor of ancient Greece:

"It would be both inaccurate and unfair to call ancient Greece a "rape culture". Greek men did condone some forms of sexual violence which are now outlawed, but other forms were condemned and subject to harsh penalties. Men in ancient Greece often held misogynistic views and placed restrictions on women's conduct. But they did pay attention to when a woman said no and preferred it when she said yes. And their own sexual pleasure might be enhanced when they knew it was mutual".⁵²

⁴⁶ ROBSON 2013, 111.

⁴⁷ See HARRIS 2004, 75 and ROBSON 2013, 109.

⁴⁸ COLE 1984, 107.

⁴⁹ ROBSON 2013, 109–10.

⁵⁰ RABINOWITZ 2011.

⁵¹ KOUTSOPETROU-MOLLER 2021.

⁵² HARRIS 2014, 310.

Harris claims that ancient Greece was not a rape culture because some forms of sexual violence were criminalized under Athenian law, and because there is evidence that men enjoyed having consensual sex. This line of argument rests on a fundamental misunderstanding of the term “rape culture” and what it denotes. First, the fact that some forms of sexual violence were “condemned and subject to harsh penalties” while others were not is actually a hallmark *of* rape culture. Ancient Greek rape laws protected the right of the male *kurios* to control the sexuality of the women in his *oikos*, rather than protecting or supporting the victims themselves - thus a man’s rape of another citizen’s female relative was criminalized, while a man’s rape of his own wife and slaves was not. In such a society, as McKinnon⁵³ and Gavey⁵⁴ put it, rape is not prohibited, but *regulated*.

Second, the fact that men like having consensual sex has no bearing on whether or not Athens was a rape culture. The term “rape culture” does not mean that a culture actively celebrates and encourages rape, or that it views non-consensual sex as preferable to and more pleasurable than consensual sex, as Harris implies. Rather, it refers to the myriad subtle ways in which a society’s cultural beliefs and norms, particularly those regarding gender and sexuality, contribute to the facilitation and normalization of sexual violence, even unintentionally.⁵⁵ Moreover, it is perfectly possible for consensual sex to occur even while socio-cultural factors facilitate sexual violence more broadly. As discussed above, socio-cultural factors may influence individual behaviour, but they are not deterministic. Socio-cultural factors do not *cause* individuals to rape; rather they *facilitate* an individual’s decision to commit an act of sexual violence by creating an enabling environment. Many individuals who live in a society that facilitates sexual violence will never commit an act of rape – this does not change the fact that they live in a rape culture.

Third, even if men prefer it when a woman says yes, as Harris states, it does not therefore follow that they respect her wishes when she says no. This is demonstrated by the passage in Aristophanes where Lysistrata dismisses marital rape as an obstacle to the women’s sex strike, stating that men do not enjoy it when they force their wives.⁵⁶ Calonice and Lysistrata do not envision a situation in which the men respect their wives’ refusal, but a situation in which they force themselves on their wives *despite* that refusal. When Calonice asks what they should do when their husbands beat them and drag them into the bedroom, Lysistrata responds by advising the women to “submit coldly” to the act of rape and “not move [their] hips”, κακῶς παρέξω κοῦχί προσκινήσομαι.⁵⁷ It is clear from this line that the men attempt sexual intercourse with their wives. This forced sexual encounter is still an act of rape, no matter how short the duration, and even if the men do not derive sexual gratification from it.

Fourth, Harris seems to dismiss the idea that there is a link between gender inequality and sexual violence when he denies that “misogynistic views” and the “restrictions” placed on women’s conduct have any bearing on attitudes towards sexual violence. As we have seen, decades of feminist, sociological, and public health research has confirmed that gender inequality is inextricably linked to sexual violence.

Therefore I do not share Harris’ concern that it is “inaccurate and unfair” to call Classical Athens a rape culture. The term “rape culture” refers to the ways in which elements of the socio-cultural environment facilitate and enable sexual violence. Aspects of ancient societies may very well have functioned in this way. We should leave the question open to exploration.

⁵³ MCKINNON 1983, 651.

⁵⁴ GAVEY 2019, 36.

⁵⁵ SILLS et al. 2016, 963; see also GAVEY 2019, 228–29 and PHIPPS et al. 2017, 1.

⁵⁶ Ar. *Lys.* 160–64.

⁵⁷ *Lys.* 225–28, cf. 163; Trans. HENDERSON (2010).

How do we determine if Classical Athens was a rape culture?

Classical Athens can be considered a rape culture if aspects of its socio-cultural environment facilitate and enable sexual violence. We can determine whether aspects of the socio-cultural environment have the potential to function in this way by examining the political, legal, economic, and social position of women in Athens to determine if any aspect of these operate as risk factors for sexual violence. In the analysis below, I organize these risk factors according to the levels of the ecological model of violence outlined above. As discussed previously, this is an adaptable model which can be applied to different cultures, and which highlights the influence of socio-cultural factors in shaping attitudes and beliefs about sexual violence.

My aim here is slightly different to that of the previous two classicists who have written at length about rape culture in Athens. Both Rabinowitz and Koutsopetrou-Moller argue that it is the prevalence of rape in Greek literature that leads to the normalization of sexual violence and the creation of a rape culture. While I agree that the portrayal of sexual violence in myth and literature has the potential to reinforce and perpetuate cultural beliefs and norms regarding sexual violence, I would also point out that this portrayal is not only a cause of rape culture, as Koutsopetrou-Moller and Rabinowitz argue, but also a consequence of it. Here I examine the broader socio-cultural context of the society which produced these works of literature, considering how Athenian attitudes and beliefs about gender and sexuality feed into a broader rape culture. My aim is to understand the socio-cultural factors that create rape culture in the first place.

The individual level:

The individual level focuses on individual characteristics which increase the likelihood of being a perpetrator or victim of violence, and considers the role of biology and personal history.⁵⁸ Since the vast majority of sexual violence is committed by intimate partners, the biggest individual level risk factor for victimization for women is marriage or cohabitation.⁵⁹ In Classical Athens, a woman's marital status functions as a risk factor for violence (discussed in more detail below), and so does status as a slave. Beyond this, it is impossible to determine the personal history factors for the individuals who made up the population of Classical Athens, and I will not attempt to do so here. Significant work has been done into biological factors, particularly on male sexual desire.⁶⁰ An individual's decision to commit an act of sexual violence, for whatever personal reasons (including sexual desire) is facilitated and enabled by factors on the relationship, community, and societal levels of the model.

The relationship level:

The relationship level considers how one's relationships with others influences one's risk of victimization and perpetration of violence. For women, the biggest risk factor for victimization is marriage or cohabitation. Key risk factors for sexual violence at this level include young age at marriage, male dominance within the family, and a focus on family honour and female sexual purity.⁶¹ We know that all these factors were in operation in Classical Athens.

⁵⁸ BOTT – MORRISON – ELLSBERG 2004, 15; KRUG et al. 2002, 12–13; WHO 2005, 5.

⁵⁹ KRUG et al. 2002, 157.

⁶⁰ See DEACY 2019, DEACY – MCHARDY 2015, and GOTTSCHALL 2008.

⁶¹ BOTT – MORRISON – ELLSBERG 2004, 15; KRUG et al. 2002, 13.

(i) Male dominance within the family:

Family structure in Classical Athens was undeniably male dominated. The head of the household was always an adult male, and he held authority over everyone else within his *oikos*, including his wife, children, and slaves. Since women were treated as permanent legal minors, and deemed incapable of determining their own interests, they remained under the *kuria* of a male guardian (usually a father or husband) for their whole lives.⁶² The main purpose of the *kurios* was “protection”; he was responsible for her economic maintenance and her overall welfare, and he also represented her in matters of legal consequence, since she was deemed incapable of doing so herself.⁶³

This type of guardianship is a risk factor for violence because it leaves a woman with no legal recourse except via her guardian, and thus curtails her ability to seek justice for any wrongs committed against her. A woman abused by her *kurios* would have no way of seeking justice, since her *kurios* had to represent her in court. While it was possible for a married woman to appeal to her natal family for aid against an abusive husband (her father or brother could act as her *kurios* in such an instance), this still leaves her wholly dependent on men – there was not much she could do if her male kin denied her aid. Moreover, her male kin would have to (a) believe her claims, and (b) agree that her husband’s treatment of her was unacceptable before they would intervene. Since the purpose of marriage was the begetting of legitimate children,⁶⁴ marital rape was not criminalized – sex was viewed as a wifely duty that a husband could choose to compel.⁶⁵

Both Fisher⁶⁶ and Llewellyn-Jones⁶⁷ have argued that a certain degree of physical violence against women and children was probably widespread and condoned in Classical Athens, and so the behaviour experienced by the wife would have to be deemed excessive or transgressive in some other way before her natal family could step in. For example, in Herodotus’ *Histories* Megacles’ daughter can complain about her husband Peisistratos’ rape of her because it is οὐ κατὰ νόμον – “not according to custom” (1.61.1). That is, he rapes her anally, rather than vaginally. Peisistratos’ transgression here is not that he has intercourse with his wife against her will, but that he deliberately undermines the institution of marriage – the purpose of which was the begetting of free, legitimate children – by engaging in anal intercourse.⁶⁸ Had the rape been vaginal, it is unlikely his wife’s complaints would have been taken seriously, as such intercourse is necessary for begetting the children whom it is her duty to bear. In her appeal to the women of Corinth, Euripides’ Medea comments that it is not possible for a woman to refuse her husband: οὐδ’ οἷόν τ’ ἀνήνασθαι πόσιν (237), that is, it is not possible to refuse him his “marital rights” to sexual intercourse.⁶⁹ This of course does

⁶² BLUNDELL 1995, 114; GOULD 1980, 43; JUST 1989, 18; POMEROY 1975, 62.

⁶³ BLUNDELL 1995, 114; JUST 1989, 18–20.

⁶⁴ Men. *pk.* 1013–15; [Dem]. 59,122.

⁶⁵ HENDERSON 2010, 217 n. 55. Indeed, in some instances marital sex was a legal compulsion. According to Plutarch (*Sol.* 20.3), Solon introduced a law requiring the husband of an *epikleros* to have sex with her at least three times a month, in order to ensure the production of an heir for the *oikos*. This law may have had a protective function, in that it was designed to deter a man from marrying an *epikleros* purely for financial gain. However, it could also function to coerce an *epikleros* – who already had little to no say in who she married – into unwanted sex with her new husband.

⁶⁶ FISHER 1998.

⁶⁷ LLEWELLYN-JONES 2011.

⁶⁸ DEWALD – VIGNOLO MUNSON 2022, 267.

⁶⁹ MASTRONARDE 2002, 211 explains that “refuse sexually” is the most likely meaning of ἀνήνασθαι here. If Medea meant to say that it is impossible for a woman to “refuse wedlock” (as Kovacs translates) then we might expect “marriage” (γάμος) or “suitor” (μνηστήρ) as the object of ἀναίνομαι rather than “husband” (πόσις). She does not mean divorce, as she has already just mentioned that in the previous line (ἀπαλλαγῇ, 236). Moreover, “refuse sexually” fits in with and elaborates upon her earlier comment about taking a δεσπότης σώματος (233). Moreover, even if we take ἀνήνασθαι to mean “refuse wedlock”, the implication is more or less the same, as sexual intercourse and the production of children were an inherent part of marriage – thus if a woman is unable to

not mean that all marital sex is rape, or that a husband would never respect his wife's refusal; what it means is that for those husbands who do decide to rape their wives, their decision is enabled by the legal and social norms of Athenian society.

Marriages were arranged and dissolved by men. A woman could not enter into or leave a marriage of her own accord, and her consent to the arrangement or dissolution of her marriage was not a legal necessity.⁷⁰ This, of course, is not to say that men never took their female relatives' wishes into consideration when arranging such matters: the brothers in *Isaeus* 2 (3–9) say they will not dissolve their sister's marriage without her blessing; nevertheless, the key point is that they are not legally obliged to obtain her consent. Even in the case of an *apoleipsis* – in which the wife initiates the divorce by leaving the house of her husband – it appears she still needs the support of a *kurios*, who would go with her to register the divorce with the archon.⁷¹ In the most famous case of *apoleipsis* in Athens, Hipparete left Alcibiades and returned to the *oikos* of her brother Callias, whose *kuria* she was presumably under; however, his failure to accompany her to the archon led to Alcibiades seizing her before the divorce could be registered, and forcibly returning her to his home, where she remained his wife until she died.⁷²

Divorce – especially divorce initiated by the wife – does not appear to have been common in Athens: only two cases of *apoleipsis* are documented in our ancient sources, including that of Hipparete.⁷³ It was more difficult for a wife to obtain a divorce than it was for a husband – while a wife had to register the divorce with the archon, a husband simply had to expel his wife from his house, sending her back to her original family.⁷⁴ Euripides' *Medea* suggests that divorce was not respectable for women: οὐ γὰρ εὐκλεεῖς ἀπαλλαγὰς γυναῖξιν (*Med.* 236–7). Mastronarde notes that “the divorcing wife might not be welcomed by her old family (for economic or social/political reasons) and would be subject to defaming rumour abetted by the sexual double standard prevalent in Greek as in other societies.”⁷⁵ In a fragment of Anaxandrides, a father warns his daughter that “the return-leg (i.e. from husband to father) is one that carries shame”.⁷⁶ The difficulty for women in obtaining a divorce, and the potential shame it might incur, is a risk factor for violence because it deters a woman from leaving an unwanted or abusive relationship.

Another potential deterrent to women seeking divorce was the fact that divorce entailed separation from their children. Since their role was to perpetuate his *oikos*, any children a woman bore were considered the property of their father, and they remained in his house when marriages were dissolved.⁷⁷ This is a strong relationship level risk factor for violence: Amnesty notes that fear of losing their children frequently deters women from leaving violent situations.⁷⁸ When a woman married, her *kurios* provided a dowry (*proix*) for her financial maintenance, but this was controlled and managed by her husband, rather than the woman

refuse marriage, then she is also unable to refuse sex within that marriage. Of course, *Medea* was an active and willing participant in her union with Jason, and her speech here is manipulative, designed to win the sympathy of the chorus. But this does not make her claims about marriage and marital sex untrue – in fact, since *Medea* is attempting to appeal to the chorus through their shared womanhood, it rather indicates that this was the normal female experience within marriage.

⁷⁰ BLUNDELL 1995, 120; GOULD 1980, 44; POMEROY 1975, 64.

⁷¹ BLUNDELL 1995, 127; POMEROY 1975, 64–65; ROBSON 2013, 18.

⁷² Plut. *Alc.* 8,2–5.

⁷³ ROBSON 2013, 19 citing COX 1998, 72 and COHN-HAFT 1995, 14.

⁷⁴ COHN-HAFT 1995, 4.

⁷⁵ MASTRONARDE 2002, 210–11.

⁷⁶ MASTRONARDE 2002, 210–11 citing fragment 57 K–A of Anaxandrides.

⁷⁷ POMEROY 1975, 65.

⁷⁸ AMNESTY 2004, 40.

herself. In the event of divorce, a husband had to return the dowry intact to her original *kurios*.⁷⁹ While this could offer some status and protection for the wife within the marriage (repayment of a large sum deters unfair dismissal and thus prevents any potential dishonour to her and her family), it could also make it more difficult for her to leave an abusive situation, since her husband would be reluctant to repay the dowry. Indeed, it was likely Hipparete's large dowry that led to Alcibiades' seizure of her when she went to lodge the divorce with the archon.⁸⁰ This male dominance within the family – and particularly the assigning of a woman to a *kurios* with authority over her, and who controls all her legal and financial matters – is a strong risk factor for violence due to the degree of power and control it grants men over the women in their care. The situation of enslaved women in the *oikos* was even more powerless than the situation of free women, since enslaved women had no kin to whom they could turn for aid.

(ii) Young age at marriage:

According to our ancient sources, the average age of the Athenian bride was about fourteen years old, while the groom was typically about 30 years old.⁸¹ The groom is thus usually twice the age of his bride. A young bride was desirable for several reasons: first, it limited the opportunity for extra-marital encounters and ensured her virginity – Hesiod advises marriage to a young virginal girl, lest the marriage turn out to be a joke to the neighbours.⁸² The age of the bride is thus in part the result of concerns over female sexual purity. Second, a young bride was regarded as compliant and easy to “train” (παιδεύω) in the ways her husband desires, as portrayed in Xenophon's *Oeconomicus*. This age gap results in a steep power imbalance between husband and wife, reinforces an infantilized view of women, and contributes to a patriarchal family environment.

Our ancient sources frequently portray the consummation of the marriage and the sexual initiation of the young bride as non-consensual and deeply traumatic. The most well-known portrayal of this is the *Homeric Hymn to Demeter*, which recounts the story of Hades' abduction of Persephone. Zeus, acting as Persephone's *kurios*, gives his daughter in marriage to Hades, without the knowledge of either Persephone herself or her mother.⁸³ From the male perspective – and from the perspective of Athenian law – Zeus has done nothing wrong, and the marriage is viewed as legitimate and socially sanctioned by the male gods in the poem.⁸⁴ From the female perspective, however, the marriage constitutes violent abduction and rape, emphasized by the constant repetition of the words ἀρπάζω (“abduct”, 3, 19, 56, 81, 414), ἄεκων (“unwillingly”, 19, 30, 73, 344, 413, 432), βία (“force, violence”, 68, 413), and ἀνάγκη (“compulsion”, 72, 413). Persephone's non-consent is thus clear and emphatic. It is widely accepted that the abduction of Persephone functions as a paradigm for human marriage as an “initiation” of the bride into her adult role of sexually active and childbearing wife.⁸⁵ In this reading, Persephone's fear of her union with Hades represents the fear felt by every young Athenian bride as she makes the journey from her father's house to that of her husband.

In the opening lines of Sophocles' *Trachiniae*, another young bride, Deianira, recounts the fear she felt at her betrothal to the river god Achelous: she explicitly states that she feared marriage with him,⁸⁶ and

⁷⁹ Thus Isae. 3,78 and Dem. 30, 31; see also BLUNDELL 1995, 115–16; GOULD 1980, 44; POMEROY 1975, 63

⁸⁰ Plut. *Alc.* 8,2.

⁸¹ Hes. *Op.* 695–706, Xen. *Oec.* 7,6, Dem. 27,4 and 29,43; ROBSON 2013, 16.

⁸² Hes. *Op.* 695–706.

⁸³ *Hom. Hymn Dem.* 3.

⁸⁴ *Ibid.* 75–87.

⁸⁵ JEANMAIRE 1939; LINCOLN 1979; FOLEY 1993; DEBLOOIS 1997.

⁸⁶ Soph. *Trach.* 7–8.

that she prayed to die before she had to approach his bed.⁸⁷ So great was her fear at the prospect of this marriage, that she could not watch the battle between Achelous and Herakles, but instead sat apart shuddering with fear at the thought of the pain her beauty might win.⁸⁸ Like Persephone, it has been suggested that Deianira's fear represents the fear felt by every young Athenian bride at the prospect of her marriage:

We must recognize that Achelous stands for any potent male, and his multiple form is simply a fearful young girl's fantasy of adult sex. In a sense, Deianira is any sheltered, ignorant, Athenian girl-child faced at much too young an age with the prospect of leaving her parents' home forever, to be ruled by a shaggy stranger, an adult male.⁸⁹

If Persephone's and Deianira's experiences are a paradigm for human marriage, then their non-consent highlights the potential non-consent of every Athenian bride entering into an arranged marriage. The myths thus reveal the potential for violence inherent in normative modes of sexuality, including in socially sanctioned, legitimate marriage. In acknowledging the bride's non-consent, the myths problematize this violence. However, they perhaps also contribute to its normalization, by portraying women's non-consent as an obstacle that must be overcome if they are to successfully transition into adulthood.

Elements of the wedding ritual further indicate the potential violence of the consummation. On the wedding night, a male door-keeper stood guard outside the bridal chamber, and a group of the bride's female friends sang songs while the marriage was consummated. According to the scholiast on Theocritus 18, the purpose of the songs was to conceal the sounds of the bride's cries as she was violated. According to Pollux (3.42) the purpose of the male door-keeper was to prevent the women coming to the aid of the screaming bride.⁹⁰ Thus the rape of the bride by her husband on their wedding night was regarded as socially acceptable and even to be expected. Of course, this does not mean that every wedding consummation amounted to rape – what it means is that any individual groom's decision to force himself on a reluctant bride is enabled by traditional marital customs and social norms that viewed the bride's unwillingness as natural, normal, and dismissible.

(iii) A focus on family honour and female sexual purity:

There was a deep concern with female sexual purity and family honour – indeed, the two were inextricably linked. This is due in large part to two factors: first, inheritance in Classical Athens was patrilineal, and the continuation of the *oikos* depended on the birth of legitimate children, especially sons. Second, only sons born in legitimate wedlock to an Athenian father and (after Perikles' citizenship law of 451/450 BCE) to an Athenian mother could qualify as full Athenian citizens. The survival of both the *oikos* and the *polis* thus depended on the proper disposal of female sexuality.

The desire to protect bloodlines and the integrity of the citizen body lead to the strict control of female sexual behaviour. It was the right and duty of the *kurios* to control the sexuality of the women in his *oikos*, both free and enslaved. In the case of free women, this involved the arrangement of her marriage. Girls were raised to be chaste and to carefully guard their sexual purity – Ischomachos' wife in Xenophon's *Oeconomicus* says that the only thing she was trained to do by her parents was to be *sophron*.⁹¹ A key aspect

⁸⁷ Ibid. 16–17.

⁸⁸ Ibid. 24–25.

⁸⁹ WENDER 1974, 5; cf. PATTERSON 2012, 389.

⁹⁰ ROBSON 2013, 14–15.

⁹¹ Xen. *oec.* 7,14; cf. 7,6.

of *sophrosune* for women is chastity – it involved exercising self-control and appropriate restraint over their sexual behaviour. Helen North argues that this conception of *sophrosune* was the ideal virtue of women in antiquity.⁹² In order to properly protect her chastity, a woman was expected to spend most of her time in the private sphere of the home where she could avoid engaging with men outside of the family. When she did go out in public, she was expected to do so appropriately veiled and chaperoned.⁹³ By behaving in accordance with the code of proper feminine conduct, a woman protected and maintained her family's honour. On the other hand, a woman who failed to abide by the strictures of appropriate female behaviour brought dishonour upon herself and her family, and could be punished for doing so.⁹⁴ Aeschines cites the example of an Athenian citizen who walls his daughter up alive with a horse when he learns that she has failed to preserve her chastity, and according to Plutarch, Solon introduced a law allowing a man to sell his female relatives into slavery if he discovered that they had lost their virginity while still unmarried.⁹⁵

Because a woman's sexual purity was so closely tied to the honour of her male kin, both *moicheia* ("adultery" or "seduction") and rape were perceived as crimes against the *kurios*. In *Lysias* 1, Euphiletus describes Eratosthenes' seduction of his wife as a dishonour (ἡσχυνε) and outrage (ὑβρίσεν) done to him and his children.⁹⁶ The sexual assault of Telestagoras' daughters constitutes an act of *hubris* against Telestagoras himself.⁹⁷ In the *Iliad*, Agamemnon's seizure of the unwilling (ἄεκουσ', 1,348) Briseis is an outrage (ὑβρίν, 1,203; 1,214) and dishonour (ἡτίμησεν, 1,355) done to Achilles, as is Paris' theft of Helen from Menelaus.⁹⁸ Fisher notes that in Athens, as in many Mediterranean societies throughout history, the seduction or rape of a wife or other female relative "has been held to be the most extreme and desperate 'dishonour'" which can be done to a man, one which "demands a satisfactory response".⁹⁹ As we saw earlier, seduction was prosecutable under the *graphe moicheia*, while rape was likely prosecutable under the *graphe hubreos* and *dike biaion*. Normally, the punishment for both *moicheia* and rape was the payment of a fine to the *kurios*, but under certain circumstances both the *moichos* and *rapist* could be punished with death.¹⁰⁰ As discussed earlier, Draco's law on justifiable homicide allowed for the possibility that an enraged *kurios* might kill a seducer/rapist whom he catches in the act, and stated that in such an event the *kurios* was not to be exiled as a murdered. The existence of this loophole reveals just how sensitively Athenian men could be expected to feel such slights to their honour.

The strict control of female sexuality and the potentially severe punishments for adultery and rape might at first appear to function as a deterrent to sexual violence. Indeed, Stewart argues that rape was rare in societies like Athens that had strict honour-codes and which "vigorously defended" the "dignity and integrity" of their women.¹⁰¹ First, it is important to remember that only certain forms of sexual violence were criminalized under law – namely the rape of a woman incorporated into the *oikos* of an Athenian citizen, without her *kurios*' permission. A man's rape of his own wife and slaves was not criminalized. Second, the

⁹² NORTH 1977.

⁹³ LLEWELLYN-JONES 2003, 122, 157.

⁹⁴ LLEWELLYN-JONES 2003, 157 and 2011, 252.

⁹⁵ Aeschin. in *Tim.* 1,182; Plut. *Sol.* 23,2. It should be noted that we do not know of any instance of Solon's law being put into use in the classical period.

⁹⁶ *Lys.* 1,4.

⁹⁷ *Athen.* 8,40 [348b–c] = Arist. *Frag.* Rose, 558,14.

⁹⁸ E.g., Hom. *Il.* 13,620–27.

⁹⁹ FISHER 1998, 78–79.

¹⁰⁰ Potentially as the result of a *graphe*, should the judges agree, or by utilizing Draco's law on justifiable homicide.

¹⁰¹ STEWART 1995, 77.

honour-code and the strict control of female sexuality actually function as risk factors for sexual violence, primarily because they feed into the construction of an “ideal” victim and lead to victim-blaming attitudes. Women who failed to abide by the strictures of appropriate female behaviour could be blamed for their rape and/or be perceived as adulterous. Moreover, the shame instilled in women regarding their sexual behaviour may lead them to deliberately conceal their sexually violent experiences. Indeed, this is a common trope in Greek literature, particularly in tragedy and new comedy: a woman attempts to conceal her rape due to her feelings of shame and her fear of her family’s reaction. Usually, she is right to be afraid – when her rape is revealed, her *kurios* refuses to believe her claims of non-consent and punishes her with violence, including death.¹⁰²

Moreover, the concern with sexual purity and family honour could lead directly to the marriage of rapist and victim. As discussed earlier, this is the usual solution to rape in new comedy, a genre which is generally taken to reflect Athenian “social reality”.¹⁰³ In societies like Athens which place a high value on female sexual purity, loss of virginity can make it difficult for a woman to find a husband. By agreeing to marry his victim, the rapist demonstrates that he did not intend the rape as a deliberate act of *hubris* designed to insult the woman or her family. Robson explains that “by asking for the girl’s hand, the rapist demonstrates that he does not intend to dishonour the girl’s *kurios* and family by leaving them with a female dependent who has lost her virginity and is thus unmarriageable”.¹⁰⁴ Moreover, marriage ensures the legitimacy of any child that might result from the rape, and thus serves to protect the integrity of both the *oikos* and the *polis*. Thus a victim can be forced into an ongoing relationship with her rapist.

The community level:

The community level examines the community contexts in which relationships are embedded. It examines the characteristics of community settings that are associated with victimization and perpetration of violence. Risk factors at this level include a general tolerance of sexual and gender-based violence within the community, weak community sanctions against sexual and gender-based violence, lack of institutional supports for victims (especially lack of shelters and assistance), women’s exclusion from community groups, and traditional gender and social norms that restrict women’s public visibility.¹⁰⁵ Once again, all these risk factors were in operation in Classical Athens. We have already discussed how the concern with female sexual purity and family honour led to an “ideal of seclusion” for women, which restricts their public visibility. In the discussion below, I focus particularly on the tolerance for gender-based violence within the community, and the lack of supports for victims.

(i) A general tolerance of, and weak community sanctions against, sexual and gender-based violence:

As part of his argument that Athens was a low-rape society, Stewart lists the lack of surviving rape cases, stating that “had it [rape] been common, one might expect both more prosecutions and more moralizing about it”.¹⁰⁶ First, low levels of reporting rape are not evidence that rape is rare – rather, it suggests that rape is tolerated and normalized in a society.¹⁰⁷ Second, only a very narrow selection of rapes was prosecut-

¹⁰² See, for example, Euripides’ *Alkmene*, *Alope*, *Antiope*, *Auge*, *Danae*, *Ion*, and *Melanippe* plays; Sophocles’ *Acrisius*, *Amphytryon*, *Danae*, *Children of Aleus*, *Mysians*, *Creusa*, and *Tyro* plays; and Menander’s *Epitrepontes* and *Samia*.

¹⁰³ OMITOWOJOU 2002, 6.

¹⁰⁴ ROBSON 2013, 109–10; see also SCAFURO 1997, 239–40 and HARRIS 2004.

¹⁰⁵ BOTT – MORRISON – ELLSBERG 2004, 15; KRUG et al. 2002, 13, 159.

¹⁰⁶ STEWART 1995, 77.

¹⁰⁷ EU Agency for Fundamental Rights 2014, 25.

able under Athenian law in the first place – namely the rape of a woman incorporated into the *oikos* of an Athenian citizen, by someone other than her *kurios*, and without her *kurios*' permission. Marital rape was not criminalized, as we have seen, nor was a man's rape of his own slaves. This lack of criminalization is a glaring risk factor for these forms of sexual violence, and implies that such violence was normalized and tolerated within society.

Moreover, Stewart claims that rape would be rare in a society where slaves and sex workers are readily available.¹⁰⁸ This argument rests on a fundamental misunderstanding of sexual violence and how it operates, implying as it does that slaves and sex-workers – the very groups most vulnerable to sexual exploitation – cannot experience rape. The sexual assault of household slaves appears to have been common in ancient Greece: Euphiletus' wife complains about her husband's sexual activity with their slave girl,¹⁰⁹ and in Homer's *Odyssey* Laertes' restraint in not sleeping with the enslaved Eurycleia is considered unusual enough to require explanation.¹¹⁰ The rape of slaves is regularly joked about in Aristophanic comedy,¹¹¹ while enslaved war-captives are routinely exploited for their sexual labour in both epic¹¹² and tragedy.¹¹³ As many sex-workers were enslaved, any sexual relations they engage in are, by nature, coercive. Even those sex-workers who were not enslaved and entered the profession of their own accord could still experience acts which they did not consent to.

Our best source for the lives of sex-workers in ancient Greece is Apollodorus' speech *Against Neaira*. It is clear from this account that Neaira was subjected to various acts of sexual violence throughout her life and that she was powerless to do anything about it. Nikarete bought Neaira as a child and put her to work at a very young age: Apollodorus tells us that Neaira was “working with her body, though she was too young as she had not yet reached puberty”, ἐργαζομένη μὲν ἤδη τῷ σώματι, νεωτέρα δὲ οὔσα διὰ τὸ μήπω τὴν ἡλικίαν αὐτῇ παρεῖναι (59,22).¹¹⁴ This makes it clear that Neaira is below the usual age of marriage (twelve to fifteen) when she is forced into the sex trade. Glazebrook suggests that she could be anywhere between the ages of seven and eleven.¹¹⁵ Glazebrook further notes that while there were laws against the sexual exploitation of free minors, these laws did not apply to enslaved individuals like Neaira.¹¹⁶ Later in her life, Neaira manages to purchase her freedom with the aid of a substantial monetary contribution from Phrynion, a former client.¹¹⁷ Phrynion takes her to Athens, where he – and his fellow partygoers – treat her outrageously, forcing her into voyeuristic situations and successively raping her while she is drunk.¹¹⁸ That Neaira perceives this treatment as wrongful and hubristic is made clear from her later complaint to Stephanos.¹¹⁹ Scholars have questioned why Apollodorus would risk creating sympathy for Neaira by recounting Phrynion's abuse of her.¹²⁰ However, it is clear that Apollodorus does not expect his portrayal of Neaira to

¹⁰⁸ STEWART 1995, 77.

¹⁰⁹ Lys. 1, 12.

¹¹⁰ Hom. *Od.* 1,430–4.

¹¹¹ E.g., Ar. *ach.* 271–75; *Thesm.* 1172–1216; *vesp.* 764–70; *eq.* 1384.

¹¹² E.g., Homer's *Iliad*: Briseis, Chryseis (1,29–31), Iphis and Diomedes (*Il.* 964–66); see also Hom. *Il.* 2,232; 2,354–55; 8,291.

¹¹³ E.g., Euripides' *Troades*, *Hecuba*, and *Andromache*; Sophocles' *Ajax* and *Trachiniae*; Aeschylus' *Seven Against Thebes*.

¹¹⁴ Apollodorus, *Against Neaira* [Demosthenes 59]. Translation adapted from Carey 1992.

¹¹⁵ GLAZEBROOK 2021, 72.

¹¹⁶ *Ibid.*; the laws in question are recorded in Aeschines 1,13–15.

¹¹⁷ [Dem.] 59,31–32.

¹¹⁸ *Ibid.* 59,33–34.

¹¹⁹ *Ibid.* 59,37. This is the only time in the speech that the term *hubris* is used to describe Phrynion's treatment of Neaira.

¹²⁰ GLAZEBROOK 2021, 72 citing KAPPARIS 1999, 46–47 and FISHER 2001, 189–90.

arouse sympathy for her, and Omitowojou has argued that Neaira's assault would not be viewed as *hubris*, since she does not have a *kurios* to take offence and prosecute a case on her behalf.¹²¹ Apollodorus' aim is to establish Neaira's status as a sex-worker, and it is telling that it is her sexual mistreatment which he offers as proof of that status. It indicates that sexually violent and degrading treatment was considered a normal part of sex-work. This is further supported by the treatment of Theoria in Aristophanes' *Peace* (894–904). Robson notes that Theoria is treated like sex-worker, and her gang rape at the hands of the Prytaneis shares similarities with the abuse of Neaira by Phrynion and his friends.¹²²

Thus the sexual assault of slaves and sex-workers, as well as marital rape, was tolerated and normalized in Athens. Moreover, there is even evidence that the rape of a free citizen woman could be treated leniently, if the aggressor appeared to be acting out of passion or youthful foolishness rather than *hubris*. Lape questions why, if rape could be considered an act of *hubris* under the law, rapists in Menander are not portrayed as violent criminals transgressing social norms.¹²³ She argues that the context and scenarios of rape in Menander help to decriminalize it – the rapist is often under the influence of alcohol and thus did not intend to commit an act of *hubris*, and the rapes usually take place during nocturnal festivals where social norms are temporarily held in abeyance. This is a good example of how social norms and attitudes facilitate sexual violence by trivializing and excusing it – the trauma of rape is downplayed, and the rapist is not punished, because he did not “mean” it. A similar excuse is offered by Herakles for his rape of Auge in Euripides (*Auge* fr.272b): νῦν δ' οἶνος ἐξέστησέ μ'· ὁμολογῶ δέ σε / ἁδίκημ' ἐγένετ' οὐχ ἐκούσιον, “As it is, wine made me lose control. I admit I wronged you, but the wrong was not intentional”.¹²⁴ The same sentiment is also found in Aristotle's advice to tyrants – he tells them to avoid resentment by making sure they appear to act out of passion rather than *hubris*.¹²⁵

Finally, both Fisher¹²⁶ and Llewellyn-Jones¹²⁷ argue that a certain degree of domestic violence against wives, children, and slaves was commonplace and acceptable in Athens. Llewellyn-Jones lists the scenarios in which a husband might resort to violence: when his wife speaks out of turn, goes against his wishes, incites rumours of infidelity, or refuses to have sex with him.¹²⁸ Such “domestic” violence was seen as a way to “teach” women proper behaviour. According to Fisher, “the standard ideological positions were probably that husbands should usually be able to persuade their wives to conform or obey, and that on the other hand women should not complain if failings were dealt with by physical punishment, provided it was not ‘excessive’”.¹²⁹ Such violence was widely tolerated within the community, with cross-cultural studies indicating that it was viewed as a private matter in which neighbours and other members of the community should not involve themselves.¹³⁰

¹²¹ OMITOWOJOU 1997.

¹²² ROBSON 2014, 321.

¹²³ LAPE 2001, 92–94.

¹²⁴ Trans. COLLARD & CROPP (2008).

¹²⁵ Arist. *Pol.* 1315a.

¹²⁶ FISHER 1998, 77.

¹²⁷ LLEWELLYN-JONES 2011.

¹²⁸ Ibid. 253.

¹²⁹ FISHER 1998, 77.

¹³⁰ LLEWELLYN-JONES 2011, 253.

(ii) A lack of supports for victims:

Scholars are generally in agreement that rape victims were viewed sympathetically and were not punished in the same way that adulterous women were.¹³¹ However, while the law did not seek to punish rape victims, it also did not seek to support them, and that is a significant distinction. There were no supports or assistance for victims of sexual and gender-based violence in Classical Athens. On the contrary, some of the “solutions” to rape in Athens could be detrimental to the wellbeing of the victim (even if that was not the intention of the law), such as marriage to her rapist, discussed earlier.

The societal level:

The societal level examines the larger, macro-level factors that influence violence, such as gender inequality, religious or cultural belief systems, societal norms and economic or social policies that create or sustain gaps and tensions between groups of people.¹³² Social and cultural factors can facilitate violence by “creating an acceptable climate for violence” and “reducing inhibitions against violence”.¹³³ Examples of risk factors at this level include: cultural norms that entrench male dominance over women and children, such as traditional gender norms that give men economic and decision making power in the household; lack of legal rights for women, including access to divorce; social norms that justify violence against women and which support violence as an acceptable way to resolve conflicts; social norms supporting ideas of male superiority and sexual entitlement; and lack of criminal sanctions for gender based violence. They also include health, educational, economic, and social policies that maintain high levels of economic or social inequality between groups in society.¹³⁴ Once again, all these factors were in operation in Classical Athens. We have discussed several of them already throughout the course of this paper. In the discussion below, I focus primarily on the lack of political, legal, and economic rights for women relative to men and on the gender norms that normalize male sexual aggression and fuel “rape myths”.

(i) Lack of political, legal, and economic rights for women relative to men:

Women in Classical Athens had no active political rights - they could not attend, speak or vote in the citizen assembly, and they could not serve as council members, magistrates or generals.¹³⁵ This exclusion of women from political and government roles is a major societal level risk factor for gender-based violence because it denies women the opportunity to hold office and exercise political power, and it denies them the opportunity both to publicly advocate for their interests and to influence public policy by voting. Women were also excluded from the realm of law: they could not sit on juries,¹³⁶ represent themselves in court, or give evidence in court.¹³⁷ They were considered permanent legal minors, incapable of determining their own interests, and therefore placed under the guardianship of a male *kurios* for their whole life.¹³⁸ We have already discussed how the *kurios* system functions as a relationship level risk factor for violence, due to the degree of authority and control it grants men over the women in their care. Here we see how various levels of the ecological

¹³¹ SOMMERSTEIN 2006; HARRIS 2014, 2023.

¹³² WHO 2010, 19.

¹³³ BOTT – MORRISON – ELLSBERG 2004, 15; KRUG et al. 2002, 13.

¹³⁴ BOTT – MORRISON – ELLSBERG 2004, 15; KRUG et al. 2002, 13, 159.

¹³⁵ BLUNDELL 1995, 128; JUST 1989, 9.

¹³⁶ Ibid.

¹³⁷ BLUNDELL 1995, 114; JUST 1989, 23–27.

¹³⁸ BLUNDELL 1995, 114; GOULD 1980, 43; JUST 1989, 18; POMEROY 1975, 62.

model interact with each other: the assigning of a *kurios* (a relationship level factor) is the direct result of women's low legal and political status (societal level factors).

The exclusion of women from law and the courts is a societal level risk factor for sexual violence because it denies women the opportunity to influence the creation of laws that impact their lives (such as the laws against sexual violence), with the result that such laws protect the interests of the male guardian rather than the woman herself; it also curtails her ability to seek justice for any wrongs committed against her, and leaves her with no legal recourse except via her *kurios*. Since women were treated as permanent legal minors, they were also largely excluded from economic activity: according to *Isaeus* 10.10 women (like children) could not make wills, buy or sell land, enter into contracts or make financial transactions greater than the value of a *medimnos* of barley. As we saw earlier, a woman's dowry was managed by her husband.

The low legal, political, and economic status of women was justified and naturalized by pernicious gender stereotypes which view women as weak-willed, irrational, and thus incapable of governing both themselves and the *polis*.¹³⁹ In his *Politics* Aristotle argues that the deliberative faculty of the psyche is inoperative (ἄκυρον) in women, and that "moral goodness" (ἠθικὴ ἀρετὴ) is different for men and women: "fortitude in the one, for example, is shown in connection with ruling; in the other, it is shown in connection with serving", ἡ μὲν ἀρχικὴ ἀνδρεία ἡ δ' ὑπηρετική.¹⁴⁰ Such stark distinctions based on gender stereotypes, and the power imbalance inherent in them, constitute a societal level risk factor for violence against women.

This distinction in gender roles also influenced male and female education: while boys were educated in rhetoric and physical activity in order to prepare them for their future role in the political life of the *polis*, there is no evidence that girls received any formal education outside of the house.¹⁴¹ Educational policies that maintain high levels of economic and social inequality between groups in society are a societal level risk factor for violence.¹⁴² Another system that maintains extreme forms of social inequality between groups of people is that of slavery. Those enslaved are rendered even more powerless than free women, as they are entirely disenfranchised by the law and isolated from their kin and community networks. As discussed previously, the sexual exploitation of slaves appears to have been widespread and normalized in Classical Athens.

(ii) Gender norms that normalize male sexual entitlement and aggression and which fuel "rape myths":

Men in Athens were afforded much more sexual freedom than women. They could have multiple sexual partners and engage in extra-marital sex, for example with concubines (*pallakai*), sex-workers (*hetairai* and *pornai*) and domestic slaves, something that was strictly forbidden for women.¹⁴³ When Clytemnestra critiques this double standard in Aeschylus' *Choephoroi*, Orestes responds by implying that men are entitled to engage in extra-marital sex because they contribute more to the household than women do, by going out to work.¹⁴⁴ Earlier we saw that there was a sense of entitlement to marital sex, which was viewed as a husband's right and a wife's duty.

Male sexual aggression was naturalized and normalized by certain beliefs about gender and sexuality, such as the idea that sexual penetration is the "lot" of women, and that sex – even with a non-consenting

¹³⁹ Arist. *Pol.* 1,1254b, 1259b; JUST 1989, 136.

¹⁴⁰ Arist. *Pol.* 1,1260a. Trans. BARKER (1946).

¹⁴¹ BLUNDELL 1995, 132; POMEROY 1975, 74.

¹⁴² BOTT – MORRISON – ELLSBERG 2004, 15; KRUG et al. 2002, 13, 159.

¹⁴³ [Dem]. 59,122; Eur. *Med.* 244–47.

¹⁴⁴ Aesch. *Cho.* 917–21.

partner – is only natural. In Menander’s *Epitrepontes*, Onesimos quotes a line from Euripides’ *Auge* in an attempt to reason with Smicrines and make him accept his daughter’s rape.¹⁴⁵ The line reads:

ἡ φύσις ἐβούλεθ’, ἣ νόμων οὐδὲν μέλει
 γυνὴ δ’ ἐπ’ αὐτῷ τῷδ’ ἔφυ
 (Eur. *Auge*, fr. 265a)

Natured willed it, which cares nothing for convention.
 A woman was created by nature for this very purpose.¹⁴⁶

It is likely Herakles spoke this line to Auge’s father in his apology for his rape of her. In another fragment from the same play, he blames his behaviour on the fact that he was intoxicated (fr. 272b). As we saw earlier, rape was viewed more leniently when the rapist appeared to be acting out of intoxication or passion rather than *hubris*. Herakles thus justifies his act of rape by (a) blaming it on his intoxication and (b) naturalizing it as the lot of women. This idea that sexual penetration is the “lot” of women is found also in Euripides’ extant *Alcestis*. When Herakles asks Admastus to look after his prize-woman (the disguised Alcestis), Admastus protests that he would not be able to ensure the girl’s sexual integrity, since his house is full of young men:

πότερα κατ’ ἀνδρῶν δῆτ’ ἐνοικήσει στέγην;
 καὶ πῶς ἀκραιφνῆς ἐν νέοις στρωφωμένη
 ἔσται; τὸν ἡβῶνθ’, Ἡράκλεις, οὐ ράδιον
 εἶργειν: ἐγὼ δὲ σοῦ προμηθίαν ἔχω.
 (Eur. *Alc.* 1051–54)

Shall she stay in the men’s quarters? And how, moving among young men, shall she remain untouched? It is not easy, Heracles, to rein in a young man in his prime. In this I am looking out for your interests.¹⁴⁷

The implication being that a woman who shares space with men “invites” sexual attention, and that this attention is only a natural reaction on the part of the men. Moreover, the reminder that Admastus is looking out for Herakles’ interests reminds us that female sexual purity was inextricably linked to the honour of their male kin. Such sentiments place the responsibility on the woman and her *kurios* to preserve her sexual purity, and thus feed into the “ideal of seclusion” and male control of female sexuality. The idea that it is natural and normal for a man to engage in sexual intercourse with a woman – even if that woman is unwilling – is also found in Homer’s *Iliad*. Agamemnon swears an oath to Achilles that he never had sex with Briseis while he held her captive, ἢ θέμις ἀνθρώπων πέλει ἀνδρῶν ἡδὲ γυναικῶν, “as is the way of mankind between men and women” (9,133). Later, Thetis advises her grieving son to partake in both food and sex, saying ἀγαθὸν δὲ γυναικὶ περ ἐν φιλότιτι / μίσγεσθ’, “it is a good thing to join with a woman in love” (24,129–31).¹⁴⁸ Of course, the only women available to Achilles in the encampment of the Greek army are war-captives.

¹⁴⁵ Men. *epit.* 1123–24.

¹⁴⁶ Trans. COLLARD & CROPP (2008).

¹⁴⁷ Trans. KOVACS (1994).

¹⁴⁸ Trans. HAMMOND (1987).

Furthermore, the harm sexual violence causes the victim is downplayed by gender stereotypes that see women as naturally promiscuous and desirous of sex, to such an extent that they find even forced sex pleasurable. In Euripides' *Troades*, Andromache, upon learning of her sexual enslavement to Neoptolemus, cites a cultural maxim which claims that one night of sex is enough to turn a woman's hatred for a man into desire.¹⁴⁹ The context makes it clear that this initial sexual encounter is non-consensual, and thus the female sexual appetite is conceptualized as so great that it has the potential to turn a violent rape into an enjoyable experience. A similar sentiment is found in Aristophanes' *Lysistrata*, when Lysistrata advises the other women to respond to their husband's use of force by coldly submitting and not moving their hips.¹⁵⁰ The underlying implication is that the women would naturally derive sexual pleasure from their husbands' acts of rape.

This stereotype of women as naturally promiscuous, combined with the stereotype that they are naturally deceitful, leads to the formation of another rape myth: the idea that women lie about rape. The "Potiphar's wife" story-pattern – in which a woman makes a false accusation of rape against her love interest – was common in the ancient world, forming the basis of several tragedies and cropping up regularly in Greek mythology.¹⁵¹ The idea that women lie about rape may also be detected in the opening of Herodotus' *Histories*, where the claim is put forward that no woman allows herself to be abducted unless she wishes to be, δῆλα γὰρ δὴ ὅτι, εἰ μὴ αὐταὶ ἐβούλοντο, οὐκ ἂν ἡρπάζοντο. (1,4,2). In Euripides' *Helen*, when Helen laments that she will be forced to marry Theoclymenus against her will, Menelaus responds by saying such a rape would be a betrayal of him, for force is just an excuse.¹⁵² Such rape myths are a hallmark of rape culture, as they downplay the harmful impact rape has on the victim and allow her claims of non-consent to always be called into question.

(iii) Lack of criminal sanctions against sexual violence:

We have already discussed the criminalization of sexual violence in detail, but some points bear repeating: Athenian law criminalized the rape of a woman incorporated into the household of an Athenian citizen, without the permission of her *kurios*. A man's rape of his own wife and slaves was not criminalized, nor was any sexual activity with his female relatives or slaves to which he had granted permission. This lack of criminalization is a major risk factor for these forms of sexual violence. Moreover, the reason some forms of sexual violence were criminalized while others were not is because the law sought to protect the right of the male *kurios* to control the sexuality of the women in his household, rather than the wellbeing of the victims themselves. This is another hallmark of rape culture.

Conclusion

Classical Athens was a gender unequal society, and gender inequality was the root cause of sexual violence. Many aspects of the political, legal, economic, and social position of women in Athens operated as major risk factors for sexual violence, on various levels of the ecological model. Aspects of Athens' socio-cultural environment, and notably its beliefs and norms regarding gender and sexuality, had the potential to facilitate and enable acts of sexual violence. Thus, Classical Athens meets the criteria of a rape culture.

¹⁴⁹ Eur. *Tro.* 665–66.

¹⁵⁰ Ar. *Lys.* 163,225–28.

¹⁵¹ Most notably Euripides' extant *Hippolytus*, but see also the following fragmentary plays: Euripides' *Hippolytus Veiled*, *Peleus*, *Stheneboea*, and *Phoenix*; Sophocles' *Iobates* and *Phaedra*; and Astydamas' *Bellerophon* and *Phoenix*.

¹⁵² Eur. *Hel.* 834.

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