

Domingo Aviles

Are the suitors in the *Odyssey* guilty of rape? A
linguistic analysis (*)

Abstract

In book 22 of the *Odyssey*, just after the massacre of the suitors, Odysseus also has twelve maidservants executed, in part because they had engaged in sexual relations with his enemies. But in other passages we are told that the suitors would use force to get their way with female slaves (and Odysseus accuses them precisely of this crime in verse 22.37). This seeming contradiction has caused a great deal of confusion among commentators, translators and other modern readers. In this article I argue that there is no real reason for such confusion, which is based on an unwarranted reading of 22.37 as definite, that is, as though it implied that all slave women have behaved in the same way and that they have all been subjected to violence by the suitors. I also try to tease out, from the text of the *Odyssey* itself as well as some legal texts from classical *poleis*, which moral assumptions may have led the protagonist to behave as he does.

Nel libro 22 dell’*Odissea*, subito dopo il massacro dei pretendenti, Odisseo fa giustiziare anche dodici sue ancelle, in parte perché avevano avuto rapporti sessuali con i suoi nemici. Ma in altri passi ci viene detto che i pretendenti avrebbero violentato le schiave (e Odisseo li accusa precisamente di questo crimine nel verso 22.37). Quest’apparente contraddizione ha causato una grande confusione tra commentatori,

* An earlier version of this paper was given at the 48th conference of the Classical Association of the Pacific Northwest in Tacoma in March 2018. I greatly benefited from the discussion that followed it. I would also like to thank Dr. David Mirhady and my sister Raissa Avilés for reading early drafts of this paper, Dr. Eirini Kotsovoli for bringing to my attention M. Atwood’s *Penelopiad* and, last but not least, the editors and the referee for *Dike* for helping me give this article the final polish.

traduttori e altri lettori moderni. In questo articolo sostengo che tale confusione è fondata su un malinteso, ovvero su una lettura ingiustificata del verso 22.37 come linguisticamente definito, cioè come se implicasse che tutte le schiave si fossero comportate nello stesso modo e tutte fossero vittime della violenza dei pretendenti. Cerco anche di dedurre, tanto dal testo della stessa Odissea quanto da alcuni testi giuridici provenienti da *poleis* classiche, quali concezioni morali abbiano spinto il protagonista a comportarsi in tal modo.

When we read or translate passages from the two major Greek epic poems, we face the same issue with which we must deal when confronted with languages that lack a definite article, such as Latin or Russian: with every noun we encounter we must decide whether or not to supply an article – a definite or indefinite one – or, as a linguist would put it, whether the noun in question is definite or indefinite. In general linguistics several theories have been proposed to capture the nature of this phenomenon; particularly important here is the work of John A. Hawkins¹, and in this paper I use a definition of definiteness that closely follows Hawkins’s approach. According to him, when a noun is definite, its referent is both specific (that is, belongs to a well-defined set of individual things that is known both to the speaker and to the listener) and inclusive (that is, in the case of plural or uncountable nouns, their meaning encompasses all elements of the set at hand).¹ To exemplify this, let us consider the following two examples:² “Bring *the [stumps]*³ in after the game of cricket.” – Would I be satisfied if the hearer brought me only four or five of the six [stumps]? I would not. [...] “I must ask you to move *the sand* from my gateway.” – Would I be satisfied if only some were moved? I would not.

¹ J. Hawkins, *Definiteness and Indefiniteness. A Study in Reference and Grammaticality Prediction* (London, 1978). See also J. Hawkins, ‘On (in)definite articles: implicatures and (un)grammaticality prediction’, *Journal of Linguistics* 27, 405-42.

² See Hawkins (n. 1), 158. Cf. *ibid.*, p. 17: ‘The definite description refers “inclusively” to the totality of the objects satisfying the descriptive predicate within the relevant pragmatic set.’ In other words, only with singular countable nouns does the definite article – or, for that matter, any other marker of definiteness – entail uniqueness; with plural countable ones it implies that all elements of the given set are included.

² Hawkins (n.1), 159 (Italics in the original).

³ ‘Wickets’ in the original. The author must be confusing the wickets, of which there are two, with the stumps, three of which make up each wicket.

If my hearer only moved part of the sand away, I would be justified in complaining: *I thought I asked you to ...*' In all these cases, the reference set (Hawkins' 'shared' or 'pragmatic set') is established pragmatically, that is, the listener (or reader) has to infer from the context which specific set of things is being referred to.

However, in many cases a definite noun phrase does not imply that literally every element of the set is included in the description; for instance, if we say that 'the Russians fought against the Germans in WWII', this does not mean that literally every Russian and every German fought. In such cases, the set is seen as a collective rather than a number of separate individuals. However, such definiteness contains a generalization that invites the reader to consider all individuals included in the set at hand as implicated in what is predicated of the group.

Such a level of analysis regarding (in)definiteness as is practiced in general linguistics is rarely found in Classical scholarship. To be sure, most scholars of Classical languages (as well, I suppose, as most of those conversant with Russian, Chinese etc.) continually establish in their own minds whether a noun is definite or not without, as a rule, giving it much thought; and when they translate into a modern language that does mark (in)definiteness explicitly through articles, they automatically add the article the target language requires, or omit it when the target language requires that it be omitted, based on their understanding of the passage in question. In fact, seldom does the absence of an article create ambiguity, since in languages without articles there are either other indicators of (in)definiteness or the context suggests or imposes a definite or indefinite interpretation.

One case where the lack of a definite article does cause difficulties is the phrase $\delta\mu\omega\alpha\iota \gamma\upsilon\nu\alpha\tilde{\iota}\kappa\epsilon\varsigma$ in *Odyssey* 22.37. In all the translations I have consulted, this expression is rendered as '*the* female slaves' (i.e. the female slaves who serve in Odysseus's house). Likewise, where the word $\mu\upsilon\eta\sigma\tau\tilde{\eta}\rho\epsilon\varsigma$ appears it is usually translated as '*the* suitors'. In many cases this translation is certainly correct, for instance, in *Od.* 22.427, where Penelope is said to have prohibited Telemachus from giving *the* female slaves orders ($\sigma\eta\mu\alpha\acute{\iota}\nu\epsilon\upsilon\iota\nu \acute{\epsilon}\pi\iota \delta\mu\omega\tilde{\eta}\sigma\iota \gamma\upsilon\nu\alpha\iota\zeta\iota$). This is probably because this prohibition, constituting a general statement, logically applies to all elements that are included in the expression at hand. The servant women we are talking about belong to a specific set (that is, those female slaves who serve in Odysseus's household), and since the prohibition is not qualified, Telemachus is forbidden from giving orders to any of them.

Consequently, all servants are included in the prohibition, which makes the referent not only specific but also inclusive – in other words, definite.

Less straightforward is the interpretation of passages when a non-general statement is made, that is, when a specific event is recounted. In such a case we cannot be so sure, in the absence of a definite article, whether the statement applies to all X or only to some, and so we must be careful about our use of the article. Sometimes a definite interpretation is possible; for instance, in 23.356 we read:

μῆλα δ' ἄ μοι μνηστῆρες ὑπερφίαλοι κατέκειραν

the cattle of mine that *the* haughty suitors ate away.

Here the statement applies to all suitors and, consequently, needs the definite article. Eating Odysseus' food is what the suitors – all of them – did; there is no reason to exclude any of them from the statement, although from a purely grammatical point of view we certainly could. The occurrence of passages such as the two discussed here, however, does not justify adding a definite article every time we encounter the words μνηστῆρες or δμῳαὶ γυναῖκες. For instance, in 4.842 and 5.27 μνηστῆρες refers not to all suitors but only to those who have been selected to be on the ship sent out to ambush Telemachus and kill him, namely the twenty 'best' ones (4.669 and 778). There is no grammatical clue as to this fact, however; the reader must infer it from the context. This situation seems to have confused most commentators of the *Odyssey* and landed them in some intricacies in an attempt to solve the supposed contradiction between Odysseus's claim in 22.37 (talking to the suitors):

δμῳῆσι δὲ γυναιξὶ παρευνάζεσθε βιαίως

you slept with (the?) maidservants by force

and the events described at the beginning of book 20, where (the?) slave women are reported to have engaged and still be engaging in sexual relations with (the?) suitors (6-8):

ταὶ δ' ἐκ μεγάροιο γυναῖκες
ἦῖσαν, αἷ μνηστῆρσι ἐμισγέσκοντο πάρος περ,

And from the hall came forth (the?) women,

Who had been sleeping with (the?) suitors...

Not surprisingly given the general absence of articles from Homeric Greek, neither γυναῖκες nor μνηστῆρσι is accompanied by any article; ταί before δέ hardly counts as such.⁴ Nonetheless, most commentators appear to take these words as definite, which leads them to see a contradiction between the two statements:⁵ in the latter, ‘the’ female servants consent to the sexual acts in question; in the former they are raped.⁶ The 19th-century commentator Hayman even claims, on the grounds of this alleged contradiction, that βιαίως in this verse means not ‘by force’ but ‘insolently’, namely against Odysseus.⁷ It is questionable, however, whether βία in Homer (or elsewhere, for that matter) ever simply means ‘insolence’. Although the word most often carries a connotation of wantonness and unlawfulness – which is what separates βία from ἀνάγκη when the latter is used from the point of view of the person using force, as in 9.98 (Odysseus has some of his companions carried back to the ships by force, ἀνάγκη, from the land of the Lotus-eaters) – βία also implies, if not direct force against a person, a violation of his will, an action ‘in spite of’ somebody (cf. LSJ s.v. βία, II. 2.). Consequently, words like βιαίως and βία imply that the agent acts against the will of the person acted upon;⁸ thus, in the case at hand, it is warranted to take the suitors to be acting against the will of the maids they have intercourse with. When an action is in violation of the will of a third party, we expect the latter to be named in a genitive governed by βία.⁹

⁴ See E. Schwyzer, *Griechische Grammatik*, vol. I, 21: ‘Nur deiktisch sind die älteren Formen ταί gegenüber οἱ αἰ.’ See also, on the same page, the exposition of how in Homer – unlike in later Greek – ὁ/ἡ followed by a connective particle (most often δέ, but others are possible) is mostly not adjectival.

⁵ The alleged contradiction, as well as the problematic textual tradition of 22.37-8, has even prompted some editors to delete 22.37 altogether.

⁶ R. Omitowaju, *Rape and the Politics of Consent in Classical Athens* (Cambridge, 2002), 54 goes so far as to call *Od.* 22.37 ‘the *locus classicus* for [the use of βία when physical force is not involved]’ – a very strange statement seeing as nearly all interpreters and translators (with the exception of H. Hayman, *The Odyssey of Homer* [London 1866-82], *ad loc.*, cited by Omitowaju) take this verse to refer to rape and the adverb βιαίως to mean ‘by force’. Her argument is that 20.6-8 shows that ‘the’ maidservants had consensual sexual relations with the suitors and βιαίως cannot therefore refer to forcible intercourse but only to the alleged fact that such intercourse violates Odysseus’s property rights over the female slaves in question.

⁷ See previous n.

⁸ In *Od.* 2.307 βιαίως indicates that the suitors help themselves to Odysseus’s goods without caring about his (assumed) will and that of his family. In *Il.* 16.387 the will of the gods, and maybe also that of the community, is disregarded by those who give ‘crooked judgments’.

⁹ For instance, in Aeschylus, *Septem* 745-6: (Laios procreated) Ἀπόλλωνος βία.

Among the other commentators, Stanford¹⁰ seems to come closest to the view advocated in this article. In his note on 16.108-11, he defends the mention of servant women being subjected to sexual violence against scholars who object to it on the grounds that it is nowhere shown directly.¹¹ He states that ‘in view of 22.[3]7 and 313-15 it seems a justifiable, if slightly exaggerated, description of the relations between the Suitors and some of the women, cp. 19, 154; 20, 6-8; 22, 424, 462ff.’. But while the expression ‘*some of the women*’ may sound like a clue that 22.37 does not refer to all of them, the passages he cites after that appear to indicate that by ‘some of the women’ he actually means all those maidservants who have had any kind of sexual relations with suitors – likely not all of them have, forcibly or otherwise, because the suitors were not equally interested in all of them – and sees a ‘slight exaggeration’ in the fact that the poet now describes such affairs as sexual violence. Yet changing the description of a sexual relation from consensual (as in 20.6-8) to forcible is not an ‘exaggeration’ but changes the content of the statement completely, since rape is not ‘exaggerated sex’ or anything like that. At any rate, Stanford’s comment too seems to assume that there is only one group of slave women who have had any sexual encounters with the suitors instead of two – the willing paramours and the rape victims –, or else he does not clearly caution against such an interpretation and fails to point out that there are indeed two groups.

Fernández-Galiano¹² writes that Odysseus’ claim of rape at the hand of the suitors is factually wrong since in 20.6-8 as well as 22.424 and 445 ‘the’ slave women are shown to be willing paramours to the intruders. However, in commenting on another passage, namely 22.313-4 (Leodes claiming that he did not do anything ‘reckless’ [ἀτάσθαλον] toward the women in the household), he claims that ‘the women-slaves ... as we know from xvi 108-9, xx 318-9 were ceaselessly molested by the other suitors’. Perhaps the understatement contained in the choice of the word ‘molested’ is aimed at reconciling the seeming contradiction. If this is the case, the remedy proposed is inadequate, as it introduces the *ad hoc* assumption that the suitors (not generally known for taking ‘no’ for an answer) would have mistreated the maidservants in a sexual way but stopped short of actually raping them, and this in the face of the explicit description of violence contained in the references to the ‘dragging’ of the women in the passages

¹⁰ W. Stanford, *The Odyssey of Homer* (London/New York, 1962²), vol. II, 267.

¹¹ On this too see below.

¹² J. Russo et al., *Homer’s Odyssey*, vol. 6 (Oxford, 1992; Italian edition 1986) *ad loc.*

he himself cites, 16.108-9 and 20.318-9. We ought to call the dragging of maidservants what it is: (attempted) rape.¹³

As a side note, Fernández-Galiano speaks, in his note on 22.441-73, of ‘the strange and unwarranted cruelty’ of the punishment of the disloyal maids, pointing out that ‘the women’s illicit intercourse with the suitors [has] played no significant part in the events of the story’. But the disloyal female slaves are not punished just for the intercourse but for their general behaviour, of which their affairs with the suitors are but a subset, albeit a significant one in that it expresses their attitude toward their masters (more on this below).

The translators too seem to have a penchant for interpreting the noun phrase in this verse as definite. All the translations I have consulted render the noun phrase *δμοῦσι γυναιξί* in 22.37 as definite. Fagles¹⁴ renders the verse in question as follows: ‘(you) ravished *my*¹⁵ serving-women’; McCrorie writes:¹⁶ ‘forced *my* female workers to lie alongside you’; Wilson:¹⁷ ‘raped *my* slave girls¹⁸’; Onesti:¹⁹ ‘*delle mie schiave entrate per forza nel letto*’; Privitera:²⁰ ‘*vi giacevate a forza con le donne mie ancelle.*’

One may caution that definiteness need imply no more than that a group of people seen as a collective does something, rather than referring to literally every single member of that group; also, one can point to the fact that possessive noun phrases in predicative position are not always inclusive.²¹ In practice, however, the reader is almost invariably going to take expressions such as those just quoted to imply totality

¹³ On the significance of the imagery of women being dragged by force see below. I. de Jong, *A Narratological Commentary on the Odyssey* (Cambridge, 2011), 393 (on 16.108-11) makes the same point as Fernández-Galiano and others, claiming that 20.6-8 shows that ‘the’ maids slept with ‘the’ suitors of their own accord.

¹⁴ R. Fagles, *Homer, the Odyssey* (New York 1997).

¹⁵ That the possessive in English entails definiteness is shown by examples akin to those quoted above: if I asked a school principal to let me see ‘my’ children (and let us assume I have three children who go to that school), I would not consider my request fulfilled if I were shown only one or two of them. Sentences such as ‘I broke my leg’, where the requirements for definiteness are not fully met, generally occur with respect to things that are very closely connected to the individual at hand, namely body parts and family members (I can say ‘my brother’ even if I have more than one and the listener cannot be assumed to know which one is meant). On this and the few other exceptions to the rule that English possessives mark definiteness see C. Lyons, *Definiteness* (Cambridge 1999), 25-6.

¹⁶ E. McCrorie, *The Odyssey* (Baltimore/London 2004).

¹⁷ E. Wilson, *Homer. The Odyssey* (London/New York 2017).

¹⁸ Wilson never brings forth any argument to back up her contention that Odysseus’ slave women must be very young. Fernández-Galiano (in Russo et al., n. 13), 207 and 209 uses the word ‘slavegirls’ (spelled exactly in this way) without explaining it.

¹⁹ R. C. Onesti, *Omero, Odissea* (Torino, 1963).

²⁰ G. A. Privitera, *Omero, Odissea*, (Milano 1981-1986).

²¹ Lyons (n. 16), at 25.

and thus, in this specific case, to think that all maidservants have been raped. A case in point is the Canadian author Margaret Atwood, whose novel *The Penelopiad*²² consists in a retelling of the *Odyssey* mainly from Penelope's point of view, but also from that of the twelve maidservants whom Telemachus has hanged in book 22. In her note at the end of the book, Atwood cites as her main source the translation of Rieu,²³ which renders 22.37 as 'you raped my maids'. Chapter xxvi of the novel is a 'Trial of Odysseus, as Videotaped by the Maids'; in it the twelve hanged slave women force the judge to try Odysseus not only for killing the suitors but also for executing them, and the judge, leafing through the *Odyssey*, comments (p. 179) that 'It's written there, in this book – a book we must needs consult, as it is the main authority on the subject [...] – it says right there, in Book 22, that the maids were raped. The Suitors raped them. Nobody stopped them from doing so ...'. So Rieu's 'my maids' has become 'the maids', and there is no doubt in Atwood's mind that this wording means that *all* of Odysseus' maidservants were unwilling victims of the suitors' sexual aggression (on p. 182 she tries to harmonize this interpretation with the representation of consensual relations in book 20 by claiming that 'in effect, these maids were forced to sleep with the Suitors because if they'd resisted they would have been raped anyway, and much more unpleasantly'; thus the consensual relations are re-interpreted, as it were, as less violent rape). In the Introduction (p. xv) she writes that she has always been haunted by the hanged maids and that the story as is told in Homer holds no water, being full of contradictions. From the author's own words, it seems that the entire *Penelopiad* was born out of this misinterpretation. Thus, we see that, in practice, the reader of the existing translations will be misled by the unwarranted definite rendition of the noun phrase at hand.

As we have seen, then, the confusion surrounding this issue is predicated on our taking $\delta\mu\phi\eta\sigma\iota\ \gamma\upsilon\nu\alpha\iota\zeta\acute{\iota}$ as definite and translating it as '*the* slave women'. If, on the other hand, we suppose that this sentence only refers to *some* female slaves,²⁴ this verse is perfectly compatible with all those passages in which some treacherous slaves are represented as willingly sleeping with the (or some) suitors. Perhaps the fact that the

²² Toronto 2005. It was also made into a stage play. I shall be referring to the novel throughout.

²³ The Penguin Classics translation of the *Odyssey* by E.V. Rieu, revised by D.H.C. Rieu (1991).

²⁴ Eurycleia is technically a slave woman herself, and we know that she did not engage in consensual sex with the suitors. This fact already seems to undermine the reading of $\delta\mu\phi\eta\sigma\iota\ \gamma\upsilon\nu\alpha\iota\zeta\acute{\iota}$ as definite, even though, as we shall see below (n. 31), she is also portrayed as being in some way outside of this group.

words οἶκον in 22.36 as well as γυναῖκα ('wife') in 22.38 must be rendered as definite may seem to suggest, or may have led interpreters to think, that 22.37 is definite, too. However, what we are really seeing here is specificity: Odysseus is not talking about any old household or any old wife but about his own, and in the singular such specificity amounts to definiteness. 22.37 is specific too: the reference is to a particular set of maidservants, those in Odysseus's house; but it is not necessarily definite in the sense described before, namely as entailing totality. In other words, the wording of this verse does not imply that *all* maidservants in Odysseus's house have been raped. Thus, from a purely grammatical point of view it is perfectly possible to interpret this sentence as stating that only a subset of the maidservants were raped and a few had consensual relations; in other words, we have to assume that there were at least two groups of slave women, one of which willingly acceded to the suitors' advances whereas the other resisted and was then subjected to rape or attempted rape by the hubristic youths who occupied the household.²⁵

That this second interpretation is to be preferred is shown by a couple of passages where the poet hints at the existence of widespread sexual violence by the (or some) suitors against (some of) the slave women. Besides the aforementioned (and, as we have seen, textually disputed) 22.37, I am referring specifically to 16.108-09 = 20.318-19:²⁶

(death would be preferable to having to watch)
 δμῶας τε γυναῖκας / ῥυστάζοντας ἀεικελίως κατὰ δώματα καλά

(suitors) dragging slave women disgracefully through the beautiful house

as well as 22.313-14, where Leodes says he has always refrained from reckless (ἀτάσθαλον) acts or words against any of the women, which must refer to the maidservants since the only free woman in the house who is ever named is Penelope. The verb ῥυστάζω suggests sexual assault of women,²⁷ much as ἔλκω or ἔλκέω does

²⁵ There might, of course, also have been a third group of women who were not propositioned at all because the suitors were not interested in them. In the following I shall, for the sake of simplicity, refer only to the two other groups and treat this third group as part of the second one.

²⁶ Eustathius cites these verses to explain 22.37. Hayman (n. 7), 166 (on 16.108-09) claims that Odysseus only speaks these words because he is not well informed about the goings-on in his house. Apart from the circular reasoning, 20.318-19 refutes this argument: these two verses have identical wording and are spoken by Telemachus, who, unlike Odysseus, must know exactly what is happening in the house. Hayman ignores this second passage.

²⁷ In 18.224 ῥυστακτός is applied to the treatment of a male guest (ξείνος); the verb, on the other

(cf. *Il.* 6.466 and 22.62 and, most tellingly, *Od.* 11.580, where the poet describes with the word ἔλκησε the rape or attempted rape of Leto by Tityos, who is punished in Tartarus for this transgression). And generally, when in ancient Greek texts we read about violence against a woman or a child, sexual violence is implied. In particular, one needs to notice the use of the word βία or cognates in contexts where it very likely refers to rape,²⁸ as in Herodotus 3.80.5:

(ὁ τύραννος) νόμαιά τε κινέει πάτρια καὶ βιάται γυναῖκας κτείνει τε ἀκρίτους.
(the tyrant) upsets traditional norms, uses force against (i.e. rapes) women and has people executed without due process.

As far as 16.108-09 is concerned, there generally seems to be among translators a greater openness for an indefinite interpretation. Thus while Fagles, for instance, writes: ‘men dragging the serving-women through the noble house, exploiting them all, no shame’, McCrorie renders the passage as ‘women and handmaids dragged around in shame’ (but in 20.318-19: ‘dragging the women around in shame’); Wilson: ‘slave girls dragged around, raped in my lovely home!’ (but at 20.318-20: ‘suitors acting so horribly [...], dragging the house girls through my home, molesting them’).

This greater openness, however, is probably caused by the fact that in a specific situation not all female servants will have been dragged around at the same time – a fact that rules out our reading δμῶας γυναῖκας as definite in a strict sense – but just some of them, rather than by a genuine awareness of the fact that there were two groups of servant women, the faithful and the unfaithful ones, the latter of whom willingly engaged in trysts with some of the suitors, and that very likely only those female servants who did not go along willingly were forced (needed forcing at all) into sexual intercourse. At any rate, one needs to note that in these verses the Greek is hardly different from that in 22.37, with δμῶας γυναῖκας being used in much the same way except for the different case. This shows that the rendition of this noun phrase as definite or indefinite depends solely on each specific context.

It is true that, as some have pointed out, the *Odyssey* never directly portrays such sexual violence but limits itself to hinting at it through the words of some of the characters; nonetheless, the language in the passages listed above seems clear enough,

²⁸ hand is always used of women as victims.
As is noted by Omitowoju herself (n. 7), 18 with n. 7.

and these passages cannot simply be expunged from the received text. Likewise, while there are hints at the mistreatment of male slaves,²⁹ the latter is nowhere directly shown in the poem. But in truth, there is no reason why we should expect the poet to portray everything directly and dismiss out of hand what he does not.

On the other hand, there is certainly a second group of maidservants who willingly engage in sex with some of the suitors. Apart from the passage just mentioned,³⁰ there is a longer disquisition on this subject in 22.421-6 (shortly after the massacre of the suitors), where Eurycleia names the number of the slave women who serve in Odysseus's house, fifty in total, and specifies that twelve of them have become 'shameless' and disrespect both her and Penelope herself.³¹ It is clear from the beginning of book 20 as well as from Odysseus's words in 22.444-5 and Telemachus' in 22.462-4 that the poet views consensual sex with the suitors as treason against Odysseus and Penelope and also that there is no third group of servant women who have had sex with the suitors but still show proper respect toward their masters and Eurycleia; on the contrary, it is made quite clear that the twelve bad maidservants Eurycleia singles out are the same ones who have had consensual sex with some of the suitors. This situation is consistent with what we are shown in 18.321-6, where we are introduced to the unfaithful slave woman Melantho, who is described both as obnoxious in her behaviour and as the girlfriend of Eurymachus, one of the leaders of the suitors (4.628-9). The text itself points out (18.324-5) that she had no empathy for Penelope's plight *but* (ἀλλά) had a sexual and romantic relationship with one of the suitors; the poet's view on the matter can hardly be made any clearer. Thus there are no issues or contradictions in any of this, provided that we abandon the unwarranted interpretation of 22.37 as definite and assume the existence of two groups of servant women which differ in how they relate to the suitors – in other words, in whether they have stayed faithful to the legitimate masters of the house, Odysseus and his family, or have sided with the intruders.

²⁹ 18.415-6 = 20.324-5.

³⁰ The poet hints at the existence of maidservants who are unfaithful to Penelope in 19.154 as well: Penelope's ruse with the web is uncovered by one of the women revealing it to the suitors.

³¹ Especially 22.422 suggests that one could regard Eurycleia as outside of the group referred to as δμῶαι γυναῖκες. In this case, even if we added a definite article to 'servant women' in our translations, she would not be included, since she would be excluded from the specific reference group at hand (cf. n. 25).

But where does this interest in the sexual behaviour of slaves come from? One may consider the following hypothesis: What we are seeing here is the same kind of thinking that one encounters in Lysias 1.33:

... ἡγούμενος τοὺς μὲν διαπραττομένους βία ὑπὸ τῶν βιασθέντων μισεῖσθαι, τοὺς δὲ πείσαντας οὕτως αὐτῶν τὰς ψυχὰς διαφθείρειν, ὥστ' οἰκειοτέρας αὐτοῖς ποιεῖν τὰς ἀλλοτρίας γυναῖκας ἢ τοῖς ἀνδράσι, καὶ πᾶσαν ἐπ' ἐκεῖνοις τὴν οἰκίαν γεγενῆσθαι, καὶ τοὺς παῖδας ἀδήλους εἶναι ὁποτέρων τυγχάνουσιν ὄντες, τῶν ἀνδρῶν ἢ τῶν μοιχῶν.

(The lawgiver) thought that those who have forcible intercourse are hated by those on whom they force themselves, whereas those who seduce corrupt their victims' souls to such an extent that they make other men's wives more intimate with themselves than with their husbands and become the masters of the house, and it is not clear of whom the children are, the husbands or the seducers.

Here the two reasons why female chastity and sexual fidelity are seen as particularly important are the issue of paternity – society must know with whom a woman sleeps in order to know who the father of her children is – and the fact that sexual infidelity will translate into emotional infidelity, which will undermine the wife's loyalty to her husband and cause her, so to speak, to hand the keys of the house over to her lover. Perhaps the loyalty that slaves are expected to show toward their masters is also seen as undermined if they have consensual sexual relations with their masters' enemies. The first of these reasons does not apply to men for obvious reasons; as for the second, it seems that male infidelity is not assumed to cause a husband and head of household to abandon his duties, as we can see in the *Odyssey* itself, where Odysseus has sexual relations with Circe and Calypso but ultimately wants to return to his home and restore law and order to it.³² Thus there is in Greek society a double standard by which female infidelity is strongly frowned upon³³ whereas extramarital affairs on the side of the

³² This is not to deny that the affairs he has with Circe and Calypso as well as Nausicaa's discreet wooing of him as a prospective husband constitute temptations which might make him forget or give up his determination to return home. I would still maintain that such affairs are less important for a male, although this is ultimately a matter of degree. It bears pointing out here that, considering the social norms of the day, Odysseus is, if anything, remarkably faithful to his wife: not only does he have little choice in the case of Circe and Calypso, the only two female beings with whom he has extramarital sexual relations in the poem, but when he is able to decide, namely in the case of Nausicaa, he declines, preferring to return to his native land and his household, thus ultimately to Penelope. Even his flirtation with Nausicaa is dictated by sheer necessity since – just as in the case of the two goddesses – he needs her help to survive and make it back home.

³³ Yet in the *Odyssey* itself this fact does not prevent Helen from returning into her husband's

husband are met with no further sanction than the wife's anger.³⁴ Correspondingly, in the legislation of classical Greek city-states *μοιχεία* ('seduction'³⁵) is a criminal offense and, interestingly – albeit not surprisingly –, only a woman can be, if I may say so, the *corpus delicti*.³⁶ In the case of rape, on the other hand, both men and women can be victims. We can see this difference in the Gortyn code,³⁷ which stems from the mid-5th century but must be largely based on older laws. Column 2 deals mainly with sexual offences:

αἱ κα τὸν ἐλεύθερον ἔ τὰν ἐλευθέραν κάρτει οἴπει, ἑκατὸν στατῆραν καταστασεῖ· αἱ δέ κ' ἀπεταίρο, δέκα· αἱ δέ κ' ὁ δοῖλος τὸν ἐλεύθερον ἔ τὰν ἐλευθέραν, διπλεῖ καταστασεῖ· αἱ δέ κ' ἐλεύθερος φοικέα ἔ φοικέαν, πέντε δαρκνάνς· αἱ δέ κα φοικεὺς φοικέα ἔ φοικέαν, πέντε στατῆρανς. [...] αἱ κα τὰν ἐλευθέραν μοικίον αἰλεθεῖ ἐν πατρὸς ἔ ἐν ἀδελπιῶ ἔ ἐν τῷ ἀνδρός, ἑκατὸν στατῆρανς καταστασεῖ· αἱ δέ κ' ἐν ἄλλο, πεντέκοντα.

If one sleeps by force with a free man or woman, he shall pay a hundred *stateres*; if that of an *apetairos*, ten; if a slave [sleeps by force] with a free man or woman, he shall pay twice as much; if a free man a slave man or woman, five drachmae; if a slave man a slave man or woman, five *stateres*. [...] If one is caught having illegitimate intercourse (*μοιχίων* = *μοιχεύων*) with a free woman in the house of her father, brother or husband, he shall pay a hundred *stateres*; if in someone else's house, fifty.

Unfortunately, no other extant legal inscription from any other Greek city deals with the issue of rape or seduction. All we have is a speech from classical Athens, the aforementioned Lysias 1, which paraphrases – we do not know how accurately – a law that deals with rape (Lysias 1.32):

ἀκούετε, ὦ ἄνδρες, ὅτι κελεύει, ἐάν τις ἄνθρωπον (ἄνδρα?) ἐλεύθερον ἢ παῖδα αἰσχύνῃ βία, διπλῆν τὴν βλάβην ὀφείλειν· ἐάν δὲ γυναῖκα, ἐφ' αἵσπερ ἀποκτείνειν ἕξεστιν, ἐν τοῖς αὐτοῖς ἐνέχεσθαι.

graces and living normally thereafter, as we see in book 4. We cannot expect too much consistency from traditional myths.

³⁴ That this could be enough is shown by the fact that Laertes is reported to have refrained from having intercourse with Eurycleia for fear of his wife's wrath (1.430-3).

³⁵ Better than 'adultery': see e.g. E. Harris, Review of Susan Deacy and Karen Pierce (eds.), *Rape in Antiquity: Sexual Violence in the Greek and Roman Worlds*, *Classical Views* 16 (1997), 483-96, 494-5, at 496 n. 11, with further literature.

³⁶ Since an adulterous woman faced severe social sanctions (albeit no criminal ones), such as those outlined in [Dem.] 59.86-7, we cannot assume that she was regarded as a victim: *μοιχεία* may well be a victimless crime (which do exist: compare the offence named *ἀσέβεια*). Possibly these very social repercussions made the lawgivers regard adulteresses as already 'punished enough', so as not to warrant criminal prosecution.

³⁷ *IC IV 72*.

Hear, gentlemen, how [the law] ordains that if somebody shames by force a free person (man?) or child, he shall owe double the amount; if he [shames by force] a woman [of those] where one may kill [the man caught having illegitimate intercourse with her], he shall be liable to the same penalty.

This passage, together with the aforementioned statement by the same author, points to rape and seduction being viewed as two separate offences in Athens as well. It also seems to confirm the gender-neutral nature of rape as opposed to the exclusively male-on-female nature of seduction, although we cannot be totally sure due to the problematic character of the transmitted text.³⁸

At any rate, the Gortyn code, as well as other pieces of legislation such as the *hubris* statute in Athens, points to a situation in which even aristocrats had no absolute license to hurt or mistreat those beneath them, including slaves.³⁹ Neither is there anything in the way the laws in question are phrased to indicate that the protection afforded to any group of people is due to a desire to safeguard the ownership rights of their master or guardian, as is sometimes claimed. All human beings who live in a community must be treated with a minimum of decency (unless they forfeit this right in some way); and while the penalty for offenses committed against them varies according to their social status, and although the number of situations in which violence was deemed acceptable was certainly far greater in archaic Greece than it is today, no one, not even slaves, was simply free game for abuse, rape or murder. We know that in classical Athens the killing of a slave by anyone but his or her master was punishable with exile, the normal penalty for the killing of non-citizens. It is not clear what happened if the master himself killed the slave; there would be a need for ritual purification, but criminal prosecution seems excluded by the fact that the only person entitled to initiate prosecution for the murder of a slave was the master himself.⁴⁰ However, the fact that an action was not prosecutable did not in itself make it moral or acceptable in the eyes of Greek society. This is evidenced by [Dem.] 47.68-73, where the speaker describes how he was unable to prosecute the murderers of his old nurse,

³⁸ For an in-depth analysis of this case see M. Falcon, 'Riflessioni sull'utilizzo dei Nomoi in Lys. 1', in: C. Pelloso (ed.), *Atene e oltre. Saggi sul diritto dei Greci* (Padua 2016), 147-208.

On this subject see M. Canevaro, 'The Public Charge for *Hubris* against Slaves: The Honour of the Victim and the Honour of the *Hybristēs*', *JHS* 138 (2018), 100-126. He points out that, although official Athenian ideology did not recognize slaves as having any honor, in daily social interactions it was necessary to act as if they did possess at least a modicum of it (ibid. p. 121).

⁴⁰ See e.g. D. M. MacDowell, *The Law in Classical Athens* (Ithaca/New York 1978), 81 and 117 (prosecution for the killing of an alien or a slave).

now a freedwoman, because he had no standing to initiate prosecution as he was neither related to her nor any longer her master. Since she also lacked any of the relatives listed in Draco's homicide law as entitled to do so, her murder had to remain unpunished. Nonetheless, the speaker seeks to spark outrage against his enemies by recounting the murder, which indicates that the immorality of the act was not removed by the fact that the functioning of the legal system prevented it from being criminally prosecuted.⁴¹

The dichotomy of rape and seduction that we encounter in the written legislation of the later *poleis* seems to me to be reflected in the *Odyssey* as well, where Odysseus blames the suitors only for raping maidservants, not for having consensual relations with them, and seems to hold accountable only the unfaithful slave women themselves for their consensual relations with some of his enemies. The difference is, of course, that the written laws provide that in the case of seduction, not just of rape, it is the man, not the woman, who is to be criminally prosecuted.⁴² Correspondingly, neither Odysseus nor Telemachus wants to eliminate any of the servants simply because they have been raped (*pace* Atwood) but punish only those ones who willingly engaged in trysts with some of the suitors as is shown in the beginning of book 20.

Therefore, Odysseus and Telemachus must be absolved of the accusation of punishing the innocent – unless, of course, we espouse the view that even the consenting maidservants did not really have a choice because of the power imbalance between the suitors, who were aristocratic men, and themselves, who were mere slaves.⁴³ In this case, Odysseus and Telemachus would actually have cruelly killed perfectly innocent slave women. However, the poet of the *Odyssey* makes clear that he does not see things in this way: not only does the description of the behaviour of some of the women in the beginning of book 20 show them to be perfectly happy with the situation, but the hints at sexual violence demonstrate by implication that the other thirty-eight maidservants

⁴¹ I do not agree with the widespread view that written laws counted for little in the decision-making process of Athenian judges. I have argued against this view with respect to Dem. 18 (*On the Crown*) 120, one of the classical examples of supposed utter disregard and reckless twisting of written statutes (D. Aviles, "Arguing against the law." Non-literal interpretation in Attic forensic oratory', *Dike* 14 [2011], 19-42, p. 34-39. I am much indebted to the anonymous referee for *Dike* for his/her observations, which thoroughly shaped the final version of this passage; unfortunately, the footnote containing the credits was somehow lost in the publication process). Against the common view that Lysias too is twisting the law in the speech mentioned above see Falcon (n. 39).

⁴² The word *μοιχεύτρια* is rare and found exclusively in non-legal contexts. Interestingly, the verb *μοιχεύω* is used in the active of the man and in the passive of the woman (see LSJ s. v.).

⁴³ Wilson (n. 18), 52: 'These women are slaves, who presumably had little choice about their treatment by the suitors'.

were perfectly able to choose not to engage in the same kinds of acts as the twelve unfaithful ones. The servant women can be expected to resist the suitors – and then perhaps be taken by force, but in this case, they will remain guiltless, having been coerced through actual force and remained free of emotional infidelity, as in the case of the thirty-eight faithful maidservants. Also, nothing really compels a slave to take the side of the intruders instead of Odysseus and his family. But to appreciate this fact one needs to acknowledge that there are two groups of slave women in the first place, a knowledge clouded by the unwarranted reading of 22.37 as definite, which seems to be at the root of most of the confusion on this matter.

We thus see that the claim that a slave woman could not really choose whether or not to give in to a suitor's advances certainly does not represent the view of the poet himself. In the *Odyssey* as a whole, the 'duress' defence has little purchase. The crew of Odysseus are punished for eating the cattle of the Sun; yet they were under a kind of duress that – I suspect – one would deem significantly harder than that faced by the maidservants being propositioned by the suitors: they faced, at least in their minds, death by starvation; this fact, however, does not erase their guilt and they are destroyed all the same. The *Odyssey* puts a great deal of emphasis on individual choice, and its bar for declaring someone to have had no choice is much higher than the one that most of us would probably set today. Also, it is worth pointing out that in the eyes of the poet, all people, regardless of their gender or social status, are responsible for the decisions they make, including hard ones, and can be held accountable if they choose to do something wrong. The only thing that is really exculpatory in the poet's mind is actual coercion (βία or ἀνάγκη), as in the case of the singer Phemius, who is spared because he was forced by the suitors to sing for them against his will.⁴⁴

The two groups of slave women whom we see in the poem are thus divided by the decision they have made regarding whether to side with the suitors or to stay faithful to their lawful masters. It is not 'the' maidservants who have been raped, but only those who have made what the poet sees as the right decision and thus have had to endure the suitors' wantonness. And in 22.37 Odysseus tells the suitors that the punishment he is about to deal out will be, among other things, on behalf of these faithful maidservants as well.

⁴⁴ Phemius sings for the suitors ἀνάγκη: 1.154; 22.331, 353.