

## *Moicheia* and the Unity of Greek Law

This paper aims to demonstrate, in accordance with the criteria proposed in Phillips 2014, that a substantive legal category of *moicheia* (seduction, including, but not limited to, adultery: Patterson 1998: 114-125; Omitowoju 2002: 73-95; Harris 2004; *contra* Cohen 1991: 98ff.) existed across sufficiently broad space and time in the ancient Greek world to qualify *moicheia* as a concept of “Greek” law. The argument begins with Homer, whose Lay of Ares and Aphrodite (*Od.* 8.266-369; Cantarella 2011a; Cantarella 2011b) provided the ideal aetiology for the practice of detaining for ransom the *moichos* (seducer) caught in the act that we will find in many later sources and places. Characteristic elements (or what will become such) include Hephaestus’ rights *qua* husband and *qua* householder to apprehend and detain Ares; the humiliation of Ares (here by being displayed in chains to the mockery of the witnessing gods); and Ares’ release on the security proffered by Poseidon. Evidence for the Panhellenic status of *moicheia* as a concept of law is then drawn from a wide variety of both legal and literary texts, including Athenian statute law (e.g., Dem. 23.53; [Dem.] 59.87), forensic speeches (especially Lys. 1, [Dem.] 59), and comedy (e.g., Ar. *Nu.* 1083-1084; Pl. Com. fr. 189-22 K–A); the Great Code of Gortyn; Hipponax fr. 30 West = fr. 41 Degani (Ephesus); Plut. *Lyc.* 16-18 with X. *Lac. Pol.* 1.7, *Hell.* 1.6.15 (Sparta); Arist. fr. 593 Rose (Tenedos); Arist. fr. 611.42 Rose (Lepreum); and Plut. *Mor.* 291e-f (*Quaest. Graec.* 2: Aeolian Cyme). In the end, we shall see that Lysias (1.1-2) and Xenophon (*Hiero* 3.3) were right to posit a degree of unity among the Greeks in their treatment of *moicheia*, though not necessarily in the way these authors imagined.

## Bibliography

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