

Spartan *moicheia*  
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International Relations in Antiquity: The Case of Sparta  
Ινστιτούτο Σπάρτης/Institute of Sparta  
September 12, 2021

### **Part I. Geradas' bull**

In his *Life of Lycurgus*, Plutarch concludes his treatment of the Lycurgan regulations on marriage and procreation with praise and an illustrative anecdote (**Handout #1**): Geradas, a Spartiate of the distant past, was asked by a foreigner what penalty the Spartans inflicted on *moichoi*. (A note on terminology: *moicheia* is best translated in English as “seduction” not “adultery,” and *moichos* as “seducer” not “adulterer,” since the offense did not require the female party to be married; *moicheia* is the illicit “seduction” of a woman without the consent of her *kyrios*.) Geradas answered the foreigner by asserting that there were no *moichoi* in Sparta. “And what if there were one?” asked the foreigner; Geradas responded that he would be fined a bull large enough to extend its head over Mt. Taygetus and drink from the Eurotas. “How could there be a bull that large?” asked the foreigner; to which Geradas replied, “How could there be a *moichos* in Sparta?”

Plutarch took this anecdote nearly *verbatim* from one of his *Spartan Apophthegms*, in which the Spartiate is named Geradatas, and the foreigner explains his initial question by his failure to locate any Lycurgan law on the topic. Setting aside the hypothetical Laconian Bull of Heaven, whose significance lies only in the possibility that Spartan law once denominated fines in oxen, this anecdote presents two problems. When in the remote past would Plutarch place this mythical prelapsarian Sparta? And what was the penalty for *moicheia* at Sparta?

## Part II. Spartan *moicheia* from Helen to Chilonis

Plutarch posits his view of a chaste Lycurgan Sparta in direct contradiction to the tradition reported by Aristotle that Lycurgus tried to get the women of Sparta to obey his laws but gave up when they resisted (**Handout #2**). By the time of Aristotle, Spartan women were stereotyped as sexually promiscuous; the archetype was, naturally, Helen (see **Handout ##3, 4**). But Helen does not pose a problem for Plutarch, for he dates Lycurgus three centuries after her. Far greater obstacles to Plutarch's myth of a *moicheia*-free Sparta are the first two of the following four well-attested historical cases of actual or suspected *moicheia* that bore major ramifications for Spartan domestic and foreign affairs.

***Case 1. The Partheniai and Taras*** (**Handout #5**). In 706, the Partheniai, illegitimate children of Spartiate women and helot men born during the First Messenian War (*ca.* 736/732-*ca.* 716/712), were expelled from Sparta to establish the colony of Taras. Significantly, the Partheniai were numerous enough to throw their native state into turmoil by plotting revolution and then to found a colony.

***Case 2. Demaratus and his mother*** (**Handout #6**). In 491, king Demaratus was deposed from the Eurypontid throne on grounds of illegitimate birth. His supposed father Ariston's immediate reaction upon learning of Demaratus' birth had been to declare that Demaratus could not be his son, since the birth occurred only six months after he had married Demaratus' mother. Ariston later recanted and acknowledged Demaratus as his, but his initial reaction was almost certainly correct: in antiquity a baby born at least two months premature had poor chances of survival, and Ariston had not fathered a child by either of his two previous wives. Demaratus' birth occasioned a paternity controversy involving three candidates in addition to Ariston: his mother's

former husband, Agetus; the hero Astrabacus; and the household's helot donkey-keeper. According to Herodotus, shortly before Demaratus fled into exile, he reassured his mother that if any of the allegations were true, she would have plenty of company. And she herself admitted that she was not sure who his father was. If not Ariston, she said, it was Astrabacus, who assumed the form of Ariston and visited her two nights after their wedding. Given the famed religiosity of the Spartans, she may actually have believed this, but it is more likely that she was saving face, for herself and her son, as best she could, and Demaratus had in fact been fathered by Agetus or the donkey-keeper.

***Case 3. Alcibiades and Timaea (Handout #7).*** In 412, the Spartan state issued a death warrant for Alcibiades, who had seduced Timaea, the wife of king Agis II, and impregnated her with the supposititious Eurypontid heir Leotychidas; Leotychidas was accordingly denied the throne upon Agis' death.

Plutarch knew these facts, and he must also have known of the traditions concerning the Partheniai and Demaratus. These traditions prove that the Spartans were familiar with the term and concept of *moicheia* (which, after all, goes back at least to Homer) long before the navarch Callicratidas warned Conon the Athenian, in the summer of 406, that he would make him stop fornicating with the sea (note that Xenophon preserves the Spartan Doric form μοιχῶντα). Since Plutarch places the end of the Lycurgan regime in the reign of Agis II, the Timaea case does not invalidate his vision of an ancient chaste Sparta. His stated reason for positing Agis' reign as the end of an era was the massive influx of coinage brought to Sparta by Lysander upon the conclusion of the Peloponnesian War. Elsewhere, though, he places most of the blame on the rhetra (law) of Epitadeus, which contravened the Lycurgan constitution both in form (it was a written law) and in substance (it replaced the Lycurgan system of inherited *klêroi* passed from father to son with

freedom of gift and bequest of real property). In all probability, the rhetra of Epitadeus belongs to the reign of Agis, before the end of the Peloponnesian War, and possibly before the affair of Alcibiades and Timaea. In any case, though, even if the Timaea case (very) briefly predated the end of Plutarch's Lycurgan era, it was at the very least, in Plutarch's mind, something of a harbinger.

Finally, we must consider the monumental effects that the preceding cases had on the course of Spartan and broader Greek history. If the Partheniai had remained in Sparta and succeeded in their revolution, the famed Spartan *eunomia* might have lasted a very brief time indeed. If Demaratus had not lost his throne, fled to the court of Darius, and served as an advisor to Xerxes, would Darius have appointed Xerxes his successor? If so, how might the course of the Second Persian War have been affected if Demaratus had been fighting Xerxes instead of advising him? And if not, would that war even have taken place? If Alcibiades had remained in Spartan service, how would the rest of the Peloponnesian War have played out?

***Case 4. Acrotatus and Chilonis (Handout #8).*** Too late to be relevant to Plutarch's myth of Lycurgan chastity, but significant nonetheless, is the blatant affair carried out between Acrotatus, the son of king Areus I, and Chilonis, the wife of Cleonymus, Acrotatus' great-uncle. Desirous of the kingship and enraged at his wife's infidelity, in 272 Cleonymus invited Pyrrhus of Epirus to attack Sparta. When the assault came, Chilonis placed a noose around her neck, so that if the city were captured, she would not fall into her husband's hands; Acrotatus fought so valiantly in the first day's successful resistance that some of the elderly men of Sparta followed him through the city, shouting, "Go, Acrotatus, and mount Chilonis; just be sure to make brave sons for Sparta!" And so they did, at least eventually: their son Areus II appears on an inscription at Delphi as "King Areus, son of King Acrotatus and Queen Chilonis."

The importance of this case lies in several things. First, in contrast to all the previous cases, in this one the *moichos* was definitely a Spartiate. Second, this was not an instance of wife-sharing (to be discussed presently): Cleomenes did not approve the arrangement; indeed, it was the proximate cause of his inviting Pyrrhus to invade. Third, the affair between Acrotatus and Chilonis not only went unpunished but was enthusiastically encouraged by their fellow Spartans. Moreover, Acrotatus went on to succeed his father to the Agiad throne (reigning 265-262), and his and Chilonis' son Areus II succeeded him. Although presumably Chilonis' marriage to Cleonymus ended by divorce or his death, and she married Acrotatus, before the birth of Areus II, thus rendering him legitimate, it is still worth noting the contrast with the cases of Demaratus and Leotychidas.

### **Part III. The Spartan law of *moicheia*: some conjectures**

Among all the cases above, the only actual offender (*moichos* or paramour) to suffer adverse consequences was Alcibiades. But this was clearly a special case: Alcibiades was a foreigner, Agis was a king, and the legitimacy of the crown prince was a matter of particular concern. The Alcibiades episode tells us nothing about the normal treatment of *moichoi* at Sparta. In fact, we have no good evidence for what the remedy or remedies for *moicheia* might have been. In this final section I will offer some conjectures.

The uniquely Spartan practice of wife-sharing (**Handout #9**) has fascinated scholars from antiquity to the present. According to Xenophon, later paraphrased by Plutarch, Lycurgus made it so that an old man with a young wife might invite another man to have children by her, and he also made it lawful that a man who wanted to have children without taking a wife might procreate with a married woman, provided that he persuaded her husband. And, says Xenophon, “many such

agreements were made.” Already by the time of the First Messenian War, according to Polybius, it was long-standing common practice for three or four men, or even more in the case of brothers, to share a wife, and it was honorable and common for a man who had had enough children to give his wife away to a friend.

The possibility of legal sex with another man’s wife reduced the incidence of *moicheia* at Sparta, but did not eliminate it, unless we are somehow to believe that the 350-400 years separating Lycurgus from Agis II contained not a single jealous Spartan husband (not to mention the Spartan father or brother who disapproved of his unmarried daughter or sister’s lover). Our sources all emphasize the necessity of the husband’s prior consent to his wife’s extramarital affair. And it is simply inconceivable that every Spartiate man who wished to have sex with a Spartiate woman who was not his wife both requested and obtained the permission of her *kyrios*.

In his classic and indispensable monograph *Spartan Law*, Douglas MacDowell proposed that “[t]he rule about μοιχεία, observed in the early period but not later, must have been that a man might not have sexual intercourse with another man’s wife unless the husband gave permission, nor with an unmarried woman unless, being unmarried himself, he carried her off to keep her in his own house (which would constitute marriage).” I would modify this formulation by positing that the *kyrios* of the unmarried woman must consent to the marriage by abduction, either before, during, or after the fact.

The absence of Lycurgan *moicheia* law noted by Gerad(at)as’ interlocutor in Plutarch’s *Spartan Apophthegms* (**Handout #1**) is neither surprising nor very significant. His comment reflects, at most, the lack of a written law of evident antiquity governing the offense. In fact, though, there is no reason that we should expect the Spartans to possess a written law of *moicheia* (**Handout #10**). Lycurgus himself did not write down his laws; he was active before the First

Messenian War, and thus before or just during the advent of Greek alphabetic literacy. By the Classical period, “the laws of Lycurgus” referred by shorthand to the body of Spartan law, irrespective of post-Lycurgan developments. The so-called Lycurgan rhetra prohibiting written law was a later development, and the prohibition was in abeyance by the date of the rhetra of Epitadeus. But even after that date, the great majority of Spartan law remained unwritten. Written laws will have been predominantly those that introduced significant alterations to older law, and we have no reason to believe that any such novelty affected the law of *moicheia* between Lycurgus and the end of the Classical period (at the earliest). The Spartan law of *moicheia*, then, was not statutory, but customary and unwritten.

How might offenders have been punished? No Spartan woman is attested as suffering any ill effects on account of *moicheia*. This is not terribly surprising, not just because the named women—Demaratus’ mother, Timaea, and, later, Chilonis—were members of the royal houses, and the mothers of the Partheniai were too numerous to be punished, at least by death or degradation, without risking *oliganthrôpia*, but because in the Greek world generally, the male partner was treated as the primary offender.

For Spartan men, the existence of both financial and shaming punishments for *moicheia* is highly likely, in light of the prevalence of such punishments for a variety of offenses, in particular those concerning marriage (**Handout #11**). Men guilty of ἀγάμιον, failure to marry, were fined, and they were prohibited from attending the festival of the Gymnopaediae, deprived of the entitlement to displays of respect by their juniors, and compelled by the magistrates to walk naked in a circle around the agora in winter, singing a song ridiculing themselves as suffering just punishment for disobeying the laws. Moreover, at one (unnamed) festival, the women of Sparta dragged unmarried men around an altar and beat them. Contracting a bad marriage, κακογάμιον,

resulted in a fine; contracting a late (first) marriage, ὀψιγάμιον, brought an unknown penalty. The penalties for these offenses may, in some instances, have followed conviction in dedicated lawsuits, the δίκαι ἀγαμίου, ὀψιγαμίου, and κακογαμίου respectively, which are tentatively identified by Plutarch.

These penalties for violating Spartan marriage law strongly suggest that similar penalties applied to *moichoi*. The ephors had the power to inflict summary fines on anyone for any reason (**Handout #12**), so they might, if they wished, fine a *moichos* on their own initiative. The individual ephors also possessed jurisdiction over ordinary lawsuits. So if *moicheia* was justiciable at law (whether or not there was a specific lawsuit for *moicheia*), and if the penalty was limited to a fine, the lawsuit will presumably have been judged by an individual ephor. Cases deemed sufficiently serious may have come before the college of ephors. But only the *gerousia* could impose a penalty of death, exile, or disfranchisement upon a Spartiate, so if such a penalty was available and sought, that body must have tried the lawsuit.

To these potential processes at law we can add the possibility of self-help remedies (**Handout #13**). In various parts of the Greek world, a man who caught a *moichos in flagrante* with one of his female relatives had the power to punish the *moichos* on his own authority. These punishments might include detention for ransom; physical abuse, including the use of the infamous radish; and even death. We may safely assume that Spartiate captors were permitted at least to beat the *moichos*; those who beat each other for no reason as boys will not have hesitated to do so for good reason as men. Whether they might legally employ more severe self-help measures is largely a matter of pure conjecture. Certainly a helot *moichos* could be killed on the spot, for the ephors' annual declaration of war against the helots made them public enemies subject to death at the hands of any Spartiate, with or without specific cause (**Handout #14**). Perioecic *moichoi* could be put to



death by order of the ephors, who could execute without trial any *perioikos* they wished; so even if a Spartiate captor was not legally entitled to kill, he could execute a summary arrest, hale the offender before the ephors, and have them do it.

We have no reliable means to judge whether the captor's license to kill extended to Spartiate *moichoi*. Such a right was widespread, but not universal, in the Greek world; and Xenophon, who knew as much about Sparta as any foreigner did, has Hiero I of Syracuse (r. 478-466) (**Handout #15**) assert that "many cities practice [i.e., permit by law or custom] the killing with impunity of *moichoi* alone." It might be argued that Xenophon would not have Hiero proffer this statement in part proof of his argument that friendship is a most great and pleasurable good if the "many cities" that permitted self-help killing did not include Sparta. On the contrary, though, the numerous and great differences between Sparta and the rest of the Greek world (see, e.g., **Handout #16**) might militate against such an interpretation. But we return to firmer ground in regard to the case where a captor killed illegally, either because he lacked the legal authority to do so, or because he lied about the circumstances of capture and had not in fact apprehended his victim in the act of *moicheia*. Lawsuits for homicide fell under the jurisdiction of the Council of Elders (**Handout #12**), and the penalty upon conviction was almost certainly death or exile (**Handout #17**). Thus such a killer might suffer the fate of the hero Hyettus (**Handout #18**), who caught Molurus in bed with his wife, killed him on the spot, and in consequence had to flee Argos. And so I conclude this series of speculations about the Spartan law of *moicheia*, and with it this paper, on a welcome note of at least relative certainty.