2: The Oath in Society

For approximately two centuries, in the so-called Dark Age, the people of Greece were illiterate; even before the collapse of the Mycenaean palaces, in which writing was used for administrative purposes, illiteracy would have been prevalent among all social levels outside the small scribal class. In this situation the oath acquired the religious significance discussed in the previous chapter. In the present chapter the focus will move away from the religious aspect of the oath towards its use in society, as one instrument by which the relations between individuals or groups in society could be both identified and confirmed. However, a strict division between the social and religious elements of the oath cannot be made; oaths were used in these kinds of situation precisely because they were invested with such divine power. More importantly, the oath-taking rituals to be examined in this chapter, those which express the assumption of a new office or status in society, took place in a city which was already engaged in a large number of ritual practices, from simple household sacrifices to processions such as took place in the Great Panathenaea.

2.1: The Psychological Basis of Oath-taking

Before discussing formal oath-taking rituals, which most directly illustrate the use of oaths to mark social status and the constraints and obligations attached to it, it will be profitable to devote some time to a discussion of informal oaths taken by only one individual. Such oaths, the evidence for which chiefly lies in epic and dramatic poetry, present more vividly the psychological basis which lies behind formal oaths, in which the relationship between the group

administering the oath and the group taking the oath is more abstract because of their societal and not individual context.

As discussed in chapter 1, the oath acts as a constraint on the person on whom it is imposed; yet this apparent power of the imposer on the person to take the oath is actually motivated by a position of vulnerability towards the oath-taker. The truth of a matter of fact or the certainty of a future action being performed depend on the oath-taker, and it is precisely by imposing an oath upon someone that the position of power is reversed: the oath-taker is now subject to punishment from the gods. In this way Menelaus, who is dependent on Antilochus' willingness to tell the truth, reconfigures the relationship between himself and Antilochus who, after the oath-challenge, becomes subject to divine punishment and so is compelled to be honest with Menelaus.[169] However, this idea of the vulnerability of the person imposing the oath is somewhat abstract, and in concrete situations it is more realistic to divide oaths into two broad types, depending on the relationship between the person imposing the oath and the oath-taker. The two types are the 'suppliant' oath and the 'coercive' oath. The 'suppliant oath' is imposed by a weaker person upon a more powerful person in order to secure an act from the other who might otherwise be unprepared to consent to such an appeal. Thus when Calchas, forced into a potentially dangerous situation by the request of Achilles, is about to give his answer as to why the plague has befallen the Achaeans, he exacts an oath from Achilles to protect him in case he angers anyone.[170] The suppliant oath is used a number of times in the *Odyssey*, a poem in which human vulnerability and distrust are recurrent motifs. When Calypso reluctantly gives Odysseus permission to leave her island, she is made to swear an oath by a suspicious but also vulnerable Odysseus that he is not being tricked.[171] The Phoenician woman who stole Eumaeus away from

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[169] *Il.* 23.566-95; 575-8 indicate that pre-existing differences in status between the two also determine the method of dispute resolution in this example: since the potential judges of the case might be influenced by Menelaus' position, referring the matter to the gods by means of an oath eliminates the chance of such bias interfering with a fair outcome.
[170] *Il.* 1.76-91.
[171] *Od.* 5.175-9.

his home exacts an oath from the Phoenician sailors that they will bring her home safely, thereby ensuring her precarious position on their ship.[172] Similarly Odysseus, an apparently old man in the midst of hostile company, asks the suitors to swear not to harm him when fighting with Irus.[173] By using the description 'suppliant' for these oaths an obvious parallel is being drawn between this type of oath and the institution of supplication, *hiketeia*. In both situations a person in a vulnerable situation makes an appeal to someone who can offer protection from this position of weakness.

It is worth dwelling on the connection between supplication and oaths, since these two practices, together with guest-friendship (*xenia*), are the main institutions by which human relationships are defined or clarified.[174] In both oaths and supplication one party is constrained by another to perform a specific action. An important difference here is that supplication actually involves physical contact with the person being supplicated, whereas in oaths only a verbal appeal can be made; this in turn raises the most important difference between supplication (and *xenia*) and oaths: supplication (and, in Homer at least, *xenia*) involves complex and stereotyped ritual actions by which the parties involved renegotiate their relationship from one of unfamiliarity (and therefore possible hostility) to one of intimacy.[175] The 'suppliant' oath, on the other hand, is rather more spontaneous than supplication, and does not involve the same degree of ritual behaviour precisely because the relationship between the parties involved is not necessarily the potentially dangerous one of strangers. Consequently, without that sense of inhibition that arises from the self-abasement of the suppliant and the particular physical contact employed in supplication, there is not so much constraint on the person to take an oath when

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[172] *Od.* 15.435-8.
[173] Od. 18.55-7.
[174] Cf. Parker (1983), p.327. On the ritualisation of friendship in general (ξενία, φιλία, etc.), see Herman (1987), pp.58-69.
[175] See Gould (1973), especially p.93: "...the rituals of ξενία and ἱκετεία are parallel in that both alike serve to admit those outside the group to membership of it, and thus to a role within the ordered pattern of social behaviour."

asked to do so by a person in one's control.[176] It is interesting, however, that no cases of refusal to swear the oath occur in the few instances we have of such appeals. In supplication itself the person who has been supplicated might exact an oath from the suppliant that he or she will abide by the terms of their newly formed relationship of equality.[177]

The similarity between 'suppliant' oaths and supplication itself is somewhat overshadowed, however, by the fact that the oath is far more commonly imposed on a person who is in a weaker position than the person imposing the oath. Viewed in this way, these two institutions may be understood as directing social relationships from opposite poles, supplication by the curtailment of the stronger person's power, oaths by the imposition of such power on the weaker. Between the two types of 'suppliant' and 'coercive' oath there also exists the 'reciprocal' oath. The best example of this is offered in the oath-taking scene between Iphigeneia and Pylades in Euripides' *Iphigeneia in Tauris*. Both parties are mutually dependent on one another: Pylades depends on Iphigeneia not to sacrifice him to Artemis, and Iphigeneia is dependent on Pylades as her only contact with Greece after she lets him escape.[178] To resolve the impasse Iphigeneia imposes an oath on Pylades that he will not abuse the freedom of his escape and abandon the vulnerable Iphigeneia, while she herself swears that she will save him.[179] Such an oath occurs on a communal scale in the exchange of oaths between the Spartan kings and the ephors. The king swears on his own behalf that he will rule the city in accordance with the laws, while the ephors swear on behalf of the city that they will offer him the kingship without disturbance so long as he remains by his oath.[180] In the other cities for which we have evidence the normal procedure is for the magistrates alone to give an oath that they will rule justly; the oaths of the king and the ephors cast into relief the 'eccentricity' of the Spartan constitution,

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[176] Supplication could be refused: e.g., *Il.* 6.42-65; 11.130-47; 21.67-120. On the inhibition felt by the supplicated, see Gould (1973), pp.87, 89; Griffin (1995), *ad Il.* 9.451.
[177] As, for example, the oath imposed on Adrastus by Theseus in E. *Supp.* 1183-95, 1227-34.
[178] E. *IT* 731-9.
[179] E. *IT* 735-52.

whereby government is split into two executive branches. The reciprocal oath is most often met with in military treaties or alliances.

2.2: Public Oaths as Rites of Passage

As the preceding discussion has shown, oaths were used on both an individual and communal level in order to clarify or alter relationships between people. Private oaths help to illustrate the psychological motives for imposing an oath, from which oaths sworn on a communal basis can be better understood: despite the convenience of designating a group of individuals who inhabit the same area and who use the same civic institutions as a community, by doing so we necessarily iron out the differences in personal will and the ability to exercise it at the expense of others who live in the same area. These are the tensions in society which Plato delineates so explicitly in the *Gorgias*. Oaths are used to curb the will of individuals such as Callicles whose actions otherwise might cause harm to other members of society but who, because of their physical or political superiority, cannot be curbed through force alone. Recourse must be had to that sense of inhibition when faced with potential punishment from the gods which the oath, at least theoretically, guarantees.

Public oaths are the most explicit instance of this use of oaths for maintaining the stability of social relations. Most of them involve the assumption by one or several people of an office to which the community has assigned powers over the citizen body at large which it could not exercise efficiently on its own. The oath is one way in which the community can impose a restraint upon the power it has ceded to its representatives. However, in addition to this purely political function of the oath, the oath itself serves to mark the actual transition in status: it is only once the obligations and duties of the new position, which are contained in the oath, have been articulated by the incumbent that he or she can enter office. As such, the oath functions as a

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[18)] Xen., *Lac.* 15.7; cf. Lasaulx (1844), p.22f., who draws attention to a parallel practice in Epirus (Plut. *Pyrrh.* 5.5-6). More recently, see Cartledge (2001), pp.36f., 59f.

rite of passage. The most significant of these rites are those accompanying birth, marriage and death, and here the rites are quite literal, comprising a number of ritual observances that are performed days and weeks after (and, in the case of birth and marriage, before) the actual event occurs.[181] The most significant oaths sworn to accompany a rite of passage are those of the magistracy and the ephebic oath sworn by adolescents upon their entry into full citizenship. Other less important examples are the oaths sworn in Athens by the annual body of jurors, and elsewhere in Greece those sworn by judges. All of these examples, except for that of the ephebes, would not normally be thought of as rites of passage because they do not consist in a permanent change of status;[182] it is only a matter of a temporary change and, also, one that is not necessarily experienced by all members of society. In this respect it must be admitted that the description of these oaths is somewhat metaphorical. So, although the similarities between these different social transitions is informative, it will be necessary to detail the differences between them.

Birth, marriage, and death are all events which generally affect only a small group within society at any one time.[183] To approach the subject from the informative field of ethnography, the various rites that accompany such events are conducted in order to dampen the psychological trauma of change by directing it into a series of ritually prescribed, stereotypical acts. The difference between this and, for example, the assumption of the archonship, is that the latter involves no deep psychological effect such as those experienced in a major transition in the life-cycle,[184] but on the other hand it does still radically affect one's relations with other members in society. In the archonship or on the jury, this involves a degree of influence over the lives of other citizens which previously did not exist; in the entry into citizenship as marked by the

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[181] For a more detailed discussion see Parker (1983), pp.59-64.
[182] In the case of death such a permanent change of status is only 'experienced' by the deceased, whereas those left behind actually perform the rite of passage.
[183] Although, as the various sumptuary laws on funerals indicates, they could be used to communicate to the community in general.
[184] Cf. Parker (1983), p.62.

ephebic oath, a whole set of rights and responsibilities are acquired which likewise alter relations with one's fellow citizens, albeit in a less direct manner.[185] The most effective way of expressing this change is by actually articulating it in the presence of those people whom the change will affect. Furthermore, these civic rites of passages involve an individual's entry into a position whereby he or she can contribute to the orderly administration of city life; the most important rites of passage, those of birth and death, involve a major disruption in that life, and the way in which this is both expressed and overcome is by observing a number of rites which focus on pollution and its purification. As Parker puts it, "purification is a means by which the metaphysical is made palpable",[186] and in these cases is invoked because of a major disruption in human life which by its nature brings out the differences in hardship between human life and its corollary, the divine. There is no such emotional crisis in the situations in which civic oaths are sworn. Rather, the oaths taken by officials in Athens mark transitions in the collective life of the city, and not those of particular individuals, so that the accompanying ritual helps to articulate civic identity.[187]

When a child was born, it was introduced to its hereditary phratry at the first Apatouria after its birth. The father of the child swore an oath that the child was legitimate over sacrificial victims at the altar of Zeus Phratrios, although one passage in Demosthenes situates the oath at the altar of Apollo Patroios.[188] The same oath was repeated when the child came of age.[189] The members of the phratry also took an oath that they would fairly scrutinize the child's qualifications for enrolment.[190] That this oath represented a rite of passage, incorporating the child into the community, is supported by the fact that the phratry by the fifth century was no

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[185] Cf. Winkler (1990), p.33.
[186] Parker (1983), p.19; cf. pp. 64, 120.
[187] Civic oaths thus represent one aspect of the increasing ritualisation of civic life that accompanied the development of Athenian democracy. See Osborne (1994), pp.1-10, esp. p.7.
[188] Mikalson (1983), p.84f.; cf. Parker (1996), p.106. Apollo Patroios: Dem. 54.57.
[189] Dem. 39.4, with Carey & Reid (1985), *ad loc.*
[190] *IG* II² 1237.15-16.

longer of much importance for civic administration, of which the deme and the tribe were the main concerns.

Of the oath-taking rituals performed by public officers the oath of the archons is the most dramatic.[191] The prospective archons, having undergone a *dokimasia*, first proceed to the oath-taking stone in the agora, on which they stand while taking the oath; after this first oath they proceed to the acropolis and take the same oath a second time.[192] This ritual, the only example of the same oath sworn by the same people twice in different places, provides an insight into how Athenians conceptualised their civic space. The archonship was the highest office in the state, responsible for the most important secular and religious events of the city; these two aspects of the office are articulated in the oath-taking process—the first oath is sworn in the agora, a place of commerce and day-to-day life, and the second on the acropolis, the home of the state gods of Athens. The distinction between the secular and religious spheres in ancient Greece cannot be rigidly upheld, nor the frequent overlap between the two ignored[193]—but this example does demonstrate that a partial distinction was made by the ancients themselves, and so is not a totally invalid category in the analysis of ancient society. The oath of the archons also illustrates the performative aspect of oath-taking, which has been touched upon in Chapter 1 while discussing the performative aspect in the magical side of oath-taking rituals. In this instance it is rather a public demonstration of the change in status that the incoming archons experience. There is no evidence for the degree to which the general public observed the ritual; but since these were the most important magistrates in the state, it would be surprising if the route taken

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[191] [Arist.] *Ath. Pol.* 55.5.

[192] Rhodes (1981), p.621, posits that there would have been "an appreciable lapse of time" between the *dokimasia* and the taking of the oaths.

[193] For the overlap between secular and religious spheres see ML 32.3-4, where an assembly of the Halicarnassians is said to take place "in the holy agora" (ἐν τῆι ἱερῆ[ι] | ἀγορῆι), although ἀγορή might here have its original sense of 'assembly place', not 'market'. Burkert (2001), p.18, notes that the agora was indeed invested with much religious significance, because business contracts, dependent on oaths, could not be made without temples in the vicinity. At A. *Ag.* 89-90 the distinction is rather between public and private spheres in the opposition between θεῶν θυραίων and θεῶν ἀγοραίων. (θυραίων [so Page (OCT), Lloyd-Jones (trans.), and West] gives a more effective dichotomy with ἀγοραίων than does οὐρανίων of the

by the archons was not lined by spectators witnessing the incumbency of the new candidates. Arbitrators also stood upon the oath-stone in the agora when giving their decisions, and similarly witnesses swore an oath of denial that they did not know anything about the case.[194]

Yet these formal or legal oaths occur in the agora, where countless oaths must have been taken during the course of trade. Hermes, the god of deception and thievery, was given the epithet *Agoraios*,[195] while on the other hand Zeus, a god of oaths and justice in general, is given the same epithet.[196] Oaths and perjury must have been common, and the altars scattered throughout the agora will have been attended by buyers and sellers swearing oaths.[197] The sausage-seller in Aristophanes' *Knights* proves his promise as a budding politician by boasting of the false oaths he makes in the agora,[198] and Paphlagon (Cleon) is portrayed as a perjured homosexual, a sign of his lowly, market-place upbringing.[199] In the same play, with its emphasis on commercialism, Paphlagon swears an oath by the twelve gods, and it is likely that the altar set up by Hipparchus was often used for oaths in trade. Similarly, pupils of Protagoras are said to swear an oath in a temple as to what price they think appropriate for his instruction.[200]

The oath of the archons illustrates the complexity of an oath-taking ritual when it accompanies a major shift in civic status and a realignment in relations with one's fellow citizens; in the case of the archons this oath-taking ritual encompasses the major focal points of civic life, the agora and acropolis. Another important rite of passage occurred in an adolescent's transition to citizenship, marked by his entrance into the *ephebeia* for two years of military service, much of which involved patrolling the boundaries of the state while stationed at forts on

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manuscripts, and the efforts by Wilamowitz and Fraenkel to defend the mss. reading seem strained, in avoiding the emendation of an easily made scribal error).

[194] For the oath of arbitrators, see Bonner & Smith (1930-38), II, p156f.; for the *exomosia*, see ibid., 163f. and Carey (1995). For references to the oath-stone, see Stanton (1990), p.70f., n.4 (picture in Camp (1986), p.101).

[195] Ar. *Eq.* 297; cf. Parker (1996), p.81.

[196] Ar. *Eq.* 409, 500; cf. *IG* I³ 42.5 (supp. Woodhead).

[197] See the reference to Burkert in n.189.

[198] Ar. *Eq.* 423-4, 1239.

[199] Ar. *Eq.* 428.

[200] Pl. *Prot.* 328b6-c2.

the coast or on the inland borders.[201] The oath of the ephebes is recorded on a fourth-century inscription.[202] It does not describe any accompanying ritual, but presents a vivid example of how the oath is used in civic (as opposed to private) situations in order to articulate publicly the responsibilities associated with a particular civic position. It is by means of these oath-taking ceremonies that society assents to the change of status, inasmuch as the accompanying oath includes provisions for the new responsibilities towards society consequent on the assumption of a new position (and new powers) in that society.[203]

The oath itself includes a number of prescriptions for the ephebe to follow as a citizen of the state:[204] the ephebe will not disgrace his weapons and will not desert his fellow-soldier; he will protect both the holy and profane things of his city and will hand his country down to posterity greater than that which he received.[205] He will obey the magistrates of the city, and in general honour the ancestral traditions. The oath is phrased in very general terms, but conveys the essential ideas of performing military service to the state and obeying civic institutions. The

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[201] On the *ephebeia* as a rite of passage see Winkler (1990), pp.32-5, and Vidal-Naquet (1981), especially pp.155 and 162, where he stresses the idea of inversion in the ephebes' two-year period of military training. Such inversion may be seen to be publicly renounced in the terms of the oath, which detail the 'normal' role of the citizen.

[202] *GHI* II 204. The oath was dated to 335/4 by Wilamowitz, who believed it to be a consequence of the law of Epicrates passed in that year reforming the *ephebeia* (see Harpocration, s.v. 'Επικράτης). Since there is no evidence in earlier writers for such an oath, or even of the ephebes themselves, it cannot be presumed that the oath itself was sworn before the fourth century, although the references in Xen. *Vect.* 4.47, 52 brings it back to the 350's (adduced by Vidal-Naquet (1981), p.257, n.10). Siewert (1977) draws from earlier writers many parallels for the phraseology of the oath, but because of their generalised contents it is just as likely that the oath is later than these platitudes rather than influenced them. Equating the possible existence of the *ephebeia* in the fifth-century or earlier with the actual words of the inscription is unjustified; compare this state of affairs with that concerning the Cyrenean foundation decree, which, though of later date, does refer to an historical event. The best discussion of the date of the *ephebeia* is Reinmuth (1952). The only positive evidence for a fifth-century date for the oath is Plut. *Alc.* 15.7, but it is precarious to base an argument that the actual wording of the oath goes back to an otherwise unknown fifth-century institution on a reference from the second century A.D. Modern scholars would of course, for ethnographical reasons, like it to be old: Winkler (1990), p.29 ("an apparently ancient formula"; "...has the patina of antiquity"; Goldhill (1990) ("...it may be assumed that the oath of the ephebes goes back to the fifth century"). Cf. Rhodes (1981), p.495.

[203] Cf. Plescia (1970), p.17.

[204] ll. 5-16.

[205] Merkelbach (1972), p.278, takes this phrase as expressing the concrete goal of not letting the borders of the state be decreased.

oath itself was sworn in the temple of Agraulos,[206] which was situated on the east slope of the Acropolis.[207] More informative are the gods invoked as witnesses to the oath: Agraulos, Hestia, Enyo, Enyalios, Ares, Athena Areia, Zeus, Thallo, Auxo, Hegemone, Herakles, borders of the fatherland, barley, wheat, vines, olives, and fig-trees. This is the longest invocation found in Athenian oaths, and the gods listed here are all representative of the duties of the ephebe. Agraulos is the god of the country, possessing that vitality which is prized in the adolescents who swear the oath; Hestia, the god of the hearth, is invoked to remind the ephebes of their domestic duties. There is then a long list of gods associated with war, followed by Hegemone and Herakles. Hegemone represents the idea of obedience which has been detailed in the terms of the oath, and without which any military or civic action would result in chaos; Herakles, much like Agraulos herself, represents that state of youthful vigour, able to cope with the world outside of civilised life, and to tame it. Finally there is a list of 'personifications' which represent what is actually being defended by the ephebes' patrol of the state boundaries, the foods which grow there but which are also essential in both the profane and the sacred diet.[208]

An equivalent rite of passage to the *ephebeia* was the enrolment of adolescents into the deme of their father, also at the age of eighteen. That this oath was more a rite of passage than a bureaucratic formality is evident from the rather carefree way in which citizen registers were managed .[209] This ceremony was a preliminary stage to the status of full citizenship which one acquired after ephebic service. A father went to enrol his son in the deme, and the demesmen voted under oath that the adolescent was of the right age and legitimate.[210] Despite the

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[206] Dem. 19.303; Plut. *Vit. Alc.* 15.
[207] Paus. 1.18.2. Although it was formerly believed that the sanctuary was located on the north slope of the acropolis, G. Dontas (1983), pp.57-61, has demonstrated that it was actually situated on the east slope.
[208] This explanation of the gods is similar to that given by Merkelbach (1972) in his commentary on the inscription, although he understands Hegemone as one who leads ("Wegführerin") the ephebes in their patrolling of the outskirts and borders of the land. It is difficult to determine whether the last six items should be personified. I have followed Tod's text (which does not give them capital letters), since the invocation seems to be distinguishing between the gods and the environment which are peculiar to the ephebes.
[209] See Finley (1985), p.33.
[210] Dem. 57.63; cf. Bonner & Smith (1930-8), II, p.157.

importance of the demes for administrative purposes after the reforms of Cleisthenes, the phratry oath, sworn both at birth and at maturity, indicates that it was originally a significant rite of passage for the child, whereas the oath sworn on entry into the deme was one more aspect of the ritualisation imposed on new democratic structures in order to give them legitimacy.[211] There was no Apollo Demotikos.

2.3: Oaths of Groups within Society

The preceding discussion has examined the use of civil oaths in marking important changes of status. The assumption which underlies these oaths is that they help maintain the structure of the community by articulating the responsibilities associated with the new position: they are one way in which society can express its self-identity. Oaths were also used, however, when someone joined a particular group of people, and serve to endorse the person's entry into the new group (and so conversely to mark their separation from the rest of society). The oath taken on entering an exclusive religious cult is the clearest example of this type of oath. Initiates swear that they will not make known the secrets of the cult, whether it be ritual practice or sacred knowledge, to the uninitiated. The best example of this practice is the oath taken by Pythagorean initiates, consisting of two hexameters and sworn in the name of Pythagoras himself as "he who has given our race the *tetraktys*", which represented the universality of numbers as a means of interpreting the cosmos.[212] It is natural that the oath sworn by initiates into a religious sect based around one particular individual should swear by that individual; Pythagoras' doctrine of metempyschosis would also have lessened the difference from swearing by a recognised divinity. More important is the mention of the *tetraktys* as representative of Pythagoras' teachings. The *tetraktys*, mysterious in itself, was also the key to understanding the

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[211] Cf. Osborne (1994), p.7.

[212] οὐ μὰ τὸν ἀμετέρᾳ γενεῇ παραδόντα τετρακτῦν,| παγὰν ἀενάου φύσεως ῥίζωμά τ' ἔχουσαν. Sex. Emp. *ad Math.* 4.2-9; Burkert (1972), p.186 with n.155 doubts that the second line could be older than Empedocles because of similarities in language (DK 31 B 6.1 [ῥιζώματα] and B 23.10 [πηγή]).

world, but its content was only made known to the initiate. Burkert takes the form of the oath to be a negative oath that one will not disclose the secrets of the group after initiation.[213]

Pythagoreans were an exclusive group whose religious beliefs and habits marked them out as different. Most affluent citizens of Athens, at least, who in other ways conformed to the norms of society, usually belonged to specific clubs—associations whose activities ranged from drinking parties to advocacy in the courts.[214] The common designation for such clubs is ἑταιρείαι, but there were also groups known as συνωμοσίαι. These were associations formed for some specific, single act, usually to the detriment of others and to their own benefit: they were conspirators. Thus Peisander overthrew the democracy in 411 by collecting together the συνωμοσίαι.[215] The name of such groups appears to be based on the oath taken by the individual members, presumably to keep the plot secret and, in the case of detection, not to inform against one's fellow conspirators. The solidarity of the group must be confirmed through an oath. Unfortunately, no examples of the contents of any historical oath survive, but the oath-taking ritual in Aeschylus' *Seven Against Thebes* affords some insight into what such an oath might have been like. The seven warriors slaughter a bull over a shield and, dipping their hands into its blood swear that they will either capture Thebes or die in the attempt.[216] The participation in such a graphic ritual strengthens the bonds of the group through the simultaneous exposure to something horrid, while the bloody ritual itself reflects the purpose for which the oath is sworn.[217]

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[213] Burkert (1972), p.187; cf. Thom (1995), p.38.
[214] That the clubs were a widespread institution, see Calhoun (1913), p.1f, which draws on Pl. *Ap.* 36b6-9: 'This strongly suggests that membership in clubs was not confined to a few, but was for the average citizen the necessary and usual means of defense against the attacks of enemies."
[215] Thuc. 8.54.4.
[216] A. *Sept.* 42-8.
[217] The *locus classicus* is Sal. *Cat.* 22.1-2, where the oath was accompanied by drinking human blood mixed with wine. The phrase *quo inter se fidi magis forent* (22.2) encapsulates the purpose of such a procedure. For other oath rituals involving the use of human blood, see Hdt. 1.74.6 (Lydians/Persians); 3.8.1 (Arabians); 4.70 (Scythians).

Sometimes a simple oath did not suffice for such purposes, and instead a criminal act was committed in order to unite a group through the risk of detection.[218] The mutilation of the Herms in Athens is apparently an example of such a practice, with Andocides describing it as a pledge (πίστις), presumably for their future oligarchic activities.[219] However, since the details of the crime seem also to have had the purpose of discouraging the Sicilian expedition, the point cannot be given too much weight.[220] Similarly, the murder of Hyperbolus in 411 is described by Thucydides as a pledge (πίστις) between the Samian insurgents and the Athenian generals.[221] A simple oath was not used in these cases because the groups were formed in order to undertake a particular task, and strengthened the alliance by performing a criminal act which supported that task: if the mutilation of the Herms had the purpose of deterring the Sicilian expedition, this would further oligarchic interests in Athens; similarly, group involvement in the murder of a demagogue is one way to maintain collective solidarity among those seeking to establish oligarchical rule.

It is from practices such as these that these groups received the name συνωμοσίαι. However, the term συνωμοσία is also used in a similar manner to ἑταιρεία , the more common (and neutral) word for private associations. Also, Thucydides' account of the oligarchic revolution describes Peisander as collecting together συνωμοσίαι which already existed, which suggests that they were not formed for a specific act but were simply groups who supported oligarchy rather than democracy. The question then arises whether the appellation συνωμοσία, which refers to particular conspiratorial acts, was used metaphorically of ἑταιρεία, which denotes a more longstanding association, or whether συνωμοσία refers to an oath taken upon one's entry into such long-standing associations, without any connotations of conspiracy.

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[218] Calhoun (1913), p.35.
[219] And. 1.67.
[220] MacDowell (1962), p.192.
[221] Thuc. 8.73.3.

There is one piece of evidence to suggest that the latter alternative may have been true. A group known as the *Eikadeis* erected a stele, found near Hymettus, which contains a denunciation against certain members who had borne false witness in court to the detriment of the society's treasury.[222] The text states that they did this "contrary to the oath which they swore and to the curse which Eikadeus uttered."[223] One may broadly infer that upon entry members of the society swore to be loyal to the society; but the text indicates that there was also a specific stipulation in the oath to protect the society's financial interests.[224] This inscription suggests that the synonymy between ἑταιρεία and συνωμοσία is due to the oath taken by members upon entry into the association; since oaths were also sworn to strengthen such an alliance before undertaking a hazardous act, συνωμοσία came to be used of these groups when they assumed a conspiratorial role. This interpretation is supported by Demosthenes' reference to teenage gangs, who are said to initiate each other to Ithyphallus and perform other such monstrous deeds.[225] It is likely that oaths were sworn in addition to any of the sordid acts which the speaker Ariston would have the jury believe they perform at such initiations.

2.4: The Oaths in Decrees of the Athenian Empire

The previous discussion has examined the different relationships between the person imposing the oath and the person swearing the oath. In each case an attempt is made to coerce a person into performing a particular action. On its broadest scale, this coercive aspect of oaths is strikingly portrayed in the series of Athenian inscriptions which contain the terms for allies who have revolted. The Athenian empire arose from the financial proceeds of tribute paid by allies unwilling to supply manpower in the fight against the Mede, and with this money Athens secured its naval domination of the Aegean: money and ships were the means by which she held

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[222] *IG* II² 1258; see Parker (1996), p.336f.
[223] Ibid., ll.1-3: ἐπειδή τι-| [ν]ες ἐναντία τῶι ὅρκωι ὃν ὤμοσαν καὶ τῆ(ι) | ἀρᾶι ἣν Εἰκαδεὺς ἐπηράσατο...
[224] Ibid., ll.4-5.
[225] Dem. 54.17; cf. Calhoun (1913), p.36f.

sway.[226] Sheer military dominance was, however, complemented by a more subtle (but no less sinister) expression of power in the various decrees issued by the *ekklesia* during this period. In any system of organised and accountable government records must be kept of regulations and decrees which affect the citizen body and its relationship with citizens from other communities. In fifth-century Athens, however, such records could also be put to use as instruments of propaganda by inscribing important decrees on stone or marble slabs and placing them in areas accessible to the public. During the imperial age of Athens, such inscriptions could work on two levels, the domestic and the inter-state. The best example of the former are, of course, the tribute lists published annually, from which Athenian citizens could view the concrete benefits accruing to them through imperialism;[227] of inter-city documents the Athenian coinage decree[228] is the most explicit expression of Athenian power as communicated to the subjects of Athens by a decree set up in the market-place of individual cities compelling the citizens to stop issuing their own money—perhaps the most effective way of conveying civic identity both at home and abroad. In both examples, in addition to the basic information contained in the decrees, there exists a subtext which expresses Athenian domination, in order either to buoy the citizens of Athens or to keep her allies submissive. The treaty and alliance decrees which will be discussed in this section were used for both purposes, a copy of each decree being set up both in Athens and in the cities with which the various decrees were concerned.[229] The following discussion will examine the various treaties ratified by the Athenians which contain (or at least order) an oath to be taken by an allied city which has revolted from the Athenian empire. The discussion will demonstrate from the evidence offered by inscriptions how Athenian relations with foreigners underwent a change within three decades from 478/7 from mutual respect into one of

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[226] It was the silver found in the mines at Laurium that produced the money needed to build Athens' first ships for the Persian wars (Hdt. 7.144).
[227] Cf. Finley (1985), p.41.
[228] ML 45.(10).
[229] *IG* I³ 15.44-5; ML 47.37-9; 52.61-3; cf. 31.23-7; 87.26-8.

dominance, and how the terms of oaths were correspondingly narrowed down into a standard formula expressing the superiority of Athens.

Since the Athenian empire grew out of the Delian league, a brief discussion of the terms of the oath sworn at the formation of the league will contextualise the terms used in the later Athenian decrees, and will illustrate that the imperialistic tone contained in the oaths of loyalty was prefigured in the terms of the oath taken by the members of the Delian league. Herodotus informs us that the allies swore to remain in the alliance and not to revolt: πίστι τε καταλαβόντες καὶ ὁρκίοισι ἐμμενέειν τε καὶ μὴ ἀποστήσεσθαι.[230] The sentence is only a summary, and although the terms could be used of any alliance, ἐμμενεῖν is sometimes, and ἀποστήσεσθαι regularly, used in the later Athenian oaths of loyalty.[231] In the *Athenaiôn Politeia* a different emphasis is given: here it is said that Aristides swore oaths (on behalf of the Athenians[232]) with the Ionians that they would have the same friends and enemies: τοὺς ὅρκους ὤμοσεν τοῖς Ἴωσι[ν] ὥστε τὸν αὐτὸν ἐχθρὸν εἶναι καὶ φίλον,[233] an expression common in treaties and alliances during the fifth-century.[234] Although the Delian league was founded on the principle of equality for all members,[235] the naval resources of Athens at the time meant that in effect most of the alliance was dependent on her in order to carry out the aims of the alliance.[236] So the later oaths, in which subjects were compelled to swear loyalty to Athens and her allies, recall the power structure already in existence at the inception of the league, while the terms of the oaths themselves indicate that the level of the allies' autonomy had been fundamentally altered.

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[233] Hdt. 9.106.4.
[231] *IG* I³ 9.9 (supp. Merritt/McGregor); 39.7 (supp. Woodhead); ML 40.23; 52.21-2; 56.17-18.
[232] Plut. *Vit. Arist.* 25.1.
[233] [Arist.] *Ath. Pol.* 23.5.
[234] French (1988), p.18.
[235] Meiggs (1972), p.47.
[236] Meiggs (1972), p.44f. Hammond (1967), p.57, argues that the phrase οἱ Ἀθηναῖοι καὶ οἱ σύμμαχοι denoted the bicameral organisation of the alliance, in which Athens' vote was equal to that of the other allies as a whole.

The Athenian-led war against Carystus in the late seventies, and later in 465-3 the revolt and subjugation of Thasos, clearly involved Athenian, rather than league, interests.[237] However, the transfer of the league treasury from Delos to Athens in 454 may be seen as the symbol of a definite shift in perspective from alliance to empire. By this time the first Peloponnesian war, in which allied forces were used, had been in progress intermittently for five years, and it is from this time onwards that the Athenian decrees regulating the affairs of 'allied' states survive.

2.4.1: Erythrae

The first such decree concerns Erythrae. The date at which Erythrae seceded from the alliance cannot be determined, but the restoration of the archon's name Λυσι]κ[ράτες in the fragmentary decree, and the reappearance of Miletus on the tribute list for 452-1, indicate that the Athenians forced both Erythrae and Miletus back into the alliance by force of arms in 453-2.[238] The regulations for Erythrae concern, firstly, its participation in the Great Panathenaea, and secondly, the establishment of a democratic government after the expulsion of Persian sympathisers. The text of the oath to be sworn by the newly established *boule* runs as follows :

ὀμν[ύ]ναι [δὲ τά]δε [τὲν] βολέν· βολεύσο hος ἂν [δύ]νο[μ]α[ι] ἄριστ[α κα] -
[ι] δ[ι]κα[ιότα]τα Ἐρυθραίον τôι πλέθει καὶ Ἀθεναίον καὶ τôν [χσ] -
[υ]νμά[χ]ον [κ]αὶ οὐκ [ἀποσ]τέσομαι Ἀθεναίον τô π[λ]έθος οὐδὲ [τ] -
[ôν] χσυνμάχον τôν Ἀθεναίον οὔτ' αὐτος ἐγὸ ο[ὔ]τ' ἄ[λ]λοι πε[ί]σομ[αι]
25 [οὐ]δ - - - - - - - - - - οὔτ' αὐτὸς ἐγὸ οὔτ' ἄλλο[ι π]εί[σομαι - - - - -][239]

The council is to swear as follows: I will give the best and most just counsel I can for the people of Erythrae and the people of the Athenians and their allies. I will not revolt from the the people of the Athenians and their allies,

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[237] Meiggs (1972), p.69f., p.84.
[238] Meiggs (1972), p.117f.; for Miletus' resumption of tribute, see *ATL* II, p.10, col. II, l.28: Μιλέσ[ιοι].
[239] ML 40. 21-5 (= *IG* I³ 14. 21-5).

> neither of my own accord nor in obedience to another. [I will] not...neither of my own accord nor in obedience to another...

The terms of this oath include the two essential elements to be found in all the future decrees which contained an oath of loyalty to the Athenian empire. (Indeed, they were to become formulaic, while other clauses were added to this basic oath of loyalty depending on the seriousness of a situation for the Athenian empire.[240]) Firstly, in political deliberation the subordinate city will take into account the interests of Athens and her allies, and secondly, it will not revolt from the empire either of its own accord or under the influence of another. The latter clause may be understood in two ways: as individuals the council members will themselves neither incite each other to revolt nor join in with others who are in revolt; on the other hand, if the council is viewed as a whole, and as a representative for the people of the city, then the phrase could be understood as referring to foreign cities which are themselves revolting from the empire.

The terms of the oath of loyalty marked an end to a city's autonomy, and the act of swearing the oath marked formal subservience to Athens, which had in effect become an empire. However, the terms of allegiance are still couched in terms of an alliance. The allies are included together with Athens in both clauses, which recalls the original structure of the league consisting of autonomous states with Athens as leader. Yet when the oath moves on from the general promise of loyalty to the specific circumstances of Erythrae, exiles may not be received, nor citizens exiled, without consultation with Athens.[241] No mention is made of the allies here, and even were Athens considered to be the administrative centre of the league, the omission of the allies in this specific clause makes their inclusion in the oath itself resemble a mere formality.

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[240] Cf. Meiggs (1972), p.45: "the terms change with the changing mood of Athenian imperialism."
[241] ML 40.27-8.

2.4.2: Colophon

There survives a decree which contains an oath of loyalty to be sworn by the people of Colophon. Colophon was a tribute-paying city from 455/3-451/0, but does not appear in the period 450/449-447/6; because the inscription still uses the three-bar sigma, which was replaced with the four-bar sigma at or soon after 446, the decree has been dated to 447/6.[242] The substance of the decree cannot be recovered with any certainty due to the fragmentary text, but the oath to be sworn by the Colophonians is better preserved, although one crucial point remains uncertain.

ονιονονομοσ[-ἐ] –
ρῶ καὶ βολεύσο [ὅ τι ἄν δύνομαι καλὸν καὶ ἀγαθὸν πε] –
ρὶ τὸν δῆμον τ[ὸν ’Αθεναίον . . . . . 21 . . . . .]
l.45 [ο]ν καὶ οὐκ ἀποστ̣[έσομαι τῶ δέμο τῶ ’Αθεναίον οὔτε]
[λ]όγοι οὔτ’ ἔργ[οι οὔτ’ αὐτὸς ἐγὸ οὔτ’ ἄλλοι πείσομαι]
[κ]αὶ φιλέσο τὸ[ν δῆμον τὸν ’Αθεναίον καὶ οὐκ αὐτομο] –
[λ]έσο καὶ δεμο[- - - - - - - - - - - - - - - -24-26 - - - - - - - - - οὔτ’ ἀ]
ὐτὸς ἐγὸ οὔτ’ ἄ[λλοι πείσομαι - - - - - - - - - - - - - - - - - -][243]

I will speak and deliberate as well and fairly as I can about the Athenian people...(21)...and I will not revolt from the people of the Athenians neither by word nor by deed, neither of my own accord nor in obedience to another. I will be an ally of the Athenian people and I will not desert them...(24-6)...neither of my own accord nor in obedience to another.

As in the terms of the oath for Erythrae, here too the benefit of Athens is to be taken into account in deliberations, although in this oath the more general word ἐρῶ is used, which makes this promise of goodwill more all-encompassing. The inscription breaks off, however, and

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[242] For the forms of sigma in relation to the dating of fifth-century Attic incriptions, see Meiggs (1966), p.93, and above, n.18; for the date of the inscription, see ML p.123f.
[243] ML 47.42-9.

cannot be recovered after the certain restoration of 'Αθεναίον in line 44, and so one cannot determine whether the allies are mentioned together with the Athenians in this oath as they are in the earlier decree concerning Erythrae. If they were not mentioned, the decree would represent a radical departure from the previous usage of including the allies, which would indicate a newly formed sense of domination on the Athenians' part.

The authors of the *Athenian Tribute Lists* do restore the line to include the allies,[244] and from the evidence of other decrees this would be expected. Meiggs and Lewis, however, object to the restoration on the basis that, if the allies are restored in this line, they should also be restored in the negative clause in line 45, a restoration which would not fit in the required space; this objection is not conclusive, but is strengthened by their reference to *ATL*'s αὐτῶν, instead of the more usual τὸς ξυμμάχος τὸς 'Αθεναίον.[245] Both of these problems taken together make it difficult to accept the *ATL* restoration; but it is best to be cautious and, leaving the text in doubt, not to conclude that in this line the Athenians alone are mentioned.[246]

The terms of the oath have, however, become more precise compared with the Erythrae decree. The addition of οὔτε λόγοι οὔτ' ἔργοι makes the oath much more comprehensive, while at the same time it adds a degree of precision by distinguishing between inciting revolt verbally and performing it in deed. [247] The juxtaposition of these two words recalls Thucydides, in whose work the antithesis forms a *leitmotiv* for characterising political behaviour. The use of φιλέσο is striking, although it could be understood in a number of ways. Firstly, it could denote quite literally affectionate feelings towards Athens, in which case the oath would not only be coercing the Colophonians into obedience, but also seeking to exact from them positive goodwill; on the other hand, it could denote the pragmatic relationship of allies, equivalent to the phrase ξύμμαχος

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[244] *ATL* II, p.69, D 15, ll.44-5: ...ρὶ τὸν δε̃μον τ[ὸν 'Αθεναίον καὶ περὶ τὸς ξυμμάχος αὐτ | [ō]ν.
[245] ML p.125.
[246] Assoc. Prof. Greg Stanton suggests τ[ὸν 'Αθεναίον καὶ χσυνμάχον τῶν 'Αθεναί[ο]ν for the lacuna, which would fit perfectly the space of 21 missing letters.
[247] This is probably directed towards meetings in the assembly rather than in general.

ἔσομαι, and bearing the same connotation as Latin *amicitia* in its political sense.[248] A third possibility is that it expresses an outward display of affection (as opposed to hostility), in the sense "treat affectionately or kindly", "entertain",[249] in which case it would refer to Athenian magistrates, generals, or Athenian settlers in allied territory. Yet in Athenian decrees which honour foreigners the usual phrase for expressing the idea of good treatment is the more neutral εὖ ποιεῖν,[250] so that in either case the use of φιλέσο in this decree has to denote some degree of emotional involvement whether or not this was to be accompanied by acts of kindness as well.[251] It is probable that the use of the word here bears both the latter two meanings. Nothing is known of the circumstances or nature of the revolt in Colophon which might account for the use of the word, and it is probably most informative that it does not reappear in any of the later surviving oaths to be sworn by allies who have revolted or in the oaths sworn by cities entering into a new alliance with Athens. Since the treaty with Colophon is only the second which survives of those that deal with an allied city which has revolted, it might be best to attribute the use of φιλέσο to experimentation in phraseology. The need for imposing oaths of loyalty on rebellious citizens was quite recent, and the very act of rebellion indicated that οὐκ ἀποστέσομαι needed to be reinforced: φιλεῖν was used in this decree, but perhaps seemed too excessive, and so was later replaced with the more neutral εὐ ποιεῖν/δρᾶν.

2.4.3: Chalcis

The decree concerning Erythrae was made in response to the revolt of that city after Athens had suffered a major defeat in Egypt, which presented the Ionian cities with an opportunity for rebellion.[252] When Athens was again defeated at Coronea in 446, spelling an end

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[248] On this sense, see Konstan (1997), pp.1-3.
[249] *LSJ*, s.v. φιλέω, I.2.
[250] ML 85. 8-9; 90.10-11; 94.11.
[251] See Konstan (1997), p.55f.
[252] See Meiggs (1972), pp.116-18, who, however, notes that the defeat was not welcomed by all Ionian cities.

to her hopes of hegemony in Boeotia, a similar opportunity was offered to Euboea. The revolt was short-lived, and a very well-preserved decree records the terms of the oaths to be sworn by the Athenians and Chalcidians. A rider to the decree detailing the Athenian response to certain requests from Chalcis contains the phrase that the Athenians and Chalcidians should perform the oaths "just as was decreed for the Eretrians", which indicates that the same oath had been sworn by the Eretrians.[253]

The Athenians swear that they will not drive out the Chalcidians from Chalcis nor destroy their city; they will not banish, execute, fine, or disenfranchise any Chalcidian without the consent of the Athenians *demos*, the assembly.[254] The terms are phrased so as to give Chalcis an assurance that it will not be ruled arbitrarily, but a threatening tone is appended to this: the Athenians will only abide by such terms so long as the Chalcidians obey the people of the Athenians.[255]

The oath of the Chalcidians, while similar to those sworn by the Erythraeans and Colophonians, is much more detailed. The Chalcidians swear not to revolt in word or deed, but this time οὔτε τέχνει οὔτε μεχανêι οὐδεμιᾶι, "not by any scheme or contrivance", is added. The clause exhibits an awareness on the Athenians' part of the workings of revolt, and its inclusion in the terms of the oath communicate this awareness to the rebellious city.[256] This interpretation is confirmed by the following phrase, οὐδὲ τôι ἀφιστάμενοι πείσομαι, "nor will I obey one who revolts." The more indefinite ἄλλοι πείσομαι of the Erythrae and Colophon oaths has been replaced with a phrase which alludes to the contagious nature of revolt. Like ἄλλοι, however, it is uncertain to whom τôι ἀφιστάμενοι refers, a fellow citizen or one from another city already in

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[253] ML 52.40-3. *IG* I³ 39 is given as the text of the Eretrians' oath with the restoration 'Ερε]|[τρι]εῦσιν in ll.1-2. The statement in ML, p.142, that the oath of the Eretrians and the Chalcidians was identical, is not supported by the evidence, however likely it might be.

[254] ML 52.4-10.

[255] ll.15-16.

[256] Cf. *IG* I³ 39.8 (supp. Woodhead). On the difference between τέχνη and μηχανή, see Wheeler (1988), p.28: "*techne* is a psychological process, a mentally contrived recourse for a problem created in thought but not yet present in reality. *Mechane* thus becomes *techne*'s manifestation."

revolt. The vagueness is no doubt deliberate. The need to distance people from rebellious elements at home and abroad is reinforced with a clause which stipulates the positive undertaking of denouncing revolutionaries to the Athenian people: καὶ ἐάν ἀφιστῆι τις κατερῶ 'Αθεναίοισι.[257] Such a practice would exacerbate existing conflicts in the community, and informants were for that reason one of the most unpopular aspects of Athenian imperialism.[258] The positive tone of the oath is continued with the phrase, "I will help and defend the people of the Athenians if anyone does them wrong."[259]

Included in the oath sworn by the Colophonians was the clause "I will be an ally of the Athenian people"; in that oath it was uncertain whether or not the allies were mentioned together with the Athenians. In this oath, which demands a far more active role from the Chalcidians in helping Athens, there is definitely no mention of the allies. By omitting the allies the relationship between Athens and the subject city is made more explicit, and in the decree as a whole this relationship is framed by the artistic placement of the words πείθεσθαι and πείθειν. The Athenians will refrain from treating the Chalcidians unfairly so long as they remain obedient: ταῦτα ἐμπ- | [ε]δόσο Χαλχιδεῦσιν πειθομένοις τῶι δέ- | μοι τῶι 'Αθεναίον.[260] The last clause in the oath of the Chalcidians is to obey the Athenian people: καὶ πείσομαι τῶι δέμοι τῶι 'Αθεναίον,[261] while its opening clause, in which they promise not to revolt, also contains οὐδὲ τῶι ἀφισταμένοι πείσομαι.[262] In the middle of the oath, however, the Chalcidians swear to pay their tribute, "(the amount) which I persuade the Athenians (to accept)": hὸν ἂν πείθο 'Αθεναίος.[263] One cannot rely too heavily on the assumption that the semantic development of πείθεσθαι made the connection between it and πείθειν closer for the Greeks than the connection between our two words

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[257] Cf. *IG* I³ 39.10-11 (supp. Woodhead).
[258] Meiggs (1972), p.222; cf. the (oligarchical?) decree from Thasos, which promises rewards for informers against conspirators (ML 83.1-5).
[259] ML 52.29-31.
[260] ll. 14-16.
[261] ll. 31-2.
[262] l. 24.
[263] ll. 26-7.

'persuade' and 'obey'; the connotations of such a development cannot, at least, be read into the use of πείθεσθαι in the decree (except possibly in τôι ἀφισταμένοι πείσομαι). Even so, the use of the same verb in both voices characterises the status of a subject city: obedience to the ruler and, if any concessions are to be granted, it is through persuasion and not command.

2.4.4: Samos

The oath to be sworn by the Chalcidians is the most elaborate oath of loyalty to survive. The oath has been described above as an act of compulsion directed towards the oath-taker, and this decree reflects this aspect as a means of ensuring the state's interests. One further oath of allegiance survives, that to be sworn by the Samians after the revolt of the island was crushed in 439. The very fragmentary text of the oath has been quite fully restored by editors according to the general sense of the decree, but the preceding discussion has attempted to demonstrate how much care went into the wording of these oaths, so that a restoration according to sense must be treated with caution. The text is restored as follows:

[- δρ] -
[άσο καὶ ἐρô καὶ βολεύσο τôι δέμοι τôι ᾽Αθενα] -
[ίον hό τι ἂν δύνομαι καλὸν κ]αὶ ἀ[γ]αθόν, [οὐδὲ ἀ] -
[ποστέσομαι ἀπὸ τô δέμο τô ᾽A]θεναίον οὔτε λ[ό] -
[γοι οὔτε ἔργοι οὐδὲ ἀπὸ τôν] χσυμμάχον τôν ᾽A–
[θεναίον, καὶ ἔσομαι πιστὸς τ]ôι δέμοι τôι ᾽Aθ–
[εναίον· ᾽Αθεναίος δ᾽ ὀμόσαι· δρ]άσο καὶ ἐρô καὶ
[βολεύσο καλὸν τôι δέμοι τôι] Σαμίον hό τι ἂν
[δύνομαι καὶ ἐπιμελέσομαι Σα]μίον κατὰ hὰ [.][264]

I will act and speak and deliberate as fairly and as best as I can for the people of the Athenians, and I will not revolt from the people of the Athenians in

> word or deed nor from the allies of the Athenians, and I will be loyal to the people of the Athenians. The Athenians are to swear: I will act and speak and deliberate as fairly as I can for the people of the Samians and will care for the Samians according to...

The appearance of lambda in the second last place of l.18 makes virtually certain the reading λόγοι οὔτε ἔργοι; given the surrounding genitives 'Αθεναίον and χσυμμάχον, the same may be said for ἀποστέσομαι in ll.17-18. Corresponding to οὔτε λόγοι οὔτε ἔργοι of the oath of the Samians is the δρ]άσο καὶ ἐρῶ of the Athenian oath: the subject which has revolted must refrain from such words and actions in the future, whereas it is the dominant city that can act or speak in whatever way it deems fit. This variation between negative and positive clauses undercuts the apparently reciprocal relationship formulated in the oaths. The rather uncertain reading ἐπιμελέσομαι Σα]μίον would reinforce the dominant role of Athens and give it a paternal character. This would be in keeping for a state which had been and would remain loyal until Athens' final defeat at Aigospotamoi, and whose naval resources were also important for Athenian operations in the eastern Aegean.[265]

The transformation of the Delian league into the Athenian empire was an informal one. A number of events could be understood as representing the change, such as the subjugation of Carystus in Euboea, the subjugation of Thasos, undertaken for Athenian financial benefit, the transfer of the league treasury from Delos to Athens in 454, or the controversial peace of Callias, which formally ended the hostilities with Persia for which the league was formed. Nevertheless, there was never any formal recognition that the change had taken place. It is only the oaths imposed on allied states which had revolted, all of them issued by Athens and with the Athenian assembly dictating the terms, which for an 'allied' city signalled the change. The oaths explicitly formulated the subordinate status of the city. As such, the performance of the oaths, details for

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[264] ML 56.15-23.

which are often preserved on the decrees,[266] reflects their importance in establishing the new relationship between the two cities. In the decree concerning Chalcis, the embassy from Chalcis is to administer the terms of the oath to those of the Athenians who are to swear it: the *boule* and the dikasts, as representatives of the people.[267] The oath of the Chalcidians, on the other hand, is to be sworn by the entire adult male population. The jury panel at Athens was composed of 6000 people, and the *boule* of five hundred; as one of the main cities in Euboea, the adult male population of Chalcis must have been substantial. How such oaths were actually administered remains unknown; at least in Athens it may be presumed that the jurors swore in the law courts, the *boule* in the bouleuterion. In any case, the swearing of the oaths was a large-scale event, in which the Athenians could collectively articulate their domination, while the Chalcidians had to voice their submission. In the decree which contains the oath to be sworn by the Chalcidians, stringent penalties are laid down for anyone who does not take the oath. He is to be deprived of citizen rights, and his property forfeited to the public purse, a tenth of it to be allotted to Olympian Zeus.[268] In many Athenian decrees, the terms of the oath contain a curse upon the person swearing and his family in case of perjury; no such religious implications are present in the penalties stipulated for the Chalcidians—it is purely a case of political coercion. Ironically, the deprivation of citizen rights follows the refusal to swear an oath which expresses subordination to Athens.

Although the performance of the oaths was such a large event, it was only momentary, and the use of inscriptions served as a reminder of the status of the city on a more permanent basis. For the decrees which survive often contain clauses that require the terms of the oath, together with any other relevant information, to be erected both in Athens itself and in the city

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[265] Cf. Meiggs (1972), p.107.
[266] *IG* I³ 39.3-6 (supp. Woodhead); ML 37.8-9; cf. 56.27.
[267] ML, p.142, believe that the boule and jurors, as the "most vital organs of control", represent themselves, while "the assembly itself must remain unfettered."
[268] ML 52.33-6; the same penalty might be stipulated in the fragmentary text *IG* I³ 21.28 (supp. Meritt/McGregor).

which has been recaptured. In Athens, such decrees are to be set up on the acropolis, ἐν πόλει, where the majority of important state documents were erected. Yet there is also a requirement for the decrees to be set up in the other cities as well,[269] and it would be interesting to know whether the locations in which they were set up were specified by the Athenians themselves or only after consultation with embassies from the cities concerned. In any case, the erection of *stelae* containing the terms of an oath which expresses a city's subordination to Athens serves as a continual reminder to the citizens of that position: τοῖ δέμοι τοῖ 'Αθεναίον πείσομαι. The large scale publication of decrees appears to have been a product of the reforms of Ephialtes, which put the constitution on a more radically democratic footing.[270] Public access to state decrees was one way in which to make the government more accountable, and there is evidence to suggest that the Athenians were aware of this. In a decree concerning the sacred precinct of King Codrus, the decree must be written up on a *stele* by the secretary of the council and placed in the precinct so that anyone who wants may read it.[271] Likewise, the decrees containing the oaths to be sworn by the Athenians and any ally who had revolted were publicly displayed in the city. The Chalcidian decree, at least, contained both the oath of the Athenians and that of the Chalcidians, so that anyone could view the different terms sworn by the two cities. As was mentioned at the beginning, there was no formal charter for Athens' position as an imperial city with the authority to use military force to keep the originally autonomous cities of the Delian league within her control. It was the terms of the oaths that conveyed to Athenian citizens their position as members of the hegemonic power. Conversely, it was in this way that the subject cities were reminded of their status. The coinage decree, to an extent, performed the same function, but the crucial difference here is that oaths were fundamentally religious: the gods would punish perjury. In the oaths to be sworn by the Erythraeans and the Colophonians, a self-

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[269] See n.229 above.
[270] Davies (1994). p.202.
[271] *IG* I³ 84.26: ὅπος ἂν εἶ εἰδέναι τô[ι] βολομένοι. On the use of this phrase in respect to literacy, see Hedrick (1994), p.161.

imprecation is included in the terms of the oath, laying a curse of destruction upon oneself and one's children. Even more significant is the fact that these allied cities are to swear the oath by the gods of Athens: Zeus, Apollo, and Demeter. This is probably the most blatant form of imperialism, since the epichoric nature of Greek religious practice meant that each community jealously protected the specific forms of its own worship. Indeed, in oaths sworn to truces the participants in the ritual are to swear the most solemn oath of their own city. Compelling cities to swear allegiance to Athens by her own gods is a humiliating way of expressing their subjection to Athens.

2.5: Conclusion

The need for an oath arises when an individual or group becomes dependent on another person to tell the truth. This position of vulnerability is then transformed, when the dependence of those imposing the oath is replaced by the possibility of divine punishment faced by the person swearing the oath. In certain situations the imposition of an oath resembles the act of supplication, when a person imposes an oath upon someone whose position of power would otherwise make them indifferent towards, or even abusive to, the person exacting the oath. Although oath-taking is less ritualised than supplication, both of these institutions are essential for preventing the abuse of the less powerful members of society.

Significant rites of passage in the social life of an individual were often accompanied by oaths, which gave an explicit confirmation of the transition. The gradual assumption of full citizenship was marked by oaths sworn when enrolled in the phratry and the deme, a process which was completed when the ephebes swore the oath of citizenship after a period of military service. The oath of the archons illustrates how the transition in status from private citizen to public official could be ritually dramatised by swearing the oath at the two main centres of civic and religious life in Athens. The oath of the ephebes, on the other hand, shows how the transition could be articulated through the wording of the oath, in which the gods invoked represent ideals

of youthful vigour and ability, while the terms of the oath itself curb this potentially dangerous vitality by subordinating it to the service of the community as a whole.

The oath acts as a restraint for the person upon whom it is imposed, and this coercive nature of the oath is seen on its widest scale in the oaths imposed by Athens on the subject cities which had revolted. It was only through these oaths that the subordinate position of these cities was ever explicitly stated. An examination of the phraseology of the oaths indicates how much care was expended on the documents, while at the same time, through the growing complexity of the terms of the oath, they illustrate the developing imperial ambitions of Athens during the middle of the fifth-century.

These various oaths used in society owed their significance to the religious conception of the oath, in which an individual was placed under the power of a god and thereby became liable to divine punishment in the case of perjury. The way in which perjury was punished will form the subject of the next chapter. But the punishment for perjury, and indeed all ideas about the religious nature of the oath, were generated by its role in society; the religious importance of the oath then contributes to the solemnity of oaths when they are used in the public rituals which have been examined in this chapter. This mutually reinforcing relationship between the religious and the social importance of the oath eventually produced the belief that post-mortem punishment was suffered by perjurers in the underworld.

3: Perjury and the Punishment for Oath-breaking

Although human society is based on the overriding principle of co-operation, that co-operation itself is in turn guided by individual self-interest. The oath is a means by which to limit one form of promoting self-interest at the expense of others—deceit. However, since an oath is a statement made to the gods, punishment for its abuse must lie with the gods: perjury and its subsequent punishment lie outside human scrutiny just like the truth of a statement being made under oath. And since punishment for perjury is delegated to the gods, it becomes subject to all the problems associated with the gods' relation to justice. This chapter will examine how the different conceptions of divine punishment for perjury developed under the influence of the brutal fact that perjury inevitably occurred.

3.1: Perjury

The oath arose from the need to ensure the honesty of the speaker in circumstances where this was essential for securing the truth. Invoking the gods, and making oneself subject to their punishment, was the means of securing such honesty. Yet even such a deterrent as the anger of the gods was not enough to restrain some people from speaking a false oath, and despite Plato's optimistic conception of oath-taking under Rhadamanthys,[272] it is likely that perjury came into being as soon as the oath did, just as Hesiod has the Erinyes attend Horkos at his birth.[273] Although perjury may be simply defined as the breaking of an oath, either as a false statement or an unfulfilled promise, there are a number of issues which complicate the matter in the early Greek material.

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[272] Pl. *Lg.* 12.948b7-c2.
[273] Hes. *Op.* 803-4.

The first problem concerns the Greek vocabulary for the idea of perjury. The phrase for swearing a false oath is ἐπίορκον ὀμόσσαι;[274] the meaning of ἐπίορκον here is determined by the formation of the compound. Normally we would expect the form ἔφορκον through elision of the preposition; M. Leumann explains this peculiarity by arguing that the word arose from a phrase like that found in Hesiod:[275]

λάψει δ' ὁ κακὸς τὸν ἀρείονα φῶτα
μύθοισιν σκολιοῖς ἐνέπων, ἐπὶ δ' ὅρκον ὀμεῖται [276]

"The wicked man will harm the better, abusing him with crooked words,
and will swear an oath upon them (i.e., his words)."

Rather than being in tmesis with ὀμεῖται, ἐπί is purely adverbial and serves to connect the idea of swearing an oath with the previous statements upon which the oath is taken,[277] while the δ(έ) functions as the grammatical connective. From contexts such as this the otherwise neutral phrase ἐπὶ δ ' ὅρκον ὀμόσσαι acquired the sense of 'swear a false oath', and when the connective was taken away, the phrase was still maintained in the form ἐπίορκον ὀμόσσαι for the sake of metre.[278] This explanation of the term has two advantages: it accounts for the otherwise inexplicable use of ἐπί, and also explains the retention of the iota: the phrase ἐπίορκον ὀμόσσαι occurs in exactly the same position in the hexameter as the same phrase with δ(έ); this leads to the conclusion that the former phrase (ἐπίορκον ὀμόσσαι) was based upon the latter (ἐπὶ δ ' ὅρκον ὀμόσσαι), and that due to the requirements of metre the iota was retained. ἐπίορκον ὀμόσσαι does not therefore in

[274] See LSJ, s.v. ἐπίορκος.
[275] Leumann (1950), pp. 86f.
[276] Hes. *Op.* 193-4.
[277] Cf. *Od.* 1.273.
[278] As in Hes. *Op.* 282.

itself mean 'swear a false oath', but came to acquire this meaning through its use in cases where the oath was actually false.

Shipp has objected to the derivation of the phrase from the epic tradition for the reason that ἐπιορκήσειν occurs in a law of Solon cited in Lysias with the neutral sense of 'swear', not 'forswear'.[279] This exception is indeed difficult to account for. Shipp argues that the inconsistency in usage between Homer and Hesiod on the one hand and Solon on the other points to a different source for the formation of the word: because of its legal-religious importance the preposition was retained as an archaism, from where it passed into the different traditions and acquired different connotations. However, it is difficult to believe that this one term employed such an archaism—if it can be so called: even Mycenaean elided the preposition in compound words[280]—whereas others did not. The verb, and the adjective from which it is derived, must come from the oral-formulaic tradition, but it must also be pre-Homeric. It maintained its neutral sense in early Attic, but from the later epic tradition of Homer and Hesiod acquired its later negative meaning. This would also account for the later Attic use of the words which accords with the Homeric meaning: after the introduction of the Homeric poems into Attica by Hipparchus, the Homeric sense supplanted the native meaning of the word.[281] Such a development would also disprove another objection to the origin of the word: that a universal legal term originated in Homer. I would say that the term originated in pre-Homeric poetry (but poetry nevertheless) since it is the only way to account for the abnormal formation, while Shipp's objection underestimates the importance of poetry in archaic Greece. Moreover, if the change in meaning ('forswear' from 'swear') in the Attic use of the term can be attributed to the

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[279] Shipp (1961), p.52f.; the law is cited in Lys. 10.17.
[280] Palmer (1968), p.54.
[281] For the introduction of the Homeric poems into Attica by Hipparchus, see Pl. *Hipparch.* 228b7-c1 and West (2001), p.17f. This is a controversial point, but it is to be preferred to the version in which Peisistratus is said to have performed this role (Cic. *de Orat.* 3.137) and Nagy's conjectural evolutionary theory for the redaction of the epics, in which the testimony concerning Hipparchus (as well as Peisistratus and Lycurgus) is seen as the anachronism of a later literate age (Nagy (1996), pp.69-76).

influence of the Homeric poems, it is just as likely that the pre-Homeric ἐπίορκον ὀμόσσαι, in the neutral sense 'swear' could have been adopted by the Attic dialect at an earlier stage.

A second problem, more apparent than real, concerns the question of whether the intention of the swearer should be taken into account when assessing perjury. The passage in the 'Doloneia', in which Hector swears to give Dolon the horses of Achilles for going on reconnaissance to the Greek camp, is chiefly responsible for the question arising outside merely academic circles.[282] Since Dolon is killed by Diomedes on his way to the Greek camp, Hector cannot possibly fulfil his oath, whether or not he intended to do so in the first place. Nevertheless, the poet describes this as perjury: ὣς φάτο καί ῥ' ἐπίορκον ἐπώμοσε.[283] If this statement is taken literally, it implies that a person's intended actions are to be judged not by the intentions of the agent but simply by the fact of whether or not they occur:[284] intention is not yet recognised as a valid category for evaluating actions, as it would later come to be, for example, in Athenian trials for homicide. The passage can therefore be taken as an indication of the 'primitive' level of thought in the *Iliad*, where objective and subjective reality are not yet properly differentiated.[285]

Two points tell against such an interpretation of the passage. Firstly, the line does not seem to constitute a judgement on the moral character of Hector so much as a literary technique by which the narrator hints at the death of Dolon[286] and thereby influences the audience's hearing of the following events, somewhat like the prologues spoken by gods in Euripides' plays. Secondly, Hesiod shows himself to be aware of the difference between intentional and unintentional perjury by introducing the adverb ἑκών to the stock phrase ἐπίορκον ὀμόσσαι.[287]

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[282] *Il.* 10.319-32; the question was picked up by the Stoics in later centuries: see Hirzel (1902), pp.75-9.
[283] *Il.* 10.332.
[284] So Plescia (1970), p.83f.
[285] See Snell (1953), ch. 1, *passim*, esp. p.20; Fränkel (1962), p.87; Finley (1979), p.11: "Homer was so far from Socrates that he could not even conceptualise man as an integrated psychic whole." For a lucid refutation of this type of view, based on Achilleus' speeches in Book 9, see Parry (1956).
[286] Cf. Σ. *Il.* 10.332.
[287] Hes. *Th.* 232: ὅτε κέν τις ἑκὼν ἐπίορκον ὀμόσσῃ.

Since the Homeric and Hesiodic epics are at most two generations apart, it is difficult to assume a sudden leap in the conceptual categories used to interpret human action, particularly since both preceded the lyric poets who are seen as inaugurating such an intellectual revolution.[288]

This philosophical issue falls into abeyance until the close of the fifth-century when, under the influence of sophistic reasoning, it resurfaces in the general debate concerning speech, mind, and reality. The classic example is Hippolytus' statement to the Nurse in Euripides' *Hippolytus*: ἡ γλῶσσ' ὀμώμοχ', ἡ δὲ φρὴν ἀνώμοτος ("My tongue has sworn, but my mind is unsworn").[289] This line, though easily quotable as an apophthegm by itself, is only part of a *leitmotiv* occurring throughout the play which examines the tenuous relationship between speech and reality. Theseus, who has as evidence of Hippolytus' guilt the false letter of Phaedra, has no patience for Hippolytus' arguments (*logoi*) which he sees as the fatuous excuses of a rhetorician and dabbler in the vacuous words of Orphic thought.[290] Hippolytus himself, though unaware that his excessive piety towards Artemis has angered Aphrodite, complains that the gods by whom he swore for the nurse are about to reward his piety in keeping his oath by destroying him at the hands of his father.[291] This breakdown in the relationship between speech and reality, a relationship of which the oath is the most emphatic expression, eventually leads to Theseus' curse upon Hippolytus—interestingly, another speech act which this time has an all too real effect. Similarly, in the *Medea* it is Jason who is depicted as the crafty speaker, one who, though skilful with words, nevertheless is quite prepared to forsake his oaths. This occurs in a play which inverts the normal stereotypes of Greek thought. Medea, the barbarian princess, is usually thought of as a woman guilty of monstrous crimes and magical practices, while at the same time deceiving the members of her family. In Euripides' play, however, this representation is played down and instead Medea is depicted as acting on the value system of Greek heroism—a betrayed

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[288] Cf. Lloyd-Jones (1971), p.18, on the similarity in moral outlook between Homer and Hesiod. On the intellectual outlook of the lyric age, see Snell (1953), ch. 3.
[289] E. *Hipp.* 612; cf. E. *Or.* 1604: Menelaus: ἁγνὸς γάρ εἰμι. Orestes: ἀλλ' οὐ τὰς φρένας.
[290] λόγοι: 960, 971,1005-6; Orphism: 952-55.

woman who is seeking revenge against Jason.[292] Jason, on the other hand, who should represent a Greek hero, is instead depicted as a treacherous sophist, seeking to win over Medea by rational argument despite his treatment of her and the children, cloaking his selfish decision to marry into the royal family as a benefit to Medea. Throughout the play Medea refers to Jason's breaking of his oath, and it is her primary justification for taking revenge.[293]

Thucydides also picks up the theme in his history of the Peloponnesian war, where the inconsistency between word and thought is brought up repeatedly. The beginning of the war is introduced with the ironic phrase, "For fourteen years did the thirty-year treaty last";[294] soon afterwards, when the Plataeans unexpectedly win the first fight, a dispute about oaths is raised in relation to the execution of the Theban captives. The Thebans allege that the Plataeans swore an oath that they would not put the captives to death, whereas the Plataeans deny that they swore an oath. Both parties agreed that a promise had been made (although at different times), but the swearing of an oath would make the execution of the captives all the more abominable: for that reason the Thebans maintain that an oath was taken, while the Plataeans deny it.[295] The allegation of perjury is used as a means to shape others' (in this case the Athenians') perception of the events.

These two authors, Euripides and Thucydides, immersed as they were in an intellectual milieu in which relativism was prominent, reacted to this trend in thought by depicting its consequences in the practical life of human relations. Oath-taking, which is fundamentally only a verbal act but at the same time an attempt to impose certainty in the world, was one specific subject upon which they could elaborate their concerns about the disparity between word and

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[291] 1060-61.
[292] In this way there is much in common between Medea and Ajax as depicted by Sophocles.
[293] Jason's breaking of his oaths: E. *Med.* 20-1, 161-3, 492, 1391-2.
[294] Thuc. 2.2.1 (cf. 1.23.4 & 1.87.6).
[295] 2.5.6; see Hornblower (1991), *ad loc.*: "the morally crucial question" of whether or not the oath was sworn. A similar use of oaths to protect one's own interests occurs in 5.30, where the Corinthians use their previous oaths of alliance with the Greeks in Thrace as an excuse not to enter into the peace of Nicias.

act, concerns which the relativistic philosophy of the sophists encouraged.[296] Their views cannot, however, be taken as representative of a general breakdown in the importance of oath-taking at the end of the fifth-century under the pressure of war and relativism. The inscriptions of Athens at this time attest to its widespread use; and the fact that Aristophanes frequently throws the charge of perjury in the teeth of his villains is another indication that the oath was no dessicated shell—the creativity of his comic language, with its arsenal of more colourful insults, would not have employed this charge unless it still carried substantial weight. The religious sanctions against perjurers, both detailed and terrifying, confirm this view and will be discussed presently. There is, however, one practice which seems to have promoted institutionalised perjury and which, if this is the case, would greatly undermine any such emphasis on the importance of the oath in Athens of the fifth and fourth centuries: the *diomosia* in Athenian homicide trials.

The legal trials of classical Athens employed a number of specific oaths to be used at various times in different types of trial, with a somewhat deceptive appearance of technicality through the use of prepositional compounds: *amphiorkia*, *anthypomosia*, *diomosia*, *exomosia*, *proomnunai*, *hypomosia*: all of them are either procedural or rhetorical, none of them valid as a means of proof in a case.[297] The exception here is the *diomosia*.[298] In its strict sense this oath was sworn by litigants at the beginning of homicide trials before the court of the Areopagus. The content of the oath appears also to have been merely procedural: the litigants both swore that they would tell the truth, use the time allotted to them, and not introduce material irrelevant to the case at hand. The last two points are not of any importance in this respect; the first point, that the prosecutor swears to the guilt of the defendant, the defendant to his innocence, leads one to the conclusion that in every homicide trial before the Areopagus one litigant committed perjury,

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[296] Interestingly enough, it is Aeschylus (fr. 672 M) who articulates the problem most clearly: "Oaths are no guarantee of men, but men of oaths" (οὐκ ἀνδρὸς ὅρκοι πίστις, ἀλλ' ὅρκων ἀνήρ). Even though Aeschylus does not elsewhere develop the idea, it serves as a reminder not to pigeon-hole the three tragedians who, for all their differences, still had much in common.

[297] On these different oaths, see Plescia (1970), pp.47-53.

and this under the most awesome self-imprecation of legal oaths: the destruction of oneself and one's family.[299] It is precisely this oath that Plato criticises in his discussion of dispute resolution in the twelfth book of the *Laws*. Plato decries the fact that, under the present system and with the frequency of homicide trials at Athens, almost half of the population must be perjurers. Therefore, only written depositions should be handed to the magistrates, but no oath sworn by the two parties.[300] It is unlikely that Plato is here misrepresenting a technical detail, although the only direct evidence we have for this element of the *diomosia* occurs in the orators where, although the principle itself is not stated, it is certainly implied by the phraseology.[301] If this is taken at face value, as it is by Plato, it implies that perjury was committed at each trial for intentional homicide in Athens. Since this was the most solemn oath sworn in Athenian law courts, taken over the dismembered carcass of a slaughtered animal, it would indeed follow that the oath in Athens must have been much less respected than all the other evidence would lead us to expect. However, on closer inspection such an interpretation may be shown to be weakened—although, to be sure, not altogether refuted.

The purpose of the *diomosia* should first be defined. It was not employed as a means of proof in homicide trials (it could not be, since both parties swore the exact opposite of each other's oath); instead, the *diomosia*, like the other oaths in legal trials, was purely procedural. It was used to make sure that both litigants were absolutely intent on their case, which thereby disposed of a host of cases brought on personal or political grounds and freed up the court for genuine cases. Anyone convicted of intentional homicide was executed: because of the gravity

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[298] For the *diomosia*, see Bonner-Smith (1930-39), II, pp.165-71; MacDowell (1963), pp.92-100. Primary sources are usefully collected in Ott (1896), p.86f.

[299] Dem. 49.10.

[300] Pl. *Lg.* 12. 948c2-e5; cf. *Ev. Matt.* 5.37: ἔστω δὲ λόγος ὑμῶν, Ναὶ ναί, Οὒ οὔ.

[301] Antiph. 6.16: διωμόσαντο δὲ οὗτοι μὲν ἀποκτεῖναί με Διόδοτον βουλεύσαντα τὸν θάνατον, ἐγὼ δὲ μὴ ἀποκτεῖναι, μήτε χειρὶ ἁράμενος μήτε βουλεύσας. The phrasing is similar at Lys. 10.12 and Dem. 59.10, both of which use forms of κτεῖναι instead of ἀποκτεῖναι , which argues against a standard wording for the oath; Lys. 3.4, occurring in a trial of wounding with intent to kill, cannot be adduced as evidence, and seems to be a case of transferring the *diomosia* into a trial of lesser import (the punishment was exile and loss of property) for rhetorical effect.

of this penalty, some mechanism had to be found by which litigious citizens could be deterred from unnecessarily endangering the life of another citizen: the *diomosia* was employed for this end. When evaluating the *diomosia* in the light of perjury this difference between the purpose and content of the oath must be kept in mind. The oath as to guilt or innocence is directed to those cases which never make it to court, since they are unwilling to swear an oath on a claim they know to be false; the other terms of the oath are directed towards those who do actually proceed with the case: they swear to keep to the set time-limit and not to introduce into the case the type of irrelevant material common in other forensic speeches. That the clause in the *diomosia* swearing to the guilt or innocence of the defendant is directed at improper cases does not do away with the fact that in cases which did proceed one side had to commit perjury, and this is the problem to which Plato takes exception.[302] However, the situation is somewhat alleviated if the actual workings of this procedure are examined from a pragmatic perspective. Firstly, of the litigants, only the defendant must always know whether or not he is committing perjury. If the defendant is guilty, the punishment for perjury coincides with his execution. If the defendant is innocent and acquitted, he or she may await the divine punishment to be visited upon the prosecutor. If the defendant is innocent but found guilty, due to his execution this uncomfortable fact will probably not be discovered. The prosecutor, on the other hand, has the excuse that in all sincerity he believed the defendant to be guilty—that this may one day be found to be untrue in no way invalidates the inner conviction which justified him in taking the oath.[303] In effect, the only party that can be found guilty of perjury is the prosecutor, and here recourse to the argument of subjective certainty is enough to meet the charge of perjury, whether or not the argument is sincere. There is no doubt that perjury did occur before the Areopagus in murder trials, as it occurred elsewhere, human nature being what it is; that the *diomosia* in homicide trials, however, was an institution where perjury was inevitable, and that half the

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[302] Cf. Rhode (1925), p.212, n.156, whose interpretation is similar to mine, although he lays more emphasis on the religious aspect of the *diomosia*.

population were walking perjurers, is, in conformity with much of Plato's social criticism, an excessive charge by one who held the deepest suspicion about the judicial workings of his own city.

3.2: The Punishment for Perjury

Precisely because the oath was a statement made under the authority of the gods, the punishment of perjurers was assigned to them. It was not felt necessary to impose human sanctions on perjury itself, a belief which was current for all of antiquity.[304] Although this formulation implies a degree of piety which might be mistaken for credulity, in practical life measures were taken against offences at least related to the terms of the oath. Thus in Athens the archons swore that they would rule justly and in accordance with the laws, and that they would not receive bribes on account of their office.[305] On leaving office, however, the archons had to undergo εὔθυναι, in which their financial administration and conduct in general were examined, after which they could be brought before a court for misconduct. Similarly the *boule* underwent collective εὔθυναι. This was not so much to arraign it for criminal behaviour as to see whether it had earned a claim to a δωρεά,[306] but individual members could still be prosecuted on the charge of introducing illegal bills (γραφὴ παρανόμων):[307] one of the clauses in their oath was to deliberate in accordance with the laws.[308] In legal trials a witness could be indicted for false witness (δίκη ψευδομαρτυρίου), even though the deposition may have been made under oath. Such procedures confirm the interpretation that the oaths taken before entering office were ceremonial rather than practical, which raises an important issue about the perception of oaths in society.

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[303] Cf. Arist. *Rhet.* A 15, 1377b21-2.
[304] Latte (1932), col. 346, ll.52-7; Wheeler (1988), p.90.
[305] [Arist.] *Ath. Pol.* 55.5.
[306] A δωρεά was the receipt of a gold crown on satisfactory completion of the *boule*'s duties (Rhodes (1972), p.15).
[307] Rhodes (1972), p.14f.

The three oaths mentioned above involve public positions to whose holders much power is delegated and on whom the community becomes partly dependent. At first this was precisely why oaths were imposed on such officials. However, they are also the offices which, given the level of power, and consequent lack of accountability, were most liable to abuse. The response of gods to perjurers in these contexts will often have been far too relaxed (from a human point of view), so that human action had to be taken in order to punish such abuses and to deter future ones. Even so, in none of these examinations is perjury mentioned—it is still something which is consigned to the gods: humans will take care of the immediate consequences of perjury, but the gods will, when ready and in whatever way they deem fit, eventually avenge an offence against the unwritten laws.

These mundane measures against the practical implications of perjury represent the final development in a process of thought, seen at work already in the *Iliad*, which questioned the ability and effectiveness of divine punishment against an instrument which was essential in human affairs but by its nature, at least in confirmatory oaths, was not subject to human scrutiny. The different ideas on how the gods punished perjury run parallel with those on how the gods punish wrongdoers in general, and were influenced by the same schools of thought. This makes it all the more interesting in the case of perjury, since this was an offence which threatened the use of an instrument of social intercourse and cohesion.

The fact that any serious oath contained a self-imposed curse on the person swearing has been discussed in the first chapter. The curse was seen there as a development from the trial by ordeal, in order to palliate the excessive severity of that form of dispute resolution. At first, then, this curse was responsible for the punishment of perjury. It is impossible to discover whether this was originally conceived as an independent event or effected by the god(s) in whose name the oath was taken.[309] By the time of the extant evidence Zeus is seen as being the agent of

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[308] Ibid., p.194.
[309] Watson (1991), p.49, notes that not every curse appeals to the gods.

retribution—just as he is the most commonly invoked god in oaths, and for the same reason: he is the most powerful of the gods. Aristophanes supports this view with what sounds like an element of popular belief when he has Strepsiades say that Zeus strikes perjurers with a lightning bolt.[310] This is the only reference to a definite means by which a perjurer could be punished in his or her own lifetime.

A reference in Sophocles aligns oath-takers much more closely with an important element in Greek religious thought. When Creon in the *Oedipus Rex* takes an oath, together with a self-imposed curse, that he has done none of the things which Oedipus accuses him of, the Chorus implore Oedipus to let Creon speak:

> τὸν ἐναγῆ φίλον μήποτέ σ' αἰτίᾳ
> σὺν ἀφανεῖ λόγων ἄτιμον βαλεῖν.[311]

> "(sc. I say) that you should never assail with a doubtful charge your friend who is made holy (sc. by his oath), denying him the right to speak." [trans. Lloyd-Jones (1994), with my brackets]

By placing a self-imposed curse upon himself, Creon becomes subject to ἄγος, a vague but potent word, best translated as 'divine power'.[312] Lloyd-Jones translates the word as "holy", and this is probably the most apt word for a readable English translation; but the word 'holy' should only be understood in the negative sense of 'in the power of divinity', not the more usual sense

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[310] Ar. *Nub.* 397: τοῦτον (sc. κεραυνὸν) γὰρ δὴ φανερῶς ὁ Ζεὺς ἵησ' ἐπὶ τοὺς ἐπιόρκους. The addition of φανερῶς portrays Strepsiades as a gullible fool—yet one more admission to his acceptance of popular belief. Burkert (1985), p.126, states that "a direct epiphany of Zeus is lightning"; cf. Parker (1983), p.17, who notes that at S. *OC* 1482-4 the chorus interpret a thunderclap as the sign of Zeus' displeasure at their associating with a polluted person.

[311] S. *OT* 656-7.

[312] On ἄγος and ἐναγής see Parker (1983), pp.5-10.

'possessing/associated with divinity'.[313] Oedipus should respect Creon not because he has assumed divine power through his oath, but because he has taken it upon himself to consecrate himself to the gods.[314] Such a grave action should not be treated with contempt by an impetuous king. This is the meaning of the Chorus' words. It is not clear, however, to which gods Creon has become liable. Although the Chorus twice mention Creon's oath, Creon himself simply utters a conditional self-imprecation before a statement: no gods are invoked, and so the god(s) who are to punish Creon in case of perjury are unknown. We probably have to fall back on the traditional punishers of perjury, Zeus or the Erinyes.

In his monumental schematization of the divine world, Hesiod includes as divinities a number of ideas or phenomena unknown to cult practice.[315] Horkos, 'Oath', is among them. It is important to note that these personifications are limited to negative phenomena, all of which occur in contexts of social strife. This section of the *Theogony* seems the most personal (and pessimistic) of a very personal poet. Hesiod has been the victim of a corrupt legal system, and his brother has cheated him of his rightful inheritance by swearing an oath to support false claims—for Hesiod the oath is more a product of social discord, rather than an instrument for its prevention or resolution. Horkos is the child of Eris, 'Strife', and it is only one aspect of the more general tendency towards social breakdown which produces the other forces grouped with Eris among the progeny of Night. Both Eris and Horkos find a place in the *Works and Days*. In this poem the personification of Horkos is given a more tangible form. Details of its birth by Eris are given, with the Erinyes attending it as it is born;[316] more importantly, it is given an active role in human society: Horkos is said to run along with crooked judgments (τρέχει Ὅρκος ἅμα σκολιῇσι δίκῃσιν).[317] This difficult sentence can be taken in two ways: that Horkos runs along with

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[313] ἁγνὸν ὅρκον at E. *Hel.* 835 seems to be used in the usual sense of 'associated with divinity', and therefore subject to the respect given directly to the gods; see Parker (1983), p.147f. (who cites this example).
[314] For a similar use of ἐναγής in the context of oath-taking, see Aeschin. 3.110.
[315] Hes. *Th.* 211-32.
[316] Hes. *Op.* 803-4.
[317] *Op.* 219.

crooked judgments in order to punish them, or that crooked judgments, made under an oath which is consequently associated with them, will at some time be discovered and punished, but not necessarily by Horkos.[318] In support of the first meaning is the description of Horkos as a bane to perjurers (πῆμ' ἐπιόρκοις);[319] but this vague phrase is applied to Horkos after it is stated that the Erinyes attend its birth, whose inclusion would be superfluous were Horkos conceived as punishing its own abuse;[320] rather, Horkos is only a bane for perjurers because when abused, the Erinyes punish them. On this basis the second interpretation of the sentence is more fitting. The importance of the oath for Hesiod leads him to endow it with phrases which suggest a more active role than it has elsewhere, but in fact does not differ from the normal conception of the oath and those who punish its abuse.

The hints in Hesiod are fully adopted by Herodotus in the episode about the Spartan Glaucus. An Ionian man had entrusted to Glaucus half of his wealth in cash; when the sons of this man came to Glaucus to reclaim the money, Glaucus claimed not to remember the deposit and asked the sons to return in three months. He then went to the Delphic oracle to ask whether or not he should swear a false oath in order to keep the money. The oracle delivers the following response:[321]

> ὄμνυ, ἐπεὶ θάνατός γε καὶ εὔορκον μένει ἄνδρα.
> ἀλλ' Ὅρκου πάϊς ἐστὶν ἀνώνυμος, οὐδ' ἔπι χεῖρες

[318] Similar to the idea expressed in Soph. fr. 62 (Ll-J.): ἀλλ' οὐδὲν ἕρπει ψεῦδος εἰς γῆρας χρόνου ("but no falsehood lasts into old age" [trans. Lloyd-Jones (1996)]).
[319] Hes. *Op.* 804; cf. *Th.* 231-2.
[320] The incongruity of the phrase and the rest of the sentence may be explained by a clumsy adaptation of *Il.* 22.421-2, in which πῆμα appears in the same place of the line (cf. 6. 282-3).
[321] Parke & Wormell (1956), I, p.381, take the oracle as authentic, and its language (vocative, imperative, ἀλλά, softening final sentence) accords with their general observations on the oracle's style (II, pp. xxii-xxix). That Herodotus was also fully aware of the practice of forgery (7.6.3, on Onomakritos) also suggests that he would not include an oracle about whose authenticity he was in doubt. Fontenrose (1978), p.229, on the other hand, lists the oracle under the section for Quasi-Historical responses. He notes (p.118f.) that the whole tale, apart from the consultation of the oracle, is very similar to a story found in the later mythographer Conon in which no oracle was consulted, and that the language and thought of the oracle closely resemble material found in Hesiod's *Works and Days* (line 7 = Hes. *Op.* 285).

οὐδὲ πόδες· κραιπνὸς δὲ μετέρχεται, εἰς ὅ κε πᾶσαν
συμμάρψας ὀλέσῃ γενεὴν καὶ οἶκον ἅπαντα.[322]

"Take an oath, since death at any rate also awaits the man true to his oath. But there is a nameless son of Horkos, and he has neither hands nor feet; but he makes swift pursuit (sc. against the perjurer) until he wipes out and destroys his whole family and entire house."

This passage has been employed by Hirzel as evidence for the existence of an independent *daimon* Horkos.[323] This is, however, too free a use of the passage—these are the words of an oracle, prone to figurative and bold language.[324] The passage, apart from the personification of a son of Horkos, also contains the traditional belief about the consequences of perjury: the destruction of the perjurer and his family. The office of punishment has been transferred from the Erinyes to this son of Horkos in order to keep the focus solely on the action of oath-taking. The manner of expression is similar to that found in Hesiod, although the oracle makes it more explicit.[325] It cannot be taken as evidence for Horkos or its child as real divinities.

In this respect Sophocles, as in the case of μύδρος, employs language similar to that of Herodotus. In the *Oedipus Coloneus* he uses the phrase Διὸς Ὅρκος, "Oath, son of Zeus".[326] Here again Hirzel uses the evidence to posit a twofold characterisation of Horkos, one a fearful creature of the underworld (Hesiod, Herodotus), the other a just agent of Zeus (Sophocles).[327]

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[322] Hdt. 6.86.γ2. Compare the oracle of Zeus at Dodona (Paus. 7.25.1), which similarly upholds the institution of *hiketeia* (quoted by Gould (1973), p.100). Davies (1997), p.56, refers to this oracle in the context of a discussion which seeks to deflate the image of Apollo as an upholder of the moral law. Cf. also Harrison (1997), p.113, who notes that the oracle is reported by the Spartan king Leotychidas (who would later be exiled for embezzlement), and that the Athenians to whom he speaks do not listen to him: *prescriptive* moralising is thus depicted as useless.

[323] Hirzel (1902), p.144, n.2.

[324] See Parke & Wormell (1956), II, p.xxiv, on the obscurity of the oracular language and the use of concrete imagery for abstract ideas.

[325] Cf. ibid., pp. xxx, xxxii-iii.

[326] S. *OC* 1769.

[327] Hirzel (1902), pp.144-7.

The dichotomy does not exist but for these writers. For Hesiod, the oath is a terrible thing, because it is caused by social discord; for Herodotus perjury amounts to a crime against the gods and will for that reason be punished; for Sophocles, however, it can be aligned with Zeus: it is an instrument to ensure justice, and as such its violation offends the chief of the gods. This is the reason for Sophocles' phrase, but it should also be remembered that Zeus does punish perjurers.

3.3: Perjury and the Afterlife in Homer and Hesiod

In the trial by ordeal the gods were perhaps too liberal in dealing out punishment —many an innocent would have had scarred hands; but in respect to oaths their intervention must often have seemed conspicuous by its absence. As the previously mentioned passage in Aristophanes' *Clouds* indicates, there was a belief that perjurers were struck with lightning by Zeus; this will not have been a common event. Then there comes the idea of the destruction of the perjurer and of his or her family; because this was more vague, it was all the more easy to attribute—even if a person is known to have committed perjury but has gone unpunished, at least one may rest assured that his or her descendents will suffer. Even so, the prosperity of numerous perjurers led to the formulation of much more serious sanctions: punishment of the perjurer in the underworld. The idea of the destruction of the perjurer and his or her family and the idea of punishment in the underworld are both attested in the earliest literature,[328] so one cannot determine which was earlier.

Over the past century much work has been done on the nature and development of Greek eschatology, but the role of oath-taking in its development has only been mentioned in passing.[329] Likewise, the few studies focussing on oath-taking in Greece have not properly analysed its influence on eschatology.[330] The following discussion does not intend to give a new

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[328] Hes. *Op.* 282-85 and *Il.* 3.278-9, 19.259-60 respectively.
[329] Rhode (1925), pp.41f., 238; Sourvinou-Inwood (1981), p.21; (1995), pp.67, 79, 107.
[330] Plescia (1970), p.85.

interpretation of Greek eschatology, but to discuss the role of, and evidence for, oath-taking in this difficult area of religious belief.

Early Greek eschatology is a particularly complex problem. Our only evidence for early Greek beliefs about the afterlife, the Homeric poems and Hesiod, offers two contrasting perspectives. On the one hand, the soul (ψυχή) in Hades is represented as a witless image or shade (εἴδωλον), with a minimum of cognitive and sensory perception. It is in this way that the εἴδωλον of Patroclus is portrayed in the *Iliad* as well as the images of other heroes and heroines in Book 11 of the *Odyssey*. This representation of the ψυχή of the dead as an insensible image was influenced by the early conception of the living person's soul as consisting in semi-physical organs, the θυμός and φρένες, the faculties of which perish along with the rest of the body.[331] This representation of the soul may also be due to the heroic perspective of the Homeric poems, which mainly express any ideas of life after death in terms of an individual's reputation and glory among posterity—the *kle(w)os aphthiton* that lies at the heart of the heroic epic tradition and is claimed to be of Indo-European provenance.[332] This conception of the soul precludes any ideas of post-mortem reward or retribution.[333]

On the other hand, existing alongside this bleak and minimalist conception of the soul there is a contrasting strand of thought that depicts the soul as more sentient and substantial. This accounts for the fact that Menelaus may avoid death and live a life of ease in the Elysian fields;[334] likewise the heroes in Hesiod's fourth age of men are made to dwell in the Isles of the Blessed.[335] Odysseus has the chance of being made immortal by Calypso, and, as an amalgam of these two strands of thought, in *Odyssey* Book 11 Herakles is a shade in Hades but has also been

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[331] Bremmer (1983), pp.74-6.
[332] West (1988), pp.152-6, Nagy (1974), pp.103-16; cf. *GVI* 10.3 (?480/79): ζωὸν δὲ φθιμένων πέλεται κλέος (cf. also 33.4, 8; 18.4).
[333] The literary evidence for the insubstantial shade is supported by archaeology, which has shown that intramural burial was more common in archaic than classical Greece. See Sourvinou-Inwood (1981), pp.35-7, and Parker (1983), p.71. This suggests that the inhabitants of a city were not troubled by fears of a 'conscious' soul haunting the area around the body.
[334] *Od.* 4.561-69.

brought up to Olympus to live among the gods.[336] It should be noted that in all of these examples the person does not die, but becomes immortal. It is not the soul of a dead person, but the person *in toto* that is made immortal. Even so, in the *Odyssey* the conception of the dead person's soul seems to be more developed than its representation in the *Iliad.* Thus while Odysseus cannot embrace the insubstantial shade of his mother, and the other shades have to drink blood, honey, milk and water from the pit before they can speak, Odysseus does have to ward them off with his sword to stop them from drinking all at once.[337] Tiresias still has his intelligence,[338] as (apparently) does the image of Herakles.[339] This conception of the soul as comparatively more sentient is only found in the *Odyssey*, and it may be thought that as the later poem it contains a development in thought from the *Iliad.* Yet the *Iliad* has no *nekuia* in which to articulate such conceptions, and the *Odyssey* itself upholds the general belief in the insubstantial shade, as the words of Odysseus' mother illustrate.[340]

Before examining the relationship of oath-taking to early Greek eschatology, a preliminary discussion must first be offered concerning the figures of Tityus, Tantalus, and Sisyphus being punished in the underworld in Book 11 of the *Odyssey.*[341] Although this passage appears to contradict the general belief that souls do not suffer any kind of torment in Hades, their cases are exceptional and cannot be adduced as evidence for eschatological beliefs concerning the fates of normal (and even heroic) humans.[342] For the attempted rape of Leto Tityus lies stretched out over a field while two vultures tear at his liver. Tantalus stands in a lake of water up to his chin; when he tries to drink from it, the water recedes, as does the fruit from

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[335] Hes. *Op.* 170-73.
[336] *Od.* 11.601-4.
[337] 11.82.
[338] ορένες, 10.493.
[339] In that Herakles does not have to drink from the pit to speak.
[340] *Od.* 11.218-22.
[341] 11.576-600.
[342] So Willcock (1995), p.137: "The sinners in Homer were not so much bad men as famous figures from mythology who had in some way infringed the prerogatives of the gods." Cf. Heubeck & Hoekstra (1989), *ad Od.* 11.576-81.

the trees above when he tries to eat it. This punishment was imposed on him for violating his short-lived commensality with the gods.[343] Sisyphus is condemned to rolling up a hill a stone which perpetually rolls back down before he can reach the top because he attempted to trick Persephone and elude death. Christiane Sourvinou-Inwood has demonstrated that the punishments inflicted on these three figures correspond to their crimes:[344] the liver as the seat of lust reflects Tityus' lust for Leto;[345] the crime of Tantalus is punished by the deprivation of food, since he upset the alimentary codes of the gods; Sisyphus' rolling of the stone resembles the attempt to rise up out of the underworld, always doomed to failure, for one who actually did transgress the natural course of life and death.[346] All of their punishments inversely represent their crimes, and their crimes all in some way disturbed the fundamental conceptual boundary of the Greek universe: the division between gods and mortals. These three figures incur their plights, then, not for morally reprehensible acts in the everyday sense, which would later become associated with punishment in the next world. They are punished because their acts transgressed the conceptual boundaries that structured the early Greek perception of the cosmos, and by doing so threatened its stability—they exemplify the importance of *hybris* in early Greek morality, the need for mortals to keep within the bounds that separate them from the gods.[347]

It is also ambiguous whether the poet considered these figures as dead or, like Menelaus in Elysium, brought down into the underworld while still alive, in which case this would not strictly represent an example of post-mortem punishment.[348] While staying with the Phaeacians

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[343] This may have been by stealing nectar and ambrosia (Pi. *O.* 1.60-3), serving up Pelops for the gods (E. *IT* 386-8), or revealing their secrets (E. *Or.* 8-10).

[344] Sourvinou-Inwood (1986).

[345] West (1966), *ad* Hes. *Th.* 523-33, points out that the liver as the seat of the passions does not occur before Aeschylus; but see Onians (1954), p.85f., who also notes that Hecuba would like to eat Achilles' liver (*Il.* 24.212-13), presumably as the origin of the rage which killed her son.

[346] Detailed discussion, taking into account mythological variants, in Sourvinou-Inwood (1986); see also *ead.* (1995), pp.67-70.

[347] This is not to say that this cosmological categorization, and the idea of *hybris* associated with it, is not fundamentally grounded on ideas about the proper working of human society; but it is directed at conduct in general, not at specific acts.

[348] This issue, and the passage from *Odyssey* Book 7, were brought to my attention by Prof. John Davidson.

Odysseus is informed by Alcinous that his sailors once transported Rhadamanthys to Euboea in order to look upon (ἐποψόμενος) Tityus.[349] This could be understood, as the scholiast interprets the passage, that Rhadamanthys, a minister of justice, was to bring Tityus to Hades.[350] Yet elsewhere Rhadamanthys is said to inhabit Elysium, while it is his brother Minos who is said to pass judgement in the underworld, and even he is settling diputes among the dead, not judging the previous lives of the newly deceased.[351] So it is equally possible that Rhadamanthys made the jouney while both of them were still living in the upper world.[352] The isolated nature of the passage prevents a firm conclusion. This ambiguity equally applies to Tantalus, who in Pindar at least is said to have been made immortal when the gods gave him nectar and ambrosia.[353] I have not found a reference to his death, but on the other hand there is no evidence that the poet of the *Odyssey* was familiar with the tradition represented by Pindar. Sisyphus did die, but his death could be viewed as a reclamation of one who tricked death rather than as a 'natural' death. The question must remain unanswered: either the poet has omitted details with which he believed his audience to be familiar, or has deliberately supressed any mention of their deaths so as not to depart radically from the tradition of the soul as a witless image.

Even so, the idea that exceptional figures were punished in the underworld laid the foundation for the belief that such a fate might await ordinary mortals. In the *Iliad* there are two passages which indicate that post-mortem punishment was incurred by people for socially disruptive actions which break the laws of morality that determine social behaviour.[354] Both passages refer to people who swear a false oath, and are consequently punished by the Erinyes in the underworld. In Homer and Hesiod there are three mythological figures who represent the

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[349] *Od.* 7.323-5; on this passage see Davidson (1999), p.250.
[350] Heubeck & Hoekstra (1989), *ad Od.* 7.324. This is to an extent supported by the use of ἐποψόμενος. According to the instances cited in LSJ, ἐφοράω is often used with the connotation of superiors overlooking subordinates; when used of gods, this usually carries a *moral* implication.
[351] *Od.* 4.563-4; 11.568-71.
[352] So Garvie (1994), *ad Od.* 7.321-6.
[353] Pi. *O.* 1.60-4
[354] *Il.* 3.278-9; 19.259-60.

primary elements of this idea: Eris (Strife), Horkos (Oath), and Erinys (Fury). All of these figures are incorporated into the genealogy in Hesiod's *Theogony*, a poem which makes explicit the relationship between these 'deities' that is latently affirmed in the Homeric poems. Eris is an integral aspect of human society, and always presents a threat to the social harmony of a community.[355] Hesiod acknowledges the important role that strife can play by making it the child of Night, together with other personified abstractions that all threaten the stability of a human society. Eris produces Horkos, so that Hesiod stresses the close relationship existing between these two concepts. In the *Theogony*, the Erinyes were produced by the emasculation of Kronos in the first episode of the succession myth of the gods. Although not explicitly connected with the underworld here, they are still to be understood as agents of retribution and destruction, and form a polarized pair with Aphrodite, goddess of procreation, who is born with them.[356] They are introduced here to emphasize the familial strife that characterizes the succession myth, while the appearance of Aphrodite ensures that generation will continue. Their essential function of vengeance is incorporated into the narrative context.

In the *Works and Days* Hesiod encapsulates this relationship when referring to the birth of Horkos:

> ἐν πέμπτῃ γάρ φασιν 'Ερινύας ἀμφιπολεύειν
> "Ορκον γεινόμενον, τὸν "Ερις τέκε πῆμ' ἐπιόρκοις.[357]
>
> "For they say on the fifth day the Erinyes attended Horkos when he was born, whom Eris bore as a bane for perjurers."

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[355] *Eris* is the mother of all the forms of human conflict: fights, battles, murders, man-slaughters, quarrels, lies, arguments, disputes, lawlessness, and ruin (Hes. *Th.* 228-30).
[356] Hes. *Th.* 184-98.
[357] Hes. *Op.* 803-4; see West (1978), *ad* 803-4 and (1997), p.330, who notes the correspondence between this passage and Babylonian hemerology, in which the fifth is one of the days on which one may not go to law, and the fifteenth one on which one should not take an oath.

In these lines Hesiod indicates a causal relationship between Eris and Horkos: oaths are required when a situation of conflict arises, and not as a means to prevent it by, for example, regulating future relations through promissory oaths. The word ἔρις widely denotes any kind of discord, but in the Hesiodic poems it specifically refers to social (as opposed to military) discord.[358] It is likely that here Hesiod is thinking of the oath in its legal context, called for by a dispute that caused the law-suit, and employed to discover the truth. Yet the oath is also one way of preventing such discord by the formal acknowledgment of an agreement between the parties involved, and usually consists in clarifying their future relationships and actions towards one another. Oaths are made with the gods as witnesses, so that the agreement is lifted out of the mortal sphere and invested with divine authority, independent of human caprice. When an oath is broken, it leads to a breakdown in social relationships that can result in social discord.

The Erinyes as punishers of the forsworn are the mythological formulation of the anxiety that this tenuous but fundamental aspect of human communication engenders. In the second passage of the *Iliad* mentioned above,[359] the Erinyes are invoked as witnesses to the oath because they punish men beneath the earth. When a person is about to break an oath, the fate he or she may meet at the hands of the Erinyes is enough to restrain the prospective perjurer, thereby preventing future discord for the community. For this reason the only references to the punishment of the dead in the Homeric poems are by the Erinyes on those who swear a false oath. It is one of the more explicitly normative elements in Greek mythology.

The two passages in the *Iliad* that refer to the punishment of perjurers in the underworld are the only places in the Homeric poems in which post-mortem retribution is ascribed to ordinary people; as such they present an exception to the dominant outlook that the soul is a mere image (εἴδωλον) of the deceased individual and insensible to physical action. For this reason the passages have an important bearing on our understanding of early Greek beliefs about

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[358] In Homer the word is confined to the military arena.
[359] *Il.* 19.259-60.

the afterlife. Yet there is a problem. The passages differ between themselves as to who the agent of retribution is. This difficulty must first be examined before we can arrive at a clearer understanding of the relationship between perjury and early Greek eschatology.

In the oath taken between the two armies in Book 3 of the *Iliad* Agamemnon invokes the following deities as witnesses to the oath:

> Ζεῦ πάτερ, Ἰδηθεν μεδέων, κύδιστε μέγιστε,
> Ἥλιος θ', ὃς πάντ' ἐφορᾷς καὶ πάντ' ἐπακούεις,
> καὶ ποταμοὶ καὶ γαῖα, καὶ οἳ ὑπένερθε καμόντας
> ἀνθρώπους τίνυσθον, ὅτις κ' ἐπίορκον ὀμόσσῃ, κτλ...[360]

> "Father Zeus, ruling from Ida, most lordly and greatest, and Helios, you who see all things and hear all things, and rivers and earth, and you two who beneath the earth punish dead men, whoever has sworn a false oath" etc...

At first glance it appears that the Erinyes are being invoked in lines 278-79, which would agree well with the similar invocation in Book19. The masculine pronoun, however, and the dual form of the verb, make this interpretation unlikely. It is more natural to understand the clause as referring to Hades and Persephone,[361] which accounts for the gender of the pronoun[362] and the number of the verb.[363] I stress the point because a number of scholars, such as Rhode, Burkert, and Sourvinou-Inwood, have glossed over it and equated the subject of the clause with

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[360] *Il.* 3.276-9.
[361] So Leumann (1950), p.84.
[362] Cf. Nilsson (1952), p.142.
[363] Cf. Munro (1891), p.162.

the Erinyes.[364] It may also be remarked that one early papyrus fragment contains the plural τίνυνται instead of the dual τίνυσθον, but this can hardly be said to be a case of textual dispute.[365]

This discrepancy produces a further problem. While it is natural that the Erinyes, whose function in all of its forms is some kind of vengeance, should be thought of as punishing perjurers in the underworld, the attribution of such an office to Hades and Persephone is inconsistent with the parallel scene in Book 19, and presents us with an image of the two gods that is almost entirely absent from the two epics. Hades is little more than a place where ψυχαί go once they have left the body. As ruler of the dead his most active function appears to be ensuring that the boundary between the underworld and the upperworld is kept distinct.[366] There is no reference to him dealing out punishments to the souls of sinful humans in the underworld. Hades, in the guise of Zeus Katakhthonios, together with Persephone, fulfils the curses of Phoenix' father. This implies a more active role, but this action is *in response* to the curse of a mortal, and it is the Erinyes who are invoked in the curse, not Hades and Persephone. They probably sent the Erinyes to fulfil the curses (which were prompted by familial conflict) in much the same way as Persephone might have sent up a Gorgon's head to scare away Odysseus.[367]

For these reasons the passage in Book 3 seems problematic in contrast to the parallel passage in Book 19 in which it is the Erinyes who are referred to in a similar invocation:

> ἴστω νῦν Ζεὺς πρῶτα, θεῶν ὕπατος καὶ ἄριστος,
> Γῆ τε καὶ Ἥλιος καὶ Ἐρινύες, αἵ θ' ὑπὸ γαῖαν
> ἀνθρώπους τίνυνται, ὅτις κ' ἐπίορκον ὀμόσσῃ, κτλ.[368]

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[364] Rhode (1925), p.41 with p.54, n.83; Burkert (1985), p.197 with p.427, n.31; Sourvinou-Inwood (1995), p.67 with n.167.
[365] See Kirk (1985), *ad* 3.278-9.
[366] Cf. *Il.* 20.61-65.
[367] *Od.* 11.634-5. On Gorgo see Burkert (1992), pp.82-7; there is an interesting parallel between Gorgo and Erinys: Poseidon fathered the horse Pegasus on the Gorgon Medusa (Hes. *Th.* 274-81), just like he fathered the horse Arion on Demeter Erinys (Paus. 8.25.4-8); cf. Burkert (1979), p.127, and Dietrich (1968), p.134.
[368] *Il.* 19.258-60.

> "Let Zeus know first now, highest and most excellent of the gods, and Earth and Sun and Erinyes, who punish men beneath the earth, whoever has sworn a false oath." etc.

This is more consistent with the general tradition that it is the Erinyes who punish perjurers. The question of oral composition sheds little light on this problem. One would think that the poet would have had a formulaic type-scene for such invocations, with the same god named in each; but the ritual of preparing and disposing of the sacrificial victims is also quite different in the two scenes, apparently influenced by the difference in narrative context and importance.[369] If the text of 3.278-79 is sound (and there is no convincing reason to think that it is not) the inclusion of the Erinyes here may alternatively have been influenced by the surrounding narrative in which they appear twice.[370] This is improbable, and we must conclude that there is no convincing argument for the priority of either group, so that the inconsistency must be explained on its own terms.[371] If the idea of punishment in the underworld was a fixed aspect of religious belief at the time, the poet would certainly have mentioned either Hades and Persephone or the Erinyes in both passages; so a logical answer to the problem is that we are dealing with an idea that is still in its formative stages.

Although much has been written about the origin and nature of the Erinyes, most of the conclusions are unsatisfactory, so that a fresh examination of the evidence will be useful.[372] Erinys, in the singular, first occurs in two Linear B texts from Knossos.[373] Nothing but the name and the offering made survive to give any information about the goddess, but the fact that the word is used in the singular indicates that, where both singular and plural occur in Homer, the

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[369] Of the two scenes the only repeated lines are 3.271-72 = 19.252-53 and 3.292 = 19.266; see Arend (1975), p.123.
[370] *il.* 19.87, 418.
[371] So Leumann (1950), p.85 (on linguistic grounds).
[372] For the Erinyes, see Harrison (1922), pp.213-39; Heubeck (1986); Lloyd-Jones (1990).
[373] KN 200 (= Fp1); 208 (= V52) *in rasura*.

plural designation is probably a secondary development. This conclusion is confirmed by the worship of Demeter Erinys in the isolated region of Arcadia, and on the basis of this epithet for Demeter it is tempting to understand the Erinys in the Bronze Age as an earth goddess or Mistress of Animals.[374] I can see no relation between this character of Erinys and the various roles assigned her in the *Iliad* and *Odyssey*. The fact that Erinys in the singular occurs in the *Iliad* in reference to the fulfilment of a curse[375] makes it dangerous to distinguish between this Demeter Erinys and the Erinyes as divine punishers.

In Homer the Erinyes, or Erinys, were spirits of vengeance—their function was to punish people whose actions threatened the integrity of familial and social relationships. If the Erinys of the Knossos tablets was, like the Arkadian Demeter Erinys, a fertility goddess, there has been a transition that cannot be traced. The fact that there is still a fluctuation between singular and plural in the *Iliad* (the former with, the latter without, an ornamental epithet[376]) suggests that even then ideas concerning this goddess were still being formed: all other minor deities, such as the Charitai, Graiai, Gorgons, and Nymphs are groups from the outset.[377]

The main function of the Erinyes in Homer is to fulfil curses directed against a kinsman; then, together with the evidence of Hesiod, there is their role of punishing perjurers. Finally there are those miscellaneous appearances: along with Zeus and Moira they send ἄτη upon Agamemnon;[378] they silence Achilles' horse Xanthus after he has foretold the hero's fate,[379] and they are also said to protect beggars.[380] Since the majority of examples involves the fulfilment of a curse, it is likely that this is their role in punishing oaths as well—the punishment for perjury was expressed by a self-imposed curse spoken by the person swearing the oath. However, the curses which the Erinyes are said to fulfil are not curses in general, but only those which arise

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[374] This is the conclusion of Dietrich's study (1968) on the Demeter Erinys cults in Arcadia and Boeotia.
[375] *Il.* 9.454, 571.
[376] ἠεροφοῖτις (*Il.* 9.571); δασπλῆτις (*Od.* 15.234).
[377] The exception here is the contrast between Muse (*Il.* 1.1) and Muses (*Il.* 2.484).
[378] *Il.* 19.87-8.
[379] *Il.* 19.417.

out of social conflict, caused either by family strife or the breaking of an oath. By responding to such conflict through fulfilling a curse, the Erinyes came to be seen as ministers of the gods when the latter were viewed as protectors of social relations (hence "even beggars might have their Erinyes"), and more generally as upholders of the cosmic order in general: Achilles' horse is cut off by the Erinyes because horses, unlike humans or gods, should not speak.[381]

The evidence from Homer suggests that, in the case of familial curses, punishment took place during the life of the victim: the curse of childlessness made against Phoenix by his father Amyntor is evidently effected,[382] and the Erinyes are said to bring about the woes suffered by Oedipus after Epikaste (Jocasta) hanged herself.[383] There is an abrupt shift of thought in the case of perjurers, who are said to be punished beneath the earth, and not during their lifetime.[384] This change of setting from the upperworld to the underworld, radical in terms of early Greek eschatology, must be explained by reference to the development postulated above for the workings of the Erinyes. This development was seen as one from fulfilling curses made in response to acts which threatened social structures (filial impiety, perjury) to upholding the

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[380] *Od.* 17.475: ἀλλ' εἴ που πτωχῶν γε θεοὶ καὶ ἐρινύες εἰσίν.

[381] Another interpretation of the passage is that the horse should not let Achilles, who is a mortal, know his fate, since knowledge of the future is the prerogative of the gods (so Heubeck (1986), p.154); but the fate of Achilles is mentioned in the *Iliad* by Thetis (1.416) and Hector (22.359-60), who are not silenced by the Erinyes, and in any case Achilles himself is aware of it (1.352, 9.410-16). A supernatural creature like a talking horse, however, is quite alien to the Homeric worldview, and so a minister of justice is sent to correct the aberration.

[382] *Il.* 9.454-7.

[383] *Od.* 11.277-80.

[384] Heubeck (1986), p.146f., objects to this on the grounds that such an idea is alien to Homer; this objection implies a systematic and consistent conception of the underworld which has been shown not to exist in the Homeric poems. Heubeck's interpretation of the passage (that the Erinyes punish perjurers *with* death) cannot be wrung from 19.259 (it would involve the omission of something like (καθ-)ἱέντες or (κατα)πέμποντες, an exceptional compression in thought) nor from 3.278-9 (where καμόντες disproves the argument that the perjurers are still alive and weakens the idea of supplying a participle to complete his idea). Kirk (1985), *ad* 3.278-9, also takes exception to the two passages for the same reason. He suggests that in 19.259 ὑπὸ γαῖαν should be understood as the Erinyes' abode, instead of designating the place of punishment after τίνυνται; the omission of the participle is difficult here as well (although it would only be ὤν), because it would conflate the two ideas of where the Erinyes dwell and their punishment of perjurers. If a prepositional phrase could be used as an ornamental epithet (that is, without the need to supply a participle), this could work, but such a use does not occur. Kirk acknowledges the natural meaning of καμόντας (for which cf. A. *Suppl.* 231), and can only rely on a couple of manuscript variants (- ες) or modern conjectures to do away with it. It is far more economical to take the passages with their natural

established order in general. Since the oath was an instrument for preserving that order, the Erinyes came to be seen as punishing perjurers because of their perjury and not so much because of the conditional self-imprecation made when taking an oath. This is the only way to account for the different way in which familial curses and perjury are punished by the Erinyes in the Homeric poems. The idea of the Erinyes fulfilling familial curses during the life of the victim was too deeply entrenched for it to be conceptualised in another way—curses are directed towards a living person and specify some misfortune to be suffered by that person while still alive. If perjury, on the other hand, is viewed more as a social transgression than as making oneself liable to a self-imposed curse, its punishment is no longer restricted to the normal workings of curses. Instead, precisely because it was so serious a crime against society, perjury could be thought of as being punished in the underworld. Given the ambivalent picture of the afterlife in the Homeric poems, in which the image of the ψυχή as a senseless image is still predominant, the idea of post-mortem punishment is both provocative and horrific, reflecting the importance attached to the institution of oath-taking in early Greece.

Hades and Persephone, however, were the traditional rulers of the underworld. The novel idea of punishment in the underworld produced a certain degree of confusion about the respective roles of these figures. This confusion occurs elsewhere in the *Iliad*, where Phoenix' father Amyntor invokes the Erinyes in his curse, but Zeus Katakhthonios and Persephone are said to fulfil it.[385] As the traditional punishers of perjury, the Erinyes were naturally associated with its punishment in the underworld. Their chthonic status would have made this transposition of their action from the upperworld into the underworld all the more acceptable. But Hades and Persephone, as the traditional rulers of the underworld, could also be thought of as dealing out

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meaning and, with the passage concerning Tityus, Tantalus and Sisyphus taken into account, accept that Homer's eschatology is simply not consistent.

[385] *Il.* 9.454-7.

punishment as the prerogative of rulers. The germ for this idea can already be found in the *Odyssey*, where Minos is described as issuing judgments to the cases of the dead.[386]

The argument that perjurers suffered punishment in the underworld is supported by the evidence found in Hesiod. Both of Hesiod's poems, in their different ways, examine the nature of social discord: the *Theogony* depicts the conflicts between the gods until Zeus gains ultimate hegemony and settles the world order, while the guiding theme of the *Works and Days* is the strife (ἔρις) that is central to human society. There can be little doubt that this preoccupation with conflict in society arose from Hesiod's law-suit with his brother Perseus over possession of their father's property. Hesiod lost the case, and from the frequency with which he returns to oaths in the *Works and Days*, the perjury of the judges must have been chiefly responsible for this.

Hesiod's personification of Horkos, his description of what happens to a perjurer's family, and the emphasis he places on the close relationship between Horkos and the Erinyes, have already been mentioned; together, these references (among others) place in perspective the description in the *Theogony* of what happens to perjured gods and ensure that this passage is not mere hyperbole. The description takes place after Hesiod has introduced the river Styx in his topographical description of the underworld. The idea that gods swear by the Styx is introduced as follows:

> ὁππότ' ἔρις καὶ νεῖκος ἐν ἀθανάτοισιν ὄρηται,
> καί ῥ' ὅστις ψεύδηται Ὀλύμπια δώματ' ἐχόντων,
> Ζεὺς δέ τε Ἶριν ἔπεμψε θεῶν μέγαν ὅρκον ἐνεῖκαι
> τηλόθεν ἐν χρυσέῃ προχόῳ πολυώνυμον ὕδωρ... [387]

Whenever discord and conflict arise among the gods, and one of the immortals who hold their Olympian homes tells a falsehood, Zeus sends[388] Iris to

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[386] *Od.* 11.568-71. In this case Minos' role as a judge is simply the reflection of his activity while still alive (Heubeck & Hoekstra (1989), *ad Od.* 568-71); he is first described as judge of the dead in Plato's *Gorgias* (523e6-524a7); see Dodds (1959), *ad* 523a1-524a7, and Davidson (1999), p.247f.

> bring back from afar the great oath of the gods, the water of many names (sc. from the Styx) in a golden jug.

It is interesting to note here that the programmatic word ἔρις is used to introduce the oath-taking scene. Eris has already been named as the mother of Horkos, but this idea assumes a far greater importance in relation to the gods' oath by the Styx. Earlier in the poem Styx is introduced as the mother of four children, Glory (Ζῆλος),[389] Victory (Νίκη), Might (Κράτος) and Force (Βίη).[390] The qualities that these four children represent are the guiding theme of the succession myth: each generation of gods uses might and force to attain the victory by which they become glorious. Yet until the reign of Zeus these figures were independent of the forces for which they worked. Zeus, on the other hand, adopts them from Styx as his subordinates, and in return promises to make Styx the oath of the gods.[391] It is his adherence to the principle that he will fulfil his promises which distinguishes his rule from the *arbitrary* use of force that typified the preceding generations. So there appear in the passage describing the children of Styx the three most important aspects of Zeus' reign: his mastery of Zelos, Nike, Kratos, and Bia, which are indispensable to the ruler; the idea of his dividing and apportioning honours (τιμαί) to the gods who helped him—this recalls the theme of Zeus' differentiation and ordering of a universe sprung from Chaos and subsequently racked by conflict; and finally the idea of Zeus' good faith, the fulfilment of a promise and the absence of deception that introduce principle and justice into a universe that had formerly known neither. Moreover, the content of the promise is the establishment of an oath, so that situations of conflict among the gods can henceforth be resolved peacefully instead of causing war and reigniting the succession struggle.[392]

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[387] Hes. *Th.* 782-5.
[388] ἔπεμψε: gnomic aorist.
[389] For this passive sense of ζῆλος ('an object of envy/emulation', 'glory'), see West (1966), *ad Th.* 384.
[390] Hes. *Th.* 384-5.
[391] *Th.* 383-401.
[392] This discussion follows closely that of Blickman (1987).

In the passage quoted Iris brings the water back in a jug, and the gods are described as pouring a libation when swearing the oath (ἀπολλείψας ἐπομόσσῃ),[393] which indicates that when swearing an oath the gods poured a libation of Stygian water in the same way as mortals perform a libation when making a treaty. Most important, however, is the fact that the gods swear by the Styx, which was the original river that separated the worlds of the living and the dead.[394] The river by whom the immortal gods swear is located in the underworld, a place of death. It is located in a realm that is contrary to the premise of their existence.[395] When sent to fetch a jug of Styx' water, Iris effectively returns with a jug of death, and death is exactly what the perjured god suffers. "An evil sleep (κῶμα) covers him"[396]—the verb καλύπτω used here is also used in the *Iliad* to describe the way in which death 'covers' the eyes of a warrior.[397] The god is cast away from the society of the gods for nine years and lies without breath (νήυτμος, ἀνάπνευστος), lying on a bed, like a corpse.[398] The god is deprived of ambrosia and nectar, the nourishment of the gods.[399] The absence of breath and the role of sleep (who has been named as the brother of death) together denote the idea that a god undergoes a temporary death,[400] the worst punishment that can befall a god, just as retribution in the underworld is the worst punishment that can befall a mortal.

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[393] Hes. *Th.* 793.

[394] On the basis that only one river is needed to express the idea of separation, and that Styx is depicted as ancient: she is the eldest daughter of Oceanus and Tethys at Hes. *Th.* 361; cf Arist. *Met.* A 3, 983b31-3 (= 12 Kirk-Raven [1957]): "...the oath of the gods is water, called Styx by the poets themselves — for what is oldest is most honoured, and the most honoured thing is the oath." That the rivers named in *Od.* 10. 513-14 are later is argued by Merry & Riddell (1876), *ad Od.* 10.513; von der Mühll (1940), col.727, ll.50-69; Vermeule (1979), p.211, n.6; Sourvinou-Inwood (1995), p.61, n.153. Cocytus at least is named as an offshoot of Styx (*Od.* 10.514); Pyriphlegethon could derive from the image of Scamander on fire in the *Iliad*: see Mackie (1999), p.497f., who refers to *Il.* 21.358 (πυρὶ φλεγέθοντι).

[395] Cf. Sourvinou-Inwood (1995), p.62.

[396] Hes. *Th.* 798.

[397] *Il.* 4.503, 526, etc.

[398] Hes. *Th.* 795-8.

[399] When Zeus enlists the help of the Hekatonkheires and frees them from Tartarus (630-40) he gives them this divine food, which gives them back the strength they had before their imprisonment; their previous lack of strength implies a death-like existence in Tartarus; see Vernant (1981), p.14.

[400] Hes. *Th.* 212, 759; cf *Il.* 14.231, 16.672; for the similarity in experience between sleep and death, cf. Hes. *Op.* 116 (describing the manner of death for the golden age). See Vermeule (1979), p.145-51 and Albinus (2000), pp.90-3.

Thus we can see the essential agreement between the Hesiodic and Homeric ideas concerning punishment in the underworld: Styx is to the gods what Horkos is to mortals. Styx is described as 'hateful for the immortals',[401] just as Horkos is a 'bane' for mortals.[402] The banishment from divine society and partial death of a god who swears falsely reflects the belief found in the *Iliad* that perjured humans face some kind of retribution in the next world. Yet while the passages may be seen to complement one another, there is no explicit connection between them, and Hesiod's dramatic description of a perjured god must be viewed in the context of his general preoccupation with oaths. That Styx was the river by which the gods swear is indeed found in Homer, but there is no reference to such a ritual as that found in Hesiod. Gods only swear by the Styx, they do not perform any ritual with its water. On the other hand, the oath by the Styx is called "the greatest and most terrible oath for the gods", which well describes the consequences for a perjured god found in Hesiod.[403]

The evidence from Homer and Hesiod indicates that there was a belief that perjurers were punished in the underworld, a belief which is understandable given the importance of oath-taking in lawsuits or more generally in determining social relations. Even so, these are only scattered references which occur in a body of poetry where the predominant conception of death and the afterlife would seem to preclude such ideas. To begin with, the belief in post-mortem punishment is inconsistent with the predominant representation of the soul as a mere image insensible to physical action. Likewise, the references are not presupposed by the alternative strand of thought that makes it possible for exceptional heroes to avoid death and live a life of ease in the Elysian Fields or Isles of the Blessed. For this belief only applies to heroes who live an extraordinary life or have some connection with the gods, as Herakles does as the son of Zeus and Menelaus as his son-in-law. Moreover, these heroes do not die, but are simply translated, to

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[401] Hes. *Th.* 775.
[402] *Th.* 322.
[403] *Il.* 15.37-8 = *Od.* 5.185-6; cf. *Il.* 2.775.

use Erwin Rhode's term, to their future homes.[404] So it is not possible to situate the belief in either strand of early Greek eschatology. It is anomalous, and this interpretation is supported by the fact that there is an inconsistency in the *Iliad* as to who the agents of retribution are—Hades and Persephone, or the Erinyes. One must conclude that this is due to the singular importance of the oath to early Greek society.

3.4: Perjury and the Afterlife in Later Sources

The few references found in Homer and Hesiod, including their descriptions of the underworld itself, are not developed by the lyric poets immediately following them. It is not until Pindar that we find the first reference to punishment in the afterlife which appears to be based on a more comprehensive theory of the correspondence between a person's conduct in this life and his or her experience in the afterlife. The reference is found in Pindar's *Second Olympian* ode, written for Theron, the tyrant of Acragas in Sicily, in 476.[405] In the latter part of this ode, where in Pindar we would expect a mythological *exemplum* pertaining to the subject of the epinician, there is instead a portrayal of what happens to evil and good humans respectively when they die. Evil people are to be judged in the underworld for the sins they have committed during their life. No more specification is given here, and the word used for sins, ἁλιτρά, denotes bad conduct in general.[406] For those who lead a good life, on the other hand, there awaits an afterlife of toil-free ease, and Pindar describes those who are to enjoy such an afterlife as "whoever used to rejoice in faithfulness to their oaths," οἵτινες ἔχαιρον εὐορκίαις.[407] So these are the respective fates that evil and good people meet with in the next world. But Pindar goes on to describe the fate of a third group of people who, having lived three times on earth and three

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[404] Rhode (1925), pp.55-79.

[405] At *Hymn. Hom. Cer.* 480-1 mention is made of rewards for initiates, and lack thereof for the uninitiated, but there is no reference to actual punishment.

[406] Though it particularly refers to those offences which also offend the gods: see Amory-Parry (1973), p.128 with n.1 and Parker (1983), p.15 with n. 66; for its use in relation to oaths, see *Il.* 19.265: ἁλίτηται ὁμόσσας.

times in Hades, manage to refrain from all wrongdoing: these are the people who inhabit the Isles of the Blessed.[408] This third group represents a Pythagorean element, whose ideas were current in Sicily at the time. It seems that this third group of people, which represents the Pythagorean doctrine of metempsychosis, is superimposed upon the two earlier groups;[409] and while this group enjoys a life of bliss on the Isles of the Blessed on account of their purity, for normal people faithfulness to their oaths is the qualification that Pindar states grants them a happy, if not the happiest, afterlife. So oath-taking plays a prominent role in this first extant reference to punishment and reward in the afterlife. Pindar's tripartite description of the afterlife does, however, seem forced; one would expect that there would be one kind of afterlife for evil people and one kind for good people. Given the Pythagorean ideas expressed in relation to the last group, it is natural to suppose that this has been grafted on to a more popular belief which posits a happy afterlife for normal people, as opposed to Pythagoreans or Orphic initiates.

The eschatology presented in Pindar's *Second Olympian* was influenced by the religious beliefs of the community, or part thereof, in which it was composed. These beliefs may have been in part indigenous, since the worship of the chthonic goddess Persephone was prominent in Acragas at the time;[410] but given the lack of firm evidence about the nature of this cult, it is best to ascribe the eschatological part of Pindar's ode, particularly with its reference to metempsychosis, to Pythagoras and his followers. One of these was Empedocles, a citizen of Acragas in which Pindar's ode was performed.[411] In Empedocles' work too the oath receives special attention, but unlike Pindar it is not with reference to the underworld; instead,

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[407] Pi. *O.* 2.66.
[408] *O.* 2.68-72.
[409] Cf. Solmsen (1968), p.505 ("The fusion of the new doctrine with earlier beliefs...").
[410] Pi. *P.* 12.2 (Φερσεφόνας ἕδος, referring to Acragas); on the eschatological emphasis in the religious belief of Magna Graeca, see Burkert (1972), p.112f.
[411] Dover (1986), p.31f., notes that κρυφός, 'concealment', 'invisibility' occurs only in P. *O.* 2.97 and in Empedocles, fr. DK 31 B 27.3. The borrowing was by Empedocles, since he was too young at the time (about 20) to have influenced Pindar. For his dates (c. 492-32), see Guthrie (1965), p.128, with further references in n.2.

Empedocles returns to Hesiod and borrows the idea of a god's banishment for perjury.[412] The period of the god's exile, however, is extended from nine years to thirty thousand seasons, and this is only one element among several that can be attributed to either Iranian or Pythagorean influence in Empedocles' refashioning of the Hesiodic passage.[413] For Empedocles has borrowed Hesiod's idea precisely because it offers a model upon which to base his own ideas of the human condition. Empedocles' philosophy is based on primal sin, expressed in terms of the Titans' dismemberment and devouring of Dionysus in the form of a bull, a sin continually re-enacted in animal sacrifice.[414] The idea of guilt through bloodshed, and the transmigration of souls in their period of banishment, represent Pythagorean influence.[415] But the fact that Empedocles adopts the Iranian idea of a once pure soul now imprisoned in a body on earth disposes of the need to posit an underworld for the punishment of wrong-doers, as in the Pythagorean scheme found in Pindar.[416] Rather, Hesiod's idea of banishment is adopted but altered, the disembodied coma of a god being replaced with the embodied incarceration of the living creatures into which the soul has fallen.[417] But as in Pindar's ode, so here the traditional crime of perjury is adopted into a more religious, philosophical conception of the nature of sin and the manner of its punishment.[418]

Besides the somewhat casual references found in Homer, the references to punishment for perjury all occur in connection with some detailed philosophical exposition.[419] In

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[412] Empedocles fr. DK 31 B 115.

[413] Cf. Guthrie (1965), p.252; 30,000 seasons is equivalent to 10,000 years: see Guthrie (1965), p.251, n.6, and O'Brien (1969), p.86. Pindar (fr. 133. 2 [S-M]) states that the soul might be re-incarnated after nine years' punishment in Hades. For other references to periods of punishment, see O'Brien (1969), p.87f.

[414] Kirk-Raven (1957), p.351; for a fuller discussion, see West (1983), p.74 (sources) and ch. 5, *passim*; also p.99 on the influence of Hesiod on Empedocles in fragment DK 115.

[415] Fr. DK 115. 3-8.

[416] "Empedocles...has no equivalent of Hell" (Kirk-Raven (1957), p.352).

[417] Fr. DK 115. 6-8.

[418] There are many other similarities between Empedocles and Hesiod (although none of them can be so easily assumed as direct borrowing as fr. DK 115); e.g., both view conflict as fundamental to human life, although Empedocles uses νεῖκος, Hesiod ἔρις; but if Diel's supplement νείκεΐ θ' at fr. DK 115.4 is correct, it would recall *Th.* 782; Empedocles' 30,000 seasons correspond to the 30,000 spies of Zeus in Hes. *Op.* 252-3; the polyptoton in fr. DK 109 echoes *Op.* 23-6; οἴδματι θῦον (fr. DK 100.24) recalls *Th.* 109 and 131 (upon which the awkward instances at *Il.* 21.234 and 23.230 also seem to be based).

[419] This might seem a provocative expression with which to describe Hesiod, who is commonly viewed as preceding the beginnings of philosophy; but even though his ideas are couched in mythological language,

Aristophanes' *Frogs*, however, the connection of perjury with punishment in the underworld is once again mentioned, this time in the more popular genre of comedy. Herakles is trying to scare Dionysus by giving him a description of the underworld:

εἶτα βόρβορον πολὺν
καὶ σκῶρ ἀείνων, ἐν δὲ τούτῳ κειμένους
εἴ ποτε ξένον τις ἠδίκησε πώποτε,
ἢ παῖδα κινῶν τἀργύριον ὑφείλετο,
ἢ μητέρ' ἠλόησεν, ἢ πατρὸς γνάθον
ἐπάταξεν, ἢ 'πίορκον ὅρκον ὤμοσεν,
ἢ Μορσίμου τις ῥῆσιν ἐξεγράψατο.[420]

There is a great mire and river of excrement, lying in which is anyone who has ever wronged a guest, or has taken his money back after screwing a boy, or has hit his mother, or struck his father on the jaw, or committed perjury, or copied out a speech from the playwright Morsimos.

Disregarding the comic padding, the passage specifies three offences: violation of the host/guest relationship, filial impiety, and perjury. These are the three most important areas of Greek morality, although the treatment of suppliants runs an equal fourth. Except for the great mire, which will be discussed presently, there is nothing particularly Pythagorean or Orphic in this passage, and the somewhat intrusive passage in Pindar's *Second Olympian* should be seen in the same light: perjury guaranteed a person a bad lot in the afterlife, and conversely, faithfulness to one's oaths was at least a prerequisite to a happy afterlife. This is consistent with the Homeric and Hesiodic evidence for oath-taking.

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the *Theogony* seems to me to be an integrated and consistent attempt to account for the natural world and mankind's place within it.

[420] Ar. *Ran.* 145-51.

On the other hand, it is difficult to imagine that Pythagorean and Orphic beliefs, in which eschatology played a prominent role, did not influence popular belief. The promise of a happy afterlife to initiates in these sects was probably their most appealing aspect, and so it is natural that a gloomy conception of the underworld for the uninitiated arose.[421] Initiation is important here in two respects. Firstly, because ritual purity was most important in an initiate's hopes of a happy afterlife,[422] the conception of the underworld for the uninitiated was depicted as impure in a very graphic way—as a pit of mud, as we have seen in the passage from the *Frogs*. This representation of the underworld should be ascribed to the Pythagoreans/Orphics on the basis of two passages in Plato. In the *Republic*, Adeimantus describes how Musaeus, who was connected with the Eleusinian mysteries, declares the fates that the just and the unjust meet with in the afterlife: the unjust look forward to being plunged in a pool of mud or carrying water in sieves.[423] In the *Phaedo*, Socrates describes the doctrine of people who direct religious initiations. Such people state that those who enter the next world uninitiated and unenlightened lie in a pit of mud.[424] So it appears that Orphic/Pythagorean ideas, which were the basis of most mystery cults, influenced this particular piece of underworld topography, which Aristophanes parodied in the *Frogs*. The interpretation seems to be clinched by a reference in Plutarch, commenting on a poem by Pindar himself, which brings us back to the beginning of the post-epic material. Between the citation of a Pindaric poem describing the blessings which await the pious in the afterlife and one which describes the destination of the impious,[425] Plutarch

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[421] E.g., Pl. *Lg.* 9.870d4-e3; Paus. 10.31.2.
[422] D.L. 8.31-2.
[423] Pl. *Resp.* 2.363c3-e4.
[424] *Phd.* 69c5-6. Mud was used in the initiation ceremony at Eleusis, probably to portray more vividly the transition from an impure to a pure state. See Graf (1974), pp.105-7, and Parker (1983), p.286; for its use in other purification ceremonies, see Parker (1983), p.231.
[425] Pi. frr. 129 & 130 (S-M).

describes the "third road", which forces the soul of the lawless into Erebos and the pit (βάραθρον).[426]

The second strand of influence that Orphic/Pythagorean ideas may have had on popular eschatological belief has to do with oath-taking. The most important part of an initiation ritual was the oath that an initiand swore that he or she would not divulge the secrets of the cult.[427] For this reason oaths play a prominent role in the ideas of these sects. We have already seen how Empedocles adopts Hesiod's idea that the gods are punished for committing perjury. Instead of the nine-year banishment imposed on a perjured god in the *Theogony*, Empedocles stretches this out to thirty thousand years. The emphasis on oaths here may have arisen from acquaintance with the Pythagorean oath by the *tetraktys*. The important place of oath-taking in Orphic thought is also found in the Derveni papyrus, a fragmentary text of the third century B.C. discovered in a grave, which contains a commentary on an Orphic poem. The first part of the text deals with oaths, and mentions the Erinyes in this context, as well as describing the plight of perjured gods.[428] It is uncertain whether a god is banished from Olympus for nine or nine thousand years, but once again we can see an Orphic text adopting the Hesiodic idea. Finally, there is some anecdotal evidence as to what Pythagoras himself thought about the oath. Diogenes Laertius attributes the following saying to him: "Justice is the oath, and for this reason Zeus is called Horkios."[429]

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[426] Plut. *Mor.* 1130d1-2 (cited by Willcock (1995), p.171). The term βάραθρον would also recall the practice of throwing convicted criminals into the *barathron* under the law of Cannonus, an Athenian politician; see Bonner & Smith (1930-38), I, pp.205-8; cf. Ar. *Eq.* 1362-3. At *Il.* 8.14 Tartarus is described as "the deepest pit beneath the earth."

[427] West (1983), p.34.

[428] West (1983), p.78.

[429] D.L. 8.33: ὅρκιον τ ' εἶναι τὸ δίκαιον καὶ διὰ τοῦτο Δία ὅρκιον λέγεσθαι; cf. Ael. *VH* 12.59. On the other hand, Diogenes also attributes to Pythagoras the rather pious sentiment that one should not swear by the gods, but should make oneself trustworthy without such help (D.L. 8.22)—one is reminded of Christ's admonition to desist from oaths (*Ev. Matt.* 5.33-7).

3.5: Conclusion

That the Greeks acknowledged perjury as an inevitable, perhaps frequent, fact of life is suggested by the argument that their expression for the idea, ἐπίορκον ὀμόσσαι, developed from the originally neutral meaning 'swear an oath upon (a statement)'. There were, however, a whole set of religious beliefs which provided for the punishment of those who dared commit this crime. These ranged from being struck by a lightning bolt from Zeus, having oneself and one's family destroyed, and suffering post-mortem punishment in the underworld.

Despite the close association between oaths and curses, there is no explicit evidence that perjury was punished in accordance with the terms of any particular curse, like that found in the libation scene of *Iliad* Book 3 or the remarkable curse contained in the Cyrenean inscription concerning the original Theran colonists of Cyrene. Instead, there is a broad agreement among the sources that perjury will result in the destruction of the perjurer and his or her family, but it is often impossible to tell whether the Erinyes or Zeus are the agents of this destruction. In Hesiod and the Delphic oracle quoted by Herodotus the oath itself is personified into an agent of retribution, but this is exceptional. Despite these ambiguities, one must appreciate the severity of this punishment, given the importance of the family line in ancient Greece.

However, already in Homer there are references to the belief that perjurers suffered punishment in the underworld. This must reflect a certain scepticism towards the efficiency of the god's punishment of perjurers while still alive. On the other hand, these references force themselves through the predominant representation of the soul as an insensible image, not without the inconsistency characteristic of a radical idea grafted on to traditional material. The first references to post-mortem punishment in Greek literature refer to perjurers, and this above all reflects the importance of the oath in early Greek society.

The idea was incorporated into (or possibly even influenced) the eschatology of Pythagorean/Orphic religious groups, although the references to oaths in Pindar and Empedocles are somewhat incongruous. In Pindar's *Second Olympian*, oath-taking forms the prerequisite for

post-mortem happiness in one branch of a somewhat artificial tripartite scheme; in Empedocles, perjury occurs alongside the crime of bloodshed, which is far more central to Empedocles' general philosophy of metempsychosis. It is difficult to determine whether these authors have adapted their 'philosophical' eschatological ideas to more traditional beliefs, or whether the oath figures prominently because it is so important in admission to a religious sect. In Aristophanes' description of the underworld traditional morality coincides with mystery religion, where the traditional crimes of perjury, filial impiety, and abuse of *xenia* are punished in a pit of mud, which has been shown from references in Plato to derive from the ideas current in initiation cults.

Conclusion

The oath attained its importance in early to classical Greece because Greek culture in that period was still predominantly entrenched in oral forms of communication. As such, the need to find certainty about a matter of fact or the fulfilment of a promise had to be supported by something more secure than the goodwill or earnestness of the person making the statement: recourse had to made to the gods, so that the statement could be accepted with the understanding that the speaker was prepared to put him- or herself under the threat of divine punishment.

It has tentatively been suggested that the oath, in the forms in which it appears in the extant evidence, developed from the trial by ordeal. By this method of dispute resolution innocence or guilt was determined by a defendant's reaction to some form of physical torment. The oath can be seen as a further refinement of this type of process in that, while the indiscriminate effects of the trial by ordeal are dispensed with, justice is still relegated to the gods.

The oath-taking ritual is particularly informative for understanding the nature of Greek religious belief in general. The invocation of gods in oaths illustrates the way in which a polytheistic system of belief can be used for expressions of self-identity on both an individual and a communal basis. Yet the very act of calling on a god to act as a witness raises several questions about the nature of the relationship initiated between the god(s) and the person(s) taking the oath, and one must conclude that several factors are involved at once. The god is appealed to as a witness to the statement, on the analogy of human witness, but the appeal is made due to the superior knowledge of the god, which is contrasted to the limited knowledge of

humans. The invocation is made for this reason, but also because the gods will punish perjurers, which acts as a deterrent to the person taking the oath and as a reassurance for those receiving it.

The sacrifice which accompanies the oath serves both to open communication with the gods invoked and to reinforce the determination of the participants to remain by the terms of the oath. Oath-sacrifices usually involve the gruesome manipulation of the victim after death, and it has been shown that such rituals, unlike normal sacrifices, contained elements of sympathetic magic. At first this occurred by phrasing the curse of the oath in such a way as to resemble the oath sacrifice or libation; but in many cases the actual terms of the curse were determined by the form of the accompanying ritual, the most explicit example being the melting of wax dolls in the oath ritual performed by the colonisers of Cyrene. Yet the oath-taking ritual and the curse are only variations on the essential idea of restriction inherent in the Greek word for oath, ὅρκος.

The way in which this idea of restriction worked on a practical level is seen in the difference between the 'suppliant' oath on the one hand, and the coercive oath on the other. In the former, a person in a position of vulnerability can attain a degree of security by exacting an oath from individuals who might otherwise abuse their position of power. The coercive oath seeks to reinforce a position of power by placing under the threat of divine punishment people who might otherwise disobey commands. Both types are seen on the communal scale, the suppliant oath being imposed upon magistrates and other government officials, the coercive oath on subject cities, seen most clearly in the case of imperial Athens.

The oath in society could also be used to explicitly articulate rites of passage at significant times in an individual's life. The oaths sworn by fathers enrolling their sons in the phratry or deme mark the first stages in a person's entry into citizenship. The ephebic oath of Athens, which was the last stage in this process, gives expression to the terms upon which this transition is undertaken. The oath-taking ritual of the nine archons, performed at the focal points of civic and religious life in the city, illustrates the performative aspects of this type of oath.

The oaths imposed on subjects of the Athenian empire which had revolted represent in an extreme manner the way in which oaths could be used to regulate the behaviour of individuals. The examination of the terms of these oaths has demonstrated how the degree of care which went into their wording indicates the way in which oaths could be used to further political ends.

The fact that the oath represented the most intense union between one's word and one's will inevitably lent it to examination and criticism under the influence of sophistic reasoning, one of the chief concerns of which was the disparity between word and deed in practical life. Euripides and Thucydides, both of them influenced by (but not blind adherents of) the sophistic movement, explored the practical implications of such ideas in terms of oath-taking.

The punishment for perjury ran parallel to the way in which divine punishment was inflicted on mortals in general. The fact that many people continued to prosper who had sworn a false oath was compensated for by the belief that they would be punished later, a belief formulated both by Hesiod and the oracle given to Glaucus in Herodotus. The idea that the perjurer's family would also be destroyed recalls the widespread belief that the sins of one generation would be visited on the next, an issue thrashed out in Aeschylus' *Oresteia*. The crucial role played by the oath in maintaining the stability of social relations generated the far more radical idea of punishment in the underworld as a consequence of perjury. This departure from the predominant strand in Greek eschatological thought, in which the soul was a senseless image, may be viewed as quite recent due to the confusion in roles between the Erinyes, on the one hand, and Hades and Persephone on the other, as punishers of perjurers in the underworld.

The thesis has demonstrated how the oath was essential for maintaining the stability of social relations in early to classical Greece. Its use in society generated (and was itself informed by) the religious beliefs and practices which accompanied oath-taking. Finally, its importance to society has been demonstrated by the particular severity of the punishments inflicted on

perjurers, who are specified in the first two references to post-mortem punishment in Greek literature.

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