

1 What is an oath?

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This book and its partner volume (S&B) are about oaths in archaic and classical Greece, and we should begin by defining our terms. Since we are not particularly concerned with drawing a line between the archaic and classical periods, we need only set beginning and end points for an era comprising both. We take the archaic period to begin with the earliest surviving alphabetic Greek texts – which means, in practice, with the major Homeric and Hesiodic poems, these being the oldest texts that contain references to oaths – and the classical period to end with the deaths of Aristotle, Demosthenes and Hypereides in 322 BC. At various points we will be referring to later (and indeed to earlier) evidence, but these are the bounds of the timespan we are actually examining.

As to the term “oath” itself, we will use the definition embodied in the palmary formulation of Richard Janko,¹ whereby “to take an oath is in effect to invoke powers greater than oneself to uphold the truth of a declaration, by putting a curse upon oneself if it is false”. An oath, then, is an utterance whereby the speaker – the *swearer*² – does the following three things simultaneously.

- (1) The swearer makes a *declaration*. This may be a statement about the present or past, in which case the oath is *assertory*; or it may be an undertaking for the future, in which case the oath is *promissory*.
- (2) The swearer specifies, explicitly or implicitly,³ a *superhuman power or powers*⁴ as witnesses to the declaration and guarantors of its truth. In English the swearer is said to swear “by” (sometimes, colloquially, “to”) this power or powers; in Greek the guarantor power was normally the direct object of the

1 Janko 1992, 194, on *Iliad* 14.271–9.

2 To be contrasted with the *swearee*, defined in the Nottingham Oath Database as “the person, if any, to whom an oath was addressed or who exacted it from the swearer”.

3 Ancient Greeks usually, though not always, specified the power(s) by whom they were swearing. When not explicitly specified, the identity of the guarantor power will be either implied in the context, or given by the culture. Contextual determination is to be found, for example, in Aesch. *Eum.* 762–74, where Orestes swears that, in his posthumous capacity as a hero, he will prevent the Argives from making any attack on Athens, but will bless them if they act as faithful allies to the Athenians: he does not specify by which god(s) he is swearing – but his promise is actually addressed to Athena, and she is well capable of punishing its breach.

4 Normally these are divinities, heroes, etc., but sometimes we find sacred or cherished *objects* (*Eideshorte*) filling the corresponding place in oath-formulae; see § 5.3.

verb of swearing – strictly speaking, one did not in Greek “swear by Zeus”, for example; rather, one “swore Zeus”.⁵

- (3) The swearer *calls down a conditional curse* on him/herself,⁶ to take effect if the assertion is false or if the promise is violated, as the case may be; that is, (s)he prays that in that event (s)he may suffer punishment from the guarantor power. This element need not be explicitly spelt out; it is often left to be understood from the words of the oath itself, particularly the performative verb “I swear” (in Greek *omnumi*, later *omnuō*); but it can always be made explicit when there is need for special assurance. At any rate, whether explicit or not, it is the key defining feature of an oath: *an oath is a declaration whose credibility is fortified by a conditional self-curse*.⁷

All the defining features of an oath are well seen in the oath which Medea exacts from Aegeus, king of Athens, in Euripides’ *Medea* (731–58).⁸ When Aegeus arrives in Corinth, en route from Delphi to Trozen, Medea, who has been ordered by King Creon to leave Corinth with her children before the next day’s sunrise, supplicates him to grant her asylum, promising him that she will use her magical skills to ensure that his long childlessness comes to an end. He says he is willing to do so, so long as Medea comes to Athens under her own steam. Medea, however, asks for a guarantee (*pistis*, 731) – a word which, when applied to the confirmation of a promise, often, but not always, refers to an oath. Aegeus, with some surprise and maybe even indignation, asks her whether she does not trust him (733); she says she does, but points out that she has powerful enemies (Creon and “the house of Pelias”) and that if Aegeus was not bound by an oath they might cajole or bully him into complying with a request for her extradition (734–40). Aegeus understands and accepts this argument, and asks her to *name the gods he should swear by* (745); she names the Earth, the Sun (her own grandfather) and

5 This may be an elliptical form, shortened from “I swear (making) Zeus (a witness)”; see § 5.1, p. 76 n. 2.

6 The punishment prayed for need not fall exclusively, or at all, directly on the swearer him/herself; but it must always be something that is harmful or hurtful to the swearer. If it is not, the oath is a sham – like that of the chorus in Ar. *Birds* 445–7, who pray that if they keep their promise they may win the comic competition by a unanimous verdict but that if they break it they may ... win by just one vote.

7 The equation of oath and curse is made unusually explicit by Andocides (1.31) in a reference to the oath of the jurors (see S&B 69–80): “you ... will cast your votes about me after having taken great oaths, and invoked the greatest curses both upon yourselves and upon your children, undertaking to vote justly in my case”. See further ch. 2 below.

8 See further § 2.3 below.

“the whole race of gods” (746–7). Aegeus then asks *what he is to swear to do or not do* (748); Medea’s answer is “never yourself to expel me from your land, and never willingly while you live to give me up to any of my enemies who wishes to take me” (749–51). Aegeus duly swears, using the performative verb and naming the gods Medea had specified, “to abide by what I have heard from you” (752–3). But Medea then also asks him to state *what he wishes to suffer if he does not abide by the oath* (754); he replies with the vague but apparently satisfactory formula “The things that happen to those who are impious” (755) – and thereupon she sends him on his way. She feels completely secure, and rightly so. Not long afterwards she will turn up on Aegeus’ doorstep in Athens, having murdered Creon, his daughter (her ex-partner Jason’s new bride) and her own children, and he will have no alternative but to take her in and protect her. Her own (unsworn) promise to him, incidentally, she will not keep:⁹ Aegeus’ son Theseus will have been conceived at Trozen before Aegeus returns to Athens, Aegeus will not even know of his existence for many years to come, and when Theseus does come to Athens Medea will plot to murder him.

Any utterance that does *not* contain the three features specified above, explicitly or by clear implication, will not in this book be regarded as an oath. There has been some tendency in scholarship over the years to use the term loosely; a few examples follow.

- (1) In most English-speaking countries, the giving of false evidence in court trials can be prosecuted as the crime of “perjury” even if the witness has bound him/herself by solemn affirmation rather than by oath. This has created a standing temptation to use the same term as a translation of Greek *pseudomarturion* “false testimony”, and even sometimes to take it for granted that witnesses in ancient Greek trials were regularly required to swear to the truth of their evidence, when in fact, at least at Athens, they were sworn only in homicide trials (and others held before the Council of the Areopagus) and in certain exceptional circumstances. For a full discussion see S&B 87–91.
- (2) The mere fact that a statement is made when the speaker is in contact with a sacred object (such as the entrails of a sacrificial animal) does not in itself make the statement into an oath, if no divine witness is explicitly or implicitly invoked. When Demaratus of Sparta puts into his mother’s hands the entrails from a sacrifice he had made to Zeus, and solemnly beseeches her to tell him truthfully who his father was (Hdt. 6.67–9; see ch. 6, p. 140 n. 31), she clearly

⁹ Except in those versions in which she herself bore a son, Medus, to Aegeus. Diodorus Siculus (4.56.1) says this story was told in tragedy, but we do not know whether it was already current by 431 BC when *Medea* was produced.

regards herself as being under a specially binding duty to speak the truth, but nothing in her 267-word speech gives any hint that she is under oath. The episode is merely a more formal and elaborate version of the common formula whereby a question is asked, or a request made, in the name of a god (Attic Greek normally uses the preposition *pros* with genitive, literally “from”, e.g. *pros Dios* “in the name of Zeus”); this formula certainly makes a question more difficult to ignore or answer falsely, or a request more difficult to disregard, but it cannot of itself subject the addressee to a conditional curse unless the addressee him/herself invokes one. However, laying one’s hand on *the earth* can constitute an oath (Bacch. 5.41–2, 8.19; cf. *Iliad* 14.270–6), since Earth was herself a goddess; see §5.1, p. 85, and §6.3, p. 143.

- (3) In Sophocles, and very occasionally in other texts, a statement or promise which, when actually made, did not have the form of an oath, is sometimes referred to retrospectively as if it had been an oath; this phenomenon, which we call the “Sophoclean oath”, is fully discussed in §5.2. It only occurs in a small number of passages (less than one per play, even in Sophocles), and it will be shown in §5.2 that on each occasion it serves an identifiable thematic function. This does not, therefore, authorize us to treat, for example, any solemn injunction as the exacting of an oath.¹⁰

Going in the opposite direction, Polinskaya 2012 claims that it was possible to call gods to witness in “situations where no oaths [were] sworn”, and cites a number of instances¹¹ in which, she claims (p. 27), gods are invoked “as simple observers,

10 As Markantonatos (2007, 175) does when, referring to Soph. *OC* 1530–2, he says that Oedipus “places each and every one of the [future] Athenian rulers under oath”; in fact Oedipus is simply giving an instruction that each of these rulers shall not divulge the secret of Oedipus’ tomb to anyone but his successor as ruler, and telling Theseus that in this way Athens will be kept safe from Theban attack. He does go on to say (1536–8) that the gods will sooner or later punish anyone who “abandons religion and turns to madness”, but that follows a mention of *hubris* (1535); in the actual passage about the secret there had been no suggestion that improper divulgement of it would be impious, only that it would be imprudent. Similarly Martinez 2012, 49 says that in *h.Dem.* 331–3 “Demeter ... swears not to go home” when the text has simply *ephaskē* “she said”, “she persisted in saying”, with no indication whatever of any added solemnity, much less of a divine invocation or a conditional curse.

11 Soph. *Trach.* 1248; Eur. *Med.* 619–20, *Hipp.* 1451, *Supp.* 1174–5; Hdt. 5.92ζ–5.93.1; Thuc. 2.71.4, 2.74.2, 4.87.2–3. Polinskaya (p. 35) adds Xen. *Hell.* 2.3.55, but in this passage Theramenes is only calling on gods (and men) to see what is happening to him; this is not the only place in her article where Polinskaya is led astray by the fact that the English word “witness” has two meanings (“one who has seen, heard, etc., some significant event” and “one who bears, or will bear,

not as executors of justice". It is certainly true that in some (not all)¹² of these passages the main purpose of the invocation is less to certify the truthfulness of the speaker's utterance than to arouse divine anger against those who have treated him/her unjustly or (as in Eur. *Supp.* 1174–5) against those who may do so in future. Since, however, there are many undoubted oaths (from *Iliad* 3.280 onwards) in which gods are likewise called to bear witness, it is not clear how the deity can be expected to distinguish one kind of calling-to-witness from another. It is certain, moreover, that a god will resent it if (s)he is invited to bear witness to a falsehood; to issue such an invitation, therefore, itself amounts to invoking divine punishment on oneself should one's statement be untrue.¹³ We therefore continue to hold that when a god is called to witness to the truth of a statement, this constitutes an oath even if no (other) oath-language is used.

testimony") whereas Greek *martus* and its synonyms are used only in the latter sense (compare her definition of "witnessing", p. 24).

12 In Eur. *Hipp.* 1451, Hippolytus' objective is plainly to reassure Theseus as strongly as possible that he truly has been freed from the guilt and pollution of having caused Hippolytus' death; and it is fitting that almost the last utterance of Hippolytus' life should be a straightforward and successful oath, after two previous oaths of his which in different ways were disastrous failures – the oath of secrecy by which Phaedra's nurse entrapped him and which Phaedra was convinced he would break (cf. *Hipp.* 612–13, 689–92) and the oath of innocence which Theseus would not believe (1027–37, 1055–9). See further §11.2.

13 At the end of her article (p. 35) Polinskaya says that whereas "oaths *demand* divine intervention, invitations to witness only ... [submit the inviter] to the *discretion* of the gods should they choose to take an interest" [emphasis mine]. But this is a distinction without a difference: it was *always* a matter for the discretion of the gods whether or not they acted on a human request of any kind (except in a few mythical cases like that of Theseus who was granted, and misused, the right to make three requests of Poseidon which would automatically be fulfilled: Eur. *Hipp.* 44–6).