

7 Oaths, gender and status

7.1 Women and oaths

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It is hardly surprising that substantially more oaths sworn by men than by women survive from the ancient Greek world. Treaties, civic oaths and other covenants performed in public, often with animal sacrifices, were important components of the military, political and commercial life of antiquity, which were primarily male activities.¹ Less than 10 percent of the oaths recorded in the Nottingham Database are attributed to women; even fewer were sworn *to* women. Of the 291 inscriptions of public oaths in the Database, only 9 feature women oath-swearers, usually as part of a group that included men. There are 541 references to oaths in the historiographers (including Ctesias, Herodotus, Thucydides and Xenophon): of the 17 attributed to women in this group, most can be labeled as “fictional,” in that they occur in a mythical past or have a folktale character. Thucydides does not record a single oath by or to a woman, and given his focus on political and military matters this silence is to be expected. Athenian forensic oratory indicates that it would not have been out of the question for women to swear oaths in a legal context (see S&B §5.11), although on closer inspection it seems that male citizens usually only claimed that their mothers were *willing* to swear on their behalf, not that the oath was actually taken. The paucity of female oath-takers in historical sources is reflected in poetry and drama, in which women’s oaths are rare and often problematic.

The infrequency of women’s oaths in public rituals does not mean, however, that women were unable to swear oaths in more private situations. There are indeed references to such oaths, and although few records bother to mention that women swore covenants among themselves, we do hear about oaths to close male associates. Unless these verbal contracts, promises or testimonials were repeated in a public setting such as a court – which is to say, unless they impinged on the lives of men in some way – we have no way of knowing the circumstances in which women would take oaths. Again fictional representations of such private oaths acknowledge the possibility that women could make promises or assertions guaranteed by oaths to each other. These scenarios often tell us more about the

¹ The disparity was observed by Cole 1996 and 2004, 120–21. Also see Dillon 2002, 248 on women’s absence from public life as a reason for the infrequency of their oaths.

anxieties of the men who imagined them and those of their audiences than they reveal any genuine social practice.

Evidence for women's oaths is admittedly scant. Nonetheless there were no explicit formal restrictions that prevented women from swearing oaths in any Greek *polis* during the archaic and classical periods. What can we deduce from the limited reports of women engaging in ceremonial promises? This section surveys the types of oaths that women took, the reasons for those oaths, the ways in which women's oaths were recorded, and the nature of oaths sworn to and among women. The following discussion examines correspondences between historical records and fictional representations in an attempt to reconstruct the reality of women's oaths. The intersection between these different genres and sources reveals much about how the collective cultural imagination of the ancient Greeks employed women's oaths as a mean of negotiating the concept of female agency in a male-dominated world.

7.1.1 Oaths in a religious context

Religious activity was one area of public life where women did have status and visibility. Although the evidence is limited, it is in cult and ritual that we find the few surviving examples of real women swearing oaths. To flesh out the picture we need to extend our gaze beyond the temporal scope of the Nottingham Database to include two inscriptions from the Hellenistic period. This epigraphic evidence corroborates classical sources to show that women swore oaths defining their role as priestesses or their obligations to cultic activity.

Sadly few records of such oaths exist, perhaps because many religious rituals were not to be spoken about, or simply because male record-keepers had little interest in them. A famous speech in the Demosthenic corpus records one of them, apparently inscribed on an ancient stele in an isolated location within the sanctuary of Dionysus in the Marshes ([Dem.] 59.76) that was only open once a year. In *Against Neaira* (73–8), speaking on behalf of the prosecution, Apollodorus refers to the oath of the fourteen Gerarai (or “Venerable Women”), attendants of the Basilinna, wife of the Archon Basileus, a woman who allegedly, in this particular instance, was unsuitable for the position because she was the daughter of a prostitute. Her priestess attendants swore their oath “on their baskets” to the Basilinna at the festival of the Anthesteria “in front of the altar before they touched

the victims”(78).² The terms of the oath were introduced as evidence provided by the herald who was present at the sacrifice:

I live a holy life and am pure and unstained by all else that is not pure and by intercourse with a man, and I will celebrate the feast of the wine god and the Bacchic rites in honour of Dionysus according to tradition and at the appointed times.

Celibacy, albeit temporary, was often a requirement for priestesses and other religious functionaries, although this is the only example of a chastity oath for such personnel.³ There is much that remains obscure here including the question of how long the Gerarai had to remain celibate.

Missing from our exiguous data are any suggestions that women swore oaths committing them to permanent chastity, although there are certainly sources to indicate women remained celibate for fixed periods of time. There are, however, divine prototypes for oaths of sexual renunciation that reveal what is at stake in ritual chastity and the limitations of mortal women's celibacy. Compare the oath that Hestia swore according to the *Hymn to Aphrodite* (26–8) and Artemis' oath of perpetual virginity recorded in a fragment ascribed to Sappho (fr. 44A.4–7). These goddesses were awarded the divine privilege of perpetual virginity: Hestia presumably because she represented the inviolability of the hearth and correspondingly the security of the home; Artemis because she presided over puberty, remained unwed and was under no male's control. But while the virgin goddesses were permanently chaste and thus independent, mortal women could only abstain from sex for short periods of time. Their valuable fertility was too essential for the perpetuation of the *oikos* (and the human race) to be withheld for long. In all likelihood then, vows of lifelong celibacy for women must have been extremely rare.

Would female celebrants or functionaries have to swear an oath of celibacy in all cases? Dillon concludes that “the Greeks did not think that gods required vows of virginity.”⁴ The women who performed the rituals of the Thesmophoria were required to abstain from sex with their husbands prior to the festival, but there is no evidence that they swore an oath to this effect. On the other hand, since the rites of this women's festival were shrouded in secrecy, it may well be that they did swear such an oath. Apollodorus emphasizes that the sacred rites in which the Gerarai participated were “not to be spoken of” (*arrēta hiera*, [Dem.] 59.72)

² Robertson 1993, 208–11 provides further discussion. The oath is introduced as evidence, which raises the possibility that it is a later supplement.

³ The most notable would be the Pythia; see Connelly 2007, 17–18 and 49 for other examples.

⁴ Dillon 2004, 77.

to reinforce his argument that this inappropriate Basilinna had witnessed sacrosanct activities. The concept of secret rituals was by no means foreign to Athenian religion, and we can only speculate that oaths of celibacy, while not necessarily uncommon, were not often discussed either.

A surviving example of the requirement for ritual chastity falls outside the time-frame of the Nottingham Database. This is an oath prescribed by the sacred law of the Andanian mysteries from Messene that survives as an inscription dated to 91 BC. Gawlinski observes that although both male and female initiates took an oath, the women's oath is distinguished by a declaration that they had lived a "pure married life," (i.e. that they were faithful to their husbands).⁵ Nonetheless it is significant that male initiates took an oath of temporary celibacy as well, an important detail indicating that ritual abstinence was not restricted to women.

The Gerarai also swore to perform certain functions in honour of Dionysus. Otherwise the only surviving example of an oath taken by priestesses regarding their responsibilities is found on a public inscription from late fourth-century Cos (*ICos* 386.4). The stone indicates that women chosen by lot would become priestesses of Demeter upon swearing an oath. Although it is entirely likely that such inaugural oaths were common practice in the induction of religious functionaries, no other records have survived.

7.1.2 Sacrifice and women's oaths

Two other oaths in a religious context pertain to women's responsibility to provide sacrifices, but this is not a situation unique to females. An oath recorded on a public inscription from Miletus (*LSAM* 45.14–17, dated around 380 BC) challenges men and women accused of failing to provide gifts or sacrifices to Artemis to swear that they had fulfilled this religious duty before the Boule or to suffer consequences. A further example beyond the time covered by the Nottingham Database supplements the idea that women might use an oath to guarantee their obligations to provide sacrifices. A fragmentary Coan inscription from the early third century BC (*ED* 178A (a)) records a public decree that required all free women to sacrifice to Aphrodite *Pandamos* within a year of their marriage. The value of the sacrifice seems to have been on a sliding scale depending on individual means, and the inscription records that newly married women swore an oath (*eisōmosias*) probably to the effect that the sacrifice was proportionate to

⁵ Gawlinski 2012, 101.

their wealth (*chrēmatistheisas*).⁶ This oath covers a situation similar to the Milesian oath (although men were part of that ceremony), but the Coan oath appears to be promissory while the Milesian inscription prescribes the oath as a guarantee after the sacrifice.

The inscriptions say nothing about the exact nature of the women's sacrifices to Aphrodite and Artemis. Since the topic is somewhat controversial, however, this would be an appropriate point to consider how women's oaths were related to sacrifice. Animal sacrifice was the fundamental ritual of oath ceremonies; indeed the term *horkos* can often mean "oath-sacrifice." The slaughter of the victim symbolized the fate of a potential perjurer, but any oath-taker symbolically offered his or her body as a guarantee of trustworthiness. Even so not all oaths were validated by the immolation of expensive victims; the symbolism was implicit and not necessarily enacted. Certainly numerous important public oaths in Athens and other states were supplemented by blood sacrifice: for example the Argive Alliance sworn around 420 BC (*IG i³ 83.26–28*) was sanctified by "full-grown victims." While many inscriptions attest that the immolation of animal victims was a component of public oaths, none of these records indicate that women swore oaths guaranteed by animal sacrifice when men were not present.

Although some scholars have disputed the reality of women performing blood sacrifice, there is no practical reason to doubt that the sacrifices mentioned in the Milesian and Coan inscriptions involved such offerings.⁷ Then again the lack of any reference to women's oath-sacrifices in historical sources and inscriptions adds weight to the argument that women's oaths were not guaranteed by the immolation of victims. Of course women seldom participated in the kinds of public oaths that were guaranteed by costly immolations. They might have sworn oaths in temples in the presence of a cult statue of a goddess, for example that of Artemis in the Amyclean temple in Gortyn (*IC iv 72 col. III.5–12*), and often their oaths would be reinforced by the invocation of a particular deity.

Although the Milesian and Coan inscriptions suggest that women were responsible for financing certain sacrifices, they did not necessarily sanctify their own oaths with victims. There were several alternatives, as we know: liquids, precious objects, textiles, etc. On the other hand there is little doubt that women

⁶ Lines 18–19. Dillon (1999, 67) suggests that the new brides swore that they sacrificed according to their means rather than the bare minimum. See his discussion of the use of the participle *eisomosias* for which the editors of *SEG* suggested *exōmosias* with reference to Pollux 8.55. It is better, I think, to understand *eisōmosias* as the opposite of *exōmosias*, i.e. that the women were prepared to testify that they had made the sacrifices.

⁷ Detienne's suggestion (1989) that women did not perform cultic butchery has been disputed by Osborne (1993), Dillon (2002, 115–16) and Connelly (2007, 179).

sacrificed piglets at the Thesmophoria, so the claim that women did not participate in sacrifice requires special pleading (e.g. that male functionaries performed the sacrifice). Nonetheless epigraphic and historical sources provide no evidence that women made animal sacrifices to guarantee their oaths. The unique allusion to this possibility in Aristophanes' *Lysistrata* may not offer empirical evidence for women's oath-sacrifices, but even so it deserves a closer look.

7.1.3 Representing women's oaths: *Lysistrata*

For obvious practical reasons it would be difficult, if not impossible, to actually enact an animal sacrifice during any dramatic production. References to offstage oath-sacrifices do exist in tragedy; for example, Athena prescribes an oath-sacrifice to cement a treaty between Athens and Argos at the end of Euripides' *Suppliant Women*. But no oath-sacrifice described in any dramatic text, other than *Lysistrata*, involves women, a phenomenon that accords with the lack of historical evidence for women's oath-sacrifices. In extant Athenian drama Aristophanes' *Lysistrata* is the only oath-sacrifice performed in the theatre, but this hardly provides the evidence we need to make any pronouncement about women's oaths and their sacrificial guarantees.

In the prologue of this comedy *Lysistrata*, apparently modelled on a priestess of Athena Polias named Lysimache, compels her cohort of Greek wives to swear to abstain from sex with their husbands.⁸ Aristophanes' inspiration for the Greek wives' pledge may be the oath of celibacy sworn by the Gerarai (mentioned above) to another Athenian priestess, the Basilinna, at the Anthesteria. Of course, if Aristophanes expected his audience to recognize this allusion, perhaps the rituals involving the Gerarai and Basilinna were not as secret as Apollodorus would claim several decades later. Since the Anthesteria was a wine festival, the women's pledge over a wine-jug is humorously appropriate. *Lysistrata* insists on referring to this *stamnos* as a sacrificial beast (196–204). Provocative as the pretence may be, it unfortunately provides no firm grasp on the question of women's oath-sacrifices. Does this scene indeed suggest that women could participate in blood sacrifices? Or is part of the joke that women generally did not swear oaths validated by blood sacrifice, as other evidence seems to suggest? The oath is a complex parody, alluding (in addition to the oath of the Gerarai) to treaty oaths ratified by wine sacrifices, an analogy for blood, which men would swear in his-

⁸ The identification was posited by Lewis 1955 based on inscriptional evidence. Also see Connelly 2007, 59–63.

torical reality, and actually do negotiate at the end of *Lysistrata*. The humour resides in how the women's oath juxtaposes a recognizable ritual, associated with women's cultic roles, and formulaic treaty oaths in which women did not participate.

There are, however, certain features of the women's oath that do not align with historical wine oaths: the women actually drink the oath-sacrifice themselves, a deviation from interstate protocol in which wine sacrifices were poured on the ground. If we accept the fantasy that the wine jug is a sacrificial animal, the consumption of the *horkos* is still a violation of standard practices: an oath-sacrifice stood for the body of the potential perjurer, and unlike other sacrifices was not consumed.⁹ Of course Aristophanes exploits the wine sacrifice for humorous effect by alluding to women's reputation for bibulousness, but the joke operates very effectively on multiple levels.¹⁰

The women are seeking to achieve peace: the gambit is successful in the play, although it would not become a reality for another decade and then only in the face of defeat. In order to accomplish their goal they form a conspiracy to take over the Acropolis. The oath sworn by the women might also remind audiences of conspiratorial oaths (see S&B ch. 6), especially in light of current fears of oligarchic revolution. The Athenians who watched this play in 411 BC were well aware of conspiratorial *sunōmotai*, although the fictional idea of women swearing oaths together recurs in other dramas discussed later in this chapter. In the final analysis there are so many allusions and parodies fused together in the prologue of *Lysistrata* that it is very difficult to glean any historical information about how women actually did swear oaths in ancient Athens.

7.1.4 Civic or political oaths

The parodic oath that Lysistrata and her cohort of Greek wives perform is inspired by formulaic treaty oaths, an amusing imitation of alliances that normally did not involve women. The singular historical example of a female power-holder swearing an oath of alliance, although in tandem with her co-regent, from the mid-fourth century unfortunately tells us nothing about typical women's access to power. If the usual restoration of the inscription is correct, Artemisia II of Caria swore an oath in concert with her husband/brother Mausolus to honour an agreement with the Lycian city of Phaselis, although her name is absent from

⁹ Paus. 5.24.10; S&B 154.

¹⁰ See further remarks at Fletcher 2012, 220–40.

the remaining text of the agreement.¹¹ Only inscriptional evidence attests to Artemisia sharing the rule with Mausolus, although as Carney speculates she probably did not have an authority equal to his. After his death, she was briefly (353–350 BC) sole ruler of Caria, but there is no evidence of her involvement in interstate politics during this period.

Otherwise there are a few situations in which women did swear oaths in a civic or political context, albeit rare occurrences arising from special circumstances. Women (and children) were among the Theran colonists who founded the city of Cyrene in the seventh century BC, and they were also among the subsequent citizens who repeated the oath in the fourth century. The “founders’ oath” is paraphrased and preserved in a fourth-century inscription (ML 5) which most scholars believe is a genuine reproduction of the original.¹² Faraone argues that the presence of “ancillary participants” (i.e. women and children) who lacked the “political rights needed to make a legally binding agreement” is typical of such oaths; their attendance is necessary to maximize the effects of the conditional curse, and to publicize the terrible consequences of perjury.¹³ This might have been the impetus behind a treaty oath preserved in an inscription (*SEG* li 642.1–29) dating ca. 430 BC: although fragmentary, the text indicates that Locrian and Messenian men and women swore to abide by a treaty between Naupactus and Messene.

As these examples suggest, on very rare occasions women did participate in public oaths – although never without men, and probably as potential victims of the curse that would be visited on perjurers and their families. Although a relief decorating the inscription of a treaty sworn between Athens and Argos depicts two female figures clasping hands, it is most likely that they symbolize the tutelary deities of the two cities (Athena and Hera).¹⁴ It is only in the dim past or in myth that a woman participates alone in a treaty oath. Ctesias writes of a peace treaty sworn between Zarina, the Sacian queen, who led a rebellion by Scythians and Parthians, and Astibarus (probably Herodotus’ Cyaxares), king of the Medes (*FGrH* 688 F 5.34.2). Plutarch (*Thes.* 19) cites the fourth-century Atthidographer Cleidemus (*FGrH* 323 F 17 [5]) who wrote that a treaty was formed between Athens and Crete when Theseus swore a wine oath (*speisamenos*) with Ariadne

¹¹ The inscription (*TAM* ii (1–3) 1183.1–7) records that Artemisia and Mausolus swear to honour the agreement “guilelessly and innocently.” See Carney 2005, 71.

¹² See Faraone’s summary (1993, 61n. 4 and 5) of the controversy regarding the authenticity of the inscription.

¹³ Faraone 1993, 72.

¹⁴ *IG* i³ 86; see Bayliss’s discussion, S&B 157.

who had inherited the city of Knossos. The oath established friendship and peace between the Athenians and Cretans. In the distant heroic past Crete is envisioned as a state where women attended athletic games, inherited sovereignty and made interstate alliances (although Ariadne was apparently moved to do so because she fancied her new ally). Nothing in the extant corpus of oaths suggests that this autonomous political authority existed for real Greek women.

7.1.5 Oaths in a legal setting

We find more extensive evidence for women's oaths in legal contexts. It is in the Dorian city of Gortyn that women enjoyed a certain legal agency, or at least legal visibility. There are several well-preserved inscriptions dating from the sixth and fifth centuries that would have been displayed on the sides of public buildings or later on stone stelai. While the "Great Code" (*IC* iv 72) and various fragmentary smaller codes, including the so-called "Lesser Code," are by no means comprehensive (for example the inscriptions do not deal with homicide cases), they are informative about the legal status of women in this community.

As these inscriptions suggest, citizen women of Gortyn possessed more legal rights and financial independence than women of Athens: for instance, they were able to inherit and own property without some of the encumbrances faced by Athenian citizen women. These details are consistent with other evidence suggesting that women of this city-state had more public presence than female citizens in other communities. Aristotle (*Pol.* 1272a21) relates that they dined with men at public communal feasts, and there are other indications of their mobility and rights.¹⁵ It is important to note, however, that our sources only give information about the legal rights of women, and never any specific instances of their exercise. The comparatively liberal legal rights of female citizens of Gortyn are suggested by the regulation regarding the disposition of property after a divorce (*IC* iv 72.ii.45): in the event of a dispute the woman could swear an oath by Artemis in the Amyclean temple, before a statue of the goddess, denying the accusation that she had stolen from her husband, although the statement had to be sworn within twenty days of the judge's demand for the oath. If the former husband took back any portion of the property after her oath of denial, he was obliged to return the goods and pay a monetary penalty to the woman.¹⁶

¹⁵ For further details on the legal and economic status of Gortynian women see Sealey 1990, 50–81.

¹⁶ See the discussion of the oath-taking practices of Gortyn in S&B 62–7.

Oaths were also an essential element of the legal sphere of ancient Athens, from the dicastic oath sworn by the massive juries to the oaths of litigants, defendants, and possibly witnesses (see S&B 67–115). If women contributed testimony to these proceedings, it could only have been by means of oaths sworn before the trial, although examples of this procedure actually being completed are very rare. In many respects the social position of female citizens in Athens was quite different from that of women in Gortyn. They did not swear oaths that represented their own interests in disputes against men, but were cited more obliquely in contexts that lent support to their male relatives. The orators provide several glimpses of situations in which women would swear oaths, whether officially or unofficially. We begin with the former type since they provide a picture, albeit not entirely reliable, of how Athenian women might have used oaths in private or non-legal contexts. In most cases the oaths are cited to support the agenda of an Athenian male citizen and may never have actually taken place. The greatest value of these examples is how they reveal some of the stereotypes associated with women's oaths in classical Athens.

7.1.5.1 Unofficial oaths in Athens

The first example, a slave woman extracting a promise from an Athenian citizen, is not explicitly an oath (*horkos*) but a pledge (*pistis*), which may or may not have been an oath. The vignette is useful for its insights into the complexities of gender, status, and promise-making. Euphiletus, the speaker of Lysias 1, defended himself in a *dikē phonou* (a suit for murder) by claiming that the man he killed was making love to his wife, a cause, he maintains, for justifiable homicide. The evidence for this defence is an archaic law (not preserved in this speech but in Dem. 23.53) from which we can deduce that Euphiletus was permitted to kill the adulterer without penalty (though certainly not obliged to do so, as he tries to insinuate) if and only if he could demonstrate that the victim was caught *in flagrante*.

Euphiletus is able to provide witnesses who saw Eratosthenes naked in bed with his wife, but the supporting details are perhaps intentionally vague. The defence needs to create a background story to enhance the tale of seduction and deceit, and also to mitigate any suggestion of entrapment, which must have been the prosecution's argument. Accordingly he narrates how he discovered that his wife was having an affair with an experienced seducer, Eratosthenes, identified to him by the maid of the adulterer's former mistress (16–17). Following the advice of this unnamed woman Euphiletus takes his own slave-girl to a neighbour's house for interrogation. Earlier Euphiletus had disingenuously revealed that his wife suspected him of having sex with this slave (13), an apparently superflu-

ous detail that would account for a failure to offer her up for torture (*basanos*). The slave-girl's testimony could have provided crucial evidence about the affair between Eratosthenes and his wife, but if Euphiletus used her to summon Eratosthenes to his house her testimony might also prove the plaintiff's argument of entrapment.¹⁷ Euphiletus claims that he threatened the girl before she revealed any details about the affair, and that she supplicated Euphiletus to make him promise that she would suffer no harm (19–20). Presumably this would include the *basanos*, the only way to admit her evidence in court.

There are aspects of this scene that recall oaths featured in Greek drama. These similarities do not mean that the entire speech is a fiction or rhetorical exercise, but rather that Lysias knew how to create an engaging story to divert the jury's attention away from the brute facts of the homicide.¹⁸ The pledge that Euphiletus gives to his suppliant slave is a *pistis*. This is precisely the same word that Medea uses when she supplicates Aegeus (Eur. *Med.* 731), but the oath that Medea tenders is a powerful, formal *horkos* guaranteed by the Sun, other divinities, and a curse. Like Medea, Euphiletus' maid supplicates a powerful man and extracts a promise; the supplication provides a ritual backdrop to the *pistis*, although we have no further details of the promise-making. By giving his word that the slave would come to no harm, Euphiletus lost his opportunity to prove that Eratosthenes had regularly visited his wife. On the other hand, had the slave been tortured she might have revealed details that would diminish Euphiletus' case.

There was, as Euphiletus' jury knew, a tragic precedent for a naïve young man swearing an oath to a slave woman. In fact so well known was this precedent that a citizen named Hygiaenon referred to it in an *antidosis* case against Euripides.¹⁹ In *Hippolytus* Phaedra's nurse extracts an oath of silence from the young man who then finds that he is prevented from testifying against charges of rape. As Mirhady observes, it was inappropriate for Hippolytus to swear an oath to a low-status woman, and we could say the same about Euphiletus.²⁰ Lysias has chosen his client's words carefully to avoid the culturally loaded term *horkos*; he

17 Carawan (1998, 294–6) reconstructs the argument for entrapment: the slave-girl's role would have been to lure Eratosthenes to the house by pretending to bear a message from her mistress.

18 See Porter's discussions (1997 and 2007) of how the speech reflects elements of New Comedy. Gagarin 2003 responds: "The fact that we can find mythical or literary elements in these stories does not mean either that they are literary exercises, or that as court speeches they are fictitious tales. It simply means that their authors (like any good litigating attorney today) knew something of the art of storytelling and have done their job well."

19 According to Aristotle (*Rhet.* 1416a28–35) Hygiaenon intimated that Euripides was impious because Hippolytus (612) claimed "My tongue swore, not my mind." See further §11.3.

20 Mirhady 2003, 21.

avoids making Euphiletus look as though he is abusing a sacred promise-giving ritual by swearing an oath to a slave. At the same time Euphiletus has something to gain by implying he is keeping his *pistis*. Compare his apparent gullibility with that of his tragic counterpart, Hippolytus. In the final moments of the drama, Artemis praises Hippolytus for keeping his oath, although this nobility led to his own catastrophe. This may be a side effect of Euphiletus' narration of his promise to his wife's maid. He runs a risk of seeming gullible when he swears to a slave woman, but appearing to be a gullible cuckold who keeps his word is better than looking like a calculating killer. As it is Euphiletus does not have to produce the slave for torture, but can insert her putative evidence into his speech and end up seeming to be, like Aegeus and Hippolytus, a decent man who honours his oath.

Two other examples from oratory prove to be equally illusory and potentially fabricated; these oaths, sworn by women to men, exemplify a common mistrust of women's agency. Both are from Hypereides, and survive as papyrus fragments. Although they are mentioned in a legal setting, they are not evidentiary oaths, but informal promises allegedly sworn in private settings and repeated by the speakers, one a defendant in an adultery trial, the other a prosecutor in a suit for damages. The first oath has been used as evidence against the accused Lycophron who recounts how his prosecutors claimed that his alleged mistress, a married woman, had sworn an oath of fidelity to him, and that he was overheard reminding her to keep this oath on her wedding day. In his defence speech Lycophron scoffs at the accusation and wonders why Dioxippus, the aggrieved husband, would have married the woman had he known about this oath.

Although Lycophron is denying the existence of any such promise, the significant point is that the plaintiff expects the jury to believe that an Athenian woman could swear an oath of fidelity to her lover. Obviously lovers' pledges were within the realm of possibility, even though some sources claim that they were not as binding as other types of oaths (e.g. Hes. fr. 124.1; see §11.2). The putative oath of the wife of Dioxippus lifts the veil momentarily on the private life and personal choices of real Athenian female citizens who, as the plaintiffs acknowledge, could have desires of their own that were not necessarily in accord with those of family members who arranged their marriages.

A second report of a woman's informal oath occurs in Hypereides' *Against Athenogenes*, a fragmentary prosecution speech probably for a *dikē blabēs* (suit for damages) written in the late fourth century. The beginning of the speech is lost, but it is clear from what remains that Epicrates is trying to void a contract of sale by claiming that he was the target of a fraud perpetrated by Athenogenes, the vendor, and a courtesan named Antigone. The woman had brokered the deal in a private home, probably her own, and apparently in the absence of any legal

witnesses.²¹ The fragment begins with Epicrates narrating how the deal was initially jeopardized by a disagreement between him and Athenogenes. Antigone intervened to reconcile the two men, reassuring Epicrates that Athenogenes was a decent sort by “swearing the greatest oaths” (§2). Encouraged by her commendation Epicrates purchased a slave and his two sons along with the perfumery that they managed, but he was misled about the amount of debt associated with the sale. Epicrates portrays himself as eager to complete the deal because of his erotic interest in one of the sons, and for this reason he was incautious about the enterprise. The calculating and dishonest Athenogenes and Antigone take advantage of this lapse in judgment. In particular the plaintiff claims that he was “persuaded by the *hetaira* of Athenogenes” (§18). His strategy is to draw parallels between his situation and Solon’s law about the influence of women on wills to suggest that he was swayed by Antigone’s intervention. He claims that he became the victim of fraud because he trusted “the greatest oaths” sworn by Antigone about the character of Athenogenes. And yet his gullibility is not due to his own foolishness as much as it is to the wiles of a devious courtesan. She was the “most skilled *hetaira* of her day” (§3) who now plies her trade as a madam, having ruined the household of a citizen from the deme of Cholleidae.

Antigone was evidently a shrewd businesswoman who pocketed a considerable sum for brokering this deal. The speech gives the impression that she would stoop to anything, including swearing falsely about the character of an utter scoundrel. Antigone’s assurances, despite Epicrates’ claim that these were “the greatest oaths,” were certainly not formal oaths in a legal setting, and not part of court evidence – indeed they are little more than a strong reassurance of goodwill. Epicrates bolsters his case for conspiracy by suggesting that Antigone would invoke the gods as a guarantee of her deception, and of course given her social status she cannot give evidence to the contrary. There are some stereotypes operating here, which are nicely summed up by a Sophoclean fragment (fr. 811) in which an unidentified character remarks that “I write a woman’s oath on water,” an opinion later repeated by the fourth century comic poet Xenarchus (fr. 6 K-A) who substituted “wine” for “water.”²² Women’s oaths were not to be trusted, as Antigone (or at least Epicrates’ portrayal of her) demonstrates.

But another stereotype is also being invoked beyond that of a perfidious woman, and that is the conventional representation of prostitutes in Attic oratory.

²¹ The case is discussed in detail by Phillips 2009 who observes that Antigone would not qualify as a witness.

²² Cf. Callimachus (*Epigr.* 25.3–4) where the broken oaths are in an erotic context. The fragments of Sophocles and Xenarchus may also have referred to lovers’ oaths.

Glazebrook argues that prosecutors often use the figure of the *hetaira* to diminish the credibility of their opponents.²³ She speculates that these depictions of dissolute, scheming, and dishonest prostitutes are a rhetorical convention used to cast doubt on the integrity of the speaker's opponents. Indeed the events described, and even the women themselves, may be fictions created to prey upon the fears of an Athenian citizen jury whose collective masculinity is jeopardized by the influence of immoral women on susceptible members of the citizen body. Antigone, who had already ruined an entire household in Cholleidae, is obviously being typecast as one of these cunning *hetairai*. Her close association with Athenogenes, the target of this litigation, is an implicit denunciation of his honesty. The stereotype is exacerbated by the allegation that she swore a false oath; although it is an informal promise and not sworn in the presence of witnesses, it contributes to the characterization of Antigone as a con artist.

All three of these examples involve unsubstantiated claims regarding oaths – one sworn to a woman, the other two sworn by women. In each case allusions to these oaths support the agenda of male citizens by exploiting a cultural bias that holds women to be manipulative, immoral or deceptive. Dioxiippus used the report of his wife's oath to her lover – unsubstantiated but powerfully resonant – to support his adultery prosecution. Euphiletus and Epicrates present themselves as susceptible dupes who allow women to compromise their legal agency: one by making a promise to a slave woman, another by believing a prostitute's oaths. Let us turn now to more positive examples of women's use of oaths, although the sources for these are almost equally opaque.

7.1.5.2 Mothers' oaths

The oaths discussed above are unofficial, sworn in private settings, but disclosed in the law courts. In this section we examine oaths attributed to women in Athens in a more formal situation, specifically oaths that women allegedly offered to swear as evidence in *dikai* (private cases). While surviving examples of Athenian oaths in a legal context are overwhelmingly those of men, the logographers refer to the possibility that women's testimony could be offered as an oath sworn before the trial occurred and cited as evidence. Unlike women in Gortyn who were apparently able to swear oaths that supported their own financial interests, the oaths of Athenian citizen women, if sworn at all, were meant to bolster the claims of their families, especially their sons. We read that certain women of citizen status were willing to offer testimony by oath, although their oaths are

²³ Glazebrook 2006.

never actually sworn, with one notable exception. It is a rhetorical strategy that allows plaintiffs or defendants to insert the testimony of their female kin without actually going through with the ritual.

Foxhall notes that although women were not litigants in court cases, they were often stakeholders in disputes that ended up in court. The oath-challenge gave citizen women a voice in the public venue of the courts, but it is difficult to determine if one of these putative offers was not in reality an act of ventriloquism. The daughter of Diogeiton, according to the speaker of Lysias' *Against Diogeiton* (Lys. 32.13), offered to swear on the heads of her children in support of her sons' financial claims on her father's estate. In Gagarin's opinion, the sophisticated rhetorical structure of the woman's speech, reported in direct discourse, suggests that Lysias had manufactured this mini-oration; the actual speech of the woman, and her unsubstantiated offer to swear the oath, are simply a rhetorical device.²⁴ Although it is possible that Lysias shaped the woman's speech so that it conformed to the conventions of forensic oratory – a rather unlikely strategy for the orator known for his *ēthopoia* – the scenario more likely demonstrates the extreme anxiety of Diodotus' grandsons, who are ready to pounce on any morsel of evidence that might bolster their claim to his property.²⁵ In all likelihood, as Foxhall observes, the woman was too weak-willed to intervene on their behalf. Desperate for justice, and the patrimony to which they were legally entitled, the sons reported that their mother was willing to swear an oath, an unprovable assertion that probably bore little weight. As recently noted, men can refer to oaths that women took in a private context (evidence which the women could not dispute) to support their litigation. Now we encounter a situation in which a woman's more official oaths are only a murky possibility, albeit one that contributes to the agenda of a male litigant.

Indeed, the case also suggests that reports of women being willing to swear an oath could in fact be specious. That said, forensic oratory suggests a particularly close bond between Athenian citizen women and their sons, which allowed mothers some authority or at least influence in the retention of family property; their willingness to swear oaths to support their sons' property disputes is one aspect of family solidarity.²⁶ This was probably the case with Demosthenes' mother Cleobule, who must have been the impetus behind her son's litigation (Dem. 27–30) to retrieve his inheritance from unscrupulous guardians, since he

²⁴ See Gagarin 2001, 162–67. Foxhall 1996, 149 similarly notes the scripted quality of the oath.

²⁵ The prosecutor or *sunēgoros* in this case is the uncle of the sons of Diodotus' daughter, who is the niece and wife of Diogeiton.

²⁶ Hunter 1989, 47; Johnstone 2003, 271.

would have depended on her evidence about the matter. After the death of her husband, Cleobule remained unwed, apparently by her own choice, and as a widow, had a certain *de facto* control of her own household economy. Foxhall speculates that Cleobule would have “nagged and primed” her young son, Demosthenes, until he was of age to bring her concerns to court.²⁷ The target of this litigation, Aphobus, according to the terms of Demosthenes’ father’s will, was supposed to marry Cleobule, but the marriage did not take place, perhaps due to Cleobule’s resistance. He did, nonetheless, retain control of some of her property. Her determination to bring the property back under her control involved an offer to swear oaths on the matter (29.26, 33, 56): one to the effect that a household slave had been freed by her husband on his deathbed (26, repeated at 56); and another (on the heads of Demosthenes and his sister) that Aphobus had received a dowry for Cleobule (33). It is by offering these oaths that Cleobule is able to insert her evidence in her son’s speech.

As these examples illustrate, Athenian juries were expected to believe that women could offer oaths in some sanctified place (usually in the Delphinium) on behalf of their male relatives. It appears, however, that these oaths were seldom, if ever, actually sworn (a phenomenon that applies equally to men’s oath-challenges as well). Another example appears in Demosthenes’ *Against Callicles*, written for an Athenian citizen involved in a dispute with a neighbour claiming damages due to a wall that had diverted flood water. The wall had been built by the defendant’s father, and Demosthenes’ client relates a history of neighbourly good-will now dissipated by the sykophantic intentions of the plaintiff. According to the defendant’s mother the damage actually sustained was much less than Callicles claimed. The defendant explains that he tendered an oath to the neighbour’s mother, and challenged the neighbour to tender a corresponding oath to his own mother (Dem. 55.27), that Callicles had or had not narrowed the road by throwing rubble on to it. It is easy enough to imagine two neighbouring women who had once been friends now engaged in a feud to which they had contributed. Although their oaths never took place, the challenge itself is read out to the jury, and thus the women’s testimony becomes part of the proceedings.

Both speeches of Demosthenes allow us to reconstruct plausible situations with women operating behind the scenes, as it were. Denied an opportunity of presenting evidence in their own voices, they satisfy the desideratum of a silent female citizen while nonetheless inserting their opinions in the form of unsworn oaths, and perhaps even orchestrating legal action themselves.

²⁷ Foxhall 1996, 144.

7.1.5.3 Paternity oaths

When women are prepared to swear oaths as evidence, or at least when their male relatives claim that they are, it is invariably to support the rights and claims of their sons.²⁸ The most significant form of this practice is the “paternity oath,” in which a woman confirms the parentage of her son. An Athenian citizen’s membership in his phratry and deme was formally established by the oaths of his father or guardian sworn at the Apaturia, first when he was an infant, and again when he was an adolescent.²⁹ A similar procedure occurred on the island of Tenos: according to an inscription dating from the fourth century, not only did male relatives swear to the paternity of a child, but its mother swore as well.³⁰ There is no evidence that mothers swore oaths to affirm their sons’ paternity at other family-oriented rituals, and the Athenian reticence about having their wives speak out in public suggests that mothers did not give oaths at the Apaturia.

In cases of disputed citizenship status or inheritance rights, however, the question of paternity becomes crucial. Accordingly women might be asked to give oaths to establish their sons’ paternity. In Isaeus 12, dating from the mid fourth century when there was particular anxiety and scrutiny regarding deme membership, the speaker argues on behalf of his disfranchised brother, Euphiletus, who could no longer represent himself in court. Euphiletus had been voted out of the deme of Erchia, and this speech is an attempt to get him reinstated. In addition to offering his own oath and that of his father, the brother claims that their mother, whose citizenship status is affirmed (she is *astē*, 9), is willing to swear an oath at the Delphinium that Euphiletus was her son by Hegesippus (9–10). “For who is more suitable to know than she?” asks the speaker, summing up the efficacy of such oaths.

A literary instance of this same phenomenon is represented in Euripides’ *Ion* when Creusa swears to Ion by “the Gorgon-slayer” (1478) that Apollo is the father of the son with whom she has just been reunited. Her account of Ion’s parentage is framed by this first oath and then by a more complete oath “by Athena Nike who once raised her shield against the Giants in her chariot beside Zeus,” that Ion is the son of no mortal father but of Apollo himself (1528). The oath of Euphiletus’ mother mentioned above, had it actually been sworn, would have taken place

²⁸ As Allen notes (2000, 103) oath-challenges are always initiated by a male request, and the actual testimony (i.e. the content of a sworn oath) of women seldom reaches the court.

²⁹ These are discussed in S&B 11–12.

³⁰ The public inscription (*IG* xii Suppl. 303.6–8) does not specify what the mother swore, but the remainder of the document indicates that the child’s father and male relatives swore to its paternity, so it is likely that the mother swore a similar oath.

in the Delphinium (temple of Apollo “of the womb”). Creusa is not in a court of law, but the location at the Delphic temple of Apollo is even more authoritative; furthermore, she is swearing that that god, whose temple in Athens is the location of mothers’ paternity oaths, is in fact the father of her son.

It is not difficult to imagine other circumstances in which mothers were asked to verify the paternity of their sons by an oath, especially in Athens where the stakes were so high and the perquisites of citizenship guarded so assiduously. A mother’s oath, or willingness to swear one, was the equivalent of modern DNA testing. Euphiletus’ brother can say that their mother was willing to swear an oath of paternity, but the expectation always seems to be that the oath would not be needed. The only example of such an oath actually being completed is one where a mother was supposed to refuse the challenge.

Demosthenes wrote *Against Boeotus* (39) for Mantisheus in a legal dispute involving the paternity of his half-brother Boeotus, and his right to use the name Mantisheus as well. Boeotus claimed to be the son of Mantisheus’ father, Mantias of Thoricus, but by a different mother, Plangon. This dispute is recorded in two speeches by Demosthenes for Mantisheus, the second (40) involving a complex financial matter related to the two mothers’ dowries. Apparently, both women had been married successively to Mantias, who had divorced Plangon, the mother of Boeotus, possibly because he did not want to be implicated in her father’s debts. Mantias married another much wealthier woman, who became the mother of Mantisheus.³¹ Whatever precipitated the divorce, his affection for Plangon was strong enough for Mantias to sustain a relationship with her even after he remarried, and he continued to support her household. The full details of this triangle are not entirely clear: apparently Mantias had registered Mantisheus as his legitimate son in his deme, but not Plangon’s sons, whom her brothers offered to adopt. With Plangon’s assistance, Boeotus successfully sought membership in Thoricus and the right to call himself Mantisheus as well.

How did this come to pass? At some point Mantias offered Plangon a substantial sum of money to refuse an oath-challenge that Boeotus and his younger brother Pamphilus were his sons. For whatever reason Plangon (whose family had been plagued by financial problems for years) accepted the payment, but then she actually took the oath in the Delphinium and swore that Mantias was indeed the father of both sons. Mantisheus mentions Plangon’s oath in both

³¹ It is a matter of debate whether Plangon was legally married to Mantias or was a citizen concubine, or even if Mantias was a bigamist. Humphreys (1989, 182) speculates that Plangon had been married to Mantias, but the couple divorced around the time of Boeotus’ birth and that of his half-brother Mantisheus.

speeches (39.3–4; 40.10–11), representing it as an underhanded trick by a devious woman. Paradoxically, the very act of accepting the oath challenge purportedly breaks a previous oath that Plangon swore to Mantias (39.3) not to take the challenge. The second time Mantitheus refers to this oath the imputation of deceit is even stronger: Plangon, he maintains, “deceived” his father by “the strongest and most fearful” oath (40.10).

Although she has citizen status, the “kept woman” Plangon falls into Glazebrook’s category of the disruptive *hetaira*. Like Antigone, she uses an oath to entice her victim into her trap. Given the limitations of Plangon’s situation, whose natal family’s financial problems forced her to accept an extramarital relationship with her former husband, she seems to have worked the system to her sons’ best possible advantage. According to the terms of the oath-challenge, Mantias had to accept Plangon’s sons as his own. As Virginia Hunter put it:

Resourceful, she moved beyond kin and family to one of the few public institutions open to women. It took some maneuvering and some deception as well, but eventually Mantias was persuaded to challenge her to swear an oath in the Delphinium, the sanctuary of Apollo Delphinus, as to the identity of her children’s father. By that act, she ensured that the two were recognized as his legitimate sons. Surely here is an instance where tenacity and stratagems won out.³²

The final example of a paternity oath occurs in Sparta, although not in a legal context. Herodotus’ story of Demaratus’ mother has a decidedly folktale quality (6.63–9), but nonetheless exemplifies the importance of a mother’s oath. The tale involves the Spartan king Ariston’s wife, the mother of Demaratus, in an account that complicates the convention of having a woman swear an oath identifying her son’s father.³³ The stages of the episode are marked by a series of oaths beginning when Ariston tricked a friend into swearing a blind oath that obliged him to give up his beautiful wife to Ariston. Seven months later the woman gave birth to Demaratus, but Ariston, believing that the boy was the child of his wife’s first husband, repudiated him by oath, an inversion of the legitimating oaths sworn by fathers at various rituals throughout Greece. Ariston later regretted this oath, although he did not recant it. After he died Demaratus became king, but the other king, Cleomenes, used Ariston’s oath to depose Demaratus in favor of Leotychidas. Provoked by an insult impugning his lineage, Demaratus confronted his mother. Holding the *splanchna* of his sacrifice to Zeus *Herkeios*, which indicated that she was swearing an oath (and a unique example of a sacrifice accompany-

³² Hunter 1994, 42.

³³ For further discussion see Fletcher 2012, 31–33; Lateiner 2012, 165–67; Faraone 2002, 80.

ing a woman's oath), she told him the story of his conception: two men visited her on one evening, both of whom she believed to be the same man, her husband. The first visitor apparently was a trickster daemon impersonating her husband, and he had left garlands on her bed. When Ariston asked where the flowers came from, she swore an oath that he had set them there. A consultation with the seers revealed that she had been visited first by the hero-trickster Astrabacus. The oath that Demaratus' mother gave him regarding his paternity was therefore not conclusive, since it suggested that Demaratus could have had one of two fathers. Thus a conventional way of proving a man's paternity – a mother's oath – is ironically confounded.

7.1.6 Mothers' vengeance oaths

It is as mothers that Greek women swore the most potent oaths, especially when they were in support of their sons. A variation on this theme is the oath of Tomyris in Herodotus' *Histories* (1.201–14). There are several accounts of the demise of Cyrus, says Herodotus, but this is the one that he finds “most credible” (1.214). Tomyris is the widowed queen of the Massagetae, a stalwart tribe that held out against Cyrus' conquests. Conceptually the pastoral-nomadic Massagetae exist on the edges of civilization: for example they eat the corpses of dead elders, and drink only milk, a signifier of primitiveness. They were, however, a force to be reckoned with, and as the tale of Tomyris reveals, their queen was a resolute and astute leader. When Tomyris rejects Cyrus' proposal of marriage (realizing that he meant to enslave her kingdom), he starts his campaign against her. One of his tactics is to lure some of the Massagetae into killing a group of his men at their feast. The Massagetae, who are unfamiliar with wine, finish off the banquet and fall into a drunken stupor. The Persians kill many of them and take others captives including Tomyris' son, the general Spargapises. Rather than begging or bargaining for his release she sends a message that includes an oath by the Sun that she “will give Cyrus his fill of blood” if he does not release her son (1.212). When Spargapises gets sober he feels such regret that he commits suicide, thus activating his mother's oath. Cyrus subsequently dies during battle with the Massagetae, and the Persians are defeated. Tomyris finds the corpse of Cyrus, puts his head in a skin full of human blood, and thus claims that she has fulfilled her oath.

Scholars offer different interpretations of this episode. Gould, for example, suggests that Tomyris exceeds even Cyrus and the Persians in violence, and is

thus a negative example of female potency.³⁴ But it bears noting that the queen swears her oath in an attempt to preserve her son's life. She is a fierce protective mother, in addition to being an independent and intelligent ruler. Like the mothers whose (usually unsworn) oaths were invoked in Athenian courts, she uses a powerful form of speech in the interests of her son.³⁵ Tomyris is also distinctly different from those silent mothers behind the scenes of Athenian litigation: she is an autonomous woman in charge of a nation, and prepared to do battle with the most powerful man of her time. Her oath is really a threat, which she is obliged to carry out after her son's suicide. For Herodotus' Greek audience she is no threat, however, for her army kills Cyrus whose rapidly growing empire would develop into their most dangerous enemy. Fittingly he is dispatched by an army under the control of a woman – an oblique disparagement of his masculinity.³⁶ Still, there is something askew about this barbarian queen's oath: her milk-drinking warriors are laid low by wine, the liquid used in peace oaths as an analogy for blood. Tomyris is explicit about the connection when she scorns Cyrus both for his insatiable blood lust and intemperate behavior under the influence of wine.

For a more invidious maternal oath of vengeance we turn to Aeschylus' Clytaemestra. There are similarities and differences between Tomyris and Clytaemestra. After killing his mother and Aegisthus, Orestes alludes to an oath sworn by the couple to kill his father and die together (*Cho.* 977–80). The murderers each had their own reasons for committing this act of retribution: Aegisthus kills to fulfil his father's curse against the house of Atreus; Clytaemestra kills in revenge for the sacrifice of her daughter, Iphigeneia. The audience never hears her make this oath, although she may allude to it when she reveals the bodies of Agamemnon and Cassandra (ὀρκίων ἐμῶν θέμιν, *Ag.* 1431). Unlike Tomyris, Clytaemestra makes her oath after the death of her child, but both mothers' oaths are motivated by anger. Of course there are more substantial differences, most notably that Clytaemestra is killing her own husband, not a rejected suitor and enemy invader. Tomyris is safely displaced in the East, and her oath results in the defeat of Greece's enemy. Clytaemestra incarnates the more dangerous concept of an autonomous Greek woman who kills a Greek king. But like the vow of Tomyris fulfilled by defiling the corpse of Cyrus, there is a certain perversity about Clytaemestra's occult pronouncement over the corpse of her husband. In keeping

³⁴ Gould 1989, 131.

³⁵ As Hazewindus (2004, 173) notes, the decisive factor is not political, but maternal, i.e. Cyrus ignored her request to release her son.

³⁶ Dewald 1981, 19–20.

with Zeitlin's identification of the theme of perverted sacrifice, we might ask if Agamemnon is a delayed version of an oath-sacrifice.³⁷

7.1.7 Agency and abstinence

As the preceding discussion has argued, oaths are associated with women's agency in the literary sources of ancient Greece. Tomyris and Clytaemestra are extreme manifestations of this tendency. Their oaths are signifiers of a violent autonomy, but literature also represents oaths as means of containing women's activity or intervention. We have already explored oaths of celibacy in a religious context, with a brief excursus on the literary representation of the women's oath of celibacy in Aristophanes' *Lysistrata*. Oaths of sexual renunciation are a subset of what can be categorized more broadly as oaths of abstinence. With the exception of the two vows of ritual celibacy discussed earlier, abstinence oaths only occur in fiction. This is not to say that real women did not take vows to abstain from food, sex, speech or other pleasures, but only that these promises have not been recorded for posterity. Counted among the fictional oaths of abstinence are those of the Carian women of Miletus who, according to Herodotus (1.146) swore not to eat with their husbands or call them by name because these Athenian men had slaughtered all their male relatives. The horrific circumstances of their forced marriages were imprinted on the cultural memory of their descendants who similarly abstained from dining with or naming their husbands. As this legend illustrates, even oaths not to do something can enhance women's self-determination.

Another group of abstinence oaths in literary sources are oaths of silence. There are certainly instances when these vows aid and abet male characters. Eurycleia, whose chastity is emphasized (1.433), is a paragon of self-control in the *Odyssey*. Unlike the talkative and licentious maids (who reveal Penelope's unravelling trick to their lovers, the suitors), Odysseus' old nurse keeps important information to herself at critical points in the poem. Telemachus is preparing for his first journey abroad, an event that signifies his new coming of age, and one that has been prescribed for him by Athene in the guise of Mentor. Since he is trying to avoid the notice of the suitors and his mother, he completes his preparations in secret, but he cannot avoid Eurycleia, whose duties include watching over the door of the storeroom, and who assists Telemachus as he gathers sup-

³⁷ Zeitlin 1965, 474. The usual meaning of *horkia*, the word (in the genitive plural) that Clytaemestra uses as she stands over her husband's corpse, is "oath-sacrifices". See further Lebeck 1971, 49 and Fletcher 2012, 48–50.

plies for his voyage. Telemachus asks the old woman to swear an oath not to “tell these things to my mother” until the “eleventh or twelfth day” (2.373–4); Eurycleia “swears the great oath of the gods” and she keeps her word.

The oath of Eurycleia is necessary for pragmatic reasons: it gives her a plausible excuse for not revealing the departure of Telemachus to Penelope until he is safely at sea. When Telemachus visits Helen and Menelaus at Sparta, Helen tells a story about recognizing Odysseus when he sneaked into Troy. She bathed and anointed him, and says that she swore a mighty oath (4.252–56) not to reveal Odysseus until he got safely beyond the city walls and back to the ships. Helen is an artful story-teller, who chooses and perhaps manipulates an episode that makes her look good in Telemachus’ eyes, but conventionally her self-restraint is symbolized by an oath.

In Euripides’ *Iphigeneia among the Taurians*, a play whose recognition scene is facilitated by an extensive scene in which Iphigeneia and Pylades exchange oaths, the Chorus of captive Greek maidens also swears an oath of silence (1077) to keep quiet about Iphigeneia’s escape plan.³⁸ By refusing to reveal the plan to Theoclymenus, the Chorus enables Orestes, Pylades and Iphigeneia a safe passage back to Greece.

In all three cases women’s oaths of silence are essential to ensure the safe journey of the protagonists of the story. More problematic is the oath of silence sworn by the Chorus of Troezenian women in Euripides’ *Hippolytus*. In response to Phaedra’s request that they keep silent about her passion for Hippolytus, the women swear by Artemis “to remain silent about these things” (713–14). Rather than shielding the hero of the tale, their oath prevents an innocent youth from speaking out when Theseus, believing Phaedra’s letter accusing Hippolytus of rape, condemns his son to exile.

7.1.8 Conclusions

A reconstruction of women’s use of oaths in the ancient Greek world encounters the familiar problem of recovering women’s voices from an androcentric tradition. The Sophoclean character who claimed that a woman’s oath is “written on water” probably meant it as a slur against female trustworthiness. But women’s oaths were written on water in a different sense, because they were seldom recorded by historians, inscribed on stone, or mentioned in court unless they were in support of a man’s legal agenda. Our historical sources’ focus on military,

³⁸ For further discussion of the oaths of Iphigeneia and Pylades, see Fletcher 2012, 194–202.

political, civic, legal and commercial issues leave major gaps in our knowledge of women's lives. There must have been numerous occasions when women needed or wanted to guarantee a promise by invoking a god, and even times when they managed to compel a man to swear an oath to them. In the public world of male endeavour these promises were seldom important enough to be noticed unless they had some consequences for men's own lives. Apollodorus ([Dem.] 59.76) spoke of a weathered stone at a sanctuary of Dionysus: its ancient inscription, barely legible, prescribed the oath of the Gerarai. No doubt there were other such inscriptions that specified the roles of priestesses. We know of this one only because it was useful to a litigious Athenian in a long-standing contest of political one-upmanship.

We follow a vaporous trail in search of women's formal promises. Oaths in poetry, drama, and the fables of Herodotus provide insight into the perceptions about women's use of *horkos*. Because the oath bound one party to certain behaviour, there is naturally an issue of power and control involved in oath-swearing that becomes especially pronounced and problematic when women are involved. According to one ancient source,³⁹ Aeschylus' *Hypsipyle* featured an oath sworn by the Argonauts to have sex with the women of Lemnos if they were allowed to come to shore. Whatever the ritual aetiology for this legend might be,⁴⁰ it succinctly reveals the dynamics of gender and agency implicit in *horkos*.

7.2 Servile swearing

A.J. Bayliss

Slaves and non-free labourers were not only the bedrock of ancient Greek society; they also made up a significant proportion – between 15% and 40% – of the population.⁴¹ Given their numbers, it would be natural to assume that slaves would appear prominently in the literary and epigraphic records of oaths from archaic and classical Greece. But a search of the Nottingham database reveals only 110 oaths sworn by “chattel-slaves” and 2 by those of “semi-servile” status. This represents less than 3% of the entries in the database, which is to say the least disproportionate to the ratio of slaves to free in ancient Greece. But if this

³⁹ The plot is described in a scholium on Ap.Rh. *Arg.* 1.769–73.

⁴⁰ Burkert 1970, 9 suggests some form of *aischrologia* associated with the festival of the New Fire of Lemnos.

⁴¹ For a recent survey of modern scholarship on the numbers of slaves in Ancient Greece see Rihll 2011, 49.

figure seems disproportionately low, it is truly arresting to probe deeper. For if we exclude the informal oaths discussed in ch. 13 we find only nineteen oaths sworn by those of unfree status. This means that we have up to 40% of the population swearing less than 1% of the formal oaths recorded in Greek literature and inscriptions. The unfree are just as poorly represented as the recipients of oaths, with only 18 recorded formal oaths sworn to slaves and four sworn to those of semi-servile status. Again these numbers are not at all in keeping with the relatively high numbers of unfree individuals in the ancient Greek world.

Taken together, these statistics suggest that slaves and other unfree individuals did not frequently swear or receive oaths in the ancient Greek world. This is not surprising: generally speaking, slaves simply lacked the opportunity to swear oaths given the roles they played in society. Slaves were kinless, stateless, property,⁴² and spent their days labouring for their owners. They lacked many of the basic rights accorded to the free, and as Fisher notes, “slaves were not seen as legally significant persons” in the Greek world.⁴³ A slave’s sub-citizen status meant that the average slave lacked a citizen’s opportunities for oath-swearing, and in particular lacked the kinds of opportunities that have an impact on our sources. Slaves swore no oaths of citizenship like the Athenian ephebic oath (unless of course they had ceased to be slaves). Slaves could not hold generalships, magistracies, or serve on councils, and therefore would swear no oaths of office, and they certainly could not swear oaths on behalf of the state, for they had no state to represent! Nor could they bring lawsuits in their own right, or testify as witnesses. In the Athenian courts their statements could only be submitted in writing after torture.⁴⁴ Even where slaves had legal significance – many slaves were employed in business – oaths were not typically required (see ch. 4). But in order to consider these issues further it will serve us well to examine what little evidence we have for oaths that slaves did swear and receive.

⁴² Garnsey 1996, 1.

⁴³ Fisher 2010, 335.

⁴⁴ This is not the time and place to argue the case for or against judicial torture (*basanos*) in Athens, but it seems safe to say that if it did not take place, the number of references to *basanos* in legal speeches seems odd and surely counterproductive to the cases in question. For the modern debate see Hunter 1994, Gagarin 1996, Mirhady 1996, 2000, Thür 1996b, Todd 1993.

7.2.1 In what contexts did slaves swear oaths?

The nineteen references to oaths sworn by slaves and semi-servile individuals from archaic and classical Greek sources represent in reality a total of fifteen *different* oaths. Table 1 provides details of these oaths. The oaths sworn by slaves can be divided into three groups:

- (1) Assertory oaths: e.g. Silenus' oath that he was not selling his master's property (#9), Andromache's oath that she has not shared Neoptolemus' bed willingly (#7), and various oaths intended to demonstrate that the swearers are telling the truth (#4, #5, #7, #8, #10, #13);
- (2) Promissory oaths to maintain silence (#3, #6);
- (3) Anomalous cases where the swearers are not really slaves at all, including the characters Nicias, Demosthenes, and Cleon (in his guise as Paphlagon) who are cast as "slaves" to the people (Demos) in Aristophanes' *Knights* (#11, #12), a man who is attempting to prove that he is not a slave but rather a citizen (#14), and a purely hypothetical oath by a prisoner of war (#15).⁴⁵

All but four of these references come from fictive genres (epic, tragedy, or comedy), and only one of the historical references concerns a genuine slave. This means that slaves had very little impact indeed on the historical record when it comes to oaths. This cannot be because slaves were deemed incapable of swearing oaths properly, because the vast majority of these oaths are true and trusted by the swearee(s), e.g. Andromache's oath to the world at large (#7), or the oaths of silence sworn by Eurycleia to Telemachus (#3), or the Chorus to Iphigeneia (#6). Not only are these oaths of silence maintained, their silence is central to the plot, and without the oath the free swearee's plans would come to nothing.

Even an oath by the loathsome Paphlagon in Aristophanes' *Knights* (#12) holds full weight. When vying with the free (but low-class) Sausage-Seller for Demos' favour, Paphlagon swears to Demos that he does not hate Demos and that he is the only man who stands firm and fights for Demos. The fact that Paphlagon's oath prompts the Sausage-Seller to swear a counter-oath that he loves and cherishes Demos, with a growing list of self-curses, suggests that Paphlagon's sworn statement was persuasive. Whereas Paphlagon curses himself to perish and be sawn in two and cut into yoke-straps if he breaks this oath, the Sausage-Seller begins by cursing himself "to be cut up and boiled with mincemeat", then moves

⁴⁵ In fact, the vast majority of slaves swearing oaths in our sources are not typical chattel slaves, e.g. the 'noble' slaves of tragedy, the 'family' slaves of Homer, and immortals such as Silenus and Heracles.

Table 1 Oaths sworn by slaves and those of semi-servile status

Reference	Swearer	Swearee	Type	Details	True/False	Believed
1	IC IV 72, Col. II, 11–16	Slave woman	Judge	Assertory	If a Gortynian slave woman was raped, if she swore an oath against her accuser her oath was to prevail.	n/a Yes
2	IC IV 72, Col. II, 36–45	Serf	Judge	Assertory	If a man was caught as an adulterer, a Gortynian serf could testify under oath that he had been taken in the act of adultery and not by subterfuge along with free witnesses.	n/a n/a
3	Homer, <i>Odyssey</i> 2.373–80, 4.744–49	Eurycleia	Telemachus	Promissory	Eurycleia swore that she would not tell Penelope that Telemachus was leaving Ithaca for eleven or twelve days, or until Penelope missed him. Only after Penelope realised that Telemachus was missing did Eurycleia reveal her oath.	Yes Yes
4	Sophocles, <i>Electra</i> 47–50	<i>Paidagogos</i>	Orestes' relations	Assertory	Orestes attempts to convince his <i>paidagogos</i> to swear a false oath that he is dead, but he does not actually swear.	Not taken n/a
5	Sophocles, <i>Trachiniae</i> 225–57	Heracles	World at large	Assertory	Lichas reports that Heracles swore that he would make Eurytus a slave as he had been insulted by Eurytus. But Lichas' testimony is later contradicted, which suggests that Heracles did not actually swear this oath.	n/a n/a
6	Euripides, <i>I/T</i> 1077	Chorus	Iphigenia	Promissory	Iphigenia demands that the Chorus swear an oath of silence about her escape plan. Their silence facilitates her escape.	Yes Yes

Reference	Swearer	Swearee	Type	Details	True/False	Believed
7 Euripides, <i>Andromache</i> 37–8	Andromache	World at large	Assertory	Andromache swears that she did not share Neoptolemus' bed willingly.	Yes	Yes
8 Euripides, <i>Orestes</i> 1516–17	Phrygian	Orestes	Assertory	The Phrygian swears that his statement that Helen is justly dead was not made merely to placate Orestes. Although Orestes doubts the word of the Phrygian the statement is true because Helen's subsequent salvation is a miraculous event.	Yes	Not entirely
9 Euripides, <i>Cyclops</i> 262–9	Silenus	Cyclops	Assertory	Silenus swears that he is not selling the Cyclops' property to Odysseus.	Arguably	Not entirely
10 Euripides, <i>Cyclops</i> 270–2	Chorus of Satyrs	Cyclops	Assertory	The Chorus swear that they saw Silenus (in the process of) selling the Cyclops' property to the Odysseus.	Yes	Yes
11 Aristophanes, <i>Knights</i> 236, 257, 452, 475–9, 862	Nicias and Demosthenes	Co-conspirators	Promissory	Paphlagon makes five separate accusations about a sworn conspiracy between Nicias and Demosthenes (and others) against Demos. This accords with Aristophanes' claim in <i>Wasps</i> (488ff) that Cleon "detected" a new "subversive ring" every week or so.	n/a	n/a
12 Aristophanes, <i>Knights</i> 767–8	Paphlagon	Demos	Assertory	Paphlagon swears that he does not hate Demos, and that he is the only one who stands firm and fights for Demos.	Yes	Yes
13 Aristophanes, <i>Frogs</i> 305–6	Xanthias	Dionysus	Assertory	Xanthias swears to Dionysus that the monster Empusa has gone.	Yes	Yes

Reference	Swearer	Swearee	Type	Details	True/False	Believed
14 Lysias 23.13	Pancleon	Presiding magistrate	Assertory	Pancleon swore that the case could not be brought before the court of the Polemarch because he was a Plataean and therefore eligible for Athenian citizenship. It is not entirely clear whether Pancleon was really a Plataean or a slave owned by Nicomedes.	n/a	n/a
15 <i>Dissoi Logoi</i> 3.6–7	Prisoner of war	Captors	Promissory	This passage discusses whether it would be right for a prisoner of war to break an oath to betray his own city.	n/a	n/a

on to “be grated with cheese into savoury mash”, and finally to “be dragged by the balls on my own meathook to Cerameicus”. This extended list of curses is presumably intended to trump that of Paphlagon, which implies that Paphlagon’s oath *needed* to be topped despite the fact that he is merely a slave and the Sausage-Seller is a free man. But this does not necessarily mean that oaths by slaves would normally hold as much or more weight than those of the free. After all, Paphlagon is a highly trusted slave, whereas Demos and the Sausage-Seller have known each other for about ten minutes. The Sausage-Seller is also prone to perjury and proud of it (*Knights* 298, 1239; see §10.2).

It is striking then that the only “historical” oath by a slave in the Nottingham oath database, which comes from the Gortyn law-code (#1), appears to suggest that the sworn testimony of a slave could be deemed more trustworthy than that of a free man. The text indicates that if a man rapes a slave-woman he must pay a fine, and “the slave-woman shall be deemed oathier” (ὀρκιστέραν δ’ ἔμεν τὸν δόλῳ). The situation envisaged here must be that both parties were challenged to swear to the truth of their respective positions, and that whoever refused to swear lost the case by default. It has been argued that this text means that in the event of both the accuser (the slave-woman) and the accused (the free man) swearing the accuser is to be deemed “oathier” i.e. believed.⁴⁶ This would mean that the sworn testimony of the slave would be more powerful than the sworn testimony of a free man. But it is more likely that this is what Parker calls an “action-deciding oath”,⁴⁷ whereby only one of the two was required to swear. In this scenario the judge would direct the woman making a complaint to swear an oath, and that the accused would be found guilty if and only if she swore. If she did not swear, the accused would probably not be asked to swear at all (S&B, 64–5). Therefore, rather than demonstrating that the oath of the slave was more powerful than that of the free, the sworn word of the slave was deemed more powerful than the *unsworn* testimony of the accused.

In stark contrast to Athens where slave testimony was not admissible in court except via torture, the Gortyn law-code also allows for serfs who had semi-servile status to swear in court (#2). When a serf captured a free man in the act of adultery he was permitted to testify in court along with his master and one other witness. They would all swear that “they took the defendant in adultery and not by subterfuge”, invoking solemn curses upon themselves. Again, the intention of this oath – albeit not the actual wording – is to assert that the semi-servile

⁴⁶ Gagarin 1997, 126. Austin & Vidal-Naquet (1977, 260) describe this legislation as “a remarkable rule which would have been inconceivable in a state based on chattel-slavery”.

⁴⁷ Parker 2005b, 72.

swearer is telling the truth. The fact that the male serf needs his master in court with him makes the situation in Gortyn seem more like Athens than an initial reading of these texts suggests.

But while the majority of oaths sworn by slaves are valid and seen to be so by the recipients, several are so ambiguous that they give us pause for thought. Silenus' oath to his master the Cyclops when he has been accused of selling the Cyclops' property to Odysseus (#9) is a case in point. This oath is sworn in response to Odysseus swearing to the Cyclops that he and his men came from their ships wishing to buy food and that Silenus was selling them sheep in exchange for a cup of wine, and that there was no violence involved. Odysseus' oath compels Silenus to respond with a counter-oath in order to defend himself. But instead of making a simple denial Silenus swears that he is *not currently selling* the property. As will be discussed below (§§10.1, 10.2), this oath is ambiguous to say the least, because Silenus' use of the present infinitive could be construed to mean either that he is *not currently selling* the property, or (corresponding to the imperfect indicative) that he *had not been selling* the property. If it was the former, Silenus' oath is true because he is not now engaged in selling property to Odysseus. But if the latter, his oath is manifestly false. Furthermore, Silenus' dubious oath prompts another counter-oath, this time by the chorus of satyrs (#10) who swear that they have seen Silenus in the act of selling his master's property. But if Silenus' dubious oath tempts us to think that the sworn testimony of slaves was not necessarily trustworthy, the fact that the oath of the Chorus is manifestly true should give us pause. Yet the Cyclops accuses *them* of lying rather than Silenus, which perhaps brings us back to square one!

The oath sworn by the Phrygian slave in Euripides' *Orestes* (#8) is also dubious. Orestes' encounter with the slave takes place after he has slain Helen and her Phrygian slave has fled from him in terror. When Orestes accuses the slave of calling out to Menelaus to come to the rescue, the slave claims that he was shouting to help Orestes because he was more deserving. But we know that he has already reported (out of Orestes' hearing) that "with a loud cry from the house we battered down with bars the doors and doorposts where we had been, and ran to her assistance from every direction" (*Or.* 1474–6). Orestes – rightly – does not believe the slave and demands to know whether he believes that Helen died justly. The slave claims that he believes so, but Orestes still does not believe him, claiming, "Your cowardice makes you glib; this is not what you really think" (1514). When the Phrygian repeats his belief that Helen deservedly died because she destroyed Hellas and the Phrygians, Orestes still does not believe him and demands that the slave swear that he is not saying so merely to humour him, threatening to kill him if he refuses to swear. The Phrygian responds, "I swear by my life, an oath I would keep!" (1517). But even then Orestes seems unconvinced, and demands of the Phrygian whether

“every Phrygian in Troy showed the same terror of steel as you do?”. Although it is not absolutely clear that his oath is false,⁴⁸ the Phrygian’s “flamboyant effeminacy” does not inspire confidence in Orestes or presumably the audience.

When it comes to assessing the trustworthiness of slaves vis-à-vis oaths perhaps the most significant oath is the one that is not sworn (#4). At the opening of Sophocles’ *Electra* (47–50) Orestes orders his faithful old *paidagōgos* to swear a false oath that Orestes had been killed at the Pythian games.⁴⁹ But the *paidagōgos* is not prepared to go as far as Orestes would like. Instead he merely *says* that Orestes is dead, rejecting what Finglass calls Orestes’ “cavalier approach to perjury”.⁵⁰ Blundell sees the demand that his slave swear a false oath as showing the audience just how far Orestes is prepared to go to exact revenge.⁵¹ On the other hand Finglass argues that “by the Paedagogus’ next entry the minds of the spectators will not be on whether the Paedagogus is following Orestes’ instructions to the letter”.⁵² But it is highly tempting to think that this was part of Sophocles’ plan. How better to show that Orestes is desperate than to show even a slave recognising that it would be wrong to carry out his plan to the letter? But again we have a moral mixed message. Is the slave’s recognition that Orestes is demanding something that is wrong a signal that the Greeks believed that slaves normally knew the value of an oath? Or does the story have greater impact because the average Greek would have believed that slaves would not normally do so?

7.2.2 In what contexts did slaves receive oaths?

Another angle we can take to help assess Greek attitudes to slaves and oaths is to analyse the meagre evidence we have for oaths sworn *to* slaves and semi-servile individuals. Table 2 details these 13 different oaths from archaic and classical Greek sources.⁵³ These oaths can be divided into three rough groups:

⁴⁸ Fletcher 2012, 393.

⁴⁹ The fact that the old slave tells his story of Orestes’ “death” in elaborate fashion has led some modern commentators to emend Orestes’ order to tell his story “adding an oath” (*horkon*) to read “in lofty style” (*onkon*), e.g. Batchelder 1995, 30; Jebb 1894; Kells 1973; Kamerbeek 1974 to name but a few. But there is no need to doubt that Orestes insists on an oath, or that the *paidagōgos* refuses to swear it.

⁵⁰ Finglass 2007, 106. See L. Macleod 2001, 35 n33.

⁵¹ M.W. Blundell 1989, 173.

⁵² Finglass 2007, 106–7.

⁵³ This total excludes references to the oaths sworn to each other by the “slaves” Nicias and Demosthenes in Aristophanes’ *Knights*.

Table 2 Oaths sworn to slaves and those of semi-servile status

Reference	Swearer	Swearee	Type	Details	True?	Believed?
1	Homer, <i>Odyssey</i> 14.151–73, 391–2	Cretan Beggar = Odysseus	Eumaeus	Promissory	The Cretan swears that Odysseus is coming home and will be back some time during that same year and will take his vengeance upon anyone who dishonours his wife and son.	Yes No
2	Homer, <i>Odyssey</i> 14.393–400	Cretan Beggar = Odysseus	Eumaeus	Promissory	The Cretan tries to swear that if Odysseus does not return to Ithaca Eumaeus can kill him, but if Odysseus does return Eumaeus will have to give him a tunic and a mantle and send him on his way to Dulichium. Eumaeus refuses to accept the oath.	n/a n/a
3	Homer, <i>Odyssey</i> 15.435–8	Phoenician sailors	Phoenician woman	Promissory	The Phoenicians swear that they will take the woman home safely. As a result of the oath the Phoenician woman feels safe in sailing with the men. It also prompts her to offer gold and Eumaeus as possible ransom. In the end the sailors do not fulfil their oath, but this is due to the divine intervention of Artemis killing the woman on the voyage.	Yes Yes
4	Homer, <i>Odyssey</i> 20.227–34	Cretan Beggar = Odysseus	Philoetius	Promissory	The Cretan swears that Odysseus will come home to Ithaca while Philoetius is there. Philoetius rejects the oath, but responds, “if only the son of Cronus would fulfil his word”, thus demonstrating his loyalty to Odysseus.	Yes No

Reference	Swearer	Swearee	Type	Details	True?	Believed?
5	Aeschylus, <i>Choephoroi</i> 984–90	Chorus	Assertory	Orestes swears that he pursued his mother's death justly. This he sincerely believes, as does Apollo, and Athena secures his acquittal at his trial in Athens, though half the Areopagus councillors apparently judge otherwise.	Yes	Yes
6	Herodotus 3.133–4	Democedes	Promissory	Atossa swears that she will give Democedes whatever he asks. Democedes volunteers not to ask for anything shameful.	Yes	Yes
7	Thucydides 1.103	Spartans	Promissory	In 455 the Spartans swore that they would not attack the Messenians if they left the Peloponnese and agreed never to set foot in it again.	Yes	Yes
8	Euripides, <i>Helen</i> 348–59	Chorus	Assertory	Helen swears that if Menelaus is dead she will kill herself. Menelaus is not dead; therefore Helen does not need to fulfil the oath.	Yes	Yes
9	Euripides, <i>Hippolytus</i> 611–12; Aristotle, <i>Rhetoric</i> 1416a31–2	Nurse	Promissory	Hippolytus swears that he will not reveal what he is told by the nurse. Hippolytus later utters the notorious line, “my tongue swore, but my heart is unsworn”. But ultimately Hippolytus kept his oath.	Yes	Yes
10	Euripides, <i>Ion</i> 1478–87, 1528–31	Ion	Assertory	Creusa swears that she lay with Apollo and bore him a son (Ion).	Yes	Yes

Reference	Swearer	Swearee	Type	Details	True?	Believed?
11 Aristophanes, <i>Frogs</i> 579	Dionysus	Xanthias	Assertory	Dionysus swears that he loves Xanthias, but Xanthias does not believe him and refuses to swap clothes with him. This prompts Dionysus to swear another oath (#12).	Yes	No
12 Aristophanes, <i>Frogs</i> 586–8	Dionysus	Xanthias	Promissory	Dionysus swears that he will never take the gear back from Xanthias. After this oath Xanthias swaps clothes with Dionysus.	Yes	Yes
13 Xen. <i>Hell.</i> 1.2.18	Spartans	Messenian helots	Promissory	In 409 the Spartans allowed the Messenians who had fled from Malea to Coryphasium (Pylos) to depart under a sworn truce.	Yes	Yes

- (1) Assertory oaths designed to convince, reassure, or cajole a slave (#5, #8, #10, #11);
- (2) Promissory oaths guaranteeing that the unfree individual will not be harmed (#3), or that some good will occur (#1, #2, #4, #6, #12), and Hippolytus' notorious oath of silence (#9);
- (3) Sworn truces between the Spartans and rebellious Messenian helots (#7, #13);

As with oaths sworn by slaves, the vast majority of these references come from epic, tragedy and comedy, with only three (#6, #7, #13) coming from historical texts. Similar to oaths sworn by slaves, these oaths are true and/or kept. This suggests that the free were just as careful with oaths sworn to slaves as they were with oaths sworn to the free on the rare occasions they swore oaths to them. This should come as no surprise, because keeping or breaking an oath had nothing to do with the status of the swearer. The gods could punish the free man for violating an oath to a slave just as easily as they could punish him for violating an oath to a free man. It would be the name of the god – not that of the slave – that would be taken in vain by the perjurer.

Although these oaths are uniformly true, it is surely significant that not all are believed by the slaves who receive them, and one is even rejected before it is sworn. Three of these examples are promissory oaths sworn by Odysseus to his slaves Eumaeus and Philoetius while in his guise as the Cretan beggar. Odysseus swears two oaths to Eumaeus the swineherd (#1, #2) in order to test his loyalty. The first oath is to the effect that Odysseus is coming home and will be back some time during that year and will take his vengeance upon anyone who dishonours his wife and son. Eumaeus rejects the oath, presumably because in his guise as the Cretan Odysseus appears unable to deliver on his promise. If Eumaeus knew what we as the audience know, things would surely have been different. Eumaeus' rejection of the oath prompts the second, that if Odysseus does not return Eumaeus can kill the beggar, but if Odysseus does return he shall be given a tunic and a mantle and sent on his way to Dulichium. Odysseus thus places Eumaeus in an impossible position. If, as he expects, Odysseus does not return, he will have to choose between a violation of the oath and a violation of the laws of hospitality, with divine punishment a certainty either way. From Odysseus' point of view, of course, that makes the oath a very handy device for testing Eumaeus' loyalty. Odysseus goes on to swear an oath to Philoetius the cowherd (#4) which is extremely similar to that which he swore to Eumaeus, namely that Odysseus will return while he is still there. Like Eumaeus, Philoetius rejects the oath. Again, this is presumably because the Cretan lacks credibility. But Philoetius' response, "if only the son of Cronus would fulfil this word!" demonstrates

his loyalty to Odysseus, which was surely Odysseus' purpose in swearing the oath in the first place.

In Aristophanes' *Frogs* (#11) Dionysus' slave Xanthias likewise rejects an oath from his master. Dionysus swears that he loves Xanthias in order to convince Xanthias to swap clothes with him, but Xanthias is so unimpressed by Dionysus' oath professing his love that he only agrees to a swap on condition that Dionysus swears an additional oath (#12) that he won't take the gear back. Dionysus does indeed swear that oath, and Xanthias accepts the exchange. But the fact that the curse condemns not only himself to a wretched death (not possible for a god) but also promises the destruction of his wife and children (presumably long dead) and Archdemus (the unpopular architect of the Arginusae trial) reduces the impact of the oath (see §7.3.2). One could see Xanthias' refusal to believe Dionysus as a signal that slaves did not necessarily trust their master's sworn word, but it could also be that the scene was merely designed for comic effect.

It is tempting to see these oaths sworn to slaves as somewhat anomalous given that the majority of the swearers are individuals of liminal status. For example, Orestes is a returning exile planning to murder his mother; Hippolytus is an illegitimate son tangling with his father's new and legitimate wife;⁵⁴ Atossa, Helen, and Creusa are women in trouble, and in Helen's case a refugee to boot; while Odysseus has liminal status in that he is swearing in his guise as an itinerant beggar rather than his true self. Even Dionysus has dubious status in that he is being portrayed, for comic effect, as extraordinarily cowardly for a god. Given that there are so few oaths sworn to slaves, one could argue that their liminal status suggests that it was not entirely normal for free men and women to swear oaths to slaves.

The case of Hippolytus is crucial in this sense. Hippolytus has been seen as out of step with the rest of society in swearing his oath of silence to the slave woman. Mirhady argues that "the Nurse, as a slave, was not qualified to swear oaths; she should not have demanded one from Hippolytus".⁵⁵ In a similar vein Fletcher argues that Hippolytus' oath to the nurse disrupts the status quo. She equates Hippolytus' oath with that of Jason to Medea, and argues that "there was a certain anxiety about women using oaths to obtain power over men".⁵⁶ Given the dearth of evidence for oaths sworn to slaves it seems doubtful that a typical Athenian teenager – particularly one who was as sure as Hippolytus was that all women were wicked – would have considered swearing an oath to his mother's or

⁵⁴ Fletcher (2012, 127) calls Hippolytus "a problematic liminal figure".

⁵⁵ Mirhady 2004, 31.

⁵⁶ Fletcher 2012, 178.

stepmother's nurse as Hippolytus did. Perhaps that was Euripides' point in retelling the story that way. Given that Hippolytus' oath will cost him his very life it is tempting to think that Euripides' Athenian audience was meant to see Hippolytus as a fool to swear his oath to the nurse in the first place.

7.2.3 Were slaves normally considered unworthy of swearing and receiving oaths?

Was Hippolytus wrong to swear an oath to a slave? Would a more authoritative figure have behaved differently? The manner in which Hippolytus surrenders control to the slave woman by swearing an oath of silence stands in strong contrast to the way in which Telemachus shows his dominance over Eurycleia by demanding an oath of silence from her. This would seem to confirm our suspicions. But while Telemachus can be seen as stronger than Hippolytus, one can also see Telemachus as weak in demanding an oath of silence from Eurycleia, because an oath exchange implies a degree of autonomy on the part of both swearer and swearee.⁵⁷ Thus, when Telemachus demands an oath of Eurycleia he is effectively admitting that the nurse has some freedom of action. Karavites explains the apparent anomaly by arguing that Telemachus needed to demand this oath because of Eurycleia's loyalty to Penelope.⁵⁸ But it is worth bearing in mind that his father Odysseus allows Eurycleia no such latitude when he requires her silence after she discovers his true identity in book 19. Rather than requiring an oath of silence from her in the way that his young son did, her real master grabs Eurycleia around the throat and threatens to kill her if she reveals his identity.

Odysseus' style of dealing with his slave is very much in keeping with that of the speaker of Lysias' speech *On the Murder of Eratosthenes*. When Euphiletus learns that his wife has been seduced by another man, he grabs hold of his slave girl and gives her a blunt choice: (1) to be whipped and then sold to work in a mill or (2) to tell the truth about his wife's adultery.⁵⁹ It is surely telling that Euphiletus does not demand an oath to back up her story, but rather threatens to

⁵⁷ Karavites (1992, 79) argues that "the demand of an oath to be taken by an inferior in class or authority is predicated by the asker himself on the assumption that the inferior party enjoys some degree of autonomy".

⁵⁸ Karavites 1992, 79.

⁵⁹ Euphiletus' threats also match the suggestion of the slave belonging to Eratosthenes' abandoned lover to "take" the girl and to "torture" her in order to gain the truth (Lys. 1.16).

torture the girl as if evidence were being gathered for a court case. It cannot be that Euphiletus did not require oaths because he trusted the girl; why else would he threaten her with violence? Furthermore, Euphiletus makes it clear that he places little value in her words, when he bluntly informs her “I require that you show me their guilt in the very act; *I want no words*, but manifestation of the fact, if it really is so”.⁶⁰ Thus, it seems more likely that Euphiletus did not demand an oath because he considered it inappropriate to do so. The obvious explanation would be that he did not want to allow the girl the autonomy an oath would imply. This could also explain why when the girl begs him to guarantee her safety Euphiletus merely *pledges* to protect her rather than offer her an oath. Moreover, having refused to swear an oath to his slave, Euphiletus once again passes up an opportunity for the girl to add an oath to reinforce the agreement, despite the fact that he makes it clear that silence is vital to his cause. Rather, Euphiletus adds a catch to his pledge – only if the girl keeps the whole affair secret will their “agreement” be binding. Euphiletus is thus able to assert his authority over his slave by not swearing oaths himself, and by denying her the opportunity to do so. It may also be that Euphiletus felt that it was unwise to swear to protect her in case it proved necessary to allow her to be tortured to provide “evidence” later.⁶¹ Euphiletus could therefore be seen as scrupulous in not over-committing himself to his slave. One wonders, however, how an Athenian jury would have interpreted his promise instead of an oath. Would they have approved of his scruples? Or would even a promise have seemed weak in comparison to Odysseus’ rough handling of Eurycleia? Unfortunately the dearth of evidence leaves us in the dark so to speak.

7.2.4 Where might slaves have sworn oaths that do not appear in the record?

The dearth of evidence for slaves swearing and receiving oaths strongly suggests that they did not frequently do so. The fact that the majority of the attested cases are anomalous strongly implies that they hardly ever did so. But this takes us firmly into the realm of the *argumentum ex silentio*. It is of course entirely possible that slaves did swear and receive oaths more frequently than our sources

⁶⁰ Euphiletus would also presumably have been hoping this would demonstrate to the jurors that he had been careful to ascertain the truth, rather than merely relying on the word of his slave.

⁶¹ Euphiletus later (37) stresses that his opponents allege that he ordered the girl to entrap Eratosthenes. Although he does not mention it, surely they would have argued that Euphiletus was refusing to hand over the girl for torture. Given the frequency of such claims it would surely have been odd if they did not. See Carawan 1998, 294, for the argument that they did not.

suggest. It is worth bearing in mind that the vast majority of oaths sworn by slaves recorded in the Nottingham oath database are informal oaths (see ch. 13). These informal oaths account for some 84% of all the oaths sworn by slaves. The vast majority (89%) of the informal oaths sworn by slaves are unambiguously true, which strongly suggests that slaves knew the value of an informal oath.

Significantly, almost a third of these informal oaths are sworn by slaves to other slaves. Remarkably 26 out of the 27 informal oaths between slaves are obviously true, which is a far better strike rate than oaths sworn between the free! Given that so many of the informal oaths sworn by slaves were uttered to other slaves, it is tempting to speculate that slaves would have sworn formal oaths to each other more frequently than our sources suggest. The answer to why slaves had such little impact on our oath data would not be that slaves did not frequently swear or receive oaths, but they did not frequently exchange oaths with the free, and that our elite sources were therefore not interested in talking about the majority of the oaths that they were swearing.⁶² This may suggest that, in the well-known formulation of Orlando Patterson, slavery was seen as a form of “social death”.⁶³ At the very least, it suggests that when it came to oaths in archaic and classical Greece slaves were seen as largely irrelevant. Nonetheless, the examples we have discussed show that for Euripides, Sophocles, and Aristophanes oaths sworn by slaves and to slaves were occasionally useful “to think with”.⁶⁴

7.3 The oaths of the gods

I.C. Torrance

7.3.1 The river Styx

It should be expected that oaths sworn by divinities differ in some important respects from oaths sworn by mortals, and our sources provide some fascinating details regarding the ways in which the gods were imagined as swearing in ancient Greek thought. Since an oath requires the guarantee of a power greater

⁶² The exception to this rule is the genre of comedy. All of the examples of informal oaths between slaves come from comedy except for the chorus of satyrs in Sophocles’ *Ichneutai* (fr. 314): eight from Aristophanes’ *Frogs*, sixteen from *Knights*, three from *Peace*, and four from *Wasps*. But given the prominence of slaves in comedy this is not at all surprising.

⁶³ Patterson 1982.

⁶⁴ This section was much improved by stimulating debate with Niall McKeown. I trust that the final result does justice to his efforts to assist me. Any errors are entirely my own.

than the swearer, the gods can hardly invoke themselves as oath witnesses (although Poseidon does in a comic passage discussed below). Divinities tend to invoke powers older than themselves in the oaths they swear.⁶⁵ Zeus, or the head of Zeus, can be and is invoked as oath-guarantor by many other gods, as we shall see, but the river Styx is identified as the official oath-guarantor of the gods in Hesiod's *Theogony* (400),⁶⁶ and a libation of water from the Styx was a binding guarantee for a divine oath (*Thg.* 784, 793). The installation of Styx as oath is of central importance in Hesiod's representation of Zeus' social and political order not only because it provides a method of conflict resolution among the gods (*Thg.* 782–5), but also because the children of Styx (Zeal, Victory, Power and Force, *Thg.* 384–5) come under the control of Zeus through their mother.⁶⁷ A fragment from an unidentified work by Aristotle (fr. 821 Gigon) explains that Styx's daughter Nike (Victory) had helped the gods in their struggle against the giants, and in exchange for her good deed, Zeus ordered the gods to swear their oaths by Nike's mother Styx. An alternative, philosophical, explanation given is that water is the mother of all things, and the poets call the river Styx the mother of the gods.

The immortal nature of the gods naturally means that they cannot die if they commit perjury. Hesiod also describes for us the punishments for divine perjury, which include lying in a comatose state for one year and subsequent exclusion from participation in divine life for a further nine years, with reintegration possible only in the tenth year (*Thg.* 793–806). Empedocles in his *Katharmoi* (fr. 115 D-K, 1–12) gives a slightly different account of consequences for divine perjury, where punishment includes wandering apart from the gods for thirty thousand seasons among mortals, exchanging one hard way of life for another, being pursued by the strength of the air and the sea and being spat out by the sea on the ground in the rays of the shining sun and the swirl of the wind, hated by all. Extended exile and suffering are thus common denominators in both versions, and it seems that Empedocles was influenced by Hesiod in his formulation.⁶⁸

Styx or its waters are invoked as oath witness by several divinities swearing formal oaths. Demeter swears the “oath of the gods” on the harsh water of the Styx in the *Homeric Hymn to Demeter* (259). The mighty water of the Styx is “the great oath of the gods” in the *Homeric Hymn to Hermes* (518). Hera com-

⁶⁵ Cf. Janko 1992 *ad* 14.271–9.

⁶⁶ M.L. West 1966, *ad* 400 compares Styx in the divine realm to Horkos, the personification of oath, in the world of men.

⁶⁷ See Clay 2003, 7, 22, and cf. Lincoln 2012, 16–17.

⁶⁸ M.R. Wright 1981, 65 with n.33 observes the similarities between D-K fr. 115.12 and *Theog.* 800. On Empedocles as the *daimon* now in human form, see M.R. Wright 1981, 69–76.

mands Hypnos (Sleep) to swear an oath to her on the inviolable water of Styx (*Iliad* 14.271). In Pindar (*Ol.* 7.64–8), the “great oath of the gods” which Lachesis is instructed to keep should be understood as an oath on the river Styx.⁶⁹ The combination of Gaia (Earth), broad Ouranos (Heaven) above, and the dripping water of the Styx, is a formulaic triad of oath-guarantors invoked by divinities in epic. In three Homeric passages, the same language is used verbatim, once by Hera in the *Iliad* (15.36–8), once by Calypso in the *Odyssey* (5.184–6), and once by Leto in the *Homeric Hymn to Apollo* (84–6).⁷⁰ In all three cases, Styx is “the greatest and most dread oath among the blessed gods” (*Il.* 37–8 = *Od.* 185–6 = *h. Ap.* 85–6). A paraphrase of this formula is used in Demosthenes *Against Boeotus II* where Mantitheus claims that Plangon deceived his father “with an oath, which seems to be the greatest and most dread among all humankind” (Dem. 40.10). The context of the deception was as follows. Mantitheus’ father, Mantias, had agreed to pay Plangon thirty minae if she declined an oath-challenge to swear that he was the father of her sons. She agreed but double-crossed him by accepting the challenge and thus forcing Mantias to acknowledge the sons as his own.⁷¹ Mantitheus claims that Plangon swore an oath agreeing to this arrangement (Dem. 39.3) and accuses her of manifest perjury (Dem. 40.2). We are never told exactly what she swore, however, and she may have phrased her oath cleverly in order to avoid perjury, in spite of Mantitheus’ accusation. The paraphrase from the *Iliad* is clearly meant to emphasize the gravity of her deception, which is, by implication, presented as equal to Hera’s use of the oath to deceive Zeus (discussed in more detail below).

Being transposed into the realm of humankind, the oath referred to by Mantitheus contains no reference to the river Styx. According to Herodotus (6.74), the Arcadians believed that the waters of the Styx were visible at a spring in the town of Nonacris, but the story that the mad Spartan king Cleomenes tried to make the Arcadian leaders swear oaths to him by the water of the Styx is obviously a sign of his degeneration into lunacy.⁷²

⁶⁹ Pindar’s sixth *Paeon* also contains a fragmentary reference to the oath of the gods on Styx (fr.52f.155).

⁷⁰ Clay 2006, 39, notes that Leto’s oath “is not treated in the usual epic manner” since Leto modifies the suggested phrasing; cf. also Fletcher 2008, 29, who observes that Leto’s oath to Delos “is carefully phrased so that it emphasizes Apollo’s honors more than Delos’ rewards”.

⁷¹ This is our only surviving example of an oath-challenge being accepted; see further S&B 103–4.

⁷² Cf. M.L. West 1966, *ad* 400, *pace* Hirzel 1902, 174f.

7.3.2 The head of Zeus

In addition to oaths by Styx, the invocation of the head of Zeus seems to be an exclusively divine formula. In the oath sworn by Hera to Zeus in *Iliad* 15 (36–46), she invokes not only the formulaic triad discussed above but also Zeus' head and their sacred marriage bed. These forces are listed, surely, as part of Hera's manipulation of Zeus. The oath she swears is extremely deceptive, claiming that it is not by her will that Poseidon is harming the Trojans and helping the Achaeans, when in fact Poseidon would not have taken any action had he not been told by Hypnos (Sleep) that it was safe to do so (14.354–60), and Hypnos is executing Hera's business. The oath seems false and Callaway argues that the oath is unsworn.⁷³ Callaway's arguments overlook the fact that calling the gods to witness, which Hera does at *Il.* 15.36 with the word *istō* "let x know", is *in itself* an act of oath-taking.⁷⁴ Nevertheless, Callaway is correct to point out that Hera is careful with her use of language since she did not explicitly order Hypnos to speak with Poseidon. This means that there is enough of a break in the chain of causation for Hera to be able to swear this oath with impunity.⁷⁵

Both additional sanctifying witnesses, the marriage bed and Zeus' head, appeal to the relationship between Zeus and Hera. The significance of the marriage bed is obvious,⁷⁶ but parallel oaths in which female divinities invoke the head of Zeus demonstrate that this oath formula is associated with chastity. In Sappho (fr. 44A.4–7) Artemis swears by Zeus' head that she will always be a virgin hunting on the mountain peaks, and in the *Homeric Hymn to Aphrodite* (26–8), Hestia swears by Zeus' head that she will remain a virgin for all time.⁷⁷ Of course we remember also that the virgin goddess Athene was born from Zeus' head. In the *Iliadic* passage, then, Hera may well be stressing her fidelity to Zeus as a way of manipulating his affections by invoking his head. An unusual oath in Euripides' *Helen* where Helen invokes the head of her husband as sanctifying witness underlines both her chastity and her predicted apotheosis.⁷⁸

⁷³ Callaway 1993, 17–21.

⁷⁴ See ch. 1 on what constitutes an oath and what does not.

⁷⁵ See §10 for further examples of manipulation of oath-language.

⁷⁶ Callaway 1993, 18, emphasizes that the bed symbolizes the union between Zeus and Hera and gives extra gravity to her oath, but implies that it is not a heavenly power, which seems unjustified.

⁷⁷ On the links between the *Homeric Hymn to Aphrodite* and Lesbian poetry, see Faulkner 2008, ad 25–32 and pp. 45–7.

⁷⁸ See Torrance 2009.

Our only other two examples of referencing the head of Zeus in oaths are abortive. In the *Homeric Hymn to Hermes* (274–6), Hermes offers to swear an oath by Zeus’ head but never actually does so, and in Sophocles’ *Women of Trachis* the dying Heracles asks his son to swear an oath on Zeus’ head (1185) but Hyllus invokes only Zeus (and not his head) in his oath (1186). The exchange between Heracles and Hyllus seems to confirm that the oath by Zeus’ head is restricted to divinities. Hyllus, who is certainly not divine, does not use the formula, in spite of being instructed to do so, while Heracles’ imminent apotheosis is emphasized by his suggestion of this particular sanctifying witness.⁷⁹

7.3.3 Hermes and Hera

As we have seen, Hermes and Hera both manipulate the oath by Zeus’ head to suit their purposes. More than any other gods, Hermes and Hera use oaths and oath-language as tools for their own benefit. In the *Homeric Hymn to Hermes*, the infant Hermes first offers to swear the oath by Zeus’ head (274–6) stating that he is not responsible for stealing Apollo’s cattle (even though he is) but avoids perjury by never actually swearing the oath.⁸⁰ Next he swears (by way of a self-curse)⁸¹ that he did not drive the cattle home (*oikade*) nor cross the threshold (379–80), which is technically true since the cave in which he has hidden the cattle is not his *oikos*,⁸² and he had slipped in through the keyhole (146). Then he swears a great oath by the “finely adorned porches” of the gods stating that he will never pay Apollo compensation for the theft (384–5). Hermes thus cleverly implies that he is innocent of the theft without compromising himself on oath.⁸³ When given

⁷⁹ Cf. Torrance 2009, 4.

⁸⁰ Callaway 1993 and Fletcher 2008 both recognize this oath as offered, with the future “I will swear” (*omoumai*), but unsworn. Vergados 2012, *ad* 274–7 disagrees stating that “Hermes’ words at 275–6 are simultaneously the oath’s tenor and execution”. The problem with this analysis is that Hermes uses the expression “I promise” (275: *hupiskhomai*) which is a clear indication that he is not swearing the oath. Gagarin 2007, 45–6 argues that, in a judicial context, “oath-offers are treated as equivalent to oaths”, but that there is a difference in Greek thought between religious oaths and rhetorical oaths, the latter being “technically not oaths but oath-offers” (46).

⁸¹ The formula ὥς ὀλβιος εἶην “so may I prosper” (*h.Herm.* 380), i.e. if I am telling the truth, includes within its scope the opposite implication of “so may I suffer if I am lying”.

⁸² The term *oudos* “threshold”, used here (*h.Herm.* 380), refers especially to the threshold of a house (see *LSJ* s.v. οὐδός).

⁸³ Callaway 1993, 22–3, followed by Fletcher 2008, 20–1, argues that the oath remains unsworn. The text quoted above (M.L. West 2003b) implies that the oath is sworn, but there are some textual issues here. μή is West’s emendation for καί at the beginning of line 385. καί would break

the choice by Apollo to nod in assent or to swear a great oath confirming that he will never steal Apollo's lyre or bow, Hermes avoids binding himself with an oath and promises by nodding his assent (514–23).⁸⁴ The contrast between the deceptive Hermes and the truth-telling Apollo is also marked through oath-language, when Apollo swears to introduce Hermes to the immortals to enjoy prestige and fortune, to give him fine gifts and *never to deceive him* (460–2). It seems important that neither Apollo nor Zeus is fooled by Hermes' deception,⁸⁵ and the final oath-reference of the hymn demonstrates Apollo's seniority over Hermes. Neither Hermes nor any of the other gods can know the destinies that Zeus contrives, since Apollo has sworn a "powerful oath" that none but he shall know these things (535–8). Oath-language thus restores the balance of power. The tricks of Hermes are no match for Apollo's prophetic knowledge.

Hermes in the *Homeric Hymn* is cast as skilled in the manipulation of oath-language, and the two examples from Aristophanes in which Hermes swears oaths confirm this general characterization within the remit of comedy. The gods in comedy are both revered and derided, and Hermes is no exception. The oath sworn by Hermes in *Peace* comes in a sequence which makes a mockery of his traditional abilities to use clever or ambiguous language.⁸⁶ Having hurled a torrent of abuse at Trygaeus, calling him a villain (*miaros*), an arch-villain (*miarôtatos*), an utter villain, and an arch-villain of all villains in the space of two lines (183–4), Hermes then asks Trygaeus his name, his place of birth and his father's identity. To each question, Trygaeus responds "Archvillain", turning Hermes' language back against him (185–7). Finally, in exasperation, Hermes swears an oath invoking Earth that Trygaeus will die if he does not say what his name is (188–9). The oath works and Trygaeus immediately gives his true identity. In this scene then, Hermes uses an oath to elicit the information he desires but not in the way we might expect. He manages to regain control of the situation by swearing an oath but Trygaeus is the one who comes off as witty. In *Wealth*, by contrast, Hermes

the sequence in which case, as discussed by Vergados 2012 *ad* 384 and 385, the oath-formula remains without any accompanying statement. See also N.J. Richardson 2010 *ad loc.* on the textual problems in this passage. Whichever way we read the text, whether the oath is sworn or unsworn, Hermes avoids perjury.

⁸⁴ Fletcher 2008, 24–8, treats this oath as sworn in an exchange of friendship with Apollo, but Hermes is said to *promise* by nodding his head (521: ὑποσχόμενος κατένευσεν), so that he avoids swearing an oath once again! Vergados 2012 *ad* 554 comments that nodding the head "is not a form of oath elsewhere", and it seems that it is not a form of oath at all.

⁸⁵ Observed by Fletcher 2008, 19.

⁸⁶ Hermes is the god most commonly credited with the invention of language. See Gera 2003, 115–18.

swears the kind of deceptive oath which might be expected from him. When he is asked by Carion whether it was he who had knocked hard on the door, he denies it emphatically with an informal oath by Zeus (1101–2). Hermes had, in fact, knocked on the door, in full view of the audience. However, it is still possible for him to assert, without committing perjury, that he had not knocked *hard*.⁸⁷ These two comic oaths sworn by Hermes, then, encapsulate both aspects of the representation of gods in comedy. Hermes' traditional associations with manipulation of language are underlined in *Wealth*, while they are challenged in *Peace*.

The female counterpart to Hermes as divine manipulator of oaths is Hera,⁸⁸ and her strategies are comparable if not identical. We have already seen how Hera swears a duplicitous oath to Zeus about the involvement of Poseidon in harming the Trojans. She does not volunteer oaths which are then left unsworn, as does Hermes, but she does swear and elicit several oaths in order to achieve her plans behind Zeus' back. Hypnos only agrees to help Hera by putting Zeus to sleep after she confirms on oath her promise to grant him Pasithea as a reward (*Iliad* 14.270–82). Hera also twice elicits oaths from other gods. The most important of these is the oath reported by Agamemnon in *Iliad* 19.101–33. Hera had requested an oath from Zeus, asking him to swear that whatever child of Zeus' blood was born on that day would be lord over his neighbours. Hera then accelerated the birth of Eurystheus and delayed that of Heracles, thus ensuring Eurystheus' dominance over Heracles against Zeus' will. Aristotle discusses this passage and suggests that it is reasonable for Hera to ask for an oath because she is afraid that things will not go as she wishes (Arist. fr. 387 Gigon). Zeus is enraged by the deception. He hurls the goddess Delusion (*Atē*) out of Olympus, swearing a second strong oath that Delusion shall never again come back there (*Il.* 19.125–31). The oaths are reported by Agamemnon in order to justify his deluded behaviour regarding Briseis, since even Zeus can be deluded. These oaths of Zeus also serve to contextualize the formal oath that Agamemnon will swear shortly thereafter, declaring with the gods as witnesses that he did not sleep with Briseis (*Il.* 19.175–275). The weight and seriousness of Agamemnon's oath is confirmed by the fact that even Zeus is bound by oaths. It is interesting that these are the only two examples of Zeus swearing oaths in the entire corpus of archaic and classical Greek literature. We should not doubt that Zeus really was imagined as having sworn the oath to Hera. Aristotle takes the oath at face value, and it serves as an explanation for the fate of Heracles (see ch. 3). Still, Agamemnon's allusions to the oaths of

⁸⁷ Cf. Sommerstein 2001, *ad* 1102.

⁸⁸ Hera also has some association with control of language since she grants a human voice to the horse of Achilles in the *Iliad* (19.407); cf. Gera 2003, 15, 114.

Zeus underline his attitude of superiority as he seeks to create a parallel between himself and the king of the gods.⁸⁹

In *Iliad* 21 Hera once again receives an oath from a male god, the river Xanthus, but this time it is volunteered. Xanthus (Scamander), who is being attacked by Hera's son Hephaestus at her request, swears to Hera that he will never drive the day of evil away from the Trojans, not even when all the city of Troy is burning with ravening fire on the day the Achaeans burn it (373–6). The oath is made on the condition that Hera should call off Hephaestus, which she does immediately. The text of the oath is identical to the one Hera claims to have sworn with Athene in *Iliad* 20. There Hera used the oath as an excuse to reject Poseidon's suggestion that she should help him to save Aeneas from destruction (313–17). Poseidon then goes alone to save Aeneas since he is fated to survive the Trojan war. It is hardly surprising that Hera, Troy's great divine enemy, refuses to assist even a single Trojan, but the fact that the god of Troy's own river swears an identical oath lends further momentum to the sense maintained throughout the *Iliad* that Troy is doomed.⁹⁰

7.3.4 Oaths sworn by gods to mortals

Gods do not often swear oaths to mortals. The oaths of Hermes in *Peace* and *Wealth* are sworn to human characters, but even in comedy and satyr-drama, discussed in more detail below, there are remarkably few cases when we consider that Dionysus in *Frogs* (who swears numerous oaths) plays the role normally assigned to a human hero and has mortal sensibilities. Occasionally gods swear oaths to mortals to emphasize their rage at human actions. In the *Homeric Hymn to Demeter*, Demeter swears an oath to Metaneira, that she would have made her son immortal but now he cannot escape death, a statement sworn in anger when Metaneira spies on her (259–62).⁹¹ Similarly, when Apollo swears that Neoptolemus will neither return home nor reach old age, he is reacting to the murder of Priam at the altar of Zeus (Pindar, *Paeon* 6 fr. 52f.112–16).⁹² On two occasions,

⁸⁹ Even in his attempt at reconciliation with Achilles over Briseis, Agamemnon's offering of gifts can be read as an assertion of dominance; see D.F. Wilson 1999.

⁹⁰ On Troy presented as doomed to fall in the *Iliad*, see the insightful comments of Graziosi & Haubold 2010, 7–8, 33–4, and *ad* 96, 438–9, 447–9 with further references.

⁹¹ On the narrative parallels between the experience of Metaneira and that of Demeter in this hymn, see Felson-Rubin and Deal 1994.

⁹² In Pindar's version, Neoptolemus dies in Molossia before reaching his home (*Paeon* 6 fr. 52f.105–11).

Odysseus, whose grandfather Autolycus was notoriously skilled in oaths (*Od.* 19.395–6, *Pl. Rep.* 334b3), extracts oaths from the goddesses Calypso and Circe. In the case of Calypso (*Od.* 5.117–87), Odysseus already has a special relationship with her so that when he asks her to swear an oath that she is not planning some painful trial for him by instructing him to leave Ogygia, she simply smiles and gives him the oath he requests. The situation with Circe is rather different. It is actually Hermes who advises Odysseus, before he encounters Circe, to ask for her oath that she is not devising evil against him (*Od.* 10.299–301) and Odysseus follows this advice (*Od.* 10. 343–6, cf. 381). Both oaths are demanded from female divinities who desire Odysseus and could thus be said to be susceptible to his charms, and both oaths are extracted by Odysseus as a form of self-protection. The action is consonant with Odysseus' careful and vigilant character.

Our final example of a god swearing an oath to a mortal is ambiguous. It comes from Aeschylus' *Libation Bearers* where Apollo seemingly binds himself to Orestes with an oath to support his crime of matricide. As Orestes hesitates to murder his mother and turns to his companion for advice, the previously mute Pylades famously replies with his only three lines of the play (900–2) in which he asks Orestes to consider the future of Apollo's oracles and of "pledged oaths sworn in good faith" (901: πιστά τ' εὐορκώματα), recommending that Orestes should rather make enemies of all mortals than of the gods. The language is enigmatic. It is not entirely clear what oaths were sworn nor by whom. Was there an oath sworn by Orestes to Apollo agreeing to carry out the matricide, or did Apollo swear to protect Orestes after ordering the crime? Garvie observes that the latter reading is easier for grammatical reasons,⁹³ and it is not impossible that both parties are to be envisaged as having entered into a sworn agreement with Orestes vowing to commit the deed under oath. In any case, the reminder of these oaths is enough to steel Orestes' resolve and contrasts with Clytaemestra's failed attempt to bind the *daimon* of the Pleisthenids with a sworn pact in the previous play (*Ag.* 1566–76).

7.3.5 Divine pacts in Aeschylus

Oaths sworn by divinities are surprisingly rare in tragedy, given that the gods feature so prominently in this genre and often appear as characters. Lyssa (the personification of madness) invokes Helios as witness and swears to Iris that she is acting against her will in Euripides' *Heracles* (858), and an anonymous tragic

⁹³ Garvie 1986, *ad* 901.

fragment refers to the “great oath” of the gods being fixed (*trag. adesp.* 145b: ἄραρε γὰρ (<×) ὄρκος ἐκ θεῶν μέγας). Remarkably, all our other examples of oaths sworn by divine figures in tragedy occur in Aeschylus’ *Oresteia*. This confirms both the importance of the gods as agents and characters in the trilogy, and the significance of oaths in each drama.⁹⁴ In addition to the possible oath of Apollo to Orestes, there are several references to oaths between deities. The first oath mentioned in the trilogy describes how former enemies Fire and Sea joined in a sworn conspiracy (*Ag.* 650: ξυνώμοσαν) to destroy the Argive host on its voyage home from Troy. The same language of conspiracy, our earliest example of such usage,⁹⁵ appears in the description of Sleep and Toil, identified by Clytaemestra’s ghost as “authoritative conspirators” in *Eumenides* (127: κύριοι συνώμοται), and it is possible that the agreement between Athena and the Erinyes is treated as a sworn pact at the end of the *Eumenides* (1044).⁹⁶

All the oaths sworn by the gods in the *Oresteia* affect humans in significant ways. Fire and Sea cause the destruction of the Greek fleet on its return from Troy, Sleep and Toil facilitate Orestes’ brief escape from the Erinyes, and the agreement between Athena and the Erinyes ensures their blessings on the people of Athens. Similarly, the divine oath referred to by Cassandra in *Agamemnon* ensures a particular fate for the humans involved. When she mentions prophetically the “great oath” μέγας ὄρκος of the gods, which confirms that Agamemnon’s corpse will lead Orestes to return (*Ag.* 1290, 1284),⁹⁷ we can recognize that Clytaemestra’s attempts to make a sworn pact with the *daimon* of the Pleisthenids to avoid further kin bloodshed are entirely futile (*Ag.* 1566–76). Due to their divine knowledge and their power to shape the fate of humans, the gods can swear oaths predicting future events in a binding manner, as we have seen also with Apollo’s oath foretelling the doom of Neoptolemus (Pindar *Paeon* 6 fr. 52f.112–16), and Demeter’s prophecy concerning Demophoön (*h. Dem.* 259–61).

⁹⁴ On oaths in the *Oresteia* see Fletcher 2012, 35–69, and see Sommerstein 2010a on oaths in *Eumenides*.

⁹⁵ Fraenkel (1950) ii *ad* 650, S&B 122. Such language of conspiracy becomes far more common from the 420s in Athens; see S&B 120–8.

⁹⁶ See Sommerstein 1989 *ad* 1044.

⁹⁷ 1290 must be transposed to precede 1284 in order to make sense; see Denniston and Page (1957) *ad* 1284ff. The phrase ‘great oath’ (*megas horkos*) is often associated with the sworn statements of gods, e.g. *Iliad* 19.113, *Odyssey* 5.178, 10.299, 343, Hes. *Thg.* 400, 784, cf. *Iliad* 15.38, *Odyssey* 5.185–6.

7.3.6 Gods swearing in comedy

Old Comedy contains an extraordinary number of oaths, mostly informal. The Nottingham oath database lists 798 references. Only 42 of these are sworn by gods, 32 of which occur in *Frogs* (31 sworn by Dionysus and one by Pluto). We will discuss *Frogs* separately below. This leaves just ten other oaths sworn by divinities in comedy. Of these, we have already discussed the oaths of Hermes in *Peace* and *Wealth*. The other six deities who swear oaths in comedy are Iris and Poseidon in *Birds*, Poverty and Wealth in *Wealth*, and Rhea in an anonymous fragment.

The issue of gods swearing oaths in *Birds* is significant because it forms part of a broader discourse in the play on swearing oaths in general and on invoking the gods in oaths, which we discussed in §5.3.2. Iris swears two informal oaths to Peisetaerus and since his ultimate goal is to make himself leader of the city of birds which claims to be superior to the gods, the oaths sworn to him (including the one sworn later by Poseidon) are not interactions between a god and an ordinary mortal, particularly since the deaths (and thus mortality) of both Iris and Zeus are imagined as possibilities in this comedy (*Birds* 1224, 1642–3). Both of Iris' oaths are emphatic statements made in frustration. Irritated at Peisetaerus' interrogation about how she got into the bird city, she swears by Zeus that she has no idea "by which gates" she entered, mimicking Peisetaerus' question which she is answering (1210). When Peisetaerus asks whether there was any chief bird who "stuck (*epebalen*) an entry pass" on her, Iris, indignant at the sexual innuendo, exclaims "By Zeus no one stuck anything on *me*!" (1216). Informal oaths by Zeus are normally the weakest kinds of oaths and generally constitute particularly emphatic statements as here. What is interesting about this scene, however, is that Peisetaerus repeats Iris' first oath "By Zeus, I have no idea" (1220) in response to her next question so that "1220 ... mockingly echoes 1210",⁹⁸ and the power of the gods is challenged by Peisetaerus.

Similarly in Peisetaerus' exchange with Poseidon, he is able to challenge a divinity by persuading Poseidon that mortals should swear oaths by birds as well as by gods. Poseidon thinks this is a marvellous idea (*Birds* 1614), a sentiment which he emphasizes with an oath by Poseidon (!). This is the only occasion on which a god invokes himself as sanctifying oath-witness and it highlights Poseidon's dim-wittedness in this comic representation. Poseidon's second oath is addressed to Heracles and is another informal oath by Zeus. It occurs as the Triballian is speaking unintelligibly. Heracles assumes, because it is what he wants to assume, that the Triballian is advocating the handing over of the mysterious

⁹⁸ Dunbar 1995, *ad* 1220.

divine Princess to Peisetaerus. Poseidon objects (ineffectively) exclaiming “by Zeus” that the Triballian is not saying to hand her over but is twittering like the swallows (*Birds* 1680–1). This statement at once emphasizes the garbled speech of the Triballian with a familiar expression stressing incomprehensibility, and at the same time wittily brings the language of birds to the fore. Heracles’ greed in attempting to gain support for the hand-over in order to get the promised recompense of becoming sovereign and receiving a supply of “birds’ milk”, i.e. rare and priceless delicacies, is also emphasized.⁹⁹

The oaths of the gods in *Birds* are essentially comedic in value, but those of Wealth and Poverty in *Wealth* serve to reinforce some of the most important issues of the play. Wealth’s first oath is an emphatic statement invoking Zeus declaring that *all* people who acquire wealth become wicked, without exception (110–11). The invocation of Zeus seems pointed here since if all rich people are wicked, it is because Wealth is blind – and it was Zeus who made him so! Similarly, Wealth’s second oath invokes all the gods in stating that he is reluctant to enter into the house since no good has ever come from him doing so (234–5). Finally, Poverty also swears an informal oath by Zeus emphasizing that her life is very different from a life of destitution (551). Each of these oaths is sworn to the mortal Chremylus in the imaginary world of the play. They underline significant ethical issues which are never entirely resolved in the drama. At least they are resolved only in the realm of comic fantasy, not in any real terms. The comedy’s great plan is to give Wealth back his sight so that he can make the virtuous rich and the wicked poor with the incentive of wealth making everyone virtuous (*Wealth* 489–97). Chremylus, who considers himself virtuous (28), does become rich after Wealth regains his sight, but Poverty raises important objections to Chremylus’ plan in the *agōn* which Chremylus does not refute. Specifically Poverty argues that if she is abolished humans will cease to work since humans engage in industry because of her (i.e. to avoid poverty, *Wealth* 507–34). Scholars have debated the play’s apparent contradictions regarding the necessity of abolishing Poverty for everyone to be wealthy.¹⁰⁰ The oaths sworn by the deities Wealth and Poverty would seem to support a pessimistic understanding of the drama’s resolution as an utter fantasy impossible in the real world. If we take the oaths at face value, then in the real world (whatever may happen in the world of comic fantasy) all who acquire wealth will continue to become wicked, and the poor will continue to toil away without ever attaining financial security (553–6). The dedication of cheap boiled vegetables at the new shrine of the god Wealth at the end of the play

⁹⁹ See Sommerstein 1991, *ad* 734 on birds’ milk.

¹⁰⁰ See Olson 1990, Konstan 1995, 75–90, McGlew 1997, Sommerstein 2001, 13–20.

may well have served as a reminder that the events represented in the comedy are impossible in real life.¹⁰¹

Finally, the oath sworn by Rhea in an anonymous comic fragment presents us with another impossibility, this time a mythological impossibility. She swears an informal oath by Zeus stating that Apollo did not give Cronus a loan of money or goods but gave him an oracle predicting that he would be overthrown by his son (*com. adesp.* 1062.11–13). The line exploits a Greek pun on the verb *χράω* which means both “to lend” and “to prophesy”. The impossibility of this scenario is based on the fact that the son who overthrows Cronus is Zeus, Rhea’s son, and Apollo is the son of Zeus, so that he could not have been alive to predict his father overthrowing his grandfather! In the comic universe, however, this does not seem to be a problem.

7.3.7 The case of *Frogs*

The case of *Frogs* presents us with an anomaly. Hades (Pluto) swears one oath towards the end of the play (1509–14), but the god Dionysus swears numerous oaths totalling thirty-one. In fact, however, since Dionysus plays the role normally assigned to a human hero in Aristophanic comedy, the anomaly is not as significant as it first appears. There are several indicators of Dionysus’ “human” attributes in *Frogs*. Segal observed that Dionysus appears in the first part of the play “as an ordinary mortal”.¹⁰² He is called the most cowardly among gods *and men* by Xanthias (486), and is labelled the most villainous of *humankind* by Euripides (1472). Moreover, he is unable to prove that he is a god in the whipping scene, where his attempts to mask his pain are comparable to those of his slave Xanthias (631–73). Jay-Robert shows that structurally, by comparison with the roles of gods in *Wealth* and *Peace*, the function of Dionysus in *Frogs* actually parallels that of the mortal heroes Chremylus and Trygaeus in those respective comedies.¹⁰³ Lada-Richards has discussed in great detail the various roles played by Dionysus in *Frogs* where he seems to undergo an initiatory rite of passage that is informed by Greek civic and religious experience.¹⁰⁴ Habash demonstrates that Dionysus plays the roles of different participants in his own festival.¹⁰⁵ These features of

¹⁰¹ Cf. Sommerstein 2001 *ad* 1197.

¹⁰² Segal 1961, 210.

¹⁰³ Jay-Robert 2002, 21.

¹⁰⁴ Lada-Richards 1999.

¹⁰⁵ Habash 2002.

the representation of Dionysus further blur the line between human (participant) and divine (recipient of cult).

In spite of the complications surrounding the status of Dionysus, it cannot be denied that he was a major and clearly identifiable god for the ancient Greeks. Since it is not feasible to address all thirty-one of his oaths, we will omit from our discussion the weaker informal oaths by Zeus and “the gods” which tend to function as emphatic statements.¹⁰⁶ This leaves us with several oaths by other specifically named gods, two oaths made by means of a self-curse and a “Sophoclean” oath, which we have already discussed in §5.2. We saw in §6.1 that oaths made by context-specific gods hold more weight than those made by Zeus, and this is true in comedy also. So in *Knights* the Sausage-seller wins an exchange of oaths with Paphlagon by invoking Poseidon instead of Zeus (336–9).¹⁰⁷ Apart from Zeus, the deity invoked most frequently by Dionysus in his oaths is Apollo, and Pluto’s oath invokes Apollo also.

Dionysus’ first oath by Apollo comes in his exchange with Heracles in which he is attempting to prove his bravery. He claims to have fought in the battle of Arginusae, on board Cleisthenes’ ship, and to have sunk twelve or thirteen enemy ships (49–51). Dionysus’ slave Xanthias completes the line with an aside “and then I woke up!”, implying that the statement would only have been true in a dream. Dreams and prophecy were strongly linked in Greek thought and the dreams related in Greek literature are virtually all prophetic,¹⁰⁸ making Apollo an appropriate deity to invoke in this instance, as the god of prophecy. Similarly, when Pluto swears by Apollo at the end of the play that he will engineer the arrival of various contemporary figures into Hades if they do not get there quickly (1509–14), it emphasizes the prophetic nature of his claim. Apollo’s cultic associations also include patronage of seafaring as overseer of embarkations (Apollo *epibatērios*) and as a guide in the form of a dolphin (Apollo *delphinios*).¹⁰⁹ The function as *epibatērios* might well have been evoked in our first passage where Dionysus claims to have “embarked upon” (48: ἐπεβάτευον) the ship of Cleisthenes.¹¹⁰ Sailing is precisely the context in which Dionysus next invokes Apollo

106 Dionysus’ oaths by Zeus appear at 1–3, 6, 69–70, 86, 127–8, 164–5, 173–4, 181, 490–1, 499–501, 912–14, 1046–7, 1087–9, 1157–8, 1433, 1460, 1480–1; oaths by “the gods” appear at 152–3, 928–30, 971–80.

107 Sommerstein 2007b, 127–8.

108 The exception is the false dream sent to Agamemnon by Zeus in *Iliad* 2, but even there the expectation is that Agamemnon will treat the dream as prophetic.

109 Pausanias (2.32.1–2) discusses Apollo *epibatērios*, which is a synonym for Apollo *embasios*, used by Apollonius Rhodius (1.403–4). On Apollo *delphinios*, see Graf 1979.

110 On the sexual innuendo implied in this line, see Sommerstein 1996, *ad* 48.

when he agrees with Aeschylus that Euripides has taught sailors to talk back to their officers (1072–4).

In fact the gods invoked by Dionysus during the contest between Aeschylus and Euripides consistently imply that Dionysus favours the arguments of Aeschylus. Although he seems to waver between one poet and the other, Dionysus invokes weightier deities when he agrees with Aeschylus. Dionysus had previously sworn an oath by Demeter when he agreed with Aeschylus that rich men were pretending to be poor (and thus avoiding public duties) because Euripides had taken to dressing kings in rags in his tragedies (1065–7). Lastly, we have the sequence in which the opening lines of the *Libation Bearers* are scrutinized. Euripides objects that Orestes is made to say the same thing twice when he states that he has come and has returned. Dionysus agrees with a weak oath by Zeus (1155–9). Aeschylus defends his language explaining that returning implies a return from exile and so is different from having simply come to the land. Dionysus agrees with a stronger oath by Apollo (1160–6), here also an appropriate divinity since we know that Apollo has ordered Orestes' return. Euripides objects once more claiming that Orestes cannot have "returned" from exile because he does so in secret. Dionysus agrees with a pointed oath by Hermes, qualified by the phrase "I don't understand what you mean, though!" (1167–9). The invocation of Hermes might appear to cap the previous oath by Apollo implying that Euripides has won the argument, but in fact the choice of Hermes at this specific point coupled with the claim not to understand demonstrate that Aeschylus is still on a winning streak.¹¹¹ Hermes as the god of duplicitous language is appropriately invoked at the moment when Dionysus recognizes Euripides' argument as clever but fails to see its logic. Moreover, Hermes is the god addressed by Orestes in the opening line of the *Libation Bearers*, which has just been scrutinized (1138–50). Hermes is thus naturally associated with Aeschylus at this moment in the drama.

The only other god to be invoked in an oath by Dionysus is Poseidon. This oath comes relatively early in the play when he swears that he has indeed seen all the father-beaters and perjurers in the sea of mud (273–6). Poseidon as the sea god is thus an appropriate choice for the oath-statement, which is marked by the joke that Dionysus can still see these villains (i.e. in the audience). This leaves the oaths made by means of a self-curse. The sequence occurs when Dionysus realizes that his disguise as Heracles is getting him into trouble and he appeals to Xanthias to change clothes with him for the third time. He begins his appeal with a self-curse: "May I perish most miserably if I do not love Xanthias!" (579). Xan-

¹¹¹ Segal 1961, 215 discusses how the ultimate choice of Aeschylus is not surprising in light of Dionysus' development.

thias needs more convincing, however, and Dionysus offers a further self-curse if he ever takes away the clothes from Xanthias: “may I perish most miserably and utterly myself, my wife, my children and bleary-eyed Archedemus!” (586–8). The oath formula is serious but simultaneously contains two important jokes. The first is that Dionysus is not normally regarded as having had any wife except Ariadne¹¹², and she is either long dead¹¹³ or immortal.¹¹⁴ The second is the inclusion of Archedemus, an Athenian politician who is likely to have been one of the men charged with “deceiving the people” into condemning the commanders at Arginusae to death.¹¹⁵ Even if Dionysus breaks his oath, the consequence of being rid of Archedemus functions as an incentive for Xanthias, as noted by Sommerstein.¹¹⁶ Xanthias replies “I accept your oath” (589), thus demonstrating how this kind of self-curse constituted an oath in the eyes of the Greeks.

The single oath of Pluto in *Frogs*, with its implications of prophecy, creates an important contrast to the oaths of Dionysus, which are far more comparable to those of mortal Aristophanic heroes both in number and in content. Oath-language in *Frogs*, then, further contributes to the complex representation of the god Dionysus as having mortal qualities.

7.3.8 Silenus and the satyrs

If the oaths of Dionysus in *Frogs* do not contain the implications of power and control we might expect in oaths sworn by gods, neither do the oaths of Silenus and the satyrs in satyr-drama. Although technically immortals, Silenus and the satyrs are at the bottom of the food chain since one of their distinguishing characteristics is being enslaved. Their oaths are unmarked by aspects of divine power and language or predictions of the future. In Sophocles’ *Trackers* the satyrs swear an emphatic statement “by Zeus” to Silenus that the footprints of the cattle are pointing the wrong way (fr. 314.118–19). Aeschylus’ *Theōroi* contains a fragmentary reference to an oath which may have been the athlete’s oath taken by the satyrs (fr. 78c.1 Radt = 78c.37 Sommerstein), and so an oath normally taken by

¹¹² Hes. *Thg.* 947–9; Eur. *Hipp.* 339; [Epimenides] fr. 3 Fowler = *FGrH* 457 F 19.

¹¹³ e.g. *Odyssey* 11.321–5.

¹¹⁴ Hes. *loc. cit.*; [Apoll.] *Epit.* 1.9, crediting the couple with four (mortal) children – Thoas, Staphylus, Oenopion, and Peparethus (cf. Eur. fr. 752a) – seems to be following a similar tradition.

¹¹⁵ See Sommerstein 1996, *ad* 417 on the identity of Archedemus.

¹¹⁶ Sommerstein 1996, *ad* 588.

mortals.¹¹⁷ Two of Silenus' oaths are sworn to mortals. One is the oath of Silenus to Danaë in Aeschylus' *Net-haulers* (*Diktyoulkoi*). He swears by the gods to support and protect her, but his oath is completely ineffectual since Danaë nevertheless assumes she will be treated outrageously (fr. 47a.765–6). The second is Silenus' oath to Odysseus in Euripides' *Cyclops* in which he makes an emphatic statement "by Zeus" that he has not seen the wine Odysseus has but smells it (154).

The pattern of Silenus' oaths in *Cyclops* is interesting. He swears a total of six oaths, five of which are statements invoking Zeus, including the oath just mentioned, but most of which are sworn to the Cyclops. He swears that he will not weep (554–5), that he will not hand over the wine until he sees the Cyclops taking the garland (558–9), and that the wine-pourer (i.e. Silenus himself) is not unfair (560). The remaining oath by Zeus is the first oath of the play, spoken as an aside by Silenus in the prologue. He lists various labours he had performed for Dionysus including unlikely heroic actions during the Gigantomachy (3–8). He breaks off suddenly with the line "Come, let me see, am I telling a dream I had?" (8). Silenus' boasts sound suspiciously improbable,¹¹⁸ and the mention of a dream is clearly a cue for the audience to question, with Silenus, the validity of this narrative.¹¹⁹ The notion is rejected, however, as soon as it is raised with an assertory oath "No by Zeus", and the qualification "since I displayed the trophies to Bacchus" (9). In *Frogs*, as we saw above, Xanthias' addendum to Dionysus' improbable oath about having sunk twelve or thirteen ships at Arginusae, the aside "and then I woke up", explains how the oath might be true – if it were a statement made about a dream. Here we have a similar concept worked out rather differently. The oath is linked not with the original claims but with rejecting a notion of fantasy. It signals that Silenus believes the account to be true, in spite of his momentary equivocation, and it may even have been accompanied by a physical joke – what were the "trophies" that Silenus displayed to Dionysus? Perhaps he points to some evidence of "trophies" on his person, unconvincing ones at that since it was well known that Athena had defeated Enceladus. The function of this sequence, as I have argued elsewhere, is to draw audience attention to the fictional qualities of poetic narrative in this drama, which rewrites one of the most famous episodes from Homer's *Odyssey*.¹²⁰

Only one of Silenus' oaths is elaborate, invoking a long list of deities. It is countered with an oath by the chorus of satyrs, which seems to contradict it

¹¹⁷ On oaths of athletes, see Perry 2007.

¹¹⁸ See Seaford 1984 *ad* 1, 5–9, 7, 8, cf. Ussher 1978 *ad* 5–8, Biehl 1986 *ad* 7f.

¹¹⁹ Cf. M.E. Wright 2006a, 39.

¹²⁰ Torrance 2013, 258–9 and 245–64.

directly. Who is telling the truth? Is someone lying on oath? We will discuss these oaths in §10.2,¹²¹ where it will be argued that careful scrutiny of the language used demonstrates that both parties can be understood as technically telling the truth.

¹²¹ See also §5.3.1 on Silenus' invocation of "the whole race of fish" in this oath.