

12 Responses to perjury

12.1 Divine responses

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We have already seen in §7.3.1 how perjury among the gods might be punished in the divine realm, and in §§10.2, 11.1 and 11.3 how the mere contemplation of perjury could result in the most commonly anticipated punishment for breaking an oath, namely death or the extinction of the family line. We have also discussed in ch. 3 how the orchestrated perjury of the Trojans in the *Iliad* had a significant place in the fabric of Greek mythology and at the same time troubled classical philosophers. Nevertheless, there remain some important observations to be made regarding the way in which the Greeks perceived the consequences of perjury and the role of the gods therein. Here we will discuss various examples of divine punishment for perjury, and we will see that in most cases punishment is violent and severe. On some rare circumstances the gods were *imagined* as being able to pardon perjury, although there is no actual evidence that this was anything more than wishful thinking on the part of humans. Occasionally, punishment seems to have been implicitly deferred from the original perjurers to subsequent generations.

12.1.1 Divine action and intervention

The official divine guardians of oaths are variously represented as Horkos (Oath), the Erinyes (as oath-curses), Zeus Horkios (guardian of oaths), and also Themis. In Hesiod, Horkos is the child of Eris (Strife), and he “brings the most woe to humans on earth, when anyone willingly swears a false oath” (Hes. *Thg.* 231–2, cf. *WD* 804). The man who swears falsely can expect his family to become “more obscure” (*amauroterē*), but the man who keeps his oath prospers (Hes. *WD* 282–5). In Sophocles, Horkos is the son of Zeus (*OC* 1767), and Zeus is generally perceived as overseeing oaths in his capacity as Zeus Horkios (e.g. Soph. *Phil.* 1324, Eur. *Hipp.* 1025). On one occasion, Themis, as the daughter of Zeus, is called *horkia* (*Med.* 209). The Erinyes are connected with Horkos in Hesiod in that they attended his birth (*WD* 803–4), while Oath has a “nameless” child in Herodotus who pursues and destroys the family of the perjurer (6.86). This nameless child is evidently the manifestation of the oath-curse contained in every formal oath, a curse which can be expected to pursue the perjurer (cf. ch. 2).

In addition to these official stewards of oaths, we have seen in §§5.3 and 6.1 that a wide variety of context-specific divinities were very often invoked in oaths, and that although Zeus is the great overseer of oaths, and appears most frequently as a sanctifying oath-witness, sworn statements in which he is invoked alone, particularly informal oaths, tend to be weaker than oaths which include other or more numerous deities. The remaining official guardians of oaths appear infrequently as oath-witnesses. The famous Iliadic truce includes the invocation of those who toil under the earth to take vengeance on dead men who have committed perjury (*Il.* 3.278–9) and although there are some textual problems here, a parallel passage in *Iliad* 19 (259–60) where the Erinyes are clearly invoked makes it likely that they are meant also in *Iliad* 3.¹ In an epic where the breach of an oath is a central issue, it is not surprising that a reminder of oath-curses is included in the list of sanctifying deities.

Elsewhere the invocation of the Erinyes is anomalous. In Aeschylus' *Agamemnon*, Clytaemestra invokes three formidable forces – the Justice (*Dikē*) accomplished for her child, Ruin (*Atē*), and the Erinyes – when she swears that no expectation of fear treads her halls while Aegisthus lights the fire at her hearth and remains well-disposed to her as before (*Ag.* 1432–6). She concludes her invocation of the divinities with the phrase αἴσι τόνδ' ἔσφαξ' ἐγώ (1433), which can mean either “*through* whom (i.e. through whose agency) I slew this man” or “*to* whom I slew this man.” Fraenkel assumed the latter with a comment that implies the murder is an oath-sacrifice,² and this is the reading adopted by Fletcher who argues that Clytaemestra's oath is deeply problematic for this very reason, because the sacrifice here is offered to the oath-guarantors instead of representing the fate of the perjurer as is normally the case.³ Certainly there is a grim irony to the forces invoked in Clytaemestra's oath since she will soon suffer at the hands of Agamemnon's avenging *Erinyes* and the *justice* that is due for him, as she becomes the victim of *ruin* in the subsequent drama.⁴ Occasionally, masculine spirits of vengeance (*alastores*) take the place of the Erinyes, as in Eur. *Med.* 1059 when Medea invokes “the *alastores* below, who dwell in Hades” in her oath that she will not leave her children for her enemies to treat shamefully (see §6.1 for further discussion of this oath). It is striking that Medea herself is an avenger

¹ See Kirk 1985 *ad* 3.278–9.

² Fraenkel 1950, *ad* 1433; Raeburn and Thomas 2011, *ad* 1432–3 and Sommerstein 2013, 8 prefer the former reading but note both possibilities.

³ Fletcher 2012, 49.

⁴ Sommerstein 2013, 8.

of perjury (committed by Jason) and is later presented as becoming an Erinyes (*Med.* 1260).⁵

Horkos is invoked once in Sophocles (*OC* 1767), and possibly once in Pindar (*Nem.* 11.24), although it is impossible to tell whether $\nu\alpha\iota\ \mu\alpha\ \gamma\alpha\rho\ \delta\rho\kappa\omicron\nu$ (or $\delta\rho\kappa\omicron\nu$) should be understood as “by my oath” or “by Horkos”.⁶ Apart from *Medea* 209, Themis is invoked once in Sophocles’ *Electra* by the chorus (1063–5), along with Zeus (literally “the lightning-bolt of Zeus”), and is designated as part of the triad of divine witnesses (along with Zeus and Apollo) to the oath of *exōmosia* formulated in Plato’s *Laws* 936e, an oath modelled on an actual Athenian practice used for refusing to testify but about which we can only reconstruct certain details.⁷ We do not know whether or not oaths of *exōmosia* were sworn by a consistent triad of divinities, but if they were the triad most likely consisted of Zeus, Apollo and Demeter, a group of oath-witnesses who appear repeatedly in official oaths sworn in classical Athens, from the dicastic oath to sworn treaties, and who are sometimes called *theoi horkioi* “oath-gods”.⁸ The rarity with which Themis is invoked as an oath-witness elsewhere in Greek literature strongly suggests that the inclusion of Themis in the oath described in the *Laws* was a Platonic innovation.

Perjurers, then, could expect to be pursued by a variety of hostile divine forces, including any or all of the specific divinities named as oath-witnesses in the perjured oath and any of the official guarantors of oaths, whether or not these had been named in the original oath. Even non-perjurers could expect to suffer for keeping company with perjurers. At the end of Euripides’ *Electra* Castor, a patron of sailors, warns against sailing with perjurers (*Eur. El.* 1355). The implication is that the fate of the perjurer will affect all on board, and the forces of the sea appear as the divine instrument for punishing perjury in two important broken oaths in Greek literature. In the *Odyssey* Odysseus’ men swear that they will not slaughter any sheep or oxen they come upon on the island of Helios (12.298–307), but Eurylochus then successfully urges the hungry men to break the oath when they have exhausted their own food supply (12.340–65). After an appeal by Helios Zeus punishes the perjury by causing a shipwreck in which all the men drown, except Odysseus, who is washed up on Ogygie (Calypso’s island). It is evident

⁵ On the significance of perjury in *Medea* and on Medea’s role in punishing Jason, see Burnett 1973, esp. 13–20, Boedeker 1991, Kovacs 1993, Burnett 1998, 196–207, S.R. West 2003, 442–3. Pindar also presents Medea punishing the oath-breaker Pelias by slaying him, as implied in *Pythian* 4 (165–7; cf. 251), when Pelias failed to hand over the kingdom to Jason on his return with the golden fleece.

⁶ For further discussion of oaths sworn in Pindar’s authorial persona, see ch. 13a.

⁷ See S&B 91–100.

⁸ On official oaths sworn by Zeus, Apollo and Demeter, see S&B 43–4, 70–2, 79, 154, 164–6.

that Eurylochus and the men are aware of the risk they will take in slaughtering the cattle of Helios. Eurylochus argues that even if Helios is angry and causes them to die at sea, it would be a better death than to die of hunger (12.348–51). This may be a persuasive argument to put to hungry men, an example of how the *sophos nous* can persuade someone to do something even if they have sworn not to (*trag. adesp.* 566), but it leads to a dangerous and foolish decision. Contrary to Castor's warning in Euripides' *Electra*, Odysseus manages to escape with his life, but it is made clear that this is only through the favour of Zeus (*Od.* 12.445–6) and although he does not die, he experiences serious suffering as a result of his men's perjury.

Elsewhere, in Hellanicus' account of the First Trojan War (fr. 26b/d Fowler), a sea-monster is sent to punish the Trojan Laomedon who had broken his oath to pay Apollo and Poseidon an agreed wage for building the walls of Troy. Laomedon was known for his treachery, and his fraud is mentioned in the *Iliad* (21.441–57). In Homer there is no oath, but Hellanicus presents the breach of the agreement as perjury. The sea monster is said to have destroyed both those who happened to be there and the growing crops, once more demonstrating that divine punishment for perjury can include bystanders as collateral damage. Interestingly Laomedon himself is not killed by the sea-monster but is required to appease it by offering his daughter Hesione. Heracles agrees to save Hesione in return for Laomedon's immortal horses, but Laomedon once again fails to keep his end of the bargain and Heracles gathers an army to attack Troy in retaliation, thus leading to the First Trojan War.⁹ Laomedon is eventually slain by Heracles but it is significant that his perjury in Hellanicus causes the deaths of many others.¹⁰

With the insult to Poseidon, it is appropriate that Laomedon's punishment should be effected by a sea-monster. A sea-monster similarly materializes as the manifestation of Poseidon's curse set in motion by Theseus at the end of Euripides' *Hippolytus* where the title character had briefly considered perjury (see further §11.3). It is interesting, however, that both in the *Odyssey* and in Hellanicus, where a serious perjury is reported, it is the sea which acts as the enforcer of punishment on the perjurers. Helios and Zeus in the *Odyssey*, and Apollo in Hellanicus, might have been imagined as favouring alternative methods of punishment. In Euripides' *Suppliant Women* (496–9), for example, the perjurer Capaneus is killed by Zeus' thunderbolt, and in Sophocles' *Women of Trachis* the messenger Lichas, who swears a false oath invoking Zeus, is killed by the son of

⁹ For further details on Laomedon's role in Greek mythology see Gantz 1993, 400–2 and 442–4.

¹⁰ Virgil implies in his *Georgics* (1.501–2) that the Romans of his time are still paying for Laomedon's perjury with their blood (referring to their series of civil wars).

Zeus (Heracles) at a sanctuary of Zeus.¹¹ The importance of the sea as a destructive power which could afflict perjurers in the *Odyssey* and in Hellanicus' *Troica* illustrates a death much feared in Greek thought and underlines the terrifying fate awaiting those who break their oaths.¹²

In one unique case a man who broke an oath in order to escape service in a military expedition is plagued by weasels who bite him continually during the night while he tries to sleep, eventually causing him to take his own life (Aristotle, tit. 143,1 Gigon, 31.62; see further p. 307 n. 33).¹³ One must assume some kind of supernatural intervention in the work of the weasels, and the passage shows how seriously the Greeks viewed avoiding one's duty through perjury. We are reminded of the fact that none of Helen's suitors breaks the oath which binds them to take part in the expedition against Troy, and that (as we saw in Ch. 3) although Odysseus apparently tried to avoid the expedition, he was nevertheless compelled to take part in it because of his oath.

12.1.2 Violent deaths and escape from perjury

In some cases divine intervention is not specified in the violent deaths of perjurers although their fates can be read as a result of their perjury. In Euripides' *Phoenician Women* the brothers Eteocles and Polyneices both die doing battle with each other, but Eteocles' death can be understood, in part at least, as stemming from the perjury he committed when he refused to hand over the kingship of Thebes to Polyneices as agreed (*Phoen.* 481). A comparable pattern can be detected with figures from later times. Aristocrates the Arcadian who betrays his Messenian allies to the Spartans during the First Messenian War is stoned to death by his own people and his crime is memorialized with an inscription mentioning, among other things, that it is a difficult thing for a perjured man to escape the notice of god (Callisthenes *FGrH* 124 F 23.3, Paus. 4.12, Polyb. 4.33). This instance highlights the conflation between divine and human punishment. Aristocrates is punished by his fellow-citizens, but his death is seen as the work of god. Several centuries after him Tissaphernes, a Persian notorious for deception,

¹¹ See §5.2 for further discussion of this perjury.

¹² The view that the Greeks were not natural-born seamen was developed by Lesky 1947. Greek myth demonstrates an ambiguous attitude to the sea as a place to be admired but also greatly feared, see further Buxton 1994, 97–104.

¹³ This reference comes from extracts of *Politeiai* attributed to Heracleides (in this case of the Locrians [Heracleides Lembus fr. 62 Diltz]), which Gigon regards as all derived from Aristotle but to which he gives no fragment numbers.

repeatedly breaks sworn treaties with the Greeks with no immediately apparent consequences.¹⁴ He is eventually executed in 395 BC and his death can be read as an appropriate punishment for his perjury. However, the case of Tissaphernes raises an important question: since death awaits all human beings, and since perjury is not always immediately punished, is it possible to tell if death is a punishment for perjury? Is death a convenient punishment imagined for a crime over which humans have little control?¹⁵ Or does the crime of perjury always result in a *violent and premature* death of the kinds we have so far discussed?

Let us consider the strange case of the Phocaeans reported by Herodotus (1.164–7). When Cyrus' general Harpagus laid siege to Phocaea and demanded a symbolic surrender, the Phocaeans asked for one day to deliberate before giving a response, and used the respite to evacuate the city and flee to Chios. Finding the Chians unwilling to give or sell them territory for settlement, they decided to migrate *en masse* to Corsica, where they had established a colony some years before. First, however, they returned to Phocaea, slaughtered the Persian garrison, denounced powerful curses on any of their own number who did not join the migration, dropped an ingot of iron into the sea, and swore not to return to Phocaea until the ingot reappeared. But at the first stop on their westward voyage (the Oenussae islands off Chios), more than half of them were overcome by “longing and regret for their city and the familiar haunts of their country” and sailed home, breaking their oath, while the rest, “those who were keeping the oath”, sailed on to Corsica. Herodotus then follows the fortunes of this latter group. From their base in Corsica they seem to have engaged freely in piracy, and they managed to get themselves involved in a war with a powerful Etruscan-Carthaginian alliance. The Phocaeans were victorious in a naval battle, but it was a Pyrrhic (or, as Herodotus puts it, a Cadmean) victory, because after it they had not a single serviceable warship left, and they abandoned Corsica and sailed to Rhegium; many of their ships' crews, captured by the enemy, had been put to death, especially by the Etruscans of Agylla. The refugees in Italy established the city of Hyele (Elea). This is hardly the prosperity the Phocaeans might have expected for keeping their oaths, although their plundering of neighbouring communities suggests that their consequent suffering was well-deserved. More importantly, we might well ask what happened to the perjured majority who had returned to Phocaea. Herodotus, who brings us the famous cautionary tale of Glaucus (6.86), is here strangely silent on the subject. Phocaea still existed in his day, and was prosperous enough to pay Athens the respectable annual tribute

¹⁴ See Torrance 2012 for further details.

¹⁵ See below, §12.2, on human responses to perjury.

of three talents (later reduced to two) so that, at first glance, prosperity seems to have followed the perjurers.

Several scholars have noted the ritual importance associated with sinking iron into the sea as part of the oath. Clearly the gesture is symbolic of a binding permanence (see §6.3 for further discussion). The fact that the oath contained this powerful sanctifying feature makes it even more remarkable that the oath was broken and yet no mention is made of a punishment that afflicted perjurers. The issue can be resolved in three ways. Either (1) the eventual deaths of those who broke their oath was considered punishment for their perjury, or (2) there were conditions under which the gods could forgive perjury, or (3) subsequent generations of Phocaeans could be expected to pay for the perjury of their ancestors. The first possibility is hardly probable since eventual death, being inevitable in any case, would be no deterrent from committing perjury. The notion that the gods might forgive perjury in certain circumstances can be supported by a few passages. Hesiod's *Theogony* (231–2) specifies that the god Horkos afflicts men when they *willingly* swear a false oath.¹⁶ Implicit in this formulation is that those who swear false oaths *unwillingly* might be spared the same punishment, and certain tragic characters suggest that the gods might overlook perjury in some circumstances. Agamemnon in Euripides' *Iphigeneia at Aulis* (394–5) claims that divine powers know when oaths have been fixed wrongfully or taken under compulsion, and a character in Euripides' *Polyidus* raises the possibility that the gods pardon a person who commits perjury in order to escape death, captivity or violent evil at the hands of their enemies (fr. 645). The context of both tragic passages is problematic, however. Agamemnon tries to suggest that he might evade an oath which (he implies) he took under compulsion, but the angle he tries to spin does not match his circumstances.¹⁷ As to the *Polyidus* fragment, its text is uncertain, and on the likeliest reading¹⁸ the speaker is roundly condemning the suggestion that the gods might condone a false oath.

We might also add here the *aphrodisios horkos*, which, although to some extent a humorous catch-phrase (as we saw in §11.2), nevertheless also shows that the possibility of exemption from punishment for perjury was raised in Greek

¹⁶ Plescia 1970, 83, argues that intention is not important in Homeric perjury because Hector's oath sworn to Dolon in *Iliad* 10 (321–32), which he is unable to fulfill because of his death, is said to have been *epiorkon*, which normally means “sworn falsely”. However, it would be anomalous to view Hector's oath as a punishable perjury and it seems more reasonable to follow the reading of the passage in *LSJ* s.v. ἐπίορκος “he swore a *bootless oath*, i.e. one which he meant to fulfil but the gods willed otherwise.”

¹⁷ See ch. 3 for further discussion of this passage.

¹⁸ See Collard and Cropp 2008, viii, 102–3.

thought. Aristophanic comedy too contains several examples of apparent perjury which goes unpunished. Some of these can be easily explained. In *Clouds*, Pheidippides first swears to comply with his father's wishes, invoking Dionysus (91), and then swears a second oath by Dionysus that he will not become a student (108–9), thus breaking his first oath since this is precisely what his father wants him to do. In *Clouds*, however, the role and power of the traditional gods is attacked, and the function of Zeus as punisher of perjurers is questioned by Socrates (399–401) who manages to convince Strepsiades that Zeus and his thunderbolt do not exist, because otherwise, Zeus would have blasted known perjurers, but in fact his strikes seem quite indiscriminate, hitting temples (including his own) and trees (which hardly commit perjury!) At *Clouds* 1227, where Strepsiades is reminded that he swore by the gods to repay what was lent to him, he is not concerned about committing perjury against gods in whose existence he no longer believes.¹⁹ Sommerstein identifies three classes of false oaths in comedy, apart from lover's oaths, which go unpunished: oaths uttered by villains, who are presumably to get their just deserts in the end; ironical or exaggerated statements not intended to deceive; and “none of the above” referring to nine false oaths, all of which occur in late Aristophanic plays and coincide with a decline in the perceived power of oaths (see further ch.15).²⁰

It seems, then, that perjury could go unpunished, occasionally, and under certain conditions. In an alternative comic universe oaths which would normally be binding could be worthless, and in the late fifth and early fourth centuries our sources demonstrate an increased challenge to the validity of oaths. Hesiod's description of punishment for perjury on those who *willingly* swear false oaths implies that even in archaic Greek thought there were circumstances in which perjury of a formal oath could result in a punishment less severe than that described for willing perjurers. In actual fact, however, there is no clear evidence that those who broke a formal oath did not suffer divine punishment, and Hesiod does not say that those who swore false oaths against their will escaped punishment altogether. Returning to the case of the Phocaeans, we seem to be driven to the conclusion that their punishment is envisaged as only postponed: oath

¹⁹ As Sommerstein 2007b, 126 notes, we have no real way of telling whether this oath was informal or formal. Sommerstein also notes how Strepsiades is shameless in continuing to use oaths “when his behaviour shows he regards oaths as worthless” (135). On oaths in *Clouds* see also §13.2.

²⁰ *Wasps* 184, *Birds* 1680, *Lysistrata* 990, 1236–38, *Women at the Thesmophoria* 623–24, *Frogs* 49–51, 650, 1471, *Women at the Ecclesia* 553, and see further Sommerstein 2007b, 136–7.

curses, like other types of curses in Greek thought, could be delayed from one generation to another.²¹

Cases in which perjury is not punished are extremely rare, and it seems important that the perjurer and/or their family should suffer appropriately. Suffering in addition to death or the extinction of the family line is a crucial aspect of anticipated divine punishment for perjury, as we have seen in most of the examples discussed above. Even if the perjurer does not suffer, it is important that his (or her) family is expected to suffer instead (e.g. Lyc. *Leocr.* 79). Moreover, even if perjurers seem to profit in the short term, there is, according to Theognis, no way of hiding from the gods whose designs will prevail in the end (Theognis 200, 1195).

12.2 Human responses

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12.2.1 Introduction

In archaic and classical Greek literature, where the binding power of oaths really mattered in agreements and covenants between individuals (see ch. 10), and keeping one's oath (*euorkia*) was considered to be a sign of an individual's virtue and integrity (Pind. *Ol.* 2.61–70; Soph. *Ant.* 365–75; Ar. *Wealth* 61–2),²² perjury was inevitably marked as a serious moral infraction. In Plato's *Gorgias* (525a1), swearing falsely figures at the top of the list of moral failings ascribed to souls receiving judgement from Rhadamanthys, along with more general faults of injustice, deception and boastfulness. Comedy preserves a similar image: in Aristophanes perjurers are set alongside other despicable wrongdoers, such as father- and mother-beaters, in the same pit in the underworld (*Frogs* 145–51, 273–5), while claims about the great benefits of committing perjury in *Knights* (296–8, 418–28, 1239) are apparently too outrageous even for Paphlagon-Cleon, who is the arch-villain of the play; they are made by the Sausage-Seller, who defeats him by being, or posing as, a still greater villain. Perjury ranked high among the moral offences in literary representations.

²¹ See further Ch. 2 on oath curses.

²² Euripides' *Hippolytus* provides probably our best-known example in literature on the subject of morality and *euorkia*. See most recently Fletcher 2012, 126–9.

In §12.1, we saw that the gods were, in theory, held responsible for exacting punishment in case of perjury. Yet, at the same time, as S&B have shown in detail regarding reactions to perceived breaches of oath in interstate alliances and treaties, we should certainly not assume a human passivity or absence of human agency in the event of a perceived perjury.²³ The present chapter sketches out evidence for the nature of the human responses to the moral offence of perjury in circumstances of *oath-taking among individuals*. What did an individual do when (s)he discovered that (s)he had been deceived by a false oath? What were the means and forms of agency, as depicted in archaic and classical Greek literature, through which a victim of perjury could try to affect the life of the perjurer?

There are two general points that need to be stated in advance regarding our evidence as a whole for the actual human perception of perjury. First, it was, naturally, much easier for an individual to perceive perjury after a *promissory* oath that the swearer did not keep, than after *assertory* statements about the past or present that the swearer did not believe to be true. In the former case perjury comes to light through the swearer's subsequent actions, but in the latter case it is more difficult to discern a perjury *on the spot* and act against the perjurer. Accordingly, evidence for responses to perjury in archaic and classical Greek literature is mostly found in relation to promissory oaths.²⁴ Second, as far as we are able to tell from the victims' reactions, nowhere is there any indication that a *victim of perjury* made any differentiation between intentional and unintentional perjury, with a view, for instance, to forgiving or justifying the latter.²⁵ Thus despite the most famous line of antiquity about oath-taking, which brings to the fore a concern about the swearer's intention (Eur. *Hipp.* 612, "my tongue sworn but my mind remains unsworn"; see §11.3), victims of perjury consistently condemn the breach of oaths irrespective of initial intentions.

²³ See esp. S&B 147–247; 280–90 and 312–20 with further bibliography.

²⁴ In Aristophanic comedy, where the vast majority of assertory oaths are informal (see ch. 13), we can detect a few cases of perjury committed in relation to an assertory oath that are followed by an explicit reaction of the interlocutor (Ar. *Lys.* 989–92, *Wasps* 184–9, *Thesm.* 623–7; *Frogs* 49–51, 650 (exposed in 741–2). However, we hardly ever witness any other reaction than the simple statement of disbelief in, or being unconvinced by, an admittedly exaggerated statement. Carawan 2007 has argued that our few attestations of perjury within business transactions also relate to assertory oaths between the two parties after quarrels (see n.43).

²⁵ This is also in agreement with the earliest attestation of the word *epiorkos* in Greek literature, in *Iliad* 10.332, which concerns a promissory oath that was made sincerely but was not in the end fulfilled. On intentionality and perjury cf. Plescia 1970, 83–91 who, however, sees the term *epiorkia* mainly in relation to intentional perjury, especially in later theoretical discussions.

The following section discusses specific representations in different literary genres of the victims' reactions to perjury as a disruption of bonds of friendship and trust among individuals. Since they are largely based on the victim's accusations²⁶ their truthfulness, accuracy and objectivity can easily be debated.²⁷ Still, if nothing else, they can help us build a sense of the cultural mentality surrounding perjury and its policing, without recourse to the unseen actions of the gods. As will become evident, the persistent representations of human reactions to perjury throughout archaic and classical Greece testify to the continuing human belief in the binding power of the oath. Despite any theoretical discussions about a decline of the oath in the fourth century related to the readiness of individuals to break their oaths (see ch. 15), the responses by the victims balance out any such claims and restore the perception of the oath as a serious business among humans.

12.2.2 From friendship to enmity, from trust to distrust

As a means of facilitating interaction among individuals, oaths established bonds of reciprocal friendship (*philotēs* or *philia*) and more than any other agreement, they were used especially to signify a shift from a state of previous enmity to a state of friendship (*Il.* 3.94; *h.Herm.* 518–26).²⁸ It is thus common for victims of perjury to see it as effecting a breakdown of *philia*, representing the reverse transition to a state of animosity and hatred, wherein the (perjuring) previous friend is treated as an enemy. In a fragment of Sophocles' *Oenomaus* (fr. 472), a speaker of doubtful identity ranks the reproach of *friends* (φίλων μέμψις), along with the fear of gods, as a crucial deterrent against committing perjury.²⁹ A clear dem-

²⁶ Admission of perjury by the perjurer is, naturally, very rare in Greek sources. Cf. Thuc. 7.18.2 where the Spartans come to a retrospective appreciation and conclusion that they deserved their disaster at Pylos because they had broken the Thirty Years' Peace by resorting to war, when the Athenians had offered to submit their disputes to arbitration. They admit this, however, only as a way of trying to make sense of, and account for, why they had come off worse in the war of 431–421.

²⁷ The opposing scholarly approaches regarding the counter-claims of the parties in relation to the perjury of the Plataean oath (see S.R. West 2003 and Hornblower 2007), or to Philip's perjury in Demosthenes (see S&B 280–90), furnish good instances of this.

²⁸ See Herman 1987, 50, 59 for oaths sealing rituals of *philia*; Karavites 1992, 48–58 for *philotēs* in archaic interstate alliances; Fletcher 2008, 24–8. Perjury as an offence among previous *philoī* does not come under scrutiny in M.W. Blundell's seminal study (1989) on the moral principle of "helping friends, harming enemies".

²⁹ Sommerstein & Talbot 2012, 75, following Welcker and Pearson, suggest that most probably the speaker is Hippodameia demanding an oath by Myrtilus (to help Pelops with the chariot

onstration of such reproach is evident in the blame poetry of the iambic genre. Twice perjury is aggressively presented as something that turns a friendship sour, and represents the primary ammunition with which the poet launches his invective against his enemy (Hipponax fr. 115; Archil. fr. 172–181).³⁰ In fact Archilochus fr. 173 establishes perjury as the basic reason for his sustained verbal assault on Lycambes:

For who does not know [says Origen] that many who have shared salt and table have conspired against their fellow diners? And the history of the Greeks and barbarians is full of such examples. It is in fact the reproach which the iambic poet of Paros levels against Lycambes for having broken an agreement after salt and table:

You have turned your back on salt and table
by which you swore a solemn oath
(Orig. c. *Celsus* 2.21, trans. Gerber)

Most recently Gagné 2009 has drawn attention to the broken oath of Lycambes which underlies the whole tradition of Archilochus' invective (fr. 172–181), a promise of marriage between his daughter and the poet that Lycambes violated. Significantly, the insult is not configured as simply a personal one. Through invective, Lycambes is presented as an enemy of the poet for having broken his oath, and also of the group at large, his aristocratic *hetairoi*, with whom he shared his feasting, wine and poetry ("salt and table").³¹ The wider symposiastic context is enlisted as a witness of Lycambes' perjury. The later attestations about his alleged suicide and/or those of his daughters (*Anth.Pal.* 7.351, 352),³² show that accusa-

race against Oenomaus); cf. Calder 1974, 205–6 who regards the line as a generalized statement on behalf of Hippodameia. Recently Fletcher 2012, 137–8 offers the alternative of an oath of fair competition between Pelops and Oenomaus with reference to a group of fourth-century vases from South Italy. Among these, she draws attention to an Apulian vase in St Petersburg State Hermitage Museum (4323) that features the two of them and the presence of an Erinys (137n. 36). This Erinys, though, may simply allude to the future revenge curse from Oenomaus against Pelops, to be activated after his death in the chariot race ([Apoll.] *Epit.* 2.7, Σ Eur. *Or.* 990); or it could even be a hint at the curse of Myrtilus against Pelops and his family, after Pelops killed him by casting him into the sea off the Peloponnesian coast, when Myrtilus made a sexual advance to Hippodameia (Soph. *El.* 502–15, Eur. *Or.* 996–7, [Apoll.] *Epit.* 2.8, Σ Eur. *Or.* 990).

30 In Hipponax fr. 115.5 the perjurer is described as "trampling upon his oath although he was previously a *hetairos*". "To trample an oath" is an expression that indicates symbolically the reversal of a previous friendship (see Alcaeus fr. 129. 13–24; *trag. adesp.* 188b); for the political allusions of Hipponax's *philia* as revealed by the word *hetairos* in the sympotic context cf. e.g. Degani 1984, 91–3.

31 See Gagné 2009, esp. 265–270, Stehle 1997, 240–2; C.G. Brown 1997, 58–62.

32 See the detailed analysis of the epigrams in Rosen 2007. Interestingly, as Gagné 2009, 260–1

tions of perjury could be imagined as having significant, and fatal, ramifications for the accused party.³³ One aspect of this must have been the public humiliation of being exposed as a false friend and as a danger to social cohesion.³⁴

The tradition of the violent end of Lycambes' daughters caused indirectly by verbal attacks brings up the question whether perjury, as a rupture of bonds of *philia* among individuals, caused more violent and direct physical interventions by the victims of perjury. In contrast to perceived acts of perjury in interstate alliances that lead to war, perjury among individuals is not generally represented as leading to overt physical violence, except in one genre, tragedy,³⁵ where this happens quite frequently. At one level, when perjurers are punished at the hands of their fellow men in the plays without any explicit justification for their punishment, the audience can easily assume divine intervention to be at work (Parthenopaeus in Aesch. *Sept.* 529–32;³⁶ Capaneus in Eur. *Suppl.* 498; Lichas in Soph. *Trach.* 399, killed by Heracles in 781–2). But characters in tragedy can also explicitly name and present their own aggressive physical intervention as a direct consequence of perjury. In the case of Euripides' *Phoenissae*, perjury is the reason behind the most extreme expression of hostility. The breach of the brothers' mutual oath for ruling Thebes alternately, as articulated by Polyneices (Eur. *Phoen.* 481–95, cf. 433–4 and 626–30), acquires further political implications when it leads to the civil war in Thebes and finally to the death of Eteocles and Polyneices themselves.³⁷ On a more personal level, the best-known intrafamilial event of perjury, Jason's betrayal of Medea, at first triggers Medea's vicious

noted, in the actual epigrams the daughters of Lycambes take oaths themselves to deny any relationship with Archilochus. For the likelihood of a connection between the indirect tradition and Archilochus' attacks on Lycambes as reflecting reality, see e.g. Carey 1986 (*contra* M.L. West 1974, 26–8; Nagy 1979, 243–52 and cf. Burnett 1983, 89–91).

³³ Suicide by the perjurer himself, and as a consequence of his offence, appears twice in Greek literature: in Herodotus (3.74), Prexaspes commits suicide after he reveals to the Persian people the truth about the death of Cyrus' son, Smerdis, and the involvement of the *magoi* in this, while he asks the Persians for revenge, constructing himself as a conditional curse. The second case appears in a fragment from the *Politeiai* of Heracleides Lembus (fr. 62 Dilts): a certain Polemarchus commits perjury in order to avoid his military service; as a result, divine punishment seems to take the form of weasels which bite him during the night and do not let him sleep; this leads him to take his own life.

³⁴ Cf. C.G. Brown 1997, 69.

³⁵ On the issue of perjury in tragedy in general, cf. Mikalson 1991, 80–7; Fletcher 2012, 123–57.

³⁶ The oath of the impious Parthenopaeus that he will sack the city of the Cadmeians in *defiance of Zeus* ironically remains unfulfilled due to the actual death of the swearer.

³⁷ Cf. Eur. fr. 286.7 where it is said that tyrants break oaths to sack cities. On the importance of the theme of oaths and perjury in Eur. *Phoen.* see Fletcher 2012, 129–35.

verbal attacks against her former husband, and finally culminates in her personal revenge on their offspring (1386–8), which she executes as a divine agent, an Erinys (1261).³⁸ Only in these extreme scenarios of revenge, represented in tragedy, does perjury lead to direct human physical intervention. Otherwise, individual human responses to perjury follow more attenuated, but still very influential, forms of expression.

One such form relates to exposing the rupture of bonds of trust as a result of perjury. In the previous cases of human responses to perjury, the offence concerned intimate relationships among individuals, but in any kind of human interaction, oath-taking presupposes the emergence and establishment of a relationship of trust between two or more individuals (see §4.2). Certain criteria could condition trust in oath-taking in general: e.g. villains were expected to be more susceptible to breaking bonds of trust and suspicion of their tendency to perjury is repeatedly reported.³⁹ Yet, obviously, exposing false oath-taking provided the securest proof for the wronged party that one was untrustworthy in general and, in particular, that one *was not to be trusted again in circumstances of oath-taking*. Such a scenario seems to be envisaged in Antiphanes (fr. 237), where a character sees previous false swearing as *the only justifiable reason* that one might not believe a sworn statement:

If someone looks down upon an oath-taker *unless he knows that he had committed perjury in the past*, it seems to me that such a man looks down upon the gods and he himself had committed perjury in the past.⁴⁰

38 On the oath theme in the play see, most recently, Mossman 2011, 42–5 (and cf. Boedeker, 1991, Kovacs, 1993, Burnett 1998, 192–224, S.R. West 2003, 443–4) who makes the sensible point (42 n. 152) that Jason never denies, throughout the play, having sworn an oath to Medea despite the accusations she makes. This point refutes Arlene Allan's claim (2007) that we are meant to suppose he never did swear such an oath, contrary to almost all scholars who have dealt with the issue of perjury in the play.

39 cf. e.g. Antiphanes fr. 230: “whoever offers an oath to a wicked man is mad (*mainetai*) because the gods do now the opposite. If anyone forswears in their name, the man who invited him to swear is struck by lightning directly, I believe, because he trusted someone”. It may well be that the end of the sentence has been lost and that Antiphanes wrote “...trusted someone wicked” (see ch. 15). In Theognis 399, an advice is given for the *good man* to flee “oaths that destroy men” which implies that the good man should be careful in whom he trusts in oath-taking. Cf. also Theognis 284 and Ar. *Knights* 296–8, 418–28, 1239 (mentioned above).

40 In Democritus fr. 239.1–3 a perjurer is by definition a wicked man who cannot be trusted. The last sentence in Antiphanes identifies the man suspicious of perjury as someone who has committed perjury in the past, and the same idea is found in Amphis fr. 42, “he who does not believe an oath will himself be a ready and clever perjurer”. In ch. 15 these comic fragments are placed in the context of mid-fourth-century intellectual discussions that questioned the value of oaths.

It is thus not surprising that, in our sources, a perjurer in interpersonal oath-taking is *almost never* offered a second chance of swearing an oath. One exception though stands out in Aristophanic comedy: although clear-cut perjury usually does not trigger a human – or, indeed, divine – response in comedy,⁴¹ in Aristophanes' *Clouds* we find a single case of a victim offering an oath to an already known perjurer⁴² and it is significant because it concerns a money deal, where trust is a basic prerequisite.⁴³ After Strepsiades has renounced the traditional belief in gods, a creditor visits him, bringing with him a witness and, notably, claiming that he is about to “make one of his fellow-demesmen *an enemy*” (1219). He reminds Strepsiades of an oath⁴⁴ that he had sworn in the past promising to repay a loan of twelve minae borrowed from him, the creditor, to buy a horse (1222–30); Strepsiades denies the existence of such a loan (1225–6). Faced by this denial, the creditor challenges Strepsiades to swear another oath denying his debt:

Cred. Will you be willing to deny this upon oath of the gods?

Streps. What gods?

Cred. Zeus, Hermes and Poseidon.

Streps. Yes by Zeus! And would pay down three obols too for the privilege!

Cred. Then may you perish one day for your impudence!

The creditor's curse on Strepsiades for his shamelessness makes it clear that he does not believe him, in spite of Strepsiades' readiness to swear an oath. Thus even in this example, though an oath was offered, the exchange ends up expos-

⁴¹ See §13.2 and cf. n.3. For the use of oaths in Aristophanic comedy see also Dillon 1995.

⁴² Cf. Aesch. fr. 394 (from an unidentified play): “oaths do not give credibility (*pistis*) to men, but men to oaths”, again suggesting that an oath is to be trusted only if one knows the character of the swearer. If not a generalized statement, the line may be a reply to a well-known liar or perjurer who offers an oath to the speaker but has his offer rejected on the grounds of previous untrustworthy behaviour.

⁴³ Carawan 2007 and Sommerstein (§4.2 above) have shown that in business transactions an exchange of oaths was not required, *unless to settle an emerging quarrel*: asking for an oath in advance would have implied a major lack of trust that has no place in business deals. It is telling that in law-court speeches where oaths are reported to settle such quarrels emerging in business deals, they are always raised in the context of perjury committed by the opponent (Dem. 48.51–52, 54; Isaeus 2.40). The effect that these accusations could have had on the perjurer's future reputation for trustworthiness in business transactions is apparent.

⁴⁴ As Sommerstein states in §13.2, there is no indication what form this oath took, i.e. whether it was informal “yes, by Zeus” as a reply to a request that he would repay the loan or whether it was expressed more formally by Strepsiades, “I swear by the gods that I will repay what I am borrowing”.

ing (again) the unreliability and untrustworthiness of the perjurer who constantly lies and is unable to (re-)establish relationships of trust.

The emphasis in this section has been, first and foremost, on the immediate reactions reported by victims of perjury against the perjurer in interpersonal affairs. Within the same context, the following two sections turn the focus specifically on the conscious involvement, on the part of the victim of perjury, of external groups to exercise influence against the perjurer – namely, the wider public and the gods.

12.2.3 Bringing perjury to the attention of others

There is a common line of human action traceable in the aforementioned instances of a perceived perjury. The invective of iambic poetry broadcasts perjury to the participants in the symposium and the public at large. Similarly Medea, through her stage performance of being a victim of Jason's broken oaths, involves the chorus – and audience – in an open assault on Jason's reputation as a hero. So too the creditor serially accuses Strepsiades of perjury in front of his witness and, again, the audience, while the perjurer himself – in a neat comic twist – seems to luxuriate in the possibilities of swearing falsely. Since perjury was such a serious moral offence, the most powerful way to influence a perpetrator's life in human terms was to make the offence public and expose him as a perjurer among his peers.⁴⁵ The consequences of being thus exposed ranged from public humiliation and contempt to tangible difficulties in establishing relationships of trust in the future.⁴⁶

⁴⁵ In formal oath-taking, the social dimensions of the offence of perjury were, for example, apparent in efforts to record it on stones: in 419/8 BCE Alcibiades makes this clear when he persuaded the Athenians to inscribe under the *stèle* recording the peace of Nicias that “the Spartans have not kept their oaths” (Thuc. 5.56.3), exposing the offenders to the public. An Athenian decree of 363/2 BC (RO 39), about the establishment of an agreement between Ceos and Athens, reports not only an oath sworn at the making of a past agreement and written on *stelai*, but also “the names of those who had contravened their oaths and agreement” (RO 39.30–35). As we are informed, the latter “returned [i.e. from exile] and overturned the *stelai*”, a fact that hints at the great impact of the public recording and exposure of the offence.

⁴⁶ On similar lines, cf. Cairns 1993, 210: “not only does perjury involve disregard of the honour of the gods, it reveals both the perjurer's lack of concern for the honour of those before whom the oath was sworn and a reprehensible lack of concern for his own honour – for the exposure, that is, of his falsehood which the public nature of the institution makes inevitable”.

Arguably the quintessential space where public accusations of perjury were articulated and worked out was the law-court.⁴⁷ In the theoretical treatise, *Rhetorica ad Alexandrum*, probably by Anaximenes of Lampsacus, accusations for perjury are defined in moral terms and figure as one of the main rhetorical strategies in the court: a litigant is said to be able to disparage the opponent's oath by saying that "the kind of people who commit crimes are also those who are not concerned about perjury"; meanwhile, the defence of his own oath is given in terms of not only avoiding the fear of the gods but also, very importantly, *avoiding the shame [αἰσχύνῃ] among his peers* ([Arist.] *Rhet. ad Alex.* 1432a33–b4). Generally, orators' speeches preserve a wealth of verbal attacks regarding the offence of perjury and as Martin (2009) has shown, these kinds of attacks were extensively exploited for rhetorical purposes. This is not the place to examine forensic attacks on perjury in detail, but two examples of accusations of perjury in homicide cases will suffice here to show how speakers could achieve the public exposure of their opponent as a perjurer.⁴⁸

In Antiphon 6 verbal attacks implicating perjury form a main line of argumentation by the speaker against his opponent. The accused *chorēgos* tries first to prove that his accusers are clearly committing perjury when they claim that he killed Diodotus by planning his death. He starts with presenting them as "the most perjured and impious of all humans" (6.33, 48) and underlines the fact that they can easily break *any kind of oaths* (6.49, 51). At the very end of the speech, he explicitly invites the jurors to pay heed to the fact that as perjurers the prosecutors will also try to deceive the judicial body itself (6.51):⁴⁹

Is there then no court they would not enter intent on deceiving it? Is there no oath they would hesitate to swear, these ungodly villains? They know you are the most righteous and just jurors in Greece, and yet they come before you intent on deceiving you if they can, despite the mighty oaths they have sworn.

⁴⁷ Note that perjury in Athens did not constitute a legal crime (see S&B 90).

⁴⁸ Other relevant passages: homicide – Lys. 3.1, 21; Isoc. 18.54, 56 (witness in a previous homicide trial); other private cases – Dem. 39.3–4; 40.2, 10; Dem. 42.11–12, 29; [Dem.] 47.31; Dem. 54.39; Dem. 58.43; Dem. 21.119, 120–1; Dem. 31.9; [Dem.] 48.52; [Dem.] 49. 66–7; Isaeus 2.40; perjury by public figures in state or interstate oaths – (Demosthenes) Aeschines 2.153; 3.77; 3.99; 3.149–50; 3.208, Dinarchus 1.47; (Aeschines) Dem. 19.94, 134; (Philip) Dem. 2.5, 10; 3.17–18; 9.15–16; 10.11; 11.2–3; 18.71; 19.132; (Cersobleptes) Dem. 23.170–3; (Charidemus) Dem. 23.176–7; (Alcibiades) [Andoc.] 4.39. For the invalidity of Demosthenes' portrayal of Philip as a perjurer see S&B 280–90.

⁴⁹ Cf. Lys. 3.1, 21 where the verbal attacks in a trial for wounding held before the Areopagus council are structured in similar terms.

Apart from convincing and influencing the judicial body, such ramifications of an exposure of perjury in a legal dispute inevitably extend to the space outside the courtroom. Characteristically, in Apollodorus' *Against Neaira*, the litigant recalls the perjury committed by an opponent on a previous occasion, when falsely prosecuting him for homicide. After rejecting the accusation, he comments that his opponent "left the court as a perjured man and with the reputation of a *ponēros*" ([Dem.] 59.10). Irrespective of the truthfulness of these remarks, the way perjury is handled by litigants demonstrates the strong influence that *verbal accusations of perjury* can exercise on a perceived perjurer, simply by his exposure in front of a public audience.⁵⁰ By bringing perjury to the attention of others as an outrageous offence, the victim could hit back against his enemy in the expectation that his opponent would then not be trusted either by the judges in the present case or the public in general in future occasions. The alleged victim of perjury, as long as he manages to persuade his audience, holds the reputation and future dealings of his opponent in his hands.

12.2.4 Bringing perjury to the attention of the gods

The first part of this chapter (§12.1) examined in detail divine responses to perjury, while all of the examples in the present section concerned a perceived perjury that involved human agency in its confrontation. At the end of the chapter it is worth looking at one type of human response to perjury that is, indeed, based on human agency but implicates also the divine through verbal means. This is the case of prayers or spontaneous curses against the offender that invoke the gods.

Since gods, as we have seen, can be late in exacting punishment on the perjurer, victims of perjury frequently felt the need to remind them about the offence and engage them actively.⁵¹ Archaic poetry had already laid the grounds for this practice. In Alcaeus, perjury is a major component of the alleged treachery of

⁵⁰ A similar implication is present in Hypereides fr. 40 Jensen, where we are told that the politician Aristophon had acquired the nickname "Ardeittus" (a place where official oaths were regularly taken) because he so often committed perjury there.

⁵¹ Consultation of oracles, as human-divine verbal communication, is also reported in relation to perjury, but the evidence is limited. When they suspected interstate perjury, the Spartans consulted the Delphic oracle to find out whether they should go to war with the Athenians, since they were convinced that the Athenians had broken the terms of the Thirty Years' Peace – and received the positive answer that the god would be with them whether "invoked or not" which resulted in their attack (Thuc. 1.118.3). Compare also the story of Glaucus the Spartan (§10.2). Much later evidence in the "confession inscriptions" from Asia Minor show that individuals visited

his former co-conspirator Pittacus (fr. 129);⁵² as a result, the poet utters a prayer for revenge in the sacred precinct of Hera in a personal communication to the goddess.⁵³ Most often, however, this form of communication with the divine takes the form of a spontaneous, aggressive act of cursing against the perjurer. In the invective of Hipponax (fr. 115), the elaborate curse that precedes the actual reference to his ex-friend's perjury becomes a powerful verbal weapon against the perjurer. The same linguistic feature appears in the language of the victims of perjury in drama too. In Aristophanes' *Clouds*, as we saw, the creditor curses Strepsiades (1236) and invokes the gods (1239) when he realizes that he has been deceived under oath. Similarly, in Euripides' *Medea* the act of cursing is a typical element in the mouth of the heroine, as she brings Jason's perjury into the open (Eur. *Med.* 160–72; cf. 20–2).⁵⁴ Behind this form of human response a common feature of oath-taking may be identified: the human agent re-enacts verbally the self-imprecation of the oath that the perjurer has broken. By these means the victim of perjury aims to reactivate the oath and remind the gods of their role as punishers of people who break oaths.⁵⁵ Especially in cases where there were no other means of redressing the wrong suffered or making it known, as for instance in the case of Alcaeus, this type of verbal response was the victims' sole and safe way of influencing the subsequent actions and lives of their offenders in the event of perjury.

It is, thus, apparent that when one turns to human responses among individuals, accusations and verbal attacks form the main means of affecting negatively a perceived or alleged perjurer in literary accounts. Victims of perjury are represented as bringing into focus the breach of fundamental moral values, such as friendship or trust established through oath-taking, a fact that naturally had a negative impact upon the future dealings of a perjurer with other people. This was efficiently achieved by expanding these attacks into wider contexts that implicate others as listeners, such as an audience in a lawcourt or even the gods

temples in order to confess the offence of perjury and ask the divine about what action should be taken: see Chaniotis 2004, 34 with reference to *BIWK* 52, 102, 103, 106, 120.

52 In all probability the same oath is mentioned in Alcaeus fr. 1671 and 306(g) 9–11. For a reading of this oath in relation to Near Eastern parallels, see Bachvarova 2007.

53 Cf. Archilochus fr. 177 where the attested invocation/prayer to Zeus for justice was very likely a response to Lycambes' perjury. Within the same framework of prayers of revenge, we can place Archidamus' prayer for justice (Thuc. 2.74) before the Spartan attack on the Plataeans. Archidamus asks the gods' consent for *the justified punishment of the wrong-doers*. The performance of this prayer indicates Archidamus' effort to justify the actual human intervention.

54 Cf. further e.g. Eur. *Cycl.* 270, *Phoen.* 491–3, Dem. 10.11, Xen. *Anab.* 3.2.6.

55 For this point, esp. in relation to archaic poetry, cf. L. Watson 1991, 56–62; Giordano 1999, 55–6; Bachvarova 2007, 182.

themselves, with the latter expected to perform their role as punishers of perjury. The persistent representations of human complaints and accusations of perjury throughout the archaic and classical periods show that, in practice, the perception of the oath as a binding moral contract among individuals never ceased to exist.