

2 Oath and curse¹

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There is a proper place for the fear-inspiring
and for fear to sit high
in the soul as its overseer:
it is beneficial
to learn good sense under the pressure of distress.
What man that does not at all nourish
his heart on fear –
or what community of men, it makes no difference –
will still revere Justice?

Aesch. *Eum.* 517–25²

But the Zeus in the Council Chamber is of all images of Zeus the one most likely to strike terror into the hearts of those who do wrong. His epithet is Oath-god (Horkios), and in each hand he holds a thunderbolt. Beside this image it is the custom for athletes, their fathers and their brothers, and even their trainers, to swear an oath upon slices of a boar that there will commit no misdeed on their part in the competition in the Olympic games...Before the feet of the Oath-god is a bronze plate, with elegiac verses inscribed upon it, the object of which is to strike fear into those who forswear themselves.

Pausanias 5.24.9–11

The well-known lines sung by the chorus of Erinyes in Aeschylus' *Eumenides* draw attention to the critical importance of the common human emotion of fear for the proper workings of human justice. One dimension of this fear is manifest in the identity of the singers who play the role of agents of retribution in the play: all men should nourish *in their heart fear of the divine*, if they truly want to revere justice.³ In a very different context, on his visit to Olympia, Pausanias similarly describes the terrifying image of Zeus *Horkios*, "Zeus of the Oath", who

1 I would like to thank Elton Barker, Eftychia Bathrellou and Alan Sommerstein for their invaluable comments and suggestions on this chapter.

2 All translations of Aeschylus and Aristophanes are from A.H. Sommerstein (2008a and 1980–2003 respectively) and of Hesiod from G.W. Most (2007). The rest are mine, unless otherwise indicated.

3 See esp. Sommerstein 1989, 171–82 and Parker 2009, 142–51 for a positive evaluation of the notion of human fear of the divine for the maintenance of a well-ordered society, in the otherwise terrifying song by the Erinyes. I am in agreement with those critics who see these lines as already alluding to human fear of institutional justice too, as developed in the play with Athena's foundation of the Areopagus: see e.g. Lebeck 1971, 147–9; Conacher 1987, 156–8; Sommerstein loc. cit.

strikes fear *into the heart* of the athletes and those who swear in support of them. As Burkert has long ago stated, “only fear of the gods provides a guarantee that oaths will be kept”.⁴ In oath-taking practice, this fear underpins the presence of the conditional self-curse that differentiates the verbal act of oath from any simple promise or assertion (see §1.1). Any divine power(s) could be invoked in oath-taking to execute the divine punishment (cf. e.g. §13.1), implied or stated explicitly through the self-curse, and activated in the event of oath-breaking. But it is certainly not by accident that these two powers, Zeus and the Erinyes, who are related so closely to the notion of imposing fear upon mankind, appear in literary sources with a broader jurisdiction over the institution of the oath.⁵

In §1.1 the oath was defined as a conditional self-curse, a definition that draws attention to the pervasive presence of (conditional) divine punishment looming large over the swearer. A number of anglophone scholars have remarked that this religious aspect of the oath can be difficult for us to grasp:⁶ modern cultural parameters do not always leave space for such a perception. The present chapter aims to approach archaic and classical Greek sources by examining and showing the extent to which the oath was perceived as or identified with the self-curse. Scholarly attention to the distinctive symbolism of the self-curse in formal oath-rituals in Greek religion has shaped one fruitful avenue for exploring its prominence.⁷ The current study argues for a close-bound interrelation of oath and curse by taking a twin approach to the evidence. In §2.1 it builds up a picture of how well-known notions of divine and human *dikē* in archaic and early classical Greek literature define and represent the nature of the oath as a conditional

⁴ Burkert's (1985, 252) emphasis on fear in oath-taking is expounded further by e.g. Faraone, 1993, 2002; Berti 2006; Kitts 2005, 114–87. On the common human emotion of fear of divine anger, which can be defined by cultural parameters, cf. e.g. the recent study by Chaniotis (2012) on later epigraphic evidence.

⁵ See §2.1 below, also p. 28 with n. 84.

⁶ cf. e.g. Stephanie West's remarks (2003, 438) on our understanding of the religious dimension of the oath: “For us nowadays an oath introduces a more formal element into our undertakings... we need to adjust to earlier assumptions as characteristic of medieval England as of classical antiquity. An oath introduced a religious element.” See also Sommerstein 2007a. Their point is made in relation to formal oaths. The extent to which the element of divine presence and punishment in oath-taking is culturally determined could be shown through e.g. a comparison between English and modern Greek language for oaths. English seems to lack expressions of informal oath-taking but in modern Greek informal everyday oaths are frequently used, in which both the divine element and the explicit element of the self-curse are prominent, as in the case of “by God and the Holy Virgin!”, with, sometimes, the addition of an explicit self-curse “may I die!” for extra confirmation of the oath statement.

⁷ See pp. 26–7.

self-curse, through the association of the divine personifications of these verbal concepts, Horkos and the Erinyes as Curses. In §2.2 the focus shifts to investigating actual instances of oath-taking: while the conditional self-curse is implied behind every oath, the section examines oaths in which *individual speakers explicitly articulate the element of the conditional self-curse* in two different public spaces in Athens: (a) scenes of dialogue on the theatrical stage, and (b) litigants' speeches in Athenian law-courts. Individuals' use and manipulation of these verbalized self-curses vary according to the contextual situation and purpose of each speaker; improvisation on the self-curse is a recurrent feature in these contexts. But the character's or speaker's choice to underline the element of the self-curse is a clear demonstration of the conscious perception of the oath as a conditional divine punishment hanging over the swearers.

2.1 Horkos and Erinyes: oath as a curse

It is commonly acknowledged that personifications of abstract concepts in the archaic and classical Greek period often interact with other abstractions or supernatural entities;⁸ and that in this interaction, well-known characteristics of the latter might sometimes be transferred to the former who share, then, similarities in attributes or areas of activity.⁹ The present section sketches out the literary representations of two personified abstractions, Horkos and Arai, Oath and Curses. By bringing them together it aims to outline their interchangeable activity in contexts of a breach of *dikē* that implicate oaths and perjury in archaic and early classical Greek poetry:¹⁰ specifically, in Hesiod, the personified Horkos is clearly presented as a curse while in Aeschylus' *Eumenides*, the personified Arai, Curses, come to prominence in the context of institutional oaths and potential perjury. The unifying factor that defines the personification of both abstractions

⁸ See Webster 1954; Gombrich 1971; Stafford 2000 (with an emphasis on cult); Stafford 2007, 71–81.

⁹ Cf. e.g. Persuasion and Aphrodite (Hes. *WD* 73–5) and the erotic connotations that the former develops in classical period: see Buxton 1982; Stafford 2000, 111–45.

¹⁰ While Solmsen 1949 remains the classic work on the Aeschylean echoes of Hesiodic perceptions of the divine, the representation of divine powers in relation to oaths is limited to Horkos and Styx in Hesiod (32–33). On aspects of these two personifications in relation to oaths and perjury, see Hirzel 1902, 142–9 (on Horkos as divine figure) and recently Fletcher 2012, 62–6 (on the Erinyes/Semnai and oaths); Gagné 2013, 159–77 (on the divine punishment of *exōleia* and perjury in Hesiod). The emphasis in this section is on their affiliation and interchangeability as “the conditional curse” in their Hesiodic and Aeschylean representation.

is their association or identification with *the divine Erinyes* whose relation with all forms of cursing extends to oaths.¹¹ The examination of these personifications will allow us to map out the forms of divine punishment, which we are going to see crystallized as verbalized conditional curses in the second section.

A good starting point for getting a sense of Greek attitudes to conceiving the oath as a conditional self-curse is to consider the Hesiodic representation of Horkos. Explaining why “fifth days” should be avoided, Hesiod gives as a reason his birth (Hes. *WD* 802–4):

Avoid fifth days since they are difficult and dread: for they say that it was on the fifth that the Erinyes attended upon Oath [Horkos] as he was born – Oath, whom Strife bore as a woe to those who break their oath.¹²

Here Martin West identifies the Oath as a conditional self-curse: “an oath is by origin a curse which a man lays upon himself, to take effect if what he declares is false. The god Horkos is the personification of this curse; that is why he is attended by the Erinyes...”¹³ This association of Horkos and the Erinyes makes sense when evidence for the latter’s role in archaic poetry is taken into consideration, evidence which links them with two different notions of the verbal act of cursing. In their most common role, they are invoked to fulfil revenge curses within a family (a role that they famously retain in Greek tragedy).¹⁴ Thus, in Homer we learn from Phoenix of the time when Althaea beats the earth and calls down curses on her son Meleager for killing her brother, and the Erinys hears her (*Il.* 9.568–72).¹⁵ Some lines earlier, Phoenix had also given an account about

¹¹ The most thorough approaches to the Erinyes, which highlight to varying degrees their connection to revenge cursing or “the curse” of the dead, are offered by Wüst 1956; Visser 1980; A.L.Brown 1983, 1984; Sommerstein 1989, 6–12; Johnston 1992, 1994, 1999, 250–87; Henrichs 1994; Bacon 2001; Sewell-Rutter 2007, 78–109; Labarrière 2006; Easterling 2008; cf. also Sarian 1986 (*LMC* 825–43); Prag 1985, 44–51, 117–20 for iconographic evidence.

¹² In Hes. *Thg.* 226–32 the personified Oath is similarly described among a number of negative personified concepts (e.g. Lies, Disputes, Lawlessness, etc.) as the one “who indeed brings most woe upon human beings on the earth, whenever someone wilfully swears a false oath”. The equivalent power in the world of the gods, the power of the river Styx as “the Great oath of the gods”, also evolves around its punitive potential in Hes. *Thg.* 793–806, for which see §7.3.1.

¹³ M.L. West 1966, *ad* Hes. *Thg.* 231.

¹⁴ Their area of action regarding revenge cursing is not limited to parental cursing (e.g. Aesch. *Sept.* 720–5, 866–9, 886–7; Aesch. *Cho.* 924; Soph. *OC* 1298–9), but encompasses other relations too: curses from children against mothers (Electra against Clytaemestra – and against Aegisthus, Soph. *El.* 110–6; Hyllus against Deianeira, Soph. *Trach.* 807–12), husbands against wives (Eur. *Med.* 1389–90), comrades-in-arms against their generals (Soph. *Aj.* 835–44 [839–42], 1389–92).

¹⁵ Mentioned as δασπληγίτις Ἐρινύς in Hes. fr. 280.9 M-W (=216.9 Most), which also preserves the

how his father Amyntor, on discovering that he had slept with his (Amyntor's) concubine, had cursed him to remain childless and the Erinyes fulfilled the wish (*Il.* 9.453–7). Yet, the Erinyes are also the divine agents who fulfil the conditional self-curse of the oath: after the great strife between Agamemnon and Achilles, they are among the divine powers who oversee their oath of reconciliation and they are mentioned as punishers of perjury (*Il.* 19.258–60; cf. *Il.* 3.279; Alcaeus fr. 129.13–4). Thus, this role of the Erinyes is one aspect of their overarching identity as fulfillers and, more characteristically later, as personifications of verbal cursing, which is appropriated by the Hesiodic representation of Horkos who becomes “an awe to perjurers”, under their auspices.

The intertwining association between Horkos and the Erinyes in archaic poetry also comes to light when we consider the actual content of the self-curse (i.e. the form of their divine punishment) specifically. In the case of self-cursing, the form of punishment envisaged in Hesiod in the event of perjury targets the family/offspring of the swearer (*Hes. WD* 282–5):

But whoever wilfully swears a false oath, telling a lie in his testimony, he himself is incurably hurt at the same time as he harms Justice, and in after times his family is left more obscure, whereas the family of the man who keeps his oath is better in after times.

This passage has commonly been cited for preserving a fundamental idea of Greek culture: the concept of inherited guilt, where the children, themselves innocent of any crime, suffer divine punishment because of their parents' wrongdoing. The most recent study on the subject has brought into focus how the concept is very much tied to the institution of the oath during the archaic period;¹⁶ swearing falsely involves serious *and regulated* repercussions not only for the false swearer but also for his or her offspring. The Erinyes themselves are also the fulfillers of

incident. The gesture itself recalls the sanctifying feature of striking the ground or placing one's hand on the Earth during the oath-taking procedure (*Hom. Il.* 1.233–46; 14.273–82; see §6.3). For parental cursing in Homer cf. further *Od.* 2.135–6, where Telemachos is fearful of driving his mother from the house in case he should incur his mother's curses and an Erinyes act on them. Hesiod establishes the relationship of the wronged parent with the Erinyes in the divine domain, when in the *Theogony* the Erinyes are said to be born from the blood of Uranus' castration at the hands of his son Cronus (*Thg.* 185). Later Rhea demands that the Erinyes of her father take revenge for the children whom Cronus had swallowed (*Thg.* 472–3).

16 See Gagné 2013, 159–278 who applies the term “ancestral fault”. The main studies that deal with the concept of “inherited guilt” (Glotz 1904; Dodds 1951, 28–63; Parker 1983, 198–206; Sewall-Rutter 2007, 15–48) have inevitably all touched upon the concept of cursing either in its form as an inherited revenge curse or as an oath.

this kind of punishment,¹⁷ in a totally different context of archaic oath-taking. They are invoked¹⁸ in the famous scene of oath-taking between the Trojans and the Achaeans in the *Iliad* (see §6.4), which includes an explicit conditional self-curse targeting not only the swearer but also his family (*Il.* 3.297–301):¹⁹

... grant that the brains of them who shall first violate their oaths – of them and their children – may be shed upon the ground even as this wine, and let their wives become the slaves of strangers.

Not limited to archaic times, the utter ruin (*exōleia*) of those swearing falsely – which denotes not only their own death, but can extend to the destruction of their offspring and, sometimes, even household – is the main manifestation of the explicit form of divine punishment, especially in formal oath-taking in all periods. This feature is played out further in the level of divine personifications. The well-known personification of Horkos' nameless, lame son in the story of the perjurer-to-be Glaucus in Herodotus enacts the same form of punishment against perjurers (*Hdt.* 6.86; see §10.2). The shift in focus from Horkos to his son in Herodotus seems to suggest an interesting assimilation between the divine oath-enforcers and the punishment that they exact: Horkos *and* his offspring punish the false swearer *and* his offspring.

The punishment exacted by Horkos or his son can extend over generations. Time, thus, plays an important role in the application of this form of punishment which “entails delay, extended temporality, possibly the substitution of one victim for another” (Gagné 2013, 177). Yet, in spite of the length of time implied by the fact that retribution extends indefinitely to the swearer's descendants, paradoxically Horkos is simultaneously perceived as *moving quickly* to carry out punishment. In Hesiod, Horkos *runs* in order to punish perjury (*WD* 219), a feature that he preserves in classical literature as well (*trag. adesp.* 333a) and which, again, he shares with his nameless child²⁰ who, “despite having no hands or feet, is swift in pursuit” (*Hdt.* 6.86). In this, too, Horkos share similarities with

¹⁷ The Erinyes' role as punishers of children is a consequence of *parental* revenge-cursing too, after a wrong suffered, as we saw in the examples above. The punishment of offspring is claimed by the Erinyes themselves in Aesch. *Eum.* 934–5.

¹⁸ The invocation is for “the nether avengers of the underworld” which I take here as a reference to the Erinyes: cf. Kirk 1985, *ad* 3.278–9.

¹⁹ Gagné 2013, 177–205 highlights this passage as the only attestation of the concept of “ancestral fault” in Homer.

²⁰ The anonymity of Horkos' son is also shared with the ‘nameless’ goddesses, Erinyes as Eumenides in Eur. *IT* 944, *Or.* 37, 409, fr. 494.18. For this feature in relation to the latter's cult, see Henrichs 1994.

the Erinyes as executors of cursing: the “swift-moving Horkos”, who cannot be outrun by perjury (*trag. adesp.* 333a), is matched by the “swift-running Erinys” (*kampsipous*, Aesch. *Seven* 791; cf. Soph. *Aj.* 837, 843) who quickly fulfils the curse of a wronged individual. Through this representation, Horkos follows and reproduces the model of vengeful gods who speedily execute their divine punishment upon individuals and bring to fulfilment a curse (cf. e.g. *Il.* 1.37–42, *Od.* 9.526–36).

In his role of executing his punishment, Horkos also functions within the orbit of the well-known archaic sense of *dikē* – supervised by Zeus (*WD* 238–9) – that concerns issues of personal gain and their judicial settlements.²¹ In his advice to his brother Perses to follow Justice (*WD* 213), Hesiod represents Horkos as *running alongside* the crooked judgements made by bribe-swallowing judges (*WD* 219–21), who, like Perses, put their personal gain above justice.²² The god, again personified as a curse, ensures that whoever has trampled on their oath²³ and committed perjury is punished.²⁴ The Hesiodic presentation of Horkos as the curse of the oath goes hand-in-hand with the personified *Dike* in the same context, who “brings evil to those men who drive her out and do not deal straight” (223–5). A breach of human justice in Hesiod can involve intervention and punishment from Horkos. This scenario is set in contrast to the fate of men who follow justice. Hesiod relates that Zeus guarantees for those who give straight judgments a life full of blessings with no war or famine (Hes. *WD* 225–9); for them all is fertile (Hes. *WD* 230–5):

... the Earth bears the means of life in abundance, and on the mountains the oak tree bears acorns on its surface, and bees in its centre; their woolly sheep are weighted down by their fleeces; and their wives give birth to children who resemble their parents. They bloom with good things continuously.

²¹ See the still valuable discussions of Gagarin 1973, 1974 on the Hesiodic presentation of justice tied to the context of economic profit. On this aspect of justice in Hesiod, cf. also, Nelson 1998, 130–8.

²² Cf. *WD* 190–4 where the oath finds a place in the breakdown of justice in the Iron Age: “the evil man shall harm the good one speaking with crooked lies and swearing an oath...”

²³ The actual oath-statement is not given but see M.L. West 1978 *ad loc.*, followed by S&B 7–8, who argue that the oath implied here is one sworn by Perses and not by the judges.

²⁴ In representing the divine punishment of perjury, Hesiod’s concerns about perjury and private profit are picked up in Theognis 197–202, where the perjurer *profits for a short while* but becomes *wretched in the long run* (200; cf. also Theognis 1194–5). Hesiodic resonances for the divine punishment of perjury for personal gain appear in Plato’s *Laws* (916e–917a), where perjury is forbidden by the market laws. There are similarities too between the two authors in the representation of oath-breaking and divine punishment; cf. Plato *Laws* 701b–c, which echoes Hes. *WD* 180–201, and also *Rep.* 363d (resonances about the continuity of the family).

Taking into account both aspects in play, Horkos' initial potential punishment for perjury and injustice, and, on the other hand, the promise of Zeus' blessings in reward for just actions,²⁵ the Hesiodic narrative hints at the double religious nature of the oath: the explicit conditional curse in oath-taking was often coupled with blessings, as for instance, in the fifth-century oath of Demophantus: "[the swearer] is to pray that if he keeps his oath he may have many blessings, but if he breaks it he may be utterly destroyed, himself and his descendants" (Andoc. 1.98).²⁶ Hesiod emphasizes the power of conditional blessing and cursing, with an expressed concern for fertility, which explicitly acknowledges the principle that the prosperity of the land or city depends on the just or unjust actions of each individual, actions overseen by divine powers.²⁷ The same blessings recounted by Hesiod are reversed and appear as conditional curses in formal oaths attributed to the archaic and early classical periods, as in the oath of Plataea²⁸ or in the oath of the Amphictyonic League sworn by Apollo, Artemis, Leto and Athena Pronaea (Aeschines 3.111):

...the curse says that their land will produce no fruits/crops, nor will the wives will give birth to children that looks like their parents, but to monsters, nor will their livestock produce natural offspring; but may they be defeated in war and lawsuits and debates/assemblies and may both themselves and their households and their race perish utterly..²⁹

25 Horkos works in accordance with the justice of Zeus. Zeus's punishment of the unjust (*WD* 238–49), which brings the exact opposite of the previous blessings, is also in accordance with the retribution that Horkos exacts upon the unjust perjurers, their family and household.

26 For the oath of Demophantus, which prescribed citizens' action against anyone who tried to subvert democracy, see Shear 2007. For the combination of cursing with blessing cf. further e.g. *Ar. Lys.* 181–238; *SIG* iii 921.14–15 (oath at the Apaturia). See also the variant: 'if I keep the oath, may I have many good things; if I forswear, the opposite' (*IG* ii² 1237.74–113; *IG* ii² 1196 a 8–13, b 5–22; *IG* i³ 42.4–6). Faraone 2005 argues that a strong curse precedes the blessing, or appears on its own, when a stronger power/authority imposes an oath on a weaker, while more balanced forms of curses-blessings appear in oaths among equals. This is not supported by all the evidence, as he himself admits. It is, however, the case that in oaths from democratic Athens there seems to be a tendency to have the blessing preceding the curse, probably as a positive incentive for the citizens to keep their oath.

27 On this principle, see Parker 1983, 235–80; Cole 1996, 230–6; Pulleyn 1997, 79–83.

28 *RO* 88.39–46: "if I abide by the terms of my oath may my city be free from illness, and if not may it become ill. And may my city be unsacked, and if not, may it be sacked; may my [land] bear [fruit], and if not, may it be unfruitful. And may women bear children like to their parents, and if not, monsters. And may cattle bear calves like themselves, and if not, monsters". For the impact and authenticity of the oath of Plataia in general, see most recently, S&B, 191–8 and Cordingle 2013 (esp. 41–58 for its religious dimension), with references to previous discussions. For divine punishment inflicted upon the same areas, cf. p. 17 n. 41 and *Hdt.* 3.65.7, 6.139.1; *Dem.* 25.82.

29 This conditional curse extends to areas which are not common in oaths – potential defeat

On a more general note, this reversal of natural order in cases of perjury reflects the reversal of the oath's power to bring an equilibrium and balance to human affairs, a fact that explains its close association with justice as "natural order".³⁰ Thus, in this aspect too the conditional self-curse aligns with the Erinyes' broader role in avenging or correcting "an infringement of the normal and proper order of things (*dikē*)".³¹ In Hesiod, Horkos as a curse acts especially in relation to one specific breach of this *dikē*, the one related to personal profit. A different branch of *dikē* expressed in relation to the oath as a conditional blessing-cursing appears in Aeschylus' *Eumenides*, a play in which it is the Erinyes themselves who enact the role of the Hesiodic Horkos and *personify* the conditional self-curses/blessings within the institutional framework of Athens' law courts.

Oaths feature prominently in Aeschylus' *Eumenides*, but it is only recently that they have received the full attention of scholars.³² All of them have been identified with formal Athenian practices of oath-taking, albeit in a distorted form.³³ To summarize briefly: there is an oblique allusion to the preliminary procedure of the oath-challenge presented by the Erinyes to Athena as an argument against Orestes' innocence (425–32);³⁴ one of the most famous oaths in Athens, the dicasts' oath, is mentioned no fewer than five times (483, 489, 621, 680, 710); at the end of the trial the successful litigant, Orestes, takes an oath, like any successful litigant in a real-life homicide trial (762–74) – although his oath is actually a promise of alliance between Athens and Argos.³⁵ The aim here is to demon-

not only in wars but also in lawsuits and debates. Perjury will thus incapacitate the culprit from taking any effective participation in public spaces. Cf. Plato *Laws* 842e–843a where the fury of the gods after perjury is said to bring wars. The curse goes on to include the inability to perform sacrifices, especially to the gods of Delphi – the protectors of the area of the Amphictyonic council – and, thus, denies the transgressor a fundamental role in the religious life of the community: see Versnel 1985 for the application of the same formula in curse-tablets. Cf. Sánchez 1997 for an approach to this oath as a fourth-century fiction.

30 On the broader applications of justice as "natural order" in the archaic period, see Lloyd-Jones 1971; W. Allan 2006.

31 Sommerstein 1989, 7 on Heracleitus fr. 94 D-K: "if the Sun transgresses his boundaries, the Erinyes, helpers of Justice, will seek him out".

32 See Sommerstein 2010a; Fletcher 2012, 35–69 for the oath theme in the *Oresteia* trilogy studied from the perspective of gender, and esp. 57–69 for the oaths in *Eumenides*.

33 Sommerstein *ibid.*

34 For the procedure of the oath-challenge here see Mirhady 1991, who identifies the present passage as an oath-challenge, and also S&B 101–8 and cf. 68–9. For the self-curse in this process see §2.4.3.

35 As scholars have noticed, the oath reflects the current political reality of the alliance between Argos and Athens made three years before the performance of the trilogy. See e.g. Quincey 1964; Braun 1998, 102–4; Podlecki 1999, 82–4; Fletcher 2012, 66–9. It includes a self-curse and it has

strate that in some of these contexts the oath is clearly presented as a conditional self-curse; and that its potential threat in cases of perjury persists throughout by virtue of the presence and utterances of the Erinyes as personified Curses.

At the beginning of this chapter, we glimpsed the collocation of fear and justice embedded in the Erinyes' song (*Eum.* 517–25). This fear acquires a more concrete form when approached in the light of the nature and function of the oath as a conditional self-curse/blessing. Earlier in the play, the Erinyes had identified themselves explicitly as Ἀράι, “Curses” (*Eum.* 417), the Greek word used not only for revenge-cursing but also for conditional self-cursing in oath-taking (e.g. Aeschines 3.110; Pl. *Crit.* 119e4–5).³⁶ Quite clearly, these female deities, terrifying in their appearance,³⁷ act as *actual personifications* of the dead Clytaemestra's curses and enforcers of Zeus's *dikē* in their pursuit of the matricide Orestes.³⁸ Yet, in the lines immediately before their fearful song, the audience have just witnessed the goddess Athena laying the foundations of Athenian justice; Athena not only announces the establishment of the Areopagus Council to judge the

generally be taken to allude to Orestes' future capacity as a hero who will impose curses or blessings dependent on whether the states will keep the alliance. I am not in agreement with Fletcher *ibid.*, who argues that Orestes replaces the Erinyes in their role as conditional curses (see below). The oath by Orestes is the only one uttered on stage. Elsewhere we have only demands for oaths (429–32) or references back to oaths taken offstage (the oath of the judges).

36 The personified Ἀρά identified with the Erinyes appears to be an Aeschylean invention; evidence for its existence as a personified separate entity outside tragedy is very slim and uncertain. Hesychius α6978 mentions an Ἀρὰς ἱερὸν in Athens which was mentioned in Aristophanes' *Horai* (fr. 585), but for which he adds “some believe that he names the βλάβη”. Cf. *EM* s.v. ἀρά and Plut. *Thes.* 35.3. Hesychius α6960 also mentions Ἀραντίδες as a word used by the Macedonians instead of the Erinyes. In a grave imprecation of the second century AD from Neocaesarea (SEG xviii 561), the personified Ἀρά is invoked as “the oldest of the daimons”, to punish any potential violators of the grave. See Speyer 1969, 1196–8; Wüst 1956, 86–7; Corlu 1966, 274–6; Geisser 2002, 242–52.

37 Cf. their gradual visualization in Aesch. *Cho.* 924–1050 and *Eum.* 46–178, for which see A.L. Brown 1983 and Frontisi-Ducroux 2006, the latter with an emphasis on the audience's growing terror.

38 In the trilogy the Erinyes had previously been associated with the revenge-curse of Thyestes on the family of Atreus (*Ag.* 1580). The audience hear also about the Erinyes of the dead Agamemnon (*Cho.* 283, 406) before they see them take shape as the curses of Clytaemestra (*Cho.* 925). Once they are invoked in an oath that Clytaemestra swears immediately after the murder of Agamemnon (*Ag.* 1431–6). In the *Eumenides*, their power as curses is manifested also in their binding song (321–96) with allusions to the ritual of binding curse-tablets (Faraone 1985). In the same song they give a self-referential performance of their identity as “Curses” on stage (Prins 1991). In the pre-trial scene in *Eum.* 427–33 they declare clear support for the institution of the oath in opposition to Apollo (see esp. Gagarin 1986, 19–50).

matricide Orestes (*Eum.* 482–9); she also twice highlights the distinctive role of the dicasts’ oath within that Council (484, 489).³⁹ When the Erinyes sing about the necessity of fear, coupled with remarks about the divine punishment of those who accept bribes and will not be just (538–43), the inherent potential of their threat can be understood as *the punishment that will visit the dicasts should they break their oath*.⁴⁰ Through the song and the very identity of the Erinyes, the power of the conditional self-curse goes hand-in-hand with the establishment of the dicasts’ oath and human justice in the audience’s world.

The same pattern can be seen within the actual trial of Orestes. When Athena famously adumbrates the importance of fear for the workings of justice (690–9) in the foundational narrative of the Areopagus Court, she echoes the Erinyes’ song, and warns the jurors again about their duty to keep their oath (709–10). Immediately after this warning, the Erinyes threaten the Athenian land and substantively back her up (*Aesch. Eum.* 709–13):

Athena. Now you must rise, deliver your votes, and decide the case,
respecting your oath. I have said my say.

Erinyes. And I advice you strictly to avoid dishonouring us,
for we can be dangerous company to this land.

Heard in the shadow of Athena’s remark, their words function as a threat to the dicasts *should they fail to respect their oaths*. The Erinyes repeat this warning more elaborately after the trial results in Orestes’ acquittal. Feeling slighted, they issue a threat of dire consequences against the Athenian land, and, evoking a Hesiodic blend of forms of divine punishment, they promise the destruction of the earth and its reproductive powers (810–17):

And I wretched that I am, am dishonoured, grievously angry,
releasing poison, poison,
from my heart to cause grief in revenge
in this land –ah!–
a drip falling on the land,
such that it cannot bear! And from it
a canker causing leaflessness and childlessness – oh Justice, Justice! –
sweeping over the soil will fill the land with miasmas fatal to humans.

³⁹ Sommerstein 2010a argues that the way the trial of Orestes is presented is closer to the ordinary court of the Heliaia than to Areopagus trials. In the Heliaia the dicasts’ oath included an explicit self-curse: see §2.4.1.

⁴⁰ The dicasts’ oath included an undertaking not to “accept any gift on account of my service as a juror” (*Dem.* 24.150); see S&B 71, 73–4.

I groan; what shall I do? I am a laughing stock. I have suffered unbearable treatment at the hands of the citizens!

As critics have observed, the goddesses feel that, now the jurors have freed the matricide Orestes from his blood-guilt, the pollution of the murderer should be transferred to the jurors' own land.⁴¹ Yet these threats also relate back to the Erinyes' previous warnings to the dicasts. It can be argued that since the dicasts, in the minds of the Erinyes, have made a wrong judgement, *they have activated the conditional self-curse clause of their oath*, personified by the Erinyes themselves. Divine punishment will affect their whole city, since one perjurer, like one murderer, can bring down divine punishment upon those who share a space with him (cf. Eur. *El.* 1355; Pl. *Laws* 701b-c).

There is then an additional aspect to the Erinyes' role in the play – the establishment of a conditional self-curse as an intrinsic part of the dicasts' oath, negotiated before and developed during and after the trial. This should be counted among those divine functions which the Erinyes maintain when, at the end of the play, they are propitiated by Athena and incorporated into the Athenian *polis* as divine agents of justice under the identity of *Semnai Theai*,⁴² goddesses with an established cult in Athens.⁴³ Their gradual incorporation in Athens is indicated by a change in the nature of their speech-acts: they turn from their cursing utterances (778–93 = 808–23; 837–46 = 870–80) to four symmetrical prayers for blessings (916–26, 938–49, 956–68, 976–88). Once again, these cover the same areas as those in Hesiod (938–55):

⁴¹ Cf. e.g. Parker 2009, 149. For the familiar consequences of pollution, which also constitute standard formulas of conditional cursing, see Parker 1983, 114 and 191 with references to Soph. *OT* 269–72; Aeschines 3.111; Eupolis fr. 99.33–4; *SIG*³ 360.55, 526.40.7, 527.85–90. Cf. also Mikalson 1983, 31–8.

⁴² See Sewell-Rutter 2007, 104–9 and Easterling 2008, 230–5, for a summary of approaches to the ending of the *Eumenides* regarding the consistencies and changes between the Erinyes and the *Semnai Theai*. Kitto 1961, 64–95 and Winnington-Ingram 1954, 1983, 154–74 place particular emphasis upon the *Semnai* / Erinyes' continuing menace at the end of the play. The extent to which the identification between the two (and also the “Eumenides”) existed in real life or before Aeschylus is a matter of some controversy, which cannot be easily solved with the current state of evidence. A.L. Brown 1984 claims that Aeschylus was the first to make this identification and that it is a literary creation; he is followed by Sommerstein 1989, 9–12. For the opposite view, see Lloyd-Jones 1990; Henrichs 1991, 161–79 and 1994 (a more balanced approach than that of Lloyd-Jones); Johnston 1999, 267–73.

⁴³ For the Athenian cult of the *Semnai*, cf. Aesch. *Eum.* 806, 835, 856; Dem. 21.115; Aeschines 1.188; schol. Soph. *OC* 489; Philo, *Quod omnis probus liber sit* 140; *IG* ii² 112.6–12. For their sanctuary as a place of asylum, cf. Thuc. 1.126.9–11, Plut. *Sol.* 12; Ar. *Knights* 1311–12; Ar. *Thesm.* 224–5. See Parker 1996, 298–9 and 2005a, 406.

Erinyes: I wish that no wind may bring harm to trees – I speak now of my favour – to blow the flaming heat that robs plants of their buds; let that not pass the land's borders; and may no grievous disease that destroys crops come upon them; may their flocks flourish and may Pan rear them to bear twin young at the appointed time; and may their offspring always have riches in their soil, and pay back the lucky find granted them by the gods.

Athena: Do you hear this, you guardians of the city – what these words are accomplishing? The sovereign Erinyes has great power both among immortals and among those under the earth; and in the case of men, it is clear how decisively they effect their will, giving to some joyful song, to others a life with eyes dimmed by tears.

Critics have noted that the context would have encouraged the play's audience to associate the Erinyes' transformation into *Semnai* with the formal institution of the oath in the Areopagus council.⁴⁴ This is because the *Semnai* were invoked in the oath-taking by litigants before each homicide trial in Athens (Dein. 1.47); there is a high probability that they were invoked by the judges as well.⁴⁵ As Judith Fletcher has recently underlined (2012, 61–6), the specific dramatic development of their verbal acts from “curses” to “blessings” may well have reminded the Athenian audience of the power of the oath within their own judicial system. Even, or especially, if this is true, however, it is important to note not only the promise of blessings but also crucially their still *conditional* nature. When the Erinyes/*Semnai* utter their blessings, it is now Athena's turn to reply and she, like the Erinyes before her, follows up the promise of benefaction with warnings of dire consequences for the people of Athens (949–55; cf. 930–7, 990–1).⁴⁶ Now it is Athena who makes it clear that the threatened curse remains in force. Again, the blessings are contingent upon the decisions and actions of men: the Athenians' own behaviour towards oaths will determine whether they are truly to receive blessings or instead curses from the Erinyes/*Semnai*. In these terms, honouring the deities means also keeping one's oath. At the same time, the open-endedness of this conditional form of blessing-cursing established at the end of the *Eumenides* does more than facilitate an association with formal oath-taking within the court system. Due to the importance given during the play's dénouement to the

⁴⁴ See e.g. Thomson 1946, 284; Henrichs 1994, 45–6; Fletcher 2012, 61–6.

⁴⁵ For the latter we have no clear attestations but S&B 112 n.167 hold that Deinarchus (1.87) provides evidence that the *Semnai Theai* were also invoked in the oath of the Areopagus council, when he states that “the *Semnai Theai* in Orestes' trial accepted the verdict of the Areopagus council and associated themselves with the truthfulness of this body in the future”.

⁴⁶ The *apostrophe* is to the dicasts as “the guardian of the city”, but the dicasts are identified as the people of Athens (*Eum.* 487, 681–2); cf. Taplin 1977, 394. Many of the *apostrophes* can be taken as referring both to them and also to the audience (e.g. *Eum.* 775, 807, 854, 927).

establishment of justice as a universal condition of a well-balanced society⁴⁷ the emphasis on the conditional blessings/curses also hints at the importance of the religious act of swearing as a universal prerequisite for establishing justice and order in human affairs.

The examination of the Curses/Erinyes in *Eumenides* in oath contexts unveils their close affiliation with the Hesiodic Horkos in their representation as a potential curse to be activated in the event of perjury. The over-embracing association of the Erinyes with the act of cursing is a defining factor in the personification of divine powers associated with oaths and perjury in archaic and classical literature. When we move from the literary divine personifications to representations of actual oath-taking, the nature of the oath as a self-curse is equally attested through the prominent presence of explicit self-curses in contexts of oath-taking.

2.2 Explicit self-curse and oath-taking

In the previous section it became apparent that the forms of divine punishment brought about by Horkos and the Erinyes (e.g. bringing retribution to one's offspring; making the land, livestock and humans sterile) constitute the main forms of *verbalized self-cursing* in oath-taking practices in archaic and classical Greek literature. The present section seeks to address tangible uses of the explicit conditional self-curse in oath-taking scenarios of verbal exchanges among *individuals*. This material supplements approaches to the importance of self-cursing in formal interstate or civic oaths, which has already been underlined by scholars (see below). The purpose here is to examine when and why individual speakers or dramatic characters openly refer to the element of divine punishment in oath-taking circumstances. At the same time, these verbal contexts will help us ascertain further the manifestation and perception of the oath as a conditional self-curse in Greek sources. Evidence is drawn from two genres that place an onus on the performativity of language: drama and oratory. Together they comprise the greatest bulk of self-curses, as is evident from the following table, which gathers all references to verbalized self-cursing in archaic and classical Greek inscriptions and literature.⁴⁸

⁴⁷ See esp. C.W. Macleod 1982.

⁴⁸ These results include only *the actual appearance of verbalized curses* within our sources; they do not include the many references to oaths known to have included a curse (e.g. the dicasts' oath), in which the speaker or narrator does not mention the curse in the specific context. Also not included are (1) the passages discussed in the previous section, though, through

Genre or text type	Refs. to explicit curses
Inscriptions	27 ⁴⁹
Epic poetry (incl. Hymns)	6 ⁵⁰
Comedy	23 ⁵¹
Tragedy	16 ⁵²
Satyr Drama	2 ⁵³
Other poetry (lyric)	1 ⁵⁴

the representation of Horkos and the Erinyes, they help to establish the nature of the self-curse and should be taken into account as evidence for explicit self-cursing; (2) passages that include oath-rituals but not verbalized self-curses. The symbols stand for: C=Curse, B=Blessing, R=oath-Ritual; OSC=Other Sanctifying Circumstances. All dates are BC.

49 Alliances: *IG* i³ 75.21–7 (Athens-Halieis, 424/3; C); *IG* ii² 97.16–26 (Athens-Corcyra, 375/4 or 374/3 or 371; B-C); *RO* 50, 2–7 (Macedonians-Chalcidians, 357/6; B-C-R); *IG* ii² 281.9–10 (Athens – ?, 336/5; B); arrangements/regulations: *IG* ii² 111.58–73 (Athens on Ceos, 363/2; B-C); *IG* i³ 14.21–45 (Athens on Erythrae, 469/452; C-R); *IG* i³ 15.d36–42 (Athens on Erythrae, 455/445; C-R); *IG* i³ 40.4–16 (Athens on Chalcis, 446/423; B); colonization: *IG* i³ 37.38–55 (Colophon, 447/6 or 427/6; C-B), *ML* 5.7–11 (Thera-Cyrene 645/625; C-B-R); *ML* 5.23–51 (Cyrene [Theran colonists], 399/350; C-B-R); synoecism: *IPark* 15.53–72 (Orchomenus-Euaimon, 360/350; B-C); members of the koine of Eikadeus: *IG* ii² 1258.2–21 (Athens, 324/3; C); Athenian hoplites (Plataean oath): *RO* 88.23–46 (4th cent. *stele*; Plataea, 479; C-B-R); euthynoi/paredroi: *SEG* xxxiii 147.52, 57–64 (Athens-Thoricus, 430/375; C-R); euthynoi: *IG* ii² 1183.8–13 (Athens-Hagnous or Myrrhinous, 349/325; B-C); lessees: *IG* ii² 1196.a8–13, b5–22 (Athens-Aexone, 326/5; B-C); witness for introduction to the phratry: *IG* ii² 1237.74–113 (396/5; C-B-OSC); tagos: *CID* i 9 Face A, 1–18 (Delphi, 424/350; B-C); hieromnemon: *CID* i 10.3–9 (Delphi, 380/379; C-B); secretaries (?): *CID* i 10.9–15 (Delphi, 380/379; B-R); citizens: Voutiras & Sismanides 2007 (Dicaea, 365/359; B-C). *In courts in Gortyn:* plaintiff/witnesses: *IC* iv 51.1–14 (499/475; C); plaintiff (?), members of his family and witnesses: *IC* iv 51.1–14 (499/475; C); captor of the defendant and witnesses: *IC* iv 72 col. ii 36–45 (450/440; C). Unknown circumstances: *IC* ii, xii.3.2–3 (Eleutherna, 599/400; C); *IG* i³ 42.4–6 (Athens, 445/427; B-C (?))

50 Peace-treaty: *Iliad* 3.245–301 (C-R); reconciliation Achilles-Agmemnon: *Il.* 19.175–275 (C-R); voluntary self-curses: *Il.* 2.257–64 (C); *Il.* 5.212–6 (C); *Od.* 16. 99–104 (C); *h.Herm.* 379–80 (B).

51 Formal oath in the assembly: *Ar. Lys.* 181–238 (411; B-C-R); elicited oath (but explicit self-curse offered): *Ar. Birds* 440–7 (414; C-B); voluntary self-curses: *Ar. Ach.* 151–2, 324, 476–8 (425; C); *Ar. Knights* 400–1, 409–10, 694–5, 767–8, 769–72, 832–5 (424; C); *Ar. Georgoi* fr. 107 (424/422; C); *Ar. Clouds* 1255 (423; C); *Ar. Wasps* 630 (422; C); *Ar. Lys.* 530–1, 932–3 (411; OSC); *Ar. Frogs* 177, 579, 586–8 (405; C); *Ar. Eccl.* 977 (391/90; C); *Eubulus Chrysilla* fr. 115.6–7 (380/330; C); *Alexis Mandragorizomene* fr. 149 (345/322; C); *Ephippus Homoioi or Obeliaphoroi* fr. 16 (350/30; C).

52 Self-curse in alliance(s): *Aesch. Eum.* 762–74 (458; B-C-OSC); *Eur. Suppl.* 1187–1204 (?; C-OSC); elicited solemn self-curses: *Soph. Trach.* 1181–1251 (?; C-OSC); *Eur. Med.* 735–55 (431; C-OSC); *Eur. IT* 737–52 (414; C); voluntary self-curses: *Soph. OT* 249–51, 644–5, 660–2 (420s?; C); *Eur. Alc.* 1097 (438; C); *Eur. Hipp. Kalypt.* fr. 435 (430s?–C); *Eur. Hipp.* 1025–31, 1191 (428; C-OSC); *Eur. Or.* 1146–7 (408; C); *Eur. IA* 948–54, 1006–7 (405; C); [*Eur.*] *Rhes.* 816 (?–C).

53 Eur. Cycl. 253–61, 270–2 (?408; C).

54 Alcaeus fr. 129.13–24 (610/560; C; cf. fr. 306g.9–11).

Oratory	34 ⁵⁵
History	4 ⁵⁶
Philosophy	3 ⁵⁷
Other Prose (medical writings)	1 ⁵⁸

Out of a total of 3,279 formal and informal oaths or discussions about oaths within the above genres, there are only 117 instances where self-curses are expressly articulated. Undoubtedly, the frequency of the presence of the self-curse as indicated by a single number is not a decisive element for establishing its prominent role in circumstances of oath-taking. Studies aiming to reconstruct the oath-rituals of interstate alliances or civic ceremonies have ascertained the symbolism of the ritual action in strict relation to the self-curse and divine punishment, even in those cases where the self-curse is not always explicitly present in the narratives of these rituals.⁵⁹ These studies have shown in detail how the actual performance of the sacrificial ritual enacts the self-curse of the oath. The killing of the animal is described in terms that recall the act of killing itself and the blood of the victim: terms such as “to slaughter” (*sphattein*) and “slaughtered bits” (*sphagia*); and “to cut” (*temnein*) or “cut pieces” (*tomia*) which indicate that the immolation of the victim⁶⁰ symbolically represent the potential death of the perjurer should they

55 Dicasts: Andoc. 1.31 (400/399; C); Dem. 24. 148–51 (353; C-B); Dem. 19.219–20 (343; C); Aeschines, 2.232–3 (330; C); Lyc. *Leocr.* 79 (330; C). Prosecutor/defendant: Ant. 5.11–12 (420/413 [homicide]; C); [Dem.] 47.70, 73 (*diōmosia* at Palladium, 357–353/2; C); [Dem.] 59.10 (homicide; 343/340; C); Dem. 23.67–8 (homicide; 352; C-R); Aeschines 2.87 (343; winner of the homicide trial; R-C-Blessings for the dicasts). Witnesses: Dem. 57.22, 53 (345; C); Aeschines 1.114–15 (345; C). Oath-challenges: Lys. 32.13 (400; C); Dem. 29.26, 33, 54 (362/1; C). Self-curses in the courtroom: Dem. 54.38, 40 (355/341; C); 54.41 (355/341; B-C); 19.172 (343; C). Spontaneous cursing outside the courts: Aeschines 3.99 (330; C); Dem. 18.283 (330; C); Dem. 21.119 (347/6; C); [Dem.] 49.66–7 (362; C); Lys. 12.10 (403/2; C). Other official oaths with curses unrelated to judicial proceedings: Aeschines 2.115–16 (343 [for Amphictyones 1st meeting, 7th cent.(?)]; C); 3.109–13, 119–20, 125–8 (330 [Amphictyones 2nd meeting, 595/85]; C); Andoc. 1.96–8 (400/399 [oath of Demophantus, 410/409]; B-C-R); Andoc. 1.126 (witness of the phratry, 400/399; C-OSC); Lyc. 1.79 (archon, ephebes, 330; C). **56** Hdt. 6.86 (490/480; C); Hdt. 1.165 (Phocaeans, ca 540; C-R); Hdt. 4.68–70 (Scythians, 484/415; C-R); Ephorus *FGH* 70 F 115 (Aetolians-Argives-Epeians, ?; C).

57 Pl. *Phd.* 89b–c (384/379; C); Pl. *Crit.* 119e–120c (361/350; C-R), Empedocles fr. 115.1–12 D-K (465/430; C).

58 Hippocratic *Oath* (425/322; B-C); see ch. 14.

59 See esp. Burkert 1985, 250–4; Faraone, 1993, 2002; Berti 2006; Kitts 2005, 114–87; Parker 2011, 156–9; S&B 151–67.

60 Or the more general terms *hiera* (*IG* i³ 16; Lyc. *Leocr.* 20; Isaeus 7.28; *Ath.Pol.* 1.1.1) and *hiera teleia* (Thuc. 5.47.1; [Dem.] 59.60; Andoc. 1.97–8; Aeschines 1.114; *Ath.Pol.* 29.5.4). For the vocabulary of oath-sacrifices and its symbolism see esp. Faraone 1993; and Berti 2006.

break their oath (i.e. they represent the potential activation of the self-curse). The idea of the animal as a “substitute” for the perjurer⁶¹ is also taken to be present in instances that show that there was *contact* between the swearer and the animal victim⁶² or its blood,⁶³ or even between the swearer and a sacrificial altar.⁶⁴

Other ritual acts, such as pouring libations of wine,⁶⁵ melting wax images (see below) or sinking iron-lumps into the sea,⁶⁶ all also encourage being read in terms whose symbolism point to a context beyond the ritual action itself – primarily the act of making the self-curse and the punishment that one breaking the oath could look forward to receiving. It may be true that this analogical relationship drawn between the self-curse and the ritual action has been based upon a very few instances where the connection is made explicit, as in the Theran colonists’ oath ritual of melting wax effigies in Cyrene (ML 5.23–51).⁶⁷

61 Parker 2013 singles out the oath-sacrifices – along with homicide purifications and pre-battle sacrifices – as cases of Greek sacrifice in which a symbolic identification between animal and human may be detected, though, as he states, not in the strict sense of “substitution”: it “is not the animal’s death substituting for that of the human; on the contrary, the animal’s death prefigures that of the human in the event of perjury” (150).

62 In Hdt. 6.68.1–2, the mother of the Spartan Demaratus testifies about his paternity with an oath that she swears while holding the innards of a bull sacrificed to Zeus. Cf. also Antiphon 5.12; Aeschines 1.114.

63 Cf. Xen. *Anab.* 2.2.8–9; Aesch. *Seven* 42–9: the seven warriors slit the throat of a bull (*tauro-sphagountes*), catch its blood in a black shield and then dip their fingers in the blood. In Plato’s *Critias* (419e–420d) the fictional ritual of the oath of the Ten Kings in Atlantis closely aligns the element of the verbal curse to the symbolism behind the blood of the victim: the kings slaughtered a bull (*esphatton*) over the column where the oaths of the Kings are written which are described as “great curses”. The blood of the animal victim covers the letters of this oath: in this way a “contact” of blood (i.e. animal’s death) with the written conditional self-curse is established. Distinctively the blood of the victim is mixed with one clot of the participants’ blood with wine, emphasizing further the association between swearer and animal. This mixture forms the libation poured over a fire that thus enhances the symbolic destruction of the perjurers.

64 Cf. Andoc. 1.126, where the politician Callias swears by holding the altar of Zeus *Phratris* that the child of his wife’s mother was not his son.

65 e.g. Hom. *Il.* 3. 269–301; Arist. *Lys.* 181–238; cf. also S&B 242 for the pouring of peace libations (*spondai*): “it seems likely that the connection between libations of red wine and the sworn truces was symbolic – truces ended bloodshed, and the libation represents what will happen to those who break the oath, i.e. their blood will be spilt”.

66 *Ath. Pol.* 23.5 and Plut. *Arist.* 25.1 (oath of the Delian league); Hdt. 1.165.3 (oath of Phocaeans). See esp. Jakobson 1975, 256–7, and S&B 155–6.

67 See Faraone 1993 for the analogy between word and ritual action. The authenticity of this particular oath-ritual is debated but most scholars agree that it must be genuine: cf. Faraone 1993, 60–2; Graham 1964; 224–6; Gagné 2013, 357–62. There are only two other instances in which a verbalized self-curse is connected through analogy to ritual: *Iliad* 3.297–301 and the Molossian

If someone does not abide by that oath and transgresses it, may he melt away and dissolve like the images, himself, his seed, and his property.

Yet, despite the limited evidence of this kind of co-existence between word and deed, approaches to rituals accompanying oaths have helped to flesh out the prominent role of the conditional self-curse, by presenting it as one of the potential symbols that ritual acts can acquire.

It is clear, however, that the explicit articulation of the self-curse provides the most obvious way to confirm the prominent role of divine punishment.⁶⁸ Its limited presence in certain genres seems to be due to narrative choices. Those studies that have dealt with formal oath-taking in prose texts have pointed to the contrast between historiography and inscriptions. Where inscriptions reveal a relatively high frequency of the self-curse, ancient historians tend to omit references to explicit curses from their oath narratives. Explicit self-curses are rare in Herodotus and completely absent not only from Thucydides, where their absence might have been expected given the author's general avoidance of reference to religious practice,⁶⁹ but also from Xenophon who is renowned for his interest in religion and in perjury in particular.⁷⁰ The evidence confirms that the same tendency to omit the explicit curse appears in the cognate prose genre of philosophy.

By way of contrast, it is in the direct speech of Greek drama and oratory that our overwhelming evidence for the appearance of the self-curse lies. These genres allow us to examine different contexts and circumstances in which the explicit self-curse brings to the fore the element of conditional divine punishment in oath-taking, even when it is presented by the speaker in reported oaths – as it usually is in forensic speeches. In the following sections we examine drama and oratory with the aim of shedding some light on those contexts and the reasons why speakers emphasize this verbal element, while they also appropriate or elaborate on the standard forms of potential divine punishment in oath-taking.

ceremony described in *Prov. Coisl.* 57 Gaisford. Bickerman 1976 points to the absence of evidence for a generalised application of this analogy in oath-sacrifices.

⁶⁸ But, as already claimed, certainly not *the only one*: many other elements can equally increase the perception of divine punishment in oath-taking; see e.g. p. 37 n. 117.

⁶⁹ Cf. Lateiner 2012, 154–84 for a comparative study on the religious element of the oath in the two historians.

⁷⁰ For perjury in Xenophon, see S&B 312–20.

2.3 The explicit self-curse in Greek drama

Athenian theatre provides the backdrop for the greatest number of verbalized self-curses among individuals in Greek sources. Through various representations, the Greek dramatic genres offer insights into the awareness of the oath as a self-curse and the presence of divine punishment *in its conditional form* in verbal exchanges among dramatic characters. We can discern two general types of scenarios where explicit conditional self-curses are to be found in drama. First, they appear in long oath scenes, where one character elicits a promissory oath from another (§2.3.1). As part of this more solemn form of interpersonal oath-taking, these self-curses have received relatively more critical interest than those that form the second group: spontaneous and voluntary conditional self-curses offered by a character as an oath, in support of a promissory or assertory statement (§2.3.2). This section will start by examining the form and function of the explicit self-curse in the more formal oath-scenes, but it is the latter group that it mainly aims to bring into focus, given the relative lack of scholarly attention. Spontaneous self-cursing is particularly significant for two reasons: they provide our only avenue of exploration for the presence of a colloquial form of self-cursing in Athenian culture; at the same time, this form is our best evidence of the oath's absolute identification with the self-curse.

2.3.1 The self-curse in elicited oaths in Greek tragedy

Following the norms of formal oath-taking in Athenian life, all three solemn oath scenes in tragedy,⁷¹ in which one speaker elicits a promissory oath from another during an intense stichomythic exchange (Eur. *Med.* 735–55, *IT* 735–58; Soph. *Trach.* 1181–1251), include a verbalized conditional self-curse (Eur. *Med.* 754–5, *IT* 750–2; Soph. *Trach.* 1189–90).⁷² The reasons for soliciting an oath on each occasion relate to the speaker's anxiety that his or her interlocutor may not keep their word, especially since they are about to part company. Aegeus meets Medea by chance on his way to Delphi to find a solution to his childlessness; before she lets him go, Medea extracts from him an oath promising his (future) support. Similarly, Iphigeneia demands an oath from the stranger Pylades, before he leaves for

⁷¹ There is only one elicited oath in comedy outside a formal framework (Ar.*Lys.* 181–238), but the self-curse is given voluntarily: Aristophanes *Birds* 440–7.

⁷² See Fletcher 2012, 182–8, 194–202 and 81–9 respectively, for the function of the oaths in these plays, mainly from the perspective of gender.

Greece, to deliver her letter to her brother Orestes. On his deathbed Heracles gets Hyllus to swear an oath, before revealing his appalling demand: that his son must cremate him alive (Soph. *Trach.* 1193–1201) and marry his (Heracles’) concubine, Iole (1220–9). In all three instances, the request of a self-curse provides a stronger guarantee against the risk of oath-breaking, as the swearer is asked to ponder the dire consequences of failing to comply and to keep in mind the unfailing power of divine punishment, even after he is left on his own. These three cases are examined here in parallel in order to unpack the religious import of the explicit self-curse in dramatic scenes of interpersonal oath-taking.⁷³

Although in these scenes all three elements of the oath-taking procedure are elicited as per the official formal oath (invocation, statement, self-curse – see §1.1), in none of them does the explicit self-curse take the usual form of intergenerational punishment that we typically find in formal oaths. The reason for this seems to lie in the personal circumstances of the swearer. As critics have noted, the vague form of Aegeus’ curse – “everything that happens to those mortals who are impious” – departs from the usual punishment upon one’s offspring in ways that make sense in the context: Aegeus is childless, and this becomes the primary reason for his agreement to help Medea, since she promises a cure for his misfortune. But this departure from the norm is also apparent in our other two examples. In the case of Hyllus, Heracles proposes a similarly abstract self-curse that his son should “incur calamities” (1189), if he were to depart from the instructions his father lays down. In the case of Pylades and Iphigeneia, the content of their curses reveal their main concern at the moment they are taking the oath, which is their return home (Eur. *IT* 750–2):⁷⁴

Iph. And if you abandon your oath and wrong me?

Py. May I never get home. – And you, if you fail to see me safe?

Iph. May I never set foot in Argos so long as I live.⁷⁵

⁷³ In all three plays revenge-cursing also plays a prominent role and, as a dramatic element, is linked with the element of the oath. In Soph. *Trach.* 383–4, the chorus utters a curse against Lichas for lying and perjury, while Lichas later meets his death; in turn Hyllus curses his mother Deianeira (808–9, 819–20) who becomes a target of Heracles’ curse too (1039–40). In Eur. *Medea*, Medea constantly curses Jason, his house and Glauce (112–14, 163–5, 625–6, 764–7, 803–6) and Jason reciprocates after the murder of their children (1329, 1389–90). For revenge-cursing in Eur. *IT* see n.75 below.

⁷⁴ See Kyriakou 2006, 253 on 747–52.

⁷⁵ The two curses recall the content of a revenge-curse which Iphigeneia had earlier uttered against Odysseus: “May he perish and never make the return to his homeland” (*IT* 535). The same curse theme appears in Eur. *Hipp.* 1025–31. The inclusion of this self-curse in the latter scene in *IT* resonates with Euripides’ *Hippolytus* but does so by inversion: here the self-curse is used to

In both of these cases, status explains the form of the explicit self-curse: those swearing an oath are young and, as yet, unmarried and childless. Therefore, the formulation of a self-curse with no reference to offspring or family is appropriate. At the same time, two of the three cases indicate the functionality of vaguer and more ambiguous formulations of verbalized self-cursing. In the cases of Aegeus and Hyllus, imprecise and open-ended self-curses are used for different purposes:⁷⁶ to avoid spelling out a weighty form of divine punishment, as in the case of Aegeus who defines the content of his own self-curse omitting any mention of punishment that would include children, which is his preoccupation; or to maximise the potential of the divine to impose any kind of punishment, even one exceptionally serious, as in the self-curse proposed by Heracles to Hyllus.⁷⁷

Yet, despite the vagueness of Aegeus' curse, scholars have noticed that the audience's extra-dramatic knowledge of the punishment hanging over the swearer's offspring deepens the allusive potential of the imprecise form of Aegeus' self-curses.⁷⁸ Jason had given a solemn oath to Medea, which both her nurse (Eur. *Med.* 21–3, 160–3, 168–72), the chorus (208–10, 439–40) and Medea herself (492–5) expressly recall during the play; As critics have argued, the oath-scene between Medea and Aegeus recalls the long-past one between Medea and Jason; thus, the vague formulation of Aegeus' self-curse serves to remind the audience about the punishment that awaits Jason, the “impious” man who broke his oath. We do not know the exact form of Jason's oath (and self-curse): but Medea fulfils the element of the self-curse as an “Erinyes” (1260), who brings death and destruction upon their offspring.

It can be claimed that the audience's extra-dramatic experience also informs their assessment of the vague self-curse in Hyllus' case, when the latter is met by an immediate conditional threat from the dying Heracles (Soph. *Trach.* 1202):

secure the delivery of the content of Iphigeneia's letter, whereas Hippolytus uses the same form of punishment in an oath in a repetitive attempt to *revoke the content* of Phaedra's letter and prove that he is not an evil man, as his step-mother had alleged. For the letter-oath combination as a common element in the two plays see Fletcher, 2012, 197–8. For this form of divine punishment (“being kept away from one's homeland”) in verbal cursing, cf. the well-known curse of the Cyclops against Odysseus (Hom. *Od.* 4.551–60); and, [Eur.] *Rhes.* 720.

76 A vague form of self-cursing in oath-taking is also found in the formal oath of the reconciliation between Achilles and Agamemnon in *Iliad* 19.175–275, where Talthebius defines the conditional self-curse as “all the misfortunes that gods give to perjurers” (19.264–5).

77 For the latter case, cf. Strubbe 1991, 35–6, who notes a similar function of vague conditional curses in inscriptional documents.

78 For the use of oaths in the play in favour of Medea's position see esp. Boedeker 1991; Kovacs 1993; Burnett 1998, 192–224; S.R. West 2003, 443–4; and Mossman 2011, 42–5; *contra* A. Allan 2007, 113–24.

If you do not (fulfil my demands), I shall remain a grievous curse upon you even below the earth!

Heracles' curse belongs to a common form of revenge-cursing in literary sources – that of a dying person, here a dying father directing a curse against his son.⁷⁹ At the same time, however, Heracles presents *himself* as a conditional curse, to be activated should Hyllus fail to keep his promise to prepare his funeral pyre. This curse seems to gesture towards Heracles' future status as a hero/god – potent in imposing punishment – in the cult ritual of the audience's reality, which critics have seen being activated or alluded to as the tragedy draws to a close.⁸⁰ But more specifically, it can be taken as one manifestation of the vague self-curse of the oath itself and this understanding is backed up by the language of the oath. First, Heracles demands that Hyllus take an oath on the "head of Zeus" (1185), an invocation used elsewhere only by divinities.⁸¹ Second, Heracles' exchange with Hyllus may allude more specifically to his role as an oath-god who fulfils self-curses: there are no fewer than nineteen invocations to Heracles as the divinity overseeing oath-taking, *all among males*.⁸² Thus, constructing himself as a conditional curse, Heracles temporarily assumes the role of a divine figure who can by himself represent and bring to fulfilment the divine punishment of the oath.⁸³

Within this framework of references to the divine powers and their role in self-cursing, it is worth noting that different rhetorical strategies for invoking the gods, as an accompaniment to the explicit self-curse, can help bolster the fear of

⁷⁹ Cf. Aesch. *Cho.* 405–6. For the curse of the dying/dead in tragedy: Soph. *Aj.* 835–44 [839–42], 1389–92; Soph. *El.* 110–16; Soph. *Trach.* 807–12; Eur. *Med.* 1389. Or instances in which the Eriny(e)s appear to be activated by a dying/dead person: Aesch. *Sept.* 574; Soph. *OC* 1298–9, 1434; Soph. *El.* 276, 489–501, 1384–92; Eur. *IT* 931–5, 961–82, 1439; Eur. *Or.* 237–8, 255–75, 582–4.

⁸⁰ I am in agreement with the balanced reading of the ending by Easterling 1981 and 1982, 9–11 that there might be a potential allusion to the cult of Heracles in the audience's reality, but the ending is surely not only about Heracles' apotheosis. In general, spoken curses have been widely used to support the argument about the evocation of hero cult and ritual on the tragic stage: see eg. Burian 1972, 153 and 1974, 425–8; Henrichs 1993, 166–8; Seaford 1994, 123–39. For dramatic self-representations of characters as a conditional curse, cf. Aesch. *Eum.* 767–74 for which see p. 00 [17] n. 35. Also in Eur. *IT* 778, Iphigeneia claims that if Orestes does not come to take her back to Argos, she will become a curse upon him (*araia*).

⁸¹ Cf. e.g. *Iliad*.15.36–46; Sappho fr. 44A and Torrance 2009. See §7.3.

⁸² In formal oath-taking Heracles is invoked among the 19 powers of the ephebes' oath (RO 88.5–16, *SEG* xxix 77); but mostly he is present in informal oaths: Ar. *Ach.* 860, *Knights* 481, *Wasps* 757–8, *Birds* 1390–1, *Thesm.* 26–7, *Wealth* 337–9; Dem. 18.294; Aeschines 1.88, 3.212.

⁸³ This is simply an allusion, since a few lines later, in *Trachiniae* Heracles uses a vaguer invocation for the oath: he invokes "the gods" to fulfil the curse of the oath (1239–40) and to be his witnesses (1248–51).

divine punishment. Both in Euripides' *Medea* and *Iphigeneia in Tauris*, the invocation figures *immediately before* the utterance of the curse, and not, as we might have expected – taking into account the tripartite form of the oath – at the beginning of the oath scene. This combination gives prominence to the god's power to enforce punishment. In the invocation itself, Medea asks Aegeus to take an oath in the name of three powers, Zeus, Helios and Gaia (746–7). As mentioned in the introduction, Zeus is the god with broader jurisdiction over the self-curse, a fact that becomes clear within the play itself;⁸⁴ the other two powers are often combined as divine witnesses in oath-taking because they “oversee” everything,⁸⁵ a feature that makes them also ideal avengers, as their presence in revenge-cursing confirms too.⁸⁶ In *IT* the choice is defined by the swearer's status, which again increases the potential of divine punishment: Iphigeneia takes a female oath with an explicit self-curse in the name of Artemis whose priestess she is, which Pylades can cap only by invoking the ultimate authority of Zeus (748–9). The placement of the self-curse, then, in combination with the naming of well-chosen divine powers, emphasizes the religious framework of the oath process.

84 In fact, both Zeus and the Erinyes are presented as possessing a broader power over oath and perjury in this play. In lines 160–2, Medea invokes Themis and Artemis to witness the perjury of Jason; but in the choral leader's repetition of Medea's words, Zeus “who is the steward of oaths for men” replaces Artemis (168–70). And when Medea fulfills the curse of the oath with the killing of her children, as already mentioned, she becomes an Erinyes (1260). For the role of Zeus *Horkios* cf. Eur. *Hipp.* 1025 and Soph. *Phil.* 1324.

85 Usually divine epithets or attributive qualifications which are used in oaths aim to please the gods, e.g. ἀδμήτα (Artemis: Soph. *El.* 1239–42; Athena: Ar. *Knights* 767–8), σεμνή ... Διὸς κόρη (Artemis: Eur. *Hipp.* 713), Διὶ φίλος (Apollo: *Iliad* 1.86), or φίλη (Demeter: Antiphanes fr. 26). Yet, Euripides' plays reveal a marked preference for more “vengeful” aspects of the gods, and this influences the perception of divine punishment upon the oath-taker. The “archer goddess” (τοξόδαμνος) Artemis is called upon by Hippolytus to witness that he is acquitting his father of his murder (Eur. *Hipp.* 1451); some thirty lines before, the goddess on stage said that she would give Hippolytus honours in Trozen but also that she would *destroy Aphrodite's favourite* (Adonis) *with her inescapable arrows* (*Hipp.* 1417–25). In Euripides' *Ion*, Creusa calls upon Athena the Gorgon slayer (Γοργοφόνα) to witness that she and Apollo are the parents of Ion (Eur. *Ion* 1478). The epithet resonates with the earlier presentation of Athena as the killer of the Gorgon (987–98); as Lee 1997, 310, states, the invocation lends irony to the scene since the poisonous blood of the Gorgon almost killed her son. Cf. also the use of epithets such as the “murderous” (φοίνιος) Ares, in the invocation of Menoeceus after his decision to sacrifice himself for the sake of Thebes (Eur. *Phoen.* 1006); or the negative image of the “black haired” (μελαγχάτης) Hades in Eur. *Alc.* 438.

86 Cf. e.g. Aesch. *Ag.* 1322–6; see Strubbe 1991, 70–1 and n. 49 for the Sun's association with cursing. For the presence of the same powers in formal oath-taking, cf. e.g. Burkert 1985, 251 and S&B 160–7. Of course, in the particular case of Medea, the invocation to the Sun, as her grandfather, carries further dramatic implications for the finale of the play.

In ch. 6 it will be shown how the presence of various sanctifying features in formal oath-taking gives additional weight to the oath and, further, can enhance the threat of divine punishment (i.e. the conditional self-curse).⁸⁷ Here though it is worth pointing out a somewhat different means of divine empowerment as it appears in one of the above cases, Aegeus' self-curse, which gives particular prominence to the vengeful aspect of the gods. This is *the placement of the curse within the ritual of supplication* enacted by Medea in her role as the suppliant to Aegeus. The ritual process in the case of Medea coincides with a point made in Plato's *Laws* (730a), when the Athenian speaker articulates the connection between supplication and the sanctity of the oath, bringing to the fore the god's vengeful role in cases of oath-breaking:

Of wrongs enacted against either strangers or natives, that which concerns suppliants is in every case the most grave; for when a suppliant, *after invoking a god as witness*, is cheated of his agreement, *the god becomes the special guardian of the wronged person, so that he will never be wronged without vengeance being taken*.

The agreement in favour of the suppliant can be sealed with an oath that makes the god a (conditional) avenger against the person supplicated.⁸⁸ This is exactly what happens in the case of Medea: Medea puts herself into the position of a suppliant (709–13), and, once Aegeus promises to offer his help, she asks him to swear an oath (719–55); it is only after he invokes the self-curse upon himself that the supplication comes to an end (756).⁸⁹ Through this process, Medea passes from the protection of Zeus *Hikesios* to the protection of the gods invoked in the oath, now ready to fulfil the divine punishment should the oath be broken. This pattern with an explicit self-curse is found in other supplication rituals in Greek tragedy and the sequel confirms the decisive role that the oath as a *conditional self-curse* can play within the Greek ritual of supplication.⁹⁰

87 e.g. for the oaths here discussed, Iphigeneia's is taken in the presence of the statue of Artemis, which increases its religious power, while Hyllus' oath is marked by the gesture of hand-clasping (1181) using human contact to lend it greater power.

88 See Naiden 2006, 122–36 for betrayal in the “fourth step of supplication” which consists of a pledge or oath. He draws attention to Poll. 8.142 where Solon asks the Athenian to swear by Zeus *Hikesios*.

89 The conditional self-curse of Aegeus balances the suppliant's – Medea's – earlier spontaneous blessing (714–15).

90 Cf. Eur. *IA* 900–36 where Clytaemestra supplicates Achilles to help her and Achilles, accepting her supplication, takes an oath with a strong curse (948–54); Eur. *IT* 1060–78 where Iphigeneia asks the women to keep secret her plan with Orestes, the women agree, and Iphigeneia replies with a blessing (1078–80); and Eur. *Suppl.* 260–2 where an oath by the gods, Earth, Demeter

2.3.2 Voluntary self-cursing in Greek drama

With the exception of these three relatively formal instances of self-cursing elicited between individuals, the self-curse in Greek drama marks an act of oath-taking that the swearer himself makes *willingly*. Befitting its voluntary nature, this self-curse is rarely supplemented by an invocation to more than one divine power (e.g. Eur. *IA* 948–54, *Cycl.* 262–9). Similarly, it is not that often that the type of ‘informal oath’, with its standard feature of divine invocation (see ch. 13), is combined in drama with a self-curse of the type: “by Zeus, may I die! [if I break my oath]” (Ar. *Lys.* 932–3).⁹¹ In the vast majority of cases instead, voluntary conditional self-cursing appears in a plain form of the type: “*may I die if I am scared of you!*” (Ar. *Wasps* 630) – a form that explicitly marks the nature of the oath as a conditional self-curse and is found predominantly in drama.⁹² Comedy shows a particular liking for this form of spontaneous self-cursing (21 out of a total of 32 in the three dramatic genres), which, along with the high frequency of informal oaths more generally, are part of comedy’s arsenal of more impulsive forms of expression; they are more sparingly used in the “serious” genre of tragedy (9 out of 32).⁹³ In their typical short form, these self-curses simply invoke death upon the swearer.⁹⁴ But, as some of the following examples will show, they can vary in form, length and content, depending on the purpose of the swearer. The following section will mark some of the contextual circumstances that accommodate these voluntary self-curses; it will also show some of the ways through which their religious solemnity increases in the context in which they are found.

In two of its occurrences in tragedy the self-curse marks the swearer’s effort to convince a highly mistrustful character about the truthfulness of a claim. In

and the Sun is proposed but not taken after a supplication scene. In Soph. *OC* 640ff, although no oath is demanded after Oedipus’ supplication (650), Theseus speaks later as if he had taken it (1760–7; see §5.2). For an oath with a self-curse in the language of the suppliant see Eur. *Or.* 1516–17.

⁹¹ See also Ar. *Knights* 409–10, 832–5; Soph. *OT* 660–2; Eubulus fr. 115.6–7. With only a single invocation: Ar. *Knights* 767–8; Eur. *Hipp.* 1191.

⁹² In other sources, it is found three times in Homer (*Il.* 2.257–64, 5.212–16; *Od.* 16.99–104) and only once in oratory (Dem. 19.172). For the self-curse as a sole linguistic marker for the oath see §5.1.

⁹³ See table pp. 20–1 with nn. 51–3.

⁹⁴ In the great majority of the instances the optative has the form of ἀπ-/ἐξ-ολοίμην. In four cases we find the form μὴ ζῶμην (Ar. *Knights* 832–5, *Clouds* 1255, *Lys.* 530–1; Eur. *Or.* 1146–7), and three times θάνομι (Ar. *Eccl.* 977; Eur. *Alc.* 1096, *IA* 1006–7).

Sophocles' *Oedipus the King*, first Creon uses this form of cursing as he attempts to rebuff Oedipus' charge of political conspiracy (*OT* 644–5):

May I not prosper but may I die accursed,
if I have done to you any of the things you accuse me!

The chorus back Creon up and try to convince Oedipus to believe his self-curse which they clearly identify as an oath (“respect the one who was not previously foolish and now he is strong *in his oath*”, *OT* 653).⁹⁵ When in turn they find themselves accused of planning the king's exile and death (658–9), they reply with a much more emphatic self-curse than that used by Creon (*OT* 662–4):

No, by the foremost of the gods, the Sun!
May I perish in the most terrible way, abandoned
by gods and friends, if I harbour this thought!

Clearly, the more elaborate the formula, the more likely the curse is to have the desired effect on the listener. The chorus' conditional wish for death in isolation (“away from gods and friends”) appropriates Oedipus' fears that they are planning his *exile* and death and turns it against themselves. In Euripides' *Hippolytus* the self-curse is applied in a similar way and context: by invoking destruction upon himself, Hippolytus tries to convince his disbelieving father, Theseus, that he is not an evil man (Eur. *Hipp.* 1030–1), an effort that totally fails in its purpose since Theseus' mind is already made up and all Hippolytus achieves is to anger him further (1036–59). In his case, the self-curse is an actual extension of his oath that he has not slept with his stepmother Phaedra (1025–9).⁹⁶ Thus, in both plays, the self-curse is combined with another self-curse/oath, albeit in different ways;⁹⁷ and in both cases their combination is designed to enforce their reception as effective religious utterances in an ultimate effort to make the collocutor change his mind.

Athenian comedy displays the same tendency towards combined self-curses, but here they extend beyond pairing. The comic genre provides the longest and

⁹⁵ Cf. also Iocasta's similar prompting in Soph. *OT* 647.

⁹⁶ There are in fact two oaths in the lines 1025–30 – which are usually taken as one: 1025–7 with the statement ‘I have never touched your wife’ and another one in 1027–31 with the statement ‘I am not an evil man’. The self-curse is attached to the latter but its positioning facilitates a connection with the former as well. See on this Halleran 1995, 237, *ad* 1028 and, more generally, Segal 1972 for the close-bound interrelation of oaths and curses in *Hippolytus*.

⁹⁷ For combination of self-curses with another oath (formal or informal) in the immediate context cf. Ar. *Ach.* 151–2; *Wasps* 630; *Clouds* 1255; Ar. *Knights* and *Frogs* below.

most elaborate instances of verbalized self-cursing in all Greek literature, and their application is in accordance with its fondness for humorous twists and witty turns of phrase. As might be expected, self-cursing becomes the verbal means for parodying Athenian individuals. The elaborate combination of self-curses in the *Homoioi* of Ephippus offers one such case (fr. 16):

May I be forced to learn by heart dramas by Dionysius and
Demophon's poem about Cotys;
may Theodorus recite speeches to me over dinner.
May I live next door to Laches;
may I have Euripides as a dinner guest
and supply him with cups.

In this example we get a glimpse of the comic poet's use of the self-curse against contemporaries⁹⁸ (Laches, Euripides)⁹⁹ including poets (Dionysius, Demophon) and actors (Theodorus). Self-cursing can also serve to underline comedy's exuberance and its practitioners' flair for one-upmanship.¹⁰⁰ In Aristophanes' *Birds* (440–7) the chorus's concern to win the vote in the dramatic competition and gain the approval of the audience is expressed through a self-curse, which proves not to be one at all.¹⁰¹

Embellished or repetitive self-cursing is not only used for attacks of poetic rivalry and competition. It also forms a means of rivalry and verbal competition within the drama itself, as is strikingly evident in Aristophanes' *Knights*. The use of self-curses marks the opening of the verbal contest between its two protagonists, Paphlagon/Cleon and the Sausage-Seller, who compete for the attention of the personified Athenian Demos. The verbal and emotional framework that accommodates these verbal acts there – the expression of faithfulness, love and loyalty – is a typical context for self-cursing elsewhere too (Ar. *Frogs* 579; Eur. *Alc.* 1096; Eubulus fr. 115.6–7; Alexis fr. 149). Paphlagon starts by praying to Athena

98 See further e.g. the attack on the politician Callimedon, Alexis fr. 149: “if I love any foreigners more than you, may I be turned into an eel and purchased by Callimedon, ‘the Crayfish’”. Cf. also the attack on the ‘social group’ women in Eubulus fr. 115.6–7.

99 This Euripides is not the poet but a contemporary of Ephippus, who must have been a prominent figure in the symposia of the time, if we are to judge by Ephippus fr. 9 and Anaxandrides fr. 33.

100 The well-known attack on Cratinus in Ar. *Knights* 400–1 is given in a form of a self-curse: “if I don't hate you, may I turn into a blanket in Cratinus' house and be coached to sing in one of Morsimus' tragedies!”

101 “... my reward to be, that I shall be victorious by the verdict of all the judges and all the audience ... But should I break my oath, then let me win by just one vote.”

(*Knights* 763–6)¹⁰² that, if he proves to be a worthy servant of Demos, he may enjoy free maintenance at public expense. It is as an extension of this prayer that he adds a self-curse (767–8):

But if, Demos, I hate you, if I am not the only man who provides resistance and fights for you, then may I perish and be sawn in two and cut up into yoke-leather straps!

Paphlagon's words prompt the Sausage-seller to reply in kind, only more so (769–72):

And may I, Demos, If I do not love and cherish you, be cut up and boiled with mincemeat! And if you don't believe that, then may I on this table be grated with cheese into a savoury mash, and may I be dragged by the balls with my own meat-hook to Cerameicus!

It is because the self-curse is conceived as a powerful verbal act that can exercise a strong impact on a third party (here, the naïve Demos) that the second speaker feels the need to add his own self-curse. And, precisely because of expectations that this initial utterance has clout, his must be greater in number and import than the first. This is not the only case where we find competitive conditional self-cursing in Greek literature (cf. Eur. *Cyclops* 262–72 and Dem. 54.38–42). Within this context, we may also note, along with Sommerstein 1981 (*ad loc.*), that the form of the self-curses derives neatly from each speaker's professional trade, which enhances the idea of *competition in trade* but, here, with the competitors being in different professional domains.¹⁰³ Yet the self-curse with which the Sausage-seller trumps Paphlagon extends the concept of cursing in another way too. His emphasis on “cutting” (*katatmētheis*), while indicative of his trade as a sausage-seller, may also resonate with the sacrificial ritual accompanying

102 The prayer itself parodies the one in the Athenian Assembly; cf. *Th.* 331–51 and *Eccl.* 171–2 and see Horn 1970, 44. For Athena's epithets in this prayer as *despoina* and *medeousa* cf. Anderson 1995, 16–22. Athena is one of the few deities receiving cult epithets in oath-taking; *Polias* (*SEG* li 642.1–29); *Pronaia* (Aeschines 3.109–13, 119–20); *Nike* (Eur. *Ion* 1526); *Pallas* (Stesichorus *SLG* 102.1). Other deities include: Aphrodite *Paphia* (Ar. *Lys.* 554–6); Apollo *Pythios* (*CID* I 10) and *Paeon* (Pl. *Laws* 664c); Hermes *Agoraios* (Ar. *Knights* 296–7); and the comic designation of Poseidon as *Halykos* (Ar. *Lys.* 403).

103 Each self-curse may comically reverse the application of cursing against competitors, as we find it e.g. in the ancient Potter's Hymn (*Life of Homer* 32 = Hes. fr. 302 M-W) or in certain curse-tablets (e.g. *DTA* 69, 70, 74): here the speakers turn the curse against one's self and one's own profession. See Eidinow 2007, 191–204 on curse-tablets in business competition – she warns that caution is needed in placing some of them strictly within the domain of business.

oath-statements.¹⁰⁴ If this is right, then the Sausage-Seller's association with the sacrificial animal "to be cut in pieces" only serves to further underline the power of his self-curse.

In spite of the emphatic and elaborate combinations in all the above cases, both in comedy and tragedy, in none of them have we encountered the conditional punishment that one's *offspring* will suffer, the commonest form of divine infliction noted in formal oaths. Its application appears to be far more restricted in voluntary acts of self-cursing than in formal oaths; but this does not mean that it is not used at all. Indeed, in Aristophanes' *Frogs*, its full potential as the strongest form of conditional self-cursing comes to the fore, when it replaces a shorter self-curse that had previously failed in its attempt to convince. In their hazardous trip to Hades, Dionysus attempts to persuade his servant Xanthias to adopt the guise of Heracles, one of the few heroes who made it to the underworld and back. At first Dionysus uses a self-curse as a persuasive tool to declare his love (579):

May I perish most miserably, if I don't love Xanthias!

Since, however, Xanthias remains entirely unconvinced, and for good reason,¹⁰⁵ Dionysus utters another, much stronger self-curse that extends to encompass his family (586–7):

But I swear, if ever I take it away from you again [the Heracles costume], may I perish most miserably root and branch, my wife and children too, and bleary Archedemus!

Only now does Xanthias accept Dionysus' oath (588) and don the lion-skin outfit. It is the more extensive self-curse, which extends its dire consequences to the whole family, root and branch,¹⁰⁶ (including here – the comic twist – the eye-diseased Archedemus) that manages to convince.¹⁰⁷ There is a somewhat different take on the threat of punishment against one's offspring used in voluntary oaths in Euripides' satyr drama *Cyclops*.¹⁰⁸ In an effort to convince the Cyclops

104 I am grateful to Christopher Faraone who brought to my attention the 'cut' words in this example in private communication.

105 Earlier in the play Dionysus had already asked Xanthias to wear Heracles' costume (494–7); he accepted (498–500) but was then forced to hand it back to Dionysus after a dinner invitation by Persephone (522–33).

106 Cf. the use of the phrase "root and branch" in a different kind of conditional cursing by Ajax in Soph. *Aj.* 1178 and also in revenge cursing in Eur. *Hipp.* 683.

107 Not, of course, that we are to take his self-curse seriously: see §7.3.7.

108 See §10.1 and Fletcher 2012, 146–57 for oaths and perjury in this play.

that he was not trying to sell the monster's property to Odysseus, Silenus takes an oath invoking death only for his sons – he actually excludes himself from its compass (262–9)! But his sons object: they counter their father's oath by issuing a revenge curse against him (270–2). No other self-curses extending to the offspring are found in interpersonal oath-taking in the dramatic corpus, a fact that shows that this form was primarily intended for special and solemn circumstances of oath-taking.

When we previously noted religious elements in proximity to dramatic representations of the self-curse, such as the prayer to Athena in Aristophanes' *Knights* or the presence of another oath/self-curse, we observed various enhancements with respect to the self-curses' impact and credibility. But often the self-curse in its short form is used voluntarily on its own.¹⁰⁹ On these occasions, it can simply underline threatening statements (Ar. *Knights* 832–5, *Clouds* 1255; Eur. *Or.* 1146–7) or make emphatic denials of accusations (Ar. *Eccl.* 977); and, always, the self-curse forcefully expresses an emotional state, usually anger or frustration (e.g. Ar. *Ach.* 324; Ar. *Lys.* 530–1; *Ach.* 151–2), sometimes hate (Ar. *Knights* 400–1), but also, as we saw above in Aristophanes' *Knights* and *Frogs*, love and loyalty. In the majority of these cases, the reaction of the interlocutor is not reported, and so we cannot assess whether the self-curse affected the behaviour of the addressee. There exists, though, both in comedy and in tragedy, some evidence that the self-curses could indeed carry a powerful impact. In Euripides' *IA*, a self-curse by Achilles in his meeting with Clytaemestra expresses his determination not to let Iphigeneia be sacrificed (Eur. *IA* 1006–7);¹¹⁰ this makes Clytaemestra immediately express her gratitude in the form of blessings for the support she receives (1008). In Euripides' *Alcestis*, Heracles' insistence that Admetus should remarry leads Admetus to utter a self-curse (1096) with which he proclaims his loyalty to Alcestis, and Heracles abandons at once the attempt to convince him otherwise. Similarly in comedy, Aristophanes' *Acharnians*, a play that shows fondness for this form of expression (*Ach.* 151–2, 324, 476–8), provides a case of an anxious reaction by the collocutor after the utterance of the curse.¹¹¹ The men of Acharnae utter

¹⁰⁹ e.g. the formula *thanomi* “may I die”, whenever it is used, is not related to any other religious registers.

¹¹⁰ Admittedly though, this conditional self-curse reinforces a stronger oath with an explicit self-curse taken by Achilles that he would not allow Iphigeneia to be sacrificed. However, this oath appears not in the immediate context but was uttered 50 lines earlier (*IA* 948–54).

¹¹¹ The first self-curse is more “religiously loaded” than the others: when the Athenian ambassador Theorus claims that Sitalces, the Thracian king, intends to help the Athenians, and “proves” this by pointing out that he had poured a libation and taken an oath (141–50), Dicaeopolis counters by swearing his own oath in a form of self-curse: he does not believe anything of

a self-curse in order to express their strong rejection of Dicaeopolis' request to present his views about the peace with Sparta; as a result Dicaeopolis is obliged to try much harder to appease his antagonists (*Ach.* 324–5).¹¹² These instances show that the self-curse, no matter how brief or seemingly inconsequential, can have a powerful influence on the interlocutor and can change his or her course of action accordingly.

The examples considered in this section, relating to volunteered and/or spontaneous acts of self-cursing (especially in comedy), are the closest means by which we can get a glimpse in to the existence and use of colloquial self-cursing. In their shortest form as simple self-curses, they constitute strong evidence of the nature of the oath as a conditional self-curse. Their power generally varies according to their combination with other religious elements. Nevertheless, while they may be perceived as having a stronger or weaker impact for that reason, their religious significance is rarely denied. This is clear in the sincerity of the swearer's intention when they are used; even in comedy, where intentional perjury is much more frequent than in any other dramatic genre,¹¹³ hardly ever are self-curses attached to untrue statements or promises. The audience might be suspicious of the self-cursing of certain characters, such as the Sausage-Seller in *Knights*, especially since he had admitted in the play that he is a perjurer (*Ar. Kn.* 297–8; 418–24; 1239).¹¹⁴ But, so long as comedy's twists allow us to judge, when characters consciously invoke the idea of divine punishment in making a conditional self-curse, they do not do so for statements that they do not perceive as true.

All of the cases examined above concern explicit self-curses uttered in direct speech in dialogue. The next section focuses on lawcourt speeches and examines the frequency, contexts and purpose of their use, again in the direct speech of individual speakers. But as we shall see, it is mainly their appearance as an *inserted* verbal act envisaged in relation to past or future circumstances of oath-

what Theorus said (151–2). Thus Theorus tries again to win the Assembly over by citing further evidence (Sitalces has sent Thracian soldiers to Athens: 153–4).

112 Pace Olson 2002 *ad* 323–5 who takes the view that the first response of Dicaeopolis to this curse (“please don’t, Acharnians”) is not related to the self-curse but to the chorus adopting a threatening position against him. The effectiveness of cursing is reversed in *Ar. Ach.* 476–8: Dicaeopolis’ self-curse “may I perish most miserably if I ask you for anything again – except just one thing, just this, only this: give me some wild chervil, ‘that as thy mother’s heir thou didst acquire’ ” fails to convince Euripides, who takes offence at the slur on his mother’s status.

113 See Sommerstein 2007b and §13.2 below.

114 Sommerstein 2007b, 137 claims that “there is no clear instance of [the Sausage-Seller] actually committing perjury during the play itself”.

taking that confirms the speakers' acknowledgement of the religious character of the oath.

2.4 The explicit self-curse in law-court speeches

In S&B ch. 5, a thorough analysis of oaths in the judicial sphere showed in detail that they were an indispensable part of many procedures in the Athenian legal system.¹¹⁵ There it was mentioned in passing that the formal oaths of dicasts, litigants and, sometimes, witnesses included explicit conditional self-curses. The same verbal feature has also been emphasized in studies on the reconstruction and symbolism of formal oath-rituals related to the judicial proceedings, especially those of homicide trials.¹¹⁶ The last part of this chapter examines some applications of the *verbalized self-curse* in specific rhetorical contexts within the Attic oratorical corpus. It does *not* attempt an exhaustive study of the element of fear of the divine in general as an argument in lawcourts, an issue that has recently received attention in a full-length study.¹¹⁷ Instead, the main emphasis here lies mostly on the variations of the typical form of the self-curse, when it is adopted and adapted by litigants in the forensic speeches. More specifically, the section aims to bring to focus its persisting presence and application in *imaginary scenarios of oath-taking or oath-breaking* raised by the speaker *in support of his case*. The appearance of the explicit self-curse in rhetorical speeches, apart from confirming the conceptualization of the oath as a self-curse throughout the classical period, at the same time demonstrates its function as a verbal element that forms, through its manipulation, one of the rhetorical strategies open to litigants in a trial. The following material is organised according to the types of oaths related to the court procedures,¹¹⁸ as raised and presented by the speakers themselves: the sole focus here is on the explicit self-curse.

115 For all of this, see S&B 58–118. See also ch. 9 in the present volume.

116 See esp. MacDowell 1963, 90–100, Faraone 2002.

117 Martin 2009. Specifically for oaths, in addition to self-curse, a simple mention of perjury, for instance, without any reference to the explicit self-curse, or a reference to impiety in a context of oath-taking, would certainly have increased the perception of divine intervention and punishment, as Martin's study makes evident.

118 Self-curses are further included in formal state or interstate oaths introduced within the speeches: Aeschines 3.109–13, 119–20, 127 (Amphictyonic oath); Andoc. 1.96–8 (oath of Demophantus); Andoc. 1.126 (oath for child's admission to the phratry).

2.4.1 Dicasts' explicit self-cursing

Given the prominence of the Erinyes as Curses in framing the establishment of the Areopagus court and defining the activity of the dicasts in Aeschylus' *Eumenides*, we might expect that the use of the conditional curse in reminding the jurors of divine punishment would be widespread in forensic speeches. Yet, so far as we can tell from the extant speeches, such admonitions are not that frequent and, also, they are limited to the ordinary lawcourts.¹¹⁹ According to Demosthenes' *Against Timocrates*, which preserves the wording of what is claimed to be the heliastic oath (24.149–51)¹²⁰ – probably the most prominent oath in Athenian life, being taken by some 6000 men every year – this self-curse took the typical form of utter destruction and was accompanied by blessings (24.151).¹²¹

This is to be sworn by Zeus, Poseidon and Demeter, *to invoke utter destruction on [the swearer] himself and his house, if he transgresses any of these provisions, but to have many blessings if he keeps his oath.*

It is highly instructive that among more than one hundred references to this oath in surviving oratory, in which the dicasts are constantly being urged to keep in mind different parts of their oath-statement,¹²² there are only four explicit reminders specifically pertaining to the self-curse of their oath (Dem. 19. 219–20, Aeschines 3. 233, Andoc. 1.31, Lyc. *Leocr.* 79). Leaving aside its broader applica-

119 In fact, the *Eumenides* is our only direct source either for the existence of the judges' oath in the Areopagus' Council (*Eum.* 483, 489, 621, 680, 710) or, through the part played by the Erinyes, the existence of a conditional self-curse. But see p. 16 with n. 39 for the distortion of the court procedures in *Eumenides* which are closer to those of the ordinary court. According to S&B 112, the fact that speakers in rhetorical speeches never make any direct appeal to the oath of the Areopagus Council – nor to its explicit conditional self-curse either – shows that there was “a rule of etiquette ... involved”: the Areopagus Council was thought of as too august a body to need reminding about its oath.

120 See S&B 69–80 for a thorough analysis of the different parts of the dicasts' oath, as preserved in Dem. 24.149–51 and the various arguments about their authenticity (cf. further, Bonner and Smith 1930–8, ii 152–5; Mirhady 2007; and Martin 2009, 77–82).

121 The exact form of the curse varies in the sources. In Andoc. 1.31 the ‘greatest curses’ of the dicasts' oath are said to be again directed against themselves and *their children*. On the other hand, in Lyc. *Leocr.* 79, the self-curse takes the form of “destruction against oneself, one's children and one's whole *genos*”; but, since the orator is making a general statement about the self-curse of the dicasts, *archon* and *idiôtēs* (see n.123 below), he may well not be reproducing the precise wording of any of these three oaths.

122 Mainly “to vote with justice” or “in accordance with the law”; cf. the discussions cited in n. 120.

tion in the Lycurgus passage, in the rest of the cases the presence of the self-curse has one core function: to remind and warn the dicasts of the divine consequences that follow hard upon a wrong decision.¹²³ In Andocides 1 (*On the Mysteries*) the curse is mentioned in a strongly religious context, where the dicasts are identified as initiates in the Eleusinian Mysteries. The speaker reminds the jurors that they have taken the most solemn oaths, *invoking the greatest curses to fall upon themselves and their children* in order to guarantee that they will condemn only the impious and save those who have not committed any wrong (1.31). In a more direct fashion, in Demosthenes 19 (*On the False Embassy*), the dicasts are warned that, should they vote for Aeschines' acquittal, they would be committing perjury and, as a consequence, *take their curse home with them* (19.219–20).¹²⁴ In Aeschines 3 (*Against Ctesiphon*), Horkos, in his well-known personification of divine punishment, is said to “haunt and torment” the dicast who took a wrong decision (3.233). In all of these cases, the speaker reminds the dicasts of the constant threat of divine punishment that hangs over them, which however, remains only at a hypothetical level: as long as they came to a just decision (in favour of the speaker, naturally), they would avoid such dire repercussions. Therefore, although the explicit self-curse is not as frequently raised as the other parts of the dicasts' oath, it is still employed by the speaker as a “secure” means of applying pressure upon the judges.

2.4.2 Litigants' explicit self-cursing

In contrast to the dicasts' explicit self-curse, which is found only in ordinary trials, self-cursing by litigants is attested exclusively in homicide trials (see S&B 113–15). Its special position in the oath-taking by both litigants before the proceedings (*diōmosia*) and, further, by the winner at the end of the trial,¹²⁵ has attracted attention especially because of its combination with an elaborate ritual. Focusing

123 Lycurgus (*Leocr.* 79) mentions the three oaths “that hold democracy together”, the oaths of *idiōtēs* (i.e. the ephebic oath), *archon* and dicast. Yet, these oaths appear in a context where perjury becomes an issue: Lycurgus argues that men are often deceived but no one who has broken his oath can deceive the gods and that, if a perjurer does not suffer himself, *his children and his family will suffer great misfortunes*. It is evident that his words form an indirect warning to the dicasts in the present trial to avoid perjury.

124 On this, see Martin 2009, 79–80 who states that “direct intimidation of this sort cannot be found in any other speech of Demosthenes” (80).

125 In the oath of the winner, the litigant cuts in pieces the sacrificial victim and “invokes destruction on himself and his house, but prays that the jurors who voted for him have many

only on the rhetoric of our main source for this oath ritual, we can easily discern a clear identification of the oath as a conditional self-curse (Dem. 23.67–8):

On the Areopagus, where the law allows and orders trials for homicide to be held, first the man who accuses someone of such a deed *will swear an oath invoking destruction on himself and his family and his household*, and no ordinary oath either, but one which no one swears on any other subject, standing over the cut up pieces of a boar, a ram, and a bull which have been slaughtered by the right persons on the proper days, so that every religious requirement has been fulfilled as regards the time and as regards the executants. (trans. D.M. MacDowell 1963, 90–1)

No other part of the actual oath is mentioned here,¹²⁶ apart from the self-curse: the oath is defined not by the content of its statement, but *by the actual nature of divine punishment*, and is further accompanied by a religious ritual. The importance attached to the litigants' curse *in homicide procedures* is evident by the fact that speakers raise it in their argumentation within the court, which does not happen with the litigants' self-curse *in ordinary trials*.¹²⁷ Yet, the speakers' references to it do not come from the homicide cases themselves¹²⁸ – although, it should be mentioned, homicide speeches include a number of accusations of perjury against the opponent, which can be seen as reminding the judges of the litigants' self-curse (e.g. Ant. 6.33, 6.48–51). Instead, they mainly play a role in the speaker's arguments in ordinary trial speeches, in which references to *past* homicide trials are inserted (Dem. 23.67–8; [Dem.] 59.10; [Dem.] 47.70, 73).

Regarding their function in the speaker's argumentation, Martin (2009) has shown that the religious aspect of the oath can come to the fore in the course of constructing an accusation of perjury against the opponent;¹²⁹ yet, the speaker himself almost never explicitly refers to *his own* self-curse in the *diōmosia*. The

blessings" (Aeschines 2.87). Scholars (e.g. those cited in p. 17 n. 41) have commented upon the conscious effort to clear the dicasts of any lingering responsibilities through the blessings.

126 We know the content of the oath-statement from Ant. 6.16, Lys. 10.11 and [Dem.] 59.10: the prosecutor swore that the defendant "had killed" and the defendant swore that he "had not killed".

127 In ordinary trials, litigants exchanged oaths in the preliminary proceedings, in a process called *antōmosia*; see Pollux 8.55 and cf. S&B 80–1 and Gagarin 2007.

128 The one exception, Antiphon 5.12 (cf. 5.88), may be said to prove the rule, since the *diōmosia* is mentioned precisely because it has *not* been taken, this being a trial held in an ordinary court under the procedure of *endeixis*.

129 Martin 2009, 225–6, 261–4; but see his evaluative remarks on the carefulness with which arguments about the offence of perjury are handled within the court. The same intention to prove that the litigant is a constant perjurer underlies references made to oaths that were either taken or offered by the opponent *outside court*. In this context, self-cursing is reported in oaths taken

sole occasion when we do get a glimpse of the speaker's own conditional self-curse involves a hypothetical scenario that never took place: this is in a private speech attributed to Demosthenes but most likely written by Apollodorus, *Against Euergus and Mnesibulus* ([Dem.] 47.70, 73), a prosecution for false witnessing. The speaker claims in front of the dicasts that he was advised by the *exēgētai* not to bring to court the case of his female ex-servant's murder committed by his adversaries, since he was neither a relative nor the owner and thus he had no legal right to institute such an action. He accepted their advice, because ([Dem.] 47.73):

To lie to you and to take a solemn oath myself and have my son and wife do so I would not dare to do, although I knew well that I should convict these men. For I do not hate them as much as I love myself.

The last sentence here, implying that nobody who loved himself would take such an oath, transparently makes reference to the divine punishment that awaits a false swearer. But the idea is raised only in the context of a “road not taken”, to repudiate the hypothetical possibility of taking an oath that would have disastrous consequences for the litigant himself and his family.

2.4.3 Explicit self-cursing in oath-challenges and witnesses' oaths

A similar use of the explicit self-curse from the speaker's side and in support of his case finds a place quite distinctively in one general application of oaths: that of introducing evidence from a third party. In S&B 87–91 and 101–6, there are extensive studies of oath-challenges and the oaths of witnesses, used, most of the time, in support of the speaker's argument; both processes involved the appearance of an explicit conditional self-curse (Dem. 29.26, 33, 52, 54; Lys. 32.13 for oath-challenges; Dem. 57.22, 53 for oaths made by witnesses). As will be shown, all of these cases concern oath-taking raised as a possibility but not necessarily occurring, and/or contexts of potential perjury avoided by the swearers.

Two speeches against kinsmen on the issue of inheritance include a conditional self-curse that concerns an oath-challenge made by the mother of the litigant.¹³⁰ In his speech *Against Aphobus III*, Demosthenes defends Phanus whom Aphobus, the legal guardian of the inheritance of Demosthenes' dead father, has

voluntarily by the opponent in front of the speaker (Lys. 12.10) or even in public spaces, in front of a wider audience (Dem 18.283, 21.119; [Dem.]. 49.66–7; Aeschines 3.99).

¹³⁰ Dem. 29.26, 33, 52, 54; Lys. 32.13. See, further, Mirhady 1991; Gagarin 1997; Thür 1996a for the process of oath-challenge.

brought to court on the accusation of false testimony in a previous trial (where Demosthenes himself had sued Aphobus for misappropriation of his property).¹³¹ Before the suit, Aphobus had called upon Demosthenes to surrender his slave Milyas to be examined under torture, but Demosthenes stated that Milyas had been set free. As evidence for this, Demosthenes presents an oath-offer by his mother Cleobule (29.26):

My mother was willing to take an oath *on the heads of myself and my sister, her only children*, for the sake of whom she lived as a widow, and say, with us beside her, that my father freed that man when he was dying, and that he was regarded in the family as a free man; and no one of you should suppose that she would have wished to swear that on our heads, if she did not know for certain that she would be swearing to the truth.

The same scenario is featured in Lysias' *Against Diogeiton* (Lys. 32.13). The wife of a certain Diodotus is presented as accusing her own father, Diogeiton – brother of Diodotus who is dead at the time of the trial – of misusing the fortune of her children, which had been entrusted to him by Diodotus before he died. She offers to swear an oath in any place her father might name, surrounding herself with her children by Diodotus, and *calling down destruction on herself and the children she has and will come to have* that Diogeiton had received a certain amount of money from Diodotus. In the same way as Cleobule, she adds that she is not so wretched nor does she regard money so highly as to die after committing perjury in the name of her children.¹³² In neither of the two cases are we told that the woman finally performed the self-curse.

The prominent place of the self-curse in these cases is surely related to the fact that evidence given under oath constituted the only scenario in which women's testimony could be accepted in court;¹³³ the self-curse, mentioned by the litigant, provides the gravity needed for the dicasts to take this evidence seriously. The application of these curses shows, at the same time, how the litigant can manipulate their form to encompass the family of the swearer, in circumstances where the family plays a significant role in the proceedings. It is undoubtedly telling that in both cases the speaker raises the possibility of extending the curse to the

¹³¹ Dem. 27 and 28.

¹³² In the same context in Lys. 32.13, Diogeiton is said "not to have feared the gods", an obvious contrast with his daughter's willingness to utter a self-curse.

¹³³ Cf. Just 1989, 33–9; Mirhady 1991, 82; Foxhall 1996, 143–9. In the dispute between the sons of Mantias (Dem. 39 and 40) we hear of an oath taken by a woman, Plangon, to the effect that she will refuse an oath-challenge issued to her (Dem. 40.10–11, cf. 39.2–4). This oath is described as "the most awesome and the greatest" which is probably meant to imply that it involved a strong self-curse.

offspring (i.e. the speaker himself) in disputes where inheritance rights within the same family are at issue. The use of the *exōleia* formula finds a place in a context where destruction of children can even mean transference of the right of inheritance to the other side.

Similarly to the oath-challenge, litigants use explicit self-curses in support of cases when evidence of a different kind is introduced: the testimony of witnesses under oath. S&B 87–100 have shown that witnesses in general were *not* under oath in Athenian trials, with the exception of three scenarios – all of which involve an explicit self-curse: in homicide trials, during which they swore an oath accompanied by sacrifice (Ant. 5.12); in the procedure of *exōmosia*, in which they could *swear out* of their role as witnesses;¹³⁴ and lastly, in a single speech by Demosthenes (*Against Euboulides*), where there are no fewer than seven references to oaths by witnesses – the high frequency alone indicates its unique status. Twice during the latter speech the speaker dwells on the religious element of the self-curse (57.20, 53). The case concerns the decision of a deme assembly to remove the speaker Euxitheus from the deme’s citizen register. In response Euxitheus brings witnesses to testify to his legitimate citizen birth, of whom he remarks (Dem. 57.53):

Surely, it would have been possible for them, if I had been illegitimate or a foreigner, to inherit all my property. Do they prefer to get a small payment and put themselves in jeopardy by giving false testimony and to commit perjury rather than to take everything with safety and not to *invoke any curse upon their own heads*? No, this is not the case; but in my opinion being my relatives they are doing what is right helping one of their own.

S&B 88 argued that the frequent references to witnesses’ oaths during this trial aimed at balancing the solemnity of the formal oath which was taken when a citizen’s entry into the deme was reviewed, to the accompaniment of solemn sacrifices (καθ’ ἱερῶν, Dem. 57.26). It would appear that this “balancing” took place more specifically through underlining the power of the witnesses’ self-curse – and doing so not only by explicitly articulating it, but also by repeating it (57.20, 53) and, thus, emphasizing the role of divine punishment. In this speech, unlike those previously discussed, the self-curse concerns an oath that is actually taken before the trial. But its specific application in context bears a resemblance to the

134 According to Lyc. *Leocr.* 20, in the oath of *exōmosia* the witness touched a cut piece of a sacrificial animal; this is confirmed by *Ath. Pol.* 55.5 and was most likely accompanied by a self-curse – although this is not explicitly attested in the sources. The issue of “avoiding” or “committing” perjury in relation to this oath does come up quite a lot in the orators: cf. Dem. 19.176, 29.15, 45.59; Isaeus 9.16–9. For the process of *exōmosia* see, further, Carey 1995a; Martin 2008.

previous instances examined: the litigant raises the potential activation of the self-curse only in order to refute it. His witnesses would not have dared to invoke destruction upon themselves by taking an oath and so put their lives in danger, if they were not speaking the truth.¹³⁵ The self-curse and avoidance of perjury confirm the veracity of the witnesses' statement.

2.4.4 Litigants' spontaneous self-cursing inside the courtroom

Up until now, all our instances of self-cursing have concerned *reported* formal or volunteered self-curses, mainly occurring in hypothetical scenarios of oath-taking or oath-breaking. The last case examined here involves verbal performances of explicit self-cursing *in the trial itself*. Although oaths were frequently uttered in direct speech within trials,¹³⁶ our evidence for *verbalized self-cursing in them* is very scant: there are only two secure cases where a self-curse is pronounced spontaneously by a litigant during the trial. One takes the form of a short self-curse of utter destruction (Dem. 19.172).¹³⁷ The other case, though, is unique in the corpus of oratory by depicting an elaborate case of *competitive* self-cursing. At the end of Demosthenes' speech *Against Conon*, Ariston, who is prosecuting Conon for battery (*aikēia*), claims that he has heard from someone that Conon is about to perform an exaggerated conditional self-curse in front of the jury (54.38):¹³⁸

Regarding the most impudent thing of all that I hear he is about to do, I think that it is better to warn you in advance. For they say that he will bring his children and, placing them by his side, will swear an oath on their heads, imprecating some dread and awful curses of such a nature that a person who heard them and reported them to me was amazed.

135 The same emphasis on the curse of a witness appears in Aeschines 1.114–15, in reference to an oath which Timarchus took in relation to the disfranchisement of a certain Philotades whom he alleged to be a former slave of his. Fisher 2001 *ad loc.* takes this oath to be the one that members of the deme took at the deme meeting. But according to S&B 88 n. 96, in all probability, it is a reference to Timarchus being asked to act as a witness against the citizenship of the slave, since Timarchus was not of the same deme and thus could not participate in the deme assembly.

136 See S&B 86, with reference (n.89) to Gagarin 2007, 45–6 for the use of these oaths as 'rhetorical' ploys.

137 Demosthenes swears invoking destruction upon himself (ἐξώλης ἀπολοίμην καὶ προώλης) that, if he had not promised to bring back money for ransom to certain prisoners, he would not have gone with Aeschines and others to receive the oaths of peace from Philip of Macedon in 346 BC.

138 The oaths in Dem. 54 are discussed in S&B 86–7 from a different angle regarding their rhetorical manipulation.

The practice of having one's children physically present while one swears by them appears in oath-offers outside court, as we saw above. But here the practice of cursing is squarely located *within the trial itself*, where children were brought into court to raise the sympathy of the jury, a common practice in Athenian law courts.¹³⁹ The exact content of the imprecations is not given but Ariston obviously wants his audience to imagine worse and more dramatic formulations than a simple extension of the self-curse to his opponent's offspring, when he describes the surprise of his informer and their "dreadful" and "awful" nature.¹⁴⁰ The same effect is achieved when he provides immediately afterwards an imaginary comparison between one who swears in a "customary way" and Conon's practices of swearing in court by invoking terrible curses with his children present (Dem. 54.40).¹⁴¹

It comes as something of a surprise, therefore, that, after this claim about the dreadful and non-customary oath, Ariston himself performs a 'non-customary' spontaneous oath *in front of the dicasts*, one that takes an elaborate form, *with an explicit blessing and self-curse* (Dem. 54.41):

This oath I was at that time ready to take, and now, to convince you and those who stand around, I swear by all the gods and goddesses for your sake that I have truly suffered at the hands of Conon this wrong for which I am impeaching him, that I was beaten by him and that my lip was cut open so that it had to be sewn up, and that it is because of a great harm that I am prosecuting him. *If I swear truly may I have many blessings, and may I never suffer again such an outrage; but if I am forsworn, may I perish utterly, I and all I possess or may in the future possess.*

In this way Ariston utters his own self-curse as a pre-emptive strike against his opponent:¹⁴² the explicit self-curse is *the speaker's response to an imagined future scenario of oath-taking*. Ariston is playing an elaborate game in an attempt to

139 Carey & Reid 1985, 99–100. As S&B 87 notes, Conon's children are involved more specifically in the actual trial as well, since they took part in Ariston's assault and here Ariston finds the chance to bring the jury's attention to them once more.

140 See Martin 2009, 284–6, for the connection between the oath of Conon and other arguments about Conon's religious activity used by Ariston in order to undermine Conon's oath.

141 "The man who ... will take only a customary oath, is more to be believed than one who swears by his children or is ready to pass through fire". Bers 2003, 78 n.36 indicates that the phrase "pass through fire" (διὰ τοῦ πυρός) might allude to the ritual of oath-taking which sometimes involved the burning of the animal victims, a fact that would have increased the power of the self-curse.

142 Martin 2009, 258 draws attention to the role of this oath as "anticipating" and "balancing out" the oath of the opponent in this speech.

forestall his opponent's use of self-cursing. Initially he maintains an important distinction: his oath, so he claims, merely repeats the one that he had previously offered to his opponent through the "more regular" process of the oath-challenge. Here, we may detect an effort to make it seem "more customary" than Conon's. Furthermore, in his own act of self-cursing, Ariston makes sure to introduce first *the blessings for himself* (which furthermore bring attention to the injury he suffered by Conon), and *then* the self-curse. The precedence of blessings over curses appears in formal oaths in classical Athens, known to all citizens;¹⁴³ it seems to inspire trust and show the speaker's willingness and confidence that the oath will be kept. By these means, Ariston seeks to ingratiate himself with his audience. Only once his positive intention is established does Ariston make his own self-curse, which instead of targeting his family, like Conon's, takes the more general form of targeting everything *that he possesses or may possess*.¹⁴⁴ Ariston's self-curse presents a telling case of how spontaneous oaths could develop improvised and distinctive forms of self-cursing. Its actual position at the close of the speech, just before the dicasts hear the defence speech, confirms the strong belief in the impact that the use of an explicit self-curse could have during the judicial proceedings.

The present section has focused, in particular, on instances of explicit self-cursing in the corpus of oaths in the orators uttered or, more often, imagined as being uttered by the speaker, the judges or those who speak or may speak in support of the plaintiff's case. Explicit self-cursing on these occasions is best accommodated in contexts in which the speaker consciously raises the potential of perjury being committed by any of the above, only in order to deny it, by acknowledging the inevitability of divine punishment. A good number of these cases are found in imaginary or potential scenarios of oath-taking and oath-breaking, embedded as arguments in favour of the speaker's case.¹⁴⁵ On the other hand, actual cases of performing explicit self-cursing within the trial itself are rare, but still existent, nonetheless. In all of these instances, we have seen that explicit self-cursing is subject to rather detailed and sometimes even unique verbal or performative elaboration, in comparison to its customary forms in formal oath taking. Their

¹⁴³ See p. 00 [15] n.26.

¹⁴⁴ Cf. Lys. 32.13 for a similar extension of time in future regarding the punishment: "I offer to swear to the name of my children, both these and those born to me in future". S&B 87 notes that the children are missing in Conon's curse, most likely "because he *has* no children".

¹⁴⁵ See Martin 2009, 264 for a similar conclusion about the religious nature of an oath in Demosthenes' private and deliberative speeches, which, as he states, is emphasized mainly in relation to *hypothetical* oath-challenges or the "unprovoked" oath and less in relation to formal procedural oaths.

employment betrays each individual's ability to shape variably the element of the self-curse; and it is a clear proof of the speakers' general familiarity with the concept of the oath as a conditional divine punishment upon the swearer(s).