

Perjury in Classical Antiquity

[El perjurio en la Antigüedad clásica]

Rafael Guimarães Tavares da Silva\*

Federal University of Minas Gerais

**Abstract:** The present analysis surveys the diachronic developments of social attitudes concerning oaths in the ancient Greek context, from as early as in the poems of Homer and Hesiod, passing through Herodotus's and Thucydides's accounts, until the period following the Peloponnesian War. Its main focus is settled in a more synchronic analysis of the unstable period narrated by Xenophon, mainly in his *Hellenica*, but also taking into account other sources. The conclusions drawn by this inquiry ought to be understood in the general context of the end of the fifth and the beginning of the fourth centuries BCE, and help to explain the political uncertainty of this period. The doubts entertained about the capacity of the gods in punishing perjurers (despite Xenophon's own religious opinions) and, therefore, a questioning of the effectiveness of oaths as an institution coordinating the inter-relations among Greek *poleis* are not only causes of the instability of this period, but also its results.

**Resumen:** El presente análisis examina los desarrollos diacrónicos de las actitudes sociales con respecto a los juramentos en el contexto griego antiguo, desde los poemas de Homero y Hesíodo, pasando por los relatos de Heródoto y Tucídides, hasta el período posterior a la Guerra del Peloponeso. Su enfoque principal se asienta en un análisis más sincrónico del período inestable narrado por Jenofonte, principalmente en sus *Helénicas*, pero también teniendo en cuenta otras fuentes. Las conclusiones extraídas de esta indagación deben entenderse en el contexto general de finales del siglo V y principios del IV a. e. c. y ayudan a explicar la incertidumbre política de este período. Las dudas sobre la capacidad de los dioses para castigar a los perjuros (pese a las opiniones religiosas del propio Jenofonte) y, por tanto, el cuestionamiento de la eficacia de los juramentos como institución coordinadora de las interrelaciones entre las *poleis* griegas no son sólo causas de la inestabilidad de este período, sino también sus resultados.

**Keywords:** Oath, perjury, morality, Xenophon

**Palabras clave:** Juramento, perjurio, moralidad, Jenofonte

**Recepción:** 16/05/22

**Aceptación:** 15/07/22

The period that followed the end of the Peloponnesian War, and the beginning of the Spartan Hegemony in the Greek world, was seized by a deeper instability in the interstate politics than that of the preceding years.<sup>1</sup> Taking a look into the main literary narrative source for the period, Xenophon's *Hellenica*, one realizes that the truces (σπονδαί) or the declarations of ceasing fire (διάλυσις πολέμου) established between the main *poleis* under bilateral terms did

---

\* Dirección para correspondencia: Faculdade de Letras (UFMG), Av. Pres. Antônio Carlos, 6627 - Pampulha, Belo Horizonte - MG, Brasil, 31270-901. Correo electrónico: gtsilva.rafa@gmail.com.

<sup>1</sup> M. Jehne, 1984, pp. 7-8.

not bear the capacity of founding a real comprehensive peace.<sup>2</sup> If the histories of individual *poleis* are to be understood as crucial in the formation of foreign policy on the one hand, on the other it is important to remember that “states exist within an interstate system that is either formally recognized or informally delineated” (Berkey, 2001, p. 1). Therefore the general choice of subject taken by Xenophon, in the work traditionally considered his main historic one, is certainly meaningful.<sup>3</sup> In spite of many bits of localized didactic statements, *Hellenica* are an invitation to learn something about the inter-relations of Greek city-states.<sup>4</sup> And here it is important to remember the central role played by oaths in “Greek international relations” (Bolmarcich, 2007, p. 26), as it has been often noticed by scholarship.<sup>5</sup> Our hypothesis is that making a close inspection of Greek attitudes towards oaths in interstates’ relationships we will provide new ways of understanding the political instability during this period.

First of all it is interesting to define what we understand as an oath. According to Janko (1994, p. 194), “to take an oath is in effect to invoke powers greater than oneself to uphold the truth of a declaration, by putting a curse upon oneself if it is false.”<sup>6</sup> If that definition is somehow correct, it does not mention a very important aspect of the oath: its actual use. After all, why would someone put a curse upon his own self? The obvious answer is that swearing an oath assures that, if an allegedly true statement contains no real truth, the perjurer will suffer a certain sanction from the gods or from any other transcendental set of power.<sup>7</sup> That sanction may come even if the oath sworn by the perjurer is not “ethical” in itself, since the main reason of the sanction is the idea that we injure (ἀδικεῖν) the gods by perjury.<sup>8</sup> The example of the speech-writer Lysias is very clear about this point.

In 404 he and his family were caught up in the Thirty Tyrants’ attempt to arrest foreigners resident in Athens and to confiscate their property. Lysias attempted to escape by bribing the agent sent to arrest him. Since no conventional legal sanctions were available to him, all Lysias could do was to put the agent under oath and have him “invoke utter destruction upon himself and his children” in case he violated their agreement (12.9-10). (Mikalson, 1983, p. 34)

So the oath is used to ascertain someone’s intention in order to convince the addressee about it.<sup>9</sup> It is a rhetorical resource with serious implications in a society that considers its violation a crime<sup>10</sup> and an impious act of the type which the gods were thought to punish.<sup>11</sup>

The belief that the gods punish the breaking of oaths is one of the oldest and firmest among the Greek society.<sup>12</sup> We attest different formulas of it, varying enormously in length and

---

<sup>2</sup> T.T.B. Ryder, 1965, p. xv.

<sup>3</sup> K. Meister, 1990, p. 73.

<sup>4</sup> C. Tuplin, 1993, p. 18.

<sup>5</sup> K.J. Dover, 1974, p. 249; J.D. Mikalson, 1983, p. 34.

<sup>6</sup> É. Benveniste (1969, p. 163) defines it in these terms: “Le serment, affirmation solennelle placée sous la garantie d’une puissance non humaine chargée de châtier le parjure [...]”.

<sup>7</sup> According to É. Benveniste (1969, p. 164): “Celui qui jure met en jeu quelque chose d’essentiel pour lui, une possession matérielle, sa parenté, même sa propre vie, pour garantir la véracité de son affirmation.”

<sup>8</sup> According to Demosthenes, a perjurer commits a sin against not only the person to which he swears vainly, but also against the gods in whose name he swears (*Dem.* 48.52). Cf. also: K.J. Dover, 1974, p. 249; F. Hartog, 2001, pp. 208-209.

<sup>9</sup> J. Derrida (2009, p. 27) says that: “il faut toujours préciser: la *véracité* plutôt que la *vérité*, mentir ou parjurer ne signifiant pas dire le faux ou le non-vrai, mais dire autre chose que ce qu’on pense, non pas en se trompant mais en trompant délibérément l’autre [...]”.

<sup>10</sup> F. Hartog (2001, p. 208) ascertains that: “Le parjure est assurément pour les Grecs un criminel”.

<sup>11</sup> J.D. Mikalson, 1983, p. 31.

<sup>12</sup> S. Hornblower, 2007, p. 145.

purpose, as early as in the Homeric poems. In *Il.* 14.271-9, for example, the Sleep demands a very comprehensive oath from Hera<sup>13</sup> and in *Il.* 19.242, Achilles swears not to cease his fury until he has driven the Trojans to surfeit of war. Hence there is a huge possibility that oaths were used a long time before the Archaic Period, in the “Dark Ages” and beyond.<sup>14</sup>

To our present topic (the relations between Hellenic *poleis*), the most important kind of oath is the engaging one (i.e. the oath that binds someone’s action in the future), as opposed to the oaths that only ascertain the truth of a statement.<sup>15</sup> In such a context, we have many examples issued from Herodotus’s *Histories*. In Hdt. 6.74.1, for example, Cleomenes united the Arcadians against Sparta, binding them by oath to follow him wherever he led. Another example is a well-known oath implicit in the answer given by the Athenians to the Spartan envoys in Hdt. 8.144.3, whose tragic tone has since long been correctly noted by the scholarship,<sup>16</sup> where they assured their allies “that as long as one Athenian is left alive we will make no agreement with Xerxes.” In each of these accounts the oath’s effectiveness was not questioned and the parties to an agreement swore oaths that they would keep it; otherwise (in case they broke it), they would act as being absolutely sure about divine punishment.<sup>17</sup>

By the second half of the fifth century, however, we can detect a shift in the use of oaths. This shift starts in Thucydides’ accounts about the Peloponnesian War and assumes its more precise contours in Xenophon’s attempt to preserve traditional morality through traditional religious values.<sup>18</sup> Despite the attitudes of the writers themselves towards religion, the attitudes of the people acting in their historical accounts change gradually in regard of taking and fulfilling oaths.

In Thuc. 1.58.1, the Spartans, who were still loyal to the Thirty Years’ Peace, promised the Potideans to invade Attica if Athens attacked their city first. “Sparta’s care and desire not to be seen as the violator of the Thirty Years’ Peace meant that she would be less likely to help a state revolt from Athens than to defend the same state from Athenian attack” (Bolmarcich, 2007, p. 37). However, at the same time, we detect a weakening in the will of intending to respect not only the letter of the oath, but also its “spirit”, as it has been once common in the past.<sup>19</sup>

One of the clearest examples that the trust inspired by an oath was being wiped out is displayed in the whole episode of the Peace of Nicias (Thuc. 5.14ff.). Although the two main *poleis* were willing to cooperate with each other, the impossibility of Sparta to fulfill some of

---

<sup>13</sup> R. Janko, 1994, p. 194.

<sup>14</sup> In Hesiod (*Th.* 231f.) it is said that a divinized representation of Oath is the responsible for troubling men upon earth when anyone willfully swears a false oath. The same belief in the effectiveness of swearing an oath in order to keep a just society is present in the *Works and Days* (219 and 282).

<sup>15</sup> According to É. Benveniste (1969, p. 164): “Celui-ci [le serment] prend deux formes, selon la circonstance: il sera serment de vérité ou assertoire quand il porte sur des faits en litige, ou il sera serment d’engagement ou promissoire quand il appuie une promesse.”

<sup>16</sup> H. Kleinknecht, 1940, p. 257.

<sup>17</sup> It is interesting to observe, however, that in Herodotus’s accounts prevails the archaic idea that this inevitable punishment could fall upon future generations (F.S. Pownall, 1998, p. 274) or upon other members of the family (G. Glotz, 1904, pp. 557-558).

<sup>18</sup> K.J. Dover, 1974, p. 249.

<sup>19</sup> In this regard, the story told by Leutychides to the Athenians (in Herodotus’s *Histories*) about Glaucus is very enlightening of traditional morality. Glaucus, having received under oath the responsibility of keeping someone else’s money, hesitated for a while before returning it to its legitimate owners. Even if his attitude was at the end correct towards the letter of the oath (because he returned the money), Leutychides says that “there is today no descendant of Glaucus, nor any household that bears Glaucus’s name; he has been utterly rooted out of Sparta. So good is it not even to think anything concerning a trust except giving it back on demand!” (Hdt. 6.86).

the points specified in the treaty (Thuc. 5.18)<sup>20</sup> led the Athenians to suspect them. In Thucydides' own words,

though for six years and ten months they abstained from invasion of each other's territory, yet abroad an unstable armistice did not prevent either party doing the other the most effectual injury, until they were finally obliged to break the treaty made after the ten years' war and to have recourse to open hostilities. (Thuc. 5.25)

The Spartan failure to honor the Peace of Nicias was to be considered a violation not only by omission, but also by commission. Though this breach seemed so repulsive to the Athenians that, at the urging of Alcibiades, they inscribed at the stele of the Peace that the Spartans had violated their oaths (Thuc. 5.56.3), the small effort made by the Spartans in trying to deny their bad will towards the Athenians only shows how far any divine punishment was from their sight.<sup>21</sup>

It is very tempting to relate these changes by the end of the fifth century, even in Sparta,<sup>22</sup> one of the most traditional among the Greek *poleis*, with a general loss of faith in the power of the gods.<sup>23</sup> One may also think about the Athenian context as another proof of this shift and it is difficult to ignore the fact that the cultural productions of this period are deeply stamped by such a sign.<sup>24</sup>

Having all that information in mind, we can start to analyze Xenophon's own works and context. It has been often ascertained that his literary output as a whole is didactic in inclination:<sup>25</sup> "alongside hunting, horsemanship, farming and general ethical morality, the author's didactic interests included such things as military technique and methods of leadership" (Tuplin, 1993, p. 18). He has also a reputation for religiosity which is constantly reflected in his moral assertions as, for example, they are put into the mouths of Cyrus and his father Cambyses in the *Cyropaedia*.<sup>26</sup> Xenophon's attitude towards tradition can be understood as a reaction (noticeable in Athens since at least 415 BCE, by the impious incident of the mutilation of Hermes's statues<sup>27</sup>) against what may have seemed a decrease of respect to traditional values.<sup>28</sup> It is interesting to remember also that:

---

<sup>20</sup> It may also be remembered that some of Sparta's *symmachoi*, Corinth, Thebes, Elea and Megara, refused to accept the terms of the treaty (Thuc. 5.22), which caused an internal crisis in the Peloponnesian League (K.-W. Welwei, 2004, pp. 235-236).

<sup>21</sup> Even if, as S. Bolmarcich (2007, p. 37 n.8) says, "we can be sure that some Spartans felt uncomfortable about this."

<sup>22</sup> The Spartans were even excluded from the Olympic games and the sacrifices at Elis after their attack with heavy infantry during the Olympic Truce (in 421 BCE), as it is said in *The Peloponnesian War* (Thuc. 5.49f.).

<sup>23</sup> E. Baltrusch, 1994, p. 196.

<sup>24</sup> According to R. Parker (2004, p. 200), "Thucydides tells how the great plague that began 430, against which all religious remedies proved vain, drove men to nihilism and despair." Though the scholar dismisses any claim about a general religious crisis, one cannot help to think about some of the characteristic writings of this period, such as Euripides's tragedies, the sophists' discourses and even Thucydides's own accounts, an author who has been commonly noticed as "sui generis in his attitude to religion" (F.S. Pownall, 1998, p. 276).

<sup>25</sup> E.M. Soullis, 1972, p. 43.

<sup>26</sup> D.L. Gera, 1993, pp. 291-292.

<sup>27</sup> The point is well made by R. Parker (2004, p. 200): "Did the experience of 415 make many Athenians more prone to lash out against persons of suspect piety, including perhaps Socrates? Had the trauma of the plague, by contrast, left a residue of disbelief? The two influences in combination might have tended to create a polarization of attitudes."

<sup>28</sup> As Plato says (*Lg.* 12.948c-d): "Nowadays, however, some people (as we remarked) don't believe in gods at all, while others believe they are not concerned about mankind; and there are others –the worst and most numerous category– who hold that in return for a miserable sacrifice here and a little flattery there, the gods will help them to steal

in the apparent palinodes at the end of the *Constitution of the Lacedaemonians* 14.7 and *Cyr.* 8.8.7, Xenophon attributes the degeneracy and ensuing decline of both the Spartans and the Persians to the fact they no longer obey either divine or human precepts. (Pownall, 1998, p. 258)

The main themes of his most important historical work, *Hellenica*, are the inter-relations of Greek city-states, as we have already observed. In this context, oaths are especially important since they are traditionally regarded as providing punishment where legal sanctions lack.<sup>29</sup> But if we are right to appoint a certain loss of faith in the punishing power of the gods, Xenophon's attempt to equate religion with morality<sup>30</sup> is also a reaction to the general instability provoked by this loss of faith in the oaths' effectiveness. Therefore we ought to understand Xenophon's own ideas towards oaths, as they are reflected in some of his statements, as radically different from those guiding the actions of the most part of the people represented in his *Hellenica*.<sup>31</sup>

A very enlightening example of this difference between the narrator's own opinion and those of his historical characters is to be found when Xenophon condemns peremptorily the Spartans' seizure of the Theban Acropolis, contrary to the terms to which they had sworn in the King's Peace (Xen. *Hell.* 5.1.32). His reproach goes as it follows:

Now one could mention many other incidents, both among Greeks and barbarians, to prove that the gods do not fail to take heed of the wicked or of those who do unrighteous things; but at present I will speak of the case which is before me. The Lacedaemonians, namely, who had sworn that they would leave the states independent, after seizing possession of the Acropolis of Thebes were punished by the very men, unaided, who had been thus wronged, although before that time they had not been conquered by any single one of all the peoples that ever existed; while as for those among the Theban citizens who had led them into the Acropolis and had wanted the state to be in subjection to the Lacedaemonians in order that they might rule despotically themselves, just seven of the exiles were enough to destroy the government of these men. (Xen. *Hell.* 5.4.1)

In this account is thus suggested that the Spartans' defeat is due to their previous oath-breaking.<sup>32</sup> In Xenophon's opinion, no impiety would pass unpunished by the gods, as the connection drawn between divine punishment and oath-breaking is often implicated in his works.<sup>33</sup> No word, however, is spoken about the Spartans trying to avoid being seen as violators of the oath and, though this absence could be due to Xenophon's own omission, it is difficult to

---

enormous sums of money and rescue them from all sorts of heavy penalties." Also: Plato *Rep.* 2.364b-365a, *Lg.* 10.885b, 905d-907b (as mentioned in J.D. Mikalson, 1983, p. 38 n.19).

<sup>29</sup> J.D. Mikalson, 1983, p. 34.

<sup>30</sup> As K.J. Dover (1974, p. 249) explains "when Hermogenes in Xen. *Smp.* 4.49 defines religious duty as fidelity to oaths and abstention from blasphemy he is going much further towards the equation of religion with morality than we might think [...]"

<sup>31</sup> We do not follow Straussian readings of Xenophon as a writer whose piety "surely differs *toto coelo* from the piety of a Nikias" (L. Strauss, 1983, p. 118). That line of thought has been advanced since one of Strauss's earlier and lesser known works, "The Spirit of Sparta or the Taste of Xenophon", where he suggests that "Socrates did not believe in the gods of the city, nor did his pupil Xenophon. But both master and pupil took every imaginable care to hide from the public their unbelief" (L. Strauss, 1939, p. 532). Whether such readings may have an element of truth in them, they corroborate the general loss of faith in the traditional gods even with Xenophon's own inner attitudes. On Straussian hermeneutics: J. Bloxham, 2018, pp. 61-66; pp. 83-93.

<sup>32</sup> E. Badian, 2004, p. 48.

<sup>33</sup> Besides the episodes analyzed throughout this paper, it would be possible to cite e.g.: *Mem.* 1.1.18, *Ages.* 3.2 and *Cyr.* 5.1.22. For a contrary view about Xenophon's general understanding of oath-breaking and divine punishment, cf. H. Bowden, 2004, pp. 244-245.

believe that such a truculent action could in any case hide its impious motivation. Therefore it seems that the Spartans were not really worried about breaking their oath.<sup>34</sup>

This impression is even strengthened by the account of how immediately before the Battle of Leuctra the Spartans broke another oath (Xen. *Hell.* 6.4.2). This battle took place because they did not follow Prothous's (a Spartan citizen) advice to disband the army, as they had sworn in the peace of 371 BCE (Xen. *Hell.* 6.3.18-19), but began to make financial and diplomatic preparations for war against the Thebans. As it has been appointed by Pownall (1998, pp. 256-257), "the Spartan assembly, apparently not at all concerned with the prospect of breaking another oath, dismisses Prothous's proposal as 'nonsense' [...]." Xenophon's opinion about the incident is clear enough since he links the Spartans' defeat at Leuctra to their oath-breaking in the preliminaries to the campaign, suggesting that the end of their aspirations for hegemony is to be understood as a divine punishment of their disrespectful behavior.<sup>35</sup> This pious idea, however, receives heed neither from the Spartans nor from the Thebans, since those kept their destructive campaign and these would break an oath themselves in Xen. *Hell.* 7.4.36.

We could bring other examples in which Xenophon's religious opinion meets no equivalent among the people about whom he writes.<sup>36</sup> But let us turn to one of the rare passages where a specific character actually reflects, through his words and attitudes, his same traditional belief that *every impiety is punished by the gods*. It shall be of no surprise that this character is Agesilaus, the Spartan king about whom Xenophon wrote a biography. It is clear that he was among the few people –besides Socrates and Cyrus– admired by the Athenian historian, being even possible that he is envisaged as the ideal of "a single leader who could unite Greece, if necessary by conquering each separate city, and lead an expedition against Persia [...]" (Usher, 1962, p. 501).

In Xen. *Hell.* 3.4.6, precisely in the passage where Agesilaus is leading a campaign against the Persians in Asia Minor, Xenophon tells about Tissaphernes's disregard towards the oath he had exchanged with the Spartan commissioners. Agesilaus, though being aware of Tissaphernes's unreliability, nevertheless continued to abide by the truce. When the Spartan king, a few chapters later, received the news of Tissaphernes's perfidy, "with a countenance radiant, [he] ordered the ambassadors to carry back word to Tissaphernes that he felt very grateful to him because, by violating his oath, he had made the gods enemies of his side and allies of the Greeks." (Xen. *Hell.* 3.4.11). One can even argue that such words could have been spoken by Xenophon himself to express clearly his own beliefs. And would it be surprising if they had been actually used in such display?

In the accounts of *Anabasis*, where he himself is fashioned as a participant (and later as a general) of the Greek mercenary army, Xenophon writes what he might have said in the moment of the Persian treachery and oath-breaking. At this occasion, the same Tissaphernes (some years before his encounter with Agesilaus), having invited the Greek generals and captains to come to him, killed them all (Xen. *Anab.* 2.5.32). Xenophon, displaying the same profound

---

<sup>34</sup> The Spartans' decision of keeping the Theban Acropolis garrisoned is a clear sign in this direction (Xen. *Hell.* 5.2.35). Moreover, the responsible for an action that was at the same time impious (since it broke an oath) and unrighteous (since it had no permission from the Sparta's Assembly), the commander Phoebidas, was judged someone "who has done good for the state" (in King Agesilaus's formulation at Xen. *Hell.* 5.2.32).

<sup>35</sup> The inclusion of a particular concentration of supernatural occurrences in Xenophon's narrative of this battle (Xen. *Hell.* 6.4.7) is correctly interpreted by F.S. Pownall (1998, p. 257) as a way of reinforcing his contention that the gods punished the Spartans at Leuctra for their impiety.

<sup>36</sup> As, for example, the narrative of the liberation of the Theban Acropolis, when the Thebans, having sworn to allow the Spartan garrison to depart (Xen. *Hell.* 5.4.11), are not able to restrain themselves and kill all the people recognized as enemies (F.S. Pownall, 1998, p. 258).

belief that he would state throughout his oeuvre, writes that he said the following words on this dismal occasion to cheer his comrades up:

[19] For my part, so long as the truce lasted I never ceased commiserating ourselves and congratulating the King and his followers; for I saw plainly what a great amount of fine land they possessed, what an abundance of provisions, what quantities of servants, cattle, gold, and apparel; [20] but whenever I took thought of the situation of our own soldiers, I saw that we had no share in these good things, except we bought them, I knew there were but few of us who still had money wherewith to buy, and I knew that our oaths restrained us from getting provisions in any other way than by purchase. Hence, with these considerations in mind, I used sometimes to fear the truce more than I now fear war. [21] But seeing that their own act has put an end to the truce, the end has likewise come, in my opinion, both of their arrogance and of our embarrassment. For now all these good things are offered as prizes for whichever of the two parties shall prove to be the braver men; and the judges of the contest are the gods, who, in all likelihood, will be on our side. [22] For our enemies have sworn falsely by them, while we, with abundant possessions before our eyes, have steadfastly kept our hands therefrom because of our oaths by the gods; hence we, I think, can go into the contest with far greater confidence than can our enemies. (Xen. *Anab.* 3.1.19-22)

The same confidence in the power of the gods to punish impious acts is showed by Xenophon's and Agesilaus's words. It is of little wonder that both representations highlight an almost heroic defense of traditional value in a world where such system was in crisis, as the majority of examples issued from his own writings shows. Therefore we can establish the role that these rare exemplary characters, such as Agesilaus and Xenophon himself, played in his narratives. They are not representatives of any general attitude, but mere paradigms of what might be considered righteous under traditional religious conceptions. In other words, they are part of Xenophon's didactic attempt to revert the corruption of traditional values in the society of his own time.<sup>37</sup>

But what about the majority of the historical characters whose acts are reported in the *Hellenica*? If they had so much disregard for divine punishment and, consequently, for the effectiveness of oaths and interstate politics, why did they keep performing their oaths? Was it merely out of inertia that they kept what had no more importance to them?

Here it is relevant to consider some things that have been stated by Veyne in his book *Les Grecs ont-ils cru à leurs mythes?* The author argues that if two people intend to enter an agreement, trying to convince one another about something, they have to respect each other's ideas, if they are forces in this interacting context.<sup>38</sup> In the same paragraph, he also says that hesitating modalities of belief are created this way, making it possible for someone to believe simultaneously in incompatible truths, in what can be called the balkanization of the symbolic field.<sup>39</sup> Therefore, even though we may speak about a general shift in the Greek attitude towards oaths, it is important to punctuate that the most conservatist sectors of this society – in whose name Xenophon's remarks ought to be understood – still carried traditional and religious values for a much longer time. And since these values were social forces, in the sense of what has been

---

<sup>37</sup> Attempt in which Xenophon had little success, if we bear in mind the critical treatment displayed by him towards the Spartans, the Thebans and the Athenians, from Xen. *Hell.* 3.5.1 onwards. According to C. Tuplin (1993, p. 64), "Xenophon's sympathies appear to be engaged by none of the parties of the conflict. This, it should be repeatedly stressed, is a characteristic situation throughout the second part of *Hellenica*."

<sup>38</sup> "À partir du moment où l'on veut convaincre et se faire agréer, il faut respecter les idées étrangères, si ce sont des forces, et il faut du penser un peu." (P. Veyne, 1983, p. 67)

<sup>39</sup> "Ainsi naissent ces modalités de croyances hésitantes, cette capacité de croire en même temps à des vérités incompatibles, qui caractérisent les périodes de confusionisme intellectuel: la balkanisation du champ symbolique se reflète dans chaque cerveau." (P. Veyne, 1983, p. 67)

stated by Veyne, they had to be at least externally taken into account even by people who had no internal regard for them.

The Mantineans in 370 BCE, having sworn for the freedom of each Greek *polis* and promising not to “take the field against any one of the cities which have sworn this [same] oath” (Xen. *Hell.* 6.5.2), could send an army against the Tegeans to help a non-legitimate group<sup>40</sup> (the followers of Callibius and Proxenus) seize the power in their city (even if this city was also a participant in the same treaty). From this passage in Xenophon’s account, it is clear the dubiety of the Mantineans’ attitudes towards the binding force of this oath. They believed in it, since that, after having sworn it, they considered themselves entirely independent, voting to make their city a single one and to put a wall about it (Xen. *Hell.* 6.5.3). But at the same time, they disbelieved it, since they took part in the seizure of power in Tegea, an actual ally.<sup>41</sup> In other words, they believed in the binding force of the oath as long as it was in their interest, but they stopped believing it as soon as it did not benefit them.<sup>42</sup>

A similar idea has also been applied by Mikalson (1983, p. 38) to the more specific limits of the Athenians’ attitudes towards oaths. He says that “in a private and practical way the Athenians may have entertained doubts about the efficacy of oaths and of divine punishment for perjury, but it was clearly not fashionable to expose these sentiments in a public forum.” Although the period focused by Mikalson’s book comprehends the time in which Xenophon’s account of the Mantinean’s oath-breaking happened,<sup>43</sup> it fails to detect the clearest evidence of the shift about which we have been discussing here. In 370 BCE, sometime after the overthrow in Tegea, the question of this oath-breaking was brought to the Athenian Assembly by Spartan ambassadors (Xen. *Hell.* 6.5.33). These men were trying to convince the Athenians that the present campaign led by the Thebans and Arcadians against them was due to Spartan provision of help to the wronged Tegeans (when the Mantineans attacked them, violating their oaths) and not because they had done wrong themselves.<sup>44</sup> But the impact of these words upon the Athenian Assembly was described by Xenophon in the following terms:

At these words an uproar again ran through the Assembly; for some said that the Mantineans had done right in avenging the followers of Proxenus who had been slain by the followers of Stasippus, while others said that they were in the wrong because they had taken up arms against the Tegeans. (Xen. *Hell.* 6.5.36)

Here it is evident that, “in a public forum” the Athenians were divided between those who “entertained doubts about the efficacy of oaths and of divine punishment for perjury”, since they believed the Mantineans (even if oath-breakers) had done right in avenging the followers of Proxenus, and those who believed the Mantineans were in the wrong, since breaking

---

<sup>40</sup> Since they were defeated in the council of magistrates by the followers of Stasippus (Xen. *Hell.* 6.5.7).

<sup>41</sup> T.T.B. Ryder (1965, p. 74) argues that the Mantineans seemed more concerned to raise, by force if necessary, a new league against the Spartans than to allow others the autonomy that they themselves had wanted and obtained.

<sup>42</sup> P. Veyne (1983, p. 94) puts it in more general terms, but he ascertains the same situation: “Les Grecs croient et ne croient pas à leurs mythes; ils y croient, mais ils s’en servent et ils cessent d’y croire là où ils n’y ont plus d’intérêt [...]”.

<sup>43</sup> According to the author: “This book focuses upon the religious beliefs and attitudes attested for Athens during the late fifth and fourth centuries B.C., approximately from the end of the Peloponnesian War (405) to the death of Alexander the Great (323).” (J.D. Mikalson, 1983, p. 5)

<sup>44</sup> It is symptomatic of the same contradictory belief (about which we have been talking here) the way in which the Spartans –after having broken so many oaths– seemed so eager in punishing the Mantineans on the ground that, in violation of their oaths, they had proceeded in arms against the Tegeans (Xen. *Hell.* 6.5.10). In any case, Xenophon’s narrative of subsequent events makes it clear that the Spartans were part of this Peace (T.T.B. Ryder, 1965, pp. 131-132).



an oath was a wrong in itself. Clearly, in this episode, the question of how oaths were supposed to be understood is publicly debated and, therefore, we can state that the real significance of this institution was being publicly questioned. The roots for entertaining such doubts are linked with disbelief in the oath's effectiveness or in the capacity that the gods or any other transcendental set of power had to produce any sanction against the perjurer.

This process was developed throughout a certain period of time in a varying pace and can be detected more easily in some episodes than in others. In our opinion, however, the most serious attempt at answering the problems aroused by the suspicion upon the effectiveness of oaths is an emblematic institution of the years following the end of the Peloponnesian War: the *Koine Eirene* (Common Peace). After the King's Peace in 387 BCE, the Spartans made several military interventions in order to enforce the peace in the Greek world. The hypothesis of a formalized sanctioning power, with the task of dealing with breaches of the Peace, has been already advanced following Xenophon's statement (Xen. *Hell.* 5.1.36) that the Spartans were *prostatai* of the King's Peace.<sup>45</sup> But this position is not unanimous<sup>46</sup> and the presence of a sanctioning device is still unclear in this first established example of *Koine Eirene*.

That form of peace kept evolving and it certainly developed a sanction clause in 372/1 BCE (Xen. *Hell.* 6.3.18) and a different one in the Peace after Leuctra (Xen. *Hell.* 6.5.2).<sup>47</sup> If the prevision of a guarantee clause (even though not compulsory) existed already in the first one of these two paces,<sup>48</sup> a compulsory clause was developed in the next treaty, establishing a characteristic feature of Common Peace arrangements from this time onwards.<sup>49</sup> In any case, what is absolutely clear from these developments is the Greek struggle to create new ways of sanctioning the actions whose punishment was traditionally thought to be the responsibility of the gods.<sup>50</sup> This transferring of the sanction's responsibility can be understood as the moment in which the Greeks, even if keeping some external features of a traditional oath, tacitly admitted the ineffectiveness of a transcendental institution of sanction and tried to develop a physical one. This step of the process was definite (since it stayed as a characteristic of the following Common Peace treaties), besides being inevitably important to provide new ways of comprehending the instability of this period and the means by which the Greeks tried to deal with it.

Our analysis surveyed the diachronic developments of social attitudes concerning oaths in the Greek context, as early as in the poems of Homer and Hesiod onwards, passing through Herodotus's *Histories* and Thucydides's accounts until the period following the Peloponnesian War. Our main focus, however, was settled in a more synchronic analysis of the instable period narrated by Xenophon, mainly in his *Hellenica*, but also taking into account other sources. The conclusions drawn by this inquiry ought to be understood in the general context of the end of the fifth and the beginning of the fourth centuries BCE, and in our opinion help to explain the

---

<sup>45</sup> G.L. Cawkwell (1981, p. 77) summons also Isocrates's discourse in which the Spartans are told to have committed "for all time to an alliance with the barbarians" (Isoc. 4.128). Besides, the Great King is described as protector of the peace (Isoc. 4.175) and the master of the present state of affairs (Isoc. 4.121).

<sup>46</sup> M. Jehne (1994, p. 40) follows the opinion already established by Ryder (1965, p. 40) that the King's Peace had no explicit sanctioning prevision (*keine explizite Sanktionsklausel*). This understanding, however, seems contradictory with the idea (Jehne, 1994, p. 44) that autonomy (*Selbstbestimmung*) was officially guaranteed (*offiziell garantiert*) by the Peace: how would it be guaranteed if no sanction was linked with breaching it?

<sup>47</sup> G.L. Cawkwell, 1981, p. 76.

<sup>48</sup> And this was mainly due to Athenian policy, since the clause that "any which did not so desire was not under oath to be ally of those who were injured" (Xen. *Hell.* 6.3.18) permitted the Athenians to stay out of a possible conflict between the Spartans and the Thebans (T.T.B. Ryder, 1965, p. 68).

<sup>49</sup> T.T.B. Ryder, 1965, p. 72.

<sup>50</sup> "Le parjure donc sa ruine [...], mais l'important est que le châtement est l'affaire des dieux, non des hommes [...]" (F. Hartog, 2001, p. 208)

political uncertainty of this period. The doubts entertained by the Greeks about the capacity of the gods in punishing perjurers (despite Xenophon's own religious opinions) and, therefore, a questioning of the effectiveness of oaths as an institution coordinating the inter-relations among Greek *poleis* are not only causes of the instability of this period, but also results of this instability. This vicious circle whose start ought to be retraced back to the conflict between Athenians and Spartans, in the Peloponnesian War, developed its full force by the end of the Battle of Mantinea, in 362 BCE, and led Xenophon to finish his *Hellenica* with such ominous words:

[26] When these things had taken place, the opposite of what all men believed would happen was brought to pass. For since well-nigh all the people of Greece had come together and formed themselves in opposing lines, there was no one who did not suppose that if a battle were fought, those who proved victorious would be the rulers and those who were defeated would be their subjects; but the deity so ordered it that both parties set up a trophy as though victorious and neither tried to hinder those who set them up, that both gave back the dead under a truce as though victorious, and both received back their dead under a truce as though defeated, and that while each party claimed to be victorious, [27] neither was found to be any better off, as regards either additional territory, or city, or sway, than before the battle took place; but there was even more confusion and disorder in Greece after the battle than before. Thus far be it written by me; the events after these will perhaps be the concern of another. (Xen. *Hell.* 7.5.26f.)

## Bibliography

### Sources

- Demosthenes, 1939, *Demosthenes with an English translation by A.T. Murray*, Cambridge/ London.
- Herodotus, 1920, *Histories. With an English translation by A.D. Godley*, Cambridge.
- Hesiod, 1914, *Theogony*, in: *The Homeric Hymns and Homerica with an English Translation by H.G. Evelyn-White*, Cambridge/ London.
- Hesiod, 1914, *Works and Days*, in: *Hesiod. The Homeric Hymns and Homerica with an English Translation by H.G. Evelyn-White*, Cambridge/ London.
- Homer, 1924. *The Iliad*. With an English Translation by A.T. Murray, Ph.D. in two volumes, Cambridge/ London.
- Isocrates, 1980, *Isocrates with an English Translation in three volumes*. Trans. by G. Norlin, Cambridge/ London.
- Plato, 1997, *Laws*. Trans. by T.J. Saunders, in: *Plato: Complete Works*. Edited, with introduction and notes, by J.M. Cooper; associated editor, D.S. Hutchinson, Indianapolis/ Cambridge, 1318-1616.
- Plato, 1997, *Republic*. Trans. by G.M.A. Grube, rev. C.D.C. Reeve, in: *Plato: Complete Works*. Edited, with introduction and notes, by J.M. Cooper; associated editor, D.S. Hutchinson, Indianapolis/ Cambridge, 971-1223.
- Thucydides, 1910, *The Peloponnesian War*. Trans. by J.M. Dent, London/ New York.
- Xenophon, 1925, *Agésilas*. Trans. by E.C. Marchant, in: *Xenophon: Xenophon in Seven Volumes*, 7. Ed. by E.C. Marchant and G.W. Bowersock, Cambridge/ London.
- Xenophon, 1922, *Anabasis*. Trans. by C.L. Brownson, in: *Xenophon: Xenophon in Seven Volumes*, 3. Ed. by C.L. Brownson, Cambridge/ London.

- Xenophon, 1925, *Constitution of the Lacedaimonians*. Trans. by E.C. Marchant, in: Xenophon: *Xenophon in Seven Volumes*, 7. Ed. by E.C. Marchant and G.W. Bowersock, Cambridge/ London.
- Xenophon, 1914, *Cyropaedia*. Trans. by W. Miller, in: Xenophon: *Xenophon in Seven Volumes*, 5 and 6. Ed. by W. Miller, Cambridge/ London.
- Xenophon, 1918-1925, *Hellenica*. Trans. by C.L. Brownson, in: Xenophon: *Xenophon in Seven Volumes*, 1 and 2. Ed. by C.L. Brownson, Cambridge/ London.
- Xenophon, 1923, *Memorabilia*. Trans. by E.C. Marchant, in: Xenophon: *Xenophon in Seven Volumes*, 4. Ed. by E.C. Marchant, Cambridge/ London.
- Xenophon, 1923, *Symposium*. Trans. by O.J. Todd, in: Xenophon: *Xenophon in Seven Volumes*, 4. Ed. by O.J. Todd, Cambridge/ London.

### Secondary Literature

- E. Badian, 2004, Xenophon the Athenian, en *Xenophon and his World*, C. Tuplin (ed.), Stuttgart, pp. 33-54.
- E. Baltrusch, 1994, *Symmachie und Spondai. Untersuchungen zum griechischen Völkerrecht der archaischen und klassischen Zeit (8. - 5. Jahrhundert v. Chr.)*, Berlin/ New York.
- É. Benveniste, 1969, *Le vocabulaire des institutions indo-européennes. 2. Pouvoir, droit, religion*, Paris.
- D.L. Berkey, 2001, *The struggle for hegemony. Greek interstate politics and foreign policy, 404-371 B.C.*, New Haven.
- J. Bloxham, 2018, *Ancient Greece and American Conservatism. Classical Influence on the Modern Right*, London/ New York.
- S. Bolmarcich, 2007, Oaths in Greek international relations, en *Horkos. The Oath in Greek Society*, A. Sommerstein and J. Fletcher (eds.), Exeter, pp. 26-38.
- H. Bowden, 1999, Xenophon and the Scientific Study of Religion, en *Xenophon and his World*, C. Tuplin (ed.), Stuttgart, pp. 229-246.
- G.L. Cawkwell, 1981, The King's Peace, *CQ* 31, 1, pp. 69-83.
- J. Derrida, 2002, Le parjure, peut-être. (« brusques sautes de syntaxe »), *Études Françaises* 38, 1-2, pp. 15-57.
- J. Dillery, 1995, *Xenophon and the history of his times*, London.
- K.J. Dover, 1974, *Greek popular morality in the time of Plato and Aristotle*, Oxford.
- D.L. Gera, 1993, *Xenophon's Cyropaedia. Style, Genre and Literary Technique*, Oxford.
- G. Glotz, 1904, *La solidarité de la famille dans le droit criminel en Grèce*, Paris.
- V. Gray, 1989, *The character of Xenophon's Hellenica*, London.
- F. Hartog, 2001, *Le miroir d'Hérodote. Essai sur la représentation de l'autre*, Paris.
- S. Hornblower, 2007, Thucydides and Plataian perjury, en *Horkos. The Oath in Greek Society*, A. Sommerstein and J. Fletcher (eds.), Exeter, pp. 138-147.
- R. Janko, 1994, *The Iliad, a commentary. Volume IV: books 13-16*, Cambridge.
- M. Jehne, 1994, *Koine Eirene. Untersuchungen zu den Befriedungs- und Stabilisierungsbemühungen in der Griechischen Poliswelt des 4. Jahrhunderts v. Chr.*, Stuttgart.
- H. Kleinknecht, 1940, Herodot und Athen, VII 139/ VIII 140-144, *Hermes* 75, pp. 241-264.

- K. Meister, 1990, *Die griechische Geschichtsschreibung. Von den Anfängen bis zum Ende des Hellenismus*, Stuttgart/ Berlin/ Köln.
- J.D. Mikalson, 2004, *Athenian Popular Religion*, Chapel Hill/ London.
- R. Parker, 2004, *Athenian religion. A history*, Oxford.
- F.S. Pownall, 1998, Condemnation of the Impious in Xenophon's *Hellenica*, *The Harvard Theological Review* 91, 3, pp. 251-277.
- T.T.B. Ryder, 1965, *Koine Eirene. General Peace and Local Independence in Ancient Greece*, London.
- E.M. Soulis, 1972, *Xenophon and Thucydides. A study on the historical methods of Xenophon in the Hellenica with special reference to the influence of Thucydides*, Athens.
- L. Strauss, 1939, The Spirit of Sparta or the Taste of Xenophon, *Social Research* 6, 1, pp. 502-536.
- L. Strauss, 1983, *Studies in Platonic Political Philosophy*, London.
- C. Tuplin, 1993, *The failings of empire. A reading of Xenophon Hellenica 2.3.11 - 7.5.27*, Stuttgart.
- S. Usher, 1962, Xenophon and his times, *History Today* 12, 7, pp. 496-505.
- P. Veyne, 1983, *Les Grecs ont-ils cru à leurs mythes? Essai sur l'imagination constituante*, Paris.
- K.-W. Welwei, 2004, *Sparta. Aufstieg und Niedergang einer antiken Großmacht*, Stuttgart.