

Alan H. Sommerstein / Andrew J. Bayliss  
Oath and State in Ancient Greece

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# Oath and State in Ancient Greece

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## Preface

This book is based on the work of the research project *The Oath in Archaic and Classical Greece*, funded by the Leverhulme Trust (award no. F.00 114/Z), which between 2004 and 2007, at the University of Nottingham, created a database of nearly four thousand references to oaths and swearing in Greek texts of all kinds from the introduction of alphabetic writing until 322 BC, in sources from Homer to Demosthenes and Aristotle, and from seventh-century Thera graffiti to documents implementing decrees of Alexander the Great. The database may be consulted at <http://www.nottingham.ac.uk/classics/research/projects/oaths/database.aspx>.

The editors and contributors of the present volume wish to express their gratitude to all who have made possible the creation of the volume, and of the project that gave rise to it: to the staff and administrators of the School of Humanities and Department of Classics, University of Nottingham, and particularly to John Rich, Head of the Department when the Leverhulme award was first applied for, and subsequently Head of the School; to Peter Elford and Jennifer Edmond, of the University's Humanities Research Centre, who greatly improved the award application by their advice; to Teri Browett and especially Richard Tyler-Jones, whose assistance was essential in the creation of the database; and for the many ideas that have been contributed by their colleagues and students at Nottingham, Birmingham, McGill and Notre Dame, and by others too (particular debts to individuals are acknowledged in the notes at appropriate points).

The present volume was originally designed as the second part of a two-volume study bearing the same title as the Nottingham project, but, owing to the other commitments of some members of the project team, it was decided that the two volumes should be issued under separate titles with the present volume appearing first. The other volume, *Oaths and Swearing in Ancient Greece*, by Alan Sommerstein and Isabelle Torrance with contributions by Andrew Bayliss, Judith Fletcher, Kyriaki Konstantinidou and Lynn Kozak, is expected to follow in about twelve months; once the diology is complete, *Oaths and Swearing* should be regarded as the first volume of the pair. In the present volume it is referred to by the abbreviation S&T.

It will become apparent to a reader of this volume that the importance of oaths in ancient Greek culture has often been underrated. It is not surprising then that we have often found that our chosen subject has been misunderstood to be something else entirely. We can, however, assure the misunderstanders that they will find in these volumes at least some discussion of odes and even of oafs, though probably not of oats – all of it, though, in the context of understanding the history, phenomenology and significance of the practice of reinforcing a statement or a promise with a request to powers above or below to punish the speaker if (s)he was speaking falsely.

We have been treated with great courtesy, understanding and patience by Sabine Vogt, Mirko Vonderstein, Claudia Franzke and their colleagues at De Gruyter ever since we first met Sabine on a balmy January night at San Diego in 2007, at a time when we were not sure whether a book, or pair of books, which were then no more than a plan, would ever see the light of day. We deeply appreciate the faith they placed in us.

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*Nottingham/Birmingham/Montreal/Notre Dame,*  
*August 2012*

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## Abbreviations

Abbreviations not listed below are as in *LSJ* (H.G. Liddell and R. Scott, *A Greek-English Lexicon*<sup>9</sup>, rev. H. Stuart Jones [Oxford, 1940] with *Revised Supplement* ed. P.G.W. Glare [Oxford, 1996]) or *OCD*<sup>4</sup> (S. Hornblower and A.J.S. Spawforth eds. *The Oxford Classical Dictionary*<sup>4</sup> [Oxford, 2012]), except that some names of ancient authors and works are abbreviated in a fuller form than in these publications.

<i>Ath.Pol.</i>	(if cited without author's name) the <i>Athēnaion Politeia</i> ascribed to Aristotle
<i>BIDR</i>	<i>Bollettino dell'Istituto di Diritto Romano</i>
Chaniotis	A. Chaniotis, <i>Die Verträge zwischen kretischen Poleis in der hellenistischen Zeit</i> (Stuttgart, 1996)
<i>Verträge</i>	
<i>CID</i>	<i>Corpus des inscriptions de Delphes</i> (Paris, 1977–2002)
<i>Horkos</i>	A.H. Sommerstein / J. Fletcher (eds), <i>Horkos: The Oath in Greek Society</i> (Exeter, 2007)
<i>HSCP</i>	<i>Harvard Studies in Classical Philology</i>
<i>Hyp. to Dem.</i>	Libanius, <i>Hypotheses to the Speeches of Demosthenes</i>
<i>IMilet</i>	<i>Inscripfen von Milet</i> (Berlin, 1997–)
<i>IPArk</i>	G. Thür / H. Tauber, <i>Prozeßrechtliche Inschriften der griechischen Poleis: Arkadien</i> (Vienna, 1994)
Lyc.	Lycurgus [not Lycophron]
<i>RBPb</i>	<i>Revue Belge de Philologie</i>
RO	P.J. Rhodes / R.G. Osborne, <i>Greek Historical Inscriptions, 404–323 B.C.</i> (Oxford, 2003)
Σ	scholium or scholia
S&T	A.H. Sommerstein / I.C. Torrance, <i>Oaths and Swearing in Ancient Greece</i> (Berlin, forthcoming)

## PART ONE

### OATHS IN THE POLIS



# 1 Introduction

(A.H. Sommerstein)

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

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

(1) The swearer makes a *declaration*. This may be a statement about the present or past, in which case the oath is *assertory*; or it may be an undertaking for the future, in which case the oath is *promissory*.

(2) The swearer specifies, explicitly or implicitly,<sup>2</sup> a *superhuman power or powers*<sup>3</sup> as witnesses to the declaration and guarantors of its truth. In

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1 Janko 1992, 194, on *Iliad* 14.271–79.

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

English the swearer is said to swear “by” (sometimes, colloquially, “to”) this power or powers; in Greek the guarantor power was normally the direct object of the verb of swearing – strictly speaking, one did not in Greek “swear by Zeus”, for example; rather, one “swore Zeus”.

(3) The swearer *calls down a conditional curse* on him/herself,<sup>4</sup> to take effect if the assertion is false or if the promise is violated, as the case may be; that is, (s)he prays that in that event (s)he may suffer punishment from the guarantor power. This element need not be explicitly spelt out; it is often left to be understood from the words of the oath itself, particularly the performative verb “I swear” (in Greek *omnumi*, later *omnuo*); but it can always be made explicit when there is need for special assurance. At any rate, whether explicit or not, it is the true defining feature of an oath: *an oath is a declaration whose credibility is fortified by a conditional self-curse*.<sup>5</sup>

\*\*\*\*\*

This book is concerned with the ways in which oaths were used in, and in particular *by*, the Greek *polis* or city-state. In other words, we are dealing here, for the most part, not with the use of oaths to reinforce a *voluntary* unilateral statement or promise by an individual, or a voluntary agreement between two individuals, but with oaths which are *prescribed* by the *polis* as having to be taken, in specified circumstances, by members of its citizen body or others who have dealings with it, and with oaths accompanying agreements made between two *poleis* or between a *polis* and another kind of political actor (such as a king). We shall also be considering the role of oaths in conspiracies (*sunōmosiai*, literally “swearings-together”) established to work *against* the institutions of the *polis*, often with the objective of capturing control of the *polis* for the conspirators.

When an individual backs an assertion or promise by an oath, they decide for themselves what form the oath shall take, using their judgement

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3 Normally these are divinities, heroes, etc., but sometimes we find sacred or cherished *objects* (often referred to by the German term *Eideshorte*) filling the corresponding place in oath-formulae (e.g. the speaker’s staff in *Iliad* 1.233–39).

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

5 The equation of oath and curse is made unusually explicit by Andocides (1.31) in a reference to the oath of the jurors (§5.4): “you ... will cast your votes about me after having taken great oaths, and invoked the greatest curses both upon yourselves and upon your children, undertaking to vote justly in my case”.

to choose an expression that strikes the most advantageous balance between credibility and safety. When two or more individuals negotiate a sworn agreement, they must agree upon the terms of their oath, which may be equal or unequal depending on such factors as the relative power of the parties and the extent to which each regards the other(s) as trustworthy. But when one of the parties is a state, it is quite another matter.

A state, by definition, exercises a monopoly on the legitimate use of force.<sup>6</sup> It may license individuals, in certain circumstances, to assert their rights by the private use of force – to take the most extreme example, virtually all states, now and in the past, permit individuals to use lethal force in necessary self-defence, and in ancient Greek states this licence to kill was valid over quite a wide range of situations;<sup>7</sup> but the state almost always retains the power to review the exercise of such rights and punish their abuse. Like other states, then, the Greek *polis* – except when a régime was on the point of being overthrown – was overwhelmingly powerful vis-à-vis any individual, and if for any reason it desired a sworn assurance from an individual on any matter, it could normally both compel him to swear (by imposing a penalty for refusal)<sup>8</sup> and stipulate the precise terms in which he should do so, anticipating any possible “artful dodges”<sup>9</sup> and

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- 6 Max Weber’s statement of the essential characteristics of the modern state is in the relevant respects equally applicable to the ancient: “The modern state ... possesses an administrative and legal order ... [which] claims binding authority, not only over the members of the state, the citizens ... , but also to a very large extent over all action taking place in the area of its jurisdiction. ... Furthermore ... the use of force is regarded as legitimate only so far as it is either permitted by the state or prescribed by it” (Weber 1978, 56).
  - 7 In classical Athens, for example, one could lawfully use lethal violence in a fight, if there appeared to be danger to life; or in protecting one’s property from a robber; or against anyone caught in the act of sexually violating one’s wife, daughter, sister, mother, or free concubine, or of committing a burglary at night (see MacDowell 1963, 70–81, esp. 75–77; Harris 2010; Sommerstein 2011). But in every such case the victim’s family might bring a prosecution for homicide, and if the judges were not satisfied that the conditions for lawful killing had been met, the killer would be punished as an ordinary murderer.
  - 8 Often consisting in the denial of some right or privilege otherwise available; for example, a person who had been chosen for some public office, but refused to take the oath prescribed for holders of that office, would not be allowed to exercise its functions.
  - 9 The concept to which we have given the name “artful dodging” – the art of framing an oath in such a way as to be literally truthful but actually misleading – will be discussed in general terms in S&T ch.10; several instances of the phenomenon will be found in the present volume (see especially §12.2).

devising language that would make them ineffective, and fortifying the oath, if thought necessary, by specifying sanctifying circumstances or making explicit, and extra-strong, the curse implied in the oath.

Oaths prescribed by the *polis* appear both in our earliest literary texts and in some of our earliest inscriptional texts. Several of the latter are discussed in chapters 2 and 3.<sup>10</sup> I shall here present a couple of examples from early poetry.

In the *Iliad* (22.111–21) Hector, wondering whether there is any way for him to avoid a confrontation with Achilles, muses on the possibility of approaching him with a proposal for peace:

If I lay down my [arms], go forward as I am to face the excellent Achilles, and promise him to give Helen to the Atreidae to take away, and together with her all the property that Alexandros [Paris] took with him to Troy in his hollow ships ... and also to divide with the Achaeans everything else that this city contains; and if afterwards I take a *gerousios horkos* from the Trojans that they will conceal nothing, but divide in two all the property that the lovely citadel holds within its walls ...

At this point Hector breaks off, realizing that this scenario is an impossible one, since if he approached Achilles in this way Achilles would almost certainly kill him on the spot; but the scenario must be one that would, in other circumstances, be realistic. Hector, then, is envisaging a peace treaty under which the Trojan *polis* will not only restore to the Greeks the wife and the property of which Paris had robbed Menelaus, but also surrender to them, as a fine or indemnity, half of the movable property in the city. The peace treaty may or may not itself be sworn (on this see chapters 8 and 10), but the oath (*horkos*) of which Hector is here speaking is not a mutual pledge between the Trojans and the Greeks; rather, it is an oath that he himself will exact from the other Trojans. It is not clear precisely what is implied by calling this a *gerousios horkos*, an “oath of the elders” (i.e., presumably, the deliberative council of the Trojan state). Was it the elders themselves who were to swear, or is the meaning rather that every Trojan householder would have to make oath *in front of* the council? The latter is arguably more likely, since the context strongly suggests that Hector is thinking of an exceptional measure, and an oath taken by the council to carry out fully and honestly the terms of the peace agreement would be nothing exceptional – it was what normally happened when enemies came to terms, as in the abortive treaty made before the duel between Paris and Menelaus (3.267–301; see §8.1) when all the

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10 For example, the Athenian ephebic oath (§2.3); the oath of the Spartan *enomotiai* (§2.4); the oath taken at the foundation of the colony of Cyrene (§2.6); and the oath attached to the law of Drerus forbidding re-election to the office of *kosmos* (ch.3).



leaders of both sides take part in the oath by holding hairs cut from the heads of the sacrificial animals over which the oath is pronounced. More likely, therefore, Hector envisages the council decreeing that every citizen must swear that he is declaring the whole of his property and valuing the various items honestly so that what he brings in for surrender really does represent half of the total. The whole procedure will have been well known, at least by report, to Homeric audiences, since it is also alluded to in the description of the Shield of Achilles, in the war scene (18.510–13) where those attacking the city are divided in their opinion, some of them refusing to make any terms while others are ready to accept the surrender of half the property in the city, which, however, the defenders are not yet willing to agree to.

The other canonical early poet, Hesiod, makes an important general reference in his *Works and Days* (219–21) to oaths in the context of judicial disputes. Having warned his brother Perses, whom he accuses of trying to cheat him with the aid of “bribe-devouring” aristocratic judges, that *dikē* is bound to win out ultimately over *hubris*, he adds by way of explanation:

For Horkos<sup>11</sup> easily keeps pace with crooked judgements, and Dike makes a great noise when she is dragged along the way taken by bribe-devouring men who give judgements by crooked rules.

This passage does not necessarily imply that judges in the Ascra of Hesiod’s time were required to swear that they would judge fairly, though they may have been (see §5.1 on *Iliad* 16.384–93). Hesiod, after all, is here warning his brother, not the judges; as his words elsewhere show (38–41, 248–73), he has little confidence that the latter will give “straight” decisions, and he cannot expect that *Perses* will be deterred from fraudulent litigation by the thought that *the judges* may be punished for breaking their oath. Rather (cf. M.L. West 1978 *ad loc.*) he is thinking of an oath that Perses himself has sworn (falsely, of course) before or during his lawsuit, and saying to him: do not suppose that you will be able to get away with cheating me just because you have bribed the judges to give an unjust decision; if that unjust decision is given in your favour, hard on its heels will come the cursing power of your oath, with dire consequences for you.

This reading of *Works and Days* 219–21 is confirmed by a later passage (282–5) where Perses (again) is warned that

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<sup>11</sup> The personification, as a god, of the word *horkos* “oath”. Later in the *Works and Days* (803–4) we are told that the Erinyes, embodiments of the curse, attended Horkos’ birth, and in the *Theogony* (231–2) Hesiod says that Horkos “brings great suffering to men on earth, whenever one wilfully swears a perjured oath”.

he who deliberately lies in testimony, swearing a false oath, and errs irremediably by injuring Dike, that man leaves an enfeebled offspring after him; but the after-offspring of a true-swearing man is strengthened.

Strictly speaking, “testimony” (*marturia*) means a statement, not by a litigant in his own cause, but by a witness called to support him; Perses, however, is everywhere else presented as himself a litigant, and we must suppose that *marturia* is here used loosely. This passage cannot, therefore, be taken as evidence that in Hesiod’s Askra witnesses gave their testimony on oath; like 219–21, it shows only that at some stage of a lawsuit *the parties* were required to swear that their respective pleas were true – on pain, no doubt, of losing the case by default if they refused. This simple and effective device for screening out unfounded claims or defences may well be far older than the *polis* itself.

We shall now see in detail how *poleis* of the archaic and classical period deployed oaths to regulate almost every aspect of their public life.

## 2 Oaths and citizenship (*A.J. Bayliss*)

### 2.1 Initial considerations

Oaths were the glue that held the ancient Greek city together. According to the fourth-century Athenian orator Lycurgus (*Leocr.* 79):

The power which keeps our democracy together is the oath (*horkos*). For there are three things of which the state is built up: the archon, the juror (*dikastēs*) and the private citizen (*idiotēs*). Each of these gives this oath as a pledge, and rightly so. Many men, by fooling people and escaping detection, are not only freed from danger for the moment but are also free from punishment for their crimes for the rest of their lives. But the man who swears a false oath does not escape the notice of the gods, nor does he escape their punishment. On the contrary, if not he himself, then the children and the whole family of the perjurer fall into the greatest misfortune.

Although Lycurgus was speaking specifically about Athens and its democracy, his sentiments would have resonated anywhere in the Greek-speaking world. Greeks from Massilia to Heracleia Pontica would have expected their archons, their jurors, and the general populace to swear oaths. An oath of citizenship would have been the first significant oath a Greek man would ever swear in his life, and perhaps the only significant oath if he chose not to hold office.<sup>1</sup> Oaths of citizenship bound the body

---

1 Formal oaths by adolescents (aside from citizenship oaths) and children are quite rare in Classical Greek prose. They are considerably more frequent in Greek verse. Notable examples of formal oaths sworn by adolescents include Hippolytus' oath to his father Theseus that he had never touched Phaedra (Eur. *Hipp.* 1025–31), Pylades' oath that he would “draw his dark sword” against Helen (Eur. *Or.* 1147), and Parthenopaeus' spectacularly ill-judged oath that he would sack Thebes in defiance of Zeus (Aesch. *Seven* 529–32, if the reading βίαι Διός is correct). The fact that Parthenopaeus was young (Aeschylus describes him as “the beautiful child of a mountain-bred mother—a warrior, half man, half boy, [whose] beard is newly sprouting on his cheeks, the thick, upspringing hair of youth in its bloom”) might account for his ill-considered oath. The only attested cases of children swearing formal oaths are the oath reputedly sworn by all the colonists of Cyrene (ML 5; see previous section), and three oaths sworn by the god Hermes when he was still a child (*h.Hom.Herm.* 379–80, 383–5, 514–23). That the precocious Hermes swore oaths as a child hardly counts as evidence that

politic together. That both the wealthiest and the poorest citizens swore the same oath reflected their relative equality, a status prized by the inhabitants of the majority of Classical Greek cities.

It is therefore lamentable that we have very little evidence for actual citizenship oaths from Classical Greek cities. The earliest evidence we possess for a citizenship oath is a very fragmentary text from Teos dated to 480–450 BC (*SEG* xxxi 985 A, 11–23) which indicates that at that time Teian youths swore, “I will not conspire to revolt, cause a revolution or revolt, and will not prosecute anyone or confiscate property or arrest or put to death anyone unless he has been condemned by the law of the *polis* by more than [200?] in Teos, and by more than 500 in Abdera”. Unfortunately the document breaks off soon after this, which limits the value of a document that is already of questionable worth in that it refers to the refounded city of Teos, and is typically characterized as a curse against rebels rather than a citizenship oath proper.<sup>2</sup>

We might have expected to fill the gap with a citizenship oath from Plato’s ideal *polis*. But Plato has no place for such oaths in his Magnesia, and he provides no sworn process for registering citizens in phratries or demes. This seems very much in keeping with what appears to be typical philosophical mistrust of oaths (cf. S&T ch.15).<sup>3</sup>

We are forced to rely on Athens, which will be (for better or worse) the norm for much of this chapter. The only fully preserved Classical citizenship oath is that sworn by adolescent Athenians (ephebes) who were about to undergo two years of military training. This oath was recorded on an inscription from the deme of Acharnae (RO 88) set up in the mid-fourth century, which describes it as “the ancestral oath (*horkos patrios*) of the ephebes which the ephebes must swear”:

I shall not bring shame upon the sacred weapons nor shall I desert the man beside me, wherever I stand in the line. I shall fight in defence of things sacred and profane and I shall not hand the fatherland on lessened, but greater and better both as far as I am able and with all. And I shall be obedient to whoever exercises power reasonably on any occasion and to the laws currently in force and any reasonably put into force in the future. If anyone attempts to destroy these, I

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Greek children routinely swore oaths. For a recent discussion of the oaths sworn by Hermes as a child see Fletcher 2008.

2 For detailed discussions of this problematic document see Hermann 1981, 13ff, Graham 2001, 263–268, 269–314.

3 Plato, *Laws* 949b bans the use of oaths in legal trials altogether. Theophrastus’ character of “mindlessness” (*aponoiia*) (*Char.* 6) is said to “take an oath too readily”, while his “overzealous man” (*periergos*) (*Char.* 13) when about to swear an oath assures the listeners that “I’ve sworn oaths many times before”. Clearly swearing too often and too readily is a fault in Theophrastus’ mind.

shall refuse to allow him both as far as is in my power and in union with all, and I shall honour the ancestral religion. Witnesses are the gods Aglaurus, Hestia, Enyo, Enyalios, Ares and Athena Areia, Zeus, Thallo, Auxo, Hegemone, Heracles, as well as the boundaries of my fatherland, wheat, barley, vines, olives, and figs.

Lycurgus (*Leocr.* 79) calls this the oath of the “private citizen” (*idiōtēs*). But it was not the only oath needed to become a private citizen; several others were required before Athenian adolescents would be granted the privilege of Athenian citizenship.

## 2.2 Oaths as stepping-stones to citizenship at Athens

Citizenship was a coveted privilege in all Greek cities, especially Athens.<sup>4</sup> From 451/0 Athenian citizenship was strictly limited to the legitimate sons of two Athenian parents (*Ath.Pol.* 42.1), and each Athenian boy had to be recognized not only by his father, but also by the Athenian community before being accepted for citizenship. Athenian citizens belonged to a network of groups within the *polis* (family, phratry, deme, tribe and *demos*),<sup>5</sup> and we have clear evidence that membership of at least three of these groups depended upon an oath.

After being accepted by his father, the first stepping-stone to citizenship was acceptance into his father’s phratry (clan).<sup>6</sup> This took place at the main phratry festival – the Apaturia – where the sons of phratry members were introduced to the phratry. This happened twice: first when the infant was presented to the phratry to confirm his or her legitimacy (the *meion*),<sup>7</sup> and secondly at around the age of sixteen (the *koureion*). On both occasions the father (or male guardian) made a sacrifice and swore an oath that the child was the legitimate child of two Athenian parents.

Only after these oaths were given would the phratry members vote on their candidacy for enrolment in the phratry. According to Isaeus (7.16):

Now these bodies have a uniform rule, that when a man introduces his own son or an adopted son, he must swear with his hand upon the victims that the child whom he is introducing, whether his own or an adopted son, is the offspring of

4 Hansen (1991, 94) describes the Athenians as “extremely stingy” about citizenship.

5 Cole 1996, 228.

6 For a detailed study see Lambert 2001, 143–191, especially 163–178. See also RO pp. 34–5.

7 Lambert (2001, 162) notes that “in the normal course of events a male child would be presented to his father’s phratry within the first few years of life”.

an Athenian mother and born in wedlock; and, even after the introducer has done this, the other members still have to pass a vote, and, if their vote is favourable, they then, and not till then, inscribe him on the official register; such is the exactitude with which their formalities are carried out.

If successful, sons, adopted sons, and daughters who were legal heirs were entered onto the phratry register along with the names of their father, mother, and deme. The fact that the father was compelled to swear that the child was legitimate on two separate occasions demonstrates both the high value the Athenians placed on legitimacy and the degree of trust they placed in his sworn word.

Oaths were likewise central to the process if a child was rejected.<sup>8</sup> Such decisions were not taken lightly. According to a decree of the phratry of the Deceleans from 396/5 (*IG* ii<sup>2</sup> 1237.34–8), five officials (*sunēgoroi*) were elected to decide appeals concerning eligibility to join the phratry, and they were required to swear an oath “that they would perform their duties most justly and not allow anyone who was not eligible to be a member of the phratry to enter the phratry” before they heard the case(s). Their oaths were to be administered by the phratriarch and the priest of the phratry. Witnesses who spoke on behalf of the rejected candidate were also required to swear an oath while holding the altar of Zeus Phratrios, an obvious pointer to the threat from the gods posed to those who swore falsely. Witnesses swore “that they were witnessing that the candidate being introduced was the legitimate son of the man introducing him by a wedded wife” (74–113). The fact that in the Athenian courts it was normally only in homicide cases that witnesses were required to swear oaths (see §§5.9, 5.14) shows the importance of this procedure and the oath they swore.

After being admitted into a phratry, an Athenian youth needed to be admitted into his father’s deme. The youths underwent a public scrutiny (*dokimasia*) after which they would be recorded on the deme register. Anyone not eighteen years of age, free and legitimate was rejected (*Ath. Pol.* 42.1). Oaths were again crucial with the members of the deme “having sworn” (*omosantes*) before making their decision to accept or reject candidates.<sup>9</sup> If the vote went against the candidate he could appeal against

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8 Andocides (1.126) describes how his opponent in the legal case, Callias, when presented with his alleged son at the Apaturia “took hold of the altar” and swore an oath denying that he was the father. He later changed his mind and introduced the boy to his *genos* the Ceryces, swearing that “the boy was truly lawfully begotten by himself, born of Chrysilla”.

9 Cole (1996, 232) speculates that the demesmen swore to vote honestly when scrutinizing admissions into the deme.

the decision, but if the case was decided against him in the law-courts he was sold into slavery.

The importance of these phratry and deme oaths can be seen in the fact that each and every Athenian citizen was known by a tripartite name – *onoma* (personal name), *patronymikon* (father's name), and *demotikon* (deme of registration).<sup>10</sup> Thus, the orator Lycurgus was known by his full name of Lycurgus, son of Lycophron, of the deme Boutadae. The use of this full name was earned only after undergoing the elaborate process underpinned by the oaths described above. His *patronymikon* was registered at both the phratry and the deme. The recognition of his *demotikon* was the penultimate step towards full citizenship. The final hurdle was the ephebic oath.

## 2.3 The Athenian ephebic oath

The Athenian ephebic oath is the clearest and fullest example we possess of a Classical period citizenship oath. Although the inscription documenting the oath dates to the middle of the fourth century, and the institutionalized training of ephebes is attested in inscriptions no earlier than 334/3 BC, linguistically the oaths themselves contain many archaizing elements, and scholars typically see the oath as having considerably earlier origins.<sup>11</sup> Indeed, the inscription calls it the “ancestral” oath. Siewert charted fifth-century “echoes” of the language of the oath in the works of Aeschylus, Sophocles, and Thucydides,<sup>12</sup> and Plutarch (*Alc.* 15) has Alcibiades remind his fellow citizens of the ephebic oath just prior to the Battle of Mantinea in 418 BC. Finkelberg has recently argued that Plato casts Socrates making reference to his own ephebic oath in the *Apology* (ca 399–388 BC).<sup>13</sup> Socrates states (Pl. *Ap.* 28e): “I stood guard where they posted me as firmly as anyone and risked being killed” – which bears considerable resemblance to the clause of the ephebic oath that runs

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10 Hansen 1991, 96.

11 Siewert (1977, 104) argues, “Since the epigraphic version shows old elements and no demonstrable fifth- or fourth-century traits, an archaic date of origin never seems to have been seriously questioned”. Vidal-Naquet (1986, 97) insists, “there is no question about the archaic quality of the ‘ephebic oath’.” Sourvinou-Inwood (2011, 28–9) likewise argues for an archaic date for the oath. See also Barringer 2001, 47; Scheibler 1987, 108ff.

12 Siewert 1977, 104–7.

13 Finkelberg 2008 *passim*.

“I shall not desert the man beside me, wherever I stand in the line”.<sup>14</sup> If so, this passage would provide further evidence of a pre-fourth-century ephebic oath.

It may be that the oath ceremony was depicted on two vase-paintings, both of which would serve as fifth-century evidence for the ephebic oath. The first is a red-figure oinochoe dating to 475–425 BC, which shows a beardless man, facing left, bearing a spear and a shield (emblazoned with a mule), draped with a chlamys, and extending his right hand over an altar.<sup>15</sup> At his left an old bearded man extends his right hand over the same altar. They may be about to clasp hands,<sup>16</sup> but it could also be that they are about to grasp hold of the altar, which would fit well with the fact that oaths at the Apaturia were sworn holding the altar of Zeus Phratrios. To the young man’s right stands the goddess Nike holding the youth’s crested Corinthian helmet. Girard interpreted the old man as the personification of the Athenian council before whom or representatives of whom the ephebes would take their oath.<sup>17</sup> But the personification of the Athenian people – Demos – seems more likely given that no source explicitly links the ephebic oath to the council, and the bearded figure bears a strong resemblance to the personifications of Demos in fourth-century document reliefs.<sup>18</sup>

The other image from a black-figure amphora dating to 500–450 B.C. shows a young man, wearing a crested helmet and himation, with his shield propped up behind him.<sup>19</sup> He is pouring a libation from a phiale over an altar fire with his right hand; and his left hand is raised. To the right of the altar stands an older man holding a staff in his left hand and also raising his right hand. Morey notes that Brunn and Conze both saw this as a scene depicting an ephebe taking an oath in the sanctuary of

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14 This is particularly significant given that Price could argue (1999, 96–7) that oaths like the ephebic oath had been “called into question in the Aristophanic version of Socrates’ teaching”.

15 For images see Lonis 1994, 40, Conze 1868 (Plate H), and the Beazley Archive #214405.

16 Conze (1868, 266) argues that the absence of flames on the altar suggests that they are about to clasp hands.

17 C. Daremberg and E. Saglio (eds), *Dictionnaire des antiquités grecques et romaines*, vol. 3 (D-E), 624. See fig. 2677.

18 The most obvious example is the Athenian law against tyranny from 337/6 (*SEG* xii 87) which shows the goddess *Demokratia* crowning the seated *Demos*. Another useful example is the relief from the Athenian decree from 318/7 honouring Euphron of Sicyon (*IG* ii<sup>2</sup> 448) which shows *Athena* and *Demos* accompanying Euphron.

19 St. Petersburg, State Hermitage Museum 1466 = Beazley Archive #9305.



Aglaurus.<sup>20</sup> Reinmuth argues that it is an ephebic scene,<sup>21</sup> but urges caution given that Pollux (8.64) identifies “the *petasos* rather than the helmet as the distinctive headgear of the epheboi”. But we need not worry too much about the fact that neither image shows the youths wearing their distinctive “uniform”, for the ephebic oath represents the crossing of the threshold to adulthood. It would make artistic sense for an artist to portray the successful citizen ephebe in his adult armour rather than his felt hat with its connotations of adolescence.

These different representations could help resolve some ambiguity as to whether this oath was sworn before or after the ephebes had completed their two years of military service.<sup>22</sup> Lycurgus (*Leocr.* 76) says the oath was sworn when the youths “are inscribed into the deme register (*lexiarchikon grammateion*) and become ephebes”, which would appear to contradict the sources which state that the ephebic oath was sworn at the sanctuary of Aglaurus (Philochorus *FGrH* 328 F 105; Dem. 19.303; Plut. *Alc.* 15).<sup>23</sup> The obvious solution to this problem would be to have the ephebes swear the oath twice, first at their deme where they would be registered,<sup>24</sup> and later in the sanctuary of Aglaurus. Athenian archons swore their oath of office twice (see §3.2) so such an arrangement would not be unparalleled. It is possible that the ephebes swore the oath at their deme at the time of registration, and again at the temple of Aglaurus upon completing their military training, which would fit with the vase-painting depicting an ephebe pouring a libation over an altar whilst wearing his helmet. That would mean that not only would an Athenian youth swear his oath to fight for the state before his military training, he would repeat that oath after his transformation into a full citizen-soldier, thus renewing the oath and imbuing it with greater relevance.

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20 Morey 1907, 144.

21 Reinmuth (1971, 136–7) argues that Conze correctly identifies the scenes as the ephebic oath, but unfortunately conflates the two images observing, “A black-figured vase (certainly to be dated not later than the fifth century B.C.) in the Hermitage in Leningrad pictures a young man standing before an altar, dressed in a chlamys and equipped with shield and spear while Nike holds a helmet in readiness for him”.

22 Dittenberger (critical apparatus to *SIG*<sup>3</sup> 527, cited by Plescia 1970, 17) claimed that “it is still disputed whether they took the oath when they entered the Ephebeia...or when they left it”.

23 The sanctuary of Aglaurus has been identified off the sheer east end of the acropolis. See Mikalson 2005, 137; Dontas 1983, 57–63. Cf. Herodotus 8.53; Paus. 1.18.2.

24 See Demosthenes 57.60 where Eubulides' father, when demarch of Halimous, is said to have claimed that he had lost the deme register.

Lycurgus (*Leocr.* 77) describes the oath as “a fine and solemn oath”. In order to better understand the oath it is worth recapping its main clauses as outlined in the Acharnae stele:

1. I shall not bring shame upon the sacred weapons nor shall I desert the man beside me, wherever I stand in the line.
2. I shall fight in defence of things sacred and profane and I shall not hand the fatherland on lessened, but greater and better both as far as I am able and with all.
3. I shall be obedient to whoever exercises power reasonably on any occasion and to the laws currently in force and any reasonably put into force in the future. If anyone attempts to destroy these, I shall refuse to allow him both as far as is in my power and in union with all.
4. I shall honour the ancestral religion.

The fact that the oath required the ephebes to swear not only to obey the laws but also to honour the ancestral religion led Zaidman and Pantel to claim that the ephebic oath proves that “religion and civic life were mutually and inextricably implicated”.<sup>25</sup> Kellogg similarly focuses on the civic aspect to the oath, arguing that the oath “is first and foremost a citizenship oath, not a military one, even though it acquires military connotations with the reforms of Epikrates in the Lykourgan era”, and that it is “primarily concerned with the duties of citizenship and not military service”.<sup>26</sup> But given that the first clauses obligated the ephebes not to abandon the man beside them, and to fight together, it would be more accurate to say that the oath demonstrates that Athenian military, civic, and religious life were seamlessly linked. This is clear in the fact that Lycurgus (*Leocr.* 76) could summarize the oath for the benefit of the Athenian jurors as “an oath which you take, sworn by all citizens when as ephebes they are enrolled on the register of the deme, not to disgrace your sacred arms, not to desert your post in the ranks, but to defend your country and to hand it on better than you found it”, but also later (*ibid.* 79) call it the “oath of the private citizen” (*idiōtēs*). Plescia rightly describes the oath as “a military, civic and religious contract”.<sup>27</sup>

The divine witnesses invoked by the ephebes when they swore reflect the multi-faceted nature of their oath. Youthful (Aglaurus, Heracles), warlike (Enyo, Enyalios, Ares, Athena Areia, Heracles), powerful (Zeus), steadfast (Hestia), or just plain Athenocentric (Aglaurus, Auxo, Hegemone, “the boundaries of my fatherland”), the deities invoked as

25 Zaidman and Pantel 1992, 66–7.

26 Kellogg 2008, 357.

27 Plescia 1970, 17.

witnesses not only serve as potential bringers of punishment for violations of the oath, but also mirror the duties the Athenian youth are swearing to uphold. It is worth looking at these deities in more detail.

The first divine witness was the relatively minor local goddess Aglaurus, the daughter of Erechtheus.<sup>28</sup> As a youthful patriotic Athenian who sacrificed herself for the good of the state (Philochorus *FGrH* 328 F 105; Lyc. *Leocr.* 98–100), Aglaurus thus serves not only as a witness to the ephebic oath, but also as the role model *par excellence* for the teenaged ephebes.<sup>29</sup> According to the mythic tradition, when Poseidon's son Eumolpus attacked Athens, Aglaurus' father Erechtheus asked the oracle at Delphi what to do. He received the reply that if he sacrificed his daughter before the two sides engaged he would defeat the enemy (Lyc. *Leocr.* 98). Aglaurus volunteered herself to be that sacrifice, leaped to her death from the Acropolis, and so saved the city.

Philochorus explicitly links Aglaurus' self-sacrifice to the ephebes, observing "when the war was over, they set up a sanctuary (*bieron*) to her for this deed near the propylaia of the city. And there the ephebes swear an oath when they are about to go forth to battle". Euripides in his *Erechtheus* (fr. 370.68–74) even records a tradition that Aglaurus' sisters swore to join her in death, and after they committed suicide Athena ensured that they rose into the aether as Hyacinthid goddesses because "they did not allow themselves to forsake their oaths (*horkoi*) to their dear sister".<sup>30</sup> The manner in which Aglaurus and her sisters sacrificed themselves for the sake of their homeland in accordance with an oath would surely have had added resonance for each ephebe as he swore his oath to stand in the front line and fight for Athens. It is perhaps not

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28 Tradition had it that Aglaurus was a goddess by whom Athenian women swore oaths (Bion of Proconnesus *FGrH* 332 F1; Photius s.v. "Ἀγλαυρος"). Harding (2008, 200) stresses that her invocation in oaths by women is otherwise unsubstantiated.

29 Merkelbach (1970, 280) calls Aglaurus "der Exponent der jungen Menschen". Boedeker (1984, 107) argues that "her self-sacrifice presents an ideological model of patriotic loyalty and courage to the young soldiers". Larson (1995, 40) sees her as "represent[ing] not only the value placed on the ephebes' youth and their perceived connection with the health and welfare of the land as a whole, but also their willingness to devote themselves to the city's service and to die in battle if necessary". Both Sourvinou-Inwood (2011, 29) and Bremmer (1987, 197) cast Aglaurus as "patroness" of the ephebes.

30 Modern scholars typically overlook this version of the myth. A rare exception is Sourvinou-Inwood (2011, 32) who rightly sees Aglaurus as an *exemplum* for the ephebes in her self-sacrifice, but somehow overlooks the significance of her as an *exemplum* in fulfilling an oath as well.

surprising that before the Athenian army went off to war they sacrificed at the sanctuary of the Hyacinthid goddesses. Burkert says that “their death, which was repeated in sacrifice before setting off for war, guaranteed success in the subsequent bloodshed and victory in battle”.<sup>31</sup>

Aglaurus’ role is thus to provide inspiration to the adolescent Athenians as they embark on their journey to manhood.<sup>32</sup> The work attributed to the fourth-century orator Demades (*On the Twelve Years* 37) refers to the daughters of Erechtheus “triumphing over the feminine in their souls” and says that “the weakness in their nature was made virile by devotion to the soil that raised them”.<sup>33</sup> It is worth bearing in mind that the Attidographers consistently refer to her as *Agraulos* i.e. “she of the fields”, not Aglaurus,<sup>34</sup> which hints at the agricultural nature of hoplite warfare and the hoplites that the ephebes will become.<sup>35</sup>

Like Aglaurus, Heracles functions not only as a divine witness to the oath but also as an *exemplum* for the Athenian youth<sup>36</sup> during their transition from youth to adulthood. Burkert calls Heracles “the great prototype of the man who finds his way through the world on his own strength”.<sup>37</sup> Heracles was closely associated with the rites of passage in that at the Apaturia the ephebes offered wine to him before cutting off their youthful locks.<sup>38</sup> It is intriguing that the god Apollo, in many ways the ideal youth, has no role in the Athenian citizenship oath. Apollo Delphinus is invoked at Dreris, and Pythian Apollo at both Dreris and

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31 Burkert 1983, 66.

32 Sourvinou-Inwood (2011, 48) argues, “when they swore their oath in Aglauros’ sanctuary and invoked Aglauros as their first witness, they were aware of, and had undoubtedly been formally instructed about, the story of her self-sacrifice which was correlative with their own association with Aglauros, whose example they were expected to follow”.

33 Larson 1995, 104.

34 Harding 2008, 200.

35 Vidal-Naquet (1986, 89) notes, “the hoplite republic is one of farmers”. The very cohesiveness of the hoplite phalanx was the result of the common goal of yeoman farmers who fought to protect their livelihoods, which in turn gave them their place as a free member of polis society. Cf. Gaebel 2002, 67; van Wees 2000, 216. Siewert (1977, 110) sees deities such as Aglaurus as having been chosen to represent the “mainly middle-class farmers”, rather than allow one of the aristocratic clans to gain social predominance by binding the citizens on oath to a deity such as Athena Polias whose cult was administered by the Eteoboutadae.

36 Merkelbach (1972, 282) refers to Heracles as a “Gott der jungen Krieger”.

37 Burkert 1985, 251.

38 Mikalson 2005, 142.

Itanus; but Heracles and Aglaurus appear to play the role that one might expect Apollo to play in the Athenian ephebic oath.

Aglaurus (the daughter of Erechtheus) should not be confused with Aglaurus the daughter of Cecrops,<sup>39</sup> whom Sourvinou-Inwood dismisses as “the foolish girl who disobeyed Athena and died as a result”.<sup>40</sup> This Aglaurus also died on the Acropolis which has led to much ancient and modern confusion. According to Pausanias (1.18.2) “Athena gave Erichthonius, whom she had hidden in a chest, to Aglaurus and her sisters forbidding them to pry curiously into what was entrusted to their charge. Pandrosus, they say, obeyed, but the other two (for they opened the chest) went mad when they saw Erichthonius, and threw themselves down the steepest part of the Acropolis”. Hyginus (*Fab.* 166), ps.-Apollodorus (3.14.6), and Ovid (*Met.* 2.552ff) have similar versions of the story. There is no “anomaly” where Parker sees one.<sup>41</sup> Aglaurus daughter of Cecrops is always foolish, whereas Aglaurus daughter of Erechtheus can always be a role model for the ephebes.

Aglaurus is not merely an *exemplum* to Athenian youths; she also points to the heart of the city they will defend. One might have expected the Athenians to have invoked the inviolable Athena Polias in their citizenship oath,<sup>42</sup> but in many ways Aglaurus, the virgin goddess with a sanctuary at a precarious point on the Acropolis plays the role that Athena Polias might play. So, too, the next deity invoked, Hestia the goddess of the hearth. Hestia is a goddess who knows a thing or two about oaths, having herself sworn a fearsome oath to Zeus (while touching Zeus’ head) to remain a virgin and therefore inviolable (*b.Hom.Aph.* 26–28). Together Aglaurus and Hestia occupy Athena Polias’ niche.

Athena is invoked in her own right as a witness in this oath in her capacity as Athena Areia along with the warrior deities Enyo, Enyalios, and Ares. This is Athena in her most warlike guise – as Merkelbach puts it: “als Kriegerin, nicht als Göttin der Handwerker”.<sup>43</sup> Aglaurus’ unusual prominence may partly explain the absence of Athena’s less warlike traits, for according to Photius (α197) Aglaurus was also a title of Athena. The invoking of war deities in a citizenship oath demonstrates the strong connection between citizenship and hoplite warfare. In this context it is

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39 Simon 1983, 45 n.23.

40 Sourvinou-Inwood 2011, 48.

41 Parker (1987, 197) confuses the two Aglauruses, and thus he sees her as “first disobedient, then panic-stricken”, but later a role model.

42 Both Athena Polias (Itanus) and Athena Poliouchos (Drerus) are invoked in Hellenistic-period Cretan oaths.

43 Merkelbach 1972, 281.

worth bearing in mind the fact that Aeschylus (*Septem.* 42–8) portrayed the mythical Seven invoking Ares, Enyo and “blood-loving Phobos” as witnesses when they swore to capture Thebes or die in the attempt.

Unsurprisingly Zeus is also invoked. As Dowden puts it, “if an oath was worth swearing it was often worth swearing by him”.<sup>44</sup> Mikalson speculates that this is Zeus Horkios, the god of oaths.<sup>45</sup> But this is by no means certain. At Athens Zeus was worshipped in many forms including Zeus Boulaios, Zeus Phratrios, Zeus the Saviour, and Zeus Eleutherios to name but a few.<sup>46</sup> It is worth bearing in mind that Zeus of Dicte, Zeus Agoraios and Zeus Tallaos are invoked in later Cretan citizenship oaths. Youths at Drerus invoked Zeus Agoraios, Zeus Tallaos (“Solar Zeus” who has been equated to the giant Talus who safeguarded Europa on the Ida mountain range); Itanian youths invoked Zeus of Dicte, the near local incarnation of Zeus at his birthplace, and Zeus Agoraios.

The other deities invoked are somewhat unusual. These include Thallo and Auxo ‘sprouting’ and ‘growth’, Hegemone, ‘the leader’, and lastly, “the boundaries of my fatherland”, wheat, barley, vines, olives, figs. According to Pausanias (9.35.2) Auxo and Hegemone were worshipped at Athens as the two Graces,<sup>47</sup> while Thallo was worshipped in her capacity as a season. Siewert sees Enyo, Enyalios, Thallo, and Auxo as non-Olympian deities “who had become rather obscure in classical times”, and interprets their appearance as divine witnesses as an indicator of the age of the ephebic oath.<sup>48</sup> Modern scholars typically interpret “the boundaries of my fatherland, wheat, barley, vines, olives, figs” literally. Thus, Mikalson argues that these were not invoked as gods, but in this context as “revered objects” the ephebes are obliged to defend.<sup>49</sup> But it is tempting to take

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44 Dowden 2006, 80.

45 Mikalson 2005, 142.

46 For some of the many titles under which Zeus was worshipped at Athens see Mikalson 2005, 48–9.

47 Mikalson (2005, 142) argues that Hegemone’s identity is “uncertain”. But the Pausanias passage clarifies her identity. Several fourth-century Athenian triremes were named *Hegemone* (IG ii<sup>2</sup> 1612.111, 122; 1629.771 (skipped by Demosthenes’ enemy Meidias); 1631.123).

48 Siewert 1977, 109. Kellogg (2008, 356) points out that Enyalios rarely figures as an independent deity in the Classical period, and is more typically used as an epithet for Ares, and follows Robert (1938) in seeing Thallo and Auxo as a sign of the antiquity of the oath.

49 Mikalson 2005, 143. When discussing these ‘deities’ Cole (2004, 29) observes that communities shared the food of a common soil and water from a common source, and suggests that the produce of the land invoked here represent these common food sources.

Burkert's suggestion that they are "epitomizing the fruitful, ancestral earth",<sup>50</sup> a step further and link this to oaths in which all the gods of the underworld are invoked by placing the hand on the ground.<sup>51</sup> Alcibiades encouraged the Athenians to see this as entitling the Athenians to empire: Plutarch (*Alc.* 15) claims that Alcibiades encouraged the Athenians not to neglect their interests on land, and explains that "they take oath that they will regard wheat, barley, the vine, and the olive as the natural boundaries of Attica, and they are thus trained to consider as their own all the habitable and fruitful earth".<sup>52</sup>

Alcibiades was by no means the only Athenian political leader to make political capital out of the oath. Mikalson claims that "new citizens could expect to hear it invoked in speeches in the Ekklesia, in the lawcourts, and on the battlefield for the rest of their lives".<sup>53</sup> As noted above, if we can trust Plato at all, it may be that Socrates used his obedience to the oath as part of his defence in his trial for impiety. In his speech against Meidias, Demosthenes (21.188) reminds the jurors that they have sworn to obey the laws (*tois nomois peisesthai*). The phraseology used here fits the ephebic oath much better than the dicastic oath; if Demosthenes had been referring to the latter, he would have said "to vote according to the laws" (*kata tous nomous psephieisthai*) as he, Lysias, Aeschines, and other Athenian orators did on numerous occasions (§5.4). It appears that Demosthenes was blurring the boundaries between the two oaths in the hope that he would convince the jurors to feel that they might violate their ephebic oath if they acquitted Meidias. Lycurgus used the oath as an integral part of his case against Leocrates for treason in 330 BC, arguing (*Leocr.* 76):

If Leocrates has sworn this oath he has clearly perjured himself and, quite apart from wronging you, has behaved impiously towards the divine (*to theion*). But if he has not sworn it, it becomes immediately plain that he has been playing tricks in the hope of evading his duty; and for this you would be justified in punishing him, on behalf of yourselves and the gods.

For Lycurgus, the fact that Leocrates left Athens rather than stay there after the disaster at Chaeronea is either a clear violation of his ephebic oath (by taking his flight from Athens, at a time of danger, as equivalent to

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50 Burkert 1985, 251.

51 Homer (*Iliad* 14.270ff) has Sleep invite Hera to swear an oath to him laying one hand on the earth and the other on the sea, so that "one and all the gods may be witnesses...even the gods that are below with Cronus".

52 Alcibiades stretches the meaning of the oath to interpret the "wheat, barley, vines, figs and olives" as if they were grammatically in apposition to the "boundaries" instead of being additional items in a co-ordinated list.

53 Mikalson 2005, 143.

desertion from the ranks), or it is part of a deliberate plan to evade his duty as a citizen.

It is significant that Lycurgus argues that the Athenians would be justified in punishing Leocrates “on behalf of the gods”. As a well-known religious conservative,<sup>54</sup> and noted ‘Laconophile’,<sup>55</sup> it might be that Lycurgus was influenced by the Spartan response to cowardice. We know that the Spartans swore an oath of citizenship similar to that sworn at Athens, and we also know that they imposed particularly harsh penalties on those Spartan citizens who displayed cowardice in battle (the so-called “tremblers”). It seems that both Lycurgus and the Spartans were prepared to act on behalf of the gods in order to punish violations of citizenship oaths.

## 2.4 The oath of the Spartan sworn bands (*enōmotiai*)

Citizenship, oaths, and military service were arguably even more inextricably linked at Sparta than they were at Athens. All Spartan citizens – the so-called *homoioi* or ‘Equals’ – were members of a “sworn band” (*enōmotia*), the basic military unit that formed the backbone of the Spartan hoplite phalanx. The very name *enōmotia* demonstrates that the oath would have been a prerequisite for joining the unit, and the lexicographer Hesychius (ε3464) described the *enōmotia* as “a unit bound by an oath through blood sacrifices”. The name *enōmotia* would have served as a constant reminder to a Spartan of his oath; so, too, the fact that the *enōmotia* was commanded by an officer known as the *enōmotarchēs*. Every time a Spartan citizen served in the phalanx or received an order from his immediate superior he would have been reminded of his oath.

To become a member of one of these “sworn bands” each Spartan citizen underwent the same rigorous regime of training (the so-called Spartan *agōgē*) which produced an elite group of citizens who expressed their relative equality and their collective mentality by dressing in the same red cloaks, wearing their hair long, spending their days exercising together, dining in communal messes, and sleeping in military barracks. It is thought that each *enōmotia* comprised roughly 32–40 men. The members of this unit trained and fought together throughout their lives. They may

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54 Lycurgus’ religious conservatism can perhaps be best seen in his strong criticism of the proposal to award divine honours to Alexander the Great. Lycurgus’ acid response was that worshippers would have to purify themselves upon leaving his temple rather than before entering it (Plut. *Mor.* 842d).

55 For a recent study of Lycurgus and his Laconizing tendencies see Fisher 2007.



even have dined together in the communal messes (*sussitia* or *phiditia*).<sup>56</sup> Indeed, Slater has gone so far as to describe the *enōmotiai* as “the basic sympotic elements in the military structure of the Spartan state”.<sup>57</sup> This is an intriguing thought, for it would demonstrate that the Spartans who swore the oath together would have exercised, dined and slept together. The constant presence of the other members of the sworn band in their lives would certainly have given the Spartans’ oaths added weight.

Unfortunately the oath sworn by the Spartans has proved elusive, with the earliest and clearest statement coming from the fourth-century AD grammarian Timaeus (*Lex. Plat.* 985b), who indicates that the term *enōmotia* meant a unit of foot-soldiers, and that they swore “not to leave the ranks” (*mē leipsein tēn taxin*). This information is repeated by Photius (ε1072 = Σ Xen. *Anab.* 4.3.26). But considering the number of separate clauses in the Athenian ephebic oath it seems unlikely that the Spartan oath could have been so brief – even taking into account Spartan *brachulogia*. Recently, van Wees has argued persuasively that the oath of the sworn bands can be found buried within the oath the Greeks allegedly swore prior to the Battle of Plataea in 479 BC.<sup>58</sup> He sees the Spartans compelling the rest of the Greeks to swear an oath that incorporated their own citizenship oath prior to the climactic battle against the Persians, so that “in their last-ditch defence against the invaders, all allies merged, as it were, into one giant sworn band”.<sup>59</sup> The approach van Wees adopts is to extract from the reports of the oath sworn prior to Plataea the elements that are (or could be) uniquely Spartan in order to reconstruct the oath as follows:

I will fight while I live, and will not regard being alive as more important than being free. And I will not leave my taxiarch or my enomotarch, whether he is alive or dead. And I will bury the dead among my fellow-fighters, and leave no-one unburied.

This reconstruction has the Spartans swearing: (1) to fight to the death (and to prefer freedom to life); (2) to stand by their commanders; (3) to bury the dead. The second clause bears more than a passing resemblance to the limited information Timaeus and Photius provided about the oath,

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56 For a brief discussion of the evidence suggesting that the *enōmotiai* were composed of a certain number of common messes, see Lazenby 1985, 13, 176 n21. Vernant (1995, 228) discusses the link between commensality and military organization described by Herodotus, who has (1.65) Lycurgus (after creating the laws) instituting the military institutions, the *enōmotiai*, *triēkades*, and *sussitia*.

57 Slater 1991, 93.

58 van Wees 2006. For the oath itself see RO 88; Lyc. *Leocr.* 81; D.S. 11.29.3.

59 van Wees 2006, 151.

and together these three clauses could easily be summarized as an oath “not to leave the ranks”.

The impact of these clauses on the mentality of the Spartans can be seen in the compulsion the Spartans felt to hold their place in the line, and to defend the body of the king. Herodotus’ characterization (7.225) of the Spartans fighting with their hands and teeth at Thermopylae certainly fits with an oath to fight to the death.<sup>60</sup> The desperation with which the Spartans at Thermopylae fought to defend Leonidas’ body after he fell (Herodotus 7.225) is also very much in keeping with an oath never to abandon their officers,<sup>61</sup> and to bury the dead. Already effectively bound to defend the king,<sup>62</sup> such an oath would see the Spartans as doubly bound to maintain their place in the phalanx and to protect Leonidas’ body. Fighting to the death, standing by the officers, and burying the dead go together with victory.<sup>63</sup> Fulfilling the oath should lead to victory; defeat is only possible in death. But death too will fulfil the oath.

An oath to win or die trying bears more resemblance to the military oath sworn by the Seven against Thebes than to the Athenian ephebic oath. Whereas the Athenian ephebes swore to not desert the man beside them, according to Aeschylus (*Seven* 42–8) the Seven swore: “I will either raze the city of the Cadmeans to the ground, sacking it by force, or I will die and mix my blood with the earth”. But the idea that the Spartans swore an oath to fight until they died is hardly inappropriate given that the Spartans were raised on a diet of Tyrtaeus’ poetry which taught them that “to fall and die among the fore-fighters is a beautiful thing for a brave man who is doing battle on behalf of his country”, and exhorted them

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60 van Wees 2006, 128.

61 The “enomotarch” is obviously a Spartan officer. Modern scholars have sought to distance the taxiarch from the Spartan army, but there is clear evidence that the Spartans employed officers called taxiarchs (Hdt. 9.53).

62 Xenophon (*Lac. Pol.* 15.7) indicates that every month the Spartan Ephors swore on behalf of the *polis* that “while the kings abided by their oaths [to rule according to the laws] they would keep the kingship unshaken”. The Ephors swore this oath on behalf of the entire citizenry. Together with an oath never to abandon their officers, this should have kept the Spartans rooted to their spot in the phalanx. It is possible that the officers were required to swear an oath to stand by their superiors, and so on upwards to the kings who commanded the armies. That would account for the rather surprising notion that Spartan rankers swore only to stand by their taxiarchs and enomotarchs and not the kings.

63 It is worth remembering that burial on the field of battle is an exceptional honour everywhere except Sparta where it was the norm (van Wees 2006, 132). For a recent study of Spartan gravestones see Low 2006.

Do battle then, young men, standing firm beside each other, check every impulse to shameful fear or flight, make the spirit within your hearts great and valiant, and do not love life too much as you fight the foe (Tyrtaeus fr. 10.15–18).<sup>64</sup>

The message from Tyrtaeus' poetry is certainly in keeping with an oath to fight to the death. Such was their reputation for fighting to the death that Thucydides claims (4.40) that when the Spartans surrendered at Sphacteria in 425 BC

nothing that happened in the war surprised the Greeks so much as this. It was the opinion that no force or famine could make the Lacedaemonians give up their arms, but that they would fight on as they could, and die with them in their hands: indeed people could scarcely believe that those who had surrendered were of the same stuff as the fallen.

An oath to fight to the death would go a long way toward explaining why the Spartans were normally so committed to the fight.

The Oath at Plataea also provides us with a glimpse of the ritual that might have accompanied the swearing of the Spartan citizenship oath. The inscription recording the oath describes how the swearers placed their shields on the sacrificial victims as they swore their oath. Having accepted van Wees' hypothesis that this oath was based on the Spartan oath of the *enōmotiai*, it is tempting to see this as a peculiarly Spartan rite. It does appear at the very least to be a ritual associated with Peloponnesians. Xenophon (*Anab.* 2.2.9) reveals that when the Spartan commander of the Ten Thousand, Clearchus, concluded an alliance with the Persians who had fought for Cyrus, they sealed their oaths "by sacrificing a bull, a wolf, and a boar over a shield".<sup>65</sup> This elaborate ritual is not unlike that in the Oath at Plataea, and it bears more than a passing resemblance to Aeschylus' portrayal (*Seven* 42–48) of the Seven who "slaughtered a bull over a black shield, and then touching the bull's gore with their hands swore an oath", which has added significance when one considers that five of the Seven were Peloponnesian.

We are unfortunately in the dark as to which deities were invoked in the oath ritual, but it seems likely that youthful archetypes such as the Dioscuri (Castor and Pollux),<sup>66</sup> Hyacinthus, Apollo and perhaps also the

64 For a discussion of the Spartan concept of the 'beautiful death' see Loraux 1977.

65 The majority of the senior officers among the Ten Thousand were Peloponnesian. Clearchus was joined by his fellow commanders the Spartan Cheirisophus, the Stymphalian Sophaenetes, Xenias the Arcadian, and Socrates the Achaean. The other major commanders were Sosis of Syracuse (a Dorian), Menon the Thessalian, and Proxenus the Boeotian.

66 When swearing informal oaths the Spartans typically invoke the "Twin Gods" (saying *nai tō sio*), i.e. Castor and Pollux (Ar. *Peace* 214; *Lys.* 81, 86–7, 90–1, 142–3,

Leucippides (Phoebe and Hilaëira) would have witnessed the Spartan youths swearing their oaths. Pausanias (3.20.1–2) indicates that there was a shrine called the Phoibaion near Therapne where the youths sacrificed a puppy and staged a boar fight. Within the Phoibaion there was a sanctuary of the Dioscuri.<sup>67</sup> It is tempting to think that this is the location whereby young Spartans would swear the sworn-band oath. This would have Phoebe and the Phoibaion appear to play a similar role with regard to the youths on the cusp of citizenship at Sparta as that of Aglaurus and her shrine at Athens.

We have already seen that Lycurgus attempted to use the Athenian ephebic oath as part of an attack on Leocrates for cowardice and treason. Lycurgus argued that men should take matters into their own hands and punish such oath-breakers themselves rather than wait for the gods to do it. With this in mind it is worth considering the penalties the Spartans meted out to those who failed to show bravery in battle, the so-called “tremblers” (*tresantes*). Not only would “tremblers” be failing to live up to the civic standard, they would also be violating an oath to fight to the death alongside their fellow citizens. This could easily be what the exiled Spartan king Demaratus means when he tells Xerxes that the Spartans “are free, yet not wholly free: custom (*nomos*) is their master, whom they fear much more than your men fear you. They do whatever it bids; and its bidding is always the same, that they must never flee from the battle before any multitude of men, but must abide at their post and there conquer or die” (Hdt. 7.104). Herodotus later explains what Spartan *nomos* decrees for those who fail to measure up when he describes the fate of the survivors of the fight to the death at Thermopylae. According to Herodotus (7.231–2):

When Aristodemus returned to Lacedaemon, he was disgraced and without honour. He was deprived of his honour in this way: no Spartan would give him fire or speak with him, and they taunted him by calling him Aristodemus the ‘trembler’. In the battle at Plataea, however, he made up for all the blame brought against him. It is said that another of the three hundred survived because he was sent as a messenger to Thessaly. His name was Pantites. When he returned to Sparta, he was dishonoured and hanged himself.

Xenophon (*Lac. Pol.* 9) describes more penalties for tremblers:

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983–4, 1093–5, 1103–5, 1168–71, 1174; Xen. *Agēs.* 5.5, 6.6.34, 7.6.39; *Hell.* 4.4.10), or Castor alone (*nai ton Kastora*) (Ar. *Lys.* 206, 988–9). The fact that the Dioscuri were resident in Spartan territory at Therapne on alternate days presumably gave their oaths greater weight.

67 Larson 1995, 66–7.

Clearly, what he [Lycurgus] did was to ensure that the brave should have happiness, and the coward misery (*kakodaimonia*). For in other states when a man proves a coward, the only consequence is that he is called a coward. He goes to the same market as the brave man, sits beside him, attends the same gymnasium, if he chooses. But in Lacedaemon everyone would be ashamed to have a coward with him at the mess or to be matched with him in a wrestling bout. Often when sides are picked for a game of ball he is the odd man left out: in the chorus he is banished to the ignominious place; in the streets he is bound to make way; when he occupies a seat he must needs give it up, even to a junior; he must support his spinster relatives at home and must explain to them why they are old maids: he must make the best of a fireside without a wife, and yet pay forfeit for that: he may not stroll about with a cheerful countenance, nor behave as though he were a man of unsullied fame, or else he must submit to be beaten by his betters. Small wonder, I think, that where such a load of dishonour (*atimia*) is laid on the coward, death seems preferable to a life so dishonoured, so ignominious.

Plutarch (*Ages.* 30) provides further details:

Such men are not only debarred from every office, but intermarriage with any of them is a disgrace, and anyone who meets them may strike them if he pleases. Moreover, they are obliged to go about unkempt and squalid, wearing cloaks that are patched with dyed stuffs, half of their beards shaven, and half left to grow.

Modern studies of tremblers typically see the punishments meted out such as exclusion from the messes, the gymnasium, games, and being forced to dress differently to other *homoioi* as civic or secular measures.<sup>68</sup> In a recent study, Ducat compares the status of Spartan tremblers to those suffering *atimia* at Athens. Given that the term *atimia* at Athens might mean only the loss of the right to speak in the assembly or to hold office, Ducat concludes that because no one would argue that a man who lost his citizen rights at Athens was no longer a citizen, the same should be said for Sparta. Like Ducat, Schwartz sees these as secular punishments. But this approach relies on a very Athenocentric view of the term *atimia*, which is not particularly surprising given that so many of our sources are Athenian in origin. But if we think of *atimia* more literally, i.e. as a loss of honour, we can draw a rather different conclusion about what being a trembler might mean. If being a ‘trembler’ meant not loss of citizen duties, but being “disgraced”, “worthless”, or “honourless” the crime could be

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68 Pritchett (1974, 235–6) sees the ‘tremblers’ as undergoing a civic trial (by kings, ephors and elders). He based this on the trial of King Pausanias in 403 (Pausanias 3.5.2, 5). But this trial has little or nothing to do with the subject of ‘tremblers’. David (1989, 14) treats the penalties as “legal sanctions”. Kennell (2010, 157–8) likewise focuses on the “legal” penalties. Ducat (2006) provides the most detailed modern survey of the source material for tremblers.

seen to be religious as much as secular. At highly religious Sparta there may not have been a real distinction between the two categories.

It is entirely possible then that the penalties imposed on tremblers were a case of the Spartans punishing wrongdoers “on behalf of themselves and the gods” as the philo-Laonian Lycurgus (*Leocr.* 76) put it. The type of social exclusion that our sources describe could reflect the fact that the tremblers are to an extent polluted because they have violated their oath to fight until they die. Even Athenian cowards (i.e. those who dropped their shields in battle) were barred from entering sanctuaries (*Lys.* 10.9) which is certainly food for thought – for such a measure should surely indicate pollution.<sup>69</sup> As polluted perjurers, Spartan tremblers are shunned, for the highly religious Spartans would surely have wanted to avoid incurring the wrath of the gods by being seen to truck with oath-breakers. Openly shunning the oath-breakers would show the gods that the Spartans were not standing idly by while the tremblers violated their oaths to those same gods. They also compelled tremblers to dress differently. In a society where everyone looks, dresses, and acts the same, what better way to distinguish the impious? What at first glance appear to be civic penalties could be seen to be clear signals to the gods that these men were being punished. Schwartz sees *atimia* combined with social ostracism as a means of ensuring that the ‘tremblers’ “lived the rest of their lives as outcasts”.<sup>70</sup> But one suspects that the aim of the punishment was to ensure that “the rest of their lives” did not prove to be a long period of time. The objective was probably to drive the tremblers to suicide. After all, Pantites committed suicide precisely because he had been deemed a ‘trembler’, and although Aristodemus went “berserk” (*lussōnta*) and fought bravely at Plataea the Spartans believed he did not deserve the prize for bravery because he had wanted to die.

Tritle discusses the case of Aristodemus and argues that “what drove him to go ‘berserk’ at Plataea was not a desire to die but rather to restore his name and reputation, his status in the community”.<sup>71</sup> This is true to an extent – Aristodemus clearly was trying to restore his name and reputation, but that is not inconsistent with wanting to die. Herodotus thought Aristodemus was the bravest and argued that the Spartan

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69 The rest of the penalties imposed on Athenian cowards were very harsh, and could perhaps be seen to be greater than political in function. According to Lysias (10.9) those who lost their shield were made *atimoi* and barred from speaking in the assembly, serving as jurors, bringing a prosecution or giving evidence in court, and entering the marketplace as well as entering a sanctuary.

70 Schwartz 2009, 151.

71 Tritle 2007, 182.

dismissal of his bravery might be petty jealousy. Tritle praises Herodotus for not being deceived by Spartan “gossip and backbiting”, and compares Aristodemus’ case to the 1902 novel *The Four Feathers* by A.E.W. Mason, in which the protagonist is given four white feathers as a token of cowardice by his friends and fiancée, but redeems himself in their eyes through acts of extreme bravery. But the stigma of being a trembler was far worse than receiving a white feather from one’s friends and loved ones. The Spartans understood that Aristodemus wanted to die because he was irredeemably tainted by his failure to fight until he died alongside his fellow citizens at Thermopylae. According to Herodotus (9.71) those Spartiates present “gave as their judgement that Aristodemus had openly wanted to die to redress the dishonour that lay on him, and that the great deeds (*megala erga*) he did that day were those of a man crazy and leaving his rank”. Crucial is surely the judgement that he left the ranks – given that he had already stood accused of violating his oath to stand by his officers and fight and die, an accusation of having left his commanders *again* would have ruined any chance that the Spartans might think Aristodemus was brave rather than desperate. That Lycurgus prosecuted Leocrates for cowardice and made such strong reference to his violation of the ephebic oath may be a sign that the philo-Laconian orator wanted to employ a very Spartan-style interpretation of the Athenian laws. The only serious stumbling block to the thesis presented here is the fact that our sources do not explicitly link the status of tremblers with oaths. But it would be by no means the first time that our key sources failed to understand what was really going on at Sparta. Herodotus’ failure to accept the judgement of the Spartans regarding Aristodemus is a case in point.

## 2.5 Citizenship oaths in new states

A rather different oath appears to have been required of the citizens of a completely new city who ceased to be citizens of their motherland and became citizens of the new city they founded. Given the paucity of information regarding citizenship oaths of any kind we are extremely fortunate that a version of the oath of the seventh-century Greek colony of Cyrene in Libya has been preserved on a fourth-century document (ML 5). Now is not the place to discuss the authenticity of this document in detail. This has been debated by many modern scholars, and it seems safe to assume that the fourth-century Cyrenaeans at the very least wanted the document to appear genuine, and therefore it must have borne considerable resemblance to the actual oath sworn by the original