

THE EPHEBIC OATH IN FIFTH-CENTURY ATHENS

To defend the fatherland, to obey the laws and authorities, and to honour the State's cults are the principal points the Athenian citizen promised to fulfil in his oath of allegiance—called ephebic, because he took it as a recruit (*ephebos*)—at least since the second half of the fourth century B.C. (Lycurg. *Leoc.* 76). These duties are fundamental for the citizen's attachment to his *polis*, so one will hardly assume that the content of the oath depends upon the existence of the Athenian institution of cadet-training (*ephebeia*) which is attested by inscriptions not earlier than 334/3 B.C.¹ Some ambiguous passages in fifth- and fourth-century authors give no reliable clue to determine the form or origin of the *ephebeia*.² I shall consider sworn civic duties and the organisation of military training as different things, and shall treat the oath independently from the disputed question of when the *ephebeia* came into existence.³ My purpose is to draw attention to some fifth-century allusions to the oath which seem to have remained unnoticed so far.

This oath is transmitted by Pollux (viii 105 f.), Stobaeus (iv 1.8), and a fourth-century inscription from the Attic deme Acharnae.⁴ I give the epigraphic version, following G. Daux's text.⁵ I omit the first part of the whole inscription (lines 1–4: dedication of the stele by the priest of Ares and Athena Areia, Dion of Acharnae) and the last part (lines 20 ff.: oath before the battle against the Persians at Plataea). The Roman numerals are Daux's,⁶ denoting the clauses (paragraphs) of the oath:

- 5 "Ορκος ἐφήβων πάτριος ὃν ὀμνῆναι δεῖ τ-
οὺς ἐφήβους. vv (I) Οὐκ αἰσχυνῶ τὰ ἱερά ὄπ-
λα (II) οὐδὲ λείψω τὸν παραστάτην ὅπου ἂν σ-
τ<ο>ιχῆσω. (III) ἀμυνῶ δὲ καὶ ὑπὲρ ἱερῶν καὶ ὁσ-
ίων (IV) καὶ οὐκ ἐλάττω παραδώσω τὴν πατρίδ-
10 α, πλείω δὲ καὶ ἀρείω κατὰ τε ἑμαυτὸν κα-
ὶ μετὰ ἀπάντων, (V) καὶ εὐηκοῆσω τῶν αἰεὶ κρ-
αινόντων ἐμφρόνως καὶ τῶν θεσμῶν τῶν
ἰδρυμένων καὶ οὗς ἂν τὸ λοιπὸν ἰδρῦσω-
νται ἐμφρόνως· (VI) εἰ δέ τις ἀναιρεῖ, οὐκ ἐ-

To Georges Daux as an inadequate response to his repeated request for a detailed study of the ephebic oath (most recently *REG* 84 (1971) 370).

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Abbreviations The following works are cited by their authors' last name only: H. Bengtson, *Griechen und Perser* (Fischer-Weltgeschichte Vol. 5) (1965); G. Daux, Le serment des éphébes athéniens, *REG* 84 (1971) 370–383; C. Pélékidis, *Histoire de l'éphébie attique* (1962); J. Plescia, *The Oath and Perjury in Ancient Greece* (1970); L. Robert, *Études épigraphiques et philologiques* (1938); P. Siewert, *Der Eid von Plataia* (1972).

¹ The inscriptions on two blocks, published in *Arch. 'Eph.* 1965 [1967], 131 f., belong to the same stone, as M. Th. Mitsos (*Arch. 'Eph.* 1975, 39 f.) has now shown against F. W. Mitchel, *ZPE* 19 (1975) 233–43, who separated them. The first decree is of the year 361/0 B.C.; the second, which is an ephebic document, dated by a different archon (name lost), is still to be assigned to Lycurgen times because of its letter forms (D. M. Lewis, *CR* 23 (1973) 254, though doubted by Mitsos p. 40, but without arguments).

² Discussed at length by Pélékidis 10; 19–49.

³ Cf. Pélékidis 7–79; Reinmuth, *op. cit.* pp. 123–38, but his main support has vanished (see n. 1).

⁴ First published by Robert 296 ff. The text, mostly with commentaries, is also published in Tod, *GHI* II no. 204; Pélékidis 112 f.; 75–78; G. Daux in: *Charisterion A. K. Orlandos* i (Athens, 1965) 80 ff.; Siewert, 5–7; 29–32; 34; 36 (stylistic remarks); R. Merkelbach, *ZPE* 9 (1972) 277–83.

⁵ Daux 370 ff. Daux 373 gives a useful juxtaposition of the epigraphic and the literary versions (but read: 'Pollux, ed. Bethe, II, p. 134; Stobée, ed. Meineke, II, p. 88').

⁶ Daux 373.

- 15 *πιτρέψω κατά τε ἑμαυτὸν καὶ μετὰ πάντων* (VII) *καὶ τιμήσω ἱερὰ τὰ πάτρια.* (VIII) *"Ἱστορες {O} θεοὶ Ἀγλαυρος, Ἐστία, Ἐννώ, Ἐνυάλιος, Ἄρης καὶ Ἀθηναῖα Ἀρεία, Ζεὺς, Θαλλώ, Αὐξώ, Ἡγεμόνη, Ἡρακλῆς, ὄροι τῆς πατρίδος, πυροί,*
 20 *κριθαί, ἄμπελοι, ἐλαί, συκαί.* vacat

Translation?

Traditional oath of the Epheboi which they must swear:

- I 'I will not disgrace these sacred arms,
 II and I will not desert the comrade beside me wherever I shall be stationed in a battle line.
 III I will defend our sacred and public institutions
 IV and I will not hand over (to the descendants) the fatherland smaller, but greater and better, so far as I am able, by myself or with the help of all.
 V I will obey those who for the time being exercise sway reasonably and the established laws and those which they will establish reasonably in the future,
 VI if anyone seek to destroy them, I will not admit it so far as I am able, by myself or with the help of all.
 VII I will honour the traditional sacred institutions.
 VIII Witnesses are the gods Aglauros, Hestia, Enyo, Enyalios, Ares and Athena Arcia, Zeus, Thallo, Auxo, Hegemone, Herakles, and the boundaries of the fatherland, wheat, barley, vines, olive-trees, fig-trees.'

Leaving aside many ambiguities and obscurities of this text,⁸ I confine my comments to a point of particular importance. The double *ἐμφρόνως* (V) is usually taken together with the immediately preceding *κραϊόντων* and *ἰδρύσονται*.⁹ But G. Daux, objecting that the adverb should have been placed within the participial expression *τῶν ἀεὶ κραϊόντων*,¹⁰ hesitantly prefers to connect it with *εὐηκοήσω* and to consider the second *ἐμφρόνως* either a 'répétition emphatique'¹¹ or a possible 'répétition fautive' by the stone-cutter.¹² This assumption does not seem recommendable for the following reasons:

(1) *εὐηκοήσω* (equivalent to *εὖ ἀκούειν*) has an adverb of its own, and an additional *ἐμφρόνως* would sound somewhat pleonastic.

(2) The usual connexion, which seems to me syntactically correct, does not involve a mistake by the stone-cutter.

(3) Moreover, it makes a quite specific and more precise sense of the clause: the oath requires obedience to rulers and future law if they act or are enacted 'reasonably'. So any ordinance by a magistrate or any future law considered or declared 'unreasonable' could not be enforced by a claim on this oath. There is of course no question that all the established laws have been given 'reasonably'. So obedience to them is required without reservation.

There is the problem who will decide about the 'reasonableness' of administration or new laws. Almost certainly not the swearing hoplite, for such an extensive individual right of interpretation seems to be unprecedented and government could hardly work if everyone could interpret according to his own discretion. In conformity with the Athenian

⁷ I have used Plescia's (16 f.) English version, but changed several phrases according to my understanding of the epigraphic text.

⁸ For the difficulties see Daux 371 ff. Cf. also the different translations by G. Daux, *Permanence de la Grèce* (Cahiers du Sud, 1948) 63 (*non vidi*), (repeated in Daux 372, and copied by Pélékidis 113 and Y. Garlan, *La guerre dans l'antiquité* [1972] 193); by H. I.

Marrou, *Histoire de l'éducation dans l'antiquité*³ (1955) 153; by Bengtson 138 f.; and by Plescia 16 f.

⁹ Robert 305; Marrou, *op. cit.* 153; Bengtson 139; Pélékidis 77 f.; Plescia 17; M. Ostwald, *Nomos and the Beginnings of the Athenian Democracy* (1969) 14.

¹⁰ *Charisterion A. K. Orlandos* I 82; cf. Daux 372 f.

¹¹ *Charist. Orlandos* 82.

¹² Daux 375.

constitution, where before 462/1¹³ the Areopagus was charged with controlling the magistrates and laws¹⁴ and with judging attempts to set up a tyranny (even before Solon¹⁵), one should understand that obedience to magistrates and future laws is required by the oath until the Areopagus declares them 'unreasonable'. So the double *ἐμφρόνως* reveals an interesting attempt to balance the need of obedience, in the state's interest, with the danger for the state resulting from possible abuse of this obedience clause by officials and legislation.

Since the epigraphic version shows old elements and no demonstrable fifth- or fourth-century traits, an archaic date of origin seems never to have been seriously questioned.¹⁶ The text of the inscription seems to be a reliable copy of the archaic Athenian civic oath.¹⁷ Echoes of, or allusions to, this fundamental document in fifth-century authors would be no surprise.

Thucydides i 144.4

In his speech before the outbreak of the Peloponnesian War Pericles, having urged the Athenians not to yield to the Spartans even at the risk of war, concludes:

οἱ γοῦν πατέρες ἡμῶν ὑποστάντες Μήδους καὶ οὐκ ἀπὸ τοσῶνδε ὀρμώμενοι, ἀλλὰ καὶ τὰ ὑπάρχοντα ἐκλιπόντες, γνώμη τε πλέονι ἢ τύχῃ καὶ τόλμῃ μείζονι ἢ δυνάμει τὸν τε βάρβαρον ἀπέωσαντο καὶ ἐς τὰδε προήγαγον αὐτά. ὧν οὐ χρὴ λείπεσθαι, ἀλλὰ τοὺς τε ἐχθροὺς παντὶ τρόπῳ ἀμύνεσθαι καὶ τοῖς ἐπιγιγνομένοις πειρᾶσθαι αὐτὰ μὴ ἐλάσσω παραδοῦναι.

Our fathers, at any rate, withstood the Persians, although they had no such resources as ours, and abandoned even those which they possessed, and by their resolution more than by good fortune and with a courage greater than their strength beat back the Barbarian and advanced our fortunes to their present state. And we must not fall short of their example, but must defend ourselves against our enemies in every way, and must endeavour to hand down our empire undiminished to posterity.¹⁸ (Tr. C. F. Smith.)

The very last words recall the oath (lines 8 ff.; the verbal correspondences are underlined): *ἀμυνῶ δὲ καὶ ὑπὲρ ἱερῶν καὶ δόσιων καὶ οὐκ ἐλάττω παραδώσω τὴν πατρίδα*. The coincident words, and the sense which an allusion to the civic oath makes at this position in the speech, make it a clear enough assumption that here the Thucydidean Pericles deliberately echoes the oath: this solemn conclusion¹⁹ should effectively remind the Athenians of their sworn military duty to defend their country. It presupposes a general familiarity with the oath in Periclean Athens. In this appeal, however, there is a significant difference from the oath: the object to be defended in Thucydides is not the *πατρίδα* of the oath, but *αὐτά*, i.e. that which 'our Fathers . . . advanced . . . to the present state'. The obligation imposed by the oath to defend the home country is extended by the Thucydidean Pericles to the defence of the Athenian empire. Such a shift from the original sense of civic duties to partisan political aims is not uncommon in 'patriotic' speeches and appeals, as we shall see later.

Thucydides ii 37.3

In the Funeral Oration Pericles again, describing the excellence of the Athenian *politeia*, says

¹³ For the archaic date of the oath see n. 16 and Appendix.

¹⁴ Hignett, *Hist. Ath. Const.*² 74; 83; 90 f.; 200; J. Martin, *Chiron* 4 (1974) 30–33.

¹⁵ Cf. the Solonian Law F 70 R(uschenbusch) = Plut. *Sol.* 19.4.

¹⁶ Robert 306 f.; Bengtson 139; M. Guarducci, *Epigrafia greca* II 382 f.

¹⁷ See Appendix.

¹⁸ The concept of bequeathing something un-

diminished or enlarged was a principle highly esteemed even outside the Greek inheritance law, where it originates. So this obviously effective *topos* was also used in other speeches, but without any recognisable relation with the ephebic oath: Thuc. i 71.7; ii 36.1–3, 62.3; Hdt. vii 8 a. 1–2; Isoc. viii 94.

¹⁹ Similar patterns of concluding a speech, but hardly relevant to the wording of the oath, in Thuc. i 71.7 (see n. 18) and i 78.4.

ἀνεπαχθῶς δὲ τὰ ἴδια προσομιλοῦντες τὰ δημόσια διὰ δέος μάλιστα οὐ παρανομοῦμεν, τῶν τε αἰεὶ ἐν ἀρχῇ ὄντων ἀκροάσει καὶ τῶν νόμων, καὶ μάλιστα αὐτῶν ὅσοι τε ἐπ' ὠφελίᾳ τῶν ἀδικουμένων κείνται καὶ ὅσοι ἀγραφοὶ ὄντες αἰσχύνῃν ὁμολογουμένην φέρουσιν.

But while we thus avoid giving offence in our private intercourse, in our public life we are restrained from lawlessness chiefly through reverent fear, for we render obedience to those in authority and to the laws, and especially to those laws which are ordained for the succour of the oppressed and those which, though unwritten, bring upon the transgressor a disgrace which all men recognise. (Tr. C. F. Smith.)

It does not seem to have been noticed that here there is almost a word-for-word paraphrase of lines 11 f. of the oath: εὐηκοήσω (=ἀκροάσει) τῶν αἰεὶ κραινότων (=τῶν αἰεὶ ἐν ἀρχῇ ὄντων) ἐμφρόνως καὶ τῶν θεσμῶν (=τῶν νόμων). The relationship between these two phrases is clear not only because of their close verbal correspondence, but also because of their archaic *zeugma* 'hear authorities (i.e. persons) and laws (= things)', which is avoided in the literary versions.²⁰ Since Thucydides never uses the rare εὐηκοεῖν or the archaic²¹ κραινεῖν and θεσμοί, his reason for replacing them by modern expressions is obviously to maintain unity of style. The paraphrase discloses that it is the civic oath, well observed by the Athenians, which regulates their relation with the state (τὰ δημόσια). So this oath is shown to be the basis of their civic obedience, glorified by Pericles.

Sophocles, *ANTIGONE* 663–671

Civic obedience, non-problematical for the Thucydidean Pericles, had become the main issue for the statesman's friend and temporary colleague Sophocles in his *Antigone*. Creon, speaking to Haemon, refuses to pardon the heroine and to allow him to marry her. Expecting obedience from his son and subject, he has declared his principles of domestic order, and now he states those of civil order (661–673):

ἐν τοῖς γὰρ οἰκείοισιν ὅστις ἔστ' ἀνὴρ
 χρηστός, φανεῖται κὰν πόλει δίκαιος ὢν·
 ὅστις δ' ὑπερβὰς ἢ νόμους βιάζεται,
 ἢ τοῦπιτάσσειν τοῖς κρατύνοισιν νοεῖ,
 οὐκ ἔστ' ἐπαίνου τοῦτον ἐξ ἐμοῦ τυχεῖν. 665
 ἀλλ' ὃν πόλις στήσειε, τοῦδε χρῆ κλύειν
 καὶ σμικρὰ καὶ δίκαια καὶ τάναντία·
 καὶ τοῦτον ἂν τὸν ἄνδρα θαρσοῖην ἐγὼ
 καλῶς μὲν ἄρχειν, εὖ δ' ἂν ἄρχεσθαι θέλειν,
 δορός τ' ἂν ἐν χειμῶνι προστεταγμένον 670
 μένειν δίκαιον κἀγαθὸν παραστάτην.
 ἀναρχίας δὲ μεῖζον οὐκ ἔστιν κακόν.
 αὕτη πόλις ὄλλυσιν, ἣδ' ἀναστάτους
 οἴκους τίθησιν

He who does his duty in his own household will be found righteous in the State also. But if any one transgresses, and does violence to the laws, or thinks to dictate to his rulers, such a one can win no praise from me. No, whomsoever the city may appoint, that man must be obeyed, in little things and great, in just things and unjust; and I should feel sure that one who thus obeys would be a good ruler no less than a good subject, and in the storm of spears would stand his ground where he was set, loyal and dauntless at his comrade's side. But disobedience is the worst of evils. This it is that ruins cities; this makes homes desolate. (Tr. Jebb.)

²⁰ Stob. iv 1.8; Poll. viii 106: εὐηκοήσω (συνήσω) τῶν αἰεὶ κραινότων (sic!) καὶ τοῖς θεσμοῖς . . . πείσομαι.

²¹ Cf. Appendix, § 1.

The word *παραστάτης* (671) caused Jebb (*ad loc.*) to quote from the literary version of the epebic oath ‘. . . οὐδ’ ἐγκαταλείψω τὸν παραστάτην’ and to state: ‘Thus for an Athenian audience this verse would be effective . . .’.²² Jebb’s remark has been doubted,²³ but the familiarity of the oath in Periclean Athens, as has emerged from Thucydides, gives him some support. I suggest that there may be other echoes of the oath in this passage. I list the possible parallels, first the one noted by Jebb, then the additional ones, underlining the correspondences:

- (1) Oath, lines 7 f.: οὐδὲ λείψω τὸν παραστάτην ὅπου ἂν στοιχήσω,
Ant. 670 f.: προσεταιγμένον μένειν δίκαιον κάγαθὸν παραστάτην.
- (2) Oath, lines 11 f.: εὐηκοήσω τῶν ἀεὶ κρανόντων,
Ant. 666: ὃν πόλις στήσειε τοῦδε χρῆ κλύειν.²⁴
- (3) Oath, lines 11 ff.: εὐηκοήσω τῶν ἀεὶ κρανόντων ἐμφρόνως
καὶ τῶν θεσμῶν may have influenced *Ant.* 663 f.:
ὅστις δ’ ὑπερβᾶς ἢ νόμους βιάζεται ἢ τοῦπιτάσσειν τοῖς κρατύνουσι νοεῖ.

Creon is requiring obedience from his son in regard to his decisions over Antigone. Actually there is no need to picture the citizens’ duties in a battle as Sophocles here does (lines 670–6). The pertinent point in Creon’s situation is obedience to the authorities and their orders. But since the epebic oath contains not only civil duties, but also military obligations, it may be due to this oath that Sophocles made Creon also enumerate hoplite duties, although they are not relevant to the situation. However, one must not expect Sophocles to make a Theban ruler quote the Athenian oath *verbatim*, which would violate the rule of dramatical probability, and despite the Attic *terminus technicus* *παραστάτης* the resemblances do not appear to me unequivocal enough to prove conclusively intentional allusions. But it is fair to infer, from the passages in Thucydides discussed above, that Sophocles and his audience knew their civic oath and could be aware of the essential difference between it and Creon’s demand: in the oath the required obedience is confined to those authorities who exercise their power ‘reasonably’. Instead Creon says (666 f.):

ἀλλ’ ὃν πόλις στήσειε, τοῦδε χρῆ κλύειν
καὶ σμικρὰ καὶ δίκαια καὶ τάναντία.

The word *δίκαια* corresponds to the *ἐμφρόνως* of the oath. But by demanding *ἄδικα*,²⁵ instead of ruling with discrimination as the oath supposes, he is unmasking himself as a tyrant. In the following dispute Haemon charges him openly (737): *πόλις γὰρ οὐκ ἐσθ’ ἤτις ἀνδρὸς ἐσθ’ ἑνός* and reproaches him with lack of *φρένες* (683) and *εὐφρονεῖν* (755). So there was no question for the Athenian audience but that Creon’s demands for civic obedience were unjust. In view of their oath he could not be considered as a man representing the principles of a *polis* or of their own democracy²⁶ even in this speech. So if Sophocles deliberately alluded to civic duties in terms of the Athenian oath, he shows Creon being their distorter in replacing a conditional obedience by an absolute and unquestioning one. If the resemblances were just incidental, the oath nevertheless would

²² R. Jebb, *Sophocles. The Plays and Fragments, III: Antigone*³ (1900) 127.

²³ R. F. Goheen, *The Imagery of Sophocles’ Antigone* (1951) 22.

²⁴ Both Thucydides ii 37.3 (in *ἀκροάσει τῶν αἰεὶ ἐν ἀρχῇ ὄντων*) and Sophocles here use the concept of ‘listening’, as does the epigraphic oath, and not the common *πειθεσθαι* (cf. a few verses *infra*, *Ant.* 676: *πειθαρχία*).

²⁵ The ancient attribution of the saying ‘*Ἀρχὼν ἄκουε καὶ δικάως καὶ ἀδίκως*’ to Solon (27.D. = 205

Martina = 30 West, who adds ‘*vix genuinum*’) is very problematical, cf. also Gerhard Müller, *Sophokles Antigone* (1967) 152 f.; for an anonymous parallel, *P. Oxy.* 3006, col. I, 10, see J. Diggle, *ZPE* 16 (1975) 76.

²⁶ As has often been assumed since Hegel. For a survey of the interpretations of Creon’s role, see H. Funke, *Antike u. Abendland* 12 (1966) 29 ff., who reaches similar conclusions to mine (esp. 43 ff.) by other arguments.

be of some significance for the Sophoclean passage, for it provides a clear basis for the Athenians to condemn any state or government claiming unlimited competence and power.²⁷

Aeschylus, *PERSAE* 956-962

The earliest possible allusion we find to the oath is in Aeschylus' *Persae*. The chorus questions Xerxes, who has just returned after his defeat at Salamis (955 ff.; the correspondences with the oath are underlined):

ποῦ δέ σοι παραστάται,
οἶος ἦν Φαρανδάκης,
Σούσας, Πελάγων, Δοτάμας, ἡδ' Ἀ-
γδαβάτας, Ψάμμις, Σουσιस्कάνης τ'
Ἀγβάτανα λιπών;
ΕΡΕΨΗΣ ὄλοους ἀπέλειπον
Τυρίας ἐκ ναός
ἔρροντας ἐπ' ἀκταῖς
Σαλαμινιάσι στυφελοῦ
θείνοντας ἐπ' ἀκτᾶς.

(Chorus) Where are they who stood by thy side, such as Pharandaces, Susas, Pelagon, Dotamos, and Agdabatas, Psammis, and Susiscanes of Agbatana?

(Xerxes) By the shores of Salamis, dashing against its rugged strand, I left them, cast forth in death from a Tyrian ship. (Tr. H. Weir Smyth.)

It has been generally remarked that *παραστάται* is a military term. Broadhead²⁸ in referring to it mentions the oath. But it has not been noticed that Xerxes' confession (962) *ὄλοους ἀπέλειπον* (sc. *τοὺς παραστάτας*) may recall the terms of the oath *οὐδὲ λείψω τὸν παραστάτην*. Thus the Persian king would be represented as a deserter from his comrades.²⁹ Since the poet here boldly applies a term of hoplite warfare to a naval battle, he would not astonish us by putting an allusion to the Athenian oath in the mouth of Persians. If this interpretation is correct (a cogent proof or disproof does not seem possible), we would gain, first, some evidence that the oath was also familiar to Aeschylus' contemporaries, and secondly some more specific information about how the poet, and perhaps also the Athenians, judged Xerxes' hasty return to Susa, saving his life and leaving his dead comrades unburied behind.

CONCLUSION

Further studies and additional parallels seem to be necessary before we can state conclusively whether Aeschylus and Sophocles alluded to the civic oath intentionally or not, but the Thucydidean passages clearly presuppose a general familiarity with the oath in Periclean Athens, no matter how accurately the historian renders the content of Pericles' actual speeches.³⁰ Unfortunately the allusions give no reliable indications whether it was

²⁷ V. Ehrenberg, *Sophocles and Pericles* (1954) did not take the oath into account (despite Jebb's suggestion on *Ant.* 670 f.), though it would have supported his argumentation very well. Cf. pp. 54 and 59.

²⁸ H. D. Broadhead, *The Persae of Aeschylus* (1960) 231: *παραστάται*. As a military term *παραστάτης* is the soldier who stands beside one in the ranks; cf. the oath taken by the Attic *ἔφηβος* (quoted by Jebb on *Ant.* 671), *οὐ καταίσχυνώ ὄπλα τὰ ἱερά οὐδ' ἐγκαταλείψω τὸν παραστάτην ὅτω ἂν στοιχήσω*. Here the word is used of those who were intimate asso-

ciates of the King.'

²⁹ One might object that abandoning dead comrades (*ὄλοους*) is not considered a fault, but cf. the oath before the battle at Plataea on the same stone (text e.g. Robert, 307 f.; Tod *GHI* II, no. 204; Siewert 5 f.), lines 25 ff.: *οὐκ ἀπολείψω τὸν ταξίαρχον οὔτε τὸν ἐνωμοτάρχη οὔτε ζῶντα οὔτε ἀποθανόντα*. Aeschylus' words 964 f., *στυφελοῦ θείνοντας ἐπ' ἀκτᾶς*, illustrate the fact that Xerxes has left his comrades unburied.

³⁰ Pericles' first speech contains several points

the epigraphic or the 'more democratic' literary version which was known in the second half of the fifth century.³¹

Some new light is thrown on Pericles' rhetoric, if in recalling the civic oath he really extended the duty of defending the country to the defence of the Empire. This is not radically different from Alcibiades' distortion of the oath, who according to Plutarch (*Alc.* 15.7)³² 'counselled the Athenians to assert dominion on land also, and to maintain in very deed the oath regularly propounded to their young warriors in the sanctuary of Agraulus. 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.' (Tr. B. Perrin.)

Demosthenes (xix 303) reports that Aeschines, before he became Philip's friend, had urged the Athenians to war against the Macedonian king by quoting the decrees of Miltiades and Themistocles and the ephebic oath.³³ So the oath emerges as a useful tool for more or less martial demagogues,³⁴ and Pericles in Thuc. i 144.4 can be assigned to this group.

If Sophocles' Creon alluded to the oath, when he requires unquestioning obedience—which would mean a gross and provocative distortion of its original sense—we could compare him with the political rhetoricians who 'adjusted' it to their purposes.

Since the civic oath constitutes the immediate tie between the citizens and their government³⁵ and forms the basis for their political conscience, it will become intelligible that politicians and political theorists take some interest in its provisions. For this reason in particular I expect other allusions to be discovered in texts of the two centuries when political engagement and reflexion culminated in Athens.³⁶ I shall not suppress my

found in Ps.-Xenophon, *Ath. Pol.* 1.19 f. (=Thuc. i 143.1 f.); 2.4 f. (=143.4); 2.14-16 (=143.5); 2.1 (=143.5). Cf. Gomme, *Hist. Comm. on Thuc., ad locc.* I 460-62, and his inference from this (*More Essays in Greek History and Literature* [1962] 131): 'Thucydides could and did, sometimes at least, keep to the sense of what had actually been said'. This would support the view that the historical Pericles did use the civic oath in one (or more) of his speeches before the outbreak of the war. But certainty cannot be reached in this disputed area, cf. O. Luschnat, 'Thukydidēs', PW Suppl. XII (1970) 1175-83. Recently A. E. Raubitschek in: P. A. Stadter (ed.) *The Speeches in Thucydides* (1973) 32-48 and D. Kagan, *YCLS* 24 (1975) 71-94, argue for the general authenticity of some speeches. For the fundamentally opposite view, see e.g. H. Strasburger, *Hermes* 86 (1958) 19, repr. in H. Herter (ed.), *Thukydidēs* (Darmstadt, 1968) 500.

³¹ See Appendix § 5. The same 'zeugma' in the epigraphic text and Thuc. ii 37.3, and the absence of the word *πείθεσθαι* which in the literary versions is used to avoid this *zeugma* (cf. n. 20), would indicate the epigraphic version as the 'source'. But if the duty to prosecute any violation of the laws, inserted in the literary versions (cf. Appendix § 5), could be recalled by Thucydides' phrase following the allusion to the oath in ii 37.3 (above p. 104), "ἀκροάσει . . . μάλιστα αὐτῶν (sc. νόμων), ὅσοι τ' ἐπ' ὠφελία τῶν ἀδικουμένων κείνται" (for its interpretation see Gomme, *Comm., ad loc.*), as I consider possible but not probable, this would suggest an echo of the literary version. Neither of these contradictory arguments is conclusive.

³² οὐμὴν ἀλλὰ καὶ τῆς γῆς συνεβούλευεν ἀντέχεσθαι τοῖς Ἀθηναίοις καὶ τὸν ἐν Ἀγραύλου προβαλλόμενον αἰεὶ τοῖς ἐφήβοις ὄρκον ἔργῳ βεβαιῶν. ὀμνῶνσι γὰρ ὅροις χρῆσθαι τῆς Ἀττικῆς πυροῖς κριθαῖς ἀμπέλους

σύκαις ἐλαίαις, οἰκείαν ποιεῖσθαι διδασκόμενοι τὴν ἡμέρον καὶ καρποφόρον.

Plutarch's source, I suggest, may be Theopompus' excursus on Athenian demagogues in his *Philippica*, which he knew (*Them.* 19.1; 25.3; 31.3 = *FGrH* 115 F 85-7), but did not indicate *verbis expressis* in his *Alcibiades* (32.2 will refer to Theopompus' *Hellenica*). Cic., *Rep.* iii 15: *Athenienses iurare enim publice solebant omnem suam esse terram quae oleam frugesue ferret*, seems to have the same source. Cicero was familiar with Theopompus' works (cf. *FGrH* 115 T 36-40; F 286; *Leg.* i 1.5 (=T 26, which may be added to F 381) and was particularly interested in the oratory of the Athenian demagogues (Themistocles, Pericles, Cleon, Alcibiades, Critias, Theramenes, etc., are treated in *Brut.* 27-9; Alcibiades also in *De Or.* ii 93; *Div.* ii 143). A further argument is provided by the fact that Theopompus studied the Oath of Plataea (115 F 153) which appears to be linked officially with the ephebic oath, since both oaths are connected in the inscription from Acharnae and in Lycurg. *Leoc.* 76-81. So there is some probability that Theopompus was acquainted with the text of the ephebic oath, of which a part is quoted *verbatim* in Plutarch and summarised in Cicero.

³³ τίς ὁ συσκευάζεσθαι τὴν Ἑλλάδα καὶ Πελοπόννησον Φίλιππον βοῶν, ὑμᾶς δὲ καθεύδειν; τίς ὁ τοὺς μακροὺς καὶ καλοὺς λόγους ἐκείνους δημηγορῶν, καὶ τὸ Μιλτιάδου καὶ τὸ Θεμιστοκλέους ψήφισμ' ἀναγιγνώσκων καὶ τὸν ἐν τῷ τῆς Ἀγλαύρου τῶν ἐφήβων ὄρκον; οὗτος;

³⁴ Lycurg. *Leoc.* 76-8 uses the oath in court to prove Leocrates a deserter, apparently in default of any specific law applicable to Leocrates' moving abroad after the defeat at Chaeronea.

³⁵ Cf. also Lycurg. *Leoc.* 79.

³⁶ Some possible allusions: Aesch. *Sept.* 14 (cf. 582); Ag. 212; Ar. *Eq.* 576 f.; Eur. in Lycurg. *Leoc.* 100,

suspicion that the dubious existence of the institutional *ephebeia* before 335 B.C. or its blunt denial by Wilamowitz³⁷ may have prevented us from looking for echoes of this civic oath in classical authors. This may have continued even after 1938, when both the official and the archaic character of the oath was confirmed by the publication of the inscription from Acharnae.

APPENDIX

I give as short as possible a survey of the archaic elements we find in the epigraphic oath.

1. ARCHAIC VOCABULARY

(a) ἀρείω (line 8) *cf.* LSJ, s.v.; G. Fatouros, *Index verborum zur frühgriechischen Lyrik*, 1966, s.v., both give references also for the following words; (b) κραιόντων (lines 11 f.), K. Stegmann von Pritzwald, *Zur Geschichte der Herrscherbezeichnungen von Homer bis Plato* (Leipzig, 1930), 58; 71; 107; E. Fraenkel, *Aesch. Ag. II* 193 f. (v. 369); E. Benveniste, *Le vocabulaire des institutions indo-européennes* (Paris, 1969) II 35–42; (c) ἱστορες (line 16), Benveniste, *op. cit.* II 177; (d) in view of the epitheton dearum *Ἐδάκοος* (= ἐπήκοος), attested esp. in Crete and Lesbos (Jessen, *PW VI* [1907], 837, s.v.), the rare *εὐηκοήσω* (line 11) may be pre-classical, too.

2. ARCHAIC STYLE

(a) The form statement + its negative contrary (οὐκ ἐλάττω . . . πλείω δὲ . . . (clause IV); (b) the connexion ('zeugma') of deities and things (borders) as oath witnesses (VIII) and (c) of persons (magistrates) and things (laws) (V), avoided in the literary versions, *cf.* Siewert, 29–32; 34; 36.

3. ARCHAIC CONCEPTS

(a) Religious motivation for bravery, not to disgrace the sacredness of the arms (I), is avoided in Pollux, *cf.* the secular motive to fight for freedom in the oath of Plataea on the same stone or the catalogue of motives in Ael. *VH* ii 28. (b) The figurative metaphor 'to put down—to lift up laws' (V–VI); *θεσμούςς ἰδρύω* seems to be unique. (c) Cultivated fields as the borders of the country were capable of being misunderstood as early as the end of the fifth century (Robert 307). The importance of Attica's mountainous districts for strategy, traffic, hunting, mining and *ἐσχατιαί* seems to be neglected or not yet known. For the Attic 'eschatiai' see now D. M. Lewis, in M. I. Finley (ed.), *Problèmes de la terre en Grèce ancienne* (Paris, 1973) 210–12 and his 'guess' that they were cultivated 'relatively late' (212).

4. PRE-CLASSICAL OATH DEITIES

(a) Enyo, Enyalios, Thallo, Auxo (VIII) are non-Olympian, functional (war, fertility) divinities who had become rather obscure in classical times: see Bengtson 139; M. Bock, *Die Schwurgötter der Epheben von Acharnai*, *Wiener Jahreshefte* 33 (1941) 46–55. (b) Enyalios is still distinct from Ares. (c) Important Athenian state deities of classical times are absent: e.g. Poseidon, Apollo, Demeter and Kore, Theseus (but Herakles, lines 18 f.). Athena Areia is linked with her eponymous partner Ares by the only *καί* within the enumeration, and she is missing in the literary version (Pollux viii 106, who has Ares). She seems to be a later intrusion, because the inscription had probably been set up by the

v. 15 (=fr. 50,15 Austin (*Nova fragm. Euripidea* [1968] p. 26)); Lysias xiii 62; *cf.* xii 95; Pl. *Lach.* 190d; Lycurg. *Leoc.* 149. A plain allusion is Arist. *Eth. Nic.*

1130a30 (I owe this information to Christopher Rowe): *εἰ ἐγκατέλιπε τὸν παραστάτην.*

³⁷ *Aristoteles u. Athen* (1893) I 191–4.

priest of Ares and Athena Areia in their sanctuary, Robert 305; Bock *op. cit.* 54. So Athena (Polias), the chief goddess of Athens, was originally not mentioned either.

5. PRE-DEMOCRATIC CONSTITUTIONAL ELEMENTS

(v) Laws are established according to the inscription by magistrates (V) (*θεσμούς ιδρύσωνται* sc. *οἱ κραίνοντες*), according to the literary versions by the assembly . . . *ιδρύσονται τὸ πλῆθος*. For legislation in archaic times by magistrates or special commissioners cf. Busolt-Swoboda, *Griech. Staatskunde* I 372–9, by the assembly in democracies, I 458–65; F. Quaß, *Nomos und Psephisma* (München, 1971) 44–55. M. Ostwald, *Nomos* 155–7 argues that Kleisthenes introduced legislation by the *ekklesia*. (b) The obligation to help the laws against any violation, absent in the epigraphic text, has been added to it in the literary versions (the additions are underlined): *καὶ ἄν τις ἀναιρῇ τοὺς θεσμούς ἢ μὴ πείθηται, οὐκ ἐπιτρέψω, ἀμυνῶ δὲ* (sc. *τοῖς θεσμοῖς*) *καὶ μόνος καὶ μετὰ πάντων*. The desire *βοηθεῖν τοῖς νόμοις*, e.g. Antiphon i 31; Lysias x 32; xxii 3 (cf. xiv 22); Lycurg. *Leoc.* 149 (cf. also Eur. *Or.* 523 *ἀμυνῶ . . . τῷ νόμῳ*), is a common motive or pretext for more or less sycophantic prosecutors in Athens: see K. Latte, *Antike u. Abendland* 2 (1946) 76 = *Kl. Schr.* (München, 1968) 250; *Id.*, *Hermes* 66 (1931) 48 = *Kl. Schr.* 267; K. Gerst, *Die allgemeine Anklagebefugnis in der attischen Demokratie*, Diss. Erlangen (1963) 92. Every citizen's right to prosecute any oppression of fellow citizens, ascribed to Solon (Arist. *Ath. Pol.* 9.1; Plut. *Sol.* 18.6 f.; Hignett, *Hist. Ath. Const.*² 202 f. assumes that the general validity of this right was introduced by Ephialtes) actually appears here as an oath duty, unobtrusively inserted into the original text. So the people's responsibilities for legislation and for the prosecution of offenders, absent in the epigraphical oath, favour the assumption that the literary versions underwent a democratic revision of the less democratic or non-democratic text, which is preserved in the inscription from Acharnae.

6. NON-POLITICAL NATURE OF THE OATH-TAKERS

Other civic oaths show the political rights of the oath-takers, who promise, e.g. to be a good magistrate, councillor, legislator, judge, or voter; on the other hand the precautionary clauses reveal political dangers that the oath-takers may become traitors of the community or subverters of the constitution, cf. e.g. Dittenberger, *SIG*³ 360.7 ff., 22 ff.; 526.9 ff., 27 ff.; 527.49 ff.; *Staatsverträge* III, 545.21 ff., 27 ff. But neither the political rights of, nor any political danger from, the oath-taker can be recognised in our epigraphic oath. At least one would expect in clause VI something like *οὐκ ἀναιρήσω τοὺς θεσμούς οὐδ' ἐάν τις ἄλλος ἀναιρῇ ἐπιτρέψω* (cf. e.g. *Staatsverträge* III, 545.21 ff. . . . ἄλλο πολίτευμα ἕξω δαμοκρατίας οὐ καταστάσω παρευρέσει οὐδεμὶ οὐδ' εἴ τις κα ἄλλος καθιστᾷ ἐπιτρέψω, *Staatsverträge* III, 492. 67 = 76 οὐτε αὐτὸς ἀδικήσω αὐτῶν οὐθένα οὔτε ἄλλῳ ἐπιτρέψω, Dittenberger, *SIG*³ 360. 13 ff. οὐδὲ καταλυσῶ τὴν δαμοκρατίαν οὐδὲ τῷ προδιδόντι καὶ καταλύοντι ἐπιτρεψῶ). Though the indefinite *ἐάν δέ τις ἀναιρεῖ* of our oath should logically include the oath-takers, too, the absence of a specific promise to abstain from subverting the laws gives the impression that the danger of overthrow is expected to come from outside the swearing hoplites, who appear here as a politically rather shapeless group. This fits better in a aristocratic than democratic state.

7. PRO-ARISTOCRATIC TENDENCY

The promise to honour the traditional cults (VII) seems to take precautions against the danger that the oath-takers will neglect their old cults in favour of new-established ones. Here it is relevant to recall that Peisistratus and Cleisthenes introduced new cults, both for other reasons and so as to counterbalance or to break the monopoly of the *Eupatridae* in controlling the local cults in Attica; cf. L. H. Jeffery, *Archaic Greece* (1976) 101; A. Andrewes in H. Lloyd-Jones (ed.), *The Greeks* (1962) 19–23; 33; *Id.*, *The Greek Tyrants* (1956) 113. So this provision serves aristocratic interests. But most of the oath-deities are strikingly 'non-aristocratic'. The Homeric Olympians Athena, Poseidon, Apollo, Artemis, etc.,

worshipped particularly in the society of the Greek nobles, seem to have been avoided, either because they were not the principal deities of the oath-taking hoplites, who were mainly middle-class farmers (the agrarian Auxo and Thallo, and the concept of culture plants being the country's border, would suit them well) or because binding the hoplites to a deity whose cult was administered by a single clan (e.g. Athena Polias by the (Eteo-) Boutadae) would have given this family a political or social predominance, intolerable to the other clans. To sum up the background, as it emerges from these brief indications (to be treated in full elsewhere): the oath binds together and to the state hoplites (not necessarily all citizens), who appear to be politically unprivileged and harmless, and are governed rather by others than by themselves. The fears of the governing class concern their religious guidance of the oath-takers and their political power, threatened by subverters and 'unreasonable' magistrates (*cf.* Arist. *Pol.* 1305a15 on high offices as starting places for tyranny), who probably do not belong to the group of oath-takers. The date of origin should therefore be sought within the 100 or 120 years between the introduction of hoplite warfare (see clause II) and the definite ascendancy of Peisistratus, who used mercenaries, not citizen soldiers, and is not likely to have bestowed sanctions against coups d'état upon the Athenians. We cannot rule out a date before the Solonian reforms.

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