

MOLTEN WAX, SPILT WINE AND MUTILATED ANIMALS: SYMPATHETIC MAGIC IN NEAR EASTERN AND EARLY GREEK OATH CEREMONIES*

For my teachers Professors M.W. Edwards and M.H. Jameson on the occasion of their retirement

THE so-called 'Cyrenean Foundation Decree' describes and paraphrases what appears to be the oath of the seventh-century Theran colonists who founded the city of Cyrene in Libya.¹ This oath contains a conditional self-imprecation, a common enough feature of many Greek oaths,² but one which in this case involves wax effigies in what can best be described as a ritual employing 'sympathetic magic'.³

ἐπὶ τούτοις ὄρκια ἐπ-
οιήσαντο οἱ τε αὐτεῖ μένοντες καὶ οἱ πλέοντες οἰκίζοντε-
ς καὶ ἄρας ἐποιήσαντο τὸς ταῦτα παρβεώντας καὶ μὴ ἐμ-
μένοντας ἢ τῶν ἐλ Λιβύαι οἰκεόντων ἢ τῶν αὐτεῖ μιν-
όντων. κηρίνος πλάσαντες κολοσὸς κατέκαιον ἐπα-
ρέωμενοι πάντες συνενθόντες καὶ ἄνδρες καὶ γυναῖκ-
ες καὶ παῖδες καὶ παιδίσκαι· τὸμ μὴ ἐμμένοντα τούτοις
τοῖς ὄρκιοις ἀλλὰ παρβεώντα καταλείβεσθαι νιν καὶ κα-
ταρρὲν ὥσπερ τὸς κολοσὸς, καὶ αὐτὸν καὶ γόνον καὶ χρή-
ματα

*The following abbreviations are used throughout:

ANET = J. B. Pritchard (ed.), *Ancient Near Eastern texts relating to the Old Testament*³ (Princeton 1969).

KAI = N. Donner and W. Rollig, *Kanaanäische und aramäische Inschriften* (Wiesbaden 1962-64).

KAR = E. Ebeling, *Keilschrifturkunden aus Assur religiösen Inhalts*, 2 vols. (Leipzig 1915-23).

KBo = *Keilschrifttexte aus Boghazköi* (Berlin 1916)

KUB = *Keilschrifturkunden aus Boghazköi* (Berlin 1921)

TUAT = *Texte aus der Umwelt des Alten Testaments* (Gutersloh 1983-)

Unless otherwise indicated the numbers which follow these abbreviations will refer to the number of the text in the collection, and *not* to page numbers. I refer to the following secondary works by author's name alone: W. Burkert, *Greek religion* trans. J. Raffan (Cambridge, MA 1985); and D.J. McCarthy, *Treaty and covenant*² (*Analecta Biblica* xxi-a, Rome 1978). Earlier versions of this paper were presented in 1990 at the Classics Departments of the University of Texas at Austin and Stanford University, and at the 122nd Annual Meeting of the APA, in San Francisco. I should like to thank to my hosts and audiences at all three places, and to indicate a special gratitude to R. Beal, W. Brashear, G. Bugh, M. Edwards, A.J. Graham, K.-J. Holkeskamp, M. Jameson, R. Kotansky, D. Lateiner, A.E. Raubitschek, J. Scurlock and two anonymous readers who all read and commented on earlier versions of this essay. The final draft was written at The Center for Hellenic Studies in the spring of 1992, a stay greatly enhanced by the good graces of Z. and D. Stewart.

¹ SEG ix 4. For the best text see R. Meiggs and D. Lewis, *A selection of Greek historical inscriptions* (Oxford 1988) 5-9 no. 5; for additional bibliography see below nn. 4-6.

² R. Hirzel, *Der Eid: Ein Beitrag zu seiner Geschichte* (Leipzig 1902) 137-44, K. Latte, *Heiliges Recht* (Tübingen 1920) 61-88 and J. Plescia, *The oath and perjury in ancient Greece* (Tallahassee 1970) 9-13, discuss the very close relationship between Greek forms of interpersonal execration and self-imprecations in oaths, i.e. it was customary at an oath ceremony to wish conditionally upon your own head the same punishment that you unconditionally called down upon the heads of your enemies.

³ Meiggs and Lewis (n. 1) no. 5 lines 44-49. The translation is that of A.J. Graham, *Colony and mother city in ancient Greece*² (Manchester 1983) 226. I use the traditional terms 'sympathetic' and 'sympathetically' advisedly throughout this article. S.J. Tambiah, 'Form and meaning of magical acts: a point of view' in R. Horton and R. Finnegan (edd.) *Modes of thought* (London 1973) 199-229, dismisses the common view that 'sympathetic magic' is based on poor observation of empirical analogies. He distinguishes instead between the operation of 'empirical analogies' (used in modern scientific discourse to *predict* future actions) and 'persuasive analogies' (used in rituals in traditional societies to *encourage* future action). Such rituals do not betray inferior observation skills, but rather they reveal a profound belief in the extraordinary power of language. Cf. G.E.R. Lloyd, *Magic, reason and experience* (Cambridge 1979) 2-3 and 7. The terms 'magic' and 'magical' are likewise problematic and are used with similar caution; see my discussion below (pp. 77-78) on the Frazerian dichotomy between 'religion' and 'magic' and its general inapplicability to rituals used in pre-Christian, polytheistic societies.

On these conditions they made an agreement, those who stayed here and those who sailed on the colonial expedition, and they put curses on those who should transgress these conditions and not abide by them, whether those living in Libya or those staying in Thera. They moulded wax images and burnt them while they uttered the following imprecation, all of them, having come together, men and women, boys and girls: 'May he, who does not abide by this agreement but transgresses it, melt away and dissolve like the images, himself, his seed and his property'.

When this text was first published at the beginning of this century, scholars adduced parallels from Hellenistic and Roman erotic magic to bolster the then current argument that the oath was merely a fourth-century fabrication.⁴ In the last three decades, however, the consensus has shifted considerably and most scholars have come to believe that the oath preserved in this text does in fact bear some close resemblance to the actual oath sworn by the Therans in the late seventh-century BC, although there remains a somewhat embarrassed silence with regard to the melting *kolossoi*.⁵ Dušanić, in the most recent full-scale study of the inscription, has revived the argument that the oath is apocryphal and the text is a late-classical forgery.⁶ He uses the presence of the wax images in the oath ceremony as one of several points in his argument, claiming that such magical rituals are unattested in Greece prior to the fourth century and that, since they are 'probably' Egyptian in origin, they could not have been adopted by the Cyreneans until the classical period at the earliest, long after they had founded their city and thus come into close contact with Egyptian magical practices. He also makes a related assertion that the inclusion of women and children in the cursing ceremony (i.e. individuals who would have had no legal standing in such an agreement) points to a forgery from a later time.⁷

My goal in this essay is not to reargue the larger question of the oath's authenticity and its relationship to the account of the foundation of Cyrene given by Herodotus (iv 145-59). This has been done with admirable precision by Graham and others and with great sensitivity to the limits of the evidence. I simply hope to add to the growing consensus by putting to rest the notion that the melting wax effigies are closest in kinship to the private magic spells of the Hellenistic period, and that they therefore present a problem to those who wish to defend the seventh-century date. I shall demonstrate that such sympathetic rituals were, in fact, commonplace in Near Eastern oaths of the eighth and seventh centuries BC, and used by the Greeks and Romans as well, albeit only in very special situations. Since direct parallels to the melting of wax effigies are few, I extend my inquiry to include a wide range of sympathetic actions performed at oath ceremonies in order to get as comprehensive a view as possible of these rituals and their immediate historical and social context.

The essay is divided into three sections. In the first I demonstrate that the maltreatment and destruction of wax effigies in magical ritual is spread widely throughout many cultures of the eastern Mediterranean basin during the Greek archaic period and that similar effigies appear in the context of oaths sworn over international treaties of similarly early date. In the second section I discuss the mutilation of animals in oath rituals that appear both in early Greek

⁴ For the relationship of this ceremony to that described in later poetic texts like Theoc. 2.28-29 and V. *Ecl.* 8.75-80, see, e.g., A.D. Nock, 'A curse from Cyrene', *ARW* xxiv (1926) 172-73, who suggests (contrary to the view that will be argued here) that 'such a proceeding is altogether different from the symbolic acts which often accompany an oath'. For the older arguments that the oath is a fourth-century fraud, see the bibliographic note in Meiggs and Lewis (n. 1) *ad loc.*

⁵ For the careful, ground-breaking study of this inscription, its independence from the account of Herodotus (iv 145-59) and the archaic date of the oath, see A. J. Graham, 'The authenticity of the ὄρκιον τῶν οἰκιστῆρων', *JHS* lxxx (1960) 95-111. For the current consensus on this interpretation, see: L. Jeffrey, 'The pact of the first settlers of Cyrene', *Historia* x (1961) 139-47; J.H. Oliver, 'Herodotus 4.153 and SEG IX.3', *GRBS* vii (1966) 25-29; Meiggs and Lewis (n. 1) *ad loc.*; and O. Murray, *Early Greece* (Stanford 1983) 113-19.

⁶ S. Dušanić, 'The ΟΡΚΙΟΝ ΤΩΝ ΟΙΚΙΣΤΗΡΩΝ and fourth-century Cyrene', *Chiron* viii (1978) 55-76.

⁷ *Ibid.* 62-63.

literature (e.g. Alcaeus and Aeschylus) and in traditional ceremonies, such as the oath sworn by plaintiffs on the Areopagus or that sworn by athletes and their trainers at the Olympic games. The third part of my argument includes a detailed exegesis of the elaborate oath-ceremony of the Trojans and Greeks in *Iliad* iii, a ritual that combines the destruction of animals with the spilling of wine. I close by arguing that there is indeed some Assyrian or Levantine influence (probably *not* Egyptian as Dušanić argues) on the oath of the Cyrenean colonists, but that there is no reason to date such influence to the fourth-century BC or later; in fact, the opposite is true, since the practice of using these vivid types of self-curse tapers off during the classical period and all but disappears in the later periods.

MELTING WAX IN EARLY MEDITERRANEAN OATHS AND MAGICAL RITUALS

The earliest and most frequently attested use of wax figurines in execration ceremonies is, as Dušanić points out, in daily Egyptian temple rituals, in which priests create, manipulate and then destroy wax effigies of the enemies of Egypt and its gods.⁸ There is, however, no evidence that the Egyptians ever transferred this type of curse to their oath ceremonies. In fact, the closest parallels to the melting effigies in the Theran oath are to be found in some roughly contemporaneous oaths from the Levant. A mid eighth-century BC Aramaic text found near Aleppo (the so-called ‘Sefire Inscription’) is a treaty between two minor kings, Barga’yah and Matti’el, living on the southwestern periphery of the Assyrian empire. The latter swears to the dire consequences which will befall him and his cities if he should violate the stipulations of the treaty:⁹

As this wax is consumed by fire, thus Ma[t]ti’el] shall be consumed b[y] fi]re.

As this bow and these arrows are broken, thus Inurta and Hadad (= names of local deities) shall break [the bow of Matti’el] and the bows of his nobles.

As a man of wax is blinded, thus Matti’el shall be blinded.

[As] this calf is cut up, thus Matti’el and his nobles shall be cut up.

The deictic pronoun ‘this’ in three of the four curses encourages us to imagine that wax images were burned and domestic animals were cut up and otherwise mistreated during the oath ceremony.

The Aramaic oath from Sefire is quite similar to loyalty oaths imposed by eighth- and seventh-century Assyrian kings on other less powerful monarchs in the Levant.¹⁰ The so-called ‘vassal treaties’ of Esarhaddon (680-69 BC), for example, close with a series of more than

⁸ The best general discussions of wax effigies used in Egyptian ritual are M.J. Raven, ‘Wax in Egyptian magic and symbolism’, *OMRO* lxiv (1983) 7-47, and R.K. Ritner, *The mechanics of ancient Egyptian magical practice* (Chicago 1993) 111-180. For the influence of Egyptian execration ceremonies on the Greeks, see W. Burkert, *The orientalizing revolution: Near Eastern influence on Greek culture in the early archaic age*, trans. M.E. Pinder and W. Burkert (Cambridge, MA 1992) 191 n. 27, C.A. Faraone, *Talismans and Trojan horses: Guardian statues in ancient Greek myth and ritual* (Oxford 1992) 74-93.

⁹ The translation is by F. Rosenthal, *ANET* pp. 659-60. For dating, detailed discussion and bibliography, see: J.A. Fitzmyer, *The Aramaic inscriptions of Sefire (Biblica et Orientalia xix Rome 1967) 52-58; McCarthy 98-104; O. Rössler, TUAT i 3 pp. 178-89; and A. Lemaire and J.-M. Durand, Les inscriptions araméennes de Sfiré et l’Assyrie de Shamshi-ilu (Geneva 1984). C. Picard, ‘Le rite magique des *eidôla* de cire brûlés, attesté sur trois stèles araméennes de Sfiré’, *RevArch* (1961) 85-88, suggests that the Sefire inscription provides a model for understanding the use of wax effigies in Hellenistic Greek erotic magic, but he does not mention the wax *kolossoi* in the Theran oath. To my knowledge Burkert (n. 8) 68, was the first to argue that the rituals in the Theran and Sefire oaths were related to one another.*

¹⁰ Lemaire and Durand (n. 9) and S. Parpola and K. Watanabe, *State archives of Assyria ii: Neo-Assyrian treaties and loyalty oaths* (Helsinki 1988) xxvii-xxviii, argue plausibly that the Aramaic treaty is in fact a *copy* of an extant Akkadian treaty (see below n. 26) between the same Matti’el (Mati’ilu in Akkadian) and the Assyrian king Assurnerari V, who they equate with the mysterious overlord Barga’yah of the as yet unidentified kingdom called ‘KTK’.

seventy curses, many of which involve sympathetic magic of some sort or other, including one which specifies the destruction of wax and clay effigies (line 89): 'Just as one burns a wax figure in fire, dissolves a clay one in water, so may they burn your figure in fire, submerge it in water'.¹¹ There is an obvious connection between the wax figures which are melted or burned during these oath-ceremonies, and those which are employed in other well attested execration rites of Mesopotamia. The Assyrian incantation series *Maqlû*, lit. 'Burning [Rituals]', offers the most abundant testimony for the rite of burning effigies of demons, ghosts and living human enemies;¹² in some cases the wording is very similar to that of the Theran oath, e.g.: 'Just as these figurines melt, run and flow away, so may sorcerer and sorceress melt, run and flow away'.¹³

The manipulation or destruction of wax in oath rituals and in execration ceremonies is not limited to Assyria and the Levant. A Hittite military oath appears to enact a very similar series of destructive acts which will befall the soldier who breaks his pledge of loyalty to the Hittite king. Among them is the following:¹⁴

Then he throws wax and mutton fat [on a pan]¹⁵ and says: "Just as this wax melts, and just as this mutton fat dissolves, whoever breaks these oaths, [shows disrespect to the king] of the Hatti [land], let him melt lik[e wax], let him dissolve like [mutton fat]'. [The me]n declare 'So be it!' (trans. A. Goetze)

A priest or a royal official apparently performs the act and recites the quoted text before the assembled army, which then assents in unison to each of the curses. As was the case with the Assyrian ceremonies, the Hittites seem to have taken a traditional form of execration and adapted it as a conditional curse in a loyalty oath.¹⁶ The purification rite of Tunnawi, for instance, employs several effigies, including wax images of anonymous sorcerers who are thought to have attacked the patient: 'Then she flattens (or perhaps 'melts') them and says: 'Whatever wicked persons are making him/her unclean, let them be flattened (or perhaps 'melted') in this way'.¹⁷

¹¹ D.J. Wiseman, 'The vassal treaties of Esarhaddon', *Iraq* xxii (1958) 1-90; E. Reiner, *ANET* pp. 534-40; R. Borger, *TUAT* i 2 pp. 160-76; and most recently Parpola and Watanabe (n. 10) 28-58, who refer to it as 'Esarhaddon's Succession Treaty' because it seems that all of the king's subjects, not just the vassal kings, had to take the oath. As Reiner (*ibid.* p. 539) suggests in her translation of line 72, the 'they' in the text probably refers to the gods who are mentioned individually and collectively earlier in the long list of curses.

¹² E.g. *Maqlû* 1.73-121; 135-43; 2. 75-102; 146-47. G. Meier, *Die assyrische Beschwörungssammlung Maqlû*, Archiv für Orientforschung Beiheft ii (Berlin 1937), re-edits the text and supplies a translation and a good bibliography up to that date. See also W.G. Lambert, 'An incantation of the *Maqlû* type', *Afo* xviii (1957-58) 288-99, esp. 297, where images of wood, fat, wax and dough are burned. For the most recent work on *Maqlû*, see T. Abusch, 'Mesopotamian anti-witchcraft literature: texts and studies: Part 1: The nature of *Maqlû*', *JNES* xxxiii (1974) 251-62, and *idem*, *Babylonian witchcraft literature: Case studies* (Atlanta 1987) 13-41.

¹³ *Maqlû* 2.146-57, translated by Hillers (n. 60) 21. This particular rite and the Hittite ceremony discussed in note 18 were designed as a counter measure to protect someone from the attacks of other practitioners of magic.

¹⁴ *KBo* VI 34.40-rev. 5. It is a 'New Script' copy (1350-1200 BC) of a Middle Hittite (1450-1350 BC) text. For translation and commentary, see: J. Friedrich, 'Der hethitische Soldateneid', *ZA* xxxv (1924) 161-92; A. Goetze, *ANET* p. 353; and most recently N. Oettinger, *Die militärischen Eide der Hethiter*, Studien zu den Bogazköy-Texten xxii (Wiesbaden 1976) 6-17 (translation) and 75-76 (discussion of self-imprecations). I should like to thank Dr. R. Beal for his general advice on Hittite materials, and in particular for his assistance with regard to this text and that discussed below in n. 17.

¹⁵ Oettinger, *ibid.* 29 n. 31, cites a new parallel and argues that Goetze's tentative reading 'on a pan' can now be replaced with 'in die offene Flamme'.

¹⁶ Like the Assyrians, they employed clay, wax, tallow, dough and wooden effigies to restrain or injure their adversaries, both public and private. See A. Goetze and E. H. Sturtevant, *The Hittite ritual of Tunnawi* (New Haven 1938) 72-75, and D.H. Engelhard, *Hittite magical practices: an analysis* (Diss. Brandeis 1970) 172-78

¹⁷ See Goetze and Sturtevant (n. 16) 78, for this translation. The key verb *shallanu*, 'to make flat' is also used in another recipe (*KBo* VI 34 I 41-42) to describe the effect on wax and tallow effigies placed in a cooking pot, prompting Friedrich (n. 14) 162-63, to suggest 'she *melts* them and says "let them *melt*"' (the emphasis is mine) as a better translation.

Let us return then to the Greek world. Aside from the oath of the colonists of Cyrene, there is little evidence that the early Greeks regularly used melting wax in public rituals. This is, of course, probably a problem with the sources, since we do not possess (as we do for the Near East) any comprehensive archives of early Greek treaties or religious rituals. The earliest witness¹⁸ to the use of wax effigies is Plato's 'Athenian stranger' who complains how futile it is to persuade some people to make light of the κήρινα μιμήματα πεπλασμένα which they see at doorways, at crossroads and at the tombs of their ancestors (*Laws* 933c). These 'moulded wax images' however, may not have been melted, since passers-by can still recognize them as effigies; they are perhaps closer in form and purpose to the bound or contorted lead 'voodoo dolls' of the late fifth and early fourth century which have been unearthed in the Ceramicus and elsewhere in Attica.¹⁹ Explicit evidence for the destruction of wax effigies in Greece is, in fact, very late and limited almost entirely to descriptions of private erotic magic.²⁰ A notable exception is a recently discovered inscription from Ephesus, that seems to describe the melting of wax images (μάγματα κηροῦ) in some ceremony aimed at warding off a plague.²¹

One can piece together a Greek tradition of magical wood-burning rites with equally limited success. In the *Iliad*, when Meleager's mother curses her son, she simply pounds the earth with her hand and prays that Hades and Persephone might destroy him (ix 566-72). Phrynichus (*fr.* 6 [Nauck]), Aeschylus (*Ch.* 606) and Bacchylides (5.140-44), however, all know another version of the myth, according to which the angry mother burns a special torch or branch, an act of sympathetic magic which leads to Meleager's death.²² In Syracuse, the person who swears a great oath (*meγas horkos*) goes into the sanctuary of Demeter and Persephone, where after performing special rites 'he puts on the purple vestments of the goddess, takes a burning torch in his hand and recites the oath' (Plut. *Dion* 56.3). Parallels to the use of a burning torch in oath ceremonies in the Near East suggest that this Sicilian oath might have involved a similar self-curse, in which those swearing the oath likened themselves to the burning torch in a conditional execration.²³

¹⁸ A tiny fragment of Sophocles' lost play *Rhizotomoi*—κόρον ἀΐστώσας πυρί (*fr.* 536 Radt)—may reveal a related bit of fifth-century magical lore, as it seems to refer to the destruction of a puppet or a doll (*koron*) by fire, presumably for some nefarious purpose. There is, however, no agreement as to the context or meaning of the fragment, and other readings have been proposed (e.g. κηρόν, κόρον or κόρην). For discussion see: Kuhnert (n. 20) 56; A.C. Pearson, *The fragments of Sophocles* ii (Cambridge 1917) 172-77; and Radt *ad loc.*

¹⁹ For the more recent finds from the Ceramicus which date to c. 400 BC, see C.A. Faraone, 'Binding and burying the sources of evil: the defensive use of "voodoo dolls" in ancient Greece', *CA* x (1991) 201 nos. 5 and 6; for the apparent interchangeability of lead and wax in other Greek execration rites see *idem* 'The agonistic context of early Greek binding spells' in C.A. Faraone and D. Obbink (edd.) *Magika hiera: Ancient Greek magic and religion* (Oxford 1991) 7.

²⁰ For the use of burning spells in Theocritus, Vergil, Horace and the Greek magical papyri, see E. Kuhnert, 'Feuerzauber', *RhM* xlix (1894) 37-58; Nock (n. 4), Picard (n. 9), E. Tavenner, 'The use of fire in Greek and Roman love magic' in *Studies in honor of F. W. Shipley* (St. Louis 1942) 17-37 and C.A. Faraone, 'Hermes without the marrow: another look at a puzzling magical spell', *ZPE* lxxii (1988) 281-82.

²¹ Merkelbach, 'Ein Orakel des Apollon für Artemis von Koloe', *ZPE* lxxxviii (1991) 70-72, and F. Graf, 'An oracle against pestilence for a western Anatolian town', *ZPE* xcii (1992) 267-79 discuss a second-century AD oracular response that seems to predict that Artemis will cure the plague by melting waxen images with her torches (lines 7-9): πήματα καὶ λοίμοιο βροτοφθόρα φάρμα[κ]α λύσει λαμπάσι πυρσοφόροις...μάγματα κηροῦ τηξάσα.

²² Phrynichus and Aeschylus call the object of the burning-ritual a δαλός (lit. 'fire-brand' or 'torch'), while Bacchylides calls it a φητρός (lit. 'branch' or 'torch'). R.C. Jebb, *Bacchylides: the poems and fragments* (Cambridge 1905) 468-73, discusses in detail the different versions of the myth.

²³ In both Greece and the Near East the 'strong oath' or the 'great oath' is regularly accompanied by such sympathetically activated curses; see M. Weinfeld, 'Covenant terminology in the ancient Near East and its influence on the West', *JAOS* xciii (1973) 198 n. 108. The scholarly discussion of the torch in Near Eastern oaths is focused on the description of the torch in the covenant oath in Genesis 15 (below, n. 49) and on passing references in the

We see, then, that the use of wax effigies in execration rituals was not limited to Egypt, as Dušanić implies; it appears simultaneously in both interpersonal curses and in conditional self-imprecations in Hatti (i.e. the land of the Hittites), Assyria, and the Levant. The evidence for such burning rites in the early Greek world is, however, admittedly slim, and in order to support my contention that such rites were acceptable (albeit under-documented) rituals in Greek oaths, I must now turn to other popular forms of self-execration in the ancient Mediterranean and show that in general the use of sympathetic ritual in these ceremonies is a traditional and widespread phenomenon and one which is firmly established in Greece in the archaic period.

SPHAGIA AND TOMIA: OATHS SWORN OVER MUTILATED ANIMALS

In addition to burnt and blinded wax effigies, the section of the Aramaic ‘Sefire Inscription’ quoted above mentions a dismembered animal: ‘[As] this calf is cut up, thus Matti’el and his nobles shall be cut up’. The stipulation is formally parallel to that prescribing the mistreatment of the wax images and the sympathetic intent of the action is patently the same—if people violate their oaths, they will suffer the act performed at the oath ceremony. In this section of the paper I shall discuss the use of butchered animals for such purposes, because there is abundant evidence for the practice in Greece and the Near East.²⁴ The most detailed description of this type of rite is found in a conditional curse that accompanies a treaty between the Assyrian king Assurnerari V (754–45 BC) and Mati’ilu of Bit Agusi in northern Syria:²⁵

A spring lamb has been brought forth from its fold not for sacrifice, not for banquet, not for purchase, not for (divination concerning) a sick man, not to be slaughtered for [...]: it has been brought to sanction a treaty between Assurnerari and Mati’ilu. If Mati’ilu sins against (this) treaty made under an oath by the gods, then just as this spring lamb, brought from its fold will not return to its fold, will not belong to its fold again, alas Mati’ilu, together with his sons, daughters, officials and the people of his land [will be ousted] from his country, will not return to his country and not behold his country again. This head is not the head of a lamb, it is the head of Mati’ilu, it is the head of his sons, his officials, and the people of his land. If Mati’ilu sins against this treaty, so may, just as the head of this spring lamb is torn off, and its knuckle placed in its mouth, [...], the head of Mati’ilu be torn off, and his sons [...].

The text then goes on to narrate the tearing away of the lamb’s shoulder in similar fashion, and then the tablet breaks off; it is not unreasonable to suspect that the process continued until the carcass was completely jointed. This document makes it quite clear that the lamb is slaughtered and dismembered for one purpose only—to enhance the solemnity of the oath by providing a series of actions which will be duplicated on the bodies of Mati’ilu, his sons, his daughters and his people if the treaty is violated. Similar acts are mentioned in the ‘vassal treaties’ of Esarhaddon discussed above, for example: ‘Just as (these) yearlings and spring lambs, male and female, are cut open and their entrails are rolled around their feet, so may the entrails of your sons and your daughters be rolled around your feet’ (trans. E. Reiner). Here the youthfulness

Šurpu documents (like *Maqlû*, a series of Neo-Assyrian magical rituals) to a curse which befalls someone after ‘holding a torch and taking an oath’ (3.93); for translation and commentary, see E. Reiner, *Šurpu*, *Archiv für Orientforschung Beiheft xi* (1958) *ad loc.* This appears to have been a conditional self-curse of the type under discussion since it is mentioned in tandem with the more familiar ‘oath sworn by slaughtering a sheep and touching the wound’, *Šurpu* 3.35); see M. Weinfeld, ‘The covenant of grant in the Old Testament and the ancient Near East’ *JAOS xc* (1970) 196 for discussion.

²⁴ Many of these parallels were pointed out at the beginning of the century; see: L.R. Farnell, *Babylon and Greece* (Edinburgh 1911) 243–48; J.G. Frazer, *Folklore in the Old Testament i* (London 1919) 391–428; and J. Harrison, *Prolegomena to the study of Greek religion*³ (Cambridge 1922) 64–67.

²⁵ The translation is by E. Reiner, *ANET* pp. 532–33; see R. Borger, *TUAT i 2* pp. 155–57 for a German translation and commentary. Fitzmyer (n.9), Lemaire and Durand (n. 9), and Parpola and Watanabe (n. 10) discuss the close parallels between this text and the Sefire inscription.

of the victims is stressed, because the future sympathetic destruction is associated not with the one swearing the oath, but with his children, both male and female.

Repeated allusions to oaths made καθ' ἱερῶν τελείων suggest that the Greeks also used the bodies of sacrificial animals in special rituals to confirm serious oaths.²⁶ A peculiarly Greek twist to this type of oath is for the oath-takers to bring themselves into direct physical contact with the carcass or some part of it, a feature that is only once explicitly mentioned in the Near Eastern texts.²⁷ Aeschines, for example, accuses Timarchus of deliberately forswearing his oath not to take bribes—an oath he swore by taking *ta hiera* into his hands and calling destruction down on his own head (i 114). Herodotus describes a similar scene when he tells the story of Demaratus, the Spartan king deposed as a bastard, who sacrifices a bull to Zeus and then forces his mother to hold the beast's intestines (*splanchna*) in her hands, while she swears to the true identity of his father (vi 67-68). The exact wording of these oaths is never quoted (as they are in the Near Eastern texts), so there is no concrete evidence that the act of grasping part of a dead animal is to be directly associated with a self-curse or that it involved an underlying faith in sympathetic magic.²⁸

We do hear, however, of Greek soldiers touching the blood or dismembered parts of *sphagia*, special sacrificial victims that are simply killed and never cooked, shared in fellowship or offered up as gifts to the gods.²⁹ A good eyewitness to such an oath is Xenophon, who describes an agreement made by his fellow Greek mercenaries and Ariaeus, their Persian ally (*Anabasis* ii 2.4):

καὶ ὤμοσαν οἱ τε Ἕλληνας καὶ ὁ Ἀριαῖος
καὶ τῶν σὺν αὐτῷ οἱ κράτιστοι μῆτε προδώσειν ἀλλή-
λους σύμμαχοι τε ἔσεσθαι· οἱ δὲ βάρβαροι προσώμο-
σαν καὶ ἠγήσασθαι ἀδόλως· ταῦτα δὲ ὤμοσαν, σφάξ-
αντες ταῦρον καὶ κάπρον καὶ κριὸν εἰς ἀσπίδα, οἱ μὲν
Ἕλληνας βάπτοντες ξίφος, οἱ δὲ βάρβαροι λόγχην.

In this case the special form of the oath is necessitated by particularly dangerous circumstances; the Greek mercenaries, who have just been treacherously deserted by the Thracian cavalry, need extra assurances that they will not be betrayed again. As is true for many of the military oaths discussed below, the purpose of this ritual is to bring unity to a fractious group, here a disheartened and leaderless army composed of different ethnic groups, each looking to save its own skin.

The slaughter of the animals into a shield recalls, of course, the famous scene in Aeschylus' *Septem* (lines 43-53):

²⁶ See, e.g. Thuc. v 47.8, [Dem.] lix 60, Ant. v 12, And. i 97-98. M.P. Nilsson, *Geschichte der griechischen Religion* i³ (Munich 1967) 139-40 and Burkert 251-52 provide the basic discussions. The expression καθ' ἱερῶν τελείων, which LSJ s.v. 'κατά' A ii 4 and Burkert 445-46 n. 21 render as 'over perfect victims', seems to indicate that a regular burnt-sacrifice was in progress. This assumption is apparently based on the allegedly universal distinction between *sphagia* and *hiera* in the classical period; one must, however, exercise caution as the latter, usually used to refer to an animal victim in a *do ut des* sacrifice, is nonetheless employed four times by Herodotus and once by Thucydides in descriptions of battlefield *sphagia*; see W.K. Pritchett, *Greek state at war* iii (Berkeley 1971) 114. For a similar crossover between the terminology used for burnt and unburnt sacrifice in Near Eastern oaths, see McCarthy 193-96.

²⁷ One Assyrian *šurpu* text, for instance, mentions an oath sworn while touching the wound of a slaughtered sheep (n. 23).

²⁸ P. Stengel, *Opfergebräuche der Griechen* (Leipzig 1910) 77-78.

²⁹ For a general discussion of *sphagia* see Burkert 59-60, who suggests that they are limited to battle and burial rituals; for a survey of the former, see Pritchett (n. 26) 109-115 and M.H. Jameson, 'Sacrifice before battle', in V.D. Hanson (ed.), *Hoplites: the classical Greek battle experience* (London 1991) 197-227.

ἄνδρες γὰρ ἑπτὰ, θούριοι λοχαγῆται,
ταυροσφαγόντες ἐς μελάνδετον σάκος
καὶ θιγγάνοντες χερσὶ ταυρείου φόνου,
† Ἄρη τ'† Ἐνυώ καὶ φιλαίματον Φόβον
ὠρκωμότησαν ἢ πόλει κατασκαφᾶς
θέντες λαπάξειν ἄστυ Καδμείων βίαι,
ἢ γῆν θανόντες τήνδε φυράσειν φόνωι.

Here Aeschylus provides a paraphrase of the oath itself: to put it in less poetic terms, the Seven swear to take the city or to die trying. As in the case of the oath ceremony described by Xenophon, there is no explicit explanation for the slaughter of the animal and the touching of the blood. This text is not, however, a careful transcription of an actual oath, nor is Aeschylus a Near Eastern scribe or a modern ethnologist trying to describe and explain the ritual; he is simply a poet quickly sketching a special archaic oath, but (as the passage from Xenophon suggests) by no means an unfamiliar one. The use of present participles (ταυροσφαγόντες...–καὶ θιγγάνοντες) is typical of other descriptions of the attendant actions in oath curses; here the Seven make their oath while they are in the act of cutting up the victim and touching its carcass.³⁰ The repetition, moreover, of the word *phonos* at the end of lines 44 and 48 seems to connect the blood and the fate of the bull with the blood and the ultimate fate of the heroes, and may hint that Aeschylus has collapsed the wording of an oath and a self-imprecation for purposes of economy; thus one might fill out the ellipses as follows: i.e. ‘I swear that I will take the city, or (if I do not do as I promise) I will end up dead (like this animal) with my blood dripping on the ground’.³¹

At the end of Euripides’ *Supplices* Athena insists that Adrastus, in his capacity as king of Argos, perform a similar action when he swears that the Argives will never attack Athens.³² The prescribed oath closes with a conditional self-execration (1195-99) and a ceremony of ‘cutting *sphagia*’ (1196 τέμνειν σφάγια), during which Adrastus is to slit the throats of three sheep over a brazen cauldron on whose inner surface he is to write the text of the oath (1201-2). Although there is no explicit connection between the self-imprecation and the treatment of the lambs, such a link is clearly implicit in what follows: Athena commands that the knife used to kill the animals be buried at a crossroads lying between Athenian and Argive territory and she warns Adrastus that if the Argives should try to pass that place on their way to attack Attica, the hidden knife will reappear at that very spot and put them to rout, presumably inflicting the same wounds on them as it had on the sheep.³³

³⁰ See for example in the Xenophon passage (ἔμοσαν σφάξαντες ταύρον...βάπτοντες ξίφος) or the oath of the Molossians (discussed below, p. 73), in which the curse is spoken as they cut up the bull into small bits (βοῶν κατακόπτοντες εἰς μικρὰ ἐπαρώνται). At Aeschines ii 87, a curse is again uttered while the victim is cut up (τέμνοντας τὰ τόμια...ἐξορκίζεσθαι), a scenario which suggests itself for the oath-sacrifice in a lacunose passage in Alcaeus *fr.* 129. 14-15 LP (ἀπώμυμεν τόμοντες), for which see my discussion below.

³¹ For the image of the earth wet with gore in other oath-curses, compare the wording of the oath of the Greeks and Trojans *Il.* iii 300: ὄδε σφ’ ἐγκέφαλος χαμάδις ῥέοι ὡς ὄδε οἶνος; discussed in detail in the third section of this paper) and a newly edited Hittite oath (n. 53), where wine is spilled on the ground and the officiating priest says: ‘... in this way may the earth swallow your blood’.

³² G. Zuntz, *The political plays of Euripides* (Manchester 1955) 71-78, discusses the passage in detail, pointing out many parallels between the language of the treaty and that of historical treaties, although he concedes that actual fifth-century agreements between Athens and Argos were mutual and therefore fundamentally different from the oath of Adrastus, which he aptly describes as a ‘one-sided promise never to war against a benefactor’.

³³ Lines 1208-9: φόβον γὰρ αὐτοῖς, ἦν ποτ’ ἔλθωσιν πόλιν, δειχθεῖσα θήσει καὶ κακὸν νόστον πάλιν. Euripides uses κακὸν νόστον and similar phrases (e.g. πικρὸν νόστον) as a euphemism for violence; see, e.g., the threats in *Heracl.* 1042-43 or *Phoen.* 949-50. In the *Supplices*, he underscores the parallel between the spoken self-curse and the threat of the knife by expressing the condition for the knife’s reappearance (ἦν ποτ’ ἔλθωσιν πόλιν at end of line 1208) in language that very closely echoes the wording of the conditional

The use of an upturned shield as a receptacle for blood and gore in the oaths described by Xenophon and Aeschylus was perhaps an accidental development, a practical measure dictated by the limitations of military life. But since an upturned shield was sometimes used to transport the wounded and the dead back home again, one cannot rule out another explanation: that its use in these ceremonies was calculated to heighten the fear of the oath-takers. In this case, the sight of blood or cut up flesh on the *inside* of a shield would have presumably been an even more terrifying prospect to a soldier—a baleful prophecy of sorts for what awaited them if they shamelessly abandoned their vows. The contact of shield and carcass also recalls the peculiar ritual that the Greeks allegedly performed when they swore their oaths at Plataea:³⁴ ταῦτα ὁμόσαντες κατακαλύψαντες τὰ σφάγια ταῖς ἀσπίσιν ὑπὸ σάλπιγγος ἄρὰν ἐποιήσαντο, εἴ τι τῶν ὁμωμομένων παραβαίνοιεν καὶ μὴ ἐμπεδορκοῖεν τὰ ἐν τῷ ὄρκῳ γεγραμμένα, αὐτοῖς ὄγος εἶναι τοῖς ὁμόσασιν. I suggest that this rite is, in fact, a ceremony much like the one described by Xenophon and Aeschylus, except that it has been altered to allow a much larger number of soldiers to participate; in this interpretation piling the shields on top of the *sphagia* would simply be the easiest way of bringing the inner surface of each man's shield in direct or indirect contact with the dead and bloodied animal.³⁵

All of these animals slaughtered for oaths are identified as *sphagia*. When Aristophanes parodies this kind of military oath in the *Lysistrata*, however, he seems to use *sphagia* interchangeably with *tomia*³⁶ a technical term for another type of sacrifice that usually involves killing the animal and then chopping it into pieces.³⁷ There is, in fact, much evidence that

self-imprecation (ἦν δ' ὄρκον ἐκλιπόντες ἔλθωσιν πόλιν at end of line 1194). Indeed, I would argue that Euripides has hit upon a striking image to illustrate the triggering of a conditional oath-curse: the knife (= the curse) lies harmless unless a violation of the oath (an attack on Athens) causes its reappearance.

³⁴ The text is preserved on the so-called 'Stele of Acharnae'. Although the historicity of this oath has been roundly denied by nearly all historians (Herodotus does not mention any oath at Plataea; Theopompus *fr.* 126 denies it), I adduce it here because many of its features have in fact been modeled on other archaic oaths, such as the Amphictyonic oath (Aesch. ii 39-46) or the one sworn at Thermopylae (Hdt. viii 132.2). If it is a forgery, the author of it went out of his way to imitate earlier Greek conventions and it is hard to believe that he invented such a bizarre curse ritual out of whole cloth. See M.N. Tod, *A selection of Greek historical inscriptions* ii (Oxford 1948) no. 204 lines 46-51, and P. Siewert, *Der Eid von Plataia* (Munich 1972) 98-102, for discussion and bibliography.

³⁵ E. Benveniste, 'L'expression du serment dans la Grèce ancienne', *RHR* cxxxv (1947-48) 92-93, and Siewert (n. 34) adducing as a model the legendary death of Tarpeia at Rome, argue that the soldiers conditionally wish to be crushed by their comrades' shields if they break their oaths of loyalty, an interpretation that assumes that the shields were piled atop the victims with their *outer* surfaces (i.e. the convex sides) down. It would be a much easier operation to cover the victims by laying the shields with their inner, concave surfaces down; in this way, as in the oath of the Seven, the blood would touch the inside of the shield, and the ominous message would be that the oath-breaker would spill blood on the *inner* surface of his shield. The wording of the inscription (i.e. the plural *sphagia*) does not exclude the possibility that the participants swore the oath in smaller groups, each piling their shields over a different, single victim. For a similar reference in an oath-curse to blood touching military equipment, see section 90 of the 'vassal treaty' of Esarhaddon (n. 11): 'Just as this chariot is splattered with blood up to its running boards, so may they (sc. the gods) splatter your chariots in the midst of your enemies with your own blood'.

³⁶ Aristophanes uses μηλοσφαγούσας (*Lys.* 189 and 196), τὰ τόμια (186) and τόμιον ἐντεμοίμεθα (192) to refer to the same operation.

³⁷ The term *tomia* has been variously interpreted as 'entrails', 'testicles' or simply 'sliced victims'. The lexica (e.g. Stephanus, LSJ) and Frazer (n. 24) 393, translate the term cautiously as 'cut-up pieces' or 'entrails'. Stengel (n. 28) 80-85 argues that the *tomia* are the testicles of the animals (i.e. = *entoma*); his arguments are accepted by Nilsson (n. 26) 149 and Burkert 251, who suggest that an oath sworn in this manner wished castration (and perhaps loss of living children) upon the perjurer. This powerful idea fits in well with the traditional emphasis in Greek curses on the destruction of both the swearer and his offspring. Stengel's thesis, however, depends rather tenuously on the confusion in the scholiasts and lexicographers between the terms *tomia* and *entoma* and on a single, difficult passage from Demosthenes (v 39). Although I agree that some sympathetic curse is involved in the employment of *tomia*, I can see no compelling reason why one must insist on castration as a focus, especially since this specific form of mutilation is never really spelled out in the Greek sources, and is completely unattested in the better documented Near Eastern curses that are discussed here. In any event, it suffices for the discussion that follows that *tomia* be the severed parts—any parts—of a dead or dying animal.

Greek oaths sworn over *tomia* were a traditional variant to those sworn over *sphagia*. Demosthenes, for example, describes the especially solemn oath that plaintiffs swore prior to prosecuting a homicide case in the court of the Areopagus (xxiii 67-68):

πρώτον μὲν δι-
ομεῖται κατ' ἐξωλείας αὐτοῦ καὶ γένους καὶ οἰκίας
ὃ τιν' αἰτιώμενος εἰργάσθαι τι τοιοῦτον, εἴτ' οὐδὲ
τὸν τυχόντα τιν' ὄρκον τοῦτον ποιήσει, ἀλλ' ὄν
οὐδεὶς ἄμνησιν ὑπὲρ οὐδενὸς ἄλλου, στὰς ἐπὶ τῶν
τομίῶν κάπρου καὶ κριοῦ καὶ ταύρου, καὶ τούτων
ἐσφαγμένων ὑφ' ὧν δεῖ καὶ ἐν αἷς ἡμέραις καθήκει,
ὥστε καὶ ἐκ τοῦ χρόνου καὶ ἐκ τῶν μεταχειριζο-
μένων ἅπαν, ὅσον ἔσθ' ὄσιον, πεπράχθαι.

This oath employs the same triad of victims described by Xenophon: a boar, a ram and a bull.³⁸ Here, however, the person making the oath is to stand on top of the *tomia* of the animals. As in the oath of the Seven, we are given a description of an oath ceremony and a paraphrase of part of the oath, which includes a conditional wish for the destruction of the would-be prosecutor along with his kin and household. Here Demosthenes stresses that standing upon the *tomia* constituted a special addition to the ordinary oath, one which rendered the ritual more solemn and presumably more fearful; the especially sacred nature of the oath is also emphasized—the oaths can only be administered on specified days and by specially appointed individuals. Similar oaths were sworn at the homicide court near the Palladion, where oath-takers apparently cut up the victim themselves while calling for their own destruction and that of their household in the event that they perjured themselves (e.g. Aeschines ii 87 τέμνοντας τὰ τόμια... ἐξορκίζεσθαι): Another equally solemn oath, alleged to date to the time of Solon, was sworn by the nine archons; upon their election they had to climb atop a special rock in the agora (upon which the *tomia* of an unidentified animal had also been placed) and swear to act justly and not take bribes.³⁹

Such oaths were remembered and in one case still employed in Pausanias' day. He gives a detailed description of the special ritual performed by the athletes and their entourage prior to competing in the games at Olympia (v 24. 9-11):

ὁ δὲ ἐν τῷ
βουλευτηρίῳ πάντων ὅποσα ἀγάλματα Διὸς
μάλιστα ἐς ἐκκλησίαν ἀδίκων ἀνδρῶν πεποιήται·
ἐπίκλησις μὲν Ὀρκιός ἐστιν αὐτῷ, ἔχει δὲ ἐν
ἐκατέρῳ κεραυνὸν χειρὶ. παρὰ τούτῳ καθέστηκε
τοῖς ἀθληταῖς καὶ πατράσιν αὐτῶν καὶ ἀδελφοῖς,
ἐπι δὲ γυμνασταῖς ἐπὶ κάπρου κατομνησθαι τομί-
ων, μηδὲν ἐς τὸν Ὀλυμπίων ἀγῶνα ἐσεσθαι παρ'
αὐτῶν κακούργημα.

Once again it is our misfortune that he does not quote the *ipsissima verba* of the oath. He does, nonetheless, mention two details that are in accord with the other self-curses under discussion: the especially fearful and solemn nature of the oath and the manner in which the responsibility for the oath is shared among the athlete, his trainer and his male relatives. Pausanias informs

³⁸ This triad of victims, called *trittys* or *trittoia* by the Greeks, is used elsewhere in oaths imbedded in international agreements (e.g. Xen. *Anab.* ii 2.4 or Plut. *Pyrrh.* 6; see Stengel [n. 29] 82). The rite is perhaps best known as the Roman *suovetaurilia*, which is regularly used in purification ceremonies; for the most recent discussion see U.W. Scholz, 'Suovetaurilia und Solitaurilia' *Philologus* cxvii (1973) 6-11, and H.S. Versnel, 'Sacrificium lustrale: the death of Mettius Fufetius (Livy 1.28)', *Med. Ned. hist. Inst.* xxxvii (1975) 101-02.

³⁹ *Ath. Pol.* 7.1 and 55.5, Pollux viii 86 and Plut. *Solon* 25.

us that this same type of oath was connected elsewhere in the Peloponnesus with aetiological explanations for a peculiar type of toponym. A place called ‘Horse’s Tomb’ in Sparta is so named, for example, because it was on that very spot that Tyndareus made the suitors of Helen swear an oath upon the *tomia* of a horse that they would defend her and her future husband.⁴⁰

Alcaeus’ description of the loyalty oath he swore with Pittacus seems to allude to a very early historical instance of this type of self-curse (*fr.* 129 LP):⁴¹

ὥς ποτ' ἀπώμνυμεν
τόμοντες ἄ . . [. .]ν . .
16 μηδάμα μηδ' ἔνα τῶν ἐταίρων

ἀλλ' ἦ θάνοντες γὰν ἐπιέμμενοι
κείσεσθ' ὑπ' ἄνδρων οἱ τὸτ' ἐπικ.ῆν
ἤπειτα κακκτάνοντες αὐτοῖς
20 δάμον ὑπέξ ἀχέων ρύεσθαι.

κῆγων ὁ φύσγων οὐ διελέξατο
πρὸς θυμόν ἀλλὰ βραΐδίως πόσιν
ἐ]μβαις ἐπ' ὀρκίοισι δάπτει
24 τὰν πόλιν ἄμμι δ' ἐ δ[. .] . . i.αις

... since once we swore, cutting ..., never to abandon?) any of our comrades, but either to die at the hands of men who at that time [came against us] and lie clothed in the earth, or else to kill them and rescue the people from their woes. But Pot-belly did not talk to their hearts; he recklessly trampled the oaths underfoot and devours our city ... (trans. D.A. Campbell)

This oath is quite like the oath of the Seven quoted above, and it has been similarly paraphrased by scholars as a boast: ‘We swear that we will rescue the people from their woes or that we will die trying’. But here, too, the second part of the oath seems to reflect the traditional self-curses discussed above, i.e. ‘may I lie dead on the ground (sc. like this mutilated animal), if I fail to keep my sworn vow to kill my enemies’. The mutilation of the animal is, in fact, briefly indicated by the participle *τόμοντες* (with perhaps some other clues lost in the following *lacuna*), suggesting that, like the oath sworn in the Athenian court near the Palladion, the oath-takers themselves cut up the victim as they uttered their oath. This insight, moreover, gives additional clarity to the phrase βραΐδίως πόσιν [ἐ]μβαις ἐπ' ὀρκίοισι which appears a few lines later and can perhaps be taken more literally and graphically as a description of Pittacus himself actually stepping upon the bloodied animals (as in the Olympian and Athenian oaths).⁴² Indeed it seems that the oath ceremony took place in the Lesbian sanctuary of some particularly frightening deities—Zeus Antaios (‘the Hostile’ or ‘the Hateful’), Dionysus Omestas (‘the Eater

⁴⁰ Paus. iii 20.9. A similar story is told about an area named ‘Boar’s Grave’ at Stenyclerus in Messenia (iv 15.8), where Herakles and the sons of Neleus allegedly swore an oath upon the *tomia* of a boar. In both instances, Pausanias stresses the fact that the carcasses of the animals were buried on the spot.

⁴¹ For recent translations and commentaries on this poem, see D.A. Campbell, *Greek lyric i: Sappho and Alcaeus* (Cambridge, MA 1982) 296-99 (quoted here), and D. Meyerhoff, *Traditioneller Stoff und individuelle Gestaltung: Untersuchungen zu Alkaios und Sappho*, (Berlin 1984) 211-22.

⁴² The word *horkia* originally meant the animal victims used in oaths, see Priest (n. 63). Using the Homeric idiom *κατὰ δ' ὀρκια πιστὰ πάτησαν* (e.g. *Il.* iv 157) as a guide, modern commentators usually interpret Alcaeus’ phrase in a weak, figurative way to mean simply ‘to trample (i.e. to disregard) the oaths’. Reliance on this parallel, however, weakens the force of the adverb βραΐδίως (‘lightly’ or ‘without serious intent’) which does not appear in the Homeric formula and would have much more point in Alcaeus’ poem if it were calling to mind an oath ceremony (like those described above) during which Pittacus actually stepped upon the sacrificial victims without any serious intent to keep his oath. Compare the similarly emphatic use of the adverb *ῥῥον* in the description of the perjurer Conon (Dem. liv 39: ῥῥον ὀμνύειν κάπιερκεῖν).

of Raw Flesh') and the less daunting 'Aeolian Goddess, glorious Mother of All'⁴³—a setting remarkably similar to that of the athletes' oath at Olympia before the terrifying statue of Zeus Horkios.

Just as the shields piled atop the *sphagia* in the Plataean oath seem to offer a more practical alternative to placing the butchered meat into individual shields, there is some evidence that *tomia* could also be used in oaths involving many people, by making one or both parties to the agreement walk through or over the *tomia* instead of standing on them. In Plato's *Laws*, the 'Athenian stranger' suggests that during the last and most important ballot for the election of the *nomophylakes* all voters (defined in military terms as 'all men who carry arms') must pass through the sliced bits of a slaughtered animal (διὰ τομίων πορευόμενος) and place their voting tablet on an altar in the most sacred sanctuary of the city.⁴⁴ A similar procedure was probably described in the epic tradition as well. Dictys of Crete (i 15) reports that when Agamemnon was about to set out with his army for Troy, his soothsayer Calchas bisected a boar in the marketplace and, placing one piece on the West and another on the East, he ordered each soldier to draw his sword and then pass between the halves while swearing their enmity to Priam. This type of oath ceremony appears elsewhere in Dictys (ii 49 and v 10) and in some strikingly similar purification rites used to unify Greek, Persian, Hittite and Macedonian armies in the historical period.⁴⁵

The Hebrew Bible provides us with the most complete description of an historical instance of the bisection of animals in an oath ceremony.⁴⁶ At Jeremiah 34:8-20, the prophet describes an agreement sworn to by all the free inhabitants of Jerusalem:⁴⁷

⁴³ The sanctuary is the dramatic setting for the poem, and it is usually assumed that these divinities are invoked because it was before them that the oath ritual had been performed; see, e.g. C.M. Bowra, *Greek lyric poetry* (Oxford 1961) 143. The adjective *antiaios* employed here as Zeus' epithet literally means 'opposed to' or 'hostile' (LSJ s.v. i), but when used as a divine *epiklesis* it is usually translated as 'of the suppliants' because it is equated with Zeus' title 'Hikesios' in a marginal note on the papyrus that preserves this poem and in Hesychius s.v. *antaia*. (see eg. LSJ s.v. ii or D.A. Campbell, *Greek lyric poetry* [London 1967] 294). Recent work on a section of the so-called 'Cyrenean Cathartic Law' (*SEG* ix 72. 111-21) has shown, however, that the Greek word *hikesios* itself could mean both daemonic attacker or suppliant, a peculiar semantic range that can be paralleled in two words of similar meaning, *palamaios* and *alastōr*; see Faraone (n. 8) 91 nn. 60 and 61 for full bibliography.

⁴⁴ *Laws* 753d. There are to be three successive rounds of balloting: in the first 300 of the best citizens are selected; this number is reduced in the second round to 100 and to 37 in the third and final round. The ceremony is made more solemn and terrifying at each successive stage and it is significant that the walk through the *tomia* occurs before the last ballot. Although there is no explicit mention of an oath, I follow Eitrem (n. 45) 38 in my assumption that an oath by the voters is implicit in the description.

⁴⁵ Plutarch mentions in passing that the Boeotians perform a *katharmos* ('purificatory rite'), which involves passing through the severed parts of a dog (*Mor.* 290d), and Apollodorus (iii 13.7) reports that Peleus, after conquering Iolcus, kills queen Astydamia, chops up her body and marches his army through the pieces. The oldest example of this type of ritual is an elaborate Hittite military ceremony for purifying a defeated army with a bisected man, goat, puppy and piglet (*KUB* xvii 28 iv 45-56). See S. Eitrem, 'A purificatory rite and some allied *rites du passage*', *SO* xxv (1947) 36-53; O. Masson, 'À propos d'un rituel hittite pour la lustration d'une armée: Le rite de purification par le passage entre les deux parties d'une victime', *RHR* cxxxvii (1950) 5-25; and H.M. Kümmel, *Ersatzrituale für den hethitischen König* (Wiesbaden 1967) 151-52 for discussion of the cross-cultural parallels. A somewhat similar ritual was apparently performed by the Persian army (*Hdt.* vii 39.3) and twice by a Macedonian army after mutiny threatened its solidarity; see: F. Hellmann, 'Zur Lustration des makedonischen Heeres' *ARW* xxix (1931) 202-203; and Pritchett (n. 26) 196-202.

⁴⁶ Fundamental are the studies of Frazer (n. 24), E.J. Bickerman, 'Couper une alliance', *Archives d'histoire du droit oriental* v (1950-51) 133-56, reprinted and updated in his *Studies in Jewish and Christian history* i (Leiden 1976) 1-32, and McCarthy *passim*.

⁴⁷ The translations used here and immediately below are from The Jewish Publication Society, *Tanakh: a new translation of the Holy Scriptures* (New York 1985). For discussion see J. Bright, *Jeremiah* (*Anchor Bible* xxi, Garden City NY 1964) 220-22 and H. Tadmor, 'Treaty and oath in the ancient Near East: an historian's approach', in G.M. Tucker and D.A. Knight (edd.) *Humanizing America's iconic book: Society of Biblical Literature centennial addresses* 1980 (Chico CA 1982) 136.

Everyone, officials and people, who had entered into the covenant agreed to set their male and female slaves free and not to keep them enslaved any longer; they complied and let them go. But afterward they turned about and brought back the men and women they had set free, and forced them into slavery again (vv. 8-11).

Yahweh complains about the perjury and promises punishment:

I will make the men who violated my covenant, who did not fulfill the terms of the covenant which they made before me, [like] the calf which they cut in two so as to pass between the halves. The officers of Judah and Jerusalem, the officials, the priests and all the people of the land who passed between the halves of the calf shall be handed over to their enemies who seek to kill them. Their carcasses shall become food for the birds of the sky and the beasts of the earth (vv. 18-20)

The incident dates to the end of the seventh or the beginning of the sixth century and concerns an oath sworn during the siege of Jerusalem by Nebuchadrezzar whose army (perhaps with the help of Greek mercenaries like Antimenidas, the brother of Alcaeus)⁴⁸ finally took the city in 586 BC. As was the case in the circumstances surrounding the Thera oath, an emergency forces the political leadership to take a very unpopular step: they liberate the slaves and promise that they will never be subject to re-enslavement. In order to ensure that this decision is universally upheld, *all* of the people of the city participate in the oath-ceremony, which most likely included the conditional self-imprecation that they would suffer like the bisected calf if they perjured themselves.⁴⁹

TWO HOMERIC OATH SCENES

In previous sections I discussed how molten wax, blood, gore and bisected animals were used in the eastern Mediterranean basin in three contexts: 1) international treaties; 2) special pledges of loyalty (usually in a military context); or 3) in testamentary oaths sworn by individual litigants or athletes. As we have seen above, although the beliefs in ‘sympathetic magic’ that seem to underlie such rites are quite explicitly articulated in the Near Eastern documents, they usually are not in the Greek. It is possible, of course, to attribute the silence in the Greek sources to the great antiquity of the ritual, whose precise form is retained, but whose meaning is lost to later generations. There is some validity to this evolutionary approach, for (as I shall argue below in my conclusion) although these types of curses were apparently very popular in the archaic and early classical periods, this popularity seems to wane during the classical period and the rites are only rarely attested in later times. This argument, however, does not explain the somewhat cursory treatment of these ceremonies in Homer. Here, as I have suggested above with regard to the oaths described by Alcaeus, Aeschylus and Euripides, the silence regarding the explicit rationale behind the slaughter of the animals can perhaps be explained in another manner, namely that these poets, assuming their audiences have some general familiarity with this type of ritual, seem to expand or contract their descriptions of such rites to suit the dramatic importance of the particular oath.

⁴⁸ Alc. fr. 350 LP; see n. 76 below and J.D. Quinn, ‘Alcaeus 48 (B16) and the fall of Ascalon (604 BC)’, *BASOR* clxiv (1961) 19-20.

⁴⁹ This passage is usually discussed in tandem with Genesis 15:15-19, where Abraham bisects a three-year-old heifer, a three-year-old she-goat, a three-year-old ram and a turtledove, and lays the halves opposite one another. When it gets dark, a fire pot and torch (emblems of divinity) pass between the pieces (verses 17-18), indicating Yahweh’s agreement to the covenant. See S.E. Loewenstamm, ‘Zur Traditionsgeschichte des Bundes zwischen den Stücken’, *VT* xviii (1968) 500-506—translated and updated in his *Comparative studies in biblical and ancient oriental literatures* (Neukirchen-Viun 1980) 273-80—and C. Westermann, *Genesis 12-36: a commentary*, trans. J.J. Scullion (Minneapolis 1985) 225-28, for detailed discussion and bibliography. J. Ha, *Genesis 15* (Berlin 1989) 71-78, has recently argued that the Genesis passage is a late addition which is actually dependent on Jeremiah.

This creative refashioning of ritual can best be illustrated by examining the scant handful of Greek texts that actually *do* display an understanding of the sympathetic action which underlies such rites. The paroemiographers, for example, preserve a revealing description of a Molossian oath ceremony:⁵⁰

Οἱ γὰρ Μολοττοὶ, ἐπειδὴν ὄρκια
ποιῶνται, βούς παραστυσάμενοι καὶ κώθωνας οἴνου πλήρεις, τὸν
μὲν βούν κατακόπτοντες εἰς μικρὰ, ἐπαρώνται τοῖς παραβησομένοις
οὕτως κατακοπήναι· τοὺς δὲ κώθωνας ἐκχέοντες, οὕτως, ἐκχυθῆναι
τὸ αἷμα τῶν παραβησομένων.

Here we find two explicitly sympathetic actions in tandem: a bull is cut into pieces and wine is spilt on the ground. The type of drinking vessel used by the Molossians suggests that the oath was made in a military context, either a loyalty oath or an armistice, for the κώθων (a word probably borrowed originally from a Semitic language) is a Laconian-style cup which in extant Greek sources appears to have been used primarily by soldiers.⁵¹

Both of the activities described in the Molossian self-curse (the methodical butchering of the animal and the pouring out of wine) can be paralleled in ancient Near Eastern oaths. The treatment of the bull, for example, appears in some of the Levantine texts discussed above,⁵² and a recently published Hittite military oath provides a close parallel for the conditional curse uttered while the wine is poured out on the ground:⁵³

13. [Dan]n aber giesst er Wein aus und spricht dabei folgendermassen:

14. ['Dies] (ist) nicht Wein, es (ist) euer Blut. Und [wie] dies

15. [die E]rde verschluckt hat, [ebe]nso soll auch [eu]er Blut] und [] die Erde ver[schluc]ken!' (trans. N. Oettinger)

The best parallel to the Molossian ceremony is, however, the detailed and justly famous description of the oath of the Trojans and Greeks in *Iliad* iii. Agamemnon, after trimming hairs off the heads of three lambs and passing them out to all the princes of the Trojans and the Achaeans, invokes Zeus, the sun, the rivers, the earth and some unidentified chthonic deities, and then kills the victims (*Iliad* iii 292-301):⁵⁴

⁵⁰ T. Gaisford, *Paroemiographi graeci* (Oxford 1836) 126 and F. Schneidewin and E. Leutsch, *Corpus paroemiographorum graecorum* (Göttingen 1839) 225.

⁵¹ E.g. Archilochus *fr.* 4. The word is also used in a temple inscription from Thasos to describe cups used in religious ceremony, see LSJ s.v. For κώθων as a cognate to Semitic *qtn*. 'vessel', see J.P. Brown, 'The Mediterranean vocabulary of the vine', *VT* xix (1969) 157, and G.A. Rendsburg, 'Black Athena: an etymological approach' in *The challenge of 'Black Athena'*, *Arethusa* Special Issue (1989) 77. Could this particular word have been borrowed in the context of an oath-ritual used in military treaties or loyalty oaths?

⁵² E.g. the Sefire Inscription ('As this calf is cut up ... so may x be cut up') or the treaty between Ashumerari V and Mati'ilu ('just as the head of this spring lamb is torn off ... so may the head of x be torn off').

⁵³ *KUB* xlili 38. See Oettinger (n. 14) 21 lines 17-20 (translation) and 74-75 (commentary). The text is written in the 'New Script' and probably dates somewhere from 1350-1200 BC. The peculiar re-identification of the wine ('This is not wine, it is your blood') recalls the oath of Mati'ilu 'This is not the head of a lamb, it is the head of Mati'ilu'.

⁵⁴ There is some confusion over the purpose of the animals, because earlier on in the poem, the lambs are summoned (one each) for Zeus, the sun and the earth (iii 103-104), a locution which is usually taken to mean that they were a form of regular sacrifice to the gods. In the actual description of the oath, however, these same gods (joined by some unidentified chthonic deities) appear only as witnesses (*martyrioi*) to the oath, a practice which is typical of the Near Eastern oaths and those described by Dictys (i 15; ii 49 and v 10). For the use of three sheep as *shagia* in a treaty oath, compare the ceremony prescribed by Athena in Euripides' *Supplikes* 1196-97 (discussed above).

Ἦ, καὶ ἀπὸ στομάχου ἀρνῶν τάμε νηλεῖ χαλκῷ·
καὶ τοὺς μὲν κατέθηκεν ἐπὶ χθονὸς ἀσπαίροντας,
θυμοῦ δευομένους· ἀπὸ γὰρ μένος εἴλετο χαλκός,
οἶνον δ' ἐκ κρητήρος ἀφυσσάμενοι δεπάεσσι
ἔκχεον, ἦδ' εὐχοντο θεοῖς αἰειγενέτησιν·
ὠδὲ δὲ τις εἶπεσκεν Ἀχαιῶν τε Τρώων τε·
"Ζεῦ κύδιστε μέγιστε, καὶ ἀθάνατοι θεοὶ ἄλλοι,
ὄππότεροι πρότεροι ὑπὲρ ὄρκια πημήνειαν,
ὠδὲ σφ' ἐγκέφαλος χαμάδις ῥέει ὡς ὄδε οἶνος,
αὐτῶν καὶ τεκέων, ἄλοχοι δ' ἄλλοισι δαμείεν."

Agamemnon's treatment of the lambs is yet another example of a *sphagion*; he simply slits the necks of the victims and allows them to bleed to death. There is, however, no mention of any receptacle for the blood (for example, the shield described by Xenophon and Aeschylus, or the tripod in Euripides' *Supplikes*), nor of any direct contact with the victims aside from grasping some of their severed hairs. In short, Homer gives us no explanation for the treatment of the animals. He is, however, quite explicit about the purpose of the second half of the ceremony; the wine spilt from the cups of the individual princes (as in the Molossian and Hittite oaths) is unambiguously associated with the conditional self-curse that each man calls down upon his own head, should he violate the oath. And as in so many of the oaths discussed above, the effect of the curse is extended beyond the participants to their wives and children.

If we use Near Eastern oaths and the oath of the Molossians as models for what one might expect a full early Greek ritual to entail, we can see how the poet has treated this oath-ceremony as a kind of type-scene to be artistically altered to suit his dramatic purpose.⁵⁵ Of primary interest is the description of the dying lambs, since the structure of the passage leads the reader to expect that the lambs and the wine are both employed (as in the oath of the Molossians) for the same purpose. This expectation is raised even further by the focus on the Greek and Trojan princes, who are prominent at the beginning of the ceremony (each holding the hairs of the victims and thus physically connected with their fate) and then again at the end where the same individuals are said to draw off some wine and then spill it on the ground while uttering the curse. The use of the hairs severed from the heads of three lambs finds an interesting parallel in a conditional execration employed by Teucer at the end of Sophocles' *Ajax*; after clipping some hairs from the heads of Eurysaces and Tecmessa and his own head, he gives them to the boy and says (lines 1175-79):⁵⁶

εἰ δὲ τις στρατοῦ
βίᾳ σ' ἀποσπάσειε τοῦδε τοῦ νεκροῦ,
κακὸς κακῶς ἄθραπτος ἐκπέσει χθονός,
γένους ἀπαντος ῥίζαν ἐξημημένος,
αὐτῶς ὄπωσπερ τόνδ' ἐγὼ τέμνω πλόκον.

Thus it would seem that all three actions described in *Iliad* iii—the clipping of the hairs, the killing of the animals and the libation of wine—can be associated with sympathetic curses in the Greek tradition.

Several linguistic peculiarities in the Homeric passage hint that the poet has artfully abridged his description of a much longer ritual, without losing any of its dramatic impact. Kirk in his recent commentary puzzles over three items.⁵⁷ First there is the peculiar use of *katatithenai* in

⁵⁵ M.W. Edwards, *Homer: poet of the Iliad* (Baltimore 1987) 71-77 provides the best succinct account of the function and flexibility of Homeric type-scenes.

⁵⁶ Kuhnert (n. 20) 56-57 discusses this passage in connection with the cutting of the hairs in *Il.* iii 292-301.

⁵⁷ G.S. Kirk, *The Iliad: a commentary* i (Cambridge 1985) 307-308.

line 293 which Lattimore and others translate rather loosely as ‘letting them fall’, since everywhere else in Homer sacrificial animals are said to collapse under their own weight. Here, however, the poet has taken care to inform us that the dying victims are carefully deposited down on the ground, recalling the solemn disposition of the *tomia* on special rocks in the Athenian oath-rituals.⁵⁸ Kirk also points out that the detailed description of the dying animals is completely unparalleled in Homer; he notes that in a society where animal sacrifice was a daily event, the death throes of the victims would have been a commonplace sight and hardly worth mentioning. Finally he points out that the use of the verb *aspairein* ‘to gasp’ is elsewhere restricted in Homer to descriptions of the death rattle of heroic warriors (e.g. *Iliad* x 520 or xiii 442). The same can be said for the phrase *θυμοῦ δευομένου*ς in line 294, which is used only one other time in Homer to describe the death of the Trojan warrior Tros, the son of Alastor (*Iliad* xx 471).

I suggest that these puzzling details can be better understood if we remember the mechanisms of oral composition. The poet, when confronted with an important ritual which (if we use the Near Eastern and Molossian rites to guide us) probably involved a series of sympathetic actions, has streamlined his description of the ceremony by leaving out the explicit curse which would link the fate of a perjurer to that of the lambs or their severed hairs. He has, however, made this connection implicit (especially to an audience familiar with such curses) by setting the slaughter of the beasts in tandem with the libation of wine and by sufficiently anthropomorphizing the lambs and their suffering. All of this has been done with obvious purpose. As most modern commentators have noted, the oath of the Trojans and the Greeks is of particular importance to the plot of the *Iliad*.⁵⁹ The fact that we get any detailed description at all in this passage can undoubtedly be explained by the pivotal importance of the oath and its ultimate violation later on in the fourth book. One need only compare the other famous oath in the poem, Agamemnon’s pledge to Achilles, which is a study in brevity (xix 264-68):

εἰ δέ τι τῶνδ' ἐπίορκον, ἔμοι θεοὶ ἄλγεα δοίεν
 πολλὰ μάλ', ὅσσα διδοῦσιν ὅτις σφ' ἀλίτηται ὁμόσσας.
 *Ἡ, καὶ ἀπὸ στόμαχον κάπρου τάμε νηλέϊ χαλκῶ.
 τὸν μὲν Ταλθύβιος πολιῆς ἄλως ἐς μέγα λαίημα
 ῥίψ' ἐπιδινήσας, βόσιν ἰχθύσιν·

Here, too, if we interpret the treatment of the boar as a sympathetic act connected with an unstated self-curse, it is not difficult to read, in cultural terms, the pure terror that such a rite would evoke in a Greek, who would shudder to imagine himself floating about dead in the sea without proper burial.⁶⁰ In this case, however, since the oath is not falsely sworn and is of little

⁵⁸ Prof. M. H. Jameson points out another early use of *katatithenai* to indicate the careful disposition of an animal carcass in Hesiod’s description of Prometheus’ notorious arrangement of the portions of the sacrifice at Mecone (*Th.* 538-40). A.M.D’Onofrio, ‘*Korai e kouroi* funerari attici’, *AION* sez. Arch. e Stor. Ant. iv (1982) 158-63, discusses a similarly hieratic use of this verb in Homer, Herodotus and early Greek epigrams.

⁵⁹ E.g. Kirk (n. 57) 308.

⁶⁰ The fear of not being properly buried is expressed most chillingly in Achilles’ brutal boast over the dead Lycaon (*Il.* xxi 122-27), which juxtaposes images of the family funeral that will never be and the fishes licking Lycaon’s blood and eating his fat. Less graphic is the curse of Teucer quoted above (‘... may he perish far from home and find no grave ...’). D.R.Hillers, *Treaty curses and the Old Testament prophets* (*Biblica et Orientalia* xvi, Rome 1964) 68-69, gives several examples from Near Eastern oaths, including this stipulation from the ‘vassal treaty’ of Esarhaddon: ‘May he give your flesh to the jackal’ (lines 426-27) or ‘May dogs and pigs eat your flesh’ (451-52). The peculiar Homeric locution βόσιν ἰχθύσιν is, in fact, close to the apparent wording of the oath taken by Zedekiah and the people of Jerusalem (quoted above pp. 19-21): And their corpses *shall be food* for the birds of heaven and the beasts of the land’. Weinfeld, ‘Covenant of grant’ (n. 23) 198 n. 132, suggests that the vultures which eventually eat the split carcasses in the account of the covenant oath (Gen. 15:9; see n. 49) are also part of the curse.

importance to the plot, there is no expansion at all in the description.⁶¹

One final point should be underscored about the skill with which Homer has handled the oath of the Achaeans and Trojans in *Iliad* iii. As many readers have noticed, the entire oath serves as a prophecy of sorts, because the Trojans do in fact break their oath and the destruction envisaged by the self-curse in lines 300-301 does actually come to pass: their men and children will be killed and their wives will be enslaved. In similar fashion, the death throes of the lambs in the first part of the ceremony recall the description of the deaths of warriors, and in more subtle fashion foretell the death of many Trojan warriors on the field of battle. All of this foreshadowing is driven home by the description of Zeus' immediate reaction to the ceremony, where the poet says: 'but not *yet* would the son of Kronos accomplish it', indicating quite clearly that although Zeus will delay it for awhile, retribution will eventually come to the Trojans. It is, perhaps, this poetic blending of self-curse and prophecy that inspired Aeschylus' treatment of the oath of the Seven, since there, too, the assertion that they will spill their blood on Theban soil turns out to be a grim prophecy of the outcome of their ill-conceived attack. It is probably no coincidence that the prophets of the Hebrew Bible also borrow language from Near Eastern oath-curses when they make their baleful prophecies about the fall of great cities and the destruction of great kings.⁶²

CONCLUSION: SYMPATHETIC MAGIC IN ANCIENT MEDITERRANEAN OATH CEREMONIES

Although there is a good deal of variety in the curses discussed above, several facts suggest some degree of informal standardization of the form of oath-ceremonies (especially in treaties) used by the various peoples inhabiting the eastern Mediterranean basin. First is the well known cross-cultural correspondence in the terminology used to describe the making of treaties. The Hebrew expression *krt bryt*, 'to cut (an) alliance' has often been compared by biblical scholars to Phoenician *krt 'lt*, 'to cut oaths', Greek ὄρκια τέμνειν and the Latin *foedus ferire*.⁶³ Both the rite itself and expression used to describe it seem to be ancient, probably dating back to the second millennium,⁶⁴ and it is generally agreed that such oaths are a custom typical of the lands

⁶¹ The rituals in *Iliad* iii and xix differ in one way from the Molossian oath: the Homeric ceremonies involve killing the victim(s) with a single blow (i.e. they were *sphagia*), whereas the Molossians cut up the victim into small pieces reminiscent of the *tomia* discussed above in the previous section. An early seventeenth-century BC treaty between two North Syrian potentates provides the earliest parallel to the simpler Homeric oath ceremony: 'Abban placed himself under oath to Yarimlim and had cut the neck of a sheep (saying): (Let me so die) if I take back that which I gave you'. The translation is that of D. Wiseman, 'Abban and Alalakh', *JCS* xii (1958) 129 lines 39-42. The text was found in modern Aḩana in Turkey and concerns the fate of the ancient city of Alalakh which stood on the same spot. See McCarthy 86-92 and Tadmor (n. 47) for its significance in the history of western Semitic oaths. The Romans apparently used a similar method; see, e.g. the following self-curse from a very early Roman-Alban treaty (Livy i 24.8): '... si prior defexit publico consilio dolo malo, tum ille Diespiter populum Romanum sic ferito ut ego hunc porcum hic hodie feriam; tantoque magis ferito quanto magis potes pollesque'. The pig is struck dead at the end of the oath with a single blow (*porcum saxo silice percussit*). For discussion see K. Latte, *Römische Religionsgeschichte* (Munich 1960) 122 n.4.

⁶² M. Tsevat, 'The Neo-Assyrian and Neo-Babylonian vassal oaths and the prophet Ezekiel', *JBL* lxxviii (1959) 199-204, Hillers (n. 60) 77-78, and especially F. C. Fensham, 'Maledictions and benedictions in ancient Near Eastern vassal-treaties and the Old Testament', *ZAW* lxxiv (1962) 1-19, who points out that the prophetic books repeatedly use curse language drawn from the conditional self-curses found in Near Eastern treaties.

⁶³ Bickerman (n. 47) and F. Priest, '*Horkia* in the *Iliad* and consideration of recent theory', *JNES* xxiii (1964) 48-56. J. Weinfeld, 'Covenant terminology' (n. 23) 196-97, argues that the originators of the expression were the Phoenicians.

⁶⁴ The Amorites at Mari and the Hurrians appear to have sworn oaths using the carcasses of dogs, goats and donkeys, see W. F. Albright, *ANET* p. 482b; M. Held, 'Philological notes on the Mari covenant rituals', *BASOR* cc (1970) 32-40; McCarthy 91 n. 15; and Tadmor (n. 47) 134 n. 39, who adds an additional example from an Old Babylonian text from Tell al Rimah. The correspondence of a king of Mari (1730-1700 BC) uses the term 'to kill a donkey-foal' to mean 'to conclude a covenant', see J. Munn-Rankin, 'Diplomacy in western Asia in the early

west of the Euphrates and of western Semites in general (e.g. Arameans, Phoenicians, Israelites, Canaanites), and were probably not indigenous to Babylonian, Assyrian, or Hittite treaty practices, where the participants are said to 'bind' or 'establish' (not 'cut') an oath.⁶⁵ Another aspect shared by many of the very early treaties (i.e. those concluded in the late second and early first millennium) is the type of witnesses invoked. Agamemnon calls on Zeus, the sun, the rivers, the earth and some anonymous chthonic deities to witness the oath described in *Iliad* iii, a formulation that can be paralleled in a Hittite treaty-oath, where 'the great sea, the mountains, and the rivers of Hatti and Dattasa' are mentioned.⁶⁶ Other examples have been collected from Ugaritic and Aramaic oaths, a Greek oath from Dreros,⁶⁷ a legendary treaty described by Dictys (v 10: 'the sky, the earth, the sun and the ocean') and one sworn between the Carthaginians and the Macedonians (Polybius vii 9: 'rivers, seas and waters').⁶⁸

The role of these witnesses varies from oath to oath and even from stipulation to stipulation within the same oath. In the past, scholars have made much ado about such differences, suggesting that sympathetic curses that make no mention of the gods are forms of purely automatic 'magic' indicating a more 'primitive' mentality, whereas sympathetic curses that call upon the gods to perform the same punishment are to be interpreted as symbolic or expressive enactments of their prayerful wishes, all of which is evidence of a higher 'religious' outlook.⁶⁹ There seems to be little profit, however, in applying this Frazerian dichotomy to the rituals surveyed here. To begin with, many of the Near Eastern oaths contain long lists of curses, which vary between the so-called automatic 'magical' formula (e.g. 'As this animal is cut up, so may I be cut up') and the allegedly 'religious' formulation (e.g. 'As this animal is cut up, so may the god X cut me up'). Such indiscriminate variation suggests that those using these curses did not consider the participation or absence of the gods to be a significant element in the enactment of the curse. The Greeks, who did not append long lists of curses to the ends of their treaties, nevertheless display similar inconsistency in the use of the so-called 'magical' and 'religious' formulae. The Cyrenean foundation-oath and the Molossian oath, for instance, employ formulae which make no mention of the gods, while in the testamentary oath in book xix of the *Iliad* Agamemnon calls directly on the gods to strike the perjurer dead. There is, moreover, a third, more ambiguous category in which the gods are called as witnesses to an oath and asked to allow an automatic or 'magical' curse to occur in the case of perjury (e.g. the oath in *Iliad* iii).⁷⁰ As I have argued elsewhere with regard to binding curses, those who would

second millennium BC', *Iraq* xviii (1956) 68-110, esp. 90-91. The early seventeenth-century oath between Abban and Yarimlim (quoted above in n. 61) also refers to cutting the neck of a sheep during the oath ceremony.

⁶⁵ McCarthy 91-92 and Tadmor (n. 47).

⁶⁶ McCarthy 305.

⁶⁷ See Burkert 251 and 445 n. 8 (parallels in Hittite, Ugaritic, and Aramaic oaths) and n. 12 (in an oath from Dreros). G.E. Mendenhall, 'Covenant forms in Israelite tradition', *Biblical Archaeologist* xvii (1954) 50-76, points out that second-millennium Hittite treaties often contain the same divine witnesses as those cited by the Israelite prophets.

⁶⁸ Polybius apparently preserves a close Greek translation of the Phoenician oath sworn by Hannibal in 213 BC; see E.J. Bickerman, 'An oath of Hannibal', *TAPA* lxxv (1944) 87-102 and M.L. Barre, *The god-list in the treaty between Hannibal and Philip V of Macedon: a study in light of the ancient Near Eastern treaty tradition* (Baltimore 1983), who discusses the witnesses to the oath on pp. 87-93.

⁶⁹ There is a vast literature on the rise and fall in the popularity of this approach and on its general inadequacy; see, for example, the discussions of: O. Petterson, 'Magic-Religion: some marginal notes to an old problem', *Ethnos* xxii (1957) 109-19; J. Goody, 'Religion and ritual: the definition problem', *British Journal of Sociology* xii (1961) 142-64; M. Winkelmann, 'Magic: a theoretical reassessment', *Current Anthropology* xxiii (1982) 37-66 and C. R. Phillips III, 'The sociology of religious knowledge in the Roman Empire to AD 284', *ANRW* ii 16.3 (1986) 2711-32.

⁷⁰ 'Zeus, ... let their brains be spilled upon the ground as this wine is spilled'. At *Il.* iii 278 and vii 76, the gods invoked during the oath ceremony are called *martyroi*; see above n. 54 and Plescia (n. 2) 2-3 for discussion and more examples.

insist that the early Greeks maintained a clear cut distinction between magical and religious ritual are hard pressed to explain why both strategies appear in the same texts simultaneously from very early on, where in terms of intent and expected result they are simply unimportant variations of the same ritual.⁷¹

The potentially extensive effect of all these curses must be underscored. This is in fact a standard feature of everyday Greek and Hittite oaths, which frequently in a single formulaic sentence call down destruction upon the heads of the perjurer, his family and his household.⁷² In the special sympathetic curses discussed here, the conditional disaster acted out in the ceremony on wax dolls or animals is likewise shared by the political supporters, the families and the households of those who make the agreement. In oaths sworn by monarchs or supreme commanders (e.g. the Near Eastern treaties or the oath in *Iliad* iii), the ceremony is often attended by the royal family, the 'king's noblemen' and the court, who are directly implicated in the wording of the curse (e.g. the treaty of Assurnerari V and Mati'ilu quoted above: '... just as this spring lamb will not return to its fold, ... so Mati'ilu, together with his sons, daughters, officials and people of his land, [will be ousted] from his land'). In the oath of the people of Jerusalem, we are explicitly told that the parade between the severed halves of the calf included 'officers of Judah and Jerusalem, the officials, the priests and all the people of the land'. In some cases, these figures of lesser importance actually join in uttering the curse. Thus at the end of the cease-fire agreement between Agamemnon and Priam, the Trojan and Achaian princes curse the one who will break the agreement as the wine is poured out. In the loyalty oath of the Hittite soldier, a priest or an official apparently recited the curses and the army in a chorus simply assents to each provision. This is something like the procedure followed in the oath over 'bull's blood' in the *Lysistrata* where one participant repeats the provisions of the oath and the others simply give their assent at the end (line 237: $\nu\eta\ \Delta\acute{\iota}\alpha$). In nearly every case, the ancillary participants need not have the requisite political rights needed to make a legally binding agreement; they are simply present to ensure that the possible dire effects of perjury (expressed graphically in the melting wax or the dismembered animals) will be known by the entire political leadership if not the entire population, and (more importantly) that this conditional catastrophe be explicitly attached to them all in the event that the monarch decides to abrogate the agreement. If one can compare large things to small, we might note that the fathers and brothers of Olympic athletes (i.e. the males of his *oikos*) must also take the oath over the boar's carcass, even though they are much less liable to be in a position to help the athlete and his trainer cheat. The apparently wide-ranging participation of women and various socio-economic classes in oath ceremonies of this type—one which goes far beyond the formal limits of political responsibility and prerogative—may help explain the appearance of women and children in the self-imprecation of the Cyrenean foundation oath, individuals who would not have had any political rights at Thera.

It should be clear at this point that the use of sympathetic curses in Greek oath ceremonies was not a normal procedure, but one reserved for situations in which compliance with the oath was believed to be exceptionally difficult for one or both parties. The special oaths sworn upon *tomia* by athletes and trainers at Olympia, and by political officials and prosecutors at Athens, reveal that then (as now) such groups were believed to be particularly prone to the temptations

⁷¹ Faraone, 'The agonistic context' (n. 19) 4-10 and 17-20. In the *defixiones*, the formulae which lack any divine participation (e.g. 'I bind so-and-so' or 'let so-and-so be bound') are used side by side in an indiscriminate manner with formulae that encourage the gods to help directly (e.g. 'You Hermes Katochos bind so-and-so') or those which implicate the gods as witnesses or judges of the curse, but not direct participants (e.g. 'I bind so-and-so before Hekate Chthonios').

⁷² See Hirzel (n. 2) for the Greek formula and McCarthy 67 for the Hittite.

of cheating and bribery. The legendary oath of the suitors of Helen at Horse's Grave or that of the Greek army at Aulis (as reported by Dictys) probably arise from the reasonable assumption that both groups needed special prodding, a scenario which reappears in the historical accounts of oaths over *sphagia* or the marching of 'allied' or other armies of dubious or shaken loyalty through the severed halves of an animal.⁷³ The coercive aspect of these types of oaths is implicit in the fact that they are often taken by only one party to the agreement, and that this party is usually the weaker of the two. This situation is most obvious in the treaties between Assyria and her 'vassal-kings' in north-western Syria or in the lopsided 'treaty' dictated to Adrastus at the end of Euripides' *Supplikes*. It is also a logical scenario in the loyalty oaths sworn by Hittite soldiers to their king, and those oaths sworn by public officials in democratic Athens, where the 'tyrannical' *demos* demands similar self-imprecations from its officials. In the case of the oath of the people of Jerusalem concerning the emancipation of their slaves, the exigencies of the siege force the city to make an unpopular political decision which must be reinforced by the use of a very special oath. A rather similar situation forms the backdrop to the solemn casting of an iron bar (*mydros*) into the sea during the 'strong oaths' of the Phocaeans, who in the face of an imminent Persian invasion made a pact to abandon their ancestral home rather than submit (Hdt. i. 165. 3).⁷⁴ In this light the use of the wax effigies in the Cyrenean foundation oath makes perfect sense; the oath seems to have been forced upon the unwilling people by the political leadership, who obviously anticipated violations and resistance when they insisted on such a solemn and powerful form of oath.

It is reasonable to conclude that the melting wax in the Cyrenean foundation-oath reflects a form of cursing already native to the Greek world in the archaic period. On the other hand, given the evidence for Greek mercenaries serving in Near Eastern armies, it is not implausible that such a ritual (regularly used in international treaties in the Levant and in the oaths of soldiers in Anatolia) could have found its way to the Aegean already in the context of a treaty, and was subsequently adopted by the Therans in the seventh century in a particularly important oath.⁷⁵ In either case, however, the appearance of the melting wax effigies in the oath can not be used to question the archaic dating of the oath. Aside from the legendary oaths preserved in the epic tradition (as reflected in the works of Homer, Aeschylus' *Septem*, Euripides' *Supplikes*, Pausanias [on toponyms], and Dictys), the following historical or quasi-historical oaths (all discussed above) can be dated with some degree of confidence:⁷⁶

⁷³ This is precisely the situation which prompts the oath reported by Xenophon (quoted above), which was sworn by the remnants of the defeated army of Cyrus. See also n. 45 above for discussion of the use of bisected animals in Hittite, Persian and Macedonian military rituals. Nearly all the ancient reports of this 'purification' ritual emphasize the divisiveness or low morale of the army prior to the ceremony and suggests that its primary purpose was to restore the solidarity of a defeated or mutinous army before setting out on another expedition; see Versnel (n. 38) 100-108.

⁷⁴ This ceremony and an identical one performed by the members of the Delian League in 478-77 BC (*Ath Pol.* 23.5 and Plut. *Arist.* 25.1) are usually interpreted as a special Ionian rite that (following Herodotus' analysis) is expressive of the perpetuity of these agreements; see generally Burkert 251 and (for the Delian League oath alone) R. Meiggs, *The Athenian empire* (Oxford 1972) 47, and N. G. L. Hammond, *Studies in Greek history* (Oxford 1973) 330. H. Jacobson, 'The oath of the Delian League', *Philologus* cxix (1975) 256-58, has shown, however, that in both instances the sinking iron, like the casting of a stone in Roman oath-curses (Polybius iii 25.6; Plut. *Sulla* x 6.7) and the sinking of a scroll tied to a stone in a biblical execration ceremony (Jer. 51: 63-64), was more likely the ritual part of a conditional self-curse designed to ensure solidarity.

⁷⁵ Carians and Ionians served as mercenaries to the kings of the Saite dynasty in Egypt (seventh and sixth century BC) and Alcaeus' brother Antimenidas seems to have served in Nebuchadrezzar's army in the early sixth century. See P. Helm, 'Greeks' in the Neo-Assyrian Levant and 'Assyrians' in early Greek writers (Diss. Univ. of Penn. 1980) 135-60, and Murray (n. 5) 218-23.

⁷⁶ The quasi-historical oaths are preceded by a question mark. For the inclusion here of the Phocaeen and Delian League oaths, see Jacobson (n. 74).

Hittite military oaths (1450-1350 BC)
 Aramaic 'Sefire Inscription' (mid-8th Century BC)
 Treaty between Assumerari V and Mati'ilu (mid-8th Century BC)
 'Vassal treaties' of Esarhaddon (672 BC)
 ?Oath of Pittacus and Alcaeus (late 7th Century BC)
 Oath of the founders of Cyrene (late 7th Century BC)
 Oath of Zedekiah and the people of Jerusalem (late 7th Century BC)
 Oath of the Phocaeans (mid 6th Century)
 ?Oath before the battle of Plataea (479 BC)
 Oath of the Delian League (478-77 BC)
 Oath of the Greek and Persian mercenaries in Xenophon (401 BC)

The argument that the melting of wax effigies in the oath of the founders of Cyrene anachronistically reflects much later Greek magical practices suffers on two accounts. First of all, as the list above reveals, the majority of the extant historical examples of self-curses employing sympathetic ritual date to the eighth and seventh centuries. Secondly, this type of ceremony seems to have fallen into disuse by the late classical period, and with the exception of testamentary oaths connected with (and probably founded with) very old cultural institutions such as the Olympic games and the homicide court on the Areopagus, there is little evidence that these types of oaths were used by the Greeks after the late fifth century BC. There are in fact some indications that by the classical period the rationale behind these rituals was not so clearly understood. Herodotus, for instance, seems to have misunderstood the purpose of the sinking *mydros* in the oath of the Phocaeans (see n. 74). In a similar way, it is quite revealing that the Hellenistic translators of the Septuagint completely botch their Greek version of the description of Zedekiah's oath (Jer. 34: 18-20; quoted extensively above p. 13), primarily because they do not understand why the calves were cut in two.⁷⁷

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⁷⁷ H.S. German, 'Some types of errors of transmission in the LXX', *VT* 3 (1953) 397-400.