

'Horkia' and 'horkos' in the Iliad

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Although it has generally been recognized that in Homer *horkia* and *horkos* are used to identify different legal phenomena (1), *horkos* referring primarily to oaths and *horkia* primarily to treaties or the sacrificial victims employed in them, this distinction has often not been maintained in the discussion of various situations in which *horkia* is employed. Indeed, the word *horkia* is frequently translated simply as 'oath', and some discussions seem to assume that *horkia* represent a sort of subcategory of *horkoi*, rather than defining a distinct legal concept (2).

(1) Iliad iii 85 ff., xix 184 ff. It should be pointed out that the use of legal terms like 'treaty' and 'truce' is not meant to imply that such concepts are present in Homer as part of a clearly formulated system of formal law. The relatively clear separation that we make to-day between law and custom, and law and morality, is not found in the Homeric world and thus such terms are not meant to be taken in their modern technical senses. The argument here will simply be that underlying all these situations where *horkia* occurs, whether we might classify them as 'treaty', 'truce', 'armistice', etc., there is an underlying constant of a certain type of relationship being established between the parties.

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All references are to the OCT edited by MONRO and ALLEN, 1971.

(2) J. PLESCIA, in *The Oath and Perjury in Ancient Greece* (Tallahassee, 1970), assumes a conceptual link for which he provides no supporting argument. In this discussion of *horkia tamnein* he notes that, "... *horkia* must have referred first to the oaths and then, also, to the whole treaty-making ceremony, including the provisions sworn" (58, n. 1). M. LEUMANN

In regard to this traditional assessment of *horkia*, it should first be noted that *horkia* and *horkos* typically occur in very different contexts and that, with one exception, they never appear together in the same passage. In the long description of the truce between the Achaeans and the Trojans which occupies most of Books 3 and 4 and which repeatedly focuses upon their agreements and pledges, the word *horkia* occurs eighteen times, *horkos* not once⁽³⁾. What may underlie the confusion is that no systematic analysis of all the contexts in which *horkia* occurs has yet been attempted, and it has perhaps been too easily assumed that the close etymological connection between the two words implies interchangeability or identity. It will be argued here that in the Iliad *horkos* and *horkia* are never interchangeable, and although perhaps perceived as related in some general way, describe two fundamentally different legal phenomena which must be scrupulously distinguished in order to appreciate the range of meaning which each word may convey in the

in *Homerische Wörter* (Basel, 1950), defines *horkia tamnein* as " 'beschwören' eigentlich, 'das Eidopfertier schlachten'" (263). In his discussion of *ἐπίορκος* (79 ff.), LEUMANN briefly (81-84) considers *horkia*: "Vielmehr hat *horkia* 'die zum Eid gehörigen (Dinge)' neben der allgemeineren und hier offenbar wie bei *ὄρκος* sekundären metonymischen Bedeutung 'Eid, Vertrag, Frieden' die wirklich gegenständliche Bedeutung 'Schwurgegenstände, Eidesunterpfänder' ..." (83). He accordingly translates *φύλασσετε δ' ὄρκια πιστά* (Iliad iii 279, discussed above), "... und waret die Eide betraubar" (84).

D. PHILLIPSON, in *International Law and Customs of Greece and Rome*, 2 vols. (London, 1911), although distinguishing at times between *horkos* and *horkia* as pertaining to oaths and treaties respectively, nonetheless translates *ὄρκια ἔταμνον* (Iliad iv 155) as 'pledged I these oaths' and *κατὰ δ' ὄρκια πιστὰ πάτησαν* (Iliad iv 157) as 'trampled upon the trusty oaths' (ii 386). Compare also his discussion on 391-392, where he assumes, without demonstration, that *horkia* can equally mean treaty or oath. D. MULDER, in 'Götteranrufungen in Ilias und Odyssee', *Rh. Museum* 79, 7, adopts a similar view (15 ff.), as does W. AREND, *Die Typischen Szenen bei Homer* (Berlin, 1933), 122-123. R. HIRZEL, *Der Eid* (Leipzig, 1902), considers *horkia* only briefly (e.g., 38, 194), and seems to implicitly view *horkia* as falling within the category of words associated with oaths.

(3) The words *ἄμνημι*, *μέγας*, *κάρτερος*, *δεινός* and so forth are not used with *horkia*. Conversely, *τάμνω*, *πιστά*, *φιλότητα*, *πατέω*, *δηλέομαι* and so on are not used with *horkos*.

legal and non-legal contexts in which it typically occurs. Further, it will be claimed that analysis of all passages in the Iliad where *horkia* occurs will reveal the existence of a standard case, or core meaning underlying all the contexts where it is employed (4).

Before examining individual passages in the Iliad where *horkia* occurs, it may be useful to sketch the features of a 'standard case', or typical situation where it is used. The word *horkia* always implies the existence of a relationship between two or more autonomous parties (within such a context *horkia* may also be used to refer specifically to the sacrificial animals involved in the ceremony associated with the phrase ὄρκια τάμνειν). Neither party is, to any significant degree, subject or subordinate to the other, nor does their relationship involve mutually recognized obligations to one another, except to the extent that such subordination or obligations have been established by means of *horkia* (5). Further, *horkia* may and usually does, occur in a context where its use relates to what the parties conceive of as a permanent change in their existing relationship, but can also establish such a relationship for a limited purpose or duration. Thus, when used with τάμνειν, *horkia* has a creative association involving the establishment (or re-establishment) of a relationship which imposes reciprocal obligations and duties upon the parties. When conjoined with verbs like πατέω, δηλέομαι, or ψεύδομαι, *horkia* implies a breach in such a relationship which had previously been established under the aegis of *horkia*, and the reversion of the parties to their previously existing relationship (e.g., mutual hostility, total autonomy, etc.).

(4) See H.L.A. HART's *The Concept of Law* (Oxford, 1961) 15-17, 78-79, for a discussion of the process of defining legal phenomena with reference to a 'standard' or 'central' case rather than borderline cases.

(5) It follows from this requirement of autonomy that *horkia* must be distinguished from promises, for promises among certain classes of relationship clearly would not meet this requirement. Wherever a relationship involves a significant degree of acknowledged subordination, *horkia* would not be an appropriate way to conclude an agreement between parties, e.g., in familial, slave-master, or political or social hierarchical relationships. Promises between friends would also seem to be excluded for the binding force of the promise in that case seems to flow more from the pre-existing relationship than from the promise itself.

Horkia, then, in the standard case implies an element of reciprocity, or mutuality of obligations, the extent of which is defined by the relationships which the *horkia* creates or alters. Such relationships are of two types. The first, and by far the more common, involves what is hoped by the parties to be a permanent change in their status vis-à-vis one another, extending beyond the immediate transaction in which they are involved (e.g., from autonomous to allied, from hostile to friendly, etc.). The second type occurs in situations where the usage of *horkia* does not bring about permanent changes in the relationship of the parties, nor the assumption of obligations extending beyond the completion of the immediate transaction. Consequently, *horkia* is a term which always occurs in contexts where the focus is upon a relationship, either its establishment, breach, or re-establishment. These three categories will now be considered in turn.

Establishment

Horkia first occurs in the Iliad when Agamemnon, exhorting the Achaeans in Book 2, 110 ff., suggests a hypothetical situation in which *horkia* might be employed to temporarily halt the fighting for the limited purpose of counting the troops. The use of *horkia* here resembles the situation in Iliad 7, 403 ff., where Agamemnon agrees to a temporary truce for the purpose of burying the dead (411). These are the only two passages in Homer where *horkia* is used to establish such limited transactional relationships; all other uses of *horkia* occur in the context of what are seen as permanent changes in the relationship of the parties. In neither passage is there any description of oaths, and in order to ascertain whether *horkia tamnein* or *horkia* should be regarded here as involving them it is necessary to turn to the uses of *horkia* in other contexts.

Later in Book 2, Nestor, in reproaching the Achaeans for their lack of determination to pursue the war, says to the assembly: $\pi\eta\delta\eta\ \sigma\upsilon\nu\theta\epsilon\sigma\iota\alpha\iota\ \tau\epsilon\ \kappa\alpha\iota\ \delta\omicron\rho\kappa\iota\alpha\ \beta\acute{\eta}\sigma\epsilon\tau\alpha\ \eta\mu\upsilon\nu;$ (339). *Horkia* identities here not specific oaths, but the agreement of alliance which has

brought the Greeks to Troy together, and the next two lines clearly refer to the war plans and the ritual solemnizing them, *horkia tamnein*: ἐν πυρὶ δὴ βουλαί τε γενοίατο μήδεά τ' ἀνδρῶν / σπονδαί τ' ἀκρητοὶ καὶ δεξιαί ἧς ἐπέπιθμεν (340-341) ⁽⁶⁾.

The force of Nestor's remark is not that the Achaeans are oath breakers who have sworn falsely (ἐπίορκον ὀμνύναι), which would be the implication if he meant with *horkia* to refer only to specific oaths. When these lines are looked at in the context of his speech as a whole it becomes apparent that what Nestor is attempting to do is to reaffirm the alliance and its goals, both of which have been called into question by the behaviour of the Achaeans. He is indignant at their failure to do what they said they would do, to live up to their agreements and the obligations they accepted in forming the alliance. They want to return to Greece and he forcefully reminds them that they undertook to fight the war to its end. Being autonomous kings, they can, as Achilles says he will do, leave Troy if they wish, and thus Nestor does not threaten them, or attempt to coerce them. Instead he can only appeal to their sense of honor and obligation, and, through his criticism, sting them into feeling that they must make good on their commitments.

Thus, in 343 ff. he reminds Agamemnon of his position as a leader of the alliance, and tells the others to either accept their task or sail homeward. His reference to *horkia* evokes the ongoing relationship which binds the Greeks together, and it is of that relationship and its concomitant obligations which he reminds them in an attempt to make them live up to and fulfill the συνθεσία, βουλαί and μήδεα which the *horkia* encompassed.

Books 3 and 4 of the Iliad are, in general, concerned with the attempt and failure of the Trojans and Greeks to resolve the war by means of a peace settlement involving a single combat between Paris and Menelaos. Book 3 focuses upon the establish-

(6) It seems that συνθεσία (ii. 339) should be taken with βουλαί and μήδεα and *horkia* viewed as the alliance encompassing the agreements. The reference of 341 to *horkia tamnein*, is in any event, beyond dispute. Compare Iliad iii 260-301, iv 155 ff., and particularly iv 159 which echoes ii 341 exactly.

ment of a certain relationship between the Greeks and Trojans by means of the ceremony described by *horkia tamnein* and Book 4 concerns the breach of that relationship by the Trojans and the events that ensue until a sort of resolution is achieved in Book 7. This settlement is first proposed by Paris to Hector at the beginning of Book 3, and he says that although he or Menelaos will die as a result, οἱ δ' ἄλλοι φιλότητα καὶ ὄρκια πιστὰ ταμόντες/ναίοντες (73). Here *horkia*, significantly coupled with φιλότητα, suggests an end to the war and a permanent relationship of friendship to be established between the Greeks and Trojans, apart from the outcome of the single combat: ὀππότερος δέ κε νικήσῃ/... γυναῖκά τε οἴκαδ' ἀγέσθω/οἱ δ' ἄλλοι φιλότητα καὶ ὄρκια... (71-73, and cf. 94 and 256).

In the following passage Hector proposes the settlement to the Achaeans (94), and Menelaos accepts, stipulating that Priam himself be present ὄφρ' ὄρκια τάμνῃ... μή τις ὑπερβασίῃ Διὸς ὄρκια δηλήσῃται (105-107). In 245, however, *horkia* is used in a different sense to refer specifically to the sacrificial animals (described by Menelaos in 103-104), the ὄρκια θεῶν which embody the treaty and serve to bring the gods into the relationship established between the parties. As an analysis of the ceremony itself will reveal, the animals not only serve to link the gods to the human transaction, but also to connect the parties to one another through a symbolic expression of the binding force of the agreement upon them. Thus, being the very means of the connection of man to man, and man to god in the treaty-making process, it is appropriate that the animals themselves are envisaged by the phrase *horkia tamnein*, as well as the treaty-making process as a whole.

The description of the ceremony itself begins in 264 and encompasses a number of separate elements which will be discussed in some detail. It should first be noted that in general this ceremony has been seen as essentially consisting of an oath. Phillipson, in his discussion of this and subsequent passages, translates *horkia* as both 'oath' and 'pledge' (more frequently 'oath') and maintains that an actual oath is taken (?). However,

(7) PHILLIPSON, *op. cit.*, n. 2, 387.

in his discussion of the details of the ceremony there is no mention of the 'declaration of oath' he refers to in his enumeration of the constituent elements of the ceremony, nor does he say exactly which lines of the passage constitute the oath itself⁽⁸⁾. Likewise Leumann and Mulder translate *horkia* as 'oath' (Eid, Schwur), but do not state exactly what the oath is or precisely what its role is in the ceremony⁽⁹⁾. These accounts of the passage leave a number of important questions unanswered: how can an oath taken by Agamemnon alone bind the Trojans for whom no representative speaks? Why is Priam's presence said to be necessary though he takes no oath? What part of the passage where Agamemnon speaks (275-291) is the oath? It will be argued below that the answer to these questions is simply that Agamemnon does not take an oath at all, and that even if part of what he says were to be construed as some sort of oath it would still be a gross mischaracterization to describe the ceremony as a whole as one of oathtaking. As the ceremony begins (264) Agamemnon draws his knife and from the heads of the lambs cuts hairs which are distributed to the assembled leaders (273-274). The importance of this often neglected aspect of the ritual should not be underestimated. *Tamnein* is used of the cutting of the hairs of the *horkia* here, as well as of the cutting of their throats at the end of the ceremony. Further, the hairs are distributed to all the Greek and Trojan leaders who, their hands having already been cleansed (270), presumably hold them throughout the ceremony⁽¹⁰⁾. It is this cutting and distribution of the hairs *before* which connects the parties to the animals who will be cut again in sacrifice after the invocation

(8) PHILLIPSON, *ibid.* 385-386.

(9) LEUMANN, *op. cit.*, n. 2, 79 ff.: MULDER, *op. cit.*, n. 2, 15 ff.

(10) If one assumes that the hairs are held in the right hand this might explain δεξιᾶί, ἧς ἐπέπιθμεν (Iliad ii 341, iv 159) which has generally been considered as referring to handshakes even though no portion of the ceremony even hints at this. Either interpretation involves reading something into the text, but the specification of the right hand (which might simply be taken for granted) seems more like a detail, whereas handshake would be a separate element, or segment of the ceremony, less understandably omitted.

of the gods and recitation of the terms of the agreement. Significantly, the animals are furnished by *both* the Trojans and the Achaeans (103 ff.), emphasizing their role in connecting the parties to one another, and to the gods. It is this distribution of the hair of the sanctified animals, ὄρκια θεῶν, which is the symbolic manifestation of the acceptance by the parties of the binding relationship established in the rest of the ceremony. For the Greek and Trojan leaders are not bound to the treaty by anything they say, for they say nothing during the ceremony (only Agamemnon speaks). Rather, the binding force of the relationship derives from what is *done*, as well as what is said from the cutting of the *horkia* before and after the invocation of the gods and recitation of the terms of the treaty⁽¹¹⁾. For this reason Menelaos says that Priam must be present (105-107), for by his participation in the ritual, by his connection to the *horkia*, he will bind his people to the pact. Clearly his presence is not required so that he can swear on oath, for he says nothing during the ceremony.

Significantly, in the next part of the ritual Agamemnon is said to pray (εὐχέτο, 275), not to swear (ὄμνυμι nearly always in conjunction with *horkos*, is used in almost every explicit oath-taking passage in the Iliad⁽¹²⁾). His prayer falls into two main parts, the first (276-280) consisting of an invocation of various deities to witness and guard the *horkia* and the second (281-291) of the actual terms of the peace settlement. The former is an invocation, and the latter cannot be considered as an oath either, for why would *Agamemnon* swear that if Paris would fall then the Trojans would return Helen and her property? Agamemnon merely recites the conditions on which the parties have agreed and accordingly his language, with its εἰ μὲν ... εἰ δὲ ... εἰ δὲ construction, and personal pronouns referring to

(11) It may be pointed out that at least some of the bystanders pray that the treaty will not be broken (299-301), but this is after the ceremony itself has been completed. Their prayer (so different in tone, with its optatives, than Agamemnon's) seems more like the wish expressed in 319 ff. which begins in the same way: ᾄδε δέ τις εἴπεσκεν, than like a formal assent in the terms of the treaty.

(12) Cf. i 233, 239; ii 755; ix 132, 274; x 321, 328, 332.

the obligations of *both* parties, is far different from the forms which *horkoi* normally take in the Iliad (e.g. i.239 and x.330) (13). In 291 Agamemnon ends his prayer and cuts (*tamnein*) the throats of the lambs, and some of the Greeks and Trojans pray that whoever breaks the treaty (ὑπὲρ ὄρκια πημήνειαν 299) may be punished (14).

It seems difficult to characterize any part of this ceremony as an oath, but one might perhaps argue that when Agamemnon says that he will remain at Troy and fight if the Trojans do not live up to their obligations under the agreement (286-291), he is actually taking on oath. It is hard to see what evidence in the text would justify regarding this third part of the terms as an oath rather than simply as a statement of what conditions will justify the Greeks in pursuing the war despite the treaty. Even assuming the contrary this would hardly seem a sufficient reason for translating *horkia* in this context as 'oath' or for regarding

(13) These characteristics of *horkos* will be discussed in greater detail below.

(14) It should be noted that here the violation of the *horkia* is referred to by the verb πημαίνω, even though in Agamemnon's invocation he called upon the gods who punish those who swear falsely, ἐπίορκον ὀμνύναι. In the numerous references to the breach of *horkia* the *only* verbs employed are δηλέομαι, πατέω, and far less frequently πημαίνω, συγγέω, ψεύδομαι. All these verbs appropriately suggest violence and injury, except which ψεύδομαι emphasizes the aspect of betrayal and deceit. The phrase ἐπίορκον ὀμνύναι is never used to describe such a breach. That *horkia* and *horkos* were seen as describing activities that were in a general way related may well account for the fact that the same gods who punish false swearing are among those who are called as witnesses to the *horkia* ceremony. These same gods are invoked again by Agamemnon in Book xix 258 when, as part of the larger ceremony, he does swear an oath. However, there is a significant difference between the two passages, for in Book 19 in addition to the invocation he adds, after his oath concerning Briseis: εἰ δέ τι τῶνδ' ἐπίορκον ἔμοι θεοὶ ἄλγειν δόειν. Such a phrase would have been out of place in iii (264) 276 ff where Agamemnon does not swear on oath, but here it is the natural conclusion of his oath and a phrase like ὑπὲρ ὄρκια πημήνειον (iii 299) would be inappropriate. For Agamemnon is simply swearing as to the objective facts regarding Briseis' sexual condition, he is not making a promise regarding future conduct. Thus his oath (as will be argued more fully above) is part of a larger ceremony whereby he renews his interrupted relationship with Achilles.

the whole procedure as one of oath-taking. To metonymize in this way in Homer would make no more sense than to regard one of the treaties in Thucydides as an oath simply because one of the many terms and conditions provides for both parties to take an oath of good faith⁽¹⁵⁾. What this passage in the Iliad does involve is not an oath, but the establishment, by means of a formal and sanctified agreement, or a relationship involving mutual obligations which binds the parties to refrain from warring and to perform certain actions should the specified events occur. This relationship is solemnized not through oaths made by the parties to the gods but through the medium of the sanctified animals, the ὄρκια θεῶν, who serve physically and symbolically as the connection linking man to man, and both to the gods who serve as witnesses and guarantors of the terms of the treaty. That this relationship lies at the center of the conceptual framework of *horkia tamnein* in this passage is emphasized once more in the prayer of the bystanders before the single combat (319-323). They pray first regarding the outcome of the combat, and then: ἡμῖν δ' αὖ φιλότιμα καὶ ὄρκια πιστὰ γενέσθαι (323, my emphasis).

This view of *horkia*, as a concept implying a relationship connecting parties with binding reciprocal obligations is brought out forcefully in the last passage where *horkia* occurs in the Iliad, once again in the context of the establishment of a relationship. In Book 22 (250 ff.), Hector and Achilles finally confront one another, and Hector suggests that they make an agreement regarding the way the corpse of the loser of their encounter is to be treated (254-259). He suggests that they give reciprocal binding assurances (ἀρμοιῶων, 255) which the gods will witness. Achilles responds by saying that as there can be no *horkia* between men and lions, so can there be no *horkia* between the two of them. Regarding *horkia* here as an oath misses the poignant force of these lines, for Achilles is not saying that there can be no oaths between men and lions, or himself and Hector, but rather that there can be no obligations,

(15) Cf. Thucydides v 18, 23 ff., 47.

or agreements, no relationship at all except struggle to the death without conditions.

To Achilles the only relationship possible between himself and Hector is that as between man and wild beast. Hector has suggested not oaths, but such a reciprocal binding agreement that would alter their relationship of unconditional hostility. The mutuality and binding character of his proposal are expressed not only in its content, but also by words like ἐπιδώμεθα (254) and ἄρμονιάων (255). Ἄρμονίη which in Homer usually refers to bonds, cords, or fastenings, conveys this sense particularly forcefully. Achilles' rejection of Hector's proposal is directed to just this binding, relational aspect, for his words deny the possibility of *any* connection between them which might oblige him to place constraints upon his conduct. His words and deeds after his victory over Hector bear this out (cf. 330 ff.), and he even wishes that like a wild beast, he could bring himself to eat Hector's flesh raw. The unrestrained violence of his heroic nature cannot be limited by the *horkia* that bind men, even enemies, together.

Breach

In Book 4 of the Iliad Athena induces Pandoras to shoot an arrow at Menelaos, breaking the truce and peace settlement reached in Book 3. This breach is described by coupling *horkia* with δηλέομαι, and occasionally with πατέω or συγγέω, words which suggest injury, violence, harm, or destruction. The force of these phrases seems more appropriate to the breach of a treaty relationship than a phrase like ἐπίορκον ὀμνύναι, for swearing falsely in Homer does not involve damaging a relationship entailing obligations to others which one has not fulfilled. It is interesting to note that *horkia tamnein* also couples *horkia* with a verb suggesting violence, and of course taking *horkia* as 'sanctified sacrificial animal' all of these phrases make literal sense. Such verbs are not used with *horkos*, for when a promissory oath is not fulfilled one has simply sworn a false oath, or sworn inaccurately as to what will take place in the future, regardless of whether or not one is at fault for the failure. Thus in the

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Iliad a promissory oath is essentially a prediction of what will or will not happen, usually expressed in the form 'X will happen', and not 'I will do X' (cf. i.240 where Achilles swears ἦ ποτὲ Ἀχιλλῆος ποθὴ ἕξεται υἱας Ἀχαιῶν and x.330). Thus a promissory oath in the Iliad implies committing oneself to an outcome, a result, and does not entail relationship with others involving mutual obligations. There is no exchange of *horkoi* in the Iliad. If the predicted event takes place then the oath is fulfilled (τελέω), if not, regardless of one's intentions, one has sworn a false oath (ἐπίορκον ὀμνύναι). Thus in Book 10 Hector promises Achilles' horses to Dolon and because Dolon will die first, Hector is said to have sworn a false oath (ἐπίορκον ἐπώμοσε 332) when he said that μὴ μὲν τοῖς ἵπποισιν ἀνὴρ ἐποχῆσεται ἄλλος (330). The breach or violation of *horkia* on the other hand, is always presented as resulting from *intentional* wrong-doing. Thus, strictly speaking, the technical cause of the breach is seen as the attack of Pandaros on Menelaos, and not the carrying off of Paris by Aphrodite.

Zeus, in Book 4, at the behest of Hera, orders Athena to go amongst the Trojans and see to it that they break the treaty first πρότεροι ὑπὲρ ὄρκια δηλήσασθαι (72). She accomplishes this by causing Pandaros to wound Menelaos, whereupon Agamemnon explains: ... θάνατόν νύ τοι ὄρκια ἔταμνον .../ὅς σ' ἔβαλον Τρῶες κατὰ δ' ὄρκια πιστὰ πάτησαν (155-157). This characterization of the breach of the treaty continues throughout the rest of the Book: ὑπὲρ ὄρκια δηλήσαντο (236, 271), σὺν ὄρκια ἔχευσαν (269) and is never referred to by the phrase ἐπίορκον ὀμνύναι. Indeed in all of Book 4 the verb ὀμνυμι does not occur once, for the Trojans are not presented as having sworn falsely, but as having done violence to a sanctified relationship which placed them under obligation not to engage in warlike acts. The consequences of such a breach emerge from the events that follow the violation of the *horkia* in Book 4.

In Book 5 and 6 the Trojans and Greeks resume battle until in Book 7 Hector proposes a single combat with one of the Greek champions. In doing so he does not suggest that they make a truce (*horkia tamnein*) to stop the battle for this purpose, as

was done in Book 3, or as suggested in Book 2 as being necessary to count the Trojans and Greeks (ii.123-124). Perhaps the reason for this is that the relationship established in Book 3 is not seen as irretrievably destroyed. Hector, to the extent that he is able, attempts a restorative move to make up for the Trojan breach of the truce, by proposing a new single combat, substituting himself for Paris and thus, by placing his life at stake, doing the most that *he* can to live up to the obligations of the *horkia*. He cannot force Paris to fight or to surrender Helen, but he can offer himself in Paris' place to demonstrate a sense of obligation, of honor and good faith. Significantly, before the combat he says to Ajax that he would not cast at Ajax in stealth (241) which is precisely what Pandaros did to Menelaos to break the truce.

Appropriately, Hector begins his address to the Achaeans by referring to the *horkia* of Book 3 (69), and suggests that though Zeus did not allow the single combat and peace settlement to be accomplished, a new contest is nonetheless possible⁽¹⁷⁾. That this single combat is in some sense to be a substitute for the first one is also suggested by the fact that it is Menelaos

(16) The breaking of an oath in the Iliad does not seem to involve perjury or swearing falsely as we understand it. Modern concern is for the state of mind of the swearer: "Did he promise, not intending to keep his word?" is the question we are normally concerned with, a subjective perspective. In the Iliad, however, there is an objective view of oath-taking which distinguishes oaths from what we consider to be promises, and consequently if the predicted outcome, "X will happen", does not occur, one has sworn falsely, regardless of one's state of mind. For this reason the usual promissory-assertory distinction does not seem very useful as applied to oaths in the Iliad. Only in the Odyssey does one find oaths of the sort, "I swear I will do (or refrain from doing) X" (cf. Odyssey v 178, 186; x 343 ff.). In Book 19 of the Iliad Agamemnon does swear in the first person, but in regard to events in the past, concerning his behaviour with Briseis.

(17) The terms of combat proposed by Hector (70 ff.) are similar to those he proposes to Achilles in Book 22 and which Achilles rejects by saying that such *horkia* are not possible between them. That this proposal is not regarded as requiring a new *horkia* here is perhaps because it is seen as falling under the aegis of the first *horkia*, pursuant to which Hector is still acting.

alone who first rises up to face Hector, which is particularly appropriate if Hector is seen as replacing Paris. Further, immediately before coming out to battle and challenging the Greek champions, Hector rebukes Paris (521-25) perhaps referring to the uncompleted combat with Menelaos and the subsequent disapproval of the Trojans, who had prayed that this combat might lead to peace (iii 320-323). Paris is indeed unwilling to resume the combat with Menelaos, for it is not he, but Hector who challenges the Achaean leaders. Menelaos accepts the challenge, but since Paris has been replaced by Hector, Menelaos can also be replaced, by a more suitable opponent for Hector, and thus Ajax takes his place.

Appropriately enough, this combat too is halted before it can be completed, but it ends by mutual decision and without hostility, unlike the first. The success of Hector's proposal as a restorative move is seen both in the fact that it serves to halt the battle, retrieve Trojan honor, and set the stage for the subsequent peace negotiations and truce to bury the dead, as well as in the way Hector's relationship to Ajax is described. As the first single combat between Paris and Menelaos was to end the war and lead to friendship (φιλότητα iii 94, etc.), so Hector says to Ajax: ἡμῖν ἐμαρνάσθην ἔριδος πέρι θυμοβόροιο/ ἦδ' αὐτ' ἐν φιλότῃ διέτμαγεν ἀρθμήσαντε (vii 301-302).

This restorative impulse and its linkage to *horkia* is seen even more clearly in the Trojan counsel that follows the encounter of Ajax and Hector. Antenor proposes that the Trojans give Helen and her property back to the Greeks for νῦν δ' ὄρθια πιστὰ ψευδάμενοι μαχόμεσθα (351-252) ⁽¹⁸⁾. Antenor suggests that since the Trojans have betrayed or been false to their agreement with the Greeks they cannot continue to fight and must fulfil their obligations by performing as the treaty requires, ending the war. Certainly this passage reveals that what is at stake here is a relationship that imposes obligations to others. The Trojans have broken the truce and accordingly cannot continue to fight when their agreement obliged them to establish peace by returning

(18) Cf. Iliad iv 236.

Helen and the property as required. Antenor thus suggests an attempt to restore fully the relationship, to make good the injury to the *horkia*. There is no case of a similar response to Homer when an oath is not fulfilled, for such a restorative impulse would be inappropriate in regard to *horkoi*.

Paris refuses to return Helen, but offers restitution with property (363-364). This partial restorative proposal is sanctioned by Priam who orders Idaios to go to the Greek ships and ask for a truce to bury the dead if the settlement is not accepted. When Idaios tells the Greeks that *Paris* will not give back Helen even though the Trojans bid him to do so (393), he attempts to demonstrate to the Greeks that the Trojans disavow Paris' failure to fulfill the agreement and have attempted to do what they can to carry out their obligations. The Trojans cannot force Paris to give up Helen but they make whatever restorative moves are possible under the circumstances.

The Greeks, as expected, reject the Trojan settlement, but accept the proposal for a truce to bury the dead. Viewing Books 3 through 7 broadly, a circular movement in the action of the poem finds its completion here, having progressed from the frustrated single combat and *horkia* of Book 3, through the breach in Book 4 and resulting battle which rages in Books 5 and 6, to the second uncompleted single combat, unsuccessful peace negotiations, and temporary *horkia* of Book 7. The hopes of Greeks and Trojans alike in Book 3 to end the war by means of ὄρκια πιστὰ καὶ φιλότιτα have not been fulfilled, but the course of action begun there ends appropriately with another sort of *horkia*, a truce to bury those fallen in the battle after the breach of the peace settlement. Agamemnon's speech in answer to Idaios (406-411) brings the events of Books 3 through 7 to a conclusion, and he ends by saying: ὄρκια δὲ Ζεὺς ἴστω, ἐρίγδουπος πόσις Ἥρης (411). This characterization of Zeus is ironically appropriate here for it is Hera who first bid Zeus to send Athena to break the truce, and in the name of these gods the Trojans and Achaeans now make a new, less joyful, truce to bury those who died as a result.

Re-establishment

Horkia occurs in one further passage in the Iliad, in a rather different and more problematic context than those discussed above, raising important questions concerning its relation to *horkos*. At the beginning of Book 19 Achilles announces to Agamemnon and the Achaeans that he is prepared to resume fighting against the Trojans and make an end to his anger at Agamemnon (55-73). Agamemnon eagerly responds, accepting responsibility for the dispute and promising the gifts described in the Embassy in Book 9. Achilles expresses indifference about the gifts and wants to join battle with the Trojans immediately (146-153), but Odysseus proposes a formal ceremony to solemnize the end of the quarrel. He says that the gifts should be displayed before the assembly and that Agamemnon should swear an oath that he has not slept with Briseis (ὀμνύετω δέ τοι ὄρκον ἐν Ἀργείοισιν ἀναστάς 175). Agamemnon says that he is willing to swear such an oath (ταῦτα δ' ἐγὼν ἐθέλω ὀμόσαι ..., 187, and cf. ix.132) and continues: μίμνετε δ' ἄλλοι πάντες ἀολλέες ὄφρα κὲ δῶρα/ἔκ κλισίης ἔλθῃσι καὶ ὄρκια πιστὰ τάμωμεν (190-191) (19). In the following lines a ceremony similar to that described in Book 3 is carried out, and during it Agamemnon swears as promised. How is this passage, unique in Homer in that it involves both *horkia* and *horkos*, to be characterized? What is the relation of *horkos* to *horkia* here? Above all, why does Agamemnon respond καὶ ὄρκια πιστὰ τάμωμεν (191) after Odysseus has only suggested ὀμνύετω δέ τοι ὄρκον (175)?

Some scholars seem to consider the scene as simply involving an oath and nothing more (20). Others, however, seem to have felt that the introduction of *horkia* was curious, and have suggested that Agamemnon wanted to strengthen the oath through the addition of a sacrifice (21). Mulder mentions briefly that Homer wanted to portray the ceremony as a compact or trea-

(19) Cf. Iliad ix 132-133, where Agamemnon himself suggests such an oath.

(20) LEUMANN, *op. cit.*, n. 2, 85.

(21) AREND, *op. cit.*, n. 2, 122-123.

ty⁽²²⁾, and his suggestion seems best to take into account the force of *horkia* in this passage. For Agamemnon does not strengthen the oath by adding a sacrifice, rather he incorporates the oath into a ceremony designed to re-establish formally his relationship with Achilles and bind him once more to the alliance. Odysseus has suggested that *Agamemnon* take an oath concerning Briseis, but such an oath will not serve this larger purpose. It is not a question of simply inducing Achilles to fight again, for the Book begins with Achilles expressing his eagerness to return to battle and avenge Patroklos. Perhaps this is just the problem, however, for Agamemnon and Odysseus. Achilles wants to fight immediately without any formalities or ceremonies, and indeed he expresses his indifference to the gifts proffered by Agamemnon as compensation for the injury done his honor. But Agamemnon *wants* him to accept the compensation, wants him to partake in the ceremony, to ensure that his commitment to the alliance will outlast his rage over the death of Patroklos. He wants to bind Achilles once more, in a lasting way, to the war effort and resorts to *horkia* to do so.

Seen in this light his use of the ceremony *horkia tannkein* is perfectly appropriate. Achilles did not merely withdraw temporarily from the fighting in Book 1, rather he forswore his relationship to Agamemnon as an ally and considered his obligation to fight for the Achaean cause at an end. Thus in his speech in Book 9 to Ajax and Odysseus he not only rejects the notion of his having any obligation to fight in the war and says that he will sail home the next day, but also calls into question the very purpose of the expedition itself (308-376). This alliance and the plans of war are the *συνθεσῖαι τε καὶ ὄρκια πιστά* described by Nestor in Book 2 (339-341), discussed above, (pp. 3-4). They serve to bind the Greek allies together, and as Nestor's speech clearly implies, they impose obligations on the allies to participate fully in the war effort. Thus the desire of the Greeks to sail home, for which Nestor berates him, is seen by him as a

(22) MULDER, *op. cit.*, n. 2, comments "Die Szene selbst will der Dichter wohl als eine Art Vertragschluss zwischen Achilles und Agamemnon angesehen wissen ..., " 16-17.

betrayal of alliance: πῆ δὴ συνθεσῖαι τε καὶ ὄρκια βήσεται ἡμῖν; (339-140). Likewise in the case of Achilles and Agamemnon the relationship of alliance has been damaged and must be repaired, re-established, re-affirmed. Towards this end Agamemnon offers compensation and a sort of apology, and, in response to the ὀμνυέτω ὄρκον of Odysseus, says ἐθέλω ὀμόσαι ... καὶ ὄρκια τάμωμεν.

The ceremony itself (250 ff.) is, in many respects, similar to the treaty ceremony described in Book 3, but includes the oath of Agamemnon concerning Briseis. In addition, after the completion of the sacrifice Achilles prays to Zeus, absolving Agamemnon, at least partially, of responsibility. This active participation of Achilles emphasizes the mutuality of the whole proceeding, and the sense of relationship being restored, which there would not have been had Agamemnon simply sworn his oath concerning Briseis (23).

'Horkia' in the Odyssey

Ὅρκια occurs in only two passages of the Odyssey, one of which involves the reconciliation of Odysseus and the families of the suitors, and thus falls within the category of usages relating to re-establishment of relationships. Here, as in the reconciliation of Agamemnon and Achilles in Book 19 of the

(23) A curious tension seems to exist between *horkia* and *horkos* in this passage, as if they are somehow felt not to belong together in the same context. This is the only description in Homer where they occur together (*horkos* 175, *horkia* 191), as they necessarily must, given the nature of the ceremony, yet it seems as if actual use of both words is avoided. In the entire lengthy description of the ceremony and events leading up to it, each word only occurs once. In Book 19 Agamemnon thus never uses the word *horkos* once, whereas in Book 9 when he suggests such an oath he says ... μέγαν ὄρκον ὀμοῦμαι (132, here he only says ἐθέλω ὀμόσαι, 187). In contrast to this passage, the ceremony described in Book 3 employs *horkia* repeatedly. Likewise it is rare for *horkos* not to be used in the actual description of the taking of the oath. Perhaps all this indicates some sort of uncertainty as to what may have been seen as unusual or unfamiliar legal situation.

Iliad, *ῥοκία τήμνειν* is used to describe the restoration of a relationship which has been interrupted and damaged.

The families of the suitors killed by Odysseus have determined upon a bloody revenge, but Zeus decides that Odysseus must rule the Ithacans once more. Athena asks Zeus whether he intends to establish war or friendship among them (*ἤ φιλότητα μετ' ἀμφοτέροισι τίθησθα*; xxiv, v. 476) and Zeus replies that he intends to restore Odysseus to his kingship by means of *ῥοκία*: *ῥοκία πιστὰ ταμόντες ὃ μὲν βασιλευέτω αἰεὶ* (v. 483). This passage brings out clearly the relational quality of *ῥοκία* emphasized above. The *ῥοκία* will not simply function to settle the feud between Odysseus and the suitors' families, but will re-establish a permanent relationship (*αἰεὶ*, v. 483) of kingship, loyalty, and friendship (*φιλότητα*, v. 476; and cf. 3.73 discussed above, p. 54 where *φιλότητα* is used of the alliance between the Greeks and Trojans). That this process is seen as a *re-establishment* of a previous relationship is underscored when Zeus continues, *τοὶ δ' ἀλλήλους φιλεόντων/ὡς τὸ πάρος, πλοῦτος δὲ καὶ εἰρήνη ἄλις ἔστω* (vv. 485-486). Odysseus is restored to his kingship, accepted by and reconciled to his subjects, and will rule Ithaca in peace and prosperity as before he left for the war. "*Ῥοκία τήμνειν* is the phrase used by Zeus to describe the restoration of this relationship, and indeed the *Odyssey* ends with a reference to Athena and the *ῥοκία*: *ῥοκία δ' αὖ κατόπισθε, μετ' ἀμφοτέροισιν ἔθηκε Παλλὰς Ἀθηναίη* (vv. 546-547).

The one remaining passage in the *Odyssey* where *ῥοκία* occurs is both interesting and unusual, and represents the only significant departure from the standard case sketched above. Odysseus, still in disguise as a beggar, has a long conversation with Penelope in Book 19, during the course of which, having been deeply moved by her fidelity and long-suffering endurance, he assures her that Odysseus will return home quite soon. Knowing that she has learned to be skeptical of such stories, he offers to substantiate his tale: ... *ἔμπηξ δέ τοι ῥοκία δώσω/ἴστω νῦν Ζεὺς πρῶτα .../ἰστίη τ' Ὀδυσῆος ἀμόμονος, ἦν ἀφικάνω* (vv. 302-304).

This is the only passage in either epic where *ῥοκία* is used

in a context where an oath, ὄρκος, would seem to be equally appropriate, and indeed "oath" probably is the most convenient literal rendering of ὄρκια here. Yet ὄρκια may lend an additional shade of meaning to the line which ὄρκος would not. Perhaps what accounts for this highly unusual usage, then, is the subtle nuance imparted by ὄρκια in the particular context of Odysseus' remark. For Odysseus, not knowing what sort of wife he would find on his return, has been deeply touched, seeing and speaking with Penelope, whom he realizes still loves him deeply after all the years of separation; but despite his feelings he dares not reveal himself to her. Instead he tells her that she will soon be reunited with Odysseus, and in doing so he perhaps uses ὄρκια instead of ὄρκος, for the association of relationships, restoration, and joining together that it calls to mind. As discussed above, ὄρκια is used to describe the re-establishment of Odysseus' relationship with his subjects. This, of course, is its proper legal context, but in the promise of Odysseus-the-beggar that Odysseus-the-king and husband will return home soon, its extended usage imparts a unique quality to the pledge. In this way it is somehow appropriate that instead of telling Penelope, "I will give you an oath", Odysseus says in effect, "I will give you my pledge, the sort of pledge that would be given to solemnize the re-establishment of a relationship long interrupted".