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# A TRICKSTER'S OATHS IN THE *HOMERIC HYMN TO HERMES*

JUDITH FLETCHER



ὄρκος γὰρ οὐδεὶς ἀνδρὶ φιλήτη βαρὺς

“No oath is a burden for a thief.”

—Soph. fr. 933 Radt

*Abstract.* Hermes' maturation into a god of commerce and diplomacy is punctuated by a series of oaths. At first he uses tricky or unsworn oaths in the investigation of his theft of Apollo's cattle, but eventually he and Apollo exchange oaths that evoke the protocols of ritualized friendship. Although the ceremony suggests that Hermes has achieved adulthood, a narrative sleight of hand leaves some ambiguity about the completion of the ritual.

HERMES IS FAMOUS AS A GOD OF LANGUAGE AND COMMUNICATION, credentials that he earned before he was but two days old, according to the fourth Homeric Hymn. The baby god displays an exceptional facility with “clever words” (*h. Merc.* 260) during the investigation of his theft of Apollo's cattle (274–75, and 383–89), first with a tricky oath to his brother and then again to his father. Neither god is fooled by the chicanery, although several translators and commentators have been.<sup>1</sup> August Baumeister was among the first few to recognize the subtleties of the infant Hermes' oath tricks. Over a century later, Cathy Callaway used criteria established by Walter Arend's *typischen Scenen* to reveal that Hermes' oaths were in fact “unsworn.” As useful as her project might be for clearing the god of perjury, it does not extend to any consideration of the imperfect oaths within the hymn's larger narrative structure. There is still more to say on the topic of oaths in the *Homeric Hymn to Hermes*, which includes a series of pledges that secure the friendship of the two

<sup>1</sup>Athanassakis (1976, 38) for example translates 274–75: “I vow that I myself am not the culprit.” See Callaway 1993, 23, for a review of scholarship. All translations throughout this article are mine unless otherwise stated.

Olympian brothers and delimit and define the powers of Hermes (459, 513–26).<sup>2</sup>

In this article I argue that the unsworn oaths become meaningful when considered as part of a narrative and symbolic sequence and that they lead to the completed oaths that consummate the coming-of-age themes of the poem. The hymn represents Hermes' development from a cunning child thief who plays tricks with oaths to an adult god of commerce and diplomacy, endeavors whose efficacy depends on the integrity of the oath. By the end of his second day, Hermes is a mature god who has engaged in an oath ritual that identifies his adult masculinity and privileged membership amongst the Olympians. Nonetheless, the hymn ends with a reminder that this is a knavish god who "hoodwinks the peoples of the world" (578), a clue perhaps that we should think very carefully about all of Hermes' oaths.

### I. HERMES' UNSWORN OATHS

Arend identifies oaths in epic poetry as formulaic type scenes that include a verb of swearing and some indication that the oath was completed.<sup>3</sup> As Callaway points out, these important elements are lacking in baby Hermes' quasi-oaths. The first oath is offered (but only offered) after Hermes has stolen fifty of his brother's cattle, flayed and roasted two, hidden the rest, and returned to his cradle in his mother's cave. Apollo questions the baby god, who disingenuously denies all knowledge of the theft and then proposes his oath:

εἰ δ' ἐθέλεις, πατρός κεφαλὴν μέγαν ὄρκον ὁμοῦμαι·  
 μὴ μὲν ἐγὼ μήτ' αὐτὸς ὑπίσχομαι αἴτιος εἶναι,  
 μήτέ τιν' ἄλλον ὄπωπα βοῶν κλοπὸν ὑμετεράων (274–76)

"But if you wish, I will swear a great oath by my father's head, that I am not responsible, nor have I seen any other who stole your cows . . ."

<sup>2</sup>Sowa 1984, 171–72, makes brief remarks; otherwise there has been no attempt to connect the various oaths of the poem.

<sup>3</sup>The basic elements are: 1. an invitation or offer to swear an oath, 2. an invocation of a god or object to guarantee the oath, 3. a verb of swearing, 4. the tenor, i.e., the terms of the oath, 5. a curse (always at least implied). See Arend 1933, 122–23. Callaway 1993, 15, n. 2, has expanded on his model. For a general discussion of the ritual, see Thür 1997.

This is sophistry without a doubt, but not *epiorkia*, a grave offense for which even the gods pay.<sup>4</sup> The unassailable power of *horkos* is evident, for example, in how it obliges Zeus to keep his oath to Hera, and so unintentionally he gives Eurystheus power over his other son Heracles (*Il.* 19.97–131). But unlike Zeus, Hermes has not committed himself to anything, since he cleverly avoids obligation by using the future tense, ὁμοῦμαι, “I will swear.”<sup>5</sup>

The second unsworn oath occurs after the brothers bring their dispute to their father for arbitration. Hermes, who in fact initiated the process by suggesting that they set the matter before Zeus, speaks in his own defense before an assembly of the gods. He offers an oath (383–89) that irreverently distorts all of the familiar conventions and even surpasses his first oath trick in chicanery. Hermes expresses his respect for the Sun but does not call him to witness. He obfuscates the charges by claiming that he did not drive the cattle into his house (which is true) or cross the threshold (true again—he slid in through the keyhole). Again, he only offers to swear (μέγαν δ’ ἐπιδώσομαι ὄρκον, 383)<sup>6</sup> that he is not guilty (οὐκ αἰτιός εἰμι) without really completing the oath. He guarantees all this with a grandiose invocation of the “well decorated portico” of his father’s house (which he obviously plans to enter, by one way or another), and, in place of the conventional self imprecation, Hermes threatens vengeance on Apollo.<sup>7</sup>

The ability to manipulate oaths is the mark of a trickster across a variety of cultures: Autolycus, Odysseus’ grandfather (and Hermes’ son according to some), was noted for this talent.<sup>8</sup> Babylonian Enki was able to avoid the obligations of his oath not to tell humans about their impending destruction by having the walls of the house speak to

<sup>4</sup>According to Hesiod (*Th.* 783–86), gods who forswear the great oath on the river Styx, which Hermes does not actually invoke in his oath, will spend a year in a coma and nine years barred from the festivities of the gods. See Callaway 1993, 16–20.

<sup>5</sup>See Clay 1989, 134, on the sophisticated nature of the oath: “The wily god has chosen his words carefully; neither here nor later, in the presence of Zeus, does he actually perjure himself.”

<sup>6</sup>There is a textual problem here. It is obvious that some verb of swearing is required. ἐπιδώσομαι is Barnes’ emendation.

<sup>7</sup>On Hermes’ sophistry in both oaths, see Clay 1989, 134, 136. I am especially indebted to Crudden 2001, 126. Gagarin 2007, 44–45, argues that Hermes’ oath-offers exemplify a rhetorical gambit found in forensic oratory (e.g., Isaeus 12.9–10), where oaths offered but not actually sworn serve as a rhetorical flourish.

<sup>8</sup>*Od.* 19.395–98. Brown 1947, 8–9, draws a comparison between Hermes’ oath tricks and Autolycus’ skill at evading the oath.

Atrahasis. In the Norse tradition, Loki took an oath with the other gods not to harm Baldur but circumvented this stricture by using Mistletoe to slay his rival indirectly. Unlike these examples, Hermes' unsworn oath is not promissory, yet it does illustrate a trickster's skill at evading linguistic boundaries. But Hermes is more than a trickster; he is also god of commerce and diplomacy, areas that depend on the oath for their operations. The hymn is able to resolve this dissonance by representing Hermes' oath trickery as part of his childhood, ostensibly in contrast with his final mature identity, although even as an adult Hermes has a slippery quality that is hard to contain. Keeping this in mind, we turn to an investigation of how the author of this hymn has fashioned a very loaded and complex set of conventions surrounding oath swearing (which he does with a skill worthy of Hermes himself) into a succession of events that leads to the full articulation of Hermes' distinctive character.

## II. OATHS AND THE NARRATIVE

To understand how the hymnist sets up a narrative sequence beginning with the unsworn oaths, we need to examine their closest parallel, Hera's dissimulation at *Iliad* 15.35–46.<sup>9</sup> Hera pretends to swear that she did not send Poseidon to the battlefield, although she did in truth aid him by deceiving and seducing Zeus. Like Hermes, she chooses her words carefully to avoid perjury and to give the impression of innocence. She calls on Gaea, Uranus, and Styx, and she includes some truth to her claim (i.e., that she did not send Poseidon to help the Achaeans), but she does not complete the oath with a verb of swearing (although she slyly alludes to the act with an optative, ὀμόσαιμι). Here perhaps is our first indication of the association between oaths and gender. Oath tricks help to demonstrate feminine *mētis*, since Hera's duplicity resonates with the cynical Sophoclean fragment: "I write a woman's oaths in water" (fr. 811 Radt). Let us note for now that Hera's prevarication produces the same superficial effect as Hermes'. In all three cases, Apollo and Zeus smile at the tricks that they obviously detect. Yet distinctions between Hera's and Hermes' situations grant some insight into the narrative function

<sup>9</sup>According to Callaway 1993, 23 (see especially n. 23), there are six scenes in Homer in which oaths are offered, usually with a verb in the future tense. Only one, that of Achilles, is actually sworn (*Il.* 1.233). The unsworn oaths are not necessarily attendant on craftiness, however. See Callaway 1998, 159–70, on the oaths of Odysseus in disguise, which are offered but not completed due to other characters' interruptions.

of Hermes' unsworn oaths. When Hermes offers an oath to Apollo, his shifty gaze draws attention to his deception (278–80),<sup>10</sup> as if the little liar is daring Apollo to take him to Zeus. Apollo smiles, in amusement and perhaps also in anticipation of some intervention from Zeus, who, as it turns out, will be equally amused.

Callaway reads Zeus' smile as a reflection of Hera's success, since her husband's anger has been deflected. I contend, however, that there are significant differences between the consequences of Zeus' response to Hermes and his response to Hera. Zeus smiles before he answers Hera, surely because he intends to humiliate her by dispatching her with his orders to the other gods not to interfere in the battle.<sup>11</sup> Her plotting is curtailed once Zeus detects her ruse. Zeus' response to Hermes is another smile, but here it apparently signifies his enjoyment in Hermes' trickery. The narrative sequence does not end (as it did in the Hera episode) but carries forward. Although Zeus sends Hermes on a mission as well, it is one that eventually leads to the enhancement of the young god's prestige, not his embarrassment. In her important study of the hymn, Jenny Strauss Clay has identified its momentum as Hermes' progress towards his proper Olympian status and honors. The two unsworn oaths move Hermes closer to these prerogatives, which are obviously why he wants to extend the investigation of the theft rather than forestall it.<sup>12</sup> By offering an oath, he initiates an arbitration process that will bring him into the presence of his father. Zeus is certainly not taken in by the ploy of the unsworn oath but rather than asking him to return the cattle, Zeus only tells him to show Apollo where they are. Since he has not been ordered to give up the herd, but simply to reveal it, Hermes will have an opportunity to negotiate and barter for his *timai*. Hermes' unsworn oaths, then, not only characterize him as a trickster but also affect the plot. The oath offered to Apollo motivates a formal arbitration that moves Hermes one step closer to his Olympian status. In the presence of the divine assembly, he

<sup>10</sup> Detienne and Vernant 1978, 282, comment on Hermes' fiery qualities ("like some dancing will-o'-the-wisp") and *mētis* that manifests as a flash from his eyes in such a way that fire and *mētis* become equivalent.

<sup>11</sup> Callaway 1993, 21; I contend Hera's petulant behavior among the gods when she relays Zeus' message is an indication of how well Zeus has humiliated her in response to her duplicity.

<sup>12</sup> Clay 1989, 95–96. As Gagarin 1986, 41, aptly observes, Hermes must be aware that he had been blameworthy but feels that "only by these unusual means can he eventually gain the recognition and honor he desires. . . ." Likewise Clay 1989, 136, recognizes that Hermes manipulates the trial in order to gain access to Olympus.

delights his father with a well-crafted oath trick and moves another step closer to his goal.

### III. OATHS AND FRIENDSHIP

In addition to serving narrative and characterizing functions, the unsworn oaths work symbolically by signifying that the young god cannot easily be fenced in. Here we should consider the probable etymological connection between *horkos* and *herkos*,<sup>13</sup> nicely expressed by Heinrich von Staden: “one creates boundaries; one fences in oneself and those rendered complicitous by the oath; one binds through the efficacy of the oath’s word magic.”<sup>14</sup> Although Hermes will eventually exchange oaths with his brother, the preliminary negotiations seem to emphasize his ability to avoid linguistic or physical enclosures and to impose them on others instead. He exemplifies his nature as Hermes *Strophaios*, the god of twists and turns, who cannot be tied down. This quality is physically manifested when Apollo fails to tie up Hermes with osier branches, which Hermes magically expropriates to corral the cattle.<sup>15</sup> Hermes eludes boundaries but creates them for others, while Apollo, who cannot bind his brother, is himself bound by the enchantment of the lyre.

The turning point in the story occurs when Hermes plays the tortoise shell lyre, which entices Apollo to concede his cattle in return.<sup>16</sup> Not only

<sup>13</sup> See Frisk 1954, 418–19, who argues that the essential meaning of *horkos* is “confinements” (*Schranken*); he sees *horkos* as a magical power that encloses the swearer. Luther 1954, 86, offers linguistic parallels for the link between *horkos* with *herkos* (e.g., analogies with *lochos:lechos* and *tochos:teichos*). Bollack (1958, 33) also understands *horkos* as a kind of enclosure: one can have an oath cast about one like a lasso (*peribalousa IT 788*); the most extreme version of this concept is the function of the Styx, which surrounds the universe and which binds the gods to their oaths; cf. Hiersche 1958, 36. Chantraine 1968–77, 820–21, objects to this view as “ingénieuse mais arbitraire” and prefers to emphasize *horkos* as a sacred object (“objet sacralisant”) without focusing on its etymology. For further discussion, see Benveniste 1948, 81; Leumann 1950, 91–92. For ancient etymologies of *horkos*, see Hirzel 1902, 3, n. 5.

<sup>14</sup> Von Staden 1991, 230.

<sup>15</sup> Cf. Detienne and Vernant 1978, 41, 286, 301–2. See also bibliography in Clay 1989, 137, n. 13, on Hermes’ magical binding abilities.

<sup>16</sup> West 2003 posits a lacuna after 417 in which Apollo demands compensation for the theft. While it is true that Apollo acknowledges that the lyre is of equivalent value to the cattle (*h. Merc.* 437), this does not necessarily mean that he made a demand for compensation. The emphasis seems to be on the magical quality of the lyre that provokes a longing in Apollo. The exchange is more in keeping with Hermes’ persona as a god of commerce if it is not demanded by Apollo.

is Hermes able to rearrange boundaries around property but also around his own identity; the transaction alters his status from cattle rustler to merchant, and from outsider to member of the Olympian elite. Apollo now proclaims the *kleos* that Hermes and Maia will receive among the immortals (458–59).<sup>17</sup> As a guarantee, Apollo gives his oath: “by this spear of cornel wood” (ναὶ μὰ τόδε κρανῆϊον ἀκόντιον, 460). Hermes’ evasion of the osier branches is all the more striking in light of Apollo’s binding oath by an object formed from another deciduous tree. It is the older, more established brother who binds himself with the first completed oath of the poem. Hermes’ oath tricks lead him exactly where he wants to be. Ironically the very god who was disadvantaged by the trick accomplishes Hermes’ goal by an oath. The humorous tone and fast-paced tempo of the narrative change here to a more serious ceremonial cadence. The lengthy, reproachful speech, in which Hermes bestows the lyre upon Apollo, suggests that another transformation has occurred. The infant Hermes has become an adult male, and as such he is now capable of engaging in a proper oath ceremony. The subsequent exchange of gifts and Hermes’ promise to Apollo are a type of settlement contract, sealed by oaths, as contracts often were. Athenian law stipulated that a minor could not negotiate a contract (Isaeus 10.10); I would therefore suggest that this agreement between the two brothers implies that Hermes has become an adult.

Edwin Carawan notes that settlement contracts or *diallagai* were always concluded by an oath: “Where an oath seals a contract it serves primarily as a negative, a bar against further dispute.” In other words, as Carawan puts it, “to be friends in the future.”<sup>18</sup> The brothers’ exchange of gifts, the lyre for the silver whip (symbolic of Hermes’ new role as master of the flocks), along with the emphasis on bonds of affection, are strongly suggestive of the protocols of ritualized friendship. When the two gods return to Olympus, Zeus formalizes the relationship by leading them “both together in friendship” (ἄμφω δ’ ἐς φιλότητα συνήγαγε, 507). Apollo is understandably anxious about Hermes’ thievish disposition and requests an oath (514–20):<sup>19</sup>

<sup>17</sup> Although as Clay 1989, 141, observes, *kleos* is for mortals; what Hermes wants, and eventually gets, are divine *timai*.

<sup>18</sup> Carawan 2007, 60–72, provides examples: cf. *IG* i<sup>3</sup> 75, treaty with Halieis; *IG* ii<sup>2</sup> 111, settlement at Iulis = Tod 142 (363/2) with closing oath.

<sup>19</sup> The sequencing of the text from 512 has aroused suspicions. Clay’s remedy (1989, 143–45) is to transpose 507–12 to 575–76 and assume a lacuna at 568. This solution, however, interrupts the theme of ritual friendship, which is first sanctioned by Zeus and then secured by the exchange of oaths between the brothers.

δείδια Μαιάδος υἱὲ διάκτορε ποικιλομήτα  
 μή μοι ἀνακλέψῃς κίθαριν καὶ καμπύλα τόξα·  
 τιμὴν γάρ παρ Ζητὸς ἔχεις ἐπαμοίβιμα ἔργα  
 θήσειν ἀνθρώποισι κατὰ χθόνα πουλυβότειραν.  
 ἀλλ' εἴ μοι τλαίῃς γε θεῶν μέγαν ὄρκον ὁμόσσαι,  
 ἢ κεφαλῇ νεύσας ἢ ἐπὶ Στυγὸς ὄβριμον ὕδωρ,  
 πάντ' ἂν ἐμῷ θυμῷ κεχαρισμένα καὶ φίλα ἔρδοις.

O cunning guide, son of Maia, I fear that you might steal my lyre and my curved bow. For you hold the office from Zeus to establish deeds of exchange among men throughout the fertile earth. But if you would suffer to swear the great oath of the gods for me, either by nodding your head or by the mighty water of the Styx, you would accomplish everything pleasing to my own heart.

The format of the oath, with the invitation (518), call to witness (519), and subsequent execution by Hermes (521–23), conforms to the formulaic structure of Arend's oath Type Scene (and Callaway's refinements), a salient contrast to the deficiencies of the unsworn oaths. Finally the crafty young god seems to be contained within the enclosure of *horkos* (521–26):

καὶ τότε Μαιάδος υἱὸς ὑποσχόμενος κατένευσεν  
 μή ποτ' ἀποκλέψῃν ὅσ' Ἐκηβόλος ἐκτεάτισται,  
 μηδέ ποτ' ἐμπελάσειν πυκινῷ δόμῳ· αὐτὰρ Ἀπόλλων  
 Λητοῖδης κατένευσεν ἐπ' ἄρθμῳ καὶ φιλότῃτι  
 μή τινα φίλτερον ἄλλον ἐν ἀθανάτοισιν ἔσεσθαι,  
 μήτε θεὸν μήτ' ἄνδρα Διὸς γόνον·

And then the son of Maia nodded his head and promised never to steal the Far Shooter's possessions, and never to approach his solid house. And Apollo son of Leto nodded his head in friendship and accord (and vowed) that no other among the immortals would be dearer to him, neither god nor man begat by Zeus.

With their exchange of oaths, Hermes and Apollo enter into a formal bond of *philotēs*, an ancient ceremony descended from Near Eastern covenants of friendship.<sup>20</sup> The conventions, which included the exchange of oaths and

<sup>20</sup>Weinfeld 1973 traces the influence of Near Eastern covenant terminology in the second millennium B.C.E. He speculates that international relations between Egypt and the Assyrians and Hittites contributed to the globalization of oath formulae eventually found in Homeric friendship formulae. See Karavites 1992, 82–124, for a discussion of the Near-Eastern influence on Homeric covenants and agreements in general.

gifts,<sup>21</sup> must have been familiar to an archaic audience if only from other epic poems. Hector, for instance, proposes a truce to the Achaeans, οἱ δ' ἄλλοι φιλότητα καὶ ὄρκια πιστὰ τάμωμεν (*Il.* 3.94, cf. 3.73, "Let the rest of us swear oaths of faith and friendship with sacrifices").<sup>22</sup> The *locus classicus* of ritualized friendship is the meeting of the Trojan Glaucus and Achaean Diomedes, which, like the encounter between Hermes and Apollo, ends with the exchange of gifts (armor) and pledges of friendship (πιστώσαντο, *Il.* 6.234). A potentially hostile encounter becomes the essence of civility and concord because two warriors recognize that they have inherited obligations of *philotēs* from their grandfathers. A more exact correspondence with the ritual between Hermes and Apollo occurs in Plutarch's account of the friendship between Theseus and Perithous (*Thes.* 30).<sup>23</sup> After the former had stolen the latter's cattle, the two ratified their new friendship and declared themselves to be brothers by means of oaths. In all these cases, the oath is a powerful speech act that transforms incipient or even established enmity into harmonious reciprocity. Ritualized friendship is associated with *xenia* in the Glaucus and Diomedes scene and in historical sources. The formalities of *xenia* are modeled on kinship; *xenoi* could exchange names, and their relationship was hereditary.<sup>24</sup> But the bond between Hermes and Apollo is intrinsically deeper; they are half brothers after all.

The vocabulary (e.g., κεχαρισμένα, φιλότητι) and the exchange of oaths and gifts between Hermes and Apollo allude to the protocols of ritualized friendship. The hymn portrays Hermes enacting the very ceremony that will fall under his jurisdiction. His association with rites of friendship is suggested by a black figure amphora (BM 226), probably contemporary with the hymn, which depicts Heracles and the centaur Pholus clasping hands, a visual symbol of the ritual, while Hermes watches from the side. Gabriel Herman observes that "Hermes, the god of mediators, having brought about the encounter, sits down to take a rest."<sup>25</sup>

<sup>21</sup> On the importance of oaths in rituals of friendship, see Herman 1987, 50, 59, 71, 125. On the theme of friendship (although not in relationship to oaths), see Clay 1989, 121, who suggests that Hermes' distribution of meat to the twelve gods is the epitome of *charis*.

<sup>22</sup> Literally "cut oaths." *Horkia* includes the oath sacrifices in the public ceremony and the treaty itself. On the technical usage of *horkia* in Homer, see Priest 1964; Weinfeld 1973, 192; Cohen 1980, 49–68. Karavites 1992, 59–73, extends the inquiry to Herodotus.

<sup>23</sup> The comparison is aptly drawn by Walcot 1979, 344. See also Haft 1996, 32, and Johnston 2003, 160.

<sup>24</sup> Herman 1987, 58–69; Mitchell 1997, 13.

<sup>25</sup> Herman 1987, 52. Clay 1989, 143, likewise comments on Hermes' special associations with reciprocity, mediation, "alliances and unions."

Because ritualized friendship is an aristocratic male convention, Hermes' new relationship with Apollo indicates his change in status from outsider to member of a privileged group (the Olympians).<sup>26</sup> The transformative qualities of *horkos* make the oath a particularly apt ritual for a god who presides over deeds of exchange.

Ritualized friendship expands into interstate diplomacy, another of Hermes' offices. As David Bederman puts it, "Ancient treaties were, as a matter of definition, an exchange of oaths."<sup>27</sup> With his oath Hermes performs a ritual that signifies his supervision of diplomacy and mirrors its codes of behavior. His oath to respect his brother's house is reflective of treaty oaths that would include specifications about borders and property. A related aspect of Hermes' persona is also established by the ceremony: he is now a god of commerce. The "deeds of exchange" that are the purview of Hermes as mentioned by Apollo imply not only theft, demonstrated by Hermes' recent larceny, but also commerce.

Thus it is by means of the oath that Hermes attains the offices and privileges of his divine role and adult identity. As I have argued, the contrast between the unsworn oaths of the child-god and the completed oath of the mature god at the end of the poem helps to signify Hermes' transition.

#### IV. OATHS IN OTHER HYMNS AND POEMS

The transformative quality of oaths becomes more obvious when we see how they work to establish the identity, status, and honors of gods in other hymns and poems. The binding properties of *horkos* are suggested in the *Hymn to Aphrodite*, when Hestia swears a great oath on the head of her father (ᾠμοσε δὲ μέγαν ὄρκον, *h. Ven.* 26) to remain a *parthenos* forever. She is one of three goddesses who resist the power of Aphrodite.<sup>28</sup> Although the hymn gives no indication that either Athena or Artemis secured her permanent virginity by means of an oath, in a fragment attributed to Sappho (fr. 44A Voigt), Zeus allows Artemis to swear a similar pledge of virginity. As in the case of Hermes, the oath delineates conceptual bound-

<sup>26</sup> On the exclusivity of ritual friendship, see Herman 1987, 34–40.

<sup>27</sup> Bederman 2001, 61. There are abundant examples in inscriptions (e.g., *IG* i<sup>2</sup>.19, an alliance of Athens with Eggesta c. 458 B.C.E.) and the historiographers (e.g., Thucydides 5.47, the Argive alliance).

<sup>28</sup> Clay 1989, 161, observes how the passage establishes Zeus' power as the father of the gods who is able to distribute *timai* to the other gods.

aries around the honors and consequent identity of Artemis and Hestia. Appropriately for the goddess of the hearth, and thus the metonym of the household, Hestia is impenetrable because she has created a *herkos* around her body. Likewise Artemis, a goddess associated with boundaries and rites of passage, swears an oath that secures her permanent position at the *limen* between childhood and mature sexuality. Remaining a virgin is a special privilege for these goddesses who are *adamatos*, subject to no husband or lover and hence autonomous. Virginité, an essential aspect of the identity of the two divinities, but also a privilege and honor, is in both cases defined by means of an oath.

Similarly, Apollo alludes to how he acquired his *timē*, the oracle at Delphi, by swearing a mighty oath (πιστωθεὶς κατένευσα καὶ ὤμοσα καρτέρον ὄρκον, *h. Merc.* 536) that he alone would know the mind of Zeus. The oath also functions to establish the *timai* of Helios in Pindar's *Olympian 7*, where the god, after missing out on the divine allotments, claims his portion of honor (and a bride), the island/nymph Rhodes. Lachesis secures this allotment for Helios with a "mighty oath of the gods" (θεῶν δ' ὄρκον μέγαν, 119). A variation on the trope occurs in the *Hymn to Demeter*, when the goddess' attempts to immortalize Demophoön are interrupted by Metaneira. Demeter swears a "mighty oath" that hints at the *timai* the child might have received as a god but also establishes his status as a hero who will receive the cultic honor of a mock battle (*h. Cer.* 263). These oaths suggest a literary convention whereby divine prerogatives are established by the performative power of the oath, whether it is on a god's own behalf or for the sake of another.

*The Homeric Hymn to Apollo* provides a final comparandum with interesting variations. Before Delos will allow Leto to give birth to Apollo, she asks for a mighty oath that Apollo will build his first temple and oracle on her island (*h. Ap.* 79–83). Leto swears on the River Styx only that Apollo will build his first shrine on Delos but exceeds the request by promising that it will endure forever and that he will honor Delos above all others. She does not, however, include the clause about the oracle.<sup>29</sup> The passage is intriguing for its depiction of the negotiations between the island nymph and the goddess. Delos wants to ensure that her acceptance of the pregnant goddess will be rewarded and that she does not remain a desolate outpost. Leto is circumspect and will not mete out too many rewards. Her oath to Delos is carefully phrased so that it emphasizes Apollo's honors more than Delos' rewards.

<sup>29</sup> See Clay 1989, 38–39.

The common feature of these oath-swearing scenes is that they establish the special roles and privileges of the gods. Hermes' honors are likewise established by means of oaths. The first, sworn by Apollo, secures the *kleos* of Hermes (458–59) but does not quite fit with the paradigm articulated above since it is neither a *meḡas horkos* nor sworn on the River Styx or head of Zeus. Apollo vouchsafes his oath on his wooden staff, and, while there is no evidence that such an oath is not binding, the formula is markedly different with less fanfare. Nor does Apollo specifically identify the honors that this oath will institute for Hermes, although he does later in the hymn. The second oath, sealing the contract between the two divine brothers, provides the most striking contrast with oaths in other poetry. Hermes' investiture is accomplished by an exchange of oaths, unlike other gods who swear unilateral oaths or have oaths sworn on their behalf. Instead, the oaths exchanged between Hermes and Apollo (which occur after Apollo's oath on his staff and are in an appropriately heightened register) are prototypes, as it were, of oaths sworn in mortal society in the context of commercial transactions, ritualized friendship, and diplomatic negotiations, all areas over which Hermes presides. Hermes' special association with the dealings of mortal society is accomplished by a performative fiat. He enacts the activities over which he presides. Although Hermes is not what one could call an oath god (in that he is not invoked in oaths more than other gods, and certainly less than Zeus and even Apollo),<sup>30</sup> he does supervise mortal "deeds of exchange" that are frequently solidified by oaths and pledges. The *Hymn to Hermes* is uniquely self-reflexive in how it integrates the oath into a performance of the different aspects of Hermes' spheres of influence.

## V. HERMES' RITES OF PASSAGE

This self-reflexivity extends to Hermes' association with rites of passage. Hermes is both an epebic figure who experiences a rite of passage in his narrative and a god who presides over the social transformation

<sup>30</sup> Graf 2006, 245, discusses the *Eidgottheiten*. Hermes is not the most common oath god by any means, but he does turn up. In the epebic oath of Dreros, he is late in the list of oath gods; Apollo is invoked twice before him (as Delphinios and Pythios). Neither Hermes nor Apollo is invoked in the Athenian epebic oath. Marinatos 2003, 131, observes that he is invoked as a witness (along with other deities) of Hellenistic oaths and treaties in Crete. See 148, n. 4, for her bibliography. Oaths are sworn in the name of Hermes by Thracian kings, according to Herodotus (5.7).

of ephebes.<sup>31</sup> The treatment of a theogony and divine coming of age is relatively standard fare for Homeric Hymns,<sup>32</sup> but the *Hymn to Hermes* resonates more deeply with the construction of male adolescence than its counterparts. Hermes enacts a pattern familiar from other ephebic narratives in which a young male separates from the maternal world, exists in a state of lawlessness, engages in a trial of strength or cunning, and is subsequently integrated into the community of adult males. Apollo, the victim of his deceit, has an important role in Hermes' maturation.<sup>33</sup> He, too, is a god associated with margins: his cults are located in the sacred groves that span the natural and social realms, a topographical analogue for his association with ephebic transitions from a natural state to integration with the *polis*.<sup>34</sup> Although Apollo does not incorporate Hermes into the *polis* as a new citizen, he assists with his induction into the well-ordered Olympian realm, with its divine assemblies that parallel the earthly ones. Like other mythic ephebes (Aeschylus' Orestes for example), his transition is guided by Apollo, who is associated with law and order.<sup>35</sup>

This ephebic upbringing is conflated with the common initiation motif of cattle theft, which has commonalities with mythological initiation narratives<sup>36</sup> and with traditional practices that survive in modern-day

<sup>31</sup>See Marinatos 2003, esp. 141 for Hermes' connection with crossing the social boundary into mature manhood. Also Johnston 2003, 175, n. 23, on Hermes' kourotrophic functions.

<sup>32</sup>The *Hymn to Pan* (19) narrates the god's birth; the *Hymn to Apollo* follows the god from birth to the various tests and trials that lead to the establishment of his cults; young Dionysus must overcome obstacles like other ephebes; see Parker 1991, 2–3, on the theogonic aspect of the Homeric Hymns.

<sup>33</sup>The special closeness between the two brothers is suggested by the fact that they shared an altar at Olympus according to Pausanias 5.14.8. See Clay 1989, 101, esp. n. 24.

<sup>34</sup>Birge 1994 has explored Apollo's association with sacred groves where cults and myths associated with Apollo signified his concern "with the entrance into and establishment of city-oriented order" (10) and observes that "Apollo's myth and cult include expressions of marginality that involve the natural and social realms . . ." (18).

<sup>35</sup>Apollo's association with law is well supported. He is fostered by Themis (*h. Ap.* 124–25) and, according to Alcaeus, he proclaimed *dikē* and *themis* to mortals (Fr. 307(c) LP). See Cole 2004, 72. On Apollo's role as a god of initiation, see Bierl 1994, 81–96, who surveys Apollo as a god of initiation in Greek tragedy. Johnston 2003, 163–66, does not see Apollo functioning here as a god of initiation so much as a paradigm of an older male who guides and instructs a younger male in human society.

<sup>36</sup>I use the terms "initiation" and "ephebe" here with the acknowledgement that we have little evidence for formal rites of initiation or the social status of "ephebe" in Archaic and Classical Greece. Yet the motif of coming of age seems to be well established in early poetry. On the relationship between animal theft and male coming of age, see for example

folk cultures. It is appropriate that Hermes' rite of passage evokes these distinctly mortal traditions because of all the gods he is most concerned with social relations in the human realm. Adele Haft has drawn attention to how the hymn resonates with Michael Herzfeld's classic study of the performance of masculinity in a Cretan mountain village. In "Glendi," animal theft eventually leads to a bond (*sindeknia*) between perpetrator and victim, a bond that resembles the concord achieved between Hermes and Apollo. The activity requires a fair degree of cunning and stealth and is often performed in the face of the mother's opposition as a "defiant attempt at claiming autonomy."<sup>37</sup> The first theft, as Herzfeld notes, is a momentous event for the young man: "It is an initiation, however informal, into manhood, and the narratives systematically formalize the experience to fit the rhetoric of male identity . . . The event is well understood to mark an *experience of passage*."<sup>38</sup>

Since animal theft is associated with rites of passage in ancient Greek narratives and seems to have antecedents in Indo-European traditions, the Cretan parallels help to isolate what character traits are being validated and encouraged by this activity: strength, intelligence, and daring, certainly, but also cooperation, friendship, and reciprocity. Herzfeld's field work emphasizes the *sindeknia* that derives from theft, often reinterpreted as a form of gift giving, as in the case of Apollo and Hermes.<sup>39</sup> Haft notes that Hermes' theft is well calculated in that he steals to make friends with a god of very high status whose affluence includes prestigious flocks of cattle, a gambit that ensures that he himself will accrue as much honor as possible from the transaction. Yet Hermes shows restraint in only stealing female animals since theft of male cattle would be an affront to his brother's masculinity.<sup>40</sup> As Johnston points out, the Hermes myth does not highlight the defeat of a monster, a feature

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Nestor's expedition (*Il.* 11.669); for discussion and comparanda, see Walcot 1979, 334–35; Johnston 2003, 159 (and her bibliography 175, n. 13).

<sup>37</sup> Herzfeld 1985, 164; see Haft 1996, 33–34, and Johnston 2003, 159, for analogies with Hermes' relationship and separation from his mother Maia, who expresses similar disapproval of his theft. As Haft notes, this element is missing from other accounts of Hermes' theft.

<sup>38</sup> Herzfeld 1985, 166 (italics in the original).

<sup>39</sup> Among the examples is the youth who stole sheep from an older man and roasted a lamb; when the owner discovered the escapade he took back his sheep but he turned the theft into a gift by promising to give him a lamb the next year (Herzfeld 1985, 165–66).

<sup>40</sup> Haft 1996, 35–40. Glendiot raids were reciprocal, however. Haft observes that there are flocks surrounding Maia's cave. Thus there is an implicit potential for a reciprocal theft.

of other variants of the formula, but rather emphasizes the friendship between Hermes and Apollo.<sup>41</sup> An important aspect of male maturation in ancient Greece was a bond with an older male who facilitated the youth's introduction into an adult society that valued homosocial bonding. The process of becoming a man was also a process of interconnection and identification with a group of peers, and assimilation into the group could involve an element of competition and initial conflict, as exemplified in the *Hymn to Hermes*.

The fictional representation of strife and subsequent conciliation between Hermes and Apollo provides a model for a potential audience who, as Johnston speculates, might have been adolescent male participants in the Hermaia, athletic festivals held in honor of the god. Greek youths who participated in these festivals did not necessarily go through an explicit initiation ceremony; there appears to be no ancient Greek term for the process and no evidence of specific initiation rituals. The performance of the hymn helped to construe their athletic competition as a rite of passage that the participants could associate with the experience of Hermes. This conjecture is supported by Hermes' association with the gymnasium where adolescent athletes trained. In the Hymn, Hermes provides a prototype for their experience by first lifting and then flaying two cows, an activity attested in ephebic competitions.<sup>42</sup>

How would the oath motif speak to such an audience who read the hymn as a reflection of adolescent social transition? One obvious possibility would be the special significance of oaths, as we shall see in more detail below, for the enculturation of young men who swore an oath that integrated them into the collective body of citizens, perhaps even as early as the late sixth century. In other words, Hermes' final oath is (among other things) an Ur-performance of the oaths sworn by new male citizens throughout the Greek world.

## VI. OATHS AND THE TRAGIC EPHEBE

The function of *horkos* as a marker of the new adult status of male characters and as a means of establishing solidarity with a social group is

<sup>41</sup> Johnston 2003, 160.

<sup>42</sup> Sculptures of Hermes accompanied by Eros or Heracles were placed in gymnasias from the sixth century onwards. See Scanlon 2002, 252–55, for the associations of the three gods. Herms were the embodiment of the god's presence in the gymnasium. Athenaeus names Hermes as one of the gods whose shrines were found in the gymnasium (13.561d). See Marinatos 2003, 133–34, for references to ephebic animal wrestling as a sign of manliness.

also evident in tragedy. While tragic ephebes do not use oath tricks, their maturation seems, like that of Hermes, to culminate when they swear an oath, a phenomenon that occurs towards the end of three individual extant tragedies.<sup>43</sup> The experience of Heracles' son in *Trachiniae* follows the familiar trajectory of individuation from the maternal world, a journey abroad, and return home.<sup>44</sup> This process is articulated within the highly nuanced ethical concerns of tragedy. According to Carawan, the second part of the play (after the death of Deianira) focuses on the "ephebe's choice," which will require him to decide between loyalties to the female-centered *oikos* or to the "Männerbund."<sup>45</sup> Hyllus gives priority to his father's wishes and privileges a relationship between men (as opposed to loyalty to his mother) when he swears an oath to Heracles to marry the latter's concubine, Iole (1217–51).<sup>46</sup> His entry into manhood is, like that of Hermes, marked by the swearing of an oath, which creates a formal bond between a younger and older male and facilitates a transition between two social identities: that of the child and that of the adult.

*Horkos* operates more complexly as a structural device in the *Oresteia*, which ends with Orestes swearing an oath after enduring his own challenging tests and accomplishing his transition to manhood.<sup>47</sup> Curses and oaths are part of the rich thematic and imagistic systems of the trilogy, although a full discussion of their operations are beyond the scope of this article.<sup>48</sup> For the purposes of this discussion, I note that Orestes swears an oath at the seat of Apollo to kill his mother, as Pylades reminds him (*Ch.* 900–901). This oath is given special status by its Delphic con-

<sup>43</sup> Cf. Mitchell-Boyask 1999, 44, who likewise notes that "in tragedy, ephebes such as the Aeschylean Orestes and Neoptolemus in Sophocles' *Philoctetes* bind themselves with oaths to a particular mission involving other men." He does not, however, include Hyllus in the discussion.

<sup>44</sup> Like Telemachus, Hyllus fulfills the ephebic pattern by taking a journey beyond the home, and, like Orestes, he repudiates his mother. See Pozzi 1999, 29–41, for a discussion of the ephebic motifs in the *Trachiniae*.

<sup>45</sup> Carawan 2000, 220. Carawan argues that the tragic anagnorisis is that of Hyllus who condemns his mother in ignorance and then recognizes his guilt in doing so but that in the end, "The drama presents the triumph of a moral standard that the ephebe must come to accept: the measure of guilt is . . . knowledge of the wrong" (228). See also Ormand 1999, 36–59, on the exchange of women as means of cementing bonds between Heracles and other men and specifically how the transfer of Iole to Hyllus becomes "the perfect emblem for . . . male homosociality" (58).

<sup>46</sup> I discuss this oath in detail in Fletcher 2001, 13–15.

<sup>47</sup> See Zeitlin 1984 on Orestes' coming of age in the *Choephoroi* and *Eumenides*.

<sup>48</sup> See Fletcher 2007, 102–12, for a discussion of the development of the oath theme in the trilogy.

text and authorization by Apollo and commits Orestes to matricide, an extreme version of the repudiation of the mother found in other narratives of male maturation. But the speech act that most clearly identifies Orestes as an adult male occurs in Athens: the oath of alliance between Argos and Athens sworn by Orestes (*Eu.* 762–74). Like the oaths of the *Hymn to Hermes* and the *Trachiniae*, this oath focuses on creating and maintaining cooperative relationships between men.

Most relevant are the similarities between the oaths of Hermes and those in Sophocles' *Philoctetes*, which weave the theme of oath-swearing into the representation of Neoptolemus' maturation.<sup>49</sup> Odysseus tells Neoptolemus that, because he is “unsworn” (72, a reference to the suitors' oath), he will be able to carry out the deception of Philoctetes. Throughout the play it is implied, for one reason or another, that an immature male cannot swear an oath. When Philoctetes learns the truth about Neoptolemus' purpose, he declares,

ὁμόςσας ἀπάξειν οἴκαδ' ἐς Τροίαν μ' ἄγει·  
προσθείς τε χεῖρα δεξίαν . . . (941–42)

He swore to take me home, but he leads me to Troy, although he gave his right hand.

In truth, no such oath was enacted. Neoptolemus had only promised not to desert Philoctetes when he fell into unconsciousness (811). Neoptolemus proves that he is a man of *aretē* when he agrees to sail back to Greece with his new friend, even though he never really swore the oath.<sup>50</sup> As a raw youth, Neoptolemus has been depicted as somehow deficient with respect to oaths. The process of his individuation from the cold-blooded pragmatism of Odysseus and subsequent maturation into a young man

<sup>49</sup>Vidal-Naquet's 1988 analysis of the coming-of-age themes in *Philoctetes* and the play's relationship to the Athenian *ephebeia* have been critiqued by Dodd 2003, 79, who suggests that Neoptolemus “rejects the role of the black hunter that Vidal-Naquet declares a necessary stage in order to become a man.” I agree that we need to focus more clearly on Neoptolemus' challenge to Greek leadership but observe that the play still associates the friendship between Philoctetes and Neoptolemus in the context of deception and theft and so bears similarities with the relationship between Hermes and Apollo.

<sup>50</sup>Taplin 1971, 38 writes: “Turning the pages back (as an audience cannot) we find that all that Neoptolemus promised there was to stay with Philoctetes (810, 812, 813): neither there nor anywhere else, neither deceitfully nor sincerely, did he promise or swear to take Philoctetes home. Yet Sophocles makes us feel that morally Neoptolemus is committed to this undertaking after everything that has gone before.”

of integrity is marked by his new relationship to *horkos*. The young man agrees to honor an oath he never swore and also swears two in succession. He guarantees that he intends to restore the bow to Philoctetes without trickery (1289): ἀπώμοσ' ἀγνοῦ Ζηγός ὕψιστον σέβας ("I swear not by the preeminent majesty of undefiled Zeus"). A few moments later he makes an oath by "Zeus the god of oaths" (1325) that Philoctetes' presence is required at Troy where he will fight side by side with Neoptolemus (1340). Like the *Hymn to Hermes*, this ephebic narrative features unsworn oaths and then ends with an oath of friendship and solidarity sworn by a younger male to an older.

In these three tragedies, the oaths performed onstage mark a social threshold between adolescence and maturity, and they create a bond between a newly mature male and an older man (Hyllus and Neoptolemus) or a military alliance (Orestes and Neoptolemus). Like the oaths sworn between Hermes and Apollo, those of Hyllus, Orestes, and Neoptolemus demarcate a new station in life for a young man, now recognized as an adult and accepted into adult male society.<sup>51</sup>

## VII. OATHS AND MANHOOD

Indeed, the ability to swear an oath seems to be a strictly adult prerogative. There are approximately three-thousand oaths or discussions of oaths from ancient Greek literature, historiography, and inscriptions, none of which is sworn individually by a child.<sup>52</sup> It is well known that by the Hellenistic period a young man swore what we call the ephebic oath, attested most famously in Athens but also in Itanos, Dreros, and other

<sup>51</sup>In suggesting a correspondence between the ephebic themes of tragedy and the hymn, I am not endorsing Brown's 1947 thesis that the hymn was of Athenian provenance. Janko 1982, 142–43, effectively disputes this hypothesis on historical and linguistic grounds. The venue and origins of the hymn continue to be examined. Janko suspects Boeotian origins based on the reference to Onchestus; West 2003, 10–11, posits a performance at Olympia (see also Johnston 2003, 155–80, above). My observation does not require us to assign a particular venue for the hymn but imagines a cultural construction shared throughout the Hellenic world.

<sup>52</sup>The single instance where children swear a collective oath with their parents is the settlement oath of Cyrene (Meiggs and Lewis 5). I refer only to formal oaths here, not colloquial oaths, and only to oaths sworn by Greek speakers. My information comes from the Nottingham Oath Project, a data bank that categorizes all references to oaths in literary, historical, and epigraphic sources up to 322 B.C.E. I am grateful to the members of the project, Alan Sommerstein, Isabelle Torrance, and Andrew Bayliss, for granting me access to the data bank before it went online.

Greek city states.<sup>53</sup> While these inscriptions (and probably the formal institution of the *ephebeia*) date from the fourth century, the language of the Athenian ephebic oath is in parts archaic, suggesting that it is descended from an archaic hoplite oath.<sup>54</sup> Corroborating this evidence is a sixth-century black-figure vase (probably Athenian), now in St. Petersburg, depicting a group of beardless youths with hands extended over an altar as if swearing an oath. It is entirely probable that a late sixth-century audience of the *Hymn to Hermes* understood that a young man established his adult identity by swearing an oath.<sup>55</sup> While no one could argue that the content or vocabulary of Hermes' oath to Apollo echoes the ephebic oath, the emphasis on male solidarity is consonant with the spirit of the oath.<sup>56</sup> And, although he will never be much of a warrior, Hermes enacts a paradigm of military ventures by rustling his brother's cattle. He is thus a model for the young hoplite whose oath, like that of Hermes, represents his new status as an adult male.<sup>57</sup>

As a speech act, the ephebic oath demonstrates the performative nature of gender.<sup>58</sup> Significantly, as some later versions of the ceremony demonstrate, the oath is closely tied in with the attainment of adult masculinity. A striking example of this phenomenon occurs in the elaborate initiation ceremony performed in Hellenistic Phaistos, known as

<sup>53</sup>The Athenian ephebic oath was inscribed at Acharnae (Rhodes and Osborne 2003, 88.5–20) and quoted by Lycurgus (*Against Leocrates* 76–78), and with variations by Pollux 8.105–6 and Stobaeus 4.1.8. See Reinmuth 1952, 46–48, for a discussion of the content of the oath. Admittedly evidence for the Athenian ephebic oath seems to date from the early fourth century, but archaic elements of its diction and echoes in tragedy suggest that it existed in some form prior to this. See Siewert 1977. Vidal-Naquet 1988, 161–62, is perhaps more accurate in calling it the “hoplites’ oath,” a designation that accounts for its usage before the attested existence of the *ephebeia*. See Cole 2004, 82, for further discussion. According to Xenophon, such oaths were sworn in other Greek *poleis* (*Memorabilia* 4.4.16). An early third-century example from Itanos in Crete exists as an inscription (*SIG*<sup>2</sup>.526). See Perlman 1995, 161–67. The oath from Dreros (*SIG*<sup>3</sup>.527.15–16) is discussed briefly by Cole 2004, 29.

<sup>54</sup>Siewert 1977, 102–11, notes the archaisms in the inscriptions and detects resonances of the oath in earlier Athenian literature, e.g., Thucydides (1.144), Aeschylus (*Pers.* 956), etc.

<sup>55</sup>Based on the vocabulary and non epic language, Janko 1982, 143, determines the date of composition of the hymn to be “towards the close of the sixth century,” which makes it the latest of the hymns.

<sup>56</sup>Reinmuth 1952, 46, summarizes the oath as a “promise to obey authority and to honor the religion of the fathers,” characteristics that clearly do not apply to Hermes.

<sup>57</sup>Johnston 2003, 161, notes the correspondence between raiding and warfare.

<sup>58</sup>I refer here to Butler's influential work (e.g., 1993) on the performativity of gender and the role of language in establishing the social contours of the gendered body.

the Ekdusia, which features transvestite ephebes exchanging women's clothing for men's attire (possibly armor) just before they swear an oath of citizenship.<sup>59</sup> As David Leitao concludes, the Ekdusia signifies the renunciation of the feminine sphere and acceptance of the masculine role. "[I]nasmuch as the citizenship status into which the Phaistian youths were being initiated was the privilege of adult free males, the annual oath-swearing rite functioned as a hurdle kept in place by citizen men for the young who wished to enter into their ranks . . . The fact that administration of the oath of citizenship continued to be accompanied, year after year, by cross-dressing suggests that this element continued to be meaningful in some way."<sup>60</sup>

Clearly the cultic activities that led up to the oath emphasize the performance of masculinity by having the ephebes reject feminine roles. Once again we see the transformative qualities of the oath, which functions to mark new social boundaries around the identity of the adult male citizen. The tragic oaths, the ephebic oaths, and the Phaistian ceremony attest to the capacity of the oath to mark a social threshold and are also related to the essentially masculine nature of *horkos*. The oath itself has ancient associations with manhood. As a performative utterance, it shapes reality and denotes agency, concepts linked in Greek thought with masculinity. Moreover, issues of male fertility are embedded in the very idea of the oath, which frequently includes a curse on a man's descendents. Joshua Katz has researched the historical connection between the bearing of witness by oath and the ability to extend one's line of descent. His speculative linguistic association between the Latin *testes* (testicles) and *testis* (testimony) supports the idea of the essentially masculine quality of the oath. It is possible that the *tomia* over which the Olympic athletes and the judges in Athenian homicide trials swore were the severed testicles of sacrificed beasts, a visceral reminder of the connection between perjury and male sterility.<sup>61</sup> At any rate, the majority

<sup>59</sup> Leitao 1995, 131, puts forth a mythic parallel of Leukippos: a girl raised as a boy but metamorphosed into a man at adulthood (Nic. *Met.* Fr. 45 Schneider = Ant. Lib. *Met.* 17). Nicander provides the myth as an action for the disrobing festival, or Ekdusia; inscriptional evidence (e.g., *Inscr. Cret.* I.xix 1.17–18; I. ix 1.99–100) mentions that the young men took their oath of citizenship during this festival at several Cretan cities in the Hellenistic period. See Leitao 1995, 132, n. 5, for a rebuttal of arguments against transvestism at the Ekdusia. As he argues, the close association between the myth and ritual, as well as comparable rituals such as the Athenian *Oschophoria*, strongly suggest that transvestism was involved.

<sup>60</sup> Leitao 1995, 150.

<sup>61</sup> See Katz 1998; Parker 1983, 186, n. 234, provides extensive citations that illustrate a belief in how the curse of a perjured oath could span generations, blighting a man's

of the surviving texts of oaths are civic and therefore sworn by men. The public life of a Greek citizen male was to a large extent structured by the oaths that he swore in legal and ritual contexts. As Susan Guettel Cole observes, these performative utterances shaped a man's civic experience, in contrast to women's "[l]imited access to the complete ritual language of oath and oath sacrifice."<sup>62</sup>

There is no question that women could swear oaths among themselves in private, but in the collective imagination of Greek patriarchy such oaths are often construed as dangerous. The oath of the Chorus of *Hippolytus* (713–14) to keep Phaedra's secret, for example, contributes to the death of an ephebe, who had sealed his fate by swearing an oath to a woman, Phaedra's nurse.<sup>63</sup> Likewise, Jason seems to have sworn an oath to Medea before Euripides' play opens (*Med.* 161–63; 208–9; 492). The result is the extirpation of his patriline, secured by the oath that Medea extracts from Aegeus (*Med.* 744–55). Aegeus' oath to provide sanctuary to Medea is an unsettling reworking of the bonds of friendship that are achieved by oaths between men.<sup>64</sup> The oath, essentially a masculine speech act, can be dangerous in the hands of women. It has the potential to disrupt a man's *genos*, as the oaths sworn by Hippolytus and apparently Jason suggest. Such female-authored oaths serve as a contrast to the oaths exchanged between Hermes and Apollo. The hostility that could ensue from such a precariously defined performance of manliness as cattle raiding is erased by an oath. This implicitly gendered form of discourse both reinforces the attainment of masculinity and translates conflict into conciliation.<sup>65</sup>

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family and descendants. On the connections between male fertility and the oath, see also Loraux 2002, 132–33.

<sup>62</sup> Cole 2004, 120.

<sup>63</sup> For further discussion on the oath sworn by Hippolytus to the Nurse, see Mitchell-Boyask 1999 and Fletcher 2003, 37.

<sup>64</sup> See Fletcher 2003, 33–34, with bibliography. Mueller makes good observations on how the scene with Aegeus distorts the social dynamics of reciprocity. She specifically identifies the oath of Aegeus as a version of an aristocratic oath of friendship (Mueller 2001, 487, n. 54).

<sup>65</sup> A hint of the function of the oath in establishing bonds between men can be found among the Glendiot shepherds who frequently employ the oath as a means of conciliation in disputes arising from animal theft. Herzfeld 1990, 305, observes that the oath establishes "parity amongst rivals, by restoring social relations to an approximate version of the ideal." The parties work out a reinterpretation of events that allows each man to maintain his honor. This may involve an admission of theft but a theft that is represented as a form of reciprocity (i.e., in response to a theft of his own sheep). The result is that each shepherd

## VIII. HERMES' NOD

Hermes' placement in Olympian society mirrors the experience of young men who become implicated in a complex of mutual obligations and who were bound to each other and to the *polis* at large by oaths. Hermes' roles and privileges are further augmented by control of the prophetic bee maidens, yet another gift from Apollo,<sup>66</sup> and by the gift of the caduceus. Yet in the lengthy speech outlining the prerogatives of Hermes, the older brother dominates the end of the poem, while the younger is strangely taciturn. Strange, of course, because Hermes is regularly associated with communication, and the narrative has featured his cunning deployment of language. What are we to make of his silence now at the conclusion of a hymn that celebrates and validates his association with commerce, diplomacy, heraldry, and prophecy—endeavors that are dependent on language? If we trace back to where Hermes last communicated, we arrive once more at the exchange of oaths. Here, the text is opaque, not only because it is lacunose—there is clearly something missing after 526—but also because it is not exactly clear what Hermes says. Apollo offered him two ways of swearing: either he could invoke the River Styx or nod his head. Choosing the second option, Hermes confirms his oath with a nod, just as Zeus obliged himself to Thetis with a nod that is “the greatest sign among immortals” (*Il.* 1.525–26). Zeus, however, also verbalized his promise to Thetis, which the Homeric narrator records in direct discourse. Of course, epic oaths can be narrated in *oratio obliqua*: for example, the Homeric narrator does not record the exact words of Eurycleia's oath to Telemachus but simply says that she swore the oath that Telemachus demanded (*Od.* 2.377–78). And since Homeric Hymns are more likely than earlier epic poetry to use indirect discourse for significant speech

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maintains his own sense of masculinity, thus defusing a situation that could escalate into violence. The terms and circumstances of these oath scenarios are different from those exchanged between Apollo and Hermes (and in many cases may not actually be sworn), but their role is similar: in each situation the oath resolves a dispute centering on animal theft with the result that two men form a bond of friendship. Apparently the abhorrence of perjury is only restricted to oaths sworn in this context, while perjury in court is a different matter. On the other hand, there is some possibility for oath tricks similar to those of baby Hermes. Herzfeld 1990, 312, recounts how a thief avoided perjury by declaring that he had not “eaten” his rival's sheep. The term “eaten” is analogous to stealing, but in this case the thief was avoiding perjury by exploiting the literal meaning of the term.

<sup>66</sup>The prophecy is not relevant to my discussion but has been treated elsewhere, including Larson 1995 and Clay 1989, 147.

acts,<sup>67</sup> there is nothing irregular about the exchange of oaths between Hermes and Apollo being narrated obliquely. As noted earlier, Hermes nods in acquiescence, promising (ὑποσχόμενος) “never to steal the Far Shooter’s possessions, and never to approach his solid house.”

Michael Crudden remarks on the “stupidity” of Apollo “for Hermes’ nod may not be quite as irrevocable as that of Zeus.”<sup>68</sup> Furthermore, the precise language of Hermes’ oath has been obscured by the manner of its report. How are we to know that he did not equivocate with this oath as he did with his earlier oaths? Having observed Hermes’ oath tricks, an audience might feel a need for a more exact report of this final mature oath. Reception of the hymn would vary, but some listeners would be aware that in Alcaeus’ *Hymn to Hermes*, he did steal his brother’s bow.<sup>69</sup>

The poet thus leaves us with an open-ended narrative, which may or may not be understood to give Hermes *Strophaios* an opportunity to wiggle out of his oath. Although the hymn is structured as a rite of passage, capped by an oath marking its completion, and thus provides a shared mortal experience with a mythological luster, there has to be some recognition that Hermes is unique. “The liminal god always remains a bit of an outlaw,” remarks Clay.<sup>70</sup> As a god inherently associated with margins, and one who retains a certain youthful character, he seems to be permanently situated at the border between childhood and adulthood.<sup>71</sup> It is appropriate that the oath that marks his transition remains ambiguous.

<sup>67</sup> Beck 2001, 67, draws attention to the differences between Homeric epic, which does not use indirect discourse for momentous speech acts, and the hymns.

<sup>68</sup> Crudden 2001, 128.

<sup>69</sup> According to Pausanias (7.20.4), in Alcaeus’ hymn Hermes did steal Apollo’s bow (cf. Horace *Od.* 1.10). There were other versions of the cattle theft in circulation, which also might have affected their reception of the hymn. In the Hesiodic corpus, the *Megalai Eoiaē* tells how Hermes took a number of cattle from Apollo (fr. 256 Merkelbach-West), but beyond this we cannot tell how the story went.

<sup>70</sup> Clay 1989, 128.

<sup>71</sup> Marinatos 2003, 137–38, draws attention to how Hermes can be represented both as an unbearded youth and a bearded mature male in archaic pottery from Athens and Corinth (i.e., roughly contemporary with the composition of the hymn) and also in some archaic votive plaques from Kato Syme, a sanctuary in Crete that appears to be the site of coming-of-age ceremonies. Marinatos argues that “the double appearance of Hermes reveals his mediating function between adolescence and mature adulthood and that his role was to be a ‘guide’ across boundaries” (138).

## IX. CONCLUSION

As I hope to have demonstrated, the oath motif provides an important structural device to the hymn. Martin West is by no means singular in his opinion that the *Hymn to Hermes* is “incompetent in construction, with many narrative inconsistencies and redundancies and no command of the even tempo appropriate to epic storytelling.”<sup>72</sup> In response to this I contend that its author shows considerable sophistication in handling the theme of Hermes’ coming of age.

This article has focused on the second half of the poem, part of which has been suspected of being spurious. I have outlined how it recounts the god growing into his complex persona by featuring him first as a thief who twists the oath formula in a manner that is reminiscent of Hera. *Mētis* is a characteristic of females and unformed men (i.e., ephebes), yet Hermes is a most masculine god (as the ithyphallic herms attest) who is also cunning. The hymn charts his journey to adult masculinity by manipulating associations of the oath motif with the coming-of-age story pattern. Furthermore, it signifies the maturation of the god by having him enact some of the social conventions over which he will preside and which are sanctioned and enforced by the oath. The hymn affirms the important spheres that constitute Hermes’ *timai*, yet it simultaneously acknowledges that the god of ambassadors and merchants, like his mortal counterparts, may well be able to use the oath to acquire what he wants while cleverly avoiding its enclosure. In a feat of narrative cunning, the poet has left an interpretative gap into which all the sophisticated oaths of thieves and ambassadors might fit.<sup>73</sup> The hymn, whose creator may have performed the best oath trick of all, thus becomes a supremely apt tribute to Hermes *Strophaios*, god of twists and turns.<sup>74</sup>

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<sup>72</sup>West 2003, 12.

<sup>73</sup>Such sophistic oaths might include Hdt. 4.201 (an oath taken over a concealed trench to be valid as long as the earth stands). Wheeler 1984, 269–74, who lists forty-five examples of sophistic oaths from diverse historical sources as an explanation for anti-deceit tricks in ancient treaties, cites Hermes’ unsworn oath to Zeus as the original sophistic oath.

<sup>74</sup>Earlier versions of this article were presented at the *Hermes the Magus Conference*, held at the University of Waterloo in 2005 and the APA in Montreal in 2006. Funding for research was provided by a standard research grant from the Social Sciences and Humanities Research Council of Canada (SSHRC). A course remission grant from Wilfrid Laurier University enabled me to complete this manuscript. I would like to thank Alan

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