

This paper suggests that while Herodotus consistently portrays the oath as a binding contract that must be fulfilled, regardless of whether doing so will benefit the parties involved, he also shows that the intended outcome of the oath can be legitimately sidestepped – not by perjury or by breaking the oath – but by fulfilling the terms of the oath to one’s own advantage.

This manipulation of the oath procedure can be described as the ‘artful dodging’ of oaths. Herodotus describes two occasions when the terms of the oath are fulfilled, but not necessarily as the other party involved would have expected:

(1) The first occurs when the Cretan ruler Etearchus tricks a certain Themison, a Thera trader, and binds him under oath to throw his daughter into the sea. The angry Themison does indeed do this “in order that he might fulfil the oath he had sworn”, but immediately hauls her out of the water again (4.154). Thus he is able to keep his conscience clear by allowing the girl to live, yet also escape the terrible consequences of breaking an oath.

(2) The second occurs when Amasis leads a Persian expedition against the Libyan city of Barca to avenge the murders of the kings of Barca and Cyrene. Amasis realises he cannot take the city by force, but might be able to by guile. So he digs a wide trench, lays frail planks across it, and then covers it with a layer of earth. Amasis then invites the Barcaeans to meet with him on the hidden trench. A truce is agreed, and the two parties give and accept a sworn assurance that their treaty will be valid while the ground where they stand is unchanged. When the sworn agreement is made, the Barcaeans open their gates and come out of the city. Amasis immediately orders the destruction of the hidden bridge and captures the city. Herodotus explicitly states that they destroyed the bridge “in order that that he might keep the oath which he had sworn to the Barcaeans” (4.201).

In stark contrast to his portrayal of perjurers and those who break their oaths, Herodotus clearly admires both Themison and Amasis for their intelligent manipulation of the oath exchange. It is argued here that what differentiates their actions from those of perjurers and oath-breakers is the fact that both Themison and Amasis fulfil the wording of their oaths (albeit not as Etearchus or the Barcaeans would have expected) and neither openly lies. Further latitude for their behaviour may come from that fact that their ‘artful dodging’ of their oaths does not cause unjust harm to anyone. In fact, their actions go towards righting a wrong: Themison has been tricked into the oath by Etearchus, and Amasis is punishing the Barcaeans for the slaying of King Arcesilaus of Cyrene and King Alazir of Barca.

Thus, this paper argues that the ‘artful dodging’ of oaths was regarded by Herodotus as ethically acceptable, and that a line can be drawn between legitimate manipulation of oaths and perjury.