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Oaths, Roman

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For the Romans, as for the Greeks, an oath (*ius iurandum*, sometimes *sacramentum*) was the invocation of a divinity to guarantee that a promise would be fulfilled or that a statement was true. The divinity was to help the oath taker remain faithful to his obligations and punish any violation. Any god could be called on, but the most powerful was Jupiter. Apuleius suggests that the most solemn oath was *per Iovem lapidem* (*De deo Socratis* 131–132), which apparently meant “by Jupiter and by this stone”; the stone symbolized unbreakability. Men typically invoked Hercules and Pollux, women preferred Castor. Family members might invoke the *genius* (divine spirit) of the master of the house. With the divinization of their rulers, Romans also came to swear oaths by the *genius* of Julius Caesar and of the emperors.

Oath taking was an important ritual in diplomacy: according to Livy (1.24), a pig was sacrificed after oaths were made to honor a treaty and after Jupiter was asked to kill an oath breaker. A consul was required to swear an oath before taking up his office and after leaving it. Soldiers on entering the service swore an oath (*sacramentum*) that they would obey orders and not desert in battle; Dionysius of Halicarnassus says that this oath was respected more than any other (*Roman Antiquities* 11.43). Early in the first century bce under Gaius Marius, soldiers began swearing directly to their generals. The practice continued under the emperors, both at the accession of a new emperor and annually thereafter. Under the Christian emperors soldiers swore “by God, Christ, the Holy Spirit, and by the majesty of the emperor” (Vegetius 2.5).

Under Augustus the loyalty oath was extended to the people as a whole, who swore to protect the emperor and his family. Augustus claimed that before the campaign of Actium in 31 bce, “all Italy voluntarily swore an oath to me” (*Res Gestae* 25.2), and later loyalty oaths survive in inscriptions from the provinces.

The Romans thought of themselves as particularly scrupulous about oaths (Aulus Gellius 6.18.10), a view reflected in stories like those of the Horatii and Regulus. According to Cicero no crime was punished more harshly than perjury (*De officiis* 3.31.111), and Juvenal vividly portrays a perjurer fearful of divine retribution (*Satire* 13).

Roman legal procedure reflects this horror of perjury. In the Classical procedure (the procedure by formula) a plaintiff in certain cases could, in the initial proceedings before the magistrate (*in iure*), request that the defendant take an oath: if the defendant took the oath, then the plaintiff lost, but the plaintiff won if the defendant refused. The defendant could also demand a similar oath from the plaintiff. When the case was argued before the

appointed judge (*apud iudicem*), an oath could help the *iudex* decide what to believe. Such oaths were originally sworn to Jupiter, to all the gods, or to the *genius* of the emperor; by the time of Justinian they were sworn on the Christian scriptures.

The refusal of Jews to swear oaths to the emperor (most commonly to his *genius*) was accepted by Romans as a traditional Jewish eccentricity, but refusal by Christians provoked pagan hostility. As the proconsul of Africa said to the Scillitan martyrs in 180 ce, "Our religion is simple; we swear by the *genius* of our lord the emperor, and we pray for his welfare. And you should too" (*Passio SS. Scillitan.* 3). But from the time of Pliny the Younger onward, as described in his famous letter to Trajan about the Christians in Bithynia, the focus in the trials of Christians was on sacrifice rather than on oaths, and more often to the gods rather than to the emperor (Pliny the Younger *Epistulae* 10.96–97).

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