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The Homeric ἵστωρ and oath-taking

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Abstract. The paper reassesses the role and function of the Iliadic ἵστωρ (*Il* XVIII 490-508; XXIII 448-508) by focusing on previously overlooked narrative and linguistic details and drawing parallelisms between both scenes. The paper argues that the most fundamental cognitive operation performed by the ἵστωρ entails confining to memory and recording the 'particulars' of words spoken at a given time and in a specific context. This social function is closely connected to the centrality of memory in the early Greek world, oath-taking and the psychodynamics of orality, as evidenced by invocations to the Gods in the Homeric poems as well as later uses of the word in the context of oaths and solemn vows.
Keywords: *histor, historia, Iliad,* orality, oaths.

[es] El ἵστωρ homérico y la toma de juramento

Resumen. El trabajo reevalúa el papel y la función del ἵστωρ de *Ilíada* (*Il.* XVIII 501; XXIII 486) a partir del análisis de ciertos detalles narrativos y lingüísticos inusitados, así como los paralelismos entre ambas escenas. Se argumenta que la operación cognitiva fundamental que el ἵστωρ lleva a cabo reside en el registro de los elementos particulares de un acto de enunciación formulados en un tiempo y contexto específicos. Tal función social se asocia a la centralidad de la memoria en el mundo griego arcaico, los juramentos y la psicodinámica de la oralidad, tal como se evidencia en ciertas invocaciones a los dioses en los poemas homéricos así como usos posteriores del término en contextos de juramentos o promesas solemnes.
Palabras clave: *hístōr, historía*, *Ilíada*, oralidad, juramentos.

Contents.

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1. Introduction

The Iliadic ἵστωρ (Il XVIII 501; XXIII 486) has long remained at the forefront of scholarly debates regarding both the production and circulation of knowledge in the early Greek culture and also the examination of proto-legal practices of dispute settlement. The interest in the Iliadic ἵστωρ is two-fold. On the one hand, it derives from the etymological connection with the later usages of the ἱστορία lexical family, (notably, ἵστωρ, ἱστορίη, ἱστορέω) and from the kind of cognitive operations and social role this enigmatic individual appears to embody, which have often been likened to the kind of knowledge and method required of the historian (especially as featured in Herodotus' logoi).[2] On the other hand, the social role performed by the ἵστωρ in the Iliad is often invoked by experts in early Greek law as literary evidence of the existence of public, formal means of settling disputes before laws began to be written down.[3] These two lines of inquiry have generally been pursued independently of each other and have been hampered by both the dearth of textual evidence and the inconsistencies in the extant material.

On the one hand, the anthropological line addressing the cognitive demands of history as a discipline in Greece has failed to fully spell out the semantic derivation between the Homeric ἵστωρ and the Herodotean ἱστορίη. The bulk of the scholarly work has viewed the question largely from a teleological and etymological perspective. It has sought to explain the patterns of use and meaning of the lexical family in earlier sources in order to characterize the genuinely historical operations deployed by Herodotus and by later generations of Greek historians. Following Bruno Snell's thesis, it has relied on the root meaning of ἱστορίη (*wid-, *weid-, *woid-, 'see' or 'know' for having seen) as the cornerstone of the interpretation of the sources. However, attempts at offering a coherent account of the correlation between the Homeric ἵστωρ and the cognitive demands of the later historian have been hampered by the undue emphasis on the visual component, for one thing, and the mismatch between the etymology of the lexical family and the context meaning of the words in the individual sources. On the other hand, the studies that have focused on the ἵστωρ for the discussion of the development of early Greek legal practices have confined themselves to the analysis of the Achilles' shield ekphrasis, speculating on the role played by the ἵστωρ in the early dispute settlement procedures. However, these analyses are often fraught with difficulties arising from the textual ambiguities and the lack of further references to legal processes in preliterate Greece.

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2 The word ἱστορία (ἱστορίη in the Ionian dialect) as used by Herodotus in the proem of his work is generally taken to indicate an active form of learning (“to learn by inquiry”). Though there have been attempts at pinning down the scope of ἱστορία both in terms of the precise cognitive operations involved (seeing, hearing, questioning, inquiring, adjudicating, etc) as well as the particular field of inquiry (ethnographical, geographical, historical, etc.), scholars generally regard it as an umbrella term designating a complex intellectual activity spanning the Ionian science, the medical teachings (cf. Lateiner 1986; Thomas 2000) and the new kind of research into the human past as initiated by Herodotus (cf. Bakker 2002, 15–19; Schepens 2007, 39–55; Hartog 2001a, 27–28; Lachenaud 2004, 12–19). On the connection between the ἵστωρ and ἱστορία, see Snell (1924: 59-71), Nagy (1990: 250), Dewald (1987: 153), Thomas (2000:164), Hartog (2001), Bakker (2002: 13-19), Darbo-Peschanski (2001, 2007), Schepens (2007: 39-55).

3 See, among others, Bonner and Smith (1930: 31–41), Wolff (1946: 34–49), Hommel (1969), Thür (1970), MacDowell (1978:18–21), Ruschenbusch (1982), Gagarin (1986: 26–33).

On the whole, discussions have chiefly revolved around the exact rendering of the word ἵστωρ associated to the role played by this agent in the Homeric world. Three main interpretations of the word ἵστωρ have been put forward ('knowing /expert', 'witness' or 'arbiter/ judge') based on the general understanding of the scenes and the etymological connection between between the term ϝίστωρ, οἶδα ('to know') and ἰδεῖν ('to see').[4]

It is the aim of this paper to reassess the role of the inscrutable ἵστωρ as depicted in these two often-quoted and much-discussed passages in Homer's *Iliad* (XVIII 490-508; XXIII 448-508). By focusing on narrative and linguistic details previously overlooked and drawing parallelisms between both Homeric scenes where the word is used, we shall try to spell out the precise cognitive functions and role performed by the ἵστωρ. The first section of the paper discusses the two passages where the histor is mentioned and argues that he acts as some kind of mediator or arbiter in a conflict of interests primarily in view of his capacity to bear witness to the 'words' uttered by either party in a specific set of circumstances. The second section posits that this specific role of the histor is connected to oath-taking by tracing certain invocations to the Gods in the Homeric poems and later uses of the word in the context of oaths in the archaic and classical periods.

2. The Homeric ἵστωρ: a reassessment of his role and function

2.1. The ἵστωρ in Achilles' shield (Il. XVIII 490-508)

The first reference to the histor can be found in the following verses of the description of Achilles' shield. The scene depicts a quarrel in the assembly place. Two men are disputing about the recompense for a dead man in the midst of a cheering crowd. The litigants request the presence of a histor to settle the matter. The final verses describe the elders seated on a polished circle and giving their judgments in turn.

λαοὶ δ᾽ εἰν ἀγορῇ ἔσαν ἀθρόοι: ἔνθα δὲ νεῖκος
ὠρώρει, δύο δ᾽ ἄνδρες ἐνείκεον εἵνεκα ποινῆς
ἀνδρὸς ἀποφθιμένου: ὃ μὲν εὔχετο πάντ᾽ ἀποδοῦναι
δήμῳ πιφαύσκων, ὃ δ᾽ ἀναίνετο μηδὲν ἑλέσθαι:
ἄμφω δ᾽ ἱέσθην ἐπὶ ἵστορι πεῖραρ ἑλέσθαι.
λαοὶ δ᾽ ἀμφοτέροισιν ἐπήπυον ἀμφὶς ἀρωγοί:
κήρυκες δ᾽ ἄρα λαὸν ἐρήτυον: οἳ δὲ γέροντες
εἵατ᾽ ἐπὶ ξεστοῖσι λίθοις ἱερῷ ἐνὶ κύκλῳ,
σκῆπτρα δὲ κηρύκων ἐν χέρσ᾽ ἔχον ἠεροφώνων:
τοῖσιν ἔπειτ᾽ ἤϊσσον, ἀμοιβηδὶς δὲ δίκαζον.
κεῖτο δ᾽ ἄρ᾽ ἐν μέσσοισι δύω χρυσοῖο τάλαντα,
τῷ δόμεν ὃς μετὰ τοῖσι δίκην ἰθύντατα εἴποι.

4 Cf. Chantraine (1968–74: 3.779) s.v. οἶδα; Frisk (1960) 740 s.v. ἵστωρ; and more recently Beekes (2010) 602 s.v. ἵστωρ. For an alternative etymological origin, see Floyd (1999), who draws the root of the word ἵστωρ not from οἶδα but from ἵζειν "to seat, to sit".

> The people were assembled in the market place. There a dispute had arisen: two men were disputing about the blood price for a dead man. The one claimed to have paid it in full, making his statement to the people, but the other denied that he had received anything. Both wished to bring the dispute to an end at the hands of an arbitrator/judge. The people were cheering them both on, supporting both sides; and the heralds kept the people in hand. The elders sat on polished stones in a sacred circle, and held in their hands scepters from the loud-voiced heralds; with these they were then hurrying forward and giving their judgments in turn. And in the middle lay two talents of gold, to give to the one who delivered judgment most rightly among them.[5]

Attempts at explaining the role played by the ἵστωρ in this scene have met a series of difficulties.[6] First, the narrative syntax itself makes many of the references in the Homeric ekphrasis unclear or problematical, especially in relation to the actors involved and their roles. Second, a number of idiomatic expressions and constructions in the Greek original have rendered the interpretation of the text equivocal and paved the way for philological controversies.[7]

The role played by the ἵστωρ at 501, whose πεῖραρ (mediation) is sought by the disputants,[8] is thus obscured by the hazy narrative context. What is his specific role and function? What kind of resolution is he likely to offer? Should he be somehow associated to the council of elders in the final verses? Or is he a preliminary, independent agent? A few tentative explanations have been offered by scholars,

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5 The translation of these verses has been a matter of controversy. My translation has tried to iron out some of these predicaments in the light of the discussion in this paper. On the major narrative, interpretive and linguistic difficulties involved, see notes 6, 7 and 8 below.

6 The Greek text cited is taken from Monro and Allen (1920). For previous treatments of this scene, generally taken as the earliest example of a formal, public legal procedure in preliterate Greece, see Bonner and Smith (1930: 31–41), Wolff (1946: 34–49), Hommel (1969), Thür (1970), MacDowell (1978: 18–21), Ruschenbusch (1982), Gagarin (1986: 26–33). For a general philological commentary of the trial scene with bibliographical references, see Edwards (1991: 213–218).

7 As to the narrative syntax and the textual references, scholars have gone to great lengths to pin down the identity of those involved in the scene. Critics have variously explained the precise meaning and function of the men taking part in the dispute (v. 498) (δύο ἄνδρες); as well as thε λαοί (v. 497 and 502); the δῆμος (v. 500); the κήρυκες (v. 503) and, most notably, the ἵστωρ (v. 501). The question has also been raised as to whether the dispute involving the two men in the agora (v. 497-503) that calls for the intervention of a ἵστωρ is thematically linked to the following trial scene of "the elders sitting upon polished stones in the sacred circle" (v. 503-508) or whether they should be best understood as two independent scenes poetically juxtaposed. Moreover, the exact meaning of several expressions in the Homeric verses has been often disputed. Verses 499-500, dealing with the object of the dispute (the ποινή), have produced two divergent – though equally plausible– interpretations. Are the verses referring to a feud arising from a sum of money (a blood-price) paid in compensation for a homicide, one "affirming that he paid in full, the other denying that he received anything"? Or should the verses be interpreted as involving a legal dispute –one of the parties willing to expiate the crime by means of a ransom and the other litigant rejecting such monetary compensation? See Edwards (1991:214–261); Westbrook (1992: 54, n.3 and 4); Gagarin (1986: 32–33) and Darbo-Peschanski (2007: 51–54; 452–454). The final verses of the passage dealing with the elders' judgment are equally thorny. The two talents of gold have posed considerable difficulty: are they meant to go for the judge who "delivered judgment more rightly" or for the litigant who made the best case? (See Leaf 1887:128, Wolff 1941: 39, Edwards 1991: 217–18, Darbo-Peschanski 2007: 454).

8 The exact meaning of the term πεῖραρ ad locum is also hard to pin down. Most commentators have opted for an ad sensum interpretation of the noun and have thus understood the phrase as 'obtaining a judgment/ decision' or the like. On this, see Bergren (1975: 43–5), Nothdruft (1978: 25–40), Edwards (1991: 217–18) and Westbrook (1992: 76). The literal meaning of the expression is 'to obtain a limit', however that limit should be understood. Thus Darbo-Peschanski (2007: 51and 54) translates 'fixer un terme/ un arret'.

though none of them manages to iron out satisfactorily the textual inconsistencies of the Homeric verses. The interpretations range from the meanings of ‘judge’, ‘arbitrator’ or ‘witness’ with specific qualifications in each case depending on the overall understanding of the trial scene, the reading of individual verses or the general stance adopted.[9] In our view, as it stands, the text forestalls any conclusive resolution. It is only by bringing into the discussion the second occurrence of the word ἵστωρ in the Homeric corpus that we can get a clearer picture of his role and function.

2.2. The ἵστωρ in the ‘Chariot Race’ (Iliad XXIII 448-508)

The narrative context in which the word ἵστωρ occurs for the second time is the funerary games in honor of Patroclus. Just before the chariot race comes to an end, a dispute arises between Idomeneus, the Cretan commander, and Ajax, son of Oileus, leader of the Locrian contingent. Idomeneus believes to have seen Diomedes, son of Tydeus, overtake Eumelus at the last turn of the race. Right away, Ajax, son of Oileus, contests the latter’s assertion, claiming that it is Eumelus who is still in the lead. A quarrel ensues, which Idomeneus purports to settle by calling on Agamemnon as ἵστωρ. The Cretan commander proposes a wager: the man who had made the wrong claim (in relation, we may infer, to the position of the competitors at that given moment) would hand over (literally, ‘pay’ ἀποτινεῖν) to the other party “a tripod or cauldron”:

> Αἶαν νεῖκος ἄριστε κακοφραδὲς ἄλλά τε πάντα δεύεαι Ἀργείων, ὅτι τοι νόος ἐστὶν ἀπηνής. δεῦρό νυν ἢ τρίποδος περιδώμεθον ἠὲ λέβητος, ἵστορα δ’ Ἀτρεΐδην Ἀγαμέμνονα θείομεν ἄμφω, ὁππότεραι πρόσθ’ ἵπποι, ἵνα γνώῃς ἀποτίνων.
>
> Ajax, you are master of brawling, bad in counsel, and in all other things you fall behind the Argives, for you have a vile temper. Come now, let us wager a tripod and a cauldron, and let us both take Agamemnon, son of Atreus, as arbitrator/judge, in relation to which of the two mares takes the lead, so that you shall know when you pay.

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9 Dareste (1884: 94) and Leaf (1887: 128) identify the ἵστωρ at 501 as the president of the council of elders. Likewise, Bonner and Smith (1930-1938: I. 32–41, II. 59–60) and Westbrook (1992:75 n.69) suggest that the histor is the judge whose final sentence has been voted as the most rightful by the assembled councilors”. Wolff (1941: 40–43) contends that there is a second instance of the trial in which a ἵστωρ –namely, a designated member of the λαοί mentioned at the beginning of the scene– is called upon to adjudicate in turn the ruling of the elders. Koestler (1950: 65–77) associates the ἵστωρ with a representative of the βασιλεῦς, knowledgeable of the traditional law. Vernant (1975: 365–373) also sees the ἵστωρ as a judge –notably, that of the elders whose judgment terminates the litigation (πεῖραρ) in the form of a final verdict. Somewhat differently, Cantarella (1979: 253) views the ἵστωρ as someone capable of making a declaration and thus collaborating in the decision-making process of the elders insofar as he possesses a better understanding of the matter at hand. Carlier (1984) likens the ἵστωρ to a King or a representative of the King in charge of deciding which of the sentences pronounced by the elders is to be enforced. Other scholars have preferred to see the ἵστωρ as some kind of arbitrator or convenor. Connor (1993: 3–15) is inclined to see the ἵστωρ primarily as an ‘arbitrator’ in a dispute, illustrating this by reference to the social function performed by certain individuals who mediate in bets or wagers. Floyd (1990: 157–66), in turn, describes him rather as “one who convenes the judges who assess a dispute”. Nagy (1990: 250-73) conceives the man as an ‘arbitrator’, someone who uses his authority derived from Zeus to solve conflicts by deciding who is aitios ‘responsible’ for what. Finally, Darbo-Peschanski (2007: 50 and 57) is inclined to define the ἵστωρ as some sort of judge.

It is precisely at this point that Idomeneus calls upon Agamemnon as histor: "ὁππότεραι πρόσθ' ἵπποι, ἵνα γνώῃς ἀποτίνων".[10] This scene offers a foil to the ill-defined role of the histor in the vignette of Achilles' shield. While the presence of the histor is merely requested in the latter (and his specific mode of intervention remains elusive), the kind of intercession expected as well as the status of the histor in the Chariot race scene are more clearly defined. Not only is he directly associated with a character in the scene (Agamemnon) but the narrative context lends itself to a better understanding of the kind of function he is likely to perform. Though it is largely arguable whether Agamemnon is expected to act as mere guarantor of a bet, as a genuine arbitrator in the dispute or as some kind of judge (especially because the poem does not develop on this incident further on), the scene offers a number of elements to fill in some gaps in the Achilles' shield scene.

In what follows, I wish to argue that a contrastive analysis of both scenes in the Iliad – which focuses closely on the Greek text and draws attention to a number of largely overlooked narrative details– can offer a clearer picture of the histor's function. This will enable us to bring out certain similarities in the overall poetic outline of the scenes, the main issues at hand and the actors involved, as well as a number of descriptive details largely overlooked in the literature.

First, a comparison of both scenes shows that: a) there is a moot point that gives rise to a strong conflict of interests between the parties involved; b) such disagreement is explicitly articulated as two mutually irreconcilable statements. In *Iliad* XVIII, if we take the reading followed by most commentators, the conflict revolves around the payment of a certain blood-price, "one affirming that he paid in full, the other denying that he received anything".[11] In *Iliad* XXIII the matter in dispute is which competitor was taking the lead at a certain point in the race, one claiming it was Diomedes and the other, Eumelus. If we accept the standard reading of the object of the feud in *Iliad* XVIII, it could well be argued that in both cases the point at issue can be expressed as a kind of statement or proposition about which one could predicate truth or falsity. Otherwise stated, the object of the dispute can be seen as two contradictory statements that cannot be said to be true at the same time or under the same circumstances. In other words, a certain payment cannot be said to have been effected and not effected concurrently,

[10] Darbo-Peschanski (2007: 49–50) addresses the two possible translations of these verses: 1) "Let us both take Agamemnon, son of Atreus, as ἵστωρ, in relation to which of the two mares takes the lead, so that you shall know when you pay (the wager)"; 2) "Let us both take Agamemnon, son of Atreus, as ἵστωρ, so that you shall know when you pay which of the two mares takes the lead." Darbo-Peschanski favors the former translation as it more clearly highlights the histor's juridical role –that is, the faculty of determining who was in the lead. However, she argues that the histor's role does not necessarily involve passing a final sentence, but ascertaining the true version of the facts. As Sauge (1992: 104) posits, Agamemnon's role as ἵστωρ would entail at some point the cross-checking of the versions provided to determine who of the two contestants, Idomeneus or Ajax, was closest to the truth.

[11] If plausible, the interpretation of the verses as indicating a dispute between the willingness to pay ransom in full and the rejection of such form of retribution weakens our argument. The standard reading (the one that claims that the dispute revolves around the payment of a blood-price or the lack of it) is preferable –and possibly more satisfactory– for a number of reasons. First, it couches the conflict in terms of a past event (whether the payment was actually effected or not). Secondly, it emphasizes the symmetry between the litigants' declarations: one affirming, the other denying. The alternative interpretation makes the object of the dispute fuzzier as there is no basic agreement between the contestants. If one of the parties claims vengeance, while the other offers the payment of a blood-price, mediation by a third party becomes increasingly difficult as there is no basic institutional agreement as to how punishment is to be effected. On the other hand, the parallelism of the verses (εὔχετο / ἀναίνετο; πάντ' ἀποδοῦναι/μηδὲν ἑλέσθαι) seems to suggest that the mediation is requested to determine who speaks the truth and who is lying. (For a different view, see Edwards 1991: 214–216).

just like two chariots cannot be said to occupy exactly the same position on a racetrack at a given time –at least not in the case of the chariot race as described in Book XXIII.

Secondly, such difference of opinion between the parties, far from being inhibited or mitigated, is expressed vehemently. Moreover, there is an indication that, if it goes unrestrained, the verbal dispute could result in a potentially fierce brawl. In Book XVIII the words that convey this idea are νεῖκος and the cognate verb ἔνεικεον. There is a clear suggestion in the wording of the text that the conflict could easily get out of hand: "The people were cheering (ἐπήπυον) them both on, supporting both sides (ἀμφὶς ἀρωγοί); and the herald held back (ἐρήτυον) the people". In Book XXIII the conflict is explicitly referred to as ἔρις (v. 490). Indeed, had it not been for Achilles' intercession, who urged the disputants not to lay into one another with "hostile words" (χαλεποῖσιν ἐπέεσσιν), the conflict would have gone on and probably intensified. Moreover, the scene explicitly portrays Idomeneus and Ajax as incensed (χολωσάμενος / χωόμενος: vv. 482; 489) and affronting one another.

Thirdly, there is a material object at stake involved in the conflict between the parties. In the trial scene, the ποινή –whatever its exact implications– appears to refer to some kind of blood-price that one of the litigants claims as outstanding. As discussed above, some make a straightforward connection between this ποινή mentioned at 498 and the talents of gold in the concluding verses; others are inclined to see the latter as the sum of money paid as a deposit by both litigants to afford the judgment of the elders, which would eventually go for the one "who delivered judgment more rightly among them". In both cases, the Homeric description clearly places a material object at the centre of the scene. In the dispute arising in the chariot race, the material object is featured as the object staked on the uncertain outcome, that is, the wager itself. Thus, the successful party becomes entitled to a tripod or cauldron.

Fourthly, the dispute takes place in a public place, in full view of a large group of people gathered closely together. Both the agora in the trial scene and the open area for the public games in the chariot race are described as swarming with people: the folk (λαοί), the people (δῆμος) and the heralds in the former; the assembled troops of the Achaeans in the latter.

When examined closely, both scenes resemble one another in a number of ways that have as yet gone unnoticed. It is worth noting that it is within this general parallel scenario that the ἵστωρ is called upon to fulfill a certain role. First, it should be stressed that the intercession of a ἵστωρ is openly requested by both conflicting parties. Interestingly, in both scenes the dual pronoun ἄμφω is used in connection with the contestants. "Both (ἄμφω) wished to obtain trial at the hands of a ἵστωρ" (XVIII 501); "Let us both (ἄμφω) choose Atreus' son Agamemnon as ἵστωρ" (XXIII 486).[12]On closer inspection, a comparative analysis of both narrative sequences allows for a few additional remarks. 1) If we rely on the testimony furnished by Agamemnon's intervention as ἵστωρ, we may well presume that in the social world depicted in the epic poems an individual's capacity as a ἵστωρ does not designate prima facie an official member of the com-

[12] Wolff's interpretation of verse 501 ("both demanded a verdict") disputes the fact that the submission of the dispute is fully voluntary. He argues that the killer has sought protection against the forceful use of self-help (against being killed in retaliation) by the 'plaintiff', that a powerful member of the society has provided this protection, which is sanctioned by the community, and that such protection will continue to be provided until the plaintiff wins a court judgment allowing him to continue his use of self-help. Gagarin (1986: 26–7), instead, argues that there is no evidence to contest the 'voluntary' nature of the litigants' presentations. Gagarin also insists that the dispute is over "satisfaction owed" (ποινή) and not a homicide case involving retaliation.

munity appointed to a permanent institutionalized position. Otherwise stated, in the complex-transitive structure of verse 486 the object complement identifies a quality or attribute pertaining to the direct object, though not in a permanent or inalienable way. This is underpinned by the use of the hortatory subjunctive of the verb τίθημι in the sense of 'make', 'choose' or 'appoint', which marks the statement made by the leader of the Cretans as an ad hoc exhortation to put someone temporarily in a certain position for a specific purpose. Hence, the syntactic structure of the verse ('Let us choose sb. as sth.') allows for a different individual to act as a ἵστωρ, a function which is here performed extemporaneously by Agamemnon. In other words, we can presume that –as far as the wording of the verse is concerned– in different circumstances some outstanding member of the community other than Agamemnon could perform the function of ἵστωρ. It is also true, however, that the fact that Agamemnon plays this role in the scene is a good indication that the individual who fulfilled this social function should figure prominently in the community and have a legitimated authority or wield a certain kind of power. The wording of verse 501 in the trial scene ("to bring the dispute to an end at the hands of a ἵστωρ"), especially the indeterminacy of the noun, also opens up the possibility for more than one specific individual to fill that role or for that role to be performed by different individuals in different settings. So, even if many critics have directly (and perhaps legitimately) connected one of the elders in the subsequent scene with this ἵστωρ, there is no reason to endorse this mainstream reading.

In addition, the appointment of an individual as a ἵστωρ should meet two other conditions. On the one hand, the act of designating a ἵστωρ should be explicitly endorsed by the will of both parties[13]; on the other, the action itself presupposes the existence of an individual who wields a socially legitimized authority that enables him to act as a ἵστωρ (because, as we have seen in the occurrences in the Iliad, the role of ἵστωρ does not appear to be a sort of institutionalized and permanent office).

Secondly, the presence of a ἵστωρ appears to contribute to some kind of preliminary resolution of the conflict. Whether through direct or indirect intervention, the ἵστωρ is presumably capable of 'terminating' a heated dispute at a given point. A close examination of the narrative structure of both scenes suggests that his mediation is capable of restraining a dispute that could otherwise get out of control and even become potentially violent. In fact, as explicitly mentioned in the trial scene, the ἵστωρ is called upon to impose some kind of limit or restraint (πεῖραρ) in a verbal dispute that could readily turn into a physical brawl if it goes unchecked.[14] It is precisely this action of containment that has led many commentators to interpret the ἵστωρ as some kind of arbitrator. Now,

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13 The voluntary nature of the litigants' determination to summon a ἵστωρ is underscored by the use of the volitive verb ἵημι at 501 –in the sense of being willing or urged to do something– and also by the use of the hortatory subjunctive of τίθημι at 486. It is worth noting that, strictly speaking, the wager in the chariot race is not actually formalized, as Ajax's response is interrupted by Achilles' intervention. By the same token, the shield scene also offers a 'potential' –and not actual – mediation of a ἵστωρ in the dispute, expressed as a desideratum of both parties. This mediation may or may not have actually become effective, depending on the general interpretation of the following verses featuring the trial of the elders.

14 In our view, the interpretation of πεῖραρ ἑλέσθαι as 'obtain a verdict' is misleading and does not capture the primal function of the ἵστωρ in the scene. The idea of a 'verdict' rests on the assumption that the ἵστωρ is thematically and sequentially connected to the final verses involving the elders and the golden talents. However, this kind of connection cannot be categorically supported by the textual evidence. Hence, to see the ἵστωρ as the 'supreme judge' in charge of passing a binding verdict is unwarranted. If the ἵστωρ is capable of imposing some kind of limit or restraint (πεῖραρ), this faculty does not necessarily involve passing judgment but rests on a subtler but more fundamental ability connected to the act of hearing and the power of memory.

the question is how this action of containment is brought about exactly. Though there is no conclusive evidence in the passages under study, it is likely that at a second instance the ἵστωρ himself –or perhaps also someone closely connected with him– should conduct some sort of inquiry in order to determine a certain state of affairs. What has been largely overlooked in previous analyses is that the focus of such inquiry is to determine the truth or falsity of what the litigants have "said" –that is, examining the content of their declarations– in order to settle a certain conflict o interests (the latter, as noted above, takes the form of a wager[15] in Book XXIII, or the payment of a blood-price in book XVIII). At this second stage, the ἵστωρ becomes an 'inquiry agent', a necessary instrument in the settlement process leading to a final judgment. However, this does not mean that it is the ἵστωρ who necessarily gives a final and binding verdict on the matter at hand. Even if many commentators have likened the ἵστωρ to a judge, the evidence provided by the Iliad passages under study does not clearly support this view. Rather, I believe, the function of the ἵστωρ as featured in these scenes can be put in more precise terms. In fact, he appears to be more than an arbitrator and less than a judge.

In this final section, the status and role of the ἵστωρ will be spelled out more clearly. More precisely, I will make a number of points: first, that his intervention is required to put an end to a heated and potentially virulent conflict; second, that his in situ mediation guarantees the deferral of such conflict and the inception of a process involving an inquiry and a final verdict; third, that his on-the-spot presence serves a concrete purpose in such settlement process. Indeed, a contrastive analysis of the scenes suggests that his prime role rests on his faculty of confining to memory what two litigants have 'said' in specific circumstances.

The preceding discussion of both scenes has evinced the turmoil in which the dispute between the litigants unfolds. However, little attention has been given to the 'aural dimension' of the scenes in the characterization of the histor. If we turn first to the Trial Scene, the preeminence of sound in the poetic ekphrasis is quite remarkable. The opening verses of the description of the shield already set the tone. The cry of Hymen rose high (ὀρώρει) during the wedding-feasts and the youth danced to the music of the flute and lyre (βοὴν ἔχον). It is precisely in the market-place of this boisterous city that the heated dispute between the litigants is described. The verses explicitly mention a quarrel (νεῖκος; v. 497); the men were bickering with one another (ἐνείκεον), addressing the people (δῆμος). The poet builds upon the uproar surrounding the squabble. The λαός loudly rooted for (ἐπήπυον; v. 502) either side as "divided supporters" (ἀμφὶς ἀρωγοί), while the heralds tried to keep the angry crowd back (ἐρήτυον). It is in this frantic context that the men want to "seek a limit" (πεῖραρ ἑλέσθαι) from a ἵστωρ. What sort of limit or end is being requested? I believe the most straightforward answer in the context of the scene is that obtaining a πεῖραρ is best understood as bringing an end to the violent verbal squabble, one which is likely to get out of hand and turn into physical aggression.[16]

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15 This idea of truth and falsity in someone's statement is suggested by the words pronounced by Idomeneus at 487: "So that you shall know when you pay". In fact, the chariot race dispute arose over who was telling the truth and who was lying. Upon the histor's intervention, the winner of the wager will be the man whose claims corresponded to the truth, whereas the defeated one is the one who produced a false statement. Agamemnon's role as ἵστωρ requires some kind of enquiry (ἱστορία?) into the matter to determine who was right and wrong regarding the exact position of the competitors.

16 From a grammatical point of view, the full sense of the expression emerges if we understand the construction πεῖραρ ἑλέσθαι as containing an ellipsis of the objective genitive νείκου. The litigants, in fact, demanded an end or termination of the dispute.

The scene in Book XXIII also features a loud and baffling scenario that deserves a better look.[17] Not only are the horses running in the distance hard to identify as the track is covered in dust, but also we can presume that the scene unfolds in a frenzied atmosphere as the cheering crowd watches the race. It is in the midst of such a turbulent assembly that the dispute (ἔρις; v. 490) between Ajax and Idomeneus ensues. The men point their fingers at one another uncouthly: Ajax responds rudely (αἰσχρῶς; v. 473) to Idomeneus' words, calling him a braggart (λαβραγόρην; v. 479); the latter in turn responds by calling him "master of brawling" (νεῖκος ἄριστε; v. 483) and "bad in counsel" (κακοφραδές). As is clear from the remark at 490, had it not been for Achilles' intercession immediately after the wager, the strife between them would have gone further.

Now, it is precisely Achilles' intervention here as the one who calms down the irate men that rules out the standard interpretation of the ἵστωρ as a mere arbiter or mediator in a dispute. The mediating capacity requested from Agamemnon by the two litigants is of a different sort; he is not called upon to 'terminate' the dispute hic et nunc as Achilles does shortly after by announcing the end of the race, but to defer the conflict. If the ἵστωρ can mediate in an argument it is in view of his capacity to defer or adjourn the resolution of a conflict of interests from a potentially virulent present state to a future instance when it will be finally settled. This future resolution may take different forms: that of the settlement of a wager, as in Book XXIII, or that of a binding verdict, as in Book XVIII. It is at this later point that the truth claims of the litigants on a conflict of interests will be assessed and resolved.

It is worth noticing that the histor's intervention is requested in a loud and confusing context where what the litigants actually claim or have claimed can be readily misinterpreted, overlooked or simply forgotten altogether. Indeed, both scenes clearly draw attention to what the disputants were actually saying publicly as the focal point of the verses. Moreover, in both cases the actual claims of the litigants, that is, the very words spoken, are of utmost importance. It is now that the precise function of the histor comes more clearly into focus. Within the fold of an oral culture as the one of the Homeric poems, the histor's key function appears to be that of 'bearing witness' to what two opposing parties have 'said' in a specific set of circumstances. Or, to express it in terms more akin to a written culture, the ἵστωρ is a third party capable of pinning down 'winged words' and turning them into 'testimonies' that may be later reexamined or scrutinized (whether by himself or someone closely connected with him). It follows that the ἵστωρ is not an incidental kind of arbiter or mediator –as illustrated by Achilles– or a mere eye-witness, or even a judge –as suggested by the elders in the trial scene–, but one who can 'terminate' (πεῖραρ ἑλέσθαι) a dispute by deferring it to a later instance through his ability to bear witness to the actual words spoken at a given time and in a specific context. This role is particularly important in the context of an oral culture where words become embodied and may literally go out of control in the building up of a squabble. Within an oral culture, the histor appears to be that individual who can restrain the transient, fast-moving and potentially disruptive power of words and turn them into 'testimonies' that will be later scrutinized –whether as the resolution of a wager or as a formal judgment in the scenes under study. It is certainly not the kind of testimony preserved by a written culture, but an oral one treasured by the memory of the ἵστωρ; it is a way of preserving the logos against change and oblivion. The ἵστωρ appears to

[17] On the loud and violent atmosphere of the chariot race in general, see Richardson (1993: 219–224), who also brings forth the testimony of the scholiasts in connection with the undisciplined behavior of crowds in athletic contests.

perform the role of keeping a living and public record of an act of enunciation, but one that is capable of confining to memory and reporting the 'particulars' of such statement made in a specific context.[18] The histor's role thus characterized is very close to the act of 'taking oaths' –both in the religious and judiciary sense of the expression.

3. The ἵστωρ in an oral culture

3.1. The ἵστωρ and oath-taking in the Homeric poems

The connection between the Iliadic ἵστωρ and oath-taking can be first articulated in terms of the etymological link between the word ἵστωρ and certain invocations and oaths containing the verb ἴστω (both of which share the root *weid). Specifically, scholars have focused on a well-documented kind of oath type in Greece (especially, in the Homeric epics) that calls upon deities as witnesses of specific utterances that require divine attention. Through the use of these verbal formulae the individual manages to draw divine attention on the act of enunciation and thus confer greater emphasis or legitimacy to the actual words spoken. One of such conventional formulae generally uses the third person imperative ἴττω ("let him/her know", i.e. be witness to my statement) with the god as its subject, or the Ionic-Attic form of the same verb (ἴστω).[19]

A closer look at the use of these invocation formulae (using the third person imperative ἴστω) in the Homeric epics shows that the God (most notably Zeus), but also an assemblage of divinities, are called upon in the third person to act chiefly as recorders and guarantors of a commissive speech act.[20]

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18 For an overview of the psychodynamics of orality, see Ong (1982). Though Ong's clear-cut division between literacy and orality as framing two distinct mindsets has often been called into question, his characterization of the key aspects of oral psychodynamics remains a milestone in the field. On memory (as a concept from cognitive psychology) and epic tradition, see Rubin (1995). On the early uses of writing at the service of speech in Greece, see Thomas (1992: 60–65). In a primary oral community as featured in the Homeric poems this act of preservation of the spoken word through memory was performed by specific individuals. The social role performed by the ἵστωρ in the act of preserving words from oblivion can also be compared to that of the early mnemones ('remembrancers'). Thomas (1992: 69–70) describes them as "officials whose role was partly to remember court proceedings, for which there were no written records". If by the Hellenistic period the mnemones were simply clerks, in charge of keeping large bodies of text, in earlier periods they should have relied on a powerful mnemonic capacity. However, there are still controversies about the exact role of the mnemones at an earlier time (mere oral recording of cases, recitation of rules and rituals from memory, keeping of written records as aide-memoirs, etc.). For a reassessment of the role of the mnemomes as relying upon a particular mechanism of memory, "recognition memory" or "implicit memory", see Carawan (2008: 163–184).

19 On these conventional formulae, see Sauge (1992: 65–87), Sommerstein (2007: 80–81). Examples of this kind of invocations using the verb ἴττω or ἴστω abound. (*Il.* 10.329, 15.36, 19.258; *Od.* 5.184, 14.158, 17.155, 19.303, 20.230; *h. Dem.* 259; *h. Ap.* 84; Soph. *Trach.* 399, *Ant.* 184, *OC* 521; Eur. *IT* 1077, *Ion* 1478, *Phoen.* 1677, *IA* 1413.) Sommerstein regards them as a third type of oath consisting of an assertion or promise reinforced by the name of a god. On the kind of expressions that invite gods to acknowledge, attend to or legitimate a certain utterance –though lacking the binding force of oaths, vows and curses, see Versnel (1981), Graf (1991), Furley (1995), Pulleyn (1997), Polinskaya (2012: 23–37).

20 For a characterization of oaths in general in Greece, see Sommerstein (2014:1-5); for this specific kind of invocation, see Sommerstein (2014:80-8). A similar interpretation to the one put forth above is offered by Sauge (1992: 65-87), who argues that these formulae in the Iliad call upon the deities to testify ("attester"). However, his analysis still tries to accommodate the etymological visual element. On the meta-performative function of oaths as ritualized performances which instantiate commitments and formal obligations in a specific time and place, see Rappaport (1999: 37-8), Kitts (2005:74); on oaths as commissive speech acts, see Rappaport (1999:115). For a cross-cultural treatment of Ancient oaths in the Mediterranean milieu, see Karavites (1992: 82-156), Kitts (2005).

Two examples drawn from the Homeric epics will suffice to illustrate the structure of this kind of oath. In *Iliad* XIX 258-65, Agamemnon performs an oath-sacrifice invoking Zeus, together with Earth, Helios and the Erinues, to testify to the fact that he has not slept with Briseis.[21]

ἴστω νῦν Ζεὺς πρῶτα θεῶν ὕπατος καὶ ἄριστος
Γῆ τε καὶ Ἠέλιος καὶ Ἐρινύες, αἵ θ᾽ ὑπὸ γαῖαν
ἀνθρώπους τίνυνται, ὅτις κ᾽ ἐπίορκον ὀμόσσῃ,
μὴ μὲν ἐγὼ κούρῃ Βρισηΐδι χεῖρ᾽ ἐπένεικα,
οὔτ᾽ εὐνῆς πρόφασιν κεχρημένος οὔτέ τευ ἄλλου.
ἀλλ᾽ ἔμεν᾽ ἀπροτίμαστος ἐνὶ κλισίῃσιν ἐμῇσιν.
εἰ δέ τι τῶνδ᾽ ἐπίορκον ἐμοὶ θεοὶ ἄλγεα δοῖεν
πολλὰ μάλ᾽, ὅσσα διδοῦσιν ὅτίς σφ᾽ ἀλίτηται ὀμόσσας.

Let Zeus first be my witness, highest of the gods and greatest,
and Earth, and Helios the Sun, and Furies, who underground
avenge dead men, when any man has sworn to a falsehood,
that I have never laid a hand on the girl Briseis
on pretext to go to bed with her, or for any other reason,
but she remained, not singled out, in my shelter.
If any of this is falsely sworn, may the gods give me many
griefs, all that they inflict on those who swear falsely before them.[22]

The third-person formula ἴστω νῦν Ζεύς is used here in the context of a highly ritualized oath-sacrifice. Structurally, the oath-swearing by Agamemnon comprises three different (though interrelated) speech-acts, which match the standard constituent parts of oath scenes in the epics[23]: 1) vv.258-60: the ritual invocation to the Gods (with a coda underpinning their power to punish perjurers); 2) vv. 261-63: the oath-declaration (including the precise terms of the pledge); 3) vv. 264-65: the explicit articulation of the conditional self-curse.[24] Now, the question is: what is it that the Gods are called upon to 'know' (ἴστω) and how is this kind of knowledge to be understood? It could be argued that, on the one hand, the Gods are asked to 'know' – in the sense of witness or testify – the speech act itself, that is, to recognize the declaration as a formal oath. On the other hand, the imperative ἴστω suggests that the Gods are asked to 'know' –that is, to listen and keep to memory– the specific content of the assertion (clearly framed in the verses by the μὴ clause) in order to pass judgment as to its truth or falsity at an unspecified time in the future. Interestingly, in this case Agamemnon's declaration is about a past event (his chaste behavior towards Briseis), which means that the verses create a curious temporal juxtaposition (past, present and future).

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21 On the oath sacrifice in general see R. Parker (1983: 186–7),Thür (1996), Plescia (1970: 12), Burkert (1983: 35), (1985: 250–4), Faraone (1993), Kitts (2005).

22 *Il.* XIX 258-65. The Greek text cited is taken from Monro and Allen (1920). The accompanying translation is Lattimore's (1967: 399).

23 On the constituent elements of oath-swearing as a type scene, see Arend (1933:122-3), Callaway (1993: 15), Fletcher (2008: 2-11). Most scholars outline the following constituent parts of an oath-swearing scene: 1) the invitation or offer; 2) the invocation; 3) the verb of swearing; 4) the body or actual promise; 5) the conditional curse.

24 On oaths and self-curse, see Konstantinidou (2014: 6-37).

Odyssey XIX 303-307 offers another example of this kind of oath-swearing, which structurally resembles the case discussed above.[25] The Cretan (Odysseus in disguise) volunteers an oath to Penelope to back up his report about Odysseus' imminent return.[26] Interestingly, in this case the oath-swearing is explicitly framed as such via an explicit performative utterance: ἔμπης δέ τοι ὅρκια δώσω. This straightforward announcement is required here to distinguish the forthcoming oath (and its truth value) from the previous half-fabricated tales concocted by the Cretan about Odysseus' whereabouts. This is a key point that illustrates the functional role of oaths: to 'fence' a solemn vow (and its truth claims) from a farrago of other words which, like Hesiod's Muses, can "tell lies resembling the truth". Indeed, the only words that Odysseus expressly commits himself to endorse as true –under the ritual oath formula– are verses 306-7, which provide a time estimate of Odysseus' homecoming. The oath qua oath here takes up verses 303-307, including the ritual invocation to Zeus through the ἴστω νῦν Ζεύς formula (vv. 303-4), followed by the declaration that is to be hallowed by divine vigilance: the statement that Odysseus' return is impending (vv.305-7). Unlike the Iliad example, there is no explicit self-curse in this case. The dramatic irony here is that the oath –at the time of its enunciation– has already been proven true.

ὣς ὁ μὲν οὕτως ἐστὶ σόος καὶ ἐλεύσεται ἤδη
ἄγχι μάλ', οὐδ' ἔτι τῆλε φίλων καὶ πατρίδος αἴης
δηρὸν ἀπεσσεῖται: ἔμπης δέ τοι ὅρκια δώσω
ἴστω νῦν Ζεὺς πρῶτα, θεῶν ὕπατος καὶ ἄριστος,
ἱστίη τ' Ὀδυσῆος ἀμύμονος, ἣν ἀφικάνω:
ἦ μέν τοι τάδε πάντα τελείεται ὡς ἀγορεύω.
τοῦδ' αὐτοῦ λυκάβαντος ἐλεύσεται ἐνθάδ' Ὀδυσσεύς,
τοῦ μὲν φθίνοντος μηνός, τοῦ δ' ἱσταμένοιο.
τὸν δ' αὖτε προσέειπε περίφρων Πηνελόπεια:
'αἲ γὰρ τοῦτο, ξεῖνε, ἔπος τετελεσμένον εἴη.

So as you see from my tale, he is safe, already is coming;
he is quite close, nor away from his friends and the land of his fathers
will he be gone very long; in fact this oath I will give you.
Zeus be witness the first-of the gods, he is highest and greatest-
also the hearthstone of faultless Odysseus, to which I have come now:
all these things will be brought to fulfillment as I am declaring.
Sometime within this same moon tide will Odysseus arrive here,
one moon just having waned and the next one just at its onset."
Prudent Penelope then spoke answering words and addressed him:
"May this word now, stranger and friend, be brought to fulfillment![27]

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25 From a pragmatic or situational point of view, however, this oath is highly anomalous. In fact, the Cretan (Odysseus in disguise) is swearing an oath (based on a fabricated report about his whereabouts) referring to what a third party (Odysseus) is bound to do in the future. On this point see Harsh (1950:8) and Kozak (2014: 222-25). This fact raises interesting questions in connection with truth, falsity and deceit in the Odyssey and the status of oath-swearing in this narrative schema.

26 For a general discussion on Odysseus' dialogue with Penelope in book 19, see Walcot (2009: 150-1), Vlahos (2011: 37-45) and Louden (2011). For a detailed analysis of the oaths sworn by Odysseus, see Kozak (2014: 222-229). The oath cited above concerning Odysseus' homecoming is similar in terms of structure, content and diction to that sworn to the swineherd Eumaeus (XIV 158-64). For a discussion of the oaths taken in this section of the Odyssey, cf. Minchin (1999) and Kozak (2014: 224-26).

27 *Od.* XIX. 299-308. The Greek text is taken from Murray (1919); the translation is Merrill's (2002: 337).

For space restrictions only two examples have been discussed; however, the remaining cases in the Homeric corpus follow an analogous pattern, albeit with certain variations. The examination of this kind of third-person invocations with the imperative ἴστω shows the following: 1) the God is invoked to testify to the speech-act itself (the ritual act of oath-taking) and, more specifically, to listen and record (that is, confine to divine memory) the content of the human pledge. This involves crystallizing the words uttered into a formal declaration (which cannot be altered or rejected in the future); 2) this declaration may involve a past, present or future state of affairs; 3) those testimonies uttered at a given time are later to be examined (by the God) and their truth-value will be thereby determined at a second instance; 4) as supreme judge the God is entitled to castigate the perjurer (that is, those swearers whose statements have been proven false).

In short, these swearing formulae in the Homeric texts using the third person imperative can be connected to the function of the histor discussed above. Even if the agent noun ἵστωρ is not used in the epics in the context of invocation or oaths[28], we can still trace the functional correlation between the Iliadic ἵστωρ and the invocation to the Gods using the imperative form ἴστω, both of which are etymologically linked. It can be argued that at a human, communal level the histor performs the kind of function requested of divinities in oath-swearing at the religious level. Both can be said to intercede as formal, authoritative recorders and guarantors of an utterance (turned into a formal declaration) and thereby mediate (or help mediate) in a conflict resolution. Just like the ritualized performance of an oath aims to preserve the 'winged words' from their inherent duplicity, ambiguity and transiency, so does the in situ intervention of the histor in the midst of a verbal squabble[29]. In other words, both the histor and the God perform a social function connected to the workings of memory, the administration of formal declarations and dispute resolution in an oral culture[30].

3.2. Post-Homeric traces of the ἵστωρ and oath-taking

If uses of the word ἵστωρ and its cognates are scarce in the archaic period and generally denote some kind of "knowledge" or "skill"[31] rather than any specific social function, there is still textual evidence that may support our interpretation of the

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28 In the Homeric poems, the word martyr is used instead in direct appeals to the God. Cf. Bollack (1958: 9– 10), Nenci (1958: 221–24), Sauge (1992: 68–71) and n.57 infra.

29 On the duplicitous potential of spoken words and the ritualized function of oaths, see Rappaport (1999: 11-17), Kitts (2005: 99-100). Indeed, etymologically the Greek word horkos (oath) seems connected with herkos ("fence"). In this sense, the oath can be seen as the bounds that one assumes, a restriction or an obligation. Cf. Frisk (1960: II. 418), Chantraine (1974: III. 821), Beekes (2013: 1103). However, the idea of "fence" can also be interpreted in the sense suggested above: an oath is a means of preserving ("fencing off") the spoken word from its inherent duplicity and transiency.

30 For a theory that explicitly connects early Greek dispute settlement and oath-taking, see Thür (1996). The resolution of disputes by imposing a decisive oath is well attested in the Law code of Gortyn.

31 On this see Connor (1993: 7). The post-Homeric occurrences of the term ἵστωρ are sparse and generally denote some kind of 'ability' or general 'knowledge' or expertise in a particular skill. See, for example, Hes. *Op* 792 who talks about a 'sound-witted' or sagacious man being born (ἵστορα φῶτα); Hom *Od.* 21.26 for Heracles' skill at killing; Homeric Hymn (to Selene) for the Muses who know or are skilled in songs (ἵστορες ᾠδῆς). Also Bacchylides in his Epinicians (poem 9) refers to the Amazons as "the women skilled with the spear" (ἐγχέων ἵστορες κοῦραι). Similarly, Heraclitus (B35) indicates that philosophers ought to be "knowledgeable in many things" (πολλῶν ἵστορας). Plato (*Cra.* 406b3) uses the word in connection with Artemis, whom he calls "learned in virtue" (ἀρετῆς ἵστορα).

primal function of the ἵστωρ as connected to the public record of the words spoken in a specific context. In his discussion of the concept, Connor[32] draws the attention to the occurrence of the word ἵστωρ and its cognates in contexts "that have to do with oaths and witnesses". Yet, in the light of our interpretation of the cognitive function of the histor and its connection with oath-swearing formulae, the evidence cited by Connor calls for further research.

Indeed, there are other kinds of evidence in the extant Greek literature involving invocations and oaths that support our foregoing discussion on the specific role of the ἵστωρ as featured in the Iliad. In these examples, divinities are explicitly invoked as ἵστορες of the particular words pronounced in a formal oath. The oaths sworn by the Athenian ephebes and the Hippocratic doctors are two such examples discussed below.

The Ephebic oath was sworn by young men in Classical Athens in the temple of Aglaurus upon induction into the military academy. The full text is cited by Lycurgus in his work Against Leocrates, though it is generally believed to be an early document.[33] Below is a transcription of the Greek text with an accompanying English translation.

> Οὐκ αἰσχυνῶ τὰ ἱερὰ ὅπλα, οὐδὲ λείψω τὸν παραστάτην ὅπου ἂν στοιχήσω: ἀμυνῶ δὲ καὶ ὑπὲρ ἱερῶν καὶ ὁσίων καὶ οὐκ ἐλάττω παραδώσω τὴν πατρίδα, πλείω δὲ καὶ ἀρείω κατά τε ἐμαυτὸν καὶ μετὰ ἁπάντων, καὶ εὐηκοήσω τῶν ἀεὶ κραινόντων ἐμφρόνως. καὶ τῶν θεσμῶν τῶν ἱδρυμένων καὶ οὓς ἂν τὸ λοιπὸν ἱδρύσωνται ἐμφρόνως: ἐὰν δέ τις ἀναιρεῖ, οὐκ ἐπιτρέψω κατά τε ἐμαυτὸν καὶ μετὰ πάντων, καὶ τιμήσω ἱερὰ τὰ πάτρια. ἵστορες θεοὶ Ἄγραυλος, Ἑστία, Ἐνυώ, Ἐνυάλιος, Ἄρης καὶ Ἀθηνᾶ Ἀρεία, Ζεύς, Θαλλώ, Αὐξώ, Ἡγεμόνη, Ἡρακλῆς, ὅροι τῆς πατρίδος, πυροί, κριθαί, ἄμπελοι, ἐλάαι, συκαῖ…
>
> I will not bring dishonour on my sacred arms nor will I abandon my comrade wherever I shall be stationed. I will defend our altars and our hearths and will not leave my country smaller, but greater and better, so far as I am able by myself and with the help of all. I will respect the rulers of the time duly and the existing ordinances duly and all others which may be established in the future. Furthermore, if anyone seeks to destroy the ordinances I will oppose him so far as I am able by myself and with the help of all. I will honor the cults of my fathers. Witnesses to this are the gods Agraulus, Hestia, Enyo, Enyalius, Ares, Athena the Warrior, Zeus, Thallo, Auxo, Hegemone, Heracles, and the boundaries of my native land, wheat, barley, vines, olive-trees, fig-trees…[34]

The deities invoked at the end of the ritual oath are called upon to act as ἵστορες, a word which is generally rendered as 'witnesses'. However, in view of our foregoing

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32 Connor (1993: 8–9).

33 See Lycurg. *In Leoc.* 77. The fourth-century inscription from which the text of this oath is taken, found in 1932 at Acharnae, contains also a variant version of the next oath which Lycurgus quotes Lyc. 1.81. For the full text and notes on it see Tod (1948: ii. 204). Other versions are to be found in Stobaeus *Florilegium* xliii. 48 and Pollux *Onomasticon* viii 105f. For the dating of the oath, cf. Siewert (1977: 109-111), who convincingly argues for an early date of origin (sometime between the Solonian reforms –or even earlier– and the ascendancy of Peisistratus).

34 The Greek text and translation are taken from Lycurgus' *Against Leocrates* (Burtt, 1962).

discussion, the term deserves a closer examination.[35] The context of use of the word here, even if we accept the archaic dating of the oracle, is not equivalent to that of the older testimony, Homer's Iliad. If the Iliadic ἵστωρ necessarily performed an institutionalized social role which was allotted to a prominent individual in the community, the context of use in the ephebic oath is instead a religious one: it is a series of gods that are summoned as ἵστορες.[36] In other words, over the course of three or four centuries there appears to have been a shift from the sociopolitical to the religious domain in the use of the word. Though we have suggested above an etymological and functional connection between the histor and the third-person invocations using the form ἴστω, gods in the Homeric poems are never explicitly addressed as ἵστορες but rather as μάρτυρες.[37] The question is whether –despite the varying contexts of use – the cognitive or pragmatic functions deployed by the Iliadic ἵστωρ and the gods in the Ephebic oath are to any degree comparable or not.

The invocation of context-specific divinities as ἵστορες involves a more complex process than meets the eye, which –as we shall see– can be largely equaled to the function of the Iliadic ἵστωρ discussed above. On the one hand, divinities are called upon to bear witness to the act of enunciation itself –the swearing of the oath and its binding character, thus granting legitimacy to the formal act of swearing and making the individual liable to punishment if found guilty of perjury. Otherwise stated, divinities are both within and outside the oath-taking: they are themselves 'contents' of the oath but also external guarantors of the speech act itself as an act of swearing. On the other hand, we could also say that divinities are called on as ἵστορες of the specific content of the individual statements comprising the oath, that is, the particular terms of the pledge. Indeed, the ephebic oath comprises a number of binding terms: not to bring shame upon the sacred weapons, not to desert the comrade-at-arms, to fight for the defence and prosperity of one's fatherland, to obey those who exercise power sensibly, to abide by and defend the laws, and to honour the ancestral religion. The word ἵστωρ, as discussed in the Iliad verses, is connected to a memory faculty –largely oral/aural in nature– capable of recording and preserving faithfully the individual items of an act of enunciation. Oath-takers bind themselves to a number of individual items contained in the oath, which the gods are called upon to 'remember' (record) in their constitutive details and enforce upon the individual taking the solemn vow.

The well-known Hippocratic Oath provides yet another example of the invocation of gods as ἵστορες. Whatever the exact dating of the document, its author-

[35] On the invocation of divinities or cult-heroes as witnesses of oath statements in general, cf. Sommerstein (2007: 2), Sommerstein and Torrance (2014: 1–6). On non-divine entities as witnesses of an oath, as displayed in the concluding section of the ephebic oath, see Sommerstein and Torrance (2014: 113–117). Torrance argues that the plants listed at the end of the ephebic oath, though baffling, are best understood as the kind of non-divine entities that help add solemnity to the vow as they are specifically linked to the context or content of the oath.

[36] For a discussion of the pre-classical oath deities in the ephebic oath, see Siewert (1977:109); for the specific identity of the deities invoked, see Sommerstein and Bayliss (2014: 16–21).

[37] The word martyr as used in the invocation to the gods as witnesses of formal oaths or vows in the Homeric poems is well-attested. On the use of this word see Bollack (1958:9–10), Nenci (1958: 221–24), Sauge (1992: 68–71). In terms of content, form and function these invocations to the gods as μάρτυρες in Homer resemble the archaic and classical evidence discussed above, where gods are called upon as ἵστορες. Though it lies beyond the scope of this paper, the use of the word martyr in Homer appears to be closely connected as well to the gods' ability to keep on record the words uttered by the oath-takers, thereby becoming 'witnesses' both to the act of enunciation and to the oath's content.

ship and context of production[38], the structure and language of the Hippocratic Oath sworn by men entering the medical profession is typical of a formal oath.[39] The use of language may therefore suggest that the document is but a survivor of a number of other –possibly earlier– medical oaths. What is particularly relevant to our purposes in the language of the oath is that, as was also the case with the ephebic oath, a number of context-specific deities are called upon to bear witness to the vow in their capacity as ἵστορες. The opening words explicitly indicate the performative nature of the utterance through the use of the first-person singular verb of swearing (ὄμνυμι), followed by the ritual invocation to the deities.

> ὄμνυμι Ἀπόλλωνα ἰητρὸν καὶ Ἀσκληπιὸν καὶ Ὑγείαν καὶ Πανάκειαν καὶ θεοὺς πάντας τε καὶ πάσας, ἵστορας ποιεύμενος, ἐπιτελέα ποιήσειν κατὰ δύναμιν καὶ κρίσιν ἐμὴν ὅρκον τόνδε καὶ συγγραφὴν τήνδε …
>
> I swear by Apollo Physician, by Asclepius, by Health, by Panacea and by all the gods and goddesses making them my witnesses, that I will carry out, according to my ability and judgment, this Oath and this indenture.[40]

The diction here is somewhat different from the ephebic oath in that a number of lexical items reinforce the solemnity and performative nature of the text. Apart from the first-person verb of swearing (ὄμνυμι) that meets the felicity conditions that the utterance requires to become an illocutionary act, there is an explicit designation of the performative nature of the utterance as an oath (ὅρκον). Furthermore, unlike the ephebic oath, the written nature of the pledge is underscored in the opening words (συγγραφήν) –which is an indication of an institutionalized and formalized oath recorded as a written document. Now, while in the ephebic oath the deities simply 'were' witnesses of the oath without further qualification (ἵστορες θεοί), in the Hippocratic oath they are 'made' so (ἵστορας ποιεύμενος) by the oath-taker, that is, designated as such in the act of swearing.[41]

If the Hippocratic oath shows a more mediated relationship with the divine, placing a greater emphasis on the individual taking the oath who calls upon the gods as guarantors (which may also be an indication of a later date), it is still remarkable that the word used here to certify such witnessing capacity is again ἵστωρ.

Again, as discussed above in the ephebic oath, the term ἵστωρ does not designate a vague witnessing capacity, but one connected to orality and memory. The gods

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38 The oath is believed to have been written by Hippocrates in Ionic Greek (late 5th century BC), or by one of his students, and is usually included in the *Hippocratic Corpus*. Edelstein (1967) proposed that the oath was written by Pythagoreans, though his claims have been questioned in view of certain inconsistencies between the Pythagorean doctrine and the contents of the oath as well as the lack of evidence for a school of Pythagorean medicine. (Cf. von Staden 1996: 409, Miles 2004: 28–33) As to the dating, Edelstein (1967: 55) suggests the second half of the fourth century. Jouanna (1999: 401–2) also accepts early fourth or late fifth century BCE as the date of authorship.

39 For a detailed discussion of the formal features of the Hippocratic oath, see Torrance (2014: 372–80).

40 The Greek text and translation are taken from Hippocrates' *Oath* (Jones 1957: 298–99).

41 This complex transitive structure with the verb ποιέω in which the divinities are invoked as ἵστορες of an oath is the religious counterpart of the expression used by the contestants in *Iliad* XXIII 486 in which Agamemnon is made ἵστωρ of the dispute and the ensuing wager. Indeed, the extant evidence suggests a shift from an institutional use of the term ἵστωρ in the Homeric poems, which appears to evince an existing social function performed by a prestigious individual in the Homeric world, to a largely religious one concerning the gods, from the Archaic age onwards.

are called upon as ἵστορες not only to testify to the act of swearing itself but also to keep a detailed record of the particular terms of the oath, which are enumerated thereupon. It is precisely by keeping a precise record of the terms of the covenant uttered by the oath-taker (and all the particulars involved) that the gods will be later able to determine the truth or falsity of such vows and either penalize or reward the practitioner. In short, even in a relatively later document as the Hippocratic oath, the kind of connection between the oral dimension, the faculty of memory and the particulars of an act of enunciation that we noted in the case of the Iliadic ἵστωρ can still be traced –possibly as a vestige of this earlier function and use– in the language of oath-swearing.

If other archaic and classical uses of the term ἵστωρ often came to designate some kind of knowledge or skill in general[42], the primal semantic content of the word, as illustrated both in the Iliad scenes and in the later invocation of deities in oaths as ἵστορες, appears to be connected to the ability to confine to memory the particulars of an oral utterance produced in a specific set of circumstances so that they can be kept for a future use. An interesting case is the opening verses of the Homeric *Hymn to Selene:*

> μήνην ἀείδειν τανυσίπτερον ἔσπετε, Μοῦσαι,
> ἡδυεπεῖς κοῦραι Κρονίδεω Διός, ἵστορες ᾠδῆς
>
> And next, sweet voiced Muses, daughters of Zeus,
> well-skilled in song, tell of the long-winged Moon.[43]

The use of the word ἵστορες here in connection with the Muses is a good synopsis of our discussion. On the one hand, the conventional invocation of the Muses in poetry evinces the illocutionary force of the ritual invocation of divinities in oaths as discussed above. The Muses are invoked not only as guarantors of the poetic performance but as the source of the content of the poet's words. This ritual address to the Muses –who are called ἵστορες of song– serves a two-fold purpose: to invoke the divinities to solemnize the act of recitation and 'sing' through the poet (on a pragmatic level) and to present the full content of such poetic discourse (on a propositional level). The word ἵστορες in the *Homeric Hymn* powerfully captures the nature of poetic inspiration and performance connecting the deities and the poet, the role played by divine and human memory as a record of 'winged words' and the oral/aural quality of that content, as well as the dexterous knowledge of the particulars of such poetic speech that the deities treasure and bestow on the poet.

While the noun ἵστωρ falls out of use in the Classical period, the lexical family expands with the dissemination of the noun ἱστορία/ἱστορίη and the verb ἱστορέω,

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42 The post-Homeric occurrences of the term ἵστωρ are sparse and generally denote some kind of 'ability' or general 'knowledge' or expertise in a particular skill. See, for example, Hes. *Op* 792 who talks about a 'sound-witted' or sagacious man being born (ἵστορα φῶτα); Hom *Od.* 21.26 for Heracles' skill at killing; Homeric Hymn (to Selene) for the Muses who know or are skilled in songs (ἵστορες ᾠδῆς). Also Bacchylides in his Epinicians (poem 9) refers to the Amazons as "the women skilled with the spear" (ἐγχέων ἵστορες κοῦραι). Similarly, Heraclitus (B35) indicates that philosophers ought to be "knowledgeable in many things" (πολλῶν ἵστορας). Plato (*Cra.* 406b3) uses the word in connection with name of Artemis, whom he calls "learned in virtue" (ἀρετῆς ἵστορα).

43 The Greek text and translation are taken from the Homeric Hymns (Evelyn-White 1982: 458–59).

especially in medical treatises, drama and Herodotus' historiography. However, the connection between the word ἵστωρ and the invocation of divinities in oaths or solemn vows does not completely disappear. If the word ἵστωρ becomes increasingly rare, it is a derivative nominal compound συνίστωρ that is often found in classical texts in contexts where divinities are called upon to witness a certain course of events or solemnize a certain pronouncement. The expression used is calqued on the earlier use containing the noun ἵστωρ in the nominative (whether singular or plural) and the deity which is invoked as witness (also in the nominative).[44]

4. Conclusions

Our discussion has offered a close reading of the Iliad scenes where the intercession of a ἵστωρ is requested by two contending parties. A number of similarities between the scenes – both in terms of overall framing, narrative details and language – have helped to spell out in more precise terms the status, role and cognitive operations performed by the ἵστωρ. We have argued that, if the ἵστωρ is capable of acting as an 'arbiter' in a dispute or as a 'judge' in determining the truth of a matter at stake (as may very well also be the case in the scenes discussed), it is only as a result of his primal ability to confine to memory and record the 'particulars' of words spoken at a given time and in a specific context. This social function performed by the ἵστωρ in the Homeric scenes is therefore closely connected to the centrality of memory in the early Greek world and to the psychodynamics of orality. If post-Homeric uses of the word ἵστωρ are sparse and designate some kind of knowledge or skill in general, the occurrence of the word in contexts that have to do with oaths may stand as a vestige of this inherent, fundamental cognitive function impinging on the religious domain.

The connection we have mapped out between the histor's role in the Iliad and the workings of memory, oath-taking and conflict solving in a primarily oral culture could also be stretched further to speculate on the kind of cognitive operations required of the Vth century historian. On this, just a final thought. In the narrow sense of the word, the noun historíe (especially as used in Herodotus) –the epigone of the histor's lexical family– has generally been interpreted as the direct examination of the sources (which, in a largely oral milieu, basically amounts to the questioning of informants). The kind of reconstruction we have offered may help shed light on the meaning of historíe in this narrow sense as used, for example, by Herodotus in his well-known methodological remark at II.99. What is the distinction between mere akoé (hearing/hearsay) and historíe? As evinced by the role of the Iliadic histor in a judiciary sense and the connection with formal oaths in a religious sense, the difference appears to rest in the distinction between mere 'winged words' (akoé) and 'testimonies' (historíe). 'Winged words' are subject to oblivion, change and ambiguity; instead, the inquirer deals with words that have been turned into formal 'testimonies'

44 See for example Soph. *Ant.* 542 (Ἅιδης χοἰ κάτω ξυνίστορες), Eur. *Supp.* 1174 (Ζεὺς δὲ ξυνίστωρ οἵ τ' ἐν οὐρανῶι θεοὶ); Soph. *Phil.* 1293 (θεοὶ ξυνίστορες). Also, Thucydides uses the noun in the context of the Spartan siege of Plataea in the early stages of the Peloponnesian War. In II 74, the expression occurs as the historian cites the pronouncement made by king Archidamus who calls the gods and heroes of the country as witnesses (ἐς ἐπιμαρτυρίαν): "You, gods, who protect the land of Plataiai, and heroes, be witnesses that (ξυνίστορές ἐστε) we did no wrong in the beginning, but only after these people had first broken their oath did we come against this land …" On this see, Polinskaya (2012: 27–35).

–that is, oral (or written) declarations that can be later weighed up and scrutinized as to their truth value. However, unlike the earlier cognates, Herodotus' historíe is no longer connected to the religious or judiciary domain but rather to the secular, critical judgment of the inquirer.

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