PERJURY IN ANCIENT RELIGION AND MODERN LAW:
A COMPARATIVE ANALYSIS OF PERJURY IN HOMER
AND UNITED STATES LAW

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The modern western world is vastly different from that of the ancient Mediterranean. We differ from our predecessors not only in politics, law, religion, philosophy, and cultural life, but also in the languages we speak. These differences are what make the study of the ancient world so fascinating and yet so difficult. Only by learning the languages of antiquity can we hope to acquire an adequate understanding of cultures and concepts so unlike our own. Yet, even when we have learned Greek, Latin, Hebrew, and other ancient languages, we may remain oblivious to the different denotations and connotations that modern and ancient terms often have. This is particularly true of terms that are used in both the secular and the religious sphere. The secular connotations of the modern English word “sacrifice,” for example, are markedly different from the religious implications of ancient sacrificial terms. Whereas the emphasis in

1 An earlier version of this essay was scheduled to appear in the *International Journal of Comparative Religion and Philosophy*, but that periodical ceased publication before my study appeared. I am delighted that a greatly revised version can now appear in a *Festschrift* honoring David E. Aune, whose daunting erudition has greatly enriched our understanding of early Christianity and thereby helped modern scholars become acutely aware of how our world differs from that of the first Christians. Although I do not deal directly with the biblical text in this essay, I believe that a heightened awareness of the differences between the modern and ancient understandings of perjury will sharpen the exegetical work of biblical scholars. For example, NT scholars almost invariably speak of Peter as “denying” Jesus. That is, of course, true, as the repeated use of the word “deny” by each of the four canonical evangelists makes clear (Matt 26:34–35, 70, 72, 75; Mark 14:30–31, 68, 70, 72; Luke 22:34, 57, 61; John 13:38; 18:25, 27). But that traditional designation misses an important aspect of the story in both Matthew and Mark, viz., that Peter denies Jesus with an oath (Matt 26:72, 74; Mark 14:71). That makes Peter guilty of perjury, for he knowingly swears an assertory oath that is blatantly false. Peter’s perjury compounds his guilt, making his denial not merely a personal failure in his relationship with Jesus but a religious offense against God. Not even those who gave false testimony against Jesus at his trial dared to do so under oath, making Peter’s perjury singularly conspicuous.
ancient biblical texts is placed on the joyful giving of something to God, the modern secular emphasis falls on what an individual gives up in order to attain something of greater value. The former stresses the recipient of the sacrifice; the latter does not even contemplate a recipient of the action and stresses instead the sacrifier’s renunciation and purpose.2

Religion and law share numerous terms, yet the modern understanding of these terms and the social world implied by them is often quite different from that held in antiquity. One such term is “adoption,” which to the modern reader almost always suggests a legal process whereby adults adopt children who are not physically related to them. This type of adoption is found in the ancient Mediterranean world, but it is simply one type among many. For example, it was also common to adopt adults, and the adopter and the adoptee were often already related prior to the adoption. There are even instances of men adopting their wives as their daughters, though it was much more common for women to be adopted as a prelude to giving them in marriage. The manumission of slaves frequently involved adoption, yet even the sale of land might involve the buyer being adopted by the seller. Finally, the relationship created by the adoption might not even be that of parent-child, for one could also be adopted as a brother or a sister.3

As the preceding paragraph suggests, adoption in antiquity was clearly different from that practiced today. An awareness of the differences is important, for it serves to broaden the perspective from which the ancient discussions of adoption are to be viewed, and it helps prevent the modern reader from interpreting the ancient world in light of contemporary adoptive practices. A similar awareness is needed in regard to other terms shared by religion and law.

Another example of a legal and religious term with sharply divergent meanings and connotations in antiquity and today is “perjury.” These differences include not only the settings where perjury occurs and the punishment for this offense, but also the very definition of

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