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The Work of Craterus and the Documents in the Attic Orators and in the “Lives of the Ten Orators”

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Summary: This essay is divided into three parts. The first examines the documents about Antiphon in the “Lives of the Ten Orators” (Plut. X orat. 833d–834b), which have been attributed to the collection of Craterus, and shows that they must be forgeries because the information contained in them is inconsistent with reliable sources about Athenian laws and legal procedure and with the language and formulas of the preserved decrees of the fifth century and contains other serious mistakes. The second section examines the fragments of the work of Craterus and shows that all are Athenian decrees, most of which relate to imperial administration or to famous personalities and are dated to the period between roughly 480 and 410. None of the fragments of this work can be dated earlier or later than this period. The third section reviews the documents inserted into the texts of the speeches of Andocides, Aeschines and Demosthenes and shows that in the majority of cases the editors who inserted these documents into the text could not have used the work of Craterus either for the texts of the genuine documents or for the information contained in the forged documents. In the other cases there is no evidence indicating that these editors consulted his work, and it appears that those who composed these documents used other sources.

Keywords: Athenian Law, Craterus, Demosthenes, Andocides

In the manuscripts containing the speeches of Andocides, Aeschines and Demosthenes there are many documents inserted into the text. The work the “Lives of the Ten Orators” attributed to Plutarch also contains several documents, which appear to be decrees of the Athenian Council and Assembly. Ever since the nineteenth century, several scholars have believed that the editors who inserted some of these documents into the text found them in the work of Craterus known from several sources as “The Collection of Decrees” (Συναγωγή ψηφισμάτων). For instance, Ladek in an essay about the decrees preserved in the “Lives of the Ten Orators” (Plut. X orat. 850f–852e) follows the view of A. G. Becker that these

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decrees ultimately went back to the work of Craterus who copied them from the state archive of Athens.¹ More recently, D. M. MacDowell in 1990 asserted that four of the five laws preserved in the speech of Demosthenes “Against Meidias” might have come from the collection of Craterus.² A. Scafuro has claimed that a document preserved in Demosthenes “Against Macartetus” goes back to the work of a historian whose works are lost.³ In an essay published in 2014 A. Sommerstein argued that the decree of Demophantus found in the text of Andocides’ “On the Mysteries” (96–98) is genuine and that an editor took the text from a collection of decrees like that of Craterus.⁴ M. Faraguna has recently published an essay in which he claimed that the document about Antiphon found in the “Lives of the Ten Orators” (Plut. X orat. 833d–834b) was a text found in the work of Craterus, a view followed by many scholars.⁵ In 2016 E. Carawan has claimed that the editor who inserted the documents into the text of Demosthenes’ speeches “Against Aristocrates” and “Against Timocrates” may have consulted the work of Craterus.⁶ In an article published the following year, Carawan has claimed to find “latent fragments” in the decrees found in Andocides’ “On the Mysteries”. Even though Carawan concludes that the documents in this work are not genuine, he still argues that the person who composed them drew on reliable information found in Craterus. This topic is very important for those studying the laws and legal procedures of democratic Athens. If these documents are genuine or were composed by editors who found reliable information in works like those of Craterus, one can use the information found in these documents as evidence

1 Ladek 1891, 64 who follows the view of Becker 1852, 124–125 that “die Urkunden der pseudo-plutarchischen Schrift durch Caecilius von Kalakte und vielleicht noch andere Mitglieder (wie Hermippus oder Idomeneus) schließlich auf Krateros, den gelehrten Halbbruder des Antigonos Gonatas, zurückgingen. Krateros hat ja bekanntlich in seiner συναγωγή ψηφισμάτων, eine Sammlung von Urkunden veröffentlicht, die er zum größten Theile im Staatsarchive abgeschrieben haben muss”. Cf. Ladek 1891, 127–128.

2 MacDowell 1990, 46 considers two possibilities. The first possibility is that the documents were copied in a separate dossier and added to the text later. The second possibility is that “an editor, seeing that Demosthenes called for a particular law to be read out, found that law in the archives, or in a collection of Athenian laws and decrees like the one formed by Krateros (FGrHist. 342), and inserted it in the speech”.

3 Scafuro 2006, 180.

4 Sommerstein 2014, 56: “the rhetorician who inserted it in the text appears to have taken it from a collection of decrees like that of Craterus”. Sommerstein does not explain why this hypothesis is likely and does not give any evidence for other collections of decrees. One should note the reservations of the journal’s referee quoted in Sommerstein 2014, 56, n. 31.

5 Faraguna 2016. See also Erdas 2002, 103–112 with references to earlier works.

6 Carawan 2016, 47–48: “the early editor may have consulted or relied on his recollection of historical compendia such as Krateros made of decrees and Theophrastus made of laws”.

for Athenian laws and legal procedures.⁷ But if many of these documents are forgeries and their contents contain information not derived from reliable sources, then the information found in these documents cannot be used as reliable evidence.

This essay is divided into three parts. The first examines the documents about Antiphon in the “Lives of the Ten Orators” (Plut. X orat. 833d–834b), which have been attributed to the collection of Craterus, and shows that they must be forgeries because the information contained in them is inconsistent with reliable sources about Athenian laws and legal procedure and with the language and formulas of the preserved decrees of the fifth century and contains other serious mistakes. The second section examines the fragments of the work of Craterus and shows that all are Athenian decrees, most of which relate to imperial administration or to famous personalities and are dated to the period between roughly 480 and 410. None of the fragments of this work can be dated earlier or later than this period. The third section reviews the documents inserted into the texts of the speeches of Andocides, Aeschines and Demosthenes and shows that in the majority of cases the editors who inserted these documents into the text could not have used the work of Craterus either for the texts of the genuine documents or for the information contained in the forged documents. In the other cases there is no evidence indicating that these editors consulted his work, and it appears that those who composed these documents used other sources.

I

The authenticity of the documents found in the “Lives of the Ten Orators” (Plut. X orat. 833e–834b) about Antiphon has been accepted by many scholars and so far not been questioned.⁸ The introduction to the documents states that the author found the decree in the work of Caecilius and dates the decree to the archonship of Theopompus (411/410), the year in which the regime of the Four Hundred was abolished. This information is confirmed by Arist. Ath. pol. 33.1, which states that Theopompus was the archon after Mnesilochus and that the Four Hundred were

⁷ For instance, Harrison 1971 uses many documents inserted into the texts of the orators as sources for his study of Athenian legal procedure.

⁸ See, for example, Ferguson 1932; Hansen 1975, 21–28, 113–115; Rhodes 1979, 109, 112; Connor 1985, 82–83; Ostwald 1986, 401–402; Bleckmann 1998, 361–363; Gagarin 2002, 47; Erdas 2002, 103–112; Faraguna 2016, 73–78, Roisman – Worthington – Waterfield 2015, 92–99; Liddel 2020a, 224, 225.

abolished in this year. Harpocration s.v. Ἄνδρων states that Craterus says that Andron was the person who proposed the decree about Antiphon. For this reason scholars have asserted that Caecilius found the decree in the work of Craterus.⁹ One should note however that the author of the “Lives of the Ten Orators” never cites the work of Craterus.¹⁰ The decree will be examined first, then the verdict at the trial. It is important to present the texts as they appear in the manuscripts without any emendations.¹¹

[1] Ἔδοξαν τῇ βουλῇ μᾶ καὶ εἰκοστῇ τῆς πρυτανείας Δημόνικος Ἀλωπεκῆθεν ἐγραμμάτευε, Φιλόστρατος Πελληνεὺς ἐπεστάται· Ἄνδρων εἶπε περὶ τῶν ἀνδρῶν, οὓς ἀποφαίνουσι οἱ στρατηγοὶ πρεσβευομένους εἰς Λακεδαιμόνα ἐπὶ κακῷ τῆς πόλεως τῆς Ἀθηναίων, καὶ ἐκ τοῦ στρατοπέδου πλεῖν ἐπὶ πολεμίας νεῶς καὶ πεζεῦσαι διὰ Δεκελείας, Ἀρχεπτόλεμον καὶ [5] Ὀνομαλέα καὶ Ἀντιφῶντα συλλαβεῖν καὶ ἀποδοῦναι εἰς τὸ δικαστήριον, ὅπως δῶσι δίκην· παρασχόντων δ' αὐτοὺς οἱ στρατηγοί, καὶ ἐκ τῆς βουλῆς οὐστίνας ἂν δοκῇ τοῖς στρατηγοῖς, προσελομένους μέχρι δέκα, ὅπως ἂν περὶ παρόντων γένηται ἡ κρίσις, προσκαλεσάσθωσαν δ' αὐτοὺς οἱ θεσμοθέται ἐν τῇ αὐρίον ἡμέρᾳ καὶ εἰσαγόντων, [10] ἐπειδὰν αἱ κλήσεις ἐξήκωσιν εἰς τὸ δικαστήριον, περὶ προδοσίας κατηγορεῖν τοὺς εἰρημένους συνηγόρους καὶ τοὺς στρατηγούς καὶ ἄλλος, ἂν τις βούληται· ὅτου δ' ἂν καταψηφίσηται τὸ δικαστήριον, περὶ αὐτοῦ ποιεῖν κατὰ τὸν νόμον, ὃς κεῖται περὶ τῶν προδόντων.

[1] ἔδοξεν Reiske; ἔδοξαν MSS; [2] Παλληνεὺς Taylor; Πελληνεὺς MSS; [3] [ἐκ] Reiske; [5] Ὀνομακλέα Petau; Ὀνομαλέα Π Ἀντιφῶντα E; Ἀρχιφῶντα Π; [7] προσελομένους Reiske; προσελομένους Π; [10] κατηγορεῖν τοὺς Π; κατηγορεῖν <δὲ> τοὺς Ofenloch and Gernet; [11] ἱρημένους Reiske; εἰρημένους MSS; ἄλλος Π; ἄλλους Corr. Turnebus

⁹ See Erdas 2002, 106–112 with references to earlier treatments. Cf. Erdas 2002, 111: “Infine, Cratero ha probabilmente copiato i due decreti dall’archivio del Metroon”.

¹⁰ For the sources of “The Lives of the Ten Orators” see Roisman – Worthington – Waterfield 2015, 18. Carawan 2017, 419–420 observes that “The usual assumption is that Craterus gave the original text in full and later tradition left the lexicographer with only the mover’s name; but the biographer indicates quite plainly that Caecilius is his source for this and other full-text documents”. Carawan claims without evidence that “Craterus gave this document (F 5) fairly substantial treatment; he seems to have treated the events of 411/10 in particular detail”. But Carawan remains perplexed: “if Craterus provided the full text of the inscription, it is surprising that Ps.-Plutarch cites only Caecilius and not also Craterus”.

¹¹ For the principle that one should not emend the text of a document unless one can prove that the document is genuine because errors may be the result of a forger’s ignorance see Canevaro – Harris 2012, 98; Canevaro 2013, 34. One should note that Roisman – Worthington – Waterfield 2015, 43–44 do not give the Greek text with an apparatus criticus and introduce emendations into their translation to remove problematic passages. Hansen 2019, 462 claims that Canevaro violates his own principle by accepting an emendation at Demosth. 24.26 and 29 but see Canevaro 2020, 31–32 who shows that Hansen seriously misrepresents his analysis and that the emendation is found in the text of an oration, not in the text of a document. For endorsement of this principle see Faraguna 2016, 67.

“These were approved by the Council on the twenty-first of the prytany.

Demonicus of Alopeke was the secretary, Philostratus of Pellene presided. Andron moved the proposal about the men who the generals reported went as ambassadors to Sparta to harm the city of the Athenians and sailed from the camp on an enemy ship and went on foot through Deceleia, to arrest Archeptolemus, Onomacles and Antiphon and to turn them over to the court so that they pay the penalty. Let the generals present them and those from the Council whomever the general choose and are elected in addition up to ten so that the trial take place with them present. Let the *thesmothetai* summon them tomorrow and introduce them to the court when the summons expire. The aforementioned advocates and the generals and others if anyone wishes are to accuse them about treason. To whatever the court condemns (them), they should do about him according to the law which has been established about traitors.”

The prescript of the decree does not conform to the standard features of prescripts preserved from this period. As Henry observes, prescripts in this period fall into one of two patterns.¹² In the first type, there is the formula of enactment, the name of the prytanizing tribe, the name of the secretary, the name of the chairman, and the name of the proposer of the motion. The name of the archon may be given in the superscript. In the second type there is the formula of enactment, the name of the prytanising tribe, the name of the secretary, the name of the chairman, the name of the archon, and the name of the proposer of the motion. There is no substantial difference between decrees of the Council and Assembly and decrees of the Council.¹³ Both conform to the same patterns. There are four prescripts partially or completely preserved from the year 410/409 BCE and one partially preserved from the previous year 411/410.¹⁴ The latter (IG I³ 98, ll. 1–8) does not preserve the first few lines of the prescript (ll. 1–2), but may contain the name of the secretary if the restoration is correct (l. 3: . . .]άτης Ἰκα[ριεύς ἐγραμμάτευεν]). The prescript then appears to give the names of five people with their demotics (ll. 4–8). As Ferguson observed, this follows the rule found in the Constitution for the Future preserved at Arist. Ath. pol. 30.¹⁵ The prescript ends with the proposal formula as is standard in all Athenian decrees.

¹² Henry 1977, 4.

¹³ See IG II² 6; 12, ll. 29–32; 13; 17; 32; 49; 63; 77; 95.

¹⁴ The prescripts from the following years IG I³ 110, ll. 2–5, 104 and 117 and also those from 412/411 IG I³ 96 and 97 are similar.

¹⁵ See Ferguson 1926. Cf. Harris 1990, 245.

IG I³ 99, ll. 1–7: [Φ]ίλιππος [Φιλ]έο Δ[ειραδιό]τες | [έ]γραμμάτευεν Οί[νε]ιδι φυλ[ε]ι· | ἔδοχσεν
τ[ε]ι βο[λ]ε[ι] καὶ τ[ο]ι δέμοι· Οἶνε[ι]ς ἐπ[ρυ]τάνευ[ε]. Φίλιππος ἔγρα[μμά]τευε | ν, Χαρίας ἐπεστά[τει],
Γλαύ[υ] | [κ]ίππος | ἔρχεν

IG I³ 101, ll. 4–6: [έ]δοχσεν τῇ β[ο]υ[λ]ῃ καὶ τ[ο]ι δήμοι· Λεοντίς ἐπρυτά[νευεν], | Σιβυρτιάδη[ς]
ἔγρα[μμά]τευεν, Χαριμένης ἐπεστ[ά]τει, Γλ[α]ύκίππος ἦρχ[ε],]θεος εἶπεν·

IG I³ 102, ll. 1–6: [ἐπὶ Γλαυκί]ππο ἄ[ρ]χον[τ]ος | [Λόβον ἐκ] Κεδόν ἔγραμμάτευε | [έ]δοχσεν τ[ε]ι |
βο[λ]ε[ι] καὶ τ[ο]ι δέμοι· ἡπιποθοντί[ς] ἐπρυτάνευ[ε], Λόβον ἔγραμμάτευε, Φιλιστίδε[ς] ἐπεστά[τει],
Γλαύκίππος ἔρχε : Ἐρασινίδες εἶπ[ε]·

IG I³ 103, ll. 2–5: [έ]δοξεν τῇ βουλῇ καὶ | τῶι δήμωι· Ἐρεχ[θ]ίδης ἐπρυτάνευε, Ἀμ[υ]θ[έ]ων
ἔγραμμά[τε] | ν[ε],9.... ἐπεστά[τει], Γλαύκίππος | [ἦ]ρχε,7.... εἶπε·

The prescript of the decree inserted into the “Life of Antiphon” does not resemble the prescripts of contemporary decrees in several respects.

- 1.) The enactment formula contains the plural of the verb (ἔδοξαν) instead of the singular (ἔδοχσεν in the late fifth century BCE and later ἔδοξε) as is normal in all decrees of the Council and Assembly.¹⁶
- 2.) In prescripts from this period the name of the tribe holding the prytany is always given, but the name of the tribe is absent in the prescript of the inserted document. One might however explain this by the hypothesis that during the regime of the Four Hundred and the Five Thousand, the Athenians did not use the prytany system of the ten tribes.¹⁷ See, for instance, the record dated to this year (IG I³ 373), in which the prytany system is not used.
- 3.) In the prescript of the inserted document the day of the prytany is given, but this never occurs in the prescripts of decrees from this period and does not start until after 350.¹⁸
- 4.) The prescripts from this period record the name of the eponymous archon (see examples above), but the prescript of the inserted document does not contain the name of the eponymous archon. The text of the “Life of Antiphon” dates the decree to the archonship of Theopompus, but the name of the archon is not in the prescript.

There are several other pieces of evidence which reveal the document to be a forgery.

¹⁶ Roisman – Worthington – Waterfield 2015, 92 attempt to remove this problem by emendation.

¹⁷ See Harris 1997.

¹⁸ See Henry 1977, 38. Roisman – Worthington – Waterfield 2015, 92 see that the day of the prytany is never given in this period but claim that the text was copied from the archive and not the original stone. But this is to explain *ignotum per ignotius* because there is no evidence that the prescripts in copies in the archive in this period contained more information than those published on stone. And the introduction to the *katadike* actually states it was taken from the stele, not from a copy in the archive.

- 5) The document uses the phrase ἀποδοῦναι εἰς τὸ δικαστήριον to express the idea of bringing a defendant to court. The standard phrase for an official bringing a case to court in inscriptions from the fifth and fourth century is εἰσάγειν (IG I³ 21 [450/449], l. 50; 34 [448/447], ll. 70–71; 41 [around 446/445], l. 115; 68 [426/425], ll. 47–48; 82 [421/420], l. 28; 117 [407/406], ll. 11–12; IG II² 1631 [323/322], ll. 353–354. The verb is plausibly restored in IG I³ 236, [410–404], l. 6; 1453 [late fifth century], fragment C, ll. 21–22; fragment D, ll. 3–4; IG II³ 431 [337–325], l. 9). When this phrase is used, one never finds the additional phrase ὅπως δῶσι δίκην, which would of course be otiose in this context. Why else would one bring a defendant to trial? Moreover, the aim of a trial is to determine guilt; the defendant pays the penalty only if found guilty. To state that the point of bringing the defendants to trial so that they pay the penalty would prejudge the issue to be decided by the court and would be out of place (which is why it is never found in legal documents).
- 6) The inserted document uses a form of the third person plural imperative (προσκαλεσάσθωσαν) which is not found in decrees of the Council and Assembly until 352/351 BCE at the very earliest and is not the standard form until the Hellenistic period.¹⁹ It should be noted that this form is found in three other documents which have now been proven to be forgeries (Demosth. 21.8, 10, 94).²⁰
- 7) The inserted document uses the phrase ἐν τῇ αὔριον ἡμέρᾳ, which is never found in contemporary inscriptions, which simply use the phrase ἐς (or εἰς) αὔριον.²¹
- 8) The document contains the phrase ὅπως ἂν περὶ παρόντων γένηται ἡ κρίσις (“so that the trial takes place with them present”). First, there was no requirement that the defendant had to be present for trial in Athenian law. Defendants could be tried and convicted *in absentia*. Alcibiades (Thuc. 6.61.5–7) and

¹⁹ See Threaght 1996, 462–466. The earliest example is found at IG II³, 1 292 (352/351), ll. 47–48 (καθελόντωσαν) although the rest of the text has the earlier form of the imperative (ll. 31–32, 34–35, 36, 39–40, 48). The form is never found in public documents before this time. Herwerden – Blass reported in Ofenloch 1907, 91 saw the problem and proposed the emendation προσκαλεσάσθων, but this emendation assumes that the document is genuine.

²⁰ See Harris in Canevaro 2013, 215, 222, 232–233. Erdas 2002, 105–112 and Roisman – Worthington – Waterfield 2015, 97 do not see this problem.

²¹ See for examples IG I³ 63, l. 9; l. 66, l. 25; 106, l. 24; 110, l. 25–26; 173, l. 2. The phrase ἐν τῇ αὔριον ἡμέρᾳ is restored in IG I³ 73, ll. 43–44 and the phrase ἐς τὴν αὔριον ἡμέραν in *Agora* XVI: 22, l. B 11, but the spelling αὔριον is without parallel in fifth century inscriptions, which makes the restorations very dubious. The phrase τῇ αὔριον ἡμέρᾳ is found in the so-called Themistocles Decree (SEG 22: 274, l. 20), but this is now widely regarded to be a forgery. Cf. Demosth. 24.27 with Canevaro 2013, 110 for the standard form of the expression. Cf. Canevaro 2018, 81.

Philocrates (Demosth. 19.8; Aeschin. 2.6; Agora XIX, P 26, ll. 455–460. Cf. Hyp. Eux. 29–30) are the best known examples. If there was a concern about the defendant leaving Athens, he would be placed in prison (Andoc. 1.48; Antiphon 5.13) or compelled to provide sureties (Lys. 13.23), but neither of these options are mentioned here.²²

- 9) The phrase ἐπειδὴν αἱ κλήσεις ἐξήκωσιν is without parallel.²³
- 10) According to Thucydides (8.90.2), the extremists among the Four Hundred sent Antiphon, Phrynichus and ten others to Sparta to negotiate peace “on any terms whatsoever”. Because these men were in Athens at the time, they should have left from there. Taking the normal route, they would have either sailed to the Peloponnese and gone by land from the coast to Sparta or gone by land for the entire journey through the Megarid, the Corinthia and then inland to Sparta. The document on the other hand records an itinerary that does not make sense: they “sailed from the camp on an enemy ship and went on foot through Deceleia”. First, Thucydides gives the clear impression that the ambassadors left from Athens, not from “the camp”. The main camp of the Athenian army at this time was on Samos (Thuc 8.21, 47–49). If the ambassadors went on a ship from Athens, they would have gone to a port on the Saronic Gulf and not to Deceleia, which was in the wrong direction.²⁴ This problem has led some editors to emend the text, but this begs the question.
- 11) The procedure in the phrase κατηγορεῖν τοὺς εἰρημένους συνηγόρους καὶ τοὺς στρατηγούς καὶ ἄλλος, ἂν τις βούληται. First, the decree states that “the aforementioned advocates” are to make the accusation, which must refer to advocates mentioned earlier in the decree, but none are mentioned.²⁵ Turnebus emended the word εἰρημένους to ἡρημένους but this encounters the same objection: there is no provision in the text for the election of advocates. It also assumes that the document is genuine and therefore all errors should be removed by emendation. Second, the generals are

²² For the use of the prison see Hunter 1997.

²³ The phrase is restored in IG I³ 55, ll. 7–8 on the basis of this document, but the restoration is far from necessary.

²⁴ Roisman – Worthington – Waterfield 2015, 96 suggest “unless the envoys boarded a Peloponnesian scout ship somewhere in Attica they met with the Spartan king at Decelea after their visit to Sparta and not on the way there”, but this is pure speculation and does not explain the mistake in the text of the decree.

²⁵ For the use of the passive participle to refer to previous clauses in a document see IG II² 29, l. 19; 43, l. 54; 111, ll. 1–12; 840, l. 24; 1008, l. 61; 1011, l. 42.

never instructed to bring an accusation. *Synegoroi* were elected in fourth century BCE to defend a law indicted on the charge of being inappropriate (*me epitedeios*),²⁶ and accusers were elected in the Harpalus affair in 324 BCE (Din. 2.6), but Athenian law either allows anyone to prosecute (IG I³ 34, ll. 34; SEG 21. 494, l. 30; Demosth. 21.34; 24.18) or allows the Assembly to elect prosecutors, but never instructs officials to prosecute, elects prosecutors and invites volunteers to make an accusation all at the same time. Third, the phrase contains an infinitive (κατηγορεῖν) dependent on the verb ἔδοξαν in the enactment formula, but the previous phrase contains two imperatives (προσκαλεσάσθωσαν, εἰσαγόντων). This lack of coordination is not found in extant decrees, but has parallels in the forged documents in the demosthenic corpus.²⁷

- 12) The normal phrase for giving the court the power to inflict punishment for the defendant who is convicted is not ὅτου δ' ἂν καταψηφίσῃται τὸ δικαστήριον, περὶ αὐτοῦ ποιεῖν κατὰ τὸν νόμον, but some form of the verb τιμᾶν (“assess”) followed by a phrase about what the defendant “should pay or suffer” (παθεῖν ἢ ἀποτεῖσαι).²⁸
- 13) The adjective Πελληνεύς is not an Attic demotic, but the ethnic for the city of Pellene (Syll.³ 424, l. 13).²⁹ The name of the Attic deme is Pallene and the demotic is Παλληνεύς (e.g. IG II² 41, l. 18; 109, l. 4).³⁰ Several scholars have proposed emending the text to give the Attic demotic Παλληνεύς, but this assumes that the document is genuine and is methodologically questionable given the other evidence against authenticity. As has been noted, if the deme of the chairman was Pallene, then his tribe would be the same as the presiding tribe, something which never occurs.³¹ This mistake reveals that the person who composed the document was not familiar with the names of Attic demes.
- 14) The document calls on the *thesmothetai* to present the summons to the defendants (προσκαλεσάσθωσαν δ' αὐτοὺς οἱ θεσμοθέται), but in Athenian

²⁶ See Demosth. 20.146 with Canevaro 2016, which decisively refutes Hansen 1979–1980 about the legal procedure in Demosthenes “Against Leptines”, who is followed uncritically by Kremmydas 2012.

²⁷ See Harris in Canevaro 2013b, 229.

²⁸ For the evidence see E. M. Harris in Canevaro 2013, 228. Roisman – Worthington – Waterfield 2016, 97 do not see how the formula is not consistent with the standard language of decrees.

²⁹ For the *polis* of Pellene in Achaea and the ethnic see M. H. Hansen – T. H. Nielsen 2004, 484–485.

³⁰ For the Attic deme Pallene see Traill 1975, 54.

³¹ See de Ste. Croix 1956, 16–17 and Roisman – Worthington – Waterfield 2015, 92–93.

Law the duty of presenting the summons is never given to the *thesmothetai* but to the accuser (Demosth. 21.60; 34.13; 40.32; 47.26, 45; 54.29).³²

After the decree of the Council the work states that the verdict in the trial (καταδίκη) was written under the decision and gives the text. This gives the impression that the verdict was copied on the same stele on which the decree was published, which would indicate the person who composed the document claimed to have read the documents published on a stele and not the documents found in the public archive.

Τούτῳ ὑπογέγραπται τῷ δόγματι ἡ καταδίκη. ‘προδοσίας ὦφλον Ἀρχεπτόλεμος Ἰπποδάμου Ἀγρύληθεν παρών, Ἀντιφῶν Σοφίλου Ῥαμνούσιος: τούτοις ἐτιμήθη τούτοις: ἐτιμήθη τοῖς ἔνδεκα παραδοθῆναι καὶ τὰ χρήματα δημόσια εἶναι καὶ τῆς θεοῦ τὸ ἐπιδέκατον, καὶ τῷ οἰκίᾳ κατασκάψαι αὐτῶν καὶ ὅρους θεῖναι τοῖν οἰκοπέδοιν, ἐπιγράψαντας Ἀρχεπτολέμου καὶ Ἀντιφῶντος τοῖν προδόντων. τῷ δὲ δήμαρχῳ ἀποφῆναι τε οἰκίαν ἐς τὸν καὶ μὴ ἐξεῖναι θάψαι Ἀρχεπτόλεμον καὶ Ἀντιφῶντα Ἀθήνησι, μηδ’ ὅσης Ἀθηναῖοι κρατοῦσι: καὶ ἄτιμον εἶναι Ἀρχεπτόλεμον καὶ Ἀντιφῶντα καὶ γένος τὸ ἐκ τούτων, καὶ νόθους καὶ γνησίους καὶ ἐάν τις ποιησῇται τινα τῶν ἐξ Ἀρχεπτολέμου καὶ Ἀντιφῶντος, ἄτιμος ἔστω ὁ ποιησάμενος. ταῦτα δὲ γράψαι ἐν στήλῃ χαλκῇ καὶ ἥπερ ἂν καὶ τὰ ψηφίσματα τὰ περὶ Φρυνίχου, καὶ τούτου θέσθαι.

τῷ δὲ δημάρχῳ Meier; τῷ δὲ δήμαρχῳ MSS <καὶ> Westermann, Reiske
ἀνάκειται Reiske; ἂν καὶ τὰ codd. τοῦτο Reiske; τούτου MSS.

When an accuser brought an accusation against a defendant, he made his charges in a *plaint (engklema)*, which was given to the relevant official.³³ The indictment contained the name of the accuser with his patronymic and his demotic, the name of the procedure he was following and the name of the defendant with his patronymic and his demotic. The accuser then indicated what the defendant had done to violate the substantive provisions of the relevant statute. The *plaint* might also contain the names of the witnesses to the summons. After the trial, the verdict was written at the bottom of the *plaint*, and the document was placed in the Metroon. Several points are important. All the evidence in our sources about the *plaint* indicates that each *plaint* was brought against one individual, not two or more. Each defendant was accused separately and tried separately. In this document however two individuals are listed together, which is without parallel in the evidence for legal records of trials.

³² See Harrison 1971, 85. Roisman – Worthington – Waterfield 2016, 97 realize that this procedure of having the *thesmothetai* summon the defendant is without parallel, but do not see its implications for the authenticity of the document.

³³ On the form of the *plaint* and its contents see Harris 2013.

Second, when a defendant was condemned and his property confiscated, anyone who wished could denounce (ἀπογράφειν) his property to the *poletai*, who then sold the property and gave the person who made the report a percentage of the sale price (Arist. Ath. pol. 47.2; 52.1). In this document however the word for reporting the property of those found guilty is ἀποφῆναι, not ἀπογράφειν (Demosth. 53.2; IG II² 1631, l. 366; *Agora* XIX P 5, ll. 8–38).³⁴ The property is to be reported to the demarch and not to the *poletai*. Meier proposed emending the words τῷ δὲ δήμαρχῳ found in the manuscripts to τῷ δὲ δημάρχῳ, but this does not solve the problem because the reporting of property to be confiscated in the *apographe* procedure was done by anyone who wished, not by the demarchs. The dual would also imply that only the demarchs in the demes of Antiphon and Archeptolemus would be instructed to report their property, but this makes no sense because individual Athenians might possess property in several different demes.³⁵

Third, when an Athenian law imposed the punishment of *atimia* on the descendants of a condemned defendant or grants privileges to a person and his descendants, the phrase is ἄτιμος ἔστω καὶ αὐτὸς καὶ γένος τὸ ἐξ ἐκείνου (IG II³ 320, ll. 20–21) or [ἄτιμον] ἔναι αὐτὸν καὶ παῖδας τὸς ἔχς [ἐκένο] (IG II³ 46, ll. 27–28) or ἄτιμος ἔστω καὶ οἱ παῖδες καὶ τὰ ἐκείνου (Demosth. 23.62). In grants of privileges to a person and his descendants the phrase is similar (IG I³ 92, ll. 11–12 [αὐτὸν καὶ τὸ[ς] παῖδας]; 110, l. 15 [καὶ τὸς ἐκγόνο[ς] αὐτῷ]). One never finds the addition of the phrase καὶ νόθους καὶ γνησίους, which is otiose and unnecessary.

Fourth, the relative clause in the final clause (ἥπερ ἂν καὶ τὰ ψηφίσματα τὰ περὶ Φρυγίχου) has no verb and the formula is inconsistent with that found in decrees of the late fifth century. Reiske proposed the emendation of ἀνάκειται. But this verb is used of dedications in Athenian documents, not about the placement of steles (IG II³ 898, l. 49). In the publication formulas of Athenian decrees, we always find the compound verb ἀναγράφαι, not the simplex γράφαι, and a form of the verb κατατιθέναι (IG I³ 98, l. 15; 110, l. 23; 117, l. 33; IG II² 12, l. 15; 84, l. 3) or στήσαι (IG II² 22, l. 8; 24b–c, l. 8; 29, l. 10) and not the verb θέσθαι as found in this document.³⁶ Finally, in decrees of the Council and Assembly the publication formula always gives an order to a specific official or board of officials. There is no official or board of officials named in the publication formula of this document.

³⁴ On the procedure of *apographe* see Harrison 1971, 211–217.

³⁵ See for example Demosth. 50.8 (Apollodorus has property reported in three demes). Note that in this passage it is the members of the Council who report about property ownership. See also the evidence collected in Harris 2016.

³⁶ For standard examples from decrees of the fifth century see IG I³ 40, ll. 58–63; 104, ll. 5–7.

The evidence against the authenticity of these documents is overwhelming. None of those who have accepted the authenticity of the documents has noticed this evidence. If one follows Erdas, Faraguna, Roisman, Worthington and Waterfield and insists on attributing this document to the collection of Craterus, one is forced to admit that his collection included at least one forged document. As we will see in the next section, the collection may have contained other unreliable information. This means that even if one could show that a document inserted into one of the speeches of the Attic orators was found in the collection of Craterus, this cannot be used as an argument that the document is genuine. On the other hand, if one accepts the statement that the document was found in the works of Caecilius and does not claim that Caecilius found the document in the work of Craterus, then this problem does not arise. Whatever the source of the document, it does not provide reliable evidence about the events of the years 412 and 411 and the regime of the Five Thousand.

II

Several ancient authors cite the work of Craterus as a source of information for various aspects of Athenian history. A study of the fragments reveals the nature of the work and its chronological limits. I use the numbers of the fragments used by Jacoby and Erdas.

The first fragment is found in the lexicon of Stephanus of Byzantium under the entry Δῶρος. According to Stephanus, this was a city of Caria (ἔστι καὶ Καρίας Δῶρος πόλις), and Craterus in the third book of his work “On Decrees” listed this city among the cities of Caria (ἣν συγκαταλέγει ταῖς πόλεσιν ταῖς Καρικαῖς Κρατερὸς ἐν τῷ Περὶ ψηφισμάτων γ’). He then quotes from the work of Craterus: “Carian tribute: Dorus, the Phaselites” (Καρικὸς φόρος Δῶρος, Φασελῖται). The city of Dorus is not found in the extant records of the Athenian Tribute lists; several proposals have been made to solve the problem, but the issue remains open.³⁷ On the other hand, Phaselis is well attested as a member of the Athenian Empire by the middle of the fifth century.³⁸ The latest date for the fragment would be the year 439/438 when Phaselis was transferred to the Ionian sector of the tribute lists. On the other hand, the position of the fragment in the third book and the dating of the fourth book to the middle of the fifth century (see below)

³⁷ For the various proposals see Erdas 2002, 53–58. Carawan in Brill’s New Jacoby relies on the work of Erdas and mainly summarizes her analyses.

³⁸ See Erdas 2002, 58–63 with the literature cited there.

indicates an earlier date, possibly 454/453.³⁹ The information provided by Craterus concerns tribute and imperial administration.

The second fragment also comes from Stephanus of Byzantium and is found under the entry for Karene, a city in Mysia (Καρήνη πόλις Μυσίας). Stephanus then states that Craterus gave the city's ethnic as Καρηναῖος and appears to quote a passage from his work on decrees: Γρυνεῖς, Πιτταναῖοι, Καρηναῖοι. As Erdas notes, the first two are attested in the Athenian tribute lists, even though Karene is not attested.⁴⁰ The fragment again appears to pertain to the administration of the Athenian Empire.

The third fragment also comes from Stephanus of Byzantium and is found under the entry Tyrodiza. Stephanus identifies this place as a city in Thrace and reports that the city's ethnic is given as Τυροδιζηνοί in Craterus' work "On Decrees". The city appears in the tribute lists of 452/451, 446/445, and 445/444 and in the reassessment of 425/424.⁴¹ The manuscripts of Stephanus give two different book numbers for the fragment, either γ' (Book Three) or θ' (Book Nine).⁴² Like the previous fragments, this fragment appears to be related to imperial administration though it is not possible to date the fragment more precisely within the fifth century.

The fourth fragment is found in two passages. The first is in the lexicon of Harpocration under the entry *nautodikai*.⁴³ Harpocration identifies the term with a magistracy at Athens (ἀρχή τις ἦν Ἀθήνησι οἱ ναυτοδίκαι). Harpocration then quotes from Craterus in his book on decrees: "if anyone has been born from two foreign (parents) and is a member of a phratry, it is permitted for any Athenian who wishes and has the right to bring legal actions to make an accusation. The cases were brought on the last day of the month before the *nautodikai*". In the fifth century, the *nautodikai* appear to have had jurisdiction over cases in which foreigners were involved. According to Xenophon (Poroi 3.3), these officials were still judging cases involving merchants in the 350s, but in the fourth century cases brought on the *graphe xenias* were brought before the *thesmothetai* (Aristot. Ath. pol. 59.3). The second passage comes from the lexicon of Pollux (8.126). Pollux states that the *nautodikai* were the magistrates who introduced cases about foreigners claiming citizenship (οἱ δὲ ναυτοδίκαι οὗτοι ἦσαν οἱ τὰς τῆς ξενίας δίκας

³⁹ See Erdas 2002, 64–65.

⁴⁰ Erdas 2002, 67–75.

⁴¹ See IG I³ 261 [452/451], l. 30; 266 [446/445], l. 22; 267 [445/444], l. 30; 71 [425/424], l. 108 (grouped with the cities of the Chersonese). Cf. IG I³ 417, l. 9. The name is restored in IG I³ 100 [409/408].

⁴² For discussion see Erdas 2002, 78–81.

⁴³ For text and translation see also Casella 2018, 182–183 with the literature cited in note 984.

εἰσάγοντες). Pollux reports that these magistrates who did not wish to accept these charges were called *hybristodikai* (abusers of legal procedures) “if it is necessary to trust Craterus who collected decrees” (εἴ τι χρὴ πιστεύειν Κρατερῶ τῷ τὰ ψηφίσματα συναγαγόντι). The fragment has been associated with Pericles’ law on citizenship, which required citizens to have two Athenian parents.⁴⁴ This fragment however relates only to the membership of phratries, which was not required for citizenship.⁴⁵ The fragment therefore relates to legal procedures in the fifth century because the *nautodikai* lost their jurisdiction in cases about citizenship by the fourth century.

We have discussed the fifth fragment in the previous section of this article. It is only necessary to observe here that Harpocration in his entry on Andron states that this man proposed the decree about Antiphon the politician (τοῦ ῥήτορος) mentioned in Book 9 of Craterus’s work on decrees. This fragment dates Book 9 to the year 411/410. This is the one of the latest datable fragments from the work of Craterus.

The sixth fragment comes again from Stephanus of Byzantium in the entry for Artaia, a Persian territory. According to Craterus in Book 9 of his work on decrees the fortress of Artaia was a town on the Rindakos river. This place is mentioned in the tribute list of 422/421 (IG I³ 77, col. IV, ll. 4–5), is plausibly restored in the Reassessment of 425/424 (IG I³ 71, col. III, ll. 114–115) and could have been mentioned in other lists.⁴⁶ As a result, there is no reason to question the date of 411/410 for Book 9. Once more the fragment concerns imperial administration.

The seventh fragment is also found in Stephanus of Byzantium in the entry for Lepsimandos. Stephanus identifies this place as a city of Caria, gives the ethnic as Ληψιμανδεύς, and cites Book 9 of Craterus’ work on decrees. There have been several proposals for locating the city, which occurs in the tribute lists twice (IG I³ 272 [440/439], col. II, l. 77; IG I³ 71, col. II, l. 102). Once more the fragment is related to imperial administration.

The eighth fragment comes from Harpocration’s lexicon under the entry for Nymphaion. Harpocration notes that Aeschines (3.171) calls this a city in the Pontus.⁴⁷ He then cites Book 9 of Craterus’ work on decrees for the information

⁴⁴ Erdas 2002, 94, following earlier scholars such as Rhodes 1981, 497 and Lambert 1993, 25–57, believes that membership in a phratry whose members had to be *gnesioi*, was necessary for citizenship, but this is not true because *nothoi* could also be citizens. See Joyce 2019 and Hatzilambrou 2018. Membership in a phratry was only important for inheritance, not citizenship.

⁴⁵ Cf. Harrison 1971, 23–24: “But note that the rule envisaged in the Krateros decree is the less strict rule that prevailed before 451/0 [...]”

⁴⁶ For discussion see Erdas 2002, 113–115.

⁴⁷ For discussion see Erdas 2002, 121–128. The city is restored in the tribute list of 410/409 (IG I³ 100) on the basis of this fragment.

that Nymphaion used to pay one talent of tribute to the Athenians. Once more the fragment is related to imperial administration.

The ninth fragment also comes from Harpocration's lexicon and is found in the entry for ἀρκτηῦσαι ("to play the bear"). Harpocration reports that the verb is found in the speech of Lysias "On the daughter of Phrynichus", which he indicates may not be genuine. The rite involved the consecration of virgins to Artemis Mounichia or Brauronia before their marriage (τὸ κατιερωθῆναι πρὸ γάμων τὰς παρθένους τῇ Ἀρτέμιδι τῇ Μουνιχίᾳ ἢ τῇ Βραυρωνίᾳ). Harpocration then states that there is information about the topic in other authors including Craterus in his work on decrees. Scholars have attempted to link this information to a decree about the cult of Artemis Brauronia and the ritual, but it is doubtful that the fragment refers to a mythical decree about the cult's foundation. Nothing in the fragment indicates a date for the information, but the ritual is attested in the fifth century, and Erdas associates the fragment with a decree about Artemis Brauronia.⁴⁸ The fragment reveals that the work of Craterus included information about public rituals.

The tenth fragment also comes from Harpocration's lexicon in an entry about the speech "Against Neaira" attributed to Demosthenes, which states that the Plataeans were depicted in the Painted Stoa. According to Harpocration, no one stated this, not even Craterus in his collection of decrees. The Painted Stoa was built between 470 and 460 and contained a picture of the Plataeans (Paus. 1.15.3. Cf. Hdt. 6.111–112). Even though Harpocration says that Craterus provided no information about this topic, he implies that Craterus discussed monuments dated to the early fifth century, which would suggest that his work was more than just a collection of documents.⁴⁹

The eleventh fragment is found in the *Lex. Rhet. Cantabr.* (p. 337, 15) and from Plutarch's "Life of Themistocles" (23.1) and concerns the charges brought against him after his ostracism, which must be dated after 470 BCE.

The twelfth fragment comes from Plutarch's "Aristides" (26.1–5) and is very interesting for evaluating the reliability of Craterus as a source. Plutarch reports that according to some authors Aristides died in the Black Sea while on official business, but according to others Aristides died in old age after receiving many honors in Athens. By contrast, Craterus states that after the exile of Themistocles many sycophants attacked the wealthy. Aristides was prosecuted for receiving a bribe from the Ionians when he assessed the tribute. When he could not pay the

⁴⁸ For discussion see Erdas 2002, 129–135.

⁴⁹ For recent discussion of the Painted Stoa see Zaccarini 2017, 291–294 with references to recent scholarship. One should note that the document about the Plataeans inserted into the text of Demosth. 59.104 is a forgery. See Canevaro 2013b, 196–208.

fine of fifty *minai*, Aristides left Athens and died in Ionia. Plutarch is very skeptical about this version of his death because none of the other authors who discuss the injustices of the Athenians toward their leaders discusses this incident. Erdas examines the passage in detail and rightly judges that “la versione fornita da Cratero sulla fine di Aristide non sembra attendibile”⁵⁰. What is important is that Plutarch states that Craterus provides no evidence for his version even though he often cites or reproduces documents in his work. This passage both indicates that Craterus did include documents and that not all the information found in his work was derived from documents. In this case, however, Craterus may refer to a decision by a court or to a decree of the Assembly even though he did not provide a text of the decision. Calabi Limentani has gone so far as to suggest that Craterus was using a false document.⁵¹ Once more, the decision pertains to an important individual and is dated to the early fifth century, but here the information appears to be unreliable.

The thirteenth fragment is found in Plutarch’s “Cimon” (13.4–5) in a discussion of the Peace of Callias. Plutarch gives the terms of the treaty and reports the opinion of Callisthenes that there was no treaty with “the barbarian” who still agreed to remain far away from Greece. He then reports that among the decrees collected by Craterus there is a copy (ἀντίγραφα) of the agreement ‘as if it were actually concluded’ (συνθηκῶν ὡς γενομένων). This has been used as one of the strongest pieces of evidence in favor of the authenticity of the Peace of Callias. Badian has argued that there were in effect two treaties, one after Eurymedon in the 460s, another in 449/448, the date given by Diodorus (12.4.4; 26.2).⁵² Though several scholars reject the existence of a treaty in the 460s,⁵³ there is a general consensus that there was a treaty concluded in 449/448 (Isocr. 4.117–8; 7.80; 12.59; Demosth. 19.273; Lycurgus “Against Leocrates” 73).⁵⁴ Plutarch makes it clear the work of Craterus contained a copy of the decree, which was enacted in the middle of the fifth century. It is also important to observe that Plutarch gives the impression that Craterus included a complete text of the treaty with all of its clauses, not just excerpts from the treaty. Those who claim that the Peace of Callias was a fiction invented in the fourth century have therefore to admit that Craterus included a forged document in his collection.⁵⁵

⁵⁰ Erdas 2002, 165.

⁵¹ Calabi Limentani 1960.

⁵² Badian 1993, 1–72.

⁵³ See for example Samons 1998.

⁵⁴ See the discussion in Erdas 2002, 172–173 with references to recent works.

⁵⁵ For the possibility of documents about the history of the fifth century forged in the fourth century see the classic article of Habicht 1961.

The fourteenth fragment is found in a scholion to a speech of Aelius Aristides (*Pro Quattuorviris* II 287 Dindorf). The scholion quotes from a stele, which stated that Arthmius of Zelea was without rights and an enemy of the Athenian people, both himself and his family, because he brought gold from the Medes to the Peloponnese (Ἄρθμιον τὸν Πυθώνακτος τὸν Ζηλείτην ἄτιμον καὶ πολέμιον εἶναι τοῦ δήμου τῶν Ἀθηναίων αὐτὸν καὶ γένος ὅτι ἐκ Μήδων χρυσὸν εἰς Πελοπόννησον ἤγαγε).⁵⁶ The scholion then continues by stating that “a certain Craterus’ collected all the decrees written in Greece”, a statement found in no other author and inconsistent with the evidence from the extant fragments.⁵⁷ As a result, Erdas suggests that the author of the scholion had not consulted the work of Craterus, but was relying on a secondary source.⁵⁸ According to the scholion, the quoted passage was written on a stele of Cimon, but according to Aristides, it was a stele of Themistocles. The decree against Arthmius is not mentioned by any source in the fifth century, but in the fourth century Demosthenes (9.42; 19.271), Aeschines (3.258) and Dinarchus (2.24) cite the stele. In the second century CE both Plutarch (Them. 6.3) and Aelius Aristides (13.310; 46.287, 392; 54.676) mention the decree against Arthmius. Because Demosthenes (29.271) states that Arthmius was banned not only from Attica but from the territory of the allies the decree must postdate the creation of the Delian League in 478, but probably predates the ostracism of Cimon in 461.⁵⁹ As with several of the other fragments, this passage concerns an aspect of imperial administration in the fifth century.

The fifteenth fragment comes from a scholion to Aristophanes “Ecclesiazousai” 1089.⁶⁰ In the passage from the play the Young Man mentions the decree of Cannonus. The scholion states that this decree stipulated that the person on trial in an *eisangelia* was to make his defence “held on both sides” (κατέχομενον ἐκατέρωθεν). Craterus adds that the decree ordered the defendant to speak within a period measured by the klepsydra (πρὸς τὴν κλεψύδραν κελεῦσαι). The scholion then refers to a passage from Xenophon (Hell. 1.7.20), who says that the convicted defendant was put to death by being thrown into the *barathron* and lost his property. The passage from Xenophon concerns the trial of the generals after Arginousai in 406, but the decree of Cannonus must have been enacted before this date, which would place the fragment in the late fifth century and not after 406. This decree concerns trials in the Assembly.

⁵⁶ The term *atimos* here does not refer to outlawry but to loss of rights. See Joyce 2018, who decisively refutes the attempt of Dmitriev 2015 to argue that it refers to outlawry.

⁵⁷ Cf. Erdas 2002, 27–38.

⁵⁸ Erdas 2002, 180–181: “l'autore dello scolio sta attingendo ad una fonte di seconda mano”.

⁵⁹ For discussion of the date see Erdas 2002, 183–185 with references to earlier treatments.

⁶⁰ For discussion see Erdas 2002, 187–195.

There are two sources for the sixteenth fragment. The first is a scholion to Aristophanes “Frogs” (1320). This passage mentions Diagoras, and the scholion explains that the Athenians condemned him for mocking the gods and voted a reward of one talent to the person who killed him and two talents for the person who brought him alive. They also convinced the other Peloponnesians. The scholion cites Craterus in his collection of decrees for this information. The second source is a scholion to Aristophanes “Birds” (1073). This scholion gives the same rewards for killing or capturing Diagoras. The proclamation was made because of his impiety because he revealed the mysteries to all (τὰ μυστήρια πᾶσι διηγείτο), sharing them with public (κοινοποιῶν αὐτὰ), portraying them as trivial (μικρὰ ποιῶν), and discouraging those who wished to become initiated (τοὺς βουλόμενους μυεῖσθαι ἀποτρέπων). The scholion next cites Craterus for this information. The scholion states that the proclamation was made around the time of capture of Melos, but nothing prevents an earlier date (οὐδὲν δὲ κωλύει πρότερον). The scholion then cites Melanthius in his work about the Mysteries, which contained a copy of a bronze stele in which the Athenians made a proclamation against Diagoras and the people of Pellene for not surrendering him. The scholion then quotes the stele about the rewards. There has been some debate about the date of the decree against Diagoras, but there is general agreement that it preceded 415.⁶¹ Like the decree about Arthmius, this is a decision of the Assembly imposing a penalty on a notorious individual.

The seventeenth fragment comes from a scholion to Aristophanes’ “Lysistrata” (313). The scholion says that this verse alludes to Phrynichus, who conspired against the people on Samos. According to Didymus and Craterus, the people voted that the property of Phrynichus be confiscated, a tenth of his property be dedicated to Athena and his house razed to ground, and the decree was written on a bronze stele. The fragment makes it clear that this would have been a decree of the Assembly.⁶² Lycurgus (Leocr. 112) also mentions a stele recording a decree of the Assembly moved by Critias about the penalty for Phrynichus, but the terms of the decree are different. The decree should be dated to 411 BCE. This is an *ad hoc* measure directed at one prominent individual. Like several other fragments, the information appears to come from a stele and not a copy in the archive. This is one of the latest datable fragments of Craterus.

The eighteenth fragment is found in a scholion to the phrase Λῆμνον δ’εἰσαφίκανε, πόλιν θείοιο Θόαντος in Homer’s “Iliad” (14.230).⁶³ The scholion then appears to quote a phrase that Euboea is a city close to Athens and com-

⁶¹ For discussion see Erdas 2002, 200–207.

⁶² Pace Hansen 1975, 62, there is no need to think that this was a case of *eisangelia*.

⁶³ For discussion see Erdas 2002, 215–218.

ments that in this phrase the word city is used instead of island (ἀντὶ τοῦ νῆσος) or territory (ἀντὶ τοῦ χώρου). The scholion then appears to quote a decree from Craterus, in which the phrase ‘the two cities (τὼ πόλεις) Egypt and Libya’ is found. Wade-Gery suggested that the fragment came from one of the clauses in the Peace of Callias and indicated the eastern limits of the Persian Empire.⁶⁴ This suggestion would date the fragment to 449/448, but is not certain.

The nineteenth fragment comes from Stephanus of Byzantium in his entry about Χάλκεια. This was a city in Libya, but there was also a city with the same name in Caria, whose ethnic was Χαλκεάτης. Stephanus cites Craterus as the source of this information. This place has been identified with an island in the Dodecannese opposite Rhodes (Theophr. hist. plant. 8.2.9; Strab. geogr. 10.5.14–15). The city is listed several times in the tribute lists (IG I³ 270, col. IV, l. 7; 284, col. III, l. 19; 290, col. I, l. 14). As Erdas observes, it is impossible to determine if the fragment relates to the tribute list of 454/453 or that of 410/409, but it certainly cannot be dated later than 410/409.⁶⁵ Like several previous fragments, this fragment concerns imperial administration.

The twentieth fragment also comes from Stephanus of Byzantium and is found in the entry for Χαλκητόριον. Stephanus reports that Craterus gives the ethnic for this city as Χαλκήτορες unlike Apollodorus in his *Chronika*, who gives the ethnic as Χαλκετορεύς. Because this city is recorded in the tribute lists (IG I³ 71, col. II, l. 101), it appears that this fragment concerns imperial administration.⁶⁶

The twenty-first fragment is found in two passages. The first is from the work of Zenobius “On Proverbs” (Prov. II, 28) about the expression “Attic neighbor”. Zenobius explains that the expression arose because the Athenians expelled those who lived next to them and were neighbors. On the other hand, Craterus stated that the expression arose from colonists sent from Athens to Samos because the people of Attica who were sent to Samos and settled there drove out the local inhabitants. The second passage is found in scholion to Aristotle’s “Rhetoric” (2.21) which also mentions the expression “Attic neighbor” and cites Craterus and Douris from the book of Zenobius about proverbs. Erdas, following Jacoby, associates this fragment with measures taken after the Athenian suppression of the revolt of Samos 439/438.⁶⁷ Shipley has drawn attention to several *horoi* dated on palaeographical grounds to earlier than 446 and has associated these *horoi* with an Athenian settlement earlier than this date, but Erdas questions the identifi-

⁶⁴ Wade-Gery 1940, 155.

⁶⁵ For discussion of the date see Erdas 2002, 221–223.

⁶⁶ For discussion of the location of the city and its payment of tribute see Erdas 2002, 225–229.

⁶⁷ Thuc. 1.115–7; Diod. Sic. 12.217–8; Plut. Per. 24.1; 25–28 with Erdas 2002, 232–238.

cation.⁶⁸ There is agreement that the fragment should be associated with events in the middle of the fifth century and not with the Athenian cleruchy sent in the 360s.

The twenty-second fragment also comes from Stephanus of Byzantium and is found in the entry about the city of Ἀδραμύτειον, which is identified as a city in Caria along the Caicus River. Stephanus cites Cratinus for the spelling Ἀδραμύττιον. On the other hand, Meineke proposed emending to Craterus, but there are no compelling reasons to accept the emendation. The city was founded by Adramys, the brother of the Lydian king Croesus (Ath. 12.11). The Persian satrap Pharnaces gave the place to the Delians driven out of their island by the Athenians in 422 (Thuc. 5.1, 8; 8.108; Diod. Sic. 12.73). Erdas speculates that if the fragment does belong to the collection of Craterus, it may have been associated with the tribute list of 454/453.⁶⁹

The twenty-third fragment has been attributed to Craterus as a result of emendations in two different passages. Hesychius provides an entry about Brea, a city in Thrace, to which the Athenians sent a colony. In his entry on the term γεωνόμας Photius explains that the term denotes those who divide up land in colonies. There survives a decree dated to the fifth century about sending a colony to Brea, which contains the term γεωνόμας (IG I³ 46, l. 10); Psoma has convincingly located Brea in the western Chalcidice and dated the colony to the second half of the 430s.⁷⁰ The manuscripts in both passages gives the name Κρατῖνος as the source of information. Following Gomme, Erdas proposes emending this name to Κρατερός in the Hesychius passage. She then proposes the same emendation in the Photius passage.⁷¹ If the emendation is correct, the fragment refers to imperial administration and can be dated in the second half of the 430s. The content and the date would be consistent with the other fragments of Craterus' work.

To conclude the examination of the fragments of Craterus. His work was limited to documents enacted by the Council and Assembly of Athens during the fifth century though he may have commented on other matters such as monuments and rituals. There is no evidence that Craterus collected non-Athenian decrees or Athenian decrees earlier than 500 or later than around 408. This is important because it shows that *pace* Ladak the documents found in the "Lives of the Ten Orators" about Demosthenes, Demochares and Lycurgus could not have been found in the collection of Craterus. In the next section we will see that *pace* MacDowell several of the documents found in Demosthenes Against Meidias

⁶⁸ Shipley 1987, 115–116 with the criticism of Erdas 2002, 232–233.

⁶⁹ Erdas 2002, 240–241.

⁷⁰ See Psoma, 2009.

⁷¹ See Erdas 2002, 243–249.

could not have been found in the collection of Craterus. Most of the fragments concerns aspects of imperial administration (fragments nos. 1, 2, 3, 6, 7, 8, 13, 19, 20 and possibly 22 and 23 if they are fragments of Craterus) or famous politicians and events (fragments 12, 14, 16 and 17). In only two cases Craterus appears to have included information about legal procedures in public cases (fragments 4 and 15), but in these cases they may have been connected with Pericles' citizenship law and therefore related to major events and prominent individuals. None of the fragments contain any information about private law such as marriage, wills, contracts, private property or physical assault.

Recently Carawan has claimed that “we should conclude that Craterus' work ‘On Decrees’ was not a collection of transcripts” and that “Craterus seems to have followed in the path of the Peripatetics who wrote on legal and constitutional matters, and in their published work they regularly summarized and excerpted documentary material”⁷². The arguments on which Carawan makes this claim are not convincing. Carawan notes that Melanthius (FGrHist / BNJ 326 F 3) is said to have provided a copy of a decree about Diagoras, but claims “apparently Craterus did not replicate the decree but explained the grounds for it”⁷³. But the scholion cites Craterus for the rewards for killing or capturing Diagoras and the charges of impiety against him, which implies that Craterus provided the actual terms of the decree. Carawan notes that in fragment 14 Craterus is cited only for his silence about the Plataeans, but this implies nothing about the contents of his work. In fragment 15 Craterus is cited merely for a procedural note about the decree of Cannonus, but one cannot conclude from this that he did not provide a text of the entire decree. The scholion quoted from one part of the decree because that was all that interested the author of the scholion, not because it was the only information provided by Craterus. On the other hand, fragment 17 implies that Craterus produced a copy of the bronze stele about Phrynichus, and Plutarch (“Cimon” 13.4–5) explicitly states that the collection of Craterus contained a copy (ἀντίγραφα) of the Peace of Callias. And Carawan has no problem including the complete decree about Antiphon and Archeptolemus in the work of Craterus. Indeed, the title of his work is several times given as “The Collection of Decrees”, which clearly implies that it was a different kind of work from the works of the Peripatetics such as the Aristotelian “Constitution of the Athenians”. The author of the scholion in fragment 14 is mistaken but clearly thought that Craterus collected decrees and did not just write about decrees. And the information provided in the fragments about obscure toponyms in the Athenian Empire suggests that

⁷² Carawan 2017, 419.

⁷³ Carawan 2017, 418.

Craterus did more than collect ‘salient features’. The evidence about the fragments of Craterus shows that there is no reason to question the view of Erdas and Higbie that his collection included copies of decrees.⁷⁴

III

In the previous section, it has been shown that the extant fragments of Craterus are limited to Athenian decrees enacted between 480 and 410 and that these concern mainly imperial administration and decisions about famous or notorious individuals. They do not pertain to the details of legal procedure or to private law. In this section the documents in the orators examined to show that in the vast majority of cases the persons who found genuine documents could not have found them in the collection of Craterus and in the cases of the forged documents the person who composed the document could not have drawn on information found in the work of Craterus. This has major implications for our views about the sources of these documents and the reliability of the information found in them.

The Documents in Andocides “On the Mysteries”

In Andocides’ speech “On the Mysteries” there are several documents: there are lists of names (15, 35), a decree of Patrocleides (77–79), a decree of Teisamenus (83–84), three brief laws (85, 87), and a decree of Demophantus (96–98). Recent work has shown that aside from the two lists of names, all the other documents inserted into the speech are forgeries because they are not consistent with the paraphrases given by Andocides, contain errors about Athenian laws and legal procedures and use formulas and expressions not found in official Athenian documents. These conclusions are now accepted by many scholars,⁷⁵ and attempts to defend the authenticity of these documents have been refuted in detail and rejected by several scholars.⁷⁶

⁷⁴ Higbie 1999; Erdas 2002.

⁷⁵ The analysis in Canevaro and Harris 2012 have been accepted by Luraghi 2013, 51; Joyce 2014, 37–54; Novotny 2014; Telles D’Ajello 2014, 313; Halliwell 2015, 168, no. 25; Pébarthe 2016, 227; Esu 2016; Mikalson 2016, 267 n. 1; Youni 2018, 147 (decree of Demophantus a forgery); Simonon 2020, 5 (decree of Teisamenus a forgery); Lintott 2018, 174 (decree of Teisamenus a forgery); Erdas 2018, 337 (decree of Patrocleides a forgery).

⁷⁶ Sommerstein 2014 attempted to defend the authenticity of Andoc. 1.96–98, but his analysis is refuted in detail with additional evidence against authenticity in Harris 2013–2014. Hansen

In a recent article Carawan agrees with the majority of scholars that errors in the three long decrees in the speech show that they are not genuine documents but reconstructions.⁷⁷ On the other hand, Carawan claims that the person who composed the documents “tried to reconstruct the formalities (as in the prescripts and instructions for publication) from the context or summary that the historian gave”⁷⁸. Carawan therefore believes that “each decree is not a close copy that deteriorated in transmission but a reconstruction from the excerpts and context that Craterus or another source historian supplied”⁷⁹. As we saw in the previous section, Carawan does not believe that Craterus included copies of decrees in his collection, but only the “salient” features of these decrees. What a later editors found in his work was information that he used to reconstruct these decrees. In his analysis of the documents Carawan therefore attempts to find “latent fragments” of Craterus in these three documents. His analysis of the composition of these documents requires careful scrutiny because it has major implications for the political events of the late fifth century.

In his discussion of the document at And. 1.77–79 Carawan observes that the sources for the decree of Patrocleides state that the measure restored rights to those who had lost their rights (Andoc. 1.73, 80, 103; Xen. Hell. 2.2.1; Lys. or.25.27), but this key clause is not found in the document.⁸⁰ Carawan tries to explain this omission with the hypothesis that the document found at And. 1.77–79 is “likely to derive from an abridged version in an historical account that emphasized the adaptive strategy of erasing documentation”⁸¹. This hypothesis may explain this omission, but a historical account containing reliable information about the measure should not have contained serious mistakes about Athenian laws and

2015 attempted to defend the authenticity of the document at Andoc. 1.77–79 and Hansen 2016a attempted to defend the authenticity of the document at Andoc. 1.83–4. These two essays are refuted in detail by Canevaro – Harris 2016–2017. Dilts and Murphy 2018, vi and Liddel 2020, 79 endorse the conclusions of Canevaro – Harris and firmly reject the analyses of Hansen and Sommerstein. Hansen 2017 has attempted to defend the authenticity of the document about *ad hominem* legislation at 87, but see Canevaro 2019 for a detailed refutation.

⁷⁷ Carawan 2017.

⁷⁸ Carawan 2017, 420.

⁷⁹ Carawan 2017, 421.

⁸⁰ Carawan 2017, 405: the document “does not quote the essentials of the amnesty”.

⁸¹ Carawan 2017, 405. Cf. Carawan 2017, 406: the document “is reconstructed from a source that summarized the context and effect of the measure while focussing on the historic adaptation, the wholesale deletion of officials records” and 407: the document “seems to rely on a source in which the historic adaptation was emphasized”.

legal procedures. There are numerous such errors in the document.⁸² First, in the decrees of the late fifth and early fourth centuries the explanation clauses introduced by ἐπειδὴ are followed by motion formulas with an infinitive, either δεδόχθαι or ἐψηφίσθαι, indicating the proposal of the speaker and the decision of the Assembly followed by the dative.⁸³ The expression with the accusative as the subject of the aorist found in the inserted document is unparalleled in Athenian decrees.⁸⁴ Second, the verb used to describe debtors in Athenian decree is ἐγγράφειν, but the word ἐπιγεγραμμένων found at 77 in the document is never the word used to describe debtors in Athenian decrees.⁸⁵ Third, the document refers to lists of public debtors kept by the *praktōres* and the *basileus*, but the sources for Athenian democracy state that there was only one official list of debtors kept on the Acropolis and never refer to lists kept by the *praktōres* and the *basileus*.⁸⁶ Fourth, the expression at 77 in the inserted document is without parallel in Athenian laws and decrees.⁸⁷ Fifth, the clause about the *euthynoi* and the *paredroi* at in the inserted document clearly implies that these officials had summary powers, but this is contradicted by the evidence of Arist. Ath. pol. 48.4–5, which shows that they had no such powers. Sixth, the phrase contains the phrase μέχρι τῆς ἐξελεύσεως βουλῆς ἐφ’ ἧς Καλλίας ἦρχεν, which is without parallel in Athenian laws and decrees.⁸⁸ Seventh, Novotny has shown that προστάξεις means “order” or “command” and is used by Andocides at 75–76 to refer to orders and commands given in specific decrees, that imposed differing levels of atimia on particular individuals. But the mention of προστάξεις with εἰσι κατεγνωσμένοι

⁸² I do not include problems with the grammar and syntax of the document, which could have been created by an editor summarizing evidence from a historical source. For these see Canevaro – Harris 2012 and Canevaro – Harris 2016–2017, 9–33.

⁸³ Canevaro – Harris 2012, 102; Canevaro – Harris 2016–2017, 15.

⁸⁴ Hansen 2015, criticizes our argument by drawing attention to enactment formulas, but this evidence is irrelevant because our point is based on motion formulas. See Canevaro – Harris 2016–2017, 16–17.

⁸⁵ Canevaro – Harris 2012, 103. Hansen claims that ἐπιγεγραμμένος εἰς “is not Greek at all and therefore must be a corruption”. See however Canevaro – Harris 2016–2017, 18, who compare Demosth. 43.15, Thuc. 5.4.2 and Aeschin. 1.188 and show that *pace* Hansen “the use of ἐπιγράφειν that we find in the document is not Greek”.

⁸⁶ Canevaro – Harris 2012, 104. Hansen 2015 claims that there were other lists of debtors, but see Canevaro – Harris 2016–2017, 18–21 who show that the evidence adduced by Hansen is irrelevant because the only list of debtors used to list disenfranchised citizens was kept on the Acropolis.

⁸⁷ See Canevaro – Harris 2012, 104–105. Hansen 2015 followed by Carawan 2017, 406, claims that IG I³ 84, ll. 9–10 and 31–32 provide parallels but see Canevaro – Harris 2016–2017, 22, who show that the expressions in these lines are not close parallels and contain major differences.

⁸⁸ See Canevaro and Harris 2012, 105.

in the inserted document does not make any sense.⁸⁹ Eighth, in his paraphrase of the document, Andocides states that the decree called for decrees to be destroyed, but the document makes no mention of decrees.⁹⁰ This feature of the document is especially problematic for Carawan's view that the person who composed the document drew on "an historical account that emphasized the adaptive strategy of erasing documentation". If the historical account emphasized erasing documentation, why did it omit this key clause? In short, all this evidence, which is not discussed by Carawan, shows that whoever composed this document could not have drawn on a reliable historical work like that of Craterus, which contained reliable information. The errors about Athenian law and legal procedure and about legal terminology are clearly the products of a forger who had a little knowledge of Athenian institutions but did not possess detailed familiarity. One should not therefore use the information found in this document as evidence for the Amnesty of 405.

We can now turn to the document inserted at And. 1.83–84. Carawan admits that this document does not correspond to the summary of its provisions given by Andocides at 81–82 and is therefore not the document which Andocides would have had the clerk read to the court in 400/399.⁹¹ But Carawan still believes that the document contains some reliable information. He puts forward the hypothesis that the person who composed the document at 83–84 "drew upon a source that described an important adaptation for new laws or those involving substantive amendments: in order to settle any conflict, these bills would be confirmed or rejected by a jury of (or including) those who had sworn the dicastic oath". Carawan hypothesizes the existence of a source, but cites no evidence about this source. The source is unlikely to have been Craterus because as we saw in

89 See Novotny 2014, 78: because "citizens could incur partial in different ways, it was impossible to include them all in one type of procedure or document. Partial disenfranchisement of soldiers mentioned at § 75 was imposed by decree; there was no judicial hearing justifying the use of the verb *καταγιγνώσκω*. What is worse, the expression is not suitable even in the case of frivolous prosecutors. When they failed, the judicial decision was primarily passed in favour of the defendant. The document recording the judgement, the name of the litigants and the number of votes could hardly be called *πρόσταξις κατεγνωσμένη*". This point is missed by Carawan 2017 and undermines the analysis of Hansen 2015.

90 Canevaro – Harris 2012, 109–110.

91 Carawan 2017, 407–408 claims that "Hansen has now offered an attractive theory to account for most of the disparities" between the paraphrase given by Andocides and the inserted document. In an essay published soon after Canevaro and Harris 2016–2017, 33–46 show that Hansen's attempt to defend the authenticity of the document is deeply flawed, misrepresents their arguments, ignores key evidence and cannot explain the differences. Both Dilts – Murphy 2018, vi and Liddel 2020, 79 reject Hansen's arguments and endorse our demonstration that the document is a forgery.

Section 2 his collection does not appear to have contained documents dated after 410 whereas this document relates to activity after the restoration of the democracy in 403. But there is a more serious objection: we have much evidence for the procedures in the fourth century for enacting new laws and for resolving conflicts between existing laws, and this evidence contradicts what one finds in the document at 83–84.

The procedure for enacting new laws and removing any laws conflicting with new laws is described by Demosthenes in “Against Leptines” (20.93–95) and “Against Timocrates” (24.18–19, 24–26).⁹² Evidence from these two sources gives the following sequence of steps.

1. A preliminary vote in the Assembly could take place at any time during the year to permit proposals for new laws (Demosth. 24.25).
2. All new proposals for laws had to be placed in front of the monument of the Eponymous Heroes so that everyone could read them (Demosth. 24.25; Demosth. 20.94).
3. The secretary was to read out all proposals submitted at every meeting of the Assembly until *nomothetai* were appointed (Demosth. 20.94).
4. During the third meeting of the Assembly after the preliminary vote, the people were to discuss the selection of *nomothetai* and pass a decree appointing them (Demosth. 24.25; Demosth. 20.92).
5. *Synegoroi* were to be elected to defend any laws to be repealed before the new laws could be enacted (Demosth. 24.36; Demosth. 20.146).
6. Any laws contrary to the new proposals for laws had to be repealed by a public action against inexpedient laws (Demosth. 24.32; 34–35; Demosth. 20.93).
7. If the person who proposed a new law did not follow these rules, anyone who wished could bring a public action against him on a charge of enacting an inexpedient law (Demosth. 24.32).

The document at Andoc. 1.83–84 contains a few of these details (e.g. placing proposal before the Eponymous Heroes), but gives a completely different procedure for enacting legislation.

There was also a procedure for resolving conflicts between existing laws is described by Aeschines (3.38–39). Every year the Thesmothetai had the task of correcting (διορθοῦν) by examining and inspecting (ἐξετάσαντας καὶ σκεψαμένους)

⁹² For analysis of the sources and references to earlier treatment see Canevaro 2013a, 80–104 and Canevaro 2013b. Hansen 2016b attempts to defend the authenticity of the document at Demosth. 24.20–23, but for detailed refutation see Canevaro 2018. In his reply to Canevaro Hansen 2019 either repeats his earlier points without taking into account the objections of Canevaro or misrepresents Canevaro’s arguments. See Canevaro 2020.

the laws in the presence of the people to determine whether any law that has been inscribed is contrary to another law, whether an invalid law is found among the valid laws, or whether there is more than one law about one given subject. If they find such a conflict, they are to write the law and post it before the Eponymous Heroes. The *prytaneis* are to call a meeting of the Assembly, which is to be called the *nomothetai*. At this meeting the chairman of the *proedroi* is to submit to the vote the question whether to abrogate or to retain laws so that there will be one on each topic. The person who forged the document at 83–84 may have drawn on this passage, but the provision in the law clashes with the information in Aeschines. Aeschines states that the Thesmothetai write these laws on boards and place them before the Eponymous Heroes; the document assigns this task to *nomothetai* elected by the Council.

The hypothesis that the person who composed the document at And. 1.83–84 drew on the work of a historian, whom Carawan later identifies as Craterus, cannot explain these mistakes. This hypothesis also cannot explain the other dubious features in this document. First, the document orders that the new laws be inscribed on a wall, but all Athenian laws and decrees were inscribed on stelai and not on walls.⁹³ Second, the document assigns the task of inscribing the new laws to the *nomothetai*, but according to reliable sources this task was never given to the *nomothetai*, but to the *anagrapheis*. Third, the document contains a verb in the first person singular (ἐχρώμεθα), but not a single law or decree from the fifth or fourth century contains a verb in the first person singular.⁹⁴ The only exception is for oaths, but there is no oath in this document. Fourth, the document uses the term *demotai* (members of demes), but this term never occurs in the extant laws and decrees of the Athenian Assembly. Fifth, the document uses the phrase ἐν τῷ μῦνι when calling for immediate, but this phrase never occurs in extant Athenian laws and decrees.⁹⁵ The standard phrase is αὐτίκα μάλα. The best way to explain these mistakes is not to assume that the person who composed the document was drawing on the work of a scholar like Craterus, but to conclude that this person was using phrases found in other speeches of the orators and inventing details, which reveal that he was not familiar with the standard language and formulas of Athenian official documents. This is an important point: because the document clearly contains much false information, it should not be used as evidence for “an important adaptation for new laws or those involving substantive amendments: in order to settle any conflict, these bills would be confirmed or rejected by a jury of (or including) those who had sworn the dicastic oath” as Carawan believes. The

⁹³ See Canevaro – Harris 2016–2017, 43–45.

⁹⁴ See Canevaro – Harris 2016–2017, 45.

⁹⁵ See Canevaro – Harris 2016–2017, 45–46.

sources for Athenian democracy provide much reliable evidence about the procedures for legislation and for resolving contradictions between existing statutes. Scholars should use this reliable information when analyzing these procedures and not the unreliable evidence from the document at And. 1.83–84.

Carawan notes that Lycurgus states that the decree of Demophantus (96–98) was enacted after the Thirty and that this clashes with the date of the inserted document, which, if one accepts the emendation Κλεογένης for Κλειγένης, should be dated to 410. He then attempts to account for this discrepancy by following a suggestion of Hansen, who proposed that the original decree of Demophantus was passed in 410, that the stele on which the decree was published was destroyed by the Thirty, and that the decree that Lycurgus (Leocr. 124–127) had the clerk read to the court in 331 was reinscribed after the restoration of the democracy in 403.⁹⁶ There is evidence that the Thirty did destroy some decrees, which were reinscribed after the restoration of the democracy. A decree passed by the Council dated after 403 concerns proxeny of the sons of Apemantus of Thasos, Amyntor, Eurypylus, Argeius, and Locrus (IG II² 6). The decree states that the stele on which their proxeny was (i.e. inscribed) was destroyed during the reign of the Thirty (ll. 11–14: ἐπειδὴ καθιγρέθη | ἡ στήλη [ἐ]πὶ τῶν τριάκοντα, ἐν ᾗ ἦ[ν] αὐτοῖς ἡ προξενία).⁹⁷ The Council therefore order the secretary of the Council to inscribe the stele at the expense of Eurypolus (ll. 14–16) and to invite him to dinner in the Prytaneion (ll. 16–18). Yet it important to observe what this decree of the Council actually states. It does not create the grant of proxeny, which had already been enacted before the Thirty; the decree only calls for the secretary to inscribe the decree. Now if the document that Lycurgus asked the clerk to read in 331 was a reinscription of a decree originally passed in 410, this document would have indicated that the decree of Demophantus was enacted before the Thirty, not after the Thirty, and that this decree was only an order the reinscribe the earlier decree, just as the decree about the sons of Eurypolus clearly indicates that the proxeny voted to them was inscribed on a stele before the Thirty came to power. But Lycurgus does not state that the decree he has read out was a reinscription of an earlier decree, but that the Athenians enacted the decree after the Thirty (Leocr. 124: μετὰ γὰρ τοὺς τριάκοντα . . . ἀπάσας τὰς ὁδοὺς τῶν ἀδικημάτων ἐνέφραξαν). If one were to follow Hansen and Carawan, one would have to assume that Lycurgus was misrepresenting the contents of the decree that he had the secretary read out.

⁹⁶ Carawan 2017, 416: “Lycurgus’ confusion on the dating can be easily explained (if he was confused) on the assumption that Demophantus’ decree was re-inscribed in 403/2.” Cf. Carawan 2017, 415: “A researcher of some sophistication patched together what Lycurgus dated to 403 with an historical reference to that first prytany of the democratic regime in 410.”

⁹⁷ IG II² 9, ll. 2–3 appears to have contained a similar statement.

But as our studies of the paraphrases have shown, there is no reason to believe that litigants in court ever misrepresented the contents of decrees. In fact, Lycurgus elsewhere in his speech summarizes the Oath of the Ephebes (Leocr. 76–78), which is not preserved in the manuscripts of the speech but has been found on a stele from Acharnai.⁹⁸ A comparison of its contents with the paraphrase of Lycurgus shows that the latter does not misrepresent the former.⁹⁹ This hypothesis of Hansen and Carawan therefore cannot explain anything and encounters serious objections. And the evidence they cite, the decree of the Council about the sons of Eurypolus, actually indicates the very opposite of what they claim.

Carawan also claims that the source historian, whom he appears to identify as Craterus, “provided the prescript and note a that a starting date was added when the law was reauthorized”. As we have just seen, there is no reason to believe that the law was reauthorized, but did the person who composed the document consult a work like that of Craterus? If one does not attribute the decree about Antiphon and Archeptolemus to the collection of Craterus, there is no reason to believe that his collection included forged documents or (if we are to follow Carawan) contained erroneous information about decrees. But the prescript found in the decree preserved at Andocides “On the Mysteries” cannot be genuine because a comparison with prescripts from contemporary decrees, both from 410 and from after 403, reveals that prescript in the document contains many serious errors, which could not have been found in a work by a historian who produced reliable documents or trustworthy information about those documents.¹⁰⁰ First, the document does not list the name of the proposer at the end of the prescript but before the name of the secretary, which is given at the end. This is unparalleled in all extant decrees from this period.¹⁰¹ Second, the motion of the proposer is expressed by the verb συνέγραψεν, not the standard verb ἔπε, which is also unparalleled in decrees from the fifth and fourth century.¹⁰² Third, the prescript contains the phrase ἡ βουλή οἱ πεντακόσιοι λαχόντες

⁹⁸ Rhodes – Osborne 2004, no. 88.

⁹⁹ I made this point in Harris 2013–2014, 143.

¹⁰⁰ Carawan 2017, 411–417 does not discuss any of these problems.

¹⁰¹ I made this point in Harris 2013–2014, 132.

¹⁰² Carawan 2017, 415 claims that the verb “means drawing on old models for new enactment” but provides no parallels for this use of the verb. Carawan 2017, 413 also claims that “the source historian may have named Demophantus as the spokesman who presented as Lampon was in the First Fruits Decree (IG I³ 71, ll. 40–41).” This is not a convincing parallel because the verb is used in this decree for drawing up a plan to be submitted to the Council and not for submitting a motion to the Assembly. See Harris 2013–2014, 127, note 17. For the attempt of Sommerstein 2014 to explain the use of the verb see the detailed refutation in Harris 2013–2014, 126–127. (“In prescripts and in legislative contexts, we always find the term *syngrapheis* in the plural, never

τῷ κῶμῳ which is also unparalleled from all decrees of this period.¹⁰³ Fourth, the phrase ὅτε Κλεογένης πρῶτος ἐγραμμάτευεν found in the document in Andocides is without parallel in the prescripts of Athenian decrees.¹⁰⁴ Sixth, the phrase ἄρχει χρόνος τοῦδε ψηφίσματος is without parallel in the prescripts of Athenian decrees.¹⁰⁵ Seventh, the document uses the term πολέμιος as the equivalent of the term ἄτιμος, which is without parallel in Athenian laws and decrees.¹⁰⁶ Eighth, the document contains the term ἀπόγονος used for “descendant”, but this term is never found in official Athenian laws and decrees, which invariably use the term ἔκγονος.¹⁰⁷ Ninth, the document contains the term εὐαγής used for “ritually pure”, but this term is never found in official Athenian laws and decrees, which invariably use the term καθαρός.¹⁰⁸ Tenth, the decree requires the Athenians to swear the oath “by tribes and by demes” but this phrase never occurs in official Athenian documents, especially in documents about the Athenians swearing a collective oath.¹⁰⁹ Eleventh, in Athenian decrees preserved on stone and in one literary text one finds the phrase “to the best of their ability” (κατὰ τὸ δυνατόν) in oaths, but never the phrase “if I am able” (ἂν δυνατός ᾤ), which is found in the document in Andocides.¹¹⁰ Twelfth, the document in Andocides contains the phrase πρὸς θεῶν καὶ δαίμόνων, but the term δαίμων is never found in Athenian laws and decrees, and the phrase πρὸς θεῶν usually in the phrase πρὸς θεῶν καὶ ἡρώων) is found only in funerary inscriptions during the Roman period.¹¹¹

a singular *syngrapheus* as Sommerstein assumes without evidence [‘apparently’], and the verb συγγράφειν in the plural.”).

103 See Canevaro – Harris 2012, 121. On the attempt of Sommerstein 2014, to explain away this phrase see Harris 2013–2014, 129–131.

104 See Canevaro – Harris 2012, 121–122. On the attempt of Sommerstein 2014, to explain away this phrase see Harris 2013–2014, 131–133.

105 See Canevaro – Harris 2012, 122. On the attempt of Sommerstein 2014, to criticize this argument see the response in Harris 2013–2014, 133.

106 See Canevaro – Harris 2012, 122, 127. On the attempt of Sommerstein 2014 to explain this use of the term see Harris 2013–2014, 135–137. In this article I followed the view of Hansen 1976, 54–98 about the meaning of the term ἄτιμος in early Greek law, but the analysis of Hansen has now been refuted in detail by Joyce 2018 and Youni 2018. This makes no difference for my argument.

107 See Canevaro and Harris 2012, 123 with note 128. Sommerstein 2014, admits that this is strong evidence against authenticity but attempts to avoid its clear implications for his view. See Harris 2013 – 2014, 140–141.

108 See Canevaro – Harris 2012, 123. On the attempt of Sommerstein 2014, to explain away the term, see Harris 2013–2014, 137–138.

109 See Canevaro – Harris 2012, 124, 128–129. On the attempt of Sommerstein 2014, to explain away this phrase see Harris 2013–2014, 141–142.

110 See Harris 2013–2014, 145 with the texts cited in note 57.

111 See Harris 2013–2014, 144.

In short, the person who composed the document could not have consulted the work of a historian like Craterus unless one is prepared to believe that Craterus collected forged documents or provided erroneous information about decrees.¹¹² The person who composed the document appears to have had some familiarity with Athenian decrees because he gives the standard order of certain elements (enactment formula, tribe in prytany, name of secretary, name of *epistates*), but he added other features that reveal the document to be a forgery.

The same is true for the main part of the decree and the oath: they contain elements not found in contemporary decrees, which therefore could not have been found by an editor in a source containing reliable information or phrases commonly found in Athenian laws and decrees. For instance, in the oath there is a pledge by every citizen to sell the property of the person killed for aspiring to tyranny or treason, but in Athenian law only the officials called the *poletai* could sell confiscated property.¹¹³ In other cases, the document uses standard phrases, which could have been found in many inscriptions or other literary sources. For instance, the phrases *νηποιεῖ τεθνάτω* (Demosth. 23.60; Pl. Lgg. 874c), *τὰ χρήματα αὐτοῦ δημοσία ἔστω* (IG I³ 1453 B/G, l. 3.2), and *τῆς θεοῦ τὸ ἐπιδέκατον* are standard legal phrases (IG II² 125, ll. 13–14; X. HG 1.7.10); the person who composed the document was clearly familiar with legal language, and there is no need to believe that he must have found these phrases in a work like that of Craterus. And the final clause about blessings for those who are loyal to their oath and harm for those who are not is a standard one found in many sources (e.g. IG II² 1183, ll. 12–13; 1196B, ll. 19–22; IG XII, 7, 509, ll. 2–3). In short, there is no reason to invent some historical source or claim that Craterus provided information about this decree as a way of explaining its distinctive features.

This analysis has been very detailed, but it is very crucial for our understanding of Athenian history in the final years of the fifth century. Several scholars believe that the decree of Demophantus was enacted in 410 and played an important role in subsequent events. J. Shear claims that it helped to create a sense of unity after the divisive events of 411.¹¹⁴ According to D. Teegarden, the decree of Demophantus inspired the men of Phyle to oppose the regime of the Thirty

112 Carawan 2017, 416 claims that the phrase *ἄρχει χρόνος τοῦδε ψηφίσματος* was inserted by the person who reconstructed the decree found information in a historian who had commented on the problem of the date when the decree was to go into effect and that “the enterprising editor put that detail in the document where he thought that belonged”. But there is no evidence for such a discussion in Craterus or any other historian, and the editor could have invented the phrase on the basis of a similar clause in Diocles’ law found at Demosth. 24.42.

113 See Canevaro – Harris 2012, 123. For the attempt of Sommerstein to explain the contradiction between the two rules about the tyrant’s property see Harris 2013–2014, 140.

114 See Shear 2007 and Shear 2011 *passim*.

and was instrumental in the restoration of the democracy.¹¹⁵ Sommerstein and Hansen have claimed that the decree found at Andocides “On the Mysteries”, dated to 410 is genuine. Carawan’s position is slightly different: he admits that the document in Andocides is not genuine but a reconstruction, yet claims that it is a reconstruction based in part on a decree passed by Demophantus in 410. As this analysis has shown once more and as many scholars now recognize, the evidence against authenticity of the document found at Andocides “On the Mysteries” is overwhelming: it is a forgery constructed in part from the paraphrases found in Demosthenes and Lycurgus, in part from educated but mistaken guesswork. The prescript cannot be based on reliable information because it contains too many errors, and there is therefore no justification in emending the name of the secretary. On the other hand, there is no reason to doubt the statement of Lycurgus that the decree of Demophantus was enacted after the Thirty. Nor are there grounds for believing that the decree Lycurgus paraphrased and quoted from in his “Against Lycurgus” was a re-inscription of a decree originally enacted in 410. Finally, one should note that because the decree was enacted after 403, a copy of the decree or information about the decree could not have been found in the collection of Craterus by a later editor because, as we saw in Section II, the collection of Craterus did not extend beyond the year 410. As I showed in an earlier essay, the period immediately after the Thirty is the most suitable historical context for the decree of Demophantus.¹¹⁶ Just as one should not attempt to write the history of the Medieval Catholic Church using the evidence of the Donation of Constantine or the history of the Jews in the nineteenth century by drawing on “evidence” from “The Protocols of the Elders of Zion”, one should not analyze the political history of Athens in the years 410 to 404 using the document found at Andocides “On the Mysteries 96–98” as a reliable source.

Aeschines “Against Timarchus”

There are seven documents inserted into the text of “Against Timarchus”: four laws (12, 16, 21, 35) and three witness statements (50, 66, 68). The laws have long been judged to be forgeries.¹¹⁷ The law about teachers (12) appears to have been based on the paraphrase given by Aeschines (9–11) and contains inaccuracies such as the appointment of the *choregoi* by the Assembly.¹¹⁸ For discussion of

¹¹⁵ See Teegarden 2012 and Teegarden 2014 with the review of Harris 2015.

¹¹⁶ Harris 2013–2014, 146–151.

¹¹⁷ See Fisher 2001, 68.

¹¹⁸ See Drerup 1898, 305.

the law about *hybris* see the section on the documents in Demosthenes “Against Meidias”. The law about prostitution (21) also appears to have been based on the quotations and paraphrases made by Aeschines (19–20) and by phrases found at Aeschin. 3.176 (τῶν περιφαντηρίων τῆς ἀγορᾶς, τὰ ἱερὰ τὰ δεμομτελῇ).¹¹⁹ The law about orderly conduct in the Assembly (35) appears to have been enacted recently because it was attacked by Timarchus on the grounds that it was an inappropriate law (34). This law contains one accurate detail about the *proedroi* being responsible for keeping order in the Assembly (Arist. Ath. pol. 44.3), but contains other inaccuracies that show it is a forgery.¹²⁰ The law must date to after 380 because it has the *proedroi* presiding over meetings.¹²¹ One might add that three of the laws contain forms of the imperative not found before 350 (12: ἀνοιγέτωσαν, κλειέτωσαν, ἐάτωσαν, ἔστωσαν. 16: ἔστωσαν. 35 κυριευέτωσαν, εἰσφερέτωσαν, κρινάτωσαν, ἐγγραψάτωσαν). This would indicate that if the person who composed these documents was drawing on a source later than that of Craterus. Finally, the contents of these laws are different from that found in the decrees collected by Craterus. In short, there are no reasons to believe that the person or persons who composed these documents drew on the work of Craterus. On the contrary, he appears to have relied mainly on the paraphrases given by Aeschines.

Demosthenes “Against Ctesiphon” (18)

Demosthenes’ speech “On the Crown” contains more inserted documents than any other speech in the Attic orators. There is one indictment (54–55), three letters of Philip (39, 77–78, 157), two decisions of the Amphictyons (154, 155), two catalogues (106), two witness statements (135, 137) and two answers, one to Philip, another to the Thebans (166). There is one decree of the Byzantines (90–91) and one decree of the Chersonnitans (92). There are one law (120), thirteen decrees of the Athenian Assembly (29, 37, 73–74, 84, 105, 115, 116, 118, 164, 165, 167, 181–187), and one prescript (155). It has long been recognized that all the documents, especially the decree of the Athenian Assembly, are forgeries.¹²² The person who composed these documents could not have used information found in the work of Craterus. First, Craterus did not collect letters or catalogues. He also did not collect decrees from other communities outside Athens. All the decrees pertain to

¹¹⁹ See Drerup 1898, 306–307.

¹²⁰ See Drerup 1898, 307–308.

¹²¹ Rhodes 1972, 26.

¹²² For detailed discussion and earlier scholarship see Canevaro 2013b, 3–7, 232–318.

events from 346 (29, 37–38) to 337/336 (118) and therefore lie outside the chronological limits of Craterus' work.

Demosthenes “Against Meidias” (21)

There are six witness statements (22, 82, 93, 107, 121, 168), five laws (8, 10, 47, 94, 113) and two oracles (52, 53) found in “Against Meidias”. MacDowell rightly showed that all the witness statements are forgeries, but believed that four of the five laws were genuine and claimed that the editor who placed these documents in the text could have found them in the work of Craterus.¹²³ Recent work has shown that all the five laws are forgeries,¹²⁴ and doubts have been cast on the authenticity of the oracles.¹²⁵ Even if they were genuine, an editor could not have found them in the work of Craterus. The first document concerns the procedure of the *proboule* (Demosth. 21.8).¹²⁶ According to the summary, this law names the *proedroi*, who were not established until around 380 BCE. As MacDowell himself noted, the law must come from the early fourth century and not the fifth century.¹²⁷ Demosthenes (21.11) implies that the law about bringing *probolai* for certain offenses was enacted after the previous law and would therefore also belong to the early fourth century.¹²⁸ Both of these laws lie outside the chronological limits of Craterus' collection. There is no indication when the law about *hybris* was enacted, but there is no reason to believe that it was contained in the collection of Craterus, which does not appear to have included laws on such topics.¹²⁹ The law Demosthenes (21.94) asks the secretary to read out concerns public arbitrators, a position created in 400/399. The document inserted into the text concerns private arbitrators and must be a forgery.¹³⁰ The law about public arbitrators lies outside the chronological limits of the work of Craterus, and the subject of private arbitrators is unlikely to have been included in his collection of decrees. This law is dated after the documents found in Craterus. The law about bribery (21.113) cannot be dated, but there is no reason to believe that the person who composed this forgery

¹²³ MacDowell 1990, 46.

¹²⁴ See Harris in Canevaro 2013b, 209–236, which has now been endorsed by Daix and Fernandez 2017, 547–554.

¹²⁵ Mikalson 2016, 268–275.

¹²⁶ For discussion see Harris in Canevaro 2013b, 211–216.

¹²⁷ MacDowell 1990, 228–229.

¹²⁸ For discussion see Harris in Canevaro 2013b, 216–223.

¹²⁹ For discussion see Harris in Canevaro 2013b, 224–233.

¹³⁰ For discussion see MacDowell 1990, 317–318 and Harris in Canevaro 2013b, 231–233.

drew on the work of Craterus.¹³¹ One might add that several of these laws contain forms of the imperative not found until 350 (8: παραδιδότωσαν. 10: ἔστωσαν. 94: μενέτωσαν, καταφερέτωσαν). *Pace* MacDowell, there are no grounds for believing that these laws were found in the work of Craterus.

Demosthenes “Against Aristocrates” (23)

The laws read out at 28, 37, 44, 51, 53, 60, 62, and 82 are all laws of Draco (see 51). The law read out at 22 was not part of Draco’s laws, but about the jurisdiction of the Areopagus and should be dated to the Archaic period.¹³² The laws read out at 86 and 87 were passed in 403/402 after the overthrow of the Thirty.¹³³ The texts of these laws could not therefore have been found in the work of Craterus because they are dated either before or after the decrees in his collection. The laws of Draco also concern the private law of homicide, a topic not covered in the decrees found in the collection of Craterus.

Documents in Demosthenes “Against Timocrates” (24)

In Demosthenes “Against Timocrates” there are one decree (27), thirteen laws (20–23, 33, 39–40 [also at 71], 42, 45, 50, 54, 56 [two laws], 59, 63, 71, 105) and the Judicial Oath (149–151).¹³⁴ Four of these documents lie inside the stichometry (39–40, 42, 45, and 71). Two of these appear to be authentic (39–40 with 71, 42), but two contain some problems (45 and 71). The rest lie outside the stichometry and were inserted into the text at a later stage in the tradition (20–23, 27, 33, 105 and 149–151). For several others it is hard to determine (50, 54, 56, 59 and 63). Canevaro has shown that the majority of these are forgeries (20–23, 27, 33, 54, 56, 59, 105, 149–151). One document (50) outside the stichometry is consistent with the orator’s summary and contains no apparent mistakes. Carawan has suggested that the editor who inserted the genuine documents may have “consulted or relied on his recollection of historical compendia such as Krateros made of

131 For discussion see Harris in Canevaro 2013b, 233–236. To the arguments and evidence there, I would now add that a law about bribery should apply to officials and not to any gifts given to anyone. Compare the eisangelia law at Hyp. Eux. 7–8 and Arist. Ath. pol. 54.2.

132 For discussion see Canevaro 2013b, 40–47.

133 See Canevaro 2013b, 74–76.

134 For discussion of these documents see Canevaro 2013b, 77–180.

decrees”¹³⁵. This is impossible: the law of Timocrates (39–40 with 71) was passed in 353/352 and the law of Diocles was enacted after the archonship of Euclides (403/402).¹³⁶ Both of these laws lie outside the chronological limits of Craterus’s collection. One might add that the person who composed the forged documents could not in most cases have drawn on the work of Craterus: the laws about legislation must date after the restoration of the democracy in 403/402 (203–23, 33, 59), the decree of Epicrates is dated to 353/352 (27), the law about actions during the Thirty (403/402) must be in 403/402 or later, and the law about theft and the mistreatment of parents deals with topics not found in the collection of Craterus.

Demosthenes “Against Macartetus” (43)

There are numerous witness statements (31, 35–37, 42–46, 70), an oracle (66) and seven laws inserted into the text of the speech (16, 51, 54, 57–58, 61, 71, 76). All the documents appear to lie outside the stichometry, which is a strong *prima facie* case against authenticity, but these documents still require a detailed study.¹³⁷ None of the laws gives any indication when they were enacted although a law about olive-trees was probably in effect in the late fifth century (Lysias 7). Five of the laws (16, 51, 54, 61, 71, 76) concern matters of private law and are therefore not the kind of documents one would expect to find in the work of Craterus. The law about homicide and burial also concerns private law; the document must be a forgery because it contains many errors about Athenian law and legal procedure, but the person who composed it appears to have access to a copy of Draco’s law on homicide. Given what is known about the contents of Craterus’s work, it is very unlikely that the editor who placed these documents into the text of “Against Makartetus” either found these documents in that work or consulted that work in composing these documents. They concern private law, a topic not covered by the documents in the collection of Craterus.

135 Carawan 2016, 48. Carawan suggests as an alternative the work of Theophrastus *On Laws*, but this work does not appear to have discussed the topics found in the documents inserted into *Against Timocrates* and does not appear to have provided copies of documents. See Szegey-Maszak 1981.

136 Carawan 2016, 58 follows MacDowell 2009, 194–196, who believes that *Against Timocrates* was not delivered in court and left in an unfinished state and uses this view to explain the differences between the documents in this speech and *Against Aristocrates*. But MacDowell’s view rests on a misreading of sections 187–188. See Harris 2018, 184, n. 266.

137 The notes in Scafuro 2011 are brief and superficial and miss many problems in the documents. I plan to analyze these documents in the near future.

Demosthenes “Against Stephanus” (45 and 46)

In the first speech *Against Stephanus* (45) there are seven witness statements (8, 19, 24, 25, 55, 60 and 61 [with challenge], one will (28), one lease (31), and one counter-indictment (46). These kinds of documents are not found in the work of Craterus. In the second speech *Against Stephanus* (46) there are one witness statement (21) and nine laws (8, 10 bis, 14, 18, 20, 22, 24, 26). With the exception of the law at 26 all these laws appear to have been based on the paraphrases of the laws by the orator. There is no way to date the enactment of these laws, but they lie outside the subject matter of the decrees found in Craterus.

Apollodorus “Against Neaira” (Demosth. 59)

There are twenty-one documents inserted into the speech “*Against Neaira*”, but only one is a decree and only three are laws. The first law is about marriages to foreigners (16).¹³⁸ This document lies outside the stichometry, but it is difficult to determine whether the contents are genuine or not. On the other hand, the document contains an expression not found in Athenian official documents (τέχνη ἢ μηχανῇ ἤτινιοῦν). There is no reason to believe that, if genuine, the document was found in the collection of Craterus, and the document contains an expression not found in decrees from the fifth century. The second law concerns punishment of giving a foreign woman in marriage to an Athenian citizen (52).¹³⁹ This document lies outside the stichometry and contains an expression unparalleled in Athenian laws and decrees, and the person who composed the document appears to have relied on the orator’s paraphrase of its contents.¹⁴⁰ There is no reason to believe that this person drew on any other sources such as Craterus. The third law concerns the punishment of women who have been seduced and lies outside the stichometry. The contents of the document are inconsistent with Apollodorus’ summary and with the paraphrase given by Aeschines (1.183). Once more, the person who composed the document appears to have relied solely on the narrative of Apollodorus and Aeschines and not to have used any other sources. One might add that the decrees in the collection of Craterus does not appear to deal with this kind of topic.

¹³⁸ For discussion see Canevaro 2013b, 183–187.

¹³⁹ For discussion see Canevaro 2013b, 187–190.

¹⁴⁰ Canevaro 2013b, 190: “the document’s wording follows closely the orator’s account”.

IV

The main findings of this essay can be easily summarized. First, the documents found after the life of Antiphon in the “Lives of the Ten Orators” (Plut. X orat. 833e–834b) are forgeries. Several scholars have asserted that these documents were taken by Caecilius from the collection of decrees made by Craterus. If this assertion is correct, it would indicate that there were forged documents in the collection of Craterus. On the other hand, if one does not assume that these documents were taken by Caecilius from Craterus, this problem does not arise. Second, a study of the extant fragments of Craterus shows that his collection included only Athenian decrees from the period around 490 to around 410. These decrees concerned mainly imperial administration and measures about famous individuals. The collection did not contain decrees about routine matters of legal procedure or about private law. *Pace* Carawan, there is no reason to believe that the collection of Craterus did not include transcripts of decrees. Third, there is no reason to believe that the editors who inserted the documents into the texts of the speeches of Andocides, Aeschines and Demosthenes drew on the work of Craterus. In the vast majority of case the documents concern laws and decrees enacted after 403/402 or matters not covered in the decrees found in the collection of Craterus. This has important implications for the use of the documents as evidence. If a document is shown to be a forgery, one should not claim that it still might contain reliable information found by the editor in the work of Craterus. When evaluating the authenticity of the documents in the speeches of the orators, one should follow a careful methodology and consistent criteria.¹⁴¹ If a document is shown to be a forgery, one should treat all the information found in it as unreliable unless it can be confirmed by a contemporary source. What one should not do is to claim that the editor found information in a work like Craterus when there is no evidence for such an assumption. This means that one should not go hunting for “latent fragments” of Craterus in the inserted documents. Above all, one should not underestimate the inventiveness of ancient editors. We know from the works of Lucian that ancient authors in the Roman period had an elementary knowledge of the language and formulas of decrees from their study of the orators and the historians and could use this knowledge to compose fictional laws and decrees, which imitated their style.¹⁴² And Canevaro has shown that authors in the Hellenistic period were also familiar with laws and decrees in the literary

¹⁴¹ For the methodology see Canevaro 2013, 27–36.

¹⁴² On the laws and decrees in Lucian see Householder 1940 and Delz 1952.

sources.¹⁴³ The editors who inserted the forged decrees used this same information and worked in a similar way and are not likely to have consulted the work of Craterus.

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¹⁴³ See Canevaro 2013b, 329–342.

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