

The Decree Awarding Citizenship to the Plataeans ([Dem.] 59.104)

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THUCYDIDES in two passages (3.55.3, 63.2) mentions a grant of citizenship made to the people of Plataea. Both passages occur in the account of the trial held by the Spartans to decide the fate of the Plataeans who surrendered after the siege of the city; the verdict was to execute all the males and to enslave the women and children (3.52–68). The spokesmen for both the Plataeans and the Thebans state that the Plataeans were Athenian citizens. Isocrates also states that they received Athenian citizenship (12.94, cf. 14.51–52), and Lysias mentions their status several times in the speech *Against Panleon*.¹

None of these sources provides any details about the specific conditions of the grant. As a result, scholars have relied on the account in Apollodorus' speech *Against Neaira* ([Dem.] 59.104–106).² Apollodorus places his account of the grant after his narrative of the misfortunes suffered by the Plataeans (94 ff.) and uses their story to stress by contrast how shameful it would be for Neaira to usurp this right.³ At 104 he asks the clerk to read

¹ The date of the speech has been identified as 400/399 by D. M. MacDowell, "The Chronology of Athenian Speeches and Legal Innovations in 401–398 B.C.," *RIDA* III.18 (1971) 267–273; see in general S. C. Todd, *Lysias* (Austin 2000) 245–247. Other information about the citizenship of the Plataeans is given by Diod. 14.46.6, Ar. *Ran.* 694 and schol. (Hellanicus *FGrHist* 4 F 171).

² For the question of authorship see K. A. Kapparis, *Apollodoros 'Against Neaira' [D. 59]* (Berlin/New York 1999) 48–51.

³ Apollodorus seems to set the naturalization of the Plataeans after the

out the decree, and a text of the grant is preserved in the manuscripts.

This document would appear to provide reliable evidence about the naturalization of the Plataeans. Yet doubts arise because at several points the document does not agree with the account given by Apollodorus. Scholars have tried to remove these inconsistencies by tampering with the *paradosis* of the document so as to make it agree with Apollodorus' account, or to explain the inconsistencies away by arguing that Apollodorus misrepresents the decree's contents.

There is another way however to explain the discrepancies: the document preserved at [Dem.] 59.104 is a forgery. There are good grounds for taking this hypothesis seriously, since many of the documents in the speeches of the Attic orators are now widely considered forgeries composed after the Classical period.⁴ The best known is the case of the decrees and laws in Demosthenes' *On the Crown*, whose prescripts contain names of archons never attested in the fourth century, and whose texts show features completely inconsistent with contemporary epigraphic evidence.⁵ The documents in Aeschines' *Against Timarchus* and Demosthenes' *Against Meidias* have also been shown to be forgeries.⁶

slaughter of the male adults who remained in the city, while Thucydides mentions the citizenship in the context of the trial by the Spartans which led to this slaughter. On this contrast see L. Prandi, *Platea: momenti e problemi della storia di una polis* (Padua 1988) 112; N. G. L. Hammond, "Plataea's Relations with Thebes, Sparta and Athens," *JHS* 112 (1992) 143–150, at 146–147; K. A. Kapparis, "The Athenian Decree for the Naturalisation of the Plataians," *GRBS* 36 (1995) 359–378, at 374–375, and *Apollodoros* 387–388.

⁴ E. Drerup, "Über die bei den attischen Rednern eingelegten Urkunden," *Jahrb.K.Phil.* Suppl. 24 (1898) 221–366, is the most recent general study of the issue, and has exposed many documents as post-Classical forgeries.

⁵ See P. L. Schläpfer, *Untersuchungen zu den attischen Staatsurkunden und den Amphiktionenbeschlüssen der demosthenischen Kranzrede* (Paderborn 1939); H. Wankel, *Demosthenes: Rede für Ktesiphon über den Kranz* (Heidelberg 1976) 79–82.

⁶ On Aeschin. 1 see Drerup, *Jahrb.K.Phil.* Suppl. 24 (1898) 305–308, and

Kapparis has demonstrated that in *Against Neaira* many of the witness statements (23, 25, 28, 32, 34, 48, 54, 84), the *diallagai* (47, 71), and the *proklesis* (124) are forgeries. His analysis reveals that at some point in the tradition of this text an editor tried to fill in its gaps by fabricating documents.⁷ My aim in this essay is to show that there are several reasons for concluding that the document at 104 is also not genuine. This has major implications: if the document is suspected to be a “rielaborazione” of the original⁸ or a late forgery,⁹ its contents do not provide reliable evidence about the grant of citizenship for the Plataean refugees in Athens. The most reliable evidence is in fact the account given by Apollodorus in his speech.

No scholar has provided detailed arguments against the document's authenticity.¹⁰ In the early nineteenth century, when many scholars thought that most of the documents in the speeches of the Attic orators were forgeries, this one escaped close scrutiny. In 1850 A. Westermann examined many of the documents in *Against Neaira* but limited his study to the witness statements and did not therefore consider this document.¹¹ The

extensively N. R. E. Fisher, *Aeschines: Against Timarchus* (Oxford 2001) 68, 138–140, 145, 164, 183, 204–206. D. M. MacDowell, *Demosthenes: Against Meidias* (Oxford 1990) 245–246, 302, 316, 333, 343–344, exposes the witness statements in Dem. 21 as forgeries, and at 317–318 rejects the authenticity of the law in 21.94. E. M. Harris, in his review of MacDowell in *CP* 87 (1997) 76–78, and in *Demosthenes: Speeches 20–22* (Austin 2008) 86–87, 89–90, 103–104, shows that the other laws and oracles of Dem. 21 are forgeries. His analysis is endorsed by M. Faraguna, *BMCR* 2009.12.13.

⁷ Kapparis, *Apollodoros* 58–60, 215–216, 221–222, 225–226, 235–236, 239–240, 262–263, 265, 276–277, 316–317, 351–353, 431–436.

⁸ As proposed by Prandi, *Platea* 113.

⁹ Hammond, *JHS* 112 (1992) 147, considers it “suspect.”

¹⁰ D. M. MacDowell, *CR* 35 (1985) 319, provides a very short discussion of it, and concludes that it “is not the genuine decree.” He is to my knowledge the only scholar who has explicitly condemned the document as inauthentic.

¹¹ A. Westermann, “Untersuchungen über die in die attischen Redner eingelegten Urkunden,” *AbhLeip* 1 (1850) 1–137.

same is true of the important article published in 1885 by J. Kirchner.¹² The document received brief attention as a piece of evidence in studies of Athenian law such as those of Ross and Meier¹³ and of Buermann.¹⁴ A. van den Es in his study of Athenian family law did not discuss the authenticity of the text but implicitly treated it as a forgery by relying on Apollodorus' summary of its contents instead of the terms found in the document.¹⁵

The only works published in the nineteenth century that discuss the authenticity of this decree are two dissertations written in the 1880s, when the trend in scholarship was to defend the authenticity of the documents in the orators. In the studies of Otto Staeker and Joseph Riehemann¹⁶ the text is treated as an authentic Athenian decree though containing many corruptions due to transmission. Scholarly opinion about the document has not significantly altered since then. Drerup accepted the document as genuine without commenting on it closely,¹⁷ and his verdict has been accepted by many twentieth-century scholars. M. J. Osborne, C. Carey, J. Trevett, and J. Blok consider the document an authentic Athenian decree, although they deem the text corrupt in several places.¹⁸ They

¹² J. Kirchner, "Zur Glaubwürdigkeit der in die [Demosthenische] Rede wider Neaira eingelegten Zeugenaussagen," *RhM* N.F. 40 (1885) 377–386.

¹³ L. Ross and M. H. E. Meier, *Die Deme von Attika und ihre Vertheilung unter die Phylen nach Inschriften* (Halle 1846) 7, 8 n.1.

¹⁴ H. Buermann, "Drei Studien auf dem Gebiet des attischen Rechts," *Jahrb.K.Phil.* Suppl. 9 (1877) 567–646, at 604–607.

¹⁵ A. H. G. P. van den Es, *De iure familiarum apud Athenienses libros tres* (Leiden 1864) 28.

¹⁶ O. Staeker, *De litis instrumentis quae exstant in Demosthenis quae feruntur posteriore adversus Stephanum et adversus Neaeram orationibus* (diss. Halle 1884) 54–55; J. Riehemann, *De litis instrumentis quae exstant in Dem. quae fertur oratione adversus Neaeram* (diss. Leipzig 1886) 44–47.

¹⁷ Drerup, *Jahrb.K.Phil.* Suppl. 24 (1898) 233–234.

¹⁸ M. J. Osborne, *Naturalization in Athens* (Brussels 1981–1982) I 28, II 11–16 (D1); C. Carey, *Apollodoros against Neaira* (Warminster 1992) 140; J. Trevett, *Apollodoros the Son of Pasion* (Oxford 1992) 189; J. Blok, "Perikles'

therefore try to improve its wording to remove any problems and inconsistencies. Both N. G. L. Hammond and Luisa Prandi express doubts about its authenticity, but recently K. Kapparis has defended its value as a reliable source for Athenian law, in the first detailed analysis since Riehemann.¹⁹

Before examining the document, it is necessary to make four points about method.²⁰ First, one should dismiss the widespread assumption that the orators misrepresented the contents of laws, decrees, and witness statements whenever this served to improve their argument. This is especially implausible just before or after the actual document was read out by the clerk. Scholars have sought to justify this assumption by pointing out that Apollodorus' summary of the siege of Plataea, when compared with Thucydides' version, is unreliable. Kapparis states that "the differences between the decree and the context should be explained as deliberate distortions by the orator intended to present the terms of this award as more stringent than they actually were." Pelling claims that "an audience would find it difficult, even immediately after hearing it, to recall that it was only some priesthoods, not all, from which Plataeans were excluded; or that the distinction between first- and second-generation citizens applied only to the archonship, not to a priesthood. Exactly like Andocides, Apollodorus is trying to persuade his audience that they have just heard something they have not."²¹ Yet giving a misleading account of historical events that had happened long before is a very different matter from misrepresenting an official document just read out by the clerk. A text of the length of the one we are concerned with,

Citizenship Law: A New Perspective," *Historia* 58 (2009) 141–170, at 166 n.106.

¹⁹ Kapparis, *GRBS* 36 (1995) 359–378, cf. *Apollodoros* 387–388, 394–398.

²⁰ For a detailed account of the methodology employed here see M. Canevaro and E. M. Harris, "The Documents in Andocides' *On the Mysteries*," *CQ* (forthcoming).

²¹ Kapparis, *Apollodoros* 387; C. Pelling, *Literary Texts and the Greek Historian* (London/New York 2000) 67.

and the following summary, are likely to be read in no more than a couple of minutes, to an audience that was familiar with the language and terminology of official documents.²² The jurors would therefore have immediately detected any inconsistency. This would have undermined the speaker's credibility and (if done by an accuser) would have been attacked by the defendant and used as evidence that his opponent was a liar. If a law or decree does not support the speaker's argument, the best thing for the orator to do was not to ask the clerk to read it. And if speakers were in the habit of misrepresenting the contents of documents, we would expect to find different accounts of the same document when paraphrased by different speakers, and serious inconsistencies in the few cases in which we can compare the orators' accounts with inscriptions. Yet that is not what we find.²³ Instead the evidence shows that speakers, when discussing a document just before or after the clerk read it out, did not dare to misrepresent its words. In short, there is no reason to believe that Apollodorus deliberately distorted the provisions of the decree. His account should be considered basically reliable, and the document's contents should be tested against it.

The second point about method relates to another widespread assumption, that the presence in the document of details absent from, or of discrepancies with, the summary, is evidence for authenticity. The documents in Demosthenes' *On the Crown* and Aeschines' *Against Timarchus* clearly show that the persons who composed the forged documents relied on the paraphrases found in the adjoining text but also added many details to give the misleading impression that they had an independent source.²⁴ Ironically, this attempt to make the document look

²² On the legal competence of the average Athenian see E. M. Harris, D. F. Leao, P. J. Rhodes, *Law and Drama in Classical Athens* (London 2010) *passim* and in particular the "Introduction" by Harris at 1–7.

²³ For detailed analysis of the relevant cases see Canevaro and Harris, *CQ* (forthcoming).

²⁴ For examples see Canevaro and Harris, *CQ* (forthcoming).

authentic has often led to the introduction of words or phrases that are inconsistent with the language and terminology of contemporary documents and which prove that the document is not authentic. Disagreement between the document and the orator's words, far from proving its authenticity, may actually be grounds for declaring it a forgery.

The third point concerns the texts of the documents: one should analyse them as they are found in the *paradosis*. Scholars often attempt to remove the problems found in the documents by means of transpositions, emendations, and deletions. This text in particular, although its tradition is almost totally consistent, has long been recognized to present many textual problems, some of which seem to be actual syntactical difficulties. Nevertheless, it has been corrected much more often than is necessary, mainly on the grounds that some sentences, even though grammatically satisfactory, conflict with the relevant information provided by Apollodorus in his summary of the decree's provisions. These attempts to "improve" the text are not methodologically sound. If one can determine on the basis of external evidence that a particular document is genuine, then it is legitimate to attribute minor errors to scribes copying the text. But to assume that a document is genuine and therefore to ascribe every mistake to medieval scribes begs the question.²⁵ This hypothesis is moreover highly implausible given the textual tradition. The Demosthenic corpus does not have a medieval archetype, and the medieval families have been shown to stem from different ancient editions, either of the entire corpus or of single speeches, all independent from the very beginning of the ancient tradition.²⁶ This means that one

²⁵ So MacDowell, *CR* 35 (1985) 319.

²⁶ On the once-controversial question of the archetype of Demosthenes see E. Drerup, "Antike Demosthenesausgaben," *Philologus* Suppl. 7 (1899) 531–588, for the first attempt in the right direction. Decisive is G. Pasquali, *Storia della tradizione e critica del testo* (Florence 1934) 269–294. For further evidence cf. L. Canfora, *Demostene. Discorsi all'assemblea* (Turin 1974) 69–98, and synthetically M. R. Dilts, *Demosthenes. Orationes I* (Oxford 2002) v–xxiii.

must either argue that the same errors originated independently in different manuscripts or attribute them to the common ancestor of the families and conclude that the errors were present when the document was first inserted. The first possibility can safely be ruled out. Major problems with the text must be mistakes made by someone who composed the document after the Classical period and did not understand Athenian law and legal procedure. In the following pages this study will try to analyze both the real grammatical problems and the inconsistencies in content, while comparing each sentence, in its form closest to the *paradosis*, with the relevant epigraphical material.

The last methodological point concerns the comparative material used when examining the language and terminology of a document: they should conform to the language, style, and conventions of Classical Athenian inscriptions of the same type. Developments through the period should be taken into account, and the comparative weight of inscriptions closer in time to the document is obviously superior. Slight variations might not amount to decisive evidence of forgery, since standard formulas can “in fact appear in several forms with small verbal differences,”²⁷ but the presence in a document of words or expressions never found in similar Attic inscriptions, or in any Attic inscription at all, casts serious doubt on its authenticity. Conversely, language and terminology of laws and decrees from other communities cannot be used as parallels.²⁸ Finally, parallels from literary prose cannot amount to decisive evidence for authenticity, as literary texts often present grammatical structures and terminology that are consistently absent

²⁷ P. J. Rhodes, “Athenian Democracy after 403 B.C.,” *CJ* 75 (1980) 305–323, at 309.

²⁸ P. J. Rhodes and D. M. Lewis, *The Decrees of the Greek States* (Oxford 1997), offers plenty of examples of the differences between the language and formulas of decrees from different communities; see in particular 550–563 for an account of influences and differences.

from contemporary documents.²⁹

The first argument against the authenticity of the document is the stichometric evidence. In the medieval tradition some manuscripts of Demosthenes' speeches, in particular **S** and **Q**³⁰ for this speech, preserve Greek numbers both at the end of the text (total stichometry) and next to some of the lines (partial stichometry). The final figure indicates a total of *stichoi* (lines), a number which never corresponds to the number of the lines in the relevant manuscript but is the same in all codices despite their different sizes. Something similar happens for the numbers next to the lines: these are supposed to mark intervals of 100 lines, **A** for 100, **B** for 200, and so on, but they actually do not, and instead they recur irregularly and usually more often than every 100 lines. Despite such irregularity, they are surprisingly consistent among different manuscripts, occurring at the same points of the text. The explanation for this is that these marks were originally written in a very early edition of the speeches and refer to the text in that copy.³¹ They were a system of measurement used in literary texts during antiquity, and later transcribed in every new manuscript, regardless of the size and number of its lines.³²

In this speech many documents are preserved, namely three laws (16, 52, 87), one official oath (78), one decree (104), many

²⁹ A case is the third-person imperative in *-τωσαν*, often found in literary texts from Classical Athens but avoided in documentary texts before 351 B.C.E. (and used very rarely between 350 and 322): L. Threatte, *The Grammar of Attic Inscriptions II* (Berlin 1996) 462–466.

³⁰ **S** = *Paris.gr.* 2934, **Q** = *Marc.gr.* 418.

³¹ Cf. MacDowell, *Demosthenes: Against Meidias* 44.

³² See in general K. Ohly, *Stichometrische Untersuchungen* (Leipzig 1928); for the case of Demosthenes, W. Christ, "Die Attikusaussgabe des Demosthenes, ein Beitrag zur Textesgeschichte des Autors," *AbhMunch* 16.3 (1882) 153–234; F. Burger, "Stichometrisches zu Demosthenes," *Hermes* 22 (1887) 650–654, and *Stichometrische Untersuchungen zu Demosthenes und Herodot: ein Beitrag zur Kenntnis des antiken Buchwesens* (Munich 1892); Drerup, *Jahrb. K.Phil.* Suppl. 24 (1898) 235–237; W. W. Goodwin, *Demosthenes: On the Crown* (Cambridge 1901) 350–355.

witness statements (23, 25, 28, 32, 34, 40, 47, 48, 54, 61, 71, 84, 123), the text of a settlement decided by arbitrators (71), and the actual challenge (*πρόκλησις*) issued against Stephanus (124). The first scholar to attempt a calculation was Wilhelm Christ in his “Attikusaugabe.” He took into account just the total stichometry written at the end of the speech, 1451 lines,³³ and compared this figure with the Teubner text, finding that the number of Teubner lines every 100 lines of the stichometric edition is 72.8 without the documents, but 81.7 with them. Now, the first figure is completely inconsistent with other speeches, and hence he concluded that the documents were part of the stichometric text.

This calculation is wrong. In 1892 Friedrich Burger repeated the analysis taking into account the partial stichometry and obtained very different results.³⁴ I have done the calculation anew with the help of a modern computer and of the tool “Character Count without Spaces” of Microsoft Word, after conveniently removing from the OCT text all the elements which would not have been found on an ancient papyrus. My calculations mostly confirm Burger’s results:

	With documents	Without documents
B=200	6662 (3331 per 100 lines)	6407 (3203 per 100 lines)
Γ=300	3967	3235
Δ=400	3818	3248
I=900	18682 (3736 per 100 lines)	15969 (3194 per 100 lines)
K=1000	3407	3315
M=1200	6783 (3392 per 100 lines)	6406 (3203 per 100 lines)
(N=1300, §121)		

The marks here are provided by manuscript **S**, and are almost perfectly confirmed by the later codex **Q**. We can read **B**

³³ *AbhMünch* 16 (1882) 195–196. He thought that the text with the stichometric marks was the one edited by Atticus the friend of Cicero.

³⁴ *Hermes* 22 (1887) 654, *Stichometrische Untersuchungen* 26–27; his arguments are summarized in Drerup, *Jahrb.K.Phil.* Suppl. 24 (1898) 236–237. Recently the entire question has been reassessed in Kapparis, *Apollodoros* 56–58, with analogous results.

(200 lines) next to *Χαρισίου* at 18, *Γ* next to *ἐν Κορίνθῳ* at 30, *Δ* next to *καὶ εἰσάγει* at 39, *Ι* next to *ἐξέστω εἰσιέναι* at 87, *Κ* next to *Λακεδαιμόνιοι* at 96, and *Μ* next to *μετρίαν* at 113. The number of characters of the first section from the beginning to *Β*, i.e. two units of 100 lines, is 6662, ca. 3331 characters every 100 lines. This section has just a short document. The second section, from *Β* to *Γ*, with many documents, contains 3967 characters. The third, *Γ* to *Δ*, contains 3818 characters. The next section, *Δ* to *Ι* (five units of 100 lines) also has several documents and contains 18682 characters, thus 3736 characters per unit. The unit from *Ι* to *Κ* contains 3407 characters, and preserves just two lines of a document. Finally, the space from *Κ* to *Μ* (two units of 100 lines) has 6783 characters, 3392 per unit, with a few documents. It is easy to see that these figures are heavily inconsistent when they should mark units of approximately the same length. It is also worth noting that the only two sections that contain a comparable number of characters are the ones with the fewest documents.

Let us make the calculation again without including the documents. The first section, from the beginning to *Β*, contains 6407 characters, 3203 per 100 lines. From *Β* to *Γ* the characters are 3235, from *Γ* to *Δ* 3248, from *Δ* to *Ι* 15969 for five sections, 3194 per section on average. From *Ι* to *Κ* we have 3315, the only very small irregularity, but in this section it is likely that the original mark slipped down a little bit because of a document inserted in the middle of the line originally marked with *Κ*. The last section, *Κ* to *Μ*, two units of 100 lines, has 6406 characters, 3203 per 100 lines.

The figures in this case are almost perfectly consistent, and the slight variations can be easily explained as effects of the transmission. We can calculate from these data an average of characters per line in the ancient stichometric edition of this speech, namely 32 letters. This allows us a rough calculation of the ancient lines between *Μ* and the end of the speech: 143 lines, which implies a further mark, *Ν*, at the end of §121. It is

therefore clear that the inserted documents did not appear in the stichometric edition of the *Against Neaira*.³⁵ This means that the decree at 104, like all the documents included in the oration, is not an original part of the text but was inserted at a later stage in the transmission of the Demosthenic corpus.

Let us now turn to the contents of the document. Apollodorus' aim in the first part of this argument (89–92) is to show how important the Athenians consider citizenship and how difficult it is for a foreigner to receive it. He therefore recalls the relevant provisions of the current legislation about citizenship without quoting them. First, citizenship can be granted only to someone who has benefited the city of Athens. Second, the grant, after being approved, must be confirmed in a second assembly with a quorum of 6000 and a vote by secret ballot. Even after the second vote, the grant is still subject to a *γραφὴ παρανόμων*. Apollodorus mentions two citizens who lost their citizenship after being prosecuted on this charge. The next provision mentioned prohibits those who become citizens by decree from holding the archonship and any priesthood, but grants their offspring full rights “if they are born from a citizen and legally betrothed woman” (92).

In the next part (93–103) Apollodorus traces the origin of this last provision to a specific case, the grant to the Plataeans. Citizenship was granted to them because of the many benefits they brought to the Athenians. At the battle of Marathon they were the only ones to fight with the Athenians against Datis, the general of king Darius. Later in the Persian Wars the Plataeans, unlike the Thebans and the other Boeotians, fought with Leonidas at Thermopylae, with the Athenians at the Artemisium and at Salamis, and eventually with all the Greeks

³⁵ The only remaining problem is the total stichometry of 1451 lines noted at the end of the speech in manuscripts **StY** and **Q**. This is patently inconsistent with our calculation of 1343 lines. It is probably right to accept in this respect the proposal of Drerup that an original **XHHHPI**, 1351, close enough to our rough estimation, copied from some very ligated ancient manuscript, eventually gained a further **H**, becoming so 1451.

under Pausanias at Plataea. Afterwards, when Pausanias, in Delphi, insulted all the allies by inscribing his sole name as the victor over the Persians on the Serpent Column jointly dedicated to Apollo by the Hellenic League, the Plataeans undertook his prosecution before the Amphictyony. According to Apollodorus, this was the reason why fifty years later the Spartans attacked Plataea and eventually took the city. Even during the siege, the Plataeans refused to withdraw from their alliance with the Athenians. After these acts of loyalty citizenship was granted to a people who had lost everything, their belongings, their children, their wives, in order to maintain their alliance with Athens.

I present here the text of the decree as it appears in the *paradosis* at 104:

Ἱπποκράτης εἶπεν, Πλαταιέας εἶναι Ἀθηναίους, ἀπὸ τῆσδε τῆς ἡμέρας ἐντίμους καθάπερ οἱ ἄλλοι Ἀθηναῖοι, καὶ μετεῖναι αὐτοῖς ὥνπερ Ἀθηναίους μέτεστι πάντων, καὶ ἱερῶν καὶ ὀσίων, πλὴν εἴ τις ἱερωσύνη ἢ τελετὴ ἐστὶν ἐκ γένους, μηδὲ τῶν ἐννέα ἀρχόντων, τοῖς δ' ἐκ τούτων. κατανεῖμαι δὲ τοὺς Πλαταιέας εἰς τοὺς δήμους καὶ τὰς φυλάς. ἐπειδὰν δὲ νεμηθῶσι, μὴ ἐξέστω ἔτι Ἀθηναίῳ μηδενὶ γίγνεσθαι Πλαταιέων, μὴ εὐρομένῳ παρὰ τοῦ δήμου τοῦ Ἀθηναίων.³⁶

2 ἐντίμους codd. : ἐπιτίμους Cobet at al. | καὶ om. S^a | 4 ante πλὴν Riehemann add. ἀλλὰ μὴ τῶν ἱερωσυνῶν : Carey lacunam stat. | ante μηδὲ Reiske add. τούτων μὴ μετεῖναι αὐτοῖς : Osborne ἀλλὰ μὴ τῶν ἱερωσυνῶν : Carey lacunam stat. | 5 post ἀρχόντων Reiske add. λαχεῖν vel γενέσθαι | post τούτων Reiske lacunam stat. : Osborne add. ἂν ὦσιν ἐξ ἀστῆς γυναικὸς καὶ ἐγγυητῆς κατὰ τὸν νόμον

We begin with the prescript. In his careful analysis of the

³⁶ “Hippocrates proposed that the Plataeans be Athenian, entitled to office from this day (enfranchised) like the rest of the Athenians, that they have a share in all that the Athenians have a share in, both sacred and civil, except if some priesthood or rite comes from membership in a *genos*, nor the nine archons, whereas their offspring do. And the Plataeans are to be distributed among the demes and tribes, and when they have been distributed, none of the Plataeans is to become an Athenian unless he gets the grant from the Athenians.”

surviving naturalization decrees, Osborne observes that this document lacks the prescript and the inscription formula and contains very unusual wording. For these reasons he assumes that the document must be just a “partial digest” of the original decree.³⁷ He then explains the unusual wording by the early date of the decree. Kapparis on the other hand claims that “the language of the document does not betray forgery,” and that he “can see nothing suspicious.”³⁸ Both however miss several suspect features. Some formulas in the document contain expressions which, either before or after the date of the grant, are never found in Athenian inscriptions of the Classical period or do not have a similar meaning in Attic Greek. Moreover, the style is rather elaborate and not consistent with the concise expression of fifth-century decrees. A single suspect feature is obviously not sufficient grounds against authenticity, and many features can be singled out as atypical, but not necessary impossible. The cumulative weight of the features examined below, however, will suffice to show that the wording of this decree, far from providing grounds for authenticity, raises serious doubts. The discrepancies with inscribed decrees, and the inner, logical difficulty of some of its provisions provide decisive grounds against authenticity.

Besides lacking the enactment formula in the prescript, which could simply have been omitted, the motivation clause is also missing. In the naturalization grants (and in grants of privileges in general) from the late fifth century to the early fourth, the motivation clause is always inserted between the name of the proponent and the statement clause³⁹ and there-

³⁷ Osborne, *Naturalization* II 13. MacDowell, *CR* 35 (1985) 319, in his review of Osborne’s work, rightly notes that “it ought not to need saying that somebody’s digest of a decree is not the authentic decree.”

³⁸ Kapparis, *GRBS* 36 (1995) 363–364.

³⁹ See Osborne, *Naturalization* D2, D3, [D4], D5, D6, D7, D8 for examples. For the different typologies of motivation formulas cf. A. S. Henry, *Honours and Privileges in Athenian Decrees* (Hildesheim 1983) 7–11. One of the *GRBS* referees suggests that this might be a rider to a previous decree,

fore one should have been tightly embedded in the course of the sentence.

At the beginning of the decree the statement clause itself (*Πλαταιέας εἶναι Ἀθηναίους ἀπὸ τῆσδε τῆς ἡμέρας*) is not perfectly consistent with the epigraphical evidence: in early instances of naturalization grants the statement clause is usually followed, immediately (D2, D3, D6, D8, D10, D11, D12, D13) or after a very short motivation clause (D7 *ἐπειδὴ ἐστ[ιν ἀνὴρ ἀγαθὸς περὶ τὸν δῆμον τ]ὸν Ἀθηναίων*, D9 *ἀνδραγαθίας ἐν[εκα] τῆς ἐς Ἀθηναίος*), by the provision for the enrolment of the new citizen(s) in demes, tribes, and phratries (D2, D3, D6, D8, D10, D11, D12, D13).⁴⁰ In the only case in which a long section divides the statement clause from the enrolment clause (D5, for the Samians, 405/4 and 403/2), this happens for a very specific reason: the grant is addressed to Samians still living in Samos, and therefore *πολιτευόμενος ὅπως ἂν αὐτοὶ βόλωνται* (line 13). It is just an amendment to the main decree, passed two years later, which states (34–35) that the Samians living in Athens are to be distributed among the tribes.⁴¹

In our document, on the other hand, the statement clause is followed by two other sentences stressing the sharing of citizenship between Athenians and Plataeans (*ἐντίμους καθάπερ οἱ ἄλλοι Ἀθηναῖοι, καὶ μετεῖναι αὐτοῖς ὧνπερ Ἀθηναίοις μέτεστι πάντων, καὶ ἱερῶν καὶ ὀσίων*). Luisa Prandi considers this “abbondanza” “poco pertinente al formulario conciso di un de-

and therefore the absence of the enactment and of the motivation formulas is justified. Amendments however usually present rider formulas. The possible evidence for amendments without it is limited to two cases, *IG I³ 35* and 40 (M.-L. 44 and 52), but Meiggs and Lewis doubt that these measures are in fact amendments (pp.110–111 and 141). Cf. P. J. Rhodes, *The Athenian Boule* (Oxford 1972) 71–72 n.2. The hypothesis that this document is a rider to a previous, general honorary decree seems to me to explain *ignotum per ignotius*.

⁴⁰ Cf. Henry, *Honours* 68–69.

⁴¹ Cf. Osborne, *Naturalization* II 25–26.

creto del V secolo.”⁴² These two formulas moreover are both unparalleled in citizenship grants. Again, contrary to Kapparis’ contention, the document is here at least untypical.

More strikingly, the expression ἀπὸ τῆσδε τῆς ἡμέρας finds no parallels at all in the surviving examples of naturalization grants, nor in any preserved grant of privileges to benefactors. A search through all the Attic inscriptions of the PHI database yields only three results, from completely different kinds of documents, which have nothing to do with grants of privileges, and none of them dates earlier than the middle of the fourth century: *IG II² 534.7* (Aleshire, *Athenian Asklepieion* 177.IV, *SEG XXXIX* 165), a record of offerings to Asclepius, dates to 274/3; 1128.27, the restatement of Athenian privileges in the import of red ochre from the Koresioi, dates to the mid-fourth century; 204.17,⁴³ a decree from Eleusis concerning the sacred *orgas*, dates to 352/1. The expression is not intrinsically “un-Attic,” but the scarcity of Classical occurrences, also in literary texts,⁴⁴ shows that it is not typically Attic either; it is not, that is, what an Athenian would have used to mean “from this day on/from now on.”⁴⁵

⁴² Prandi, *Platea* 114.

⁴³ Cf. A. Scafuro, “IG II² 204: Boundary Setting and Legal Process in Classical Athens,” in G. Thür and F. J. Fernández Nieto (eds.), *Symposion 1999: Vorträge zur griechischen und hellenistischen Rechtsgeschichte* (Cologne/Vienna 1999) 123–143.

⁴⁴ This expression is unparalleled in fifth-century literary texts, and very rare in fourth-century ones. The only occurrences are Pl. *Lach.* 181C3, *Alc. I* 135D10, and Xen. *Cyr.* 7.4.5. None of these instances has anything to do with legal language.

⁴⁵ Note too that the word order of the statement clause is unparalleled as well. In early decrees it is possible to find both the order εἶναι τὸν δεῖνα Ἀθηναῖον (D2, D8, D11, D12, and D3, D10, D13 restored) and τὸν δεῖνα Ἀθηναῖον εἶναι (D5, D7, D9), but never τὸν δεῖνα εἶναι Ἀθηναῖον as in the document. A discussion of the word order in statement clauses of citizenship grants is provided by Henry, *Honours* 64–66. The small sample of citizenship grants however makes it dangerous to draw any conclusion from this. In the case of other grants of honors, the tendency seems to be the same, and this sequence is never securely attested. There is however one case, *IG II² 63*,

The word *ἐντίμους* (“honoured” LSJ), attested in all parts of the tradition, has been considered wrong on the grounds that the usual meaning does not fit the context. All scholars have considered the meaning “enfranchised” to be required by the context, and this word is never found with that meaning, either in literary texts or in inscriptions.⁴⁶ It was therefore corrected by Cobet⁴⁷ to *ἐπιτίμους* (“in possession of his rights and franchises” LSJ). As noted above, the proposal to emend the text is highly implausible. Besides, the correction made by Cobet is still a term unattested in naturalization decrees and, although it is common in Athenian literary sources, the PHI database yields no Attic instances at all of this adjective (or the noun *ἐπιτιμία*) with the particular meaning “enfranchised.” Finally, a survey of the occurrences of this word in the literary sources to the end of the fourth century shows that both before and after the date of this grant it was never employed to refer to rights bestowed upon some non-citizen, be he a metic or a foreigner. On the contrary, it was used in opposition to the term *ἄτιμος* in regard to citizens to indicate that they were in possession of their full rights.⁴⁸ This emendation is therefore unacceptable, as the altered expression does not conform with

very fragmentary, where one of the restorations attempted presents the sequence subject-verb-complement.

⁴⁶ The only evidence alleged for such a meaning is *IG IX.1² 718.35* (M.-L. 20; *Nomima* I 43) from Chaleon in Locris, but Meiggs and Lewis are probably right in preferring the meaning “in office.”

⁴⁷ C. G. Cobet, *Novae lectiones quibus continentur observationes criticae in scriptores Graecos* (Leiden 1858) 751.

⁴⁸ The TLG yields these results, and all confirm this interpretation: *Lys.* 12.21, 25.27; *Ps.-Lys.* 6.13, 44, 20.19, 35; *Aeschin.* 1.160, 2.88; *Dem.* 18.312, 21.61, 96, 99, 106, 24.45, 90, 103, 25.71, 73, 94, 26.1, 11; *Andoc.* 1.73, 80, 103, 107, 109; *Lycurg.* 41; *Hyper. frs.* 27–28 Jensen; *Dinarch.* 5.2. Cf. also *Thuc.* 5.34; *Xen. Hell.* 2.2.11; *Arist. Ath. Pol.* 39.1. The case of *Dem.* 23.44–45 is a peculiar one, and even there the meaning of *ἐπίτιμος* is “not confiscated,” referring to goods and not to persons. A further instance is the Solonian law quoted at *Plut. Sol.* 19.3, and again the term refers to citizens previously deprived of their rights who are now restored.

Attic usage.

Moreover the correction is based on the assumption that here the text needs a word meaning “enfranchised.” Yet this might be wrong: in at least two cases, *I. Kyme* 4.12 and 5.8 (also restored in *I. Kyme* 7 and 8), both citizenship decrees, one mid-III c. and the other beginning of II, we find this word meaning “entitled to office,” together with the specification *εὐθύς* “immediately.” Our document, if we put a comma before *ἀπὸ τῆσδε τῆς ἡμέρας*, might have the same meaning. But these parallels are both geographically and chronologically remote, and nothing similar is found in Athens, either in Classical or in post-Classical times, not only in citizenship grants but also in any of the honorary grants preserved on stone. The word *ἔντιμος* appears only twice in Attic inscriptions (*SEG* XXIII 161.29, *IG* II² 7863.9) and in both cases it means “honored.” As for literary texts from Classical times, the TLG yields 117 citations, and in all cases the meaning is “honored.”⁴⁹ The parallels from Kyme show that such a formula might have been felt as appropriate in a citizenship grant in later times, and in other places, and therefore might be added in a forged one, but the expression as it stands does not occur in Athenian texts during the Classical period.

The next expression states the rights of the Plataeans: *μετεῖναι αὐτοῖς ὡνπερ Ἀθηναίοις μέτεστι πάντων, καὶ ἱερῶν καὶ ὀσίων*.⁵⁰ This “sharing” formula is not found in any of the

⁴⁹ LSJ s.v. *ἔντιμος* gives “in office” as appropriate in one Classical place, Pl. *Resp.* 564D *ἐκεῖ μὲν διὰ τὸ μὴ ἔντιμον εἶναι, ἀλλ’ ἀπελαύνεσθαι τῶν ἀρχῶν*. Plato is there explaining why the drones, present in both democratic and oligarchic states, are less powerful in the oligarchies. But the sentence works perfectly with the normal meaning “honored,” and this is how P. Shorey translated it: “There, because it is not held in honor, but is kept out of office...” The evidence of five other places in the same dialogue (528B, 528C, 548A, 554B, 555C) where the word clearly means “honored” strongly advises against reading too much into the present passage.

⁵⁰ Kapparis, *Apollodoros* 395, on the expression *hiera kai hosia* quotes W. Wyse, *The Speeches of Isaeus* (Cambridge 1904) 535: the phrase is “comprehensive enough to embrace all the rights of a citizen.” This is not the place

Athenian citizenship grants preserved through inscriptions, and does not seem to have been used in Attic inscriptions for any other purpose,⁵¹ either in exactly this form or in a similar

to discuss the *vexata quaestio* of the meaning of *hiera kai hestia* (see in general A. Maffi, “τὰ ἱερά καὶ τὰ ὄσια. Contributo allo studio della terminologia giuridicosacrale greca,” in J. Modrzejewski and D. Liebs [eds.], *Symposion 1977: Vorträge zur griechischen und hellenistischen Rechtsgeschichte* [Cologne 1982] 33–53, and W. R. Connor, “ἱερά καὶ ὄσια and the Classical Athenian Concept of the State,” *AncSoc* 19 [1988] 161–188), meaning all the rights and obligations of a citizen, before the fourth century. The expression never appears in naturalization grants, and the evidence for its use in official documents is inconclusive. The ephebic oath (Rhodes/Osborne, *GHI* 88), with these words, implies mainly the concept of “fatherland” (cf. Connor 168). Moreover, the “faint” echoes (as Rhodes and Osborne p.449 characterize them) of the oath detected by P. Siewert (“The Ephebic Oath in Fifth-Century Athens,” *JHS* 97 [1977] 102–111) in fifth-century texts do not include this expression. The expression is used by Demosthenes (23.40) commenting on Draco’s homicide law, but it is dubious whether he is there repeating the exact words of the law (cf. Connor 168–169; the inscribed version *IG* I³ 104 does not preserve the formula). A more reliable source however could be the law about the *nothoi*, paraphrased at Is. 6.47 and quoted at Dem. 43.51, even if the authenticity of this document has been questioned (cf. for bibliography Drerup, *Jahrb.K.Phil.* Suppl. 24 [1898] 280–297, who nonetheless considers the quotation an original law). Blok, *Historia* 58 (2009) 145–146, 159–162, argues for the presence of this expression even in Pericles’ citizenship law. I agree that its use in official documents is not impossible, but the question is open. In any case the expression was widely used in the orators, and probably sounded familiar to any reader of Demosthenes (cf. Dem. 23.40, 65; 24.9, 11, 82, 101, 111, 112, 120, 137), so its presence in a forgery should not surprise us. In sum, the presence here of καὶ ἱερῶν καὶ ὀσίων does not point in either direction: it is neither intrinsically impossible, nor typical enough to be evidence for authenticity.

⁵¹ A similar formula (e.g. *IG* XII.5 716.7–8 καὶ μετέλ[α]μ αὐτοῖς πάν-τ[ω]ν [ὄ]σων [κ]αὶ ἄνδρῶν μέτεστιν) is attested in many honorary grants elsewhere (*IG* XII.3 1296.24–25; XII.5 717.6–7, 718.8–9; XII.8 264.9–10, 267.8–9; XII.9 197.20–24, 198.12–5, 217.10–14, 239.23–25; XII Suppl. 246.4–6, 355.3–4; *Eretria* XI 8.13–14; *Staatvertr.* III 537.24–25, 539.31–33; *Syll.*³ 633.43–44; *Milet* I.3 149.13–15; *I.Magnesia* 101.29–30; *SEG* II 579.1, XXIX 1149.14–15; *I.Iasos* 80.23–24; *I.Priene* 10.11–14; *AJP* 56 [1935] 381 VII.9–11) connected with citizenship, sympolity, proxeny, *ateleia*, *enktesis*, and *isopoliteia* from some Aegean islands (Thera, Thasos, Andros, Eretria)

fashion. However, it appears in a strikingly similar way in *Against Aristocrates* (Dem. 23.65):

ἡμεῖς, ὧ ἄνδρες Ἀθηναῖοι, Χαρίδημον ἐποιησάμεθα πολίτην, καὶ διὰ τῆς δωρειᾶς ταύτης μετεδώκαμεν αὐτῷ καὶ ἱερῶν καὶ ὀσίων καὶ νομίμων καὶ πάντων ὄσων περ αὐτοῖς μέτεστιν ἡμῖν.⁵²

Yet here Demosthenes is not quoting the actual text of the grant to Charidemus, but rather describing the consequences of such a grant. This text, far from attesting the use of this formula in Athenian naturalization grants, could possibly be a source that the forger used when composing the document.

Luisa Prandi (*Platea* 114) regards the entire passage as “quasi un preludio funzionale” to the following exclusion of the first generation of new citizens from the *genos*-priesthoods⁵³ and

and from Asia Minor (mainly Caria and Ionia). None of these decrees dates before the fourth century, and most date from the third century on. This shows that, where such a formula was part of the official language, its range of application was wide, and not restricted to citizenship grants. Its absence in Athens from all the honorary grants, a large sample of texts, makes very clear that this was not considered an official formula there. Its use in later times, and only outside Athens, on the other hand, makes possible, but this is just speculation, that a post-Classical forger could consider Demosthenes' remark in *Against Aristocrates* as the actual words of the decree, on the basis of his own experience of honorary grants.

⁵² “We, Athenians, made Charidemus a citizen, and through this grant we bestowed upon him our sacred, civil, and legal rights, everything we have a share in.” A further connection between the two passages, and one which could account further for the clause in our document as deriving from *Against Aristocrates*, is *Against Neaira* 92. Here we read, with regard to the offspring of a new citizen, τοῖς δ' ἐκ τούτων μετέδωκεν ἤδη ὁ δῆμος ἀπάντων, which shows the same construction as in *Against Aristocrates* and the document.

⁵³ I would like to thank P. J. Rhodes for drawing my attention to J. H. Blok and S. D. Lambert, “The Appointment of Priests in Attic *gene*,” *ZPE* 169 (2009) 95–121: they point out that this phrase is more correct than the traditional “hereditary priestships,” as these priests were appointed from the members of a particular *genos* but were not in a narrower sense hereditary.

archonships. So it is worth noting that the expression in Apollodorus' comment that corresponds to *μετεῖναι αὐτοῖς ὄνπερ Ἀθηναίοις μέτεστι πάντων, καὶ ἱερῶν καὶ ὀσίων* of the document is *τὸν νόμον διωρίσατο ἐν τῷ ψηφίσματι πρὸς αὐτοὺς εὐθέως ὑπὲρ τε τῆς πόλεως καὶ τῶν θεῶν* (106).⁵⁴ Yet it is not clear whether this sentence is supposed to quote an actual clause of the decree, or rather to recall the reason for which Apollodorus has quoted and is commenting on this particular decree. In the first case we would expect in the text of the decree an allusion to the law which provides rights and obligations to new citizens,⁵⁵ while in the second case Apollodorus would be referring to a particular argument already employed in this section of the speech. At 93 in fact he states that he is going to trace the origins of the provision on naturalization of foreigners he has just mentioned at 92. Then, after the long excursus about the misfortunes of the Plataeans, he declares that the "decrees will make the law clear for everyone" (104). According to Apollodorus' argument, this decree actually defines the provisions of the law. In both cases the language, style, and formulas of the document provide grounds against authenticity. They seem rather the attempt of a later editor to paraphrase (with some misunderstanding) the summary of Apollodorus and at the same time to link its contents to other parts of Apollodorus' narrative.

The exceptions that follow in the document, namely the pro-

⁵⁴ "He (the proposer of the decree: 105), in the decree, defined immediately the law which applied to them in regard to the city and the gods." Van den Es, *De iure* 24, rightly wrote: "Quid ex prioribus vocabulis eliciendum sit, non difficile est dictu: illa pro re publica et pro diis, ὑπὲρ τε τῆς πόλεως καὶ τῶν θεῶν, significant, iis omnium iurum et civilium et divinorum communionem datam esse." Hence the formula *μετεῖναι ... πάντων, καὶ ἱερῶν καὶ ὀσίων*.

⁵⁵ Cf. Dem. 20.156 for an instance of a law that cites another law for particular provisions: Leptines prescribes that, in case someone proposes *ateleia* for a benefactor, he is to undergo the penalties stipulated for citizens who hold magistracies while still in debt to the city (namely death).

hibition against Plataeans holding *genos*-priesthoods, *τελεταί*, and the archonship, are noted by Kapparis as differences between the document and the following summary.⁵⁶ Apollodorus states at 106 that the naturalized Plataeans were banned from all the priesthoods, not just from those linked with a *genos*. Because of this inconsistency and the intrinsic grammatical difficulty of the sentence (*πλὴν εἴ τις ἱερωσύνη ἢ τελετή ἐστὶν ἐκ γένους, μηδὲ τῶν ἐννέα ἀρχόντων, τοῖς δ' ἐκ τούτων*), this part of the document has always been subject to many emendations, aiming to correct both its syntax and the phrases that are inconsistent with Apollodorus' account.

On the grammatical side, Reiske posited a lacuna after *τοῖς δ' ἐκ τούτων*, which introduced an exception to the provisions previously stated, and whose ending would have vanished in the tradition. The supplement proposed by Osborne (*ἂν ὧσιν ἐξ ἀστῆς γυναικὸς καὶ ἐγγυητῆς κατὰ τὸν νόμον*, “if they are born from a citizen and legally betrothed woman”), on the grounds of the comment made by Apollodorus at 106, might well be correct in principle,⁵⁷ but it is untenable on palaeographical grounds. As pointed out above, the manuscript tradition of Demosthenes does not have a medieval archetype, and the main manuscripts have been shown to stem from different ancient editions of Demosthenes, or better from different editions of speeches or groups of speeches. It is significant that the tradition exhibits no major variations, and is almost perfectly consistent in all the main manuscripts.⁵⁸ It defies probability that such a corruption could originate independently in every single ancient manuscript and was then copied in the medieval manuscripts. Moreover, as Blok and Lambert have recently argued, there is no intrinsic grammatical reason to intervene in the text of the document here.⁵⁹ The only

⁵⁶ Kapparis, *GRBS* 36 (1995) 369–370.

⁵⁷ Blok, *Historia* 58 (2009) 166, endorses Osborne's text.

⁵⁸ The *καὶ* of line 2 is absent from the text of **S**, but is subsequently added as a correction, and therefore is a scarcely significant variant.

⁵⁹ Blok and Lambert, *ZPE* 169 (2009) 104 n.62.

reason to do so is thus to make the document match the content of Apollodorus' summary. But this is, I have argued above, a *petitio principii*. The text should, in this regard, be accepted as it stands.

However, this is not the only attempt to emend this passage. Many scholars have considered the period in general as lacking both grammatically and in clarity. This is mainly due to the single *μηδέ* in line 4.⁶⁰ The best attempt to emend the period is that of Reiske,⁶¹ based mainly on the corresponding words of Apollodorus at 106: he alters the text after *πλήν εἴ τις ἱερωσύνη ἢ τελετή ἐστὶν ἐκ γένους* so as to read *τούτων μὴ μετεῖναι αὐτοῖς μηδὲ τῶν ἐννέα ἀρχόντων λαχεῖν* (or *γενέσθαι*).⁶² This solution is unsatisfactory as well. In the first place the structure of the period remains quite involved: the clause *τούτων μὴ μετεῖναι αὐτοῖς* merely repeats *πλήν εἴ τις ἱερωσύνη ἢ τελετή ἐστὶν ἐκ γένους*, which is already connected to the previous *μετεῖναι* (line 2), and therefore makes the period utterly redundant. Furthermore, the hypothesis of such a corruption is untenable for the same palaeographical reasons already cited.

Kapparis might be right when he claims that the problems here “should rather be attributed to the editor who inserted this document in the text, rather than the scribes.”⁶³ The problems in the text certainly occurred in the original insertion, whether it was an excerpt of the original decree or a forgery. But since, as shown above, the attempts to improve this hypo-

⁶⁰ Osborne, *Naturalization* D1; Kapparis, *GRBS* 36 (1995) 362–363.

⁶¹ G. H. Schäfer, *Apparatus criticus et exegeticus ad Demosthenem Vinc. Obsopoei, Hier. Wolfii, Io. Taylari et Io. Iac. Reiskii annotationes tenens* V (Berlin 1827) 587.

⁶² “They are not to have a share in those (i.e. the *genos*-priesthoods and rites) or to obtain by lot the office of the nine archons.” Kapparis, *Apollodoros* 396, does not expressly reject this proposal, even if he attributes all the alterations of the text to the original editor of the document. Blok, *Historia* 58 (2009) 166, accepts this intervention, but later, in Blok and Lambert, *ZPE* 169 (2009) 104 n.62, rightly rejects it as unnecessary.

⁶³ Kapparis, *Apollodoros* 396.

thetical excerpt by filling in its “omissions” seem to produce even more elaborate versions, it is highly implausible that the problems in the document arose from clumsy excerpting.

The main clue in this direction is far from conclusive: *μηδέ* rarely stands alone, but this is not impossible. Denniston devotes two pages to instances of *οὐδέ* or *μηδέ* without a negative preceding.⁶⁴ This is mainly a feature of poetry, but it is sometimes found in prose as well (e.g. Thuc. 7.77.1, Hdt. 1.215.2), with a strong adversative meaning. Furthermore, the two exceptions made to the provision *καὶ μετεῖναι αὐτοῖς ὧνπερ Ἀθηναίοις μέτεστι πάντων*, expressed (with a strong *variatio*) in the first case by *πλὴν εἴ*, and in the second by *μηδέ τῶν ἐννέα ἀρχόντων* dependent on the previous *μετεῖναι*, are probably quite unusual, but nonetheless grammatically possible. The clause seems for the most part to be grammatically coherent. Its certainly intricate style can hardly be explained by the deletion of some phrases in order to produce an excerpt. The text preserved in the *paradosis* is in this sense original, and should undergo a thorough analysis as it stands.

On the grounds of content, many scholars have tried to remove the inconsistency between Apollodorus’ account and the document by correcting its text. Apollodorus clearly states at 106 that *μη̄ ἐξεῖναι αὐτῶν μηδενὶ τῶν ἐννέα ἀρχόντων λαχεῖν μηδὲ ἱερωσύνης μηδεμιᾶς*, “the new citizens are neither allowed to take part in the archonships nor in any priesthood.” The document on the other hand claims that they are to have a share in everything the citizens do, *καὶ ἱερῶν καὶ ὀσίων, πλὴν εἴ τις ἱερωσύνη ἢ τελετή ἐστὶν ἐκ γένους, μηδὲ τῶν ἐννέα ἀρχόντων*. So they are not excluded from the priestships in general, only from those limited to members of a particular family. Riehemann⁶⁵ proposed adding *ἀλλὰ μὴ τῶν ἱερωσυνῶν* (“but not in the priestships”) after *καὶ ἱερῶν καὶ ὀσίων*, reversing the sense of the following exception: the Plataeans were not

⁶⁴ J. D. Denniston, *The Greek Particles*² (Oxford 1950) 191–192.

⁶⁵ Riehemann, *De litis* 47.

to hold any priesthood, except those connected with their own *genos*. This intervention, although it reconciles the text of the decree with the comments by Apollodorus, is very radical and unlikely to be right: the Plataeans did not need any authorization to preserve their own traditions.⁶⁶ On the other hand Osborne's proposal of moving ἀλλὰ μὴ τῶν ἱερωσυνῶν before μηδὲ⁶⁷ is equally difficult to accept. In this case in fact the exclusion from the *genos*-priesthoods would become altogether tautological, as the *genos*-priesthoods are in fact part of the priesthoods in general.⁶⁸ Thus it seems that every attempt to make the text completely consistent with Apollodorus' paraphrase is doomed to failure. The inconsistency cannot be removed by textual surgery and is another reason to reject the authenticity of the document.

Kapparis accepts the inconsistencies and explains them as a deliberate distortion of the decree by Apollodorus. The real provisions therefore would be preserved only in the quoted document. Yet this view creates problems as well. First of all, when at 92 Apollodorus undertakes to trace the provisions of the law on citizenship down to the naturalization grant for the Plataeans, he gives exactly the same account of its limitations as in his comment on the decree, in almost the same words: "the law expressly forbids that they should be eligible for the office of the nine archons or to hold any priesthood; but their descendants are allowed by the people to share in all civic rights, though the proviso is added: if they are born from an Athenian woman who was betrothed according to the law."⁶⁹ The rea-

⁶⁶ Cf. Kapparis, *GRBS* 36 (1995) 362, *Apollodoros* 395.

⁶⁷ Osborne, *Naturalization* D1. Blok, *Historia* 58 (2009) 166, accepts this proposal, but Blok and Lambert, *ZPE* 169 (2009) 104 n.62, reject it.

⁶⁸ Kapparis, *GRBS* 36 (1995) 362, *Apollodoros* 395. Cf. also MacDowell, *CR* 35 (1985) 319.

⁶⁹ The repetition of the provision ἀν ὧσιν ἐξ ἀστῆς γυναικὸς καὶ ἐγγυητῆς κατὰ τὸν νόμον in almost exactly the same words at 92 makes it very unlikely that this is Apollodorus' gloss, as proposed by Blok and Lambert, *ZPE* 169 (2009) 104 n.62.

sons for such limitations that are explained in that passage are then consistent with the nature of the offices: new citizens are excluded from all priesthoods and archonships, the actual religious authorities in Athens,⁷⁰ “in order to make sure that the sacrifices on behalf of the city are performed according to piety” (ὥστε δι’ εὐσεβείας τὰ ἱερὰ θύεσθαι ὑπὲρ τῆς πόλεως). Moreover, limiting the exclusion to *genos*-priesthoods would have been nonsense, since those were by definition limited to the members of particular families.⁷¹ It is hard to deny that Apollodorus’ account in this respect makes far better sense than the quoted document. The discrepancies here point decisively to the hypothesis of a post-Classical forgery.

The text of the document, with its involved syntax, reads like an awkward attempt to rephrase and supplement the information provided by Apollodorus while at the same time making it more precise.⁷² The priesthoods in general, because of the prohibition itself, are misunderstood as the ones connected with a *genos*, which were known as closed by definition to anyone but a few persons from particular families. *τελευταί* are then added as a further specification (i.e. a further example of prohibition). The word in Attic Greek stands for “ancestral rites,” and is usually (although not invariably) employed in connection with mysteries and initiation processes, and more generally about

⁷⁰ On the religious authorities in Athens see R. S. Garland, “Religious Authority in Archaic and Classical Athens,” *BSA* 79 (1984) 75–123, and R. Parker, *Athenian Religion: A History* (Oxford 1996) 7–8 on the archons, 56–66 on the role of the *gene* in Athenian religion.

⁷¹ See also Prandi, *Plataea* 114–115 n.61, and Blok, *Historia* 58 (2009) 166–177 n.107. Kapparis, *GRBS* 36 (1995) 369, explains the provision as directed against Plataeans eligible for *genos*-priesthoods by virtue of adoption into the relevant families. Such a contingency would have been very unlikely, and so it is likewise unlikely that it needed a specific provision. Cf. Blok and Lambert, *ZPE* 169 (2009) 104, for a similar rejection of Kapparis’ proposal.

⁷² For a similar attempt in a forged document to make the information provided by the orator more specific, cf. Harris, *CP* 87 (1992) 76–77.

very solemn and secret rituals.⁷³ The forger here had probably in mind the *hieros gamos* of the Basilinna with Dionysus, repeatedly defined by the orator as “secret” (74–75). The orator there, to explain the reason why the Basilinna must be a citizen woman who has not had intercourse with another man, uses the words *ἵνα κατὰ τὰ πάτρια θύηται τὰ ἄρρητα ἱερά ὑπὲρ τῆς πόλεως, καὶ τὰ νομιζόμενα γίγνηται τοῖς θεοῖς εὐσεβῶς*. This shows a striking resemblance to the reason he states for the prohibition against first-generation naturalized citizens becoming priests and archons: *ὥστε δι’ εὐσεβείας τὰ ἱερά θύεσθαι ὑπὲρ τῆς πόλεως*. It is not surprising that a forger thought of a connection between the two passages and considered it appropriate to add *τελεταί*, secret rituals, to the list of prohibitions for naturalized citizens. It is clear however that the two passages refer to different rules, concerned with completely different matters.

Another difference noted by Kapparis⁷⁴ between the clauses of the document and the account of Apollodorus concerns the prohibition on further grants of citizenship to Plataeans, after the scrutiny of the new citizens. At 106 Apollodorus paraphrases the clause with these words: *καὶ ὕστερον οὐκ ἔα γίγνεσθαι Ἀθηναῖον ἐξείναι, ὃς ἂν μὴ νῦν γένηται καὶ δοκιμασθῆ ἐν τῷ δικαστηρίῳ*.⁷⁵ Kapparis argues that these words imply a total prohibition valid forever, while the text of the document more plausibly states that Plataeans are still enabled to become Athenian citizens if it is so decreed by the people of Athens: *μὴ ἐξέστω ἔτι Ἀθηναῖω μηδενὶ γίγνεσθαι Πλαταιέων, μὴ εὐρομένω παρὰ τοῦ δήμου τοῦ Ἀθηναίων*. Kapparis is probably right about the improbability of a total prohibition: it would

⁷³ See J. E. Harrison, “The Meaning of the Word *τελετή*,” *CR* 28 (1914) 36–38, and F. M. J. Waanders, *The History of τέλος and τελέω in Ancient Greek* (Amsterdam 1983) 156–159, for surveys on the meaning of the term.

⁷⁴ Kapparis, *GRBS* 36 (1995) 364–366.

⁷⁵ “And he does not permit that anyone is allowed to become Athenian subsequently, who at the time did not receive the grant and was not scrutinized in court.”

have certainly been possible for the people to enact another naturalization decree subsequently. Yet the difference is not so great. Apollodorus might well have stressed the element of prohibition for his own reasons, but his statement can still (and should) be interpreted as referring only to further naturalizations on the strength of this particular decree. This can easily have been how a later editor read the statement as well, and the formulation in the document would be just a consistent, and somewhat redundant, rephrasing, which in addition makes explicit what in Apollodorus' account was only implicit. The reason for such a provision is obvious, and speaks for a date of the decree following the fall of Plataea and the trial, execution, and enslavement of its inhabitants: after these events, every Plataean who was still alive without having been in Athens at least from the flight in winter 428/7 (Thuc. 3.20–24) would have been suspected of treason and collaboration with the Peloponnesians.

Further differences between the document and the surrounding text speak against the document's authenticity. Kapparis has noted that some provisions occur only in Apollodorus' account and not in the document, namely the scrutiny for the Plataeans and the recording of the names of the new citizens to be set up on the Acropolis (it can be added that the document does not record the provision granting full rights to the sons of the Plataeans only if born of legally betrothed Athenian women).⁷⁶ He considers these differences evidence for the authenticity of the document: if it were a forgery, the forger would have included all the provisions listed by Apollodorus and not just some of them.⁷⁷ More likely, in his opinion, someone, "with access to the archives was able to retrieve" the original document and insert it "in the text at a later stage."⁷⁸ It

⁷⁶ For the practise of inscribing state decrees on the Acropolis see P. Liddell, "The Places of Publication of Athenian State Decrees," *ZPE* 143 (2003) 79–93, at 79–81.

⁷⁷ Kapparis, *GRBS* 36 (1995) 364, *Apollodoros* 387.

⁷⁸ Kapparis, *Apollodoros* 58.

can be easily answered that we should all the more expect the inclusion of all the provisions from such a careful editor. According to Kapparis, this editor chose to include just an excerpt, based on what he thought more relevant for the sake of the argument. Yet one can hardly maintain that the provision for the scrutiny of the Plataeans, a measure that clearly indicates Athenian reluctance to grant citizenship, is not relevant to Apollodorus' argument. His summary here must be reliable, because the court would have immediately noticed the discrepancy between his summary and the decree. It is difficult to explain the absence of these provisions if we think that the document is the genuine decree found in the archives by a careful scholar. The hypothesis of a post-Classical forger, as stated above, is a far better way to explain the clumsy rephrasing, additions, omissions, and modifications that are a common feature of post-Classical forgeries in other speeches. These discrepancies therefore point to the hypothesis of a forgery.⁷⁹

The name of the decree's proposer, Hippocrates, does not help to determine whether the document is genuine. This was a very common name in Athens and in the ancient world,⁸⁰ and the identification of the proposer with Pericles' nephew, elected general in 426/5 and 424/3 and killed at the battle of Delion,⁸¹ assumes what needs to be proved. The name could easily be the product of imagination, like the names of the eponymous archons in the *On the Crown*, created in order to enhance the credibility of the text. Most of these are names well attested in Attic prosopography, but they are not the names of fourth-century archons.⁸²

⁷⁹ MacDowell, *CR* 35 (1985) 319, in fact considers these very discrepancies as conclusive evidence that the document is not authentic.

⁸⁰ The *LGN* online yields 189 entries, 50 for Attica alone.

⁸¹ *PA* 7640; *APF* 11811 II; R. Develin, *Athenian Officials 684–321 B.C.* (Cambridge 1989) 469 no. 1419; *PAA* 538615.

⁸² See L. Schläpfer, *Untersuchungen zu den Attischen Staatsurkunden und den Amphiktyonenbeschlüssen der Demosthenischen Kranzrede* (Paderborn 1939), for the definitive analysis of the question. Examples in *On the Crown* are the archon

The most striking feature of the document and the only clause not provided by Apollodorus is the distribution of the Plataeans into demes and tribes (κατανεῖμαι δὲ τοὺς Πλαταιέας εἰς τοὺς δήμους καὶ τὰς φυλάς). This provision has long been considered an obstacle for those who believed in the authenticity of the document, “quia ex titulis apparet, δημοποιήτοις arbitrium demos et phylas eligendi Athenis permissum fuisse. Denique nihil in decreto de phratriis praeceptum invenimus, de quibus in titulis idem, quod de phylis ac demis praecipi solet.”⁸³ Osborne’s collection of naturalization grants seems to confirm this statement, yet two cases, D5 (naturalization of the Samians, 405/4 and 403/2, heavily restored) and D6 (naturalization of the heroes of Phyle, 401/0, completely restored) seem to show that in mass grants the Athenians did not let the new citizens choose deme, tribe, and phratry as usual.⁸⁴ On the contrary, they may have ordered a distribution carried out by the archons (D5.33–34 νέμαι [αὐτὸς αὐτίκα μάλα τὸς ἄρχοντας εἰς τὰς] φυλάς δέκαχα, but D. M. Lewis, *IG I³* 127 and M.-L. 94, restores differently), as stated by the document. Prandi considers this the only clause that preserves “la lettera del decreto originale,” and Lambert notes that “in this respect at least, the phrasing is typical,” while Osborne and Kapparis regard it as the strongest point in favor of authenticity.⁸⁵ It must be noted however that our sample here consists of only two decrees, and the extensive restorations in both should pre-

Mnesiphilus in the decree at 29, whose name is invented; at 73 not just the name of the archon Neocles is made up, but the proposer of the decree, whom Demosthenes indicates at 75 as Eubulus, the famous statesman son of Spintharus, from Anaphlystos, becomes Eubulus son of Mnesitheus from Kopros. At 75 Aristophon of Azenia becomes Aristophon of Kollytos. At 105 the archon Polycles is again invented, and so on in nearly every decree quoted in the speech.

⁸³ Riehemann, *De litis* 45.

⁸⁴ For the rationale for omission of the phratries from mass naturalization grants see S. Lambert, *The Phratries of Attica* (Ann Arbor 1993) 51–53.

⁸⁵ Prandi, *Platea* 114–115; Lambert, *Phratries* 51–52 n.116; Osborne, *Naturalization* II 13–14; Kapparis, *GRBS* 36 (1995) 367.

vent us from drawing conclusions or generalizations about what was typical of mass naturalization grants, and from claiming therefore that alleged similarities speak for the authenticity of the document. D4 is completely restored, and D5 allows us to read no more than *νέμαι* and *φυλὰς δέκαχα*. If we still want to claim that the typical formula occurs in the two decrees, we should be aware that the wording, where the inscriptions are not restored, is not in fact exactly the same: as already noted by Kapparis (364) the expected verb would have been *νείμαι* as in D5, instead of *κατανείμαι*, which is used in Classical inscriptions mainly with reference to the allocation of seats in the theatre.⁸⁶ Furthermore, the tribes are named with the specification *δέκαχα*, absent from our decree. Although these few discrepancies do not by themselves impugn the clause, they accord with the general impression of language inconsistent with documents from the Classical period.

Moreover, apart from the wording, one fragmentary inscription cannot provide grounds to claim that, in content, the document conforms to a pattern, since there is no pattern we can identify with any confidence. The hypothesis that the parallelism, if there is any, might be due to an external source which provided the editor of the document with knowledge of the methods of a (or this) mass naturalization grant cannot be completely excluded. Yet it must be observed that the extant literary sources do not provide any information at all about the enrolling of new citizens in demes, tribes, and phratries. The only other passage from which it would have been possible to find some evidence about the process is Lysias 23.2–3, where a certain Pancleon claims to be an Athenian citizen since he is a Plataean. The accuser consequently asks him about his deme so that he can summon him in front of the court of the tribe. This passage thus names only demes and tribes, and not the phratries, exactly as our document does, and does not mention

⁸⁶ E.g. *IG II²* 456, 466, 500, 512, 567, 792, 900; *Agora XVI* 142.4, 188.43; *Hesperia* 43 (1974) 322 no. 3.

whether the Plataeans, or any other naturalized foreigner, actually chose or were distributed among them.

Information from Lysias 23 has been used to argue in favor of the authenticity of the clause in the document,⁸⁷ but this speech could equally have been the source used by the forger who composed the document.⁸⁸ It is possible then that for an ancient forger, trying to supplement the information provided by Apollodorus but without any epigraphic evidence available, the possibility of a distribution was as likely as the possibility that new citizens could choose their deme. A striking resemblance to a very famous (today and probably in ancient times) passage of Herodotus could be a possible explanation for the choice of the verb *κατανεῖμαι*. At 5.69 he recalls that Cleisthenes *τοὺς δήμους κατένειμε ἐς τὰς φυλάς*. The meaning is here completely different, since Herodotus is talking about the distribution of the demes among the ten tribes, yet the words are exactly the same, and it is not impossible that this was the model the forger had in mind when he opted for the clause *κατανεῖμαι δὲ τοὺς Πλαταιέας εἰς τοὺς δήμους καὶ τὰς φυλάς*.

To sum up, the document contains many features of language and terminology that are inconsistent with similar grants of citizenship. Moreover it exhibits syntactic features hardly compatible with a decree of the fifth century. The text in this form can hardly have been either the actual text of the decree or an extract from it, for emendations have produced even less credible versions. The other proposal, advanced by Luisa Prandi, that it is a rewording of the original decree,

⁸⁷ Cf. Prandi, *Platea* 115; Kapparis, *GRBS* 36 (1995) 367. That the speaker does not mention any enquiry in a phratry is not very relevant, since Pancleon, to be an Athenian citizen, had to be member of a deme anyway. Membership solely in a phratry would not have been enough, and so, to prove that Pancleon was not a citizen (which is the goal of the accuser), the enquiry in the deme was sufficient.

⁸⁸ For instance, the author of the forged document at Dem. 21.47 used information about the law of *hybris* found at Aeschin. 1.15. See Harris, *Demosthenes, Speeches 20–22* 103–104.

obviously composed in a post-Athenian context,⁸⁹ is hardly credible. It is difficult in fact to imagine why a late editor of the speech who had access to the actual decree should have modified the text before inserting it. In fact, where the document and the account given by Apollodorus diverge, the words of the orator seem in general to make much better sense or contain more reliable information. Apollodorus gives a consistent account of the procedure for granting citizenship throughout his speech, one superior to that found in the inserted document, and the discrepancies make the case for forgery the most economical and the most plausible. In order to reconstruct the conditions of the grant to the Plataeans it is safer therefore to rely on Apollodorus' account and to dismiss the document.⁹⁰

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⁸⁹ Prandi, *Platea* 113. Kapparis, *GRBS* 36 (1995) 373 (and *Apollodoros* 387), dismisses this hypothesis as if referring to an Athenian revision, but this is not what the text of Prandi seems to suggest.

⁹⁰ The idea for this article was suggested to me by Edward M. Harris. He has been source of invaluable help and advice at every stage and on every aspect of my work, showing infinite patience and always providing me with both encouragement and insightful suggestions. I owe him a great debt of gratitude.