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Review of M. Canevaro, *The Documents in the Attic Orators*: *Laws and Decrees in the Public Speeches of the Demosthenic Corpus* (Oxford U.P, 2013)

Mirko Canevaro has been engaged with questions about the authenticity of documents in the Attic orators since writing his BA thesis on Demosthenes *Against Timocrates* at the Università degli Studi di Torino in 2006. A doctoral thesis ('*The Documents in the Public Speeches of Demosthenes*'), written under the supervision of Edward Harris at Durham University, followed in 2012; the book under review is a much revised version, including 'heavily' and 'slightly' expanded versions of articles published since 2010 (one co-authored with Harris). Five chapters each treat state documents (laws, decrees, trierarchic registers, an oath) from a Demosthenic speech (23, 24, 59, 21, 18: the chapter on 21 is authored by Harris), meticulously testing them for authenticity and reliability, and profiling characteristics of their 'editor' and 'inventors'. A superb introduction reviews scholarship especially stichometrics; a far-reaching concluding chapter hypothesizes an origin for the two major classes of document: (1) The stichometric and (likely) reliable documents were inserted into an early Athenian Hellenistic edition overseen by Demochares (Demosthenes' nephew); Canevaro designates this early edition as the *Urexemplar*. (2) The non-stichometric documents (the fabricated ones) might have originated in a rhetorical school as Droysen had hypothesized in the nineteenth century. Canevaro follows him and more recent scholars who have refined that hypothesis; they see the cultural context for the production of documents as flourishing during the Second Sophistic, especially in the deliberative and judicial speeches composed for imaginary debates and trials by rhetors and their students (7.2). Canevaro would like to push the beginning of this trend earlier: one third century BCE historical declamation (P.Berol. 9781) provides an example of 'how careful legal and antiquarian information was used by teachers and rhetors to produce speeches remarkably accurate, and yet marred by errors, anachronisms, and misunderstandings, quite similar therefore to our non-stichometric documents' (p. 339). The 'forgers' of documents were likely to have been learned men such as these, who sought 'not to deceive readers, but rather to fill gaps in very important texts' (p. 340). In an interesting coda to this presentation, Canevaro suggests that some of their larger creations (i.e., whole speeches) may even have crept into the Demosthenic corpus.

Nineteenth and early twentieth century scholars (Ohly, Burger, Drerup, Goodwin) had noted the appearance of alphabetic numerals at the end of some medieval manuscripts of surviving Demosthenic speeches and hypothesized that they represented the total number of lines (*stichoi*) of individual speeches in an early manuscript; these numbers no longer matched the total lines in the medieval mss. of the speeches (Intro. I.3). They also identified alphabetic numerals in the margins of some Demosthenic mss. as markers of equivalent batches of 100 lines (partial stichometry) by which scribes were paid; while the numerals no longer marked 100 line sections in the medieval mss. (for the line lengths differed and also many intervals had lost their marks), nevertheless, when they did appear, they were placed next

to the same phrases in the mss. that carried them. Since in most cases the amount of text between one marginal numeral and the next (or the hypothesized 'next') is equal only if the documents in those sections are excluded from the count, the obvious inference was made: the documents were not in the text when the lines were first counted. There were some cases, however, in which a document that was included between one numeral and the next did not extend beyond the 100 line limit: here the document must have belonged to the text when it was first published (the *Urexemplar*). That it was an early edition in which the stichometric documents were inserted is supported by the uniformity of their appearance in both medieval and ancient witnesses: 'if they [i.e., the stichometric documents] were present throughout the tradition, they must have been present from the beginning' (p. 18). This thesis, based on the absence of a medieval archetype (Pasquali 1934: 271-8), places the 'common origin of the different ancient editions (and therefore of the medieval families)... as far back as before the tradition diverged, before it spread round the ancient world...' C. p. 8 n. 23).

Canevaro has refined the method: instead of calculations of 100 line intervals based on some roughly equivalent number of lines of a modern edition (e.g., Tauchnitz or Teubner) calculated on the basis of an average number of letters per line in ancient editions (pp. 23-4), he used a Microsoft Word tool called 'Character Count Without Spaces' and has arguably hit upon more precise counts: he measures the number of letters per 'ancient' section (again based on the calculation of the average number of letters per line) directly against the number of letters in modern editions, without making any equation of line counts between ancient and modern editions. While the new method generally corroborates the results of earlier scholars, Canevaro shows that some calculations are wrong: e.g., stichometry (based on 'character count') cannot provide evidence for the inclusion of the ἐγκλήματα of Dem. 37 in the *Urexemplar* (pp. 24-25: contra Christ and Burger); but it can with certainty show the exclusion of all the documents in [Dem.] 59 from the original edition (p. 25: corroborating Burger contra Christ).

All this matters a great deal: if one buys into the stichometric hypothesis, then one can identify documents that belonged to the *Urexemplar* and these, as mentioned already, are of greater authority than the documents that were inserted later. Although Canevaro presents this conclusion early on in the study, it is the result of painstaking examination (chapters 2-6) of the authenticity of all inserted state documents in the five speeches. These fall into three categories: those that certainly belonged to the *Urexemplar* according to stichometry, those that may have belonged (in cases where the number of characters falls a bit short or a bit long to allow for certainty), and those that clearly did not. The last category comprises documents that were inserted in the speeches later than those in the *Urexemplar* and are clearly (as Canevaro argues) of a different and varying character: 'they must have entered the speeches at very different times, in very different contexts, and must be considered separate groups' (p. 12); indeed, they turn out to be forgeries, or rather 'reconstructions' that are unreliable.

Canevaro carefully sets out the principles for determining authenticity in the first chapter (pp. 27-36):

(1) A paraphrase of a document that immediately precedes or follows it can be relied upon to represent the contents of the original document–which is not necessarily the same document that was inserted into the ms. Orators might misinterpret a document that was read to the court (as Andocides does in 1.88: see Canevaro p. 29), but they did not mis-report them in their paraphrases; on occasion, however, they did

quote selectively or added small details, but 'only when the actual quotations were at a safe distance' (p. 31).

(2) Details and provisions in inserted documents that are absent from summaries and paraphrases that precede or follow them are not automatically evidence of their authenticity (as has often been argued). The additional materials in the documents should be considered the product of a forger, unless they can be 'confirmed by independent evidence and conform to the language and formulae of contemporary inscriptions' (32-34).

(3) The texts of the documents should be analyzed as they are found in the *paradosis*: scholars should not emend, transpose, or delete to produce a more acceptable text; only '[I]f one can determine on the basis of external evidence that a particular document is genuine, is it then legitimate to attribute minor errors to scribes copying the text. But to assume that a document is genuine and therefore to attribute every mistake to medieval scribes begs the question.' (p. 34).

(4) Comparative material for authenticating content and terminology 'should conform to the language, style, and conventions of classical Athenian inscriptions of the same type' though slight variations might be allowed (pp. 34-35).

Even a quick glance at these principles is enough to notify the reader that Canevaro is navigating a slippery slope; but, absent any complete inscribed text of a law or decree that is also cited and read to the court in a speech, that peril is part of the territory. Nonetheless, the risks exist in plenty; for example, in regard to applying the principles (pr.) listed above: (pr. 1) modern scholars may find difficulties in distinguishing paraphrase from the orator's (mis-) interpretation (e.g., on D. 21.47, see below); (pr. 2) the interpretation of corroborative evidence may be questionable (see below on D. 23.28 and D. 21.47); (pr. 3) emendations sometimes may slip in even before discussion of the *paradosis* occurs (D. 23.28); and (pr. 4) while the use of comparative material from contemporary inscriptions is an exemplary principle, it is bounded with its own risks (e.g., on D. 21.8). The greatest peril, however, might be a temptation to treat stichometric documents (many of which appear in 23 and some few in 24) with a zealous bias to prove authenticity and the non-stichic with a zealous bias to prove the opposite—or to pre-determine the category to which an uncertain document belongs (where the character count could go either way) and argue accordingly. Canevaro, however, is scrupulously fair-minded and goes the last mile (and even further) in every case.

If we crudely view the results of the proofs of authenticity, we find:

(1) Dem. 23: All 11 documents (decrees and laws) belonged to the *Urexamplar* and all turn out to be reliable; however, some caveats are given in regard to the laws inserted in §§51, 53, 60, 62, 86, 87: the law in §51 lacks parallel evidence; the one in §53 cannot be perfectly accounted for; and the rest are very close to the paraphrase inside the speech; these circumstances do not allow an assessment of the editor's achievement (the quality of the 'editor' of the inserted documents becomes a significant focal point for C.'s thesis in the last chapter).

(2) Dem. 24: Of the 14 documents (laws, decrees, and an oath, incl. the law at §71 that repeats, in abridged form, that at §§39-40), 4 definitely belonged to the *Urexemplar* (39-40 and 71, with some reservations; 42; 45); 5 are indeterminable by character count and so may or may not have belonged to it (50, 54, 56, 59, 63); and 5 were not in the *Urexemplar* and are unreliable. Of the 'indeterminable': the law on *res iudicata* at §54 appears 'to be a well-informed yet clumsy reconstruction made by someone

who was well versed in the Demosthenic *corpus*, but whose work was not very accurate' (p. 142: note again the description of the fabricator here); the law on supplication at §50, however, is reliable and so probably belonged to the *Urexemplar*; Timocrates' law on *eisangelia* at §63 is also reliable (for content, technical terminology, and language consistent with contemporary inscriptions) and thus should be considered a part of it.

(3) [Dem.] 59: None of the four documents cited here (3 decrees and 1 law) were included in the *Urexemplar*. Three are definitely inauthentic (at §§52, 87, 104) but the law on marrying foreigners at §16 receives a *non liquet*.

(4) Dem. 21 (this chapter is by Harris): None of the 5 laws belonged to the *Urexemplar* and none are authentic. The argument in this chapter is less nuanced than in the others.

(5) Dem. 18: None of the 20 documents discussed in this chapter (17 decrees, 1 law, 2 trierarchic registers) belonged to the *Urexemplar* and none are reliable.

Canevaro's thesis, to repeat succinctly here, is that inserted documents should be seen as belonging to different groups and that those belonging to the *Urexemplar* were inserted at the same time by one early editor at Athens who was savvy about Athenian laws and decrees and so inserted only authentic ones (hence the frequent characterizations of the 'editor'). Most of the diffcult cases for maintaining this thesis are the documents for which the stichometric calculation can neither guarantee nor gainsay inclusion in the *Urexemplar*. In these cases, when the evidence adduced tends to authenticate the document, C. has a tendency (*petitio principii*?) to ascribe it to the *Urexemplar* (e.g., 24.50 and 63) rather than to a slightly earlier or later (shall we say) 'responsible archivist'. In other words, there is a tendency (admittedly slight) to create the *Urexemplar* rather than to discover it.

The hardest case for determining authenticity, to my mind, however, is a document that unequivocally belonged to the *Urexemplar*, the law inserted at D. 23.28:

> Τοὺς δ' ἀνδροφόνους ἐξεῖναι ἀποκτείνειν ἐν τῇ ἡμεδαπῇ καὶ ἀπάγειν, ὡς ἐν τῷ ⟨α′⟩ ἄξονι ἀγορεύει, λυμαίνεσθαι δὲ μή, μηδὲ ἀποινᾶν, ἢ διπλοῦν ὀφείλειν ὅσον ἂν καταβλάψῃ. *εἰσφέρειν δ' ἐ⟨ς⟩ τοὺς ἄρχοντας, ὧν ἕκαστοι δικασταί εἰσι, τῷ βουλομένῳ.* τὴν δ' ἡλιαίαν διαγιγνώσκειν.
>
> εἰσφέρειν–διαγιγνώσκειν. Lex. Pat. ad loc.
>
> ⟨α′⟩ ἄξονι add. Cobet | ἀπαγορεύει A | δ' ἐ⟨ς⟩ add. Schelling: δέ codd.: om. Y | ἀναγιγνώσκειν S^{a}Y

The law falls into two parts: a 'Drakontian provision' (permitting the killing of the convicted murderers in the *hemedapēi* and their arresting) is indicated by the mention of its appearance on an *axon*; this is followed by an 'amendment' forbidding maltreating and ransoming the convicted killer (λυμαίνεσθαι δέ...). C. points out and explains away minor discrepancies with the first part that appear in the paraphrase (§§29 and 31: the absence of ἐν τῇ ἡμεδαπῇ and use of εἴρηται for ἀγορεύει). He thinks Cobet's proposed numeral for the axon is 'very likely' (p. 52) given Stroud's discovery of a 'second axon' at the bottom of the stele now designated *IG* I^3 104 (R. Stroud, *Drakon's Law on Homicide* [Berkeley 1968] 16-18), but C. provides no parallel for so precise an Athenian cross-reference; this is simply injudicious (cross-references are usually vague, *pace* Stroud 1968: 55 n. 101) and is not relevant to the argument of authenticity. The καί coupling ἀποκτείνειν ('kill', 'put to death') with ἀπάγειν

(‘arrest’) in the Drakontian part is of more interest: C. explains (p. 48) that *Demosthenes* misrepresents the procedure (§31) so that arrest is procedurally prior to an execution imposed by law (so καί = ‘and’ and the construction is *hysteron proteron*)—but does not explain how the καί worked without that misrepresentation: presumably it was ‘disjunctive’ in the inscribed Drakontian provision (what Denniston in *Greek Particles* [Oxford, 1934], 292.8 describes as ‘linking alternatives’; cf. Hansen in *Apagoge, Endeixis, and Ephegesis* [Odense 1976] 15): but can we be so sure that καί rather than ἤ appeared there (cf. restorations, *exempli gratia*, by Stroud [1968] 55, n. 102 and Gagarin in *Drakon and Early Homicide Law* [New Haven 1981] 61, n. 85)? Only a few letters (τ̣ει ἐμεδ̣) are preserved of what has been hypothesized to replicate the clause allowing ἀποκτείνειν and ἀπάγειν in *IG* I^3 104.30-31 and so *nothing* of 23.28 can be based on that text.

Perhaps this is a minor problem—but it might also point to a later reconstruction—for problems abound thereafter: the double penalty for those who maltreat the convicted murderer or demand ransom from him is not paraphrased by the speaker, neither in the following section nor later in the speech, and so has no corroboration; only skimpy reasoning suggests an analogue with the double penalty belonging to a *dike blabes* when the offence is committed ἑκών (D. 21.43), but the offence, according to C., will be a *graphe* not a *dike* because the convicted murderer (being *atimos*) cannot bring the case himself—nothing ‘unacceptable’ but not necessarily ‘authentic’ (p. 52)—and without certain parallel in Athenian law. (But the law omits to prescribe to whom the double penalty is paid: if even half goes to the victim or his family, then we have the extraordinary case of compensation to a victim in a public action; cf. Scafuro *Dike* [2005] 7: 113-33, arguing for such procedure in Dem. 21.10 and cf. C. p. 186 on [D.] 59. 16). As for the penultimate sentence of this law: the object of εἰσφέρειν is omitted and so the identity of the offender who is to be brought to justice is at first unclear. Presumably it is not the trespassing convicted murderer: the reference to the axon is a cross-reference, implicitly directing those who want to proceed against him to inspect the (Drakontian) axon. (Note that D.’s description in §31 of the activity of the *thesmothetai* on the [Drakontian] axon—they are to punish with death those who have gone into exile for murder—appears to derive from his own learning or spin; we have no idea what appeared on the axon at this point.) Consequently, the instructions prescribed here must be for those proceeding against ‘maltreaters’ and ransomers (so Gagarin 1981: 25). Attic idiom, however, has been jettisoned along with clarity and the object of the verb: we expect εἰσάγειν (not εἰσφέρειν) when prosecutors bring cases or when magistrates introduce them to court, yet C. endorses εἰσφέρειν here without Attic parallel and as argument offers: ‘if the amendment is very archaic, then the formula might not yet have been fixed’ (p. 53). Oddities continue: τοὺς ἄρχοντας appears as subject of the apparently archaic verb with τῷ βουλομένῳ as ‘*dativus commodi*’ (‘the archontes *eispherein* for anyone who wishes’), producing an anomalous procedure, even if we could properly discern the verb’s meaning (C. does not translate it in his discussion of the passage). In fact, the sentence is so awkward that emendation must be accepted, and C. accepts it (as most editors have since Schelling: see app. crit. cited earlier) because of the apparent reliability of the document! This is a hard nut to swallow, for reliability for the whole is based on an alleged external corroboration (which is a desirable principle) of δικασταί and διαγιγνώσκειν in the final three clauses, by the duo δικάζειν and διαγιγνώσκειν in *IG* I^3 104.11-13 (e.g. H. J. Wolff, *Traditio* 4 [1946] 75-6); yet the meaning of the two clauses (and one emended) *εἰσφέρειν δ’ ἐ⟨ς⟩ τοὺς ἄρχοντας, ὧν ἕκαστοι δικασταί εἰσι* in conjunction with the final sentence

τὴν δ' ἡλιαίαν διαγιγνώσκειν can only be wishfully extrapolated (*not* corroborated) from the δικάζειν/διαγιγνώσκειν contrast (as in Hansen *C&M* 33 [1982/83] 27). In the inscribed text, δικάζειν has its own specific magistrates (the *basileis*, 11-12) for its subject (cf. *Ath. Pol.* 52.3); corroboration is a red herring. Discussion of the apparent parallel with the law apud Dem. 43.71 (τὰς δὲ δίκας εἶναι περὶ τούτων πρὸς τοὺς ἄρχοντας, ὧν ἕκαστοι δικασταί εἰσι) is eschewed (p. 55, n. 74) because, as an inserted document, it would require full discussion (not to be denied, but a loss not to provide it here!). As for the final word of the law, no mention is made that ἀναγιγνώσκειν not διαγιγνώσκειν appears in the *paradosis*, notwithstanding the latter verb's occurrence in the Lexicon Patmense.

This, I said, is (to my mind), the hardest case. So put, one might argue that Canevaro's thesis rests with it: there are real difficulties in the law and C. deals with them valiantly: but is his case persuasive? Possibly there may be a way to strengthen the case, e.g., by combining the law at 23.28 with that at 23.51 (cf. Rhodes and Leao, *The Laws of Solon* [London 2015], 37 following Hansen *Apagoge* [1976] 113-18); but that will not erase the textual problems. More likely, this is an instance of an unreliable stichometric document and consequences follow: the stichometric documents are not uniformly reliable—(a) either the editor has slipped up or there is a collaborator (a lesser 'co-editor'—an uncle, son, boy lover?); or (b) the *Urexemplar* was composed perhaps a bit later (still third century and Athenian), from smaller collections of speeches, one with documents collected by a Demochares-like editor (if not himself) and others by less fastidious editors—or some variant of this. In any event, readers are to be cautioned against any clear-cut conclusion for the evidence does not allow it—nor does the author: consider C's final words on 59.16 ('the law on marrying foreigners'), a law that definitely was not part of the Urexemplar: 'The document might be a skilful forgery, a genuine statute found by a later editor and inserted in the speech, or a reconstruction based on trustworthy sources now lost to us,' (p. 187). C.'s discussion of Timocrates' law at 24.39-40 and its abridgement at §71 also exhibit ambiguities: 'stichometric analysis shows that both of the documents, *at least in part*, were in the Urexemplar' (p. 114: ital. mine). The questionable parts are the prescript and final provision; these are meticulously discussed by C. who concludes either that they 'are slightly corrupted, and they have been so from the very earliest stages of transmission, or that all or part of them was added much later together with the forged documents in the speech' (p 120-21). C.'s first suggestion is not so very different from the alternatives for 23.28 that I offered above. C.'s thesis is, then, elastic: it allows for a kernel of genuine law with a husk of inauthenticity even if he has not articulated it in that particular way.

Readers will have to determine for themselves how much of the slippery slope is stable ground. I have found C. to be a judicious and admirable guide but I occasionally find his and Harris' arguments on details unpersuasive (as in the case of 23.28).

(1) On the law apud 24.33 ('*nomothesia* and opposing laws'), C. p. 104 observes that D. introduces the law that is about to be read as one that explicitly forbids the introduction of a conflicting law and that if anyone does introduce one, the law γράφεσθαι κελεύει, §32); specifically, C. p. 103 tells us, the offender was liable to a γραφὴ νόμον μὴ ἐπιτήδειον θεῖναι. Extrapolating from MacDowell 1989: 257-72 (*Symposion 1985*, ed. G. Thür) and 2009: 46-7 (*Demosthenes The Orator*), C. thinks that D.'s phrase γράφεσθαι κελεύει means 'that the law permits anyone to bring a public action and lays down the procedure for it.' C. then objects that the law that follows does not lay down any procedure but

instead refers to another law. *Pace* C.: the Greek phrase more simply means ‘provides that a public indictment be made’ and does not require a more detailed description of procedure (for public indictment *is* a procedure) but even if it did, the cross reference to the law ‘ἐάν τις μὴ ἐπιτήδειον θῇ νόμον’ is sufficient; the reader/potential prosecutor is directed to that law to find the procedure; this is not uncommon in Athenian and Greek law, however vague it may sound to us. (Note that the inserted law tells us that the procedure is by *graphe*: τὰς γραφὰς εἶναι κατ᾽ αὐτοῦ κατὰ τὸν νόμον ὃς κεῖται, ἐάν τις μὴ ἐπιτήδειον θῇ νόμον; it is difficult to see C.’s point here—is it that the law is given a shorthand reference by citing its protasis without the apodosis?) The point does not affect C.’s overall treatment of the law, but it is disappointing to see so weak an argument used to butress his case against it.

(2) On the law apud 24.39-40 (‘the law of Timocrates’: for its relation to the *Urexemplar*, see above), C. pp. 115-16 argues that some mss. (SY) preserve a more accurate reading at §40 init. with the accusative τὸν δεσμόν (other mss. supplied the genitive plural; modern editors vacillate, some retaining the accusative, some supplying the genitive singular or plural). The sentence in question using C.’s preferred reading is: τῷ δὲ καταστήσαντι τοὺς ἐγγυητάς, ἐὰν ἀποδιδῷ τῇ πόλει τὸ ἀργύριον ἐφ᾽ ᾧ κατέστησε τοὺς ἐγγυητάς, ἀφεῖσθαι *τόν δεσμόν*. On p. 116, C. cites a paraphrase in 24.207 as a parallel to ἀφίημι with dat. pers. and acc. rei (LSJ II.2c): εἴ τινι προστετίμηται δεσμοῦ κἂν τὸ λοιπόν τινι προστιμήσητε, τοῦτον ἀφεῖσθαι and he says: ‘This is the structure we would expect in the actual law, since the person is expressed with the *dativus* τινι’. Here, however, the first τινι goes with προστετίμηται and the second with προστιμήσητε and so τοῦτον is *acc. pers*. (LSJ s.v. ἀφίημι II.1b) and subject of the imperatival infinitive; implicit is τοῦ δεσμοῦ, the ablatival genitive, ‘from imprisonment’. (Note that in the clause τοῦτον ἀφεῖσθαι, the verb is passive; the ‘parallels’ cited by C. are all active except for the one from Polybios 21.24.8: μόνον ταύταις ἀφεῖσθαι τὸν φόρον; none are middle. If the clause τοῦτον ἀφεῖσθαι is to have the meaning C. ascribes to it, with acc. rei, then it could possibly mean, ‘*this*, i.e., the prison penalty, is to be remitted’ but it is unnatural to understand τοῦτον as having any antecedent other than τινι.) The paraphrase here and also at §93 differs from the phrasing of the document if the latter is read with SY’s τὸν δεσμόν. Since the medieval mss. themselves differ in their reading at §40 init., and while the paraphrases support one of those readings, nothing at all can be determined about the correctness of the document on this point.

(3) On the law apud 24.42 (Diocles’ Law, part of the *Urexemplar*), C. accepts Hansen’s interpretation of …τοὺς νόμους …ὅσοι ἐπ᾽ Εὐκλείδου ἐτέθησαν καὶ εἰσὶν ἀναγεγραμμένοι as referring to new enactments (ὅσοι… ἐτέθησαν) and to a separate category of laws, those of Draco and Solon (εἰσὶν ἀναγεγραμμένοι) mentioned in Andocides 1.81-2, 85, 89 for 403/2; but for this meaning, one would expect an additional ὅσοι after καί. See especially the argument on p. 125. The interpretation cannot stand.

(4) On the law apud 24.54 (concerning ‘res iudicata’, indeterminable whether it was a part of the *Urexemplar*; while ‘well-informed’, it resembles non-stichometric documents: p. 142), C. gives attention *inter alia* to the apodosis: μὴ εἰσάγειν περὶ τούτων εἰς τὸ δικαστήριον μηδ᾽ ἐπιψηφίζειν τῶν ἀρχόντων μηδένα, μηδὲ κατηγορεῖν ἐώντων ἃ οὐκ ἐῶσιν οἱ νόμοι. C. p. 141 interprets ἐώντων as a genitive plural participle somehow dependent on τῶν ἀρχόντων

μήδενα and finds it 'unparalleled and grammatically hard to accept'; but surely ἐώντων is a third person plural imperative; the preceding negative infinitives μὴ εἰσάγειν … μηδ' ἐπιψηφίζειν are used as negative imperatives and the following clause (μηδὲ κατηγορεῖν ἐώντων) switches to a third person plural imperative. It is not uncommon for inscribed laws to switch from one type of imperatival form to another; cf., e.g., ll. 29-49 of the grain tax law (SEG 48.96; R&O no. 26, 374/3). Translation remains the same as appears in Canevaro.

(5) On the law apud 59.87 ('the law on seduction', not a part of the *Urexemplar*), C. admirably runs through all the controversies that the law has raised and concludes that it is a later insertion, although 'it does not present any feature absolutely unacceptable in an authentic Athenian statute' (p. 196). The only point I raise here concerns the significance attached by C. and others to the absence of the (genuine) penalties against the woman that are reported by Aeschines (1.183); on the other hand, C. does not find it strange that a putative forger has not in this case looked for assistance from the orators more widely (such 'assistance' is frequently suggested as a source for fabrication, e.g. on p. 69 for the law on lawful homicide; pp. 109-10 for Epicrates' decree; pp. 207-08 for the Plataean oath; p. 227 for the law on hybris). Why, then, hasn't the putative forger of 59.87 looked elsewhere? Is this just plain shoddiness on his part, or did he simply deem the penalties irrelevant and so chose not to copy them? C. objects, however, to any argument that the absence of penalties on the woman is purposeful abbreviation of the original law: why would a later editor only include, he asks, 'what could easily be drawn from Apollodoros' words?' (p. 195). Surely this is to enter into the head of the ancient forger/editor too confidently—but if I were to play that game, I would suggest that a different strategy might have guided this lazy or stupid 'editor/law retriever': he is only looking to find the law that Apollodoros cites; he abbreviates as he pleases, but makes sure that he includes what Apollodoros has paraphrased as his aim is to demonstrate Apollodoros' accuracy and he has no concern for presenting the entire law; he is doing his job, as he perceives it. Admittedly, there are dangers involved when entering the head of an ancient editor or forger.

(6) On the law apud 21.8 ('about the *probole*', not a part of the Urexemplar): Harris p. 215 f. digresses on the procedure of *probole* and claims that it involved only a vote in the Assembly and is not related to a subsequent trial; he ignores Ath. Pol. 59.2 which informs us that the *thesmothetai* introduce *probolai* (along with *eisangeliai* and *katakheirotoniai* (= *apophaseis*; see in *Eisangelia* [Odense 1975] 44])—there may be ways to argue around the obvious interpretation (that the *thesmothetai* are to be seen here as introducing cases into the *dikasteria* and not before the Assembly), but the passage at least deserves acknowledgment. To discount the law's authenticity (apud 21.8), H. claims on p. 215 that the present infinitive χρηματίζειν does not appear in fourth century laws and decrees, but it has been read in *IG* II^2 103.16 even if it may no longer be visible today; it definitely appeared in the fifth century (*IG* I^3 138.18), but H. has limited his search to the fourth century; yet χρηματίζειν appears frequently in Demosthenes' paraphrases of laws not only at 21.9, but also at 24.29 and 55; moreover, the same present infinitive appears in an *inserted* law at 24.45 (and again in the paraphrase that follows in §46), and C. on p. 129 has accepted that law as part of the Urexemplar! Is χρηματίζειν, then, to be accepted in 24.45 but not in 21.8? Or is 24.45 also a forgery, even though it is definitely a part of the Urexemplar? Additionally, H. p. 215 and confusingly again on 216 claims that the third person plural imperative in –τωσαν is 'unacceptable' since there is no inscribed instance of the form until after 350

BCE (actually, it appears first in *IG* II[3] 292 [=II[2] 204] in 352/1); yet on p. 222 he assigns the law's enactment to a vague few years earlier than 346 (the year assigned to the speech): this looks absolutely fine for a third person imperative appearing here! Nonetheless, the calculation cannot be right, for H. is sloppy in dating the law and has missed D.'s statement in §147, that the law under discussion (21.8) had not yet been passed when Alcibiades was alive: we have *termini post quem* and *ante quem*—and decades in between! Even so, as the date of the law's enactment cannot be pinned down, the 'rule' regarding the use of the imperative in –τωσαν cannot be used as proof against the law's authenticity.

(7) On the law apud 21.10 ('the second document about *probole*', definitely not a part of the Urexemplar), H. p. 218 writes: 'After the subordinating conjunction ὅταν the document lists the names of four festivals but there is no verb in the subordinate clause.' H. is complaining about a typo (and the typo appears in the book, source unknown, as ἦι) which he has read as genuine; all texts read: ὅταν ἡ πομπὴ ᾖ τῷ Διονύσῳ ἐν Πειραιεῖ καὶ οἱ κωμῳδοὶ καὶ οἱ τραγῳδοί,... The treatment here is unfortunate. Regarding the same law, H. p. 222 points again to a third person imperative in –τωσαν to discredit its authenticity; but as he dates the law only vaguely, in relation to the law inserted at 21.8, the argument is irrelevant.

(8) On the law apud 21.47 (the law on hybris', definitely not a part of the Urexemplar), H. vituperates against much of the law; I single out his treatment of the italicized clause in its opening: Ἐάν τις ὑβρίζῃ εἴς τινα, ἢ παῖδα ἢ γυναῖκα ἢ ἄνδρα, τῶν ἐλευθέρων ἢ τῶν δούλων, *ἢ παράνομόν τι ποιήσῃ εἰς τούτων τινά*, γραφέσθω πρὸς τοὺς θεσμοθέτας ὁ βουλόμενος Ἀθηναίων οἷς ἔξεστιν. H. p. 225 observes that Aeschines in his paraphrase (1.15, 17) 'shows that the law explicitly covered children, men and women, free persons and slaves' but excludes the clause prohibiting doing παράνομόν τι. This portion of Aeschines runs as follows: ἐάν τις ὑβρίζῃ εἰς παῖδα—*ὑβρίζει δὲ δή που ὁ μισθούμενος*—ἢ ἄνδρα ἢ γυναῖκα, ἢ τῶν ἐλευθέρων τινὰ ἢ τῶν δούλων, *καὶ παράνομόν τι ποιῇ εἰς τούτων τινά*... For H., the clauses italicized here are both 'parenthetical' and not a part of the paraphrase. Parenthetical clauses that interrupt paraphrases of laws in Aeschines, however, are usually indicated by particles such as the δή που that accompanies the first (cf. ὅτι οἶμαι and explanatory ὡς in 1.19) or else are obvious insinuation against the accused and his supporters (as in 1.22); there are no such indicators in the παράνομόν τι clause. Moreover, H. rejects a potentially corroborating parallel with the clause in the law apud D. 43.75 (καὶ μὴ ἐάτω ὑβρίζειν μηδένα περὶ τούτους. ἐὰν δέ τις ὑβρίζῃ ἢ ποιῇ τι παράνομον...) on the grounds that 'the two laws are not similar'—but does not persuasively explain why the collocation ἐὰν δέ τις ὑβρίζῃ ἢ ποιῇ τι παράνομον in D. 43.75 should not be a parallel of linguistic/legal usage in D. 21.47. Instead, we must enter the head of the fabricator (p. 227), who, we are told, went to Aeschines to find his law, and recognized the first clause as parenthetical (ὑβρίζει δὲ δή που ὁ μισθούμενος) 'but did not see that the phrase "or if he commit any unlawful act against anyone of these" was another parenthetical comment and copied it into the document.' I am not convinced.

The reservations mentioned here are mostly small and detailed; but the arguments for authenticity are based on the sum of many such details. While Canevaro often applies rigorous standards to these arguments (based on the consistency of a document's language and contents with contemporary inscriptions) and sometimes nicely creates or uses new rationales (pp. 118; 127), he also applies subjective standards (based on whether an expression is 'otiose' or not: pp. 76, 99, 130; or

'superfluous': p. 110). Errors of the really minor sort are infrequent, but it might be helpful to point out: p. 55 n. 74 should refer to D. 43.71 (not 47.71); p. 134: φορμήν should be ἀφορμήν; p. 143, paragr. 2: read AD not BC; p. 278: 'between 332 and 324' (not 'and 224'); p. 281: '335/4' not '335/5'; p. 328: for 371/0 read 271/0. Canevaro frequently refers to 'restorations' as 'integrations' (e.g. pp. 50 and 51, nn. 50 and 57, p. 52 n. 59; p. 109, n. 88). The forthcoming article by A. P. Matthaiou mentioned on p. 122 n. 129 was published by the Greek Epigraphic Society in 2011: 'The Theozotides Decree on the Sons of those murdered in the oligarchy, pp. 71-82, in *Τὰ ἐν τῆι στήληι γεγραμμένα. Six Historical Inscriptions of the Fifth Century B.C.*

All in all, Canevaro's work is solid; it will be a heuristic tool for those who wish to use the documents in the orators—not to find the final word on a document's reliability, but to find the tools to question it, clause by clause, word by word in conjunction with contemporary literature and inscriptions. A text that is not a part of the *Urexemplar* is not necessarily false (no more than all documents arguably belonging to it are inevitably genuine); Canevaro has left the door open to further discovery about the documents—and that is indeed a gift to scholarship. He has also laid out a stimulating hypothesis about the composition of the first edition of Demosthenes; and this, too, is a welcome contribution. [1]

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