State Letters and Decrees in P.Haun. I 5 and P.Oxy. XLII 3009: an Evaluation of Authenticity

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State Letters and Decrees in P.Haun. I 5 and P.Oxy. XLII 3009: an Evaluation of Authenticity

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The following discussion evaluates the issue of authenticity of the decrees and state letters in P.Haun. I 5 and P.Oxy. XLII 3009. No medieval manuscript preserves any documentary passages after the decree of Demosthenes (§§181-187) in the speech On the Crown. However, P.Haun. I 5 (1st-2nd cent. CE), which preserves portions of §§217-222, contains two state letters at §221, one decree at §217, and extensive traces of two decrees at §222. Furthermore, P.Oxy. XLII 3009 (2nd cent. CE) preserves out of context a state letter whose wording in the main text is identical with that of one of the letters at §221 in P.Haun. I 5. The only difference between the two concerns the prescript of the letter in P.Oxy. XLII 3009, which is different from that in P.Haun. I 5 but matches, nonetheless, the prescript of the state letter preserved at §157 in the medieval manuscripts and in an unpublished Oxyrhynchus papyrus of the second-third century CE. This paper combines quantitative and qualitative approaches in order to judge the authenticity of each decree and state letter. At the outset, a word on terminology is warranted. As quantitative approach I understand the examination of the standardized or formulaic parts of these documents, such as their prescripts and dating conventions. On the other hand, I refer to focusing on the genre of these documents and the way this influences their content and style as qualitative approach.

The reasons for choosing to map out the issue of authenticity in this set of documents are many. First of all, by virtue of their close interconnection, these documents lend themselves easily to such a discussion. Second, many scholars have generally rejected all kinds of documents, decrees, and state letters, arguing that they could not have been present in Demosthenes' original draft of the speech because they are not included in the ancient stichometric totals. It is mainly this parameter of the documentary material that Canevaro treats in his recent book on the documents in Demosthenes' public speeches that needs to be reconsidered. I contend that stichometry from a copy that lacked the documents cannot be used as evidence for or against the authenticity of said documents or of authentic elements therein. This paper offers an alternative to Canevaro's stichometric theory: I consider the differences between Demosthenes' original drafts of the speech for delivery and later copies of the speech On the Crown for publication and what these differences suggest about the aim of the editor who inserted the documents at a later date. In addition, I examine the

¹ Goodwin (1901) 351 claimed that documents not represented in the ancient stichometric count have supplied «a new and most unexpected argument against the authenticity of the public documents which are found in our text of the oration on the Crown and of some other orations of Demosthenes». MacDowell (1990) 46 demonstrated that the fact that documents are not included in the ancient numbering of lines «is not conclusive proof that the documents are spurious», and concluded that the study should be based on the form and content of each document individually. Wankel (1976) 63-82 gives a comprehensive survey of previous documents in Demosthenes' On the Crown. Using a computerised count as a check against the manuscript line-count, Canevaro (2013) 319-342 has identified two different sets of documents in the public speeches of the Demosthenic corpus: documents included in the edition to which stichometry refers are usually reliable and documents omitted from the stichometric edition cannot be considered authentic.

² Canevaro (2013) 10-27 and 237-239.

authenticity of each document on the basis of its content and usage. This leads me to the third and final reason for examining these documents. For all passages in the On the Crown that cite or refer to state letters, we have a context that helps us to evaluate them; such a context is lacking or misunderstood especially in the case of decrees. A review of the relevant literature clarifies the confused and contradictory way in which the authenticity of the documents in the speech On the Crown has been perceived. There is much less agreement about what constitutes authenticity. In particular, prescripts, which are a typical component of decrees and state letters, hardly qualify as relevant evidence due to their most formulaic character, which means that they were merely pasted as subheadings.

All medieval manuscripts of the On the Crown attest the titles of the decrees and state letters Demosthenes refers to in §§217-223 of the speech. However, until the discovery of P.Haun. I 5 and P.Oxy. XLII 3009, the content of these documents was not known. It would seem that the documents these two papyri preserve are quite old, antedating Demosthenes' speech by at least ten or more years. They involve: first, an Athenian decree declaring a public thanksgiving; second, a decree of Aristonicus to reward Demosthenes for his services; quite possibly an honorific decree passed by Demomeles and Hyperides; and finally, Philip's letters. In all probability, Demosthenes found the state letters, together with the decrees uniquely attested in P.Haun. I 5, in the Metroon, the building in the Athenian Agora in which the central archive of the Council and the Assembly was housed. If these documents were meant to impress the jury, as is plausible to suppose, the only reason why Demosthenes would refer to them being read by the Clerk, without quoting them in his speech, would be for Demosthenes to justify the extraordinary range and intensity of his activity about which he boasted earlier in the speech.³

These documents, however, are not used for their content but to provide evidence that «democratic decrees are now the reason for royal discomfort and epistolary royal communication»:⁴

Dem. 18.218:

ἀλλὰ μὴν οἵας τότ' ἀφίει φωνὰς ὁ Φίλιππος καὶ ἐν οἵαις ἦν ταραχαῖς ἐπὶ τούτοις, ἐκ τῶν ἐπιστολῶν τῶν ἐκείνου μαθήσεσθε ὧν εἰς Πελοπόννησον ἔπεμπεν. και μοι λέγε ταύτας λαβών, ἵν' εἰδῆτε, ἡ ἐμὴ συνέχεια καὶ πλάνοι καὶ ταλαιπωρίαι καὶ τὰ πολλὰ ψηφίσματα, ἃ νῦν οὧτος διέσυρεν, τί ἀπηργάσατο.

«You will see from Philip's letters to the Peloponnese what line he took in public at that time and what kind of trouble these events caused him. Clerk, please take the letters and read them. You need to understand what was accomplished by my tenacity, my going from place to place, my toils, and my many decrees that this man was just now ridiculing».⁵

Had the documents been included in Demosthenes' published version of the speech, they would have distracted the audience's attention from the clarity of Demosthenes' main point about the battle of Chaeronea. They would have overburdened the text by providing too much information about the implementation and success of the Theban alliance, which Philip II of Macedon had overcome. Demosthenes asks his audience at §176 to consider what he says with regard to his policy to confront Philip at Chaeronea without regard for the consequences. This requires first that he makes his speech about the Theban alliance short; second, that he avoids all details about bringing the Thebans over to Athens; and third, that he discusses the Theban issue only in outline.

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³ Yunis (2001) 232.

⁴ Ceccarelli (2013) 280.

⁵ Yunis (2005) 85.

Since he was concerned with the audience's patience, Demosthenes omits the arguments of the earlier delivered version of the speech, as Yunis puts it, because «his brilliant performance in the Athenian Assembly must not be overshadowed»:

Dem. 18.214:

ἃ δ' ἡμεῖς πρὸς ταῦτα, τὰ μὲν καθ' ἕκαστα ἐγὼ μὲν ἀντὶ παντὸς ἂν τιμησαίμην εἰπεῖν {τοῦ βίου}, ὑμᾶς δὲ δέδοικα, μὴ παρεληλυθότων τῶν καιρῶν, ισπερ ἂν εἰ κατακλυσμὸν γεγενῆσθαι τῶν πραγμάτων ἡγούμενοι, μάταιον ὄχλον τοὺς περὶ τούτων λόγους νομίσητε· ὅ τι δ' οὖν ἐπείσαμεν ἡμεῖς καὶ ἡμῖν ἀπεκρίναντο, ἀκούσατε. λέγε ταυτὶ λαβών.

«As for what we said in response, I would give my entire life to relate it in detail, but since the moment has passed, and you may feel as if a cataclysm has overtaken the political world, I fear that the speeches on this subject would seem pointless and tedious. But hear what we persuaded them to do and how they answered us. Clerk, take the document and read it».

It is especially Demosthenes' wording that he «would give [his] entire life to relate it in detail» that conveys, as Yunis states, «Demosthenes' chagrin that this audience will not hear this speech», 9 let alone any documents which are otherwise fully integrated with this speech.

Demosthenes certainly had access to copies of all the documents while he was preparing the speech for delivery –he needed to study the material before the trial– or at a later point, when he was preparing the text of the speech for publication. How can this be reconciled with the fact that all documents from \$29 to \$181-187 have been included in the transmitted text, while this is not the case with the documents referred to in the section from §212 to §289? Demosthenes was, quite likely, responsible for the inclusion of the documents in the first two-thirds of the published version of the speech. If that is really so, the presence or absence of documents in the On the Crown must reflect an authorial choice, rather than some vagary of the manuscript tradition. Accordingly, Demosthenes added to the speech only those documents that he considered to be crucial to his case -that is, documents that explained to Demosthenes' audience the reasons why Demosthenes adopted the policy of fighting against Philip and encouraged the jurors to crown him. In support of this hypothesis, I would draw attention to the fact that all medieval manuscripts, and virtually all our papyri, preserve the same documents for the same sections of the speech. We must also bear in mind that our manuscripts are independent witnesses of earlier manuscripts that no longer exist. 10 Consequently, they preserve the text of a common ancestor that must go back to the earlier stages of the transmission of the text or even to Demosthenes himself.¹¹

The proposed hypothesis accounts for what is in most need of explanation: namely the uniformity of content of the documents transmitted in all medieval manuscripts and the oldest extant papyri of the On the Crown. We may postulate that at some point an edition of the On the Crown with these documents was handed down, becoming so authoritative and widespread that it was the only one to be represented in the medieval tradition. P.Oxy. XI 1377 (1st cent. BCE) reports the letter to the Thebans that we read in the medieval manuscripts at §167. This means that a copy of such an edition of On the Crown was in circulation in Oxyrhynchus by the end of the Hellenistic age, as the *terminus ante quem* provided by the papyrus seems to confirm.

⁶ Yunis (2001) 230.

⁷ The text of On the Crown, documents and all, has been taken from Dilts (2001), unless when represented by the papyri, in which case the transcribed or edited text is printed.

⁸ Yunis (2005) 84.

⁹ Yunis (2001) 230.

¹⁰ Yunis (2001) 28. Erbse (1961) 262-264 for a general discussion on the Demosthenic manuscript tradition. Wankel (1976) 63-71 on the manuscripts of On the Crown.

¹¹ Pasquali (1962) 285.

However, this reconstruction of the speech's textual tradition cannot account for the inclusion of the documentary passages in P.Haun. I 5 and P.Oxy. XLII 3009 that are not found in any of the medieval manuscripts and also differ from each other in the prescript. [12] (I will return to the prescript in my assessment of the authenticity of state letters in P.Haun. I 5 and P.Oxy. XLII 3009 below). The documents preserved in these papyri may go some way towards explaining why Demosthenes did not include them in the version of the text he intended to publish after the trial, unless we suppose that he produced for circulation two recensions of the text, one with the passages these papyri preserve and one without. However, like Yunis, I find this hypothesis unconvincing. [13] Instead, it makes more sense that an early editor included these documents in an edition tailored for readers who lacked knowledge of the historical circumstances Demosthenes refers to. However this may have been, the main question that remains to be answered concerns the provenance or authenticity of the documents that P.Haun. I 5 and P.Oxy. XLII 3009 preserve.

In his recent discussion of documents in Demosthenes' public speeches, Canevaro argues that the documents in the On the Crown have no claim to authenticity because they were most certainly not included in Demosthenes' edition to which stichometry refers. ¹⁴ Consequently, Canevaro continues, they must be later insertions and as such Hellenistic forgeries. ¹⁵ In support of his claim, Canevaro sums up in his conclusions that all non-stichometric documents, as he calls them, are «inconsistent with independent historical information»; he also claims that «their language and terminology do not resemble those of contemporary inscriptions, and the information they provide seems to derive from casual reading of the orators and (perhaps) of some other source». ¹⁶ However, as MacDowell argues in his discussion of the documents of the speech Against Meidias (which Canevaro also takes to be later forgeries again because they are not included in the stichometric totals), there is no reason why we should dismiss all the documents out of hand. MacDowell rightly concludes that, although the documents will not have been present in the original draft of the Against Meidias, they may nonetheless have been collected in a separate dossier, as would have been the case for the trial, and inserted by an editor at a later date. ¹⁷

Consequently, as MacDowell argues, the authenticity of each document ought to be judged on its own merits; similarly in his study of the documents of Against Meidias, MacDowell adduces the law of hybris, three other laws, and the oracles as proof that we may accept at least some documents as authentic. In his most recent paper, Carawan (2016) demonstrates why the issue of stichometry is immaterial for our purpose: in the speech Against Timokrates the targeted law, Timokrates' Surety Law (§§39-40), which was included in the line-count edition, as Carawan calls it, may be forged at the beginning and end, whereas Epikrates' decree (§27), which cannot have been part of the stichometric totals, is in parts an extract

¹² Even though Demosthenes had instructed the court clerk to read out letters that Philip had sent to the Peloponnese (§221), in P.Haun. I 5 there follows a different addressee: P.Oxy. XLII 3009 II. 1-3. → ποννητίων τοις δη]|μιουργοί[ς] και [τοις | ευνεδροί[ς] χα[ιρειν; P.Haun. I 5 col. iv II. 32-34. βασίλευς Μακε[δονων Φιλιπ|π]ος Βοιωτων [. . . . τοις στρα| τηγοίς και τοις [. χαιρειν; P.Oxy. ined. inv. C 229 II. 22-27. [β]ασίλευς Μακεδ[ονων] | [Φι]λιππ[ος] Πελοπ[ον]|[ν]ητιων [τ]ων εν [τηι] | [ς]υμμαχ[ιαι] τοις δη[μιουρ]|[γο]ις και τοι[ς] ευνεδ[ροίς] | [τ]ων αρχείων και [τοις] | [α]λλοίς ευμμαχοίς [πα]|[ει] χαιρείν.

¹³ Yunis (2001) 27 on the supposition that «Demosthenes could have put more than one recension of On the Crown into circulation». This is a hypothesis, as Yunis argues, which «cannot be disproved, though nothing in the history of the text requires it».

¹⁴ Canevaro (2013) 239.

¹⁵ Canevaro (2013) 333-334.

¹⁶ Canevaro (2013) 319, and also 329-333.

¹⁷ MacDowell (1990) 46.

¹⁸ MacDowell (1990) 46.

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from the authentic one.¹⁹ This stands in opposition to Canevaro's view that the documents in Demosthenes' speech Against Timokrates, which were included in the stichometric totals, are usually reliable, while those that were inserted at a later date should be considered later forgeries.²⁰ In view of these difficulties, it seems sensible to reserve judgment on how much stichometry can contribute to answering questions of authenticity, and base our study instead, as MacDowell urges, on the form and the content of each of our documents individually.²¹

In the set of documents preserved in P.Haun. I 5 and the self-standing letter of Philip in P.Oxy. XLII 3009 we can see quite clearly how later editing of component parts of the document that are external, at any rate, to the content of the documents, has muddled the textual tradition and given a confused and contradictory picture about their structure, which has led some scholars to believe that the documents do not merit a place in modern editions.²² The irregularity of the prescript in the letter of Philip to the Boeotians in P.Haun. I 5 has been the main reason why Droysen argued against the authenticity of this letter.²³ It is certainly true that in the context of §218 Peloponnesians have an expected place, and Boeotians have not. If the irregularity in the prescript were the only objection to the authenticity of the letter, which is otherwise unobjectionable, it would be sensible to suggest that prescripts are not integral to the message. Again, we may doubt that an editor would have taken the trouble to learn the proper form of Macedonian prescripts addressed to the Peloponnesians at §157, or else magistrates and councillors should not have appeared in a Peloponnesian context. We might therefore expect that the editor would at least try to save himself trouble by always using the same one prescript so that its repetition, as in the letter at §157 in the papyri and the medieval manuscripts, might be proof of his careless work or of fabrication.

Even though Canevaro acknowledges that prescripts are more susceptible to fabrication than any other structural element in a document for reasons I am currently bringing together in a paper discussing the quantitative approach, he claims on the basis of this evidence alone that "Different forgers were in action and that they sometimes composed different documents for the same gaps in the text of a speech". Wankel undertook a detailed study of the two papyri preserving the documents and reconstructed the letter of Philip to the Peloponnesians in P.Haun. I 5 reconstructing the text from P.Oxy. XLII 3009. It may clearly be seen that the so-called Boeotian and Peloponnesian versions, as scholars name them, differ only in minor details in the sentences following the prescript; furthermore, these details are such that, were it not for the different addressee in the prescripts, the Peloponnesians in P.Oxy. XLII 3009

¹⁹ Carawan (2016) 45, 52-53.

²⁰ Canevaro (2013) 78, 319.

²¹ MacDowell (1990) 46, with footnote 2.

²² Yunis (2001) 30-31.

²³ Droysen (1893) 141-142.

²⁴ Canevaro (2013) 332-333 states that «the most formulaic sections of Athenian [...] decrees are the prescripts» and that «it was necessary for the forgers of the decrees of Dem. 18 to fabricate the prescripts, since the dating and the context of the individual measures were often the main point of the orator's argument». Canevaro supposes (2013 [333]) that the reason why «such factors» as the prescripts «can account only partially for the different quality of the insertions», is due to the fact that alternative versions of this speech circulated in antiquity. However, this argument fails to take into account that P.Haun. I 5, P.Oxy. XLII 3009, and P.Oxy. ined. inv. C 229, all three of which cover the gap at § 221, agree in the text they preserve, with the minor difference of the addressee in the prescript of P.Haun. I 5. He thus follows the view of previous scholars that «Perhaps different recensions of the forgeries circulated, just as different selections of them appeared in different texts of the speech (PAnt. 27, introduction)» (as cited in P.Oxy. XLII 3009).

²⁵ Wankel (1975) 152-154. Canevaro (2013) 2 (with footnote 5), citing Wankel (1975), states at the outset that «The document reported by P.Oxy. XLII 3009 at §221 does not match the corresponding document in P.Haun. I 5». Through this elusive statement, Canevaro prepares the way for dismissing the documents as utterly spurious despite the fact that both edited papyri and P.Oxy. ined. inv. C 229 clearly represent the same tradition with regard to the main text of the letters.

and the Boeotians in P.Haun. I 5, they cannot be considered to represent two different versions of the documents. If we postulate that the prescripts are extraneous to the letters transmitted, then the differences are not sufficient to support the assumption that these are different versions. They represent minor variants of the usual type exhibited in the tradition. Even if we suppose that the state letter existed in a number of different versions, the nature of the variations shows that the editor responsible for P.Haun. I 5 and P.Oxy. XLII 3009 followed the same text for both inserts in the copies of the speech, and that this text must have existed for at least some time, in order to spread out across the Arsinoite and Oxyrhynchite nomes, from which P.Haun. I 5 and P.Oxy. XLII 3009 originate.

For the purpose of the discussion concerning the decrees and state letters in P.Haun. I 5, I will next take a closer look at the decrees in §217 and §222 in order to demonstrate that there are components that seem to derive from reliable sources. The wording preserved in the decree of Demomeles and Hyperides (§222) resembles in its component parts the wording of Aristonicus' decree in §84 and that used by Demosthenes (§57) and Aeschines when they refer to Ctesiphon's decree (Aeschin. 3.49, 101, 237). The expression [λεγων και πραττων] τα αριστα | [- - - 10 - - διατελει τ]ω [δη]μω τω | [Αθηναίων - - 10 - -] (col. vi 1-3), which may be safely reconstructed on the grounds of the name of Demosthenes, i.e. Δημοσθε[νης Δημοσθενους Π]αιανίευς (col. v 37-38), is consistent with that in the decree moved by Aristonicus (§84), διατελεῖ εὔνους ὢν τῷ δήμω τῶν ἀθηναίων, καὶ λέγει καὶ πράττει ὅ τι ἂν δύνηται ἀγαθὸν ὑπέρ τῶν ἀθηναίων καὶ τῶν ἄλλων Ἑλλήνων («is a constant friend of the Athenian People, and by word and deed does his utmost in the interests of the Athenian themselves as well as of the other Greeks»). Likewise, there are different iterations of the expression πράττων καὶ λέγων τὰ ἄριστα in Demosthenes and in those passages of Aeschines cited above.

Furthermore, the language in which the praise is expressed, i.e. καλοκαγαθια[c] ενεκεν οπο|τε εις τε αυτους και τον ςυμπαν τα δίη]μον τον Αθίη]ν[αι]ων εν παν τι καιρω προθυμος είςτι]ν (col. vi 31-34), is consistent with what is said about Demosthenes in the indictment (§54), άρετης ένεκα καὶ εὐνοίας ης έχων διατελεί είς τε τοὺς Έλληνας ἄπαντας καὶ τὸν δημον τὸν Άθηναίων, καὶ ἀνδραγαθίας, καὶ διότι διατελεῖ πράττων καὶ λέγων τὰ βέλτιστα τῶ δήμω καὶ πρόθυμος ἐστι ποιεῖν ὅ τι ἀν δύνηται ἀγαθόν («for his merit and for the goodwill which he has constantly displayed both towards all the Greeks and towards the people of Athens, and also for his steadfastness, and because he has constantly by word and deed promoted the best interests of the people, and is forward to do whatever good he can»).²⁷ Both sets of wording cited from the decree parallel contemporary Athenian honorific decrees in aspects that are easily identifiable on account of their formulaic character. ²⁸ Canevaro argues that the presence of the formula of praise διατελεῖ καὶ λέγων καὶ πράττων τὰ ἄριστα, quoted several times in Demosthenes and Aeschines' speeches with consistent wording, would credit the decree of Ctesiphon (§118) with some authenticity if it were present in the document.²⁹ Indeed, repetitions of the same formula, i.e. διατελεῖ πράττων καὶ λέγων (with the variants τὰ ἄριστα, τὰ βέλτιστα, and ὅ τι ὰν δύνηται ἀγαθόν) in the speeches and the decrees quoted in P.Haun. I 5 make its presence certain in the original document and guarantees the authenticity of such components.

Demosthenes (§223) provides the strongest evidence that the documents in P.Haun. I 5 may preserve reliable historical information drawn from the decrees of Demomeles and

²⁶ Vince / Vince (1971) 71.

²⁷ Vince / Vince (1971) 53.

²⁸ Larsen (1942) 36-37 and Canevaro (2013) 258-259 adduce instructive examples from honorary decrees inscribed in that period that corroborate the wording attested in the decree.

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Hyperides. According to Demosthenes, both these decrees, which would have just been read out in court, are phrased in the exact same manner as the decree of Aristonicus (§84) and the decree of Ctesiphon (§118) indicted by Aeschines. Features in them that can be paralleled in other honorific decrees do not in themselves provide sufficient grounds of their authenticity. These could be, after all, the product of a composer repeating the same wording for decrees intended for the same individual. But, since these words and formulas to which Demosthenes refers are confirmed by independent evidence and conform to the language and formulas of contemporary inscriptions, as I hope to have demonstrated, they can indeed be considered evidence that these four inserts in the speech, may have actually descended in parts from the original texts of the documents in the speech.

Dem. 18.223

Ταυτὶ τὰ ψηφίσματα, ἄνδρες Ἀθηναῖοι, τὰς αὐτὰς συλλαβὰς καὶ ταὐτὰ ῥήματ' ἔχει ἄπερ πρότερον μὲν Ἀριστόνικος, νῦν δὲ Κτησιφῶν γέγραφεν οὑτοσί. καὶ ταῦτ' Αἰσχίνης οὔτ' ἐδίωξεν αὐτὸς οὔτε τῷ γραψαμένῷ συγκατηγόρησεν. καίτοι τότε τον Δημομέλη τὸν ταῦτα γράφοντα καὶ τὸν Ύπερείδην, εἴπερ ἀληθῆ μου νῦν κατηγορεῖ, μᾶλλον ἂν εἰκότως ἢ τόνδ' ἐδίωκεν.

«These decrees, Athenians, have the same language, word for word, as both the one earlier proposed by Aristonicus and the one now moved by Ctesiphon here, though Aeshines neither prosecuted them himself nor lent any support to the prosecutor. Yet if his current charges against me have any merit, he would have had more reason to prosecute the authors of these decrees, Demomeles and Hyperides, at that time than he now does to prosecute Ctesiphon».

Aristonicus' decree (in §84), which is the closest match to the decrees of Demomeles and Hyperides (in §222), has misled Canevaro to think that the composer of the decrees may have lifted the wording from Demosthenes' account of Aristonicus' decree. Canevaro claims that «the speeches of Demosthenes and Aeschines could easily be the sources of a forger, and the consistency with Athenian inscriptions could be due to Demosthenes' and Aeschines' text rather than to some first-hand source for the decree of Aristonicus». On balance, however, it seems reasonable to suppose that the texts of the decrees of Demomeles and Hyperides in P.Haun. I 5 (col. v 28-38 at §222) represent a set of honorific decrees with authentic parts and features therein framed to introduce something like *stare decisis* or a precedent for the approval of the decree of Ctesiphon. Canevaro stresses the dubious character of the decree of Aristonicus that the decrees in §222 resemble, but it is doubtful whether any or all of those details that Canevaro objects to were part of the earlier tradition of the documents. All in all, as in the decree of Aristonicus (§ 84), the early editor may have recovered parts of the decree of Demomeles and Hyperides (§222) from reliable historical sources or official records. But I doubt that in the first century he could do so much more research than his

³¹ Canevaro (2013) 259.

³⁰ Yunis (2005) 86-87.

³² Demosthenes at §224 of this speech makes it clear that τότε δὲ αὐτὸ τὸ πράγμ' ἂν ἐκρίνετο ἐφ' αὐτοῦ, πρίν τι τούτων προλαβεῖν, «Previously, the question was subject to adjudication on its own merits without these additional factors», Yunis (2005) 87. And even though Yunis (2001) 235, citing Todd (1993) 61, warns the reader that a precedent had no formal or practical role in Athenian judicial decision-making and that «there could be no doctrine of binding precedent», it could nonetheless be invoked for rhetorical or persuasive purposes.

In any event, I do not think that all those parts or features that Canevaro (2013) 259-260 lists in relation to the decree of Aristonicus (§84) constitute such a departure from the documents that can prove their inauthenticity. It seems more likely that the wrong name, place and dating formula, the odd prescript or that last detail, ἀγωνοθέτης, in the document which seems anachronistic, were added by someone who took it upon himself to recover the text from whatever material he had in hand. Since the inserted document follows precisely the features summarised by the orator, we should be wary of attributing too much importance to intrusions such as the ones we encounter in the decree at §222.

successors. Otherwise he would not have added the quite unacceptable motion formula $(\delta\epsilon\delta o\chi\theta]\alpha[\iota]$ τη βουλη και τω $\delta\eta$ | μω, col. vi 17-18), the anachronistic wording $(\epsilon\pi < \iota > [\mu\epsilon\lambda\eta\theta\hat{\eta}\nu\alpha\iota \ \delta\epsilon \ \tau\hat{\eta}\varsigma]$ ἀναγορευςεως, col. 21-22), and the wrong dating formula (μηνος ελαφηβολιω|νος, col. vi 25-26) in the decrees. The composer resorted to the sort of fabrication that muddled the later tradition of documents with divergent phrases such as the ones we now find in Demomeles and Hyperides. Yet this evidence should not detract from the verifiable content in the decrees, which could otherwise indicate original and reliable excerpts from the documents.

As for the decree that P.Haun. I 5 ii 9-35 preserves for the gap at Demosthenes (§217), where the decrees appointing a public thanksgiving would have stood, i.e. $\psi\eta\phi[\iota]c\mu\alpha\tau\alpha$ | $[\tau]\omega\nu$ θυcιων (col. ii 9-10), the composer would have no reason to invent an episode involving Athenian divinities in a document that sought to reconstruct the events as they had actually unfolded after the alliance of Athens and Thebes and the attendant honours and celebrations for Demosthenes' policy:

 $[\cdot\cdot\cdot\cdot]$ θης αι τον δημον [Aθηνα] | [Πολι]αδη και Ηραι και Κορ[η και Νι] [κη κ]αι Διοςκορ[οι]ς κ[αι Αρει κ]αι | [Πος]είδωνι και Θης ει και Ε[ρε] [χθ]ει και τοις αλλοις ηρωςι το[ι]ς | κατέχουςι την πολιν A[θ]ηνα[ι] [ων και την χωραν. (col. ii 23-29)

«the people to (make an offering?) to Athena Polias and Hera and Persephone and Nike and Dioscuri and Ares and Poseidon and Theseus and Erechtheus and the other heroes who inhabit the city and territory of the Athenians».

Furthermore, the expression following the names listed therein is found in very similar form in the decree of Demosthenes (§184), εὐξαμένους καὶ θύσαντας τοῖς θεοῖς καὶ ἥρωσι τοῖς κατέχουσι τὴν πόλιν καὶ τὴν χώραν τὴν ἀθηναίων («after offering prayers and sacrifices to the gods and heroes who guard the city and country of the Athenians»). The composer must have found it in one of his sources for the decrees, which makes it quite likely that the information and the formulas they use are reliable. Again, in the first decree preserved for the gap at Demosthenes §222 (under the title ΨΗΦΙΣΜΑΤΑ of the medieval manuscripts) it is likely that the editor had access to a copy of key documents from the decree of Aristonicus onwards or else he could not have provided the full name of Aristonicus, i.e. Αριστονεικο[·]|[Νικοφανούς Αναγ]υρας[ι]ου (col. v 32-33), «Aristonicus, the son of Nicophanes from Anagyrus», later confirmed in the Lives of the Ten Orators ([Plut.] Mor. 848d, πρῶτος δ' ἔγραψε στεφανωθῆναι αὐτὸν χρυσῷ στεφάνῳ ἀριστόνικος Νικοφάνους, ὑπωμόσατο δὲ Διώνδας).

The issue of preservation plays a role in how we assess the authenticity of those documents. One notes a certain reluctance to inscribe (and thus confer a monumental format on) the writings of another state or *polis* within one's own lifetime. This tendency concerns not solely simple administrative writing, but also royal letters whose primary function was to take precautionary measures. Yet this should not be taken as evidence against the authenticity of the documents. At any rate, we should not expect the Athenians to allow state letters from the king (which at this time means orders) to be inscribed on stone in their city's landscape. This, however, does not mean that letters were not formally accepted or that they were not received. As there was no mechanism for rejecting them, they were simply kept in the archives rather than publicised.

And here I do not mean just archives in the sense of a static repository of excerpts preserved from the text of the decrees and state letters, that editors recovered to reconstruct the documents, but rather archives in the sense of a dynamically interactive, compositional

³⁴ Vince / Vince (1971) 142-143.

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interface of that era, consisting of a full set of decrees and state letters adduced in support of the targeted decree —in this specific case the decree of Ctesiphon. Therefore, there would also be copies (or significant excerpts) of records and documents in the official archives. These may have been preserved for many years and, perhaps for generations, among legal evidence important to Ctesiphon and to his family, if not actually in Demosthenes' collection. At any rate, if my overall argument that the documents have genuine extracts in them is correct, they must have been accessible as late as the edition that P.Haun. I 5 and P.Oxy. XLII 3009 represent. As discussed earlier with regard to the issue of stichometry, Demosthenes would probably keep a reference copy of the documents along with his personal copy of the On the Crown. Then, at some point in the third century BCE, an early editor, who somehow had access to them, saw fit to insert these documents (or significant excerpts) into the main text. Small deviations such as the odd prescripts, the wrong dating formula or the occasional anachronistic details in the decrees and state letters could have resulted from careless or officious hands responsible for the muddle in the later tradition.

There are several other possible sources from which the early editor could have drawn these documents from. He may have consulted or relied on his recollection of historical collections, such as the one Krateros made of decrees (FGrHist. 342), and inserted it in the speech. We do not know of any collection of Philip's diplomatic correspondence. Yet the fact that the letters preserved in P.Haun. I 5 and P.Oxy. XLII 3009 are in the same regular style exhibited in all other state letters by Philip in the *corpus Demosthenicum* indicates they must have been taken from collections of interstate letter writing. In any event, the editor knew of such records and recognised the importance of this set of documents that P.Haun. I 5 and P.Oxy. XLII 3009 represent –they serve as a reminder of the significant gains that the Athenians made at Philip's expense; so the editor set about recovering them, one way or another.

In conclusion, the preceding discussion has tried to demonstrate that in P.Haun. I 5 and P.Oxy. XLII 3009 we have a solid case for a set of documents that was not represented in the stichometric tradition and that could not have been made up solely from the orator's comments. It has, further, been argued that the wording of the documents preserved in P.Haun. I 5 and P.Oxy. XLII is consistent with the decrees of Ctesiphon and Aristonicus, as well as contemporary honorific decrees. Consequently their wording belongs to a set of decrees and state letters that were well known and accessible to Demosthenes and his early editors. The way in which these documents have survived makes it inevitable that speculation is inherent in any discussion of them. Nonetheless, I contend that the study of these documents, which have been overlooked or misunderstood in secondary literature, can provide some grounds for understanding the origin and authenticity of the documents in Demosthenes' public speeches in general. The application of this approach in particular to the study of the diplomatic correspondence in the *corpus Demosthenicum* will provide fresh evidence in support of the interpretations proposed in the discussion above. ³⁵

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³⁵ I hope to present the results of my research in a forthcoming monograph.

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