# ΑΞΩΝ

## STUDIES
## IN HONOR OF
## RONALD S. STROUD

ΤΟΜΟΣ Β΄

Ὁ Ronald Stroud στὸ Ἐπιγραφικὸ Μουσεῖο. (12.11.2010)

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ΕΠΙΜΕΛΕΙΑ

ΑΓΓΕΛΟΣ Π. ΜΑΤΘΑΙΟΥ
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ΤΟΜΟΣ Β΄

# ΠΕΡΙΕΧΟΜΕΝΑ

## ΤΟΜΟΣ Α΄

## ΑΤΤΙΚΗΣ

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## ΤΟΜΟΣ Β´

### ΑΤΤΙΚΗΣ (συνέχεια)

### ΠΕΛΟΠΟΝΝΗΣΟΥ

### ΑΛΛΩΝ ΤΟΠΩΝ

# ΠΕΡΙΕΧΟΜΕΝΑ

## ΓΕΝΙΚΑ

## ΑΤΤΙΚΗΣ (προσθετέα)

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ANGELOS CHANIOTIS

# Archival research, formulaic language, and ancient forgeries of legal documents

## 1. Introduction[1]

The more interesting an inscription, the less likely that it will survive intact, that its date and precise historical context will be known, or that all its puzzles will be solved. This is a sort of «Murphy's Law» for epigraphists, with which they have to live. In order to solve the most pressing editorial challenge, that of filling the gaps of a fragmentary inscription, modern epigraphists study parallel texts in corpora, identify stereotypical formulations, and use them to recreate and understand the original text. Ron Stroud is a master of this art, both as an editor of inscriptions and as an editor of the *Supplementum Epigraphicum Graecum*. This article, written in admiration and friendship, is dedicated to his predecessors in Greek antiquity: to those who studied documents and identified stereotypical formulations. The only difference from Ron's work —and an important difference it is— is that they did so not in order to reconstruct fragmentary texts, but rather in order to construct documents that looked authentic, although they were not.

The basic ideas of this article were formulated more than 25 years ago, when in my doctoral dissertation (written in 1984 and published in 1988) I discussed an intriguing but also puzzling aspect of the transmission of legal documents: the epigraphic publication of documents at a much later date than their original composition.[2] This phenomenon is related to the existence of archives, since, at least in theory, it presupposes the keeping of these documents in archives.[3] But it is also connected with the fabrication of fictitious documents, and therefore also to the methods of ancient forgers of documents. These methods, again, presuppose knowledge of formulaic legal language, which brings us back to archives and to archival research. I argue that archival research and familiarity with the composition of legal documents (especially of decrees) contributed to knowledge of the formulaic language of legal documents and this, in its turn, enabled the fabrication of forgeries.

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1. I would like to express my thanks to Michael Anthony Fowler (Columbia University) for correcting my English.

2. Chaniotis (1988) 234–277.

3. Recent research on archives: Sickinger (1999); Rhodes (2001) 33–44; Davies (2003); Faraguna (2005) 61–86; Pébarthe (2006) 113–239.

## 1. GENUINE – AUTHENTIC – CONSTRUCTED – FICTITIOUS

Numerous legal documents (decrees, laws, letters, treaties, treaty-oaths, etc.) are known from sources much later than their original composition. In many cases the sources that quote earlier documents are literary.[4] For instance, Athenian orators quoted laws, decrees, and treaties, and sometimes much later editors of court speeches inserted the (alleged) text of the relevant laws into their appropriate positions in the orations.[5] Historians included in their narratives the text of treaties or of letters exchanged between monarchs or between a monarch and his officials.[6] And in many cases a document appears in an inscription later than the time of its original composition.[7] Such is the case with Drakon's law on homicide;[8] other examples include collections of documents pertaining to the career of statesmen[9] and dossiers of texts documenting the privileges of sanctuaries.[10]

Usually, historians have no reason to doubt the authenticity of these later quotations, although they cannot exclude minor inaccuracies or abridgments. In several cases, however, the chronological distance between the purported original composition of a document and its occurrence in a later source is significant; when possible anachronisms appear, and contradictions are observed between what we expect and what we read, then the suspicion arises that the document in

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4. A related but distinct phenomenon is the claim of fiction authors that they had discovered an authentic document; see Ni-Mheallaigh (2008).

5. E.g. Davies (1996) 30–32; Bettarini (2002).

6. For treaties see e.g. *Staatsverträge* II 121 (Polyb. 3.22.4–13), 126 (Dion. Hal. 6.95.2), 185 (Thuc. 4.118.1–119.2), 188 (Thuc. 5.18.1–19.2), 189 (Thuc. 5.23.1–24.2); III 466 (Polyb. 3.25.3–5), 528 (Polyb. 7.9.1–17). For letters, see Gauger (2000); Olson (2010). For decrees, see Eilers (2008). Forged decrees in literary sources: e.g. Palumbo Stracca (1999); Haake (2004) and (2007) 118–129.

7. Chaniotis (1988) 234–277, with a list of 57 such cases; cf. Davies (1996) 33 (with no knowledge of my study). More material has now come to my attention or has been published, but I will not present an updated list here. An important addition is the dossier of documents concerning the relations between the Antigonids and the Delphic amphictyony; the two documents date to c. 302 BCE (a fragment) and 289 BCE (a treaty between Demetrios Poliorketes and the Aitolians); they were inscribed on a pillar in Delphi under Perseus (c. 171 BCE). See Lefèvre (1998); *SEG* XLVIII 588.

8. *IG* I³ 104, Stroud (1968).

9. Chaniotis (1988) 274. The best known cases are those of Lykourgos in Athens: *IG* II² 457 and 513; cf. [Plut.], X orat. V 852 e; Potamon in Mytilene: *IG* XII.2.23-71; Menogenes in Sardeis: *Sardis* 8; Demetrios of Athens in Delphi: *F.Delphes* III.2.161; Opramoas of Rhodiapolis: *TAM* II.3.905; Kokkinia (2000); Iason of Kyaneai: Berling (1993).

10. Chaniotis (1988) 273f.

question is not «authentic». Famous documents suspected of being inauthentic include the Themistokles Decree of Troizen (see note 17), the Oath of Plataia or Marathon (see note 18) and the letter of Darius I to Gadatas (see note 16).

Today, a document is regarded as «genuine» when its content, its wording, its spelling, and its characters are exactly the same as those used in a written «original». Günther Klaffenbach has observed, however, that the current notion of genuineness is inappropriate for documents in ancient Greece, since for the Greeks a document could still be regarded as «genuine», even if it differed from the «original» in wording, spelling, dialect, or characters.[11] Indeed, when we possess more than one copy of an ancient document, for instance more than one copy of a treaty, we often observe minor differences, usually in the dialect, but also omissions and additions.[12] Minor differences can also be observed in the Greek translations of Latin documents, published along with their respective Latin originals and obviously regarded as reliable representations of their content.[13]

For this reason the term «genuine» has been widely replaced with the term «authentic». The decisive criterion for the authenticity of an ancient document is conformity with the content, not with the exact wording of the «original», that is, the text composed (either orally or in writing) in a given moment and copied (or recorded) later. In this sense, a document can be still regarded as authentic, even if the «original» (e.g. an oath) was not composed in writing, but was memorized and recorded later. The oath of the Athenian ephebes, for instance, memorized by every Athenian citizen, might have been orally composed in Archaic Athens. It must have been written down at the latest in the late Archaic or early Classical period, possibly with additions and modifications. Athenian orators quoted its text in the fourth century.[14] In the late fourth century BCE the priest of Ares in Acharnai took the initiative to record it in an inscription together with the text of an oath of the Greeks at Plataia (see note 18). This epigraphic copy is authentic.

This definition of authenticity helps us define ancient forgeries in a manner appropriate to the Greeks' treatment of documents. A document is forged when its content is not based on an original, composed orally or in writing, but has been composed on the basis either of an authentic historical tradition or of fictitious

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11. Klaffenbach (1966) 53; cf. Graham (1960) 111: «can a document which is not in the exact words of the original be called authentic? We should not think so. But we ought not to let our preoccupation with exactly authentic wording lead us to condemn the document as a whole as false».

12. See e.g. Graham (1960) 110, Chaniotis (1996) 79f. (Cretan treaties). See also Minon (2007); Eich (2009).

13. E.g. Rousset (2008) 98f.

14. Demosthenes 19.303; Lykourgos, *Against Leokrates* 76–77.

events. The forgeries of the first group, i.e., those forgeries whose content is in conformity with historical events, are *not* historical sources themselves, but they are *based on* historical sources. For the sake of convenience I will call them «constructed» documents. They should be distinguished from the texts of the second group, which are devoid of any historical authenticity. I shall call the latter «fictitious» documents.

## 2. ARGUMENTS IN FAVOR AND AGAINST
### THE AUTHENTICITY OF SUSPICIOUS DOCUMENTS

The complex differentiation between original, genuine, authentic, constructed, and fictitious documents is more helpful than it may seem at first sight, particularly in the characterization of documents which have baffled scholars for decades, such as the oath of the Theraean settlers of Cyrene, purportedly a document of the seventh century BCE, written on stone in fourth century Cyrene (c. 370 BCE);[15] or the letter of Darius I to his subject Gadatas concerning the sanctuary of Apollo in Aulai, inscribed in the (early?) second century CE – more than six centuries after its purported original composition;[16] the Themistokles Decree of 480 BCE, possibly alluded to by Athenian orators of the fourth century and known from a third-century inscription from Troizen;[17] the oath of the Greeks before the battle at Plataia, recently interpreted as the oath of the Athenians before the battle of Marathon;[18] the Peace of Kallias, allegedly of the year 469 or 449 BCE,

15. *SEG* IX 3; Meiggs / Lewis, *GHI*² 5; cf. Chaniotis (1988) 238 D7. Summaries of recent studies on this text in *SEG* XXXVII 1668; XXXIX 1716; XLIII 1185; XLVI 2197; XLIX 2359; LI 2209; LVII 1999.

16. *I.Magnesia* 115; Meiggs / Lewis, *GHI*² 12; Chaniotis (1988) 253 D50 (bibliography). Recent discussions (with earlier bibliography): Schmitt (1996); Metzler 1997; Briant (2003); Lane Fox (2006); Tuplin (2009).

17. *SEG* XVIII 153; Meiggs-Lewis, *GHI*² 23; Chaniotis (1988) 240f. D11. For the discovery of this document and an overview of research see Muccioli (2008) and Knoepfler (2010). The reader can find summaries of the most recent studies in *SEG* XLVI 369; LII 333; LIV 438; LVI 434. I cannot discuss here the arguments in favor and against the authenticity of this text; see especially Johansson (2001) and (2004); Mayer (2002); Blösel (2004) 247–254; Muccioli (2008); for the possible historical context of its epigraphic publication in Troizen see more recently Muccioli (2008); Knoepfler (2010) 1206–1212. Personally, I believe that the text was composed in Athens in the mid-fourth century BCE, possibly by Kleidemos. Its publication in Troizen belongs to a different historical context (early / mid-third century BCE).

18. Tod, *GHI* II 204; Rhodes / Osborne, *GHI* 88; Chaniotis (1988) 242 D14 (bibliography). Discussions: Siewert (1972); Kreutz (2001), with arguments in favor of the authenticity; van Wees (2006), defending the authenticity and attributing the oath to a Spartan model; Krentz (2007), interprets the text as the oath of Marathon.

but mentioned for the first time by Isokrates and written on an Attic inscription only after 403 BCE.[19]

The discussion of the authenticity of such documents tends to become a question of faith and often develops around circular arguments. Those who challenge the authenticity of these documents point to inconsistencies or slight inaccuracies in the wording, disregarding the fact that such differences may occur even between two authentic copies of one and the same document. Or, they dispute the historicity of the events referenced, the institutions mentioned, and the wording used in the documents, not giving due consideration to the gaps in our sources and the lack of sufficient comparative material from the respective periods and areas.

On the other side, those who support the authenticity of suspicious documents usually point to the fact that almost nothing in their content is seriously contestable. In the case of the «Colonists Oath of Cyrene», there can be no doubt that the Theraeans founded Cyrene; it is known from other sources that Battos was the *oikistes*; the oath-ceremony described in the document is plausible.[20] Anachronistic formulations are explained away as «modernisations» resulting from subsequent editing.[21] The defenders of the authenticity of such a document are not discouraged by discrepancies between the suspicious documents and existing historical narratives; they even take them as indications of authenticity. Since the Cyrenean oath is independent of Herodotus' account, it cannot have been constructed directly from it.[22] Those who employ this argument tacitly quash the possibility of other literary sources besides Herodotus, e.g., the work of a local historian of the fourth century recording oral traditions.[23] In the case of the Themistokles Decree, it can hardly be disputed that Themistokles proposed a decree; his proposal must have provided for the evacuation of Athens and the manning of the fleet. The problem of minor discrepancies can be attributed to later re-editing. Themistocles' patronymic and demotic, elements unknown in Attic documents much before 350 BCE, could have been added in the decree in the course of such a re-editing.[24] Once the theory of re-editing is established,

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19. Isokrates 8.80. On the question of authenticity see Meister (1982).

20. Graham (1960), on the foundation traditions; Faraone (1993), on the plausibility of the oath ceremony.

21. Graham (1960) 110: «some editing seems only too probable, and the fourth-century appearance of some of the wording, and especially of the opening, could well be attributed to this».

22. Graham (1960); Jeffery (1961); Meiggs/Lewis, *GHI*² p. 8. Cf. Dobias-Lalou (1994).

23. On ancient traditions concerning the foundation of Cyrene see Giangiulio (2001).

24. Jameson (1960) 206: «the patronymic and demotic of the proposer are evidently fourth-

why should one be baffled if the Themistokles Decree uses the expression γνήσιοι παῖδες, expected only after the citizenship law of Perikles,[25] or if it refers to the Persian aggressor as ὁ βάρβαρος, a word never used with reference to the Persians in the documentary sources or the inscriptions (e.g., the epigrams of the Persian wars) in the first half of the fifth century?[26] In the case of Darius' I letter to Gadatas, the fact that certain formulations find parallels in Achaemenid texts or in Herodotus is considered evidence in favour of the document's authenticity.[27] Robin Lane Fox does not, however, exclude the possibility that the «words here and there have been «modernised» .... With the passage of time, bits may simply have faded or perished from old documents .... At Magnesia words like «ἐπι-τάγματα», perhaps, or «πρόθεσις» may have filled a hole left in an original after more than five centuries, while the rest survived legibly. In-filling is not faking and it does not materially change the contents».[28] In the case of Alexander's letter to Darius III[29] authenticity is supported with the argument that it contains nothing that Alexander, as a matter of practice, could not conceivably have written. And if it contains words that cannot possibly have been written by Alexander (e.g., the expression πάσχειν τι ἄχαρι, attested in Herodotus and used by Arrian in passages imitatative of Herodotus' style),[30] then Arrian must have been reproducing the authentic letter partly in his own words, «probably because he was condensing what he found in his source».[31]

It is basically with arguments in favor of the authenticity of suspicious docu-ments, such as the above, that I am concerned here. These arguments imply that

century additions;» Muccioli (2008) 134: «d'iscrizione di Trezene costituisse dubque una copia, forse modificata e suggeita ad Atene da Stratocle, di un testo preesistente.»

25. On this anachronism see Habicht (1961) 4; Johansson (2001) 83.

26. Habicht (1961) 7f.; Johansson (2001) 89. The epigrams for the Persian Wars (Meiggs/Lewis, *GHI*² 24 and 26) use the ethnics «Persians» and «Medes». In fifth-century Athens, βάρβαρος is only used in connection with foreign military personnel: *IG* I³ 1172 line 35; 1180 line 26; 1190 line 137, 1192 line 152.

27. See more recently Lane Fox (2006) and Tuplin (2009), with thorough examination of the language; cf. Schmitt (1996); Metzler (1997). For arguments against the letter's authenticity see Briant (2003).

28. Lane Fox (2006) 163.

29. Arrian, *Anab*. 2.14.4–9.

30. Arrian, *Anab*. 2.14.8: εἰ δὲ φοβῇ μὴ ἐλθὼν πάθῃς τι ἐξ ἐμοῦ ἄχαρι. On the use of this expression see Bosworth (1980) 132.

31. Griffith (1968) 48. But see Bosworth (1980) 232f., who admits that «there seems nothing in Alexander's letter which could not have been written contemporaneously», but concludes that «the whole correspondence reads much better as contemporary propaganda than as an authentic extract from archives.»

the Greeks were unable to fabricate non-authentic documents connected with historical events; that they were ignorant of the differences between and the particular features of documents produced by different communities and in different time periods; and, consequently, that they were unable to imitate the style and formulas of older or foreign documents, or to take whole passages from one document and employ them in another. These assumptions are evidently wrong.

In this paper I will argue that in the study of suspicious documents one should disregard the seemingly genuine elements,[32] because they can easily be reconciled with a late fabrication. One should concentrate exclusively on evident and clear mistakes, anachronisms, and discrepancies as the only solid basis for the recognition of ancient forgeries, both «constructed» and «fictitious». When a document contains elements that are clearly late fabrications, then it has been «contaminated» and cannot be regarded as «essentially authentic», exactly as a woman cannot be «essentially» a virgin or only partially pregnant.

In order to avoid circular arguments, my starting point is not an analysis of suspicious documents. Instead, I shall ask four general questions concerning the treatment of legal documents by the Greeks:

1) Did the Greeks observe differences between the legal documents of different cities?

2) Were the Greeks conscious of the fact that documents produced in different periods of time were different in their style?

3) Did the Greeks compose new documents by simply adopting formulations found in other documents?

4) Did the Greeks fabricate documents based on already existing traditions, either genuine historical traditions or legends?

If we can answer these questions affirmatively, the aforementioned arguments in support of the authenticity of several documents become worthless.

I shall attempt to answer these questions by also exploiting the information that we may extract from pseudo-documents that are undoubtedly ancient forgeries. Among numerous fictitious documents[33] I shall study primarily three texts, whose content I briefly present here. The first text is a decree of the Cretan Koinon concerning the foundation of Magnesia on the Maeander in mythical times, sometime after the Trojan War. The text was inscribed in c. 203 BCE in the Agora of Magnesia as part of a large dossier of documents pertaining to the local festival of Artemis Leukophryene and the inviolability of the city. This

32. This is what Lewis (1961) 61–66 did, when he pointed out that there were too many traces of official and archaic language in the Themistokles Decree.

33. Chaniotis (1988) 246 D27, 247 D29, 248 D33, 251 D42, 252 D46.

dossier contains more than seventy different texts: letters sent by kings, cities, and confederations, foreign honorific decrees demonstrating the benefactions of the Magnesians to other Greeks, oracles, and a local history from the foundation the city to the late third century.[34] The text, of purportedly a decree of the Cretan Koinon with measures to support the colonists of Magnesia in the Dark Ages, belongs to this corpus of historical documents

The second text is a *prostagma* of Ptolemy II Philadelphos quoted in a literary work: the letter of Pseudo-Aristeas to Philokrates. Recent research has made plausible that this text was fabricated in the last quarter of the second century BCE, i.e., more than 150 years after its purported composition (c. 124–115 BC). Its author was a Jew living in Alexandria, who was pursuing propagandistic aims. The letter of Pseudo-Aristeas contains, besides the *prostagma* that will be examined below, further forged documents: a letter of Demetrios of Phaleron and the correspondence of Ptolemy II with the otherwise unknown high-priest Eleazar.

Very important for a study of the methods of ancient forgers is, finally, the «Lindian Chronicle».[35] In 99 BC the city of Lindos authorized two local scholars to compile a list of dedications that once had stood in the sanctuary of Athena, so that the glory of the sanctuary might not fall into oblivion. The two authors compiled a long list of at least 42 dedications, describing the objects, quoting their dedicatory inscriptions, and citing the earlier historians who mentioned these dedications in their works. At least the first 14 dedicatory inscriptions are beyond any doubt forgeries, unless one is willing to believe that Minos, Kadmos, Herakles, and various Homeric heroes are really the authors of these inscriptions. The other early inscriptions in this collection (dedications of foreign cities and prominent figures, such as Phalaris) are probably forgeries, too. With the help of this material I will proceed to the discussion of the four aforementioned questions.

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34. *I.Magnesia* 16–84; Discussions of this dossier: Chaniotis (1988) 37-40 (the local history); Rigsby (1996), nos. 187–209 (recognition of Magnesia's inviolability); Chaniotis (1999a) (composition of the texts); Slater and Summa (2006) (decree concerning the foundation of the festival); Thonemann (2007).

35. *I.Lindos* 2; for a new critical edition with commentary see Higbie (2003); cf. the corrections in *SEG* LIII 821, the critical review by Bresson (2006), and the restorations suggested by Ryan (2007). On the significance of this text for the collective memory of the Lindians see Chaniotis (1988) 52–57, 116f.; Chaniotis (2005) 222; Koch Piettre (2005); Shaya (2005); Massar (2006).

### 3. DID THE GREEKS OBSERVE DIFFERENCES
### BETWEEN THE DOCUMENTS OF DIFFERENT CITIES?

In order to assess the ability of ancient forgers to fabricate documents that might look authentic –e.g. a decree that resembled an authentic decree of a particular city–, we need first to examine whether they were aware of the differences between the documents of different cities in language, style, and content, as they were, for instance, aware of dialectic differences.[36] The forged decree of the Cretan Koinon from Magnesia leaves not doubt that they were. This text was forged in Magnesia, in Asia Minor, in the late third century BCE, but purports to be a decree written on Crete six or seven hundred years earlier.[37] A forger not conscious of or not interested in the local peculiarities of decrees (dialect, structure, formulas, content) would have adopted formulations typical of the decrees of his respective city and time. In Magnesia, this is clearly not the case. On the contrary, the forger incorporated a series of elements known only from Cretan documents.

First, he employs the Cretan dialect, which he knew with surprising accuracy. I point to the use of the Dorian genitive plural (l. 3: συνελθουσᾶν, πασᾶν), the genitive -ω instead of -ου (e.g., l. 6: Κυννίω), the genitive -ιων instead of -εων (l. 3: πολίων), the Dorian -α instead of -η (l. 28: καθαγεμόνι; l. 23f.: ἁλικίαν; l. 25: στάλαν), and numerous Dorian verb forms (l. 7: ἐντὶ for εἰσί; l. 13: εἶμεν for εἶναι; l. 26: ἀναθέμεν; l: 27: δόμεν, etc.). Second, he mentions typical Cretan institutions.

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36. Cassio (2000). E.g. a letter of Epimenides to Solon was regarded as a forgery because it was not written in dialect. See Diog. Laert. 1.112: Δημήτριος ὁ Μάγνης ἐν τοῖς περὶ ὁμωνύμων ποιητῶν τε καὶ συγγραφέων διελέγχειν πειρᾶται τὴν ἐπιστολὴν ὡς νεαρὰν καὶ μὴ τῇ Κρητικῇ φωνῇ γεγραμμένην, Ἀτθίδι δὲ καὶ ταύτῃ νέᾳ. See also Palumbo Stracca (1999) on the use of dialect in forged documents in literary sources.

37. *I.Magnesia* 20: [ἔ]δοξεν Κ[ρ]ηταιέων τῶι κοινῶι συνελ[θ]ουσᾶν [τ]ᾶμ πολίων πασᾶν ἐς Βίλκω|να ἐς τὸ ἱε[ρ]ὸν τῶ Ἀπέλλωνος τῶ Βιλ||κωνίω, ἀγουμένων Γορτυνίων ἐπὶ | κόσμωι Κύδαντος τῶ Κυννίω· ἐπει|δὴ Μάγνητες οἰκεῖοί ἐντι καὶ φίλοι Κρη|ταιέων πάντων, ἔδοξεν δέ τισιν αὐ|τῶν ἐς τὰν Ἀσίαν ἀποικίαν στείλασθαι || ὑπάρχειν Μάγνησιν πᾶσιν οἰκειότατα | καὶ φιλίαν ἀγήρατον καὶ ἐμ πρυτανεί|ωι σίτησιν, καὶ εἰσάγουσιν καὶ ἐξάγουσιν ἀτέλειαν εἶμεν ἀσυλεὶ καὶ ἀσπονδεὶ κατὰ πᾶ|-σαν Κρήταγ καὶ ἔγκτησιν καὶ πολιτείαν· || δόμεν δὲ αὐτοῖς ἀποπλέουσιν ἑκάστα[μ] | πόλιν ἀργυρίω τέσσαρα τάλαντα κα[ὶ σῖ]|τομ πεπονημένον καὶ ἱερεῖα ὅσ᾽ ἂν θέ[λω|σ]ιν [α]ὐ[τ]οὶ εἰς θυσίαν, [π]ροπέμψαι [δὲ] | αὐτοὺς μέχρι εἰς τὰν Ἀσίαν ταῖς μακραῖς || ναυσὶν καὶ συμπέμψαι αὐτοῖς τοξό|τας εἰς πεντακοσίους ἄνδρας, προ|πέμψαι δὲ καὶ ἀσπάσασθαι αὐτοὺς καὶ | ἄνδρας καὶ παῖδας καὶ γυναῖκας καθ᾽ ἁ|λικίαν καὶ τοὺς ἱερεῖς καὶ τὰς ἱερείας· || τὸ δὲ ψάφισμα τόδε εἰστάλαν λιθίναν | ἀναγράψαντας ἀναθέμεν εἰς τὸ ἱερὸν τῶ | Ἀ[πέλ]λωνος τῶ Βιλκωνίω, δόμεν δὲ καὶ Λευ|[κίππωι τ]ῶι Λυκίωι τῶι καθαγεμόνι γενομένωι εἰς τὰν Ἀσί[αν Κρήτα]ς πάσας πόλεις ἀργυρίω τάλαντον· τὸ δὲ ψά||[φισμα τ]ὸ ἐπὶ ἱερέως Ἀγαιμένιος τῶ Λ[απ]παίω [- -].

For the decree he uses the correct name of the Cretan League, Κοινὸν τῶν Κρη-
ταιέων (l. 2), and not Κοινὸν τῶν Κρητῶν, as he does in the heading (l. 1).[38] He
refers to the office of the *kosmoi* (l. 6), attested only on Crete – which was
introduced in Euromos in the early second century BCE, probably under Cretan
influence.[39] He uses typical Cretan names: The *kosmos* of Gortyn had the typical
Cretan name Kydas (l. 6). The seven volumes of the *Lexicon of Greek Personal
Names* have 32 entries for Kydas / Kydans, 22 from Crete, one from Arkadia, five
from Thessaly, and four from Asia Minor.[40] Half of the Cretan attestations of the
name are from Gortyn, and most of these Gortynians were, in fact, magistrates.[41]
Kydas is as characteristic of Crete and Gortyn as Manolis presently is for Crete or
Gerasimos for Kephallenia. The same intimate knowledge of Cretan onomastics is
revealed by the name of Kydas' father: Kynnios. In the seven volumes of the
*Lexicon of Greek Personal Names* this name is attested only once (in addition to
the one in this document) and comes precisely from Gortyn.[42] The forger inten-
tionally and skillfully used typical Cretan names in order to invest his forgery
with a *couleur locale*.

It is also certain that the author was acquainted with typical Cretan cults. The
cult of Apollo Bilkonios (Ϝιλκώνιος, ll. 4-5 and 27) is only known from Crete. As a
matter of fact, until 1991 the only source for this epithet of Apollo was this
inscription, and several scholars, quite reasonably, treated this epithet as a
mistake of the forger, who might have misunderstood the epithet Velchanios.
However, a treaty-oath found in Eleutherna mentions this epithet, proving that
the forger drew upon authentic material.[43] The mention of 500 archers, who were
supposed to support the Magnesian settlers (ll. 20f.), enhances the *couleur locale*
of the forgery. The famous Cretan archers served as mercenaries in many armies,
from the Archaic to the Hellenistic period.[44]

The forger was also familiar with the structure and provisions of Cretan
decrees. The prescript of the forged document follows exactly the structure of
the prescript of the only preserved decree of the Koinon:[45]

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38. On the Cretan Koinon see Chaniotis (1996) 99f. (with earlier bibliography) and (1999)b.

39. Euromos: Errington (1993) 24–27; *SEG* XLIII 707.

40. *LGPN* I, IIIa, Va, s.vv.

41. On prosopographical problems concerning a Gortynian magistrate under this name,
see Chaniotis (2000).

42. *I.Cret.* I.xvii.9 line 11.

43. *SEG* XLI 743 l. 11; Chaniotis (1996) 190–195 no. 6 (third century BCE).

44. Launey (1987), II, 1152–1169; Petropoulou (1985) 15-20, 23-34.

45. *I.Cret.* IV 197.

| Decree of Koinon | Forged Decree |
|---|---|
| formula of enactment | |
| [ἔδοξ]ε τοῖς συνέδροις καὶ τῶ[ι κοινῶ]ι τῶν Κρηταιέων | [ἔ]δοξεν Κ[ρ]ηταιέων τῶι κοινῶι |
| mention of the place where the assembly met | |
| Κνω[σοῖ ἐ]ν τῶι συλλόγωι | συνελ[θ]ουσᾶν [τ]ᾶμ πολίων πασᾶν ἐς Βίλκωνα ἐς τὸ ἱε[ρ]ὸν τῶ Ἀπέλλωνος τῶ Βιλκωνίω |
| date | |
| κορμι[όντω]ν ἐν Γόρτυνι ... | ἀγουμένων Γορτυνίων ἐπὶ κόσμωι Κύδαντος τῶ Κυννίω |

The formula of enactment in the forged decree corresponds to that of the preserved decree of the Koinon. On the contrary, the *psephismata* of Magnesia use a different formula of enactment (ἔδοξεν τῆι βουλῆι καὶ τῶι δήμωι).[46] In addition, in Magnesia the formula of enactment appears always after the dating, never before the dating. The mention of the place where the assembly met is unknown in the *psephismata* of Magnesia. The dating formula, with mention of the chair of the board of *kosmoi* (here, of the Gortynian *kosmoi*), appears in the correct position: after the formula of enactment. It is, however, inaccurate – one of the mistakes which reveals the limits of the forger's skills. The forger used the form κόσμος, and not the Gortynian variant κόρμος. Furthermore, the formula ἐπὶ κόσμω + name of the chief *kosmos* is not attested in this form in the Cretan decrees, which instead use the plural (ἐπὶ κόσμων, ἐπὶ κοσμιόντων, et sim.) followed by the name of the chief *kosmos* (τῶν σύν ...).[47] Finally, no Cretan document refers to the Gortynians as leaders of the Koinon (ἀγουμένων Γορτυνίων). Despite minor deviations from the formulas attested in Crete, the forger had certainly studied genuine Cretan documents and tried to imitate their peculiar style. The prescript is followed by the narratio (ἐπειδή ...), the provisions of the decree (introduced with a series of infinitives, ὑπάρχειν, εἶμεν, δόμεν, προπέμψαι etc.), and the provision for the epigraphic publication. The formulations in this part of the document are so widespread that they need not be discussed any further. The privileges, too, are commonplace (invitation to the *prytaneion*, *ateleia*, *enktesis*, *politeia*) with parallels both in Crete and in Magnesia. Only the provision for escorting the colonists (προπέμψαι-formula) is probably of Cretan origin. It reflects provisions for providing an escort to envoys, unattested in Magnesia, but found in two Cretan decrees. The closest parallel is an almost contemporary decree of the Cretan city

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46. *I.Magnesia* 1–14, 98–100.

47. Chaniotis (1996) 86; see also Ghinatti (2004).

of Hierapytna, which precisely concerned Magnesian envoys.[48] The Hierapytnians decided to accompany them to whichever place they might wish (παρπέμψαι μετ' ἀ[σφα]λείας υἷ κα βώλωνται). Such a provision is very rare.[49] It is also found in another Cretan document,[50] which shows that we are dealing with an institution distinctive of Crete. It is safe to assume that the forger was imitating here a provision of Cretan decrees.

This brief discussion demonstrates not only that the Greeks observed the differences between the legal documents of different cities and local peculiarities, but also that they applied this knowledge in the fabrication of forgeries. In so doing, they did not act much differently than the forgers of literary texts, e.g., the author of the pseudo-Herodotean Vita Homeri, who imitated the individual features of Herodotus' language and style.

### 4. WERE THE GREEKS CONSCIOUS OF THE FACT THAT DOCUMENTS PRODUCED IN DIFFERENT PERIODS OF TIME WERE DIFFERENT IN THEIR STYLE?

The Greeks observed changes in style, especially in art. The archaistic tendencies in Classical and Hellenistic art[51] presuppose an understanding of chronological and stylistic differences. Analogous differences were observed in the case of inscriptions and monuments. One of the descriptions of early dedications in the «Lindian Chronicle» reads: 'Each of the phylai dedicated a very archaic ([παναρ]χαϊκόν) pinax, on which a phylarch and nine runners were painted, all of them archaic in their habitus (πάντες ἀρχαϊκῶς ἔχοντες τοῖ‹ς› σχήμασι).[52] In this fictitious inventory of the Lindian sanctuary, the early dedications correspond to the vogue of the respective period.[53] The Homeric heroes dedicated Homeric weapons (Tlepolemos: ἀσπίδες, ἐγχειρίδια, κυναί, κνημίδαι; Menelaos: κυνή; Meriones and Teukros: φαρέτρα).[54] Four of the mythical and Archaic ded-

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48. *I.Cret*. III.ii.3 C (c. 200 BCE).

49. There is no attestation of προπέμπειν in connection with foreign envoys or citizens outside Crete. For παραπέμπειν cf. *I.Magnesia* 101 ll. 92–93: ἵνα δὲ καὶ ἀσφαλῶς παραπεμφθ[ῶσιν, | το]ὺς πολεμάρχας καὶ τοὺς ἱππάρχ[ας τὴν | ἐ]πιμέλειαν ποιήσασθαι; *F.Delphes* III.2.89 (c. 180): [ἐ]πιμεληθῆμεν δὲ τοὺς ἄ[ρχοντας καὶ τᾶς ἀ]σφαλείας αὐτῶν ὅπως παραπεμφθέωντι ἄχρι οὗ κα αὐτοῖς δοκεῖ], ἐπιμελ[ηθῆν]αι δὲ τοὺς ἄρχοντας καὶ περὶ τᾶς ἀνακομιδᾶς [αὐ]τοῦ, ἵνα παραπεμφθῇ ὡς ἀσφαλέστατα]; III.3.383.

50. *I.Cret*. III.iii.4 ll. 30-33: Πρειγήϊα δὲ ὦ [κ]α χρείαν ἔχηι πορηίω, παρεχόντων οἱ μὲν Ἱεραπύτνιοι κόσμοι τοῖς Πριανσιεῦσι, οἱ δὲ Πριανσιέ‹ε›ς κόσμοι τοῖς Ἱεραπυτνίοις (c. 205 BCE).

51. E.g., Havelock (1964); Harrison (1965); Hackländer (1996); Brahms (1994).

52. *I.Lindos* 2 no. XV.

53. Blinkenberg (1915) 15; Chaniotis (1988) 267–271.

54. *I.Lindos* 2 nos. IX (Tlepolemos), X (Menelaos), XIII and XIV (Meriones and Teukros).

ications are *phialae*,[55] i.e., an object commonly dedicated in the Archaic period; not a single *phiale* appears among the later dedications.

Also differences in the lettering of inscriptions did not pass unnoticed in antiquity. Theopompos, for example, contested the historicity of the «peace of Kallias» pointing out that the inscription recording it was written in the Ionic alphabet, officially used in Athens only after 403 BCE, i.e, half a century after the purported conclusion of this treaty.[56] In historical periods in which the past was idealized, this knowledge of older letterforms was applied in the fabrication of archaistic inscriptions. In Hadrianic Athens, several inscriptions were written with letters that imitated Archaic letter-forms.[57] In one case, a forged text was written with Archaic letters: An oracle, allegedly given to Harmodios and Aristogeiton in the late sixth century BCE, was inscribed in the first or second century CE on a stele. The heading «Oracle of Harmodios and Aristogeiton» is inscribed on the pediment with letterforms common in second-century CE Athens. However, for the text of the oracle itself, the mason used letters (pi, lambda, sigma) that imitate Archaic forms, in order to create the impression that it copied an Archaic document.[58]

The ability to distinguish between old and more recent features is not limited to such external features of inscriptions, documents, and monuments. Individuals who had access to older documents could observe —and did observe— differences in formulaic expressions and recognized early elements, which had fallen out of fashion in their own times. The letters quoted by Pseudo-Aristeas, fabricated not earlier than the last quarter of the second century BCE, contain several intentional «archaisms», that is, formulas used during the reign of Ptolemy II Philadelphos, the period in which these documents purportedly originate. I give only a few examples from W. Schmidt's analysis of the forged *prostagma* of Ptolemy II.[59] The introduction of the text with a relative conditional phrase (ὅσοι – εἴ τινες) is common only in early *prostagmata*, and not in the period in which the document was fabricated.[60] The forger utilizes the official name of the Ptolemaic possessions in Syria and Phoenicia in the third century (εἰς τοὺς κατὰ Συρίαν καὶ Φοινίκην

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55. *I.Lindos* 2 nos. I, VI, VIII, XXXIII.

56. *FgrHist* 115 F 154: ἐσκευωρῆσθαι λέγει τὰς πρὸς τὸν βάρβαρον συνθήκας, ἃς οὐ τοῖς Ἀττικοῖς γράμμασι ἐστηλιτεῦσθαι, ἀλλὰ τοῖς τῶν Ἰώνων.

57. Graindor (1924), no. 54 pl. xliii; Aleshire (1999).

58. *IG* II² 5007; Graindor (1924), no. 7 pl. 6.

59. Pseudo-Aristeas, *Letter to Philokrates* 22-25. See the analysis of Schmidt (1986).

60. Pseudo-Aristeas, Letter to Philokrates 22: Ὅσοι τῶν συνεστρατευμένων τῷ πατρὶ ἡμῶν εἰς τοὺς κατὰ Συρίαν καὶ Φοινίκην τόπους ... . ὁμοίως δὲ καὶ εἴ τινες προῆσαν ... Cf. *C.Ord.Ptol.* 7, 12, 14, 86. See Schmidt (1986) 38 and 41f.

τόπους).[61] The usage of a conditional sentence with εἰ + the indefinite pronoun in the *protasis*, followed by an *apodosis* containing the king's wish (εἴ τινες προῆσαν... ἀπολύειν), is attested only in *prostagmata* of Ptolemy II and corresponds to the official style of his chancellery. The order of the king, expressed in an infinitive (ἀπολύειν), is also attested in the time of Ptolemy II.[62]

Intentional archaisms, which presuppose a careful study of older texts, can also be found in the «Lindian chronicle».[63] Some of the inscriptions on offerings made either in mythical times –by Tlepolemos (no. IX) and Meriones (no. XIII)– or in the sixth century BCE – dedications by Gela (no. XXV) and Akragas (no. XXX) – use the word ἀκροθίνιον to designate that they were war booty. This word is rarely attested in Greek inscriptions, and more commonly in dedications of booty in the Archaic or the early Classical period.[64] The dedication of Daidalos (no. 27) is an *objet parlant* (no. 27: Δαίδαλος ἔδωκε ξείνιόν με Κωκάλωι), which is, again, a feature of Archaic dedications.[65]

### 5. DID THE GREEKS COMPOSE NEW DOCUMENTS BY «RECYCLING» FORMULAS ATTESTED IN OTHER DOCUMENTS?

One does not need to have read hundreds of Greek legal documents (contracts, treaties, decrees, letters) to realize that certain standard expressions were used over and over again. Even the most elementary administration requires a formulaic language for the documents it produces, and it is exactly this use of standard formulas that permits us to restore fragmentary inscriptions and papyri. Those responsible for the composition of a legal document copied whole passages from already existing documents of a similar type (marriage contracts, treaties, honorific decrees, etc.). Dossiers that contain documents concerning the same matter constitute conclusive evidence for this practice. The best example is the dossier

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61. Schmidt (1986) 43f.

62. Pseudo-Aristeas: ὁμοίως δὲ καὶ εἴ τινες προῆσαν ἢ καὶ μετὰ ταῦτά εἰσιν εἰσηγμένοι τῶν τοιούτων, ἀπολύειν παραχρῆμα τοὺς ἔχοντας. Cf. *C.Ord.Ptol.* 7, 22. See Schmidt (1986) 47.

63. See Chaniotis (1988) 270.

64. *IG* I³ 342 ll. 8f. (Athenian inventory of earlier dedications, c. 405 BCE); *IG* I³ 1463 A (489 BCE); *SEG* XXIV 318–319 (c. 500–450 BCE); Simonides, fr. 109 ed. Bergk; Paus. 6.19.4. There are two rare Hellenistic examples from Pergamon: *I.Pergamon* I 62 a (c. 192 BCE) and 165 (c. 167–159 BCE). Both cases deal with military contexts, in which victories of Pergamene kings against enemies of the Greeks are indirectly assimilated with the victories in the Persia Wars. The word is also used in a dedication in Lindos, but after the publication of the «Lindian chronicle» and possibly influenced by it: *I.Lindos* 291 (88 BCE). Hallof, Herrmann, Prignitz 2012, 217 no. 1 (Olympia, ca. 500 BCE).

65. Burzachechi (1962).

of Magnesia on the Maeander (see note 34). By comparing the decrees of different cities concerning the recognition of the agonistic festival of Artemis Leukophryene as an isopythian contest, we observe many striking similarities in wording. They originate in the fact that their authors «recycled» expressions that they found in the letter of Magnesia requesting the recognition. This practice is designated as «Empfängerformular», that is the submission by the initiator of a diplomatic contact to the recipient of the request («Empfänger») of a form («Formular») that the recipient is asked to adopt.[66]

This practice explains how formulaic language developed gradually in Greek law, especially in international law. A forger can easily utilize such formulaic language, devoid of individual stylistic features, in the fabrication of a fictitious document. The correct use of standard expressions in a document is not proof of its authenticity, since these expressions could have been borrowed without difficulty from the formulaic language of Greek law.

## 6. DID THE GREEKS FABRICATE DOCUMENTS
### BASED ON AN ALREADY EXISTING HISTORICAL TRADITION?

Since Greeks with some experience observed differences between the legal documents of different cities, were conscious of the fact that documents produced in different periods were different in their styles, and since the authors of Greek documents sometimes composed new documents by adopting formulations found in already existing documents, did they also fabricate documents inspired by a historical tradition? The forged decree of the Cretan Koinon is enough proof that they did. Another document of this type is the Athenian honorary decree for Zenon of Kition, quoted by Diogenes Laertios.[67] «Constructed» decrees based on an authentic historical tradition served the same purposes as constructed speeches in Greek historiography, in particular, battle exhortations.[68] Historians used fictitious orations and constructed documents in order to vivify the historical narrative. The fabrication of a document corresponds to the principle of *enargeia* (vividness) that characterizes Greek oratory and historiography.[69]

Historians (particularly local historians) belong, for this reason, to the 'usual suspects' when it comes to identifying the possible origin of an ancient forgery.

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66. Chaniotis (1999a).

67. Diog. Laert. 7.10–12. See Haake (2004) and (2007) 118–129.

68. On speeches in historiography see Walbank (1965); Sacks (1986); Marincola (2007); Wiater (2010). On battle exhortations see Hansen (1993); Zoido (2007).

69. Webb (2009), esp. 87–105.

George Huxley has suggested that Kleidemos, the earliest local historian of Athens, fabricated a group of suspicious Athenian documents related to the Persian Wars, which were identified by Christian Habicht as forgeries.[70] They are first mentioned shortly after the publication of his work, for which Kleidemos was honoured by the Athenians;[71] Kleidemos, who was an *exegetes*, probably had also served as the secretary of the council, and therefore had access to documentary material.[72] As I have argued,[73] this view can be further corroborated. We not only know that Kleidemos quoted documents in his work, but also that he constructed documents. For instance, in connection with Theseus' Cretan adventures, he quoted a decree of the Greeks (δόγμα κοινὸν Ἑλλήνων) preventing triremes from carrying more than a certain number of men (the passage is corrupt) from sailing anywhere.[74]

It is also very likely that the author of the local history of Magnesia on the Maeander also fabricated the decree of the Cretan Koinon. This decree concerns the foundation of the city, which was narrated in this local history, and it was published together with the local history in the same epigraphic dossier; from a surviving fragment of this local history we know that its author quoted documents (oracles and decrees).[75] Finally, the inscriptions that contain the «Oath of the Settlers» of Cyrene and the «Oath of Plataia» (or Marathon) end with two short narratives of the oath ceremonies. The short narrative from Cyrene reads:[76]

> «On these conditions they made an agreement, those who stayed here and those who sailed on the colonial expedition, and they put curses on those who should transgress these conditions and not abide by them, whether those living on Libya or those staying in Thera. They moulded wax images and burnt them while they uttered the following

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70. Huxley (1968). On the group of possibly false documents concerning the Persian Wars see Habicht (1961).

71. Chaniotis (1988) 292f. E2.

72. Pearson (1942) 58 with note 8 (on *IG* II² 1930 of 383/2 BCE).

73. Chaniotis (1988) 261; cf. Mayer (2002) 366.

74. Plutarch, *Theseus* 19.8; cf. Davies (1996) 30. Fabiani (2007) 161, mentions this document (with no knowledge of Chaniotis 1988), but rejects (168 n. 55) without discussion the possibility that Kleidemos had fabricated the Themistocles decree.

75. Chaniotis (1988) 257f. The local history: *I.Magnesia* 17.

76. *SEG* IX 3 ll. 41ff.: ἐπὶ τούτοις ὅρκια ἐποιήσαντο οἵ τε αὐτεῖ μένοντες καὶ οἱ πλέοντες οἰκίξοντες καὶ ἀρὰς ἐποιήσαντο τὸς ταῦτα παρβεῶντας καὶ μὴ ἐμμένοντας ἢ τῶν ἐλ Λιβύαι οἰκεόντων ἢ τῶν αὐτεῖ μενόντων. Κηρίνος πλάσσαντες κολοσὸς κατέκαιον ἐπαρεώμενοι πάντες συνενθόντες καὶ ἄνδρες καὶ γυναῖκες καὶ παῖδες καὶ παιδίσκαι· τὸμ μὴ ἐμμένοντα τούτοις τοῖς ὁρκίοις ἀλλὰ παρβεῶντα καταλείβεσθαί νιν καὶ κατάρρεν ὥσπερ τὸς κολοσὸς καὶ αὐτὸν καὶ γόνον καὶ χρήματα, τοῖς δὲ ἐμμένοισιν τούτοις τοῖς ὁρκίοις καὶ τοῖς πλέοισι ἐλ Λιβύαν κ[αὶ] τ[οῖς μέ]νοισι ἐν Θήραι ἦμεν πολλὰ καὶ ἀγαθὰ καὶ αὐ[τοῖς καὶ γό]νοις.

imprecation, all of them, having come together, men and women, boys and girls: 'may he, who does not abide by this agreement but transgress it, melt away and dissolve like the images, himself, his seed and his property» (translated by Faraone 1993).

The «Oath of Plataia» (or Marathon) contains a similar account:[77]

«They swore these oaths, covered the sacrificial victims with their shields and at the sound of the trumpet made a curse: if they transgressed what was sworn and did not keep true to what had been written in the oath, a curse was to be upon the very people that had sworn» (translated by P.J. Rhodes/R. Osborne).

Authentic oaths contain instructions of how the oath is to be performed in the future. They do not contain narratives of how the oath was sworn in the past. These two descriptions of oath ceremonies are not and cannot possibly be «documents». They are historical narratives.[78] I suspect that both the «documents» and the narratives have the same origin: local histories – a local history of Cyrene and a local history of Athens, respectively.

### 7. CONCLUSIONS: HISTORICAL SOURCES, NOT HISTORICAL DOCUMENTS

This brief survey of the way the Greeks read, treated, copied, and fabricated documents permits the conclusion that an individual with some education, skills and familiarity with historical traditions was in a position to fabricate documents that looked authentic. He could do this by studying the formulaic language used in the documents of a certain polis and in a certain period; by imitating the dialect or even the paleography of older documents; and by copying and «recycling» whole passages. Texts such as the «decree» of the Cretan Koinon from Magnesia on the Maeander leave absolutely no doubt that this was not a theoretical possibility, but rather an attested practice. Ancient students of documents were aware of this. Theopompos was not blinded by the existence of an inscription with the peace of Kallias; instead, he regarded the document that was contained in this inscription as a forgery.[79] Aristotle and Polybius had no doubt that an inscription in West Lokris, purportedly containing their treaty with their colony in Italy, was a forgery.[80] The Rhodian judges who arbitrated in a territorial

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77. Rhodes/Osborne *GHI* 88 ll. 46–51: ταῦτα ὀμόσαντες, κατακαλύψαντες τὰ σφάγια ταῖς ἀσπίσιν ὑπὸ σάλπιγγος ἀρὰν ἐποιήσαντο, εἴ τι τῶν ὀμωμομένων παραβαίνοιεν καὶ μὴ ἐμπεδορ-κοῖ‹ε›ν τὰ ἐν τῶι ὅρκωι γεγραμμένα, αὐτοῖς ἄγος εἶναι τοῖς ὀμόσασιν.

78. For narratives concerning the rituals of an oath ceremony in historiography see e.g. Polyb. 3.25.6–9.

79. Theopompos, *FgrHist* 115 F 154.

80. Polyb. 12.6.1 and 12.9.1–3.

dispute between Priene and Samos in the early second century[81] were alert enough to realize that the *Histories* of Maiandrios of Miletos, a work presented by the Samian envoys in support of their claims, was a forgery. Modern historians should be equally cautious.

A legal document (law, decree, treaty, oath) quoted by a later author, contained in a later inscription, or found in the manuscript of an Attic orator, need not be authentic just because it refers to correct facts or uses the correct formulaic language. The only reliable criterion for the characterization of a document as authentic or fabricated is the existence of anachronistic or spurious elements.[82] Fabricated document, both «fictitious» and «constructed», are historical sources in the sense that they provide information about ancient versions of history. «Constructed» documents –that is, documents fabricated in order to illustrate an existing historical tradition– are as reliable as the pre-existing historical traditions that they sought to present in a vivid manner. As historical sources they are subject to the same cautious treatment as any historiographical work; historical documents, however, they are not.

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81. *I.Priene* 37 a l. 123; Ager (1996), no. 74 I. New edition and commentary: Magnetto (2008).

82. This is, e.g., the method applied by Haake (2004), in order to prove that the decree in honour of Zenon of Kition (see note 67) cannot be authentic, but is rather a literary reworking of an original.

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