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The authenticity of the decree of Teisamenus: what did (not) happen in the late fifth century

The paper will argue that the decree of Teisamenus (And.1.83-4) is a post-classical forgery that does not provide reliable information about the revision of the Athenian laws in the last decade of the 5th century BCE. A consistent reconstruction of this process will be drawn instead from Andocides' account of the procedure and from Lysias' speech *Against Nicomachus* (30.2-5).

The topic of the revision of laws in Athens at the end of the 5th century BCE has been the subject of much scholarship. There is no consensus about the modality of such process, and scholars disagree about both its general aims and matters of detail. Among the most recent reconstructions one can list Harrison 1955, MacDowell 1962, Clinton 1981, Ostwald 1986, Robertson 1990, Rhodes 1991, Volonaki 1998, Carawan 2002 and Joyce 2008. All these works take into account information provided in the orators as well as the relevant epigraphical material (mainly *IG I³ 104* and the fragments of the so-called "wall of Nicomachus", up-to-date accounts of which are Lambert 2002 and Gawlinki 2007). Their disagreement is due to the difficulty of fitting often contradictory evidence in a coherent account, and in particular to assess the place of the decree of Teisamenus, whose authenticity has not been disputed since Droysen 1873.

In this paper I take a fresh look at And.1 and at Lys.30, and show how their accounts of the revision of laws are sensible and consistent. Their evidence combined allows us to single out two separate processes: 1) the formulation of new laws carried out by *nomothetai* elected by the Assembly, and 2) examination of the old laws of Draco and Solon, which was carried out by the *anagrapheis*, a process started in 410/09 and continued in 403/2. The document purporting to be the decree of Teisamenus on the other hand presents provisions inconsistent with the orators' account and inherently nonsensical. Andocides states that the laws of Draco and Solon were to be examined and only those approved by the Assembly were to be inscribed. The document omits this process and asserts that the laws of Draco and Solon, which the Athenians followed in the past, are to be in force. Andocides says that the Assembly elected *nomothetai*, who appear to have made proposals for new laws, which were ratified by the Assembly. The document mentions two boards of *nomothetai* and assigns the first the task of proposing laws and the second that of examining the laws in conjunction with the Council. But neither is elected by the Assembly, and the laws proposed and examined by these two boards are not submitted to the Assembly for approval. Finally, Andocides twice mentions publication of the approved laws of Draco and Solon in the Stoa Basileios. The inserted document omits this procedure, but says that the new laws are to be inscribed on a wall.

These differences provide strong grounds against the document's authenticity. A study of specific features of the decree, and a close comparison with contemporary epigraphical material adds more arguments (*e.g.* the decree lacks a prescript, employs the first person plural, presents expressions unparalleled in Athenian inscriptions such as ἐν τῷδε τῷ μῦθῳ). The document, as many others in the orators (*e.g.* those of Dem.18 and Aeschin.1), must therefore be rejected. Lysias' and Andocides' narratives are instead reliable, and we can draw a consistent, sensible and innovative picture of the revision of laws from their accounts.