

Nekrodiatagma. Some Observations on I. Thrake Aeg. E216¹

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Abstract:

The paper analyzes a funerary inscription from Maroneia, which contains an uncommon legal term – νεκροδιάταγμα. After a brief prosopographic and textual analysis of the inscription, the paper examines the term νεκροδιάταγμα from the point of view of the theoretical opposition between the legal and the religious means of protecting the grave against violations. Then, through parallels with other epitaphs, special attention is given to the relationship between the public legal norm, stemming from the τυμβωρυχίας νόμος or the *actio de sepulchro violato*, and the possible existence of a private legal norm, based on the will of the tomb founder and his absolute right to dispose of the tomb. Finally, the paper concludes that the protection of the tomb in the Graeco-Roman funerary law should not be considered as a twofold phenomenon, situated between the religious and the legal aspects of the tomb, but rather as a threefold phenomenon, which combines the religious aspect with both the public legal norm and the private one.

Keywords: διάταγμα; τυμβωρυχία; funerary law; tomb founder’s will

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The paper aims at reexamining a funerary inscription from the province of Thrace, which comes from Maroneia and dates back to the second half of the 2nd century AD. The epitaph

¹ All references to epigraphic corpora and publications follow the standard abbreviations, elaborated by the Association Internationale d’Épigraphie Grecque et Latine and accessible on: <https://www.aiegl.org/grepiabbr.html>. For the repertoria and publications, not included in the list of AIEGL, the paper uses the abbreviations proposed by the project Searchable Greek Inscriptions by the Packard Humanities Institute, accessible on: <https://epigraphy.packhum.org/biblio#b743>.

contains a previously unattested legal term, regarding the protection of the grave against tomb violations. This unusual term, νεκροδιάταγμα, needs special attention, since it offers some new perspectives on the practical functioning of the funerary law in Antiquity and, in addition, illustrates how the protection of the tomb against violations is a point of intersection between public law, private law, and sacred law.

1. The Document

The epitaph is inscribed on the frontal slab of a marble sarcophagus and is partially recomposed from three contiguous fragments.² The upper part and the margins on the right and left are now missing, but the text is not affected by overly serious deficiencies. However, some syntactic and lexical peculiarities make it difficult to interpret. The inscription contains eight lines, which are divided into two clearly separated parts:

ἐνθα καμὼν ἦγον τύμβον, φίλε, Λοῦκις ἐγὼ τὸν
αὐτῷ Πανθείᾳ τε ἀλόχῳ. vacat τάχα τοῦτο περισσόν·
οὐκέτ' ἐσοψόμενος λαμπρὸν φάος ο[ὐ]δὲ μεριμνῶν
[εἰμί, λι]πὼν λύπας, μόχθον, πόνον, ἄλγεα, [νούσους (?).]
[εὐφορσυν]ῶν (?) μετὰδος σαυτῷ, φίλε, τᾶλλα γ[ὰρ] οὐδέν].
hedera Νεκροδιάταγμα καθολικὸν *hedera*
[εἴ τις (?) με]θ' ἡμᾶς ἕτερον ὧδε βαλεῖ, [δ]ώσει τ[ῇ] πόλει * - -]
καὶ λοιμὸς αὐτὸν ἄροιτο.

At lines 1–5, there is a funerary epigram in hexameters which reproduces the classic *topoi* of the deceased who addresses the traveler and speaks of death as the end of suffering³ and of the need to enjoy life because after death nothing else remains.⁴ The names of the founder of the tomb and of the addressees are mentioned within the epigram – the tomb was built by a certain Λοῦκις for himself and his wife Πάνθεια. Perhaps due to metric necessities, both characters are presented with single names, without any onomastic formulas that could indicate their *status civitatis*. However, the onomastic analysis enables us to propose some hypotheses regarding the couple.

² Fragment c: *I. Thrake Aeg. E216*; *SEG* LV: 743 DOUKATA, S. Ephoria Vyzantinon Archaioiton, Nomos Rodopis. Maroneia. Thesi Palaiochora. Archaioilogikon Deltion, 1999 (2006), Tomos 54, B2, pp. 727–773; *EBGR* 2005, p. 249–251, nr. 95. Fragments a, b and c: DOUKATA, S. Ephoria Vyzantinon Archaioiton. Archaioilogikon Deltion, 2007 (2014), Tomos 62, B2, pp. 1131–1136; *SEG* LXII: 495; *AE* 2013, 1361; JONES, C. Epigraphica XIII–XV: XIII: A Letter of Caracalla to the Koinon of Asia, *Zeitschrift für Papyrologie und Epigraphik*, 2017, vol. 203, pp. 92–99.

³ LATTIMORE, R. *Themes in Greek and Latin Epitaphs*. Urbana: University of Illinois Press, 1942, pp. 205–210.

⁴ LATTIMORE, *op. cit.*, pp. 256–258. Jones's hypothesis is based on parallels with Plutarch's passage ἔσθιε, πίνε, ἀφροδισιάζε- τᾶλλα δὲ οὐδέν (Plut. De fort. Alex. 336C), as well as with inscriptions from Thessaly (*IG* IX, 2, 640: θυμὸν ἀνάγω/ παύσασθαι δεινοῦ πένθους δεινοῦ τε κυδοιμοῦ/ οὐδὲν γὰρ πλέον ἐστί, θανόντα γὰρ οὐδὲν ἐγείρει, / ἢ τείρει ψυχὴν ζώντων μόνον· ἄλλο γὰρ οὐδέν.), Bithynia (*I. Prusias* 72: παῖζον καὶ γέλασον, ἐφ' ὅσον ζῆς, ὧδε γὰρ ἔλθων/ οὐδὲν ἔχεις καθιδεῖν ἢ νύκτα μακρὰν μετὰ σειγῆς; *I. Kios* 78: πίε, φάγε, τρῦφησον, ἀφροδισιάσον./ τὰ δὲ ὧδε κάτω σκότος/ χαίρετε, παροῖται.), Astypalea (*IG* XII Suppl. 152: αὐτ' ἐνέρω: ζώντων δ' οὐδὲν ἔχουσι νεκροί.); and Aezani (*CIG* 3846: λούσαι, πίε, φαγέ./ βεῖνησον/ τούτων γὰρ ὧδε/ κάτω [οὐ]δὲ<ν> ἔχεις.).

The wife's name, Πάνθεια, is of Greek origin and is not uncommon, especially in Asia Minor.⁵ The name Λοῦκις, however, appears in the Greek-speaking world only in the imperial era, and is found above all in the central Balkans⁶ and in Asia Minor.⁷ Usually it is a part of peregrine onomastic formulas or, rarely, of *tria nomina* formulas, which indicate, however, that the person's Roman citizenship is linked to the Edict of Caracalla. Scholars agree that the name is a phonetic variant of the Roman name Lucius,⁸ which, despite its Latin origin, spread among the provincials of the Eastern Empire as a *nomen nudum*, given by local peregrines to their children with the aim of demonstrating that the family was integrated into the prestigious Roman civilization.⁹

Getting back to the couple from Maroneia, if we consider that the epitaph seems earlier than the Constitutio Antoniniana and that the spouses bear names typical of the Greek-speaking world and do not use an onomastic formula with *tria nomina*, it seems possible to suggest that Λοῦκις and Πάνθεια were peregrines of local origin, affected by Roman influences.

At this point, the question arises whether the funerary fine instituted by the couple should be considered as belonging to Roman law or to the local Greek law. In fact, considering that Maroneia was granted the status of *civitas libera*, the existence of a specific local regulation, distinct from the general rules of Roman law, cannot be excluded; at the current state of the sources, however, no such local legislation is attested in the city. Furthermore, the problem of whether the dispositions of Λοῦκις and Πάνθεια are to be considered related to the Roman law or to a local one, becomes even more complicated if we consider that it remains unclear if and how the regulation regarding the use of the tomb was related to the legal status of the tomb founders, on the one hand, and of the violators, on the other.

⁵ In Moesia Inferior and Thrace: *IGBulg* IV 1943, *I.Tomis* 207. In Greece and the islands: *IG* XII,3 1399 *I.Cret.* II xxvi 4, *IG* V (1) 799, 1422, *IG* IX (2) 644. In Ionia: *I.Ephesos* 1072. In Kommagene: *SEG* LVIII: 1521. In Lydia: *TAM* V,1 432. In Mysia: *I.Pergamon* II 576, *MAMA* X 388. In Lycia: *TAM* II (3) 1048, 1130, *I.Kibyra* 361. In Pisidia: *TAM* III (1) 715. In Phrygia: *MAMA* VI 216. In Troas: *IG* IX (2) 644. In Caria: *I.Knidos* 356. In Cyrenaica: *SEG* XX: 719. In Pamphylia: *I.Perge* 23. In the western provinces: *IGUR* II 871, *IGUR* III 1366.

⁶ In Thrace and Moesia Inferior: *IGBulg* II 700, *IGBulg* III,1 884, 1200; *IGBulg* IV 1943, *IGBulg* V 5244 b, *I.Perinthos* 45, 219, 314, *SEG* L: 667, *SEG* LIII: 646, *SEG* LIV: 660. In Macedonia: *I.Beroia* 321, *IG* X,2 1 733, *IG* X,2 2 209.

⁷ In Greece and the islands: *SEG* XXVI: 176, *IG* XII,5 988. In Ionia: *I.Ephesos* 898, 2306, 2417, 3461, *I.Metropolis* 62. In Lydia: *SEG* XXVIII: 931, *SEG* XXXIII: 1032, *SEG* XXXIX: 1280, *SEG* XLVIII: 1465, *SEG* LVI: 1259, *SEG* LVI: 1269, *TAM* V,1 534, 540, *TAM* V,2 843, *Epigr. Anat.* 39 (2006) s. 92 n. 9; s. 65 n. 35; In Bithynia: *TAM* IV (1) 80, *I.Prusa* 1050. In Lycaonia: *MAMA* I 103, 242, *MAMA* VII 124. In Syria and Phoenicia: *I.Syrie* 5 2361, *I.Syrie* 6 2741, 2821, *SEG* XXXVI: 1293. In Cyrene: *SEG* XX: 742, *SEG* IX: 154. In Kommagene: *MAMA* I 312, *I.Konya* 26. In Pisidia: *TAM* III,1 905, *SERP* 335,15, *SERP* 337,16. In Cyrenaica: *SEG* IX: 154, *SEG* XX: 742. Also in *I.Alexandria Troas* 100; *Studia Pontica* III 156a; *MAMA* V 40; *I.Kibyra* 242. Finally, in the western provinces: *SEG* XLII: 834, *IG* XIV 38, *IG* XIV 1387, *IGUR* II 462, 496, 965.

⁸ SOLIN, H. – SALOMIES, O. *Repertorium nominum gentilium et cognominum Latinorum*. Hildesheim: Olms-Weidmann, 1988, p. 107, s.v. Lucius. Cf. *IG* XII,5 988, Tenos, imperial: Λοῦκις Κάσιο[ς]/ Λονγίνο[ς]/ στρατιώτης/ στόλου Συριακ[οῦ]; *MAMA* V 40, Dorylaion, imperial, Λούκι[ς] [Ο]β[α]λέ[ρ]ιος [Ι]π[ο]λύ[χ]ερ[ος] ἄμα συνβίω/ γλ[υ]φικ[ὸ]ν [τά]τ[η]ν/ ☿ μνήμης χάριν. ☿

⁹ RIZAKIS, A. D. Anthroponymie et société. In: RIZAKIS, A. D. (ed). *Roman Onomastics in the Greek East. Social and Political Aspects. Proceedings of the international colloquium organized by the Finnish Institute and the Centre for Greek and Roman Antiquity, Athens 7–9 September 1993*. Athens: Research Centre for Greek and Roman antiquity 1996, pp. 11–29, esp. 21–22, 24–25.

Leaving the formal aspect aside, however, most scholars of ancient funerary law¹⁰ agree in believing that even in areas where the use of the tomb was indeed regulated by local pre-Roman regulations, there existed a unified Graeco-Roman practice which took into account above all the will of the founder of the tomb, Roman citizen or peregrine, while peregrine tomb violators were subjected to sanctions harmonized with the provisions of the Roman law.

Thus, returning to the epigraph of Λοῦκις, I believe that his provisions shall be regarded as pertaining to a sort of homogenized Graeco-Roman funerary law, practiced in the Eastern provinces during the imperial period. In this complex system the main point seems to be the indisputable importance of the will of the tomb founder.

2. The Dispositions of Λοῦκις

The will of Λοῦκις regarding the use of the tomb is registered at ll. 6-8 and, in contrast to the first part of the epigraph, is in prose. Furthermore, it is also visually separated from the rest of the inscription, being introduced by a sort of title, surrounded by ivy leaves.

The dispositions of Λοῦκις contain a very common formula, consisting of a prohibition and the corresponding sanction. The prohibition concerns unauthorized burial, which is the most frequent prohibition both in the Balkans¹¹ and in the eastern provinces in general.¹² Since the text explicitly states that the tomb is reserved exclusively for the two spouses, the deposition of any other person would be considered illicit.

In case of infringement of the founder's will, two separate sanctions would be imposed. The first is of a legal nature and falls within the typical model of the funerary fine. Unfortunately, the text is damaged and neither the amount of the fine nor the beneficiary is known; the editors of the text propose to integrate the standard sum for the area, 2500 denarii in favor of the city treasury, but it would be better to remain cautious in this regard.

The second sanction, this time of a religious nature, consists of an uncommon funerary curse. The phrase λοιμὸς αὐτὸν ἄποιτο invokes the death of the transgressor, a very common topos for this genre, specifying that in this case it is death from the plague.¹³

¹⁰ RITTI, T. *Iura sepulchrorum a Hierapolis di Frigia nel quadro dell'epigrafia sepolcrale microasiatica. Iscrizioni edite e inedite*. In: AA. VV. *Libitina e dintorni. Libitina e i luci sepolcrali. Le leges libitinariae campane. Iura sepulchrorum: vecchie e nuove iscrizioni. Actes de la XI^e Rencontre franco-italienne sur l'épigraphie*. Roma: Quasar, 2004, pp. 530–539.

¹¹ *I. Thrake Aeg.* E67, E68, E88, E89, E216, E219, E312, E318, E320, E322, E323, E325, E489; *I. Sestos* 10, 22, 31, 47, 63, 64, 70; *I. Byzantion* 296, 318, 320a, 381, 382, 383, S61, S64; *IGBulg I* 346; *IGBulg III*, 1 994, 995, 996, 998, 999, 1007; *IGBulg III*, 2 1863; *IGBulg IV* 1960; *I. Perinthos* 74, 88, 89, 92, 95, 101, 103, 104, 105, 113, 115, 117, 118, 123, 125, 126, 130, 131, 132, 134, 137, 138, 141, 144, 146, 147, 151, 152, 156, 157, 158, 162, 163, 164, 165, 166, 167, 169, 171, 172, 173, 174, 175, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 193, 194, 196, 197, 198, 199, 284, 305, 311; *SEG XXX*: 677; *SEG L*: 667ter; *Dumont – Homolle, Mélanges* 437, 104, 438, 104a, 437, 104 [1]; 409, 83i, 409, 83k.

¹² RITTI, *op. cit.*, pp. 513–515; HARTER-UIBOPUU, K. – WIEDERGUT, K. “Kein anderer soll hier bestattet werden” – Grabschutz im kaiserzeitlichen Milet. In: THÜR, G. (ed.). *Tagungsakten des Symposions „Grabrituale und Jenseitsvorstellungen“ des Zentrums für Archäologie und Altertumswissenschaften der Österreichischen Akademie der Wissenschaften, Origines 3*. Wien: Verlag der Österreichischen Akademie der Wissenschaften, 2014, pp. 147–171.

¹³ STRUBBE, J. H. M. *Arai Epitymbioi: Imprecations Against Desecrators of the Grave in the Greek Epitaphs of Asia Minor: a Catalogue*. Bonn: Habelt, 1997, p. XVII.

The imprecation belongs to the group of the “specific” imprecations, based, according to Strubbe, on the magical power of the last word¹⁴ of the dead.¹⁵

The mention of the plague is quite uncommon, and only one parallel from Bithynia is currently known.¹⁶ Considering that both imprecations referring to the plague can be dated after the middle of the 2nd century AD, it seems probable that they could have been inspired by the *pestis Antonina*.

It is important to point out that both the legal and religious sanctions concern the same transgression, unauthorized burial, and function cumulatively. This means that the infringement of the founder’s will is conceived as a double transgression concerning, at the same time, both the religious aspect and the legal aspect of the tomb. It should be noted that this is the standard approach, as in most inscriptions containing both a grave fine and an imprecation, the two types of sanctions usually refer to the same transgression.¹⁷

Having analyzed the provisions of Λοῦκις regarding his tomb, it is necessary to focus on the phrase that introduces them, acting as a sort of title. In fact, at r. 6 we find the expression Νεκροδιάταγμα καθολικόν.

The term νεκροδιάταγμα, intended as a compound noun, is not attested elsewhere. For this reason, most editors¹⁸ prefer to correct to νεκρὸ(ν) διάταγμα, that is, to a sentence composed of a noun and an adjective. However, the expression νεκρὸ(ν) διάταγμα is also a hapax and is not attested elsewhere, so any intervention on the text seems superfluous. Therefore, in this paper, I choose to stick to the more conservative reading offered by Jones¹⁹ and will talk about νεκροδιάταγμα.

Fortunately, the meaning of the term could be easily reconstructed by analyzing its elements. The main element is the term διάταγμα, appearing both in public legal documents and in private texts. It is a noun from the root of the verb διατάσσω, which means „to dispose, to express one’s will“. As for the other element, νεκρός, the use of an adjective to create a compound noun is not unusual and, indeed, Liddell–Scott’s Greek vocabulary contains around sixty entries in which the first element is νεκρός: νεκράγγελος; νεκραγωγέω; νεκροφόρος; νεκροφύλαξ; νεκροκαύστης; νεκροκομίζω and many others. Thus, the addition of νεκρός as the first element of the hapax would indicate that the διάταγμα belongs to or comes from the dead. But what exactly does διάταγμα mean?

¹⁴ STRUBBE, *op. cit.*, p. 40, cfr. VALOIS, R. APAI. *Bulletin de correspondance hellénique* 1914, 38, pp. 250–271, esp. 254–255; LATTE, K. *Heiliges Recht: Untersuchungen zur Geschichte der sakralen Rechtsformen in Griechenland*. Tübingen: J.C.B. Mohr, 1920, pp. 77–78.

¹⁵ STRUBBE, *op. cit.*, p. 36.

¹⁶ *I.Mus. Iznik* 1251, Nicaea, III c. AD. A similar curse is present also in an oracular tablet (*I.Dodone* Lhôte 13).

¹⁷ Cfr. RADULOVA, L. *Religious protection of tombs in Moesia Inferior and Thrace*, in print.

¹⁸ *I. Thrake Aeg.* E216; *SEG* LV: 743; DOUKATA, *op. cit.*, pp. 727–732; EBGR 2005, pp. 249–251, nr. 95. Fragments a, b and c: DOUKATA, *op. cit.*, pp. 1131–1136; *SEG* LXII: 495; *AE* 2013, 1361.

¹⁹ JONES, *op. cit.*, pp. 92–99.

In the context of public law, *διάταγμα* is the standard translation of the term *edictum* and is usually used in reference to the praetor's edict²⁰ or the imperial edict, as in the famous Edict of Nazareth.²¹

Together with the adjective καθολικόν, the term *διάταγμα* appears, again in a public context, in a papyrus from Philadelphia, contemporary with the Maroneia epigraph.²² Purpura interprets the phrase as referring to an edict of the provincial governor, in relation to which καθολικός would correspond either to the phrase *edictum perpetuum*, or *edictum tralaticium*, or even to *edictum generale*. Although Purpura's hypothesis is not universally accepted, it is important to point out that the phrase *διάταγμα καθολικόν* is obviously a part of the language of Roman public administration and is not an innovation created *ad hoc* for the inscription of Maroneia. It seems that Λοῦκις had an innovative version of the Greek translation of a completely Roman legal term inscribed on his tomb monument. However, from the point of view of the content, the “public” meaning of the term *διάταγμα* in a funerary context would seem unsuitable. In fact, the examination of the database of Greek inscriptions shows that in funerary inscriptions, *διάταγμα* is also found in pre-Roman times²³ with the specific meaning of the owner's provisions regarding his things. In some epitaphs, however, the term has a more specific meaning.

3. Διάταγμα and τυμβωρυχία

An inscription from Kaunos²⁴ informs that the violator of the tomb will be held responsible both under the law about tomb violation (called τυμβωρυχίας νόμος), and in relation to the *διάταγματα* of the founder of the tomb. The clarification “according to the provisions of

²⁰ Plut. Marc. 24, 7: ὁ γὰρ δικτάτωρ οὐκ ἔστιν ὑπὸ τοῦ πλήθους οὐδὲ τῆς βουλῆς αἰρετός, ἀλλὰ τῶν ὑπάτων τις ἢ τῶν στρατηγῶν προελθὼν εἰς τὸν δῆμον ὃν αὐτῷ δοκεῖ λέγει δικτάτορα, καὶ διὰ τοῦτο δικτάτωρ ὁ ῥηθεὶς καλεῖται: τὸ γὰρ λέγειν δίκερε Ῥωμαῖοι καλοῦσιν ἐνιοὶ δὲ τὸν δικτάτορα τῷ μὴ προτιθέναι ψήφον ἢ χειροτονίαν, ἀλλ’ ἀφ’ αὐτοῦ τὰ δόξαντα προστάττειν καὶ λέγειν οὕτως ὀνομάσθαι καὶ γὰρ τὰ διαγράμματα τῶν ἀρχόντων Ἕλληνες μὲν διατάγματα, Ῥωμαῖοι δὲ ἔδικτα προσαγορεύουσιν.

²¹ SEG 8:13, Nazareth, 1 c. AD: διάταγμα Καίσαρος./ ἀρέσκει μοι τάφους τύνβους/ τε οἵτινες εἰς θρησκείαν προγόνων/ ἐποίησαν ἢ τέκνων ἢ οἰκείων/ τούτους μένιν ἀμετακινήτους/ τὸν αἰῶνα· ἐάν δέ τις ἐπιδίξῃ τινὰ ἢ καταλειυκὸτά ἢ ἄλλω τινί/ τρόπῳ τοὺς κεκηδευμένους/ ἐξεριφφὸτα ἢ εἰς ἐτέρους/ τόπους δώλῳ πονηρῷ με/τατεθεικὸτά ἐπ’ ἀδικία τῇ τῶν/ κεκηδευμένων ἢ κατόχους ἢ λί/θους μετατεθεικὸτά, κατὰ τοῦ/ τοιοῦτου κριτήριον ἐγὼ κελεύω/ γενέσθαι, καθάπερ περὶ θεῶν/ εἰς τὰς τῶν ἀνθρώπων θρησκ/κειας· πολὺ γὰρ μᾶλλον δεήσει/ τοὺς κεκηδευμένους τεῖμᾶν/ καθόλου μηδενὶ ἐξέστω μετα/κινήσαι· εἰ δὲ μὴ, τοῦτον ἐγὼ κε/φαλῆς κατὰκριτον ὀνόματι/ τυμβωρυχίας θέλω γενέσθαι.

²² BGU 7 1578, II–III c. AD., Philadelphia, fr. 5–7: [τ]ῷ κρα[τ]ίστῳ δικα[οδό]τῃ διέ[π]ο[ν]τι κα[ί] τὰ κατὰ τὴν ἡγεμονίαν(*)/ [...] π τῶν ἐντεμῶς ἀπολυθέντων. ἱερωτάτου καθολικοῦ διατάγμα/[τος] κελεύοντος ..] τὰς δη. [...] κύριε τοὺς(*) ἀχαριστίας ἐγκαλοῦντας τέκνοις τῇ ἡγεμονίᾳ ἐντυγχάνειν. Cfr. PURPURA, G. *Καθολικόν διάταγμα. (Sulla denominazione dell'Editto provinciale egizio)*. Palermo: Società Grafica Artigiana, 1981, pp. 1–20.

²³ I.Sinuri 80, Sinuri, hellenistic: ἐπὶ στεφαν[ηφόρου] - - -] τοῦ Λέον/τος τοῦ Δημητ[ρίου] - - -] τοῦ Μέ/λας Μενάνδρου τοῦ - - - τοῦ Ἰερέ/ως Τα ρκονδ[αρεὺς] - - - τάδε] διέ/θετο ἐν τῷ Ε[- - -]/τὰ μὲν εἴη μο[ι] ὑγαίνοντι τὰ ἐμᾶν τοῦ δι]/οικεῖν· ἐάν δέ τ[ι] ἀνθρώπινον πάθω, καταλείπω - - -]/ [- - -] ἐάν δ[έ] τις - - - τ[ι] τῶν ὑπ’ ἐμοῦ δι[ατε]/[τα]γμένων [καθ’ ἥντινα παρε]ύρεσιν ἢ μηχανὴν ἐν[χειρῆ] ἢ]/ [ὑπ]οθῇ τὸ [- - - ἢ - - -] ἢ τι ὧν ἐγὼ διατέταχα, ἀπο/[τ]εισάτω [- - -] ΠΙΩΝ δίκη νικηθεὶς ἱερὰς τῶν/ [Σινυρι] δραχμὰς - - -]ίας καὶ τὸ βλάβος ἀπλοῦν/ [- - - καὶ μηδὲ]ν ἥσσαν ἕκαστα ὑπαρχέ/[τω] κύρια - - -]εῖτω δὲ ὁ βουλόμενος/ [- - - τοῦ] δὲ βλάβους ἐπεγγυ[- - -].

²⁴ I.Kaunos 176, τοῦτο τὸ μνημεῖον κατεσκευ[ά]σεν Μενεκράτης Ἱατρο[κλέους] τοῦ/ Μενεκράτους, ὁ κτήτωρ τ[οῦ] χωρίου, ἐ/αυτῷ καὶ τῇ γυναικὶ αὐτ[οῦ] - - -]/ καὶ τοῖς υἱοῖς αὐτῶν Ἱατρ[οκλεῖ] καί?]/ Μενεκράτει vacat Φαν[- - -]/ Ἀγρεοφῶντι μόνις· ἐάν δέ τις/ ἕτερον θάψῃ χωρὶς τ[ῶν] προγεγραμ[μ]ένων vacat ἔνοχος

Menecrates” clearly demonstrates that in this case, the διατάγματα are a private act of the founder. It appears, therefore, that the tomb of Menecrates is subject to two types of rules, a public one (τυμβωρυχίας νόμος) and a private one (διατάγματα Μενεκράτης).

At this point, it is necessary to make a digression about the meaning of the term τυμβωρυχία. First of all, it should be pointed out that it already existed in classical Greece and in the Hellenistic age, so, at first glance, it could hardly be connected to Roman law. However, scholars observe a drastic change in its meaning from Greek and Hellenistic use to widespread use in Roman times. In fact, in the pre-Roman age, τυμβωρυχία was used exclusively in literary texts and only in its etymological meaning: τύμβος means tomb, and ὀρύσσω means to dig, while τυμβωρυχία is found only in reference to the looting of tombs, especially during wars.²⁵

In Roman times, however, the term also appeared in epigraphic context. Currently, we know of about 240 attestations, of which the majority come from Asia Minor,²⁶ especially from Pisidia, Caria, and Lycia, and only two come from Thrace.²⁷ The inscriptions always follow the classic model of the *iura sepulchrorum* epitaphs, that is, they carefully describe the actions towards the tomb that the founder wanted to prohibit and the corresponding sanctions. This list of prohibitions allows us to realize that, as scholars observe, in Roman times the term τυμβωρυχία never referred to looting of the tomb, but almost always to unauthorized burial, to opening of the tomb or, very rarely, to physical damage of the tomb

[ἔσται ὁ θάνας]/ τῷ τῆς τυμβωρυχίας νόμῳ vacat?]/ καὶ διατά<γ>μασιν [οἷς vacat?]/ Μενεκράτης vacat [ἱατροκλέους?]/ vacat διετάξατ[ο.].

²⁵ RITTI, *op. cit.*, p. 535.

²⁶ Dalmatia: *Forsch. in Salona* 3 12a; Islands: *I.Cos Segre* EF 332 (Cos); *IG* XII,6 2:733 (Samos); *IG* XII,6 2:1258; *IG* XII,7 478 (Amorgos); Caria: *I.Iasos* 376, 392, 393; *I.Kaunos* 176; Mylasa 302*5; Robert, *Carie* II, 112, 113, 164, 176, 177; *MAMA* VIII 544, 545, 547, 550, 553, 555, 556b, 557, 559, 565, 568, 571, 573, 577, 578, 579, 584, 592; *REG* 19, 1906, s. 267–269, nr. 163; *REG* 19, 1906, s. 260–61, nr. 154; *REG* 19, 1906, s. 283–84, nr. 179; *ABSA* 1964, s. 19, nr. 10; *ABSA* 1964, s. 17, nr. 4; *BE* 1967:545; *BE* 1967:546; *BE* 1967:547; *CIG* 2827; 2830, 2839, 2843, 2848; *LW* 1641; Ionia: *I.Didyma* 529; *I.Milet* 2 564, 602, 642, 649, 668, 677, 696, 698, 783; *I.Milet* 3 1416; *I.Smyrna* 199, 269, 273, 286; Lydia: *TAM* V,2 1142, 1280; Mysia: *IMT Adram Kolpos* 706; *IMT Aisep/Kad Dere* 1215; *IMT Kyz Kapu Dağ* 1579, 1584; 1588; 1701; 1824; 1826; Herrmann-Polatkan, *Testament* 7,1; *I.Kyzikos* 248, 525, 557; Bithynia: *I.Kalchedon* 73; Pontus: *BCH* 44, 1920, 357,b; *Studia Pontica* III 266; Phrygia: *MAMA* VI 335; I.Hierapolis Judeich 275, 312; Pisidia: *TAM* III, 1 218, 223, 224, 225, 228, 232, 233, 237, 246, 252, 254, 256, 259, 264, 266, 280, 298, 307, 313, 321, 325, 327, 332, 350, 362, 370, 371, 379, 386, 387, 389, 396, 418, 422, 424, 425, 426, 439, 443, 448, 451, 452, 459, 469, 470, 471, 472, 481, 482, 483, 487, 488, 489, 518, 541, 553, 559, 561, 563, 564, 571, 573, 576, 584, 590, 592, 595, 596, 597, 598, 601, 607, 608, 616, 633, 636, 641, 655, 657, 697, 711, 727, 734, 738, 743, 746, 748, 760, 769, 770, 780, 784, 817, 833, 835, 837, 847; *SEG* XLI:1270, 1274, 1277, 1287, 1290, 1301; *SEG* XLIV: 1119, 1131; *SEG* LVII:1490, 1502, 1510, 1511, 1517, 1520, 1522, 1523, 1531, 1565, 1573, 1579, 1581, 1582, 1587, 1597, 1622; *ABSA* 16, 1909/10, s. 116,8; Lycia: *I.Bubon Schindler* 26; Petersen – Luschan, *Lykien*, II 168, 206; *TAM* II 88, 224, 225, 321, 326, 338, 357, 448, 451, 630, 722, 953, 1032, 1052, 1122; I.Arykanda 121, 196; I.Kibyra 317; Syria: *SEG* XXXII:1423; Palestina: *SEG* VIII:13; Paphlagonia: *I.Sinope* 121; Achaia: Rizakis, *Achaïe* II 179; Cilicia: Heberdey-Wilhelm, *Reisen* 65.

²⁷ *I.Perinthos* 104, Perinthos, after 212 AD: εἰ δὲ τις φωραθεῖν ἕτερον/ πτώμα ἐπιβάλλων, κρατη/θήσεται τῷ τῆς τυμβωρυχί/ ας νόμῳ; *I.Sestos* 22, Callipolis, imperial: εἰ τις δὲ τινα καταθήτε <ε>τερο[v]/ ὑπευθυνθέτω τῆς τυμβωρυχίας.

or funerary monument.²⁸ It seems, therefore, that in Roman times the term came to indicate any violation of the will of the owner of the tomb.²⁹

We notice at once that this definition of *τυμβωρυχία* coincides with Ulpian's fragment,³⁰ according to which any act, even otherwise lawful, that went against the will of the founder of the tomb had to be considered as *violatio sepulchri*. So, it seems possible to suggest that *τυμβωρυχία* is the Greek rendition of *violatio sepulchri*?

Firstly, there is a linguistic argument in favor of this hypothesis. The inscriptions often mention *τυμβωρυχία* as a part of phrases with legal connotations. *Νόμος τυμβωρυχίας*, as in the Kaunos epitaph, is a rare expression, attested only 7 times.³¹ However, the phrase *τυμβωρυχίας ἔγκλημα* has more than 100 known attestations, concentrated mainly in Pisidia.³² The term *ἔγκλημα* belongs to the legal language and means "accusation", i.e., the written complaint used as a means to protect a person's rights. So, it seems that the *ἔγκλημα* functions in a way similar to the Roman *actio*.

The use of the legal terms *ἔγκλημα* and *νόμος* in relation to *τυμβωρυχία* suggests that in Roman times, *τυμβωρυχία* was a type of transgression regulated by law (or in any case by some type of legal system) and provided with a specific type of accusation, i.e., *actio*. Certainly, the provincial context from which the attestations of the term *τυμβωρυχία* come could lead us to think of local laws and actions, inherited from the pre-Roman age and concerning only peregrine provincials.³³ However, this interpretation seems unlikely for

²⁸ GERNER, E. IX. Tymborychia. *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, 61, 1941, pp. 230–275, esp. pp. 233–234.

²⁹ RITTI, *op. cit.*, p. 535; HÄLMAGI, D. A few notes on *τυμβωρυχία*, *Classica et Christiana*, 2017, vol. 12, p. 152.

³⁰ Dig. 47.12.3.3 (Ulp. 25 ad ed. praet.): *Si quis in hereditarium sepulchrum inferat, quamvis heres, tamen potest sepulchri violati teneri, si forte contra voluntatem testatoris intulit.*

³¹ IG XII,7 478, Amorgos; εἰ δὲ τις τολμήσει προσελθεῖν [εἰς]/[αὐ]τὸ [ἡ] θεῖναι πτώμα, ὑπεύθυνος ἔστ[αι] ἐκ νόμου τυμβωρυχία· οὐδὲ γὰρ συ[ν]/[ε]χ[ω]ρήσῃ οὐτε βούλεται, οὐδ' ἂν οἱ κληρ[ο]/νόμοι αὐτοῦ βούλωνται τινι τοῦτο ἐφ[ι]έναι, μ[ὲ]ν εἶναι αὐτ[ο]ῖς κ[αὶ] ὑπευ[θ]ύ[ν]ους εἶναι το [- - -]; TAM V,2 1142, Lydia, Thyateira; ...ὅς δ' ἂν τολμήσῃ ἡ ποιήσῃ παρὰ ταῦτα, δώσει εἰς μὲν τὴν πόλιν τὴν Θυατειρηνῶν ἀρ/γυρίου δηνάρια χεῖλια πεντακόσια, εἰς δὲ τὸ ἱερώτατον ταμεῖον δηνάρια δισχεῖλια πεντακόσια γεινόμενος ὑπεύθυνος ἐξωθεν/ τῆς τυμβωρυχίας νόμοι. ταύτης τῆς ἐπιγραφῆς ἐγράφη ἀπλᾶ δύο, ὧν τὸ ἕτερον ἐτέθη εἰς τὸ ἀρχεῖον. ἐγένετο ἐν τῇ λαμπροτάτῃ/ Θυατειρηνῶν πόλει ἀνθυπάτῳ Κατύλλῳ Σεβήρῳ μηνὸς Αὐδναίου τρισκαίδεκάτῃ ὑπὸ Μηνόφιλον Ἰουλιανοῦ δημόσιον.; IMT Kyz Kapu Dağ 1584, Mysia; [- - - εἰ δὲ τις τολμήσῃ ἕτερον καταθέσθαι ἢ ἐκκόψαι ἢ μετε[ν]εγκεῖν - - - δώσει/εἰ τῷ ἱερῷ συνεδρίῳ τῶ[ν] σακκοφόρων τῶν ἀπὸ τ[ῆ]ς μετρητοῦ (δην.) ,βφ' κα[ὶ] - - - τῇ πόλει τ[ῆ]ς ὁ ἴσον κα[ὶ] ὑπε[θ]ύ[ν]ος ἔσται τῷ τῆς τυμβωρυχίας νόμῳ.; IMT Kyz Kapu Dağ 1701, Mysia; λοιπὸν φυλάσσου, μὴ τινα ἐνθήσεις τάφῳ, / δίκην τε ὑφείξῃς παρανόμως τυμβωρυχῶ[ν]/ φίσκῳ τε δώσις (δην.) ,β καὶ τῇ πόλει (δην.) ,α.; TAM II 953, Lycia; ἡ ὁ βιασάμενος ἐνκηδεῦσαι δώσει τῷ ταμεῖῳ/ καὶ τῷ στατίζοντι * ,βφ' καὶ ὑποκεῖσθαι αὐτὸν τῷ/ τῆς τυμβωρυχίας νόμῳ, καὶ ὁ ἐλέξας λήμψετε/ τὸ τρίτον.

³² Dalmatia: *Forsch. in Salona* 3 12a; Islands: IG XII,6 2:733 (Samos); Caria: Robert, *Carie* II, 176; Ionia: *I.Didyma* 529; *I.Milet* 2 564, 602, 649, 668, 677, 696, 697, 783; TAM V,2 1280; Mysia: IMT Adram Kolpos 706; IMT Aiseip/Kad Dere 1215; IMT Kyz Kapu Dağ 1588; 1824; 1826; Bithynia: I.Kalchedon 73; Phrygia: MAMA VI 335; Pisidia: TAM III, 1 218, 223, 224, 225, 228, 232, 233, 237, 246, 259, 264, 266, 280, 307, 313, 327, 350, 371, 379, 386, 387, 389, 422, 424, 425, 439, 443, 448, 452, 459, 469, 470, 471, 472, 481, 483, 487, 541, 553, 559, 561, 564, 573, 576, 584, 592, 595, 596, 597, 598, 601, 607, 608, 633, 636, 641, 655, 697, 711, 727, 734, 738, 743, 746, 748, 760, 769, 770, 780, 833, 847; SEG XLI:1277, SEG XLIV: 1119, 1131; SEG LVII:1510.

³³ HIRSCHFELD, G. Über die griechischen Grabschriften, welche Geldstrafen anordnen. *Königsberger Studien* 1887, Jahrg. 1, p. 121; MITTEIS, L. *Reichsrecht und Volksrecht in den östlichen Provinzen des*

two reasons. First of all, the diffusion of the terms *τυμβωρυχίας ἔγκλημα* and *νόμος* in cities with different statuses and also in different provinces could hardly indicate that it is a pre-Roman phenomenon, limited to the local law of some Greek or Hellenistic polis. Secondly, almost half of the characters who include these terms in their funerary epigraphs have an onomastic formula with *tria nomina* and therefore can be identified as Roman citizens. It seems more probable, therefore, that the terms *τυμβωρυχίας ἔγκλημα* and *νόμος* were used by the commissioners of the inscriptions as the Greek correspondents of the *sepulchri violatio* and the respective *actio*.

So, getting back to the inscription of Menekrates from Kaunos, it is possible to observe the coexistence of two types of norms regulating the protection of the tomb – a public one (*τυμβωρυχίας νόμος*) and a private one (*διατάγματα Μενεκράτης*). In order to find out if this was an unusual decision of the tomb founder, it is necessary to examine other instances of the *διατάγματα* of the tomb founder.

4. Διατάγματα τοῦ νεκροῦ

A double norm, public and private, is also observed in a text from Magnesia,³⁴ which states that the transgressor will be held responsible under the “ancestral laws” (τοῖς πατρίοις νόμοις) and in relation to the *διατάγματα*. Scholars³⁵ agree that the *πάτριοι νόμοι* are local regulations. In the absence of explicit clarification, the *διατάγματα* are often understood as imperial ordinances. However, the parallel with the epitaph of Kaunos suggests that here, too, we are dealing with the provisions of the founder of the tomb. In this regard, particular attention should also be given to the fact that ll. 1–10 of the inscription contain the founder’s will regarding the use of the tomb. At ll. 11–13, however, we observe that the transgressor is defined as “anyone who acted contrary to what is written above” (ὕπε/ ναντίον ποιήσῃ τοῖς προ/γεγραμμένοις). It seems more than convincing to me, therefore, that at ll. 1–10 we can read precisely the *διατάγματα* of the founder of the tomb and that this text is the source of the private norm, coexisting with the public one.

This hypothesis about the interpretation of *διατάγματα* is also confirmed by a text from Aphrodisias.³⁶ At ll. 1–2 we read that, if anyone acted against the provisions expressed through this inscription, he would be considered sacrilegious and a violator of tombs and would have to pay a fine to the fiscus. Unfortunately, the beginning of the inscription contains lacunae, and the content of these *διατάγματα* is not known. It is clear, however, that

Römischen Kaiserreichs. Leipzig: Teubner, 1891, p. 101; CUMONT, F. Un rescrit impérial sur la violation de sépultures. *Revue historique*, 1930, T. 163, fasc. 2, p. 244; GERNER, *op. cit.*, pp. 247–248.

³⁴ *I. Tralleis* 13 οὐδενὶ δὲ ἐξέσται εἰς ταύ/την τὴν σορὸν ἐτέρῳ ταφῆ/ναι εἰ μὴ Δημοχάριδι Προ/κλέους· οὐδὲ ἐξέσται τὴν/ ἄλλην σορὸν ἢ βωμόν ἢ/ στήλην ἐπιθεῖναι ἐκ τοῦ/ των ἐπιγεγραμμένων, ἢ ἐπι/γράψαι τι ἢ τῶν ἐπιγε/γραμμένων τι ἐκχαρά/ξαι, ἐάν τις θάψῃ εἰς/ ταύτην τὴν σορὸν ἢ ὑπε/ναντίον ποιήσῃ τοῖς προ/ γεγραμμένοις, ὑπεύθυνος/ ἔσται τοῖς τε διατάγμα/σι καὶ τοῖς πατρίοις νόμοις./ καὶ ἀποτεῖται τῇ πόλει * [- - -].

³⁵ RITTI, *op. cit.*, p. 533.

³⁶ *CIG* 2850c, Aphrodisias, imperial: [- - - μηδενὸς ἔχοντος ἐξουσίαν ἐνθάψαι ἑτερόν]/ τινα ἐν τῇ [σορῶ ἢ] ἐκθάψαι τῶν ἐ[νκει]μένων σ[ωμ]μάτων· ἐ[άν] τις ἐναντίον τι ποιήσῃ [τοῖς]/ διατεταγμένοις διὰ ταύτης ἐπι[γραφή]ς ἔστω ἄσεβης καὶ ἐπάρατ[ος] καὶ τυμβωρύχ[ος]/ καὶ προσαποτείσσάτω ἰς τὸν τοῦ κυρίου αὐτοκράτορος Καίσαρος φίσ[κ]ον ἀργυρίου * [- - -]/ ὧν τὸ {τὸ} τρίτον μέρος ἔσται τοῦ ἐκδικήσαντος καὶ οὐδὲν ἔλαττον πάντα μενεῖ κύρια/ τὰ ὑπ’ ἐμοῦ διατεταγμένα· ἐν δὲ ταῖς ἰσώσαις καὶ τῷ πλάτῃ ταφῆσονται οὗς ἂν [A]ρ[τε]μίδωρ[ος] ἢ τέκνα αὐτοῦ βουληθῶσιν· τῆς ἐπιγραφῆς ταύτης ἀντίγραφον ἀπετέ/θη ἰς τὸ χρεοφυλάκιον ἐπὶ στεφανηφόρου Ἀδράστου τοῦ Ἀδράστου τοῦ Ἀπολλωνίου τὸ β’ ἡρώος μ(ηνὸς) η’.

the regulation, under which the transgressor would be subjected to a financial penalty, was inscribed on the funerary monument and was probably related to the private dispositions of the founder of the tomb and not to a general public norm. Undoubtedly, a parallel public regulation did exist.

The same model can be observed, this time completely preserved, also in a short text by Magnesia,³⁷ in which we read that anyone who changes / acts against the provisions of the tomb inscription would have to pay a fine to the fiscus. Here, too, the source of the private norm is the founder's dispositions inscribed on the epitaph, regarding the use of the tomb. No mention is made of any general regulation prohibiting tomb violation, but its existence is again highly probable.

Finally, in a more indirect way, other inscriptions also contain references to the dispositions of the tomb founder, expressed with the term διατάγματα or with forms of the verb διατάσσω.³⁸

5. Protecting the tomb of Δούκις and Πάνθεια

After the analysis of the funerary inscription from Maroneia and of some of its parallels, it is possible to reconstruct the following picture:

³⁷ *TAM* V,2 1410, Magnesia, imperial: Τίτος Φλάβιος Σπόρος τὴν κα/μάραν ζῶν κατεσκεύασεν ἕαν/τῷ καὶ τῇ γυναικὶ αὐτοῦ Τατιά/ καὶ τοῖς ἐκγόνοις αὐτοῦ. εἰ δέ τις/ πωλήσῃ ἢ μεταθῇ τῶν κατὰ τὴν/ ἐπιγραφὴν διατεταγμένων, ἀπο/τείσει τῷ φίσκῳ ἀργυρίου (δην.) χεῖλι[α].

³⁸ *IGBulg* III,2 1852, Bizye, imperial: ἀγαθῇ τύχῃ./ Θεοῖς Κατα[χθονίοις]/ Δαλιτραλὶς Ἑρ.[- - - διὰ(?) τοῦ]/ ιδίου ἀδελφοῦ - -]/ ζεν[ε]ος κληρονόμου υἱοῦ αὐ/το[ῦ] Αὐλουζενερος, οἷς ἐν/ τῇ διαθήκῃ α[ὐ]τῷ οὐ διετά/ξατο ἀναθεῖναι τὴν στήλ/λην Δαμα[.]ου· ζήσας/ ☿ ἔτη ☿ λη'.; *I.Kibyra* 106, Kibyra, imperial: Aelia A[s]teria Aelio Anti[o]ch[i]ano, tesserario leg(ionis)/ [X]I Cl(audiae), dulcissimo quando/ marito suo instruxit mo/nimentum et statuam/ e[st] ar(?)ulam cum subposi/to in terram sarcophago/ lapideo secundum volun/[t]atem s(upra)s(cripti) Antiochiani, me/moriae causa. huius exem/plaria i[u]s[ta] ce[r]ris duobus re/posita sunt in archia publi/ca Cibyratarum./ Αἰλία Ἀστερία Αἰλίου Ἀντιοχίανῳ, τεσσαεραρίῳ λεγ(ιώνος)/ α' Κλ(αυδίας), τῷ γλυκυτάτῳ γε/νομένῳ ἀνδρὶ αὐτῆς/ [κα]τ[ε]σσ[κε]ύασε τὸ μνημεῖ/[ο]ν καὶ τὸν ἀνδριάντα σὺν/ τῇ βάσει κ[α]ὶ τῇ ὑποκει/[μ]ένῃ ὑπὸ [γῆ] σ[το]ρῶ, καθὼς/ [α]ὐτὸς διετάξατο, μνεῖας/ χάριν· τούτου ἀντίγραφα/ δύο εἰς τὰ ἀρχεῖα ἀπετέθη·; *IGBulg* IV 2323, Heraclea Sintica, imperial: Ἐρμωδῶ/ρῳ ἐκ τῶ/ν αἰκίνου/ ὡς διετάξ/ετω. *I.Milet* 602, Milet, hadrianic period: τοῦ/ Διονυ/σίου/ μη(νός) Τι(βερίου)/ vacat λ'/ τὴν σορὸν καὶ τὸ ὑπ' αὐτῇ μνημεῖον κα/τεσκεύασεν Μηνόδωρος Νικηράτου/ καθὼς διετάξατο αὐτοῦ ἢ μήτηρ Νικῶ/ Νικηράτου ἐφ' ᾧ οὐδεὶς εἰς τὴν σορὸν ἔ/τερος ταφίσεται εἰ μὴ αὐτὸς Μηνόδω/ρος Νικηράτου καὶ ὁ ἀδελφὸς αὐτοῦ/ Ἰδιόκτητος Ἀγαθόποδος καὶ Ἀγαθό/πους Μηνωδῶρου καὶ οἱ ἐκγονοὶ αὐτῶν/ ἐτέρῳ δὲ οὐδενὶ ἐξέσται εἰς τὴν σορὸν/ ταφῆναι κατ' οὐδένα τρόπον. ἐὰν δέ τις/ παρὰ ταῦτα ποιήσῃ, ἀποτείσει τῇ βουλῇ *(δηνάρια) καὶ ἔνοχος ἔσται τῷ τῆς τυμβωρυχίας/ ἐνκλήματι. μεθέξουσιν δὲ τοῦ μνη/μείου οὗς ἂν ἐγὼ διατάξω. ταύτης τῆς ἐπι/γραφῆς ἀποσημείωσις ἐτέθη ἐπὶ τὸ βασιλεῖον./ ἐπὶ/ Ἀπολλωνίου.; *TAM* II 429, Patara, imperial: Τιβέριον Κλαύδιον/ Ἀνδρόνειον Παταρ/έα Τιβερίου Κλαυ/δίου Εὐδήμου υἱόν/ τοῦ φιλοπάτριδος./ καθὼς διετάξατο/ ὁ πατήρ αὐτοῦ ἀπὸ/ προσό[δ]ου ἀγροῦ Α/λιάδος, [Τι]βέριος/ Κλ[αυδίου] [Ἐ]πι[μφορ]ο[δ]ε[ι]τος Παταρ/εὺς/ ἀνέστησεν.; *TAM* II 195 Sidyma, imperial: [Τι]β(έριον) Κλαύδιον Καισιανόν/ Ἀγρίππαν Ἑλένη ἢ καὶ Ἀφρι/ον Ἰάσονος τὸν Διογέ[ν]ο[υ]ς/ Τελμησίς, καθὼς διετά/ξατο ὁ υἱὸς αὐτῆς Ἀπολλωνίδης τετράκις.; *TAM* II 475 Patara, I AD. Εὐτέρπη Ἐρμᾶ [Π?] αρτάδιο[ς]/ τοῦ Λεονίδου Ερπιδεηνίν/ Ἀμιάντου Παταρ/έα τὸν ἐαντ[ί]ς/ ἄνδρα, καθὼς διετάξατο, ἥρσα.; *TAM* II 196, Sidyma, imperial: Τιβέριον Κλαύδιον/ Καισιανὸν Ἀγρίππαν/ [Ἐ]λέν[η] ἢ καὶ Ἀφριον/ Ἰάσονος τοῦ Διογέ[ν]ου/ Τελμησίς, καθὼς διε/τάξατο ὁ υἱὸς αὐτῆς/ Ἀπολλωνίδης τετράκις.; *TAM* II 1174, Hephaistion, imperial: Μίδα καὶ Κόνων οἱ/ Σωτηρίχου δις τοῦ/ Λευκίου Ὀλυμπηνοῦ τὸν/ ἄ[δ]ελφον Σωτηρίχου/ [καθ]ῶς διετάξατο. ☿ *TAM* II 1175 Hephaistion, imperial: [...]νοσα<v> Ἀνδ[ρ]ο[υ] [νεκί]ου Ὀλυμπηνή[ν, κα]/[θὰ δι]ετάξατο Πό[π]λι[ος] ὁ ἀδελφός.

The tomb founder Λοῦκις and his wife Πάνθεια seem to have been of peregrine status and, probably, of local Maronean origin. Therefore, one cannot be sure that their grave was protected directly by *actio de sepulchro violato*, as it would be if the tomb founders were Roman citizens. However, even if this was the case, we could accept that there existed some sort of institutional protection, i.e., of τυμβωρυχίας νόμος, be it a local regulation or a general norm which extended the use of some legal means similar to *actio de sepulchro violato* also to non-citizens.

Λοῦκις was not satisfied with the general protection of the grave offered by the public regulations and tried to obtain some additional security. First of all, he ordered that a funerary imprecation be inscribed on the monument, in order to guarantee supernatural defense against eventual violators. It is impossible to know whether the imprecation was an expression of Λοῦκις's superstition or rather a deterrent based on the superstition of any desecrator. However, the involvement of the supernatural in the punishment of the wrongdoers clearly alludes to the religious and transcendental aspect of the grave and to the possibility of placing it under divine protection.

Determined to protect his tomb in the most secure way, Λοῦκις decided to institute a funerary fine, probably cumulative with the sanction provided by law (local or Roman). Its amount and beneficiary remain unknown, but we can be sure that the fine was the fruit of a private initiative, based on the absolute power of the tomb founder over his grave.

In order to point out the private character of both the funerary fine and the imprecation, Λοῦκις graphically and stylistically separated them from the rest of the inscription and even provided them with a title – Νεκροδιάταγμα καθολικόν. This hapax takes up the practice of Micro-Asian Greek-speaking communities of defining διάταγμα as the owner's dispositions regarding his things. The addition of νεκρο- demonstrates that Λοῦκις not only knew the particular legal terminology but felt confident enough in his knowledge to create a hapax, underlining that his epigraph contained the will of a deceased person. The use of the adjective καθολικόν, moreover, serves to underline the generality and universal validity of the provisions of the founder of the tomb. It is important that Λοῦκις seems to have known the terminology of the Roman chancellery very well, thus creating a mixture between the technical language of Roman public law and that of private law. Most likely, the hybrid hapax that introduces his provisions regarding the tomb also had the function of a status symbol and was a sign of culture and Romanization.

6. General Conclusions

The epitaph of Λοῦκις and his wife Πάνθεια, apart from being a fascinating testimony of a family's attempt to protect their grave, is also important for the understanding of two fundamental aspects of the Graeco-Roman funerary law.

The first one is the absolute importance which the users of the *iura sepulchrorum* gave to the will of the tomb founder. By comparing Λοῦκις's epitaph with some other examples from Asia Minor, it was possible to observe that the will of the tomb founder was considered as a source of a private legal norm which seems to have been distinct, but not less valid than the public one. This private norm could impose monetary sanctions which could coexist cumulatively with the sanctions provided by the Roman *actio de sepulchro violato* and/ or the local pre-Roman regulations.

The second one is the mixed intercultural nature of the funerary law in the Eastern provinces of the Roman Empire. We can observe how, in Maroneia, a married couple of Greek or Greco-Thracian origin uses a religious sanction to deter an eventual violation of the grave, which is situated somewhere between the religious character of the Roman *iura sepulchrorum* and their relation to the *ius divinum* and the typically middle eastern concept of the funerary curses. On the other hand, Λοῦκις and Πάνθεια are confident enough in their knowledge of the legal aspects of the funerary law to add a private disposition, related to a private funerary fine. As already stated, this kind of fine seems to have functioned in the same way for both Roman citizens and peregrines, and can be considered as a symptom of the amalgamation of the Roman and pre-roman legal systems.

Finally, the uncommon phrasing of νεκροδιάταγμα καθολικόν, analyzed above, is yet another testimony of the process of compenetration of linguistic and conceptual elements belonging to Roman and Greek law.