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Returning to Ancestral Soil. A Commentary on IJudOr II 193 (Hierapolis/Phrygia)*¹

Abstract

The vast and well-preserved necropolis areas in Hierapolis hold several tombs which belonged to members of the local Jewish community. Most of the 27 pertaining epitaphs are perfectly within the scope of local (i.e. pagan) traditions and habits. One text, however, clearly stands out: The sarcophagus inscription of Tatianus and Apphia, Ioudaioi, contains several remarkable features which call for closer consideration. Most of them pertain to the sphere of legal history in the Roman East or, more specifically, to rare peculiarities within the widespread system of tomb protection in Asia Minor: the concession of rights to a sarcophagus from husband to wife, an oddly phrased prohibition against unwarranted burials, the involvement of both a private individual and a public institution in a tomb's protection, and a uniquely designed „clause of official recording“. The text's most striking feature,

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¹ Epigraphical corpora are abbreviated according to the CIEGL guidelines (GrEpiAbbr, version 2022, available on <https://aiegl.org/grepiabbr.html>, last checked in Dec 2022), with two exceptions: the corpus by W. Judeich (W. Judeich, *Inscriptionen*, in *Altertümer von Hierapolis*, cur. C. Humann, C. Cichorius, W. Judeich, F. Winter, Berlin 1898, 67-180) is abbreviated as „AvH“, the corpus of Jewish inscriptions from Asia Minor (W. Ameling, *Inscriptiones Judaicae Orientis II*, Tübingen 2004) as „IJudOr II“. All article publications that contain editions are cited as articles, cf. the bibliography below.

however, deals with the couple's transferral into „ancestral soil“ (patrōa gē)—with no further specification given on the stone.

The article examines all these highly irregular features one by one in the context of Jewish and pagan epitaphs from Hierapolis and beyond. Special regard is given to the couple's idea of „ancestral soil“, which, as is shown in detail, may well have been Judaea. The text, thus, may deliver early evidence for the wish of Diaspora Jews to be transferred there after death.

Keywords: Asia Minor, Judaea, Jewish community, Diaspora, Ioudaios, epitaph, concession, tomb protection, prohibition, penalty payment, archeion, notary.

The Jewish community of Hierapolis in Phrygia, known to us exclusively through texts and symbols on funerary monuments, is comparatively well attested.² In 1999, E. Miranda delivered a first comprehensive study on the community, publishing several hitherto unknown inscriptions and discussing in detail the texts' specific elements that are able to shed some light on Jewish life in the city: onomastics, the use of symbols, specific festivals, Jewish institutions, as well as the self-definitions used by the community and its individual members.³ Since then, this community has received much attention by ancient historians and scholars invested in ancient Judaism alike. The published inscriptions amount to 27 by now—a number which, in Asia Minor, is only exceeded by Sardis with the numerous yet short texts from its synagogue—and the excavational activities in the necropoleis of Hierapolis have brought to light an intensively used late antique burial facility whose entrance was adorned with a menorah.⁴ Of special interest,

² In what follows, I use „Jew“ and „Jewish“ instead of „Judaean“, because the former terms, also as renderings for Greek Ἰουδαῖος, seem to be the better established ones in contemporary studies. I do this in awareness of the changes the Greek term underwent over the course of its usage, and of the ongoing terminological debate, on which cf. Kraemer 1989; Williams 1997; Cohen 1999, 69-106; Mason 2007; Schwartz 2007; important remarks also in Ameling 1998, 35-6; Eckhardt 2017, 13-6 and nt. 8 (with a concise summary on the point reached in the debate) and Eckhardt 2020, 313 nt. 2. I cannot (and will not try to) decide precisely how much religious weight the term Ἰουδαῖος carried in third-century CE Asia Minor next to its clear socio-cultural meaning, but the rendering as „Jew(ish)“ seemed fitting here since I will, in what follows, argue that the composers of IJudOr II 193 might well have had very specific *religiously* connoted ideas in mind when they drew up their epitaph.

³ Miranda 1999; all texts with commentaries also in IJudOr II (ns. 187-209).

⁴ On the burial facility (Tomb 163d) in the Northern necropolis cf. Laforest, Castex, Blaizot 2017 with the archaeological details on the tomb's subterranean chamber (along

furthermore, both to Jewish religious and cultural life in the city and to the question of gentile sympathisers, has been the epitaph of P. Aelius Glykonianos Zeuxianos Aelianus, who, without making explicit whether he was Jewish himself, financed festivities to be performed at his gravesite on major Jewish holidays.⁵

The general thrust of recent studies is unanimous: The evidence, for Hierapolis as well as for Asia Minor, presents well-integrated communities that participated amply in the cities' social, economic and cultural life, and did by no means seek to isolate themselves from the pagan population and their customs.⁶ This becomes apparent also from their funerary monuments and epitaphs, of which at least 77 belonged to members of the Jewish communities in Asia Minor. These texts are composed strikingly similar to the pagan epitaphs surrounding them, showing a high level of assimilation:

with a concise introduction into Jewish funerary practices in and after the Second Temple period outside of Hierapolis); the inscription to the left of the entrance leading to the tomb's main chamber, mentioning its Jewish owners, is only partly published so far, for its first part cf. the *ed.pr.* by E. Miranda in Ritti, Miranda, Guizzi 2007, 606 n. 4 (= SEG 57:1374; the text's reproduction in Laforest, Castex, Blaizot 2017, 73 is flawed), an English summary of its second part and a photograph of the whole text are given in Laforest, Castex, Blaizot 2017, 74 with fig. 4.4. The special form of the nine-armed menorah above the subterranean chamber's entrance is treated in Hachlili 2018, 115-7, cf. the photo in Laforest, Castex, Blaizot 2017, 75 fig. 4.5. – As for the total of 27 published texts, 23 were part of Miranda's 1999 catalogue (I count the ns. 10b and c and 14 a and b separately, thus reaching a total of 25 texts), to which come the aforementioned SEG 57:1374 and a short secondary sarcophagus inscription published by Miranda in Guizzi, Miranda, Ritti 2012, 662-3 n. 18 (= SEG 62:1221).

⁵ For extensive commentaries see Miranda 1999, 140-5 (with older editions and lit. on p. 131); IJudOr II 196, p. 414-22 and Harland 2009, 128-40.

⁶ Cf, e.g., Miranda (1999b, 154-5), who detects a „*buona integrazione sociale e una scarsa conflittualità culturale*“, along with the general impression of a „*tranquilla convivenza con i cittadini di Hierapolis*“. Herz (1998) recognises a wide integration of the Jewish communities into their pagan surroundings, but stresses their successful upkeep of religious requirements and cultural traits as well as their legal „*Sonderstatus*“ („*Die Juden standen als organisierte Minderheit gewissermaßen neben der übrigen Gemeinde, nicht unter ihr.*“, p. 11 [his accentuation]). Ameling (1998, 37-40) mainly emphasises the Jewish population's social integration, but also their political involvement (cf. also his 2007 study with special regard to the communities' takeover of epigraphic habits native to the cities of Asia Minor). These analyses, mainly based on the epigraphical sources, have recently received support by the important archaeological finds in tomb 163d in Hierapolis: In their presentation of the excavational results, Laforest, Castex and Blaizot (2017, 82) underlign „*that a Jewish group could accept a great proximity between pagans and Jews in terms of mortuary management*“.

At least one third of these 77 texts is not primarily dedicated to the task of commemorating the dead, but rather to the protection of the tomb monument, thus reflecting the take-over of a system developed, refined and practised extensively by the pagan population of Asia Minor. In Hierapolis, this is true for the majority of epitaphs pertaining to members of the local Jewish community.

Some of these texts, however, clearly stand out and deliver important information on the traditions and values practised—the aforementioned inscription of Aelius Glykonianos is one such example. Another one is IJudOr II 193, the epitaph of Aurelius Tatianus and his wife Apphia, composed in third-century CE Hierapolis.

1. IJudOr II 193 – Text and translation

The inscription is located on the long side of a sarcophagus made from local limestone (dim. unknown), covering the side almost completely (letter height: l.1 5cm, ll.2-9: 3.5-4cm). The sarcophagus is situated in the city's Northern necropolis, to the right of the street leading from the city.⁷ It is placed directly on the ground, its surface is plain and its lid is no longer *in situ*.⁸

The text given below represents the new reading by T. Ritti, as it will appear in the upcoming corpus of inscriptions from the necropoleis of Hierapolis.⁹

Previous editions: Miranda 1999a, cit. a nt. 1, n. 19 (*ed.pr.*) [n.v.];¹⁰ Miranda 1999, 127-8 n. 19*; Pleket, SEG 49:1832; Gatier, AE 1999:1587; Ameling, IJudOr II (2004) 409-12 n. 193.¹¹

⁷ Cf. the map in Miranda 1999, 156 or, for a full overview on the area of the Northern necropolis (along with many excellent photos), Scardozzi 2015, 72 fig. 8, 75 fig. 5 and the pertaining tables (1-14, the tomb on tab. 9).

⁸ A photo of the monument is given in Miranda 1999, tab. 6 *infr.*

⁹ I am deeply indebted to Tullia Ritti for generously allowing me to use and reproduce the above version, which will be part of the two-volume corpus „*Monumenti iscritti delle necropoli di Hierapolis. Organizzazione topografica e corpus epigrafico*“, cur. T. Ritti, G. Scardozzi (Ege Yayinlari, Istanbul).

¹⁰ E. Miranda kindly informed me *per litteras* that her analysis in the *ed.pr.* [Miranda 1999a] is identical to the one given in Miranda 1999.

¹¹ The text is also given in full, but apparently not as a new edition, in Ritti 2013 (169-70), already containing some of her new readings.

Dating: 3rd century CE, most likely after 212 (nomenclature).¹²

[H] σορὸς καὶ ὁ περὶ αὐτὴν τόπος A[ὐρ]. Τατιανοῦ Διογένους, [I]ουδέου,
[κ]αὶ Αὐρηλίας Ἀφίας Λουκιανοῦ Ἱεραπολιεῖδος [I]ουδαία[ς], τῆς
γυναικὸς αὐ-
τοῦ, ἣτινι καὶ ἐξεχώρησε ὁ Τατιανὸς τὸ δίκαιον τῆς σοροῦ διὰ γράματός
τε αὐτοῦ

- 4 Δ[...], ἐν ἣ κηδευθήσονται αὐτοὶ μόνοι, ἄλλω δὲ οὐκ ἐξέσται οὔτε κη-
δεῦσαι οὔτε κηδευθῆναι, ἐκτὸς τοῦ διακομίσαντος ἡμᾶς εἰς τὴν πατρώ-
αν γῆν, αὐτὸς καὶ καθέ[ξ]ει τὴν σορὸν σὺν τοῖς δικαίαις, εἰ δέ τις
ἐναντίον τι
[ποιήσῃ] τῶν προγεγραμ[μ]έν[ω]ν, [ἀποτεί]σ[ει] προστείμου τῷ
διακομίζοντι ἡμᾶς
- 8 [X ---] <κ>αὶ τῷ ἱερωτάτῳ ταμίῳ χίλια, ὅτι οὕτως ἡμεῖς
ταύτης τῆς ἐπιγραφῆς τὸ ἀντίγραφον ἀπεθέ<μ>εθα ἐν τῷ ἀρχεῖυς.

The sarcophagus and the plot around it (belong to) Aurelius Tatianus (the son of?) Diogenes, Ioudaios, and Aurelia Apphia, daughter of Lucianus, citizen of Hierapolis, Ioudaia, his wife, to whom Tatianus has also ceded the right to the sarcophagus in written form [and – – – ?]. In it (sc. the sarcophagus), only they shall be buried. No-one else shall be authorised to bury or get buried, except for the one transferring us into ancestral soil, he shall also possess the sarcophagus with the (pertaining) rights. Should someone act against the aforementioned (regulations), he shall pay as a fine to the one transferring us [... denarii] and to the most sacred fiscus 1,000 (denarii), since in such a manner we have deposited the copy of this inscription in the archives.

This text offers a number of remarkable features, some of which are unique even among the several thousand epitaphs of this „regulatory“ kind known from Asia Minor: the concession of rights to a sarcophagus from husband to wife, the reference to the couple’s transferral into „ancestral soil“ (πατρώα γῆ), the subsequent transfer of rights to the one who transferred them, this anonymous person’s involvement in the protection of the tomb as recipient of a monetary fine, and finally an unusually phrased variant of the well-attested „clause of official recording“, along with its unique linkage to the text’s preceding elements (via the sequence ὅτι οὕτως

¹² Miranda (1999, 129) dated the text to the period before 212 CE due to Tatianus’ name (which seemingly lacked the *nomen* Aurelius); this is now obsolete in the light of the new reading. On the text’s dating cf. also the commentary in IJudOr II and the remarks below, nt. 18.

ἡμεῖς...). The following commentary shall treat these and other features one by one in the context of Jewish and pagan epitaphs from, but not limited to, Hierapolis. Special regard will be given to the passage that mentions the couple's wish of returning to „ancestral soil“.

2. IJudOr II 193 and the epitaphs from Hierapolis

From the city's vast necropolis areas, some 420 epitaphs have been published so far.¹³ Composed in Greek, they are mostly stereotypical regarding their form and contents and can roughly be divided into three groups (in ascending order of frequency): (1) Strictly commemorative epitaphs, metrical or merely naming the deceased, (2) texts that solely convey information on the owner of a specific tomb monument (type: «τὸ μνημεῖον/ἡ σορός/ὁ βωμὸς τοῦ/τῆς X»), and (3) texts that also focus on the owner's wishes for the future use and protection of the monument. The texts from the last group are often found on sarcophagi and usually contain the following elements:

(a) information on the tomb monument and its owner(s), usually with precise description of the tomb's architectural elements (in the nominative, e.g. σορός „sarcophagus“, βωμὸς „platform“, τόπος „place/space (surrounding the tomb)“), followed by the owner's name in the genitive,¹⁴

(b) information on the group of persons intended for future burial and/or persons already buried,¹⁵

(c) prohibitions for the future protection of the monument, most commonly aimed at preventing the interment of persons from outside the intended burial circle, and sanctions, should the prohibitions be disregarded.

What may additionally follow are provisions concerning the future care

¹³ A significant number of additional texts is to be expected from the upcoming corpus (on which cf. nt. 9 above). The majority of published inscriptions dates to the 2nd and 3rd centuries CE; on the dating cf. Miranda 1999, 109 and Ritti 2004, 464-5.

¹⁴ Here and in what follows, „owner“ refers to the person under whose disposal the tomb was—German „Grabherr/Grabherrin“ would be the correct equivalent. It is, however, not generally meant in the sense of ger. „Eigentümer“ (nor „ownership“ in the sense of ger. „Eigentum“), since this person's naming in the possessive genitive does not warrant such a deduction. On the possessive genitive in such texts, bearing the sense „the tomb of X“ just as much as „the tomb for X“, cf. Praust, Wiedergut 2019, 83-4 and nt. 29; cf. also the remarks specifically on our text below in nt. 26.

¹⁵ Usually, the tomb is intended for its owner and their respective spouse, as well as, in a subset of texts, their children. Burial circles in the texts from Asia Minor are treated in greater detail in Harter-Uibopuu, Wiedergut forth.

of the monument or information on funerary foundations established by the tomb owner. In 95 cases, the text is concluded with a „clause of official recording“, mentioning the deposition of the epitaph’s copy in the archives.

Inscriptions like these, containing provisions that are geared towards the future, belong to the type of the „provident epitaph“, which is amply attested in Imperial Asia Minor, with further examples coming from Greece, Thrace and the Lower Danube areas, as well as the city of Rome and its surroundings. From Asia Minor alone, some 4,000 examples of the type are known today.¹⁶

Tatianus and Apphia’s inscription clearly constitutes an example of one such text, albeit a highly unusual one. During its composition, an amalgamation of the phrases and contents typical for the city and of the above sketched exceptional elements was produced. The result’s odd nature becomes best visible by means of a simple exercise: If these exceptional elements were cut out, the result would be a fairly ordinary tomb inscription from Imperial Hierapolis, with the stereotypical formulae attested in hundreds of texts.¹⁷ What the couple did, thus, was to supplement common formulae with contents they considered crucial for the fulfilment of their objectives. This strategy already starts in the text’s initial lines, when the couple’s citizenship status is specified.

¹⁶ The texts of this kind have been the focus of long-term research initiatives at the Austrian Academy of Sciences and the University of Hamburg, initiated by K. Harter-Uibopuu; cf., for some results of the pertaining projects, Harter-Uibopuu 2019, 2014, 2013, 2010; Harter-Uibopuu, Wiedergut forth., 2014; Lotz 2018; Praust, Wiedergut 2019; Scheibelreiter-Gail 2017; Wiedergut 2020, 2018.

¹⁷ This hypothetical text would, then, read as follows: [H] σορὸς καὶ ὁ περὶ αὐτὴν τόπος Α[ῦρ]. Τατιανοῦ Διογένους, [I]ουδέου, [κ]αὶ Αὐρηλίας Ἀφίας Λουκιανοῦ Ἱεραπολιτιδὸς [I]ουδαία[ς], τῆς γυναικὸς αὐτοῦ, [...] ἐν ἧ κηδευθήσονται αὐτοὶ μόνοι, ἀλλῶ δὲ οὐκ ἐξέσται οὔτε κηδεῦσαι οὔτε κηδευθῆναι [...]. εἰ δέ τις ἐναντίον τι [ποιήσῃ] τῶν προγεγραμ[μ]ένων, [ἀ]ποτεί[σ]ει προστείμου [...] τῷ ἱερωτάτῳ ταμίῳ χίλια. [...] ταύτης τῆς ἐπιγραφῆς τὸ ἀντίγραφον ἀπεθέ[μ]εθα ἐν τῷ ἀρχεῖ. Apart from the unusual subjective phrasing of the final sentence, there’s nothing too spectacular about the text anymore. This exercise, as trivial as it may first seem, is meant to illustrate the high level of uniformity in the city’s texts; their typical elements and contents as well as more unusual clauses are analysed in full detail in Ritti 2004, 466-569. The habit of using stereotypical formulae in the composition of provident epitaphs is not exclusive to Hierapolis; for the Eastern Lycian town of Olympus cf. the overview in Wiedergut 2022, 72-3.

3. The couple's citizenship(s) and the transfer of rights (ekchōrēsis) to the sarcophagus

Both Tatianus and Apphia possessed the *nomen gentilicium* „Aurelius“, which illustrates their Roman citizenship and delivers to us a rough indication for the text's date: They most likely obtained it through the effects of the *Constitutio Antoniniana* in 212 CE, which places the inscription in the period from 212 to roughly the middle of the 3rd century CE.¹⁸ Aurelii appear in about a third of all published epitaphs from Hierapolis, and are even more frequent in the texts pertaining to the Jewish community, with 17 out of their 27 inscriptions (= 63%). With the universal grant of citizenship in 212 CE, this *nomen*—if one didn't obtain it earlier—became part of one's name, whose full presentation is the norm in the provident epitaphs of Asia Minor. More generally, it is frequently *only* the tomb's owner—who is, in most cases, also the tomb's original *founder*—whose name is given in its full form, while other persons are often only put in relation to him or her (e.g. „... and my wife/husband, and my children“ without full or any names given). This is important with respect to another element present in IJudOr II 193: the explicit mentioning of local citizenship made for Apphia, but not for Tatianus (ll.1-2: ... Α[ὐρ]. Τατιανοῦ Διογένου, [Ι]ουδέου, | [κ]αὶ Αὐρηλίας Ἀπφίας Λουκιανοῦ Ἱεραπολειτίδος [Ι]ουδαία[ς]).

Expressing local citizenship was no regular element in epitaphs, not even in the provident ones.¹⁹ In a mere ten tomb inscriptions from Hierap-

¹⁸ To view both of them (individually) as part of one of the privileged groups (viz. the elites and former soldiers) whose members sometimes obtained Roman citizenship in the period between 161 and 212 CE (and would, then, also carry the Aurelius-name), is without indication in the text and is rendered unlikely also due to the modest nature of their tomb. On Roman citizenship in Asia Minor before 212 CE cf., e.g., Lavan 2020 with quantitative approaches. – Having the same *nomen gentilicium* (in this case: „Aurelius“) once abbreviated (Αὐρ.) and once written in full in the same text is uncommon but not without parallel; for Hierapolis cf. AvH 69, 72, 73, 303 and 304, Pennacchiotti 1966/67 n. 22 and 25; cf. furthermore, e.g., MAMA IV 4 (Afyon Karahisar), MAMA IV 63 (Synnada), MAMA IV 154 (Apollonia), Ramsay, Phrygia n. 369 (Eumeneia) or I.Laodikeia Lykos 85 for some further examples from Phrygia.

¹⁹ The reason is certainly that the tomb owners *usually* held citizenship and refrained from making this self-evident element explicit. Citizenship of a specific (other) polis is more often mentioned by resident foreigners; for Hierapolis cf. AvH 93 and SEG 62:1223 (citizens from Laodikeia/Phrygia), IJudOr II 191 and Pennacchiotti 1966/67 n. 22 (citizens from Tripolis/Phrygia), AvH 324 (Miletus/Ionia), AvH 281 and Pennacchiotti 1966/67 n. 2 and 4 (a family from Lagina/Caria). In Asia Minor,

olis is it made specific, which makes its appearance in IJudOr II 193 all the more interesting. In nine of the ten cases, viz. in all except our text, it is the respective owner of the tomb whose local citizenship is mentioned. While five (partly heavily mutilated) texts deliver no immediate explanation for this reference,²⁰ one was set up by a citizen of both Sardis (if reconstructed correctly) and Hierapolis, which may have given sufficient reason for being elaborate (AvH 75), and three texts hint at the secondary use of an already existing burial facility (AvH 81, AvH 348, Pennacchiotti 1966/67 n. 3). It is, in my opinion, in this latter context that we find an explanation for the reference to Apphia's citizenship in IJudOr II 193.

Of the three texts indicating secondary use of a tomb, two have διαφέρειν „belong (to)“ in their initial statement on ownership (type: «ή σορὸς διαφέρει τῶ/τῆ X»), which is, in Hierapolis, prominent in secondary inscriptions. The texts using διαφέρειν are often late (later 3rd or 4th century CE) and rarely deliver any hints at the legal grounds for or the transaction leading to the tomb's re-use.²¹ The third one, however—as another example

there seems to be only one major exception to this rule: The epitaphs from Olympus in Eastern Lycia have Ὀλυμπηνός or Ὀλυμπηνή as a fairly regular feature, present in 147 of the 232 published texts.

²⁰ The texts are AvH 122 (short reference to ownership), AvH 237 (provident epitaph, badly mutilated), Pennacchiotti 1966/67 n. 8 and 9 (8: short reference to ownership, 9: short provident epitaph, both by the same person), and n. 28, if the -λειτου at the beginning of its l.3 should indeed be restored to [Ἱεραπο]λείτου ([Ἱεραπο]λείτου comes to mind as an alternative; since the stone's right side is missing, a decision with regard to available space is not possible).

²¹ The two texts in question here are AvH 81 and Pennacchiotti 1966/67 n. 3; for secondary inscriptions with διαφέρειν on monuments with the original text still in place see AvH 53+54, 84+85, 111+112, 130+131 and 267+268. A brief analysis of διαφέρειν in Imperial epitaphs, also with inscriptions from outside of Hierapolis, is given in Wiedergut 2020, 40-2, with additional evidence from late antique Asia Minor listed there p. 35 nt. 5. – As for the underlying legal transactions or statements on legal grounds in the 19 pertaining texts from Hierapolis, three state that the tomb belongs to someone ἐκ (προγονικῆς) διαδοχῆς (AvH 54 and SEG 54:1298 with the phrase in full, SEG 49:1835B without προγονικῆς), one text clearly shows intrafamilial transfer (Pennacchiotti 1966/67 n. 22; the tomb „belongs to“ two brothers of the original founder), and two hint at a διάδοσις and a παραχώρησις, respectively: SEG 54:1319 (ἐκ διαδό<σ>εος^(sic)) and AvH 268 (ἐκ παραχωρήσεως). The various ways of acquisitioning a tomb monument in Hierapolis are analysed in Ritti 2004, 479-94, cf., in this context, esp. 492-4 on ancestral tombs and 481-2 on concessions via synchōrēsis „permission (given to individuals)“, ekchōrēsis „transfer“ and parachōrēsis „permission (given for

for a secondary inscription—, speaks about the transfer of a sarcophagus, SEG 54:1320B ll.1-4: Ἡ σορὸς καὶ αἱ συμπαρακειμένους σοροὶ ἄλλαι τρεῖς [κ]αὶ ἐπερὶ αὐτὰ τόποις, | ἐκχωρηθεῖσα νῦν δωρεᾶς χάριν ὑπὸ Καμούλου (?), ἔστιν Αὐρ. Ἀκυλᾶ|δος Ἀριστίδου Ἱεραπολίτου, ἐν ἧ κηδευθήσεται αὐτὸ(ς) καὶ ἡ γυνὴ αὐτοῦ Ζηνωνίς | καὶ τὰ παιδία (...).²² The sarcophagus mentioned initially in the text was, thus, transferred to Akylas. The act is described with ἐκχωρεῖν „give up, cede, transfer“, just like in IJudOr II 193. In both cases, it is the *recipient* of rights whose citizenship is mentioned: Akylas and Apphia are both specified as Ἱεραπολίται, while no such information is given for the consignors. The reasoning behind this may tentatively be seen in the underlying legal act that was likely conducted in written form, to which at least IJudOr II 193 delivers a distinct indication with διὰ γράματος in l.3—the continuation of this sequence, initiated with τε and thus hinting at another aspect of the same form of transfer, is unfortunately not preserved.²³ This written act may have been performed in private or, in this case perhaps less likely, before the city’s authorities (διὰ τῶν ἀρχείων);²⁴ in both cases, it is easy to imagine how the clarification of citizenship may have found its way into a legal document. During the composition of IJudOr II 193, then, an amalgam of the local epitaphs’ regular elements (ll.1-2) and some specifics from the document granting Apphia

an object)“ (my translations/renderings). These latter terms were studied in detail in Harter-Uibopuu 2019, where the *ekchōrēsis* is cautiously compared to the *traditio*, „*den formellen Akt der Übergabe des Kauf- bzw. Schenkungsobjektes*“ (179), cf. p. 178-80 for all details.

²² The above reading of the text says „*The sarcophagus, which was now transferred as a gift by Kamoulos, and the other three sarcophagi that are grouped together around it, and the surrounding plots belong to (ἔστιν) Aurelius Akylas (son of?) Aristides, citizen of Hierapolis; in it (sc. the sarcophagus first mentioned), he himself shall be buried, as well as his wife Zenonis and the children ...*“; cf., however, the remarks by Chaniotis and Pleket in SEG (συμπαρακειμένους = συμπαρακειμένοι; ὁ περὶ αὐτὰς τόπος instead of ἐπερὶ αὐτὰ τόποις?). There is no immediate connection visible between Kamoulos and the original owner, the *neokoros* Menandros, named in SEG 54:1320A on the same sarcophagus, which implies that the sarcophagus changed owners at least two times.

²³ The *ed.pr.* has Λ[.]ΕΙ[.] at the beginning of l.4, just before the text continues with ἐν ἧ κηδευθήσονται (...).

²⁴ In case the city’s *archeia* were involved, one would expect an explicit mention that the procedure was performed before them. This is usually expressed with the phrase „διὰ τῶν ἀρχείων“, as is the case in at least 92 imperial texts from Asia Minor, many of which deal with the transfer of usage rights to tombs. On the city *archeia* cf. furthermore the remarks below on the clause of official recording.

her rights to the sarcophagus (l.3) was produced, which may explain why we find Apphia's citizenship spelled out and Tatianus's omitted. Regarding *his* citizenship rights, finally, he was, in all likelihood, just as much a citizen of Hierapolis as the ca. 300 other tomb owners who chose not to put this particular piece of information on their tombstone.²⁵

The main difference between IJudOr II 193 and SEG 54:1320B is that in the latter text, Akylas, as the result of a gift and by the act of ἐκχωρεῖν, receives a sarcophagus that would henceforth be no longer under the power of Kamoulos. In contrast, the sequence ἦτινι καὶ ἐξεχώρησεν ὁ Τατιανός<ς> τὸ δίκαιον τῆς σοροῦ in our text presents Apphia as the recipient of *rights*, not of the sarcophagus itself.²⁶ The most likely primary meaning of this was that she would be one of the two persons able to arrange for a burial in the facility. Since the couple states in l.4 that they wished to be buried *alone* (κηδευθήσονται αὐτοὶ μόνοι), this provision was most likely given for the case of Tatianus dying first, leaving his wife in charge of the proper burial arrangements for him as well as for herself, in the future.

It is evident that, even with this provision active, it was in Tatianus' interest to hold just as many rights to his own sarcophagus during his lifetime as his wife, which begs the question: Is „ἐκχωρεῖν ... τὸ δίκαιον“ truly the correct way to describe such a transaction? For one thing, ἐκχωρεῖν clearly marks the takeover of objects or rights by one person and their simultaneous abandonment by another—not just via the verb's basic meaning,²⁷ but also in the light of the remaining evidence (some of which is contemporary *and* also from Hierapolis), clearly showing such takeovers being described with ἐκχωρεῖν.²⁸ In IJudOr II 193, then, ἐκχωρεῖν would place the rights to the sarcophagus solely in the hands of Apphia, potentially leaving Tatianus

²⁵ In 416 published epitaphs, I counted 302 texts that are well enough preserved to either show the tomb owner's name or sufficient fragments to exclude the possibility that there once was a citizenship mention.

²⁶ The text is, furthermore, a prime example for the observation made above in nt. 14 that the *genetivus possessivus* does not make visible ownership in a legal sense: Apphia becomes the tomb's *de facto* owner only through the concession given to her by Tatianus, and not via her mentioning in the genitive in l.2—otherwise, the clause in l.3 would be redundant.

²⁷ LSJ s.v. II. has „give up, cede“; Preisigke, Wörterbuch s.v. gives „1) etw. abtreten an jmd.; 2) im Stich lassen; 3) aufgeben, verzichten“, with several examples of papyri from the same period as our text.

²⁸ Cf. Harter-Uibopuu 2019, 179.

in a legally precarious situation—e.g. in the case of her premature death or a separation of the couple. For another thing, there *was* an established term for the granting of special rights to a tomb monument without any immediate change in the powers of the original owner: this term was *συγχωρεῖν* „allow, grant“, attested in some 300 texts from Asia Minor alone. Even though it is primarily used to indicate that certain persons had received the option of being buried, the term may also denote transactions beyond this narrow scope, e.g. when individuals are enabled to hand out further burial grants based on their own respective *συγχώρησις*.²⁹ In this context, it is important to note that all other of the text’s elements present Tatianus and Apphia as acting *together*, from the first line and the mention of both their names in the opening statement down to the last line and the unusual *ἀπεθέμεθα* „we have deposited/put down“ in the clause of official recording. *Συγχωρεῖν* would have been perfectly in line with this general direction *and* would have offered to Apphia all legal authorisations she might have needed to handle the pertaining arrangements after Tatianus’s death. Certainly, this primarily concerned the care for his proper burial, but was important also with respect to all considerations regarding an agreement with the couple’s future *διακομίζων*: A properly formulated *συχώρησις* could have guaranteed to Apphia all necessary authorisations she might have needed for reaching an agreement with this person, while keeping Tatianus’s power over the sarcophagus undisputed.

²⁹ *Synchōrein* and the *synchōrēsis* are treated extensively in Harter-Uibopuu 2019, 152-75. That the options received as a result of such a transaction may have been extensive, but within certain limits, becomes clear from texts like SEG 56:1505 (Hierapolis), written on a substructure (βωμός) that carried at least one sarcophagus, ll.1-3, 6-7: Ἡ σορός ἢ Συνναδικῆ ζωδιακῆ μόνῃ Μ(άρκου) Αὐρ(ηλίου) Ἀνδρονίκου Ἀπφιανοῦ, | ἐν ἣ κεκήδευται ἢ γυνὴ αὐτοῦ Αἰλ(ια) Δουκηνία Ἀπολλωνίς Δαμιανή, | κηδευθήσεται δὲ καὶ αὐτὸς ὁ Ἀνδρόνικος: (...) |⁶ ἥτις σορός ἐπίκειται τῷ βωμῷ κατὰ τὸ δοθὲν συνχώρημα ὑπὸ Γ(αίου) Μεμμ[ίου] | Ἡρακλείδου Βάλβου („*The sculpted Dokimean sarcophagus alone belongs to M. Aurelius Andronikos Apphianos, in which his wife Aelia Ducenia Apollonis Damiane was buried, and in which Andronikos himself shall be buried. (...) This very sarcophagus was placed on the bomos according to the permit (synchōresis) issued by C. Memmius Herakleides Balbus.*“). It is solely the sarcophagus (ἢ σορός ... μόνῃ) to which we find provisions given by Andronikos. The substructure was used by him but, in all likelihood, still owned by Herakleides. An even narrower agreement was reached in I.Smyrna 201, where the tomb owner’s mother-in-law was merely granted the right of being buried, ll.5-7: καὶ συνεχώρησεν δίκειον τῇ αὐτοῦ πενθερᾷ Καλπουρνίᾳ Σεκούνη, ὥστε αὐτὴν ἐνταφῆναι („*and the right was granted to his mother-in-law Calpurnia Secunda, so that she may be buried*“).

The use of ἐκχωρεῖν „cede, give up“, thus, might actually present a case of unsuitable usage of legal terminology, which, as a result, had the potential of leaving Tatianus in an involuntarily unfortunate situation regarding his own tomb. As we shall see when discussing the clause of official recording and its unique opening sequence ὅτι οὕτως ἡμεῖς (... ἀπεθέμεθα), this might not have been the only case of semantical misconception in IJudOr II 193.

4. Instructions on further burials in the sarcophagus

After the clarification on rights held by Apphia, we encounter a seemingly ordinary element in the epitaphs of Hierapolis: the statement that the couple wished to be buried in the sarcophagus. But there, too, the formula so prominent in the city is extended with an element almost singular to Hierapolis: μόνοι „(they) alone“. In this position and with this exact meaning, the term appears in only two more of the city’s epitaphs.³⁰ Μόνος (/-/ον) is, however, attested in some 200 tomb inscriptions from Termessus in Southern Pisidia, where it appears either as an addition to or, less often, as a substitute for the prohibition against unwarranted burials. In the latter, substituting usage, the term either appears at the end of the text, thus replacing all prohibitive and sanctioning clauses altogether,³¹ or as the element specifying

³⁰ One of these other texts is Pennacchiotti 1966/67 n. 50; unfortunately, the initial lines containing the tomb founders’ full names are badly damaged. The tomb was most probably founded by two individuals (the second name, Aurelia Ammia, is partly preserved), which most likely means that, there too, we are dealing with a couple. The other text is AvH 55b, on a sarcophagus that was meant for the tomb founder’s (already executed) burial only. – Apart from this, μόνος/μόνη/μόνοι with regard to persons (and not to objects, as shown in nt. 29) is found in only four texts; in three of them, it is meant to set apart specifically identified persons from the rest of the burial community, cf., e.g., AvH 130a ll.1-5: [ἡ σ]ορός Νείκης Τληπᾶ, ἐν ἧ κειρήδενται | Μ. .Ι. .Ι. . [Νικομ(?)]άχου ὁ ἀνὴρ αὐτῆς καὶ Πλου|τ[ι]ά[δ]ης ὁ υἱὸς αὐτῶν, κηδευθήσεται δὲ καὶ | ἡ Νείκη· ἐτέρῳ δὲ οὐκ ἐξέσται οὐδενὶ κηδευ|θῆναι ἢ μόνῃ τῇ Νείκῃ. („*The sarcophagus (belongs to) Nike, daughter of Tlepas, in which were buried [...], her husband, and Ploutiades, their son, (and) in which also Nike shall be buried. No-one else will be authorised to be buried except for Nike alone.*“). The three other examples are SEG 54:1337 (with a similar constellation), SEG 56:1503 (with another female tomb founder) and AvH 117 (where the prohibition of further burials is amended with respect to all previously mentioned, not just one particular individual).

³¹ This is the case in at least 11 texts, cf., e.g., TAM III 621: Μᾶρ(κος) Αὐρ(ήλιος) Μολης | Χαίρεῦ τὴν σω|ματοθήκην τῇ γυν|αικὶ αὐτοῦ Αὐρ(ηλία) |⁵ Αρμαστα Διοτειμίου | μόνῃ.

an imprecisely phrased sanction that follows.³² In the former, additive application the term is apparently an enforcing element to the following prohibition against unwarranted burials.

This enforcing quality is in place in TAM III 448, the only tomb inscription set up for a *Ioudaia* in Termessus: Μ(ἄρκος) Αὐρ(ήλιος) Ἐρμαῖο δις Κευη τήν σωματοθήκην τῆ θυγατρὶ αὐτοῦ Αὐρ(ηλία) Αρτεμει | Ἰουδέα μόνη· ἄλλω δὲ μ<η>δενὶ ἐξὸν εἶναι ἐπειθάσῃ τινά, ἐπὶ ὃ πειράσας ἐκτίσ[ει] | τῷ ἱερωτάτῳ ταμίῳ (δην.) μύρια | καὶ ἔνοχος ἔσται ἐνκλήματι |⁵ [τυμβωρυχίας κτλ.].³³ This text has, on occasion, been used to argue that it was Artemeis' wish to stress the social and religious differences between herself and her family, which supposedly becomes visible through the following pieces of information: 1) The tomb was set up by a pagan father, 2) she is to be buried solitarily (μόνη), 3) the fine's recipient is the *fiscus* (which marks a contrast to her uncle's choice of both the *fiscus* and the sanctuary of (the pagan god) Zeus Solymeus on his nearby tomb, cf. TAM III 612), and 4) the fact that

(„*Marcus Aurelius Moles, son of Chaireas, (has provided) the sarcophagus for his wife Aurelia Armasta, daughter of Diotimos, (for her) alone.*“). Other examples are TAM III 272, 342, 670, 679, 783, 841; SEG 57:1552, 1566, 1568 and 1574.

³² 9 texts pertain to this category, cf. TAM III 609: Αὐρ(ηλία) Μολανεισα τήν σωματοθήκην | ἑαυτῆ μόνη· ἄλλω δὲ | μηδενὶ ἐξὸν εἶναι, | ἐπεὶ ὃ παραβάς τι |⁵ τούτων θήσει τῷ | ἱερωτάτῳ ταμίῳ | (δην.) . ε . „*Aurelia Molanisa (has provided) this sarcophagus for herself alone. No-one else shall be authorised, or else the one overstepping something from these (regulations) shall give 5,000 denarii to the most sacred fiscus.*“ From an inner-textual perspective, it is only the μόνη that makes abundantly clear to *what exactly* no-one else shall be authorised: additional burials. It goes without saying, however, that these few texts are nothing more than condensed versions of regular epitaphs, and their precise meaning was abundantly clear to anyone with sufficient knowledge of the underlying patterns. For further examples cf. TAM III 381, 444, 614, 622, 763, 823, SEG 44:1137, SEG 57:1488. – A mixed type between the two categories of substitutes is constituted by six texts that do contain a prohibition after μόνος/-η/-ον, but only mention the unwarranted *opening* of the tomb (cf. TAM III 409 ll.4-8: (...) μόνον· ἐὰν δὲ τις ἔτερος τολμήσῃ ἀνῶξαι τὴν σωματοθήκην, ἐκτείσει (...), cf. furthermore TAM III 500, 600, 728, 787; SEG 44:1136). These inscriptions provide neat examples for the observation that „opening“ in this category of epitaphs means „opening in order to put someone in“, and not „opening in order to take something out“.

³³ „*M. Aurelius Hermaio(s), son of Hermaios, grandson of Keues, (has provided) the sarcophagus for his daughter Aurelia Artemeis, Ioudaia, for her alone. No-one else shall be authorised to bury someone in it, or the one attempting to do so shall pay to the most sacred fiscus 10,000 denarii and shall be liable to the charge against /tymborychia ...*“ The surface wasn't well enough preserved for Heberdey to decipher the text's ending, but a standard formula, like the one proposed, is to be expected.

her Jewishness is stressed in an otherwise very brief epitaph.³⁴ While the specific mentioning of Artemeis as a *Ioudea* might have produced some distance between her and her (otherwise pagan?) family as well as the other tomb „occupants“ in Termessus, it should be noted that all other elements are *very typical* of the city—also the „μόνη“, whose relative frequency has already been mentioned.³⁵ Artemeis’ solitary burial in a sarcophagus set up by her father isn’t as unusual either, given that tombs meant to be used by only one person (even though they *had* families) amount to ca. 70, and tombs set up for others to ca. 100.³⁶ The *fiscus* is the second most important recipient of fines in Termessus and by far the most important one with high fines of 2,500 denarii or more (which is the case here with a fine of 10,000 denarii).³⁷ Intra-familial switching between recipients is very common, cf., as one randomly chosen example, the following texts pertaining to family „D“ (as reconstructed in Heberdey 1929, 72-6): TAM III 221 (recipient: Zeus), 382 (the *fiscus* and the Termessian demos), 383 (*fiscus*, demos), 650 (demos), 685 (*fiscus*, demos), 743 (Zeus), 772 (Zeus), SEG 57:1562 (Zeus) and 1577 (Zeus). As for the above pt. 4), it is (unfortunately) very common for the epitaphs of Termessus (and not just there) to hardly deliver any information on the persons buried—except for some details on their legal and social status (paternal lineage, Roman citizenship, status as slaves or freedpersons, official positions occupied). While Artemeis is indeed the only Jewish person detectable in Termessus, this particular detail pertains to a *category* of information that *was* typical for the texts.³⁸ In sum, if it was indeed Artemeis’ intention to set herself apart, she chose a rather subtle way

³⁴ Williams 1997, 255 and 261-2, partly in response to Kraemer’s treatment of the text (1989, 44).

³⁵ For the frailty of arguments built around μόνη and the penalty payable to the *fiscus* cf. the remarks by Ameling in IJudOr II, p. 453-5.

³⁶ For a comparable constellation cf., e.g., TAM III 425, involving a father and a deceased son.

³⁷ The *fiscus* as recipient of fines in Asia Minor, also with special regard to its importance on the tombs with sums larger than 2,500 denarii, is treated extensively in Wiedergut forth.

³⁸ Williams (1997, 255) furthermore stated for the tomb an expensive nature and for the inscription considerable length and a careful execution. However, as the comparison with the other monuments from Termessus shows, the sarcophagus is of a standard type, the epitaph of average length (if anything, it’s one of the shorter examples; cf., for a quick overview on both features, the 10 texts preceding and the 10 following n. 448 in TAM III).

of doing so.

In IJudOr II 193, too, Tatianus and Apphia use „μόνοι“ as an element enforcing their wish of being buried by themselves—a wish which they specify, in extension to the city’s usual conventions, no less than three times: Once in the provision for *their* burial (ἐν ἧ κηδευθήσονται αὐτοὶ) after they both had been fully named as the only two persons disposing of the tomb, once through „μόνοι“, and once through the following prohibition against unwarranted burials.

This prohibition against the burial of unwarranted persons represents the most common one in Hierapolis, with 134 attestations in the 148 published and sufficiently preserved texts containing such interdictions.³⁹ It is almost exclusively constructed with κηδεύειν in the aorist infinitive (e.g.: ἐτέρω δὲ οὐδενὶ ἐξέσται κηδεῦσαι τινα vel sim.), either in its active (κηδεῦσαι) or its medio-passive form (κηδευθῆναι).⁴⁰ With at least 58 examples, the latter rendering is more frequent than the active one with ca. 35 texts. While both forms target persons aiming (or even succeeding) at burying someone other than the aforementioned ones, it is only the active form that hints at a living—and thus punishable—individual undertaking these actions, him/her being the one who would be liable to the sanctions regularly stated after the prohibition. Κηδευθῆναι, however, if interpreted as strictly passive, would hint at the act of „being buried“ and would, in case of its fulfilment, target a deceased—leaving the one who aims at pursuing this matter legally with the conundrum of how to punish a dead person.⁴¹ Applying a reading

³⁹ In comparison, all other categories of interdictions are attested in very small numbers: The unwarranted opening of the tomb is addressed in a mere 3 texts, selling the monument in 12, altering the structural arrangement (e.g. by adding another sarcophagus) in 5 inscriptions, the disposal of the tomb or the corpses in it (expressed with the very rare term σκυβαλίζειν, on which cf. BE 1977:423 with the translation „rejeter comme des restes ou des excréments“) in 2 texts and the general interdiction of actions against the regulations or the epitaph (εἰ δέ τις παρὰ τὴν ἐπιγραφὴν ποιήσει vel sim.) in 7 examples. These prohibitions are analysed in great detail in Ritti 2004, 510-30.

⁴⁰ Only two texts (Pennacchietti 1966/67 n. 21 and SEG 46:1670) use τεθῆναι instead. The texts are otherwise unremarkable, there is no immediate explanation for the divergence.

⁴¹ From the viewpoint of Roman law, one could, of course, always go after the heirs of such an offender, making *them* liable to the penalty. This argument would, then, allow for a strictly passive reading of κηδευθῆναι, τεθῆναι and comparable terms. However, it should be kept in mind that it was *always* the text’s primary aim to keep this scenario from becoming reality at all, and not to deliver a strategic guide on how to deal with

in accordance with the verb's middle meaning, however, allows to grasp a potential tomb violator as someone who simply attempts at „having him-/herself buried“, thus taking active preparations towards his or her own burial. This notion is best visible in texts that combine various types of prohibitions, e.g. Pennacchietti 1966/67 n. 45 ll.3-4: ... ἐτέρῳ δὲ οὐδενὶ ἐξ{ξ}έσται κηδευθῆναι ἢ μεταθεῖναι ἢ πωλῆσαι: ... „no-one else shall be authorised to have themselves buried or to move or sell (the sarcophagus)“. Only such a reading of κηδευθῆναι warrants that all three of the prohibition's elements are targeting a living, acting, punishable individual, while a passive interpretation of κηδευθῆναι would require an already deceased subject for the interdiction's first part, and a living one for the remainder of the clause.⁴²

Tatianus and Apphia, in another element of their epitaph that is somewhat uncommon, chose to spell out both options, ll.4-5: ἄλλῳ δὲ οὐκ ἐξέσται οὔτε κηδεῦσαι οὔτε κηδευθῆναι „no-one else shall be authorised to either bury (someone) or have themselves buried“. Only 12 other tomb inscriptions from Hierapolis share this feature.⁴³ Despite this elaborate approach and even though this element is the third in the text transmitting their wish of being buried alone, their prohibition is immediately furnished with an exception: the one transferring them into ancestral soil shall also possess (καθέξει) the sarcophagus, along with the pertaining rights (σὺν τοῖς δικαίσις).

5. Returning to ancestral soil?

This clause, which is certainly the text's most remarkable element, has, surprisingly, not gotten much attention so far. The interpretations presented in the secondary literature, all brief and revolving around the precise meaning of πατρῶα γῆ in this particular case, may be summarised like this:

1) Πατρῶος refers to that which was inherited, in the same manner as tombs or sarcophagi are sometimes qualified with such adjectives—the

tomb misuse.

⁴² Cf. SEG 54:1332 and 62:1217 for other examples from Hierapolis. The reasoning behind this is demonstrated in greater detail in Praust, Wiedergut 2019, 82-3 with nt. 25, also explaining the role of ἐξέσται in such constellations; cf. furthermore Gildersleeve, Syntax p. 73-5, esp. §169.

⁴³ These are AvH 73, 111, 116, 163, 271, 273, 340, Pennacchietti 1966/67 n. 7, n. 22, n. 23, n. 25 and SEG 54:1316. Tatianus and Apphia's exact phrasing (οὔτε κηδεῦσαι οὔτε κηδευθῆναι) is singular, all other examples merely use ἢ „or“ in between the two terms.

„ancestral soil“, then, should be the „sepulcral area“. The clause reflects legal difficulties, which have been resolved in the past.⁴⁴

2) Πατρῶα γῆ refers to Hierapolis, in which case the couple (a) has, after a forced relocation, already returned to the city with the help of the διακομίζων,⁴⁵ or they (b) were planning for a relocation away from Hierapolis, and wished for a future transferral of their bones back to the city and into their sarcophagus.⁴⁶

3) Since both Tatianus and Apphia identify themselves as *Ioudaios* and *Ioudaia*, respectively, the „ancestral soil“ to which they wish to be returned is Judaea.⁴⁷

⁴⁴ Miranda 1999, 128 („... *si potrebbe pensare a un'interpretazione giuridica, riferendo l'espressione all'area sepolcrale e ipotizzando che a Tatianòs fosse stato contestato un diritto di successione.*“); this idea was preferred by Pleket in SEG, where all other interpretations are also summed up.

⁴⁵ Miranda 1999, 128-9, cf. her proposition „*Dovremmo allora ipotizzare per Tatianòs e sua moglie una vicenda di allontanamento forzoso da Hierapolis e un successivo ritorno in patria, favorito dall'intervento dell'anonimo benefattore.*“ (p. 129). This scenario is feasible only if the aorist participle (διακομίσας) is interpreted as referring to an action in the past. The aorist participle, however, refers to an action which is past only with reference to the time of the leading verb, which, in this case, is *future* (ἐξέσται). Taking the aoristic *aspect* (a fulfilled action which is summed up) into account, it merely follows that the διακομίζων may take over the sarcophagus once the couple's transferral is completed; cf. Gildersleeve, Syntax p. 140-1 and p. 105; Goodwin, Syntax §24, 35; Schwyzer, Grammatik II p. 384-8. Ameling's analysis (on which see below nt. 46) apparently has this interpretation underlying.

⁴⁶ Ameling, IJdOr II p. 410-1, cf. his assessment „*Da sie in dem Sarkophag begraben sein wollen (ἐν ἡ κηδευθήσονται), kann das διακομίζειν εἰς τὴν πατρῶων γῆν kaum etwas anderes sein als die Überführung ihrer Gebeine nach Hierapolis.*“ on p. 410 and his comment on l.5 „*hier wird klar bezeichnet, was man eigentlich nicht bezweifeln sollte, daß die Städte der Diaspora für die dortigen Juden Heimat waren, πατρῶα γῆ.*“ (p. 412). – It should be noted that the interpretations given so far faced additional difficulties due to the originally published reading of l.3, which was (...) ἦτινι καὶ ἐξεχώρησεν ὁ Τατιανοῦ τὸ δίκαιον τῆς σοροῦ (...). This posed the problem of how to fit this son(?) of Tatianus into the picture—a problem which is now resolved by T. Ritti's updated edition.

⁴⁷ Proposed by P. L. Gatier in AE 1999, p. 579 („*Ne s'agit-il pas plutôt de la coutume juive de rapporter, après une période d'inhumation, les ossements en Eretz Israel, comme on le voit dans la nécropole de Beth-Shéarim?*“), rightly pointing out that this would account for the anonymity of the διακομίζων—such a person would become active at an undefined point in the future and could, thus, easily be unknown to the couple. Ameling tentatively rejected this idea, cf. his statement „*Die meisten Belege für diesen Brauch kleinasiatischer Juden gehören in die Spätantike, auch scheint mir die präzise Bestimmung der Belegung gegen die Vorstellung einer späteren Exhumierung*

The first interpretation, taking *πατρῶα γῆ* as a way of addressing an inherited tomb monument, faces severe terminological problems: In the several examples from Hierapolis of tombs that were taken over and re-used/(re-)inscribed by descendants of the original owners, there *were* standardised ways of expressing these tombs' specific quality as „ancestral“. This was either done by classifying the monument or its individual parts as *προγονικός*,⁴⁸ or by referring to the type of takeover as „*ἐκ προγονικῆς διαδοχῆς*“.⁴⁹ The two closest parallels to our text among the epitaphs from Hierapolis that are composed in prose are perhaps SEG 54:1336, speaking of a *σορός γονέων* „sarcophagus of the parents“, and AvH 278, mentioning a *πατρικὴ σορός* „paternal sarcophagus“.⁵⁰ The term *πατρῶος* merely appears in one epigram from Hierapolis, thus pertaining to a category of evidence that is divergingly phrased and underlies differing compositional demands, namely metrical ones, which renders any comparison to the epitaphs of the regulatory kind very difficult.⁵¹ In prose inscriptions, one parallel for *πατρῶος* is furnished by SEG 56:1747, a sarcophagus text from Isthada (territory of Myra/Central Lycia), ll.1-5: Ἐπαφρᾶς Ναννης Μυρεῦς καθὼς ἔδ[ω]κα τὸ προβουλεύσιμον διὰ τῆς λανπροτ[ί]ατης βουλῆς δήμου

zu sprechen.“ (IJudOr II p. 412).

⁴⁸ AvH 179, 226, 245, 296; SEG 49:1814, 54:1318. SEG 49:1814 pertains to the monuments of the Jewish community, cf. l.1: Ἡ σορός καὶ τὸ ἡρώων προγονικὸν Ἰκεσίου τοῦ [καὶ] Ἰούδα τοῦ Θέωνος.

⁴⁹ This exact phrase in AvH 54, 79; SEG 54:1298, 56:1502, 63:1238; variants in AvH 171 (ἐκ προγόνου διαδοχῆς), SEG 49:1835B (ἐκ διαδοχῆς).

⁵⁰ The latter text AvH 278 was set up by an Apollonios β', son of Apollonios Eutyches Molybas (or perhaps rather: son of Apollonios Eutyches, the son of Molybas), who names his two children as caretakers of his paternal sarcophagus, ll.8-9: Ἀπολλώνιος καὶ Ἀπολλώνιος | προνοήσουσιν δέ μο[υ] τὰ τέκνα τῆς πατρικῆς σοροῦ τῆς ὀπίσω κειμένης „*Apollonis and Apollonios, my children, will take care of the paternal sarcophagus that stands backwards (sc. from this one with the inscription)*“. On ancestral tombs in general cf. the terminological analysis in Ritti 2004, 492-4.

⁵¹ Ameling in IJudOr II p. 410 nt. 177 lists three examples with comparative expressions: Steinepigramme II 09/09/16 (= I.Klaudiupolis 83, 3rd cent. CE), III 14/06/20 (= MAMA I 232, Laodikeia Katakekaumene/Lycaonia; late ant.), III 15/02/12 (surroundings of Ancyra; imperial times), to which come furthermore Steinepigramme IV 18/12/05 (Attaleia; imperial times), I.Klaudiupolis 113 (3rd cent. CE?), I.Rhodische Peraia 41 (Loryma; 4th cent. BCE); I.Heraclea Pontica 33 (1st cent. CE) and Steinepigramme II 10/02/29 (Caesarea-Hadrianoupolis/Paphlagonia; imperial times); the final example, though metrical, delivers an example of bones being transferred back to the deceased's hometown (ἐν πατρίδι γαῖα, v.3) after he had died in a foreign place. I am truly grateful to S. Ahrens for making me aware of these parallels.

Μυρέων ἐπιγράψαι | πατρῶόν μου τύνβον ἐνκηδευθῆναι ἐμὲ | Ἐπαφρᾶν καὶ σύμβιον μου (...).⁵²

What all these examples have in common with each other, but not with IJudOr II 193, is the fact that a specific type of monument is addressed by using standard terminology for such tomb facilities or parts thereof: σορός, βωμός, τύμβος, τόπος. They may be qualified as „ancestral“ in some way, or the fact of their takeover may be mentioned in another fashion—the true problem, in fact, is not created by the term πατρῶος, but by the term that is *not* part of the above list: γῆ. Nowhere in the provident epitaphs, not in these examples, not in any other texts with different situations underlying, is γῆ used to address a tomb monument or a sepulchral area. As has rightly been pointed out by E. Miranda, should it indeed have been the burial plot that was spoken of, we would expect τόπος, the standard term for such pieces of land in Hierapolis and beyond.⁵³ And should, in fact, γῆ have been used as an odd replacement for usual τόπος, an explanation would furthermore be required for a sudden change in terminology within the same text: τόπος already appears in its default position in l.1 of IJudOr II 193: [Ἡ] σορός καὶ ὁ περὶ αὐτήν τόπος κτλ.

Regarding the second interpretation, assuming for the couple an upcoming relocation away from Hierapolis and the wish to be returned and interred in their sarcophagus nevertheless, it is, first, the complicated way of expression that is to be noted. This wish could have been expressed clearer and in a much less enigmatic way, e.g.: ἐκτὸς τοῦ διακομίσαντος/κηδεύσαντος ἡμᾶς εἰς ταύτην τὴν σορόν „except for the one transferring us to/burying us in this very sarcophagus“ or simply ἐκτὸς τοῦ διακομίσαντος ἐνθάδε ἡμᾶς „except for the one transferring us to this place“. Moreover, if it was truly Hierapolis that was perceived as the couple’s hometown, wouldn’t πατρίς „one’s fatherland, native town“ have been the more proper term instead of πατρῶα γῆ?

What weighs even heavier is the fact that the scenario offers severe procedural difficulties. In case of its fulfilment, the immediate effect would

⁵² „I, Epaphras, son of Nanne, citizen of Myra, (after) having the motion proposal carried through the most glorious boule and the demos of Myra, have inscribed my paternal tomb monument, (and I wish that) I, Epaphras, shall get buried and my wife (...).“ For an analysis of the text cf. the *ed.pr.* in Schuler 2006, 407-12.

⁵³ Miranda 1999, 128.

be that a currently undetermined, probably still unknown individual would hold the rights pertaining to the sarcophagus in which Tatianus and Apphia would then have been placed. In consequence, this individual could, firstly, arrange for his or her own burial *with the couple*. In addition to that, a number of further options were most likely within the power of this person: handing out burial grants (so that others could *get buried*), transferring the rights to the sarcophagus (so that others could *bury* additional individuals), or selling the whole monument altogether. In short, the integrity and continued existence of the couple's final resting place would lie entirely in the hands of a person known to them so little that they couldn't even name him in the epitaph.⁵⁴ This scenario would run directly contrary to the most central aim of the provident epitaphs—keeping the burial community *small* and confined *within the family*.

This is not only confirmed by the entirety of epitaphs from Hierapolis that contain clear provisions regarding the respective burial circle: Of the 183 sufficiently preserved texts, 89 (or 49%) present the immediate family (viz. a couple and their children) as the intended group, 45 texts (or 25%) reduce this circle further to a married couple, 14 (or 8%) to one single person.⁵⁵ This pattern is also visible on the tombs of the local Jewish community: Of the 18 texts with provisions, 10 mention the immediate family, 4 a married couple, and 1 text might show a solitary burial.⁵⁶ In only three cases, the burial circle is different, but never large: In one case, the tomb founder's father is also included (along with the nuclear family), one sar-

⁵⁴ The idea of such a person not being named because some aspects of the underlying process weren't legal or within the moral constraints of society is not convincing: the granting of rights to a tomb (and the mention of such an action in the epitaph) is a widespread phenomenon in Asia Minor (cf., again, Harter-Uibopuu 2019 for an overview or Ritti 2004, 481-2 specifically for Hierapolis), and should other parts of the services provided by the *διακομίζων* not have been legal, this whole business wouldn't have been put on the stone at all.

⁵⁵ Only 35 texts show more complex compositions, that, however, not necessarily result in a significantly larger burial group. In the majority of cases, the persons joining a nuclear family are either further family members (siblings, parents) or single persons whose exact relationship to the tomb-founding family we cannot determine. In these latter cases, a detailed specification of such persons by name is the norm.

⁵⁶ The last case, SEG 49:1827, is not clear; the sarcophagus belongs to a male founder, his wife is already buried in it. The text doesn't make clear the founder's own wishes, which makes it difficult to decide if it is simply a condensed epitaph or truly a case of solitary burial—but perhaps the tomb founder was still young and intended to marry again?

cophagus is meant for two brothers, and in one case, a named female person is supposed to be buried with a couple—was she a daughter?⁵⁷

All this is consistent with the ideas on the confinement of such circles according to the Jewish burial customs in antiquity (and beyond), where the immediate family is the central measurement defining this circle. Burial among one's family is prominent already in the Torah,⁵⁸ and is amply attested in the epigraphical and archaeological record, e.g., in the numerous family burial caves in and around Jerusalem before 70 CE,⁵⁹ in the large

⁵⁷ SEG 49:1831 (father), SEG 49:1823b (brothers) and SEG 49:1828 (daughter?).

⁵⁸ The expression found frequently is of someone being „gathered to one's people“, e.g. with respect to the burial of Abraham by his sons Isaac and Ishmael (Gen. 25: 7-10), the burial of Isaac (Gen. 25: 28-29) or of Jacob (Gen. 49: 29-33: ⁽²⁹⁾ *Then he gave them these instructions: "I am about to be gathered to my people. Bury me with my fathers in the cave in the field of Ephron the Hittite, ⁽³⁰⁾ the cave in the field of Machpelah, near Mamre in Canaan, which Abraham bought along with the field as a burial place from Ephron the Hittite. ⁽³¹⁾ There Abraham and his wife Sarah were buried, there Isaac and his wife Rebekah were buried, and there I buried Leah. ⁽³²⁾ The field and the cave in it were bought from the Hittites."* ⁽³³⁾ *When Jacob had finished giving instructions to his sons, he drew his feet up into the bed, breathed his last and was gathered to his people.*) For these and similar passages cf., e.g., Meyers 1971b, 96-8 (in the context of secondary burials in Jerusalem before 70 CE), Williams 1994, 171-3 (when discussing burial customs in the Palestinian evidence) or Ilan 2011, 244 (in an article treating the recent phenomenon of Jews burying their dead separately from other religious groups).

⁵⁹ Caves meant for the burial of extended family circles were common in the region before the destruction of the Second Temple in 70 CE. The deceased were typically first buried in a fosse, from where, after a period of decomposition of the flesh, the bones were then gathered and put into an ossuary—this practice of „bone-gathering“ was termed *ossilegium*. The custom was practiced in Judaea from the 1st cent. BCE until the 3rd cent. CE, with the exception of Jerusalem, where it ceased after 70. The phenomenon is broadly treated in Meyers 1971a and 1971b (for critical remarks on some results of his monographic study [= 1971a] cf. Gafni 1981, 98 nt. 15 and Raḥmani 1994b, 193-5); cf. furthermore Raḥmani 1994b for an overview on the material of Late Second Temple Period Jerusalem; Aviam, Syon 2002 for a brief introduction and a collection of ossuaries from the Galilee. A sample of family burial caves from the Kidron Valley is presented in Avni, Greenhut, Ilan 1994. An extensive study on the cemeteries, tomb types, inscriptions and decoration as well as the funerary rites and customs in the necropoleis of Jerusalem, Jericho, 'En Gedi and Qumran in the Second Temple Period is delivered in Hachlili 2005, cf. there p. 301-10 for an analysis of family tombs. The most important corpus of ossuaries, with almost 900 objects treated, is Raḥmani 1994a.

necropolis of Beth She'arim in the Galilee,⁶⁰ in the catacombs of Rome,⁶¹ or in various cities of Asia Minor.⁶² This seems especially important given the non-separation of tombs owned and used by Jewish families in the mostly pagan necropoleis of Asia Minor.⁶³

In short: Should the διακομίζων have been *known* to the couple, there is no reason not to mention him by name in the epitaph. But should he have been a *stranger* to them, transferring to such a person the very sarcophagus in which they were hoping to find their final resting place is rendered unlikely in the light of the remaining evidence and everything we know about the underlying system of tomb usage and protection in Asia Minor.

The third idea, a transferral of the couple's bones to Judaea, was briefly discussed in IJudOr II and tentatively dismissed based on two considerations: The evidence for this custom mostly comes from late Antiquity, and the precise provisions given for the burial seem to contradict the idea of a

⁶⁰ The necropolis, which was in use from the 2nd to the 5th century CE, can safely be regarded as the most important archaeological findspot for ancient Jewish funerary customs after the Second Temple period from Judaea itself. It is the burial place of the redactor of the Mishnah, Rabbi Judah ha-Hasi („Judah the Prince“, d. 217 CE), and was apparently a desired burial place for Jews from the Galilee and, to a lesser extent, also the wider Eastern Diaspora; for recent overviews (with older lit.) cf. Fine 2010, 451-8 (with special regard to archaeology and funerary customs) and Angerstorfer in Dresken-Weiland, Angerstorfer, Merkt 2012, 287-99 (with a focus on epigraphy and commentaries on several epitaphs); for the site's corpus of 240 Greek inscriptions (which make up for 88% of all epigraphical texts) cf. Schwabe, Lifshitz 1967 (Hebrew with French introduction). For specifically the aspect of burial within one's family in Beth She'arim cf. Weiss 1992, 357-62.

⁶¹ The Nomentana, the Appian and the Monteverde catacombs were apparently built primarily for the use by members of the Jewish community from the late 2nd century CE onwards, cf. the overview in Toynbee 1971, 234-9 (with older lit.), Williams 1994 (comparing the situation in Rome to Palestine and the Eastern Diaspora), Noy 1998 (with special regard to cremation vs. inhumation and the use of inscriptions and symbols as tomb markers), Ilan 2006, 79 and Rajak 1994 (with important methodological considerations).

⁶² The situation for Asia Minor is briefly summarised in Williams 1994, 173-5 and Ilan 2011, 246; cf. Miranda 1999, 113-4 for Hierapolis.

⁶³ On the overall absence of specifically Jewish cemeteries in the Diaspora cf. Ilan 2006. An important exception are the catacombs in Rome mentioned above (cf. nt. 61), but even there, Jewish burials in areas also used by pagans were apparently the norm until the catacombs came into use, cf. Noy 1998, 79-81.

later exhumation.⁶⁴

Regarding the second consideration, a precise statement on the burial arrangements is, as we have seen, perfectly common in the regulatory epitaphs of Hierapolis and beyond. Should Tatianus and Apphia have envisaged finding their final resting place in the sarcophagus (and not in the *πατρῶα γῆ* that might be Judaea), aiming at protecting the tomb's integrity had to be the couple's central concern. So far, so perfectly normal.

However, the emphasis they put on being buried alone becomes especially understandable should a future transfer of their mortal remains away from Hierapolis be imagined: If a *διακομίζων* is indeed found, it is in the couple's vital interest to make sure that this person would only have to deal with *their* mortal remains, and not also with the bones of others. With this in mind, it is central to note that the scenario of a transfer *away* from Hierapolis is the only one in which the *διακομίζων* would receive, as his compensation, an *empty* sarcophagus—a *σορὸς καθαρὰ ἀπὸ πτωμάτων*, as is stressed in some texts—which was convenient for the future use of the monument in a *practical* sense at the very least.⁶⁵

The true problem to the idea of Tatianus and Apphia's bones being transferred to Judaea is, as was pointed out by W. Ameling in *IJudOr II*, one of chronology. While this practice is well attested from late Antiquity onwards, its beginnings are obscure. I. Gafni, in his 1981 fundamental paper on the topic, cautiously traces the phenomenon's origins back to the 3rd century CE, but stresses that its early adoption is attested merely for pre-eminent rabbinic families from Babylonia, before it gradually became more widespread over the course of the Talmudic period.⁶⁶ D. Noy lists the

⁶⁴ *IJudOr II* in the commentary to n. 193.

⁶⁵ On the clarification that a tomb was „clear of bodies“, cf., e.g., I.Smyrna 214 ll.1-4: Σάλβιος Σεμνὸς τὸ μνημεῖον | ἠγόρασεν καθαρὸν ἀπὸ πτωμάτων ἑαυτοῦ καὶ τῆ συμβίῳ | Σοφῆ ... („*Salvius Semnos has bought the tomb clear of bodies for himself and his wife Sophe ...*“). This text, along with similar examples, and the underlying rationale are treated in Harter 2010, esp. p. 254-8. – In this context, it is worth noting that the re-use of an older burial facility apparently formed no obstacle to members of the Jewish community, as becomes clear in 7 texts from Hierapolis: In SEG 49:1814, the Jewish owner mentions an ancestral burial facility (ἡρώων προγονικόν) probably surrounding his sarcophagus (on which the text is located), SEG 49:1823B and C, SEG 49:1825 and SEG 49:1835B show cases of sarcophagi originally owned by pagans which were later re-used by Jews, and SEG 49:1827A and B deliver an example of a sarcophagus transferred within the Jewish community.

⁶⁶ Gafni 1981, cf. esp. p. 103-4 and the third-century episode of Rabbi bar Qoraiya

transport of the mortal remains to Judaea as one of three burial options for Diaspora Jews, classifying it as „*desirable for some Jews in Asia Minor*“, but emphasises the logistic improbability of a wide-scale implementation of the practice by all Diaspora communities.⁶⁷ T. Rajak, in a critical review of the idea of Beth She‘arim as a magnet for Diaspora Jews’ burials, points out that „*while the ideology of burial in the Land (...) seems to have been evolving in the mid-third century, the actual practice of such burial cannot be deduced from literary evidence and may have been confined to a few very special cases*“. She then analyses the epigraphical evidence from Beth She‘arim and stresses that the ca. 20% of the site’s Diaspora dead might just as well have moved there (or to the surrounding area) during their lifetimes.⁶⁸

At first glance, this final point seems valid not only in a commonsensical way, but is reflected also in the evidence from Asia Minor, where, too, various resident foreigners are detectable in the epitaphs. When, e.g., an individual from Prynnessus in Phrygia is found in an epitaph from the Lycian town of Olympus, it is perfectly obvious that this person *lived* in Olympus, even though he did not obtain local citizenship. However, the ca. 20% of foreigners in Beth She‘arim are, in terms of absolute numbers, still impressive when compared to Asia Minor: In Hierapolis, a mere 2% of foreigners can be found in the more than 400 published epitaphs. Aforementioned Olympus, with a corpus of 232 published tomb inscriptions, equally shows only 2% foreign individuals. And even in the large metropolis of Smyrna on the West coast of Asia Minor, merely 7% of all individuals attested in the

and Rabbi Eleazar witnessing „coffins arriving from abroad“ in Tiberias analysed on p. 96-7; cf. furthermore Gafni 1997, 79-95 for a broader treatment of the topic (with similar results). The discussion between R. bar Qoraiya and R. Eleazar and more such examples are critically reviewed in Rajak 1998, 352-4 and 356-7. Hezser 2011, 357-9 briefly treats burial in Judaea as a potentially desirable option for Babylonian Jews, regarding it a very limited phenomenon.

⁶⁷ Noy 1998, 78-9, the above quote on p. 79, where he also notes that the „*practice of burial in Palestine cannot have been an option for most Diaspora Jews*“.

⁶⁸ Rajak 1998, 356-61, the above quote on p. 357; cf. also her assessment „*We can estimate that no more than 20% of individuals named in the Beth She‘arim epitaphs are either explicitly associated with a location outside Eretz-Israel or might for particular reasons be ascribed to one, out of a total of some 200 named persons.*“ (p. 357). She does not, however, categorically dismiss the idea of a regional pull exerted by the necropolis, cf. p. 361-3. The general point on foreigners referred to above was briefly made already in Gafni 1981, 98.

epitaphs reveal themselves as resident foreigners.⁶⁹

This discrepancy becomes even more significant when the specific character of the respective epitaphs is taken into account: In Asia Minor, such clarifications of citizenship are attested mainly in inscriptions of the *regulatory* kind, which makes them appear much more natural than in the texts from Beth She'arim, which are mainly *commemorative* in nature. If, thus, these individuals in Beth She'arim have successfully managed a relocation to Judaea during their lifetime, as was desirable, why would they, in their short, commemorative epitaphs, still stress the ties with their past places of residence—especially if such places were outside of Judaea? Weren't they, truly and finally, *home*?

Returning to IJudOr II 193 and the search for a fitting interpretation of the passage ἐκτὸς τοῦ διακομίσαντος ἡμᾶς εἰς τὴν πατρίαν γῆν, the problem primarily seems to be one of classification. If the text is seen as merely another example of the several thousand epitaphs of a provident nature in Asia Minor—which would mean disregarding all the unusual features the inscription offers—the above treated options (1) and (2) are altogether unconvincing. If, on the other hand, the text is seen as a peculiar piece of evidence receiving at least some of its strangeness from the socio-cultural and religious background facilitated by the Jewish community of 3rd century Hierapolis, it is, in my opinion, entirely conceivable that the πατρίδα γῆ is Judaea and the whole passage the expression of the couple's wish to be interred there one day.

It is, however, strictly to be seen as merely this—a *wish*, whose fulfilment was uncertain already for the couple due to several reasons: (1) The practice was clearly neither established nor widespread, with the whole idea of these transferrals just developing; (2) the costs of such an undertaking were certainly significant and most likely exceeded the value of the sarcophagus that was the compensation for the διακομίζων,⁷⁰ (3) even if mon-

⁶⁹ The three chosen cities all offer roughly the same amount of detectable individuals in the sufficiently preserved epitaphs: I counted 597 individuals in Hierapolis, 590 in Olympus and 576 in Smyrna, among which there are 14, 14 and 41 foreigners, respectively. The evidence from Olympus is especially important here, since—in contrast to Hierapolis and Smyrna—information on one's citizenship was a fairly regular feature, cf. above nt. 19 for the precise numbers.

⁷⁰ Estimations of costs, ranging from ca. 500 to over 2,000 denarii, can be gathered from Stanford's ORBIS-project (ORBIS – The Stanford Geospatial Network Model

etary issues are left aside, the task of finding such an individual and—given that the timeline to the transaction was not definable—keeping up such an arrangement comprised numerous imponderable factors, and (4) the vagueness in expression employed regarding the „ancestral soil“ suggests that the couple was not in possession of a definite resting place in Judaea, and was, thus, potentially leaving yet another aspect of the desired transferral in the hands of an unknown benefactor.

These difficulties were seemingly recognised by Tatianus and Apphia themselves, who make clear in their epitaph that their transferral was merely one of two options—the other one was their definite interment in the sarcophagus at Hierapolis.

6. The penalty payment(s)

For the future protection of the couple's (potentially final) resting place, a penalty clause was included in the text. Such clauses are typical of the provident epitaphs and are attested in at least 135 of the 148 texts containing provisions, prohibitions and sanctions in Hierapolis. Usually, it was a hefty monetary fine that a potential violator was threatened with—these fines range in size between 50 and 10,000 denarii, with 500 as the most common sum.⁷¹ 112 texts are sufficiently preserved to reveal the fine's recipient: the Roman Imperial *fiscus* (φίσκοκος or ταμειῶν in the texts) is by far the most prominent one with 99 attestations.⁷² This prevalence is also

of the Roman World, <https://orbis.stanford.edu/>; last checked in Dec 2022). T. Ritti, in a personal communication, also highlighted the above point and stressed that such a transfer would have most likely been performed by someone who was taking the trip in any case. Various aspects of travel in the Jewish world of antiquity (which may have provided opportunities for such a trip) are analysed in Hezser 2011, cf. esp. p. 382-8 on post-70 CE pilgrimages and study trips to Judaea and p. 409-39 on trade-related travel.

⁷¹ The three most common sums are 500 (49 texts), 1,000 (21 texts) and 2,500 denarii (21 texts), the attestations in all other categories are in the single digits.

⁷² Other named institutions, apart from the ones pertaining to the Jewish community (on which see above instantly), are the *gerousia*, the council of the elders (37 texts), the civic *boule* of Hierapolis (10 texts), the *κατὰ καιρὸν ταμίης*, most probably the city treasurer (3 texts), the polis in general (2 texts), various private associations (5 texts), the sanctuary of Apollon (2 texts). The volunteer prosecutor (*ἐκδικήσας*, *μηνύσας* vel sim.) is named in 30 texts. He is, of course, not the recipient of a fine, but rather of an award, which gives him a special position in these clauses—the amount attributed to him is only due if he actively engages in the matter, while all other institutions appear as passive beneficiaries. Cf. Ritti 2004, 542-4 for a general overview on the

detectable in the texts pertaining to the Jewish community: Of the 12 epitaphs with a penalty clause, the Imperial *fiscus* is the recipient in 8 texts. The four remaining examples show, apart from one text naming the civic *gerousia* (IJudOr II 189), a distinct connection to the local Jewish community: recipients are the λαὸς τῶν Ἰουδαίων (IJudOr II 206), the κατοικία τῶν ἐν Ἱεραπόλει κατοικούντων Ἰουδαίων (IJudOr II 205) and the ἀγιωτάτη συναγωγή (IJudOr II 191).

Interestingly, the same patterns emerge when the whole of the pertaining evidence from Asia Minor is taken into account: Of the 77 epitaphs listed in IJudOr II, 23 contain a penalty clause with a monetary fine. 20 of these texts either have the *fiscus* as the recipient or name a Jewish institution, or a combination of both. The three exceptions are the above mentioned text from Hierapolis naming the *gerousia*, one inscription from Tlos naming the *demos* (IJudOr II 223), and one text from Corycus in Cilicia which has the tomb owner's διάδοχοι „successors“ as the fine's recipients (IJudOr II 236).

This distribution is worth stressing, because the *fiscus*, in its rendering as „τὸ ταμεῖον“, has—in a wrong translation as the *city's* treasury—occasionally been used as an indicator for the high level of integration of the Jewish communities in their respective Diaspora hometowns.⁷³ This conclusion is not supported by the pertaining evidence. If the penalty recipient is, indeed, to be taken as an indicator for the respective tomb owner's place in society, the distinct disregard of polis institutions should be taken as a sign of *disintegration* rather than the opposite.⁷⁴

fine's recipients and Miranda 1999, 148 for details from the Jewish texts in Hierapolis.

⁷³ Harland 2009, 125 („Fines were most often payable to local civic institutions, including the „most sacred treasury“ (ταμῖον) of Hierapolis ...“) and 140-1. The term ταμεῖον, however, is synonymous to φίσκος and *always* denotes the Roman Imperial treasury. Harland's analysis contains another problematic translation, namely when the term ἡρῶν is understood as a „collective burial area“ in his treatment of burial associations (p.134-6), with special regard to the texts TAM II 604, 612 and 615 (Tlos/Lycia). While his interpretation of the three texts as tombs operated by burial associations is certainly plausible, this conclusion is supported merely by the list of names given in the epitaphs, and not by „ἡρῶν“, which is one of the most common *general* terms for a tomb monument, cf. for ἡρῶν on clear *family* tombs in Tlos TAM II 602, 613 and 618; Kubińska 1968, 26-31 treats the term extensively.

⁷⁴ In this context, it is worth noting that the only Jewish tomb owner in Hierapolis who chose the *gerousia* as the fine's recipient is apparently also the only one in the pertaining texts who does not declare himself „Ἰουδαῖος“. His Jewishness is merely expressed through his name: Hikesios aka Ioudas; cf. IJudOr II 189, Miranda 1999, 114 n. 1 (for details on the reading) and SEG 49:1814.

In yet another extension to the usual, Tatianus and Apphia name the *διακομίζων* as the other recipient of a fine, who is, in the text's respective passage, even named *before* the *fiscus*. The size of the fine meant for the anonymous benefactor is no longer readable, and—given the special nature of IJudOr II 193—may only very cautiously be reconstructed by comparison with the patterns in the city's other texts with two (or more) recipients. Usually, the receiving institutions are either attributed the same amount (13 cases), or the recipients are ranked in descending order of the fines (22 cases), e.g. 1,000 denarii for the *fiscus* and 300 for the *gerousia*, in this precise order (AvH 98).⁷⁵ In IJudOr II 193, thus, the fine attributed to the first-named *διακομίζων* may well have exceeded the sum of 1,000 denarii meant for the *fiscus*.

The strategy of naming private individuals as recipients of funerary fines is overall exceedingly rare, with only a handful of pertaining texts from Asia Minor. With two certain and one fragmented example, Hierapolis delivers the largest chunk of evidence from one particular city.⁷⁶ The reason for this rarity is obvious: The misuse of a tomb would, in all likelihood, occur only after the tomb owner's demise, which makes a public institution, whose continued existence was without question, the superior choice for the tomb's future protection.

In Tatianus and Apphia's case, this was especially important, since the particular part of the penalty clause naming the *διακομίζων* would only become valid in case a volunteer was indeed found and the couple's trans-

⁷⁵ The only exception to this latter pattern is Pennacchietti 1966/67 n. 2, a text composed by a resident foreigner, who attributes 100 denarii to the *boule*, 100 to the *gerousia* and 250 to the *fiscus* (in this order). His foreignness, however, does not necessarily deliver an explanation for this deviation, since his sister, in her epitaph (Pennacchietti 1966/67 n. 4), adheres to the local patterns.

⁷⁶ Apart from our text, SEG 54:1310 names the family of an individual as recipient (l.4: δώσει τῇ φαμίλιᾳ τῆς Ἀντιπάτρας σν' „he shall give 250 denarii to the family of Antipatra“; she is not mentioned in the text before), and SEG 54:1329 might have originally shown a similar situation, cf. the remains at the beginning of l.4: | μιλιᾷ προστείμου τ' (...). The evidence on the family as recipient in Hierapolis is treated in Ritti 2004, 545. Two Hellenistic cases from Lycia, in which private individuals receive the penalty „just as following from a court procedure“ (καθάπερ ἐγ δίκης) are discussed in Thür 2022, 197-201. Heirs are equally rare in such cases, but cf. Tietz 2021, 163 for a recently published example from Daidala/Lycia and Harter-Uibopuu, Wiedergut forth., section 4 for some examples from Perinthos-Herakleia/Thrace and Thessaloniki/Macedonia. The above mentioned text IJudOr II 236 also belongs to this group.

ferral was completed by her or him. What was in force even if this transfer would not happen was the part of the sanction attributing 1,000 denarii to the *fiscus*. The tomb's protection through a penalty clause was, thus, warranted either way.

7. The clause of official recording

The text's final element is constituted by a clause reporting the deposition of the epitaph's copy in the city's *archeia*. In yet another deviation from the norm, the couple distinctly stressed their personal involvement in this procedure. The result is a clause that is not only special in comparison to the related examples from Hierapolis, but rather singular among all pertaining cases in Asia Minor. To illustrate this, a brief overview on the public *archeia* and the clause of official recording shall first be given.⁷⁷

Public *archeia* are amply attested as part of the civic administrative apparatus in all larger towns and cities in the Roman provinces of *Asia* (to which Hierapolis belonged) and *Lycia et Pamphylia* during Imperial times, with earlier, Hellenistic institutions (performing similar services) detectable in several places.⁷⁸ Commonly translated as „archive(s)“ in accordance with the Greek term, the Imperial *archeia* actually were publicly run *notaries*, which also fulfilled the task of safekeeping documents.⁷⁹ The primary evidence they handled, most importantly in the form of papyri, is no longer preserved. The main sources to study the institution, therefore, come

⁷⁷ The following overview contains some of the results of my thesis „Auf Amtswegen. Studien zu den kaiserzeitlichen Polis-Archiven der Provinzen Asia und Lycia et Pamphylia“, which was completed in 2020 at the University of Vienna and will be published in monographic form shortly.

⁷⁸ The latest monographic study on the Greek polis archives, focussing on Classical and Hellenistic times, is Faraguna, Boffo 2021; recent overviews are Scafuro 2013 and Faraguna 2015. Two recent conference volumes (Faraguna 2013; Brosius 2003) contain several key papers on the archives of the Eastern Mediterranean. For studies on the *archeia* of Asia Minor cf., e.g., Labarre 2005 and Harter-Uibopuu 2013, the latter with important analyses of the funerary material, especially from Lycian Olympus. The most important normative text preserved, the edict of Q. Veranius (who was the first governor to the province of *Lycia*; Claudian times), in which he aims at fixing certain malpractices in the cities' *archeia*, was published in Wörrle 1975—an article which not only delivers an exhaustive commentary on the inscription (SEG 33:1177), but also on the character of the institution involved.

⁷⁹ Brief remarks on the notary function of the polis *archeia* in Weiß 2004, 76 and Harter-Uibopuu 2013, 302.

from epigraphical texts, more precisely some 500 inscriptions that deliver hints at underlying administrative processes. The bulk of evidence, oddly enough, comes from tomb inscriptions, namely the ones of the regulatory kind. Among them, the texts containing a clause of official recording forms the biggest subset with 371 certain examples published so far.

The clause is a true companion to the provident epitaphs: Even though only a minority of such texts contain the clause, it only ever appears in their company. It is attested roughly from the second half of the 1st to the second half of the 3rd century CE, and shows a highly interesting geographical distribution: All hitherto published examples pertain to the province of *Asia*—thus hinting at an administrative regulation by the Roman provincial government that laid the ground for the clause’s existence and significant spread all over the province.

This temporal and spatial distribution is probably to be seen in close connection to the incorporation of Lycia into the Roman provincial system in the mid-first century CE, which most likely facilitated the subsequent spread of the provident epitaphs—which were a Lycian invention—all over the neighbouring province of *Asia* (and beyond). With the migration of this new type of epitaph into *Asia*, which was meant to regulate the future use of family tomb monuments, apparently came an awareness among the tombs’ founders that an officially deposited copy of their inscribed regulations would be beneficial in two ways: On the one hand, the existence of such a copy would secure the tomb founders’ provisions and facilitate their future implementation, and on the other hand, the sheer presence of such a publicly visible clause in the epitaph might have had a certain effect in the protection of the monument as well: Illegitimately using, altering, selling or destroying the tomb would, in the future, be an act that could only ever be fully executed if the epitaph’s copy was also altered or destroyed—a task which must have been inflicted with difficulties once an official institution was involved. The clause’s standard position at the very end of the epitaph will certainly have promoted these effects.

The information conveyed via the clause was fully standardised: A copy of the respective epitaph had been deposited in the *archeia*. The copy’s content was either the epitaph itself (an ἀντίγραφον τῆς ἐπιγραφῆς, like in our text; ca. 200 cases), or was summarised with τοῦτου or τούτων „of this; of

these (provisions)“ (τούτου τὸ ἀντίγραφον, like, e.g., in IJudOr II 198; ca. 100 cases). The mode of expression is usually objective, with ἀπετέθη „was deposited“ and ἀπόκειται „is deposited, is kept“ as the verbal transposition of the underlying act. Only very few examples, among them our text, show subjective formulations, stressing a tomb owner’s personal involvement in the deposition.

The place for such a deposition was, overwhelmingly, the *public* notary. An institution like the ἀρχεῖον τῶν Ἰουδαίων is known only from Hierapolis and is, even there, reduced to one singular example, even though the clause (in its regular form) is attested on 9 more tombs belonging to members of the Jewish community.⁸⁰

The exact procedure behind this deposition in the notaries is usually not specified. Only very rarely do the texts deliver specific information; the most elaborate one is certainly TAM V 2, 1142, cf. II.5-6: ταύτης τῆς ἐπιγραφῆς ἐγράφη ἀπλᾶ δύο, ὧν τὸ ἕτερον ἐτέθη εἰς τὸ ἀρχεῖον. ἐγένετο ἐν τῇ λαμπροτάτῃ | Θυσαιτηνῶν πόλει ἀνθυπάτῳ Κατιλλίῳ Σεβήρῳ μηνὸς Αὐδναίου τρισκαιδεκάτῃ ὑπὸ Μηνόφιλον Ἰουλιανοῦ δημόσιον. „Two single copies of this epitaph have been written, of which (the second) one was deposited in the archeion. This was done in the most illustrious city of Thyateira, when Catilius Severus was proconsul, on the 13th of the month Audnaios, by the public servant (demosios) Menophilos, (son?) of Iulianus.“⁸¹ This case as well as a few other, less detailed examples hint at a procedure that does not merely involve the deposition of an already prepared document, but rather also the preparation of this document by trained personnel. This does, however, not necessarily warrant the conclusion that the *contents* of the documents were counter-checked by the *demosioi*, in what may be imagined as a legal consultation offered to the contracting party. What was rather guaranteed was the document’s correct setup with respect to its physical features and its safe storage in order to avoid loss or

⁸⁰ IJudOr II 189, 191, 192, 193, 196, 198, 199, 206, and 208; the ἀρχεῖον τῶν Ἰουδαίων in IJudOr II 205.

⁸¹ The text is listed in IJudOr II (n. 146) because it mentions what is possibly to be seen as a building belonging to the Jewish community (the σάμβαθεῖον)—the text’s composer, however, was most likely not Jewish. Specifications on the precise location of a tomb monument, as is the case here, are rare and are, most likely, immediate take-overs from underlying documents which were used during the respective epitaph’s composition.

later manipulations.⁸² The decision on the legal accuracy and enforceability of the clauses the document contained was—with regard to what is deducible from the evidence—not a matter for the *archeia*, but perhaps rather for the civic courts in case of a trial.

Regarding the clause's relation to the epitaphs it accompanies, it is important to note that it was apparently not regarded as an integral part to them, but rather as an unattached element—a text of its own, as it were. This becomes clear from the almost complete absence of „δέ“ in the clause, the particle indicating a shift in focus whenever new content sets in while the textual flow is still maintained.⁸³ In the provident epitaphs, it is a regular element separating the various different contents the texts contain, cf., as one random example, IJudOr II 206 (Hierapolis): ἡ σορὸς καὶ τὸ ὑπὸ αὐτῆ[ν θ]έ[μ]α σὺν τῷ βαθρικῶ κ[αὶ] | ὁ τόπος Αὐρηλίας Γλυ[κω]νίδος Ἀμμιανοῦ καὶ τ[οῦ] | ἀνδρὸς αὐτῆς Μ(άρκου) Αὐρ(ηλίου) Ἀλεξάν[δρ]ου Θεοφίλου ἐπίκλην | Ἀφελίου, Ἰουδαίων, ἐν ᾗ κηδευ[θή]σονται αὐτοί, ἑτέρῳ δὲ οὐδενὶ ἐξέσται κηδεῦσαι ἐν αὐτῇ τ[ίνα].· εἰ δὲ μή, ἀποτεῖσει τῷ λαῶ | τῶν Ἰουδαίων προστειμίου ὀνό[μ]ατι δηνάρια χεῖλια. ταύτης τῆς | ἐπιγραφῆς ἀπλοῦν ἀ[ν] τῆς τύγραφον ἀπετέθη εἰς τὰ ἀρχῆα.⁸⁴ After the initial statements on ownership and the future burial of these owners, the prohibition regarding further burials in the tomb, expectedly, shows the particle which marks the shift in content. This is repeated in the opening of the following sanction. The only instance where a shift in focus occurs and we would, thus, expect a „δέ“ but it is missing, is in the clause of official deposition.

This pattern is not only valid for Hierapolis, but rather for the whole distribution area of the clause: In its 371 attestations, only 11 texts show the clause with the particle. Most of these few texts, however, deviate from the

⁸² Such later manipulations and a route towards preventing them was the primary concern of the above (nt. 78) mentioned edict by the provincial governor Q. Veranius (SEG 33:1177).

⁸³ Cf. Schwyzer, *Grammatik* II p. 562.

⁸⁴ „*The sarcophagus and the substructure below it with the bathricon and the burial plot (belong to) Aurelia Glykonis, daughter of Ammianus, and her husband M. Aurelius Alexandros, (son of?) Theophilos, also named Aphelios, Ioudaioi, in which they will be buried. No-one else shall be authorised to bury someone in it (sc. the sarcophagus). If (it is done) so (regardlessly), (the one burying) shall pay as a fine the amount of 1,000 denarii to the Jewish people. A single copy of this inscription was deposited in the archeia.*“

norm in more than one way, which, at least, makes the particle's appearance a bit less alarming.⁸⁵ In reverse, this pattern delivers, for the vast majority of cases, an indication that the clause was *not* regarded as an additional element to the epitaph, but rather as a detached appendix.⁸⁶

With these remarks in mind, the peculiarities in the clause formulated by Tatianus and Apphia aren't hard to spot: Not only does the couple stress their personal involvement in the copy's deposition via ἀπεθέμεθα „we have deposited“, they—in an absolutely singular way—attach the clause to the main text with the sequence ὅτι οὕτως ἡμεῖς ... (ἀπεθέμεθα) „since in such a manner we ... (have deposited)“. What they apparently meant to express was that all aforementioned provisions were to be regarded as valid and ought to be put into action *because* a copy has been officially deposited. Nothing that is safely deducible about the functioning of the clause, however, supports such an approach, neither regarding the validity nor the enforceability of the epitaphs' elements, simply because a copy has been stored in a public institution. The copy's task was to *protect* the tomb founder's wishes, not to make them valid or binding.

The sequence inserted into the clause by the couple may, altogether, safely be regarded as an innocuous extension, harmless to the text's remaining elements and their respective realisation. However, the singular formulation of the clause undoubtedly added onto the remarkable nature of IJudOr II 193—not merely for modern commentators, but just as much for the contemporary παροῦνται.

⁸⁵ The texts are I.Smyrna 204, 213, 230, 290; I.Milet VI 2, 677; IAph2007, 11.12, 15.246; TAM V 2, 1129, and, from Hierapolis, AvH 146, 337 and SEG 49:1834. The above mentioned deviations from the norm aren't only odd formulations of the clause, but cf., e.g., TAM V 2, 1129 (Thyateira/Lydia, ll.14-16: τῆσδε ἐπιγραφῆς ἀπε[τι(?)]θέμην τάντίγραφον | εἰς τὸ ἀρχεῖον) or I.Smyrna 230 (ll.9-11: ἀπόκειτε δὲ τοῦτου κὲ ἐν τῷ ἀρχεῖῳ | τὸ ἐνξενιπλάρεινον) as examples of the clause in which the particle isn't the only striking feature. At least one of the examples from Aphrodisias, IAph2007, 15.246, is roughly datable to the period in which the clause was first introduced; this might deliver an explanation for the deviations: The system might have been just developing, and the details may well not have been „set in stone“ everywhere just then.

⁸⁶ There are two control groups available for this assessment: (a) examples in which the main text continues *after* the clause and is supplemented with additional content and (b) monuments on which a separate, second text starts after the clause. In the 13 texts from group (a), the additional phrases contain „δέ“ 11 times (and ἔτι „besides, furthermore“ once). In the 4 texts from group (b), expectedly, δέ isn't found: No shift in focus needs to be indicated at the beginning of a new text—which is true for the clause just as much.

Conclusion: Tatianus and Apphia, a worried couple?

The exceptional character of IJudOr II 193, visible in at least six of the text's features, primarily hints at a deep uncertainty regarding both the legal framework and the social setting the couple faced when aiming at composing an epitaph that fit *their* needs as well as the habits and customs surrounding them. The text, thus, pertains to a rare set of examples in which not only the standardised, conventional contents on tomb protection are covered, but also the truly *individual* concerns and doubts are made explicit which tomb owners sometimes faced when thinking about the future integrity of their final resting place. Moreover, if the above interpretation of the couple's πατρῷα γῆ as Judaea is accepted, the case of Tatianus and Apphia might also deliver rare information on the contemporary *ideas* that were circulated and discussed in the Jewish communities of third-century CE Asia Minor. Even though returning to (this particular) ancestral soil wasn't regularly practised yet and was, thus, not very likely, such a return might already have been desired—by a few, at least.

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