

CHRISTOPHER P. JONES

A ROMAN WILL IN CAPPADOCIA

aus: *Epigraphica Anatolica* 37 (2004) 95–100

© Dr. Rudolf Habelt GmbH, Bonn

A ROMAN WILL IN CAPPADOCIA

M. Aydaş has published an inscription found at Büyüктаşlı Höyük in the vicinity of Aksaray, the ancient Archelais in northwestern Cappadocia.¹ Aydaş deserves thanks for making available this important new document, though many problems remain, and the following remarks do not pretend to be definitive.

The inscription is carved on a block measuring 50.8 x 70.4 x 9.5 cm. The text has been carefully fitted into the available space, leaving a small gap at the end of the last line. Aydaş gives “Roman period” for the date, but this can be narrowed down to about 50–150 CE. The script is fairly regular, with slight apices; epsilon, mu and sigma are cursive, the mu in particular having concave verticals. Among the inscriptions of Lydia published by Peter Herrmann, TAM V 591 of 26/27 is fairly similar, but so also is 178 of 144/45. There is some itacism and confusion between single and double consonants, and mute final iota (“iota subscript”) is always omitted. The vocabulary contains a number of compounds not found in classical Greek. The rarest of these are ἐνεπηρεάζειν (written -ιάζειν), for which Liddell and Scott cite only Philodemus and Pollux, and ἐξευμενίζειν, for which they cite Philo, Josephus and Plutarch. The most closely comparable documents, the foundation of Phaenia Aromation from Gytheion, the will of Epicrates of Nacrasos, and the foundation of Praxeas of Acmonia, are all of about the same period.²

The inscription refers to *codicilli* (line 2), which as the editor observes denotes the codicil of a Roman will. Since the following discussion involves some technicalities of the Roman method of testation, it will be best to begin by a brief description of it, at least in the first two centuries.³ Roman citizens normally wrote their wills on waxed tablets (*tabulae*), which were then closed with string and witnessed by seven witnesses who affixed their seals. Hence it is that the word *tabulae* by itself can denote a will (Oxford Latin Dictionary *tabula* 8 b), though *tabulae testamenti* is also found. Codicils too (*codicilli*) were usually written on wax tablets. A codicil written later than the will did not supersede it, whereas a second will did, and there was no required wording. Hence the greater ease of drawing up a codicil led testators to prefer it when expressing their last wishes, in particular when making arrangements for their funeral, burial, and commemoration. A codicil inscribed at Cephaloedium (Cefalù) in Sicily consists of fifty words, excluding the heading, the signature and the date, and this cannot have taken more than a single tablet; in form, it consists of a son’s dictated address to his father, asking him to

¹ M. Aydaş, A Priest of the Goddess Ma at Komana (An Inscription in the Aksaray Museum), EA 34, 2002, 23–27. Cf. Cl. Brixhe, Bull. ép. 2003, 534. For a detailed map, not however showing Büyüктаşlı Höyük, Fr. Hild and M. Restle, *Tabula Imperii Byzantini* 2, Kappadokien, Vienna 1981.

² Aromation: IG V 1, 1208, with A. Wilhelm, *Akademienchriften zur griechischen Inschriftenkunde* III 484–94 (Pragm. Akad. Athenon 1951). Praxias: F. Cumont, *Catalogue des sculptures et inscriptions antiques des Musées royaux du Cinquantenaire*², 1913, no. 133 (for the prescript, MAMA VI 272); Wilhelm, *ibid.* 494–96; Robert, OMS VII 190 n. 19 (JSav 1975). Epicrates: P. Herrmann and K. Z. Polatkan, *Das Testament des Epikrates*, SBWien 265, I, Vienna 1969 (J. and L. Robert, Bull. ép. 1970, 512).

³ For examples of Roman wills and codicils, Bruns, *Fontes iuris Romani*⁷ 304–17; Riccobono, *Fontes iuris Romani Antejustiniani*, rev. Arangio-Ruiz, III² 129–70. The best discussion in English is now E. Champlin, *Final Judgments*, Berkeley and Los Angeles 1991.

build a “monument worthy of my youth”, and to free two favorite slaves.⁴ The papyrus will of C. Longinus Castor had a codicil expressed in Greek as κωδίκιλλοι δίπτυχοι, probably one consisting of a single pair of tablets.⁵

Apart from allusions in literature, modern knowledge of wills in the Greco-Roman world comes in the first place from Egyptian papyri, though only a few of these wills are written in accordance with Roman law.⁶ By contrast, several inscriptions from the Latin West (one of them known from a medieval copy) contain either the full text of wills or codicils, or clauses (*capita*) extracted from them.⁷

The motive behind the inscribing of such documents or extracts is invariably to publicize essential portions. Thus the pathetic codicil from Sicily already mentioned is surely meant to show that the father had carried out the son’s last wishes. A notable example from the Greek world, though not (apparently) drawn up according to Roman forms, is the will of Epicrates.⁸ This ends with very elaborate arrangements to ensure that two of Epicrates’ freedmen, Telesphoros and Eunomos, and their descendants after them, will observe the terms. Epicrates invokes elaborate curses on anyone attempting to infringe his provisions: “May he be guilty of tomb-violation (τυμβωρυχία) and even so may he have the gods in heaven and on earth and on sea below earth and the heroes wrathful and implacable, and both for him and his descendants may the earth not be fruitful . . . and may everything be destroyed and annihilated utterly and completely (πρόσριζα καὶ πανώλεθρα ἀρθείη καὶ ἀφανισθείη πάντα) for those who contravene and invalidate this my will.”

I give first a text of the new inscription, and then discuss it section by section. In the discussion, I have assumed that the testator is male, but there is in fact nothing in the text to indicate the writer’s gender.

ταῦτα δὲ κελεύω τοῖς ὑπ’ ἐμοῦ ἠλευθερωμέ-
νοῖς ἐπὶ ταύτῃ τῇ αἰρέσει καὶ τοῖς ὑπ’ ἐμοῦ διατεταγ-
μένοις ἐν ταῖς δυσὶ τάβλαις καὶ κωδίκιλλοις ὥστε
4 τέκνα μὴ ἐκτίθεσθαι ὥστε τὸ γένος τῶν ἀπελ-
ευθέρων διὰ παντὸς συνεστάναι· καὶ τῇ ἐμῇ θή-
κη μηκέτι μηδεὶς ἐπιβαλλέσθω· ἐὰν δέ τις τῶν
ἀπελευθέρων ἢ ἐγγόνων αὐτῶν ἢ ἀδικήσῃ ἢ
8 ἀφέληταί τι αὐτῶν τῶν ὑπ’ ἐμοῦ δεδομμένων
ἢ βλάβῃ ἢ ἐνεπηρίασῃ, τοῦτον ἀποτείνειν
τῇ ἐν Κομάνοις θεῷ κατ’ ἐνιαυτὸν παρθένου-
ς ἀφθόρους ἐννέα, πάλληκας θ’, ταύρους θ’
12 λευκοὺς χρυσοκέρωτας, θ’ βόα[ς θ]ηλείας, θ’ ἵπ-
πους χρυσοχαλινώτους, τράγους λ[ε]υκοὺς θ’

² CIL X 7457 (ILS 8377; Bruns no. 122; Riccobono no. 56).

⁵ BGU 326 (Hunt and Edgar, *Select Papyri* no. 85; Bruns no. 119; Riccobono no. 50).

⁶ O. Montevecchi, *Aegyptus* 15, 1935, 67–121; recent bibliography in POxy LXVI 4533.

⁷ A selection in ILS 6468, 6469, 8377–79. For the so-called *testamentum Dasumii*, there is a full text in CIL VI 10229, and partial ones in ILS 8379a, Bruns no. 117, Riccobono no. 48; for a new fragment, *Ann. ép.* 1976, 77. A recent example is J. H. D’Arms, *JRS* 90, 2000, 126–44.

⁸ n. 2.

αἶγας θ', κρειοὺς χρυσομάλλους θ', χελιδόνα-
 16 λευκάς θ'· ταὐτὰ δὲ ἀναφερέτω Διὶ ἀπὸ Θυμ-
 νάσων καὶ Διὶ Φαρναουα καὶ τῇ Ἀναίτιδι· καὶ
 μήθ' οὕτως ἐξευμενίζοιντο οἱ προγεγραμ-
 μένοι θεοί· καὶ μήτε γῆ καρπὸν δοίη μήτε οὐρανὸς
 20 ὕδωρ μήτε ἥλιος φῶς, ἀλλ' ἔνοχον εἶναι ἱεροσυλία-
 ς· καὶ πανώλης καὶ ἐξώλης πρόριζος ἀπόλοιτο. τ-
 αὐτήν τὴν τά[βλα]ν ἀνέθηκα ἐν τῷ τάφῳ μου.

8: δεδομένων. 9: ἐνεπηρέαση, 19: ἀλλ'. 20: πρόριζος.

Lines 11–13: commas after the second theta in 11 and both thetas in 12, and theta added after χρυσοχαλινώτους in 13, Aydaş. – Line 15: ταῦτα Aydaş.

Lines 1–5. Aydaş rightly observes that κωδίκιλλοι in line 3 must refer to a codicil in the legal sense of a supplement to a will (though the Latin is always plural, and never *codicillus*). However, he takes the preceding Latinism τάβλα to mean “slab”, and thus infers that “there are two slabs and codicils”; one “slab” is the present stone, while “the second may have been put in the temple precinct of the goddess Ma in Comana Cappadociae”. He therefore translates the opening lines: “I am giving orders to those, who have been set free by me in this intention and to those ordered by me in the two slabs and codicils that let children not be exposed, let the family of the freedman [sic] always stay firm and let nobody be ever put into my tomb.”

A number of objections arise. First, Aydaş' translation takes no account of the δὲ, which must indicate that the text is the continuation of another one immediately preceding. Second, τοῖς ὑπ' ἐμοῦ διατεταγμένοις cannot mean “those ordered by me”: διατάσσω means “dispose, arrange”, and is particularly used (usually in the middle or passive) of testamentary directions. Here therefore τοῖς ὑπ' ἐμοῦ διατεταγμένοις should be neuter and be governed by ἐπὶ, “on this condition⁹ and (according to) what I have directed”.

Liddell and Scott give several meanings to τάβλα, of which the primary one (already noted in Stephanus) is “gaming table”. The Latin *tabula* is certainly found in the sense of “plaque”: the Oxford Latin Dictionary (s.v. *tabula* 5a) cites CIL II 1131, *tabulam marmoream*; XIII 6659, *tabulam et aram pro se et suis posuit*. But the immediately following reference to a “codicil” surely indicates that τάβλαι here are the *tabulae* of a will. If this is right, however, the expression “in the two *tabulae* and *codicilli*” (ἐν ταῖς δυσὶ τάβλαις καὶ κωδικίλλοις) remains obscure, since it is not clear whether “two” applies to both nouns, nor whether κωδικίλλοις implies one or more codicils. The best explanation is probably that “two” refers only to the will itself, which is written on two tablets. I therefore take the whole adverbial phrase, ἐν ταῖς δυσὶ τάβλαις καὶ κωδικίλλοις, to qualify τοῖς διατεταγμένοις, “(what I have directed) in (my) two *tabulae* and (my) codicil (or codicils)”. See also below, on lines 20–21.

In the immediately following clause, ὥστε τέκνα μὴ ἐκτίθῃσθαι, it is unclear whether ὥστε expresses a stipulation (LSJ ὥστε B 4), or a consequence of something mentioned in a previous part of the text. References to the exposure of children are very rare in inscriptions (not counting mentions of *θρεπτοί*, of which the meaning is disputed), and this testator's ban on such an act

⁹ Cf. OGIS 595, 35 (the same phrase), and LSJ s.v. ἐπὶ B III 3. For a similar use of ἐπὶ, indicating a benefit promised by someone in return for election, Robert, OMS V 234–35 (RPhil 1959).

by his or her freedmen seems to have no parallel. It seems not to express any moral or religious sentiment, but to be a utilitarian measure to ensure upkeep of the funerary cult. If that is right, it adds an argument on the side of those who think that exposure was a common if not generally approved practice, rather like abortion today.¹⁰

The whole passage can therefore be translated: “And I give these orders to those whom I have freed on this condition and (according to) what I have directed in (my) two *tabulae* and (my) codicil(s), (viz.) that they not expose children, so that the line of (my) freedmen subsists for ever.”

5–6. Aydaş takes ἐπιβαλλέσθω to be in the passive voice and to refer to the placing of a body in the tomb, but if this was the sense, “let no-one be put on my tomb” would be very bald. ἐπιβάλλεσθαι is frequent in Hellenistic and later Greek in the sense of “assault”, “attack”, and can take the dative, as here.¹¹

6–15. This list of persons and animals to be offered in expiation is surely meant to be prohibitive. Since the text clearly intends nine of each to be paid, I have altered Aydaş’ text as indicated in the apparatus. The gilding of animal’s horns is attested already in Homer, and gilded or golden bridles for horses are imaginable, but rams with golden fleeces seem fantastic.¹² Similarly, white swallows were considered a rarity, and such fugitive birds would also be difficult to catch.¹³ The penalty is made all the heavier by being paid not only to “the goddess in Comana” but also to the three local gods mentioned in lines 15 and 16 (since ταῦτᾶ is clearly required in 15, not ταῦτα).

In 10, as Aydaş rightly observes, “the goddess in Comana” is the Cappadocian Ma. As a native of Pontus, Strabo is well informed about the cults of Cappadocia, and describes a visit (ἐπιδημία) to Comana on which he saw “six thousand sacred slaves (of Ma), men and women alike”.¹⁴ Aydaş is surely in error, however, in supposing that the testator is a priest of Ma at Comana. Apart from the fact that the writer might be a woman, we would not expect such a priest to be buried some 200 kilometers from the city of which he was the religious head.

In 11, πάλληξ, also found in the form πάλλαξ, is a rare word designating a “youth below the age of an ephebe”.¹⁵

Of the three gods in lines 15–16, the first two are unknown. The title “Zeus of Thymnasa” must refer to a cult-site, probably a village: this use of ἄπό, both in general and with reference to gods, is well known.¹⁶

Aydaş rightly takes the next word to be the dative Φαρναουα, and interprets the first element as the Iranian *farnah*, “brilliance”, “fortune”, as in the names “Pharnakes”, “Pharnabazos”, and

¹⁰ Thus W. V. Harris, JRS 84, 1994, 1–22, especially 17, “there was disapproval, and there was grief – but perhaps not very much shame”.

¹¹ On this use of the middle ἐπιβάλλεσθαι, C. P. Jones, JRS 73, 1983, 119–120.

¹² Daremberg–Saglio IV 964 b, with n. 32.

¹³ D’Arcy W. Thompson, Glossary of Greek Birds, London 1936, 323, citing *inter alia* Aelian, Hist. Anim. 10,34; 17,20.

¹⁴ Strabo: 12,2,3 (C 535–36), 12,3,36 (C 559). Ma: A. Hartmann, RE 14, 1928, 77–91; N. Proeva, LIMC VI 330–31; R. Gordon, Der Neue Pauly VII 615–17.

¹⁵ LSJ s.v.; K. Hallof on IG XII 6, 1, no. 183, citing C. A. Forbes, CP 38, 1943, 45 and n. 6.

¹⁶ In general, W. Arndt, A Greek-English Lexicon of the New Testament³, rev. F. W. Danker, Chicago 2000, ἄπό 3 b. Cf. Ζεὺς ἐξ Αὐλῆς in Phrygia, L. Robert, Hellenica X 37 with n. 2.

the modern “Farrah”.¹⁷ It can be added, however, that the second element is characteristic of Old Persian, (nom.) **farnauvaa*, “possessing *farnah*”, even though this compound is not attested. This form guarantees the antiquity of the name, since at the time of the inscription the form would have been *farno-*, with long O.¹⁸ It is no surprise to find traces of Iranian settlement in Cappadocia, since this area was profoundly Iranised under the Persian empire, as its nomenclature shows for many centuries.¹⁹

The third divinity, Anaitis, is the Iranian Anahita. Again Strabo has preserved interesting observations on her cult at Zela and in Cappadocia generally. Often identified with Artemis, less often with Aphrodite, she has left many traces in Asia Minor.²⁰ In Cappadocia, a site called Ortaköy has yielded an inscribed altar set up by a certain Flavia Prima, who dedicates four hierodouloi, two female and two male, to “the greatest goddess Anaëitis Barzochara”. This name appears to mean “from the High Hara”, a mountain mentioned in the Avesta. Discussing this text, J. and L. Robert suggested that the site was not that of a city, but of a sanctuary of Anaitis.²¹ Situated some 40 or 50 kilometers north of Aksaray, Ortaköy can only have been a day or two’s journey away from the find-spot of the present stone.

16–20. The general form of the following sanction, “may not the gods be propitiated, but may the violator perish utterly”, is known from many texts, but certain details here are new and original. Thus “the curse of earth and sea” and “the curse with ἐξώλης vel sim.” are widely attested,²² but the prayer that “heaven not give him water” has no parallel, and was perhaps particularly terrible in so parched a region as Cappadocia.

20–21. Aydaş translates the final sentence as “I set this slab up in my tomb”. But this seems otiose if the “slab” is the one before the eyes of the viewer. Moreover, τὰβλα should have the same meaning as it appears to have earlier in the text, and refer to a page of a will, so that the inscription is not in the first place a funerary one, but is copied from a pre-existing document. That would explain why the text both appears to run on from an earlier one and yet to fit so precisely on the stone. So also an inscription found at Nemausus begins “si quis ex iis qui supra scripti sunt”, and Dessau observed that, since the stone was fully preserved, either the names of the testator and his heirs were written on another one, or only a part of the will was placed on public view.²³

If something similar is true here, then by the time of writing his will the testator had already had this page of the will (or possibly some lines of it) inscribed on his tomb, thus ensuring that his freedmen observed his wishes and were aware of the terrible consequences of disobedience. In exactly the same way, Epicrates of Nacrasos had his will inscribed on *stélai* set up in front of his son’s *herôon*, writing out the curses that would fall on any transgressor.

¹⁷ Robert, *Noms indigènes dans l’Asie-Mineure gréco-romaine*, Paris 1963, 514 and n. 3; *Encyclopedia of Iran* s.v. *farrah*.

¹⁸ I owe this explanation to my colleague Oktor Skjaervo.

¹⁹ Robert, *Noms indigènes* 514–19.

²⁰ Strabo 11,8,4 (C 512), cf. 15,3,15 (C 733); cf. J. Teixidor, *LIMC* II 754–56; R. Gordon, *Der Neue Pauly* I 645.

²¹ R. P. Harper, *Anat. Stud.* 17, 1967, 193 with Pl. XVII; J. and L. Robert, *Bull. ép.* 1968, 538. For the explanation of the name, J. and L. Robert, *Bull. ép.* 1971, 669.

²² J. Strubbe, *ΑΡΑΙ ΕΠΙΤΥΜΒΙΟΙ*, *IGSK* 52, Bonn 1997, 293–95.

²³ *CIL* XII 3861 (ILS 8378).

Though several uncertainties remain, this present inscription offers an unusual glimpse into the mentality of some person, man or woman, domiciled in this portion of Cappadocia in the imperial period. He or she was presumably a Roman citizen, and followed the forms of the Roman will, but at the same time showed a deep attachment to local cults that went back to the Persian period or even further, if Ma is rightly identified as a Hittite goddess.²⁴

Harvard University

Christopher P. Jones

ÖZET

Yazar burada, Aksaray'da bulunan ve M. Aydaş tarafından bu dergide (34, 2002, 23-27) yayımlanan bir vasiyetnameyi yeniden değerlendirmektedir. Bir Romalıya ait olan bu grekçe metni yeniden yayınlayan araştırmacı başlıca şu itirazlarda bulunmaktadır:

a) İlk 5 satırın çevirisi şöyle olmalıdır: *Ve ben, bu şartla azat ettiklerime, iki tablette ve vasiyetname ekinde belirttiğim gibi, emrediyorum ki çocuklarını terketmesinler ve bu sayede azatlılarımın nesli sonsuza kadar sürsün.*

b) 6. satırda geçen ἐπιβάλλεσθαι fiili burada (*mezara*) koymak değil, (*mezarı*) tahrip etmek anlamına gelmektedir.

c) Vasiyet sahibinin Comana'daki bir Ma rahibi olması mümkün değildir. Bu vasiyet bir pekala kadına ait olabileceği gibi, bir rahibin kendi tapınağından 200 km uzakta gömülmesi de anlamsızdır.

d) 11. satırda geçen πάλληξ (ya da πάλλαξ) *henüz epheblük çağına gelmemiş çocuk* anlamındadır.

e) Son satırın *Bu levhayı kendi mezarıma yerleştirdim* şeklindeki çevirisi doğru değildir. Çünkü buradaki τάβλα sözcüğü vasiyetnamenin bir sayfasına işaret etmektedir.

²⁴ For the possibly Hittite origins of Ma, see Hartmann (n. 14) 90–91; Proeva (n. 14) 330. I am very grateful to Glen Bowersock and Oktor Skjaervo for their help.