

ROMAN LAW CONCERNING FUNERARY MONUMENTS. CASE STUDY BASED ON SOME FUNERARY EPIGRAPHS BELONGING TO MILITARY PERSONNEL ON BOTH SIDES OF THE MIDDLE AND LOWER DANUBE

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A. Introduction and legal premises

The ancient Romans, as other earlier or contemporary civilizations, had the tendency to regulate every aspect of their life, be it in this world or in the hereafter, through their own laws, in both their forms, common or written. This does not exclude but maybe better emphasises those moments that forever mark the human existence, such as death and its aftermath. Considered to be one of the most religiously fraught episodes of one's life, it is natural that certain regulations were drawn since very early times to ensure the proper passing into the Afterlife, for both the deceased and the surviving peers.

Such regulations concerning the act of burial are firstly recorded in writing in the Laws of the Twelve Tables. Considered to be the first Roman written laws, the 5th century BC body of law stipulated numerous but precise limitations concerning excessive luxury display during funerals, places allowed for burials and cremations and so on. The latter clearly emphasized the need to have actual funerals outside city walls¹ or sixty feet away from a neighbouring house², the

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¹ Table X, law III.

² Table X, law XVI.

risk of religious pollution (impurity), fire hazard and hygiene being the most likely reasons for specifying such rules.

Marcus Tullius Cicero, in his treaty *De legibus*, while commenting on these previously discussed regulations that were still applied centuries after their implementation, mentions also the laws of Solon and later Demetrius as examples of the efforts the Athenians initially made in time to limit the ever escalating excesses in raising funeral monuments and to severely punish the violation of the tomb itself³. Nevertheless, the Roman orator clearly states that the rights and sacrifices of the *Manes*, deities of the Underworld, meaning all that is related to the burial and funeral ceremony, are associated with both pontifical and civil law⁴:

“*Atticus*: I understand you; it remains for you to speak on the perpetual sacrifices and the rights of the *Manes*.

Marcus: What a wonderful memory you possess, my *Atticus*! I had forgotten that point.

Atticus: Very likely. Nevertheless, I recollect these things better, and expect them with more anxiety, because they are associated both with the pontifical and civil law.”⁵

He also adds that you cannot be a good pontiff if you are not familiar with the civil law⁶:

„With relation to our present topic, for instance, what a wonderful cloud of sophistries has been raised by the two *Scaevolae*, both pontiffs, and both equally skillful in the law! ‚Often,‘ says *Publius* the son, ‚have I heard from my father that no one can make good pontiff, unless he understands the civil law”⁷.

Because of the fact that there isn’t a clear line drawn between the sacred law and civil law in matters concerning Roman funerary practice, numerous issues rose that needed the attention of state authorities and private jurists in finding an answer to their problems, thus giving birth to numerous senatorial decrees, imperial constitutions and rescripts and the legal interpretations gathered in legal treaties written by the most brilliant legal minds of the time. The most likely source of such complexities is the duality of the tomb, which is both subject to commercial and religious law.

The tomb in its self, says *Ulpianus*, is composed of two very different concepts, the *sepulchrum*, the place where the human remains, buried or

³ Cicero, *De leg.*, II, 64–66.

⁴ Cicero, *De leg.*, II, 45–46.

⁵ English translation provided by Yonge 1853, 449–450.

⁶ Cicero, *De leg.*, II, 47.

⁷ Yonge 1853, 450.

cremated, are interred⁸ and the *monumentum*, which implies anything raised on the ground with the sole purpose of keeping the memory of the deceased⁹.

A ground property might be considered with the intention of burial only if it does not have a purpose for the living, such as farm plots, as Plato reminded at one point¹⁰, or public places. Such was the case presented by Cicero in his treaty¹¹, of a group of tombs that were removed by means of ploughing to make room for the Temple of Honour at the Collinian Gate, erected as a result of finding ancient evidence of worship on the ground:

“You know the Temple of Honour, outside the Collinian gate. We learn from tradition, that there was in ancient times an altar on the spot; and it appears from a medal discovered there, on which was inscribed. ‘The Mistress of Honour;’ and this was the reason why that temple was so dedicated. But as there were many sepulchres in the neighbourhood, they were ploughed up when the city was enlarged. For the pontifical college ordained that public places could not be bound by private consecrations”¹².

Moreover, the tomb becomes a *sepulchrum* only after the remains are buried and the proper religious rites are performed, as a result the burial lot becomes *res religiosae*, consecrated ground, outside *ius commercii*. Even so, Celsus, through the words of Ulpianus, mentions that not the whole lot becomes religious, but only the portion where the body is buried¹³.

On the other hand, the *monumentum*, generally speaking, had the sole purpose of protecting and keeping the memory of the deceased alive for eternity. Florentius noted that if human remains are buried near a funeral monument, we are dealing with a *sepulchrum*, otherwise the tomb is void of remains, an empty sepulchre, thus the monument becomes a memorial, or what the Greeks called a *kenotaphion*¹⁴.

⁸ *Dig.*, XI, 7, 2, 5: *Sepulchrum est, ubi corpus ossave hominis condita sunt* (“A burial-place is a spot where human bodies or bones are deposited” translation provided by Scott 1932, vol. IV, 86–98).

⁹ *Dig.*, XI, 7, 2, 6: *Monumentum est, quod memoriae servandae gratia existat* (“A monument is whatever is erected for the purpose of preserving the memory of the deceased”, Scott 1932, vol. IV, 86–98).

¹⁰ Plato apud Cicero, *De leg.*, II, 67.

¹¹ Cicero, *De leg.*, II, 58.

¹² Yonge 1853, 456.

¹³ Ulpianus, *Dig.*, XI, 7, 2, 5: *Celsus autem ait: non totus qui sepulturae destinatus est, locus religiosus fit, sed quatenus corpus humatum est.* (“Celsus, however, says that a place which is destined for burial does not become religious entirely, but only that portion of it where the body is laid”, Scott 1932, vol. IV, 86–98).

¹⁴ Florentius, *Dig.*, XI, 7, 42: *Monumentum generaliter res est memoriae causa in posterum prodita: in qua si corpus vel reliquiae inferantur, fiet sepulchrum, si vero nihil eorum inferatur, erit*

B. Interpretation and analysis

So one question arises: is the funeral monument a sacred or profane object? Is it under *ius commercii* or a *res religiosae*? Ulpianus offers a partial answer to this question, stating that if there is only the monument and no tomb, it can be sold by any party; and if we are dealing with a cenotaph, the sale must be stated in the will, so it too can be sold. The two emperors Marcus Aurelius and Lucius Verus¹⁵, through a rescript, state that this kind of structure is not religious¹⁶. In other words, if there are human remains associated with the funerary monument, the status of a *locus religiosus* that is earned by the *sepulchrum* is extended to the *monumentum*, and is protected by religious law. Otherwise, if you take away the object of sacrality which they are meant to protect, the human bones, the monument returns to the profane, becoming *purus*¹⁷, a non-religious object, subjected to commercial law. To further emphasize, the human remains are the decisive factor in granting the status of *res religiosae*, ensuring the tomb's inviolability, inalienability and immunity from seizing¹⁸.

The law forbade the alienation through commerce of sacred or religious places¹⁹, on the other hand, if the funerary function was kept, sell or purchase was permitted²⁰, as was stipulated by Pomponius²¹:

monumentum memoriae causa factum, quod graeci kenotafion appellant. ("Generally speaking, a monument is something which is handed down to posterity by way of a memorial; and in case a body or remains should be placed inside of it, it becomes a sepulchre; but if nothing of this kind is deposited therein, it becomes merely a monument erected as a memorial which is termed by the Greeks a cenotaph, that is to say an empty sepulchre", Scott 1932, vol. IV, 86–98)

¹⁵ The "Divine Brothers" mentioned in the ancient text, cf. Thomas 2004, 48.

¹⁶ Ulpianus, Dig., XI, 7, 6, 1: *Si adhuc monumentum purum est, poterit quis hoc et vendere et donare. si cenotaphium fit, posse hoc venire dicendum est: nec enim esse hoc religiosum divi fratres rescripserunt.* („So long as there is only a monument, anyone can sell it, or give it away; if, however, it becomes a cenotaph, it must be stated that it can be sold; as the Divine Brothers stated in a Rescript that a structure of this kind is not religious", Scott 1932, vol. IV, 86–98).

¹⁷ On the terms *purus/religiosus* versus profane/sacred see the discussion in Thomas 2004, 46 and 69.

¹⁸ Thomas, 2004 45.

¹⁹ Celsus apud Pomponius (Dig., XVIII, 1, 6): *Sed celsus filius ait hominem liberum scientem te emere non posse nec cuiuscumque rei si scias alienationem esse: ut sacra et religiosa loca aut quorum commercium non sit, ut publica, quae non in pecunia populi, sed in publico usu habeatur, ut est campus martius.* ("Celsus, the son, says that you cannot purchase a man whom you know to be free, nor any other property if you know that it is not subject to alienation; as, for instance, sacred and religious places, or such as are not the object of commerce, but are public property, which, while they do not absolutely belong to the people, are used for public purposes, as, for instance, the Campus Martius", Scott 1932, vol.V, 3–25)

²⁰ See also Thomas 2004, 41–42, de Visscher 1963, 65, 106, Kaser 1978, 60.

²¹ Dig., XLVII, 12, 5.

“It is our practice to hold that the owners of land, in which they have set apart places of sepulture, have the right of access to the sepulchres, even after they have sold the land. For it is provided by the laws relating to the sale of real property that a right of way is reserved to sepulchres situated thereon, as well as the right to approach and surround them for the purpose of conducting funeral ceremonies”²².

This situation is also mentioned by the jurist Julius Paulus in his *Opinions*, stating that:

“When land is sold, consecrated ground does not pass to the purchaser, nor does he acquire the right to inter bodies therein”²³.

Moreover, the words of Celsus, cited by Ulpianus and recorded in the Imperial Digests of Justinian²⁴, clearly say that a place which is destined for burial does not become religious entirely, but only that portion of it where the body is interred. The same rule applied on the funerary monuments, if they were laid over human remains with the sole purpose of protecting the memory of the deceased, they were sacred, if not, they could be subjected to commercial law. So it becomes relevant to this discussion the words of Yan Thomas as he stated that “the law simplifies, rationalizes and make autonomous the criteria defined by religion”²⁵.

We know also from Cicero²⁶ that the ones that attributed the status of *locus religiosus* to a tomb were the pontiffs, through proper rites and rituals:

“The verb *to inhume*, which is now commonly applied to the burial of the deceased, is most appropriate to those corpses that are interred after being burned. The pontifical law proves this usage, for before the ground is thrown over them, the spot where the body is burned has no religious reverence attached to it. When the earth is thrown over the corpse, then is inhumed, and the tomb is called a sepulchre, and many religious rites are performed in order to consecrate it”²⁷.

Moreover, the pontiffs were the only ones that could give permission to the owners to remove the monument from the tomb in order to have it repaired²⁸ without being subjected to tomb violation²⁹, as long as it will retain its function

²² Translated by Scott 1932, vol. X, 332–335.

²³ Cf. Scott 1932, vol. I, 266. (Paulus, *Rec. Sent.*I, 21, 7: *Vendito fundo religiosa loca ad emptorem non transeunt nec in his ius inferre mortuum habet*).

²⁴ Ulpianus, *Dig.*, XI, 7, 2, 5: *Celsus autem ait: non totus qui sepulturae destinatus est, locus religiosus fit, sed quatenus corpus humatum est*.

²⁵ Thomas, 1999, 79.

²⁶ Cic., *De leg.*, II, 57.

²⁷ Translation by Yonge 1853, 455.

²⁸ Cf. Symmachus, *Ep.*, 2, 36, C. Th., IX, 17, 2.

²⁹ On this subject see Rebillard 2009, 57–88.

as protection of the memory of the deceased. In consequence, who is to prevent, for example, the owner of a funerary monument to remove it from the tomb, with the permission of a priest, and place it on another tomb? It still keeps its funerary purpose, protecting the remains of the deceased, but it doesn't retain the memory of its original owner. Efforts were made through time to prevent these situation from arising, one of them was to limit the access of heirs to dispose of the funerary monuments as they saw fit, by restraining their actions after the deceased has been interred, all to ensure the survival of the memory of the departed.

The main purpose of the monument was to make the passer-by to stop, think and remember the past by bringing it to the present, stimulating the collective memory and the common past³⁰. Monuments, as a selective affirmation of individuality³¹, were born from individual memory, and greatly contribute to social memory, their physical presence being the central point of funerary rituals, by evoking the past of the dead to the living, in the present³². Nevertheless, human memory was always fickle, people forget as fast as they remember and what is remembered is subjective and open to manipulation. The many efforts employed by individuals throughout time are a clear reflection of how easily you could be forgotten³³, because monuments were an instrument for remaining alive in this world and not in the next. Furthermore, the monuments, the statues, the inscriptions and the eulogies were created from living memory to represent the deceased after death. Nonetheless, these have a separate existence, they could be moved, destroyed, lost or reused according to the necessities of the living³⁴. To create a memorial was one thing, to control its existence after creation was another thing altogether.

Thus we arrive on the Middle and Lower Danube, where on both sides of the river we are dealing with a provincial, marginal image of the center that was Rome. Nevertheless, Roman law, without a doubt, applied in almost in every corner of the Empire. The demographic group chosen for this case study, the Roman army stationed on this section of the Danubian limes, is well represented through funerary art, as military personnel were not only interested as the rest of the civilian population to be remembered by after death, but were also financially capable to do so; being in the army, besides the risk of losing one's life, had its pecuniary advantages, more so as you climbed the military hierarchy. Moreover, the so called "military epitaphs" had a tendency to be,

³⁰ Hope 2003, 119.

³¹ Hope 2003, 137.

³² Williams 2001, 39.

³³ Hope 2003, 120.

³⁴ See also Barrett 1993.

such as everyday life in the army, standardized, thus facilitating looking for those aspects of Roman law discussed up until now.

The very first aspect taken into account is the fact that the monument is subjected to commercial law when not associated with human remains, which bears the risk of being sold or destroyed in some way by the ones that survived the deceased. So, to avoid this type of action special formulas were applied, usually, at the end of the epitaphs, to prevent the estrangement of the funerary monument, such as *Hoc monumentum heredem non sequetur*. Literally meaning that the monument will not follow the heirs, the formula is meant to limit the actions of the survivors concerning the attributes and function of the funerary monument, and to ensure that it will continue to keep alive the memory of the original owner.

Even so, we encounter this formula [*H(oc) M(onumentum) H(eredem) N(on) S(equetur)*] scarcely on funerary monuments belonging to military personnel on the middle and lower Danubian *limes*, only several examples retain our further attention.

In Pannonia Superior, at Poetovio, we have the funerary monument dedicated to a veteran of the 13th legion³⁵, which has preceding the limitation formula (*H. M. H. [N. S.]*) the measurements of the funerary plot (*in agro L*), thus ensuring that along with the memory of the deceased the exact dimensions of the property will also be kept.

On the other hand, in Pannonia Inferior we encounter other three similar examples: Firstly, at Intercisa there is the funerary slab dedicated to Marcus Aurelius Heraclitus, a centurion in the *cohors miliaria Hemesenorum* (fig. 1)³⁶. Secondly, at Osijek in Croatia, there is a *titulus* dedicated to the wife of a veteran, Aurelia Sabina³⁷ (fig. 2), erected by her young children and heirs, while the guardian of the surviving progenies, most likely another relative, is the curator. And last, at Cibalae, there is the funerary *stela* of Marcus Herennius Valentius³⁸

³⁵ *D(is) M(anibus)/ L(ucio) Antonio COL(---) CARAS Valenti ve[t(erano)] leg(ionis) XI[II] gem(inae)/ [--]C[---] agr(aria) miss(ione) HO[--]T/ A[---] in a(gro) L Antonio Fortunato III [---] / h(oc) m(onumentum) h(eredem) [n(on) s(equetur)] – AÉ 1986, 562.*

³⁶ *D(is) M(anibus)/M(arcus) Aur(elius)Heraclitus vet(eranus) ex (centurione) cohortis (miliariae) Hem(esenorum)/ an(norum) LXX vi(v)us fecit sibi et Aureli(i)s Heraclito et / Sereno vivis fili(i)s suis et Serenae h(oc) m(onumentum) h(eredem) n(on) s(equetur) – RIU, 1186.*

³⁷ *D(is) M(anibus)/ A[u]r[el]ia Sabi[n]ae q(uon)dam) co/niugi A[u]r(eli) Abellon(is?) v[et(erani)]/ qu(a)e [vi]xit ann(os) XXX Aur(eli) Gratus [e]t Grata f(ili)i heredes matri b(ene) [me]renti fecerunt cu/rante Aur(elio) Sabino tut(ore) p(uerorum) s(upra) s(criptorum) h(oc) m(onumentum) h(eredem) n(on) s(equetur) – CIL III, 10271.*

³⁸ *D(is) M(anibus)/ M(arco) Herennio/ Tromentina Valenti/ Salona evocato/ leg(ionis) XI Cl(audiae) |(centurioni) leg(ionis) eiusd(em)/ |(centurioni) leg(ionis) I adi(utricis) |(centurioni) leg(ionis) II adi(utricis)/ |(centurioni) leg(ionis) XV Apol(linaris) |(centurioni) leg(ionis)*

(fig. 3), a roman citizen born in Salona, with an ample military career as a centurion in no less than five different legions, earning the rank of *evocatus* towards the end of his life in the 11th Claudian legion. His prestigious position is evident in the funerary relief, showing him holding the *vitis* as a sign of his office while being flanked by two servants, most likely two secretaries, one holding a basket with what appears to be writing utensils, the other, an uncoiled *vellum*.

In Upper Moesia, only two examples are relevant to our present discussion, the first being found at Scupi, a funerary *stela* dedicated to Caius Cornelius Magnus³⁹ (fig. 4), an ex *imunnis* and *beneficiarius* in the 7th legion, with a military career followed by a civil one as *decurio* and *IIvir coloniae Scupinorum*. The other one was discovered at Timacum Minus, a funerary *stela* belonging to Caius Iulius Herculanus⁴⁰, a veteran of the same *legio VII Claudia*.

The same situation is recorded in Lower Moesia, where we also have two monuments with the limitation formula carved at the end. At Novae we have the funerary *stela* of Severus⁴¹ (fig. 5), a veteran of the 1st Italian legion, born in another military center, Oescus, mentioning also the exact surface of the funerary plot [*in f(ronte) p(edes)LXXX in agr(o) p(edes) LXXX*], a practice that was largely used in the great urban centers, however rarely encountered in the middle and lower Danubian provinces. And at Troesmis, we have the funerary altar of Titus Rascanius Fortunatus⁴², a *medicus*, probably serving for the legion present here, having at the end of the epitaph the formula H. M. H. N. S.

An interesting point is the fact that north of the Danube River, in Dacia, no such monuments bearing this specific type of epigraphic formula were discovered

iteru(m)/ I adi(utricis) |(centurioni) leg(ionis) IIII Fl(aviae) coh(ortis) V / [ha]st(ato) post(eriori) stip(endiorum) LV / vixit annis LXXXV / M(arcus) Herennius Helius/ libertus et heres/ patrono b(ene) m(erenti) f(aciundum) c(uravit)/ h(oc) m(onumentum) h(eredem) n(on) s(equetur) – CIL III, 13360

³⁹ *C(aio) Cornelio C(ai) f(ilio) Fa(bia) Magno Be(ryto) vixit annis LXXV/ militavit annis XXI in/ leg(ione) VII C(laudia) p(ia) f(ideli) beneficiari/us et immunis dec(urio) et/ IIvir col(oniae) Scupinorum/ h(ic) s(itus) e(st) / Publicia Secunda uxor/ ex testamento f(aciendum) c(uravit)/ h(oc) m(onumentum) h(eredem) n(on) s(equetur) – IMS VI, 45.*

⁴⁰ *D(is) M(anibus)/ C(aius) Iulius Her(culanus) vet(eranus)/ leg(ionis) VII Cl(audiae) p(iae) f(idelis)/ se vivo posuit / et Antoniae Vi(biae) con(iugi) b(ene) m(erenti) / vix(it) an(nos) L / h(oc) m(onumentum) h(eredem) n(on) s(equetur) – IMS III/2, 32.*

⁴¹ *---] / [---] C(ai) / f(ilius) Papiria Se(verus) Oesc(i)/ vet(eranus) leg(ionis) I Ita(licae)/ et Marciae / Marcellae/ coniugi f(ecit) / h(oc) m(onumentum) p(ositum) in f(ronte) p(edes) LXXX / in agr(o) p(edes) LXXX h(eredem) / n(on) s(equetur) – IGLNovae 89, pl. 32, 89.*

⁴² *[Dis M]an(i)bus/ [T(itus) Ras]canius / [For]tunatus / [Poll]ia Faventia / [medic]us an(norum) L h(ic) s(itus) e(st) / [cui mo]n(u)mentum / [Rasca]nia Phoebe et / [T(itus) Rascan]ius Eutychu(s) / [hered]es f(aciendum) c(uraverunt) h(oc) m(onumentum) h(eredem) n(on) s(equetur) – IScM V, 193.*

until present, with the exception of two funerary monuments belonging to the civil population, both from Colonia Ulpia Traiana Sarmizegetusa⁴³.

Sometimes, there are cases when the owners of the monument are compelled to add to the epitaphs formulas that dictate certain punishments if the monument would be violated⁴⁴. In this instance we have two interesting cases of bilingual epitaphs from Lower Moesia. The first is a funerary slab from Tomis, erected while still alive by Valerius Valens⁴⁵, a veteran of the Moesian fleet, for himself and his wife. The two epitaphs are not completely identical, the one in Greek having in addition at its end a formula of forbidding the violation of the sepulchre by either illegal secondary burial or ploughing, under the penalty of paying a fine of unknown value, as the sum did not survive the passing of time.

The second is a funerary slab from Odessos, made by Malius Secundus⁴⁶, a *beneficiarius consularis* for his wife, Antistia Firmina. What is interesting with this example is the fact that the Greek part of the epitaph is not a translation of the Latin one, as seen in the previous case, but is a text forbidding the destruction of the monument under penalty of paying a fine to the authorities of Odessos.

What we can see from these two cases is the fact that we are dealing with an attempt to limit the possibility of monument violation by writing the pecuniary punishment in the language spoken by the majority of the population living in these two Greek cities, even if the owners of the monuments are Latin. The funerary message is meant to be seen and understood by the community in which the family lived but also by your everyday passer-by.

⁴³ IDR III/2, 396: *D(is) M(anibus) // Aureliae Victoriae / incomparabili feminae / Fortunatus Aug(usti) lib(ertus)/ adiut(or) tabular(ii) / coniugi karissimae / h(oc) m(onumentum) h(eredem) n(on) s(equetur)*; IDR III/2, 418: *D(is) M(anibus) / C(ai) Iul(i) C(ai) f(ili) Rufi dom(o) Vimin(acio) ann(or)um XX Iul(ia) / Gemellina fratri pientissimo et / M(arco) Aurel(io) M(arci) f(ilio) Maximo mens(ium) VIII / Aurel(ius) Helico et Iul(ia) Gemellin(a) parentes / h(oc) m(onumentum) h(eredem) n(on) s(equetur)*.

⁴⁴ For *violatio sepulchri* and applying Roman law on funerary monuments see the authors' article *Violatio Sepulchri – Between the Legal Concept and Roman Funerary Practice in the Balkans*, in the volume of the ArheoVest Symposium: *Interdisciplinarity in Archaeology and History, fourth edition: In Honorem Prof. Univ. Dr. Adrian Bejan*, Timișoara, November 26, 2016, currently under print.

⁴⁵ *D(is) M(anibus) / Val(erius) Valens vet(eranus) [classis] / Fl(aviae) Moesie(!) me[m]oriam feci vi]vo meo mi et [dulcissi]/me(!) co(n)iugi m[eae ---] // [τὴν γλυκυ]τάτην σύνβιον· [δς ἄν] / [ἄλλο]ν τιν' ἀντέθη νε[κρὸν] / [ἢ πολ]ήσει <τ>ίν<η> τῷ φίσκῳ δ(ι)ηνάρια [— —] – IScM II, 199.*

⁴⁶ [*D(is) M(anibus) / et memoriae Antistiae Firmi/ne co(n)iugi rarissime, quae vixit / mecum ann(os) XXIII. Malius Secundus / b(ene)f(iciarius) co(n)s(ularis) maritus f<e>cit me poni // εἴ τις ἐν τούτῳ τῷ ἡρώφ ὅπου κείτε / ἢ προγεγραμμένη θελήσι ἄλλον / ἕτερον θεῖναι δώσει τῷ ταμίφ |(δι)ηνάρια) βφ' / καὶ τῆ Ὀδησεϊτῶν πόλι |(δι)ηνάρια) βφ' – CIL III, 14458¹*

C. Conclusions

By combining the analysis of the funerary epigraphs with Roman judicial regulations made throughout history we can see that there was a permanent danger of abuse in some way or another concerning funerary aspects. Numerous laws, regulations and legal treaties were made to put some order in this matter, such as who was entitled to inherit not only the wealth or debt of the deceased but also the burial obligations and expenses, or where the remains were allowed to be interred.

The different complex situations that arose from these obligations in their turn contributed to further enlarge the legal system by adding imperial rescripts or new laws. Every effort was concentrated to protect the memory of the deceased, kept alive by the funerary monument which was always in danger to be either sold, pilfered or destroyed, as stone was ever an expensive commodity. Nevertheless every effort became justified as ancient Romans had the strong belief that real death came not when you disappeared from this world but when you were forgotten.

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**DREPTUL ROMAN PRIVIND MONUMENTELE FUNERARE.
STUDIUL DE CAZ BAZAT PE INSCRIPTIILE FUNERARE
APARTINÂND PERSONALULUI MILITAR DE PE AMBELE
MALURI ALE DUNĂRII MIJLOCII ȘI DE JOS**

Rezumat

Un obicei înrădăcinat în mentalul colectiv al lumii romane era reglementarea fiecărui aspect al vieții cotidiene prin filtrul dreptului roman, fixând deopotrivă în cutumă și litera legii criteriile juridice pentru efectuarea înmormântărilor, deținerea unei proprietăți funerare, dreptul de înmormântare și cine avea dreptul sau obligația de a ridica un monument comemorativ. În viața cazonă de pe limesul Dunării Mijlocii și de Jos, o viață fixată în standarde

bine stabilite, este oare posibil să observăm atare reglementări juridice care vizau practica funerară? Există oare formule epigrafice în așa numitul „epitaf militar” care ar putea reflecta cadrul juridic aferent la un moment dat? Studiul de față își propune să evidențieze aceste legături bazându-se pe o serie de epigrafe adunate din sectorul inferior al frontierelor danubiene, coroborându-le cu scrierile juridice ale vremii.



Fig. 1: Funerary monument belonging to Marcus Aurelius Heraclitus, from Intercisa (photo – lupa 3536)/ *Intercisa – Monumentul funerar al lui Marcus Aurelius Heraclitus (foto – lupa 3536).*

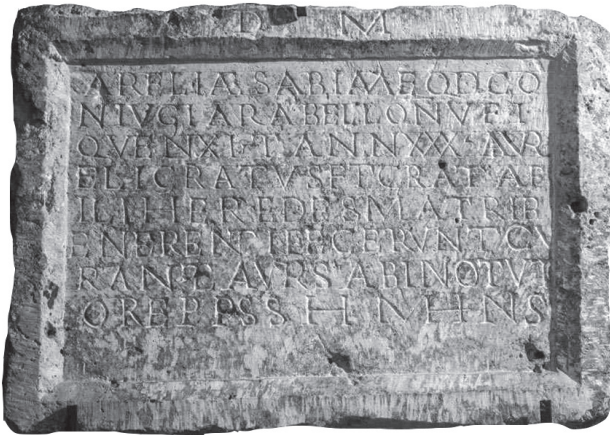


Fig. 2: Funerary monument of Aurelia Sabina, from Osijek (photo – lupa 4298)/ *Osijek – Monumentul funerar al Aureliei Sabina (foto – lupa 4298).*



Fig. 3: Funerary stela of Marcus Herennius Valentius, from Cibalae (photo – lupa 3593)/ *Cibalae – Stela funerară a lui Marcus Herennius Valentius (foto – lupa 3593).*



Fig. 4: Funerary stela of Caius Cornelius Magnus from Scupi (photo after IMS VI)/
 Scupi – Stela funerară a lui Caius Cornelius Magnus (foto – după IMS VI).

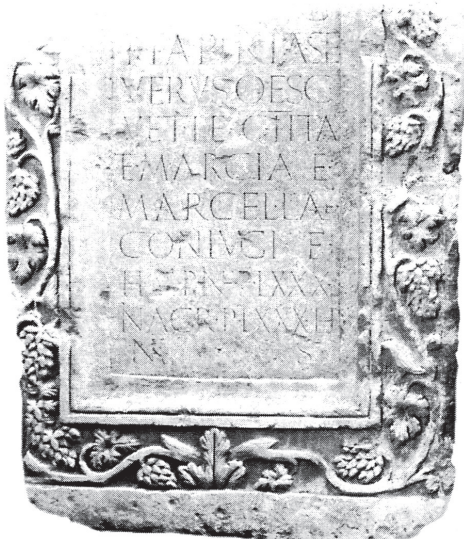


Fig. 5: Funerary stela of the veteran Severus, from Novae (photo after S. Conrad
 2004)/ Novae – Stela funerară a veteranului Severus (foto – după S. Conrad, 2004).

