

## CHAPTER I

# *Under the watchful eyes of the gods: divine justice in Hellenistic and Roman Asia Minor\**

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## I. INTRODUCTION

In late fifth-century Athens, the sophist Kritias, Plato's uncle and leader of the Thirty, presented in his satyr play *Sisyphus* the following scenario of how belief in gods came about: in the earliest times mortals used to live like animals, subject to the power of the mightiest among them. They knew neither the punishment of the wrongdoer nor the rewarding of the virtuous. It was only at a later stage that they developed laws; but again, only open deeds of violence could be punished. In order to deter the secret offenders as well, a clever-dick invented the gods. He introduced divine powers which could see, hear and know everything – including those crimes which remained unnoticed by mortals. Having observed how frightened men were by celestial phenomena, like thunder and lightning, and how gratefully they received the gifts of the sun and the rain, he thought that heaven was the appropriate dwelling-place of these gods.<sup>1</sup>

Not many Greek thinkers were as bold as Kritias to instrumentalize religion directly and openly by associating the creation of faith in gods with the hope of a more effective implementation of justice (cf. Polyb. 6.56.9–12). More numerous were those who – like Diagoras of Melos<sup>2</sup> – lost their belief in divine powers, observing how many wrongdoers remained unpunished; Babrius narrates the witty fable of a peasant who came to despair when he realized that the gods failed to punish even those who had stolen sacred property (*Fab.* 2):

\* I am very much indebted to Hank Versnel (Leiden) for many fruitful and entertaining discussions on some of the subjects discussed in this paper. I would also like to thank Hasan Malay (Izmir) for generously providing information on unpublished texts.

<sup>1</sup> Apud Sextus, *Math.* 9.54 (*TGF*, pp. 771–3, ed. Nauck). Translation and discussion: Guthrie (1971: 243–4).

<sup>2</sup> On Diagoras see *Suda*, s.v.; cf. Jacoby (1959: 5) and Guthrie (1971: 236). Compare the views of Diogenes of Oinoanda (fr. 20 col. III = Smith 1998: 132): 'A clear indication of the complete inability of the gods to prevent wrong-doings is provided by the nations of the Jews and Egyptians, who, while being the most superstitious of all peoples, are the vilest of all peoples' (trans. M.F. Smith).

A farmer while digging trenches in his vineyard lost his mattock and thereafter began a search to find out whether some one of the rustics present with him had stolen it. Each one denied having taken it. Not knowing what to do next, he brought all his servants into the city for the purpose of putting them under oath before the gods . . . When they had entered the gates of the city . . . a public crier began to call out that a thousand drachmas would be paid for information revealing the whereabouts of property that had been stolen from the god's temple. When the farmer heard this, he said: 'How useless for me to have come! How could this god know about other thieves, when he doesn't know who those were who stole his own property? Instead, he is offering money in the hope of finding some man who knows about them.' (trans. B.E. Perry)<sup>3</sup>

There were other critical voices as well. And yet, neither the disbelief nor the resignation of alert observers of human society uprooted the idea that the gods – as superior powers, and not as human constructs – did not neglect crime and wrongdoing. That an evildoer can get away with his crimes during his lifetime was, of course, (and still is) a universal experience; but then the faith that divine punishment awaits him in a life after death reduced the frustration of the just – even if it usually failed to discourage the unjust. Already the earliest testimonia of eschatological beliefs colonize the underworld with sinners whose punishment 'furnished a paradigm on which was modeled the punishment in the afterlife of ordinary impious and unjust people'.<sup>4</sup> Furthermore, a sense of justice could be satisfied with the idea that, if a wrongdoer did escape punishment, then at least his relatives or persons associated with him would pay for his deeds (e.g. Solon 13.25–32, ed. West; Plato, *Resp.* 364 b–c). The collective liability of a *genos* is not restricted to the practice of vengeance in Archaic Greece, to the notion of an inherited guilt in Attic tragedy, or to the avenging spirits in popular religion; it can still be found in public documents of the Classical period, i.e. in the Athenian law against tyranny and in a fifth-century verdict against murderers in the sanctuary of Athena Alea.<sup>5</sup> The belief in a collective suffering of divine vengeance for the wrongdoing of an individual had deep roots in Greek religion: the impurity (*miasma*) resulting from the neglect of a religious duty was often regarded as transmissible<sup>6</sup> and was, therefore, potentially

<sup>3</sup> Babrius, *Fab.* 2; for this story cf. Versnel (1991: 78).

<sup>4</sup> Sourvinou-Inwood (1995: 70); cf. Mikalson (1991: 120–1). For Egypt cf. Assmann (1997).

<sup>5</sup> Collective and inherited guilt in popular religion: Lloyd-Jones (1983: 35, 90–1), Parker (1983: 198–205), Mikalson (1983: 51), Burkert (1996: 108–13); Athenian law against tyranny: Arist. *Ath. Pol.* 16.10, Demosth. 23.62; inscription of Alea: Thür and Taeuber (1994: 85, 98). Cf. the idea of a collective guilt of mankind for the crime committed by the Titans against Dionysos in the 'Orphic-Dionysiac' tradition; see recently Graf (1993) and my bibliographical reviews in *EBGR* 1996–2000.

<sup>6</sup> Parker (1983: 218–19); Johnston (1999: 54) on inherited guilt and punishment after death in the late Archaic and early Classical period.

collective. As late as the early third century BC the *polis* of Dodona asked the local oracle, 'if the god had sent the bad weather because of the impurity (*akathartia*) of some man' (*SEG* xix 427).

That ancient notions of retribution have a religious background is well known. It is particularly clear in the belief that disease represents punishment by the gods.<sup>7</sup> However, there is an aspect of this interdependence of religion and law which has received relatively little attention: the question whether and in which way(s) sacred authorities intervened in judicial matters and legal disputes. It is this specific question that I will discuss in this paper, and not divine justice in general. I have chosen Asia Minor as the geographical region for the following survey, though not because evidence for interventions of sacred authorities in judicial matters is lacking from other regions. This is not the case: the relevant evidence ranges from the participation of sacred officials in the cursing of convicts and potential offenders and the verdicts of priests in cases of persons seeking sanctuary (prosecuted persons, convicts, runaway slaves) in Greece to the role of Egyptian priests in legal conflicts among the native population in Ptolemaic Egypt.<sup>8</sup> Two other reasons make Asia Minor a suitable area for such a study: first, the abundance of documentary sources, among which the 'confession inscriptions' of Lydia and Phrygia, the curse tablets of Knidos, dedications with 'prayers for justice', and funerary imprecations occupy the most prominent position; and second, the existence of traditional sanctuaries, some of which had considerable property and most of which exercised significant social and moral influence on the population of small towns and villages.<sup>9</sup>

## 2. THE EPIGRAPHIC SOURCES: CONFESSION INSCRIPTIONS, PRAYERS FOR JUSTICE AND IMPRECATIONS FOR REVENGE

This paper exploits primarily the evidence provided by the 'confession' or 'propitiatory inscriptions'. These terms designate a group of inscriptions known from parts of Lydia and Phrygia and dating to the first three centuries of our era. So far 142 texts have been published, but many more have been found and await publication. Most texts have been found in the

<sup>7</sup> See, e.g., Frisch (1983: 42–3), Varinlioglu (1989: 39 with n. 11), Versnel (1991: 77), Chaniotis (1995, with further bibliography), Burkert (1996: 102–8), Petzl (1998b: 23–6). For divine retribution see now Harrison (2000: 202–21).

<sup>8</sup> Cursing of convicts: Gschnitzer (1989); *asylia*: Chaniotis (1996a: 78–83); arbitration of Egyptian priests and participation of Egyptian priests in the administration of justice among the native population: Quaegebeur (1993), Anagnostou-Canas (1998).

<sup>9</sup> See, e.g., Zingerle (1926: 47–8), Zawadzki (1952–3: 86–9), Debord (1982), Mitchell (1993a: 187–95), Petzl (1995), Debord (1997), Schuler (1998: 193–4, 247–55), de Hoz (1999: 103–7).

Katakekaumene (north-east Lydia) – mainly in Maionia and in the territories of Saittai and Philadelphieia; other important find spots in Lydia are Sardis and the region between Apollonos Hieron and Tripolis; in Phrygia, confession inscriptions have been found in Akmonia and in the sanctuary of Apollo Lairbenos; a few texts are known from Tiberiopolis in Mysia.<sup>10</sup> The publication of Georg Petzl's valuable corpus (1994, henceforth: *BIWK*), with reliable texts, accurate translations and commentaries, has made a large number of texts widely accessible and permitted a better and more differentiated picture. These texts, written on stone stelae and set up in sanctuaries, contain the confessions of religious offences, crimes and misdemeanours. As far as we can see, the confessions were not made voluntarily, but were forced by divine intervention, i.e. by the prosecution of the guilty person by a divinity through illness, accident, death or destruction of the property.<sup>11</sup> The offences recorded are primarily of a religious nature: disregard of purity regulations (e.g. consumption of forbidden food, entering the sanctuary with unclean clothes or unwashed, sexual intercourse), insult of the gods by ignoring their commands, offences against sacred property and perjury. However, numerous texts mention offences commonly prosecuted by property and criminal law, such as theft, the neglect to repay a debt, cheating, insult, slander, injury, adultery and sorcery.<sup>12</sup>

As we can infer from the longer texts, when a person committed, intentionally or not, a crime or violated a rule and thought that the god was inflicting punishment, he went to a local sanctuary and asked for help. By means of oracles, divine messengers (*angeloi*) or dreams, the god revealed the cause of his anger and the way in which atonement could be

<sup>10</sup> The bibliography is vast; I list here some more general studies (not editions of individual texts): Steinleitner (1913), Zingerle (1926), Pettazzoni (1936: 54–115) and (1954: 7–59), Varinlioglu (1983), Frisch (1983), Petzl (1988), (1991), (1994), (1995: 41–8) and (1997), Versnel (1991: 75–81), (1994), (1999) and (2002), Mitchell (1993a: 191–4), Chaniotis (1995) and (1997a), Riel (1995) and (1997), Klauck (1996), Schuler (1998: 253–5), Sima (1999), Rostad (2002). M. Riel's dissertation *La conscience du péché dans les cultes anatoliens à l'époque romaine. La confession des fautes rituelles et éthiques dans les cultes méoniens et phrygiens* (Belgrade 1995; in Serbian, with French summary) was unfortunately not accessible to me; it contains 135 texts: see Riel (1997) and Petzl (1997: 78–9). For the areas where confession inscriptions have been found see Petzl (1994: vii) (with a map) and Riel (1997: 36). For the chronological distribution of the material see Petzl (1994: vii and 145) (AD 57–264). A precise date is known for fifty-six texts; most of them (thirty-seven texts) are dated to the period of the Antonines; only three texts can be safely dated to the first century. For texts not included in Petzl's corpus (*BIWK*) see Riel (1997) and Petzl (1997) and (1998a).

<sup>11</sup> Varinlioglu (1989: 39), Riel (1995: 71).

<sup>12</sup> Surveys of the offences attested in the confession inscriptions: Mitchell (1993a: 192–4), Petzl (1994: xii–xiii), Chaniotis (1997a: 354–5), Klauck (1996: 72–5). I regard perjury as a religious offence, since it was not prosecuted by secular law: see Hirzel (1902: 37–41), Plescia (1970: 88–91). The texts not included in Petzl's corpus concern misdemeanours with regard to sacred property (Petzl 1997) and the refusal of a woman to follow a god's request and serve as a priestess (Riel 1997).

achieved.<sup>13</sup> However, only a few texts present the facts in their actual chronological sequence; shortening and (much worse) unclear language usually obscure the events. The following text is a good example of the usual course of events (*BIWK* 57):

Because Trophime, daughter of Artemidoros, also known as Kikinnas, had been asked by the god to fulfil a service and refused to come quickly, the god punished her and made her insane. Now, she asked Meter Tarsene and Apollo Tarsios and Mes Artemidorou Axiottenos, who rules over Koresa. And the god ordered me to register myself for sacred service.

At first sight the procedure seems to concern only the sinner and the divinity, without the interference of any authority, whether secular or sacred. Things are not, however, as simple as that. To begin with, an interference of priests can be recognized in the recording of the confession: in many texts (including the one just quoted) we notice a change of the subject of the verb – from the third to the first person; this may be due to the fact that a priest recorded the confession, possibly made by an illiterate person. In addition to this, it was the priests who transmitted and explained the commands of the gods, usually given in the form of oracles.

The scholars who have studied the confession inscriptions agree that the part played by the priests went beyond these services, although there is some disagreement both in the interpretation of individual texts and in the nature of the activities of the sacred authorities. In the light of the references to offences commonly prosecuted by criminal law as well as in the light of the use of a legal vocabulary in many confession inscriptions, Joseph Zingerle was the first to suggest in 1926, when the known material was rather limited, that trials concerning secular offences took place in the sanctuaries of Phrygia and Lydia; he went so far as to suspect that the priests did not hesitate to assist the gods in carrying out capital punishment.<sup>14</sup> Zingerle's views could not be confirmed by the material available at that time and did not find many followers.<sup>15</sup> O. Eger (1939) rightly pointed out that there is no evidence for trials; he admitted, on the other hand, that accusations must have been submitted to the priests by the wronged party, and that subsequently the priests cursed the guilty party, interpreted the

<sup>13</sup> For the means of communication between man and god see van Straten (1976: 9–12), Varinlioglu (1989: 39) and (1991: 93), Versnel (1991: 75), Petzl (1994: xv–xvi, 5, 79, 106), Chaniotis (1997a: 354 n. 5), Klauck (1996: 71), de Hoz (1999: 114–24). The importance of reconciliation is stressed by Rostad (2002).

<sup>14</sup> Zingerle (1926: esp. 45–6).

<sup>15</sup> See, e.g., the criticism of Debord (1982: 166), Versnel (1991: 80–1), Petzl (1994: 65, 77, 87–8 and 1995: 43), Riel (1995: 69–73), Chaniotis (1997a).

signs of the divine will and consulted those who wished to atone for their misdemeanours. Ender Varinlioğlu (1989), the editor of several of the new texts, suggested that the legal vocabulary attested in these inscriptions is occasionally used metaphorically. Marijane Riel (1995), who has compiled a corpus of these texts (n. 10), came to a similar conclusion: the temples did not act on their own account, she argued, but only when they were asked to intervene by the victims of an offence. The procedure consisted in swearing in the parties and cursing the offenders in order to attract the interest of the gods in the offence. Trials, in the more narrow sense (with judges and verdicts), did not take place.<sup>16</sup> That the priests occasionally served as judges and inflicted penalties has been, nonetheless, maintained by Georg Petzl (1988 and 1994) in the light of a lengthier text: the confession of a certain Theodoros. Indeed, this text (*BIWK* 5, see below, pp. 27–8) resembles the minutes of a trial presided by a priestly council. But in addition to the problems of its interpretation, this text concerns a sacred slave, i.e. a person under the authority of the priests, and thus it is not suitable for general conclusions. My own study of the legal terms and the judiciary elements contained in the confession inscriptions (1997a) was conducted after the publication of Petzl's valuable corpus and was based on a larger source material than that available to some of the earlier scholars. Differences in the interpretation of individual texts and in several details notwithstanding, my study confirmed the conclusions of Varinlioğlu and Riel that trials did not take place in the sanctuaries of Lydia and Phrygia. But I could also find some evidence for negotiations between the priests and the delinquents which allow us to determine the part played by the priests more accurately. This evidence is one of the subjects of the present study; but in order to place the confession inscriptions in a broader religious and social context, I also consider here the evidence provided by further groups of inscriptions.

A group of texts very closely related to the confession inscriptions was found in the sanctuary of Demeter at Knidos; they date to the late second or early first centuries BC.<sup>17</sup> The fact that these texts were written on lead tablets, and that their authors address their curses against persons who had wronged them, brings these inscriptions very close to the ordinary curse

<sup>16</sup> Riel (1995: 69, 'the village temple assumed some of the characteristics of a law-court, but without earthly judges and lawyers', and 71). Riel also points out that the 'punishment' is often out of all proportion to the crime or the sin.

<sup>17</sup> The most recent publication (with earlier bibliography) is the one by Blümel (1992) = *I.Knidos* nos. 147–59; the most comprehensive recent studies are those presented by Versnel (1994), (1999: 152–3) and (2002: 50–4).

tablets (*defixiones*) of the ancient world. There are, however, significant differences: the culprits are dedicated to the goddess and conditionally cursed; they are to suffer for as long as it takes to make them come to the sanctuary and confess their crime.<sup>18</sup> In the Knidian texts the standard term for the divine pressure exercised on a culprit is πεπρημένος, 'burnt' (only in one case κολαζόμενος, 'punished'). I give a few lines of one of these texts in translation (*I.Knidos* 150 A 1–4): 'I dedicate to Demeter and Kore the man who has made imputations against me, (claiming) that I make a poison (or a potion) against my own man; may he come up to (the sanctuary of) Demeter, with his entire family, burning (or burnt) and confessing . . .' The term *pepremenos* was interpreted by C.T. Newton as 'sold', but it is more probable (also in view of the role of fire as punishment in ancient magic) that it means 'burning with fever' or 'burning in shame'; but the term may also allude to ordeal by fire or hot water, known to have been performed to prove purity or legitimate possession, and to analogous types of oaths of innocence.<sup>19</sup> The interpretation of the term is not without importance, because if an ordeal by fire took place, then the active part played by the sanctuary would be much more significant than just serving as the place where the tablets were deposited. Unfortunately, the material known so far does not allow a decision. Still, the Knidian texts are in many ways very helpful for a better understanding of the involvement of sanctuaries in judicial matters and of the religious mentality which made this involvement possible. The expectation of a confession brings them very close to the confession inscriptions; more similarities can be seen in the nature of the crimes expected to be pursued by the goddesses (theft, slander, embezzlement, bodily injury) and in the expectation of a punishment. As H. Versnel (1994) has pointed out, the main difference is that the Knidian texts ask the gods to do what the confession inscriptions report as already done. The same scholar has also drawn attention to the publicity of these texts and their preoccupation with shame and honour (Versnel 1999 and 2002).

The Knidian texts, with their explicit reference to wrongdoings and their appeal to the intervention of the deities for the satisfaction of the

<sup>18</sup> The same idea is expressed in a Christian curse from Alexandria Troas; *I. Alexandria Troas* 188. 7–8: ποιήσον αὐτοὺς πρὸ σοῦ βήματος μολῖν, ἑαυτοὺς ἐσθίουτας καὶ τέκνα καὶ γυναῖκας; M. Riel, *ad loc.*, has pointed to the similarity of this text to the confession inscriptions and to the Knidian curses.

<sup>19</sup> Burning with fever: Blümel (1992: 85); a long curse tablet referring to 'burning' and 'burning with fever' to death (ἐνπυροῦσθαι, καίεσθαι, φλογίζεσθαι, φλογίζεσθαι πυρετοῖς ἀγρίοις) has been published recently: Kantzia (1997) = *SEG* xlvii 1291. Burning in shame: Versnel (1999: 154). Ordeal by fire: Versnel (1994: 150–4).

wronged party, belong to a distinct group of curses; H. Versnel, who has dedicated a series of penetrating studies to them (1991, 1999 and 2002), has very aptly used the designation 'prayers for justice'.<sup>20</sup> Similar texts, in Greek and Latin, calling the attention of a divinity to an act of injustice, are known from many parts of the Roman empire. Although some of these texts at first sight are very similar to *defixiones*, they share one common feature: they do not force a divinity to harm another person by simply applying magical formulas (like the *defixiones*), but they present arguments to motivate a divinity to act.<sup>21</sup> They inform about the act of injustice (theft, slander, etc.) and they request satisfaction, revenge or both. The use of argumentation is particularly clear in a recently published curse tablet from Oropos (third/second century), whose nature was not recognized by its editor.<sup>22</sup> Someone cursed a series of persons, willing them to be delivered to Plouton and Mounogenes (Persephone), and wishing them death and misery. Unlike ordinary *defixiones*, the curser justified himself: 'I demand that my request be heard, because I have been wronged' (ll. 15–16: [ἀδικο]ύμενος ἀξ[ιῶ πάντα] ἐπήκοα γενέσ[θαι]); 'having been wronged, and not having wronged first, I demand that what I have written down and deposited with you be accomplished' (ll. 25–9: ἀξιῶ οὖν ἀδικούμενος καὶ οὐκ ἀδικῶν πρότερος ἐπιτελ[ῆ] γενέσθαι<1> ἃ καταγράφω καὶ ἃ παρατίθεμαι ὑμῖν; cf. l. 10: ἀξιῶ; l. 45: ἀδικούμενος ὑπ' αὐτῶν). The curser obviously believed that the more or less mechanical application of a curse formulary against the person who had wronged him would not suffice; his appeal to the gods of the Netherworld would be more effective if he presented legal ('I have been wronged') and moral justifications ('not having wronged first').<sup>23</sup> In the cases which concern lost or stolen objects, the victim sometimes asks only for vengeance, as, e.g., in the following *defixio* written on a lead sheet (Hamble estuary, Hampshire, fourth century AD):

Lord Neptune, I give you the man who has stolen the solidus and six argentioli of Muconius. So I give the names of those who took them away, whether male or female, whether boy or girl. So I give you, Niskus [a hitherto unknown deity], and to Neptune the life, health, blood of him who has been privy to that taking-away.

<sup>20</sup> Versnel (1991: 68–75, 81–93), (1999: 127) and (2002: 48–50). More material has become known in the last years: Corell (1994), Hassall and Tomlin (1994), (1995) and (1996), Tomlin (1997), *EBGR* (1997) no. 296.

<sup>21</sup> Versnel (1991: 68–9) and (2002: 48–56).

<sup>22</sup> Petrakos (1997: 477–9, no. 746); cf. my commentary in *EBGR* (1997) no. 296.

<sup>23</sup> It should be mentioned in passing that a similar development can be observed in the same period with regard to the notion of pollution, as the purification often requires more than the mechanical performance of a ritual: it presupposes an internalized process of atonement. See Chaniotis (1997b).



The mind which stole this and which has been privy to it, may you take it away. The thief who stole this, may you consume his blood and take it away, Lord Neptune. (trans. R.S.O. Tomlin)<sup>24</sup>

If I have referred here to texts from Oropos and Britain, it is because of their similarity in content, mentality and (to some extent) vocabulary with analogous texts from Asia Minor.<sup>25</sup> Studies dedicated to a phenomenon in a particular region sometimes tend to overestimate its singularity; these texts remind us that, despite some particular features of the inscriptions of Asia Minor, the ideas concerning divine justice circulated widely in the ancient Mediterranean (and beyond).

A third group of texts, very closely associated with the previous categories in terms of legal, sociological and religious background, but yet very distinct in terms of motivation, are vows addressed to the gods requesting support in various affairs of everyday life, including financial and legal matters. A dedication to Mes Axiottenos at Axiotta, for example, reports the concerns of a woman about whether she would receive some property from her mother; she did get what she wanted and then made the promised dedication.<sup>26</sup> Similarly, Fl. Attalos at Telmessos made a vow to Zeus Olympios, requesting his support in order to obtain the ownership of some pieces of land.<sup>27</sup> Such vows do not allude to disputes and consequently they do not request punishment. Naturally, an unfulfilled vow could easily create the feeling of injustice and dishonour and turn a frustrated person to more drastic means of winning the favour of a god: to curses and prayers for revenge (cf. §3 below).

The belief that crimes did not remain unnoticed and unpunished by the gods is also attested in inscriptions, usually epitaphs, which either mention a crime that had been committed and ask the gods to avenge it or request the punishment of anyone who may have wronged the deceased person.<sup>28</sup> I present only one example of such a prayer for revenge, published recently. In the area of Dorylaion, Helios and Tateis erected a stele, decorated with a representation of hands raised in prayer, on the grave of their slave; an imprecation is addressed to Helios, asking him to avenge the death of their

<sup>24</sup> Tomlin (1997: 455–7).

<sup>25</sup> For the wide diffusion of these ideas and similarities in the vocabulary see Versnel (1991), (1999: 155).

<sup>26</sup> SEG xli 1012.4–10: εὐξαμένη | Μηνὶ Ἀξιοττηνῶ, | ἐὰν παρὰ τῆς μητρὸς | λήψομαι τὰ μέρη | λαβούσα ἀνέθηκα τὴν | στήλλην περὶ ὧν εὐξάμην. The word μέρος probably means a share in an inheritance; cf. BGU iii 895, 35; BIWK 18, 28, 71.

<sup>27</sup> SEG vi 748: Διὶ Ὀλυμπίῳ Φλάβ[ι]ος Ἀτταλος ὑπὲρ τῆς ἐνκτη[σ]εως τῶν [χ]ωρίων.

<sup>28</sup> For such 'funerary pleas for justice' in Asia Minor see Versnel (1999: 131–2); for examples outside Asia Minor see Björck (1938), Versnel (1991: 70–1) and (1999: 129–31). For the attribution of unexpected death to magic or poisoning see also Graf (1996: 47).

slave (early third century AD): 'they have dedicated this stele for their slave who died a premature death, imploring the testimony of Helios and all the gods, so that they avenge us'.<sup>29</sup>

The expectation of divine punishment is attested in many more inscriptions of Asia Minor than the groups I have singled out here. I should mention in particular the funerary imprecations which threaten desecrators of graves with divine punishment, and the epigraphic evidence for the cult of deities whose name indicates a particular interest in justice. More than 400 funerary imprecations have been found in epitaphs in Asia Minor and in the adjacent islands of Lesbos, Samos, Kos and Rhodes, as well as in epitaphs of 'Anatolians' in Thrace, Macedonia, Athens and Rome – now assembled in a valuable corpus by J. Strubbe (1997).<sup>30</sup> The particular interest of these texts for our subject lies in the fact that their vocabulary often assimilates the divine punishment with a trial (see below p. 29). In addition to this, these texts provide evidence for a strong continuity in religious beliefs, since the earliest text – a bilingual inscription from Kyaneai in Lykia – can be dated as early as the early fourth century BC (Strubbe 1997: no. 376). In the funerary imprecations, but also in other texts as well, we often encounter divinities whose names or epithets imply a very close association with justice. Besides the goddess of punishment Nemesis, whose cult goes back to the Classical period (in Rhamnous and Smyrna) but becomes very popular in the Imperial period, and Dikaioyne, the personification of Justice, one should mention the all-seeing Sun (Helios Pantepoptes), the Eye of Justice (Dikes Ophthalmos) and Hosios kai Dikaioi (or Hosion kai Dikaion, i.e. the personification of Purity and Justice).<sup>31</sup> The latter divine couple is known from more than a hundred monuments (usually dedications, but also a confession inscription and an imprecation). Its cult is almost exclusively limited to Asia Minor (with only four attestations from places

<sup>29</sup> SEG XLIV 1050.3–11: δούλω | ἄωρῳ τήνδε ἀνέθηκ|αν, μαρτυ|ρούμενο<1> τὸν Ἥλιον [κὲ] | πᾶντας | θεοὺς ἵν' ἐγ[δική]|σουσιν ἡμ[ᾶς]; cf. Ricl (1994: 170–1, no. 26); Strubbe (1997: 16), with further examples of epitaphs with representations of raised hands, which may be epitaphs of persons who had met a violent death. A similar Christian prayer for revenge with representation of raised hands (Bahçekonak, Phazemonitis, AD 237/8) has been published recently by Marek (2000: 137–46): 'Almighty lord, you have made me, but an evil man has killed me; avenge me fast!' For another example of raised hands and the explicit reference that the deceased had met a violent death (ὑπὸ βίας) see *I. Beroia* 388.

<sup>30</sup> Cf. Strubbe (1991). For several texts published after Strubbe's corpus see Brixhe (1997) and Brixhe and Drew-Bear (1997).

<sup>31</sup> Cf. in general Versnel (1991: 70–1 with nn. 44–7), Mitchell (1993a: 191). Nemesis: Hornum (1993); cf. Volkmann (1928) and (1934), Chaniotis (1990: 132 n. 28). Dikaioyne: TAM III 731. Helios Pantepoptes: SEG XXXVII 1036; cf. SEG XVIII 561. Dikes Ophthalmos: SEG XXXVIII 1310; cf. Ricl (1991a: 14 no. 25). Ate: TAM III.1 268. Hosios kai Dikaioi: Ricl (1991a), (1992a), (1992b), Petzl (1992), (1998b).

outside Asia Minor), with a particular density in the areas that have yielded confession inscriptions, i.e. Lydia and Phrygia; it has been suggested that the cult originated in north-west Phrygia (Ricl 1992*a*), but Petzl (1992) has pointed out that the earliest attestation comes from Mysia (first centuries BC/AD). The iconography, influenced by that of Nemesis and Dikaioisyne, sometimes presents Hosios kai Dikaios as one divinity and sometimes as a couple. Ricl's study has shown that, although the iconography reflects the role of Hosios kai Dikaios as protector(s) of animals, agriculture and especially viticulture, the principal function of this deity (or deities) was to remind humans to respect divine and secular laws. It goes without saying that not only deities with names alluding to a special relationship with justice were regarded as patrons of law and right; the epigraphic material leaves no doubt that people could expect any god they invoked to inflict divine punishment.<sup>32</sup>

Since the following study is limited to the active part played by priests in legal disputes, I will be primarily considering the confession inscriptions. The other epigraphic evidence, which I briefly surveyed in this introduction, will be considered only in as much as it attests priestly interventions or offers insights into the religious mentality that permitted the sanctuaries of Asia Minor to become active in legal conflicts.

### 3. SAVING FACES: DEFENCE AGAINST IMPUTATION, VOWS FOR JUSTICE AND PRAYERS FOR REVENGE

Information about the role of the sanctuaries in legal disputes can be drawn from a series of confession inscriptions, dedications and prayers for justice which show that occasionally the victims of injustice went to the sanctuary and reported this in writing. Two confession inscriptions, both concerning cases of (false?) accusations, are quite revealing. Tatias had heard rumours that she had been giving a magical potion to her son-in-law Jucundus and was, therefore, responsible for his insanity. In order to free herself from what she regarded as slander, she went to the local sanctuary and 'set up the sceptre and deposited imprecations', i.e. she cursed her accusers.<sup>33</sup> Her curse resembled an exculpatory oath, for if her curse was unjustified – in

<sup>32</sup> See, e.g., the index of divinities in Petzl (1994) and Strubbe (1997); cf. Klauck (1996: 70–1). Horsley (1997: 55–6) has suggested that divine justice was the common point shared by the gods (Mes, Zeus, Hera, Hermes and Apollo) to whom the Pisidian poet Troilos dedicated an altar (Makron Pedion, AD 126/7).

<sup>33</sup> Cf. a decree of Pednelissos in Pisidia (first century BC), which attests the cooperation of judges with the priestess of Kybele precisely with regard to imprecations (i.e. to accusations) in a legal context (cf. *LSAM* 30 B). The decree is unfortunately very fragmentary, but it is clear that it refers to witnesses and

other words if she was in fact guilty – the unjustified curse would amount to perjury and the gods were expected to punish her. This is in fact what people believed happened in Tatias' case, when both she and her son Sokrates were met by unexpected death soon thereafter. In order to stop the divine wrath, the surviving members of the family had to annul Tatias' curse.<sup>34</sup>

The sociological context of the text cannot be discussed in great detail here. But the 'publicity' of the case immediately attracts our attention: 'Everybody' was observing Tatias' actions and 'everybody' (Ἰλ. 5–6: ὑπὸ πάντων) was discussing the incidents. In two very important studies, H.S. Versnel has demonstrated that the background of many curses

judges. *LSAM* 79.1–6: [–] καὶ παρέχεται μάρτυρα ἓνα, ἀποτεισάτω ὁ καταρασάμε|νος σίγλον' ὦι δ' ἂν μάρτυς μὴ ᾖ, τιθέσθω τὴν χεῖρα εἰς κε|φαλὴν' ἱερεῖα δὲ φερέτω εἰς τοὺς δημοσίους θεοὺς πα[ρ]εῖ|κ τὸν Πλούτον, καὶ ἐσθιέτωσαν οἱ δικασταὶ καὶ οἱ δημόσιοι, διδόντω δὲ καὶ Γαλατῶι τέταρτον μέρος, οἷα δεῖν ἐπ[ι]φέρειν| εἰς τὸν θεόν. I attempt a translation: 'When (if?) he presents one witness, then the curser (i.e. the plaintiff) shall pay one siglos. But if he has no witness, let him put his hand on his head. And he shall bring sacrificial animals to the public gods, with the exception of Ploutos; and the judges and the *demosioi* (public slaves?) shall participate in the banquet; and he shall give to Galato (the priestess) the fourth part, as it is proper to make offerings to the god (?).' The rest of the decree concerns the duties and the privileges of the priestess.

<sup>34</sup> *BIWK* 69.3–34 (Kula, AD 156/7):

ἐπὶ | Ἰουκοῦνδος ἐγένετο ἐν | διαθέσι μανικῇ καὶ ὑπὸ πάν|των διεφθίμισθη ὡς ὑπὸ | Τατίας τῆς πενθερᾶς αὐ|τοῦ φάρμακον αὐτῷ δεδόσ|θαι, ἥ δὲ Τατίας ἐπέστησεν | σκήπτρον καὶ ἄρας ἔθηκεν | ἐν τῷ ναῷ ὡς ἱκανοποιού|σα περὶ τοῦ πεφθίμισθαι αὐ|τὴν ἐν συνειδήσι τοιαύτῃ, | οἱ θεοὶ αὐτὴν ἐποίησαν ἐν | κολάσει, ἣν οὐ διέφυγεν· ὁμοίως καὶ Σωκράτης ὁ υἱὸς | αὐτῆς παράγων τὴν ἴσσοδον | τὴν ἰς τὸ ἄλσος ἀπάγουσαν | δρέπανον κρατῶν ἀμπελοτό|μον, ἐκ τῆς χειρὸς ἔπεσεν | αὐτῷ ἐπὶ τὸν πόδαν καὶ οὐ|τως μονημέρῳ κολάσει ἀπ|πηλλάγη. Μεγάλοι οὖν οἱ θεοὶ οἱ ἐν Ἀζιττοῖς· ἐπεζήτησαν | λυθῆναι τὸ σκήπτρον καὶ τὰς | ἄρας τὰς γενομένας ἐν τῷ | ναῷ· ὃ ἔβυσαν τὰ Ἰουκοῦνδου | καὶ Μοσχίου, ἔγγονοι δὲ τῆς | Τατίας, Σωκράτεια καὶ Μοσχᾶς | καὶ Ἰουκοῦνδος καὶ Μενεκρά|της κατὰ πάντα ἐξείλασάμενοι | τοὺς θεοὺς, καὶ ἀπὸ νοῖν εὐλογοῦ|μεν στηλλογραφῆσαντες τὰς δυνάμεις τῶν θεῶν.

Translation:

Since Jucundus was struck by insanity and it was rumoured by everybody that he had been given a potion by his mother-in-law Tatias, Tatias set up a sceptre and deposited imprecations in the temple, as defending herself against an imputation, although she was conscious (of her guilt). For this reason the gods exercised a punishment which she did not escape. Similarly, her son Sokrates, when he was passing by the entrance which leads to the grove, having a sickle in his hands with which one cuts down vines, the sickle fell on his foot, and thus he died within a day (or: on the same day) suffering his punishment. The gods at Aziotta are great! They demanded that the sceptre and the imprecations made in the temple be annulled; Sokrateia, Moschas, Jucundus and Menekrates, the children of Jucundus and Moschion and grandchildren of Tatias, annulled this, atoning in every way to the gods. Having reported the power of the gods on a stele, we praise the gods from now on.

Commentaries: Zingerle (1926: 16–23), Robert (1983: 518–19), Strubbe (1991: 44–5), Petzl (1994: 89–90), Versnel (2002: 64–5); for pleas for innocence and defence against imputation (cf. ἱκανοποιέω) see Eger (1939: 288–9), Petzl and Malay (1987: 466), Versnel (1991: 76 with n. 83); for the role of gossip see Versnel (2002). For the awareness of guilt see Björck (1938: 127), Petzl (1994: 90). For curses of women who had been the object of similar accusations in Knidos see *I. Knidos* 147 and 150; cf. Versnel (1999: 134).

was the feeling of a person that his or her actions were being carefully observed (and criticized), and that this resulted in a loss of face and dishonour.<sup>35</sup> It was under this public pressure of a face-to-face society – not (necessarily) under the pressure of the priests – that Tatias had to defend herself. Her defence, again, was a public performance. She went to a public space – the temple – and publicly declared her innocence by proceeding to a public cursing ceremony. The presence of an audience was important not only as a form of social control, as, again, Versnel has pointed out (2002); it was also important for the manifestation of divine power. Many narratives of miracles underline the fact that a divinity demonstrated its power (by healing or by punishing sacrilege and disbelief) in front of an audience.<sup>36</sup>

In this text we encounter the expression ‘to set up a sceptre’. This phrase appears in several variants in the inscriptions of Lydia and designates the erection of a symbol of divine power – probably in a sanctuary – during a ceremony of imprecation.<sup>37</sup> The erection of the sceptre aimed both at preventing future crimes and at punishing offences already committed. The erection of the sceptre seems to have been directed primarily against unknown culprits. ‘By this action the crime was transferred to the juridical authority of the god in order that the offender might be unmasked and punished.’<sup>38</sup> We may assume that the ceremony was performed by the priests, who are in fact occasionally depicted on stelae with a sceptre (the god’s sceptre?) in their hand.<sup>39</sup> It is also certain that the expression ‘she deposited curses in the temple’ in this text does not refer to the common practice of depositing a curse table *in secret*, but to a public cursing ceremony.<sup>40</sup> Tatias was interested in demonstrating to ‘everybody’ that the accusations against her were unjustified. We may assume that, similarly, the annulling of the curses by her relatives was a public action as well (cf. §6 below).

<sup>35</sup> Cf. Versnel (1991: 74, 80–1), and (1999).

<sup>36</sup> E.g. *IGUR* I 148.5 (δήμου παρεστῶτος), LiDonnici (1995: 121) (ὄχλου πολλοῦ περιστάτος). Riel (1997: 42–3) assumes that *CIG* 4142 refers to a public confession in front of an audience (κὲ συνερχομένου λαοῦ). I suggest reading the text as follows: ὑπὲρ ἑαυτῆς κὲ τῶν ἰδίων πάντων κὲ συνερχομένου λαοῦ (without a comma after πάντων): ‘for herself, for all her family, and for the people who come together (frequent the sanctuary)’.

<sup>37</sup> Robert (1983: 518–20), Strubbe (1991: 44–5), Petzl (1994: 4, 89–90), Strubbe (1997: 48).

<sup>38</sup> Strubbe (1991: 44–5); cf. Zingerle (1926: 13): ‘Einleitung des heiligen Rechtsverfahrens durch Aufstellung des Szepters, als Symboles der göttlichen Gerichtsbarkeit’; Versnel (1991: 76): ‘ritual opening of the judicial process’; Riel (1995: 69): ‘this procedure signified opening a “trial”’. Eger (1939: 290) has pointed to the difference between σκήπτρον ἐπίστυμι (against unknown offenders) and ἀρὰς τίθημι, ἐπαράομαι (usually against known persons). But see Versnel (2002: 64–5).

<sup>39</sup> E.g. *BIWK* 10–12; cf. Strubbe (1991: 44). For representations of Mes with a sceptre see Petzl (1994: 4–5).

<sup>40</sup> Cf. Strubbe (1991: 45). For the importance of publicity see Versnel (1991: 80–1) and (2002).

The role of publicity is clear also in the case of Menophila (*BIWK* 47, Nea Kome near Kula, AD 146/7); after a dispute with her son Polychronios she demanded satisfaction (εἰκονοποθηῆναι) from the gods. After her son had been punished by the gods and had propitiated them, they asked her to write this incident on a stele; the fact that the sanctuary knew about it leaves no doubt that Menophila (and/or her son) had informed it about the whole affair.

Another victim of slander, Artemidoros, had more luck than Tatias. Hermogenes and Nitonis had made false accusations against him in a case concerning (the purchase of?) wine; this resulted, again, in a loss of face (cf. the use of the verb λοιδορέω). Artemidoros reacted by submitting a tablet to the sanctuary (πιττάκιον ἔδωκεν); it was only natural that a mischance which befell Hermogenes soon after Artemidoros' action was interpreted as divine punishment. Hermogenes recognized the punishment and made the necessary atonements.<sup>41</sup> This shows that he either knew of Artemidoros' action or was informed about it when he went to the temple to propitiate the god. It is quite certain that Artemidoros had not acted in secret, for example by depositing a curse tablet in an ominous place. He must have either submitted his *pittakion* to the priests or made it known in some other way. We know nothing of the procedure – i.e. if it took place in public or if it was connected with the performance of a ritual – but there is some evidence for the assumption that we are dealing with a public action.

A *pittakion*, like the one mentioned in Artemidoros' text, has been recognized in a bronze tablet found somewhere in Asia Minor (first or second century AD): an anonymous person dedicated (ἀνατίθημι) to the Mother of the Gods some lost property, asking her to find the objects, which had thus become sacred property, and to punish the thieves. The public character of the whole action is revealed both by the form of this object and by the text it bears. Despite the small dimensions of this tablet (8 × 5 cm), the existence of a hole for hanging or attaching it with a nail on a wall or another structure shows that the tablet was exposed publicly and could be read. The public nature of the procedure is evident in the text as well:

<sup>41</sup> *BIWK* 60 (Silandos or Saittai): Μηνὶ Ἀξιοτιηνῶ. Ἐπὶ | Ἑρμογένης Γλύκωνος | καὶ Νιτωνίς Φιλοξένου | ἐλοιδόρησαν Ἀρτεμίδωρον περὶ οἴνου, Ἀρτεμίδωρος πιττάκιον ἔδωκεν. Ὁ θεὸς ἐκολάσето τὸν Ἑρμογένην | καὶ εἰλάσето τὸν θεὸν καὶ ἀπὸ νῦν εὐδο|ξεῖ. Commentaries: Petzl (1994: 77–8), Versnel (2002: 64). For analogous cases of slander and wrong accusations see *BIWK* 20, 25, 59, 69. For other cases of λοιδορέω see Versnel (1999: 113).

I dedicate to you, Mother of the Gods, all the golden objects which I have lost; in order that she (the goddess) will investigate (the matter) and reveal everything, and in order that those who possess them will be punished in a manner worthy of her power, so that she (the goddess) will not look ridiculous.

The culprit should become known (cf. ἐξ μέσον), and people (i.e. observers of the entire affair) should not laugh at the goddesses' inability to regain *her* property, as in the fable of Babrius cited above (p. 1).<sup>42</sup> As in the case of Tatias and Artemidoros, we find again the fear of becoming the laughing stock of close observers, a phenomenon which can often be observed in curses<sup>43</sup> – although in this case the fear is projected to the divinity. We may conclude that, like the tablet of the anonymous victim of theft, Artemidoros' *pittakion* was not a curse tablet, as earlier scholars thought; it was also not a charge submitted in order to open a judicial procedure, as suggested by Joseph Zingerle.<sup>44</sup> It was a 'prayer for justice'.

What the authors of such prayers for justice expected was not (or not primarily) material gain, but moral satisfaction and revenge. These motives also prevail in another 'prayer for justice' from Asia Minor. A certain Apollonios at Kollyda (AD 155/6) 'assigns (to divine justice) the person who threw down the small tablet [a dedication? a confession inscription? a curse tablet?], the person who has removed it, and the accessory to this loss'.<sup>45</sup> But revenge and hope of compensation are not always discernible, as in the following imprecation in an epitaph at Myrikion (Galatia, second/third century): 'Statilia gave, while alive and sane, to someone as a deposit a green garment (?) and two silver armbands. If he does not return the

<sup>42</sup> SEG xxviii 1568 (cf. SEG xl 1049), with the correction suggested by Versnel (1991: 74) and Riel (1991b): Ἀνατίθημι Μητρὶ θεῶν | χρυσᾶ ἀπ<ώλεσ<α> πάντα ὥσπερ ἀναζητήσ<α> | αὐτὴν καὶ ἐξ μέσον ἐνε|κκεῖν πάντα καὶ τοὺς | ἔχοντες κολάσσεσθαι | ἀξίως τῆς αὐτῆς δυνά|με<ω> καὶ μήτε αὐτ[ήν] | καταγέλαστον ἔσεσθ[αι]. Cf. Versnel (1999: 145) and (2002: 55), Riel (1991b), Petzl (1994: 77); Riel suspects a Maionian provenance. For the expression ἐξ μέσον cf. Versnel (1999: 155), who points out that it is used in a Latin prayer for justice at Baelo in Spain: AE (1988) no. 727: *ut tu evide<s>? immedi.*

<sup>43</sup> For examples see Versnel (1999). In this important study he draws attention to the preoccupation of shame, honour and ridicule in curse tablets.

<sup>44</sup> Curse tablet: Steinlechner (1913: 100), Eger (1939: 287), Latte (1920: 83) ('anklagende Fluchtafel'). Charge: Zingerle (1905: 144) and (1926: 19) ('förmliche Klageschrift'). For the general meaning of *pittakion* see LSJ, s.v.: 'tablet for writing on, label, ticket, written message', but with an inaccurate translation of the term in this inscription ('votive tablet'); for particular meanings see Rupprecht (1971: 9 n. 38c) (receipt), SEG xxvii 290 (manumission record), SEG xxxiii 1177. 10 and 41 (petition), Anagnostou-Canas (1998: 5 n. 19) (oracular question).

<sup>45</sup> TAM v.1 362.2–7: παραγράφε[ι] | Ἀπολλώνιος τὸν βεβληκότα τὸ π[ι]νακίδιον κ<α> | ἡρκό|<τ>α καὶ σύστορα τῇ | ἀπωλεία. Cf. Zingerle (1905: 143–4), Versnel (1991: 76), Petzl (1994: ix). For συνίστωρ and συνιστορέω (but without this text) see Casanova (1997).

deposit, Hosios and Dikaïos and you, Lord Helios, avenge the dead (Statilia) and her living children.<sup>46</sup> One can imagine what may have happened. The anonymity of the person who had received and did not return the deposit was not the result of discretion, but probably of the fact that Statilia's children had no clue (or only suspicions) about his identity. Now that the mother was dead, the only way to regain this property would be to make the case public, by drawing both the attention of the god to this incident and the attention of the culprit to the fact that if he took advantage of Statilia's death and did not return the valuables to her heirs, he should suffer divine punishment.

The tablet dedicated to the Mother of the Gods (n. 42) confronts us with an additional element: the dedication to a divinity of lost, stolen or disputed property. A dedication from Kula (AD 176/7), published recently by Hasan Malay, presents a characteristic example; a certain Tatias reports: 'I have bought [-], but having been treated disdainfully, I have "ceded" them to Mes Axiottenos, so that he can do with them as he pleases.' Apparently, this woman had been cheated during a transaction, and her sense of honour was severely damaged (cf. καταφρονουμέ[ν]η); thereupon she 'ceded' (ἐξεχώρησα) the disputed objects to Mes Axiottenos.<sup>47</sup> This inscription represents the formal act of cession, making clear to the offenders that the god was now going to investigate the case and punish them.

Tatias' expectations that this would happen were not unfounded: she must have read or known of the confession inscriptions at Kula and in neighbouring areas, which propagated the divine punishment that followed upon such a procedure. The next (fragmentary) text demonstrates this: a certain Apollonios had made a loan to Skollos, who promised under oath to return the money by a certain deadline; when he broke his oath, Apollonios 'ceded' the money (?) to a goddess (παρεχώρησεν τῇ θεῷ). Skollos' (untimely or unnatural?) death was interpreted as divine punishment inflicted by the gods he had invoked in his oath; in order to escape similar punishment, his daughter had to annul the oath and erect a stele. Unfortunately, the text does not inform us about whether she also had to repay the debt – with the interest incurred by the arrears (cf. l. 6: τὸ συναχθὲν κεφάλαιον) – and if so, if she paid this amount to the sanctuary (as the verb παραχωρέω implies), or to Apollonios.<sup>48</sup> A payment directly to the sanctuary seems to

<sup>46</sup> Riel (1991a: 40–1, no. 88): Στατιλία ζῶσα προ/νοῦσα παραθήκην | ἔδωκε[ί] τινι ἑρεᾶν (?) π[ρά]σινον καὶ ψέλλι[α] δύο ἀργυρᾶ. Κἄ[ν] μὴ ἀπο|διδῇ, Ὅσιον, Δίκεον, | Ἥλιε Κύριε, ὑμεῖς ἐκ[δ]ικῆσατε τὴν νεκράν | καὶ τὰ τέκνα ζῶντα. Cf. Zingerle (1926: 49–50).

<sup>47</sup> Malay (1994: 70, no. 171): [Τα]τίας ἀγόρασα | [. . .]α καταφρονουμέ[ν]η ἐξεχώρησα αὐτὰ | [Μ]ηνὶ Ἀξιοττηνῶ, ὅτι/να πρᾶξει ὡς ἂν θέλῃ. Cf. Versnel (2002: 53–4 n. 59).

<sup>48</sup> *B/WK* 54 (Ayvatlar, AD 118/19):



me more probable; it is attested for another region (Sicily), in the prayer of Kollyra for justice (third century BC?): she dedicated to a sanctuary and its priests not only stolen objects but also the fine (i.e. the payment of twelve times their value).<sup>49</sup>

A ceding to the temple and, consequently, a handing over of the disputed object to the gods may be the background of several confession inscriptions which report the delivery to sanctuaries of immovables. This cannot be proven because of the syncopated form of the narratives, but nonetheless, I present here one such case (*BIWK* 17). A mother cursed her son Apollonios, obviously after a dispute over some real estate. When Apollonios asked the

[–] Ἀπολλωνίῳ [– χαλκ]οῦ \* μ. Εἶτα ἀπα[ι]τοῦντος τοῦ Ἀπολλωνίου τὸν χαλκὸν παρὰ τοῦ Σκόλλου ὥμοσε τοὺς | προγεγραμένους θεοὺς ἰς προ|θεσμίαν ἀποδοῦναι τὸ συναχθὲν κεφάλαιον. Μὴ τηρήσαντος αὐτοῦ τὴν πίστιν παρεχώρησεν | τῇ θεῷ ὁ Ἀπολλώνιος· κολασθέν[τ]ος οὖν τοῦ Σκόλλου ὑπὸ τῶν θεῶν ἰς θανάτου λόγον μετὰ τὴν τ[ε]λευτήν αὐτοῦ ἐπεζητήθη ὑπὸ τ[ῶν] | θεῶν. Τατίας οὖν ἡ θυγάτηρ αὐτοῦ | ἔλοισε τοὺς ὄρκους καὶ νῦν εἰλα[σ]μένη εὐλογεῖ Μητρί Αἰμιτι | καὶ Μηνί Τιαμου.

Translation:

[–] to Apollonios [–] 40 denarii. Then, when Apollonios reclaimed the money from Skollos, the latter swore an oath by the aforementioned [in the lost heading of the inscription] gods to repay the collected sum within a deadline. When he did not keep the agreement, Apollonios ceded (the money) to the god. When Skollos was punished by the gods with death, after his death his daughter was prosecuted by the gods. She annulled the oath and, having atoned, she now praises Meter Atimiti and Mes Tiamou.

It is not entirely clear what we should understand as the object of παρεχώρησεν. In the light of the two other parallels from Asia Minor discussed here (but with different verbs: ἀνατίθηναι and ἐκχωρέω) I am inclined to believe that the object of the verb is the disputed amount of money; *contra* Versnel (1991: 78–9): ‘the plaintiff hands over the stolen property, the accused and the entire case to the god(s) for final decision’; Eger (1939: 282): ‘überantwortet den Skollos der Göttin’. I agree with Zingerle (1926: 35) that Skollos took a promissory oath; cf. Eger (1939: 283 with n. 10). On the contrary, most scholars follow Buckler (1914–16: 178), in the assumption that Skollos swore that he *had paid* the money before the deadline: P. Herrmann, commentary on *TAM* v.1 440, Versnel (1991: 78–9), Mitchell (1993a: 192–3), Petzl (1994: 63); but then the text would have been ὥμοσε ἀποδοδεοκέναι (cf. *BIWK* 34: ὥμοσε . . . μὴ προδεδοκένε). For interest on outstanding debts (cf. here τὸ συναχθὲν κεφάλαιον) see Rupprecht (1967: 96–9).

<sup>49</sup> *IGrSic. et inf. It.* 25; cf. Versnel (1991: 73). Things are not clear in the case of a certain Tatias (*BIWK* 79): ἐπὶ Τατία Νεικηφόρου Μοκαδδηνῇ ἐδάνεισε Γα[ι]ῷ καὶ Ἀφφίᾳ τῇ γυναικὶ αὐτοῦ Μ[ο]κ[α]δδηνοῖς χαλκὸν προεπιπούσα | “[. . .] THEPON θανίζω”. Ὁ Γάιος οὖν ἐχρ[ε]οκ[ό]πησεν αὐτήν. Ἡ Τατίας οὖν [χρ]εοκ[ό]πηθεῖσα ἐπεκαλέσεται[ο] κατὰ αὐ[τοῦ] τὸν θεόν. Μέγας οὖν [–] | τὸν Γάιον καὶ Ε[–] | χ[α]ρκὸν Ο[–]. Commentaries: Herrmann (1978: 419), Herrmann, *TAM* v.1 525 *ad loc.*, Petzl (1994: 103). Tatias had made a loan to Gaius and his wife Apphia. During the conclusion of an oral agreement Tatias named a deadline for the repayment of the money; for such oral contracts and deadlines for the repayment of loans see Rupprecht (1967: 33–5, 68–70). Petzl (1994: 103) suggested restoring a deadline after προεπιπούσα ([i]s τῆμερον?); a Hellenistic inscription from Sicily, published recently, offers an exact parallel: Manganaro (1997: 307 no. 1, l. 5): προεῖπε αὐταμέρι <v> (again, in the context of a financial transaction). When Gaius proved unable to repay his debt, Tatias ‘invoked the god against him’. The lines in which Gaius’ punishment and the atonement are described are unfortunately too fragmentary to make any sense. So we do not know whether the creditor ‘ceded’ her claim to the god, if she just requested revenge, or if she vowed some other reward.

gods twice (together with his brother Eupelastos) what he should do, the sanctuary demanded an amount of 150 denarii; this amount was explicitly connected with specific pieces of property: 'I have given . . . 100 denarii for the house which was bought from Myrmex and 50 denarii for all the cut (?) vines in Promiasse, near the holm-oak' (ἔδωκα . . . ὑπὲρ τοῦ στεγνοῦ δηνάρια ρ' τοῦ ἀγορασθέντος παρὰ Μύρμηκος, ὑπὲρ τῶν λυπῶν πάντων τομαίων ἀντέλων ἐν Προμιάσση ἐπὶ τῇ πρεῖνῳ ἀπέδωκα ἄλλα δηνάρια ν'). However, the story did not end there. Another confession inscription concerning the same family (*BIWK* 18)<sup>50</sup> suggests that Apollonios was punished by the gods with death; the gods demanded from his brother and from his heirs (κληρονόμοι) the entire inheritance (ληγάτους) of the mother (Hygie) at Promiasse. I tentatively suggest that when the mother cursed her son, she ceded the disputed property to the sanctuary; in order to annul the curse, the sons had to pay the value of the property in question (or a fine).<sup>51</sup>

The last three texts use verbs which express the permanent transmission of a property title from a mortal to a divinity: dedicate (ἀνατίθημι), cede (ἐκχωρέω), deliver (παραχωρέω). The procedure is always the same: a person who thinks that he (or she) has been treated unjustly hands his claims over to the god. These texts confront us with questions that cannot be answered with certainty: did the 'consecrated' item (money, disputed or stolen property) remain sacred property, and was the victim satisfied with the feeling that he had taken his revenge? Or did the victim receive amends for handing his legal claims over to the god? The first alternative has been favoured by M. Riel and (more cautiously) H. Versnel.<sup>52</sup> In addition to the meaning of the verbs there are further indications that support this assumption. In one of the texts (n. 47) Tatias explicitly states that the disputed items should remain at the god's disposal (ἄτινα πράξει ὡς ἂν θέλῃ). In another text (n. 42), the victim of theft uses the verb 'to dedicate' (ἀνατίθημι); she requests the punishment of the thief, not the return of the lost objects. One notices that both texts are preoccupied with issues of honour (cf. the words καταφρονουμένη and καταγέλαστος), rather than with material damage; thus, revenge appears to be a plausible aim. A confession inscription suggests that these curses sometimes were effective and the culprits did come to the sanctuary to bring the stolen property to

<sup>50</sup> Cf. Petzl (1994: 28).

<sup>51</sup> Herrmann and Varinlioglu (1984: 7) suspect that the sanctuary charged fees for transactions (cf. below, n. 123). According to Mitchell (1993a: 192): 'three brothers had divided up the family vineyards left to them, disregarding a promise that part was promised to the god'.

<sup>52</sup> Versnel (1991: 60, 73–4, 77) and (1999: 153); Riel (1995: 69).

the gods: it narrates the story of a thief who had stolen a garment from a public bath, disregarding the fact that all potential thieves had already been cursed.<sup>53</sup> The thief was pursued by the god and was forced to bring the stolen garment to the temple. The priests asked him to sell the garment and make a dedication (from the proceeds?).<sup>54</sup> In the light of the other evidence it is tempting to assume that the thief brought the stolen item to the temple in the belief that it had been 'ceded' to the god.

The specific significance of these texts and their difference from ordinary vows can best be seen when we compare them with other evidence. The feeling of dishonour and the wish for revenge were not always stronger than the hope simply to recover the disputed or lost property. We are not surprised to see that in these latter cases the disputed objects were not ceded to the gods. Although we find a legal background very similar to that of the aforementioned prayers for revenge (slander, theft, loans, inheritance), we are dealing with ordinary vows (εὐχαί), based on the principle of *do ut des*:<sup>55</sup> a person requests divine support in a private matter and promises the offering of a dedication. The vow of a certain Menogenes is laconic, but still very revealing: he had made a vow to Meter Aliane concerning a deposit he had given (δοὺς παραθήκην) and was not getting back; he fulfilled his vow when the money was returned to him.<sup>56</sup> Another of these vows concerns itself with theft and possibly with slander: a substantial amount of money (412 denarii) belonging to a certain Agathon had been stolen from a silo. The money was later found in the possession of Crescens, the alumnus of Alkimos and Ekloge. We know of this incident from a vow made to Meter Aliane by the victim's wife, the slave Rhodia, 'with regard to the stolen money' (εὐχὴν ὑπὲρ τοῦ κλαπέντος ἀργυρίου).<sup>57</sup> Rhodia had

<sup>53</sup> For a similar preventive curse against thieves see *SEG* XLIII 905 (Amastris, undated); cf. my comments in *EBGR* (1993–4) no. 153.

<sup>54</sup> *BIWK* 3.2–11: ἐπεὶ ἐπεστάθη σκῆ|πτρον, εἴ τις ἐκ τοῦ βαλανείου τι | κλέψι, κλαπέντος οὖν εἰματίου | ὁ θεὸς ἐνεμέσθησεν τὸν κλέπτην | καὶ ἐπόησε μετὰ χρόνον τὸ εἰμά|τιον ἐνεγκί|ν ἐπὶ τὸν θεόν, καὶ ἐξώμολογήσατο. Ὁ θεὸς οὖν ἐκέλευ|σε δι' ἀγγέλου παραθῆ|ναι τὸ εἰμά|τιν καὶ στηλλογραφῆσαι τὰς δυνάμεις. Commentary: Herrmann, *TAM* v.1 159 *ad loc.*; Petzl (1994: 3–5). For preventive cursing see Latte (1920: 68–77), Wörle (1978: 230–6), Robert (1983: 519–20), Strubbe (1991: 44–5), Petzl (1994: 4).

<sup>55</sup> For giving in return in dedicatory and sacrificial practice see Grottanelli (1991).

<sup>56</sup> *TAM* v.1 258 (Kula): Μηνογένης Λακίου | θεᾷ Ἀλιανῇ εὐχὴν | δοὺς παραθήκην | καὶ ἀπολαβών. Cf. Herrmann, *TAM* v.1 258 *ad loc.* For a similar problem (λαβόντας . . . παραθή[καν] καὶ μὴ ἀποδίδοντας) see *I.Knidos* 149 and above, n. 46.

<sup>57</sup> *TAM* v.1 257 (Kula, AD 113/14): Ροδία | Φλαουίας Μηνογενίδος | δούλῃ Μη[τ]ρί Αλιανῇ εὐχὴν ὑπὲρ τοῦ κλαπέντος | ἀργυρίου (δηναρίων) υἱβ Ἀγάθωνος | τοῦ ἀνδρὸς αὐτῆς ἐκ ΛΑ|ΝΑΠΟΣΤΩΝ ἐκ τοῦ σειτοβο|λείου καὶ εὐρεθέντος παρὰ | Κρήσκεντι τῷ Ἀλκίμου καὶ Ἐκ|λογῆς θρεπτῷ. Cf. Petzl (1994: x with n. 11). For examples of dedications after divine support in legal matters see Versnel (1991: 65).

probably requested both the discovery of the money and the punishment of the thief; the text does not say what had happened to the money, but it seems probable that it was returned to the owner. The goddess' reward consisted in the erection of the stele. Unclear also is how the thief was punished – and if he was prosecuted by secular authorities in addition to the punishment by the gods. A very similar story is reported in a confession inscription, again from Kula. Theogenes had found a semi-precious blue stone, which later disappeared from his wife's house. Theogenes obviously suspected that his wife, Syntyche, was responsible for the loss – as Agathon had possibly suspected Rhodia for the loss of his money. Being questioned (rather than tortured: βασανιζομένη), Syntyche made a vow (ἐπεύξατο) to Mes Axiottenos, asking him to give her justice (ἵνα αὐτὴν ἱκανοποιήσι), i.e. to defend her against this imputation. The thief was soon revealed – it was the neighbour's daughter. This text would have been a dedicatory inscription (like the one set up by Rhodia) had Syntyche fulfilled her vow. But she failed to do so, because her neighbour begged her not to reveal this incident. She was punished herself by the god, and her vow turned into a confession inscription in which she narrates the story, her punishment and her atonement.<sup>58</sup>

The discussion of these texts permits the identification of some common elements, but also a very large variety of aspects. Their protagonists are persons living in the small rural communities of Lydia and Phrygia; they were (or claimed to have been) the victims of wrongdoing: slander, cheating, theft, fraud by a debtor. In some cases they knew who the wrongdoer was; sometimes (particularly in the cases of theft) they did not. None of these texts refers directly or indirectly to an appeal to secular authorities, although this should not be excluded altogether (cf. §7 below). In many cases it was not so much material damage that moved a person to appeal to a god, but rather loss of face: Tatias was the victim of gossip (διεφημίσθη) that she had poisoned her son-in-law; Artemidoros had been cheated and reviled (ἐλοιδόρησαν); Tatias had been treated disdainfully (καταφρονουμένη); an anonymous victim was afraid that he/she and the goddess whom he/she had invoked would become the laughing-stock of others (καταγέλαστον ἔσεσθαι) should a thief remain unpunished; Syntyche and Rhodia may have been suspected for the loss of their husbands'

<sup>58</sup> *BIWK* 59.2–11. Commentaries on this intriguing (and controversial) text: Petzl and Malay (1987: 465–72), Chaniotis (1990: 128–31), Petzl (1994: 75–6), Chaniotis (1997a: 368–9 n. 85). On the meaning of βασανιζομένη cf. Petzl and Malay (1987: 466), Versnel (1991: 73 with n. 65) ('tormented by great agonies'), Riel (1995: 71) ('feeling agony'); cf. the word βάσανος in another confession inscription: Riel (1997: 37, ll. 9–11): μετὰ πολλῆς ἀνάγκης κὲ βασά|νων. On ἱκανοποιεῖω cf. *BIWK* 47 and 69 (see n. 34 above).

property. In most cases in which the honour of a person had been damaged, the element of revenge prevailed: Artemidoros, Tatias and the anonymous person willingly ceded to a divinity the valuables which had provoked the dispute, expecting as their only satisfaction the revelation of the crime, the punishment of the culprit and his humiliation in the eyes of the entire community.<sup>59</sup>

The fear (and for some the hope) of humiliation was rooted in the publicity given to all these affairs. The 'prayers for justice' (or just for revenge), the accusations, the invocations of the gods, the vows, were displayed publicly; they were meant to be read – possibly to be read aloud by the priests.<sup>60</sup> Not just individuals but entire communities turned publicly to the sanctuaries requesting the divine prosecution of culprits, exactly as they turned to the gods to ask for the fertility of the fields and the protection of the livestock.<sup>61</sup> The 'accusation' was made in public (cf. above p. 13) and the cult personnel became active thereafter. The priests performed the appropriate curse ceremony against the unknown culprit, usually by setting up the symbol of the god, his sceptre (σκῆπτρον ἐπιστᾶναι, cf. above n. 37). The entire procedure was public in nature; unlike the *defixiones* and some 'judicial prayers' which were secretly deposited in an awesome place,<sup>62</sup> these inscriptions of Asia Minor aimed at informing the anonymous or known culprit that he had been cursed, i.e. that he had become the object of divine prosecution. The solemn, public cursing of a wrongdoer led him (or members of his family) sooner or later to the sanctuary. That this happened is reported, e.g. in the confession inscription of the thief who had stolen a garment from a bath (n. 54); here is another typical example: Demainetos and Papias had lost three of their pigs, which mingled with the sheep flock of Hermogenes and his brother Apollonios. Demainetos and Papias requested the return of their animals, but without any success. Thereupon they went to the sanctuary and had the sceptre of Artemis Anaitis and Apollo, the lord of Tiamon/Tiamos, set up (ἐπεστάθη οὖν τῆς θεοῦ τὸ σκῆπτρον καὶ τοῦ κυρίου τοῦ Τιᾶμου). Even this solemn imprecation failed to make Hermogenes and Apollonios return the pigs. Only when Hermogenes paid for this refusal with his life, his wife, his son and his brother

<sup>59</sup> Cf. Versnel (1999: 153). <sup>60</sup> Cf. Wachsmuth (1863: 569).

<sup>61</sup> *B/WK* 35: ἡ Ταζηνῶν κατοικία ἀδοξήσασα ἐπέστησε τὸ σκῆπτρον; cf. Zingerle (1926: 44–5), Schuler (1998: 254–5); for similar cases see also *B/WK* 3 and 48. For the religious solidarity of the rural population see Gnoli and Thornton (1997).

<sup>62</sup> For examples of 'judicial prayers' which were not set up publicly see Versnel (1991: 81 with n. 113, 90).

propitiated the god, i.e. apparently confessed the wrongdoing and made amends.<sup>63</sup>

The belief in the effectiveness of 'divine justice' relied entirely upon narratives of its implementation. The confessions of those who had disregarded divine power and the vows of the pious were the visible proof of the punishment which awaits every wrongdoer, sooner or later. This is why the sanctuaries promoted the publicity of these cases by insisting on the erection of inscriptions.<sup>64</sup> The case of Syntyche (n. 58) is one of the best examples. Mes Axiottenos had heard her prayer and revealed the person who had stolen a semi-precious stone from her house. Yielding to the pleas of the thief's mother, she decided to conceal the whole story. But to profit from the intervention of the gods and to refuse to tell others about it ultimately subverts divine justice, as the priests of Mes Axiottenos certainly knew. Her thirteen-year-old son became sick (or died), and Syntyche was forced to go to the sanctuary, where she confessed the story and – certainly upon the instructions of the priests – dedicated a stele for others to read and draw conclusions regarding the god's power. Syntyche's inscription is inconceivable without the active participation of the priests, and it is this role that we should study more carefully.

#### 4. MAKING SENSE OF TRAGEDY: PRIESTS AS INTERPRETERS OF DIVINE JUSTICE

The persons who came to the sanctuaries were usually persons in despair: they had lost members of their family or their property, they were suffering from disease, they needed help. And they thought that they could find it there. The countless vows in the inscriptions of Asia Minor show that people turned to the gods to be cured, for the health of their family and their animals, for the prosperity of their fields, for a good marriage, hoping

<sup>63</sup> *BIWK* 68 (Kula, AD 114/15):

Ἐρμογένης καὶ Ἀπολλώνιος οἱ Ἀπολλωνίου Μίδου ἀπὸ Σύρου Μανδρῶν | πλαζομένων χοίρων τρεῶν Δη|μαινέτου καὶ Παπίου ἐξ Ἀζι|των καὶ προσμιγόντων αὐτῶν | προβάτοις τοῦ Ἐρμογένου καὶ Ἀπολλωνίου, παιδίου αὐτῶν βόσ|κοντος πενταετοῦς, καὶ ἀπαγαγόντων ἔσω, ζητούντος οὖν τοῦ | Δημαινέτου καὶ τοῦ Παπίου οὐ|κ ὠμολόγησαν διὰ τινα ἀχαριστί|αν. Ἐπεστάθη οὖν τῆς θεοῦ τὸ σκῆ|πτρον καὶ τοῦ κυρίου τοῦ Τιαμου, | καὶ μὴ ὁμολογήσαντων αὐτῶν ἡ | θεὸς οὖν ἔδειξεν τὰς ἰδίας δυνάμεις, καὶ ἰλάσσοντο αὐτὴν τελευ|τήσαντος τοῦ Ἐρμογένου ἡ γυνὴ αὐτοῦ καὶ τὸ τέκνον καὶ Ἀπολλώνιος ὁ ἀδελφὸς τοῦ Ἐρμογένου, καὶ | νῦν αὐτῇ μαρτυροῦμεν καὶ εὐλογοῦμεν μετὰ τῶν τέκνων.

Zingerle (1926: 31–2) assumes that the two brothers repeatedly refused to return the pigs during a judicial procedure; *contra* Eger (1939: 292), Riel (1995: 71 n. 10) (exculpatory oath), cf. Versnel (1991: 78); Chaniotis (1997a: 367 n. 81). For a similar case see *BIWK* 103: ἐφίωρκησε περὶ προβάτων.

<sup>64</sup> Zingerle (1926: 21), Frisch (1983: 45), Versnel (1991: 75), Riel (1995: 73).

to find a lost object,<sup>65</sup> or in order to pray for justice. Sometimes the priests were able to cure them or at least to make them believe that they had been cured by the gods.<sup>66</sup> In many more cases they attempted to present the disaster as the punishment for an offence – no matter how important, no matter whether criminal or sacrilegious, premeditated or accidental.

It was not always easy to determine the offence, but an oracle could give a clue. An anonymous person reports: 'I suffered punishment because I was ready (?) and I received the following oracular response: "because you are impure". I have made this dedication in fulfilment of a vow.'<sup>67</sup> Another man in Maionia, who believed that his disease was caused by the constellation at the time of his birth (κατὰ γένεσιν), was informed by the oracle he consulted ([ἐμὰν]τεύσατο) that his sufferings were the punishment for a sin ([κολ]ασθεῖς).<sup>68</sup> Oracular responses are believable because they are vague; they rarely answer a question, but they always make people think. In this case the god just pointed vaguely to a previous religious offence; it was now the sinner's business to identify it and to atone for it. The priests were certainly willing to assist him, by interrogating their client in order to discover what had caused the god's anger. Human nature being as it is, it is very doubtful that they ever failed to find an offence – the more so, since the sanctuaries' clients lived near the temples or on sacred land and could easily violate a sacred regulation and offend the gods. A child or an ox had by accident knocked down a stele in a sanctuary (*BIWK* 78; *TAM* v.1 239); a tree had been cut (*BIWK* 10); a boy had entered the sanctuary with unclean clothes (*BIWK* 55). And if the desperate clients had no idea how they had provoked the gods' wrath – and we know in fact of some stubborn (or just innocent) visitors to the sanctuaries who insisted on their innocence – there was always the possibility that they were paying for the crimes or the offences of their forefathers or other relatives (cf. below n. 134). And if their family had been innocent for generations, there was always the

<sup>65</sup> Petzl (1995: 39), Gnoli and Thornton (1997).

<sup>66</sup> E.g. Chaniotis (1995), with further bibliography.

<sup>67</sup> *BIWK* 98 (Buldan, second century AD): ΑΠΟ. [. . .] Φ [ . . . ] ηνου κολασθεῖς διὰ τὸ με ἐπιμιμον εἶνε κὲ κεληδονίσθε με "ὅτι μεμολυμένος εἰ". Εὐξάμενος ἀνέθηκα. I have changed the punctuation marks used by Petzl at some points (erasing a comma after κολασθεῖς and putting a period before εὐξάμενος). Petzl regards the words "μεμολυμένος εἰ" as the oracular response. I think that ὅτι is part of the answer: 'Why am I being punished?' – 'Because you are impure'.

<sup>68</sup> Petzl (1997: 70–1, no. 1) = Petzl (1998a): [Ἀρτέμιδι] Ἀναείτι ἀνέθη[[κε . . .] ᾧς Μητροδώρου | [κολ]ασθεῖς εἰς τὰ γό[νατα?] καὶ εἰς τὰ ἐντε[[ρα. Δό]ξας ὅτι ταῦτα | πᾶσχει κατὰ γένεσιν, | [ἐμὰν]τεύσατο καὶ [. . .] . . .] ΣΟΥΚΕ.[–]. Because of the previous parallel and the use of the verb μαντεύομαι ('to consult an oracle') I assume that the man turned to a sanctuary and was informed by an oracle about the true cause of his illness; Petzl (1998a: 71–4) assumes that he turned to an astrologer or a prophet.

possibility of a sin committed unintentionally and unknowingly. Indeed, some confession inscriptions attest the possibility of atoning for 'known and *unknown* sins' (see n. 120). Needless to say, life did not continue free of minor and major disasters, even after the confession. So several persons came to a sanctuary again and again, after they had discovered that their first confession was not sufficient;<sup>69</sup> probably some of them stopped confessing their sins only in their graves.

The certainty of divine wrath could be more effective than any psychologically guided interrogation. Consequently, the discussion with the priests brought to light small and big offences. Naturally, when the offence was identified, the accused persons tried to defend themselves or begged for forgiveness. Phrases such as 'it escaped my notice', 'I had forgotten', 'I did not know', or 'I did it unknowingly' in the confession inscriptions point, in my view, to excuses put forward by the accused persons.<sup>70</sup> Sometimes the sinners defended themselves by pointing to the exact circumstances under which they had committed their offence. A woman, accused of letting soldiers into a sanctuary (without the priests' permission), responds: 'I wanted to repulse an enemy.'<sup>71</sup> A man punished because he wanted to have sexual intercourse (ἐπεὶ ἡθέλησα μείνει μετὰ γυνεκός) adds in his confession:

<sup>69</sup> E.g. *BIWK* 17–18; see above, pp. 17–18.

<sup>70</sup> *BIWK* 6: ἐπὶ με ἔλαθεν κέ ὑπερέβην τὸν ὄρον ἄθετος ('because I trespassed beyond the boundary stone, as I should not (?), by mistake'); *BIWK* 78: παιδίον ὦν ἀκουσίως κατέαξας στηλλάριον τῆς θεοῦ ('being a child, he shattered a stele of the goddess'); *BIWK* 112: λημόνῃσα ('I forgot', i.e. to keep a purity regulation); *BIWK* 115: ἔλαθέ [με] ('I did it unknowingly', in the context of the violation of a purity regulation). The participle λαθαμένη in *BIWK* 95 is probably used in the same sense; cf. Petzl (1994: 113); *BIWK* 10: διὰ τὸ ἀγνοεῖν αὐτὸν Διὸς Διδυμέιτου ἔκκοψε δρῶν ('he cut an oak of Zeus Didymeites because of ignorance'); *BIWK* 11: ὑπὲρ ἁμαρτίας κατὰ ἀγνοίαν (punished 'for a sin, he committed because of ignorance'); *BIWK* 76: κατὰ ἀγνοίαν ἐκ τοῦ ἄλλου ἐκοψα δένδρα θεῶν ('because of ignorance, I cut trees belonging to the gods from the grove'). I assume that *BIWK* 34 refers to perjury committed unknowingly: ἀγνοήσας ὥμοσεν τὸν θεόν ('he took an oath to the god, because of ignorance'); cf. Pettazzoni (1936: 72–3), Herrmann (1985: 257), Petzl (1994: 41) ('ohne Einblick in den wahren Sachverhalt'). The *lex sacra* of the Labyadaí at Delphi probably concerns unintentional perjury as well: *CID* 9 A 16–17: αἰ δ' ἐφιορκέοιμ[ι, φε]κῶν (or [κ]ακῶν; 'if I commit perjury intentionally'); cf. G. Rougemont's commentary *ad loc.* (pp. 38 and 46). For culpable negligence in Greek law see Maschke (1926: 77–8, 150–9), Jones (1956: 261, 264–5); for *culpa* in Roman law see the bibliography in Nörr (1986: 125 n. 16); cf. Kaser (1975: 346–51). Ignorance of the law was occasionally used as an excuse. See, e.g., the letter of a governor at Phainai (third century AD, *OGIS* 609.29–41): ταῦτά μου τὰ γράμματα ἐν προδῆλῳ τῆς μητροκομίας ὑμῶν χωρίῳ πρόβητε, μή τις ὡς ἀγνοήσας ἀπολογησῇται [put this letter in a prominent site of the *metrokomia*, so that nobody will defend himself putting forward a "plea of ignorance"].

<sup>71</sup> *BIWK* 114 (Ortaköy): ἐπεὶ ἀνήγαγα στρατιώτας ἐπὶ τὸ ἱερὸν ἐχθρὸν θέλουσα ἀμύνασθαι. Self-defence was used as an excuse in homicide cases in Greek law: Jones (1956: 260, 267). The woman's offence probably is that she let armed persons into a sanctuary; this is forbidden by several sacred regulations: e.g. *LSAM* 68.2–3 (Stratonikeia, Hellenistic?); *SEG* xxxvi 1221.1–4 (Xanthos, third/second century). In Ptolemaic Egypt, soldiers could enter a sanctuary only with the permission of the priests: von Woeß (1923: 133). Mitchell (1993a: 197) has suggested that the priests in Asia Minor did not view the presence of Roman soldiers in their sanctuaries very favourably. Petzl (1994: 135;



'with my own wife, Basilis' (μετὰ τῆς εἰδ[ί]ας γ]υνεκὸς Βα[σι]λίδος).<sup>72</sup> References to the young age, and consequently to the limited liability, of the sinner are found in four confession inscriptions (*BIWK* 55: παιδίον ὦν ἐτῶν ἕξ; *BIWK* 58: μήπω οὐσα ἐνήλιξ; *BIWK* 68: παιδίου αὐτῶν βόσκοντος πενταετοῦς; *BIWK* 78: παιδίον ὦν ἀκουσίως κατεάξας στηλλάριον τῆς θεοῦ). I suspect that these explanations were given by the delinquents in order to exonerate themselves or soothe the gods' wrath. Conversely, there are also cases of incriminating circumstances, which must have been underlined by the priests for didactic reasons. A text castigates a group of persons who schemed against orphans for their malicious deed;<sup>73</sup> several confession inscriptions reprimand persons who disregarded and scoffed at divine power,<sup>74</sup> usually by insisting on their perjury or on pleas for innocence, even though they were conscious of their guilt.<sup>75</sup>

The pleas for extenuating circumstances sometimes worked. A confession inscription quotes a sacred regulation concerning the fines payable to sanctuaries for the annulling of oaths and imprecations (ἵνα λύονται οἱ ὅρκοι, ὁ λύων ὅρκους, ὁ λύων σκῆπτρον),<sup>76</sup> which prescribed the payment of 175 denarii for the clearing of perjury; the text reports, however,

1995: 45) goes one step further and assumes that this inscription reflects a conflict between sacred and secular authorities; the woman let soldiers into the sanctuary, 'um sich gegen den Gott bzw. seine Stellvertreter durchzusetzen'; but in this case the confession inscription would use the word ἐχθρός (enemy) to designate the god or a priest, and I find this hard to believe. The woman's 'enemy' may have been a delinquent who had sought asylum in the sanctuary, against whom the woman tried to mobilize secular authorities.

<sup>72</sup> *BIWK* 111. This addition is interpreted in a different way by Ramsay (1895: 151), followed by Petzl (1994: 131): the last five words are an addition intended to explain the too brief phrase above'.

<sup>73</sup> *BIWK* 35 (Tazenon katoikia, AD 210/11). Zingerle (1926: 42) rightly points to the element of *dolus* (λασθραίως) in this text, which is penalized by Roman law: Kaser (1971: 504–13) and (1975: 346–51), Nörr (1986: 90–2, 194–5), cf. Versnel (1991: 97–8 n. 50) and (1999: 131–2). For the moral condemnation of malice (δόλος, ἐπιβουλή) see Chanotis (1997a: 361 n. 46). Orphans often appear as victims of violence and deceit: Krause (1995: 194–208). For further evidence see Lewis (1989: 102, no. 23).

<sup>74</sup> *BIWK* 12: κολασθεῖσα ἐτι δ' καὶ μὴ πιστεύουσα τῷ θεῷ; cf. Petzl (1995: 43–6).

<sup>75</sup> Cf. Petzl (1995: 43–6). See, e.g., *BIWK* 34: ἀπιθοῦντος, cf. Herrmann (1985: 256); *BIWK* 68: οὐκ ὠμολόγησαν διὰ τινὰ ἀχαριστίαν, cf. Zingerle (1926: 8); *BIWK* 69: ἐν συνειδήσει τοιαύτη, cf. Zingerle (1926: 20) and Björck (1938: 27). The expression ἀτενῶς ὁμῶς in *BIWK* 15 probably refers to persistent perjury; cf. Petzl (1994: 23). Cf. possibly *BIWK* 107: διὰ . . . συνίδησιν. For συνειδήσις ('awareness of guilt') cf. Zingerle (1926: 20) and here nn. 34 and 77.

<sup>76</sup> *BIWK* 58 (Katakekaumene, AD 166/7): Χάριν [ἐ]δωκαν οἱ θεοὶ Εὐδόξῳ, ἵνα μὴ λυο[ἐ]λιν ὅρκων τῆς Ταρσηνῆς λυεῖ Εὐδοξὸς ὑπὲρ τῆς ἰδίας γυναικός. Ἐπεὶ ἰδῶσεν Σάρδιον καὶ παρῶρκεσεν, διὰ τοῦτο – μήπω οὐσα ἐνήλιξ [ουσα] – δαπανήσας ὁ Εὐδοξὸς ἐννέα ὀβολοὺς ἔλυσε τοὺς ὀρκούς καὶ ἐστηλογ[γ]ράφησε | καὶ εὐχαριστεῖ. Quotation of the *lex sacra*:

ἵνα λύονται οἱ ὅρκοι τῷ | ὀνόματι τοῦ Ἀξιοττηνοῦ, ὥστε ὁ | λύων ὀρκους δαπανήσει δηνάρια ἐκατὸν ἑβδομήκοντα πέντε | τεῖμη | ν δὲ λήμψεται ἀφ' αὐτῶν, ἦν ἂν ἐπερωτήσι, εἰ ταῦτα δικαίως γ[γ]ραμμένα εἰσι, ἵν' ἀνέστησεν | στηλῆν. Ὁ λύων σκῆπτρον θήσ[ει] ἐπὶ τὸ ἱερὸν δηνάρια ἑκατὸν ἑβδομήκοντα πέντε | ι, καὶ ἀλῦται τὸ σκῆπτρον(ον); δικαίως ΕἰΝΠΟΛΥΣΙΝΑΙ λελυμέν<ο>υσι τοὺς θεοὺς κατὰ ὡς ἐπέκριναι<ν α>υτοί.

that the gods did Eudoxos the favour (χάριν [ἐ]δωκον) of allowing him to annul an oath taken by his wife, who was a minor (again, a reference to extenuating circumstances), through the payment of a much smaller amount (only 9 obols) and the erection of a stele. A similar text concerns a woman who was not in a position to fulfil her vow (the donation of an ox); the god allowed her (συνεχώρησεν) – obviously by means of an oracle (see nn. 13 and 67) – to erect an inscription instead (*BIWK* 61, Ayazviran, AD 235/6). Georg Petzl has convincingly argued that the last lines of another confession inscription quote an oracle given by Meter Phileis, in which the goddess forgives a female delinquent under consideration of the extenuating conditions: when the woman explained that she had committed an offence unintentionally (λαθαμένη), the goddess responded: ‘Now I have shown mercy, since (you committed the sin) unconsciously.’<sup>77</sup>

These texts suggest that the priests were instruments of divine justice in a very specific way: they assisted the people who had come to their sanctuaries in agony and in the conviction that the gods were punishing them to identify the cause of divine anger. By doing so they usually found out about more or less important acts of sacrilege, less often about crimes and misdemeanours prosecuted by secular law: a thief brought a garment he had stolen from a bath; Hermogenes admitted that he had cheated Artemidoros; Apollonios confessed that he and his brother had stolen livestock belonging to two foreigners. In all these cases the culprits came to the sanctuary *after* they had been punished by the gods; there is no reference to any additional punishment inflicted by the priests.<sup>78</sup> In the case of the thief, they merely advised him to sell the stolen garment and make a dedication. In other cases they suggested similar remedies: the erection of an inscription, the performance of a ritual, or the spending of money for the sanctuary (cf. §6 below).<sup>79</sup> As we shall see later, they possibly also served as arbitrators when

Commentary: Petzl (1994: 71–2). The annulling of oaths is also attested in *BIWK* 34, 52 and 54; for the annulling of imprecations see *BIWK* 69, cf. *BIWK* 17 and 20; see also Strubbe (1991: 45), Petzl (1994: 4).

<sup>77</sup> Petzl (1994: 113). *BIWK* 95: ἐγὼ οὖν ἤλησα (= ἤλέησα?) ἐπὶ (= ἐπεί) μὴ ἰδίᾳ συνει[δῆσαι]. For συνειδησις (‘conscience of guilt’) see above n. 75.

<sup>78</sup> Cf. Varinlioglu (1989: 39), Riel (1995: 69).

<sup>79</sup> The expiation is expressed with different words: ἱλάζεσθαι, ἐξιλάζεσθαι, ἐκλυτροῦσθαι, λύτρον, θυμολυτεῖν, θυμολυσία, ἱεροποίημα. For ἐκλυτροῦσθαι and λύτρον see Herrmann (1962: 47–8), Petzl (1994: xi with nn. 15–16, 60); for θυμολυσία, θυμολυτεῖν see Malay (1992), Petzl (1994: 31); for ἱεροποίημα (e.g. *TAM* v.1 320–2) see Versnel (1991: 78), Petzl (1994: 91–2) and (1995: 43); for δαπανεῖν see *BIWK* 33, 58, and Petzl (1997: 70–5, no. 2); cf. Varinlioglu (1991: 92–3), Petzl (1994: 40, 48). For the payment of money see also *BIWK* 38: ἐθήκομεν δηνάρια ἑκατὸν καθὼς ἐπέζητησαν οἱ πάτριοι θεοί; cf. Versnel (1991: 77) and (2002). Sometimes money was spent on the setting up of a stele: *BIWK* 46 and 58; cf. Petzl (1994: 72). The verb ἀποδίδωμι is used to express both the repayment of a debt to the sanctuary (*BIWK* 8, 17, 18, 28, 36, 46, 63, 71) and the fulfilment of expiation (cf. the expression ἱεροποίημα ἀποδίδωμι in *BIWK* 73 and 74); when used without an

two conflicting parties came to the sanctuary. But did they ever serve as judges or pass judgements?

This has been tentatively maintained by Georg Petzl (1988 and 1994) in the light of a lengthier text – the extremely interesting confession of a certain Theodoros (Silandos, AD 235/6). Indeed, this text resembles the minutes of a trial presided over by a council and has to be discussed in some detail.<sup>80</sup> In this text the confessions of Theodoros alternate with quotations of oracles given by Zeus, thus creating the impression of a dialogue between the sinner and the god.<sup>81</sup> Theodoros, a sacred slave, had violated repeatedly the obligation of sexual abstinence – committing adultery as well, because one of his partners was a ‘married’ slave. For this reason he lost his sight and presumably sought advice in the temple. Zeus explained, apparently by means of oracular responses, why he had punished him and how Theodoros should atone for his sins. The confession of each sin is followed by the recommendation of a purificatory ritual, which consisted in the transmission of the sin (rather than the illness) to a triad of animals (*triphonon*).<sup>82</sup> Responding to an enquiry by a council (*synkletos*),<sup>83</sup> Zeus finally forgave Theodoros:

object, it expresses the general fulfilment of the god’s demand: Robert (1964: 30), Herrmann and Varinlioglu (1984: 2 with note 2).

<sup>80</sup> *BIWK* 5, ll. 2–26:

‘Κατὰ τὸ ἔφρενωθεὶς ὑπὸ τῶν | θεῶν, ὑπὸ τοῦ | Διὸς κὲ τοῦ (Μηνὸς) μεγάλου Ἀρτεμιδῶρου.’  
– ‘Εκολασομένη τὰ δματὰ τὸν | Θεόδωρον κατὰ τὰς ἀμαρτίας, ἅς | ἐπύησεν.’ – ‘Συνεγενομένη τῇ  
πειδίσχῃ τῷ Ἀπλοκόμα, τῇ Τροφίμῃ, τῇ γυναικὶ τῇ Εὐτύχηδος εἰς τὸ πλετώριν.’ – ‘Ἀπαίρι  
τὴν πρῶτην ἀμαρτίαν προβά|τω {ν}, πέρδεικι, ἀσφάλακι. Δευτέρα | ἀμαρτία. Ἀλλὰ δοῦλος  
ὢν τῶν θεῶν τῶν | ἐν Νουου συνεγενομένη τῇ Ἀριάγνῃ τῇ | μοναυλίᾳ.’ – ‘παίρι χύρω, θείνω,  
ἐχθύει. Τῇ | τρίτῃ ἀμαρτίᾳ συνεγενομένη Ἀρεθούσῃ | μοναυλίᾳ.’ – ‘παίρι ὀρνειθί, στρουθῶ,  
περισ|τερᾷ, κύ(πρω) κρειθοπύρων, πρό(χω) οἶνου’ κύ(πρω?) πυρῶν | καθαρὸς τοῖς εἰροῖς,  
πρό(χω?) ἄ.– “Εσχα παράκλητον | τὸν Δεῖαν.’ – ‘Εἶδαι, κατὰ τὰ πνύματα πεπηρώκιν.’ | Νῦν  
δὲ εἰλαζόμενο αὐτοῦ τοὺς θεοὺς κὲ στη|λογραφοῦντος ἀνερύσεται τὰς ἀμαρτίας. Ἡρωτημαῖος  
ὑπὸ τῆς συγκλήτου· ‘εἴλεος εἴ|μαι ἀναστανομένης τῆς στήλῃν μου, | ἥ ἡμέρᾳ ὥρισα. Ἀνύσαις  
τὴν φυλακὴν, ἐξαφίω | τὸν κατάδικον διὰ ἐνιαυτοῦ κὲ μηνῶν ἰ περι|πταούντων.

Commentaries: Malay (1988: 151–2) Petzl (1988), Varinlioglu (1989: 37–40) (with slightly different readings), Petzl (1994: 8–11) (with German translation), Ricl (1995: 72–3), Chaniotis (1997a: 357–60).

<sup>81</sup> Petzl (1988: 155), Varinlioglu (1989: 38), Petzl (1994: 8–9), Ricl (1995: 72–3).

<sup>82</sup> For this ritual see Chaniotis (1995: 333–4); cf. Varinlioglu (1989: 48–9), Petzl (1994: xv, 9, 12–13), Ricl (1995: 68, 72), Klauck (1996: 81). Petzl (1997: 75) has expressed his doubts about my interpretation of the *triphonon* as a reference to a triad of animals; but my interpretation is now confirmed by an inscription which will be published soon by H. Malay and P. Herrmann (I owe this information to H. Malay).

<sup>83</sup> It is generally assumed that the term *synkletos* (actually the senate) designates a council of priests: Petzl (1988: 158, 164), Petzl (1994: 10, xiv), Varinlioglu (1989: 38), Chaniotis (1997a: 359). However, a new text, which will be published by H. Malay and P. Herrmann, suggests that the term designated a council of gods. Hasan Malay has also informed me of a confession inscription he found recently, in which a man, who had been the victim of theft and had appealed to Mes, describes the god as κριτὴς ἀλάθῃτος ἐν οὐρανῶ.

THEODOROS Because I have been brought by the gods to my senses, by Zeus and the Great Mes Artemidorou, (I have atoned or I have set up this inscription).

ZEUS I have punished Theodoros on his eyes for his offences.

THEODOROS I had sexual intercourse with Trophime, the slave of Haplokomas, the wife of Eutythis, in the 'praetorium'.

ZEUS He takes the first sin away with a sheep, a partridge, a mole.

*Second sin*

THEODOROS While I was a slave of the gods of Nonnos, I had sexual intercourse with the flutist Ariagne.<sup>84</sup>

ZEUS He takes away with a 'piglet', a tuna, (another) fish.

THEODOROS For my third sin I had sexual intercourse with the flutist Aretousa.

ZEUS He takes away with a chicken, a sparrow, a pigeon. A kypros of barley and wheat, a prochus of wine, a kypros of clean (?) wheat for the priests, one prochus.

THEODOROS I asked for Zeus's help.<sup>85</sup>

ZEUS Look (or see)! I have blinded him for his sins. But, since he has appeased the gods and has erected the stele, he has taken his sins away. Asked by the council, (I respond that) I am kindly disposed, if (or when) he sets up my stele, on the day I have ordered. You may open the prison. I set the convict free after one year and ten months.<sup>86</sup>

Although all the editors of this inscriptions have pointed out that the text recalls a court protocol, they reach different conclusions. According to Georg Petzl a trial did take place in the sanctuary; Theodoros was convicted and was kept in jail (or 'Gotteshaft'); Zeus was impersonated by a priest.<sup>87</sup> Petzl has suggested that a similar punishment is mentioned in another text (*BIWK* 33), interpreting the expression ἐνποδισθ[ί]σα ἐν τῷ νοῶ ('fettered in the temple') as a reference to imprisonment in a temple.<sup>88</sup> On the contrary, Ender Varinlioglu argued that the word φυλακή (jail, prison) is used metaphorically: Theodoros' blindness was his jail; through this punishment the gods restricted his licentious sexual activities.<sup>89</sup> Petzl's interpretation is very appealing. He is certainly right in pointing to the

<sup>84</sup> I agree with R. Merkelbach's translation of μοναυλία ('flutist'), *apud* Petzl (1988: 161 n. 42). Cf. the verb μοναυλιέω ('play the monaulos': Plut. *Caes.* 52). *Contra* Petzl (1988: 160–1) and (1994: 8 and 10), who points to the metaphorical use of μόνουλος (sc. βίος, i.e. unmarried life: Pl. *Leg.* 6.721D).

<sup>85</sup> In Greek, ἔσχα παράκλητον | τὸν Δεῖαν. Cf. *BGU* II 601.12: παράκλητος δέδωκα αὐτῷ; cf. Varinlioglu (1989: 38 n. 6) (Theodoros has begged Zeus); Riel (1995: 72 n. 19) ('I had Zeus summoned'); *contra* Malay (1988: 152) ('legal adviser'), Petzl (1988: 163–4) ('Rechtsbeistand'), Klauck (1996: 81, 'Anwalt und Fürsprecher'). Henk Versnel suggests to me that the punisher and forgiver may be Mes, Zeus only a mediator.

<sup>86</sup> Petzl (1994: 8): 'da ein Jahr und zehn Monate herumgehen (?)'; cf. Malay (1988: 152).

<sup>87</sup> Petzl (1988: 163–5) and (1994: 10–11)

<sup>88</sup> Petzl (1994: 39): 'die im Tempel festgehalten (? ,gehindert?') worden war'; cf. H.W. Pleket, commentary on *SEG* xli 1038.

<sup>89</sup> Varinlioglu (1989: 37–9); cf. Riel (1995: 72–3); Chaniotis (1997a: 357–60).

possibility that priests impersonated the gods in the temple. Such a 'sacred theatre' is well attested in the Imperial period, as R. Merkelbach has demonstrated.<sup>90</sup> Furthermore, it is conceivable that, since Theodoros was a sacred slave, the priests had the authority to put him away for a period of time – a procedure recalling the 'house arrest' attested in the Serapeum at Memphis in the Ptolemaic period.<sup>91</sup> Finally, the use of legal vocabulary certainly creates the impression of a law suit. We find the words ἀμαρτία and κολάζω, which are not only used in a religious context, but are also the technical terms for offence and punishment in the documentary papyri from the Hellenistic period onwards; we also find the terms παράκλητος (see n. 85) and κατὰδικος ('convict').

However, none of these indications is really conclusive. The verbal assimilation of divine justice to secular jurisdiction, which we observe in this text, is very common in texts from Asia Minor which have nothing to do with law suits. In the funerary imprecations divine vengeance is very often assimilated with a trial, with such expressions as ἔνοχος ἔστω θεοῖς ('*he should be liable to the punishment of the gods*'), δίκας τίνειν καταχθονίοις θεοῖς ('*he should be judged by the gods of the underworld*'), λόγον διδόναι τῷ θεῷ ('*he shall account to the god*'), or πρὸς τὸν θεὸν κρίσιν ἔχειν ('*he shall be judged by the god*').<sup>92</sup> Similarly, the use of legal terms in Theodoros' confession is no proof that his trial took place in a temple and not in heaven (cf. n. 83). In fact it is beyond doubt that in this inscription the Roman terms *synkletos* ('senate') and *pletorin* (*praetorium*)<sup>93</sup> were not used in their proper meaning, but metaphorically. Therefore, when we find in the confession inscriptions legal terms (e.g. ἐκζητεῖν, ἐπικρίνειν, συγχωρεῖν, etc.), these do not support the assumption that the temples functioned as courts of justice. In addition to this, the text which Petzl regarded as a possible parallel (*BIWK* 33: ἐνποδισθ[ί]σα ἐν τῷ ναῷ ἐκολάσθη ὑπὸ τῶν θεῶν ἵνα ἀναδίσξει τὰς δυνάμεις αὐτῶν) does not refer to an imprisonment. In all confession inscriptions known to me the verb κολάζειν is preceded by an explanation of why the sinner was punished and followed by the form of the punishment.<sup>94</sup> It follows that the expression ἐνποδισθ[ί]σα ἐν τῷ ναῷ

<sup>90</sup> Merkelbach (1995: 172–3, 178–81).

<sup>91</sup> Von Woeß (1923: 134–5). Of course, in this case one should not attempt to draw more general conclusions based on the particular case of a *hierodoulos*.

<sup>92</sup> For these expressions see, e.g., *SEG* vi 301, *SEG* xxvii 931, *TAM* II 1028, *TAM* IV 375, Strubbe (1997 nos. 338, 397). Cf. Zingerle (1926: 49–72), Versnel (1991: 68–9, 71, 73, 90).

<sup>93</sup> For *synkletos* see above n. 83. For *pletorin* see Petzl (1988: 158, 164).

<sup>94</sup> *BIWK* 6, 7, 9, 22, 23, 34, 35, 43, 47, 49, 50, 54, 57, 60, 62, 63, 64, 65, 71, 76, 96, 99, 101, 106, 114, 117, 120. The form of the punishment is usually given after the verb κολάζειν: *BIWK* 5, 7, 16, 29, 34, 35, 45, 49, 50, 54, 57, 63, 75, 84, 85, 86, 89, 91, 93, 95, 106, 122.

(used here before and not after ἐκολάσθη) gives the reason for and not the form of the punishment: the sinner was punished because 'she had been detained in the temple', possibly while behaving in an improper way.<sup>95</sup> We should, therefore, disregard these texts as evidence for 'trials' in sanctuaries.

Even if in all the cases discussed so far the role of the priests was limited to the performance of curses, the interpretation of divine will and the performance of rituals for the atonement, this does not mean that they never intervened in legal affairs. But if they did, then it was as arbitrators, not as judges.

#### 5. PRIESTS AS ARBITRATORS AND ADMINISTRATORS OF OATHS

An interesting posthumous honorific decree for Aristodemos, priest of Zeus Pigindenos (first century BC), describes his merits as follows:

he has behaved with piety towards the divinity (εὐσεβῶς διακείμενον πρὸς τὸ θεῖον), he has lived a priestly life (καὶ ἐξηκότα ἱεροπρεπῶς), he has conducted himself in a benevolent and well-disposed way towards justice (καὶ πρὸς τὸ δίκαιον φιλαγάθως καὶ εὐνόως), and he has been a benefactor of the demos (καὶ ὄντα εὐεργέτην τοῦ δήμου).<sup>96</sup>

It is anything but surprising to honour a priest for piety, a priestly life or even benefactions towards the people; but a particular connection with justice requires an explanation. It should be mentioned that the phrase used in this text is not a stereotypical, formulaic expression; therefore, it alludes to specific services of the priest. Two honorary decrees of Laodikeia and Kallipolis for Leon of Stratonikeia, priest of Zeus at Panamara (late third or more probably second century BC), may give us an impression of the ways in which Aristodemos may have contributed to the implementation of law.<sup>97</sup> The decree of the Laodikeis<sup>98</sup> is better preserved; it describes some of Leon's activities in this sanctuary very clearly (*SEG* XLV 1557.4–8): 'Leon, . . . who served as a priest at Panamara in a pious and benevolent way, behaved towards all our citizens who came to the sanctuary in a way which demonstrated his concern with honour (φιλοδόξως), and continually reconciled those who had disputes with regard to oaths (τοὺς διαφερο[μ]ένους ὑπὲρ τῶν ὀρκῶν συλλύων διετέλει).' The latter expression recurs, but in a fragmentary form, in the honorary decree of Kallipolis (*SEG* XLV 1556.12–13),

<sup>95</sup> An alternative is suggested by Petzl (1994: 39): she had been detained to do something the god had ordered her to do.

<sup>96</sup> *SEG* XLV 1515 (Hisartepe in Caria).

<sup>97</sup> *SEG* XLV 1556 and 1557. For the date see P. Gauthier, *BE* (1997) no. 2.

<sup>98</sup> Probably a Seleucid foundation in Caria (and not Laodikeia on the Lykos): see Ma (1997).

which also adds that he took care of the suppliants and other visitors to the sanctuary (ll. 10–11: [–] τῶν ἰκετευόντων [καὶ –] πρόνοιαν ἐποιεῖτο). The sanctuary of Zeus at Panamara, one of the most important religious centres in Caria, attracted visitors from many Carian cities;<sup>99</sup> some of them seem to have been victims of injustice who sought refuge or just support; others came because of disputes over ‘oaths’ (contracts, exculpatory oaths?). The fact that we have two decrees from the same period (probably the same year) suggests an extraordinary situation, possibly conflicts with regard to debts; but it is also possible that this increased activity in the sanctuary is simply due to the fact that under the priesthood and at the initiative of Leon the *asylia* of the sanctuary was re-established and many Carian communities were invited to participate in the cult.<sup>100</sup> In any event, it is certain that people came to a widely respected sanctuary in order to solve legal problems.

The expression ‘he reconciled those who had disputes with regard to oaths’ is rather vague, but it shows that Leon took an active part in the solution of conflicts. The verb συλλύω is adopted from the vocabulary of arbitration (also of international arbitration)<sup>101</sup> and implies a far more energetic intervention than, e.g., the administration of exculpatory oaths. Unfortunately, we lack other evidence for such activities of priests, other than references to their intervention in cases of conflicts between suppliants and their prosecutors.<sup>102</sup>

Studies based on more abundant material suggest that in many cases the adversaries preferred a solution of the conflict outside the court, through arbitration, rather than a trial.<sup>103</sup> This tendency is even stronger in rural communities, and this is where most of the confession inscriptions have been found, in villages and small settlements (κῶμαι, κατοικίαι),<sup>104</sup> in the vicinity of sanctuaries, the gods of which were designated as ‘kings’ and rulers.<sup>105</sup> Even though some of the sanctuaries were relatively small, their priests were often the next representatives of what we may call an

<sup>99</sup> See esp. Oppermann (1924) and Laumonier (1958: 234–9).

<sup>100</sup> *I. Stratonikeia* 7 informs us about Leon’s initiative; for the *asylia* of the sanctuary see Rigsby (1996: 425–6).

<sup>101</sup> For συλλύω and σύλλυσις see, e.g., Ager (1996) nos. 63, 64, 74, 83, 90, 109, 114, 137, 146, 158, 161, 171.

<sup>102</sup> Chaniotis (1996a).

<sup>103</sup> Scafuro (1997: 68–192, 383–99) (Athens and Rome); Chaniotis (1996b: 139–40, 145) (Crete).

<sup>104</sup> E.g. *BIWK* 3: Tarsi; 6: Perkos (or Perkon); 17: Pereudos (or Pereudon); 35: Tazenon katoikia; 68: Azita, Syrou Mandrai.

<sup>105</sup> For examples see Petzl (1994: xiv, 64); Horsley (1997: 55); Schuler (1998: 250). Cf. Zingerle (1926: 9–10); Herrmann (1978: 422–3), Debord (1982: 166), Mitchell (1993a: 191).

'authority' – especially in remote villages.<sup>106</sup> The rural population, which sometimes depended on the sanctuaries in one way or another (as sacred slaves, slaves of freedmen of the priests, leasers of the sacred land, leasers of buildings belonging to the sanctuary, or as debtors),<sup>107</sup> naturally turned to the gods and their representatives in order to request a good harvest, healthy offspring, a good marriage, a long-awaited inheritance. The sanctuaries could be for them banks, employers, hospitals and, of course, advisers in simple legal questions,<sup>108</sup> although they did not substitute for the secular authorities in the administration of justice (see §7 below). A similar role was played in Ptolemaic Egypt by the local priests, with the important difference that in Egypt this role was institutionalized.<sup>109</sup> The use of legal terms in the confession inscriptions, vows and dedications not only reflects the legal background of the respective cases, but it also shows that the authors of the texts (often the priests) were familiar with the contemporary legal practices and institutions of Greek – and in part of Roman – law.<sup>110</sup>

Babrius' fable cited at the beginning of this chapter may provide a slightly different context for some of the legal conflicts with which sanctuaries were confronted: persons could bring their opponents to a sanctuary asking them to take an oath of innocence, and then leave the matter to the god to decide whether this was perjury or not. I suspect that a sacred regulation from Laodikeia on the Lykos (*ca* second century AD) reflects this practice. It stipulates that a person who wanted to make another person take an oath (ὁ θέλων ὄρκ[ι]ζειν) had to remain pure and offer a sacrifice.<sup>111</sup> If this text refers to the practice of bringing an accused person to a sanctuary and

<sup>106</sup> We should count on substantial differences among the sanctuaries in terms of property, authority and power. See, e.g., Zingerle (1926: 47–8), Zawadzki (1952–3: 86–9), Debord (1982: 165–8) (for Lydia). On the large number of small rural sanctuaries see also Petzl (1995: 39).

<sup>107</sup> I restrict myself to examples in the confession inscriptions. Sacred slaves: *BIWK* 5, 49, 77, 106; for *hierodouloi* in sanctuaries of Asia Minor in general see Debord (1982: 83–7, cf. 117–24, 165 with n. 29), Mitchell (1993a: 193). Leasers of land or buildings: Petzl (1997); possibly *BIWK* 37; cf. Herrmann (1985: 255), Petzl (1994: 46–7). Debtors: *BIWK* 63; cf. Varinlioglu (1989: 44 and 49).

<sup>108</sup> Cf. Varinlioglu (1989: 49), Mitchell (1993a: 193).

<sup>109</sup> Quaegebeur (1993) and Anagnostou-Canas (1998).

<sup>110</sup> See the list of more than fifty terms in Chaniotis (1997a: 382–4) with the testimonia, a commentary on the meaning of these terms, and parallels in other documentary sources (esp. in documentary papyri). Numerous terms derive directly or indirectly from the vocabulary of judicial procedures, e.g. ἀναδέχομαι (accept the responsibility for a deed or stand surety for someone) and παράκλητος (called to one's aid in a court). Most of the legal terms are related to the law of property and to inheritance law: e.g. ἀποδίδωμι συναχθὲν κεφάλαιον (repay the collected capital), ἀπόμοιρα (share), ἐκχωρέω and παραχωρέω (cede), ἱκανοδότης (guarantor), κεφάλαιον (capital), ληγᾶτον (*legatum*), μέρος (share in an inheritance), πεκούλιον (*peculium*), πίστις (security), πίστιν τηρέω (keep an agreement), προγραφή (auction) and προλέγω (proclaim in an oral contract). Admittedly some of these words are rather trivial and may be used even outside a legal context, but we also find specialized terms (e.g. ἀναδέχομαι, ἀντίδικος, ἀπελέγχω, κατὰδικος, etc.).

<sup>111</sup> *I. Laodikeia/Lykos* 64 = *MAMA* VI 1 = *LSAM* 88.



making him take an exculpatory oath, it makes sense that it was the duty of the 'plaintiff' to offer the required sacrifice. A confession inscription offers corroborative evidence. An unclear dispute had arisen from the fact that a certain Hermogenes had given security on behalf of Kaikos and Tryphon regarding some sheep (γενόμενος εἰκονοδότης Καΐκου καὶ Τρυφῶνος περὶ προβάτων). The opponents were given the judgement that Hermogenes should support his claims by taking an oath (ἐκρίθη ὁμοσε τὸν Ἑρμογένην μὴ προδεδωκένε τὰ πρόβατα τὰ Καϊκού, 'the judgement was given that he should swear that he had not abandoned?/delivered? Kaikos' sheep'). Hermogenes committed perjury, and although he may have done this unknowingly (ἀγνοήσας, cf. n. 70), he had to pay a high price. His ox and his donkey died, but he insisted on his claims (ἀπιθοῦντος), until the death of his daughter forced him to annul his oath.<sup>112</sup> There is a controversy about whether this exculpatory oath was stipulated by a secular court or by the priests;<sup>113</sup> a third plausible possibility is that an oracle requested Hermogenes to take an oath.<sup>114</sup> But no matter how we answer this question (and I see no compelling reason to prefer one of the three alternatives over another), this text does not provide evidence for trials in the temples of Asia Minor, but it does provide evidence for the importance of exculpatory oaths as a means of resolving a dispute, especially when witnesses or other evidence were lacking.<sup>115</sup> Perjury was then expected to provoke divine wrath. This, again, is probably the context of another fragmentary

<sup>112</sup> *B/WK* 34 (Ayazviran, third century AD?):

[–]ω Ἑρμογένης Ἀπολωνίου Βαλέριος γενόμενος εἰκονοδότης Καΐκου καὶ Τρυφῶνος περὶ προβάτων, ὧν ἐκρίθη ὁμοσε τὸν Ἑρμογένην μὴ προδεδωκένε τὰ | πρόβατα τὰ Καϊκού | ἀγνοήσας οὐκ ὁ Ἑρμογένης ὥμοσεν τὸν θεόν. Ὁ θεὸς ἀνέδixεν τὰς εἰδίας δυνάμεις καὶ ἐκόλασεν τὸν Ἑρμογένην | καὶ ζημίας αὐτῷ ἐπόησεν ἀποκτείνας αὐτῷ τὰ κτήνη, βοῦν κὲ δονον. Ἀπιθοῦντος δὲ τοῦ Ἑρμογένου ἐπέκτεινεν αὐτοῦ τὴν θυγατέρα. Τότε ἔλυσεν τὸν ὄρκον. Ἀφίās καὶ τὰ τέκνα αὐτῆς Ἀλέξανδρος, Ἀτταλος, Ἀπολ<ώ>νιος, Ἀμιοῖν ἐστήσομεν τήν στήλην καὶ ἐνεγράφομεν τὰς δυνάμεις τοῦ θεοῦ καὶ ἀπὸ νῦν εὐλογοῦμεν.

Commentaries: Zingerle (1926: 33–5), Eger (1939: 284–6), Petzl (1994: 41–2). Zingerle (1926: 7) identified Hermogenes with the protagonist of *B/WK* 68 (see above n. 63). The cause of this conflict is not clear, because we cannot determine with certainty the meaning of προδιδωμι in this context ('give beforehand, deliver up, give up or abandon').

<sup>113</sup> The assumption that the oath was stipulated by a secular court is held by Latte (1920: 17–18 with n. 33), Buckler (1914–16: 179) and Eger (1939: 285); *contra* Zingerle (1926: 33): 'ein von der Gottheit als richterlicher Instanz einer Prozeßpartei auferlegter Beweiseid'; Petzl (1994: 41) leaves the question open.

<sup>114</sup> Cf. the use of ἐπικρίνω in the meaning 'to answer an oracular request' in *P.Tebt.* II 284.2–3. The same verb is used in *B/WK* 58.20 in connection with the atonement demanded by the gods – again, probably by means of an oracle.

<sup>115</sup> Gagarin (1997), who modifies the traditional view that exculpatory oaths and oaths of purification played a major role in the settlement of disputes in early Greece, does not consider the material from Asia Minor. For exculpatory oaths in Egypt see, e.g., *PSI* 1128 (third century AD). The hopeless situation which leads to an exculpatory oath is described by Babrius, *Fab.* 2: οὐκ ἔχων δ' ὁ ποιήσαι, | εἰς τὴν πόλιν κατήγε πάντας ὀρκώσων.

confession inscription: an anonymous person reports that his legal opponents (ἀντίδικοι) revealed the untruth of his statement (ἀπελεγχθ[εῖς ὑπὸ τῶν ἀν]τιδίκων). The vocabulary suggests the ordinary context of a trial. The fact that this person (and his son) had to propitiate a series of gods for this reason (νῦ[ν ἰλασάμενος] μετὰ υἱοῦ) leaves no doubt that his untrue statement had provoked the gods' anger, i.e. that he had committed perjury.<sup>116</sup> That perjury is the sin most commonly mentioned in the confession inscriptions<sup>117</sup> can best be explained in the light of the exculpatory oaths taken in sanctuaries. One of the moral lessons given in one of these texts is directly connected with this practice: 'he commands not to take an oath or make others take an oath or administer an oath in an unjust way (or for an unjust cause)'.<sup>118</sup>

This evidence leads to the conclusion that the priests of the rural and extra-urban sanctuaries of Asia Minor occasionally arbitrated in legal disputes of the rural population based not only on the power of their gods, but also on their personal experience and authority. A very important service that they could offer – so to say *ex officio* – was the administration of oaths (usually exculpatory oaths), which were often the only means of settling a dispute.

#### 6. 'FEES' FOR THE PROPITIATION OF THE GOD

The confession inscription of Tatias, the 'vicious mother-in-law', confronted us with the phenomenon of the deposition of curses in a temple (§3 above) as a means of refuting unjust accusations. Tatias' claims of innocence were proven false – or at least this is what people believed when Tatias and her family met with accidents and death. To stop further punishment by the gods, it was necessary to annul the curses (*BIWK* 69, ll. 25–7: λυθῆναι τὸ σκῆπτρον καὶ τὰς ἀρὰς τὰς γενομένας ἐν τῷ ναῷ). The text gives us no further details about the procedure, but fortunately we find more information in another confession inscription (*BIWK* 58, see n. 76), which quotes a sacred regulation concerning fines payable to sanctuaries for the annulment of oaths and imprecations: 'In order that the oaths be annulled by the name of Mes Axiottenos (or: the oaths taken through invocation of the name of Mes Axiottenos), the person who annuls oaths shall spend (δᾶπανῇσει) the amount of 175 denarii . . . The person who annuls a sceptre

<sup>116</sup> *BIWK* 39. Commentaries: Petzl (1994: 49–50); cf. Ricl (1995: 71 n. 10).

<sup>117</sup> For ἐπιπορκέω, ἐπιπορκία, ἐπιπορκοσύνη and ἐφιπορκία see *BIWK* 52, 102, 103, 106, 120. Cf. Chaniotis (1997a: 355 n. 16).

<sup>118</sup> *BIWK* 27: [παραγγέλλων ἀ]δικῶς μὴ ὀμνεῖν τινα μήτε ὀρκίζ[ειν] μήτε ὀρκωμότην γίνεσθαι.

(i.e. a curse) shall pay to the sanctuary (θήσει ἐπὶ τὸ ἱερόν) 175 denarii and then the sceptre is annulled justly.' That false oaths were annulled (λύω ὄρκον) is reported in several confession inscriptions (*BIWK* 34 and 54). The following text is certainly related to this procedure: 'I, Diogas Kondon, son of Diogenes, have propitiated Mes of Diodotos (?) for perjury.' Mes is represented on the stele with a sceptre in his right hand. Diogas had probably invoked this god in his oath and then had to propitiate the god by annulling (ἐλοισα = ἔλυσα) the false oath.<sup>119</sup> The aforementioned sacred regulation shows that for the annulment of oaths the gods (i.e. the sanctuaries) charged a fee. Such a fee is mentioned in a confession inscription in a different context: when Chryseros and Stratonikos asked the gods how they could atone for the sins they had committed both knowingly and unknowingly (ἐξ εἰδότην καὶ μὴ εἰδότην), they were asked to pay the sum of 100 denarii.<sup>120</sup> The vocabulary used in these texts (δαπανάω, λύω) provides the context for understanding a series of dedications and confession inscriptions from Lydia and Pisidia which use these or related words (λύτρον, λυτρώω, ἐκλυτρώω) without further explanation of the background.<sup>121</sup>

It was not at all unusual for sanctuaries to receive either money or perquisites for the performance of rituals.<sup>122</sup> The existence of annulment fees suggests that similar charges were paid to the priests for the deposition of curses and for other services, such as the formulation, certification and storage of legal documents (e.g. testaments, contracts, transactions),<sup>123</sup> and the performance of imprecations. A decree of Pednelissos in Pisidia (see above n. 33), which regulates the cooperation of judges with the priestess of Kybele in judiciary matters, attests the payment of a fee by persons who made imprecations in the context of legal disputes (ἀποτεισάτω ὁ

<sup>119</sup> *BIWK* 52: Μῆνα ἐξ Διοδότου Διογῆος Διογένοῦ Κόνδων ἐλοισα ἐξ ἐπιτοκοσύνης. Commentary: Petzl (1994) 61, but with a slightly different translation: 'Bei Men ἐξ Διοδότου habe ich, Diogas Kondon, Sohn des Diogenes (mich) vom Meineid losgekauft.' I understand the accusative Μῆνα to be the object of ἐλοισα (= ἔλυσα). Mes must have been the divinity invoked by Diogas in his false oath. Cf. Herrmann (1962: 48), for a similar construction in *BIWK* 51: Μῆνα ἐγ Διοδότου Ἀλέξανδρος Θαλούσης μετὰ Ιουλίῳ καὶ τῆς ἀδελφῆς ἐλυτρώσαντο τὸν θεόν.

<sup>120</sup> *BIWK* 38; cf. Petzl (1994: 48). For the expression ἐξ εἰδότην καὶ μὴ εἰδότην (also attested in *BIWK* 51 and 53) see Herrmann (1962: 47–8), Petzl (1994: 60–1), Riel (1995: 68), Klauck (1996: 74).

<sup>121</sup> For a collection of testimonia see Petzl (1994: xi with nn. 14–16, with further bibliography); cf. Klauck (1996: 79–80). For a new attestation of δαπανάω see Petzl (1997: 70, no. 2). For new attestations of λύτρα see Malay (1999: nos. 111–12).

<sup>122</sup> This is attested in several *leges sacrae*: e.g. *LSAM* 11, 13, 23, 45, 46, 59, 73.

<sup>123</sup> For the possibility that the priests demanded fees or tolls for financial transactions see Herrmann and Varinlioglu (1984: 5, 7) (cf. *BIWK* 17 and *SEG* xxxiv 1211), Malay and Petzl (1985: 62) (cf. *BIWK* 71), Chanioris (1997a: 375–6). See, e.g., *SEG* xxxiv 1219: the gods demanded the payment of 72 denarii 'for the house which he has bought' (ὕπερ τῆς οἰκίας τῆς ἀγόρασεν).

καταρασάμενος σίγλον). Although there is no explicit reference to this, the payment of fines for the violation of graves to a sanctuary (and not to the city, the *fiscus* or the *aerarium populi Romani*) may be due to the fact that the protection of the grave had been entrusted to the respective sanctuary.<sup>124</sup> The performance of a funerary imprecation (i.e. the invocation of a god or a series of gods) made the gods witnesses to the victims of the violation, and this would explain why the fine for the desecration had to be paid to the sanctuary. Imprecation formulas are not just texts; they presuppose certain ritual actions which should be performed by persons with the relevant knowledge, power or authority. Although I am not at all convinced that all funerary inscriptions which contain imprecations were the result of a ritual performed by priests, in some cases this is explicitly attested. A funerary imprecation at Saittai reports, for example, that the mother and brother of a deceased person 'made an imprecation in order that no one should harm the grave, because sceptres have been set up'.<sup>125</sup> As J. Strubbe (1997: 50) has pointed out, the sceptre probably was erected by the priests inside the sanctuary area. It is in these cases that we can suspect that the sanctuaries received fees for the performance of the imprecations and possibly the fines when a violator of a grave was caught. Similarly, sanctuaries were potential recipients of fines for the violation of wills,<sup>126</sup> probably because they participated in the formulation of the will, or they were the places where the will was deposited, or had performed curses against potential violators.

Many confession inscriptions attest the delivery to sanctuaries of real estate upon request (ἐπιζητέω) of the gods.<sup>127</sup> We should not try to find

<sup>124</sup> For the payment of the fine to sanctuaries see, e.g., Strubbe (1991: 34–5) and (1996: 364–6, index). For Lycia see Frézouls and Morant (1985); for Telmessos (to Zeus Solymeus) see Iplikioğlu (1991: 20) (more than 250 cases). The recipient of the fine is often the person or institution (council, synagogue, professional association) that had been entrusted with the protection of the grave or was expected to take care of it. I give only a few examples. The local *stationarius*: *I.Prusias* 142. The person who took care of the grave: *I.Alex. Troas* 154. The contractor of the estate: *IGR* III 478. The council: *I.Alex. Troas* 98; *I.Laodikeia/Lykos* 122–3. The synagogue: *SEG* XLIV 556. A professional association: *I.Alex. Troas* 122, 151–3, Reynolds (1998).

<sup>125</sup> *TAM* V.1 160 = Strubbe (1997: no. 62): καὶ ἐπηράσαν|το μή τις αὐτοῦ τῷ μνη|μείῳ προσαμά-|τη διὰ τὸ | ἐπεστᾶσθαι σκήπτρα. Other examples: *TAM* V.1 168 = Strubbe (1997: no. 53); *TAM* V.1 172 = Strubbe (1997: no. 61); *SEG* XXXIV 1231 = Strubbe (1997: no. 55).

<sup>126</sup> E.g. *SEG* VI 673 (Perge): land was bequeathed to the sanctuary of Apollo Lyrboton; the fine for the violation of the will was to be paid to the sanctuary of Artemis Pergaia.

<sup>127</sup> Versnel (1991: 78–9) has shown that the verb ἐπιζητέω is used in different meanings; cf. Herrmann and Varinlioglu (1984: 2 with n. 5). When it lacks an object it means 'to investigate'; as a transitive verb it means 'to prosecute, to punish'. But in several cases it is used in the meaning 'to demand'; cf. Zingerle (1926: 37) and *BIWK* 15: ἐπεζήτησαν οἱ θεοὶ ἐκ τῆς γυναικὸς αὐτοῦ Καινίδος καὶ τοῦ πεκουλίου τὴν προγραφὴν; *BIWK* 18: ἐπεζήτησαν οἱ θεοὶ τὰς ἀνπέλους . . . τὰς ληγά-|τους; cf. *SEG* XXXIV 1211: ἐπεζήτησαν τὴν . . . κληρονομίαν; *BIWK* 36: ἐπιζητήσαντος τοῦ

one generally applicable explanation for all the claims of the gods on real estate and money. Sometimes the gods demanded what was *theirs*, i.e. immovable property bequeathed to the sanctuary and not delivered by the heirs,<sup>128</sup> the repayment of debts,<sup>129</sup> or the delivery of disputed objects which had been ceded to them by victims of injustice (cf. above pp. 16–19). But it is possible that in some cases the delivery of property to a sanctuary was – not unlike the payment of money – part of the process of propitiation, for instance, after a sacrilege.

The payment of a fee and the erection of a stele should not be understood as a *fine*, i.e. as part of the punishment, but as the necessary condition for a reconciliation with the god. The confession inscriptions make a sharp distinction between the punishment (κόλασις, κολάζειν) through disease and other mischances and the atonement (δαπανάω, ἱλάσκομαι, λύω, λυτρόω, ἐκλυτρόω). The latter consisted in the payment of money, the handing over of real estates, the erection of a stele, the performance of rituals and the praising of the gods.<sup>130</sup> This is not without importance for a better understanding of the priests' activities. When the priests demanded the payment of money or the delivery of immovable property, they did not punish the sinners; they simply informed them – as mediators of the divine will – how the wrath of the gods could be appeased. This is particularly clear in the following fragmentary confession inscription. '[–], daughter

θεοῦ οἱ κληρονόμοι . . . ἀπέδωκαν; *BIWK* 38: ἐθήκομεν δηνάρια ἑκατὸν καθὼς ἐπεζήτησαν οἱ πατέριοι θεοί; *BIWK* 46: ἐπ[ιζητησά]ντων τῶν [θ]ε[ῶν] ἀπέδωκαν οἱ υἱοὶ . . . τὰ εἰκοσιπέντε δηνάρια διπλᾶ; *SEG* xxxiv 1219: ὑπὲρ τῆς οἰκίας τῆς ἡγόρασεν παρὰ Ἀμμίας Καλλιμάχου ἔδωκα (δηνάρια) οἱ, καθὼς ἐπεζήτησαν οἱ θεοί. Cf. also the delivery of food in the context of atonement: *BIWK* 5, 6, 8; cf. Varinlioglu (1989: 38 n. 10), Riel (1995: 73).

<sup>128</sup> E.g. Malay (1994: 51 no. 65) (Küpler near Demirzi): [Ἀ]σκληῶς Ζωσίμου κατέλιψε | [Δ]ιῖ Σαβασζίω κληρονομίαν | ἦντινα ἀπέδωκαν οἱ Διο[δ]ώρου κληρονόμοι. *SEG* xxxiv 1207 (Maionia): ὡς ἐν τῇ διαθήκῃ ἐκέλευσε: "Δία εὐίλατον τῷ κληρονόμῳ, κέ δωρεάν χώραν κ' ἀμπέλους τῷ Διῖ ἀνάφερε τὰ πρὸς Τιλλῶ"; for ἀναφέρω ('dedicate') see Versnel (1991: 73 with n. 63). Cf. possibly *SEG* xxxiv 1211: the gods ἐπεζήτησαν τὴν . . . κληρονομίαν of C. Iunites. For the bequest of property to sanctuaries see also Debord (1982: 152–3), Petzl (1997: 75) (*TAM* v.1 242) and above n. 126.

<sup>129</sup> This may be the case in *BIWK* 15. When a man insisted on his perjury, the gods asked his wife to put up for auction her property as well (ἐπεζήτησαν . . . καὶ τοῦ πεκουλίου τὴν προγραφὴν). The context may be an unpaid debt owed to the sanctuary for sacrilege (perjury); cf. Malay and Petzl (1985: 64). Another equivocal case is *BIWK* 71: Apollonios insulted the god (μεγαλορρημονήσας), possibly by refusing to deliver to the sanctuary some vineyards. The verbs ἀποδιδόναι and παρελκύειν which are used in this text indicate a delay in the repayment of a debt; cf. *BIWK* 63: δανισαμένη . . . καὶ παρελκύσασα; for ἀποδιδόναι, *PSI* v 484.3: παρέλκων οὖν καὶ μὴ ἀποδιδούς τὴν γῆν. However, Malay and Petzl (1985: 62) suggest other possibilities (propitiation of a sin or charges for a transaction). One text attests the payment of the *duplum*, but the reason is not stated: *BIWK* 46; Versnel (2002: 67 n. 106) suspects that the perpetrators refused to return an amount of money to the rightful owner. For the payment of *duplum* see Chaniotis (1997a: 374 n. 115).

<sup>130</sup> E.g. *BIWK* 5: ἐκολασόμην (l. 5; the punishment is blindness) . . . εἰλαζομένου (l. 20); *BIWK* 6: ἐκολάσαντο (ll. 8–9) . . . ἱλασάμην (ll. 19–20).

of Apollonios, had been detained in the temple and was punished by the gods, in order that she demonstrate their power. By paying monies (δανήσασα) she has propitiated the gods and has erected an inscribed stele, and has shown their great power and she praises (them) from now on. During the priesthood of Metras.<sup>131</sup> The naming of a priest at the end of the text is an unusual feature, attested in only very few confession inscriptions and dedications. I am not convinced that we are dealing here with a local eponymous priest;<sup>132</sup> it seems more probable that we are dealing with a 'false' eponymous, i.e. a sacred official whose name is given in a dating formula not because he was the eponymous official of his community, but because of his participation in the action with which the document is concerned.<sup>133</sup> In the cases of the confession inscriptions in which a priest is named, it is reasonable to assume that he had consulted the sinner, determined the amount of money and the other actions necessary for the atonement, and received the fee (*BIWK* 33) and the real estate demanded by the god (*BIWK* 71) on behalf of the sanctuary.

#### 7. DIVINE JUSTICE AND SECULAR AUTHORITY

This survey of the epigraphic material from Hellenistic and Roman Asia Minor has shown that judicial matters were one of the many issues that the priests of some urban, but primarily of extra-urban and rural sanctuaries, had to deal with. There is no evidence that trials took place in the sanctuaries, that the priests substituted for the secular authorities in the implementation of justice, that they raised charges against delinquents or that they imposed penalties. But they were constantly confronted with acts of injustice: because the gods had been wronged through sacrilege, because the sanctuaries had been wronged by untrustworthy debtors, because the victims of injustice reported this to the local sanctuary and prayed for justice or for revenge, or because the delinquents themselves sought forgiveness in the sanctuary believing that the gods punished them through disease and accidents. Sometimes the priests had to consult persons who could

<sup>131</sup> *BIWK* 33 (Uşak): [-]ς Ἀπελλ[ω]νίου ἐμποδισθ[ῖ]σα ἐν τῷ ναῷ ἐκολλάσθη ὑπὸ τῶν θεῶν, ἵνα ἀναδiei | τὰς δυνάμεις αὐτῶν. Δανήσασα [i]λλάσσετο τοὺς θεοὺς[s] | καὶ ἐστηλογράφη|σεν καὶ ἀνέδειξε | μεγάλας δυνάμεις | αὐτῶν, καὶ ἀπὸ νῦν | εὐλογεῖ. Ἐπὶ Μητρά | [i]ερέως. Commentary: Petzl (1994: 39–40); cf. Chaniotis (1997a: 359). For the nature of this woman's offence see above p. 27.

<sup>132</sup> Petzl (1994) 94, with examples of eponymous priests in north-east Lydia. All inscriptions dated by priests (ἐπὶ ιερέως) are also dated according to the Sullan era; in one case we also find a reference to the local *stephanephoros*, i.e. the actual eponymous official: *BIWK* 71, *TAM* v.1 193 and 241.

<sup>133</sup> For the 'false' eponymous officials see Robert (1989: 606 with n. 8), Dmitriev (1997: 534).

not explain why they were being 'punished' by the gods. The priests could not and did not remain indifferent. Their first task was to determine the cause of the divine anger, sometimes through oracles, more often through discussions. These discussions brought to light the many misdemeanours of everyday life and more or less serious religious offences; but sometimes what their 'clients' confessed was more serious: unpaid debts, theft, perjury.

Often the victims of injustice did more than just present accusations against known and unknown wrongdoers; they cursed them, they asked the gods to reveal the truth, they ceded to the sanctuary stolen or disputed property in the expectation of divine intervention, or they invited their opponents to take exculpatory oaths. Thus they drew the attention of the gods to the legal issue. As many confession inscriptions report, even the most intransigent persons were forced to confess; if they failed to do so, it was the duty of members of their family, their descendants or their heirs to do so.<sup>134</sup> The priests did not give verdicts or impose penalties; they simply informed the delinquents about the ways in which they could expiate the gods and annul false oaths and unjust curses; this could be done through the performance of rituals, the payment of money, and above all the setting up of a stele (στήλογραφεῖν) narrating the incident (see above p. 26), praising the gods and warning others. Of course, during this interaction with delinquents and victims charges were raised and excuses were put forward, aimed at determining the form of the atonement and not the punishment.

Active intervention by the priests is attested primarily in the confession inscriptions of Phrygia and Lydia, but the religious mentality that made their interventions possible was certainly not limited to these regions, as dedications and prayers for justice from other areas of Asia Minor make clear. The appeal to the gods for help in legal disputes, the belief in divine punishment – even after the death of the culprit, the belief in the effectiveness of imprecations, the ceding of disputed property to the gods in expectation of revenge, the importance of honour in such affairs, are phenomena characteristic of the ancient world in general, as Versnel's studies of the prayers for justice have demonstrated.<sup>135</sup> But we should not overlook the importance of local Anatolian traditions as well, some of which

<sup>134</sup> E.g. *BIWK* 4, 24, 36, 44, 46, 54, 69, 74. Cf. Zingerle (1926: 37); Eger (1939: 284). Chaniotis (1997a: 373).

<sup>135</sup> Versnel (1991) (1994) (1999) and (2002); cf. Riel (1995: 70).

certainly antedate Achaemenid rule of Asia Minor.<sup>136</sup> One of these traditions must have been the economic, social and to some extent even administrative importance of some sanctuaries (cf. n. 9). Although recent scholarship does not overestimate the authority of the sanctuaries in Roman Asia Minor, as J. Zingerle once did,<sup>137</sup> there is a tendency to explain the appeals to divine justice as a reflection either of administrative deficiencies or of mistrust towards the civil jurisdiction. M. Riel (1995: 69–70) observed ‘a great tendency among these simple people to settle their conflicts without interference by the state authorities and in a manner inherited from their forefathers, which was probably considered more effective than secular justice’; similarly, S. Mitchell (1993a: 197) argued that ‘disputes, even violent ones, were handled by traditional means. It was as dangerous for a villager to turn to outside authorities as it was later for Christians to be forced into using civil courts.’<sup>138</sup>

It is not surprising that these views are better supported with parallels from traditional societies than with the source material from Asia Minor. The gaps in our sources should warn us against generalizations. It would be wrong to jump to the conclusion that the positive evidence we have for an appeal to sanctuaries (see p. 30) demonstrates the replacement of secular authority by the sanctuaries. We simply do not know if the victims of injustice went *only* to the sanctuaries to find justice. The relationship between secular and divine justice resembles the relationship between divine healing and secular medicine. That many sick persons made vows in the sanctuaries begging for a divine cure does not mean that they did not visit medical doctors; in many cases we know for sure that they did both.<sup>139</sup> Similarly, an appeal to divine justice may well have been complementary to a report to the local civil authorities. Wills and funerary inscriptions show that one expected both the gods *and* the secular authorities to pursue violations. One of the funerary imprecations from Termessos is very eloquent: the desecrator of the grave should pay to the fiscus 1500 denarii; ‘but if he

<sup>136</sup> This has been shown by Varinlioglu (1989: 48–9) with regard to the ritual of the *triphonon*; cf. Riel (1997: 36).

<sup>137</sup> Zingerle (1926: 9–10); but see Debord (1982: 165–8).

<sup>138</sup> Cf. Versnel (1991: 68): ‘The person in antiquity who had suffered an injustice and had gone to the authorities in vain – if indeed he had bothered to go at all’; Versnel (2002) rightly points out that an appeal to divine justice does not exclude an appeal to courts. Strubbe (1991: 40–1 and 1997: xiv–xv, xvii–xix) suggested that the funerary imprecations may be connected with a decreasing belief in the operation of civil justice, but at the same time pointed out that there is no overall explanation of this phenomenon. I have strong doubts about whether three fragmentary or unclear confession inscriptions can be used as evidence for conflicts between sanctuaries and secular authorities (*BIWK* 13, 49 and 114): see Chaniotis (1997a: 370 n. 94). A new reading of *BIWK* 13 by Hasan Malay, whom I thank for this information, clearly shows that this text at least has nothing to do with a conflict between secular and divine authorities.

<sup>139</sup> Chaniotis (1995: 331 with n. 43).



disregards even this (the fine), he shall be cursed with childlessness'.<sup>140</sup> We should, therefore, avoid generalizations and assume that at least in some cases the appeal to divine justice does not reflect distrust towards secular authorities or a preference for particular traditions, but was simply the result of a hopeless situation (cf. above n. 115).

An interesting (but possibly not very common) case of interaction between religious and secular authorities is narrated by Lucian in his *Alexander* (44). An Epicurean attacked Alexander, the prophet at Abonou Teichos, accusing him of being responsible for the execution of the slaves of a Paphlagonian. His son, who had gone to Alexandria to study, was missing, and the man suspected that the slaves who had accompanied him to Egypt had murdered him. Following Alexander's advice, he brought them to the governor of Galatia, who condemned them to death. However, after their execution, the missing son returned (he had travelled to India), too late for the poor slaves. This story makes sense if we assume that the Paphlagonian consulted Alexander's oracle (either asking about his son's fate or his slaves' guilt) and received a response which confirmed his suspicions. This assumption is strengthened by the fact that Lucian narrates this story in the context of false oracles given by Alexander. It seems that at least in some cases the clients of oracles brought charges to the secular authorities based on the responses they had received.

We happen to know the victims of injustice who appealed to the gods and the priests had no clue about the identity of the wrongdoer (like the farmer in Babrius' fable) because they reported this in their vows and confession inscriptions. We will never know how many others turned to the *kômarchos*, the *eirênarchês*, the magistrates of the nearest urban centre, the governor or the Roman army because no papyri have been preserved from Asia Minor. Gaps in our sources should not be misinterpreted as administrative gaps or as evidence for a mistrust towards the civil administration. Even in the most remote areas there is evidence for some policing of one kind or another (ὄροφύλακες, παραφύλακες, εἰρηνάρχαι, *saltuarii*, etc.),<sup>141</sup> and even the Roman emperor could be confronted with conflicts such as the ones we have encountered here, e.g. the disputes among shepherds or a conflict between mother and son.<sup>142</sup> One notices that serious crimes, such as murder and

<sup>140</sup> TAM III 742 = Strubbe (1997: 220, no. 331): ὁ πειράσας ἐκτεῖσει τῷ ἱερωτάτῳ ταμείῳ (δηνάρια) ἀφ'· εἰ δέ τις κὲ τούτου καταφρονήσει σχήσει ἄτεκνία.

<sup>141</sup> Robert and Robert (1983: 101–9), Mitchell (1993a: 194–7), Petzl (1995: 39–40), Schuler (1998: 112 n. 55, 115, 234–5).

<sup>142</sup> Severus Alexander had to deal with the dispute between the shepherd Mucatraulis and his *dominus* Apollonaris (*C.Iust.* 2.3.9) on 28 September 222; for similar conflicts in confession inscriptions see *BIWK* 34, 68 and 103; Valerianus and Gallienus were confronted with the conflict between a mother and her sons (*C.Iust.* 8.46.4) on 17 May 259; cf. *BIWK* 17, 47.

brigandage, are never mentioned in the texts that concern divine justice,<sup>143</sup> not because people were not murdered or attacked by robbers, but because the civil authorities prosecuted them far more energetically than petty theft and trivial disputes. An epitaph for a young man who was murdered by his wife's secret lover at Alexandria Troas does not contradict this assumption, despite the appeal to Zeus to punish the adulteress: 'I have died a most miserable death because of my wife, the abominable adulteress – may Zeus destroy her. For her secret lover, my own relative, has slaughtered me and thrown me down from a height, like a discus.'<sup>144</sup> The murderer was obviously known; if he is not cursed in the epigram, it is probably because the civil authorities had already dealt with him, whereas the adulteress, who probably had escaped conviction as an accessory to this murder, was left to Zeus's punishment. Again, the appeal to divine justice was not motivated by mistrust of the local or the Roman administration, but by the wish to overcome its limits. We have also noticed that the most common offence mentioned in the relevant texts is one that was not prosecuted by secular law, i.e. perjury. Roman law left its punishment to the gods: *ius iurandi contempta religio satis deum ultorem habet* (C. Iust. 412). The sanctuaries of Asia Minor intervened in legal matters not in opposition to the official administration, but compensating for its unavoidable human defects.

The priests possessed only one means of implementing order: the solemn, public imprecations. They informed the culprits that they would be prosecuted by the gods and thus forced them to come to the sanctuaries, confess their offences and make amends (or protest their innocence). This instrument was effective, because the ordinary, small or serious misfortunes of everyday life were understood as divine punishment. It was only a matter of time until the sinner (or one of his relatives) met with an accident. When a sickle fell on his foot, a donkey or a member of his family died, the harvest was bad, he became sick, or his unmarried daughter lost her virginity, he knew that there was a sin which had to be expiated. Sometimes it required some pains until he found his way to the temple to confess his sin.<sup>145</sup> But then, when the repeated calamities of life did break his resistance, the belief of the other villagers in the power of divine punishment became even deeper. This explains why the priests urged the sinners to set up the

<sup>143</sup> With the exception of imprecations in epitaphs of persons whose death was attributed to 'foul play' (poisoning or magic); see above n. 28.

<sup>144</sup> *I. Alex. Troas* 90 = Merkelbach and Stauber (1998) no. 07/05/04, ll. 3–6 (second/third century, AD): [θν]ήσκω δ' οἰκτροτάτῳ θαινάτῳ διὰ τὴν ἄλοχόν μου, | [κ]λεψίγαμον μιεράν, | ἦν περὶ Ζεὺς ὀλέσει | ταύτην γὰρ λάθριος γαιμέτης | κάμὸν γένος ΛΥΧΩΝ | σφάξ[ε] με κάφ' ὕψους δισκοβόλησε.

<sup>145</sup> For examples see Petzl (1995: 43–6).

propitiatory inscriptions: they were the proof (μαρτύριον, ἔξεμπλάριον) of the effectiveness of this divine justice.<sup>146</sup> A funerary inscription from Iulia Gordos expresses this belief very eloquently: 'There exists a goddess of retribution; respect justice!'<sup>147</sup> The certainty of divine punishment could temper the painful consciousness that human beings are often powerless against injustice.

One might be inclined to regard the confession inscriptions as part of a continuous effort on the part of the temples to intimidate the villagers, who would see in every calamity of life the punishment of a known or an unknown sin. But this conclusion is wrong. There is also evidence that these sanctuaries were the keepers of a strict moral order, mediators of legal thought in these areas.<sup>148</sup> The confession inscriptions not only include hard, sometimes meaningless punishments, but also moral instructions, the commands of god (παραινέλλω): 'I command that nobody should commit perjury', 'I command all men not to disregard the power of god', 'he commands that no one take an oath nor make others take an oath nor administer an oath in an unjust way (or for an unjust cause)', etc.<sup>149</sup>

In one of the *Stories of Mr Keuner* by Bertolt Brecht, someone asks Mr K. if there is a god. Instead of a response, Mr K. asks a question: Would his behaviour change depending on the answer to this question? If yes, then he needed a god. The rural population of Asia Minor certainly did.

<sup>146</sup> Ἐξεμπλάριον: *BIWK* 106, 111, 112, 120, 121. Cf. Versnel (1991: 92 with n. 147) and (1999: 153) (for an attestation in Spain). Μαρτύριον: *BIWK* 9; cf. the verb μαρτυρεῖν: *BIWK* 8, 17, 68; cf. Petzl (1991: 132–3), (1994: 17); ὑπόδειγμα τῶν ἄλλων: Riel (1997: 37, ll. 11–13). See also n. 64.

<sup>147</sup> *SEG* xxx 1480: [ἔτσι θε]ὸς Νέμεσις [πρὸς τὰ δικ]αία βλέπε.

<sup>148</sup> Cf. Zingerle (1926: 47–8), Klauck (1996: 83–5), Petzl (1998b: 23).

<sup>149</sup> *BIWK* 27: [παραινέλλων ὁ]δίκως μὴ ὁμνεῖν τινα μήτε ὀρκίζ[ειν] μήτε ὀρκωμότην γίνεσθαι; *BIWK* 9: παραινέλλει πᾶσιν ἀνθρώποις ὅτι οὐ δεῖ καταφρονεῖν τοῦ θεοῦ; *BIWK* 10: παραινέλλω δὲ αὐτοῦ (sc. τοῦ θεοῦ) τὰς δυνάμεις μή τις ποτε κατετελήσῃ καὶ κόψει δρῦν; *BIWK* 110: παραγγέλλων πᾶσι μηδὲ ἀναγον ἀναβῆτ' ἐπὶ τὸ χωρίον, ἐπροκῆσῃ ἢ κήνυσσῃ (?) τὸν ὄρχις; *BIWK* 123: παραινέλλω μηθὲνα ἱερὸν ὄθυτον αἰγοτόμιον ἔσθῃν; see also *BIWK* 106, 109, 111, 112, 117, 120, 121 and 124. For these moral instructions see also Pettazzoni (1936: 64), Versnel (1991: 75, 92 with n. 147), Petzl (1991: 143 n. 43) and (1994: 17, 124). Cf. also expressions in the confession inscriptions which indicate the improvement of the delinquent after his punishment, e.g. καὶ ἀπὸ νῦν εὐδοξεῖ (*BIWK* 60); cf. Herrmann and Varinlioglu (1984: 14 with n. 54), Versnel (1991: 75). For analogous παραγγέλματα see also the *lex sacra* of a cult association at Philadelphieia (*LSAM* 20); cf. Chaniotis (1997b: 159–62).