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THE NAZARETH INSCRIPTION¹

A CONTROVERSIAL PIECE OF PALESTINIAN EPIGRAPHY (1930-1999)

I. INTRODUCTION

The famous «Nazareth Inscription» has been the subject of scholarly debate ever since 1930 when it was first published by Franz Cumont. The eminent historian was informed about the existence of the stone by his friend Michael Rostovtzeff who happened to see it in the Cabinet of Medailles in Paris where it was displayed as part of the Froehner collection. Froehner, a famous but rather eccentric collector of antiquities, bequeathed the inscription together with other artefacts of his collection when he died in 1925.² Apart from a very brief note scribbled by Froehner in his inventory, «Dalle de marbre envoyée de Nazareth en 1878» nothing is known about the history or the circumstances under which the stone was found or was purchased by Froehner. This note, which caused lengthy discussion, makes clear that the stone was brought from Nazareth, but it is not quite clear whether the stone was actually found in Nazareth or whether it was brought there from another ancient site. Besides Nazareth was a famous market where antiquities from the northern part of Palestine were sold during the last century. This ambiguity of provenance gave rise to doubts about the authenticity of the stone and it was very often closely related to the problem of dating the inscription.

The stone measuring 60 cm high by 37,5 cm wide is a small plain slab of white marble in good condition. The letters of the stone are irregular but neat (average measure 1.5 cm by 1.8) and there is no difficulty in reading it. The text of the inscription is given below:

1. I would like to express my gratitude to Prof. J. Touloumakos, Dept. of Ancient History, Aristotelian University of Thessalonica, for drawing my attention to this interesting piece of epigraphy. My special thanks should also be offered to Mrs M. Georgiadou and the Staff of the University Libraries of Heidelberg, Tübingen and Saarbrücken for their assistance in gathering the various and sometimes rare studies on the inscription.

2. Fr. Cumont, «Un rescrit imperial sur la violation de sépulture», *RH* 163 (1930) p. 241.

Διάταγμα Καίσαρος
 Ἐρέσκει μοι τάφους τύνβους
 τε, οὔτινες εἰς θρησκείαν προγόνων
 4 ἐποίησαν ἢ τέκνων ἢ οἰκείων
 τούτους μένειν ἀμετακινήτους
 τὸν αἰῶνα· ἐὰν δέ τις ἐπιδ(ε)ίξη τι-
 να ἢ καταλελυκότα ἢ ἄλλω τινὶ
 8 τρόπῳ τοὺς κεκηδευμένους
 ἐξερριφότα ἢ εἰς ἑτέρους
 τόπους δώλῳ πονηρῶ με-
 τατεθεικόταν ἐπ' ἀδικίᾳ τῆ τῶν
 12 κεκηδευμένων ἢ κατόχους ἢ λί-
 θους μετατεθεικότα, κατὰ τοῦ
 τοιούτου κριτήριον ἐγὼ κελεύω
 γενέσθαι καθάπερ περὶ θεῶν
 16 ε[ί]ς τὰς τῶν ἀνθρώπων θρησκείας.
 Πολὺ γὰρ μᾶλλον δεήσει
 τοὺς κεκηδευμένους τεμιᾶν·
 καθόλου μηδενὶ ἐξέστω μετα-
 20 κεινῆσαι· εἰ δὲ μή, τοῦτον ἐγὼ κε-
 φαλῆς κατάκριτον ὀνόματι
 τυμβωρυχίας θέλω γενέσθαι.

The purpose of this article is to make a short review of the bibliography on the inscription of Nazareth from its first publication in 1930 to 1999 when the last paper regarding the stone was published. At the outset we should note that the scholarly discussion about the stone is focused on the following seven points: the provenance of the stone, its dating, its authenticity, the legal frame of the inscription, the unity and structure of the text, the nature of the document and finally its relation to the resurrection of Christ and the history of early Christianity. It should be noted that many of the papers and studies that will be discussed do not treat all of the aforementioned points but they focus their interest on one or more aspects of the problems that the inscription poses while some others provide the reader with an overall discussion of the inscription and its problems. Finally we should note that in presenting the various papers effort is made to keep the chronological order whenever this is

possible. The articles or studies noted by an asterisk are those that have been inaccessible to the author.

II. THE NAZARETH INSCRIPTION: THE BIBLIOGRAPHY (1930-1999)

1930

1. F. Cu mont, «Un rescript impérial sur la violation de sépulture», *RH* 163 (1930) 241-266.

2. F. M. Abel, «Un rescript impérial sur la violation de sépulture et le tombeau trouvé vide (avec un facsimilé)», *RBi* 39 (1930) 567-570.

*3. R. Cagnat-M. Besnier, «Rapport sur les publications épigraphiques relatives à l'antiquité romaine» *RA* 31 (1930) 375-376.

4. V. Capocci, «Per la data del rescritto imperiale sulla violazione di sepolcro recentemente pubblicato», *BIDR* 38 (1930) 215-223.

5. G. Costa, «Un rescritto imperiale sulla violazione dei sepolcri e Matth. XXVIII, 12-15», *Bilychnis. Rivista mensile illustrata di studi religiosi*. 34 (1930) 324-325. 466-467.

6. Éd. Cuq, «Un rescrit d'Auguste sur la protection des res religiosae dans les provinces», *RHDFE* IVe sér., 9 (1930) 383-410; 11 (1932) 109-125.

7. G. de Sanctis, «Rescritto imperiale sulla violazione delle sepolture a Nazareth», *RFIC* NS 8 (1930) 260-261 (=idem, *Scritti minori novamente editi da Aldo Ferradino e Silvio Accame*. Volume 6: Recensioni - Cronaca e Commenti. 2. Storia e letteratura. Raccolta di studi e testi. Roma: Edizioni di storia e letteratura, 1972, 807).

8. R. Dussaud, «Un rescrit impérial sur la violation de sépulture provenant de Nazareth», *Syria* 11 (1930) 306-307.

9. M. Goguel, «Sur une inscription de Nazareth», *RHPhR* 10 (1930) 289-293.

10. M.-J. Lagrange, «Note sur un rescrit impérial», *RBi* 39(1930) 570-571.

1931

*11. A.S. Barnes, «An Historic Stone from Nazareth?», *Discovery* 12 (1931) 395-398.

12. F.E. Brown, «Violation of Sepulture in Palestine», *AJPh* 52 (1931) 1-29.

*13. J. Carcopino, «Note sur le rescrit palestinien relatif aux violations de sépulture», *CRAI* 1931, 434-435.

14. J. Carcopino, «Encore le rescrit impérial sur la violations de sépulture», *RevHist* 166 (1931) 77-92.

*15. J. Carcopino, *Bulletin de la Societe des Antiquaires* 1931, 8.

16. G. Corradi, «Un nuovo documento Augusteo» *MC* 1 (1931) 56-65.

17. G. de Sanctis, «Il rescritto imperiale di Nazareth», *RPAA* 7 (1931) 13-17.

18. R. Tonneau, «L' inscription de Nazareth sur la violation de sépultures», *RB* 40 (1931) 544-563.

19. L. Wenger, «Eine Inschrift aus Nazareth», *ZRG* 51 (1931) 369-397.

20. J. Zeiller, «L'inscription dite de Nazareth», *RecSR* 21 (1931) 570-576.

1932

*21. F.-M. Braun, «L'inscription de Nazareth sur la violation de sépulture », *La vie intellectuelle* XV (1932) 8-17.

22. S. A. Cook, «A Nazareth Inscription on the violence of tombs», *Quarterly Statement* apr. 1932, 85-87.

*23. E. Cuq, «Le rescrit d' Auguste sur les sépultures», *CRAI* 1932, 155.

24. E. Cuq, «Le rescrit d' Auguste sur les violations de sépulture», *RHDFE* IV^e sér., 11 (1932) 109-125.

25. F. De Zulueta, «Violations of Sepulture in Palestine at the Beginning of the Christian Era», *JRS* 22 (1932) 184-197.

*26. P. M. Meyer, «Gräberfrevel», *ZRG* 52 (1932) 367.

27. L. Zancan, *Sull'iscrizione di Nazareth*, Venice 1932, repr. from *Atti del Reale Istituto Veneto di scienze, lettere ed arti*, Tome XCI, Parte seconda, Anno accademico 1931-1932, 51-64.

1933

28. F. Cu mont, «Les ossuaires juifs et le Διάταγμα καίσαρος», *Syria* 14 (1933) 223-224.

*29. M. Goguel, *La foi à la resurrection de Jésus dans le christianisme primitif*, Paris, 1933, p. 199.

30. W. Seston, «Le rescrit d' Auguste dit de Nazareth sur les violations de sépulture», *REA* 35 (1933) 205-212.

1934

*31. G. Baldensperger, «Le tombau vide», *RHPPhR* 14 (1934), 413ff.

*32. L. Herrmann, *Du Golgotha au Palatin*, Brussels 1934, 19-34.

33. A. Momigliano, *Claudius, the Emperor and his achievement*, London 1934, 35-6, 100-101.

1936

34. S. Lösch, *Diatagma Kaisaros. Die Inschrift von Nazareth und das Neue Testament. Eine Untersuchung zur neutestamentlichen Zeitgeschichte*, Freiburg 1936.

37. L. Robert, *Collection Froehner I: Inscriptions Greques*, Paris 1936, IX & 114-115.

38. H. Lietzmann, *ZNW* 35 (1936) 312-313.

*39. H. Markowski, «De Caesaris graeco titulo palaestino», *Munera philologica Ludovico Cwiklinski ...oblata*, Posnan 1936, 128-137.

1937

*40. H. Markowski, *Diatagma Kaisaros. De Caesare Manium jurum vincide*, Posnan 1937.

*41. H. Markowski, «De graeca inscriptione Nazarea», *Eos* 38 (1937) 429-443.

42. W. Seston, «Encore l' inscription de Nazareth», *RPh* 11 (1937) 125-130.

1938

*43. M. Dibelius, *DLZ* 59 (1938) 258-260.

1939

44. A. D. Nock, review of the books of Lösch and Markowski, *AJPh* 60 (1939) 118-122.

44. A. Parrot, *Malédiction et violations de tombes*, Paris 1939, 64-76.

1941

*45. S. Riccobono, *Fontes iuris Romani antejustiniani. Pars prima: Leges*, Florence 1941, 414-416.

46. A. D. Nock, review of Parrot's book, *JBL* 60 (1941) 88-95.

*47. M. Guarducci, «L'iscrizione di Nazareth sulla violazione dei sepolcri», *RPAA*, 17 (1941/42) 85-88.

1942

*48. G. I. Luzzatto, *Epigrafia giuridica greca e romana*, Milano 1942, 231-237.

*49. V. Arangio-Ruiz, *Epigrafia greca e romana*, Milano 1942, 630ff.

1943

50. E. Gerner, «*Tymborychia*», *PW* VII.A (1943) 1740-1745.

1949

51. J. Irmscher, «Zum Diatagma Kaisaros von Nazareth», *ZNW* 42 (1949) 172-184.

1950

52. K. Latte, «*Todesstrafe*», *PW* Suppl. VII (1950) 1612-1613.

1951

*53. M. P. Charlesworth, *Documents Illustrating the Reigns of Claudius and Nero*, Cambridge 1951, no. 17.

54. J. S. Creaghan, *Violatio sepulchri. An Epigraphical Study*, Unpublished Ph.D. Dissertation. Princeton Univ. 1951.

1952

*55. D. Baldi, «*Nazaret Editto (rescritto) di*», *EC* 8 (1952) 1704.

1953

56. S. B. Agouridis, «Τυμβωρυχία ἐν Παλαιστίνη ἐπὶ Αὐγούστου», *Θεολογία* 23 (1953) 122-131.

57. F. De Visscher, «L' inscription funéraire dite de Nazareth», *AHDO* 2 (1953) 285-321 (= *La nouvelle Clío* V (1953) 18-30 and *Les droit des tombaux romains*, Milan 1963, pp. 161-195. An abridged version of the same article in *CRAI* 1953 83-92.

58. E. Schönbauer, «Untersuchungen über die Rechtsentwicklung in der Kaiserzeit», *JJP* 7-8 (1953-4), 107-148.

1954

59. J. H. Oliver, «A Roman Interdict from Palestine», *CPh* 49 (1954) 180-182.

1957

60. A. Berger, «Sull' iscrizione detta di Nazareth», *Labeo* 3 (1957) 221-227.

*61. M. Sordi, «I primi rapporti; fra lo Stato romano e il Cristianesimo; Appendice II, L'edito di Nazareth», *Atti dei Lincei*, Serie VIII, Rendiconti, Classe di scienze morali, storiche e filologiche XII, Rome 1957, 91-93.

1958

*62. O. Eger, review of H. Markowsky, «*De graeca inscriptione Nazarea*», *ZRG* 58 (1958) 441ff.

63. L. Cerfaux, «L' inscription funéraire de Nazareth à la lumière de l' histoire religieuse», *RIDA* IIIe Sér., 5 (1958) 347-363.

1960

*64. J. Schmitt, «Nazareth (Inscription, dite de)», *DBS* Fasc. XXXI, Part of vol. VI, Paris 1960, 333-363.

1961

*65. A.C Johnson-P.R.Coleman-Norton et al., *Ancient Roman Statutes*, Austin 1961, nr. 133.

1963

*66. F. De Visscher, *Les droit des tombaux romains*, Milan 1963.

1965

67. G. Pfohl, *Griechische Inschriften*, München 1965, nr. 39.

1967

68. M. Smallwood, *Documents Illustrating the Principates of Gaius, Claudius and Nero*, Cambridge 1967, 105, nr. 377.

1969

*69. M. Sordi, *Epigrafia Greca. II. Epigrafi di carattere pubblico*, Roma 1969, p.89.

1971

70. V. M. Scramuzza, *The Emperor Claudius*. *Studia historica* nr. 93. Roma: «L'erma» di Bretschneider, 1971. pp. 285-286.151.

1970

71. L. Hermann, *Chrestos; témoignages païens et juifs sur le christianisme du premier siècle* (Collection Latomus CIX), Brussels 1970, 12-15.

1975

72. M. Benner, *The Emperor Says. Studies in the Rhetorical Style in Edicts of the Early Empire*, Göteborg 1975, 64-66.

73. B. M. Metzger, «The Nazareth Inscription Once Again», in: *Jesus und Paulus. Festschrift für Werner Georg Kümmel zum 70. Geburtstag*. (Eds.) Earle Ellis und Erich Gräßer, Göttingen, 1975, 221-238 (= B. Metzger., *The Nazareth Inscription Once Again*, in id., *New Testament Studies: Philological, Versional, and Patristic*, Leiden 1980, 72-95).

1976

74. M. Smallwood, *The Jews under the Roman rule. From Pompey to Diocletian*, Leiden 1976, pp. 157-158.213.

1977

75. M. Humbert in P.F. Girard-F.Senn (Eds), *Les lois des Romains. Textes de Droit Romain*, vol. II, Camerino 1977, 422-444.

1981

*76. A. Momigliano, *Enciclopedia italiana* 10 (1981), 547.

1989

77. J. H. Oliver, *Greek Constitutions of Early Roman Emperors from Inscriptions and Papyri*. Philadelphia 1989, 27-30, nr. 2.

1991

*78. J. H. M. Strubbe, «Curses Against Violation of the Grave in Jewish Epitaphs in Asia Minor», in P. van der Horst, *Ancients Jewish Epitaphs. An Introductory Survey of a millennium of Jewish funerary epigraphy*, Kampen 1991, pp. 70-128.

1994

79. L. Boffo, *Inscrizioni Greche e Latine per lo studio della Bibbia*, Brescia 1994, no. 39: «L'ordine imperiale di Nazareth (?) sulla violazione dei sepolchri», 319-333.

1998

80. E. Grzybek-M. Sordi, «L'Edit de Nazareth et la politique de Neron a l'egard des chretiens», *ZPE* 120 (1998) 279-291.

1999

81. A. Giovannini-M. Hirt, «L'inscription de Nazareth: nouvelle interpretation» *ZPE* 124 (1999) 107-132.

III. A REVIEW OF THE BIBLIOGRAPHY

As we have already stated the *editio princeps* of the inscription was made by Franz Cumont in 1930 (1). In his article the eminent scholar published the text of the inscription, gave a Latin translation of it and made a masterly presentation of the main points of the text. Cumont was convinced of the authenticity of the inscription; the form of the stone and the great experience of Froehner were his main arguments against the possibility of a modern forgery. He also found it impossible that the document was forged by the officials of the city of Nazareth or those of Syria because the text bore evidence of a bad translation of a Latin original made probably by a

hellenized Syrian³. Regarding the nature of the document Cumont favoured the possibility of its being a rescript. Although the word διάταγμα is a technical term used in various sources to denote the *edictum imperatoris*, the verbs and phrases θέλω, κελεύω and καθόλου μηδενὶ ἐξέστω led Cumont to the conclusion that the text of Nazareth was the emperor's answer to an inquiry of a provincial governor. However the form of the text as it is preserved on the stone betrays that we only have an excerpt from the original answer or a free summary of it made probably by the recipient of the rescript. Cumont did not doubt the unity of the text although he observed that the last five lines of the inscription repeated the content of the previous text in a stricter and more direct way. In order to solve the problem Cumont offered the explanation that it was the hand of the emperor himself that added this last part. Dating the inscription was also a problem. The bare mention of a Καῖσαρ in the first line of the text gives no clue as to which emperor might be the author of the διάταγμα. Cumont estimated that the style of the lettering points to a date in the end of the 1st c. B.C. or beginning of the 1st c. AD. In that case the most possible candidates would be Julius Caesar or Octavian but Cumont favoured the second possibility. Octavian bore this name from the time of his adoption in 44 BC until 27 when the Senate bestowed him the title of Augustus⁴. Consequently the inscription should be dated before 27 when the new sovereign of the world travelled in the Orient and reorganized the administration of Syria (30-29 BC). The absence of the title Σεβαστὸς could be very well explained by the fact that Augustus was still designated as Καῖσαρ in the Eastern provinces long after he had been given the title Augustus⁵ while his successors had always their proper name added to the

3. Cumont enumerated various instances of Latinisms preserved in the Greek translation of the text, for example δόλω πονηρῶ. ἐπ' ἀδικία, ἀρέσκει μοι. ὄνοματι τυμβωρυχίας etc.

4. Cumont also mentions several Latin inscriptions from that period where Augustus is called *Caesar*, e.g. an inscription from Mylasa, Dittenberger, *Syll.*³ 768 or 769.

5. Examples mentioned by Cumont: Dittenberger, *OGIS* 458, lines 4,9,37,56,57,61; 459; 462; *SEG* IV 102. In Egypt Augustus is always mentioned by his single title καῖσαρ when a date in his reign is given, e.g. *CIG* 4715; 4909; 4923 etc. Historians who came from Syria or Palestine referred to Augustus with the name καῖσαρ as well, e.g. Nicolaus of Damascus or Josephus.

title of the emperor⁶. Additionally, the respect towards the religious laws, which is in various ways expressed in the text of the inscription, is a feature related to «le prince restaurateur de la religion romaine» and the phrase πολὺ γὰρ μᾶλλον δεήσει τοὺς κεκηδευμένους τεμῶν lines 17-18) bears according to Cumont the signature of Augustus himself. Although it is also possible that the title Καῖσαρ denoted the emperor generally and in that case the phrase διάταγμα Καίσαρος would simply mean «imperial edict»⁷, Cumont claimed that the official documents we possess offered no examples of this. Consequently the phrase most probably referred to Augustus himself. The harsh punishment of tomb violators which is introduced in the text of Nazareth, is really unusual since the usual penalty in the Roman and the Hellenistic world was a fine of a pecuniary nature. Cumont supposed that Augustus was resting on an ancient Roman law and he found an indication of its existence in the law of the emperor Julian against tomb violation (*Cod. Theod.* IX, 17,5). In that case the emperor equated the offence of *violatio sepulchri* to a sacrilegium against the Manes. It is the same idea as that found in the rescript of Nazareth. The word ἀδικία used by the text to describe the act of the violators could be explained as an injustice against the defunct but it has also religious implications. Furthermore in lines 15-17 the text equated the θρησκεία τῶν ἀνθρώπων to the θρησκεία τῶν προγόνων probably implicating the religion of the Manes. Cumont observed that the strict law of Augustus did not survive for a long time. «Les magistrats incrédules auront répugné à faire exécuter un prévenu qui avait enlevé quelques pierres à un mausolée délabré. La preuve que les procès capitaux ne devaient pas être fréquents, nous est fournie par la diffusion sous l'Empire de la mention de l'amende dans les épitaphes» (p. 263). Although Cumont seemed to favour this interpretation he also offered an alternative solution to the problem of the inscription in the last pages of his article. He suggested that the emperor of the inscription was Tiberius who was also frequently referred to with the simple title Καῖσαρ. If this is the case then the rescript of Nazareth could be closely related to the events described in the Gospels regarding the death and resurrection of Christ

6. The only exception he mentions is the letter of Nero to the Greeks where the emperor is introduced by the words Αὐτοκράτωρ Καῖσαρ λέγει, Dittenberger, *Syll.*³ 814.

7. He refers to some instances in the New Testament, *Acts* 25, 10; 25, 8; 25, 21; 26,32; 27, 24; 28, 19.

and the accusations against the Disciples that they had stolen Jesus' body (Matthew 28,12-15). Pilate reported the incident to Tiberius who gave his instructions to the procurator. The stone was then erected in Nazareth, the hometown of Jesus and a Christian centre, in order to repress agitations between Jews and Christians. Cumont admitted that this interpretation had got some flaws but he also observed «... dans la grande obscurité où nous sommes, on n' est pas en droit, pensons-nous, de l' exclure absolument» (p. 266).

Cumont's article triggered off a series of articles regarding the inscription. His interpretation had a great impact on the studies that followed and most of his observations were unanimously accepted. The alternative interpretation of Cumont that related the inscription to the history of early Christianity and the events of the New Testament fascinated many scholars. Abel's article (2) that was published the same year is a good example of this. Abel followed Cumont in all major points of his interpretation. The inscription, a Greek translation made by a hellenized Syrian, was an excerpt from the original *rescriptum* of Augustus to the legate of Syria or the procurator of Judea and it refers to a particular case of violating a tomb. The author of the document depended on the ancient Roman law and the legal principles of the Greeks and Jews regarding tomb violation. Abel also accepted the twofold division of the text proposed by Cumont; in the first part, composed by the imperial chancellery, various cases of tomb violation were enumerated while the second part, a postscript written by the emperor himself, referred to a particular case of *τυμβωρυχία*, that of the illegal transferring of a corpse. Perhaps the emperor had in mind a particular incident of *violatio sepulchri* and in that case the rescript could be associated to the events described in the Gospel of Matthew (28,11-15). Abel thought that the suggestion of Cumont that the text might have been the reply of Tiberius to Pilate's inquiry was «plus possible». Tiberius sent the ancient law of Augustus to Pilate responding to the events of the Resurrection while he added the last lines in his own hand.

G. Costa (5) repeated the major points of Cumont's masterly article, too. He also dated the inscription in the 1st c. AD and he accepted the suggestion made by Cumont that the text is an imperial *rescriptum* that was issued by the governor of Syria to be used in the province. He is cautious though with the idea of Cumont that the text is in fact a re-enactment of an

ancient law of Rome made by Augustus. Nevertheless he thinks that the idea of connecting the text with Tiberius and Matthew 28,12-15 is very probable.

Cuq focused his interest on the legal aspects of the inscription of Nazareth. In the first part of his article (6) he gave a brief presentation of the Roman legislation of the Republic regarding the *violatio sepulchri*. In the Republican period the burial of the dead was a family matter. If a tomb was violated the Pontifex could order an expiatory sacrifice (*piaculum*) to appease the spirits of the dead but he had no power to amend the material damage done. Cuq mentioned two interdicts in the name of which the Praetor could intervene in cases regarding tombs: 1) the interdict *de mortuo inferendo* (Ulpian, *Dig.* XI, 8,1) and 2) the interdict *de sepulchro aedificando* (*Dig.* XI, 8, 1,5-6). However the police measures undertaken by the praetor turned out to be ineffective and in the 2nd or 1st c. BC the Praetor proposed an action whereby the injured party could obtain redress immediately without having recourse to an interdict. It is the action *sepulchri violati* according to which the judge should fix a fine to be paid to the person(s) instituting the action. This action was still in power in the time of Augustus. Having provided his readers with the legal background Cuq went on with the discussion of the Nazareth inscription and the legal problems it posed. Cuq agreed with Cumont that the text of the inscription is a bad Greek translation of a Latin original made probably by a hellenized Syrian but he rejected the chronological frame suggested by Cumont. The verbs ἐγὼ θέλω and ἐγὼ κελεύω imply a permanent organization of the provinces under the authority of the emperor, something that according to Cuq definitely happened in 27 BC when the provinces of the Roman empire were divided into senatorial and imperial ones. It should be noted that the province of Syria, the legate of which seems to have been the recipient of the rescript, belonged to the latter category. Furthermore it was during the first ten years of his reign (27-17 BC) that Augustus carried out his religious reformation. Cuq suggested that the legislation against tomb violation was part of the Augustan religious programme and he consequently set the year 27 BC as the *terminus a quo* for the issue of the inscription. Regarding the contents of the text Cuq observed that it could be divided into two parts. In the first part the emperor sanctioned an action against tomb violators similar to that proposed in the edict of the Praetor. In the second part the death sentence was proclaimed for those who would violently remove (μετακινεῖν) the bodies of the dead. Cuq did not doubt the unity of the text, since each part referred to a different sort of tomb

violation. The first conformed to the regulations of the *ordo judiciorum* and the punishment was only a fine while the second referred to the violent removal of a body and the punishment was death. This modification of the praetorian edict was not the work of Augustus' legal advisors but of the new emperor himself and it aimed at introducing the Roman law to the provinces.

G. De Sanctis was the first to question the dating of the inscription in the reign of Augustus or Tiberius at the latest. In a short note in *Rivista di filologia e di istruzione classica* (7) the Italian scholar claimed that it was highly improbable that the διάταγμα of Nazareth was issued during the Augustan or Tiberian reign since during that period Galilee was ruled by the Herodians and hence it was not under the immediate jurisdiction of the Syrian legate or the procurator of Judea.

R. Du ss a u d (8) made some comments on the legal background of the inscription. According to him the text of Nazareth reflected the local ancient laws regarding tomb violation. He tried to find parallels in the epigraphical evidence and the religious practice of the Near East and he claimed that the imperial rescript of Nazareth enumerated the same insults to the dead as the inscription of Eshmounazar⁸. A further association of the inscription to the Semitic world is the word κάτοχοι (l. 12) which could be the Greek translation of the Semitic *nephesh*, the funerary stele of the Semites which indicated, incorporated and contained (κατέχω) «l' âme végétative du mort» (p. 307).

Literary criticism and its application on the biblical texts played an important role in M. G o g u e l ' s article in *Revue d' Histoire et de Philologie Religieuses* (9). Goguel criticised Cumont's suggestion that the inscription was the imperial reaction to the accusations against the Disciples that they stole Jesus' body, which are mentioned in Matthew 28, 12-15. These accusations are only preserved in the Gospel of Matthew whereas that of Mark, which is older and reflects the primitive tradition of the Church, seems to ignore them. This led Goguel to the conclusion that the tradition of the Disciples stealing Jesus' body is much older, between 80 and 90 AD. Hence the inscription had nothing to do with the event of Resurrection. An additional argument against Cumont's theory was the fact that according to many scholars of Goguel's time Nazareth was «une fiction géographique ... avait été imaginée par les chrétiens pour expliquer les termes de Jésus le Nazaréen ou le Nazarénien qui se seraient originairement rapports à tout

8. A. Parrot, *Malédiction et Violations de Tombes*, Paris 1939, pp. 37 ff.

autre chose qu' au village dont Jésus aurait été originaire» (p. 293). Consequently the inscription should not be related to Nazareth and Cumont's suggestion that the little town was the most appropriate place for the publication of an imperial ordinance regarding Christians seemed not to be valid. In spite of this Goguel did not actually dispute the significance or the authenticity of the inscription but he thought that it was of no real importance for understanding the events after Jesus' death.

The twofold division of the text was also adopted by Lagrange (10). He commented on the idea proposed by Cumont that the second part of the inscription was a postscript of the emperor himself. In the first part the Caesar gave instructions to a governor of a province recently annexed to the empire, he recited a law that had already been known and he applied it to a particular case. The emperor proceeded to the second part of the text by using the phrase *πολὺ μᾶλλον*, which in fact introduced the main theme of the second part: the law would be much more inflexible when it concerned the respect towards the dead. The spirit of the text is that the Caesar was against the transfer of a corpse especially when it was done 'dolo malo'. The cases of tomb violation that were enumerated in the first part of the text were now equated to a simple rolling of a stone. Unlike Goguel Lagrange thought that there was an immediate connection of the inscription to the death and resurrection of Jesus and he concluded «Il va sans dire que cette manière de concevoir la décision du cas particulier s'appliquerait aux reproches allégués par les autorités juives contre les disciples de Jésus» (p. 571).

F. E. Brown (12) offered a review of the interpretations proposed by Cumont and Cuq, and an alternative dating of the inscription. He believed that it was very unlikely for the inscription to be an edict of Augustus reviving an ancient law because no traces of these two legal documents-the ancient law or the Augustan edict- are left in the legal or historical sources of the Roman world. «Even had it passed out of use upon Augustus' death, it would have been the first precedent fastened upon by third and fourth-century jurists to justify the death penalty for the crime...» (p. 12) he observed. Cuq's hypothesis that Augustus simply extended the praetor's edict to an imperial province could not be sustained since according to Brown it ignored the important fact that Galilee was not part of the Roman province of Syria under Augustus. According to Brown three are the critical points that should be taken into consideration when trying to interpret the inscription: a) the nature of Roman rule in Galilee and Nazareth in particular, b) the fact that the death

penalty is involved and c) the phrase καθάπερ περὶ θεῶν. Regarding the first point Brown claimed that at no time during the reigns of Augustus or even Tiberius could such a law have been promulgated because Nazareth and Galilee in particular belonged to the Herodian state which retained its legal independence. Had this been the case the stone would not have been erected in the period 30 BC to 44 AD when members of the Herodian dynasty ruled in Galilee. The period between AD 44 and 63 also seems improbable since the procurators were very scrupulous towards the Jewish religion and avoided provoking the religious feelings of the Jews. Hence Brown concluded «... it is impossible to suppose that any Roman emperor or proconsul, in the face of all the facts we possess, was so trementarious as to ride rough-shod over existing Roman law and religion by proclaiming a death penalty for a crime already comprehended in the sacred law and that with a reference to gentile gods, θεῶν» (p. 15). Brown examined then the three possible alternatives of dating the inscription: a) 48 BC to 46/44 BC when Herod was Roman governor of Galilee and Julius Caesar was in Coele Syria, b) October AD 67 to 70/71 when Galilee participated in the great revolt against the Romans and c) AD 135-145 under Hadrian's rule. Brown rejected the first alternative because he thought it highly improbable that Julius Caesar would devote his attention to so trivial a detail or that Herod would dare to infuriate his subjects by adopting a Roman text with pagan intonations. The second alternative should also be rejected since like Julius Caesar it is equally improbable that Vespasian or even Titus would deal with such a problem in the heat of a struggle. Besides Josephus attests that Vespasian had his doubts whether he should treat harshly the rebels and he also mentions that Sepphoris, which was 36 miles away from Nazareth, remained loyal to the emperor throughout the revolt. Brown concluded that the only possible period was the reign of Hadrian. Commenting on lines 15-18 Brown observed that this edict expressed the emperor's will to stomp τυμβωρυχία with a ruthless hand and declared that it was a crime equal to that of refusing to worship the emperor, since according to the Gytheion inscription the imperial family was designated as θεοί. To make the purpose of the text more clear Hadrian or the governor of Palestine added the last four lines underlying the severity of the punishment. The emperor's ordinance aimed mainly at protecting the gentile populations of Palestine from τυμβωρυχία and copies of the document must have been erected in various cities of the area. Regarding the stone of Nazareth Brown observed that it was not one of these official copies since

date, titles, salutation and introduction are missing but rather an extract from the original. It was the work of a private person, an inhabitant of Nazareth or Sepphoris, who wanted to protect his personal or family tomb. The letters of the inscription, which according to the previous scholars indicated a date in the late 1st c. BC or the beginnings of the 1st c. AD, could not be of decisive importance because the only Augustan inscription that we possess is that of Herod's temple forbidding trespass which is comparable to the best Attic and Pergamene examples of Hadrian's period. One could equally well claim that the inscription of Nazareth was the work of a local and too skilful a stonecutter of relatively late date who wished to reproduce all the elegances he had observed in more perfect examples. It is quite clear that the late dating of the inscription by Brown excluded any direct or indirect connection of the inscription to the beginnings of Christianity in Palestine.

In 1931 Carcopino published an article about the inscription (14), which influenced the further discussion of the stone as much as Cumont's first publication previously had done. Carcopino accepted the suggestion proposed by Cumont that the text must have been a rescript. The absence of an introduction and the style of the language, which is particular and peremptory, imply that the text was referring to a certain case of tomb violation. He is also convinced that the text should be regarded as a unity since the same vocabulary is to be found in both parts of it⁹. If there is a second paragraph commencing on line 17 this is closely related to the first paragraph through the conjunction γὰρ and should in fact be considered as a reinforcement of the emperor's will «un éclaircissement de sa pensée pour des hommes qui, mal familiarisés avec elle, ont besoin qu'il dissipe à l'avance tous les malétendus» (p. 82). Discussing the legal background of the text Carcopino observed that the harshness of the sentence announced in the last lines of the text is very unusual since the customary punishment for such a minor crime was of a pecuniary nature. Carcopino concluded that the inscription had «un caractère exorbitant d'exception» (p. 82) and that the use of future δειήσει and the comparative πολὺ μᾶλλον indicated that the text was referring to a recent event. The lettering of the stone indicated according to him that the stone should be dated in the first years of the Roman imperial period. The great similarity to the letters of the inscriptions from the temple of Herod and that

9. For example the verb μετακινεῖν which is to be found both in the first (l. 5. 10-11) and the second part (l. 19-20).

of the Theodotos' synagogue pointed to a date in the last years of Augustus' reign. Apart from this palaeographic argument Carcopino also claimed that the use of the simple title *καίσαρ* without any further designation could only refer to Augustus and offered many examples from literary, epigraphic and numismatic sources¹⁰. Carcopino repeated the objection raised by De Sanctis (7) that the stone could not have been erected in Nazareth because Galilee remained under the Herodian rule during the Augustan reign. On the other hand Judea and Samaria were annexed to the Roman province of Syria and were governed by a procurator from 6 AD onwards. It is very possible that the stone was not found in Nazareth but that it was brought there from another ancient site, which Carcopino thought should be located in Samaria. This would not contradict the note in Froehner's inventory where it was recorded that the stone was brought and not found in Nazareth. Nazareth was a famous market where antiquities from northern Palestine were sold and the Samaritan borders are very near to the small Galilean town. Having established Samaria as the possible place of the stone's provenance Carcopino claimed that the incident that caused the issue of the imperial edict is that of the defilement of the Temple by the Samaritans when P. Sulpicius Quirinus was procurator of Judea¹¹. Unfortunately the text of Josephus has got a lacuna after the verb *ἤρξαντο* but Carcopino proposed the following emendation: ... ἐν ταῖς στοαῖς ποιοῦνται καὶ διὰ παντός τοῦ ἱεροῦ. [Καὶ τότε Ῥωμαῖοι τοὺς ὀστέα νεκρῶν μετακινήσαντας ἀποκτείνειν ἤρξαντο ... τὰ τε ἄλλα ... (p. 90). The Samaritans defiled the Temple by throwing human bones in it and Coponius' immediate reaction was to put to death those Samaritans

10. He gives the same epigraphic examples as Cumont but he also refers to the fact that the cities of Palestine that were dedicated to Augustus bore the name Caesarea. The coins that were minted in Palestine under the procurators of the Augustan reign bore the genitive *καίσαρος*. Finally the stele of the Jews, which Josephus erroneously reported Julius Caesar had transported in Rome whereas it was Augustus who actually ordered the transportation, bore the title *καίσαρ* (*Jewish Antiquities* XIV, 188 and *C. Ap.* II, 37).

11. The incident is reported in Josephus in *Jewish Antiquities* XVII, 29-30: Κωπωνίου δὲ τὴν Ἰουδαίαν διέποντος ... τάδε πράσσειται. Τῶν ἀζύμων τῆς ἑορτῆς ἀγομένης, ἣν Πάσχα καλοῦμεν, ἐκ μέσης νυκτός ἐν ἔθει τοῖς ἱερεῦσιν ἦν ἀνοιγνύναι τοῦ ἱεροῦ τοὺς πυλῶνας. Καὶ τότε οὖν ἐπεὶ τὸ πρῶτον γίνεται ἡ ἀνοιξίς αὐτῶν, ἄνδρες Σαμαρεῖται κρύφα εἰς Ἱεροσόλυμα ἐλθόντες διάρρηξιν ἀνθρωπείων ὀστέων ἐν ταῖς στοαῖς, καὶ διὰ παντός τοῦ ἱεροῦ ἤρξαντο ... μὴ πρότερον ἐπὶ τοιούτοις νομίζοντες, τὰ τε ἄλλα ...

who participated in the act. In the meanwhile the procurator reported the incident to the emperor whose response or part of it is preserved on the stone of Froehner's collection. Carcopino dated the incident of the defilement in April 8 AD while the stone of Nazareth must have been erected in Samaria in the autumn of the same year. Regarding the emperor's reference to the religion of the dead Carcopino observed that the original Latin text spoke of Manes something that the translator omitted because it would be incomprehensible to the Jewish readers of the text. Although the text should be indirectly related to the events of the New Testament Carcopino observed that «toute relation directe entre le rescrit d' Auguste et les origines du christianisme est désormais insoutenable» (p. 86).

According to Corradi (16) the text is an imperial rescript that must have been issued after 27 BC when the new ruler of the world organized the provinces of the Empire. Hence the text could have been a rescript of the emperor to the legate of Syria (most probably M. Agrippa). Corradi discussed the suggestion of De Sanctis that the inscription could be dated in the reign of Claudius. Though such a possibility should not be totally rejected the sole designation of the emperor through the title *καῖσαρ* led him to the conclusion that the emperor of the text must have been Augustus. He also thought that the stone could have originally stood not in Nazareth but in another town that belonged to the province of Syria (Gadara, Pella, Dium or even Samaria and Scythopolis). Corradi claimed that the rescript sent to the legate of Syria was not the imperial reaction to a particular incident but the answer to various reports of piracy and armed robberies that took place in the province. According to Josephus there were many such instances in Galilee under the reign of Herod¹². The legate ordered then the imperial text to be published in Galilee. The fact that this was under the Herodian rule did not mean that it was totally independent. The feudal kings like Herod always ruled *δόσει Καίσαρος καὶ δόγματι Ῥωμαίων*¹³. The rescript possibly referred only to this particular province and did not have a universal enforcement. In spite of its local significance Corradi maintained that the text was of particular importance for understanding the Roman law since it was the first in a series of such legal texts against tomb violation, the others being those of Septimius Severus and Julian.

12. *Jewish Antiquities* XIV 9.2.

13. *Jewish Antiquities*, XV 6.7.

Gaetano de Sanctis' article in 1931 (17) was in fact the further development of his original thoughts as those were expressed in his brief note of 1930. The focus of his study was again on the date of the text. De Sanctis did not doubt the authenticity of the text and he presupposed that it really came from Nazareth. Upon this basis he built his own theory regarding the date of the inscription. In the beginning of his article he discussed the two theories about the date of the document proposed by F. Cumont (1). The *καῖσαρ* of the inscription can be either Augustus or Tiberius. According to De Sanctis the text presupposes that the place where the inscription was placed was under the direct Roman control. In the case of Galilee this happened only after 44 AD. Dating the inscription in the reign of Claudius was not impossible according to De Sanctis. The paleographic evidence the inscription that was used as an argument by those who dated the inscription in the years of Augustus' reign allows a later date namely in the last decades of Claudius' reign (44-54 AD). Cumont's (1) argument that the single title of *καῖσαρ* was only used for Augustus is not decisive since in the preface of Claudius' letter to the Alexandrians the prefect L. Aemilius Rettus calls Claudius *καῖσαρ θεός*. As De Sanctis comments «...il θεοῦ è stato naturalmente soppresso nell'atto della pubblicazione e non è rimasto che il *καῖσαρ*». Having argued that the inscription could also be dated in the last part of Claudius' reign, de Sanctis tried to identify the incident that caused the issue of the document. He believed that this was the tumult described by Sueton in *Claudius* 28¹⁴ and he connected this event with a phrase from Claudius' letter to the Alexandrians (*κοινήν τινα τῆς οἰκουμένης νόσον*). According to De Sanctis the tumults in Alexandria had also to do with Christianity and Cumont had already connected this event to Acts 24,5. The riots in Rome focussed on Christ. Claudius investigated the whole matter and adopted the theory that Jesus' body was stolen. The result of it was the composition of a text against *violatio sepulchri* which he got it placed in Nazareth, a Christian centre and native town of Christ. De Sanctis claimed that the text of Nazareth was not the imperial reaction to Jesus' crucifixion and alleged resurrection since the punishment of a trouble-maker would not draw the attention of the Roman government. However the public order in Rome, Alexandria or Antioch, which was in danger because of the resurrection teaching was very serious and demanded immediate action. The emperor's good intentions to keep the order

14. Suetonius, *Claudius* 25,4.

in his empire are testified in various documents from Claudius' reign like the edict regarding the Anauni or the letter to the Alexandrians. Our διάταγμα should be counted among these documents of Claudius' reign.

Although Cappocci's article (4) was actually written in 1931 it was actually published in the volume of *Bulletino dell'Istituto di Diritto romano* of 1930. Since it took into consideration the articles of Cumont, de Sanctis and Corradi it is discussed here together with the other studies of 1931. Based on paleographical indications Cappocci dated the inscription in the first decade after Jesus' birth and in the first half of the first century, in the reign of August or Claudius. He did not doubt that the provenance of the stone was Galilee because he thought it was rather rare that stones were carried far away from the place they were found and because the Herodian kings reigned δόσει Καίσαρος καὶ δόγματι Ῥωμαίων (Josephus, *Jewish Antiq.* XV, 196). It is also impossible to conclude from the text of the inscription which emperor it is meant with the term καῖσαρ since the text we have at hand is only an extract from the original text. Cappocci also briefly discussed the testimonies of Josephus, Philo and pseudo-Phocylides regarding the dead and the respect that one should show towards them¹⁵. The local laws and institutions were quite sensitive towards the problem of the respect of the dead. However the fact that we have the intervention of the Roman central government meant that we had «una notevolissima gravità si siano verificati in Palestina con una adeguata frequenza» (p. 220). The strict tone of the rescript is the affirmation of this statement. Corradi searched Josephus in order to find an event or events that could justify the issue of such a διάταγμα. According to him the solution could be found in the fifth book of the *Jewish War* where the Jewish historian described vividly the famine and the misery during the last days of Jerusalem when the tomb-robbers robbed the dead and defiled their bodies. Regarding this evidence Cappocci attributed the διάταγμα to Vespasian and related it to the new order that he tried to establish in Judea after the siege of Jerusalem. He also claimed that the paleographical criterion is relative and that the stone could possibly be dated in the last part of the 1st c. AD, a little later than 70 AD.

In his article T o n n e a u (18) took into account the previous literature and especially the articles of Cumont and Cuq. He was also convinced that the

15. Philo apud Eusebius *Praep. Evang.* 8,7,7. Pseudo-Phocylides, vv. 100-101. Josephus, *Jewish War*, IV, 317. *Jewish Antiquities* IV, 265.

text of Nazareth should be dated in the reign of Augustus and more specifically in the last part of it, in the years between 27 BC and 14 AD. The comparison of this document to the inscription from the Theodotus' synagogue confirms this date. Since the inscription could be dated so early it is self-evident that it is not related to Christ's resurrection. Tonneau examined whether the stone was really found in Galilee or whether it was brought there from elsewhere. The argument that the inscription was not published in Nazareth because this was not under direct Roman rule is not crucial. The case that a Roman legate would intervene in the internal affairs of a feudal kingdom though rare should not be totally excluded. However Tonneau favoured the possibility that the stone was brought from Sepphoris, which is 8 kilometres away from Nazareth. The main reason for this claim is the fact that the language of the inscription is Greek, something quite strange for a document addressed to the inhabitants of Nazareth who were Jews and spoke Aramaic. Sepphoris on the other hand had a mainly Greek population which was brought there by Agrippa when he restored the city and made it the capital of his tetrarchy. It is highly probable then that the stone came from the cemetery of the city.

The inscription of Nazareth drew the attention of the eminent Austrian jurist Leopold Wenger, too (19). In 1931 he published a lengthy discussion of the text focusing primarily his interest on the nature and unity of the text on the one hand and on its legal significance on the other. Like Cumont and Cuq he was also convinced of the existence of a Latin original. Not only the Latinisms but also the particular Greek words and phrases chosen by the author allow the reader to guess and restore the original Latin text. However unlike the two scholars Wenger claimed that our text was not the original Greek translation of the text made by the imperial chancellery or the clerks of the provincial governor but rather a private revised and abridged copy of it made possibly by a private person to place it on a grave. The unofficial nature of the document could very easily be proven by the absence of the traditional *praescriptio* and of the verb *dicit*. Since the author of the inscription did not mention the name of the emperor but preferred the more vague form *διάταγμα καίσαρος* it is difficult to decide who this emperor might be. Wenger discussed the three possibilities already mentioned by Cumont and Cuq, namely Julius Caesar, Augustus and Tiberius. All of them are possible

though Wenger inclined to accept a date in the Augustan reign¹⁶. Apart from the frequent use of the word *καῖσαρ* in the sources when referring to Augustus, the connection of the cult of the dead to the cult of the gods and the emphasis laid on *religio* and *pietas* are in harmony with the spirit of this emperor. It is also possible that the author of the inscription did not mention the name of emperor on purpose because «er für einen ihm günstigen kaiserlichen Erlass dauernde Geltung wünschte» (p. 375). Wenger discussed the conviction of both Cumont and Cuq that the text must have been a rescript. Although this possibility should not be totally excluded, Wenger thought that most likely the text was an imperial edict. The fact that the name and the title of the emperor and the verb *dicit* are missing cannot be decisive since our text is only an abridged copy of the original edict. If the text was really an edict this would be consistent with a well-known passage of Plutarch (*Marc.* 24) where it is stated that *καὶ γὰρ διαγράμματα τῶν ἀρχόντων Ἕλλη- νες μὲν διατάγματα, Ῥωμαῖοι δὲ ἔδικτα προσαγορεύουσιν*. Besides the rescript was not so widespread in the time when our *διάταγμα* was issued. One additional argument in support of this view is the fact that the text of the inscription was, according to Wenger, a unity. Wenger did not accept Cuq's theory that the text might be a composition of two rescripts of which the first applied the Praetor's Edict to the provinces and the second introduced the sentence of death for the offence of violent tomb violation. Unlike our document the Edict of the Praetor did not refer to the family tombs and it was of a more general nature. On the other hand the word *μετακινεῖν* should not be understood as referring to a violent transport of the body since this is not its usual meaning. Wenger concluded that: «Ich halte das Diatagma in seinem ganzen Bestand für ein strafrechtliches Edikt und ich halte es für ein einheitliches Edikt. Es setzt die Todesstrafe auf die *τυμβωρυχία*» (p. 385). The text presupposed the existence of a cult of the dead and aimed at the protection of the various tomb chambers and sarcophagi. According to Wenger the last part of the inscription is not a separate rescript but describes the procedure of putting the offender to trial. The verb *ἐπιδείξει* is similar to the Latin legal phrase *nomen deferre* and refers to the act of starting a proceeding against the offender(s) while the phrase *κριτήριοι ἐγὼ κελεύω γενέσθαι* is equal to *nomen recipere* and refers to the «zur Prozessbegründung notwendige amtliche Mitwirkung» (p. 394). The phrase *κεφαλῆς κατάκριτον*

16. He does not accept the *termini* laid by Cumont and Cuq though.

should be understood literally and Wenger supposed that the text had in mind *peregrini* and not Roman citizens. In the last part of his article Wenger discussed briefly the possibility that the text had a direct connection to the New Testament. Wenger was not negative towards such an interpretation though he declared that this issue was beyond the competence of a jurist.

Jacques Zeiller's article was very strongly influenced by Carcopino's interpretation (20). He adopted Cumont's position that the document was rather a rescript than an edict and he also discerned two parts in the document closely related to each other. In the first part (up to line 17a) various types of *τυμβωρυχία* are discussed while in the second part (line 17: *πολὸν γὰρ μᾶλλον*) the death sentence for the grave robbers is introduced. Like Cumont and Carcopino he thought that this last part of the document was «un postscriptum personnel de l' empereur». Zeiller followed Carcopino when he associated the problem of the date of the inscription with the place where it was found. The title of *καῖσαρ* used by the inscription was usually attributed to Augustus or one of his successors. Additionally the paleographic evidence points towards a dating of the inscription in the first half of the 1st c. AD. Taking these two facts into consideration he concluded that the only possible Caesars of the inscription might be Augustus or Tiberius. At this point he discussed the problem of the provenance of the inscription. Zeiller was convinced that the inscription came from northern Palestine, that is Galilee or Samaria. In that case Galilee could not have been the place where the stone was actually found since it belonged to the Jewish kings till 39 AD and was not actually part of the Roman province of Syria. That meant that Samaria should be regarded as the only possible place of provenance. Like Carcopino he dated the composition of the document after 8 AD and more specifically after the defilement of the Temple by the Samaritans (Joseph, *Antiquities* XVIII, 29-30). Commenting on the remark made by Reinach that it is inexplicable why while the emperor tried to satisfy the Jewish side he presented the whole matter in a pagan light, Zeiller observed that the opposite would have been surprising. Finally Zeiller discussed the possible direct or indirect connection of the inscription to the event of resurrection. Since he dated the inscription in the reign of Augustus Zeiller found no direct connection of the stone to the events described in the Gospels. However he thought that the inscription was indirectly connected to early Christianity. If there was such a strict law about grave robbery in Palestine in the time of the

Apostles this meant that it would have been very difficult for them to steal Jesus' body.

Cook's article (22) did not actually contribute anything new to the discussion of the inscription since it repeated ideas of previous studies and especially those of Abel, Brown, Tonneau, Wenger and Dusseaud. Cook accepted the unanimously adopted dating of the inscription in the 1st c. AD and he found the arguments of Brown for a dating in the 2nd c. not very convincing. He did not discuss the problem of provenance, which for many scholars before him had been crucial for the dating of the inscription, though he seemed not to be quite certain as to whether the stone really came from Nazareth¹⁷. The text according to him is a bad Greek translation of a Latin original. Cook expressed his doubts as to the exact meaning of the word *κάτοχοι* or as to whether the phrase *καθάπερ περὶ θεῶν* refers to an offence done to the gods or to one done to the divine emperors. He also doubted any association of the document to Matthew 28,11-15 and the accusations against Jesus' disciples. In the last part of his article he offered a brief summary of Tonneau's article.

Zancan was the only scholar who doubted the authenticity of the stone and who suggested that the stone in Froehner's collection was only a modern forgery (27). He found that the palaeographic evidence contradicted the historical facts since if we accepted that the stone could be dated in reign of Augustus or Tiberius, we should reject Galilee as the place of provenance. The lettering of the texts did not also allow a later date like those proposed by Capocci or De Sanctis. Both interpretations of the text as a unity or as a composition of two distinct texts were also rejected. In fact the second part was regarded by Zancan as a «repetizione del tutto pleonastica» and it was an indication that the text was a forgery. The death penalty that is introduced by the text contradicted the known Roman legal tradition. Cumont's argument that the *διάταγμα καίσαρος* is a re-enactment of an ancient law could not be sustained since the only evidence he could provide was that of the law of Julian¹⁸. Besides the death penalty introduced by the inscription of Nazareth is not mentioned in any funerary inscription of the Greco-Roman world. Against the authenticity of the stone also spoke the use of the word *οἰκεῖοι*. According to the law only the *agnati* could have a place in the *sepulchrum*

17. He writes expressly that the stone is «said to have come from Nazareth», p. 85.

18. *Cod. Theod.* IX, 17,5.

familiare. The use of the verbs ἐγὼ θέλω and ἐγὼ κελεύω betrayed according to Zancan a «bruttalità della forma» and belonged to the style of a later or more probably of the modern age and not in that of the Augustan times.

Cuq (24) returned to the problem of the inscription of Nazareth with a new article in 1932. It is in fact his answer to the criticism that Wenger did on his interpretation as this had been given in his previous article and a short answer to Zancan's arguments against the authenticity of the stone. According to Cuq the discussion about the inscription had been determined up to that point by two major factors: 1) the fact that the provenance of the stone remained a mystery, a problem that was closely related to the date of the inscription and 2) the absence of punctuation in the text of the inscription and more specifically the omission of a full-stop between γενέσθαι and καθάπερ. Cuq repeated his original position that the text could not have been an edict because a) the style and the vocabulary of the text (especially the verb ἄρᾶσκει μοι and the phrase κατὰ τοῦ τοιούτου κριτήριον ἐγὼ κελεύω γενέσθαι) implied that the emperor addressed a particular personage and gave orders regarding the tomb violation and b) it would have not lost its force as the various funerary inscriptions of the empire, which mention the usual *multae sepulchrales*, suggest. Cuq also insisted on the twofold division of the text. The first part of the text dealt with various cases of τυμβωρυχία while the second treated the problem of inhumation. This distinction is according to Cuq very important because it allows one to understand the differentiation in the punishments applied in each case, «l' une donne lieu à une instance judiciaire; l' autre entraîne la peine de mort» (p. 115). Cuq adopted the date proposed by Carcopino because this did not contradict his older position that the document was issued after 27 BC. He also referred to a passage from Josephus¹⁹ where the religious differences between Pharisees and Sadducees were discussed. The Samaritans and the Sadducees shared the conviction that the human soul was not immortal, while the Pharisees believed that the soul was immortal. The act of the Samaritans to throw the human bones in the Temple was an act violating the human remains that were consecrated by the religion. This doctrinal difference between Sadducees and Pharisees could also very well explain why the text was written in Greek. It addressed a Greek speaking elite. In the last page of his article Cuq discussed the arguments of Zancan against the authenticity of the text. The uncertainty of provenance

19. *Jewish Antiquities* XVIII, 1, 3.

cannot be an argument against authenticity. 1) Even if we accept that Nazareth could not have been under the immediate Roman jurisdiction when the document was allegedly issued, other parts of Palestine like Judea or Samaria were parts of the province of Syria. It is possible that the stone was originally found there. 2) The repetition of the main points of the first part in the second part is due to the fact that the second part discusses a special case of tomb violation. 3) The fact that the text introduces the death sentence for a minor crime like *τυμβωρυχία* could be explained if we accepted that our document is not an edict but the answer of the emperor to the inquiries of a particular magistrate. 4) The verbs used by the author of the text like *κελεύω*, *ἐγὼ θέλω* etc. were not unusual for the Principate as Zancan claimed. The Latin equivalent of them *jubeo* is found in the Edict of the Praetor from the Republican period and the word *θέλω* is used to denote the will of the people and the emperor. 5) It would have been impossible for a modern forger to know so precisely the real meaning of the legal terms he used in his document. 6) The presence of the *οἰκεῖοι* among the members of the family who share the same tomb is not something suspicious. During the last years of the Republic the *lex Pompeia* and those of the praetors assimilated the relatives to the *οἰκεῖοι*.

De Zulueta's article (25) was the first in the English language to present a thorough review of the earlier literature regarding the stone. The author was also convinced of the authenticity of the stone and repeated the arguments of Cumont. The lettering of the text indicated according to him a date between 50 BC and AD 50. He also accepted the identification of the *καῖσαρ* of the inscription with Augustus. However he mentioned the letter of Nero to the Greeks and the letter of Claudius to the Alexandrians where both emperors are designated with the simple title *καῖσαρ*. There is also the possibility that the word is a general term referring to the reigning emperor. In that case the phrase *διάταγμα καίσαρος* would simply mean 'imperial enactment'. De Sanctis' position that the stone could not have been found in Galilee is according to de Zulueta «too absolute» and as a possible area of provenance he proposed the neighbouring and Hellenized district of Decapolis, which was annexed to the Roman province of Syria after Herod's death in 4 BC. This would explain the use of the plural *θεοὶ* in lines 15-17. The bad Greek translation is an argument against the possibility of the edict. In all likelihood the text should be regarded as a rescript. De Zulueta also accepted that the text is a unity. Discussing the arguments of Cuq he observed that

there is «no marked break between the civil and the criminal sections of the statute» (p. 192). The diatagma of Nazareth was applied to a limited provincial area and de Zulueta rejected the suggestion proposed by many that we should regard this text as «a link between the conjectured primitive criminality of the offence and its treatment from the end of the 2nd century» (p. 194). Although he seemed inclined to date the stone in the reign of Augustus he did not reject the possibility that the text was related to early Christianity. In that case both Tiberius or Claudius would have been the authors of the rescript.

In a short note in 1932 Cumont (28) discussed the problem of the ossuaries, a Jewish practice that seems to have been widespread during the first decades of the 1st c. AD. It is quite clear that such a practice was against the ordinances of Augustus as these are preserved in the document of Nazareth. The exhumation of the human remains was something abominable to the Roman eyes. It is then highly probable that an incident like that proposed by Carcopino evoked the imperial edict and «cette loi criminelle punissait sévèrement la coutume dont témoignent les nombreuses ostothèques conservées» (p. 224). According to Cumont the existence of such an imperial edict in Palestine poses a dilemma; either the *διάταγμα καΐσαρος* was put into force and the practice of the ossuaries extinguished in the first decades of the 1st century AD or it turned out to be ineffective and the custom continued up to the 2nd c. AD.

W. Seston published a series of articles devoted to the problem of the inscription of Nazareth. In his article of 1932 Seston (30) presented the interpretations proposed by Cumont, de Sanctis, Carcopino, Cuq, Zeiller, Zancan and Goguel. He did not accept the position of Zancan that the text is a forgery and he adopted the arguments of Cuq against this theory. He was also convinced that the text is not an edict with a general application to the empire «... mais un rescrit envoyé par la chancellerie impériale en réponse à un gouverneur embarrassé par des incidents locaux». Seston discussed the major argument of Zancan against the authenticity of the text, the fact that the text speaks of *οἰκεῖοι* while according to him «le droit romain n'admet que la famille agnatique». Seston mentions several examples from the papyri of Egypt and the inscriptions of Asia Minor where it is quite clear that the *οἰκεῖοι* participated to the life of the family and had access to the family

grave²⁰. Seston also discussed the problem of the unity of the inscription in note 1 in page 206. According to him the text is a unity. The noun *θησαυρία* and the verb *μετακινέω* appear in both parts of the inscription with the same meaning. The relation between the two parts is that in the first part the text referred to what had already happened and in the second part to what was going to happen in the future. What made the inscription very interesting was the fact that the death penalty for tomb violation was introduced. Seston thought that such a measure did not last long and that it had no practical results. He repeated the thesis of Carcopino that the text should be related to the problems under the reign of Coponius and he dated the inscription in the reign of Augustus. According to him «L'ordonnance nous semble donc avoir été prise autant pour rassurer les Grecs, nombreux dans le nord de la Palestine, que pour rétablir l'ordre troublé par le conflit judéo-samaritain». Commenting on the objection of Zancan that the Romans did not interfere with religious differences, Seston observed that this was right but that on the other hand the Roman authorities were very concerned about the public order. A Samaritan chronicle mentions an incident similar to that described by Josephus. Sometime between 120 and 130 Samaritans replaced the pair of pigeons offered to the Temple with a pair of rats. Had the Sanhedrin and governor not intervened the incident would have caused a major tumult. Since the incident of 8 AD might have threatened the peace in Palestine, it is highly probable that the Roman authorities reacted by issuing this edict. The same thoughts might have led the procurator of Egypt in the 4th or 5th c. AD to punish with death a tomb violator.²¹ His act was an insult towards a dead man honoured by the city. To the arguments of Cuq and Carcopino about the events under the rule of Coponius Seston added one more observation. According to Josephus (*Jewish Antiquities* XVIII 1,3) the Sadducees did not believe in the rise of the dead and according to the Church Fathers that was a point accepted by the Samaritans as well. However «Quels que soient les points de contact entre des doctrines, il ne nous paraît pas moins sûr que les Saduccéens, gardiens du Temple et des traditions, ne pouvaient admettre que la Temple fût souillé par un contact impur et que, par une injure préméditée, les prêtres du Garizim, leurs riveaux, vissent outrager la religion de tous de

20. F. Preisigke, *Sammelbuch griechischer Urkunden aus Ägypten* III, 1926, no. 4243. *CIG* 3270; 3318; 3400; 4303.

21. *BGU* IV. 1024, 1-17.

Juifs. Il n'y eut donc dans le forfait des Samaritains ni équivoque ni excuse» (p. 211). Seston was of the opinion that the edict addressed the Samaritans and that the law had a local validity. As an additional argument towards this direction Seston mentioned the fact that the Pharisaic Judaism of Judea had the custom of the ossuaries, a practice totally opposite to what the rescript of Augustus ordered. Although the text of the inscription spoke of δῶλον πονηρῶν the fact was that «tout Juif pharisien, procédant selon sa coutume à la deuxième et dernière inhumation de ces proches, se serait exposé au châtement suprême!». Seston concluded then that the edict had been issued for Samaria and the measures had not affected the life and practices of the other parts of Palestine. He also claimed that the inscription of Nazareth had nothing to do with the events of Jesus' death and resurrection. The demanding of his body by Joseph from Arimathee was probably an act frowned upon by the other members of Sanhedrin since the contact with a dead body meant defilement but it was not against the orders of Augustus. In the same way the stealing of the body by the Disciples «n'eussent pas risqué leur tête: quelques deniers leur eussent suffi pour s'acquitter d'une amende, que, d'ailleurs, ces Juifs n'auraient peut-être pas reçue».

M o m i g l i a n o (33) devoted some lines to the problem of the inscription of Nazareth in his excellent book about Claudius. He accepted the date proposed by De Sanctis and related the text to the history of early Christianity. This would also explain the severity of the punishment. Like De Sanctis he thought that the inscription should be dated after 44 AD.

L ö s c h (34) was also convinced that the inscription of Nazareth was closely related to the event of resurrection. However he claimed that it had not been not provoked by the accusations against of the Disciples of stealing Jesus' body but rather by the apostolic preaching of the Resurrection as this is described in the first chapters of the Acts. This must had happened according to Lösch in 33 AD. Pilate reported the events to Tiberius (in 34/35 AD) and the emperor's chancellery composed a rescriptum Caesaris regarding the problem of tomb violation. However the imperial ordinance had not been sent to the procurator of Judea before 37 AD when Caligula ascended the throne of Rome. It is also possible that the rescript was also published by the legate of Syria in the beginnings of 40 AD. When Claudius became emperor of Rome he cancelled the law sometime in 41 AD. The law had been forgotten for about three centuries. According to Lösch an echo of it could be found in

the Papyrus *BGU* 1024 where a man is punished with death because he had practised tomb violation.

In the edition of the Froehner collection the eminent epigraphist L. Robert (35) published the text of the inscription and made some very brief comments on the authenticity and the provenance of the stone. According to him the claim that the text is a modern forgery is absurd since it betrays a lack of knowledge of the ancient inscriptions. On the other hand the accusation that Froehner is unclear about the provenance of the stone is unjustified. According to Robert Froehner noted only «trouvait à Nazaret» because he was not certain about the provenance of the stone.

H. Lietzmann (38) devoted some lines in his Notizen of 1936 in *ZNW* to the inscription of Nazareth though he admitted that he could give no convincing interpretation of it²². He explicitly stated that the inscription had nothing to do with Pilate and he found the arguments of Lösch unconvincing. He adopted the opinion of Wenger that the text was not the exact version of the imperial rescript but rather the informal summary that a private person made and put on his or her tomb in order to prevent it from future pillaging.

Seston (42) discussed the problem of the inscription once again while reviewing the book of Markowski (39). According to the Polish scholar the text was the reaction of Octavian to the accusations that the tombs of King David and King Solomon were violated and the remains of the two kings were transported (Josephus, *Jewish Antiquities* VII, 394 and XVI, 181). Octavian acting politically had his edict forbidding various cases of *τυμβωρυχία* published in Jerusalem. Seston found the theory of Markowski rather unconvincing. Had the stone been erected in Jerusalem it would have provoked the reaction of Pharisees who practised the custom of ossuaries. Such a result was really undesirable by both Herod and Octavian. Besides if Octavian had intervened, Josephus, who reported the incident of the violation of the royal tombs, would have mentioned it. Markowski also claimed that the text should not be regarded a unity because in line 20 the text abruptly addresses the tomb violator (τοῦτον) who was not mentioned earlier in the text. Seston rejected Markowski's argument and quoted a funerary inscription

22. «In der *ZNW* habe ich darüber nicht berichtet, und zwar wie ich ehrlich gestehen will, aus dem Grunde, weil ich zu einem klaren Urteil über die Inschrift nicht kommen konnte».

from Cos where the same form is found²³. The text of Nazareth should be regarded as a unity and the phrasing of the Cos inscription confirms it.

Nock offered his own explanations about the inscription of Nazareth in his review of the books of Markowski and Lösch (45). He thought that it was highly improbable that the law remained in force for a long time or that it was applied to the whole empire. According to Markowski traces of the *διάταγμα καίσαρος* could be found in the formulation of the funerary monument of Gaius Erycius from Pergamon (ca. 50 AD) However Nock observed that the «opening phrase *Καίσαρος εἰρήνης μνήμα τοῦ ἔχω* and the conclusion *αἰώνιος γὰρ ἔστιν οἰκία εἰ καὶ θέλωσι οἱ τυμβοζέπται* are not such as a man would have used if he could have referred to a legal enactment of the death penalty» (p. 119). Markowski dated the inscription sometime after 30 BC and estimated that it was part of the reorganization of the East after Actium. The mention of the title *καῖσαρ* as the sole name of the emperor was according to Markowski an additional indication that the text should be dated in a period before Octavian acquired the title of Augustus. He also suggested that the edict might have been cancelled by the edict of 28 BC, which revoked irregular measures of the preceding troubled years. However Nock thought that such a rapid change in the emperor's mind was improbable and in discord with the emperor's general religious policy. Additionally various literary and archaeological sources ascertain that the title *καῖσαρ* was used to denote Augustus throughout his lifetime. It should also be mentioned that the same title was applied to other emperors as well like Nero for example. Regarding Lösch's argument that if the stone was set up in Nazareth the only possible dates would be either the brief interval between the disposition of Antipas by Caligula (autumn 39 AD) and Herod Agrippa's entry into power in 41 AD or after Agrippa's death Nock adopted Carcopino's suggestion that the stone might have come from Samaria or some other city. According to Nock the *diatagma* may have come from the Greek cities east of Genesaret «...which had resented Herod's rule and may have demonstrated their independence with respect to Jewish cemeteries» (p. 120). Lösch further suggested that the imperial decree might have been used by Agrippa when he put to death James, the son of Zebedee. Nock is rather categorical at this point «a king who wanted to conciliate Jewish feeling did not need the stimulus of a Roman

23. W. R. Paton / E. L. Hicks, *The Inscriptions of Cos*, Oxford 1891, no. 319: ... εἰ δὲ μὴ βούλομαι τὸν ποιήσαντα ὑπεύθυνον ἔσεσθαι.

enactment» (p. 121). Besides an enactment that was issued by Caligula was no longer valid. Nock did not totally reject the theory proposed by Lösch or others that the stone could be closely related to the story of resurrection and the accusation against the Disciples reported in Matt. 28,12-14. However if the story was really true Pilate had to kill the guards and if he had reported the incident to Rome he would have been instructed to do the same and find the body. The Gospels and the early Christian tradition do not mention any persecution of the Disciples on these grounds or the execution of the guards. «The only way», Nock concluded, «in which, as far as I can see, we could conceivably connect the diatagma with this Jewish charge would be to suppose that on this occasion Pilate asked the princeps for instructions on tomb-violations in general, as Pliny does (*Ep.* 10,31,72) of quidam of Christiani.» (p. 121). Despite this possibility Nock preferred a date in Augustus' date when the lawless condition in the East made a governor ask the emperor for instructions.

André Parrot published in 1939 a book about maledictions and violations of tombs (46) where he also discussed the inscription of Nazareth. His major sources are Cumont, Goguel, Cuq and Carcopino. Like all of them he accepted the authenticity of the stone but he expressed some doubts as to whether the stone really came from Nazareth. He thought that the document was a rescript but he found that Cuq's opinion that the document consisted of the answer given by the emperor to two different questions was rather unconvincing. In fact the two parts of the inscription have many common points as for example the subject of moving the corpse which appears in lines 11 and 19. The theme that permeates the whole inscription is «la violation de sépulture». He dated the inscription in the reign of Augustus and he followed Carcopino when he said that the event that caused the erection of the stone was that of the Samaritans throwing bones in the court of the Temple. This terrible event had as a result the death sentence, which however fell into disuse some time after the issue of the document. The problem of the death penalty was lengthy discussed by Parrot. The custom of protecting the tombs of the dead was widespread in the East. However the death penalty was quite unusual. Parrot raised the question whether the severity of the sentence had to do with the Palestinian reality. Since the Palestinian texts are very few it is difficult to draw any conclusions from them. However the idea of death inflicted on the tomb violators is present in some Aramaic and Phoenician texts and Parrot thought that these consist the cultural background of our

inscription from Nazareth though they are much earlier. His conclusion is that Augustus' *rescriptio* was adjusted to the Palestinian reality. To the Roman ears such a punishment might have sounded too harsh but for a Samaritan or a Jew it was quite natural.²⁴ Since our text is Augustus' reaction to the event under Coponius, it cannot be seen as the answer of Tiberius to Pilate's report about the assumed stealing of Jesus' body. However Parrot did not totally disconnect the text from the biblical study since he was of the opinion that it helped the reader of the Gospels understand the great danger the disciples were in if they removed the body of their teacher.

N o c k reviewed Parrot's book (48) and he also commented on the ideas that Parrot expressed about the inscription of Nazareth. He pointed out that Parrot did not take into consideration the suggestion made by Zulueta that the inscription might have come from Decapolis, something that Nock himself found very probable if the inscription should be dated in the reign of Augustus. His focus was on the legal frame of the document. According to Nock the inscription did not represent the re-enactment of an ancient law, an idea expressed by Cumont and Parrot, but it could rather be regarded as «...a measure of purely local currency». He also observed that Parrot should take into consideration the critic on Cumont's thesis by Cuq and Zulueta. Parrot's assumption that the law introduced much later by Julian reflected this ancient law, which was also preserved in the document of Nazareth should be rejected according to Nock. Had there been such a law Julian would have surely quoted it. It is much probable that «the edict is based on Julian's emotions and his particular piety, not on the legal wisdom of the chancellery...». Nock also pointed that there were no examples from the Roman history where one had been imprecated because one had transferred a body into a new tomb. Apart from the social criticism no other punishment is known to us.

G e r n e r (50) discussed the inscription in his article about *τυμβωρυχία* in the Pauly-Wissowa, *Realencyklopädie*. He accepted the theory of Werner that the text is an «einheitlicher strafrechtlicher Erlass» (col. 1743), which imposed the death penalty to tomb violators. What makes this document really interesting is the fact that it bears evidence of an imperial arrangement for the protection of tombs in a much earlier date than the widely accepted. Apart from its value the inscription also poses various problems. It is not clear what

24. He also refers to the testimony of Josephus that the violators of David's tomb were flung into the fire, Josephus, *Jewish Antiq.* XVI, 7,1,2.

provoked the issue of it or whether it reflects the local tradition or the Roman legislation. Many funerary inscriptions mention imperial enactments but it is not certain whether they are referring to this document. Finally it is not settled whether the *διάταγμα καίσαρος* from Nazareth had a local and temporal application or whether it abolished previous legislation.

Johannes Irmscher's article (51) is one of the few German studies related to the inscription of Nazareth. Irmscher was like many other scholars before him convinced of the authenticity of the inscription. He criticised the thesis of Zancan that the document is a modern forgery fabricated by someone who wanted to produce a document about Jesus' resurrection. The formulation of the text is much more sophisticated than the one a forger could produce. Even if we assume that he had managed to copy the type of letters of the early imperial times it would have been impossible to imitate the style of a Koine text, since this was made known after the discovery of the papyri document, which took place after 1878 when Froehner bought the stone. Irmscher referred extensively to the form, style and nature of the document and he quoted some parallels to particular expressions of the text from papyri and inscriptions²⁵. The document from Nazareth does not have the form of an official document because date, place, *inscriptio* and *subscriptio*, name and title of the legislator all fail. The objection that the same happened in the edict of Nero (*Syll.*³ 814) is not according to Irmscher satisfactory since the emperor was in Greece when this document was issued and his name is expressively mentioned in lines 26ff. He concluded that the *διάταγμα* of Nazareth was an excerpt from an official document, the work of a private person or the local authorities and was erected on a tomb to protect it. This could explain the unevenness of the structure of the text²⁶. He was very cautious when it came

25. For example according to Irmscher the phrase *ἀρέσκει μοι / κελεύω* are used with the same meaning the Augustus' edict from Cyrenaica. *Δόλος πονηρός* (*dolus malus*) appears in a *psephisma* from Palmyra (*OGIS* 629,112), in the Delphian version of Lex Gabinia (*SEG* I 161,53), in an inscription from Cos (Paton-Hicks, nr. 318,3) and in papyri (*Wörterbuch* I, 396). *Ὀνόματι* (*nomine*) has many examples in the papyri (F. Preisigke, *Gr. Urkunden-Kairo* 47,10; *OGIS* 669,18). Finally the expression *ἐπ' ἀδικίᾳ τοῦ δεῖνα* appears in the papyri many times (*Pap. Tebt.* 104,23; *BGU* 1123,11; *P.Oxy.* 1203, 24).

26. «Die Unebenheiten, auf die wir in der uns dargebotenen Form stossen, machen es sehr wahrscheinlich, dass der Redaktor auch ihm eine gedrängte Gestalt gab, in der das für seine Zwecke Unwesentliche fortblieb», p. 175.

to the nature of the document and he claimed that we should not define it as an edict since «für die frühe Kaiserzeit ist eine solche Terminologie jedoch noch nicht vorauszusetzen... » Besides the preserved form of the text does not allow any certainty as to the original form of it. Irmischer discussed the legal frame of the present document and he investigated whether there was a similar law either in the Roman or in the Hellenistic world. During the Republic years the tombs of the dead were protected through a praetorian edict and the usual punishment for the violation of tomb was a fine. In the 2nd c. AD though when the incidents of tomb violation became more frequent the legislation became more severe and punishment varied from penal servitude and exile even to death. The legislator of our document was conscious of the innovation he introduced. He laid the emphasis on the fact that «Grabfrevel nicht nach dem bestehenden Recht abgeurteilt werden soll, sondern schärfer und strenger als bisher, nicht anders als Vergehen gegen die Götter selbst...». The *violatio sepulchri* should be subordinated to the penal code like the stealing of divine property. The Hellenistic world had its own legal tradition regarding the violation of tombs. Irmischer mentioned an edict from Tralles where the emperor sanctioned with his own decision previous legislation. In the documents of Asia Minor the ἔγκλημα τυμβωρυχίας is mentioned many times. The τυμβωρύχος was impious and sacrilegious. Though both parts of the Greco-Roman world seem to have legislation regarding τυμβωρυχία what is totally new in our inscription is the severe punishment. Irmischer presupposed that the place where the stone originally stood was Nazareth and he examined the possible periods when this might have happened. He found three possible periods: a) 48-46/44 BC when Herod was the Roman governor of Galilee and Coele Syria. However no historical source gave us any information about an incident that might have caused the composition of such a document. On the contrary Herod was quite new in the area and he would have avoided an edict with polytheistic undertones. Caesar was much concerned about other serious matters to devote his attention to the problem of τυμβωρυχία, b) after 70 AD and Irmischer presented the arguments given by Brown and by Capocci. He found it improbable since the historical sources of that period and mainly Josephus testify that Vespasian was very reluctant to punish his defeated enemies²⁷; Tiberias was not punished because it

27. Josephus, *Jewish War* III, 10,1-2.

surrendered²⁸; and finally, Sepphoris was on the side of Rome during the rebellion²⁹. c) The last possible period is that of 135-145 AD, during the reign of Hadrian and after the devastation of Palestine. The severe punishment and humiliation of the Jewish nation and religion could explain the pagan undertones of the text. However paleographic reasons do not permit such a late dating. The emphasis that is laid on the respect of the dead has got a humanistic tone. Finally, the way that the text refers to the emperor is not suitable for Hadrian's age. Having examined the three possible periods and finding all options unconvincing he concluded that the stone could not possibly come from Nazareth. He rejected Sepphoris which was proposed by Tonneau, since the city was not under Roman rule in the time of Augustus and adopted the solution of Carcopino that the stone came from Sebaste of Samaria which got under the Roman rule in 6 AD. Following Carcopino he claims that the event that caused the issue of the *διάταγμα καίσαρος* was the pollution of the temple by the Samaritans. According to Irscher the disappointment and anger that followed the annexation of the Samaritan territory to the Roman empire were those that produced such provocative actions as that described by Josephus. However the measures taken against tomb violators were temporary and concerned only Samaria. This can be proven by the fact that the gospels say nothing about an edict forbidding *τυμβωρυχία* when they refer to the accusation of stealing Jesus' body. If there had been such an edict the accusations against the disciples could have brought death. Besides the custom of ossuaries was widespread, a practice which was surely against the legislation of the text.

L a t t e (52) was very negative towards the significance and reliability of the Nazareth inscription. He also accepted the view that the text was a translation of a Latin original but expressed his doubts regarding the unity and the authenticity of the document. The text had many discrepancies that led Latte to the conclusion that it was either a compilation of two different texts or a forgery made by the owner(s) of the tomb. Although he could not decide for the one or the other version he concluded: «... nur tut man wohl gut daran, dieses Zeugnis für die Tymborychia des römischen Rechts einstweilen nicht zu verwenden» (col. 1612).

28. Josephus, *Jewish War* III, 9,7-8.

29. Josephus, *Jewish War* II, 18,11; III, 2,4; 4.1; *Life* 22ff. 56ff.

Creaghan's (54) dissertation examined the various inscriptions concerning the *violatio sepulchri* and in the last chapter of his work the American scholar devoted some pages to the problem of the Nazareth inscription. He did not pay much attention to the literary form or the structure of the text. However he briefly analysed some of the terms found in it such as the participle ἐξεροφότη. His attention was drawn to the legal background of the document and he associated the death penalty mentioned in the text to two legal passages: *Digest XLVII, 12,11* where it is stated that death was the punishment for the *humiliores* who exhumated a body and another passage in Ulpian (*Digest XLVII, 12,3,7*) where it is stated that Septimius Severus issued the death penalty for the case of «*cadavera spoliare*», that is the removal of precious objects from a dead body. Such an act was punished most severely. Creaghan also referred to the papyrus *BGU IV, 1024* (end of 4th c. AD). He followed the opinion of Brown and dated the inscription in the reign of Septimius Severus. According to him the contents of the inscription bore great similarity to the legislation of Severus. Both differed from the previous legal texts in regards of the prohibition and the sentence imposed to the violators. The word Καῖσαρ did not need to mean Augustus since it usually meant the reigning emperor. Hence the phrase διάταγμα καίσαρος was the translation of *rescriptum Septimi Severi* and not of *Edictum Augusti*. The use of *τυμβωρυχία* pointed to a later date since the word was introduced quite later in the inscriptions. «It is, therefore, preferable to date the inscription from Nazareth at a time, when this word was in current use». Creaghan became more specific and stated that the text must have been composed in the time between 193 and 198 before Caracalla and Geta co-ruled with Septimius. Since he dated the stone in such a late age, Creaghan could find no connection between it and the beginnings of Christianity. Had it there been such a connection the disciples would have been accused as tomb violators. The Hellenistic Luke and Paul would have mentioned the accusation of stealing Jesus' body. «For the above reasons», Creaghan concluded «it is solidly probable that the legislation recorded on the inscription from Nazareth was not enforced in the Holy Land or throughout the Roman Empire at the time of the resurrection».

Agourides' paper (56) was the only study about the inscription of Nazareth published in Greek. He was like almost all other scholars convinced that the stone is authentic. However he was not quite certain that the provenance of it was Nazareth and he assumed a more general geographical

location of it, that is Palestine. Since praescriptio and subscriptio are missing he thought that it was highly improbable for the document to be an edict. Besides such an edict would have been known from other sources as well. He rejected the possibility of the decretum because of the tone and style of the document and he accepted the solution of the rescriptum or mandatum. In this case it must have been an excerpt of the imperial orders given to the governor of Syria. This rescriptum was translated into Greek and was sent to the officials of Palestine with the general and somehow vague title διάταγμα καίσαρος. One of the recipients of the translated documents who was facing a serious problem of tomb violation wrote part of this original text on the stone that we have at hand. Agourides adopted the original thesis of Cumont that the text was a bad Greek translation of a Latin document and he quoted the Latinisms of the text already mentioned by previous scholars. Agourides repeated the observations made by previous scholars regarding the legal frame of the document. The *actio sepulchri violatio* which was included in the *edictum perpetuum* of Late Republic imposed fines only to the tomb violators. This refund was determined by the judge. Only in the 2nd c. AD was the fine paid to the state revenues office. As the tomb violations were spreading alarmingly extra measures were taken: exile, penal servitude even death. Nowhere was our διάταγμα mentioned though. This led Agourides to the assumption made by other scholars as well that the legal text of our inscription had local validity and was issued under exceptional circumstances. Regarding the date of the stone Agourides reviewed the opinion of Brown but he rejected it as not satisfactory. We are not quite certain as to the extent of the authority of the Roman legate of Syria. It is highly probable that he could intervene in Palestine in periods of crisis. Agourides also discussed the two dates proposed by F. Cumont and De Sanctis respectively. He rejected the possibility of a date under the reign of Tiberius because 1) the inscription could not have been placed in Nazareth during Tiberius' date since the area belonged to Herod Agrippa, 2) no hint is made to the resurrection of Christ, 3) such a text would probably have been translated into Aramaic instead of Greek in order to be intelligible to Nazarenes and Jews and 4) no mention is made anywhere in the Christian tradition that a persecution was provoked by this document. Agourides does not accept de Sanctis' theory that the text came from the reign of Claudius because such a theory presupposed that the Roman authorities could understand that the event of Resurrection was the major issue of controversy between Jews and Christians. According to him the

most brilliant solution is that proposed by Carcopino. Although the text of Josephus is corrupt at this particular passage, Agourides thought that an event as this described by Josephus could have provoked the issue of such a legal text. Consequently the stone should be dated in Augustus' reign. Agourides could not find any direct relation between the inscription of Nazareth and the events described in the Gospels. What is most important for a Bible scholar is the fact that in the time when the burying of Jesus took place a law against tomb violation was in force. On the other hand the fact that the women who visited the tomb of Jesus were wondering who could roll the stone aside shows that they were ignorant of the guards and this particular law.

The unity of the text, one of the major problems of the Nazareth inscription, is the subject of de Visscher's article (57). De Visscher discussed the suggestions made by previous scholars regarding the unity of the text and found all of them unsatisfactory. Although he agreed with Cumont that the text had a certain unity he also felt obliged to accept the fact that the last four lines of the document formed a separate passage. He rejected Cuq's opinion that the text consisted of two separate rescripts and maintained that «l'identité des faits visés par l'ensemble de l'inscription constitue à nos yeux une absolue certitude» (p. 87). What is worth noticing according to de Visscher is the fact that the text bore great resemblance in respects of wording to the funerary inscriptions of the Hellenistic world. The most important indication of this was the use of the *τυμβωρυχία* a word and notion totally unknown to the Roman world but widely attested in the Greek funerary inscriptions. According to de Visscher this was not accidental. The word was chosen on purpose in order to justify the penalty of death proclaimed in the last part of the inscription. De Visscher accepted the twofold distinction of the text and proposed a new solution to the problem of the unity of the text. The first part of the document was part of an imperial rescript while the second part an addition made by the owner of the tomb who thought that in this way he could better protect his monument from future tomb violators. That the last part of the text was the work of a private person was also indicated by the use of the verb *θέλω*, a word usually found in the testaments of the Hellenistic world.

Schönbauer treated the problem of the Nazareth inscription in the second part of his article «Untersuchungen über die Rechtsentwicklung in der Kaiserzeit» (58). According to him the most problematic passage of the inscription is the phrase *πολὺ γὰρ ... τεμῶν* especially when one attempts to

relate it to preceding phrase *κριτήριον περὶ θεῶν*. The only plausible solution to this problem would be to assume that the stone-cutter had made a mistake while copying the lines 14-17. Schönbauer proposed the following emendation of this part of the inscription: *κριτήριον ἐγὼ κελεύω γενέσθαι καθάπερ περὶ <ἀνθρώπων> εἰς τὰς τῶν <θεῶν> ὀρησκείας ...* The imperial *διάταγμα* ordered that a case should be brought against the tomb robbers in the same way as in the case of persons who show disrespect towards the gods themselves and generally speaking towards cult-persons (Kultpersonen). In the text of Nazareth *τυμβωρυχία* is equated to *ὑβρις* (*iniuria atrox*). To strengthen his position Schönbauer recited some examples of *διατάγματα* where persons who showed such disrespect towards cult-persons were threatened with death³⁰. The novelty that our text from Nazareth introduces is that the death penalty, which was reserved for those who showed disrespect towards cult persons, is now extended to those who exercise any kind of *τυμβωρυχία*. Schönbauer adopted Wenger's thesis and claimed that the text is a unity. Its form showed that it must have been an edict. Schönbauer found many similarities between the text and edicts III and IV of Cyrenaica. The absence of *λέγει* is not an argument since the text that we have at hand is only an excerpt from the original edict made by the owner of a private grave monument. Perhaps the owner of the grave thought that the text would act as a protection against grave violators. According to Schönbauer most probably the *Καῖσαρ* of the inscription is Tiberius. As he further argued «In dieser Periode scheint mir ein einfaches *Καῖσαρ* am ehesten zu Tiberius zu passen (vgl. Suetonius, *Tiberius* 36 und Dio Cassius 57,2,8... Andererseits zeigte er z.B. beim Tode seines Bruders Drusus oder bei dem seines Adoptivvaters Augustus eine so starke ehrende Hingabe, dass sie durchaus zur Auffassung des *Diatagmas* von *πολὺ μᾶλλον τεμᾶν* zu passen scheint. Schönbauer did not doubt that Galilee was the place of provenance of the stone and he saw no difficulty in the fact that Galilee was under the Herodian rule during the reign of Augustus «denn das Fürstentum des Herodes war kein souveränes sondern ein in den Reichsorganismus eingegliedertes, war also staatsrechtlich nur einer *civitas libera ac foederata* gleich.

Oliver (59) commented on the division of the text proposed by De Visscher and he rejected his theory that the last four lines of the document were an addition done by a private person who erected the grave monument.

30. E.g U. Wilcken, *Chrestomathia* no. 70 and *P. Tebt.* 700 of 124 BC

A private person would not have dared to do such a thing and «let his own addition look like part of the emperor's edict. If that had been the case the stonemason would have left some space between the imperial document and the addition. In Oliver's view the most plausible explanation for the last 4 lines is that they were an order added to the original imperial document by the Roman magistrate. The verb $\theta\acute{\epsilon}\lambda\omega$ that introduces this part of the text and which was thought as very suitable for the language of a private testament could be equally suitable for a Roman magistrate. Oliver discussed two main difficulties of the text: (1) the lettering of the document that indicated a date in the 1st c. AD and (2) the death penalty that is pronounced in this part of the inscription and which is foreign to the Roman or Greek law about violation of tombs. However these two difficulties could be surmounted according to Oliver if this last part of the text would be regarded as an interdict, i.e. «a court order and provisional decision. Such a measure had a provisional and limited application and its purpose was «to restore or preserve order by coercing a man into producing something which he withheld (*interdicta exhibitoria*) or into restitution of property (*interdicta restitutoria*) or by prohibiting a certain disorder (*interdicta prohibitoria*)» (p. 180). According to Oliver the interdict of our document falls under the third category and is an *interdicta popularia*. It was in fact an emergency measure in defense of *res religiosae* and was aiming at the restoration of a threatening situation. Oliver thought that such a situation might have been the outbreak of violence between Samaritans and Jews described by Josephus (*AJ* 18.2.2) after the defilement of the Temple by the former. Oliver developed a scenario of the events that followed. The Jews feared an outrage to their cemeteries and appealed for special protection. The procurator of Judea or the legate of Syria assigned troops for the meantime and wrote to the emperor explaining the whole situation. When the imperial edict arrived it was announced and the interdict of the Roman magistrate (the procurator or the legate more probably) accompanied it. $\theta\acute{\epsilon}\lambda\omega$ in that case could have been the most suitable verb for the legate of Syria to use out of politeness towards the procurator of Judea. If this theory stands then there must have been three main documents: 1) the petition of the Jews, 2) the edict of the emperor and 3) the interdict of the local authority. The inscription of Nazareth then is nothing more than a «mere selection of what the postulant(s) could best use for whatever reason the privately erected copy was supposed to serve». Such an interpretation would eliminate another difficulty; the combination of a

Latinism «nomine»(=ὄνοματι) with τυμβωρυχία which was a concept unknown to the Roman law. It was the petition that defined the disorder as τυμβωρυχία and by using this term the Roman magistrate actually agrees «to prevent precisely that of which the Jews are afraid.»

Oliver's proposed solution about the last four lines provoked the article of Berger (60). According to Oliver the last four lines are an interdict added by the governor of Syria. Berger's criticism is focused on the way the American scholar understood the function of the interdict. Oliver stated that the last four lines were an *interdictum prohibitorium*. However there are no instances of inscribed interdicts. If the last four lines had really been an interdict then the inscription of Nazareth must have been the only example of an inscribed interdict. Berger remarked that the way Oliver understood the nature and function of an interdict was rather confused. Although he admitted that our text was actually a summary of a Latin text translated into Greek «ἐλοστέδεϊ νοτί φόρμουλι ιντερδιτάλι». Hence he found that the presence of the verb ἐγὼ θέλω is irreconcilable with the style of an interdict. Berger admitted that the verb ἐξέστω really appears in interdicts as well. However the phrase μηδενὶ ἐξέστω (nemini liceat) is an additional argument against the interdict theory. While in the present inscription the prohibition is generally addressed to every possible offender, the prohibition in an interdict was always addressed to a particular individual who caused the issue of interdict. Ingenious as the interpretation of Oliver might have been it was irreconcilable with the practice of a Roman interdict. Such a legal document could not be directed at *incertam personam* but it addressed the interested person by name. Berger also rejected the suggestion of Oliver that the text was an *interdictum populare* and the idea that it might have been a «martial law» since according to Gaius the aim of an interdict was «finiendis controversiis»³¹. Berger also discussed the scenario proposed by Oliver about the circumstances that might have led to the issue of this legal text. Oliver claimed that must have been three documents: the petition of the Jews, the submission of the question to the emperor by the proconsul and the answer of the emperor himself. Berger argued that it was not attested in the Roman law procedures that an inscribed petition could have been regarded as a *postulatio* for an interdict. There was also no evidence that such a procedure could produce an interdictum.

31. Gaius, 4.139.

Cerfaux (63) was concerned with the problem of the unity of the text of the inscription. According to him the text could be divided into three parts. The first part has got the formulas of an edict or a rescript, the second part those of a rescript whereas the third part does not reflect the vocabulary and spirit of the ancient Roman legislation. This last part of the inscription led Cerfaux to express three assumptions: a) this last part was written by the emperor himself who expresses his own reflections about the problem of tomb violation and proposes a legal solution different from that of the Roman law, b) it was written by a magistrate who makes this innovation and c) the owner of the grave where the stone stood added these last lines. Cerfaux thinks that the last version is the most plausible. The offence of *τυμβωρυχία* was a common idea in the Hellenistic world but it was foreign in the Roman legislation. This and the harsh punishment of the violators induced Cerfaux to conclude that a Hellenized Syrian who expressed himself regarding *τυμβωρυχία* in the mode of the Hellenistic and Eastern world wrote the last part. An additional indication that the text is not a unity is the use of the phrase *ἐγὼ θέλω*, which allowed Cerfaux to conclude that the author of this part of the text is different from the one who uses the verb *ἀρέσκει μοι* and *κελεύω*. Cerfaux argued that the first two parts of the text are based on an imperial edict while the last two lines and the verb *θέλω* do not indicate a Roman emperor but the owner of a tomb who wants to secure its integrity. Cerfaux asked who could have been this owner. The use of the word *θεοὶ* excluded the possibility of his being a Jew. He also estimated that Cumont's suggestion that the stone had to do with the resurrection of Christ was rather romantic. Most probably the tomb owner is a «*sujet féal de l' empereur romain.*» It is also possible that he was a hellenized Jew. The new about the inscription of Nazareth is the evolution in the meaning of the word *θηρησκεία*. It usually has got the meaning of cult³² but in the text of Nazareth it seemed to refer to the honour paid to the dead. This honour is equated in a way to the cult of the gods.

V. Scramuzza (70) briefly referred to the inscription of Nazareth in his classical book about Claudius. He followed Momigliano and De Sanctis in dating the inscription in the reign of Claudius and relating it to rumours about Jesus' resurrection.

32. Vgl. Paul's epistle to the Colossians 2,18 and an inscription from Acmonia. *REG* 2 (1889) 19.

L. Hermann (71) claimed that the author of the text was Tiberius. The text bore traces of a humanistic approach to the problem of the protection of the dead. Hermann thought that the text should be related to the story reported in the Gospel of Matthew and that it was the imperial answer to the rumours of resurrection.

M. Benner published a book about the rhetorical style in the edicts of the Early Empire (72) and she also discussed the problem of the Nazareth inscription. According to her the text of the inscription is definitely an edict. Her arguments are: 1) the use of the verbs ἀρέσκει and κελεύω which are also found in the Augustean edicts of Cyrene and 2) the fact that the text does not seem to be the answer to a particular question. She also accepted the general judgment that the text is the Greek summary of an official document that was originally composed in Latin. Benner discusses the major features of the inscription. The praescriptio is missing and the edict does not have the usual form of the admonitory introduction and the dispositio. The text opens with a general clause, which is the summary of the whole text and continues with the enumeration of various forms of τυμβωρυχία. Then goes on with «... a briefly expressed, obscured comparison» and «... a moral motivation of the ordinance. The phrase πολὺ γὰρ μᾶλλον must be rendering the Latin *multo magis* which had the sense of *potius*. Similar phrases are also found in the edict of Cyrenaica. Finally the edict closes with a new dispositio, negative this time. The punishment in case of violation is death. Benner discussed the assumption of de Visscher that the last two lines were added by the owner of the tomb. His major argument was the fact that the verb volo / θέλω / βούλομαι does not come up in dispositio but it is frequent in testaments. Benner rejected this arguments quoting some examples of the use of verbs in the dispositio of edicts and she concluded «θέλω therefore, cannot be used as an argument against the genuineness of the last clause. She also quotes without any comment the opinion of Oliver that the last lines are an *interdictum* of the governor himself and the opinion of Latte who claimed that the owner of the tomb forged a document. The inscription should be dated in the reign of Augustus or at least till the middle of the 1st c. AD. Since no praescriptio is given it is very difficult to date the document.

Metzger's (73) was the first thorough review of the literature regarding the inscription of Nazareth since the article of Smith in the *Dictionnaire...* He exposed the major points of the previous studies while in the meantime he expresses his own opinion as well. Metzger adopted the opinion of Lösch and

Cuq that the phrasing of the text is too complicated to be regarded a fabrication of modern times. The theory that it was an ancient forgery should also be rejected since in that case all the indications that the text is a Greek translation of a Latin original would be missing. He expressed his doubts as to whether the inscription really came from Nazareth. He excluded the possibility of the text being an edict and he repeated the position of de Zulueta that the author «was not concerned with terminological niceties» and that by the use of the word διάταγμα «he probably meant no more than δόγμα καίσαρος as used in *Acts XVII,7*. Regarding the structure of the text Metzger criticizes the theory of de Visscher that the last lines were added by the owner of the tomb because it is doubtful whether a private person would have dared to add his own words «to a publicly displayed copy of the emperor's ordinance. Metzger presents the opinions of Oliver, Schmitt and Cerfaux that the last lines were an interdict of a local magistrate but he declares that he is convinced by the suggestion of Robert that «the text of the inscription is essentially a unity, being bound together by the synonymous expressions ἀρέσκει μοι (l. 2), κελεύω (l. 14) and ἐγὼ ... θέλω (l. 20-22), suggesting that the inscription is from one author». According to Metzger the text is a Greek translation of a Latin original and it is written according to the Koine of the pre-Christian period. He also discussed some particular points of the inscription but he gave a very cursory analysis of the legal frame of the inscription. The custom of writing curses against any possible tomb violator was well known and widespread in Middle East since the 2nd millennium BC. The custom was adopted in Asia Minor and was spread in the West. Metzger followed Creaghan in the description of the legal process against a tomb violator. Metzger mentions the various dates proposed by the previous scholars³³ and he discusses the opinions of Carcopino and Creaghan. According to him the events described in Josephus were very serious which means that an ordinance would not have been the only measure taken against the violators. On the other hand the opinion of Creaghan that the text is from the reign of Septimius Severus cannot be sustained. The phrase «qui cadavera spoliant» from Ulpian, which Creaghan uses as an argument means «take something away from a corpse» and not take the body itself. «One would

33. He makes a mistake though when he says that de Sanctis dated the inscription in the reign of Caligula. In fact de Sanctis thought that the document came from the last years of Claudius' reign.

expect that the removal of the corpse itself from the tomb would have been regarded as much more serious a crime than purloining jewelry from the corpse, and hence would have been made a capital offence long before the death penalty was extended to lesser varieties of tomb-spoilation». It is very probable that the text reflects local legislation. It is very difficult to date the inscription since the single reference to Καῖσαρ is not enough. Nevertheless the text must have been the product of one or more incidents. Metzger avoided answering the question whether the text has any direct connection to the early Christianity. Like Agourides he thought that the text could prove that in the time of Christ's resurrection a very strict law regarding tomb violation was in force in Palestine.

Smallwood (74) briefly discussed the inscription of Nazareth in her classical book «The Jews under Roman Rule. From Pompey to Diocletian». Since she examined the text within the broader context of the Jewish history in Palestine under the Roman she focused her interest on some particular features of the text. She thought that the text might be an edict or a rescript and she repeated the opinion of Carcopino that the inscription could be related to the events during Coponius' rule. However she finally adopted the dating of de Sanctis since she thought as most probable a date after 44 AD, perhaps 49 AD. We should note that Smallwood did not doubt that the inscription came from Galilee. She thought that the inscription had to do with early Christianity and that the author of it had heard the anti-Christian version of the resurrection events. By issuing this text he wanted «to prevent other new and disruptive sects from originating outrages.» In this respect the inscription is closely related to early Christianity and the resurrection. Smallwood connected the text with the chronology given by Orosius and the explanations given by Suetonius about the expulsion of Jews from Rome at that year. According to Smallwood «... in 49 the emperor became aware of Christianity as a schismatic Jewish sect, clamped down on it in Rome because of its inflammatory effects there, and took precautions against the emergence of other similarly based sects in its country of origin».

Boffo (79), a student of Gabba, presents in a thorough but brief way the main points of debate about the inscription up to 1994 and provides the reader with summaries of the main arguments of various scholars regarding the inscription.

The Nazareth inscription did not cease to cause great excitement among the scholars up to now. In 1998 Sordi and Grzybek (80) offered a new

interpretation of the text and connected it to Nero. Grzybek who composed the first part of the article tried to prove this view by using various stylistic arguments. He found that the text of the inscription bore great similarities to three inscriptions found in Acraephia all engraved on the same stone: an edict of Nero, a speech of the same emperor to the Corinthians and a decree adopted by the Greek city after the proposition of a certain Epameinondas, high priest of the emperor cult. Both in the inscription of Nazareth and in the edict of Acraephia the emperor is simply called Καῖσαρ and both texts are introduced by a very brief sentence. Another feature in common is the word αἰών, a favourite word of Nero. Grzybek regarded as particularly significant the rhyme of both texts, which is identical. He concluded that the διάταγμα καίσαρος of Nazareth was a piece of work composed by the emperor himself. This would offer a different explanation to the existence of many Latinisms in the text. Turning to the historical evidence Grzybek claimed that there were some examples in Roman history when the Roman authorities would intervene to suppress a cult that it was perceived as particularly dangerous for the order of the state, e.g. the Bacchanalia affair or the expulsion of the Isis devotees under Tiberius³⁴. The Christian faith was also regarded as such and Grzybek claimed that the inscription of Nazareth should be related to the early Church. Using references from Tertullian Grzybek tried to prove that the phrase εἰς τὰς τῶν ἀνθρώπων θρησκείας referred to the Christians who adored Christ but refused participation in the cult of the emperor. The phrase should then be translated as «contre les cultes rendus aux homes» (p. 287). In the second part of the article Sordi discussed the evidence of Matthew and especially the information that the accusation against the Disciples διεφημίσθη ὁ λόγος οὗτος παρὰ Ἰουδαίους μέχρι τῆς σήμερον (Matt. 28,15). The accusations were still widespread among the Jews in the time when Matthew wrote his Gospel. The inscription of Nazareth was the reaction of Nero to these rumours and Sordi placed as *terminus post quem* for the issue of the text the year 62 when the successor of Porcius Festus together with Agrippa II punished the High Priest Ananos for his provoking the death of Jacob. This year coincided with the beginning of the new influence of Poppea and Tigellinus on the emperor³⁵. Poppea was according to Josephus a θεοσεβής

34. Livius XXXIX 8-19 (Bacchanalia) and Josephus, *Jewish Antiquities* XVIII 65-84 (expulsion of the Isis devotees).

35. Tacitus, *Ann.* XV, 61,4.

and she showed her favour towards Judaism in various ways. It is very probable that she influenced Nero against Christians and persuaded him to issue this decree. Regarding the nature of the document of Nazareth Sordi stated that it must have been an edict and not a rescript. The text bears great resemblance to the Augustan edict of Cyrene.

The last study on the inscription of Nazareth was published in 1999 (81). The authors of this article discussed the arguments of the major studies on the text. They rejected the possibility that the text was a compilation of more than one texts since no other examples of such compilations are attested. On the other hand the text could be divided into two parts where the second summarizes and repeats the first. The first part refers to offences that have already happened while the second part warns that for future offences the punishment will be death. The authors repeated the older arguments about the nature of the text but concluded that it must have been an edict. The style and vocabulary of it does not correspond to that of an edict. Regarding the language of the text Giovanini and Hirt followed the majority of the scholars and claimed that what we have before us is a Greek translation of a Latin original. The crime discussed in the inscription is that of *τυμβωρυχία*. The word and the idea behind it are Greek and it is present in a very big number of funerary inscriptions from the eastern part of the empire. It reflects an ancient law against tomb violation as many inscriptions ascertain³⁶. While the existence of such a law can be easily proven for the eastern part of the empire, the word does not appear in Rome or the western provinces. This raised the question whether the inscription of Nazareth introduced an ancient Roman law or simply adopted a tradition from its environment. The authors concluded that it is very difficult to decide but they claimed that both parts of the empire shared the same tradition. What is more important is the fact that the inscription of Nazareth is «la plus ancienne attestation de ce terme comme chef d'accusation» (p. 118). Apart from the fine and the infamy the capital punishment was introduced in cases of tomb violation during the last years of the Republic. This capital punishment meant exile for the Roman citizens and death for the peregrines. The inscription of Nazareth should be dated in the reign of Augustus and should not be related to a particular incident but rather to Augustus' attempt to restore order in the eastern provinces. Giovannini and Hirt also suggested that the place of provenance of the inscription should

36. In many inscriptions the terms *πάτριοι νόμοι* and *διάταγμα* are found together.

not be sought in Palestine but in Asia since the text bears great similarities to various texts from Asia. It is very probable that the stone was brought to the port of Nazareth where Froehner bought it.

IV. CONCLUSION

About 50 studies all handling the problem of the Nazareth inscription were presented in the previous pages. Each of them contributed more or less to the interpretation of the inscription. However among them two or three played an important role in the discussion and had a great impact on the rest of the studies. These are the studies of Cumont, Carcopino and de Sanctis. Cumont's dating of the text in the Augustan reign was accepted by the majority of the scholars while Carcopino's ingenuous relation of the imperial enactment to the defilement of the Temple by the Samaritans was accepted with great enthusiasm by many. Finally de Sancti's objection that Galilee did not belong to the Roman province of Syria when the *διάταγμα* as issued contributed to the discussion of the stone's provenance. The vast majority of the papers accept a date in the Augustan period while there are also some other suggestions as to the possible date (reigns of Tiberius, Caligula, Nero, Hadrian, Septimius Severus). Apart from one or two skeptical voices no one doubts the authenticity of the document. The «Christian interpretation» of the document, which was proposed by Cumont has found many supporters. Although most of them do not agree as to the exact incidents that caused the issue of this text, a significant number of scholars maintain that the inscription should be directly related to the events following Jesus' crucifixion and resurrection. Even those who do not accept a direct connection of the inscription to these events are ready to admit that the inscription is indirectly connected to the Christian doctrine of resurrection. Regarding the provenance of the stone, which too often was examined together with the problem of date, we should note that a considerable number of scholars doubt that the stone came from Nazareth and attempt to find alternative locations. Samaria and Decapolis seem to be the most possible candidates. The legal frame is extensively discussed. All scholars agree that the capital punishment, which the stone introduced, is new and extraordinary since the usual punishment for the offence of the tomb violation was a fine. The unusually harsh punishment led many to the conclusion that it was an extraordinary event that caused these strict measures. Those scholars, who accepted the Augustan date, adopted in their majority the

explanation of Carcopino while there were also some others who preferred more general situations as the reason that led to the issue of the decree. There is some uncertainty as to whether the text is an edict or a rescript but all agree that it was a geographically limited temporal measure.

The problem of the Nazareth inscription remains unsolved challenging every new generation of scholars. Although it is impossible for the time being to give decisive answers to the pestering questions that the inscription poses it should not be denied that this controversial piece of Palestinian epigraphy is one of the most interesting inscriptions of the ancient world.

ΠΕΡΙΛΗΨΗ

Η ΕΠΙΓΡΑΦΗ ΤΗΣ ΝΑΖΑΡΕΤ: ΕΝΑ ΑΜΦΙΛΕΓΟΜΕΝΟ ΖΗΤΗΜΑ ΤΗΣ
ΠΑΛΑΙΣΤΙΝΙΑΚΗΣ ΕΠΙΓΡΑΦΙΚΗΣ (1930-1999)

Ἡ λεγόμενη «ἐπιγραφή τῆς Ναζαρέτ» προκάλεσε ἀπὸ τὴν πρώτη δημοσίευσή της τὸ 1930 μέχρι σήμερα πολλές συζητήσεις ἀνάμεσα στοὺς ἐρευνητές. Πρόκειται γιὰ μιὰ καλὰ διατηρημένη ἑλληνικὴ ἐπιγραφή χαραγμένη ἐπάνω σὲ μιὰ μικρὴ μαρμάρινη πλάκα, τὸ κείμενο τῆς ὁποίας ἔχει ὡς θέμα της τὸν σεβασμὸ τῶν νεκρῶν καὶ τῶν τάφων τους καὶ τὴν ἀπαγόρευση μὲ τὴν ἀπειλὴ τῆς ἐπιβολῆς τῆς ποινῆς τοῦ θανάτου μιᾶς σειρᾶς ἀπὸ πράξεις, οἱ ὁποῖες θεωροῦνται τιμωρυχικές. Ὁ λόγος πού αὐτὴ ἡ ἐπιγραφή προκάλεσε τόσες συζητήσεις εἶναι: α) ὅτι αὐτὸ τὸ μοναδικὸ στὸ εἶδος του κείμενο παρουσιάζει ἰδιαίτερο ἐνδιαφέρον ἀπὸ θεματικῆς ἀπόψεως ἀλλὰ καὶ δημιουργεῖ ποικίλα προβλήματα καὶ β) ὅτι ἤδη ἀπὸ τὸν πρῶτο της ἐκδότη, τὸν Fr. Cumont, συνδέθηκε μὲ τὸ γεγονός τῆς ἀνάστασης τοῦ Ἰησοῦ καὶ τὶς ἀπαρχές τοῦ Χριστιανισμοῦ στὴν Παλαιστίνη.

Τὸ παρὸν ἄρθρο ἀποτελεῖ μιὰ σύντομη ἐπισκόπηση τῆς σχετικῆς μὲ τὴν ἐπιγραφή βιβλιογραφίας ἀπὸ τὸ 1930 ἕως τὸ 1999. Παρουσιάζονται 50 περίπου ἄρθρα καὶ μελέτες, τὰ ὁποῖα ἐπικεντρώνονται σὲ ἓνα ἢ περισσότερα ζητήματα τῆς ἐπιγραφῆς ὅπως ἡ προέλευση τῆς πέτρας, ἡ χρονολόγησή της, ἡ αὐθεντικότητά της, τὸ νομικὸ πλαίσιο, ἡ ἐνότητα καὶ ἡ δομὴ τοῦ κειμένου της, ἡ φύση τοῦ κειμένου της καὶ τέλος ἡ πιθανὴ σχέση του μὲ τὴν ἀνάσταση τοῦ Ἰησοῦ καὶ τὴν ἱστορία τοῦ ἀρχαίου Χριστιανισμοῦ. Οἱ περισσότερες μελέτες θεωροῦν βέβαιη τὴ χρονολογικὴ τοποθέτηση τοῦ κειμένου στὰ χρόνια τοῦ Αὐγούστου, ἐνῶ δὲν ἀπουσιάζουν καὶ ἄλλες προτάσεις (ἐποχὴ τοῦ Τιβερίου, τοῦ Καλιγούλα, τοῦ Κλαυδίου, τοῦ Ἀδριανοῦ καὶ τοῦ Σεπτιμίου Σευήρου). Ὅσον ἀφορᾷ στὸν τόπο προέλευσης τῆς πέτρας ἐκτὸς ἀπὸ τὴ Ναζαρέτ ἔχουν προταθεῖ κατὰ καιροὺς καὶ ἄλλοι ὅπως ἡ Δεκάπολις ἢ ἡ Σαμάρεια. Ἐκτὸς ἀπὸ μιὰ ἢ δύο περιπτώσεις κανεὶς ἀπὸ τοὺς ἐρευνητὲς δὲν ἀμφισβητεῖ τὴν αὐθεντικότητά τοῦ μνημείου· οἱ περισσότεροι συμφωνοῦν στὸ ὅτι ἡ ποινὴ τοῦ θανάτου, μὲ τὴν ὁποία ἀπειλεῖται ὁ τιμωρὸς, εἶναι ἀσυνήθιστα αὐστηρὴ (ἢ συνηθισμένη τιμωρία γιὰ κάποια ἐγκλήματα ἦταν ἓνα πρόστιμο), πράγμα πού ὑποδηλώνει ὅτι ἡ ἀφορμὴ πού δόθηκε πρέπει νὰ ἦταν κάποιο σοβαρὸ περιστατικόν. Μολονότι ὑπάρχει γενικὰ διαφωνία ὡς πρὸς τὸ ποῖο μπορεῖ νὰ ἦταν αὐτό, οἱ περισσότερες μελέτες δέχονται μιὰ, ἔστω καὶ ἔμμεση σύνδεση τῆς ἐπιγραφῆς, μὲ τὴν χριστιανικὴ πίστη στὴν

ανάσταση του Ίησού. Πάντως ή γενική εκτίμηση είναι ότι το μέτρο αυτό είχε περιορισμένη χρονικά και γεωγραφικά ισχύ.

Στήν ιστορία της έρευνας και της συζήτησης γύρω από το πρόβλημα της «έπιγραφής της Ναζαρέτ» τρεις μελέτες έπαιξαν ουσιαστικότερο ρόλο. Η πρώτη είναι εκείνη του Fr. Cumont, ό οποίος τοποθέτησε την έπιγραφή στα χρόνια του Αυγούστου και τή συνέδεσε με το γενικότερο θρησκευτικό πρόγραμμα του Ρωμαίου αυτοκράτορα, διατύπωσε όμως με αρκετές έπιφυλάξεις και τήν υπόθεση ότι το κείμενο χρονολογείται στα χρόνια του Τιβερίου και συνδέεται άμεσα με το περιστατικό της ανάστασης του Ίησού και τις κατηγορίες, γνωστές και από τά ευαγγέλια, ότι οι μαθητές του Ίησού έκλεψαν τό σώμα του (Μθ 28, 12-15). Η δεύτερη σημαντική συμβολή στο θέμα ήταν εκείνη του J. Carcopino, ό οποίος υποστήριξε ότι ή προέλευση της πέτρας ήταν ή Σαμάρεια και ότι τό κείμενο αναφέρεται στο περιστατικό της βεβήλωσης του Ναού τών Ίεροσολύμων από τούς Σαμαριτες με τή ρήψη όστών μέσα σέ αυτόν στα 8 μ.Χ., για τό όποιο κάνει λόγο ό Ίώσηπος (*Ιουδ. Αρχαιολ.* XVII. 29-30). Η τρίτη τέλος σημαντική μελέτη είναι εκείνη του G. de Sanctis, ό οποίος τοποθέτησε τήν έπιγραφή στα χρόνια του Κλαυδίου και υποστήριξε ότι δέν θα πρέπει νά συνδεθει με τό γεγονός της ανάστασης του Ίησού αλλά με τις αναστατώσεις τις όποιες προκάλεσαν οι Ίουδαίοι κατά τό τελευταίο μισό της βασιλείας του Ρωμαίου αυτοκράτορα, και κυρίως με τό περιστατικό πού περιγράφεται στο Σουητώνιο, *Κλαύδιος* 28.

Η έκτενης βιβλιογραφία γύρω από τό θέμα βεβαιώνει ότι ή έπιγραφή της «Ναζαρέτ» εξακολουθει μέχρι σήμερα νά αποτελεί πρόκληση για νέες συζητήσεις και έρμηνείες.