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CAPInv. GR-28: **homotaphoi**

I. LOCATION

i.	**Geographical area**	Attica with Salamis
ii.	**Region**	Attica
iii.	**Site**	Athens

II. GENERAL REFERENCE

i.a.	**Full reference (original language)**	ὁμόταφοι (Dig. 47.22.4 = *Gaius, libro quarto ad legem duodecimo tabularum*)
i.b.	**Full reference (transliterated)**	*homotaphoi*
ii.	**Reference context**	The term occurs in a passage of the *Digesta*, a 6th century AD compilation of opinions expressed by leading classical Roman jurists. The rule in Greek was apparently quoted by Gaius, a mid 2nd century AD jurist. It states that whatever *homotaphoi* agree between themselves is valid provided that it does not conflict with *polis* laws.

III. DATE

i.	**Date(s)**	Hell. - Imp.

V. SOURCES

i.	**Source(s)**	Dig. 47.22.4 = *Gaius, libro quarto ad legem duodecimo tabularum* (Hell. - Imp.)
	Note	Other publications: Ruschenbusch 1966: F77; Ruschenbusch and Bringmann 2010: F76a.
	Online Resources	The text is found at this address: http://droitromain.upmf-grenoble.fr/Corpus/d-47.htm#22 (copy and paste link in address bar)
i.a.	**Source type(s)**	Literary source(s)
i.b.	**Document(s) typology & language/script**	Passage from the commentary of Gaius on the legislation of the Twelve Tables: the passage is quoted in Greek.

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VIII. NOTES

i. Comments

The date of the provision is highly disputed, since in the passage it is ascribed to Solon. Most scholars would follow the above date, e.g. Foucart (1873: 47), Beauchet (1897: 4.343), Radin (1910: 50), Pantazopoulos (1946: 259-61), Hatzopoulos (1980: 949-51), Leiwo (1997: 104), Jones (1999: 33-45, 313-6), Ustinova (2005: 183-5), Ismard (2007: 20-2). Busolt and Swoboda (1926: 252) and Davies (1996: 635) argued for a Cleisthenic date, while some others (Ferguson 1944: 64-6; Bravo 1980: 857; Whitehead 1986: 15) claimed that the regulation is a conflation of archaic elements with later ones; however, it has been argued that this is, at the earliest, a Hellenistic regulation, Arnaoutoglou (2003: 55-7) or a fifth-century BC re-edited law (Ismard 2010: 44-57).

iii. Bibliography

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IX. EVALUATION

i. Private associations

Probable

Note

The term *homotaphoi* is rarely attested in Greek literature. Deciding the burial place and its arrangements was left at the initiative of the individual. Therefore, the term cannot be referring but to private associations.

ii. Historical authenticity

The authenticity of the text is not in dispute, despite a textual corruption.