Commemoration and Élite Benefaction of Buildings and Spectacles in the Roman World*

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ABSTRACT

Current scholarship on élite munificence in the Roman Empire often sees architectural benefactions as being at least partially driven by the élite desire for personal commemoration. I use juristic opinions from the Digest *and other textual evidence related to building gifts to argue that there was an ancient understanding of the physical and symbolic ephemerality of architectural benefactions. In contrast, I present legal and epigraphic evidence to argue that there was an explicit expectation for gifts of spectacles and monetary distributions to be lasting memorials for their donors, and that the perpetuation of identity was also a motivating factor in the euergetic choice of a spectacle.*

Keywords: public monuments; élite benefaction; the *Digest*; spectacles; commemoration; inscriptions

I INTRODUCTION

As scholars have explored the influence of Roman imperial preferences and the demographic motivations that informed élite benefaction, architectural munificence — private funding for the erection of fountains, colonnaded porticoes, aqueducts and other public amenities — has received much of their attention, instead of the other major type of donation, that of spectacles such as festivals and games.[1] The gift of public buildings, or of a specific type or style of structure, has been cast as an effective means of communication between these local notables and the emperor, situating these acts within a political matrix that floats above the architecture's immediate physical and social environments. At the same time, scholarly perceptions of the inherent merits of a building gift often include the premise that architectural benefactions also offered the attraction of being a permanent memorial to the élite donor. A building given to the community could also stand as 'an everlasting reminder to offset the donor's own mortality',[2] and through this particular mode of generosity, 'euergetism would make the euergetes immortal'.[3] This view of architectural benefactions then also evaluates the buildings as social instruments acting within the local sphere of the donor's own community. If commemoration is an important factor in élite benefaction, then local

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[1] e.g., Longfellow 2011; Thomas 2007; Pont 2008; Kokkinia 2012.

[2] Mitchell 1987: 334.

[3] Veyne 1990: 112.

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attitudes towards architectural benefactions are of great importance. In seeking to place euergetic decisions within their civic context, it is necessary to consider different motivations for munificence, the chance for donations to fail, the upkeep and repair of public buildings, and how these factors together affected the ancient understanding of structures as memorials in their communities.

In this essay, juristic opinions from the *Digest* of Justinian on these issues are offered as a counterbalance to the picture painted by the formulaic and intentionally flattering epigraphic evidence that is often used in studies of imperial responses to private euergetism. I present evidence that the uncertainties that pervaded the process of architectural munificence undermine the notion that building gifts effectively commemorated — or were expected to commemorate — élite identity. Rather, I believe that the legal discussions of non-architectural benefaction from the *Digest* reveal an ancient expectation of durability for festivals and distributions that is linked closely and explicitly with commemoration. I argue that, while architecture pledged by élites could be postponed indefinitely, stand unfinished, or be left crumbling — forestalling a positive association between patron and building or necessitating the contribution of new benefactors for additional work — spectacles could perpetuate the memory of their founders for generations much as originally intended.

II IMPERIAL VS. LOCAL PERSPECTIVES ON ARCHITECTURAL AND SPECTACULAR BENEFACTION

The sources that document architectural munificence have created a perception that architectural munificence was a preferred outlet for élite generosity at the height of the Roman Empire. Scholars investigating the 'euergetic choice'[4] between public architecture and different types of spectacles benefit from the preservation of honorific and dedicatory inscriptions that celebrate not only acts of liberality but also the connections between the Roman government and local patrons.[5] These honorific inscriptions and published administrative correspondence emphasize the kinds of gifts from élites to towns that drew favourable responses from Roman authorities and from the emperor himself.[6] Yet these dossiers also reveal that the local beneficiaries of élite generosity honoured their patrons equally — in enthusiasm and in method — for donations of buildings or of spectacles and distributions.

Important but sometimes contradictory information concerning imperial attitudes towards patronage of buildings can be found in imperial decrees and correspondence of the Hadrianic and Antonine periods. Hadrian's letter to Aphrodisias, granting the city's right to ask the high priest of the imperial cult for money to fund the construction of an aqueduct rather than put on gladiatorial shows, indicates that the emperor sometimes had to compel funding for certain architectural projects from a city's richest people at the expense of combats that were the usual liturgical focus of imperial cult priests.[7] The permission to petition for an infrastructural use of funds normally earmarked for shows ultimately offered the Aphrodisian élite a more cost effective outlet for their euergetism, because the price of putting on gladiatorial combats was so high.[8] Conversely,

[4] Kokkinia 2012.
[5] e.g., Kokkinia 2012; Longfellow 2011; Zuiderhoek 2009; Richard 2011; Coleman 2008; Kokkinia 2003; Reynolds 2000; Eck 1998.
[6] Kokkinia 2009: 192.
[7] *SEG* 50 1096; Reynolds 2000: 19. Reynolds' reading of this inscription concludes that the candidates for the imperial priesthood preferred to spend on the much more popular gladiatorial games, and reap the resulting honorific benefits, rather than give their money to an unglamorous, utilitarian project, the credit for which would be shared by numerous contributors, thereby diluting the social prestige attached to the project.
[8] Coleman (2008: 43–4) argues that the aqueduct funding was initially independent of the imperial cult priests'

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Hadrian's letters to the Dionysiac Artists at Alexandria Troas ordered that money designated as funding for artistic contests, festivals and prizes be used for only those purposes, and forbade the diversion of such moneys towards architectural projects.[9] It has been pointed out that the favouring of these less expensive Greek-style contests, rather than gladiatorial combats, reflected the affinity for Greek culture on the part of Hadrian and the leading citizens of the Greek East.[10] The understandably philhellenic disposition towards games in the Hadrianic period had, however, reverted in the Antonine period towards more practical architectural projects, as evidenced by the oft-cited letter of the emperor Antoninus Pius to Ephesos, praising the patron Vedius Antoninus for his architectural benefactions instead of bidding for instant popularity through the funding of spectacles.[11]

This Roman emperor's partiality towards architectural benefaction, at the height of the construction boom in the Roman East, is sometimes seen to be confirmed by the lengthy dossier of inscriptions from the tomb of the Lycian notable Opramoas of Rhodiapolis, called by Veyne the 'euergetēs *par excellence*'.[12] The dossier details the honours granted to him for his benefactions by the Electoral Assembly of the Lycian League, and records the acknowledgement and eventual approval of those honours by imperial officials and the emperor. Opramoas was praised lavishly by the Lycian League for the prudent and unusually generous discharging of his offices, as well as for gifts of money out of his private purse — including a frequently mentioned 55,000 silver denarii gift, the interest from which went to the personnel of the Assembly[13] — and his paying for festivals, gladiatorial combats, Greek-style contests, and grain distributions in the province.[14] On the basis of these actions, the League repeatedly but unsuccessfully petitioned the Roman governor and emperor to approve and join their commendation of Opramoas. Opramoas was also credited with building an entire bath in Gagai,[15] and other architectural gifts, which included theatres, bathing complexes, stoas and temples at various cities,[16] sometimes as a partial contributor towards the project's cost and at other times as the sole financer.[17] These architectural amenities and projects came

liturgies, and that Hadrian only suggested that the priests be able to contribute to the project in lieu of sponsoring gladiatorial games, due to the expense of the games. Nevertheless, she does note that there likely was a trade-off between gaining momentary 'fawning adulation' and possibly an honorific statue on the occasion of the costly gladiatorial fights and the 'altruistic satisfaction' of supporting the infrastructure of Aphrodisias that would garner a different, implicitly more dignified, kind of public recognition, in the form of inclusion in the dedicatory inscription and in the dedicatory ceremonies; see also Kokkinia 2012: 108. Pont (2008: 195–6) takes the position that there was no shortage of funds or lack of enthusiasm for construction projects as opposed to gladiatorial games in Aphrodisias at this time, but that patrons preferred to devote their money to higher profile projects, such as a bath building closer to the heart of the city, rather than an aqueduct in the countryside.

[9] *P Oxy* 2476; edition, commentary, and German translation by Petzl and Schwertheim 2006; English translation in Jones 2007; more recent English translation by David Potter in Potter and Mattingly 2010; Kokkinia 2012: 107–8.

[10] Kokkinia 2012: 123.

[11] Mitchell 1993: 219–20; Kokkinia 2012: 116–17. I follow the reading of the letter (*IvE* 1491) first advanced by Kokkinia (2003) and favoured by Coleman (2008), which has the emperor joining, rather than chastising, the city in commending the patron, though I do not dismiss the conflicts between popular desire for spectacular versus imperial preferences for architectural benefactions that seem to underlie the reading followed by Kalinowski 2002, Zuiderhoek 2007 and Eck 1998.

[12] 1990: 150; *IGRR* 3 739; revised edition, German translation, commentary, and historical analysis in Kokkinia 2000. This paper follows Kokkinia's edition in citations of the dossier. Kokkinia 2003 and 2012 use this dossier to argue precisely for the imperial preference for architectural munificence.

[13] Kokkinia 2000: Col. V, Nr. 20; Col. VI, Nr. 21.

[14] Kokkinia 2000: Col. XVIII, Nr. 64; Col. XIII, Nr. 53; Col. XIV, Nr. 56; Col. XVII, Nr. 60.

[15] Kokkinia 2000: Col. XII, Nr. 51.

[16] Kokkinia 2000: Col. XIV, Nr. 56; Col. XVII, Nr. 60; Col. XVIII, Nr. 64.

[17] Opramoas is named as the sole financer for the double stoa at Patara (Kokkinia 2000: Col. XVII, Nr. 60; Col. XVIII, Nr. 64), the baths at Gagai; probably two temples in Rhodiapolis (Kokkinia 2000: Col. XVII, Nr. 60; Col.

largely after many Lycian cities had suffered devastating earthquake damage. As Opramoas provided money for both the repair of old buildings — often paying relatively small sums for embellishments and landscaping[18] — and the addition of new ones after the quake, he also continued to support important Lycian religious festivals. After these efforts in helping the cities of the League recover from disaster, the Lycian League was finally able to get the emperor to join in their praise of Opramoas.[19]

Because Antoninus Pius refrained from commending Opramoas until he became a major financial backer of the construction and repair of Lycian civic infrastructure, and explicitly called for others to emulate his example, Kokkinia has argued that an imperial preference for architectural forms of munificence over spectacles was being articulated.[20] I do not quarrel with this reasonable interpretation. I suggest, though, that the dossier as a whole also supports a local understanding, by the members of the Lycian League, of these architectural works as analogous and equivalent to the other forms of benefaction. While the emperors had their reasons — such as the support of provincial infrastructure in times of prosperity as well as calamity — to prefer building gifts, public enthusiasm for spectacles, and in general for large donations of money, was unmistakably present. The benefactor was highly praised by the Lycian League for both kinds of gestures, even if he was imperially acknowledged only for one. In the decrees dating prior to the earthquake, Opramoas was honoured by the Lycian League for fulfilling his duties with honesty and liberality; for generous gifts of money to help the province pay its tax to Rome and to maintain the smooth operation of the League; and for paying for festivals and games that were held in various cities in the province.

It was only after the earthquake that Opramoas became a major architectural patron, and he continued to sponsor festivals and distributions, which were mentioned alongside, without indication of preference or implied hierarchy of value, the architectural gifts. In addition, even after Opramoas assumed a major rôle as architectural benefactor, the Lycian Assembly took care to remind the emperor of Opramoas' pre-earthquake munificence, emphasizing the 'unremitting generosity' of this exceptional donor.[21] This suggests that the Lycian cities greatly appreciated in their benefactor both kinds of expenditure even at that time. Indeed, it was likely the continuous nature of Opramoas' generosity that the Lycians found most laudable of all. The emphasis of the inscription is on the carefully listed amounts of money given to each city. The Lycians did not indicate a difference between their appreciation of money spent on buildings to rebuild their shattered cities and money spent on a few days' entertainment. In addition, the public works that Opramoas paid for in whole or in part were not framed as monuments to his generosity. Rather, that function of public recognition was given over to the civic accoutrements, rituals of honour, and the annual registration of decrees of praise and gratitude. These included the testimony of his generosity by the provincial Electoral Assembly to the Roman governor and emperor, gold crowns and bronze statues, the privilege of sitting in the first row at theatrical assemblies (for either politics or performance), and the right to wear purple at those public functions. That permanent structures garnered the same kinds of honours for the benefactor as spectacles and monetary gifts once again, I believe, indicates that architectural donations were viewed by the patron's community, if not by the emperor, as not necessarily significantly better than donations of money for spectacles

XIX, Nr. 64). For the other architectural projects, Opramoas is credited with having given money, from which buildings were erected or repaired, probably in collaboration with other local élites or the cities themselves.

[18] Kokkinia 2000: Col. XIX, Nr. 64.

[19] Kokkinia 2000: Col. XI, Nr. 41, Nr. 43, Nr. 45, Nr. 47, Nr. 48, Nr. 52 include Antoninus Pius' specific references to Opramoas' earthquake relief efforts; Kokkinia 2012: 117.

[20] Kokkinia 2003: 206.

[21] Kokkinia 2000: Col. XVIII, Ch. 63; translation is my own.

and distributions.[22] The reception of these gifts, the manner in which he was acknowledged by his Lycian compatriots, surely figured just as prominently as the aspiration to imperial commendation in Opramoas' decisions to continue his donations in various forms.

III ARCHITECTURAL GIFTS AND THEIR CONTINGENCIES: EVIDENCE FROM THE *DIGEST*

As honorific inscriptions and the well-known imperial letters discussed above have largely been understood to reflect an appraisal of architectural benefaction from the central ruling authority, the choice of a building gift can sometimes seem divorced from its immediate local social and economic contexts. Formulaic expressions of praise and graciousness belie the complexity of élite motivations, perceptions within the community, and other realities of such munificence.[23] In attempting to restore some of these nuances, the *Digest*, the sixth-century A.D. topical compilation of the work of earlier Roman imperial jurists, proves an invaluable source. The cumulative opinions of multiple legal thinkers allow readers to reconstruct to some extent the civic and cultural environments of euergetism during the imperial building boom of the second and early third centuries A.D. Just as honorific decrees present a carefully constructed view of social and political relationships, the ponderings of the various jurists are sometimes hypothetical; nevertheless they emphasize 'the validity or value of the endowment rather than what the testator intended it for'.[24] As such the *Digest* allows for the consideration of how some benefactions were expected to work in their communities. The interpretations of the jurists reveal that the ancient way of thinking about architectural munificence and ephemeral spectacles, whether as a result of bequests or pollicitations, pledges for expenditure to be fulfilled at some future date, was deeply interrelated. One can also detect that acts of benefaction themselves often had the quality of transactions that were binding in some instances, and not in others — notably, in cases where the benefactor decreed that something should be done in order to preserve one's memory. Furthermore, the contents of the *Digest* indicate that for every successfully completed architectural benefaction such as those celebrated in dedicatory inscriptions, there were likely many unfulfilled ones that could have made a city much less welcoming of such pledges. Indeed, as benefactors had different reasons for pledging architectural donations, as well as different levels of commitment to following through on their promises, commemoration — which can only result from a finished project — cannot be assumed as a primary attraction for the patronage of buildings.

In *Dig.* 50.8.6.4, Valens states that monetary bequests to a (provincial) town must be used as intended by the deceased unless otherwise authorized by the emperor, and he further explicates the reading by referring specifically to money designated for building projects.[25] Because of the potential of the Lex Falcidia, which guaranteed heirs of the

[22] Another case in which a benefactor made significant architectural and spectacular gifts to his community is that of C. Iulius Demosthenes of Oenoanda, whose endowment of a quadrennial thymelic festival in Oenoanda is recorded in a very long dossier of inscriptions. Wörrle 1988 provides an extensive edition and commentary on the dossier; see also the English translation of the dossier in Mitchell 1990; Rogers 1991.

[23] Eck 1997: 316, 325 on the tendency of honorific inscriptions to inflate the rôle and contributions of benefactors and their propensity to record only successful interactions with the community; Eck 1998: 368–72, 379–80 on the motivation for élites to produce durable publications of administrative documents that create or burnish a flattering image of themselves, especially records of imperial correspondence; see also Kokkinia 2009. van Nijf (2000: 26–7) discusses a 'myth of euergetism', whereby honorific inscriptions are used to create a rhetorical atmosphere that exaggerated the importance of benefaction to the benefit of the élites, and the tendency for these texts to 'obfuscate unpleasant realities'; see also van Nijf 2011: 223–5.

[24] Johnston 1985: 106.

[25] *Fideicommissa*, book 2.

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deceased a quarter of the estate,[26] to cause an under-funding of the intended construction project, Valens finds that the laws allow the town in such a situation to use what money it receives in a way that it finds most useful, without mentioning if that use should be architectural or of some other nature. If the bequest was made for multiple buildings but again proves insufficient due to the Lex Falcidia, then 'it is possible for the money to be spent on one building which the community desires', without reference to the original wishes of the testator. The passage up to this point shows that the law provided for respect for the wishes of the deceased as well as latitude to the towns in the real world application of bequests. There is, therefore, something of a gap between the pledge of a building and its actual fulfilment, in which economic or civic factors figure prominently.

In *Dig.* 50.12, the title on pollicitations (or undertakings), the economic and legal factors affecting benefactions are foregrounded, and the transactionary nature of public liberality and the uncertainty of a project's completion can be felt.[27] If a person should make a donation for personal advancement, that act was not to be considered one of gift-giving but of a conditional exchange. One 'who had undertaken to build something for a community or to give money' is not liable for interest except in cases where the donor delays the project; '[b]ut', Ulpian notes, 'it must be realized that someone who has made an undertaking is not always bound'.[28] In all the situations mentioned by the jurists in this title, the binding cases — in which a pledge to construct a building or to provide the money promised must be seen to completion — are the ones in which the undertaking was 'in consideration' or 'made on account of an office (*ob honorem*)' that was granted or to be granted; in which work had been begun on the project either by taking possession of the site to be occupied by the building or by the laying of the foundation for the structure; or if the city had started the work at public expense because it was expecting to be compensated by the promised private funds.[29] Even in the case of gifts, not pollicitations, 'if [one made a gift] in order to obtain some office, he is liable, if not, not'.[30] The only cases in which something vowed must be fulfilled by either the original promiser or by his heirs, regardless of whether any work has been begun or money given, are those of religious dedications and when the promises were made to offer relief to a city due to a disaster like a fire or an earthquake,[31] and here the reasoning behind the exceptions is obvious.[32]

The legal requirement that a pollicitation made in anticipation or on account of an office must be completed stems from the fact that often such promises were 'the middle ground between the obligatory payment of a *summa honoraria* and the purely voluntary legacy to a city; not compulsory, it is at the same time more structured and more closely implicated in local politics than any legacy'.[33] In provincial cities, public offices and the *summa honoraria* associated with them were euergetic outlets as well as a vital component in the smooth functioning of the cities.[34] There needed to be legal reassurances that those

[26] Paul, *Dig.* 35.2.1 (*Lex Falcidia*, sole book); all English translations from the *Digest* are from Watson 1985; see also Frier and McGinn 2004: 388.
[27] On the contingency of economics on construction projects, see Kolb 2008: 114.
[28] *Dig.* 50.12.1 (*Duties of Curator Rei Publicae*, sole book).
[29] Ulpian, *Dig.* 50.12.1.1–5 (*Duties of Curator Rei Publicae*, sole book); Ulpian, *Dig.* 50.12.3 (*Disputations*, book 4); Ulpian, *Dig.* 50.12.6.1 (*Duties of Proconsul*, book 5); Ulpian, *Dig.* 50.12.8 (*Duties of Consul*, book 3); Modestinus, *Dig.* 50.12.9 (*Distinctions*, book 4); Modestinus, *Dig.* 50.12.11 (*Encyclopaedia*, book 11); Papirius Justus, *Dig.* 50.12.13 (*Constitutiones*, book 2); Pomponius, *Dig.* 50.12.14 (*Letters and Various Readings*, book 6). Garnsey (1971: 125, 128) discusses pollicitations as a form of voluntary giving and benefaction, especially in North Africa. He does not agree with Veyne (1990: 91, 234), who argues that for Hellenistic notables pollicitations were *de facto* compulsory for those wishing to hold office.
[30] Ulpian, *Dig.* 39.5.19 (*Edict*, book 76).
[31] Marcian, *Dig.* 50.12.4 (*Institutes*, book 3); Paul, *Dig.* 50.12.7 (*Duties of Proconsul*, book 1).
[32] Ulpian, *Dig.* 50.12.2 (*Disputations*, book 1).
[33] Johnston 1985: 106.
[34] van Nijf and Alston 2011a: 10; Dmitriev 2005: 152–7.

who courted the responsibilities of office — which resulted in personal glory — could not shirk their duties and obligations despite their extremely high costs.[35] Indeed, the financial burden of these offices had, by the Antonine period, become a disincentive for élite public service, to the extent that imperial exemptions were being granted for the most expensive offices to cities of regional importance, to repeat office holders, as well as to those in occupations that were considered to be of public utility, such as teachers and orators.[36]

Nevertheless, not all pollicitations of public buildings were made in hopes of gaining office. Quite the contrary, by this period élites also had tried to offer one kind of expenditure in lieu of the much greater sum associated with public office. This is attested in *Dig.* 50.12.12, in which Modestinus notes that, 'if someone promised a building in order not to hold office, the deified Antoninus issued a rescript to the effect that he was to be forced to hold office rather than erect the building'. And, should a patron realize too late that an undertaking was too expensive or otherwise regrettable,

> If anyone wishes to claim back from his *municipes* something which he had handed over as a result of an undertaking, his petition is to be rejected; for it is fairest if intentions of this kind once evinced toward communities are not abandoned as a result of second thoughts.[37]

The second thoughts and attempted substitutions alluded to here were unlikely to have been missed by the public; there could not have been many who were under the impression that all benefactions were motivated purely by liberality and patriotism, or that all projects would see their fruition. The cynicism, or at least the realistic appraisal, of various parties to benefactions that honorific inscriptions often elide is more easily discerned in the *Digest*.

As pollicitations were in their nature a procrastinatory enterprise, allowing the promiser to put off the fulfilment of a pledge until a time of his or her own choosing, it is not surprising that the passages of the *Digest* indicate that there could be much waiting for the completion of many privately funded buildings.[38] There were further scenarios in which a promise to build a public work could still result in no building or in an incomplete one. If a person decided, purely for reasons of liberality and not for an office, to offer his or her city some new structure, the city could not legally press the patron either to start the building or to provide the money for the city's building supervisory officer to use. This constraint on a city's ability to hold donors financially accountable obtained even in cases when a public work had indeed been undertaken for some honour or office, despite the emperors' decrees and legal opinions that such a building must be completed.[39] As a result, the construction of donated structures could be postponed for many years. Though Trajan seemed to have wanted to prevent such limbos with a *constitutio* declaring that a building project promised for an honour or office must be completed by the person who made the promise or by his heirs,[40] by the time of Antoninus Pius, this was no longer the case. Pomponius relates that in the Antonine period, no doubt related to issues such as the profusion of public buildings in crowded cities and the financial toll on competitive élites, if the maker of such a

[35] Ulpian, *Dig.* 50.12.3 (*Disputations*, book 4); Ulpian, *Dig.* 50.12.6 (*Duties of Proconsul*, book 5) also states that any undertakings made on account of an office are to be considered a debt to be fulfilled.
[36] See, for example, Modestinus, *Dig.* 27.1.6.1–2; 27.1.6.8; 27.1.6.10 (*Excuses*, book 2); Modestinus, *Dig.* 27.1.8.3; 27.1.10.1 (*Excuses*, book 3).
[37] Ulpian, *Dig.* 50.12.3.1 (*Disputations*, book 4).
[38] Garnsey 1971: 117; Veyne 1990: 137–8 on the lack of legal recourses for Greek towns to compel the fulfilment of a pollicitation.
[39] Papirius Justus, *Dig.* 50.12.13 (*Constitutiones*, book 2).
[40] Pomponius, *Dig.* 50.12.14 (*Letters and Various Readings*, book 6); cited by Garnsey to argue that the few legal compulsions related to pollicitations were focused on the fulfilment of the pledges, and not on the making of the pledges (1971: 129).

conditional promise should die having begun, but not finished, a public construction, his foreign heir must fulfill his promise either by finishing the building *or* by giving to the community one-fifth of the inheritance from the deceased, by his preference. If the heirs of the deceased were his own children, they could fulfill the pledge by giving the city only one-tenth of their patrimony.[41] There is no stipulation that the one-fifth or one-tenth of the estate had to be sufficient to see the building project through to completion.[42] In the opinion of Modestinus, the imperial *constitutiones* in fact allowed that, if no work had begun before the death of the promise-maker, 'his heirs should not be pursued for the money which [the deceased] had promised for the honour or the magistracy'.[43] These considerations of the legal liability of heirs are not unimportant because building projects could take a long time to complete, and could very well outlive their patrons. The picture painted by *Dig.* 50.12, in short, is one in which cities would have a list of promised buildings but also a good number of works in progress that might never see completion. The very real potential for architectural pledges to fail — from the city's perspective, at least — makes the patron whose gift does come to fruition that much more worthy of public praise. As pollicitations of buildings could easily come to nothing, even as their patrons reaped the rewards of prestigious offices, it is clear that the social force of architectural munificence was often strongest when the promises were made, not at some point after the completion of the promised building, should that time have come at all.

IV ARCHITECTURAL MAINTENANCE AND EXPECTATIONS OF PHYSICAL DURABILITY

Even successfully completed architectural benefactions presented certain critical problems to their cities. There has long been recognition in modern scholarship that building projects were sometimes left incomplete by the donor or by his heirs as a result of a variety of circumstances, from lack of funds to 'fall from power'.[44] Veyne described the society of the Roman Empire as one that was ill-suited to infrastructural investment, and one in which, if the money should run out, it was acceptable for a building to stand unfinished or for it to slowly fall apart.[45] In light of the strong possibility that numerous buildings would stand unfinished, due to the permissiveness of the law as it pertained to pollicitations, it must be expected that cities would have need for élites to take up the promised works of others and that these secondary patrons should be publicly hailed for their part in preventing the accumulation of unsightly, aborted construction works. Yet another reality of architectural benefaction is that 'only rarely were buildings endowed by their owners to ensure maintenance and repair'.[46] This behaviour suggests that the inevitable decay of the structures was assumed, and that this dilapidation would provide other patrons, kin or stranger, with new opportunities for benefaction.

[41] Pomponius, *Dig.* 50.12.14 (*Letters and Various Readings*, book 6).
[42] Modestinus, *Dig.* 50.12.9 (*Distinctions*, book 1) also notes that if in an already-begun building project, 'the donor himself was reduced to poverty he owed the fifth part of his patrimony as a result'.
[43] Modestinus, *Dig.* 50.12.11 (*Encyclopaedia*, book 9).
[44] Thomas 2007: 78; Thomas and Witschel (1992: 140–2) on the 'fragility' of a building as 'signs for the memory'.
[45] Veyne 1990: 56.
[46] Ward-Perkins 1984: 13; Veyne (1990: 48) posits that the absence of records providing for maintenance by original donors may be due to an assumption that one's heirs would naturally take up the task of preservation. Laurence *et al.* (2011: 318) point to the 'enthusiasm' for donors to create something new, rather than to make less glamorous provisions for upkeep. Champlin (1991: 160–2) notes that bequests for the maintenance of public buildings like baths were sometimes made in Roman wills, but also that such provisions were designed to perpetuate the identity of the deceased. Therefore, public acknowledgement for such custodial actions was surely expected.

Indeed, a rescript of the emperor Antoninus Pius, recorded in the *Digest*, declared 'that money bequeathed for new building was rather to be converted to the upkeep (*in tutelam*) of those which already existed than spent on beginning a building, that is, if a community had enough buildings and money was not easily found for their repair (*ad reficienda*)'.[47] The long-term costs of a structure could make what was intended as a boon into a burden, were the expenditures of other benefactors not directed to solving that problem. A logical consequence of this control over euergetic spending was that new patrons, thwarted from creating new buildings that would bear their names, would want public acknowledgement of their adoption of others' architectural orphans. Thus, the rescript of Antoninus Pius is followed by additional explication that the Senate approved of the inscription of the name of one who embellishes a building raised by another, provided that the original benefactor's name remains in place.[48] In addition, the patron who uses private moneys to repair or embellish a publicly funded building would have the right to inscribe on the structure his name and the amount of money that went into the refurbishment. Thus, a structure's associations could change over time and, though not divorced from the identity of the first benefactor, certainly be re-oriented to support the prestige of the latest benefactor to loosen the purse strings for the city. Perhaps the temptation to eclipse generous predecessors eventually became too great, necessitating a law commented on by the jurist Ulpian, that the provincial governor must act to ensure that the name of a building's original donor never be erased and replaced by the names of others, indicating that epigraphic tampering had been taking place.[49]

Actual cases of architectural failure and decrepitude and their impact on private benefactions can be found in the letters sent by Pliny the Younger to the emperor Trajan. As the governor of Bithynia in the early second century A.D., Pliny had to travel through the cities of the province and inspect their finances and the state of their public works, consulting with the emperor on issues arising. For example, Pliny asked the emperor to grant the city of Prusa permission to construct a new bath building because the current 'public baths are filthy and out of date'.[50] The site for the new baths was occupied by a house made derelict after the exhaustion of its privately endowed funding, and Trajan gave Pliny permission to tear down the house to clear the site, and was in agreement with Pliny's inclination to develop derelict areas of the city.[51] Further, both Pliny and Trajan expressed concern at the aqueduct of Nicomedia, which was never completed and then demolished, despite absorbing millions of sesterces of funding, prior to another aqueduct project being abandoned.[52] The theatre at Nicaea, another financial drain that had swallowed many million sesterces, also stood unfinished, and showed huge cracks and holes in its structure. Pliny's letter to Trajan raised the question of whether this theatre should be completed or destroyed. Crucial to his considerations was the fact that numerous private pledges (*ex priuatorum pollicitationibus multa*) related to the theatre, such as for colonnades and porticoes, could not be fulfilled if the theatre

[47] Callistratus, *Dig.* 50.10.7 (*Judicial Examinations*, book 2).
[48] Callistratus, *Dig.* 50.10.7.1 (*Judicial Examinations*, book 2).
[49] Ulpian, *Dig.* 50.10.2.2 (*Opinions*, book 2). The reality of these situations is borne out in rebuilding inscriptions, especially rich from Italy; see Ward-Perkins 1984; see also Pobjoy 2000 for Republican rebuilding inscriptions. Thomas and Witschel (1992: 143–9) elaborate on the terminology of dilapidation, which they consider to be 'notional' (1992: 155) devices that served 'to create something of a "historic monuments" mentality' (1992: 169). Fagan (1996: 81–93) discusses the commonness of repairs and embellishments by other patrons but disagrees with Thomas and Witschel's idea of notional terminology.
[50] Plin., *Tra.* 10.23 (translation by Walsh 2006).
[51] Plin., *Tra.* 10.70; 10.71. The emperor inquires if the shrine to the emperor Claudius the donor had wanted to be built on the grounds of the house as a condition of his legacy had been built, for the imperial cult's religious associations with the property would have precedence over other considerations.
[52] Plin., *Tra.* 10.37.

were never finished.[53] Furthermore, the gymnasium in the same city was being rebuilt on an overly grand scale after fire damage, and according to Pliny, the renovations were of low quality.[54] Other situations on which Pliny required imperial counsel included the addition of a new forum to the old one in Nicomedia, entailing the movement of a shrine to the Great Mother, which Trajan approved.[55] The letters from Pliny and the emperor's responses indicate that architectural projects often did not go according to plan, and that, if a structure were found to be decrepit or to be occupying a site that could have been better exploited, its destruction or removal were considered to be within the bounds of normal practice. Moreover, the letters highlight the fact that public and private buildings were subject to renovation and repair due to dilapidation or to damage such as from fire, and that failure to maintain a building would cause them to become embarrassing eyesores for an urban community. Provisions for the upkeep of these structures were neither open-ended nor, ultimately, effective, due to dwindling of funds or mismanagement.[56] In addition, a public building's completion and adequate maintenance had ramifications for private generosity, which could extend as far as indefinitely postponing the fulfilment of architectural pollicitations.

Similar concerns regarding architectural preservation, decay, and élite generosity are present in the orations of Dio Chrysostom, who was not only a Sophist active in the late first and early second centuries A.D., but also a man whose family had long been benefactors of his home city, Prusa. Dio's own patronage of a public building famously intersected with Pliny's duties as the provincial governor, as Pliny wrote to Trajan to tell him of charges of financial corruption brought against Dio by his enemies in Prusa — charges that Trajan dismissed, though the emperor did call for the inspection of Dio's accounts.[57] Dio, being involved as benefactor and aggrieved party, naturally had much more to say on this matter. In his forty-seventh oration, Dio spoke to the public assembly at Prusa about the need for beautifying the city, and in doing so laid out for his listeners and scholars a picture of an urban landscape that was not static, but had to change by necessity as new construction projects were proposed and realized to replace ageing ruins. Referring to his benefaction of a colonnade as an 'improvement' to the city of Prusa, Dio cited an imperial letter supporting the 'development' of Prusa,[58] and how other cities in the province, as they also sought to update their environs, moved old shrines and tombs out of areas to be developed.[59] These facts were marshalled to answer disparagements that he was a 'sacker of cities and citadels'[60] for tearing down an old smithy to make room for his new building. Dio's characterization of this smithy, as being 'disgraceful, ridiculous ruins', like 'hovels where even the blacksmiths were scarcely able to stand erect but worked with bowed head; shanties, moreover, in tumbledown condition, held up by props, so that at the stroke of the hammer they quivered and threatened to fall apart', conveyed his scorn for the position of his critics and their 'lamentations over the smithy of So-and-so, feeling bitter that these memorials of the good old days were not to be preserved'.[61] Though Dio's account, like Pliny's letters to Trajan, is a work of rhetoric, it nevertheless provides evidence that the relocation or even destruction of old or run-down structures to make room for new

[53] Plin., *Tra.* 10.39. Coleman (2008: 41) points to this case as evidence for the common occurrence of a combined public and private funding of large civic construction projects. See also Zuiderhoek 2013: 182 and Zuiderhook 2009, 29–31.
[54] Plin., *Tra.* 10.39.
[55] Plin., *Tra.* 10.49; 10.50.
[56] Johnston 1985: 116, 124; on the management of *tutela*, see Mrozek 1968.
[57] Plin., *Tra.* 10.81; 10.82.
[58] Dio Chrys., *Or.* 47.13 (translated by Crosby 1946).
[59] Dio Chrys., *Or.* 47.16.
[60] Dio Chrys., *Or.* 47.11.
[61] Dio Chrys., *Or.* 40.8; 40.9.

construction was a widely accepted behaviour in second-century cities, and that sentimental attachments to landmarks such as the 'smithy of So-and-so' as memorials should not be viewed as manifestations of genuine nostalgia, but instead should be understood as flimsy excuses for political or personal enmity. There was clearly no strong impulse for architectural preservation felt by patrons who sought to update the physical image of their cities.[62] Neither Dio Chrysostom nor Pliny the Younger viewed public buildings as permanent, either as fixtures in the urban landscape or as memorials to persons or times gone by.

V BENEFACTIONS OF 'EPHEMERA' AND EXPECTATIONS FOR THEIR LONGEVITY

The *Digest*'s accounts of non-architectural benefactions and legacies provide a great deal of insight into the different perceptions — on the part of donors, heirs, cities and various representatives of Roman authority, including the emperors — of spectacles and distributions as acts of private liberality. Valens' mention of a senatorial prohibition against the use of money for the purpose of wild animal fights and games, even if that was the specifically designated purpose of the bequest, can be seen as evidence of the general preference for buildings over games by Roman authorities. The ban on the funding of beast fights and games has been explained as a result of the Senate's interest in preventing opportunities for public mayhem.[63] Macer's opinion that a person would be allowed to start a privately funded project without having to get imperial permission unless 'it is to outdo another citizen or causes sedition or is a circus, theatre, or amphitheatre',[64] makes clear the conceptual links between spectacular entertainment and popular unrest.[65]

An instance in which a bequest of games was not prohibited but negated after the fact is mentioned by Pliny the Younger, who wholeheartedly supported his friend Rufinus' abolishment of gymnastic games — part of a private bequest — in Vienne in Gallia Narbonensis on the grounds that they contributed to the corruption of public morals.[66] The rather pejorative view of games and shows offered by Pliny is echoed by other authors. For example, Cicero characterized spectacles and distributions generally as ways to 'squander' money, and he quoted with approval Aristotle's opinion that a 'serious-minded man who weighs such matters with sound judgement cannot possibly approve of them'.[67] Plutarch, in his advice to statesmen, disparaged spectacles as ways to 'curry favour' with the public, and as a source of 'false honours'.[68] Indeed, he went further, and wished that it would be possible to abolish games and shows that led to the arousal of 'the murderous and brutal or the scurrilous and licentious spirit', and advised that the public's call for these shows be resisted.[69] Benefactions of spectacles and their related venues were also tied by Macer to self-promotion and rivalry. Though the type of munificence meant to 'outdo another' is not specified by the jurist, and indeed could be any expensive and high profile public building, Plutarch and Cicero both associated

[62] The one exception to this eagerness for development was in the area of sacred architecture such as temples, as Dio Chrysostom cites the Propylaia and Parthenon at Athens and the Heraion of Samos, among others, as examples of buildings that were sacrosanct (Dio Chrys., *Or.* 40.8).
[63] Zuiderhoek 2007: 209–10. The riot over gladiatorial contests in A.D. 59 at Pompeii is famously depicted in a wall painting from House I, 3, 23.
[64] Macer, *Dig.* 50.10.3 (*Duties of Proconsul*, book 2).
[65] Zuiderhoek 2007: 210.
[66] Plin., *Ep.* 4. 22.
[67] Cic., *Off.* 2.16; 2.17 (translated by Miller 1913).
[68] Plut., *Mor.* 802d; 821f (translated by Babbit 1936); Zuiderhoek (2007: 197) briefly contextualizes these passages within Roman rhetorical traditions.
[69] Plut., *Mor.* 822c (translated by Babbit 1936).

the self-impoverishment and abasement of character arising from élite competitive zeal explicitly with shows and spectacles.[70]

An unflattering and suspicious view of spectacular benefactions emerges from this sample of opinions, but just as there is conflicting evidence on imperial preferences for games or building donations, there is also much in the *Digest* to indicate that private funding of games, festivals and distributions was appreciated and supported not only by the public, but also by legal opinion. It is worth including in its entirety Paul's description of legacies to the *civitates* here:

> Legacies can be made to *civitates* that are conducive to the honour or ornament (*ad honorem ornatumque*) of the *civitas*. Legacies for ornament are, for example, those left for building a forum, theatre, or stadium. Legacies for honour include those left for giving a gladiatorial spectacle, a wild beast show, theatrical performances, or chariot races, a largess among individual citizens, or a banquet. In addition, what has been left for the maintenance of those of infirm age, such as senior citizens or boys and girls, is held conducive to the honour of the *civitas*.[71]

In this passage, there is no hierarchy of value, at least in the legal sense, with regards to legacies that ornament or honour a community, and no hint of the hostility towards spectacles that is evident in the Valens passage from *Digest* 50.8.6.[72] The equality of architectural, spectacular, and distributive benefactions is supported by Marcian's commentary in the same book, that 'if anything is left to *civitates*, it is all valid, whether it be for distributions or for public works, or for the maintenance or education of boys or anything else'.[73] The kinds of legacies that honoured a community, such as the maintenance of vulnerable populations and the provision of entertainment, are precisely what made urban living a pleasant and exciting experience. It is not surprising, therefore, to find many references to donations of money for distributions, games, and other events. Johnston has noted that among legacies to municipalities, '[m]ost common were games, periodical *sportulae*, *alimenta*, dinners on specified annual occasions, usually the anniversary of the testator's birth'.[74]

Though these sorts of bequests are sometimes portrayed in official and philosophical language as frivolous, the *Digest* provides evidence that they were afforded sufficient legal respect that made them an appealing option for benefactors. In particular, the terms of a munificence of games, festivals, and distributions were not easily modified, provided that there was adequate income to support the event. Scaevola discusses a case in which a Lucius Titius bequeathed money to his town so that the interest could be used for biennial games. Should the town not hold the games, or refuse to fulfill the conditions set forth in the legacy, Scaevola holds that, per the explicitly stated wishes of the testator, the heirs of Lucius Titius had the right to reclaim all the money. Furthermore, should a city fail to put on the annual games that were to be funded — and that expressly were to be the only thing funded — by income from land bequeathed to the city by a legacy, all the profits from that land had to be returned to the heirs.[75]

[70] Plut., *Mor.* 822d; 822f; Plutarch in general advocates the curbing of personal ambitions and prefers that one's limited means be acknowledged publicly so that one's efforts could be turned towards more morally acceptable modes of leadership. To compete with those rich enough to put on shows and spectacles by borrowing money is viewed by Plutarch as a source of shame. Cicero himself, though he denigrates spectacles in general, acknowledges that it is acceptable to cede to the public's demand for such entertainments, but only if they are furnished within the means of the benefactor, as in his case (Cic., *Off.* 2.17).

[71] Paul, *Dig.* 30.122 (*Rules*, book 3).

[72] Johnston 1985: 124.

[73] Marcian, *Dig.* 30.117 (*Institutes*, book 13).

[74] 1985: 106; see also Camia 2011: 51, on agonistic bequests as a form of private/public funding.

[75] Scaevola, *Dig.* 33.2.17 (*Replies*, book 3).

Modestinus recounts a situation in which a woman made a pollicitation of a sizeable (30,000 denarii) endowment to a city, the interest of which was paid by the patron to provide for prizes in a quadrennial contest, so long as her husband served as the 'master of ceremonies and president' and then her children afterwards.[76] The question for the jurist was, 'whether the sons of [the woman] can suffer the injury of being deprived of the presidency of the contest according to the terms and condition of the undertaking'. Modestinus answers that the undertaking, if lawful to begin with, had 'to be preserved'.[77] Despite the fact that imperial *constitutiones* allowed cities to ignore stipulations that were contrary to public interests, and that money donated for a new building could be turned towards maintenance of old structures, the conditions of this undertaking involving the husband and children were understood as binding. The legal protection for the conditions of the games not only ensured that the contests would continue to entertain the citizens of the town in question, but also ensured the family of the donor would continue to enjoy great visibility and positions of honour in the community.

In the case of these non-architectural gifts, it appears, the cities did not have as much freedom to use the money as they saw fit, and money could be clawed back, to borrow a term from modern corporate governance, if the conditions of the legacies and undertakings were not met.[78] The possibility of a city losing a source of income — or for the money to be directed outside the city entirely — was an incentive for the city to abide by the wishes of the donor.[79] Because these festivals were founded with the intention of celebrating the benefactor or his family, or to celebrate his memory, it was vital for them to take place as planned.[80] Of course, spectacular benefactions were also subject to some of the same vagaries of fate that architectural ones were; gradual impoverishment of the endowment and financial mismanagement could prevent the implementation of the donor's scheme.[81]

Should a spectacular benefaction be or continue to be well-funded, it was likely to be fulfilled as often as possible. Longevity was considered to be an inherent feature of such gifts, at least as it pertained to the right of a city to claim income. Modestinus, when presented with a question as to whether a man's legacy for annual games at which his heirs were to preside was 'to be paid only as long as the heirs presided' — that is, no longer valid once those specific heirs were succeeded by others — responds that the city was owed its annual income 'in perpetuity'.[82] Moreover, Marcian relates that the emperors believed that the money left by a private individual to Sardis for the Chyrsanthian games held every four years was 'to be paid every four years in perpetuity, not merely after the first four years'.[83] Even if the money were not set aside for anything so extravagant as games, but was limited to a distribution of money to decurions on the occasion of a man's birthday, the emperors also held 'that it was not plausible that the testator should have been thinking about a single year, but rather about a perpetual legacy'.[84] That the undertakings and legacies for games and distributions were considered to be payable in perpetuity, and that cities were in turn obligated to abide by their conditions for as long as they were funded is significant for our understanding of the potential commemorative effect of these events in their communities.

[76] Modestinus, *Dig.* 50.12.10 (*Replies*, book 10).
[77] ibid.
[78] Johnston 1985: 119. A notable exception is the case of the funding for the existing gymnasium in Beroia, which was in such dire straits that the proconsul ordered funds from earlier, unrelated endowments for spectacles to be used instead for its maintenance; see Kennell 2007.
[79] Johnston 1985: 121.
[80] Farrington 2008: 247.
[81] Camia 2011: 59–60.
[82] Modestinus, *Dig.* 33.1.6 (*Replies*, book 10).
[83] Marcian, *Dig.* 33.1.24 (*Institutes*, book 8).
[84] Marcian, *Dig.* 33.1.23 (*Institutes*, book 6).

It is necessary, yet difficult, to consider how such expectations for longevity were met by reality. Circumstances and outcomes varied from case to case, depending on how well the funds from each endowment were managed and on the effects of economic inflation on the income from the capital given by a benefactor.[85] The epigraphic record, so rich in evidence for the expressions of honour and gratitude when a pledge is made or fulfilled, is obviously poor at recording failures of benefactions due to badly handled or insufficient funds. Nevertheless, enough pieces of information regarding iterations of festivals and games can be gathered to show that, while some festivals lasted for several decades, others persisted for more than a century.

Roueché's study of contests in Aphrodisias provides valuable information on the durability of endowed games in this provincial city, based on epigraphic evidence mainly dating to the late second to early third century A.D.[86] The texts indicate that there was — as with building projects — imperial involvement in the administration of funds left by individuals for contests because of the complexity of endowments and the large number of bequests and gifts that were made.[87] Inscriptions name persons as 'contest-president in perpetuity',[88] reflecting at least the hope for long-lasting celebrations of festivals.[89] The published letters of Eurycles, the imperial curator tasked with scheduling festivals and contests named for private benefactors, served as physical place-holders for the commemorative spectacles. Though there might be some time between the initial endowment of a contest and its first iteration, the names of the benefactors, the amounts donated or bequeathed, the types of competitions, and the prizes were displayed in inscriptions for all to see until the events could themselves be witnessed. The correspondence from Eurycles to Aphrodisias also shows that the original terms of endowments were respected and were not reduced in scope, not only because of the legal force behind the wills of the benefactors, but also because the associations of artists who profited from these contests put substantial pressure on the organizers to abide by the most generous terms possible.[90] Even though, as Roueché suspects, there might have been some practical constraints on putting on a tragedy festival established by Adrastus as he had decreed, nevertheless the agent of the Roman government called for the event to be held as prescribed.[91]

The Aphrodisian dossier of letters from the imperial curator is concerned largely with when enough money has accrued to support the first iteration of an endowed festival. Inscriptions honouring victors in the Philemoniean games, one of the athletic festivals still awaiting the maturation of its endowment in Eurycles' letter dating to the early 180s, attest to the continuation of the games on a three-yearly basis into the third century A.D.[92] If Roueché is correct in her restoration of an inscription dating to A.D. 241, and if the first iteration of the contest of Philemon took place just after A.D. 182, then this spectacular benefaction lasted for at least twenty iterations held over sixty years. A base dating perhaps from the late first or early second century A.D. honours a boy named Adrastus as the victor of a musical festival endowed not by a single individual but by the Synod of Sacred Victors in Aphrodisias from their own funds, the prizes of which were laid out in detail by Eurycles, indicating a possible duration of this

[85] Roueché 1993: 7–8, 161, 178–9; Potter and Mattingly 2010: 305.
[86] Roueché 1993: 164.
[87] Roueché 1993: 7, 173–4; Potter and Mattingly 2010: 304. Laurence *et al.* (2011, 292) also note the involvement of imperial curators in the management of public building projects and restoration work in the second century A.D.
[88] Roueché 1993: 175.
[89] ibid.
[90] Roueché 1993: 167, no. 51 lines 11–15; Potter and Mattingly 2010: 304.
[91] Roueché 1993: 167, 176.
[92] Roueché 1993: 166–7, no. 51 lines 22–5 for the funding of the Philemoniea; Roueché 1993: 219–20, no. 86 for the inscription honouring a boxer as a victor at the twentieth Philemoniea.

benefaction of close to a century.[93] Though a corporate foundation such as this synod festival perhaps might have been more stable in its financing, the longevity of this festival in Aphrodisias is nonetheless indicative of how an endowment could last over many decades and generations of citizens.

Spectacular endowments by private individuals — if well-administered and adequately supported by the appointed agonothetes — could last just as long as the musical festival of the Aphrodisian Synod of Sacred Victors, or even longer. The thymelic festival of Demosthenes of Oenoanda was a gift that was approved by Hadrian in A.D. 124. To fund this festival, Demosthenes pledged to provide land from his estate to the *eikosaprotoi* of Oenoanda to rent out for 1,000 denarii per year with a monthly interest of 100 asses. As at the time of the foundation's approval by the emperor the property to be rented out had not yet been designated by Demosthenes, he promised to make annual contributions of 1,000 denarii until the land was turned over to the city. Demosthenes expressly states in his gift that the *eikosaprotos* responsible for renting out and collecting interest on his property 'will take care that the lands do not deteriorate, and that the income from them is not diminished'.[94] While the agonothete of the Demostheneia was not expected to spend personal funds to support the festival, if he or any other official tasked with the maintenance of Demosthenes' endowment was found to have caused the capital to lose value or to have tried to circumvent the stated wishes of Demosthenes, he would have to pay significant mandated penalties. These provisions were included so that the estates of Demosthenes and his heirs would not be harmed as a result of this act of generosity.[95] Just as the architectural benefaction of a new market by Demosthenes was seen to its fruition, this festival also seems to have been successfully managed. The Demostheneia, held every four years, is epigraphically attested in A.D. 233, meaning that it had survived at least into its twenty-seventh iteration, one hundred and nine years after it was founded.[96]

A similarly enduring contest is also known from the Pamphylian city of Perge. The sixth iteration of the enneateric athletic festival called the Vareia is attested in an inscription honouring C. Iulius Plancius Varus Cornutus, who was the governor of Cilicia under Hadrian, as the victor in all events.[97] Given the Hadrianic date of the inscription, it is possible to locate the start of this contest in the Flavian period. These athletic games may have been founded by M. Plancius Varus, the grandfather of C. Iulius Plancius Varus on his mother's side, and the proconsul of Bithynia under Vespasian.[98] Though the terms of the foundation for the Vareia are not preserved, the financing of this benefaction must have been secure, as the wealth of this Pergaian family was famously demonstrated by M. Plancius Varus' daughter, Plancia Magna, in the extravagant renovation of Perge's South City Gate in A.D. 119–122.[99] Though the architectural benefactions of the family appear to have peaked under Plancia Magna, this eponymous festival lasted beyond this Hadrianic heyday. Wrestlers were honoured as victors in what was called the 'great enneateric festival' of the city — identified as the Vareia by Şahin in his edition and commentary on the honorific inscription — even in the first half of the third century.[100] The Vareia, therefore, went on for fully a century and a half.

[93] Roueché 1993: 168–9, no. 52.I; 178–9; 192–3, no. 66.
[94] Translation from Mitchell 1990: 184.
[95] ibid.
[96] Wörrle 1988: 71.
[97] *I.Perge* 128. Farrington (2008: 243) also notes the tendency of privately endowed festivals in other Pamphylian cities to last past the mid-third century.
[98] See Sahin's commentary on *I.Perge* 128 and Jones 1976: 233–4.
[99] *I.Perge* 86–109; see also Mansel 1956, Boatwright 1991 and 1993, Newby 2003, Bravi 2011 for Plancia Magna's renovation of the South City Gate complex.
[100] *I.Perge* 315.

Though a number of imperial games, such as the Tacitean Metropolitan games and Asylia Pythia games, were added to Perge's festival calendar in the mid- to late third century A.D.,[101] this spectacle was, for a significant span of time, a fixture in the lives of Pergaians. The durability of this contest and other well-financed foundations indicates that the juristic opinions and common expectations found in the *Digest* did have a grounding in reality, when best practices and circumstances prevailed.

VI BUILDINGS AND SPECTACLES AS PERSONAL MEMORIALS

Just as there were different legal and financial expectations for architectural and spectacular benefactions, there were also differences in the legal consideration of architecture and spectacles meant explicitly as memorials. Though scholars note that public buildings and monuments such as statues were donated *ex testamento*, this phenomenon is in fact relatively rare, and usually subject to conditions of *fideicommissum* as well as to certain public judgements of proper purpose.[102] When Pomponius expresses his opinion that '[s]ome things are written in wills which merely indicate the testator's wishes and do not create an obligation', he refers specifically to an example of an architectural legacy: 'if I institute you my sole heir and write that you should erect a monument to me for a fixed sum; for that clause involves no obligation, but you can, if you desire, put it into effect in order to carry out my wish'.[103] If there is a co-heir, the co-heir could sue to compel the building of the monument, but there is actually no legal basis for a single heir to act upon such wishes. In addition, 'it is also a matter of the testator's wishes when a man has ordered statues to be placed in a municipality; for if he did this to honour not the municipality but himself, nobody is entitled to an action on that ground'.[104]

In these two instances, where the specific purpose of the erection of a physical monument, architectural or sculptural, was to commemorate personal glory and identity, the reading of the law is such that no one is thought to be harmed should no action be taken. In the first instance, the matter is obviously private, between a testator and his heir. In the second instance, however, the matter seems to be public. While the law should rightly stand back and let the first case be settled privately — if an heir is disinclined to commemorate someone, so be it — it is noteworthy that, again, legacies motivated by egotism rather than patriotism should be framed as rather trivial and therefore dismissible. A similar principal seems to inform Marcellus, when he writes that a bequest by Lucius Titius — to have his heirs build a new portico in his home town and place therein his silver and marble sculpture — was valid because the city would benefit from the adornment, though his heirs appeared to have challenged the legacy 'on the ground that it is not of an object proper for public acceptance'.[105] There is an inclination for architectural benefaction to be contextualized as ornaments for the city, as serving the public. This is the same mentality underlying Dio Chrysostom's arguments for his beautification efforts in Prusa. His portico was not to aggrandize his own reputation and honour, for the expressions of love by his citizens are enough, but to make Prusa modern-looking and equal to its rivals.

[101] Weiss 1991: 365–75, 384.
[102] Eck 1997: 326; Champlin (1991: 156) finds fewer than twenty bequests to the public in the *Digest*, which he contextualizes within a general pattern of benefaction by a small subset of the rich in Greek and Roman cities.
[103] Pomponius, *Dig.* 33.1.7 (*Quintus Mucius*, book 8).
[104] ibid.
[105] *Dig.* (*Replies*, sole book). Johnston (1985: 115) comments further on the influence of public utility on Marcellus' interpretation, saying that it could also have been the case that the town did not want yet another portico and was trying to refuse the legacy.

This stands in contrast to a passage regarding the legacy of a commemorative spectacle:

> A legacy was left to a town, so that from the revenues each year a spectacle should be celebrated in that town to keep alive the memory of the deceased, but it was not permitted to celebrate it there; I ask that you think about the legacy. He replied that since the testator wanted a spectacle to be celebrated in the town, but of such a kind as could not legally be celebrated there, it was unfair that the sum which the deceased had intended for the spectacle should fall to the profit of the heirs. Therefore, the heirs and the chief men of the town should be summoned to discuss how the *fideicommissum* could be transformed so that the testator's memory would be celebrated in some other legal way.[106]

This legacy, public and motivated by personal interest, seems similar to the order for erection of statues, but in this case, the town is obliged to find some other way to use the money bequeathed to them, so as to fulfill the expressed purpose of celebrating the memory of the deceased. As a *fideicommissum*, the spectacle inherently had more legal standing and expectation for fulfilment than an unsupported wish expressed in a will. Moreover, the town stood to lose income by not finding a way to abide by the terms.[107] However, what is important for the purpose of this essay is that spectacles were considered in general a valid way of celebrating and — due to the legal protections discussed above — perpetuating personal memory, despite Plutarch's view that public recognition from such shows was only 'ephemeral'.[108] Though Cicero likewise thought that buildings, not games, preserved one's memory for posterity,[109] major donors like Demosthenes of Oenoanda saw one to be *as effective as the other*. Demosthenes first expresses his intention to endow his festival as a 'wish … to leave behind for my home land, in like manner with these buildings, a permanent capital fund, publicly promise (the foundation of) a *thymelic* [musical festival] to be called the Demostheneia'.[110] Pliny's letter to Trajan, asking for help to decide whether a man's legacy should be spent on games or a monument, both in honour of the emperor, drew a response that showed no preference on the part of the emperor, but one that stressed that the central issue was the commemoration of the testator.[111]

With the contests, games and distributions that were either undertakings or legacies, however, the burnishing of the reputations of the donors and their families was almost always the focus, and formed the core of many of the stipulations of the gifts.[112] So, though permanent and ephemeral benefactions were considered equal legally, the valuation of these gifts as instruments of social relationships was different. The architecture and statuary, which have been invested with memorial capacity in scholarship, emerge from this examination of relevant legal opinion as much more temporally fixed and easily disrupted than the games, monetary distributions, and contests.

VII ON EUERGETIC CHOICE AND THE 'EXPLOSION AGONISTIQUE'

In considering the euergetic choice of spectacles over buildings as vehicles for commemoration, the availability of both spectacular and architectural benefaction as

[106] Modestinus, *Dig.* 33.2.16 (*Replies*, book 9).
[107] Zuiderhoek (2007: 202) also notes the income from the commerce resulting from crowds attending the spectacles, especially if tax-exempt days were part of a particular endowed festival.
[108] Plut., *Mor.* 821f.
[109] Cic., *Off.* 2.17.
[110] Translation from Mitchell 1990: 183–4; the buildings referred to in the dossier (*supra* n. 22) are three stoas that were part of a food market, previously donated by Demosthenes to Oenoanda.
[111] Johnston 1985: 109.
[112] Farrington 2008: 274; Champlin 1991: 165.

equally attractive and valid options to benefactors is a crucial factor. Therefore, it is important to ask if patrons of spectacles were acting within a historical or social milieu in which both kinds of munificence occurred often and found similar favour, or one in which, due to changes of historical circumstances and of patterns of élite behaviour, games had largely overshadowed architecture as an outlet for generosity.

The legal opinions and epigraphic evidence related to both architectural and spectacular gifts presented in the previous sections date to the second century and the first half of the third century A.D., spanning the height of building activity across the Roman Empire. The prosperity of the second century allowed patrons such as Demosthenes and Opramoas to give both buildings and games, while others such as Vedius Antoninus drew imperial praise for their efforts to beautify their city with architecture rather than chase popularity through shows. The establishment of well-funded and therefore long-lasting games such as the Demostheneia and the Vareia had taken place by the end of Hadrian's reign. Élites wishing either to promote their reputation and career or to perpetuate their memory in their community, then, could give according to their specific social objective. It is nevertheless necessary to consider the phenomenon of the 'explosion agonistique' observed by Robert, especially in the eastern half of the Roman Empire. The 'explosion agonistique' is associated primarily with the third century A.D.,[113] which brings a relevant implication to the argument of this essay: that spectacles were not a popular outlet for élite munificence during most of the second century, but only became one as élites shunned building gifts. The evidence for the 'explosion agonistique' and for overall patterns of benefaction in the third century A.D., however, does not appear to support such premises.

Robert situated the 'explosion agonistique' chronologically over the first three centuries A.D., with the rise in the number of sacred or imperial games — contests named for civic deities, Roman emperors, or both — beginning with the establishment of Actia and Sebasteia festivals under Augustus.[114] Robert identified multiple peaks for agonistic foundations, in the Julio-Claudian period, the Hadrianic and Antonine periods, the early Severan period, and the mid-third century under Gordian III and his immediate successors.[115] The fervour for games in Roman Asia Minor did not emerge after the Antonine construction boom of the mid-second century A.D. Rather, as Robert noted, it was a long-term manifestation of several major and concurrent phenomena: the Hellenization of the Empire, the observation of religion that was the context for agonistic festivals, and the ongoing communication between Roman emperors and their subjects.[116]

Nollé recently confirmed these spikes in the number of imperial and sacred games, finding large numbers of agonistic coin issues during several of the same periods observed by Robert: the Severan dynasty, with festivals named for the emperors; the reign of Gordian III, when the right to hold games was used as a way to reward cities important to the staging of his eastern campaigns; finally, the reigns of Valerian and Gallienus, for much the same reason.[117] The cities issuing coins with agonistic imagery — less than a fifth of the total number of cities minting their own coins[118] — fall into a very specific category. Specifically, they were the leading cities of a province that were involved in intense rivalries with their neighbours for provincial ranking, imperial titles, and the right to hold major international games. The cities that were hegemonic in their province or region did not issue agonistic coins, because their primacy was not under

[113] For example, Roueché 1993: 5; Mitchell 1993: 221–5; Potter and Mattingly 2010: 304.
[114] Robert 1984: 38.
[115] Robert 1984: 39–40.
[116] Robert 1984: 37–41.
[117] Nollé 2012: 12–13.
[118] Nollé 2012: 14.

challenge; neither did small cities that could not have had expectations for high administrative rank or imperial favour.[119] Cities pointedly asserted in coin legends that the contests they hosted were imperial grants and sacred and international festivals, just as the iconography also emphasized the privileges, titles, and ranks of the cities holding the games, rather than the athletic or musical competition itself.[120] Thus, it is clear that the games that proliferated in this period were especially meaningful as signifiers of imperial patronage and civic prestige.

The kinds of games that proliferated during the mid- to late third century A.D. were not private spectacular benefactions named for their donors with the object of personal commemoration, the subject of this essay, but rather one of various political prizes given by emperors that enhanced the reputation and standing of the host city. In reciprocation for benefits and privileges received from the emperor, a provincial city could make a grand statement of loyalty by establishing games in his name. Perge did precisely that in the late third century, when it celebrated the Tacitean Metropolitan Games upon being designated the metropolis of the province of Pamphylia.[121] As Weiss, Nollé and Ziegler have shown, imperial and sacred games were important political instruments, used by emperors in order to advance their political and military agendas. They were also coveted by cities in rivalries over civic ranking in the provincial hierarchies that had become increasingly important in the administration of the Roman Empire.[122] The obviously political motivation for the creation and spread of these third-century agonistic festivals should not be confused with the desire for personal commemoration that led to the élite patronage of local *themides* and distributions.

When it came to such benefactions and the kinds of endowments that are attested in our legal, epigraphic and textual sources, there does not appear to have been an explosive growth in number in the mid-third century A.D. Indeed, the majority of such festivals may have wound down by exactly that point in time.[123] While it is true that architectural benefaction slowed significantly after the Severans, the number of benefactions overall, regardless of form, declined across most of the Empire then also.[124] Various explanations have been put forth for this change: cities had become fully urbanized; economic conditions may have made significant donations too expensive for most patrons; the assertion of centralized imperial power in the provinces and the increasing importance and prestige of imperial office both suppressed élite motivation for local patronage and diverted their energies and funds to the pursuit of offices that took them outside of their communities.[125] Whatever the cause for the decline in architectural benefaction by the middle of the third century A.D., the private money that had supported them in whole or in part were not diverted to a correspondingly increased number of games and festivals established to commemorate their élite patrons.

[119] Nollé 2012: 15–16.
[120] Nollé 2012: 28–30.
[121] *I.Perge* 331, column 1 refers to the festival of the divine Tacitus. See also Weiss 1991: 384 and Nollé 1993: 123–33 on Perge's issue of coinage commemorating the Tacitean Metropolitan Games and its superior administrative ranking over its rival city, Side.
[122] Ziegler 1985: 71–108, 125–6 and Ziegler 2009: 215–18 for the relationship between troop movements and supply concerns in civil wars and eastern campaigns and the imperial grants of games and titles such as neokoros and metropolis in Cilicia and other eastern provinces. See Weiss 1991: 354, 366–75 and Weiss 1998: 60–3 for the numismatic evidence for the rivalry between Perge and Side in Pamphylia, focusing on civic titles and the celebration of sacred and international games. See also Nollé 1987: 258–62 for the effect on Side of Gordian III's wars in the East. *I.Side* 129, 134–6 and Nollé 1993: 87–9, 114 are related to the Isopythian Games in Side and rivalry with Perge under Gordian III.
[123] Mitchell (1990: 190) notes the large number of *themides* from the second half of the second century into the mid-third century A.D., but suggests that it was at this point that these *themides* were becoming supplanted by the sacred and imperial games.
[124] Laurence *et al.* 2011: 139; Zuiderhoek 2009: 18–20, 57–8.
[125] Mitchell 1993: 213–14; Broughton 1959: 912; Zuiderhoek 2009: 156.

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The euergetic choice in the second and early third centuries A.D., to endow a festival that would perpetuate their names or to pledge a building that would earn honours and office, was a real one.

VIII CONCLUSION

A number of factors contributed to a wealthy notable's decision to fund a public building or some form of spectacle in his or her community — imperial preferences, love of one's home town, career obligation, ambition for advancement, and desire for commemoration all played a part. Architecture, combined with inscriptions detailing the circumstances of its creation, could be a testament to private generosity on behalf of the public, and burnish the reputation of the donor while it stood as an ornament to the city. However, buildings, like all things, were subject to injury, neglect, and decay. When natural disasters, acts of aggression, or simply the process of ageing took place, these structures ceased to be one person's monument, and became instead an outlet for others to prove and advertise their dedication to the city to their peers and constituents. Physical durability did not equate to permanence of identity associations. Keeping in mind the entire life-cycle, not just the birth, of an architectural benefaction allows for a fuller investigation of the way buildings were deployed as instruments for social display that follows much more closely the competitive and complementary euergetic environment of the Roman Empire. This approach has several important implications for scholarly discussion of monuments. It reminds us that an architectural benefaction was both more and less than a monument to the person whose undertaking it had originally been. Once constructed, public buildings were loci of civic participation that were linked to different people at various points in their existence. With each new phase of construction, benefactions in the form of monetary distributions, banquets, or spectacles attracted a renewed public attention to what had been modest or outdated structures in the background of daily life, inviting viewers to associate the building with its newest patron.[126] Appreciating the open-endedness of architectural munificence also calls attention to the modes of interaction and viewing that it demanded from the viewer of public architecture. As fixity in appearance and in personal associations was not an ancient expectation, it is likely that second- or third-century urban dwellers brought a revisionist approach to their ongoing experience of a building, just as in their politics they expected a succession of generous élites to hold the offices that ensured the functioning of their towns.

The social and physical dynamism of architectural benefaction contrasts with the constancy and durability of the festivals, games, and distributions that punctuated ancient lives in the Roman Empire. While entertainment and spectacle had immediate impacts on their audience and participants, the ongoing, periodic nature of many such events left lasting impressions of the unceasing liberality of their donors and their heirs. Unlike the architectural patron who leaves his name and work open to be superseded by the ambitions of others, the benefactor of a spectacle had the ability to insert his identity into the lives of fellow citizens, who not only enjoyed athletic and cultural shows in his name, or received money on his birthday, but who also, in the case of local boys or young men, could have been contestants and victors in those contests. These victors' biographies would be forever linked with the benefactor not only in the

[126] *CIL* 10 5918, on the distribution of five denarii to the decurions, two denarii to the sevirs, and one denarius to the people, as well as a banquet, to celebrate the dedication of a restored bath in Anagnia; *CIL* 3 1805, about a banquet on the occasion of the dedication of a renovated bath building in Dalmatia; *CIL* 2 1956, on the giving of public spectacles with the dedication of a reconstructed portico at a bath in Baetica.

consciousness of the community, but also in the honorific inscriptions that recorded their triumphs and perpetuated the names of the games' founders. These spectacular benefactions, which were expected to be long-lived, also drew the involvement of other élites, who, as agonothetes, would support the festivals and games with their own effort and perhaps their own wealth. This type of munificence, as a result, produced physical by-products and led to the formation of new social matrices that kept a donor's name alive and relevant within his city. It is not difficult, therefore, to understand why it was legally recognized and chosen as a means of élite commemoration.

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