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MUNICIPAL INTERVENTION IN THE PUBLIC CONSTRUCTION OF TOWNS AND CITIES IN ROMAN *HISPANIAE**

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Siendo imposible cuantificar las respectivas contribuciones del evergetismo y de las arcas municipales en las construcciones públicas de las ciudades, este artículo intenta determinar cuáles son las esferas en las que las autoridades municipales intervienen preferentemente en las provincias hispánicas. A partir de los datos proporcionados por las leyes municipales y la epigrafía monumental, la investigación demuestra que la actividad municipal se centraba sobre las obras de vías públicas, de fortificación y de mantenimiento y restauración de los edificios existentes.

As it is impossible to quantify precisely the respective contributions of evergetism and town-budgets in the public construction of cities, the aim of this paper is to try and define, in the case of the hispanic provinces, the sphere of activity of municipal authorities in matters of public construction. Based on a survey of the evidence from the municipal laws and monumental epigraphy, it shows that municipal intervention focused on the construction of roads and city-walls, along with the maintenance and restoration of existing structures.

For more than twenty years, euergetism has given rise to an impressive number of scholarly texts. Fascinated by a huge mass of inscriptions relating to the

* "*Municipal*" is used in its widest sense, and thus does not refer only to *municipia*. An earlier (and shorter) version of this paper was delivered at the British Epigraphy Society Spring Colloquium held in Cardiff in April 1999. I would like to thank the F.N.R.S. and the B.E.S. for financial support, and the Casa de Velázquez in Madrid where most of this research has been carried out. Drafts were kindly read by J. S. Richardson who greatly improved my English style. Unfortunately, the book *Il capitolo delle entrate nelle finanze municipali in occidente ed in oriente* (Rome 1999) appeared too late for me to take pull account of its argument.

generosity of the members of the *élite*, scholars have undertaken to verify the somewhat iconoclastic intuitions of Paul Veyne and tried to grasp the complexity of the phenomenon in view of the large bulk of the evidence[1]. One point in particular, which Veyne had noted, deserves attention: that euergetism underlines a quite peculiar feature of ancient societies, the tenuousness of the distinction between public and private spheres[2].

This is disconcerting, to say the least, in the case of the Spanish provinces, if we put it in the context of the strict organisation of municipal life that is reflected in the town-charters. It is true that the *lex Ursonensis* took euergetical practices into consideration when it fixed the minimum sum to be spent *de sua pecunia*, for the organisation of games, by *aediles* and *duumuiri*[3]. Municipal statutes did not, of course, have to lay down a procedure for the free generosity of the *élite*, but a conflict seems to take shape between a community governed by laws which defined its functioning and euergetical practices which only depended on the *élite*'s goodwill. The situation is even more complex, as the members of the élite who were benefactors were also the *decuriones* and magistrates of the cities, or at least belonged to their families.

Surprisingly, there have been few studies of this contrast. The main axis for research has been to link magistratures and priesthoods on the one hand, and euergetism on the other hand, through the study of *pollicitationes* and euergetism *ob honorem*. In this way, the benefactions of the *euergetai* could be explained by the competition between members of the *élite* for the *honores* that would increase their *dignitas*[4]. However, this is only one aspect of the phenomenon, as many *euergesiai* apparently took place outside the frame of the *cursus honorum*, and thus outside the institutional frame of communities (free euergetism, also called euergetism *ob liberalitatem*).

[1] P. Veyne, *Le pain et le cirque. Sociologie historique d'un pluralisme politique* (Paris 1976). F. Jacques, *Le privilège de liberté. Politique impériale et autonomie municipale dans les cités de l'Occident romain (161-244)* (Rome 1984) 687-786. G. Wesch-Klein, *Liberalitas in rem publicam. Private Aufwendungen zugunsten von Gemeinden im römischen Afrika bis 284 n. Chr.* (Bonn 1990). For *Hispaniae*, here are a few general studies on the subject: L. A. Curchin, "Personal Wealth in Roman Spain", *Historia* 32 (1983) 227-244. E. Melchor Gil, *El mecenazgo cívico en la Bética. La contribución de los evergetas a la vida municipal* (Córdoba 1994). S. Dardaine, "L'évergétisme ob honorem en Bétique", *Ktèma* 16 (1991) [1995] 281-291. M. Navarro Caballero, "Les dépenses publiques des notables des cités en Hispania Citerior sous le Haut-Empire", *REA* 99 (1997) 109-140. M. R. Pérez Centeno, "El fenómeno evergético durante el siglo III d.C. en Hispania", *Hispania Antiqua* 21 (1997) 363-381. A book about euergetism in Lusitania by J. Andreu Pintado has gone to press in Zaragoza.

[2] P. Veyne, *Le pain et le cirque* (n. 1) 23-25. R. Van Bremen, "Women and Wealth", in A. Cameron, A. Kuhrt (eds.), *Images of women in Antiquity* (London 1983) 235-236.

[3] *Lex Urson.*, 70-71. However, as with the *summae honorariae* which are quite similar to this system, these expenses were compulsory, and thus did not belong to euergetism *stricto sensu*, which was purely voluntary. About this distinction, see F. Jacques, *Le privilège de liberté* (n. 1) 690-691, and M. Navarro Caballero, "Les dépenses publiques des notables" (n. 1) 110.

[4] F. Jacques, "Volontariat et compétition dans les carrières municipales durant le Haut-Empire", *Ktèma* 6 (1983 [1981]) 261-270. S. Dardaine, "L'évergétisme *ob honorem*" (n. 1). E. Melchor Gil, "*Summae honorariae* y donaciones *ob honorem* en la Hispania romana", *Habis* 25 (1994) 193-212.

Public construction in the cities is one of the fields where this conflict clearly becomes evident, and credit is due to Richard Duncan-Jones for having tried to answer to the difficult question "Who paid for public buildings?"[5]. After a few observations about town budgets and a possible recourse to forced labour of citizens and *incolae*, he examined the case of two African cities, Thugga and Thamugadi, the former mainly built by benefactors, the latter by public funds. This intelligent reconstruction comes up against two principal problems[6]. First it is based on a detailed account of the known instances of public and private funding. Now, in order to answer to the question, it is necessary not to consider the number of instances but only the money spent. For this purpose, we would need more explicit inscriptions, or at least we should be able to connect an inexplicit inscription with a building whose dimensions and richness of decoration are known, at least in part, through archaeology. Needless to say, this is an ideal situation that is not to be found in many cities of the Empire[7]. The second problem raised by this study is the question of the representativeness of our evidence. W. Eck has underlined the necessary publicity required by euergetical actions, which might not be shared by official implementations. This could distort our evidence, which would focus on a single type of funding[8].

These few remarks lead to a simple observation: apart from some particularly privileged cases which present explicit inscriptions related to buildings well-known through archaeology, it is impossible to quantify precisely the respective contributions of euergetism and town-budgets in the public construction of cities.

However, even if this approach to the problem cannot provide an answer to the question, there is an alternative, which consists not in taking all operations of public construction as a whole, but in distinguishing between them. A city could be made up of streets, sewers, porticoes, public places, temples, baths, sto-

[5] R. P. Duncan-Jones, "Who paid for public buildings in Roman cities?", in F. Grew, B. Hobley (eds.), *Roman urban topography in Britain and the Western Provinces* (London 1985) 28-33 (also in *Structure and scale in the Roman economy* (Cambridge 1990) 174-184). H. Jouffroy ("Le financement des constructions publiques en Italie: initiative municipale, initiative impériale, évergétisme privé", *Ktèma* 2 [1977] 329-337), had already briefly examined the subject in a short article. For *Hispaniae*, in a more detailed study, E. Melchor Gil ("La construcción pública en Hispania romana: iniciativa imperial, municipal y privada", *MHA* 13-14 [1992-1993] 129-170), offers a useful synthesis of our knowledge in the different types of funding in the communities of the Empire (135-140). See also W. Liebenam, *Städteverwaltung im römischen Kaiserreiche* (Leipzig 1900) (reprint Amsterdam 1967), 386-389, with a commentary of the law of Puteoli.

[6] These criticisms were formulated by W. Eck ["Die Euergetismus im Funktionszusammenhang der kaiserzeitlichen Städte", in M. Christol, O. Masson (eds.), *Actes du Xe colloque international d'épigraphie grecque et latine (Nîmes, 4-9 octobre 1992)* (Paris 1997) 319-324], but he did not insist on the necessity of an estimation of the cost of the decoration of buildings, which could also be very expensive.

[7] The site of *Thugga* is *a priori* ideal for such a comparison between archaeology and epigraphy, but even there, the connection between inscriptions and buildings is not always possible. See M. Khanoussi, "Thugga: épigraphie et constructions publiques", in M. Khanoussi, L. Maurin (eds.), *Dougga (*Thugga*). Etudes épigraphiques (Bordeaux, 24-25 mai 1996)* (Bordeaux 1997) 117-125.

[8] W. Eck, "Die Euergetismus im Funktionszussamenhang" (n. 6) 315-319.

res, markets, civic buildings, such as *curiae*, *basilicae* or *tabularia*, theatres, amphitheatres or even circuses, while the activities belonging to public construction include urban planning (layout of streets and sewers, delimitation of *insulae*, water-supply) as well as the erection, maintenance and restoration of buildings and structures. In view of this abundance of objects and activities, it might seem appropriate to define the respective fields of operation of *euergetai* and communities.

This distinction is all the more relevant because the activities of communities and *euergetai* are essentially different in their frequency and motivations. The community functioned on a regular basis, with yearly magistrates who acted and had to account for their actions to the *ordo decurionum*. On the other hand, *euergesiai* were sporadic: at most, they could give rhythm to a few moments of a benefactor's life, and often might mark a single climactic point[9]. What is more, *euergetai* could be recalcitrant, and communities often had to wait a long time before they received the promised building[10].

The motives of benefactors and communities were also different. Even if the former were proud of the cities they controlled[11], their intervention was nonetheless caused by less altruistic ambitions. What mattered to them was to leave a mark of their generosity, to increase their social prestige and to keep their own and their families' memory in the same time. In this sense, as Paul Veyne ironically remarked, "*laisser décider le mécène n'est pas toujours le meilleur moyen d'optimiser le choix des biens collectifs*"[12]. On the other hand, the motives of the community were theoretically disinterested, and decisions were taken only for the sake of public utility[13]. The important thing was to ensure the comfort and security of fellow-citizens, and to make their daily activities possible.

Thus, the purpose of this article is not to quantify the contribution of town budgets in comparison with that of benefactors, but to try and define, in the case of the Hispanic provinces, the sphere of activity of municipal authorities in matters of public construction. This will be done first by touching on the passages concerning public construction in the municipal laws from Spain, and then by examining the inscriptions from the peninsula which refer to municipal intervention.

[9] F. Jacques, "Volontariat et compétition" (n. 4) 269. The euergetism *ob honorem* in *Baetica* concerned only the higher *strata* of the élite, the only ones affected by rivalry and emulation. S. Dardaine, "L'évergétisme *ob honorem*" (n. 1) 283-284.

[10] F. Jacques, *Le privilège de liberté* (n. 1) 735-743.

[11] S. S. Frere, "Civic Pride: a Factor in Roman Town-Planning", in F. Grew, B. Hobley (eds.), *Roman Urban Topography in Britain and the Western Provinces* (London 1985) 34-36. P. Le Roux, *Romains d'Espagne. Cités et politique dans les provinces. IIe-IIIe siècle ap. J.-C.* (Paris 1995) 100-104.

[12] P. Veyne, *Le pain et le cirque* (n. 1) 294.

[13] The interest shown for public utility can also be found in the conditions bequests had to fulfil in order to be accepted by communities. D. Johnston, "Munificence and *Municipia*: Bequests to Town in Classical Roman Law", *JRS* 75 (1985) 114-117.

I. Municipal laws and public construction

The Iberian peninsula offers a particularly rich dossier of town-charters. Recently, in addition to the testimony of the *leges Ursonensis*, *Salpensana* and *Malacitana*, the discovery of the *lex Irnitana* and of several fragments of municipal laws has greatly improved our knowledge in municipal administration[14]. In the two better-preserved texts, those of the *lex Ursonensis* and of the *lex Irnitana*, we can find an outline of the municipal organisation in matters of public construction. Of course, these documents were issued in very different contexts, the former applying itself to a colony of Roman citizens founded by Caesar in the final years of the Republic, the latter to a community raised to the status of a Flavian *municipium* of Latin right more than a century later. However, their convergence in many fields, including public construction, allows us to consider many of their prescriptions as a reflection of the Roman organisation strongly recommended to provincial cities[15].

It is not within the scope of this paper to examine the many clauses which laid down rules for the correct management of public property, either real estate or money[16], or the chapters forbidding a demolition not followed by a reconstruction, which reveal public concern in the protection of the physical aspect of cities[17]. Other passages refer more directly to public construction and to its organisation in communities. In the *lex Ursonensis*, the *decuriones*, by issuing a decree and provided that at least half of them is present, can give the *aediles* the responsibility for supervising a *munitio*. In order to do this, during five days a year, they can use as manpower all citizens and residents of the colony aged from fourteen to sixty, and during three days, their draught-animals[18]. The *lex Irnitana* improves this chapter: three quarters of the *decuriones* or *conscripti* must be present when the question is raised and two thirds must agree; the draught-animals can be requisitioned for use during five days as well; the age of citizens or *incolae* undertaking the work must not be under fifteen or over sixty; compensation can be given from public funds for any loss inflicted on anyone, and the of-

[14] For a detailed survey of municipal legislation in Spain, see J. M. Abascal Palazón, "Veinticinco años de estudios sobre la ciudad hispano-romana", *Tempus. Revista de actualización científica* 10 (1995) 47-59. See also J. Del Hoyo, "Duratón, municipio romano. A propósito de un fragmento inédito de ley municipal", *ZPE* 108 (1995) 140-144, for a fragment of a bronze inscription that might have been part of a municipal law, found in Duratón, in the modern province of Segovia, that is in *Hispania Citerior* and not in *Baetica*.

[15] This paper does not aim at referring to all the Roman legislation about the themes found in town-charters from *Hispaniae*, to say nothing of the evidence from elsewhere. The *lex Tarentina*, the *tabula Heracleensis*, chapters of the Digest or parts of the law of the Twelve Tables would allow us to go deeply in each of these questions, but in a perspective not focused mainly on the Hispanic evidence. For a general survey of the legislation, see for instance W. Langhammer, *Die rechtliche und soziale Stellung der Magistratus municipales und der Decuriones* (Wiesbaden 1973) 91-95, 151-155, 171-172, 178-184.

[16] *Lex Urson.*, 65, 72, 81-82, 96-97, 134; *Lex Irnit.*, H, J, 60, 63, 67-71, 76-77, 79-80.

[17] *Lex Urson.*, 75; *Lex Irnit.*, 62.

[18] *Lex Urson.*, 98.

ficials have the right and power of seizing a pledge or imposing a fine. The *lex Irnitana* leaves open the possibility of a supervision of works by others than the *aediles* (*isu[e q]ui ei ope[ri si]ue [mu]/nitioni praerunt*)[19].

It is important to consider the Latin vocabulary used in this chapter. The *lex Ursonensis* only deals with the case of a *munitio*, and the same term is used as a title to the chapter in the *lex Irnitana* (*De munitione*). It has a far more restricted sense than the one we can find in translations[20]. It is based on the same root as *moenia*, and refers to any work of fortification and, by extension, to the construction of roads[21]. It does not have the general sense of a word like *aedificatio*, for example. Thus, it is reasonable to conclude that this chapter does not refer to public construction in general, but only to specific works related to the construction of roads and city-walls. This explanation is particularly appealing as the construction of roads, at least, needed a substantial but unskilled manpower, while the setting up of a building required far more specialised abilities.

Nevertheless, the *lex Irnitana*, which improves and specifies the prescriptions of the *lex Ursonensis*, used the far more general term of *opus* jointly with the term of *munitio*. Originally, the chapter probably applied itself to the construction of roads and city-walls, but the writer of the *lex Irnitana* preferred to open up the possibility of using this manpower for other types of public works. The vague sense of *opus* does not allow us to be more specific, but the unskilled nature of this manpower must direct our research towards simple tasks that did not require special competencies, or towards assistance to skilled workers.

The interest the authorities showed in roads and in equipping the territory is reflected in other chapters of the municipal laws[22]. In Urso, the statute says that *duumuiri* and *aediles* had the right of making, creating, changing the course of, building or paving roads, ditches and drains within the territory of the colony[23]. In the *lex Irnitana*, the *duumuiri* were the only ones who had the power of creating and changing the course of roads, ways, rivers, ditches and drains, and they could only act according to a decree of the *decuriones* and *conscripti*[24]. The development and maintenance of an infrastructure not only in the towns, but also in the whole territory, is obvious in these passages.

[19] *Lex Irnit.*, 83.

[20] *Munitio* has been translated "building" by M. H. Crawford in his translation of the *lex Irnitana* (in J. González, "The lex Irnitana: a New Copy of the Flavian Municipal Law", *JRS* 76 [1986] 195), and "construction work" in the case of the *lex Ursonensis* (*Roman Statutes, vol. I* [London 1996] 427). P. Le Roux used the French word "*constructions*" (*AE*, 1986, n° 333, 133), while F. Lamberti chose *opere pubbliche* (*"Tabulae Irnitanae": municipalità e "ius Romanorum"* [Naples 1993] 347).

[21] *OLD*, s.v. *munitio*, 2-3.

[22] About the general legislation on roads, see W. Liebenam, *Städteverwaltung* (n. 4) 401-405, and C. Cloppet, "Le droit et l'aménagement des voies publiques sous l'Empire romain", *Ktèma* 19 (1997 [1994]) 309-318.

[23] *Lex Urson.*, 77.

[24] *Lex Irnit.*, 82.

The *lex Ursonensis* also considers the intervention of the community in another field of the civil service, water-supply[25]. The chapter ninety-nine defines the procedure to follow in order to determine the route of an aqueduct: the *duumuiri* have to raise the question with at least two thirds of the *decuriones* present. The chosen itinerary must be approved by the majority of *decuriones;* it cannot pass through buildings who were not built for this purpose. The following chapter determines conditions on which the colonists might use overflow waters (only with the permission of the *duumuiri* who can only raise the question with at least forty *decuriones* present). The concern of local governments in the field of urban amenities can be detected very clearly in this clause: as a priority, urban water-supply must be guaranteed. It is only when this condition is fulfilled that overflow waters might be used for private purposes such as irrigation or water-supply to suburban houses.

Lastly, two passages of the *lex Irnitana* allude to questions related to public construction. First, in the definition of the power of *aediles*, it is indicated that they have to manage the temples, the sacred and holy places, the town, the roads, the districts, the drains, the baths and the market[26]. These prerogatives are very general: in the text, they are mentioned along with corn-supply, the control of weights and measures and the organisation of *uigiliae*. So this passage is mainly about the management of urban amenities seen as a regular task, and we cannot conclude from this text that *aediles* were in charge of great construction-works in the communities. They were first and foremost responsible for the management and maintenance of buildings and amenities already present in the town.

The last explicit reference to the organisation of public construction defines how large a quorum of *decuriones* or *conscripti* is appropriate when the spending of common funds of the *municipes* is raised. The text considers all types of expenditure, which include the construction and reconstruction of buildings (*opera ei[us]/municipi facienda r[e]ficienda*) and the upkeep of sacred temples and of monuments (*aedium sacrarum monumentorum/que custodiam [habend]am*)[27]. The term *custodia* which is used here probably means "responsibility for taking care of" rather than a mere "protection"[28].

[25] About the substantial legislation on water-supply, see W. Liebenam, *Städteverwaltung* (n. 4) 408-416, and W. Eck, "Die Wasserversorgung im römischen Reich: Sozio-politische Bedingungen, Recht und Administration", in W. Eck, *Die Verwaltung des römischen Reiches in der hohen Kaiserzeit. Ausgewählte und erweiterte Beiträge. 1. Band* (Basel 1995) 179-252 and esp. 191-233. Water-supply was an important matter in Hispanic communities, as is seen in the *Tabula Contrebiensis*, dated in 87 B.C. See P. Birks, A. Rodger, J. S. Richardson, "Further aspects of the *Tabula Contrebiensis*", *JRS* 74 (1984) 45-73.

[26] *Lex Irnit.*, 19.

[27] *Lex Irnit.*, 79.

[28] *TLL*, s.v. *custodia*, II.A et II.B; *OLD*, s.v. *custodia*, 3. The term is apparently used with the same meaning in an inscription from Villaricos, in the modern province of Almería, where a sum is left *at* (sic.) *custo/[diam tem]pli* (*IRAlm.*, 31). In his commentary of the *lex* ["Municipium Flavium Irnitanum: a Latin Town in Spain", *JRS* 78 (1988) 84-85], H. Galsterer, first understands it as "maintenance", and later (in a paragraph about public order) as a protection that would require permanent

To sum up, it is notable that in what remains of the municipal laws, we are informed about precise rules about the construction of roads and city-walls, and aqueducts (only in the *lex Ursonensis*). The community does not rule out the possibility of an intervention in the construction or restoration of buildings (as we have just seen), but there are no specific chapters on the matter. We cannot turn down the hypothesis that such chapters have been lost, but in the case of the *lex Irnitana*, of which two thirds are preserved (if we add the contents of two columns from the *lex Malacitana*), such a suggestion is rather unlikely. The structure of the parts which are preserved allow us to know about the general organisation of the law, and the lost chapters probably contained a section dealing with the citizen body and its religious affairs, along with parts of the section dealing with *decuriones* and a fragment of the section dealing with elections[29]. On the other hand, we have at our disposal all chapters dealing with the administration of the *municipium* (chapters 61-83), among which should be found all information about public construction. So it is probably only in the lost chapter about the power of the *duumuiri* that we might have found a mention of their prerogatives in the field of public construction, and probably without much detail.

II. Inscriptions from Hispaniae displaying municipal intervention

In what follows, attention will be drawn to the few cases of municipal intervention attested mostly by monumental epigraphy, and to their relation with the spheres of activity defined through juridical epigraphy.

In order to use such epigraphic evidence, it is proper first to determine which criteria allow us to make sure that public funding is used for the construction. The usual formula *pecunia publica* is not present in the Hispanic epigraphy of public construction. Of course we do not have to conclude that there is no evidence for public funding in the communities from Iberia. Any inscription presenting a magistrate acting *decreto decurionum*, in my opinion, refers to public decision-making and funding[30]. It has been suggested that the mere fact that a magistrate does not explicitly say that he acted *de sua pecunia* might point to the use of public funds[31]. However, this argument *a silentio* is not unproblematic, as other evidence shows, and cannot be used as an absolute criterion[32]. Lastly,

custodes. But this reference to the *custodia* is mentioned in a chapter about the allocation of sums to ordinary but irregular tasks, like the sending of embassies, the clothing of slaves or building activities, and thus might not refer to the payment of permanent guards. See also *Dig.*, 50. 4. 18. 10 where *custodes aedium*, along with *curatores ad extruenda uel reficienda aedificia publica*, are understood as spending public money *in operis fabricam*.

[29] J. González, "The *lex Irnitana*" (n. 20) 148 and 200; H. Galsterer, "Municipium Flavium Irnitanum" (n. 28), 79-82.

[30] Provided that there is no mention that the person acts at his own expense (see for instance *CIL*, II²/5, 31, where the decree of the *decuriones* only indicates the permission granted by the *ordo*).

[31] E. Melchor Gil, "La construcción pública" (n. 5) 135-136.

[32] See for instance the inscription from Capera [A. García Bellido, "El tetrapylon de Capera (Cáparra, Cáceres)", *AEA* 45-47 (1972-1974) 64-66], where the man concerned insists on his *cursus*

another type of inscriptions points to a municipal intervention, when the community is presented as the subject of the verb of construction or restoration.

Let us look first at the question of roads and ways managed by the community. The recourse to citizens and *incolae* as manpower is never attested in inscriptions from *Hispaniae*, a fact which can probably be explained by the lack of interest in such a commemoration, *a fortiori* if it only concerns routine works undertaken regularly[33]. We have no epigraphic evidence about urban roads, but, as we have seen, municipal laws referred to road works on the whole of the territory, and we do have one inscription displaying a *duumuir* responsible for the construction of what is probably a local road[34]. Unfortunately, the absence of the formula *decreto decurionum* does not make it clear that this is a public intervention, which is not the case of another inscription from Alcantud, in the modern province of Cuenca, which mentions the construction of a road by the *municipium* of Ercauica (*m[u]n(icipii) Er(cauicensium)*, if accepting the reading by Geza Alföldy), by decree of the *decuriones* (*decreto ordinis*)[35]. The funding here is explicit: the operation is carried out thanks to the interest from the bequest Caius Iulius Celsus left to the community (*ex reditu pecuniae/quam [C(aius)?] Iulius Cel[s]us/rei publicae legauit*). So there is clear evidence of euergetism in the funding of that *munitio*, and the benefactor might have specified that his money ought to be used with this purpose[36]. Nevertheless, the inscription also shows clearly the role played by the *ordo* in the execution of this construction.

Inscriptions presenting as a subject the name of a community (in the plural) also show municipal intervention in road works, as can be seen with the building of the stone-bridge of *Aquae Flaviae*[37], and maybe the construction of a road by the *As(s)aniancenses*, near Numão, in Portugal[38]. The communities could

honorum and does not say that he acted *de sua pecunia*. Was he magistrate in office, and even if he was, did he act on behalf of the city? That is far from certain. There is another problematic case (*CIL*, II, 5354): Caius Aufidius Auitus, who had been *duumuir* twice and *curator*, built [*aedific(auit)*] baths. There is no mention that he acted *de sua pecunia*, so we could draw the conclusion that he was *curator* of this construction. But in what follows, we learn that his son, *duumuir designatus*, gave it *d(e) s(ua) p(ecunia)* and dedicated it with games in the circus. Is there any public intervention in this case?

[33] W. Eck, "Die Euergetismus im Funktionszusammenhang" (n. 6) 313-314, has suggested that the inscriptions outside *Hispaniae* which refer to such a procedure might be explained by their context: an inscription from Thamugadi (*CIL*, VIII, 2342) insists on the *concordia municipium* (in relation with a period of discord?), while at Auzia (*CIL*, VIII, 9062), the *aediles* probably put up the inscription in order to mention that they funded part of the construction with their *summae honorariae*.

[34] *CIL*, II, 2886. The inscription mentionned by E. Melchor Gil, "Sistemas de financiación y medios de construcción de la red viaria hispana", *Habis* 23 (1992) 127 (= *HAE*, t. 6-7, 1955-1956, n° 971, p. 17)) is in fact the same as the one in *CIL*, XIII, 407, and was located in *Aquitania* instead of *Hispania Citerior*. See C. Rico, *Pyrénées romaines. Essai sur un pays de frontière (III^e-IV^e siècle ap. J.-C.)* (Madrid 1997) 207-208.

[35] *AE*, 1987, 663.

[36] Similar case in the *Dig.*, 31.30.

[37] *CIL*, II, 2478

[38] *Fich. Epigr.*, 11, 1985, 48. The juridical status of this community is unknown, and it is far from certain that, because of its location, it was organised in a Roman fashion.

also join together and count on the help of the army in order to build key-bridges in the Roman road-system, as can be seen at *Aquae Flaviae* (first phase?) and maybe at Alcántara[39].

So municipal intervention in road works is imperfectly attested, which is not the case for the other sense of the word *munitio*, referring to fortification and the construction of city-walls. There is indeed an important series of inscriptions from the Mediterranean coast of the peninsula, of probable Augustan date, which commemorate the building of city-walls by the communities.

At Saguntum, by decree of the *ordo*, both *duumuiri* were given the responsibility for restoring the towers and doors of the city-wall[40]. Its antiquity[41] allows us to understand easily the context of this reconstruction, inscribed in the urban renewal of the city in the Augustan and Julio-Claudian periods. But it is especially the city of Carthago Noua which offers the most complete dossier on this matter. We have preserved no less than ten inscriptions or fragments of inscriptions related to the city-wall, which were given their due in a recent edition[42]. Four out of these ten inscriptions present either a complete or a very well-preserved text. Thus we know that a single *duumuir*, Cnaeus Cornelius Cinna, was made responsible for the construction of two sections of the wall, by decree of the *decuriones*[43]. The execution of another section, from the *porta Popilia* to the next tower and beyond it, was under the supervision of the *augur quinquennalis* Marcus Cornelius Marcellus[44]. Finally, Caius (?) Maecius Vetus, *aedilis* and *augur*, was responsible for the construction of another section[45]. These four inscriptions give the length of each stretch of wall; and only the last one does not refer explicitly to a decree of the *decuriones*. From the Augustan date of these inscriptions, it is likely that the *ordo*, in the years that followed the promotion of the city to the rank of a *colonia*, divided the wall into different sections and gave the responsibility for their construction to several magistrates and official priests of the city[46].

[39] *CIL*, II, 2477; *CIL*, II, 760. The involvement of the army in the construction of bridges is also attested at Martorell (*IRC*, I, 1).

[40] *CIL*, II²/14, 361.

[41] I. Pascual Buyé, C. Aranegui Gascó, "Una torre defensiva de época republicana en el Castell de Sagunt", *Saguntum* 26 (1993) 189-203. The reconstruction of the city after its destruction by Hannibal is attested in Livy (28. 39. 18).

[42] J. M. Abascal Palazón, S.F. Ramallo Asensio, *La ciudad de Carthago Nova: la documentación epigráfica* (Murcia 1997) 77-113, nº 2-11 (= *CNDE*).

[43] *CNDE*, 3-4.

[44] *CNDE*, 5.

[45] *CNDE*, 7.

[46] This dossier seems revealing in many ways: it illustrates the community's investment in the construction of its city-walls; but it also shows the fascination exerted by euergetism on the editors of the new corpus. I have mentioned the case of the four better preserved inscriptions; four other are fragmentary (*CNDE*, 2, 6, 9, 10); and finally, the editors have reconstructed two inscriptions, one on the basis of five fragments (*CNDE*, 8), the other on the basis of three (*CNDE*, 11). In both cases, they have restored the final formula (which is almost completely lost) *d(e) s(ua) p(ecunia) f(aciendum) c(urauerunt) i(dem)q(ue) p(robauerunt)*, while three of the well-preserved texts present the fi-

Lastly, because we do not have any mention of a decree of the *ordo*, we cannot be certain that the *duumuir* in Barcino[47] or the *praefectus* in Lucentum[48], acted officially, but similarities between these inscriptions and the previous examples, with which they share the same chronological and geographical context, might allow us to include them in a same category.

Another field that was under the control of the *decuriones* and magistrates in the *lex Ursonensis* was the water-supply. Many *euergetai* offered an aqueduct to their town[49]: the definition of its route probably fell on the municipal authorities, but the benefactors had to meet the construction costs. The intervention of the community is far more explicit in the case of inscriptions on *fistulae*, as in Italica, Astigi, Turobriga (?) or Caesaraugusta[50]. In this last city, the public slave Artemas did work on the aqueduct, under the supervision of the *aedilis* Marcus Iulius Antonianus, as we know from the text engraved on water pipes. This illustrates well the role played by *aediles* in the daily management of urban amenities, a task that would not usually call for a commemorative inscription.

Finally, in an inscription from Archena, in the modern province of Murcia, the *duumuiri* were responsible for the restoration of the aqueduct that supplied the local baths, by decree of the *decuriones*[51]. This inscription not only illustrates once more the role played by the community in providing urban amenities, but also its care in matters of maintenance and restoration of buildings. We saw in the *lex Irnitana* that funds could be allocated to the preservation of public and especially religious buildings. Two other inscriptions, one from Regina, the other from Lucentum, are most interesting in this respect[52]. In both, the *res publica* (in the nominative) restored (*refecit* or *restituit*) a temple. At Regina, two people are designated as *curantibus*, while at Lucentum, the *duumuiri* are mentioned in the beginning of the text, also in the ablative. This similarity in the syntax points to an identical activity, that is the intervention of the community in the reconstruction of sacred buildings. The two men mentioned in Regina were probably the *duumuiri* or the *aediles* of the city, despite the use of the term *curantibus* that

nal formula *ex d(ecreto) d(ecurionum) f(aciendum) c(urauit) i(dem)q(ue) p(robauit)* or *d(ecreto) d(ecurionum) f(aciendum) c(urauit) i(dem)q(ue) p(robauit)*. Only one of these inscriptions show a fragment of the first letter of the formula, and it might be a "*D*" or an "*E*". So there is no reason to restore *d(e) s(ua) p(ecunia)* instead of *d(ecreto) d(ecurionum)* or *ex d(ecreto) d(ecurionum)*. It is true that the inscription *CNDE*, 8 presents a different support from the other epigraphs of the city-wall (the blocks are thicker), but this is no explanation for this restoration.

[47] *IRC*, IV, 57.

[48] *CIL*, II, 3561.

[49] See for example *CIL*, II²/5, 30 and 316; *CIL*, II, 2343, 3663 and 5962; *CNDE*, 29; *CILA*, III, 106, 245 and 579; *AE*, 1986, 307. For an overview of the importance of benefactors in general, see W. Eck, "Die Wasserversorgung im römischen Reich" [n. 25], 211-217.

[50] *CILA*, II, 579 (Italica); *CIL*, II²/5, 1177 (Astigi); *CILA*, I, 14 (Turobriga). For Caesaraugusta, see J.L. Ramírez Sádaba, Estudio de la epigrafía, in El acueducto romano de Caesaraugusta. Según el manuscrito de Juan Antonio Fernández (1752-1814) (Madrid 1994) 55-77.

[51] *CIL*, II, 3541.

[52] *CIL*, II²/7, 976 (*Regina*); *CIL*, II, 3557 (*Ilici*).

might suggest the presence of *curatores*[53]. These inscriptions are all the more interesting because they both belong to a late period in the Early Empire. The inscription from Regina is the only one preserved and can be dated, on the basis of its letter-forms, to the end of the second or the beginning of the third century, but the parallelism in the syntax and the use of the term *r(es) p(ublica)* might direct the dating of the inscription of Lucentum to the same period[54].

The upkeep and restoration of buildings was a necessary work behind the scenes for communities, that would have rarely called for a commemorative epigraph, except if it was executed on a large scale. Even if this type of reconstruction was symbolically connoted[55], the benefactors were certainly less keen on restoring existing structures than on building new ones to which their names would be associated, except maybe in the case of the restoration of a construction erected by their ancestors[56]. Yet all buildings grew old, and the upkeep costs increased. It is noteworthy that the questions of maintenance appear in the Digest as soon as in the reign of Antoninus Pius[57], and that they can even find an archaeological confirmation in *Hispaniae*, in cities like Baelo, Munigua or Emporiae, in which the population went on living among collapsed buildings that were not restored[58].

* * *

It is clear that, in the surviving evidence, examples for a municipal intervention in the public construction of cities are very few in comparison with an omnipresent euergetism. Nevertheless, they are well-defined and relate straight-

[53] The verb should be understood in the general sense of "to undertake, see to (a task or responsibility)" (*OLD*, s.v. *curo*, 6).

[54] The use of *r(es) p(ublica)*, at least in the inscriptions from *Baetica*, mostly appears in the second half of the second century and in the third century. See S. Dardaine, "Une image des cités de Bétique aux IIe et IIIe siècles après J.-C.: l'emploi du terme *respublica* dans les inscriptions de la province", in *Ciudad y comunidad cívica en Hispania (siglos II y III d.C.)* (Madrid 1993) 47-58.

[55] E. Thomas, C. Witschel, "Constructing Reconstruction: Claim and Reality of Roman Rebuilding Inscriptions from the Latin West", *PBSR* 60 (1992) 164-165.

[56] Cic., *Verr.*, 2. 1. 147 [*nemo dubitat quin multo maius sit nouam (columnam) facere*]. Cicero only means that it is more expensive to put up a new column (than to rebuild an old one); but expenditure led to prestige. As examples of buildings named according to their builder in *Hispaniae*, see the *Thermae Cassiorum* in *Olisipo* (*CIL*, II, 191) and probably the *Thermae Montanae* in *Tarraco* (*RIT*, 155). The reconstruction of a sacred place built by an ancestor is attested in *Bracara Augusta* (*CIL*, II, 2419-2420). Besides, the style of rebuilding inscriptions often was hyperbolic so that the act of the restorator did not seem less grandiose than the one of the builders. G. Fagan, "The Reliability of Roman Rebuilding Inscriptions", *PBSR* 64 (1996) 93.

[57] *Dig.*, 50. 10. 7, pr. See also *Dig.*, 50. 8. 7. 1.

[58] P. Sillières, "Vivait-on dans des ruines au IIe siècle ap. J.-C.? Approche du paysage urbain de l'Hispanie d'après quelques grandes fouilles récentes", in *Ciudad y comunidad cívica en Hispania (siglos II y III d.C.)* (Madrid 1993) 147-152. See also the tables in A. Cepas Palanca, *Crisis y continuidad en la Hispania del siglo III* (Madrid 1997) 234-248 (Appendix V), which enable to follow the urban evolution of a series of Hispanic cities during the Empire, with its periods of neglect or restoration.

forwardly to the institutional framework delimited in the municipal laws (roads and city-walls, general maintenance of urban structures, especially of temples and aqueducts). Taken with a documentation that gives priority to the generosity of the *élite* (which however rarely applies itself to the same objects)[59], the delimitation of the sphere of activities of the community allows us to understand better the organisation of public construction at the local level. The communities appear to have played an active role, which was also more routine and which left less traces in monumental epigraphy. So we certainly have to admit that our evidence is somehow distorted. However, even if benefactions usually required the setting of a commemorative inscription, this was also probably the case of any municipal intervention on a large scale, as can be seen in our evidence[60]. Perhaps then our documentation does reflect the lesser participation of the community in large-scale and exceptional works, especially since those were the most likely to destabilise a well-balanced budget. This suggestion is reinforced by a study of legislation that underlines imperial concern for a right financial management of provincial cities. The communities had to receive imperial authorisation in order to erect buildings at their own expense[61], which was not the case of *euergetai*[62]. This strict control might have encouraged the development of a system according to which the benefactors met the costs of most of the great works, while the maintenance was the duty of the communities.

Juridical epigraphy is then very useful when it comes to understand the main lines of the organisation of public construction in the communities from the Hispanic provinces. It confirms the imperative differentiation between private benefactions and public funding, as for the frequency and importance of interventions as well as for their motives. However we must not forget that the members of the *élite* who were benefactors were also the *decuriones* and magistrates of the cities, or at least belonged to their families. In spite of the blurring of the distinction between public and private spheres, which helps to explain euergetism (that is the use of private funds in order to fulfil collective goods), the members of the *élite* probably distinguished clearly between the fields of activity which were the benefactors' responsibility (the sporadic construction of buildings that

[59] Benefactors funded the construction of roads in *Castulo* (*CIL*, II, 3270) and *Oretum* (*CIL*, II, 6339), and the building of city-walls in *Ilipa Ilia* (*CILA*, II, 300), *Sabetum* (*CIL*, II²/5, 521), and *Hasta Regia* (? *IRPC*, 32 = *CIL*, II, 5405), and very few reconstructions in general: an unknown building at *Urso* (*CIL*, II²/5, 1036), porticoes in *Cartima* (*CIL*, II, 1956), a monumental fountain in *Bracara Augusta* (*CIL*, II, 2420), walls at *Castulo* (*CIL*, II, 3270), a market in Villajoyosa (*CIL*, II, 3570), and an exedra and the front of a temple in *Tarraco* (*RIT*, 39).

[60] We have seen that monumental epigraphy commemorates municipal intervention in the construction or reconstruction of city-walls, bridges and roads, temples and aqueducts.

[61] *Dig.*, 50. 10. 3 § 1. F. Jacques, *Le privilège de liberté* (n. 1) 664-666 and 685-686. See also H. Galsterer, "Municipium Flavium Irnitanum" [n. 28], 84-85, who understands the lack of reference to buildings like the *basilica*, the *forum*, the *theatre* or the *amphitheatre* in the *lex Irnitana* as a "predisposition on the part of the author to restrain local communities from a high level of building-expenditure".

[62] *Dig.*, 50.10.3 § pr.

would increase their social prestige and would guarantee their posterity), and those that fell on local institutions (the maintenance of a determined level of urban life which was proper to the rank of city). This distribution of tasks probably conditioned most of the public construction in cities. Perhaps town and country planning and the upkeep of structures were less expensive than the construction of a single building; but all in all their regularity might have led the city to spend as much as the *élite* concentrating all their expenses in a single key-moment.