

TAXATIO AND POLLICITATIO IN ROMAN AFRICA *

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I

Numerous inscriptions from different parts of the Empire, and particularly from North Africa, testify to the munificence of the urban aristocracy.¹ By munificence I mean the spending of wealthy individuals on, for example, monuments or projects of construction of one sort or another for their cities, or handouts of money, food or other commodities to their fellow-citizens. The significance of munificence from an economic viewpoint can be readily appreciated: it would not be an exaggeration to say that the prosperity of the cities rested in large part on the generosity of their leading citizens. In this paper, however, I will be concerned with some of the political and institutional implications of munificence. If the cities were financially dependent on their aristocracies, then the possession of wealth and the willingness to spend would clearly hold the key to both the acquisition and the retention of power. At the same time, we might expect some form of public control to have been exerted over aristocratic spending. In this connection, it may be significant that much of the expenditure of which we have record was incurred by individuals when they assumed magistracies or priesthoods or entered the local council. When would the wealthy have more readily submitted to financial levies than in the context of election victories? On the other hand, would it have been necessary to *exact* contributions from successful politicians, who would perhaps have shown their gratitude—and self-esteem—without any prompting through some form of public expenditure? If any were inclined to hesitate, would they not have responded when reminded of the liberality of their predecessors? In fact, it is not difficult to show that the dictates of the law, the weight of custom, and personal considerations and motives are all relevant; to determine the relative importance of the three factors is a more formidable task.

In the more reliable accounts the expenses of incoming officials are divided into three categories: *summa legitima* or *summa honoraria*, *pollicitatio*, and *adiectio* or *ampliatio*. The following rudimentary definitions are derived from those studies.² *Summa legitima* is the compulsory fee fixed by municipal statute and payable by every new magistrate, priest or councillor.³ *Pollicitatio* is the pledge made by new officials in order to celebrate their elections. Pledges by candidates as opposed to newly elected officials are also known, but were apparently less frequent. However, we have to leave open the possibility that all or most pledges were circulated unofficially, as campaign promises, as it were, before they were formally made in a council-meeting by a successful candidate. In Africa it was normally a project that was promised, a building, for example, or an ornamental statue, to be constructed at the expense of the promiser and at a cost stipulated by him. The making of a pledge of this kind is usually held to have been morally obligatory in the Antonine and Severan periods from which our evidence is largely derived; its fulfilment was required of the promiser or his heirs by law, at least from the reign of Trajan.⁴ *Adiectio* stands for the

* I wish to thank the Editorial Committee and Dr. R. P. Duncan-Jones for valuable criticism. It should not be assumed that they agree with my conclusions.

¹ The best and most complete account of the expenditures of the urban aristocracy in North Africa and Italy is that of R. P. Duncan-Jones, *PBSR* 17 (1962), 47 ff.; 18 (1963), 159 ff.; 20 (1965), 189 ff. See bibliography there for other references. This paper draws upon African evidence alone and its conclusions may not be relevant to other parts of the Empire.

The following abbreviations are employed in addition to those in standard use: Beschaouch = A. Beschaouch, *Karthago* 13 (1968), 125-223; *C* = *Corpus Inscriptionum Latinarum*, vol. VIII; Duncan-Jones = R. P. Duncan-Jones, *Papers of the British School at Rome* 17 (1962), 47-115; Leglay = M. Leglay, *Akte des IV. Internationalen Kongresses für griechische und lateinische Epigraphik*, 1962 (1964),

224-33; Veyne = P. Veyne, *Karthago* 9 (1958), 91-109; Villers = R. Villers, *Revue historique de droit français et étranger* 18 (1939), 1-32.

² See Veyne, 93-6; Leglay, 228; and Duncan-Jones, 66, on the distinction between *summa legitima* and *pollicitatio*. The account given here in summary is not accepted by Beschaouch, 154 ff.; p. 127 below.

³ The sum exacted varied according to the city and the office. See the table in Duncan-Jones, 103-4. On the *summa legitima*, *ibid.* 65 ff., with bibliography; and my forthcoming article in *Historia*.

⁴ On Trajan's regulation see p. 120 below; for *pollicitatio* in general see the accounts of Villers and Veyne. The promise was usually made immediately after entry into office (Veyne, 93, n. 3) and was recorded in the *acta* of the council (*ibid.* 96). Originally the making of a promise was spontaneous; that it became morally obligatory and therefore quasi-universal by the second century in Africa (as Veyne asserts, 94-5) cannot be shown.

voluntary expenditure made on a promised project over and above the amount originally specified.

One can imagine how this threefold division might have emerged in practice. The *summa legitima* was in origin the magistrate's contribution, required by municipal law, to the expenses of games or other festivals that were considered essential to the life of the city. The money was not inevitably spent on games: the phrase *pro ludis* on an inscription implies that money which by law should have gone to games was used for some other purpose. Such inscriptions commonly celebrate building activity. There might also have been straight cash payments that were not earmarked for any specific purpose.⁵

At a fairly early stage a few especially ambitious or unusually wealthy men took to surpassing this sum, giving more than the law required. This practice spread, as rivals were stimulated into matching their generosity. The competitive instinct was strong in the cities of the early Empire, a time of economic growth and heightened social mobility. Now, the voluntary gift made in honour of office over and above the *summa legitima* must originally have been paid, if not actually on a man's entry into office, at least during his year of office. *Pollicitatio*, the promise of future payment, was probably an outgrowth of this practice of quick or immediate payment. It should be remembered that the Roman economy was only partially monetized, and cash was in short supply. There would always have been some very wealthy men who were able to put down a sizeable lump-sum during their year of office in payment for benefactions; but the average local official would have welcomed the chance to delay his benefaction so that he could recover from the ordinary costs of his magistracy. *Pollicitatio* offered him respite, by enabling him to choose his own moment for making a gift promised in advance. The growth of *pollicitatio* as an institution was therefore a sign that a wider group than the very rich was participating in voluntary giving.

Meanwhile the very rich had found another way in which to draw attention to themselves. They could still as magistrates make a gift to their city and pay for it straight away—and this became something to boast about as soon as men began to postpone payments;⁶ or, supposing that they chose the alternative course of promising a project for some time in the future, when they came to fulfil the promise they could spend more money than they had originally undertaken to provide. This latter practice may for convenience be called *adiectio*: the word does not occur in the inscriptions.⁷

This reconstruction of the evolution of the threefold distinction has the status of rational speculation; the validity of the distinction can only be tested by a close examination of the epigraphical evidence.

In such an investigation the accurate interpretation of the wording of the relevant inscriptions is crucial. Here three main problems are encountered. The first is the sheer variety of expressions used to describe expenditure in honour of office. This raises the possibility of diversity of procedure from city to city and within individual cities. At the same time, the differences between formulae are often superficial and can easily be reconciled. Secondly, the wording of some inscriptions is, or appears to be, brief and summary. Typically, a benefaction in honour of office is recorded (and sometimes priced) but without reference to a *summa legitima* or *pollicitatio*, or to either of these. The omission of the *summa legitima* can perhaps be adequately explained: there was no special point in drawing attention to the payment of what was after all a statutory fee.⁸ But the absence of reference to a promise is more serious, if *pollicitatio* was voluntary in nature. There is no problem in those cases where the presence of *pollicitatio* can be divined from the mention of *adiectio*. Again, the omission may not be important where inscriptions which do refer to promises survive from the same town. But of course arguments resting on external evidence of this sort carry more or less conviction according to the number of other inscriptions which can be appealed to and the nature of the offices which they celebrated.⁹ Furthermore, comparisons

⁵ On *summa legitima*, see refs. in n. 3 above.

⁶ See n. 42 below.

⁷ Phrases used include 'ampliata pecunia', 'adiecta (amplius) pecunia', and 'multiplicata pecunia'. For 'pollicitatio' see e.g. *IL Afr.* 222; *IL Alg.* 1, 951; cf. *C* 2353 ('pollicitator').

⁸ At the same time, it may be admitted that the fee is referred to relatively often in Africa.

⁹ For *adiectio* entailing *pollicitatio* see, e.g., *C* 18234 (Lambaesis); 18649 (Diana). In both towns, as it happens, promises in honour of the same offices (the flamine in each case) are recorded: see 18214; 4588. Comparisons of this kind between inscriptions involving the same office are possible in respect of the following towns (among others): Sitifis (aedileship), Sutunurca (flamine), Madauros

of this kind, whatever their value, are sometimes impossible. It is clear, then, that no final statement can be made about the prevalence of *pollicitatio* in Africa. However, I am more concerned in this article to clarify the nature of the *summa legitima* and *pollicitatio* and to determine the relationship between them, than to argue for or against their universality. Thirdly, some of the formulae are ambiguous. One word which has raised problems of interpretation is *taxatio*. *Taxatio* or *taxare* occurs in ten inscriptions from seven towns in different parts of Africa Proconsularis.¹⁰ The contexts show that *taxatio* is in some way involved in the making of an election pledge or *pollicitatio*; a close relationship between *taxatio* and the *summa legitima* has also been postulated.¹¹ It is to be hoped that an analysis of the meaning of the word as it occurs in literary and epigraphic sources will help solve some of the problems relating to these institutions.

II

Where it occurs in literature *taxatio* commonly means an agreed market-price or valuation. Pliny the elder talks of an antique table changing hands at the 'price' of a large estate, 'latifundii taxatione'; of amber's high luxury 'rating', 'taxatio in deliciis tanta ut . . .'; of the banquet where Cleopatra swallowed a pearl costing the figure agreed in her 'wager' with Antony, 'consummaturam eam cenam taxationem confirmans'; and of rarities being beyond 'price', 'super omnem . . . taxationem'. Seneca, similarly, writes of the 'assessment' of penalties for ingratitude in terms of money, 'intra pecuniam versabitur taxatio'.¹²

Thus *taxare* is used of an exchange-rate, 'talentum Atticum denariis sex millibus taxat M. Varro'; of Augustus' raised property-qualification for senators, 'senatorum census ampliavit ac pro octingentorum milium summa duodecies sestertium taxavit'; and of Caligula's method of raising money by a series of 'auction-trials', which stopped as soon as he had got the sum announced as the target at the beginning of the proceedings: 'taxato prius modo summae ad quem conficiendum consideret, confecto demum excitabatur.'¹³

In legal contexts *taxatio* assumes a somewhat more specific meaning. Gaius in his discussion of *condemnatio* shows that there were two forms of actions *incertae pecuniae creditae*, one completely indefinite, one 'cum aliqua praefinitione, quae vulgo dicitur cum taxatione'.¹⁴ That is to say, the plaintiff's estimate of the restitution due to him was taken as a 'preliminary limitation', which, as the context shows, was an upper limit that the judge was not permitted to exceed when he made an *aestimatio*. In this case the formula ended with the words: 'iudex Numerium Negidium Aulo Agerio dumtaxat sestertium X milia condemna. Si non paret, absolve.'¹⁵ In the *iusiurandum in litem*, where condemnation was for the amount assessed under oath by the plaintiff, it was the judge who set a limit, *taxatio*.¹⁶

(flaminate), Hr. Kudiat Setieh (magister), Verecunda (flaminate), Diana (flaminate, duovirate), Lambaesis (flaminate), Thamugadi (augurate, duovirate), Cirta (aedileship, triumvirate). The last five towns mentioned furnish the best evidence (Diana and Thamugadi in respect of the duovirate in both cases). Comparisons involving different offices may be relevant in, e.g., Verecunda (pontificate), Thamugadi (quinquennalis), Cirta (pontificate).

¹⁰ Two inscriptions are from Cuicul, in that part of Africa Proconsularis which became the province of Numidia in A.D. 197-8. Six from four towns come from Proconsularis Zeugitana and two from two towns from Proconsularis Byzacena (these are two areas of Africa Proconsularis as divided by Diocletian).

¹¹ The meaning of 'taxatio' has been touched upon or discussed by several scholars. See C p. 1241 (Schmidt); *DS*, 'honoraria summa', p. 237, col. 1 (Cagnat); *RE* v A, col. 73-5, s.v. 'taxatio' (Kaser); Leglay, 229; Beschaouch, 155-7.

¹² Pliny, *h.n.* 13, 92 (table); 37, 49 (amber); 9, 120 (banquet); 7, 56 (rarities); Seneca, *de Ben.* 3, 10 (ingratitude). Note that Cleopatra's bet with Antony is presented by Pliny as a *sponsio*. This looks forward

to the use of 'taxatio' by legal writers (see below).

¹³ Pliny, *h.n.* 35, 136 (exchange-rate); Suet., *Div. Aug.* 41 (qualification); Gaius 38 (auction-trials).

¹⁴ Gaius, *Inst.* 4, 48-52.

¹⁵ For 'dumtaxat', cf. *Lex Urs.* 70 (= *FIRA*² i, p. 182). Here the duovirs are informed that they may spend up to 2,000 sesterces each of public money on games: 'ex pecunia publica in sing(ulos) Iivir(os) d(um) t(axat) HS ∞ ∞ sumere consumere liceto'. The 2,000 sesterces which they had to provide themselves for the same purpose was, in contrast, a minimum: 'unusquisque eorum de sua pecunia ne minus HS ∞ ∞ consumito'. 'Dumtaxat,' however, may mean either 'no more than', 'up to,' or 'not less than', 'at least.' For the second sense in a legal context see *Dig.* 50, 16, 202.

¹⁶ See *Dig.* 12, 3, esp. 4, 2 and 5, 1; Buckland, *Text-Book of Roman Law*³ (1963), 659. Ulpian (*Dig.* 6, 1, 68) states that where a man who was ordered to restore could not do so and had seen to it (through trickery, *dolus*) that he could not, he was to be condemned 'quantum adversarius in litem sine ulla taxatione in infinitum iuraverit'. That is to say, only the plaintiff's good faith placed limitations on his valuation.

In the passage of Gaius there is an implicit distinction between *taxatio*, the plaintiff's estimate which served as an upper limit or maximum, and *aestimatio*, the money-valuation in terms of which the *condemnatio* was framed by the court. Similarly, in *pro Tullio*, Cicero speaks of *taxatio* for his estimate of the amount of damage done to Tullius' property by Fabius' gang, and *aestimatio* for the assessment of compensation which it was the task of the court (*recuperatores*) to make in the event of a condemnation: 'eius rei taxationem nos fecimus; aestimatio vestra est'.¹⁷

The *taxatio/aestimatio* distinction might have parallels outside the legal context, for example, in the difference between the retailer's 'estimate' of the value of his item and the 'fair market price' which a wideawake aedile might want to enforce.¹⁸ In each context two different kinds of evaluation take place. One man is the initiator and puts up a price representing his calculation of the value of his goods (or of what he could get for them); another responds with an estimate of the amount he will be prepared to pay or will cause to be paid. It may be that *taxatio* carries this implication of an 'opening bid', to be agreed upon or contested, whenever two parties are negotiating on a figure.

The sense of *taxatio* as *praefinitio* or limit may also occur in some non-legal contexts. The *taxatio* or price which a retailer sets on an article would customarily represent a *praefinitio* which would not be raised but might well be lowered in the course of bargaining. *Praefinitio*, however, does not necessarily stand for an upper limit, and *taxatio* is no more bound. Ulpian writes of a *taxatio* of 'ten solidi or more';¹⁹ and in the market situation *taxatio*, it may be suggested, could be used equally of the retailer's and of the auctioneer's estimate, also a 'preliminary limitation', but fixing what was in effect a lower and not an upper limit. Finally, a passage of Suetonius already cited is relevant. Augustus, he says, 'taxavit' 1,200,000 sesterces as the (minimum) property-qualification for senators.²⁰ In short, the context must reveal in each case whether the 'assessment' indicated by the word 'taxatio' represents a maximum or a minimum.

It is significant that in none of the passages so far discussed does *taxatio* mean 'tax' or 'impost'. There seems good evidence that *taxatio* did not acquire that meaning until the Middle Ages.²¹ Nevertheless this is the sense in which some have understood the word when it occurs in inscriptions.²² To those inscriptions we may now turn.

III

I. Genio Populi Cuiculitanor(um) L(ucius) Claudius Ti(berii) fil(ius) Quir(ina tribu) Honoratus trib(unus) mil(itum) leg(ionis) II Adiutricis praef(ectus) coh(ortis) I Aug(ustae) Pan(noniorum) equo publ(ico) exornat(us) ab Imp(eratore) Antonino Aug(usto) Pio in quinq(ue) dec(urias) adlect(us) col(oniae) Cirt(ensis) dec(urio) et aed(ilis) col(oniae) Cuic(ulitanae) dec(urio) et aug(ur) exed[ra]m cum statua et column(is) marmoreis quam Cl(audius) Modestus pater suus ob honor(em) pontif(icatus) s[er]uine taxatione promiserat ex decreto Fontei Frontiniani leg(ati) Aug(usti) pr(o) pr(actore) c(larissimi) v(iri) ampliata pec[un]ia sua fecit dedicavitque.

C 20144 + Leglay. Cuicul, Numidia. A.D. 160-1.

The discovery of a new fragment enabled Leglay in 1962 to publish the full text of this inscription. His analysis of its meaning may be summarized as follows: 'sine taxatione' refers to a waiving of the *summa legitima* by the city of Cuicul. In making this concession to Modestus, the city was in effect removing the limit set by the law to his generosity: he was now free to estimate a *summa legitima* 'at his discretion'. In the event, Modestus promised to construct a hall with a statue and marble columns. It seems that Modestus died with the pledge unfulfilled. The matter somehow came to the attention of the legate of the Third Augusta, Fonteius Frontinianus. He issued a decree ordering the son to honour the pledge at a cost greater than the *summa legitima* promised by his father.

To this preliminary interpretation of the inscription Leglay presents the objection that such an intervention on the part of the legate, distasteful as it would have been to the city,

¹⁷ *Pro Tullio* 7. See, however, Gaius, *Inst.* 3, 224, where 'aestimare' is used of the plaintiff's assessment.

¹⁸ cf. Apul., *Met.* 1, 24-5.

¹⁹ *Dig.* 50, 16, 192; cf. *ibid.* 202.

²⁰ Suet., *Div. Aug.* 41.

²¹ Du Cange, *Gloss.* s.v. 'taxa', 'taxare', 'taxatio'; Ernout, Meillet, *Dict. etym.* s.v. 'taxa', 'taxo.'

²² See, e.g., Cagnat, art. cit.

would hardly have been recorded on an honorific inscription. This leads him to suggest as an alternative that the legate intervened 'with the best intentions', in order to complete the son's contribution with a subsidy from his own funds.

Neither interpretation of the inscription is in itself convincing. To have forced the son to add to the expenditure which his inheritance had imposed upon him would have been not merely 'disagreeable' but also quite unreasonable. As far as can be ascertained the original pledge was in excess of those customarily made by an incoming pontifex from the same town.²³ Again, the granting of a subsidy to an individual in such circumstances is unexampled and apparently motiveless.²⁴

Moreover, both theories rest on a questionable interpretation of the concluding clause of the inscription. Leglay takes 'ex decreto' closely with 'ampliata pecunia'. But it would be more natural to link 'ex decreto' with the main verb 'fecit', for 'ampliata pecunia' standing by itself is a stock phrase in inscriptions from North Africa.²⁵ On this reading, the intervention of Frontinianus was designed to force the son to carry out his father's promise.

An inscription from Thamugadi supports this interpretation.²⁶ A statue promised by Flavius Natalis for 3,000 HS was set up and paid for by L. Cestius Successus, the son of the heir of Natalis' guarantor, with the addition of an amount slightly greater than the sum specified in the original pledge. Successus' action was not spontaneous—he was spurred on by a decree of the same legate, Fonteius Frontinianus. On this occasion the wording is quite specific: 'L. Cestius Successus . . . *iusus* ex decret(o) Fonte(i) Frontiniani . . . posuit'. An *adiectio* was paid, but there is no suggestion that this was done under duress—and no hint of the payment of a subsidy to the eventual donor by the legate. The behaviour of the legate in the two cases was surely identical: he saw to it that the original pledge was honoured.

What prompted the legate to act in each case is doubtful. His action was justified in the light of a constitution of the Emperor Trajan which ruled that pledges were binding on the promiser and his heirs:

si quis sui alienive honoris causa opus facturum se in aliqua civitate promiserit, ad perficiendum tam ipse quam heres eius ex constitutione divi Traiani obligatus est.²⁷

But we need not assume that the legate intervened on orders from above or on his own initiative. As patron of both towns²⁸ he was liable to be turned to for *beneficia*. It is not hard to imagine that the cities requested that he intervene to ensure that the pledges should not be allowed to lapse.²⁹

²³ Cf. *AE* 1914, 43 (3,000 HS; statue); 1916, 14 (4,000 HS; statue); 1914, 236 (4,400 HS; statue); 1914, 44 (6,000 HS; statue).

²⁴ It was apparently not unknown for an official to make donations to a city of which he was patron. L. Harmand, *Le patronat sur les collectivités publiques* (1957), 398–9, gives three instances, one of which is relevant to North Africa. See *C* 2661 = *ILS* 5788 (Severinius Apronianus). Our D. Fonteius Frontinianus (L. Stertinius Rufus) was probably patron of Cuicul. See *AE* 1925, 23–4, where 'patrono col.' has been restored. For inscriptions relating to this man see B.E. Thomasson, *Die Statthalter der römischen Provinzen Nordafrikas* (1960), II, 178; cf. *PIR*² F 472. At least some of the *legati Augusti* stationed at Lambaesis contributed to the adornment of the city. See esp. *C* 2630 (L. Matuccius Fuscinus); cf. *AE* 1920, 21. It is not certain that they were patrons of the town.

²⁵ It is also the formula favoured in the town of Cuicul itself where the amount of the *adiectio* is not specified. See *C* 8300; 8318–9; 20148; *AE* 1908, 242; 1913, 154; 1914, 236; 1914, 237; 1916, 12 and 16; *BAC* 1911, p. 115; 1919, p. 97. I have found only one exception, *AE* 1916, 35–6 ('multiplicata pecunia'). On the other hand, to my knowledge 'ampliata pecunia sua' occurs nowhere else. This might lead one to take 'ampliata' as neuter plural in agreement with the 'things constructed'. 'Pecunia sua' as opposed to the regular 'sua pecunia' (or 's.p.') is rare, but does occur in *C* 8318–9 from

Cuicul. (The only other example I have found is in *ILAlg.* I, 181 from Calama.) I take it that 'ampliata pecunia sua' is shorthand for 'ampliata pecunia pecunia sua' (or the order of the last two words might be reversed). Cf. *C* 18234 (Lambaesis): 'ampliata pecunia praeter legitimam s(ua) p(ecunia)'; see also *ILAlg.* I, 950 (Hr. Kudiat Setieh), where a specific *adiectio* is mentioned: 'et amplius adiectis a se SS ∞ n(ummum) sua [pecunia]'.
²⁶ *C* 2353 = *ILS* 5467. Cited in Villers, 22.

²⁷ *Dig.* 50, 12, 14; Villers, 23 ff.; Veyne, 96 ff.

²⁸ The statement that Frontinianus was patron of Thamugadi rests on *Eph. Epig.* VII, 349, dated A.D. 162, which may refer to a legate who was patron of the colony. Frontinianus was patron of Diana (e.g. *C* 4599), Verecunda (*C* 4232) and Cuicul (*AE* 1925, 23–4).

²⁹ Pliny as governor of Bithynia consulted Trajan about a half-finished theatre at Nicaea: 'Huic theatro ex privatorum pollicitationibus multa debentur', see *Ep.* 10, 39. Pliny may have discovered this in the course of his investigations into the finances of the cities, or the matter may have been brought to his notice by the authorities of the city. Dio of Prusa threatened to call in an earlier governor of the same province in order to force those who had promised to subscribe to his scheme to beautify the city to carry out their promises: see *Or.* 47, 19. Veyne cited this passage, and considered it possible that the town of Thamugadi asked Frontinianus to intervene (97).

The clause which describes Modestus' promise runs: 'ob honor(em) pontif(icatus) sine taxatione promiserat'. In Leglay's account, the term *summa legitima* is used to refer both to a minimum statutory payment—allegedly waived in Modestus' case—and to voluntary expenditure to which Modestus is said to have committed himself. But Leglay had earlier endorsed the distinction commonly made between *summa legitima*, the statutory payment exacted from a newly appointed official, and *pollicitatio*, a pledge which a candidate for office was morally obliged to make and legally obliged to honour.³⁰ Only the former was payable immediately on entry into office. If this distinction were applied to the inscription under consideration we would arrive at the following interpretation: no *summa legitima* was paid by Modestus, for this had been waived; but he made a pledge, which in time was fulfilled by his son who also contributed an additional sum.

But the argument should be taken one step further. There is no reference in the inscription to a *summa legitima*. *Taxatio* does not stand for *summa legitima*; for while the *summa legitima* can plausibly be represented as a 'tax' imposed by law on officials, 'taxatio' did not mean 'tax' in the Roman period. Thus 'sine taxatione' is not evidence that the *summa legitima* of Modestus was remitted.

'Sine taxatione' in this inscription should mean 'without making an estimate'. Modestus had promised a hall together with a statue and marble columns. No price was named at the time. This may have been an administrative oversight; alternatively, estimates of cost were not invariably given in pledges, or not in every African town.³¹ It might not have seemed necessary to extract an estimate from Modestus, whose proposed project was certain to cost a considerable sum, more than the average pontifex would have offered.³² But the initiative in breaking with custom—supposing it was custom rather than law which required the naming of a figure—may well have come from Modestus. We may conjecture that it was because Modestus' pledge amounted to an undertaking to put up the building 'irrespective of cost' that the city waived the rule. However, Modestus seems to have died without having honoured the pledge. A decree from the legate forced his son Honoratus to do so; Honoratus also put some money into the project on his own account.³³

This explanation rests on two suppositions. The first is that the *taxatio*, had there been one, would have come from Modestus himself. The second is that even if the newly elected official was technically responsible for making a *taxatio*, he was to some degree influenced in his calculations by outside agencies. The city authorities may have played an active role, supervisory or directive. And rules written or unwritten may have reduced his freedom of action. Both assumptions will be examined in due course, together with another problem

³⁰ Leglay, 228.

³¹ There is no way of deciding this matter from the inscriptions. Only a small proportion of the gift inscriptions that were set up have survived. Some do not record promises. Not all of those which do mention a sum or indicate unambiguously what a sum represents. The evidence is as follows: in a high proportion of the inscriptions recording promises, the sum mentioned in the promise is cited with the comment that it was surpassed (e.g., 'ampliata pecunia'). Where 'ampliata pecunia' or an equivalent does not occur, it is not always easy to tell whether a sum that is mentioned represents the final amount expended on a project or the original estimate of the cost of a project. Cf. *AE* 1914, 43: 'statuam quam ob honorem pont(ificatus) promisit ex HS III mil(ibus) super legitimam posuit'; and 44: 'statuam quam ob honorem pontif(icatus) super legitimam ex HS VI mil(ibus) promisit posuit'. Both inscriptions are from Cuicul. Cf. also *C* 18241 (Lambaesis) with *C* 4235 (Verecunda). Where the figure cited is not a round one, it is a fair assumption that it represents the final sum expended. See, e.g., Boeswillwald, etc. *Timgad* (1905), p. 318 (Thamugadi); *C* 14296 (Thubba). Where use is made of the formula 'ex HS (...) quae ... promisit', it is equally clear that the sum is the estimate arrived at in the making of the promise. See, e.g., *C* 8466 (Sitifis); 14370 (Avedda); *ILAlg.* II, 34 (Rusicade). In cases where

the wording is vague or ambiguous it is possible that a sum cited represents the final cost of a project, and that the donor chose to suppress the original estimate, perhaps because it was not surpassed or surpassed only narrowly. But this can only be a conjecture. Some other inscriptions are quite uninformative—no sum is recorded at all. See *ILAlg.* II, 559, 560, 562, 675 (Cirta); etc. Note that in Beschouch no. 2 (Mustis) the wording suggests that the promise left the *project* unspecified.

³² See n. 23. Besides, an *exedra* seems to have been a rare gift—I have not found another example in the price lists compiled by Duncan-Jones—and it may have been difficult to arrive at even an approximate estimate of the cost.

³³ There is one further problem. If there was no agreed figure, how can the son claim to have increased it 'pecunia sua'? The son is perhaps claiming that he spent more money on the structures than the minimum required to put them up somehow. The columns had to be of marble, it would seem, but otherwise the quantity-surveyor presumably had a free hand to choose the cheapest materials possible. But Honoratus went further than this out of generosity—or to salvage his family's pride. Dr. Duncan-Jones has suggested to me another solution: the son had perhaps announced a level of outlay before the *exedra* was begun which was exceeded in the event.

which the inscription leaves unsolved. If Modestus had specified a figure, if he had made a promise 'cum taxatione', what would the sum mentioned have stood for? There seem to be two possibilities. It might have represented an upper limit or maximum beyond which the donor would not go, or a guaranteed amount or lower limit which the donor might exceed when the time came to carry out and pay for the project. To decide between the two alternatives at this point before the other evidence is considered would be premature, and the matter has little bearing on the interpretation of this inscription. It is sufficient to say that either solution is compatible with the meaning of 'taxatio' as we know it.

2. L(ucius) [Cosinius L(ucii) f(ilius) Arn(ensis) Primus aed(ilis) q(uaestor) II vir] quinq(uennalis) [pon]t(ificex) f[il]l(amen) p(er)p(etuus) mac]jellum cum columnis et stauis et ponderario et thol[o] quod pro honore fl(amonii) p(er)p(etui) e[x] HS XXX m(ilibus) n(ummum) taxaverat multiplicata p[ecu]nia a fundamentis fecit idemq(ue) dedica[vit], curante C(aio) Cosinio Ma]ximo fratr[e].

AE 1916, 36 (cf. 35). Cuicul, Numidia.

3. Imp(eratori) Caesari, divi Nervae f(ilio) Nervae Traiano Optimo Aug(usto) Ger(manico) Dac(ico) Parthico pont(ifici) max(imo) trib(unicia) pot(estate) XX imp(eratori) XI co(n)s(uli) VI p(atri) p(atriciae) M(arcus) Valerius M(arci) f(ilius) Arn(ensi) tribu) Fuscus, II vir ob honorem flam(onii) perp(etui) taxatis HS X (milibus) porticum mediam adiecta a se amplius pecunia fecit idemq(ue) pinxit item in templo Cererum et in templo Ditis porticuus et sacrarium sua pec(unia) fec(it) idemq(ue) ded(icavit) d(ecreto) d(ecurionum).

Beschaouch 1. Mustis, Proconsularis Zeugitana. A.D. 116.

4. Plutoni reg(i) mag(no) sacr(um). C(aius) Pescennius Saturi filius Pal(atina) tribu) Saturus Cornelianus flam(en) p(er)p(etuus) divi Hadriani q(uaestor) praef(ectus) iur(i) dic(undo) II vir q(uin)q(uennalis) coloniae Zamensis ob h[ono]rem flam(onii) ampliata HS IIII mil(ibus) taxatione statuas duas posuit et epulum bis dedit itemq(ue) dedicavit d(ecreto) d(ecurionum).

C 12018 = *ILS* 4454. Zama Regia, Proconsularis Byzacena. Post A.D. 138.

One problem is quickly dealt with. The use of 'taxare' in an active form in no. 2. (compare nos. 5, 7-8) makes clear that the estimate, like the pledge, was made by the donor himself. The *summa legitima*, in contrast, was a sum fixed in advance by municipal statute. In other respects the inscriptions are not very informative.³⁴ In none of them is a promise specifically mentioned. It is simply stated in different ways that an incoming *flamen perpetuus* has made an estimate ('taxatio') and subsequently exceeded it. We await proof of the close association of *taxatio* and *pollicitatio*.

5. C(aius) Iulius Q(uinti) f(ilius) Felix Aurunculeianus aed(ilis) ob honorem aedilitatis signum Marsyae quod ex HS II cccc n(ummum) cum legitima sum(ma) taxaverat adiect(a) amplius pec(unia) posuit et dedic(avit) d(ecreto) d(ecurionum) idemq(ue) primus ludo dedit.

C 27771. Althiburos, Proconsularis Byzacena.

6. [— —] pro salute Imp(eratoris) Caesaris L(ucii) Septimi Severi Pertinacis Aug(usti) Parthici Arabic[i] Parthici Adiaben(ici) [pont(ificis) max(imi)] tri[b(unicia) pote]st(ate) IIII cos II p(atri) p(atriciae) et D(ecimi) Clodii Septimi Albini Caes(aris) et Iuliae [Aug(ustae) matris] castr]orum opus templi Saturni quod L(ucius) Octavius Victor Roscianus[— —] ex summa honoris [legitima — — faciendum] promiserat] taxatis HS quinquaginta milib(us) n(ummum) mu[— —]ta]bulis suis ad perficiendum id opus HS centum mil(ia) n(ummum) legavit qua summa ab heredibus [sol]uta et publice inlata pagus et civitas Thuggensis d(ecreto) d(ecurionum) dedicavit[— —]

C 26498. Thugga, Proconsularis Zeugitana. A.D. 195.

³⁴ On nos. 2 and 4 see Duncan-Jones, 66-7, n. 53, against Schmidt, *C* p. 1241; and p. 127 below.

7. Mercu[ri]o Augusto sacrum. Pro s[a]lute Imp(eratoris) Caes(aris) M(arc)io O[pe]lli(i) Sever[i] Macrini] Pii Felicis Aug(usti) p(atris) p(atriciae) et M(arc)io [Opelli(i)] Antonini [Diadumeniani] C[ae]s(aris) Aug(usti) L(ucius) Nonius Rogat[i]anus H[on]oratianus fl(amen) an(nuus) aedil(is) IIvir fl(amen) perp(etuus) cum ob honorem flamon[i] per]petui HS X mil(ia) n(ummum) taxasset in[lat(is)] aerario HS V mil(ibus) n(ummum) legitimae summae eiusdem honor[is] opus quod solo [p]ub(lico) promiserat multiplicata p[re]c[un]ia cum Orfia M(arc)io fil(ia) Fortunata sua et Noniis Orfiano et Fortunato filiis dedicavit epulo curiis dato.

Beschaouch no. 16. Mustis, Proconsularis Zeugitana. A.D. 217-8.

8. Plutoni frugif(ero) Aug(usto) genio Mustis sacr(um). Pro salute Imp(eratoris) T(it)ii Aeli(i) Hadrian[i] A[nt]onini Aug(usti) Pii M(arcus) Cornelius M(arc)io f(ilius) Cornelia (tribu) Laetus flamen perpetuus IIvir sacerdos Caelestis et Aesculapii publicus cum pro honore flamon(i) perp(etui) HS X (milia) taxasset et ob honorem IIviratus HS II (milia) inlatis aerario HS III (milibus) statuam aeream posuit et in templo Caelestis portic(um) columnarum IV ampliata pecu[ni]a fecit d(ecreto) d(ecurionum) idem q[ui] [de]dic(avit) amplius in eode[m]que templo porticum avitam [v]e[t]u[st]ate con]l[absam] [co]lumnis [IV] ? adiecta] pecuni[a] res[tituit].

Beschaouch no. 6. Mustis, Proconsularis Zeugitana. A.D. 138-45.

No. 7 reveals both the connection between *taxatio* and *pollicitatio* and the distinction between them: the sum is 'estimated' (*taxatio*) and the project 'promised' (*pollicitatio*).³⁵ This inscription also, like nos. 5 and 6, refers explicitly to the *summa legitima*.

In no. 2 the *summa legitima* for the aedileship is apparently included in the *taxatio* of 2,400 HS for the statue to Marsyas. It was not at all irregular for a promised *opus* to be paid for partly out of funds payable as *summa legitima*.³⁶ This is indicated by the occurrence of formulae such as '(opus) ex HS (. . .) quae duplicata summa honoraria (or honoris) . . . promiserat . . . posuit.'³⁷ But those whose expenditure on an *opus* was independent of their payment of a *summa legitima* clearly had more to pride themselves in. That a *summa legitima* was not put to an *opus* is rendered most commonly by the following formula: '(opus) quod promisit ex HS (. . .) super (or praeter) legitimam posuit.'³⁸

Inscription no. 5 is not complete, but enough survives to show that the estimate of 50,000 sesterces made by L. Octavius Victor Roscianus for the cost of a temple to Saturn was doubled by his heirs when they saw to its construction.³⁹ It is unclear whether the *summa legitima* was included in the original estimate.

³⁵ If, on the other hand, we were to say that Honoratianus had promised not just an *opus* (a statue), but an *opus* at 10,000 sesterces, we would be using a formula which (with variants) occurs in the vast majority of those inscriptions which mention pledges. The idea might be expressed as follows: 'opus quod (or statuam quam) ex HS X mil(ibus) n(ummum) promiserat, . . . fecit (or posuit)'. Only occasionally is it directly stated that a *sum* has been promised. See Beschaouch no. 2 (Mustis): 'cum HS X (milia) in opus munificentiae promississet'; cf. *ILAlg.* 1, 10 + *BAC* 1938-40, p. 135 (Hippo Regius); *ILAlg.* 1, 181 (Calama); II, 501 (Cirta); *AE* 1914, 237 (Cuicul); *ILAfr.* 390 (Carthage). See also *BAC* 1893, p. 157 n. 27: 'promissis HS I (mille)'; cf. *C* 2341 (both Thamugadi); 26527 (Thugga).

³⁶ This practice has been noted briefly by Villers, art. cit. 18 and Duncan-Jones, 69.

³⁷ See *C* 14370 (Avedda); cf. 12058 (Muzuc); 12006 (Sarra). Another formula which carries the same implications runs '(opus) additis (or adiectis) ad legitimam summam HS (. . .) ex HS (. . .) pollicitus fuerat . . . posuit.' See *C* 4193; cf. 4187; 4194 (Verecunda); 23107 (Hr. Sidi Navi). In some instances where the *summa legitima* is put to an *opus* no mention is made of a promise. See *C* 14791 (Hr. Debbik): 'statuam ex HS III mil(ibus) n(ummum) legitimis ampliata pecunia posuit'; 885 (Medeli); 25702 (Thuburnica); *ILAfr.* 300 (Sutu-

nurca). Cf. the formula 'inlatis legitimis HS (. . .) . . . opus . . . posuit', which occurs in *C* 25468 (Munchar); also *AE* 1946, 234 (Themetra). But see n. 41 below.

³⁸ In the first six instances cited below the sum promised or spent is known or stated to have been less than or equal to the *summa legitima*: *AE* 1914, 43 (Cuicul); *C* 4577 (no ref. to promise); 4588 (Diana); 2711; 18234 (no ref. to promise; Lambaesis); *ILTun.* 714 (Thuburbo Maius). (The same applies in the case of *C* 4594 + 18649 (no ref. to promise; Diana) and *AE* 1914, 237 (Cuicul), on which see n. 41 beginning). Cf. *AE* 1908, 242; 1914, 44 and 236; 1916, 12 and 16; *BAC* 1911, p. 115-6; 1919, p. 97; *C* 8300 (Cuicul); L. Leschi, *Études d'épigraphie* (1957), p. 274 (Diana); *C* 2344 + 17812; Boeswillwald, op. cit. p. 318; *AE* 1901, 191; 1941, 49 (Thamugadi). (An exception, as internal evidence shows, is *C* 12058 (Muzuc).) Another formula implying the separateness of the *summa legitima* and the payment to the *opus* runs '(opus quod ob honorem) amplius ad summam honorariam pollicitus est, ex HS (. . .) posuit.' See *ILAlg.* 1, 1236 (Thubursicu Numidarum); 10 (Hippo Regius). Cf. *BAC* 1893, p. 157, n. 27 (Thamugadi); *AE* 1914, 40 (Lambaesis; no ref. to promise); *ILAlg.* 1, 181 and 185 (Calama) are ambiguous.

³⁹ See Duncan-Jones, 108, n. 96. This inscription is omitted by Beschaouch.

L. Nonius Rogatianus Honoratianus of Mustis promised in honour of his flaminiate an *opus* the cost of which he estimated (*taxasset*) at 10,000 HS but on which he spent rather more (*multiplicata pecunia*). At some time before the pledge was honoured, and probably upon his entry into office, he paid the *summa legitima* of 5,000 HS into the public treasury.⁴⁰ The wording seems to imply that this sum was not subsequently used on the project.⁴¹ The *summa legitima* was normally mentioned only if it had been surpassed, for these were honorific inscriptions and not mere statements of account. Obviously the donor would gain additional honour if he could indicate that his *opus* was paid for entirely out of 'voluntary' benefactions. An alternative possibility might be that the phrase 'inlatis aerario . . . eiusdem honoris' was intended to announce simply that a statutory payment which would subsequently be used on the *opus* had been made over at some time prior to the construction of the *opus*. But such a statement could have brought no special credit to the donor, if an incoming official had always been expected to pay the *summa legitima* for his office promptly. If, however, a promised *opus* was completed and the *summa legitima* paid during the official's term of office, this was worth advertising.⁴²

The *taxatio* of M. Cornelius Laetus, also of Mustis, amounted to 12,000 sesterces for the flaminiate and the duovirate combined. A bronze statue was erected and the temple of Caelestis embellished for more than the estimated cost (*ampliata pecunia*). Other improvements to the temple were paid for out of additional money (*adiecta pecunia*). The inscription also records the payment of 3,000 sesterces into the public treasury. It may be suggested that this sum represents part of the *summae legitimae* for the two offices, and that the rest was spent on the project that had been promised.

We may now return to the two questions left outstanding. The first is the more central and may be tackled first. Under what circumstances was a *taxatio* made? Were the city authorities—the council, a committee of the council, or the chief magistrates—involved actively, perhaps in a bargaining capacity, or even as dictators of terms? If their role was relatively passive, what factors weighed with the *taxator* when he made his calculations? The matter is complex and the argument that follows makes no claims to finality.

The three inscriptions from Mustis furnish a starting-point. They celebrate three flamens, each of whom had paid an entry fee of 5,000 sesterces and pledged 10,000 sesterces in honour of their flaminiate. Honoratianus' total outlay (no. 7) was 15,000 sesterces, with

⁴⁰ I take 'legitimae summae' as dative of the end desired (or as dative of purpose), not as partitive genitive. By this interpretation, Honoratianus paid the whole of his *summa legitima* and not only a part of it into the treasury. Cf. C 12058 (Muzuc), where the two *summae honorariae* of 1,600 HS each (cf. Duncan-Jones, 103, n. 347) when doubled make a total of 6,400 HS. See also C 19122 (Sigus); 26255 (Uchi Maius); *IRTrip.* 43, cf. 116 (Sabratha).

⁴¹ This would have been explicit if the inscription had run: ' . . . praeter HS V mil(ia) n(ummu) quae ex legitima summa ob eundem honorem aerario intulit . . . ' cf. *ILAlg.* II, 569; 675 (Cirta); C 4594 + 18649 (Diana); *AE* 1914, 237 (Cuicul); *ILAlg.* II, 42-3 (Rusicade). (Only in the last two cases is a promise recorded.) This formula, or variants, points clearly to a separation of the *summa legitima* from the *in opus* payment in the cases concerned. Where 'super (or praeter) legitimam summam' occurs by itself we may perhaps understand 'quam rei publicae intulit'; for refs. see n. 38 above. Cf. the use of '(et) amplius (eo)' in *AE* 1941, 46 (Thamugadi); *ILAlg.* I, 1223 (Thubursicu Numidarum; no ref. to promise); 3007 (Theveste); C 12370 (Thuburbo Maius; no ref. to *summa legitima* or promise). As for the phrase 'inlatis rei publicae (aerario) legitimis', it is sometimes set off against a statement of expenditures 'sua pecunia', and this implies that the *summa legitima* was not contributed to the *opus*. See, e.g., *ILAlg.* I, 2130 (Madauros); II, 501 and 675 (Cirta); *ILAfr.* 451 (Bulla Regia); cf. *AE* 1914, 237 (Cuicul). (Only in

the last of these inscriptions is a promise mentioned.) Perhaps the same deduction can be made with respect to C 858 and 12382 (Giufi), where the word 'prius' indicates that payments for the *summa legitima* and the *opus* were made at distinct times. The word order seems suggestive in the case of C 4579 (Diana); 2341 and 17838 (Thamugadi). The following seem more ambiguous: C 7079 (Cirta); 1577 + 15572 (Mustis); 17837; 17864 (Thamugadi); 22693 (Gigthis); 24640; *ILAfr.* 390 (Carthage); *ILAlg.* I, 2151 (Madauros). Only in *AE* 1946, 234 (Themetra) is it stated outright that a statutory payment was spent on an *opus*: 'statuam inlatis in eam HS DCCC n(ummu) quos honor(e) sufetat(us) deb(ebat) posuit . . . ' The same implication is present in C 25468 (Munchar).

⁴² See C 4583 (Diana); C 7097-8; *AE* 1918, 44; *ILAlg.* II, 471; 675 (Cirta); *ILAlg.* I, 951 (Hr. Kudiat Setieh); 1236 (Thubursicu Numidarum); II, 34 (Rusicade); *ILAfr.* 222 (Abbir Cella); etc. Most promises must have been honoured by the promiser after his term of office was over. In the following cases it was honoured by relations or heirs: C 2353 (Thamugadi); 4193; 4197 (Verecunda); 12058; 12067 (Muzuc); 14370 (Avedda); 15202 (Thignica); 1577 + 15572; 15576 (Mustis); 19121 (Sigus); 20144 + Leglay; *BAC* 1911, p. 116; *AE* 1949, 40 (Cuicul); 23107 (Hr. Sidi Navi); 24003 (Sutunurca); 26498; *ILAfr.* 561 (Thugga); *ILAlg.* I, 2035 (Madauros); II, 559 (Cirta); *Karthago* 9 (1958), 92 (Vina); etc.

additions, unspecified and therefore presumably small; Laetus (no. 8) spent an equal amount, with additions, but on the flaminiate and duovirate combined. Fuscus' expenditure (no. 3) was apparently the lowest, 10,000 sesterces, with additions.⁴³ Both the coincidence of the pledges of the three flamens and the divergence of their expenditures call for comment.⁴⁴

It is of interest that Honoratianus, Laetus and Fuscus each made a *taxatio* of 10,000 sesterces within a time span of about 100 years, from Trajan's reign to that of Macrinus. Moreover, we know of two other flamens who committed themselves to spending this sum; they fill the gap between the reign of Pius and Marcus' term as sole ruler.⁴⁵ It looks as if 10,000 sesterces was regarded as a standard pledge for the flaminiate in Mustis. It should be noted in addition that Laetus' estimate of 2,000 sesterces for the duovirate is repeated in an inscription two or three decades earlier in date.⁴⁶ One is bound to ask whether all officials in Mustis were looked to for the provision of certain minimum sums in honour of their offices.⁴⁷

It would not follow that such sums were laid down by law. Such a thesis, if applied only to Mustis, would be implausible but hard to disprove; the doubts multiply when it is given general application. It rests on the bold assumption that the institution of *pollicitatio* was both universal and compulsory. Outside the North African provinces there are few recorded examples of the making of promises in honour of office.⁴⁸ Moreover, only in the case of a few African cities can it be shown beyond reasonable doubt to have been regular.⁴⁹ Again, compulsion is brought up in the sources only in relation to the *fulfilment* of election promises.⁵⁰ There is no indication that incoming officials were required by statute to pledge a specific amount, or indeed to make a pledge at all. Before subscribing to a theory which deprives *pollicitatio*—and *taxatio*—of its voluntary nature, we would be well advised to see whether the evidence from Mustis can be interpreted in another way.

The inscriptions need imply no more than that new officials at Mustis were influenced by the pattern of munificence which had emerged in their city over a period of time. In Roman public life men were induced to follow the examples of their predecessors by a natural respect for tradition and—not always separable and equally instinctive—by a keen sense of political reality. Promises which fell below expected or normal levels would win neither the gratitude of the citizenry nor the respect of peers. It was, again, the combined weight of custom and personal considerations (pride and prudence) which led the five flamens of Mustis to make known that the real cost of their projects exceeded their estimated expenditures.

If the pledges of the flamens were identical, their total outlays were not.⁵¹ The significance of the divergence is clear. That five flamens promised identical amounts in honour of office in the space of about one hundred years was taken above as a sign that officials at Mustis may have been subject to some kind of constraint. If this line of argument is valid, we are accordingly entitled to suggest that the dissimilarity in the expenditures of the flamens indicates spontaneity and freedom of action. There is an additional point. Honoratianus' anticipated (as distinct from final) outlay was made up of a combination of estimate (10,000) and *summa legitima* (5,000); that of the others fell short of his to the extent to which their *summae legitimae* were diverted into their promised projects. This

⁴³ This is an inference from the absence of any reference to a *summa legitima*.

⁴⁴ It cannot be proved that the final, as opposed to projected, expenditures of the three diverged. But the likelihood that they corresponded exactly is surely remote.

⁴⁵ Beschaouch, no. 2 (A.D. 117); *C* 15576 (A.D. 164–5). In *C* 1578 (A.D. 222–235?), the figure of 10,000 seems to represent an *adiectio* rather than the *taxatio*. But the text is doubtful.

⁴⁶ Beschaouch, no. 2. The honorand, Placidus, like Laetus, pledged 10,000 sesterces for the flaminiate.

⁴⁷ The suggestion is not that, for example, flamens always promised 10,000 sesterces, no more, no less, but that in normal circumstances they promised at least 10,000.

⁴⁸ Closely parallel to the African inscriptions are,

e.g., *CIL* XII, 697 (Arelate); *ILS* 5765 (Turri, Sardinia); *SEG* XX, 95–6 (Cestrus, Cilicia), cf. *IGR* III, 422 (Ariassos, Pisidia).

⁴⁹ Cuicul with over twenty promises is the clearest case.

⁵⁰ *Dig.* 50, 12, 14 and p. 120 above.

⁵¹ See n. 44 above. In one case the final expenditure is known. Kappianus (*C* 15576) spent 40,000 sesterces on a temple. This sum is not likely to have been matched by any of the other four flamens: the 'ampliata pecunia' formula and its equivalents do not hide a large *adiectio*. But both the project and three-quarters of the amount had been bequeathed to Kappianus by his brother. It can be presumed that Kappianus, if left to his own devices, would have given rather less than 40,000 sesterces.

detail is not without interest. A *summa legitima* which went towards the fulfilment of a pledge was seldom paid out promptly, and indeed might not be forthcoming for a considerable length of time. Yet *summae legitimae* were in origin payable, if not immediately on an official's entry into office, at least during his year of office. That officials were able regularly to delay these payments is a testimony to the tolerance or laxity of local government under the Empire.

To sum up: a flamen of Mustis calculated his *taxatio* without interference from the local authorities. There is no evidence that he followed the dictates of any law or received direction from the law's agents—the council or its representatives, or, on a higher level, the governor of the province. A natural desire to emulate predecessors and to match the efforts of political rivals sufficiently explains why at least five men opted for what appears to have been a traditional figure of 10,000 sesterces. Moreover, a *taxatio* once made seems to have stood. Here it differs from a plaintiff's *taxatio*, which might not be upheld, or a retailer's, which was subject to revision through bargaining. Finally, the fact that local councils through the ages had connived at or officially allowed the postponement of statutory payments is a further indication of the degree of freedom permitted new officials in the calculation of their future public expenditures.

How far do these comments apply outside Mustis? It must be emphasized that only in the case of a few towns have inscriptions survived in sufficient quantity to permit useful comparison. But as far as we know, such correspondence as occurs among promises is always accompanied by divergence.⁵² The general impression is one of a controlled irregularity. The fluctuations between promises are not sufficiently wide to justify the inference that new officials were given no guidelines when they made *taxationes*, or that they followed none. At the same time, such patterns as can be discerned in the evidence are not so firm as to suggest that *taxatores* adhered rigidly to rules written or unwritten. We may conjecture that, by tradition, *taxatores* were expected to match certain standard or minimum sums, which may have been subject to modification from time to time; but that these sums were exceeded with varying degrees of regularity. It may be suggested, in addition, that officials in the towns concerned possessed as much freedom as their counterparts in Mustis, but showed greater initiative in the use of it; and in general, that politics in these towns was rather more competitive and less tradition-bound.

As for the municipal authorities, their chief responsibility was perhaps to register promises and see that they were carried out. If they had anything to do with the choice of projects as distinct from the assessment of their cost, this leaves no echo in the sources. Their relatively passive role is easily accounted for. There was no incentive for the imposition of a greater degree of public control over private munificence, as long as the times were prosperous and political office retained its attractiveness for the wealthy. In any case, the initiative for a tightening of regulations was not likely to come from those in authority in the cities, since they were also the principal donors.

There remains the question whether the estimate, *taxatio*, represented an upper limit or a guaranteed minimum. If the first alternative is correct, then 'taxare HS X (milia)' is identical in meaning with 'promittere dumtaxat (or usque ad) HS X (milia)' where 'dumtaxat' indicates a maximum. However, the latter expression or equivalents does not appear in inscriptions from Roman Africa. It seems that promises were normally made in the form 'promitto me (opus) facturum ex HS X (milibus)', or a variant. 'Ex HS X (milibus)' is quite distinct in meaning from 'dumtaxat HS X (milia)' and indicates a sum which the promiser bound himself to spend in its entirety.⁵³ On occasions the sum promised stands as direct object of the verb of promising. Thus the inscription from Mustis in honour of C. Iulius Placidus contains the clause 'cum HS X (milia) in opus munificentiae promississet'.⁵⁴ Placidus would clearly not have fulfilled the terms of his promise if he had

⁵² For example, sums promised in honour of the flamine at Verecunda include 4,000 (three times), 2,400 and 9,000. The promise of 9,000 and two of the promises of 4,000 are recorded in inscriptions of succeeding years. See C 4196-7 (A.D. 212); 4202 (A.D. 213).

⁵³ Cf. ILS 6957 (= CIL II, 4514) of Barcino, where a legacy specifies an upper limit, indicated by

'usque at', to be spent on games, and a precise amount, indicated by 'ex', to be used for oil for public distribution. It should be noted that 'ex' in the African inscriptions occurs in conjunction with sums representing both final costs and preliminary estimates of projects.

⁵⁴ Beschaouch no. 2.

spent less than 10,000 sesterces on his project. Thus if a promise 'cum taxatione' named a figure that represented a maximum, it was distinct from a normal promise.

The alternative view, that the 'taxatio'/'taxare' formulae describe a normal promise, is difficult to establish conclusively, but is definitely the more plausible. It is natural to suppose that Placidus, who 'promised' ('promississet') 10,000 sesterces for his flamine and 2,000 sesterces for his duovirate, and M. Cornelius Laetus, also of Mustis (no. 8), who 'estimated' ('taxasset') precisely the same amounts for the same offices, undertook identical commitments. I therefore conclude that a *taxatio* was an estimate of future expenditure which could not be reduced without a breach of promise, but which might well be exceeded, out of a more or less spontaneous generosity on the part of the donor.

9. Pro salute Imp(eratoris) Caes(aris) M(arci) Aureli Antonini Aug(usti) Armeniaci Medici Parthici Maximi Germanici et Faustinae Aug(ustae) liberor(um)q(ue) eor(um) victorias duas quas C(aius) Annedius Severus [ob] honorem decurionatus C(aii) Annedi Hon[orati] Se[ver]i Terentiani et C(aii) Annedi Severi [.]ati filior(um) suor(um) taxatis legitim[. . . (c. 16) . . . pro]miserat C(aius) Annedius Hon[oratus] Severus Terentianus] fil(ius) eius amp[liata] pecunia posuit idem(que) dedicavit l(oco) d(ato) d(ecreto) d(ecurionum)].

C 14427. Gasr Mezuar, nr. Vaga, Proconsularis Zeugitana.

10. Modiae Quintiae Q(uinti) Modi Felicis fil(iae) flam(ini) perp(etuae) quae ob honorem flaminicatus supra legitimam t[a]xationem adiecta amplius pecunia porticum marmoribus et laquearibus et columnis exornavit aquaeductum [.]avit ordo [.] statuam decrevit d(ecreto) d(ecurionum) p(ublica) p(ecunia).

C 23888. Sidi Bu Arara, nr. Bisica, Proconsularis Zeugitana.

Discussion of the last two inscriptions has been postponed because of the nature of the problems they raise. In the first there is a gap in the text at a vital point and several rival restorations are possible; in the second the key phrase is quite ambiguous. Neither can legitimately be used either to bolster up or to undermine the arguments presented so far.

C. Annedius Severus promised two statues of Victory to celebrate the decurionates of his two sons. A son put up the statues with additional funds. Schmidt supplied 'apud acta' after 'legitimis' and used the inscription to support his general thesis that the *summa legitima* varied according to the individual and his property.⁵⁵ Cagnat argued, correctly, that *summae legitimae* were graduated according to offices, not individuals; but he regarded 'taxatis legitimis' as evidence that the *summa legitima* was a tax.⁵⁶ Beschaouch has revived Schmidt's theory in a different form; he defines *taxatio* as 'the assessment of the *summa honoraria*'.⁵⁷ Beschaouch, in contrast with Cagnat, has given 'taxatio' ('taxare') its proper meaning, and he is right to assert that the *taxatio* was made by the individual concerned rather than by his city. But his definition does not seem to be able to accommodate those inscriptions, of which there are a number, in which the amount promised by the honorand was distinct from and greater than his *summa legitima*.⁵⁸ The two inscriptions from Mustis on which he rests his case are apparently of this kind.⁵⁹ Neither states in as many words that the 10,000 sesterces 'estimated' ('taxasset') was a *summa legitima* for the flamine. Moreover, one of the two men, Honoratianus, is said to have paid into the treasury 5,000 sesterces 'legitimae summae eiusdem honoris'. Comparison with the same phrase or a variant in other inscriptions showed that 'legitimae summae' is not a partitive genitive, and that the 5,000 sesterces represents the entire *summa legitima* for the flamine at Mustis.⁶⁰

⁵⁵ C p. 1241.

⁵⁶ Cagnat, art. cit. Leglay also translates 'taxatio' as 'tax'.

⁵⁷ Beschaouch, 157. Leglay allows that *pollicitatio* and *summa legitima* might be identical where the fixed *summa legitima* was waived and the individual invited to calculate his own. For Beschaouch it seems that every *summa legitima* was arrived at by the individual on his own calculation.

⁵⁸ One example will suffice. C. Iulius Secundinus, flamen of Verecunda, put up a statue for which he had promised 9,000 sesterces, in addition to the payment of a *summa legitima* of 2,000 sesterces. (He also gave *sportulae*.) See C 4202 + 18494.

⁵⁹ See nos. 7 and 8 above.

⁶⁰ See n. 40 above.

The source of the difficulty is the restoration 'apud acta'. This has led scholars to treat 'taxatis legitimis' as a clause complete in itself. Mommsen preferred 'duplicatis' or 'ampliatis' to 'apud acta'. The former is to be favoured, as 'ampliata pecunia' is a likely restoration in the following line. Moreover, the sum estimated is regularly given in inscriptions recording *taxatio*. The second past participle can be avoided by the use of a distributive numeral, perhaps 'binis' or 'ternis' after 'legitim(is) summis' (or 'sum(mis)'), or 'quaternis' after 'legitimis'. I would translate the crux as 'having calculated double (three times, four times) the *summae legitimae*'.

In the final inscription Modia Quintia is celebrated for adorning a colonnade with panelled ceilings, marble pavements and columns in honour of her flaminiate. This was done with additional money over and above the 'legitimam taxationem'. 'Legitimam' may be adjectival. If this is so, it will be necessary to revise the views expressed above either on the meaning of 'taxatio', or on the nature of *pollicitatio*. That is, if we reject 'tax' as a translation of 'taxationem' and do not take 'legitimam taxationem' as a synonym for 'summam legitimam', we are left with a choice between two theories. According to the first, the arriving at an estimate, and *a fortiori* the making of a pledge, was enjoined by law, at least in Modia Quintia's town. The second theory involves the identification of *summa legitima* and *taxatio/pollicitatio*: the *summa legitima* was not fixed in advance but was 'estimated' by or for each individual.

There is no sound reason for favouring any of the three interpretations. None of them stands out above the others on the basis of this inscription. All lack supporting evidence of any kind. There is, moreover, a possible solution, one which does not deny that the phrase is ambiguous, but which attributes its ambiguity to compression.⁶¹ 'Legitimam' as a substantive is common.⁶² I suggest that 'legitimam' and 'taxationem' be read as two substantives, one referring to a statutory payment, and the other to Quintia's estimate of the cost of the expenditure promised at the time of her entry into the flaminiate.

IV

The sense of 'taxatio' as estimate is well grounded in the literary usage of the Empire. In legal contexts where two evaluation verbs are needed, 'taxare' came to be employed for the assessment made by the initiator of the action, the plaintiff. His *taxatio*, as is to be expected, was regarded by the court as a maximum figure. In the inscriptions 'taxatio' occurs with the basic meaning of estimate. In the context of local government the word is something of a technical term (in some areas at least) for a new official's estimate of the cost of his promised project. Here too the estimate is preliminary, but in a different sense. It was subject to revision, not it seems as a result of intervention by another person or agency, but by the estimator himself when he came to count up the final cost of his project. Moreover, an *upward* revision was involved. Given the origins and nature of *pollicitatio* this was entirely predictable. *Pollicitatio* originated in the inclination of leading townsmen to be more liberal than the law required while they served their communities in an official capacity. Again, in the later period, from which our evidence is largely drawn, new officials seem to have chosen their own projects, set them up in their own time—and earned praise on commemorative stones for *liberalitas*. There is no evidence that the making of a pledge was required by law. In short, *pollicitatio* remained a voluntary institution.

But there are two qualifications. First, additional expenditures to which officials committed themselves were technically voluntary, but could hardly be called spontaneous. It may never be known precisely how common it was for officials in African towns in the second and early third centuries to make election-pledges, but it is a reasonable conjecture that the practice was widespread. In many towns politicians who were interested in gaining and holding the support of their peers and the citizenry must have found it difficult to evade *pollicitatio*. Moreover, it is likely that in making a *taxatio* an incoming official was influenced to some degree by the conduct of previous incumbents in his post. In Mustis there is an exact correspondence between the promises of all the five known holders of the flaminiate

⁶¹ The phrase 'praeter legitimam pollicitationemve' in *AE* 1901, 191 (Thamugadi) is almost a parallel, but asyndeton is avoided.

⁶² The usage was popular in Cuicul, but it occurs in inscriptions from at least ten other towns.

over a period of about one hundred years. It may have been difficult for a flamen of Mustis to pledge less than this sum. Elsewhere promises did not coincide to the same degree. Nevertheless, it is not unreasonable to suppose that wherever the institution of *pollicitatio* was well entrenched, certain sums (which may not have remained constant) became established as standard or minimum expenditures for particular offices. The provision of this amount may have been for all practical purposes as compulsory as the payment of the *summa legitima*, which in some cases it would have exceeded. Again, the evidence suggests that in some towns—Cuicul is a conspicuous example—it was common if not customary for officials to spend more than the original estimate. An official of such a town would have been able to show a generosity that was spontaneous either by making an estimate which clearly surpassed the average or the minimum expected of someone in his office, or by providing an unusually generous *adiectio*.

Secondly, it cannot be said that no element of legal compulsion was involved in *pollicitatio*. Once a promise had been made, it had to be fulfilled, either by the promiser or his heirs. So said Trajan, and some imperial officials at least were prepared to enforce the rule. Trajan's action is one of several signs that the central authorities were paying increased attention to the financial as opposed to the social or political role of the local aristocracy. Their financial contributions were regarded as essential to the prosperity of the Empire. As long as such revenues were forthcoming there was no justification for intervention; but the government did not view sympathetically any reluctance on the part of individuals to fulfil their obligations. The fact that some of those obligations were in origin self-imposed made no difference.

There is one final point. Those in authority in the cities were both public officials and private donors. This dual role was reflected in the extent to which private munificence was supervised. What was in effect a major source of funds for the city was not left completely unregulated; at the same time the degree to which donors were bound by legislative enactment and other forms of control was definitely limited. This somewhat precarious balance was upset by intervention from outside. But when intervention came it was not always as a result of initiative taken by the central government or its representatives. There are indications that powerful individuals and groups within cities were prepared to call in friendly governors in order to win short-term victories over their rivals. In short, the urban aristocracy was in part responsible for the recourse to compulsion in municipal politics in the Antonine and Severan periods.

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