



Magnificentiae operum fundamenta non exsuperaturam. Choosing the Land for Roman Public Building Projects (1st century BC-3rd century AD)

Magnificentiae operum fundamenta non exsuperaturam. La elección del terreno en los proyectos de construcción pública de época romana (s. I a.C. – III d.C.)

The choice of a plot of land was a crucial issue in Roman public construction projects. This phase began with the enactment of a decurional decree that regulated the project in accordance with existing property rights: *publicum*, *sacrum*, and *privatum*. The *ius superficiei* defined ownership and possession rights over plots and their buildings. This study analyses the legal context of Roman public building drawing on epigraphic and literary documents from *Hispania* and North Africa between the 1st century BC and the 3rd century AD. Particular attention is paid to the donation of private land by local elites for public works. This study also examines the meaning of the formula *solo empto ab re publica*, related to the legal ownership of land. Its interpretation, which has sparked debate among scholars, offers the opportunity to delve deeper into the legal dynamics of property in Roman cities.

Keywords: land ownership, *Ius superficiei*, local elites, *Hispania*, North Africa, Latin epigraphy.

La elección del terreno era una cuestión crucial en los proyectos de construcción pública romana. Esta fase comenzaba con la promulgación de un decreto decurional que enmarcaba el proyecto en función de los derechos de propiedad existentes: *publicum*, *sacrum* y *privatum*. El *ius superficiei* definía los derechos de propiedad y posesión sobre las parcelas y sus edificaciones. Este trabajo analiza el contexto jurídico de la construcción pública romana, basándose en la documentación epigráfica y literaria de *Hispania* y el norte de África entre el siglo I a.C. y el siglo III d.C. Se presta especial atención a las donaciones de terrenos privados por parte de las élites locales en favor de construcciones públicas. Asimismo, se examina el significado de la fórmula *solo empto ab re publica*, relacionada con la titularidad legal del terreno, cuya interpretación ha suscitado un debate entre los investigadores, ofreciendo una oportunidad para profundizar en la dinámica jurídica de la propiedad en la ciudad romana.

Palabras clave: propiedad del suelo, *Ius superficiei*, élites locales, *Hispania*, norte de África, epigrafía latina.

Introduction

Public construction in provincial Roman cities was a matter of significance. The administrative process comprised several phases (Rodríguez-Neila 2009; 2021; Sánchez de la Parra-Pérez 2023), with local governments consistently involved, either directly or indirectly, regardless of who initiated or funded the project (Sánchez de la Parra-Pérez 2024).

Beyond managing urban space and its uses, local authorities were responsible for assessing the economic viability of each project, even when fully funded by private individuals (Abbot and Johnson 1926: 144; Sánchez de la Parra-Pérez 2023: 47). Abusive construction activity could jeopardise the city's financial stability —e.g., the sale of public land in Catania, carried out to raise funds for settling debts incurred from a public works project (*CIL* X, 7024)—, particularly as it was obliged to maintain in good condition any building considered part of its civic dignity, unless perpetual endowments or foundations were in place (Andreau 1977; Johnston 1985; Mrozek 1987: 54-62; Melchor Gil 1994-1995). In this context, discussions within the local curia typically focused on a range of technical and financial matters: the awarding of contracts, choice of materials, architectural features, funding sources, and, among other issues, site selection (Barresi 2003: 23-26; Rodríguez Neila 2009: 179-181; Rodríguez Neila 2021: 111).

This study begins with a brief legal overview of land sales and donations for public infrastructure in provincial cities from the 1st century BC to the 3rd century AD. Drawing on Hispanic and North African inscriptions that record construction activities and land ownership, it examines the various legal arrangements involved. Special attention is given to the formula *solo empto ab re publica*, found in an inscription (*CIL* II²/7, 97) from *Obulco* —Porcuna, Spain—, whose precise meaning remains debated (Goffaux 2003). The aim is to place the transfer of urban land ownership in provincial contexts within its legal and social framework.

It should be noted, however, that epigraphic evidence presents inherent limitations: often, the preserved formulas stem from isolated examples, which complicates any attempt to generalise long-term administrative or legal practices. Moreover, possible legal changes over time may have significantly affected how such transactions were recorded epigraphically, an aspect that must be borne in mind when interpreting the surviving documentation.

The legal context

In the provincial cities of the Empire, as in Rome itself (De Ruggiero 1925: 146-147), urban land —divided into plots or *loca*— fell under one of three legal regimes: *publicum* —municipal property, which could include *loca urbana*, *suburbana*, and *agrestia* (Castillo Pascual 2011: 111-168)—; *sacrum* —belonging to the gods—, or *privatum* —privately owned— (Castillo Pascual 2000: 84–87; 2011: 36–37; Polo Arévalo 2012). *Operae publicae* could only be built on the first one, as such land was reserved for public use (*CIL* I², 593, lines 68-72). If the land was *sacrum* or *privatum*, it first had to be converted into profane or public property before construction could begin. Although *solum sacrum* was largely treated as part of the *publicum* (De Ruggiero 1925: 165-166; Castillo Pascual 2011: 36-37; Raposo Gutiérrez 2022: 120), specific ritual procedures still applied. In the case of private land, formal acquisition by the local authorities was essential.

The conversion of sacred land into public space was carried out through *exauguratio*, a ritual performed by augurs or magistrates empowered to take auspices (Peck 1898; Raposo Gutiérrez 2022: 121-122). Its purpose was to annul any prior inauguration, thereby releasing the land from its divine association (Bouché-Leclercq 1900: 436; Castillo Pascual 2000: 86). Conversely, constructing a sacred building on public land required *inauguratio*, a religious act seeking divine approval for the project (Peck 1898; Catalano 1978: 473-479; Delgado Delgado 2009: 22-23). This rite involved publicly marking out the area, ensuring it was free of servitudes, claims, or ownership rights. The defined boundaries were recorded in local archives, serving as a form of cadastral register (Bouché-Leclercq 1900: 435-436; Piganiol 1962). *Inauguratio* always preceded *consecratio* or *dedicatio*, though not all projects required both rites (Catalano 1978: 473-475; Raposo Gutiérrez 2022: 120).

The *ius superficiei* governed ownership rights over buildings according to land ownership. Under this principle, a private individual who erected a building on public land granted by the State —upon payment of a *solarium*— did not own the land itself but merely held the right to use it (Mommsen 1893: 461; De Ruggiero 1925: 159; Suárez Blázquez 2015: 50-71). The *superficiarius* retained usufruct over the structure in relation to the landowner and could pass this right to heirs (*Dig.* 10.2.10), or transfer it by gift or sale (*Dig.* 18.1.32; De Ruggiero 1925: 158; Suárez Blázquez 2015: 141-144). However, failure to pay the agreed fee resulted in the State reclaiming not only the land but also ownership of

the building erected upon it (*Dig.* 43.18.2). Other scenarios could also bring the payment of the *solarium* to an end, such as the death of the usufructuary (De Ruggiero 1925: 157-158). At *Puteoli* —Pozzuoli, Italy—, a *titulus* (*CIL* X, 1783) records that the right to use communal land was granted on the condition that the building to be erected would become municipal property upon the usufructuary's death.

Publicly owned land

During the Republican period, the censors were the principal magistrates responsible for managing and granting public land, including its possible sale to *privati* (*Liv.* 32.7.3; De Ruggiero 1925: 147-148; Rodríguez Neila 2009: 172). The *Tabula Heracleensis* states that censors could reserve certain plots to generate public revenue (*CIL* I², 593, lines 73-76), allowing their use by private individuals in return for an annual *solarium* (*Dig.* 6.1.74; Martínez de Morentín Llamas 2018: 3-9). After the office of censor disappeared, these duties passed to the *aediles*. Later, under Augustus, the *curatores operum publicorum* inherited the power of *adsignatio* of public land and were likewise tasked with collecting the related *solarium* (*Dig.* 43.8.2.17; De Ruggiero 1925: 150-156; Daguet-Gaguey 1997: 107-113).

Outside Rome, the management of urban plots fell to local magistrates, who oversaw their proper use (Castillo Pascual 2011: 114-117; Rodríguez Neila 2009; 2021). According to the *Tabula Heracleensis* (*CIL* I², 593, lines 68-72), public spaces and porticoes fell under the jurisdiction of the *aediles*, who acted by means of a decurional decree. The *Lex Coloniae Genetivae Iuliae* further required *aediles* to prevent the erection of funerary monuments on public land within the *pomerium* and empowered them to demolish any that contravened this rule (*LCGI* LXXIII). It also stated that the *duumviri* were to propose to the *ordo decurionum* which plots should be expropriated for the construction of new aqueducts (*LCGI* XCIX), and they were expressly forbidden from accepting gifts or favours in exchange for granting use of public land (*LCGI* LXXV).

By the 1st century AD, the *Lex Irnitana* granted *aediles* authority over various aspects of city management, including sacred buildings and their plots, public roads, sewers, baths, the marketplace, and any other matters assigned to them by the *decuriones* (*Lex Irni.* XIX). The law also required the *duumviri* to organise public auctions for the leasing of services linked to municipal properties, including the *loca publica* designated

for that purpose (*Lex Irni.* LXIII; Castillo Pascual 2011: 113). They were likewise tasked with determining when and under what conditions lands and fields deemed potential sources of municipal revenue should be inspected (*Lex Irni.* LXXVI). In short, while the *decuriones* were responsible for deliberating and approving all matters concerning public land, magistrates —*duumviri* and *aediles*— were charged with presenting such matters to the curia and carrying out the decisions of the *ordo decurionum* (Rodríguez Neila 2009: 179-181; Russo 2022: 103; Sánchez de la Parra-Pérez 2023: 46-54). They were thus ultimately responsible for ensuring compliance with the *lex municipalis* or *coloniae*. See, for example, the *triumviri locorum publicorum persequendorum* attested in *Gallia Narbonensis* (*CIL* XII, 2249; 2606; 2608; and 2618), whose role was to reclaim public property unlawfully occupied by *privati* on behalf of the *res publica* (Russo 2022: 109-110).

However, the granting of public land for construction projects is difficult to trace in the sources (Pistarino 2014: 148). Local authorities, particularly in cases of publicly funded works, rarely recorded such transfers epigraphically (Eck 1997; Goffaux 2001). Consequently, when *tituli* refer to the construction of public buildings —regardless of the source of funding— without specifying the origin of the plot, it is generally assumed that the land in question was municipally owned (Melchor Gil 1992: 199-200; 1994: 100).

None of the inscriptions included in the analysed sample explicitly refers to a building project promoted by the local government that also expressly mentions the public ownership of the land. This does occur in the case of statues (e.g. *AE* 2008, 1674 or *AE* 2008, 1679). However, in some cases, the epigraphic texts state that the buildings were erected or rebuilt from the foundations (fig. 1).

Particularly noteworthy is the *a solo* reconstruction of a small temple at *Uchi Maius* —Henchir Douemis, Tunisia—, where the intervention was prompted by the poor state of preservation of the *aedes* (*CIL* VIII, 26249). This circumstance led the civic body to rebuild the entire structure on a different plot, whose presumed public ownership is inferred from the lack of explicit information on its status.

Pliny the Younger records in his letters to Trajan that he asked the *decuriones* of *Tifernum Tiberinum* —Città di Castello, Italy— for a plot to build a temple at his own expenses. They not only approved his request but allowed him to choose the most suitable site (*Plin.*, *Ep.* 10.8.2). Similar interventions are epigraphically attested, especially in honorary inscriptions for statue

dedications (Pistarino 2014: 136). In such cases, the procedure likely mirrored that used for *loca sepulturae* or plots assigned for public honours (Pistarino 2014: 205). The *decuriones* acted at the request of a benefactor (e.g. *CIL* V, 2856) or magistrate, and decisions were made in curia sessions according to municipal law (*Lex Irni*. XXXIX; XL and XLI). Final allocation fell to the magistrates (*Cic., Phil.*, 9.17) or, as with Pliny, to the euergetes himself.

In *Caesarea* —Cherchell, Algeria— several benefactors funded the construction of a temple dedicated to *Aesculapius* on land belonging to the colony. The inscription (*CIL* VIII, 20937) suggests a process similar to that described by Pliny, as the *ordo decurionum* explicitly approved the plot proposed by the donors —indicating likely public ownership—. Most inscriptions, however, are less precise, using formulas such as *solo publico* without specifying which authority selected the site (e.g. *CIL* VIII, 10999). These formulas are far more common in inscriptions referring to the erection of statues (Melchor Gil 2006; 2017; Pistarino 2014; Cases Mora 2025) (fig. 2).

From the mid-2nd or early 3rd century AD, the supervision of public land use in certain cities was entrusted to the *curatores rei publicae*, whose oversight did not override the authority of local magistrates (*Dig.* 50.8.11.2; Camodeca 1980: 465-466; 2008: 517-520). Their task was to review municipal decisions, possibly to prevent the misuse of public funds, especially regarding the financing of honorary statues or euergetic works on communal land whose maintenance could become a financial burden. A revealing example comes from *Capsa* —Gafsa, Tunisia—, where the local government was able to expand a temple using an adjacent plot acquired by the *curator rei publicae* from a private owner (*CIL* VIII, 100).

When building initiatives stemmed from imperial authority (Sánchez de la Parra-Pérez 2024), communication between the provincial governor and the *ordo decurionum* was frequent. In Rome, only the emperor could propose new construction projects, while the Senate's role was largely confined to commissioning triumphal arches in his honour (Daguet-Gagey 1997: 153-154). Oversight of public land fell to the *curatores operum publicorum* (e.g. *CIL* VI, 814). In the provinces, however, imperial involvement served as a model of generosity: the emperor was seen as the Empire's foremost euergetes (MacMullen 1959: 209; Mitchell 1987: 364). Realising these projects typically required land provided by local authorities. Although sources are vague on procedure, it is likely the provincial governor —and possi-

bly the *curator rei publicae*— informed the city council of the emperor's intention and requested the necessary plot¹. The former, as the emperor's chief representative in the provinces, oversaw the urban fabric of cities and held authority to approve building projects (*Dig.* 50.10.3. *pr.*). From the mid-2nd century AD, the latter acted in cities facing financial difficulties, representing state interests and, at times, being appointed directly by the emperor (Jacques 1984: 283-289). In practice, the *ordo* rarely objected, as such interventions often followed requests made by civic envoys or magistrates (MacMullen 1959: 207).

A telling example is the letter in which Pliny reports to Trajan the identification of a suitable plot in *Prusa* —Bursa, Turkey— for the construction of baths previously authorised by the emperor (*Plin., Ep.* 10.23-24). The site contained a dilapidated house, once donated to Emperor Claudius after its owner's death. In his will, the private citizen had requested that a temple for the imperial cult be built in the peristyle, while the rest of the property be rented out for the city's benefit. Owing to the building's poor condition, Pliny asked the emperor to transfer or sell the land to the local authorities (*Plin., Ep.* 10.70.2). Trajan agreed and allowed the remains to be reused for the baths, provided the temple had not yet been constructed (*Plin., Ep.*, 10.71). Had it been consecrated, the site would have become *res sacra* and thus unavailable for reuse.

Pliny's involvement is likely due to the complex ownership of the land, which, though generating income for the city, belonged to the *patrimonium Caesaris*. While the sources are silent on the details, it is plausible the testator had stipulated that rental income be used to maintain the property and the temple dedicated to Claudius (Sherwin-White 1966: 658). Faced with municipal inaction, Pliny proposed that the city purchase the plot. Although it remains unclear whether the baths were ever built, Trajan's reply highlights an important possibility: the emperor could transfer imperial land to local authorities for public works.

1. Such may have been the case with buildings financed by the imperial administration in *Lambaesis* —Tazoult-Lambèse, Algeria— where the municipality was already fully established and legally capable of owning local public land. See *CIL* VIII, 2698 and *CIL* VIII, 18247; for an alternative interpretation, see Horster (2001: 427-428).

Formulas	1st c. BC	1st c. AD	2nd c. AD	3rd c. AD	Unkown
<i>A solo</i> (reconstruction)		<i>CIL</i> VIII, 26241	<i>ILAFr</i> 495; <i>CIL</i> VIII, 26249; <i>AE</i> 1920, 16; <i>AE</i> 1935, 45	<i>CIL</i> VIII, 1406; <i>ILAlg</i> II, 6094; <i>CIL</i> VIII, 757; <i>AE</i> 1912, 182; <i>ILAFr</i> 268; <i>ILAlg</i> II, 7841;	<i>ILAFr</i> 601
<i>A solo</i> (<i>ex novo</i>)			<i>AE</i> 1911, 106; <i>AE</i> 1957, 63	<i>ILAlg</i> II, 10323; <i>CIL</i> VIII, 4221; <i>CIL</i> VIII, 20745; <i>ILAFr</i> 608	
<i>A fundamentis</i> (reconstruction)			<i>AE</i> 1993, 1715		<i>CIL</i> VIII, 14436
<i>A fundamentis</i> (<i>ex novo</i>)	<i>CIL</i> II, 3427				

Figure 1. Classification of inscriptions recording building projects initiated and financed by the local public sphere, with indirect references to the land (Author).

Formulas	1st c. AD	2nd c. AD	3rd c. AD	Unknown
<i>Solo publico</i>	<i>AE</i> 1959, 172	<i>CIL</i> II ² /5, 840; <i>CIL</i> VIII, 23107; <i>CIL</i> VIII, 10999	<i>CIL</i> VIII, 1577; <i>AE</i> 1968, 591	<i>ILAFr</i> 489; <i>CIL</i> II ² /5, 738
<i>Accepto solo</i>				<i>AE</i> 1987, 495
<i>Accepto loco</i>			<i>CIL</i> VIII, 20937	<i>CIL</i> II ² /5, 93; <i>CIL</i> II, 3432

Figure 2. Classification of inscriptions recording building projects funded by private individuals and authorised by local governments through the grant of public land (Author).

Individuals donate their plots

When the land was provided by a benefactor, they typically ensured their contribution was recorded as part of their public donations (Barresi 2003: 28; Melchor Gil 1994: 100). Broadly speaking, two forms can be identified: the joint donation of both land and buildings, or the donation of land alone, with another party funding the construction (Melchor Gil 1992: 200; 1994: 100).

In *Volubilis* —Oualili, Morocco—, the *cultores domus Augustae* purchased private land specifically for the construction of a temple (*CIL* VIII, 21825). Two notable inscriptions from *Carthago Nova* (*CIL* II, 3428) —Cartagena, Spain— and *Valentia* (*CIL* II²/14, 33) —Valencia, Spain— also stand out for how they record the donation of land by the euergetai.

In the first case, *C. Plotius Princeps*, after purchasing several *insulae*, donated a portico and a crypt —possibly part of the city’s theatre or forum— (Abascal Palazón and Ramallo Asensio 1997: 134-135). The reference likely indicates he acquired the land on which these structures were built (Liebenam 1900: 162; Wallace-Hadrill 1991: 264-265; Navarro Caballero 1997: 114; Goffaux 2003: 233-234). Although the original ownership of the plot is unknown, it was probably held by

another *privatus*, as public land donations were usually identified explicitly in inscriptions as part of the benefaction.

The inscription from *Valentia*, though fragmentary, appears to mention an aqueduct passing near the city wall, specifically by the *porta Sucronensis* (Pereira Menaut 1979: 19), where the donated *castellum aquae* may have stood (Sánchez López and Martínez Jiménez 2016: 169-170). A certain *[I]uli[s]* seems to have acquired the land from a private owner, though the missing portion of the text leaves open the possibility of a different origin for the property.

The remaining *tituli* refer to land donations without mentioning any prior purchase, suggesting that the euergetai already owned the plots as part of their private estates. The term most used is *solum*, usually accompanied by a marker of ownership (fig. 3). However, when locative prepositions like *in* are omitted, the phrase *solo suo* becomes ambiguous. It may mean ‘on land they owned’ —not only in euergetic contexts but also in funerary ones; see, for example, *CIL* VIII, 15545; *AE* 2013, 2066 or *CIL* VIII, 23464— or function as an euergetic formula analogous to *de sua pecunia*. This makes it particularly important to identify *tituli* that combine *in suo* with *de sua pecunia* or *suis sumptibus*, as such combinations remove interpretative doubt.

Formulas	1st c. AD	1st-2nd c. AD	2nd c. AD	2nd-3rd c. AD	3rd c. AD	Unknown
<i>Solo suo</i>	<i>CIL</i> II, 1956	<i>CIL</i> II ² /5,276; <i>CIL</i> VIII, 26493	<i>CIL</i> VIII, 26121; <i>AE</i> 2018, 1901; <i>CIL</i> II, 4509			
In solo suo					<i>CIL</i> VIII, 9026	<i>CIL</i> VIII, 9027
<i>Solum</i>	<i>CIL</i> II, 1956				<i>AE</i> 1992, 1779; <i>CIL</i> II, 3270	
<i>In suo</i>	<i>IRT</i> 314					<i>CIL</i> VIII, 14381
<i>Solo suo</i> + <i>sua pecunia</i>	<i>CIL</i> II, 5488		<i>AE</i> 1997, 1663a; <i>CIL</i> VIII, 15522; <i>CIL</i> VIII, 26467; <i>CIL</i> VIII, 26468	<i>AE</i> 2011, 1675; <i>CIL</i> VIII, 11775		<i>AE</i> 2017, 1708
<i>Solo privato</i>			<i>CIL</i> VIII, 26525	<i>CIL</i> VIII, 26602; <i>IL Afr</i> 304		<i>AE</i> 1914, 87
<i>Aream privatam</i>			<i>CIL</i> VIII, 21825			

Figure 3. Classification of inscriptions referring to the donation of land to local authorities by euergetai (Author).

Finally, although not strictly an euergetic land donation, Pliny's renovation of the temple of Ceres at his villa *a Tuscis* deserves mention (*Plin., Ep.*, 9.39). This site has been identified within the archaeological area of *Tifernum Tiberinum* (Braconi and Uroz Sáez 2008: 93). Excavations have revealed a construction phase dating to the late 1st and early 2nd centuries AD, including *tegulae* stamped with the cartouche *C(aius) P(linius) C(aecilius) S(ecundus)*, along with remains of the temple and porticoed area described in his letter to *Mustius* (*Plin., Ep.*, 9.39.5; Braconi 2003: 38; Braconi and Uroz Sáez 2008: 102-106). However, earlier phases of the temple suggest that cultic activity at the site dates back to the Republican period (Braconi and Uroz Sáez 2001: 214).

If this interpretation is accepted, Pliny did not, *strictu sensu*, donate the land to the city along with a public structure. He retained ownership of a plot that had long housed cultic buildings hosting annual pilgrimages and religious rites (*Plin., Ep.*, 9.39.2). In effect, although the land and temple remained private property, the public had access to ceremonies and facilities, effectively rendering them public in use. As such, the site would be classed as *res profana* (*Dig.*, 1.8.6.3; Sherwin-White 1966: 523), since *res sacrae* were

not privately owned but belonged to the community (*Tac., Hist.*, 4.53). This also explains why Pliny consulted the *haruspices*—who advise but do not decide—rather than the *ordo*, as he did in the case of the imperial cult temple built in the same locality (*Plin., Ep.*, 9.8.2).

This episode may be related to the plot of land in Prusa where Pliny intended to build a bath complex. Trajan's conditional refusal (*Plin., Ep.*, 10.71) was probably not due to respect for the *res sacrae*—since the parcel belonged to the *patrimonium Caesaris*—but rather to the memory of Claudius (Sherwin-White 1966: 659).

Public Initiative Acquiring Private Land —And vice versa?

The final option involved the purchase of private land for the construction of *operae publicae*, a practice likely more common than the sources suggest. In addition to Pliny's account from Prusa (*Plin., Ep.*, 10.70.2), this scenario is also implied in a passage by *Frontinus* regarding the layout of most Roman aqueducts, which at some point crossed privately owned land (*Front., Aq.*, 124-125). Ideally, private owners might permit use of their land for such infrastructure, but when they refused, the Senate authorised workers to exer-

cise a *servitus itineris* (LCGI LXXIX) to access and repair the conduits.

If landowners could resist allowing passage through their property, it stands to reason they might also oppose the construction of public structures on it. The very inclusion of such matters in legal compilations driven by legislative policy suggests this was a real concern. For instance, it was stipulated that the *duumviri* were to present to the curia the proposed route of aqueducts supplying the city. These conduits could legally cross any plot selected by the *decuriones*, and no one could object unless the land already held a building serving another purpose (LCGI XCIX).

In short, in provincial cities, local authorities held the power to expropriate land deemed necessary for the construction of public buildings. Expropriation involved the compulsory acquisition of land, following an appraisal (*Front., Aq.*, 125), to prevent undue harm to private individuals—this was a recurring concern, traceable throughout the *leges municipales* and *leges coloniae*: e.g. LCGI LXXVII; *CIL I²*, 590, lin. 39-43 and *Lex Irni*. LXXXII—. In the Republican period, such matters fell under the authority of the censors (*Liv.*, 44.16.10; De Ruggiero 1925: 164); consequently, as with the awarding of construction contracts or granting use of public land, these powers would have been exercised by the *aediles* in the provinces.

Inscriptions attesting to such purchases by local governments are rare, and their interpretation often remains open to debate. In *Praeneste*—Palerina, Italy—, the city's quaestors built a *culina* on land previously acquired by the community from a *privatus* (*CIL XIV*, 3002). Within the geographical scope of this study, only the aforementioned inscription from *Capsa* provides clear evidence of a local government purchasing private land (*CIL VIII*, 100).

In this context, it is worth mentioning a now-lost inscription from *Obulco*, which records the construction of *tabernae* / [---] *et post horreum* by a *privatus* (*CIL II²/7*, 97). Traditionally, it has been assumed that these structures were built on land previously acquired by the municipality (Castillo García 1965: 148; Thouvenot 1973: 213; Chic García 1990: 39; Melchor Gil 1992: 199; 1992-1993: 141; 1994: 155-157; Leal Linares 1995: 88; Delgado Delgado 1998: 21; Rodríguez Neila 2003: 113). However, Goffaux (2003) has revisited this interpretation and offers an alternative reading, suggesting that the land—originally public—was instead purchased by the individual.

This *titulus* has received little attention in later scholarship and, where it has been cited,

one interpretation or the other has been adopted without further justification (Salido Domínguez 2013). The ambiguity lies in the eighth line of the inscription, specifically in the preposition *ab* in the phrase *solo empto ab re publica*, which, as Goffaux (2003: 228) notes, can be translated either as 'le terrain ayant été acheté par la cité' or 'le terrain ayant été acheté à la cité'. The following section will explore both interpretations and propose a third, previously unconsidered, possibility.

It is true that few inscriptions use this preposition to unambiguously identify the purchaser (Goffaux 2003: 229-230). Moreover, the limited references to land acquisitions by local governments are consistently linked to projects funded with public money—e.g. *Liv.* 44.16.10; *CIL XIV*, 3002 and *CIL VIII*, 100—, not to privately financed initiatives.

On the other hand, although several clear examples do mention the seller—e.g. in Rome this is attested by *RGDA* 21.1, *CIL VI*, 40882, *CIL VI*, 874, and *CIL VI*, 40884, and within the geographical scope of this study by *AE* 1935, 63—only one falls within an euergetic context comparable to that of *Obulco*, and even in this case, it does not document the actual acquisition of property. While local governments clearly had full authority to sell *loca publica urbana* (Goffaux 2003: 235-238; Russo 2022), none of the inscriptions currently known that explicitly record such transactions—such as *CIL XIV*, 375; *CIL XII*, 2610; or *CIL X*, 7024—are directly associated with euergetic activity. An inscription (*CIL V*, 5128), from *Bergonum*—Bergamo, Italy—, records the erection of a statue in honour of *P. Marius Lupercianus* who, among his acts of generosity, donated a sum of money to permanently fund the costs for those wishing to use the *lucus Libitinae*, a civic-run funerary equipment rental and burial service (Bodel 1994: 20). At no point does *P. Marius Lupercianus* acquire this service; rather, he funds it in perpetuity, making it free of charge, hence the use of *redemptare* rather than *emere*.

As Goffaux (2003: 240) proposes, the euergetes purchased public land before erecting the buildings, which remained under his ownership by virtue of *ius superficis*. Within this interpretative framework, his generosity lay not in providing a financial benefit to the civic body, but in enhancing the urban landscape and, thereby, the collective prestige of *Obulco*. In this sense, the purchase of the plot functioned as a secondary gesture, or even as a symbolic '*pourboire*' (Goffaux 2003: 241), stemming from the kind of negotiation inherent in any act of euergetism—the specifics of which are rarely made explicit in the sources—.

Goffaux (2003: 239-241) supports this argument by drawing parallels with the euergetic acts of *P. Licinius Priscus* in *Corinthus* —Corinth, Greece—, where he built a stoa near the stadium containing 50 furnished rooms (*IG IV*, 203). A second inscription (*Corinth I*, 2194) records that the proconsul authorized the ‘sale’ of the plot, not in exchange for revenue for the city, but through the symbolic distribution of one denarius to each citizen. While Goffaux (2003: 239) noted that the governor’s rescript defined the scope of the donation by ensuring the rooms remained free of charge, he overlooked the more fundamental aim: to maintain public ownership of the land (Robert 1940: 48; Geagan 1989: 356-357). This subtle yet crucial distinction distances the Corinthian case from Goffaux’s interpretation, which, though legally plausible, appears less practical both for the benefactor and for the city.

Benefactors consistently sought to present themselves as supporters of the entire civic community to maximise future political and social rewards. While the roles of those involved could be described with varying clarity (Goffaux 2003: 231-234), the nature of the donation itself needed to be unmistakable to any reader. Following Goffaux’s proposal, the only tangible act of benefaction recorded in the *Obulco* inscription was the purchase of public land. The city’s monumental prestige would have been equally enhanced if the buildings had been erected on private land. Therefore, the most advantageous arrangement for both benefactor and local authorities was to construct the buildings on public land granted by the curia, which would retain future rental income.

In this context, the formula *solo empto ab re publica* may represent a more elaborate variant serving the same communicative purpose as the commonly used *accepto loco a re publica* in the Hispanic provinces. This interpretation —absent from earlier scholarship— would align with the case documented in *Corinthus* and with other instances of benefaction authorised by the curia for the use of *loca publica urbana* (fig. 2). Indeed, Goffaux (2003: 230-232) already noted the clear parallel between these expressions, highlighting the similar meanings of *emere* (*Fest.*, 76. 21) and *accipere* (*Fest.*, 4.30; *Fest.*, 370. 33-34) in antiquity.

Benefactors used such formulas to boost their social and political standing (Goffaux 2003: 230-231). They showed that, after submitting a proposal, a *privatus* had been granted permission by the curia to carry out a donation on public land of their choosing (Camodeca 2003: 176-177; Melchor Gil 2006: 206; 2017: 36-37). If the donor wished to retain usage rights, the city could charge a *solarium* without transferring ownership

or formalising a sale. This arrangement balanced civic interests with private initiative and made the nature of the benefaction clear, even if the specific roles of each party were not always fully detailed (Goffaux 2003: 231).

The main objection to this interpretation lies in its apparent singularity. However, a problematic case (Goffaux 2003: 230) may lend support if understood in a similar way. In the city of *Vazi Sarra* —Henchir Bez, Tunisia—, *P. Opstorius Saturninus* funded the relocation of a bronze statue to a basilica *ab eodem Opstorio em(p)ta* (*CIL VIII*, 11999). Another inscription (*CIL VIII*, 12006) confirms the building predated his benefaction, making a literal purchase of the structure unlikely. Rather, as in the case of *Obulco*, the phrase may reflect the approval of the chosen site for the statue’s installation.

Conclusions

The analysis of ownership and provenance of land used for the construction of *operae publicae* highlights the complexity of the relationships between private individuals, local authorities, and the broader Roman legal framework. The selection of plots for building was tightly regulated by varying levels of ownership and rights of usufruct. The frequency of such regulations in the sources suggests a widespread urban issue: the improper use of land and the corresponding need for oversight.

Whereas issues such as land misuse and regulation must be investigated through archaeology, political gestures like euergetic donations are primarily analysed through epigraphy. Yet inscriptions do not always provide complete information. Land donations by *privati* were common in public building projects, but in most cases there is no mention of prior acquisition, suggesting that the benefactors already owned the plots in question.

Where the land was publicly owned, local *curiae* typically granted permission for its use. The inscription from *Obulco* has sparked debate due to the ambiguity of its wording, though the context suggests it did not involve a genuine sale, but rather a grant comparable to those attested by the formula *accepto loco a re publica*.

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Ancient Sources

Cic., Phil. – CLARK, A. C. (1911). *M. Tullius Cicero. Orationes, Volume VI.* E. Typographeo Clarendoniano. Oxford.

Dig. – MOMMSEN, TH. (1892). *Digesta.* In: *Corpus Iuris Civilis. Volumen Secundum. Codex Iustinianus.* Weidmannos. Berolini.

Fest. – LINDSAY, W. M. (1913). *S. Pompeius Festus. De verborum significatu quae supersunt.* B.G. Teubneri. Lipsiae.

Front., Aq. – KROHN, F. (1922). *S. Iulius Frontinus. De Aquaeductu urbis Romae commentarius.* Teubner. Lipsiae.

Liv. – WILHELM, W. (1861). *T. Livius. Ab Urbe Condita libri.* Weidman. Berlin.

Plin., Ep. – STOUT, S. E. (1962). *C. Plinius Caecilius Secundus. Epistulae.* Bloomington. Indiana University Press.

RGDA – MALCOVATI, E. (1922). *Imperatoris Caesaris Augusti Operum fragmenta.* I. P. Paraviae et sociorum. Patavii.

Tac., Hist. – FISHER, CH. D. (1906). *C. Tacitus. Cornelii Taciti Historiarum libri.* Clarendon Press. Oxford.

References

ABASCAL PALAZÓN, J.M., AND RAMALLO ASENSIO, S. F. (1997). *La ciudad de Carthago Nova: La documentación epigráfica.* Universidad de Murcia. Murcia.

ABBOT, F. F., AND JOHNSON, A. C. (1926). *Municipal administration in the Roman Empire.* W. Lewis. Cambridge.

ANDREAU, J. (1977). Fondations privées et rapports sociaux en Italie romaine (Ier-IIIe siècles). *Ktema*, 2: 157-209.

BARRESI, P. (2003). *Province dell'Asia minore. Costo dei marmi, architettura pubblica e committenza.* L'Erma di Bretschneider. Roma.

BODEL, J. (1994). Graveyards and Groves. A Study of the Lex Lucerina. *American Journal of Ancient History*, 11: 1-133.

BOUCHÉ-LECLERCO, A. (1900). Inauguratio. In: DAREMBERG, C., AND SAGLIO, E. (eds.). *Dictionnaire des antiquités grecques et romaines: Tome Troisième: Première Partie: H-K.* Hachette. Paris: 435-440.

BRACONI, P. (2003). Les premiers propriétaires de la villa de Pline le Jeune in Tuscis. *Histoire et Sociétés Rurales*, 19-1: 37-50.

BRACONI, P., AND UROZ SÁEZ, J. (2001). Il tempio della tenuta di Plinio il Giovane «in Tuscis». *Commentarii novi de antiquitatibus totius europae*, 1-2: 203-217.

BRACONI, P., AND UROZ SÁEZ, J. (2008). La Villa di Plinio il Giovane a San Giustino. In: COARELLI, F., AND PATTERSON, H. (eds.). *Mercator placidissimus. The Tiber Valley in Antiquity. New research in the upper and middle river valley.* Atti del Convegno (Roma, British School at Rome, 27-28 febbraio 2004). Quasar. Roma: 93-108.

CAMODECA, G. (1980). Ricerche sui curatores rei publicae. *Aufstieg und Niedergang der Römischen Welt II*, 13: 453-534.

CAMODECA, G. (2003). L'attività dell'ordo decurionum nelle città della Campania dalla documentazione epigrafica. *Cahiers du Centre G. Glotz*, 14: 173-186.

CAMODECA, G. (2008). I curatores rei publicae in Italia: Note di aggiornamento. In: BERRENDONNER, C., CÉBEILLAC, M., AND LAMOINE, L. (eds.). *Le quotidien municipal dans l'Occident romain.* Press Universitaires Blaise-Pascal. Paris: 507-521.

CASES MORA, N. (2025). Monumentalización y usos del espacio público en las ciudades de Hispania: la iniciativa privada en la colocación de estatuas. *Revista d'Arqueologia de Ponent*, 35: 201-210. <https://doi.org/10.21001/rap.2025.35.13>

CASTILLO GARCÍA, C. (1965). *Prosopographia Baetica.* Facultad de Filosofía y Letras. Pamplona.

CASTILLO PASCUAL, M. J. (2000). Las propiedades de los dioses: los loca sacra. *Iberia. Revista de la Antigüedad*, 3: 83-110.

- CASTILLO PASCUAL, M. J. (2011). *Espacio en orden*. Universidad de la Rioja, Logroño.
- CATALANO, P. (1978). Aspetti spaziali del sistema giuridico-religioso romano. Mundus, templum, urbs, ager, Latium, Italia. *ANRW II*, 16-1: 443-553.
- CHIC GARCÍA, G. (1990). *La navegación por el Guadalquivir entre Córdoba y Sevilla en época romana*. Gráficas Sol. Écija.
- DAGUET-GAGEY, A. (1997). *Les opera publica à Rome (180-305 ap. J. C.)*. Institut d'Etudes Augustiniennes. Paris.
- DELGADO DELGADO, J. A. (1998). *Elites y organización de la religión en las provincias romanas de la Bética y las Mauritania: Sacerdotes y sacerdocios*. BAR Publishing. Oxford.
- DELGADO DELGADO, J. A. (2009). Extensión y efecto del rito augural de la inauguratio sacerdotum. *Ilu. Revista de Ciencias de las Religiones*, 14: 21-31.
- DE RUGGIERO, E. (1925). *Lo stato e le opere pubbliche in Roma antica*. Fratelli Bocca. Torino.
- ECK, W. (1997). Der Euergetismus im Funktionszusammenhang der kaiserzeitlichen Städte. In: CHRISTOL, M., AND MASSON, O. (eds.). *Actes du Xe Congrès International D'Epigraphie Grecque et Latine (Nîmes, 1992)*. Publications de la Sorbonne. Paris: 305-331.
- GEAGAN, D. J. (1989). The Isthmian Dossier of P. Licinius Priscus Juventianus. *Hesperia*, 58-3: 349-360.
- GOFFAUX, B. (2001). Municipal Intervention in the Public Construction of Towns and Cities in Roman Hispaniae. *Habis*, 32: 257-270.
- GOFFAUX, B. (2003). Évergétisme et sol public en Hispanie sous l'Empire. *Mélanges de la Casa de Velázquez*, 33-2: 225-247.
- HORSTER, M. (2001). *Bauinschriften römischer Kaiser: Untersuchungen zu Inschriftenpraxis und Bautätigkeit in Städten des westlichen Imperium Romanum in der Zeit des Prinzipats*. Franz Steiner. Stuttgart.
- JACQUES, F. (1984). *Le privilège de liberté. Politique imperiale et autonomie municipale dans les cités de l'Occident Romain*. École Française de Rome. Rome.
- JOHNSTON, D. (1985). Munificence and Municipia: Bequests to Towns in Classical Roman Law. *Journal of Roman Studies*, 75: 105-125.
- LEAL LINARES, P. (1995). *Obulco*. Gráficas Sol. Écija.
- LIEBENAM, W. (1900). *Städteverwaltung im römischen Kaiserreiche*. Duncker & Humblot. Leipzig.
- MACMULLEN, R. (1959). Roman Imperial Building in the Provinces. *Harvard Studies in Classical Philology*, 64: 207-235.
- MARTÍNEZ DE MORENTÍN LLAMAS, M.L. (2018). Una inscripción romana enigmática y dos decretos decurionales. *Revista General de Derecho Romano*, 30: 1-19.
- MELCHOR GIL, E. (1992). *Evergetismo en la Hispania romana*. Universidad de Córdoba. Córdoba.
- MELCHOR GIL, E. (1992-1993). La construcción pública en Hispania romana: Iniciativa imperial, municipal y privada. *Memorias de Historia Antigua*, 13-14: 129-170.
- MELCHOR GIL, E. (1994). *El mecenazgo cívico en la Bética: La contribución de los evergetas al desarrollo de la vida municipal*. Universidad de Córdoba. Córdoba.
- MELCHOR GIL, E. (1994-1995). Evergetismo testamentario en la Hispania romana: Legados y fundaciones. *Memorias de Historia Antigua*, XV-XVI: 215-228.
- MELCHOR GIL, E. (2006). Solo publico—Solo suo. Sobre la ubicación de los homenajes estatuarios en las ciudades de la Bética. *Cahiers du Centre G. Glotz*, 17: 201-211.
- MELCHOR GIL, E. (2017). Statuam in loco publico erexerunt, o sobre cómo obtener una estatua pública en una ciudad romana. In: RUÍZ-GIMÉNEZ, A., AND CORTÉS-BÁRCENA, C. (eds.). *Memoriae Civitatum. Arqueología y Epigrafía de la ciudad romana. Estudios en homenaje a José Manuel Iglesias Gil*. Ediciones Universidad de Cantabria. Santander: 23-50.
- MITCHELL, S. (1987). Imperial Building in the Eastern Roman Provinces. *Harvard Studies in Classical Philology*, 91: 333-365.
- MOMMSEN, TH. (1893). *Compendio de derecho público romano*. La España Moderna. Madrid.

- MROZEK, S. (1987). *Les distributions d'argent et de nourriture dans les villes italiennes du Haut-Empire romain*. Latomus (Collection Latomus 198). Brussels.
- NAVARRO CABALLERO, M. (1997). Les dépenses publiques des notables des cités en Hispania Citerior sous le Haut-Empire. *Revue des études anciennes*, 99-1: 109-140.
- PECK, H. T. (1898). Inauguratio. In: *Harpers Dictionary of Classical Antiquities*. Harper and Brothers. New York.
- PEREIRA MENAUT, G. (1979). *Inscripciones romanas de Valentia*. Diputación Provincial de Valencia. Valencia.
- PIGANIOL, A. (1962). *Les documents cadastraux de la colonie romaine d'Orange*. CNRS. Paris.
- PISTARINO, V. E. (2014). *L(ocus) D(atus) D(ecreto) D(ecurionum): La concessione di spazi pubblici nelle comunità cittadine dell'Italia romana*. Università di Bologna. Bologna.
- POLO ARÉVALO, E. M. (2012). Consideraciones en torno a las res quae publicis usibus destinatae sunt. In: RESINA SOLA, P. (ed.). *Fundamenta ivris. Terminología, principios e interpretatio*. Universidad de Almería. Almería: 167-178.
- RAPOSO GUTIÉRREZ, N. (2022). La delimitación de los loca sacra en el área urbana de Pompeya. *Onoba* 10: 119-137.
- ROBERT, L. (1940). Un édifice du sanctuaire de l'Isthme dans une inscription de Corinthe. *Hellenica*, 1: 43-53.
- RODRÍGUEZ NEILA, J. F. (2003). Pecunia communis municipium. Decuriones, magistrados y gestión de las finanzas municipales en Hispania. In: CASTILLO GARCÍA, C., RODRÍGUEZ NEILA, J. F., NAVARRO, F. J. (eds.). *Sociedad y economía en el Occidente romano*. Ediciones Universidad de Navarra. Pamplona: 119-198.
- RODRÍGUEZ NEILA, J. F. (2009). Administración municipal y construcción pública en la ciudad romana. *Bulletí Arqueològic*, V-31: 171-225.
- RODRÍGUEZ NEILA, J. F. (2021). Sobre la gestión administrativa de los opera publica municipales. In: RUSSO, F. (ed.). *L'Attività edilizia a Roma e nelle città dell'Impero romano*. Edizioni Quasar. Roma: 107-125.
- RUSSO, F. (2022). Limiti alla vendita di beni pubblici nella comunità local dell'impero romano. *Quaderni Lupiensi di Storia e Diritto*, XII: 101-112.
- SALIDO DOMÍNGUEZ, J. (2013). El abastecimiento de grano a las ciudades hispanorromanas. Producción, almacenaje y gestión. *Archivo Español de Arqueología*, 86: 131-148.
- SÁNCHEZ DE LA PARRA-PÉREZ, S. (2023). Reconstruction of the construction process in Hispania: Epigraphy as a source. Papers in honour of Janet DeLaine. In: BARKER, S.J., COURALT, C., DOMINGO MAGAÑA, J.A., AND MASCHEK, D. (eds.). *From concept to monument: Time and cost of construction in the Ancient World*. Archaeopress. Oxford: 43-60.
- SÁNCHEZ DE LA PARRA-PÉREZ, S. (2024). Iniciativa y financiación de las obras públicas romanas. Una propuesta metodológica para su diferenciación a partir de la información epigráfica. *Gerión*, 42-1: 143-173.
- SÁNCHEZ LÓPEZ, E., AND MARTÍNEZ JIMÉNEZ, J. (2016). *Los acueductos de Hispania. Construcción y abandono*. Fundación Juanelo Turriano. Madrid.
- SHERWIN-WHITE, A. N. (1966). *The letters of Pliny. A historical and social Commentary*. Oxford University Press. Oxford.
- SUÁREZ BLÁZQUEZ, G. (2015). *Roma: edificación en altura: el negocio urbanístico-inmobiliario de la superficie en el derecho clásico*. Tirant lo Blanc. Valencia.
- THOUVENOT, R. (1973). *Essai sur la province romaine de Bétique*. E. de Boccard. Paris.
- WALLACE-HADRILL, A. (1991). Elites and Trade in the Roman Town. In: RICH, J., AND WALLACE-HADRILL, A. (eds.). *City and Country in the Ancient World*. Routledge. London-New York: 241-272.