

## INTRODUCTION

My interest in the subject of this study dates back to my earlier work on the associations of the artists of Dionysos, many years ago. In that context, and in the light of benefactions made to those associations, I became curious about cases where an individual's gift to a community was designed to provide long-term funding. Attempting to understand the phenomenon and how it differed from other forms of giving, I was struck on the one hand by the fact that the last systematic collection and analysis of the relevant material was a century old, and on the other by the existence of many different views on the characteristics and significance of this phenomenon. Another aspect that triggered my interest, and at the same time added to the difficulty of addressing the phenomenon, was the imprecision of, and confusion surrounding the terms, used to describe it.

The first stage of my research involved assembling all the Greek attestations of the phenomenon through all the historical periods up to the beginning of the fourth century CE. That the volume of material had increased since Laum's time (1914) was not unexpected, given the more than one hundred years of excavation and epigraphic research and publication that have intervened. The decision to set apart (for now) the material from the Imperial period was dictated not only by its disproportionately greater extent compared to the other periods (roughly 5:1), but also by the different context in which it would have to be analysed and understood, primarily because of the gradually increasing importance of Roman law in that period and the need to take the corresponding Latin evidence, coming from Italy and the Latin-speaking West, into account. The roughly five hundred documents posterior post-dating the conventional terminal date of 31/0 BCE will be included in a future study.

The first part of the present study is devoted to presenting and analysing the phenomenon under examination. This includes the definition and description of the phenomenon and the clarification of the terms used in relation to it (chapter 1). It also includes an analysis of the administration of such gifts (chapter 2), their financial characteristics and their direct and indirect impact on the economy (chapter 3). Attention is also paid to the social-political framework within which the phenomenon occurred, which cannot be understood without knowing who the bestowers of these gifts were and who benefitted from them (chapters 4 and 5). Tables 1–4 organise the data relating to the donors, the recipients, the object and size of the gift, and the purpose it was intended to fund. Table 5 lists the endowments in chronological order. Together with graphs 1–5, the tables aim to facilitate a holistic assessment of the catalogue material and the discussion. As a whole, the first part of this study aims to offer an analysis of the phenomenon in its socio-political, economic and cultural context.

The second part contains the catalogue of the sources. These are mainly inscriptions, comprising: 1) decrees by which cities or associations accept the gift or honour the donor, or both; 2) acts of donation or bequest; 3) royal letters and edicts; 4) administrative documents (accounts, registers, lists and inventories) mentioning the specific gifts; and 5) relevant boundary-stones.

The catalogue is organised by geographical units. For the regions covered by the *Inscriptiones Graecae* the geographical organisation of that *corpus* is adopted: I. Attika, II. Peloponnese and the Argosaronic islands, III. Boiotia and Megaris, IV. Phokis, V. Lokris, VI. Thessaly, VII. Ionian Islands, VIII. Aegean Islands, IX. Euboiia. The other regions are organised into the following geographical units: X. Asia Minor, XI. Euxeinos. Pontos, XII. Syria, XIII. Kommagene, XIV. Egypt. Exceptionally, the Aegean Islands and Asia Minor are subdivided into smaller units. The following comprise those for the Aegean Islands: VIII.1. Kyklades (except Delos). VIII.2. Delos. VIII.3. Southern Sporades. VIII.4. Eastern Aegean Islands; and for Asia Minor: X.1. Aiolis. X.2. Karia. X.3. Ionia. X.4. Lykia. X.5. Mysia. X.6. Phrygia. X.7. Troas. Within all units, the material is arranged in alphabetical order by place-name.

Within the catalogue the numbering is unified, using Arabic numerals. Where an inscription records more than one gift, the numeral designates the inscription and the gift is identified by a lower-case Latin character. With the material from Delos, each number corresponds to a single endowment (cat. nos. 34–47, 49–61), although there are multiple inscriptions referring to each of these. The internal structure of the catalogue entries is presented analytically in the introductory text which prefaces the catalogue.

## PART I



## CHAPTER 1 REDEFINING THE ENDOWMENTS

This book studies the actions that are mostly described in the contemporary literature as ‘foundations’, ‘fondations’ or ‘Stiftungen’.<sup>1</sup> They concern a special kind of gift in the ancient Greek world: property transfers (of land or movables) effected through donation, dedication or testament, by private or public persons, during their lifetime or after their death, to some administrative mechanism or instituted collectivity, in order that the revenue generated by the investment/exploitation of the asset transferred might fund a specific purpose, specified by the donor or testator himself, on a regular basis.

### 1.1. THE RESEARCH TO DATE

The subject has been the focus of scholarly interest in various contexts. In a lengthy article published early in the twentieth century, E. Ziebarth listed roughly a hundred examples, which he examined from a legal perspective.<sup>2</sup> Shortly afterwards he probed more deeply into the material of these *Stiftungen*, wrote a book in which he focused on the important donation made by Eudemos for the education of the children of Miletos (cat. no. 82) and examined the importance of this type of gift for the functioning of the Greek *poleis* and their institutions.<sup>3</sup>

In 1914, B. Laum published his *Stiftungen in der griechischen und römischen Antike*, which remains a standard work of reference, despite having celebrated more than a centenary. This two-volume work offers a systematic presentation of a voluminous body of documents: some 235 texts in Greek and 135 in Latin.<sup>4</sup> Laum’s synthesis is not without some weaknesses. He includes in his catalogue texts that,

- 1 Méléze-Modrzejewski 1963, 89f. offers the following definition: ‘Le but de la fondation est d’affecter une masse de biens à un service déterminé sans limitation de durée ... c’est le capital que le fondateur confie à un organisme plus durable que l’homme, pour que ses intérêts soit affectés à un usage bien spécifié’. See also the felicitous outline of the institution that Campanelli (2016, 225–250) gives. From the lengthy explication in Laum 1914, I ff., I select the following elements: ‘Abtretung eines Vermögens, dessen Art und Grösse vom Stifter bestimmt wird, ein vom Stifter gesetzter Zweck..., zu dessen Verwirklichung das Vermögen dienen soll... Der Zweck (muss) immer ein dauernder sein; das bedingt dass auch das Vermögen stets bestehend bleiben muss, dass also nur die Einkünfte, nicht das Vermögen selbst zur Zweckausführung verwendet werden darf’. For definitions see also Harter-Uibopuu 2015, 180 note 6.
- 2 Ziebarth 1903. Some cases had already been included in the category ‘fondations’ in the collection of legal inscriptions published in 1898 by R. Dareste, B. Haussoulier and T. Reinach (*I. jur. gr. nos.* 59–145).
- 3 Ziebarth 1914. His views are condensed in Ziebarth 1940, 1236–1240.
- 4 Laum’s catalogue has several double numbers, which means that the total number of *Stiftungen* it contains is slightly larger than appears from the numbering.

as we shall show, do not belong in the category of *Stiftungen* (see the cases nos. 1, 2, 3 in appendix I), while omitting all but four of the Delian examples (see Laum 1914, I nos. 52–55). Furthermore, Laum's decision to include the Latin material significantly broadened his work, but at the same time created problems: although useful, the 135 Latin texts – certainly not the full body of evidence that was available in Laum's day – are not sufficiently embedded in the context of Roman law, society and culture. Moreover, Laum failed to bring Latin and Greek testimonies into a dialogue on the level of norms and habits.

These works were followed, in 1926 and 1937, by a pair of studies focusing on foundations that arose in a family context and the religious significance of the phenomenon, which their respective authors, E. Bruck and W. Kamps, interpreted – in the light of the perceptions of their day – as a sign of decline (Bruck) or evolution (Kamps) of family. More specifically, Bruck examines the donations and bequests made for cultic and memorial purposes and sees them as a mechanism for posthumously compelling one's descendants to fulfil their ritual duties,<sup>5</sup> while Kamps ascribes the phenomenon to the gradual weakening of the *genos*, which identified itself through its cult of shared ancestors, and the increasing importance of the *oikos*, which based its identity on cults founded by and dedicated to family members.<sup>6</sup> In this light, Kamps examines, as primary examples, the cases of Epikteta, Diomedon and Poseidonios (cat. nos. 31, 61, 74), using the term '*fondations culturelles*'. Five inscriptions from the south-Aegean Doric area which record such gifts (cat. nos. 31, 61, 74, *IG XII 4*, 349 and 355) are also the focus of the long important article of Campanelli 2016, who describes them as 'family cult foundations'.

It was to the legal side of the matter that, starting with the very interesting case of Aristomenes and Psylla in Korkyra (cat. no. 26), A. Mannzmann directed her approach in *Griechische Stiftungsurkunden: Studie zu Inhalt und Rechtsform*, which appeared in 1962. Monographs have also been written on other isolated important texts: the testament of Epikteta (cat. no. 31) is the subject of Wittenburg 1990, while an inscription relating to the founding and funding of the festival of the Demostheneia at Oinoanda in the Roman Imperial period is published and analysed in exemplary fashion in Wörrle 1988a.<sup>7</sup>

A significant number of gifts of this type made by Hellenistic rulers to cities and sanctuaries was included in the material published by K. Bringmann and W. Ameling in 1995 under the title *Schenkungen hellenistischer Herrscher an griechische Städte und Heiligtümer* and further discussed in the context of royal euergetism – although

5 Bruck 1926; the term he uses is *Seelgerätstiftungen*, but he includes among them, *inter alia*, the donation by Polythrous for education in Teos (Bruck 1926, 168). The work is preceded by an earlier one (Bruck 1909), in which he examines first and foremost the legal aspect of these cases. Cf. Bruck 1955.

6 Kamps 1937, 145–179.

7 A considerable number of articles also deal with the legal and other aspects of such texts. For the gift of Attalos II to Delphi (cat. no. 22): Dimopoulou-Piliouni 2007, 437–453; Migeotte 2009/10, 203–217. For the donation of Aristomenes and Psylla in Korkyra (cat. no. 26): Migeotte 2010a, 63–69. For the donation of Aleximachos in Amorgos (cat. no. 27): Helmis 2003, 464–480. For the gift of Symmasis in Lykia (cat. no. 87): Parker 2010, 103–121; Arnaoutoglou 2012a, 205–224.

not making a clear distinction between *Stiftungen* and *Schenkungen* – in a volume published in 2000.<sup>8</sup>

In the current century, Joshua Sosin has produced important work. In his dissertation (unpublished, but available on the internet), he focused on the economic aspect of endowments/foundations (he uses both terms), seeking to fill a gap in this approach. By emphasising the economic parameter, however, he does precisely what he criticises in Bruck, Kamps, Bringmann and Ameling, who – in his view – explain ‘the origin and purpose of the endowment in the Hellenistic world by isolating one aspect of its history and asserting that the part defines the whole’.<sup>9</sup> In more recent works, Sosin stays with the same ‘closely economic’ approach, while elsewhere he revises the traditional interpretations of certain endowments.<sup>10</sup>

An examination of *Stiftungen* in various European and non-European societies, including that of ancient Greece, is given in a collective volume edited by Sitta von Reden and in a recent monograph by Michael Borgolte.<sup>11</sup>

## 1.2. THE EVIDENCE

The vast majority of our sources for this topic are inscriptions; literary evidence and papyri are limited to just a few items.<sup>12</sup> A hundred Greek inscriptions from the Hellenistic period and around five hundred from the Roman Imperial period attest to this kind of property transfer. Laum’s list has been extended by texts that were not known a hundred years ago, while, conversely, some others have been removed (see appendix I).

The inscriptions belong to various categories: dedications, acts of donations or testamentary bequests (cat. nos. 4, 6, 10, 15,<sup>13</sup> 20, 26 ll. 1–38, 31ii, 61, 74II ll. 12–22, 86, 87i), letters and edicts by which the kings or dynasts announce such gifts (cat. nos. 76 ll. 10–26, 83, 90, 98–100), decrees concerning the acceptance and the management of the gift (cat. nos. 5 ll. 11–33, 21B–C, 22, 25, 26 ll. 39–146, 31iii, 32, 62, 74III ll. 22–52, 79, 80, 81A, 82, 84, 87ii–iii, 94, 95),<sup>14</sup> laws (cat. nos. 27,

8 Bringmann 2000. Ameling expresses the opinion that ‘Es scheint keine sinnvolle Grenze zwischen Stiftungen und Schenkungen zu geben’ (Ameling 1987, 15).

9 Sosin 2000, 24.

10 Sosin 2014a, 43–89; Sosin 2014b, 127–157.

11 von Reden 2015; Borgolte 2019.

12 The literary evidence from the Hellenistic period is confined to cat. nos. 3, 9, 47, 66. The only papyri we have are from the Roman Imperial age (see *P.Oxy.* IV 705 and *P.Lips.* 30 = Laum 1914, II nos. 205 and 206).

13 Cat. no. 15 is a dedication recorded on a *stèle* containing several documents of different kinds that concern sacred (movable and immovable) property in Thespiai.

14 The acceptance of the Ptolemaic donation by the city of Thespiai (cat. no. 18) is not preserved, but we find a hint of its existence in the text concerning the purchase and lease of the endowed land (ll. 5–7: [ἔδοξε τῇ πόλι οὔτι(ων) τῶν χρημάτων γὰρ ἰαράς ὠνευσάσθη] καὶ τὸ ψάφισμα τῷ δάμῳ; Holleaux 1897, 34). The same applies to the bequest of Gorgouthos for the Muses at Thespiai: neither the city’s decree nor Gorgouthos’ testament has survived, but they are mentioned in a decision of the city ordering their registration (cat. no. 16 ll. 28–33) and it follows a short version of the testament (ll. 33–35).

28),<sup>15</sup> honorific decrees or inscriptions (cat. nos. 1, 2, 8, 12, 21A, 23, 24, 63, 65, 68–73, 81, 85, 88, 91–93, 96, 97, 101), accounts and registers (cat. nos. 13, 17), inventories of sanctuaries (cat. nos. 33–46, 48–60), boundary stones and dedications of land or revenues (cat. nos. 14, 30). Obviously, not all inscriptions give detailed information. There are texts that deal solely and exclusively with the specific gifts, providing many details about their investment or the utilisation of the income they yield, and others that merely mention them. The honorific decrees, for example, usually just mention the gifts briefly,<sup>16</sup> often in conjunction with other benefactions the honoured person has performed,<sup>17</sup> leaving the focus on the honorific discourse. The brief texts recording dedications of land are also particularly difficult to assess (see appendix II). In the Roman Imperial period, when the number of attestations of this type of gift increases spectacularly,<sup>18</sup> there are types of inscriptions that either do not appear in the Hellenistic period, such as agonistic and funerary inscriptions,<sup>19</sup> or are rare, such as short honorific inscriptions and edicts.<sup>20</sup> With regard to the number of inscriptions, one must bear in mind that several inscriptions may refer to a single gift,<sup>21</sup> and conversely a stone can mention several gifts.<sup>22</sup>

As already mentioned in the introduction, the substantial increase in the epigraphic material since Laum and the different, especially legal, background contexts of the Greek and Latin worlds make it necessary for practical reasons to limit our presentation to the material of the Hellenistic period, leaving aside the material from the Roman Imperial age, to which we shall return in a forthcoming work. The end of the period examined in this book is the year 31/0 BCE.<sup>23</sup> This chronological boundary is inevitably an arbitrary choice, as are most such time limits for the study of social, economic, legal, and religious affairs, and of human behaviour in general. For in those parts of Greece and Asia Minor that came under Roman rule in 168/146 and 131/129 BCE respectively, there were certainly Roman influences and realities throughout the period we usually refer to as Late Hellenistic.

15 The cases where the arrangements for the disposition of funds for the achievement of a specific purpose are described as a *nomos* are listed in Rubinstein 2008, 117 note 13.

16 Colpaert 2014, 193. In the decree of the Dionysiac Artists honouring Soteles and Xenola (cat. no. 23), the phrase ‘διασαφήσαντες ἐν τᾷ ἀντιεῶσι’ (l. 11) alludes to the dedication made by the couple; the text of the ἀντιεῶσις itself has been either not inscribed in stone or not preserved.

17 See e.g. cat. nos. 1, 8, 70, 72, 92.

18 In Laum’s day, this number was much smaller, although still significantly higher than the number of those from the Hellenistic age.

19 The agonistic inscriptions of the Imperial period that record this kind of gift form a special category of inscription that comes chiefly from southwest Asia Minor – Lykia, Pisidia, Pamphylia, Kilikia (Farrington 2008, 241–249).

20 The sole short honorific inscription in the Hellenistic catalogue (cat. no. 73) comes from Larissa in Aiolis and dates from the 1<sup>st</sup> century BCE.

21 This is the case with the agonistic inscriptions of Lykia, see *supra* note 19.

22 This occurs with the accounts and registers from Delos (cat. nos. 33–46, 48–60) and the records of land leases at Thespiai (cat. nos. 15–17).

23 In particular, the offering of a sum of *denarii* by a freedman of Caesar for a sacrifice during the festival of the Ephesia (*I.Ephesos* 859A) is not included in this catalogue, both because of its late date (50–27 BCE) and because of its Roman features.



This study sets no geographical limits. It includes Greek inscriptions from all regions: continental Greece, the Aegean and Ionian islands, Asia Minor, Egypt, and the Near East (Syria, Kommagene). While acknowledging that indigenous Egyptian, Persian or Semitic perceptions and practices play an important role in these latter regions,<sup>24</sup> I believe that the few cases recorded in Greek inscriptions from Egypt, Syria and Kommagene must be seen in the context of common Hellenistic legal practices and social perceptions, which justifies their inclusion in this study.

### 1.3. QUESTIONS AND METHODOLOGICAL APPROACH

There are a number of stumbling blocks that make it difficult to approach and understand this subject. For example, there was no special term to describe these endowments/foundations in either Greek or Roman antiquity.<sup>25</sup> Confusion is also caused by the terms that modern scholars use to label these donations/bequests.<sup>26</sup>

At this point, the question arises as to how far it is methodologically sound to define, study and describe in modern terms categories that did not exist as such in antiquity, in complete knowledge of the fact that precise definitions are artificial.<sup>27</sup> It is nonetheless indisputable that we are dealing with a specific kind of gift that served specific needs and has specific legal, economic and administrative characteristics.<sup>28</sup> It is, therefore, essential to define the precise content of the phenomenon we are examining and to find an appropriate term to describe it.<sup>29</sup>

24 Some examples of Egyptian and Persian *Stiftungen* dating from circa 3000–1000 BCE and concerning cult ceremonies, the care of temples and honours paid to the dead are given in translation by Laum 1914, II pp. 201–209. Especially for the *foundations* in Graeco-Roman Egypt, see Préaux 1955, 145–172; Taubenschlag 1955, 64f. A brief presentation of the *Stiftungen* in the pre-medieval Jewish world is given by Koch 2014, 46–48.

25 The problem was already addressed in Laum 1914, I 1. Mélèze-Modrzejewski (1963, 90) notes: ‘Ni en Grèce, ni dans le monde hellénistique, ni à Rome il n’existe une forme juridique *sui generis* qui puisse encadrer cette institution. Le mot ‘fondation’ ... n’a pas d’équivalent ni dans le grec ni dans le latin juridiques’. Cf. below with notes 44–48.

26 The difficulties of contemporary terminology have been signalled by legal historians; see Arnaoutoglou 2012b, 60 note 6 and Harris 2015, 71–77, esp. 77. Cf. Harter-Uibopuu 2021, 367.

27 A related question arises with regard to the famous category of *leges sacrae*. See Parker 2004, 57–70; Harris 2015, 53–83, and Zimmermann 2016, 223–232. Addressing a similar problem in the distinction between sacred and public land in antiquity, Denis Rousset rightly observes that ‘the absence of such a systematically applied scheme in antiquity does not mean we should not attempt to develop one ourselves’ (Rousset 2013, 121).

28 Lippert 1967, 25: ‘Der Versuch, etwas über die Rechtsformen altgriechischer Stiftungen auszusagen, erscheint zunächst etwas merkwürdig, weil die damalige griechische Sprache den Begriff Stiftung überhaupt nicht kannte. Zwar gibt es eine Reihe von Ausdrücken des Gebens und Weihens, wie z.B. *διδόναι*, *καταδιδόναι*, *δωρεῖσθαι*, *χαρίζεσθαι*, *ἀνατιθέναι*, doch hat keines dieser Wörter die enge Bedeutung unseres heutigen Wortes stiften. Trotzdem besteht in der rechtsgeschichtlichen Literatur Einigkeit darüber, dass es in den antiken griechischen Rechtsordnungen Stiftungen gab’. Sosin 2000, 22 rightly observes that: ‘It is inconceivable that a city’s people would not have appreciated the difference between a one-time payment of cash to pay, say, for grain, and the dedication of an endowment that generated cash for buying grain every year “for the rest of time”’. Cf. Harter-Uibopuu 2015, 178.

29 This procedure will also provide a basis for sifting out cases that have been listed as donations or bequests of this type, but that in reality are not (see Appendix I).

An additional difficulty is posed by the diversity and breadth of the subjects upon which this phenomenon touches. To date, scholars have either approached the body of material without going into depth (Laum 1914), or have explored certain aspects of the phenomenon (Bruck 1909 and 1926; Kamps 1937; Sosin 2000) or have concentrated on a small part of the material (Mannzmann 1962).

After clarifying some matters relating to terms and definitions, this study will raise the question of whether, in antiquity, donations or bequests of this kind constituted a distinct category at any level, legal, economic or administrative, or whether they were a fruitful blend of financial and administrative practices already widely used in the world of the Greek *poleis*. We will also explore inextricably linked follow-up questions: how and why this type of gift existed? Addressing these will lead to an examination of the interaction between the individual and the community, the apparent purposes and secondary benefits of these gifts, the status of the endowers and their values and needs.

#### 1.4. PROBLEMS OF TERMINOLOGY

A significant part of modern scholarship uses the terms ‘foundations’, ‘fondations’, ‘Stiftungen’ and ‘ἰδρύματα’ (in English, French, German and Modern Greek respectively) to describe this kind of transfer of property from individuals to collectivities.<sup>30</sup> These terms – unknown in Greek and Roman antiquity – are inappropriate for two reasons. One is that they cover a very wide range of actions, including the founding of a sanctuary, a cult, the construction of a building or the erection of a statue.<sup>31</sup>

The second reason lies in the fact that nowadays these terms refer to legal structures or legal persons, or both, set up by an individual, a group of individuals or a family for non-profit purposes. In the ancient Greek world, however, the concept of corporate legal personality did not exist.<sup>32</sup> Moreover, the institutional structures and

30 Migeotte 2014, 183–185 sees the *fondations* as an ‘outil de gestion’ and includes in that category not only the capital sums bestowed by kings and private individuals (in pages 187–204 he lists the nos. 13, 21, 22, 27, 28, 66, 72, 82, 84, 94, 95 of our catalogue), but other cases as well. For example, he classes as a *fondation* the account containing the money raised by a public subscription (*epidosis*) in Samos so as to provide for free annual distributions of grain (*IG XII 6*, 172; Migeotte 2014, 185–190). *Fondations* originating in various Boiotian cities also, in Migeotte’s view, provided the funding for the festival celebrated at Delion in the late second century BCE in commemoration of the Athenian victory in 424 (*SEG 57*, 452; Migeotte 2014, 197–199, 361–363). Cf. Migeotte 2014, 495–502.

31 So for example the German term ‘Stiftungen’ is applied by Rödel-Braune 2015 in a far broader sense including dedications, donations, and financing.

32 See Ziebarth 1940, 1236: ‘Stiftungen ‘im modernen Sinne’, d.h. Zweckvermögen, welche niemand als sich selbst angehören, sind dem klassischen Recht durchaus fremd’. Similarly, Petropoulos 1944, 428f. refers to ‘non self-existing foundations’ in antiquity. The disagreements surrounding the view that foundations were legal entities in ancient – especially Roman – law are presented in Feenstra 1956, 245–263 and Méléze-Modrzejewski 1963, 89 note 29. Harter-Uibopuu 2015, 181 considers that ‘Stiftungen (wurden) weder im griechischen noch im römischen Recht als juristische Personen angesehen’; according to her what we have in the ancient Greek

collectivities entrusted with the property were not founded to serve the management of the property and the purpose of the gift, but already existed.<sup>33</sup> It is clear that the use of a term that has a different meaning in our time for a phenomenon of antiquity creates a risk of misleading associations.

More recently, Arnaoutoglou has used the term ‘(proto)foundation’ for institutional arrangements whereby property was not transferred to an existing collectivity but to one deliberately created by the donor/testator to manage the donated/bequeathed property.<sup>34</sup> In fact, in the cases collected by Arnaoutoglou, the endower did not offer the endowment to a pre-existing collectivity, but to an association founded by him and based on the members of his extended family.<sup>35</sup> The use of the term ‘foundation’ in this context is, as Arnaoutoglou rightly points out, certainly more acceptable than in the other cases. However, it should be noted that, unlike modern foundations, these family associations were not primarily set up to manage the endowment, but to serve a family cult financed by the endowment which they managed.<sup>36</sup> The association responsible for managing the endowment also provided the framework for the realisation of its purpose, i.e. the environment in which the sacrifices, banquets and other ceremonies for the gods, the founder and his family were performed.<sup>37</sup>

and Roman world are *Treuhandstiftungen*, based on an agreement and without independent legal status (Harter-Uibopuu 2015, 181 note 8). Nevertheless, a passage of the *Digest* (34.5.20) from the time of Marcus Aurelius offers an indication that the concept of the legal entity existed for the associations in the high Imperial period; see de Robertis 1970, 591–594; Zimmermann 2002, 113f., and Liu 2008, 249–251.

33 In other words, the gift did not create a new legal entity but was given to institutions such as the polis or a private association, which were already in existence. On the absence of the notion of legal entity for associations and corporations in the ancient Greek world, see the analysis of Harris 1989 on the case of Athens.

34 Arnaoutoglou 2012b, 78–82.

35 These are the cases of Epikteta in Thera (cat. no. 31), Diomedon in Kos (cat. no. 61) and Poseidonios in Halikarnassos (cat. no. 74). Such a case was probably also the endowment cat. no. 78, although we are missing an important part of the text. Other cases, like those of Dorokleidas in Thera (cat. no. 103\*), Epikrates in Halikarnassos (cat. no. 108\*), as well as cat. no. 110\* in Mylasa are doubtful (see the part of the *Dubia* in the catalogue). Nor, in my opinion, does the inscription cat. no. 77 offer evidence of the existence of an association and thus of a ‘proto-foundation’ in Arnaoutoglou’s terminology (Arnaoutoglou 2012b, 80). Uncertain is also the case of Charmyleis (*IG* XII 4, 355; cf. appendix II.2.1).

36 There is a difference between what Arnaoutoglou (2012–2013, 65 note 20) describes as ‘the founding of a quasi legal entity, the *koinon* of the family, which was charged with the management of the property’ (the translation from the Greek is mine) and what actually took place: the founding of an association that was given an endowment in order to fulfil its purpose.

37 The founder of the association, who was also the endower, was, consequently, interested not only in the maintenance of the endowment and the perpetual service of the purpose, but also in the preservation of the association he founded. Thus, while in cases where gifts of this sort were made to an existing association, the association that failed to serve the purpose stated by the endower was simply replaced by another (*IG* X 2, 1, 260; *I.Hierapolis Judeich* pp. 133, 227; *I.Philippi* 133/G441 II/III), no such provision is made in cases where the association is founded by the endower; on the contrary, the endower prohibited the dissolution of the association and every proposal with similar content (see e.g. the case of Epikteta, cat. no. 31iii ll. 254–267). This difference is rightly pointed out by Arnaoutoglou 2012b, 81.

Having identified the basic weaknesses in the terms ‘foundation/*fondation/Stiftung*/ἱδρύματα’, we find that a better term for the transfer of property to institutions or collectivities in order to provide them with a permanent fund or perpetual source of income is ‘endowment’, which includes the sense of a grant or gift and applies equally whether the gift is made by donation during the donor’s lifetime or by testament after his/her death. What this term does not necessarily explain, however, is the regular and exclusive channelling of the income from the transferred property to the funding of a specific purpose, as desired by the donor. In order to make that dimension clear, our term should be extended to the more explicit ‘endowment *sub modo*’.<sup>38</sup> The term ‘*sub modo*’ is, I think, more precise than the alternative ‘*sub conditione*’ in expressing the whole way and terms by which the donor ‘binds’ the donated property, since it is not simply and solely a matter of conditions (*conditiones*). Importantly, this type of endowment is not an one-off donation, but ensures a regular, perpetual income.<sup>39</sup> Therefore the phrase that avoids any ambiguity is ‘perpetual endowment *sub modo*’.

We must not, however, lose sight of the fact that this term is nothing more than a construct, a convention. For the sake of simplicity it can be abbreviated to ‘endowment’. In this book, those who make an endowment are referred to as both endowers and donors. The movable or immovable assets are referred to as ‘dedicated property’ or ‘dedicated funds’ (in the case of money), expressions that denote the commitment of the property assets to specific uses, without presupposing their dedication to a god.

Before leaving the subject of terminology we need to consider a problem that has arisen with the use of the term ‘endowment’ in recent literature. Joshua Sosin’s definition of a perpetual endowment as ‘a revenue-generating asset whose profits are permanently earmarked to meet specified goals’<sup>40</sup> deprives endowments of the characteristic element of a transfer of property by donation or bequest. Consequently, Sosin uses the terms ‘foundation’ and ‘fund’ interchangeably.<sup>41</sup> The result is that Sosin indifferently subsumes under the terms ‘endowment’, ‘foundation’ or ‘fund’ cases which have a stable funding mechanism but are not necessarily linked to a donation or bequest, inevitably leading to confusion in the use of these terms.<sup>42</sup>

38 The term ‘donation *sub modo*’ is used by Préaux 1955, 161, 164–166, 168 and Méléze-Modrzejewski 1963, 90; cf. the use of the term by Harter-Uibopuu 2021, esp. 377–397, for the Hellenistic testament of Alkesippos in Delphi (here cat. no. 20) and the Roman testament of Epikrates in Nakrason. In general for this category of donation, see Benner 1888.

39 Walser 2021, 404 rightly points to the duration of the *Stiftungen* and to the fact that ‘nicht jede *donatio sub modo* auch eine Stiftung ... darstellt’.

40 Sosin 2000, 1.

41 As Sosin 2000, 2 also declares in the introduction to his dissertation, ‘in the interest of variation I use the words ‘endowment’, ‘foundation’ and on occasion ‘fund’ where they describe economic foundations, interchangeably. No difference is implied’.

42 The term ‘endowment’ is applied by Sosin *inter alia* to sales of land to the sanctuary at Mylasa which are leased back to the sellers at very low rates, and the formation of a capital stock for the purchase of grain by civic subscription in Samos (Sosin 2000, 78–127). Sosin follows the same practice in his later studies, see e.g. Sosin 2004b, 1–8.

## 1.5. CLARIFYING THE COMPONENTS OF A HYBRID STRUCTURE

Perpetual endowments *sub modo* have certain characteristics that make them a particular group within the broad category of donations and bequests.<sup>43</sup> The approach adopted here emphasizes these characteristics, not in order to propose a new definition, but to clarify the elements that constitute this specific kind of gift and to establish criteria that will make clear whether or not a particular case can be considered a perpetual endowment *sub modo*.

## 1.5.1. LEGAL CHARACTERISTICS

In the case of perpetual endowments *sub modo*, the transfer of the asset that is intended to be invested in order to provide revenue for a concrete purpose is effected either by donation during the donor's lifetime or by bequest (perhaps through a testament) *post mortem*.<sup>44</sup> The terms used for endowments made during the donor's lifetime are δωροῦμαι, χαρίζομαι, ἀπονέμω, συγχωρῶ, ἢ δόσις, (κατὰ) δωρεάν etc.;<sup>45</sup> the terms that appear when the transfer takes place after the donor's death are ἀπολείπω, ἀφήκω, ἐπικαταλείπω, καταλείπω, κατὰ διαθήκην, διὰ διαθήκης etc.<sup>46</sup> The verbs ἀνατίθημι, ἀνιερῶ, ἀφιερῶ, καθιερῶ, which signify the conse-

43 The same benefactor may, of course, combine simple donations and perpetual endowments *sub modo*. This is the case with Archippe in Kyme: the talent that her heir is bound to offer to the city to finance, from the interest it produces, the regular care of the *bouleuterion* (cat. no. 72b) is just one of her many gifts to the city (for the whole list of her benefactions, detailed over eight honorific decrees voted by the city in tribute to her, see Malay 1983, 1–20 and *SEG* 33, 1035–1041; cf. Picard 2006, 85–119). Another such case is that of Alkesippos in Delphi: since we have the whole text of his testament (cat. no. 20), we can see that apart from the endowment Alkesippos donated his whole property to the god and the city and liberated his slave Theutima (ll. 9–11).

44 Cf. Jones 1956, 166–170. Endowments are parts of testaments in the following cases: from the Hellenistic period, cat. nos. 20, 31ii, 78; from the Roman Imperial period *SEG* 21, 498 (Athens, first century CE), *IG* IX 1, 128 (Laum 1914, II 31, Elateia, second century CE), *IG* X 2, 1, 260 (Laum 1914, II 39, Thessalonike, third century CE), Keil 1943, 123 (Laum 1914, II 78, Chios, first century BCE – first century CE), *IG* XII 4, 3301 (Kos, first century CE), Herrmann and Polatkan 1969, 7–36 (Nakrason/Lydia, first century CE), *I.Perge* 77 (Perge, 117–138 CE), *I.Ephesos* 3245 (Laum 1914, II 89, *kome* Teira, Imperial period), *I.Ephesos* 5113 (Laum 1914, II 77, Ephesos, second century CE), *CIL* III 6998 (Laum 1914, II 121, Nakoleia/Phrygia, second century CE). An endowment was also part of the testament of Barkaios in Kyrene as mentioned in the honorific decree voted for the deceased Barkaios in 16/5 BCE (*SEG* 9, 4). The inscription *IGR* IV 661 (Laum 1914, II 173, Akmonia/Phrygia, 85 CE) is a decree ratifying a testament. We have a further reference to a testament in the case of Gorgouthos in Thespiai (cat. no. 16 ll. 28–30; see *supra* note 14), while the endowment of Diogenes, son of Glaukios, which is mentioned in a decree in the honour of his son, also goes back to his will (cat. no. 96).

45 Laum 1914, I 118–126.

46 Laum 1914, I 117f.; Arnaoutoglou 2012b, 68. The neutral verb δίδωμι is used for both kinds of endowments: during the donor's lifetime in cat. no. 26 ll. 3, 5 and *post mortem* in cat. no. 31ii l. 29. Precisely the same is true of the compound 'ἐπιδίδωμι' (see for example cat. nos. 24 ll. 11f. and 31iii l. 113). 'Ἐπίδ[ο]σ[ι]ν πεποιή[τ]αι' is also secure in cat. no. 69 ll. 6f., where the endowment is made by testament (see *IG* XII 6 p. 97) and concerns posthumous honours.

cration of the endowment to a deity or simply imply its link with the cult, appear in both categories of endowments, i.e. during the donor's lifetime<sup>47</sup> and after death.<sup>48</sup> In the case of Archippe, the evidence records one endowment activated during her lifetime (cat. no. 72a: the 1,000 staters for sacrifices at the *bouleuterion*) and one commencing after her death (cat. no. 72b: the one talent for the purchase of slaves and the maintenance of the *bouleuterion*).<sup>49</sup>

The terms we have cited so far are used for any transfer of property through donation or inheritance. It is only the context that can give us the supplementary, distinguishing features of the perpetual endowments *sub modo*: the purpose to be served by the endowment is introduced by ἐφ' ᾧ, ἵνα, ὅπως, ὡς etc., and its perpetual duration is expressed through the adjectives and adverbs αἰδίους, (εἰς) αἰεί, εἰς πάντα/ ἅπαντα τὸν χρόνον, etc.<sup>50</sup>

Another factor that plays an important role in this kind of endowments is the ἐπαγγελία or ὁμολογία made by the donor. These actions have, strictly speaking, no legal character and do not affect the legal essence of the property's transfer *per se*: they are commitments made by the donor to the recipient collectivity through a

47 Cat. nos. 5 l. 13; 6 l. 1; 10 l. 2; 14 ll. 3–5; 15 ll. 22–25; 29 l. 3f.; 61 l. 1f.; 76 l. 20; 83 ll. 54f.; 90 l. 8; 94 ll. 6f. Furthermore the money that Charilaos granted for the *Sarapieia* in Tanagra (cat. no. 13 ll. 57f.) is described as dedicated (ἀνατεθέντα, presumably to Sarapis). The precincts (*temene*) bought in Thespiai with the money endowed by Ptolemy IV and Arsinoe III were dedicated (καθιερωμένα) probably to the Muses (cat. no. 18 l. 4). In cat. no. 71 the verb ἀνατέθεικεν (l. 17) is used for the money offered by Theopompos to the city of Eretria to finance the oil for the *gymnasion*. On the link connecting education and the *gymnasion* with religion, cf. the endowment of Polythrou for the education of the children in Teos (cat. no. 84), where any breach of the rules is considered a sacrilege (ll. 50f.), while half of the money collected in fines is sacred to Herakles, Hermes and the Muses (ll. 57f.). Similar is the situation in the endowment of Eudemos in Miletos (cat. no. 82), where the fines for infractions are sacred to Hermes and the Muses (ll. 24f.). On the role of the sacred in the security of the endowments, see 2.3.2.4. According to Laum 1914, I 121, during the Roman Imperial period the ἀνάθεσις '[hat] eine wesentliche Erweiterung erfahren, indem nun vor allem auch die Errichtung einer sozialen Stiftung durch ἀνατιθέναι ausgedrückt wurde'.

48 Cat. no. 20 ll. 1, 10 (for the use of the verb ἀνατίθημι in this text see Harter-Uibopuu 2021, 37). Cf. ἀναθέν[τα κατὰ διαθ]ήκην in *I.Pergamon* 260 ll. 12f. (Laum 1914, II no. 70, first century BCE–first century CE).

49 Cat. no. 72 ll. 52f. (τοὺς δὲ χιλ[ί]ους στατήρας τοῦ χαλκοῦ διαγράψαι Ἀρχίππην) and 68f. (δίδωται τὸ τάλαντον ὑπὸ τοῦ Ἀρχίππης κληρονόμου). Apart from these two perpetual endowments *sub modo*, Archippe's benefactions to Kyme include her promise to leave two fields to the city after her death, which, being sold, will pay for the construction of a temple of Homonoia, an altar, porticos and workshops (Malay 1983, 8f. no. 3 = *SEG* 33, 1041 ll. 2–9). Finally, Archippe gave the city one of the two promised fields already before she died, so that the work could begin (Malay 1983, 8f. no. 3 = *SEG* 33, 1941 ll. 9–14; Picard 2006, 89, 92, 98–100 thinks that this gift of fields is also a 'foundation'; that this cannot be the case see the commentary in cat. no. 72).

50 Cat. nos. 14 ll. 8f.; 22 ll. 9f.; 27 l. 103; 71 ll. 15–17; 76 ll. 20f.; 79 l. 6; 94 ll. 9f.; 98 l. 19. In the Roman Imperial period, terms such as αἰώνιον, εἰς (τὸν) αἰῶνα, διηνεκῶς, εἰς τὸ διηνεκέες are very common for perpetual endowments; see, for example, *I.Aphrodisias* 2007 11.110 ll. 17f.; *I.Aphrodisias* 2007 12.1002 l. 10; *TAM* III 109 l. 12; *I.Tralleis* 146 l. 7 = Laum 1914, II no. 98; *I.Ephesos* 22 ll. 20f. = Laum 1014, II nos. 130; *IGR* IV 661 l. 28 = Laum 1914, II no. 173. For the emphasis on duration see also cat. no. 24 ll. 10f.



firm promise. The *epangelia* is the promise made in the form of a solemn declaration through public announcement.<sup>51</sup> In the *homologia*, which is also a public commitment, the emphasis is on the binding consent of the donor.<sup>52</sup> The *epangelia* can also be made by a letter from the donor (king or royal official) to the community; the same applies to the *homologia*.<sup>53</sup> The public character of both the *epangelia* and the *homologia* guarantees the binding engagement of the donor vis-à-vis the recipient community.<sup>54</sup> The enforcement mechanisms here are related to the donor's standing and reputation in the community and are the very same mechanisms that drive these donations.

Elements of these two forms of public commitment may be found in many of the texts recording endowments – although the terms themselves do not necessarily appear. These texts declare – in short or detailed form – the kind of endowment, its purpose and administration and form of investment; to ensure that the regulations will be followed, punishments and fines for wrongdoers are also prescribed (see 2.3.2.1–2.3.2.3). The community receiving an endowment also had to assume specific responsibilities with regard to its administration and the maintenance of the stated purpose.<sup>55</sup> The endowment is therefore sometimes accompanied by the acceptance or confirmation of the recipient community (*polis*, association or other collectivity).<sup>56</sup> In several cases we do not have the text of the act of the endowment itself, but only the text, by which the receiving entity accepts the endowment or arranges the details of its operation.<sup>57</sup>

- 51 Cat. nos. 32i–ii ll. 6f.; 82 l. 3. The bequest made by Epikteta in her testament is described by the association as a contribution (*epidosis*) and a public announcement (*epangelia*, cat. no. 31iii ll. 113, 126f.). The interaction between the receiving community and the donor is captured very clearly in the case of the endowment created by Eumenes II for grain purchase (*sitionia*) in Delphi: having heard what the emissaries from Delphi were seeking (τὰ ἀξιούμενα), Eumenes II declared publicly his readiness to do that (cat. no. 21C ll. 4f.).
- 52 A comprehensive synopsis of views on *homologia* and its evolution is given in Youni 2000, 221–223. On *homologia* and *homologeîn*, see also Velissaropoulos-Karakostas 2011, II 214–218.
- 53 *Epangelia*: cat. nos. 76, 83, 90. *Homologia*: cat. no. 21C ll. 6f.
- 54 As a public announcement or commitment the ἐπαγγελία is not, of course, confined solely to endowments (see Velissaropoulos-Karakostas 2011, II 222–252, esp. 234–248); such public commitments are also recorded in cases of contributions (see Migeotte, *Souscriptions*, pp. 325f.), loans (e.g. Migeotte, *Emprunt* no. 102), and sundry benefactions (e.g. Malay 1983, 8f. no. 3 = SEG 33, 1041 ll. 2–9; cf. Velissaropoulos-Karakostas 2011, II 239f.). For the *epangelia* in the context of Greek euergetism and its evolution in the Roman Imperial and Early Byzantine years, see Paparriga-Artemiadis 2020, 165–190.
- 55 Not only the endowments *sub modo*, but also other donations which entailed obligations and commitments on the part of the community were followed by comprehensive and detailed acceptances; see, for example, *I.Iasos* 22 ll. 22–25 (cf. Velissaropoulos-Karakostas 2011, II 237f.), which concerns the erection of a public building (the *agoranomion*).
- 56 Cat. nos. 5 ll. 11–33; 26 ll. 39–146; 29i ll. 7–26 and ii ll. 1–26. Based on the well-known endowment of Demosthenes in Oinoanda in the Roman period, Wörrle 1988a, 23–31 offers a good analysis of the sequence from *epangelia* to acceptance.
- 57 See for example cat. nos. 18, 21B+C, 22, 32, 62, 64, 80, 94. Such decrees certainly imply an act (of unknown form) on the part of the donor, but only in a few cases is a clear reference to this act included. Thus, the acceptance decree of cat. no. 32 begins with a direct reference to the