

*S*ALVIA MARCELLINA AND THE
COLLEGIUM OF AESCULAPIUS AND
HYGIA IN ROME: SOME REMARKS ON
THE *LEX COLLEGII AESCULAPII ET HYGIAE*
(CIL VI 10234)

Abstract

Lex collegii Aesculapii et Hygiae is one of the most frequently cited source texts concerning the Roman private corporations. In this article I try to verify the traditional interpretation of this inscription. Firstly, the analysis of the provisions included in the *lex collegii Aesculapii et Hygiae* leads to the conclusion that what we have here is not the organisation's statute but an agreement between the collegium and Salvia Marcellina and her brother-in-law, P. Aelius Zeno. Secondly, quite common conviction that the *collegium Aesculapii et Hygiae* was a funerary one is based on a very meagre source material. The term *funeraticium* used by the authors of the *lex collegii* with the utmost certainty is insufficient to claim that it was a *collegium funeraticium*. The statement that the college owned a graveyard is also based on an erroneous interpretation of the words *defunctorum loca*, found in the *lex collegii*, which supposedly meant places in the corporate graveyard, while in fact they referred to the membership of the college (members' places in the college). Moreover, the commemorative services, collegial feasts and distributions which are mentioned in *lex collegii* should be considered in a wider social context. For members of the collegium the participation in these ceremonies was first of all an opportunity to demonstrate their position within the college and in the urban community. The same applies to patrons and benefactors of the *collegium*.

Keywords

Roman private corporations, *lex collegii*, *collegium Aesculapii et Hygiae*.

On 11 March 153, members of the *collegium* of worshippers of Aesculapius and Hygia gathered near the Roman temple of divine Titus to pass a decree specifying the terms and principles of a foundation of which their college was a beneficiary. The inscription they put up on this occasion is at present kept in the

collection of the Vatican Museums.¹ Even though the marble plaque on which it was engraved has split into two asymmetrical parts the text is almost complete:²

Lex collegi(i) Aesculapi et Hygiae / Salvia C. f. Marcellina ob memoriam Fl(avi) Apol-
loni proc(uratoris) Aug(usti) qui fuit a pinacothecis et Capitonis Aug(usti) l(iberti)
adiutoris / eius mariti sui optimi piissimi donum dedit collegio Aesculapi et Hygiae
locum aediculae cum pergula et signum marmoreum Aesculapi et solarium tectum
iunctum in / quo populus collegi(i) s(upra) s(cripti) epuletur quod est via Appia ad
Martis intra milliarium I et II ab urbe euntibus parte laeva inter adfines Vibium
Calocaerum et populum item / ⁵eadem Marcellina collegio s(upra) s(cripto) dedit
donavitque HS L m(ilia) n(ummum) hominibus n(umero) LX sub hac condicione ut
ne plures adlegantur quam numerus s(upra) s(criptus) et ut in locum /defunctorum
loca veniant et liberi adlegantur vel si quis locum suum legare volet filio vel fratri
vel liberto dumtaxat ut inferat arcae n(ostrae) partem / dimidiam funeratici et ne
eam pecuniam s(upra) s(criptam) velint in alios usus convertere sed ut ex usuris
eius summae diebus infra scriptis locum confrequentarent / ex reditu eius summae
si quod comparaverint sportulas hominib(us) n(umero) LX ex decreto universorum
quod gestum est in templo divorum in aede divi Titi con/ventu pleno qui dies fuit V
Id(us) Mart(ias) Bruttio Praesente et Iunio Rufino co(n)s(ulibus) uti XIII K(alendas)
Oct(obres) die felicissimo n(atali) Antonini Aug(usti) n(ostri) Pii p(atris) p(atriciae)
sportulas dividerent in / ¹⁰templo divorum in aede divi Titi C. Ofilio Hermeti q(uin)
q(uennali) p(er)p(etuo) vel qui tunc erit (denarios) III Aelio Zenoni patri collegi(i)
(denarios) III Salviae Marcellinae matri collegi(i) (denarios) III imm(unibus) / sing(u-
lis) (denarios) II cur(atoribus) sing(ulis) (denarios) II populo sing(ulis) (denarios)
I item pl(acuit) pr(idie) Non(as) Nov(embres) n(atali) collegi(i) dividerent ex reditu
s(upra) s(cripto) ad Martis in scholam n(ostram) praesentibus q(uin)q(uennali)
(denarios) VI patri colleg(ii) (denarios) VI / matri collegi(i) (denarios) VI imm(unibus)
sing(ulis) (denarios) IIII cur(atoribus) sing(ulis) (denarios) IIII panem [a(ssium)] III
vinum mensuras q(uin)q(uennali) (sextariorum) VIII patr(i) coll(egii) (sextariorum)
VIII imm(unibus) sing(ulis) (sextariorum) VI cur(atoribus) sing(ulis) (sextariorum)
VI populo sing(ulis) (sextariorum) III item pr(idie) Non(as) Ian(uarias) / strenuas
dividerent sicut s(upra) s(criptum) est XIII K(alendas) Oct(obres) item VIII K(alen-
das) Mart(ias) die kar(a)e(!) cognationis ad Martis eodem loco dividerent sportulas

¹ *CIL* VI 10234 = *ILS* 7213; see also Gordon 1964: 90–94, no 217, Pl. 99; Gordon 1983: 148–150, no 66; Pudliszewski 1997: 126, no 10; Renberg 2006/07: 142–143, Cat. no 11; Hemelrijk 2015: 260–265; Wojciechowski 2015: 198–199, no 2; Szabó 2015: 153–173. Unless otherwise stated, all dates refer to the C.E.

² Problems with the interpretation of some fragments stem from the manner in which the inscription was made by the Roman engraver. Looking at the quality of the workmanship, it is clearly visible that many letters are incomplete, their shapes are irregular, it is sometimes difficult to distinguish between them, and there are occasional mistakes. Additionally, the sheer number of abbreviations (Gordon has counted 142 abbreviations among 613 words, see Gordon 1983: 150) does not make reading any easier. The same can be said of the language of the *lex collegii Aesculapii et Hygiae*. T. Mommsen wrote about the Latin used here: ‘male contaminata esse apparet’ (*CIL* VI, p. 1357).

pane(m) et vinum sicut s(upra) s(criptum) est / pr(idie) Non(as) Nov(emres) item pr(idie) Id(us) Mart(ias) eodem loco cenam quam Ofilius Hermes q(uin)q(uennalis) omnib(us) annis dandam praesentibus promisit vel sportulas sicut solitus est dare item / ¹⁵XI K(alendas) Apr(iles) die violari eodem loco praesentibus dividerentur sportulae vinu pane sicut diebus s(upra) s(criptis) item V Id(us) Mai(as) die rosae eodem loco praesentib(us) dividerentur spor/tulae vinu et pane sicut diebus s(upra) s(criptis) ea condicione qua in conventu placuit universis ut diebus s(upra) s(criptis) ii qui ad epulandum non convenissent sportulae et pane et vinu / eorum venirent et praesentibus divideretur excepto eorum qui trans mare erunt vel qui perpetua valetudine detinetur item P. Aelius Aug. lib. Zenon / eidem collegio s(upra) s(cripto) ob memoriam M. Ulpi Aug. lib. Capitonis fratris sui piissimi dedit donavitque HS X m(ilia) n(ummum) uti ex reditu eius summae in contri/butione sportularum dividerentur quod si ea pecunia omnis quae s(upra) s(cripta) est quam dedit donavit collegio s(upra) s(cripto) / ²⁰Salvia C. f. Marcellina et P. Aelius Aug. lib. Zeno in alios usus convertere voluerint quam in eos usus qui s(upra) s(cripti) s(unt) quos ordo collegi(i) n(ostri) decrevit et uti / haec omnia q(uae) s(upra) s(cripta) s(unt) suis diebus ut ita fiant dividantque quod si adversus ea quid fecerint sive quid ita non fecerint tunc q(uin)q(uennalis) vel curato/res eiusdem collegi qui tunc erunt si adversus ea quid fecerint q(uin)q(uennalis) et curatores s(upra) s(cripti) uti poenae nomine arcae n(ostrae) inferant HS XX m(ilia) n(ummum) / hoc decretum ordini n(ostro) placuit in conventu pleno quod gestum est in templo divorum in aede divi Titi V Id(us) Mart(ias) C. Bruttio Prae/sente A. Iunio Rufino co(n)s(ulibus) q(uin)q(uennali) C(aio) Ofilio Hermete curatorib(us) P. Aelio Aug. lib. Onesimo et C. Salvio Seleuco.

The inscription informs the viewer that one Salvia Marcellina, to honour the memory of her husband M. Ulpius Capito and his superior, Flavius Apollonius, donated to the college of Aesculapius and Hygia some land on the *Via Appia* near the temple of Mars, on which she promised to build a shrine with a pergola and a marble statue of Aesculapius, as well as a roofed *solarium*, so that college members could dine together (lines 2–5). The same Marcellina gifted to the college a considerable sum of money in cash (50,000 sesterces), on the condition that the number of corporate members would remain limited to sixty (line 5). The income from the capital donated by Marcellina was to be allocated to gifts (material and cash ones) which members of the association would receive during meetings organised on the specified days of the year (lines 8–17). Salvia Marcellina, who received the title *mater collegii* from the college members, was also to participate in these distributions. P. Aelius Zeno, who gifted 10,000 sesterces to the *collegium* to be distributed *ob memoriam* of his brother (Marcellina's husband), M. Ulpius Capito, was also honoured by the corporation with the title *pater collegii* (lines 17–18). The inscription also contains a list of the days to be celebrated. It reads that the *collegiati* were supposed to meet seven times a year: on 19 September, 4 November, 4 January, 22 February, 14 and 22 March, and 11 May. The text clearly states the occasion for each festivity and distribution (the emperor's birthday, the anniver-

sary of the college, New Year's celebration, and commemorative celebrations – *dies violae*, *dies rosae*, *dies carae cognationis*). The place and manner in which money and food were to be distributed are described in even more detail (lines 9–17).

The model in which the donor gifted assets (capital, land, or buildings) to a college in exchange for the organisation of commemorative services is well known from epigraphic sources. Restricting ourselves to cultic colleges, where the *collegium Aesculapii et Hygiae*³ belonged, we can list at least a few other foundations like this. In Brixia, one Marcellina gave the *collegium Larum* 50 denarii to organise the *rosalia* and the *parentalia* every year.⁴ Other founders, Gemina Myrtis and Anicia Prisca, gifted a temple (*aedem*) to the association of *cultores Iovis Axorani*; they specified, however, that the *cultores* were supposed to banquet there *in memoriam* of Anicius Priscus, the husband of the former and probably the father of the latter.⁵ The *cultores Herculis* from Truentum were supposed to celebrate the birthday of Ti. Claudius Himerus every year on 8 February.⁶ None of these foundations could equal the one donated by Marcellina and Zeno. The size is not the only thing in which they differ from Marcellina's foundation.⁷ It would appear that Salvia Marcellina's venture went beyond the limits of a typical commemorative foundation. Even one glance at the inscription with the text of the *lex collegii Aesculapii et Hygiae* leaves no doubt that Marcellina is the central figure of the events which resulted in the decree passed by the college members. Not only the content, but also the form of the inscription clearly points to her dominant role. Her name appears in the second verse of the inscription, written in larger letters, before the names of the honoured men.

There are more doubts and questions connected to the interpretation of this inscription, which is only seemingly straightforward to read. They are related both to such fundamental problems as the founder's true intentions, her role in the life of the corporation, and the influence which her foundation exerted on the functioning of the Roman college of worshippers of Aesculapius and Hygia,

³ The classification of associations into professional and religious ones, although contentious (see e.g. Scheid 2003: 61–74), is commonly accepted, or at least applied. See e.g.: 'cultic associations' and 'religious *collegia*' (Kloppenborg 1996: 25–26; Liu 2009: 252, 265), 'collegi religiosi' (Diosono 2007: 49), 'Kultverein' and 'Kultkollegien' (Rohde 2012: 14, 201), and even 'reine Kultvereine' in opposition to 'so gennante Berufsvereine' (Egelhaaf-Gaiser, Schäfer [eds] 2000: 2). N. Tran, who like J. Scheid is against a separate category of religious colleges, prefers to write about 'communautes culturelles' (Tran 2006: 10, 59). The concept of a 'religious community', very popular recently, is convenient but perhaps too general; see Wojciechowski 2015: 31–46.

⁴ *CIL* V 4440.

⁵ *CIL* X 6483.

⁶ *ILS* 7215.

⁷ Both here and below, I use the term 'Marcellina's foundation' to refer to the joint foundation of Salvia Marcellina and P. Aelius Zeno; for practical reasons I only mention the name of the main founder.

as well as to many specific issues. For instance, there are questions about the true nature of the document (*lex, decretum*: lines 1, 8 and 23), what determined the choice of the *collegium Aesculapii et Hygiae* as the beneficiary and executor of Marcellina's foundation, where the buildings erected by Marcellina were located, and what their function was. Definitive answers to all these questions will, of course, be impossible to find in just one article, but it seems that reflections on some of them can open new possibilities of interpretation of the *lex collegii Aesculapii et Hygiae*, and perhaps also verify some opinions on this document, so important for studies on Roman corporations.

The *lex collegii*

The inscription informing the viewer about Salvia Marcellina's foundation begins with the words *lex collegii Aesculapii et Hygiae*, which has led many historians to treat this document as a sort of collegial 'statute'.⁸ If we assume that the term 'statute' means a set of bylaws regulating the internal organisation and functioning of a corporation, this begs the question whether Salvia Marcellina should be considered its co-creator, who had an important (or perhaps decisive) influence on the content of the text. The most extreme interpretation is the theory that Marcellina's foundation was identical with the college's foundation act, which would mean that Marcellina and Zeno were *de facto* its founders. There are at least a few reasons to reject this theory. Firstly, we should note that at the time when the *lex collegii Aesculapii et Hygiae* was created, the *collegium* owned a meeting place (*schola*). As we can read in the *lex collegii*, distributions on the occasion of the anniversary of the association were to be celebrated '*ad Martis in scholam nostram*' (line 11). By the way, the college anniversary was celebrated on 4 November, which indicates that the establishment of the association had no connection to Marcellina's foundation. As we remember, the decree regulating the principles of the foundation was passed on 11 March. The meeting took place in the temple of Vespasian and Titus (line 8–9). The New Year's distribution and the emperor's birthday celebration were to take place in the same location, while the remaining distributions and banquets were to be organised in the collegial meeting place near the temple of Mars on the *Via Appia* (line 8–16). All this leads us to the

⁸ Depending on the language of the publication, it is referred to as 'Vereinsstatuten' (Liebenam 1890: 180; Kornemann 1900: 416; Vetter 1953: 105), 'collegial bylaws/by-laws' (Liu 2009: 249; Bendlin 2011: *passim*), 'statute' (Bruun, Edmondson [eds] 2015: 481), 'lo statuto delle corporazioni' (De Ruggiero 1956–1957: 779) or 'statuts du collège' (Waltzing 1900: 315). More cautious historians try to refer to a specific *lex*, avoiding generalisations about *leges collegiorum* as a separate category of documents (e.g. Ausbüttel 1982: 15, 70; Tran 2006: e.g. 51, 55, 59, 62, 139, 154, 208, 343).

conclusion that the college to which Marcellina turned was a fully-formed organisation, whose activity was based on a well-developed management structure (the *lex* mentions *quinquennales* and *curatores*, who were responsible for the implementation of the decree passed on 11 March 153, lines 18–23) and had an established tradition with regard to decision-making procedures.

Secondly, it is difficult to find arguments for the thesis that the *lex collegii Aesculapii et Hygiae* is this corporation's statute, or even a fragment of the statute. Unlike in other surviving *leges collegiorum*, we will not find clauses on e.g. the amount of membership fees, regulations on the punishment for inappropriate behaviour during corporate meetings, or the college officials' areas of competence.⁹ The *lex collegii Aesculapii et Hygiae* does not aspire to regulate the functioning of the college as such; it focuses only on the sphere of activity which was directly connected to Marcellina's foundation. The *lex* specifies precisely the subject and terms of this foundation. The clause on the number of college members being limited to sixty should also be interpreted in the context of the foundation. An uncontrolled increase of the number of *cultores* would have caused the breakdown of Marcellina's well thought-out system of distributions accompanying corporate celebrations.¹⁰ The *collegiati* were certainly also aware of the danger of an excessive growth of membership. In this context, it is not surprising that the *collegium* consented to the limit imposed by the founder. The amount of the donation probably also played a role. 60,000 sesterces and land in a good location on the *Via Appia* with well-developed infrastructure are one of the most substantial commemorative donations attested by the sources.¹¹ Since the number of members of religious associations known from the sources rarely exceeded sixty *collegiati*,¹² it is very likely that the only concession the Roman college of Aesculapius and Hygia made was to accept the condition that it would not exceed this number in the future. The provision which allowed members to bequeath their place in the college to a son or freedman was merely an additional guarantee for those college members who were interested in introducing their heirs into this privileged group.

In the light of the above remarks, we can conclude that the *lex collegii Aesculapii et Hygiae* was certainly not the 'statute' of a college that Marcellina created

⁹ CIL XIV 2112 (Lanuvium): *lex collegii cultorum Dianae et Antinoi*; AE 1929, 161 (Trebula Mutuesca): *lex familiae Silvani*.

¹⁰ With the usual interest rate (about six per cent), the capital donated by Marcellina and Zeno (60,000 sesterces in total) would be sufficient to pay for the distributions they had planned; see Duncan-Jones 1974: 132–138; Flambard 1987: 238–239; Pudliszewski 1997: 78–79; Bendlin 2011: 259, note 126; Hemelrijk 2015: 261.

¹¹ Pudliszewski 1997: 75–77.

¹² AE 1929, 161 (*familia Silvani*: 79 members), CIL VI 647 (*sodalitium dii Silvani Pollentis*: almost 90 members), CIL III, p. 924–927 (*collegium Iovis Cerneni*: 54 *cultores*); see Ausbüttel 1982: 35; Liu 2008: *passim*; Wojciechowski 2015a: 74–76.

or only reorganised.¹³ What we have here is an epigraphic record of an agreement between partners who had a very clear idea of their objectives, as well as the benefits and risks related to signing it. It is for a reason that the final verses of the inscription contain a clause about penalties for using the funds entrusted to the college in an inappropriate way.¹⁴ Despite these worries, Marcellina did choose the college of worshippers of Aesculapius and Hygia as the beneficiary of her foundation.

The *collegium Aesculapii et Hygiae*

I do not believe that Marcellina's decision was influenced by the fact that the college's patron deities were Aesculapius and Hygia.¹⁵ If we look closely at the typology of colleges which were beneficiaries and executors of commemorative foundations, we will see that they were mainly the most prestigious professional corporations. The enormous associations of the *fabri*, *centonarii* and *dendrofori* offered a better guarantee of the durability of a foundation, so it is unsurprising that founders, especially the most generous ones, usually turned to them.¹⁶ Founders with a smaller capital at their disposal (not only the financial one, but also smaller social capital, consisting of factors like the legal status and a larger or smaller network of professional, family, and social relations) were most often forced to look for an appropriate corporation among religious associations within their budget. Of course, for those donors the issue of the durability of their foundation was also of vital importance; at least in theory, it was supposed to function *in perpetuum*.¹⁷ Elements such as the longest possible history of the corporation and owning a meeting place or graveyard certainly increased its attractiveness in the eyes of potential donors. Trust in a specific college could have also stemmed from the individual experience of the founders, who learned how the particular association functioned personally or through their closest environment. In the case of Marcellina and Zeno, we are also probably dealing with a number of various factors influencing the founders' choice of college to entrust their capital to. Although we do not know the history of the college of Aesculapius and Hygia prior to 153, it seems unlikely that Marcellina would have turned to an association which

¹³ Hemelrijk writes about the 'reorganisation of the association' (Hemelrijk 2015: 261).

¹⁴ If the college officials (the *quinquennalis* and *curatores*) responsible for the organisation of distributions used the money for unauthorised purposes, they were obliged to pay 20,000 sesterces to the treasury of the association (lines 20–22). See also Liu 2008: 55–57.

¹⁵ Renberg 2006–07: 110.

¹⁶ For the gifts to the Roman *collegia*, especially the perpetual endowments, see Liu 2008: 231–256; see also: Pudliszewski 1997: 118; Liu 2009: 223–225, 247.

¹⁷ ILS 7215. The phrases: *omnibus annis* (CIL X 5654), *quodannis* (CIL XIV 367) or their combinations can be interpreted similarly, e.g. *quodannis in perpetuum* (ILS 7215).

did not have an appropriate legacy. Certainly, she was not the only one to choose the college of Aesculapius and Hygia as the recipient of a commemorative foundation. In the 1930s, an inscription put up by Ulpia Cynegis was found in the ruins of Praetextatus' hypogeum – close to the place where the *schola* of the college of Aesculapius and Hygia was reportedly located¹⁸. The founder informs the viewer that she donated twelve niches for urns and two sarcophagi to the association which she referred to as the *collegium Aesculapii et Hygiae structorum Caes(aris) n(ostri)*. Since she reserved the sarcophagi in question for herself and her family, we can assume that the college was supposed to take over the maintenance of the entire graveyard in return for the mentioned twelve niches in the tomb. Ulpia Cynegis' inscription is noteworthy regardless of whether we agree with the opinion that the same college was the beneficiary of both foundations,¹⁹ since what we have here is an interesting example of the activity of a religious association (or in this case perhaps a religious-professional one) in the sphere of burial and tomb maintenance.

A collegium funeraticium?

Ulpia Cynegis' case argues against the image of Roman colleges as organisations which were mainly supposed to ensure a decent burial of their members. Ulpia, who was a college member as an *immunis*, not only did not rely on a collegial burial, but was herself the founder of a corporate tomb. This shows very clearly that the corporate life in imperial Rome does not fit into the box in which Mommsen put it by introducing the term *collegia funeraticia* into the scholarly discourse.²⁰ The same can be said of our *collegium Aesculapii et Hygiae* (whether identical with Ulpia's or not) which is often cited as an example of a funerary college.²¹

The inclusion of the college of worshippers of Aesculapius and Hygia in the category of funerary colleges results from quite a widespread conviction among historians of Roman corporations that the association owned a graveyard.²² The evidence of its existence was to be the phrase *defunctorum loca*, which appeared in the *lex collegii Aesculapii et Hygiae*. Indeed, out of context, these words can lead to such an interpretation. It is, however, worth recalling their context (lines 5–7):

¹⁸ AE 1937, 161: *D(is) M(anibus) fecit Ulpia Cynegis immunis et donavit collegio Aesculapi et Hygiae structorum Caes(aris) n(ostri) exceptis ollis XII et sarcophagis duobus quos sibi reservavit et suis.*

¹⁹ Spera 1999: 53; Diosono 2007: 86.

²⁰ For attempts to sum up these discussions on the term *collegium funeraticium* see Kloppenborg 1996: 20–23; Perry 2006: 30–60; Bendlin 2011: 248–257.

²¹ Flambard 1987: 234–239; Renberg 2006/07: 109, 142–143; Bendlin 2011: 251–252; see also Kloppenborg 1996: 22.

²² Bendlin 1996: 251; Bodel 2008: 186–187; Schrumph 2006: 188.

Marcellina collegio s(upra) s(cripto) dedit donavitque HS L m(ilia) n(umum)
hominibus n(umero) LX sub hac condicione ut ne plures adlegantur quam numerus
s(upra) s(criptus) et ut in locum / defunctorum loca veniant et liberi adlegantur vel
si quis locum suum legare volet filio vel fratri vel liberto dumtaxat ut inferat arcae
n(ostrae) partem / dimidium funeratici.

The term *funeraticium*, used in the quoted fragment of the *lex collegii*, most likely led Ausbüttel, as well as Schruppf and Bodel two decades later, to assume that the subject of this bylaw were not places in the corporation (membership), but places in the corporate graveyard (*loca sepulturae*).²³ The interpretation they proposed is difficult to defend both from the linguistic and logical point of view. I do not see how it is possible to give the term *locus* the meaning these authors suggest. Although in linguistic terms the text of this inscription generally differs from classical models,²⁴ this particular fragment seems rather clear and logical. The bylaw in question appears in the context of limiting the number of college members to sixty, in connection with the foundation from which the members were to benefit. It is completely understandable in this situation to introduce the principle of admitting new members only in place of deceased *corporati*. The additional clause on the possibility of 'inheriting' membership was perhaps to ensure that the current college members would find it easier to accept the limit imposed by Marcellina. Attempting to read this fragment differently requires very complicated linguistic measures which are problematic to justify. Even if the college owned its own graveyard, it is difficult to explain why Marcellina would be the one to set the principles of how it should be used. An explanation would become clear, of course, if the cemetery in question had been part of her foundation. However, the decree of 11 March says nothing on this subject, although the other elements of this foundation are scrupulously listed and described in great detail. It seems that the conviction dominant among scholars that the *collegium Aesculapi et Hygiae* owned a graveyard follows mainly from their more or less conscious assumption that we are dealing with a *collegium funeraticium*. However, it is methodologically unacceptable that the hypothetical graveyard should be one of the main arguments for the funerary character of the corporation in question.

As I have mentioned, one of the sources of the conviction that the corporation Marcellina turned to was a funerary one is the comment about a funerary benefit (*funeraticium*), which can be found in the already-quoted fragment of the

²³ F. Ausbüttel and S. Schruppf, describing in detail the building complex founded by Marcellina, concludes that it is obvious that a collegial graveyard had to be a part of it (Ausbüttel 1982: 64; Schruppf 2006: 188). Similarly, Bodel (2008: 187), who quotes this fragment of the *lex Aesculapi et Hygiae* in the context of the discussion on the exclusive character of graveyards belonging to religious communities (this is supposed to support his thesis that such graveyards were not necessarily exclusive and were available not only to the community members).

²⁴ See fn. 2.

lex collegii (line 7). The information that colleges paid funerary benefits to the heirs of deceased college members can also be found in other surviving *leges collegiorum*.²⁵ Along with participating in the funeral, putting up a tomb and its maintenance, this was one of the forms of relief given to the family members of the dead members by corporations, regardless of their type. They include not only cultic colleges, which have been identified with *collegia funeraticia* since Mommsen's times, but also professional associations and even *collegia iuvenum*.²⁶ Consequently, the mention of *funeraticium* is not sufficient to conclude that the college of worshippers of Aesculapius and Hygia was a *collegium funeraticium*, not only in the sense given to the term by Mommsen, but also in the much wider sense accepted by historians who try to reintroduce this term into scholarly discussion.²⁷ Not only do we lack evidence, but we do not even have a clear indication which would support the theory that the main sphere of activity of the college of worshippers of Aesculapius and Hygia was activity connected to burials of the deceased members of their organisation. What seems reasonable, however, is the question why it was half of the *funeraticium* that was specified as payment for bequeathing one's membership in the college. I believe this was dictated by practical reasons. The term *funeraticium* was well-known to the corporation's members, which prevented any ambiguities or confusion as to the interpretation of this provision. Since the transfer of membership took place under a will, i.e. after a member died, deducting a sum from the *funeraticium* he was owed was a pragmatic solution, which was the easiest to execute from the point of view of the corporate administration. It is worth noting, by the way, that membership in a religious college was sufficiently attractive that heirs were expected to give up half of the funerary benefit in exchange for it.²⁸

Proponents of the theory about the funerary character of the college of worshippers of Aesculapius and Hygia can, of course, point out the commemorative practices (which, as we read in the *lex collegii*, took place in the corporation's meeting place on the *Via Appia*) as another argument supporting their vision of the corporation. What is significant here is not so much the fact of organising commemorative services, as the place where they were held. The organisation of various celebrations and tomb maintenance followed from agreements signed by corporations with founders, who wanted to commemorate themselves or their loved ones

²⁵ *CIL* XIV 2112; *AE* 1929, 161.

²⁶ Ausbüttel 1982: 59; Bendlin 2011: 254–256; Wojciechowski 2015a: 191–193.

²⁷ Bendlin 2011: *passim*, in particular 250–252.

²⁸ We do not know the amount of the *funeraticium* paid out by the *collegium Aesculapii et Hygiae*. It was certainly specified in the appropriate college bylaw. It follows from the available data that *funeraticia* paid out by Roman colleges ranged from 200 to 2,000 sesterces (Schrumpf 2006: 232–233; Bendlin 2011: 256).

in this way. As we remember, the type of corporation was of no real consequence here. Commemoration was certainly not limited to funerary colleges. Some of its elements had to be performed at the tomb of the deceased (libation, laying flowers).²⁹ If we combine this with the information from the *lex collegii Aesculapii et Hygiae* that the *floralia*, *rosalia* and *dies carae cognationis* were supposed to be held ‘*ad Martis in scholam nostram*’, we can risk the thesis that there was a graveyard on this corporation’s land. Consequently, the *collegium Aesculapii et Hygiae* could be regarded as a *collegium funeraticium* (at least in the sense that A. Bendlin proposes).

Searching for new arguments to support the existence of this graveyard, historians also cite the results of the archaeological work carried out in the section of the *Via Appia* in question. The findings leave no doubt that the land there was indeed used for burials, among other things.³⁰ It remains an open question whether it can be linked to the college of worshippers of Aesculapius and Hygia. We can, of course, accept the working hypothesis that one of the sepulchral complexes found in the neighbourhood of the temple of Mars *in clivo* near the first and second mile of the *Via Appia* did indeed belong to this corporation, and it was in this graveyard that the celebrations sponsored by Marcellina *ob memoriam* of her husband Capito and his superior Flavius Apollonius took place. However, this leads to a number of new questions. Firstly, why did Marcellina have a roofed *solarium* for college banquets built on the land gifted to the corporation, if commemorative celebrations in honour of her husband and his superior took place in the collegial graveyard? Secondly, for what reason would those college members gather there to banquet? Finally, why were Capito and Flavius Apollonius buried in the college’s graveyard? Are there grounds to believe that they were both members of the college of worshippers of Aesculapius and Hygia, as e.g. G. Renberg and E. Hamerlijk maintain?³¹

It seems that the majority of historians studying the *lex collegii Aesculapii et Hygiae* sidesteps those ambiguities, probably assuming that the *collegium funeraticium* – which they believe the association was – owned a cemetery, and the complex donated by Marcellina was a part of it. The question when and in what circumstances this complex of buildings was built is of no great importance to those historians, because from the point of view of their studies the most important thing was the purpose it allegedly served.³² In this context, the hypothesis put forward by G. Renberg is certainly worth noting. Studying the cultic centres of Aesculapius in Rome, she concluded that Salvia Marcellina may have erected a statue of Aesculapius, a shrine dedicated to him (*aedicula*), and a solarium with a roofed dining part, on a plot which was in fact the burial site of her husband and

²⁹ Jensen 2008: 118–119.

³⁰ Spera 1999: 33–337, 463.

³¹ Renberg 2006/07: 109; Hemerlijk 2015: 264.

³² See, e.g. Bendlin 2011: 251.

Apollonius.³³ This concept perfectly fits both the architectural landscape of the *Via Appia*³⁴ and the social reality of imperial Rome. It is not difficult to imagine a situation where a wealthy imperial freedman, holding the function of procurator of the imperial picture gallery (line 2: *procurator Augusti qui fuit a pinacothecis*) purchased an attractive piece of land on the *Via Appia*, on which he ordered his tomb to be built. Perhaps he entrusted this task to his deputy (*adiutor*), Capito. After the latter died, the plot on the *Via Appia*, with the tombs of Apollonius and Capito, was inherited by Capito's widow, Salvia Marcellina, who decided that the best way to honour her husband's memory would be to donate the sepulchral complex she extended to the college of worshippers of Aesculapius and Hygia. Such a chain of events seems not only logical, but in my opinion also gives us a better understanding of some of Marcellina's decisions. First of all, it provides a convincing explanation why the addressee of the commemorative services was not only her husband, but also Flavius Apollonius. The fact that he was her husband's superior in no way justifies the position which Marcellina assigned to him in her foundation. His relations with Capito most likely crossed the boundaries of a professional relationship since it was he who Apollonius trusted with the maintenance of his tomb. A lack of natural heirs was not a rare phenomenon among members of the *familia Caesaris*.³⁵ Entrusting the care of his grave (and the land it was built on) to one's closest colleague may have seemed the best possible solution. As Marcellina's foundation proves, Apollonius made the right choice. Marcellina not only took care of his tomb, but she also ensured that his name was regularly recalled during the commemorative celebrations she sponsored. Marcellina probably had a lot to be thankful to the person who had supported her late husband's professional career. Establishing the foundation, she could not omit Apollonius also because his tomb was probably the dominant element in the architectural layout of the plot Marcellina donated to the college of worshippers of Aesculapius and Hygia.

Of course, there is an interpretation problem with the fact that the *lex* clearly talks about the collegial meeting place as the place where the commemorative services were to be performed, which at least at first glance is difficult to reconcile with the hypothesis that the complex built by Marcellina was a separate one. However, if we assume that the two locations (the collegial *schola* and Capito's and Apollonius' sepulchral plot) were adjacent,³⁶ it is possible to reconcile the two concepts. The sepulchral complex expanded by Marcellina was incorporated into the *schola collegii*, which meant that from the point of view of the college members the commemora-

³³ Renberg 2006–07: 109–110, 142, no. 11.

³⁴ Spera 1999: *passim*.

³⁵ Weaver 1972: 97–178, 231–240.

³⁶ Both the *schola* and the *locus* donated by Marcellina were located on the *Via Appia ad Martis* (lines 4 and 11).

tive celebrations funded by Marcellina were held *in scholam nostram*. This would also explain the main reason why Marcellina decided to sign a foundation agreement with this particular college. The *collegium* whose meeting place was adjacent to the land owned by Marcellina was an ideal partner for her project. Although the *schola collegii Aesculapii et Hygiae*, situated at the top of the *Via Appia*, right behind the Porta S. Sebastiano, was certainly not the only building of this type in this neighbourhood,³⁷ Marcellina seems to have had a rather limited choice. Corporate life was mainly focused in the centre of the city, where traces of the vast majority of collegial meeting places were found.³⁸ Let us note that even members of the college of worshippers of Aesculapius and Hygia met in the temple of divine Titus (*aedes* of Divus Titus in the Porticus Divorum on the Campus Martius) to celebrate New Year and the emperor's birthdays. A factor as prosaic as the distance which the *corporati* had to cover to participate in the commemorative dinner may have had a very negative impact on attendance at these meetings (see further: *Ob memoriam*). Founders were certainly aware of this fact when they were looking for the corporation which they thought would be the most likely to carry out the task they entrusted it with. Pragmatic reasons were certainly of utmost importance in making such decisions.

Even if we assume that the college of Aesculapius and Hygia did indeed own a collegial graveyard, it was certainly not the 'funerary' character of this association that made Marcellina and Zeno turn to it. A corporation which was not only financially, but also structurally, connected to their foundation was the best guarantee of the survival of the institution, which not only allowed their loved ones to remain in collective memory (at least on the corporation's level), but was also a very effective means which enabled them to exist in this memory themselves.

Ob memoriam

According to Salvia Marcellina's declaration, her foundation was established *ob memoriam Fl(avi) Apolloni proc(uratoris) Aug(usti) qui fuit a pinacothecis et Capitoni Aug(usti) l(iberti) adiutoris eius mariti sui optimi piissimi* (line 2). It was probably at their graves that members of the college of worshippers of Aesculapius and Hygia were supposed to meet to celebrate the *dies violae* and the *rosalia*. In accordance with the decree passed by the corporation's members, participants in these meetings were to receive gifts of bread and wine, whose size depended on their place in the corporate hierarchy. We do not know whether the bread and wine distributed on those days were additional to the meal organised by the college,

³⁷ The remnants of the *schola* owned by the college of worshippers of Silvanus were found in the vicinity (CIL VI 10231), see Bollmann 1998: 224, no 19; Spera 1999: 138–139.

³⁸ Bollmann 1998: *passim*.

or whether the founders treated them as an incentive for members to attend the celebrations in large numbers. The repeated formula *praesentibus* (lines 11, 14, 15, 17), which frequently appears in other commemorative agreements recorded in inscriptions as well,³⁹ shows how important attendance during commemorative celebrations was to the founders. Marcellina made sure the agreement included additional provisions on attendance at commemorative services. The *lex* tells us that the absent members would not receive their portions, unless their absence was caused by a chronic illness or an overseas journey; otherwise, their portions would be distributed among those present at the meeting (lines 16 and 17). This indicates that for some of the *collegiati* the prospect of receiving a generous portion of bread and wine, or even participating in a collegial banquet, was not attractive enough to convince them to attend the meeting. We should remember this fact in the light of the vision of Roman colleges as organisations associating the poor who were looking to them as a source of support and an opportunity to improve their desperate life situation, which keeps recurring in the literature – unfortunately also in scholarly works. On the other hand, absence at commemorative celebrations was certainly not a common phenomenon if the only sanction was, in this case, missing out on the handouts (*sportulae*) distributed during the meetings⁴⁰. Although the *lex familiae Silvani* found at Trebula Mutuesca mentions fines for absent members of this college, they had to do with the funeral itself, not commemorative services.⁴¹ In this case, introducing a fine for an unexplained absence may have been related to the particular manner of financing the *funeraticium* by this corporation.⁴²

We can therefore assume that in colleges which organised commemorative meetings the decisive majority of members participated in them. I also do not believe that the main factor which encouraged members to attend were the bread and wine distributed on this occasion. It follows from studies on the social structure of Roman private corporations that most of their members belonged to the ‘middle class’.⁴³ It does not seem, therefore, that the prospect of receiving a free portion of bread and wine would impress them very much. What, then, made several dozen members of the Roman college of worshippers of Aesculapius and

³⁹ See also *CIL* V 5272 (*inter praesentes*), *CIL* XI 126 (*praesentibus*), *CIL* XIV 2112 (*praesentibus*).

⁴⁰ In the college of worshippers of Diana and Antinous, the incentive to attend a funerary service was the *exequiarium* of 50 sesterces, paid out only to the association members present at the funeral (*CIL* XIV 2112; see also Wojciechowski 2015a: 144).

⁴¹ *AE* 1929, 161: the fine of five sesterces was to be paid by every member of the *familia Silvani* who failed to attend a funeral service organised by the corporation.

⁴² In the *familia Silvani*, the funerary benefit was paid out of a contribution collected on the day of the burial (*AE* 1929, 161). See Ausbüttel 1982: 66–67; Wojciechowski 2015a: 145.

⁴³ van Nijf 1997: 22; Bollmann 1998: 93; Bendlin 2011: 257–269; Wojciechowski 2015a: 47–72; Wojciechowski 2015b: 305–320. Colleges as places of social promotion and integration see: Tran 2006: 260–263; Verboven 2007: 861–893; Rhode 2012: *passim*.

Hygia arrive at their corporation's meeting place on the outskirts of Rome and participate in commemorative celebrations at least a few times a year?

In my opinion, their decision was considerably influenced by the fact that one element of those celebrations was to be a communal dinner organised at the tombs of the two deceased men. Slavia Marcellina must have had a reason to inform us that the *corporati* would be able to banquet in one of the buildings founded by her (line 3 and 4). Gemina Myrtis and Anicia Prisca also gifted an *aedes* to the association of the *cultores Iovis Axorani*, stipulating, however, that the *cultores* were to dine there *in memoriam* of Anicius Priscus.⁴⁴ The popularity of this form of commemoration certainly cannot be explained merely by the trivial statement that eating and drinking together is an attractive form of spending time regardless of the historical era. On the other hand, we cannot overlook the social and entertainment aspect of collegial feasts. Even a simple meal organised at the grave of a slave could have been a source of enjoyment for its participants, as a fragment of one of Petronius' satires shows.⁴⁵ The *corporati* participating in feasts, which were sometimes lavish, could have expected that a good time in pleasant company would be even more likely.⁴⁶ Even if we consider the example of a sepulchral feast during which the participants were going to eat several dozens of cattle to be a manifestation of exceptional extravagance or ostentation (or perhaps the vivid imagination of the founder of the inscription), there is no doubt that the *corporati* usually did not have to complain about the lack of the proper amount of food and drink. Let us recall the accounts of Christian writers, according to whom it was the norm during such feasts for the shared meal to cross the line of gluttony.⁴⁷ I would also like to recall much more objective evidence – the bylaws contained in the collegial 'statutes', concerning the inappropriate behaviour of the *collegiati* during feasts.⁴⁸ This evidence gives us an image of a collegial meal which

⁴⁴ CIL X 6483.

⁴⁵ Petr. Sat. 65.

⁴⁶ The diversity in this respect was almost as great as the range of donations attested in inscriptions (for a list of donation amounts see Pudliszewski 1997: 75–77, tab. 5). On the one hand, we can find information about the purchase of 51 bulls and 38 goats for commemorative celebrations (*sacrificia parentalorum*), and on the other there are mentions about rather symbolic refreshments accompanying the *parentalia* (AE 1957, 243; CIL V 2072; See also Iuven. Sat. I 5.84–85).

⁴⁷ Tert. Apol. 39.6–7, 15–19; August. Ep. 29.9; Conf. 6.2; Cypr. Ep. 67.6; Philo, In Flacc. 4.136. See Ausbüttel 1982: 58; Liu 2009: 248.

⁴⁸ CIL VI 2112: *item placuit si quis quid queri aut referre volet in conventu referat ut quieti et / hilares diebus sollempnibus epulemur / item placuit ut quisquis seditionis causa de loco in alium locum transierit ei multa esto HS IIII n(ummum) si quis autem in obprobrium(!) alter alterius dixerit aut tu[mul] / tuatus fuerit ei multa esto HS XII n(ummum) si quis quinquennali inter epul[as] / obprobrium(!) aut quid contumeliose dixerit ei multa esto HS XX n(ummum) ...; AE 1929, 161: *lex familiae Silvani / b(ona) F(ortuna) qui ex familia magistri facti erunt / ad sacrum faciendum deo accipient / ex arca HS**

had a rather casual atmosphere, conducive to establishing and strengthening ties between college members. D. Rohde draws particular attention to this aspect of collegial feasts; she sees them as one of the main (along with the shared cult) factors stimulating a sense of community among corporate members.⁴⁹ Rohde notes that group identity within a college was strengthened not only through a shared positive experience, such as a corporate feast, but equally by the accompanying sense of distinctiveness. The exclusive character of those feasts meant that a very distinct line appeared between the participants and any potential observers. In this context, the participation in a collegial meal was not merely a source of enjoyment, but it also became a demonstration of belonging to a community which the participants in the feast wanted to be identified with. This was particularly the case of those groups of *corporati* for which participating in a corporate meal was a rare opportunity to be part of the public space as its rightful elements. For slaves and most freedmen, the opportunity to participate in a collegial festival was not only an attractive break from their everyday reality and a way to satisfy the natural need to belong to a community, but it also opened doors for them to take on social roles which were usually out of their reach. Meanwhile, for representatives of the upper segments of the corporate hierarchy, collegial feasts and distributions of handouts were equally attractive because of the mechanisms of celebrating the hierarchy, which were inherent to such events. The best places during ceremonies and banquets, the largest and best portions, and the most valuable gifts during the distribution of handouts were just some of the honours emphasising their social standing and prestige (see below – *mater collegii*). In the case of a commemorative feast, one more important element played a part: their participants became a part of a community whose members they continued to be even after death (at least that was their conviction). How attractive this vision was became clear to Christian bishops trying to convince their believers to give up ‘pagan practices’.⁵⁰

From our point of view, it is important that until the end of Antiquity, commemorative feasts were certainly regarded as the basic form of ‘prolonging’ the presence of the dead in the world of the living. Suffice it to recall a fragment of St Augustine’s *Confessions*, in which we read that during her stay in Milan, his mother, in keeping with the custom she knew from Africa, went to a local graveyard with

CCXL suo quique die et ni(!) / minus adicere debeat ap (!) se HS CCX[L] / si ita non fecerit d(are) d(ebeat) HS CCC cum ad / sacrum ventum erit nequis litiget / nie(!) rixam faciat nie (!) extrani/um(!) invitet ea die si ita fecerit d(are) d(ebeat) HS XX ...

⁴⁹ Rohde 2012: 48.

⁵⁰ Jensen 2008: 129–143. Eating and drinking together was also the basic form of what medievalists call ‘social memory’. This kind of memory did not concern history but people (including the dead) and functioned in Europe until the end of the 18th century as an important element of the cult of the dead (Oexle 2011: 99–155).

a 'basket of fruits of the earth' to serve a meal which included bread and wine.⁵¹ Only when she got there did she find out that Bishop Ambrose had forbidden such practices. The same author mentions his mother's repeatedly stated wish to be remembered at the Lord's altar after her death.⁵² I believe that very similar motives inspired the donors who turned to colleges requesting to be remembered during ceremonies, which were scrupulously listed in foundation inscriptions. Like Monica, they wanted to participate in the collegial ceremony through being remembered (through their name being recalled). What St Augustine's mother and the founders of commemorative feasts known from inscriptions also have in common is the wish to make those services as ceremonial as possible. Monica wanted to be remembered at the Lord's altar (where the Eucharist is performed, which incidentally is a ceremony in memory of the last meal shared by Christ and the Apostles)⁵³. Corporate donors, in turn, wanted to make sure that as many *cultores* as possible participated in the collegial dinner. This probably stemmed from the essence of commemoration, which is by definition a collective experience. A feast was the most natural and obvious form of expressing this sense of community. A large number of participants on the one hand strengthened this effect, and on the other hand gave the founders a sense of the durability of 'memory' as an institution. From the point of view of collegial authorities, high attendance reflected the strength and good organisation of the association, which enhanced its prestige and credibility in the eyes of potential donors. It seems, however, that the efforts of founders and corporate authorities would have come to nothing if the participation in collegial feasts had not been attractive to *collegium* members. Clearly, participation in commemorative services was an important part of collegial life, and one of the ways to define one's place in the collegial and municipal community. The social aspect of commemorative foundations was certainly even more important to the founders. Marcellina's foundation ensured her not only a place in the collegial memory, but also a high position in the corporate hierarchy, which was reflected in the title *mater collegii*.

Mater collegii

The *lex collegii Aesculapii et Hygiae* contains very detailed provisions concerning distributions which accompanied corporate festivals. The amount of money and food received on these occasions reflected the beneficiary's place in the hierarchy. As we remember, Marcellina is mentioned alongside the highest corporate officials. It is in this context that Marcellina appears as *mater collegii* (10, 12). In

⁵¹ Aug. *Conf.* 6.2.

⁵² Aug. *Conf.* 9.11 and 9.13.

⁵³ See also Jensen 2008: 129–143.

this way the role she played in the corporation's life became formalised. The title of *mater collegii* confirms that her relationship with the college of worshippers of Aesculapius and Hygia was permanent, exceeding a one-off act of generosity or an ordinary commemorative agreement.

Unfortunately, we know little about the functions performed by *matres collegiorum* in collegial life. E. Hemelrijk, who probably studied their activity in greatest detail, lists performing ceremonial services and bestowing benefactions (donations) as the only spheres of *matres'* activity which are visible in the source material.⁵⁴ In the case of Salvia Marcellina, there is nothing to indicate that college members expected her to perform any additional tasks related to the title of *mater collegii*. Despite the impact she had on the organisation and functioning of the college through her foundation (such as the limiting the number of members or introducing new festivals and distributions into the collegial calendar), her direct participation in the corporation's everyday life was rather limited. We do encounter her among participants in distributions, but not the ones where bread and wine were given out. Her participation in corporate banquets is also doubtful.⁵⁵

Direct involvement in the college's activities was certainly not Marcellina's goal. Due to her gender, she could not count on holding one of the functions in the corporate authorities.⁵⁶ For this undoubtedly wealthy and ambitious woman, the role of benefactress and respected patroness of the community, outside the collegial structure, was by far more attractive. However, as the widow of a freedman, Marcellina could not aspire to the title of the college's patroness (*patrona collegii*), because it was reserved for women of a much higher social status than her own. The women who held this function usually belonged to the local elite, which enabled them to efficiently perform their basic task: to support the *collegium* in the public space, especially in relations with representatives of municipal authorities. Colleges in turn expected their *matres* to provide material support. Due to the limited means of the majority of women who bore this title, these donations were usually not very impressive. Small sums in cash, an altar or a statuette were typical gifts which colleges received from their *matres*.⁵⁷ In this context, Salvia Marcellina's foundation is unusually generous. Consequently, the honours she received from the college are unsurprising. The title of *mater collegii* is only one of them. The largest portions during distributions and the distinction of having her name on the plaque with the college's decree, which was displayed in the association's meeting place, were clear indications of Marcellina's special position. However, like in the case of other *matres*

⁵⁴ Hemelrijk 2008: 115–162; Hemelrijk 2015: 251–269.

⁵⁵ Ausbüttel 1982: 57; Flambard 1987: 238; Hemelrijk 2015: 254.

⁵⁶ Although we encounter women among members of Roman corporations, their activity was restricted to auxiliary functions. See Wojciechowski 2015a: 67–70.

⁵⁷ Hemelrijk 2015: 260.

collegiorum, all the honours and distinctions bestowed on Marcellina were limited to the environment of the *corporati*. Most of them belonged to the same social class as Marcellina, which could be provisionally referred to as the *plebs media*.⁵⁸ To the owners of trade shops, shopkeepers and freelancers, both freeborn and *liberti*, who probably constituted the majority of members of the college of worshippers of Aesculapius and Hygia, the wealthy widow of an imperial freedman who was the deputy of an important official in the imperial administration, certainly deserved respect and honours. As Hemelrijk showed, women carrying this title usually came from the environment of people closely connected to the *collegium*. They may have been its members, but more frequently they were the wives or relatives of members. As we recall, there are no indications in the sources to assume that Marcellina or her husband belonged to the college of worshippers of Aesculapius and Hygia. I would also not overestimate the fact that the distributions she planned included the largest corporate festivals (the college's *dies natali* and the emperor's birthday), which is supposed to prove that she knew the college's reality.⁵⁹ It could just as well have been a gesture meant to win over the college members, who had to approve the terms of the foundation. Of course, if we agree that the meeting place of the college of worshippers of Aesculapius and Hygia was adjacent to the land on which her husband's tomb was built (see above), then Marcellina may have been familiar with at least some elements of the corporation's reality. I believe, however, that the ties Marcellina (like other *matres collegiorum*) had to the college members had a deeper cause than coincidental vicinity or a relative's membership in the given college.

The source of these ties was mutual trust following from the conviction that both sides of the transaction of a commemorative foundation had a sense of belonging to a larger community, based on a network of mutual connections and a common value system. An important factor, decisive for the role played by college members as well as their benefactors, was the prestige accorded both. Marcellina and Zeno's foundation should be interpreted as a form of trying to acquire such prestige, as an example of the larger phenomenon of Roman euergetism. For members of the higher municipal classes, euergetic activity was one of the basic forms of acquiring prestige, and statues to honour euergets, honorific decrees, or reserved honorary places in theatres were ways in which the civic community gave them this prestige. A similar process, although on a much smaller scale, took place in the case of Salvia Marcellina's foundation. Considering her generosity, but also social status and gender, the college decided to honour Marcellina accordingly, using the typical tools of social communication of that epoch. The honorific title *mater collegii* and the privileged place during corporate distributions, as well as the

⁵⁸ See above footnote 43 and Wojciechowski 2012: 109–117.

⁵⁹ Hemelrijk 2015: 264–265.

plaque with the founder's name and a description of her contribution were classic means of enhancing prestige.

It was also not without importance for creating Marcellina's social image that some of the ceremonies during which she was honoured took place not in the college's meeting place on the *Via Appia*, but near the temple of Titus in the centre of Rome (lines 9–13). The decision to organise the distributions there was certainly not accidental, and it was not necessarily dictated by practical reasons. Openness to the public was necessary both from the point of view of the founder's image and the college itself. The members' joint wish to grant Salvia Marcellina the symbols of prestige mentioned above was not only a demonstration of unity but also showed their community as an entity capable of 'enhancing' others' prestige, of which it was the source.⁶⁰ It seems that the *lex collegii Aesculapii et Hygiae*, put up on a marble plaque displayed in the collegial meeting place was also (or perhaps mainly) meant to remind everybody of this aspect of the decree passed by the college members on 11 March 153.

Conclusions

To sum up the Roman college of worshippers of Aesculapius and Hygia is, along with the famous *collegium cultorum Dianae et Antinoi* from Lanuvium, the most frequently cited example of *collegia funeraticia*. What the inscriptions put up by the two colleges have in common is the fact that they contain collections of various bylaws and principles, referred to as *leges collegiorum*. The interpretation of these *leges* as corporate statutes became one of the main reasons why a false image of Roman private corporations, especially religious associations, was created. According to the interpretation proposed already by Mommsen and accepted for many decades later, the main sphere of activity of these colleges was funerary (or social), and the shared cult was supposedly only a cover for their operation. An analysis of the provisions of the *lex collegii Aesculapii et Hygiae* leads us to the conclusion that at least in the case of this corporation this vision is inaccurate.

The first doubts appear already on the level of the terminology used in reference to the decree, which members of the college of worshippers of Aesculapius and Hygia described as the *lex collegii*. Even a superficial analysis of the provisions included in the text leads to the conclusion that what we have here is not the organisation's statute but an agreement between the *collegium* and Salvia Marcellina and her brother-in-law, P. Aelius Zeno. The subject of the agreement is

⁶⁰ Bäumler 2014: 69.

a commemorative foundation in memory of two imperial freedmen, Capito (husband and brother of the founders, respectively) and Flavius Apollonius, Capito's superior. All the provisions included in the *lex* concern the subject and manner of execution of this agreement.

On the other hand, there are no other, more general bylaws concerning the organisation, the goals and the everyday functioning of the college of worshippers of Aesculapius and Hygia, which we would expect if the *lex* had indeed been the college's statute. Perhaps this is the reason why there have been suggestions that the *collegium Aesculapii et Hygiae* was established by Marcellina in order to execute the foundation. As I have endeavoured to show, this hypothesis is not supported by the sources (inscription). On the contrary, the reading of the *lex collegii* leads us to the conclusion that the founders turned to a fully-developed, trustworthy corporation. We do not know all the factors which influenced their decision to choose the college of worshippers of Aesculapius and Hygia, but it was certainly not the funerary character of this association. First of all, both religious and professional corporations were beneficiaries of commemorative foundations. Second of all, the quite common conviction that the *collegium Aesculapii et Hygiae* was a funerary one is based on very meagre source material. The term *funeraticium* used by the authors of the *lex collegii* is certainly not sufficient to claim that it was a *collegium funeraticium*. Various types of funerary benefits were known in almost all types of associations belonging to 'il fenomeno associativo romano'.⁶¹ The claim that the college owned a graveyard is also based on an erroneous interpretation of the words *defunctorum loca*, found in the *lex collegii*, which supposedly meant places in the corporate graveyard, while in fact they referred to membership in the college (members' places in the college). In my opinion, the most important factor which determined the choice of the college of worshippers of Aesculapius and Hygia was the location of the corporation's meeting place. Situated at the beginning of the *Via Appia*, the *schola collegii* was probably adjacent to the sepulchral complex of Flavius Apollonius and Capito, Marcellina's husband.

As a result, the complex of buildings bequeathed by Marcellina could have become part of the collegial *schola*. This, in turn, made it much easier to organise commemorative services funded by Marcellina and Zeno, which from the point of view of college members took place *in scholam nostram*. The structural connection between the commemorative foundation and the college which was to be its beneficiary and executioner was the best way to ensure the durability of the foundation and the commemorative services which were its essence. The founders tried to ensure, to the greatest extent possible, that the institution they established had a stable basis (the appropriate capital fund, fines for inappropriate use of the funds, a limited number

⁶¹ The phrase is borrowed from the title of F. De Robertis' work (1981).

of college members, incorporating Apollonius and Capito's sepulchral complex into the *schola collegii*). It was equally important for them to ensure as high attendance as possible during celebrations. Generous handouts for the present (*praesentibus*) were certainly helpful in this respect, but they were not the reason (or at least not the only one) why college members gladly attended corporate celebrations. Distributions and shared meals accompanying such meetings were first of all an opportunity to demonstrate one's position in the corporate hierarchy, and indirectly in the wider social context. This aspect of Marcellina's foundation was as important to the founder as it was to the beneficiaries. The former, reaching for tools of creating one's image typical for her times, aimed to hold a place appropriate for her social status in the public space. The title of *mater collegii*, which she owed to her generosity, was probably the greatest honour the widow of a freedman could hope for. On the other hand, for members of the college of worshippers of Aesculapius and Hygia the honours they bestowed on Marcellina not only brought tangible benefits in the form of handouts, but also indirectly enhanced their own prestige. By participating in collegial feasts and distributions, they demonstrated their belonging to a prestigious (at least in their eyes) group, whose favour was sought after by people like Salvia Marcellina.

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