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Herodes Atticus and the Athenians

Summary: Herodes Atticus (Lucius Vibullius Hipparchus Tiberius Claudius Atticus Herodes) was a sophist, benefactor, Roman senator and one of the richest men of his time. His behavior often aroused much controversy. He was often in conflict with the Roman officials and even emperors. The aim of this paper is to present complicated relation of Herodes with part of the Athenians. The author tries to explain the reasons for distrust and even dislike of the Athenians to Herodes. The most important part of the paper is an attempt to present the circumstances that led to the famous trial in Sirmium in 174 AD.

Keywords: Herodes Atticus, Athens in Roman times, trial in Sirmium in 174 AD

Herodes Atticus (Lucius Vibullius Hipparchus Tiberius Claudius Atticus Herodes) – fabulously wealthy Athenian, famous sophist, generous euergetes, and, finally, Roman senator and consul – was a controversial figure already during his lifetime. He was involved in numerous conflicts

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with affluent people, including rulers; his relations with his fellow Athenians were also complicated, to say the least. The aim of this article is twofold; firstly, to present the conflicts of Herodes with the Athenians and, secondly, to try to answer the question about what made them consider him a tyrant.

Herodes belonged to an Athenian family subsequent members of which had played an important role in the life of the city at least since the sixties of the 1st c. BCE. The family originated from Marathon and belonged to *phyle* Aiantis. It survived the tumult of the fall of the Roman republic and the emergence of the new ruling system called the principate. It not only survived it, but also maintained a favourable financial situation, thanks to which, from the last years of the 1st c. BCE onwards, subsequent members of the family could engage in the establishment of the emperor's cult in Athens.¹ In this way, they showed their determination to integrate with the Roman order. These efforts proved successful during the reign of Emperor Claudius or Nero, when the first member of this family, named Herodes, became Tyberius Claudius Herodes, i.e. he acquired Roman citizenship.² Although the sources do not make it explicitly clear what the sources of the family's income were, the fact that it came from Marathon can indicate that the foundation of their affluence was land they owned. As we shall see below, they could also reap benefits from banking activities.

The family's winning streak ended in the seventies of the 1st c., when Tyberius Claudius Hipparchus, the grandfather of Herodes Atticus, was accused of tyrannising intentions; his property was confiscated under the instructions of Emperor Domitian and Hipparchus himself most likely lost his life.³ We do not know what these tyrannising intentions might have been – whether his activities in Athens were seen as too bold and

¹ M. Kantiréa, *Les Dieux et les Dieux Augustes. Le culte impérial en Grèce sous les Julio-claudiens et les Flaviens. Etudes épigraphiques et archéologique*, Athens 2007, pp. 45–48, 203 (appendice IA. 1).

² S.G. Byrne, *Roman Citizens of Athens*, Leuven–Dudley 2003, p. 106.

³ Philost., *VS* 2, p. 547. On the topic of Tyberius Claudius Hipparchus, cf. P. Graindor, *Un milliardaire antique. Hérode Atticus et sa famille*, Le Caire 1930, pp. 11–17; J. Tobin, *Herodes Attikos and the City of Athens. Patronage and Conflict under the Antonines*, Amsterdam 1997, pp. 14–17; S.G. Byrne, *Roman Citizens of Athens*, pp. 107–108.

insolent, or whether it was simply his fortune which attracted the attention of Emperor Domitian, who wanted to use it to repair the state finances. Philostratos – the biographer of sophists, – including the most famous one, Herodes Atticus – who mentioned this event, noticed that the act committed by Tiberius Claudius Hipparchus in Athens was not punishable. Still, someone informed the emperor about his actions, and the latter decided to punish Hipparchus. We cannot be absolutely certain, but we can guess that the accusations could have been an element of the local political conflict in Athens. Hipparchus' fortune alone – mentioned, by the way, by Suetonius – could cause resentment of at least some part of his fellow residents.⁴ The history of Hipparchus and the accusations put forward against him, even though many of its details remain unknown to us, is important because, in a sense, it preceded the fate of Herodes Atticus, who almost one hundred years later would also be accused of tyrannising intentions.

After the fall of Hipparchus, the family left Athens for several years, to return under the reign of Nerva. It was at that time that the son of Hipparchus, Atticus (Tiberius Claudius Atticus Herodes), in mysterious circumstances, managed to get a portion of the family's fortune back.⁵ An affluent man again, Atticus quickly rebuilt the position and prestige of the family, not only in Athens but in the entire province of Achai. In this effort, he acted with caution and tried to present himself first and foremost as *euergetes* and not as local politician. It was likely for this reason that he never took up any traditional office in Athens, serving only priestly functions, among others he was a high priest of the emperor's cult.⁶ As a *euergetes*, he was active not only in Athens, but also in Corinth, Sparta and

⁴ Suet., *Vesp.* 13 (the mention in Suetonius is rather vague and without a broader context, however on this basis we can surmise that Hipparchus was involved in a dispute in front of a court during the reign of Vespasian). Most likely, his disgrace should be connected with the act of destruction of a statue of his daughter Claudia Alkia: *IG II²*. On the support of the statue of Claudia Alkia, a dedication was later placed together with a statue of Herodes Atticus. The support, however, was too small for two statues to fit, hence the conclusion that the statue of Claudia Alkia was removed.

⁵ Philot., *VS 2*, p. 548.

⁶ W. Ameling, *Herodes Atticus II: Inschriftenkatalog*, Hildesheim-Zürich-New York, pp. 68–69.

in the harbour town of Gytheion.⁷ The most spectacular signs of Atticus' family's regaining its position and prestige were: the awarding of *ornamenta praetoriana* (most likely by Emperor Trajan), the introduction to the group of former praetors and, consequently, the introduction to the senate. Soon, he was the first Greek from mainland Greece to assume the consul's office (*cons. suff.*), most likely in the year 108.⁸

Herodes Atticus was the oldest of three children of Atticus. He was born in Marathon between the years 101 and 103. As a son of a Roman senator, he grew up in far better conditions than the vast majority of his peers. When he was only several years old, he spent some time in Rome, in the house of Publius Calvisius Tullus Ruso, the consul of 109 and the grandfather of the future emperor Marcus Aurelius.⁹ The stay in Rome, during which Herodes Atticus was most probably learning Latin and Roman customs, was important for his future career in the public bodies. His father also made sure that Athenians got to know Herodes Atticus. In 125, Herodes became the agoranomus in Athens, thus taking up his first public office in the city. The function of the agoranomus was often entrusted to young people, sons of affluent and wealthy citizens of the given town. In this way, they were given better chances to start a political career in the town.¹⁰ Very likely, this was also the case with Herodes Atticus. He became the agoranomus in 125, i.e. precisely at the time when Emperor Hadrian

⁷ On the topic of Atticus's activities as a *euergetes*, cf. J. Tobin, *Herodes Attikos*, pp. 17–22.

⁸ H. Halfmann, *Die senatoren aus dem östlichen Teil des imperium Romanum bis zum Ende des 2. Jahrhunderts n. Ch.*, Göttingen 1979, pp. 120–123 (no 279); W. Ameling, *Herodes Atticus I. Biographie*, Hildesheim–Zürich–New York 1983, pp. 26–35; A.R. Birley, *Hadrian and Greek Senators*, “ZPE” 1997, vol. 116, pp. 229–237; S.G. Byrne, *Roman Citizens of Athens*, pp. 110–114.

⁹ Fronto, *Ad. M. Caes.* 3. 2. A. J. Papalas, *Herodes Atticus: An Essay on Education in the Antonine Age*, “History of Education Quarterly” 1981, vol. 21, p. 172.

¹⁰ On the topic of the tasks of the agoranome, cf., among others: F. Quass, *Die Honoratiorenschicht in den Städten des griechischen Osten. Untersuchungen zur politischen und sozialen Entwicklung in hellenistischer und römischer Zeit*, Stuttgart 1982, pp. 253–268; T. Bekker-Nielsen, *Urban Life and Local Politics in Roman Bithynia. The Small World of Dio Chrysostomos*, Aarhus 2008, pp. 75–77. Activity of agoranomes in Athens: G. Steinhauer, *Inscription agoranomique du Pirée*, “BCH” 1994, vol. 118, pp. 51–58.

commenced his visit to Athens.¹¹ The visit of the ruler with his companions required the city to increase its supplies and expenditure, which could definitely be handled by the son of one of its wealthiest citizens. Most probably, Herodes Atticus met the expectations and already in 126/7 he assumed one of more prestigious offices in Athens, i.e. that of the eponymous archon.¹² Thereafter, he abandoned his career in Athens and went to Rome, where he served, respectively as the quaestor, tribune of the plebs, praetor and, finally, in the thirties of the 2nd c., he assumed the function of the corrector of free towns of the province of Asia.¹³ He returned to Athens in the second half of the thirties of the 2nd century, when his father died, leaving him a huge fortune.

It was during the execution of the provisions of Atticus' will that the first conflict between Herodes Atticus and the Athenians arose. In his will, Atticus gave the majority of his fortune to his son, however he also decided that every Athenian should be given one mina each year. Philostratos, who mentions this provision, believed that it was freedmen who convinced Atticus to take this decision. Allegedly, they were afraid of Herodes, who was well known for his quick temper. Thus, they decided that their best protection would be favourable attitude of the Athenian demos who would, of course, quickly learn whom they should thank for the unexpected gift of one mina a year. It is known, however, that Herodes somehow managed to convince the Athenians to agree to a certain modification of Atticus's last will. Instead of being paid one mina each year, they agreed to a single payment of five minas. Then, when they went to banks to claim their money, Herodes' people informed them of the amounts they had owed to Herodes' parents. After the subtraction of these sums, some of them got very little money, some got nothing and some even had to pay more to settle their debts. This act irritated the Athenians who took a dislike to Herodes.¹⁴

¹¹ A.R. Birley, *Hadrian. Cesarz niestrudzony*, Warszawa 2002, pp. 276–278.

¹² W. Ameling, *Herodes Atticus I*, no 72–74, pp. 101–104.

¹³ On the topic of individual stages of Herodes Atticus's senatorial career, cf. S.G. Byrne, *Roman Citizens of Athens*, pp. 114–122.

¹⁴ Philost., *VS* 2. 549. On the topic of Atticus's will, cf. P. Graindor, *Un milliardaire antique*, pp. 71–79; J. Day, *An economic history of Athens under roman domination*, New York 1942, pp. 244–246; J. Tobin, *Herodes Attikos*, pp. 27–30.

The story must have resonated with the people of Athens, as after the lapse of several decades, its memory was still vivid, if Philostratos – typically very understanding of his protagonist – did not omit it, even though it put Herodes in an unfavourable light.

The problem of Atticus' will requires a lengthier commentary, all the more so because (according to the aforementioned account of Philostratos) it ruined the relations between Herodes and the Athenians for a longer period of time. Firstly, let us ponder on the motives behind Atticus' giving money to the Athenians. Philostratos believed that the greatest influence on this decision was exerted by freedmen; we can, however, consider the option that there were additional factors which contributed to it. Watching and supporting the career of his son, Atticus could well observe his profligacy and liking for monumental projects. When in the thirties of the 2nd c. Herodes served as the corrector of the free towns of the province of Asia, he managed to obtain 3 million drachmas from Hadrian for the construction of an aqueduct in Alexandria Troas, which at that time was suffering from water supply shortages. However, the construction works supervised by Herodes were carried out on a such a large scale that the expected budget was quickly exceeded (the total cost of the construction works conducted in Alexandria Troas reached 7 million), which provoked discontent of the governors of Asia, who rightly pointed out that taxes from towns in the entire province were spent on the construction of aqueduct in one town only. When Hadrian wrote to Atticus, worried about the course of events, the latter eagerly agreed to pay the missing 4 million, just to allow his son to complete the project.¹⁵ To a certain degree, this was a must for Atticus and he had to pay in order to save the reputation and future career of his son. It is not unlikely, however, that for him this event was a red flag, drawing his attention to obvious profligacy of his son. Therefore, he decided to encumber his assets, which were to become Herodes', with the obligation to pay out a certain sum to the Athenians every year, thus restricting Herodes'

¹⁵ Philost., *VS* 2. 548. Let us not forget that – as mentioned by Philostratos – before obtaining money from Hadrian, Herodes financed some construction works in villages located in the vicinity of Alexandria Troas from his own, or rather his father's funds. The amount spent on this occasion exceeded the 3 million obtained from Hadrian.

financial freedom. Simplifying things somewhat, one might even say that Atticus went as far as to try to control his son even after death. However, there could have been one more factor at play. In the past, the family had already lost its fortune, which was confiscated under the instructions of Emperor Domitian. Atticus managed to rebuild the fortune, however he must have been aware that the confiscation could happen again. Therefore, he made the provision to pay out sums to the Athenians, because he knew that confiscation of assets from which yearly sums were paid out to the citizens of Athens could be politically very risky.

The technical side of the discussed will is also worthy of investigation, all the more so because it could help us determine how Herodes managed to modify the last will of his father. As a Roman citizen, Atticus could not bequeath his assets to persons of non-equal legal status, i.e. persons who did not hold the Roman *civitas*. We do not have any precise data to help us determine what portion of the residents of Athens held Roman citizenship in the 2nd century; it appears, however, that similarly to other towns in mainland Greece, they were a minority. But Philostratos stated that Atticus's benefaction was addressed to the people of Athens (*Athinaion dimo*), which means that the provision in the will applied to all citizens of Athens indiscriminately, i.e. regardless of whether or not they were Roman citizens. Thus, in order to arrange for every Athenian to be given one mina a year, Atticus most likely used the very common formula of *fideicommissum*, i.e. a request directed to the heir in the will, in this case Herodes, to pay out the money to his fellow residents every year. Nota bene, it is known that such practice of establishing legacies for non-Roman citizens by means of *fideicommissum* was forbidden by Emperor Hadrian.¹⁶ We do not know exactly when the ruler made this decision, it must have been made before 10 July 138, however, i.e. before Hadrian's death. Atticus must have drawn up his will before Hadrian issued the aforementioned ban.

¹⁶ Gai. 2. 285. For further discussion of the legacy to the citizens of Athens: P. Graindor, *Un milliardaire antique*, p. 73. On the law introduced by Hadrian: Gai. 2. 285; Ulp. 25. 6. This law was severe, as it made it impossible for Roman citizens to bequeath their money to children who did not hold citizenship. It was probably due to this strict treatment that Hadrian's successor, Antoninus Pius, modified this decision: Paus. 8. 43. 5.

Fideicommissum took the form of a request directed by the testator to the inheritor; it was not obligatory then and its completion depended on the good will of the inheritor. This observations makes it possible to understand how Herodes could convince the Athenians to accept a single payment of a larger sum, giving up the payment of one mina a year. Most likely, he gave his fellow residents a choice: either they accept one-time payment of a certain sum or they get nothing at all.¹⁷ Probably for most Athenians the perspective of getting the money quickly was attractive enough, so they eagerly accepted Herodes' proposition, who, on the other hand, could boast that he did not disregard his father's will. It does not appear, however, that he presented all the details of his plan to the Athenians at once. For this reason, they were so much surprised when they appeared in the banks only to hear that they had to pay their debts to Herodes' family first, and if there was anything left of the 5 minas after the entire operation, they would get it only then. When they learnt about this, they felt they had been tricked and, as Philostratos stated, they came to hate Herodes.

It is difficult to agree with the Athenians and blame Herodes for ill will and intention to trick his fellow residents, as such an activity could be very risky and dangerous. One might venture the hypothesis that Herodes only came up with an idea to erase the debts of the Athenians. Even though he ultimately recorded a loss – the sums lent were not repaid – he did not encumber the inherited assets with the obligation to pay out money to the Athenians every year. His chief mistake was that he did not foresee the reaction of the Athenians, who instead of showing gratitude, simply pronounced him a cheater. The atmosphere in the city had become so tense that Herodes decided to move to Rome, where he became the teacher of rhetoric to future emperors Marcus Aurelius and Lucius Verus and later pursued his career of a senator. He also married Regilla, a woman from an affluent patrician family. He returned to Athens only in the fifties of the 2nd c. (that is excluding several earlier short-time visits).¹⁸

¹⁷ J. Day, *An economic history*, p. 246.

¹⁸ On the public activities and private matters of Herodes Atticus in the forties of the 2nd c., cf. J. Tobin, *Herodes Attikos*, pp. 30–35.

The events which took place in Athens after the death of Atticus reverberated in the entire empire, reaching even Rome. We know that in the early forties of the 2nd c., Herodes got involved in a certain mysterious dispute, however we cannot say much about it. Information about this dispute is found only in letters exchanged by Marcus Aurelius – not the emperor yet – and Fronto, a rhetorician and teacher of Marcus Aurelius and Lucius Verus. Allusions to the dispute made in the letters are so vague that we cannot even be sure whether Herodes was one of the parties or, which is more likely, only represented one party. The defendant, on the other hand, was represented by Fronto himself. Before the dispute, Marcus Aurelius wrote to Fronto asking him to limit his attacks on Herodes during the dispute, reminding him that the latter had been brought up in the house of Calvisius Ruso, Marcus Aurelius' grandfather. Fronto agreed not to give any details concerning Herodes' character which were not related to the case, at the same time declaring that it would be difficult for him to simply ignore all that he knew. Among such details, he listed Herodes' cruel treatment of free men, whom he hit and stole from, even killing one, failure to obey his father's will, and, in general, greediness.¹⁹ Obviously, the mention of Herodes' failure to obey his father's will makes an allusion to the case of the will. The other accusations, on the other hand, which are not known to us in detail, appear to be an element of the black legend of Herodes, spread at least from the time of his father's death and complemented with even more threads in the following years. When preparing for the dispute, Fronto decided to disqualify Herodes as a lawyer, revealing the negative traits of his character. He did not know Herodes in person at that time yet, so he used various sorts of gossip which reached Rome. These could not harm Herodes, if in 143, he became the consul (*cos. ordinarius*) and Fronto became the suffect consul (*cos. suff.*).

Herodes, seeing what scandal one change to a single provision of Atticus's will had provoked, took actions aimed at calming the situation

¹⁹ *M. Caes.* III. 2–6; Fronto, *De Nepote Amisso* I; *Ad Verum Imp.* II. 9. On the very process, cf. G. W. Bowersock, *Greek Sophists in the Roman Empire*, Oxford 1969, pp. 95–99; E. Champlin, *Fronto and Antonine Rome*, Cambridge (Mass.) and London 1980, pp. 30–32.

down before moving to Rome. During the Panathenaic Games of 139/140 (which he also managed as the agonothetes), he announced that he wished to build a stadium. After four years, the construction of the stadium was completed (it was erected on the site of a building from 4th c. BCE) and it was a truly impressive structure. It was admired equally by Pausanias and Philostratos, who wrote slightly later.²⁰ The stadium stood by the river Ilissos and in order to make it easier for the Athenians to reach it, Herodes built a bridge, which was located directly in front of it.²¹ In spite of the significant costs that Herodes had to pay to erect the aforesaid buildings (expensive Pentelicus marble was used for the construction of the stadium), he did not manage to regain the sympathy and liking of the people of Athens. Some residents expressed the nasty opinion that the stadium was called 'Panathenaic', because its construction was funded from money taken from all the Athenians. Thus, at least some of the Athenians did not feel grateful towards Herodes as a generous benefactor and the stadium reminded them of the story of the unrealised last will of Atticus.

Here, one should spend a brief moment to present other instances of Herodes' activity as a euergetes, or benefactor, and the social reaction of the Athenians to such activities. Herodes supported, among others, Corinth, Delphi, Olympia as well as other localities in Asia Minor, Epirus and Italy. Exaggerating in his characteristic manner, he boasted that samples of his generous acts could be admired all around the world.²² However, we are only interested in the activities of Herodes the euergetes of Athens. It is known that in addition to the stadium and the bridge, he also erected a temple devoted to the deity Tyche and a roofed musical theatre, or odeon, in the city. The latter building in particular, erected on the southern hillside of the Acropolis in the vicinity of Dionysus's theatre, was truly impressive. It was definitely one of the largest theatres of this type in Greece, with the

²⁰ Philost., VS. 2. 550; Paus. 1. 19. 6.

²¹ The bridge survived until the beginning of the 19th c. and was demolished right after the end of the Turkish occupation of the city: J. Tobin, *Herodes Attikos and*, p. 173.

²² Philost., VS 2. 556. On the euergetic activities of Herodes Atticus outside Athens, cf. M. Galli, *Die Lebenswelt eines Sophisten. Untersuchungen zu den Bauten und Stiftungen des Herodes Atticus*, Mainz 2002.

capacity of nearly 5 thousand spectators.²³ Just like the stadium, the theatre was set up not only for the Athenians. Herodes started the construction of the odeon when people in Athens started to gossip that he was involved in the death of his wife Regilla. Odeon, which he dedicated to the deceased wife, was supposed to express his grief and misfortune after the loss of his beloved and convince others that he was innocent.²⁴

Herodes' gifts to the Athenians were not limited to the construction of monumental buildings; we know of several examples of smaller financial undertakings of the wealthy benefactor. These include the statue of Marcus Aurelius set up on the Acropolis, statues of several influential Romans and Athenians or, last but not least, the change of the garments of the Athenian ephedoi, funded by Herodes. Previously they wore black; Herodes replaced them with white ones, further obliging himself to pay for the garments in future as well.²⁵ Thus, we can say in general that his activities as a euergetes in Athens were diverse, starting with the construction of buildings, which were to beautify the city and serve its residents, and ending with the garments which ephedoi wore during public celebrations. Many years ago, one of Herodes's biographers – P. Graindor – put forward the hypothesis that his intention was to follow, or even compete with Hadrian, whose gifts to Athens included the completion of the construction of the temple of Zeus in Olympia, the construction of the gymnasium, a complex called "Hadrian's Library", Panhellenion and the aqueduct.²⁶ We do not know what Herodes' intentions were. One has to admit, however, that having less money than the emperor, he still managed to leave his mark on Athens.

We do have certain hints to allow us to suggest an answer to the question about the attitude of the people of Athens towards the activities of Herodes as a euergetes. A euergetes was rewarded for his activities by

²³ P. Graindor, *Un milliardaire antique*, p. 220; J. Tobin, *Herodes Attikos*, p. 192.

²⁴ Philost., *VS* 2. 551, 556. On the death of Regilla and related controversy cf. S.B. Pomeroy, *The Murder of Regilla. A case of domestic violence in antiquity*, Cambridge (Mass.) London 2007, pp. 119–136. Pomeroy's work should be treated with caution, however, due to her biased approach; she rules any doubt against Herodes Atticus and believes that he bore full responsibility for his wife's death.

²⁵ J. Tobin, *Herodes Attikos and...*, pp. 161–210.

²⁶ P. Graindor, *Un milliardaire antique...*, p. 180.

the society which he served. The city could award him the golden wreath, erect a statue or adopt a decree to honour him or express gratitude in some other way. If a community did not show their appreciation of the activities of their benefactors, it could not count on them to further support it. The awards also encouraged others, as there was a common belief that others will follow in the footsteps of awarded benefactors when they see how grateful the city is to them. Without public expressions of appreciation, there is no proper euergetism.²⁷ Herodes was recognised for his activities too and his statues as well as statues of his family members were erected in Corinth, Olympia and Delphi. However, if we take a closer look at Athens, where the financial costs of his euergetic involvement were definitely the largest, it will turn out that the awards he received were rather modest. We only know that statues of Herodes were erected in Asclepeion and in the Dionysus theatre. In the latter case, the statue was built following a decision of the council and the demos.²⁸ Another statue of Herodes, dedicated by the demos, was located in the stadium.²⁹ Even if we take into consideration the accidental character of discovery, the small number of Herodes' statues funded by third parties (he himself erected many statues in his residences) should make us ponder on the issue. Apparently, in spite of the efforts and costs borne throughout the period of many years, Herodes did not manage to win Athenians' trust, nor to gain popularity. It is worth adding that much greater appreciation in Athens was shown to his father Atticus, who also acted as a euergetes of his home town. Statues of the latter were placed in various parts of Athens. Unlike his son, he did not erect monumental buildings, but instead funded sacrifices and invited the Athenians to feasts; he also repeatedly supported individual Athenian phylai.³⁰ Thus, we cannot exclude the option that the Athenians were much more eager to appreciate those who offered spontaneous aid and not those we admittedly

²⁷ P. Veyne, *Le pain et le cirque. Sociologie historique d'un pluralism politique*, Paris 1976, pp. 268–280.

²⁸ W. Ameling, *Herodes Atticus II*, no 88–89, pp. 108–109.

²⁹ *Ibidem*, no 193, pp. 212–213.

³⁰ Philost., *VS* 2. 549. J. Tobin, *Herodes Attikos*, pp. 21–22; S.G. Byrne, *Roman Citizens of Athens*, pp. 110–114.

contributed to the beautification of the city, but did it only to help their own reputation.

The Athenians were not quick to appreciate Herodes' activities as a *euergetes*; at times, however, they showed their understanding or even sympathy. This was the case after the death of one of Herodes's daughters, Athenais. On that occasion, they decided to bury her in the city and to erase the day of her death from the calendar.³¹ Such a treatment was, however, extraordinary, and normally the residents of the city criticised Herodes' decisions and moves much more often. As the wealthiest citizen of Athens, who also had contacts with the emperor's court, he was constantly under watch and his private life aroused special interest. For example, Athenians did not like the way he treated his students – Achilles, Polydeukes and Memnon – whom he clearly favoured at the expense of his own children. He spent a lot of time with them, and when they died, he erected their statues in all the places where they spent time together. An interesting piece of information about these statues was recorded by Philostratos, according to whom these were supposed to curse all those who would want to destroy, or even simply touch them.³² We do not often come across situations in which information from a literary source gets confirmed somewhere else, but in the case of the aforementioned fragment of Philostratos' text, this is precisely the case. On the premises of Herodes' residences in Kifissia and Marathon (as well as in Peloponnese and Euboea), researchers have found 25 inscriptions containing formulae meant to scare off potential destroyers of statues and hermai on which they were placed. Due to their condition, only five of those inscriptions could be matched to specific persons and as many as four pertain to Herodes' students, while one pertains to his wife.³³

³¹ Philost., *VS* 2. 557.

³² Philost., *VS* 2. 558.

³³ Polydeukion: *IG* II² 13194 (W. Ameling, *Herodes Atticus II*, no 158, p. 163), *IG* II² 3970 + 13190 (W. Ameling, *Herodes Atticus II*, no 161, pp. 163–164.); Achilles: *IG* II² 13195 (W. Ameling, *Herodes Atticus II*, p. 164, 162); Memnon: *IG* II² 13196 (W. Ameling, *Herodes Atticus II*, no 163, pp. 164–165); Regilla: *IG* II² 13200 (W. Ameling, *Herodes Atticus II*, no 147, p. 160). When it comes to the entire collection of 25 instructions, it should be stressed that not all of them have survived and some of them are known to us only from copies made in the 19th century.

Each of the inscriptions consisted of three parts. The first was addressed to persons who would acquire the ground where the statue or herma was located after the death of Herodes and it contained a request not to move them or, definitely, destroy them. If someone dared to do it in spite of the warning, the soil should stop yielding fruit, the sea should become hostile and the given person together with his family should die in poverty. On the other hand, someone how took proper care of the artefact should enjoy numerous blessings. The second part of the inscription provided details on which part of the statue or herma should specifically not be destroyed; the third part contained a threat addressed not only to persons who could destroy the object, but also to those would incite such an act. Not all inscriptions contained all the three parts. The first part was common to all of them; sometimes it was followed by the second part and sometimes by the second and the third part.³⁴

The custom of placing special formulae on sepulchres to scare off potential hooligans was popular primarily in Asia Minor, while in Greece it was rare.³⁵ It is possible that Herodes got to know this custom when he was the corrector of the towns of Asia. He did not place spells on tombs, however, but on hermai and statues of deceased persons close to him. The inscriptions were not placed at the time when the statue or herma was dedicated, but only after a certain period of time; first, only the first part of the inscription was placed and only later, when Herodes evidently decided that this protection was not successful, he ordered that the other parts be added. Most likely, the original intention of Herodes was to protect the images of his close ones for the time after his death. However, when he saw that acts of vandalism were performed already in his lifetime, he decided to add new inscriptions. It is also important that the aforementioned inscriptions were found within the premises of Herodes' residences, meaning that someone had to intrude. These acts of aggression could be linked to the increasing tension in the relations between Herodes and the Athenians, or at least a part of them, which took place in the early seventies of the 2nd c. It was then that the Quintili brothers appeared in Greece; they not failed

³⁴ J. Tobin, *Herodes Attikos*, pp. 115–117.

³⁵ L. Robert, *Malédctions Funéraires Grecques*, CRAI 1978, p. 253.

to show much respect for Herodes, but also criticised him in public. The conflict between Herodes and the brothers encouraged the Athenians to openly rise against their wealthy fellow citizen.

Brothers Sex. Quintilius Condianus and Sex. Quintilius Maximus came to Greece around 171.³⁶ We cannot be sure what the nature of their mission was; however the majority of researchers believe that they were imperial *correctores*, sent to Greece in order to bring back order after the last invasion of Costoboci, who in 170 reached Eleusis.³⁷ The Quintili family originated from the Roman colony of Alexandria Troas, which in the thirties of the 2nd c. experienced the generosity of Herodes. Furthermore, the Quintili family owned an impressive residence near Rome at Via Appia; it neighboured the villa which was a part of the dowry of Herodes's wife.³⁸ Thus, we cannot exclude the option that the Quintili brothers got to know Herodes well before 171. On the basis of certain later events, we can suppose that their mutual relations were far from harmonious.³⁹ When the Quintili brothers came to Greece, the conflict with Herodes Atticus intensified and it quickly became a public matter. Philostratos recorded several versions of the reasons and the course of events in the conflict. According to some of his informants, the brothers and Herodes first clashed during the Pythian Games, when they expressed different opinions on a musical competition. Other informants believed that the reason for the tension

³⁶ H. Halfmann, *Die senatoren*, no 75, 76, p. 163; *PIR*² Q 21 I Q 27. In 151, the brothers served together as the consuls. Their cooperation and frequent co-holding of offices had become proverbial: Cass. Dio 72. 5. 4.; Amm. Marc. 28. 4. 21.

³⁷ On the functions served by the Quintili brothers in Greece, cf. J. Fournier, *Entre tutelle romaine et autonomie civique. L'administration judiciaire dans les provinces hellénophones de l'Empire romain (129 av. J.-C. – 235 apr. J.-c.)*, Athènes 2010, pp. 483–484, see the source also for references to previous sources. The Quintili's mission in Greece lasted until approx. 175. In the following year, they accompanied Marcus Aurelius on his trip to the East.

³⁸ A detailed discussion of the careers of the Quintili brothers and their Roman residence: A. Ricci (a cura di), *La villa dei Quintili. Fonti scritte e fonti figurate*, Roma 1998.

³⁹ For a broader discussion of the reasons and determinants of the dispute between the Quintili brothers and Herodes: A.B. Kuhn, *Herodes Atticus and the Quintili of Alexandria Troas: Elite Competition and Status in the Greco-Roman East*, "Chiron" 2012, vol. 42, pp. 421–458.

were jokes about the Trojan origins of the Quintili brothers, which Herodes made in the presence of Emperor Marcus Aurelius. The Quintili brothers, on the other hand, criticised Herodes for erecting numerous statues of his deceased students. Philostratos himself believed that there was a more likely reason – when the brothers were in Greece, complaints concerning tyrannising intentions of Herodes reached their ears. When they reported on these complaints to the emperor, Herodes concluded that they were trying to set the Athenians⁴⁰ against him.

Evidently, since the arrival of the Quintili brothers in Greece, there had been numerous disputes and conflicts between them and Herodes. Some – as the conflict in Dephi, described by Philostratos – were public and rumours of them quickly reached Athens. By intruding his private life and questioning his music tastes, the Quintili brothers weakened the authority and the position of Herodes. The Athenians saw this and decided to ally with the Quintili brothers. For this reason, they invited them to the meeting of the assembly and presented a list of accusations against Herodes, which boiled down to the claim that they were being tyrannised by him. The Quintili brothers immediately escalated this information, most likely to the emperor. Herodes did not wait idly – he accused the brothers of turning the Athenians against him.

Philostratos' record suggests that it was not the entire demos that rose against Herodes, but only part of the population of Athens. The leaders of this 'protest movement' were Demonstratos, Praxagoras and Mammertinos, who were hostile towards Herodes.⁴¹ Thus, an agreement was concluded between the Quintili brothers and several Athenian noblemen who decided to invite the brothers to the assembly and to oppose Herodes publicly in their presence. Herodes, however, knowing what was going on, accused his adversaries in front of the province viceroy of setting the Athenians against him. His opponents, on the other hand, secretly approached the emperor, who at that time resided in Pannonia. They counted on his 'democratic' inclinations. They also hoped that the fact that the emperor suspected that in the past Herodes and Lucius Verus were involved in a con-

⁴⁰ Philost., VS 2. 559.

⁴¹ Philost., VS 2. 559.

spiracy against him⁴² would give them an advantage. Ultimately, in 174, there was a trial held during which a deputation of Athenians headed by Demostratos got their chance to present their accusations against Herodes in front of the emperor.

In Sirmium, Herodes spoke in front of the emperor first. He was supposed to accuse Demostratos and others of setting the Athenians against him; however, he most likely failed to present any evidence. Instead, he attacked the ruler, accusing him of ungratefulness. He also complained that Marcus Aurelius had already formed his judgement, yielding to his wife and three-year-old daughter. When the praefectus praetorio, seeing this insolence, threatened him with death penalty, Herodes allegedly answered that as an elderly man he no longer feared death; then, he left without using the rest of the time. The emperor ordered the Athenians to present their defence, in spite of the absence of Herodes. It was Demostratos who delivered a speech, which Philostratos found extraordinary.⁴³ It definitely made a huge impression on the listeners. One of the persons who worked on this speech was Iulius Theodotos, who learnt rhetoric from the experienced master – Herodes.⁴⁴ Demostratos accused not only Herodes, but also his freedmen, which gave the emperor some room for action. He did not want to punish Herodes, so he directed his anger at these freedmen, whom he punished, although very lightly. Philostratos did not make it clear what this punishment was, though. After the finished trial, Herodes did not directly return to Athens, but stayed for several months in Epirus.

Before we turn to the analysis of the events which took place in Sirmium, it will be useful to spend a little time presenting the three named Athenian opponents of Herodes in more detail; all the more so because they also appear in epigraphic sources. A comparison of such data will allow us to determine the place and role of the three men in the political life of Athens of the second half of the 2nd c. The most active – and the youngest

⁴² Philost., *VS* 2. 560.

⁴³ Philost., *VS* 2. 562–563. Herodes's behaviour in front of the emperor could have been caused by the death of the daughters of his freedman Alkimedont, who died from lightning on the previous night. Herodes was allegedly very much attached to them and, therefore, grieved the loss deeply.

⁴⁴ Philost., *VS* 2. 566.

of the three – seems to have been Claudius Demostratos, who went to Sir-
mium in person to accuse Herodes. He belonged to the house of *Claudii*
of Melite, who received Roman citizenship most likely during the reign
of Claudius or Nero, i.e. more or less at the same time as Herodes's family.
Tyberius Claudius Demostratos took up the office which was considered
the most prestigious, i.e. that of the eponymous archon, in 180/1, so it was
already after the death of Herodes. By the way, we know that his brother,
Tyberius Claudius Lysiades, was the archon around 174-5, so in the middle
of the conflict between the Athenians and Herodes or during the stay of the
latter in Epirus (see below).⁴⁵ The other two opponents of Herodes listed
by Philostratos were most likely older than Demostratos. Elius Praxagoras
of Melite was the eponymous archon in 154/5. He was a son of Tyberius
Claudius Themistocles, although he adopted the *nomen* Aelius when the
era of Hadrian was announced in Athens. The last opponent named by
Philostratos – Valerius Mammertinos, served as the eponymous archon
in 166/7; later, he went on to become the strategos of hoplites.⁴⁶ To recap,
we are dealing with three influential Athenian politicians who joined forces
with the Quintili brothers against Herodes. Furthermore, two of them be-
longed to the house of *Claudii* of Melite. Thanks to in-depth prosopo-
graphic studies of M. Woloch, it is known that *Claudii* of Melite were one
of the four families which dominated the political life of Athens in the
period between 96 and 161. The other three houses were *Aelii* of Phalerum,
Flavii of Paiani and *Claudii* of Marathon. Herodes Atticus belonged to the
last house and served as the archon in 126/7, i.e. when he was a young man
and the position of his father in the city was very strong. After the death
of his father, Herodes never served another function in Athens that could
be called political. Lists of officials, however, contain many members of the

⁴⁵ I am basing primarily on the prosopographic conclusions drawn by S.G. Byrne, *Roman Citizens of Athens*, pp. 157–159. The results of his studies, in particular the chronology, are slightly different from those established by M. Woloch, *Roman citizenship and the Athenian elite A.D. 96–161. Two prosopographical catalogues*, Amsterdam 1973, pp. 179–180.

⁴⁶ S.G. Byrne, *Roman Citizens of Athens*, pp. 30–32 and the list of archons, pp. 501–510; M. Woloch, *Roman citizenship*, p. 265. On Praxagoras's father, cf. S.G. Byrne, *Roman Citizens of Athens*, pp. 156–157.

other three houses.⁴⁷ Thus, we have reasons to believe that regardless of how strong the position of Herodes in Athens was, it did not constrain political influence of the other houses. Still, they decided to make accusations against him.

Finding an answer to the question why this happened would be easier if we knew the contents of the speech delivered by Demonstratos in front of Marcus Aurelius. It became very popular among persons who disliked Herodes because obviously he was presented therein in the worst light, just like his freedmen. As mentioned above, however, we do not know it, so we are forced to analyse pieces and bits left by Philostratos without any broader context. Already at the assembly to which the Quintili brothers were invited, the Athenians complained about having to live under the tyrannising authority of Herodes; this statement was likely repeated in front of the emperor. Later, it was implied that Herodes together with Lucius Verus had been involved in a conspiracy against Marcus Aurelius. Finally, in Sirmium Herodes was accused of having corrupted officials in Greece with the ‘honey of his speech’.⁴⁸ Each of these accusations was very serious, however in the political reality of the Roman empire of the 2nd c., the one about the tyrannising rule over the Athenians appears to especially shocking. In order to better understand what it meant, we may use the example of Dio Chrysostom, which preceded the discussed events by almost 70 years.⁴⁹

The relationships between Dio Chrysostom and the residents of his home town of Prusa had not always been harmonious and peaceful. Dio, who did not want Prusa to stand out negatively against the background of other towns of Asia Minor, in particular Ephesus, Smyrna and Milet, obtained means from Emperor Trajan for a reconstruction of the town. The works started with the construction of a portico. During the works, many old buildings were damaged or even destroyed. At first, the residents

⁴⁷ M. Woloch, *Four Leading Families in Roman Athens (AD 96–161)*, “Historia” 1969, vol. 18, pp. 503–512; W. Ameling, *Herodes Atticus I*, pp. 143–144.

⁴⁸ Philost., *VS* 2. 559–561.

⁴⁹ This was pointed out by J. Tobin, *Herodes Attikos*, pp. 287–294 and most importantly by N.M. Kennell, *Herodes Atticus and the Rhetoric of Tyranny*, “Classical Philology” 1997, vol. 92, pp. 346–362, whose conclusions I follow.

of Prusa thought well of the works, however with time they started to accuse Dio of pursuing other goals, unrelated to the good of the town. In fact, they claimed, he was driven by hubris and ambition; they compared him to a tyrant. In response, Dio addressed the people of his town with a speech, in which he explained what his true purpose was and answered the accusations of attempted tyranny. Firstly, he stressed that he had not done any of the things that tyrants usually did (among others, having love affairs with other people's wives, beating and torturing free-born people publicly or even putting them in pots with boiling water). Then he asked if the reason for calling him a tyrant was not the fact that he had built an expensive house and wore purple robes instead of cheap garments; or whether it was perhaps because he wore long hair and a beard. He asked if these were not signs of a king rather than a tyrant.⁵⁰

The ironic statement made by Dio suggests that in the 2nd c., any person who undertook a large construction programme could be called a tyrant. In this context, it is interesting that from among many tyrants known from the past, Dio in his speech named specifically Queen Semiramis, who was famous for building towns, roads, palaces and canals.⁵¹ Similarly, Herodes erected buildings in (and outside) Athens which significantly altered the urban space. Still, his ambitions remained unsatisfied, therefore he dreamt of building the Isthmus canal. He believed that completing such a project could win him eternal fame.⁵² Furthermore, Herodes repeatedly and in many ways stressed his close relations with Lucius Verus and Marcus Aurelius: in Athens and Eleusis, he dedicated statues to them; in Eleusis, he ordered that a marble table be inscribed with a poem in which he stressed his deep friendship with Lucius Verus. Thus, on many occasions, his behaviour was reminiscent of king's power. The Athenians, however, knew very well that Herodes was not entitled to such power, so he was only an usurper.⁵³

⁵⁰ Dio Chrys., *Or.* 47. pp. 23–25.

⁵¹ Diod. Sic. 2. 13. 5.

⁵² Philost., *VS* 2. 551. Let us not forget that such tyrants and rulers as Periander, Demetrius Poliorketes, Caesar, but also Caligula and Nero were making similar plans.

⁵³ J. Tobin, *Herodes Attikos and*, p. 293.

There is more information to help us understand why Herodes was called a tyrant. In one of his speeches, Dio mentioned that he did not act in the same way as many influential persons, who used their influence and means to bring their friends into the town councils, thus getting allies wherever they want. He stressed that he did not do anything of that sort, therefore he did not contribute to the division of the town between the competing fractions.⁵⁴ Now, we have reasons to believe that Herodes did the exact same thing in Athens that influential figures described by Dio did. In the middle seventies of the 2nd c., when Herodes was still in Epirus, Emperor Marcus Aurelius addressed a lengthy letter to Athenians, which contained his decisions concerning various appeals against decisions of Athenian institutions. The emperor's letter was carved on two tablets of white marble and put for everyone to see. Fragments of these tables were found in the 1930s, during archaeological works conducted in the Roman and Athenian agoras. Thanks to the fragments of the inscriptions found, it was possible to read almost the entire second part of Marcus Aurelius's letter. The preserved text was published first in 1970 by J. Oliver.⁵⁵ In the letter, Herodes Atticus is mentioned several times together with the managers of his land; furthermore, the letter mentions the well-known opponents of Herodes, i.e. Praxagoras, Demostratos and Mamertinos. Still, W. Ameling, a biographer of Herodes, concluded that the majority of the issues touched upon in the letter did not pertain to Herodes.⁵⁶ This view has recently been questioned by N.M. Kennel, who rightly pointed out that the majority of the issues addressed by the ruler in the letter were indeed directly or indirectly related to Herodes Atticus.⁵⁷

⁵⁴ Dio Chrys., *Or.* 45. pp. 7–8.

⁵⁵ SEG 29. 127. J.H. Oliver, *Marcus Aurelius: Aspects of Civic and Cultural Policy in the East*, "Hesperia Supplements" 1970, vol. 13, pp. 1–42, who decided that the letter was written in 174/5. Cf. later corrected versions of the Greek text: C.P. Jones, *A New Letter of Marcus Aurelius to the Athenians*, "ZPE" 1971, vol. 8, pp. 161–183; S. Follet, *Lettre de Marc-Aurèle aux Athéniens (EM 13366): Nouvelles lectures et interprétations*, "RPh" 1979, vol. 53, pp. 29–43.

⁵⁶ W. Ameling, *Herodes Atticus I*, p. 149.

⁵⁷ N.M. Kennel, *Herodes Atticus and the*, pp. 346–362, according to this author, the first part of the letter – small fragments of which have survived – also concerned Herodes.

The final part of the discussed letter contained an appeal of the emperor to the Athenians to consider the past contribution of Herodes to the good of the city and its residents and to give up their hostility towards him. Additionally, the emperor stated that his decisions should remove all the causes for this hostility (ll. 87-94). Following Kennel, we are inclined to agree that the issues discussed in the letter were related to Herodes and the emperor aimed to resolve the dispute between the Athenians and Herodes, thus putting an end to the unrest in the city. Most likely, some portion of these issues had been presented by the deputation which came from Athens to Sirmium in 174. Thus, we should take a closer look at the issues described in the letter, both those where the name of Herodes is mentioned explicitly and those in which it is not.

One of the cases which were presented to the emperor concerned a forged will. The name of the forger is not mentioned; however, according to the text, it is clear that as a result of his actions, a part of some assets was given to his father, while another part was given to Herodes and Athens. We can guess that Herodes and the city of Athens were included in the forged will in order to make it more difficult to question it. Now, the victim of this plot was Elius Praxagoras, one of the main opponents of Herodes. After the appeal, he managed to reclaim the land lost due to the forgery.⁵⁸ In a different place, the managers of Herodes' land are mentioned, but there is no description of the broader context of the affair in which they were involved, making it impossible to determine what the subject matter was (ll. 23-27). Some interesting conclusions can be reached by analysing a dispute concerning the election of specific individuals for priestly offices in Athens and Eleusis. In the first case (ll. 1-7), Elius Praxagoras and Claudius Demostratos – two of Herodes' opponents known to us – together with some Elius Themison questioned the validity of the election of Elius Dionysios as the dadouchos in Eleusis. According to K. Clinton, the dadouchy in Eleusis was controlled by the house of *Claudii* of Melite (to which the first two mentioned persons belonged) until around 150, when some Pompeios became the dadouchos, followed by Elius Dionysios. It was already after his

⁵⁸ SEG 29. 127, ll. 35-47. J. Oliver, *Marcus Aurelius: Aspects*, pp. 40-41; J. Tobin, *Herodes Attikos*, p. 43.

death that Elius Praxagoras managed to reclaim the priestly function for his family.⁵⁹ Now, if Philostratos mentions that two out of three known opponents of Herodes were involved in this matter, it stands to reason that Elius Dionysios was backed by Herodes and managed to assume the prestigious priestly function, previously kept by the *Claudii* of Melite.

The second instance when the validity of the assumption of a priestly function was questioned was related to another opponent of Herodes, Valerius Mamertinos. He belonged to the *genos* of Eumolpides, although he moved to the *genos* of Kerykes and was elected the holy herald (ll. 7–15). The election was questioned by three persons, however, and Marcus Aurelius ultimately decided that Mamertinos was not entitled to take up this function. Thus, it appears that at some point the opponents of Herodes made an attempt to reclaim the dadouchy in Eleusis and to take hold of the function of the holy herald. It is possible that they used the opportunity when Herodes still resided outside Athens on his voluntary exile in Epirus, although the precise chronological order of the events cannot be established. We only know that none of these attempts was successful.

Apart from the aforementioned cases, the rest of the matters addressed by the emperor concerned the right to sit on the Panhellenion council, on the Council of 500 and, most importantly, the Areopagus. In the Roman Athens, the council of the Areopagus, which consisted of former archons, held a very strong position and was concerned mainly with judicial matters.⁶⁰ In a letter from 175/6, Marcus Aurelius reminded the public of his previous decision, taken together with Lucius Verus, which restored the former custom according to which only persons who had three generations of free men in their lineage could sit on the Areopagus (*trigonia*). Then, the emperor modified the previous decision, so that in order to become a member of the Areopagus, one only had to have both parents born free men. In a fragment of the letter concerning the Areopagus, there were ad-

⁵⁹ K. Clinton, *The Sacred Officials of the Eleusinian Mysteries*, Philadelphia 1974, pp. 60–62.

⁶⁰ On the significance and strong position of the Areopagus in the Roman times, see D.J. Geagan, *The Athenion Constitution after Sulla*, “Hesperia Supplements” 1967, vol. 12, pp. 41–61.

ditional provisions, which shed some light on how the problem of electability to the Areopagus looked after the first decision restoring the principle of *trigonia*. Those members of the Areopagus who did not have a free-born father (it implies that the grandfather was a freedman) and according to the decisions of their rulers had been removed from the council, were now supposed to regain the former rank. The other decisions are even more interesting. The Emperor decided that all those men whose fathers were freedmen and who joined the Areopagus after the first decision (which was contrary to the emperor's decree), should now resign. However, if one had a freedman father, and still, after the first decision of the rulers, joined the Areopagus, one could still sit on it, provided that no Athenian tribunal questioned the legality of their election. Finally, the emperor reminded the public that persons who were removed or resigned from the Areopagus after the first letter because their grandfathers were freedmen, were still forbidden from being elected to the council (ll. 57–76).

According to J. Oliver, the first decision concerning the right to sit on the council of the Areopagus mentioned in the letter and taken jointly by Marcus Aurelius and Lucius Verus was communicated to the Athenians in a letter dated late 165 and addressed to the Areopagus, the oldest and most famous Greek council body. Only a fragment of the letter has survived until today, but it does not include the key decisions.⁶¹ Still, if one accepts Oliver's proposition, one will have to conclude that in the middle of the sixties of the 2nd c., Marcus Aurelius and Lucius Verus, probably after a request from Athens, took the decision according to which only persons who had three generations of free men in their lineage could sit on the Areopagus. This decision suggests that previously descendants of freedmen (most likely grandsons and sons) were joining the Areopagus. This situation provoked discontent of at least some Athenians, therefore they approached the emperor with a request to regulate this issue. Apparently, the rulers'

⁶¹ J.H. Oliver, *Marcus Aurelius and Lucius Verus [To the Athenians]*, A.D. 165, "ZPE" 1976, vol. 20, pp. 179–181; J.H. Oliver, *The Actuality of Lucian's 'Assembly of the Gods'*, in: idem, *The Civic Tradition and Roman Athens*, Baltimor and London 1983, pp. 76–84. In the last article, Oliver expressed the view that Lucian's *Dialogues of the Gods* made reference to the political situation in Athens in the sixties of the 2nd c.

decision from 165 did not resolve the problem, but it triggered even more political conflicts, opening a field for various sorts of abuse. The second letter of Marcus Aurelius suggests that even though some persons who only had free-born fathers (i.e. they were grandsons of freedmen) were removed from the Areopagus, sons of freedmen continued to join the Areopagus. In the case of some of them, the election was questioned, but evidently they did not want to resign, which further aggravated the crisis.

As already mentioned above, the main objective of the emperor's writing to the Athenians in 175/6 was to remove all the obstacles which had been preventing the reconciliation between Herodes Atticus and his fellow Athenians, so the broadly discussed issue of descendants and their entitlement to sit on the council of the Areopagus had to apply to him somehow as well. J. Oliver believed that wealthy descendants of freedmen had become allies of old Athenians families which were in conflict with Herodes and thanks to that they could join the Areopagus.⁶² It appears, however, that N.M. Kennel is right; according to him, sons of freedmen and possibly also freedmen who joined the Areopagus and other prestigious Athenian bodies were allies of Herodes. As a consequence of complaints from the Athenians, the emperor decided to remove them from the Areopagus (as well as the Panhellenion council). It is possible that this was the aforementioned punishment inflicted on Herodes's freedmen in Sirmium in 174. Philostratos mentioned that the Emperor did not want to punish Herodes, so he punished his freedmen, alas in the lightest possible manner.⁶³

The analysed letter from Marcus Aurelius to the Athenians tells us much about the situation in the city in the period preceding the outbreak of the conflict between a group of Athenians and Herodes. The letter suggests that the city suffered from competition between two aristocratic parties, one led by Herodes Atticus and the other – by Demostratos, Praxagoras and Mamertinos. The parties competed for prestigious priestly functions, but also for power in the city. Each of them tried to get an advantage and as much influence on the city as possible. In this conflict, Herodes, who – thanks to his enormous fortune – was able to make some Athenians

⁶² J. Oliver, *Marcus Aurelius*, p. 61.

⁶³ N.M. Kennel, *Herodes Atticus and the*, pp. 350–351.

dependent on him, was craving for allies, therefore he used freedmen and their descendants. This met with an unfavourable response from a part of the Athenian elites, which were hostile towards him, and probably also some regular Athenians, who approached the emperor with a complaint. In 165, Marcus Aurelius and Lucius Verus ordered that the former custom be restored, so that only persons who had had three generations of free ancestors in their lineage could sit on the Areopagus. As already indicated, the decision not only failed to amend the situation, but aggravated it. The supporters of Herodes still managed to enter the Areopagus, and when the election of any of them was questioned, they refused to resign, because they felt strong support of Herodes. Herodes' struggle to put his allies in such institutions as the Areopagus could encourage the Athenians to accuse him of tyrannising intentions. This was further aggravated by his liking for extravagance, luxury and showing superiority. In the epigram written by Marcellus of Side, the following words were included: "... *in Hellada there is no house or voice more royal than that of Atticus, who is known as the tongue of Athens*".⁶⁴ These words, most probably consulted with Herodes or perhaps even imposed by him, certainly do not show modesty. Accusations of tyranny were likely followed by making up various stories in which he was presented specifically in this way. One of them could be based on the persistent rumour that he contributed to the death of his wife Regilla. Supposedly, he ordered the freedman Alkimedont to punish her for some minor offence. The woman, who at that moment had been eight months pregnant, when hit on the stomach, miscarried and died. The story resembles very much the circumstances of the death of one of Nero's wives, Poppaea Sabina, who was kicked by her husband when pregnant, which led to her death.⁶⁵ Today, it is impossible to say how much truth there is to this story. We can be certain, though, that even in the time of the empire, it was rather easy to label a wealthy person, especially somewhat extraordinary one, a tyrant.

After the process in Sirmium, Herodes did not immediately return to Athens. Most likely, he waited for the atmosphere in the city to calm

⁶⁴ W. Ameling, *Herodes Atticus II*, no 146, pp. 153–160.

⁶⁵ Philos., *VS* 2. 555; Suet., *Nero* 35. 3.

down. He spent several months in one of Epirus's towns, Orikon, where he came to be known as a generous euergetes. At this time in Athens, there were rumours that he had been sentenced to exile by the emperor. Philostratos denies this, stating that the fate of exile was never Herodes'.⁶⁶ When finally after a couple of months, Herodes decided to return to Athens, he was greeted very warmly. Philostratos did not record any details concerning the return of Herodes. He only stated that after the return, he spent time with his friends, preferably in Marathon and Kifissia, which means that he was spending time in his residences.⁶⁷ In Marathon, however, an inscription was found with a poem which gave very precise details about the procession which came from Athens to meet Herodes returning from "*the nomads of Sarmatia*", which clearly alluded to his stay in the north.⁶⁸ Herodes came to Eleusis and then headed for Athens. He met the procession in the vicinity of Thria. The procession from Athens featured, respectively (ll. 13–31), priests and priestesses, a boy choir, a group of slightly older young men who were sons of Athenians, the members of the Areopagus and the Council of 500 as well as other people of Athens, both citizens and foreigners. Importantly, there were no officials in the procession, which can be taken to be a result of the recent conflict between Herodes and the Athenian noblemen. Thanks to the Emperor's intervention, the conflict had been defused, but distrust or offended ambition probably still prevented the local officials from taking part in the celebration.⁶⁹ This does not change the fact that Herodes' absence, which lasted several months, evidently changed the attitude of many Athenians towards him. We do not know how Herodes reacted to the procession greeting him, but we can guess that it fully satisfied his need for extravagance and showing off. In the past, some scholars

⁶⁶ Philost., *VS* 2. 562.

⁶⁷ Philost., *VS*. 2. 562.

⁶⁸ *IG* II² 3606; W. Ameling, *Herodes Atticus II*, no 190, pp. 205–211. 26 lines are preserved in their entirety, while another 12 lines are incomplete. Several lines of the text have not survived. On the alleged authorship of the poem (Herodes Atticus himself?), its composition and significance, cf. F. Skenteri, *Herodes Atticus reflected in occasional poetry of Antonine Athens*, Lund 2005, pp. 84–110.

⁶⁹ F. Skenteri, *Herodes Atticus reflected*, p. 99; J. Tobin, *Herodes Attikos and*, pp. 272–275.

believed that the author of the poem was Herodes himself; they stated that even if he had not made all the details of the greeting, then at least he exaggerated a lot. However, we should remember that such a greeting was a common way of honouring a euergetes in many towns. Furthermore, the Athenians could have been inspired by the letter from Marcus Aurelius, who encouraged them to reconcile with their benefactor.

In the last years of his life, Herodes, who most likely died in 179, did not get involved in the political life of Athens any more, preferring to stay in his residences. Only in 176, he probably accompanied Marcus Aurelius, when the latter came to Athens to take part in the mysteries in Eleusis.⁷⁰

Before his death, Herodes asked his freedmen to bury him in Marathon.⁷¹ Admittedly, earlier he said that he wanted to be buried close to his children and wife, i.e. in Kifissia; apparently, in the last months of his life, he changed his mind and decided to return to the place from which his family originated.⁷² The last wish of Herodes did not get fulfilled, however. The Athenians decided to bury him in the city, specifically in the vicinity of the Panathenaic stadium. The body was taken by young Athenians and carried to Athens in a ceremonial procession. In Athens, funeral celebrations were held and the funeral speech was delivered by a former student of Herodes, Hadrian of Tyr.⁷³ A sign was placed on the tomb, which, according to Philostratos, read: "*In this tomb rest the bones of Herodes of Marathon, the son of Atticus. May his glory never perish*".⁷⁴ This conventional and simple formula, which only stated the name of the deceased, his father and the name of the demos from which he came, and which refrained from making any references to his Roman career, stressed his affinity with the Athenian community and attachment to Marathon. It would seem that after the death of Herodes Atticus, the Athenians forgot about their dislike for him and simply showed their respect for their accomplished benefactor.

⁷⁰ J. Tobin, *Herodes Attikos*, p. 47.

⁷¹ Philost., *VS* 2. 565.

⁷² SEG 26. 290; *IG* XIV. 1392.

⁷³ Philost., *VS* 2. 587. On the circumstances of Herodes's funeral and the place where his tomb was located, cf. J.L. Rife, *The Burial of Herodes Atticus: Élite Identity, Urban Society, and Public Memory in Roman Greece*, "JHS" 2008, vol. 128, pp. 92–127.

⁷⁴ Philost., *VS* 2. 566.

Evidently, however, not all the city residents were as eager to forget about the past conflicts. In the stadium complex, an altar or statue base was found with an inscription praising Herodes as a hero of Marathon.⁷⁵ The funder was probably a private person who wanted to honour Herodes. Unfortunately, both the name of the latter and of the funder were removed from the inscription. As this is the only case of removing the name of Herodes from an inscription known to us, it is difficult to conclude that this was a larger campaign aimed at local *damnatio memoriae*. Most likely, the damaging of the inscription was the work of an anonymous Athenian or Athenians who had never forgotten that in his life Herodes was considered a tyrant in the city.

⁷⁵ IG II² 6701; W. Ameling, *Herodes Atticus II*, no 193, pp. 212–213.

