

The Quaestorship in the Third and Second Centuries BC

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Ernst Badian once described the quaestorship as « essentially unimportant ».¹ This seems a curious view when one considers that it is the one position on the *cursus* that we can safely assume almost every member of the Senate had held in the later Republic; by the mid-second century there was a presumption that the quaestorship led to membership of the Senate, even if enrolment by the censors was still a formal requirement and automatic enrolment from the quaestorship was only introduced by Sulla.² Moreover every *imperium*-bearing magistrate in the field was normally accompanied by a quaestor. We need not accept everything Cicero says, in the rhetorically charged context of the *Diuinatio in Caecilium*, about the special bond between a quaestor and his superior, but there is no denying that it was the key step upon the *cursus* for every Roman with ambitions, and the first serious experience of imperial administration, whether in Rome or a province, for almost all potential senators during the second and first centuries.³

However, Badian's view reflects both the poverty of the ancient evidence and the general attitude of modern scholarship. Out of a theoretical minimum of 880 quaestors who were appointed in the 110 years between 200 and 91, we can name approximately 60; and we have explicit reference to the existence, unnamed, of at least another 22; that is, in total, fewer than 10 %.⁴ Badian thought quaestors unimportant precisely because of the lack of evidence, and yet their relative absence from the evidence (primarily literary historical accounts and honorific inscriptions) merely reflects the interests of that evidence and its fragmentary nature for this period. The evidence is indeed not enormous; but it is hardly negligible either, and one cannot form meaningful judgements until it has been properly gathered and assessed in the first place.

In modern scholarship I can find no serious attempt to gather all the evidence for the quaestorship in the Republican period in the last 100 years: the works of Büzl (1908) and Sobek (1909) are the only modern *fasti*, and very limited in their aims; the general work of Broughton (1951-1986) is in this instance limited by its focus on individuals known by name, since quaestors are often only mentioned anonymously. Study has instead focused on specific issues: the quaestorship's origins; its numerical expansion in the third century; and its place in the evolution of the *cursus honorum* in the second and first centuries. At the same time, scholarship on the quaestorship offers a remarkable study in methodology, with arbitrary judgement and wilful speculation commonplace, even among the very best scholars. Badian himself, in the same article, wrote that, « If, for instance, the total number of quaestors reached 12 with the addition of two new provinces in 146, it may well have stayed there afterwards, when Asia came to be added. [...] But this is speculation, on the evidence we at present have, and we certainly cannot go any further. » In the very next sentence, he then reversed the mode of argument and asserted, « However, there is no evidence at all for the frequent implication that the number of quaestors jumped all at once from eight (or whatever other low number we like to imagine) to 20 in 81 B.C. » And yet an increase from eight to

¹ Badian 1983, p. 168. All dates are B.C.

² That the quaestorship was sufficient to warrant (but not necessitate) enrolment is the implication of the story in Val. Max. 2.2.1a (149 BC). See generally Mommsen 1889-1895, VII, p. 27-34; cf. Brennan 1989, p. 480 n. 65.

³ Special bond, Thompson 1962; rhetoric of the *Diu. Caec.*, Tatum 2012, p. 138-145.

⁴ The figure of 880 is based on the minimum assumption that there were 8 quaestors / year throughout this 110-year period. The other figures offered here result from on-going work of data collection (Broughton 1951-1986 is the starting point, supplemented by the trawling of literary, epigraphic, and numismatic sources for the period). It can be assumed that any additional identifications will not significantly alter the general picture.

twenty is precisely what is described in Tacitus, *Annals* 11.22, the only explicit text from antiquity on the subject.⁵

In what follows I do not attempt to survey the entire history of the mid-Republican quaestorship, nor solve the many outstanding problems associated with it. Unavoidably, I shall myself focus upon the same specific issues as previous work, although I leave the question of origins aside;⁶ but I am here concerned with considering the problem of how, when confronted by such limited evidence, we tend to analyse the expansion of the quaestorship within the expanding Republic, and the extent to which adopting a slightly broader view can change the analysis. The paper breaks down into the following four sections:

1, a brief survey of the existing debate over the problem of the expansion of the quaestorship in the third (and second) century;

2, an examination of the case of the so-called *quaestor Ostiensis*, which I consider emblematic of the problems of evidence and argument;

3, a brief presentation of some of the newest evidence for the quaestorship in the third century;

4, an attempt to offer a general interpretation of the distribution of the quaestorship in the second century.

The expansion of the quaestorship in the third century BC

The debate over the increase in number of quaestors is traditionally defined by three very unsatisfactory literary texts, and the constructions which have been built upon them:

1. Livy, *Per.* 15: *quaestorum numerus ampliatus est, ut essent <octo>*.

2. Tacitus, *Ann.* 11.22: *creatique primum Valerius Potitus et Aemilius Mamercus sexagesimo tertio anno post Tarquinius exactos, ut rem militarem comitarentur. dein gliscentibus negotiis duo additi qui Romae curarent: mox duplicatus numerus, stipendiaria iam Italia et accedentibus prouinciarum uectigalibus : post lege Sullae uiginti creati supplendo senatui, cui iudicia tradiderat.*

3. Lydus, *de mag.* 1.27: τῷ δὲ τρίτῳ καὶ <τεσσαρακοστῷ καὶ> διακοσιοστῷ τῶν ὑπάτων ἐνιαυτῷ, ἐπὶ τῆς ὑπατείας Ῥηγούλου καὶ Ἰουλίου, κερνάντων Ῥωμαίων πολεμεῖν τοῖς συμμαχήσασσι Πύρρῳ τῷ Ἡπειρώτῃ, κατεσκευάσθη στόλος καὶ προεβλήθησαν οἱ καλούμενοι κλασσικοί, οἷον εἰ ναύαρχαι, τῷ ἀριθμῷ δυοκαίδεκα κυαίστωρες, οἷον ταμίαι καὶ συναγωγεῖς χρημάτων. τίνι δὲ διαφέρει κυαίστωρ κυαισίτωρος προειρήκαμεν. καὶ διεφυλάχθη ἡ τοιαύτη συνήθεια καὶ συναγωγὴ τῶν πόρων τοῖς τε ὑπάτοις τοῖς τε πραιτίωρσιν ἐκδημοῦσιν.⁷

The first of these locates an increase in the number of quaestors, beyond the four which had been in place since the fifth century, in the period 272-265 BC; but the number is lost in the manuscripts (the plausible <octo> goes back to Sigonius). The second locates an increase from four to eight in the loosely defined period of the completion of the conquest of Italy and gradual overseas expansion, followed by an increase to twenty under Sulla. The third is a deeply problematic text of the sixth century AD, Johannes Lydus' *de magistratibus*, which combines errors and textual corruption, and which can be read in a number of ways and is frequently amended. The passage appears, rightly or wrongly, to describe the creation of

⁵ Badian 1983, p. 167-168. I am grateful to Kyle Ralston, who discussed aspects of this in a recent MSt dissertation (Oxford, Trinity Term 2012), for salutary conversations on much of this; any wilful speculation that remains in this paper is entirely my own doing.

⁶ See, classically, Latte 1936. On the quaestorship generally, Mommsen 1889-1895, IV, p. 220-277; Kunkel and Wittmann 1995, p. 510-531.

⁷ Following the edition of Bandy 1983.

twelve *quaestores classici*, with the text usually amended to place this change in 267 BC; but multiple interpretations have been offered.⁸ Despite the temptations, it is very hard to see what one might realistically do with this text, unless one wishes to give Lydus priority over both Tacitus and Livy, which requires some special pleading. Any emendation or interpretation of the Lydus passage is made to fit the account of the quaestorship being proposed on other grounds and is therefore of little, if any, real historical value. It is commonplace at this point to observe also that there is no other evidence for « *quaestores classici* », if that was in fact a formal title contained within Lydus' rather awkward Greek; however, an argument from silence such as this is itself rather problematic given the very fragmentary state of our evidence for both the quaestorship and other minor magistracies. It is sobering to note that the *periochae* of Livy do not record the later increase to twenty quaestors under Sulla.

Modern debate has revolved around challenging or amending Mommsen's original reconstruction of the quaestorship's development, always upon the basis of these texts, and other related fragments of evidence. Very little of the debate has approached the problem from a broader perspective of what might be said from the evidence for the quaestorship as a whole and within the broader context of evolving Roman imperial administration. Put very briefly, Mommsen accepted that the quaestors were increased to eight in c. 267. He defined the second four as « Italian » quaestors, on the basis that later texts (either very late Republican, or early Imperial) mentioned a quaestor at Ostia, a quaestor in Gallia Cisalpina, and a quaestor either at Cales in southern Italy or else responsible for the *calles* in Italy; the fourth quaestor was unplaced in this scheme, but is usually associated with Lilybaeum in Sicily from a date after 241 and the end of the First Punic War. All four were apparently assumed to be regularly assigned to these *prouvinciae* throughout the subsequent period.⁹ The precise relationship of these « Italian quaestors » to the later provincial quaestors is very unclear, and underlines the weakness of the construct. It is a curiosity that while many have rightly rejected the unattested formal category of Italian quaestors, the provinces themselves (Ostia, the *calles*, etc.) upon which Mommsen based the category have remained remarkably persistent in modern scholarship. In revised interpretations, of which the most influential is that of William Harris, the increase in numbers is usually made more gradual, in order to accommodate the chronological difficulties which are assumed to be entailed by a strict reading of Tacitus' phrase *stipendiaria iam Italia et accedentibus prouinciarum uectigalibus* (e.g. two in c. 267 and a further two in c. 227). However that expansion is thought to be achieved, one or more of the « Italian » quaestorships are always retained in the construct.¹⁰ The consequence of this is that it is normal, as in the lines from Badian quoted in the introduction, to assert (in the face of a total lack of evidence) that additional quaestors were added in the second century, simply because the available number of quaestors must, it is assumed, have become insufficient for the management of the increasing number of overseas

⁸ The bibliography on the Lydus passage is considerable; the most recent interpretation is offered by Tommaso Gnoli (2012, p. 86-97, with earlier bibliography); he follows Chandler and Harris in emending the number from twelve to two, while arguing that *classici* is merely a description of function, not reflecting a formal title. I am indebted to Prof. Gnoli for discussion on this topic. Compare the mess that Lydus makes of the expansion of the praetorship in the same period, at *Mag.* 1.38 and 45, on which Brennan 2000, I, p. 85-86.

⁹ Mommsen 1889-1895, IV, p. 274-277, suggesting on p. 276 that they persisted down to the early Imperial period (which in some cases is in fact the only period for which they are attested).

¹⁰ So, even Harris 1976, who is among the most careful, concludes, p. 104: « Thus the new arrangement was, at least in most years, two consular quaestors, two *urbani*, one *Ostiensis*, two Sicilian, one Sardinian. The *prouvincia Ostiensis* may not at first have been assigned in every single year (indeed it is only a reasonable inference that it was even in the first century). One may also assume that when the governors of Sicily and Sardinia served beyond their first year, their quaestors in most cases also continued to serve, and so the system remained flexible enough for the introduction of occasional *prouvinciae* such as *calles* and the *aquae*. »

provinces; and the more of the Italian quaestorships that are retained in the reconstruction, the more necessary that is assumed to become.¹¹

At this point it should be emphasised that only one of the Italian quaestorships, the so-called *quaestor Ostiensis*, is actually attested for the pre-Sullan period (see next section).¹² There is a fundamental methodological principle which deserves to be respected, namely that any argument concerning the organisation of quaestorian provinces in the middle-Republic which is based solely upon the situation attested subsequent to the post-Sullan increase to twenty quaestors must be considered speculative; likewise, the assumption that a late-Republican or even early-Imperial *provincia* must have its origins in the third century can only ever be speculation.

The *quaestor Ostiensis*¹³

Famously, L. Appuleius Saturninus, quaestor at a date before 104, is described by Cicero in speeches of the 50s as having been responsible for the *res frumentaria* at Ostia.¹⁴ Cicero also, in a different context, refers to a *provincia Ostiensis* (the only time he uses the phrase) being assigned to a quaestor by *sortitio* in 63 (i.e. post-Sulla). Saturninus was stripped of his *procuratio frumentaria* by the Senate; but not, in Cicero's account, of his quaestorship (although Diodorus' version could be read to imply that he was stripped of the quaestorship itself).¹⁵ However, before one leaps from a *provincia Ostiensis* in 63 BC and the allocation of the *res frumentaria* at Ostia to Saturninus as quaestor in c. 105, to the creation of a *quaestor Ostiensis* in 267, one must recognise that it risks severe anachronism to imagine state concern for the urban grain supply resulting in any such regular *provincia* back in the mid-third century; that particular concern is a demonstrably second-century development.¹⁶ Furthermore, there is no reason to assume that assignment of oversight of the grain supply to a quaestor requires this to be either the quaestor's principal function or *provincia*. One possible parallel can be found in an early first-century inscription recording repairs to the *uia Caecilia* overseen by an urban quaestor assigned the task of *curator uiarum*.¹⁷ Indeed, Michael Crawford already observed that Saturninus need only be one of the *quaestores urbani*, assigned to Ostia and/or the *res frumentaria* at need; such assignments might have arisen, in an *ad hoc* fashion, from perhaps the time of C. Gracchus onwards, since only one of the two *urbani* was formally assigned the *aerarium* as a *provincia*.¹⁸ One might usefully

¹¹ Already Mommsen, 1889-1895, IV, p. 225, and with some variation, e.g., Harris 1976, p. 105, Badian 1983, p. 167, and Künkel and Wittmann 1995, p. 513-514; Brennan 2000, I, p.239 is appropriately cautious.

¹² Suet. *Claudius* 24.2 attests to quaestorian *provinciae* of Ostia and Gallia in the time of Claudius; Mattingly (1969) argued that *Gallica provincia* should be amended to *callium provincia*. The *provincia callium* is supposedly supported by Tac. *Ann.* 4.27 referring to the position of a quaestor in AD 24; the *provincia Gallica* is supposedly supported by Plut. *Sert.* 4, which records Sertorius sent as quaestor to Cisalpine Gaul and ordered to conduct a levy in anticipation of the Marsic war. This last is indeed pre-Sulla, but it goes far beyond the evidence of the passage to suggest that this provides evidence for the specific and regular assignment of a quaestor to *Cisalpinia* (particularly one allocated independently of any more senior magistrate).

¹³ See in particular Cébeillac Gervasoni 2002, p. 63-67.

¹⁴ Cic. *Sest.* 39 (*qui quod a se quaestore Ostiensi per ignominiam ad principem et senatus et ciuitatis, M. Scaurum, rem frumentariam tralatam sciebat*); *Har. Resp.* 43 (*quod in annonae caritate quaestorem a sua frumentaria procuracione senatus amouit...*).

¹⁵ Diod. Sic. 36.12 (ἡ γὰρ σύγκλητος παρελομένη τὴν ἐξουσίαν παρέδωκεν ἄλλοις τὴν ἐπιστάσιαν ταύτην); ἐξουσία is the standard translation for *potestas*, and by extension a magistracy; however, the rest of Diodorus' account, both before and after this phrase, speaks more precisely in terms of the task allocated to him and reassigned to others, in line with Cicero.

¹⁶ See conveniently Erdkamp 2000.

¹⁷ *ILLRP* 465 (Rome, early first century), l. 1-6: [*Haec*] *opera loc(ata) [sunt in u]ia Caecilia ... cur(atore) uiar(um) T. Vibio Temuudino q(uaestore) urb(ano)*; for the inscription, see now Friggeri *et al.* 2012, p. 207-209.

¹⁸ Crawford 1974, I, p. 313 and II, p. 633 for only one quaestor charged with the *aerarium* at least down to the time of Sulla (*cf.* Polyb. 23.14.5; *RS* 1, l. 68-9; *RS* 2, l. 46); *cf.* Harris as quoted in n. 10 above.

compare the balancing act between the duties of the *praetor urbanus* and *praetor peregrinus* in the later third and earlier second centuries, when the latter especially was regularly used to meet additional need beyond Rome.¹⁹

I would speculate that the main reason for accepting the principle of a regular Ostian quaestor as early as 267 is an unwillingness to ignore the Lydus passage, with its apparent naval emphasis. Thus, the Ostian quaestor, although it is argued for in its later incarnation as being inspired by the grain supply, is in its earlier, wholly hypothetical incarnation, thought to have primarily naval responsibilities. Leaving aside the questionable method of assuming a geographical continuity to the *provincia* when it is first attested in any form in c. 105, and then trying to find different explanations for that assumed continuity over time, two problems arise: firstly, naval requirements are not the standard explanation for the other, even less well-attested « Italian » quaestorships (notwithstanding Lydus);²⁰ and secondly, such a naval-oriented province implies remarkable prescience on the part of the Roman state, which in all other parts of the ancient tradition is not thought to have decided upon a major programme of ship-building and naval preparations for war with Carthage until several years into the First Punic War, i.e. some six or seven years later.²¹ More fundamentally, the Ostian quaestor reflects the ancient historian's *horror uacui*: faced with the evidence that some increase in the number of quaestors took place in the period immediately prior to the First Punic War, we desperately want to be able to say why and where. But a solitary piece of evidence relating to Saturninus, some 160 years later, can only fill the gap with the most tentative of speculations, and should not be translated into certainty.

New evidence from the Battle of the Aegates Islands

In fact, we do now possess solid evidence of the quaestorship in a naval context and in precisely the period of the First Punic War; evidence which was not available to earlier discussions of this problem.²² But, to pursue the negative line for a moment longer, even this new evidence serves only to reinforce the point that we are severely limited in what we can say about the quaestors at this date.

Ongoing underwater survey off the coast of western Sicily has, in the last few years uncovered a total of eleven bronze *rostra*.²³ With two exceptions, these are all securely archaeologically provenanced from a narrow zone in the area of the Aegates Islands, and are part of an extended debris field which includes third-century Greco-Italic and Punic amphorae, and Montefortino-type helmets. The details are not relevant here, but the essential point is that this material almost certainly marks the site of the final battle of the First Punic War in 241. These *rostra* are remarkable enough, since only a handful of ancient *rostra* were previously known. But six of them are even more remarkable for bearing Latin inscriptions (a seventh bears a Punic text), five of which explicitly attest to quaestors by name, and may

¹⁹ See Brennan 2000, I, p. 85-97, with the qualifications of Briscoe 2012.

²⁰ Although Mommsen himself did speculate that they had a role in levying *socii nauales*, explicitly and solely on the basis of the Lydus-derived title *quaestores classici* (1889-1895, IV, p. 276 n. 2). For a detailed analysis of naval concerns in this period in relation to the post and the Lydus passage see Gnoli 2012, p. 90-91 and Ferone 2003; both note the naval activities of the *Bellum Sallentinum* in the earlier 260s. It might be argued that the acquisition of the *silva Sila* in Bruttium at this period could be linked to the supply of naval timbers and in turn to one of the new quaestors, but this would again be entirely speculative. Gnoli is careful to argue that any naval reference is purely to their (temporary) function, not part of a formal title.

²¹ Pace Steinby 2007, the essential point stands that prior to 260 Rome did not engage in large-scale fleet-building. To this problem one should add the poorly attested *duumviri nauales*, on which now Dart 2012.

²² Except Gnoli 2012, who however only had preliminary readings of some of the material with which to work.

²³ The Egadi Islands Survey Project (2005 to present), directed by Sebastiano Tusa (Soprintendente del Mare, Regione Siciliana) and Jeff Royal (Director, RPM Nautical Foundation); detailed preliminary report in Tusa and Royal 2012; I am currently preparing an edition of the Latin inscriptions, and wish to express my warm thanks to both directors for their generosity and assistance.

plausibly be dated somewhere between c. 260 and 242.²⁴ These texts add the names of three quaestors to our very limited data-set for the third century (they are the only named quaestors known for the First Punic War; and increase the number of named quaestors between 300 and 219 BC from 4 to 7). The quaestors are attested acting either singly or as a pair; the texts specifically record an act of *probatio*, that is, the formal ratification of a process of contracting.

At first glance, this might encourage one to think that Johannes Lydus was right, and that the additional quaestors of the 260s, however many in number, were created for a specific naval role.²⁵ But nothing else supports or requires that view. The rams will have been produced at Rome, using large quantities of bronze (approximately 125 kg per ram), presumably drawn from the *aerarium*, and the inscriptions record *probatio* of their production.²⁶ This could be no more than the urban quaestors controlling treasury expenditure; however, this would be an unusual use of the term *probatio*.²⁷ More straightforwardly, given the explicit evidence of the inscriptions for contracting, this is likely to be one or more of the urban or consular quaestors undertaking elements of the fleet construction, presumably on the instructions of the consul and/or senate. Indeed, one of the most interesting aspects of these texts is the clear evidence which they provide of quaestors managing public contracts, as well as the very early date to which these attest for such public contracting.²⁸ The inscriptions themselves, particularly given their very prominent position on the *rostra* (nos. 4, 6, and 11 are large, relief texts on the most visible part of the cowling), nicely illustrate the highly personal and individual element almost of « ownership » that tends to be associated with contracting for *opera publica*, and the associated self-promotion.²⁹

The allocation of quaestors in the second century BC

If we leave aside the unknowable details of the expansion and distribution of the quaestors in the third century, it is nonetheless worth thinking about the second-century situation from the broader perspective of the available evidence for quaestors in this period. Existing discussions have either focused on the problematic texts pertaining to the third-century change noted above, in conjunction with the hypothetical Italian quaestorships, or else they have concentrated on particular episodes in isolation, most obviously Gaius Gracchus' return without formal permission from Sardinia after two years' service as quaestor; and they have then attempted to infer norms from those singular episodes.³⁰ Consequently, there is a

²⁴ Egadi 4 and 6 (with variation in the order of names): *C(aios) Paperio(s) Ti(berii) filios, M(arcos) Populicio(s) L(ucii) filios, q(uaistores) p(robauere)*; Egadi 7: [--- c.10---] *C.f. quaistor probauet*; Egadi 8: *L(ucios) Quincti(os) C(aii) filios) quaistor probauet*; the *rostra* are numbered in order of discovery; no. 11 was recovered in July 2013 and initial study, pre-cleaning, suggests that it is a third example of nos. 4 and 6. Letter forms, orthography, and prosopographic details are all compatible with (but do not formally require) a First Punic War date.

²⁵ This is essentially the argument of Gnoli 2012, p. 86-97 (with *classicus* as function, not title).

²⁶ In a forthcoming article in *Ostraka* 20 (2011), Mario Torelli argues that some may have been produced elsewhere by Rome's Italian allies.

²⁷ More generally, one might compare the many instances of metal, both bronze and bullion, being deposited with the urban quaestors and put to fresh use (see Crawford 1974, II, p. 616-619); or, the post-Sullan evidence of Cic. *Flac.* 30, where the two urban quaestors oversee expenditure upon a fleet in 62.

²⁸ Evidence for *locatio* for *opera publica* on the part of quaestors is negligible: the two main examples (both late 40s) are Cic. *Phil.* 9.16, a *senatus consultum* instructing the consuls to instruct the urban quaestors to contract for a statue; and *CIL* VI.358 = *ILLRP* 160, recording *locatio* and *probatio* for a wall by the urban quaestor; cf. also Frontin. *Aq.* 96. Mommsen concluded that quaestors contracted exceptionally, and only on the instructions of senate or senior magistrate (1889-1895, IV, p. 111 n. 4 and p. 256-257); cf. Trisciuglio 1998, p. 136-137.

²⁹ On which, see Trisciuglio 1998, p. 155-156.

³⁰ Gaius Gracchus: Plut. *C. Gracchus* 2.3-5, cf. Gellius *NA* 15.12 (both quoted below); see esp. Badian 1983, p. 160-164.

widespread tendency, as already noted, to assume that the quaestorship must have expanded further in the second century in order to keep up with provincial expansion. If, on the other hand, we work from the limited but simple facts that we have, then a rather different picture emerges, which is, moreover, entirely in line with the familiar and much more limited pattern of praetorian expansion and assignment, as well as the generally visible and accepted reluctance on the part of the Senate to countenance significant expansion of the magisterial body during the second century.

Our (very limited) sources tell us that prior to Sulla there were eight quaestors, and that that number was probably reached in the course of the third century. It is reasonably certain that two quaestors attended the consuls each year in the second century (i.e. one per consul); it is likewise reasonably uncontroversial that two served as urban quaestors, of whom one was formally assigned to the *aerarium*; as already noted, the other urban quaestor may well have been assigned a varying range of duties such as *curator uiarum* or *res frumentaria* as the need arose.³¹ Four further quaestors therefore remain to be allocated.³² From 227 praetors were sent to Sicily and Sardinia with regularity. From 197 two praetors were usually sent to *Hispania Citerior* and *Ulterior*. There was of course some variation to that general pattern.³³ I think it is uncontroversial to assume that provincial praetors were normally attended by a quaestor during the second century.³⁴ Quaestors attending on a « regular » praetorian governor (rather than a consul on campaign in the same area) are attested in at least one instance for every « regular » *provincia* of the second century with the sole exception of Africa – for which the evidence is in any case even more exiguous than normal.³⁵ Given the general state of our evidence for the quaestorship, that is in fact quite reassuring. The one further complication for any attempted reconstruction is that it is universally accepted that two quaestors were assigned to Sicily after the Second Punic War.³⁶

³¹ *Supra*, n. 17-19. For consular quaestors, see e.g. Mommsen, 1889-1895, IV, p. 224-225, 228-230, 263-265, 270.

³² The details of quaestorian allocation are obscure, although the evidence suggests a list of destinations determined in advance by the senate for *sortitio*: Ulpian (*Dig.* 1.13.1.2) attests to the fact that *sortitio ex senatus consulto* was the norm, at least from the consulship of 'D. Drusus and Porcina'. That pairing is however corrupt: Mommsen (1889-1895, IV, p. 231 n. 1) and others suggested a conflation of D. Brutus (cos. 138 BC) and M. Aemilius Lepidus Porcina (cos. 137 BC). Cicero (*Mur.* 18) also attests to *sortitio* according to a *lex Titia* in 74 BC, but the scope and date of that law is unknown: perhaps to be attributed to the tribune of 99 BC, Sex. Titius, and perhaps echoing Gaius Gracchus' law on consular provinces, so e.g. Gruen 1966, p. 36 n. 26 and *cf.* Mommsen 1889-1895, IV, p. 231 n. 1.

³³ For the ongoing debate about the precise nature of and the formal legal process for the increasingly regular praetorian assignments in the early second century, see Ferrary 2008.

³⁴ Loreto (1993) rejects the idea that a quaestor attended the praetor in Sardinia from 227 BC on the basis that no Sardinian quaestor is attested prior to C. Gracchus in 126 BC; this conclusion is forced upon Loreto because he retains the Ostian, *calles*, and Gallic quaestors and therefore must abandon provincial quaestors so as not to exceed the total of eight. The inconsistency in the argument is all too apparent, given the absence of evidence already noted for the Italian quaestors.

³⁵ Examples: Hispania Ulterior, 193 BC, anonymous quaestor attending on P. Cornelius Scipio Nasica (Livy 35.1.12); Hispania Citerior, between 188 and 185 BC, Q. Fabius Buteo (or Maximus), quaestor attending on L. Manlius Acidinus (Livy 39.29.7); Macedonia, 143/2 BC, L. Tremellius Scrofa, quaestor attending on [-] Licinius Nerva (Livy, *Per.* 53; Varro, *RR* 2.4.1-2; Eutrop. 4.15); Asia, M. Antonius, quaestor for 113 BC (Val. Max. 3.7.9, 6.8.1, *cf.* I. Délos 1603); Sardinia, Cn. Pompeius Strabo, quaestor attending on T. Albius, c. 106 BC (Cic. *Diu. Caec.* 63; Ps.-Ascon. 203 St.; Cic. *Off.* 2.50; Suet. *Iul.* 55.2); Sicily, L. (Veturius?) Philo, quaestor attending on C. Servilius, 102 BC (Cic. *Diu. Caec.* 63; Ps.-Ascon. 203 St.). On Africa, see most recently Hurlet 2012, p. 102-104; whether Gallia can be considered a regular praetorian province during this period seems very uncertain.

³⁶ Cic. *Verr.* 2.11 and 2.156 attest to the double quaestorship in 71 and 70 BC (*cf.* Ps.-Asconius 187 and 259 St.); references to Cicero's quaestorship in 75 BC, esp. Cic. *Planc.* 65, imply this situation without being explicit. There is formally no pre-Sullan evidence for the double quaestorship, but I would concede that it is very difficult to imagine any context for its creation except the period of the First and Second Punic Wars; I discuss the

When all this has been taken in to account – but ignoring all speculations on the « Italian » quaestorships in this period – it is in fact entirely possible to plot the allocation of eight quaestors throughout the second century to all the praetorian provinces without ever, except in very exceptional circumstances, requiring a quaestor to serve more than a *biennium*.

Table 1: hypothetical allocation of quaestors to provinces at various points in the second century BC [tableau à insérer ici = fichier Table_Prag_v1]

It must be emphasised that this table is intended to be purely illustrative and does not attempt to map actual historical reality: the fragmentary nature of our evidence means that any attempt to do so would constitute a spurious pretence at being comprehensive, as well as an invitation to challenge on points of detail. Across the four five-year periods plotted on the table, approximately twenty quaestors are attested (some anonymous), of whom a quarter cannot be assigned to a *prouincia*; the vast majority of the quaestorships marked on the table are not, therefore, historically attested as occupied. The five-year periods chosen are intended to reflect the various moments of increase in provincial commitments on the part of the expanding Republic. The only principles adopted in mapping out the rotations were that urban and consular quaestors would be assigned every year (since urban offices in general do not seem to be prorogued, while consuls could normally expect to be assigned a *prouincia*), and that the Sicilian quaestors where possible would be rotated in tandem. The latter is an arbitrary choice (although one might note that Verres' quaestors seem to have been so replaced); but removing that limitation would only simplify the hypothetical rotations, and retaining the more restrictive principle serves to demonstrate the model's viability. The only instances on the table which are deliberately historical are the two quaestors in the 'other' column for 102 and 101 BC, since our evidence suggests that two quaestors in succession attended on M. Antonius during his piracy command in Cilicia in 102-100 BC.³⁷ The value of inclusion is to make the model at its most extended take account of possible additional allocations. The additional instance in the 'other' column for 195 BC, on the other hand, is merely *exempli gratia* to show that the rotation has flexibility for such additional allocations.

In light of Table 1, the case of Gaius Gracchus in Sardinia becomes entirely comprehensible:³⁸ he served two years without complaint, only returning to Rome when his duty was extended to what can be argued to be a highly unusual third year. It seems likely that the reason our sources record this event, besides the fact that it was Gaius Gracchus, must be because he returned without his consular superior's explicit permission; while neither the context nor the position is identical, the repeated requests for permission to return to Rome to

Sicilian quaestorship in the third century in detail in a forthcoming paper (cf. Prag 2012, p. 61; Pinzone 2000, p. 859; Brennan 2000, I, p. 139).

³⁷ The individuals in question are C. Norbanus and A. Gabinius. Badian 1983 argues for Gabinius in 102 and Norbanus in 101 BC (cf. Broughton 1951-1986, III, p. 149 reversing his earlier dating, in line with Badian).

³⁸ Plut. *C. Gracchus* 2.3-5: 'The Senate passed a decree that fresh troops should be sent to relieve the soldiers in Sardinia, but that Orestes should remain, with the idea that Gaius also would remain with him by virtue of his office. But Gaius, when this came to his ears, straightaway sailed off in a passion, and his unexpected appearance in Rome not only was censured by his enemies, but also made the people think it strange that he, quaestor as he was, had left his post before his commander. However, when he was denounced before the censors, he begged leave to speak, and wrought such a change in the opinions of his hearers that he left the court with the reputation of having been most grossly wronged. For he said that he had served in the army twelve years, although other men were required to serve there only ten, and that he had continued to serve as quaestor under his commander for a triennium, although the law permitted him to come back after a year (ταμειύων δὲ τῷ στρατηγῷ παραμεινῆκέναι τριετίαν, τοῦ νόμου μετ' ἐνιαυτὸν ἐπανελθεῖν διδόντος). Cf. Gellius, *NA* 15.12: *biennium fui in prouincia*.

stand for election on the part of C. Marius, when *legatus* to Metellus in Numidia in 108 BC, would seem to illustrate some of the same underlying norms and expectations.³⁹

However, the case of Gracchus is important for two additional reasons. Firstly, quick comparison with the Table will show that it does not take the case of Gracchus directly into account, assigning hypothetical quaestors to Sardinia in 127 and 125, whereas we know that Gaius was there in 126 and 125 as quaestor to the consul of 126 BC, L. Aurelius Orestes, who was assigned command against a revolt in Sardinia. This immediately illustrates the potential redundancy built in to the model outlined in the Table: on a significant number of occasions, « regular » praetorian provinces were in fact assigned to consuls instead; quaestors would in any event be assigned to consuls going out to a *prouincia*, which must have freed up both praetor and « provincial » quaestor for potential reallocation elsewhere.⁴⁰ Consequently, the exceptional instances when extended periods of quaestorian service might be thought to be implied by the lack of available quaestors for replacement compared to numbers of provinces needing supervision are probably even fewer than this table might suggest. So, for example, although as already noted our evidence suggests that two quaestors in succession attended on M. Antonius during his piracy command in 102-100 BC, during the same period there was, e.g., a consular commander fighting the Slave War in Sicily. This would surely have released at least one of the other quaestors from being assigned to Sicily, and so although the Table includes three-year provincial allocations in the final quinquennium, I am sceptical as to whether they would in reality have been required.

The second reason relates to the remark of Gracchus, reported by Plutarch, that the law allowed him to return after one year. Mommsen puts Gracchus' claim to a legal right to demit office after one year in the context of the general annuality of magistracies, while at the same time noting that there does seem, as indeed is implied by the Gracchus anecdote, to have been a presumption that quaestors would generally be prorogued in service alongside the senior magistrate if he too was prorogued.⁴¹ The objection that pro-rogued quaestors are only very rarely attested is surely vitiated by the exiguous nature of our evidence generally for quaestors and the necessary consequence that such an objection can only ever be an argument from silence.⁴² The core point remains that quaestors in general are not thought worthy of mention in our sources, and it is telling that the examples we mostly have to work with are the exceptional figures from Roman history: the Gracchi, Saturninus, Sulla, Lucullus, Caesar, etc. There should therefore be no difficulty in the idea that quaestors in the second century regularly served for two years. On the other hand, *if* we were to allow that prorogation was in fact rare and that return from office, in the fashion of Gaius Gracchus, was widespread and by implication placed pressure on the system in the second century, it still does not follow that this necessitates an increase in the basic number of quaestors elected annually. Instances of a *legatus pro quaestore* are clearly attested, and must be presumed to be the default response in the case of a promagistrate in the field for whom a quaestor is lacking, whether through death, departure, or other reason.⁴³

³⁹ Sall. *BJ* 64, 83.2; cf. Badian 1983, p. 161, noting also the case of C. Iulius Caesar in 68.

⁴⁰ See e.g. Brennan 2000, I, p. 240 for this point; such consular assignments can be traced in the tables of Brennan 2000, II, p. 681-722.

⁴¹ Mommsen 1889-1895, IV, p. 230 with n. 1.

⁴² Badian 1983, p. 158-159 attempts to draw conclusions from comparison of the epigraphic evidence for honours for quaestors versus proquaestors, but the numbers cited (p. 158 n. 15: 3 versus 1) are so tiny as to be incapable of proving anything.

⁴³ Mommsen 1889-1895, IV, p. 265 with n. 4. C. Verres offers a clear example of a *legatus pro quaestore* following the death of a quaestor (Cic. *Verr.* 1.90) in 80; more interesting is the case in Livy 41.10.8 (177 BC), where an anonymous individual, *qui pro quaestore Manli erat*, is mentioned because he was ordered by the consul C. Claudius Pulcher to arrest the proconsul A. Manlius Vulso. Again the basic point deserves emphasis

There is nothing remarkable about any of this. The patterns would look very similar for praetorian commands over the second century. If the Roman state could choose not to extend the praetorship for over 100 years after 197, and in particular not to do so in 146, or subsequently in the 120s, or *c.* 100, why should we think it was any readier to extend the quaestorship in the mid-second century, when the provincial mechanisms were evolving at every level, and increasing the quaestorship would create similar pressures on the *cursus* to those already generated by the increase in the praetorship?⁴⁴ As Brennan has already emphasised in study of the praetorship, it seems likely that pressure only truly began to build on the system at the very end of the second century, perhaps indeed from the 120s onwards. In the case of the quaestorship that is flagged by the case of Gaius Gracchus, and that is fully in line with everything else that we see, and in turn directly addressed by Sulla in 81/80.

The shadow of Mommsen looms particularly large in assessment of the quaestorship in the middle Republic; no less influential has been the paucity of evidence, which encourages the construction of edifices on very shallow foundations. Although Mommsen's general construction of the Italian quaestors in the third century has been repeatedly challenged, the individual elements have proved remarkably resilient, despite the lack of evidence. An assessment of the quaestorship on its own terms, and through the medium of the complete set of evidence, such as it is, for quaestors in the Republic, is long overdue. This paper has attempted to offer a first look at one aspect; a comprehensive study remains a *desideratum*.

that we only hear of these cases for exceptional reasons; but this does not for a moment imply that the mechanism itself of delegation *pro quaestore* is exceptional.

⁴⁴ See esp. the comments of Brennan 2000, I, p. 239-241 (in part after Badian, *Gnomon*, 51, 1979, p. 793-794) on the significance of 146 BC for the institutionalisation of prorogation in the *res publica*. Brennan explicitly (p. 239) downplays the significance of quaestors in this equation, but as will be apparent from the general tenor of this paper, extension of such considerations to the quaestorship seems to me to be entirely in line with the tight grip on the Senate that the *nobiles* are said to have sought to maintain in this period in the accounts of Sallust (*BJ* 41) and others.

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Table 1: hypothetical allocation of quaestors to provinces at various points in the second century BC

province year	urban	urban	consular	consular	Sicilia (East)	Sicilia (West)	Sardinia	Hispania Citerior	Hispania Ulterior	Macedonia	Africa	Asia	other
200	X	X	X	X	X	X	X	X					
199	X	X	X	X	X	X		X	X				
197	X	X	X	X	X	X	X		X				
196	X	X	X	X	X	X	X	X					
195	X	X	X	X			X	X	X				X
...													
145	X	X	X	X	X	X				X	X		
144	X	X	X	X			X	X	X	X			
143	X	X	X	X	X	X				X	X		
142	X	X	X	X			X	X	X		X		
141	X	X	X	X	X	X	X			X			
...													
128	X	X	X	X	X	X					X	X	
127	X	X	X	X			X	X	X	X			
126	X	X	X	X	X	X					X	X	
125	X	X	X	X			X	X	X	X			
124	X	X	X	X	X	X					X	X	
...													
104	X	X	X	X	X	X					X	X	
103	X	X	X	X			X	X	X	X			
102	X	X	X	X	X	X					X		X
101	X	X	X	X			X	X	X			X	X
100	X	X	X	X		X				X	X	X	

X indicates quaestor hypothetically assigned in that year to that province.

Shading indicates region not yet regularly assigned as a *provincia* (or a chronological gap between periods considered)

'other' allows for non-regular provincial allocations additional to those of the time.