

**Fleets and *Prouvinciae* in the Roman  
Republic: institutions, administration and  
the conceptualisation of empire between  
260 and 49 B.C.**

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## **Abstract: Fleets and *Prouvinciae* in the Roman Republic: institutions, administration and the conceptualisation of empire between 260 and 49 B.C.**

This research examines how, when and why the Romans assigned and defined the tasks of preparing and commanding fleets during the Republic. In doing so, it brings new evidence to bear on the wider debates about the nature of the *prouincia*.

The *communis opinio* is that a *prouincia* originally represented a functional “sphere of operation” that was allotted or assigned to a magistrate and that it only later developed a geographical meaning with territorial connotations through the process of “provincialisation.” This research challenges that view through an analysis of the evidence for the definition, assignment and practical use of the *prouincia classis* and other *prouvinciae* connected with the command of fleets. Drawing upon and analysing the lists of administrative arrangements to be found in the “annalistic” sections of the surviving books of Livy’s *History*, it argues that *prouvinciae* were defined in specific geographical and functional terms long before the development of permanent territorial empire. This offers a new perspective which points to and elucidates the flexible use of the *prouincia* as a means of separating magistrates and promagistrates in space or by function in space. It argues that the rationale for this was to limit conflicts between commanders over command and triumphal rights.

By combining evidence from a wide range of sources after the loss of Livy’s *History* from 167, the research shows that the above rationale for demarcating *prouvinciae* still applied in the first century B.C. However, it also demonstrates that there were significant changes with the assignment of vast Mediterranean-wide naval *prouvinciae* in the first half of the first century B.C. It argues that the definition of these *prouvinciae* was made possible by the development of a singular collective Mediterranean-wide *ora maritima*, which was brought about by the Romans’ increasing “acknowledgement of empire.” The negative political and institutional implications of these developments are also assessed.

Finally, in discussing the above, this research also provides new insights into the role and *auctoritas* of the Senate, the function and freedom of magistrates, and the Romans’ conceptualisation of their empire.

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## Conventions and Abbreviations

The dates used throughout this thesis are B.C. and refer to the (Roman) consular year rather than the (Julian) solar year, unless otherwise stated.

Translations quoted in the text are from the *Loeb Classical Library* with modifications where necessary.

The abbreviations of ancient authors and documents generally follow the *Oxford Classical Dictionary*<sup>3</sup>; and the abbreviations of the journals in the bibliography follow *L'Année Philologique*.

The following abbreviations are used for some standard works used in the text:

<i>ANRW</i>	<i>Aufstieg und Niedergang der römischen Welt</i> (1972- ).
<i>Barrington Atlas</i>	Talbert, R.J.A. (ed.), <i>Barrington Atlas of the Greek and Roman World, Vols. I-III</i> , Princeton, Princeton University Press (2000).
<i>IGRom.</i>	<i>Inscriptiones Graecae ad res Romanas pertinentes</i> (1906- ).
<i>ILLRP</i>	Degrassi (ed.) <i>Inscriptiones Latinae Liberae Rei Publicae</i> (1963-65).
<i>ILS</i>	Dessau, H., <i>Inscriptiones Latinae Selectae</i> (1892-1916).
<i>MRR</i>	Broughton, T.R.S., <i>The Magistrates of the Roman Republic, Vols. I-III</i> , New York, American Philological Association (1951-1986).
<i>RE</i>	Pauly, A., Wissowa, G. and Kroll, G. (eds.), <i>Real-Encyclopädie d. klassischen Altertumswissenschaft</i> (1893- ).
<i>RPC</i>	Burnett, A.M., Armandry, M. and Ripollès, P.P. (eds.), <i>Roman Provincial Coinage</i> , London, British Museum Press (1992- )
<i>RRC</i>	Crawford, M., <i>Roman Republican Coinage</i> , London, Cambridge University Press (1974).
<i>RS</i>	Crawford, M. (ed.) <i>Roman Statutes, I-II</i> , BICS Supplement 64, London (1996).
<i>SIG</i> <sup>3</sup>	Dittenberger, W. (ed.) <i>Sylloge Inscriptionum Graecarum</i> <sup>3</sup> (1915-24).
<i>TLL</i>	<i>Thesaurus Linguae Latinae</i> (1900- ).

## Chapter I: Introduction

### I.i. Introduction

This research explores the institutional and political mechanisms used by the Romans for defining, assigning and undertaking naval tasks during the Republic. It is primarily concerned with how these mechanisms developed and functioned as the Roman Empire expanded between the third and first centuries. Whilst the significance of the contribution made by Rome's naval forces to her overseas military success has been widely recognised by both ancient and modern historians, little attention has been paid to the important questions of how, when and why the tasks of preparing and commanding the fleets were actually assigned. It follows that the contributions that answers to these questions can make to the wider debates concerning the functions of the Senate, the role and autonomy of magistrates, the nature of the *prouincia* and even the conceptualisation of empire have been largely overlooked. The underlying purpose of this study is to redress these omissions by focussing on the *prouincia* as a means of defining naval commands and what these commands reveal about the concept of the *prouincia* more generally. As we shall see, *prouinciae* were fundamental for the working, development and conceptualisation of the Roman Empire.

The wider debates noted in the previous paragraph will be introduced at the appropriate points in the course of this study. This preliminary chapter will be used to contextualise my approach to the above questions through an examination of the historiography of Roman fleets and the early historical development of the naval tasks under investigation. It is divided into three parts. The first part will consider how Roman fleets were viewed by Polybius in his *Histories*. This is the earliest surviving work to mention Roman fleets at any length and has had a profound influence on modern

scholarship. Polybius also outlines a chronology for the creation of the Roman fleet. This will be assessed in order to determine an appropriate starting point for this research. The second and third parts will then discuss the evidence for the role played by senior magistrates in the construction and command of the first large Roman fleet. These two discussions will each be used to frame the questions and themes to be discussed in Chapters II-IV.

## I.ii. The invention of the Roman fleet: Polybius and historiography

For who is so worthless or indolent as not to wish to know by what means and under what system of polity the Romans in less than fifty-three years have succeeded in subjecting nearly the whole inhabited world to their sole government – a thing unique in history? Or who again is there so passionately devoted to other spectacles or studies as to regard anything as of greater moment than the acquisition of this knowledge?<sup>1</sup>

These are the famous words with which Polybius outlined the underlying theme of his *Histories*: how and why the Romans acquired a dominant position (ἀρχή) between 220 and 167 that enabled them to give orders and ensure that they were obeyed.<sup>2</sup> He traces the origin of this development back to the first time that the Romans crossed the sea from Italy with an army in 264 – an event he describes as being “the most suitable starting point” for his whole theme.<sup>3</sup> This, he claims, set off a chain of events, starting with war with Carthage, which led to the construction of a Roman fleet of 100 quinqueremes and 20 triremes in 260 (for the purpose of challenging the Carthaginians for the ἀρχή of the whole of Sicily).<sup>4</sup> According to Polybius, this marked the foundation of the Roman fleet and Roman power at sea:

And one of the reasons which induced me to narrate the history of the war named above at some length is just this, that my readers should, in this case too, not be

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<sup>1</sup> Polyb. 1.1.5: τίς γὰρ οὕτως ὑπάρχει φαῦλος ἢ ῥάθυμος ἀνθρώπων ὃς οὐκ ἂν βούλοιο γινῶναι πῶς καὶ τίνι γένοιτο πολιτείας ἐπικρατηθέντα σχεδὸν ἅπαντα τὰ κατὰ τὴν οἰκουμένην ἐν οὐχ ὄλοις πεντήκοντα καὶ τρισὶν ἔτεσιν ὑπὸ μίαν ἀρχὴν ἔπεσε τὴν Ῥωμαίων, ὃ πρότερον οὐχ εὐρίσκεται γεγονός, τίς δὲ πάλιν οὕτως ἐκπαθῆς πρὸς τι τῶν ἄλλων θεαμάτων ἢ μαθημάτων ὃς προουργιαίτερον ἂν τι ποιήσαιτο τῆσδε τῆς ἐμπειρίας;

<sup>2</sup> On this see the classic article by Derow (1979), esp. p.4-6 and Millar (2002b), p.91. Cf. Walbank (1972), p.133ff and Kallet-Marx (1995), p.22. Note also Polyb. 3.4 for the revised plan to consider the period between 167 and 145 after the ἀρχή had been established with Walbank (1957), p.301-303; Nicolet (1991), p.30f; and Millar (2002b), p.91-94.

<sup>3</sup> Polyb. 1.12.5-6: Ἡ μὲν οὖν πρώτη Ῥωμαίων ἐκ τῆς Ἰταλίας διάβασις μετὰ δυνάμεως ἦδε καὶ διὰ ταῦτα καὶ κατὰ τούτους ἐγένετο τοὺς καιροὺς, ἦν οἰκειοτάτην κρίναντες ἀρχὴν εἶναι τῆς ὅλης προθέσεως... Cf. Livy, *Per.* 16 and Oros. 4.7.1. For a discussion of the date see De Sanctis (1916), III.i, p.250-253. Cf. Thiel (1954), p.65f and p.149f; and Lazenby (1996), p.43-49 and esp. p.48f.

<sup>4</sup> For the outbreak of the First Punic War see generally e.g. Eckstein (1987), p.73-101 and Hoyos (1998), p.82-115. For the chain of events and creation of the fleet see further Polyb. 1.20.1-16 with Walbank (1957), p.72f and Derow (1979), p.2-4. Cf. Polyb. 1.23.1-10; 1.24.1-2; and 2.20.10.

kept in ignorance of the beginning – how, when, and for what reasons the Romans first took to the sea.<sup>5</sup>

These claims about the origin of the first Roman fleet and its contribution to the development of the Roman ἀρχή between 260 and 167 have dominated the existing scholarship on the naval history of the Roman Republic. Recently, Steinby, for instance, has sought to answer the following two closely related questions: “But when does the history of the Roman navy begin and what kind of role did the navy play in Roman expansion?”<sup>6</sup> The book’s main objectives are to demonstrate that the Romans had an “efficient and powerful navy” long before the First Punic War and to highlight the importance of Rome’s fleets for the extension of her power throughout the Mediterranean.<sup>7</sup> In doing so, it offers a re-assessment of the claims made by Thiel, in his two fundamental studies on “Roman sea-power”, that Roman fleets were unimportant prior to the First Punic War and that the Romans were generally averse to naval warfare (as so-called “landlubbers”).<sup>8</sup> Other modern discussions of Roman fleets roughly fall into three, partially overlapping, categories: i) those concerned with the evidence for the existence and strength of Roman fleets before 260;<sup>9</sup> ii) those which concentrate on ship numbers,

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<sup>5</sup> Polyb. 1.20.8: διὸ καὶ τοῦτο τὸ μέρος οὐχ ἥκιστα με παρώρμησεν ποιήσασθαι μνήμην ἐπὶ πλείον τοῦ προειρημένου πολέμου χάριν τοῦ μηδὲ ταύτην ἀγνοεῖσθαι τὴν ἀρχήν, πῶς καὶ πότε καὶ δι' ἧς αἰτίας πρῶτον ἐνέβησαν εἰς θάλατταν Ῥωμαῖοι.

<sup>6</sup> Steinby (2007), p.13.

<sup>7</sup> Ibid., p.13-17 (with the quotation from p.29) and note especially p.16f: “The main theme is the development of the Roman navy, how it functioned strategically and tactically, and the role it played in the expansion of Rome’s Mediterranean dominion and how it defeated the navies of Carthage, Macedon and Syria.” Cf. p.105, p.143, p.171 and p.198 for the rationale given at the start of each chapter.

<sup>8</sup> Thiel (1946) and (1954). Steinby is right to question Thiel’s consistent portrayal of the Romans as “landlubbers”, yet her controversial arguments (p.29-86) for a powerful navy prior to the First Punic War are not supported by the evidence and Thiel’s interpretation is still to be preferred. Cf. the reviews by Dart (2009) and Hoyos (2010), p.514f, and note also Dart and Vervaet (2011), p.267-269. It should also be noted that Le Bohec (2003), offering support for a thesis originally proposed by Charles-Picard (1967), p.124-126, already suggested that the construction of the fleet in 260 merely brought about a change in the size of the fleet and the diversity of the missions: he proposed that the Roman navy was “excellente” before the First Punic War and so characterises the development in 260 as being quantitative rather than qualitative.

<sup>9</sup> E.g. Milan (1973), p.196, n.1 and p.211-214; Ferone (2001); Ferone (2003), esp. p.79f with n.60; Le Bohec (2003); Lafon (2006); Loreto (2007), p.45-50; and Dart and Vervaet (2011), p.267-269.

ship types and naval strategy and how these relate to the notion of “sea-power”;<sup>10</sup> and iii) those which deal with the manpower on board the ships.<sup>11</sup>

The predominant focus of scholars on these topics – though important – has meant that much less attention has been given to the related institutional and political contexts associated with Roman fleets. Steinby, for example, did not examine the administrative procedures that underpinned the functioning of fleets and their overseas military successes; and Thiel only dedicated a relatively small number of pages to these issues, mostly in his various appraisals of the naval command structure between 264 and 167.<sup>12</sup> A few other important studies have approached these subjects from different perspectives, but, consequently, do not give us the whole picture.<sup>13</sup> Most notably, Brennan, in his *magnum opus* on the praetorship in the Roman Republic, examined the praetor’s role in naval preparations and the assignment of the fleet as a praetorian *prouincia*.<sup>14</sup>

My own research seeks to expand on, and develop, these themes by considering all of the available evidence for the Roman naval preparations and command of fleets in the Republic. In doing so, I shall seek to elucidate the mechanisms for assigning, defining and undertaking naval tasks and thereby fill an important gap left by the previous studies of Roman fleets. As stated in the previous section, one of my main objectives will be to make

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<sup>10</sup> E.g. Kromayer (1897); Tarn (1907); Brunt (1971), p.666-670; Starr (1989), esp. p.6; Rankov (1996); Lazenby (1998), p.235f; Loreto (2007), p.45-70 and *passim*; Pitassi (2009), esp. IX-XVI; Pitassi (2011); and now de Souza (2013), p.383-385. For an examination of sea-power in Polybius from a non-Roman perspective see e.g. Walbank (2002a), p.107-126 and for Greek ideas of “sea-power” see also Momigliano (1944).

<sup>11</sup> E.g. Milan (1973); Ilari (1974), p.105-117; Pinzone (2004); de Souza (2007), p.364-366; Prag (2007a), p.78-82; and de Souza (2013), p.387f.

<sup>12</sup> Thiel (1946), p.194, p.216-219, p.278-281 and p.384-386; and Thiel (1954), p.78-83. Cf. Tarn (1925), p.490, s.v. “755” and p.492 s.v. “760.”

<sup>13</sup> E.g. Willems (1885), II, p.533-535 and p.630-633 briefly discusses the role of the Senate in organising the preparation of fleets and the distribution of naval *prouvinciae*; Mommsen (1887), II, p.579-581 and p.654f considers the naval command within the context of *consulare imperium*; Dart and Vervaeke (2011) examine naval triumphs and the use of fleets, for which see further Chapter III.iv-vi; Dart (2012) explores the evidence for *duumviri nauales*; and Gnoli (2012b), p.86-97 discusses the so-called *quaestores classici* with reference to the modern literature.

<sup>14</sup> Brennan (2000), p.104 and App.VI, p.658f (shipbuilding); p.184 and cf. p.139-141 and p.210-215 (command of the fleet and the fleet as a *prouincia*). A full discussion of these ideas will be given in Chapters II and III.

a contribution to our understanding of some of the functions of the Senate and magistrates and, in particular, the concept of the *prouincia*.

I shall base my analysis primarily on the surviving ancient source material and what this can tell us about how, when and why tasks were conceived and developed.<sup>15</sup> This approach is to be differentiated from that of Mommsen, who, in his monumental *Römisches Staatsrecht*, viewed the naval command as an inherent part of the supreme consular land command in Italy.<sup>16</sup> Mommsen did not base his view on explicit attestations of an early consular naval responsibility in the ancient sources, but rather on his theory of an unlimited *consulare imperium* that applied to all the seas around Italy and beyond.<sup>17</sup> He outlined his argument in his discussion of the *duumuiros nauales*, whom he claimed were elected in order each to take charge of one of the two (existing) *consular fleets* in 311.<sup>18</sup> It is worth citing the evidence for this from Livy's *History*:

et duo imperia eo anno dari coepta per populum, utraque pertinentia ad rem militarem: unum, ut tribuni militum seni deni in quattuor legiones a populo crearentur, quae antea perquam paucis suffragio populi relictis locis dictatorum et consulum ferme fuerant beneficia – tulere eam rogationem tribuni plebei L. Atilius C. Marcius – : alterum, ut duumuiros nauales classis ornandae reficiendaeque causa idem populus iuberet; lator huius plebi sciti fuit M. Decius tribunus plebis.<sup>19</sup>

The *duumuiros nauales* were originally elected by the people to equip (*ornare*) and refit (*reficere*) a fleet of 20 ships in 311.<sup>20</sup> Yet, on other occasions, they must have also

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<sup>15</sup> Cf. Brennan (2000), p.3-6, esp. p.6 and, more recently, Pina Polo (2011), p.3-6. See also the approach taken by Lintott (1999), p.7f to the “constitution” of the Roman Republic and cf. Lintott (2012), p.309.

<sup>16</sup> Mommsen (1887), II, p.579: “Ein selbständiges Commando zur See ist der römischen Staatsordnung bis auf die zweite Hälfte des 7. Jahrhunderts unbekannt; vielmehr ist das Seecommando ein nothwendiger Bestandtheil des Landoberbefehls, so dass es in älterer Zeit ausschliesslich den Consuln, späterhin, seit es überseeische Provinzen giebt, daneben den Statthaltern derselben einem jeden in seinem Bereich zukommt.” Cf. p.654: “Das Commando zur See haftete nach der republikanischen Ordnung zunächst an dem consularischen Oberbefehl über Italien.”

<sup>17</sup> See Mommsen (1887), I, p.22-24 for his view that consular *imperium* derived from the absolute power of the kings (“Jenes unbedingte Befehlsrecht”) and was all-encompassing (and, therefore, implicitly inclusive of the fleet). Cf. especially Pina Polo (2011), p.2-6. For useful summaries of Mommsen’s theory see also Brennan (2000), p.12-15 and Beck (2011), p.79-82.

<sup>18</sup> Mommsen (1887), II, p.579-581.

<sup>19</sup> Livy, 9.30.3-4.

<sup>20</sup> For the historical context see further Dart (2012), p.1001-1005.

been elected to take command of the ships, since there is evidence that a *duumvir* was in charge of 10 ships off Tarentum in 282.<sup>21</sup> According to Mommsen, then, the consuls already had an overall responsibility for the fleet in the fourth century, given that the *duumviri navales* took charge of preparing and commanding the two consular fleets (“consularische Flotten”) in 311 and 282.<sup>22</sup> In addition, he wrote that the supreme commander – e.g. a consul or a proconsul – would appoint a deputy naval commander (a so-called “*praefectus classis*”) and this even led some scholars, bizarrely, to claim that these deputies ordinarily commanded the fleet before the election of the *duumviri navales* in 311.<sup>23</sup>

As noted above, Mommsen’s interpretation of an original consular responsibility for the naval preparations and the command of the fleet, which is followed by some more recent scholarship, is entirely theoretical and it should not, therefore, be taken as a historical fact. A sea-command (“Seecommando”) – or any other special naval competence – is never explicitly mentioned in the surviving evidence as being a part of the *consulare imperium*. Furthermore, there is no evidence that consuls were in any way connected with the preparation or the command of fleets prior to the First Punic War (264-241). Indeed,

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<sup>21</sup> Livy, *Per*, 12; Dio Cass. *fr.* 39.4; and App. *Samn.* 7.1. Cf. Mommsen (1887), II, p.580, n.1, who also cites the reference to a P. Cornelius in command of a Roman fleet off Campania in 310 (Livy, 9.38.2-3). Dart (2012), p.1004f rightly recognises that there is no evidence that Cornelius was a *duumvir*, although I am not entirely convinced by his alternative suggestion that he was a *praefectus*. (We cannot rule out that he was holding a minor magistracy and it is safer to admit that we do not know his position.)

<sup>22</sup> This is also closely followed by Thiel (1946), p.421: “Hence the peculiar *doubleness* of the duumviral command: to either consul one *duumvir* was added with a squadron of 10 sail.” The “doubleness” is most easily explained by the universal principle of collegiality in Roman magistracies.

<sup>23</sup> Mommsen (1887), II, p.579: “Der Oberfeldherr übt dasselbe, wenn es ihm zweckmässig erscheint, in der Weise aus, das er für die Flotte einen besondern Stellvertreter, den *praefectus classis* bestellt.” The influence can be traced from Mommsen to Tarn (1925), p.490 *s.v.* “755” (though without explicit mention of Mommsen in the text), Tarn to Thiel (1954), p.48 and now Thiel to Dart (2012), p.1001f. There is also a direct link between Mommsen and Thiel (1946), p.421f. Cf. Ensslin (1954), *RE*, col. 1294, *s.v.* “*praefectus classis*.” It should be emphasised that Mommsen does not actually explicitly say that *praefecti classis* were appointed before 311, but this is the inference made by Tarn and Thiel. For the position of *praefectus classis* see further Ch.V.ii.

they are completely absent from Livy's description of the decision to elect *duumviri nauales* in 311.<sup>24</sup>

Although the consuls, as the supreme magistrates, would always have had the *potential* to prepare and to command fleets in the fourth century, it does not necessarily follow that those tasks were always considered to be consular or part of the *consulare imperium* before they had explicitly been assigned to a consul. As suggested earlier, my approach, in contrast to that of Mommsen, is to work from the evidence for the assignment of naval tasks to *imperium*-holders rather than from the premise that the responsibility for these tasks was always an inherent part of the *imperium* itself. This will enable a better, more evidence-based, understanding of how these assignments developed over time, as the institutional structures of the Roman Republic expanded.

With this approach in mind, just how far back can we trace the origins of the institutions connected with the fleet and, in particular, a supreme consular responsibility for the preparation and command of fleets? As we have seen above, Polybius took the construction of 100 quinqueremes and 20 triremes in 260 as the beginning of the Roman fleet.<sup>25</sup> Scholars have rightly demonstrated that he is guilty of exaggeration and that Rome already had a fleet well before this date (as the existence of *duumviri nauales* in 311 attests). However, it is also important to view Polybius' statement within the context of his historical aims (a basic point, which has not always been given sufficient emphasis in the modern scholarship).<sup>26</sup> Dart and Vervaet recently observed that Polybius claims that Rome's shipbuilders were inexperienced in constructing quinqueremes in 260 and so does not explicitly exclude the possibility that they had previously built and used other ships,

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<sup>24</sup> It should also be observed that P. Cornelius, who, as noted earlier, was probably not a *duumvir*, was placed in charge of the coastal region around Latium and Campania by the Senate in 310 with no hint that the consuls were connected with the command (Livy, 9.38.2-3).

<sup>25</sup> Polyb. 1.20.8.

<sup>26</sup> E.g. Le Bohec (2003), p.57-60 and Steinby (2007), p.29-86 and esp. p.75-77.

such as triremes.<sup>27</sup> We can add that he also focuses exclusively on the numbers of quinqueremes engaged in several important naval battles without mentioning other types of ship in his summary of the First Punic War.<sup>28</sup> Indeed, he makes a direct comparison between the size of quinqueremes and triremes, which he relates to his overarching theme, as quoted at the start of this section:

Again, if we take into consideration the difference between quinqueremes and the triremes in which the Persians fought against the Greeks and the Athenians and Lacedaemonians against each other, we shall find that no forces of such magnitude ever met at sea. This confirms the assertion I ventured to make at the outset...that by schooling themselves in such vast and perilous enterprises it was perfectly natural that they [the Romans] not only gained the courage to aim at universal dominion, but executed their purpose.<sup>29</sup>

For Polybius the fleet was part of the means (πῶς) by which Rome first conceived her universal ambition and subsequently managed to achieve it.<sup>30</sup> The construction of the first large Roman fleet in 260 brought about a quantitative change and this was important

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<sup>27</sup> Dart and Vervaeke (2011), p.268 with Polyb. 1.20.9-10. Cf. Thiel (1954), p.173f; Loreto (2007), p.49f; and Dart (2012), p.1007f.

<sup>28</sup> Polyb. 1.63.4-8 with Walbank (1957), p.127f. For what it is worth, Polybius can now be compared with the recently discovered archaeological evidence of the *rostra* from the final naval battle between the Romans and Carthaginians in 242 (or 241 according to the solar calendar), which are discussed further in Ch.I.iii. Polybius only refers to the presence of quinqueremes at this battle (1.59.6-8; and 1.63.5), but the *rostra* are significantly smaller than one might expect for a quinquereme. Cf. Tusa and Royal (2012), p.39-42 with their hypothesis on p.42: “It is possible that only the “fives” [i.e. quinqueremes] were mentioned [by Polybius] as he is stressing the special building project and larger, more prominent ships...” It should be noted, however, that there remain uncertainties about the size of quinqueremes. One can still maintain that the rams were from small quinqueremes, as argued by B. Rankov in a recent paper (“The Egadi Rams: Triremes, Quadriremes or Quinqueremes?”), which was delivered at the colloquium, “Naval Warfare in the Third Century BCE: Rams, Warships, and Officials” (University of Oxford, 8 April 2013).

<sup>29</sup> Polyb. 1.63.8-9: εἰ δὲ τις βουληθεῖη συλλογίσασθαι τὴν διαφορὰν τῶν πεντηρικῶν πλοίων πρὸς τὰς τριήρεις, αἷς οἱ τε Πέρσαι πρὸς τοὺς Ἕλληνας καὶ πάλιν Ἀθηναῖοι καὶ Λακεδαιμόνιοι πρὸς ἀλλήλους ἐναυμάχουν, οὐδ' ἂν καθόλου δυναθείη τηλικαύτας δυνάμεις εὐρεῖν ἐν θαλάττῃ διηγωνισμένας. ἐξ ὧν δῆλον τὸ προτεθεὲν ἡμῖν ἐξ ἀρχῆς...λίαν εἰκότως ἐν τοιούτοις καὶ τηλικούτοις πράγμασιν ἐνασκήσαντες οὐ μόνον ἐπεβάλλοντο τῇ τῶν ὄλων ἡγεμονίᾳ καὶ δυναστείᾳ τολμηρῶς, ἀλλὰ καὶ καθίκοντο τῆς προθέσεως. For the difference between quinqueremes and triremes see e.g. Thiel (1954), p.96-100 and Morrison and Coates (1996), p.285-291, although note also Rankov's paper cited in the previous footnote.

<sup>30</sup> Cf. Polyb. 1.3.8-10 with Walbank (1957), p.129: “...in 3.9-10 P. undertook to explain the grounds (ἀφορμαί) which led the Romans to conceive the *ambition* of a world-empire, and gave them the *means* to acquire it. The First Punic War, and especially Roman naval policy, provide the answer.”

for his overarching theme; whereas the earlier naval history was presumably deemed irrelevant for his purposes and so simply ignored.<sup>31</sup>

The change in the size of the Roman fleet in 260 is important for another reason, though, since this led also to the first ever consular naval assignments.<sup>32</sup> Some rich contemporary (or, at least, near contemporary) evidence for this important institutional development is to be found in the famous inscription set up in commemoration of the achievements of C. Duilius, one of the consuls of 260, following his defeat of a large Carthaginian fleet off Mylae (modern Milazzo).<sup>33</sup> The inscription, which was originally inscribed on a *columna rostrata*, has been restored as follows:

[Consol Secest]ano[s. socios p(opli) R(omani), Cartaciniensiom  
opsidione]d exemet lecione[sque Cartaciniensis omnis  
[m]aximosque macistr[a]tos l[uci palam post dies  
n]ovem castreis exfociont Macel[amque oppidom  
p]ucnandod cepet. Enque eodem mac[istratud bene  
r]em navebos marid consol primos c[eset copiasque  
c]lasesque navales primos ornavet pa[ravetque]  
cumque eis navebos claseis Poenicas omn[is item ma-  
x]umas copias Cartaciniensis praesente[d Hanibaled]  
dictatored ol[or]om in altod marid puc[nad vicet]  
vique nave[is cepe]t cum socieis septer[esmom I, quin-  
queresm]osque triresmosque naveis X[XX, merset XIII.  
Aur]om captom numei (tria milia septingentei),  
[arcen]tom captom praeda numei (centum milia) [---;  
omne] captom aes (inter undetricies et tricies quater centena milia).

<sup>31</sup> I do not believe that the reference to L. Calpurnius Piso (*cos.* 133), cited by Pliny the Elder (*HN.* 16.192 = Peter, *HRRel.* fr.29: *...contra uero Hieronem regem CCXX naues effectas diebus XLV tradit L. Piso*) should be taken as credible evidence that the Romans had already constructed a fleet of 220 warships in 263 *pace* Forsythe (1994), p.358-361 (though arguing for a lesser number of ships than the transmitted *CCXX*) and Beck (2013), p.135. For more plausible explanations see e.g. De Sanctis (1916), III.i, p.116, n.37; Thiel (1954), p.70-73 and Hoyos (1998), p.56 and p.92.

<sup>32</sup> Milan (1973), p. 208-217, esp. p.211-213 is one of the few scholars to have appreciated the importance of the year 260 in institutional terms by viewing the year 260 as representing “una svolta fondamentale”, not only in a quantitative sense, but also with regard to organisational structure of those who served on board the ships. Cf. Le Bohec (2003), esp. p.65 for the quantitative change, although he denies that a qualitative change took place.

<sup>33</sup> *Inscr. Ital.* XIII, 3, 69. The question of whether this represents an authentic document from the third century has been the subject of much debate, as the inscription we have today was engraved sometime between the reign of Augustus and the dedication of Pliny the Elder’s *Naturalis Historia* in 77 A.D. (*HN.* 34.11.20). Nonetheless, Bleckmann (2002), p.116-125 and Kondratieff (2004), p.10-14 have convincingly reasserted the argument that it preserves an original text (dating c.260-250 and no later than 211). Cf. the pertinent comments in Gordon (1983), p.124-127. For the Augustan context of the re-engraving of the inscription see, most recently, Roller (2013), p.120-126.

Triump]oque navaled praedad poplom [donavet  
multosque] Cartacinie[ns]is [ince]nuos d[uxit ante  
curum ---]eis [---] capt[---].<sup>34</sup>

Significantly, the inscription claims that Duilius was the *first* consul to have successfully waged war in ships at sea (ll. 5-6) and to have equipped and prepared naval forces and a fleet (ll. 6-7).<sup>35</sup> The former statement does not prove that consuls had never commanded ships before, yet the prominence of the new fleet – together with the fresh opportunities it provided to achieve glorious victories – did mean that it was, for the first time, named explicitly as a consular assignment.<sup>36</sup> Likewise, it is reasonable to suggest that the prestige connected with the fleet's preparation was another reason why the naval preparations were first made a consular task in 260.<sup>37</sup> Indeed, the inscription boasts that Duilius was the first (*primus*) consul to have equipped (*ornare*) and prepared (*parare*) the fleet. In this case, the implication is that the consul had newly taken over responsibility for the fleet – despite Mommsen's theory of an unlimited *consulare imperium* – which had earlier been assigned to minor officials – i.e. *duumviri nauales classis ornandae reficiendaeque causa*. It is, of course, not surprising that a consul was first given responsibility for the preparation and command of the new fleet in 260, given its size, expense and the new importance attached to naval warfare.<sup>38</sup> The consulship was, after all, the supreme annual magistracy in the *res publica*.

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<sup>34</sup> *Inscr. Ital.* XIII, 3, 69.

<sup>35</sup> See the next section for the translation of these lines (I.iii).

<sup>36</sup> See Polyb. 1.21.4 and Zonar. 8.10 with the discussion in Ch.I.iv. For the earlier use of ships by consuls in 264 see e.g. Zonar. 8.8 and Diod. Sic. 23.2.1.

<sup>37</sup> Note especially lines 8-10 of the *columna rostrata* inscription, as quoted above, recording Duilius' victory at Mylae directly after he was attributed with first equipping and preparing the fleet (*Inscr. Ital.* XIII, 3, 69). Cf. Bleckmann (2002), p.138f. For the prestige connected with preparing fleets compare also Tusa and Royal (2012), p.44f for the prominence of the names of several quaestors cast (or in another case engraved) in relatively large letters on the cowl nosing of at least four of the *rostra* from the last naval battle of the First Punic War.

<sup>38</sup> For the role of the consuls in important building projects in Rome see now Pina Polo (2011), p.135-168. It is also well known that consuls would ordinarily receive the most important military assignments and *prouvinciae*: see e.g. Mommsen (1887), II, 234; Richardson (1986), p.128-137 and Rich (1993), p.52 (for Spain between 155 and 133); and Fronda (2011b), p.236, n.15 (for the consular presence in Liguria and

This is, therefore, an appropriate starting point for this research, since it not only marked the beginning of Rome's use of large fleets in overseas warfare, as Polybius emphasised, but it was almost certainly the first occasion that a senior magistrate was charged with preparing and commanding the fleet. In the following chapters, I shall explore how these tasks developed – alongside other institutional and political changes – from 260 onwards.

The next two sections of this chapter will examine in more detail the evidence for the new consular naval assignments brought about by the change in the size and importance of the Roman fleet in 260. The first section will examine the new consular responsibility for the naval preparations, which will essentially serve as an introduction to Chapter II. The second section will then focus on the first consular naval command and, by doing so, will establish the context for the discussions in Chapters III and IV, which are the major chapters of this research. Both sections will also provide an opportunity to discuss the type of evidence available in conducting this research.

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Cisalpine Gaul in the early second century). This is especially true for the First Punic War and earlier, since only one praetor was elected until the 240s, for which see Ch.II.ii. For the earlier development of the consular supremacy *vis-à-vis* the praetor see Ch.III.v.

### L.iii. The creation of a new consular fleet: the naval preparations

As we have seen, the *columna rostrata* inscription states that Duilius was the first consul to equip and prepare naval forces and a fleet ([*copiasque c]lasesque nauales primos ornauet pa[rauetque]*).<sup>39</sup> The verb *ornare* most probably refers to the equipping of the *copiae* – providing the restoration is correct – and, perhaps, also the *clases*.<sup>40</sup> Meanwhile, the crucial context necessary for determining whether *parare* refers to the construction of a new fleet or the preparation of an already built fleet is not present in the inscription.<sup>41</sup> However, the former interpretation is corroborated by Orosius, who, despite writing in the fifth century A.D., probably preserves the tradition from the now lost seventeenth book of Livy’s *History*:<sup>42</sup>

Cn. Cornelio Asina C. Duilio consulibus cum Hannibal senior oram Italiae maritimam instructa septuaginta nauium classe uastaret, Romani et ipsi classem fabricari atque instrui praeceperunt. quod Duilius consul celeriter inpleuit; nam intra sexaginta dies quam arbores caesae erant centum triginta nauium classis deducta in anchoris stetit.<sup>43</sup>

<sup>39</sup> *Inscr. Ital.* XIII, 3, 69, ll. 6-7.

<sup>40</sup> See *TLL*, XI.2, *Fasc.* VII, col. 1026 s.v. “β *instruuntur pugnantes (copiae, exercitus)*”; and col. 1029 s.v. “e *instruuntur variae res (naves)*”, in which [*c]lases...nauales* is taken with *ornare* as one example. The flexibility of the Latin means that *ornauet* (and *parauet*) can be taken with *copias* and/or *clases*. Likewise, *nauales* can be taken with *copias* and *clases* together or just *clases*. If *-que* is viewed as linking two closely related ideas then it may be literally translated as “naval forces and naval fleets”, which would have been more accurate given that Duilius was not the first consul to equip *copiae* without the specification that they were *copiae nauales*. (Cf. Penney (2005), esp. p.41ff for the use of *-que* as an “all-purpose connective.”) The combination of *clases* with the adjective *nauales* is puzzling, since when do fleets need to be described as naval? The best explanation I have seen comes from Wölfflin (1890), p.302, who realised that *classis* could have also referred to a military levy at this time (i.e. from the *classes* of Roman citizens in the *comitia centuriata*) and so *clases nauales* would have avoided confusion. Cf. Frank (1919), p.74 with references to Festus 56L; 225L; and 248L. The possibility of confusing *classis* with a military *dilectus* would also provide a good reason why the fleet is given in a plural form (*clases* for *claseis* or *classes*), since this could be taken with *nauales* at the same time as *copiae*.

<sup>41</sup> Modern scholars have translated the phrase in various ways: e.g. Gordon (1983), p.126 (“to equip and prepare naval forces and warships”); Crawford (1992), p.23 (“[he] prepared and equipped naval forces and a fleet”); Bleckmann (2002), p.129f (“eine Flotte ausgerüstet (*ornauet*) und gebaut hat (*parauet*)”); Kondratieff (2004), p.15 (“crews and fleets of warships he was the first to equip and train”); and Beck (2005a), p.225 (implicitly as “Schiffsbau” or “Flottenbau”).

<sup>42</sup> *TLL*, vol. X.I, *Fasc.* III, col. 413 also uses the inscription from Duilius’ *columna rostrata* as the first example of this type of meaning s.v. “*aedificia, navigiaque opera structa, fabricata.*” If *ornare* also refers to the fleet (above), this would have naturally followed the construction: e.g. Livy, 37.50.5 (189 B.C.): *naues quoque idem consul, quae priore anno paratae erant, ornare iussus ac ducere secum...*

<sup>43</sup> Oros. 4.7.7-8.

Pliny the Elder and Florus make the same (Livian?) statement concerning the fleet's launch within sixty days from the time the trees had been felled.<sup>44</sup> Only Orosius, however, provides the extra detail that Duilius quickly completed the order to construct (*fabricare*) and equip (*instruere*) the fleet, which parallels the wording in the inscription (with *ornare* and *parare*).<sup>45</sup> We should not, however, completely rule out the possibility that Scipio, Duilius' colleague in the consulship, played some part in this and that Duilius was able to monopolise all of the credit after his famous naval victory at Mylae.<sup>46</sup>

Despite the epigraphic record and Orosius' report that the Romans and the consuls ordered the fleet to be constructed *in the consulship* of Scipio and Duilius, some modern scholars have made an assumption that the construction of the fleet must have commenced under the consuls of 261. Thiel, for example, suggested that the consuls of 260 could not have overseen the construction and equipping in time for the summer sailing season (assuming they took office on the Kalends of May).<sup>47</sup> Yet, there are three reasons why the consuls of 260 would have, perhaps, had ample time to undertake the preparations themselves.

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<sup>44</sup> Plin. *HN*. 16.192: *mirum apud antiquos primo Punico bello classem Duilli imperatoris ab arbore LX die nauigauisse, contra uero Hieronem regem CCXX naues effectas diebus XLV tradit L. Piso...* I do not think the reference to Duilius necessarily comes from the historian L. Calpurnius Piso (*cos.* 133) *pace* Bleckmann (2002), p.130 (and cf. Peter, *HRRel.* fr.29). Flor. 1.18.7: *Duilio Cornelioque consulibus etiam mari congregi ausus est. tum quidem ipsa uelocitas classis comparatae uictoriae auspicium fuit. intra enim sexagensimum diem quam caesa silua fuerat centum sexaginta nauium classis in anchoris stetit, ut non arte factae, sed quodam munere deorum conuersae in naues atque mutatae arbores uiderentur.* For the plausibility of this claim see Thiel (1954), p.172.

<sup>45</sup> Cf. *De uir. ill.* 38.1: *Gnaeus Duellius primo Punico bello dux contra Carthaginienses missus, cum uideret eos multum mari posse, classem ualidam fabrefecit et manus ferreas cum irrisu hostium primus instituit...*

<sup>46</sup> Polybius, who does not record the names of the officials responsible for constructing the ships and collecting and training the crews, provides the only hint of Scipio's involvement by stating that he had given orders to the ναύαρχοι to sail for Sicily whenever the fleet was equipped (καταρτίωσι) before he left Italy (1.21.1-4). The verb καταρτίζειν relates to preparing a ship or a fleet which had already been built (cf. the Latin *instruere*), which indicates that Scipio had been in Italy during the construction of the fleet. Yet, the credibility of Polybius' statement may be questioned in light of his dubious claim that Scipio had been assigned the command of the fleet, as discussed in Ch.I.iv. If Scipio was in some way involved with the initial preparations – which must remain highly speculative – Duilius would have been able to monopolise the credit after his successes and Scipio's own disastrous capture at the island of Lipara. Cf. Bleckmann (2002), p.129, n.5.

<sup>47</sup> Thiel (1954), p.170 with n.332 and p.172 with n.344. Cf. Forsythe (1994), p.358f; Lazenby (1996), p.41 and p.63; Le Bohec (2003), p.65; and Dart (2012), p.1007f.

I) The notion that the Kalends of May was fixed as the date on which the consuls took office during the First Punic War is solely based on the fact that the vast majority of triumphs celebrated by consuls took place between 18 January and 13 April.<sup>48</sup> Mommsen hypothesised from this that new consuls would have taken office in late spring and probably on 1 May – i.e. following the return and potential triumphs of the previous consuls.<sup>49</sup> Whilst this is a plausible suggestion, the consular year could well have been much more fluid and without a fixed start date, as suggested for an earlier period by several cases from the fifth and fourth centuries.<sup>50</sup> According to Zonaras, the Roman fleet was prepared after the consuls of 261 had returned home.<sup>51</sup> It is possible, therefore, that they conducted the elections and then abdicated soon afterwards (i.e. in the winter of 261/260).

II) Even if Duilius entered the consulship on 1 May, there is also no reason to presume that the consular year (i.e. the Roman calendar) was synchronised with the solar year (i.e. Julian calendar).<sup>52</sup> If the former was ahead of the latter by a significant number of days, then Duilius would have had even more time to carry out the necessary naval

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<sup>48</sup> Mommsen (1859), p.101f with n.178.

<sup>49</sup> Ibid. The theory is still held in Mommsen (1887), I, p.599, but note his added caution, which highlights the fragility of the hypothesis (emphasis mine): “Es ist dies, wenn nicht bereits in der zweiten Hälfte des fünften Jahrhunderts, wo *vielleicht* schon der 1. Mai als fester Antrittstag der Consuln bestanden hat, spätestens kurz vor 537, wahrscheinlich 532 in der Weise festgesetzt worden, dass damals der 15 März als Antrittstag fixirt.”

<sup>50</sup> See now Pina Polo (2011), p.13-16 and esp. p.14 with n.18. There is only one example (from 252) of a consul triumphing on 13 April between 275 and 222, for which see further *Inscr. Ital.* XIII, I, p.72-79 and p.546-550.

<sup>51</sup> Zonar. 8.10.

<sup>52</sup> See Morgan (1977), p.89-117 and esp. p.95-97 for the argument that the Roman calendar was around forty days in advance of the Julian when Duilius and Scipio took office in 260 (assuming this was on 1 May = between 8 March and 14 March by the Julian calendar). Whilst Morgan’s arguments are ingenious, they are by no means conclusive and, in my opinion, can only be used to highlight the *possibility* that the Roman calendar was ahead of the solar calendar in 260. See now especially the criticisms in Rosenstein (2004), App. 2, p.176-179. We can also note that the fact that Duilius triumphed in an intercalary month at least suggests that a discrepancy existed in 260, for which see *Inscr. Ital.* XIII, I, p.76f and Michels (1967), p.16-18 and p.145-172.

preparations before the close of the summer sailing season around mid-September by the solar year (assuming this was adhered to).<sup>53</sup>

III) Finally, it is not beyond the realms of possibility that Duilius was able to oversee the construction, even if this only began in May, and still launch within sixty days around the beginning of July 260.<sup>54</sup>

There are no chronological grounds, therefore, for questioning the evidence that Duilius was responsible for constructing and equipping the fleet in 260. We have already seen that the inscription recording Duilius' achievements of 260 explicitly boasts that he was the first consul to have equipped (*ornare*) and constructed (*parare*) the fleet.

The size and expense of this fleet and the subsequent fleets prepared during the First Punic War – alongside the prestige connected with their construction – meant that the naval preparations were considered to be a consular preserve from 260 onwards.<sup>55</sup> *Duumviri nauales* are completely unattested in the surviving evidence between 282 and 181, at which time their functions do not appear to have included the equipping (*ornare*) and refitting (*reficere*) of ships.<sup>56</sup> It remains possible, however, that special boards were intermittently appointed during this period, but were simply too minor to have been recorded in the surviving literary evidence.<sup>57</sup> Indeed, new epigraphic evidence is to be

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<sup>53</sup> See Veg. *Mil.* 4.39 for the sailing season being 10 March to 11 November, although 27 May to 14 September is recorded as the safe period. Cf. Beresford (2013), p.14-16.

<sup>54</sup> For the launch within sixty days see Plin. *HN.* 16.192 and Flor. 1.18.7, as quoted in n.44.

<sup>55</sup> Cf. Ch.I.ii.

<sup>56</sup> Records of *duumviri nauales* appear in 282 (Livy, *Per.* 12; App. *Samn.* 7.1; Dio Cass. fr. 39.4); 181 (Livy, 40.18.7-8; 40.26.8; and 40.28.7); 180 (Livy, 40.42.8-10); and 178 (Livy, 41.1.3). Note especially Livy, 40.26.8 in which the use of *iis* (in the dative case) would suggest that the ships were fitted for them in 181: *duumviri nauales creati C. Matienus et C. Lucretius, nauesque iis ornatae sunt, Matienoque, cuius ad Gallicum sinum prouincia erat, imperatum est, ut classem primo quoque tempore duceret in Ligurum oram, si quo usui esse L. Aemilio atque exercitui eius posset...* (*a/ab* would surely be included if it were ablative, unless one argues that this fell out of the manuscript tradition). Cf. Livy, 40.18.7-8 for their mandate and the order for them to man the ships (*complere*). Furthermore, we should note that the *praetor urbanus* was given the task of repairing (*reficere*) the old ships in 208 (Livy, 27.22.12-13) and of repairing (*reficere*) and equipping (*parare*) ships in 172 (Livy, 42.27.1-2), for which see Ch.II.ii. Cf. Dart (2012), p.1010-1012.

<sup>57</sup> The *duumviri nauales* were almost certainly non-annual magistrates appointed on an *ad hoc* basis, for which see Oakley (2005a), p.394-396; Briscoe (2008), p.458; and Dart (2012).

found on recently recovered bronze *rostra*, which were mostly sunk around the Egadi Islands during the final naval battle of the First Punic War in 242.<sup>58</sup> One *rostrum* is engraved with the names of two individuals belonging to a board of six (*sexuiri*) who approved (*probauere*) something, which may allude to the casting of the ram or even to the successful completion of the contract for the entire ship (especially if the ram was one of the last parts of the ship to be fitted).<sup>59</sup> Although we do not know the exact function of these minor officials, it is reasonable to suppose that they were appointed either to assist the consuls (as subordinates) or, perhaps, even to take charge of a single *ad hoc* shipbuilding project in the absence of more senior magistrates.<sup>60</sup> In any case, there would have been less need to appoint special boards to take overall charge of the naval preparations, such as the *duumviri nauales* of 311, after the consuls had assumed overall responsibility for the naval preparations in 260.

The evidence from the *rostra* also uniquely reveals a significant quaestorian role in the naval preparations, as several are inscribed with the names of two quaestors who also approved (*probauere*) something (which, again, may be related to the casting of the rams

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<sup>58</sup> See Tusa and Royal (2012) for the preliminary report and esp. p.12-25 and p.42-45 with further bibliography p.46-48. Further evidence is also still emerging: e.g. the retrieval of *Egadi 9* and *Egadi 10* – located on the seafloor at the time of writing – is planned for the summer 2013 season. The date of the battle is commonly thought by scholars to have been 10 March by the Roman calendar based on Eutr. 2.27.2, for which cf. Walbank (1957), p.124f.

<sup>59</sup> Tusa and Roy (2012), p.43 with the reading of the inscription from *Egadi 1* by J.R.W. Prag: *C(aios) Sestio(s) P(ublii) filios* | *Q(uintos) Salonio(s) Q(uinti) [f(ilius)]* | *SEX VIROEN[-?--]* | *probave[re]*. As Prag notes in Tusa and Royal (2012), p.43f, n.88, the letters following *uiro(m)* or *uir(i)* could well represent an abbreviation of the board's role and may be compared with the Gracchan *termini*: e.g. *C. Sempronius Ti. f., / Ap. Claudius C. f., / P. Licinius P. f. / Illuir(ei) a(gris) i(udicandis) a(dsignandis)*. | *K(ardo) VII (ILLRP 470)*. For an alternative and, in my opinion, less probable restoration of *Egadi 1* cf. Gnoli (2012a), esp. p.64-69 and Gnoli (2012b), p.81 with n.7: *C(aios) Sestio(s) P(ubli) filios* | *Q(uintos) Salonio(s) Q(uinti) [f(ilius)]* | *sex uir{i} en[bolum]* | *probave[re]*. For the casting of the ram after the ship's construction compare now Murray (2012), p.35-37 for evidence from the Athlit ram (discovered just off Haifa in 1980).

<sup>60</sup> It should be emphasized that this *rostrum* – which was actually obtained from a private collection, having apparently been found by a fisherman north of Levanzo Island – stands out as an anomaly in comparison with the other *rostra* discovered *in situ* (see Royal and Tusa (2012), p.11). Furthermore, this ram may well date to a later period (e.g. Second Punic War) in contrast to the other Egadi rams from the First Punic War *pace* Gnoli (2011) and Gnoli (2012a), p.66f.

(or the bronze used?) or the fulfilment of the contract for the ship).<sup>61</sup> This most probably represents the quaestors' responsibility for financing the construction project from the state treasury, given that *probare* is very much part of the language of contracting (with *locatio*).<sup>62</sup> It is reasonable to presume that the quaestors regularly continued to play a role in administering the finance for shipbuilding after the First Punic War and that this would have been under the overall direction of the consuls from 260 onwards (whether the task was delegated by the consuls themselves or *ex senatus consulto*).<sup>63</sup>

Indeed, there is evidence for the continued involvement of the consuls in the naval preparations in three major shipbuilding projects during the First Punic War (254, 250 and 249).<sup>64</sup> In the first case, Polybius records that both consuls equipped a fleet of 220 ships with the verb *καταρτίξειν*, which relates to the Latin *ornare* and *instruere* and, therefore, further suggests that *duumviri navales* were no longer responsible for this task.<sup>65</sup>

<sup>61</sup> Tusa and Royal (2012), p.44 with the preliminary reading of cast inscription on *Egadi 4* by J.R.W. Prag: *M(arcos) Pupulicio(s) L(ucii) f(ilius) | C(aios) Paperio(s) Ti(berii) f(ilius) | Q(uaestores) p(robavere)*. Compare further *Egadi 6*, *Egadi 7* and *Egadi 8*. *Egadi 11* was most recently recovered and apparently records the same quaestors (*non uidi*).

<sup>62</sup> Cf. Polyb. 6.13.2. Indeed, the *rostra* provide good evidence showing that quaestors could contract for *opera publica*. Cf. Lintott (1999), p.135. For an (admittedly much) later record of a quaestor's role in 41 of a *locatio* and *probatio* see e.g. *ILLRP 160* (stone tablet, Rome): *P. Servilio, L. Antonio co(n)s(ulibus) | a.d. IIII k(alendas) Sext(iles) | locavit Q. Pedius q(uaestor) urb(anus) | muram Iunoni Lucinae | (sestertium milibus trecentis octoginta) | eidemque probavit*. Cf. Pina Polo (2011), p.135f for the consular role in letting contracts.

<sup>63</sup> See e.g. Cic. *Flac.* 30 (61 B.C.): *Quid? nos hic nonne ipso Pompeio auctore Silano et Murena consulibus decreuimus ut classis in Italia nauigaret? nonne eo ipso tempore cum L. Flaccus in Asia remiges imperabat, nos hic in mare superum et inferum sestertium ter et quadragiens erogabamus? Quid? postero anno nonne M. Curtio et P. Sextilio quaestoribus pecunia in classem est erogata? Quid? hoc omni tempore equites in ora maritima non fuerunt?...* Cf. Gnoli (2012b), p.86-97, who suggests that there was a connection between the position of the quaestors named on the *rostra* inscriptions and the so-called *quaestores classici* referred to by John Lydus (*Mag.* 1.27) from c.267 (cf. Livy, *Per.* 15).

<sup>64</sup> Unfortunately, there is no surviving record of who was responsible for the shipbuilding project of 257/256 (Polyb. 1.26). The naval preparations of 243/2 apparently began before the consuls came to office (Polyb. 1.59.8), although it is likely that they were completed by the consuls in 242 (cf. Zonar. 8.16-17). Cf. Gnoli (2011).

<sup>65</sup> Polyb. 1.38.5-7: *...τούτων δὲ τὴν συντέλειαν ἐν τριμήνῳ λαβόντων, ὅπερ οὐδὲ πιστεῦσαι ῥάδιον, εὐθέως οἱ κατασταθέντες ἄρχοντες Αὔλιος Ἀτίλιος καὶ Γνάσιος Κορνήλιος καταρτίσαντες τὸν στόλον ἀνήχθησαν...* See now Mauersberger (2006a), col. 1343 s.v. “καταρτίζω” with further references and see also the Latin equivalent proposed by Schweighäuser (1822), p.246 s.v. “καταρτίζειν ναῦς, στόλον.” It is unclear whether the consuls Cn. Cornelius Scipio Asina and A. Atilius Calatinus played a role in the fleet's construction (which Polybius states took place within three months), since *καταρτίζειν* relates to equipping a ship or a fleet which had already been built. Their involvement in the construction is a distinct possibility,

Secondly, Polybius hints that the consuls were involved in the construction and preparation of fifty ships in 250.<sup>66</sup> Thirdly, Zonaras states that one consul remained in Rome preparing a fleet while his colleague hastened to Lilybaeum in 249.<sup>67</sup>

We can conclude, then, that the consuls continued to take responsibility for the preparation of major fleets after 260, although the limited nature of the evidence makes it impossible to determine in any greater detail how the naval preparations were organised in practice during the First Punic War. For example, we have seen in the previous section how the people elected *duumviri navales* for equipping and refitting ships in 311, but there is no surviving evidence, aside from the *rostra*, for how the naval preparations were assigned during the First Punic War. Indeed, both Polybius and Zonaras use non-specific language such as οἱ Ῥωμαῖοι or a third-person plural verb.<sup>68</sup> Polybius, at least, may have referred to some of the institutions associated with the fleet, since he wrote that he would explain why the Romans could not man as many ships or put to sea with as large fleets by the mid-second century in his discussion of the πολιτεία – i.e. in his second explanation for the development of the Roman ἀρχή.<sup>69</sup> This may have provided valuable information about the role played by Roman officials and allies in the manning of fleets. However, his assessment, assuming he ever made one, does not survive in the fragmentary sixth book of

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especially as the consular year may have started before May, for which see above. Cf. De Sanctis (1916), III.i, p.261; Thiel (1954), p.242, n.578; and Morgan (1977), p.101

<sup>66</sup> Polyb. 1.39.15: καὶ καταστήσαντες στρατηγούς Γάιον Ἀτίλιον καὶ Λεύκιον Μάλιον ναυπηγοῦνται σκάφη καὶ κατέγραφον καὶ συνήθριζον στόλον ἐνεργῶς. See further Walbank (1957), p.101. Whilst we cannot know for certain whether the consuls C. Atilius Regulus and L. Manlius Vulso were responsible for the construction, it is probable that this was the case given that they only set sail for Sicily, παρασκευασθέντων δὲ τῶν ἐπιτηδείων πρὸς τὴν ἐξαποστολήν... (Polyb. 1.41.3). Cf. Thiel (1954), p.255f; and Lazenby (1996), p.123f.

<sup>67</sup> Zonar. 8.15: τέως μέντοι Λούκιος Ἰούνιος ἠτοίμαζε ναυτικόν, Κλαύδιος δὲ Ποῦλχος εἰς τὸ Λιλύβαιον ἐπειχθεὶς καὶ τριήρεις πληρώσας συνέλαβε δι' αὐτῶν Ἄννωννα τὸν Καρχηδόνιον ἐκπλέοντα πενήτηρει... Cf. Polyb. 1.52.6.

<sup>68</sup> E.g. Polyb. 1.38.5-7 and Zonar. 8.15. Cf. Zonar. 8.10.

<sup>69</sup> Polyb. 1.64.1-2.

his *Histories*;<sup>70</sup> and he shows little interest in the political, institutional and administrative arrangements made in Rome and Italy in his other books. Meanwhile, Zonaras, writing in the twelfth century A.D., provides only a summary of the history of the First Punic War from the (now fragmentary) books 11-12 of Cassius Dio's *Roman History*.

More detailed evidence for the organisation of the naval preparations is to be found only in the "annalistic" sections of the surviving books of Livy's *History* for the period between 218 and 167.<sup>71</sup> These sections usually list, among other things, decisions taken by the Senate on the annual allocation and preparation of military resources, including fleets (part of the so-called *ornatio prouinciae*).<sup>72</sup> Although some scholars have questioned the authenticity of these details, it is clear that Livy's annalistic sources had access to authentic details of senatorial activities and archival material.<sup>73</sup>

Chapter II will analyse these crucial details for the purposes of contextualising and elucidating the consular responsibility for the task of preparing fleets, which is not revealed in the surviving evidence for the First Punic War.<sup>74</sup> The chapter will also examine whether the role played by senior magistrates in the naval preparations developed between 218 and 167, as the number of elected magistrates (*viz.* praetors) increased and the empire expanded. Brennan, for example, has already observed that praetors were given responsibility for naval preparations from 208 onwards and he has argued that this

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<sup>70</sup> It is notable that there is a *lacuna* directly following the description of the army at 6.42.6. As Walbank (2002b), p.280 rightly observed in discussing book 6: "This [the army] is important, since it was through the army that Rome rose to world power during the fifty-three years from 220 to 167." The same rationale applies to the fleet, but we can only wonder whether Polybius discussed this after the army. For the question of how book 6 fits within Polybius' general scheme cf. Walbank (1972), p.130-156; Lintott (1999), p.16-26; Millar (2002c), p.23-36; and Walbank (2002b), p. 277-292.

<sup>71</sup> For the "annalistic form" see further Rich (2011), p.3-8 and p.2, n.1 for modern references.

<sup>72</sup> For the *ornatio prouinciae* note the discussion in Balsdon (1937).

<sup>73</sup> See the careful analysis of Oakley (1997), p.21-108, esp. p.38f and p.57 with Oakley (2005b), *Addenda and Corrigenda*, p.475-492 (concentrating on Livy's first decade). Cf. Walsh (1961), p.122, p.165f; Briscoe (1973), p.1-12; Phillips (1974); Frier (1979); Stewart (1998), p.24f; Brennan (2000), p.8-10; Rich (2005); Richardson (2008), p.13; Rich (2011), esp. p.11f; and now Satterfield (2012).

<sup>74</sup> Indeed, it should be acknowledged that my approach is to a certain extent dictated by the survival of Livy's evidence and, therefore, by his own approach (and that of his predecessors). Note especially Livy, *praef.* 9.

represented a permanent devolution of consular responsibility.<sup>75</sup> I shall consider the merits (or otherwise) of this argument; and, alongside this, I shall explore to what extent the various historical contexts influenced the assignment of the preparation of the fleet to consuls and praetors. This will involve taking into account the institutional mechanisms for assigning these tasks and, in particular, the important role played by the Senate. It is intended that the exploration of these themes will not only illuminate some of the important functions of senior magistrates and the Senate, but also some general Roman administrative practices between 218 and 167.

The evidence for naval preparations becomes extremely scarce after the loss of Livy's *History* from 167 onwards. Both Thiel and Steinby ended their studies of Roman fleets – or rather “Roman sea-power” – in the year 167, partially owing to the loss of Livy's *History* (i.e. after book 45), but also because Roman hegemony was no longer threatened by a strong naval power after this date.<sup>76</sup> However, it will be important to extend my own study beyond 167 in order to consider what, if anything, changed in how naval tasks were defined and assigned between then and 49 (at which point the assignment of naval tasks and the use of large fleets became chaotic with the widespread use of fleets in the civil wars).<sup>77</sup> A short epilogue to Chapter II will explore what we are able to determine about how naval preparations were assigned in the Late Republic, despite the absence of Livy's evidence. This will rely mainly on the scattered references to the assignment of fleets to be found in later Greek authors – viz. Appian, Plutarch and Cassius Dio.

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<sup>75</sup> Brennan (2000), p. 104 and App. VI, p.658f.

<sup>76</sup> See Thiel (1946), p.414f and cf. Steinby (2007), p.13, n.2: “This is where Livy's extant account comes to an end. It also marks the point when the Romans had won the race for thalassocracy both in the western and eastern Mediterranean and changed their policy about allies.” Thiel (1954), p.vi had planned to write another volume on the period between 167 and 31, but this never materialised.

<sup>77</sup> As far as I am aware, only the recent books by Pitassi (2009) and (2012) consider Roman fleets for the entire period of the Roman Republic, but these may be characterised as general surveys and do not deal with the issues raised here in any detail.



#### **L.iv. The creation of a new consular fleet: the command**

We have seen in the previous section that Rome's decision to construct her first large fleet of 120 ships in 260 resulted in a new consular responsibility for the naval preparations. The importance of this new fleet also led to a second institutional development with the creation of a new specific consular naval assignment. Significantly, this was almost certainly the first time that a naval command was explicitly associated with a *prouincia*. The consuls had earlier proceeded to Sicily with their armies in ships mostly acquired from allies (e.g. Tarentum, Locri, Elea and Naples) between 264 and 261.<sup>78</sup> These ships were not directly associated with the consular military assignments, as suggested by Polybius' brief summary of the arrangements made for 263:

When news of the successes of Appius [Claudius Caudex, *cos.* 264] and his legions reached Rome, they elected Manius Otacilius [Crassus] and Manius Valerius [Maximus Messala] consuls, and dispatched their whole force (δυνάμεις) and both commanders into Sicily.<sup>79</sup>

In contrast to this, Polybius states that Cn. Cornelius Scipio (*cos.*) was specifically appointed to command the naval force (ἡ ναυτική δύναμις) for 260.<sup>80</sup> The fleet would have naturally been included with this assignment, which can be compared with Polybius' report of the Romans' decision in 250 to revert to the "original plan of sending out the consuls to campaign with a fleet and naval force."<sup>81</sup> Meanwhile, he states that C. Duilius

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<sup>78</sup> See Polyb. 1.20.14 for the use of ships belonging to allies in 264, although the 20 ships previously used by the *duumviri navales* may have also been available, as noted by Dart (2012), p.1009 with n.48. For the question of whether Rome actually had treaties with these cities see now the re-appraisal by Rich (2008), esp. p.69f.

<sup>79</sup> Polyb. 1.16.1-2: Προσπεσόντων γὰρ εἰς τὴν Ἰώμην ἐκ τῆς Σικελίας τῶν περὶ τὸν Ἄππιον καὶ τὰ στρατόπεδα προτερημάτων, καταστήσαντες ὑπάτους Μάνιον Ὀτακίλιον καὶ Μάνιον Οὐαλέριον τὰς τε δυνάμεις ἀπάσας ἐξαπέστειλλον καὶ τοὺς στρατηγούς ἀμφοτέρους εἰς τὴν Σικελίαν. Cf. Polyb. 1.20.13-15 (264 B.C.); 1.17.6-7; Zonar. 8.10 (262 B.C.); Polyb. 1.20.2-5 (261 B.C.); and especially 1.39.8-9 (251 B.C.).

<sup>80</sup> Polyb. 1.21.4: ὁ γὰρ ἐπὶ τῆς ναυτικῆς δυνάμεως τεταγμένος τοῖς Ῥωμαίοις Γνάιος Κορνῆλιος... Cf. 1.23.1. Polybius does not record how the appointment was made, but we know from Zonaras that the consular *prouvinciae* were decided by *sortitio* (8.10).

<sup>81</sup> Polyb. 1.41.2: διὸ καὶ πάλιν ἐπερρώσθησαν διὰ ταῦτα κατὰ τὴν ἐξ ἀρχῆς πρόθεσιν εἰς τὸ μετὰ στόλου καὶ ναυτικῆς δυνάμεως τοὺς στρατηγούς ἐπὶ τὰς πράξεις ἐκπέμπειν... Cf. Oros. 4.10.2. For the

(*cos.*) was the commander of the land forces and that he only took charge of the fleet after Scipio had been captured by the Carthaginians on the island of Lipara.<sup>82</sup> Zonaras' twelfth-century epitome of Cassius Dio's *Roman History* supports the assignment of separate naval and land commands, although it reports that Duilius was given command of the fleet rather than Scipio:

...the Romans put together a fleet and put one of the consuls, Gaius Duilius, in command of it, while they sent his colleague, Gaius [Gnaeus] Cornelius [Scipio Asina] into Sicily. The latter, neglecting the war on land, which he had been assigned by lot, sailed with the ships which he had to Lipara, on the understanding that it was to be betrayed to him...<sup>83</sup>

It is impossible to reconcile fully the conflicting evidence from Polybius and Zonaras concerning which consul was assigned the fleet in 260. The vast majority of scholars have assumed that Polybius provides the most reliable assessment, given that he wrote much closer to the time of the events than Cassius Dio.<sup>84</sup> However, Bleckmann recently made a persuasive case for the validity of the assignments found in Zonaras.<sup>85</sup> He suggests that Polybius was using a source favourable to Scipio and “die scipionische Familientradition”, which deliberately interchanged the consular *prouvinciae* in order to

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terminology see further Mauersberger *et al.* (2003), col. 569 *s.v.* “ναυτική δ.” and Mauersberger and Helms (2006b), col. 1669f *s.v.* “ναυτικός.” For what it is worth, note also that Schweighäuser (1822), p. 288 *s.v.* “Ναυτικός” translates ἡ ναυτική δύναμις (Polyb. 1.21.4) as *copiae nauales* (cf. e.g. Polyb. 1.21.4 and Livy, 23.28.3 and 32.17.3). The phrase μετὰ στόλου καὶ ναυτικῆς δυνάμεως is conceivably a translation of the Latin *cum classe et copia nauali*. Polybius' figures for the number of ships in 1.41.3 could well originate with Fabius Pictor (so Walbank (1957), p.103) and so one may speculate that Fabius was the source for this report (and, perhaps, even the formula *cum classe et copia nauali*). If the translation is correct, it is worth noting that this may be comparable with the contemporary evidence from lines 6-7 of the inscription from Duilius' *columna rostrata* (*copiae* and *clases*), for which see Ch.I.iii

<sup>82</sup> Polyb. 1.22.1-2: ...Γάιον Βίλιον τὸν ἡγούμενον τῆς πεζῆς δυνάμεως... For Scipio's capture see Polyb. 1.21.4-8 and Zonar. 8.10.

<sup>83</sup> Zonar. 8.10: ...οἱ Ῥωμαῖοι ναυτικὸν συνεστήσαντο, καὶ Γάιον αὐτῷ Δουίλιον τὸν ἕτερον τῶν ὑπάτων ἐπέστησαν, τὸν δὲ τούτου συνάρχοντα Κορνήλιον Γάιον εἰς Σικελίαν ἐπεμφαν. ὃς τοῦ κατὰ γῆν πολέμου ὄν ἐκεκλήρωτο ἀμελήσας ταῖς προσούσαις αὐτῷ ναυσὶν ἐς Λιπάραν ἔπλευσεν ὡς προδιδομένην αὐτῷ...

<sup>84</sup> E.g. De Sanctis (1916), III.i, p.125f; *MRR I*, p.205; Thiel (1954), p.178; Lazenby (1996), p.66f; Brennan (2000), p.79; and Rankov (2011), p.153.

<sup>85</sup> Bleckmann (2002), p.113-144 (see Bleckmann (2011), p.172f for a summary). In support of this see also the arguments of Beck (2005a), p.224f; and Beck (2013), p.132-136. For the value of Cassius Dio (via Zonaras) and his use of an annalistic source independent of the Livian tradition see Bleckmann (2002), p.35-56 and Bleckmann (2011), p.172f. Note also Eckstein (1987), p.333 and Lazenby (1996), p.6.

minimise Scipio's culpability in sailing to Lipara and to credit Scipio with preparing the armaments used in Duilius' victory at Mylae.<sup>86</sup> In his most convincing argument, he focusses on lines 6-7 of the inscription from Duilius' *columna rostrata*, which, as we have seen, boasts that Duilius was the first consul to equip and construct the fleet.<sup>87</sup> The notion that Duilius was responsible for these tasks offers support for Zonaras' claim that he had been assigned to the command of the fleet and was not in Sicily when Scipio was captured, especially given that Scipio left Italy before the fleet had even been equipped (as Polybius admits).<sup>88</sup>

An even greater problem, for the purposes of this research, is that the details of the provincial assignments are highly compressed in both the accounts of Polybius and Zonaras. We are able to gather that the two named consular *prouvinciae* would have been separated – almost certainly for the first time – into one sphere on land (with the army) and another sphere on the sea (with the fleet). Indeed, the reference provided by Zonaras to Scipio's lot ("the war on land") at least indicates that this would have been associated with his *prouvincia*; and it may follow that the war on the sea was connected with the other consular *prouvincia*. Yet, were the "war on land" and the "war on sea" explicitly designated as part of the *prouvinciae* or implicitly understood from other designations? If the former, would the "war" have been specifically defined as being against the Carthaginians? More importantly, was the separation of land and naval spheres facilitated by the designation of

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<sup>86</sup> Bleckmann (2002), p.131-139 with examples of the falsification of histories p.131-134. I am not convinced by Bleckmann's argument that Polybius' pro-Scipionic source was deliberately responding more favourably to (and distorting) an older negative tradition (preserved in Zonaras and the annalistic tradition), as this essentially amounts to special pleading. Cf. Beck (2013), p.134f with n.44, who proposes, in contrast to Bleckmann, that Polybius himself interchanged the consular *prouvinciae*. Furthermore, if Polybius wished to credit Scipio with preparing the fleet, as Bleckmann suggests, it is strange that he was not more explicit about it, for which cf. Polyb. 1.21.1-4. It is worth noting that Polyb. 1.22.1 and 1.23.1 represent Scipio as a victim of chance (σύμπτωμα and περιπέτεια respectively), rather than his own negligence (as implied by Zonar. 8.10), as Beck (2005b), p.691 highlighted.

<sup>87</sup> Bleckmann (2002), p.129-131. See also Beck (2005a), p.224f and Beck (2013), p.134.

<sup>88</sup> See Polyb. 1.21.1-4 and Zonar. 8.11. Cf. Walbank (1957), p.76 s.v. "4": "The famous inscription on the *columna rostrata*...attributes the institution of the fleet to Duilius; perhaps, therefore, both consuls shared responsibility, though Scipio was in command first."

the fleet as one consular *prouincia*? Or was the fleet merely assigned to one of the consuls as a military resource, separately from the allotment of *prouvinciae*, in the same way that armies were ordinarily allocated to the consuls *ex senatus consulto*?

The difficulties in answering these questions and determining how the *prouvinciae* were actually named and defined in 260 are reflected in the different names modern scholars have used to describe them.<sup>89</sup> This problem is symptomatic of the general scarcity of explicit evidence for the *prouvinciae* named during the First Punic War and explains, perhaps, why there have been few discussions of these in the modern scholarship.<sup>90</sup> As we have seen in the previous sections, Polybius was more concerned with how the activities of commanders outside of Italy contributed to the development of the Roman ἀρχή than with the details of the administrative arrangements made each year in Rome. Indeed, he does not usually report the elections at Rome or the assignment of *prouvinciae*; and he does not even specifically refer to a Roman *prouvincia* (with ἐπαρχία) in his surviving books.<sup>91</sup> It is also worth recalling that Zonaras gives only a summary of Dio's *Roman History*, which itself was unlikely to have given more details about the *prouvinciae*.<sup>92</sup>

It is a great pity that we do not have the lost books of Livy's *History* for this period (i.e. books 16-19), as they would have provided annual lists of the names of *prouvinciae* and their allotment to specific magistrates.<sup>93</sup> This is especially regrettable, given that the First Punic War was clearly a formative period for the use of a naval *prouvincia*.

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<sup>89</sup> E.g. Bleckmann (2011), p. 172: "The main sources, Polybius and Cassius Dio (Zonaras), agree only that in 260 one of the two consuls received the prestigious and successful *provincia* of the fleet command, while the other was to wage the less spectacular land war." Cf. e.g. Bleckmann (2002), p.116 ("*provincia* der Seekriegführung"), p.136 ("*provincia* des Seekriegs"); and Beck (2013), p.135 ("*naval provincia*"). It is telling that the majority of scholars refrain from naming the *prouvinciae*.

<sup>90</sup> See e.g. Polyb. 1.25.1-4 and Zonar. 8.12 for the lack of explicit detail concerning the *prouvinciae* of 257.

<sup>91</sup> See Richardson (1979a), esp. p.4-6. Cf. Dubuisson (1985), p.29; Ferrary (1988), p.16-18; and Richardson (2008), p.47f.

<sup>92</sup> Cf. e.g. Dio Cass. 11.19-21 and Zonar. 8.12 (for the beginning of 256).

<sup>93</sup> The summaries of these books provided by the *Periochae* do not record the details of *sortitiones* or the *prouvinciae* and the same is mostly true for the Livian tradition found in the later authors Florus, Orosius and

Once again, then, we must depend on the lists from the surviving books of Livy's *History* for the later period between 218 and 167 in order to gain a better understanding of how naval *prouvinciae* were defined and assigned. In addition to the details of the allocation of military resources, as discussed in the previous section, these lists contain reports of the elections of magistrates and promagistrates, as well as the allotment and/or assignment of *prouvinciae*.<sup>94</sup>

I shall discuss the reliability of Livy's lists of the annually named *prouvinciae* in greater detail in Chapter III, as these will provide the fundamental source of evidence for answering and expanding on the questions which were raised in the above discussion of the consular *prouvinciae* of 260. The chapter will begin by examining the concept of the *prouvincia* and how this has been approached in the existing modern scholarship. It will then analyse the information provided by Livy in order to answer the question of how the fleet was defined as a specific *prouvincia* between 218 and 167. The following part will consider what this definition reveals about why and when the fleet was named (or not named) in the consular and praetorian *sortitiones* during this period. These questions have not yet received detailed treatment in the existing modern scholarship, which has tended to focus on the role played by the *prouvincia* in the "provincialisation" of Roman territories and/or in the conceptualisation of the Roman Empire.<sup>95</sup> However, as we shall see in the course of this study, the answers to the questions of how, why and when the fleet was named as a *prouvincia* can offer significant contributions to our wider understanding of the important uses of *prouvinciae* more widely during the Republic.

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Eutropius. Cf. especially Oakley (1997), p.67-72 for a discussion of the *prouvinciae* named by Livy for the fourth and early third centuries in books 6-10.

<sup>94</sup> See Ch.I.iii with the relevant modern literature.

<sup>95</sup> As noted in Ch.I.ii, Brennan (2000), p.184 is the only scholar to have examined the *prouvincia classis* in any detail within his discussion of praetorian *prouvinciae*.

Chapter IV will then investigate what, if anything, changed in the assignment of naval *prouvinciae* between 167 and 49. There is no evidence that the fleet was named as a *prouvincia* after the first year of the Third Punic War in 149 until 43. This could be, in part, the result of the unfortunate loss of Livy's *History* (and with it, his lists of *prouvinciae*) after 167; but it is most probably owing to the fact that Rome was no longer challenged by a strong naval power after her defeat of Perseus of Macedon one year earlier. Nonetheless, there is sufficient evidence for us to consider how and why other *prouvinciae*, which involved the use of naval forces, were named between 146 and 49.

The chapter will seek to explore, then, how and why *prouvinciae* were defined in the late second and early first centuries by focussing on the surviving evidence for the Cilician naval command undertaken by M. Antonius around 103/102 and the Mediterranean-wide assignments given to M. Antonius Creticus in 75/74 and, more famously, Cn. Pompeius Magnus in 67. Cicero and Sallust provide some important contemporary (or near contemporary) details about these commands. This will be supplemented by evidence from later authors – most notably Appian, Cassius Dio, Plutarch and Velleius Paterculus – as well as several extremely valuable inscriptions.<sup>96</sup> This evidence will be used predominantly to investigate whether the principles associated with the use of the *prouvincia* in the third and early second centuries, as will be explored in Chapter III, still applied in the late second and early first centuries.

The chapter will first examine how the *prouvincia* of M. Antonius was defined around 103/102 and what this can tell us about how Cilicia was first viewed as a *prouvincia* in the late second and early first centuries. It will then give a full assessment of the

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<sup>96</sup> The inscriptions include two copies of a law of around 100 on the eastern *prouvinciae* from Cnidos and Delphi and an Asian customs law set up in Ephesus in 62 A.D., which contains a number of clauses dating to the late second century B.C. In addition, Lactantius and the Ciceronian scholiasts preserve some invaluable evidence for the command of M. Antonius Creticus. We also have the relatively limited evidence provided by Livy's *Periochae*, Florus, Eutropius and Orosius; and some useful details from Pliny the Elder's *Naturalis Historia* and Strabo's *Geography*.

Mediterranean-wide *prouvinciae* assigned to M. Antonius Creticus and Cn. Pompeius Magnus in 75/74 and 67. In doing so, it will also explore how these *prouvinciae* related to the Romans' conceptualisation of their empire and, in particular, the Mediterranean coastal regions, in the late second and early first centuries. This is especially pertinent in light of the observation, made by several scholars, that there was increasing Roman "acknowledgement of empire" between the last quarter of the second century and first quarter of the first century. With this in mind, I shall consider, for example, whether the naval assignments reflect a Roman conception of the empire as encompassing nearly the whole inhabited world (recalling Polybius' explanation of his underlying theme of his *Histories* quoted earlier).<sup>97</sup> The underlying question throughout these discussions will be how and why the definitions of the *prouvinciae* associated with naval commands developed between the second and first centuries.

The thesis will conclude with an Epilogue examining the position of Sextus Pompeius, the son of Cn. Pompeius Magnus, who was assigned an extraordinary *prouvincia classis et ora maritima* in the civil war context of 43. This was almost certainly the last time that a *prouvincia classis* was named and so it will be important to consider how and why it re-appeared after over one hundred years absence. What, if anything, changed? In this final discussion, the various strands of the earlier chapters will be brought together and some concluding remarks will be made about the contribution of this research to our understanding of the nature and use of the *prouvincia* in the Roman Republic.

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<sup>97</sup> See Ch.I.ii.

## Chapter II: Roman magistrates and naval preparations during the Roman Republic

### II.i. Introduction

We have seen in Chapter I that C. Duilius was involved in the construction and equipping of 100 quinqueremes and 20 triremes in 260 and that he was later explicitly recorded on his *columna rostrata* as being the first consul to equip and prepare naval forces and a fleet:

Enque eodem mac[istratud bene | r]em navebos marid consol primos c[eset  
copiasque | c]lasesque navales primos ornavet pa[ravetque]...<sup>98</sup>

The event, therefore, marked an important development of a new consular responsibility for the preparation of fleets and naval forces, which is confirmed by the evidence for consular involvement in the shipbuilding projects of 254, 250, 249 and 218.<sup>99</sup> As discussed in Chapter I, this institutional development was clearly linked to the changes in the size and the expense of the fleets: the consuls, as the supreme magistrates of the *res publica*, were the obvious officials to entrust with such a large task. Indeed, they were already responsible for levying soldiers for the terrestrial army – another significant expense.<sup>100</sup> However, more detailed information about how the naval preparations were arranged in practice is only to be found in the “annalistic” sections of the surviving books of Livy’s *History* of a later period between 218 and 167.<sup>101</sup> These sections usually list the annual allocation of military resources and the magistrates with the responsibility for overseeing their preparation, as is illustrated in the arrangements made in 214:

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<sup>98</sup> *Inscr. Ital.* XIII, 3, 69, ll. 5-7 with full discussion in Ch.I.iii.

<sup>99</sup> Polyb. 1.38.5-7 (254 B.C.); Polyb. 1.39.15 (250 B.C.); Zonar. 8.15 (249 B.C.); Livy, 21.17.2-4; and Polyb. 3.41.1-3 (218 B.C.). See further Ch.I.iii.

<sup>100</sup> For evidence for the earlier consular role with the military levy see e.g. Livy, 8.20.2-3 (329 B.C.); 9.8.7 (320 B.C.); 10.25.1-3 (295 B.C.); and Val. Max. 6.3.4 (275 B.C.).

<sup>101</sup> For the credibility of the evidence provided by these sections see Ch.I.iii, which includes the relevant modern literature.

...de re publica belloque gerendo et quantum copiarum et ubi quaeque essent consules ad senatum rettulerunt. duodeuiginti legionibus bellum geri placuit; binas consules sibi sumere, binis Galliam Siciliamque ac Sardiniam obtineri; duabus Q. Fabium praetorem Apuliae, duabus uolonum Ti. Gracchum circa Luceriam praeesse; singulas C. Terentio proconsuli ad Picenum et M. Valerio ad classem circa Brundisium relinqui, duas urbi praesidio esse. hic ut numerus legionum expleretur, sex nouae legiones erant scribendae. eas primo quoque tempore consules scribere iussi et classem parare, ut cum eis nauibus quae pro Calabriae litoribus in statione essent, centum quinquaginta longarum classis nauium eo anno expleretur. dilectu habito et centum nauibus nouis deductis Q. Fabius comitia censoribus creandis habuit...<sup>102</sup>

Whilst the detail provided in these lists limits the scope of what can be said about the naval preparations at the lower administrative levels, it nonetheless provides some crucial evidence which enables an understanding of the important roles played by the Senate, *senatus consulta* and senior magistrates.<sup>103</sup> It also allows one to trace how the magisterial roles might have developed during a period (218-167) in which military activity in multiple geographical spheres tested the efficiency and flexibility of the Roman administrative system. This will be the focus of this chapter. It is worth, first, however, briefly outlining three preliminary observations, based on the arrangements of 214 (above), which will provide a framework for understanding the fundamental role played by the consuls in the naval preparations (which I take to be the construction, equipping and manning of Roman fleets).

I) We can see that there was a close connection between the consular *dilectus* – the annual military levy usually announced by consular edict *ex senatus consulto* – and the naval preparations.<sup>104</sup> This is directly implied by Livy’s statement that Fabius only

<sup>102</sup> Livy, 24.11.1-6. Cf. Livy, 21.17.2-4; Polyb. 3.41.1-3 (218 B.C.); Livy, 38.35.7-8 (188 B.C.); and 44.19.1-2 (168 B.C.). For a detailed discussion of the number of legions see Brunt (1971), p.649-651 and see especially p.645-660 for a positive critique of the reliability of Livy’s lists of legions (which often appear together with fleet numbers) in response to the negative criticisms of Gelzer (1964), p.220-255.

<sup>103</sup> Willems (1885), II, p.630-633 remains one of the few scholars to discuss the role of the Senate within the specific context of naval preparations.

<sup>104</sup> Liebenam (1903), *RE*, 5, s.v. “*dilectus*”, col. 592 long ago noticed the connection between the army and the fleet. Cf. especially Livy, 30.2.6 (203 B.C.): *tria milia militum in eam classem ex decreto patrum consules scripserunt et duas legiones urbanas ad incerta belli*. See also now Pina Polo (2011a), p.84f with both ancient and modern references.

presided over the election of censors after the levy had been held and 100 new ships launched.<sup>105</sup> The link is most obviously explained by the fact that consular edicts were normally used to enlist soldiers for the army, which would have naturally also applied to the soldiers and sailors on board the ships.<sup>106</sup>

II) Livy reveals that the senatorial instructions given to the consuls in 214 involved the construction of 100 new ships (*centum nauibus nouis*).<sup>107</sup> Although there is no record of how these new ships or their supplies and manpower were financed, the costs involved were likely to have been discussed within the meeting of the Senate presided over by the consuls at the start of the year and intimately bound up with the availability of funds in the *aerarium*.<sup>108</sup> It is also likely that the cost of the new ships exacerbated the already severely depleted treasury and thereby contributed to a serious shortage of sailors.<sup>109</sup> The consuls, therefore, had to issue yet another edict *ex senatus consulto* ordering private individuals to provide a certain number of sailors with a prescribed amount of pay, depending on their last census rating.<sup>110</sup>

Livy claims that this was the first time that the *classis Romana* was equipped with so-called *socii nauales* (an ambiguous term including both Romans and non-Romans serving on board the ships) at private expense, which implies first that the Roman state was usually responsible for this.<sup>111</sup> This can be traced at least as far back as the First Punic

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<sup>105</sup> Cf. Livy, 26.36.12 (210 B.C.).

<sup>106</sup> Cf. Polyb. 6.12.5-7 (the consular role with the levy and military preparations); 6.19.2 (*proletarii* serving in the fleet); and 6.21.4 (the contributions of allies). For the manpower on board of the ships cf. Thiel (1946), p.12-16; Milan (1973), p.208-217; Ilari (1974), p.105-117; Lomas (1993), p.81f; Pinzone (2004); de Souza (2007), p.364-366; Prag (2007a), p.78-82; and de Souza (2013), p.387f.

<sup>107</sup> Livy, 23.48.6-7. For the total ship numbers in 214 cf. Thiel (1946), p.74-79 and Brunt (1971), p.667.

<sup>108</sup> Livy, 24.11.7-9. Mommsen (1887), III, p.1097 with n.4 already noticed the link between the consul, the payment of legions, the *aerarium* and the senatorial authorisation of the armies. See also Nicolet (1980), p.98; and Ñaco Del Hoyo (2011), p.381-385 with further references.

<sup>109</sup> Note Livy, 23.48.4-12 for financial problems already in the autumn of 215. See generally Crawford (1985), p.57-62 and Ñaco del Hoyo (2011), esp. 379f and p.386ff.

<sup>110</sup> Livy, 24.11.7-9. Cf. Livy, 26.35.4-9 and 26.36.3-12 (210 B.C.) with Nicolet (1980), p.166-169.

<sup>111</sup> Livy, 24.11.9. Livy does not use the term *socii nauales* in a technical/legal sense and I follow the definition given by Milan (1973), p.193-203 throughout this study. Milan concluded that Livy variably used

War, since Polybius mentions that private individuals had to finance the construction and equipping of a new fleet in 243/242 when there were no funds *in the public treasury*.<sup>112</sup> Arguably, the fact the ancient authors draw attention to specific instances in which it was not paid for by the state suggests that a regular practice existed before this time.<sup>113</sup> As discussed in Chapter I, several bronze *rostra* from the final naval battle of the First Punic War – recently recovered from around the Egadi Islands – are inscribed with the names of two quaestors who approved (*probauere*) something (the bronze used in the ram (or its casting) or the fulfilment of the contract for building the ship?).<sup>114</sup> This almost certainly represents their role in financing the construction of the ships and provides further confirmation that shipbuilding projects were connected with the funds in the *aerarium*.<sup>115</sup>

III) There was probably a direct link between the above arrangements and the *tributum* – the annual financial levy (or tax) which was intended to pay for the costs of war.<sup>116</sup> Modern scholars have often highlighted the connection between the *tributum* and the *dilectus* and have supposed that the amount of tribute required each year was based on the variable expense of the military campaigns, such as the number of legions employed.<sup>117</sup> If this is so, then there is no reason why we should not imagine that the *tributum* would

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the phrase to include both *nautae* (e.g. 24.11.7-9) and *remiges* (e.g. 37.16.11) and also acknowledged that he sometimes employed the term in a loose (catch-all) sense to encompass *milites classici* (i.e. soldiers on the ships), yet he does not believe that “le truppe di marina fossero di diritto socii navales...” (p.201 with n.22). Cf. Pinzone (2004) with more recent bibliography.

<sup>112</sup> Polyb. 1.59.6: χορηγία μὲν γὰρ οὐχ ὑπῆρχε πρὸς τὴν πρόθεσιν ἐν τοῖς κοινοῖς... Cf. Thiel (1954), p.302-304; Walbank (1957), p.123f s.v. “6”; and Gnoli (2011), esp. p.63-75.

<sup>113</sup> Cf. Zonar. 8.16.3-4, who records that the Romans kept away from naval warfare around 247 because of their misfortunes and the expenses involved, but that private individuals asked for some ships to use at their own expense and for their own profit.

<sup>114</sup> See Ch.I.iii.

<sup>115</sup> Ibid. See especially Lintott (1999), p.135, who, noting evidence for the title of *quaestor urbanus* and the link with the *aerarium* in documents from the late second century, suggests that, “the supervision of the *aerarium*...is likely to have been the chief function of the urban quaestors from the beginning.”

<sup>116</sup> See e.g. Livy, 23.31.1-2 (215 B.C.)

<sup>117</sup> See e.g. Brunt (1971), p.636, s.v. “5” and p.641; Nicolet (1976), esp. p.20, n.34; Nicolet (1980), p.153-156; Naco Del Hoyo (2011), p.381-385; and Rosenstein (2011), p.136-138.

also have been calculated with naval construction, repairs, equipping and manning in mind.<sup>118</sup>

The role that the consuls played in the naval preparations can be seen, then, in terms of their connection, as the most senior magistrates, to the military and financial arrangements – including the *dilectus* and the calculation of the amount of *tributum* required for the *aerarium* – made at the start of each consular year *ex senatus consulto*. This framework also provides the crucial context necessary for interpreting the cases in which other magistrates, *viz.* praetors, were assigned the task of constructing, repairing, equipping and manning ships in place of the consuls. The first concrete evidence for this dates to 208, when the Senate assigned the *praetor urbanus* the tasks of repairing 30 old warships at Ostia and of manning 20 new ships, despite the presence of both consuls in Rome:

et P. Licinio Varo praetori urbano negotium datum ut naues longas triginta ueteres reficeret quae Ostiae erant et uiginti nouas naues sociis naualibus compleret, ut quinquaginta nauium classe oram maris uicinam urbi Romanae tueri posset.<sup>119</sup>

As far as I know, Brennan is the only scholar to have noticed and highlighted the potential significance of this, which, he argues, led to a permanent devolution of consular responsibility for naval preparations in Italy:

Henceforth, it was the urban praetor, assisted occasionally by one of his praetorian colleagues, who arranged for the construction or repair of ships and the drafting of personnel to man them, even if one or both consuls were in the city when these orders were given.<sup>120</sup>

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<sup>118</sup> Cf. Kondratieff (2004), p.24-32 for the hypothesis that C. Duilius (*cos.*) minted his famous *aes signatum* coinage in order to repay the *tributum* used for the preparation of the new fleet of 260 back to the *populus Romanus*.

<sup>119</sup> Livy, 27.22.12-13. For the presence of the consuls at Rome see Livy, 27.23.1 and 27.25.6-10.

<sup>120</sup> Brennan (2000), p.104 and App.VI, p.658f. Cf. Thiel (1946), p.125-133, who passes over the events of 208 without mentioning any specific details about the shipbuilding.

In support of this, he cites a number of examples from the Roman wars against Antiochus III (192-188) and Perseus (171-168) in which the *praetor urbanus* and (occasionally) other praetors were involved in preparing fleets.<sup>121</sup> *Prima facie*, it might appear from these instances that the Senate had created a new institutional practice by assigning the preparation of the fleet to a praetor instead of the consuls in 208 given that both consuls were present in Rome. Yet, it is debatable that a single shift in the customary practice was enough to forge a permanent change to the *mos maiorum*, as outlined above. Instead, I shall argue that the change was by no means as marked as this and that the assignment of the naval preparations to praetors should be seen as temporary *ad hoc* responses to specific temporal factors: i) the date at which the preparations were ordered; ii) the availability of the consuls; iii) the military intelligence and military requirements (perceived or real); and iv) the availability of manpower and state finance.

The next section (II.ii) of this chapter will analyse the evidence for the praetorian administration of naval preparations with these four factors in mind. This will question Brennan's theory that the arrangements made in 208 set an institutional precedent for all future naval preparations and, instead, suggest that the use of praetors for the preparation of fleets can be better explained by the short-term benefits derived from freeing the consuls of this responsibility. The section will also briefly outline how the praetorian preparations were made possible by the important institutional developments that took place between the mid-third and early second centuries. The following part (II.iii) will then demonstrate that the traditional consular responsibility for preparing fleets actually continued alongside the general annual preparations for war after 208, which will further undermine Brennan's claim that there was a permanent devolution of consular responsibility for the naval preparations. The last section (II.iv) will consider the limited

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<sup>121</sup> These examples are discussed in Ch.II.ii.

evidence for the role played by magistrates in naval preparations during the Late Republic and will point out some important developments in comparison with the preceding periods.

## II.ii. The (*ad hoc*) praetorian naval preparations between 218 and 167

We begin, then, with an examination of the context of the senatorial instructions given to P. Licinius Varus (*pr. urb.*) to repair 30 old ships at Ostia and man 20 new ships in 208, since Brennan claims that this case set the precedent for all future naval preparations.<sup>122</sup> The questions to be considered are whether this was in any sense exceptional and whether it really set such a unique precedent.

With the first question above in mind, it is worth highlighting that the *senatus consultum* related specifically to the ships which Licinius was to use for the protection of the coastal region *uicinam urbi Romanae*.<sup>123</sup> As Brennan recognised, this was presumably considered part of the responsibilities of the *praetor urbanus*, who was, after all, geographically based around the *urbs* (as the title indicates).<sup>124</sup> The order clearly stemmed from a rumour that the Carthaginians were preparing a huge fleet to be directed against the coasts of Italy, Sicily and Sardinia;<sup>125</sup> and it would have made little sense to detain the consuls with potentially arduous naval preparations when the rumour could easily have proved to be incorrect (as later turned out to be the case).<sup>126</sup> In addition, the consuls were assigned the existing consular armies of the previous year and so could potentially have left Rome promptly without conducting a new levy.<sup>127</sup> The *praetor urbanus*, as the on-

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<sup>122</sup> Livy, 27.22.12-13, as quoted in Ch.II.i.

<sup>123</sup> Cf. Thiel (1946), p.126f, n.324, who unconvincingly second-guesses the evidence by postulating that this was an, “incorrect limitation, the southern coast being especially in need of protection.”

<sup>124</sup> Brennan (2000), p.658. For the *praetor urbanus* see also generally Brennan (2000), p.98-135 and esp. p.102f for his defence responsibilities. Cf. Bergk (2011), esp. p.68f.

<sup>125</sup> Livy, 27.22.8-9.

<sup>126</sup> It should be noted that a similar rumour had come to nothing in 210 and so the Senate may have taken this into consideration when making the arrangements for 208. See further Thiel (1946), p.109 and p.126f. There may have been further reasons to fear that the consuls would be unduly delayed, if Brunt (1971), p.668, n.2 is correct that there would have been problems manning the ships. In any case, as fate would have it, the consuls were delayed by prodigies, for which see e.g. Satterfield (2012), p.73, n.18.

<sup>127</sup> The consuls were given permission to supplement their armies (Livy, 27.22.11), but they would have presumably delayed their judgement on whether this was necessary until they reached them. Cf. Livy, 27.38.7-12 (207 B.C.).

hand *imperium*-holder, was more than sufficient for the task of preparing his own ships as necessary, which can be seen in terms of the unique circumstances of 208.

In relation to the second question concerning whether the arrangements made in 208 formed a precedent for all future naval preparations, a comparison with the decisions taken in 215 hints that a praetor was involved in naval preparations before 208. At the beginning of 215, the Senate decreed that Q. Fulvius Flaccus (*pr. urb.*) and M. Valerius Laevinus (*pr. per.*) should protect the *suburbana litora* and the coastal region between Brundisium and Tarentum respectively with 25 ships each.<sup>128</sup> Although the pattern of consular naval preparations had continued at the start of the Second Punic War in 218 when the two consuls were ordered to sail to Sicily and Spain with their own ships, it would have soon been apparent that they would not necessarily have been able to carry out all of the naval (or even terrestrial) preparations at the same time as fighting Hannibal in Italy.<sup>129</sup> Unfortunately, there is no record of who prepared the ships in 215, but we may legitimately wonder whether Fulvius (and possibly Laevinus) played a role, especially as he was also given the task of defending the coast near Rome. If correct, this would predate the consular naval preparations carried out in 214 (II.i) and in 210; and would fatally undermine the notion that the praetor's role in preparing a fleet in 208 set a precedent that automatically led to the permanent devolution of the traditional consular responsibility for the naval preparations.<sup>130</sup>

More concrete evidence for the praetor's role in preparing ships in 215 is to be found when the Senate decreed that 25 extra ships should be prepared for Laevinus' fleet as part of the emergency measures passed following the capture of Carthaginian

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<sup>128</sup> Livy, 23.32.17-19.

<sup>129</sup> Livy, 21.17.2-8. Thiel (1946), p.72f views the Roman defeat at Cannae (216) as a watershed and notes that the ships at Ostia were subsequently split up and dispatched to Calabria, western Italy and Sardinia.

<sup>130</sup> It should be noted that we do not know who was responsible for preparing the additional 25 ships assigned to T. Otacilius Crassus (*pro pr.*) for use in Sicily (Livy, 22.37.13) and the fleet under M. Claudius Marcellus (*pr.*) at Ostia in 216 (Livy, 22.57.1 and 22.57.7-8).

ambassadors off the coast of Calabria and the discovery that Hannibal was allied with Philip V of Macedon.<sup>131</sup> The decree was likely to have been made financially viable because the Senate had been able to recall the money which had been sent to repay King Hieron II earlier in the year.<sup>132</sup> Whilst the official responsible for the naval preparations is not explicitly mentioned, both consuls were absent from Rome at the time and so the *praetor urbanus* would have been the obvious choice.<sup>133</sup> He had admittedly been assigned 25 ships to protect the coast near to Rome (above), but there is no evidence these were ever launched;<sup>134</sup> and, even if this had been the case, it is possible that Ti. Sempronius Gracchus (*cos.*) had taken them over for use off the coast of Campania, since he was in charge of some ships around Cumae when the Carthaginian captives arrived.<sup>135</sup> Fulvius had already been able to levy a legion for service in Sardinia and was later given the task of letting contracts (*locare*) on credit for the supply of clothes and corn for the army and for other necessities for the *socii nauales* in Spain.<sup>136</sup>

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<sup>131</sup> Livy, 23.38.7-9: *captiuis in uincula condi iussis comitibusque eorum sub hasta uenditis, ad naues uiginti quinque, quibus P. Valerius Flaccus praefectus praeerat, uiginti <quinque> [paratis] alias discernunt. his comparatis deductisque et additis quinque nauibus, quae aduexerant captiuos legatos, triginta naues ab Ostia Tarentum profectae...* See further Livy, 23.34; App. *Mac.* 1; and Polyb. 7.9 with Walbank (1967), p.42-44.

<sup>132</sup> Livy, 23.38.12: *pecunia ad classem tuendam bellumque Macedonicum ea decreta est, quae Ap. Claudio in Siciliam missa erat ut redderetur Hieroni regi...*

<sup>133</sup> We do not know whether the preparations involved any construction work, repairs or simply acquiring the necessary equipment, supplies and manpower, but it is possible that these 25 ships were simply equipped and transferred to the Calabrian coast (cf. Livy, 23.38.7).

<sup>134</sup> Dart (2012), p.1010 unconvincingly takes it for granted that the *praetor urbanus* was busy defending the coast and speculates that an election of a special magistracy was necessary by which he alludes to *duumuii nauales*. Whilst these officials had been elected in 311 for equipping (*ornandae*) and repairing (*reficiendae*) the fleet (Livy, 9.30.3-4), the evidence suggests that, from 260, senior magistrates were usually given the overall responsibility for the preparation of ships. However, one might wish to speculate that a board of six (*sexuiri*) were appointed at some stage during the Second Punic War when other magistrates were unavailable (although not necessarily in 215 for the reasons suggested above). On the *duumuii nauales* and *sexuiri* see further Ch.I.iii.

<sup>135</sup> Livy, 23.38.1-3 with Thiel (1946), p.67, n.97. Note also Brunt (1971), p.666-670 and esp. p.667f with n.1 for the problems associated with manning ships, especially those operating around Italy.

<sup>136</sup> Livy, 23.34.12-15 (levying the legion for Sardinia); and Livy, 23.48.4-12, esp. 23.48.10-12 (supplies for the forces of P. Cornelius Scipio (*pro cos.*) in Spain). I believe that Livy's account of the provisioning of Scipio's army is based on a real situation, even if some anachronisms have crept in (*pace* Erdkamp (1995), p.169-171).

Moreover, the *praetor urbanus* was sometimes instructed to hold special levies, such as these, for the land army, and occasionally take over the regular *dilectus* from the consuls (even when the consuls were present).<sup>137</sup> There is no reason, then, why the same did not also apply to the naval preparations in both 215 and 208. The Senate could be flexible in issuing *ad hoc* instructions, depending on what it considered to be expedient, as dictated by the temporal factors mentioned earlier: thus new intelligence from the Carthaginian ambassadors, the availability of the funds sent to King Hieron II and the unavailability of the consuls were all factors in 215. This basic, though fundamental, premise can now be justifiably applied to the remaining cases of praetorian naval preparations from 192, 191, 190 and 172, which are cited by Brennan as illustrations of a permanent institutional practice.

The Senate ordered three different praetors to prepare fleets in 192, even though both consuls had not yet departed for their *prouvinciae*:<sup>138</sup> A. Atilius Serranus (*pr.*), who had been allotted the *classis et Macedonia*, was instructed to build 30 quinqueremes and launch any usable old ships from the *naualia* and levy *socii nauales*;<sup>139</sup> and M. Fulvius Centumalus (*pr. urb.*) and L. Scribonius Libo (*pr. per.*) were directed to prepare an additional 100 quinqueremes.<sup>140</sup> Both sets of instructions came prior to the return of the Roman ambassadors who had been sent to Antiochus III to find out whether war was inevitable. Indeed, the orders were given very late in the day, given that the praetorian

<sup>137</sup> See Brennan (2000), p.122f and Pina Polo (2011), p.84. It is worth noting that Fulvius was already a senior *consularis* at this time (*cos.* 237 and 224) and that he was elected praetor the following year with the *urbana* jurisdiction assigned to him *extra sortem* (Livy, 24.9.5). Could he have been meant to finish the tasks begun in 215? Or was he simply a reliable and efficient administrator?

<sup>138</sup> Brennan (2000), p.658. For the numbers of ships see generally Thiel (1946), p.258-268. (Although I do not agree with Thiel on all points, this chapter is only concerned with ship numbers when it directly affects the argument above.)

<sup>139</sup> Livy, 35.20.12: *...triginta naues quinqueremes facere iussus et ex naualibus ueteres deducere si quae utiles essent et scribere nauales socios...* For a discussion of the *prouincia* see Ch.III.iii.

<sup>140</sup> Livy, 35.21.1: *praetoribus Fulvio et Scribonio, quibus ut ius dicerent Romae prouincia erat, negotium datum ut praeter eam classem cui Baebius praefuturus erat centum quinqueremes pararent.* Cf. Thiel (1946), p.265, followed by Briscoe (1981), p.175, who argues that *parare* refers to the “fitting out of old ships” rather than new construction.

*prouvinciae* had already been allotted at the start of the year and later changed,<sup>141</sup> and they must have stemmed from an increasing anxiety that war was imminent.<sup>142</sup>

Arguably, an even greater consideration as to why the praetors were charged with naval preparations, often overlooked by scholars, was the situation in northern Italy – to which both pairs of consuls were assigned in 193 and 192.<sup>143</sup> Twyman has highlighted that the Senate would legitimately have feared that Antiochus would invade Italy and form an alliance with the Celts.<sup>144</sup> Indeed, Hannibal's invasion and use of Celtic manpower during the Second Punic War was a relatively recent event and would still be pertinent given that Hannibal had joined with Antiochus at the time.<sup>145</sup> The priority, then, would have been to secure northern Italy and to utilise both consular armies against the Boii rather than delay the consuls with the naval preparations, which may not have been so urgent.<sup>146</sup> It is worth noting also that the campaigning season could have started in northern Italy before the sailing season opened;<sup>147</sup> the consuls may, therefore, have been able to take charge of their armies just before winter, assuming Derow's calculations of the Roman calendar are

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<sup>141</sup> Livy, 35.20.8-10.

<sup>142</sup> As Rich (1976), p.25 has argued, the Romans presumably expected the negotiations with Antiochus would end badly. Note also the lack of preparations at the beginning of the year (Livy. 35.20.1) and the Senate's order to the consul, Cn. Domitius Ahenobarbus, not to leave Rome (35.20.14).

<sup>143</sup> See generally Dyson (1985), p.37f. For the *prouvinciae* see Livy, 34.55.6 (193 B.C.: *Gallia* and *Ligures*); and 35.20.2 (192 B.C.: *Italia* for both consuls).

<sup>144</sup> Twyman (1986), p.669f and Twyman (1992), p.98 and esp. p.100ff. See also Eckstein (1987), p.321f and Brennan (2000), p.320, n.145.

<sup>145</sup> This is rightly pointed out by Eckstein (2008), p.328. Cf. Livy, 21.25.1-2 for the rising of the Boii in the early stages of the Second Punic War.

<sup>146</sup> It is worth noting that the Senate later ordered the *praetor urbanus* to construct 50 new quinqueremes following negative rumours from the East at around the time of the new consular elections in 192 (Livy, 35.23.1-4; and 35.24.1-8). This presumably represented a renewal of the task that had been previously assigned to Atilius, which was probably abandoned after the ambassadors reported that war was not imminent, for which see Thiel (1946), p.265f and Rich (1976), p.88. For the campaigns in northern Italy see generally McDonald (1974), p.50-52 and Dyson (1985), p.36-41.

<sup>147</sup> See Veg. *Mil.* 4.39 for the sailing season (10 March to 11 November, but 27 May to 14 September for *secura* sailing). See also Roth (1999), p.191 for these seasons being observed by the military with Livy, 36.12.11 (not 36.7.11 as cited) for Antiochus taking account of the sailing season in 191. Cf. the thoughtful comments in Beresford (2013), p.14-16.

correct that they would have entered office on 17 November 193 (by the solar calendar).<sup>148</sup>

It would have been expedient, then, to assign the naval preparations to the praetors, who were available on the spot: Atilius would have had to wait for the sailing season to open before leaving for Macedonia, whereas Fulvius and Scribonius had *prouvinciae* conveniently based around Rome.<sup>149</sup>

The same rationale potentially applied the next year when M'. Acilius Glabrio (*cos.* 191) was assigned to the newly declared war with Antiochus III in the East and P. Cornelius Scipio Nasica (*cos.* 191) was sent to the campaign against the Boii in the North.<sup>150</sup> Some confirmation that the Senate wished both of the consuls to depart as soon as possible in this year comes from the fact that L. Quinctius Flamininus (*cos.* 192) was given the task of conducting the *dilectus* on his return to hold the elections for 191, *ne quid moraretur quo minus consul nouus quo senatus censuisset extemplo proficisci posset*.<sup>151</sup> There is no record that the new consuls undertook another *dilectus* in 191 and there was presumably no need: the forces raised by Flamininus were assigned to Glabrio, whereas Scipio was able to take over one of the two consular armies still in the North and send the other back to Rome.<sup>152</sup>

With this in mind, the Senate may have thought, once again, that it would be advantageous to assign the preparation and refitting of ships to two praetors: C. Livius Salinator (*pr.*), who received a *prouincia classis* in the praetorian *sortitio*, was instructed to

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<sup>148</sup> Derow (1976), p.272. This cannot be too far off if the consuls of 190 entered office on 18 November (solar) – following the insertion of an intercalary month in the consular year 191 – as Derow (1973), p.345f argues on the basis of a known solar eclipse reported by Livy.

<sup>149</sup> Cf. Livy, 44.17.9-10 for a description of the *peregrina* and *urbana sortes* as the *duae iurisdictiones*, for which see generally Stewart (1998), p.96f, n.5 and Brennan (2000), p.107-121.

<sup>150</sup> See *MRR I*, p.352 for the ancient references and for the success of the campaign against the Boii see McDonald (1974), p.52 and Twyman (1986), p.670.

<sup>151</sup> Livy, 35.41.5-6. For the legions see further Briscoe (1981), p.37f.

<sup>152</sup> Livy, 36.1.6-9; and 36.3.13.

prepare (*parare*) 30 ships and cross over to Greece at the first opportunity;<sup>153</sup> and M. Iunius Brutus (*pr. urb. et per.*) was ordered to repair (*reficere*) and arm (*armare*) the old ships in the *naualia* and enlist *libertini* as *socii nauales*.<sup>154</sup> It may also be significant that Livius had problems manning his ships with the men from the *coloniae maritimae*, which could well have been anticipated in advance given that Iunius was specifically told to enlist freedmen and, therefore, could have been another reason why it was decided not to entrust (and delay) the consuls with the task.<sup>155</sup>

There was an additional benefit to undertaking the naval preparations separately from the consular *dilectus*, since ships could be carefully prepared during one year for use at the start of the next. Livius must have left Rome either with the old ships prepared by Fulvius (*pr. urb.*) and Scribonius (*pr. per.*) in 192 or the new ships which Fulvius was directed to build later that year.<sup>156</sup> In 190, L. Aemilius Regillus (*pr.*), who was also allotted a *prouincia classis*, was likewise told to receive the 20 ships which had been prepared the previous year by Iunius and enrol 1000 *socii nauales* and 2000 soldiers.<sup>157</sup> Later in the same year, the Senate ordered the *praetor urbanus* to construct (*facere*) 30 quinqueremes and 20 triremes because of a rumour, which almost certainly arrived after the consuls had

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<sup>153</sup> Livy, 36.2.14-15. For a discussion of the *prouincia classis* and its allotment to praetors during the war against Antiochus III see Ch.III.iii. It is worth adding that Livius was instructed to cross *primo...tempore* and one could argue that he may have been more efficient in preparing his own fleet: Livy records that he went about the preparations *impigre* (36.3.4).

<sup>154</sup> Livy, 36.2.15.

<sup>155</sup> De Ligt (2012), p.155 with n.73 and esp. p.103f recently proposed that this episode was part of a wider shift in demographics by hypothesising that there was a decline in the numbers of available *proletarii* from whom to man the ships between 200 and 173 because many had become *assidui*. He also takes this as an explanation for Polybius' famous statement that the Romans could not man as many ships or put to sea with as large fleets as previously by the mid-second century (1.64.1). Cf. Walbank (1957), p.130 s.v. "64.1" and Brunt (1971), p.669f.

<sup>156</sup> For the new ships see Livy, 35.24.8. Thiel (1946), p.263-268 argues that these new ships were never actually completed because more ships would otherwise have been utilised in Asia given that 100 ships were earlier prepared by Fulvius and Scribonius. However, there is no indication that the praetors managed to prepare the 100 ships and it is also possible that some of these were later replaced by the 50 new ships: curiously Thiel acknowledges that the practice of replacing old ships was utilised during the Second Punic War (e.g. p.48f and p.74), but does not consider that this was a possibility during the later wars. It is also notable that Thiel has major concerns with his own hypothesis (p.267f) on the basis of how old the fleet would be during the Third Punic War if no ships had been built during the war against Antiochus (or Perseus). It is safest to acknowledge that we cannot know exactly where Livius' ships came from.

<sup>157</sup> Livy, 37.2.10-11. Brennan (2000), p.659 does not mention this particular case in his own analysis.

already left Rome, that Antiochus was preparing a much larger fleet than he had previously.<sup>158</sup> These ships were then available for Q. Fabius Labeo (*pr.*) to use after he had received the *prouincia classis* in 189, although the Senate ultimately decided to assign them to M. Fulvius Nobilior (*cos.*) for operations around Cephallenia.<sup>159</sup>

Finally, the Senate decided it was important to begin military preparations immediately in response to the potential war with Perseus of Macedon in 172 rather than recall a consul or wait *ad nouos consules*.<sup>160</sup> Securing northern Italy could well have been an important consideration with regard to a future war with Perseus, as it had been twenty years earlier, and it would have made little sense to recall the consuls when the *praetor urbanus* and *praetor peregrinus* were available.<sup>161</sup> Thus, C. Licinius Crassus (*pr. urb.*) was charged with repairing (*reficere*) and equipping (*parare*) 50 old quinqueremes from the *naualia* and enlisting freedmen to man 25 ships, whereas Cn. Sicinius (*pr. per.*) was asked to enrol an equal number from the allies for the other 25 ships, levy 800 soldiers and 500 cavalry and receive the second legion and a number of allies from the consul in Liguria.<sup>162</sup> Sicinius was then ordered to hold a *prouincia Macedonia* with this fleet and this army until a successor arrived.<sup>163</sup> The refitting of the fleet was again, in principle, no different from the land-based arrangements (e.g. as in 215): both should be seen as *ad hoc* measures taken in response to the evolving military situation in the East.

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<sup>158</sup> Livy, 37.4.5, which follows the report that one of the consuls had left around 15 July (37.4.1-2). As Brennan (2000), p.659 suggested, it is probable that both consuls had set out for their *prouvinciae* by this time even though there is no record of the other consul. Compare the rumours which influenced the praetorian naval preparations in 215, 208 and 192.

<sup>159</sup> See Livy, 37.50.5 with the relevant discussion in Ch.II.iii.

<sup>160</sup> Livy, 42.27.1-8. Cf. Livy, 42.22.1 and 42.27.5 for the absence of the consuls. See generally Gruen (1984), p.403-419 with bibliography and for the delaying of the actual declaration of the war *ad nouos consules* see Rich (1976), p.23ff and p.88ff with Livy, 42.18.2.

<sup>161</sup> See further Twyman (1993). It should be noted that the consuls had already been prevented from conducting a levy following a disagreement over the status of the Statellates in Liguria, for which see further Brennan (2000), p.113-115 and p.122f. Cf. Brunt (1971), p.659.

<sup>162</sup> Livy, 42.27.1-8.

<sup>163</sup> Livy, 42.27.6-7. Cf. Livy, 42.36.8-9 and Thiel (1946), p.386f with n.726. For this *prouvincia* see Livy, 42.27.6.

In summary, we have seen how these praetorian naval preparations arguably resulted from a combination of special circumstances. These included reports concerning the military preparations of enemies (e.g. 215, 208, 192 and 190), the prioritisation of certain consular military tasks (e.g. 192 and 191), potential difficulties with levying naval forces (e.g. 191) and the absence of the consuls from Rome (215, 190 and 172). There were good reasons to separate the naval preparations from the annual consular military preparations within the contexts of each of these individual cases. It should also be emphasised, however, that many of these arrangements were only made possible by three important institutional developments starting towards the end of the First Punic War.

I) The number of praetors elected each year increased from one to two in the 240s, to four in 227 and to six in 197.<sup>164</sup> Simply put, this allowed more *prouvinciae* (and specific tasks such as preparing fleets) to be assigned to magistrates: *Hispania Citerior* and *Hispania Ulterior*, for example, were annually allotted to praetors between 197 and 192 – alongside the urban and peregrine jurisdictions, Sicily and Sardinia – though they were subsequently substituted for the *classis* during the wars with Antiochus (192-189) and Perseus (171-168).<sup>165</sup> Atilius, Livius and Aemilius, the praetors allotted the fleet between 192 and 190, all prepared their own fleets.

II) The Senate made much greater use of *prorogatio imperii* from the Second Punic War onwards as a means of increasing the number of available *imperium*-holders and meeting the threats posed to multiple spheres without raising the number of elected magistrates in a given year.<sup>166</sup> This meant that a greater number of fleets could have been

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<sup>164</sup> See further Brennan (2000), p.85-97 and p.164-166; and Beck (2005a), p.63-67.

<sup>165</sup> See Ch.III.iii.

<sup>166</sup> See Jashemski (1950), esp. p. 17-39; Kloft (1977), esp. p. 27-39; Lintott (1999), p.113-115; and Brennan (2000), p.73-75. For the comparison with the practice during the First Punic War see Kloft (1977), p.23, who cites the comment in Zonar. 8.16 in which Zonaras (or Dio) holds the annual changes in the commands as being responsible for many of the Roman losses. See also Buti (1992), p.454-458 and Brennan (2000), p.73-75 and p.80-83.

utilised during one year (e.g. note that Atilius, Livius and Aemilius were assigned fleets after the prorogation of magistrates in the *Hispaniae*).<sup>167</sup>

III) Extraordinary promagistrates were sometimes elected during the Second Punic War, which further served to increase the number of *imperium*-holders available (although there is no evidence that extraordinary promagistrates prepared their own fleets at this time).<sup>168</sup>

Whilst these three points are widely known, they deserve special emphasis because the developments increased the number of *imperium*-holders available to command and prepare fleets from the Second Punic War onwards. I shall consider how, when and why the actual command of the fleet and, in particular, the *prouincia classis* was assigned to magistrates and promagistrates in the next chapter, but the basic point needs to be stressed here that during the period of the most frequent praetorian naval preparations after 208 – viz. between 192-189 and 172 – there were simply more praetors available than ever before. It is not surprising, then, that the Senate made use of them during the major wars of the late third and early second centuries, which involved fighting in multiple geographical regions simultaneously. This did not, however, equate to a permanent devolution of consular responsibility from 208 onwards, as suggested by Brennan. In fact, there are several cases which show that the Senate continued to assign some naval preparations to the consuls when it was appropriate after the praetorian naval preparations of 208. These will be considered next.

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<sup>167</sup> It is also worth noting that any naval reinforcements required by a prorogued magistrate would have to be prepared by another magistrate in Rome/Italy (unless obtained in the *prouincia*). For example, the fleet prepared by the consuls in 214 may have been intended for M. Valerius Laevinus (*pr. per.* 215), who was prorogued with the fleet at Brundisium (Livy, 23.48.6), for which see further Thiel (1946), p.75, n.124.

<sup>168</sup> See further the literature cited in the above discussion of *prorogatio imperii* and also especially Badian (1979), p.793 and Ridley (1981), p.287-290.

### II.iii. The consular naval preparations between 208 and 167

There is evidence in four cases (205, 202, 189 and 168) for a continued connection between the annual consular war preparations and the specific naval preparations *ex senatus consulto*, as I outlined in the introduction to this chapter, after 208.

In the first case, Livy reports that P. Cornelius Scipio (*cos.*) was not granted permission to conduct a *dilectus*, but was allowed to enlist volunteers and receive materials for constructing new ships from the *socii* for use in Sicily and Africa in 205.<sup>169</sup> According to Livy, Scipio made a pronouncement that the fleet would not be a cause for expense to the *res publica* and managed to build 20 quinqueremes and 10 quadriremes within forty-five days by relying on the allies of central Italy, who apparently volunteered materials, equipment, provisions, arms and men.<sup>170</sup> Although some scholars have dismissed the entire passage as an invention of a later annalist, there were real financial and manpower shortages throughout this period which would, potentially, have necessitated the use of allied resources and manpower.<sup>171</sup> One can speculate (with Thiel) that the allied contributions were actually forced on the Etruscans and other allies *ex senatus consulto* as a result of their disloyalty;<sup>172</sup> and I would even propose that the unusually vast detail in Livy's passage originally derived from such a *senatus consultum* (or a copy/summary of

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<sup>169</sup> Livy, 28.45.13-14. For a full discussion of the *provincia* see Ch.III.iii.

<sup>170</sup> Livy, 28.45.14-21.

<sup>171</sup> For a rejection of the passage see Brunt (1971), p.655f with some earlier bibliography. Most recently, W. Blösel argued the passage is fabricated in a paper "The Etruscan and Italic Clientelae of Scipio Africanus maior (Livy 28.45) – a fiction" delivered at the international conference "Clientelas Provinciales en el Imperio Romano: una reconsideración" (Zaragoza, 14-15 March 2013), the proceedings of which will be published by F. Pina Polo (ed.) in 2014. The passage is accepted without question by Toynbee (1965), I, p.265. Cf. Thiel (1946), p.145-148 and Develin (1985), p.234f. For the severe manpower shortages see Gruen (1990), p.23, n.92 with references, who also accepts the authenticity of the passage. It is worth noting, in particular, that the Senate gave the consuls authority to supplement their forces *unde uellent* following a manpower shortage and difficulty with the levy in 207, which resulted in various auxiliary forces being transferred from Spain and Sicily (Livy, 27.38.9-12).

<sup>172</sup> Thiel (1946), p.146f, following a suggestion by W. Weissenborn with regard to Livy, 28.45.14.

it).<sup>173</sup> Regardless of whether some elements of the passage were falsified, such as the Etruscans volunteering to help Scipio, there is little reason to doubt that Scipio utilised the allies for his naval preparations; and so the passage should not be rejected *in toto*.<sup>174</sup> Indeed, Appian potentially preserves a different tradition in his report that Scipio was able to take volunteers and prepare 10 ships.<sup>175</sup>

The second case is to be found after Ti. Claudius Nero (*cos.*) was assigned 50 quinqueremes for use in his *prouincia Africa* in 202.<sup>176</sup> Livy reports that Claudius was deliberately slow in preparing (*comparanda*) and launching (*deducenda*) his fleet because the Senate had already decided that Scipio (*pro consule* in Africa since 204) was to be responsible for deciding peace terms with the Carthaginians.<sup>177</sup> It is notable that Livy employs very similar language when he describes the difficulties faced by C. Livius Salinator (*pr.*) in equipping his fleet with men from the *coloniae maritimae* in 191, as we observed in the previous section.<sup>178</sup> The Senate may have even learnt from this episode and directed Cn. Cornelius Lentulus (*cos.*) to acquire 50 ships from the existing fleets in Sicily and Africa in 201 in order to avoid any deliberate delaying tactics like those of 202, since

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<sup>173</sup> For what it is worth, the preceding formulation granting Scipio permission to cross to Africa *si id e re publica esse censeret* (28.45.9) occurs on various occasions, for which see further Ch.III.iii.

<sup>174</sup> Cf. Prag (2011b), p.18 with n.15 for *senatus consulta* authorising a commander to levy troops from overseas allies and note especially e.g. Livy, 42.35.4-6 (171 B.C.).

<sup>175</sup> App. *Pun.* 7. Cf. Plut. *Fab. Max.* 25.5 and Zonar. 9.11.6-7. For the discrepancy between the numbers of ships reported by Appian and Livy cf. Kahrstedt (1913), p.327 and Thiel (1946), p.147, n.38.

<sup>176</sup> Livy, 30.27.1-5. It is worth noting an additional case in which the Senate ordered the consuls to levy three thousand soldiers, which would be used to man the 40 ships that M. Marcius Ralla (probably *pro praetore*) had to defend the *ora Italiae* in 203 (Livy, 30.2.5-6). For Ralla's position see *MRR I*, p.315, n.5 and Brennan (2000), p.288, n.49 and p.306, n.2.

<sup>177</sup> Livy, 30.38.7-8: *segniter omnia in comparanda deducendaque classe ab Ti. Claudio consule facta erant quod patres de pace Scipionis potius arbitrium esse quibus legibus daretur quam consulis censuerant*. Cf. Zonar. 9.14.1. The preparations presumably involved at least gathering and equipping the ships with men and supplies.

<sup>178</sup> Livy, 36.3.4: *in comparanda impigre classe C. Liuium praetorem contentio orta cum colonis maritimis paulisper tenuit*.

he had only been given permission to cross into Africa if peace could not be arranged by Scipio.<sup>179</sup>

Thirdly, the Senate ordered M. Fulvius Nobilior (*cos.*) to equip (*ornare*) and launch (*ducere*) the ships which had been built by the *praetor urbanus* the previous year and then to sail to Cephallenia in 189.<sup>180</sup> Some scholars have argued that Livy's report cannot be correct, since the 50 new ships were originally intended for the war against Antiochus III in Asia and there were already 20 ships present around Cephallenia, which were apparently more than enough for Fulvius' limited task.<sup>181</sup> However, we are never told how many ships were completed in 190 and there could have been a much smaller number available to Fulvius; Livy, after all, does not reveal how many ships Fulvius launched and so he may not have had to prepare as many as 50. Furthermore, it remains perfectly plausible that Fulvius equipped all of the ships, regardless of their number, instead of relying solely on the ships around Cephallenia. News of the Roman victory against Antiochus III at Myonesus had already reached Rome prior to the end of the consular year 190 – i.e. before the assignment of *prouvinciae* and armies for 189.<sup>182</sup> The Senate could, therefore, have judged that the ships were no longer required in Asia and Fulvius could have been sent with a strong fleet as a show of strength with the subsequent negotiations in Aetolia and Cephallenia in mind.<sup>183</sup>

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<sup>179</sup> Livy, 30.41.6-7. For the *prouvincia* see Ch.III.ii and Ch.III.iv.

<sup>180</sup> Livy, 37.50.5-8. The role of the *praetor urbanus* in the construction of these ships is mentioned in Ch.II.ii.

<sup>181</sup> De Sanctis (1923), IV.i, p.211f, n.154; Thiel (1946), p.263; and Briscoe (1981), p.369, s.v. "5."

<sup>182</sup> See Livy, 37.47.3-5 with Briscoe (1981), p.364f s.v. "3. Eodem tempore."

<sup>183</sup> For the negotiations see e.g. Livy, 38.8-11, esp. 38.8.2-3 with reference to the siege of Ambracia and the presence of a hostile fleet. I do not agree with Briscoe (2008), p.45 s.v. "navibus hostium" that there was no Roman fleet in the area at this time. A Roman fleet could have easily been commanded by a *legatus*, even if it is not explicitly mentioned, with Fulvius besieging Ambracia by both land and sea. The importance of the mission is played down by Thiel (1946), p.263, but it should also be noted that Fulvius celebrated a triumph just two years later: [*M. Fu*]lvius *M. f. Ser. n. Nobil[ior II, pro an. DLXVI | [co(n)s(ule), de] Aetoleis et Ceph[allenia X k. Ian.] (Inscr. Ital. XIII, I, p.80f). Cf. Livy, 39.4-5 and Cic. Mur. 31. This suggests that the war was taken seriously.*

In the fourth case, it is possible to demonstrate that C. Licinius Crassus (*cos.*) was charged with preparing ships alongside his responsibility for the consular *dilectus* in 168.<sup>184</sup> Livy records that it was left to him to prepare and send anything necessary for the war with Perseus of Macedon and implies that this was arranged so that L. Aemilius Paullus (*cos.*) and Cn. Octavius (*pr.*) could both proceed against Perseus as soon as the Senate decreed.<sup>185</sup> Livy states that 5000 *socii nauales* were enlisted for the fleet within the context of the military arrangements for which Licinius was responsible *ex senatus consulto*.<sup>186</sup> Crucially, he also records that a series of senatorial decrees were made in September, after news had been received of Aemilius' victory against Perseus at Pydna, which included the following:<sup>187</sup>

naues, quae in Tiberi paratae instructaeque stabant, ut, si res posceret, in Macedoniam mitterentur, subduci et in naualibus conlocari, socios naualis dato annuo stipendio dimitti et cum iis omnes, qui in consulis uerba iurauerant...<sup>188</sup>

We can assume that Licinius played a role in preparing and equipping the ships waiting in the Tiber, given that he was instructed to prepare and send anything necessary for the war in Macedonia. It is also notable that the *socii nauales* are described alongside all those who had taken an oath before the consul (i.e. Licinius). In contrast to the preparations carried out by the *praetor urbanus* and *praetor peregrinus* mid-year in 172 (II.ii), Licinius was available in Rome to carry out the preparations himself and

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<sup>184</sup> Livy, 44.21.5-7: *dilectus cura C. Licinio consuli inposita. is septem milia ciuium Romanorum et equites ducentos scribere iussus et sociis nominis Latini septem milia peditum imperare, quadringentos equites...*

<sup>185</sup> Livy, 44.19.4-5: *sacrificio rite perfecto et se [Aemilius Paullus] et Cn. Octauium, simul senatus censuisset, exituros esse. C. Licinio collegae suo fore curae se absente, ut, si qua parari mittique ad id bellum opus sit, parentur mittanturque.* Cf. Livy, 44.22.5. Pina Polo (2011), p.33 also discusses the early celebration of the *feriae Latinae* on 31 March and determines that Aemilius was in Rome for two weeks after taking office: "an extraordinary short period of time – probably the shortest on record, along with that of the year 169."

<sup>186</sup> Livy, 44.21.10-11.

<sup>187</sup> For the date see Livy, 45.2.3.

<sup>188</sup> Livy, 45.2.9-11. Thiel (1946), p.377f, n.704 suggests these details are not very credible, but he does not explain why and I do not see a good reason to dismiss them.

presumably only then departed for northern Italy.<sup>189</sup> It should be noted that Cn. Servilius Caepio (*cos.* 169) was almost certainly prorogued in Gaul so that Licinius would have ample time to carry out the military preparations before leaving Rome.<sup>190</sup>

There are no further records of consuls undertaking naval preparations in the surviving books of Livy's *History*, although it should be emphasised that Livy does not give a complete account of all of the instances of naval preparations between 218 and 167; and there are certain cases in which one might strongly suspect consular involvement, despite the absence of evidence.<sup>191</sup> Indeed, all of the cases in this section correspond to the framework proposed in the introduction of this chapter in which the consular naval preparations were inherently linked to the annual military preparations (e.g. the regular *dilectus* and probably also the calculation of the *tributum*). As suggested in Chapter I, this almost certainly goes back to the construction of the first major fleet in 260.

Yet, we have observed some significant developments between the First Punic War and the war with Perseus of Macedon: i) consuls did not only prepare their own fleets, but sometimes carried out this task for other magistrates (e.g. 214 and 168); ii) praetors could be charged with preparing their own fleets (e.g. 208, 192, 191 and 190); and iii) praetors were, at times, directed to prepare fleets for others (e.g. 215, 192, 191 and 172). We have seen how these three points were presupposed by various institutional developments, which increased the number of magistrates and promagistrates available each year. The

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<sup>189</sup> It is unfortunate that we do not have any information concerning when Licinius left for northern Italy against the Gauls (Livy, 45.12.9-13), although a later departure is potentially suggested by the fact that he apparently arrived around Camp Macri and next (*deinde*) passed the winter around the same place without his legions, who had not arrived owing to a religious technicality regarding their date of departure, for which see *MRR I*, p.429 s.v. "Cn. Servilius Caepio."

<sup>190</sup> See Livy, 44.21.7 for Servilius' continued command in Gaul and 43.11.12 for his original *prouincia Italia*, which was the name of the *prouincia* allotted to Licinius (44.17.10).

<sup>191</sup> I include here several of the most probable cases in which consuls might have been responsible for naval preparations, based on the attested use of ships during those years. I) P. Sulpicius Galba Maximus (*cos.*) in 200: see Livy, 31.9.5; 31.18.9 for his arrival in Illyria with land and naval forces; and 31.22.4 for his arrival in late autumn, which one could speculate was partially owing to naval preparations. II) M. Porcius Cato (*cos.*) in 195: Livy, 33.43.3; and 34.8.4-5. III) Ti. Sempronius Gracchus (*cos.*) in 177: Livy, 41.9.2.

last two developments have also been explained in terms of what the Senate might have considered to be expedient at a particular time – i.e. as *ad hoc* rather than *de iure* developments. Indeed, the Senate tightly regulated what military arrangements should be made for each military sphere. It adapted to fluid and diverse military situations by making what it would have considered the best use of the senior magistrates available in Italy, but it did not permanently make constructing, equipping and manning fleets a praetorian task by setting a new precedent in either 215 or 208.

## II.iv. Epilogue: the Late Republic

The evidence for the preparations of fleets becomes even more limited following the loss of Livy's *History* from 167. We can only assume, for example, that the consuls were involved in preparing the fleet of 50 quinqueremes with which they sailed against Carthage in 149, especially if we keep in mind the consular preparations made for similar expeditions in 218, 205 and 202.<sup>192</sup> Another important factor, which must to a large extent account for the scarcity of evidence for preparing fleets, is that Rome had much less need to prepare large scale naval forces after the destruction of Carthage in 146, since there were no strong naval powers left to challenge her hegemony in the Mediterranean.<sup>193</sup>

Indeed, some scholars have characterised the period between 146 and the Mediterranean-wide naval command of Cn. Pompeius Magnus against the pirates in 67 as largely being “fleetless.”<sup>194</sup> Such a characterisation, however, rests too heavily on the absence of evidence and risks minimising the role of smaller Italian and allied fleets:<sup>195</sup> we do not know, for example, the size of the fleet which Q. Caecilius Metellus (Baliaricus) brought with him, as consul, against the Balearic Islands in 123 or how many ships M. Antonius took eastwards via Corinth (either as a praetor or a promagistrate) against the pirates in Cilicia towards the end of the second century;<sup>196</sup> nor do we know who carried out these naval preparations. In addition, the fact that L. Cornelius Sulla (*cos.*) left Italy without a fleet of warships at the start of the Mithridatic War in 88 was most probably

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<sup>192</sup> App. *Pun.* 75.

<sup>193</sup> Cf. Ch.IV.i.

<sup>194</sup> See Thiel (1946), p.202 for the “fleetless period” with p.414f, followed by e.g. Pietilä-Castrén (1982), p.133f. Cf. Mommsen (1887), II, p.581; Starr (1941), p.1; Brunt (1971), p.670; Sherwin-White (1976), p.5; Sherwin-White (1984), p.99f; Meijer (1986), p.184f; Reddé (1986), p.458; Keppie (1996), p.373; Pitassi (2009), p.140; and Dart (2012), p.1014.

<sup>195</sup> Reddé (1986), p.459-470 offers a more nuanced appraisal by considering the smaller fleets. See also de Souza (1999), p.116-148 and esp. p.121, n.116 for his critique of Reddé.

<sup>196</sup> Flor. 1.43.4-6 recording ships with *rostra* (Metellus); and *ILLRP* 342 (Antonius). Furthermore, it is unknown whether e.g. L. Caecilius Metellus (*cos.*) took warships with him against the Segestani and the Dalmatians in 119 (App. *Ill.* 10-11; Livy, *Per.* 62; and Eutr. 4.23.2).

caused by a lack of funds in the treasury for naval preparations, such as repairs and equipping, and a shortage of manpower – both as a result of the Italian War – rather than an absence of warships in Italy.<sup>197</sup> It should be noted that L. Valerius Flaccus (*cos. suff.*) sent some ships in advance of his own departure eastwards from Brundisium in 86,<sup>198</sup> and Sulla’s enemies, L. Cornelius Cinna (*cos.*) and Cn. Papius Carbo (*cos.*) were apparently able to repair ships in anticipation of his return in 85.<sup>199</sup>

Naval preparations undoubtedly still occurred, therefore, during the so-called “fleetless period” between 146 and 67, although on a much lesser scale than previously. We can assume that the Senate continued to assign the task of preparing fleets as they had earlier in the third and second centuries and that the consuls would have taken responsibility for their own naval preparations. Evidence for this is suggested by the fact that L. Licinius Lucullus (*cos.*) declined the Senate’s offer to provide him with funds for a fleet against Mithridates in 74. (He boasted that he would throw Mithridates from the sea only with the ships of allies.)<sup>200</sup>

Yet, there is evidence for a significant change just seven years later when A. Gabinius (*tr. pl.*) proposed a law which would give an ex-consul – i.e. Cn. Pompeius Magnus – an extraordinary promagistracy to fight pirates throughout the Mediterranean with 200 ships and authority over the number and enlisting of both soldiers and rowers in

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<sup>197</sup> *Contra* Sherwin-White (1976), p.5 and Sherwin-White (1984), p.99f. For the financial problems see App. *Mith.* 22. Sulla had to send his quaestor (L. Licinius Lucullus) to gather ships from friendly kings and cities (App. *Mith.* 33; 56; and Plut. *Luc.* 2-3) and then began building his own ships (App. *Mith.* 51). Cf. App. *Mith.* 50 and 54. For the importance of the Italian War context on the arrangements for the East see e.g. Sherwin-White (1984), p.118-120 and Ferrary (2003), p.407.

<sup>198</sup> App. *Mith.* 51. Unfortunately, we do not know the ship type, number or who prepared them. Cf. Plut. *Luc.* 3.4-10. For further references see *MRR II*, p.53.

<sup>199</sup> App. *BCiu.* 1.76 (cf. 1.89 for the presence of triremes in Naples at the same time). See further *MRR II*, p.57.

<sup>200</sup> Plut. *Luc.* 13.4. It is worth noting that this report presumably only survives because it is used by Plutarch as an example of Lucullus’ arrogance. For the fleets of the Mithridatic War see generally Kromayer (1897), p.470-481, esp. p.478-481.

67.<sup>201</sup> We cannot determine the exact number of ships Pompeius had under his command or if the naval preparations involved any construction and repairs or predominantly encompassed equipping and manning ships.<sup>202</sup> Nonetheless, we are at least able to highlight two highly significant features of the *Lex Gabinia*. First, the supreme role of the Senate in deciding what naval preparations ought to be undertaken and the individual responsible for their undertaking, as seen throughout this chapter, was subverted by this popular tribunician bill. Second, the overall responsibility for the naval preparations was apparently given to a promagistrate rather than one of the annually elected magistrates of the *res publica*, which, as far as we can tell, had not previously been the case earlier in the Republic.<sup>203</sup>

This arrangement appears to represent an important institutional and political development, since it broke with the established *mos maiorum*, as we have seen throughout this chapter. Unfortunately, there is simply not enough comparable evidence for us to trace any changes over a longer period between 146 and 49 and so the full implications of the arrangement of 67 cannot be determined through the theme of naval preparations.<sup>204</sup> Nonetheless, it can almost certainly be interpreted within the context of the better known political developments of the first century. With this in mind, it is possible to consider the scope of the *Lex Gabinia* and the repercussions of the command assigned to Pompeius from a complementary angle, which involves examining the assignment and command of

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<sup>201</sup> Plut. *Pomp.* 25.3: ...χρήματα δὲ λαμβάνειν ἐκ τῶν ταμιείων καὶ παρὰ τῶν τελωνῶν ὅσα βούλοιο καὶ ναῦς διακοσίας, κύριον ὄντα πλήθους καὶ καταλόγου στρατιάς καὶ πληρωμάτων ἐρετικῶν. Cf. App. *Mith.* 94 (270 ships and 6,000 Attic talents); Dio Cass. 36.37.1 (all the ships and finance he wished); and Plut. *Pomp.* 26 (500 ships). The difference in the numbers are probably best interpreted as arising from the provisions being increased from the original law proposed by Gabinus, perhaps by a second comitial law or a modification of the original clauses, for which see Ch.IV.iv.

<sup>202</sup> See Kromayer (1897), p.429-432, who estimates the naval strength at around 300 ships with *rostra* (including the ships of allies) and argues that shipbuilding was unlikely given the limited strength of the enemy and the number of available ships in Italy in 49. Cf. Brunt (1971), p.456f.

<sup>203</sup> In contrast, a fleet was seemingly prepared *on behalf of* P. Cornelius Scipio, who was elected to an extraordinary promagistracy in 210 (Livy, 26.19.10 with 26.35-36). Cf. Thiel (1946), p.111f.

<sup>204</sup> Cf. Brunt (1974), p.164f for the role of the people in authorising military levies in the Late Republic.

the fleet in terms of the *prouincia*. It will be necessary to start from the third century in order to elucidate how, when and why the command of the fleet was assigned to magistrates and promagistrates and to trace various political and institutional developments between the third and the first centuries – i.e. a period in which the empire expanded to include the entire Mediterranean and in which the political and institutional system had to adapt accordingly. This will also potentially provide a context for understanding the assignment of the naval preparations to Pompeius in 67, which we shall return to in the conclusions to Chapter IV.

Whilst this chapter has considered how and when naval administrative tasks were distributed to senior magistrates in Rome and Italy, the next chapter will investigate the related questions concerning how and when naval military tasks were assigned to magistrates and promagistrates. Its main focus will be on the fundamental role played by the concept of the *prouincia*.

## Chapter III: The *prouincia* and the *prouincia classis*

### III.i. Introduction: the concept of the *prouincia*

Scholars have been unanimous in recognising that the concept of the *prouincia* was fundamental to the development of the Roman Empire.<sup>205</sup> The *communis opinio* is that the term originally represented a functional “sphere of operation” or a task that was allotted or assigned to a magistrate and which only later developed a geographical meaning with territorial connotations.<sup>206</sup> The basic premise underpinning this view may be summarised as follows: first, Roman magistrates were sent with military functions to certain “spheres of operation” outside of Italy which were designated as *prouvinciae*; secondly, these “spheres” (or *prouvinciae*) came to be viewed as permanent and distinct territories of the Roman Empire over time as magistrates were sent to them on a consistent annual basis with increasingly routine administrative and legal responsibilities.<sup>207</sup> This process would have been encouraged, on this basis, by the election of two additional praetors in 228 (for 227) for Sicily and Sardinia-Corsica and two more in 198 (for 197) for the *Hispaniae* (*Citerior* and *Ulterior*);<sup>208</sup> and scholars usually claim that a geographical sense of the *prouincia* subsequently developed sometime between the second and first centuries.<sup>209</sup>

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<sup>205</sup> E.g. Dahlheim (1977), p.74-76; Nicolet (1978), II, p.910f; Richardson (1979b), esp. p.158 and p.160; Lintott (1981b), esp. p.54-58; Richardson (1986), p.1-10 and *passim*; Bertrand (1989); Crawford (1990), p.91; Hermon (1993), esp. p.8-19; Lintott (1993), p.22-32; Richardson (1994), p.564-598 and esp. p.580; Kallet-Marx (1995), esp. p.4 and p.18-41; Hermon (1996); Ferrary (2008a); Richardson (2008) *passim*; Drogula (2011), esp. p.97-100; and Prag (2012a).

<sup>206</sup> Note already e.g. Willems (1884), p.224, n.3: “Le mot *provincia* signifiait, à l’origine, un commandement militaire à exercer sur un théâtre déterminé de la guerre (par exemple *Hernici provincia*, Liv., VII, II, *provincia Etruria*, ib., X, 11 etc.). De là, ce mot a reçu la signification plus générale d’une attribution publique déterminée (*provincia urbana*, juridiction du préteur urbain, Liv., XXIV, 9), et, plus tard, le sens géographique de *province*.” Cf. Mommsen (1894), III, p.382, n.1.

<sup>207</sup> For a usefully succinct summary see Rich (1988), p.212f, reviewing Richardson (1986). Compare the different formulations of the above in e.g. Ebel (1976), p.42; Dahlheim (1977), p.74; Nicolet (1978), p.910; Lintott (1981b), p.54; Richardson (1986), p.5; Ferrary (1988), p.15; Bertrand (1989), p.192-196; Crawford (1992), p.203; Lintott (1993), p.22; *RS*, no.12, p.261, s.v. “ll. 22-7”; Quinn (2004), p.1594f; Santangelo (2007), p.26; Ferrary (2008a), p.8f; Beck (2011), p.92; Drogula (2011), p.97; and Prag (2012a), p.53f.

<sup>208</sup> Compare the literature in the first note of this chapter. See also Ch.II.ii for the increase in the number of praetors. See further Richardson (1986), p.75-79 and p.95-125 (Spain); and Prag (2012a), esp. p.54 with n.2

As far as I am aware, only Bertrand has seriously questioned the above position by arguing, in an often overlooked paper, that the term *prouincia* originally designated a geographical space (“un espace”) rather than the function or task given to a magistrate well before the second century:<sup>210</sup> he suggested that what began as a loose projected space (“province-espace-projet”), potentially for conquest or plundering, developed into a territorial administrative space (“province-espace-construit”) with political and geographical frontiers through a process of “territorialisation.”<sup>211</sup> He then proposed a secondary development through which the word *prouincia* came to designate tasks following the increase in the number of praetors annually elected in the second half of the third century: according to his hypothesis, some of these praetors were allotted jurisdictions (or tasks) within the *urbs* as *prouinciae* through what he terms “un transfert métaphorique”; and this caused a break (“une rupture”) in the meaning of the *prouincia* so that it could subsequently be used for any task or responsibility rather than only geographical spaces *extra urbem*.<sup>212</sup>

Bertrand’s arguments suggest that the early development of the *prouincia* is not as clear-cut as has been presented in much of the modern scholarship. The identification of a specific date or even a period when the concept of the *prouincia* took on a geographical meaning is still – over twenty years since the publication of his article – a matter for debate

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(Sicily and Sardinia-Corsica). Some scholars have inaccurately categorised these in constitutional terms as “permanent” (“fixed”) *prouinciae* in contrast to “non-permanent” (“non-fixed” or “special”), predominantly military, *prouinciae*, for which see Ch.IV.iii.

<sup>209</sup> Cf. e.g. Dahlheim (1977), p.74, n.1 (citing Livy, 41.28.8 as the first evidence from 174 B.C.); Richardson (1986), p.6f (suggesting its development “through the last two centuries BC”); Lintott (1993), p.23 (citing the Greek epigraphic evidence from mid-second century and claiming that “the spatial concept of a *prouincia*” was firmly established by the late second century); and Richardson (2008), p.8 (illustrating that *prouincia* and *imperium* had “geographical significances by the first century AD”).

<sup>210</sup> The theory has generally not been well received and has elicited few responses in the modern scholarship: e.g. Lintott (1993), p.198, n.4; Millar (1993), p.31, n.16; *RS*, no.12, p.261, s.v. “Il. 22-7”; Hurlet (1997), p.258, n.82; Lintott (1999), p.101; Santangelo (2007), p.26, n.28; and Richardson (2008), p.8, n.17.

<sup>211</sup> Bertrand (1989), esp. p.200-208. See e.g. p.204f with Livy, 28.40-45 for his interpretation of Sicily as a defined territorial space when it was named as P. Cornelius Scipio’s *prouincia* in 205 and Africa (which Scipio had pleaded for) as an undefined projected space (for conquest).

<sup>212</sup> Bertrand (1989), p.208-214.

today. Indeed, many scholars may have gone too far in claiming that the earliest use of the term must have been purely functional rather than geographical, even though the basic orthodox view that a *prouincia* first represented a military “sphere of operation” may be closer to Bertrand’s “province-espace-projet” than is often appreciated.<sup>213</sup> Bertrand, on the other hand, may have gone too far in the opposite direction by rejecting the view that a *prouincia* could represent a task before the later third century. There are early cases, for instance, in which the name of a geographical region is linked with a specific task and, as we shall see, it is difficult, if not impossible, to determine whether the primary sense of the *prouincia* was the space or the task.

As an example of this problem, we can consider Livy’s record that the consuls P. Decius Mus and Q. Fabius Rullianus received *Etruria* and *Samnium* as their respective *prouinciae* in 308.<sup>214</sup> *Prima facie*, these appear to be geographical names. However, Livy also describes how Fabius was instructed (presumably *ex senatus consulto*) to lead his army into Umbria – a task which is described as being an *exiguam appendicem Etrusci belli* – if there was any respite from the *bellum Samnitium*;<sup>215</sup> and, then, following a successful campaign, Livy reports that, *...alienae sortis uictor belli, in suam prouinciam exercitum reduxit.*<sup>216</sup> This suggests that the war against the Umbrians – the *aliena sors* and part of the *bellum Etruscum* – was connected with the *prouincia* (or *sors*) *Etruria* which had been allotted to Decius.<sup>217</sup> Likewise, it appears that the *bellum Samnitium* was linked

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<sup>213</sup> Some of the strongest rejections of a primary geographical definition are to be found in e.g. Badian (1965), p.112, n.19; Lintott (1981b), p.54; Richardson (1986), p.4f; Santangelo (2007), p.26, n.28; and Drogula (2011), p.97.

<sup>214</sup> Livy, 9.41.2-3: *consules partiti prouincias; Etruria Decio, Samnium Fabio euenit*. For the difficulties posed by the records of consular *prouinciae* and actions of consuls during this time see Oakley (1997), p.67-72. On Livy’s reliability see further Ch.I.iii and Ch.III.ii.

<sup>215</sup> Livy, 9.41.8-20.

<sup>216</sup> Livy, 9.42.1-2. Cf. Diod. Sic. 20.44.8-9.

<sup>217</sup> Cf. Oakley (2005a), p.546 s.v. “42.1. *alienae sortis*”, who rightly notes that Livy uses *aliena prouincia* much more frequently.

with Fabius' own *provincia Samnium*.<sup>218</sup> We cannot tell whether these wars were an inherent part of the *provinciae* or additionally designated (and not recorded by Livy or his sources).

Whether *Etruria* and *Samnium* were *either* geographical *or* functional *provinciae* may, therefore, be the wrong question to ask.<sup>219</sup> Although the names were undeniably connected with the military tasks associated with the Etruscan and Samnite wars, one should not automatically take them as representing *only* these tasks.<sup>220</sup> If this were true, one might ask why it was ever necessary for a *provincia* to be defined in terms of both a geographical sphere (e.g. Sicily or Italy) and a task (e.g. the fleet or the war with Hannibal) simultaneously if the latter was always inherent in the former.<sup>221</sup> It is more likely that ethnic identity, alongside the related political divisions, played an important part in influencing a Roman conception of “Samnium” and “Etruria” as actual territorial spaces:<sup>222</sup> Livy, after all, refers to the *bellum Etruscum* and *bellum Samnitium* and associates these with what were apparently identifiable territories.<sup>223</sup> He describes, for

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<sup>218</sup> We can also note that Livy describes the consular *provinciae* at the start of the conflict with the Etruscans as follows: *consules inter se provincias partiti: Iunio Samnites, Aemilio nouum bellum Etruria sorte obuenerit...* (9.31.1-2).

<sup>219</sup> The use of the term “sphere of activity” arguably avoids this question, since it is conveniently vague enough to refer to space and function. See, example, Crawford (1990), p.92 referring to Etruria and Samnium as, “sfere di attività.” Yet, as I have noted above, some scholars have arguably taken the idea too far and denied that a geographical sense existed at all. Richardson (2008), p.49 tries to explain away the geographical connotation, but, in doing so, he leaves room for confusion and ambiguity: cf. p.16f (quoted in the following note) and p.8, n.17: “...a *provincia* was the task given to the holder of *imperium* by the senate, and, in so far as it had a geographical connotation, that was essentially the description of the nature of that task.”

<sup>220</sup> *Contra* Richardson (2008), p.16f: “Even the naming of one praetorian *provincia* as ‘the Bruttii’ is not properly geographical, though this is undoubtedly influenced by the nature of the territory which the Bruttii occupied in the remote and mountainous region of the toe of Italy. In such instances it seems that the *provincia* was a task rather than an area, which further suggests that this was also the case where a *provincia* had a geographical name attached to it.”

<sup>221</sup> See e.g. Livy, 26.28.3-4 and 26.29.1-2 with further discussion in Ch.IV.iv.

<sup>222</sup> See Purcell (1990), p.8: “Ethnic terms for races or peoples, political terms for kingdoms or states, are common objects: geographical ones are not. The ‘regional’ names of the Roman provinces as they develop are much more closely related to the ethnic or the political than to pure geography...” This should now be compared with the discussion of Sicilian identity and geography by Prag (2012b). Cf. Hermon (1996), p.24f and Richardson (2008), p.16f, as quoted in the previous note. See also now Cadiou and Moret (2012), p.27f (for the link between territories and peoples with regard to the *Hispaniae* in 197).

<sup>223</sup> This may also be compared with the description of the triumphs *de Etrusceis* and *de Samnitibus* in the Augustan *Fasti Triumphales* (*Inscr. Ital.* XIII, I, p.70f).

example, how Decius proceeded *ex Etruria...in agro Pupiniensi* (in Latium) to await reports of the Umbrian enemy and how Fabius later encouraged his soldiers in their fight against the Umbrians by praising their earlier accomplishments not only *in Tuscis* (against the Etruscans), but also *in Samnio* (in Samnium).<sup>224</sup> Although one might question whether Livy preserves the original fourth-century terminology, a third-century inscription from the sarcophagus of L. Cornelius Scipio Barbatus (*cos.* 298) confirms that Samnium had territorial connotations by revealing that Scipio either captured Samnium or took the cities of Taurasia and Cisauna from Samnium (as the regional power).<sup>225</sup> There is no good reason to deny that such a geographical (territorial) definition could have been used by the Romans whenever a *provincia Samnium* was named in Italy long before Rome had acquired overseas territories.

Even overseas *provinciae* did not necessarily develop from simple military tasks into distinct geographical territories as part of a linear progression, as implied by much of the modern scholarship. Prag recently emphasised that Sicily – commonly referred to as Rome’s first overseas *provincia* – had “considerable potential for the unusually strong consciousness of a particular, bounded, geographical space” and suggested that this had an early influence on a united Sicilian (or “Sikelote”) identity prior to Roman occupation.<sup>226</sup> It is quite possible that the Romans were conscious of this when they named a *provincia Sicilia* for the first time; and one can even speculate that it was named during the First

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<sup>224</sup> Livy, 9.41.10; and 9.41.16. Cf. Livy, 10.32.2 and Livy, 10.37.1-2 (294 B.C.)

<sup>225</sup> *ILLRP* 309 (Atrio del Torso Belvedere, Vatican): *Cornelius Lucius Scipio Barbatus - Gnaivod patre | prognatus, fortis vir sapiensque - quoius forma virtutei parisuma | fuit, - consol, censor, aidilis quei fuit apud vos. - Taurasia, Cisauna | Samnio cepit, - subigit omne Loucanam opsidesque abdoucit.* The interpretation depends on whether one takes *Samnio* as accusative or dative, for which see further Oakley (2005b), p.164f.

<sup>226</sup> Prag (2012b), esp. p.48f in which he rightly adds that this is “a point often noted in passing in discussions of *provinciae*, but only as an inconvenient concession.” Individual cities and regions, of course, had their own local histories prior to their “provincialisation” which would have influenced their development under Roman rule, as rightly emphasised by Ferrary (2008a), p.15f. Cf. Bertrand (1989), p.206; and Prag (2012a), p.54f.

Punic War precisely to represent the space of the operations.<sup>227</sup> This does not exclude the possibility that a specific task could have been named in addition to this (e.g. the war against the Carthaginians).<sup>228</sup> If correct, a geographical meaning for a *provincia Sicilia* would have predated its “provincialisation” (which would have only started after the Roman victory over the Carthaginians in 241).<sup>229</sup>

It is reasonable to suggest that the deliberate playing down (or, in some cases, the outright denial) of an early geographical definition of the *provincia*, in the modern scholarship, stems precisely from the tendency to approach the concept of the *provincia* from the perspective of the highly complex, sometimes inconsistent, factors associated with the processes of “provincialisation” and “territorialisation.”<sup>230</sup> It is with these factors in mind that the concept of the *provincia* is, conveniently, said to have been transformed from a functional military task into something more like a modern territorial province, as mentioned at the beginning of this chapter.<sup>231</sup> There is no denying the crucial significance of the administrative and institutional development of *provinciae* for the emergence and conceptualisation of territorial empire, which has rightly been the subject of some major

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<sup>227</sup> Cf. Prag (2012a), p.64f. As we have seen in Ch.I.iv, the evidence for the names of the *provinciae* is very scarce during the First Punic War. E.g. cf. Zonar. 8.9 (the consuls were ordered into Sicily: ἐκέλευσαν) and Polyb. 1.16.1-2 (the consuls were dispatched into Sicily: ἐξαπέστειλλον) for 263; and Polyb. 1.39.8 (the consuls were sent off into Sicily: ἀπέστειλλον) in 251.

<sup>228</sup> See further Ch.I.iv and Ch.IV.iii.

<sup>229</sup> Some scholars would even argue the “provincialisation” only began after a praetor was annually sent (probably) from 227. See further Prag (2012a) with the modern literature and also the pertinent remarks by Briscoe (2012b), p.997: “...in 241 Rome had no possessions outside Italy and *provincia* had only its original meaning of ‘sphere of operation’: if a magistrate was sent to Sicily, it became his *provincia*; the notion of the senate ‘declaring’ Sicily a province and then deciding how to administer it makes no sense.” Cf. Brennan (2000), p.88; and Ferrary (2008a), p.8.

<sup>230</sup> Cf. e.g. Nicolet (1978), p.910: “L’évolution même du mot *provincia* marque bien la réalité, et les difficultés, d’un pouvoir de cet ordre quand il s’agit d’un empire acquis par une cité...”

<sup>231</sup> See e.g. Richardson (1986), p.9: “From the beginning of the emergence of the idea of Roman power, of the Roman empire, on a world-wide scale, the *provincia* described and defined the particular task given to a holder of *imperium*. The process by which the *provincia* became a province, with all that that word implies of legal, fiscal and administrative responsibilities, was not only the redefinition of the task of the holder of *imperium*, but also the formulation of what the empire was perceived to be.” Cf. Richardson (1986), p.6f; p.180; and Richardson (2008), p.9. As mentioned earlier, Bertrand (1989) also recognised the process of “territorialisation” as leading to a “province-espace-construit”, although he conversely saw a shift in the meaning of *provincia* as resulting from the institutional developments in Italy.

modern studies.<sup>232</sup> Yet, the approach associated with this line of inquiry has had the negative effect of distorting the possibility that a *prouincia* could have had geographical and territorial connotations before the development of permanent territorial empire. This, in turn, has led to the false dichotomy of geographical space and functional task that I have outlined above and has meant that some of the complexities concerning how and why *prouvinciae* were used during the last three centuries of Republic have been either glossed over or even ignored. Moreover, it should be noted that the Romans themselves did not differentiate between *prouvinciae* as functional military “spheres of operation” and as “territorial entities” outside of Rome.<sup>233</sup>

My approach in this chapter, therefore, will be to move the emphasis away from the discourse described above in order to focus more precisely on the practical use of the *prouincia* instead of the “provincialisation” of the *prouvinciae*; and I shall consider what this can tell us about some of the important political and institutional developments between the third and first centuries – i.e. rather than *vice versa*. I shall do this by examining the use of the fleet as a *prouincia* in the third and second centuries. This has never received detailed treatment in existing scholarship and has been mostly cited as a basic illustration of how a *prouincia* could be a simple command or military function.<sup>234</sup> Whilst this might at first appear to narrow the scope of the investigation, arguably it has the advantage of not being directly connected with the “provincialisation” of territory and so we will not face the problems associated with trying to fit the development of the *prouincia* within this complex process. Furthermore, this approach has the potential to

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<sup>232</sup> See especially e.g. Richardson (1986) (Spain); Hermon (1993) (Gaul); Kallet-Marx (1995) (Macedonia and Asia); Quinn (2004) (Africa); and Prag (2012a) (Sicily and Sardinia-Corsica). See also generally Crawford (1990); Hermon (1996); and Ferrary (2008a).

<sup>233</sup> See especially Cic. *Prou. cons.* 37-39 (with both senses simultaneously). See further Ferrary (1977), p.638f; Richardson (1979b), p.159; Kallet-Marx (1995), p.20f; and now Vervaet (2012a), p.61, n.69.

<sup>234</sup> E.g. Willems (1885), II, p.533; Richardson (1986), p.5 (with Livy, 24.9.5 for 24.10.5); Bertrand (1989), p.212f; Richardson (1994), p.564 (with Livy, 44.1.3); Richardson (2008), p.16f (with Livy, 30.27.1-12); and Richardson (2011), p.2 (with Livy, 44.1.3). The exception is Brennan (2000), p.184, which is discussed in detail in Ch.III.ii.

offer some fresh perspectives on the important role of the *prouincia* as a flexible means of enabling and limiting the activities of magistrates and promagistrates, rather than as either solely a task or a geographical space.<sup>235</sup>

The chapter is divided into seven parts after this introduction. The first and second parts (III.ii and III.iii) will examine how the fleet was defined as a *prouincia* and, in doing so, will illuminate the role played by senatorial instructions in defining this *prouincia* in terms of geographical spaces. The third, fourth and fifth parts (III.iv-vi) will investigate why the *prouincia classis* was defined in the ways outlined in the first two sections. It will be argued that a key explanation lies in the advantages associated with separating *imperium*-holders in space, which was realised through the enabling and limiting of particular functions (III.iv). One central concern in this part (iv) will be to focus on how these (enabling and limiting) features of the *prouincia* developed, since they are unlikely to have occurred *ex nihilo*. I shall attempt to explain this by looking at specific problems associated with joint naval commands (and the negative experiences of shared *prouvinciae*), which, I shall suggest, foreshadowed the notion that the separation and limitation of *prouvinciae* was advantageous (III.v). I shall then argue that the subsequent demarcation of *prouvinciae* profoundly influenced the award and celebration of triumphs and, in particular, the distinct naval triumph (III.vi).

The sixth and seventh parts (III.vii and III.viii) will then build further on the conclusions concerning how and why the *prouincia classis* was designated by considering the various instances when it was named and when it was not named. This will highlight the flexible use of the *prouincia* and the important role played by the Senate in the process of defining *prouvinciae*. The chapter will also highlight the broader implications for how

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<sup>235</sup> Note already Lintott (1999), p.99-102 and Richardson (2008), p.30.

*prouvinciae* were divided and demarcated throughout the Republic, which will be further elaborated in Chapter IV.

### III.ii. Defining the fleet as a *prouincia*

We have already seen that it is impossible to determine exactly how the *prouvinciae* of the consular naval commanders were defined during the First Punic War because of the absence of explicit evidence (I.iv). The same applies to the consular naval command that was employed against the Illyrians in 229 – the first serious naval expedition since the First Punic War. Polybius records that Cn. Fulvius Centumalus (*cos.*) left with 200 ships, whereas L. Postumius Albinus (*cos.*) left with the land forces of 20,000 soldiers and 2,000 horse: we can only speculate from this that such a division was facilitated by the allotment of a *prouvincia classis* rather than, as we have seen in the previous chapter (II.i), the allocation of military resources.<sup>236</sup> There is even less evidence for the consular campaigns against the Histrians in 221 and Demetrius of Pharos in Illyria in 219, in which the type and number of forces are nowhere mentioned, let alone how, if at all, they were divided between the consuls.<sup>237</sup>

It is only with the return of Livy's *History* for the period between 218 and 167 (i.e. books 21-45), following the loss of books 11-20, that we are able to discover how and when the fleet was named and defined as a specific *prouvincia*. Yet, only Brennan, in his *magnum opus* on the praetorship in the Roman Republic, has used this evidence to provide an explanation for how a *prouvincia classis* was defined.<sup>238</sup> He cites the praetorian *prouvincia* designated as the *classis et Macedonia* in 192, as well as the fact that the magistrates allotted the fleet operated on land, and draws the following conclusion:

<sup>236</sup> Polyb. 2.11.1-2: κατὰ δὲ τοὺς αὐτοὺς καιροὺς τῶν τὰς ὑπάτους ἀρχὰς ἐχόντων Γνάιος μὲν Φόλουιος ἐξέπλει ναυσὶ διακοσίαις ἐκ τῆς Ῥώμης, Αὐλὸς δὲ Ποστόμιος τὰς πεζικὰς ἔχων δυνάμεις ἐξώρμα. For Postumius' forces see Thiel (1954), p.351f, n.31 and Polyb. 2.11.7: καὶ Ποστόμιος τὰς πεζικὰς διεβίβαζε δυνάμεις ἐκ τοῦ Βρεντεσίου, πεζοὺς μὲν εἰς δισμυρίους, ἵππεῖς δὲ περὶ δισχιλίου. Cf. App. *Ill.* 7.

<sup>237</sup> I) 221 B.C.: App. *Ill.* 8; Oros. 4.13.16; Zonar. 8.20; Eutr. 3.7; and Livy, *Per.* 20. For a discussion of these sources and the historicity of the campaign see generally Dell (1970) and compare Eckstein (2008), p.67-69. II) 219 B.C.: Polyb. 3.16.7; and Zonar. 8.20 with Walbank (1957), p.327 and p.331 and now Eckstein (1994), p.51.

<sup>238</sup> Brennan (2000), p.184 and also p.139-141 and p. 210-215.

This lends some support to the hypothesis that the “*classis*” may actually be an abbreviation. We cannot tell whether the rest was expressed in the actual provincial designation, merely understood (i.e., to act in accordance with the praetor’s own good faith), or given as special instructions.<sup>239</sup>

Brennan’s proposal that the scope of the command of the fleet would have been “merely understood” may be dismissed outright as being entirely out of keeping with how the Senate defined *prouvinciae* at this time. In fairness, Brennan had already, more plausibly, commented prior to this that, “the Senate may have regularly added a further definition to circumscribe the magistrate’s sphere of activity: otherwise a commander could sail anywhere he liked!”<sup>240</sup> As we shall see, the Senate did occasionally keep the *classis sors* temporarily flexible, but soon afterwards clarified its intention in naming the *prouvincia* by defining what the task involved. Indeed, it will become clear in this chapter that Brennan was on the right track with his other two suggestions, that the *classis* could be further defined in the provincial designation or with specific instructions: there are a number of cases in which the Senate combined the *prouvincia classis* with additional defining instructions at the start of the consular year during the late third and early second centuries – i.e. when the *prouvinciae* were allotted and, most probably, as part of the provincial designation. I shall discuss these chronologically in the next section (III.iii), but it is first worth developing the hypothesis that the *classis* could have been an abbreviation for a more detailed command, together with its related problems, in greater detail here. This will allow us to consider how an extra definition could have been added to the *classis* and to test Livy’s propensity to abbreviate or omit the details of this practice, as the hypothesis suggests.

Arguably, the most vivid case in which the fleet was defined as a *prouvincia* with specific senatorial instructions is to be found after Cn. Cornelius Lentulus used his position

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<sup>239</sup> Ibid., p.184 with Livy, 35.20.8-11; 37.8.7; and 44.46.3.

<sup>240</sup> Ibid.

as consul to block senatorial proceedings until he received Africa as his *prouincia* in 201.<sup>241</sup> According to Livy, he aspired to “an easy victory if the war continued, or if it were already ending, to the glory of having so great a war end in the year of his consulship.”<sup>242</sup> The problem was that P. Cornelius Scipio (soon to be Africanus) had already been charged with finishing the war against the Carthaginians in Africa in 203.<sup>243</sup> The Senate, therefore, resolved that one consular *prouincia* should be Italy and the other should be a fleet of fifty ships:

patres igitur iurati – ita enim conuenerat – censuerunt uti consules *prouincias* inter se compararent sortirenturue uter Italiam, uter classem nauium quinquaginta haberet; cui classis obuenisset in Siciliam nauigaret; si pax cum Carthaginiensibus componi nequisset, in Africam traiceret; consul mari, Scipio eodem quo adhuc iure imperii terra rem gereret; si condiciones conuenirent pacis, tribuni plebis populum rogarent utrum consulem an P. Scipionem iuberent pacem dare et quem, si deportandus exercitus uictor ex Africa esset, deportare. si pacem per P. Scipionem dari atque ab eodem exercitum deportari iussissent, ne consul ex Sicilia in Africam traiceret. alter consul cui Italia euenisset duas legiones a M. Sextio praetore acciperet.<sup>244</sup>

There is, of course, a preliminary methodological question underlying this description concerning whether Livy, as a historian writing during the Augustan Principate, accurately reports the designation of the consular *prouinciae* as *Italia* and *classis nauium quinquaginta*. In other words, does he record the original names and descriptions as they were given in 201 or does he merely provide later interpretation of them?

Whilst we lack contemporary evidence with which to test the accuracy of the names and descriptions of the *prouinciae* which Livy gives in his annual lists, it is clear that he had access to authentic “archival” details of senatorial activities from his

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<sup>241</sup> Livy, 30.40.7-9.

<sup>242</sup> Livy, 30.40.7-8: *Cn. Lentulus consul cupiditate flagrabat prouinciae Africae, seu bellum foret facilem uictoriam, seu iam finiretur finiti tanti belli se consule gloriam petens*. Cf. App. *Pun.* 56 and 62.

<sup>243</sup> Livy, 30.1.10-11 (203 B.C.); and cf. 30.27.1-4 (202 B.C.).

<sup>244</sup> Livy, 30.40.12-16.

“annalistic” sources.<sup>245</sup> As a result, Livy’s reports of the results of elections and the subsequent allotment of *prouvinciae* can be considered to be generally trustworthy.<sup>246</sup> He was apparently aware, for instance, that the *prouvincia Gallia* would have been designated as *Ariminum* in 205, even though he still often prefers to use the former name in his records of the allotments made during the late third and early second centuries.<sup>247</sup> Elsewhere, he records *Italia* as a consular *sors* (and *prouvincia*) in 171, yet subsequently claims that the consul who received this allotment was, *in Gallia, quam sortitus erat...*<sup>248</sup> It is worth recalling that a *prouvincia* only existed in a particular year because it had been named as such;<sup>249</sup> and, as the naming of *prouvinciae* was largely at the discretion of the Senate, the designation could be changed accordingly.<sup>250</sup> This warns us of the danger of taking Livy’s names at face value and also illustrates that the names of *prouvinciae* were not necessarily fixed: both *Ariminum* and *Italia*, for example, could have encompassed activities in Gaul (or *Gallia*).<sup>251</sup> Indeed, the consul allotted *Italia* in 201 was also active in Gaul.<sup>252</sup>

We are on much safer ground with the “fleet”, since this *prouvincia* remained a fleet regardless of whether it was officially designated as the *classis* or as a specified number of

<sup>245</sup> See further the modern literature cited in Ch.I.iii. An inscription on a statue base from Echinus honours Cn. Octavius, the praetor allotted the *prouvincia classis* in 168 (Livy, 44.17.10) as follows: ὁ πόλις Ἐχινάϊων Γναῖον Ὀκτάϊον Γνα|[ί]ου στρατηγὸν ναυτικοῦ Ῥωμαίων ἀρετᾶς ἔνεκεν καὶ εὐνοίας τᾶς εἰς αὐτάν (the text is from Bliquez (1975), p.431. cf. *AE* 1971, no.540). This is fairly typical of the type of surviving (epigraphic) evidence that might be used to test Livy, but it does not get us any closer to the official terminology at Rome, as Bliquez (1975), p.433 already realised: “The phrase στρατηγὸν ναυτικοῦ is only descriptive of Octavius’ role and not a translation of an official Roman title.”

<sup>246</sup> Note, in particular, the methodology proposed by Oakley (1997), p.38f. Cf. Richardson (2008), p.13, who focusses specifically on the terms *prouvincia* and *imperium*.

<sup>247</sup> Livy, 28.38.13: *tum praetoriae prouvinciae in sortem coniectae. urbana Cn. Seruilio obtigit, Ariminum – ita Galliam appellabant – Sp. Lucretio...* See further Brennan (2000), p.183 with p.323, n.6f for references to *Ariminum* and *Gallia*. Cf. Bertrand (1989), p.203 with n.58.

<sup>248</sup> Livy, 42.31.1; 42.32.4-5; and 43.1.4. Note also Bispham (2007), p.68 for *Italia* as a consular *prouvincia*.

<sup>249</sup> See recently Briscoe (2012b), p.997.

<sup>250</sup> For a good discussion of the role of the Senate in allocating *prouvinciae* see Vervaeke (2006), p.626-632. For the rejection of the idea of constitutionally “fixed” *prouvinciae* see Ch.IV.iii.

<sup>251</sup> Note the varying use of *Graecia* and *Macedonia* between 214 and 208: Livy, 24.44.5 (213 B.C.: *Graecia Macedoniae*); 25.3.6; 26.1.12 (212/211 B.C.: *Graecia*); 26.22.1 (211 B.C.: *Macedonia*); 27.7.15 (209 B.C.: *Macedonia*); 27.22.10 (208 B.C.: *Macedonia Graeciamque prouvincia*). Cf. Kallet-Marx (1995), p.47 with n.20 and Brennan (2000), p.183f.

<sup>252</sup> Livy, 31.2.5.

ships (e.g. *naues quinquaginta, uel sim.*).<sup>253</sup> Moreover, the fact that Livy principally uses *classis* for the *prouincia* between the late third and mid-second centuries – i.e. even when he is presumably drawing on different sources – indicates that this was most probably the name of the official lot.<sup>254</sup>

Despite the fact that the passage quoted above almost certainly derives from the “annalistic tradition” rather than Polybius, it is perfectly conceivable, then, that the name of the lot and the detail of the instructions derive from the original *senatus consultum* or a copy which was utilised by Livy’s source. As we shall see in the next section, conditional (*si*) clauses, as used in the senatorial instructions above, are specifically employed with the *prouincia classis* in 208 and 205 and even more frequently with other *prouvinciae*.<sup>255</sup> They are commonly utilised when the exact military situation was unknown or unpredictable and when a magistrate or promagistrate might have to take an action that ordinarily required the approval of either the Senate or people.<sup>256</sup> Furthermore, conditional (*si*) clauses are to be found only fifteen years later on the bronze tablet discovered at Tiriolo in Bruttium recording a letter from the consuls with the provisions of a *senatus consultum de Bacchanalibus* (186).<sup>257</sup> This offers a good case with which to test Livy, since he provides an abbreviation of the first main clause of the decree, including the first conditional

<sup>253</sup> Cf. Livy, 28.45.8-9 (205 B.C.).

<sup>254</sup> As rightly noted by Brennan (2000), p.184.

<sup>255</sup> Livy, 27.22.9-10 (208 B.C.) and 28.45.8-9 (205 B.C.) with full discussions in the next section (Ch.III.iii). Other examples include: Livy, 21.17.6-7 (218 B.C.); 22.37.13 (216 B.C.); 23.38.10-12 (215 B.C.); 35.23.6 (192 B.C.); 36.2.11 (191 B.C.) and 37.2.3 (190 B.C.).

<sup>256</sup> Note the mandate given to M. Porcius Cato when he was sent to Cyprus *pro quaestore pro praetore* in 58, as recognised by Badian (1965), p.112: *qui cum lege nefaria Ptolomaeum, regem Cypri, fratrem regis Alexandrini, eodem iure regnantem causa incognita publicasset, populumque Romanum scelere obligasset, cum in eius regnum bona fortunae patrociniū huius imperi inmisisset, cuius cum patre auo maioribus societas nobis et amicitia fuisset, huius pecuniae deportandae et, si ius suum defenderet, bello gerendo M. Catonem praefecisti...* (Cic. Dom. 20). Cf. Cic. Ad Brut. 1.5.1 (43 B.C.). See also Brennan (2000), p.428-430.

<sup>257</sup> ILS 18, ll. 3-6: *sei ques | essent, quei sibi deicerent necesus ese Bacanal habere, eeis utei ad pr. urbanum | Romam uenirent, deque eeis rebus, ubei eorum u[e]r[b]a audita esent, utei senatus | noster decerneret, dum ne minus senatoribus C adesent [quom e]a res cosoleretur. Cf. ll. 25-26: sei ques esent, quei arvorsum ead fecisent, quam suprad | scriptum est, eeis rem capitalem faciendam censuere. Cf. also e.g. RS, no.1 (Lex Repetundarum), ll. 72-73 (c.122 B.C.); and a Greek translation in RS, no.12 (Lex de prouinciis praetoriis), Delphi Copy, Block C, ll. 19-24 (c. 100 B.C.).*

sentence and also elaborates (or omits) the other clauses.<sup>258</sup> In addition, Briscoe argues that Livy reflects the original language of the *senatus consultum* (i.e. of 186) elsewhere with the use of the perfect infinitive to express the prohibition of certain acts.<sup>259</sup> This further implies that Livy's source had access to the content of the original senatorial records from 186. It also appears to confirm that Livy abbreviated *senatus consulta* and could be fairly accurate in doing so. (I shall henceforth refer to Livy and take it for granted that the omissions or abbreviations may have originated with his sources.) With this detail in mind, one can reasonably suppose that Livy's record of the *prouvinciae* of 201 preserves the overall sense of the *senatus consultum*, if not the exact wording.

Returning to the question of how this *prouvincia classis* was defined and understood, the complex senatorial instructions provided both a functional (the naval operations) and geographical (Sicily and Africa) definition. They were, therefore, both enabling and limiting: on the one hand, they gave the consul a mandate to operate in particular geographical spaces (i.e. Sicily and Africa); yet, on the other, they also restricted him to these same spaces with some fairly specific conditions. This would have been especially pertinent for the *prouvincia classis*, given its inherent mobility and necessarily close connection with the coastal regions in terms of vital supplies (e.g. food and water) and shelter for the men serving on board the ships.<sup>260</sup> The arrangement was also tailored to the military situation in Africa and the future relationship between the consul and proconsul, to which we shall return when we consider the fleet and the separation of *imperium*-holders (III.iv). This also raises a fundamental question about the extent to

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<sup>258</sup> Livy, 39.18.8-9: *si quis tale sacrum sollemne et necessarium duceret, nec sine religione et piaculo se id omittere posse, apud praetorem urbanum profiteretur, praetor senatum consuleret. si ei permissum esset, cum in senatu centum non minus essent, ita id sacrum faceret, dum ne plus quinque sacrificio interessent, neu qua pecunia communis neu quis magister sacrorum aut sacerdos esset...* (with Briscoe (2008), p.285f s.v. "9"). Cf. Livy, 39.14.3-9. On the above issues see Pailler (1988), p.151-193, esp. p.178-193; Gruen (1990), p.34-78; Bispham (2007), p.92f and esp. p.116-123 (on the repercussions of the *senatus consultum* in Italy); and now especially Briscoe (2008), p.230-250 s.v. "8-19. The Bacchanalia" with further references.

<sup>259</sup> Briscoe (2008), esp. p.233 and p.243 (with Livy, 39.14.8 and 39.17.3).

<sup>260</sup> See e.g. Rankov (1996), p.49-52.

which *prouvinciae* were generally prescriptive (or circumscriptive) in the third and second centuries. With this in mind, we might also wonder whether we should trace back the origins of the *maiestas* laws of the late second and early first centuries, restricting the movements of *imperium*-holders, to the third century. These questions will be fully examined in Chapter IV, after the relevant evidence has been assembled and analysed, since they have important implications for the use of *prouvinciae* more generally.<sup>261</sup>

The next consideration, however, must concern to what extent the instructions from 201 are representative of a wider practice during the Republic. This is a necessary prerequisite for answering the previous two questions. It is worth noting that Livy elsewhere summarises the consular naval assignment of 201 as the *prouincia classis* without reference to the important *senatus consultum*, which leads one to question whether he abbreviates and omits similar instructions on the other occasions in which he solely records the *classis* as the *prouincia*.<sup>262</sup> As *prouvinciae* were annually allotted *ex senatus consulto*, just how bare were the original clauses describing the provincial designations and to what extent did Livy and his sources compress them?

It is important to emphasise that Livy's descriptions of the *prouvinciae* are usually given within the context of the annual *sortitio*. The exact method by which provincial lots were drawn is unclear, but the basic practice seems to have involved placing the lots into an urn from which they were subsequently somehow drawn out.<sup>263</sup> The names of the various *sortes* would most probably have had to be relatively basic, since it would have only been possible to inscribe each lot with a limited number of characters.<sup>264</sup> It is

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<sup>261</sup> See Ch.IV.iii.

<sup>262</sup> Livy, 30.43.1-4.

<sup>263</sup> See further Taylor (1966), p.70-74 and Stewart (1998), p.13-38 and p.69f with ancient and modern references. Cf. Ehrenberg (1927), *RE*, XIII, cols.1451-1504 *s.v.* "Losung", esp. cols. 1500-1503 and also Rosenstein (1995).

<sup>264</sup> Stewart (1998), p.29f and p.69 argues that the lots were inscribed with the names of the assignments rather than the individual magistrates (cf. p.37; and 77f), which is certainly suggested by Livy's language in

reasonable to assume that any specific instructions which were issued with the provincial designations *ex senatus consulto*, such as those of 201, would not have been included in the allotment process and so would most probably not have been mentioned in the historical records of the *sortitiones per se*. Livy's description of the *prouvinciae* may, therefore, reflect this system with the words that would have originally been inscribed on each individual lot. For example, he describes the praetorian *sortitio* of 191 as follows:

consulibus sortitis prouincias extemplo et praetores sortiti sunt. M. Iunio Bruto iurisdictio utraque euenit, A. Cornelio Mammulae Bruttii, M. Aemilio Lepido Sicilia, L. Oppio Salinatori Sardinia, C. Liuio Salinatori classis, L. Aemilio Paulo Hispania ulterior.<sup>265</sup>

These designations match the lots that Livy mentions as having been earlier named by the Senate with the notable exception of the *classis*, which is described as *classis ut nauigaret quo senatus censuisset*.<sup>266</sup> The rationale for this *sors* ("in order to sail wherever the Senate should have voted") implies that the Senate ordinarily defined the *classis* with a specific geographical area in mind (*quo*, "wherever"), since the *ut* clause would have been superfluous if it was usually left undefined.<sup>267</sup> Indeed, Livy later reports that the Senate

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which the lots are obtained by the magistrates as opposed to *vice versa* (above). One could speculate that that the fleet, for instance, would have been inscribed as "CLA", Sicily as "SIC", Sardinia as "SAR", the *Urbana* as "URB", the *Peregrinus* as "PER" etc. Cf. Taylor (1966), p.71 for the representation of tribes with regard to voting in the assembly and e.g. *RS* no. 37 (*Tabula Hebana*), l.23: *Suc(usana) et Esq(uilina)*. On the other hand, I do not wish to rule out completely the possibility that the consular and praetorian *sortitiones* were inscribed with numbers which represented the provincial designations (cf. Livy, 35.41.6, as quoted in n.266). Even if this was the case, though, they still would have almost certainly been associated with a single designation rather than a complex assignment in order to avoid confusion in the allotment process and so this does not alter my argument above (e.g. *una* = *urbana*; *secunda* = *peregrina*; *tertia* = *classis*; *quarta* = *Sicilia* etc.). For what it is worth, Plautus mentions that lots could be inscribed pieces of wood and records that one of them was inscribed with *unum* (*Cas.* 3.78), which could potentially relate to the practice in the early second century (Stewart (1998), p.13-22 does not explain this). However, it is possible that Plautus wished to invoke the allotment of *numbered* legions (e.g. Livy, 42.32.5) rather than *prouvinciae* and play on the notion of being the first (e.g. *prior*) and so this is inconclusive.

<sup>265</sup> Livy, 36.2.6.

<sup>266</sup> Livy, 35.41.6-7: *item de prouinciis praetorum decretum est, prima ut sors duae urbanae et inter ciues ac peregrinos iurisdictio esset, secunda Bruttii, tertia classis ut nauigaret quo senatus censuisset, quarta Sicilia, quinta Sardinia, sexta Hispania ulterior.*

<sup>267</sup> Cf. Brennan (2000), p.184. One cannot completely rule out that Livy (or his source) inserted the clause to explain the use of the *classis*, but if this was the case it would be strange that it was inserted here and not anywhere else. In addition, one of the consular lots was also designated as *quo senatus censuisset* at the same time (Livy, 35.41.3-4), which suggests it was an authentic part of the praetorian *sors*. For a full discussion of this designation see Ch.III.iii.

instructed C. Livius Salinator (*pr.*) to sail to Greece soon after the praetorian *sortitio*, which, presumably, provided a definition for the *quo*.<sup>268</sup> It, therefore, appears that either the *ut* clause or where the Senate had voted to send the fleet has been omitted from Livy's description of the allotment above. The clause was hardly necessary for the purposes of the actual *sortitio* or the annalistic record of it.

This may indicate that the single *classis* lot recorded in the various *sortitiones* was a convenient way of referring to what would have been a much more complex *prouincia* in reality than scholars, with the notable exception of Brennan, have generally assumed. The question remains whether the fleet was usually defined with instructions and, if so, whether they were more like the complex *senatus consultum* of 201 or the apparently more straight-forward resolution of 191. The next section will seek to answer this question by examining the other evidence for how the *prouincia classis* was defined between 218 and 167. This will enable further elucidation of the type of instructions that were commonly employed to define the fleet within different historical contexts. We shall then be able to ascertain with a greater degree of certainty whether the above cases from 201 and 191 are representative of a much wider trend and to assess the implications of this.

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<sup>268</sup> Livy, 36.2.14-15.

**III.iii. The *prouincia classis* and *senatus consulta*: function and space**

The first case in which Livy provides clear evidence for how a *prouincia classis* could have been defined with further instructions is to be found with the appointment of T. Otacilius Crassus (*pro pr.*) in 215, which is described as follows:<sup>269</sup> ...*T. Otacilius Crassus, postquam aedem Mentis in Capitolio dedicauit, in Siciliam cum imperio qui classis praeesset missus.*<sup>270</sup> Although Livy omits the process by which Otacilius was appointed to the command, it is most probable that he was granted independent *imperium auspiciumque* through a *lex de imperio*:<sup>271</sup> as Brennan rightly argues *vis-à-vis* the other two possibilities, it is improbable that he was delegated *imperium* by the *praetor urbanus* in Rome (based on the reasonable assumption that the consuls were absent by the time that Otacilius had dedicated the Temple of Mens);<sup>272</sup> and even less likely that his *imperium* was prorogued from his command in Sicily (*pr.* 217 and *pro pr.* 216).<sup>273</sup> As the method of the

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<sup>269</sup> It should be noted that Cn. Servilius Geminus (*cos.*) took charge of the ships at Ostia in order to pursue the enemy's fleet (and to protect the coastal regions of Italy) in mid-217 (22.11.5-8. Cf. Polyb. 3.88.8). Likewise, M. Claudius Marcellus (*pr.*) is described by Livy as being in charge of the fleet at Ostia around the disaster of Cannae in August 216 (Livy, 22.57.1. Cf. 22.35.6, in which his *sors* is described as *in Sicilia*). This fleet was later taken over by P. Furius Philus (*pr. urb.*), who carried out raids on Africa (22.57.8 and 23.21.1-2). Unfortunately, we cannot conclusively determine whether the *classis* was explicitly designated as a distinct part of Geminus' new assignment in 217; nor whether it was included in the *prouincia* first assigned to Marcellus (and then taken over by Furius) in 216.

<sup>270</sup> Livy, 23.32.20.

<sup>271</sup> I follow Brennan (2000), p.140 for the status of Otacilius here with further reasoning suggested in the following two notes.

<sup>272</sup> E.g. Mommsen (1887), II, p.652, n.2; and Develin (1980), p.357. For the assumption that the consuls were absent note the language in Livy, 23.32.20. It remains possible that the *praetor urbanus* could delegate *imperium* as suggested by the evidence for this practice in 205 (Livy, 28.46.13), for which see most recently Vervaeke (2012a), p.78 with n.134 *contra* Brennan (2000), Additional Note I, p.640-647. However, the delegation in 205 concerned Arretium and one could argue that Italy may have been a part of the responsibility *praetor urbanus* (e.g. note that the same praetor was charged with dealing with the land rights of Campanians in Livy, 28.46.6). As Otacilius was sent into Sicily, for which the *praetor urbanus* was certainly not ordinarily responsible, I think that it is more likely that he was given an independent grant of *imperium auspiciumque* alongside his new independent *prouincia*.

<sup>273</sup> E.g. Willems (1885), II, p.559; and Jashemski (1950), p.25 (cautiously). Willems argues that the people probably gave Otacilius special dispensation to enter Rome with *imperium pro praetore* to dedicate the Temple of Mens on the Capitol in 215 (in a similar way as special dispensations were granted by the Senate for the day of a triumph). If he held *imperium* which was valid in Rome, as Willems suggests, one may wonder why he had to be appointed as *duumvir* to dedicate his temple (Livy, 23.31.9): arguably, his *imperium praetorium* would have been sufficient for this task (cf. Livy, 23.30.13-14). Furthermore, the Temple of Mens was apparently dedicated on 8 June (*Inscr. Ital.* XIII, 2, p.467) on the Capitol – i.e. within the *pomerium* – and, as Brennan suggested, Otacilius was probably not expected to return to Sicily after this. With this in mind, it is possible that the subsequent (*ad hoc?*) naval assignment coincided with the death of

appointment is not recorded, it is not surprising that Livy does not preserve a full description of the *prouincia*. Nonetheless, the fleet must have been included in the provincial designation, since Livy records that he was specifically invested with *imperium*, “*in order to have command of the fleet.*”<sup>274</sup> This is supported by the evidence that he was given the same fleet when he was elected praetor in 214 and that this command was continued in the context of the *prorogata imperia prouinciaeque* for 213, 212 and 211.<sup>275</sup> The question remains, however, what else Livy left out of his short notice about Otacilius’ command of the fleet.

Some important clues as to how this question might be answered are provided by a speech that Livy attributes to Q. Fabius Maximus Verrucosus (*cos. suff.*) in which he outlines three reasons why Otacilius – a candidate for the consulship for 214 – had been given command of the fleet in 215:<sup>276</sup>

classem hoc anno, cui tu praefuisti, trium rerum causa parauimus, [i] ut Africae oram popularetur, [ii] ut tuta nobis Italiae litora essent, [iii] ante omnia ne supplementum cum stipendio commeatuque ab Carthagine Hannibali transportaretur. create consulem T. Otacilium, non dico si omnia haec, sed si aliquid eorum rei publicae praestitit. sin autem te classem obtinente, ea etiam uelut pacato mari quibus <non erat opus> Hannibali tuta atque integra ab domo uenerunt, si ora Italiae infestior hoc anno quam Africae fuit, quid dicere potes cur te potissimum ducem Hannibali hosti <hi> opponant?<sup>277</sup>

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King Hieron II of Syracuse (for the date see Eckstein (1987), p.348f). If Otacilius’ appointment can be linked with the death of Hieron, which occurred after the assignment of *prouinciae* at the start of 215 (cf. Livy, 23.38.12), this would further suggest the *ad hoc* appointment was not foreseen at the start of the year.

<sup>274</sup> Livy, 23.32.20. For the connection between *imperium* and *prouinciae* note especially Cic. *Fam.* 8.8.8, (quoting a (vetoed) *senatus consultum* from 51): *Itemque senatui placere, in Ciliciam prouinciam, in octo reliquas prouincias, quas praetorii pro praetore obtinerent, eos, qui praetores fuerunt neque in prouincia cum imperio fuerunt, quos eorum ex s.c. cum imperio in prouincias pro praetore mitti oporteret, eos sortitio in prouincias mitti placere...* Cf. Cic. *Prou. cons.* 3. See also the connection between *imperium* and *prouinciae* in Livy’s records of *prorogatio imperii*: e.g. 24.44.4 25.3.5; 26.28.7; 27.22.10; 28.10.5; 28.45.10; 30.27.9; and 30.41.1 etc.

<sup>275</sup> Livy, 24.10.5 (214 B.C.): *P. Cornelio Lentulo praetori Sicilia decreta prouincia, T. Otacilio classis eadem quam aduersus Carthaginenses priore anno habuisset.* Livy, 24.44.4 (213 B.C.); 25.3.5-7 (212 B.C.); and 26.1.12 (211 B.C.). For further references see Prag (2007b), p.289-291.

<sup>276</sup> For Fabius see *MRR I*, p.254; and p.257, n.1.

<sup>277</sup> Livy, 24.8.14-17.

It is reasonable to connect the rationale outlined in this speech with the decision to send Otacilius “into Sicily with *imperium* in order to command the fleet.” Sicily would have provided an excellent base from which to (i) raid Africa, (ii) defend the Italian coast and (iii) potentially intercept Carthaginian supplies: Lilybaeum is, after all, less than 100 miles from Cape Bon (Hermaeum) and less than 150 miles from Carthage.<sup>278</sup> Indeed, Otacilius reportedly sailed from Lilybaeum to Africa, ravaged Carthaginian land and, then, sailing towards Sardinia, managed to intercept a Carthaginian fleet.<sup>279</sup> It is possible that Fabius (or Livy) was, therefore, consciously referring back to the series of special instructions that were issued with Otacilius’ original assignment of the fleet, which could have included *Sicilia* and *Africa* (or the *ora Africae*) and even the *litora Italiae*. If correct, Livy preserves only part of the provincial assignment in his statement that Otacilius was sent *in Siciliam*.

As mentioned above, Otacilius received another *prouincia classis* as praetor in 214, having missed out on the consulship – in no small part thanks to the actions of Fabius, who managed to secure his own election as consul.<sup>280</sup> In this case, the *classis* was again explicitly combined with a geographical “sphere of operation” when Otacilius was instructed to sail to Sicily with his fleet following a rumour that the war in Sicily had spread.<sup>281</sup> Unfortunately, because it is not certain when and how this rumour reached

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<sup>278</sup> See the numerous navigation routes between Africa and Italy via Sicily according to the ancient geographers in Arnaud (2005), p.154ff.

<sup>279</sup> Livy, 23.41.8-9. Otacilius intercepted the fleet of Hasdrubal between Sardinia and Africa, yet he was unable to prevent Bomilcar sailing along the Sicilian coast and reaching Locri with supplies (Livy, 23.41.10-11 with Thiel (1946), p.70f).

<sup>280</sup> Livy, 24.9.1-5; and 24.10.5. As Brennan (2000), p.140 observed, this was probably the first time that the *classis* had been named as a praetorian *sors* (unless it was included in the lot drawn by M. Claudius Marcellus (*pr.*) in 216, as noted earlier). Although Livy does not record his regular list of *prouvinciae* (and *sortitiones*) for 214, the details of these *prouvinciae* are corroborated in the assignments he lists for 213 (as recognised by Richardson (2008), p.27).

<sup>281</sup> Livy, 24.11.6-7: *cum increbresceret rumor bellum in Sicilia esse, T. Otacilius eo cum classe proficisci iussus est.*

Rome, we cannot be sure exactly when the *classis* was defined.<sup>282</sup> Nonetheless, it is most probable that it was originally intended that Otacilius should take charge of the *ora maritima* and naval matters in Sicily; and we might even speculate that he was also instructed to use this as base from which to conduct further raids on Africa (as he did towards the end of 212).<sup>283</sup>

Further clues as to how the *prouincia classis* could be defined can be seen in the arrangements made for Sicily when, following the death of Otacilius towards the end of 211, the Senate decreed that both Sicily and the fleet should be a consular *prouincia*:

decreuere patres ut alteri consulum Italia bellumque cum Hannibale prouincia esset, alter classem cui T. Otacilius praefuisset Siciliamque prouinciam cum L. Cincio praetore obtineret.<sup>284</sup>

In this particular case, Livy's description of the consular *sortitio* might be seen to suggest that *Sicilia et classis* – separated by the conjunction *et* – were distinct elements of the same consular *prouincia*.<sup>285</sup> It is also worth noting that the wording of the allotment varies from the reported senatorial decree above, which – assuming this is not only owing to the wording of Livy and his source – may provide some further evidence that the *sortitio* did not represent the full *senatus consultum de prouinciis* (which, as I suggested in the previous section, could have been far more detailed).<sup>286</sup>

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<sup>282</sup> I favour the interpretation given by Marchetti (1972), p.11 that the assignment stemmed from the letter reported in Livy, 24.7.8 (seemingly sent at the end of 215). Cf. Eckstein (1987), p.139 with n.18 and p.141, n.25.

<sup>283</sup> For the overall arrangement in 214 see generally Livy, 24.12.7-8: *in Siciliam eodem tempore duo praetores profecti, P. Cornelius ad exercitum, T. Otacilius qui maritimae orae rei que nauali praeesset*. For his raid of Utica from Lilybaeum towards the end of 212 see Livy, 25.31.12-15. Details of the command structure in Sicily between 214 and 211 are discussed in Ch.III.vii.

<sup>284</sup> Livy, 26.28.3-4. This was the first time that the *classis* was included in the consular *sortitio* during the Second Punic War.

<sup>285</sup> Livy, 26.29.1-2: *is senatus consultis perfectis sortiti prouincias consules. Sicilia et classis Marcello, Italia cum bello aduersus Hannibalem Laeuino euenit*.

<sup>286</sup> Livy could well have had very good information on the provincial assignments, given that he was able to report the details of how M. Claudius Marcellus (*cos.*) and M. Valerius Laevinus (*cos.*) switched *prouinciae* (Livy, 26.29). Cf. Brennan (2000), p.325, n.22 who suggests a similar rationale for trusting Livy's reports of *prouinciae* in 192.

The designation of Sicily can be readily explained by the fact that M. Valerius Laevinus (*cos.*), having received the *prouincia*, undertook the pacification of the island by capturing Agrigentum and various other towns.<sup>287</sup> Laevinus then compelled the Sicilians to turn their attention to agriculture, following the surrender of many towns, and he later traversed the *prouincia* with cavalry to rejuvenate the grain harvest.<sup>288</sup> It is not beyond the realms of possibility that the Senate had provided him with specific instructions concerning the Sicilian grain – as part of his assignment associated with the *prouincia Sicilia* – especially if a system of grain tithes was formally instituted throughout Sicily at this time.<sup>289</sup> In any case, these tasks had nothing to do with the fleet, which obviously served a different purpose.

Regarding the *classis* element of the provincial designation, it is notable that Laevinus demarcated various tasks when he was summoned back to Rome to hold the elections in 210:

M. Valerius consul litteris excitus, prouincia exercituque mandato L. Cincio praetori, M. Valerio Messalla praefecto classis cum parte nauium in Africam praedatum simul speculatumque quae populus Carthaginensis ageret pararetque misso...<sup>290</sup>

Bertrand assumed that the *classis* was a gloss inserted by Livy to describe the missions associated with the geographical *prouincia Sicilia*.<sup>291</sup> Yet, we have seen that

<sup>287</sup> Livy, 26.40 and 27.5.1-6.

<sup>288</sup> Livy, 26.40.15-16 and 27.8.15-19 (209 B.C.).

<sup>289</sup> For the idea that the grain tithes system was extended throughout Sicily by Laevinus see now Prag (2012a), p.60f with n.12 for references to the ancient and modern literature. It is worth noting that the Senate dispatched a *legatus* overseas in 208 with instructions to go to the Olympic Games in Greece in order to inform those Sicilians who had fled the war in Sicily that the Romans were restoring everything that they had possessed before the war (Livy, 27.35.3-4), which presumably included agricultural land. This may be indicative of a central senatorial policy, assuming the Senate were not following Laevinus' lead.

<sup>290</sup> Livy, 27.5.1-2. For L. Cincius Alimentus (*pr.*) see Prag (2007b), p.291f and for his legions see Clark (1994), p.134ff. Livy's description of M. Valerius Messalla as *praefectus classis* represents his task rather than his official position (most probably a senior *consularis legatus*), for which see Ch.V.ii. For Messalla's raid on the territory of Utica see Livy, 27.7.16-17.

<sup>291</sup> Bertrand (1989), p.213, n.121: "Si la flotte peut être un instrument au même titre que le sont les légions (21.60.2, 27.22.6, 37.50.9, 42.27.6), elle peut être considérée comme la mission qui glose la désignation d'une province (*Italiam bellumque...classem Siciliamque*, 26.28.3, construction en chiasme, l'un reçoit

many of the tasks undertaken by Laevinus in Sicily were not directly associated with the fleet and that, as far as we know, he did not even take personal command of the fleet in this year. Whilst the fleet appears to have been a distinct part of his *prouincia*, the fact that Laevinus distributed specific tasks to M. Valerius Messalla (*leg.*) on leaving his *prouincia* raises two important (and by now very familiar) questions. Did Laevinus' original provincial assignment associated with his *prouincia classis* include specific senatorial instructions to sail to Africa to plunder and gather intelligence about the Carthaginians, just as Otacilius was apparently granted his command for three specific reasons in 215? And, if so, has Livy simply omitted them yet again?

Some important evidence is to be found in Livy's record of Laevinus' prorogation of 209, which explicitly mentions that the Senate instructed him to cross into Africa and plunder, or to send either L. Cincius Alimentus (*pro pr.*) or M. Valerius Messalla (*leg.*).<sup>292</sup> The Senate may have thought that he would be too busy with other tasks in Sicily, such as the grain harvest, to conduct the raid himself. Furthermore, he was also specifically given permission to cross into Africa within the context of the *prorogatio imperii* in 208:

et in Sicilia ita diuisa res est: Sex. Caesari exercitus Cannensis datus est: M. Valerius Laeuinus – ei quoque enim prorogatum imperium est – classem quae ad Siciliam erat nauium septuaginta obtineret; adderet eo triginta naues quae ad Tarentum priore anno fuerant; cum ea centum nauium classe si uideretur ei praedatum in Africam traiceret.<sup>293</sup>

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l'Italie et la guerre contre Hannibal, l'autre la Sicile et le commandement de la flotte)...” (cf. p.201f with n.51). However, there is a distinction between the fleet as part of the provincial designation above (Livy, 26.28.3-4 and 26.29.1-2) and the legions which were decreed separately (Livy, 26.28.4-5). This is very different from the examples cited by Bertrand, which are misleading since, in those cases, the fleet is named as a resource rather than an explicit *prouincia*, for which cf. Ch.III.viii. The fact that the verb designating the *prouinciae* is also singular (so Bertrand (1989), p.200) is by no means decisive.

<sup>292</sup> Livy, 27.7.16-17: *cetera classe praedatum in Africam aut ipsum M. Valerium Laeuinum traicere aut mittere seu L. Cincium seu M. Valerium Messallam uellet*. For the *prorogatio imperii* in Sicily see Livy, 27.7.12. Thiel (1946), p.116f, n.279 is unnecessarily sceptical of the order by claiming that the rumour of the preparation of a large Carthaginian fleet (Livy, 27.5.13-14) made it “hardly imaginable.” Yet, there was another rumour the following year when a similar order was issued (see above with Livy, 27.22.8-9) and Thiel (1946), p.130 accepts that Laevinus himself conducted a raid during this year.

<sup>293</sup> Livy, 27.22.9-10.

It is highly significant here that the instruction to raid Africa was framed with the condition, “if it seemed appropriate to him [Laevinus].” Such an instruction would arguably have been redundant if he could raid Africa regardless; and so it is best viewed as providing Laevinus with the necessary mandate to cross into Africa, depending on how he interpreted the military situation in Sicily at the time.<sup>294</sup> We have already seen in the previous section that Cn. Cornelius Lentulus (*cos.*) required a specific senatorial mandate to cross from Sicily into Africa in 201.<sup>295</sup> A similar provision was also included with the *prouincia* assigned to P. Cornelius Scipio (*cos.*), following fierce deliberation about whether Africa should be explicitly named as his *prouincia*, in 205:

...alteri consuli Sicilia et triginta rostratae naues quas C. Seruilius superiore anno habuisset; permissumque ut in Africam, si id e re publica esse censeret, traiceret...<sup>296</sup>

Scipio was almost certainly able to send his *legatus*, C. Laelius, to raid the coast of Africa only as a direct result of this special dispensation.<sup>297</sup> Yet, Livy does not report this in his description of the *sortitio*, which only mentions that Scipio was assigned *Sicilia extra sortem*.<sup>298</sup> This provides yet another indication that such descriptions were

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<sup>294</sup> Cf. the *prouincia Africa cum Sicilia* assigned to the consul Ti. Sempronius Longus in 218 (Livy, 21.17.1). Laevinus personally landed his fleet of 100 ships at Clupea on the coast of Africa, devastated the land and then successfully defeated a Carthaginian fleet of 83 ships (Livy, 27.29.7-8). Cf. Livy, 28.4.5-7 (207 B.C.) in which the *prorogatio imperii* is unfortunately not recorded, although Laevinus conducted a raid on Africa and defeated a Carthaginian fleet of 70 ships in that year (Livy, 28.4.6-7).

<sup>295</sup> See Ch.III.ii.

<sup>296</sup> Livy, 28.45.8-9. For the *prouincia*, which was probably not a *prouincia classis*, see the discussion in Ch.III.vii. Cf. Livy, 28.40-45; App. *Hann.* 55; *Pun.* 7; and Plut. *Fab. Max.* 25-26.

<sup>297</sup> Livy, 29.1.14 and 29.3.6-29.5.1. Note also the *prorogatio imperii* in 204: *de Scipione nusquam nisi in senatu actum, ubi omnes legatitque et tribuni classem exercitum ducemque uerbis extollentes effecerunt ut senatus censeret primo quoque tempore in Africam traiciendum Scipionique permetteretur ut ex iis exercitibus qui in Sicilia essent ipse eligeret quos in Africam secum traiceret, quos prouinciae relinqueret praesidio...* (Livy, 29.22.11-12).

<sup>298</sup> Livy, 28.38.12. It should be noted that the other consular *sors* is simply described as the *Bruttii* here when it is also elsewhere described as *Bruttii et bellum cum Hannibale* (28.45.9).

compressed and that the original *prouvinciae* could be designated in a much more complex manner.<sup>299</sup>

Returning to the questions raised about the *prouvincia Sicilia et classis* given to Laevinus in 210, it might reasonably be expected that the fleet element of this *prouvincia* was further defined with a *senatus consultum*. This notion is supported by the comparable evidence from 209, 208, 205 and 201, in which consuls and proconsuls were given explicit permission to cross from Sicily into Africa. We shall see in the next chapter (IV.iii) that there is good evidence that such special enabling instructions were, in fact, necessary for any *imperium*-holder to cross from the geographical “sphere of operation” associated with his *prouvincia* (i.e. Sicily in this case) into another “sphere of operation” (e.g. Africa).<sup>300</sup> The presumed instructions, therefore, would have enabled Laevinus to send M. Valerius Messalla (*leg.*) on a mission from Sicily into Africa towards the end of 210.<sup>301</sup> If correct, then it follows that the original *senatus consultum* describing the instructions is missing from Livy’s account. We might even take this argument further and speculate that *senatus consulta* were supplied in other cases in which *imperium*-holders left Lilybaeum to carry out naval raids on Africa during the Second Punic War, even when they are not explicitly recorded by Livy.<sup>302</sup>

<sup>299</sup> It should be noted that Appian at least thought that this resolution amounted to a decision to send Scipio into Africa and his selection as the commander (ὁ στρατηγός) for Africa: οὕτω μὲν ἐκράτησε πέμπειν ἐς Λιβύην Σκιπίωνα, οὐ μὴν συνεχώρησαν αὐτῷ καταλέγειν στρατὸν ἐξ Ἰταλίας πονουμένης ἔτι πρὸς Ἄννιβου... (*Pun.* 7); and λιπαρήσας τε πάνυ καρτερῶς, καὶ πείσας ὀκνοῦντας, ἤρέθη στρατηγὸς αὐτὸς ἐς Λιβύην, καὶ διέπλευσεν εὐθύς ἐς Σικελίαν... (*Han.* 55). Cf. *Sil. Pun.* 16.698-700.

<sup>300</sup> Note especially Livy, 30.24.1-4 with discussion Ch.IV.iii

<sup>301</sup> Admittedly, we cannot rule out the possibility that the letter recalling Laevinus to hold the elections towards the end of the consular year contained senatorial instructions for Messalla to raid Africa, in which case we could only determine that Laevinus’ original mandate was simply to use his fleet around Sicily (Livy, 27.5.1-2).

<sup>302</sup> E.g. Cn. Servilius Geminus (*cos.*) in 217 (Livy, 22.31.1-6; Polyb. 3.96.8-14; Zonar. 8.26), although he had a broad mandate to pursue the enemies fleet (Livy, 22.11.7-8); P. Furius Philus (*pr.*) in 216 (Livy, 23.21.1-2; cf. App. *Hann.* 27); T. Otacilius Crassus (*pro pr.*) in 212 (Livy, 25.31.12-15); and, as noted earlier, M. Valerius Laevinus (*pro cos.*) in 207 (Livy, 28.4.5-7).

The combination of a *prouincia classis* with special enabling (or limiting) instructions was by no means a unique phenomenon applicable only to the stresses of the Second Punic War. The *prouincia classis* was also combined with geographical “spheres of operation” during the eastern wars against Antiochus III (192-188) and Perseus of Macedon (171-168). We have already seen in the previous section that a praetorian lot was designated as the *classis ut nauigaret quo senatus censuisset* in 191, which provides a strong indication that the Senate usually defined the fleet alongside a geographical “sphere of operation” (*quo*).<sup>303</sup> This may very well account for the *classis et Macedonia sors* allotted to A. Atilius Serranus (*pr.*) the previous year, although it should be noted that Macedonia and the fleet could have also served independent purposes with other definitions.<sup>304</sup> In any case, one of the consular lots was also designated as, *quo senatus censuisset – eam esse bellum aduersus Antiochum regem omnes sciebant...* in 191.<sup>305</sup> Both the consular and praetorian “*quo senatus censuisset*” lots enabled the Senate to define these *prouinciae* whenever the military situation was confirmed – i.e. after war was formally declared against Antiochus III at the start of the consular year.<sup>306</sup> After the

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<sup>303</sup> Livy, 35.41.6-7 with discussion Ch.III.ii. We can also compare the new *prouincia* assigned to Cn. Octavius when his *imperium* as praetor in Sardinia was prorogued into 204: *et Cn. Octauio ut cum Sardiniam legionemque Ti. Claudio tradidisset ipse nauibus longis quadraginta maritimam oram, quibus finibus senatus censuisset, tutaretur...* (Livy, 29.13.5-6). Brennan (2000), p.143 may be right to imagine that Octavius was given a *prouincia classis*, in which case the future *senatus consultum* concerning the *ora maritima* would provide an extra definition. Indeed, his *prouincia* is defined in terms of the *ora Sardiniae* by 203 (Livy, 30.2.4).

<sup>304</sup> As noted in the previous section, Brennan (2000), p.184 cites this as an indication that the *classis* was elsewhere an abbreviation for a more detailed provincial designation. With the conjunction *et* and the case of Laevinus in 210 in mind, one can imagine that Macedonia served a broader purpose, such as the preparation of a maritime supply route in case a consul was sent *extra Italiam*, for which cf. Gruen (1984), p.634 and Brennan (2000), p.206f. Likewise, one can imagine that the *classis* could have been defined in another way. It is notable, for example, that when *legati* returned with news that war with Antiochus was not imminent, but that Nabis of Sparta was attacking the Laconian coast, a mission with the fleet was confirmed: *...Atilius praetor cum classe missus in Graeciam est ad tuendos socios...* (Livy, 35.22.2-3). Cf. Livy, 35.20.13-14. For the events more generally see Thiel (1946), p.283-291 and Gruen (1984), p.629-636.

<sup>305</sup> For the significance of this lot see Bertrand (1989), p.201f and my own discussion in Ch.IV.iv.

<sup>306</sup> See Brennan (2000), p.184f; and p.326, n.29 for discussion of the “*quo senatus censuisset*” *sors*. Cf. Balsdon (1939), p.182, n.78; Rhodes (1978), p.620; Briscoe (1981), p.174 *s.v.* “7. Quo senatus censuisset”; and Stewart (1998), p.29; and see also now Briscoe (2012a), p.243 *s.v.* “quo senatus censuisset”, who notes the formulaic nature of the phrase and references to similar decisions concerning Roman legions. For the war vote see Livy, 36.1.1-6. The same rationale was presumably behind the Senate’s decision to leave one praetorian *sors* and, very possibly, one of the consular *sors*, unspecified as *quo senatus censuisset* in 171 – in

*comitia centuriata* had approved the war against Antiochus, the consular *prouvinciae* were subsequently confirmed as *Graecia* and *Italia*.<sup>307</sup> Meanwhile, Livy simply refers to the *sors* allotted to C. Livius Salinator (*pr.*) as the *classis* without reference to the *ut nauigaret quo senatus censuisset* clause.<sup>308</sup> It is most probable that the *prouvincia* was defined with additional instructions to sail to Greece soon after the consul was allotted *Graecia*, as Livy implies:

C. Liuius praetor, cui classis euenerat, triginta nauibus paratis traicere in Graeciam primo quoque tempore iussus, et ab Atilio naues accipere.<sup>309</sup>

It is even possible that the *classis* was originally defined in more elaborate terms than the instructions reveal here, since Livius sailed from Greece farther eastwards to Delos, Chios, Phocaea and wintered at Canae (or Kane, just south of modern Dikili in Turkey).<sup>310</sup> Thiel interpreted the journey to Delos as a decision taken by Livius to, “...transfer the war to the Asiatic waters...”<sup>311</sup> Although the Senate would almost certainly not have been aware of the exact military situation in the East at the start of the consular year when they allocated the *prouvinciae*, we have seen that, ordinarily, it tightly controlled the various “spheres of operation” associated with the fleet.<sup>312</sup> With this in mind, Livius

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this case to be defined after war had been voted against Perseus of Macedon (Livy, 42.28.6-7). Livy only mentions the consular lots of *Macedonia* and *Italia* after war had been voted and, therefore, after a *quo senatus censuisset* lot would have been defined (Livy, 42.30.10-11 and 42.31.1).

<sup>307</sup> Livy, 36.1.1-9 and 36.2.1-2. For the declaration of war see further Rich (1976), p.87f and Pina Polo (2011), p.102-110.

<sup>308</sup> Livy, 36.2.6. Cf. App. *Syr.* 22. It is worth comparing this to the way Livy treats the *prouvincia* assigned to L. Anicius Gallus in 168, which is first given as *peregrina et si quo senatus censuisset* (44.17.10) and later, after a decision had been made, as follows: *L. Anicius praetor, cuius inter peregrinos iurisdictio erat; eum in prouinciam Illyricum circa Lychnidum Ap. Claudio succedere placuit...* (44.21.4-5).

<sup>309</sup> Livy, 36.2.14-15. Note also Just. *Epit.* 31.6.7: *Interim nuntiatum ei Liuium, Romanum ducem, cum LXXX rostratis nauibus ad bellum nauale a senatu missum aduentare.*

<sup>310</sup> Livy, 36.41-45 with Briscoe (1981), p.281-287. For Kane (Canae in Livy) see *Barrington Atlas*, Map 56, D3.

<sup>311</sup> Thiel (1946), p.295. Cf. Pietilä-Castrén (1982), p.131; and Brennan (2000), p.213. Sailing to Delos was not unique to Livius, as indicated by the dedications made by A. Atilius Serranus (*pr.* 192) the previous year: e.g. *IDélos* 1429 A, col. I, l.20 and 1450 A, l.66. The difference was presumably that Livius sailed with his entire fleet and continued eastwards.

<sup>312</sup> Livius would only have discovered the exact military situation on succeeding Atilius, for which see Thiel (1946), p.294 with Livy, 36.42.4-5. Cf. Livy, 37.14-15 for the *consilium* held by L. Aemilius Regillus (*pr.*), who succeeded Livius, about the best course of military action to take in 190.

could well have been given special permission to operate in Asia through another mandate (perhaps, even based on the precedents from the Second Punic War) which is not preserved in Livy's account:<sup>313</sup> e.g. ...*si e re publica censeret esse in Asiam traiceret...* (*uel sim.*).<sup>314</sup> Some comparative support can be found in the *senatus consultum* issued the next year which specified that one consular *prouincia* should be *Graecia* with the following resolution: *et adiectum, ut, cum in prouinciam uenisset, si e re publica uideretur esse, exercitum in Asiam traiceret.*<sup>315</sup> Alternatively, if there was no explicit sanction, one could argue that Livius took a huge personal risk by sailing from his defined sphere of operation (*Graecia*) into Asia (perhaps using the *causa rei publicae* rationale), which would have undoubtedly backfired if it had not been successful.<sup>316</sup> In this case, the action itself would not have been prohibited by statutory law, but Livius would still potentially have left himself open to prosecution for going against the *mos maiorum* (and the *auctoritas senatus*).<sup>317</sup>

It was clear that the naval war against Antiochus was to be based around Asia in 190 and so the Senate issued instructions to L. Aemilius Regillus (*pr.*), who had been allotted the *prouincia classis*, which explicitly defined Asia as his "sphere of operation."<sup>318</sup> It is worth noting that the departures of the consul charged with the war against Antiochus

<sup>313</sup> Cf. Briscoe (1981), p.281 *s.v.* "42-45.8": "Thiel's notion that it was Livius' own idea to cross to Asia is improbable. He will have been given some instructions by the senate."

<sup>314</sup> Cf. Brennan (2000), p.325, n.24: "If they [the praetors allotted the *classis* in the second century] indeed had a *prouincia* joined with special instructions, it may have been something like *classis et Asia* (or *Macedonia*) *ut cum rege Antiocho* (or *Perse*) *bellum gereret.*"

<sup>315</sup> Livy, 37.2.2-3. Cf. Briscoe (1981), p.291 *s.v.* "3." Note also Livy, 35.23.5-6 (192 B.C.): *et ut M. Baebius ex Brutiis ad Tarentum et Brundisium promoueret legiones decreuit, inde, si res posceret, in Macedoniam traiceret.*

<sup>316</sup> For the success and huge importance of Livius' activities see generally Thiel (1946), p.293-313.

<sup>317</sup> See Ch.IV.iii for a full discussion of the above issues.

<sup>318</sup> Livy, 37.2.10-11: *L. Aemilius, cui maritima prouincia erat, uiginti naues longas et socios naualis a M. Iunio praetore superioris anni accipere iussus et scribere ipse mille naualis socios, duo milia peditum; cum iis nauibus militibusque in Asiam proficisci et classem a C. Liuio accipere.* For the praetorian *sortitio* see Livy, 37.2.1-2 and note also Livy, 37.14.1-4 for Aemilius' journey to meet Livius at Samos (via the Piraeus and Chios).

and Aemilius were also apparently co-ordinated and that this presupposes that some instructions must have been issued from the Senate or the consul (or, perhaps, both).<sup>319</sup>

Unfortunately, Livy does not provide any more direct evidence for how the *prouincia classis* could have been defined with additional instructions in the remaining cases from 189, 171, 170, 169 and 168. However, as Brennan has rightly highlighted, one significant factor applicable to all of the cases in which a *prouincia classis* was named is that the *imperium*-holders who received this *prouincia* all operated on land.<sup>320</sup> Arguably, one can infer from this – especially if combined with the evidence collected above – that the *classis* would usually have been defined by the areas in which these operations took place. We have already seen this in the various instances of naval raids on the African coast during the Second Punic War. The Senate must have also anticipated land operations when they assigned Atilius two thousand men from the *socii et nomen Latinum* and one thousand Roman soldiers in 192.<sup>321</sup> Livius plundered Thyatira (modern Akhisar in Turkey – around 44 miles from the sea!) and also attacked Phocaea, Sestus and Abydus;<sup>322</sup> and Aemilius raided the city of Iasus and sacked Phocaea.<sup>323</sup> Q. Fabius Labeo, who received the *prouincia classis* in 189, sent announcements around the cities of Crete ordering them to withdraw their arms and return captives.<sup>324</sup> It is possible that there was a connection between Fabius' land-based activities – apparently undertaken to prevent it appearing that he had an *otiosa prouincia* – and a definition for the fleet involving “Asia.”<sup>325</sup> Indeed,

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<sup>319</sup> Livy, 37.4.4-5. Further weight can be added to this idea by the fact that the praetors, who were allotted the *prouincia classis*, also apparently set out at the same time as the consuls for the war against Perseus of Macedon in 169 and 168 (Livy, 44.1.3-4; 44.19.4-5; and 44.22.16-17).

<sup>320</sup> Brennan (2000), p.184; and p.212f.

<sup>321</sup> Livy, 35.20.12-13; Livy, 35.37.3; and 36.20.7-8. Cf. Ch.II.ii for the preparation of this fleet and the enrolment of land forces to be used in the fleet.

<sup>322</sup> Livy, 37.8.7 (Thyatira); 37.9.8-11 (Sestus and Abydus in the Hellespont); 37.12.1-7; and 37.32.9-10 (Phocaea).

<sup>323</sup> Livy, 37.17.1-7 (Iasus) and 37.32.1-14 (Phocaea).

<sup>324</sup> Livy, 37.50.8 and 37.60.4-7.

<sup>325</sup> Livy, 37.60.2-3. For a mission connecting Asia and Crete cf. e.g. Livy, 42.19.7-8 (172 B.C.). See also *IC* II, 3.5 (Aptera, western Crete), which records L. Cornelius Scipio, P. Cornelius Scipio (Africanus), *legatus*

Fabius eventually triumphed [*ex*] *Asia de rege Antioch[o naualem]*, which may also be indicative of the association between the *prouincia classis* and the geographical sphere of Asia in which he operated.<sup>326</sup> Finally, the four praetors who had been allotted the *classis* between 171 and 168 also operated on land: C. Lucretius Gallus sacked the Boeotian towns of Haliartus, Thisbe and Coroneia in 171;<sup>327</sup> L. Hortensius sacked Abdera in the northern Aegean and Chalcis on the island of Euboea in 170;<sup>328</sup> C. Marcius Figulus pillaged the land along the coast of Thessalonica, unsuccessfully attempted to besiege the city itself (and later Cassandreia) and plundered around the cities of Aineia, Antigonea and Pellene in 169;<sup>329</sup> and Cn. Octavius captured and plundered Meliboea in 168.<sup>330</sup>

In summary, it can reasonably be supposed that the “spheres of operations” in which these land operations took place were defined with *senatus consulta* issued alongside the *prouincia classis* at the start of the consular year. This has already been illustrated in the previous section with the senatorial instructions ordering Cn. Cornelius Lentulus into Sicily with a mandate to cross into Africa under certain conditions in 201.

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of Lucius, and L. Aemilius Regillus as εὐεργέται (and probably προξένοι). This potentially suggests that the three commanders (and another Cn. Cornelius Scipio [Hispanus?]) visited Crete, perhaps on their way back to Italy in 189 – the year Labeo was appointed – an event not otherwise preserved in the historical record. One can only wonder as to whether Labeo’s mission had anything to do with the previous visit and, if so, whether it was planned beforehand.

<sup>326</sup> *Inscr. Ital.* XIII, p.80f. We should also note that Aemilius also triumphed *ex Asia de [reg(e) Antiocho naualem]* in 189. See further Ch.IV.vi, in which I argue that there was an inherent link between a *prouincia* and a triumph (and the *prouincia classis* and *triumphus naualis*) *pace* Brennan (2000), p.184: “The wording of the entries for naval triumphs of the early and mid-second century (recorded in the *Fasti triumphales*) does not get us much further, since it reflects nothing more than the annalistic tradition.”

<sup>327</sup> Livy, 42.56.1-7; and 42.63.3-12. Note the contrast between Boeotia (*terra?*) and the sea in Livy, 42.63.12: *his gestis in Boeotia ad mare ac naues redit*. Lucretius was initially allotted a “*quo senatus censuisset*” *sors* (Livy, 42.28.6-7) and once war had been declared against Perseus, the Senate resolved that he should go to the fleet at Brundisium and review the *socii nauales* (Livy, 42.31.6-8 and cf. 42.35.3-4). One can speculate that the *classis* was already a part of the lot alongside *quo senatus censuisset* at the time of the initial praetorian *sortitio*, as it was in 191. Lucretius is later described as having the *classis* as his *prouincia*, which is probably, once again, abbreviated (Livy, 42.48.5 and Zonar. 9.22). Cf. Brennan (2000), p.326, n.26, who suggests that the provincial designation is only “fixed before he departs from the city.”

<sup>328</sup> Livy, 43.4.8-13 (Abdera); 43.7.5-11; 43.8.1-8 (Chalcis). In this year, Livy’s records of the elections and *prouinciae* do not survive at the start of book 43 (following 43.3.7). Nonetheless, for Hortensius succeeding Lucretius in the *prouincia classis* see Livy, 43.4.8-9; 43.7.8-11; and 43.8.5-10.

<sup>329</sup> Livy, 44.10-13. For his *prouincia* see Livy, 43.11.6-9; 43.15.2-3; 44.1.3; and 44.2.1-2. Cf. Polyb. 28.16.3 (Γάιον τὸν ἐπὶ τοῦ ναυτικοῦ).

<sup>330</sup> Livy, 44.46.3. Cf. Brennan (2000), p.325, n.23, who notes that Meliboea is “quite far inland in Thessaly” (it was actually probably only about three miles from the Aegean coast). Cf. Livy, 44.13.1-3. For the *prouincia* see Livy, 44.17.10; 44.21.3-4; and 44.30.1. Cf. Vell. Pat. 1.9.5.

Yet, the analysis carried out in this section allows us to conclude, with much greater certainty, that this was representative of a wider phenomenon by which the *prouincia classis* was usually prescribed with a geographical definition. This confirms that Brennan was correct to hypothesise that the *classis* was an abbreviation *per se* for a more detailed command.<sup>331</sup> Furthermore, we can also determine that Livy compressed or omitted, in many cases, the *senatus consulta* which would have ordinarily defined the *sors* (and *prouincia*) *classis* with a geographical “sphere of operation.” This can be explained most easily by the fact that such details were not necessarily pertinent within the context of the *sortitiones* themselves.

We might also now extend the above results and legitimately question whether instructions were common in other types of *prouvinciae*. Indeed, special instructions issued alongside other *prouvinciae* were just as likely to have been abbreviated as those issued with the *classis* in Livy’s *History*. Whilst this has not been always been fully appreciated in the existing modern scholarship, it deserves emphasis here because it has important ramifications for understanding the role of the Senate in prescribing *prouvinciae* and exercising control over *imperium*-holders.<sup>332</sup> We should distinguish these instructions from the imperial *mandata* of the Principate, but the origins of the latter can arguably be traced back to the custom of the issuing instructions with *prouvinciae ex senatus consulto* during the Republic.<sup>333</sup>

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<sup>331</sup> See Ch.III.ii.

<sup>332</sup> For a sample of some recent views see e.g. Richardson (1994), p.577: “As might be expected, it seems that only rather generalised instructions would be given to a governor on his assignment of a *provincia*...” Flower (2010), p.128: “The instructions they [the commanders] had received prior to leaving Rome would probably have been general and unspecific in most cases.” Drogula (2011), p.93: “Although the senate certainly gave commanders some instructions (*mandata*) – at the very least the name of the enemy or place to be conquered – the vagaries of war and the difficulties of communication required that those commanders be allowed full discretion to direct military operations as conditions required.” For the acknowledgement of specific senatorial instructions see Brennan (2000), p.210 and Brennan (2004), p.45.

<sup>333</sup> Rich (1990), p.147, making a comparison with the particular type of imperial *mandata* issued during the Principate, notes that the Senate did not issue such *mandata* during the Republic. For imperial *mandata* see also e.g. Millar (1977), p.313-317.

One rare piece of evidence for special instructions being customarily issued with *prouvinciae* during the Republic is to be found in the law on the eastern *prouvinciae* passed around the start of 100, which records instructions for the magistrate or promagistrate holding the *prouvincia Macedonia* (ἡ ἐπαρχία Μακεδονία).<sup>334</sup> Included among these was the resolution that, “...before he [the praetor or proconsul] leaves the *prouvincia*, according to the decree of the Senate passed in relation to him, [he] should establish the boundaries of the *uictigal* of the Chersonese, as he shall deem it proper, as quickly as possible.”<sup>335</sup> Whilst the senatorial decree here seems to have provided the instructions about the *uictigal* to be carried out by the magistrate or promagistrate before he quits his *prouvincia* (which is simply reiterated in the *lex*), it may have also included other instructions. Indeed, it plausibly relates to the “orders” given to the magistrate or promagistrate of Asia and Macedonia which is referred to in the next clause of the law:

ἐὰν οὐτ[ο]ς ὁ στρατηγὸς ὧι τῆς Ἀσίας Μακεδονίας τε | ἐπαρχ[χ]εία ἐγένετο  
 τῆς ἀρχῆς αὐτὸν ἀπείπη ἢ ἀπείπηται, ὡς ἐν ἐπιταγῇ ἐξουσία πάντων  
 πραγμά- <sup>vacat</sup> | των ἐ[π]ιστροφῆν τε ποιῆσθαι κολάζειν δικαιοδοτεῖν |  
 κρείνει[ν κ]ριτὰς ξυνοκρίτας διδόναι ἀναδοχῶν κτημάτων  
 ΤΕ[.]ΓΑΡΟΔΟΣΕΙΣ ἀπελευθερώσεις ὡσαύτως κατὰ τὴν δικαιοδοσίαν ἔστω  
 καθὼς ἐν τῇ ἀρχῇ ὑπῆρχεν οὐτ[ο]ς τε ὁ ἀνθύπατος ἕως τούτου ἕως ἂν |  
 εἰς πόλ[ι]ν Ῥώμην ἐπανέλθῃ ἔστω.

If the praetor or proconsul to whom the province of Asia or Macedonia shall have fallen abdicate from his magistracy, as described in his *mandata*, he is to have power in all matters according to his jurisdiction just as it existed in his magistracy, to punish, to coerce, to administer justice, to judge, to appoint *iudices* and

<sup>334</sup> *RS*, no. 12, Cnidos Copy, col. IV, ll. 5-42. For the name and date of the law see now, above all, Ferrary (2008b), p.103f (name: “loi sur les provinces orientales”) and p.112f (date: re-stating the case argued in more detail in Ferrary (1977), p.645-654, esp. p.653f, which is preferred by *RS*, no. 12, p.236f). I accept this dating as being the most probable and follow it throughout this study *pace* the recent article by Giovannini (2008), p.93-100, who argues for a date around the first few weeks or months of the year 99 (revisiting the proposal originally made in Giovannini and Gryznek (1978), p.33-46).

<sup>335</sup> *RS*, no.12, Cnidos Copy, col. IV, ll. 24-30: ...τε οὗτος | ὁ στρατηγὸς ἢ ἀνθύπατος {τε} ὁ {τε} τὴν  
 τῆς Μακεδονίας ἐπαρχίαν διακατέχων πρὸ τοῦ ἐκ τῆς ἐπαρχείας ἐκχωρεῖν κατὰ τὸ τῆς  
 συνκλήτου δόγμα | τὸ ἐπ’ αὐτὸν γενόμενον ὅρια τῆς Χερσονήσου τῆς | προσόδου στήση οὕτως  
 καθὼς ἂν αὐτῷ δόκη κάλλιστα γεγ[ο]νέναι ὡς τάχιστα.

*recuperatores*, <registrations> of guarantors and securities, emancipations, and he is to be <immune from prosecution> until he return to the city of Rome.<sup>336</sup>

The *mandata (ex senatus consulto?)* mentioned in the law on the eastern *prouvinciae*, which potentially included the instructions about the *uectigal* of the Chersonese, could well have been fairly standard by 100.<sup>337</sup> There is no need to assume that the practice of issuing such orders was unique to this particular law, even if some of the specific detail may have been.<sup>338</sup> Rather, it is the level of detail in this surviving evidence that is unique. This is, perhaps, better viewed as indicative that potentially complex instructions could have been included with other provincial assignments, as established in the *mos maiorum*, in addition to the fleet.

Indeed, examples of instructions being issued with other *prouvinciae* can be found much earlier.<sup>339</sup> For example, the Senate decided that M. Valerius Laevinus (*pr.*), who had been allotted the *sors peregrina*, should defend Apulia with the legions from Sicily and protect the coastal region between Brundisium and Tarentum with 25 ships in 215.<sup>340</sup> These tasks, involving the geographical regions of Apulia and ancient Calabria, almost

<sup>336</sup> *RS*, no.12, Cnidos Copy, col. IV, ll. 31-39 with the commentary on p.265 s.v. “ll. 27-28”: “In 1974, we took the SC to relate to what precedes but given the parallel with l. 19, we now think that this was perverse and take the SC to relate to what follows; we suppose it to be similar to the *mandata* of l. 33.”

<sup>337</sup> For the translation of ἐν ἐπιταγήῃ as *in mandatis* see *RS*, no.12, p.250 and p.266 s.v. “l.33” with comparative references. As the editors of *Roman Statutes* recognise, “the resonances of the term in the imperial age are not to be read back into our text” (p.266 s.v. “l.33”). The editors’ reference to Cic. *Leg.* 3.18 is also very pertinent to the above discussion, since Cicero is critical of a senatorial *legatus* holding his position *sine mandatis* (i.e. without official instructions from the Senate!) Compare also the activities of M. Valerius Laevinus with the Sicilian grain in 210 and 209, as mentioned earlier.

<sup>338</sup> Cf. Richardson (1994), p.576: “Such precise instructions [concerning the Chersonese] are unusual, and may be the result of the desire of the author of this law, who was in any case dealing with business more commonly handled by the Senate, to exercise greater control than usual over magistrates and promagistrates.”

<sup>339</sup> Note, as a relatively early example, the complaints that L. Postumius Megellus (*cos.*), who had a *prouvincia Sannium*, had crossed *iniussu senatus ex Sannio in Etruria* in 294 (Livy, 10.37.6). This case is discussed further in Ch.III.v.

<sup>340</sup> Livy, 23.32.16-18: *Valerium praetorem in Apuliam ire placuit ad exercitum a Terentio accipiendum; cum ex Sicilia legiones uenissent, iis potissimum uti ad regionis eius praesidium, Terentianum <exercitum Tarentum> mitti cum aliquo legatorum; et uiginti quinque naues datae quibus oram maritimam inter Brundisium ac Tarentum tutari posset.* Cf. Livy, 36.2.7 for a similar mandate given to A. Cornelius Mammula (*pr.*), who received a *prouvincia Bruttii* in the praetorian *sortitio* of 191.

certainly represent a newly defined *prouincia*;<sup>341</sup> and the Senate even later added the provision that Laevinus should cross into Macedonia with his fleet, if his *legatus* discovered that Philip V of Macedon was planning to join Hannibal.<sup>342</sup> In addition, Q. Fulvius Flaccus (*pr. urb.*) was given 25 ships with which to defend the shore near the city of Rome *ex senatus consulto* and Ti. Sempronius Gracchus (*cos.*) later had his own fleet off Cumae.<sup>343</sup> Although this was an especially difficult time in the Hannibalic War for the Romans, the notion that such instructions could be issued alongside other *prouvinciae*, aside from the *classis*, raises some fundamentally important and, as yet, unanswered questions about why it was ever necessary to name the fleet as a *prouincia* at all.

Laevinus initially had a fleet of 25 ships (later raised to 50), Fulvius was assigned 25 ships and Gracchus utilised a number of ships off the Campanian coast and, yet, not one of these commanders was assigned a specific *prouincia classis*. Why was the fleet not specified as a *prouincia*, in its own right, in these cases? Conversely, why was it ever necessary to designate the *prouincia classis* at all, given that a fleet could be utilised as a military resource, like terrestrial forces, in another *prouincia* and given that instructions could be issued with other *prouvinciae* (e.g. Apulia and the *ora maritima* between Brundisium and Tarentum)?<sup>344</sup> Why did the Senate not just name a particular “sphere of operation” and, then, if necessary, assign a fleet as a military resource in the same way as they equipped *imperium*-holders with armies, finances and supplies to use with their *prouvinciae* (the so-called *ornatio prouvinciae*)?<sup>345</sup> Unlike fleets, armies do not, after all,

<sup>341</sup> Note Brennan (2000), p.210f and p.323, n.10.

<sup>342</sup> Livy, 23.38.10-12: *si congruentia litteris legatorumque indicis Philippi consilia essent, ut M. Valerium praetorem litteris certiore faceret, isque L. Apustio legato exercitui praeposito Tarentum ad classem profectus primo quoque tempore in Macedoniam transmitteret daretque operam ut Philippum in regno contineret.*

<sup>343</sup> Livy, 23.32.18-19 and 23.38.1-5. For the preparations of these ships cf. Ch.II.ii.

<sup>344</sup> For the fleet as a resource see e.g. Livy, 21.17.1-6 (218 B.C.) and see further Ch.III.viii.

<sup>345</sup> Cf. Polyb. 6.15.4-5.

seem to have been named as specific *prouvinciae per se*.<sup>346</sup> Willems long ago noticed the distinction between the designation of a *prouincia classis* and use of ships as resources in another *prouincia*, but he did not offer an explanation for this.<sup>347</sup>

Having so far examined how the *prouincia classis* was defined with senatorial instructions, these questions, therefore, lead directly to the next part of this chapter in which I shall consider why the fleet was designated as a *prouincia*. This will not only elucidate the difference between the fleet as a *prouincia* and as a resource, as described above, but it will also further question the Roman concept of the *prouincia* more generally.

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<sup>346</sup> E.g. compare the following report of the *classis* as part of Laevinus' *prouincia* and the assignment of consular armies in 210: *decreuere patres ut alteri consulum Italia bellumque cum Hannibale prouincia esset, alter classem cui T. Otacilius praefuisset Siciliamque prouinciam cum L. Cincio praetore obtineret. exercitus eis duo decreti qui in Etruria Galliaque essent...* (Livy, 26.28.3-4). Cf. Livy, 23.32.1-2.

<sup>347</sup> Willems (1885), II, p.632: "Le Sénat décide, enfin, de la répartition des escadres parmi les commandants militaires. Il fait du commandement d'une escadre une province spéciale (*provincia navalis, maritima*), ou il rattache ce commandement à une province italique ou extra-italique."

### III.iv. The *prouincia* and the separation of magistrates and promagistrates

We have seen in the previous sections that the concept of the *prouincia* does not necessarily need to be approached in terms of whether it encompassed a task rather than a geographical area or *vice versa*. The Romans were perfectly capable of defining *prouvinciae* in both geographical and functional terms, as already witnessed with the *prouincia classis*. However, as we have also observed, this does not explain why the fleet was named as a *prouincia*. An alternative approach, then, which has the potential to provide an answer to this question, is to view *prouvinciae* primarily as a means of separating *imperium*-holders. Indeed, Lintott has rightly placed emphasis on the idea that the *prouincia* was one of the fundamental mechanisms by which the Romans separated magistrates “in space.”<sup>348</sup> This can be slightly nuanced for our purpose, since it follows that the *prouincia classis* could have served to separate magistrates (and/or promagistrates) *by function* within the *same space*.

The next step is to imagine that this notion of separation had a profound effect on the ways in which *prouvinciae* were defined. For example, would the *classis* have been designated as part of the *prouincia* assigned to M. Valerius Laevinus (*pr.*) in 215, as mentioned at the end of the previous section, if other independent *imperium*-holders had also been operating in the same geographical regions of Apulia and ancient Calabria?<sup>349</sup> It would have been important that certain functions were carried out – such as the defence of a particular area or the war against a certain enemy – and these could have been reflected

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<sup>348</sup> Lintott (1999), p.99-102 and esp. p.102: “The provincial system to a large extent substituted separation of magistracies for a hierarchy of command.”

<sup>349</sup> Ti. Sempronius Gracchus (*cos.*) later arrived in Luceria in pursuit of Hannibal and sent Laevinus to the Sallentine region (i.e. ancient Calabria): Gracchus and the consul *suffectus* were first in the region of Campania with operations initially focussed on Cumae and Capua (Livy, 23.35-37; 23.39.5-8; 23.48.3; and 24.3.16-17). Their consular *prouvinciae* were probably named as *Italia*, perhaps with specification of the *bellum cum Hannibale* as in 210 (cf. Livy, 26.28.3-4). Meanwhile, promagistrates were also based around the Picenum region and Nola in Campania (Livy, 23.32.19; and 23.41.13-14). See further *MRR I*, p.253-256.

in the designation of the *prouvinciae*.<sup>350</sup> Yet, the definition of a *prouvincia* could have also been influenced by whether more than one *imperium*-holder was located in the same geographical area and, if so, whether it was expedient to demarcate particular “spheres of operation” or responsibilities, such as the fleet, within this area. Kallet-Marx proposed a hypothesis that has the potential to explain the rationale for defining *prouvinciae* in this way:

...*prouvinciae* were strictly and formally demarcated only where it was necessary (1) to prevent commanders from stepping on each other’s toes...and (2) for the functioning of *maiestas* laws at the regular points of entry and exit...<sup>351</sup>

The first point would have been fundamental for avoiding disagreements over which *imperium*-holder should lead an army or a fleet and what military strategy should be adopted for a particular geographical “sphere.”<sup>352</sup> This would have applied to the naming of a *prouvincia classis*, which would have avoided any ambiguity about who should take overall charge of a fleet in a particular area. The Senate would have been well aware of the problems connected with disagreements between commanders in the same *prouvincia* and would have had no shortage of *exempla*.<sup>353</sup>

Kallet-Marx’s second point (II), however, is much less convincing: it makes more sense that the *leges maiestatis* of the late second and early first centuries were relevant only after *prouvinciae* had been first defined (e.g. with motive (I) in mind) rather than *vice versa*. I shall argue in the next chapter that *maiestas* laws did not automatically lead to

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<sup>350</sup> Ch.III.iii.

<sup>351</sup> Kallet-Marx (1995), p.21, n.43 with the implications of this *passim*.

<sup>352</sup> Cf. Kloft (1979), p.57; Lintott (1999), p.100-102; and Richardson (2008), p.30.

<sup>353</sup> See e.g. Polyb. 3.110.1-4 (referring to Cannae in 216) and note, in particular: ...ἦν ἀμφισβήτησις καὶ δυσχρηστία περὶ τοὺς ἡγεμόνας, ὃ πάντων ἐστὶ σφαλερώτατον... Cf. Livy, 22.44-45. Note also the near disastrous defeat of the army of M. Minucius Rufus (*magister equitum*) after his own *imperium* had been raised to the level of Q. Fabius Maximus Verrucosus (*dictator*) and after he had been given the shared *summum imperium auspiciisque* in 217, for which see Vervaet (2007), esp. p.208-212 with Livy, 22.27-30 and Polyb. 3.103-105. See also the Senate’s pleas for the consuls to co-operate in 207, despite their well-known enmity for one another, and the subsequent separation of their *prouvinciae* in contrast to the previous year (Livy, 27.35.5-10).

tighter *fines prouinciae*, but rather simply codified the existing *mos maiorum*, as we have seen with the restrictions imposed on where magistrates could sail with their fleets in the previous section.<sup>354</sup> Furthermore, I would also add the following two reasons why *prouinciae* might have been demarcated:

III) to separate the jurisdiction of Roman *imperium*-holders from certain kingdoms. This provides an explanation for how Ap. Claudius Pulcher (*pr.*) was able to direct his force to the boundaries of his *prouincia Sicilia* and the Kingdom of King Hieron II of Syracuse (<*ad*> *prouinciae regnique fines*) in 215.<sup>355</sup> Whilst it is not clear how the Syracusan Kingdom was demarcated from the *prouincia Sicilia*, the distinction could well have been between towns that were liable to pay taxes to Rome (including those with individual treaties with exemptions) – for which a Roman magistrate or promagistrate would have been responsible in the event of disputes – and those who were liable to pay Syracuse.<sup>356</sup> Indeed, it is tempting to connect the *praesidia* which Claudius placed *ad prouinciae regnique fines* with the decision taken by the new Syracusan ruler to attack the *urbes quae praesidiis tenebantur Romanis*.<sup>357</sup> This type of separation, however, would not have applied throughout the Roman Empire: *prouinciae* would most probably have only

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<sup>354</sup> See Ch.IV.iii.

<sup>355</sup> Livy, 24.7.9. See further Ch.III.vii for the distinction between the *prouincia uetus* and the *prouincia qua Hieronis regnum fuisset* (e.g. Livy, 25.3.6). Note also Richardson (2008), p.28, who suggests that the boundary marked a limit, “...which was placed on the exercise of *imperium* by the holder of *prouincia Sicilia* within the territory of an ally whose lands had been assured to him by a full treaty.” Cf. Livy, 22.56.6-8 for T. Otacilius Crassus’ (*pro pr.*) concern for the Syracusan Kingdom in 216.

<sup>356</sup> As Prag (2012a), p.61 with n.13 recently wrote, it may not be a coincidence that the five *ciuitates immunes ac liberae* mentioned by Cicero are to be found in western Sicily – i.e. the *uetus prouincia* (Verr. 2.3.13). The origin of this system presumably comes from the settlement of the First Punic War and, indeed, perhaps even the *lex Hieronica*. See also Ch.IV.ii for the hypothesis that Asia was defined in terms of its separation from the surrounding kingdoms (e.g. Cappadocia, Galatia and Bithynia) in the late second century. We should also note the division which P. Cornelius Scipio Aemilianus (*pro cos.*) made between the Numidian Kingdom and a *prouincia Africa* following the destruction of Carthage in 146: *Ea pars quam Africam appellauimus diuiditur in duas prouincias, Veterem et Nouam, discretas fossa inter Africanum sequentem et reges Thenas usque perducta, quod oppidum a Carthagine abest cccvi...* (Plin. *HN*. 5.25). On the latter division cf. Lintott (1993), p.30 and Quinn (2004), p.1598f.

<sup>357</sup> Livy, 24.7.9 and 24.7.1-2.

been demarcated *vis-à-vis* certain kingdoms and not more widely by “territory administered.”<sup>358</sup>

IV) *prouvinciae* might have also been demarcated to enable, and to restrict, the access of *imperium*-holders to the potential military *gloria* associated with a particular *prouvincia* and the subsequent triumphal rights that might have been claimed as a result of any successes.<sup>359</sup> This would have limited clashes between magistrates and promagistrates over the competition for glory and the possibility of a triumph, which can naturally be related to motive (I) – i.e. the prevention of commanders “stepping on each other’s toes.” Indeed, it is clear that there was an explicit connection between the award of a triumph and the *prouvincia* associated with the commander’s (prerequisite) success. For example, the triumph request of the consul P. Cornelius Scipio Nasica – who had been allotted *Italia* with specific instructions to conduct the war against the Boii – was obstructed by a tribune of the plebs in 191 on the grounds that he had not assisted with the Ligurian war.<sup>360</sup> Scipio successfully countered this charge by arguing that he had not been allotted the *Ligures* as a *prouvincia*, that he had not been at war with the *Ligures* and that he had not requested a

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<sup>358</sup> Kallet-Marx (1995), p.21, n.43 (above) was responding to the distinction made by Lintott (1981b) between geographical areas which Roman magistrates supposedly administered “directly” (i.e. the demarcated areas) and the “penumbra of responsibility outside the territory they ruled directly.” The distinction between direct and indirect rule is clearly an over-formulation of what was, throughout the Republic, a much more fluid situation, as Lintott himself illustrates (Lintott (1981b) and Lintott (1993), p.22-27). It should be noted that Lintott (1999) does not repeat the dichotomy between direct and indirect rule with regard to *prouvinciae* in the Republic and, as noted above, he rightly places the emphasis on the separation of magistrates. Furthermore, Richardson (2008), p.117-145 (with summary in Richardson (2011), p.10f) argues that the organisation of *prouvinciae* into territory administered (with *fines prouvinciae*) belongs to the reign of the emperor Augustus. Cf. Syme (1939b), p.305 and Brunt (1978), p.174, n.59, who also question the extent to which *prouvinciae* had clearly defined territorial frontiers (or *fines prouvinciae*) during the Republic.

<sup>359</sup> The Roman triumph has been the subject of much scholarship in the past decade: e.g. E.g. Auliard (2001); Igenshorst (2005); Bastien (2007); Beard (2007); Krasser *et al.* (2008); Pittenger (2008); Östenberg (2009); Dart and Vervaeke (2011); and Lundgreen (2011), p.178-253. Despite this, the relationship between the *prouvincia* and the triumph has often only received limited attention. A notable exception is Richardson (2008), p.32-37. One reason for this is the predominant focus on *imperium* and *auspicium*, which were two very important, though complex, independent aspects of a commander’s right to triumph. They are not the focus of this chapter, since my concern is with the *prouvincia* and the *prouvincia classis*, but see now Lundgreen (2011), p.210-212 with notes for the modern literature on *imperium auspiciumque* and note, in particular, Versnel (1970), p.164ff.

<sup>360</sup> Livy, 36.39.6-10. For the *prouvincia* see Livy, 36.1.9 and 36.2.1-2.

triumph over them; rather, he requested a triumph over the Boii because his army had left no enemy (i.e. the Boii) *in prouincia*.<sup>361</sup> He predicted that Q. Minucius Thermus (*pro cos.*), who was, after all, responsible for the *prouincia Ligures*, would soon subdue the Ligurians and request his own separate triumph.<sup>362</sup> There was also an explicit link between the achievements of the *triumphator* and the *prouincia* on an inscription from the temple of Mater Matuta in commemoration of the triumph of Ti. Sempronius Gracchus (*cos.* 177) in 175:

Ti. Semproni Gracchi consulis imperio auspicioque legio exercitusque populi Romani Sardiniam subegit. in ea prouincia hostium caesa aut capta supra octoginta milia. re publica felicissime gesta atque liberatis <sociis,> uectigalibus restitutis, exercitum saluom atque incolumem plenissimum praeda domum reportauit; iterum triumphans in urbem Romam redit. Cuius rei ergo hanc tabulam donum Ioui dedit.<sup>363</sup>

Tiberius boasted that he had captured or killed more than 8000 of the enemy *in prouincia Sardinia*, which is reminiscent of the way that Scipio sought to justify the award of his own triumph by claiming that he had left no enemy *in prouincia*.<sup>364</sup>

These cases demonstrate that the triumph was inherently connected with the *prouincia*.<sup>365</sup> As we shall see in the next section, a triumph might have also been denied if

<sup>361</sup> Livy, 36.40.1-10 in which the Ligurian war is also referred to as *alia prouincia* (note also the reference to the *ager Liguria*). The *Fasti Triumphales* are fragmentary at this point, but (for what it is worth) the entry has been restored as: [P. Co]rne[lius Cn. f. L. n. Scipio Nasica an. DLXII | [co(n)s(ul) de Galleis Boieis --- ] (*Inscr. Ital.* XIII, I, p.78f; and p.553). On this episode see also especially Richardson (2008), p.36f.

<sup>362</sup> Livy, 36.40.2-3. Cf. Livy, 34.55.6 (*Ligures* as Minucius' consular *prouincia* in 193) and Livy, 35.20.6 (Minucius' prorogation *cum exercitu quem in Liguribus habebat* in 192).

<sup>363</sup> Livy, 41.28.8-10. For the initial assignment see Livy, 41.8.1-5 and for further sources see *MRR I*, p.397f and p.401f.

<sup>364</sup> It is worth noting that the same verb (*subigere*) is used with Sardinia and for Scipio's claim that Minucius would soon subdue the Ligurians (Livy, 36.40.2). Note also the mention of Sardinia in the *Fasti Triumphales*: [T]i. Sempron[ius P. f.] Ti. n. Gracchus II, a. DLX[XIIX] | pro co[n]s[ul]e, ex Sa[r]dini[a] Termi[n]alib[us] (*Inscr. Ital.* XIII, I, p.80f). The connection between the name of the *prouincia* and the triumph is potentially significant in this case.

<sup>365</sup> There are several further illuminating examples of the link between a *prouincia* and a triumph. I) The proconsul M. Claudius Marcellus (*cos.* III in 214) returned from Sicily and requested a triumph in 211 and complained, *...quod prouincia confecta exercitum deportare non licuisset...* (Livy, 26.21.2). Although the denial of the triumph and the award of an *ouatio* appeared to have stemmed largely from political rather than technical issues, the mention of the *prouincia confecta* in this context deserves emphasis. II) With this in mind, we should also note the language employed by Livy when the friends and relatives of Cn. Manlius Vulso (*pro cos.*) supported his request for a triumph in 187: *postero die et cognati amique Cn. Manlii*

the commander had gained his success in another commander's *prouincia* (i.e. *in aliena prouincia*). It follows, therefore, that the Senate could have separated the potential claims of *imperium*-holders to a triumph by demarcating *prouinciae* (e.g. *Ligures* with the war against the Ligurians and *Italia* with the war against the Boii, as mentioned above). This raises the intriguing question of whether the designation of a *prouincia classis* might have also served as a means of separating the potential triumph claims of two (or more) *imperium*-holders by delineating a specific type of naval triumph versus a regular triumph.<sup>366</sup>

With this consideration in mind, it is worth highlighting that Livy refers to the *prouincia classis* allotted to L. Aemilius Regillus (*pr.*) in 190 as a *naualis prouincia*.<sup>367</sup> The fact that the *prouincia* could be referred to in this manner, even if it is Livy's own description, may be significant given the connection between *prouinciae* and triumphs

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*summis opibus adnisi sunt, et auctoritas seniorum ualuit, negantium exemplum proditum memoriae esse, ut imperator, qui deuictis perduellibus, confecta prouincia exercitum reportasset, sine curru et laurea priuatus inhonoratusque urbem iniret. hic pudor malignitatem uicit, triumphumque frequentes decreuerunt...* (Livy, 38.50.2-3). Note here also the ablative absolutes and archaic *perduellibus* are, as Briscoe (2008), p.169 s.v. "3. deuictis...prouincia" notes, "...a deliberate reflection of the style of the tablets set up by *triumphatores*...their prayers of thanksgiving, and, in all probability, generals' reports to the senate." One can speculate with this that *confecta prouincia* represents the authentic language of the original requests of *imperatores* for *supplicationes*, for which cf. Briscoe (2008), p.169 s.v. "confecta." Note also Cicero's description of Cn. Pompeius Magnus' achievements in 66 (*Leg. Man.* 28). III) The consul, Q. Minucius Rufus, unsuccessfully attempted to justify that both consuls should make a joint request for a triumph in 197: *cum Q. Minucius utriusque Italiam prouinciam obtigisse diceret, communi animo consilioque se et collegam res gessisse...* (Livy, 33.22.3-4; and Livy, 32.28.8-9 for the joint *prouincia Italia*). See generally Pittenger (2008), p.76-91 for further discussion of the episodes from 211 (I) and 197 (III).

<sup>366</sup> The naval triumph has recently received detailed treatment by Dart and Vervaeke (2011). However, a compelling explanation for why naval triumphs were especially marked out still does not exist in the modern scholarship. Dart and Vervaeke (2011) p.275 reach the following conclusion at the end of their discussion of the various naval triumphs without explicit evidence: "Last but not least, it is important to point out that the naval triumph only differed from traditional triumphs in that the pageant was probably categorised by the artistic representation of naval warfare, perhaps some maritime spoils, and that its award ensued from major victories at sea." Attention to the naval triumph in the earlier cited works on triumphs is either non-existent or very limited and the conclusions reached have been relatively cursory. E.g. Auliard (2001), p.14 claims that, "...c'est seulement la nature de la bataille qui permet de distinguer les deux formes du triomphe." Pittenger (2008), p.293f remains on the fence with the suggestion that the naval triumph, "...would appear functionally equivalent to a full triumph, more or less, though perhaps a fraction lower in rank as a subsidiary rite." Östenberg (2009), p.46-57, esp.p.47-50 focusses on the celebration (and representation) of the triumph and proposes it was distinguished from the normal triumph by the presence of captured rams in the triumphal display. As we shall see in this chapter, none of these suggestions can account for all of the naval triumphs celebrated.

<sup>367</sup> Livy, 37.4.5. Cf. Livy, 37.2.10: *L. Aemilius, cui maritima prouincia erat...* and Livy, 37.14.1-2 referring to Regillus succeeding *ad nauale imperium*.

suggested above. Aemilius returned to Rome the following year, having defeated the fleet of Antiochus III at Myonnesus, and celebrated a triumph, [*pro*] *praet(ore) ex Asia de [reg(e) Antiocho naual(em)]*.<sup>368</sup> Q. Fabius Labeo (*pr.*), Aemilius' successor, also celebrated a naval triumph in 188 and, according to Livy, the historian Valerius Antias (writing c. 80-60) claimed that this was awarded merely for restoring captives from Crete, *cum rem nullam aliam gessisset*...<sup>369</sup> It is doubtful that Livy preserves the full story here, especially given that he omits the fact that there was a dispute over the triumph.<sup>370</sup> Yet, if the triumph was not awarded for any specific "naval" success, it may be better explained in terms of the *prouincia classis* (i.e. a *prouincia naualis*) that had been allotted to Fabius in 189.<sup>371</sup>

The *prouincia classis* separated the functions of Aemilius and Fabius from the consuls L. Cornelius Scipio (Asiaticus) and Cn. Manlius Vulso in the East in 190 and 189.<sup>372</sup> Arguably, each commander had the potential to acquire their own separate triumph, as a result of their independent *prouinciae*, if they could persuade the Senate that their achievements justified such an award:<sup>373</sup> Aemilius and Scipio both triumphed *ex Asia de rege Antiocho* in 189; Fabius triumphed *ex Asia de rege Antiocho* in 188; and Manlius triumphed *ex Asia de Galleis* in 187.<sup>374</sup> However, the resulting naval triumphs of Aemilius and Fabius were distinct. This allowed them to triumph from the same sphere as the consuls and, most probably, limited the chance of clashes over triumphal rights. Indeed, it is significant that naval triumphs represent the only known instances in which a praetor

<sup>368</sup> *Inscr. Ital.* XIII, I, p.80f and Livy, 37.58.3-4. For a discussion of the battle see Thiel (1946), p.352-360.

<sup>369</sup> Livy, 37.60.6 (citing Valerius Antias: Peter, *HRRel*, fr. 43) and *Inscr. Ital.* XIII, I, p.80f: [*Q.*] *Fabius Q. f. Q. n. Labe[o pr(aetor) ex an. DLXV] | Asia de rege Antioch[o naualem egit] | n]on Febr.* See further Briscoe (1981), p.395 and for the date of Valerius Antias' history see Rich (2005), p.142ff.

<sup>370</sup> Livy, 38.47.5-6, in which it is claimed that Fabius had not even seen the enemy!

<sup>371</sup> Livy, 37.50.8. Cf. Dart and Vervaeke (2011), p.274f, who speculate that the "political connections of those Romans and Italians liberated from Crete" played a role in the award. Cf. Thiel (1946), p.363f, with n.650; Briscoe (1981), p.395 s.v. "6"; and Brennan (2000), p.212.

<sup>372</sup> For the divisions of these commands and the *prouinciae* see Ch.III.vii.

<sup>373</sup> Cf. Mommsen (1887), I, p.128.

<sup>374</sup> *Inscr. Ital.* XIII, I, p.80f.

triumphed from the same sphere (and war) as a consul. This could have certainly been a factor, then, in the Senate's decision to demarcate a specific *prouincia classis*. We shall return to this theory in the next two sections (III.v-vi).

At this point, taking into account the above hypothesis concerning the question of why *prouinciae* were demarcated, we can conclude that three out of the four proposed reasons would have been important: I) "to prevent commanders from stepping on each other's toes"; II) to separate *imperium*-holders from kingdoms; and III) to prevent clashes over military *gloria* and triumphal rights. The first and third points are especially relevant explanations for why *prouinciae* were used as a means of separating magistrates and promagistrates "in space" and also by function within the same space. Taken together, they may explain why the fleet was named as a specific part of a *prouincia*.

We earlier observed, for example, that the Senate designated the *classis* as a consular *prouincia* in 201 with a precise set of conditional instructions which both enabled and limited where the consul could operate with his fleet (III.ii). This was allotted to Cn. Cornelius Lentulus (*cos.*), who had attempted to force the Senate to name Africa as a consular *prouincia*: thus, in the event that war with the Carthaginians continued, he would have had authority over the naval operations with his fleet, whereas P. Cornelius Scipio (*pro cos.*) would have continued to have had authority on the land with his army in Africa.<sup>375</sup> This separation would have prevented Lentulus and Scipio from "stepping on each other's toes" (reason I). It would have meant also that Scipio would have had a single claim to the glory won against the Carthaginians on land and hence a regular triumph, whereas Lentulus would have been able to claim a distinct naval triumph, assuming that he was even able to achieve any military success. This would have prevented clashes between Lentulus and Scipio over the military *gloria* and associated triumphal rights (reason III).

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<sup>375</sup> Livy, 30.40.12-16.

Lentulus' unique provincial assignment would have, therefore, mitigated the potential disruptive effect of his ambition for "an easy victory" and a role in the peace negotiations, preventing a clash with Scipio over military strategy, peace terms and later, outside the *pomerium*, the request for triumphal honours.<sup>376</sup> In the end, Scipio agreed peace with the Carthaginians and Lentulus remained with his fleet in Sicily: a demarcated *prouincia classis* with its defining senatorial instructions apparently served its purpose and his hopes for an easy victory were dashed.<sup>377</sup>

It is essential to stress, however, that it is improbable that the above two reasons for demarcating *prouvinciae* evolved *ex nihilo*. Instead, the separation of *prouvinciae* is almost certainly better explained as having developed over time from specific problems with joint commands and negative experiences of shared *prouvinciae*. In other words, actual problems would have preceded and been the reasons for the demarcation (i.e. the solution). It is, therefore, important to consider first how the separation of *prouvinciae* might have developed before we later examine the cases in which the *classis* was delineated from other *prouvinciae* (III.vii). I shall focus in the next section on an early problem with the joint naval command, as illuminated by a serious conflict between C. Lutatius Catulus (*cos.*) and Q. Valerius Falto (*pr.*) over the triumphal rights associated with the decisive victory over the Carthaginian fleet in their shared *prouvincia* in 241 – i.e. less than twenty years after the Romans constructed their first major fleet.<sup>378</sup> As we shall see, this event turned out to have important implications for the steadily evolving magisterial hierarchy,

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<sup>376</sup> Cf. Livy, 30.40.7-8.

<sup>377</sup> See Livy, 30.44.13 for Lentulus' fleet in Sicily.

<sup>378</sup> For the construction of the fleet see Ch.I.iii.

the naming of the *prouincia classis*, triumphal rights and may have even shaped the subsequent history of the naval triumph.<sup>379</sup>

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<sup>379</sup> Note the pertinent comment by Lintott (1999), p.7: "...frequently our best guide to constitutional practice is to be read in ancient narratives what actually happened over a period, and, where there was conflict, to discover, as far as we can, in what terms the issues were formulated at the time."

### III.v. A disputed naval triumph and the demarcation of *prouvinciae*

Valerius Maximus uniquely records the key dispute between Lutatius and Falto from 241, as mentioned at the end of the previous section, as follows:

C. Lutatius consul [Catulus] et Q. Valerius [Falto] praetor circa Siciliam insignem Poenorum classem deleuerant. quo nomine Lutatio consuli triumphum senatus decreuit. cum autem Valerius sibi quoque eum decerni desideraret, negauit id fieri oportere Lutatius, ne in honore triumphi minor potestas maiori aequaretur, pertinaciusque progressa contentione Valerius sponsione Lutatium prouocauit, ni suo ductu Punica classis esset oppressa, nec dubitauit restipulari Lutatius...<sup>380</sup>

The clear implication from this is that the consul did not want to share with the praetor the *honos triumphi* and the associated *gloria* for effectively ending the First Punic War.<sup>381</sup> It should not come as a surprise that only Valerius records the dispute, given the loss of Livy's *History* and the general scarcity of other surviving evidence for this period. Information on every disputed triumph was not even given within the surviving books of Livy's *History* for the period between 218 and 167. For example, the disagreement over Q. Fabius Labeo's naval triumph of 188 is only incidentally mentioned in a speech of Cn. Manlius Vulso defending his own claims to a triumph the following year.<sup>382</sup>

The dispute between Lutatius and Falto may have also been partly responsible for the divergent source tradition concerning who won the famous naval battle, which is worth exploring as it provides some of the context necessary to understand the conflict. Only Valerius explicitly mentions that both Lutatius and Falto destroyed the Carthaginian fleet, even though Falto claimed that this had been achieved under his leadership.<sup>383</sup> Zonaras reports that they both first attacked Drepanum "by land and sea" and that Lutatius was

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<sup>380</sup> Val. Max. 2.8.2.

<sup>381</sup> For modern discussions of this incident see generally Brennan (2000), p.83-85; Pittenger (2008), p.73f, n.20; Dart and Vervaet (2011), p.271-273; and Bergk (2011), p.71-73.

<sup>382</sup> Livy, 38.47.5-6. One can only wonder how many disputes over triumphal honours are not preserved – a point which I owe to an impromptu conversation with Professor John Rich.

<sup>383</sup> Val. Max. 2.8.2 (as quoted above).

wounded in the siege.<sup>384</sup> What happened next is compressed and somewhat unclear, but he also implies that both Lutatius and Falto played a role in the naval victory off the Aegates Islands, since he continues to use plural verb forms: “they [Lutatius and Falto] learnt that Hanno had arrived with a fleet” and “they turned towards this [the fleet]” in the same way as “they [had previously] attacked Drepanum.”<sup>385</sup> This finds some support in the *Fasti Triumphales*, which record that both Lutatius and Falto triumphed.<sup>386</sup>

On the other hand, Polybius and the Livian tradition – as found in the *Periochae*, Orosius and Eutropius – give the credit to Lutatius with no reference to Falto whatsoever.<sup>387</sup> Yet, Polybius is not irreproachable and has been known to omit the name of a commander on other occasions, despite being the closest surviving source to the event:<sup>388</sup> for instance, he only records the name of one consul in his account of the Second Illyrian War (219) when we know from other sources that both consuls defeated Demetrius of Pharos.<sup>389</sup> Furthermore, there may be a hint of Falto’s involvement in the record of the *Periochae*, which states that military operations against the Carthaginians were successfully carried out *a pluribus ducibus*.<sup>390</sup> The *plures duces* formula is used on several occasions in the *Periochae* to summarise victories from relatively short chronological periods – such as those of 255/254 – which Livy would have inevitably recorded in

<sup>384</sup> Zonar. 8.17.

<sup>385</sup> Zonar. 8.17: οἱ ἐς Σικελίαν ἐλθόντες καὶ κατὰ γῆν καὶ κατὰ θάλασσαν τῷ Δρεπάνῳ προσέβαλον, καὶ τὶ τοῦ τείχους κατήρειψαν· καὶ εἶλον ἂν αὐτό, εἰ μὴ τοῦ ὑπάτου τρωθέντος περὶ ἐκεῖνον οἱ στρατιῶται ἀπησχολήθησαν. κὰν τούτῳ μαθόντες τοὺς πολεμίους οἴκοθεν ἤκειν ναυτικῶ πλῆθει, Ἄννωνος ναυαρχοῦντος, πρὸς ἐκείνους ἐτράποντο. The alternative explanation is that these plural verbs refer generically to the Romans. However, it is much more likely that Lutatius and Falto are still the subjects, since Zonaras explicitly refers to the Romans (οἱ Ῥωμαῖοι) in the battle that followed, which implies a change of subject. At this point he refers to the Carthaginians and Romans rather than the commanders of the respective fleets (Hanno and Lutatius and Falto).

<sup>386</sup> *Inscr. Ital.* XIII, p.76f: *C. Lutatius C. f. C. n. Catulus pro a. DXII | co(n)s(ule) de Poeneis ex Sicilia nauale(m) | egit IIII nonas Octobr.*; and *Q. Valerius Q. f. P. n. Falto pro pr(aetore) a DXII | ex Sicilia naualem egit prid. non. Oct.* The differences in the wording of the triumphs are discussed later.

<sup>387</sup> Polyb. 1.59-61; Livy, *Per.* 19.12; Oros. 4.10.5-8; and Eutr. 2.27.

<sup>388</sup> See most recently Beck (2013) and esp. p.138f on Polybius’ agenda in describing the years 242/241.

<sup>389</sup> Polyb. 3.16.7; 3.19.12; and 4.66.7. Cf. Zonar. 8.20; *De uir. ill.* 50; and Suet. *Tib.* 3.2.

<sup>390</sup> Livy, *Per.* 19.12: *rebus aduersus Poenos a pluribus ducibus prospere gestis, summam uictoriae C. Lutatius cos. uicta ad Aegates insulas classe Poenorum imposuit.*

greater detail.<sup>391</sup> One can speculate, therefore, that Falto was included among the *plures duces* and played an active role alongside Lutatius, even though the consul presumably monopolised the credit for *the decisive Roman victory* (the *summa uictoria*) off the Aegates Islands.<sup>392</sup> Indeed, the latter tradition is to be found in a later book of Livy's *History* in a speech reported for Q. Fabius Maximus Verrucosus in which he claimed in 205 that Lutatius had a *titulus* (the honour and/or even an inscription) for finishing the First Punic War.<sup>393</sup> It is likely, then, that Lutatius and his relatives were quite successful in diminishing Falto's own association with the naval battle following the dispute of 241.<sup>394</sup>

With this in mind, the difference in the wording of the *Fasti Triumphales* may also be significant: Lutatius is recorded to have triumphed *de Poeneis ex Sicilia*, whereas Falto triumphed *ex Sicilia* and this may further imply that Lutatius successfully claimed credit for the decisive naval battle and for finishing the (overall) war against the Carthaginians (or, more accurately, the *Poeni* here).<sup>395</sup> Indeed, it is notable that all of the other triumphs, as recorded on the *Fasti Triumphales* as being celebrated during the First Punic War, were

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<sup>391</sup> Livy, *Per.* 18.3: *res deinde a ducibus Romanis omnibus terra marique prospere gestas deformauerunt naufragia classium*. That the context is 255-253 is clear from the fact it mentions M. Atilius Regulus (*cos.* 256) just before this point (*MRR I*, p.209); Tiberius Coruncanius (*Pontifex Maximus*) immediately afterwards (*MRR I*, p.210 s.v. "Pontifices"); and the shipwreck of the fleet from 253 (*MRR I*, p.211 s.v. "Consuls" and Thiel (1954), p.250f). Cf. the successes of *plures duces* in Livy, *Per.* 12.4 (282-280 B.C.: against the Lucanians, Bruttians and Etruscans); 40.3 (183-181 B.C.: against the Ligurians and Celtiberians); and 41.12 (174-173 B.C.: against the Ligurians, Histrians, Sardinians, and Celtiberians). Furthermore, we are able to compare *Periochae* 40.3 and 41.12 with the surviving text of Livy's book 40 and 41: for example, although the commanders are not named in the *Periochae*, Livy describes that *both consuls* had successes against the Ligurians and that a praetor was victorious against the Celtiberians in 182 (Livy, 40.16.4-10).

<sup>392</sup> Livy, *Per.* 19.12.

<sup>393</sup> Livy, 28.41.3-4: *...et, sicut penes C. Lutatium prioris Punici perpetrati belli titulus fuit, ita penes te [P. Cornelius Scipio] huius fuerit*. Within this context he also mentions drawing Hamilcar away from Drepanum and Eryx, i.e. after the naval victory at the Aegates Islands (Livy, 28.41.5). Q. Lutatius Cerco possibly alluded to the tradition in 109/108 when he minted coins presumably recalling Lutatius' victory in 242 with a ship and an oak wreath on the reverse (*RRC I*, no. 305). Crawford wondered whether the oak wreath (or *corona ciuica*) reflected, "...the fact that the victory meant the end of the drain on Roman manpower caused by the First Punic War" (*RRC I*, no.305), which would fit nicely with the idea that Lutatius monopolised the credit for the final naval victory and ending the war. Cf. Münzer, *RE* 13 (1927), no.14, col. 2095 and Itgenshorst (2005), Katalog, p.112f, no.141.

<sup>394</sup> Cf. Wiseman (1994), p.44-47 for a working example of how this was possible (from 264).

<sup>395</sup> *Inscr. Ital.* XIII, p.76f. On this distinction see further Dart and Vervaeke (2011), p.272f, who suggest that this implies Lutatius had the overall command in the war. Cf. Brennan (2000), p.280, n.46: "The *Fasti triumph.* for 241 seem to show that the praetor's triumph was regarded as inferior to that of the consul."

*de Poeneis*, which further highlights the unusual nature of Falto's triumphal celebration.<sup>396</sup>

Falto could, then, have been allowed to triumph for the (less prestigious) actions in the war more generally *ex Sicilia*, despite the likelihood that he played an active role with the consul in the key battle at Aegates Islands.<sup>397</sup>

If we can now reasonably suppose from the evidence presented above that both Lutatius and Falto had legitimate claims to the glory associated with the decisive naval victory against the Carthaginians, then just what were the issues at stake that led to the clash?<sup>398</sup> The answer to this question is fundamental to understanding the possible measures taken in order to prevent such a conflict in the future. As we have seen, according to Valerius, the only author to refer to the dispute, the consul did not think that it was appropriate that he should share the honour of a triumph with a lesser authority (*potestas*).<sup>399</sup> Further clues about the nature of the disagreement are provided in the description of the *sponsio* in which Falto unsuccessfully challenged Lutatius, claiming that whilst the consul was injured during the battle, he had executed all of the duties of the commander (*imperator*).<sup>400</sup> Valerius describes the final judgement made by the appointed *iudex*, A. Atilius Calatinus (*cos.* 258), as follows:<sup>401</sup>

tunc Calatinus, prius quam Lutatius causam suam ordiretur, 'quaero' inquit, 'Valeri, a te, si dimicandum necne esset contrariis inter uos sententiis dissedissetis, utrum quod consul an quod praetor imperasset maius habiturum fuerit momentum.' respondit Valerius non facere se controuersiam quin priores partes consulis essent

<sup>396</sup> The only exception is that of C. Duilius from 260 (*de Sicul(eis) et classe Poenica (Inscr. Ital. XIII, p.76f)*).

<sup>397</sup> Val. Max. 2.8.2 even writes after the resolution (above) that, *sed ne Valerius quidem improbe, quia fortis et prosperae pugnae ut non legitimum ita <non immeritum> praemium petiit*. Cf. Zonar. 8.16. See also De Sanctis (1916), III.i, p.264-267 on the chronological problems.

<sup>398</sup> I find it highly unlikely that Valerius' statement that both Falto and Lutatius destroyed the Carthaginian fleet relates to this having been carried out under the *auspicium* of the consul without the need for him to have been present. This seems to have been more appropriate to those commanders operating under the emperor during the Principate, for which note especially Hurllet (2001) and Hurllet (2006), p.161-177.

<sup>399</sup> Val. Max. 2.8.2.

<sup>400</sup> Ibid. For the injury see also Thiel (1954), p.315, n.821 and Lazenby (1996), p.155f with Zonar. 8.17; Oros. 4.10.5; and Eutr. 2.27.2.

<sup>401</sup> For A. Atilius Calatinus and his own triumph as praetor in 257 see further Brennan (2000), p.80-83. See also *MRR I*, p.207, n.1 for the cognomen.

futurae. ‘age deinde’ inquit Calatinus, ‘si diuersa auspicia accepissetis, cuius magis auspicio staretur?’ ‘item’ respondit Valerius ‘consulis.’ ‘iam hercules’ inquit, ‘cum de imperio et auspicio inter uos disceptationem susceperim, et tu utroque aduersarium tuum superiorem fuisse fatearis, nihil est quod ulterius dubitem. itaque, Lutati, quamuis adhuc tacueris, secundum te litem do.’<sup>402</sup>

Valerius explains the dispute in terms of the consul’s *consulare imperium maius quam* the praetor’s own *praetorium imperium* and the consul’s *auspiciu* carrying more weight in the field (*militiae*).<sup>403</sup> However, the earliest datable reference to the *minus imperium* of the praetor comes from M. Valerius Messalla (*cos.* 53) – via Aulus Gellius – who cites the (now lost) thirteenth book of the *Libri Magistratum* of C. Sempronius Tuditanus (*cos.* 129).<sup>404</sup> Although scholars often cite this in support of the existence of a hierarchy as early as the passage of the *Lex Licinia Sextia* in 367 – which created the “praetor” as a colleague of the two consuls – a *de iure* distinction between a consul and a praetor may not have actually developed until sometime after the First Punic War.<sup>405</sup> Such legal questions were in vogue during the early Principate, especially with regard to the overarching position of the emperor and the monopolisation of triumphal honours by the *domus Caesaris*, and Valerius may well have retrojected these onto the dispute.<sup>406</sup>

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<sup>402</sup> 2.8.2.

<sup>403</sup> This is followed by e.g. Mommsen (1887), I, p.95 with n.1; Richardson (1975), p.51f (with necessary caution); Develin (1978), p.431; Brennan (2000), p.84 (with necessary caution); and Dart and Vervaeke (2011), p. 272 with n.47-48; and Lundgreen (2011), p.219.

<sup>404</sup> Aulus Gellius, *NA.* 13.15.4 (= Peter, *HRRel.* fr.8): *Praetor, etsi conlega consulis est, neque praetorem neque consulem iure rogare potest, ut quidem nos a superioribus accepimus aut ante haec tempora seruatum est et ut in commentario tertio decimo C. Tuditani patet, quia imperium minus praetor, maius habet consul, et a minore imperio maius aut maior <a minore> conlega rogari iure non potest.* Cf. Cic. *Att.* 9.9.3.

<sup>405</sup> Cf. Stewart (1998), p.95-136 and esp. p.121, who proposes that the distinction was, “characteristic of legal thinking beginning in the second century, based on the collaborative campaigning and distinct triumphs of a consul and praetor.” See also Bergk (2011), p.66f. For alternative views concerning the *maius/minus* distinction see e.g. Mommsen (1887), II, p.193, n.2; Brennan (2000), p.58-61; Brennan (2004), p.39; and Beck (2011), p.82-86.

<sup>406</sup> The *sponsio* procedure was still used in the early Principate as argued by Crook (1976) and noted by Lintott (2001) and, therefore, cannot be used as evidence for the authenticity of Valerius’ account as suggested by Richardson (1975), p.51. For interest in similar issues during the Principate see, for example, the story of A. Cornelius Cossus dedicating the *spolia opima* in Livy, 4.20.5-11 (437 or 428 B.C.: *MRR I*, p.59) and the question over whether M. Licinius Crassus could dedicate the *spolia opima*, as the supreme commander, to Jupiter Feretrius in 29 (e.g. Dio Cass. 51.24.4). See generally Flower (2000) and Lundgreen (2011), p.219f, n.651 with further modern literature. For the monopolisation of triumphs by the *domus Caesaris* after the triumph of L. Cornelius Balbus in 19 see especially Hurlet (2001) and now Hurlet (2006), p.161-177 with modern literature. Note also Bergk (2011), p.72, n.64 for the fact that Octavian was sick at

Furthermore, Valerius fails to mention that Falto triumphed *ex Sicilia* only two days after Lutatius, presumably also *ex senatus consulto* (as in the case of Lutatius).<sup>407</sup>

These factors suggest that we should treat Valerius' description of the *sponsio* with a great deal of caution. Yet, even if the *sponsio* is inaccurate and anachronistic, there is no need to "throw out the baby with the bath water": the details of the *sponsio* may have been falsified, but a conflict over triumphal honours could still be authentic and, as we shall see, this is what was important for the subsequent developments concerning the demarcation of *prouvinciae*.<sup>408</sup> Indeed, the most credible explanation for the dispute remains that it was triggered by a disparity in status between the consul and the praetor, within the context of fierce aristocratic competition, even if this was not viewed in constitutional terms at the time.<sup>409</sup> Bergk, for example, recently proposed that it stemmed from the greater *de facto* prestige of the consuls, which would have come about from the spoils (and associated glory) which the consuls brought home from their campaigns in southern Italy during the early third century.<sup>410</sup>

Regardless of how one interprets Valerius' description of the *sponsio*, then, the dispute itself could still have illuminated a fundamental problem with a joint command: whilst both independent *imperium*-holders *could* expect a share of the glory won in their

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the battle of Actium and, yet, counted this among his victories and the reports that Lutatius was also injured before the battle (above).

<sup>407</sup> I like the suggestion by Dart and Vervaeke (2011), p.272 that Valerius only recorded the initial stage of the dispute and did not note that the Senate *later* came to a "gallant compromise" and allowed Falto to triumph *ex Sicilia*. Cf. Brennan (2000), p.85 and Bastien (2007), p.204.

<sup>408</sup> Cf. Brennan (2000), p.84: "It is impossible to ascertain the ultimate source for this contest as we have it in Valerius Maximus. It is unlikely to have survived in the direct tradition, and may have been largely a later invention. Nevertheless, it is a clever story, and may contain some authentic details." De Sanctis (1916), III.i, p.192, n.100 and Thiel (1954), p.83, n.63 reject the story *in toto*, but this is too dismissive, as Richardson (1975), p.51 found.

<sup>409</sup> For the climate of aristocratic competition during this period see e.g. Bleckmann (2002); Beck (2005a); Hölkeskamp (2006); and Bleckmann (2011) with further bibliography.

<sup>410</sup> Bergk (2011). See also the conclusion of Stewart (1998), p.136: "The function distinguishing consuls and praetors suggests, moreover, that the hierarchy of duties and of the colleagues must be sought later in the increasing priority given to warfare in the late fourth and early third centuries." Cf. Beck (2005a), p.63-67 and Beck (2011), p.84.

shared *prouvincia*, the question of whether both *should* gain the honour would have been highly contentious.<sup>411</sup> This, in turn, would have provided a warning about the future propensity for such conflicts over triumphal honours and also encouraged measures to prevent them. Indeed, Bergk has proposed that it led to a “functional specialisation” of praetorian administration:

From then on, new duties and responsibilities were specified by laws that would not interfere with the hierarchy between the magistrates but that would simply try to avoid possible conflicts: *praetor non collega consulis est*.<sup>412</sup>

This is an important hypothesis, which could be extended to include the future allocation of specific *prouvinciae* and especially the use of fleet as a *prouvincia*.<sup>413</sup> The underlying cause of the dispute between Lutatius and Falto was, after all, the fact that both the consul and praetor shared the same *prouvincia* – including the fleet that was used in the final battle – and both could, therefore, claim any victory or victories associated with it. The Senate had probably not considered this when they sent Lutatius and Falto into Sicily, since the issue had not previously arisen, as far as we can tell, when both consuls jointly commanded the fleet between 256 and 250. For example, Ser. Fulvius Nobilior and M. Aemilius Paullus, the consuls of 255, each celebrated a naval triumph *de Cossurensibus et Poeneis* for their capture of Cossyra and victory off the Hermaean promontory, which can be contrasted with the differences in the wording of the *Fasti Triumphales* for the

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<sup>411</sup> Falto took over the *prouvincia* that had originally been given to A. Postumius Albinus (*cos.*), who was detained *ad sacra* (he was a *Flamen Martialis*) by the *Pontifex Maximus* when setting out *with the other consul, in Siciliam ad classem* (Livy, 37.51.2). Although the latter phrase is not technical in meaning, it is notable that Livy uses the same formulation for the period between 218-167 to refer to the specific naval-task of several other magistrates who had been assigned the *prouvincia classis*, which may indicate that the *classis* was understood as a (shared) component of both consular *prouvinciae* in 242: see e.g. Livy, 37.60.1 (189 B.C. with Livy, 37.50.8); Livy, 44.17.9-10 (168 B.C.). Cf. Livy, 31.27.8 and 34.40.7 for *legati* proceeding to the fleet (L. Apustius in 200 and L. Quinctius Flaminius in 194).

<sup>412</sup> Bergk (2011), p.73f with the quotation from p.74. He speculates that the *lex Plaetoria*, concerning the jurisdiction of the *praetor urbanus*, could date to this time and that the jurisdictions *inter ciues* and *inter peregrinos* were then first assigned to the praetors (for the text see *RS*, II, no.44, p.731f). Unfortunately, it is impossible to ascertain when the *lex Plaetoria* was passed (cf. Brennan (2000), p.665f).

<sup>413</sup> *Contra* Develin (1978), p.438: “No compromise was needed for praetorian triumphs, but the clash of praetorian and consular *imperium* which occurred in 241 was again not a foreseeable contingency; both men were satisfied, as the consul triumphed first.”

celebrations of Lutatius (*de Poeneis ex Sicilia*) and Falto (*ex Sicilia*).<sup>414</sup> One can only wonder whether a conflict over triumphal honours would have occurred if the consul A. Postumius Albinus had been permitted to leave Rome with Lutatius instead of Falto, as originally intended, in 242.<sup>415</sup> In any case, there would have been a strong political impetus to separate the possible claims of different commanders to military *gloria* from 241 onwards in order to avoid such problematic clashes.

Since a praetor could triumph, as Falto eventually did, simply separating magistrates by the type of magistracy (or *genus imperii*) was not a sure way of avoiding conflict.<sup>416</sup> Indeed, a similar issue developed in a slightly different context in 200 after L. Furius Purpurio (*pr.*) claimed a triumph for a victory which he won in his *prouvincia Gallia*.<sup>417</sup> In this case, the Senate made the *ad hoc* decision to assign the same *prouvincia* to C. Aurelius Cotta (*cos.*) following an unforeseen attack on the cities of Placentia and Cremona by various northern tribes.<sup>418</sup> Furius won his decisive victory at Cremona before Cotta arrived, but the latter was also evidently furious at this turn of events and the triumph was contested on the grounds that Furius had used the consul's army and had left his *prouvincia* early.<sup>419</sup> Brennan highlighted that the precedent of 241 had established the right of the praetor to triumph from the same *prouvincia* as the consul and this was evidently not

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<sup>414</sup> *Ser. Fulvius M. f. M. n. Paetinus a CDX[CIX] | Nobilior pro co(n)s(ule) de Cossurensibus | et Poeneis naualem egit XIII k. Febr.*; and *M. Aemilius M. f. L. n. Paullus an. CDXCIX | pro co(n)s(ule) de Cossurensibus et Poeneis | naualem egit XII k. Febr. (Inscr. Ital. XIII, p.76f).*

<sup>415</sup> It should be noted that consuls could, of course, still compete with each other over honours and so a negative answer to the above question should not be taken for granted. The detainment of Postumius was previously noted, for which see also further Brennan (2000), p.83 with p.279f, n.36 for recent bibliography (with Livy, 37.51.1-2; Livy, *Per.* 19; Val. Max. 1.1.2; and Tac. *Ann.* 3.71).

<sup>416</sup> See also Brennan (1994) for the possibility that M<sup>?</sup>. Curius Dentatus (*pr. suff.*) was the first praetor to be awarded triumphal honours (the lesser *ouatio*) as early as 283. Richardson (1975), p.50-52 largely bypasses the question of praetorian triumphs when he argues that the triumph was predominantly a consular preserve down to the end of the Second Punic War. Develin (1978), esp. p.430-432 has a preferable explanation in pointing out that whilst a praetor could triumph, the major wars were mostly fought by the consuls and so there were fewer opportunities for praetors to request a triumph.

<sup>417</sup> For the *prouvincia* see Livy, 31.6.2. For a fuller discussion of this episode see especially Brennan (2000), p.197-200 and Pittenger (2008), p.71-75 and p.168-180.

<sup>418</sup> Livy, 31.10-11. Livy, 31.47.4 seems to confirm that the war in “*Gallia*” was now thought of as the consul's *prouvincia*: *consul alter C. Aurelius ad confectum bellum cum in prouinciam uenisset...*

<sup>419</sup> Livy, 31.21-22 and 31.47.4-31.49.3. For Cotta's *ira* see Livy, 31.47.4-5 and Dio Cass. 18, frag. 57.81.

contested in 200.<sup>420</sup> However, this did not end the possibility that magistrates (and promagistrates) would fight over the rights to the military glory (and the associated political capital) in the same *prouvincia*, especially those of unequal status.<sup>421</sup> The dispute had been about two perceived unequals sharing *gloria* in 241, whereas Furius' victory had essentially denied Cotta the chance of acquiring his own triumph – an opportunity the consul presumably felt he deserved more than the praetor.<sup>422</sup>

It might be reasonably concluded, therefore, that the existing mechanism by which the Senate could avoid both types of clashes from 241 and 200 was through the demarcation of individual *prouvinciae* – not only in space, but also by function in the same space. Indeed, we have already seen in the previous section that the award of a triumph was inherently linked to the success achieved *vis-à-vis* a particular *prouvincia*.<sup>423</sup> In addition, Mommsen recognised long ago that the triumphal rights of a commander would have been contested if his victory had been gained in a “sphere of competence” (i.e. a *prouvincia*) other than his own – a notion more recently reaffirmed by Auliard.<sup>424</sup> However, the extent to which this was a fixed rule and, if so, when and how it evolved is difficult to assess, since triumphs were ordinarily awarded for successes linked to the *prouvincia* of the *imperium*-holder. As a result, there are relatively few triumphal debates in the surviving

<sup>420</sup> Brennan (2000), p.198f. Cf. Mommsen (1887), I, p.127f, n.4; and Dart and Vervaeke (2011), p.275. As Brennan (2000), p.199 rightly notes, Livy implies that the triumph “was regarded as open to any magistrate (or prorogued magistrate) with *imperium*” with Livy, 31.20.3: *...sed exemplum a maioribus non accepisse ut qui neque dictator neque consul neque praetor res gessisset triumpharet...* Cf. Pittenger (2008), p.73, n.20. It is worth noting that Dio Cass. 18, frag. 57.81 refers to some people who “cited many precedents” (παραδείγμασι πολλοῖς ἐχρῶντο) on Furius' behalf and one can imagine that one precedent would have been provided by the triumph of Falto in 241.

<sup>421</sup> Cf. Zonar. 9.15: ...Αὐρήλιος ὁ ὕπατος, φθονήσας τῆς νίκης τῷ στρατηγῷ. Cf. Livy, 31.49.8-12 for complaints by Cotta on his return to Rome to hold the elections.

<sup>422</sup> It is interesting to note that the main opponents of the triumph were said to be the *consulares*, which suggests that consular prestige (perhaps additionally related to the legal hierarchy at this stage) was thought to be at stake (Livy, 31.48.3-4). This is confirmed by Livy's summary at the end of the dispute: *...uicta est praesentis gratia praetoris absentis consulis maiestas triumphumque frequentes L. Furio decreuerunt...* (Livy, 31.49.1-2). Cf. Pittenger (2008), p.174 and note also Briscoe (1973), p.158 concerning the possibility that “alliances” had an impact on the dispute.

<sup>423</sup> Ch.III.iv.

<sup>424</sup> Mommsen (1887), I, p.128 with n.3 and Auliard (2001), p.127f.

ancient sources that explicitly revolve around the issue of whether a commander was *in sua prouincia*.<sup>425</sup>

One step in the evolution of the Senate's role in delineating access to triumphal glory through *prouvinciae* may already have come in 294 when the triumph request of the consul L. Postumius Megellus was opposed on various grounds, including ...*quod iniussu senatus ex Samnio in Etruria transisset*...<sup>426</sup> If Livy accurately records that both consular *prouvinciae* were named as *Samnium* in this year, it is possible that the objection was that Etruria (or instruction concerning Etruria) was not part of Postumius' *prouincia*.<sup>427</sup> Yet, the term *prouincia* is not explicitly mentioned in the debate and Postumius eventually triumphed over *both* the Samnites and the Etruscans (*pl. sc.*), despite opposition from the Senate.<sup>428</sup> As a result, the designation of the *prouincia* may not have been decisive in the award of a triumph at this point.<sup>429</sup> We can even speculate that there was a greater impetus for enforcing the connection between the *prouincia* and the award of a triumph after the clash between Lutatius and Falto in 241 had highlighted the importance of separating triumphal rights by demarcating *prouvinciae*.

The first explicit evidence for the principle that a commander could not triumph from another's *prouincia* is to be found in Livy's record that M. Helvius (*pr.* 197 in *Hispania Ulterior*) was denied a triumph in 195 precisely because he had fought, *alieno*

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<sup>425</sup> Mommsen (1887), I, p.128 interestingly observes, "...Indess hat man es mit diesem Bedenken späterhin nicht mehr streng genommen; seit dem ersten punischen Krieg ist vielmehr in allen uns bekannten Fällen dieser Art entweder der Triumph oder doch die Ovation bewilligt worden."

<sup>426</sup> Livy, 10.37.6.

<sup>427</sup> Livy, 10.32.2. It should be noted that the opposition is described as consisting of ...*partim suos inimicos, partim collegae amicos*... (Livy, 10.37.7). Cf. Oakley (1997), p.67-72 for the problems concerning the names of *prouvinciae* and the activities of commanders and see also Ch.III.i-ii.

<sup>428</sup> Livy, 10.37.8-12 and *Inscr. Ital.* XIII, I, p.72f.

<sup>429</sup> On this episode see further Itgenshorst (2005), Katalog, p.42-44, no.93 and Oakley (2005b), p.374 s.v. "7. Alios quod...ab urbe exissent."

*auspicio et in aliena prouincia*.<sup>430</sup> Whilst the exact meaning of this phrase has been much debated, the key point here – and one which Livy emphasises in the next sentence – is that Helvius had turned over his *prouincia* (*Hispania Ulterior*) and the associated army to a successor.<sup>431</sup> It is not clear whether the decisive battle took place in the *prouincia* of Ap. Claudius Nero (*pr.* 195 in *Hispania Ulterior*) or M. Porcius Cato (*cos.* 195 in *Hispania Citerior*), although the latter seems to be more likely.<sup>432</sup> In either case, the stumbling block was not whether Helvius held his own *imperium auspiciumque*, which he continued to possess, but that he was using the army of his successor and fought in another commander's *prouincia*.

Helvius was one of the two praetors asked to mark a boundary which demarcated a *prouincia Hispania Citerior* from a *prouincia Hispania Ulterior* just two years earlier *ex senatus consulto*.<sup>433</sup> It is clear that this territorial division would have only been envisioned within the context of the separation of two spheres from each other, rather than the wider demarcation of “territory administered.”<sup>434</sup> With this in mind, we should note the

<sup>430</sup> Livy, 34.10.5-6: *causa triumphii negandi senatui fuit quod alieno auspicio et in aliena prouincia pugnasset; ceterum biennio post redierat, cum prouincia successoris Q. Minucio tradita annum insequentem retentus ibi longo et graui fuisset morbo*. See Livy, 32.28.2 for his *prouincia* in 197.

<sup>431</sup> Note Briscoe (1981), p.71: “Helvius was *suis auspiciis* but it could be argued that he was not fighting in the province he could legitimately operate them – whether he was claiming a triumph for fighting in Citerior in 197 or for his recent victory...*et*, therefore, is explicative (cf. *TLL*, V. 2. 873ff).”

<sup>432</sup> For the former see e.g. Brennan (2000), p.166f (although Brennan (2004), p.44 is undecided) and for the latter see e.g. Richardson (1986), p.89 and App. I, p.182. Livy's report that Cato's *regio* was secure *ab hostibus* after Helvius arrived, having defeated an army of Celtiberians, is suggestive that the battle was fought in *Hispania Citerior*, but not decisive (34.10.1-3).

<sup>433</sup> Livy, 32.28.11: *...et terminare iussi qua ulterior citeriorue seruaretur*. For the increase in the number of elected praetors from 4 to 6 see further Ch.II.ii. The enclitic conjunction *-ue* (“in general linking two or more words...between which there is an alternative but which *are not mutually exclusive...*” (*OLD*, p.2018 s.v. “-ue”)) suggests the boundary should be viewed from either *Citerior* or *Ulterior Hispania* (i.e. not on the opposite sides of the *prouvinciae*).

<sup>434</sup> *Contra* the implication by Lintott (1981b), p.55: “It is possible that Livy's notice about the division of Spain in 197 B.C. is anachronistic. However, it may equally be correct and reveal a plan to formalise Roman administration in Spain which proved too rigid to maintain in practice...We may thus accept that there was a move in the early second century B.C. to define *provinciae* strictly in terms of territory administered, which proved difficult to implement but nevertheless came to influence the meaning of the term *provincia...*” (cf. Lintott (1993), p.23, which rightly views the boundary as maintaining the “distinction between Further and Nearer Spain...”). The general notion that the order concerned “territory administered” even led to the outright rejection of the historicity of the order in Livy by Sumner (1970), p.92-98 and Sumner (1977), which was rightly dismissed by Develin (1980), p.364-367; Richardson (1986), p.77f; and now Brennan (2000), p.165f (with significant differences). For a more convincing explanation see recently Cadiou and

precedent that was set in 206 when P. Cornelius Scipio, who had been appointed as an extraordinary promagistrate in 210, returned from Spain after numerous victories and was not able to triumph because he had not previously held a magistracy.<sup>435</sup> It is uncertain whether a triumph would have been denied to someone who had not held a magistracy prior to this point, but once it had been given as the reason for the refusal in 206 it would have subsequently become part of the *mos maiorum*.<sup>436</sup> Indeed, L. Cornelius Lentulus was refused a triumph in 200 on the grounds that he had also obtained the *provincia Hispania* as an extraordinary promagistrate rather than as either consul or praetor.<sup>437</sup> Within this context, the Senate's decision to demarcate the *Hispaniae* just a few years later, in 197, could certainly have been influenced by the fact that, for the first time, two praetors were being sent to Spain, who could directly compete with one another for triumphal rights.<sup>438</sup>

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Moret (2012), p.27ff, who suggest the boundary was intended to demarcate the *provinciae* and proposes that this was done by the territory of peoples and cities. For a consideration of how the separation may have been geographically conceived see further Ch.IV.ii.

<sup>435</sup> Livy, 28.38.4-5: *ob has res gestas magis temptata est triumphi spes quam petita pertinaciter, quia neminem ad eam diem triumphasse qui sine magistratu res gessisset constabat*. Cf. Val. Max. 2.8.5 with Richardson (1986), p.70 and Brennan (2000), p.159. Polyb. 11.33.7 and App. *Hisp.* 38 incorrectly imply he celebrated a triumph, for which see Richardson (1975), p.53 and Pittenger (2008), p.58, n.17.

<sup>436</sup> Cf. Lundgreen (2011), p.212f and p.221f, who argues that the notion that an *imperium*-holder could only triumph for victories won in his magistracy was not a fixed rule, but developed over time; however, the idea that one could only triumph *if he had previously held a magistracy* was “eine Regel”, which was only broken with the triumph of Cn. Pompeius (Magnus) in 81. Cf. Develin (1978), p.432f with p.433: “...it remains clear that a triumph could only be granted to one whose *imperium* derived initially from a magistracy.” See also Brennan (1996), p.317f for the flexibility of the Senate's rules concerning triumphs and note also Richardson (1975), p.52f and Bastien (2007), p.287f for useful overviews.

<sup>437</sup> Livy, 31.20.3-5. For the notion that this was now a rule see the arguments for L. Furius Purpurio's triumph in 200: *magna pars senatus nihil praeter res gestas et an in magistratu suis quis auspiciis gessisset censebant spectare senatum debere...* (Livy, 31.48.6-7). For how the *imperia extra ordinem* may have been viewed by the the Senate *vis-à-vis* military victories see now Vervaeke and Naco (2007), p.35: “Doubtless, these *imperia*, being entirely beyond the framework of the traditional *cursus honorum* and the regular (pro)magistracies, were increasingly frowned at by a majority of the senatorial nobility as an infringement upon the equal claims of its members laid on official *honores* and military *gloria*.”

<sup>438</sup> This, of course, need not be the only explanation. Cf. Develin (1980), p.364f, referring to the situation in Spain before 197: “The commanders might well divide up their responsibility on territorial lines, using some sort of convenient demarcation but it would surely always be possible for them to co-operate. They need not be jealous of rights in their territories, as Scipio's experience had shown that men whose *imperium* did not derive initially from a magistracy were not eligible to triumph.” Note also that although the Senate had allowed Lentulus to celebrate an *ovatio* in 200 (Livy, 31.20.5-7), as Brennan (1996), p.324 rightly remarks: “It is doubtful whether generals in the early and mid-Republic ever asked for the *ovatio* for its own sake.”

One intention could have again been to limit the potentially destructive competition for military glory, which had been illuminated in 241 and, more recently, in 200.<sup>439</sup>

Helvius was eventually allowed to celebrate the less prestigious *ouatio* for his military success *in aliena prouincia*, whereas Q. Minucius Thermus (*pr.* 196 in *Hispania Citerior*) celebrated a full triumph for victories – almost certainly associated *with his own prouincia* – only two months later in 195.<sup>440</sup> The difference between these celebrations is comparable with the earlier triumphal celebration of the consuls C. Claudius Nero and M. Livius Salinator for a joint victory over Hasdrubal in northern Italy in 207:<sup>441</sup> the former entered the city *on horseback without soldiers* (an *ouatio*?), whereas the latter entered on a chariot *with the soldiers following*.<sup>442</sup> Regardless of how this arrangement was reached, it seems to have acknowledged Livius' greater entitlement, as the commander in whose

<sup>439</sup> It should be noted that a *prouincia Hispania* was allotted as a praetorian *prouincia* when only one magistrate was sent to Spain between 171 and 167: e.g. Livy, 42.28.6-7; 42.31.9 (*Hispania* to L. Canuleius Dives (*pr.*) in 171); Livy, 43.11.8-9; 43.12.11 (*Hispania* to M. Claudius Marcellus (*pr.*) in 169); and Livy, 44.17.10 (*Hispania* to P. Fonteius Balbus in 168). The fact that *Hispania* was not designated as *Hispania Citerior et Uterior (uel sim.)* potentially implies that the two Spains were not thought of as distinct administrative areas at this time. This contrasts with the joint *urbana et inter peregrinos* lot in the *sortitio* for 189 (Livy, 37.50.8-9 and cf. 45.44.2), although these jurisdictions had been developing (and “institutionalising”) over a longer period of time and admittedly had very different functions. When the war against Perseus had ended, *Hispania Citerior* and *Hispania Uterior* were once again included as two separate praetorian lots and one wonders whether this once again partially related to desire to separate magistrates in space (Livy, 45.16.3-4).

<sup>440</sup> Livy, 34.10.4-7; and *Inscr. Ital.* XIII, p.78f: *M. Helu[ius – f. n. pro co(n)s(ule) anno DLIIIX] | [ouans de Celtibereis - - -];* and *Q. M[inucius Q. f. L. n. Thermus an. DLIIIX] | pr[o co(n)s(ule) ex Hispan(ia) ulterior(e) - - -]*.

<sup>441</sup> For the references see *MRR I*, p.294.

<sup>442</sup> Livy, 28.9.9-10: *et supplicatione amborum nomine et triumpho utrique decreto, inter ipsos, ne cum bellum communi animo gessissent triumphum separarent, ita conuenit, quoniam et in prouincia M. Liuii res gesta esset et eo die quo pugnatum foret eius forte auspiciu[m] fuisset et exercitus Liuianus deductus Romam uenisset, Neronis deduci de prouincia non potuisset, ut M. Liuium quadrigis urbem ineuntem milites sequerentur, C. Claudius equo sine militibus inueheretur.* Cf. Val. Max. 4.1.9: *C. Claudius Nero...Liuii Salinatoris in Hasdrubale opprimendo gloriae particeps fuerat. tamen eum triumphantem equo sequi quam triumpho, quem ei aequae decreuerat, uti maluit, quia res in prouincia Salinatoris gesta erat. sic sine curru triumphauit, eo quidem clarius quod illius uictoria tantummodo laudabatur, huius etiam moderatio.* The reconstruction of the *Fasti Triumphales* by *Inscr. Ital.* XIII, p.551 and, more recently, Itgenshorst (2005), Katalog, p.149-152, no.162 give Claudius' triumph as *ouans de Poeneis* (as Mommsen (1887), I, 127f, n.1 suggested). The explicit mention of an *ouatio* goes at least as far back as *De uir. ill.* 48.5. However, the case is complicated by Livy's earlier report that the Senate had awarded a triumph to both commanders (Livy, 28.9.9). Cf. Val. Max. 4.1.9 and *De uir. ill.* 50.2. Pittenger (2008), p.71 suggests that, “Perhaps they [the consuls] came up with the idea of combining elements of the triumph and the *ouatio* into a spectacle all their own.” Cf. Richardson (1975), p.55 and Stewart (1998), p.89.

*prouvincia* the victory was achieved, to the more prestigious full triumph.<sup>443</sup> It is worth emphasising that the two consular *prouvinciae* were almost certainly demarcated in this year precisely because the Senate was especially keen to separate the consuls, given that there was a well-known enmity between them (which makes the above agreement all the more remarkable).<sup>444</sup>

The dispute between Lutatius and Falto in 241 would have highlighted the importance of separating *imperium*-holders through the assignment of different *prouvinciae* as a means of avoiding future disagreements. This, in turn, would have provided commanders with opportunities to achieve their own glory and would have also ordinarily prevented them from encroaching on the glory associated with another *prouvincia*, since, as we have just observed, a regular triumph almost certainly would not have been awarded for victories won *in aliena prouvincia*. As we shall see, this can also be applied to the delineation of a *prouvincia classis*, which was never assigned to more than one *imperium*-holder after 241. One might even speculate that it could have been precisely this development which led to the distinct naval triumph: if the *naualis* element of a triumph was only first associated with the *prouvincia classis* from 241 onwards, we should not rule out that some of the naval triumphs prior to this point may have been, in part, retrojected in

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<sup>443</sup> The link between the *prouvincia* and the triumph could have even provided the impetus for such an agreement. It is clear from Livy, 28.9.11-12 that Livius' triumph was considered to be a greater honour. One might even speculate that Claudius was especially thankful that Livius was willing to agree to the compromise, since he even nominated Livius as dictator (see Livy, 28.10.1): was the nomination even part of the triumph arrangement, especially given that both consuls were present at the time? Note especially Richardson (1975), p.55: "Nero was making a special effort to honour Salinator."

<sup>444</sup> For the separation of the *prouvinciae* see Livy, 27.35.10-11: *prouvinciae iis non permixtae regionibus, sicut superioribus annis, sed diuersae extremis Italiae finibus, alteri aduersus Hannibalem Bruttii et Lucani, alteri Gallia aduersus Hasdrubalem quem iam Alpibus adpropinquare fama erat, decreta...* For the animosity see Livy, 27.35.5-10 (and note especially Livius' reported take on the situation: *acrius et intentius omnia gesturos timentes ne crescendi ex se inimico collegae potestas fieret...*).

the Augustan *Fasti Triumphales*.<sup>445</sup> The next section will examine the connection between the *prouincia classis* and the *triumphus naualis* in greater detail.

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<sup>445</sup> Cf. Beard (2007), p.312. For the triumphs prior to 241, including Duilius' triumph (recorded as the first naval triumph) see generally Dart and Vervaeet (2011), p.270f.

### III.vi. The *prouincia* (classis) and the triumphus (naualis)

The three naval triumphs from the period for which Livy survives were all celebrated by individuals who had been allotted the *prouincia classis* as praetors (189, 188 and 167).<sup>446</sup> A *prouincia classis* may also have been allotted to Cn. Fulvius Centumalus (*cos.*), who celebrated a naval triumph in 228, since Polybius reports that he was exclusively in charge of the 200 ships, whereas his colleague had command of the land force when they departed for Illyria in 229.<sup>447</sup> As suggested in the previous two sections, one reason for demarcating a specific *prouincia classis* would have been to enable the recipient magistrate or promagistrate to claim a distinct type of (naval) triumph for success which was achieved in the same war and geographical sphere as another *imperium*-holder. Indeed, all four of the naval triumphs after 241 were celebrated from spheres in which there were two *imperium*-holders active: in 228 *ex Illurieis*, in 189 *ex Asia*, in 188 *ex Asia* and in 167 *ex Macedonia*.<sup>448</sup> Yet, there were no reported disagreements over these naval triumphs. This observation can be seen in stark contrast to the debates, which we have seen in the previous section, over the praetorian triumphs in 241 and 200, as well as the rejection of Helvius' triumph on the grounds that he had operated *in aliena prouincia* in 195.

Cn. Octavius (*pr.* 168), for example, celebrated a naval triumph only one day after the regular triumph of L. Aemilius Paullus (*cos.* 168) – both *ex Macedonia et rege Perse* – in 167.<sup>449</sup> Octavius had been allotted the *classis* in the praetorian *sortitio* of 168, which was most probably combined with a specific instruction to proceed into Macedonia;<sup>450</sup> meanwhile, Aemilius received *Macedonia* as his consular *prouincia* (with the war against

<sup>446</sup> Cf. Livy, 37.2.1 (L. Aemilius Regillus in 190), 37.50.8 (Q. Fabius Labeo in 189), 44.17.10 (Cn. Octavius in 168) and *Inscr. Ital.* XIII, p80f. See also the detailed discussion of these *prouvinciae* in Ch.III.iii.

<sup>447</sup> See Ch.III.ii.

<sup>448</sup> *Inscr. Ital.* XIII, p80f with Ch.III.iv and the discussion in this section.

<sup>449</sup> *Inscr. Ital.* XIII, p80f: *L. Aimilius L. f. M. n. Paullus II, pro co(n)s(ule), a. DXXC[VI] | ex Macedon(ia) et rege Perse per triduum | IIII, II[I], pridie k. Decem.*; and *[Cn. Oc]tauius Cn. f. Cn. n. pro pr(aetore) an. DXXCV[I] | [ex] Macedon(ia) et rege Perse naual(em) egit k. Dec.* Cf. Festus 188L.

<sup>450</sup> Livy, 44.17.10 with Ch.III.iii.

Perseus, perhaps, also specified).<sup>451</sup> The *de facto* and *de iure* unequal relationship between the consul and the praetor is evident from the fact that Aemilius, as consul, had the overall command of the war against Perseus of Macedon and he naturally gave orders to Octavius in the field.<sup>452</sup> The key point, however, which would have prevented a disagreement over triumphal rights, is that Octavius celebrated a naval triumph immediately after Aemilius for his victories *with the fleet*: this was, after all, expressly celebrated with his *socii nauales*, *gubernatores* and *magistri nauium*, who were each given a set monetary reward.<sup>453</sup> In contrast, *pedites*, *centuriones* and *equites* received the rewards in Aemilius' regular ("terrestrial") triumph.<sup>454</sup> As these groups followed Aemilius' chariot, it stands to reason that the naval personnel also followed Octavius in his triumph.<sup>455</sup>

In comparison, L. Anicius Gallus (*pr.* 168) also triumphed, in the same year, *de rege* [*Gen*]fio et *Illurie*[is] with both *milites*, *centuriones*, *equites*, *socii nominis Latini* and,

<sup>451</sup> Livy, 44.17.6-10. Cf. Cic. *Diu.* 1.103 (*L. Paulus consul iterum, cum ei bellum ut cum rege Perse gereret obtigisset...*) and Val. Max. 1.5.3 (*cum ei sorte obuennisset ut bellum cum rege Perse gereret...*). For the division of these commands see further Ch.III.vii.

<sup>452</sup> E.g. Livy, 44.35.13; 45.28.8; and 45.41.3. Note especially Livy, 45.6.11-12 which states that Octavius sent King Perseus to Aemilius. Cf. Richardson (1975), p.56.

<sup>453</sup> Livy, 45.42.2-3: *Cn. Octavius kalendis Decembribus de rege Perseo naualem triumphum egit. is triumphus sine captiuis fuit, sine spoliis. dedit sociis naualibus in singulos denarios septuagenos quinos, gubernatoribus, qui in nauibus fuerant, duplex, magistris nauium quadruplex*. Significantly, there does not appear to have been a difference between the award of a regular and naval triumph: cf. Vell. Pat. 1.9.6 (*quod cum Anicii Octauisque triumphum nemo interpellaret*); Diod. Sic. 31.8.10 (καὶ πρῶτος μὲν Ἀνίκιος καὶ Ὀκτάουιος ὁ τῆς ναυτικῆς δυνάμεως ἡγησάμενος ἀνὰ μίαν ἡμέραν ἐκάτερος ἐθριάμβευσεν, ὁ δὲ σοφώτατος Αἰμίλιος ἐπὶ τρεῖς); and Livy, 45.35.4 (*...tribus iis omnibus decretus est ab senatu triumphus...*). For the term *socii nauales* see Ch.II.i.

<sup>454</sup> Livy, 45.40.4-5: *ipse postremo Paulus in curru, magnam cum dignitate alia corporis, tum senecta ipsa maiestatem prae se ferens; <post> currum inter alios inlustres uiros fili duo, <Q.> Maximus et P. Scipio; deinde equites turmatim et cohortes peditum suis quaeque ordinibus. pediti in singulos dati centeni <denarii>, duplex <centurioni, triplex> equiti. <alterum> tantum pediti daturum fuisse credunt et pro rata aliis, si aut in suffragio honori eius fauissent, aut benigne hac ipsa summa <pro>nuntiata <ac>clamassent.*

<sup>455</sup> Professor John Rich very generously shared his original thesis (with Dr. Carsten Lange) that what made a naval triumph "naval" was that the sailors followed the *triumphator*. Compare, however, the regular triumph of L. Anicius Gallus described next (above) in which *socii nauales* also joined in. I would suggest that the sailors followed the *triumphator* in the naval triumph in as far as these were the typical forces assigned to those holding a *prouincia classis*. See Livy, 31.49.10 for the expectation that legates, military tribunes, centurions and soldiers would attend the triumph; and 39.29.5 for the general practice (not a fixed rule) that no commander enjoyed a triumph unless he had brought back his army. Cf. Livy, 26.21.1-3; 28.9.10; 36.39.4-5; 37.46.6; 39.29.5; 40.38.8-9; and 40.43.5.

significantly, *socii nauales*.<sup>456</sup> Anicius had originally been allotted the *peregrina et si quo senatus censuisset sors*, but this was later modified when he was sent *in prouinciam Illyricum circa Lychnidum* (presumably this was the senatorial decision concerning the *quo*).<sup>457</sup> No fleet is mentioned in Livy's description of the provincial assignment (and Lychnidus is about 50 miles from the Adriatic Sea), yet the fact that *socii nauales* were present in his triumph indicates that he also had a fleet.<sup>458</sup> Furthermore, Appian preserves that Anicius sailed against Gentius before engaging him on land;<sup>459</sup> and this was probably also reported by Livy after his notice that Anicius' march *in Illyricum* was delayed by a report that 80 *lemboi* were ravaging the coast, since his text breaks off after *tum classis ad...*<sup>460</sup> Unlike Octavius and Aemilius, then, Anicius commanded *both terrestrial* (two legions, *auxilia* etc.) *and naval forces* (a fleet and naval personnel including *milites, nautae* and *remiges*).<sup>461</sup> Anicius also led *socii nauales* in his triumph, just as Octavius did, yet he celebrated a regular triumph rather than a naval triumph. Although this difference might be explained in terms of the regular "terrestrial" triumph taking precedence over the "naval" triumph, this was not necessarily a decisive factor. It may be better explained by

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<sup>456</sup> *Inscr. Ital.* XIII, p.80f (as noted on p.556, [Gen]fio appears to be a stone-cutter's error for [Gen]tio). Livy, 45.43.7-8: *de praeda militibus in singulos quadragenos quinos denarios, duplex centurioni, triplex equiti, sociis nominis Latini quantum ciuibus, et sociis naualibus dedit quantum militibus*. Compare part of a reported speech of M. Servilius Pulex Geminus (*cos.* 202) in defence of Aemilius' triumph: *et uos Gentium quam Persea duci in triumpho mauoltis, Quirites, et de accessione potius belli quam de bello triumphari? et legiones ex Illyrico laureatae urbem inibunt et nauales socii...* (Livy, 45.39.3-4). For this speech see further Pittenger (2008), p.258-270.

<sup>457</sup> Livy, 44.17.9-10; and 44.21.4-5: *additus est his tertius L. Anicius praetor, cuius inter peregrinos iurisdictio erat; eum in prouinciam Illyricum circa Lychnidum Ap. Claudio succedere placuit*. Cf. Ch.III.iii for the designation of a "*quo senatus censuisset*" *sors*.

<sup>458</sup> Thiel (1946), p.376f, utilising Weissenborn's emendation of Livy, 43.9.5-6, is probably right that his fleet would have comprised primarily of the 18 ships that had been sent from Italy two years earlier to the *legatus* at Issa. (These ships were probably manned with a number of Italian *socii nauales*, who would have then taken part in Anicius' triumph on their return to Italy.)

<sup>459</sup> App. *Ill.* 9.

<sup>460</sup> Livy, 44.30.13-15 (cf. Livy, 45.43.4, describing the Illyrians as *terra marique ferocem*).

<sup>461</sup> Cf. Thiel (1946), p.384-386.

the fact that Octavius had a *prouincia classis*, whereas Anicius had a *prouincia Illyricum*.<sup>462</sup>

Anicius returned with his own captives, such as Gentius and his family, and various spoils, including 220 *lemboi*, from Illyria.<sup>463</sup> However, Aemilius evidently monopolised the spoils and captives from the overall victory against Perseus, since Livy records that Octavius' triumph was *sine captiuis...sine spoliis*.<sup>464</sup> Octavius' triumph was limited to victories won with his fleet within the context of his *prouincia classis*;<sup>465</sup> whereas Aemilius, as the supreme commander against Perseus, triumphed first with the rights to the vast quantities of booty and captives won with his extensive army and, therefore, had the greater glory. (He had, after all, defeated Perseus at Pydna.)<sup>466</sup> Despite

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<sup>462</sup> It is worth noting that the Senate decreed that Anicius and Aemilius should continue in Macedonia and Illyria: *et Macedoniam Illyricumque eosdem, L. Paulum et L. Anicium, obtinere, donec de sententia legatorum res et bello turbatas et <in> statum alium ex regno formandas composuissent...* (Livy, 45.16.2-3).

<sup>463</sup> Livy, 45.43.4-10.

<sup>464</sup> Livy, 45.42.2-3. It should be noted that Octavius was responsible for transporting the booty back to Rome with his fleet (Livy, 45.33.5-6). It is also worth comparing the situation in 189 when L. Aemilius Regillus (*pro pr.*) and L. Cornelius Scipio (*pro cos.*) both triumphed *ex Asia de rege Antiocho* (*Inscr. Ital.* XIII, p80f), as discussed in Ch.III.iv. In this case, it is notable that the *pecunia* displayed in the naval triumph of Aemilius was apparently *nequaquam [tanta] pro specie regii triumphi*, which contrasts with the lavish regular triumph celebrated by Scipio (Livy, 37.58.4-5 and Livy, 37.59.1-6). Interestingly, no captives are mentioned *vis-à-vis* Aemilius' triumph, whereas they are explicitly mentioned as being present in Scipio's triumph. For Livy's language in his reports of captives and booty see Phillips (1974), p.271f. Cf. Beard (2007), p.167-173.

<sup>465</sup> Cf. Östenberg (2009), p.50, who, without any explicit evidence, assumes that "beaks were most certainly present to mark the parade as naval." However, the presence of rams was not exclusive to naval triumphs and, therefore, would not have been a good way of officially marking out a triumph as naval. Note, for example, the 220 *lemboi* brought back with Anicius in 167. Furthermore, Plutarch records that 110 ships with bronze rams (χαλκέμβολοι νῆες) took part in L. Licinius Lucullus' regular triumph over Mithridates and Tigranes in 63 (*Luc.* 37.4). Cf. App. *Mith.* 116 for the presence of rams (ἔμβολα) in Cn. Pompeius Magnus' triumph of 61 (cf. *Mith.* 117 and Plut. *Pomp.* 45.2). Note also Livy's statement above that Octavius' naval triumph was *sine spoliis* (Livy, 45.42.2-3).

<sup>466</sup> For the ancient sources see *MRR I*, p.427. As discussed in Ch.III.iv, the same applies to the triumphs of L. Aemilius Regillus (*pr.* 190) and L. Cornelius Scipio (*cos.* 190) in 189; and also Q. Fabius Labeo (*pr.* 189) and Cn. Manlius Vulso (*cos.* 189) in 188 and 187 respectively. I am unconvinced by the argument by Stewart (1998), p.121 that Aemilius triumphed before L. Cornelius Scipio (*pro cos.*) in 189 because the hierarchy of senior magistrates was not fully defined until the passage of the *Lex Villia Annalis* in 180. Whilst this *lex* clearly played an important role in the institutionalisation of the *cursus honorum*, Aemilius returned before Scipio and triumphed almost a month earlier (not one day as in 167), for which see Livy, 37.59 with *Inscr. Ital.* XIII, p.553f. In any case, one should remember that the *triumphator* could decide the date of his triumph, as indicated in Livy, 39.5.11-12. Furthermore, despite Stewart's claim that they were "not differentiated by type", Aemilius' triumph was explicitly naval, whereas Scipio celebrated a regular triumph.

this – or rather, perhaps, because of this – there was no debate over Octavius’ triumph.<sup>467</sup> Unlike M. Helvius (*pr.* 197 in *Hispania Ulterior*), who, as we have seen, was denied a triumph in 195 because he had fought *alieno auspicio et in aliena prouincia* in 195, Octavius used his own forces (his ships and naval personnel) in his own functionally demarcated and independent *prouincia*.<sup>468</sup>

Arguably, then, Octavius received his *triumphus naualis* for successfully completing his *prouincia* – in his case, the *prouincia classis* – when he returned to Rome with his fleet in 167. Whilst it remains true that those *imperium*-holders who were charged with the fleet had greater opportunities for naval victories, not every naval triumph was awarded for a naval victory at sea. One of Octavius’ main accomplishments, aside from capturing and sacking Meliboea, was the acceptance of the surrender of Perseus of Macedon (thus, effectively bringing the war to a close).<sup>469</sup> Furthermore, I suggested in an earlier section that Q. Fabius Labeo may not have been awarded his naval triumph in 188 for restoring captives from Crete, as recorded by Valerius Antias.<sup>470</sup> Perhaps this was merely one of the arguments made against the triumph by his enemies, since he reportedly did little else? Rather, his triumph may have also been inherently linked to his own *prouincia classis*.<sup>471</sup> It is notable that a *prouincia classis* was not named in the years

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<sup>467</sup> Livy, 45.35.4-6: *tribus iis omnibus decretus est ab senatu triumphus mandatumque Q. Cassio praetori, cum tribunis plebis ageret, ex auctoritate patrum rogationem ad plebem ferrent, ut iis, quo die urbem triumphantes inueherentur, imperium esset. intacta inuidia media sunt: ad summa ferme tendit. nec de Anici nec de Octaui triumpho dubitatum est; Paulum, cui ipsi quoque se conparare erubuissent, obtrectatio carpsit.* For the debate over Aemilius’ triumph, though, see Pittenger (2008), p.246-274.

<sup>468</sup> Cf. Ch.III.v.

<sup>469</sup> Livy, 45.6.10-12. Cf. Thiel (1946), p.412: “There was scarcely a valid reason for Octavius’ triumph; no doubt he was granted this honour on account of the conspicuous fact of king Perseus’ arrestation, which was, however, quite foreign to naval warfare and to Octavius’ merits as an admiral.” Cf. Thiel (1946), p.384; Pietilä-Castrén (1982), p.134f; and Dart and Vervaeet (2011), p.275.

<sup>470</sup> See Ch.III.iv.

<sup>471</sup> The same can also be said of the triumph of Cn. Fulvius Centumalus (*pro cos.*) in 228, who could well have had a *prouincia classis* (Ch.III.ii), since there is no evidence that he took part in a specific sea-battle. However, it should be noted that Fulvius was able to operate with his fleet on land, as he is reported to have captured several cities along the coast (Polyb. 2.11.13-14). Note e.g. Thiel (1954), p.353: “So it is evident that the Roman fleet had a very easy task in this war: it had to sail from place to place, but hardly more than that...” (cf. Dart and Vervaeet (2011), p.273).

immediately following the allotment of the fleet to Fabius and Octavius in 189 and 168 respectively.<sup>472</sup> One can even speculate that Fabius and Octavius highlighted that their fleets had been brought back (the *deportatio classis*?) during their triumph requests, just as the *deportatio exercitus* seems to have been one consideration – though not always decisive – in the award of regular triumphs in the late third and early second centuries.<sup>473</sup> Similar things may be said about the two proconsuls, who having originally been allotted *Ligures* as their consular *prouvinciae* in 181, both apparently triumphed for peacefully resettling the Ligurians and returning home with their armies in 180.<sup>474</sup>

We have seen that naval triumphs were by no means only awarded for success in a naval battle or even, necessarily, for operations on the sea. Likewise, the presence of rams and/or naval spoils was not crucial for categorising a triumph as being “naval” (as often assumed in modern scholarship). Even the leading of *socii nauales* in a triumph was not unique to a naval triumph. As I have argued in this section, a far more likely explanation for the existence of the naval triumph is its connection with the *prouincia classis*. It is worth emphasising that no naval triumphs were celebrated after 167 and, based on the arguments above, one may connect this with the almost complete demise – not necessarily coincidentally – of the *prouincia classis* after the defeat of Perseus.<sup>475</sup>

<sup>472</sup> See *MRR I*, p.365 and p.432f.

<sup>473</sup> See e.g. Livy, 26.21.2 (211 B.C.); 36.40.7 (191 B.C.); 38.50.2-3 (187 B.C.); and 39.29.4-5 (185 B.C.). See generally e.g. Richardson (1975), p.61f and Richardson (2008), p.34-36.

<sup>474</sup> Livy, 40.18.3 (*prouvinciae*); 40.36.7 (*prorogatio imperii*); 40.38.1-9 (settlement and triumph and note especially, *transacta re cum ueterem exercitum Romam deduxissent, triumphus ab senatu est decretus...*). Rich (2009), p.220 rightly observes that the triumph of Q. Fabius Labeo eight years earlier (above) could have even provided precedent for this.

<sup>475</sup> For the demise of the *prouincia classis* see Ch.IV.i. The next commander who may have been assigned the *prouincia classis* in 149 was decidedly unsuccessful, whereas the second, over one hundred years later, in 43, never made it back to Rome. Dart and Vervaeke (2011), p.276-280 discuss what they refer to as the “three unnamed” triumphs of Cn. Pompeius Magnus in 61, Octavian in 36 (an *ouatio*) and Octavian again in 29. Whilst they do not claim that the first two were officially distinguished as naval triumphs, they suggest that it was “quite likely” that Octavian’s Actian triumph in August 29 was marked in the *Fasti Triumphales* as being either *ex Actio naualis* or *naualis ex Actio* (cf. the reconstruction in *Inscr. Ital.* XIII, I, p.570: *Imp. Caesar Diui f. C. n. IV, consul V, ex Actio XIX k. Sept.*). This suggestion is based primarily on the fact that the triumph was awarded for a naval victory. However, as we have seen, a naval victory was not the

In conclusion, the naming of a *prouincia classis* served as a means of separating the potential claims of different *imperium*-holders to specific *gloria* from within the same geographical “sphere of operation”: whilst it enabled one magistrate or promagistrate to claim, if successful, the *gloria naualis* necessary for a *triumphus naualis*, it also restricted his claims with regard to the *gloria* associated with the victories of the armies of another *imperium*-holder (and *vice versa*). This would have reduced the chances of potentially destructive clashes between commanders. It has been argued in this section that this use of the *prouincia classis* was most probably shaped by the negative experiences of aristocratic competition, as exemplified in the dispute between C. Lutatius Catulus and Q. Valerius Falto in 241. From that point onwards, the same naval command was never again assigned to more than one independent *imperium*-holder and this may have even resulted in the distinct *triumphus naualis* after 241. The next two sections will provide further support for the explanation that a *prouincia classis* was named in order to separate magistrates by function within the same space by examining how this actually worked in practice. They will do this by considering first the contexts within which the fleet was designated as a *prouincia* and, second, those instances in which it was not designated.

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prerequisite for a naval triumph and I believe that this was a regular triumph, especially given that Octavian’s *prouincia* could not properly be characterised as being “naval.” Indeed, in this case, in contrast to the celebrations after 241, there was no demarcation of a *prouincia classis* between two independent *imperium*-holders (Agrippa, Octavian’s naval commander, was probably a senior *legatus* without his own independent *imperium*, *pace MRR II*, p.422f).

### **III.vii. The use of the *prouincia classis*: the separation of functions in space**

It is important to recognise that, as far as we can determine from the evidence, the fleet was only ever designated as a specific *prouincia* between 218 and 167 – i.e. within books 21-45 of Livy's *History* – when it was set to be employed in a particular space in which there would be two or more independent *imperium*-holders.<sup>476</sup> This chronological period can be extended beyond the surviving books of Livy's *History* if we imagine that the naming of a *prouincia classis* was behind the division of the land and naval forces between the two consuls in the First Illyrian War in 229 and at the beginning of the Third Punic War in 149.<sup>477</sup> In contrast, we shall see in the next section (III.viii) that the *prouincia classis* was not designated when only one independent *imperium*-holder was present in a certain geographical area (with a combined land and sea command). These facts alone provide a strong hint that the fleet was named as a specific *prouincia* for the purpose of separating two or more *imperium*-holders by function in space, as proposed in the previous sections (III.iv-vi). We can now further substantiate this hypothesis and elucidate how such a separation actually worked in practice by re-examining the cases which were discussed earlier from this particular perspective. Once again, I shall proceed chronologically and start with the important use of the *prouincia classis* in Sicily during the Second Punic War.

We first observed in section III.iii that the *prouincia classis* assigned to T. Otacilius Crassus (*pro pr.*) in 215 was most probably defined with specific senatorial instructions to raid Africa, defend the Italian coast and intercept Carthaginian supplies, which would have all been performed from an operational base in Sicily.<sup>478</sup> Otacilius was,

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<sup>476</sup> For the name of the *prouincia classis* and its definition see Ch.III.ii-iii.

<sup>477</sup> See further Polyb. 2.11.1-2 (229 B.C.) with Ch.III.ii and App. *Pun.* 75 (149 B.C.) with Ch.IV.i.

<sup>478</sup> Livy, 24.8.14-17.

after all, reportedly sent *in Siciliam cum imperio qui classi praeesset...*<sup>479</sup> However, the naming of the *prouincia classis* would also have conveniently served to demarcate his naval function at Lilybaeum from the role of the praetor, Ap. Claudius Pulcher, who had already been allotted the *prouincia Sicilia* at the start of the year.<sup>480</sup> We can recall that Q. Fabius Maximus Verrucosus (*cos. suff.*) reportedly told those gathered in the *comitia centuriata* during the consular elections for 214 to make Otacilius consul if he had fulfilled any of his assigned tasks on behalf of the *res publica*.<sup>481</sup> Even if one questions the authenticity of these words, the overall sentiment remains true and reiterates many of the observations made in the previous sections of this chapter: the fleet offered unique opportunities for a commander to acquire personal glory through feats such as destroying a Carthaginian fleet, capturing money, supplies or hostages, gathering crucial intelligence, or even striking a blow against the Carthaginian homeland (with the necessary senatorial permission).<sup>482</sup> As discussed in the previous sections, the separation of a land and sea command in Sicily would have avoided the potential for clashes over who had the command of the fleet and access to the possible glory this might have brought. Indeed, according to Fabius, Otacilius' successful activities with the fleet would have had a direct influence on his election to the consulship for 214.<sup>483</sup> These factors should be kept in mind as the remaining cases in which a *prouincia classis* was demarcated are reviewed.

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<sup>479</sup> Livy, 23.32.20.

<sup>480</sup> Livy, 23.30.18 with Prag (2007b), p.290 for further references. For the presence of both Otacilius and Claudius at Lilybaeum see Livy, 23.41.8-9 (Otacilius) and Polyb. 7.3.1 (Claudius) with Walbank (1967), p.33 and Walbank (1979), Addenda and Corrigenda, p.777 *contra* Crake (1969), p.215. Evidence that a praetor was ordinarily based around Lilybaeum during this period is to be found in e.g. Livy, 21.49.6-8 (218 B.C.); 22.31.5 (217 B.C.) and 23.21.2 (216 B.C.).

<sup>481</sup> Livy, 24.8.15.

<sup>482</sup> Cf. e.g. the record of the capture of Carthaginian ships by Cn. Octavius (*pr. Sardinia*) in 205, which Coelius Antipater (c. mid-second century) reportedly stated was laden with corn and supplies for Hannibal (Livy, 28.46.14 = Peter, *HRRel*, fr. 33). As a result of the predominant focus on the important land-based warfare of the Second Punic War, scholars have often ignored the above factors. One notable exception is Bragg (2010), p.62: "...these naval raids upon Africa had another key audience as well as the Carthaginians – the Senate and the people of Rome..." Cf. Rankov (1996).

<sup>483</sup> Livy, 24.8.15.

The organisation and separation of independent “spheres” in Sicily was continued on an even larger scale in 214 after the death of King Hieron II and the subsequent disaffection of the Syracusan kingdom:<sup>484</sup> P. Cornelius Lentulus (*pr.*) succeeded Ap. Claudius in western Sicily and Otacilius (*pr.*), despite missing out on the consulship, retained the command of his fleet as praetor;<sup>485</sup> whereas, M. Claudius Marcellus (*cos.*) and Ap. Claudius (probably prorogued *pro pr.*) operated in the former kingdom of Hieron II against Syracuse.<sup>486</sup> These general command divisions are supported by the prorogations of 213:

prorogata imperia prouinciaequae M. Claudio Sicilia finibus eis quibus regnum Hieronis fuisset, <P.> Lentulo propraetori prouincia uetus, T. Otacilio classis – exercitus nulli additi noui...<sup>487</sup>

Marcellus and Ap. Claudius operated together with their own fleet between 214 and 213 in eastern Sicily (i.e. *finibus eis quibus regnum Hieronis fuisset*).<sup>488</sup> This might lead one to question why the fleet was not demarcated as part of the *prouincia* of either Marcellus or Ap. Claudius with the above premise that this was ordinarily done in order to separate commanders in the same space in mind. However, this question could well be a red herring given that Otacilius had already been designated a *prouincia classis*: indeed, it would have defeated the purpose of separating commanders by a naval function if it was additionally named for another *imperium*-holder in Sicily. Although the question is further

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<sup>484</sup> As Richardson (1986), p.67 rightly recognised (in comparison with the situation in Spain during the Second Punic War): “...in Sicily where there was often more than one commander present during the Hannibalic war, each seems to have had a clearly defined *prouincia*. Thus, in 214-213, there may have been as many as four commanders, each with a carefully distinguished command.” For the contrast with Spain see further Ch.III.viii.

<sup>485</sup> Livy, 24.12.7-8: *in Siciliam eodem tempore duo praetores profecti, P. Cornelius ad exercitum, T. Otacilius qui maritimae orae reique nauali praeesset; et ceteri in suas quisque prouincias profecti, et quibus prorogatum imperium erat easdem quas priori anno regiones obtinuerunt.*

<sup>486</sup> Livy, 24.21.1-2: *Romani, cum bellum nequaquam contemendum in Sicilia oreretur, morsque tyranni duces magis impigros dedisset Syracusanis quam causam aut animos mutasset, M. Marcello alteri consulum eam prouinciam decernunt.* The extent of Hieron II’s Kingdom is much debated, for which see most recently e.g. Walthall (2011), esp. p.166.

<sup>487</sup> Livy, 24.44.4-5. Cf. Livy, 25.3.5-7 (212 B.C.).

<sup>488</sup> See generally Polyb. 8.3.1-8.7.12 with the important criticism in Thiel (1946), p.87, n.156; Walbank (1967), p.69; and Brunt (1971), p.654.

complicated by disagreements in the modern scholarship over the official status of Ap. Claudius between 214 and 213, it is most probable that he continued in Sicily as a promagistrate (with prorogued *praetorium imperium*) rather than as a *legatus* under Marcellus (i.e. without his own independent *imperium auspiciumque*).<sup>489</sup> A possible clue for this arrangement is provided by Plutarch when he describes how renewed Carthaginian attempts on Sicily and the death of the new Syracusan tyrant Hieronymus led the Romans to send Ap. Claudius to that place (Syracuse?) with a military force (including ships?), which was later taken over by Marcellus on his arrival.<sup>490</sup> This may allude to a senatorial decision – unrecorded in the other ancient sources – to send Ap. Claudius to Syracuse (his new *prouincia*?) from his previous position on the limits of Hieron II's former Kingdom with land and naval forces around the start of the year, prior to the dispatch of Marcellus.<sup>491</sup>

<sup>489</sup> His name is not recorded in Livy's list of prorogued *imperium*-holders, yet Polybius refers to him as ἀντιστράτηγος (Polyb. 8.3.1), which implies that he operated *pro praetore*. Crake (1969), p.215f argued that Polybius was incorrect and that Ap. Claudius must have been a *legatus*, yet his argument rests largely on the absence of Ap. Claudius' name from the list of prorogations (i.e. a dangerous *argumentum ex silentio*). It is important to stress that Livy does, in fact, write that all (*omnes*) those who had armies were prorogued, which would have included Ap. Claudius (Livy, 24.10.3). Furthermore, De Sanctis (1917), III.ii, p.278, n.138 rightly found it odd that four legions would have been under one *imperium*-holder in eastern Sicily (if Ap. Claudius was a *legatus*), which was not the norm (even for a consul). Although he believed that the Cannae army operated alongside Marcellus' legions, Clark (1994) has made a strong case that the Cannae army remained with P. Lentulus (*pr.*) in the West and that two additional legions came over from Italy with the fleet at the beginning of 214. Finally, Brennan (2000), p.309f, n.74 notes comparable cases in which P. Cornelius Scipio (*pro cos.*) was given the choice of whether Cn. Octavius (*pr.* 205) should be prorogued *pro praetore* into 201 (Livy, 30.41.7-8) and the same choice was offered to M. Aemilius Lepidus (*pr.*) concerning L. Valerius Tappo (*pr.* 192 B.C.) in 191 (36.2.10-12). In contrast, I am not aware of a single instance of a magistrate becoming a *legatus* during the year after their magistracy before they had returned to Rome. Cf. e.g. *MRR I*, p.262, n.6; Walbank (1967), p.69f with Walbank (1979), Addenda and Corrigena, p.778; Lazenby (1998), p.103; Richardson (1986), p.67, n.24; Eckstein (1987), p.139; and Prag (2007b), p.290.

<sup>490</sup> Plut. *Marc.* 13.2-4: αἱ γὰρ Ἀνίβου περὶ τὸν πόλεμον εθ'πραξίαι Καρχηδονίου ἐπήρσαν αὔθις ἀντιλαμβάνεσθαι τῆς νήσου, μάλιστα τεταραγμένων τῶν περὶ τὰς Συρακοῦσας μετὰ τὴν Ἰερωνύμου τοῦ τυράννου τελευτήν. διὸ καὶ Ῥωμαίων ἦν ἐκεῖ προαπεσταλμένη δύναμις καὶ στρατηγὸς Ἄππιος. ταύτην παραλαμβάνοντι τῷ Μαρκέλλῳ προσπίπτουσι Ῥωμαῖοι πολλοί, συμφορᾷ κεχρημένοι τοιαύτη.

<sup>491</sup> Ap. Claudius had already left Lilybaeum and positioned his forces *<ad> prouinciae regnique fines* prior to Marcellus' arrival, just after he had written the Senate a letter with news that Sicily was being won over by the Carthaginians towards the end of 215 (Livy, 24.7.8-9). Livy then mentions that he was around Syracuse on Marcellus' arrival (Livy, 24.27.4-6). For the chronology cf. Marchetti (1972), p.17-19 and Eckstein (1987), p.140-144 (with Appendix E, p.345-349).

Arguably, then, there was no need to separate a specific naval function in eastern Sicily at the start of the year when Ap. Claudius was the only *imperium*-holder operating around Syracuse prior to Marcellus being dispatched; and, as Plutarch implies, Marcellus clearly had the overall command with the superior *imperium auspiciumque* – and vastly superior *dignitas* as a *consularis* and now *consul II* – when he later arrived.<sup>492</sup> The fleet, therefore, would have been used as Marcellus saw fit within the *prouincia* that he shared with Ap. Claudius *impari imperio*.<sup>493</sup> This represents an alternative method of separating *imperium*-holders by means of official hierarchy (and, undoubtedly, the *de facto* influence of Marcellus as a *consularis*) rather than by *prouincia*.<sup>494</sup>

Meanwhile, as Richardson noted, Livy’s use of the term *finis* in his description of the *prorogatio imperii* of 213 (above) indicates that there was a clear division between the *prouincia* constituting what had been Hieron II’s Syracusan Kingdom and the *prouincia uetus*.<sup>495</sup> Unfortunately, the sources are almost completely silent about where Otacilius operated between 214 and 212, which led Thiel to suggest that Otacilius, like Ap. Claudius, must have served “under the auspices of the proconsul Marcellus in Syracusan waters...”<sup>496</sup> However, Otacilius is never referred to within the context of the siege of

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<sup>492</sup> The subordinate position of Ap. Claudius is clearly demonstrated by the fact that Claudius almost immediately sent the Syracusan ambassadors to Marcellus (Livy, 24.27.6). Cf. Livy, 24.30.1; 24.39.12-13 and Plut. *Marc.* 14.3. One might also compare this with the consular and praetorian commanders sent to Sicily during the First Slave War, despite the problems posed by the surviving sources (and especially after the arrival of the a consul around mid-year in 134), for which see further Brennan (1993) with Appendix B, p.184 for table with his conclusions.

<sup>493</sup> It should be noted that Marcellus placed T. Quinctius Crispinus (almost certainly his *legatus*) in charge of the fleet and the old camp after Ap. Claudius left to stand for the consulship towards the end of 213 (Livy, 24.39.12-13).

<sup>494</sup> One can compare this with the sharing of *Hispania Citerior* between M. Porcius Cato (*cos.*) and P. Manlius (*pr.*) – with the as *adiutor* to the consul – when a fleet of 20 ships was also sent with the consul (Livy, 33.43.1-6; cf. 34.8.4-5) in 195. See further Vervaeke (2012a), p.59f with n.56 for this and the notion of commanders sharing a *prouincia impari imperio*.

<sup>495</sup> Richardson (2008), p.26-28 and Richardson (2011), p.3f. See Ch.III.iv for the hypothesis that the *prouvinciae* might have been divided by the towns that paid taxes to Rome in contrast to those that originally paid taxes to Syracuse.

<sup>496</sup> Thiel (1946), p.87, who merely adds the obvious alternative at the end of n.156: “Though, of course, it remains possible that in 214-212 he resided at Lilybaeum for the protection of the western shores against surprise attacks from Carthage: numerous old ships were available there, put out of commission since 214.” Cf. Thiel (1946), p.194, n.554; De Sanctis (1917), III.i, p.288, n.144; and Brunt (1971), p.653f. Livy reports

Syracuse – the focus of the ancient sources – and this could also be taken to imply that he continued to operate with his fleet in western Sicily around Lilybaeum (i.e. in the *prouincia uetus*).<sup>497</sup> Although this, like Thiel's own suggestion, depends on an *argumentum ex silentio*, it is worth remembering that Otacilius had requested a second fleet for Sicily in 216 when the Carthaginians were focussing naval operations around both Syracuse and Lilybaeum and that the same division was again utilised a few years later in 209.<sup>498</sup> It makes sense that two separate fleets were employed in Sicily, especially if we keep in mind the renewed activity by Carthaginian fleets around Sicily from 214/213 onwards.<sup>499</sup> Furthermore, when Otacilius returns to Livy's narrative, probably around the end of the consular year 212, he is described as raiding Utica *from Lilybaeum* with 80 quinqueremes, *paucis ante diebus quam Syracusae caperentur...*<sup>500</sup> Otacilius reportedly sent the captured corn to Syracuse – which arguably is the only reason the raid is

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that Otacilius sailed to Sicily *cum classe* immediately following the launch of 100 new ships, but we do not know how many ships Otacilius actually left with nor how the ships were distributed in Sicily at the time (Livy, 24.11.6-7). It is tempting to equate these new ships with the 100 ships that Ap. Claudius is reported to have commanded off Murgantia and to propose that they replaced some of Otacilius' older ships (Livy, 24.27.4-5 and Polyb. 3.1.7). Yet, it is just as likely that some, if not all, of Otacilius' old fleet of 75 ships was separately maintained (e.g. Livy, 22.37.13 as reported for 216). This is implied by Livy, if we take his statement literally that Otacilius was decreed, *classis eadem quam aduersus Carthaginienses priore anno habuisset...* (Livy, 24.10.5). For the uncertain location of *Murgantia* – to be distinguished from *Murgentina* (or *Morgentina/Murgentina*) – and a possible location near Leontini (modern Augusta near Syracuse) see Manni (1981), p.207.

<sup>497</sup> It is notable that Lentulus, who had received the *prouincia uetus*, is not mentioned within the same period.

<sup>498</sup> Livy, 22.56.6-8 (216 B.C.): *aliae insuper ex Sicilia litterae allatae sunt ab T. Otacilio propraetore, regnum Hieronis classe Punica uastari; cui cum opem imploranti ferre uellent <praefecti ab se missi>, nuntiatum his esse aliam classem ad Aegates insulas stare paratam instructamque, ut, ubi se uersum ad tuendam Syracusanam oram Poeni sensissent, Lilybaeum extemplo prouinciamque aliam Romanam adgrederentur; itaque classe opus esse, si regem socium Siciliamque tueri uellent.* Cf. Livy, 27.8.16-18 (209 B.C.).

<sup>499</sup> There were, after all, many routes between Africa and Cape Pachynus and Syracuse either along the south Sicilian coast or from Clupea (Aspis) in northern Africa via the island of Cossyra (Pantelleria), for which see Arnaud (2005), p.56f and p.160ff. For the fundamental strategic importance of Lilybaeum see e.g. Crouzet (2009), esp. p.120 and also esp. p.126-130 for the consideration of the Carthaginian perspective. Note also Rankov (1996), p.54f, who rightly highlights the strategic importance of controlling *both* Lilybaeum *and* Syracuse in order to prevent the Carthaginians having a suitable base from which to attack Italy. For Carthaginian naval activity see e.g. Livy, 24.27.7; 24.35.3-4; 24.36.3; and 25.25.11. See also generally Thiel (1946), p.79-86. Cf. Münzer (1942), *RE*, XVIII, no.12 (T. Otacilius Crassus), col. 1863f: "...doch weit entfernt, einen solchen Zug zu wagen, war er nicht einmal imstande, die Küste des verbündeten Syrakusanischen Reiches vor karthagischen Überfällen zu schützen, weil er die der Provinz nicht unbewacht lassen konnte..."

<sup>500</sup> Livy, 25.31.12-15. I follow Lazenby (1998), p.115 for the date of 212 *contra* e.g. *MRR I*, p.274f, which dates the passage to 211.

mentioned in Livy's *History* – whereas he presumably remained at Lilybaeum with his plunder.<sup>501</sup> As Otacilius most probably continued with his own fleet around Lilybaeum, his *prouincia classis* would have delineated his function in western Sicily, first from Lentulus and, second, from C. Sulpicius (*pr.*), who succeeded Lentulus in the *prouincia Sicilia* in 211.<sup>502</sup>

The Senate followed a similar system of demarcation by naming *Sicilia et classis* as a consular *prouincia*, alongside the praetorian *prouincia Sicilia*, in 210.<sup>503</sup> I earlier proposed that *Sicilia* and *classis* should be seen as two distinct parts of the consular *prouincia*, especially as they were separated by the conjunction *et*.<sup>504</sup> As a result, although M. Valerius Laevinus (*cos.*) shared *Sicilia* with a praetor, he was the senior magistrate with superior *consulare imperium* (*maius quam praetorium imperium*) and did, in fact, give orders to the praetor.<sup>505</sup> The *classis* element of the *prouincia* was not shared, however, so why was it necessary to demarcate the fleet when Laevinus already had the supreme command – especially given that the fleet was not specially separated for M. Claudius Marcellus (*cos.*) in 214?

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<sup>501</sup> The raid parallels what he did in 215 and he could, therefore, have performed a similar function throughout 214-212 (perhaps, less successfully). For the independent actions of Marcellus' fleet around the same period off Pachynus see Livy, 25.27.9-11.

<sup>502</sup> See Livy, 26.1.6-13: *C. Sulpicio cui Sicilia euenerat duae legiones quas P. Cornelius habuisset decretae et supplementum de exercitu Cn. Fului, qui priore anno in Apulia foede caesus fugatusque erat. prorogatum et M. Marcello, ut pro consule in Sicilia reliqua belli perficeret eo exercitu quem haberet: si supplemento opus esset, suppleret de legionibus quibus P. Cornelius pro praetore in Sicilia praeesset, dum ne quem militem legeret ex eo numero quibus senatus missionem reditumque in patriam negasset ante belli finem... T. Otacilio et M. Valerio Siciliae Graeciaeque orae cum legionibus classibusque quibus praeerant decretae; quinquaginta Graecia cum legione una, centum Sicilia cum duabus legionibus habebat naues...* As Livy suggests, Marcellus was specifically prorogued with his army within the context of finishing the war (and presumably settling the affairs there) for 211. It is notable that, after Marcellus departed Sicily, a Carthaginian fleet landed forces in eastern Sicily and, as a result, some towns – including Murgentia (i.e. Morgantina) – revolted (Livy, 26.21.13-17).

<sup>503</sup> Livy, 26.28.3-4; 26.28.11; and 26.29.1-2.

<sup>504</sup> See Ch.III.iii. Note especially that Laevinus' consular *prouincia* was marked as being the fleet and *prouincia Sicilia cum L. Cincio praetore* (Livy, 26.28.3-4). For a consul and praetor sharing a *prouincia* see now Vervaeke (2012a), p.60, n.56 (citing Livy, 27.35.10).

<sup>505</sup> See e.g. Livy, 27.8.15-19 in which he divided Sicily (and the military forces) with the praetor for the protection of the island in 209.

In this case, the Senate's decision to name the fleet as part of the consular *prouincia* was probably pragmatic, even though we should not lose sight of the possibility of some fluidity in the arrangements made during this period. L. Cincius Alimentus (*pr.*), who had been allotted the *prouincia Sicilia*, could have legitimately taken command of the fleet when Laevinus was absent with his army (and without his permission), if it had not been named as a specific part of the consular lot.<sup>506</sup> This may have been an attractive idea, since we have seen with the case of Otacilius that the fleet continued to offer opportunities to acquire glory (despite the fact that no naval triumphs were celebrated during the Second Punic War). It is worth recalling the disagreements which arose after L. Furius Purpurio (*pr.*) used the army of C. Aurelius Cotta (*cos.*) to defeat the Gauls in their shared *prouincia Gallia* prior to Cotta's arrival in 200.<sup>507</sup> One could argue that the designation of the *classis* as a specific part of Laevinus' *prouincia* would have prevented Cincius from claiming his own glory with the fleet, since he would have been operating *in aliena prouincia*.<sup>508</sup> It also meant that Laevinus could easily delegate the command of the fleet to one of his own *legati* – perhaps with delegated *imperium pro praetore* (i.e. the same grade as Cincius) – without having to consider whether Cincius had his own plans for the fleet (and the problems that might have arisen from this).<sup>509</sup> These considerations were especially important given that Laevinus was initially absent with his army around Syracuse and Agrigentum in eastern and central Sicily, whereas the fleet presumably remained at Lilybaeum in the west after the death of Otacilius towards the end of 211.<sup>510</sup>

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<sup>506</sup> For the use of ships by praetors in Sicily see e.g. Livy, 22.37.13 (217/216 B.C.) and Livy, 28.10.16 (206 B.C.).

<sup>507</sup> Livy, 31.21-22 with discussion Ch.III.v.

<sup>508</sup> Cf. Ch.III.v.

<sup>509</sup> It is not known whether Laevinus had already placed his senior *consularis* subordinate, M. Valerius Messalla, in charge of the fleet prior to his recall to Rome (Livy, 27.5.1), for which see further Ch.III.iii. Cf. Ch.IV.iv for the dispute that arose between a *legatus* sent by Cn. Pompeius Magnus to Crete and Q. Caecilius Metellus Creticus, the proconsul in command of the same island, in 67.

<sup>510</sup> For Otacilius' death see Livy, 26.23.2 and see generally Clark (1994), esp. p.138-140 for the distribution of military forces at this time.

The same considerations also help to explain the continuation of the demarcation of the fleet during the period in which Laevinus was prorogued in Sicily – first alongside Cincius in 209 and, then, alongside praetors in 208 and 207.<sup>511</sup> In 206, in contrast, the Senate instructed Laevinus to return to Rome with his fleet and to hand over 30 ships to C. Servilius Geminus (*pr.*), who had been allotted plain *Sicilia* in the praetorian *sortitio*.<sup>512</sup> Servilius was the only *imperium*-holder in Sicily at this time and could use the fleet exactly as he saw fit within the context of his *prouincia Sicilia*: in other words, the fleet was now a resource, like his army, to be used *in prouincia* rather than as a specific part of his *prouincia per se*.<sup>513</sup>

*Prima facie*, there appears to have been yet another reversion to the system employed between 215 and 207 when the very same fleet appears in Livy's description of the consular *prouincia* assigned to P. Cornelius Scipio in 205:

prouinciae ita decretae: alteri consuli Sicilia et triginta rostratae naues quas C. Seruilius superiore anno habuisset; permissumque ut in Africam, si id e re publica esse censeret, traiceret; alteri Bruttii et bellum cum Hannibale, cum eo exercitu quem...<sup>514</sup>

The re-appearance of the ships in the provincial designation may have been intended as a means of avoiding ambiguity over which commander had the charge of the fleet, since L. Aemilius Papus (*pr.*) was also allotted the *prouincia Sicilia* in succession to Servilius.<sup>515</sup> However, in this particular instance, the mention of the ships is probably better related to the next clause of the assignment giving Scipio permission to cross into Africa.<sup>516</sup> This was, after all, the ultimate aim and would have required the utilisation of

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<sup>511</sup> See Livy, 27.7.12 (209 B.C.); 27.22.9-10 (208 B.C.); and 27.36.11-13 (207 B.C.). See also Prag (2007b), p.291f for further references.

<sup>512</sup> Livy, 28.10.9-16.

<sup>513</sup> Cf. Thiel (1946), p.139, who imprecisely notes that, "...the danger now being past, the ships remaining on service were given to a praetor again, as had been usual till Otacilius' death in 211."

<sup>514</sup> Livy, 28.45.8-9.

<sup>515</sup> Livy, 28.38.13.

<sup>516</sup> Cf. Ch.III.iii.

the ships. Livy's mention of the ships may, therefore, have concerned the allocation of military resources, rather than a specifically named *prouincia classis*,<sup>517</sup> and it is even possible that he conflated the name of the *prouincia* with the senatorial decrees voting military forces.<sup>518</sup> It should be noted that an *exercitus* is mentioned in the same context alongside the other consular *prouincia* and that an army was never named as an explicit part of a *prouincia*. Furthermore, Livy elsewhere mentions that Scipio was assigned *Sicilia extra sortem*.<sup>519</sup> This may be indicative of the fact that the fleet was not actually an explicit part of the *prouincia*, even though it is most probably an abbreviation for the full scope of the command (e.g. note the absence of the permission to cross to Africa). If correct, the Senate probably did not think that it was necessary to demarcate the fleet as a *prouincia*, given that Scipio would eventually be the only *imperium*-holder operating in Africa (and had *consulare imperium maius quam* the praetor's own *praetorium imperium* and a greater *de facto* power from his status as consul).<sup>520</sup> This can be contrasted with the demarcation that took place when Cn. Cornelius Lentulus (*cos.*) was assigned the *prouincia classis* with (conditional) permission to cross into Africa from Sicily in order to command the fleet alongside Scipio in 201.<sup>521</sup>

The pattern of the demarcation of a specific naval command appears to have continued, following Scipio's crossing into Africa in 204, when two praetorian *imperium*-

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<sup>517</sup> One clue that this was the case is provided by Livy's notice of the *prorogatio imperii* for 204 in which the fleet and army appear in a similar sense: *P. Scipioni cum eo exercitu, cum ea classe quam habebat, prorogatum in annum imperium est...* (29.13.3).

<sup>518</sup> This should be compared with the wording given for the *prouincia* allotted to Ti. Sempronius Longus (*cos.*) in 218 in Livy, 21.17.1-9 and esp. 1-2: *Cornelio Hispania, Sempronio Africa cum Sicilia euenit. sex in eum annum decretae legiones et socium quantum ipsis uideretur et classis quanta parari posset.*

<sup>519</sup> Livy, 28.38.12. Note, in contrast, Livy's descriptions of M. Valerius Laevinus' consular *prouincia* in 210 firstly as *classis cui T. Otacilius praefuisset Siciliaque prouincia* (26.28.3) and, then, still, *Sicilia et classis* (26.29.1).

<sup>520</sup> In contrast to the arrangement in 210 mentioned in the previous note, Scipio brought ships with him and would have used them from the beginning with the aim of crossing to Africa in mind.

<sup>521</sup> See Livy, 30.40.12-16 with discussion in Ch.III.ii.

holders were present in Sicily from 203 until the end of the Second Punic War in 201.<sup>522</sup> It only re-emerges, once again, in 192, when several *imperium*-holders were present in Sicily within the context of defensive measures taken in response to the impending war against Antiochus III:

et ut M. Fulvius praetor classem nauium uiginti mitteret ad tuendam Siciliae oram; et ut cum imperio esset qui classem eam duceret – duxit L. Oppius Salinator, qui priore anno aedilis plebei fuerat – ; et ut idem praetor L. Valerio collegae scriberet periculum esse ne classis regis Antiochi ex Aetolia in Siciliam traiceret, itaque placere senatui ad eum exercitum quem haberet tumultuariorum militum ad duodecim milia et quadringentos equites scriberet, quibus oram maritimam prouinciae qua uergeret in Graeciam tueri posset.<sup>523</sup>

Some scholars have suggested that M. Fulvius Centumalus (*pr. urb.*) delegated *imperium* to L. Oppius Salinator as a *legatus cum imperio*, yet it is more likely that he was ordered to secure a *lex* by which Oppius would be granted *imperium* as an extraordinary promagistrate.<sup>524</sup> The order was made when both consuls were absent and so it is possible that the Senate asked the *praetor urbanus* to propose a motion to the people as the most senior magistrate available.<sup>525</sup> Once again, the specific designation of the fleet would have separated the naval function of Oppius from the terrestrial command of L. Valerius Tappo (*pr.*), who had already been allotted *Sicilia* at the start of the year.<sup>526</sup>

<sup>522</sup> Livy, 30.1.9-10; and 30.2.1-4 (P. Villius Tappulus (*pr. Sicily*) and M. Pomponius Matho (*pro pr. fleet*) in 203); 30.27.8-9 (Cn. Tremellius Flaccus (*pr. Sicily*) and P. Villius Tappulus (*pro pr. fleet*) in 202); and 30.40.5-16; 30.41.2-6 (Cn. Cornelius Lentulus (*cos. fleet*) and P. Aelius Tubero (*pr. Sicily*) in 201, although the naming of the fleet, in this case, was predominantly aimed at separating Lentulus from Scipio in Africa). It is notable that Sicily is not mentioned as part of Scipio's prorogation in 203: *P. Scipioni non temporis, sed rei gerendae fine, donec debellatum in Africa foret, prorogatum imperium est...* (Livy, 30.1.10-11). For further references see Prag (2007b), p.293-295.

<sup>523</sup> Livy, 35.23.6-9. Cf. Livy, 35.24.6-7.

<sup>524</sup> I follow Brennan (2000), p.336, n.202 *contra* Thiel (1946), p.279 and Briscoe (1981), p.179 *s.v.* "7. Cum imperio...duceret." Compare especially the discussion of the appointment of T. Otacilius Crassus (*pro pr.*) in 215 (Ch.III.iii). Cf. *MRR I*, p.351 *s.v.* "Promagistrates" and Prag (2007b), p.296. It is important to note the possible precedent from 200 when the consul P. Aelius Paetus may have secured a *lex de imperio* for M. Valerius Laevinus, who is referred to as *propraetor* (Livy, 31.3.2-4), for which see further Ch.III.viii.

<sup>525</sup> For the order to recall a consul at the same time see Livy, 35.24.2. On the role of the *praetor urbanus* presiding over the *comitia* see further Brennan (2000), p.119f.

<sup>526</sup> Livy, 35.20.8-9. The Senate also gave special instructions to M. Aemilius Lepidus (*pr. Sicily*) in 191: *M. Aemilius Lepidus ab L. Valerio, cui successurus esset, simul prouinciam exercitumque accipere iussus; L. Valerium, si ita uideretur, pro praetore in prouincia retinere et prouinciam ita diuidere, ut una ab Agrigento*

Further evidence for the use of the *prouincia classis* as a means of separating two magistrates is also to be found in the eastern assignments made at the beginning of the same year whereby A. Atilius Serranus (*pr.*) was allotted the *classis et Macedonia*.<sup>527</sup> The naming of the fleet, in particular, seems to have facilitated a land and sea division with M. Baebius Tamphilus (*pr.*) for the defence of the allies against Nabis of Sparta. Baebius received the *Bruttii* as his praetorian *prouincia*, which almost certainly included an additional mandate to cross into Greece against Nabis of Sparta, as Livy explains:

hi duo praetores et duo exercitus, terrestres nauticasque, aduersus Nabim aperte iam oppugnantem socios populi Romani dicebantur parari...<sup>528</sup>

In addition, Cn. Domitius Ahenobarbus (*cos.*) was allotted *Italia* with the condition that he should be prepared, if necessary, to lead his legions *extra Italiam quo senatus censuisset* – i.e. in the event that war with Antiochus III was confirmed.<sup>529</sup> The allocation of the *prouincia classis*, therefore, would have theoretically separated the naval command from the land commands of Baebius and Domitius in the event that he proceeded eastwards.<sup>530</sup> As we have seen in the previous sections, two independent consular and

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*ad Pachynum esset, altera a Pachyno Tyndareum; eam maritimam oram L. Valerius uiginti nauibus longis custodiret. eidem praetori mandatum, ut duas decumas frumenti exigeret; id ad mare comportandum deuehendumque in Graeciam curaret...* (Livy, 36.2.10-12). As the fleet would have been included within the geographical area between Pachynus and Tyndareus (i.e. facing towards the Greek East) and the commanders would be separated by different geographical “spheres”, one can reasonably assume that the fleet was not named as a specific part of the *prouincia per se*. This more likely represents the separation of commanders in space rather than by function, which is discussed further in Ch.IV.ii. In any case, there is no evidence that Valerius was retained and so the fleet may have ended up simply as a resource to be used by Aemilius within his *prouincia*. Livy provides a clear indication that the fleet was viewed in this way rather than a specific part of a *prouincia per se* in 189: *Siciliae legio una et classis, quae in ea prouincia erat...* (37.50.9). See further the references in Prag (2007b), p.296f.

<sup>527</sup> See Livy, 35.20.8-11.

<sup>528</sup> Livy, 35.20.13-14. For the special instructions given to Baebius see Livy, 35.23.5-6: *et ut M. Baebius ex Bruttii ad Tarentum et Brundisium promoueret legiones decreuit, inde, si res posceret, in Macedoniam traiceret...* Note also Livy, 35.24.7 and 36.1.7-8 for his eventual crossing in *Macedoniam* with Brennan (2000), p.203 and p.206f. For Atilius cf. Livy, 35.22.2-3: *...Atilius praetor cum classe missus in Graeciam est ad tuendos socios.*

<sup>529</sup> Livy, 35.20.1-8.

<sup>530</sup> These arrangements can be contrasted with the new *prouincia* assigned to Cn. Sicinius (*pr. per.*) in 172 after the Senate decided to postpone the war against Perseus *ad novos consules: hac classe et hoc exercitu Cn. Sicinius prouinciam Macedoniam obtinere, donec successor ueniret, iussus, prorogato in annum imperio...* (Livy, 42.27.6). Sicinius would have been the only *imperium*-holder assigned to the operations in

praetorian eastern *provinciae* were subsequently demarcated by function with the naming of a *provincia classis* throughout the war against Antiochus between 191 and 188.<sup>531</sup> The same demarcation of a praetorian *provincia classis* was also utilised again during the war against Perseus of Macedon between 171 and 168.<sup>532</sup> This system enabled several praetors to celebrate their own naval triumphs from the same sphere as the consuls in 189, 188 and 167.<sup>533</sup>

In summary, the *provincia classis* appears to have been explicitly designated only when a fleet was to be deployed in the same space in which there would be more than one *imperium*-holder. This pattern provides confirmation that the naming of this *provincia* served to separate magistrates or promagistrates by function within the same space. As argued in the previous section, this would have limited the potential for conflicts over which commander would undertake which tasks in the field and would have regulated the type of glory one might have been able to achieve (i.e. land or naval). As we have just seen in the case of Scipio's *provincia* from 205, however, the Senate would not necessarily have always favoured such a demarcation; and we should not assume that the separation of *imperium*-holders was the only consideration when a *provincia classis* was named. The

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Macedonia and so "this fleet" was apparently not included as a named part of his *provincia* with *Macedonia* (cf. *Macedonia et classis* in 192). Cf. also 42.18.2-4 and 42.36.8-9.

<sup>531</sup> Livy, 36.2.1-6; and 36.2.14-15 (M'. Acilius Glabrio (*cos.* Greece) and C. Livius Salinator (*pr.* fleet) in 191); 37.1.7-10; 37.2.1-2; 37.4.5-6; and cf. Val. Max. 5.5.1 (L. Cornelius Scipio (*cos.* Greece with permission to cross into Asia) and L. Aemilius Regillus (*pr.* fleet) in 190); 37.50.1-8 (Cn. Manlius Vulso (*cos.* Asia) and Q. Fabius Labeo (*pr.* fleet) in 189). In the latter case, it should also be noted that M. Fulvius Nobilior (*cos.*) was also allotted *Aetolia* and employed ships against the Aetolians and island of Cephallenia, which was clearly separated from the operations in *Asia* further eastwards (Livy, 37.50.1-8; 38.8.1-3; 38.30.1-2; and Zonar. 9.21.4). Manlius, Fabius and Fulvius were all prorogued into 188 (Livy, 38.35.3 and 38.39.2-3).

<sup>532</sup> Livy, 42.32.4-5; 42.36.5-6; 42.48.3-5 (P. Licinius Crassus (*cos.* Macedonia) and C. Lucretius Gallus (*pr.* fleet) in 171); 43.4.8-9; 43.5.1; 43.6.10; 43.6.14; 43.7.8-11; 43.8.5-10 (A. Hostilius Mancinus (*cos.* Macedonia) and L. Hortensius (*pr.* fleet) in 170, although note that the record of the elections and *sortitiones* are missing from book 43); 43.15.2-3; 43.11.8-12; 43.12.1-2 (Q. Marcius Philippus (*cos.* Macedonia) and C. Marcius Figulus (*pr.* fleet) in 169); 44.17.6-10; 44.21.3-5; and 44.30.1-3 (L. Aemilius Paullus (*cos.* Macedonia), Cn. Octavius (*pr.* fleet) and L. Anicius Gallus (*pr. peregrinus* and then *Illyricum*) in 168).

<sup>533</sup> Ch.III.iv and III.vi.

next section will, therefore, examine what other factors could have contributed to whether the fleet was named as a specific *prouincia*.

### III.viii. The combined land and sea command: the non-separation of functions in space

Some notable exceptions to the pattern in which the *prouincia classis* separated the function of two or more *imperium*-holders, as outlined above, are to be found in Spain during the Second Punic War. First, P. Cornelius Scipio (*cos.*) was assigned the *prouincia Hispania* with both land and naval forces in 218 and there would have been no question of delineating functions:<sup>534</sup> he was the consul sent against Hannibal and he would also be the only independent *imperium*-holder operating in Spain.<sup>535</sup> The next year, however, he was prorogued in Spain and his brother, Cn. Cornelius Scipio, who had served as his *legatus* in 218, was apparently granted his own independent *imperium* as an extraordinary promagistrate: the brothers subsequently commanded on an equal footing between 217 and 211 with their land and naval forces, but without any formal separation of the commands.<sup>536</sup> In this case, it would have been unlikely that the brothers would have clashed over the use of military forces, strategy or the competition for military glory and so the demarcation of the commands was probably considered to have been unnecessary (or, more likely, not even considered at all).<sup>537</sup> Furthermore, we should not overlook the fact that it would sometimes have been advantageous for two magistrates (or promagistrates) to operate together with the same *prouincia*, since this would have enabled the commanders to combine their forces and undertake a joint military strategy (e.g. with two (pro)consular armies).<sup>538</sup>

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<sup>534</sup> Livy, 21.17.1-9. The same applies to the other consul, who was also allotted *Africa cum Sicilia* with both land and naval forces.

<sup>535</sup> For the context see generally Richardson (1986), p.31-43.

<sup>536</sup> I follow the conclusions reached by Vervaet and Naco (2007), p.22f with n.3 on the position of the Scipio brothers between 217 and 211 here. For the fleet see e.g. Livy, 21.17.8 and Polyb. 3.41.2 (60 ships in 218); and Livy, 22.19.4 and Polyb. 3.95.5 (35 ships in 217) with further discussion in Thiel (1946), p.38-42.

<sup>537</sup> It is worth noting their own division of their forces in 216: *P. et Cn. Scipionibus inter se partitis copias ut Gnaeus terra, Publius nauibus rem gereret...* (Livy, 23.26.2).

<sup>538</sup> Note especially Polyb. 3.97 for the joint operations of P. Cornelius Scipio (*pro cos.*) and Cn. Cornelius Scipio (*pro cos.*) and their united strength in crossing of the Ebro in 217. Cf. Livy, 22.22.1-4, which reports

Following the death of both proconsuls in the field, the Spanish command was assigned to a single *imperium*-holder, who departed Rome with both land and naval forces, in 211.<sup>539</sup> It seems that the Senate had originally planned to send a single successor to this command the following year.<sup>540</sup> However, it could not agree which individual should be appointed and so P. Cornelius Scipio was elected as the extraordinary promagistrate for Spain in the *comitia centuriata* – despite the fact that he was just 25 years old and had only just been an aedile in 213.<sup>541</sup> It was probably only after this that the Senate decided to send M. Iunius Silanus (*pr.*) with him as *adiutor*, with his own independent *imperium*, in 210.<sup>542</sup> Once again, these commands were not separated either in space or by function. There are at least three good reasons why this would not have been appropriate. First, it is clear that Scipio had the supreme command and that he could (and did) call the shots regarding the allocation of tasks and resources in Spain.<sup>543</sup> Second, it was only after the disapproval of Scipio's election in the *comitia centuriata* that the Senate decided to appoint another commander, by which stage it could hardly have delineated specific functions – and separate the commanders – and, in the process, modify the comitial law which had

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the arrival of P. Cornelius Scipio and the fact he joined his forces with his brother. Cf. Livy, 25.3.3 (212 B.C.) and 27.25.14 (208 B.C.).

<sup>539</sup> *MRR I*, p.274, s.v. “C. Claudius Nero” with Livy, 26.17.1-3; and App. *Hisp.* 17. See further generally e.g. Thiel (1946), p.107f; Brennan (2000), p.155f; and Vervaeke (2012a), p.47.

<sup>540</sup> See Livy, 26.18, esp. 26.18.4: *cum alii alium nominarent, postremum eo decursum est ut proconsuli creando in Hispaniam comitia haberentur...*

<sup>541</sup> For the date of his aedileship see *MRR I*, p.267, n.4 and for the context see generally Richardson (1986), p.45f. See also Brennan (2000), p.157 for his election in the *comitia centuriata*.

<sup>542</sup> Livy, 26.18-19. The legal status of Silanus and his relationship with Scipio has been the subject of much scholarly debate, stemming from the fact that Livy first refers to Silanus as *propraetor* and *adiutor* (26.19.10), but later reports a speech from Scipio claiming that Silanus was sent, *eodem iure eodem imperio mecum in prouinciam...* (Livy, 28.28.14-15). See most recently Vervaeke (2012a), p.50f, with n.11 for the modern literature, who argues that Silanus' *praetorium imperium* was upgraded to *consulare imperium* (i.e. *imperium pro consule*).

<sup>543</sup> This is clear from Livy's notice from 206 that: *haec in Hispania P. Scipionis ductu auspicioque gesta...* (28.38.1). Note also that Scipio is reported to have sailed with the fleet from Rome (Livy, 26.19.11-12 and App. *Hisp.* 18). See further Vervaeke (2012a), p.51f (Cf. Vervaeke and Naco (2007), p. p.23-26 and esp., p.25, n.6), who suggests that Silanus had been given equal command on the basis of Livy, 28.28.14 (*eodem iure*), but voluntarily conceded the *summum imperium auspiciisque* to Scipio. This possibly reads too much into the phrase and I would not rule out the distinct possibility that a decision had already been taken in Rome that Scipio would have the supreme command (perhaps, even within the context of Silanus' re-assignment as *adiutor*) and that this is simply not explicitly recorded in Livy's account.

appointed Scipio.<sup>544</sup> We should not assume that the Senate would have wanted to demarcate the commands in any case.<sup>545</sup> Thirdly, the fleet was predominantly used in support of the army and there were few opportunities for warfare at sea after the Romans defeated a Carthaginian fleet near the Ebro in 217.<sup>546</sup>

In short, there would have been no obvious advantage in formally demarcating the *prouincia Hispania* into two geographical or functional parts between 218 and 206.<sup>547</sup>

Yet, there are at least two important questions which must still be considered. Firstly, could the use of a combined terrestrial and naval command have provided its own benefits which were not necessarily related to the separation of *imperium*-holders by function? And, secondly, what other factors might have influenced the decision to name – or not to name – a *prouincia classis*? With these questions in mind, I shall focus on the use of a joint land and sea command under one *imperium*-holder during the wars against Philip V of Macedon (200-197) and Nabis of Sparta (196-194). These campaigns were, after all, roughly comparable in size, scope and geographical location with the eastern wars against Antiochus III (192-188) and Perseus of Macedon (171-168), in which a *prouincia classis*

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<sup>544</sup> Livy, 26.18-19 and App. *Hisp.* 18. See further Vervaeke (2012a), p.48f for the Senate's disapproval and subsequent decisions. Compare the division made in 201 when Cn. Cornelius Lentulus (*cos.*) was to command from the sea and Scipio the land, in Ch.III.ii. In this case, the Senate had originally determined the designation of Scipio's *prouincia* (and subsequent *prorogatio imperii*) and so could presumably alter the arrangements as they saw fit without infringing on a vote of the people. For the last *prorogatio imperii* of 201 see Livy, 30.41.1, although note that a *plebiscitum* was passed which confirmed that Scipio should lead the war in Africa in 202 (Livy, 30.27.1-5).

<sup>545</sup> Richardson (1986), p.45 quite rightly suggests that the appointment of Silanus may have enabled the Senate to maintain some control over Scipio's progress.

<sup>546</sup> For the Roman dominance at sea see Livy, 22.20.1-4 and Polyb. 3.96.1-6 (from Ebro in 217); and Livy, 27.17.6-7 and Polyb. 10.8.9 (control of the Spanish coasts in 210/209). It is notable that Scipio first ordered the fleet to be beached (Livy, 26.19.13) and only launched them for his attack on New Carthage by land and sea (Livy, 26.40-49), for which see further Thiel (1946), p.117-121. For the Roman victory near to the Ebro tipping the balance of naval supremacy in Spain in Rome's favour see further Thiel (1946), p.49f.

<sup>547</sup> It is also worth noting that the delineation of two *prouvinciae* in Spain between 205 and 197 would not have been necessary with regard to separating the potential access to individual *gloria*: the refusal of Scipio's triumph on the grounds that he did not hold a magistracy in 206 made it unlikely that a triumph would be granted to the extraordinary promagistrates in Spain prior to the sending of two praetors to Spain in 197, for which see further Ch.III.v.

was frequently named. How, then, might the different uses of *prouvinciae*, in these cases, be explained?

The prospect of war with Philip V of Macedon was already foreseen towards the end of consular 201 and M. Valerius Laevinus (*pro pr.*) was accordingly sent into Macedonia with 38 ships, probably as an extraordinary promagistrate.<sup>548</sup> The following year, Laevinus was succeeded by P. Sulpicius Galba (*cos.*), who had been allotted the *prouvincia Macedonia* before war had been formally declared on Philip.<sup>549</sup> Sulpicius took the personal decision to delegate the command of his fleet to his subordinates in order to focus on the land campaign, since an additional independent naval command had not been named:<sup>550</sup> L. Apustius Fullo (*leg.*) commanded the fleet during the campaign in the Aegean with King Attalus I,<sup>551</sup> and C. Claudius Centho (*leg.?*) was also sent with 20 ships and one

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<sup>548</sup> Livy, 31.3.2-4: *decreuitque frequens senatus ut P. Aelius consul quem uideretur ei cum imperio mitteret qui, classe accepta quam ex Sicilia Cn. Octavius reduceret, in Macedoniam traiceret. M. Valerius Laevinus propraetor missus circa Uibonem duodequadraginta nauibus ab Cn. Octauio acceptis in Macedoniam transmisit.* It is not entirely clear whether the Senate intended that the consul P. Aelius Paetus should delegate *imperium* to Laevinus as his *legatus pro praetore* (so Thiel (1946), p.216f) or that he should propose a *lex de imperio* which would confer *imperium* on Laevinus as an extraordinary promagistrate (e.g. Brennan (2000), p.206; and p.646). It is worth noting that Aelius received *Italia* as his lot (Livy, 30.40.16) and his consulship (and command in northern Italy) would have been soon coming to an end around the time that Laevinus was appointed, which would have been far from ideal if Laevinus was to act as his subordinate. Cf. Livy, 31.7.4 in which the consul supposedly addresses the *comitia centuriata*: *ne illud quidem dubium est quin hunc ipsum Philippum, pactum iam per legatos litterasque cum Hannibale ut in Italiam traiceret, misso cum classe Laeuino qui ultro ei bellum inferret, in Macedonia continuerimus* [we = the people through a *lex?*]... Although some scholars considered the assignment of Laevinus to be a doublet of Laevinus' expedition in 215, see the arguments supporting its historicity in Thiel (1946), p.219-223; Briscoe (1973), p.60; and especially Warrior (1996), p.52-60 with modern literature p.53, n.6.

<sup>549</sup> Livy, 31.5.9 and 31.6.1-2. Cf. 31.8.6-7. For the declaration of war against Philip and the subsequent chronology see Warrior (1996), p.37-89. See also Rich (1976), p.25 and p.87f; and Pina Polo (2011), p.102f with references.

<sup>550</sup> For his forces see Livy, 31.8.5-7 (legions) and Livy, 31.14.1-3 (fleet). For the ship numbers see generally Thiel (1946), p.212.

<sup>551</sup> See Livy, 31.44.1-2; 31.45-47; Zonar. 9.15 (naval activities); and Livy, 31.27.8; 31.44.1; 31.46.1-3; 31.47.3; and 32.16.5 (his status as *legatus*). Brennan (2000), p.208 discusses the possibility that Apustius was granted independent *praetorium imperium* by the *populus Romanus*, based on Zonaras' description of him as ὁ στρατηγὸς ἐπὶ τοῦ ναυτικοῦ (Zonar. 9.15). It is true that Zonaras differentiated Claudius Centho (above) as ὁ ὑποστράτηγος, as discussed in the following note, and that he also has an independent reference to Sulpicius' illness, which is not recorded in any other surviving source. However, as Thiel (1946), p.217 argued, it is possible – and, in my opinion, probable – that Apustius was delegated *imperium pro praetore* by Sulpicius and that he was officially a *legatus pro praetore*. The opportune moment in which he would have been delegated *imperium* may have even been when Sulpicius became ill: presumably, at this time, he sent Apustius in command of the land army in his place (with *imperium*) and this may even be the context of Zonar. 9.15 in which he is referred to as ὁ στρατηγὸς. In support of this, the Senate directed Sulpicius to select (his own) ships from the fleet of the consul of 201, Cn. Cornelius Lentulus (Livy, 31.14.1-

thousand soldiers to Athens.<sup>552</sup> P. Villius Tappulus (*cos.*) succeeded Sulpicius in Macedonia in 199 and, presumably, he too placed his own subordinate commander in charge of the fleet:<sup>553</sup> Livy records that a certain Livius was in charge of the fleet in this year, but he does not give his official position and so, based on the system employed throughout this war, we can only assume that he was a *legatus*.<sup>554</sup>

This system of entrusting one *imperium*-holder with a joint land and sea command with the designation of a *provincia Macedonia* was most notably continued between 198 and 194. The only difference during these years was that T. Quinctius Flaminius was prorogued for the duration of the campaigns against Philip V and Nabis, first, as consul, and, then, as proconsul, with his brother, L. Quinctius Flaminius, who commanded the fleet in the official capacity of his *legatus*.<sup>555</sup> Livy refers to L. Flaminius as *legatus* on various occasions between 198 and 194, yet his official position is complicated by his description of him as the commander, *cui classis cura maritimaeque orae imperium mandatum ab senatu erat...*<sup>556</sup> In addition, an inscription from Lampsacus describes how Lampsacene ambassadors met the “Roman commander in charge of the fleet.”<sup>557</sup> This was almost certainly L. Flaminius, which has led some scholars to suggest that his *imperium*

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3). If Apustius had an independent command we could expect him to have selected his own ships, just as M. Valerius Laevinus (*pro pr.*) personally received his ships from the fleet of Cn. Octavius (*pro pr.*) in 201 (Livy, 31.3.4-5). Cf. Livy, 37.2.10 (190 B.C.).

<sup>552</sup> Livy, 31.14.3-4; 31.22.5-8; and 31.23.1-11. The official position of Claudius is not recorded by Livy, but he was almost certainly a *legatus* commanding a portion of Sulpicius’ fleet. Zonaras, 9.15 refers to him as ὁ ὑποστράτηγος (an equivalent for the Latin *legatus*), for which see Mason (1974), p.96 and p.154 who notes that Dio (Zonaras’ source) uses this term “for a number of subordinate positions.”

<sup>553</sup> Livy, 32.1.2 (*provincia Macedonia*).

<sup>554</sup> Livy, 32.16.4 with Briscoe (1973), p.194f. For his status see Thiel (1946), p.217 and Brennan (2000), p.207f.

<sup>555</sup> Livy, 32.8.4 and 32.16.2. For the allotment see especially Badian (1970), p.30-32.

<sup>556</sup> Livy, 32.16.2. For references to him as *legatus* see: Livy, 33.17.2; 33.17.14 (197 B.C.); 34.29.9 (195 B.C.); and 34.50.11 (194 B.C.).

<sup>557</sup> *I. Lamp.* 4, ll. 15-18 (marble stele, Lampsacus): ...καὶ ἐγδημήσας καὶ πα[ραγε|νόμενος εἰς τὴν] Ἑλλάδα, ἐντυχὼν μετὰ τῶν συμπρ[εσ|βευτῶν τῶι στ]ρατηγῶι τῶν Ῥωμαίων τῶι ἐπὶ τῶν ναυ[τι|κῶν Λευκίω]...

as *praetor urbanus* in 199 must have been prorogued between 198 and 194.<sup>558</sup> Yet, στρατηγός may be best interpreted as simply “general/commander”, with ἐπὶ τῶν ναυτικῶν denoting his charge, rather than his official titlature (of which the Lampsacenes may not have been aware).<sup>559</sup> Given that there remains some confusion over the status of L. Flamininus in the modern literature, it is worth outlining the evidence for his position as *legatus* here.<sup>560</sup>

As Thiel recognised long ago, it is more likely that Livy records only part of the procedure by which the Senate appointed L. Flamininus as a *legatus* attached to his brother with the specific task of commanding the fleet and with authority over the coastal regions:<sup>561</sup> the Senate could have issued a vague mandate for the *legatus* (such as *classis cura maritimaeque orae imperium*), just as they had directly issued instructions to P. Valerius Flaccus (*leg.*) in 215 and told M. Valerius Laevinus (*pro cos.*) that he should send M. Valerius Messalla (*leg.*) or L. Cincius Alimentus (*pro pr.*) to raid Africa if he could not do so himself in 209.<sup>562</sup> According to Plutarch, T. Flamininus asked the Senate for his brother to accompany him as a naval commander.<sup>563</sup> One can very easily imagine that this request was made because the Senate was responsible for the appointment of *legati*, even if

<sup>558</sup> E.g. Mommsen (1887), II, 234f, n.3; *SIG*<sup>3</sup> 591, p.116, n.5; *I. Lamp.* 4, p.30 s.v. “17”; Schleussner (1978), p.112, n.42; Brennan (2000), p.208f; and p.644f. For his position as *praetor urbanus* see *MRR I*, p.327. For what it is worth, the prorogation of the *imperium* of the *praetor urbanus* was apparently quite rare, for which see Brennan (2000), p.158 with p.314, n.24.

<sup>559</sup> *Contra* Brennan (2000), p.209, I do not think that this “titlature should be accurate.” It is true, as Brennan argues, that the Lampsacenes list Titus’ status as consul when he was *pro consule* (*I. Lamp.* 4, ll. 68-70), but it does not have to follow that they would have got the status of a *legatus* right. Cf. Briscoe (1973), p.194 s.v. “2. Imperium”: “...at xxxiii.17.2 he is called a *legatus*. The fact that he is called στρατηγός in *Syll.*<sup>3</sup> 591 is indecisive: the Lampsacenes could have been mistaken.” Compare also the reference to L. Apustius Fullo as ὁ στρατηγός ἐπὶ τοῦ ναυτικοῦ in Zonaras (9.15). For στρατηγός see generally Mason (1974), p.155-158, esp. p.157.

<sup>560</sup> E.g. Brennan (2000), p.208f is not clear on the issue: he suggests that his *imperium* was prorogued (p.209 and p.644f) and elsewhere refers to L. Flamininus as a “legate” (p.210).

<sup>561</sup> Thiel (1947), p.218, who proposes that he was appointed *legatus pro praetore* by Titus by order of the Senate and that Livy shortened this procedure (Livy, 32.16.2). Cf. Jashemski (1950), p.28.

<sup>562</sup> Livy, 23.38.9-12 (215 B.C.) and 27.7.16.17 (209 B.C.) with discussion Ch.III.iii.

<sup>563</sup> Plut. *Flam.* 3.3: ...αἰτησάμενος δὲ παρὰ τῆς βουλῆς τὸν ἀδελφὸν αὐτῷ Λεύκιον ἄρχοντα νεῶν συστρατεύειν...

Plutarch does not reveal the official outcome.<sup>564</sup> Furthermore, the *imperium* of T. Flamininus was prorogued, *donec successor ex senatus consulto uenisset...*, whereas L. Flamininus was instructed to command the same fleet in 197.<sup>565</sup> There is no evidence that the latter represents a prorogation of *imperium*.<sup>566</sup> Indeed, it would have been less cumbersome for the Senate to have appointed him as a *legatus*, since his command would automatically continue for as long as T. Flamininus had his own *imperium*.<sup>567</sup> It is worth noting, also, that Livy gives this notice concerning L. Flamininus' command immediately after he describes the extra reinforcements voted to his brother and within the context of military resources voted to various commanders for wars in Macedonia, Gaul and Spain.<sup>568</sup> Significantly, these reinforcements included three thousand *socii nauales* – clearly to be employed with the *classis* – which were assigned directly to T. Flamininus.<sup>569</sup> If L. Flamininus had an independent command, one would expect that he would have received the *socii nauales*, just as L. Aemilius Regillus did as the praetor in charge of the fleet

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<sup>564</sup> For the appointment of *legati* see Schleussner (1978), p.172ff and p.185f (with Cic. *Vat.* 35 and Cic. *Sest.* 33), who argues that the appointment was usually carried out by senatorial decree in 56, but that the Senate had the same authority prior to this (e.g. Polyb. 35.4.9). See also Willems (1885), II, p.609 with n.1; Keppie (1984), p.40; Linderski (1990a), p.54, n.4; and Johnston (2008), p.14. Cf. Livy, 32.28.12 (197 B.C.); Livy, 35.6.5 (193 B.C.); and 36.1.8 (191 B.C.). For the consuls nominating their own *legati* during the Celtiberian War in 152/151 see especially Polyb. 35.4.5 (Suidas): ...τοὺς εἰσφερομένους ὑπὸ τῶν ὑπάτων πρεσβευτῶν... With this in mind, the explanation by Brennan (2000), p.208 that T. Flamininus was attempting to get his brother “off the hook” from allocating land to veterans in Italy (which had been marked out for his brother) is unnecessary and there is no evidence that Plutarch implied that the request of T. Flamininus was unusual, as he suggests.

<sup>565</sup> Livy, 32.28.9-11: ...*patres...T. Quinctio prorogarunt imperium donec successor ex senatus consulto uenisset. consulibus binae legiones decretae et ut bellum cum Gallis Cisalpinis qui defecissent a populo Romano gererent. Quinctio in Macedoniam supplementum decretum, sex milia peditum, trecenti equites, sociorum naualium milia tria. praeesse eidem cui praeerat classi L. Quinctius Flamininus iussus. praetoribus in Hispanias octona milia peditum socium ac nominis Latini data et quadringeni equites, ut dimitterent ueterem ex Hispaniis militem...*

<sup>566</sup> The language of Livy, 32.28.11 does not necessarily suggest *prorogatio* and can be compared with the instructions given to M. Valerius Laevinus in 209, as noted earlier (Livy, 27.7.16-17). Cf. Brennan (2000), p.335, n.194.

<sup>567</sup> For the idea that it was standard practice for *legati* to continue with their commander see Willems (1885), II, 609.

<sup>568</sup> Livy, 32.28.9-11.

<sup>569</sup> This important point was recognised by Thiel (1946), p.218.

against Antiochus III in 190.<sup>570</sup> Arguably, the clearest indication that he was a *legatus* is to be found when T. Flamininus supported his brother's candidacy for the consulship in 193 by saying that he was speaking, *pro legato et participi administrandi belli: se terra, fratrem mari rem gessisse*.<sup>571</sup> With all of these considerations in mind, it should not be doubted that L. Flamininus was appointed as *legatus*, almost certainly *ex senatus consulto*, for the command of the fleet in support of his brother and consul.<sup>572</sup>

The joint overall land and sea command which T. Flamininus exercised between 198 and 194 and the delegation of the fleet to a subordinate *legatus*, therefore, represents a continuation of the arrangements made in 200 and 199. In all of these cases, there was only one holder of independent *imperium* present in the East. Unsurprisingly, then, in contrast to the cases which we examined in the previous section, there was no need to separate *imperium*-holders by function and so no reason to demarcate the fleet. Yet, returning to the questions posed earlier in this section, could there have been other factors which

<sup>570</sup> Aemilius received the *socii nauales* directly from the M. Iunius Brutus, *praetor urbanus* of the previous year, and was instructed to enlist one thousand more *socii nauales* and two thousand *pedites* (Livy, 37.2.10). Cf. Livy, 31.3.4-5 (201 B.C.).

<sup>571</sup> Livy, 35.10.8 with Briscoe (1981), p.159 who notes the displacement of *legato* in one manuscript. In addition, we should note that the wider context of Livy, 34.35.1-2 may also suggest that L. Flamininus was included among the *legati...tribunisque militum* that T. Flamininus consulted with before drawing up the peace terms for Nabis of Sparta, given the description of those who were with him in 34.30.7: *...Quinctius cum fratre et Eumene rege et Sosila Rhodio et Aristaeno Achaeorum praetore tribunisque militum paucis descendit*. After peace was concluded the named individuals were dismissed: *huic laetitiae Quinctius superuenit pace data tyranno dimissisque ab Lacedaemone Eumene et Rhodiis et L. Quinctio fratre ad classem...* (Livy, 34.40.7).

<sup>572</sup> Note also that *legati* were sent to the Achaeans *auctore consule* by L. Flamininus, Attalus, the Rhodians and the Athenians rather than *auctore L. Quinctio* in 198 (Livy, 32.19.5). Furthermore, the inscription from Lampsacus refers to the Lampsacene ambassadors, including the individual being honoured (Hegesias), meeting with the "quaestor in the fleet" in *I. Lamp.* 4, ll. 37-38: *έντυχιών δέ μετά | τών συμπρε]σβευτών τῶι ἐπὶ τοῦ ναυτικοῦ ταμία[1...* Although very little is known about the function of quaestors in the field at this time (or at Rome for that matter), I wonder whether this might be the quaestor attached to the consul (cf. Livy, 22.49.15-16 and Polyb. 6.12.7). If correct, T. Flamininus (*cos.* and then *pro cos.*) may have attached his quaestor to the fleet for the purpose of managing the supplies – a function which is explicitly referred to by Polybius (6.31.1) – and general communications. Hegesias, after all, received a letter from the quaestor to the people of Lampsacus (*I. Lamp.* 4, ll. 38-41) and it is even possible that the (unstated) content of this letter, which was clearly deemed useful and accordingly deposited in the public archives, originated with the consul. Cf. Livy, 30.38.1-3 (202 B.C.) for P. Cornelius Scipio ordering the *quaestores* to compile a list of all the public and private property in the ships in Africa. If this hypothesis is correct, it further supports the following ideas: i) T. Flamininus had overall command of the fleet (included within his *provincia Macedonia*); and ii) L. Flamininus was a *legatus*, since a quaestor is highly unlikely to have been attached to a subordinate instead of the independent *imperium*-holder (cf. *SIG*<sup>3</sup> 591, n.9, which assumes the quaestor was attached to L. Flamininus (as "praetor" in charge of the fleet)).

influenced the Senate's decisions whether to give a single magistrate or promagistrate authority over land and naval forces instead of naming an additional *prouincia classis*?

Thiel proposed that the assignment of both land and naval forces to a single *imperium*-holder enabled a greater co-operation between land and naval forces, which, he suggests, would have been especially important during the war with Philip V of Macedon.<sup>573</sup> There is evidence for the successful co-operation between T. Flamininus (*pro cos.*) and L. Flamininus (*leg.*) and, earlier still, P. Cornelius Scipio (*pro cos.*) secretly made plans with C. Laelius (*leg.*), his good friend, to launch a co-ordinated land and sea attack on New Carthage in 209.<sup>574</sup> However, there is a danger of overemphasising the significance of these cases, since the independent (pro)praetors allotted the *prouincia classis* during the wars against Antiochus III and Perseus of Macedon sometimes also co-operated with the (pro)consuls, who, after all, had the supreme command.<sup>575</sup> As Thiel rightly notes elsewhere, co-operation between two independent *imperium*-holders would have often depended on the personality of the commanders.<sup>576</sup> All we can reasonably surmise, then, is that the combination of land and naval forces under one supreme commander probably provided a better guarantee that a co-ordinated strategy would be followed, especially if we take into account that a family member or friend was often placed in charge of the naval operations.<sup>577</sup> Indeed, the independent *imperium*-holder

<sup>573</sup> Thiel (1946), p.218, who also rightly notes that the naval commanders would have still had scope for independent action. See e.g. Livy, 31.23.1-3 for the action of C. Claudius Centho in 200.

<sup>574</sup> See e.g. Livy, 34.29.1-14 (195 B.C.); Livy, 26.42.2-6 and Polyb. 10.12.1 (209 B.C.). Note also especially Thiel (1946), p.118: "The action against New Carthage rested upon co-operation between army and navy, and apparently the plan for this combined attack had been carefully prepared and was put into practice punctually."

<sup>575</sup> See e.g. the co-operation between Q. Marcius Philippus (*cos.*) and C. Marcius Figulus (*pr.*) in 169 (Livy, 44.2.1-3); and L. Aemilius Paullus (*cos.*) and Cn. Octavius (*pr.*) in 168 (44.35.10-16). Note also that Cn. Octavius sent the captured King Perseus of Macedon to the consul in his flagship (Livy, 45.6.10-12). Compare the successful land and sea operations carried out by M. Claudius Marcellus (*pro cos.*) and Ap. Claudius Pulcher (*pro pr.*) against Syracuse in 213, for which see Polyb. 8.3-7 with Walbank (1967), p.69-78 (cf. Livy, 24.33.9; 25.6.20-21; 25.29.5; and 25.41.1).

<sup>576</sup> Thiel (1946), p.384f.

<sup>577</sup> For brothers and friends serving as *legati* see Thomasson (1991), p.11 and Kunkel and Whittmann (1995), p.300, n.25. See e.g. the Scipio brothers in Spain in 218 (and then both *pro consule* 217-211); Scipio and

would have received the credit for any glory that was won by his *legatus*.<sup>578</sup> It was unlikely, therefore, that a *legatus* would have gone triumph-hunting for his own sake at the expense of a co-ordinated strategy. This was not the case for the independent praetorian naval commanders, who, as we have observed in the earlier sections, could win their own independent glory (which would have been one reason for the demarcation of the fleet).

Thiel also proposed that the co-operation of the consul and the Senate in appointing *legati* “guaranteed” the selection of better qualified naval commanders than if they had relied on the smaller pool of annually elected magistrates (and, one might add to this, the potential lottery of the allotment of a *classis sors*).<sup>579</sup> There is no denying that the use of *legati* would have given the Senate (and possibly the consul) a greater choice in appointment of a naval commander, but we should not underestimate the role played by family and friendship in the selection process.<sup>580</sup> There is, in fact, no evidence that the selected *legati* were any more qualified as naval commanders than the praetors who were allotted the *prouincia classis* between 192 and 168:<sup>581</sup> L. Flamininus, for instance, was arguably selected as a *legatus* solely on the basis that he was the brother of the consul rather than because he had any previous naval experience.<sup>582</sup> It is, therefore, unlikely that

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Laelius in Spain between 210 and 206 (and later in Sicily and Africa between 205-202); and T. and L. Flamininus 198-194 in Greece/Macedonia. Note also that C. Lucretius Gallus (*pr.*), who had been allotted the *prouincia classis* in 171, sent his brother, M. Lucretius, ahead with one quinquereme to meet the fleet at Cephallenia and receive the allied ships (Livy, 42.48.6-10 and 42.56.1-6). For a later examples see e.g. Q. Tullius Cicero serving as a *legatus* under M. Tullius Cicero (*pro cos.*) in Cilicia in 51 (Cic. *Fam.* 15.4.8-20).

<sup>578</sup> See e.g. Gordon (1983), p.90, no.14 (= *ILLRP* 342), as quoted in Ch.IV.ii.

<sup>579</sup> Thiel (1946), p.218.

<sup>580</sup> See the references for brothers and friends serving as *legati*, as noted earlier.

<sup>581</sup> Cf. Gruen (1984), p.204-231, who questions the idea that the appointments of certain magistrates for the eastern wars were made based on “eastern experience.” Although Brennan (2000), p.336, n.203 is not convinced by Gruen’s theory, there is very little concrete evidence for Roman naval specialists at the senatorial level, including the *legati*. Cf. Reddé (1986), p.465. One should imagine that naval specialists were employed under the overall command of a Roman official. See, for example, the record of various individuals with different roles in the fleet commanded by A. Terentius Varro (*leg.*) under L. Licinius Murena in Asia around 82 (*IGRom* I, 843). Cf. Plut. *Luc.* 3.8-10 for L. Licinius Lucullus (*pro quaestore*) operating on board a Rhodian ship commanded by a naval expert by the name of Damagoras a few years earlier around 85.

<sup>582</sup> Plut. *Flam.* 3.3.

the decision to entrust a single land and sea command to the consul between 200 and 198 was influenced by the wish to appoint specialist (or simply “better”) naval commanders.<sup>583</sup>

Brennan argues, from a different perspective, that the main reason that praetors were not sent to command the fleet alongside the consuls between 200 and 198 was “administrative necessity” and “conservatism.”<sup>584</sup> He, observes, rightly, that only four praetors were annually elected until 198 (for 197) and that there were already extra demands placed on these magistrates by the problems in Italy in 200, which led to *Gallia* and *Bruttii* being named as praetorian *sortes*.<sup>585</sup> This is equally applicable to the years 199 and 198 when *Ariminum* and *Gallia* were included in the praetorian *sortitio*.<sup>586</sup> Arguably, then, there was less room to name a *classis sors* during these years than there was when six praetors were annually elected from 198 onwards.<sup>587</sup>

Nonetheless, it should be emphasised that there was nothing extraordinary about a consul being chosen to lead both land and naval forces, regardless of the number of praetors available.<sup>588</sup> We have already seen above that P. Cornelius Scipio (*cos.*) was sent to Spain with both land and naval forces in 218. This had been standard practice during the previous war with Philip V of Macedon between 214 and 205, which may even have influenced the arrangements made when war was renewed in 201/200.<sup>589</sup> Indeed, instead of asking why praetors were not sent between 200 and 194, as Brennan does, a more

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<sup>583</sup> Brennan (2000), p.209 appears partially to accept Thiel, but suggests that this “does not entirely explain the Senate’s decision to implement and then maintain this unusual system.”

<sup>584</sup> *Ibid.*, p.209f.

<sup>585</sup> *Ibid.*, with Livy, 31.6.2 for the praetorian *sortitio* of 200.

<sup>586</sup> Livy, 32.2.1 and 32.8.5 with further references in *MRR I*, p.327 and p.330.

<sup>587</sup> Cf. II.ii for a comparison with the praetorian naval preparations.

<sup>588</sup> We should also note that there was nothing preventing the Senate from proroguing an *imperium*-holder elsewhere (e.g. in Sicily or Sardinia) in order to free a praetorian lot (as they did with the *Hispaniae* in 192) or from directing a senior magistrate to secure the election of an extraordinary promagistrate for the fleet (as in 201).

<sup>589</sup> The *imperium*-holders in Macedonia/Greece between 214 and 205 were as follows: M. Valerius Laevinus (*pro pr.*) between 214 and 211 (Livy, 24.40.1-17; 24.44.5; 25.3.6; 26.1.12); P. Sulpicius Galba (*cos.* and then *pro cos.*) between 211 and 206 (26.22.1; 26.26.4; 26.28.9; 27.7.15; 27.22.10; 27.12.1-2); and P. Sempronius Tuditanus (*pro cos.*) in 205 (29.12.2-3). Cf. Polyb. 8.1.6.

pertinent question to consider might be why the praetors were assigned independent naval commands between 192 and 168.<sup>590</sup> One might even ask whether the experience of the single (pro)consular land and sea command between 200 and 194, in particular the command of T. Flamininus, could have influenced the Senate's decision to name the *classis* as a praetorian lot during the war against Antiochus III (192-188).<sup>591</sup>

One can speculate, for example, that the length and individualistic nature of T. Flamininus' command might have led to some resentment among the competitive senatorial aristocracy.<sup>592</sup> There was certainly strong impetus for annual changes of command, as demonstrated by the requests to replace T. Flamininus during his tenure in the East.<sup>593</sup> This could well have been remembered later when the Senate annually changed the commanders during the wars against Antiochus III (192-188) and Perseus of Macedon (171-168).

Furthermore, T. Flamininus may have explicitly claimed victory over both land and sea when he returned to Rome in 194, since L. Flamininus had operated under his *imperium auspiciumque* and could not triumph in his own right.<sup>594</sup> We have seen that T. Flamininus recalled in 193 that his brother was, *participe administrandi belli: se terra, fratrem mari rem gessisse*.<sup>595</sup> It is notable that the *seniores* of the *Voturia* tribe reportedly recommended M. Valerius Laevinus (*pro pr.*) for the consulship *in absentia* in 210 on the basis that he had conducted the war against Philip V with distinction *terra marique*

<sup>590</sup> Brennan (2000), p.209, whose line of inquiry is undoubtedly influenced by his own subject matter.

<sup>591</sup> I would like to thank Professor J.-L. Ferrary for bringing this valuable consideration to my attention.

<sup>592</sup> For what it is worth, note the apparent rivalry between the Cornelii (supporting P. Cornelius Scipio Nasica) and Flaminii (supporting L. Quinctius Flamininus) for the consulship in 192 (Livy, 35.10.1-12).

<sup>593</sup> The former point was emphasised by Thiel (1946), p.219 with Livy, 32.28.3-9; 33.25.4-11; and 34.43.3-8. For aristocratic competition during this period cf. Ch.III.v.

<sup>594</sup> There is nothing in Livy's record of his triumph that is suggestive of a naval element and whilst the *exercitus* is mentioned, the absence of *socii nauales* is notable (Livy, 34.52.1-12). Cf. Plut. *Flam.* 14 and Eutr. 4.2.

<sup>595</sup> Livy, 35.10.8-9.

between 214 and 211.<sup>596</sup> Livy also refers to the actions undertaken later by P. Sulpicius Galba and his *legatus* against Philip V *terra marique* in 200.<sup>597</sup> Whilst there is a danger here that Livy's use of the phrase is anachronistic, we can reasonably assume that the Romans would have been aware of the concept of *bellum terra marique* in the early second century, especially given the Hellenistic precedents.<sup>598</sup> If correct, it is not beyond the realms of possibility that the *dignitas* and *gloria* that T. Flamininus was able to claim for success in the East on both land and sea would have been met with disapproval in some quarters of the Senate. We shall see in the next chapter that the monopolisation of glory *terra marique* by a single Roman individual was a product of the first century, which developed alongside the Roman conceptualisation of world empire.<sup>599</sup> However, one can speculate that T. Flamininus may have foreshadowed this development by over one hundred years – though presumably on a lesser scale – especially if we keep in mind his exploitation of much of the royal Hellenistic self promotion when he was in the Greek East. It is possible that this (or at least the less specific glory he was able to acquire from his joint land and sea command) led to some senators favouring the division of a land and sea command between two commanders and the separation of two types of glory between 192 and 188.

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<sup>596</sup> Livy, 26.22.12-13. On this episode see generally Taylor (1966), p.93f. Cf. Livy, 26.28.1-3 in which Laevinus apparently outlined his deeds *terra marique* in the East between 214 and 211 to the *curia* after he had become consul.

<sup>597</sup> Livy, 31.47.3: *haec ea aestate terra marique aduersus Philippum sociosque eius ab consule et legato Romanis adiuuantibus rege Attalo et Rhodiis gesta*. Compare also the use of similar language by Livy to refer to the (Syracusan) enemies overcome *terra marique* by M. Claudius Marcellus between 214 and 211 (Livy, 25.41.1-2); the peace which P. Cornelius Scipio (*pro cos.*) acquired *terra marique* after his defeat of the Carthaginians in 201 (Livy, 30.45.1-2); and the conquest of the Illyrians by L. Anicius Gallus (*pr.*) *terra marique* in 169 (45.43.5). Cf. Livy, 21.49.1; 21.6.6 (consuls waging war *terra marique*); 23.48.6 (forces *terra marique*); 22.18.1 (war in Spain *terra marique*); 28.23.8; 29.22.1-2 (Scipio's plan to fight *terra marique* in Africa); 32.21.18; 32.25.12 (campaigning against Macedonia *terra marique*); and 44.18.1-3 (L. Aemilius Paullus taking responsibility *terra marique* in war with Perseus of Macedon) etc.

<sup>598</sup> For the Hellenistic precedents see especially the classic discussion by Momigliano (1942). The later use of the idea of victory over land and sea by Roman individuals is explored further in Ch.IV.v.

<sup>599</sup> Ch.IV.v.

As we have seen, the naming of the fleet as a *prouincia* enabled more magistrates to take part in a campaign against a single enemy with the potential to achieve their own independent success. This would have been especially relevant during a period in which the number of triumphs peaked and in which there was a dramatic increase in the number of non-consuls celebrating triumphs.<sup>600</sup> As a result, the seemingly fierce triumphal competition and the belief that a triumph would have been a realistic ambition for a praetor (as proved to be the case) could well have led to some demands for the naming of an eastern praetorian *prouincia*, in addition to the consular *prouincia*. In this respect, the naming of a *prouincia classis* may have been a deliberate ploy to increase the opportunities for praetors to triumph, especially given the opportunities for military success in Spain during the same period. This, alongside the annual changes in command, would also have limited the extent to which one individual or family (e.g. the Flaminini) might steal all of the limelight. The arrangement may have been influenced by T. Flamininus' command *terra marique*.

We have seen in this last section that, aside from the expediency of separating *imperium*-holders either in space or by function within the same space, other factors could also have contributed to the Senate's decision whether or not to demarcate *prouvinciae*. These can be summarised as follows:

I) It would have sometimes been advantageous for two magistrates (or promagistrates) to combine their forces and undertake a joint strategy with greater military strength than if they had operated independently.

II) It is reasonable to assume that it would not ordinarily have been necessary to separate two (or more) *imperium*-holders either if they were (close) family members who

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<sup>600</sup> Rich (1993), p.49-51. Cf. Richardson (1975), p.52-54.

were, in any case, likely to have co-operated, or if one *imperium*-holder had been given the supreme command (i.e. the *summum imperium auspiciumque*).

III) In the event that a *prouincia* had been assigned to a promagistrate by the people, I suggested that it was likely that the Senate would not (or rather could not) have interfered with that decision by demarcating the command.

IV) The assignment of a single land and sea command under one commander could have guaranteed better co-operation between the land and the naval forces given that the latter were often assigned to a subordinate *legatus*. However, the extent to which this would have been a major consideration when the Senate named the *prouvinciae* each year is uncertain, since independent *imperium*-holders could also co-operate – especially if they commanded *impari imperio*.

V) The availability of *imperium*-holders – or what Brennan calls “administrative necessity” – would have been one consideration when the Senate decided whether to demarcate two named *prouvinciae* within the same space (or for a particular war) or whether to name just one *prouvincia*.

VI) However, as a single consular land and sea command was not extraordinary – and, as suggested above, could even be advantageous – “administrative necessity” would not have always been the decisive consideration concerning whether to name an additional independent naval command. Instead, the Senate may have actually favoured demarcating *prouvinciae* in order to allow more *imperium*-holders to achieve their own military success and, at the same time, to limit the monopolisation of glory by one individual (e.g. T. Flamininus) or one family (e.g. the Flaminini).

We might conclude, then, that the *prouincia classis* was named in order to separate magistrates by function in space, but that this came after the initial decision had been taken to send two (or more) independent *imperium*-holders to the same space with the above factors in mind.

### III.ix. Conclusions

Returning now to the basic notions of the *prouincia* with which this chapter began, we have observed the dangers of viewing the concept of the *prouincia* too rigidly in terms of either a task or a geographical space (III.i). A *prouincia* could be designated as a task and a geographical space simultaneously. Indeed, the *prouincia classis* was ordinarily defined in terms of the geographical area within which the commander assigned this *prouincia* was authorised to operate by means of an additional designation and, more often, senatorial instructions (III.ii-iii). Thus, the debates concerning the development of the concept of the *prouincia* do not necessarily need to be approached in terms of whether a particular *prouincia* with a geographical name was a task rather than a geographical and *vice versa* – questions I posed at the start of this chapter in relation to the naming of “Etruria” and “Samnium” in the fourth century.

The practical use of the *prouincia classis* clearly illustrates that a *prouincia* could serve other purposes, which transcended both purely functional and geographical definitions. We have seen that *prouvinciae* were defined in terms of enabling and limiting the activities of magistrates and promagistrates *vis-à-vis* spaces and functions (III.vii-viii). One fundamental rationale behind defining *prouvinciae* in this way was to separate independent *imperium*-holders either in space or by function within the same space, thereby limiting potential conflicts over command and triumphal rights. I discussed how the demarcation of *prouvinciae* served to separate the claims of different *imperium*-holders to glory and provided each commander with the opportunity to win his own triumph, assuming that there was any military glory to be won (III.iv). With this in mind, I argued also that the delineation of the *prouincia classis* was inherently connected with the distinct *triumphus naualis* (III.vi). The practice of separating *prouvinciae* for these reasons most

probably stemmed from the Senate's negative experiences of joint commands and shared *prouvinciae* (III.v).

It follows, therefore, that a *prouvincia* could have been geographically and functionally defined as loosely or precisely as deemed necessary by the Senate in order to separate *imperium*-holders (and to make sure that particular tasks were carried out). This has broader implications for our understanding of how and why *prouvinciae* were territorially demarcated during the Republic, especially as the divisions would have become ever more frequently necessary over time as the Roman Empire expanded and more *imperium*-holders were sent to regions outside of Italy (many of which would have neighboured those allocated to other *imperium*-holders).

The next chapter will explore how and why *prouvinciae* that encompassed the use of fleets were defined between 167 and 49 – i.e. a period in which the number and geographical extent of annually named *prouvinciae* increased vastly. What, if anything, changed?

## Chapter IV: The *prouincia* and the *ora maritima*

### IV.i. Introduction: the demise of the *prouincia classis*

The last evidence for a *prouincia classis* for at least a further one hundred years is to be found at the start of the Third Punic War in 149. Appian records that both consuls were sent against the Carthaginians with divided functions: M'. Manilius was in charge of the land force, whereas L. Marcus Censorinus was in command of the fleet,<sup>601</sup> and both Appian and Zonaras describe the separate attacks on Carthage from the land side (Manilius) and the sea side (Marcus).<sup>602</sup> Although Appian does not name the consular *prouinciae*, *Africa* would have almost certainly been included as part of both designations.<sup>603</sup> He explicitly describes Africa as one of the consular lots two years later with a clear hint that the competition between the consuls for this *prouincia* was fierce, since a tribune of the plebs intervened to allow the people to decide which consul was to have this *prouincia*.<sup>604</sup> With this competition in mind, the *classis* may well have been named as part of one consular *prouincia*, alongside Africa, in 149. This would have enabled both consuls to take part in the campaign with separated functions, just as the fleet was specifically named to demarcate Cn. Cornelius Lentulus (*cos.*) from P. Cornelius

<sup>601</sup> App. *Pun.* 75: στρατηγούς τε τοὺς ὑπάτους αὐτίκα ἐξέπεμπον, ἐπὶ μὲν τοῦ πεζοῦ Μάνιον Μανίλιον, ἐπὶ δὲ τοῦ στόλου Λεύκιον Μάρκιον Κηνσωρίνον, οἷς ἐν ἀπορρήτῳ ἐλέλεκτο μὴ ἀνασχεῖν τοῦ πολέμου πρὶν Καρχηδόνα κατασκάψαι. For an overview of Appian's sources see Walbank (1979), p.655f s.v. "3.1-6.6", who notes that this probably goes indirectly back to Polybius. Indeed, it is worth comparing Appian's description with the divisions of land and sea commands described by Polybius for the First Punic War and the First Illyrian War (e.g. Polyb. 1.21-22 and 2.11.1-2), for which see Ch.IV and Ch.III.ii.

<sup>602</sup> App. *Pun.* 97 and Zonar. 9.26. Cf. Polyb. 36.3.9; Livy, *Per.* 49; and Eutr. 4.10.

<sup>603</sup> Note especially the references to Africa in Livy, *Per.* 48-49.

<sup>604</sup> App. *Pun.* 112: οὕτω μὲν ὁ Σκιπίων ἀγορανομίαν μετιῶν ἤρητο ὑπατος, καὶ αὐτὸν ὁ σύναρχος Δροῦσος περὶ Λιβύης πρὸς αὐτὸν ἐκέλευε διακληροῦσθαι, μέχρι τις τῶν δημάρχων ἐσηγήσατο τῆσδε τῆς στρατηγίας τὴν κρίσιν τοῦ δήμου γενέσθαι· καὶ ὁ δῆμος εἴλετο τὸν Σκιπίωνα. Livy also described this and may have been one of Appian's sources, for which see Livy, *Per.* 51: [Scipio] *cui extra sortem Africa prouincia data erat*. For the historical context and the remarkable rise of P. Cornelius Scipio Aemilianus see generally Astin (1967), p.61-69, esp. p.67f with further references. Cf. Livy, 30.27.1-4 for a vote of the people on who should continue the war in Africa in 202.

Scipio (*pro cos.*) in Africa in 201.<sup>605</sup> If correct, this is the final example of the *prouincia classis* being used to separate two magistrates by function such as we have seen in the previous chapters.

Although the demise of the *prouincia classis* may be explained, in part, as being a result of the lack of surviving evidence following the loss of Livy's *History* (167) and the conclusion of Polybius' *History* (145), it was most probably predominantly related to the nature of the subsequent warfare, Roman hegemony in the Mediterranean and the fact that Rome was no longer challenged by a strong naval power.<sup>606</sup> Subsequently, there was much less need for combined land and sea forces on a large scale. Even for the remainder of the Third Punic War between 148 and 146, one of the two consuls took supreme charge of both land and naval forces and delegated command of the fleet to subordinate *legati*.<sup>607</sup> As we have seen in the previous chapter, this system was used earlier during the wars against Philip V of Macedon (200-197) and Nabis of Sparta (196-194).<sup>608</sup> As far as we can tell from the surviving evidence, this was the exclusive way fleets were treated from 148 until Sextus Pompeius was assigned an extraordinary *prouincia classis et ora maritima* in 43 (which I shall return to in the Epilogue).

This development raises a number of important questions relating to the conclusions reached in the preceding chapters. What factors influenced the ways in which *prouvinciae* were defined in the late second and early first centuries? Was the separation of *imperium*-holders either in space or by function still a guiding principle? What, if anything changed? And, what can the answers to these questions tell us about how the

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<sup>605</sup> See Ch.III.ii. The connection between the *prouincia classis* of 201 and the arrangement of 149 was recognised long ago by Willems (1885), II, p.535, n.2. Cf. Le Bohec (2011), p.439.

<sup>606</sup> Note, for example, that the end of the war with Andriscus in 148 is the starting point for Kallet-Marx (1995) and compare Gruen (1984). See also further Ch.II.iv and especially Reddé (1986), p.458-463.

<sup>607</sup> For the joint operations note especially e.g. App. *Pun.* 110 and Livy, *Per.* 51. See further the discussion in Brennan (2000), p.215f.

<sup>608</sup> Ch.III.viii.

Mediterranean and the Roman Empire – in particular the sea and the coastal regions – were conceptualised? This chapter will seek to address these questions and develop the issues raised in the previous chapters further by examining the major naval commands of the late second and first centuries. It will do this in four sections.

The first section after this introduction will explore the evidence for the *prouincia* assigned to M. Antonius around 103/102 (IV.ii). This will establish how a command against a piratical enemy with naval capabilities, based around the southern coast of modern Turkey, could have been envisioned and defined in the Late Republic. The second section will build on this by considering whether there was a growing tendency to circumscribe the activities of commanders in the late second century (IV.iii). In particular, it will analyse the purpose and political significance of the *Lex Porcia* as a means of restricting the movements of magistrates and promagistrates (and their *legati*) outside of their *prouvinciae*. The third section will then examine how the Mediterranean-wide *prouvinciae* assigned to M. Antonius Creticus and Cn. Pompeius Magnus were defined in 75/74 and 67 (IV.iv). In doing so, it will consider the political implications associated with the assignment of such far-reaching *prouvinciae*. The final section will use these *prouvinciae* to assess the development of the Romans' conceptualisation of their empire between the third and first centuries (IV.v).

The underlying question throughout all of these parts will be what, if anything, changed in the definition of *prouvinciae* between the third and first centuries. The naval commands mentioned above will provide the material through which this question can be assessed.

#### **IV.ii. M. Antonius: Cilicia, the fleet and the separation of *provinciae* at the end of the second century**

The first evidence we have for the *provincia* of an independent naval commander after 149 is to be found towards the end of the second century, when M. Antonius (*pr.*) proceeded into Cilicia with a fleet against the pirates.<sup>609</sup> However, the evidence for this command is fragmentary and so there are a number of difficulties in interpreting both its date and geographical scope.

Starting with the chronological context, Antonius' overall victory against the pirates can be firmly dated to 102, given that Julius Obsequens – drawing on the Livian tradition – places it under the consuls of that year, C. Marius and Q. Lutatius Catulus, and directly before the former's victory over the Teutoni.<sup>610</sup> In addition, the campaign of Antonius and the defeat of the Teutoni are also mentioned in the *Periochae* just before Marius' extraordinary election to a fifth consulship *in absentia* for 101.<sup>611</sup> Although the *Periochae* refer to Antonius as *praetor* in 102, there is a distinct possibility that he was already a promagistrate at this point and held his magistracy in the previous year or (less likely) even earlier (104?).<sup>612</sup> Cicero's *De Oratore* and an inscription from Corinth also

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<sup>609</sup> Q. Caecilius Metellus Baliaricus (*cos.* 123) used ships in his campaign against the Balearic Islands and triumphed as proconsul *de Baliaribus* in 121 (Flor. 1.43 and *Inscr. Ital.* XIII, I, p.82f), but there is no real indication how his *provincia* was defined. Cf. Richardson (1986), p.157 and App. III, p.192 and de Souza (1999), p.92-96. For the general context regarding Cilician piracy see also de Souza (1999), p.97-101.

<sup>610</sup> Obseq. 44: C. MARIO Q. LUTATIO COSS...*Piratae in Cilicia a Romanis deleti. Teutoni a Mario trucidati.* This date was recognised by Ferrary (1977), p.624 with n.23 (cf. Ferrary (2008b), p.106 with n.14). For references to the consulship of Marius and Lutatius see further *MRR I*, p.567.

<sup>611</sup> Livy, *Per.* 68: *M. Antonius praetor in Ciliciam maritimos praedones persecutus est. C. Marius consul summa vi oppugnata a Teutonibus et Ambronibus castra defendit. Duobus deinde proeliis circa Aquas Sextias eosdem hostes deleuit, in quibus caesa traduntur hostium milia, capta nonaginta. Marius absens quinto consul creatus est.* The *Periochae* refer to Marius' second (104), third (103) and fourth (102) consulships under book 67 and so book 68 presumably continued with the campaigns for 102 (cf. e.g. Livy, 38.1).

<sup>612</sup> It is worth stressing that the literary sources, especially the authors of the Late Republic, use *praetor* even for prorogued praetors, for which see the classic study by Giovannini (1983), p.59-65, esp. p.63 (mentioning M. Antonius). This is equally applicable to Livy's *Periochae*. For example, Livy, *Per.* 70 refers to C. Sentius as *praetor* in Macedonia in 92 (dated by the condemnation of P. Rutilius) when he seems to have held his magistracy in 94, for which see the treaty between Rome and the Thyrrians recorded in *SIG*<sup>3</sup> 732, ll. 4-5 in which he is described as *praetor urbanus* (dated by the consuls of 94). Likewise, both M. Licinius Crassus

describe Antonius as proceeding eastwards *pro consule*, which has led some scholars to suppose that he must have first been praetor in Rome and only prorogued *pro consule* the next year.<sup>613</sup> Yet, it was long ago recognised that a praetor could depart Rome with *imperium pro consule* (i.e. as a praetor with upgraded *consulare imperium*), as the praetors sent to Spain did from 197.<sup>614</sup> Antonius could, therefore, have departed for his *prouvincia* during his praetorship – most probably in either 103 or 102 – as *praetor pro consule*; or, alternatively, as a prorogued praetor (*pro praetore pro consule?*) in either 103 or 102, depending if he was praetor in 104 or 103.<sup>615</sup> All we can be certain of is that his decisive victory took place in 102. With this in mind, it is likely that he returned to Rome to celebrate a triumph not too long after this and certainly by 100.<sup>616</sup>

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and M. Antonius Creticus are referred to as praetors under the year 71 when they were promagistrates and held their actual magistracies a few years earlier (Livy, *Per.* 97), for which see Ch.IV.iv.

<sup>613</sup> Cic. *De or.* 1.82 and *ILLRP* 342. Cf. *IGRom.* IV, 1116 (Rhodes, statue base): [Μ]άρκου Ἀντωνίου στρατηγοῦ ἀνθυπά[[του]. In the modern scholarship *MRR I*, p.569, n.2 and Drogula (2011), p.106, n.58 suggest he was praetor in 102 and then departed *pro consule* in 101; Kallet-Marx (1995), p.229, n.27 and de Souza (1999), p.103f argue that he was praetor in Rome in 103 before leaving *pro consule* for his *prouvincia* the following year.

<sup>614</sup> E.g. Mommsen (1887), II, 647; Taylor and West (1928), p.18; Jashemski (1950), p.40ff; Ferrary (1977), p.625; Giovannini (1983), p.63f; *MRR III*, p.18 (abandoning his earlier view suggested in *MRR I*); Brennan (2000), p.357; and Vervaeke (2012a), p.66f. Cf. Kallet-Marx (1995), Appendix A, p.343-345. For the practice of dispatching praetors with *consulare imperium* see now especially Vervaeke (2012a).

<sup>615</sup> Ferrary (1977), p.625 and Brennan (2000), p.357 rightly highlight that Cicero states that he set out *pro consule*, but opt for the year 102. However, the possibility that Antonius left as a *praetor pro consule* in 103 has generally been neglected in the modern scholarship. For an insightful recent discussion of the titles of *praetor*, *praetor pro consule* and *pro consule* see Vervaeke (2012a), p.65-72 with modern literature and epigraphic attestations and also Hurlet (2012), esp. p.98-101.

<sup>616</sup> On the date see now Ferrary (2008b), p.106 with n.14. An inscription from Samothrace records several *praefecti* (including Cicero's uncle), who were serving under M. Antonius, on their way home from Cilicia on 4 September, 100, for which see now Clinton (2001). Cicero also mentions that Antonius was *extra urbem cum praesidio* during the disturbances that famously led to the death of L. Appuleius Saturninus (*tr. pl.*) in December 100 (*Rab. Perd.* 26), which is often cited as evidence that he was waiting outside to triumph at the time: e.g. Broughton (1946a), p.36f; *MRR I*, p.569, n.2 (and *MRR III*, p.18); Brunt (1971), p.431; de Souza (1999), p.103 (with caution); and Drogula (2011), p.106 with n.58. This is very plausible (and would fit the chronology of a slow journey back from the East around September 100), especially bearing in mind the comparative evidence from 49 in which the so-called *senatus consultum ultimum* specifically refers to enlisting the help of those who were *pro consulibus* (as Antonius would have been if he was waiting for a triumph *extra urbem*): *...dent operam consules, praetores, tribuni plebis, quique <pro> consulibus sunt ad urbem, nequid res publica detrimenti capiat...* (Caes. *B Ciu.* 1.5.3-4 and cf. Cic. *Fam.* 16.11.2-3). However, this does not prove that the decree was worded in the same way in 100. Ferrary (1977), p.626 is right to emphasise that Cicero does not explicitly write that Antonius was waiting for a triumph and so this can still only be assumed. Unfortunately, the relevant section of the *Fasti Triumphales* are missing and the date of the triumph must remain uncertain (cf. Plut. *Pomp.* 24.6).

The surviving evidence for the name of Antonius' *prouvincia* is equally elusive, and has led scholars to argue for three distinct possibilities:<sup>617</sup> i) a special naval command;<sup>618</sup> ii) Asia;<sup>619</sup> and iii) Cilicia.<sup>620</sup> Regarding the first suggestion, it is improbable that Antonius received a special maritime command against the pirates without a land-based definition, given that naval commands were usually defined in geographical terms.<sup>621</sup> Even the later commands of M. Antonius Creticus (75/74) and Cn. Pompeius Magnus (67) against the pirates had geographical definitions, which will be explored in the following sections. Furthermore, we have also already seen that a specific *prouvincia classis* was employed in the late third and second centuries only when a magistrate or promagistrate was to operate within the same geographical area – usually defined together with the fleet – as another *imperium*-holder.<sup>622</sup> Thus, a fourth possibility emerges: the fleet could have been specified as Antonius' *prouvincia*, together with Asia, in order to separate his naval function from the role of the magistrate (or promagistrate) who received the *prouvincia Asia*.<sup>623</sup> Yet, this is also unlikely, given that the evidence suggests that Antonius proceeded directly to Cilicia

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<sup>617</sup> We do not have any information on whether he received his *prouvincia* in the praetorian *sortitio*, *ex senatus consulto*, or by a special *lex* (or even a combination of these possibilities).

<sup>618</sup> Syme (1939b), p.299 first viewed it as a “maritime command” that “usurped at once the title of Cilicia”, which was followed by Magie (1950), p.283 and p.1161-1163. Syme insightfully took the uncertain reference to Cilicia in the Delphi copy of the law on the eastern *prouvinciae* (*RS*, no.12, Delphi Copy, Block B, 1.7-8) as the naming of a *prouvincia Cilicia* around 100, which was only confirmed with the publication of the Cnidos copy in 1974. Magie (1950), p.1162 did not notice this or, more likely, did not wish to speculate on the fragmentary line referring to Cilicia: “Moreover, in the law dealing with piracy which was passed in 101 or 100 B.C...there is no real evidence of a province called Cilicia...” Cf. Badian (1964), p.161.

<sup>619</sup> Drogula (2011), p.106-113.

<sup>620</sup> Ferrary (1977), p.625 and p.637-643, which should now be consulted with Ferrary (2008b), p.107f for a more recent assessment in the light of new evidence and publications. See also Crawford (1990), p.106; de Souza (1999), p.104; Ferrary (2000b), p.168; and Ferrary (2008a), p.13.

<sup>621</sup> To be fair, Magie (1950), p.1163 dismisses the idea of a clear land-based definition rather than a looser named sphere: “While it is not improbable that Antonius, for the purposes of his campaign in eastern waters, was officially designated as *pro consule in Ciliciam missus*, there is no reason for believing that his *imperium* consisted of more than the command of the fleet against the pirates.”

<sup>622</sup> Ch.III.vii.

<sup>623</sup> For a discussion of the known governors of Asia between 126 and 88 see Ferrary (2000b) and esp. p.175-179 for the hypothesis that C. Julius Caesar, father of the dictator, was proconsul in Asia in 102 when Antonius was in Cilicia.

– a considerable distance from the administrative centres of Ephesus and Pergamum on the west coast of Asia – and that all his activities were in Cilicia rather than Asia.<sup>624</sup>

Drogula recently provided an important warning that one should not take Cilicia as the *provincia* just because Antonius was famous for fighting pirates there.<sup>625</sup> However, the evidence he cites in support of his alternative explanation (ii), that Antonius had a *provincia Asia* from which he operated in Cilicia, is not convincing.<sup>626</sup> In a similar way, Sherwin-White attempted a compromise (between suggestions ii and iii) by proposing that Antonius had Asia as his territorial base, whereas Cilicia was his commission or “zone of operations.”<sup>627</sup> Comparative evidence for this hypothesis is to be found in the *provincia Africa cum Sicilia* which was allotted to Ti. Sempronius Longus (*cos.*) in 218 for the

<sup>624</sup> Cic. *De or.* 1.82: *Namque egomet [Antonius]...tamen cum pro consule in Ciliciam proficiscens uenisset Athenas, compluris tum ibi dies sum propter nauigandi difficultatem commoratus...* See also Cic. *De or.* 2.2 (*et patruus, qui cum Antonio in Ciliciam profectus una decesserat*); Livy, *Per.* 68 (*M. Antonius praetor in Ciliciam maritimos praedones persecutus est*); Obseq. 44 (*Piratae in Cilicia a Romanis deleti*); Trogus, *Prolog.* 39 (*Ut Syriam Iudaei et Arabes terrestribus lactrociniis infestarent, mari Cilices piraticum bellum mouerint, quod in Cilicia Romani per Marcus Antonium gesserunt*). Cf. Cic. *Brut.* 168: *doctus autem Graecis litteris propinquus noster, factus ad dicendum, M. Gratidius M. Antoni per familiaris, cuius praefectus cum esset in Cilicia est interfectus, qui accusauit C. Fimbriam, M. Mari Gratidiani pater*. The location of the operations is also confirmed by an inscription honouring a local naval commander who served with Antonius (and his quaestor) in Cilicia in *IGRom.* 4, 1116 (Rhodes, statue base): ...[ΧΡΥΣ]ΟΪΣ Σ[ΤΕ]ΦΑΝΟΙΣ..... | [ΤΡΙ]ΗΡΕ[Ω]Σ ΚΑΙ ΝΕΙΚΑΣΑΝΤΑ ΤΑΣ..... | [ΤΡΙ]ΗΡΑ[Ρ]ΧΗ[ΣΑΝ]ΤΑ ΕΠΙΚΩΠΟΥ ΠΛΟΪΟΥ ΔΙΚΡΟΤΟΥ ΚΑΙ..... | Μ[Α]ΡΚΟΥ ΑΝΤΩΝΙΟΥ ΣΤΡΑΤΑΓΟΥ ΑΝΘΥΠ[Α]Γ[ΟΥ] ΚΑΙ ΑΥΛΟΥ ΓΑΒΕΝΙΟΥ Τ[Α]ΜΙΑ ΡΩΜΑΙΩΝ ΙΣ [Κ]ΙΛΙΚΙΑΝ.... ΧΟΡΑ[Υ]ΗΣΑΝΤΑ [Κ]ΑΙ ΝΕΙΚΑΣΑΝΤΑ Α[Λ]ΕΞ[Α]ΝΔΡΕΑ | [ΚΑΙ] ΔΙΟΝΥΣΙΑ ΤΕ[Θ]Ρ[Ι]ΠΠΩΙ]..... | For the inscription cf. Foucart (1906), p.575f; Mühl (1912) *RE* VII, no.8, col. 424; and Ferrary (1977), p.640, n.73. For the importance of Pergamum and Ephesus see Rigsby (1988), p.137-141 with further references.

<sup>625</sup> Drogula (2011), p.112.

<sup>626</sup> See Drogula (2011), p.107-113. It should be noted that some of his arguments contain a certain amount of special pleading with the underlying hypothesis that *maiestas* laws (the *Lex Porcia* in particular) were introduced to restrict praetorian magistrates and promagistrates, in part, in response to Antonius' operations in Cilicia (from Asia), for which see further Ch.IV.iii. He first emphasises that the resources of Rome were stretched with various wars and argues that a new *provincia* would not have been created (p.107f), yet also notes that the pirates may not have been a major threat at the time (p.108-110), that Antonius received help from Byzantium (p.111) and that the governor of Asia had “vast resources” (p.112-113). Antonius seemingly brought a fleet from Italy (*ILLRP* 342), but we do not know the number or type of ships it contained or, more generally, how the resources of the *res publica* were distributed at this time. There was nothing preventing, for example, the Senate redistributing resources from Asia (of which we know little: e.g. Sherwin-White (1984), p.91) for a new command. Additionally, the Senate could have also given Antonius an explicit mandate to accept allied contributions or make his own requisitions/levies in the East: the use of allied forces by L. Cornelius Sulla, less than ten years later, in 96 in the *provincia Cilicia* is a case in point: ἰδίαν μὲν οὖν δύναμιν οὐ πολλὴν ἐπήγετο, χρησάμενος δὲ τοῖς συμμάχοις προθύμοις... (Plut. *Sul.* 5.3). For Sulla's command in general see Brennan (1992). See Prag (2011), p.18 with n.15 for a list of *senatus consulta* authorising a commander to levy soldiers from overseas allies. Cf. Brunt (1971), p.431 and de Souza (1999), p.107.

<sup>627</sup> Sherwin-White (1976), p.4f and Sherwin-White (1984), p.98 with n.15.

purpose of using Sicily as a base from which to invade the Carthaginian homeland.<sup>628</sup>

Sicily, though, was essentially the *sine qua non* of a successful invasion of Africa, whereas a base in the existing *prouvincia Asia* was not absolutely essential for conducting operations in Cilicia (and, as we shall see, there is no evidence that this was the case).

Cicero, writing fewer than fifty years later, explicitly records that Antonius was delayed at Athens *when proceeding (proficiscens) into Cilicia*.<sup>629</sup> It is worth noting that he often uses the verb *proficiscere* with regard to travel to a *prouvincia* – even employing it to describe his own (reluctant) departure for his *prouvincia (Cilicia)* in 51 – and so it is conceivable that he uses it with the same sense here.<sup>630</sup> An elegiac inscription from Corinth seems to confirm that Antonius proceeded *directly* to the city of Side on the Pamphylian coast:

Quod neque conatus quisquamst neque [-----]au[it (?)]  
noscite rem, ut fama facta feramus uirei.  
Auspicio [Ant]onī [M]arci pro consule classis  
Isthmum traductast missaque per pelagus.  
Ipse iter eire profectus (est) Sidam; classem Hirus Atheneis  
pro praetore anni e tempore constituit.  
Lucibus haec pauç[ei]s parvo perfecta (sunt) tumultu  
magna[a quo]om tatione atqu saıut[e -----].<sup>631</sup>

The erased name should be restored as M. Antonius, the commander of 103/102, rather than his son, M. Antonius Creticus, or his grandson (the triumvir).<sup>632</sup> Ferrary rightly

<sup>628</sup> Livy, 21.17.1 (the intention is explicit at 21.17.6-7).

<sup>629</sup> Cic. *De or.* 1.82 (as quoted earlier).

<sup>630</sup> Cic. *Fam.* 3.2.1: *Cum et contra uoluntatem meam et praeter opinionem accidisset ut mihi cum imperio in prouinciam proficisci necesse esset...* Note also his reference to travelling into Cilicia (from Laodicea) in May 50: *Fam.* 13.57.3; 2.13.4; and 2.18.3. See also especially Cic. *Fam.* 8.8.8 directly quoting a proposed *senatus consultum* (October 51): *si ex eo numero quos <ex> s.c. in prouincias ire oporteret ad numerum non essent qui in eas prouincias proficiscerentur, tum, uti quodque collegium primum praetorum fuisset neque in prouincias profecti essent, ita sorte in prouincias proficiscerentur...* Cf. *Verr.* 2.1.73; 2.1.149; 2.2.17; 2.2.62; 2.3.44; *Pis.* 31; and *Prou. cons.* 37. See further the references to other ancient authors, including the use of the term in other *senatus consulta*, in *TLL* X.2, *Fasc.* XI, col. 1706, s.v. “β, II –untur qui prouinciam vel quodlibet munus administrant, legationem suscipiunt (notabilia selecta)...”

<sup>631</sup> The text quoted above is from Gordon (1983), p.90, no.14, which is based on lines 1-8 of the text of Dow (1951), who prints the traces of letters he was able to find on two “excellent” squeezes (p.90). Cf. Taylor and West (1928) and *ILLRP* 342.

interpreted this evidence as indicating that Antonius, having crossed the Isthmus, must have sailed from Corinth – still in ruins from its destruction in 146 – to Athens, as recorded by Cicero, and then proceeded to Side (almost certainly via the island route and Rhodes).<sup>633</sup> Crucially, he highlighted that this does not fit well with the notion that Antonius was assigned a *prouvincia Asia*: if this had been the case, it is strange that he did not first sail to the west coast of Asia to collect forces and make the necessary administrative arrangements there (e.g. at either Ephesus or Pergamum).<sup>634</sup>

Additionally, Cilicia is named as a praetorian *prouvincia*, probably around a year after Antonius returned from the East in the law on the eastern *prouvinciae* of 100 – at a time when Asia was also a separate *prouvincia*.<sup>635</sup> It is reasonable, therefore, to suggest that a precedent was provided by Antonius’ earlier command. He was, after all, well known for fighting pirates in Cilicia and the *prima facie* rationale for the naming of a *prouvincia Cilicia* around 100 was to enable Roman citizens, Latins, allies and friends of the Roman

<sup>632</sup> See generally Taylor and West (1928), p.13-19, including a discussion of the letter forms which provide little help (c. destruction of Corinth by Mummius in 146 to its re-founding by Iulius Caesar in 44). The date was convincingly reaffirmed by Ferrary (1977), p.640-643 *contra* Sherwin-White (1976), p.4. Cf. de Souza (1999), p.105f.

<sup>633</sup> Ferrary (1977), p.642f. Antonius presumably gathered the Rhodian support mentioned in *IGRom.* 4, 1116 (Rhodes, statue base) at Rhodes itself. Some further confirmation is potentially to be found in Cicero’s mention of Antonius’ conversations with learned men at Athens *and Rhodes*, which he learnt about from his uncle L. Cicero who accompanied Antonius (*De or.* 2.2-3 and cf. 1.83). Cf. Strabo, *Geog.* 11.1.6 for Cn. Pompeius Magnus attending lectures at Rhodes, probably also on his way to Cilicia (e.g. Cic. *Leg. Man.* 34-35; Flor. 1.41.8-12; and App. *Mith.* 96). For the navigation route see generally Arnaud (2005), p.56f and p.223-226.

<sup>634</sup> Ferrary (1977), p.642 *contra* Sherwin-White (1984) p.93 and Drogula (2011), p.111f.

<sup>635</sup> *RS*, no. 12, Cnidos Copy, col. III, ll. 28-37: ὕπατος ὁ πρῶτος γενόμενος γράμματα | πρὸς τοὺς δήμους πολιτείας τε πρὸς οὓς | ἂν αὐτῶι φαίνηται ἀποστελλέτω τὸν δῆμον τὸν Ῥωμαίων ἐν ἐπιμελείαι <--->, ὥστε τοὺς | πολίτας Ῥωμαίων καὶ τοὺς συμμάχους Λατίνους τε τῶν τε ἐκτὸς ἔθνῶν, οἵτινες ἐν | τῆι φιλίαι τοῦ δήμου Ῥωμαίων εἰσίν, μετ’ ἀσφαλείας πλοίξεσθαι δύνωνται ὕ τήν τε Κιλικίαν διὰ τοῦτο τὸ πρᾶγμα κατὰ τοῦτον τὸν νόμον ἐπαρχίαν στρατηγικὴν πεποιηκέναι. Cf. Delphi Copy, Block B, 1.7 (fragmentary) and ll. 8-14. For the *prouvincia Asia* see e.g. Cnidos Copy, col. III, ll. 22-27; Delphi Copy, Block B, ll. 20-27; Cnidos Copy, Colum IV, ll. 31-42; and Delphi Copy, Block C, ll. 8-10. For the dating I follow Ferrary (1977), p.645-654 (see esp. p.653f), as noted in Ch.III.iii. For the significance of the creation of Cilicia as a ἐπαρχία στρατηγική see now Ferrary (2008b), p.106-110 (reassessing his earlier arguments in Ferrary (1977), p.637-645) *contra* Sherwin-White (1976), p.7. Cf. Lintott (1976), p.81f; Crawford (1990), p.106f; *RS*, no.12, p.261 s.v. “ll. 35-37”; and Dmitriev (2005), p.94f. As Vervaet (2012a), p.71, n.107 speculates, the praetor who received the *prouvincia Cilicia* was probably given upgraded *consulare imperium* (as M. Antonius had around one or two years earlier).

people to sail in safety.<sup>636</sup> It is important to recall the fundamental premise that a *prouvincia* existed because it was named as such for a given year; and so Cilicia could have been first designated as a *prouvincia* around 103/102 and later named in the praetorian *sortitio* for 100 or 99.<sup>637</sup>

If the above evidence is taken together, then, Cilicia (suggestion iii above) is by far the most likely name of Antonius' *prouvincia*, although even this may oversimplify what could well have been a more complex assignment with specific instructions (e.g. related to the fighting of pirates or to enable Roman citizens, Latins, allies and friends of the Roman people to sail in safety).

Whilst the designation of a *prouvincia Cilicia* should not be viewed in terms of territorial annexation, this does not mean that it did not have a geographical definition.<sup>638</sup> Significant problems remain, though, with interpreting what "Cilicia" actually meant, as Syme recognised long ago:

"Cilicia" is the most ambiguous of terms; and Cilicians can dispute with Phrygians the claim to the widest extension among the peoples of Asia Minor. In the loose language of geography or ethnography, Cilicia can denote both the coast eastward from Pamphylia in the direction of Syria and the interior to the north, covering parts of Pisidia, Lycaonia, and even Cappadocia.<sup>639</sup>

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<sup>636</sup> E.g. Cic. *Leg. Man.* 33; Livy, *Per.* 68; Trogus, *Prolog.* 69; Obseq. 44. Cf. Ferrary (1977), p.643f; Kallet-Marx (1995), p.235; de Souza (1999), p.114; Ferrary (2003), p.407; Santangelo (2007), p.26; and Ferrary (2008b), p.106. It is worth emphasising that lines 8-12 of the Delphi Copy, Block B corresponds to the Cnidos Copy, col. III, ll. 14-41 and specifically instructs the kings ruling Cyprus, Egypt, Cyrene and Syria to allow *no pirate* to use their kingdoms and territories. For the overlaps see Hassall, Crawford and Reynolds (1974), p.197ff.

<sup>637</sup> Whilst I accept that the same *prouvinciae* could be annually named and were, in this sense, regular, I am not convinced by the notion of constitutionally "fixed" (or "permanent") *prouvinciae*, for which see Ch.IV.iii. This theory has, most recently, influenced Ferrary (2008b), p.109f and Drogula (2011), p.107. Cf. Brennan (2000), p.358f.

<sup>638</sup> See especially the pertinent comments of Kallet-Marx (1995), p.20f; p.233; p.293 and *passim*. Cf. Magie (1950), p.1162; Sherwin-White (1984), p.99; Bertrand (1989), p.194f; Brennan (2000), p.357-359; Dmitriev (2005), p.91; Santangelo (2007), p.26 with n.31; Ferrary (2008a), p.13f; Ferrary (2008b), p.108f; and Drogula (2011), p.120.

<sup>639</sup> Syme (1939b), p.299. Cf. *OCD*<sup>3</sup>, p.330 *s.v.* "Cilicia": "The name was applied to various regions at different periods but came ultimately to designate the eastern half of the south coast [of Asia Minor]."

Although the search for a purely geographical definition for the *prouvincia Cilicia* at the end of the second century is clearly misguided, there is no reason to go to the other extreme and search only for a functional definition.<sup>640</sup> Instead, the Gordian knot can potentially be cut if we recall that one of the underlying considerations associated with defining a *prouvincia* was to ensure that it was demarcated from other *prouvinciae*:<sup>641</sup> Cilicia may, therefore, have been territorially demarcated only in the west for the purposes of separating this new command from the existing magistrate (or promagistrate) based in the *prouvincia Asia*.

There are a few surviving clues that allow us to test this theory and to consider further how and why a *prouvincia Cilicia* might have been geographically defined around 103/102. Although the clues individually do not get us very far, a plausible – rather than purely speculative – hypothesis can be advanced when they are combined.

The starting point is the Corinthian inscription quoted earlier, which, crucially, reveals that Antonius proceeded ahead of his fleet to Side on the Pamphylian coast. A milestone set up by M'. Aquillius, consul and then proconsul in Asia (129-126), was discovered *in situ* around five kilometres west of Side.<sup>642</sup> This milestone has been taken as indicating that Pamphylia, including Side, was included as a formal part of the *prouvincia Asia* by the Asian road network, as determined by Aquillius after the death of King Attalus III and the bequest of his kingdom to Rome.<sup>643</sup> Some scholars have combined this notion

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<sup>640</sup> E.g. Sherwin-White (1984), p.99 argues that because the law on the eastern *prouvinciae* around 100 (*RS*, no.12) designates Pamphylia, Lycia and Lycaonia by their “correct names”, it follows that Cilicia should refer to Cilicia Tracheia (i.e. “Rough Cilicia”). Yet, it is also true that Lycaonia is described as being held by the praetor or proconsul holding the *prouvincia Asia* (Cnidus Copy, col. III, ll. 22-27) and there is no reason why Cilicia could not have been identified as a *prouvincia* in terms of other distinct areas which included part(s) of Pamphylia or even Lycaonia. Santangelo (2007), p.27, n.31 clearly goes too far when he states that “it was still not closely related to an identifiable territory.” Cf. Syme (1939b), p.299f and Badian (1964), p.161.

<sup>641</sup> Ch.III.iv.

<sup>642</sup> *I. Side, II*, 175: M'. Aquillius M'. f., | cos. CCCXXXI | Μάνιος Ἀκύλλιος Μανίου, | ὕπατος Ῥωμαίων | Τλα'. Cf. French (1991), p.54f.

<sup>643</sup> E.g. French (1991), p.54; Mitchell (1993), p.72; and Mitchell (1999), p.19f.

with the knowledge that Antonius travelled to Side and concluded that Pamphylia must have been detached from the *prouvincia Asia* to provide a territorial basis for the new *prouvincia Cilicia* around 102.<sup>644</sup> The road towards Side would have certainly had symbolic significance with regard to a Roman territorial dominance of the landscape and, presumably, influenced the “provincialisation” of the region over a longer period:<sup>645</sup> the milestone, after all, records the distance of 331 Roman miles from the administrative centre of Pergamum.<sup>646</sup> However, even this does not prove that Side was explicitly incorporated into a new *prouvincia Asia* in the 120s.<sup>647</sup>

More conclusive evidence is to be found in the Asian customs law which specifies Side as being the easternmost city on the Pamphylian coast in which Asian customs dues were to be collected.<sup>648</sup> The date of the section of the law mentioning Side is not attested in the law; and the first marker only appears in a later part in which the consuls of 75 are referred to as being responsible for a *locatio* (ll. 72-73).<sup>649</sup> Although scholars have often given the part of the law referring to Side the same date of 75, there are very good reasons to believe that it dates back either to Aquilius’ arrangement between 129 and 126 or to the

<sup>644</sup> Ferrary (2000b), p.168-170; Ferrary (2003), p.406f; Ferrary (2008b), p.107f; and Mitchell (2008), p.188-192. Cf. Drogula (2011), p.111 with n.82.

<sup>645</sup> For the importance of milestones on the landscape and their association with “provincialisation” see e.g. Crawford (1990), p.103f; Purcell (1990), p.12-14; Nicolet (1991), p.191f; and Prag (2006).

<sup>646</sup> See generally Mitchell (1999), p.19f, which is confirmed by the calculations of French (2012), p.10f.

<sup>647</sup> Cf. Sherwin-White (1976), p.1-3 and the (necessary) caution of Dmitriev (2005), p.81. See also, more generally, Magie (1950), p.1048, n.39; Sherwin-White (1984), p.91; and Kallet-Marx (1995), p.114f. One could make a comparison with the milestone set up as part of a road between Agrigentum and Panormus in Sicily (*ILLRP* 1277), which – if correctly associated with the consul C. Aurelius Cotta in either 252 or 248 – may very well be symbolic of Roman conquest during the First Punic War, but it certainly does not provide evidence for the territorial demarcation of Cotta’s *prouvincia (Sicilia?)*. Crawford (1990), p.103 even speculates that Cotta mistakenly thought that Sicily would be treated like Italy. See further Prag (2006) for an analysis of how this early milestone might be interpreted (cf. Prag (2011b), p.84f).

<sup>648</sup> Cottier *et al.* (2008), ll. 22-26: ἐάν τις εἰσάγη ἢ ἐξάγη κατὰ θάλασσαν, πρὸς τὸν τελώνην ἀπογραφέσθω ἐν τοῖς [τόποις πᾶσιν τοῖς ὑπογεγραμμένοις]...[Ἀλικαρνάσσῳ, Μύνδῳ, Κνίδῳ, Φύσκῳ, Ἄπταλείῳ, Ἀσπένδῳ], Πέργῃ, Μαγύδῳ, Φασηλίδι, Σίδῃ, Κορυφῇ. For the explanation for Κορυφῇ see Cottier *et al.* (2008), p.111f *s.v.* “26” and see further p.1-13 for the general context of the law, which was inscribed and set up at Ephesus in 62 A.D.

<sup>649</sup> For a discussion of the issues associated with its dating see now Mitchell (2008), p.198-201, who notes that this subsequent section of the law must date between 75 and 72, at which point the consuls of that year made additions to the law (ll. 84-87).

*Lex Sempronia* of C. Gracchus (*tr. pl.*) in 123.<sup>650</sup> The law also seems to presuppose that Asia was a territorially definable entity – presumably based on the lands that were accepted from the Attalid Kingdom.<sup>651</sup>

One can speculate that one of the main purposes of defining Asia was to separate it from the surrounding kingdoms (e.g. Cappadocia, Galatia and Bithynia) with the assumption of certain former royal lands and taxation in mind.<sup>652</sup> If this is correct, one can suppose that Side, being the easternmost city on the Pamphylian coast, is mentioned precisely because it was the first (or last) city in which customs dues could be declared when importing (or exporting) goods to (or from) Asia.<sup>653</sup> It may even have originally marked a notional boundary between the new *prouvincia Asia* and an area named Cilicia, which had apparently been given to the sons of the king of Cappadocia after the war with Aristonicus.<sup>654</sup> Although this is highly speculative, it is not improbable that Rome would have made such an arrangement, even if Cilicia was never part of the Attalid Kingdom (the same could, after all, be said of neighbouring Pamphylia).<sup>655</sup> In any case, Side would have

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<sup>650</sup> See now Mitchell (2008), p.198-201, although I do not find one of his main arguments, that the milestone demonstrates that Side was part of the *prouvincia Asia* up until Antonius' command in 103/102 (a *terminus ante quem*), convincing. This dating is also followed in Cottier *et al.* (2008), p.8-10.

<sup>651</sup> See the arguments in Mitchell (2008), p.167-169; the references, shortly after the mention of Side, to the *ἐπαρχεία* and, in particular, the *τοὺς ἐλευθέρους ὄρους τῆς ἐπαρχείας* (II. 32-34) at least imply that Asia was in some way defined as an *ἐπαρχεία* (a *prouvincia*?), but the question of how rigid it was remains very much debatable. Cf. Cottier *et al.* (2008), p.103 *s.v.* “8”: “The definition of the specific geographical area concerned by the *lex* was probably more general than that suggested in S. Mitchell’s paper...and in this sense must have indicated not only independent territories surrounding the province of Asia, but also its coastland.” Note also Kallet-Marx (1995), p.114-117.

<sup>652</sup> Cf. Mitchell (2008), p.172-178. In contrast, this was seemingly not the case with regard to free cities within the interior of the *prouvincia* (or the western coast of Asia), at least as far as jurisdiction is concerned, for which see e.g. *Claros I*, Menippus, I, p.63f, ll. 17-40 with Kallet-Marx (1995), p.115. Cf. Lintott (1993), p.30f. For the demarcation of *prouvinciae* in this way compare the division between King Hieron II’s Syracusan Kingdom and the *prouvincia Sicilia* in 215, as discussed in Ch.III.iv.

<sup>653</sup> Dmitriev (2005), p.118f.

<sup>654</sup> Just. *Epit.* 37.1.2: *Post haec regibus, qui aduersus Aristonicum auxilia tulerant, praemia persoluta: Mithridati Pontico Syria maior, filiis Ariarathis, regis Cappadociae, qui eodem bello occiderat, Lycaonia et Cilicia datae.* It is tempting to restore the *lacuna* in the scope of the customs law of Asia with reference to Cilicia and Lycaonia, since Cappadocia, Galatia and Bithynia are also mentioned as girdling Asia (I.7), for which see further Cottier *et al.* (2008), p.100-103 *s.v.* “7-11, §1-2 *Scope of the lex.*” Cf. Dmitriev (2005), p.118f with n.258 and Mitchell (2008), p.167-169.

<sup>655</sup> Cf. Sherwin-White (1974), p.3, n.7; Kallet-Marx (1995), p.109, n.53; and Dmitriev (2005), p.75 with n.17.

been an excellent point from which to mark a new *prouvincia Cilicia* for Antonius, regardless of whether it was based on a previous historical division made with the king of Cappadocia:<sup>656</sup> the customs law of Asia suggests Side was the easternmost city on the Pamphylian coast associated with Asia (c. 129-123) and the evidence of the milestone may also imply that the sphere of influence (whether formal or informal) of the magistrate or promagistrate of the *prouvincia Asia* extended to this point from 129-126.

As noted above, scholars have viewed the above evidence as indicating that Pamphylia was detached from Asia to give a territorial basis for a new *prouvincia Cilicia* for Antonius. Yet, it is much more likely that the *prouvincia* included only the eastern part of the Pamphylian coast from Side.<sup>657</sup> Meanwhile, the western part of the Pamphylian coast would have been separate and, perhaps, instead attached (whether informally or formally) to the *prouvincia Asia*. Such a division could have continued whenever Cilicia was named as a *prouvincia* from 103/102 onwards, although there could still have been some fluidity in the definition of the *prouvinciae*.<sup>658</sup> This provides one possible explanation, for example, as to why P. Servilius Vatia (*cos.* 79) was apparently sent as *proconsul ad Ciliciam et Pamphyliam* – i.e. to two separate entities – in 78.<sup>659</sup> Moreover, Side continued to mark a boundary between the *prouvincia Asia* and *prouvincia Cilicia* around 50 years after Antonius' command and, despite the chronological gap, such a division could very

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<sup>656</sup> For the important emphasis on historical factors underlying the definition of *prouvinciae* see especially Ferrary (2008a), p.15-17. Cf. Syme (1939b), p.302-305.

<sup>657</sup> Cf. Syme (1939b), p.300: ““Pamphylia” would have been a more correct designation [for the province of Cilicia]: and “Pamphylia” is attested.” See also now Dmitriev (2005), p.118, who recognises the more specific division of “Pamphylia” proposed above.

<sup>658</sup> Note Cicero's complaints in his second *Verrine* oration from 70 that Cn. Cornelius Dolabella had entered the *prouvincia Asia* from his own *prouvincia Cilicia* in 80 (*Verr.* 2.1.72-73).

<sup>659</sup> Eutr. 6.3. This is closely mirrored by Oros. 5.23, who also specifically records Servilius' activities in Phaselis – west of Side and included in the customs law of Asia (1.26) – and to the east of Side at Corycus. Both Eutropius and Orosius are presumably drawing on the Livian tradition (cf. Livy, *Per.* 90 and 93). For Phaselis as outside Cilicia see e.g. Cic. *Verr.* 2.4.21 and Sall. *Hist.* 1.128-132M. It is not impossible that Servilius was granted both Asia and Cilicia as his *prouvincia*, although this rests on an *argumentum ex silentio* based on the gap in the evidence for the magistrate or promagistrate in Asia for 78, for which note Brennan (2000), p.557f. Cf. Kallet-Marx (1995), p.293, who emphasises that two consular armies would be present in the East at this point.

well have originated in 103/102. Cicero wrote various letters to Ap. Claudius Pulcher (*pro cos.* in Cilicia), describing how he had been (incorrectly) told to succeed him at Side and stressing (with some irritation) that he was under the impression that Claudius wished to depart from his *prouvincia Cilicia* with the fleet.<sup>660</sup> P. Cornelius Lentulus Spinther – apparently serving *pro quaestore pro praetore* under C. Trebonius (*pro cos.*) in Asia in 43 – also wrote letters back to Rome explaining how he had pursued a hostile fleet, *...usque Sidam, quae extrema regio est prouvinciae meae*.<sup>661</sup> It is not entirely clear whether the fact he proceeded *as far as* means that Side was included within the *prouvincia Asia* or not, but it clearly still marked a territorial limit as it had earlier.<sup>662</sup>

The notion of Side as an original point of separation between the *prouvincia Asia* and the new *prouvincia Cilicia* provides one good reason why Antonius sailed directly to Side without first stopping at the administrative centres on the west coast of Asia.<sup>663</sup> This arrangement also compares well with the ways in which the Romans conceptualised the demarcation of space and, in particular, coastal regions. We have seen in Chapter III that Brundisium and Tarentum were named as specific points which marked the outer limits of the coastal region which M. Valerius Laevinus (*pr.*) was to defend in 215.<sup>664</sup> Restrictions on the movement of states beyond particular geographical points were also common in treaties from an early period: the Romans themselves were forbidden from sailing beyond the Licinian promontory (now the Capo Collona) according to a treaty with Tarentum from

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<sup>660</sup> E.g. Cic. *Fam.* 3.5.4 (28 July, 51): *tunc mihi ille dixit, quod classe tu uelles decedere, per fore accommodatum tibi si ad Sidam [maritimam partem prouvinciae] nauibus accessissem*. See further *Fam.* 3.5.3 (27 or 28 July, 51) and 3.6.1 (29 August, 51). See also Cicero's own departure one year later in *Fam.* 3.12.4 (Side, 3 or 4 August, 50): *Decedenti mihi et iam imperio annuo terminato a. d. III Non. Sext., cum ad Sidam naui accederem et mecum Q. Seruilius esset, literae a meis sunt redditae*.

<sup>661</sup> Cic. *Fam.* 12.15.5 (29 May – 2 June, 43).

<sup>662</sup> See e.g. Dmitriev (2005), p.121 (Side excluded from the *prouvincia Asia*) contra Mitchell (2008), p.192 (who stretches the meaning too far by using this as evidence that Pamphylia (including Side) from this point onwards reverted to the control of the governor of Asia).

<sup>663</sup> For the fact that Side was a good base see e.g. Mitchell (1993), p.73f.

<sup>664</sup> Livy, 23.32.16-18, as quoted in Ch.III.iii.

the late fourth century;<sup>665</sup> the treaty at the end of the First Illyrian War in 228 stipulated that Teuta (and Pinnes, King of the Ardiaei) should not sail south of Lissus on the Adriatic coast with more than two ships;<sup>666</sup> and the so-called Peace of Apamea in 188 prohibited Antiochus III from sailing beyond the promontories of Calycadnus and Sarpedonium.<sup>667</sup>

Similar conceptualisations of space were also commonly used to demarcate a particular coastal region between two Roman commanders. In 178, the town of Ancona on the Adriatic coast was employed as a “*cardo in medio*” to separate the operational spheres of *duumviri navales*: Livy describes how one commander was to defend the left coast from Ancona to Aquileia, whereas the other was to protect the coast to the right of Ancona up to Tarentum.<sup>668</sup> Such a description interestingly presupposes that the point of reference, at least in Livy’s mind, was the land and, more specifically, the town of Ancona itself.<sup>669</sup> It should also be noted that Ancona was conveniently located on the promontory of Monte Conero, which would have been a clear marker for sailors.<sup>670</sup> Once again, this was essentially about the separation of two independent *prouvinciae* as defined by the reference

<sup>665</sup> App. *Sam.* 7.1. For the date and further references see Humm (2009), p.212 with n.53.

<sup>666</sup> Polyb. 2.12.3; 3.16.1-5; and App. *Ill.* 7. For the location of Lissus see *Barrington Atlas*, Map 49, B2 and the discussion in Walbank (1957), p.165. Cf. Polyb. 8.13 and note also Caes. *B Ciu.* 3.26 and 3.28 for the use of Lissus as a reference point by Caesar in 48.

<sup>667</sup> Livy, 38.38.8-10 and App. *Syr.* 39. For the location see *Barrington Atlas*, Map 66, D4 and also generally Thiel (1946), p.367f.

<sup>668</sup> Livy, 41.1.3: *aduersus Illyriorum classem creati duumviri navales erant, qui tuendae uiginti nauibus maris superi orae Anconam uelut cardinem haberent; inde L. Cornelius dextra litora usque ad Tarentum, C. Furius laeua usque ad Aquileiam tueretur.* Cf. Purcell (1990), p.18. For the *duumviri navales* see Chs.I.ii and I.iii.

<sup>669</sup> This case is far from isolated both in its detail and chronologically. Three years earlier, the promontory of Minerva, facing the island of Capri, served as the “*cardo in medio*” – from which the term above is borrowed – with the right extended to Massilia and the left southwards around the coast to Barium (Livy, 40.18.7-8). In 190, the praetor in Sicily was given instructions to divide Sicily for coastal defence (if he saw fit) with Pachynus as the “pivot” with one section stretching to Tyndareus and the other to Agrigentum (Livy, 36.2.11-12). The Pachynus promontory (modern Capo Passero) was an excellent marker (e.g. Polyb. 1.42.4 and Strabo, *Geog.* 2.4.3). Furthermore, Appian preserves crucial details of the treaty made at Brundisium between M. Antonius and Octavian in 40 when the city of Scodra on the Adriatic coast supposedly marked their division of the Roman Empire: Antonius was responsible for the eastern parts up to the Euphrates (another geographical marker) and Octavian took the western parts up to the Ocean (*B Ciu.* 5.65). Cf. Plut. *Ant.* 30.4 and Dio Cass. 48.28.4, who both note the Ionian Sea as the marker. These examples are by no means exhaustive.

<sup>670</sup> Cf. Plin. *HN.* 3.18: *in ora Cluana, Potentia, Numana a Siculis condita, ab iisdem colonia Ancona, adposita promunturio Cunero in ipso flectentis se orae cubito, a Gargano <CLXXXIII>.*

to particular coastal cities with a visible point in the middle. It was, therefore, seemingly not so concerned with who had authority over Ancona itself.

A more important precedent would have been available from the demarcation of a boundary between the *prouvinciae* of *Hispania Citerior* and *Hispania Ulterior ex senatus consulto* in 197.<sup>671</sup> The concern of the Senate here was the separation of two *imperium*-holders rather than marking out two distinct administrative areas.<sup>672</sup> Although there is very little evidence for the way in which the commands might have been separated in 197 – assuming the instructions were even carried out at the time – a fragment of the Geography of Artemidorus of Ephesus, from around 100, provides some important clues.<sup>673</sup> In the fragment, quoted by Constantine VIII Porphyrogenitus (905-959 A.D.) via Stephanus of Byzantium (c. sixth century A.D.), one *prouvincia* (ἐπαρχία) is said to have stretched from the Pyrenees as far as New Carthage and the source of the river Baetis, whereas the other stretched from that point as far as Gades and Lusitania.<sup>674</sup> A recently published papyrus also appears to derive its content from Artemidorus and very closely mirrors the fragment from Stephanus.<sup>675</sup> The boundary was unlikely to have been defined in terms of a fixed linear line from New Carthage in the south to the Baetis/Castulo in the north as early as

<sup>671</sup> Livy, 32.28.11.

<sup>672</sup> See further Ch.III.v.

<sup>673</sup> For the fragment see the discussion of Billerbeck (2009). Richardson (1986), p.78 raises the question of whether the senatorial decree was actually carried out in 197.

<sup>674</sup> Billerbeck and Zubler (2010), no.19, s.v. “Ιβηρία”, ll. 13-17: Ἀρτεμίδωρος δὲ ἐν τῇ β̄ τῶν Γεωγραφουμένων (fr. 21 Stiehle) οὕτως διαιρεῖσθαί φησιν “Ἀπὸ δὲ τῶν Πυρηνναίων ὀρῶν ἕως τῶν κατὰ Γάδειρα τόπων ἐνδοτέρω καὶ συνωνύμως Ἰβηρία τε καὶ Ἰσπανία καλεῖται. διήρηται δὲ ὑπὸ Ῥωμαίων εἰς δύο ἐπαρχείας <\*\*\*> διατείνουσα ἀπὸ τῶν Πυρηνναίων ὀρῶν ἅπασα {καὶ} μέχρι τῆς Καινῆς Καρχηδόνας καὶ τῶν τοῦ Βαίτιος πηγῶν, τῆς δὲ β̄ ἐπαρχίας τὰ μέχρι Γαδείρων καὶ Λυσιτανίας.

<sup>675</sup> *P. Artemid.* col. IV, 1-14: [ἀπὸ] τῶν [Πυρ]ηνναί[ων] ὀρῶν [ἔω]ς τῶν κατὰ Γά[δειρα τό]πων καὶ τῶν ἐντοτέρω κλιμ[άτω]ν ἢ σύμψησα χώρα συνωνύμως Ἰβηρία καὶ Ἰσπανία καλεῖται. διείρηται δ’ ὑπὸ Ῥωμαίων εἰς δύο ἐπαρχείας καὶ τῆ[ς] μὲν πρώτης ἐστὶν ἐπαρχείας ἢ διατείνουσα ἀπὸ τῶν Πυρηνναίων ὀρῶν ἅπασα μέχρι τῆς Καινῆς Καρχη[δο]νόνας καὶ Καστολῶ[νος] καὶ τῶν τοῦ Βαίτιος πηγῶν· [τ]ῆς δ’ ἑτέρας ἐστὶν ἐπαρχείας τὰ μέχρι Γαδείρων καὶ τὰ κατὰ τὴν Λυσιτανίαν πάντα. For an astute discussion of some of the many complex issues associated with this so-called “Artemidorus Papyrus” see now Rathbone (2012), esp. p.445-447.

197.<sup>676</sup> Nonetheless, one can easily imagine that the division was initially made at New Carthage on the coast, especially as Livy records that a military tribune was specifically banished *in Hispania...ultra nouam Carthaginem* with a letter to be delivered to the prorogued praetor (*in Hispaniam ulteriorem*) in 180.<sup>677</sup> Like Ancona in 178, New Carthage would have served as a useful “*cardo in medio*” for separating the coastal regions of *Hispania Citerior* and *Hispania Ulterior* certainly by 180 and, perhaps, originally seventeen years earlier.<sup>678</sup> If correct, the difficulty of conceptualising a line from this point into the interior, if that is what was also intended, would explain why commanders frequently crossed the (notional) north-western boundary during the 190s.<sup>679</sup>

The above examples illustrate how the Romans regularly conceptualised the coastal boundaries between the spheres of commanders and/or states in terms of particular cities or geographical landmarks. With this in mind, we can easily imagine that Side was also used as a *cardo* (or pivot) between the existing *prouvincia Asia* and a new *prouvincia Cilicia* in 103/102 – especially if we consider the various indications that Side was located around the eastern limit of the sphere of influence associated with the *prouvincia Asia* and that it still marked a boundary in the mid-first century. It may also be significant that a promontory extended into the sea from Side, which could have provided a convenient point of reference and generally fits well with the examples cited above.<sup>680</sup> Meanwhile, returning to Syme’s description of Cilicia, as quoted above, I would suggest that clear

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<sup>676</sup> On the difficulties associated with fixing a linear boundary see Lintott (1993), p.23 and for problems with the topography see Richardson (1986), p.77f.

<sup>677</sup> Livy, 40.41.10-11: *eo referente senatus consultum factum est, ut M. Fulvius in Hispaniam relegaretur ultra nouam Carthaginem; litteraeque ei datae sunt a consule ad P. Manlium in Hispaniam ulteriorem deferendae*. For further references see *MRR I*, p.389. Cf. Rathbone (2012), p.446f, who concludes: “...this text [from the papyrus] seems to confirm and clarify what we had already suspected to be the situation in Spain around 100: a slightly diagonal east-west division into two spheres of praetorian authority, defined only in the south where their areas under direct control abutted, and leaving the north-west uncertain.”

<sup>678</sup> Cf. Cadiou and Moret (2012), p.27, n.28.

<sup>679</sup> For the campaigns see generally Richardson (1986), p.78-104 and esp. p.96-98. Cf. Brennan (2000), p.165f.

<sup>680</sup> Cf. Livy, 37.23.6.

delineated frontiers to the east of Side “in the direction of Syria” and towards Lycaonia and Cappadocia in the north were likely to have only developed later – most probably after the eastern command of Cn. Pompeius Magnus and the designation of a *prouvincia Syria* around 63.<sup>681</sup>

Finally, it is worth adding that the basic idea that *prouvinciae* were demarcated for the purposes of separating commanders or powers may provide the best explanation for why the law on the eastern *prouvinciae* specified (alongside a *eius hac lege nihilum rogatur* clause) that the praetor or proconsul who has Asia as his *prouvincia* should also have Lycaonia and the *prouvincia Lycaonia*.<sup>682</sup> This could have been seen as a necessary (or at least desirable) means of clarifying that the magistrate or promagistrate with the *prouvincia Asia* continued to have responsibility for Lycaonia when a *prouvincia Cilicia* was also named (perhaps given the earlier history when both Lycaonia and Cilicia were awarded to the Kingdom of Cappadocia);<sup>683</sup> and, we may even take this further by speculating that Lycaonia may have been explicitly used to separate the *prouvincia Asia* from the *prouvincia Cilicia* in the interior.<sup>684</sup>

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<sup>681</sup> Cf. Lintott (1993), p.25.

<sup>682</sup> *RS*, no.12, Cnidos Copy, col. III, ll. 22-27: στρατηγὸς ἀνθύπατός τε ὄξϛ τὴν Ἀσίαν ἐπαρχείαν διακατέχων, οὗτος ὦι ἔλασσον Λυκαονίαν διακατέχηι ὦι τε ἔλασσον τούτου | ἡ ἐπαρχεία Λυκαονία <ῆι>, καθὼς καὶ πρὸ τοῦ τοῦτον τὸν νόμον κυρωθῆναι ὑπῆρχεν, ἐν | τούτῳ τῷ νόμῳ οὐκ ἠρώτηται.

<sup>683</sup> See Just. *Epit.* 37.1.2, as mentioned and discussed earlier. Hassall, Crawford and Reynolds (1974), p.211, as the first editors of the Cnidos text, already speculated that the provision was “presumably included as a result of a certain vagueness in the (lost) territorial description of the new province of Cilicia, which could as a result have been held to include all or part of Lycaonia.” Ferrary (2000b), p.169f, (2008a), p.13f and (2008b), p.110 also emphasises that the naming of Cilicia as a *prouvincia* made it necessary to clarify the status of Lycaonia (to be compared with Ferrary (1977), p.636) *contra* Sherwin-White (1984), p.97, who unconvincingly views the clause as referring back to the rights of kings over subjects (ll. 16-21). Cf. Badian (1988), p.215; Kallet-Marx (1995), p.234 with n.44; Ferrary (2001b), p.102; Dmitriev (2005), p.86f; and Drogula (2011), p.114f.

<sup>684</sup> If correct, one might imagine that a (notional) line (“*cardo in medio*”) extended from Side in the direction of Philomelium (almost a vertical line northwards) or Iconium (a diagonal line to the north-east), depending how Lycaonia was defined. For a possible definition of Lycaonia see Mitchell (1999), p.20 with n.14 and Mitchell (2008), p.189. Compare also how the *Hispaniae* are described by Artemidorus (above) in terms of a line running from New Carthage to the Baetis/Castulo.

As a result of the separation of these *prouvinciae*, there would have been no need to demarcate any specific functions, such as the command of the fleet, and both the commanders in Asia and Cilicia would have been able to operate *terra marique*.<sup>685</sup> The fundamental point is that the separation of Antonius' *prouvincia Cilicia vis-à-vis* the *prouvincia Asia* by means of the coastal city of Side – and, perhaps, Lycaonia – represents a continuation of the practice of separating magistrates and/or promagistrates in space, as we have observed in the previous chapters.

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<sup>685</sup> Cf. Cic. *Leg. Man.* 68: ...*P. Seruilius, cuius tantae res gestae terra marique [78-74] exstiterunt, ut cum de bello deliberetis, auctor uobis grauior esse nemo debeat...*

### IV.iii. The *Lex Porcia* and the separation of *prouvinciae*: from *mos* to *ius*

The separation of the independent *imperium*-holders who received the *prouvincia Cilicia* and *prouvincia Asia*, as discussed in the previous section, may provide an explanation for the reference to a *Lex Porcia* in the law on the eastern *prouvinciae* around 100:

μήτε τις τούτοις τοῖς πράγμασιν ὑπεναντίως τοῖς ἐν τῷ νόμῳ ὄν Μάαρκος Πόρκιος | Κάτων στρατηγὸς ἐκύρωσε πρὸ ἡμέρων γ' τῶν Φηραλίων ἐκτὸς τῆς ἐπαρχείας ἐκτασ|σέτω μήτε ἀγέτω τις<sup>vv</sup> μήτε πορευέσ|θω τις δι' ἃ ἐκάς[τοτε] ἐπάξει εἰδῶς δόλωι | πονηρῶι μήτε τις ἄρχων μήτ' ἀντάρχων | ἐκτὸς τῆς ἐπαρχείας, <ἐφ' > ἥς αὐτὸν ἐπαρχείας κατὰ τοῦτον τὸν νόμον εἶναι δεῖ ἢ δεήσει, | εἰ μὴ ἀπὸ συγκλήτου γνώμης, πορευέσ|θ<ω> μήτε προαγέτω, εἰ μὴ διαπορείας ἔνε|κεν ἢ δημοσίων χάριν πραγμάτων, τοὺς τε ἑ|αυτοῦ κωλυέτω {εἰδῶς} ἄνευ δόλου πονηροῦ.

No-one, in contravention of those measures which are in the statute which M. Porcius Cato as praetor passed three days before the Feralia, is knowingly with wrongful deceit to draw up (an army) or march or travel outside his province, for whatever reason or whenever he shall arrive, nor is any magistrate or promagistrate to travel or proceed outside the province in command of which province it is or shall be appropriate for him to be according to this statute, except according to a decree of the senate, except for purposes of transit or for reasons of state, and he is without wrongful deceit to restrain his staff.<sup>686</sup>

It is not clear whether the author of the cited law was M. Porcius Cato, praetor around 121, or another unknown Cato, who held the praetorship between then and the promulgation of the law on the eastern *prouvinciae*.<sup>687</sup> In any case, it is noteworthy that this somewhat older statute was incorporated into the same passage of the law on the eastern *prouvinciae* which stipulated that Lycaonia should be held together with the *prouvincia Asia* and that a *prouvincia Cilicia* should also be named.<sup>688</sup> This raises two important issues. These concern, first, the purpose and political significance of the clauses from the *Lex*

<sup>686</sup> *RS*, no. 12, Cnidos Copy, col. III, ll. 3-15. For the date and context of the law on the eastern *prouvinciae* see Chs.III.iii and IV.ii.

<sup>687</sup> See further Drogula (2011), p.91f for the modern literature.

<sup>688</sup> Cnidos Copy, col. III, ll. 22-41 (as discussed at the end of IV.ii).

*Porcia*, as quoted above; and, second, the reason for their inclusion in the law on the eastern *prouvinciae*.

We can begin by considering the rationale behind the clause stipulating that, “No-one...is knowingly with wrongful deceit to draw up (an army) or march or travel outside his province...” Although the reference to “no-one” (μήτε τις) is very broad, a comparison with the Latin inscription recording the *Lex Antonia de Termessibus* (c. 68), which cites the *Lex Porcia*, suggests that the original law more precisely applied to magistrates, promagistrates and *legati*:<sup>689</sup> this would, therefore, have restricted the movements of consuls, praetors, quaestors, promagistrates (*pro consule, pro praetore* or *pro quaestore*) and their *legati*.<sup>690</sup>

Drogula recently offered a more nuanced interpretation by arguing that the *Lex Porcia* represents a new development by which stricter limits were placed on the movements of magistrates and promagistrates at the end of the second century, which were primarily aimed at praetorian commanders holding “permanent” *prouvinciae*.<sup>691</sup> He defines the “permanent” *prouvinciae* as those continuously named by the Senate each year (e.g. Sicily, Sardinia, the Spains, Africa, Macedonia and Asia) with clear – though not necessarily continuous – territorial boundaries.<sup>692</sup> He argues that these *prouvinciae* were usually allotted to praetors because they offered fewer opportunities for military conquest (with some notable exceptions), whereas the more prestigious consular *prouvinciae* were “rarely circumscribed by geographic definitions.”<sup>693</sup> His conclusion is:

Although we cannot know the intent of the senators who promulgated the bill, the *lex Porcia* – in practice – must have fallen disproportionately upon the shoulders of

<sup>689</sup> *RS*, no.19, col. II, ll. 6-17. For the date of the *Lex Antonia* see Ferrary (1985), p.439-442.

<sup>690</sup> Cf. the reference to ἄρχων and ἀντάρχων in the Cnidos Copy, col. III, ll. 9-10 of law on the eastern *prouvinciae*.

<sup>691</sup> Drogula (2011), p.92-101.

<sup>692</sup> *Ibid.*, p.97-101.

<sup>693</sup> *Ibid.*

praetorian commanders, since their *prouvinciae* were most easily defined by geography.<sup>694</sup>

One cannot deny that consuls predominantly received the more militarily important *prouvinciae* and that some *prouvinciae* were permanent in terms of being regularly named each year.<sup>695</sup> However, the distinction between “permanent” (or “fixed”) praetorian *prouvinciae* and other non-permanent (or “non-fixed”) special *prouvinciae* is a modern invention stemming from Mommsen and a single passage of Livy’s *History*.<sup>696</sup> As Vervaet neatly put it: “A *prouvincia* was a *prouvincia*, regardless of its permanent or temporary nature and...whether it was traditionally tied to a certain, more or less defined territorial entity.”<sup>697</sup>

With this in mind, serious doubts can be raised about the claim that the law was primarily intended to circumscribe the activities of praetorian commanders within the geographical boundaries of their praetorian *prouvinciae* more strictly than ever before. Indeed, I argued in Chapter III that both consular and praetorian *prouvinciae* were ordinarily demarcated in the third and second centuries for three main reasons: i) to prevent commanders from getting in each other’s way; ii) to prevent clashes over military *gloria*; and iii) to separate the jurisdiction of *imperium*-holders and certain kingdoms.<sup>698</sup> The restrictions imposed by the *Lex Porcia* were, therefore, not new and did not

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<sup>694</sup> Ibid., p.101.

<sup>695</sup> Cf. Cic. *Pis.* 38: *Tantum uero prouinciam cum tanto exercitu, Macedoniam praesertim, quam tantae barbarorum gentes attingunt, ut semper Macedonicis imperatoribus idem fines prouvinciae fuerint qui gladiatorum atque pilorum; ex qua aliquot praetorio imperio, consulari quidem nemo rediit, qui incolumis fuerit, quin triumpharit.* For the importance of consular *prouvinciae* see Ch.I.ii. It is worth noting that there were, of course, more praetors available each year than consuls and so Drogula is not wrong with his claim that the *Lex Porcia* fell largely on the shoulders of praetorian commanders in strict percentage terms.

<sup>696</sup> See Richardson (2008), p.17-25 *contra* Brennan (2000), p.182-190, esp. p.187-190 and Ferrary (2008a), p.9f following Mommsen (1887), II, p.211, n.1 and Livy, 27.22.5-6 (with a further comparison of Livy, 35.20.8-11). Drogula (2011), p.100 recognises that, “Although this difference was nowhere codified in law, the distinction between a consular and praetorian *prouvincia* was certainly taking shape.”

<sup>697</sup> Vervaet (2012a), p.61, n.69. Such a distinction did not come into consideration when Cicero famously debated the advantages and disadvantages of naming Syria and Macedonia as consular *prouvinciae* versus praetorian *prouvinciae* in 55 (*Prou. cons.* 17), for which see the discussion in Vervaet (2006), esp. p.634-637. Cf. Crawford (1990), p.106.

<sup>698</sup> Ch.III.iv.

necessarily lead to stricter *finēs prouvinciae*. Rather, they arguably served to reinforce the existing practices of demarcating consular and praetorian *prouvinciae* for the above three reasons.<sup>699</sup>

Special instructions were ordinarily issued to both consular and praetorian magistrates (and promagistrates) in the third and second centuries so that they could cross from the geographical area associated with their *prouvinciae* into another sphere. T. Otacilius Crassus (*pr.* 217), for example, was prorogued in Sicily with permission to cross into Africa in 216;<sup>700</sup> and, likewise, the Senate also authorised M. Valerius Laevinus (*pro cos.*) and P. Cornelius Scipio (*cos.*) to cross into Africa from the *prouvincia Sicilia* in 208 and 205 respectively.<sup>701</sup> These cases are by no means isolated and they illustrate that such instructions were considered necessary in order for a commander to travel outside his *prouvincia*. Indeed, this explains why M. Claudius Marcellus (*cos.*) thought that it was important to write to the Senate for permission to lead his legions *in Histriam* when he had been assigned *Ligures* as his consular *prouvincia* in 183.<sup>702</sup> In contrast, A. Manlius Vulso (*cos.*) invaded Histria in 178 without senatorial authorisation, despite the fact that some members of his *consilium* thought that he should first consult the Senate.<sup>703</sup> His colleague was later questioned by two angry tribunes of the *plebs* when he returned to Rome to hold the elections: “Why had Manlius not returned to Rome so that he could deliver an account to the Roman people about why he had crossed from *prouvincia Gallia*, which he was

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<sup>699</sup> *Contra* Drogula (2011), p.93: “As Rome was expanding its reach across the Mediterranean, therefore, it was not interested in (and probably did not think of) placing limitations on the scope of its commanders’ activities – the Roman people cared more about results than the manner in which those results were achieved.” Cf. Crawford (1992), p.203.

<sup>700</sup> Livy, 22.37.13. For the *prouvincia* in 217 cf. Livy, 22.25.6 and 22.31.6.

<sup>701</sup> Livy, 27.22.9-10 and Livy, 28.45.8-9 with further discussion ch.III.iii.

<sup>702</sup> Livy, 39.55.4-5: *M. Claudius consul Gallis ex prouvincia exactis Histricum bellum moliri coepit litteris ad senatum missis, ut sibi in Histriam traducere legiones liceret. id senatui <non> placuit.* For the consular *prouvinciae* see Livy, 39.45.3-4. Another (related) explanation that must be taken into account concerns whether war against the Histrians had been decreed by the Senate or voted by the people, which is illustrated by the type of questions the tribunes of the *plebs* wished to ask A. Manlius Vulso in 178 (as discussed next in the above text).

<sup>703</sup> Livy 41.1.1-2.

allotted, into Histria? When had the Senate decreed that war? When had the people ordered that war?”<sup>704</sup>

Additionally, the Senate took immediate action, on several occasions at least, against commanders who left the “sphere of operation” associated with their *prouvincia* without authorisation. When Cn. Servilius Caepio (*cos.*) crossed into Sicily in 203 with the intention of pursuing Hannibal to Africa, despite the fact he had been allotted a *prouvincia Bruttii*, the Senate reportedly decreed that the *praetor urbanus* should write to the consul that it considered it right that he return to Italy; and it then voted to appoint a dictator to recall him.<sup>705</sup> The Senate was also incensed when C. Cassius Longinus (*cos.*) decided to cross into another magistrate’s *prouvincia Macedonia* after he had been allotted *Italia* in 171:

enimvero senatus indignari tantum consulem ausum, ut suam prouinciam relinqueret, in alienam transiret, exercitum nouo periculoso<que> itinere inter exterarum gentes duceret, uiam tot nationibus in Italiam aperiret.<sup>706</sup>

Accordingly, the Senate sent three *legati* to announce to the consul that he should not begin war with any people, *nisi cum qua senatus gerendum censuerit*.<sup>707</sup> Once again, the fundamental point seems to be that even a consul required senatorial authorisation to leave his *prouvincia* – especially when crossing over to the *prouvincia* assigned to another

<sup>704</sup> Livy 41.7.4-10. Cf. Briscoe (2012a), p.57f s.v. “8-9.” It is notable that Histria was subsequently decreed as a consular *prouvincia* for 177: *prouvinciae deinde, quae in bello erant, Sardinia atque Histria <consulibus> decretae...* (Livy, 41.9.1-2).

<sup>705</sup> Livy 30.24.1-4. For the original *prouvincia* see Livy 30.1.1 and 30.1.9. The Senate’s response makes it clear that the consul’s mandate *aduersus Hannibalem* was not enough to justify him leaving the (geographical) area associated with the *Bruttii* (pace Drogula (2011), p.100f with n.35). I do not share the scepticism of Brennan (2000), p.116 regarding the historicity of this case, as I think it is plausible that a dictator could have been asked to recall the consul (e.g. by letter in place of the praetor), perhaps even alongside a role in holding the elections. The dictator was, after all, the only magistrate to outrank a consul (cf. the – admittedly much later – reference in Cic. *Leg.* 3.3.9).

<sup>706</sup> Livy, 43.1.4-12 (with the above quotation from 43.1.9-10). See Livy, 42.31.1 and 42.32.5 for the consular *prouvinciae* (*Italia* and *Macedonia*) and generally Brennan (2000), p.116f. Cf. Briscoe (2012a), p.388-390 s.v. “1. 4-12. Actions of C. Cassius Longinus.”

<sup>707</sup> Livy, 43.1.11-12. As Brennan (2000), p.117 notes (with Livy, 43.5.1-9 and 44.31.15), Cassius presumably remained in Greece until at least 168 in order to avoid prosecution on his return to Rome. Cf. Lintott (1981a), p.172.

(*in alienam prouinciam*) – and to make war with people/s who had not been declared enemies.

There is no evidence – nor any reason to assume – that the actions of Servilius and Cassius were prohibited by any statutory law, but it is clear that both commanders overstepped what was considered appropriate, according to the *mos maiorum* and the (related) *auctoritas senatus* in the third and second centuries. Indeed, the above examples demonstrate that the stipulation associated with the *Lex Porcia* which prohibited a magistrate or promagistrate from leaving his *prouincia* without a senatorial decree (“except according to a decree of the senate”) was customary much earlier.

We can also presume that the *causa rei publicae* exception (“for reasons of state”) mentioned in the law on the eastern *prouvinciae* also stretches back over one hundred years earlier than the *Lex Porcia*. It almost certainly accounts for the decision taken by C. Claudius Nero (*cos.*) to leave his allotted *prouincia* of the *Bruttii* and *Lucani* (*aduersus Hannibalem*) and to proceed to the *prouincia Gallia* (*aduersus Hasdrubalem*) of M. Livius Salinator (*cos.*) in 207.<sup>708</sup> Indeed, Livy states that Claudius made his judgement on the basis of the *tempus rei publicae* to break with the *consilia ordinaria* and that he was aware that this was a decision, *quod coeptum non minorem apud ciues quam hostes terrorem faceret, perpetratum in magnam laetitiam ex magno metu uerteret...*<sup>709</sup> In other words, his actions *causa rei publicae*, despite initially causing alarm, would be celebrated as long as they were *successful*.<sup>710</sup> The instances where commanders freely crossed the straits of Messina from the *prouincia Sicilia* into Italy during the Second Punic War can be

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<sup>708</sup> Livy, 27.35.10-11 and 27.43.5-12. Cf. Polyb. 11.1.

<sup>709</sup> Livy 27.43.6-8.

<sup>710</sup> As observed in Ch.III.v, Claudius later received a lesser triumph for his successes because he had fought *in aliena prouincia*. Cf. Drogula (2011), p.93.

explained in the same way;<sup>711</sup> and M. Porcius Cato (*cos.*) may have applied the same rationale when he campaigned in *Hispania Ulterior*, despite having been allotted *Hispania Citerior* in 195.<sup>712</sup>

With these much earlier cases in mind, then, the clauses of the *Lex Porcia*, as they are cited in the law on the eastern *prouvinciae*, can be seen as part of the general trend in which *mos*, as it was understood in the previous centuries, was confirmed or, in some instances, replaced by *leges*.<sup>713</sup> The promulgation of a law as a possible means of strengthening the *mos maiorum* may be seen within the context of a general weakening of senatorial authority (and political consensus) in the late second and early first centuries.<sup>714</sup>

One can also reasonably argue that *prouvinciae* were always fairly prescriptive and that the *Lex Porcia* does not demonstrate that they were any more rigidly territorially defined in the late second century than they had been in the third and early second centuries.<sup>715</sup> We do not even know if the *Lex Porcia* was the first attempt at codifying the

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<sup>711</sup> E.g. Ap. Claudius Pulcher (*pr.*) crossed from Messina to Locri (Livy, 23.41.11-12) and sent a garrison from Sicily to Rhegium (24.1.11-12) in 215. Cf. Livy, 29.7-9 for P. Cornelius Scipio (*cos.*) crossing over from Sicily in 205 with further references in Prag (2007b), p.293.

<sup>712</sup> Vervaeke (2012a), p.60, n.58 raises another possibility that the Senate may have actually authorised Cato to act in *Hispania Ulterior* if necessary. If correct, perhaps, Livy even condensed this permission in his report of the lot as simply *Hispania* rather than *Hispania Citerior* with further instructions (Livy, 33.43.5). Cf. Livy, 33.43.5-6: *P. Manlius in Hispaniam citeriorem adiutor consuli datus*. Drogula (2011), p.101, n.35 wrongly takes Cato's actions as an indication that consuls did not have to remain within "any geographic borders", but had to simply fight the enemy assigned to them. Cf. Richardson (1986), p.88.

<sup>713</sup> Badian (1965), p.112, n.19 already rightly recognised that the *Lex Porcia* was *mos maiorum* in the second century. Note also Brennan (2000), p.525: "Quite possibly, he [M. Porcius Cato] had taken over an old prohibition on a commander marching beyond his *provincia* – the issue had been a burning one already about seventy years earlier, thanks to the aspirations of C. Cassius Longinus (*cos.* 171) to fight a Macedonian war – and simply added a new proviso (e.g. extension of the prohibition to a general's staff) to make his *lex Porcia*." Cf. *OCD*<sup>3</sup>, p.1265 s.v. "*provincia/province*" and Brennan (2004), p.46. For the development of the use of *leges* in place of *mos* see generally e.g. Bauman (1967), p.75f; Richardson (1986), p.168-171; and Lintott (1999), p.4-7.

<sup>714</sup> Although this development cannot be fully treated within the scope of this chapter, it is worth making a comparison with the almost unopposed authority of the Senate in making decisions on *prouvinciae* that we observed in Chapter III. I would also view the *Lex Sempronia de prouinciis consularibus* (c. 123) within the same context, especially if it was passed only a few years before the *Lex Porcia* and if one of its aims was to reinforce the Senate's capacity to name the consular *prouvinciae* by allowing them to do so without interference (e.g. tribunician veto) in advance of the elections. See further Vervaeke (2006) with p.649-654 with an assessment of the political implications of this *Lex Sempronia*.

<sup>715</sup> Cf. Lintott (1993), p.26: "...any impression given by the Cnidus text of the law about the provinces that through the *lex Porcia* a province had become something neatly defined is an illusion."

restrictions on the movements of magistrates and promagistrates out of their *prouvinciae*; it certainly was not the last. Cicero mentions L. Cornelius Sulla's *Lex Cornelia de maiestate* (c. 81) – alongside *plurimae* (unnamed) *leges ueteres* (how old?) presumably including the *Lex Porcia* – that prohibited a commander leaving his *prouvincia*, leading an army out (of the *prouvincia*), waging war on his own initiative and entering a kingdom without the orders of the *populus Romanus* or Senate.<sup>716</sup> Once again, the underlying premise was that these actions should not be undertaken without *iussus populi Romani aut senatus* – a condition reiterated in law, but customary for many centuries previously.<sup>717</sup>

In relation to the second issue raised at the start of this section concerning the reason for the inclusion of the clauses from the *Lex Porcia* in the law on the eastern *prouvinciae*, we can now suppose that it was cited as an attempt at enforcing the separation of *imperium*-holders in the East, which had previously been a customary rather than statutory rule.<sup>718</sup> It is uncertain where the citation of the *Lex Porcia* ends, but it is probable that the law on the eastern *prouvinciae* added the following clause, presumably based on (and slightly modifying) the former *lex*:<sup>719</sup> “...nor is any magistrate (ἄρχων) or promagistrate (ἀντάρχων) to travel or proceed outside the province in command of which province it is or shall be appropriate for him to be according to this statute...”<sup>720</sup> Although the reference to “this statute” could refer back to the *Lex Porcia*, arguably it corresponds more closely with the law on the eastern *prouvinciae* and the specific arrangements made

<sup>716</sup> Cic. *Pis.* 50: *...mitto exire de prouincia, educere exercitum, bellum sua sponte gerere, in regnum iniussu populi Romani aut senatus accedere, quae cum plurimae leges ueteres, tum lex Cornelia maiestatis, Iulia de pecuniis repetundis planissime uetat...*

<sup>717</sup> Cf. already Livy, 10.37.6 (294 B.C.) with discussion ch.III.v.

<sup>718</sup> Lintott (1993), p.26f rightly recognised that the fundamental purpose of the *Lex Porcia* was to stop magistrates interfering in each other's *prouvinciae*.

<sup>719</sup> See e.g. Richardson (1986), p.169: “...the Delphi/Cnidus law itself enlarged on the *lex Porcia* by specifying that a commander appointed by the law should not leave the *provincia* to which he was assigned without permission of the senate, and that he should restrain those with him, presumably his own staff.” Cf. Brennan (2000), p.524, who also takes the reference as referring to Macedonia and Asia. Many other scholars have simply assumed that the whole passage derives from the *Lex Porcia*.

<sup>720</sup> *RS*, no. 12, Cnidus Copy, col. III, ll. 9-11 (as quoted in full at the start of this section).

for the definition of these *prouvinciae* (Macedonia, Asia and Cilicia). With this in mind, it is worth noting that the Latin equivalent underlying the latter half of the sentence is most probably, *cui prouvinciae eum ex hac lege praeesse oportet oportebit*.<sup>721</sup> This means implicitly that it would not have been appropriate to travel *in alienam prouinciam* – i.e. *praeesse non oportet/oportebit* – as, for example, if the magistrate or promagistrate with the *prouvincia Cilicia* travelled to the *prouvincia Asia* or Lycaonia (or the *prouvincia Lycaonia*).<sup>722</sup> Indeed, Cicero attempted to provide justification in the Senate as to why C. Cassius Longinus (*pro cos.*) intended to go to Syria when he had been assigned another *prouvincia* in 43: divine law, he suggested, was linked to the salvation of the *res publica* and therefore took precedence over the fact that if men accepted written laws then Syria was legally an *aliena prouvincia*.<sup>723</sup> Although Cicero does not refer to the name of the particular “written laws” against which he sought to justify Cassius’ actions, the *Lex Porcia* was presumably included, even if its provisions had been confirmed in more recent legislation such as L. Cornelius Sulla’s *Lex Cornelia de maiestate* (c. 81) and C. Iulius Caesar’s *Lex Iulia de pecuniis repetundis* (59).<sup>724</sup>

In summary, the *Lex Porcia* was most probably named in the law on eastern *prouvinciae* to highlight that the magistrate or promagistrate with the *prouvincia Cilicia* (and their *legati*) should not cross into the *prouvincia Asia* – e.g. as demarcated, perhaps, with

<sup>721</sup> RS, no. 12, p.260, s.v. “ll. 10-11.”

<sup>722</sup> Cf. Cicero’s criticism of C. Verres (*leg. pro pr.*) in his second *Verrine* oration for convincing his superior commander, Cn. Cornelius Dolabella (*pr.* 81), to leave his *prouvincia Cilicia* and to cross into C. Claudius Nero’s (*pr.* 81) *prouvincia Asia* around twenty years later in 80 (2.1.72-73). Unsurprisingly, he claims that Dolabella’s actions were criticised by many, but it is significant that the crossing into another’s *prouvincia* receives special mention: *fecit id quod multi reprehenderunt, ut exercitum prouinciam, bellum relinqueret, et in Asiam hominis nequissimi causa in alienam prouinciam proficisceretur...* (2.1.73).

<sup>723</sup> Cic. *Phil.* 11.28-29. For Cassius’ original *prouvincia Africa* see Plut. *Brut.* 19.5 (ἡ Λιβύη) and compare App. *B Ciu.* 3.8 (with some confusion). Cf. Cic. *Phil.* 11.4.2 and 11.27.13. Cicero was not overly confident with this argument, since he proposed a motion – unsuccessfully as it turned out – to give Cassius the *prouvincia Syria* with various armies, the war against P. Cornelius Dolabella (*pro cos.*) and the right to command in Asia, Bithynia and Pontus with an *consulare imperium maius quam* the individuals holding those *prouvinciae* (Cic. *Phil.* 11.29-31 and *Fam.* 12.7). Cicero presumably intended to limit clashes over the right to command in the field with his *imperium maius* provision and to avoid the subsequent prosecution of Cassius by getting the necessary authorisation from the Senate and *populus Romanus* in advance.

<sup>724</sup> See Cic. *Pis.* 50 and RS, no.55 (*Lex Iulia de pecuniis repetundis*), p.769f, s.v. “Introduction.”

Side to Lycaonia serving as a “*cardo in medio*” – and *vice versa*.<sup>725</sup> As I suggested in the previous section, it is unlikely that the *prouincia Cilicia* would have been clearly demarcated to the east of Side towards Syria; nor, probably, towards Cappadocia in the northeast.<sup>726</sup> The separation of *imperium*-holders in space, therefore, just as it had been in the third and early second centuries, continued to be a fundamental factor in the definition of *prouvinciae* at the end of the second century. The major difference was that this was now enforced by statutory law.

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<sup>725</sup> I would also suggest that provisions concerning what could and could not be done regarding kingdoms (e.g. Cappadocia) could have been added as an additional clause. The lines preceding the mention of the *Lex Porcia* are too fragmentary to interpret properly, but they are probably connected with its provisions: [--- c. 5 ---]+είας βασιλέως ἔθνῶν τε δόγμα | [ἔστ]ῳ εἰς τε ἕκαστον πρᾶγμα γνώμη ἔσ[τ]ῳ (*RS*, no.12, Cnidos Copy, col. III, ll. 1-3). I find the hypothesis proposed in *RS*, no.12, p.259, s.v. “ll. 1-3” reasonably compelling: “But since the latter do not form a separate paragraph, these lines will probably have made a general statement about what could or could not be done to a kingdom (?), king or nation.” This can be compared with the provisions Cicero mentions in reference to the *Lex Cornelia de maiestate* (*Pis.* 50), which may have been intended to reinforce the traditional custom that one should not make wars on kingdoms or peoples without authorisation (i.e. to avoid a *nefarium bellum*, for which cf. *Cic. Pis.* 84). It is worth noting, for example, that one of the arguments used against the triumph of Cn. Manlius Vulso (*pro cos.*) in 187 was that war had not been ordered by the people or the Senate (*Livy*, 38.45.5-6), although note Rich (1993), p.57f.

<sup>726</sup> Cf. Kallet-Marx (1995), p.234 who alternatively suggests that the *Lex Porcia* was named in order to prevent unnecessary interference in eastern “Seleucid waters” rather than Asia to the west. This, however, does not fit very well with his own hypothesis (p.21, n.43) criticising the overly rigid view of *prouvinciae* held in Lintott (1981b): “...*provinciae* were strictly and formally demarcated only where it was necessary (1) to prevent commanders from stepping on each other’s toes...and (2) for the functioning of *maiestas* laws at the regular points of entry and exit...” (cf. Ch.III.iv). Dmitriev (2005), p.95 implies that it was named because of the far-reach of the Roman command in Cilicia (he names, for example, Cappadocia). Drogula (2011), p.120f also takes the law as being aimed at restricting “unauthorized campaigning” outside *prouvinciae*, although he unconvincingly views the law as a response the campaigns of M. Antonius in Cilicia from Asia and T. Didius in Macedonia (p.119-121). As I argued in the previous section, M. Antonius was almost certainly granted a *prouvincia Cilicia* and, therefore, his actions were not “unusually aggressive” as Drogula suggests. (It is notable that both he and Didius were granted triumphs by the Senate.)

#### **IV.iv. M. Antonius Creticus, Cn. Pompeius Magnus and the *prouincia (tota) ora maritima* in the first century**

A significant development in the way that naval commands were defined occurred in the first century when M. Antonius Creticus and Cn. Pompeius Magnus were given Mediterranean-wide commands against the pirates in 75/74 and 67. Velleius Paterculus makes a direct comparison between the assignments, which he claims gave the commanders authority over almost the whole world.<sup>727</sup> This represents a dramatic change from the pattern we observed in the previous chapters in which overlapping *prouvinciae* were demarcated either in space or by function. As we shall see in the next two parts of this chapter, this had far reaching consequences not only for how individual commands and *prouvinciae* were conceived, but also for how the Romans viewed their empire. The first part will examine the evidence for how the *prouvinciae* of Antonius and Pompeius were defined, which, in turn, will be used to assess the political implications of the commands (IV.iv). The second part will then consider the relationship between these definitions and the conceptualisation of empire (IV.v).

The first important development in the definition of *prouvinciae* is to be found when the praetor M. Antonius Creticus, son of the M. Antonius discussed earlier (IV.ii), was assigned an extraordinary *prouvincia* with a novel geographical definition (*ex senatus consulto*) between 75/74 and 72/71.<sup>728</sup> A surviving fragment of Sallust's *Historiae* –

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<sup>727</sup> Vell. Pat. 2.31.2-4.

<sup>728</sup> See Vell. Pat. 2.31.2-4 and Lactant. *Diu. inst.* 1.11.32 for the assignment *ex senatus consulto*. The *communis opinio* dates Antonius' praetorship and the assignment of the command to 74, which Brennan (2000), p.796, n.147 notes "seems quite secure" on the basis of Cic. *Verr.* 2.3.214-215 and Vell. Pat. 2.31.3. However, there are three reasons why we should not so readily accept the date of 74. First, it should be stressed that Cicero does not refer to Antonius' status in 74 and so he could have already been prorogued at that time. Secondly, even more precariously, the reference in Velleius' text to Antonius' appointment seven years before the *Lex Gabinia* (67) comes from an emendation of *ante biennium* (ed. pr.) to *ante septennium* in the 1803 edition (Leipzig) of J.C.J. Krause, which is printed in the 1998 Teubner text edited by W.S. Watt. For sake of argument, one could just as easily emend the *biennium* in the Velleius manuscript to *octennium* rather than *septennium*. It is worth noting that Velleius also appears to date the *Lex Gabinia post biennium* from Pompeius' consulship of 70 rather than *post triennium* (2.31.2). In any case, as Maróti (1971), p.266

quoted directly by the so-called *Scholia in Iuuenalem Vetustiora* – provides the first clue as to how this *prouincia* was defined by describing Antonius as, *qui orae maritimae, qua Romanum esset imperium, curator <nocent>ior piratis*.<sup>729</sup> The reference to Antonius' command (or guardianship, according to Maurenbrecher's plausible emendation of the manuscript reading) of the "coastal regions" – which were explicitly linked to the *imperium Romanum* – could very well represent a geographical definition of his *prouincia*.<sup>730</sup> Yet, what was meant by the *ora maritima* at this time?

We have seen already how the *ora maritima* of Italy and certain *prouvinciae* were divided in various ways throughout the third and second centuries. However, there is no evidence for a division of Antonius' command. On the contrary, the commission was apparently created for the purpose of pursuing the pirates and safeguarding the maritime supply routes against piracy (and Sertorius) throughout the entire Mediterranean.<sup>731</sup> This

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cautions, one should not give too much weight to the figures given by Velleius (or, rather, present in his manuscript tradition). Thirdly, the reference in Pseudo-Asconius' commentary on Cicero's *Verrines* to the *gratia Cottae consulis* in securing Antonius' appointment may confirm a date of 74 if this is taken as the consul M. Aurelius Cotta (Ps.-Ascon. p.259 Stangl). However, it could potentially refer to C. Aurelius Cotta (*cos.* 75) and so would suggest a date of 75 for the start of Antonius' command (and his praetorship). It is, therefore, safest to admit that Antonius' command could have been assigned in either 75 or 74. For Antonius' death in Crete in 72/71 see Kallet-Marx (1995), p.307, n.59 and Brennan (2000), p.407 with p.797, n.159. Finally, for "Creticus" as his *appellatio priuata* see Linderski (1990b).

<sup>729</sup> *Hist.* 3 frag. 2M. It is important to note that Maurenbrecher (1893), p.109f emended *contrarius piratis*, as preserved in the *Scholia in Iuuenalem Vetustiora* manuscripts, to *curator nocentior piratis* based on the clear parallels with language to be found in Pseudo-Asconius' description of Antonius' command, which undoubtedly goes back to Sallust ("curator ex Ciceronis scholiasta restitui"). See further Ps. Ascon. p.202, p.239 and p.259 Stangl, with my discussion in the following paragraphs. Cf. Maurenbrecher (1891), p.72 (conjecturing *curator aduersus piratas*) and Wessner (1931), p.142 and p.271 (suggesting *curator peior piratis*). More recently, Funari (1996), p.474f maintained the manuscript reading and proposed that the meaning of *orae maritimae* could have been completed by a missing word or verb, such as *praeesse* (or one might add *curator* based on Pseudo-Asconius). In any case, the problem with the *Scholia in Iuuenalem Vetustiora* manuscripts does not affect the arguments presented above, since the clear sense of the text is that Antonius had a command associated with the *ora maritima*.

<sup>730</sup> See the previous note for Maurenbrecher's emendation. Richardson (2008), p.99f acknowledges the "geographical flavour" of *imperium Romanum*, but concludes that Sallust "seems to mean...the power of the people, which can be taken to stand for the whole state."

<sup>731</sup> See especially Kallet-Marx (1995), p.304-311, who notes on p.307 that Lactantius states that the command was decreed by the Senate *ut praedones persequeretur ac mare omne pacaret* (*Diu. Inst.* 1.11.32). As we shall see, this may go back to Sallust and may, therefore, accurately summarise the original rationale for the command. Cf. Schol. Bob, p.96 Stangl and App. *Sic.* 6.1. Cf. Foucart (1906), p.572; Maróti (1971), p.269f; Gruen (1974), p.539; and de Souza (1999), p.142-148.

rationale is reflected in the complaints made by C. Aurelius Cotta, as consul in 75, in a speech given to him by Sallust:

Consules nos fecistis Quirites domi bellique impeditissima re publica; namque imperatores Hispaniae stipendium, milites, arma, frumentum poscunt – et id res cogit, quoniam defectione sociorum et Sertorii per montis fuga neque manu certare possunt neque utilia parare –; exercitus in Asia Ciliciaque ob nimias opes Mithridatis aluntur, Macedonia plena hostium est nec minus Italiae maritima et prouinciarum, cum interim uectigalia parua et bellis incerta uix partem sumptum sustinent: ita classe quae commeatus tuebatur minore quam antea nauigamus.<sup>732</sup>

Although Sallust composed the speech over thirty years later, there is no reason to doubt that it portrays accurately some of the major issues of the time, given the real problems affecting the coastal regions of Italy and the *prouinciae*.<sup>733</sup> It is, therefore, easy to imagine that Antonius' command was defined in terms which reflected these widely geographically dispersed problems. Indeed, the notion that Sallust's description of Antonius' command of the *ora maritima* stood for the (*ora*) *maritima Italiae et prouinciarum* finds support in Pseudo-Asconius' commentary on Cicero's description of Antonius in his second *Verrine* oration:

Hic est M. Antonius qui, gratia Cottae consulis et Cethegi factione in senatu curationem infinitam nactus totius orae maritimae, et Siciliam et prouincias omnes depopulatus est et ad postremum inferens Cretensibus bellum morbo interiit.<sup>734</sup>

It is possible that the Cotta referred to here was the consul of 75, especially bearing in mind the above speech in which he (or Sallust) outlined some pressing reasons for the creation of such a wide command.<sup>735</sup> Even if Pseudo-Asconius meant the other Cotta, who was consul of 74 (as is usually assumed), the language undoubtedly mirrors Sallust's

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<sup>732</sup> Sall. *Hist.* 2.47.7M. See Rosenblitt (2011) p.397f, n.1 and 2 for recent bibliography on the speech.

<sup>733</sup> See McGushin (1992), p.211 s.v. "2.44" with Cic. *Orat.* 132 for the fact that none of Cotta's speeches had survived to 46. Cf. Syme (1964), p.207f.

<sup>734</sup> Ps.-Ascon. p.259 Stangl.

<sup>735</sup> It is also worth noting the following section of Sallust's Cotta speech: *Adsum en C. Cotta consul! Facio quod saepe maiores asperis bellis fecere, uoueo dedoque me pro re publica! Quam deinde cui mandetis circumspicite; nam talem honorem bonus nemo uolet, cum fortunae et maris et belli ab aliis acti ratio reddenda aut turpiter moriendum sit...* (*Hist.* 2.47.11M).

description of M. Antonius and provides confirmation that the *ora maritima* might have been understood as including all (*tota*) of the coastal regions of all (*omnes*) of the *prouinciae*.<sup>736</sup> Lactantius, writing around the beginning of the fourth century A.D., uses very similar terminology and is explicit in equating it with all of the coastal regions (including the islands):

de Neptuni sorte manifestum est: cuius regnum tale fuisse dicimus, quale Marci Antoni fuit infinitum illud imperium, cui totius orae maritimae potestatem senatus decreuerat, ut praedones persequeretur ac mare omne pacaret. sic Neptuno maritima omnia cum insulis obuenerunt.<sup>737</sup>

It is apparent that Pseudo-Asconius and Lactantius made use of Sallust's *Historiae* – whether directly or indirectly – given the similarities in language and the record of details which are not found in any other surviving source.<sup>738</sup> Maróti also noted that Pseudo-Asconius elsewhere explicitly refers to Sallust by name.<sup>739</sup> One can imagine that both Pseudo-Asconius and Lactantius (or their source) had access to the now lost sections between books two and three of Sallust's *Historiae*, which almost certainly recorded the command in some detail, especially as they preserve details about the method of his appointment (*senatus consultum*) and the influence exerted by Cotta and Cethegus.<sup>740</sup> Furthermore, as they are both drawing on Sallust, there is a strong possibility that *totius* was accidentally omitted from the quotation of Sallust found in the *Scholia in Iuuenalem*

<sup>736</sup> This is even more apparent in Pseudo-Asconius' comment on Cicero's reference to the activities of a *praefectus Antoni* in his *Diuinatio in Caecilium*, which clearly echoes Sallust (*Hist.* 3 frag. 2M): <M.> *Antonius curator tuendae totius orae maritimae qua Romanum erat imperium, non solum ipse nequam, uerum etiam comitibus pessimis, rem inauditam inuasit et indicto Cretensibus bello male re gesta ibidem periit, ante quam Pompeius contra piratas missus est...* (p.202 Stangl). Cf. Ps.-Ascon. p.239 Stangl. On the clear use of Sallust by Ps.-Asconius (or his source) see Maurenbrecher (1893), p.108, which is followed by Maróti (1971), p.269 and Linderski (1990b), p.162.

<sup>737</sup> *Diu. inst.* 1.11.32-33. Cf. Schol. Bob. p.96 Stangl: *Cooperat quidem ante illum orae maritimae praepositus M. Antonius piratas persequi, sed rebus nondum confectis morte praeuentus est.*

<sup>738</sup> See Maróti (1971), p.268f. See also further Ogilvie (1978), p.41f, who claims that Lactantius certainly knew Sallust's *Bellum Catilinae*, but also made use of his other works at second hand.

<sup>739</sup> Maróti (1971), p.269 with Ps.-Ascon. p.239 Stangl: *Hic est M. Antonius, dissolutissimus largitor et totius curator orae maritimae, Cretae mortuus, de quo ipse dicet: Et post M. Antonii infinitum illud imperium senserant, et quem Sallustius ait perdundae pecuniae genitum et uacuum a curis nisi instantibus.*

<sup>740</sup> See Maurenbrecher (1893), p.58f; Maróti (1971), p.268f; and McGushin (1994), p.65f.

*Vetustiora*, as initially quoted above, or, alternatively, that it has simply fallen out of the manuscript tradition.<sup>741</sup> If correct, Sallust would have originally described Antonius as, *qui [totius] orae maritimae qua Romanum esset imperium, curator <nocent>ior piratis*.<sup>742</sup>

The comments of Pseudo-Asconius and Lactantius – and their use of Sallust – elucidate and provide the crucial context for understanding Cicero’s claim, which he made just a few years after Antonius’ appointment, that the Sicilians had suffered under his *infinitem illud imperium*.<sup>743</sup> Mommsen took this phrase as representing a revival of an ancient unlimited *consulare imperium* (“*infinitem*”), which, he believed, the consuls had on the sea from Italy without fixed limits until L. Cornelius Sulla, as *dictator legibus scribundis et rei publicae constituendae*, supposedly removed the consul’s right to exercise *imperium militiae* during their term of office from around 81 onwards.<sup>744</sup> However, I suggested in Chapter I that a special naval competence does not appear to have been singled out as part of the *consulare imperium*.<sup>745</sup> Furthermore, other modern scholars have shown beyond doubt that a Sullan *Lex Cornelia de provinciis ordinandis* never existed and that the consuls did not lose their right to exercise *imperium* outside of Rome.<sup>746</sup> Instead, more recent scholarship has rightly recognised that Cicero’s use of *infinitem* is rhetorical

<sup>741</sup> Cf. Wessner (1931), p.xxxvi-xlv and note especially xliii in which there were “retractationes partim restrictae, partim amplificatae” at a very early point in the manuscript tradition.

<sup>742</sup> See *Hist.* 3 frag. 2M and n.729 above for the rationale behind the emendation of *contrarius piratis* in the manuscripts to *curator nocentior piratis*.

<sup>743</sup> Cic. *Verr.* 2.2.8: *...et postea M. Antonii infinitum illud imperium senserant*. Cf. Cic. *Verr.* 2.3.213: *Et hic utrum mihi difficile est dicere an his existimare ita se in isto infinito imperio M. Antonium gessisse ut multo isti perniciosius sit dicere se in re improbissima uoluisse M. Antonium imitari quam si posset defendere nihil in uita se M. Antonii simile fecisse?* It is apparent that Lactantius directly or indirectly combined Cicero with Sallust, given his (surely) deliberate *uerbatim* recall of Cicero’s *infinitem illud imperium*. Ogilvie (1978), p.71 claims that Lactantius knew the *Verrines* well. Cf. Jameson (1970), p.542, n.22 and Maróti (1971), p.268.

<sup>744</sup> See Mommsen (1887), II, p.654f, p.579 and cf. p.581 with the more detailed discussed in Ch.I.ii. This also had a profound influence on Tarn (1925), p.492 and p.495 (though, without an explicit reference to these passages). For a good overview of how the theory of an *imperium infinitum* influenced modern scholars see especially Jameson (1970), p.540-542. For Sulla’s title as dictator see Vervaet (2004), p.41 with App. *B Ciu.* 1.99.

<sup>745</sup> Ch.I.ii.

<sup>746</sup> See now Pina Polo (2011), p.225-248 with references to the modern literature and note especially the classic discussion by Giovannini (1983), p.73-101.

rather than constitutional.<sup>747</sup> Cicero almost certainly employs it to illustrate the vast geographical area within which Antonius could exercise his *imperium* without any fixed divisions;<sup>748</sup> and he even uses it elsewhere to describe the vast number (or extent) of the pirates overcome by Cn. Pompeius Magnus, who, as we shall see shortly, held a comparable command in 67.<sup>749</sup> As Maróti observed, this interpretation fits the overall context of the passage in which Cicero describes some of Antonius' actions in Sicily – which was governed in 74 by C. Licinius Sacerdos (*pr.* 75) – and Cicero even explicitly mentions his harmful activities in the *provinciae*.<sup>750</sup> It also explains why Antonius operated in both the western and eastern Mediterranean between 75/74 and 72/71.<sup>751</sup>

As contemporaries, both Cicero and Sallust were well placed to interpret Antonius' position. The evidence they provide, elucidated by Lactantius and the scholiasts, suggests that Antonius was granted a new type of *provincia* that encompassed the *tota ora maritima* of the Mediterranean and, therefore, overlapped with a number of existing *provinciae*.

This conclusion will now be further supported and expanded through a comparison with the famous extraordinary command voted for Cn. Pompeius Magnus by the *rogatio*

<sup>747</sup> Eg. Béranger (1948); Jameson (1970), p.540-543; Maróti (1971); Gruen (1974), p.19, n.39; Crawford (1992), p.203; Kallet-Marx (1995), p.304f; de Souza (1999), p.141, n.188; Brennan (2000), p.406; and Girardet (2001), p.171, n.73.

<sup>748</sup> This was rightly highlighted by Brennan (2000), p.406: "It [*infinitum imperium*] is a jibe, aimed not at the quality of *imperium* Antonius received, but at the rather vague *finis* of his *provincia*..." Brennan (2000), p.535-537 also makes a valuable comparison between this and Cicero's use of *infinitum imperium* for the commands of C. Calpurnius Piso (*cos.*) and A. Gabinius (*cos.*) in Macedonia and Syria respectively from 58. In addition, Richardson (2008), p.74-79 shows that Cicero could use *imperium* in a territorial sense, although he highlights the difficulty of determining whether this related to power (over a territory) or the territory itself. Cf. especially Cic. *Leg. Man.* 53: *si plus apud populum Romanum auctoritas tua quam ipsius populi Romani salus et uera causa ualuisse, hodie hanc gloriam atque hoc orbis terrae imperium teneremus?*

<sup>749</sup> *Sest.* 67 (56 B.C.)

<sup>750</sup> Maróti (1971), p.267 with Cic. *Verr.* 2.3.213 (cf. 2.3.214-216). Cf. *SIG*<sup>3</sup> 748, ll. 32-36 (Gytheum) and *IG* IV<sup>2</sup> 1, 66 (Epidaurus) for Antonius' demands on Gytheum and Epidaurus in Greece, for which see further the discussions in Kallet-Marx (1995), p.308 and de Souza (1999), p.146f.

<sup>751</sup> See Maróti (1971), p.270; Linderski (1990b), p.157 with n.2; Kallet-Marx (1995), p.306-311; de Souza (1999), p.143-148; and Brennan (2000), p.406f. It should be noted that Mattingly (1980), p.1499, n.28 claims that the some of the Sallust fragments (3.4-7M) – crucial for revealing Antonius' operations on the Gallic and Spanish coasts – apply to another Antonius who defected to Sertorius.

*Gabinia de uno imperatore contra praedones constituendo* of 67.<sup>752</sup> This will enable the full implications of the vast new Mediterranean-wide *prouincia* to be illuminated, which will be explored in the following part of the chapter. Velleius Paterculus makes the direct comparison between the two commands in the following terms:

...A. Gabinius tribunus legem tulit...Cn. Pompeius ad eos opprimendos mitteretur essetque ei imperium aequum in omnibus prouinciis cum proconsulibus usque ad quinquagesimum miliarium a mari. quo scito paene totius terrarum orbis imperium uni uiro deferebatur; sed tamen idem hoc ante septennium in M. Antonio praetore decretum erat.<sup>753</sup>

This evidence should be taken seriously, especially given that Velleius was at least familiar enough with Antonius' command to appreciate that it derived from a *senatus consultum* (*decretum erat*) – in contrast with the later command of Pompeius (*tribunus legem tulit*) which followed the restoration of the tribunate's power to legislate in 70. We may even assume that Velleius had access to Sallust's (now lost) description of Antonius' command when he made this comparison.<sup>754</sup>

Whilst the nature of Pompeius' *imperium* has been the subject of much scholarly debate, the reference to his *imperium aequum in omnibus prouinciis cum proconsulibus* is best taken as a statement illustrating that he was elected as a promagistrate with *imperium* equal to all other promagistrates *pro consule* (i.e. with *consulare imperium*) in all of the *prouinciae*; Velleius does not need to mention that his *imperium* would, therefore, have been *maius quam* any magistrate or promagistrate with *praetorium imperium* (e.g. *praetor* or *pro praetore*).<sup>755</sup> Whilst Antonius also probably received the same *consulare imperium*,

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<sup>752</sup> For the above formulation of the Gabinian law I follow Vervaeke (2011), p.267 with Cic. *Leg. Man.* 52.

<sup>753</sup> Vell. Pat. 2.31.2-4. I print here the Teubner text (ed. Watt), but note my earlier reservations concerning the emendation of *biennium* to *septennium*.

<sup>754</sup> Woodman (1969) has shown that Velleius was clearly very much influenced by Sallust.

<sup>755</sup> His *consulare imperium* is confirmed by Dio Cass. 36.37.1 (ἀντὶ ὑπάρχου). See already Mommsen (1887), II, p.655, n.1: "So weit die Statthalter Proprätoren waren, hatte also Pompeius ein *imperium maius*, den Proconsul gegenüber nicht." For a detailed discussion of Pompeius' *imperium* with modern literature see now Girardet (2001), p.173-185 (esp. p.173-176), who rightly argues against the idea that Pompeius had an *imperium maius* than other proconsuls with *consulare imperium*.

one can take *idem hoc*, as used in Velleius' comparison, as referring to the (exaggerated) geographical extent of Pompeius' *imperium totius orbis terrarum* rather than his *genus imperii*.<sup>756</sup> It was, after all, the *prouvinciae* of Antonius and Pompeius that were extraordinary rather than their *consulare imperium per se*.<sup>757</sup> Velleius indicates that the commands were actually restricted to Italy and the existing *prouvinciae* up to fifty miles from the sea, which is also recorded – though without specific reference to the *prouvinciae* – by Appian, Plutarch and Dio.<sup>758</sup> As we shall see, this could very well represent the definition of a *prouvincia (tota) ora maritima*.

It is unfortunate that the beginning of Cassius Dio's description of the command is now missing from the surviving manuscripts, as this might have provided some important clues about the *prouvincia*.<sup>759</sup> Although we cannot now determine what was originally written before ...τῆς δὲ Ἰταλίας ἀντὶ ὑπάτου ἐπὶ τρία ἔτη..., it is not impossible that the coastal regions – or the sea – were specifically referred to here as including the *prouvinciae* (the μὲν?) and, as in the surviving text, (δὲ) Italy.<sup>760</sup>

<sup>756</sup> Aside from the record of Velleius Paterculus, there is no other evidence to confirm that Antonius (as a praetor) received upgraded *consulare imperium*. *IG IV<sup>2</sup> 1, 66, 1.25* (Epidaurus: ΣΤΡΑΤΗΓΟΣ) provides no clue about the *imperium*, whereas the inscription (*IGRom. IV, 1116*) cited by Maróti (1971), p.263 and Brennan (2000), p.796, n.152 most probably refers to the activities of his father in Cilicia. Although there was no generalisation of *imperium pro consule* (i.e. awarded to all consular and praetorian commanders) under Sulla, as Willems (1885), II, p.571, n.5 suggested, it was common for praetors to be given upgraded *consulare imperium* for important *prouvinciae* (e.g. the *Hispaniae*, Macedonia and Asia), for which see Ch.IV.ii.

<sup>757</sup> Cf. Crawford (1992), p.203f.

<sup>758</sup> Note especially Plut. *Pomp.* 25: ἐδίδου γὰρ ἄρχειν ὁ νόμος αὐτῷ τῆς ἐντὸς Ἡρακλείων στηλῶν θαλάσσης, ἠπείρου δὲ πάσης ἐπὶ σταδίου τετρακοσίους ἀπὸ θαλάσσης. τοῦτο δὲ οὐ πάνυ πολλὰ χωρία τῆς ὑπὸ Ῥωμαίων οἰκουμένης τὸ μέτρον ἐξέφυγεν, ἀλλὰ τὰ μέγιστα τῶν ἐθνῶν καὶ τῶν βασιλέων οἱ δυνατώτατοι περιλαμβάνοντο. Cf. App. *Mith.* 94: ὧν οὔτε τὴν βλάβην οὔτε τὴν αἰσχύνην ἔτι φέροντες οἱ Ῥωμαῖοι τὸν τότε σφῶν ἐπὶ δόξης ὄντα μεγίστης Γναῖον Πομπήιον αἰροῦνται νόμῳ στρατηγὸν ἐπὶ τριετὲς αὐτοκράτορα εἶναι θαλάσσης τε ἀπάσης ἢ στηλῶν Ἡρακλείων ἐντὸς ἐστί, καὶ γῆς ἀπὸ θαλάσσης ἐπὶ σταδίου τετρακοσίους ἄνω...; and Dio Cass. 36.36a (Xiphilinus): καὶ οὕτω Πομπήιος τὴν ἡγεμονίαν τῆς θαλάσσης τῶν τε νήσων καὶ τῆς ἠπείρου ἐς τετρακοσίους σταδίου ἀπὸ τῆς θαλάσσης ἄνω εἰλήφει. The commands naturally did not encompass Rome, as Antonius and Pompeius would have lost their *imperium* on crossing the *pomerium*.

<sup>759</sup> The equivalent of 2.4 pages of the Dindorf edition are now apparently lost from 36.35 according to Boissevain (1895), p.379 s.v. "17."

<sup>760</sup> Dio Cass. 36.37.1. The summary of Xiphilinus in Dio Cass. 36.36a is not comparable with this.

More concrete evidence for the notion that Pompeius' command encompassed the *ora maritima*, which included Italy and the *prouvinciae*, is to be found in Cicero's speech in favour of the *Lex Manilia* just one year after the passage of the Gabinian Law. He claimed, in typically rhetorical fashion, that the coastal regions had pleaded for Pompeius, since they saw that the praetors were being enriched every year and yet nothing was being gained in the name of their fleets aside from losses:

Ora maritima, Quirites, Cn. Pompeium non solum propter rei militaris gloriam sed etiam propter animi continentiam requisivit. Uidebat enim praetores locupletari quotannis pecunia publica praeter paucos, neque nos quicquam aliud adsequi classium nomine nisi ut detrimentis accipiendis maiore adfici turpitudine uideremur. Nunc qua cupiditate homines in prouincias, quibus iacturis quibusque condicionibus proficiscantur ignorant uidelicet isti qui ad unum deferenda omnia esse non arbitrantur.<sup>761</sup>

The mention of *praetores* implies that the observations made by the *ora maritima* applied to the praetorian *prouvinciae*, which, at the time, included Italy, Sicily, Sardinia-Corsica, *Hispania Citerior*, *Hispania Ulterior*, Africa, Macedonia and Asia.<sup>762</sup> Cicero regularly employs praetor as a standard term for praetorian commanders (including prorogued praetors with both *praetorium imperium* and *consulare imperium*), but never uses it for consular magistrates or promagistrates, whom he describes as proconsuls.<sup>763</sup> His reference to the *praetores* may, therefore, have been a clever and subtle ploy to avoid any reference to Crete and the successful activities of the proconsul Q. Caecilius Metellus Creticus, who had been assigned Crete as his consular *prouincia* in 69 and who had

<sup>761</sup> Cic. *Leg. Man.* 67. For the context and detailed analysis of the speech see Steel (2001), p.114-135 and Lintott (2008), App. 2, p.427-430.

<sup>762</sup> For the presence of praetors in Italy at this time see Brennan (2000), p.434, who speculates that two praetors were captured in Etruria and around Brundisium just before Pompeius' appointment (with Plut. *Pomp.* 24.6; App. *Mith.* 93; and Cic. *Leg. Man.* 33). For the addition of Asia to the praetorian *sortitio* in 69 see Brennan (2000), p.564f with Dio Cass. 36.2.2.

<sup>763</sup> See especially Giovannini (1983), p.60f with various examples. See also now Vervaeke (2012a), p.68 with n.93: "...no consular proconsul is ever termed *praetor*, and no (propraetor) holding merely *praetorium imperium* ever proconsul."

clashed with Pompeius in 67.<sup>764</sup> In any case, Cicero takes the opportunity to question the argument of his opponents – in this case, the famous orator Q. Hortensius Hortalus – that more than one man should be entrusted with the command against the pirates, by alluding to the desires of the praetors to make financial gains in their *prouvinciae* (and presumably also to recover the finances spent during their earlier candidacy for the praetorship).<sup>765</sup> Despite the rhetorical exaggeration, the *ora maritima* was presented to the audience of the *contio* as constituting both Italy and the various praetorian *prouvinciae* throughout the Mediterranean.<sup>766</sup>

This roughly corresponds with how Pompeius divided his vast *prouvincia maritima* into a number of “quasi-*prouvinciae*” under the supervision of *legati pro praetore*.<sup>767</sup> Groebe long ago illustrated that these divisions made use of the existing organisation of the Roman Empire and suggested that eleven of the thirteen districts related to existing *prouvinciae*.<sup>768</sup> It is notable that Appian mentions that Pompeius distributed his *legati* ἐς τὰ

<sup>764</sup> This would have naturally helped him to avoid alienating those supporters of Metellus who were already aggrieved at Pompeius’ handling of the conflict, which is discussed in greater detail later in this section.

<sup>765</sup> Cf. Cic. *Leg. Man.* 52. For the argument see further Steel (2001), p.115ff and Lintott (2008), App. 2, p.429.

<sup>766</sup> Compare the complaints made in Sallust’s Cotta speech that the coasts (*maritima*) of both Italy and the *prouvinciae* were full of foes in 75 prior to the assignment of a similar command to Antonius (*Hist.* 2.47.7M, as quoted earlier). Note also Cic. *Leg. Man.* 55: *Nos qui antea non modo Italiam tutam habebamus sed omnis socios in ultimis oris auctoritate nostri imperi saluos praestare poteramus, tum cum insula Delus tam procul a nobis in Aegaeo mari posita, quo omnes undique cum mercibus atque oneribus commeabant, referta diuitiis, parua, sine muro nihil timebat, idem non modo prouinciis atque oris Italiae maritimis ac portibus nostris sed etiam Appia iam uia carebamus.* Cf. Cic. *Leg. Man.* 32.

<sup>767</sup> I borrow the term “quasi-*prouvinciae*” from Brennan (2000), p.426, who also rightly notes that at least some of Pompeius’ *legati* continued to serve with him during his Mithridatic command granted by the *Lex Manilia* of 66. For the *legati* see App. *Mith.* 94 (25 *legati*); Dio Cass. 36.37.1 (15 *legati*); Plut. *Pomp.* 25 (15 *legati*); and 26 (24 *legati*). The discrepancies in the numbers given in the ancient sources are probably best explained by the idea that the original permission given to Pompeius to nominate 15 *legati* was increased, alongside other provisions, by a second comitial law, as suggested by Plut. *Pomp.* 26 (cf. Dio Cass. 37.36.1). Cf. Boak (1918), p.12; Brunt (1971), p.456f; Schlessner (1978), p.179f, n.217; and Ridley (1981), p.184. For the delegation of *imperium pro praetore* see Schlessner (1978), p.198f with n.338 (and especially App. *Mith.* 94) and also p.233f for a list of the known *legati*.

<sup>768</sup> Groebe (1910), p.384-389 with summary and a map on p.388f. For a detailed comparison of the lists provided by Appian and Florus see also, more recently, Breglia (1970-71), esp. p.50-58. Some of Groebe’s cases are slightly too neat. For example, App. *Mith.* 95 refers to Lycia, Pamphylia, Cyprus and Phoenicia as being given to Q. Metellus Nepos, which Groebe links to Lycia and Pamphylia (p.388) and elsewhere suggests that Cilicia was the base of his undertaking (p.387). However, as argued in Ch.IV.ii, Lycia and the region of Pamphylia west of Side were not usually defined as part of the *prouvincia Cilicia*. Likewise, Cn. Cornelius Lentulus Marcellinus was given Africa, which extended as far as Cyrene, for which see Reynolds

ἔθνη when he was granted a grain commission in 57, which was directly comparable in terms of its scope with his command against the pirates ten years earlier.<sup>769</sup> It is possible that Appian uses ἔθνη to refer to the *prouvinciae* rather than simply “nations” and, if correct, it follows that Pompeius would have probably done the same thing ten years earlier.<sup>770</sup> Cicero, for example, reported in 66 that Pompeius’ first activities were around Sicily, Sardinia and Africa and that he then secured the protection of the two *Hispaniae* (i.e. *Citerior* and *Uterior*) and *Gallia Transalpina* – i.e. all areas associated with existing geographical *prouvinciae*.<sup>771</sup> The individual assignments of Pompeius’ *legati* could very well, therefore, represent divisions of the *ora maritima vis-à-vis* the various *prouvinciae*.<sup>772</sup> Indeed, Pliny explicitly records that Pompeius gave monetary rewards to his *legati* and *quaestores*, *qui oras maris defendissent*, as part of his triumph celebration in 61.<sup>773</sup>

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(1962). Groebe (1910), p.386 and p.388 suggests that Cyrene would have been considered too remote to warrant its own *legatus*. Despite these reservations, Groebe’s thesis that the existing *prouvinciae* were utilised is convincing and almost certainly not coincidental (e.g. *Hispania Citerior*, *Hispania Uterior*, Africa, Sardinia-Corsica, Sicily, Macedonia, Bithynia, Asia, Gallia Narbonensis and Achaia).

<sup>769</sup> App. *B Ciu.* 2.18. For a direct comparison between the commands of 67 and 57 see Dio Cass. 39.9.3: ἔπεισέ [Cicero] σφας ἐπιμελητὴν τοῦ σίτου τὸν Πομπήιον προχειρίσασθαι, καὶ διὰ τοῦτο καὶ ἀρχὴν αὐτῷ ἀνθυπάτου καὶ ἐν τῇ Ἰταλίᾳ καὶ ἔξω ἐπὶ πέντε ἔτη δοῦναι. καὶ ὁ μὲν, ὡσπερ ἐπὶ τοῖς καταποντισταῖς πρότερον, οὕτω καὶ πότε ἐπὶ τῷ <σίτῳ> πάσης αὔθις τῆς οἰκουμένης τῆς ὑπὸ τοῖς Ῥωμαίοις τότε οὔσης ἄρξεν ἔμελλε. Cf. Cic. *Att.* 4.1.7 (around 10 September, 57) explaining to Atticus that the consuls had drawn up a law, *qua Pompeio per quinquennium omnis potestas rei frumentariae toto orbe terrarum daretur...*; and also Plut. *Pomp.* 49.4 who credits Cicero with once more (πάλιν) winning for Pompeius authority over land and sea.

<sup>770</sup> ἔθνος is certainly used by Appian on a number of occasions for *prouvinciae* (e.g. *B Ciu.* 2.23; 2.26; 2.32; and 2.48), but he also uses it to refer to peoples and nations (e.g. *B Ciu.* 1.13; 2.73; 2.89; and 2.101).

<sup>771</sup> Cic. *Leg. Man.* 34-35: *qui [Pompeius] nondum tempestiuo ad nauigandum mari Siciliam adiit, Africam explorauit, inde Sardiniam cum classe uenit atque haec tria frumentaria subsidia rei publicae firmissimis praesidiis classibusque muniuit. Inde cum se in Italiam recepisset, duabus Hispaniis et Gallia Transalpina praesidiis ac nauibus confirmata, missis item in oram Illyrici maris et in Achaiam omnemque Graeciam nauibus Italiae duo maria maximis classibus firmissimisque praesidiis adornauit...* Cf. Plut. *Pomp.* 26 (67 B.C.) and 50 (57 B.C.).

<sup>772</sup> In comparison, it is notable that Octavian placed a certain C. Baebius in charge of the *ora maritima Hispaniae citerioris* (i.e. of the existing *prouvincia Hispania Citerior*) within the context of the Actium war in 31: *C. Baebius T. f. Clu. | tr. mi[l. leg.] XX, praef. | ora[e marit. His]pan. | citer[ioris b]ello | Actiensi, IIIIuir. i. d. Arb. M. Sappini L. f. et Galae l. (ILS 2672, Forum Livi, marble tablet).*

<sup>773</sup> Plin. *HN.* 37.16.

Pliny also presents the overall success of Pompeius' command in very similar terms by citing the *praefatio* of Pompeius' triumph of 61, which explicitly boasts that he had liberated the *ora maritima*:<sup>774</sup>

cum oram maritimam praedonibus liberasset et imperium maris populo Romano restituisset ex Asia Ponto Armenia Paphlagonia Cappadocia Cilicia Syria Scythis Iudaeis Albanis Hiberia insula Creta Basternis et super haec de rege Mithridate atque Tigrane triumphavit.<sup>775</sup>

There are good reasons to believe that the quotation derived from an actual inscription on a placard describing the triumph and, perhaps, even the *senatus consultum* which approved it.<sup>776</sup> Although Appian and Plutarch give differing descriptions of the inscriptions displayed in the triumph, this can be explained by the fact that neither of them claim to quote the *praefatio triumphi* and so probably refer to other inscriptions.<sup>777</sup> The formulaic nature of Pliny's text gives it some credibility, especially when it is compared with the *Fasti Triumphales* and other *tituli*.<sup>778</sup> Furthermore, a fragment of Diodorus Siculus, who was writing much closer to the time, reports a dedicatory inscription with a very similar – though much more elaborate – beginning and also includes the claim that Pompeius “liberated the seacoast of the οἰκουμένη from the pirate war.”<sup>779</sup> Diodorus (or his source) probably does not quote from the same record as Pliny, but one can imagine that he preserves the terms with which Pompeius advertised his success (both in Rome and

<sup>774</sup> For an illuminating discussion of the triumph see Beard (2007), p.7-41.

<sup>775</sup> Plin. *HN*. 7.98. Cf. Plin. *HN*. 7.97: *postea ad tota maria et deinde solis ortus missus...*

<sup>776</sup> See Palmer (1990), p.4, n.8 who raises the possibility that the quotation was from a *senatus consultum*.

<sup>777</sup> App. *Mith.* 117 and Plut. *Pomp.* 45.1-3.

<sup>778</sup> See Vogel-Wiedemann (1985), p.60f, who makes a comparison with the surviving *tituli*, especially C. Marius' elogium from Arretium (*ILS* 59). It should also be noted that Degraffi reconstructed the fragmentary entry for Pompeius' triumph of 61 in the *Fasti Triumphales* on the basis of Pliny's quotation above: [*Cn. Pompeius Cn. f. Sex. n. Magnus III*], *pro co(n)s(ule), a. DCXCII* | [*ex Asia, Ponto, Armenia, Paphla*]gonia, *Cappadoc(ia)*, | [*Cilicia, Syria, Scytheis, Iudaeis, Alb*]ania, *pirateis* | [*per biduum III, pridie k. O*]cto. (*Inscr. Ital.* XIII, 1, p.84f; and p.566). On the reference to Asia compare Girardet (1991) with further bibliography.

<sup>779</sup> Diod. Sic. 40.4.1: Πομπήιος Γναίου υἱὸς Μέγας αὐτοκράτωρ τὴν παράλιον τῆς οἰκουμένης καὶ πάσας τὰς ἐντὸς Ὠκεανοῦ νήσους ἐλευθερώσας τοῦ πειρατικοῦ πολέμου...

in the East).<sup>780</sup> It follows that Pompeius would have also made similar claims in his triumph request outside the *pomerium* and, following the necessary senatorial approval, these would have then likely been mentioned in his *praefatio triumphi* (as quoted by Pliny).

This may also account for Velleius' statement – clearly drawing on the same tradition – that Pompeius liberated the *orbis terrarum* (cf. οἰκουμένη above) from pirates after distributing ships to almost all the corners of the sea.<sup>781</sup> If such a claim was made by Pompeius during his triumph request, as suggested above, we can further speculate that it would have been directly related to his successful completion of the task associated with his *prouincia* (i.e. the *ora maritima* and the war against the pirates).<sup>782</sup>

In sum, the combination of the evidence from Cicero, Pliny and Diodorus, together with the comparable command of M. Antonius Creticus and the distribution of Pompeius' *legati*, indicates that the *ora maritima* was the name of the area over which Pompeius had authority in 67 (and which he later claimed to have liberated from the pirates). Furthermore, as we shall see, the ancient authors also make a direct comparison between Pompeius' command and the extraordinary assignment of the *classis et ora maritima* granted to his youngest son, Sextus Pompeius, *ex senatus consulto* in 43.<sup>783</sup> The preliminary conclusion to be drawn from the above evidence, then, is that the *ora maritima* was included as part of Pompeius' *prouincia* and that this was likely to have consisted of Italy and the existing *prouvinciae* up to fifty miles from the sea. We can add that Pompeius was probably also given an explicit mandate to utilise the coastal regions associated with

<sup>780</sup> Against the *communis opinio*, Vogel-Wiedemann (1985) raises the interesting possibility that Diodorus was quoting from a dedicatory inscription set up in the Greek East around 62 rather than a record of the actual triumph inscription. Cf. Nicolet (1991), p.32f.

<sup>781</sup> Vell. Pat. 2.32.4: *At Cn. Pompeius, multis et praeclaris uiris in id bellum adsumptis discriptoque paene in omnes recessus maris praesidio nauium, breui inxsuperabili manu terrarum orbem liberauit praedonesque per multa <mari>a multis locis uictos circa Ciliciam classe adgressus fudit ac fugauit...*

<sup>782</sup> For the connection between the award and celebration of a triumph and the *prouincia* see Ch.III.iv.

<sup>783</sup> Ch.V.iii.

kings, rulers, peoples and cities which were not otherwise considered to be part of the Roman *prouvinciae* (e.g. Cyprus, Egypt, Cyrene etc.).<sup>784</sup>

Despite the above evidence, some scholars have wrongly thought that the *prouvinciae* assigned to Antonius and Pompeius were only functionally defined as the war against the pirates.<sup>785</sup> Indeed, there is evidence suggesting that *prouvinciae* were not normally defined only in terms of wars. It is worth discussing this in greater detail, since it has important implications not only for determining how the commands of Antonius and Pompeius were defined, but also for our general understanding of *prouvinciae*.

Livy's records of the third and second centuries show that *prouvinciae* were understood as being distinct from the assignment of a war against a particular enemy – although the two aspects were intrinsically related to one another.<sup>786</sup> For example, the

<sup>784</sup> Cf. App. *Mith.* 94: βασιλεῦσί τε καὶ δυνάσταις καὶ ἔθνεσι καὶ πόλεσι πάσαις ἐπέστελλον ἐς πάντα συλλαμβάνειν τῷ Πομπηίῳ... Cf. Plut. *Pomp.* 25.2: τοῦτο δὲ οὐ πάνυ πολλὰ χωρία τῆς ὑπὸ Ῥωμαίων οἰκουμένης τὸ μέτρον ἐξέφυγεν, ἀλλὰ τὰ μέγιστα τῶν ἐθνῶν καὶ τῶν βασιλέων οἱ δυνατώτατοι περιλαμβάνοντο. I suspect that this partially accounts for Tacitus' comparison between Pompeius and Cn. Domitius Corbulus, who was assigned Galatia-Cappadocia as his *prouvincia* in 63: *scribitur tetrarchis ac regibus praefectisque et procuratoribus et qui praetorum finitimas prouincias regebant iussis Corbulonis obsequi, in tantum ferme modum aucta potestate quem populus Romanus Cn. Pompeio bellum piraticum gesturo dederat...* (*Ann.* 15.25.3). Aside from the comparable letters sent to kings, Tacitus also makes a comparison, in his typically condensed style, between the *imperium* granted to Pompeius and Corbulo. I am in full agreement with Vervaeke (2000) that Tacitus' statement refers to the fact that Corbulo's *imperium* was defined as *maius quam* the praetorian governors (indicated with *praetores*) of the nearby *prouvinciae Caesaris* (Lycia-Pamphylia and Syria) and *aequum* with the proconsuls of the neighbouring *prouvinciae populi Romani* (Asia and Bithynia). As noted earlier, this is exactly how the relationship between Pompeius and other *imperium*-holders should be understood.

<sup>785</sup> E.g. Kallet-Marx (1995), p.317: "As [the *Lex Gabinia*] passed in its final form, Pompey was granted for three years a *provincia* that was not territorially but only functionally defined – the war against the pirates – and most likely with *imperium* superior to all others within fifty miles of the sea." Cf. also Girardet (2001), p.171 (the *prouvincia* of M. Antonius as "Krieg gegen die Seeräuber"); p.175 and p.178 (Pompeius *prouvincia* as "Kampf gegen die Piraterie" and "Krieg gegen die Piraterie"); and also p.161 and p.178 for the suggestion that Pompeius' *prouvincia* was the *bellum Asiaticum regiumque* after the promulgation of the *Lex Manilia* in 66. Cf. Richardson (2008), p.110f.

<sup>786</sup> Richardson (1986), p.5 oversimplifies the issue when he argues that "the war with Hannibal' could be the name of a *provincia*" (cf. Richardson (1994), p.564) and the two examples he cites are not compelling. In the first, Livy is clearly summarising the arrangements made at the start of the year: *itaque prouvinciae atque exercitus diuisi: bellum cum Hannibale consulibus mandatum et exercituum unus quem ipse Sempronius habuerat, alter quem Fabius consul...* (24.44.1). This is even more apparent in the second example: *consulibus bellum cum Hannibale et binae legiones decretae...* (25.3.3). In both cases, the *sortes* or *prouvinciae* are not explicitly named and it is possible that the war with Hannibal was actually decreed to the consuls separately from (or alongside) the consular *sortitio* (like the legions). Cf. Drogula (2011), p.93 and p.97, who imprecisely interprets Livy's *Ligures* (39.38.1-2) as simply "war against the Ligurians."

consul P. Cornelius Scipio Nasica was assigned a *prouincia Italia* with specific instructions to conduct the war against the Boii in 191.<sup>787</sup> As we discussed in Chapter III, when his triumph request was obstructed by a tribune of the plebs on the grounds that he had not assisted with the Ligurian war, Scipio responded that he had not been allotted the *Ligures* as his *prouincia* and that he had not been at war with the *Ligures*. Instead, he argued that he had left no enemy in his own *prouincia* and, therefore, deserved his triumph.<sup>788</sup> This suggests that the *prouincia* was viewed as an area (*Italia*) rather than a specific war, which was separately defined.<sup>789</sup>

Significantly, the other consular lot was first designated as *quo senatus censuisset – eam esse bellum aduersus Antiochum regem omnes sciebant* in 191.<sup>790</sup> Bertrand rightly highlighted that the reference to *quo* (“wherever”) must have geographical connotations and suggests that a war – e.g. *bellum aduersus Antiochum*, which he terms “la glose” – could have only been defined through the designation of a particular area.<sup>791</sup> Indeed, the consul was subsequently allotted *Graecia*.<sup>792</sup>

Furthermore, I discussed in the previous section how C. Claudius Nero (*cos.*) and M. Livius Salinator (*cos.*) were allotted the *Bruttii* and *Lucani aduersus Hannibalem* and

<sup>787</sup> Livy, 36.1.9 and 36.2.1-2.

<sup>788</sup> See Livy, 36.39.6-10 and 36.40.1-10 with Ch.III.iv.

<sup>789</sup> This can be compared with the prorogation of P. Cornelius Scipio (*pro cos.*) with a *prouincia Africa* in 203 and 202 when the completion of the war in Africa (*bellum in Africa*) was apparently a separate – though, again, closely related – matter, which was decided by the people in 202 (cf. Livy, 30.1.10-11 and 30.27.1-4).

<sup>790</sup> Livy, 35.41.3-4.

<sup>791</sup> Bertrand (1989), p.201f. This overall sentiment is aptly characterised by Livy when he suggests that one might have thought that Hannibal had been assigned the *prouincia Italia* and had been given a mandate to make war on Rome at the beginning of the Second Punic War (21.5.1). Further evidence for this connection (and separation) between the *prouincia* and *bellum* can be seen in e.g. Livy, 26.1.1-2 (211 B.C.: *Cn. Fuluius Centumalus P. Sulpicius Galba consules cum idibus Martiis magistratum inissent, senatu in Capitolium uocato, de re publica, de administratione belli, de prouinciis exercitibusque patres consuluerunt*); Livy, 27.35.5-6 (208 B.C.: *...in consules designatos omnes uersi quam primum eos sortiri prouincias et praesciscere quam quisque eorum prouinciam, quem hostem haberet uolebant*); Livy, 28.10.8-9 (206 B.C.: *...Bruttii ambobus [consuls] ut cum Hannibale bellum gereret prouincia decreta*); 28.45.9 (205 B.C.: *alteri [consul] Bruttii et bellum cum Hannibale*); and 38.58.8 (187 B.C., but reflecting on 190 B.C.: *L. Scipionem, de quo agatur, ut, quae in Hispania, quae in Africa, cum legatus fratris esset, gessisset, praetereantur, consulem et ab senatu dignum habitum, cui extra sortem Asia prouincia et bellum cum Antiocho rege decerneretur...*).

<sup>792</sup> Livy, 36.1.6 and 36.2.1-2.

the *prouincia Gallia aduersus Hasdrubalem* respectively in 207, which Livy abbreviates as *Bruttii* and *Gallia*.<sup>793</sup> In this case, Livy later reports that Claudius felt that it was not in the interest of the *res publica* for each consul to conduct the war “with the enemy resolved by the Senate” in the (geographical) limits of his *prouincia* by means of their own armies:<sup>794</sup> the enemy, the *prouincia* and the army were all, therefore, connected, yet arguably distinguishable, aspects of a magistrate’s assignment.

Comparable evidence can be found in some of the major *prouinciae* named in the first century, despite the loss of Livy’s *History* after 167. According to Plutarch, L. Licinius Lucullus (*cos.*) tried to prevent a *prouincia Cilicia* from being assigned to another magistrate precisely because he realised that, if he managed to obtain this *prouincia*, nobody else would be sent to make war against Mithridates in 74.<sup>795</sup> He was subsequently assigned the *prouincia Cilicia* – to which the *prouincia Asia* was added – with additional special instructions to pursue Mithridates; and his colleague, M. Aurelius Cotta (*cos.*), was given a *prouincia Bithynia et Pontum* with instructions to protect Bithynia and the Propontis with a fleet.<sup>796</sup> Additionally, Dio records that C. Manilius (*tr. pl.*) promulgated a

<sup>793</sup> Livy, 27.35.10-12. Cf. Ch.IV.iii.

<sup>794</sup> Livy, 27.43.6-7: *...tum Claudius non id tempus esse rei publicae ratus quo consiliis ordinariis prouinciae suae quisque finibus per exercitus suos cum hoste destinato ab senatu bellum gereret...* For the rationale see Ch.IV.iii and for the subsequent triumph celebrations of Claudius and Livius see Ch.III.v.

<sup>795</sup> Plut. *Luc.* 6.1: Ἐν τούτῳ δ' ὁ τὴν Κιλικίαν ἔχων Ὀκτάουϊος ἠγγέθη τεθνηκῶς. σπαργόντων δὲ πολλῶν πρὸς τὴν ἐπαρχίαν καὶ Κέθηγον ὡς δυνατώτατον ὄντα διαπράξασθαι θεραπευόντων, αὐτῆς μὲν ὁ Λεύκολλος Κιλικίας οὐ πολὺν εἶχε λόγον, οἰόμενος δ' εἰ λάβοι ταύτην, ἐγγὺς οὖσης Καππαδοκίας, ἄλλον οὐδένα πεμφθήσεσθαι πολεμήσοντα Μιθριδάτην, πᾶσαν ἔστρεφε μηχανὴν ὑπὲρ τοῦ μὴ προέσθαι τὴν ἐπαρχίαν ἐτέρῳ... Cf. Appian’s summary of the appointment: Λεύκιος δὲ Λεύκολλος ὑπατεύειν καὶ στρατηγεῖν αἰρεθεὶς τοῦδε τοῦ πολέμου τέλος... (*Mith.* 72).

<sup>796</sup> See Cic. *Mur.* 33: *Ad quod bellum duobus consulibus ita missis ut alter Mithridatem persequeretur, alter Bithyniam tueretur, alterius res et terra et mari calamitosae uehementer et opes regis et nomen auxerunt...* For the *prouinciae* see generally Plut. *Pomp.* 5-6. Cf. Memnon, *FGrH* 434 F 27.1: καὶ πέμπουσιν ἢ σύγκλητος ἐπὶ μὲν τὴν Βιθυνίαν Αὐρήλιον Κότταν, ἐπὶ δὲ τὴν Ἀσίαν Λεύκιον Λεύκολλον, οἷς ἡ ἐντολὴ πολεμεῖν Μιθριδάτη. I base the name of Cotta’s *prouincia* primarily on the comparable command granted to M’. Acilius Glabrio (*cos.*) in 67 B.C: *Legiones Valerianae conperto lege Gabinia Bithyniam et Pontum consuli datam, sese missos esse* (Sall. *Hist.* 5 fr. 13M). The assignment of a fleet to Cotta for the protection of Bithynia and the Propontis is comparable with the instructions given to M. Valerius Laevinus (*pr.*) to protect the coastal region between Brundisium and Tarentum with 25 ships in 215 (Livy, 23.32.16-18); and it represents another example of a fleet being used as a military resource within the context of another *prouincia*, for which see Chs.III.iii and III.viii. For further references see *MRR II*, p.100f and p.106-108 s.v. “Additional Note.” Cf. Kallet-Marx (1995), p.301f with n.38.

law that later simultaneously attached Pompeius to the war with Mithridates and Tigranes and the *prouincia* of “Bithynia and Cilicia” in 66.<sup>797</sup> These examples suggest that the name of a *prouincia* and a war, though closely related to each other, were still separately assigned in the Late Republic.<sup>798</sup>

It is, therefore, improbable that the *prouvinciae* of Antonius and Pompeius were defined only in terms of their function against the pirates.<sup>799</sup> As argued above, it is far more likely that a *prouvincia* (tota) ora maritima was named in both instances – most probably defined as including the land in all of the existing *prouvinciae* up to fifty miles from the sea – together with the general mandate concerning the war with the pirates.<sup>800</sup> As we have seen, military assignments could be defined in both geographical and functional terms simultaneously in the third, second and first centuries.

Having determined how the extraordinary *prouvinciae* of Antonius and Pompeius were defined in 75/74 and 67, the political implications of these commands can now be assessed. This is especially important given that the assignment of such wide-ranging *prouvinciae* to single commanders constituted a significant break with the earlier customary

<sup>797</sup> Dio Cass. 36.42.4: ...τόν τε γὰρ τοῦ Τιγράνου καὶ τὸν τοῦ Μιθριδάτου πόλεμον, τὴν τε Βιθυνίαν καὶ τὴν Κιλικίαν ἅμα ἀρχὴν αὐτῷ προσέταξεν. I take ἀρχή as meaning the *prouvincia* (of Bithynia and Cilicia), for which see Mason (1974), p.110-113, esp. p.110: “The sense of [ἀρχή as a] *provincia* is closely allied to that of *magistratus*, especially when *provincia* has the meaning of “assigned command, sphere of influence” rather than a purely territorial meaning. ἀρχή is used in this way by Dio Cassius...” Cf. Plut. *Pomp.* 30.1, who mentions only Bithynia and the war with Mithridates and Tigranes.

<sup>798</sup> Further examples can be cited, although the ancient sources often summarise the overall intention of the *prouvincia* (e.g. war with Mithridates). Note especially Appian’s descriptions of how L. Cornelius Sulla (*cos.*) received the command of Asia and the Mithridatic war in the consular *sortitio* of 88: κληρουμένων δὲ τῶν ὑπάτων, ἔλαχε μὲν Κορνήλιος Σύλλας ἄρχειν τῆς Ἀσίας καὶ πολεμεῖν τῷ Μιθριδάτῃ... (*Mith.* 22); and ...Σύλλας μὲν ὑπατεύων ἔλαχε στρατηγεῖν τῆς Ἀσίας καὶ τοῦδε τοῦ Μιθριδατείου πολέμου... (*B Ciu.* 1.55). The same applies to the report in Livy’s *Periochae* that C. Trebonius (*tr. pl.*) proposed a *lex de prouinciis consularibus* which would grant *Syria et Parthicum bellum* to M. Licinius Crassus (*cos.*) in 55 (*Per.* 105), for which cf. Plut. *Pomp.* 52.3 (Συρίαν καὶ τὴν ἐπὶ Πάρθους στρατείαν); *Crass.* 15.7 (κληρουμένων δὲ Συρίαν ἔλαχε Κράσσος...); *Cat. Min.* 43 (Συρίαν καὶ Αἴγυπτον); and Dio Cass. 39.33.2 (Συρίαν καὶ τὰ πλησιόχωρα).

<sup>799</sup> The reference in Cic. *Leg. Man.* 52 to the *lex Gabinia de uno imperatore contra praedones constituendo* only refers to the name of the law and does not reveal how the *prouvincia* would be defined. Cf. Dio Cass. 36.23.4; Plut. *Pomp.* 25.1; and *Luc.* 37.4.

<sup>800</sup> Cf. Hurllet (1997), p.257-261.

use of the *prouincia* as a means of separating *imperium*-holders either in space or by function within the same space. Indeed, I suggested in an earlier section of this chapter that the coastal city of Side may have been deliberately used to demarcate the Cilician naval command assigned to M. Antonius – most probably named as a *prouincia Cilicia* – from the *prouincia Asia* around 103/102.<sup>801</sup> In contrast, the Mediterranean-wide *prouinciae* granted to Antonius and Pompeius were only geographically demarcated from the other existing *prouinciae* beyond fifty miles from the sea. Furthermore, their commands were not even functionally separated from other *imperium*-holders: although both Antonius and Pompeius had been assigned the war against pirates, the other magistrates and promagistrates with *prouinciae* with coastal regions would have viewed such activities as a natural part of their own duties.<sup>802</sup>

As neither Antonius nor Pompeius were tied to a single geographical region, they were not affected by the old prohibition – as enshrined in the *leges maiestatis* of the previous fifty years or so – restricting the movement of a magistrate or promagistrate outside of their *prouincia*. We can even speculate that this was a deliberate intention of the senatorial decree of 75/74 and the *Lex Gabinia* of 67, which granted the commands. As a result, though, as we have seen in the previous section, one of the underlying principles associated with the established *mos maiorum* and the more recent *leges maiestatis* was fatally undermined: Antonius and Pompeius, having been assigned Mediterranean-wide *prouinciae*, were not separated from the *imperium*-holders in the other named *prouinciae*

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<sup>801</sup> Ch.IV.ii.

<sup>802</sup> I do not agree with the hypothesis proposed by Girardet (2001), p.175 that Pompeius' command was defined in terms so that, "niemandes *imperium* soll dem des Pompeius übergeordnet sein, wenn er im Interesse seiner *prouincia* «Kampf gegen die Piraterie»..." with the following result: "...daß ihm kein Magistrat oder Promagistrat mit *imperium* (*praetorium* oder) *consulare* etwas untersagen darf, was er im Küstenbereich römischer Provinzen zum Zwecke der Kriegführung gegen die Seeräuber anordnet." The distinction between what constituted the pirate war and warfare associated with another *prouincia* (e.g. *Creta* and the Cretan war) would have been blurred. This is what actually led to the conflicts which will be described next. See also now Vervaet (2012b), p.125-128 for the fact that Pompeius was not invested with the *summum imperium auspiciumque*, as Girardet implicitly suggests *vis-à-vis* the pirate war, despite being initially proposed by A. Gabinius (*tr. pl.*).

and there was, therefore, nothing stopping them interfering *in aliena prouincia* (up to fifty miles from the sea) and clashing with other commanders over *gloria*.<sup>803</sup> Three significant consequences can be observed in the case of Pompeius, which, as stressed throughout this research, were exactly what the Senate had traditionally sought to avoid.

I) There was the well-known clash between Pompeius and Q. Caecilius Metellus Creticus (*pro cos.*), who had been assigned Crete as his consular *prouincia*, together with the war against the Cretans, in 69.<sup>804</sup> The dispute began when the Cretans sent ambassadors to offer their surrender to Pompeius, who, at the time, was in Pamphylia, rather than Metellus.<sup>805</sup> Pompeius responded by sending a *legatus* to accept the invitation and even told the Cretans to ignore Metellus, but the latter stood his ground and sent the *legatus* away.<sup>806</sup> Florus states that Pompeius had no effect *in aliena prouincia* – a phrase, which, as we have seen, was usually employed to indicate that an individual was operating outside his own *prouincia* (in contravention of custom and, at this time, law).<sup>807</sup> Yet, in this case, Crete was legally part of both the *prouinciae* of Metellus and Pompeius.<sup>808</sup> This overlap, contrary to the previous custom of separating commanders either in space or by function, was the underlying factor which led to the dangerous dispute between two

<sup>803</sup> Cf. Ch.IV.iii.

<sup>804</sup> See Dio Cass. 36.1a (Xiphilinus) referring to the *sors* as the τὸν πόλεμον πρὸς Κρήτας, which is almost certainly an abbreviation. The *Scholia Bobiensia* took the *prouincia* as *Creta* and is conceivably drawing on the tradition of Sallust, given the reference to the *ora maritima* of M. Antonius and the fact Sallust's *Historiae* went down to 67 (Schol. Bob, p.96 Stangl). Eutr. 6.11.1 – presumably following the Livian tradition – may also preserve the fuller sense of the *prouincia* as constituting the geographical island and the war with the Cretans: *...bellum Creticum ortum est. Ad id missus Q. Caecilius Metellus ingentibus proeliis intra triennium omnem prouinciam cepit apellatusque est Creticus atque ex insula triumphauit*. Cf. Livy, *Per.* 98: *Q. Metellus procos. bello aduersus Cretenses mandato Cydoniam urbem obsedit*. For the declaration of war see Cic. *Verr.* 2.2.76 and App. *Sic.* 6.1.

<sup>805</sup> Cic. *Leg. Man.* 35; 46; Flor. 1.42.5; Plut. *Pomp.* 29.2; and App. *Sic.* 6.2.

<sup>806</sup> Plut. *Pomp.* 29.2-5; Flor. 1.42.5; and App. *Sic.* 6.2.

<sup>807</sup> Flor. 1.42.6. Cf. Ch.IV.iii.

<sup>808</sup> This is emphasised by Plut. *Pomp.* 29.2 referring to the island: *...ὡς τῆς ἐκείνου μέρος οὔσαν ἀρχῆς καὶ πανταχόθεν ἐμπίπτουσαν εἰς τὸ μέτρον τὸ ἀπὸ θαλάσσης*. Cf. Jameson (1970), p.551, who rightly highlights that Cicero referred to Cretan ambassadors when arguing for a new command for Pompeius, which further suggests that Pompeius was within his rights (*Leg. Man.* 34 and 46). Cf. App. *Sic.* 6.2; Plut. *Pomp.* 29.1; and Livy, *Per.* 99.

commanders with equal *imperium*; and it almost even resulted in armed clashes.<sup>809</sup> Livy's *Periochae* neatly summarises the problem – caused by the non-separation of the commanders – with the report that, *queritur Q. Metellus gloriam sibi rerum a se gestarum a Pompeio praeuerti...*<sup>810</sup> The dispute also extended into Italy, since Metellus' own triumph was significantly delayed by senatorial opposition;<sup>811</sup> and the Cretan leaders, Panares and Lasthenes, were prevented from being led in his triumph because Pompeius had reportedly managed to convince a tribune of the plebs that they had surrendered to him.<sup>812</sup> As demonstrated in the previous chapters, the potential for serious conflicts over military *gloria*, both in the field and during the triumph requests, was one of the fundamental reasons why *prouvinciae* were usually separated.<sup>813</sup>

II) Pompeius' assignment of such a huge *prouvincia* for a period of three years restricted the opportunities for others to acquire their own *gloria*. This would have almost certainly added to the existing jealous political environment associated with aristocratic competition:<sup>814</sup> there was no annual change in the command, no division of responsibilities among more than one independent *imperium*-holder and certainly no separation of land and naval commands through the naming of a *prouvincia classis*.<sup>815</sup> The general sentiment

<sup>809</sup> If we believe Dio, Pompeius was even preparing to sail against Crete and Metellus before he learnt of his new command against Mithridates (36.45.1). See further Dio Cass. 36.18-19 and Plut. *Pomp.* 29.2-5 for the report of armed clashes between the armies of L. Cornelius Sisenna (*pr.* 78), Pompeius' *legatus* (assigned to Macedonia/Greece), and Metellus. See generally Brennan (2000), p.408.

<sup>810</sup> Livy, *Per.* 99. Cf. Vell. Pat. 2.34.2: <Ne> ab huius quidem usura gloriae temperauit animum Cn. Pompeius quin uictoriae partem conaretur uindicare.

<sup>811</sup> Sall. *Cat.* 30.3-4.

<sup>812</sup> Dio Cass. 36.19.3. This probably meant that Pompeius had found a tribune of the plebs that was willing to veto a motion favouring Metellus' claim to the captives (or, much less likely, that a *plebiscitum* was passed in Pompeius' favour). Cf. Vell. Pat. 2.40.5; Plut. *Pomp.* 29.4-5; Flor. 1.42.6; and 2.13.9.

<sup>813</sup> It is also worth noting that the consul C. Calpurnius Piso interfered with Pompeius' levies in Transalpine Gaul (his consular *prouvinciae* together with Cisalpine Gaul) and in Italy (Dio Cass. 36.37.2; and Plut. *Pomp.* 27.1-2, who characterises Piso's actions as being down to ὀργή and φθόνος). See generally Gruen (1968), p.156-159 and now Vervaeke (2011), p.284-290.

<sup>814</sup> For the opposition to the assignment in the Senate see Watkins (1987), who points out that Plutarch refers to the senatorial opposition as consisting of the μέγιστος καὶ δυνατώτατος rather than the whole Senate (*Pomp.* 25.3). With this in mind, we can imagine that other senators supported the measure. See now especially Morstein-Marx (2004), p.179-182 with n.83.

<sup>815</sup> Cf. Livy, 9.18.13-17 for a very different characterisation of the Republican system (written in the 20s when many of the conditions he describes had disappeared).

is expressed by Dio in a speech he gives to Q. Lutatius Catulus, in which one of his main arguments against the *Lex Gabinia* alludes to the resentment of the elected magistrates (who were perfectly capable of taking command themselves).<sup>816</sup> Furthermore, he argues that the Senate should select their own commanders and give them independent *imperium* so that they could attain their own glory (i.e. instead of allowing Pompeius to claim the credit for the actions of his *legati* with delegated *imperium pro praetore*).<sup>817</sup> Dio also reports that L. Roscius Otho (*tr. pl.*) even suggested that another commander should also be chosen.<sup>818</sup> The appointment of another commander would have most probably led to the creation of two separate *prouvinciae*; and one can presume that this would have been divided geographically.<sup>819</sup> In any case, none of the above proposals were accepted and so Pompeius was able to monopolise the all of the *gloria* from the pirate war.

III) Additionally, the undivided (and huge) *prouincia tota ora maritima*, alongside the eastern command against Mithridates and Tigranes from 66, provided Pompeius with a unique opportunity to present his victories in much grander language than ever before – e.g. in terms of the liberation of the *orbis terrarum* or οἰκουμένη.<sup>820</sup> I raised the possibility in Chapter III that the individualistic nature of T. Quinctius Flaminius’ command in Macedonia/Greece between 198 and 194 may have encouraged the Senate to name the

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<sup>816</sup> Dio Cass. 36.33.1-3. See generally Steel (2001), p.114-123. Lintott (1997), p.2521f suggests that the speech “has probably been transposed from its real occasion in 66 to 67 BC”, but it remains possible that Catulus made a speech against both the *Lex Gabinia* and *Lex Manilia* (as Q. Hortensius Hortalus did) and that Dio simply combined them. Although the speech was composed by Dio, I think that it could still reflect some of the actual concerns and arguments of the time. See further Millar (1964), p.78-83 and Morstein-Marx (2004), p.182, n.91. Cf. Rodgers (2008) for an overly pessimistic view of the use of the speech as a historical source.

<sup>817</sup> Dio Cass. 36.36.1-2. The argument that this would increase the effectiveness of the various commanders may be weak – as suggested by Steel (2001), p.121 – but the idea would undoubtedly have appealed to a number of the (competitive) senators, who would have been eager for their own glory.

<sup>818</sup> Dio Cass. 36.30.3. Cf. the arguments made by Q. Hortensius Hortalus against the *Lex Manilia* (and probably also against the *Lex Gabinia*), as reported in Cic. *Leg. Man. 52: Quid igitur ait Hortensius? Si uni omnia tribuenda sint, dignissimum esse Pompeium, sed ad unum tamen omnia deferri non oportere.*

<sup>819</sup> Roscius was almost certainly not suggesting that there should be a division of functions through the naming of a *prouincia classis*, but it is worth noting that this was at least one way in which another magistrate (or promagistrate) would have been able to acquire their own *gloria* (and, perhaps, a *triumphus naualis*) from within the same geographical area as Pompeius.

<sup>820</sup> See e.g. Harris (1979), p.5; North (1993); and Schuler (2007), p.393f.

*classis* as a praetorian *sors* between 192 and 189.<sup>821</sup> This measure would have prevented one individual from monopolising all of the glory associated with a particular war.<sup>822</sup> It hardly needs to be stressed that the political landscape, as well as the Roman view of their empire, had dramatically changed since Flamininus' command and since the last time that a *prouincia classis* was named (probably in 149). Indeed, the scope and definition of the command granted to Pompeius in 67 and the ways in which his victories were later presented presupposes the development of a collective notion of empire.

This last point will be discussed in the final section of this chapter, which will examine the circumstances under which the collective concept of the *ora maritima* might have been formed between the third and first centuries. This development, after all, would have made possible the formulation of the assignments of Antonius and Pompeius in the terms described above.

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<sup>821</sup> Ch.III.viii.  
<sup>822</sup> Cf.III.iv-vi.

#### IV.v. The development of the *ora maritima* and world empire between the third and first centuries

The commands of Antonius and Pompeius in 75/74 and 67 provide the first evidence for a collective, even all-encompassing, meaning of the *ora maritima* and it is difficult to trace its earlier development in great detail.<sup>823</sup> As far as I am aware, the first reference to a singular collective *ora maritima* is from Cicero's speech for the Manilian law in 66, as quoted in the previous section.<sup>824</sup> Nonetheless, it is reasonable to assume that originally it would have been used to refer to a small area on the coast around Rome and that its meaning gradually expanded during the various stages of Roman conquest.<sup>825</sup> For example, after the First Samnite War (343-341) and Latin War (340-338), the *ora maritima* could have been used to represent a wider area – associated with the Roman sphere of influence – around Latium and Campania.<sup>826</sup> Later its meaning could have encompassed Italy – perhaps after either the foundation of *coloniae* on the Adriatic coast or the wars with King Pyrrhus of Epirus (c. 280-275);<sup>827</sup> and, later still, the various individual coastal regions beyond Italy, starting with the acquisition of western Sicily and the regular naming of a *provincia Sicilia* after the First Punic War (264-241).<sup>828</sup>

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<sup>823</sup> Livy describes the appointment of L. Quinctius Flaminius as a *legatus* for the *cura maritimae orae*, but this was almost certainly restricted to the *provincia (Macedonia)*, which was allotted to his commander T. Quinctius Flaminius (Livy, 32.8.4 and 32.16.2). For this command see further Ch.III.viii.

<sup>824</sup> Cic. *Leg. Man.* 67.

<sup>825</sup> E.g. Livy, 7.25.4 (349 B.C.): *mare infestum classibus Graecorum erat oraque litoris Antiatis Laurensque tractus et Tiberius ostia...* Cf. Livy, 7.25.12-13 and note Oakley (1998), p.233 s.v. “4. Oraqe litoris Antiatis”: “...in this coupling *litoris* refers to the shore, *ora* to its margin...” For the operations see Livy, 7.26.10-15.

<sup>826</sup> See e.g. Livy, 9.38.2-3 (310 B.C.): *...classis Romana a P. Cornelio, quem senatus maritimae orae praefecerat, in Campaniam acta cum adpulsa Pompeios esset, socii inde nauales ad depopulandum agrum Nucerinum profecti, proximis raptim uastatis unde reditus tutus ad naues esset, dulcedine, ut fit, praedae longius progressi exciure hostes.* Cf. Oakley (2005a), p.483f.

<sup>827</sup> For the *coloniae maritimae* see generally Salmon (1969), p.70-81 and Mason (1992). For the problems associated with the terminology see Bispham (2006), p.78ff. See also Bispham (2007), p.54-56 for the importance of the Pyrrhic Wars and Roman conquests in the third century for the development of the notion of a collective Italy.

<sup>828</sup> For the naming of the *provincia Sicilia* see now Prag (2012a) and Ch.III.i. It is worth noting that Bispham (2007), p.67f plausibly suggests that a “technical” sense of *terra Italia* (i.e. “denoting non-Gallic Italy”), “may have appeared as Rome began to acquire spheres of interest in Sicily, Sardinia and the Po valley,

Yet, the *ora maritima* did not necessarily relate only to the geo-political situation of Italy and the *prouvinciae*: as Purcell suggested, it could also have been a “concept for the organisation of human resources rather than a simple geographical term”, inclusive of bases, shelter, food, water and allies, etc.<sup>829</sup> With this in mind, the scope of the meaning of the *ora maritima* may, then, have expanded not only with the naming of *prouvinciae* – and the territorial growth of empire – but also with the incorporation of new resources within the wider sphere of Roman influence or hegemony.<sup>830</sup> It would, however, be wrong to conclude simply from these preliminary observations that the addition of more (and more distant) coastal regions under Roman hegemony must necessarily have led directly to the creation of a collective – or cumulative – sense of the coastal regions of the Mediterranean. There would have been more complex issues at stake associated with Roman perceptions of their empire; and these will be explored now through discussion of several illuminating examples.

Starting in the early second century, Appian makes an intriguing reference to C. Livius Salinator (*pr.*) as the φύλαξ τῆς Ἰταλίας (“guardian of Italy”) after he had been allotted a *prouvincia classis* in 191.<sup>831</sup> This phrase was unlikely to have been invented by Appian. We may even speculate that it goes back to Polybius, although there are no other examples of this exact formula in Polybius or any other surviving ancient Greek literary

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leading to the need to differentiate overseas territories from those of the Italian alliance...” One might apply the same logic to the Rome’s sense of the *ora maritima Italiae*.

<sup>829</sup> Purcell (1996), p.274. Evidence supporting this idea is to be found in e.g. Cic. *Flac.* 30, who describes *sinus, promunturia, litora, insulae* and *urbes maritimae* being restored to the Roman *imperium* following the *bellum maritimum*. See also Plut. *Pomp.* 49.4-5 (referring to Pompeius’ grain commission in 57): ἐπ’ αὐτῶν γὰρ ἐγίνοντο λιμένες, ἐμπόρια, καρπῶν διαθέσεις, ἐνὶ λόγῳ, τὰ τῶν πλεόντων πράγματα, τὰ τῶν γεωργούντων. See also Ch.V.v for evidence that Sextus Pompeius made use of the resources of the *ora maritima*.

<sup>830</sup> Compare e.g. the letters that Rome sent to the kings of Cyprus, Egypt, Cyrene and Syria around 100 asking them to prohibit pirates using their territories (*RS*, no. 12, Delphi Copy, Block B, ll. 8-14 and cf. Cnidos Copy, col. III, ll. 28-41). Note also App. *Mith.* 94 for letters being sent to kings, rulers, peoples and cities to give Pompeius assistance in 67, as quoted in Ch.IV.iv.

<sup>831</sup> App. *Syr.* 22: Καὶ οἱ μὲν Σκιπίωνες ἔπι ἦσαν ἐν παρασκευῇ, Λίουιος δ’ ὁ φύλαξ τῆς Ἰταλίας, ἐπὶ τὴν ναυαρχίαν αἰρεθεὶς Ἀτιλίῳ διάδοχος, αὐτίκα ταῖς τε ἰδίαις ναυσίν, αἷς τὴν Ἰταλίαν περιέπλει, καὶ παρὰ Καρχηδονίων αὐτῶν πσι δοθείσαις καὶ συμμαχίσις ἄλλαις ἐς Πειραιᾶ κατήχθη... For the *prouvincia* see the earlier discussion in Ch.III.iii.

source.<sup>832</sup> The phrase may also be a translation of the Latin equivalent – *custos Italiae* – but this is not present in the comparable account in Livy’s *History*.<sup>833</sup> In any case, it appears to have been an honorific rather than official title and there are several reasons why it could have been employed in this way around 191. One possibility is that it was used to emphasise the need for “Italian” unity in the face of the threat of Antiochus III from the East. The rationale for this may have been to encourage (and ease) the collection of men and ships from other towns in Italy, which was especially relevant in 191 given the dispute between Livius and the so-called *coloniae maritimae* over exactly this issue.<sup>834</sup> Alternatively, the title may have been mentioned only on Livius’ return to Rome in 190 in order to promote his achievements with his fleet after his great naval victory at Corycus in the East.<sup>835</sup>

The use of the title φύλαξ τῆς Ἰταλίας (or *custos Italiae*) provides an important hint (applicable to both of the possibilities outlined above) that an eastern naval command against Antiochus III could be viewed from a purely Italian rather than from a wider provincial perspective in the early second century.<sup>836</sup> Arguably, this can be associated with the wider defensive measures taken to protect southern Italy and Sicily from a possible invasion by Antiochus III in 192.<sup>837</sup> A similar idea is also to be found in a speech by Q.

<sup>832</sup> I did not find a match for this phrase (in any case) in the *Thesaurus Linguae Graecae* database.

<sup>833</sup> Livy also draws on Polybius, for which compare especially Livy, 36.42.1-4 and see further Thiel (1946), p.303-313. The equivalency between *custos* and φύλαξ was noted by Ferrary (2000a), p.345.

<sup>834</sup> See Livy, 36.3.4-6 with Briscoe (1981), p.222 s.v. “3.4-6. *Coloniae maritimae*.”

<sup>835</sup> Polyb. 21.2.1 records that the Romans ordered a *supplicatio* for nine days (!) in Rome following the news of the naval victory over a fleet of 100 of Antiochus’ ships, for which see Walbank (1979), p.90 s.v. “2.1.” For Livius’ achievements see generally Thiel (1946), p.310-312. It is notable that he did not receive a naval triumph and one can speculate that an honorific title may have somewhat compensated for this, although we do not even know whether he requested a triumph in the first place. (He was elected consul just over a year later for 188, for which see *MRR I*, p.365.)

<sup>836</sup> For the existence of the notion of *Italia* at this time see, for example, Livy’s report of the Roman response to the Bacchanalia just a few years later in 186: the consuls were sent to destroy all of the places devoted to Bacchus first in Rome and then *in tota Italia* and the Senate also decreed that there should be no Bacchanalia in Rome or *in Italia* (39.18.7-8). See further Bispham (2007), p.53-73 and esp. p.94 for the suggestion that *terra Italia* was probably originally used instead of *tota Italia* in the early second century.

<sup>837</sup> See Brennan (2000), p.203 for the naming of a praetorian *provincia Bruttii* in both 192 and 191 (cf. Livy, 35.20.8-11 and 36.2.6) and note especially the mandate given to A. Cornelius Mammula (*pr.*) in 191: *...tueri*

Fabius Maximus Verrucosus, as reported by Livy, against the naming of Africa as a *prouincia* for P. Cornelius Scipio in 205: he argues that armies were raised for the protection of *Rome and Italy (custodia urbis atque Italiae)* rather than for consuls to transfer them – in the manner of a king – to whatever part of the earth they wished.<sup>838</sup> Livy’s use of *custodia urbis atque Italiae* is comparable with Appian’s φύλαξ τῆς Ἰταλίας, which, as suggested above, may itself be a translation of the Latin honorific title *custos Italiae*.<sup>839</sup>

In contrast, there was a noticeable shift in how the Romans viewed overseas military commands by the time that Antonius and Pompeius were entrusted with the *ora maritima* of the entire Mediterranean. Significantly, two inscriptions have survived honouring Pompeius as ὁ ἐπόπτης γῆς καὶ θαλάσσης (“watcher/overseer of land and sea”).<sup>840</sup> The historical context of the first inscription from Claros can be directly linked to Pompeius’ naval command over the *ora maritima*. The sanctuary at Claros had been badly plundered by pirates and the inscription was probably set up there as a demonstration of gratitude shortly after Pompeius’ command of 67.<sup>841</sup> The second inscription from

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*omnem oram circa Tarentum Brundisiumque...* (Livy, 36.2.7). Cf. Livy, 27.22.12-13 (208 B.C.). For the fact that two *imperium*-holders were to operate in Sicily in 192 – for the first time since the end of the Second Punic War – see further Ch.III.vii.

<sup>838</sup> Livy, 28.42.22: *ego, patres conscripti, P. Cornelium rei publicae nobisque, non sibi ipsi priuatim creatum consulem existimo, exercitusque ad custodiam urbis atque Italiae scriptos esse, non quos regio more per superbiam consules quo terrarum uelint traiciant*. Although the speech was surely composed by Livy, I agree with Gruen (1990), p.22, n.84 that it could easily still depict the relevant issues of the time: “...there is no reason to doubt its general aptness to the debate.”

<sup>839</sup> It is worth noting that the related verb *custodire* is also used in a *senatus consultum*, as reported by Livy, which directed L. Valerius Tappo (*pr.* 192) to defend the *ora maritima* between Pachynus and Tyndaris in Sicily in 191: *...eam maritimam oram L. Valerius uiginti nauibus longis custodiret...* (36.2.11-12).

<sup>840</sup> Ferrary (2000a), p.341-345, no.4 (Claros, statue base): Τὸ κοινὸν τὸ Ἴώνων | Γναῖιον Πομπήϊον Γναῖίου υἱὸν τὸν αὐτοκράτο|ρα, γῆς καὶ θαλάσσης | ἐπόπτην, τὸν εὐεργέ|την καὶ πάτρωνα τῶν | Ἴώνων. I. *Kyzikos*, II, no.24 (Miletropolis, statue base): Ὁ δῆ|[μο]ς | [Γ]ναῖιον Πομπήϊον Γνα<ί>ο[υ] | [υἱ]ὸν Μάγνον, αὐτοκράτορα | [τ]ὸ τρίτον, σωτῆρα καὶ εὐερ|[γ]έτην τοῦ τε δήμου καὶ | τῆς Ἀσίας πάσης, ἐπό|[π]την γῆς τε καὶ θαλάσ|[σ]ης, ἀρετῆς ἔνεκα καὶ [εὐ]νοίας εἰς ἐ[ξ]αυτὸν.

<sup>841</sup> Ferrary (2000a), p.342 with n.24-25 (noting Cic. *Leg. Man.* 32 and Plut. *Pomp.* 24.6). Cf. *SEG XLIX*, no. 1509; Schuler (2007), p.391; and especially Motta (2010), p.124f.

Miletopolis – over 150 miles north of Claros near to Cyzicus in Mysia – probably dates after his victory against Mithridates in the winter of 63/62.<sup>842</sup>

The ἐπόπτης formula is unprecedented in the surviving evidence prior to 67, but a similar ideology already existed in Rome in 66 when Cicero claimed that Pompeius' victories had made it appear that the Roman people were masters of all *gentes* and *nationes terra marique*.<sup>843</sup> A few years later, Cicero also alluded to certain men who were complaining that Pompeius had been entrusted with every land and sea.<sup>844</sup>

As Pompeius' command was viewed in these terms in contemporary Rome, it is reasonable to suppose that there was a Latin formula underlying the honorific title of ἐπόπτης γῆς καὶ θαλάσσης and that the impetus for the inscription probably came from Pompeius or his camp as a means of publicising his achievements in the East.<sup>845</sup> If correct, one could suggest that ἐπόπτης stood for *curator*, given Sallust's probable reference to M. Antonius Creticus, who, as we have seen, held a comparable command, as *curator [totius] orae maritimae, qua Romanum esset imperium*.<sup>846</sup> However, Ferrary's proposal of *custos* (following a suggestion from G. W. Bowersock) is, on balance, the most credible suggestion.<sup>847</sup> Indeed, unlike *curator*, *custos* is employed rhetorically in a variety of ways together with the following terms: the Roman *imperium* (including Pompeius' role as its

<sup>842</sup> For the date see *I. Kyzikos*, II, p.125; Ferrary (2000a), p.343; and Schuler (2007), p.390. It is important to note that Pompeius still held the *ora maritima* beyond 67/66, since it had been awarded for three years and did not lapse when he was assigned the Mithridatic command (for which cf. Girardet (2001), p.177f).

<sup>843</sup> Cic. *Leg. Man.* 56-57 (as cited by Ferrary (2000a), p.343). Cf. Momigliano (1942), p.63 and Schuler (2007), p.396f.

<sup>844</sup> Cic. *Leg. agr.* 2.46: *Atque idem qui haec appetunt queri non numquam solent omnis terras Cn. Pompeio atque omnia maria esse permissa*. Cf. Cic. *Flac.* 29 (59 B.C.) and *Balb.* 16 (56 B.C.).

<sup>845</sup> See Ferrary (2000a), p.344f and *SEG XLIX*, no. 1509. I am less convinced by the more recent suggestion made by Schuler (2007), p.395 that the phrase was Greek-inspired rather than a translation of a Latin phrase: "Eine unmittelbare lateinische Entsprechung für ἐπόπτης existierte vermutlich nicht." However, one should also note that the two possibilities are not necessarily mutually exclusive, as a Latin term could have influenced the use of the Greek and *vice versa*. In any case, for the undeniable Hellenistic influence on Roman notions of rule *terra marique* see the classic article by Momigliano (1942).

<sup>846</sup> See Sall. *Hist.* 3 frag. 2M and especially the discussion in Ch.IV.iv with n.729 in which it is noted that Maurenbrecher (1893), p.109f emended the manuscript reading of *contrarius piratis* in the *Scholia in Iuuenalem Vetustiora* (the source of this fragment of Sallust's *Historiae*) to *curator nocentior piratis*.

<sup>847</sup> Ferrary (2000a), p.345. Cf. Alföldi (1985), I, p.151: "die Römer könnten gesagt haben: *tutor orbis*."

protector!);<sup>848</sup> *prouvinciae*;<sup>849</sup> the *res publica*;<sup>850</sup> and the *urbs* (Rome).<sup>851</sup> Furthermore, as discussed above, there is also evidence that φύλαξ and *custos* (or the related *custodire/custodia*) were used for some earlier commands in a much more restricted sense. As Ferrary points out, φύλαξ was the usual equivalent of *custos*, but ἐπόπτης had a greater association with the divine and would, therefore, have further enhanced Pompeius' glory.<sup>852</sup>

The representation of Pompeius as guardian (or, perhaps, *custos*) of land and sea against the pirates can be seen in stark contrast to Appian's description of C. Livius Salinator as the guardian of Italy both in terms of the scope (Italy/world) and the weight of the honour (φύλαξ/ἐπόπτης).<sup>853</sup> It is notable that *Italia* does not occur with *custos* in the surviving evidence from the first century in the same way as the other phrases mentioned above (e.g. *imperium* or *prouvinciae*). These differences can be taken as evidence of an important change in the perception of empire: whereas the focus in the late third and early second centuries was apparently on the core (*terra Italia*), by the time of Pompeius' command the horizon had significantly widened and notionally encompassed the world

<sup>848</sup> See especially Cic. *Dom.* 129 (57 B.C.): ...*de Cn. Pompeio, propugnatore et custode imperi, interficiendo consilia inibantur...* Cf. Cic. *Red. pop.* 9 (C. Marius as *custos ciuitatis atque imperi uestri*) and *Sest.* 53 (*di immortales, custodes et conseruatores huius urbis atque imperi*). Note also Cic. *Att.* 14.5.2 for the *custodia orbis terrarum*, which could be linked to the Roman *imperium*. Furthermore, Augustus is later referred to as *custos imperi Romani totiusque orbis terrarum praesi[dis]* in an inscription recording decrees honouring Gaius Caesar, following his early death in 4 A.D. (*ILS* 140, ll. 9-10). This, in particular, shows a striking resemblance with the descriptions we have observed above for Pompeius after his victories in the East. Cf. Ferrary (2000a), p.345, n.38 and Schuler (2007), p.395.

<sup>849</sup> E.g. Cic. *Verr.* 2.5.81 (70 B.C.: C. Verres as *praetor populi Romani, custos defensorque prouvinciae*). Cf. Cic. *Verr.* 2.5.25; *Q. fr.* 1.1.10; and *Pis.* 48.

<sup>850</sup> E.g. Cic. *Rab. Post.* 26 (63 B.C.: ...*custodes gubernatoresque rei publicae...*). Cf. Cic. *Red. pop.* 21 (*custodes rei publicae*) and *Sest.* 137 (*Senatum rei publicae custodem, praesidem, propugnatorem conlocauerunt...*).

<sup>851</sup> E.g. Cic. *Cat.* 3.24 (63 B.C.: C. Marius as *custos urbis*). Cf. Cic. *Dom.* 40 (Cicero as *custos urbis*); *Dom.* 144 (Minerva as *custos urbis*, for which cf. *Fam.* 12.25.1 and *Leg.* 2.42); and *Cat.* 1.11 (Jupiter Stator as *custos urbis*, for which cf. *Cat.* 3.29).

<sup>852</sup> Ferrary (2000a), p.345. Cf. Schuler (2007), p.395. Although it may be entirely circumstantial, it is interesting to note that Pompeius dedicated a *templum* to Minerva after his victories in the East, who, as we have seen in the previous note, could be described as *custos urbis*. For the temple see Plin. *HN.* 7.97 with Palmer (1990), p.2-10.

<sup>853</sup> Compare also the honours bestowed on Pompeius around 62 in *IG XII*, 2, 202 (Mytilene, statue base): Ὁ δᾶμος | τὸν εἰάτω σῶτηρα καὶ κτίσταν | Γνάϊον Πομπήϊον, Γναίω υἱόν | Μέγαν, τρὶς Αὐτοκράτορα, κατα|λύσαντα τοῖς κατάσχοντας τὰν οἰκημέναν πολέμοις καὶ | κατὰ γᾶν καὶ κατὰ θάλασσαν...

(*terra marique*). This new perspective is neatly illustrated on a coin minted at Rome in 70 – i.e. just three years before Pompeius’ assignment against the pirates – on which *Roma* is depicted, alongside *Italia*, with her foot on a globe.<sup>854</sup>

Arguably, the Roman conceptualisation of empire, as outlined above, stemmed from what some scholars have termed an increasing “acknowledgement of empire” and the development of the related concept of the Roman *imperium orbis terrarum* between the last quarter of the second century and first quarter of the first century.<sup>855</sup> Polybius had already famously outlined his intention to explain how the Romans subjected nearly the whole inhabited world (οἰκουμένη) to the ἀρχή Ῥωμαίων in the mid-second century.<sup>856</sup> However, this essentially concerned the Roman capacity to give orders and to be obeyed rather than the acknowledgement of a geographical empire.<sup>857</sup> The first evidence for a Roman willingness to conceptualise their own dominant position in the world is to be found in a fragment of a speech delivered by Ti. Sempronius Gracchus (*tr. pl.*) for his agrarian law in 133, as preserved by Plutarch, in which he describes Roman soldiers as the κύριοι τῆς οἰκουμένης.<sup>858</sup> Even this does not necessarily represent a geographical “territorial empire” *per se* and may, in fact, be closer to Polybius’ view concerning Rome’s general dominance.<sup>859</sup> This also applies to the first concrete Latin reference to the Roman

<sup>854</sup> *RRC* 403. For a discussion of the globe and the general historical context see further Nicolet (1991), p.35-38.

<sup>855</sup> See especially Gruen (1984), p.281; Crawford (1990), p.96-99; and Kallet-Marx (1995), p.286f. For the development of the notion of the *imperium orbis terrarum* see e.g. Vogt (1960), p.151-171, esp. p.156-160; Brunt (1978), p.168-170; Gruen (1984), p.273-287; Nicolet (1991), p.29-56, esp. p.31-33; Kallet-Marx (1995), p.282-290; and Schuler (2007), p.394. Cf. Richardson (2008), p.106-116, who oddly does not consider the development of the *imperium orbis terrarum*, despite focussing his study on *imperium* and *provinciae*.

<sup>856</sup> Polyb. 1.1.5.

<sup>857</sup> See Ch.I.ii.

<sup>858</sup> Plut. *Tib.* 9 (= *ORF*<sup>2</sup> 34.13, ll. 13-14).

<sup>859</sup> Cf. Weinstock (1971), p.43 and Nicolet (1991), p.31.

*imperium orbis terrarum* around fifty years later in the *Rhetorica ad Herennium* (80s) when it was said to have been recognised by *omnes gentes, reges* and *nationes*.<sup>860</sup>

This evolving Roman conception of empire and the *imperium orbis terrarum* provides the context within which the development of a collective meaning of the *ora maritima* as encompassing the coastal regions of the entire Mediterranean should almost certainly be seen.<sup>861</sup> Indeed, as discussed in the previous section, the assignment of a *prouincia tota ora maritima* gave Pompeius a platform from which he could present his achievements in terms of world conquest.

Finally, this representation of Pompeius' victories against the pirates throughout the Mediterranean and against Mithridates and Tigranes in the East also led to another development, since it considerably raised the bar of expectation concerning the personal glory that a commander could hope to gain from a *prouincia*.<sup>862</sup> This shifted the focus onto the individual *imperator* to a much greater extent than ever before. Whilst the *Rhetorica ad Herennium* had claimed that all peoples, kings and nations recognised the Roman *imperium orbis terrarum* through the conquest of the *populus Romanus* around the 80s, the emphasis was placed on Pompeius' own victories over the *imperium orbis terrarum* around twenty years later. This change can be further illustrated by means of the coinage of the period. On several coins minted between 76 and 74, the *Genius populi Romani* is

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<sup>860</sup> *Rhet. Her.* 4.13: *...imperium orbis terrae, cui imperio omnes gentes, reges, nationes partim ui, partim uoluntate consenserunt, cum aut armis aut liberalitate a populo Romano superati essent...* For the date and bibliography see Gaines (2010), p.170f. See further Gruen (1984), p.274; p.281; Richardson (1991); p.5f; Kallet-Marx (1995), p.286f; and Richardson (2008), p.56f. See also Schuler (2007), p.394 who rightly notes Cic. *Rosc. Am.* 131 (80 B.C.), which refers to Sulla as steering the *orbis terrarum*. For the political context behind the use of such a phrase see now the summary in Vervaeke (2012b), p.124f.

<sup>861</sup> Cf. also Horden and Purcell (2000), p.12: "The claim of the Romans to 'their' sea was part of a political and cultural process by which they progressively defined the place of Rome at the heart of an Inhabited World – an *Oecumene* or *Orbis Terrarum* with the Mediterranean at its centre..."

<sup>862</sup> For the fact that Pompeius was the paradigm that raised the expectation see e.g. Momigliano (1942), p.62-64; Nicolet (1991), p.31-47; Schuler (2007), p.396-400; and Östenberg (2009), p.283-288.

explicitly associated with the globe;<sup>863</sup> and, as mentioned earlier, *Roma* is depicted, alongside *Italia*, with her foot on a globe on the reverse of another coin from 70.<sup>864</sup> In contrast to these coins, a famous denarius minted by Faustus Cornelius Sulla in 56 – i.e. after Pompeius’ triple triumph of 61 (preceded by his triumphs from Africa in 80 and Spain in 71) – displays a globe surrounded by three small wreaths, which, perhaps, represent Pompeius’ three triumphs, and another large wreath (recalling his overall victories over the *orbis terrarum*?).<sup>865</sup> The representations on this coin specimen, therefore, make a direct link between the world and Pompeius’ own personal achievements, rather than those belonging solely to the *populus Romanus* or *Roma*. The connection between an individual commander and the (Roman) victories won overseas was taken to its logical conclusion when the Senate decreed that a bronze statue of C. Iulius Caesar should be placed on the image of the οἰκουμένη as part of the extraordinary honours voted to him following his victory at Thapsus as consul (III) in 46.<sup>866</sup>

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<sup>863</sup> See *RRC* 393 (76-75 B.C., possibly minted in Spain) with male bust of *Genius populi Romani* (obverse) and sceptre with wreath, globe and rudder (reverse); and *RRC* 397 (74 B.C., minted at Rome) with Hercules figure (obverse) and male figure on curule chair holding cornucopiae and sceptre with one foot on globe and the other foot perhaps on a rudder, crowned by victory (reverse).

<sup>864</sup> *RRC* 403 (minted at Rome).

<sup>865</sup> *RRC* 426 (4a) (minted at Rome), for which see Nicolet (1991), p.37f. Cf. *RRC*, p.450, which takes the large wreath as the *corona aurea* granted to Pompeius in 63.

<sup>866</sup> Dio Cass. 43.14.6 (and 43.21.2) with Weinstock (1971), p.35-59, esp. 50-53 and compare also Nicolet (1991), p.38-41.

## IV.vi. Conclusions

The evidence for the major naval commands of the late second and early first centuries, as discussed in this chapter, has revealed some major similarities but also differences in the ways that the Romans defined *prouvinciae* and conceived of their empire in comparison with the third and early second centuries.

I have argued that the new *prouvincia Cilicia* assigned to M. Antonius around 103/102 was separated from the neighbouring *prouvincia Asia* (held by another (unknown) magistrate or promagistrate) with the coastal city of Side (and, perhaps, Lycaonia) serving as a “*cardo in medio*” (IV.ii). The rationale for this demarcation would have been to separate two *imperium*-holders in space, which is directly comparable with the division of the two *Hispaniae* by means of New Carthage around the beginning of the second century. As a result, there would have been no reason for naming the fleet as part of Antonius’ *prouvincia*, since he was the only *imperium*-holder operating to the east of Side.<sup>867</sup> Antonius’ use of ships within his geographically prescribed and autonomous *prouvincia* mirrors one of the typical practices of the third and early second centuries that we observed in Chapter III (the other major practice being the delineation of a *prouvincia classis* for use within the same geographical area as another *imperium*-holder).<sup>868</sup>

However, there was a significant difference in the way that the separation of *imperium*-holders was enforced between the early second century and the time of Antonius’ command in the late second century. We have seen that various laws were promulgated in the late second and early first centuries prohibiting commanders from leaving their *prouvinciae* (and proceeding thereby *in aliena prouvincia*) without good reason (IV.iii). This was discouraged earlier by the threats of censure and prosecution for

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<sup>867</sup> Cf. Ch.III.vii.

<sup>868</sup> Ch.III.viii.

contravening the *mos maiorum* and *auctoritas senatus* alone.<sup>869</sup> I have suggested that the use of laws to prescribe the activities of *imperium*-holders was representative of a general weakening of senatorial authority and political consensus in the late second and early first centuries.

This trend can also be seen in the opposition of (at least) the most distinguished senators to the vast Mediterranean-wide command voted to Cn. Pompeius Magnus by the *Lex Gabinia* in 67. Although a model for the command had been provided by the *prouincia* assigned to M. Antonius Creticus in 75/74 (*senatus consulto*), the Senate did not take charge of defining the scope of Pompeius' *prouincia* or the so-called *ornatio prouinciae*, as it traditionally would have done throughout the third and second centuries (IV.iv).

This provides the context for understanding yet another contravention of the *mos maiorum* when Pompeius was given authority to prepare his own naval forces as a promagistrate through the *Lex Gabinia*, which I highlighted in Chapter II.<sup>870</sup> In this case, the Senate's role in deciding what naval preparations ought to be undertaken and the traditional responsibility of the senior magistrates, in particular, the consuls, in undertaking the preparations were subverted by this popular bill.<sup>871</sup> Once again, popular legislation temporarily replaced the role of the Senate, as established by the *mos maiorum*.

The scope of the *prouincia* (and resources) assigned to Pompeius in 67 also represents another important development. I have argued that the *prouincia* was most probably defined as the *tota ora maritima* – including the land in all of the existing

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<sup>869</sup> Cf. Ch.III.iii.

<sup>870</sup> Ch.II.iv.

<sup>871</sup> Note especially the opposition of the consul C. Calpurnius Piso, who interfered with Pompeius' levies (Ch.IV.iv). Although this was likely motivated by political alliances, one might still speculate that he felt that some of his traditional responsibilities as consul (i.e. for levying soldiers and preparing naval forces) were being infringed by Pompeius.

*prouvinciae* up to fifty miles from the sea – together with a general mandate concerning the war against the pirates (IV.iv). This illustrates that *prouvinciae* could still be conceived in geographical (*tota ora maritima*) and functional terms (war against the pirates) simultaneously, just as in the third and second centuries.<sup>872</sup> However, in contrast to the earlier cases, Pompeius’ *prouvincia* was not circumscribed in terms of a specific coastal region, but rather encompassed the entire Mediterranean. I have proposed that this was made possible by the Romans’ increasing “acknowledgement of empire” and the development of the notion of a singular collective Mediterranean-wide *ora maritima* between the last quarter of the second century and first quarter of the first century (IV.v).

We have seen that this had three consequences that the Senate traditionally sought to avoid by separating *imperium*-holders either in space or by function in the same space. First, the overlap of *prouvinciae* meant that Pompeius clashed with Q. Caecilius Metellus Creticus (*pro cos.*), who had been assigned the *prouvincia Creta* (which would naturally have involved fighting pirates in Crete). Second, the assignment of such a large and undivided *prouvincia* meant that other commanders were unable to obtain their own *gloria* from the war against the pirates (Pompeius gained credit for the victories won by his personally nominated *legati pro praetore*). Indeed, it is worth recalling that the delineation of the *prouvincia classis* was one means by which the Senate limited clashes between commanders over the rights of command and enabled more magistrates to win their own glory (and potentially celebrate a distinct *triumphus naualis*).<sup>873</sup> The same premise, of course, applied to the demarcation of other *prouvinciae*. Third, Pompeius’ vast *prouvincia* allowed him to represent his victories in terms of world conquest and the liberation of the (*tota*) *ora maritima* of the *orbis terrarum* (e.g. as ὁ ἐπίοπτης γῆς καὶ θαλάσσης). This

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<sup>872</sup> Cf. Ch.III.i-iii.

<sup>873</sup> Ch.III.iv-vi.

was symptomatic of the growing trend for a few powerful individual *imperatores* to present their achievements in much grander terms than ever before in the first century.<sup>874</sup>

The above changes to the *mos maiorum*, the weakened authority of the Senate and the growing dominance of several powerful individuals would mark an excellent point at which to end this study. Indeed, the next major areas for investigation would be the civil war period from 49 onwards, followed by the formation of the Principate, in which the traditional mechanisms used by the Romans for defining and assigning naval tasks were dramatically altered.

Yet, the *classis et ora maritima* was also, extraordinarily, named as the *prouincia* assigned to Sextus Pompeius, the youngest son of Cn. Pompeius Magnus, in 43. This demands an explanation in light of Chapters III and IV, each of which separately investigated the definition and use of the *prouincia classis* and the *prouincia ora maritima*. This will be the subject of the Epilogue, which will conclude this thesis.

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<sup>874</sup> Cf. Ch.III.viii.

## V. Epilogue: Sextus Pompeius as *praefectus classis et orae maritimae*

### V.i. Introduction

Chapters III and IV explored how and why the *prouincia classis* and the *prouincia ora maritima* were each defined within the approximate period from 260 to 49 through an analysis of the political and institutional contexts. As mentioned at the end of the previous chapter, a *prouincia classis et ora maritima* remarkably appears as part of the extraordinary command assigned to Sextus Pompeius, the youngest son of Cn. Pompeius Magnus, around the beginning of May 43.<sup>875</sup> Modern scholars have widely recognised the extraordinary nature of this designation and have concluded that it gave Sextus authority over one of three geographical areas: i) the coastal regions of Italy;<sup>876</sup> ii) Italy and Sicily;<sup>877</sup> and iii) the entire Mediterranean.<sup>878</sup> However, there have been no attempts to explore the meaning of the *prouincia* in any further detail.

Although outside the period in which my research is located, this command provides an excellent lens through which to revisit and bring together the major conclusions reached in the previous chapters. Using the conclusions from Chapters III and IV, this Epilogue will elucidate the command of Sextus and, in doing so, provide some

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<sup>875</sup> An approximate date for the appointment can be determined by combining the evidence that Sextus was appointed at the same time as M. Iunius Brutus and C. Cassius Longinus were decreed their so-called *prouinciae transmarinae* (Vell. Pat. 2.73.2 and Dio Cass. 46.40.3) and Cicero's letter from 5 May recording that a proposal was made that Cassius should pursue P. Cornelius Dolabella (part of his new *prouincia transmarina*) in the Senate on 27 April (Cic. *Ad Brut.* 1.9.1). Although scholars have often assumed that Sextus was appointed on 27 April, Cicero does not tell us the result of the proposal, which only serves as a *terminus post quem*. All we can assume from combining Velleius, Dio and Cicero is that Sextus was appointed whenever the decree mentioned by Cicero was actually approved, which may have been sometime after 27 April in early or even mid-May. Cf. Woodman (1983), p.132-134 and p.177f; and, most recently, Welch (2012), p.163. It should also be noted that the curious single coin specimen inscribed with *AGRIPPA ORAE [MARIT(IMAE) ET] CLAS(SIS) PRAE(FECTUS) C(ONSUL)*, which was acquired by the British Museum in 1931, has now been shown to be a fake by Amandry (1996) *contra* Mattingly (1934).

<sup>876</sup> E.g. Rougé (1981), p.114; de Souza (1999), p.187; and Saddington (2007), p.205.

<sup>877</sup> E.g. Saddington (1988), p.299.

<sup>878</sup> E.g. Kromayer (1887), p.442, n.80; Tarn (1925), p.495; Hadas (1930), p.66; and Welch (2012), p.163. Cf. Powell (2002), p.103 and Welch (2002a), p.1.

final reflections on the fundamental uses of the *prouincia* between the third and first centuries, as presented throughout this thesis. Its structure will deliberately mirror those chapters by recalling the answers to the questions of how, when and why the *prouincia classis* and the *prouincia ora maritima* were defined between the third and first centuries. After first discussing the evidence for the name of Sextus' extraordinary *prouincia* and his official position (V.ii), the following two parts will examine how this *prouincia* was defined (V.iii-iv). The final part will then consider why the fleet was explicitly named as part of a *prouincia* for the first time for over one hundred years in 43 (V.v).

## V.ii. The official position of Sextus Pompeius in 43

The official designation of Sextus' *prouincia* is, fortunately, almost certainly preserved on his Sicilian coinage:

*PRAEF(ECTUS) · CLAS(SIS) · ET · ORAE · MARIT(IMAE) · EX · S(ENATUS) C(ONSULTO)*<sup>879</sup>

The coins were probably minted between 42 and 40 – i.e. before Sextus made the so-called Treaty of Misenum with M. Antonius and C. Iulius Caesar Octavianus in 39, which confirmed his command over Sardinia (and Corsica), Sicily and Achaëa in place of his previously held *prouincia classis et ora maritima*.<sup>880</sup>

Further evidence for the name of Sextus' *prouincia* is to be found in the accounts of the ancient literary authors, who appear to abbreviate the full designation by focussing on one of its two parts: Dio states, in a formulaic manner, that Sextus was entrusted with the fleet (τὸ ναυτικόν) at the same time as Brutus and Cassius were entrusted with Macedonia and Syria;<sup>881</sup> Appian describes how he was chosen to command the sea;<sup>882</sup> and

<sup>879</sup> *RRC* 511. It should be noted that the word order varies between the different coin specimens (cf. e.g. 511, 3b).

<sup>880</sup> Crawford (*RRC I*, p.521) proposed a date between 43/42 and 40, which was later challenged by Woytek (1995), who preferred to date the coinage between the autumn of 37 and the summer of 36. However, Estiot (2005) and Welch (2012), p.184-187 (and cf. Appendix, p.319-322) have independently made compelling cases for dating the coinage between 42 and 40 (with the so-called Treaty of Misenum in 39 serving as the *terminus ante quem*). I am not convinced by the suggestion of Vervaeke (2010b), p.83, n.14 that the stipulation that Sextus should secure peace for Italy *from the sea* in the agreement of 39 (Dio Cass. 48.36.4-6) meant that he was, "...probably officially reinstated as *praefectus classis et orae maritimae* with consular *imperium*, an office he had first received from the Senate in 43..." Cf. Groag (1915), p.53; *MRR II*, p.388; and now Welch (2012), p.238-251 and p.257, n.99 for further references.

<sup>881</sup> Dio Cass. 46.40.3: τῷ τε γὰρ Πομπηίῳ τῷ Σέξτῳ τὸ ναυτικὸν καὶ τῷ Βρούτῳ τῷ Μάρκῳ τὴν Μακεδονίαν τῷ τε Κασσίῳ τὴν τε Συρίαν καὶ τὸν πόλεμον τὸν πρὸς τὸν Δολοβέλλαν ἐνεχείρισαν... Note especially the pertinent observation by Welch (2012), p.163: "He [Dio] names Pompeius first and departs from his usual habit of using only Pompeius' *praenomen*, giving the statement a very 'official' tone..." Cf. e.g. Dio Cass. 48.17.1. For the reference to the war against Dolabella cf. Ch.IV.iv.

<sup>882</sup> App. *B Ciu.* 4.84: αἰρεθεὶς δὲ καὶ τῆς θαλάσσης ἄρχειν, καθὰ ἤρχεν αὐτοῦ καὶ ὁ πατήρ... (cf. 4.70; and 4.96).

Velleius reports, in strikingly similar language as used on Sextus' coinage, that the Senate had given him command (*praefecerat*) of the *ora maritima*.<sup>883</sup>

Although scholars have usually assumed that the reference to Sextus as *praefectus* on his coinage represented his official title from 43, it is much more likely that it was used as a means of succinctly describing his *prouincia classis et ora maritima*.<sup>884</sup> This is comparable with another series of coins that list M. Oppius Capito's official position (*pro praetore*) together with the naval task (*praefectus classis*) that he was assigned by Antonius between 38 and 36.<sup>885</sup> Whilst it is impossible to determine whether Oppius was a promagistrate with independent *imperium praetorium* or a *legatus pro praetore*, the fundamental point is that one of these would have been his official position from which he was assigned the task of the fleet.<sup>886</sup>

Sextus was almost certainly granted the official position of promagistrate (probably with *consulare imperium*), given that the honorific title of *IMP(ERATOR)* is used on the obverse of his Sicilian coins.<sup>887</sup> As this acclamation was usually reserved for holders of

<sup>883</sup> Vell. Pat. 2.73.2: *Quem senatus paene totus adhuc e Pompeianis constans partibus, post Antonii a Mutina fugam, eodem illo tempore quo Bruto Cassioque transmarinas prouincias decreuerat, reuocatum ex Hispania, ubi aduersus eum clarissimum bellum Pollio Asinius praetorius gesserat, in paterna bona restituerat et orae maritimae praefecerat.*

<sup>884</sup> See e.g. Woodman (1983), p.177f; Reddé (1986), p.417; Saddington (1988), p.299; Powell (2002), p.103; Welch (2002a), p.1; Welch (2002b), p.37; Raggi (2006), p.174; and Welch (2012), p.163; p.185 and *passim*. I have collected the surviving evidence for the term *praefectus classis* in a paper entitled "The Position of *Praefectus Classis* in the Roman Republic" (in preparation), in which I argue that the term was consistently used throughout the Republic to describe a task assigned to an individual with an existing official position (e.g. *legatus*).

<sup>885</sup> E.g. *RPC I*, 1462 (reverse): *M · OPPIUS · CAPITO · PRO · PR · PRAEF · CLASS · F · C*. See further *RPC*, I, 1462-1467 (heavy series) and 1467-1470 (light series). The dating of the coinage depends on when Antonius was hailed *imperator iterum* and *imperator tertio*, for which see Amandry (1990), p.80-83. Cf. *ILS* 891 (cathedral wall, Mytilene): *ciues Romani qui | Mytileneis negotiantur | M. Titio L. f. procos., | praef. classis, | cos. desig., patrono, | honoris causa*. Ferrary (2000a), p.356f dates the inscription between 34 and 32 and observes that M. Titius was either *pro cos.* and then *praef. class.* ("un *cursus* normal") or – more likely in my opinion – that he was simultaneously *pro cos.* ("nature de son *imperium*") and *praef. class.* ("fonction précise").

<sup>886</sup> The word order on the coins makes it improbable that *pro praetore* referred to his *imperium* as *praefectus classis*, which is unprecedented in the Republic (and, in any case, would have been reversed, *pace* the implication in *MRR II*, "Index of Careers", p.596). As far as I am aware, these coins provide the only evidence for M. Oppius Capito.

<sup>887</sup> *RRC*, 511. Cf. Dio Cass. 48.19.1.

independent *imperium auspiciumque*, it would have been odd, if Sextus had not been entitled to it, for it to have been included on coins designed to represent his constitutional legitimacy.<sup>888</sup> Indeed, the inclusion of an assignment together with either *ex senatus consulto* or *senatus consulto* on the same face of a coin is unprecedented in the Republic and would have served to highlight the legitimate method by which Sextus was appointed to his *prouincia*.<sup>889</sup> As *pro cos.* (or *pro pr.*) does not seem to have been used with the name of a specific *prouincia* on coinage during the Republic, it is reasonable to conclude that *praefectus* was used in its place to describe Sextus' assignment of the *prouincia classis et ora maritima*.<sup>890</sup>

The next section will consider how this unique designation is best interpreted by relating it to what we have discovered about the use of fleets, coastal regions and *prouvinciae* in the earlier chapters.

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<sup>888</sup> I am indebted to Frederik Vervaeke for this important point and for generously discussing the question of Sextus' *imperium* with me at length (*per litteras*).

<sup>889</sup> For Sextus' emphasis on the legitimacy of his command see generally e.g. Welch (2012), p.184-187. If the use of *ex senatus consulto* is to be taken literally, this would potentially indicate that the Senate had instructed a magistrate to propose the motion to the *comitia (tributa* or the *curiata* if the motion only concerned a *lex de imperio*), which ratified the grant of the *imperium* and the *prouincia*. If correct – and I admit that what follows is no more than guesswork – M. Caecilius Cornutus (*pr. urb.*) may very well have been the magistrate responsible given that he presided over the Senate in the absence of the consuls and was the most senior magistrate in Rome at the time (Cic. *Fam.* 10.12.3 and 10.16.1). For the *praetor urbanus* proposing legislation to the *comitia* when the consuls were absent see Brennan (2000), p.119-121, although it remains possible that another magistrate made the proposal in 43 (e.g. a tribune of the plebs). It is notable that *senatus consulto* appears on some of the coins in place of *ex senatus consulto*, which may have carried a slightly different meaning. For the use of *ex senatus consulto* and *senatus consulto* cf. Badian (1980-81), p.99-101.

<sup>890</sup> There would have not been enough space on the coin face to include *pro cos. praef. clas. et orae marit. ex. S.C.* (in the same manner that Oppius was able to list *pro pr. praef. class.*) and it is likely that the description of the assignment *ex senatus consulto* was prioritised in order to emphasise the legitimacy of his actions in Sicily and on the Italian coast. I found no cases of *pro cos.* or *pro pr.* together with an assigned task in either *RRC* or *RPC I*. It is worth noting that the formula “proconsul of a specific *prouincia*” does appear in the Principate: see e.g. *ILS* 986, 1.9 with Gordon (1983), p.127f, no.49 (*procos. Asiae*) from around 74/79 A.D. If this was only an imperial development, it would be interesting to consider whether this represents a change in the Roman view of their territorial empire (although this is beyond the scope of this chapter). However, note Cicero's reference to the *praetor Siciliae* in his *Verrine Orations* (e.g. 2.3.193; 2.5.29; and 2.5.117) and cf. Ch.III.i.

### V.iii. The *classis* and the *ora maritima*: function in space

Chapter III showed that the *prouincia classis* was usually defined with a geographical “sphere of operation” by means of an additional designation and, more frequently, senatorial instructions in the late third and early second centuries.<sup>891</sup> A. Atilius Serranus (*pr.*), for example, was allotted the *classis et Macedonia* and was then sent *in Graeciam* to defend the allies in 192.<sup>892</sup> The designation of Macedonia and the instructions to sail to Greece would have served to restrict his naval activities to those particular geographical areas. In the same year, L. Oppius Salinator was also assigned a fleet (probably *pro praetore*) for the explicit purpose of defending the *ora Siciliae*.<sup>893</sup> The Senate’s definition of these geographical “spheres of operation” is representative of its wider role in prescribing *prouvinciae* and thereby exercising a level of control over the movements of *imperium*-holders during the Republic. Indeed, we have examined various cases in which special instructions were required for any *imperium*-holder to cross from the geographical “sphere of operation” associated with his *prouvincia* into another area.<sup>894</sup> This requirement was understood as part of the established *mos maiorum* in the third and second centuries, although it was later reinforced through various *leges maiestatis* in the late second and early first centuries.<sup>895</sup>

I shall return to the question of whether Sextus was granted special senatorial instructions as part of his assignment in the next section. For now, it is reasonable to suppose that the additional designation of the *ora maritima* provided a geographical definition for the *classis* element of his *prouvincia*. However, in contrast to the cases from

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<sup>891</sup> Ch.III.ii-iii.

<sup>892</sup> Livy, 35.20.9-11 and 35.22.2-3 with discussion in Ch.III.iii.

<sup>893</sup> Livy, 35.23.6-9 and 35.24.6-7 with analysis of his official position in ch.III.vii. Cf. the prorogation notice from 211 concerning T. Otacilius Crassus, who had originally been assigned the *prouvincia classis* during his praetorship of 214: *T. Otacilio et M. Valerio Siciliae Graeciaeque orae cum legionibus classibusque quibus praeerant decretae...* (Livy, 26.1.6-12).

<sup>894</sup> Ch.III.iii and Ch.IV.iii.

<sup>895</sup> Ch.IV.iii.

the third and second centuries in which the *prouincia classis* was usually defined in terms of a single area (e.g. Macedonia/Greece) or coastal region (e.g. *ora Siciliae*), there is no evidence that the *ora maritima* was circumscribed over one hundred years later in 43.

Chapter IV highlighted an important development between the late second and early first centuries, whereby the Romans increasingly came to view their empire in much more expansive terms than ever before (e.g. as the *imperium orbis terrarum*). I suggested that this also enabled them to think of the *ora maritima* as a singular collective encompassing the entire Mediterranean, whereas the predominant focus had earlier been on the individual coasts of Rome, Italy and specific *prouinciae*.<sup>896</sup> With this in mind, the *ora maritima* may well have defined Sextus' *prouincia* as the coastal regions of the Mediterranean.

Indeed, Appian makes a direct comparison between Sextus' assignment and the Mediterranean-wide commands held by his father, Cn. Pompeius Magnus, in 67 and 57. He states that Sextus was appointed, "to command the sea, just as his father had held the same command."<sup>897</sup> The verb employed by Appian (ἄρχειν) almost certainly refers to the general area over which the commands extended rather than to the *imperium* held by the commanders.<sup>898</sup> He reports elsewhere that M. Antonius had proposed to the Senate in 44

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<sup>896</sup> Ch.IV.v. Cf. especially Livy, 29.13.5-6 (204 B.C.: *...prorogatum imperium est, et Cn. Octauio ut cum Sardiniam legionemque Ti. Claudio tradidisset ipse nauibus longis quadraginta maritimam oram, quibus finibus senatus censuisset, tutaretur...*) and Livy, 30.2.4 (203 B.C.: *parem nauium numerum Cn. Octauio praetori item prioris anni cum pari iure imperii ad tuendam Sardiniae oram patres decreuerunt...*, which arguably records the definition promised by the Senate in the previous year). For further ancient references to Cn. Octavius see *MRR I*, p.302, p.308 and p.313.

<sup>897</sup> App. *B Ciu.* 4.84: αἰρεθεὶς δὲ καὶ τῆς θαλάσσης ἄρχειν, καθὰ ἦρχεν αὐτοῦ καὶ ὁ πατήρ... This was already noticed long ago by Groag (1915), p.52f.

<sup>898</sup> This is confused in the Loeb translation of White (1913): "Having been appointed commander of the sea with the same powers that his father had exercised..." Appian uses very different terminology to refer to constitutional powers when he describes how Pompeius was given the Mithridatic command with the same powers (ἐπὶ τῆς ὁμοίας ἐξουσίας) as he had from the pirate command, which he qualifies with the term αὐτοκράτωρ (*Mith.* 97). ἐξουσία (especially with αὐτοκράτωρ) appears to refer specifically to Pompeius' *imperium*, in contrast to his comparison between Sextus and Pompeius with ἄρχειν above. For the Greek terminology see further Mason (1974), p.44; p.117-120; and p.133f (ἐξουσία); and p.110-113, esp. p.111 (ἄρχω): "ἄρχω is used naturally to apply to provincial governors of *all ranks*."

that Sextus should be appointed, “commander of the sea, as his father had been, with charge of the Roman ships, wherever situated, which were needed for immediate service...”<sup>899</sup> Although this is the only record that Antonius made such a proposal, if it is authentic it follows that the Senate would have been likely to define Sextus’ command in similar terms in 43.<sup>900</sup> As discussed in Chapter IV, Pompeius was assigned a *prouincia (tota) ora maritima* in 67 and 57 – based on the *prouincia* granted to M. Antonius in 75/74 – which was defined as including Italy and all of the existing *prouvinciae* up to fifty miles from the sea.<sup>901</sup> As Appian suggests, then, the Senate probably used this as the model for Sextus’ *prouincia* around twenty years later.<sup>902</sup>

It is worth noting that a golden statue was set up in the *Forum Romanum* on the top of a *columna rostrata* as part of the honours voted for Octavian after he defeated Sextus in 36 with the following inscription: “peace, long disturbed, he re-established on land and sea.”<sup>903</sup> Although this recalls the *columna rostrata* set up to memorialise the victories of C. Duilius (*cos.*) in 260, the scope of Octavian’s claim far exceeds the record of Duilius’ achievements in a single naval battle.<sup>904</sup> Chapter IV outlined how the celebration of the victories of an individual *imperator* with the *terra marique* motif – associated earlier with Hellenistic kings in the East – can be traced back to Pompeius’ victories over the pirates

<sup>899</sup> App. *B Ciu.* 3.4: ὡς δὲ καὶ Σέξστον Πομπήιον ὁ Ἀντώνιος...εἰσηγήσατο...εἶναι δὲ καὶ στρατηγὸν ἤδη τῆς θαλάσσης, καθὼς ἦν καὶ ὁ πατὴρ αὐτοῦ, καὶ ταῖς Ῥωμαίων ναυσὶν αὐτίκα ταῖς πανταχοῦ χρῆσθαι εἰς τὰ ἐπείγοντα... For the dating of the passage see Hadas (1930), p.62-64.

<sup>900</sup> Appian, after all, states that the Senate accepted Antonius’ proposals with zeal (*B Ciu.* 3.4). Dio Cass. 45.10.6 also mentions that Antonius brought about a vote concerning an agreement reached between Lepidus and Sextus in Spain, but does not provide further details. See further Gowing (1992), p.102.

<sup>901</sup> Ch.IV.iv.

<sup>902</sup> See e.g. Powell (2002), p.107-109, esp. p.108: “Was conscious imitation involved? Undoubtedly so in the case of the senators who gave Sextus the post of *praefectus classis et orae maritimae*.” For an early comparison between Sextus and his father made *in the Senate* in March 43 – i.e. just a month or two before his appointment – see already Cic. *Phil.* 13.10-13 and 13.50. It is well-known that Sextus played up to his ancestry with the iconography and references to his honorific titles on his coinage: e.g. note the display of his father’s head, a *lituus* – surely referring to his father’s augurate – and the label *MAG · PIUS · IMP · ITER* on the obverse on several of his coins (e.g. *RPC I*, 511, 3a).

<sup>903</sup> Appian, *B Ciu.* 5.130: τὴν εἰρήνην ἐστασιασμένην ἐκ πολλοῦ συνέστησε κατὰ τε γῆν καὶ θάλασσαν. On the political context see further Lange (2009), p.33-38 and esp. p.35f.

<sup>904</sup> For the important comparison with Duilius’ *columna rostrata* (as discussed in Ch.I), see now Roller (2013), p.121f with bibliography.

throughout the Mediterranean.<sup>905</sup> It is somewhat ironic that Octavian's victory against his son, who had been granted an assignment comparable with his father's commands over the *tota ora maritima*, was presented in similar terms.

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<sup>905</sup> Ch.IV.v.

#### **V.iv. The *classis* and senatorial instructions: function and space**

Chapters III and IV showed that *prouvinciae* could be defined in more complex terms than their plain designations would suggest, *prima facie*, by means of senatorial instructions (or *mandata*). The use of *senatus consulta* was one of the fundamental mechanisms, aside from the designation of the *prouvinciae* and allocation of military resources, through which the Senate was able to exert a direct influence on Roman foreign policy. Unfortunately, as revealed in Chapter III, these instructions are often abbreviated or omitted in the surviving ancient literary sources. This explains why their importance has often been minimised by modern scholars. Nonetheless, we observed that Livy preserves various records – probably indirectly from authentic archival material – in which senatorial instructions were issued together with *prouvinciae* in the third and second centuries. As mentioned in the previous section, A Atilius Serranus (*pr.*) was sent into Greece to defend the allies and L. Oppius Salinator (probably *pro pr.*) was also instructed to protect the coast of Sicily – both almost certainly *ex senatus consulto* – in 192. The instructions preserved by Livy were almost certainly representative of a wider trend, which, arguably, is reflected in the reference to *mandata (ex senatus consulto?)* in the law on the eastern *prouvinciae* from around 100.<sup>906</sup> These likely formed a precedent for the better known imperial *mandata*, which were customarily issued during the Principate.

Taking the above into account, we should consider the distinct possibility that the Senate issued more specific instructions to Sextus at the same time as naming his *prouvincia classis et ora maritima* in 43. There is no explicit evidence for this, which is not surprising given that the ancient sources are mostly hostile to him and predominantly focus on Octavian and Antonius (and, as noted above, the ancient literary sources often omit or

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<sup>906</sup> *RS*, no.12, Cnidos Copy, col. IV, ll. 31-39 with the discussion in Ch.III.iii.

abbreviate the details of *senatus consulta*).<sup>907</sup> However, we know that Sextus sailed to Sicily shortly after receiving his command – probably before Octavian and Q. Pedius became consuls in August 43 (after which he was included in the list of Caesar’s assassins and proscribed).<sup>908</sup> Although the possibility that Sextus independently decided to sail to Sicily for his own strategic reasons cannot be ruled out, one can speculate that the Senate specifically instructed him to gain control of the so-called *prouvinciae frumentariae* in order to secure the grain route to Rome.<sup>909</sup> This had, after all, been part of the Pompeian strategy in 49.<sup>910</sup>

There is evidence that the Senate was concerned about the *annona* approximately one or two weeks before Sextus’ appointment. Dio uniquely records that a *senatus consultum* was passed around the time of Antonius’ defeat at Mutina in late April stipulating that no one man should be chosen as the curator of the grain supply (*curator annonae*) or the overseer of food.<sup>911</sup> The purpose of this measure was almost certainly to remove an avenue through which an individual might build up power and, potentially, even threaten the grain supply of Rome.<sup>912</sup> The *curator annonae* had been famously used

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<sup>907</sup> For an overview and re-assessment of Sextus’ reputation as a pirate in the modern literature, which is a view that originates with the ancient sources, see e.g. Welch (2002b) and Ridley (2003), p.183-187. Cf. de Souza (1999), p.193-195. Cf. Dio Cass. 46.40 (reporting Sextus’ appointment and focussed on Antonius and Octavian in 43) and Dio Cass. 48.36.4-6 (recording more details of the agreement between Antonius, Octavian and Sextus at the so-called treaty of Misenum in 39).

<sup>908</sup> For the problems concerning the chronology of Sextus’ journey from Massilia to Sicily see Welch (2002b), p.39-42 and Welch (2012), p.167-169.

<sup>909</sup> Cf. Saddington (2007), p.206: “It is not known how his [Sextus’] authority on the coast was defined in detail, or what land forces he had at his disposal, but his main duty would have been to secure the corn supply to the capital (which later he found it politic to interrupt).” For the well-known role of Sicily in supplying grain note especially e.g. Cic. *Verr.* 2.3.11 and 2.3.43.

<sup>910</sup> For the strategy of 49 see especially Cic. *Att.* 9.9.2 (17 March, 49): *omnis hac classis Alexandria, Colchis, Tyro, Sidone, Arado, Cypro, Pamphylia, Lycia, Rhodo, Chio, Byzantio, Lesbo, Smyrna, Mileto, Coe ad intercludendos commeatus Italiae et ad occupandas prouincias frumentarias comparatur*. See now Welch (2012), p.54-57 with further references.

<sup>911</sup> Dio Cass. 46.39.3: ...τοῦτο δὲ ἀπηγόρευσαν μήτε τινα σίτου ἐπιμελητὴν μήτε τροφῶν ἐπιστάτην ἔνα αἰρεῖσθαι. Cf. Gowing (1992), p.70f.

<sup>912</sup> Dio explains that the Senate wished to remove avenues through which individuals might have been able to achieve dominance immediately before he mentions the bans on an individual holding office for more than one year and the office of *curator annonae* (46.39.2-3).

by Pompeius as a back door for obtaining a vast military command in 57.<sup>913</sup> More recently still, the appointment of Brutus and Cassius as curators of the grain supply in Asia and Sicily in June 44 had provided them with a legitimate platform from which to build up substantial military forces.<sup>914</sup>

With this in mind, it is reasonable to imagine that the Senate would have been wary of the *curator annonae* being used in a similar way after Mutina; and it is even worth speculating further that it was concerned, in particular, about Octavian's intentions.<sup>915</sup> Within this context, the appointment of Sextus may be viewed as an additional senatorial measure, following on from the prohibition of the office of *curator annonae*, which was designed to prevent the seizure of the *annona* by another hostile individual. If correct, one could assume that the Senate would have given Sextus a special directive to control the sea-lanes to Italy and to safeguard the grain supply to Rome when they assigned him the *prouincia classis et ora maritima*.<sup>916</sup>

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<sup>913</sup> See further the discussion in Vervaeke (2010a), p.151-154.

<sup>914</sup> See especially e.g. Cic. *Att.* 15.9.1 (2 June, 44): *III Non. uesperis a Balbo redditae mihi litterae fore Nonis senatum, ut Brutus in Asia, Cassius in Sicilia frumentum emendum et ad urbem mittendum curarent. o rem miseram! primum ullam ab istis, dein, si aliquam, hanc legatariam prouinciam!* Cf. Cic. *Att.* 15.11.1-2 (8 June, 44); 15.12.1 (9 or 10 June, 44); Appian, *B Ciu.* 3.6; and 3.35. For further references see *MRR II*, p.320f and, more recently, Welch (2012), p.134.

<sup>915</sup> Note the concerns already expressed by Cic. *Ad Brut.* 1.7.1 (c. 21 April, 43): *Quales tibi saepe scripsi consules esse tales exstiterunt. Caesaris uero pueri mirifica indoles uirtutis: utinam tam facile eum florentem et honoribus et gratia regere ac tenere possimus, quam facile adhuc tenuimus! est omnino illud difficilium, sed tamen non diffidimus; persuasum est enim adulescenti, et maxime per me, eius opera non esse saluos, et certe, nisi is Antonium ab urbe auertisset, perissent omnia.* Cf. Cicero's failure to achieve this in *Ad Brut.* 1.18.3 (mid-June, 43). It should also be emphasised that Dio Cass. 46.39 is concerned with the breakdown of relations between Octavian and the Senate (it opens with Μέχρι μὲν οὖν τούτων ὁ Καῖσαρ καὶ πρὸς τοῦ δήμου καὶ πρὸς τῆς βουλῆς ἤξετο...). Cf. App. *B Ciu.* 3.80 and especially 3.82.

<sup>916</sup> For the important argument that Sextus was included in a three-pronged senatorial strategy, alongside Brutus and Cassius, see Welch (2010), p.17-20 and especially now Welch (2012), p.163-169. Cf. Fündling (2003), who suggests, "...it [the title of *praefectus classis et orae maritimae*] might also have been calculated to keep Sextus far from Rome where he would have been awkward for Cicero and his allies." It is also worth noting here that Pompeius had been responsible for restoring the grain supply during his command against the pirates in 67 and, as *curator annonae*, in 57 with *prouinciae* that were directly comparable in scope with the *prouincia* assigned to Sextus. Cf. Cic. *Leg. Man.* 34-35; Plut. *Pomp.* 26.4; and 50. For the comparison between Pompeius' commands of 67 and 57 see Dio Cass. 39.9.3.

### **V.v. The re-appearance of the *prouincia classis*: old or new?**

Having seen how the assignment of the *ora maritima* – perhaps, together with additional senatorial instructions – provided a geographical (and maybe even functional) definition for Sextus’ *prouincia*, we can now consider the second issue raised in the introduction to this Epilogue concerning why he was also designated the *classis*. Indeed, we may ask why this was necessary, given that it had not been included in the comparable *prouvinciae* assigned to Antonius and Pompeius earlier in the first century.

Chapter III established that a *prouincia classis* was ordinarily named by the Senate as a means of separating two or more *imperium*-holders by function in the third and second centuries. The rationale for this was to prevent commanders, who were operating in the same geographical space, from getting in each other’s way and clashing over military *gloria* and triumphal rights. (The third major reason why *prouvinciae* were delineated – to separate the jurisdiction of Roman *imperium*-holders from certain kingdoms – did not apply in the case of the fleet.)<sup>917</sup> We have seen, for example, that the *prouincia classis* regularly separated the functions of two *imperium*-holders in Sicily during the Second Punic War (218-201) and in Greece and Asia during the wars against Antiochus III (192-188) and Perseus of Macedon (171-168).<sup>918</sup> In contrast, the fleet was never named explicitly as a *prouvincia* when there was only one independent *imperium*-holder operating in a particular geographical area, even if naval forces were to be used.<sup>919</sup> Instead, these *prouvinciae* would have been geographically separated from other *prouvinciae* by means of a particular designation (e.g. Macedonia) or more complex definition (e.g. Cilicia with the city of Side, perhaps, serving as a western coastal limit).<sup>920</sup>

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<sup>917</sup> Ch.III.iv.

<sup>918</sup> Ch.III.vii.

<sup>919</sup> Ch.III.viii and IV.ii.

<sup>920</sup> Ch.IV.ii.

Chapter III also demonstrated that the demarcation of an independent *prouincia classis* provided its holder with an opportunity to request his own distinct naval triumph for success achieved with his fleet in a geographical area that was shared with another *imperium*-holder (even if this could have meant successfully “completing” the *prouincia* as the last individual to hold it at the conclusion of a major war).<sup>921</sup> Indeed, three praetorian commanders celebrated naval triumphs from the same sphere (and against the same enemy) as three consular commanders, who also celebrated their own regular triumphs, for the wars against Antiochus III and Perseus of Macedon. I argued that the delineation of the *prouincia classis* is what made these naval triumphs distinct celebrations and that this, thereby, deliberately served to limit the potential for conflicts with the other (consular) *imperium*-holders over triumphal rights.

We should not assume, however, that the above reasons for naming the *prouincia classis* in the third and second centuries were necessarily applicable when it was assigned to Sextus, well over one hundred years later. It is, after all, unlikely that the separation of independent *imperium*-holders by their functions would have been a realistic objective during a period of frequently shifting political alignments and civil war. Indeed, Sextus soon clashed with A. Pompeius Bithynicus, who was a promagistrate (*pro pr.?*) in Sicily.<sup>922</sup> Furthermore, the Senate certainly would not have considered naming the fleet as a *prouincia* as a means of providing Sextus with an opportunity to acquire a naval triumph. The celebration of triumphs for victories over Roman citizens was viewed as abhorrent by both the Senate and people; and, in any case, the last naval triumph was celebrated in very different circumstances over one hundred and twenty years earlier.

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<sup>921</sup> Ch.III.vi.

<sup>922</sup> Dio Cass. 48.17.5-6, who records that they eventually reached a compromise whereby Bithynicus would command on an equal footing with Sextus (cf. App. *B Ciu.* 4.84). Welch (2012), p.167 notes that “...the Caesarian Bithynicus’ compliance probably indicates that the negotiated hand-over took place while Pompeius’ *imperium* was still universally recognised.”

The re-appearance of a *prouincia classis* after so many years, then, may be better explained within the unique civil war context of 43. It may well simply have reflected a senatorial concern to put someone of their own choosing in charge of the available naval forces in ports of the Western Mediterranean and the sea-lanes.<sup>923</sup> As mentioned earlier, M. Antonius had apparently suggested to the Senate in 44 that Sextus should be appointed, “commander of the sea, as his father had been, with charge of the Roman ships, wherever situated, which were needed for immediate service...”<sup>924</sup> Although this was not carried out in 44, the Senate were enthusiastic about the proposal; and it is likely that the command would have been defined in a similar way in 43.<sup>925</sup> As we have already seen, the first part of the proposal (“commander of the sea, as his father had been...”) can be explained in terms of the *ora maritima*. Yet, it remains possible that the second part (“with charge of the Roman ships, wherever situated...”) was facilitated through the naming of the *classis* as part of the *prouincia*. Indeed, Appian describes how Sextus first took as many ships as he could find in the harbours (presumably around Massilia) and joined them with those he had from Spain before sailing to Sicily.<sup>926</sup> Dio adds that he became master of the sea around Italy and that he proceeded to drag away ships from the harbours.<sup>927</sup> Welch rightly recognised that the collection of ships may have been related to his assignment of the *classis*.<sup>928</sup> We can also add that the assignment of the *ora maritima* would have provided him with legitimate access to coastal resources, such as harbours and the much needed supplies for his men and ships.<sup>929</sup> This provides one explanation for why Sextus chose to

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<sup>923</sup> See Welch (2010), p.17-20 and Welch (2012), p.163-169, as noted previously, for the senatorial strategy involving an unofficial triumvirate made up of Brutus, Cassius and Sextus.

<sup>924</sup> App. *B Ciu.* 3.4 (as quoted in Ch.V.iii).

<sup>925</sup> Ibid.

<sup>926</sup> App. *B Ciu.* 4.84.

<sup>927</sup> Dio Cass. 48.17.4 (cf. 47.12.2-3). For the chronology (misplaced by Dio in 48.17.4) see Welch (2012), p.170. Cf. Gowing (1992), p.181-185.

<sup>928</sup> Welch (2012), p.168-170. Cf. Welch (2002b), p.37-41.

<sup>929</sup> Kromayer (1897), p.442 (also citing App. *B Ciu.* 4.84 and Dio Cass. 48.17.4) refers to the title of “*praefectus orae maritimae*” as providing Sextus with the means to gain power by collecting all the available ships in the Western Mediterranean (and building new ones). Cf. Kromayer (1897), p.444.

highlight his *prouincia* by styling himself as *praefectus classis et orae maritimae* on his coinage.<sup>930</sup>

The Senate may, therefore, have named the *classis* as a distinct part of Sextus' *prouincia* in order to give his collection and command of ships a greater sense of legality. Chapter II illustrated how the Senate was traditionally responsible for the allocation of fleets.<sup>931</sup> The Senate ordinarily instructed the consuls – or, when it was expedient, a praetor – to carry out the necessary naval preparations in Italy. The system had broken down by the time of the outbreak of civil war in 49, from which point commanders personally ordered ships to be built and collected their own fleets throughout the Mediterranean.<sup>932</sup> Arguably, the Senate's decision to name the fleet as Sextus' *prouincia* served to reassert its traditional authority, as based on the *mos maiorum*. This would also have been especially pertinent, given that – in contrast to almost all of the individuals who earlier had been assigned a *prouincia classis* in the third and second centuries – Sextus was not in Italy at the time of his appointment.

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<sup>930</sup> The need to emphasise his legitimacy became especially important after he was added to the proscription lists just a few months after his appointment, for which see further Gowing (1992), p.247-269 and Welch (2012), p.170-173. Cf. Hadas (1930), p.68f. It is worth noting that Livy describes how C. Livius Salinator (*pr.*) collected ships from various towns on the Italian and Sicilian coasts as *praefectus Romanae classis* in 191 (36.42.1-2). Livy arguably uses *praefectus classis* as a way of describing Livius' *prouincia*, which would have neatly explained why he was gathering ships.

<sup>931</sup> Ch.II.i-iii.

<sup>932</sup> See e.g. App. *B Ciu.* 2.41 (Caesar ordering ships to be built in 49); 2.49 (Pompeius responsible for constructing ships in 49); and Cic. *Att.* 9.9.2 (a report from 17 March 49 that Pompeius' ships had been collected from various cities in the East). Cf. Kromayer (1897), p.39-42 and Brunt (1971), p.507f.

## V.vi. Conclusions

In summary, the assignment of a *prouincia classis et (tota) ora maritima* served various purposes in 43. The first half provided a functional definition for the command, which was most probably intended to make the clear statement, within the civil war context, that the Senate had designated Sextus as their naval commander *par excellence*. Meanwhile, the latter half defined the Mediterranean coastal regions – encompassing, perhaps, the land up to fifty miles from the sea – as the geographical area within which Sextus was authorised to operate with his fleet. The provincial designation may also have been accompanied by more specific senatorial instructions – e.g. to secure the so-called *prouvinciae frumentariae* – which are, unfortunately, not explicitly recorded in the surviving evidence. Thus, the definition of Sextus' *prouincia* in the ways described above – i.e. in both geographical (*ora maritima*) and functional (*classis*) terms – further highlights the great flexibility of the concept of the *prouincia* that we have seen throughout the chapters of this study.

I have already outlined the major conclusions at the end of each chapter, which have also been brought together and discussed further in the preceding sections of this Epilogue. These conclusions have provided answers to the questions – originally posed in the introduction to this thesis – concerning how, when and why the tasks of preparing and commanding fleets were defined, assigned and undertaken during the Republic. In assessing the evidence for these naval tasks, new evidence has been brought to bear on a series of wider debates concerning some of the functions of the Senate, the role and independence of magistrates and promagistrates, the Roman conceptualisation of empire and, last but not least, the nature and use of the *prouincia*.

The evidence for naval tasks has confirmed the supreme power of the Senate in allocating military resources and tasks in the third and early second centuries. This is well-known. However, this new research has demonstrated that the Senate was able to prescribe

the activities of magistrates and promagistrates, not only through the naming of *prouvinciae*, *prorogatio imperii* and allocation of resources, as often discussed, but also by issuing specific *mandata ex senatus consulto*. The use of these orders on a regular basis, as I have proposed, may suggest that the Senate played a more active role in formulating the details of Roman foreign policy than is sometimes appreciated in modern scholarship.<sup>933</sup> We can easily imagine that the *curia* was filled with debate at the start of each year about the general military and administrative policies to be undertaken and the instructions to be issued to the *imperium*-holders (even though we only have a relatively small sample of these in the surviving ancient literary sources).

The Senate's use of *mandata* has wider implications for future research assessing the importance of senatorial instructions within the various debates on the nature of Roman imperialism (or "imperialisms") and the political culture at Rome. It would also be interesting to think comparatively about the better known imperial *mandata* and ask to what extent there is any traceable development in the use of instructions from the Republic to the Principate. Could the use of imperial *mandata* by Augustus have been a deliberate manipulation of a traditional "Republican" phenomenon (or even a subversion of this)? This line of inquiry could be usefully extended also to the instructions issued for the allocation of resources and the undertaking of the *dilectus*. Did, for example, the Senate continue to take responsibility for ordering military levies in the Principate? Just how "traditional" were these?<sup>934</sup>

Returning to the research presented in this thesis, I have argued that one of the primary reasons that the Senate prescribed *prouvinciae* between the third and first centuries – through designations and *mandata* – was to separate magistrates and/or promagistrates,

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<sup>933</sup> Cf. e.g. Eckstein (1987), p.69f and *passim*.

<sup>934</sup> Cf. Brunt (1974).

either in space, or by function in space. Whilst this has been illustrated predominantly through an analysis of the evidence for *prouvinciae* involving the use of fleets, it also has a much wider significance for our understanding of the meaning and use of *prouvinciae* throughout the Republic.

Modern scholars have often assumed that the meaning of the *prouvincia* transformed from a purely functional military task into a territorial space through processes associated with “provincialisation.”<sup>935</sup> I deliberately dissociated the practical use of the *prouvincia* from the many complex issues surrounding the “provincialisation” of territory in this thesis in order to focus on the nature of the *prouvincia* itself. In doing so, I have demonstrated firstly that a *prouvincia* could be defined as a specific task and geographical area simultaneously. Secondly, in contrast to the prevailing view in the modern scholarship, I have shown that *prouvinciae* could be circumscribed in specific geographical terms long before the development of permanent territorial empire. In both of these cases, the Senate’s definition of *prouvinciae* was influenced fundamentally by the desire to separate *imperium*-holders (and, in certain circumstances, *imperium*-holders and particular kingdoms). This influence almost certainly stemmed from earlier experiences of problems with joint commands and shared *prouvinciae* and is indicative of the intensely competitive political climate in the Republic. In this practical sense, then, the use of the *prouvincia* was generally consistent between the third and first centuries.

Now that the complexities related to the uses of the *prouvincia* have been singled out and analysed, the next stage for future research would be to re-connect these practical uses with the broader issues associated with the “provincialisation” and “territorialisation” of empire. It would be worth exploring, for example, to what extent the demarcation of *prouvinciae* as a means of separating *imperium*-holders, as seen throughout this research,

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<sup>935</sup> See Ch.III.i.

actually contributed to the development of a more rigid territorial empire. This would be especially relevant given that the predominant focus in modern scholarship has been on the important influences of administrative, institutional, military and economic factors on the “territorialisation” of empire. I have argued, for instance, that the coastal city of Side was used to demarcate a new *prouincia Cilicia* from an existing *prouincia Asia* around 103/102. As Side still separated these *prouvinciae* just over fifty years later when Cicero reluctantly proceeded to his *prouincia Cilicia*, one might seriously consider whether the original separation of *imperium*-holders in space shaped the frontiers of these *prouvinciae*. With this in mind, we could ask to what extent the separation of magistrates and promagistrates in space profoundly influenced the form of the territorial Roman Empire more widely. If this was the case, then, it could be argued that the nature of the *prouvincia per se* played a more significant role in the “territorialisation” of empire than has often been recognised.

It would be worthwhile extending these lines of inquiry into the Principate, given that my own discussion of *prouvinciae* nominally stops at 49. One of the primary questions would be whether the principles associated with the demarcation of *prouvinciae* in the Republic still applied more or less during the early Principate? Furthermore, if the process of “territorialisation” of empire occurred more rapidly during the latter period, as some scholars have proposed, we might even consider to what extent this could have been influenced by the definitions of the various *prouvinciae Caesaris* and *prouvinciae populi Romani* from 27 onwards.<sup>936</sup> I noted earlier, for example, that the formula of “proconsul of a specific *prouvincia*” appears in the Principate (e.g. *procos. Asiae*):<sup>937</sup> how common was this type of phrase and did it represent a significant development in the way that the Romans viewed their empire?

<sup>936</sup> For the terminology of the *prouvinciae* under the Principate I follow the classic study by Millar (2002a).

<sup>937</sup> *ILS* 986, 1.9.

Finally, what was the place of the emperor in the process of “territorialisation” of empire, especially as a world conqueror or as a guardian of land and sea – following a precedent set by Cn. Pompeius Magnus in the 60s. What remained constant and what changed? The conclusions presented in this thesis have provided new possible lines of inquiry through which the above questions may be approached and through which, it is hoped, many more questions may be posed.

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