

RECENSIONI

NATHALIE BARRANDON - FRANÇOIS KIRBIHLER (sous la dir. de), *Administrer les provinces de la République romaine. Actes du colloque de l'université de Nancy II, 4-5 juin 2009*, Rennes, Presses Universitaires de Rennes 2010, pp. 218.

This volume, the outcome of a conference held in Nancy in June 2009, is a welcome addition to the increasing number of publications on the Roman *provinciae* in the period of the Republic which have appeared in recent years. Indeed it is itself the first of a pair, the second being a volume entitled *Les gouverneurs et les provinciaux sous la République romaine*, which was produced in 2011 by the same publishers under the direction of the same two scholars, the result of a conference held in May 2010. This book, in addition to the interest of the nine papers on a range of topics, has the virtue of providing not only two assessments of previous work on the subject but also a concluding essay which identifies and discusses two divergent trends in current scholarship, one (labelled, somewhat misleadingly, 'anglo-saxon') which adopts a more severely minimalist treatment of the restricted evidence available, and another, more frequently found in the work of francophone scholars, which develops a more speculative approach, often based on reasoned assumptions about the nature of Roman imperial power in the last centuries of the Republic.

The opening introductory material consists of two pieces, the first by Barrandon and Kirbihler, the second by Ella Hermon. The first explains the particular emphasis of this book on the civil rather than the military roles of the magistrates and pro-magistrates sent to the *provinciae* (hence the use of the verb «administrer» rather than «gouverner» in the title), and then briefly reviews works on this subject from the nineteenth (Edgard Marx and W.T. Arnold) to the early twenty-first centuries. The one notable (and deliberate) omission from this survey is the work of Professor Hermon, who provides her own account, particularly of her development of the idea of 'gouvernance' in the second piece.

The main part of the book is divided into two sections, the first on the governor as representative of the senate and people, the second on the framework and modalities of the governors' administrative tasks. The opening chapter in the first section is by Jean-Louis Ferrary on legislation in the popular assemblies about the creation, assignment and administration of provinces. In a typically erudite and intelligent fashion, he traces the increase through the first century BC of use of *leges* and plebiscites passed by the people to allot *provinciae* to military commanders and to delimit the actions that provincial commanders were permitted to undertake. He also argues (as he has already elsewhere¹) that provinces that were intended to be permanent were created by such laws and plebiscites, beginning with Sicily and Sardinia in 228 and the two Spains in 198. There is no direct evidence for either of these pieces of legislation, as Ferrary admits, but

¹ J.-L. Ferrary, *Provinces, magistratures et lois: la création des provinces sous la république*, in I. Piso (dir.), *Die Römischen Provinzen. Begriff und Grundung*, Cluj 2008, pp. 7-18.

he deduces their existence from the need for a plebiscite to enable the prorogation of a praetor in Sardinia in 208 and the transfer of two praetors, to whom the two Spanish *provinciae* had been allotted in 192, to command of the fleet and that against the Bruttii.² The need for plebiscites, he argues, reveals the existence of laws, dating from the first creation of the provinces, which required the senate to include these provinces in the list of those allotted each year, a requirement that continued until the *lex Baebia* of 181, which reduced the number of praetors from six each year to four and six in alternate years. This, it is contended, removed the legal necessity for annual allotments of these provinces, which was not restored despite the disappearance of the *lex Baebia* a few years later. Although this interpretation neatly explains the use of plebiscites in 208 and 192, it does present a different problem: throughout the 180s it was the usual pattern for praetors in the two Spanish provinces to be sent biennially, not annually, and there is no mention in any source of this requiring a plebiscite to ratify the omission by the senate of any required inclusion of these provinces in the list of those to which praetors should be sent. Of course, Livy not infrequently fails to include all the constitutional details that we might hope to see, but this leads me to wonder whether the laws, which must surely have been needed to institute the new praetorships in 228 and 198, necessarily included a requirement that the provinces be allotted every year. In any case, it must be said that the later laws which Ferrary identifies with proper caution as instituting new provinces, namely those which appointed *decem legati* to assist in organisation of newly subdued territory and the *lex de provinciis praetoriis* from Delphi and Cnidos, are very different from laws which might have enabled the election of new praetors in the late third and early second centuries; but the bringing together of the various ways in which legislation in the popular assemblies did and might have been involved in provincial matters underlines not only the role of the Roman people in foreign and imperial policy (and hence the much debated issue of Roman democracy) but also the development of Roman notions of their power over other peoples and the ways in which it was deployed.

The relationship between the magistrates elected in Rome and the overseas *provinciae* is further examined in the second paper in this section, a consideration by Frédéric Hurllet of the ceremony of *profectio* by which provincial commanders left Rome to take up such responsibilities, as it applied to praetorian commanders between the dictatorship of Sulla and the *lex Pompeia* of 52 BC, which imposed a five-year gap between a magistracy and tenure of a province. Through an exposition of the nature of the *profectio* and an examination of the departure of praetors to their provinces, he establishes the normality of this taking place during the last months of the praetorship, thereby extending the conclusions of A. Giovannini on the consular provinces³ (which Giovannini himself, still, as Hurllet observes, under the influence of Mommsen, had failed to do). This is a significant conclusion, since it demonstrates that the *imperium* and *auspicia* of the praetor in his province originated from those acquired on entry to his magistracy; and this, among other things, shows that Sulla did not, as some have suggested, originate a division between the city magistracies and the tenure of external provinces. A brief appendix (written jointly with Frederik Vervaeke) reviews the question of *praetores pro consule*.

² Livy 27.22.5-6; 35.20.8.

³ A. Giovannini, *Consulare imperium*, Bâle 1983.

Nathalie Barrandon provides the third paper, an intelligent and revealing examination of the interchange of letters between governors and the authorities in Rome in the period between the second Punic war and 43 BC. She shows the ways in which governors not only addressed formal letters to the senate and the magistrates of the city but supported these with others, sent to friends in order to assist in the reception their official reports. These latter were important because the reading of a letter to the senate was itself, as Barrandon puts it, a political act, normally resulting in the passing of a *senatus consultum* which might enact or refuse to enact the consequences desired by the governor who sent it, including the voting of *supplicationes* to mark a successful military operation. Even the reading of the letter to the senate, usually performed by a consul or a praetor, could be prevented, and the reading of a letter to the people required the specific authorisation of the senate (though the refusal of this could be circumvented by a determined tribune of the plebs, as Marcus Antonius did in reading a letter from Caesar in January 49). Occasionally the senate might refuse to send a reply to a governor with whom they were at odds, instead dispatching a group of envoys, in the hope of ensuring that the senatorial will be obeyed. This is an interesting and important piece, demonstrating the interaction of the governor with the political forces in the capital. I would have liked to see a brief discussion of the decision by the senate in 193 BC that they would give cognizance only to communications about events in the provinces (in this case Hispania Citerior) coming from the letters of the praetor or from *legati* sent by him (Livy 35.2.6); and, on a much smaller point, the reference to Cn. Scipio on p. 94 should be to P. Scipio.

The last two papers in this section move away from the topic of the governor. Paul Heilporn brings together the evidence for the presence of Romans in Ptolemaic Egypt from the third century BC down to the reign of the past of the Ptolemaic monarchs, Cleopatra VII. After brief surveys of the third and second centuries, he focuses on the financier, C. Rabirius Postumus, appointed by Ptolemy XII Auletes in 55 BC as *dioiketes* of the whole of Egypt, in order to satisfy Ptolemy's Roman creditors, from whom he has borrowed an immense sum of money in order to gain the Egyptian throne. A papyrus, published in 1993, contains part of a tirade against Rabirius, accusing him of replacing established officials with incompetent desperadoes to pillage the country.⁴ Heilporn suggests that this is part of an anti-Roman tract, dating from the early to mid-first century AD. His final major piece of evidence, which he rightly reckons the most interesting, is the papyrus containing the remarkable edict issued by Cleopatra VII in 33 BC, granting exemption from customs dues for the export of a large quantity of grain and the import of 5,000 amphorae of wine each year to a Roman and to his heirs, and moreover exemption from taxation for those who worked his lands (P. Bingen 45).

The last piece in this section is another, though very different, survey. Paul Goukowsky examines the attitudes of several Greek authors to Roman administration, spending some time on Appian and giving particular attention to Diodorus Siculus, analysing the accounts of Roman governors which appear in books 30 to 40. His conclusion is that Diodorus expresses the view of a subject of Rome very unhappy with the oppression and lack of free speech resulting from the

⁴ C. Balconi, *Rabirio Postumo dioiketes d'Egitto in P. Med. inv. 68.53?*, «Aegyptus» 73 (1993), pp. 3-20.

harshness of these men, only highlighted by occasional good governors, such as Mucius Scaevola or Pompey.

The second section of the book begins with a careful and imaginative re-evaluation of the evidence for the elusive *lex Cornelia de provincia Asia* by Marianne Coudry and François Kirbihler. After a brief discussion of the concept of a *lex provinciae*, in which she notes the current scepticism (especially among anglophone scholars) as to the existence, at least as a norm, of a single 'law' designed to define the organisation of a province, Coudry summarises the laws referred to in literary and epigraphic sources as applying to provinces, and suggests that these at least indicate there did exist at least provincial regulations, even if these did not constitute *leges provinciae* as believed previously. She then turns to mentions of a *lex Cornelia*, firstly by Cicero in correspondence in 51 and 50 BC with his predecessor as governor of Cilicia, Ap. Claudius Pulcher.⁵ Here Cicero defends his action in refusing to allow a deputation from a town in Phrygia, previously part of the province of Asia but now added to Cilicia, to be funded by the community in order to support Pulcher, on trial in Rome, on the grounds that this was not only contrary to his own provincial edict but also forbidden by the *lex Cornelia*. Coudry suggests that this provision was part of Sulla's regulations, imposed when in the 80s he demanded a large sum from the cities of Asia as a punishment for supporting Mithridates. Two other references to a *lex Cornelia* occur in inscriptions.⁶ The first, of an unknown date from Thyatira, appears to require the registration of a gift or a foundation of the benefit of the city according to the *lex*; the second, a decree of the *koinon* of the province of Asia on the introduction of a new calendar in 9 BC which began the year on the birthday of Augustus. One clause in the decree specifies the period within which the verification of the election of magistrates laid down by the *lex Cornelia* was to take place under the new arrangements. This suggests that, while the *lex* was not concerned with the calendar as such, it did regulate the conduct of elections. On the assumption, and it is not an unreasonable one, that all these references are to one law and that it is the regulatory measure that Sulla imposed in the 80s, the question remains, and is posed by Coudry, as to how extensive its provisions were. In the second part of the paper, Kirbihler argues for a fundamental shift taking place in the cities of Asia from power vested in institutions such as the council and people to control by individuals, notably the secretary to the council. This he bases on evidence for Ephesus and on indications from other cities, constructing, as he says, a coherent context for the existence of an overarching set of regulations, introduced by Sulla, which was designed, by direct interference with the structures of the cities, to perpetuate the control of a restricted oligarchy. This is a fine example of the style of interpretation attributed by the editors to francophone, as opposed to 'anglo-saxon', scholars in the introduction to the book. The result is undoubtedly a possible scenario, but I must admit to minimalist, 'anglo-saxon' reservations. Assuming that all these regulations do originate with Sulla, it is notable that there is an emphasis on matters relating to the finances and governance of the cities which were to pay the exemplary penalties he imposed on the province. While these might be part of an overall and coherent organisation of the whole area, it is also possible that they were primarily designed to enable the more restricted process of collection of the monies that Sulla demanded. The eventual effect of such regulations are, of course, another matter, and

⁵ Cicero, *ad fam.* 3.8.3 and 3.10.6.

⁶ TAM V.2.856; RDGE 65, D ll. 82-84.

may be the result of the law of unintended (or at least not primarily intended) consequences rather than the coherence of their initial introduction.

The second paper in this section is of a very different type. Toni Nāco del Hoyo presents a robust restatement of his views on Roman taxation, arguing, in response to recent work by Jérôme France, that the basis of taxation was not a systematic fiscal exploitation of provincial lands but the overwhelming need for the Romans to pay the costs of military activity across their emerging empire. This example of clash between a francophone scholar and one who (although he writes in idiomatic English) is a Catalan rather than an 'anglo-saxon' writer, emphasises the distinction between the two approaches outlined in the introduction to this collection. Though the dispute is inevitably focussed on the interpretation of the famous (even notorious) passage in Cicero's *Verrines* which briefly outlines the different forms of taxation across the provinces,⁷ the root of the disagreement is, as Nāco makes clear, between a minimalist approach, which restricts its interpretative function as far as possible to the explanation of the ancient evidence, and one which uses more extensive presuppositions about the nature of empire to interpret the particular case of Rome.

The last two papers in this section display an interesting combination of these two approaches. Julien Fournier uses the evidence of Cicero, both from his forensic speeches and from his correspondence, to provide an account of the judicial system in the provinces, or at least in the Greek-speaking provinces (and notably Sicily and Cilicia). He shows the importance of the status of the parties involved in law suits for the type of adjudication that was involved, the beginnings of the juridical structures which became standard in the imperial period and the adaptation of Roman models to the particular contexts of the various provinces. The great advantage, as Fournier notes, of concentration on Cicero's evidence is that it brings together, in the person of one who was directly involved in different ways in the administration of law in the provinces, material that otherwise can be found only in the fragmentary and occasional survivals of individual exemplars. The last paper, by Béatrice Le Teuff, looks at the development of census procedures in the provinces in the Republican period. She observes that in Sicily in the first and probably in the second century BC censuses were taken by the cities every five years, which suggests a synchronisation of the normal civic processes had been required by the Roman authorities. She further argues that the regulations established by Pompey in setting up the new province of Bithynia-Pontus are likely to have included provision for censuses in the new cities which he established in the formerly Pontic areas, which would be of a piece with the requirements recorded in the letters of the younger Pliny about the rules on the citizenship of different cities in Bithynia. It is not known whether the censuses which these cities must have undertaken were based on the cities individually or were on a province-wide scale, but, on the basis of Cassiodorus' brief mention of the forty-four districts into which Sulla divided the province of Asia and on Appian's account of the instructions Sulla gave to the leaders of the Asian cities about the collection of the punitive taxation which he imposed on the province,⁸ she identifies the Sullan regulations as introducing a thoroughly 'provincial' census, which not only cut across the processes formerly un-

⁷ Cicero, *2 Verr.* 3.6.12.

⁸ Cassiodorus, *chron.* 670; Appian, *Mithr.* 61.252-63.261.

der the control of the cities but also led on in due course to the censuses across the provinces of the empire conducted in the reign of Augustus. In this, Le Teuff clearly relates her findings with those of Coudry and Kirbihler earlier in the book, though her reconstruction of Sulla's measures is less ambitious and far-reaching, and perhaps therefore more prudent.

This valuable and fascinating collection is rounded off with a concluding note by the editors, which sums up the various contributions and includes a further observation by Jean-Louis Ferrary about the difficulties of constructing a history of 'provincial' administration when the entities involved are geographically so widespread and the evidence for them so fragmentary and chronologically diverse. It is, of course, these problems that make the question of methodological approach so very important, and it is both the careful and imaginative treatment of the evidence and the varieties of interpretation which this book reveals which make it so interesting to all (and they are an increasing number) who study the growth and emergence of Rome's empire under the Republic and the reigns of the first emperors.

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