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DANIEL J. GARGOLA

## “Was There a Regular *Provincia Africa* in the Second Century?”

**ABSTRACT:** Scholars agree that Africa became a province after the destruction of Carthage in 146, but close examination of the evidence for the practice reveals that it is, at best, limited. Instead, the senate probably began to send magistrates to the region with any regularity at some uncertain point after the conclusion of the war against Jugurtha. This interpretation of the evidence brings Roman practice in Africa more into line with recent models of Roman imperialism in the second century, in which consuls and praetors were dispatched primarily to wage war, exert military pressure, or preserve Rome’s position in an unstable environment.

**Keywords:** Africa – Jugurthine War – provinces – Roman imperialism – Appian

Over the years, a consensus has developed that the Romans created a permanent province of Africa in the aftermath of their victory over Carthage in the Third Punic War. This view of the consequences of the destruction of Carthage in 146 does not fit easily recent models of the development of the core institutions of Roman imperial expansion. This study will focus on the evidence for the creation and the existence of such an African province in the second century in order to clarify Africa’s place in the history of the imperial institutions of republican Rome.

### I: The Settlement of 146

After the fall of Carthage, the victorious Roman commander Scipio Aemilianus established a settlement intended to regulate the region and its inhabitants. Toward the end of his account of the Punic Wars, Appian (*Lib.* 135.639–42) sets out the terms that Scipio imposed with the assistance of ten senatorial legates dispatched from Rome. They ordered that Carthage be destroyed and its site cursed and that towns loyal to it be eliminated as well. Communities that had come over to Rome were to be rewarded with some of the lands of the defeated; the Uticans, for example, received tracts between their city and Carthage to its southeast and another tract toward Hippo Dhiarrytus to its northwest. Scipio and his legates also imposed a tribute on land and a tax on persons on some polities that had not joined the Romans.

Other sources broadly confirm this picture. Macrobius (*Sat.* 3. 9. 1–16) claims that Aemilianus dedicated the site of Carthage to the gods, while the Agrarian Law of 111

confirms that the place had some special character which it leaves obscure.<sup>1</sup> Strabo (17.3.16) names four destroyed towns, all near Carthage or on the Cape Bon peninsula. The law of 111 (lines 75 and 79) identifies seven cities that had “entered into the friendship of the Roman people”; all were along the coast to the northwest of Carthage or along the Syrtis. The law also mentions tracts assigned to refugees who had sought the protection of the Roman commander, probably a reference to the Carthaginian commander Himilco Phamaïs who had defected to the Romans along with his troops.<sup>2</sup> It (lines 46–54, 74–5, and 86) also reveals that some additional tracts later were used for a variety of purposes that reveal the presence of *ager publicus populi Romani*. Finally, several clauses (lines 77, 78 and 80) mention *stipendiarii*, who were liable to the payment of tribute, and their lands. Tracts confiscated from Carthage and its loyal allies together with the territories of Rome’s new-found friends almost certainly filled the immediate hinterland of Carthage, the lower reaches of the Bagradas and the Oued Magliana, and the coasts north of Carthage and south of Cape Bon. Stipendiary communities must have been concentrated in the interior among those towns and villages that earlier had paid tribute to Carthage.<sup>3</sup>

The chief African beneficiaries were Micipsa, Gulassa, and Mastanabal, sons of the Numidian king Masinissa, who had jointly inherited the kingdom on their father’s death during the war. Scipio recognized their control of lands that their father had seized from the Carthaginians. According to Pliny (*HN* 5.2.25), Aemilianus and the kings marked a boundary ditch, which came to be called “royal” (*fossa regia*). Pliny identifies only the southeastern terminus – Thenae on the western shore of the Lesser Syrtis – but portions of its course ran to the north of the *pagus Thuscus* and in the Bagradas valley to the east of Vaga. The ditch confirmed for Masinissa’s heirs possession of the *Magni Campi*, the *pagus Thuscus*, and at least a portion of the *Emporia* district, just the regions where territorial disputes had provided the pretext for the Roman declaration of war.<sup>4</sup>

Appian (*Lib.* 135) ends his account of the settlement with the observation that “it was decreed that a yearly praetor (*strategos*) be sent from Rome to govern the country.” Brief passages in the works of Strabo and Velleius Paterculus support the claim that Africa became a province at this time, while another short passage in Sallust’s *Bellum Iugurthinum* has often been read in such a fashion. As a result, scholars generally accept that Africa became a permanent magisterial assignment in 146, joining

1 For its text, see M. Crawford, ed., *Roman Statutes*, (London, 1996), no. 2, line 81.

2 App. *Lib.* 100; 108; Livy *Per.* 50; Crawford, *Roman Statutes* (as in n. 1 above), no. 2, line 76.

3 F.-T. Hinrichs, “Die *lex agraria* des Jahres 111 v. Chr.,” *ZSS* 83 (1966), 297, suggests that all lands not held by free communities or by defectors were subject to the payment of tribute, but this is not necessarily the case; see Crawford, ed., *Roman Statutes* (as in n. 1 above), p. 176.

4 For conflict over these regions, see Polyb. 31.21; App. *Lib.* 67–74. For the consolidation and expansion of the Numidian kingdom, see E. Storm, *Massinissa: Numidien im Aufbruch*, (Stuttgart, 2001); for Rome’s role in disputes between Masinissa and Carthage, see C. Kunze, “Carthage and Numidia, 201–149,” in D. Hoyos, ed., *A Companion to the Punic Wars* (Oxford and Malden, MA, 2011), 395–411.

Sicily, Sardinia, and Nearer and Farther Spain, the latest of which was formed over half a century earlier.<sup>5</sup>

## II: The Problem

The claim that the victors decided to send praetors to Africa in perpetuity after the end of the Third Punic War conflicts with some recent views concerning Roman imperialism in the third and second centuries. Scholars long viewed Roman practice in terms of the deliberate incorporation of territories into Rome’s formal administrative structures, creating a series of “annexations” that began with Sicily and Sardinia ca. 227, Nearer and Farther Spain in 197, Macedonia after the defeat of Andriscus in 148, and Asia after the death of Attalus III or the defeat of Aristonicus. More recently, many scholars have come to view late-third and second-century *provinciae* rather differently. In the first century, the word *provincia* might denote a territory under the supervision of a Roman magistrate, while new provinces were sometimes the result of a founding act denoted by phrases such as *provincia facta* or *in provinciam redacta*.<sup>6</sup> By the end of the century, we first hear of provinces as characterized, and perhaps even defined, by lists, *formae* or *formulae provinciarum*, of the communities within them and their tributary burdens, while Rome’s empire could be represented territorially as a collection of provinces.<sup>7</sup> But in the late-third and second centuries, it is argued, the Roman elite did not view their city’s empire in terms of territories to be governed in some more-or-less direct fashion but rather as an ill-defined set of subordinated communities that owed Rome deference and obedience.<sup>8</sup> The word *provincia*, moreover, did not denote an administered territory but rather a task that the senate or a popular

- 5 See, for example, S. Gsell, *Histoire ancienne de l’Afrique du Nord*, (Paris, 1914/1928), 5, 2; T. R. S. Broughton, *The Romanization of Africa Proconsularis*, (Baltimore, 1929), 13–18; P. Romanelli, *Storie delle province romane dell’Africa*, (Rome, 1959), 43–57; T. C. Brennan, *The Praetorship in the Roman Republic*, (Oxford, 2000), 539–41; S. Bullo, *Provincia Africa: Le città e il territorio dalla caduta di Cartagine a Nerone*, (Rome, 2002), 5; J. Crawley, “Imperialism and Culture in North Africa: The Hellenistic and Early Roman Eras,” (diss: Berkeley, 2003), 84–86; J. Crawley Quinn, “The Role of the 146 Settlement in the Provincialization of Africa,” *L’Africa romana* 15 (2004), 1593–1601; J. S. Richardson, “Spain, Africa and Rome after Carthage,” in D. Hoyos, ed., *A Companion to the Punic Wars* (Oxford and Malden, MA, 2011), 478–79.
- 6 See J. S. Richardson, *The Language of Empire: Rome and the Idea of Empire from the Third Century B. C. to the Second Century A. D.*, (Cambridge, 2007), 79–86; 92–97.
- 7 For the Augustan nature of the *formula provinciae*, see Richardson, *Language* (as in n. 6 above), 117–45; A. Lintott, *Imperium Romanum: Politics and Administration*, (London, 1993), 28–29. For the empire as a collection of provinces, see R. J. A. Talbert, “Rome’s Provinces as Framework for World-View,” in L. de Ligt, E. A. Hemelrijk, and H. W. Singen, eds., *Roman Rule and Civic Life: Local and Regional Perspectives*, (Amsterdam, 2004), 21–37.
- 8 See, for example, R. Kallet-Marx, *Hegemony to Empire: the Development of the Roman Imperium in the East from 148 to 62 B. C.*, (Berkeley / Los Angeles, 1995), 18–29; Richardson, *Language of Empire* (as in n. 6 above), 10–62.

assembly had assigned to some magistrate, either in Rome itself, or in Italy, or outside the peninsula entirely.<sup>9</sup>

Away from Rome, consular and praetorian *provinciae* were closely associated with military command, some of which proved to be ephemeral – that is, they lasted only for a particular war – while others proved longer-lasting. The definition of a *provincia* in this period may indicate an intent to go to war, a desire to exert pressure, or an announcement that certain interests would be asserted forcefully. Thus, praetors might be dispatched to regions that were too unstable to allow the preservation of Rome's position without the regular threat, and occasional use, of force or were vulnerable to intrusion from the outside. Spain provides a good example of the former, while Sicily and Sardinia may be examples of the latter, given Roman suspicions about Carthage which persisted until its destruction in 146.<sup>10</sup> Fred Drogula sees the more regular assignments as attempts to intimidate neighboring polities and as forward bases that projected Roman power as much as defended it.<sup>11</sup>

Scholars also differ over the manner in which long-lived assignments began. In the second century, there was no necessary connection between the destruction of some major competitor, the subsequent reorganization of its territory and population, the imposition of tribute, and the dispatch of magistrates. At the end of the Third Macedonian War in 167, upon the destruction of the Macedonian monarchy, L. Aemilius Paulus “freed” some polities that had been subordinated to the monarchy, divided Macedon into four republics, confiscated royal property, and imposed tribute.<sup>12</sup> No Roman commanders were dispatched until 149, when Andriscus' revolt made it necessary. T. C. Brennan and J.-L. Ferrary suggest that laws mandated that praetors be dispatched to Sicily, Sardinia, and Nearer and Farther Spain, so that these assignments would have differed fundamentally from the *provinciae* given to commanders for wars that would soon end.<sup>13</sup> But when Livy sets out the annual assignments of *provinciae* in the first third of the second century, he makes no overt distinction between these and other commands, and when he or his epitomator reports the addition of two praetors ca. 227 and two more for 197, they do not link these additions with any explicit decision to send in perpetuity officials to particular places.<sup>14</sup> For others, the seeming perma-

9 For the significance of *provincia*, see A. Lintott, “What was the *imperium Romanum*? *G&R* 28 (1981), 54; J. S. Richardson, *Hispaniae: Spain and the Development of Roman Imperialism, 218–81 B. C.*, (Cambridge, 1986), 5–10; Richardson, *Language* (as in n. 6 above), 12–49. J.-M. Bertrand, “À propos du mot *provincia*: étude sur les modes de élaboration du langue politique,” *Journal des savants* (1989) 191–215, argues that *provincia* always possessed a spatial significance although the term denoted the task, not the place in which it was to be performed.

10 For Sicily, see W. Dahlheim, *Gewalt und Herrschaft: Das provinzielle Herrschaftssystem der römischen Republik*, (Berlin, 1977), 12–73; for the Spanish provinces, see Richardson, *Hispaniae* (as in n. 9 above), 72–80; for Macedonia and Asia, see Kallet-Marx, *Hegemony to Empire* (as in n. 8 above), 11–41; 97–122.

11 F. Drogula, *Commanders & Command in the Roman Republic and Early Empire*, (Chapel Hill, 2015), 254–55. See Livy 45.18; 29.

12 See Brennan, *Praetorship* (as in n. 5 above), 182–90; J.-L. Ferrary, “Provinces, magistratures et lois: la création des provinces sous la République,” in I. Piso, ed., *Die römischen Provinzen. Begriff und Gründung*, (Cluj-Napoca, 2008), 7–18; contra Richardson, *Language of Empire* (as in n. 6 above), 17–25.

14 Livy *Per.* 20; 32.27.

nence of these assignments was the result of the failure of successive tenants to resolve the problems, primarily military in nature, that had led to their assignments. Indeed, it has been argued with considerable force that no single act in the second century fits what might be called an “annexation” and that the various arrangements that would result in the provinces of the first century developed gradually as a consequence of the regular assignment of magistrates to regions with persistent problems.<sup>15</sup>

Africa has figured only marginally in these debates, and those who have been influenced by the shift in views over the nature of early *provinciae* have accepted Appian’s assertion that praetors were dispatched there from 146. T. C. Brennan suggests that the earliest praetorian governors may have commanded large military forces and possessed consular *imperium*.<sup>16</sup> Josephine Crawley Quinn limits the consequences of the settlement of 146 to the establishment of a permanent military command and the imposition of tribute and suggests that the development of an administrative structure took place gradually over time.<sup>17</sup> F. Drogula sees in the settlement and the frequent assignment of a *provincia Macedonia* that began about the same time signs that the term was taking on a territorial significance since both were formed from well-established polities with boundaries of their own.<sup>18</sup> J. S. Richardson, however, finds the first traces of the use of *provincia* to denote a territory in the Law on Praetorian Provinces of 100.<sup>19</sup>

The present investigation will not focus on the ways that shifting views concerning *provinciae* affect our understanding of a second-century *provincia Africa*, but rather on its very existence. It will be divided into three broad parts, the first with several subsections. One will examine Sallust’s, Velleius Paterculus’, Strabo’s, and Appian’s accounts in order to determine what they actually claimed and to identify the sources of their knowledge; here, the discussion will move from the most to the least explicit statements, *i. e.* from latest to earliest. The next section will focus on the evidence for the presence of Roman magistrates in Africa down to the end of the war with Jugurtha; the last will examine the war’s aftermath.

### IIIA: Appian

Toward the end of his account of the wars in Africa, Appian (*Lib.* 135.639–42) sets out the terms of the settlement that the Romans had imposed after the destruction of Carthage, the only one of our accounts to link explicitly a formal decision to send governors with a division of land and the imposition of tribute following a major war: “And they decided to send a yearly *strategos* there from Rome” (Καὶ στρατηγὸν ἐτήσιον αὐτοῖς ἐκ Ῥώμης ἐπιπέμπειν ἔκριναν).<sup>20</sup> Appian almost certainly did not find the asser-

15 See Kallet-Marx, *Hegemony to Empire* (as in n. 8 above), 18–21.

16 Brennan, *Praetorship* (as in n. 5 above), 620; 539.

17 Crawley Quinn, “Rome and the 146 Settlement” (as in n. 5 above), 1596.

18 Drogula, *Commanders* (as in n. 11 above), 284–85.

19 Richardson, *Language of Empire* (as in n. 6 above), 45.

20 All translations are from the Loeb Classical Library with modifications.

tion about yearly *strategoī* in his sources, for the same phrase recurs in a formulaic fashion in similar contexts elsewhere in his history. Indeed, the words *strategos etesios* had some special meaning for him: Étienne Famerie notes that Appian is the only Greek historian to use the adjective *etésios* to qualify some Roman magistracy.<sup>21</sup> Against this background, we should examine the five occasions in which Appian did so.

Before proceeding, however, it would be useful to survey briefly the overall structure of his histories.<sup>22</sup> As he makes clear in his general introduction (*Praef.* 1–2), Appian intended to set out nation by nation how the Romans had established the empire of his own day. In the process, he briefly distinguishes one polity beyond Rome's frontiers from lands that the Romans did rule by asserting that they did not control Armenia fiscally, that is they did not impose tribute upon it. In practice, however, the structure of his history is more complicated. Some books, it is true, recount Rome's wars with one nation or kingdom. In the case of Rome's wars with Carthage, on the other hand, his account encompasses all the *Libyke* and the *Annibaike* and parts of the *Sikelike* and the *Iberike*. And then, some of his histories, such as those covering Rome's wars in Sicily and in Spain, address all of Rome's wars in a particular region, despite changes over time in the enemies that the Romans had faced. In still other cases, changes of enemy resulted in separate books, although the wars took place in much the same area: for example, the *Libyke* followed by the *Nomadike* or the Syrian history followed by the Parthian.

The first of our five examples, of course, is in the passage that we have just examined. Appian begins the *Libyke* with the foundation of Carthage and the spread of its power over the neighboring parts of Libya and then over the islands (*Lib.* 1.1–2.6), and he ends with the destruction of Carthage and the imposition of Roman rule on the territory that Carthage had dominated, to which he appends a brief notice of C. Gracchus' and Augustus' colonial foundations at Carthage, concluding with the remark: "And thus the Romans won the Carthaginian part of Africa, destroyed Carthage, and resettled it again 102 years after its destruction."<sup>23</sup> Appian's concluding sections, then, neatly repeat his introductory ones, and in a manner that replaces Carthaginian rule with Roman dominion and a Punic Carthage with a Roman one. In addition to framing his history, these concluding lines also present, if only implicitly, Aemilianus' settlement as essentially undisturbed, at least until the time of Caesar, an assertion that, as we shall later see, is unlikely. This suggestion is made firmer by remarks that Appian makes in his general preface (*Praef.* 12), in which he claims that he has brought

21 É. Famerie, *Le Latin et le grec d'Appien: Contribution à l'étude du lexique d'un historien grec de Rome*, (Geneva, 1998), 166–6; 194.

22 For an overview of Appian and his works, see K. Brodersen, "Appian und seine Werke," *ANRW* II.34.1, (Berlin, 1993), 339–63; for the order of composition, see G. Bucher, "The Origins, Program, and Composition of Appian's *Roman History*," *TAPA* 130 (2000), 411–58; for parallels to his organization, see J. Osgood, "Breviarium totius imperii: the Background of Appian's *Roman History*," in K. Welch, ed., *Appian's Roman History. Empire and Civil War*, (Swansea, 2015), 23–44.

23 For Appian's dating of the Augustan foundation, see A. Della Rosa, "Appiano *Lib.* 136 e la data di fondazione della colonia cesariana di Carthagine," *RCCM* 47 (2005), 291–304.

together an account of how the Romans had dealt with the Carthaginians “until they demolished Carthage and took control of the peoples of Libya, and how they rebuilt Carthage and brought Africa to its present state.” Appian’s present includes the period from Augustus to his own day.<sup>24</sup>

The remaining passages too mark major turning points in his narratives or the final subjugations of some nation, and they all can be linked to conditions under the Empire. After reporting the expulsion of the Carthaginians from the island, a fragment of his *Sikelike* (fr. 2.2) recounts the burdens that the victorious Romans had placed upon the Sicilians who had come into their power:

In this way, the chief part of Sicily (all of it that had been held by the Carthaginians) passed into the possession of the Romans. The latter levied tribute on the Sicilians and apportioned certain custom duties among their towns, and sent a yearly *strategos* to govern them.

Σικελίας δὲ οὕτω τοῦ πλέονος Ῥωμαῖοι κατέσχον, ὅσου Καρχηδόνιοι κατεῖχον· φόρους τε αὐτοῖς ἐπέθεσαν, καὶ τέλη τὰ θαλάσσια ταῖς πόλεσι μερισάμενοι στρατηγὸν ἐτήσιον ἔπεμπον ἐς Σικελίαν.

Some scholars use this passage to suggest that Sicily became a province in 241, although others focus on ca. 227, when the Romans began to elect two additional praetors, one of whom usually would be sent to the island.<sup>25</sup> If the latter was indeed the case, Appian’s “beginning” would at best be only approximately correct.

Our third example comes toward the end of the *Mithridatike*.<sup>26</sup> Appian brings his account of Rome’s wars with Mithridates VI of Pontus to an end first (113.551–5) by recounting the king’s death and the succession of Pharnakes, now Rome’s friend and ally, to his father’s kingdom in the Bosphorus. Then, after summarizing Pompey’s achievements in the east, he describes Pharnakes’ unsuccessful attempt to expand his kingdom during the civil war between Pompey and Caesar and his subsequent death. Finally (121.596), Appian reports the end of the dynasty and the fate of its former territories: “And thus Pharnakes was driven out from rule, and Gaius Caesar gave his kingdom to Mithridates of Pergamum, who had fought eagerly at his side in Egypt. But now they are inhabitants of the empire, and a yearly *strategos* is sent by the senate to Pontus and Bithynia.” Appian, then, carries his history beyond the end of the Mithridatic war and ended with the proclamation of arrangements as they were “now,” although he does not locate the last transition with precision. As we shall soon see, Strabo (12.3.1) places the origin of the province of Bithynia and Pontus in the aftermath of Pompey’s campaigns, not Caesar’s, a difference of at least two decades.

24 See J. van der Leest, “Appian’s References to His Own Time,” *AHB* 3 (1993), 131–33.

25 For a Sicilian province from 241, see, for example, Lintott, *Imperium Romanum* (as in n. 7 above), 23; Brennan, *Praetorship* (as in n. 5), 87.

26 For this work, see K. Brodersen, *Appians Abriss der Seleukidengeschichte (Syriake 45,232–70,369)*, (Munich, 1989); K. Brodersen, *Appians Antiochike (Syriake 1,1–44,232)*, *Text und Kommentar*, (Munich, 1991).

Our final examples come from the *Iberike*. This work falls into several segments, as befits a series of wars that involved different enemies over many years. According to J. S. Richardson's scheme, Appian's narrative falls into three sections defined by enemy, i. e. the Carthaginians, the Celtiberians (itself in two parts), and the Lusitanians, together with an introduction on the geography and the ethnography of the peninsula and a conclusion that carries the narrative, sketchily and with great rapidity, to the final settlement under Augustus.<sup>27</sup> Appian (*Iber.* 3.9–10) signals the transition from Spain's geography to the wars between Carthage and Rome by announcing what the final result would be: after much effort, the Romans would divide Spain into three parts and send three *strategoī* to them. The actual establishment of Appian's three parts appears at the very end of the work (*Iber.* 102. 442–4). After reporting Spain's final submission under Augustus, he notes: "And from that time, I believe, the Romans divided Iberia, which they now call Hispania, into three, and to two of them the senate sends out yearly *strategoī*, but the third, the emperor sends out for as long as he thinks right" (καὶ ἐξ ἐκείνου μοι δοκοῦσι Ῥωμαῖοι τὴν Ἰβηρίαν, ἣν δὴ νῦν Ἰσπανίαν καλοῦσιν, ἐς τρία διαιρεῖν καὶ στρατηγούς ἐπιπέμπειν, ἐτησίους μὲν ἐς τὰ δύο ἢ Βουλὴ, τὸν δὲ τρίτον Βασιλεύς, ἐφ' ὅσον δοκιμάσειεν). In practice imperial legates governed two of the provinces, not one.

Although Appian signals early in his narrative and at its end that Spain's subordination would be completed under Augustus, another ostensibly decisive arrangement does appear in the work. After the final defeat of the Carthaginians, he (*Iber.* 38. 152) notes: "From this time, which was a little before the 144<sup>th</sup> Olympiad, the Romans used to send yearly *strategoī* over Iberia to the conquered nations as governors to keep the peace." Appian follows this claim with a brief account of the campaigns of the first of these *strategoī* against rebels, which started in 197, the year in which the Romans began to send two praetors to Spain, ignoring the previous eight years, when *privati* granted consular *imperium* commanded in Spain. John Richardson suggests that these flaws are either mistakes or the result of carelessness, but, as we shall see, they may also be viewed as signs of an underlying scheme.<sup>28</sup>

Appian, it should be noted, was not greatly concerned with the actual command structure in Spain. He never clearly states that there were usually two commanders in Spain at any one time, an arrangement that his separate treatment of the wars against the Celtiberians and Lusitanians tends to obscure, and he never identifies by name Nearer and Farther Spain. Often he merely claims that some individual had been sent as *strategos* to Iberia. On one occasion, however, he (*Iber.* 80.350) does mention that a treaty negotiated by an unsuccessful commander against Numantia also affected the actions of the commander of "the other Iberia" – he knew that there were two.

At this point, certain matters seem reasonably clear. Our passages appear when Appian was eliminating a major competitor from a region or imposing some ostensibly final arrangements on newly subordinated communities. But one can go further.

27 See J. S. Richardson, *Appian: Wars of the Romans in Iberia: Iberike*, (Warminster, 2000), 3–4.

28 See Richardson, *Appian* (as in n. 27 above), 135–37.

In his accounts of the fate of the Pontic kingdom and the end of the Iberian wars, Appian links his yearly commanders to arrangements of Augustus' day or Appian's own present. And, as we have seen, his conclusion to the *Libyke* does much the same thing, although less overtly. Indeed, one can also view his Iberian settlement of 206 in much the same fashion. John Richardson suggests that Appian saw the expulsion of the Carthaginians as definitive for the parts of Iberia that the Carthaginians had ruled and that he saw later wars in these regions as rebellions.<sup>29</sup> If so, then the annual *strategoi* of 206 would have been ancestral to his two annual *strategoi* of the Augustan settlement, perhaps the reason that he erred about the number of provinces that received imperial legates. The remaining part, Lusitania, would represent a newer acquisition.

Appian, then, was more concerned with arrangements at the end of his wars than during them, he regularly connected the settlements ending wars with imperial arrangements, and he identified provinces with the presence of governors. In this way, our passages are variations on a more pervasive practice. After reporting Pompey's victories over the kings of Pontus and Armenia in the *Syriake*, for example, Appian (50.254) notes that Pompey would not permit the restoration of the Seleucids and he then appends a long digression about Syria's Macedonian rulers. Between the two (*Syr.* 51.255–9), he sets out with great brevity a sequence of seven named officials who had held Syria between Pompey's departure and the early 40s, the intended beginning of his Parthian history, when he says (*Syr.* 52.260) arrangements became as they are “now.”

But what is the significance of *strategos etesios*? Any investigation into the significance of these words leads to the tangled question of Appian's terminology for Roman magistrates and institutions. The word *strategos* in our passages is often taken to denote praetor, the usual governor of long-lasting provinces. Close examination, however, reveals many passages that replicate the official terminology of Roman public life, but also others that seem to stray far from Roman practice. Thus, we find Roman consular commanders called *strategoi* and *hypatoi*, but also *archontes*, *hegemones*, and *harmostai*. T. J. Luce has suggested that Appian was largely indifferent to such matters and that his vocabulary makes more sense in the context of his own work than it does when compared to proper Roman practice.<sup>30</sup> For him, Appian sought to distinguish with some regularity between magistrates who were operating in Rome, those who held command over peoples and armies, and annual offices in general, especially as opposed to more monarchic or tyrannical arrangements. Within these categories, Luce suggests, Appian did not always try to identify particular offices. Thus, consuls and praetors in Rome might be called *strategoi* of the city, while consuls, praetors, promagistrates, and even legates on campaign might be called *strategoi*, *archontes*, *hegemones*, or *harmostai* over some place, ethnic group, or war. The Roman magistracies generally emerge in greater clarity when he wished to distinguish or compare them: for example, *strategoi* with *hypatoi*.

29 Richardson, *Appian* (as in n. 27 above), 135.

30 T. J. Luce, “Appian's Magisterial Terminology,” *CPh* 56 (1961), 21–28.

*Etesios* appears nineteen times in the surviving portions of Appian's work. On several occasions, he uses the word to designate an annual tribute which some Roman commander had imposed on the defeated.<sup>31</sup> Once, he makes the performance of a certain annual sacrifice a sign of Rome's recovery after the Gallic sack.<sup>32</sup> Its most common connection, however, is with magistracies. Thus, the appearance of an annual magistrate – *prostates etesios* – marks the transition from the monarchy to the republic.<sup>33</sup> Military tribunes with consular powers are said to have held an annual *arche*, apparently to distinguish them from the military tribunes of his day, who were not elected officials.<sup>34</sup> The restoration of annual magistracies after Octavian's victory is a sign that legitimate government is again in place, while the claim that Caesar had treated the office of *magister equitum* as if it were an annual office to be passed around among his friends serves as a sign of his increasingly authoritarian behavior.<sup>35</sup>

Now, the claim that Aemilianus and his legates had ordained that annual *stratego*i be sent to Africa has sometimes been read as asserting that praetors were to be sent to Africa for terms of one year. This brief survey, however, indicates that Appian intended with the words "yearly *strategos*" to designate the holder of a regular magistracy. In the context of the third- and second-century BC, this assertion makes no sense, for, with the exception of the *privati cum imperio* encountered during and immediately after the Second Punic War, all commanders away from Rome either held or had just held some regular magistracy. Perhaps for this reason Appian ignored the *privati cum imperio* who had governed Spain after Africanus' departure and resumed his narrative only with the dispatch of two praetorian commanders.

Why, then, did Appian wish to connect some governors with the annual cycle of magistracies. As his accounts of the absorption of Pontus and of the Augustan settlement in Spain clearly reveal, Appian's yearly *stratego*i are governors who had been formally dispatched by the senate rather than by the emperor. Indeed, for Spain, he clearly contrasts the two parts to which the senate supposedly sent such commanders from the third to which the emperor dispatched legates. Under the Empire, Sicily and Africa too received governors at the hands of the senate. Appian, then, was primarily concerned with arrangements in his own day and sought to identify when these arrangements had begun, but he does not appear to have possessed firm evidence in this regard. Instead, he associated these beginnings with the elimination of a major competitor, often in the distant past. In the process, he not only linked the origins of the provinces of Sicily, Africa, and Nearer and Farther Spain to the defeat of Carthage, but he also connected their appearance with institutional arrangements, revealed through his use of the phrase "yearly *stratego*i," that had only developed much later.

31 *Syr.* 50.253.

32 *Celt.* 6.1.4.

33 *Praef.* 6.20.

34 *Celt. fr.* 3.3.

35 *BC* 3.9; see also *BC* 2.128.

### IIIB: Velleius Paterculus and Strabo

Velleius Paterculus and Strabo, who both wrote during the reign of Tiberius, are the earliest surviving authors to claim that Africa was made a province following the destruction of Carthage.<sup>36</sup> Of the two, Velleius exhibits the greater interest in provinces. He sets out their origins in a lengthy excursus (2.38.1–39.3) that he uses to introduce the campaigns of Pompey. In it, third- and second-century arrangements seem rather distant. For Sicily, he begins with Ap. Claudius Caudex’s invasion that opened the First Punic War and then jumps to M. Claudius Marcellus’s capture of Syracuse in the Second, when, he claims, Marcellus made the island a province. No trace here of Rome’s victory in the First Punic War or of the praetors who were dispatched to the island from ca. 227. His history of the Spanish provinces moves from the entry of Roman armies at the beginning of the Second Punic War to the age of Augustus when all of Spain became tributary without mentioning Nearer and Farther Spain, which shaped Rome’s activities in the peninsula for most of the second century. And then, “Paulus conquered Macedonia, Mummius Achaëa, Fulvius Nobilior Aetolia, L. Scipio, the brother of Africanus, wrested Asia from Antiochus, but, by the gift of the senate and the Roman people, it soon afterwards passed into the possession of the Attalids, and M. Perperna, having captured Aristonicus, made it tributary.” Consuls or praetors were not sent again to Macedonia until the 140s, twenty years after Paulus’ victory, or to Achaia between L. Mummius’ victory in 146 and the Augustan age, while Aetolia was never a regular provincial assignment.

But what of Africa? In his broader narrative, Velleius (1.12.5) reports as a consequence of Aemilianus’ victory only the destruction of Carthage. In the excursus, he (2.38.2) begins with a Roman invasion during the First Punic War and then, ignoring intermediate developments, he concludes with the final arrangements:

“Regulus was the first to invade Africa, in the ninth year of the First Punic War; it was one hundred and nine years later, one hundred and seventy-three years ago, that P. Scipio Aemilianus destroyed Carthage and reduced Africa to the *formula* of a province.”

*Primus Africam Regulus nono ferme anno primi Punici belli aggressus est; sed post centum et nouem annos P. Scipio Aemilianus eruta Carthagine abhinc annos centum septuaginta tris Africam in formulam redegit prouinciae.*

Now, it is possible to detect the principles behind this long and seemingly chaotic digression. Velleius was aware of some, at least, of the provincial assignments of the third and second centuries, but he clearly assumed that earlier *provinciae* were much like later ones.<sup>37</sup> Thus, one finds in various combinations the commanders who first

36 For the date of Strabo’s *Geography*, see K. Clark, *Between Geography and History: Hellenistic Constructions of the Roman World*, (Oxford, 1999), 282–85; D. Dueck, *Strabo of Amasia: A Greek Man of Letters in Augustan Rome*, (London, 2000), 145–51.

37 Thus, Richardson, *Language of Power* (as in n. 6 above), 149–50.

brought Roman power to a region, the generals who destroyed the major regional power, and the victors who first imposed formal tributary burdens. Perhaps the most persistent association is between the creation of a province and the imposition of tribute. Indeed, Velleius' stated purpose at the opening of the excursus emphasizes just these factors: to identify by whose leadership peoples and nations were reduced into the *formula* of a province and made tributary (*quae cuiusque ductu gens ac natio reducta in formulam prouinciae stipendaria facta sit*). Velleius' assumption that conquest, tribute, and the establishment of provinces were linked in the late-third and second centuries certainly is anachronistic. With regard to Africa, he may have known only that Aemilianus had destroyed Carthage and imposed tribute.

Unlike Velleius, Strabo never sets out systematically the origins of provinces. His *Geography* is very much focused on his own day and the Roman empire that dominated it. His present, however, is very broad: "now," "recently," or in "our times," may cover events from Pompey's conquests to the reign of Tiberius, years when the eastern Mediterranean was transformed by Rome's destruction of its political order, and occasionally some developments that are even earlier.<sup>38</sup> Despite his emphasis on his present and the more recent past, Strabo inserts claims about the more distant past throughout the work, although in a manner that serves largely to set out the origins of present conditions. Thus, one finds tales of the foundations of cities and sometimes their destruction and accounts of the powers that had ruled some region before the coming of Rome. The work exhibits little concern for chronological precision or for the proper sequence of events and is permeated by anachronisms.<sup>39</sup>

The passage that provides our primary focus comes near the end of the work. After describing the general shape of Libya, Strabo moves east through the territories of the Mauri and the Numidians to Carthage and the lands that it had ruled, when historical details become more frequent, although they are not always accurate.<sup>40</sup> After reporting the destruction of Carthage, he (17.3.15) claims that the Romans divided its territory with Masinissa, the king of Numidia, and proclaimed their part of Libya an *eparchia*. After a brief account of the Numidians as nomads, he then notes that the site of the city remained desolate until Caesar sent colonists there, so that it is "now" among the most prosperous cities of Libya. Masinissa, it should be noted, died before the destruction of Carthage.

Now, for Strabo, an *eparchia* was a territorial subdivision of a larger polity. Some were regions under Parthia, Armenia, or one of Rome's client kingdoms.<sup>41</sup> On other

38 See S. Potheary, "The Expression 'Our Times' in Strabo's Geography," *CPh* 92 (1997), 235–46; Clark, *Between Geography and History* (as in n. 36 above), 255–60; S. Potheary, "Strabo, the Tiberian Author: Past, Present and Silence in Strabo's 'Geography,'" *Mnemosyne* 55 (2002), 387–438.

39 For the lack of chronological precision and proper sequencing, see Clark, *Between Geography and History* (as in n. 36 above), 245–60; for the pervasiveness of anachronisms, see R. Nicolai, "Scelte critico-testuali e problemi storici nei libri V e VI della *Geografia* di Strabone," in G. Maddoli, ed., *Strabone e l'Italia antica*, (Perugia, 1988), 267–86.

40 For example, at 17.3.12 Strabo claims that Jugurtha besieged and killed Adharbal at Utica, while Sallust (*Jug.* 25–6), with greater probability, places the event at Cirta.

41 See, for example, Strabo 11.9.2; 11.14.4; 12.3.37; 16.1.18; 17.1.5.

occasions, he identifies client-kingdoms or some city or region within a Roman province as *eparchiai*.<sup>42</sup> At other times, he uses *eparchia* to denote the imperial provinces of his own day, which he (17.3.24) defines as places to which the Romans send governors and collectors of tribute. At the very end of the work (17.3.25), Strabo emphasizes the vast extent of Rome’s dominions in part by naming some of them. Elsewhere, he describes, more or less fully, many of these provinces, using their boundaries as a framework for his descriptions of their towns and other features. Of these provinces, he attributed, briefly and in passing, origins to four: Africa, Asia, Cyprus, and Bithynia-Pontus.

What did Strabo mean when he attributed an origin to a province? Two of the four examples lie within Strabo’s present. The province of Bithynia and Pontus began, we are told (12.3.1), when Pompey, after his victory over Mithridates VI, divided part of the kingdom of Pontus among neighboring rulers and added the rest to Bithynia to form a single *eparchia*. The second concerns Cyprus. After a brief account of Ptolemaic rule on the island, Strabo (14.6.6) notes that, as a result of the last king’s misconduct, the Romans sent M. Cato to take the island away from him. From that time, Cyprus became a praetorian province, an *eparchia strategika*, “as it is now.”

Both second-century examples make the same associations between the elimination of a ruling power and the beginning of the province that encompassed it. At the end of a brief history of the Attalid dynasty (13.4.2), Strabo reported: “Attalus, sur-named Philometor, reigned five years, died of disease, and left the Romans his heirs. The Romans proclaimed the country an *eparchia*, calling it Asia, by the same name as the continent.” Much later (14.1.38), in the midst of a section devoted to the cities of the coast of western Asia Minor, Strabo inserts a brief excursus on Aristonicus’ revolt and the Roman campaigns against him, which he brings to an end with the comment that “M. Aquillius came over as consul with ten legates and organized the *eparcheia* into the form of government that still now endures.” For Strabo, then, the Asian *eparchia* began with a Roman proclamation taking up a bequest while its organization, still in force in his own day, came later in the form of a settlement after the defeat of Aristonicus’ revolt.

The imposition of Roman rule on Asia may not have been quite this simple and its stages not as decisive.<sup>43</sup> While word of Attalus’ bequest probably reached Rome early in 133, the senate only dispatched legates in 132 and the first commander in 131, who clearly was sent to counter Aristonicus’ revolt. The assignment of Asia as a consular responsibility may well indicate that the senate had decided to take up the bequest, but this need not have meant that they intended to take up permanent administrative responsibilities. For Strabo, the organization of the province took place only under M. Aquillius (cos. 129), who continued as proconsul until 126. Aquillius assigned some territory to the kings who had assisted Rome, recognized the “freedom” of many Greek cities, while he made tributary other communities, and took control of royal

42 See Strabo 10.4.22; 12.3.37; 16.2.3.

43 See Kallet-Marx, *Hegemony to Empire* (as in n. 8 above), 97–122.

lands. Despite Strabo's claim that the settlement persisted until his own day, it does appear to have been adjusted and expanded in the following decades. In any case, Strabo associates the beginnings of an Asian province with the death of the last king of Pergamum and its organization with a settlement that need not have differed greatly from earlier ones in Macedonia, Africa, and Achaëa. Velleius Paterculus (2.38.5) connects M. Perperna (cos. 130) with the imposition of tribute and the beginning of the province.

At this point, we should return to the African *eparchia*. After a description of the city and its history from Dido to its destruction, Strabo (17.3.15) claims: "As for the country, the Romans proclaimed one part of it an *eparchia*, I mean the part that had been subject to the Carthaginians, and appointed as sovereign of the other part Masinissa, and also his descendants, the house of Micipsa." Here, Strabo does not link its creation with a person or with the imposition of tribute. Indeed, the only "event" he connects with the making of the *eparchia* was the proclamation that Carthage's territory was now Roman and the confirmation of the Numidian king's rule over territory that the Romans deemed his. Much earlier (6.4.2), when setting out the consequences of the Third Punic War, Strabo states yet again that the Romans had taken over the Carthaginians' land and assigned to the kings lands that had not belonged to Carthage; he also makes Rome's acquisition of Spain a consequence of the same war, over half a century too late.

### IIIC: Sallust and the Jugurthine War

Sallust is the earliest of the authors whose work is held to support the existence of a second-century African province. At first glance, one might think that his account of the war with Jugurtha would offer valuable insights into Roman arrangements in Africa. After all, he served there in 46 and 45 and he was appointed the first governor of Caesar's new province of *Africa Nova*, which the dictator had formed out of the kingdom of Numidia. On closer inspection, however, his account proves not to be as valuable as one might have hoped, for it is short of details, contains few names of people and places, and is often vague in matters of geography and chronology.

For present purposes, one short passage in the *Bellum Iugurthinum* is crucial, but before examining it in detail, its context should be set out. After a long preamble justifying the writing of history, Sallust gives a brief account of Jugurtha's youth, the conflict among Micipsa's heirs over the succession to his kingdom, and its division between Jugurtha and Adherbal by senatorial legates. After reporting the settlement, which took place in 117, he then sets out a long geographic and ethnographic excursus (*Iug.* 17.1–19.8), probably derived, at least in part, from a Greek work, that covered the gap of four or five years before returning to his narrative in the midst of renewed

warfare in 113 or 112.<sup>44</sup> The core of the excursus deals with the origins of the Libyees, the Gaetuli, the Mauri, and the Numidians, and in it, Hercules’ death in Spain, which Sallust calls the African version of the tale, is the chief chronological marker. Later still, but also in the distant past, came the Phoenicians, who founded colonies. The excursus closes with a summary of the political geography of the region, which it divides among the Carthaginians, Mauri, Numidians, Gaetuli, and Aethiopians.

To bring the account down from the distant past to the war he was about to describe, Sallust (*Iug.*19.7–8) concludes with a few brief lines that remove the Carthaginians from the scene, put the Romans in their place, identify the rulers of the Numidians and Mauri during the war, and set out their frontiers when the war began (*Iug.* 19.7–8):

Now during the war with Jugurtha, the Roman people governed through magistrates many of the towns and boundaries which had lately been Carthaginian. The greater number of the Gaetuli and Numidia as far as the river Muluccha was under Jugurtha. King Bocchus ruled all the Mauri, who knew nothing of the Roman people save their name and who were unknown to us before that time either in peace or in war. Concerning Africa and its inhabitants, this account is sufficient for my purpose.

*Igitur bello Iugurthino pleraque ex Punicis oppida et finis Carthaginiensium quos nouissime habuerant, populus Romanus per magistratus administrabat; Gaetulorum magna pars et Numidae usque ad flumen Muluccham sub Iugurtha erant; Mauris omnibus rex Bocchus imperitabat, praeter nomen cetera ignarus populi Romani itemque nobis neque bello neque pace antea cognitatis. De Africa et eius incolis a necessitudine rei satis dictum.*

Now, this brief passage has often been read as confirming the presence of magistrates in the area in the years before the war. Sallust, however, does not say when the Romans began to send magistrates to the region, just as he also does not mention when Bocchus became king over the Mauri. Instead, he merely claims that Roman magistrates governed the area during the war against Jugurtha, which is obviously true. He also sets out the limits for Jugurtha’s and Bocchus’ kingdoms at the war’s beginning – i. e. after Adherbal’s death and Jugurtha’s appropriation of his kingdom. The passage, in other words, serves primarily to connect the excursus with the events that he was about to describe without mentioning any intermediary occurrences between the distant past and the war, by having the Romans replace the Carthaginians. In it, Sallust makes no claims about the status of Africa between 146 and 112.

44 R. Syme, *Sallust*, (Berkeley / Los Angeles, 1964), 152, regards the excursus as mere adornment, while E. Koestermann, *C. Sallustius Crispus Bellum Iugurthinum*, (Heidelberg, 1971), *ad loc.* suggests that it marks the transition between two periods, one in which Rome did not actively intervene and the other in which Rome moved toward intervention. R. Morstein-Marx, “The Myth of Numidian Origins in Sallust’s African Excursus (*Iugurtha* 17.7–18.12),” *AJPh* 122 (2001), 179–200, suggests that Sallust used the excursus to establish a fundamental contrast between Romans and Numidians. Some have suggested that Sallust used a work by Posidonius as his source; see, for example, G. M. Paul, *An Historical Commentary on Sallust’s Bellum Iugurthinum*, (Liverpool, 1984), 70–71.

In his narrative, moreover, Sallust never mentions any commanders before the outbreak of the war in 111. His account of the conflicts between Jugurtha and Adherbal from 117 to the Roman decision in 112 to wage war focuses on events in Numidia and in Rome and on successive embassies between them. After Hiempsal's murder in 117, Adherbal sent envoys to Rome, and when he lost the initial battle, he fled to the "province" and then to Rome; in response, the senate dispatched ten ambassadors to divide the kingdom (*Iug.* 13.3–6). When open war broke out between Jugurtha and Adherbal, either late in 113 or early in 112, they fought a major battle outside of Cirta in which Adherbal was defeated. According to Sallust (*Iug.* 21.4), Adherbal sent envoys to Rome before his defeat, and the senate dispatched three legates in return, who departed when Jugurtha promised to send ambassadors to Rome. After Jugurtha resumed his attack, Adherbal again sent envoys to Rome, and again the senate sent ambassadors in return. After landing in Utica, these legates instructed Jugurtha to come to the "province," and he complied (*Iug.* 25.5). After the death of Adherbal, which followed shortly, the senate decided on war. For our purposes, the most striking feature of this account is the absence of any Roman governor. Adherbal and Jugurtha both sent envoys to Rome, never to a governor. Adherbal appealed for help to Rome but not to a governor. When Adherbal fled into the "province," he did not meet any one there, but went on to Rome.

But what about Sallust's "province"? For him, the word primarily denotes the task given to a magistrate.<sup>45</sup> Sallust usually characterizes the *provinciae* of the consular commanders in the war against Jugurtha – L. Calpurnius Bestia (cos. 111), Sp. Postumius Albinus (cos. 110), Q. Caecilius Metellus (cos. 109), and C. Marius (cos. 107) – as "Numidia" or the "war against Jugurtha."<sup>46</sup> For present purposes, however, six other instances are more important. Three occur in passages describing movements before the outbreak of war. Thus, after his defeat, Adherbal "fled to the province and then made his way to Rome" (*Iug.* 13.4). Next, Roman legates sent a letter to Jugurtha "directing him to come as speedily as possible to the Roman province" (*Iug.* 25.5). The king then "came to the province with a few horseman" (*Iug.* 25.10). The remaining three serve to locate the winter quarters of a Roman army. In the first, the consul Sp. Postumius Albinus returned from Rome to the remnants of his army which "had withdrawn from Numidia ... and was wintering in the province" (*Iug.* 39.4). Albinus then decided not to leave the "province" and keep his army in semi-permanent camps instead (*Iug.* 44.4). Finally, Sallust reports that Metellus had stationed his army for the winter in the part of "the province that lies nearest to Numidia" (*Iug.* 61.2).

Here, Sallust clearly used *provincia* to refer to a territory and not a magistrate's assignment, a usage that may be anachronistic in a late-second-century context. His province, moreover, was not the *provinciae* of Bestia, Albinus, Metellus, and Marius for he sometimes contrasts it with Numidia. At the same time, Sallust's province was

45 Richardson, *Language of Power* (as in n. 6 above), 100, holds that it was always used in this technical sense, but as we shall soon see, there are a few exceptions.

46 See, for example, Sall. *Iug.* 27.3; 35.4; 43.1; 62.10; 73.7; 82.2; 82.3; 84.1; 114.3.

part of their field of activity, for they stationed their troops in it and retreated into it when under pressure. Thus, the territory encompassed in Sallust’s *provincia* appears to have been without a governor before the war and was unconnected to the actual sphere of Roman operations during it. What, then, was it? The usual view is that the *provincia* of these six passages was the *provincia Africa* that supposedly was established in the aftermath of the Third Punic War. Sallust’s province, after all, clearly included some or all of the territory that Aemilianus had organized in 146. Viewed in this manner, then, the consular province might be seen as including both the war and the existing *provincia Africa*.<sup>47</sup> Sallust’s *provincia*, however, is almost certainly a region and not a command, for his location of events and movements in it is surely intended to clarify for his readers where they took place.

With this in mind, an examination of Sallust’s political geography is in order. In the closing section of the excursus, in which he identifies the territories under Jugurtha, Bocchus, and the Romans at the start of the war, he holds that “the Roman people governed through magistrates many of the towns and boundaries that had been Carthaginian.” This clear link between magistrates and a definable set of polities and boundaries fits arrangements in his own day well, but its applicability to the second century is less certain. Indeed, even his vocabulary may be anachronistic. From the early second century, one can find instances in which the verb *administrare* possessed meanings such as “to serve” or “to assist”, but its earliest detectable use in the sense of “to manage” is in Cicero’s *Verrines*, where it denotes the management of a province – just as Sallust would use it three decades later.<sup>48</sup>

But what about the *finis* of the Carthaginians? In the passage in question, this limit separates lands that belonged to Rome from those under Jugurtha, just as the river Muluccha separates Jugurtha’s kingdom from Bocchus’. Indeed, one might view both as constituting the eastern and western frontiers of Numidia. As a boundary, the Muluccha is rather specific, but the boundary of the Carthaginians is seemingly less so. Did Sallust have a particular limit in mind? Here, certainty is impossible, but there is a clear candidate for the role. At the end of the Second Punic War, the Romans marked the divide between Masinissa’s kingdom and lands subject to Carthage by “Punic ditches.”<sup>49</sup> At the end of the Third Punic War, Aemilianus and Masinissa’s heirs established a “royal ditch” (*fossa regia*). Pliny (*HN* 5.2.25) makes it the boundary between the provinces of *Africa Vetus* and *Africa Nova*, a role it only could have been given after Caesar’s creation of the latter out of the Numidian kingdom. The ditch probably did not delimit the *provincia Africa* of the first decades of the first century, for as we shall later see the settlement at the end of the Jugurthine War put lands on both sides of it into Roman hands. Its name, the *fossa regia*, probably indicates that it was intended to mark the limits of the Numidian monarchy where they met the territory that Aemilia-

47 See, for example, Brennan, *Praetorship* (as in n. 5 above), 540.

48 For the second century, see Plaut. *Ep.* 3.3-7; for the first century, see Cic. 2 *Verr.* 5.47; 2.4.64.

49 App. *Lib.* 54.

nus regulated.<sup>50</sup> It may also have separated communities that owed tribute to Rome from those who were to pay to the Numidian king. Sallust's *provincia*, then, denotes the space that he assigned to the Romans in contrast to the kingdoms of Jugurtha and Bocchus. His account of the war with Jugurtha provides no evidence for the existence of a late-second century *provincia Africa* and some telling arguments against it.

#### IV: Roman Magistrates in Africa to the End of the War with Jugurtha

Velleius Paterculus, Strabo, and Appian, then, probably did not understand second-century arrangements, they possessed no firm knowledge of the beginnings of the early provinces that still existed in their own day, and they associated their origins with the defeat of some competitor, the imposition of tribute, the reorganization of territories, or the imposition of governors, elements that may have come together only later. In practice, we know that Sicily, Sardinia, and Nearer and Farther Spain were long-lived assignments, not because of explicit statements in our sources, but rather because we have many of the names of magistrates who served there, and we have these names because Livy, our chief source for the late-third and early-second-centuries, gives virtually all the consular and most of the praetorian *provinciae* as part of the basic annalistic structure of his history.<sup>51</sup>

*Provincia Africa* has a long history, although not a continuous one. As a command against Carthage, magistrates had held it intermittently well before Aemilianus' arrival in 147: M. Atilius Regulus in the First Punic War, Ti. Sempronius Longus (cos. 218) and Scipio Africanus in the Second, and two earlier consular commanders in the Third Punic War. The existence of such an assignment from 145 to the civil wars of the 80s, when events in the region are better known, is a different matter. Because of the loss of so much of Livy's history, our knowledge of praetors and their assignments is limited, rendering any conclusions tentative. Instead, one is forced to rely on occasional notices in inscriptions or from chance references in literary sources, usually in connection with some notable event or to illustrate a point. Names of about half the praetors are known, but only a few can be associated with *provinciae*. We know the names of thirteen men, some consuls, who certainly, probably, or possibly served in Nearer Spain between 145 and 89, another thirteen who may have served in Farther Spain, and three more who served in an unknown Spanish province.<sup>52</sup> For Sicily, we have sixteen names for the years between 145 and 89, and twenty-one possibilities for Macedonia.<sup>53</sup> Sardinia provides four names and Asia from 131 to 89 almost twenty.<sup>54</sup>

50 Thus Crawley Quinn, "Role of the 146 Settlement" (as in n. 5 above), 1598–99.

51 See J. Rich, "Structuring Roman History: the Consular Year and the Roman Historical Tradition," *Histos* 5 (2011), 1–43.

52 See Richardson, *Hispaniae* (as in n. 9 above); 184, 192–93.

53 See Brennan, *Praetorship* (as in n. 5 above), 702–07.

54 For Sardinia and Asia, see Brennan, *Praetorship* (as in n. 5 above), 701–16.

The best evidence for the presence of consuls, praetors, proconsuls, or propraeors in the former territory of Carthage concerns the four consular commanders and one praetor who served there during the war against Jugurtha from 111 to 105.<sup>55</sup> As we shall later see, the praetor’s assignment is uncertain, but the consuls held a command identified as “Numidia” or the “war against Jugurtha” and their area of operations spread far beyond the territory that Aemilianus had regulated. Only one consul or praetor can be placed in Africa with any confidence before the war. When setting out the lineage of the Porcii Catones, Aulus Gellius (NA 13.20.10) reports that M. Porcius Cato (cos. 118) went to Africa and died in his province (*et consul cum Q. Marcio Rege fuit inque eo consulatu in Africam profectus in ea provincia mortem obit*). Gellius does not identify Cato’s *provincia* but his rank may point to special circumstances, and here a crisis in the Numidian monarchy provides the most likely context. In 120, Micipsa, then the sole ruler in Numidia, adopted Jugurtha and made him joint heir with his own sons, Hiempsal and Adherbal. When Masinissa died a quarter of a century earlier, the senate had asked Scipio Aemilianus to help arrange the succession.<sup>56</sup> The senate may have sent Cato to settle the succession before Micipsa died, as he would do later in the year.<sup>57</sup> Sallust does not mention him, but Cato may have died before he accomplished much. Consuls, we know, were sometimes given assignments usually held by praetors: Cato’s presence in Africa provides no evidence for or against the existence of a regular praetorian *provincia*.

Some have suggested that M. Aemilius Scaurus (cos. 115) served as governor, although the evidence, at best, is slight. In his brief account of Scaurus’ career, the author of the late-antique *Liber de viris illustribus* (72) announces that Scaurus opposed Jugurtha when praetor but had been defeated by his wealth (*praetor aduersus Iugurtham, tamen eius pecunia uictus*), an assertion which for some suggests that Scaurus served in Africa when praetor.<sup>58</sup> The date of Scaurus’ praetorship is unknown, but since he sought the office of consul for 116, his tenure would have been in 119 at the latest, before Jugurtha became king. He did serve on the last embassy to Jugurtha before the outbreak of war and also opposed Jugurtha in the senate in 117 / 6, providing more plausible contexts for the notice.<sup>59</sup>

Against this background, one should recall that Sallust does not mention any governor in his extended account of the coming of the war with Jugurtha. Now it is far from clear how far this failure can be pressed. Sallust’s account is both terse and highly focused, and he clearly excluded much that he considered extraneous. Yet his main

55 See n. 46 above.

56 See Val Max. 5.2. *ext.* 4; App. *Pun.* 105.497–8; Zonar. 9.27; cf. Polyb. 35.16.10.

57 For Cato’s possible mission, see Gsell, *Histoire ancienne* (as in n. 5 above), 7, 21; 142; Brennan, *Praetorship* (as in n. 5 above), 539.

58 See, for example, Brennan, *Praetorship* (as in n. 5 above), 541–2, who admits that the evidence is weak.

59 For Scaurus’ membership in the legation, see T. R. S. Broughton, *The Magistrates of the Roman Republic*, (Atlanta, 1951/1983), 1, 539; for his opposition in the senate, see Sall. *BJ* 15.3–4. Broughton, *Magistrates*, 3, 10, suggests that the link between Scaurus’ praetorship and his confrontation with Jugurtha was a mistake and suggests that his service on the legation provides a more likely context. Crawley, “Imperialism and Culture” (as in n. 5 above), 94 n. 358, suggests that the debate in the senate is to be preferred.

theme is the failure of a venal Roman establishment to act because of their corruption by Jugurtha's money. With this concern, one might expect him to praise any governor who had acted, even if he had done so ineffectively, and to condemn any governor who had remained inactive. Sallust's failure to mention any activity by such a governor while Jugurtha was waging war against the wishes of the senate is an argument against their presence. (The few anecdotes concerning the activities of C. Gracchus and M. Fulvius Flaccus when they were engaged in the foundation of the colony of Lunonia on the site of Carthage also do not mention any resident magistrate.<sup>60</sup>)

The known victims of the *quaestio Mamiliiana* of 109 provide some slight confirmation of this picture. Sallust recounts attacks mounted against the management of the war, provoked by the sham peace that L. Calpurnius Bestia (cos. 111) negotiated while in command, widely regarded as a means to enable Jugurtha to escape Roman wrath, and of the major defeat suffered by A. Postumius Albinus, left in command by his brother Spurius (cos. 110), who had returned to Rome to conduct the consular elections.<sup>61</sup> Despite his interest in these matters, Sallust never identifies any of the court's victims. Cicero (*Brut.* 128) provides the only extant, albeit partial, list: C. Galba, *sacerdos* and former quaestor, L. Calpurnius Bestia (cos. 111), C. Porcius Cato (cos. 114), Sp. Postumius Albinus (cos. 110), and L. Opimius (cos. 121).

The African connections of almost all of the victims can be detailed. L. Opimius (cos. 121) served on the legation that divided Numidia in 117, which probably provided the occasion for his condemnation. Bestia and Albinus almost certainly fell victim because of their consular commands in Numidia in 111 and 110. Bestia may have also been one of the three officials recorded on a highly fragmentary inscription from Carthage (*ILS* 28), a possible sign of the presence of a special commission of magistrates or a legation, which might also explain the presence among the condemned of the former quaestor C. Galba, whose name may also have been on the stone. Only Cato has no known African connection. As consul in 114, he held Macedonia as his *provincia*. The year of his praetorship is unknown – it can be no later than 117 – as is his *provincia*. If he was praetor in 118, he could not have held Africa, since the consul M. Cato apparently had this *provincia*. If he served before 118, he would have had no association with Jugurtha's activities. Conceivably, he served on one of the embassies or as a legate attached to Bestia and Albinus when in command in Numidia.

Suitable contexts for the dispatch of consuls or praetors are also largely absent. If second-century provinces were primarily military in nature, one would expect to find traces of wars, armies, identifiable enemies, or signs of interests that could be maintained only through the threat or use of force. Josephine Crawley Quinn suggests that a Roman force may have remained in Africa for some years after the end of the Third Punic War to enforce the settlement, while T. C. Brennan holds that "Africa probably always offered some military opportunities," citing as illustrations Sertorius' intervention in Mauretania while serving as governor in Spain much later and concerns about

60 See App. *BC* 1. 24–5; Plut. *CG* 11.

61 See Paul, *Historical Commentary* (as in n. 44 above), 117–18.

Jugurtha in the years before 111.<sup>62</sup> Indeed, some scholars have suggested that fear of the Numidian monarchy lay behind the creation of the province, a suggestion that rests more on the perceived need for an explanation than on any ancient testimony.<sup>63</sup>

Two late-antique authors, however, do place an army in the region. Augustine (*CD* 3.31) reports the deaths of eight hundred thousand in Masinissa’s (sic) kingdom and says that of a garrison of thirty thousand soldiers at Utica only ten thousand survived, while Orosius (5.11.1–5) reports the decimation by plague in 125 of a garrison of thirty thousand men in Utica. These soldiers, however, are absent in earlier accounts of the plague that may also depend, more or less directly, on Livy’s narrative. The Livian epitomator (*Per.* 60) notes a plague that arose in Africa because of the large number of locusts that had died there. For Obsequens (30), one of the prodigies of 125 was a great swarm of locusts in Africa, the plague that the insects caused among livestock in Cyrene, and the eight hundred thousand human deaths provoked by the dead cattle. The absence of soldiers from Obsequens’ prodigy is significant, for their identity as victims would have made the plague a sign with a definite public significance. We are probably dealing with a tale that has grown in the telling.

While this problematic passage has often been dismissed, the force warrants closer examination. The army would have been a considerable one – perhaps two legions with Italian allies and auxiliaries – a command that in earlier periods would have been held by a magistrate with consular *imperium*.<sup>64</sup> If Carthage and its environs were largely at peace between the end of the Third Punic War and the outbreak of the Jugurthine War, the presence of such a force in the mid-120s is anomalous, for no other instance in which Rome maintained a large garrison in a region in which war did not threaten is known. J. Crawley Quinn suggests that the army had been left in Africa in 146 to enforce the peace and that it was not replenished after the plague, but this would imply either that the soldiers of 146 had remained for two decades or that new drafts were dispatched from time to time, both of which appear unlikely against the background of recruiting difficulties in the 130s and the war against rebellious slaves on Sicily.<sup>65</sup> Should one postulate an otherwise unknown period of hostility between Rome and Numidia or of instability in Africa? Here, one should note that the *Fasti triumphales*

62. Crawley Quinn, “Role of the 146 Settlement” (as in n. 5 above), 1596; Brennan, *Praetorship* (as in n. 5 above), 231; 620; 539; for Sertorius’ intervention, see Plut. *Sert.* 9, 1–5. A. N. Sherwin-White, *Roman Policy in the East, 168 B. C. to A. D. 1*, (Norman, OK, 1983), 92, notes the absence of enemies and of signs of warfare or the presence of troops.

63. See Gsell, *Histoire ancienne* (as in n. 5 above), 3, 329; H. H. Scullard, *A History of the Roman World, 753–146 B. C.*, (London, 1980), 309–10; Storm, *Massinissa* (as in n. 4 above), 9. Crawley Quinn, “Role of the 146 Settlement” (as in n. 5 above), 1597, suggests that governors were sent for military reasons which she does not identify.

64. For the size of the army, see P. A. Brunt, *Italian Manpower, 225 B. C.–A. D. 14*, (Oxford, 1971), 451. Brunt and F. Hinard, “L’Militarisation de l’Afrique sous la République,” *Antiquités africaines* 27 (1991), 36–7, accept Orosius’ claim, although Brunt notes the absence of a clear enemy.

65. For problems recruiting armies, often linked to specific campaigns, see L. De Ligt, *Peasants, Citizens and Soldiers: Studies in the Demographic History of Roman Italy 225 BC–AD 100*, (Cambridge, 2012), 135–92.

are complete from 129 to 104, and none of the thirteen men who triumphed for campaigns before 111 did so from Africa.

Given the seeming absence of military activity, it is not surprising to find that earlier scholars, writing when second-century *provinciae* were seen as “provinces” rather than as commands, saw the Africa that emerged from the settlement of 146 as an administrative entity created for the performance of recurring non-military tasks. Aemilianus’ settlement established tributary relations between Rome and a number of communities and created a mosaic of land tenures that covered much of the area between the frontiers of the Numidian monarchy and the sea. The maintenance of his arrangements over the following decades may have involved recurring official acts such as the collection of revenues and the resolution of disputes over ownership or boundaries. Roman officials certainly performed such operations between 146 and 112, if only occasionally, but they were either not the occupants of a regular office or they performed their functions at Rome.

The Agrarian Law of 111 is our primary source for these matters. Its framers sought to address problems caused by the activities of two groups of triumvirs – the college that implemented the Gracchan agrarian reform in Italy and the commission that founded the colony of Iunonia at Carthage – who had disrupted arrangements involving land tenure, thus determining what they found useful and relevant.<sup>66</sup> The measure was enacted at some point between the consular elections for 111, which would have taken place late in 112, and the autumn harvests of 111.<sup>67</sup> When they constructed their measure, the framers may have expected the war with Jugurtha to be brief, which may have encouraged them to reorder matters in Africa. Thus, it is far from certain that its provisions ever were implemented or implemented fully, for the conduct of the war over the next six years must have disrupted many arrangements.

The law’s authors did not regard the presence of a regular magistrate in Africa as necessary for its implementation. Their measure assigns responsibility for investigating and settling conflicts to duumvirs especially created for the task. Furthermore, the sections of the law that order or address actions in Africa contain no references to *provincia* as a unit of administration and they may never have referred to Africa as one. The word appears on only two occasions in the surviving text. In the first, it designates the assignment of the quaestor in charge of the treasury at Rome (l. 46). The second is more problematic. In line 55, one finds between two substantial lacunae the phrase: *p]raefectus milesue in prouinciam e[...; the provincia is not identified nor is any mentioned made of the magistrate who held it. In the second century, several authors used the phrase “in prouincia” to mean “on overseas service,” which may indicate that those on military service were granted some privilege or exception, perhaps an extension of*

66 For the connection between the law and the triumvirates, see A. Lintott, *Judicial Reform and Land Reform in the Roman Republic: A New Edition with Translation and Commentary of the Laws from Urbino*, (Cambridge, 1992), 48–9.

67 See Crawford, *Roman Statutes* (as in n. 1 above), p. 53.

time for claimants or litigants to come forward.<sup>68</sup> Or the passage may have been part of a clause that prohibited men serving in the area from acquiring property there, a rule known elsewhere.<sup>69</sup> When the law was enacted, a consul and his army were engaged, or about to be engaged, in the war against Jugurtha.

When the law’s framers set out instructions for magistrates currently in office or those who would be in the future, they also ignored any provincial administration. The measure provides for lands that might be sold publicly in Rome at some time in the future (ll. 48 and 75); it instructs that a praetor was to arrange certain matters in Rome (l. 83); it orders the urban praetor to sell certain public lands (ll. 73 and 74); it specifies, in a very obscure passage, that the quaestor who held the treasury in Rome as his *provincia* was to record certain sales (l. 46). A few passages require or prohibit some action by current or future magistrates without clearly specifying where these actions were to take place. Lines 70–72 prohibit any magistrate or promagistrate from changing, or any senator for voting to change, the ways certain revenues were to be collected, while lines 87–9 forbid any magistrate, promagistrate, or holder of *imperium* from leasing out the collection of certain revenues on terms other than those that the censors of 115 had established. The last two provisions, it should be noted, were written rather broadly to prohibit any attempt by any official or the senate to change certain very specific arrangements. The only known location for consular or praetorian actions that “managed” public property in Africa was Rome.

While setting out tasks for the *duumviri* that their measure would create, the law’s framers provided instructions for dealing with arrangements that earlier magistrates and laws had made. One long section (ll. 77–89) takes note of two special commissions – *decemviri lege Livia* and *triumviri lege Rubria* – and two earlier occasions when public lands had been sold or leased. The *lex Rubria* authorized the creation of a triumvirate to found the colony of Iunonia on the site of Carthage.<sup>70</sup> C. Gracchus (tr. pl. 123 and 122) and M. Fulvius Flaccus (cos. 125) served as triumvirs but the third member is unknown.<sup>71</sup> After the completion of the project, another measure repealed the *lex Rubria* but permitted colonists within the legal limits, which the triumvirs had apparently exceeded, to retain their allotments.<sup>72</sup> This intervention in Africa bypassed the senate and the regular magistracies, an indication that a region could be integrated into Roman imperial structures without involving consular or praetorian *provinciae*.

68 For the meaning of *in provincia*, see Cato fr. 132 (ORF<sup>3</sup>); Gracchus fr. 26 (ORF<sup>3</sup>); cf. Catullus 10.19; see also Richardson, *Hispaniae* (as in n. 9 above), 5–6.

69 See Crawford, *Roman Statutes*, (as in n. 1 above), 171.

70 For the provisions of the *lex Rubria*, see D. Gargola, *Lands, Laws, and Gods: Magistrates and Ceremony in the Regulation of Public Lands in Republican Rome*, (Chapel Hill, 1995), 164–66.

71 Because Gracchus and Flaccus were serving, and had served for some time, as members of the triumvirate that was implementing the Gracchan reform in Italy, some scholars have suggested that the third member of the Italian commission, C. Papirius Carbo (cos. 120), was also the third member of the African commission. There is no evidence to support or to reject this claim.

72 For the retention of allotments, see line 60 of the law; see also Lintott, *Judicial Reform* (as in n. 66 above), 253–54.

The few anecdotes that illustrate the colonial triumvirs' activities in Africa do not mention or imply the presence of a governor.<sup>73</sup> The law of 111, however, does reveal some of the consequences of their operations: some land belonging to free communities had been sold or perhaps distributed in colonial allotments; promised allotments had not been made (ll. 66–7); tracts had been mistakenly reassigned (ll. 63–5); more allotments had been made than the colonial law allowed (ll. 58–61). The law preserves no trace of any attempt by any regular magistrate to resolve such conflicts or issue judgments regarding these matters after the colonial commissioners' departure. If a *provincia Africa* was assigned between 121 and 112, the instructions given its tenants seemingly involved neither restraining Jugurtha nor addressing problems that had developed as a result of the founding of Iunonia.

Although much public land would have provided the allotments for the colonists at Iunonia, the law of 111 does provide some evidence for the exploitation of lands through sales and leases, and in the process, it reveals the involvement of *publicani* in collecting the revenues. The measure notes only two specific occasions when lands in Africa had been exploited in such a fashion, one by the censors of 115 and the other by a consul of 113, actions that they certainly would have performed at Rome (ll. 86 and 89). In a very fragmentary passage (l. 48) setting out rules for sureties, the law mentions land in Africa that had been sold “publicly in Rome.” And then, a lengthy clause (ll. 74–77) instructs certain magistrates to compensate free communities for any lands that had been, or would be, sold improperly at Rome.

The exploitation of public lands in Africa, moreover, may have begun only with the foundation of Iunonia. In the second century, the use of captured lands for some public purpose need not follow very closely the end of the war in which they were acquired. During the Second Punic War, Roman magistrates confiscated much of the land of Capua, but the *ager Campanus* was only fitfully exploited for colonization or for fiscal purposes in the following years, and the bulk of the land was only prepared for lease between 173 and 165 in response to encroachments by surrounding landowners.<sup>74</sup> In Africa, colonial commissioners founded Iunonia, a project on a large scale, on land that must have included some of the best lands confiscated in 146. The implementation of such a project would have been easier if the land was not already occupied by purchasers or lessors or if *publicani* had not purchased contracts to collect the revenue. Both occasions when the law of 111 mentions specific sales or leases are post-Gracchan.

The Agrarian Law of 111 provides only limited evidence for the African *stipendium*, rendered more obscure by lacunae and convoluted language. Much later, Cicero (2 *Verr.* 3.12) would claim that the victorious Romans had imposed a fixed tribute on “some *Poeni*,” but virtually nothing is known about its collection. Scholars differ over

73 See App. *BC* 1.24–5; Plut. *CG*. 11.

74 For the exploitation of the *ager Campanus*, see D. Rathbone, “The Control and Exploitation of *Ager Publicus* in Italy under the Roman Republic,” in J.-J. Aubert, ed., *Tâches publiques et entreprise privée dans le monde romain*, (Geneva, 2003), 155–56.

the degree to which Rome imposed any uniform or regular financial impositions on regions under its power, with some proposing considerable sophistication from an early date, while others suggest that Rome largely relied on temporary indemnities, *ad hoc* levies, and plunder to fund its operations into the first century.<sup>75</sup> In regions in which Roman commanders and their armies were operating, these magistrates or their quaestors supervised the collection of tribute, in kind or in money, although the senate would occasionally dispatch legates to raise supplies and from some indeterminate point public contractors, *publicani*, as well.<sup>76</sup> Livy (45.18; 29) claims that L. Aemilius Paulus imposed a tribute on the Macedonians in 167.<sup>77</sup> If this revenue was collected with any regularity between Paulus’ departure and the arrival of a commander against Andriscus in 149 – there is no evidence – the means used to gather it would not have been linked to the presence of a consul, a praetor, or their quaestors. Africa may for long have presented a similar picture.

The law’s few references (ll. 77–82) to the *stipendium* are to be found in the midst of instructions to the duumvirs about addressing arrangements made by the *decemviri lege Livia*. These decemvirs, we are told, had assigned tracts to *stipendiarii* and to the people of Utica, and the duumvirs were to ensure that *stipendiarii* received the appropriate amount and to take care that these grants were properly recorded on public maps (*in formas publicas*). Scholars usually identify these commissioners with the ten legates who assisted Aemilianus and assume that they continued to operate after his departure, making them both legates and magistrates, an arrangement without clear parallels.<sup>78</sup> Both groups were of the same size and addressed similar matters – granting lands to Utica and identifying at least some tributary communities and their lands – but beyond these similarities there is no evidence for any connection. If they were indeed Aemilianus’ assistants, then their activities formed part of the settlement, but the provision that the duumvirs of 111 should grant and assign lands to those *stipendiarii* to whom the decemvirs had given tracts would appear to indicate that this had been left undone, if only in certain instances, for thirty-five years. If they were not Aemilianus’ legates, their existence reveals some concerns over arrangements in Africa at some uncertain time between 146 and 111. Indeed, one clause appears to suggest that the commission was still in operation in 111, although this may be a scribal error.<sup>79</sup> Was the *stipendium* a matter of concern because Roman armies once again were operating in the region after a long hiatus?

75 For an overview, see T. Naco del Hoyo, “The Republican ‘War Economy’ Strikes Back: a ‘Minimalist’ Approach,” in N. Barrandon and F. Kirbihler, eds., *Administrer les provinces de la République romaine*, (Rennes, 2010), 171–80.

76 See P. Erdkamp, *Hunger and the Sword. Warfare and Food Supply in Roman Republican Wars (264–30 B. C.)*, (Amsterdam, 1998), chapter four.

77 E. Gruen (*The Hellenistic World and the Coming of Rome*, [Berkeley / Los Angeles, 1984], 294–95) suggests that the tribute was really an indemnity, but see Kallet-Marx, *Hegemony to Empire* (as in n. 8 above), 13–14.

78 See, for example, Lintott, *Judicial Reform* (as in n. 66 above), 265; Crawford, *Roman Statutes* (as in n. 1 above), p. 176.

79 Thus Crawford, *Roman Statutes* (as in n. 1 above), p. 176.

Finally, a heavily damaged inscription on a stone that apparently marked some boundary near Carthage records the operations of another group of functionaries.<sup>80</sup> Its date is unknown, but the three names on the stone – a Galba, a Papirius Carbo, and a Calpurnius Bestia – best fit a late second-century context.<sup>81</sup> The text most probably records the deeds of members of some special college of magistrates or perhaps a group of legates, for the senate occasionally dispatched legations to resolve boundary disputes among allied communities.<sup>82</sup>

## V: The Aftermath of the Jugurthine War.

Although certainty is impossible, the balance of the evidence indicates that *provincia Africa* was not a regular assignment following the settlement of 146, and it remains a possibility that the ruling elite had no great interest in the region between Aemilianus' departure and the foundation of Iunonia. The existence of such a *provincia* after the Jugurthine War, however, is a different matter. From the 80s, one can put together a nearly-continuous list of Roman magistrates who served in Africa, but for the sixteen years after 105, any consuls or praetors who might have been sent to the region are invisible. If the senate usually defined *provinciae* to meet some threat and if regular assignments were linked to persistent problems, several points provide possible contexts for the transition from *provinciae* linked to the conduct of a specific war to a *provincia* that was a regularly assigned.

The end of the Jugurthine War, of course, is the earliest possibility, for military pressure may have been necessary to enforce the peace or deal with any instability that the war may have brought about. With this in mind, we should turn to the only praetor known to have served in the region during the war. Sallust (*Iug.* 104.1) reports that in the last year of the war Marius ordered ambassadors from Bocchus, king of the Mauri, to meet him at Cirta and “summoned from Utica L. Bellienus, the praetor, as well as every member of the senatorial order to be found in all parts” (... *item L. Bellienum praetorem Utica, praeterea omnis undique senatorii ordinis*) to form his *consilium*. Sallust does not give Bellienus' province nor report any of his activities, beyond his presence in Utica.

80 *ILS* 28 (= *ILLRP* 475): ... *Galbae* / ... *[Pa]piri Carbonis* / *[L. Calpu]rni Bestiae*; see also Broughton, *Magistrates* (as in n. 59 above), 1, 522 n. 5.

81 The three are sometimes thought to be the members of the Gracchan agrarian commission after the deaths of Gaius Gracchus and Flaccus in 121 but before the death of Cn. Papirius Carbo in 119. The colonial commission, however, would not have survived the abrogation of the authorizing law in 121, while the Gracchan agrarian commission is not known to have operated outside of Italy; see Gargola, *Lands* (as in n. 70 above), 148–55; D. Gargola, “The Gracchan Reform and Appian’s Representation of an Agrarian Crisis,” in L. de Ligt and S. Northwood, *People, Land, and Politics: Demographic Developments and the Transformation of Roman Italy 300 BC–AD 14*, (Leiden, 2008), 487–518.

82 For senatorial legates and boundary disputes, B. Scuderi, “Decreti del senato per controversie en età repubblicana,” *Athenaeum* 79 (1991), 371–415.

What, then, was his *provincia*? The usual answer is that he was the governor of Africa, performing the duties of the post while the war went on to his west and south.<sup>83</sup> This suggestion, however, rests on several dubious assumptions: that Africa was a regular provincial assignment after 146; that its governor possessed essential non-military functions; that arrangements in 105 marked a continuation of earlier practices. One should recall, however, that there are no traces of any regular governors in the region for the decades following the end of the Third Punic War and no signs that any resident regular magistrates performed essential non-military functions. At the same time, there are indications that such a functionary was not present in the first years of the Jugurthine War. The law of 111 established *duumviri* to make a number of decisions and awards in the area regulated by Aemilianus’ settlement, and one would expect any praetor with purely administrative duties to have been given these tasks. And then, the consul Sp. Postumius Albinus returned to Rome to supervise the elections after naming his brother A. Postumius Albinus to be *legatus pro praetore*.<sup>84</sup> If there was also a regular governor (either a praetor or a propraetor), then the area would have contained two commanders with equal *imperium* operating in close proximity.

Bellienus’ command, then, was not a continuation of a pre-war practice, but what was its purpose? His assignment may have been merely a temporary one, such as the praetor who was dispatched from Rome to escort Jugurtha back to the city in 111, but it may also have been military in nature, for the senate sometimes appointed regular magistrates to subordinate commands. Through 106, fighting was concentrated in the eastern regions of Numidia, not far from Roman bases. By the end of the year, however, Marius had driven Jugurtha out of eastern Numidia, and, in the following year, he pursued his opponents far to the west, winning a victory at the river Muthul, not far from the frontiers of Mauretania. At this time, because of the vast geographic extent of the war and the highly mobile nature of the enemy, the appointment of a commander to guard the rear might have seemed a sensible precaution.

Roman base areas may also have become less secure. Orosius (5.15.6) reports a rebellion of “all of Africa” after the defeat of A. Postumius Albinus in 109. The fighting, moreover, may have been more dynamic than Sallust reveals. In 107, he (*Iug.* 97.2) reports that Jugurtha and Bocchus had launched an unsuccessful attack against Cirta, the old royal capitol, where Metellus had deposited his baggage and prisoners. Orosius (5.15.10–11), however, has the two kings attack Cirta again in the following year, while Dio (26.89.5) claims that Bocchus had made overtures in 105 to Marius “after the surrender of Cirta,” which, if true, indicates that the Romans had lost control of the city for a time. Sallust, it should be noted, does not report a second battle at Cirta or its capture by or defection to the Numidians, but he also does not report its initial capture, which would have taken place during Metellus’ command.

83 Thus, Paul, *Historical Commentary* (as in n. 44 above), 250; Broughton, *Magistrates* (as in n. 59 above), 1, 558 n. 4; Brennan, *Praetorship* (as in n. 5 above), 230.

84 Sall. *Iug.* 37.3.

And then, much less is known of the settlement that ended the Jugurthine War than of the arrangements imposed at the end of the Third Punic War. The conflict affected, perhaps substantially, the arrangements that Aemilianus had made four decades earlier. New communities, such as Leptis Magna, entered into the friendship of the Roman people.<sup>85</sup> We can say very little about the colonists of Iunonia after the war's end. The Numidian monarchy, however, was certainly weakened. Bocchus received its western portion as a reward for his part in Jugurtha's capture. Gauda, probably one of Micipsa's grandsons, emerged as ruler of a truncated kingdom. Some lands on the Numidian side of the *fossa regia* were confiscated. C. Marius may have settled some of his veterans or perhaps his Gaetolian allies in the middle Bagradas valley, just the area that Masinissa had seized from the Carthaginians, with Roman approval, before the outbreak of the Third Punic War.<sup>86</sup> In 103 and 100, the tribune of the plebs L. Appuleius Saturninus carried agrarian laws authorizing the settlement of Marius' veterans, some in colonies, in Africa, Gaul, Sicily, Achaëa, and Macedonia;<sup>87</sup> the second law was repealed although some colonists were enrolled.<sup>88</sup> The fragmentary *elogium* of Julius Caesar's father may record that he led colonists to the island of Cercina, although the place-name requires a considerable supplement.<sup>89</sup>

No consuls or praetors can be detected in the region for the seventeen years between the end of the Jugurthine War and 88, when the civil wars raging in the Italian peninsula spilled over into Africa. When C. Marius fled there, the praetor Sextilius sent messengers from Utica to prohibit him from landing.<sup>90</sup> Two years later, after Cinna's victory in Italy, Q. Caecilius Metellus Pius transferred his army, on his own authority, from Italy to Africa. In 85 or 84, the praetor C. Fabius Hadrianus was sent to Africa, where he drove out Pius. After Hadrianus' death in 82, Cn. Domitius Ahenobarbus assumed command of Hadrianus' forces.<sup>91</sup> Cn. Papius Carbo (cos. 82) fled to Africa before joining allies in Sicily.<sup>92</sup> In 81, Sulla dispatched Pompey to Africa, where he quickly defeated Domitius and his allies. Sulla then ordered Pompey to remain in

85 Sall. *Iug.* 77.1–4.

86 The argument rests on third century AD inscriptions from the region; see Brunt, *Italian Manpower* (as in n. 64 above), 577–80. These settlers are usually seen as Marius' Gaetolian allies, for the *Bellum Africum* (32) reports that Marius gave land to Gaetolian clients; thus, Brunt, *Italian Manpower*, 579; Gsell, *Histoire ancienne* (as in n. 5 above), 7:10; Lintott, *Imperium Romanum* (as in n. 7 above), 35.

87 First law: Auct. *Vir. Ill.* 73.1; second law: Livy *Per.* 69; Plut. *Mar.* 29; Auct. *Vir. Ill.* 73.5. Bullo, *Provincia Africa* (as in n. 5 above), 22, suggests that the laws authorized settlements in the middle Bagradas valley.

88 For the repeal, see Cic. *Balb.* 48, who reveals that colonists were enrolled although the settlements were not founded.

89 *Inscr. It.* 13.3.7; Brunt, *Italian Manpower* (as in n. 64 above), 577.

90 Plut. *Mar.* 40; App. *BC* 1.62. Appian calls him Sextius, but Varro *RR* 1.1.10 confirms the name and identifies him as a praetor.

91 Plutarch (*Pomp.* 11) says that he forced an entry into Africa, but against whom? Appian (*BC* 1.95–6) and Plutarch (*Pomp.* 11) say that Ahenobarbus had assembled a considerable force in Africa, much larger than the one that Marius had assembled in 87 (one thousand men) in order to invade Italy. For the death of Hadrianus, see Cic. *Verr.* 2.1.70; 2.5.94; Diod. *Sic.* 38.4; Livy *Per.* 86; Val. *Max.* 9.10.2; Oros. 5.20.3.

92 For Metellus, see Livy *Per.* 84; Plut. *Crass* 6; App. *BC* 1.80. For Carbo, see App. *BC* 1.92; Plut. *Sulla* 28.8.

Africa, but he did not comply. In the aftermath of these wars, eight praetors are known to have had Africa as their *provincia* from 77 into the 40s.<sup>93</sup>

The spreading conflict in Africa also involved the Numidian monarchy, which was exhibiting signs of instability, although it is difficult to say just when trouble began. Gauda died before 88, and he appears to have divided his kingdom between his sons, Hiempsal II and Masteabar, although the former probably soon became dominant.<sup>94</sup> At some point, perhaps in the early 80s, Hiarbas, about whom little is known, challenged Hiempsal's rule and displaced him for a time. This conflict overlapped with the Roman one. Late in the decade, Ahenobarbus allied with Hiarbas, while Sulla sent Pompey to Africa in part to restore Hiempsal to the throne he had lost at the hands of the “Numidians.”<sup>95</sup> After his victory, Pompey invaded Numidia where he adjusted the relations of its “kings.”<sup>96</sup> At some point, then, the Numidian monarchy fragmented, adding to the disorder.

Since so many of the commanders operating in Africa in the 80s were doing so under extraordinary circumstances, it is possible that the practice of regularly dispatching praetors there began only with Pompey's departure against the will of Sulla, for events would have demonstrated the region's importance, while political instability may have been, or come to be, widespread there. Indeed, the dominant faction in Italy had a clear interest in controlling the area and displacing their enemies, who are sometimes said to have been preparing to invade Italy. Sulla, it should be noted, increased the number of yearly praetors from six to eight, which may indicate that he had identified more regions that required a magisterial presence.

But was the praetor of 88 the first visible occupant of an established command or was he too dispatched under extraordinary circumstances? Given the paucity of the evidence, both remain possible. In 90, when the consul L. Iulius Caesar was attempting to relieve Acerrae in Campania with an army that included Numidian cavalry, the opposing commander displayed in royal purple a son of Jugurtha, who had been held in Venusia, with the result that many Numidians defected; Caesar sent the remainder back to Africa as unreliable.<sup>97</sup> This episode should indicate that the Numidian monarchy was still functioning in Rome's interest when the soldiers were dispatched to Italy, but it may also reveal some weakness in Gauda's or Hiempsal's hold on their

93 For these magistrates, see I. M. Barton, “The Proconsuls of Roman Africa,” *Museum Africum* 1 (1972), 52.

94 Masteabar is known only from a fragmentary inscription found at Syracuse that identifies him as king and as a son of Gauda; see V. N. Kontorini, “Le Roi Hiempsal II de Numidie et Rhodes,” *AntCl* 64 (1975), 89–99; W. Huss, “Die westmassylischen Könige,” *AntSoc* 20 (1989), 209–20. Masinissa II and Arabion, who may have been his descendants, ruled a kingdom of their own, probably rather small, into the 40s; see G. Camps, “Les Derniers Rois numides: Massinissa II et Arabion,” *BAC* ns. 17, (1984), 303–11. See also, D. Roller, *The World of Juba II and Kleopatra Selene: Royal Scholarship on Rome's African Frontier*, (London, 2003), 24–27.

95 For Ahenobarbus, see Plut. *Pomp.* 11–2; for Sulla's assignment, see App. *BC* 1.80.

96 Plut. *Pomp.* 12.

97 App. *BC* 1.42. Appian gives Caesar's *praenomen* as Sextus and Sex. Iulius Caesar was a consul of 91, but he regularly confused Sextus with Lucius Iulius Caesar, the consul of 90; see Broughton, *Magistrates* (as in n. 59 above), 2, 31 n. 11.

kingdom – or the belief in certain quarters in Italy that their hold was shaky – which may well have been aggravated by the return of the cavalry to Africa.

At the same time, there are scattered signs, difficult to evaluate, that the conflict between Rome and Mithridates VI of Pontus had spread, or was threatening to spread, to the west. In 89, the Pontic king encouraged the Thracians to attack the Romans in Macedonia, while late in 88, he sought to make common cause with Rome's Italian enemies.<sup>98</sup> A contemporary, Posidonius, in a fragment preserved by Athenaeus (5.50.213C), depicts a supporter of Mithridates telling the Athenians in the spring of 88 that embassies had come to the king from "the Carthaginians, who wished to claim his alliance for the ruin of Rome." If true, these "Carthaginians" may have been the colonists of the dismantled Gracchan colony or their descendants.<sup>99</sup> Appian (*Mithr.* 16), it should be noted, attributes to Mithridates' ambassador to Rome the claim that much of Africa (and Italy) was in revolt.

## VI: Conclusion.

Despite the assertions of Appian, Strabo, and Velleius Paterculus, Africa probably did not become a regular praetorian assignment in the aftermath of the Third Punic War. There are no traces of governors, except for one clearly extraordinary instance in 118, and no indications of wars or likely enemies, except for the war with Jugurtha. Most importantly, the Agrarian Law of 111 provides no signs that consuls or praetors in Africa had performed important or necessary functions or could be expected to perform them in the future. If the senate of the second century defined provinces for largely military reasons, then Africa is perfectly consistent with this picture: no wars and no governors. The situation in 146, then, would closely resemble arrangements at the end of the Third Macedonian War over two decades earlier. The regular *provincia Africa* of the first century began at some uncertain point at or after the conclusion of the Jugurthine War, most probably in the context of spreading instability brought about by this war, by the Social and Civil Wars in Italy, or by the dissolution of the Numidian monarchy.

But this conclusion does not mean that Roman officials did not operate in Africa. The range of known official activities in the area presents a picture that is not too different from the practices that the Roman elite deployed while establishing their

98 For Mithridates and the Thracians, see App. *Mithr.* 15; Oros. 5.18.30; Livy *Per.* 74; *Per.* 75. For the king and the Italian rebels, see Diod. Sic. 37.2.11. See also A. Keaveney, *Sulla. The Last Republican*, second edition, (London, 2005), 64–6.

99 See C. Nicolet, "Mithridate e les 'ambassadeurs de Carthage,'" in R. Chevallier, ed., *Mélanges d'archéologie et d'histoire offerts à André Piganiol*, (Paris, 1966), 807–14. P. Goukowsky, *Appien, Histoire Romaine. Tome VII, Livre XII. Le Guerre de Mithridate*, (Paris, 2001), p. 141, regards the episode as comic. B. McGing, *The Foreign Policy of Mithridates VI Eupator King of Pontus*, (Leiden, 1986), 81, 84, 85, suggests that some may have believed that Mithridates had, or would seek, allies in Africa, but he views the evidence regarding Carthage as "extremely meager."

leadership in Italy. Subordinated polities were assigned to various legal categories, defined by their relationships to Rome and with their own political and economic implications. At the same time, some land was turned to Roman purposes, and by means that were similar to those employed in Italy. Triumvirs distributed allotments to colonists, just as had been done in Italy, and magistrates sold or leased confiscated lands at Rome. Decisions and arrangements, then, were largely made in Rome, although embassies and special colleges of magistrates could be dispatched to resolve specific problems.

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