

## NOTES AND DISCUSSIONS

### NOTES ON *PROVINCIAE* IN SPAIN (197-133 B.C.)

In an earlier article<sup>1</sup> I drew attention to some difficulties in our accounts of the assignment of Spanish *provinciae* in 197 and 196. I endeavored to show that the accepted tradition, according to which Hispania from 197 was separated into two distinctly and rigidly defined provinces, Citerior and Ulterior, is not tenable for that period, in other words is anachronistic; that the two *provinciae* in Spain now assigned to praetors (with proconsular rank) were essentially a continuation of the two army commands developed during the Second Punic War; and that the holder of such a *provincia* was no more debarred from operations in the other "province" than Scipio Africanus, for example, had been as proconsul in 209-206. Consequently M. Helvius, the first praetor assigned to "Ulterior," was involved in operations not only in the region later known as Baetica, i.e., in "Ulterior" (Livy 33. 21. 7 f.), but also in the vicinity of Celtiberia, i.e., in "Citerior" (34. 10), and actually celebrated his *ovatio* for a victory over the Celtiberi. Q. Minucius Thermus, attributed to "Citerior" (Livy 33. 26. 1), is nonetheless said to be the successor of Helvius (34. 10. 5 f.), supposedly the governor of "Ulterior." He is credited with a great victory at *Turda oppidum* (33. 44. 4); this, admittedly, need not justify the common assumption that he campaigned in southern Spain, in Turdetania.<sup>2</sup> At all events, the allocation of Spanish provinces, as recorded in Livy and elsewhere from annalistic sources, is not a wholly reliable guide to the area of activity of a governor. This fact undermines all attempts to argue from specification of a *provincia* that some governor was or was not in a particular region, or to infer from the location of a governor's activities that he was or was not in command of "Citerior" or "Ulterior," as the case might be.

One may think that sufficient evidence has already been presented to establish these conclusions.<sup>3</sup> There is, however, a good deal more. In what follows I propose to strengthen the case with further examples of difficulty over the attribution of Spanish *provinciae*.

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The year 195 saw three new commanders in Spain, the consul M. Porcius Cato, and two praetors, P. Manlius and Ap. Claudius Nero. Cato's *provincia* is defined both as Hispania "Citerior"<sup>4</sup> and as Hispania.<sup>5</sup> The latter description is the correct one. There is, of course, no doubt that most, if not all, of Cato's operations were

1. "Proconsuls and *Provinciae* in Spain, 218/7-196/5 B.C.," *Arethusa* 3 (1970): 85 ff., esp. 92 ff.

2. G. de Sanctis, *Storia dei Romani*, vol. 4.1 (Turin, 1923), p. 446; A. Degraffi, *Inscr. It.*, 13.1: 78 f., 338 f., 553; cf. A. H. McDonald, ed., *Titi Livi "Ab urbe condita"*, vol. 5 (Oxford, 1965), ad 33. 44. 4. T. R. S. Broughton, *MRR*, 1: 335, 341, keeps Minucius Thermus in "Hither Spain," as does J. Briscoe, *Commentary on Livy Books XXXI-XXXIII* (Oxford, 1973), p. 333.

"Turda" must be identical with the "Turta" of Cato (frag. 40 Malcovati), which was probably not in Turdetania. See below on Cato (at n. 6).

3. Not enough, however, for Briscoe, *Commentary on Livy*, p. 345, who finds the argument unconvincing; he also misinterprets my view, alleging that it denies the rank of praetor to the governors from 197.

4. Livy 33. 43. 2; Nepos *Cato* 2. 1; Plut. *Cat. mai.* 10.

5. Livy 33. 43. 3 and 5; cf. 34. 42. 1, 34. 43. 8, 34. 46. 2.

conducted in what was to become Citerior. But a fragment of Polybius (in Plutarch *Cato maior* 10) proves that the consul's authority extended throughout the whole of Roman Spain, including the region south of the Baetis, i.e., "Ulterior": Πολύβιος μὲν γέ φησι τῶν ἐντὸς Βαίτιος ποταμοῦ πόλεων ἡμέρα μὴ τὰ τεῖχη κελεύσαντος αὐτοῦ περιαιρεθῆναι. Livy, it should be noted, has Cato participating in a *Turdulum bellum* in Turdetania (34. 19. 1 ff., 34. 20. 2). But this notion was probably developed from Cato's account of his march to Turta (frag. 40 Malcovati), and there is no necessity to locate Turta in Turdetania. The true locus of this campaign is indicated by Livy's following reference, no doubt derived from Cato ultimately, to the consul's assault on Seguntia (34. 19. 10 f.), which is in all probability the modern Sigüenza, in Celtiberia.<sup>6</sup>

The *provincia* of P. Manlius is given in an unusual formula—"in Hispaniam citeriorem adiutor consuli datus" (Livy 33. 43. 5).<sup>7</sup> It is stated that he succeeded Q. Minucius (33. 43. 8, 34. 17. 1), that he added to Minucius' old army the old army of Ap. Claudius Nero, and that he conducted operations in Turdetania against the Turduli (34. 17. 1-4). Again, we should not jump to the conclusion that this places Manlius in the south of Spain. We soon find that these are the operations in which Cato intervened, coming to Manlius' aid (34. 19. 1 ff.), i.e., the march to Turta. Consequently we may infer that Manlius was not in fact waging war in Turdetania proper, but in what it will be convenient to call "pseudo-Turdetania."<sup>8</sup>

The role of Ap. Claudius, assigned to "Ulterior" (Livy 33. 43. 5, 34. 10. 1, 34. 17. 1), is left somewhat unclear. He allegedly took over the legion of Q. Fabius<sup>9</sup> and also had permission to enroll limited reinforcements (33. 43. 7)—two thousand infantry, two hundred cavalry. He is said to have lent to M. Helvius six thousand men (34. 10. 1), with which force Helvius first won his victory over the Celtiberi, then sent the men back to "Ulterior" after reaching safety in Cato's camp (34. 10. 3): the story displays the inventive talent of Valerius Antias (cited at 34. 10. 2). As we saw, P. Manlius is said to have joined Claudius' *vetus exercitus* to Minucius' *vetus exercitus* (34. 17. 1) for the operations in pseudo-Turdetania. Here Claudius seems for the moment to be thought of as the colleague of Minucius rather than of Manlius. Since he plays no active part, he remains an elusive figure.

To sum up: Cato was not merely the governor of "Citerior." He was commander-in-chief of all Hispania.<sup>10</sup> His lieutenant, the praetor Manlius, presumably acting on Cato's authorization, seems to have amalgamated for a time the major part

6. See K. Götzfried, *Annalen der römischen Provinzen beider Spanien . . . 218-154* (Erlangen, 1907), p. 55, n. 2 (Segontia Arevacorum); A. Schulten in *Fontes Hispaniae Antiquae*, 3: 188; McDonald in his edition of Livy ad 34. 19. 10. Turda/Turta remains unidentified; Teruel or its vicinity is a faint possibility (contra, J. Vallejo, ed., *Tito Livio, libro XXI* [Madrid, 1946], p. xxi).

7. In Livy 40. 16. 7, however, we find Manlius assigned to "Ulterior": "P. Manlius in ulteriorem Hispaniam, quam et priore praetura provinciam obtinuerat. . . ." There is, of course, no problem if we disregard the words *citeriorem* and *ulteriorem* in Livy's contradictory statements about Manlius. That is what we ought to do.

8. Pseudo-Turdetania makes its first appearance in Livy 21. 6. 1, where the Turdetani are named as neighbors of Saguntum (called Torboletes [-ae] in App. *Hisp.* 10). It may be loosely defined (only a loose definition is appropriate) as the area southwest of the Ebro.

9. On Q. Fabius (M. f. Buteo) see Sumner, "Proconsuls and *Provinciae* in Spain," pp. 96 f.

10. Consequently, the restoration in the Fasti Capitolini for Cato's triumph in 194 (*Inscr. It.*, 13.1:78 f.) should be corrected to read *ex Hi[s]pania* and in the Fasti Urbisalvienses (ibid., pp. 338 f.) [*ex Hispan.*].

of the armies pertaining to the two praetorian commands, and so to have used the forces of "Uterior" as well as "Citerior" in his operations in pseudo-Turdetania.

For the year 194 we find the praetor Sex. Digitius assigned to Hispania "Citerior" (Livy 34. 43. 7, 35. 1. 1; Oros. 4. 20. 16). He operated, without success, against rebels in the part of Spain where Cato had campaigned (Livy 35. 1. 1 f.).

The *provincia* attributed to P. Cornelius Scipio Nasica is "Uterior" (34. 43. 7). He fought the Lusitani in 193 (35. 1. 5 ff., *pro praetore*), but during his praetorship in 194 his military activity is located simply *trans Hiberum* (35. 1. 3). One can hardly infer that the Ebro here is supposed to mark the division between "Citerior" and "Uterior," when so many governors of "Citerior" in this period are found acting beyond the Ebro, to south or west. The case of Scipio Nasica is clearly one more in which a geographical demarcation of the two *provinciae* is inapplicable and only serves to confuse and mislead. In 194 Scipio probably campaigned in pseudo-Turdetania, like Manlius in 195. In 193 he moved to deal with a Lusitanian raid on the southern region, fighting a battle near Ilipa (Livy 35. 1. 11). He operated not only in what became Hispania Uterior, but also within what was to become Hispania Citerior.

In the year 193 the praetor C. Flaminius supposedly received "Citerior" as his province (Livy 34. 55. 6, 35. 7. 7).<sup>11</sup> He was not succeeded until 189 (cf. 37. 50. 8). The area of his activity included *Illucia in Oretanis*, which is identified as Ilugo northeast of Castulo.<sup>12</sup> That brings Flaminius right up to the boundary of the later provinces of Citerior and Uterior, the *saltus Castulonensis* (Sierra Morena).<sup>13</sup> In 192 he is recorded as capturing the *oppidum Licabrum* (35. 22. 5), which has been identified with Igabrum of the Turduli (Cabra, near Córdoba).<sup>14</sup> This would bring Flaminius right into "Uterior."<sup>15</sup>

It is remarkable to observe that Flaminius' opposite number in Spain, M. Fulvius Nobilior, assigned to "Uterior" (Livy 34. 55. 6; cf. 36. 39. 1), actually conducted his main campaign to the north of Flaminius and north of the *saltus Castulonensis*, viz., in the area of Toledo (35. 7. 8, 35. 22. 6-8). According to Livy's account (35. 22. 6-8), he advanced from the south via Vescelia and Helo (of the Turduli, in Baetica),<sup>16</sup> through the territory of the Oretani, as far as Toletum and the Tagus. Thus he crossed the later boundary between Uterior and Citerior. It is impossible, in fact, to draw a boundary which will separate Flaminius' territory in "Citerior" from Fulvius' territory in "Uterior." If Fulvius' territory be delimited

11. However, the important manuscript B reads *ulteriorem* at Livy 36. 2. 9, though the others have *citeriorem*. The passage concerns the prorogation of Flaminius' *provincia* in 191. In view of the unhistorical character of these Spanish attributions in this period, it is not impossible that the reading of B is what Livy wrote, in spite of the contradiction with earlier references (34. 55. 6, 35. 7. 7). The case is similar to that of P. Manlius (see n. 7), with the difference that there is no possibility in Manlius' case of eliminating the contradiction by altering the text.

12. *CIL*, 2:436; Götzfried, *Annalen*, p. 62; *Fontes Hispaniae Antiquae*, 3:196. For Castulo (near Linares), one of the chief centers of the Oretani, cf. Sumner, "Roman Policy in Spain before the Hannibalic War," *HSCP* 72 (1968): 210, n. 15 ff.; H. H. Scullard, *Scipio Africanus: Soldier and Politician* (London, 1970), p. 257, n. 52.

13. Cf. Götzfried, *Annalen*, p. 43; Hübner, *CIL*, 2:lxixiv.

14. *CIL*, 2:215; Götzfried, *Annalen*, p. 67; *Fontes Hispaniae Antiquae*, 3:197.

15. Note the admission in *Fontes Hispaniae Antiquae*, 3:197 (which of course puts Flaminius in "Citerior"): "Hay que aceptar que Flaminio luchó en la Uterior."

16. Götzfried, *Annalen*, p. 65; *Fontes Hispaniae Antiquae*, 3:197.

as "Uterior," then Flaminius' cannot be confined to "Citerior"; it overlaps with "Uterior." And if Flaminius' territory be delimited as "Citerior," then Fulvius' cannot be confined to "Uterior"; it overlaps with "Citerior."

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It is unnecessary here to continue analyzing, year by year, the *provinciae* of the magistrates of Spain. The phenomena we have examined and recorded certainly persist. For example, the praetorian governors of 186 (–184), L. Quinctius Crispinus and C. Calpurnius Piso (*MRR*, 1:371 ff.), operated in close concert: they both wintered in the south, in Baeturia or thereabouts (*Livy* 39. 30. 1), they campaigned together in the Tagus region between Toledo and Badajoz (39. 30 f.), and they celebrated identical-twin triumphs in 184 *de Lusitanis et Celtiberis* (39. 42. 3 f.). The two praetors of 154, M'. Manilius and L. Calpurnius Piso Caesoninus,<sup>17</sup> combined to fight Lusitanian invaders in the south (*App. Hisp.* 56). Again, M. Claudius Marcellus (cos. III 152), according to the solid and unimpeachable testimony of Polybius (35. 2–3), campaigned both in Celtiberia and in Lusitania, and actually wintered in Corduba—one of the chief cities of Uterior.<sup>18</sup> Yet it seems to have occurred to no one to query the notion that he was governor of "Citerior." The plain fact is that Marcellus' *provincia* must have been the whole of Hispania. The same is true for L. Licinius Lucullus (cos. 151), who campaigned against the Vaccae in the north, but then, after wintering in the south like Marcellus, fought the Lusitani both in Baetica and in Lusitania (*App. Hisp.* 51 ff., 59 ff.).<sup>19</sup> Even as late as 136 we find two consular governors, M. Aemilius Lepidus Porcina ("Citerior") and D. Iunius Brutus ("Uterior"), engaged in combined operations in the north (*App. Hisp.* 80 ff.).<sup>20</sup>

In sum, it appears highly probable that the formal division of Hispania into mutually exclusive provinces denominated Citerior and Uterior had not been established before the wars of 154–133; and it is somewhat unlikely that the division had been established during them. On the other hand, the formalization of the distinction between the two Hispaniae may well have been the work of the senatorial commission which made the settlement of Spain in 133–132, after the fall of Numantia.<sup>21</sup> This appears to be the first time that the senate settled down to

17. See H. Simon, *Roms Kriege in Spanien* (Frankfurt, 1962), p. 13, n. 6 (against, e.g., *MRR*, 1:451, n. 1). But Simon still treats the pair as governors of "Citerior" and "Uterior" respectively, and this leads him to imagine a Lusitanian raid on Carpetania instead of Baetica (*Roms Kriege*, p. 14, n. 8); cf. A. E. Astin, *Scipio Aemilianus* (Oxford, 1967), p. 37, n. 2; Sumner, *The Orators in Cicero's Brutus: Prosopography and Chronology* (Toronto, 1973), p. 62 (on Manilius).

18. Cf. Simon, *Roms Kriege*, pp. 34 f. and n. 40; but he still adheres to the classification of Marcellus' province as "Citerior" (cf. *ibid.*, p. 192).

19. Cf. Simon, *Roms Kriege*, pp. 46 ff., esp. 58 f.

20. Cf. Simon, *Roms Kriege*, pp. 164 ff. Note also the possibility that M. Popillius Laenas, cos. 139, wintered in the south (*Roms Kriege*, p. 143); he was certainly involved in the final stages of the Viriatic war as well as at Numantia (*MRR*, 1:481; *Roms Kriege*, pp. 127 ff.).

21. *App. Hisp.* 99, ἀνδρας δέκα τοὺς καταστησόμενους αὐτὰ ἐς εἰρήνην, ὅσα Σκιπίων τε ἔλαβε καὶ Βρούτος πρὸ τοῦ Σκιπίωνος ὑπηγάγετο ἢ ἐχειρώσατο. The existence of the province Hispania Uterior (and therefore of Citerior) is reliably attested in the *Fasti Triumphales* for 107 and 98 (*Inscr. It.*, 13.1:84 f.). Earlier references (*ibid.*, pp. 78 ff., 338 f.), for the period 196–175, are all due to restorations which, unless new evidence turns up, it would be preferable to revise, by deletion of *citerior* or *ulterior*; on the proper restoration for 196, see Sumner, "A New Reading in the *Fasti Triumphales* Capitolini," *Phoenix* 19 (1965): 24–26.

take definitive measures for the proper organization of Roman Spain.<sup>22</sup> Before that time, it may be, the *provinciae* remained essentially as army commands. When two praetors held these commands, each would in normal conditions stay in one region and would be responsible for its administration. But in war or emergency there had evidently been no rule to prevent a praetor from leading his army outside his provincial territory, even into the territory of his colleague.

G. V. SUMNER  
University of Toronto

22. But the tradition that, when there was a consular governor in Spain, he could include both provinces in his *provincia* was not ended. Otherwise, we should be hard put to account for the operations of Q. Caecilius Metellus Pius in 75–74, when he joined Cn. Pompeius in Citerior and fought at the River Turia, Bilbilis, Segobriga, and Calagurris (*MRR*, 2:98, 104), whereas he had hitherto operated in Ulterior (*MRR*, 2:83, 86, 93).

#### EMENDATIONS OF THE *COMMONITORIUM* OF ORIENTIUS

I: 1. 239 ff.

240           hinc fuit, ut dominus prima sub lege iuberet  
              pensari paribus crimina supplicii:  
              pro damno damnum, vulnus pro vulnere, dentem  
              dente lui raptum, lumina luminibus.  
              nec minus ut propriam sub iudice redderet audax  
              alterius cuperet qui rapuisse animam,  
245           iudiciumque reus *non* posset dicere pravum,  
              *parvis* decreta est ultio criminibus.  
              et licet haec melius mutarit gratia Christi,  
              mitia quae potius quam violenta docet,  
              *est* tamen est rectum, quidquid iubet ista vel illa,  
250           seu cito restituas, seu patienter agas,  
              hoc tamen est melior qui Christo vindice gaudet,  
              servet si domino quod dedit ille sibi.

So Robinson Ellis' edition in the Vienna Corpus (1888) and C. A. Rapisarda in his edition of 1958 (his second edition of 1970 and L. Bellanger's of 1903 are inaccessible to me); except that in 246 the former reads *pravis*, a correction in one of our two MSS (A), and in 249 the latter prints *ast tamen* with B.

It is first to be protested that *nec minus ut* in 243 follows on from *iuberet* in 239, calling for a comma instead of the full stop after *luminibus*. *Ne* (Schondonchus) then replaces *non* in 245, so that *-que* connects *decreta est* with *fuit* in 239. The ridiculous *parvis* (*pravis* is just as silly) in 246 is a more difficult problem. Sense demands *congrua*; cf. 2. 274 *factis congrua poena manet*. I suspect that *ēgrua* was misread as *parua*, with some help from *pravum* above, and then changed to *parvis* in order to scan. The couplet thus becomes: "iudiciumque reus ne posset dicere pravum, / congrua decreta est ultio criminibus." In 249 for *est* (*ast*) *tamen* read *lex tamen*: "quidquid iubet ista vel illa lex, rectum est."