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HANNAH M. COTTON

Cassius Dio, Mommsen and the quinquefascales*

For Géza Alföldy on his 65th birthday

Few passages are more familiar to historians of the Augustan age than the chapters in Book 53 of Cassius Dio dealing with the constitutional settlement of 27 BCE whose corollary was the division of the empire into public and imperial provinces.¹ This division, as FERGUS MILLAR demonstrated long ago, was not one of responsibility and authority; rather, it boiled down to a formal distinction between the methods of appointment, the *insignia*, and the length of tenure of the proconsuls, i.e. governors of the public provinces on the one hand, and of the *legati Augusti pro praetore*, i.e. governors of imperial provinces on the other hand.² For all this, our most complete, explicit and detailed source is Cassius Dio.³ Indeed, for some details he is our only source – as he is for the subject of the present discussion.

One of the formal distinctions between the two types of governors was reflected in the number of lictors assigned to the governors in each type. The proconsuls had the number of lictors corresponding to their rank as ex-praetors or ex-consuls: 'Ραβδούχοις τέ σφας ἑκατέρους ὅσοισπερ καὶ ἐν τῷ ἄστει νενόμισται χρῆσθαι (Dio 53.13.4). Not so the *legati Augusti pro praetore*: whether they were ex-praetors or ex-consuls, they all had the same number of lictors. Here is what we read in Dio's text, as we have it in BOISSEVAIN's authoritative edition: 'Ραβδούχοις δὲ δὴ πέντε πάντες ὁμοίως οἱ ἀντιστράτηγοι χρῶνται, καὶ ὅσοι γε οὐκ ἐκ τῶν ὑπατευκότων εἰσὶ, καὶ ὀνομάζονται ἐπ' αὐτοῦ τοῦ ἀριθμοῦ τούτου (53.13.8 BOISSEVAIN, II, p. 423).

* I am grateful to WERNER ECK for his generous help and advice throughout the many revisions of this article. ALEXANDER YAKOBSON made insightful comments on an earlier draft and DIETER HAGEDORN gave me sound advice. My student, ASAPH BENTOV, by asking the right question inspired me to sit down and write it.

¹ F. MILLAR, «Senatorial» Provinces: an Institutionalised Ghost, *AncW* 20, 1989, 93–97.

² F. MILLAR, The Emperor, the Senate and the Provinces, *JRS* 63, 1973, 50–67. In the course of time the absence of any but a formal distinction became even clearer.

³ 53.13; cf. MILLAR (n. 1).

This passage is rendered in modern translations as follows:

1. E. CARY's Loeb translation:⁴ All the propraetors alike employ five lictors, and indeed, all of them except those who were ex-consuls at the time of the appointment to the governorship receive their title from this very number.
2. O. VEH's German translation:⁵ Sämtliche Propätores verfügen gleichheitlich über fünf Liktoren und erhalten insgesamt, sofern sie nicht aus dem Kreis gewesener Konsuln genommen sind, von eben dieser Zahl her ihren Titel.
3. J. W. RICH's English translation:⁶ All the propraetors alike employ five lictors, and those who are not ex-consuls also get a title from this number.
4. A. STROPPIA's Italian translation: Ugualmente tutti i propretori dispongono di cinque littori e tutti costoro, tranne coloro che sono stati ex-consoli, ricevono il titolo in base al numero stesso di littori.⁷

All translations agree that although all *legati Augusti pro praetore* were assigned five lictors, only those whose rank was that of an ex-praetor derived their title from the number. This title, as the translations often add in a note, is that of *quinquefascalis*. Nothing could be stated more unequivocally.

What about the reality behind our sole literary source? Many hundreds of inscriptions (and some papyri) from all over the Roman world attest praetorian governors of imperial provinces with titles such as *legatus Augusti pro praetore*, *legatus pro praetore*, *πρεσβευτῆς καὶ ἀντιστράτηγος*, *πρεσβευτῆς Σεβαστοῦ ἀντιστράτηγος*, *ἡγεμὼν* and later *praeses*. In view of the common interpretation of Dio's text one is entitled to expect, especially in the epigraphic sources, praetorian governors with the title *quinquefascalis*, or *πεντάραβδος*, or, failing that, at least a circumlocution which would imply that this indeed was the title of praetorian governors in imperial provinces. Are our expectations met in the epigraphic material, i.e. in reality?

⁴ Dio's Roman history VI, tr. E. CARY (Loeb), Cambridge, Mass. 1980, p. 225.

⁵ Cassius Dio. Römische Geschichte. Bd. IV, übersetzt von O. VEH, Zürich – München 1986, p. 117.

⁶ J. W. RICH, Cassius Dio. The Augustan Settlement (Roman History 53–55.9), Westminster 1990.

⁷ A. STROPPIA, with notes by F. ROHR VIG, Milan 1998. Note, though, that *καὶ ὅσοι γε οὐκ ἐκ τῶν ὑπατευκτόων εἰσὶ* is not «tranne coloro che sono stati ex-consoli» but either: «tranne coloro che sono ex-consoli» or «tranne coloro che sono stati consoli» (I am grateful to ELIO LO CASCIO for sending me the Italian translation, and for the suggested emendation).

I.

I have assembled here what I believe to be all the available evidence about the so-called *quingefascales* and *quinque fasces*, and their Greek equivalents, in official careers in the provincial context. What does it tell us?

I begin, despite my concern with the epigraphic material, with a case mentioned in the literary sources.

1) In 17 CE an ex-praetor with five lictors was assigned to the cities of the province of Asia which had suffered from an earthquake: Ταῖς ἐν τῇ Ἀσίᾳ πόλεσι ταῖς ὑπὸ τοῦ σεισμοῦ κακωθείσαις ἀνὴρ ἐστρατηγηκώς σὺν πέντε ῥαβδούχοις προσετάχθη (Dio 57.17.7).

Tacitus identifies the man as M. Ateius⁸ who was elected amongst the ex-praetors. As Tacitus explains, the choice fell on a praetorian rather than on a consular senator in order to avoid strife between equals, i.e. between the special envoy and the consular governor of Asia – a strife which would impede the giving of succour to the cities: *delectus est M. Ateius e praetoriis, ne consulari obtinente Asiam aemulatio inter pares et ex eo impedimentum oreretur* (Ann. 2.47.4).

Unfortunately no honorific inscription has survived to tell us the title borne by the praetorian M. Ateius who was assigned five lictors on his special mission to Asia.⁹ We do know though that he was not the governor of Asia. As is made quite clear by Tacitus, he was to fulfil his task while the proconsul of Asia was in office (*consulari obtinente Asiam*).

2) ILS 8826 = IGR III 174, Ancyra: Γ(αῖον) Ἰ(ούλιον) Σεουήρων | βασιλέων καὶ | τετραρχῶν | ἀπόγονον | μετὰ πάσας τὰς ἐν | τῷ ἔθνει φιλοτιμία[ς] | καταταγέντα εἰς τοῦ[ς] | δημαρχ(ικ)οὺς¹⁰ ὑπὸ θεο[ῦ] | Ἀδριανοῦ, (στρατηγόν),¹¹ | πρεσβεύσα[ν]τα ἐν Ἀσίᾳ ἐξ ἐπιστολῆς [καὶ] | κωδικίων θεοῦ Ἀδριαν[οῦ], | ἡγεμόνα λεγεῶνος δ' Σκ[υ]θητικῆς καὶ [δι]οικήσαντα τὰ ἐν | Συρίᾳ πράγματα, ἥνικα Πουβλί[κι]ος Μάρκελλος διὰ τὴν κίνη[σιν] τὴν Ἰουδαικὴν μεταβεβήκε[ι] | ἀπὸ Συρίας, ἀνθύπατον Ἀχαΐας, πρὸς εἰς ῥάβδους πεμφθέν[τα] εἰς Βειθυνίαν διορθωτὴν | καὶ λογιστὴν ὑπὸ θεοῦ Ἀδριανοῦ, ... (Gaius Iulius Severus, descendant of kings and tetrarchs, after discharging all the *honores* amongst his own people, was enrolled by the deified Hadrian amongst the former tribunes, (praetor), (nominated) by letter and codicil of the deified Hadrian as legate in Asia, com-

⁸ PIR² A 1278.

⁹ But see the case of C. Pontius Paelignus (CIL V 4348) who was *legatus pro praetore iter[um] ex senatus consilio et ex auctoritate Tiberii* Caesaris in an unknown province; M. Ateius' appointment could have been described in similar, or even identical, terms, cf. W. Eck, *Prosopographia II*, ZPE 106, 1995, 249–51.

¹⁰ Cf. IGR III 175 for this reading.

¹¹ This must be restored from AE 1923, 4 = Corinth VIII 2,56.

mander of the *legio IV Scythica* and in charge of affairs in Syria when Publicius Marcellus had left the province because of the insurrection in Judaea, proconsul of Achaia, sent with¹² five *fascēs* to Bithynia as *corrector* and *curator* by the deified Hadrian . . .)

This last commission of C. Iulius Severus¹³ is mentioned in Dio 69.14.4: «He [Hadrian] sent Severus into Bithynia, which needed no armed force but a ruler (ἄρχων) and a leader (ἐπιστάτης) who was just and prudent and a man of rank. All these qualifications Severus possessed. And he managed and administered both their private and their public affairs in such a manner that we are still, even today, wont to remember him.»

The language of the epitomiser is vague. However, any attempt to read ὁ κυβερνήτης into the terms ἄρχων¹⁴ and ἐπιστάτης with the implication that C. Iulius Severus was a governor when sent to Bithynia, is belied by the inscription which says explicitly that he was *corrector* and *curator*, and as such equipped with five lictors. No doubt a senatorial proconsul, as in the previous case, was in office there.¹⁵

3) CIL VIII 7044 = ILS 1163, Cirta: *M. Flauio T. fil. | Quir. Postumo | praef. aerari milit., | ordinato in Gallia at quinque fascēs, | leg. leg. VI Ferratae, prae|tori, adlecto inter tri|bunicios ab | imp. Antonino Aug., . . .* (To M. Flavius Postumus, son of Titus, of the tribe Quirina, prefect of the military treasury, appointed for Gallia with¹⁶ five *fascēs*, legate of the *legio VI Ferrata*, praetor, enrolled by the emperor Antoninus Augustus amongst the former tribunes . . . etc.)

M. Flavius Postumus¹⁷ had indeed praetorian rank and five lictors when appointed for Gallia, but there is nothing in the inscription to suggest that he

¹² Πρὸς εἰς ὁμάδους translates the Latin *ad quinque fascēs* (see below no. 3); cf. however LSJ s.v. πρὸς C. III.6 for πρὸς used in the sense of «with», «accompanied by».

¹³ PIR² I 573.

¹⁴ So in Loeb.

¹⁵ Despite MOMMSEN, *Gesammelte Schriften* 8, 149. Needless to say, the traditional interpretation of *quinquefascalis* as a term interchangeable with the designation *legatus Augusti pro praetore* of a governor of a praetorian imperial province, leads B. RÉMY (*Les carrières sénatoriales dans les provinces romaines d'Anatolie au Haut-Empire*, Istanbul – Paris 1989, 50ff.) to regard C. Iulius Severus as the governor of the province of Pontus-Bithynia, which, according to him, had been withdrawn by Hadrian from the senate's control and turned into an imperial province. This interpretation, which uses Pliny's position in the province under Trajan as a parallel, is not warranted by the text. RÉMY seems to have been influenced by H.-G. PFLAUM (*Légats impériaux à l'intérieur de provinces sénatoriales*, *Hommages à Albert Grenier*, Brussels 1962, 1236), who rendered πρὸς εἰς ὁμάδους πεμφθέντα εἰς Βαιθυνίαν διορθωτὴν in Latin: *legatus Augusti pro praetore ad corrigendum statum provinciae Ponti et Bithyniae*.

¹⁶ At (i.e. *ad*), cf. πρὸς in the previous inscription.

¹⁷ PIR² F 341. See there for the date.

was made governor of any particular province. Gallia by itself without any further specification is not one of the provinces of Gallia, but all four of them (Aquitania, Lugdunensis, Belgica and Narbonensis) – a geographical, not an ordinary administrative, concept.¹⁸ Nor does the inscription state for what purpose he was sent there.

4) ILS 8834^b = Insc. Creticae IV 299, Gortyna: [- - - ἐπὶ τοῦ] | σειτομετρίου τοῦ Ῥωμαίων ταχθέν[τα], | τεμηθέντα ἱερωσύνη τῶν ἱε' ἀνδρῶ[ν, | λογιστὴν - - -] ριανῶν τῶν ἐν Ἰταλίᾳ, | [προεσβευτήν] Ἀφρικῆς, ἀνθύπατο[ν | - - -, πε]ντάραβδον Ῥαιτίας | [Βολουμν]ία Κάληδα τὸν γλυκύτατ[ι]ον καὶ εὐ]σεβέστατον υἱόν (Prefect of the corn supply, one of fifteen men in charge of sacrifices, *curator* of (a city, whose name is lost in the lacuna) . . . in Italia, [legate] in the province of Africa, proconsul . . ., *quingefascales* in Raetia, Volumnia Calida for her most sweet and pious son).

It is true that the Ignotus could have become governor of a praetorian province at the stage in his career occupied here by his post as *quingefascales Raetiae*. Nevertheless the absence of an earlier service as a legionary commander is disturbing: normally a governor in a praetorian province where a legion was stationed – as was the case in Raetia since ca. 170¹⁹ – had always commanded a legion before. This legionary command usually followed immediately after the prefecture of the corn supply (*praefectura frumenti dandi*) attested here as the man's first post.²⁰ It is only if we start with the premise that *quingefascales* is the formal title of a governor of a praetorian province that we are made to take the anonymous [πε]ντάραβδος Ῥαιτίας as the governor of the province. But there is nothing in this inscription itself which compels us to assume that the man was a governor of Raetia rather than on a special commission there as in other cases surveyed here.

¹⁸ Thus DESSAU (III.1, Index VI, p. 372) is wrong to say: «incertum cuius [i.e. Galliae]», implying that the specification should have been there. MOMMSEN, however, rightly regards him as an extraordinary envoy, and not as a governor of one of the four Galliae: according to MOMMSEN he belonged to the «genus» of «legati Augusti extra ordinem in provincias senatorias missi», who were also entitled to five *fasces*, see *Gesammelte Schriften* 8, 228. The formulation «in provincias senatorias missi» is unfortunate since three of the Galliae were imperial; cf. below n. 51.

¹⁹ See HAUG, RE 1 A.1, 1914, s.v. Raetia, col. 54; B. E. THOMASSON, *Laterculi praesidium* I, Göteborg 1984, 80, assigns the Ignotus, whom he takes to be a governor, to the late second century; cf. G. WINKLER, *Die Statthalter der römischen Provinz Raetia unter dem Prinzipat*, Bay. Vorgeschichtsblätter 36, 1971, 79, n. 21.

²⁰ Cf. W. ECK, *Beförderungskriterien innerhalb der senatorischen Laufbahn*, dargestellt an der Zeit von 69 bis 138 n. Chr., ANRW II 1, Berlin 1974, 192 = *Tra epigrafia prosopografia e archeologia. Scritti scelti, rielaborati ed aggiornati*, Rome 1996, 40.

5) CIL VI 41134 = 1546, Rome : [- - -]VM[- - - | - - -]TEM GERM[- - - | - - -]VRATA•ED SA[- - - | - - -]SODALI ANTO [- - - | - - -]QUE P•ASCREG[- - - | - - -]IICL•F•PRAETOR[- - -]

The inscription itself is now lost. As restored by GÉZA ALFÖLDY in CIL VI 41134 it reads as follows:²¹ [- - -, ?comiti | Augustor]um [expeditionis | Parthicae i]tem Germ[anicae | et Sarmaticae, d]urat[ori] aed[ium] sa[crarum | et oper(um)] publi-cor(um) (?), sodali Anto[niniano | leg(ato) Aug(usti) (?)²² ?quin]que fasc(al)i reg(ionis) [Transpad(anae)²³ | leg(ato) Aug(usti) leg(ionis) V]II Cl[audiae] <p(iae)> f(idelis), prae-tor[i, trib(un)o] | plebis, quaestori - - -] (Companion of the (two) Augusti in the Parthian expedition as well as in the German and the Sarmatian expedition, in charge of the sacred temples and public buildings (?), priest of the (deified) Antoninus, imperial legate *quinquefascalis* (or: with *quinque fasces*) of the region of Transpadana (?), imperial commander of the *legio Claudia VII pia fidelis*, praetor, tribune of the plebs, quaestor . . .).

It is possible that [- - -]que fasc should be expanded to yield [quin]que fasc(ium),²⁴ i.e. we cannot be sure that the Ignotus indeed bore the title of *quinquefascalis*. Be this as it may, the place occupied by the post of *quinquefascalis* or *legatus Augusti quinque fascium* in the Ignotus' career is of course entirely compatible with the assumption of it having been that of a provincial governorship in a praetorian province. Furthermore, in contrast to the case of the πεντάρᾱβδος Πατρίας (no. 4), a legionary command is attested in this descending career inscription as having preceded this post. Nonetheless, while the fragmentary condition of the inscription makes it unsafe to assume without further proof that the *legatus Augusti quinquefascalis* (or *quinque fascium*) was a provincial governor, the place (i.e. the *regio Transpadana*) taken together with the date renders this possibility altogether unlikely.²⁵

The restoration: sodali Anto[niniano leg(ato) Aug(usti) quin]que fasc(al)i or quin]que fasc(ium) yields a date between 161–169. With *Veriano* (see n. 22) instead of leg(ato) Aug(usti) restored in the lacuna – sodali Anto[niniano Veriano quin]que

²¹ I am grateful to GÉZA ALFÖLDY for allowing me to see the proofs of the new suppl. volume.

²² Or, less likely: [Veriano].

²³ Restored before as reg[(ni) Norici].

²⁴ See no. 6.

²⁵ The old restoration reg[(ni) Norici] cannot stand. This concept occurs only in procuratorial inscriptions between 160 and 170, i.e. when the province was still governed by equestrian procurators; cf. W.ECK cited in: D.KNIBBE et alii, Neue Inschriften aus Ephesos XII, Jahreshefte des Öster. Arch. Instituts 62, 1993, 127f. (no. 20 = SEG 43, 777). On the other hand *regnum Noricum* is no longer attested when the legate of the *legio II Italica*, raised during the Marcomannic wars, became the senatorial *legatus Augusti pro praetore* of Noricum ca. 175 (for the date see G. ALFÖLDY, *Noricum*, London 1974, 156–58). Thus the fact that we have here a career inscription of a senator makes it unlikely that *regnum Noricum* stood here.

fasc(al)i – the inscription is to be dated not before 169 and not after 180. The *regio Transpadana* suffered greatly from the German invasions and the plague at these dates, and Marcus Aurelius must have felt the need to send someone to look after matters in the afflicted region. However, precisely under Marcus Aurelius the presence in one of the regions of Italy of an official whose title would suggest that he was a provincial governor of praetorian rank is very unlikely. Hadrian's policy of sending *legati Augusti pro praetore* of consular rank whose title and competence were identical to those of the provincial governors into regions of Italy, thus creating the impression of treating an Italian *regio* like a province, had been abolished by Antoninus Pius. Marcus Aurelius revived it in a modified form meant to avoid the impression that a 'provincial' treatment was being given to an Italian *regio*; instead he sent there, when the situation called for it, *iuridici* of praetorian rank whose competence was much more limited than that of the Hadrianic *legati Augusti pro praetore*.²⁶ It would be inconsistent with Marcus Aurelius' attested policy to send to the Transpadane region an envoy whose title would suggest that he was a normal provincial governor. Consequently the occurrence of *quinquefascalis* (or *legatus Augusti quinque fascium*) precisely in this inscription may be proof that it was not the normal title borne by the praetorian provincial governor.

6) AE 1917/18, 51, Lambaesis: *L. Iulio Apronio Ma[e]nio Pio Salamalliano trib(uno) latic(lavio) leg(ionis) X Gem(inae), adlect(o) inter qq(aestorios), praepos(ito) actis senatus (sic), aedili curuli, <praetori>, leg(ato) Aug(usti) vice <leg(ati) Aug(usti) pr(o) pr(aetore)> quinque fascium prov(inciae) Belgi[cae], leg(ato) leg(ionis) I Adiut(ricis) et leg(ato) Aug(usti) pr(o) pr(aetore) prov(inciae) Galatiae, <leg(ato)> leg(ionis) III Aug(ustae) Sever(ianae) et prov(inciae) Numid(iae), M. Aurelius Crescens p(rimi)p(ilus) leg(ionis) eiusd(em) praesidi rarissimo.*

Another inscription bearing an almost identical text attests (as was to be expected) *praetor* before the phrase containing the term which is the subject of this paper: CIL VIII 18270 = ILS 1196, Lambaesis: *L. Iul(io) Apronio Ma[e]nio Pio Salamalliano trib(uno) latic(lavio) leg(ionis) X Gem(inae), adlecto inter qq(aestorios), praeposito actis senat(us), aed(ili) curuli, praetori, leg(ato) Aug(usti) vice <leg(ati) Aug(usti) pr(o) pr(aetore)> quin[g]ue fascium prov(inciae) Belgi[cae], leg(ato) leg(ionis) I Adiutric(is), leg(ato) Au[g](usti) pr(o) pr(aetore) prov(inciae) Ga[la]tiae item leg(ato) pr. [- -].*

The translation unifies both versions for the man's career: «To L. Iulius Apronius Maenius Pius Salamallianus, laticlave tribune of the *legio X Gemina*,

²⁶ See W. ECK, *Die italischen legati Augusti pro praetore unter Hadrian und Antoninus Pius*, *Historiae Augustae Colloquium Parisinum* 1990, Macerata 1991, 183–195 (= *Die Verwaltung des Römischen Reiches in der Hohen Kaiserzeit* 1, eds. R. FREI-STOLBA and M. A. SPEIDEL, Basel 1995, 315–326); cf. idem, *L'Italia nell'impero Romano. Stato e amministrazione in epoca imperiale*, Bari 1999, 155 ff.

enrolled amongst the ex-quaestors, in charge of the official record of senatorial proceedings, curule aedile, praetor, imperial legate substituting (the governor with praetorian rank) with five *fascēs* of the province of Belgica, commander of the *legio I Adiutrix*, governor with praetorian rank of the province of Galatia, legate of the *legio III Augusta Severiana* and (governor with praetorian rank) of the province of Numidia . . .»

The case of L. Iulius Apronius Maenius Pius Salamallianus²⁷ calls for a more detailed discussion. At the crucial place the text reads: *leg. Aug. vice quinque fascium prov(inciae) Belg[icae]*. MOMMSEN,²⁸ followed by others, understood *vice quinque fascium provinciae Belgicae* as equivalent to *vice quinquefascalis provinciae Belgicae* in the place of (a deputy of) the *quinquefascalis* of the province of Belgica, thus finding here proof for his assumption that *quinquefascalis* was another title of a praetorian governor of an imperial province. Such an interpretation indeed turns the term *quinquefascalis* into the proper and official title of the praetorian provincial governor whom our man was replacing.

However, this interpretation of the text runs into serious difficulties. First, if L. Iulius Apronius is assumed to have borne the title *legatus Augusti vice quinquefascalis prov(inciae) Belg[icae]* – as the traditional interpretation would have it – it is to be inferred that the governor of a praetorian province like Belgica bore the title *quinquefascalis prov(inciae) Belg[icae]*; however, in this very inscription we find that in the praetorian province of Galatia, where indeed L. Iulius Apronius was a praetorian governor, he was called *leg(atus) Aug(usti) pr(o) pr(aetore) prov(inciae) Galatiae* and not *quinquefascalis prov(inciae) Galatiae*.²⁹

Secondly, *vice quinque fascium* does not mean *vice quinquefascalis* in normal Latin. The only way to make sense here of the *quinque fascium* is to take it as a qualitative genitive, a variation on *ad quinque fascēs*, i.e. with five *fascēs* (above, no. 3). True, this leaves the *vice* without its complementary genitive.³⁰ However, an omission of *leg. Aug. pr. pr.* after *vice* by the stonecutters (or the author of the

²⁷ PIR² I 161; cf. THOMASSON (n. 19) p. 45, no. 16 for his tenure in Belgica.

²⁸ Staatsrecht I³ 388, n. 5.

²⁹ MOMMSEN solved the difficulty by suggesting: «hier zeigt sich die erstere Titulatur [i.e. *quinquefascalis*] als die geringere», Staatsrecht I³ 388, n. 5; it would seem that MOMMSEN too was uncomfortable with equating *quinquefascalis* with the official title *legatus Augusti pro praetore*.

³⁰ Unless one takes the *quinque fascium* together with the preceding nominal group, i.e. with the *leg. Aug.*, understanding the latter to be an abbreviation of *leg(ati) Aug(usti)* rather than of *leg(ato) Aug(usti)*, as the text is normally expanded. Admittedly *legati Augusti vice* is not the normal word order for expressing substitution of one official by another in the epigraphic sources; the only examples I have been able to find for this inverted order are taken from literary sources: e.g. Pliny, Ep. 4.19.7: *matrem meam parentis vice* [*loco] *vererere*; Tac. Ann. 6.21.6: *oraculi vice accipiens*; Pliny, NH 8.184: *bos in Aegyptio etiam numinis vice colitur*.

text),³¹ could easily be explained if both the governor and his deputy bore the title of *legatus Augusti* – for *legatus Augusti* by itself is not the title of a provincial governor exclusively. In other words the text should have read as proposed above: *leg(ato) Aug(usti) vice (leg(ati) Aug(usti) pr(o) pr(aetore)) quinque fascium prov(inciae) Belgi[cae]*.

It could be argued that the *quinque fascium* qualifies the entire nominal group *vice leg(ati) Aug(usti) pr(o) pr(aetore)*, and not merely the *leg(ati) Aug(usti) pr(o) pr(aetore)*; thus serving as an attribute of the deputy governor, and not of the governor himself, i.e. as if the text read *leg(ato) Aug(usti) quinque fascium vice (leg(ati) Aug(usti) pr(o) pr(aetore)) prov(inciae) Belgi[cae]*. But even if grammatically the *quinque fascium* qualifies the *legatus Augusti pro praetore*, i.e. the praetorian governor of Belgica, whom L. Iulius Apronius was replacing, it can hardly count as a title. In fact the only reason for mentioning it at all would be to define more closely the *potestas* of the deputy who would likewise be entitled to five *fascēs*. Perhaps it is best to regard the *quinque fascium* as qualifying both the governor and his deputy.

Again, this inscription cannot be used as evidence that *quinquefascalis*, or rather *legatus Augusti pro praetore quinque fascium*, was the normal title of the praetorian governor of an imperial province.

7) CIL XIII 3162 = ILTG 341 = AE 1949 nos. 136 = 137 = 214 = 1959 no. 95.³² The famous tripartite inscription from Thorigny engraved on the base of a statue decreed by the Three Gauls in honour of their high priest, T. Sennius Sollemnis, on 16 December 238 (I 30), contains an honorific inscription (the main face of the base) and two letters of recommendation (left and right faces). The letter on the right-hand side of the base is a recommendation of the Viducassian Titus Sennius Sollemnis by the praetorian prefect, M. Aedinius Iulianus, and is addressed to the acting governor of Gallia Lugdunensis, Badius Comnianus:³³ *Exemplum epistolae Aedin[i] | Iuliani praefecti praet(orio) | ad Badium Comnianum pr[o]cur(atores) et vice praesidis agen[t(em)]*. | *Aedinius Iulianus Badio | Comniano sal(utem)*. *In provincia | Lugdunensi quinquefasc(al)em*³⁴

³¹ The source of both inscriptions – although the dedicants are different – is very likely to be the honorand himself, but in that case the text was probably changed at some point between its composition and execution, see W. ECK, *Tituli honorarii, curriculum vitae und Selbstdarstellung in der Hohen Kaiserzeit*, Acta colloquii epigraphici Latini Helsingiae 3.–6. sept. 1991 habiti, Helsinki 1995, 211 ff. (= Tra epigrafia prosopografia e archeologia. Scritti scelti, rielaborati ed aggiornati, Rome 1996, 319 ff.)

³² See above all, H.-G. PFLAUM, *Le marbre de Thorigny*, Paris 1948.

³³ See H. M. COTTON, *Documentary Letters of Recommendation in Latin from the Roman Empire*, Königstein/Ts. 1981, 34 ff.

³⁴ PFLAUM expands: *quinquefasc(al)is*), but see e.g. Suet. Cl. 29.1: *non principem sed ministrum egit*; Tac. Hist. 2.83: *socium magis imperii quam ministrum agens*; cf. KÜHNER-STEGMANN, II. 1, 297, A. 3, and TLL s.v. *ago* 1399, e.g. l. 42.

| *cum agerem plerosq(ue) bonos viros perspexi* etc. (A copy of the letter of Aedinius Iulianus the praetorian prefect to Badius Comnianus, procurator and acting in the place of the governor. Aedinius Iulianus sends his greetings to Badius Comnianus: «When I served in the province of Lugdunensis as *quinquefascalis*, I became aware of many good men . . . »).

Here for the first (and only) time we have a secure attestation of the term *quinquefascalis* in Latin, whereas before it was found either expressed in a round-about way (nos. 1, 2, 3, 6), uncertainly restored (no. 5), or translated into Greek (no. 4).

However, the formulation *in provincia Lugdunens(i) quinquefascal(em) cum agerem* must be juxtaposed with the different formulation of Aedinius Iulianus' position in Lugdunensis given in the central panel, where T. Sennius Solemnis is described by the *ordo* of the *civitas Viducassium* as «a greatly beloved client of Aedinius Iulianus, the imperial legate in Gallia Lugdunensis»: *cliens probatissimus Aedini Iuliani leg(ati) Aug(usti) prov(inciae) Lugd(unensis)* (I 21).

What is the meaning of the two different formulations of Aedinius Iulianus' position in the province, i.e. *in provincia Lugdunens(i) quinquefascal(em) cum agerem* and *legatus Augusti provinciae Lugdunensis*? Can they be reconciled or are they incompatible? And finally, does their co-existence support the assumption that *quinquefascalis* was the normal title of the praetorian imperial governor?

M. Aedinius Iulianus³⁵ served in Lugdunensis ca. 220; his predecessor in Lugdunensis,³⁶ Claudius Paulinus, is attested in Britannia Inferior in 220,³⁷ where «his term of office must have begun soon before».³⁸ However, as late as 223 M. Aedinius Iulianus still belonged to the equestrian order as is proven by his tenure of the prefecture of Egypt in 222–223,³⁹ from which position he moved directly to the praetorian prefecture in which he is attested under Alexander Severus in 223.⁴⁰ In other words Aedinius Iulianus did not yet belong to the senatorial order when acting as *quinquefascalis* in Lugdunensis in the early 220s,⁴¹ despite the *leg. Aug. prov. Lugd.* in line 21 of the central panel, with its

³⁵ PIR² A 113.

³⁶ Cf. *decessori meo* in line 15 of the recommendation.

³⁷ CIL VII 1045 + 1044 = RIB 1280.

³⁸ A. R. BIRLEY, *The Fasti of Roman Britain*, Oxford 1981, 189.

³⁹ Cf. G. BASTIANINI, *Lista dei prefetti d'Egitto dal 30^a al 299^p*, ZPE 17, 1975, 308 f.: 222–223 CE; cf. idem, ZPE 38, 1980, 87 and ANRW II 10.1, 513; cf. P. BURETH, ANRW II 10.1, 492: «été/automne 222–été 223».

⁴⁰ This is the date of the «*album* of Canusium» (CIL IX 338), in which Aedinius Iulianus appears among the patrons of the city in the number of *clarissimi*, i.e. on becoming *praefectus praetorio* he was enrolled in the senatorial order; cf. HA Alex. 21: *Praefectis praetorii suis senatoriam addidit [Alexander Severus] dignitatem, ut viri clarissimi et essent et dicerentur*. See next note.

⁴¹ Those, who, unlike PFLAUM (n. 32) 38–39, distinguish between the inclusion of Aedinius Iulianus in the senatorial order in 223 – after which he could hold the gover-

ostensible implication that Aedinius Iulianus was a senatorial governor of Lugdunensis. It is possible of course to dismiss (with PFLAUM) the expression *leg. Aug. prov. Lugd.* as a misunderstanding on the part of the provincials who assimilated Aedinius Iulianus' position to that of the normal senatorial governor.⁴² For it seems extremely unlikely that M. Aedinius Iulianus, were he a senatorial governor, would refer to himself as *quinquefascalis* rather than as a *legatus Augusti pro praetore*. But how did an equestrian governor come by five *fascies* when normally, so far as we know, he would have none at all?⁴³

Evidently M. Aedinius Iulianus was no ordinary equestrian governor, nor an equestrian deputy of a senatorial governor.⁴⁴ Therefore, one may suggest that perhaps the Viducassians made no mistake in calling him *leg. Aug. prov. Lugd.* One should seek the explanation for the two designations in the special circumstances prevailing under Elagabalus when equestrians are found serving in positions normally filled by senatorial governors, and the same person is found occupying indiscriminately both senatorial and equestrian positions.⁴⁵ It is precisely at this time that Aedinius Iulianus could have been appointed governor of Lugdunensis, designated *leg. Aug. prov. Lugd.*, and assigned five *fascies* – notwithstanding his equestrian status. However, the combination of *leg. Aug. prov. Lugd.* and *quinquefascalis* does not imply that *quinquefascalis* was the normal designation of a praetorian governor in the imperial provinces; quite the contrary: it suggests that even under Elagabalus a distinction was maintained between a senatorial and an equestrian governor. Only the latter would use the circumlocution *quinquefascalem cum agerem* to describe his position as governor in the

norship of Lugdunensis as a senator – and his eventual nomination as praetorian prefect maintain that he served in Lugdunensis after 223 as a senatorial governor, and that *decessor meus* in our text (see n. 36) does not mean direct predecessor, cf. A. STEIN, *Die Präfecten von Ägypten in der römischen Kaiserzeit*, Bern 1950, 216, n. 391 and G. BARBIERI, *L'albo senatorio da Settimio Severo à Carino*, Rome 1952, p. 190, no. 923; p. 615, n. ad p. 190, no. 923. PFLAUM's reconstruction is adopted here as the most economical interpretation of the various texts.

⁴² PFLAUM (n. 32) 35–36.

⁴³ T. SCHÄFER, *Imperii Insignia. Sella curulis und fascies. Zur Repräsentation römischer Magistrate*, Mainz 1989, 214.

⁴⁴ Despite PFLAUM who maintains that had he been a governor, rather than a deputy governor, he would have said *esse* instead of *agere* (l.c. [n. 32] 20); but see above n. 34 on the grammatical construction. To me it seems that, had he been a deputy governor, he would probably have used about himself the same terms that he uses for his addressee, Badius Comnianus, namely *procurator et vice praesidis agens*.

⁴⁵ With Badius Comnianus we can see that we are back in the old order, for he is described as *procurator vice praesidis agens*, i.e. an equestrian deputy to a senatorial governor. For an attempt to explain away irregularities in appointments under Elagabalus, see B. SALWAY, *A Fragment of Severan History: The Unusual Career of . . . atus, Praetorian Prefect of Elagabalus*, *Chiron* 27, 1997, 127 ff.

province; only in his case was it necessary and important to stress that he held the five *fascēs*, for normally they would not be allotted to an equestrian. In corroboration of this hypothesis one could point to the different titles given in the document to Aedinius Iulianus and to his predecessor, Claudius Paulinus: Aedinius Iulianus is called *legatus Augusti provinciae Lugdunensis* (I 21), whereas Claudius Paulinus is called *legatus Augusti pro praetore provinciae Lugdunensis* (I 15–16) and *provinciae Britanniae* (III 1–3) respectively, i.e. the normal official title of the senatorial provincial governor in an imperial province. The omission of *pro praetore* from Aedinius Iulianus' title may thus be no oversight on the part of the provincials, but a reflexion of an official designation intended to bring out the distinction between the two.

This inscription too cannot prove that *quinquefascalis* was the normal title of the praetorian governor of an imperial province.

II.

Our evidence is restricted to a handful of testimonies: none of them discloses a praetorian governor of an imperial province; none of them proves or even implies that the governor of a praetorian imperial province, i.e. the *legatus Augusti pro praetore* with the rank of an ex-praetor, received his title from the number of lictors assigned to him, i.e. that he bore an (official) title of *quinquefascalis*. The epigraphic evidence shows in fact that it is a praetorian (or in one case an equestrian) official, sent to replace the governor or perform a special task in the province while the governor is still in office, who is said to be accompanied by five *fascēs*. In fact the two officials, i.e. the normal praetorian governor of an imperial province and an official accompanied by five *fascēs*, represented two different positions, and the so-called *quinquefascalis* occupied a lower rank than that of the praetorian governor. This is seen above all in the career of L. Iulius Apronius Maenianus Sallamallianus, whose term of office as a deputy governor in the province of Belgica preceded his legionary command (no. 6).

A brief survey may help:

- No. 1: The praetorian M. Ateius was sent to Asia while the consular governor was in office there.
- No. 2: C. Iulius Severus was *corrector* and *curator* in Bithynia, not its governor.
- No. 3: M. Flavius Postumus was appointed (*ordinatus*) in Gaul, i.e. for all four Gallias, but was governor of none.
- No. 4: The Ignotus who was πεντάραβδος in Raetia could have been a governor at this stage in his career, but the absence of a legionary command in his career makes this unlikely; furthermore, now that we know that none of the other so-called *quinquefascals* was a provincial governor, and that the position of the so-called *quinquefascalis* is to be distinguished from that of a governor, we can say that the very fact that he is called

πεντάραβδος implies the opposite, namely that he was not the provincial governor of Raetia.

- No. 5: The Ignotus who was probably in office in the Transpadane *regio* of Italy was not a provincial governor, but a special commissioner sent by Marcus Aurelius to the afflicted region.
- No. 6: The governor of Belgica, whom L. Iulius Apronius Maenianus Sallamallianus was replacing, did not bear the title *quinquefascalis* of the province of Belgica; at most his title as *legatus Augusti pro praetore* could have been further qualified by the qualitative genitive *quinque fascium* – a qualification attested nowhere else; it was put there only in order to underline the rank of his deputy now in possession of an identical *potestas*.
- No. 7: M. Aedinius Iulianus was an equestrian while serving as governor of Gallia Lugdunensis. The usual *pro praetore* is missing from his title as governor: *legatus Augusti provinciae Lugdunensis*, and the *quinque fasces* may in fact prove the uniqueness of his position.

Nor am I convinced that even in the case of these special envoys did *quinquefascalis* ever crystallize into an official title. The term is attested securely in Latin only once, in no. 7: *in provincia Lugduness(i) quinquefascal(em) cum agerem*; but even here it is not used as a title but is part of a circumlocution which describes the man's term of office as an equestrian governor in what used to be a praetorian province. It is restored in no. 5: [? *legatus Augusti quin*] *que fasc(al)i reg(ionis)* [? *Transpad(anae)*], which could also read [? *legatus Augusti quin*] *que fasc(ium) reg(ionis)* [? *Transpad(anae)*]. Its Greek equivalent πεντάραβδος is also attested once only, in no. 4: [πε]ντάραβδον Πατίας. In the other four cases a periphrasis is used to convey the fact that the man held five *fasces*: ἀνὴρ ἐστρατηγηκὼς σὺν πέντε ῥαβδούχοις (no. 1); πρὸς εἴ ῥαβδους πεμφθέντα εἰς Βειθυνίαν (no. 2);⁴⁶ *ordinato in Gallia at quinque fasces* (no. 3); <leg. Aug. pr. pr.> *quinque fascium prov(inciae) Belg[icae]* (no. 6). Nor does Dio come up with a title after his suggestive καὶ ὀνομάζονται ἐπ' αὐτοῦ τοῦ ἀριθμοῦ τούτου; one would have expected πεντάραβδοι or a Greek transliteration of *quinquefascales* to follow.

The scarcity of the epigraphic evidence suggests that not all imperial envoys were entitled to five *fasces*. Those who were, by emphasizing the five *fasces* in their career inscriptions, i.e. the symbol of the praetorian *potestas*, made themselves to some extent appear the equals of governors in imperial provinces. In the province into which they were sent, accompanied by five lictors, they looked no different from a praetorian or consular imperial governor.

⁴⁶ This is the only case where a more specific definition of the praetorian's position follows: διορθωτὴν καὶ λογιστὴν.

III.

What about Dio's assertion that the praetorian governors of imperial provinces «also receive their name from that number», i.e. five: καὶ ὀνομάζονται ἐπ' αὐτοῦ τοῦ ἀριθμοῦ τούτου?

Editors of Dio must have puzzled over this statement. The first printed editions of Dio changed the πέντε ῥαβδούχοις to ἑξ ῥαβδούχοις. Of course they were unaware of the existence of the epigraphic evidence presented above, and could not use it to defend their correction. They must have suspected Dio's accuracy on the grounds adduced by MOMMSEN in a paper published for the first time in 1852,⁴⁷ namely their acquaintance with the six *fascēs* of the republican propraetors (and of the proconsuls with praetorian rank), the existence of the term ἑξαπελέκεις in the literary sources,⁴⁸ and conversely, the absence in these sources of the term *quinq̄uefascalis* and its Greek equivalent πεντάραβδος. However, the ἑξ, as MOMMSEN categorically states, has no manuscript authority.⁴⁹ BOISSEVAIN's edition dismisses this correction with *perperam* and gives the credit for the restoration of the original reading πέντε to MOMMSEN.⁵⁰ All subsequent editions follow BOISSEVAIN's.

Surely it was the epigraphic evidence quoted above, as well as the case of M. Ateius (Dio 57.17.7 together with Tac. Ann. 2.47.4, no. 1), which led MOMMSEN to vindicate Dio's accuracy and reinstate the reading of the unanimous manuscript tradition. At the same time this epigraphic evidence suggested to MOMMSEN that not all *legati Augusti pro praetore* were called *quinq̄uefascales*, but only those *legati Augusti pro praetore* who were ex-praetors.⁵¹ The way

⁴⁷ MOMMSEN, *Gesammelte Schriften* 8, 147 (first published as no. 20 in: *Epigraphische Analekten*, Nr. 18–28, *Berichte der sächs. Gesellschaft der Wissenschaften* 1852, 213 ff.).

⁴⁸ Although *sexfascalis* is absent from the literary sources, in the second half of the fourth century we find dozens of inscriptions attesting the governor of Numidia as *consularis sexfascalis provinciae Numidiae*: AE 1888, 30; 1885, 108; 1902, 166 (= ILAlg 2.620); 1909, 220; 1911, 110 (= 1946, 112); 1913, 23. 35; 1917/18, 58; 1936, 30 (= 1937, 144); 1946, 107 (= 111). 110; 1987, 1062. 1082. 1083 (= 1911, 217); CIL VIII 7015 (= ILAlg 2.596). 7034 (= ILAlg 2.619). 7975 (= 19852 = ILAlg 2.379). 10870 (= 1487 = ILAlg 2.661). 17896. 19502 (= ILAlg 2.618); ILAlg 2.629; see MOMMSEN, *Gesammelte Schriften* 8, 149 f.; *Staatsrecht* I³ 385, n. 2.

⁴⁹ One could conceivably argue that somewhere along the transmission of Dio's text, a *digamma* was misread as an *epsilon*, were it not for the fact that the reasons which made the editors of the printed editions change the πέντε of the mss. to ἑξ would have worked as a corrective.

⁵⁰ See apparatus to vol. II, p. 423, line 28: «πέντε] ἑξ Xyl. perperam, cf. MOMMSEN, *Staatsrecht* I² 369, 4.»

⁵¹ Although he believed that the title was not restricted to praetorian governors but common to them and to special envoys, whom he designates «legati Augusti extra ordi-

in which he punctuated and translated Dio's text was meant to bring out the distinction between the consular and the praetorian *legati Augusti* – only the latter received their title from the reduced number of lictors.⁵² This less than natural interpretation of the Greek text is reflected in all the translations quoted at the beginning of this paper, which were clearly influenced by MOMMSEN's: the first *καί* was taken in the sense of *et* (and), and the second *καί* in the sense of *etiam* (also): ῥαβδούχοις δὲ δὴ πέντε πάντες ὁμοίως οἱ ἀντιστράτηγοι χρῶνται καὶ ὅσοι γε οὐκ ἐκ τῶν ὑπατευκότων εἰσὶ, καὶ ὀνομάζονται ἐπ' αὐτοῦ τοῦ ἀριθμοῦ τούτου (Sämtliche kaiserliche Legaten haben nicht mehr als fünf Lictoren, und diejenigen von ihnen, welche nicht das Consulat bekleidet haben, entnehmen diesen fünf Fasces auch den Namen).⁵³

However, once it is realized that the epigraphic evidence does not bear out the claim that *quingefascalis* or πεντάραβδος was the title (if indeed, which is extremely dubious, it was a title at all) of the praetorian governors – we may attempt a more straightforward translation of the text. The translation offered below takes the first *καί* in the sense of *etiam* (also), and the second *καί* in the sense of *et* (and). The first *καί* will then put the clause ὅσοι γε οὐκ ἐκ τῶν ὑπατευκότων εἰσὶ in parenthesis, whereas the second *καί*⁵⁴ will connect the two verbs χρῶνται and ὀνομάζονται to each other: ῥαβδούχοις δὲ δὴ πέντε πάντες ὁμοίως οἱ ἀντιστράτηγοι χρῶνται – καὶ ὅσοι γε οὐκ ἐκ τῶν ὑπατευκότων εἰσὶ – καὶ ὀνομάζονται ἐπ' αὐτοῦ τοῦ ἀριθμοῦ τούτου (All propraetors alike employ five lictors – indeed *also* those who are not ex-consuls – and receive their name from that number).

This is in fact how the passage was translated into German in 1838 when the text still read ἔξ: «Alle Proprätoren ohne Unterschied haben sechs Lictoren, *auch wenn* sie früher keine Consuln gewesen waren, *und* werden von der Zahl der Beile [ἔξαπέλεκεις Sechsbeilige] benannt.»⁵⁵

nem», and wrongly restricts it to the public (which he of course called «senatorial») provinces cf. Gesammelte Schriften 8, 228, see above n. 18.

⁵² No one seems to have asked himself why only the ex-praetors were thus called, although all the *legati Augusti pro praetore* had the same number of lictors.

⁵³ Gesammelte Schriften 8, 147.

⁵⁴ It could be argued that the second *καί* connects not the two verbs χρῶνται and ὀνομάζονται but the verbs εἰσὶ and ὀνομάζονται to each other with the result that we have two relative clauses following the first *καί*: «All propraetors alike employ five lictors – *also* those who are not ex-consuls *and* (who) receive their name from that number», but this makes poor sense.

⁵⁵ Griechische Prosaiker in neuen Übersetzungen 176, eds. D. L. F. TAFEL – C. R. OSIANDER – G. SCHWAB, Stuttgart 1838, 1060. MOMMSEN too seems to have understood the Greek in this way at some point, cf. Staatsrecht II³ 245: «im Sprachgebrauch wird allerdings der gewesene Consul ausgezeichnet als *legatus consularis* oder *consularis* schlechtweg, wogegen die ebenfalls der Umgangssprache angehörende Benennung *quingefascalis* allen gemein ist.»

True, in this translation and punctuation there is strong emphasis on the fact that even non-*consulares*, i.e. praetorians, receive five *fascēs*: καὶ ὅσοι γε οὐκ ἐκ τῶν ὑπατευκότων εἰσὶ.⁵⁶ It may be objected that the emphasis should have been on the *consulares* who were deprived of more than half their *fascēs*. Roman sensitivity for *discrimina ordinum dignitatumque* dictated otherwise: Dio anticipates here the natural expectation that those who ranked as ex-praetors should have had fewer than five lictors. Indeed, in the case of the proconsuls of the public provinces the shared title did not result in allotting all proconsuls, whether consulars or praetorians, the same number of lictors. Each group kept the number of lictors commensurate with its rank in the city.

The negative formulation – καὶ ὅσοι γε οὐκ ἐκ τῶν ὑπατευκότων εἰσὶ – emphasizes the implied parallelism and contrast with the proconsuls of the public provinces.⁵⁷ In fact the passages dealing with these two groups are almost mirror images of each other. All the governors of the public provinces were called proconsuls, even those who were not ex-consuls, but ex-praetors: καὶ ἀνθυπάτους καλεῖσθαι μὴ ὅτι τοὺς δύο τοὺς ὑπατευκότας ἀλλὰ καὶ τοὺς ἄλλους τοὺς ἐκ τῶν ἐστρατηγηκότων. Likewise, all governors of the imperial provinces were called *legati Augusti pro praetore*, even those who were ex-consuls: Τοὺς δὲ ἐτέρους ὑπὸ τε ἑαυτοῦ αἰρεῖσθαι καὶ πρεσβευτὰς αὐτοῦ ἀντιστρατήγους τε ὀνομάζεσθαι, κἂν ἐκ τῶν ὑπατευκότων ᾧσι, διέταξε.⁵⁸ However, whereas the proconsuls kept the number of *fascēs* befitting their rank in the city: ῥαβδούχοις τέ σφας ἐκατέρους ὅσοισπερ καὶ ἐν τῷ ᾧσται νενομίσται χρῆσθαι, the imperial governors, in contrast, had all the same number, even those who were not *consulares*: ῥαβδούχοις δὲ δὴ πέντε πάντες ὁμοίως οἱ ἀντιστράτηγοι χρῶνται, καὶ ὅσοι γε οὐκ ἐκ τῶν ὑπατευκότων εἰσὶ. It is the sharp contrast with the case of the proconsuls – where proprieties were maintained to a certain extent – which offends Roman sensitivity and expectations, and accounts for the negative formulation: unlike the proconsuls, the governors of imperial provinces were not compensated for a title shared with people of a lower rank than their own by the preservation of the external appurtenances of their rank in the city.

IV.

Are we now in a better position to explain Dio's passage? Although I believe that the passage as translated above is the correct interpretation of Dio's Greek, it must be admitted that it does not offer a more satisfactory explanation of its factual content than MOMMSEN's. There is not a shred of evidence

⁵⁶ See J.D.DENNISTON, *The Greek Particles*, Oxford 1934, 157–58 on καὶ ... γε in the case both of a connective καὶ and of the adverbial καί.

⁵⁷ Already noticed by MOMMSEN, *Gesammelte Schriften* 8, 148.

⁵⁸ Dio 53.13.5.

for the claim that the senatorial governors of imperial provinces, whether they were ex-consuls or ex-praetors, received their title from the number of their *fascēs*. With one exception, none of those attested as accompanied by five *fascēs* can safely and without a reasonable doubt be identified as a provincial governor; in some of the cases this is absolutely excluded. The exception, M. Aedinius Iulianus, was an equestrian and thus can hardly count as proof for Dio's claim.

Therefore Cassius Dio could not have had an official title in mind when he said καὶ ὀνομάζονται ἐπ' αὐτοῦ τοῦ ἀριθμοῦ τούτου. It may be tentatively suggested that he meant a name used in colloquial language, as MOMMSEN already suggested,⁵⁹ and as such never recorded in career inscriptions. This informal name, derived from the number of the *fascēs* carried by the *legati Augusti pro praetore*, could have been used in senatorial circles, in the provincial context or in both.

Appendix: Pliny's position in Pontus-Bithynia

MOMMSEN explained Pliny the Younger's unparalleled and highly anomalous appointment to an official position of a *legatus Augusti pro praetore* with a consular *potestas* in Pontus-Bithynia as motivated by the fact that it was inappropriate to have a *quinquefascalis* establish order in a province so far under the rule of a *sexfascalis*,⁶⁰ namely the praetorian proconsul. Although he does not say so explicitly, MOMMSEN is likely to have thought that Pliny held twelve *fascēs* like any holder of consular imperium.⁶¹

A different conception of Pliny's position in Pontus-Bithynia has recently been offered by GÉZA ALFÖLDY. ALFÖLDY challenges MOMMSEN's authoritative reading of *consulari potestate* in Pliny's famous inscription from Comum,⁶² and convincingly reinstates E. BORMANN's reading [*pro*]consulari potesta[te] there:⁶³ *legat(us) pro pr(aetore) provinciae Pon[ti] et Bithyniae pro]consulari potesta[te] in eam provin-*

⁵⁹ Staatsrecht II³ 245, cited above, n. 55.

⁶⁰ «Die einzige uns bekannte Abweichung von diesem Prinzip [i.e. the denial of consular *potestas* to a legate] ist die Sendung des Plinius nach Bithynien als *legatus Augusti pro praetore consulari potestate* . . . der Sache nach begreiflich, da in einer bisher von *Sexfascales* regierten Provinz ein *Quinquefascalis* nicht wohl geeignet war Ordnung zu stiften, aber formell eine arge Anomalie», Staatsrecht II³ 245, n. 1.

⁶¹ Staatsrecht I³ 382.

⁶² CIL V 5262 = ILS 2927 (Comum).

⁶³ Die Inschriften des Jüngeren Plinius und seine Mission in Pontus et Bithynia. Städte, Eliten und Gesellschaft in der Gallia Cisalpina, Stuttgart 1999, 221 ff.; for the reconstruction see pp. 229 and 243 (Abb. 17). See also the text of the inscription from Hissellum (CIL XI 1552) as restored by ALFÖLDY 234: *ex s(enatus) c(onsulto) pro]consulari potestate legatus pr(o) pr(aetore) provinciae Pont[is] et Bithyniae*.

*ciam e[\times senatus consulto ab]*⁶⁴ *Imp(eratore) Caesar(e) Nerva Traiano Aug(usto) German[ico Dacico p(atre) p(atriciae) missus]*.

How many *fasces* was Pliny entitled to as *legatus Augusti pro praetore* and as holder of a *proconsularis potestas*?

ALFÖLDY proposes six, assuming that thereby Pliny's rank was kept equal to that of the previous proconsul: «Als Inhaber der *proconsularis potestas* war Plinius, den bei seinen amtlichen Handlungen nicht fünf, sondern sechs Liktoren begleiteten, für jeden erkennbar mit den Prokonsuln gleichgestellt.»⁶⁵ For ALFÖLDY the possession of the *proconsularis potestas*, externally manifested in the proconsular six *fasces*, made it clear that although Pliny was a *legatus Augusti pro praetore*, Pontus-Bithynia did not change its status and did not become an imperial province.⁶⁶

This is not the place to enter into this highly controversial issue. Pliny's position in Pontus-Bithynia as it emerges if one accepts ALFÖLDY's restoration of *proconsularis potestas* in the inscriptions from Comum and Hispellum is unique and without any parallel. His correspondence with Trajan proves, however, that in all respects he was like the other *legati Augusti pro praetore*.⁶⁷ The *proconsularis potestas* in his titlature will therefore have to do with rank rather than with substance. As *legatus Augusti pro praetore* he was entitled to five *fasces* – one fewer than his predecessors in the province who had six. ALFÖLDY's six would indeed put him on a par with his predecessors, implying however that like them he ranked as an ex-praetor. But Pliny's *proconsularis potestas*, unlike that of his predecessors, was not that of an ex-praetor but that of an ex-consul, and as such entitled him to twelve *fasces*.⁶⁸

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⁶⁴ BORMANN had *auctore*.

⁶⁵ ALFÖLDY (n. 63) 240.

⁶⁶ Ibid. 236 ff.

⁶⁷ F. MILLAR, *The Emperor in the Roman World*, London 1977, 325.

⁶⁸ See Dio 53.13.4 quoted at the beginning of this article.