

BOOK REVIEW

Commanders & Command in the Roman Republic and Early Empire. By Fred K. Drogula. Chapel Hill, University of North Carolina Press, 2015. Pp. x + 422. Hardcover, \$59.95. ISBN 978-1-4696-2126-5.

S*taatsrecht* is suddenly hot, even if far from sexy. Two recent monographs, both addressing the thorny issues of *imperium*, magisterial powers, and provincial commands from the Roman Republic to the reign of Augustus, argue often contradictory views from different approaches: Frederik Vervae, *The High Command in the Roman Republic: The Principle of the summum imperium auspicumque from 509 to 19 BCE* (2014) and the work here reviewed.¹ The rival authors had already crossed swords in print, although Drogula lacked pre-publication access to Vervae's monograph.² Both works, reflecting the exhaustive bibliographical coverage of dissertations (Vervae, Université de Gand, 2002; Drogula, University of Virginia, 2005), present innovative perspectives in tracing the Republican roots of Augustus' eventual monopolization of power and, given their concern for the triumph, belong to the current spate of studies on victory parades—a cottage industry since 2001.³

Needless to say, both authors find current (and previous) work on the triumph faulty. Vervae studies the subtle interplay of *imperium*, *auspicium*, and *ductus*, to suggest that general principles (not rigid rules) governed the award of

¹ Cf. on related themes: A. Dalla Rosa, *Cura et tutela. Le origini del potere imperiale sulle province proconsulari* (Stuttgart 2014); cf. K. Stauner, *BJ* 215 (2015) 557-60; Y. Berthelet, *Gouverner avec les dieux. Autorité, auspices et pouvoir, sous la République romaine et sous Auguste* (Paris 2015); cf. C. Landrea, *BMCR* 2017.03.08.

² Vervae (e.g., 12 n.7, 22 n.19, 151 with n.66, 303 n.10) rejects many of Drogula's views at "Imperium, potestas, and the pomerium in the Roman Republic," *Historia* 56 (2007) 419-52; Drogula (347) spurns Vervae, "The Secret History: The Official Position of Emperor Caesar Divi Filius from 31 to 27 BCE," *AncSoc* 40 (2008) 79-152, and (298) "The Scope of the *lex Sempronia* concerning the Assignment of the Consular Provinces (123 BCE)," *Athenaeum* 94 (2006) 625-54.

³ A sampling of this bibliography at J.-K. Hölkeskamp, review of C. Lange, *Triumphs in the Age of Civil War*, *Sehepunkte* 16.12 (2016), <http://www.sehepunkte.de/2016/12/29412.html>.

triumphs—all was not *ad hoc*.⁴ Drogula, likewise semantically inspired and a triumph-hunter in the spirit of William Harris' *War and Imperialism in the Republican Rome* (1979), traces the concept of *provincia*. "Command" for neither author denotes generalship and what command in the field technically required. Rather, both works submerge the reader in the bowels of constitutional and legal history.

For Drogula, *provincia* (initially) defined the specific task of a commander with *imperium*. An alternate definition, a specific conquered territory (province) where a commander exercised *imperium*, evolved over the 3rd and 2nd c. BC. Eventually "permanent provinces," areas with generally fixed borders and requiring governance rather active campaigning went to praetors and propraetors. Consuls received open-ended *provinciae* in the term's original sense (*e.g.* conducting a major war) with increased prospects for a triumph. The politically ambitious could manipulate the Late Republican popular assembly to ensure gaining the *provinciae* with more prospects for victories and loot or even combinations of *provinciae* for larger commands. Thus *provincia*, rather than *imperium*, becomes the key to development of the Roman structure of command and imperial rule.

This new scenario for the developing concept of *provincia* supplements John Richardson's *The Language of Empire* (2008) on when the term *imperium* came to mean "empire," even if Drogula's neat distinction between praetorian and consular provinces was perhaps messier in reality. From the perspective of Roman imperialism, however, Roman reluctance to annex conquered territory as new *provinciae* is not addressed, although recent work indicates that non-annexation did not mean the absence of political or financial gain.⁵ Indeed, Drogula even has the Senate practicing strategy in decisions about placement of colonies and provinces (235, 243–44, 254–55).

Drogula's broader theme, however, is command. His evolution of the concept of *provincia* largely in the 3rd-1st c. BC (chapters 5–6) is based on his re-evalu-

⁴ The conclusion of N. Rosenstein's review (Sehepunkte 15.4 [2015]: <http://www.sehepunkte.de/2015/04/25198.html>) misrepresents the argument (cf. Vervaeke 119 with n.155); a more positive view, counter to the now trendy skepticism of institutional rules, at F. Hurlet, "Notes et discussions. Le summum imperium auspiciumque: un nouveau principe du droit public romain?" RPh 88.2 (2014) 168.

⁵ See T. Hillard/L. Beness, "Choosing Friends, Foes and Fiefdoms in the Second Century B.C." and "Rei militaris virtus ... orbem terrarum parere huic imperio coegit: The Transformation of Roman Imperium, 146-50 BC," in D. Hoyos, ed., *A Companion to Roman Imperialism* (Leiden 2013) 127-40, 141-53.

ation (chapters 1–4: over half the book) of the development of positions of military command (dictator, consul, proconsul, praetor, propraetor, *privatus cum imperio*) in the Early and Middle Republic. This bold and innovative, if highly problematic and often derivative, discussion contrasts with the Augustan chapter (7), which contributes little new on creation of *legati Augusti pro praetore* as provincial commanders. Unavoidably, the bugbear of Roman constitutional development, largely based on the annalistic tradition, raises its ugly head in the shadow of Theodor Mommsen's *Staatsrecht*. Here Drogula's view of *imperium* sharply clashes with Vervae't's more traditional approach with its kinder gaze on the annalistic tradition. For Vervae't degrees of *imperium* distinguished dictator from consul, consul from praetor, but not a consul from a proconsul; *imperium maius*, not a Roman legal term, did not antedate the new definition of Augustus's powers in 23 BC, (*contra*, Drogula 324–30, 344; cf. Vervae't 220 with n.17) and always required the conditional comparative *quam*.

Drogula deconstructs the annalistic tradition to salvage kernels of truth from Late Republican and Augustan anachronisms. Accordingly, the unwritten Roman constitution constantly evolved. Drogula posits for the Early Republic bands of the *gentes* engaged in private wars or raids only occasionally with state authorization and at times on multiple fronts with multiple commanders. *Praetor* in his view could mean any sort of "leader" and epigraphical attestation of the term *consul* may only date to the early 3rd c. BC, if not later. The nascent Roman government struggled to gain a state monopoly of command. Creation of multiple tribunes with consular power in the mid 5th c. marked one stage in this development and the Licinian-Sextian Laws (367 BC,) another, as the number of commanders was reduced to three praetors (not two consuls and one praetor in the traditional view). Two of these praetors eventually emerged as field commanders for distant campaigns (consuls), while the third, left behind for defense of the Urbs, became the *praetor urbanus*, originally not a magistrate with judicial responsibilities.

In Drogula's view the phrase *domi militiaeque*, distinguishing civilian from military spheres of authority as defined by the *pomerium*, denoted the purviews of civil and martial law. *Imperium*, rather than the joint civil and military authority of a king, was strictly military. Thus consuls and praetors (like other magistrates) inside the *pomerium* exercised only *potestas*, which included the coercive power of *coercitio*, although Drogula (31–32) sides with a view that a consul's domestic duties essentially do not antedate the Late Republic. Only a dictator exercised *impe-*

rium inside the city, unless the Senate or the People authorized it for another magistrate. Further, all grants of *imperium* were equal: the Romans never had a hierarchy of top military commanders, but defined parallel and distinct spheres of authority through assignments of *provinciae*. Thus the *imperium* of a consul did not outrank that of a praetor. *Potestas* and *provincia* were temporally defined and limited, whereas *imperium* had to be laid down, continuing even if the expired term of the *provincia* left nowhere to exercise that power.

As generally agreed, the early Roman state struggled to assert its central authority for warfare against the powerful aristocratic clans, whose activities hardly needed state-sanctioned *imperium*. But insufficient attention is given to the army itself. If the issue of city vs. countryside is cursorily treated, the respective roles of infantry and cavalry (apparently prominent among the early aristocracy) is not. The titles *tribunus militum* and *tribunus militum cum potestate consulare* besides the collegial character of six *tribuni militum* per legion (two from each of the original three Roman tribes?) reflect tribal recruitment for the legions (Varro, *Ling.* 5.89.1). Award of *imperium* and its attending auspices came from the *lex curiata* of the *comitia curiata*, for Drogula (36) dating to the reforms of 449 bc, but for Vervaeet (376) the Licinian-Sextian legislation (367 bc). Yet the *comitia curiata*, components of the original three tribes (?)—not mentioned here as the oldest Roman assembly—surely had a military function from the beginning (cf. Romulus' recruitment of his *Celeres* from the *curiae*: Dion.Hal. *Ant.Rom.* 2.13.1–2). Further, coordination of tribal recruitment with the army's phalangeal arrangement in the Servian constitution by *centuriae*, unrelated (so far as known) to the tribes, suggests reconciliation of two different organizational systems ignored in surviving sources. The army's role of electing in the *comitia centuriata* commanders to receive *imperium* would date 367 bc for Drogula, but given the assignment of citizens to *centuriae* by wealth and the centuriate assembly's peculiar voting procedure, this reform can hardly be a concession giving plebeians more influence, as he suggests (40). Nor does the introduction of army pay (*stipendium*), traditionally in 405 bc, receive attention in marking the state's control of the military. Despite Drogula and Vervaeet (and others), the origin and context of *tribuni militum cum potestate consulare* remain obscure.

Drogula seems to imply (31–33, 55) a greater role for the *tribuni plebis* in running civilian government, since magistrates with *imperium* functioned outside the city. But the Aventine, the site of so much plebeian activity (including their assemblies), lay outside the *pomerium* before ad 49, as did the Campus Martius (at least under the Republic). As usual in Anglophone scholarship, the importance of

the *lex Ovinia*, dated to the period 339–319 bc, is ignored. This law, assigning membership in the Senate to the censors, marks the beginning of the Senate as a permanent body rather than an advisory council of varying membership. Hence the Senate's role as a major constitutional player before this law can be doubted, muddying the already murky waters of early *Staatsrecht* even more. With all major players of the constitution discounted for one reason or another, who was really the running the show at home in the Early Republic, if consuls/praetors were not really domestic magistrates?

Undoubtedly the unwritten Roman constitution evolved over time, as Drogula believes, and Romans could adapt to meet emergencies. Changes instituted *ad hoc* could become "traditional." The *mos maiorum* was malleable. A distinction between a magistrate and a pro-magistrate, for example, was never set down in law (231). Yet, a contradiction emerges in the course of the book. Drogula initially gives the impression that he will argue against a legalistic approach, but then sometimes paints himself into a corner about strict legality in defending his view of *imperium*. Resolution of conflicting lines of authority could depend on *dignitas* and *auctoritas* (197–98, 206–9, 297). Social factors and simply a spirit of cooperation between commanders had their roles. Both Drogula and Vervaeke score points for their interpretations. Drogula even concedes (130) that his view of *imperium* cannot be indisputably proved and to this reader something about the equation of *imperium* with martial law rings untrue. In explaining conflicts between commanders and disputes about triumphs Vervaeke is more convincing. Neither author, however, has all the answers despite the high level of erudition on multiple issues, to which a short review cannot do justice.⁶

Finally, Drogula has not been well served by his press and its readers. Some factual errors and imprecisions have gone undetected.⁷ Typos, often dates off by

⁶ Cf. other reviews of these works: S. Day, *BMCR* 2016.06.28; J. Roth, *AHR* 121 (2016) 1344–46; J. Rich, *JRS* 106 (2016) 279–80.

⁷ At 29 the *De consulum potestate* of a Cincius (Fest. 308, p.276 Lindsay) surely belongs to the Late Republican/Augustan antiquarian and not L. Cincius Alimentus (pr. 210 B.C.; not 209 B.C.); the German Cimbri are twice identified as Gauls (156–57, 313); Carthage did not cede Sardinia and Corsica in any legitimate way (239); a second Roman quaestor could not have been sent to Syracuse in 227 B.C., when it still belonged to Hiero II (241–42); L. Licinus Crassus (cos. 30 B.C.) technically was governor of Macedonia, but his claim to the *spolia opima* came from a campaign in the Dobruja.

one year, are relatively few.⁸ But the bulk of the text could have been reduced considerably through more scrupulous editing to cut frequent repetitions of argument and citation of the same examples. From the perspective of readability, both these books, still dissertations to some extent, can be highly recommended for insomniacs.

EVERETT L. WHEELER

Duke University, ewheeler@duke.edu

⁸E.g., 12: read 477 B.C., not 478 B.C. (Liv. 2.51.1); 94 n.156: read fascibus, not fasces; 263 n.94: read 1987, not 1986; 311: read 66 B.C. for the lex Manilia, not 67 B.C.; 347: read 37 B.C. for the lex Titia, not 32 B.C.