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THE ROMAN PROVINCE UNDER THE REPUBLIC

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Rome, the "Eternal City," has been for centuries habitually styled the "Mistress of the World." This distinction was justly hers, for she not only conquered the greater part of the known world, but ruled it, in a measure successfully, for several hundred years.

A careful study of Roman history and institutions will reveal the fact that her prosperity and long-continued sovereignty were in great part due to the flexibility and power of accommodation possessed by her system of provincial government. It is the purpose of this paper to set forth some of the chief points in this government of the Roman provinces during the Republic.
The Roman Provincial administration may be said to have extended over a period of nearly 700 years, beginning with the final settlement of Sicily after the second Punic war, and ending with the fall of the Western Empire, A.D. 476, when the supremacy of the Barbarians was assured, and the entire fabric of the Roman Empire was dissolved. However, the limit may better be placed at the accession of Constantine, when a new religion and a new capital were adopted, and when all the decentralizing tendencies, which had been at work for so many years, became apparent and brought about the division of the Empire into the four great Prefectures, and the acknowledged separation of the Eastern Empire from the Western.

The word "Provincia," though its derivation is a disputed question, is yet clear as to its earlier application, being undoubtedly the term used to denote not what we now call province, a definite space assigned as a district to a
standing chief magistrate, but simply the functions prescribed for the magistrate by law, decree of the senate, or agreement." When the first provinces were formed their government was assigned to magistrates already existing. Before long, the word came to be applied to the district where the functions were to be performed.

The history of the acquisition of the Roman provinces would involve the entire history of Rome's foreign wars, but the origin and purposes of the acquisition may be discussed in a few words. The circumstances and events of the second Cisalpine War undoubtedly brought on the foreign conquests of Rome; for this war made evident to her that she must possess Sicily and Sardinia to secure her own safety. Philip of Macedon had in a manner aided Hannibal, and brought upon his country and himself the enmity of Rome; Spain had been the important battle-ground in this war, and the Roman armies were maintained there after its close.
Thus it would appear that Rome's first foreign conquests were the unavoidable result of war, waged for supremacy in Italy, and not with the deliberate intention of acquiring control of half the known world. But all this was changed when the riches of the conquered countries found their way into the treasury of Rome in such abundance that in the year B.C. 167 the tribute with its paid by the Roman citizens was remitted. From this time forth the provinces furnished all the money to defray the expenses of government, and later, corn for the people.

Thus the wealth of the conquered, the love of conquest itself, and the pride of sovereignty, added to the necessity of protection from barbarian invasions, brought about a marked change in the system. It was the mere desire for extended dominion that led Agricola to meditate the invasion of Ireland, "so that no country already subjects should be tempted from its allegiance by the spectacle of another's freedom."
The need of a well secured frontier was one reason for the conquest of Gaul, and later, of the Germanic provinces.

Aside from conquest, the possessions of Rome were greatly increased by conquest; for Persia, Armenia, Cilicia, and Egypt were left to her by will. The monarchs who thus presented whole kingdoms to Rome were not really independent rulers, but tributaries to the class called by Mommsen "client-princes." These were the princes of countries already in fact subdued, but not left in possession of their dominions, subject to the hegemony of Rome. Several passages in the "Annales" of Tacitus prove that Roman troops were sent to these countries, and when, after a revolt, the crown was bestowed upon a prince of another family or nation, small forces of military men permanently garrisoned in the country to support his authority. These princes, in accordance to Tacitus, were required to pay tribute, and they were made to act as
barrier against the Barbarians, without the necessity of Rome taking upon herself the responsibility of the government and protection of the country.

When the conquered province was taken complete possession of, other means of ensuring its subjugation were adopted. Colonies were established, roads built, and forts constructed; all leagues dangerous to their rule were dissolved by the Romans, and each province was broken up into isolated units, according to the rule of "divide et impera". That it was the policy of Rome to carefully destroy national unity, where any such existed, and to subdivide the nation, is shown in the case of Macedonia, which was divided into four parts, without the right of intermarriage.

So the towns were given widely differing privileges and rights; they were either free towns, or allied towns, or Roman colonies, or municipia with Roman or Latin rights, or simply ordinary provincial towns without any special
principle. These differences appear to have depended largely upon the attitude of the towns toward the Romans while they were carrying on the conquest. Great differences were also made in the land tenure; some states were utterly deprived of their land, while to others they were kindly restored.

Cicero says: "What could be more humane than the conduct of our ancestors, who very frequently restored their property even to foreign enemies whom they had conquered?"

Thus Rome secured her conquests by stern and inflexible measures, but in other ways she exhibited the pliancy that I have already spoken of. Wherever the Romans met with a good municipal organization, or a successful financial system, they left it almost unaltered. They did not insist on uniformity, but, as Tacitus says, valued the reality of the Empire and disregarded its empty show. A prominent example of this conservatism is offered by Egypt. In this province the native religion was
left intact, and the governor even took part in the ceremony. This governor practically occupied the throne of the Polonices and appeared to the people not as Roman magistrates, but as vice-kings. Then the peculiar division of the land was of necessity not satisfied with; by this system the land was divided into three epistral regions, and subdivided into nome, toparchie, xeroras, and torro, and all these were directly governed by various officials, who were usually Egyptian or Greek.

In the East also, and still more in Sicily, were existing institutions left undisturbed as far as was consistent with the authority of conquerors. In the latter province the law of Hiero, by which was established all judicial and financial arrangements, was maintained in its entirety. However, below all this yielding to existing customs and laws, we find Rome always binding the province to a certain rule of administration, the lex provinciae, in
which the future government of the province was deter-
mined. This was usually arranged by a commission of
the senators instructed and sent out by the Senate after the
conquest of a country. While this general law was calculated
to restrain the uncertain and arbitrary rule of the Roman
magistrates, the governor did not appear to have been absolutely
obliged to obey it; but its violation, as in the case of Verrres,
was severely reprobated, and was an unusual occurrence.

The essential of Roman rule was three: the
tribute, the levy, and Roman laws. The first of these, the
imposition of tribute on the conquered, had always been
the right of the conqueror. From this source did Rome draw
all her revenues, and this was probably the dominating
cause of many of her conquests. As the Empire increased
in size and magnificence, and as the standing army
became larger, the tribute also increased. Tacitus puts into
the mouth of Cerialis these words: "There can be no peace
without troops, no troops without pay, no pay without tribute.

Many of the conquered peoples were unable to pay the tribute, and from these were drawn the conscripted troops.

Until the Empire this levy formed a comparatively small part of the Roman force, and the service was most odious to all the provinces. "What do you expect of your submission," said Cæcilius to the Treveri, "except a hateful service, everlasting tribute, the rod and the axe, and the passions of a ruling race?"

The introduction of Roman law always followed the Roman army. At first much latitude was allowed and many of the free towns were permitted to use their own laws; but these towns gradually became Roman municipia, and the extension of the franchise made the Roman law the only law of the realm. The laws of Rome were a great power in civilizing the Barbarians, and their traces are clearly evident to the present time.
The first beginnings of provincial government may be found about the year B.C. 227. Then, as Livy tells us, the number of praetors was increased to four. The two new praetors thus put in charge of provincial matters were C. Flaminius for Sicily, and M. Valerius for Sardinia; they cast lots for their provinces, and to each were given one or more quaestors whose duty it was to manage the finances. The office was made annual. In 179 B.C. two new provinces were established—Africa and further Spain; here also the office of praetor soon became annual, though at first held for two years. These provincial praetors were regularly urban praetors and consuls who had served their term in Italy; and the Senate in reality exercised much control over appointments to provinces, as it had the power to prolong the term of office for a year. The Lex Sempronium passed about this time and long in force, required that the Senate should decide, before the election of consuls, what province they were to hold.
This law was calculated to prevent favorites in the choice of province, but as the Senate still had the power to name the provinces for the current year, and as it were not hard to predict who would be elected Consul, the Senators easily employed the law for their own ends.

During the late Republican period, the Senate steadily grew more and more inefficient, and in consequence some of its chief privileges were usurped by the Comitia, and that body gradually took upon itself much of the conduct of affairs, being often justified by the utter madness of the Senate.

And yet some years passed before the Manilian and Vatiniul law was possible. By the legislation of Sulla the number of praetors was raised to eight, and the provinces were given not to Consul and Praetor, but to provincial and praetors. Thus each year there were ten magistrates eligible for provincial government, and at this time the number of provinces was ten. The Senate still retained the right of prolonging the
governorship, and the tendency of all this was to reinstate the senatorial authority. Following this came the extraordinary commands given to Pompey and Caesar, and it had already become the custom for the governor to remain in office for several years. The appointments soon became a matter of jottery, and by this irregularity and corruption the Senate destroyed its own authority.

Finally, the Leges Juliae were passed, arranging that magistrates were not to be sent to their provinces until they had been out of office at Rome for five years. This was aimed against Caesar, but on attaining supreme power he soon did away with it. Caesar also limited the terms of holding a consular province to two years, and a praetorian province to one year; he increased the number of praetores to sixteen and of praetors to forty, and made other arrangements that tended to leave all the power in his own hands.
The magistracy of the province was the governor, the procurator, the legate, the comitii, and the prefect, besides some minor officials as the draconium, the lictors, etc.

The governor was both a civil and military officer, for he was the supreme judge, and the commander-in-chief of the troops. If he were a man of varied attainments and versatile mind, he was usually successful; otherwise he were a complete failure. The governor's first official act was the issuance of an edict that was to conform to the lex provinciae and local law. This edict was generally promulgated in the province before the governor entered upon his office. As the restrictions and circumstances in each province remained much the same, the edict of each governor was largely copied from that of his predecessor, and contained many of the regulations found in the lex provinciae. By this edict the policy of the new government was made known to the people.

Perhaps the best idea to be obtained of the way in which
a governor spent his time is to be gathered from the letters of Cicero. Entering his province at Laodicea on July 31st, B.C. 61, he spent several days in redressing grievances, and passed on to Demetria, August 24th. There he took command of the army and after reviewing it set out at its head for Tarsus, which he reached October 5th. He then entered into a campaign against certain tribes of Mt. Lamanae, and by December 17th had reduced them to submission. The remainder of the year he spent at Tarsus, and returned to Laodicea January 5th, remaining there until May 7th, dispensing justice. Going again to Tarsus, he held court there until July 15th, and on August 3rd, B.C. 60, he returned at Idas in Pamphylia.

The original jurisdiction of the governor did not extend to nearly all cases in the province, but the free towns and allied towns were governed by their own laws and magistrates. His authority as far as the province was concerned was practically absolute, but there were many
ways in which the Senate could control him. They supplied the money for his troops and decided upon the size of his army. He carried with him their definite instructions, and the decree of the Senate could alter or annul the governor's arrangement. Yet in practice the senatorial control was only inefficient, and the magistrates gradually got beyond it.

The provincial was assured of protection from the oppression of the governors not only by the law, but by being the "clients" of some powerful Roman. Many of the Spaniards were clients of Cato, and it was not uncommon for whole peoples there to put themselves under the protection of the generals who had subdued them. So the Allobroges were clients of a Fabius, and the Marcelli were patrons of all Sicily; in many cases this patronate was hereditary. The patron was expected to endeavor to secure for his clients all possible advantage, business, legal, or otherwise.

But the protection afforded by the patronate was in-
definite and uncertain compared to that of the Roman franchise. The citizen of Rome was not subject to the martial law; was secured from the rude and care of the magistrate; and by a lex Julia it was made a crime to execute, flog, torture, or imprison a citizen of Rome who had appealed. And furthermore, he alone who allowed an appeal from the governor, the violation of all these rights were, in the case of Cleere, the most offence of Venice, and the worst neglect of precautionary measures called forth by the governor unlawful treatment of Roman citizens. These were excellent and competent laws for the protection of the province from the governor, but these, unfortunately, were not carried out. They embraced laws against extortion, laws to limit and define the requisitions which a governor might make from his province, and to forbid the governor's leaving his own province to go into a neighboring kingdom, unless authorized by the government at Rome.
It is probable that the quaestor was instituted as a check upon the power of the governor, as they took out of his hands nearly all management of finances. Sicily had two quaestores and every other province one. The quaestor carried with him from Rome the chest which contained the money for the governmental expenses, and into which the taxes were to be paid; at the end of his term of office he was required to give a strict account of all receipts and expenditures. He had his own jurisdiction, which corresponded to that of the legate at Rome; and he often administered justice as the legate of the governor; the governor was expected to consult with him on matters of importance; he was assigned to his province by lot.

The legates usually three for a consular, and one for a praetorian province, were appointed by the Senate, who consulted the preference of the governor; they were subordinate to the governor, and might even be dismissed by him; or he
might put them in charge of a district, with jurisdiction in civil cases only. The legate had considerable power for good or evil, and, according to Cicero, since when a legate did almost as much mischief as when a governor.

The Comitia corresponded nearly to our attaché of legations, and were generally young Romans of noble and prominent families, being taken to the provinces to become schooled in the processes of administration.

The Prefect was chiefly a military official, but in some cases he performed judicial duties. Roman money lenders sought this office because of the small military force to which the prefect was entitled, and which enabled them to collect their money.

Cicero in his powerful eloquence thus speaks:

"All the provinces are in mourning; all the free peoples are complaining; all kingdoms demonstrate with us for our contumelies and wrong-doing; on this side of the ocean
there is no agent so distant or so remote that in these latter times, the lust and wickedness of our countrymen have not penetrated to it. The Roman people can no longer withstand. I do not say the violence, the arms, the warfare, of all nations, but their complaints, their lamentations, their tears." Unhappily, other passage from Cicero, and from other writers, leave no room to doubt the great oppression and injustice to which the provinces were subjected. The uprightness and incorruptibility of the provincial government steadily disappeared, and even at the beginning Rome had almost no idea of her duties to the provincials. The provinces were important only as they were a protection and a source of revenue; and as the lands, and not the people, were carefully looked after.

The governor, being the most powerful magistrate, was enabled to be the most oppressive. If he had paid a high price for his appointment, he expected to recover his wealth from
to let out the taxes of certain of the provinces to rich men, usually knights, who paid to the government a fixed sum, and then, through their agents, collected as much in excess of this sum as the harvests and general circumstances would allow. Only the governor had any control over them, and they could be as dangerous to him that he usually shared the plunder with them, as did Sulla. Thus the miseries inflicted by these middle-men were exceedingly great, and gave rise to a bitter hatred which the Romans acknowledged to be just.

The Negotiators, or money-lenders were another class of oppressors second only to the Publicans. They invested vast sums of money in the provinces, and had among their debtors many subject kings and large cities; their ways of extorting payment were tyrannous in the extreme. The effects of the Mithridatic and Civil wars in Asia, of the siege of Athens by Sulla and the severe treatment of
the provincials; this would subject him to a trial for extortion, and more money would be needed to bribe the judges; and so the method of provincials was thoroughly bred. In addition to this, the relatives and friends of the governor and his subordinate officials usually expected to realize a good round sum from his province, and it was difficult for him to withstand their demands. Free lodging and entertainment were due the governor and his staff; and still worse was the gathering of troops in a city for the winter. This was employed by some generals as a severe punishment, and it was indeed a harsh treatment, for the excessive and abusive practices by the rough soldiers are almost indescribable. Besides their great money, there were numerous petty oppressions which it was in the power of the governor to inflict.

More hateful even than the oppressive governor were the Publicani, or collectors of taxes. It was the practice of Rome


other places, in Greece; of a succession of especially bad rulers in Spain; and of the administrations of Terence and Scipio in Sicily, are but a repetition of misrule and sufferings. Cicero says, "There have been many guilty magistrates in Asia, many in Spain, in Gaul, in Thrace, in Sicily itself."

Such was the provincial administration under the Republic, and in the nature of things it could not be permanent. The whole system was faulty, and its agents, in the main, bad. The three great defects were: the inadequacy of the senatorial control; the vicious and unscientific system of taxation; and the annual change of govern

However, faults have been imputed to the Roman rule which did not belong to it. The Romans have been accused of destroying national independence and federal or municipal freedom, without offering
any adequate substitute. The fact is, in Macedonia alone did Rome destroy any national independence, for no nation existed in Spain, Gaul, Britain, or Asia Minor; and Macedonia was already almost dead, and could not have kept back the Barbarians much longer. As to municipal freedom, I have already called attention to the fact that wherever Rome found municipal arrangements already existing, she left them almost untouched, and where they did not exist, she at once introduced them. The towns were left with a considerable amount of liberty, and were far from being "dead" as is often stated. This municipal life, it is true, was very different to national life; but the latter had not before existed in most of the provinces, and under Rome the conditions and the that go to make up a nation could not exist. The provincials made it their chief aim to acquire the Roman franchise, and soon "forget the fatherland of their birth for the fatherland of their citizenship."
If it were possible, it would be interesting now to follow the change and development of the provincial system through the first centuries of the Christian era to the time when the dissolution of the Empire practically brought it to a close, and in its history might be found many of the reasons for Rome's downfall.