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Pompey’s Command against the Pirates in 67 BC: a Reconfiguration*

It is a fact well known to scholars of the late Roman Republic that in 67 BC the tribune Aulus Gabinius introduced a law which was supposed to give enormous competences and resources to one person and that the person Gabinius had in mind, even though the name was not given by him in his proposal, – was no other than Pompey, the most distinguished politician of his time. The background of this law was the problem of piracy, which had become more and more urgent in the years before. In fact after long discussions the law was resolved. Pompey got the command to wage war against the pirates.¹

* The article is the enlarged version of a paper given at the University of St. Petersburg on September 15, 2009. It is an enormous pleasure for me to thank my Russian colleagues for their cordiality and the extremely comfortable atmosphere which welcomed me. Especially Prof. Frolov, Prof. Klimov and Dr. Kholod did everything to make my stay in St. Petersburg very enjoyable. I also would like to thank the students for their intense questioning and curiosity, showing that the grand tradition of Russian Altertumswissenschaften is still alive and will see future generations. Finally, I am pleased to thank my friend Maxim Kholod for his hospitality, his guidance and help during my stay in St. Petersburg and the translation of the summary into Russian. And last but by no means least I am in various ways very obliged to Isabella Petavrakis for reading and correcting my English. English translations of ancient sources are usually taken from the Loeb Library, but modified where necessary. The conclusions of my arguments laid down here are put in broader context in a forthcoming German-written article currently in print: “Pompeius, Cassius und Augustus. Bemerkungen zum Imperium Maius”, due to appear in “Chiron” 40, 2010, where I have exposed the connections between the imperia of Pompeius, Cassius and especially Augustus, all left beside in the following pages.

Unfortunately the sources are in strong contradiction about the details of the *Lex Gabinia*. The source indications about numbers of troops, ships and money, on which the new commander could base his operational planning, differ from each other. The ship numbers given by ancient authors such as Plutarch, Appian and Cassius Dio vary between 200 and 500.\(^2\) Moreover – and that shall be the subject of this paper – the sources even differ completely about the exact description of the legal construction of Pompey’s command and especially about his competences in the coastal provinces of the Roman Mediterranean realm.

There are two statements: the historian Velleius Paterculus, writing at the time of the emperor Tiberius, claims that Pompey got an *imperium aequum in omnibus provinciis cum proconsulibus usque ad quinquagesimum miliarium a mari* (‘in all provinces he should have a power equal to that of the proconsular governors to a distance of fifty miles from the sea’).\(^3\) Another historian from the Principate, Tacitus, writes of the command of the General Corbulo, who during the reign of Nero was commanding the Roman troops against the Parthians in Armenia: other commanders as well as the allied princes should *iussis Corbulonis obsequi, in tantum ferme modum aucta potestate, quem populus Romanus Cn. Pompeio bellum piraticum gesturo dederat* (‘to take orders from Corbulo, whose powers were raised to nearly the same level as that allowed by the Roman nation to Pompey for the conduct of the Pirate war’).\(^4\) That means, in 67 BC Pompey’s authority was superior to provincial commanders.\(^5\) Other ancient historians like Plutarch and Cassius Dio are labelling the status of Pompey as “Monarchia” or “Hegemonia”. Cassius Dio as well as Appian also use

\(^2\) Cass. Dio XXXVI 36a; 37, 1 (15 legates, use of all ships, troops and money); App. Mithr. 94, 428-430 (25 legates, many troops, all ships, fort he first time Pompey should have 270 ships, 120000 men, 144 Mio Sestert); Plut. Pomp. 25, 4-6 (15 legates, 200 ships, use of troops and roar crews and all the money); 26, 3 (24 legates, 500 ships, 120000 men); cf. for the resources of Pompey’s *imperium* J. Deininger, Pompeius und die Beendigung der Seeräuberplage im Mittelmeer (67 v. Chr.), H. Klüver (Hrg.), Piraterie – einst und jetzt, Düsseldorf 2001, 8-27, esp. 15.

\(^3\) Vell. Pat. II 31, 2.

\(^4\) Tac. ann. XV 25, 3.

the term “Strategos Autokrator” (i.e. commander with unrestricted competences).\(^6\) So the big and indeed much discussed question is whether Pompey had the same authority as the other proconsular commanders in the provinces or whether he had an authority superior to those in charge of the provinces. So, was his imperium _aequum_ – i.e. equal – or _maius_ – i.e. superior?\(^7\)

The recent scholarship seems to be in favour of the version of Velleius Paterculus. That is due to fact that in recent years the _imperium_ of Pompey is mostly discussed in connection with the _imperium_ which according to the Roman historian Cassius Dio was conferred upon the emperor Augustus in 23 BC by the Senate, after Augustus had laid down the consulate. Many scholars now believe that this _imperium_ was not, as Cassius Dio claims, superior but only equal with other commanders in the senatorial provinces. One argument – and indeed one central argument – is that the _imperium_ of Augustus could not have been superior because the Roman tradition experienced only _imperia_ equal with others, for which tendency the big example would have been the commands of Pompey.\(^8\) First, we should have a closer


look at the version of Velleius. What could be the sense or the meaning behind the conferring of the *imperium aequum*?

According to the current views in favour of the *imperium aequum* thesis, Pompey got equal rights because it was supposed to be guaranteed that no one in the provinces had more rights than him. Otherwise local commanders would be able to veto his actions. By that solution Pompey was supposed to have been given free hands to fulfil his task to fight piracy by sea and land.9 Leaving aside that we have only one source – Velleius Paterculus – which testifies the *imperium aequum* construction, there are some more problems. Of course, the Romans knew an *imperium* of this kind because they always had two or more magistrates with the same rights and powers: consuls, praetors, quaestors and so on. But this kind of equality in authorities and powers was only applied at the constitutional level. It did never exist at the operational level at war. So we have to make a strong differentiation between powers in peacetime and the application of the same powers in wartime. In war only one could command. Even in the rare case that both consuls would be on the scene of fighting at the same time, they had to alternate each day in commanding the troops.10 In the few cases

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where both consuls or a consul and a proconsul were operating together, the tasks were mostly split. For example, one consul was in command of the army, the other in command of the fleet or, if the theatre of war spreads over several provinces, they were operating in different provinces.

So when in the Second Punic War the consul Cn. Cornelius Lentulus was eager to get the command against Hannibal, it was decided that the proconsul Scipio, then commander-in-chief of the Roman army in North Africa, should stay at the head of the troops and that Lentulus should command the fleet if naval operations should be necessary.\textsuperscript{11} When in 77 BC Pompey – ten years before he got the command against the pirates – was sent to Spain as proconsul with an army, his main area of operation was the province of \textit{Hispania citerior} whereas the commander-in-chief in Spain, the proconsul Metellus, held the province of \textit{Hispania ultrior}.\textsuperscript{12} So we have two formally equal commanders, who are both proconsuls in one war but split the areas of exercising the command. It was intended by this to avoid any clash between the two. Again, this time in 74 BC, the senate sent both consuls against Mithridates but the tasks were split. Lucullus had to fight the Pontian king while the other consul, Cotta, was in charge of securing the province of Bithynia.\textsuperscript{13} For this tradition of splitting the tasks if two equal commanders were operating at the same scene of war there would be enough examples from other periods as well (Samnite Wars, Celtic Wars).\textsuperscript{14}

So even if the Romans always had more than one person who had the authority to command troops, in wartime they usually followed the principle of single command. That is precisely Cicero’s point in 66 BC. Arguing in favour of another big and widely discussed command of Pompey (against Mithridates), he claims that \textit{maiores nostros semper in pace consuetudini, in bello utilitati paruisse (“our ancestors always bowed in peacetime to conventions, in wartime to utility”}).\textsuperscript{15} This targets the issue raised by the then very influential senators Hortensius and Catulus, \textit{si uno omnia tribuenda sint (“if all should be given to one person alone”).}\textsuperscript{16} Actually, the objections of the senatorial

\textsuperscript{11} Liv. XXX 27, 1-5; cf. Liv. XXX 43, 2-5.
\textsuperscript{12} Cf. Liv. per. 91, 11
\textsuperscript{13} Cic. pro Mur. 33: \textit{ad quod bellum duobus consulibus ita missis ut alter Mithridatem persequeretur alter Bithyniam tueretur.}
\textsuperscript{14} Liv. X 12, 3; 24, 10; 45, 7; Pol. II 11sq.; 27sq.
\textsuperscript{15} Cic. de imp. Pomp. 60.
\textsuperscript{16} Cic. de imp. Pomp. 52.
opposition had much weight. In the last decades of the Republic, the traditional splitting of operation areas and the dimensions of warfare came into more and more contradiction, which means that it became more and more difficult to apply the principle of single command. The main reason for this development was that the geographical dimension of war had changed. In former times, there were no problems to sign a province to a commander. His provincia was more or less identical with the theatre of war. So for example the commanders in charge of waging war against the eastern Hellenistic kings such as Philipp or Antiochus got Graecia or Macedonia as provincia, or those fighting Iugurtha in Northern Africa got the provincia Numidia. However, with the development of the Roman Empire, a provincia was not anymore the territory of the expected warfare only but an administrative entity governed by magistrates, who also had an imperium to command troops. So the theatre of war could stretch across various provinces at the same time – not only the area of the currently commanding chief of war, but also the areas of the provincial governors. The problem now was that the principle of single command could not be sustained anymore because often there was more than one person who had the right to command. During the operations against Mithridates, the Romans solved the issue by finally transferring to the commander-in-chief no less than four provinces. Lucullus had the possibility of engaging his troops in combat without clashes or rivalries with other commanders, just because there were none in the area. Looking now at the purpose of the task in 67 BC, Pompey had to confront the same issue by waging war within an enormous geographical space and across the borders of many

17 Cf. Liv. XXVI 29, 1; 9 (war against Hannibal, provincia: Italia); XXXI 6, 1 (war against Philipp V, provincia: Macedonia); XXXII 1, 2-3 (war against Philipp V, provincia: Macedonia); XXXVI 1, 9 (war against Boioi, provincia: Italia); XXXVII 2, 2-3 (war against Antiochos III, provincia: Graecia); XLII 31, 1 (war against Perseus, provincia: Macedonia); Sall. Iug. 27, 3-5; 35, 3; 43, 1; 82, 2; 84, 1 (war against Iugurtha, provincia: Numidia); 114, 3 (war against Cimbris and Teutons, provincia: Gallia); for provincia as a condition of waging war cf. Cic. Phil. XI 17: Bello Antiochino magno et gravi cum L. Scipioni provincia Asia obvenisset; 21: ut consules Dolabellae persequendi causa Asiam et Syriam sortiantur; Cic. in Pís. 56: Saepe enim vidi qui et mihi et ceteris cupidiores provinciae viderentur triumphi nomine tegere atque celare cupiditatem suam. Hoc D. Silanus consul in hoc ordine, hoc meus etiam conlega dicebat. Neque enim quisquam potest exercitum cupere aperteque petere, ut non praetexit cupiditatem triumphi.

18 Liv. per. 95.
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Although in the end it is not so obvious what precisely his *provincia* was about, we can at least say that two options did not make sense at all.\(^{19}\) The first is the signing of more than one province. Since the theatre of anti-pirate warfare was so huge and concerned so many provinces, it would have meant that Pompey practically got all Roman provinces. He would have become a kind of *Reichsfeldherr*. The second option did not make much sense either: an *imperium* equal to that of other proconsuls as recorded by Velleius Paterculus. How would it have been possible to secure a single command if each proconsul was able to make decisions against Pompey and to veto his orders at the moment Pompey took measure in his province? There always lurks the danger of conflicts between the holders of *imperium*. Considering this, the *imperium aequum* construction seems not quite attractive. Thus, we have to deal with the *imperium maius* option.

However, because there were indeed some rivalries and clashes of competences during the operations against the pirates, apparently it is the *imperium aequum* construction which seems more probable than the *imperium maius* construction. At two occasions in particular the sources testify conflicts between Pompey and other commanders. The Consul Piso vetoed the recruitment of seamen in the province of *Gallia Narbonnensis*.\(^{20}\) On the island of Crete, Pompey did not succeed in

\(^{19}\) Vell. Pat. II 31, 2; App. Mithr. 94, 428–430; Plut. Pomp. 25, 4–6 are claiming, that Pompey had the right to command on the whole Mediterranean coast up to 50 miles into the hinterland (for the sea resp. coastal regions as *provincia* cf. Liv. IX 38, 2; XXIV 12, 7; XXVI 1, 12; XXVIII 10, 16; XXXV 23, 8; XXXVII 2, 10). But Cass. Dio XXXVI 37, 1 writes, that Pompey was made Proconsul of Italia (τῆς δὲ Ἰταλίας ἀντὶ ὑπάτου ἐπὶ τρία ἔτη), unfortunately the phrase is damaged. However, it is possible that the *provincia* of Pompey was indeed rather Italy than the whole coastal area. There are two interesting examples to compare: Pompey’s *cura annonae* in 57 BC (Cass. Dio XXXIX 9, 3: ἀρχήν αὐτῶ ἀνθ’ ὑπάτου καὶ ἐν τῇ Ἰταλίᾳ καὶ ἔξω ἐπὶ πέντε ἔτη) and especially the command of Cassius against Dolabella in 43 BC, who was made Proconsul of Syria but had some special competences in other provinces too (Cic. Phil. XI 30: *senatui placere C. Cassium pro consule provinciam Syriam obtinere, ut qui optimo iure eam provinciam obtinuerit, […] bello P. Dolabellam terra marique persequi. eius belli gerendi causa quibus ei uideatur nauis, nautas, pecuniam ceteraque quae ad id bellum gerendum pertineant, ut imperandi in Syria, Asia, Bithynia, Ponto ius potestatemque habeat […]*). So it is not wholly unthinkable, that Pompey’s *provincia* was Italy alone but that he could mobilize the resources of all coastal provinces.

\(^{20}\) Plut. Pomp. 27, 1; Cass. Dio XXXVI 37, 2.
keeping the proconsul Metellus from fighting the Cretans after they had sent to him for surrender.\textsuperscript{21} For those who are claiming that Velleius Paterculus is right by saying the authority of Pompey was equal, the existence of these conflicts is the main pillar of their argumentation.\textsuperscript{22} Why should there have been the clash between Metellus and Pompey if not because Pompey had no superior authority to give orders to Metellus, respectively Metellus’ authority was not inferior to that of Pompey? This argumentation seems very logical but nevertheless loses much of its weight if we take a look at the proper meaning of \textit{imperium maius}. For it is not simply the opposite of Velleius Paterculus’ formulation (II 31, 2): \textit{aequum in omnibus provinciis cum proconsulibus usque ad quinquagesimum miliarium a mari}. So the \textit{imperium maius} construction does not just mean that we substitute the \textit{aequum} with the \textit{maius} and then the phrase must be: Pompey got an \textit{imperium maius in omnibus provinciis cum proconsulibus usque ad quinquagesimum miliarium a mari}.

First, the authors who present Pompey’ \textit{imperium} as superior do not use any legal expression which comes near the Latin term \textit{maius}. They just enumerate the enormous means and resources upon which Pompey could rely. Pompey is labelled “Monarch”, “Hegemon” or “Strategos Autokrator”.\textsuperscript{23} But is this really an \textit{imperium maius}? The answer should be: No. Because if we scrutinize our sources more carefully it will become apparent that this presentation of competences superior to other commanders given by the ancient authors does not fit the construction of \textit{imperium maius} as found in other sources which deal directly with the \textit{imperium maius} problem.

In the late Republic and early Principate we can detect in our sources five cases where an \textit{imperium maius} is conferred to somebody by the authorities – senate or emperor – or is at least discussed to be conferred:

- In 57 BC, Pompey was supposed to get a \textit{maius imperium in provinciis quam sit eorum qui eas obtineant} to secure the grain supply in Rome, which, however, was rejected by the senate (“authority in the provinces superior to that of their governors”, Cic. Att. IV 1, 7).
- In 43 BC, Cassius was supposed to get the right \textit{utique, quaecumque in provinciam eius belli gerendi causa aduenerit},

\textsuperscript{21} Plut. Pomp. 29; App. Sic. 6; Cass. Dio XXXVI 17a; 18f.; 45, 1; Flor. I 42; Liv. per. 99; Vell. Pat. II 34, 2.
\textsuperscript{22} Cf. n. 6.
\textsuperscript{23} Plut. Pomp. 25, 3; Cass. Dio XXXVI 36a; App. Mithr. 94, 428.
ibi maius imperium C. Cassi pro consule sit quam eius erit qui eam provinciam tum obtinebit, cum C. Cassius pro consule in eam provinciam uenerit to fight Dolabella in the east but this was equally rejected by the senate ("into whatever province he shall come for carrying on of that war, there Caius Cassius, proconsul, shall have a greater authority than the man who shall then hold that province when Caius Cassius proconsul comes into that province", Cic. Phil. XI 30).

- In 23 BC, the senate gave to Augustus ἐν τῷ ὑπηκόῳ τὸ πλεῖον τῶν ἐκασταχόθι ἀρχόντων ἰσχύειν ἐπέτρεψεν ("in the subject territory authority superior to that of the governor in each instance", Cass. Dio LIII 32, 5).

- In 13 BC, Agrippa was rewarded by Augustus μείζων τῶν ἐκασταχόθι ἔξω τῆς ἱπαλίας ἀρχόντων ἰσχύσαι ("with greater authority than the officials outside Italy ordinarily possessed", Cass. Dio LIV 28, 1), an authority described by Augustus himself in his funeral speech for Agrippa in 12 BC: εἴς ἀς δὴποτε σε ὑπαρχείας τὰ κοινὰ τῶν Ἱρωμάιών ἐφείλκοτο, μηθεῖνς ἐν ἐκείναις ἐξουσίαιν μείζων τῆς σῆς ("To whichever province the Roman state might summon you, no one there would have power greater than yours”, P.Köln VI 249, 9-10).

- In 17 AD, Germanicus got the right, ut in quamcumque provinciam venisset, maius ei imperium quam ei, qui eam provinciam proconsule optineret, dum in omni re maius imperium Tiberio Caesari Augusto quam Germanico Caesari esset ("in whichever province he would come he would have greater power than the person who was in charge of the province”, CIL II² 5, 900, 27-29; cf. Tac. ann. II 43, 2).

Of course we have to consider that three out of five examples belong to the early Principate. But it is significant that in the two most detailed sources – written in Latin – the construction of imperium maius was not an imperium superior to all others in charge of command in the provinces. This kind of imperium maius was indeed first conferred to Augustus after he had laid down the consulate in summer of 23 BC, a problem which does not matter here. From the proposal of Cicero for Cassius and the Lex for Germanicus clearly follows that the original construction of imperium maius meant that someone should have greater power only in the provincia to which he comes in person. This is the decisive point on which the following argumentation is based. So even if someone’s area of task is a very
large one comprising several provinces at once – and that happened indeed in the case of Cassius 43 BC (who was waging war in the eastern provinces of Syria, Asia, Bithynia and Pontus) and Germanicus in 17 AD (who was charged by Tiberius to administer and control the so-called *transmarinae provinciae* i.e. the eastern provinces), – and this is true also of Agrippa between 23 and 13 BC (who was the commissioner of Augustus in eastern as well as western provinces) – so even the commission concerns many provinces at once, the *imperium* superior to provincial commanders is only valid in the province where the holder of the *imperium* is present in person. In consequence, one has to conclude that if Pompey’s *imperium* was a superior one, it then must have been superior only in the province where he himself was operating.

To verify or to make at least acceptable our assumption, we have to look again at the sources and how they present the actions of Pompey during the pirate war. I will focus on the events at Crete. What was going on? Since 69 BC, Q. Metellus first as consul then as proconsul launched a massive campaign against the pirates there, which came to be very successful. One base after another was conquered by Metellus. Hearing how captured pirates were treated by Pompey, the Cretans sent an embassy who was supposed to offer surrender to him while he was operating in Asia. Pompey accepted this offer and gave the order to Metellus to cease fighting, an order which Metellus refused. At the same time, he announced that he would show up in person. Since he could not do so, Pompey then sent one of his staff officers by name of Octavius who took his orders so seriously that he even fought on the side of the Cretans against the troops of Metellus. This angered Metellus, who then wrote a letter to Pompey declaring that Pompey’s only aim would be to steal his fame. Pompey replied that he had no other option to do so. A final clash between the commanders was only forestalled by the fact that Pompey got a new command against Mithridates. But he succeeded in preventing Metellus to hold a triumph in Rome for many years.  

Before we should have a closer look at the sources, we have to recognize two important points: On the one hand, Pompey and Metellus never met in person, so their rivalry occurred over a long distance: Metellus was on Crete, Pompey in Asia Minor. On the other hand, in

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24 The main sources for the Cretan episode are: Cic. de imp. Pomp 46; Plut. Pomp. 29; App. Sic 6; Cass. Dio XXXVI 17a; 18f.; 45, 1; Flor. I 42; Liv. per. 99; Vell. Pat. II 34, 2.
those provinces where Pompey operated in person we do not hear about rivalries with other commanders, although for example in Cilicia Q. Marcius Rex as proconsul was in command of three legions and naval units who operated against pirates as well. Cilicia was the last zone of fighting where the Roman troops under the command of Pompey conquered the last strongholds of the pirates. One very probable conclusion you can draw from these observations is that Pompey’s imperium must be connected with the personal appearance of its holder. Otherwise it is hard to understand why the same proconsul Q. Marcius Rex who denied any cooperation with Lucullus against Mithridates the year before, suddenly in 67 should have been cooperating with Pompey without any quarrels if not Pompey had an authority superior to him.25

If we have a closer look at the relevant sources regarding the Cretan affairs, it is first striking that Pompey always has the intention to go to Crete personally. The simple question is: Why? In case of an imperium aequum he would have been able to give orders in all provinces within a zone of 50 miles from the coast, and Crete fit well into this sphere of command. The same is true if his imperium was superior to that of other commanders in that zone. In fact, the permanent intention to go to Crete makes sense only if this was the only way to impose his will on Metellus. But because Pompey is engaged in operations in other parts of the Roman Empire, the only thing he can do at the moment is to write to Metellus announcing his coming and ordering him to withdraw from Crete before he would arrive. This is the information provided by Appian.26 Cassius Dio has similar facts, saying that Metellus was eager to injure the pirates as much as possible before Pompey would arrive on Crete.27 Metellus knew that Pompey had no means to force him as long as he did not show up in person on the island. What would have happened in that case we can only guess because by taking over a new


27 Cass. Dio XXXVI 18, 1: κακῶσαί τε αὐτοῖς πρὶν τὸν Πομπήλῳ ἐπελθεῖν ἠπείγετο.
command Pompey renounced coming to Crete. The clearest evidence that the *imperium* of Pompey was bound on an appearance in person is found in Florus, next to Appian one of the central sources for the events of the pirate war of 67 BC. “Pompey”, we read, “although while in command in Asia had sent his officer Octavius to Crete, was outside his sphere of command powerless to act in the matter and so Metellus exercised the rights of the conqueror with all the greater severity”.28

So Metellus could refuse Pompey’s orders not because his own competences were equal to those of Pompey, but because Pompey had no competences at all to give orders to him. Pompey could do so only in case he was at the scene by himself. As long as he did not show up in person on Crete there was no need for Metellus to cease with his own operations against the pirates. From this perspective, the conflict between Pompey and Metellus about whether carrying on to fight the pirates or accepting their surrender is not an argument against an *imperium maius* of Pompey, simply because this has never had any force outside the province of his stay. And because Pompey nevertheless interfered by sending his officer, it was he who was to blame for having exceeded his authority and powers.

Only now can we understand why even his closest friends were displeased by his behaviour in the Cretan affairs, as Plutarch tells us.29 There was much upset in Rome about these affairs. Very interestingly not only those members of the Roman society who in general were not well minded to Pompey were angry about his behaviour and the handling of that matter, even his own circle was not amused. If Pompey had an *imperium* equal to Metellus, then of course it would be understandable that his political enemies made charges against him. But it would not be understandable why his own friends should be so upset because he would have had the right and power to do so. But if, as I argue, his *imperium* was not applicable to the Cretan affairs as long as he did not show up there in person, Pompey simply did exceed his competences. And in this case the reaction of his friends is totally comprehensible.

28 Flor. I 42, 5f.: [Metellus] *deinde totam insulam igni ferroque populatus intra castella et urbes redegit [...] adeoque saeve in captivos consolebatur ut veneno se plerique conficerent, alii deditioem saum ad Pompeium absentem mitterent. et cum ille res in Asia gerens eo quoque praefectum misisset Antonium (sc. Octavius), in aliena provincia inritus fuit eoque infestior Metellus in hostes ius victoris exercuit [...].

29 Plut. Pomp. 29, 1.
One final question: Why was the imperium maius constructed in a way that the holder could use it only in the province where he was present by himself? One has to look onto the peculiarities of the Roman hierarchy, I think, whose main purpose was to prevent one person to gain such power that he could outrule all other citizens. The new situation to fight an enemy not only at one scene of war or in one province, but across the border of many provinces, required new solutions. Until then, the Romans had taken only half-hearted measures against piracy. Sure, in 74 BC M. Antonius got a command which enabled him to wage war in all provinces within 50 miles from the coast. But he had to rely mainly on the resources of the Roman allies and furthermore had only equal rights to other commanders and so his campaign failed to be successful. The moment the Romans decided to deploy all their personal and material resources to fight piracy, they almost automatically had to secure a single command of these immense resources. Otherwise a new failure would happen. Thus the construction to give superior authority to the commander-in-chief exactly in the area where the commander was leading the operations in person, was a very smooth one. You did not have to break with the traditions of the Roman constitution and at the same time you were able to deploy all your forces under one single command. That the great Pompey was not content with that solution is another issue. Perhaps this was the reason why against Mithridates in 66 BC the Romans did put him in charge of three provinces at once.

Клеменс Кён

Командование Помпея в войне с пиратами в 67 г. до н. э.: реконфигурация

Данная статья посвящена весьма дискутируемому в науке вопросу о правовой основе командования, полученного Помпеем для борьбы с пиратами в 67 г. до н. э. В статье показывается, что командование Помпея не было сопряжено с получением им им-

30 Vell. Pat. II 31, 3.  
периа aequum, означающего, что он имел ту же власть, что и про-консулы, командующие в провинциях, и империя maius, означаю-щего, что он имел власть большую по сравнению с теми, кто управлял провинциями. Проанализировав некоторые эпизоды вой-ны с пиратами, автор доказывает, что империй Помпея был maius, но в том смысле, что Помпей должен был иметь большую власть только в провинции, где он появлялся лично. Цель этого состояла в том, чтобы решить проблему ведения войны в разных провин-циях в одно и то же время, где и главнокомандующий, и прави-тель-проконсул имели право осуществлять командование.