

ВСЕОБЩАЯ ИСТОРИЯ

Reconsidering the *imperium infinitum* of
Marcus Antonius Creticus

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One of the most vivid examples of emergency Roman powers during the period of the Late Republic is the authority to combat pirates, among which — Marcus Antonius Creticus's 'unlimited imperium' received in 74 B. C. *Imperium infinitum* prompted a historiographic debate which does not merely concern the nature and capacity of the former, but the very fact of the existence of such an imperium. An opinion was voiced that this phantom originated in Cicero's rhetorical embellishment and the excessive enthrallment of T. Mommsen with the reconstruction of Roman state law. Numerous researchers still agree on the existence of the *imperium infinitum*, but interpret it in different ways. Most frequently they follow in T. Mommsen's tracks in infusing this concept with a spatial/geographical sense — command of several, rather than one province, without clear borders. In order to elucidate the novelty introduced by Antonius's command to the practice of emergency appointments, the article thoroughly examines the circumstances of its emergence based on the said sources, along with Antonius's actions in Sicily, Liguria and Spain, as well as in the Eastern Mediterranean. The conclusion is as follows: it is unlikely that the official term '*imperium infinitum*' existed at that time. However, Marcus Antonius's command does, in fact, demonstrate that the 'unlimited imperium' is not merely Cicero's rhetorical find, but actually a new type of executive authority that emerged in the late 70s B. C. The appearance of the word '*infinitum*' in the unofficial definitions of Antonius's imperium is explained by its omnitude and vast expanse, which most certainly impressed its contemporaries.

Keywords: Late Roman Republic, M. Antonius, extraordinary command, *imperium infinitum*, war against the pirates.

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К вопросу о «неограниченном империи» Марка Антония Критского

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Одним из наиболее ярких примеров римской чрезвычайной власти эпохи Поздней республики являются полномочия для борьбы с пиратами, в числе которых — «неограниченный империй» Марка Антония Критского. Полученный в 74 г. до н. э. *Imperium infinitum* вызвал дискуссию в историографии, при этом спор идет не только о его характере и объеме, но и о том, существовал ли вообще подобный империй. Высказывалось мнение, что этот фантом породили риторическое приукрашивание Цицерона и чрезмерная увлеченность Т. Моммзена реконструкцией римского государственного права (Ж. Беранже, Ш. Джеймсон, Д. Бэлдсон, Е. В. Смыков и др.). Многие исследователи все же признают существование *imperium infinitum*, но толкуют его по-разному. Чаще всего, вслед за Т. Моммзеном, они вкладывают в это понятие пространственно-географический смысл — командование без четких границ, охватывающее не одну, а несколько провинций. Для выяснения того нового, что командование М. Антония внесло в практику чрезвычайных назначений, в статье на основе данных источников подробно рассматриваются обстоятельства его появления, а также действия Антония в Сицилии, Лигурии и Испании, в Восточном Средиземноморье. Делается вывод: официального названия *imperium infinitum*, скорее всего, в ту эпоху не существовало. Однако командование Марка Антония как раз показывает, что «неограниченный империй» — не просто риторическая находка Цицерона, а фактически новый вид чрезвычайных полномочий, ставший реальностью в конце 70-х гг. до н. э. Появление слова *infinitum* в неофициальных определениях империя Антония объясняется его всеохватностью, огромной территориальной протяженностью, что, несомненно, впечатлило современников. В силу стечения обстоятельств, не самых блестящих полководческих качеств Антония и постоянной нехватки людских и материальных ресурсов проблема не была решена. Урок будет усвоен: не пройдет и десяти лет, как похожий империй будет вручен Помпею, однако на этот раз командующий получит все необходимые ресурсы.

Ключевые слова: Поздняя Римская республика, М. Антоний, чрезвычайное командование, *imperium infinitum*, война с пиратами.

The study of emergency powers of the Roman commanders of the last century of the Republic enables to identify the prerequisites and peculiarities of the transition from the Republic to the Empire as the active practice of authorizing the use of emergency *imperium* during the period of crisis and collapse of the Roman Republic contributed to the installation of the authoritarian power of the new type in the short run. One of the most vivid examples of the emergency powers of Roman commanders was its use to combat piracy. This page of the classical history is also worthy of attention as Roman experience in countering piracy has become unusually relevant in the contemporary political discourse with relation to the fight against transnational threat — pirates of the 21st century. As a rule, researchers focus on the activity of Gnaeus Pompeius Magnus in 67 B. C. in accordance with the Gabinian law. However, a prelude to his military command had been “unlimited *imperium*” (*imperium infinitum*) of Marcus Antonius Creticus in 74–71 B. C.,

one of the most fascinating and contentious episode in the history of emergency powers during the last century of the Republic¹.

In 74 B. C., Marcus Antonius, the son of praetor of 102 B. C. and famous orator perished during the Marian Terror, the father of the prospective supporter of Julius Caesar, triumvir and Cleopatra's lover, was entrusted with military command against pirates. The scope of Antonius's imperium extended across several provinces, which was not typical of the practice of granting emergency powers. At the time, there had been known only one case of the command which was not confined within the area of one province — that of Lucius Licinius Lucullus during the Third Mithridatic War. Initially, Lucullus was in charge of one province — Cilicia, but later Asia² and, possibly, Bithynia and Pontus, where warfare was conducted, were joined to it (Liv. Per., 95). Nonetheless, Lucullus's authority was not perceived by his contemporaries as *extra ordinem*. By contrast, Antonius's power was defined as “unlimited” in the sources: *imperium infinitum* (Cic. II Verr., II. 8; III, 213); *infinitum illud imperium* (Lact. Div. Inst., I, 11, 32); *curationem infinitam* (Ps.-Asc., § 8, 259, Stangl). Velleius Paterculus described Antonius's command in similar terms, albeit without the epithet *infinitum*, comparing it with Pompeius's authority (Vell. II, 31, 2–3).

The fact that the sources referred to “the imperium infinitum” of Marcus Antonius engendered ongoing debates in scholarship: not only are the issues of its character, scope, relationship with other imperia discussed, but also the existence of the term itself — *imperium infinitum*. Some are of the opinion that the phantom phenomenon came into being owing to the rhetorical embellishments of Cicero, and keen fascination of a great German historian T. Mommsen with the reconstruction of the Roman law. For example, a French historian Jean Béranger pointed out the vagueness and doubtfulness of the phrase *imperium infinitum* stating that it was a figure of the speech which had nothing to do with the official terminology of the state law, calling it a “pure fiction”³. Sh. Jameson thought that M. Antonius's imperium can't have been deemed “unlimited” in constitutional terms: the orator used this definition for the sake of rhetorical effect, almost sarcastically⁴. This viewpoint has been gaining popularity recently: R. Ridley⁵, D. Balsdon⁶, F. De Souza⁷, and E. V. Smykov either support it or are inclined to share it. The latter, the author of the only special article devoted to Marcus Antonius Creticus in the national historiography, asserts that “Cicero's words were pure rhetoric... This phrase was devoid of any constitutional

¹ I touched upon it in my paper: *Kudryavtseva T. V. Polnomochiia Marka Antoniiia dlia borby spiratami (74–71 gg. do n. e.): staraia problema i novaia aktualnost // Donetskie chteniya. Obrazovanie. nauka i vyzovy sovremennosti. Materialy I Mezhdunarodnoi nauchnoi konferentsii (Donetsk 16–18 maia 2016 g.). T. 7: Sotsialno-politicheskie, istoricheskie nauki. Pod obshh. red. prof. S. V. Besspalovoj. Rostov-na-Donu, 2016. P. 29–32.*

² Concerning some debatable questions with regard to Licinius's proconsulship in Asia — see: *Broughton T. R. S. The Magistrates of the Roman Republic. Vol. 2: 99 B. C. — 31 B. C. New York, 1952. P. 108; Broughton believes that Lucullus had possessed imperium over both Cilicia and Asia since 73 B. C., whereas over Bithynia and Pontus — since 72 B. C. (ibidem. P. 111).*

³ *Béranger J.*: 1) *Recherches sur l'aspect idéologique du principat.* Basel, 1953. P. 73; 2) *A propos d'un imperium infinitum. Histoire et stylistique // Mélanges de philologie, de littérature et d'histoire anciennes offerts à J. Marouzeau par ses collègues et élèves étrangers.* Paris, 1948. P. 23, 27.

⁴ *Jameson Sh. Pompeius Imperium in 67: Some Constitutional Fictions // Historia.* 1970. Bd. 19. P. 542.

⁵ *Ridley R. T. The Extraordinary Commands of the Late Republic // Historia.* 1981. Bd. 30. P. 295.

⁶ *Balsdon J. P. V. D. Roman History, 58–56 B. C.: Three Ciceronian Problems // Journal of Roman Studies.* 1957. Vol. 47. P. 18.

⁷ *De Souza P. Piracy in the Graeco-Roman World.* Cambr., 2002. P. 141–142, espessial — n. 190.

meaning and was used to emphasize the discrepancy between a wide scope of powers and meagre results achieved”⁸.

Nonetheless, a range of scholars admit the existence of *imperium infinitum*, yet they differ in its interpretations. Mostly, following T. Mommsen, they perceive the term in spatial-geographical, territorial terms — military command without clearly defined boundaries, extending across several provinces, or even covering the whole Mediterranean coast⁹. The French historian and archeologist P. Foucart, the author of the first substantial research into the command of Marcus Antonius (his article was published in 1906) supposed that “his power was not limited either by time or by space”¹⁰. H. Ormerod¹¹, A. Boak¹², V. Ehrenberg¹³, J. Ooteghem¹⁴, M. Gelzer¹⁵, E. Badian¹⁶, E. Maróti¹⁷, H. Pohl¹⁸, A. Tarwacka¹⁹ and other scholars wrote about unlimited spatial scope of Marcus Antonius’s imperium, about its extension over the whole of the Mediterranean area.

An American historian M. Hammond and a German researcher F. T. Hinrichs believed that it was the duration of the imperium that made it unlimited²⁰ — this opinion is controversial as, according to the sources, the military command of Antonius was perceived as “unlimited” with regard to space²¹. Sallust wrote that Antonius’s imperium extended along the whole coast, where there was Roman power (Sall. Hist., III, fr. 2)²². Velleius Paterculus likened Antonius’s imperium to the authority of Pompeius, which extended 50 miles inland, defining it as power “almost over the entire world” (Vell. II, 31, 2–3)²³. Pseudo-Asconius called the commander “the curator of the whole... coast” (Ps-

⁸ Smykov E. V. Mark Antonii Kritskii — ordinarnyi chelovek s neordinarnymi-polnomochiami // Studia historica. Vol. XII. Moscow, 2012. P. 108. (In Russian)

⁹ Mommsen Th. Römisches Staatsrecht. Leipzig, 1877. Bd. II. S. 635.

¹⁰ Foucart P. Les campagnes de M. Antonius Creticus contre les pirates, 74–71 // Journal des Savants. 1906. An. IV. P. 572.

¹¹ Ormerod H. Piracy in the Ancient World, an Essay in Mediterranean History. Liverpool; Leningrad, 1924. P. 219.

¹² Boak A. The Extraordinary Commands from 80 to 48 B. C.: A Study in the Origins of the Principate // American Historical Review. 1918. Vol. 24, No. 1. P. 8.

¹³ Ehrenberg V. Imperium maius in the Roman Republic // American Journal of Philology. 1953. Vol. LXXIV. P. 117.

¹⁴ Ooteghem J. van. Pompée le Grand, bâtisseur d’Empire. Bruxelles, 1954. P. 159–160.

¹⁵ Gelzer M. Pompeius. München, 1949. S. 69.

¹⁶ Badian E. Foreign Clientelae. Oxford, 1956. P. 281.

¹⁷ Maróti E. On the Problem of M. Antonius Creticus imperium infinitum // Acta antiqua Academiae Scientiarum Hungaricae. 1971. Vol. XIX. P. 266–268.

¹⁸ Pohl H. Die römische Politik und die Piraterie im östlichen Mittelmeer vom 3. bis zum 1. Jh. v. Chr. Berlin, 1993. S. 271.

¹⁹ Tarwacka A. Roman and Pirates. Legal Perspective. Warszawa, 2009. S. 34.

²⁰ Hammond M. The Augustan Principate in Theory and in Practice during the Julio-Claudian Period. Camb. Mass., 1933. P. 15; Hinrichs F. T. Die Lateinische Tafel von Bantia und die “lex de piratis” // Hermes. 1970. Bd. 98. S. 501.

²¹ Concerning the extensive critical review of Hinrichs’s opinion, see: Maróti E. On the Problem of M. Antonius Creticus imperium infinitum. P. 259–272.

²² Sall. Hist., III, fr. 2: Qui orae maritimae, qua Romanum esset imperium, curator [nocent]ior piratis. The fragments of “The History” by Sallust are numbered in accordance with the alterations made by P. MacGushin (see: Sallust. The Histories / Transl. and comment. by P. MacGushin. Vol. 2. Oxf., 1994).

²³ Vell. II, 31, 2–3: ... Cn. Pompeius ad eos opprimendos mitteretur essetque ei imperium aequum in omnibus provinciis cum proconsulibus usque ad quinquesimum miliarium a mari. Quo scito paene totius terrarum orbis imperium uni viro deferebatur; sed tamen idem hoc ante septennium in M. Antonii praetura decretum erat.

Asc. § 55, 202²⁴; § 60, 239²⁵, Stangl). The fragment from “The Divine Institutes” by Lactantius is also noteworthy: the author compares Neptune’s realm with “unlimited imperium” of Antonius who was granted power over the whole coast by the Senate (Lact. Div. Inst., I, 11, 32)²⁶.

Let us consider in detail the circumstances of the emergence of the military command of Marcus Antonius and its nature in order to clarify the novel features it introduced to the practice of emergency powers. Piracy posed an increasing threat to the Roman commonwealth in the second half of the 2nd — first decades of the 1st centuries B. C., and the Roman state made repeated attempts to eradicate uncontrollable pirates. As the previous and the following measures of combating this issue are beyond the scope of this paper, I would only mention that in 102 B. C., the father of the protagonist of the article, praetor Marcus Antonius, headed the expedition against Cilician pirates with the corresponding aim, and was given the powers of proconsul, whereas in 78–74 B. C. Servilius Vatia possessed the imperium of proconsul, and was in charge of military command. Marcus Antonius’s and Servilius Vatia’s expeditions brought about only local success in terms of duration and space, and in some time pirates resumed their activities. The problem lay in the fact that they were not confined to Cilicia or Crete — the entire Mediterranean area was teeming with pirates. The liquidation of certain pirate nests did not eliminate the threat. The circumstances called for creating a military command of a different nature: which had no affinity with predecessors, was not confined to any given province (Cilicia) or any given battlefield (Crete), and could extend across a considerable part of the Mediterranean coast, where the pirates’ retreats were located. It must have been such command that was given to praetor Marcus Antonius in 74 B. C., most probably, together with the proconsul’s imperium²⁷.

According to the commentator to Cicero, M. Antonius owed his appointment to one of the groups within the Senate headed by consul Cotta, and to the help of a notorious intriguer P. Cethegus²⁸. “The consul Cotta” might have been Gaius Aurelius Cotta, consul of 75 B. C., or his brother, Marcus Aurelius Cotta. E. Badian considered both brothers to have been the leaders of the said alliance being in opposition to Pompeius²⁹. During the riots in Rome caused by the disruption in bread supply, connected to a large extent with piracy, Gaius Cotta addressed the people with a speech, according to Sallust. In his speech, he railed against the problems the state encountered: the war with Sertorius in Spain,

²⁴ Ps.-Asc. § 55, 202, Stangl: M. Antonius curator tuendae totius orae maritimae qua Romanum erat imperium.

²⁵ Ps.-Asc. § 60, 239, Stangl: totius curator orae maritimae.

²⁶ Lact. Div. Inst., I, 11, 32: De Neptunii sorte manifestum est, cuius regnum tale fuisse dicimus, quale Marci Antonii fuit infinitum illud imperium; cui totius orae maritimae potestatem Senatus decreuerat, ut praedones persequeretur, ac mare omne pacaret.

²⁷ Broughton T. R. S. The Magistrates of the Roman Republic. Vol. 2. P. 101. Also: Foucart P. Les campagnes de M. Antonius Creticus contre les pirates, 74–71. P. 571; Pohl H. Die römische Politik und die Piraterie im östlichen Mittelmeer vom 3. bis zum 1. S. 271. — Some researches believed that it was the propraetor’s imperium: Drumann W. Geschichte Roms in seinem Übergange von der republikanischen zur monarchischen Verfassung oder Pompeius, Caesar, Cicero und ihre Zeitgenossen nach Geschlechtern und mit genealogischen Tabellen / Hrsg. von P. Groebe. Bd. 1: Armilii — Antonii. Berlin, 1899. S. 45; Boak A. The Extraordinary Commands from 80 to 48 B. C. P. 8; Maróti E. On the Problem of M. Antonius Creticus imperium infinitum. P. 263.

²⁸ Ps.-Asc., In Verr., § 8, 259, Stangl: gratia Cottae consulis et Cethegi factione in senatu...

²⁹ Badian E. Foreign Clientelae. P. 280.

and with Mithridates in Asia, as well as the shortage of ships (Sall. Hist. II, 44, 6–7). It is likely that the underlying idea of Marcus Antonius's military command, besides the goal of eradicating pirates (in case of its successful fulfillment) was also aimed at providing competition for Pompeius and undermining his position by the same means that ensured his rise — emergency powers³⁰. In fact, the emergency imperium was used as a means in inter-fractional struggle between aristocratic groups, which was a novel feature characteristic of the evolution of the institute of emergency powers in the last century of the Roman Republic. The decision to grant Marcus Antonius the imperium was taken by the Senate; there was no voting by people (unlike the case of emergency powers of Pompeius against pirates in accordance with Gabinian law — Dio, XXXVI, 30).

As it has already been mentioned, M. Antonius's authority was not confined only to the military sphere — this opinion prevails among scholars. Only F. Hinrichs's assertion that praetor's powers were limited by Crete stands out. The German scholar's major argument is that previous experience in the Roman military command of such sort was confined to one province only³¹. However, as it has been stated above, all references to Antonius's command stressed its “unlimited” nature. The commentator to Cicero unequivocally pointed out: the commander acted in several provinces (*provincias omnes*)³². Velleius Paterculus claimed that the authority given to Pompeius over almost the entire world in accordance with Gabinian law and the people's decision was similar to the power granted to Antonius seven years prior to this (Vell., II, 31, 3; concerning the quote — see footnote 23). F. Hinrichs alludes to one of the inscriptions from Epidaurus which characterized Antonius as the “commander over the Cretan people” (IG. IV², 66, line 25 — Μάρκου Αντωνίου τοῦ ἐπὶ Κρητῶν στραταγοῦ), which could have been attributed to the active campaign conducted by the proconsul against the Cretan pirates over the last two years³³. It should also be noted that the inscription from Epidaurus was the honorary decree of local significance rather than the translation or retelling of the Roman resolution about Antonius's imperium with precise definitions³⁴. Moreover, Crete was not a Roman province at the time — it became one only in 67 B. C. It is known from other Greek inscriptions (IG IV¹, 932 and IG V, 1, 1146 — see below) that Antonius stationed his garrisons in towns of the Peloponnese and made active requisitions there, which confirms that his imperium couldn't have been confined within Crete only. F. Hinrichs's explanation that Antonius was able to receive money and supply from there without the imperium over the Mediterranean provinces doesn't sound convincing.

Accumulated data from sources confirm that proconsul acted in different places in the Mediterranean area. As for the concrete nature of his activities, Antonius and his legates were more known for requisitions and extortions. According to the sources, the commander earned an unsavory reputation. Sallust, describing him as the curator of the coast

³⁰ Badian E. Foreign Clientelae. P. 281.

³¹ Hinrichs F. T. Die Lateinische Tafel von Bantia und die “lex de piratis”. S. 500–501.

³² Ps.-Asc., In Verr. I, (in act. II, l. II, § 8), 259, rec. Stangl: Hic est M. Antonius... et Siciliam et provincias omnes depopulatus est et ad postremum inferens Cretensibus bellum morbo interit.

³³ See: Smykov E. V. Mark Antonii Kritskii — ordinarnyi chelovek s neordinarnymi-polnomochiiami. P. 107. E. Maróti also pointed out that the part “ἐπὶ Κρητῶν” had been reconstructed; it was only the letter “Κ” that was clearly seen; in the first publications of this inscriptions there was a suggestion “ἐπὶ [πλαν]τῶν” (Maróti E. On the Problem of M. Antonius Creticus imperium infinitum. P. 261–262).

³⁴ See: Linderski J. The Surname of M. Antonius Creticus and the cognomina ex victis gentibus // Zeitschrift für Papyrologie und Epigraphik. Bd. 80. 1990. S. 157.

“more malicious than pirates” (*curator [nocent]ior piratis* — Hist., III, fr. 2), pointed out his extravagance and negligence: “being born to squander money, devoid of any concern except direct threat” (*perdendae pecuniae genitus et vacuus a curis, nisi instantibus* — Hist., III, fr. 3). Pseudo-Asconius called Antonius the most careless commander (§ 60, 239, Stangl), who ravaged Sicily and all the provinces, which he was supposed to protect (*Siciliam et provincias omnes depopulatus est* — § 8, 259, Stangl). The surrounding circle was no better (*non solum ipse nequam, verum etiam comitibus pessimis* — § 55, 202, Stangl). Cicero, in his second speech against Verres, deplored Antonius who acted to the detriment of the well-being of the allies and provinces (*multa contra sociorum salutem, multa contra utilitatem provinciarum et faceret et cogitaret*), and met his death amidst riots and avarice (*in mediis eius iniuriis et cupiditatibus*) (II Verr., III, 213).

The results of Antonius’s activity were poorly assessed: according to Sallust, he had spent three years in vain (Hist., III, fr. 76 — *triennio frustra trito*). Livius also confirmed the fruitlessness of his military command: *M. Antonius praetor bellum adversus Cretenses parum prospere gestum morte sua finivit* (Liv. Per., 97). Appian characterized his conduct of the war as unsuccessful (Sic. 6, 1: οὐ πράξει καλῶς). Almost in the same words, but in Latin, the commentator to Cicero wrote about the commander’s actions: *male re gesta* (§ 55, 202, Stangl). In addition to incompetence, classical authors reproached Antonius for extortions and violence towards allies and inhabitants of the provinces. In this context, Plutarch’s remark that the father of the prospective triumvir did not excel in the public service but was a prudent and honest man (οὐχ οὕτω μὲν εὐδόκιμος ἐν τοῖς πολιτικοῖς ἀνὴρ οὐδὲ λαμπρός, εὐγνώμων δὲ καὶ χρηστός — Ant., 1) can be regarded as praise.

Moving on from the emotional assessment of Antonius’s moral and military attributes to the factual aspects, it is possible to present the following context on the basis of the meagre information from the sources. Initially, the commander conducted his campaign against pirates in the western part of the Mediterranean area. In the summer of 74 B. C., he was in Sicily: Cicero referred to his requisition of grain (*aestimationem frumenti exactionemque pecuniae*) during the trial of Verres when he compared both wrongdoers (II Verr., III, 213). The orator elaborated on the complaints of the people of Sicily with regard to estimation of grain: the commander demanded money instead of natural supply, estimating the cost of the modius of wheat at three denarii, which was obviously an overcharge as it was the period after the harvest when the price of bread had to be low (*ibid.*, 214). It was this “abhorrent deed” of Antonius (*improbissimum factum* — *ibid.*, 213) that Verres presumably regarded as precedent justifying his own evil actions (*ibid.*, 213).

Another wrongdoing against people of Sicily described by Cicero was committed by proconsul’s subordinates: one of his prefects in Lilybaem took slave musicians from some Agonis, a freedwoman of Venus Erycina, intending to turn them into sailors (*symphoniacos servos abducebat per iniuriam, quibus se in classe uti velle dicebat* — Div. in Caec., 55). It should be noted that the orator’s rage was aimed not so much at Antonius and his associates as at a bad quaestor Caecilius: the woman decided to litigate on the ground that her property belonged to Venus, but the Roman quaestor ordered to make the poor woman Venus’s slave, sold her property and appropriated the money. Upon receiving a complaint, Verres at first expressed his disapproval of the quaestor’s actions and commanded to return the money to the woman, but afterwards took a considerable part of the sum (*ibid.*). Admittedly, this is Cicero’s version of the story; however, it appears that Antonius was not

the first among Roman governors and their subordinates who was involved in shameful looting and extortion in their provinces³⁵.

For a while (presumably, in the summer of 73 B. C.), Antonius, according to Sallust, acted near the coast of Liguria, and then headed for Spain with the intention of occupying a suitable base there (Sall., III, fr. 6, 7). The aim of the campaign was to restore the communications with Italy damaged by the pirates, Sertorius's allies. At Antonius's disposal there was the army, including the cavalry and the navy. Unfortunately, only the fragments of Sallust's text, with the lacunae, have survived: initially, Antonius kept Ligurians attacking Roman ships in the narrow passage into the harbor, while Mamercus's ships pursued the enemy fleet on the right flank without much success. Afterwards, when the Ligurians retreated to the Alps, it was decided at the meeting to sail to Spain against Sertorius. The Roman military ships, which had not been damaged in the storm or had been repaired, arrived in the territory of the Aresinarii³⁶.

The fragment concerned with the Spanish campaign mentions the difficulty of crossing the deep river Dilunus (*[altissimo] flumine*): making use of deceptive maneuvers and extempore rafts, the commander managed to ford the river. The legate Manius sent forward with part of the fleet and cavalry, reached some island where an important town, with regard to communication with Italy (*commeatibus Italicis opportunam*), was located. The legate planned on attacking the town unexpectedly, but the town on the hill was surrounded by the sea, and the only access to it — sandy and narrow — was fortified with the double wall by the inhabitants³⁷. It is not known what happened afterwards: in all likelihood, Manius did not realize his plan. A number of hypotheses have been put forward concerning locating the toponyms, ethnonyms and a nameless island with the town³⁸ mentioned in the fragments, yet none of them can be regarded as fully proved given the fragmentary nature of Sallust's text and its deteriorated state.

Antonius must have been concerned with providing the army operating in Spain without disruption. He might have succeeded in it as it was no coincidence that he remained in his military position³⁹ although this time he set off for one of the hotspots of

³⁵ Compare: *Smykov E. V.* Mark Antonii Kritskii — ordinarnyi chelovek s neordinarnymi-polnomo-chiiaimi. P. 111.

³⁶ Sall. III, fr. 6: [Ligurum] copias Antonius haud facile prohibens a [navibus], quia periaci telum [pote]rat angusto introitu, neque Mamercus hostium [navis] in dextera communis classis aestate qui[eta] tutior in aperto [seque]batur. Iamque diebus al[iquot] per dubitationem [tritis], cum Ligurum praesidia [cessissent] in Alpibus, Terentunorum accitu quaestio facta [ad] Sertorium perveni [cum] Antonio ceterisque [place]ret, navibus in Hispaniam maturare. Postquam [vero] in Aresinarios ve[nere om]ni copia navium [longa]rum, quas reparatas habebant quaeque non [tempestatibus] afflictatae erant...

³⁷ Sall. III, fr. 7: [disiunctus altissimo] flumine Diluno [ab hos]tibus, quem transgredi vel paucis prohibentibus nequibat, simulatis [transi]tibus aliis haud longe [a loco] illo classe, quam [evocarat], temereque textis ra[tibus] exercitum transduxit, [tum] praemisso cum equitibus Manio legato et parte navium longarum ad... insulam pervenit, [ratus] improviso metu [posse] recipi civitatem commeatibus Italicis opportunam. Atque illi loco freti ni[hil de] sententia mutare; quippe tumulum lateribus in mare et tergo editis, [ad hoc] fronte ut angusto [ita] harenoso ingressu, du[pl]ici muro muniverant].

³⁸ P. Foucart put forward an idea of one of the Balearic islands (*Foucart P.* Les campagnes de M. Antonius Creticus contre les pirates, 74–71. P. 571). A. Schulten, having perceived the Aresinarii (Aresinarios) as Iberian Erinosii mentioned by Polybius, identified the town as Empúries (Emporiae), while the river — as the river Muga. The ruins of Empúries are located in Sant Martí d'Empúries within the municipality of L'Escala (Catalonia) See: *Schulten A.* Eine unbekannte Topographie von Emporion (Sallust. hist. III. 6) // *Hermes*. Bd. 60. 1925. S. 66–73.

³⁹ Concerning the relative success of Ligurian-Spanish campaign of Antonius, see, for example: *De Souza P.* Piracy in the Graeco-Roman World. P. 145.

tension with pirates — for Crete. Plutarch described this island as the second centre of pirate gangs after Cilicia (Plut. Pomp., 29). Cretans were suspected of not only catering to pirates (Diod., XL, 1) but also of being sympathetic to Mithridates, to whom they allegedly sent mercenaries (App. Sic., VI, 1; Flor., III, 7, 1). According to Appian, Antonius sent envoys to the people of island accusing them of supporting sea robbers, whom he pursued, however, Cretans replied defiantly, which provoked the Roman commander to wage a war (ibid.). It was Antonius's campaign in Crete that aroused most interest and criticism on the part of classical authors.

Thus, Antonius had been in the eastern part of the Mediterranean area approximately since 73 B. C. There are two Greek inscriptions shedding light on the details of the campaign, which were first comprehensively analyzed by P. Foucart. One of them comes from Epidaurus; it is a decree in honor of agoranomos Euanthes (IG IV¹, 932). It follows from the inscription that there was a garrison in Epidaurus left by Antonius in 72–71 B. C., and that Euanthes took advantage of his reputation with the Romans to effect the exemption of Epidaurus from the obligation of providing soldiers for the army. It appears that throughout the year of 72 B. C. Antonius, not launching any large-scale operations against pirates, stationed his garrisons in several Greek cities⁴⁰ and recruited additional contingents which had to be sent by the Greek: Epidaurus was able to evade this responsibility only thanks to enterprising Euanthes. Whether he managed to convince the Roman emissaries or bribed them is not known⁴¹.

The other inscription is an honorary decree from Gytheion (a port in Laconia) to commemorate two Romans, brothers Numerius and Marcus Cloatius (IG V, 1, 1146). It can be inferred from the decree that the brothers gave accommodation to two Roman officers, Publius Autronius and Lucius Marcilius, and obtained the exemption from dispatching soldiers, and other burdens imposed on the town (lines 15–20). Autronius is called further in the inscription a legate (πρεσβευτᾶν), as are Gaius Julius and Fulvius (lines 22–24), whose favor towards the town the brothers were also seeking. It is tempting to suggest that Gaius Julius was no other than the prospective Gaius Julius Caesar. T. Broughton believed that Caesar served as Antonius's legate in 73–72, whereas in 75, or at the beginning of 74⁴², he was held in captivity by pirates, which is a well-known episode. After his abductors had released him upon receiving a ransom, Caesar organized a brilliant chase and punished them justly (Vell. II, 41–42; Suet. Iul., 74, 1; Plut. Caes. I, 4 — II, 4). He could have become a consultant for proconsul who was entrusted with another anti-pirate campaign⁴³. The decree mentions two more Antonius's officers, elaborating on their activities: "And when Gaius Gallus demanded grain from our town, and Quintus Ancharius — overgarments in accordance with what was imposed on our town..."⁴⁴ The Cloatius brothers also managed to exempt Gytheion from it.

⁴⁰ P. Foucart supposed that the garrison was located in Epidaurus for its protection (Foucart P. Les campagnes de M. Antonius Creticus contre les pirates, 74–71. P. 580), but H. Ormerod is probably right expressing doubt in it as the Romans demanded that the inhabitants send reinforcements (Ormerod H. Piracy in the Ancient World. P. 226, note 5), i. e. the garrison was simply stationed there.

⁴¹ Foucart P. Les campagnes de M. Antonius Creticus contre les pirates, 74–71. P. 578.

⁴² Broughton T. R. S. The Magistrates of the Roman Republic Vol. 2. P. 113, 115–116.

⁴³ The suggestion that Caesar was included in Antonius's headquarters as an "expert" was made by De Souza: De Souza P. Piracy in the Graeco-Roman World. P. 147, note 215.

⁴⁴ IG V, 1, 1146: ...ἐπιτάξαντός τε τᾷ πόλει ἁμῶν Γαίου Γαλλίου σίτον καὶ Κοῖντου Ἀνχαρίου ἰμάτια κατὰ τὸ ἐπιβάλλον τᾷ πόλει ἁμῶν... (l. 25–27).

So, the Romans demanded that Gytheion supply their army with soldiers, grain and clothes. P. Foucart thought that the phrase from the decree “κατὰ τὸ ἐπιβάλλον τῷ πόλει ἁμῶν” (“in accordance with what was imposed on our town”) testified that such requisitions were typical, and that many other Greek towns, not only Gytheion, were subject to them⁴⁵. There was demand for funding the campaign, and the next year the commander himself arrived in the town to raise the money. The townspeople’s finances were low, and they were unable to collect the required sum, so the Cloatius brothers lent 4200 drachmae to them at the interest rate of 4 drachmae for 1 mina per month, i.e., 48 percent per annum (lines 33–36)⁴⁶. Requisitions similar to the ones described, most probably, were common phenomena. They were carried out by Antonius’s legates or by the commander himself, which considerably contributed to building up his reputation as the ravager of the allies and provinces (Sall. Hist., III, fr. 2; Cic. II Verr., III, 213; Ps.-Asc. § 8, 259; § 55, 202, Stangl). It should be noted that Cassius Dio maintained that wreaking havoc on the allies had been part and parcel of *all* Roman unsuccessful anti-pirate campaigns until Pompeius tackled the problem. (Dio Cass., XXXVI, 23, 2⁴⁷).

Finally, having received from the Greek all he could, Antonius embarked on the offensive operation against Cretan pirates, which turned out to be fatal to him.

The most exhaustive description of the campaign was given by Florus (I, 42, 1–3). In fact, it is the only one as other authors only mentioned it. The narrative by the Roman historian is not favourable to our protagonist. Florus tells about Antonius’s presumptuousness: he was so confident of his victory that took aboard the ship more manacles for captives than weapons (*cum ingenti quidem victoriae spe atque fiducia, adeo ut pluris catenas in navibus quam arma portaret* — Flor., I, 42, 2). His temerity and senselessness (*vecordiae*) cost him a lot — a large number of his ships were taken by the enemies (*plerasque naves intercepit hostis* — *ibid.*, 3). The pirates mocked at the captives: having tied them to the masts and ropes (*captivaque corpora religantes velis ac funibus suspendere*), they sailed into their harbours imitating the manner of triumphators (*triumphantium in modum*) (*ibid.*). It is not clear whether this defeat at sea was followed by arrival in Crete and overland campaign or not — J. Linderski as well as E. V. Smykov believe that it might have been so⁴⁸. According to Diodorus, Cretans negotiated with Antonius some conditions of the peace treaty (Ὅτι Μάρκος Ἀντώνιος συνθέμενος πρὸς Κρήτας εἰρήνην — Diod., XL, 1)⁴⁹, therefore, the campaign was not a complete failure as it appears to have been from the perspectives of some classical authors and their evaluation of Antonius’s actions. It yielded

⁴⁵ Foucart P. Les campagnes de M. Antonius Creticus contre les pirates, 74–71. P. 579.

⁴⁶ *Ibid.* P. 580.

⁴⁷ Dio Cass., XXXVI, 23, 2: ἀλλ’ ἐξέπεμπον μὲν καὶ ναυτικά καὶ στρατηγούς, ὡς που καθ’ ἕκαστον τῶν προσαγγελλομένων ἐκινούνητο, ἔπραττον δ’ οὐδέν, ἀλλὰ καὶ πολὺ πλείω τοὺς συμμάχους δι’ αὐτῶν ἐκείνων ἐταλαιπώρουσιν, μέχρις οὗ ἐν παντὶ ἐγένοντο.

⁴⁸ See: Linderski J. The Surname of M. Antonius Creticus and the cognomina ex victis gentibus. P. 162–163; Smykov E. V. Mark Antonii Kritskii — ordinarnyi chelovek s neordinarnymi-polnomochiiami. P. 117.

⁴⁹ Afterwards the people of Crete sent an embassy to Rome to negotiate with the Senate — Diodorus (XL, 1) and Appian (Sic., VI, 1) point it out as well as the conditions of the peace treaty. The Senate demanded that enemy’s naval commanders Lasthenes and Panares be given up (according to Appian — only Lasthenes), military ships and Roman captives — be returned, 4000 talents of silver — be paid, 300 hostages — be provided. The Cretans refused, and Quintus Caecilius Metellus, a consul in 69 B. C., was sent against them.

some results, albeit modest⁵⁰. Soon afterwards Antonius died — the reason for his death is not mentioned in the sources⁵¹.

Appian and Plutarch mention a nickname given to Antonius: Creticus (καὶ οὐ πρᾶξι καλῶς, χρηματίσαι δ' ὅμως διὰ τὴν πρᾶξιν Κρητικός — App. Sic., VI, 2; ὁ Κρητικός ἐπικληθεὶς Ἀντωνίος — Plut. Ant., 1). There is a prevalent opinion in the scholarship about its insulating nature⁵². However, none of the authors pointed it out, according to the fair comment by J. Linderski who undertook the task of rehabilitating Marcus Antonius⁵³. Obviously, the nickname was not an official agnomen — Antonius did not celebrate a triumph, and the Senate and people did not honor him with an according decree. It might have emerged in a commendation (*laudatio*) during the funeral of the commander, or, alternatively, he might have been called so by his soldiers during his life time (*appellatio*)⁵⁴. Nonetheless, although the sources did not state sarcastic or ironic aspects of the nickname, there were comments with regard to its undeserved and unjust character compared to a similar *agnomen* of Metellus. According to Appian, there were far more reasons behind giving the name Creticus to Metellus rather than to Antonius (καὶ Κρητικός ἐκλήθη ὅδε δικαιότερον Ἀντωνίου — App. Sic., VI, 2). The commentator to Cicero also stressed that Metellus received his nickname *ex virtute* (Schol. Bob., 96, Stangl).

Coming to the problem set at the beginning of the article about the character and the nature of Antonius's powers, I would like to remark that his military command was undoubtedly *extra ordinem*. Its emergency was concerned with unprecedented territorial extension covering the coast and islands of the considerable part of the Mediterranean Sea. The extension of the territorial scope of the imperium was brought about by the realization of the impossibility of eradication of piracy in individual retreats and nests, which presupposed a new transboundary approach.

Indeed, carrying out his command, Antonius had to enter the areas controlled by regular provincial governors from time to time; and we do not know how they interacted. However, it is doubtful that in addition to territorial “unlimitedness”, Antonius was given supreme power (*imperium maius*) over the imperia of governors⁵⁵. Indirectly, the “equal” status of imperium (*aequum*) was confirmed by Velleius Paterculus. Speculating about the imperium of Pompeius in accordance with Gabinian law, the historian points out that it was on a par with those of governors, and M. Antonius had similar powers (Vell. II, 31,

⁵⁰ J. Linderski and E. V. Smykov made an attempt at reconsidering the traditionally low evaluation of Antonius campaign in Crete: *Linderski J.* The Surname of M. Antonius Creticus and the cognomina ex victis gentibus. P. 161–164; *Smykov E. V.* Mark Antonii Kritskii — ordinaryniy chelovek s neordinarnymi-polnomochiiami. P. 117. — In their views, according to the conditions of the signed treaty, the Cretans pledged not to support pirates and Mithridates; however, it's only a hypothesis.

⁵¹ W. Drumann for some reason supposed that the commander died of shame and grief (*Drumann W.* Geschichte Roms in seinem Übergange von der republikanischen zur monarchischen Verfassung oder Pompeius, Caesar, Cicero und ihre Zeitgenossen nach Geschlechtern und mit genealogischen Tabellen. Bd. I. S. 46). P. Foucart presented him being in captivity in Crete, having drawn a shameful peace treaty with victors (*Foucart P.* Les campagnes de M. Antonius Creticus contre les pirates, 74–71. P. 581).

⁵² Concerning references to it — see: *Linderski J.* The Surname of M. Antonius Creticus and the cognomina ex victis gentibus. P. 157–158.

⁵³ *Ibid.* P. 158.

⁵⁴ J. Linderski considers the latter to be more probable. (*Ibid.* P. 161).

⁵⁵ According to Ormerod, Antonius possessed *maius imperium infinitum*: *Ormerod H.* Piracy in the Ancient World. P. 219.

2–3 — see footnote 23)⁵⁶. T. Mommsen defined the imperium of the latter as *imperium infinitum aequum*⁵⁷.

Cicero twice in “The Verrine Orations” (II Verr., II, 8; II Verr., III, 213), as well as the scholiast (Ps.-Asc. In Verr., (in. div., § 55), 202, rec. Stangl) described the authority of M. Antonius as *imperium infinitum*; Lactantius gave the same definition (Div. Inst., I, 11, 32; see footnote 25). The latter, however, can be questioned: it is a later source which could have imitated Cicero. As it has already been stated, there is no uniformity among scholars whether *imperium infinitum* was the official term applicable to the military command of Antonius, or it was a rhetorical device used by Cicero. The absence of the information in other sources cannot be looked upon as a serious argument against the first hypothesis: “The Histories” by Sallust devoted to the war with pirates have survived in fragments, as have books XXX–XXXV by Cassius Dio (about the events of the 80s and the 70s) and the whole period about the late Republic by Titus Livius existing in epitomes. It was also unrealistic to expect the historian Appian and the biographer Plutarch, late Greek authors, to meticulously delve into the formality of the judicial aspects of the Roman law, whereas in “The Epitomes” by Lucius Annaeus Florus the whole period was only succinctly outlined.

What is a more convincing argument in favor of the unofficial status of this term is the fact Cicero describing the military command by Pompeius did not use *imperium infinitum* anywhere, including the speech “De Imperio Cn. Pompei, or Pro Lege Manilia” (“In Defence of the Proposed Manilian Law, or On Pompey’s Command”), although Pompeius’s powers in accordance with Gabinian and Manilian laws were very similar to those of M. Antonius (or even more extensive). Surprisingly, the term “unlimited imperium” emerged in his speech “On his House” (De domo suo, IX, 23; XXI, 55), in which the orator, as well as in his other speeches of 57–56 B. C., chastised his political enemies — consuls of 58 B. C. Aulus Gabinus and L. Piso. In consonance with the law of Clodius, Gabinus received command over Cilicia (afterwards replaced by Syria), whereas Piso — over Macedonia. The authority was rather traditional in formal terms: each of them was given one province *pro consule*, there was no territorial unlimitedness in this case. Nonetheless, Cicero, listing all the vices of Gabinus (“the most disgraceful, the most wicked, the most stained”) and stating that he undeservedly received the richest province, was instructed to wage a war against “the most peaceable nations”, was given the state money, exclaimed: “Who gave him “unlimited imperium!” (*quis imperium infinitum dedit* — De domo sua, IX, 23). It is undeniable that the orator uses this term not in territorial, but in qualitative terms, among other rhetorical devices. I agree with J. Béranger and Sh. Jameson (see footnote 3 and 4), and with those who share their opinion (see footnote 5–8): it is clear from the context that here, as well as in the case with Gabinus and Piso, there is rhetorical figure, hyperbole. Most probably, the phrase *imperium infinitum* was not an officially ac-

⁵⁶ Concerning the problem of whether the imperium of Pompeius in accordance with Gabinian law was *imperium maius* or *imperium aequum*, — see: Kudryavtseva T. V. Chrezvychnyne polnomochiia Pompeia po borbe s piratami: staraia diskussia i novaia aktualnost // Mnemon. Issledovaniia i publikatsiip-
ost istorii antichnogo mira. 2016. Iss. 16, no. 2. P. 160–163.

⁵⁷ With regard to the imperium of governors *pro consule*: Mommsen Th. Römisches Staatsrecht. Bd. II. S. 635. The same definitions can be found, for example, in: Klebs E. Antonius (29) // Pauly’s Real-Encyclopädie der classischen Altertumswissenschaft. Neue Bearbeitung von G. Wissowa u. a. Stuttgart, 1894. Bd. I. Sp. 2594; Rosenberg A. Imperium // Pauly’s Real-Encyclopädie der classischen Altertumswissenschaft. Stuttgart, 1916. Hbd. 18. Sp. 1209; Mashkin N. A. Printsipat Avgusta. Proiskhozhdenie i sotsialnaia sushchnost. Moscow; Leningrad, 1949, P. 396.

knowledgeed judicial term. Whether it was Cicero's invention (as stated by the above-mentioned scholars), or his reproduction of the felicity used during the debates on emergency powers, is open to interpretation.

However, even if *imperium infinitum* did not formally defined such powers, we can admit the emergence of such military command that extended beyond the traditional territorial boundaries. The case of Marcus Antonius's *imperium* goes to show that *imperium infinitum* was not merely a rhetorical feature of Cicero, but a novel type of emergency powers which had materialized by the end of the 70s B. C. The usage of the word *infinitum* in informal description of the command of Antonius can be attributed not to the fact that his ill-wishers humiliated him in such manner "trying to stress the discrepancy between his considerable powers and meagre results"⁵⁸, but to the impression its omnitude, vast territorial span — from Spain to Crete and the Aegean archipelago — made on the contemporaries. Due to the concurrence of circumstances and Antonius's modest military talent, he had a rocky start. Among the possible causes of the failure of the anti-pirate campaign were: presumable absence of the single strategic plan, actions ad hoc⁵⁹; the commander's underestimation of the enemy (during the campaign against the Cretan sea rovers)⁶⁰; the lack of manpower and material resources⁶¹ — which made Antonius and his legates resort to requisitions, which retained in the memory of provincial inhabitants. The lesson was learned: in less than ten years a similar *imperium* was given to Pompeius, however, this time he was allowed to "take as much money as necessary from the treasury" (Plut. Pomp., 25, 3 — ὅσα βούλοιο), to demand "ships, money and army" (Dio Cass., XXXVI, 37, 1 — καὶ τὰς ναῦς ἀπάσας, τὰ τε χρήματα καὶ τὰ στρατεύματα ὅσα ἂν ἐθελήσῃ). *Imperium infinitum* of Pompeius would prove its effectiveness as the means of combatting piracy.

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⁵⁸ The quote from E. V. Smykov's article — see footnote 8.

⁵⁹ De Souza P. Piracy in the Graeco-Roman World. P. 148.

⁶⁰ Foucart P. Les campagnes de M. Antonius Creticus contre les pirates, 74–71. P. 581.

⁶¹ This has been mentioned in historiography many times. See, for example: Pohl H. Die römische Politik und die Piraterie im östlichen Mittelmeer vom 3. bis zum 1. S. 273; Smykov E. V. Mark Antonii Kritskii — ordinarnyi chelovek s neordinarnymi-polnomochiiami P. 109. — H. Pohl hypothesized that the fleet, which was at Antonius's disposal, was collected in a hurry, therefore, some of the ships were repaired. (See. Sall. Hist., III, fr. 6: Postquam [vero] in Aresinarios ve[nere om]ni copia navium [longa]rum, *quas reparatas habebant*).

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