Fides Romana: Aspects of *fides* in Roman diplomatic relations during the conquest of Iberia.

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ABSTRACT

This thesis examines the ideology and reality of *fides* in Roman international relations, using the conquest of Iberia as a case study. It seeks to show that despite the ideology, the self-belief in Rome's cultural superiority and the competitive nature of the Roman state resulted in the disregard for the precepts of *fides* in martial diplomacy.

The first chapter looks at the role of *fides* in domestic and international society and examines how the ethical principle of *fides* developed into a nationalistic ideology. The second chapter investigates Roman conduct during the conquest of Iberia from the second Punic war until Tiberius Gracchus established a treaty with the Celtiberi in 178 BCE in light of this ideology. The final chapter reviews the reality of *fides* in Roman action in both *Hispania Citerior* and *Hispania Ulterior* during the Celtiberi and Lusitanian wars and the Roman quest for control.

This discussion ultimately seeks to provide an analysis of *fides* in international diplomatic affairs and a justification of Rome's choice of action in the conquest of the Iberian Peninsula. It emerges that *fides* was a principle appealed to only when it served the ultimate goal of commanders and the Senate. However, when faced with the realities of war, *fides* was sacrificed for success and dominion.

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TABLE OF CONTENTS

Abstract *i*
Acknowledgements *iii*
Abbreviations *v*
Maps *vi*

Introduction x

I - The Roman Perception of *Fides* 1

Fides in Domestic Affairs 5

Ideology in International Affairs 16

II - *Fides* in Iberia: Roman Conduct 210-178 47

Difficulties and Methodology 47

Iberia: 231-177 - Warfare and "Rebellions" 69

Individualism of Commanders 98

The Reality of *Fides* 218-178 105

III – *Fides* in Iberia: Roman Conduct 177-95 106

Celtiberian Wars 153-133 BCE 107

Lusitanian Wars 154-138 BCE 129

Fides' Failure 140

Conclusion 143

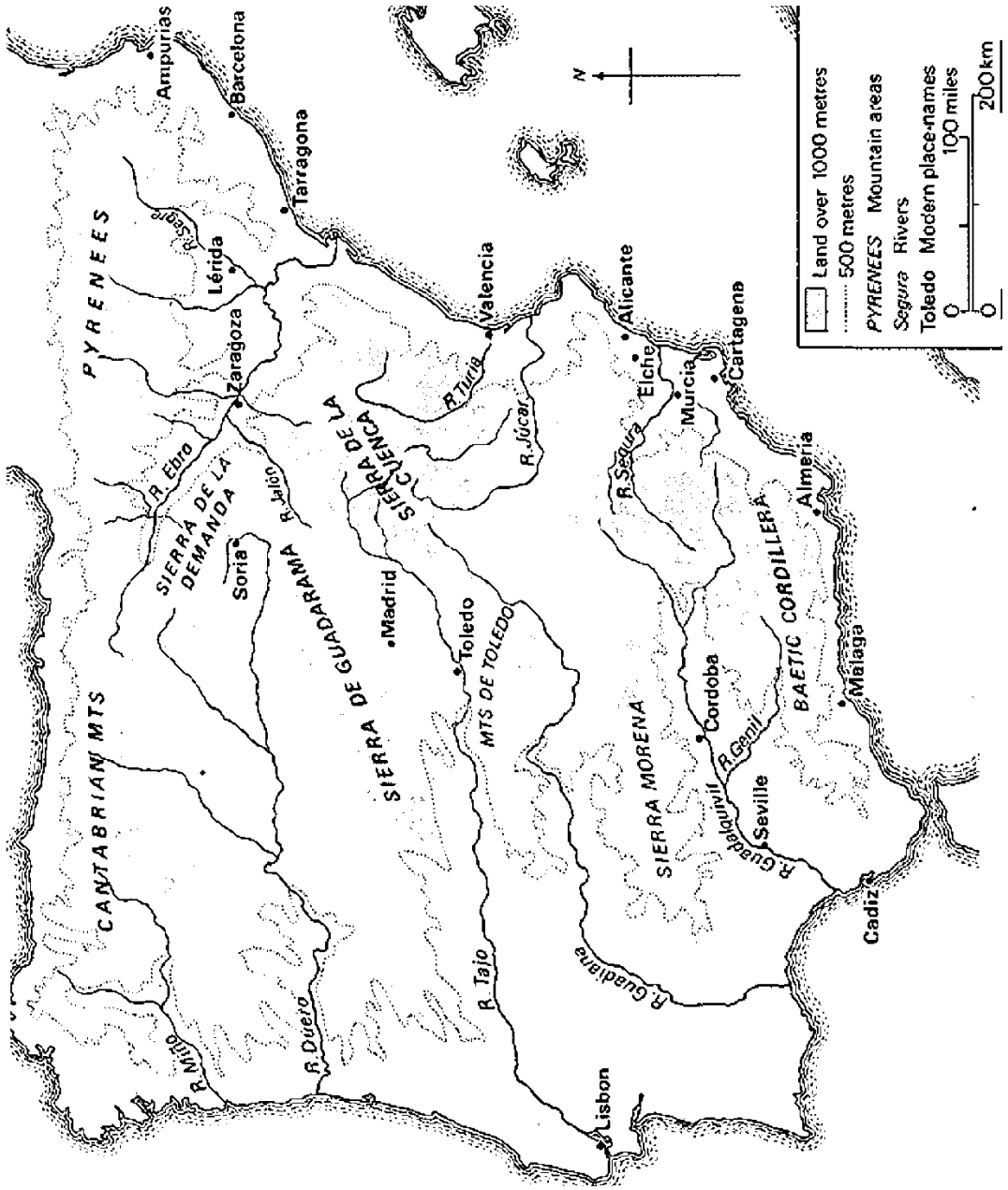
Bibliography 147

Cover illustration: Submission of the barbarians to Marcus Aurelius, relief panel from a triumphal arch. C. AD 176-182. Palazzo dei conservatori, Rome. Photo from Ramage (2009) 270.

ABBREVIATIONS

AE	*L'Année Epigraphique,* Paris.
CIL	*Corpus Inscriptionum Latinarum,* Berlin.
IG	*Inscriptiones Graecae,* Berlin.
IGRR	Cagnat, R. (ed.), *Inscriptiones Graecae ad Res Romanas Pertinentes,* Sofia.
ILS	Dessau, H. (ed.), *Inscriptiones Latinae Selectae*, Berlin, 1962.
MRR	Broughton, T. R. S. *Magistrates of the Roman Republic*, Vol. 1, Chico, CA: Scholars Press, 1984.
OGIS	Dittenburger, W. (ed.), *Orientis Graeci Inscriptiones Selectae* I-II, Leipzig.
OLD	Glare, P. G.W. (ed.), *Oxford Latin Dictionary*, Oxford: Clarendon Press, 1982.
ORF^{3}	Malvocati, H. *Oratorum Romanorum Fragmenta* (3rd edition), Pavia, 1969.
RDGE	Sherk, R. *Roman documents from the Greek East*, Baltimore, 1969.
SIG	Dittenburger, W. (ed.) *Sylloge Inscriptionum Graecarum*, Leipzig.
TLL	*Thesarus Linguae Latinae.* Lipsiae: In aedibus B.G. Teubneri, 1900.-

Abbreviations for ancient authors and their works follow the conventions used in the *Oxford Classical Dictionary* (3rd Edition).



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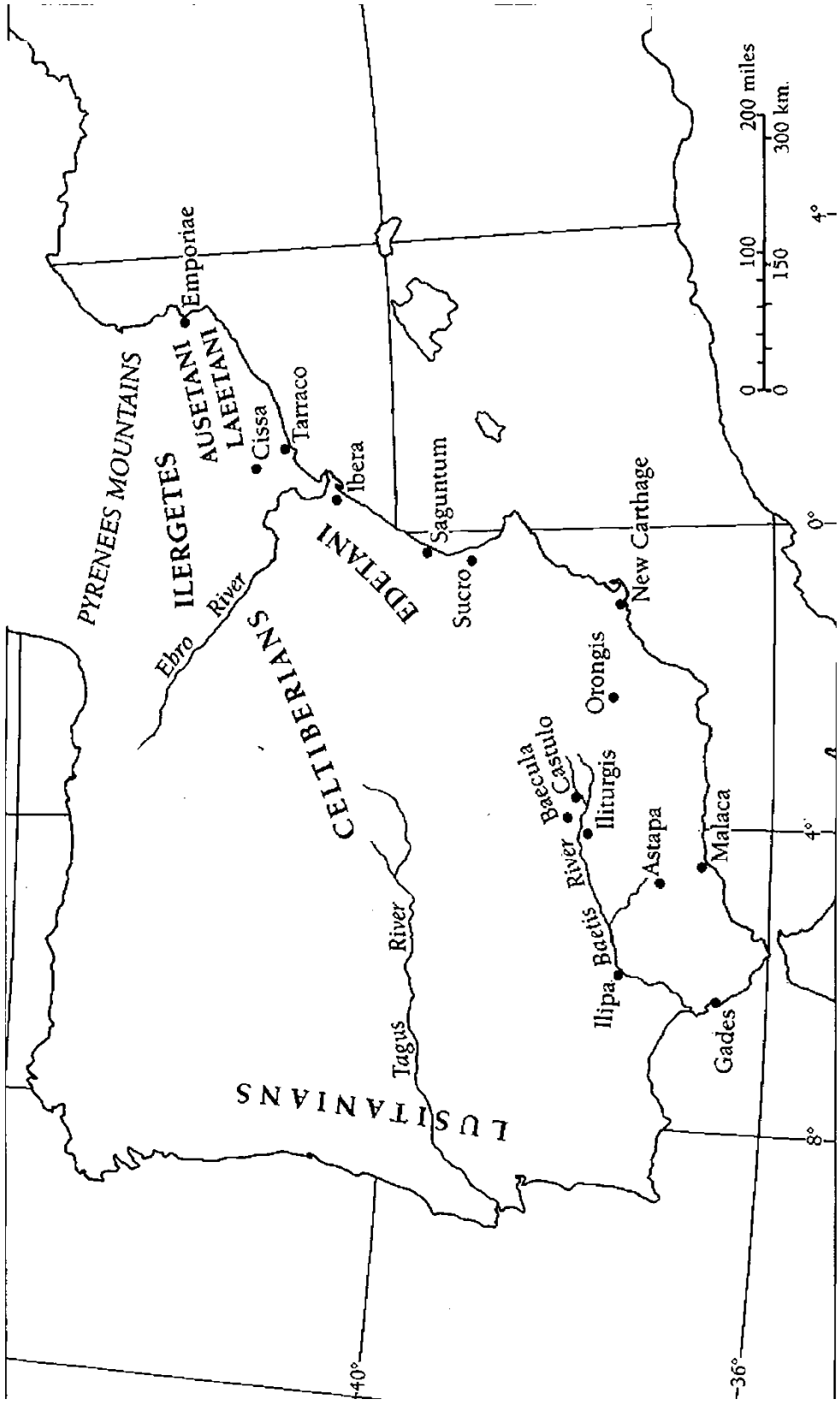
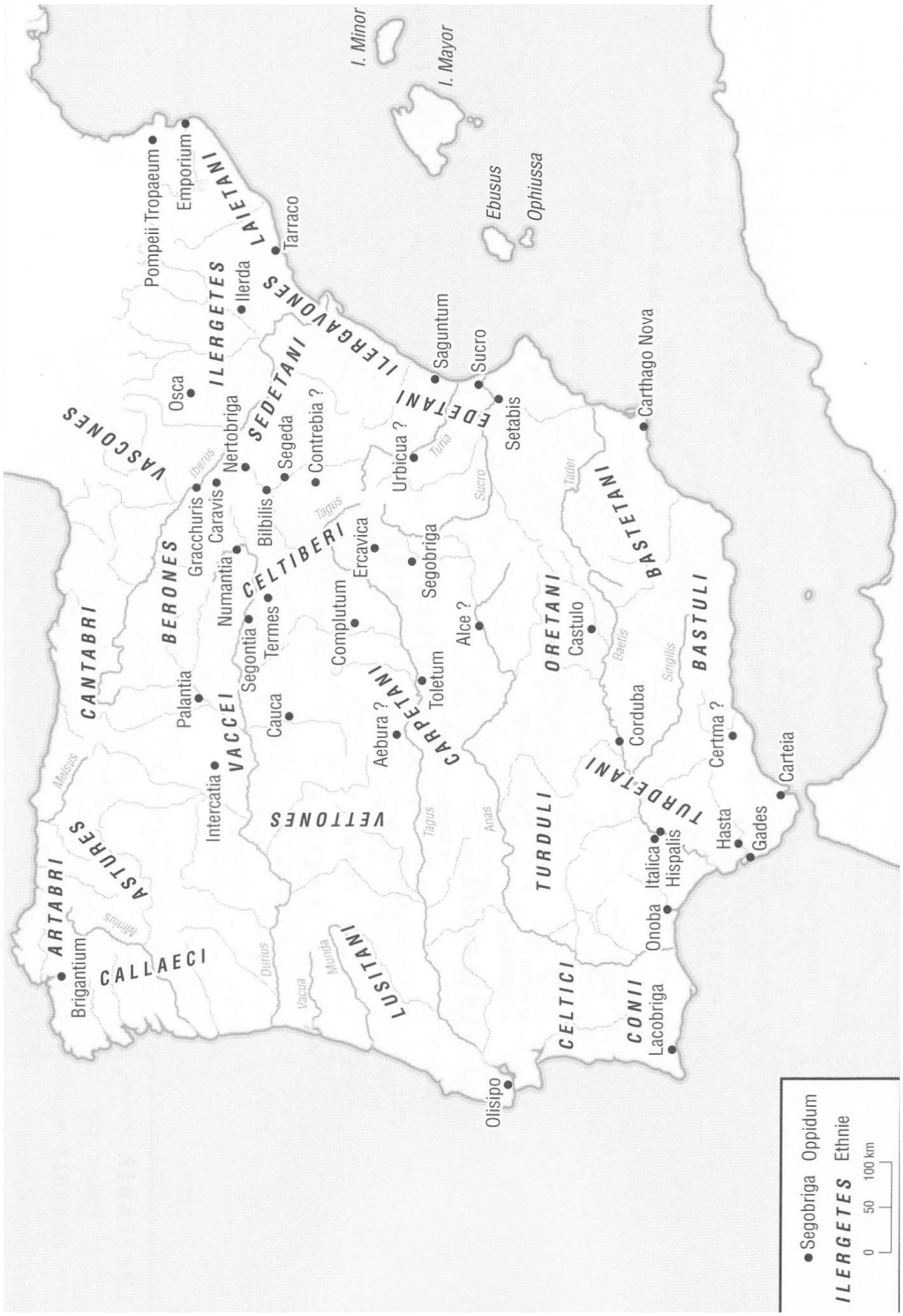


II - SPAIN DURING THE HANNIBALIC WAR. ECKSTEIN (1986) 192.



III – IBERIAN PEOPLES AND SETTLEMENTS DURING THE ROMAN REPUBLIC. LE ROUX (2010) 365.

The stages of conquest

By 197 BC

1. Carthago Nova
2. Saguntum
3. Emporion/Emporiae
4. Tarraco
5. Iliturgis
6. Castulo
7. Gadir/Gades
8. Baecula
9. Ilipa
10. Italica
11. Rhode
12. * Ullastet

By 154 BC

13. Segontia
14. Numantia
15. Munda
16. Complega
17. Gracchuris
18. Urso
19. Brutobriga
20. Valentia
21. Olisippo
22. * Alpiarca
23. Talabriga
24. Segeda

By 133 BC

25. Uxama
26. Toletum
27. Ocilis
28. Nertobriga
29. Cauca
30. Intercatia
31. Pallantia
32. Centobriga
33. Contrebia
34. Calagurris
35. Clunia

** Modern name*

IV - THE ROMAN CONQUEST OF IBERIA. RICHARDSON (1996) 42.

INTRODUCTION

The study of diplomacy and foreign affairs allows us to understand how the Roman people understood themselves and their world, and how Rome viewed its own empire at different stages of its development. Investigations of Roman diplomacy have traditionally been subsumed into studies of Roman imperialism. Scholars of imperialism examine how and why the Roman state came to amass and control a large area of Europe and the Mediterranean. However, martial diplomacy and Roman foreign interaction are topics in their own right. To fully understand the rationale and motivation behind Roman action, Roman methods of conquest in different areas need to be studied individually.

Typically, scholars examine Roman foreign interactions in a broad and theoretical manner. Few investigations examine how well the reality of Roman martial diplomacy matched the Roman ideological view of their actions. Habitually, scholars examine the theory and practice of Roman affairs both domestically and internationally in an attempt to understand the Roman political system as a whole, or they study the acts of Roman armies to support a view of Roman imperialism. Studies that focus on one area are often equally as broad in scope, focussing on the history of the conquest of an area and the later ramifications of this conquest. Such studies provide rationalisations and understandings of Roman action. However, such large scopes offer conclusions about Rome *in general*. They risk over-generalising Roman action and offering grand conclusions that do not fit in particular and contingent circumstances.

An understanding of how Rome formed its empire was fundamental to my investigation. Studies of imperialism provide perspectives on Roman motivations of conquest. Sources such as Badian's 1958 *Foreign Clientelae* argue that the Roman state

in general was reluctant to subjugate and oversee foreign lands. His thesis supports that of 'defensive imperialism'.[1] Rome did not set out to conquer the world. But at the same time, the Roman state desired to control it. According to Badian, to fulfil this desire for superiority, without the burden of administration, Rome extended its domestic procedure of patronage to international relations. Instead of annexing nations, the Senate enrolled them as clients. It left them to their own devices so long as they acknowledged Rome's authority. Somewhat problematically, Badian believed in a common purpose of the Senate. He denied the individual motives and effect of aristocratic competition on international affairs.

Harris' *War and Imperialism in Republican Rome* (1979) focuses on the idea of Rome's aggressive imperialist agenda and attempts to counter the thesis of 'defensive imperialism' argued by numerous scholars preceding him, most famously by Mommsen. Harris provides valuable information about the usefulness of war for individual aristocrats in Rome. He discusses the ramifications of individualism and how it, along with the greed, motivated the Roman state to actively seek new territory. Individuals' desire for status, wealth, and *gloria* forced the continuation of conflict. Harris' points are valid. However, he attempts to argue that economic gain was a formula that explained all Roman martial expeditions, and that all wars were due to Roman aggression. He denies the Roman Senate any sense of morality or that other nations induced conflict. Aggressive imperialism ignores the complexities of international affairs.

Gruen in *The Hellenistic world and the coming of Rome* (1984), rebuts Harris' doctrine of Roman aggression. He argues instead that Rome entered the Greek world

[1] Defensive Imperialism is the idea that Rome never set out to conquer the world, instead it entered war to preserve its safety and security and that of its allies. Any new territory was only gained as a consequence of Rome defending itself against threats.

fully accepting the Greek methods of diplomacy. They were willing to accept Greek customs rather than aggressively interfering. Gruen asserts that Rome was reluctant to enter into martial disputes, reacting only when necessary rather than instigating battles. They did however interfere freely. Problematically, he, like Badian, assumes senatorial decisions are cohesive. This assumption is not supported in this investigation, and is contrary to Roman social competition. He, unlike Harris, acknowledges Polybius' flaws and falsehoods, regarding what he perceived to be fact, instead of always taking Polybius' words as truth. Gruen asserts that Rome did not have a grand plan when they entered Greece, but instead conquered due to circumstance. As we shall see, the idea of circumstantial conquest can be attributed to the Iberian conquest as well.

Richardson's *Hispaniae: Spain and the development of Roman Imperialism 218-82 B.C.* (1986) provides a closer examination of Roman imperialism focusing on its effects in the Iberian Peninsula from 218-82 B.C.E. Like Harris, he argues that military aggression was the source of Roman power and that the commanders sent there to wage war established the groundwork for provincial government, thus allowing conquest. Through their own volition, these individual commanders made agreements to stop conflict. As conditions for doing so, they regularly established new towns and taxation policies. Richardson's monograph emphasises the circumstantial and accidental nature of conquest. He argues that it was through these procedures that Rome could establish and maintain provincial control. Richardson's work presents the idea that the Roman state had little choice but to indulge in individualistic martial endeavours. He alleges that the lack of cohesive policy in Rome contributed to the length of the conquest. The periods of command were too short, objectives too unrealistic, and experienced troops were replaced with untrained ones too often for a straightforward conquest.

Eckstein's work, *Senate and General: Individual Decision-making and Roman Foreign Relations, 264-194 B.C.* (1987) is a narrative examination of the action taken by commanders in Italy, Sicily, Spain, Greece, and Africa. The period coincides with Richardson's monograph. The principle argument of his work is that foreign policy was not shaped by the Senate but by individual commanders in the field. His thesis is not necessarily novel; his basic argument supports part of both Richardson's and Harris'. Individuals made their own decisions when faced with the reality of the situation. Eckstein argues that this was possible due to the relatively harmonious relationship between the commanders and the Senate. He claims that these individual decisions were later ratified in Rome. However, our sources only mention ratification occasionally. Eckstein's argument counters Mommsen's original idea that the Senate was in complete control. However, Eckstein does not include conflict in Illyria and Macedonia, in which the Senate was more involved. Nonetheless, the thesis has merit and is supported in some areas of Roman expansion at least.

Mediterranean Anarchy, Interstate war and the Rise of Rome (2006), also authored by Eckstein, is the first attempt to examine Roman military action and policy in light of modern international relations theory. It is based on realist theories of political science. It rebuts Harris' theory that Rome was a particularly bellicose, militarised state in favour of examining the international situation at the time. In terms of modern political theory, the ancient world was anarchical. There was little to no system of international law; states had to choose between either existing as a martial state or not existing at all. Each state existed as part of a complex and constantly adaptive system rather than as individual nation states with diplomatic functions. Thus, their actions must be considered in light of the actions of others within the system. This anarchical world lacked developed diplomatic-channels. Because of this, they engaged

in numerous wars as their only method of conflict resolution. Eckstein reinforces one of Mommsen's theories: Roman expansion was a side effect of gaining security and 'accidental' expansion. Its success, according to Eckstein, was not because of Roman militarism but because of Rome's superior ability to assimilate people into the state. There are arguably hints of an American agenda in this thesis. The argument asserts that nations are and always have been in conflict for power, some succeed and others do not, and that there is little choice but to accept this.

The most modern work specifically relating to diplomacy that proved useful to this investigation is the compilation edited by Claude Eilers (2009). *Diplomats and diplomacy in the Roman world* provides similar conclusions to Eckstein's 2006 monograph. The various articles in the edition are a disparate collection of topics, addressing both Republican and Imperial issues. There is no true cohesive pattern in the collection. Despite this, the general view is that diplomatic affairs in the Roman world were by no means simple. Embassies fought both the bureaucratic, supercilious methods of the Roman Senate and struggled against differences in cultural understanding. Diplomacy was not a developed tool that could be used to mitigate strife because each culture possessed different ideologies, different political ideals, and incongruent goals. Thus, the bellicosity of Rome was not, as Harris claims, due to a disbelief in their own ideologies, but due to a lack of appreciation of the potential differences in ideology in others.

Most modern works that address Roman foreign relations are works that examine Roman imperialism. These works are useful to this investigation but are primarily broad works that examine Roman action from an outside and detached perspective. They judge Roman action based on interpretations of Roman social life. They do not examine Roman action in light of Roman ideology. The focus of this study is to examine

ideology and reality of the treatment of peoples outside Roman power, before and during their annexation into the Roman Empire. This thesis examines the ideology of Roman foreign affairs and warfare in the mid-Republic, and its reliance on the ethical principle of *fides*. It studies how this principle, ideally, existed within the Republican political system and aristocratic social life. In addition, it investigates how well the theory and reality of Roman military action and diplomacy meshed in the conquest of the Iberian Peninsula in the second century B.C.E.[2]

The conquest of the Iberian Peninsula is a valuable case study.[3] In terms of diplomacy, Roman Spain has not been extensively studied. However, due to Appian's *Iberike*, we have a detailed understanding of events in *Hispania* during its conquest. The *Iberike* provides a unique study of the changes in Roman policy over time, and the problems that arose from the determined pursuit of one diplomatic policy. In the Eastern world, many agreements were bilateral *foedera.* As we shall see these were bound by law and mutual obligation. The Iberian conquest is a remarkable example of diplomacy through *deditio*, which is absent in other areas of conquest. Agreements were unilaterally in Roman favour; they removed the legal rights of Spanish natives and left the people with no guarantee of just treatment, only the hope of *fides*. As *deditio* agreements are fundamentally more moral than legalistic, they provide an opportunity to examine the realities of *fides* in a context where *fides* was the only binding quality (for detailed explanations of these Latin terms, see the following chapters).

In order to cohesively examine the realities of Roman ideology, the first chapter of this thesis will examine the principle of *fides* in Roman society. It will address the role of *fides* in everyday life and its influence on the actions of Roman citizens. The

[2] All subsequent dates in this thesis are BCE unless otherwise stated.
[3] For the duration of this thesis, the terms *Iberia, Hispania,* and Spain will be used interchangeably to refer to the peoples of the Iberian Peninsula, including modern Portugal.

chapter will also address how the ethical principle of *fides* was developed into a nationalistic ideology using *exempla* that differentiated an ethically-superior Roman culture from 'others'.

The second chapter will examine the initial phase of Roman conquest of the Iberian Peninsula in the second century BCE and the role Rome's ideology of *fides* played in these affairs. It will examine the independent motivations and actions of Roman commanders and the flexibility of decision making. This chapter will address the personal choice of Roman commanders, the potential diplomatic agreements, and the power to set the terms in these agreements based on their interpretation of events and in light of the Roman system of aristocratic competition. It will argue that in the initial phase of Iberian expansion, *fides* was upheld if it were conducive to the individual gains of the commander.

The third chapter will examine Roman action during and after the Celtiberian and Lusitanian wars. It will study the change in senatorial attitude, the limitations placed on commanders, and the resultant difference between ideology and reality. It will argue the difference between reality and ideology, and the absence of *fides* is largely due to Rome's idea of cultural superiority over 'barbarians', the limited initiative permitted to commanders, and the individualistic need for glory and success in the Republican world.

I - THE ROMAN PERCEPTION OF *FIDES*

'*Fides* always flourished in Rome as a pledge of human safety' states Valerius Maximus (…*certissimum salutis humanae pignus, ostentat, quam semper in nostra civitate viguisse et omnes gentes senserunt*…: Val. Max. 6.6.*praef*); it was also always in bounteous supply (*quam ut civitas nostra semper benignam praestitit*: Val. Max. 6.6.5). The true meaning of *fides* is difficult to equate with modernity. It is often translated as faith but it implies much more than the English word represents. Although it matches the ethical principle of faith to some extent, to the Roman mind it goes beyond 'belief'. Dictionaries provide *fides* with a wide range of semantic meanings;[4] as Cicero describes it, the essential meaning of *fides* is truth and reliability in words and actions (…*fides, id est dictorum conventorumque constantia et veritas…*: Cic. *Off.* 1.23 *cf. dicent te mendacem nec verum esse, fide nulla esset te*: Plaut. *Mil.* 1369). Ideally, *fides* embodied the concept that one's word would be kept in all circumstances and that one's actions were transparent. This chapter will attempt to establish the Roman perception of *fides*, as it is revealed through written sources, and discover how *fides* became an ideology of international affairs. Authors' works reflect the environment in which they were inspired. They allow us to examine popular Roman opinion about *fides*.

Throughout the 20th century, scholars debated whether the original meaning of *fides* was primarily juristic, moral, social, or religious. Some scholars suggested *fides* played a role in more than one of these aspects. Others have suggested it was little more

[4] Dictionary definitions state that *fides* means credibility, reliability, trust, a guarantee or promise, a fulfilment of that promise, credit or a good name, good faith, honesty, honour, sincerity and a sense of duty and loyalty. OLD (1982) 697-8; TLL (2008) 661-692.

than a political farce. Fraenkel interprets *fides* to be a guarantee of action.[5] Someone placed his trust in an institution or person, believing that the institution would act in an appropriate way. Heinze asserted the principle was embodied by the moral ideal of faith.[6] Boyancé builds upon this moral idea.[7] He asserts *fides* was the relic of an Indo-European religious conscience that influenced Roman societal structure as it developed. It then guided actions though the conscience.[8] Piganiol further asserts that *fides* was a socially binding force, the fracturing of which induced humiliation and shame. It bound society and people together in mutual, beneficial relationships.[9] However, as Roman power grew the virtue became a force of manipulation.[10] Hampl emphasises the manipulative qualities of *fides.* He goes so far as to claim that it was a political farce used to convince others of Rome's power. It held no moral or societal value.[11] Hellegouarc'h and Freyburger attempt to combine the social and moral aspects of *fides.* Hellegouarc'h asserts that *fides* was a social virtue of reciprocal trust between parties. It underlay various aspects of Roman social interaction. Morality ensured it.[12] Freyburger equates *fides* to chivalry. It had social and moral attributes, governing choices, as well as behaviour. He asserts that Romans acted this way in order to avoid divine wrath.[13]

Various ancient authors' works reveal the nature of and unspoken reliance upon *fides* in everyday interactions. These works embrace *fides* in its different societal manifestations. They support a combination of scholars' interpretations. Some talk of

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[5] Fraenkel (1916) 187-199.
[6] Heinze (1928) 140-166.
[7] Boyancé (1964b) 419-435.
[8] Boyancé relies upon Cicero to reinforce this idea (*cum vero iurato sententia dicendast, meminerit deum se adhibere testem, id est, ut ego arbitror, mentem suam, qua nihil homini dedit deus ipse divinius. Itaque praeclarum a maioribus accepimus morem rogandi iudicis, si eum teneremus, quae salva fide facere possit*: *Off*. 3.44).
[9] Piganiol (1950) 345-347.
[10] Piganiol (1950) 343-344.
[11] Hampl (1957/1973) 116-42, 121-22 as referenced in Barton (2007) 251.
[12] Hellegouarc'h (1972) 23-27.
[13] Freyburger (1986) 103-108.

the implicit expectation of trust and fidelity, others of *fides* in relationships, others of the goddess. Their reference to *fides* implies that the audience knew and implicitly understood the concept. *Fides* does not appear to be a specifically moral, social, or religious construct. Rather, it played a role in various aspects of domestic and international society. This role was not solely a guiding moral or religious suggestion of behaviour, but a practical one.

Cicero's Fides

In his philosophical treatises, Cicero argues that *fides* was a fundamental social virtue. He argues that men are born to be part of a community; they are born for the sake of other men (*Sed quoniam…non nobis solum nati sumus ortusque nostri partem patria vindicat, partem amici…*: *Off.* 1.22).[14] Thus, society is natural. Influenced by Stoic philosophy, Cicero claims that men should follow nature's plan and contribute to society through reciprocal acts of kindness (*in hoc naturam debemus ducem sequi, communes utilitates in medium adferre mutatione officiorum dando accipiendo tum artibus tum opera tum facultatibus devincire hominum inter homines societatem*: *Off.* 1.22). For Cicero, a good man is conscious of his duty toward other men (*si unus quisque nostrum ad se rapiat commoda aliorum detrahatque quod cuique possit, emolumenti sui gratia, societas hominum et communitas evertatur necesse est … illud natura non patitur, ut aliorum spoliis nostras facultates copias opes augeamus*: *Off.* 3.22). And the greatest duty is to serve the state (*Sed iis qui habent a natura adiumenta rerum gerendarum, abiecta omni cunctatione adipiscendi magistratus et gerenda res publica est; nec enim aliter aut regi civitas aut declarari animi magnitudo potest*: *Off.* 1.72).

[14] *cf. ubi enim liberalitas, ubi patriae caritas, ubi pietas, ubi aut bene merendi de altero aut referendae gratiae voluntas poterit existere? Nam haec nascuntur ex eo quod natura propensi sumus ad diligendos homines, quod fundamentum iuris est*: Cic. *Leg.* 1.43.

For this state to function properly, justice is necessary (*sine summa iustitia rem publicam geri nullo modo posse*: Cic. *Rep.* 2.70). *Fides*, that is the reliability of one's word, is the foundation of justice (*fundamentum autem est iustitiae fides: id est dictorum conventorumque constantia et veritas*: Cic. *Off.* 1.23). Without justice, government and a civilised existence cannot thrive. Thus, *fides* is necessary for society and government to function at the highest level. Hence, *fides* is the 'most sacred thing in life' (*fidem sanctissimam in vita*: Cic. *In Verr.* 2.3.6). The downfall of this *fides* is avarice. Greed and unchecked ambition inspire people to seek personal gain (*maximam autem partem ad iniuriam faciendam aggrediuntur ut adipiscantur ea quae concupiverunt*: Cic. *Off.* 1.24). People who unjustly take goods from one person in order to enrich themselves, are immoral (*sunt autem multi, et quidem cupidi splendoris et gloriae, qui eripiunt aliis, quod aliis largiantur, iique arbitrantur se beneficos in suos amicos visum iri, si locupletent eos quacumque ratione. Id autem tantum abest [ab] officio, ut nihil magis officio possit esse contrarium*: *Off.* 1.43). Thus, it follows that *fides* is fundamental to civilisation and a moral existence.

The philosophical works of Cicero are idealistic. They represent his views about what society should be, not necessarily what it was. Morality did not govern Roman society, as it does not govern modern society. And not all Roman citizens considered *fides* to be the most sacred thing in life. Albeit through these philosophical works, it is possible to conclude that *fides*, as a moral ideal, embodied selfless behaviour. *Fides* meant placing the interests of others, and more especially those of the state, above yourself. Regardless of circumstance, a moral man would do what would benefit others, despite personal loss. This ideal is not tremendously divergent from the moral ideals of many societies, ancient or modern. However, in Roman society the concept was fundamental to the continuation of various domestic relationships.

Personal Reputations for fides

Social status relied on *fidelis* choices. A reputation for *fides* was important. If someone has a history of breaking their word, it is natural not to trust them nor rely on them. The most explicit meaning of *fides* is the concept of someone's personal reliability and an understanding that their words serve as a guarantee of action.

Plautus explores this idea in the *Captivi.* The humour in *Captivi* arises from the audience's awareness that Tyndarus' words are false despite his consistent appeals to *fides.* Tyndarus falsely claims that Hegio could not find anyone more faithful than Philocrates (*nec quemquam fideliorem .../ mittere ad eum*: *Capt.* 346-347). He vouches for Philocrates' *fides* on the pain of his own suffering (*meo periclo huius ego experiar fidem*: *Capt.* 349). The irony is that Tyndarus' very identity is false. Later in the comedy, Tyndarus begs Philocrates to remain faithful to his word and return for him (*fac fidele sis fidelis, cave fidem fluxam geras/…infidelior mi ne fuas quam ego sum tibi./...tu mihi erus nunc es, tu patronus, tu pater/ tibi commendo spes opesque meas*: *Capt.* 439-445). Ideally, Philocrates' word should be guarantee enough. Tyndarus is aware of his questionable reliability. Hence, he appeals to *fides*. The previous deception had destroyed Tyndarus' faith in Philocrates; it destroyed Philocrates' reputation for *fides.* Philocrates' words have no value.

Politicians appealed to this reputation for *fides.* In the initial book of his *Bellum Civile,* Caesar advocated his *fides* in contrast to the lack of *fides* shown by his foes. He attempts to draw attention to the fact that he was *fidelis*. His actions could be trusted at face value. Those of his adversaries could not. The initial 'modest' demands Caesar made to the Senate were denied. Cato allegedly denied them due to hatred of Caesar;

Lentulus denied them due to his debt, and the hope of gaining a province for himself; Scipio wanted the same, and had a penchant for showing off; and Pompey wanted glory:

> Catonem veteres inimicitiae Caesaris incitant et dolor repulsae. Lentulus aeris alieni magnitudine et spe exercitus ac provinciarum et regum appellandorum largitionibus movetur, … Scipionem eadem spes provinciae atque exercituum impellit, … simul iudiciorum metus, adulatio atque ostentatio sui et potentium, qui in re publica iudiciisque tum plurimum pollebant. Ipse Pompeius, ab inimicis Caesaris incitatus, et quod neminem dignitate secum exaequari volebat…
>
> (Caes. *B.C.* 1.4-5).

The inference is that those who oppose Caesar are doing so for their own benefit. They may claim to be doing so for Rome. Nevertheless, they have no *fides*. Instead, they choose personal gain. The passage reinforces Cicero's earlier claim that the greatest duty was toward the state. Caesar argues that all he does is for the good of the Republic. His only desire was for natural justice. This is especially apparent in 1.9, where Caesar uses the phrase *rei publica causa* twice to emphasise his sense of duty toward the state (*tamen hanc iacturam honoris sui rei publicae causa aequo animo tulisse … sed tamen ad omnia se descendere paratum atque omnia pati rei publicae causa)*. His foes are not willing to sacrifice their power for the Republic's sake. But Caesar, as a *fidelis* man, is.

Caesar uses *fides* as a political tool. He manipulates the idea of personal reliability and placing others above his own ambitions to gain support. By doing so, he suggests that the virtue of *fides* was not only an ethical principle espoused by philosophers; it

indicates a public appreciation for *fides*. This is further reinforced by *fides*' inclusion in literary works, such as those of Plautus and Catullus. These writers wrote to entertain. Plautus' characters find themselves in plots that revolve around deceptions and the breaching of *fides*. Though his plays and the plots behind them were largely taken from Greek originals, Plautus adapted them to fit his Roman audience.[15] To do this he imbued them with the virtue of *fides*, and placed *fides* at the heart of the strife, manipulation, and misunderstanding. Catullus' poetry espouses the idea that treachery, whether political or personal, destroys everything.[16] The references to *fides* in a variety of contexts can only have resonated if the public comprehended *fides* to be a part of social institutions.

Fides in Domestic Relationships

Roman societal relationships relied on the ultimate notion of reciprocal reliance and obligation.[17] There were numerous occasions where oaths, personal credibility, and the value of one's word held sway in society.[18] As such, mutual trust was the major role of *fides* as a social virtue. This was an adaptation of the ethical concept of abiding by one's word. The expectation existed that each party in a relationship would do as they claimed, and that they would act toward mutual benefit. This concept governed various relationships in the Roman world, including legal and financial arrangements.[19] It was not an idea that was necessarily openly stated. It was an underlying understanding,

[15] There is much debate over the originality of Plautine work. For example see Zagagi (1980) and De Melo (2011) xvii-xxxiv. However, given the value the virtue of *fides* was given in Roman society it seems likely that whilst Plautus' ideas and the basis of his works were Greek originals, they were not simple translations. But rather, Plautus tailored themes and ideas to fit his own audience, *fides* being one such theme.
[16] Tatum (2007a) 352.
[17] This principle of reciprocal expectation based upon faith and credibility is hardly unique to Rome. Rome simply applied the notion in creating its nationalistic vision of good faith.
[18] Boyancé (1972) 108.
[19] For the importance of *fides* in business and law, see Meyer (2004). For the importance of *fides* in the Roman financial system, see Barlow (1978).

although the personal reputation for virtues, such as *fides* and *officium*, was important.[20] The idea of reciprocal trust is hardly a unique Roman custom. However, the continuation of these relationships in their Roman form, and in concordance with a Roman way of life required an implicit appreciation and understanding of *fides*. As *fides* played a more explicit role in *amicitia* and patronage, this section will focus on *fides'* manifestations in these roles.

Amicitia

Friendship in Rome involved obligations. *Amicitia* was not just about enjoying someone's company, although this was an important factor. Syme claimed that *amicitiae* were relationships of convenience.[21] People entered into the relationships with the expectation that duties would be performed and reward would be gained. Cicero disputes this, claiming that friendship is an accord in all things, joined with goodwill and affection (*est enim amicitia nihil aliud nisi omnium divinarum humanarumque rerum cum benevolentia et caritate consensio; qua quidem haud scio an excepta sapientia nihil melius homini sit a dis immortalibus datum*: Cic. *Amic.* 20). In friendship, the unwavering quality sought is *fides* (*firmamentum autem stabilitatis constantiaeque est, eius quam in amicitia quaerimus, fides est nihil est enim stabile quod infidem est*: Cic. *Amic.* 65). For Cicero, *fides* ensured that each party fulfilled its obligations to the other. The continuation of friendship relied on this.

The most important role of *fides* in *amicitia* was the mutual trust and loyalty. The ultimate betrayal of *amicitia* was the betrayal of *fides*. If you could not trust your friends, whom could you trust? (*satin ut quem tu habeas fidelem tibi aut quoi credas nescias?*: Plaut. *Bacch.* 491; *Eheu quid faciant, dic, homines cuive habeant fidem?*: Cat.

[20] Tatum (2007a) 335.
[21] Syme (1939) 157.

30.6). Catullus reveals the personal loyalty expected in friendships, when he expresses disgust at betrayal. Friends ought to honour friends above their own desires. Catullus was shocked at his friend's pursuit of Lesbia because it neglected his duty toward Catullus. Catullus trusted that his friend would not pursue Lesbia, due to their friendship (*Non ideo, Gelli, sperabam te mihi fidum*: Cat. 91.1). He expected their relationship to be enough to ward off his friend. Similarly, in the *Bacchides*, Plautus attacks false friends. In the comedy, the perceived betrayal of trust and reliability destroys relationships. False friends are deceitful, seditious, unreliable, and untrustworthy (*…reperiuntur falsi falsimoniis/ lingua factiosi, inertes opera, sublesta fide*: Plaut. *Bacch.* 541-542), the exact opposite of *fides*. People who act thus have nought but enemies (*nulli amici sunt, inimicos ipsi in sese omnis habent*: Plaut. *Bacch.* 547). One expected one's friends to be reliable and to act in certain ways. Nothing was baser than an *ingratus amicus* (*erunt homicidae, tyranni, fures, adulteri, raptores, sacrilegae, proditores; infra omnia ista ingratus est, nisi quod omnia ista ab ingrate sunt, sine quo vix ullum magnum facinus adcrevit*: Sen. *Ben*. 1.10.4).

This expectation of reliability extends beyond loyalty. Friends were concerned with the ethical conscience of their *amici*. If a friendship required dishonourable behaviour, *fides* should prevail over loyalty (*Cum igitur id, quod utile videtur in amicitia, cum eo, quod honestum est, comparatur, iaceat utilitatis species, valeat honestas. Cum autem in amicitia, quae honesta non sunt, postulabuntur, religio et fides anteponatur amicitiae*: Cic. *Off.* 3.46). Plautus explores this duty in *Trinummus*. The major theme of this play is *amicitia*.[22] The play opens with Megaronides considering his duty to chastise his friend (*amicum castigare ob meritam noxiam/ immoene est facinus, verum in aetate utile/ et conducibile, nam ego amicum hodie meum/ concastigabo pro*

[22] Burton (2004) 225.

commerita noxia/ invitus, ni id me invitet ut faciam fides: Plaut. *Trin.* 23-27). Later, Callicles extols the importance of rebuking friends. He claims that if someone is aware a friend has done something unwise and chooses not to rebuke him, it is he who should be punished (*si quid scis me fecisse inscite aut improbe,/ si id me non accusas, tute ipse obiurgandus es*: Plaut. *Trin.* 95-96). Catullus' invective against the excesses of Mamurra is an attack on the *fides* of Caesar (*Quid hunc malum fovetis? aut quid hic potest/ nisi uncta devorare patrimonia?/ eone nomine urbis opulentissime/ socer generque, perdidistis omnia?*: Cat. 29). Caesar should have corrected Mamurra's behaviour. By not doing so, he proved himself to be a man of fickle *fides.*[23] It harmed Caesar's reputation that his friend acted ignobly. It was his duty to ensure Mamurra's good behaviour. In these instances, it appears that an appreciation toward *fides* was more important than loyalty toward a friend. Friendship was not only about putting another's benefit over your own. *Fides* forced a friend to strive to improve the character of their friends. *Fides* in this sense was not loyalty to people, but loyalty to their ethical character. In fulfilment of this duty, friends must be both advised and rebuked (*Ut igitur et monere et moneri proprium est verae amicitiae et alterum libere facere, non aspere, alterum patienter accipere, non repugnanter, sic habendum est nullam in amicitiis pestem esse maiorem quam adulationem, blanditiam, assentationem*: Cic. *Amic.* 91).[24]

The ideas expressed are not overly different from modern friendship, although Cicero claims such friends were hard to find in politics because few could be trusted to put another's benefit over their own (*itaque verae amicitiae difficillime reperiuntur in iis, qui in honoribus reque publica versantur; ubi enim istum invenias, qui honorem amici anteponat suo?*: Cic. *Amic.* 64). The importance of obligation was expressed consistently from the mid-Republic. What is important to this investigation is the

[23] Tatum (2007a) 336.
[24] See Cat. 88-91.

terminology Roman authors used to express this obligation. Authors consistently use the term *fides*. *Fides* was the social expectation of reliability and loyalty.

Patronage

The idea of loyalty and an appreciation of duty were as important to patronage. Patronage required three essential elements: a reciprocal exchange of goods and services; a personal connection to distinguish the relationship from one of pure commercial interest; and an observable superiority of one party.[25] Millet cautiously adds another requirement. He claimed the relationship had to be potentially exploitative.[26] This exploitation creates the necessity of trust and obligation. While, one party could potentially exploit the other, their appreciation for *fides* should negate this.

The maintenance of the system relied on mutual obligation. Menaechmus complains about the corruption of this in patronage and its consequences in Plautus' comedy *Menaechmi*. He asserts that for many people these relationships have been corrupted from their original purpose. Honourable men suffer due to the existence of the custom (*atque uti quique sunt/ optumi, maxume morem habent hunc*: Plaut. *Men.* 572-573). They suffer because clients use honourable patrons for their own ends (*apud aediles pro eius factis plurumisque pessumisque/ dixi causam, condiciones tetuli tortas, confragosas*: *Men.* 590-591), or because patrons choose clients by wealth rather than morality (*clientes sibi omnes volunt esse multos:/ bonine an mali sint, id haud quaeritant;/ res magis quaeritur quam clientum fides quoius modi clueat./ Si est pauper atque haud malus, nequam habetur,/ sin dives malust, is cliens frugi habetur*: Plaut. *Men.* 574-576). In such situations, the relationship no longer serves it purpose. Instead of clients and patrons performing specific roles in an honourable and relatively

[25] Saller (1982) 7.
[26] Millet (1989) 16.

symbiotic relationship, the two manipulate each other to get what they desire. Neither side fulfils the obligations toward the other.

In reality, some people probably manipulated the custom. But, mutual obligation allowed its continuation. The abandonment of a client resulted in a loss of reputation and a loss of honour.[27] Patronage fed the aristocratic competition of Rome. Clients served as a visible manifestation of social status.[28] A patron with more clients had greater status. A bad, manipulative patron would not be appealed to by clients and vice versa. Thus, there was an expectation that the patron would help the client, and the client would help the patron. If one were viewed as *fidelis*, then one's word would be taken as truth; one's actions were done for the benefit of the state over oneself; one could be honoured and valued; and regarded with less suspicion. A reputation for *fides* was a measure of one's power.[29]

Fides was not a legal necessity. It relied on ethics, but the desire for social status influenced it. The fulfilment of the duty, in *amicitia* or in patronage, relied on the decisions of both parties. The choices were neither strictly moral nor social. The reason that *fides* held power was because it was not necessary; it was a choice. Despite this, it held a fundamental role in various relationships. These relationships could continue without legal ratification because the principle existed that each party would do what they ought to.

[27] Nicols (1980) 366; Owens (1994) 388; *Cf.* Gell. *NA* 5.13.4; Dion. Hal. 2.10.3.
[28] Wallace-Hadrill (1989) 65.
[29] Owens (1994) 388.

Divine Representations

Fides was important enough in Roman society that it was anthropomorphised. Livy claims that Numa instituted the rites of the Goddess (1.21).[30] Ideally, Rome had valued *fides* forever. Whether *Fides* existed as a deity from distant antiquity cannot be confirmed. Literary sources maintain the tradition and idea that she did. Regardless of veracity, this reveals the importance Rome placed on the cult.[31] Ogilvie claims that the anachronism was important, but false. The abstract character of *Fides*' name belays an early creation.[32] Romans desired to portray themselves as **always** valuing *fides*. Ogilvie reiterates this idea, asserting that the inspiration for naming an ancient cult that valued oaths '*Fides*' was to emphasise the prominence of *fides* in domestic and international affairs in their own time.[33] However, the Iguvian tablets reinforce the idea of the cult's archaism, if not its name. They report a ritual that bears similarity to Livy's.[34]

The goddess *Fides* served as the epitome of Roman *fides*. She was a passive goddess, a reminder. She inspired, guarded, and protected the virtue of *fides* in Roman society. *Fides* was the personification of good faith itself, who presided over both public and private resolutions.[35] She encompassed everything that required honour and credibility, from fidelity in marriage, to contractual arrangements, and the obligation soldiers owed to Rome.[36] Any who renounced his oath, renounced *Fides* (*qui ius igitur iurandum violat, is Fidem violat*: Cic. *Off.* 3.104). For instance, Suetonius claims a

[30] For other sources who ascribe the cult to Numa see Florus 1.2.3; Plut. *Num.* 16; Dion. Hal. 2.75;
[31] Carcaterra (1984) attempts to investigate the connection and possible secularisation of the goddess *Fides* with the legal virtue of *fides*. But this interpretation relies on assuming the Goddess arose for religious reasons rather than because Rome valued the virtue of *fides* enough in later times to personify and deify it.
[32] Ogilvie (1965) 103.
[33] Ogilvie (1965) 103.
[34] Boyancé (1972) 117.
[35] Freyburger (1986) 229.
[36] Ruesser (1993) 53.

legion lost its purpose after it was seduced from its oath of fidelity (*verum intra quintum diem oppressus est legionibus, quae sacramentum mutaverant, in paenitientiam religione conversis, postquam denuntiato ad novum imperatorem itinere casu quodam ac divinitus neque aquila ornari neque signa convelli moverique potuerunt*: Suet. *Cl.* 13).

A temple to *Fides* existed on the Capitoline hill during the First Punic War.[37] Cicero claims Aulus Atilius Calatinus initially erected this temple, and that in Cicero's time Marcus Aemilius Scaurus had recently dedicated it (*De Nat. Deo.* 2.61).[38] Plautus was aware of a temple, and used it as a device in the *Aulularia*, in which Euclio hides his pot of gold and begs *Fides* to keep it safe (*Aul.* 580-624). The temple's proximity to the temple of Jupiter shows the importance *fides* held in Roman society.[39] The sanctuary signified the inviolability of *fides*. In principle, no honourable Roman would defy *fides* on his own whim in private life; and no one would defile *fides* in *Fides*' own house. It is thought that treaties established with foreign states were kept and guarded there.[40] Bronze tablets were kept there until scattered by a windstorm in the late Republic (Dio 45.17.3). The storage of treaties in such a place would make sense. If *fides* bound Rome to the treaties, then her personification would be the ideal divinity to ensure their protection and endurance.[41]

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[37] Freyburger (1986) 323.
[38] Cato's speech as referenced by Cicero in *De Officiis* at 3.105 probably refers to the erection of this temple.
[39] Boyancé (1964b) 432.
[40] Boyancé (1964b) 432, Freyburger (1986) 235*ff.*
[41] Indeed, the idea of protection against treachery is reinforced as occasionally in times of strife senators gathered there to discuss their affairs. One such instance occurred during the strife caused by Tiberius Gracchus and his foes (App. *B. Civ*. 1.15-16). Interestingly, in this incident there is a reversal of the ritual described by Livy. Nasica flees the temple of *Fides* toward the temple of Jupiter with his toga wrapped around his left forearm (Vell. Pat. 2.3) or hand (Val. Max. 3.2). In both Plutarch and Appian, Nasica places his toga over his head. However, Plutarch had his supporters follow him with enveloped hands (Plu. *Ti. Gracch*. 19.3). The right hand was without doubt a symbol of fidelity and credibility, internationally recognised. Many

Catullus' retelling of the myth of Ariadne and Theseus reveals his beliefs about *fides.* After her abandonment, Ariadne curses the perfidious nature of Theseus. The poem tells of the expectations and formal arrangements of a relationship of *fides*. Promises were made; promises were broken; punishment ensued. Ariadne speaks of promises that made her leave her father's house, of marriage rather than abandonment (64.139-142). Theseus, forgetful of his duty-bound obligation to both Ariadne and the gods, neglected these promises (64.132-138). Such men are worthless and should not be trusted by any woman (…*dicta nihil meminere, nihil periuria curant*: 64.143-148). Ariadne calls upon the gods to avenge this violation (64.187-191). The gods make Theseus forget his promise to his father (64.207-209). Thus, he suffers for his perfidy (64.246-250). *Fides* is not the goddess called upon in this particular poem. However, what is emphasised here is that while one mortal may forget the violations of sacred oaths and sacred virtues, the divinities who govern them will not. Thus, *fides* was not only an ethical principle applied for the private reputation of men. The gods ensured *fides*' continuation. If someone were not aware, or chose to disregard *fides* for whatever reason, divinities will remember and eventually will force repentance (*si tu oblitus es, at di meminerunt, meminit Fides,/ quae te ut paeniteat postmodo facti faciet tui*: Cat. 30.11-12).

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scholars extol the importance of the right hand to *fides*. See for instance Boyancé (1964a); Grimal (1974). The right hand became, over time, linked with the notion of *fides*. An oath sworn, a promise made, these things were done and signified with one's right hand. Scipio for instance warned the Numidian King: *quibus etiam atque etiam monet eum, ne iura hospitii secum neu cum populo Romano initae societatis neu fas, fidem, dexteras, deos testes atque arbitros conventorum fallat* (Liv. 29.24). The Parthians too understood and respected the use of a right hand in an agreement. They swore themselves to Germanicus using such terminology: *Inter quae ab rege Parthorum Artabano legati venere, miserat amicitiam ac foedus memoraturos, et cupere novari dextras, daturumque honori Germanici ut ripam Euphratis accederet* (Tac. *Ann*. 2.58).

Domestic Understanding of Fides

Roman authors reveal *fides* to be an accepted principle of society. The corruptions, admonitions, and the embodiments of this virtue reveal its importance in everyday life. Audiences had to appreciate the notion of *fides* for *fides* to be included in works. If it were normal for Roman society to ignore the ideal, the works would not be emotive. From these representations, it is possible to conclude that *fides* was a sense of reliability and trustworthiness in all aspects of human life. A *fidelis* man was selfless. He would put the benefits of others over himself, and the benefit of the Roman state above everything, regardless of consequence. He would choose what was right and just, over personal gain. He would be trustworthy in words and actions.[42] In essence, *fides* indicated the difference between right and wrong. As Hellegouarc'h and Freyburger claim, the notion was not strictly social, religious, or moral.[43] Instead, *fides* was an ethical principle that divinities guaranteed, which played an active role in society's institutions.

IDEOLOGY IN INTERNATIONAL AFFAIRS

In international affairs, an ideal existed that insisted Rome conducted its foreign affairs in a *fidelis* manner. *Fides* in international affairs emphasises just actions. The existence of *fetiales* and potential theory of 'just war' emphasise this idea. Over time, parables of honourable Romans and perfidious foreigners developed the principle into a cultural ideology. This ideology asserted that Rome was the ultimate state of *fides*. Romans, and only Romans, conducted their affairs, domestically and internationally, with *fides* in mind.

[42] Barry (2005) 21-22.
[43] Hellegouarc'h (1972) 23-27; Freyburger (1986) 103-108.

Fetial Priests and Just War

The *ius fetiale* and the *fetial* priests enhanced both the religious and social elements of *fides*. Their role was initially active, but as the Roman Republic expanded, their purpose became advisory. However, their primary objective remained. They ensured that Roman action in international affairs conformed to the principles of *fides.*[44]

Livy establishes the *fetial* priesthood as an institution three times in the first book of his history. He claims that the college originated in the reign of Ancus Marcius, although his first mention of the procedure occurs under Tullus.[45] This tale does not name the priesthood. But it explains the procedure attributed to them. Priests were sent to demand satisfaction. At the end of a thirty-day period war was declared, if satisfaction was not forthcoming. Using this ritual, war would be declared in good conscience (*ita pie bellum indici posse*: Liv. 1.22). Livy's later references provide more detail about the ritual. The *pater patratus*, or primary envoy, gathered sacred grasses and slaughtered a pig with a flint knife, as an example of his punishment, should he

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[44] Given the sporadic nature of references to *fetiales* in sources, there is some controversy over the historical accuracy of the college, the origins, and duties of the fetial priests. The accounts of ancient sources are doubted for numerous reasons, not only the large span of time between themselves and the supposed invention of the college. Livy records the oaths of the *fetiales* in his own contemporary Latin, for instance. Ancient sources that mention the college or the ritual by name are primarily imperial, and differ in detail. See CIL 6.1302 "*Forter erresius, Rex Aequicolis, is primus ius fetiale parauit, inde p(opulus) R(omanus) disciplinam excepit*."; Cic. *Rep*. 2.31; Dion. Hal. 2.72; Gell. *NA*. 16.4; Liv. 1.22; 1.24; 1.32; Plut. *Numa* 12; Serv. Ad Aen. 7.795; 10.14; Varro *L.L.* 5.86.
Weidemann argues that the college did not exist until Octavian invented it (1986) 483-484. Saulnier doubts the historicity of certain aspects of the ritual, including whether they were ever organised into a college prior to the Augustan age (1980) 171ff. Rich questions whether the ritualistic declarations of war were ever the norm during the period of transmarine expansion (1976) 56-118. However, most accept the priesthood thrived in early antiquity and was replaced during the Republic for logistical reasons cf. Walbank (1937) 192-197; Ogilvie (1965) 127-128; Harris (1979) 166-75; Watson (1993).

[45] This incident could be referring to an event that occurred before *fetiales* were assigned the duty, especially if one considers the use of the word *legati* instead of *fetiales*. However, it is more likely that Livy was utilising disparate sources. Ogilvie (1965) 10-106; Penella (1987) 234.

break his sacred oath (Liv. 1.24).[46] The flint knife possibly signifies the truly ancient nature of the rite. In the reign of Ancus Marcius, the *fetiales* were granted the power to properly declare war and seek redress. The passage also explains the procedure of 1.22. It took place in three stages; the *pater patratus* would venture into foreign territory with three other delegates, demand restitution and inform the people that they have thirty days to fulfil his demands. The Senate then met and decided whether to declare war or not; the *pater patratus* returned and cast an iron or fire hardened spear into hostile territory. Thus, just war was declared (Liv. 1.32).

The *fetiales* had a variety of duties. They advised the Senate on matters of war and peace; they served as the guardians of *fides.*[47] They ensured that the Senate obeyed its obligations in treaties (Cic. *In Verr.* 2.5.49). They utilised their powers to judge and declare war on foreign nations in a patterned and ritualised manner; to attend demands for redress; to ratify and keep treaties; and to establish peace; all with the intent to ensure their wars were considered 'just' to all parties, including the gods (Cic. *Leg.* 2.21). Dionysius of Halicarnassus provides an extensive list of their duties. He claims they travelled as ambassadors in cases of treaty violations to make demands for justice; they investigated foreigners' and allies' claims of injury at Roman hands, or Roman claims at a foreigners' hands, and punished the instigator of such injury; they took notice of crimes against ambassadors; they guaranteed the proper observance of treaties; they inquired into the transgressions of generals (Dion. Hal. 2.72). Both he and

[46] Ogilvie explained the act of gathering grasses, torn out form the ground complete with their earth as a quasi-magical act. Thus, the *pater patratus* would be protected from foreign influences wherever he went, as he carried some of his native land with him. Ogilvie (1965) 111.

[47] J. A. North "*fetiales*" *The Oxford Classical Dictionary*. Ed. Simon Hornblower and Anthony Spawforth. Oxford University Press 2009. *Oxford Reference Online*. Oxford University Press. Otago University. 28 October 2010 <http://www.oxfordreference.com/views/ENTRY.html?subview=Main&entry=t111.e6964>

Plutarch pay ample attention to the primary role of the priests as arbiters, judges, or keepers of peace (Dion. Hal. 2.72; Plut. *Numa* 12).

The *fetiales* had no unilateral power to create alliances or war. Their prerogatives were limited. There is no evidence they were involved in the setting of terms in agreements or treaties.[48] They examined and signed treaties, carried the messages and decrees of the Senate, and served as intermediaries between the divine justice and the world of men. Their primary role was to ensure that these things were done properly, to safeguard Rome against divine retribution.[49] They ensured Rome did what was 'right'. From the third century, accounts grant individual commanders or *legati* the right to declare war.[50] Thus, the priesthood's activity changed. However, the purpose remained. *Fetiales* became advisors of *fidelis* action (even then, sources rarely mention them).[51]

The importance of *fetiales* to this discussion is that Roman sources archaised the procedure and the priesthood. Livy reconstructs his understanding of the rituals.[52] According to sources, *fetiales* attempted to ensure that Roman interaction with foreigners conformed to *fides*' precepts. In claiming that the priesthood was a relic of Roman antiquity, sources emphasise the admiration that the Roman state placed on *fides* in international relations. They argue that Rome was a *fidelis* nation from its birth.

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[48] For examples of *fetiales* in an active role, see Liv. 4.30; 7.9; 7.32; 8.39.10-14; 9.5.
[49] Santangelo (2008) 90.
[50] Weidemann (1986) 480. Why the role of the *fetiales* underwent this change is beyond the scope of this discussion. However, Walbank (1937); Badian (1958); Weidemann (1986); and Santangelo (2008) discuss the idea. The right of individual commanders to declare war will be discussed in Chapter II.
[51] For example , they were asked how a declaration of war should be presented to Phillip of Macedon, and whether it was necessary to do so in person (Liv. 31.8). They were consulted about how to declare war against Antiochus; and asked to decide whether the Senate was obliged to officially break the treaty with the Aetolians (Liv. 36.3.7ff). Fetiales delivered Hostilius Mancinus to the Numantines after his treaty was repudiated (Vell. Pat. 2.1).
[52] Ogilvie (1965) 110.

Aside from the ritualised declaration of war, this priesthood safeguarded *ius fetial*. This code regulated interactions between Rome and her foes (*cum iusto enim et legitimo hoste res gerebatur, adversus quem et totum ius fetiale et multa sunt iura communia. Quod ni ita esset, numquam claros viros senatus vinctos hostibus dedidisset*: Cic. *Off.* 3.108). The *ius fetiale* declared that no war was 'just' unless preceded by a demand for satisfaction, or due warning and a formal declaration was given (*Ac belli quidem aequitas sanctissime fetiali populi Romani iure perscripta est. Ex quo intellegi potest nullum bellum esse iustum, nisi quod aut rebus repetitis geratur aut denuntiatum ante sit et indictum*: Cic. *Off.* 1.36).[53] Ideally, a just war was one that had a valid cause and was fought honourably, without deceit or manipulation; it was fought with *fides* in mind. Rome would not go to war without good reason (*Off.* 1.33-37).

It is important to note that Cicero is the earliest source to mention the 'just' nature of war. Prior to this, there is little implication that Rome was overly concerned with 'just war'. All references to *fetial* priests and their role in maintaining the just nature of war survive from sources of Cicero's era or later.[54] This is not to say that the Roman people did not take the just nature of their war seriously.[55] However, what Rome meant and understood by 'just war' was probably different from modern westernised notions of justice. Cicero claims that wars are only just if they are in defence of *fides* or safety (*nullum bellum suscipi a civitate optima nisi aut pro fide aut pro salute*: *Rep.* 3.34). If one interprets *fides* to mean doing what was morally **just**, the justification for war could be vast. Roman society would determine what they considered **just.** Cicero is talking of

[53]This is not to say that the Roman people did not take the just nature of their war seriously. However, there are certainly some problems in interpretation. What Rome meant and understood by 'just war' was probably different from our own notions of justice. It is possible this simply meant that a war had any justification at all, rather than mindless attacks. Eckstein (2006) and Moskalew (1990) believe that Rome truly did believe in the justice of their wars.

[54] Other mentions of *iustum bellum* see Liv. 1.32.12; 42.47.8; Cic. *Off.* 1.36; 3.107-108; *Rep.* 2.17; 3.23; Dio Hal. 2.72.

[55] Moskalew (1990) 105-110.

an ideal state here, not necessarily the actions of his contemporary Rome. He reiterates the doctrine in *de Officiis*, where he claims the only excuse for war is to ensure peace (*Quare suscipienda quidem bella sunt ob eam causam, ut sine iniuria in pace vivatur*: Cic. *Off.* 1.35).[56]

As an extension of 'just war', Romans ought to accept the surrenders of foes as often as possible (*…et cum iis, quos vi deviceris, consulendum est, tum ii, qui armis positis ad imperatorum fidem confugient, quamvis murum aries percusserit, recipiendi…*: Cic. *Off.* 1.35). Since peace was the goal of all wars, diplomacy was how civilised men settled disputes. Barbarians resolved conflict with extreme force (*nam cum sint duo genera decertandi, unum per disceptationem, alterum per vim, cumque illud proprium sit hominis, hoc beluarum, confugiendum est ad posterius, si uti non licet superiore*: Cic. *Off.* 1.34). If the only excuse for war is to ensure peace, it follows that attempting to incite war would be *infidelis*.[57]

Livy explicitly states one of the roles of *fides* in warfare. In 171 BCE, envoys returned to Rome boasting of how they tricked Perseus into a truce and a hope of peace. Here, Livy criticises the decline of morality in Rome. The older senators claim the envoys' behaviour is contrary to Roman practices. In an ideal situation, Rome would only enter into conflict thus:

> Veteres et moris antiqui memores negabant se in ea legatione Romanas agnoscere artes non per insidias et nocturna proelia, nec simulatam fugam inprovisosque ad incautum hostem reditus nec ut astu magis quam vera virtute gloriarentur, bella

[56] The doctrine of defensive imperialism arises out of philosophical comments such as these.
[57] Cicero's works are philosophical, representing an ideal society. However, as we have seen other authors reinforce philosophical views of *fides*. These attitudes were unlikely to be unique to him.

> maiores gessisse ; indicere prius quam gerere solitos bella, denuntiare etiam interdum pugnum et locum finire, in quo dimicaturi essent…Religionis haec Romana esse, non versutiarum Punicarum neque calliditatis Graecae, apud quos fallere hostem quam vi superare gloriosius fuerit…
>
> The older men and those who remembered traditional ways said they did not recognise Roman practices in this embassy. Their ancestors had not conducted war through treachery and battles at night, nor by fabricated retreat and unforeseen return to an enemy off his guard, nor did they pride themselves on trickery more than true virtue; they were accustomed to declare war before instigating it, and even sometimes to announce a battle and determine the place in which they would fight. … these are proper Roman acts, not of Punic cunning nor Greek guile, among whom it has been more glorious to deceive an opponent than to subdue by force…
>
> (Liv. 42.47).

Polybius reinforces this idea of proper conduct in war (Plb. 13.3). He claims that in his time, some small amount of ancient morality remained as Romans still avoided treacherous warfare, even if the Greeks did not (Βραχὺ δέ τι λείπεται παρὰ Ῥωμαίοις ἴχνος ἔτι τῆς ἀρχαίας αἱρέσεως περὶ τὰ πολεμικά· καὶ γὰρ προλέγουσι τοὺς πολέμους καὶ ταῖς ἐνέδραις σπανίως χρῶνται καὶ τὴν μάχην ἐκ χειρὸς ποιοῦνται καὶ <συ>στάδην: Plb. 13.3). Both Livy and Polybius have agendas. However, that they insert this description of appropriate action implies that

there was a sense of *fides* specific to conduct in warfare. The existence of the *fetial* priesthood and Cicero's comments reinforce the idea. Rome was concerned with doing what was 'right'. *Fides* ensured 'just' warfare.

Nationalistic Vision of Roman Behaviour

The principle of doing what was 'right' gradually developed into a cultural ideology. Theoretically, Romans did what was right in warfare, regardless of potential gain or loss. This ideology taught that Rome alone was an honourable state. They viewed *fides* as more important than martial success and prowess.

Written works disseminated the idea. Livy explicitly states that he wished his reader would pay attention to the way people lived and what virtues they held dear (*Hoc illud est praecipue in cognitione rerum salubre ac frugiferum, omnis te exempli documenta in inlustri posita monumento intueri; inde tibi tuaeque rei publicae quod imitere capias, inde foedum inceptu, foedum exitu, quod vites*: Liv. *pre*. 10). Prefaces were traditional and contained stock statements.[58] The existence of such statements reveals a general purpose of written works. They existed to teach or explain.[59] These works related parables that vilify perfidious foreigners and exemplify *fidelis* Romans. These 'historical' stories are neither nostalgic nor sentimental; they existed to educate or indoctrinate Roman citizens and neighbours about the expectations and ideals of Roman behaviour. These paragons lived up to the virtue of *fides* not only when times were easy, but when maintaining *fides* was difficult; in times where abandoning *fides* could have led to personal gain. As Ovid claims, *fides* was tested in harsh times (*scilicet ut fulvum spectatur in ignibus aurum; tempore sic duro est inspicienda fides*: Ov. *Tr.*

[58] Ogilvie (1965) 23-25.
[59] Depending on the unique goals of each author, these lessons vary in their moralistic tendencies.

1.5.25). As we shall see, Romans chose to honour *fides*. Foreigners did not. The stories create the image of a faithful Rome.

Paragons of Roman Virtue

Camillus

Roman ideas of what *fides* was included the idea of conspicuous displays of *fides* in difficult situations. Camillus exemplified this. His individual *fides* achieved an alliance and peace for Rome without cost. It was due to *fides* that Rome was able to end its struggles with their foe. Livy provides us with the most detailed account of Camillus' actions in 5.26-27.

The extract claims that Rome sent Camillus to engage in war with the Falisci. They refused to fight out of fear. His success in warfare was unquestionable. Camillus defeated the Falisci when he encountered them, but he could not conquer the city. The war continued. Then fortune gave Camillus an opportunity to display his *fides* (*ni fortuna imperatori Romano simul et cognitae rebus bellicis virtutis specimen <et> maturam victoriam dedisset*: Liv. 5.26.10) A Faliscan tutor led a group of noble children into Camillus' camp. The man claimed to have ended the war by delivering the children into Roman hands (*ibi scelesto facinori scelestiorem sermonem addit: Falerios se in manus Romanis tradidisse, quando eos pueros quorum parentes capita ibi rerum sint in potestatem dediderit*: 5.27.3-4). His action created the potential to end the war. Camillus could have forced the Falisci to surrender. Instead, he acted with *fides*. He gave up his own advantage in accordance with *fides*' precepts. He explicitly stated these precepts to the treacherous teacher. He would win his war in the Roman way, not by blackmail, nor by treachery, but by honest warfare, in battle between armed men.

Camillus chose to advocate for justice and unstated international law, because that was what the honourable did.[60]

> "non ad similem" inquit "tui nec populum nec imperatorem scelestus ipse cum scelesto munere venisti. Nobis cum Faliscis quae pacto fit humano societas non est: quam ingeneravit natura utrisque est eritque. Sunt et belli, sicut pacis, iura, iusteque ea non minus quam fortiter didicimus gerere. Arma habemus non adversus eam aetatem cui etaim captis urbibus parcitur, sed adversus armatos et ipsos, qui nec laesi nec lacessiti a nobis castra Romana ad Veios oppugnarunt. Eos tu quantum in te fuit novo scelere vicisti : ego Romanis artibus, virtute opere armis, sicut Veios vincam."
>
> (Liv. 5.27.5-9).

Camillus sent the man back to his settlement stripped with hands bound behind his back in disgrace; he ordered the children to strike him with whips as he was forced to return (*denudatum deinde eum manibus post tergum inligatis reducendum Falerios pueris tradidit, virgasque eis quibus proditorem agerent in urbem verberantes dedit*: 5.27.9). There was no legal precedent forcing Camillus to act as he did. The incident can only be read as an attempt to glorify Camillus' *fides*.[61] Camillus forewent advantage

[60] Ogilvie (1965) 687-688 claims this speech is a defence against the Greek attitude to a society based on social contract theory that claims that war against barbarians is unmitigated by the concepts of international law. Camillus advocates the viewpoint that there are natural inherent rules of warfare between all nations that exempt children and women from war and that society is ruled by these natural inherent understandings.

[61] This is supported by Livy's use the word *fides* five times in quick succession (5.27.11; 27.13 *bis*; 27.15; 28.1).

in favour of acting with *fides*. He did what was right. *Fides* here is a concern for justice, and the unwritten rights of humanity.[62]

Although, Camillus' actions were admirable, they are not the sole focus of the story. After the return of the children, the Falisci chose to surrender utterly into Roman *fides*. Livy presents Rome's superior *fides* as the definitive factor of the surrender. Roman *fides* was so great that it inspired other nations (*Fides Romana, iustitia imperatoris in foro et curia celebrantur; consensuque omnium legati ad Camillum in castra, ataue inde permissu Camilli Romam ad senatum, qui dederent Falerios proficiscuntur*: Liv. 5.27.11). The Falisci surrendered because Roman principles were superior to their own. Through Camillus' actions, they saw that living under Roman dominion was not deplorable. Instead, it was preferable.[63]

> patres conscripti, victoria cui nec deus nec homo quisquam invideat victi a vobis et imperatore vestro, dedimus nos vobis, rati, quo nihil victori pulchrius est, melius nos sub imperio vestro quam legibus nostris victuros. Eventu huius belli duo salutaria exempla prodita humano generi sunt: vos fidem in bello quam praesentem victoriam maluistis; nos fide provocati victoriam ultro detulimus. Sub dicione vestra sumus; mittite qui arma, qui obsides, qui urbem patentibus portis accipiant. Nec vos fidei nostrae nec nos imperii vestri paenitebit.
>
> (Liv. 5.27.12-15).[64]

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[62] Moore (1989) 46.

[63] It is obvious that the statement is intended to glorify Rome. Very few states would be willing to abandon their autonomy because they admired the ethics of another.

[64] Livy's tale serves as an example of individual *fides*. Earlier he explained Numa's establishment of *fides* in domestic society. He ensured society, as a whole, would value the

The tale serves two purposes. It is a moral lesson. It dictates that acting with *fides* is better than acting in perfidy. *Fidelis* actions led to an appreciation of Roman ways and Roman victory. It also presents the image of a Roman way of war and life governed by *fides* over expediency. Propagandistically, Livy asserts that the Falisci are so overwhelmed by Rome's superior societal principles that they would choose to live under Roman laws, to submit themselves into Rome's power.

There are inconsistencies between Livy's tale and other sources. Livy presents the actions as manifestations of Camillus' *fides.* Plutarch's story supports that of Livy. The decision was Camillus' own (…ὥστε μὴ μόνον τοῖς γονεῦσι τῶν παίδων, ἀλλὰ καὶ τοῖς ἄλλοις πολίταις ταῦθ' ὁρῶσι θαῦμα καὶ πόσον ἐμπεσεῖν τῆς τοῦ Καμίλλου δικαιοσύνης…: Plut. *Cam.* 10.6). Dio too, uses the tale to show Camillus' respect for the traditional valour of Rome (ὁ γὰρ Κάμιλλος τῆς τε ἀρετῆς ἅμα τῆς τῶν Ῥωμαίων καὶ τῶν συμπτωμάτων τῶν ἀνθρωπίνων ἐνθυμηθεὶς οὐκ ἠξίωσεν ἐκ προδοσίας αὐτοὺς ἑλεῖν: Dio 6.24). Roman victory was gained because of Camillus' virtue. Contrarily, Dionysius has Camillus ask the Senate for advice (Ὁ δὲ Κάμιλλος εἰς φυλακὴν παραδιδοὺς τὸν γραμματιοστὴν τὰ γενόμενα καὶ τί χρὴ ποιεῖν ἤρετο: Dion. Hal. 13.2).[65] This act detracts from Camillus' *fides*. While the Falisci may have surrendered due to Camillus' acts, the success and cessation of hostilities are no longer the direct result of his *fides*. He asked for advice on how to act.

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virtue (1.24-32). The actions of Livy's Camillus transfer the focus from a state to individual level. Dionysius of Halicarnassus reinforces the longevity of the virtue. Numa sought to establish *fides* as the preeminent virtue of the Roman people. He established the cult so that the state would be known to hold faith dear, and in the hope that private individuals would come to regard it so as well (…τὰ δὲ ἁμάρτυρα πολλῷ πλείω τῶν ἑτέρων ὄντα μίαν ἔχει φυλακὴν τὴν τῶν συμβαλόντων πίστιν, περὶ ταύτην ᾤετο δεῖν σπουδάσαι παντὸς ἄλλου μάλιστα καὶ ποιῆσαι θείων σεβασμῶν ἀξίαν: Dion. Hal. 2.75).

[65] Dionysius comments on some of Camillus' earlier actions, which reveal possibly the direct opposite of *fides*. In the war with the Veientes, the Veientes offered to surrender, Rome refused (ἀποψηφισαμένης δὲ τῆς βουλῆς τῶν Ῥωμαίων τὰς διαλλαγὰς…: Dion. Hal. 12.13). Camillus captured the city, albeit on the orders of Rome (Dion. Hal. 12.13-14(17-20).

His personal judgement was not enough to determine the 'right' action. Admittedly, the Senate allowed him to decide how to proceed himself. Valerius Maximus gives all the credit of the decision to the Senate (*ea re senatus censuit ut pueri vinctum magistrum virgis caedentes in patriam remitterentur*: Val. Max. 6.5.1[a]). Camillus' *fides* play no direct role. Despite the differences, *fides* still plays a deciding factor; Rome abandons an easy victory in favour of honour and *fides*. The Faliscii still surrendered due to the admirable *fides* and conduct of Rome.

Marcus Atilius Regulus

Camillus was a figure from early history. Marcus Atilius Regulus served in the first Punic war. Thus, while not a figure from living memory his tale was closer to later Republican Roman minds. He was a Consul Suffectus in 256.[66] Regulus was favoured for his *fides*, heroism, and his Roman values. Regulus lived a frugal life on his hereditary farm, far from the corruption of Rome. When forced into war, he maintained *fides* despite the risk to his own life. He would rather have given up his life than abandon *fides.*

Removing the obvious exaggeration, Regulus was a commander in the first Punic war. After defeating Carthage at sea and on land, he feared another consul would be sent to take his place, and so opened negotiations:

> Ὁ δὲ Μάρκος ὁρῶν τοὺς Καρχηδονίους καὶ κατὰ γῆν καὶ κατὰ θάλατταν ἐσφαλμένους καὶ νομίζων ὅσον οὔπω κρατήσειν τῆς πόλεως, ἀγωνιῶν δὲ μὴ συμβῇ τὸν ἐπιπαραγινόμενον στρατηγὸν ἐκ Ῥώμης φθάσαντα τὴν

[66] MRR 1.208-209.

> ἐπιγραφὴν τῶν πραγμάτων λαβεῖν, προυκαλεῖτο τοὺς Καρχηδονίους εἰς διαλύσεις.
>
> Plb. 1.31.

These negotiations demanded harsh conditions of Carthage. They were refused. Allegedly the Carthaginian Senate would have preferred to brave everything, and submit to all possible hardships to avoid terms so dishonourable:

> τὸ δὲ συνέδριον τῶν Καρχηδονίων διακοῦσαν τὰ προτεινόμενα παρὰ τοῦ στρατηγοῦ τῶν Ῥωμαίων, καίπερ σχεδὸν ἀπεγνωκὸς τὰς τῆς σωτηρίας ἐλπίδας, ὅμως οὕτως ἀνδρωδῶς ἔστη καὶ γενναίως ὥστε πᾶν ὑπομένειν εἵλετο καὶ παντὸς ἔργου καὶ καιροῦ πεῖραν λαμβάνειν ἐφ' ᾧ μηδὲν ἀγεννὲς μηδ' ἀνάξιον τῶν πρὸ τοῦ πράξεων ὑπομεῖναι.
>
> Plb. 1.31.[67]

In the subsequent battle with Carthage, Regulus' army lost. Regulus, along with his surviving men, was taken hostage (Plb. 1.32-34).

Carthage was suffering and desired an end to hostilities. They sent Regulus, oath bound, to Rome. He was to sue for peace and attempt to organise an exchange of hostages. They bid him return to Carthage if these conditions could not be met (App. *Pun.* 4, *Sic.* 2; Zon 8.15; Cic *Off.* 3.99; Liv. *Per.* 18). Zonarus claims that the Carthaginians assumed the Senate would acquiesce to their demands due to the virtue of their prisoner; Regulus' reputation made him a valuable and powerful commodity (καὶ τοῖς πρέσβεσι καὶ αὐτὸν τὸν Ῥηγοῦλου συνέπεμψαν, πᾶν δι' αὐτοῦ οἰηθέντες κατωρθωκέναι διὰ τὸ ἀξίωμα καὶ τὴν ἀρετὴν τοῦ ἀνδρός: Zon. 8.15). When

[67] Dio 11.frag 43.22 claims Regulus insisted Carthage evacuate Sicily and Sardinia, release Roman prisoners free of charge, ransom their own hostages, reimburse Rome for all expenses utilised during the war, and pay further tribute to Rome. See Eckstein (1987) 132.

Regulus came to Rome, he insisted that the Senate not comply with Carthaginian demands. Our sources give various reasons for this, though all relate in some way to *fides*. For example, Horace's ode states that Regulus wanted to refuse because to agree would mar the future of Rome. He was placing the state's interest above his own (*hoc caverat mens provida Reguli/ dissentientis condicionibus/ foedis et exemplo trahenti/ perniciem veniens in aevum,/ si non periret inmiserabilis/ captiva pubes…*Hor. *Carm.* 3.5); According to Dio, Regulus claimed it did not become him or any virtuous man to sacrifice public welfare for private gain (οὔτε γὰρ πρὸς ἐμοῦ οὔτε πρὸς ἄλλου ἀνδρὸς ἀγαθοῦ οὐδενός ἐστι προέσθαι τι τῶν κοινῇ συμφερόντων: Dio 11 fr.); Cicero claims the Regulus argued that it was expedient for the Roman state to keep the Carthaginian prisoners (*Atque illud etiam, "O stultum hominem," dixerit quispiam, "et repugnantem utilitati suae!"), reddi captivos negavit esse utile; illos enim adulescentes esse et bonos duces, se iam confectum senectute*: Cic. *Off.* 3.100). Regulus refuses to save himself at the expense of the Republic. Regulus defied his own best interests for those of his country. In this act alone, he acted with *fides*. He put his loyalty for Rome and the credibility of word before his own personal gain (Cic. *Off.* 1.39; 3.100-101). Regulus then returned to Carthage to face certain death. He fulfilled his oath to his captors. The Roman people offered him safe haven but he refused rather than break his word (*Neque vero tum ignorabat se ad crudelissimum hostem et ad exquisita supplicia proficisci, sed ius iurandum conservandum putabat*: Cic. *Off.* 3.100; *cf.* Zon. 8.15; Cic. *Off.* 1.39; Val. Max. 1.1.14; Liv. *Per.* 19). Regulus obeyed an oath he had sworn to an enemy, likely under duress, because *fides* dictated he do so.

Regulus, portrayed in Roman sources, is the epitome of a *fidelis* man. Even at times of difficulty, at times when he was offered an easy choice to remain in Rome and preserve his own life, Regulus chooses to live up to the standards set by Roman ethics.

Nothing would sway him from his faith. *Fides* to Regulus was more important than life itself.

The stories of his death vary; he may have been poisoned before he arrived in Rome (*id quoque addidisse, venenum sibi Carthaginienses dedisse, non praesentarium, sed eiusmodi quod mortem in diem proferret, eo consilio, ut viveret quidem tantisper quoad fieret permutatio post autem grassante sensim veneno contabesceret*: Gell. *N.A.* 7.4.1); he may have been murdered in some kind of primitive iron maiden; where confined in a box, filled with spikes to prevent him from lying or sitting. (App. *Pun.* 4); Tubero claims he was confined in the dark, and later brought out into bright sunshine, and his eyelids were removed (Gell. *NA.* 7.4; *cf.* Zon. 8.15). He may have died from sleep deprivation (Cic. *Off.* 3.100; Liv. *Per.* 18; Gell. *NA.* 7.4). Interestingly, the same torture mentioned is the punishment Regulus' family gave to their Carthaginian prisoners in revenge (*idque ubi Romae cognitum est, nobilissimos Poenorum captivos liberis Reguli a senatu deditos et ab his in armario muricibus praefixo destitutos eademque insomnia cruciatos interisse*: Gell. *N.A.* 7.4.4).[68] Each method is tortuous and brutal. The crueller the consequences the braver Regulus' decision to return appears. Regulus returned to Carthage to face his death as a happy and moral man, for it was better for him to face death honourably that to live in perfidy (*Itaque tum, cum vigilando necabatur, erat in meliore causa, quam si domi senex captivus, periurus consularis remansisset*: Cic. *Off.* 3.100).[69] He was the upholder of Roman virtue, of

[68] This tale of revenge, of Carthaginian prisoners being handed over to Regulus' sons for punishment appears to be a later invention created out of embarrassment, or one recorded by Greek sources who did not care that it detracted from the glory of Regulus' *fides*. To a later tradition, the idea that Rome, a great majestic power, would *let* Carthage, whom they had defeated take one of their most admirable men away without punishment was disgraceful. There is no revenge in Livy or Cicero. Rather, like the boastful pride Regulus suffered the revenge element of Roman citizens exists in Zonarus and Cassius Dio. It is present in Aulus Gellius too, but in little detail.

[69] Mix (1970) 35-36.

integrity, of *pietas* and most importantly of *fides*.[70] The story emphasises his *fides* to such an extent that he become an exemplar for appropriate action. In Roman sources, he is inspirational.

Polybius is the oldest extant source to talk about Regulus. However, he refrains from discussing the events following Regulus' capture. Instead, he refers to the incident as a possible lesson in how to act, the importance of not relying on fortune, and of the benefits of treating one's enemies with clemency. Regulus was cruel toward the Carthaginians, he wanted glory more than peace. Now he suffered (ὁ γὰρ μικρῷ πρότερον οὐ διδοὺς ἔλεον οὐδὲ συγγνώμην τοῖς πταίουσιν παρὰ πόδας αὐτὸς ἦγετο δεησόμενος τούτων περὶ τῆς ἑαυτοῦ σωτηρίας: Plb. 1.35). If his true desire was peace and he treated the Carthaginians with respect, then the war would have ended and he would not have been captured. To Polybius, Regulus is morally liable for his own defeat.[71]

Polybius' tale does not contribute to Regulus' legend. Polybius either had little faith in the image of *fides* that Rome portrayed, or Regulus' story had yet to develop. Later in his histories, he claims that the Roman people could be trusted to keep *fides* (…παρὰ δὲ Ῥωμαίοις κατά τε τὰς ἀρχὰς καὶ πρεσβείας πολύ τι πλῆθος χρημάτων χειρίζοντες δι' αὐτῆς τῆς κατὰ τὸν ὅρκον πίστεως τηροῦσι τὸ καθῆκον: Plb. 6.56). However, this is primarily in relation to money, and he claims this habit had begun to decline amongst contemporary Rome (18.35; 32.11). Interestingly,

[70] To capitalise and emphasise this point Cicero explicitly places this tale in direct contrast with the Roman prisoners of Carthage who manipulated their oaths. Ten prisoners were sent from Carthage as envoys, with oaths binding them to return. One of these prisoners instead, pretended he forgot something in Carthage and returned. Thus, he technically fulfilled his oath but in doing so, he destroyed the spirit of *fides*. *Fides* was not simply a technical thing. If it were the existence of a goddess, embodying the concept would be moot. It was an abstract idea that governed behaviour, not something to be manipulated and coerced. Consequently, the perfidious Roman was sent back to Carthage in chains. Cic. *Off.* 1.40; 3.113-115.
[71] Mix (1970) 33.

other Greek sources mention the undesirable aspects of Regulus' personality and actions too. Zonarus speaks of a man overcome with pride and conceit (Ὁ μέντοι Ῥηγοῦλος μέχρι τότε εὐτυχῶν αὐχήματος μεστὸς ἐγένετο καὶ φρονήματος, ὥστε καὶ γράφειν εἰς τὴν Ῥώμην ὅτι κατεσφραγοσμένας ἔχει τὰς τῶν Καρχηδονίων πύλας ὑπὸ τοῦ φόβου: Zon. 8.13). Roman sources neglect to mention these aspects in favour of idolising his *fides*.[72] The absence of negative traits in Roman sources reinforces the idea that the parable was reiterated to create and enhance the image of Roman fidelity, rather than to transmit historical truth. Roman versions enhance the *fides* of Rome as a nation and of Regulus specifically.

Problematically, the closest extant Roman sources to the incident are Cicero and Livy. Livy's information only survives in one of his *Periochae*. This creates doubt about the historical accuracy of the tale. Aulus Gellius preserves some fragments of older sources. Tubero's story has Regulus fighting a giant serpent (Gell. *N.A.* 7.3). Valerius Maximus tells the story of sea serpents and monsters too (Val. Max. 1.8.19). The creation of this seemingly sensationalised aspect of the story can only be an attempt to glorify Regulus' achievements. Arguably, the fighting of such monsters creates a parallel between Regulus and demigods such as to Hercules.

The earliest source to mention the virtue of Regulus is Tuditanus, albeit indirectly, who wrote during the later second century BCE (Gell. *N.A.* 7.4). Livy followed him, including a direct contrast to Polybius. He reiterates Regulus' general virtuous nature. Regulus wanted Rome to send a consul to replace him, as his farm was being neglected and he dearly wished to return to it (*quod agellus eius a mercennariis desertus esset. Per.* 18). Valerius Maximus claims that at Regulus' complaints that his

[72] Roman authors, naturally, had a greater interest in spreading the ideology of *fides* than Greek sources.

farm was subject to misuse, the Senate paid for the upkeep of the farm at public expense (Val. Max. 4.4.6). It further cements the tale of Regulus as one of the paragons of Roman virtue, an object of aspiration, and living up to the glorified standards of Roman virtue. Not only was he a man who wanted nothing of the corruption of Rome, preferring his simple farm, he fought with such skill that he could kill mythical beasts.

Rome and Pyrrhus

Other exemplars of Roman *fides* are present throughout our sources, although Camillus and Regulus the most prominent. Like Camillus, other Romans insisted on 'doing what was right' in warfare. During the war with Pyrrhus, Rome was offered the opportunity to remove the threat he posed by perfidious and arguably disgraceful means. This offer came from either an ally or a doctor, depending on the tradition. The 'doctor' came to Rome and offered to poison Pyrrhus for Fabricius and the Senate. The offer was refused.

> Maximum autem exemplum est iustitiae in hostem a maioribus nostris constitutum, cum a Pyrrho perfuga senatui est pollicitus se venenum regi daturum et eum necaturum. Senatus et C. Fabricius eum Pyrrho dedit. Ita ne hostis quidem et potentis et bellum ultro inferentis interitum cum scelere approbavit.
>
> (Cic. *Off.* 1.40).[73]

Some sources have Fabricius reject the offer rather than the Senate. This emphasises the moral judgements of Roman leaders themselves. The commander chose to act in the best interests of the Roman state of their own volition. To them, *fides* is more important than victory. Aggressors should be overcome by valour rather than

[73] *cf.* Cic. *Off.* 3.86; Liv. *Per.* 13; Zon. 8.5; Val. Max. 6.5.1[d].

deceit. If expediency was more important, then Fabricius and the Senate should have taken advantage of the offer, but they sought victory for the sake of glory, not simply for power (*sed magnum dedecus et flagitium, quicum laudis certamen fuisset, eum non virtute, sed scelere superatum*: Cic. *Off.* 3.86). *Fides* ensured their own honour and that of the Roman state. The main tradition claims that consequently, the perpetrator was sent back to Pyrrhus, who was informed about the plot. Pyrrhus was so amazed by the actions that he released all his Roman captives without ransom (Zon. 8.5).[74] This story shares similarities with that of Camillus. Both characters had an opportunity to defeat an enemy. Both chose *fides*. Rome's impressive acts shock both enemies, who immediately cease fighting. The similarities imply that the plot lines are stock images, used to glorify Rome, and establish a national reputation for *fides.*

Others

There are various other anecdotes of Roman *fides*. Valerius Maximus provides a number of them. Domestically, acts of *fides* were an expected part of society. Examples prove to be useful to an extent but they would not have the same power to inspire people to value and believe in the *fides* of the Roman state. A slave once offered information to the enemy of his master. This enemy planned to prosecute the master of the slave. However, the slave is denied because of *fides* (Val. Max. 6.5.5). This is an example of when personal gain was placed behind virtue and honour. But it is not a grand example. International examples also exist. Lepidus was sent as guardian to the boy-Pharaoh of Egypt because his father beseeched the Senate to care for him in the

[74] Valerius Maximus however claims that Rome was unwilling to poison someone but was unwilling to abandon someone to their death, who would have done them a service. Rome placed the man, who would have been loyal to Rome, in their protection. In itself, this is not technically violating *fides*, for there existed a mutual obligation for protection.

event of his death. Lepidus went, despite his unwillingness because he did not wish the *fides* of Rome invoked in vain (6.6.1).

There are examples of perfidious Romans too. Quintus Fabius and Gneaus Apronius struck envoys sent to Rome from Apollonia. In this instance, the Senate punished the wrongdoers and surrendered them into Apollonian hands (*Cum legatos Apolloniatium ad senatum missos quidam iuvenes pulsassent, dediti sunt Apolloniatibus:* Liv. *Per*. 15; Val Max 6.6.5). As we shall see, this was a way for the Senate to absolve itself of responsibility. The wrongdoer was no longer Roman, thus the fault was no longer Rome's. But the Senate chose to uphold *fides.* They could have chosen to ignore the violation of envoys. Doing so would not necessary have affected Rome's position. But they chose to uphold *fides*.

These examples reinforce the ideal of *fides*; they are not examples of grandiose breaches or marvellous acts of self-sacrifice. The Roman people in these stories act as expected. The existence of such minor stories implies that a reputation for *fides* was useful. The tales could not be called upon to inspire *fides* with the same power as Camillus and Regulus, but they can reinforce claims of Roman fidelity. That the tales exist implies some degree of orthodoxy in tradition. Roman authors intended to show Rome in a certain light. The tales show the world, both Roman and foreign, how Romans acted once in 'the past' and encourages the belief that this was still how Romans acted; it was what Rome valued. The paragons exhibit *fides* of their own volition. They deny immediate glory and gain in order to do what is right. Foreigners are overwhelmed by the honourable choice of action. It is improbable that foreign states would not have held an expectation of *fides* or a similar ideal. Nevertheless, Roman sources have an ulterior motive to disseminate the idea as a **Roman** virtue. The purpose of these stories is to display Rome as a nation governed by *fides*. Rome claimed

superiority based on valour and virtue; they succeeded because they were ethically superior to their foes. By doing so, *fides* becomes synonymous with Rome.

Perfidious foreigners

The idea of honourable Roman citizens is contrasted in literary tradition with that of duplicitous foreigners. The contrast enhances the nationalistic ideology of *fides*. Romans were able to identify **themselves** with *fides*. It was not Carthage, nor Greece, nor Gaul that was embodied by *fides*, but Rome. Rome's system of values was based on *virtus*, *fides*, and *pietas*, amongst others. Gauls, Greeks, Germans, Spaniards, and Carthaginians embody the very opposite of these virtues in Roman thought and presentation.[75] Whether Romans actually believed all other nations to be perfidious is not the point of this discussion. What is relevant is that Rome created the image of a perfidious foreigner. Over time these images became stock accusations and characteristics used to increase Rome's reputation for *fides*. The fact that some of the nations were once powerful foes reduces the likelihood that Rome's claims were true. It is natural to denigrate political adversaries. However, to do so by use of *fides* indicates the importance of the value to Roman society. The contrast between Rome's own faithful cultural figures and those of treacherous foreigners enhances this difference and sets Rome up as the ethical superior in the relationship.

The most famous example of a trope against foreigners is *Punica fides*. As Prandi claims, the idea of Carthaginians being faithless, treaty, oath, and promise breaking fiends is attested throughout Latin literature.[76] It appears that the idea of Carthaginian treachery arose around the first and second Punic wars. Ideally, Carthaginians were so perfidious that their concept of *fides* was the very antithesis of *fides Romana*. Long after

[75] Dubuisson (1983) 160-61.
[76] Prandi (1979).

Carthage was destroyed the concept of *Punica fides* existed as rhetoric. Propaganda grew until *Punica fides* became synonymous with treachery and duplicity.[77] This could be due to a lack of Roman consideration for cultural expectations that differed from their own.[78] However, it seems more likely that the opportunity to manipulate cultural differences was used to their advantage. In doing so, a certain type of behaviour was identified as *Romana fides* and another sort of behaviour to be the *fides* of foreigners. Numerous scholars have studied the idea of Punic faith, most recently by Gruen, who attempts to offer a new alternate understanding of Punic faith.[79]

The idea of *Punica fides* does not specifically relate to Carthaginians. It became a generalised statement of perfidy.[80] Nor is the image of Carthaginians in the Principate necessarily negative.[81] Not all Carthaginians or even all foreigners were viewed as the antithesis of Roman ideology. Romans likely respected and learnt from aspects of other cultures. The image of *Punica fides* serves to reinforce the idea of *fides Romana*. To better disperse the idea of the *fidelis* Roman state internationally, Rome must be the only nation of *fides*, or at least the nation with the most respect for *fides*. It follows to create the stereotype of a perfidious foreigner. Carthaginians provided the easiest people upon which to base the trope. Initially, they were great foes of Rome. This ensured Romans and their allies would accept the image more readily. Then, as Carthage was destroyed, it no longer existed to dispute the claims. Thus, if someone were perfidious, they were accused of *Punica fides*, being un-Roman. For in principle a

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[77] Prandi (1979) 90.
[78] Freyburger (1986) 222-223.
[79] See for example Prandi (1979) 90-97; Dubuisson (1983) 159-167; Franko (1994) 153-158; Starks (1999) 255-283; Gruen (2011).
[80] Gruen (2011) tries at length to prove that the idea of *Punica fides* is not the actual image Rome held of Carthaginians, and is in fact a stereotype subverted in Roman writing. This idea is valid, but one that is not overly relevant to this discussion. As whether the idea of *Punica fides* was an attack against Carthage as a nation is not the point. The existence of the stereotype serves as a contrast between idealised Roman faith and that of other people.
[81] Devallet (1996) 17-28.

Roman would never be so treacherous. This trope does not enhance *fides* purely by attacking another culture. The treachery of foreigners serves as a backdrop to highlight Roman *fides*.

Plautus' *Poenulus*, authored sometime in the late third or early second century BCE, provides the earliest surviving reference to *Punica fides*. The diminutive title tends to imply scorn for Carthage from the very beginning. Three Carthaginian children were stolen and sold in Calydon. Many years later a Carthaginian known as Hanno comes to Calydon, seeking them. Hanno pretends throughout the work that he does not understand Latin. Hence, his deception provides much of the humour in the play. Milphio acts as Hanno's translator, despite not understanding Punic himself. Hanno is deemed to be double-tongued, like a serpent (*bisulci lingua quasi proserpens bestia*: *Poen.* 1034). The phrase serves to reinforce the claim that Hanno is obviously Carthaginian in the prologue (*poenus plane est*: *Poen.* 112). The accusation comes from a deceitful lying slave. It is ironic. The slave has been manipulating, lying, and deceiving since the play began. Indeed everybody except his master knows not to trust him. Synceratus for instance asserts that he could trust him, if he did not know him (*animum inducam facile ut tibi istuc credam, ni te noverim*: 877). The slave Milphio replies with more deception and sacrilegiously claims that *Fides* herself could not be trusted more (*Fides non melius creditur*: *Poen.* 890). The comedy is not specifically anti-Carthaginian. Milphio exhibits *punica fides* more than Hanno does. Nonetheless, the statement in the prologue that Hanno was clearly Carthaginian, combined with the accusations of perfidy throughout the play, implies that the idea of perfidious Carthaginians existed at the time.

The idea of Punic faith had to be relevant enough for it to be parodied; otherwise, there is no irony, no comedy. It does not matter that Plautus is not creating an overly negative view of Carthaginians in general. He draws attention to the notion, as he draws attention to the concept of *fides* in his other works. Technically the phrase *Punica fides* does not appear until Sallust. By then the idea was a generalised accusation. Sallust uses it in relation to Numidians (*sed ego comperior Bocchum magis Punica fide quam…*: *Iug. 108*). Cato certainly dislikes Carthage and uses the justification that they violated treaties with Rome **six** times to inspire Rome to destroy it (*deinde duoetuicesimo anno post dimissum bellum, quod quattuor et vinginti annis fuit, Carthaginienses sextum de foedere decessere*: *Ori.* Frag. 84P). Cicero too claims Carthaginians broke treaties (*Poeni foedifragi, crudelis Hannibal…:Off.* 1.38). Livy deems Hannibal to be more perfidious than a Carthaginian (*inhumana crudelitas, perfidia plus quam Punica, nihil veri, nihil sancti, nullus deum metus, nullum ius iurandum, nulla religio*: 21.4). He claims that they thrive by deception and espionage (Liv. 22.28; 26.17); their *perfidia* is inherent and inescapable (*quod neque non petere pacem propter metum neque manere in ea prae insita animis perfidia potuissent*: Liv. 30.32). Livy destroys the very idea Carthaginians possess virtue at all.[82] Their penchant for deception in war directly contrasts Livy claims of how appropriate Romans act (Liv. 42.47).

It can be surmised that the idea of Carthaginian perfidy existed before our extant sources. It appears in fragments of Ennius (*Ann* 474Sk; 274V), Cato (*Ori.* 84P), and the *Rhetorica ad Herennium*. The *Rhetorica ad Herennium* uses Carthaginian perfidy in an example of interlacement. Due to the casual use of the idea, it must have been commonplace. (*qui sunt qui foedere saepe ruperunt? Carthaginienses. Qui sunt qui crudelissime bellum gesserunt? Carthaginienses. Qui sunt qui Italiam deformaverunt?*

[82] For other examples in Livy, see 21.4; 22.6.12; 22.48; 24.62; 30.42. For further examples of Hannibal as the epitome of anti-Roman values see Juv. 10.155; Mart. 4.14; Oros. 4.17.

Carthaginienses, Qui sunt qui sibi postulant ignosci ? Carthaginienses. Videte ergo quam conveniet eos impetrare : 4.20).[83] Carthaginians are not necessarily openly accused of *Punica fides* but of treachery, treaty-breaking (Cato. *Ori.* Frag. 84 P; Cic. *Off.* 1.38; *Rhet. Her.* 4.20), lying (Enn. *Ann.* 274V), trickery (Plb. 3.78; Cic. *Har.* 9.19), and impiety (Liv. 21.4).[84] These things fall under the notion of *fides*. They serve to construct a negative image of perfidious behaviour in Roman society. By latching onto the natural distaste that Rome felt for Carthage, *fides* becomes important and Roman.

Perfidy along with the accusations of lying and deceitfulness are accusations laid against other Roman neighbours. Barbarians in general were *infideles*. Cicero scorns the idea that a barbarian was more trustworthy than a man's wife (*O miserum, qui fideliorem et barbarum et stigmatiam putaret, quam coniugem*: *Off.* 2.25). Livy presents Scipio as wary of his barbarian auxiliaries lest they change sides (*neque Romanis legionibus tantae se parem multitudini ratus ut non in speciem saltem opponerentur barbarorum auxilia, neque in iis tamen tantum uirium ponendum ut mutando fidem, quae cladis causa fuisset patri patruoque*: 28.13). One could not rely on Greeks (*cetera quae volumus uti Graeca mercamur fide*: Plau. *Asin.* 198; *cf.* Cic. *Flac.* 36). Gauls had no concept of *fides*. Livy denounces their perfidy. He claims they were more dangerous than enemies due to their fickle allegiance (…*ipse pecuniae quam regni melior custos institut de perfidia et feritate Gallorum disserere, multorum iam ante cladibus experta periculosum esse tantum multitudinem in Macedoniam accipere ne graviores eos socias habeant quam hostes Romanos*: 44.26 *cf.* Liv. 21.52; 21.55; Cic. *Prov*. 33; Tac. *Germ.* 6.6).

[83] Such propaganda must have been commonplace and generally accepted by society for the *Rhetorica ad Herennium* 4.20 uses the propaganda as an example of interlacement.
[84] Starks (1999) 259.

These attacks against other cultures are not necessarily about reality, fact, or even perception. They separate and contrast Roman culture from treachery and duplicitous behaviour. With the continued perception and propaganda of perfidious others, the natural conclusion is that Rome is superior in *fides*. The faithlessness of foreign cultures validates Roman ideology without Rome having to act in any particularly faithful way. Ethnocentric expressions create a negative view of practices that fail to reflect Rome's ethics.

Dissemination of the Image

Fides was neither strictly moral nor social. Aspects of Roman social interaction relied upon it. However, law did not bind people to abide by it. Rather, they chose to. Roman domestic relationships were built around the concept. This combined with the existence of *fetial* priests implies that Rome held the concept in high regard. The existence of stories that exhibit Roman *fides* and vilify foreigners introduces the idea of *fides* as a cultural ideology. It is through the stories that Rome comes to be identified with the state of *fides.* The evolution of these characters and ideas in historical tradition begs the question as to the emphasis placed on *fides* at various times during in history. However, archaeological evidence such as the temple of *Fides* on the Capitoline; The coin from Locri depicting the anthropomorphised *Fides* crowing the personification of Rome;[85] the existence and worship of the goddess *Fides* and the *fetial* priests; as well as literary evidence from those such as Plautus and Polybius, supports an early Roman admiration of *fides*.

Aside from the creation of such fables, the principle was verbally stated to foes. Hiero was aware that Romans believed themselves upholders of *fides*. In 264, he called

[85] Gruen (1982) 59; Boyancé (1964b) 433; Boyancé (1972) 108; Crawford (1985) 32-33. It is interesting to note that this comes not from Rome itself, but from a Greek ally

upon them to prove their claims of *fides* and refrain from harbouring and protecting those who had breached *fides*. Diodorus has Hiero go so far as to claim that Rome secretly coveted Sicily and were utilising *fides* as a cover for imperialistic endeavours:

> ὁ δὲ Ἱέρων ἀπεκρίνατο διότι Μαμερτῖνοι Καμάριναν καὶ Γέλαν ἀναστάτους πεποιηκότες, Μεσσήνην δὲ ἀσεβέστατα κατειληφότες, δικαίως πολιορκοῦνται, Ῥωμαῖοι δέ, θρυλλοῦντες τὸ τῆς πίστεως ὄνομα, παντελῶς οὐκ ὀφείλουσι τοὺς μιαιφόνους, μάλιστα πίστεως καταφρονήσαντας, ὑπερασπίζειν; εἰ δὲ ὑπὲρ ἀσεβεστάτων τηλικοῦτον ἐπαναιροῦνται πόλεμον, φανεροὺς ἔσεσθαι πᾶσιν ἀνθρώποις ὅτι τῆς ἰδίας πλεονεξίας πρόφασιν πορίζονται τὸν τῶν κινδυνευόντων ἔλεον, τὸ δὲ ἀληθὲς Σικελίας ἐπιθυμοῦσιν.
>
> (Diod. 23.1).

The statement implies there was some doubt as to the reality of Roman *fides* even then. However, this doubt reinforces the idea of a cultural ideology that Rome attempted to espouse to the world.

In Livy, Flaminius repeatedly asserts the *fides* of Rome. In 197, he claimed at a Boeotian assembly that the *fides* of Rome was greater than either her military or her resources (*pauca ab ipso Quinctio adiecta, fidem magis Romanam quam arma aut opes extollente verbis*: Liv. 33.2). Later still, he told the Achaeans that they should trust the tried and observed *fides* of Rome *(…sed expertae potius spectataeque Romanorum fidei credere*: Liv. 35.49). Decrees openly declare deeds and actions were in keeping with good *fides*. Three Greek naval captains were enrolled into a list of Roman ‘friendship’

and granted rights, as doing so appeared to coincide with the interests of the Republic and the consuls' good faith (*IGRR* I.118; *CIL* I^2 588).[86]

The Development and Consequences of a Cultural Ideology

How the ethical principle developed into a cultural ideology is difficult to determine. It may have been a natural development over time. In general, citizens of any nation like to hear stories that reflect well on them as a culture, and make them proud of that culture. The delineation between 'them' and 'us' is common in nationalistic thought. In Rome, this demarcation took the form of a civilised, superior Roman world against inferior barbarous foreigners. These foreigners may not necessarily be culturally inferior, for instance the Greeks, but were considered inferior or at least different and misguided in terms of virtue. *Luxuria* and the likes, imported from the East, corrupted the honourable Roman.[87] This 'us' versus 'them' separation allowed Rome to create a self-identity based around their own ideas of appropriate action. Such an ideology permitted Rome to flourish as a society of immigrants. Historically, many of Rome's provinces had little to link them with Rome.[88] They had little partnership in administrative or political ideas. Instead, they had suffered enforced governance. For a long time, Italians and Romans were viewed as distinctly different people.[89] Velleius Paterculus specifically points out the Roman self-separation from their own kin (*per quod homines eiusdem et gentis et sanguinis ut externoe alienosque fastidire posset*: 2.15). With the enfranchisement of various peoples, instead of delineating between race and specific origin, the ideology created the view that those who lived in the Roman Empire were Roman. They lived a Roman life. Romans acted

[86] For more examples, see *SIG*[3] 679 IIb; *RDGE* 7; *SIG*[3] 674; *RDGE* 9; *RDGE* 12.
[87] Shumate (2006) 65.
[88] Toll (1997) 36-38.
[89] Toll (1997) 38.

in a specific manner. It did not matter whether someone was born in Gaul, or Spain. They could be proud of their identity.

Difficult times spark a reemphasis on morality. In times of crisis, the transformation of a virtue into a nationalistic identity, or political ideology could serve as a binding factor. A factor reinforced by a xenophobic description of foreigners, who embody the very antithesis of Roman-ness.[90] *Fides*, and Rome's ideological value of *fides*, binds various aspects of society together. Those who share different political agendas, different views of religion and morality, different ideals concerning the way society should function and be formed are brought together by the unifying notion that Rome was a state of *fides*. This ideology allows individuals to have something to admire and appeal to, regardless of the threats that face their society. Rome will succeed and overcome her perils because Rome is the nation of *fides*. *Fides* automatically places Rome on a higher pedestal than those who threaten the Roman way of life. The political benefits of having a nationalistic vision of a people are enormous. Despite differences in opinion, an entire nation can be brought together against a perceived threat, such as Carthage, by the idea that they as a people can be embodied by a singular, unique ideal.

For the ethical principle to be developed into a political tool, the various ideals of *fides* must have been understood in Roman minds. That the principle was present in society is what allowed *fides Romana* to develop. There is no reason to appeal to a virtue and an ideology that was not present in society. As Brunt claimed, "*men do not appeal to standards that no one observes, and hypocrisy serves no purpose where virtue is not to be found*." [91] To do so is illogical. It would serve no purpose. Yet Caesar and other political figures did appeal to *fides*. Reality may have poorly reflected this

[90] Shumate (2006) 32.
[91] Brunt (1965) 19.

ideology. Certainly, there were people who failed their duties of *amicitia* and patronage; there were those who indulged in bribery and became corrupt; and there were those who put their own endeavours over those of Rome as a whole. The ideology remained. Romans who wanted power, prestige, and reputation appealed to *fides*.

Fides may have been parodied, deceived, or fulfilled. However, *fides* played a significant role in the way the Roman people viewed and interpreted the world. Ideologically, *fides* was what made Rome, Rome. *Fides* allowed Roman citizens to continue their lives with the secure belief that people were trustworthy, that someone would remain true to their word. Rome was the state that valued credibility. Others did not. From a Roman perspective *fides* served as the differentiation of Rome from other cultures. The principle and practice would ideologically allow Rome to rule without parallel. Rome's ideology of *fides* does not mean that the Roman people were any better at embodying the virtue than their neighbours. They simply argued that they were. Armed with this ideological view, Republican military commanders were sent beyond the borders of the Roman Empire to validate or destroy their nationalistic identity. How Roman diplomatic practices reflected this ideal, and how the reality of Roman action reflected the principle in the case of Iberia will be examined in the following chapters.

II - *FIDES* IN IBERIA: ROMAN CONDUCT 210-178

Idealistically, *fides* governed Roman foreign policy. This policy argued that nothing was needed to ensure behaviour beyond *fides*. Ideologically, Romans would honour whatever terms they made, keep their word during preliminary negotiations, and do what was 'right'. Problematically, as is often the case, the ideal policy is poorly reflected in reality.

This chapter will examine Roman conduct in the Iberian Peninsula prior to the outbreak of the Lusitanian and Celtiberian wars. The following chapter will examine Roman action and policy in the Peninsula during these wars. The Iberian Peninsula makes an interesting case study. Treacherous acts mar the history of Roman martial interaction in Spain, although only some agreements were perfidious. While Roman Spain has been studied, there is little in-depth investigation into its conquest with regard to Roman diplomacy. Diplomatic action in Spain is remarkable. There appears to be a change in policy during the conquest. Initially, Roman commanders were relatively autonomous and utilised a variety of agreements to meet their goals. Over time, it appears that senatorial involvement increased and an insistence upon unilateral *deditio* agreements developed.

DIFFICULTIES AND METHODOLOGY

Terminology and Source Issues

Roman sources are scant for periods of Republican history and provide imprecise information about Roman military diplomacy in the West. The difficulty in understanding Republican Roman policy is establishing a factual narrative of events, decisions, and agreements made. In most instances, we have to rely on imperial Greek

sources. Even Roman sources tend to use various words to describe their actions and policy. Perhaps, this reflects the reactionary and imprecise nature of military diplomacy. Moreover, the terms of these agreements are rarely mentioned. Ancient authors were more concerned with recording what happened, rather the than specific details of why or how these agreement were arranged. For example, when Livy explains Gades' surrender to Rome, he states that Gades surrendered to Rome (*Gaditani Romanis deduntur*: Liv. 28.37).

As a consequence of this, modern understanding of the Roman conquest of Spain relies heavily on Appian's *Iberike*. Livy provides information about some Spanish campaigns, as do Polybius' histories. Anecdotes are also present in the Greek sources of Cassius Dio and Dionysius of Halicarnassus, but Appian provides the only continuous narrative of events. Military archaeological evidence is developing; it is only in the last two decades that in depth archaeology was undertaken in Spain.[92] As such, for the purposes of this study archaeological investigations come second to the literary description of Roman action. It is through literary records that we discover whether the perception of Roman action conformed to their diplomatic and military ideology.

There is some question about Appian's value as a historian. The *Iberike* recorded events that occurred some 300 years beforehand, and Appian's sources are for the most part unnamed. The only explicit reference to a historian is Rutilius Rufus (*Ib.* 88).[93] The prevailing view claims that Appian was unable to recognise the biases in his sources.[94] Thus, many dismiss his historical value. He does present biased viewpoints. However, there is no reason to believe these biases are not his own or to dismiss his comments as uncritical reproductions of earlier historians. Appian presents the *provinciae* as he

[92] Quesada Sanz (2006) 65.
[93] Richardson (2000) 4.
[94] Gowing (1992) provides a valuable assessment of Appian's work.

understood them in the Principate. Hence, Appian presents the Spanish as rebelling against Roman rule. He implies Rome already controlled Iberia when military action occurred between Roman and Iberian forces.[95] This was not always the case. Appian's work is flawed, as are all ancient works. However, the *Iberike* provides us with a cohesive narrative of Spanish affairs. This investigation will treat him as a valuable source.

The major problem with investigating the reality of Rome's ideology of *fides* is terminology. There is no specific Latin term for diplomacy. Sources describe diplomatic interaction as if they were any other discussion. *Concilium* or *colloquium* signify meetings and negotiations.[96] Both words mean little more than a discussion; they are not technical diplomatic terms.[97] The implication is that Roman culture did not differentiate between the ideas of international political discussion and domestic discussion. Alternatively, that it did not have a developed sense of 'diplomatic policy'. As we shall see, this coincides with the lack of a developed strategic plan or policy in the conquest of the Iberian Peninsula. The closest word the Latin language has to an ambassador or an envoy is *legatus*, which can also signify a military lieutenant.[98] Evidently, Rome's attitude to international relations differs from that of the modern world. Modernity judges its decisions on how the rest of the world will react to and interpret them. Rome appears to have judged and made decisions for itself. In

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[95] Richardson (2000) 7.

[96] *Concilium* – For example Caes. *B.G.* 1.18; 1.30; 6.4; 7.14; Liv. 4.23; 8.27; Tac. *Ann.* 15.22; *Hist.* 4.64 .
Colloquium – For example Caes. *B.C.* 1.84; 3.16; *B.G.* 5.26; 8.23; Liv. 1.23; 28.18; Sal. *Iug.* 112.

[97] *Concilium* – *OLD* (1982) 387; *Colloquium* - *OLD* (1982) 353.

[98] *Legatus* as defined by the Oxford Latin Dictionary represents an ambassador or representative, a deputy or lieutenant or a governor of an imperial province (1982) 1013.
Legati as military lieutenants – e.g. Caes. *B.G.* 2.9; 5.35; Cic. *Mur.* 20; Liv. 23.24; Sal. *Iug.* 46.
Legati as ambassadors – e.g. *CIL* 1.583.63; Caes. *B.G.* 2.64; Cic. *Phil.* 8.8; Plaut. *Mil.* 102-103; *Tru.* 91-93; Tac. *Hist.* 3.80.
In some cases, it appears that lieutenants served in the role of ambassadors in war. For instance, as a lieutenant (*legatus)* in Caesar's Gallic war, Gaius Fabius accepted the allegiance of many peoples (8.27).

concordance with this egocentric worldview, there was a lack of true consideration for the ramifications of decisions and actions on foreigners. While modern conceptions of diplomacy may be placed upon ancient practices, Rome did not view their actions in such a formalised manner. [99]

To complicate this issue further, our extant sources relate diplomatic agreements in non-specific terms. Our reliance on Greek sources enhances this problem; they do not necessarily understand or accurately reflect the nuances of Roman political terminology. Appian **typically** uses the word συνθήκη to refer to a *foedus*, ἐγχειρίζω or ἐπιτρέπω for *deditio* capitulations, συμμάχια and μετατίθημι to record alliances and defections. At other times, his words are less specific. For example when talking of the alliance between Scipio and Indibilis, he claims they came to an agreement (καὶ ὁ Σκιπίων αὐτὸν χρήμασι ζημιώσας συνηλλάσσετο: *Ib.* 37). Polybius is equally as vague. Most agreements are deemed συμμάχια. Sometimes, both Appian and he modify the phrase with the inclusions of καὶ φιλία.[100] Neither source is particularly specific.

The annalistic style of many Roman sources does not give a clearer picture. Annalists ignore the specifics of agreements in favour of extolling the exploits of commanders. Moreover, as we shall see, Roman sources use terms for agreements interchangeably, and with little specificity; there is a lack of consistency between sources as to the nature of agreements. One source may deem an agreement a *foedus*, while another will call it a *deditio*. At other times, vague terms such as *societas* are used. This lack of consistency exists between Roman sources themselves and between Roman and Greek sources. The vague record presents a problem as it becomes difficult

[99] As we will see this is especially evident in the Iberian Peninsula.
[100] For example Plb. 4.29; 4.84; 3.97; 21.20; App. *Mith.* 15, 56; *Syr*. 45.

to judge whether an action broke an agreement or not. As we do not know the terms of agreements, we must rely on the spirit of *fides* and the contemporary reactions to specific commander's actions to judge their fidelity or duplicity.

Diplomatic Agreements

This vague terminology has given rise to debates about the diplomatic methods of Rome, and the specific events that resulted in each type of arrangement. Our extant sources only give an indication of mid-Republican Roman international affairs. It can be assumed that various techniques and methods of control were utilised at points in the gradual expansion. Truces and arrangements, akin to 'gentlemen's agreements', ensured that the Roman army had no specific problem with peoples at different times during their expeditions. However, our information about these methods is scant. These methods may not have been legal or diplomatic contracts but rather *ad hoc* compromises made by Roman commanders to secure their own endeavours. How binding such agreements were is ambiguous.[101] However, *fides* ideally placed some expectation on any agreement.

The two prevalent formal Republican diplomatic agreements were *foedera* and *deditiones.* As these two agreements appear to be the most formalised and patterned, they will be the focus of this study. To understand Roman action, it is necessary to have an understanding of these arrangements.

[101] Eckstein (1987) 215.

Foedera

A *foedus* was a bilateral treaty. Two or more parties agreed to certain conditions for mutual benefit. It was a pact concluded between two parties, bound by *fides.*[102] Roman practice of entering into *foedera* with foreign parties was ancient. Arguably, it had existed for as long as Roman ideas of international relations had. Our physical records of *foedera* are primarily between Rome and the East. However, written record does suggest their use in the West. These agreements came with a variety of obligations and expectations. Problematically, the terms of these agreements are rarely recorded except as generalities.[103]

Due to a lack of ancient source material information, it is difficult to know how flexible the conditions of *foedera* were, and variance of the obligations imposed. Livy claims that while the terms of treaties differed, they were made by the same method. He explicitly states that a *foedus* does not have any degree of set terms (*foedera alia aliis legibus, ceterum eodem modo omnia fiunt*: Liv. 1.24).[104] The arrangement was flexible. It is possible that term *foedus* is retrojected onto arrangements. However, Livy appears to believe that no specific circumstance resulted in a *foedus*. Livy's description of treaties reinforces their circumstantial nature.[105] In 193, an embassy from Antiochus

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[102] Hellegouarc'h (1972) 39. See also Ennius *Ann.* 32; Cat. 87.3; Varro *L.L.* 5.86; Liv. 1.28.
[103] Gruen (1984) 14.
[104] As discussed in chapter I, he then goes on to describe the fetial priesthood.
[105] The various circumstances that led to *foedera* provides further support for this argument. For example, Romulus created a *foedus* with the Sabines in response to the abduction of their women (Liv. 1.13). The Vestinians asked for friendship. They were granted a *foedus* (Liv. 10.3). Valerius Maximus defeated the Marsi in battle. After the surrender of some land, their previous *foedus* was restored (Liv. 10.3). Viriathus gained a *foedus* with Rome after defeating the Romans in battle. He gained control of his land and Roman friendship (App. Ib. 69). Antiochus sent Menippus to negotiate a treaty of friendship, when neither party had drawn blade against the other (Liv. 34.57).
The terms imposed in these treaties differs too. An inscription of a Roman treaty with Lesbian Mytilene reveals a mutual defence agreement: *RDGE* 26 column d. These mutual defence agreements appear quite commonly in inscriptions of Roman treaties in the east. In a treaty with Rhodes, the two parties agreed to share the same friends and enemies (Cic. *Ad Fam.* 12.15).

came to Rome seeking an alliance. The two nations had yet to engage in any kind of hostile activity. Menippus, the leader of the embassy, discusses the nature of treaties, as he understood them. He had come to ask for Rome to make a treaty of alliance. He claims that treaties could be formed in three circumstances, either through defeat in war, through conflict with no clear superior, or when a mutual alliance was formed.[106] This understanding of *foedera* is from the mouth of a foreigner. It may not be an accurate reflection of the Roman interpretation of *foedera*, but it does support the idea of contingent, flexible arrangements.

> …esse autem tria genera foederum, quibus inter se paciscerentur amicitias civitates regesque: unum, cum bello victis dicerentur leges ; ubi enim omnia ei, qui armis plus posset, dedita essent, quae ex iis habere victos, quibus multari eos velit, ipsius ius atque arbitrium esse ; alterum, cum pares bello aequo foedere in pacem atque amicitiam venirent ; tunc enim repeti reddique per conventionem res et, si quarum turbata bello possessio sit, eas aut ex formula iuris antiqui aut ex partis utriusque commodo componi ; tertium esse genus, cum qui numquam hostes fuerint, ad amicitiam sociali foedere inter se iungendam coeant ; eos neque dicere nec accipere

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Viriathus, was deemed a friend of the Roman people and retained possession over his land (Οὐρίαθον εἶναι Ῥωμαίων φίλον καὶ τοὺς ὑπ᾽ αὐτῷ πάντας ἧς ἔχουσι γῆς ἄρχειν :App. *Ib.* 69). Romulus and the Albans made an agreement that whichever side won a duel, would rule (*priusquam dimicarent foedus ictum inter Romanos et Albanos est his legibus ut cuiusque populi cives eo certamine vicissent, is alteri populo cum bona pace imperitaret*: Liv. 1.24). Gracchus' treaty with the Belli and Titthi demanded the tribes provide tribute and furnish a contingent for the Roman army. It also apparently forbade them from building new cities and settlements (App. *Ib.* 44). The treaty between Rome and Kibyra in the second century includes that either party is free to augment or change the treaty. (καὶ ἐάν τι πρὸς ταύτας τὰς συνθήκας ὁ δῆμος ὁ Ῥωμαίων καὶ ὁ δῆμος ὁ Κιβυρατῶν κοινῇ βουλῇ προσθεῖναι ἢ ἐξελεῖν βούλωνται, κοινῇ βουλῇ δημοσίαι ἑκατέρων θελόντων ἐξέστω: *OGIS* 762).

[106] *Genus* can mean a type or a kind of something, but equally so it can mean a method, or a way of something coming about. *OLD* (1982) 760-761.

> leges ; id enim victoris et victi esse ex eo genere cum Antiochus esset, mirari se quod Romani aequum censeant leges ei dicere, quas Asiae urbium liberas et immunis, quas stipendiarias esse velint, quas intrare praesidia regia regemque vetent cum Philippo enim hoste pacem non cum Antiocho amico societatis foedus ita sanciendum esse.
>
> (Liv. 34.57).[107]

Menippus came to Rome seeking to gain a treaty of alliance. Rome responded by demanding Antiochus agree to certain conditions. To gain an alliance, Antiochus was to abandon Europe completely, or allow Romans into Asia (*unam, si nos nihil quod ad urbes Asiae attinet curare velit, ut et ipse omni Europa abstineat; alteram, si se ille Asiae finibus non contineat et in Europam transcendat, ut et Romanis ius sit Asiae civitatium amicitias et tueri quas habeant et novas complecti*: Liv. 34.58). Livy differentiates the circumstances depending on the power relationship between the parties. Hence, the embassy reacts to Rome's demands. Rome had not proven to be superior, and yet sought to demand superior conditions (*quid igitur simile esse ex ea possessione, ita parta, ita recuperata, deduci Antiochum, et Romanos abstinere Asia, quae numquam eorum fuerit? Amicitiam expetere Romanorum Antiochum, sed quae impetrata gloriae sibi non pudori sit*: Liv. 34.58). The incident reveals the flexibility of diplomatic arrangements, as well as Rome's superior attitude. Regardless of the

[107] Advocates of the differentiation between *foedus aequum* and *foedus iniquum* also use this passage. However, the treaties are classified based on the circumstances in which they are made, rather than what they include. A treaty made after someone is conquered, after two parties reach an agreement, or after one side asks for treaty of alliance. *Foedus aequum* or *iniquum* could relate to any of the three kinds of treaty discussed here. All could feasibly be on 'equal' terms or acknowledge the superiority of one party. There is no blatant referral to one treaty containing terms of superiority and another not. Realistically, treaty negotiations and conditions are always subject to change depending on conditions. See Baronowski (1990) 359.

condition that led to the arrangement, the Senate still tries to enforce Roman dominion. There is no indication in the passage that each circumstance led to a different kind of diplomatic agreement. Livy deems them all *foedera.* Indeed, Briscoe correctly asserts that the distinction is not between types of treaty but between the circumstances leading up to an agreement. The three different conditions, either utter defeat, a stalemate, or the absence of hostility, could result in the same diplomatic agreement.[108] This implies there was no strict policy that required one type of agreement or another, indicating that the term 'Roman diplomacy' may be something of a misnomer and agreements were reached on an *ad hoc* basis.

Due to the imprecise nature of our sources, modern scholars have attempted to divide *foedera* into two categories: *foedus aequum* and *foedus iniquum.* Scholars assert that the term '*foedus aequum*' signifies a treaty made with equal rights and favourable terms to each signatory. The term '*foedus iniquum*' remains a bilateral agreement but gives more power to one party; the secondary party is bound to aid Rome even when it personally has no interest in the endeavour.[109] In recorded sources, the term *foedus aequum* is common enough. However, it is unlikely to be a technical term. The term *iniquum* in relation to a treaty occurs once in written record, and never in extant inscriptions.[110] The context gives the phrase no technical meaning. When Livy uses the term, he is referring to the Aetolians and their attempt to convince Chalcis to receive

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[108] Briscoe (1981) 138-139.

[109] See Sherwin-White (1939) 112-115; Badian (1958) 25-27.

[110] Although the term "*non aequum foedus*" is used in the *Aeneid* once: Vir. *Aen.* 4.520. Livy also refers to a treaty between the Apulian Teates and Rome as one that was not *aequo …foedere* but that placed them *in dicione populi Romani essent* at 9.20.8. However, the year before, the same people had submitted to Rome via *deditio.* That very act negates the creation of an 'equal' treaty as the Apulians had already given up their every right to Rome, as shall be discussed. See 9.20.4. Additionally, Sherwin-White and Badian's view that the *maiestas clause* was necessary in *foedus iniquum* is not represented in this incident.
Inscriptions do not state whether a treaty was deemed *aequum* or *iniquum*. They do tend to include the provision that either party may adapt the contract with mutual consent, however. See Sherk (1984).

Antiochus as a friend. Micythio, a chief of the Chalcidenses, replied that he did not know of any state that suffered by Roman intervention, either through the placement of a garrison, the forcible extraction of tribute, or by being bound by an unequal treaty (*nullam enim civitatem se in Graecia nosse quae aut praesidium habeat, aut stipendium Romanis pendat, aut foedere iniquo adligata quas nolit leges patiatur*: Liv. 35.46). This does not state that the treaty Chalcis shared with Rome was *iniquum*. It refers to a hypothetical situation.

The notion of *foedus iniquum* has developed through the disparity of treatment given to *foederati*. Sometimes *foedera* are modified by adjectives in our sources, at other times not. On occasion, the discussion of a *foedus* included provisions and conditions. However, in literary evidence '*foedus'* without modifications or discussion about conditions and requirements is far more common. Due to the lack of ancient evidence, the fluidity of terminology, and the circumstantial nature of diplomacy, it seems unlikely there was a specific differentiation in *foedera*. [111] The existence of this dichotomy is not overly relevant to this discussion, as ideologically the moral ideals of *fides* should ensure honourable behaviour and a mutual respect for agreements whether they favoured one party or not.

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[111] In the case for dichotomy, scholars claim that the inclusion of the '*maiestas* clause' and the extraction of a promise to assist Rome and share her allies and enemies mark a *foedus iniquum*. Their inclusion means the signatories are not of equal power. Badian deems it a late diplomatic development, first used in the Aetolian league in 189 BCE. This argument is usually debated as part of a larger argument based on which type of treaty dominated the arrangement between Rome and her *socii*. *Foedus Iniquum* predominates in Toynbee (1967) I:261-263; Harris (1971) 101-107; Sherwin-White (1973) 119-125. *Foedus aequum* in Badian (1958) 25-28; Dahlheim (1968) 119-121.
The argument that claims that there is no difference relies on ancient evidence. No extant ancient source differentiates between the agreements. There is feasibly no reason for the difference as the formation and conditions of *foedera* were contingent upon circumstance. The main adherent of this argument is Gruen. He argues that distinction is a modern creation. The term *foedus aequum* is of little significance even when it is used, potentially meaning nothing more than a treaty made under fair circumstances (cf. Liv. 8.4; 23.5; 28.45).
To examine this debate in detail see for example Sherwin-White (1938); Badian (1958); Gruen (1984); Baronowski (1990); Rich (2008).

Deditio

The superior attitude that Livy implies is reinforced by the existence of *deditio* agreements. *Deditio* agreements were unilaterally in favour of Rome.[112] They signified a complete surrender into Roman power. These agreements appear more commonly in Roman interaction with 'barbarian' peoples. It is possible that there was a preference for these agreements because the Romans viewed themselves as culturally superior to these states. This would explain the Senate's eventual insistence upon them in the Iberian conquest, despite Rome's questionable martial dominion, as we shall see in the following chapter. The belief in Rome's natural superiority and the preference for these unilateral arrangements contributed to *fides'* failure as a binding factor in Roman diplomacy.

According to Livy, it was traditional practice that without a treaty or friendly relations with a foreign state, there would be no peace until certain conditions were met. The surrendering people had to relinquish their property, their arms, and hostages and suffer garrisons placed upon them (*mos vetustus erat Romanis, cum quo nec foedere nec aequis legibus iungeretur amicitia, non prius imperio in eum tamquam pacatum uti, quam omnia divina humanaque dedidisset, obsides accepti, arma adempta, praesidia urbibus imposita forent*: Liv. 28.34.7). This is taken to be a description of a *deditio* agreement. The secondary party had no choice but to hand all their physical and metaphysical possessions with no guarantee but the hope of *fides* for their continued existence and peace. It supports Livy's earlier description when in the reign of Tarquinius the people of Collatia surrendered to Rome using this formula for the first time:

[112] In Greek sources, use of the verb "ἐπιτρέπω" is usually taken to be the equivalent of a *deditio* agreement.

Collatia et quidquid citra Collatiam agri erat Sabinis ademptum; Egerius – fratris hic filius erat regis – Collatiae in praesidio relictus deditosque Collatinos ita acipio eamque deditionis formulam esse: rex interrogavit 'Estisne vos legati oratoresque missi a populo Collatino ut vos populumque Collatinum dederetis?' – 'Sumus' – 'Estne populus Collatinus in sua potestate ?' – 'Est.' – 'Deditisne vos populumque Collatinum, urbem, agros, aquam, terminos, delubra, utensilia, divina humanaque omnia, in meam populique Romani dicionem ?' – 'Dedimus.' – 'At ego recipio.' Bello Sabino perfecto Tarquinius triumphans Romam redit.

Collatia, and what land the Sabines had on the other side of Collatia, was taken from them, and Egerius, the son of the king's brother, was left in the town with a garrison. The surrender of the Collatini took place, I understand, in accordance with this formula: the king asked, "Are you the legates and spokesmen sent by the People of Collatia to surrender yourselves and the People of Collatia?" "We are." "Is the People of Collatia its own master?" "It is." "Do you surrender yourselves and the People of Collatia, city, lands, water, boundary marks, shrines, utensils, all things, divine and human, into my power and that of the Roman People?" "We do." "I accept." Upon the conclusion of the Sabine war, Tarquinius returned to Rome and triumphed.

(Liv. 1.38.1-4).

The formula may not be as archaic as Livy claims. However, the procedure was common enough that Plautus uses it as a device when the Teloboians surrendered themselves to the Thebans. They came, with covered hands and surrendered their earthly and divine possessions, their land, and people into the power of their conquerors (*postridie in castra ex urbe ad nos veniunt flentes principes/ velatis manibus orant ignoscamus peccatum suom/ deduntque se, divina humanaque omnia, urbem et liberos/ in dicionem atque in arbitratum cuncti Thebano poplo …*: *Amph.* 256-259). The use of ritualistic phrases in comedy implies a common understanding of the procedure during the mid-Republic. The oldest physical record of a *deditio* agreement is the Alcántara tablet. The bronze tablet, intact along the left, lower, and top edges, was discovered in an excavation near Alcántara, in the province of Caceres in western Spain. R. López Melero *et al* were the first to publish the discovery and an interpretation of the tablet in 1984.[113] This tablet records the *deditio* of an unknown Spanish tribe to Lucius Caesius in the consulship of Marius and Flavius, approximately 104. This tablet explicitly reinforces Livy's ritual. Polybius' version of Carthage's surrender and his claim that those who surrender to Rome remain the lords of nothing at all reinforces the ritual further. Everything passes into Roman control (Plb. 36.4).

1. C. Mario *vac* C. Flavio *vac* [*cos*
2. L. Caesio C. *f.* imperatore populus SEANOC[…*se*
3. dedit. L. Caesius C. f. imperator postquam[*eos in deditionem;* or *deditionem;* or *eos in fidem*
4. Accepit ad consilium retolit quid eis im[*perandum* or *imperare*

[113] R. López Melero, J. L. Sánchez Abal, and S. García Jiménez (1984). See also *AE* (1984) 495; (2006) 624.

5. Censerent. De consili sententia imperav[*it ut omnes*

6. Captivos, equos, equas quas cepisent [*traderent. Haec*

7. Omnia dederunt. Deinde eos L. Caesius C.[*f. imperator liberos*

8. Esse iussit. Agros et aedificia leges cete[*ra omnes*

9. Quae sua fuissent pridie quam se dedid[*erunt quae tum*

10. Extarent eis redidit dum populus[*senatusque*

11. Roomanus vellet ; deque ea re eos[*qui aderunt*

12. Eire iussit *vac* legatos Cren[*us(?)/ o(?) …f.*

13. Arco Cantoni f. *vac* legates [*actum in castris (?)*[114]

In the consulship of C. Marius and C. Flavius, the people of SEANO… surrendered themselves to L. Caesius, son of Gaius, imperator. L. Caesius, son of Gaius, imperator after he accepted their surrender, referred to his council about what demands they judged appropriate. The opinion of the council ordered that all captives, horses, and mares, which they had seized, be surrendered. All these things they gave back. Then L. Caesius, son of Gaius, imperator declared them to be free. Fields and buildings, laws and all things which had been theirs on the day before [and] which still remained at that time, he returned provided that the Senate and the people of Rome were willing. Concerning this thing, he ordered those who were present to go

[114] For this reconstruction see Richardson (1986) 199.

away. Crenus, son of and Arco, son of Cantonus were ambassadors.

These sources indicate that a *deditio* agreement was an abject surrender to Rome. It was a confession of defeat and a broken spirit.[115] Entering into the agreement expressed recognition of the total omnipotence of the conquering force.[116] The Roman state controlled every aspect of the vanquished people, including their legal identity. *Deditio* agreements did not exclude other agreements from taking place.[117] They were an admission of Roman superiority, not bilateral legalistic agreements. The agreement and subsequent treatment of the *dediticii* relied on *fides* alone.[118]

People could choose to submit to Rome at any time.[119] The agreements were not solely the result of conflict, although most were. To enter into a *deditio*, previous defeat did not matter.[120] However, the agreements had to be reached before a specific battle.[121] Otherwise, entrance into Roman *fides* was not out of freewill. If a people chose to surrender into Roman hands before specific conflict, they held the power to choose their own fate, and chose to accept Roman dominion.[122] Thus, they acknowledge Roman superiority. As Flaminius explains to the Aetolians, if someone chose to fight, Rome

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[115] Barton (2006) 249.
[116] Cadiou (2003) 88.
[117] Badian (1958) 159, Plancherel-Bongard (1998) 290.
[118] Ogilvie (1965) 153.
[119] The idea of surrendering into the power of another was not a particularly Roman concept. Weaker states often surrendered into the power of another in exchange for protection. For instance, Herodotus tells of states surrendering into the power of another 4.159.4; 6.108.1. The Plataeans surrendered to Sparta in 427 and were betrayed (Thuc. 3.59). Carthaginians also appear to be familiar with the concept (Diod. 13.43; Plb. 3.52; 3.60); as were the Gauls (Plb. 3.52). Although in part, this appearance could be the result of Roman and Greek sources explaining behaviour in their own terms.
[120] Knapp (1975) 43.
[121] Auliard (2006b) 139.
[122] The idea that all the conditions stated by Livy at 28.34 are required for a *deditio* agreement is not supported by extant evidence of *deditio* agreements taking place. Rather ultimate idea behind the agreement was the recognition of Rome's utter superiority.

was free to act toward the nation as she wished. (Θηβαίους γὰρ ἐγγίσαντος αὐτοῦ μετὰ τῆς δυνάμεως καὶ παρακαλοῦντος σφᾶς εἰς τὴν Ῥωμαίων πίστιν οὐ βουληθῆναι· διὸ νῦν, κατὰ πόλεμον ὑποχειρίων ὄντων, ἔχειν ἐξουσίαν ἔφη βουλεύεσθαι περὶ αὐτῶν ὡς ἂν προαιρῆται: Plb. 18.38). By doing so, commanders and the Senate could claim benevolence but still manipulate the tribes in admitting Roman dominance.

These capitulations were made to the individual commander.[123] He could choose to accept it or not.[124] The commander dictated the conditions after the surrender.[125] To some extent, it was a leap of faith by the non-Roman party. They surrendered with the hope of clemency. But it was the commander's responsibility to choose what terms to impose in exchange for peace. He determined their legal status, their continued possession of property, and even their right to their gods.[126] The *deditícii* could not call themselves Gauls or Spaniards unless the commander returned that right to them. After a *deditio*, the surrendering party was **entirely** at the mercy of Roman decisions.[127] The agreements allowed commanders to make shows of their generosity.[128] In some cases, it appears that commanders made promises prior to the surrender of a tribe.[129] They then

[123] Auliard (2006b) 139. Arguably, this led to misunderstandings. Tribal cultures may have misinterpreted the act, believing they surrendered to the individual rather than the state of Rome.
[124] Auliard (2006a) 245.
[125] Auliard (2005) 270.
[126] Richardson (1986) 142.
[127] Badian insists this relationship, *in fidem* or not was only valid until Rome made a decision as to how to treat the surrendered party (1958) 156-157. That is until Rome set them free or instituted a treaty for example. This belief ignores the connection between Rome and her *deditícii*. Both Rome and her *deditícii* could and did appeal to their relationship later. Their freedom was an illusion. It existed to free Rome from her obligation to govern a conquered territory.
[128] Auliard (2006a) 251.
[129] Such an act should technically not have taken place. But both the potential glory for ending a war with an acknowledgement of Roman power, and the potential to stop one's successor from gaining glory influenced the decisions of commanders. This combined with the lack of communication meant that the likelihood the Senate would discover the ruse was slim. The act does not change the power *fides* held in the agreement. The commander's sense of *fides* was the

surrendered with the expectation that these conditions would be those imposed. Tantalus for instance, surrendered to Caepio on the condition that his men be treated as Roman subjects (App. *Ib.* 75). This technically should not have happened as it defies the absolute authority of Rome. It is no longer a leap of faith that relies on Roman *fides.* But as we shall see in some instances terms are decided prior to capitulations because of an individual commander's pursuit of *gloria*.

What bound the agreement was *fides*. The honour of *fides* ensured the agreement was not manipulated. Roman power was supreme; they could do whatsoever they wished, albeit ideally within *fides*' bounds.[130] The nature of the agreement dictates that it cannot be purely legalistic. Once surrendered, the people involved have no legal status. Thus, the nature of the agreement implies there was an expectation that *fides* would be taken into account in the setting of terms. *Fides* implies a hope of clemency, though there was no guarantee.[131] From the time a town surrendered utterly into Roman hands until the terms were set, nothing beyond ethics forced Rome to treat them well or impose favourable terms in exchange for peace. These arrangements only guaranteed peace. *Fides* was an extra-legal understanding between the commander and the surrendered party. Capitulation via *deditio* expressed an acknowledgement of the omnipotence of the conqueror. The terms, like those of *foedera*, relied on the individual commander and the particular conditions.

Despite Livy's claim that *deditio* required the relinquishment of property, arms, and hostages and the establishment of garrisons, he follows his explanation with Scipio choosing to dismiss the conditions (Liv. 28.34). The acknowledgment of Roman control

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only binding factor regardless of whether he promised certain conditions before or after the capitulation.

[130] Auliard (2006) 31-34.

[131] Ferrary (1988) 72-80.

appears to have been the only necessary condition for *deditiones*.[132] The fluidity of the concept explains the various levels of submission that fell under *deditio* agreements.[133] For instance The Illergetes' second *deditio*, made after a rebellion, enforced stricter controls and a garrison (τά τε ἔθνη τὰ συναράμενα αὐτῷ χρήμασιν ἐζημίωσαν καὶ τὰ ὅπλα αὐτῶν παρείλοντο καὶ ὅμηρα ᾔτησαν καὶ φρουρὰς δυνατωρέρας αὐτοῖς ἐπέστησαν: App. *Ib.* 38; *CIL* II 5041). In the Tabula Alcantarensis, the people were set free to do as they willed (*Deinde eos L. Caesius C.*[*f. imperator liberos*] *esse iussit*).[134] In a letter sent to Heraclea Latmus, the people are granted the freedom to govern their affairs, yet Lucius Orbius is sent to 'care' for them (*RDGE* 35). The Corcyrians surrendered themselves into the protection of Rome. They were received as *amici* (Plb. 2.11). Capua was stripped of its right to autonomous political institutions (Liv. 26.16). The conditions of any *deditio* were a matter of judgment and circumstance. They vary. Individual commanders chose how to treat the people depending on the particulars of time and place.

Like *foedera*, *deditiones* are subject to debate due to the imprecise and varying terminology in extant sources.[135] Many agreements are only recorded in Greek sources, who had a questionable understanding of technical Roman diplomatic terminology. Scholars debate whether *deditio in fidem* was fundamentally different to *deditio*, *deditio*

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[132] Some scholars do suggest that the different methods of entering into a *deditio* agreement ensured different terms. For instance, Le Roux claims that a surrender prior to battle was *in dicionem*, whilst a complete, conditionless surrender after defeat was *in fidem* (2010) 52.

[133] Auliard (2006) 251.

[134] See above.

[135] In some instances, *fidem* and *dicionem* are used simultaneously: *ut venire in Peloponnesum ad urbem Lacedaemonem in fidem dicionemque populi Romani accipiendam* (Liv. 38.31). Modern interpretations place strict importance upon what ancient sources appear to have used interchangeably. Sources lack a strict terminology. The phrase *deditio in fidem* is used (Liv. 8.2; *Per* 49; Val. Max. 6.5.1b); as is *deditionem accipere* (Sall. *B.I.* 29.5; *Hist.* 3 fr58); and *deditionem facere* (Sall. *B.I.* 26.2; 46.1). Most common in Livy appears to be: *deditionem venire* (Liv. 2.30; 4.61; 8.2; 23.27; 37.2 *Per* 49; 126). There are also terms that imply capitulation via *deditio* such as *venire in fidem* (Liv. 7.19), *fidem facere* ([Caes] *B. Alex* 64.5; *B.G.* 4.11), or *tradere fidem* (Liv. 34.35; 37.45). *Deditio* is also used as a phrase by itself (*dediderunt sese, nihil quidem illi pacti*: Liv. 42.8). Furthermore, there are circumstances were a *deditio* is assumed due to the conditions and manner of the capitulation, without reference to the phrase (*cf.* App. *Ib.* 38).

in dicionem or *deditio in potestatem*, and whether the term *fides* meant anything in particular in this context. The debate attempts to find differences in the manner people were treated before and after such agreements, and during negotiations.[136] However, our sources appear to have used terms interchangeably and conditions are rarely recorded, as Ogilvie correctly noticed.[137] Regardless of terminology, the secondary party was capitulating to Rome. They gave away their very social and legal identity. In doing so, they acknowledged Roman superiority. Terminology does not change the unilateral nature of such capitulations. The only true differentiation between *deditiones* and *foedera* is their bilateral or unilateral nature. Both rely on *fides* to be kept, although *foedera* offered some legal avenues to which to appeal.

Legalistic Loopholes in Military Diplomacy

The existence of the *dum senatus populusque Romanus vellet* clause further complicates our understanding of Roman diplomacy. It is normally interpreted as 'while the Senate and the people of Rome wish'.[138] This clause may have been attached to Roman treaties and agreements during the Republic. If it were included, it would allow the Senate a *legal* rationale to invalidate or breach treaties, truces, and agreements made

[136] For the varying views on this topic, see especially Täubler (1913) 61-98; Heinze (1928); Piganiol (1950) 339-347; Dahlheim (1968) 5-109 esp. 48-52; Gruen (1982) 50-68; Rosenstein (2007a) 226-228. Gruen provides a list of the various beliefs and the scholars who champion each thought. This debate utilises the story of the Aetolians and Glabrio and the different versions presented by Polybius (20.9-10) and Livy (36.38). Neither source provides a full description of events. Polybius' version emphasises the people's disgust at the harsh anti-Greek Roman terms (Plb. 20.10.6-7); Livy stresses the difference in traditional Roman and Greek policy (Liv. 36.28.4-5)

[137] Ogilvie seemingly correctly claims the terms are substitutable. Plautus supports this interpretation. When the Thebans surrender, they do so with covered hands (*velatis manibus*). This coincides with the rites of the Goddess *Fides*. They surrender *in dicionem* (Plaut. *Amph.* 258-259). If *in dicionem* and *in fidem* were distinct, the appeal to *fides* serves no purpose. *Deditio* signifies the superiority of Rome. The surrender was unconditional. See Ogilvie (1965) 153-154; Gruen (1982) 53; Ferrary (1988) 77; Auliard (2006) 31; Le Roux (2010) 52.

[138] Rich (2008) 63 does comment on the possibility that '*dum*' could mean 'provided that' rather than 'while'. In such a case, it could signify that the agreement needed to be ratified by the senate and the people of Rome. Considering the relative freedom Roman commanders were given in terms of creating diplomatic agreements, this seems unlikely.

with foreign powers. It would also feasibly allow Rome to reserve the right to change the conditions of an agreement if circumstances changed. The formula appears on two bronze tablets found in Spain, one inscribed from 189, the other from 104. The decree from Lucius Aemilius Paulus in 189 states that the slaves of Hastensium, living in a Lascutanian citadel, are to be free and that they should possess the land and towns they possessed at the time, for as long as the Senate and the people of Rome wished. [139]

> L. Amilius L. f. inpeirator decreivit | utei quei
> Hastensium servei | in Turri Lascutana habitarent |
> Leiberei essent. Agrum oppidumqu(e) | quod ea
> Tempestate posedisent, | item possidere habereque |
> Iousit, dum populus senatusque | Romanus vellet. In
> Casterus | ad xii K. Febr.

At the time, Rome was attempting to gain alliances in Spain and establish an anti-Carthaginian policy after the Hannibalic War (Liv. 28). In attempts to gain alliances, commanders gave generous terms to treaties and arrangements in order to gain favour.[140] The other tablet is the Alcántara tablet, recording the *deditio* agreement in 104 BCE between an unknown Spanish tribe and Lucius Caesius.[141] The tribe was to maintain their land and possessions as long as Rome desired.

Appian reinforces the idea of the clause's regular inclusion. In 154, the Belli argued they were exempted from providing tribute and provisions for the Roman army. Appian claims however, this complaint was not valid as when making such exceptions, Rome always added that they continue only at the pleasure of the Senate and the people

[139] See Ebel (1991) 439-440. *ILS* 15.
[140] Ebel (1991) 442-444.
[141] See above p. 23. R. López Melero, J. L. Sánchez Abal, and S. García Jiménez (1984).

of Rome (δίδωσι δ' ἡ βουλὴ τὰς τοιάσδε δωρεὰς ἀεὶ προστιθεῖσα κυρίας ἔσεσθαι μέχρι ἂν αὐτῇ καὶ τῷ δήμῳ δοκῇ: *Ib.* 44). His claim reinforces the idea that Rome maintained the ability to modify agreements as particular circumstances changed. In the case of Spain, many agreements were made whilst Rome was preoccupied with Carthage. In the absence of this threat, the conditions and terms given to the Spanish tribes may have differed. This clause would allow Romans to change pre-existent agreements in light of changing circumstances.

Whether Appian is talking about exceptions to treaties or diplomatic agreements in general is unclear. He uses the term συνθήκη. Appian is vague in his diplomatic terminology. However, if he is referring to a *foedus*, whilst the Alcántara tablet refers to a *deditio*, and the Lascutana tablet refers to some other kind of agreement, it inductively supports the idea that Rome placed the condition in many of her agreements with the West.[142]

Foedera from the East argue against the clause's inclusion in all agreements. In place of the clause, many agreements included bilateral defence pacts or the mutual ability to change the terms of the treaty. For instance, the treaty between Rome and Kibyra in the second century states that either party is free to augment or change the treaty (καὶ ἐάν τι πρὸς ταύτας τὰς συνθήκας ὁ δῆμος ὁ Ῥωμαίων καὶ ὁ δῆμος ὁ Κιβυρατῶν κοινῇ βουλῇ προσθεῖναι ἢ ἐξελεῖν βούλωνται, κοινῇ βουλῇ δημοσίαι ἑκατέρων θελόντων ἐξέστω: *OGIS* 762). It is also present in the treaty between Rome

[142] Epigraphic evidence of *foedera* with the East questions this idea. In the treaty between Rome and Kibyra in the second century, the clause is not included. The notion that either party is free to augment or change the treaty is καὶ ἐάν τι πρὸς ταύτας τὰς συνθήκας ὁ δῆμος ὁ Ῥωμαίων καὶ ὁ δῆμος ὁ Κιβυρατῶν κοινῇ βουλῇ προσθεῖναι ἢ ἐξελεῖν βούλωνται, κοινῇ βουλῇ δημοσίαι ἑκατέρων θελόντων ἐξέστω: *OGIS* 762). It also exists in the treaty between Rome and Astypalaia in 105 BCE (ἐὰν δὲ τι πρὸς ταύτας τὰς συνθήκας κοινῇ προσθεῖναι ἢ ἀθελεῖν βούλ[ω]νται ὁ δημος καὶ ἡ βουλή, [ὅσ'] ἂν θελήσει ἐξέστω· ἃ δὲ ἂν προσθῶσιν ἐν ταῖς συνθήκαις ἢ <ἃ> ἂν ἀφέ[λ]ωσιν ἐκ τῶν συνθηκῶν, ἐκτὸς ἔστω ταῦτα <ἐν> ταῖς συνθήκαις γεγραμμένα: *IG* XII 3.173). These agreements grant power to either signatory, they are truly bilateral. There is no loophole that would allow the Senate to avoid their obligation.

and Astypalaia in 105 BCE (ἐὰν δὲ τι πρὸς ταύτας τὰς συνθήκας κοινῇ προσθεῖναι ἢ ἀθελεῖν βούλ[ω]νται ὁ δημος καὶ ἡ βουλή, [ὅσ'] ἂν θελήσει ἐξέστω· ἃ δὲ ἂν προσθῶσιν ἐν ταῖς συνθήκαις ἢ <ἃ> ἂν ἀφέ[λ]ωσιν ἐκ τῶν συνθηκῶν, ἐκτὸς ἔστω ταῦτα <ἐν> ταῖς συνθήκαις γεγραμμένα: *IG* XII 3.173). These agreements grant power to either signatory.

The relative absence of the clause in literary sources can be explained by their style. The inclusion of a clause such as '*dum senatus populusque romanus vellet*' is not relevant to the annalistic style. Few literary sources explicitly set out the details of agreements between nations. The inclusion of this clause would occur at the end of an explanation about a treaty or a *deditio* agreement. Such discussions are ignored in favour of recording the exploits of the commander who made them.[143] If they were recorded in sources, it would be easier to definitively ascertain the difference between the agreements themselves or between the specific versions of the same agreement. But, such specifics are absent.

However, the inclusion of the clause in two different kinds of agreement, a century apart, implies that the clause held a degree of orthodoxy in Spain at least. This may have extended to agreements with other western 'barbarous' cultures. It is possibly indicative of the attitude of cultural superiority. However, even if it were included in all the agreements that were made with the West during the mid-Republican era, it does not free the Senate from her obligations of fidelity. The clause provides an escape from the legal ramifications that came from breaking contracts. In including this clause, commanders ensured that the secondary party could not complain about their treatment by appealing to law.

[143] Ebel (1991) 440.

The clause potentially saved individual commanders and those in power from attacks from their individual **domestic** political enemies. If a commander in the field created an agreement that members of the Senate opposed either for rational, logistical reason, or due to private animosity, the clause would allow the individual commander to repudiate the conditions without legal consequence. As such, on a grander scale the Senate or its officials could manipulate their way out of such agreements by claiming it was no longer pleasing for the Senate to keep them. However, Roman allies could ideally expect treatment based on the perception of Roman *fides*. To break agreements was to destroy the reciprocal bond and to damage the image Rome portrayed. Admittedly, Romans were not bound to obey the rules of *fides* by any power beyond their own conscience and societal code. They held the power in their diplomatic relationships. The inclusion of the '*dum populus senatusque vellet*' clause only strengthens this potential.

IBERIA: 231-177 - WARFARE AND "REBELLIONS"

The process of Roman intervention in Spain took place in distinct phases. The initial phase brought Rome to Spain primarily as a result of Carthaginian interaction. The first sign of active interest was a Roman embassy sent to Hamilcar Barca in 231. Dio explicitly states Rome had no interest in Spanish affairs at this time (καίπερ μηδὲν μηδέπω τῶν᾽Ιβηρικῶν σφισι προσηκόντων: Dio. fr. 48). Polybius claims Roman interest only began when they reached an agreement with Hasdrubal. This agreement forbade Hasdrubal from crossing the Ebro River (Plb. 2.13).[144] At the time Rome's interactions with locals was more an effort to hinder Carthaginian expansion than to

[144] See Maps I and II.

annex territory or establish diplomatic connections for their own sake.[145] Rome's primary interests were to remove or limit Carthaginian control. The attention paid to the actions and desire of the native tribes was negligible in the face of the greater threat. The second phase occurred as the people of *Hispania*, free from Carthage, made and rebelled against Roman diplomatic agreements, and fought against the increasing Roman presence in their land. The area was divided into two *provinciae,* and subject to active Roman involvement.[146] With the removal of Carthage, the Spanish themselves became the focus of Rome. Thus, warfare and agreements were made for the purposes of Rome's on-going relationship with the peoples of the Iberian Peninsula. The third phase was after 133, when the area was largely 'pacified'.[147] Roman commanders began to use Spain as their arena for individual pursuits. For instance, Sertorius occupied the area to stage his rebellion (App. *Ib.* 101; Sall. *Hist.* 1.104M).[148] Roman conduct during the first and second phases is the focus of this study.

Carthage in Spain: 218-206

It was not until the Hannibalic war broke out that Rome began to truly interfere in Spain. Roman forces were more concerned with ensuring the Spanish did not ally with Carthage than annexing land. That is not to say that these alliances were voluntary. According to Livy and Polybius, Gnaeus Scipio through a combination of force and diplomacy established and renewed numerous alliances north of the Ebro river in 217 (…*orsus a Laeetanis omnem oram usque ad Hiberum flumen partim renovandis societatibus partim novis instituendis Romanae dicionis fecit*: Liv. 21.60). One such alliance was with the Illergetes, allegedly one of the most significant tribes in the

[145] Sumner (1968) 205-246; Errington (1970) 25-57.
[146] Wiseman (1956) 16-25; Le Roux (2010) 19-31.
[147] There were rebellions after this point, but not to the same extent.
[148] MRR 2.77; 2.81; Le Roux (2010) 32-35.

northeast, and a people who would pose on-going problems to Rome (Liv. 21.61).[149] Livy claims that Gnaeus established a reputation for clemency and justice there. It was due to this reputation he was able to make such alliances (*Inde conciliata clementiae fama non ad maritimos modo populos sed in mediterraneis quoque ac montanis ad ferociores iam gentes valuit; nec pax modo apud eos sed societas etiam armorum parta est, validaeque aliquot auxiliorum cohortes ex iis conscriptae sunt*: Liv. 21.60). In Livy's presentation, Gnaeus was a *fidelis* Roman. He established and maintained alliances through his *fides.* It is his reputation for honour and *fides* that guaranteed the ease of alliances, and that the tribes would choose him over the duplicitous Carthaginians. Polybius presents Gnaeus in a slightly different manner. While Gneaus commits no perfidious acts, he is less glorious. For in Spain, Gnaeus gained his alliances through demands. He rewarded those who acquiesced, and punished those who did not (ἀρξάμενος δ' ἐντεῦθεν ἀποβάσεις ἐποιεῖτο καὶ τοὺς μὲν ἀπειθοῦντας ἐπολιόρκει τῶν τὴν παραλίαν κατοικούντων ἕως Ἴβηρος ποταμοῦ, τοὺς δὲ προσδεχομένους ἐφιλανθρώπει, τὴν ἐνδεχομένην ποιούμενος περὶ αὐτῶν προμήθειαν: Plb. 3.76). The specific nature of these agreements is unknown

Gnaeus and his brother later faced the rebellion of these allies, most famously the Illergetes (Liv. 22.21). Nonetheless, Gnaeus acted true to *fides*. He manipulated tribes. But there is no evidence he conducted his affairs treacherously. As Livy presents it, he maintained his word. He threatened, and then followed through with his threats. One could argue he did not do what was right by the Spaniards. However, what is right was always Rome's prerogative to determine. The diplomatic actions of Gnaeus Scipio and

[149] Richardson (2000) 133.

his brother after this are unknown. Both were killed in 211, allegedly due to the treachery of their allies (Plb. 10.6).

There is no obvious involvement of the Senate in these actions. *Fidelis* choices appear to be the prerogative of individual commanders. This coincides with the importance of an individual reputation for *fides* in domestic society. *Fides* was a personal choice that reflected the social morality of an individual, not of a collective. Publius Scipio was given *imperium* in Spain in 218 (*nominatae iam antea consulibus provinciae erant; tum sortiri iussi. Cornelio Hispania, Sempronio Africa cum Sicilia evenit*: Liv. 21.17). *Imperium* was the power held by an official within the bounds of a specific *provincia.*[150] It was the right of command that a magistrate or pro-magistrate held when acting as a representative of the Rome.[151] Inside a *provincia*, a commander's decisions were his prerogative. These officials were subject to advice and influence from outside sources, especially the Senate.[152] However, they held the ultimate power to dictate action within their realm of influence, despite holding *imperium* for a limited time.[153] This power is revealed through Publius Cornelius' actions. He was given the authority to act within *Hispania*. He amended the Senate's orders. Due to the threat of Hannibal, he sent his brother Gnaeus to Spain in his stead (Liv. 21.32). He gave his

[150] Richardson (2008) 8; Richardson (1996) 4. The allocation of an area as a *provincia* did not necessarily relate to physical territory, although many had geographical names. Spain was declared a *provincia* in 218, long prior to the introduction of Roman administration (*nominatae iam antea consulibus provinciae erant; tum sortiri iussi. Cornelio Hispania, Sempronio Africa cum Sicilia evenit*: Liv. 21.17). Livy states that the *provinciae* allocated to two consuls in 213 was to be *bellum cum Hannibale* (Liv. 24.44); it was the job of the consuls to deal with Hannibal.

[151] Richardson (1991) 1. Over time, the meaning of imperium changed to signify the power of the Roman people over others. Richardson (2008) studies the change in meaning of the terms *imperium* and *provinciae*.

[152] There are instances where another official held with imperium *maius* and subsequently had the power to interfere inside another's provincia. However, this was rare. Lintott (1993) 115-117.

[153] Richardson (1991) 3-4.

brother *imperium* to act in his place.[154] Livy and Polybius explicitly state this decision was Scipio's own (*ipse me huic voluntario certamini obtuli*: Liv. 21.40; οὐδέποτε γὰρ ἄν ἀπολιπὼν τὸν στόλον καὶ τὰς ἐν Ἰβηρίᾳ πράξεις, ἐφ' ἃς ἀπεστάλη, δεῦρο μετὰ τοιαύτης ἐλθεῖν σπουδῆς, εἰ μὴ καὶ λίαν ἐκ τῶν κατὰ λόγον ἑώρα τὴν πρᾶξιν ταύτην ἀναγκαίαν μὲν οὖσαν τῇ πατρίδι, …: Plb. 3.64).

Scipio Africanus

Publius Scipio's son, Scipio Africanus received the Spanish command in 210 (Liv. 26.18). The Illergetes having earlier switched to support Carthage, defected again, this time in support of Rome. They cited necessity to justify their previous defection. They claimed that they had never truly supported Carthage, but did so in body out of necessity. Their minds and souls had always supported what was right (*…Itaque corpus dumtaxat suum ad id tempus apud eos fuisse; animum iam pridem ibi esse ubi ius ac fas crederent coli…se id Scipionem orare, ut transitio sibi nec fraudi apud eum nec honori sit*: Liv. 27.17).[155] Scipio, being an honourable man, agreed to their request and did not hold their defection against them. The tale highlights Roman constancy. While the Spaniards have a sense of honour, it is transient. Scipio on the other hand takes their words as truth, and acts with honour. He exchanges his trust for their loyalty. He ratified their loyalty with a *foedus* (*postero die foedere accepta fides dimissique ad copias adducendas*: Liv. 27.17). Arguably, this *foedus* would have allowed the Senate a legal rationale through which to repudiate the Illergetes if they defected once more. However, subsequent actions seem to question the reality of the *foedus*, as we shall see. It seems likely Livy mentions it as a glorification of Scipio.

[154] The only blatant senatorial involvement between 218-211 was the allocation of *provinciae* and the dispatch of provisions. See Richardson (1986) 42-43.
[155] Arguably, a Roman citizen should conform to what was right regardless of circumstance and potential ramification. Thus, the excuse was weak at best.

After reaching this agreement, Scipio marched on and liberated New Carthage. Polybius claims many chieftains saluted Scipio with *proskynesis* after the reclamation (οὗτοι μὲν οὖν ἅμα δακρύοντες καὶ χαίροντες ἐπὶ τῷ παραδόξῳ τῆς σωτηρίας, προσκυνήσαντες τὸν στρατηγὸν διελύθησαν. Plb. 10.17.8) His treatment of the Spanish captives of the city inspired their loyalty (τοῦτον δὲ χειρίσας τὸν τρόπον τὰ κατὰ τοὺς αἰχμαλώτους μεγάλην μὲν εὔνοιαν καὶ πίστιν ἐνειργάσατο τοῖς πολιτικοῖς…: Plb. 10.17.15). Prior to the battle of Baecula, some even addressed him as King. By returning hostages to the Spanish tribes, Scipio regained their loyalty.

> τῶν δ᾽ Ἰβήρων ὅσοι κατὰ τοὺς προειρημένους τόπους Καρχηδονίοις τότε συνεμάχουν, ἦκον ἐγχειρίζοντες σφᾶς αὐτοὺς εἰς τὴν Ῥωμαίων πίστιν, κατὰ δὲ τὰς ἐντεύξεις βασιλέα προσεφώνουν τὸν Πόπλιον. Πρῶτον μὲν οὖν ἐποίησε τοῦτο καὶ προσεκύνησε πρῶτος Ἐδεκών, μετὰ δὲ τοῦτον οἱ περὶ τὸν Ἀνδοβάλην
>
> (Plb. 10.40.2-3).

Scipio, in both these versions of events, is a glorious victor who fights honourably for Rome's cause. And he does so while maintaining his sense of justice. In contrast to this image, Appian claims he viciously avenged previous Roman losses out of spite. He destroyed the town of Ilyrgia. He did this as they had allegedly handed a Roman army to Carthage. Scipio ambushed a city that had committed no wrong against him. Moreover, he slaughtered everyone for the sake of vengeance, including the women and children (καὶ ἡ στρατιὰ δι᾽ αὐτόν, οὐδενὸς ἐπικελεύσαντος, ὑπεριδοῦσα τῆς ἁρπαγῆς ἔκτεινον ὁμαλῶς καὶ παιδία καὶ γυναῖκας…: App. *Ib.* 32). Appian provides no greater justification for Scipio's actions. Contrarily, the town of Castax

originally refused to surrender via *deditio*. But when surrounded by Scipio's army, they changed their minds. He allowed them to and imposed a garrison upon them (App. *Ib.* 32).

According to Livy, Scipio gave the Ilyrgians a chance to submit; they prepared themselves for battle (Liv. 28.19). Thus, they refused Roman clemency. This action is not necessarily perfidious. But it is not overtly honourable behaviour either. If Livy is correct and Scipio gave them a chance to surrender, then Scipio was within his rights to treat them as he wished. However, if Appian is correct, then Scipio's action counters Livy's rules of warfare by attacking a town unprovoked (Liv. 42.47).[156] What is interesting in this circumstance is the different treatment of each town. This change highlights the contingent nature of Roman diplomacy and the power of individual Roman generals to make judgements relevant to specific situations. Logistically, there does not appear to be a reason why Scipio should slaughter one state and not the other. There is no senatorial involvement in our sources. Scipio made the decisions out of personal desires. It is possible Scipio treated the Ilyrgia harshly as they had betrayed his father; family honour and his own *dignitas* necessitated retribution. Such actions imply that the Senate, and the commander, was more interested in the result of struggles than the means by which that result came to be. This raises questions about the realistic importance of *fides* in international affairs.

A short time later, the Roman army mutinied. Indibilis, the leader of the Illergetes took the opportunity to attempt to reclaim land that Scipio controlled. Having lost men, Indibilis asked for peace. Scipio demanded money and came to terms with him (καὶ ὁ Σκιπίων αὐτὸν χρήμασι ζημιώσας συνηλλάσσετο: App. *Ib.* 37). Livy deems this agreement a *deditio* and takes the opportunity to explain arrangement. According to

[156] See Chapter I.

Livy, *deditio* was a unilateral agreement in favour of Rome. It signified a complete surrender into Roman power. It does not appear to have mattered that Scipio had previously made a *foedus* with the same people. However, a change in agreement from a bilateral agreement to an acknowledgement of Roman power may be indicative of a change in attitude, although it may also be indicative of the general laxity in diplomatic policy. Roman commanders had given the Illergetes numerous chances to prove their loyalty. Livy uses this as a further example to reveal Scipio's clemency. He chooses not to impose all these conditions. Rather the Illergetes will be saved by the clemency of himself and the Roman people (*victuros suo atque populi Romani beneficio*: Liv. 28.34).

That Scipio made terms so quickly and benevolently with a tribe that had changed sides at every opportunity implies that Scipio wanted the rebellion to be over. There was no requirement that he treat the Illergetes with clemency. In doing so, he could return to Rome, and gain *gloria* for 'pacifying' the people. He returned home in 206 to celebrate a triumph (App. *Ib.* 38). If he was to be replaced then ending the troubles with the Illergetes and gaining *gloria* could have been powerful motivators. If this were the case, it supports Harris' theory that personal glory was the more influential factor in warfare. Aside from the incident at Ilyrgia, our sources present Scipio as gaining victory and honour through his reputation and valour. Even at Ilyrgia, Scipio allegedly only attacked after he was met with armed resistance. He gained the loyalty of Spaniards because he acted with *fides.*[157]

[157] Subsequent behaviour reveals Spanish tribes did not interpret their alliances as our sources do. It appears Scipio's connection with the Spanish tribes was based on a mutual desire to remove the Carthaginians from the Iberian Peninsula, and the agreements were based on personal loyalty to himself and the Scipionic family.

206-195

After the reclamation of New Carthage, the Senate was faced with a choice. Logically, since they were in Spain to fight Carthaginian forces, the Roman army should have left when these forces were defeated. However, it is much more difficult to leave an area once it has been occupied for 12 years than it is to enter.[158] Roman commanders had made numerous promises, agreements, and bound themselves obligations with Spanish tribes. The Senate tried to withdraw from Spain. All citizen troops were withdrawn by 197, leaving only Roman allies (*Praetoribus in Hispanias octona milia peditum socium ac nominis Latini data et quadringeni equites, ut dimitterent ueterem ex Hispaniis militem; et terminare iussi qua ulterior citeriorve provincia servaretur*: Liv. 32.28).[159] The Senate appears to have expected the Iberians to accept a *de facto* conquest. They left allied troops in the area but removed their own. The Iberians evidently did not share this view. From an objective perspective, this is rational. Rome had not conquered. However, the future decisions of Rome were subjective. Thus, they viewed the resistance of the Spanish tribes as rebellion. It is likely that Carthage attempted to undermine Rome's position inciting unrest amongst the tribes.[160] Hence, the Roman withdrawal failed.

However, to remain in Spain, the Roman presence had to exist in a different capacity. The reason for their presence had changed. Spain was no longer simply the area in which they fought, but had become the area that they fought over. The area required administration. Due to the nomadic, non-hierarchical, fickle, and bellicose nature of the people, transforming areas into client states, as in other areas, was not

[158] Richardson (1996) 41.
[159] Knapp (1975) 62.
[160] Knapp (1975) 63.

feasible;[161] nor was continuing to send specially elected temporary officials.[162] According to Appian, these *praetores* were sent yearly from around 205 as governors or superintendents charged with keeping the peace (App. *Ib.* 38).[163] This appears to have been a preliminary measure while the Senate decided what to do with the Peninsula; the governors had little true purpose.[164] It was not until 197 that the Senate divided the area into two *provinciae*: *Hispania Citerior* and *Hispania Ulterior* (Liv. 32.28).[165] What measures the *praetores* were supposed to take in these provinces is unknown, except that they were to establish defined boundaries (*…et terminare iussi qua ulterior citeriorve provincia servaretur*: Liv. 32.28). As we shall see, this vague policy achieved little nor do the boundaries appear to have been officially designated. Later commanders held them in little regard.

The outbreak of full-scale warfare and the action of subsequent commanders was influenced by this lack of defined policy and long-term strategy, as evidenced by the rebellion of the Illergetes yet again in 205. Lentulus and Manlius were serving in Spain.[166] The Illergetes rebelled against their agreement with Scipio. Richardson asserts that they may have rebelled due to rumours of Scipio's death, or due to the opportunism of Indibilis.[167] If this were the case, it implies the Illergetes respected Scipio, not Rome. As he had departed, their agreement was no longer binding. This is perhaps the first example of the cultural difference between Rome and Spain around the role of agreements.

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161 Churchin (1991) 28.
162 Knapp (1975) 62-66.
163 Richardson (2000) 135, claims that this view reflects Appian's expectations rather than historical reality. All Roman commanders who entered Spain in the subsequent 30 years were involved in warfare. It is unlikely that the Senate expected any differently at the time.
164 Richardson (2000) 135.
165 See Map IV for the boundaries of these provinces at different stages of Roman expansion.
166 MRR 1.302.
167 Richardson (2000) 136.

According to Livy, the Illergetes had no desire to change one master for another, and chose to take advantage of Rome's preoccupation with Hannibal, believing it to be their last chance at autonomy (*numquam talem occasionem liberandae Hispaniae fore*: Liv. 29.1).[168] These actions are reasonable, and to locals probably seen as fighting off foreign invaders. The Illergetes appear to have either misunderstood the previous agreement's intention through cultural differences or broke them because the circumstances were to their advantage. Lentulus and Manlius quashed the rebellion; the Illergetes surrendered via *deditio* (*tum a Mandonio evocati in concilium conquestique ibi clades suas increpitis auctoribus belli legatos mittendos ad arma tradenda deditionemque faciendam censuere*: Liv. 29.3). In this instance, Lentulus and Manlius chose to impose particularly harsh terms upon the people. They killed those who were guilty of inciting the revolt, including Indibilis; they confiscated their property and arms; they demanded hostages; they imposed fines; and established a heavy garrison (τοὺς δ'αἰτίους τῆς ἀποστάσεως ἐς κρίσιν παραγαγόντες θανάτῳ μετῆλθον καὶ τὰ ὄντα αὐτοῖς ἐδήμευσαν. τά τε ἔθνη τὰ συναράμενα αὐτῷ χρήμασιν ἐζημίωσαν καὶ τὰ ὅπλα αὐτῶν παρείλοντο καὶ ὅμηρα ᾔτησαν καὶ φρουρὰς δυνατωτέρας αὐτοῖς ἐπέστησαν: App. *Ib.* 38). Livy adds the further conditions that they were taxed twice the normal amount and required to supply food and clothing to the Roman army for six months (Liv. 29.3).

This incident contains no breach of Roman *fides*. It is noteworthy because it is the first instance of Rome's lack of foresight. It reveals the lack of consistent Roman policy. 'Diplomatic policy' appears to be a misnomer. Rather diplomatic activity seems to have been based on particular circumstances, determined by commanders on site, whether wise or not, whether motivated by personal gain or positive outcomes for

[168] This is unlikely as the Illergetes were allies, not subjects of Carthage. Richardson (2000) 136.

Rome. The previous agreements with Indibilis do not appear to have been taken into account, nor does it appear that the previous defections of the Illergetes' were considered. At least, our sources make no mention of this in the setting of terms.

New commanders made new solutions to the direct problem they faced. The problem was that the Illergetes rebelled. The conflict was resolved, and a new agreement was reached. The long-term maintenance of these and previous agreements would have required an understanding of past, present, and future events and motivations, that is an understanding of context and the consideration of why they rebelled. If Indibilis rebelled due to Carthaginian encouragement, or because he only respected Scipio, or even if he did so because he viewed it as the last chance of Spanish freedom, then he would not be endeared to Rome by the harsh terms. Once the commanders put down the rebellion, the conditions they imposed did nothing to address the reasons why the Illergetes rebelled in the first place. Nor did these conditions consider the context and likely future.

In hindsight, clemency would have been preferable to cruelty. It is likely that Rome believed a harsh approach would deter further rebellion, considering Scipio's previous attempts at clemency. However, a policy of punishment works if those in power take away enough to quell, but not enough to provoke, the behaviour they wish to prevent.[169] It would have been more beneficial to investigate the reasons behind Indibilis' rebellion, and reach a diplomatic solution that considered this. To do so would have required greater intelligence of the situation, an understanding of the past, and a cohesive long-term goal for the area.

[169] Rochester (2010) 136.

Cato in Spain 195-194[170]

Widespread conflict broke out in 197 in both *provinciae*, allegedly while Rome was preoccupied with the Celts of the Po valley and Phillip of Macedon (App. *Ib.* 39).[171] According to Livy, this was the first time the Spanish fought the Romans on their own initiative, without Carthaginian commanders or encouragement (*Quia tum primum suo nomine sine ullo Punico exercitu aut duce ad arma ierant*: Liv. 33.26 *cf.* App. *Ib.* 39). It was the beginning of years of bitter warfare. It may have been a reaction to the previous agreements and Rome's continued presence. It seems likely it occurred because of the Spanish realisation that Rome intended to stay.[172] The Senate allotted Cato the province of *Hispania Citerior* in 195 (Liv. 33.43).[173] His subsequent actions were of questionable character. [174] Our knowledge of the campaign is heavily reliant on Livy, whose record is probably based on Cato's.[175]

As discussed, there were certain expectations placed upon commanders in terms of how they conducted their warfare. Honourable Romans did not attack at night or without the declaration of war; nor did they feign and trick their foes (Liv. 42.47). This was an embodiment of *fides.* Yet Cato did exactly this. He prided himself on it. The first thing Cato did upon arriving in Spain was to raze and burn the fields of the 'enemy' so that his war would feed itself (*itaque redemptoribus vetitis frumentum parare ac Romam dimissis 'bellum' inquit 'se ipsum alet'. Profectus ab Emporiis agros*

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[170] At this time, the province of *Citerior* did not extend far beyond the Ebro Valley. *Ulterior* was bordered to the North by the Sierra Morena. See Wiseman (1956) 16-17, *cf.* Map IV.
[171] Appian uses the term 'rebelled' here. It is inaccurate; Roman control in the area had not yet been consolidated.
[172] Richardson (1996) 52.
[173] MRR 1.339-340.
[174] Cato's actions in Spain have received numerous treatments. Modern Scholarship is not always favourable of his campaigns. See for example Richardson (1986) 80-94; Scullard (1973) 110. Astin (1978) 28-50 provides a more favourable discussion.
[175] Briscoe (1981) 2, 63-66; both Livy and Plutarch comment on Cato's penchant for exaggerating his own achievement: Liv. 34.15; Plut. *Cat. Mai.* 14.

hostium urit vastatque, omnia fuga et terrore complet: Liv. 34.9).[176] It is uncertain whether these tribes were openly hostile at the time. There is no specific mention of it. In which case, their future enmity seems reasonable, as Cato destroyed their food supply. Subsequently, Cato received an envoy from the Illergetes, who at this time remained loyal to Rome. They sought his aid. Cato would not help them, as he did not wish to weaken his army. However, he manipulated these envoys. Cato ordered his troops to board ships as if he had the intention of helping. Then when the envoys left, he ordered the troops to disembark (Liv. 34.11-13). Livy justifies this deliberate manipulation by claiming that impressions are often as effective as reality (*saepe vana pro veris, maxime in bello, valuisse, et credentum se aliquid auxilii habere, perinde atque haberet, ipsa fiducia et sperando atque audendo servatum*: Liv. 34.12). The act of manipulating your allies is treacherous; it counteracts the principles of *fides*. Cato blatantly misled ambassadors. However, Cato has a point. Splitting up the army would weaken his own position. It was practical of him to refuse aid.

Pragmatism did not inspire Cato's later methods to 'train' his troops *per se*. The easiest way to prepare his troops for warfare was to introduce them to the Spanish methods of guerrilla warfare. Cato had his troops raid, setting out in the night in order to surprise the enemy (*…praedatum milites in hostium agros ducebat. Nocte ferme proficiscebantur, ut et quam longissime a castris procederent et inopinantes opprimerent. Et exercebat ea res novos milites…*: Liv. 34.13). Problematically, there is no mention of these peoples attacking Cato. Without specific mention of the names of the tribes, we cannot be sure whether they were openly hostile, or whether they were at fault of being in the wrong place at the wrong time. Indeed, Richardson points out that if they were in open rebellion against Rome at the time, they would have attacked Cato

[176] Appian does not relate Cato's expedition in detail.

when he first landed at Emporion; the presence of envoys from the Illergetes suggests the trouble was further inland.[177] Cato pre-empted the strikes against these people. The first recorded sign of hostility came **after** Cato's raiding and in response to a Roman attack (*nocte media, cum auspicio operam dedisset, profectus ut locum quem vellet priusquam hostes sentirent caperet…mirantes barbari ab tergo apparuisse Romanum discurrere et ipsi ad arma*: Liv. 34.14). After this, the tribes 'surrendered'. Cato treated them kindly (*multi et aliarum civitatium, qui Emporias perfugerant, dediderunt se. quos omnes appellatos benigne vinoque et cibo curatos domos dimisit* : Liv. 34.16.5). The Roman raids continued until Cato 'completely subjugated' all of Spain east of the Ebro (*iam omnis cis Hiberum Hispania perdomita erat*: Liv. 34.16.7). Cato's actions here are entirely his own. Indeed, these decisions may have involved attacking people who were not yet antagonistic to Rome. This implies that Cato was warmongering for glory and an acknowledgement of Roman superiority. His earlier statements reinforce the idea that he did not consider the Spaniards to be worthy foes, nor the Iberian peninsula to ever be autonomous. He cites the treaty made with Carthage that limited Carthaginian expansion to the Ebro River in 226. By his estimation, this meant that land on the other side of the Ebro belonged to Rome and that it was his duty to claim it back (…*Hoc armis et virtute reciperetis oportet et nationem rebellantem magis temere quam constanter bellantem iugum quo se exuit accipere rursus cogatis*: Liv. 34.13). It seems more likely the delineation was a boundary of potential expansion, as it was only after this treaty that alliances were made with some of the people north of the Ebro.[178] This superior attitude will become more evident in later expeditions.

[177] Richardson (1986) 84.
[178] See above.

Cato raided and attacked his own *provincia* to the extent that he left continuous rebellion in his wake.[179] Having reclaimed the territory of *Hispania Citerior* from 'rebellious' tribes, Cato ordered the people to destroy their fortifications, and stripped them of their weapons. Cato claimed that by doing so, he was helping the Spaniards by removing their opportunities to rebel further (*"non nostra" inquit "magis quam vestra refert vos non rebellare, si quidem id maiore Hispanorum malo quam exercitus Romani labore semper adhuc factum est. Id ut ne fiat, uno modo arbitror caveri posse, si effectum erit ne possitis rebellare…"*: Liv. 34.17). At the city of Segestica's refusal he stormed the town and destroyed it (Liv. 34.17.5*ff.*).[180] Cato's extreme demands at this time are odd. They imply Rome's complete dominion over the people. This control is impossible to determine, though subsequent behaviour suggests the people lived unrestricted by Rome. Having accepted the surrender of all neighbouring states, Cato travelled to *Hispania Ulterior* (*omnes qui circa incolebant populos in deditionem accepit*: Liv. 34.17). When he returned, the Ausetani, the Sedetani, and the Suessetani defected to him (*defecere ad eum Sedetani, Ausetani, Suessetani*: Liv. 34.20). He then attacked the Lacetani, who had been harassing their neighbours in his absence. This should have been impossible as Cato had apparently disarmed and received the complete submission of all peoples north of the Ebro before he ventured south.

Cato travelled south to aid in the struggle against the Turdetania. He left his province. Manlius initially had no struggle within *Hispania Ulterior* (Liv. 34.17), but the Turdetani hired Celtiberi mercenaries to aid them. At this time, *Hispania Citerior* was limited to the Ebro Valley, leaving the Celtiberi largely autonomous.[181] Cato gave

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[179] Richardson (1996) 54.
[180] *Cf.* App. *Ib.* 41; Fron. *Strat.* 1.1.1; Plut. *Cat. Mai.* 10.3; Zon. 9.17. Segestica here may be synonymous with the city of Segeda that was involved the Celtiberian wars. See Burillo (2006) 161-162.
[181] See Map IV.

them an ultimatum. Either they were to leave, with guarantees that no harm or retribution would come to them, or to receive double what the Turdetani were paying to defect to Cato, or they could set a time and place for war:

> …Primam, si transire ad Romanos velint et duplex stipendium accipere quam quantum a Turdetanis pepigissent; alteram, si domos abire, publica fide accepta, nihil eam rem noxiae futuram quod hostibus se Romanorum iunxissent; tertium, si utique bellum placeat, diem locumque constituant ubi secum armis decernant.
>
> (Liv. 34.19.4-7).

After this discussion, the Celtiberi and the Turdetani met. They failed to come to a unanimous decision. Cato was unaware whether he was in a state of war with the Celtiberi. He raided. This may have been an act designed to force a conflict. Indeed, Livy claims Cato raided because he failed to induce them to fight (*consul ubi hostes ad pugnam elicere nequit*: Liv. 34.19.9). Cato was warmongering again. Our sources claim the tribes were amidst discussions about what to do. Yet Cato set about attempting to drive them to battle. When he heard the Celtiberi had left supplies in Saguntia, he ordered a march to attack it (34.19.10).[182] Saguntia was in the heart of Celtiberia, a region where Rome had no power.[183] Celtiberia and Rome were not at war at the time

[182] This is probably Segontia. However, Livy's term is uncertain. Briscoe argues Livy may have confused Segontia with Saguntum. *Cf.* Briscoe (1981) 82.
[183] Richardson (1986) 86. See Map III.

either.[184] When this failed to move the 'enemy', he returned north, leaving the majority of his army in the *praetor's* camp (*postquam nulla moventur re… ad Hiberum est regressus*: Liv. 34.19.10). Cato may have also attacked Numantia, another Celtiberian settlement.[185] The results of this venture are unknown.[186] However, they certainly resulted in nothing useful. Either way, Cato fallaciously declared the region pacified (*pacata provincia*: Liv. 34.21; καὶ Ῥωμαίοις ἐς τὸ μέλλον εὐέφοδοι γενόμεναι διέμειναν ἐς πλεῖστον ἐπὶ εἰρήνης: App. *Ib.* 41). In recognition of this, the Senate, upon his return to Rome, declared three days of public thanksgiving and a triumph (Liv. 34.21; 34.42; 32.46).[187] Peace is an exaggeration. At most, it lasted a few months.

Cato's report of his actions, and Livy's subsequent writings, are exaggerated. This exaggeration and the breaches in the spirit of *fides* can be explained. When Cato received *Hispania Citerior* as a *provincia* it was considered a problem (Liv. 33.43). However, between then and when he arrived, the Roman state was more concerned about the East and Phillip of Macedon (App. *Ib.* 39). It appears that Cato may either have recorded the war in exaggerated terms, or created the strife that he 'solved', in order to gain kudos. Many of Cato's actions in Spain can be read as an attempt to incite a war. As his duty in Spain was to stop rebellion and conflict, his actions resulted in an outcome counter to policy.[188] He explicitly told his men that their duty was to renew Roman authority (*hoc armis et virtute reciperetis oportet et nationem rebellantem magis temere quam constanter bellantem iugum, quo se exuit, accipere rursus cogatis*: Liv.

[184] Scullard (1973) 110.
[185] *ORF*[3], fr. 17; Gell. *N.A.* 16.1; Sutherland (1939) 67. Exactly how, when, or if Cato attacked Numantia is unclear. It is possible that Numantia was attached to Cato later in history due to its later part in Roman Spanish history. Richardson (1986) 87n. *cf.* Astin (1978) 45-6.
[186] Richardson (1986) 87.
[187] MRR 1.344.
[188] Whether this was by design or through foolishness is impossible to determine.

34.13.8-10).[189] He had to draw the Spaniards from freedom into Roman dominion (*huic ex usurpata libertate in servitutem velut adserendi erant*: Liv. 34.18). Cato may have wanted a war in order to gain *gloria*.

A desire for recognition and status influenced many decisions made by private individuals in Rome. Roman nobles lived amidst endless competition amongst themselves for prestige and status.[190] Individual families competed to be richer, and to have a greater reputation.[191] They competed for public recognition, religious offices, and political positions.[192] Pre-eminence revolved around one's reputation for virtues such as *gloria*, *auctoritas*, *dignitas*, and *fides*. The leading method of building such a reputation was through military service.[193] Thus, wars began, continued, and ended for the sake of glory and an individual's reputation. Success in war was the most glorious

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189 For Cato the Elder's campaigns in Spain in Liv. 33-34.9-21.

190 Erskine (2010) 40.

191 This competition kept the concentration of power fluid between the families. Ideally, no family was able to obtain excessive power. Laws ensured it stayed so. After 151, it was illegal to hold a consulship more than once. Individualism was abandoned for the sake of the Republic but in only the worst level of crises. After a decade of war in Celtiberia, Scipio Aemilianus was elected to a second consulship in 134 (Liv. *Per.* 56; App. *Ib.* 84). Factions in the Senate disapproved and refused to supply him with money or troops despite the on-going risk the Celtiberi posed to Rome. See Astin (1967) 136; MRR 1.490. Regardless, the motivation to better one's peers funded the Roman state; it built her roads; it provided entertainment; it stabilised the market. It also ensured the continuation of warfare.
The Roman state was a militarised one. Courage and valour were emphasised. Polybius declared that all youths were inspired to endure whatever suffering on behalf of public welfare in hopes of gaining *gloria* (Plb. 6.54). He claims that more *gloria* came to those who willingly put themselves in dangerous situations, without the need to do so (Plb. 6.39). By doing so, one could prove their desire to serve the Roman state despite personal risk. Theoretically, someone who gained *gloria* would eventually hold political offices of considerable importance. In fact, as Polybius remarks, no one could hold political office unless they had previously completed ten years of military service (Plb. 6.19). During which, many would begin their political careers. A military command came at the height of a political career. Generals were provincial governors or consuls. They were not trained professional soldiers. They may or may not have gained the position by distinguishing themselves in war. Rome abandoned the advantage of having trained leaders for the sake of maintaining the balance of political power. See Harris (1979) 12; Rosenstein (1990) 256; Goldsworthy (1996) 121; Rosenstein (2007b) 138.

192 Farney (2007) 11.

193 There were other methods of gaining such virtues. Cato claimed profiting from price rises gained *gloria* (*De agri. culi.* 3.2). Harris claims this remark was probably intended to shock aristocratic readers. Harris (1979) 18-22.

achievement.[194] The ultimate reward for success was a triumph, a visual display of one's glory. Not all commanders returned to a triumph. Rich estimated one in four commanders was rewarded with a triumph in the second century BCE.[195] Thus, the reward was feasibly attainable, but not without difficulty. A successful commander, who achieved enough to gain a triumph, returned home bringing prosperity to Rome.

This competition and need for success in domestic society undoubtedly influenced the actions of commanders abroad. They needed to conquer. Arriving in an area and not achieving martial success would be a wasted opportunity for *gloria.* Hence, commanders such as Cato attempted to find conflict. *Fides* was arguably more important than *gloria*, as it put the state's benefit over individual reputations. But to some extent it appears that the desire for personal glory overwhelmed this. This was perhaps enhanced by the lack of communication between the Senate and each commander. As we shall see, commanders were given individual power because the Senate could not be kept well informed enough to issue directives.

Sallust claims the success of Rome was due to their desire for *gloria* and the competition between individuals (*sed ea tempestate coepere se quisque magis extollere magisque ingenium in promptu habere. Nam regibus boni quam mali suspectiores sunt semperque iis aliena virtus formidulosa est…laudis avidi, pecuniae liberales erant, gloriam ingentem, divitias honestas volebant*: *Cat.* 7). Harris argues that this need for *gloria* in a militaristic society drove Roman imperialism.[196] There was a need for constant wars for magistrates to prove their virtue. A magistrate who did not successfully complete a campaign lost the opportunity to compete against his peers, and

194 Harris (1979) 11. In command, failure and defeat did not necessarily adversely affect political careers, a courageous resistance provided some *gloria,* though not to the same extent. *Cf*. Rosenstein (1990) 262-264.
195 Rich (1993) 49-54.
196 Harris (1979). See especially 17-32.

his ancestors.[197] This argument has merit. The pursuit of *gloria* undoubtedly influenced the actions of some commanders abroad. Cato's warmongering is but one example. However, as we shall see, there were institutions in place to check behaviour. It is unlikely that *gloria* was the sole force of Roman expansion.

In Cato's case, the war in the East detracted from the tribal conflicts in Spain. Cato's desire for this attention, acknowledgement, and glory overrode his desire for peaceful conflict resolution and the admiration for honour and *fides* in warfare. His invasion of Celtiberia stirred up the Celtiberi. While they had been hired as mercenaries, they were not acting openly against Rome. Cato changed this. His reputation required it. This egotistic desire for attention and glory resulted in Cato creating more problems than he solved. He attacked tribes who at the time were not overtly hostile to Rome. He broke *fides* in these attempts and damaged the already tenuous reputation Rome held with the Spanish peoples. His actions, like those of his predecessors left rebellion, strife and difficulty in his wake.

194-177

The following years demonstrated that the Senate was wrong to believe Cato's claims of pacification. We have little information about the acts of Roman officials in Spain during the next thirty years. However, until 178 the fighting was nearly continuous. Only four of the 23 *praetor*s and ex-*praetor*s, and the consul sent to the provinces between 197 and 179 are not explicitly mentioned as engaging in warfare.[198]

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[197] Erskine (2010) 40. There were other motives to succeed in war, not the least of which was financial gain. Political campaigns were costly. War provided the opportunity to replenish one's coffers. However, if one listens to Onasander, a general ought to be free from avarice, as greed corrupts the management of military affairs (ἀφιλάγυρον δέ ἡ γὰρ ἀφιλάγυρία δοκιμασθήσεται καὶ πρώτη· τοῦ γὰρ ἀδωροδοκήτως καὶ μεγαλοφρόνως προΐστασθαι τῶν πραγμάτων αὕτη παραιτία: Onos. 1.8).

[198] Richardson (1996) 55n[44]

Digitus, who was *praetor* in *Hispania Citerior* after the departure of Cato, faced the Spaniards' rebellion. Most of these battles went so badly that only half of his troops were passed onto his successor (Liv. 35.1-2; Oros. 4.20).[199] Livy claims this would have been similar in all of Spain if not for Scipio Nasica, the son of Gnaeus Scipio. He fought many successful battles, and induced tribes to join him (*non minus quinquaginta oppida ad eum defecerunt*: Liv. 35.1.3). He attacked the Lusitanians, who had been ravaging *Hispania Ulterior* in 193 (Liv. 35.1). This is the first recorded conflict with the Lusitanians.[200] The commanders held *imperium* in their *provinciae*. Yet in Spain, it appears they habitually ventured outside these boundaries. The Senate does not seem to have had either control over their actions or pre-emptive knowledge of their intentions. The information that reached the Senate and their control over the officials there is suspect at best.

The next officials in the region were Fulvius Nobilior in *Hispania Ulterior* and C. Flaminius in *Hispania Citerior* (Liv. 34.55).[201] Flaminius requested an urban legion be assigned to him to counter the war that had reportedly broken out. The Senate however, refused to fulfil his request. They claimed they had yet to receive news from either one of the *praetores* and that they would not listen to idle rumour. This attitude toward counter-intelligence must have limited the Senate's ability to establish a long-term plan for the region:

> …Seniores negare ad rumores a privatis temere in gratiam magistratuum confictos senatus consulta facienda esse; nisi quod aut praetores ex provinciis scriberent aut legati renuntiarent, nihil ratum haberi debere; si tumultus in

[199] MRR 1.343; 1.348.
[200] MRR 1.348; Briscoe (1981) 147.
[201] MRR 1.351.

> Hispania esset, placere tumultuarios milites extra Italiam scribi a praetore…
>
> (Liv. 35.2).

The Senate was apparently only willing to listen to official records from Spain. This makes the difficulties suffered in later years more understandable. The Senate limited the control they had over their officials, and limited their access to information.[202] This lack of information resulted in giving each commander more individual power, and ensured that the Senate failed to fully understand the situation in the provinces. The Senate only knew what the commanders chose to tell them, or what their formal questions uncovered.

They received occasional dispatches from their commanders but these were unreliable.[203] They were sent on the whim of allies or commanders and contained the information they saw fit to include. This information could have varied greatly depending on the personal aims of the individual. It does not appear to have been an important factor in their campaigns. Cicero's letters betray his unconcerned attitude. For example in a letter to Cato, Cicero describes his actions in the pacification of Amamus and attack on Pindenissus. He then states that **if** the Senate becomes informed of these actions, he would be honoured if Cato voted to reward his actions (*Nunc velim sic tibi persuadeas, si de iis rebus ad senatum relatum sit…*: Cic. *Fam.* 15.4.6-12). He decided not to inform the Senate that Pacorus had crossed the Euphrates because he assumed

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[202] Richardson (1986) 96-97.

[203] Austin and Rankov (1996) 87-108. Sources rarely mention dispatched from armies in the field. They may have been more common than our sources reveal. However, the Senate's ability to reward, or replace commanders, to extend their *imperium* or send reinforcements undoubtedly relied on some military intelligence, whether specifically from the commander or not. This does not however appear to have influenced senatorial interference in a commander's actions, most likely due to the logistical difficulties in communication and ratification of information.

that other governors and client states would do so (*publice propter duas causas nihil scripsi, quod et ipsum Commagenum legati dicebant ad senatum statim nuntios litterasque misisse et existimabam, M. Bibulum pro consule…cuius litteris omnia certiora perlatum iri ad senatum putabam*: Cic. *Fam.*15.3). He chose not to inform the Senate about the potential actions of the Parthians. He did not even want to write to Cato informally because the Senate may have interpreted it as an official report (*Quae mihi de Parthis nuntiata sunt, quia non putabam a me etiam nunc scribenda esse publice, propterea ne pro familiaritate quidem nostra volui ad te scribere; ne, cum ad consulem scripsissem, publice viderer scripsisse*: Cic. *Fam.* 15.9.3).[204] This lack of a developed protocol for communication implies that the Senate had no choice but to trust the decision of their commanders. Organising a strategy was nigh on impossible and when the Senate did officially state a preference for one particular diplomatic policy, it was ill conceived.

Indeed, this lack of control, information, and preformed strategy is revealed in the seemingly random nature of the campaigns that were undertaken by Roman armies. Flaminius captured the Oretani town of Inlucia. He then withdrew to winter quarters in *Citerior*, where he engaged in skirmishes considered too minor to comment on by Livy (Liv. 35.7).[205] Livy claims that the Oretani lived in *Hispania Citerior,* thus were within Flaminius' domain. However, the boundaries between the *provinciae* are suspect at best. Modern scholars differ in their interpretation of the boundaries. This is a result due in part to Roman disregard for them. Nobilior, Flaminius' counterpart, officially in *Ulterior*, was fighting the Vaccaei and the Celtiberi some way north of Flaminius (Liv. 35.7).[206] The two *praetores* switched *provinciae*. The following year Nobilior also

[204] Austin and Rankov (1996) 87-108.
[205] MRR 1.347; 1.351; 1.354.
[206] MRR 1.351; 1.354.

fought the Oretani, while Flaminius seized the town of Licabrum (Liv. 35.22).[207] The conflict and fighting between Rome and the Spanish continued unabated. Neither Rome nor Spain achieved much by this continual fighting. Flaminius and Nobilior had extended *imperium* in Spain (Liv. 35.20). Flaminius' was extended further, although we have no knowledge of what occurred. Aemilius Paulus took over from Nobilior and fought the Lusitani and the Bastetani. Neither campaign was productive (Liv. 37.46). Paulus arguably pacified the region for a time after his subsequent defeat of the Lusitani (*huius victoriae fama tranquilliores in Hispania res fecit*: Liv. 37.57).

In 185, the commanders of both provinces, Calpurnius Piso and Quinctius Crispinus, chose to join forces (Liv. 39.1).[208] In doing so, they created the largest army seen in Spain since Cato's departure a decade earlier.[209] They fought in Baeturia, in the Baetis valley, traditionally the boundary between Celtiberia and Lusitania. They then moved across the Sierra Morena into Carpetania reaching Toledo (Liv. 39.30-31). Livy does not think it odd that these two *praetores* joined their armies. Yet they were independent commanders assigned to two different provinces. They joined forces only after they had been away from the eyes and ears of the Senate for some time. It seems commanders ignored how the Senate understood the provinces, in part probably because of practicality and in the face of the reality of their situation, or through a lack of formal directive.[210]

The only constant factor that emerges in their behaviour is conflict. It did not matter where the conflict was. If it were not within his *provincia*, the *praetor* turned his

[207] Briscoe identifies this town with that of modern Cabra, south-east of Corduba within the boundaries of *Ulterior* (1981) 178
[208] MRR 1.373; 1.376
[209] Richardson (1986) 99.
[210] Richardson (1986) 100.

attention to conflict in that of his counterpart.[211] Romans in the province seemed more concerned with defeating whomsoever they could and returning home to triumph. This fighting in areas already 'pacified' and indifference to the boundaries of *provinciae*, demonstrates the distance between the Senate and their commanders; it implies that there was no overall strategy or plan for *Hispania.*

The Gracchan treaties

The situation remained static until Tiberius Sempronius Gracchus was assigned to *Hispania Citerior* in 179.[212] A major war with the Celtiberi had broken out during his predecessor, Fulvius Flaccus' command (Liv. 40.30).[213] It resulted in the surrender of Contrebia and the plundering and annexation of much of Celtiberia (Liv. 40.33 *cf.* App. *Ib.* 42).[214] The Senate decided to withdraw many of Flaccus' troops from the area; Gracchus questioned this. He failed to see the wisdom in removing an experienced army from a region holding Rome's "*most ferocious*" enemies (Liv. 40.35). The Senate responded that it was impossible to know how the Celtiberi would react and that the troops themselves desired to either keep Flaccus or return to Rome:

> Neque se neque quemquam alium divinare posse quid in animo Celtiberi haberent aut porro habituri essent. … si ex eo quod aut inter se loquantur aut succlamationibus apud contionantem imperatorem significent, quid sentiant coniectandum sit, palam

211 Richardson (1986) 97.
212 MRR 1.388; 1.392; 1.395.
213 MRR 1.382; 1.385.
214 MRR 1.385.

> vociferatos esse aut imperatorem in provincia retenturos aut cum eo in Italiam venturos esse.
>
> (Liv. 40.36).

This act reinforces the limitations of senatorial knowledge and forethought, and their *ad hoc* decision-making. They acted as they did due to the demands of Roman soldiers. To avoid potential mutiny, it was important that they listen to these commands. However, removing the experienced soldiers from Spain seems thoughtless when Rome's control and position was tenuous at best. By replacing experienced veterans with those with no knowledge of the terrain, the people, or their methods of warfare, the Senate ran the risk of losing ground.

Flaccus took his men further into Celtiberia when Gracchus was slow to arrive. Being unable to induce them to surrender, he set about plundering. This achieved nothing more than to annoy the Celtiberi (*qua re irritavit magis quam conterruit animos barbarorum:* Liv. 40.39). They attacked Flaccus at the Manlian Gorge, who denounced them for their villainy (*scelus et perfidiam illis, non virtutem nec animum accessisse*: Liv. 40.39). Ironically, his previous actions of plundering and provoking his foes were not considered villainous behaviour, but their retaliation was. *Fides* was subjective. Rome determined what was *fidelis* and what was not. Objectively, as has been discussed, *fidelis* action did not include inciting conflict. Yet Flaccus and his predecessors in Spain seemed to delight in provoking their foes. Such actions, if our sources provide an accurate account of events, were either the result of ignorance, or purposeful warmongering. Perhaps they did not envisage the future ramifications of their actions, or believed themselves to be in such a superior position that those they plundered would not protest; or alternatively because their desires for personal *gloria*

superseded their appreciation for both the goals of the Republic as a whole and for *fides*, or they were out of the depth, either outmatched by the locals' knowledge of terrain and unfamiliar techniques or through the lack of senatorial directive armies focussed on survival more than honour.

Our knowledge of Gracchus' command is limited. Upon receiving command from Flaccus, Gracchus led the army into Celtiberia (Liv. 40.40).[215] Gracchus took the city of Munda, by attacking at night (Liv. 40.47). He received the surrender of other towns, but they were not sincere (*eam deditionem oppidorum haud cum fide factam quidam auctores sunt*: Liv. 40.50). When the city Ergavica was defeated in battle and made a 'sincere peace' (*inde debellatum veramque pacem, non fluxa ut ante fide Celtiberos fecisse*: Liv. 40.50). The *Periochae* of book 41 claims Gracchus received the surrender of the Celtiberi (*Tib. Sempronius Gracchus pro cos. Celtiberos victos in deditionem accepit*: Liv. *Per.* 41). His counterpart in *Ulterior*, Postumius Albinus, was victorious over both the Vaccaei and the Lusitani. They both received triumphs for these acts (Liv. 41.6-7).[216] Appian tells us that in 177, having seized the town of Complega and the surrounding areas, Gracchus divided the land amongst the poor, settled them upon it, and made carefully defined treaties, binding them to be friends of Rome.[217] Livy does not mention these treaties and treats all of Gracchus' agreements with the Celtiberi as *deditio (Celtiberi in Hispania, qui bello domiti se Ti. Graccho dediderant, pacati manserant M. Titinio praetore obtinente provinciam*: Liv. 41.26). Appian's terminology implies the agreements were *foedera* (…καὶ τῆς Κομπλέγας κατέσχε καὶ τῶν περιοίκων. τοὺς δὲ ἀπόρους συνῴκιζε, καὶ γῆν αὐτοῖς διεμέτρει. καὶ πᾶσιν ἔθετο τοῖς τῇδε συνθήκας ἀκριβεῖς, καθ' ἃς Ῥωμαίων ἔσονται φίλοι· ὅρκους τε

[215] MRR 1.389; 1.392.
[216] MRR 1.395.
[217] MRR 1.395-396

ὤμοσεν αὐτοῖς καὶ ἔλαβεν…: App. *Ib.* 43).[218] Polybius supports this idea, although, he does not deem the agreement a συνθήκη (τέλος δ᾽ἦν τῶν λόγων· εἰ μέν τι δεῖ ῥητὸν πρόστιμον ὑπομένειν τῆς ἀγνοίας, ἀναδέχεσθαι τοῦτ᾽ ἔφασαν, τελεσθέντος δὲ τοῦ προστάγματος ἐπανάγειν ἠξίουν ἐπὶ τὰς κατὰ Τεβὲριον ὁμολογίας αὐτοῖς γενομένας πρὸς τὴν σύγκλητον: Plb. 35.2). But if the agreement were a *deditio,* the Belli and Titthi would not be in a position to argue with the Senate during the Celtiberian Wars, as the Senate would hold complete power over them. The respect with which these agreements were held in later history suggest that the Celtiberi accepted the arrangements freely. Appian claims them to be the envy of subsequent wars (App. *Ib.* 43); Polybius reports that in negotiations during the Celtiberian wars, tribes sought to renew the terms of these treaties (Plb. 35.2). What exactly these treaties allowed is unknown. According to Appian and Polybius, they were well-respected, created peace, and were at the centre of the Celtiberian wars.[219]

Not all of Gracchus' actions were perfectly *fidelis.* He, like Cato, attacked people at night and unawares. This is practical; Livy's declaration of what was 'just' in warfare is idealistic and far removed from the realities of conflict. Nonetheless, Gracchus' agreement successfully gained peace. It differs from that of his predecessors because he appears to have acknowledged the needs and wants of the local people. He did not simply make an agreement at the end of a battle without considering why the Celtiberi rebelled. He distributed land to the poor, probably in an effort to stop brigandage (App. *Ib.* 43). Although, his solution was not ideal, it improved matters for a time.

[218] Complega is an unknown town. It is only mentioned by Appian. Richardson (2000) 140.
[219] Livy does not give the agreements as much credit. He claims that after Gracchus made the alliances the Celtiberi rebelled once more, and submitted to Roman control when Appius Claudius defeated them (41.26).

Judging by these agreements and the seemingly random nature of previous expeditions, Rome's goal does not seem to have been to actively conquer *Hispania* at the time. It is possible they were pre-occupied with affairs in the East, and did not wish to face conflict on all sides. Regardless of their motives, Gracchus' treaties essentially consolidated Roman control in conquered areas and stopped Roman expansion for 20 years.

INDIVIDUALISM OF COMMANDERS

As with the previous decisions, there is no real evidence to suggest that the Senate was directly involved in the decision-making of Gracchus. At this stage, commanders appear to have made agreements independent of senatorial consultation or involvement. This indicates that commanders were given free reign, within the bounds of their *imperium* to act as they wished.

The individualism is supported by the lack of senatorial involvement in others areas. There is no evidence in Caesar's *Bellum Gallicum* that the Senate openly interfered in his decisions. Cato the younger was concerned with Caesar's conduct in war, not his freedom of decisions (οἱ μὲν ἄλλοι τὸν δῆμον ἠξίουν εὐαγγέλια θύειν, ὁ δὲ Κάτων ἐκέλευεν ἐκδιδόναι τὸν Καίσαρα τοῖς παρανομηθεῖσι καὶ μὴ τρέπειν εἰς αὑτοὺς μηδὲ ἀναδέχεσθαι τὸ ἄγος εἰς τὴν πόλιν: Plu. *Cat. Min.* 51. *Cf.* App. *Celt.* 18). Appius Claudius Caudex declared war against Carthage and Syracuse without senatorial consultation (Diod. 23.1-3).[220] Claudius Marcellus and Claudius Pulcher declared war against Syracuse in 214, after their attempts to reach relatively peaceful solutions failed (Liv. 24.29-33). The Senate had no problem with this course of action

[220] According to Polybius, having sailed to Messana, Claudius tried to reach a diplomatic solution with the besiegers of Messana. His attempt to send envoys was ignored (Plb. 1.11-13). Philinus' account on the other hand has him attack the Syracusans immediately after his arrival (Plb. 1.14-15).

as Marcellus was reappointed in his Sicilian command in 213 (*prorogata imperia provinciaeque, M. Claudio Sicili finibus eis, quibus regnum Hieronis*: Liv. 24.44), again in 212 (*…provincia in Sicilia esset, M. Marcello Syracusae et qua Hieronos regnum fuisset*: Liv. 25.3), and yet again in 211 (*prorogatum et M. Marcello…*:Liv. 26.1).[221] Flaminius made a variety of decisions in Greece on his own.[222] The Senate gave Marcus Silanus the power to make a treaty with Mytilene if he believed it concurred with the interests of the Republic, and his *fides* (ὅπως Μᾶρκος Σιλανὸς] [ὗ]πατος, ἐὰν αὐτῶι φαίνηται ὅρ[κια τῶν Μυτιληναίων γενέσθαι φροντίσηι ἄλ–] [λο] τε ὁποιον ὥστε ἐκ τῶν [δημοσίων πραγμάτων πίστεώς τε τῆς αὐ–] τοῦ φαίνηται.᾽Εδοξεν: *RDGE* 26; *IG XII* 2.35). This lack of consultation is rational. War, truces, or negotiations could not wait for messages to be sent back and forth to Rome. The Senate retained the power to authorise, adapt, or discard decisions made by commanders. But decisions were made based upon the circumstances that individual commanders found themselves in.

Moreover, the Senate deployed armies for a purpose. The allocation of *provinciae* ensured commanders knew the specific goals or rationale behind their appointment.[223] However, the manner in which they addressed their orders was their prerogative. That was their *imperium*. *Imperium* was allotted so commanders had the authority to make these decisions.[224] These decisions could not necessarily be dictated prior to a commander's arrival. The reaction to rebellion would naturally be different from the response to autonomous people raiding Roman allies, or to a foreign unallied party asking for Roman aid against a shared foe. Cato entered Spain to claim land. He

[221] His actions were called into question later. Albeit, these questions were raised by a Syracusan embassy. Liv. 26.26.
[222] See Liv. 33-34; Plb. 18; Gruen (1984) 147-48; 448-56; Eckstein (1987) 268-317 for examples.
[223] Goldsworthy (1996) 122.
[224] Eckstein (1987) 320.

explicitly told his men that their duty was to renew Roman authority (Liv. 34.13.4-10).[225] Cato did not alter the administration of Spain. He did not change the financial arrangements. Nor did he address the Roman treatment of friends and enemies in the area.[226] Cato pursued his goal and his command differently than others because he had a different ultimate goal, faced different circumstances, and held different views. The Senate relied on these *ad hoc* decisions. Only the people present in an area could have a developed understanding of how to address their goal. As warfare moved further away from Rome, the ability to communicate quickly and securely was negligible. As previously discussed, the communication between the Senate and commanders in the field was unpredictable.[227] It was impractical to demand that missives be sent to Rome for central decision making. As Livy states, emergencies of war do not wait (*non expectare belli tempora moras et dilationes imperatorum, et pugnandum esse interdum, non quia velis, sed quia hostis cogat*: Liv. 31.48.10).[228]

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[225] For Cato the Elder's campaigns in Spain in Liv. 33-34.9-21.

[226] Richardson (1986) 80-93.

[227] Austin and Rankov (1996) 87-108. Our sources rarely mention dispatches from armies in the field. They may have been more common than our sources reveal. However, the Senate's ability to reward, or replace commanders, to extend their *imperium* or send reinforcements undoubtedly relied on some military intelligence, whether specifically from the commander or not. This does not however appear to have influenced senatorial interference in a commander's actions, most likely due to the logistical difficulties in communication and ratification of information.

[228] The Senate did occasionally demand certain behaviours from their governors. For instance, in 171 after a complaint from Spanish representatives, the Senate decreed that no magistrate would extort grain or money from the tribes (*Ita praeteritis silentio obliteratis in futurum tamen consultum ab senatu Hispanis, quod impetrarunt, ne frumenti aestimationem magistratus Romanus haberet neve cogeret vicensimas vendere Hispanos, quanti ipse vellet, et ne praefecti in oppida sua ad pecunias cogendas imponerentur*: Liv. 43.2). As we will see during the Lusitanian and Celtiberian wars, the Senate insisted upon *deditio* agreements. This blind insistence, with a lack of appreciation for the realities of the situation, prolonged both wars. There are accusations against commanders that wars were declared without authorisation. Later in the Republic, laws were introduced that limited the power to declare war. However, these deal with wars outside a commander's provincia. The *lex de provinciis praetoriis* c. 100 BCE found in Delphi and Cnidus records the first prohibition against venturing outside one's allotted provinciae (Cnidus copy, col.III, ll.10-15). Centuries later, Paul's commentary of Sabinus claims that if a commander ventured outside of his provincia he became a private citizen (*praeses provinciae in suae provinciae homines tantum imperium habet, et hoc dum in provincia est: nam si excesserit privatus est*: D.1.18.3).

Checks and Balances

This freedom was mitigated by various factors. These checks ensured power was not confined to one person, family, or a position in society. In international affairs, this appears to have been an extension of the domestic aversions to monopolised control. This aversion contributed to the lack of defined diplomatic policy and consistency. As we have seen despite *fides* ideally governing behaviour, the pursuit of *gloria* influenced actions. However, the pursuit of glory was mitigated by the potential for prosecution and the long-term usefulness a reputation for *fides* provided. Acting ignobly for the potential short-term gain of glory may come at the expense of gaining glory in future actions.

Prosecution

If a commander ended a war in order to gain glory but did so by ignoble means, he could face prosecution upon his return to Rome. Permanent courts were not established in Rome until after the period discussed in this chapter.[229] However, prior to 149 magistrates could face charges for their actions.[230] How effective these accusations were is questionable. There was no court easily accessible for allies and foreigners. Nor was Rome inclined to view things from foreigners' perspectives.[231] Successful complaints relied on one Roman citizen accusing another. Even then, punishment was not assured.

During this period, accusations rarely resulted in harsh punishment. For example, Manlius began a campaign in Istria in 178, without authorisation. While still a consul, he refused to justify his actions (Liv. 41.7). Famously, Popillius Laenus provoked a

[229] Gruen (1968) 8.
[230] Gruen (1986) 8-12.
[231] Lintott (1993) 99.

battle and having received the capitulation of the Statellati via *deditio*, enslaved the people and sold their property. He then sent letters to the Senate boasting of his actions (*at ille arma omnibus ademit, oppidum diruit, ipsos bonaque eorum vendidit; litterasque sentui de rebus ab se gestis misit*: Liv. 42.8.3). The Senate decreed that Popillius restore the Statellati's liberty and possessions lest no people surrender to Rome in the future for fear of similar treatment. Through political influence, the people failed to punish Popillius for his acts (Liv. 42.21-22).[232] It is difficult to ascertain to what extent these trials were the result of moral outrage or attempts at political one-upmanship. With the competition of the Roman world, it is understandable that an aristocrat could seek to disgrace his political foes. The accusations result in political attention. It seems likely that prosecutions were inspired by competition.

The limitation of communication that made it necessary to grant commanders *imperium* also limited the potential power of prosecution. The actions of commanders abroad could only be questioned if someone discovered their actions and the circumstances around them. Prosecution was a reaction. Pre-emptive control was limited. In normal circumstances, commanders acted freely until the Senate deemed a particular action inappropriate. As we shall see in the following chapter, prosecutions appear to have done little to stop subsequent occurrences of the same behaviour. Nor were all occurrences prosecuted. One's friends, allies, and theatrics heavily influenced the prosecutions. The threat limited the actions and power of magistrates. It was a deterrent, but like *fides* and the desire for glory, it did not necessarily control their actions.

[232] Gruen (1968) 9-10.

Reputation for *fides*

Another check for the unmitigated pursuit of *gloria* was the harm a reputation for duplicity could cause. In both domestic and international affairs, a reputation for *fides* was beneficial. As we saw in chapter I, a reputation for *fides* increased the status of a private individual. A *fidelis* man would have more friends and more clients, and thus have greater social status.

In international affairs, many Roman diplomatic endeavours were limited to 'compellance' or 'coercive' diplomacy.[233] One state would demand, threaten, or compel the secondary party to meet their whims, through the threat of force, or through actual force.[234] Diplomatic solutions were sought primarily when a state had reached a level of crisis; through either war between the two parties themselves, or when a state sought the aid of another due to external or internal pressure. Coercive diplomacy attempts to stop people from doing something they openly want to do, or are doing.[235] There was no international force of power or law to ensure diplomatic agreements, only threats and promises. For such a system to work, threats and promises must be credible.[236] Those that remain unfulfilled or betrayed would eventually result in the secondary party's disbelief. In the words of Henry Kissinger, "*a bluff taken seriously is more useful than a*

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[233] Fronda (2010) 19.

[234] Freeman (1997) 71-72.

[235] This differs from the idea of deterrence diplomacy, which attempts to dissuade opponents from undertaking an action they might wish to perform in the future. In the modern world, coercive diplomacy is harder than deterrence diplomacy. For convincing a people to stop doing something in the midst of it, such as developing a nuclear weapons system is much harder than convincing them never to start. However, in the case of Republican Rome, a lack of communication inhibited Roman knowledge of the potential activities of their neighbours. Strategic intelligence was limited. This combined with the individualism of command, the relatively limited period in which these commanders held *imperium*, and the lack of clearly defined goals meant that coercive diplomacy was largely the only option available. Potentially, it was the only idea that occurred to the Senate. Action was taken in response to incidents. Foreign policy was in this sense more reactionary than pre-emptive. See Austin and Rankov (1996) 12; Freeman (1997) 71-72; Rochester (2010) 136-137.

[236] Rochester (2010) 137.

serious threat [or promise] interpreted as a bluff."[237] Since Roman commanders could dictate agreements as they saw fit, secondary parties could not rely on a neutral arbitrator to ensure agreements. For the flexible nature of Roman diplomacy to work, credibility was vital. A role of *fides*, in international affairs, was to provide this credibility.

If commanders consistently acted treacherously and only for self-gain, then their chances of diplomatically ending a conflict would be slim. Due to this reliance on credibility, the reputation of individual commanders and the Roman state itself held a practical role in negotiations and discussions. How effective the negotiations were would depend on the reputation of the commander and the belief in Roman *fides.* Livy explicitly states the usefulness of a personal reputation for *fides*; Scipio's success at building diplomatic relations in Spain is directly attributed to his reputation (*inde conciliata clementiae fama non ad maritimos modo populos sed in mediterraneis quoque ac montanis ad ferociores iam gentes valuit; nec pax modo apud eos sed societas etiam armorum parta est, validaeque aliquot auxiliorum cohortes ex iis conscriptae sunt*: Liv. 21.60.4). There are cases in Spain where a commander's reputation for bad *fides* led to the downfall of negotiations. The Intercatisa refused to enter into negotiations with Lucullus, as they knew of his previous perfidy when dealing with the Caucaei (App. *Ib*. 51-52).[238] Negotiations only succeeded when Scipio swore the terms would not be broken.

Due to the *ad hoc* nature of Roman diplomacy, this reputation becomes even more important. If people could expect the same kind of agreement, and the same conditions, then they could judge Roman commanders based on the treatment of their neighbours.

[237] As quoted in Rochester (2010) 137.
[238] This incident will be examined further in chapter III.

As this was not the case, they had to rely on the hope that commanders would respect their word. Ideologically, no Roman individual would ever desecrate *fides* of his own volition. *Fides* was the notion that ensured the respect of contracts; it ensured that Rome would stand by their pledges and oaths; it ensured that Rome would do what was right; it allowed the continuation, in theory, of Rome's *ad hoc* diplomatic strategies. Without this notion, the Senate would have needed a stricter diplomatic policy.

THE REALITY OF *FIDES* 218-178.

Idealistically, all diplomatic and martial decisions were made with *fides* in mind. In Iberia up to 178, there are questionable acts but none are overtly perfidious. Dubious acts can be rationalised by the individual pursuit of *gloria*, pragmatism, and the realities of war. Cato did not do what was 'right' by the Iberians. His arguably unwarranted attacks against tribes are an example for Cato glory-seeking for personal gain. His raids counter Livy's rules of war. But compared to the treacherous acts detailed in the following chapter, his actions were not so much unreasonable as practical.

Fides was maintained in some agreements. Scipio Africanus and Gracchus both made agreements with tribes that had generous terms. They both maintained their word. Both were arguably in situations where they could have demanded more from the native people. However, there is little convincing evidence that any Roman commander between 218 and 178 acted with *fides* solely for *fides'* sake. Scipio and Gracchus may have treated the natives with clemency and maintained *fides* because it was a fast way to end conflict. This ensured they returned home to a triumph. In the Roman conquest in Iberia until 178, *fides* was a tool that was used as long as it contributed to the ultimate goals of commanders.

III – *FIDES* IN IBERIA:ROMAN CONDUCT 177-95

After the Gracchan treaties, extant sources provide scant information about Roman affairs in Iberia before the outbreak of the Lusitanian and Celtiberian wars in the 150's. It can be surmised that after the Gracchan treaties the Spanish tribes lived in relative harmony with Rome. Indeed, at times the *praetores* assigned to the province chose not to travel there, citing religious reasons (Liv. 41.15). In 173, the *praetor* Buteo died en route to *Citerior* and two retiring commanders were told to cast lots to decide who took his place (Liv. 42.4).[239] The *provinciae* became disadvantageous and unimportant. The state of Rome was more focussed on affairs in the East. For instance between Gracchus' treaties and the outbreak of the Celtiberian and Lusitanian wars, the third Macedonian war occurred (Liv. 42-45). Rome watched and interfered in the Seleucid succession, refusing to free Demetrius (App. *Syr.* 46). They intervened in the dispute between Ptolemy VIII Euergetes and Ptolemy VI Philometor of Egypt (Liv. *Per.* 45-47).

During this time, the Lusitani continued to raid *Hispania Ulterior* but the incidents were minor;[240] the Celtiberi also rebelled occasionally (Liv. 41.26; *Per.* 43). However, in the middle of the second century strife broke out in both provinces due in part to the actions of previous commanders and the Senate, as discussed above. The ambitions of particular Roman commanders led to some extremely perfidious and treacherous acts. In response to these acts, a semi-controlled area became one wrought with dissension and rebellion. These wars were the last true attempt of indigenous Spaniards to regain their independence and expel Rome from their land.[241]

[239] MRR 1.408-409.
[240] Keay (1988) 33.
[241] Curchin (1991) 33.

The dissolution of the Gracchan Treaties

The Gracchan treaties put an end to conflict in Celtiberia. Subsequently, Rome focussed its martial efforts elsewhere. However, as a result of cultural misunderstanding or purposeful ignorance, the treaties were contested. Since 178, the treaties had ensured a relatively peaceful relationship, with only a few minor infractions. This is probably due to the generous terms of the agreements. However, in 153, the Belli and the Titthi began enlarging and fortifying the city-state of Segeda.[242] They encouraged smaller towns to move to the site, amalgamated them, and began fortifying the new settlement with a wall forty stades in circumference (App. *Ib.* 44). The Senate forbade the fortification, citing the Gracchan treaties. They also demanded the inhabitants furnish a contingent for the Roman army. The Celtiberi replied that they had been forbidden to settle new cities, not fortify those that already existed. They also claimed to have been released from the other requirements (οἱ δὲ περὶ μὲν τοῦ τείχους ἔλεγον ἀπηγορεῦσθαι Κελτίβηρσιν ὑπὸ Γράκχου μὴ κτίζειν πόλεις, οὐ τειχίζειν τὰς ὑπαρχούσας· τῶν δὲ φόρων καὶ τῆς ξεναγίας ὑπ᾽ αὐτῶν ἔφασαν Ῥωμαίων ἀπεῖσθαι μετὰ Γράκχον: App. *Ib.* 44; *cf* Diod. 31.39). At their refusal, in 153 the Senate sent Fulvius Nobilior to compel the Celtiberi to agree.[243] According to Livy, the situation was so dire it led to the change of the New Year from the *ides* of March to the *kalends* of January (*consules anno quingentesimo nonagesimo octavo ab urbe condita magistratum kal. ian. inire coeperunt. Mutandi comitia causa fuit quod Hispani rebellabant:* Liv. *Per.* 47). Nobilior was the first consular commander in Spain since

[242] See Map III.
[243] MRR 1.452.

Cato.[244] His response to their refusal was to raze the city. However, the inhabitants had already fled to the Arevacian town of Numantia (App. *Ib.* 45). The destruction of this town is attested to by archaeological evidence, which supports the idea that the town was destroyed in 153, only to be later rebuilt. It has also revealed the construction of a 4.10-metre wide wall, of which only the base was constructed.[245]

It is unclear why this relatively simple refusal changed the Roman New Year and required a consular army. The situation was in no way desperate. The Belli fortified an existing city. Polybius claims that Marcius Figulus was given Dalmatia as a *provincia* because among other reasons, it had been 12 years since the war with Perseus and the Senate feared lest the Italians become effeminate due to a long peace (τούς τε κατὰ τὴν Ἰταλίαν ἀνθρώπους οὐκ ἐβούλοντο κατ᾽ οὐδένα τρόπον ἀποθηλύνεσθαι διὰ τὴν πολυχρόνιον εἰρήνη…: Plb. 32.13-14). This claim is connected to the desire for *gloria.* Wars were glorious. Peace offered little opportunity for *gloria*. The statement could explain why Romans fought constantly, even when diplomatic solutions could have been found. Curchin alleges that the consul was sent to Segeda due to a lack of areas for military command, rather than the threat posed by the people.[246] The Segedan's obstinence was a convenient excuse. As discussed, the amount of prestige that was attached to military command necessitated that consuls partake in, preferably successful, military endeavours. Thus, a consul needed a *provincia.* The same idea is used by Richardson to justify the brief lull that occurred in the Celtiberian war in 150. As we shall see, Lucullus, finding that his predecessor had effectively ended the war in Celtiberia made an unprovoked attack on the Vaccaei and aided Galba with the

[244] Richardson (1996) 61.
[245] Burillo (2006) 159-171.
[246] Curchin (1991) 34.

Lusitanians.[247] Technically, no solution was reached; war could have continued in Iberia. However, in 149, there was the prospect of war with Carthage. It was only after Scipio Aemilianus razed Carthage and Mummius destroyed Corinth and the Achaean league that Spain merited the attention of another consul.[248]

Badian suggests the failure of Gracchan treaties was due stating their static nature.[249] Unlike some treaties agreed with the Eastern world, the Gracchan treaties could not adapt to changing circumstances. In particular, forbidding the construction of new cities contributed to the outbreak of war. Gracchus' terms imply that Rome cared little for the further development of Spanish civilisation and advancement.[250] Gracchus determined the terms to solve immediate problems, that of rebellion and dissent against Rome. His terms succeeded in solving the problem at the time. They solved the reason behind the rebellion. However, they created new problems. The area was not annexed and subject to Roman administration, so it is natural that it continued to develop. The breakdown of the treaty was the result of mutual discord. It was not a breach in *fides* in itself. However, this action led to the outbreak of war in Celtiberia for the next twenty years. Again, it is a sign of commanders, and the Senate of Rome, solving a specific problem without considering the ramifications of their actions.

Roman Superiority

The building of a wall is a relatively unthreatening show of power. Essentially, Rome responded excessively to what could have been a simple misunderstanding. The response to destroy Segeda was most likely a combination of a quick response to the situation in light of the contemporary situation in Spain, and a need to assign something

[247] MRR 1.454-455.
[248] Richardson (1986) 135-137.
[249] Badian (1958) 123.
[250] Badian (1958) 123.

to the consul. As a result, the Celtiberian war arose. However, to the Roman mind-set foreigners fortifying themselves could be perceived as threatening to Rome's dominion in Celtiberia. The refusal of Segeda to acknowledge Rome's power to dictate their action was a sign that they were not blindly obedient to Rome. The people of Segeda did appear willing to negotiate, or at least discuss the situation. The Senate was not (App. *Ib.* 44; Diod. 31.39). The Celtiberi denied Rome's right to tell them what they may or may not do. The Senate's response was to attack and reinforce Roman dominion.

The situation was exacerbated by Rome's belief in their superiority. Despite the idea that an honourable Roman would do what was right, it cannot be denied that members of the Roman state viewed themselves as superior. The ideology that the Roman state was one of *fides* only added to the image of cultural dominance. The idea is rational. Most states believe themselves to be better in some way than their foes. All nations prefer to end conflict as victors. According to Virgil, it was Rome's sovereign right to rule and their duty to spare the humble and crush the proud (*tu regere imperio populos, Romane, memento/ hae tibi erunt artes/ pacisque imponere morem/ parcere subiectis, et debellare superbos*: *Aen.* 6.851-853). It follows that Romans wanted to finish wars on their terms. They preferred to negotiate from a position of strength and power, holding an aversion for perceived weakness and surrender.[251] However, Rome's belief in their superiority was extreme. For instance, Scipio's speech in Polybius presents Roman superiority as a given, as accepted fact. The Carthaginians are being outrageous, assuming they could trump Rome (καὶ καθόλου δεινὸν ἡγεῖσθαι καὶ παράλογον, εἰ τολμῶσι Καρχηδόνιοι Ῥωμαίοις ἀντοφθαλμεῖν, πολλάκις μὲν ὑπ' αὐτῶν ἡττημένοι, πολλοὺς δ' ἐξενηνοχότες φόρους, μόνον δ'οὐχὶ δουλεύοντες

[251] Barton (2007) 248-249.

αὐτοῖς ἤδη τοσούτους χρόνους: Plb. 3.64.4). This attitude is especially true in Roman interactions in Spain.

According to Livy, the spirit of your opponent must be broken in 'just' warfare for defeat and an acknowledgment of Roman power to be considered long-term (*sed eius demum animum in perpetuum vinci, cui confessio expressa sit se neque arte neque casu, sed collatis comminus viribus iusto ac pio esse bello superatum*: Liv. 42.47). Thus, diplomatic solutions were only long-term if a Roman army managed to force a nation to yield. As Eckstein states, this approach is also rational. In the disordered system of the ancient world, a state had to preserve its reputation for power. Martial success created and maintained this reputation.[252] Successful states were militarised.[253] In such circumstances, the reputation for power *was* power.[254] Military success was vital for security. For paramount security, conflict needed to end on Roman terms.

The belief in their own power influenced the Roman reaction to the Segedans. It was not necessarily the construction of a wall, but their refusal to listen when the Senate told them to cease that created the strife. Other Roman reactions to 'barbarians' supports this image. Commanders avoided making agreements even when they had been defeated. For instance, in 54 during the Gallic War the Nervii attacked Quintus Cicero's winter camp. Their action was a response to the establishment of Roman camps in their territory. They were willing to allow Roman forces to leave, unmolested. Despite not being in a position of power, Quintus Cicero claimed it was not the practice of the Roman people to receive terms from an armed enemy (*Cicero ad haec unum modo respondit: non esse consuetudinem populi Romani accipere ab hoste armato condicionem*: Caes. *B.G.* 5.41.7) However, he would support their request if they put

[252] Eckstein (2006) 63.
[253] Eckstein (2006) 119.
[254] Eckstein (2006) 63.

down their weapons and sent to Caesar for terms (*si ab armis discedere velint, se adiutore utantur legatosque a Caesarem mittant; sperare pro eius iustitia quae petierint impetraturos*: Caes: *B.G.* 5.41.8). Cicero's reference to an armed enemy may mean that Rome did not negotiate from an inferior position, that is Romans did not enter into negotiations unless they had defeated and disarmed their enemies. However, it may also indicate *ius gentium* or the idea of international law. Attempting to force an agreement while armed is coercive. It is likely the unarmed party would accept whatever terms to save their lives. Regardless, Quintus Cicero had no power in these negotiations. Rome had no claim over the territory, nor had Cicero overcome the Nervii by force. Still, he advocated Rome's superior position. It seems commanders preferred to dictate terms rather than accept or negotiate. By doing so, instead of admitting defeat to another culture, they could persuade their opponents to submit to Rome, for the immediate future.

Perseus defeated Publius Licinius in battle in 171. He offered Licinius reasonable terms to establish a treaty, even to pay tribute and vacate the area the Romans had previously demanded that Phillip of Macedon leave (*pacem petiere, vectigal, quantum Philippus pactus esset, daturum Persea Romanis pollicentes; urbibus, agris locisque, quibus Philippus cessisset, cessurum quam primum*: Liv. 42.62.10). Despite losing the battle, Licinius refused. He claimed there would only be peace if Rome had the unlimited right to determine the future of Macedon *(responderi placuit, ita pacem dari si de summa rerum liberum senatui permittat rex de se deque universa Macedonia statuendi ius*: Liv. 42.62.12). This was apparently normal behaviour from the Romans. Livy states that those unaware of Rome's attitude were astounded by the obstinacy (*haec cum renuntiassent legati, miraculo ignaris Romani moris pertinacia esse, et*

plerique vetare amplius mentionem pacis facere…: Liv. 42.62.13).[255] Livy portrays the Macedonians as outraged at the incredible arrogance of the Romans (*quodsi Romani tum quoque insita pertinacia aequa aspernarentur, deos hominesque et moderationis Persei et illorum pervicacis superbiae futuros testes*: Liv. 42.62.7). There is no rational reason to deny a peace agreement that was heavily in Rome's favour. Licinius denied peace because it was unreflective of Roman power and dominance.[256]

In cases where Roman commanders had no choice but to accept unfavourable terms, the Senate often refused to ratify agreements. Instead, the Senate handed over the general who agreed to them. For instance, the Senate denounced the treaty that ended the second Samnite war in 321 at Caudine Forks. Pontius, the leader of the Samnites, had encircled Roman forces. Pontius told them to surrender, which they did out of hunger and desperation (App. *Sam* 2). Pontius forced the consuls to agree, on pain of death, to an 'ignoble' treaty (App. *Sam.* 4.2-3; Flor. 1.11; Liv. 9.1-12). The terms affronted Roman *dignitas*. The Samnites had not only conquered Rome, but conquered something more important, Roman courage and spirit (*habere Samnites victoriam non praeclaram solum sed etiam perpetuam, cepisse enim eos non Romam, sicut ante Gallos, sed, quod multo bellicosius fuerit, Romanam virtutem ferociamque*: Liv. 9.6). The Roman people mourned (*postquam deditionem tam foede factam acceperunt extemploque sine ulla publica auctoritate consensum in omnem formam luctus est*: Liv. 9.7). The Senate allegedly struggled to comprehend the defeat of a Roman army. Postumius surrendered himself into Samnite hands to save Rome from such a servile

[255] *Cf.* Plb. 27.8; Plu. *Mor.* 197E-F.
[256] Livy claims that Perseus took the denial of peace to be self-confidence on the part of Licinius. Thus, he further attempted to induce peace by increasing the sum of tribute. The fact that Licinius continued to refuse these offers of peace only reinforces the idea that the general mentality of Rome was that they were superior and that if they could not conquer in battle an agreement needed to be made that at least reflected their superior status.

peace (*ex obnoxia pace*: Liv. 9.10).[257] This act nullified the agreement. The commander who made the agreement was no longer Roman; thus, there was no agreement with the Republic (*deditio sunt, ut pax Samnitium repudiaretur*: Cic. *Off*. 3.109).[258] As we shall see, Hostilius Mancinus agreed to a treaty with Numantia in 137 to protect Roman troops. At the time, Mancinus faced a choice between life and death. He chose to save his troops. However, the Senate repudiated the treaty.[259]

Even after suffering defeats at the hands of Hannibal and the defection of their allies, Livy insisted that no Roman thought of asking for peace (*nec tamen eae clades defectionesque sociorum moverunt, ut pacis usquam mentio apud Romanos fieret, neque ante consulis Romam adventum nec postquam is rediit renovavitque memoriam acceptae cladis*: Liv. 22.61). Cato the Younger claimed it was for the weak and defeated to beg (κεκρατημένων γὰρ εἶναι δέησιν καὶ ἀδικούντων παραίτησιν αὐτὸς δὲ οὐ μόνον ἀήττητος γεγονέναι παρὰ πάντα τὸν βίον: Plut. *Cat. Min.* 64.5). These sources suggest that continued conflict and potential death was preferable to peace that diminished the supremacy of Rome. They did not have to conquer or win every battle, but the terms made needed to reflect Rome's position of power. How reflective our written sources are of the reality of Roman action in the field is uncertain. But written record presents the idea that war was not necessarily about conquest and

[257] Livy does not question these attitudes or actions. He records Postumius' self-sacrifice as admirable. The people praised his decision to restore Roman dignity (Liv. 9.8). Livy's tales and the attitudes his characters present reflect and reinforce Roman belief systems.
[258] For the surrender of Roman commanders as compensation, see for example Val. Max. 6.6.3; Liv. 21.6.8; Plb. 3.8.8.20-21. Contrarily, for Rome foregoing this compensation see Sall. *Iug*. 37-9; Liv. *Per*. 64. It is possible that this nominal surrender of disgraceful parties to the enemy was a method of manipulation. A treaty it viewed as unsuitable for whatever purpose bound Rome. Hence, it surrendered the creator of the treaty. This should in their eyes negate the agreement. Cf. Cic. *Off*. 3.109. In the case of the Samnite treaty, it was possibly in an effort to ensure war was declared again with a valid cause. Postumius was handed over, and thus became the responsibility of the Samnites. He then proceeded to abuse the Roman legate accompanying him. Thus, he violated the *ius gentium* and granted Rome a reason to declare war anew (Liv. 9.10). The story is probably fictional. But it does provide an interesting doorway into the mind of Rome.
[259] MRR I.484.

acquisition of land; nor was peace about the cessation of conflict. The end to war was an acknowledgement of Roman superiority; the purpose was to break the enemies' spirit. Peace was not the ultimate goal. Superiority was.[260]

Tatum argues that this attitude of superiority was one of the factors of Roman success.[261] It is a valid point. The obstinacy meant that conflict continued until Rome gained satisfaction. One commander may die or agree to an ignoble agreement. The Senate sent another in his place.[262] It also helps to explain the relative lack of diplomacy in a modern sense. Diplomacy was not about mitigating potential conflict or solving problems as they arose. Rome had no need to develop diplomatic procedures because they believed they had few true rivals for power.[263] They did not need arbitration or mutual alliances to prosper.

Resolution

The attitude of superiority can explain the change in diplomatic policy in Celtiberia. The Arevaci of Numantia, encouraged by their Segedan compatriots, ambushed Nobilior's troops in 153 and defeated them (App. *Ib.* 45-47). His replacement in 152 was Claudius Marcellus.[264] Marcellus laid waste to the countryside until the Arevaci asked for peace and forgiveness (App. *Ib.* 48). They desired a renewal of their treaty with Gracchus. Marcellus was willing to grant this. But in this instance, Marcellus felt the need to acquire senatorial permission. This is the first time our sources specifically mention a commander in Spain referring a decision back to the

[260] In investigating the attitudes of the Roman Senate and its commanders, retrojection is unavoidable. This study assumes fundamental mid-Republican Roman attitudes are consistent with those expressed in the late Republic and early Principate.
[261] Tatum (2008) 48-49.
[262] As will be examined in chapter III, this seems especially true of the Roman conflict with Numantia.
[263] Campbell (2001) 19.
[264] MRR 1.453.

Senate. Marcellus allegedly desired peace, as well as glory. (Καὶ ὁ Μάρκελλος ἐξ ἑκατέρων πρέσβεις ἐς Ῥώμην ἔπεμπεν ἀντιλέξοντας ἀλλήλοις … ἐβούλετο γὰρ ἐφ᾽ ἑαυτοῦ τὸν πόλεμον ἐκλυθῆναι, δόξαν οἱ χρηστὴν καὶ ἀπὸ τοῦδε νομίζων ἔσεσθαι: App. *Ib.* 49 *cf.* Plb. 35.2-3).[265] The Senate refused. They insisted any future agreements be *deditio* agreements. Polybius records a fragment of the case. He reinforces the idea that the Celtiberians were willing to be punished for any potential breaches of agreed terms on the condition that afterward they returned to the position granted by Tiberius Gracchus' treaty (Plb. 35.2). According to Appian, the Senate did not appreciate that the Celtiberi refused to submit to Nobilior (App. *Ib.* 49).[266]

This is the first recorded time the Senate openly demanded that a *deditio* take place. [267] The decision over how to treat the Celtiberians had possibly been predetermined; it explains Marcellus' referral to the Senate against normal protocol. This act seems to be nothing more than the Senate's desire for an acknowledgement of their superiority. The chance one would rebel against a treaty and against a *deditio* are essentially the same. A *deditio* would remove the possibility of claiming cultural misunderstanding and an appeal to law, as Rome would technically have complete control over Celtiberian action.

The envoys returned to Marcellus; an army was amassed in Rome under the consular command of Licinius Lucullus (App. *Ib.* 49).[268] The Senate in this instance seems to be deliberately ignoring the idea that it was better to end war, for the sake of its own desires and ego. Marcellus wanted to end the war. He manipulated the Senate's

[265] Polybius' version accuses Marcellus of cowardice. He chose peace over warfare. The idea of cowardice coincides with the idea of Roman superiority. These accusations imply that Roman superiority and personal *gloria* were more important than the abstract ideology of *fides.*
[266] MRR 1.455.
[267] Richardson (1986) 142.
[268] MRR 1.454-455.

insistence on a *deditio* agreement and convinced the Belli, the Titthi, and the Arevaci to surrender to him in return for hostages and tribute. He subsequently allowed them to go free (ὁ δ' ἄσμενος ἀκούσας ὅμηρά τε καὶ χρήματα πάντας ᾔτησε, καὶ λαβὼν ἀφῆκεν ἐλευθέρους: App. *Ib.* 50 *cf.* Liv. *Per.* 48). If Marcellus gave them these terms before they surrendered, the *deditio* would have been invalid.[269] As previously discussed, *deditio* agreements were a leap of faith. The surrendering party could not determine their treatment; they had to rely on *fides.* A secret negotiation implies that Marcellus' actions were for his sake. He needed to secure peace before his successor arrived to ensure that he gained the *gloria*.[270] Nonetheless, the agreement was accepted.

Lucullus arrived in Spain to find the war he was sent to fight was over. This presented him, as consul, with no opportunity to prove his valour or to gain either glory or profit. Appian claims it was for these very reasons that he invaded and attacked the Vaccaei unprovoked:

> ὁ δὲ Λούκουλλος δόξης τε ἐπιθυμῶν, καὶ ἐκ πενίας χρῄζων χρηματισμοῦ, ἐς Οὐακκαίους ἕτερον γένος Κελτιβήρων, ἐνέβαλεν, οἳ γείτονες τῶν Ἀρουακῶν εἰσιν, οὔτε τινὸς αὐτῷ ψηφίσματος γεγονότος, οὔτε Οὐακκαίων Ῥωμαίοις πεπολεμηκότων, οὐδ' ἐς αὐτόν τι Λούκουλλον ἁμαρτόντων.
>
> (App. *Ib.* 51).[271]

[269] Richardson (2000) 147.
[270] The negotiations also had to be complete by the time his successor arrived lest someone discover his actions.
[271] Whether the Vaccaei were as innocent as Appian claims is debatable. See Richardson (2000) 148.

Lucullus was sent to Spain to induce the Belli and their comrades to surrender. But Marcellus had done this before he arrived. He, independent of senatorial influence, found a new opportunity for glory. He defeated both the Vaccaei and the Caucaei. In obedience with the *deditio* ritual, they agreed to provide Lucullus with hostages, silver and a cavalry contingent. He then asked that a garrison be admitted to the city, a common requirement of *deditio.* He then ordered his soldiers to slaughter the adult males. They were slaughtered while they upbraided the perfidy of the Romans (οἱ μὲν δὴ πίστεις τε καὶ θεοὺς ὁρκίους ἐπικαλούμενοι, καὶ Ῥωμαίους ἐς ἀπιστίαν λοιδοροῦντες, δειφθείροντο ὠμῶς: App. *Ib.* 51-52). The Caucaei exchanged peace for hostages and money. In response, they were massacred in a direct violation of Roman *fides*. Lucullus could have refused to negotiate; he would have been within his rights to kill the menfolk of the town. Rome did not have to agree to peace terms if it did not wish to. During the first Punic War, Rome refused peace even when the terms were favourable towards them.[272] Lucullus on the other hand did nothing more than destroy the reputation of Rome's fidelity for the sake of personal gain. *Deditio* agreements did not dictate the treatment of *deditiones* but they were a peace agreement. Their purpose was to cease conflict in exchange for certain conditions. In a similar situation in Numidia, Marius slaughtered the people of Capsa. Sallust points out precisely what Roman action in Spain reveals. He claims that while this action may have been a direct violation of *fides* and 'just war', it was strategically advantageous (*Id facinus contra ius belli non avaritia neque scelere consulis admissum, sed quia locus Iugurthae opportunus*: Sall. *Iug.* 91). *Fides*, it seems, could be sacrificed on a nationalistic scale for pragmatism and personally for the short-term gain of *gloria*.

[272] See Diod 23.12 Dio 43.2.2-3; Eutr. 2.21.3-4; Zon 8.13.

The usefulness of a reputation for *fides* is evident in Lucullus' endeavours. His previous breach posed a problem when he encountered the Intercatia. He attempted to convince them to form an agreement with him. They refused, expecting similar treatment to their compatriots. Lucullus in response laid siege to the city. Both sides were suffering from famine and disease, neither able to decisively defeat the other. In the end, Scipio Aemilianus made an agreement with them, promising it would not be violated. According to Appian, the Intercatia accepted the agreement because of Scipio's high reputation for valour (Σκιπίων ἀνεδέχετο τοῖς βαρβάροις οὐδὲν ἔσεσθαι παράσπονδον καὶ πιστευθεὶς κατὰ κλέος ἀρετῆς διέλυσε τὸν πόλεμον …:App. *Ib.* 54). The contrast between Lucullus' ignobility and Scipio's valour in this incident is clear. It is an attempt to glorify Scipio.[273] Lucullus gained none of the plunder, nor the glory for ending a war he ignobly created (App. *Ib.* 53-55). Lucullus then crossed into Lusitania to aid Galba in his battles (App. *Ib.* 58-59). Lucullus' actions in Spain were not the product of strategy. Appian records them as a little more than an attempt to gain plunder. This may be true. Lucullus betrayed the ideals of Roman ideology for the sake of his own gain, and achieved nothing aside from tarnishing the already questionable name of himself and of Rome.

Conflict renewed

After Lucullus returned to Rome, he faced no known disciplinary action for his unprovoked battles and massacre. The situation in Celtiberia relaxed, probably out of self-preservation, Marcellus' agreement, and the opportunity for war with Carthage. The only information we possess about subsequent magistrates refers to their

[273] Appian frequently contrasts the actions of others with Scipio Aemilianus. These comparisons may not be valid. But they highlight the importance of *fides*.

interactions with the Lusitanian Viriathus.[274] Viriathus reminded the Celtiberi of the treacherous actions of Rome and stirred them to revolt again in 143 (App. *Ib.* 76).[275] Rome sent Quintus Metellus Macedonicus to assess the problem.[276] After some initial success, the Celtiberi withdrew to Termantia and Numantia. By the time Metellus handed command over to his successor, Quintus Pompeius Aulus in 141, he had made no further advance (App. *Ib.* 76).[277] The actions of Pompeius Aulus further reveal that Roman commanders valued their own reputations and gains more than that of *fides* and peace, and that their view of superiority may have blinded them. Numantia at this time was no less powerful that it had been when Nobilior tried to sack it years before.

Pompeius attempted to sack Numantia. A force of Celtiberi, inferior in number, defeated him (App. *Ib.* 76-77). Consequently, he led his troops against Termantia. Again, this failed. Pompeius then proceeded to the town of Malia, which the Numantines had garrisoned. Here he achieved his first decisive victory, albeit a victory handed to him by the treachery of the native Malian inhabitants. He insisted they Numantines surrender hostages and their arms, indicative of a *deditio* (App. *Ib.* 77).[278] Pompeius then returned to Numantia, intending to starve the city. The Numantines however, bound the Romans to their own encampment. Pompeius, supposedly ashamed of his lack of success, did not retire to winter quarters. Instead, he remained in camp (μεθ' ὧν ὁ Πομπήιος, αἰδούμενός τε τὰ ἐπταισμένα καὶ ἐπειγόμενος τὴν αἰσχύνην ἀναλαβεῖν, ἐπέμενε χειμῶνος ἐν τῷ στρατοπέδῳ: App. *Ib.* 78). This proved disastrous as the fresh soldiers fell sick due to the cold and the unfamiliar food and water (App. *Ib.* 78). This decision only exacerbated his lack of martial success and

274 MRR 1.466; 1.469.
275 Viriathus and the Lusitanian wars will be discussed shortly.
276 MRR 1.461-2.
277 MRR 1.477.
278 MRR 1.477.

cannot have made Pompeius feel secure of his welcome back in Rome. Appian explicitly states that Pompeius feared prosecution (καὶ δεδιὼς κατηγορίαν ἔπρασσεν ἐς τοὺς Νομαντίνους κρύφα τοῦ πολέμου διαλύσεις: App. *Ib.* 79). His actions and those of his perfidious compatriots can be explained by this fear. If commanders faced prosecution for failing to reflect accurately Roman superiority, the abandonment of *fides* for *gloria* is not surprising. This is especially true if the attempted prosecutions came as a result of political enemies' attempting to discredit a commander. If such were the case, it seems unlikely that the circumstances surrounding decisions would be examined. Pompeius evidently desired the Senate to ignore his failures in light of the bigger picture: the end of the Celtiberian wars.[279] He could have distracted attention from his disastrous campaign and received praise for quelling the Numantines completely. Thus, he entered into secret negotiations with the Numantines. He advised them to surrender publically to him via *deditio* (ἐπιτρέπειν: App. *Ib.* 79). According to Appian, he did this because he knew the *Senate* would only accept these terms (οὐ γὰρ εἰδέναι συνθήκας ἑτέρας Ῥωμαίων ἀξίας: App. *Ib.* 79).[280] In secret, he promised other arrangments (λάθρᾳ δ' ὑπισχνεῖτο ἃ ἔμελλεν ποιήσειν: App. *Ib.* 79).[281] Problematically, Pompeius' successor arrived as this agreement was reaching its conclusion. After the Numantines had fulfilled their side of the bargain Pompeius denied he had ever made it.[282] It is possible that he did this because the agreement had not been completed before his successor arrived. Thus, he could not gain the glory for ending the war without Popillius Laenas discovering his trickery. The Numantines

279 Astin (1967) 148-149.
280 Appian is using the term συνθήκη here as an general term of an agreement.
281 To set terms before a surrender does not coincide with the spirit of *deditio* agreements. The point was to place yourself completely into Roman hands with only the hope of *fides* to support you. To make terms before the surrender is not surrendering into Roman hands per se, it is simply reaching an agreement akin to a *foedus* but without the legality. The surrender would probably have been declared invalid by the Senate even if Pompeius admitted its existence. *Cf.* Richardson (2000) 168.
282 MRR 1.481.

complained; Pompeius' men validated the existence of the agreement. The case was sent to Rome, Pompeius was tried, and war declared anew (App. *Ib.* 79).[283]

Other sources declare this agreement to be a *foedus.*[284] Florus argues that the Numantines, when they could have defeated Pompeius, preferred to stop and make a *foedus* with him (Flo. 1.34). Cicero likewise reinforces the idea that Pompeius made a *foedus* (*Off.* 3.109).[285] If this were the case, the Senate may have nullified the agreement regardless. After Marcellus, the Senate insisted on *deditiones.* They appear to have reduced the individual power of commanders by insisting upon this unilateral policy, which acknowledged Roman superiority. Even if Pompeius followed the processes of a *deditio*, the preceding negotiations violated the agreement. The Numantines knew what Pompeius would provide. There was no longer a leap of faith involved. The agreement would not have follow prescribed senatorial policy, regardless. Pompeius betrayed the trust of the Numantines. He went through the process of making an agreement, so that his failures in Spain were not called to account in Rome. Then, when he realised that he could not stop the Senate becoming aware of his actions, he broke his word. Although it was established policy in Celtiberia to demand *deditio*, the terms of these agreements were still flexible.[286] But, *deditio* requires the defeat of the surrendering party. The purpose of the agreement is the acknowledgement of Roman power. Telling a people to surrender negates the point.

Appian claims Pompeius wanted the war to stop for personal gain, for fear of punishment; thus, he misled the Numantines about his objectives and the repercussions

[283] Alexander (1990) 6-7. Richardson (2000) 168 claims this was a senatorial debate rather than a trial.
[284] This is but one example where our sources deem an agreement to be different things. It reinforces the idea of flexible terminology and a lack of defined policy.
[285] For other sources that deem this agreement a treaty, see Liv. *Per.* 54; Vell. 2.1.5; Dio fr. 79; Eutr.. 4.17; MRR 1.481.
[286] Astin (1967) 149.

of their act (App. *Ib.* 79). Pompeius denied he ever made such promises. Pompeius valued *fides* only for what it could do for him. However, the Senate's *fides* proved no better. They ignored the perfidy of Pompeius. The Senate renewed the war but neither punished Pompeius nor remunerated the Numantines for their losses. There was no strategic reason to deny the agreement. It was admittedly made incorrectly, but so was Marcellus' in 152. It seems likely that the Senate refused the agreement because they viewed the Numantines as a barbarous people far below the Romans. Given this, they should be defeated easily. The Senate underestimated their resistance and were blinded by their superiority, a blindness that led to the losses of Roman troops.

Hostilius Mancinus took over command in 137.[287] He suffered grave losses at the hands of the Numantines. Upon hearing a rumour that reinforcements were heading for Numantia, Mancinus panicked. At daybreak, he was surrounded. The Numantines gave him a choice. He was either to make peace, or to die.[288] Yet again, Appian tells us that the Spanish tribes offer to make peace despite being in the superior position. Mancinus agreed to make a treaty on equal terms, and bound himself to this by oath (…καὶ πάντας ἀποκτενεῖν ἀπειλούντων εἰ μὴ συνθοῖτο εἰρήνην, συνέθετο ἐπι ἴσῃ καὶ ὁμοίᾳ Ῥωμαίοις καὶ Νομαντίνοις…: App. *Ib.* 80). The treaty was made in order to avert disaster. At this point, the Romans had never decisively defeated the Numantines. When the Senate heard of this treaty, they called Mancinus home to face judgement.[289] The 'disgraceful' nature of the agreement is mentioned in various sources (Liv. *Per.* 55; Vell. Pat. 2.1.4; 2.2.1; 2.90; Flor. 1.34).[290] In this instance, it could have been

[287] MRR 1.484.
[288] Appian may of course have had an anti-Roman agenda, which glorifies conquered peoples.
[289] Liv. *Per* 55; Cic. *Brut.* 97; Cic. *Off.* 3.109.
[290] See Richardson (2000) 169 for further sources. Interestingly the Senate appears to have had little problem making *foedera* with the Greek world. For instance, In the second century BCE, Rome made an agreement with Kibyra that included a mutual amendation pact ((καὶ ἐάν τι πρὸς ταύτας τὰς συνθήκας ὁ δῆμος ὁ Ῥωμαίων καὶ ὁ δῆμος ὁ Κιβυρατῶν κοινῇ βουλῇ

considered disgraceful due to Mancinus' preference for life over death, or due to preconceived notions about the culture of the Spanish.

Cicero distinguished Pompeius' case from that of Mancinus because Pompeius denied his agreement and Mancinus admitted his.[291] Both commanders probably knew how their actions would be received in Rome. However, Pompeius sought to direct attention away from his ruinous campaigns and chose not to add more disgrace to himself. Mancinus admitted his actions and took responsibility for them. The more honourable man faced punishment. Gruen asserts that the difference in treatment between the two commanders was a result of political enmity in the Roman Senate. Pompeius escaped due to personal support; Mancinus had none and suffered for it.[292] In either case, the Senate acted treacherously. The Senate, having given commanders *imperium*, should have accepted their terms. They repudiated Mancinus' treaty and delivered Mancinus to the Numantines naked, as remuneration for the breach (App. *Ib.* 83).[293] The war was renewed. In neither case is the Senate overly concerned with the repercussions of their agreements outside of Rome. They do not consider their actions in light of Numantia. Rome had nothing to gain from maintaining either agreement and conveniently ignored the terms and the obligations that *fides* created between the two nations.

The Senate's insistence upon *deditio* agreements in the case of Numantia is understandable. Security did not allow the constant risk of Numantine resistance to be tolerated. Thus, the Senate had to choose between either subjugating or annihilating the

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προσθεῖναι ἢ ἐξελεῖν βούλωνται, κοινῇ βουλῇ δημοσίαι ἑκατέρων θελόντων ἐξέστω: *OGIS* 762). However, it may be that the Senate made treaties as the alliance of the people contributed to their success against the likes of Antiochus and Perseus. A similar thing occurred in Spain while the Carthaginians were still present.

[291] Richardson (1986) 146.

[292] Gruen (1968) 40-41.

[293] *Cf.* MRR 1.484

Numantines. Treaties create peace for a time, but they do not offer complete security. The situation in Spain revealed that the Numantines were not foes who could easily be beaten, nor who would even accept Roman dominion in name alone. The Senate's insistence on *deditio* implies they underestimated the Numantines, both their skill and their attachment to freedom. This may have been due to a lack of reliable information. However, it seems more likely it was due to a sense of cultural superiority. The Spanish were 'barbarians'. The Senate did not want to make equal or reciprocal agreements with those they viewed as culturally inferior.[294] Appian reinforces this idea. He claims that the war had been far longer and more difficult than Rome expected (ἐν δὲ Ῥώμῃ κάμνων ὁ δῆμος ἐπὶ τοῖς Νομαντίνοις, μακροῦ καὶ δυσχεροῦς τοῦ πολέμου σφίσι παρὰ προσδοκίαν γεγονότος…: App. *Ib.* 84). Mancinus' treaty, although made under duress, was an opportunity to end war. This end came at the expense of Roman superiority. Thus, an opportunity for a peaceful coexistence was lost.[295]

The Senate's uninformed policy placed generals in difficult diplomatic situation. At times in Roman history, Roman commanders had no choice but to form equal agreements. Pragmatically, they chose to enter them out of requirement. Geography, logistics, and circumstance often prevented Roman commanders from making any other decision; unless they wished to die. Our sources give us the impression that it was preferable and more honourable to die than accept defeat. However, human nature dictates a preference for survival. When faced with life or death the majority choose life. Domestic politics created fear if an individual was not secure in his support base.

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[294] This is reinforced by the existence of *foedera* in the East. Rome was not averse to these agreements. Nor did they insist upon unilateral agreements here. Eastern *foedera* were often contained reciprocal obligations. For instance. In the treaty between Rome and Kibyra in the second century either party is free to augment or change the treaty (*OGIS* 762). The same idea also exists in the treaty between Rome and Astypalaia in 105 BCE (*IG* XII 3.173). These agreements grant power to either signatory, they are truly bilateral. See Gruen (1984).

[295] Keay (1988) 38.

This fear would control unjust action. But due to the fickle nature of politics, it could punish *fidelis* action too. *Fides* becomes limited to action that supports the Roman state's agenda. Expediency prevailed over the ideal of doing what was morally right.

While the Senate had been debating what to do about Mancinus and his treaty with the Numantines, they had sent Aemilius Lepidus in his place.[296] Aemilius Lepidus reportedly grew bored, supposedly because he was yet another commander who took command for personal glory rather than for the Republic (ὡς γὰρ ἐπὶ δόξαν ἢ κέρδος ἢ θριάμβου φιλοτιμίαν ἐξήεσάν τινες ἐς τὰς στρατηγίας, οὐκ ἐπὶ τὸ τῇ πόλει συμφέρον: App. *Ib.* 80). In Appian's commentary there does not seem to have been one commander who fought for the advantage of the Roman state.[297] Lepidus falsely accused the Vaccaei of aiding the Numantines, and attacked them. He laid siege to their principle city, Pallantia (App. *Ib.* 80). When the Senate heard of his actions, they were at a loss to know why, after Rome had suffered so many disasters in Spain, he would seek a new purposeless war.[298] He was ordered to desist. As he had already begun besieging the city, and had acquired the aid of his counterpart from *Ulterior Hispania* Brutus, he continued (App. *Ib.* 81-82). Appian claims he believed that if the Senate knew the war had already begun it would not have issued such orders. To withdraw would result in a serious loss of prestige and be a dangerous endeavour (ἔσεσθαι δὲ καὶ τὴν ἀνάζευξιν τοῦ πολέμου φοβερὰν ὑπολαβών, καὶ σχεδὸν Ἰβηρίας ὅλης διάλυσιν : App. *Ib.* 81). When the Senate learnt of his further action, he was deprived of command and summoned home. He was fined upon his return (App. *Ib.* 83).[299]

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[296] MRR 1.487.
[297] If other sources survived, it is likely a different image would be presented of some commanders.
[298] This action supports Harris' theory that individual commanders were inspired by glory more than anything else.
[299] Alexander (1990) 8-9.

That this war continued despite explicit orders from the Senate to desist exemplifies the amount of freedom that Roman commanders had under normal circumstances, as well as the ignorance of the Senate due in part to slow communication. The Senate did not know what was going on in Spain until well after the event; they did not know that Lepidus had already begun his war when they told him to stop; and they did not know he had continued regardless, until he had to retreat. That Rome insisted on a policy of *deditio* in light of this ignorance makes it easier to understand why breaches of *fides* existed. The Senate repudiated any who made other agreements, despite the potentiality that war would have ended if the Senate accepted them. This ignorance combined with a superior attitude, and commanders who wanted *gloria* more than peaceful coexistence almost ensures the failure of *fides*, unless it was advantageous for an individual commander to utilise it in a particular scenario.

The Senate needed to end the Numantine war. Scipio Aemilianus was elected to the consulship for a second time to do so (App. *Ib.* 84).[300] Arriving in Spain, Scipio reformed the army (App. *Ib.* 85). He organised a siege of Numantia. Scipio did not wish to suffer any disaster that would further anger the Numantines, who at this time hated the Romans (οὐδὲ διῄρει ποι τὸν στρατὸν ὅλως, τοῦ μὴ τινος ἐν ἀρχῇ γενομένου πταίσματος εὐκαταφρόνητον τοῖς πολεμίοις αὐτὸν γενέσθαι, καὶ τέως καταφρονοῦσιν: App. *Ib.* 87). This hatred is perfectly understandable. Numantia was driven to rebellion because of Viriathus' valid point about Rome's perfidy in war. The subsequent expeditions against Numantia only proved to them the fickle nature of Roman *fides*. Twice Numantia had made an agreement, only for Rome to repudiate it. The siege was remorseless (App. *Ib.* 90-98). Scipio told the Numantine ambassadors that for peace they must make an outright surrender; their arms and the town, with its

[300] MRR 1.490.

inhabitants were to be given to him (ὁ δὲ Σκιπίων (ᾔσθετο γὰρ παρὰ τῶν αἰχμαλώτων τὰ ἔνδον) ἔφη δεῖν αὐτοὺς ἐγχειρίσαι τὰ κατὰ σφᾶς καὶ σὺν ὅπλοις παραδοῦναι τὴν πόλιν: App. *Ib.* 95). Scipio openly demanded what the Senate appears to have always desired, absolute dominion. The Numantines denied these terms. Reduced by hunger they soon accepted his terms. Scipio's only concession was to allow some to commit suicide, if they wished (App. *Ib.* 97). Numantia was to surrender utterly and completely into Roman dominion and they would receive what terms Scipio chose to grant. Scipio's actions were brutal. He offered them no clemency for surrendering, even though he had starved rather than fought them. Scipio selected fifty Numantines for his triumph; he sold the rest to slavery; and he razed the city to the ground (App. *Ib.* 98).[301]

Scipio's actions were his own. The Senate it appears never issued any policy for Celtiberia aside from their insistence of *deditio* agreements. Commanders appear to have determined the conditions of these agreements. Hence, Marcellus could offer moderate terms years before. Now Scipio could destroy Numantia. He did this before the Senate had reached a decision about what to do with Numantia.[302]

> …Νομαντίαν δὲ σμικράν τε καὶ ὀλιγάνθρωπον, οὔπω τι Ῥωμαίων περὶ αὐτῆς ἐγνωκότων, αὐτός, εἴτε συμφέρειν Ῥωμαίοις ἡγούμενος, εἴτε ἄκρος ὢν ὀργὴν καὶ

[301] It is interesting to note that when Popillius Laenus sold the people whom he had acquired via *deditio* into slavery, the Roman people reacted and attempted to charge him (Liv. 42.21-22). Scipio's actions do not seem to have elicited this reaction. It is likely that the history with the Numantines contributed to this.

[302] There is some contention about the translation of the phrase "οὔπω τι Ῥωμαίων περὶ αὐτῆς ἐγνωκότων" White, in the Loeb translation, gives it as "the Romans knowing nothing about the transaction as yet." Astin (1967) is more inclined to think "with the Romans not yet having arrived at a decision about Numantia." Richardson (2000), in his translation of the *Iberika* gives it as "without the Romans having made any decision about it". Considering the individual nature of Roman action, especially when it came to *deditio* agreements, I am inclined to think the decision would have been left up to Scipio. This is supported by the inclusion of the emphatic pronoun αὐτός.

φιλόνεικος ἐς τὰ λαμβανόμενα, εἴθ' ὡς ἔνιοι νομίζουσι, τὴν δόξαν ἡγούμενος διώνυμον ἐπὶ τοῖς μεγάλοις γίγνεσθαι κακοῖς…

(App. *Ib*. 98).

Appian provides three rationales for Scipio's destruction of the city, it implies the Senate had not issued a directive as to how to act. Scipio destroyed the town for the advantage of the Romans, either because he was a vindictive man, or because he thought it would gain him glory (App. *Ib.* 98). It seems likely that personal glory motivated him. With the virtual annihilation of the Celtiberi the wars came to an end, despite opportunities for a peaceful co-existence. There was little blatant perfidy on the part of commanders in these wars. There was manipulation. For the most part the duplicitous behaviour came from the Senate. They demanded unrealistic terms and there is no evidence in our sources that they thought of the repercussions that repudiating two agreements without compensation would bring.

LUSITANIAN WARS 154-138 BCE

While the Celtiberi were engaged in conflict in *Hispania Citerior,* the Lusitani were simultaneously fighting bitter wars with Rome in *Hispania Ulterior*. The Lusitani had retained their autonomy despite Roman expansion into the Iberian Peninsula.[303] From their lands in modern Portugal, they raided *Hispania Ulterior*. No Roman force succeeded in attaining their loyalty, respect, or fear despite the numerous efforts to stop the raids and excursions into their territory. Between 155 and 151, the raids became more organised.[304] In 153, the Lusitani under Punicus and Caesarus ravaged the lands of

[303] See Map IV.
[304] Keay (1988) 33.

Roman subjects in *Hispania Ulterior*. The Senate sent Mummius to counter them (App. *Ib.* 56).[305] Mummius defeated this group of Lusitani only to be faced with a second group, angry at Rome. Mummius appeared to put off the rebellion. He returned to Rome, to a triumph (App. *Ib.* 57). But Mummius did nothing to address why the Lusitani were raiding with increased severity. His solution to the problem was to kill the Lusitani. As a short-term solution, this is cogent; he was attempting to control them by fear. The concurrent nature of the Lusitani raids implies some kind of organisation and dissent amongst the people as a whole, however. Mummius' slaughter of them did nothing to address this problem.

Marcus Atilius, Mummius' successor, invaded Lusitania. If the Lusitani were hostile toward the Romans, as Appian claims, an invasion would do little to address the problem unless Roman forces were to slaughter them all (κἀκεῖνοι Ῥωμαίοις πεπολεμωμένοι …: App. *Ib.* 57). Marcus Atilius captured the largest town of Lusitania, named Oxthracae. The capture of this town compelled some surrounding towns to surrender. Appian fails to specifically explain the nature of these agreements, simply claiming that they 'made terms of surrender' (τὰ δ' ἐγγὺς καταπληξάμενος ἅπαντα ἐπὶ συνθήκαις παρέλαβε: App. *Ib.* 58). This surrender was insincere. Either the two cultures misunderstood what the other interpreted this surrender to be, or Atilius underestimated the Lusitanians' hostility toward Rome, or overestimated their fear, for as soon as he withdrew to winter quarters they rebelled (App. *Ib.* 58). The Lusitanians here have no *fides*; their words hold no value. Appian does not consider this lack of *fides* noteworthy. Barbarians to some extent were expected to be fickle.

[305] MRR 1.452; 1.454.

Atilius' successor is famous for committing one of the most atrocious, perfidious acts of Republican Roman military history. Servius Sulpicius Galba destroyed the notion of *fides*. His action ensured the continuation of the Lusitanian war for nearly twenty years.[306] Galba lost his first attempt against the Lusitani in 151 (App. *Ib.* 58; Liv. *Per.* 48).[307] His subsequent effort was aided by Licinius Lucullus. Together they invaded Lusitanian territory. The Lusitani sent ambassadors to Galba, desiring the renewal of the alliance that they had made with Atilius and then transgressed. Galba received the ambassadors appropriately and pretended to sympathise, as poverty had compelled the Lusitanian acts ("τὸ γὰρ λυπρόγεων," ἔφη, "καὶ πενιχρὸν ὑμᾶς ἐς ταῦτα ἀναγκάζει· δώσω δ' ἐγὼ πενομένοις φίλοις γῆν ἀγαθήν, καὶ ἐν ἀφθόνοις συνοικιῶ, διελὼν ἐς τρία": App. *Ib.* 59). The Lusitani believed Galba when he claimed he would grant them land and settle them in fertile country (Οἱ μὲν δὴ τάδε προσδοκῶντες ἀπὸ τῶν ἰδίων ἀνίσταντο, καὶ συνῄεσαν οἷ προσέτασσεν ὁ Γάλβας: App. *Ib.* 60). Galba instead ordered them to give up their weapons, as friends, and then proceeded to surround them with a ditch. His soldiers then slaughtered them, although Appian exaggerates the number slain. In Appian's words he avenged treachery with treachery, imitating barbarians in a way unworthy of a Roman (…ἀπιστίᾳ μὲν ἄρα ἀπιστίαν μετιών, οὐκ ἀξίως δὲ Ῥωμαίων μιμούμενος βαρβάρους: App. *Ib.* 60).[308] The implication of Appian's words is the *fides* was the norm. He reinforces the ideology that Romans were *fidelis*. Galba acted as if he were a barbarian, not a Roman.

Technically, slaughtering is not a breach of *fides*. That Galba slaughtered the Lusitanians after they had submitted **is**. The Spaniards indeed breached the condition

[306] That Galba's action led to the Lusitanian War is supported by other sources *cf.* Val. Max. 9.6.2; Suet. *Gal*. 3.
[307] MRR 1.455.
[308] The story of Galba's treachery is reported with equal disdain, though in less detail in numerous sources including Cic. *Brut* 89; Oros. 4.21.10; Suet. *Galb.* 3.2; Val. Max. 8.1. Absol 2; 9.6.2 *cf.* MRR 1.456-457.

set out for them in the previous agreements; the anger of Galba is understandable. He had no reason to trust the Lusitanians. There was a suggestion that they planned to attack him (… *in qua Lusitanos prope se castra habentis caesos fatetur, quod compertum habuerit, equo atque homine suo ritu immolatis per speciem pacis adoriri exercitum suum in animo habuisse*: Liv. *Per.* 49). If this were the case, his actions were practical. However, nothing forced him to accept their submission. He could have refused their ambassadors and insisted that the fight continued. Even if there were a language barrier between the two nations and neither side properly understood each other, Galba broke his own word. Galba broke the sanctity of diplomatic relations. In part, this comes about due to individual personal ambitions. Appian claims that Galba, even in times of peace, was a miserly perfidious liar who was wont to escape punishment with his wealth (ἀλλ᾽ οὐδὲ ἐν τῇ εἰρήνῃ φασὶν αὐτὸν διαλιπεῖν ψευδόμενόν τε καὶ ἐπιορκοῦντα διὰ κέρδη: App. *Ib*. 60).[309] This may simply be a stock accusation to enhance the image of a greedy general. However if it were true, Galba's slaughter allowed him to gain more plunder. Tribute, taxes, and remuneration provide less than seizing all a tribe's assets. In addition, Galba could have gained a triumph by defeating the Lusitani, as a threat to Rome's dominion. Both of these rationales for his actions are the result of personal endeavours, which can exist only because of the lack of a defined senatorial policy. If an informed policy was established prior to the Roman invasions, the perfidy could have been avoided.

The Senate attempted to repudiate Galba for his perfidious acts. The most famous of his denouncers was Cato, who wrote about the case in his *Origines* (108 P).[310] L. Scribonius Libo, the tribune of the plebeians introduced a *rogatio* against him (Liv. *Per.*

[309] However, in the *Iberike,* Appain approves of no Roman commander, with the possible exception of the Scipios.
[310] Cato's presence is also attested by Plutarch *Cat. Mai.* 15; Cic. *Brut.* 89; Front. *Epis. ad. Caes.* 3.21.

49; Cic. *Brut.* 89). Libo supposedly prosecuted the case along with L. Cornelius Cethegus and M. Porcius Cato.[311] Galba was acquitted either due to his parading crying children in front of the jury, bribery, or his claims of Lusitanian subterfuge (App. *Ib.* 60; Liv. 39.40; Val. Max. 8.1.2; Gell. *N.A.* 1.12). There is some debate however about whether Galba was brought to trial at all.[312] Many modern scholars argue that Galba's trial resulted in the introduction of the *quaestio de repetundis*, although no ancient source indicates this.[313]

Galba attempted to justify his actions by claiming that he was attacking pre-emptively. According to Livy, he claimed that the Lusitanians had sacrificed a horse, along with a man in accordance with their pre-war rituals (Liv. *Per.* 49). That the Lusitanians had rebelled against Rome previously supports these claims, or at least the potential that they might rebel once more. Indeed, if Galba received intelligence he believed to be viable, then to do nothing would have been to neglect his duty to Rome. However, slaughtering the people under the pretence of diplomacy and *fides* was an inappropriate forum in which to confront potential rebellion. According to Appian, the Lusitani willingly and openly sought an alliance with Galba; they followed his directives to surrender their arms and gather their people (App. *Ib.* 59). They acted appropriately. It implies they truly sought peace.

Galba's conduct was remembered throughout Roman history as an ignoble incident in Roman foreign affairs. The manner in which the Lusitani were killed and enslaved was unusual and contrary to Roman ideological practice; opponents could readily portray it as underhand. Galba's justifications for his actions probably relied on the unpleasant necessities of war: *fides* and honour are usually the first casualties when

311 Alexander (1990) 1.
312 Richardson (1986) 138-140.
313 Richardson (1986) 137-140; Richardson (2000) 155.

dealing with unfamiliar tactics and surroundings, vague policy, devious enemies, and political pressures. Galba may have been right in his claims but the incident was never going to look good. The attempts at prosecution reveal that some people in Rome may have been concerned about regulating and monitoring the conduct of their generals, although the motives of individual cases are always difficult to determine. And these legal proceedings were hardly infallible. Despite this perfidy, Galba secured diplomatic posts later. He led an embassy to mediate in the war between Hierapytna and Itanos.[314] This further implies that the Romans' attitude toward diplomacy and the reality of fides was rather inconsistent. Nonetheless, whether Galba was prosecuted or not, he still slaughtered thousands of people who had surrendered to him.

Viriathus and Lusitani Resistance

After Galba's massacre the Lusitani were quelled for a time.[315] However, Viriathus used Galba's actions to rally troops and people to his cause. If Galba truly did believe the Lusitani were planning a rebellion, his actions did nothing to mitigate the potential future of another. Since one commander did not have to deal with the potential shortcomings of their actions, evidence suggests they did not consider them. In 147, those who had escaped Galba's massacre amassed a force of 10,000 men and invaded Turdetania (App. *Ib.* 61; Liv. *Per.* 52). Vetilius managed to quash the uprising. He offered land in exchange for obedience, Viriathus included.[316] He allegedly reminded them of the previous treachery of the Romans (τότε συνὼν αὐτοῖς ὑπεμίμνησκε τῆς Ῥωμαίων ἀπιστίας, ὁσάκις τε αὐτοῖς ὁμόσαντες ἐπιθοῖντο καὶ ὡς ὅδε πᾶς ὁ στρατὸς ἐκ τοιῶνδε ἐπιορκιῶν Γάλβα καὶ Λουκούλλου διαφύγοιμεν…: App. *Ib.*

[314] MRR 1.478.
[315] This, like the war in Celtiberia, could be due to the potential for war with Carthage.
[316] This offer either reveals Appian's misunderstanding of Roman holding in Spain, or it further reveals the sense of superiority the Romans held. At this time, Rome did not possess much of western Spain. See Map IV.

61). Rather than taking Vetilius at his word, Viriathus' supporters chose to fight against Roman power (App. *Ib.* 62). Livy claims that Viriathus occupied all of Lusitania at this time. He proceeded to capture and kill Vetilius.[317] Viriathus was considered such a fearful enemy that a consular army was required to pursue him (Liv. *Per.* 52).[318] As Viriathus had yet to prove his threat to Rome, this justification seems to be retrojection.

Viriathus harried Roman troops and their allies for nearly a decade (App. *Ib.* 61-75).[319] During that time, numerous Roman commanders marched against him. A consular army was dispatched from Rome under the command of Fabius Maximus Aemilianus in 145.[320] He defeated Viriathus once and captured two of his cities, though this success accomplished no decisive result (App. *Ib.* 65).[321] In 143, Quintus Pompeius Aulus replaced his command. Viriathus convinced the Celtiberi tribes of the Arevaci, Belli, and Titthi to abandon their alliance to Rome, thus sparking the Celtiberian wars (App. *Ib.* 66). Arguably, he attacked Roman garrisons and invaded Roman territory during his campaigns, defeating various Roman generals and armies (Flor. 1.33). The war with Viriathus continued with no significant result for the Romans until 141. Viriathus drove Servilianus and his army to a position whence there could be no escape. Here, Viriathus offered the Romans a treaty. Viriathus was declared a friend of the Roman people, and permitted to retain all the land his followers inhabited (…ἀλλὰ νομίσας ἐν καλῷ θήσεσθαι τὸν πόλεμον ἐπι χάριτι λαμπρᾷ συνετίθετο Ῥωμαίοις, καὶ τὰς συνθήκας ὁ δῆμος ἐπεκύρωσεν, Οὐρίατθον

317 MRR 1.464.
318 It may be that the consul had no other apparent warfare, as was arguably the case with Nobilior in Celtiberia.
319 Sources give different estimates on the duration of the war. The manuscript of Appian claims it went for 3 years, but was amended to 8 by Schweighäuser, see Richardson (2000) 155; Velleius Paterculus gives 10 years, Vell. Pat. 2.90. Livy, Florus and Orosius give 14, Liv. *Per.* 54; Flor. 1.33; Oros. 5.4. See Richardson (1986) 186-189.
320 This is the first certain date after Sulpicius Galba in 151, Corey Brennan (1995) 60.
321 MRR 1.471.

εἶναι Ῥωμαίων φίλον, καὶ τοὺς ὑπ᾽ αὐτῷ πάντας ἧς ἔχουσι γῆς ἄρχειν: App. *Ib.* 69).[322] This treaty was accepted with little obvious resistance in Rome.[323] It left the Lusitani in control of much of Baeturia. It differs from the attitude of the Senate toward Celtiberia. Viriathus was granted a bilateral *foedus*. Why the Senate agreed to a *foedus* in this situation and yet insisted upon *deditio* agreements in Celtiberia is questionable. It seems likely that this agreement was reached because the Celtiberian war was being fought simultaneously. In doing so, the Senate could focus its efforts on the Celtiberi. Duress induced commanders to make an agreement that ill-reflected Roman *maiestas* and superiority, and inspired the Roman people to ratify it. There is no evidence it was greatly disputed at the time.

The war with the Lusitani could have stopped at this point, but for Rome's preference for superiority and the egocentric desires of commanders. Viriathus defeated one general; consequently, the one who defeated him would gain more *gloria* because of it. As has previously been discussed, Rome preferred to enter into treaty negotiations on their own terms; they were in charge; they were superior. This belief was compounded by the individual desire and potential for triumph and glory. The desire for peace only extended to peace on Roman terms. Viriathus' peace was on his terms. It did not appease Roman sensibilities. Servilianus' successor, Caepio decreed that the treaty was unworthy of the dignity of Rome (διέβαλλε τὰς συνθήκας, καὶ ἐπέστελλε Ῥωμαίοις ἀπρεπεστάτας εἶναι :App. *Ib.* 70).[324] This conclusion was probably reached after an assessment of the military power of both sides, the morale of the troops, the potential for back up from Popillius Laenas due to a truce in Celtiberia, and in light of Caepio's own desires. The Senate at first authorised Caepio to 'annoy'

322 *Cf.* Liv. Per. 53; 54; Oros. 5.4; Diod. 33.1.4.
323 Astin (1967) 142-143.
324 MRR 1.479.

Viriathus in secret and attempt to force him to break the treaty (καὶ ἡ βουλὴ τὸ μὲν πρῶτον αὐτῷ συνεχώρει κρύφα λυπεῖν τὸν Οὐρίατθον ὅ τι δοκιμάσειεν: App. *Ib.* 70). This statement is important as it implies that the Senate was concerned with their **reputation** for *fides*. They were aware that to break a treaty for no reason, could be nothing but perfidious. The perception of *fides* was more important than the reality.

In the end, even the reputation of *fides* fell when confronted with the ideal of Roman superiority, for the Senate broke the treaty and declared open war. There was no reason to declare war against Viriathus, except for a desire to possess the territory he claimed and to reclaim Roman 'dignity'. In 140 war was renewed (App. *Ib.* 70; Diod. 33.1.4). The first attack upon Viriathus resulted in his withdrawal. Caepio turned his army toward pillaging and razing the fields of the Vettones and the Callaici (App. *Ib.* 70). Viriathus did not want war. He sought terms initially, and once more in 139, he sent his friends to Caepio to ask for peace. Caepio bribed these men to assassinate Viriathus in his sleep (App. *Ib.* 74).[325] In the words of Valerius Maximus, Caepio did not earn the victory of the Viriathic war; he bought it (*Victoriamque non meruit sed emit*: Val. Max. 9.6.4).

Viriathus had a short-lived successor, Tantalus, but he quickly surrendered himself and his army to Caepio in 139. This surrender came under the assurance they would not be enslaved. Caepio took their arms and gave them sufficient land to ensure they were not driven to brigandage by want (App. Ib. 75). It is interesting to note that

[325] In another tradition, the friends of Viriathus convince him to let them go as ambassadors with the intention of persuading Caepio to pay them to assassinate him. This tradition mitigates the perfidious nature of the Romans, allowing them, whilst still dishonourable to share the blame for the broken treaty. See Diod. 33.21.
Diodorus Siculus also provides an interesting anecdote where Viriathus initially sought peace terms with Marcus Popillius Laenus, Caepio's counterpart in *Citerior*, here the Romans offered peace terms one at a time, though Viriathus balked at the idea of handing over his weapons to Rome. If these negotiations concluded in peace, it would have caused strife between Popillius and Caepio, as Popillius would have stolen the honour that came with ending the bitter war. See Diod. 33.19; Dio. fr. 75. *Cf.* MRR 1.482.

the general policy in this case was moderate. Astin correctly points out that there is no recorded reason for this clemency.[326] Unlike with the Celtiberi, Caepio was still willing to reach a negotiated settlement with the Lusitani. The agreement with Tantalus provided the same rights as the original *foedus* with Viriathus. They probably lost land, and were possibly no longer the 'friends of Rome'. The difference is that one was a bilateral treaty, at the behest of Viriathus. The other, was a *deditio* agreement that nominally acknowledged the superiority of Rome. In the end, Rome held the superior position and played the generous benefactor. This supports the idea that the nature of agreements adapted to the particulars of time and place. In the Viriathic War especially, *fides* falls second to Roman superiority. Treachery rather than tactics won the war. In light of circumstance, *fides* was an admirable method if it was by Roman terms. If a situation allowed *fides* but insulted Roman sensibilities, then *fides* was sacrificed.

LATER MISMANAGEMENT AND RESISTANCE

The Lusitanian and Celtiberian wars were the last organised longstanding resistance Spain presented to Roman forces. With the fall of Numantia, the annexation of *Hispania* became a feasible and attainable idea.[327] Rebellions continued to occur sporadically, but after 133, these were mostly due to the influence of Roman citizens. The Iberian Peninsula again became the area of fighting, rather than what was being fought over. An exception to this was the revolt of some Celtiberi tribes in the aftermath of the Cimbri invasion of Italy. Titus Didius was sent to deal with this outbreak in *Citerior* in 98 (App. *Ib.* 99).[328]

[326] Astin (1967) 141.
[327] Churchin (1991) 39.
[328] MRR 2.4-15.

Didius remained in Celtiberian Spain for five or six years.[329] During this time, he killed 20,000 Arevaci. He relocated a 'troublesome' city from its stronghold to the open plains and ordered them to live without walls. After an eight-month siege, he captured the city of Colenda and sold every citizen along with their wives and children. It is uncertain whether these people were in active rebellion at the time. This however, pales in comparison to his later actions. Near Colenda there was a town inhabited by a mix of Celtiberians, whom Marcus Marius had settled there, with the approval of the Senate, after they helped to fight against the Lusitanians. They lived a life of theft due to their poverty (App. *Ib.* 100).[330] Didius resolved to destroy them.[331] Knapp insists they had been attacking and marauding Roman subjects, and thus had broken the agreement they held with Marius.[332] However, Appian mentions nothing of this. In fact, he gives no justification at all. Didius told the principal men of the tribe that he would provide them with land from Colenda due to their poverty and instructed them to gather their people, including women and children. Upon the farce of registering them, Didius drew the Celtiberi inside his camp, surrounded, and slaughtered them, reminiscent of Galba's duplicity years before (ὡς δὲ παρῆλθον ἐς τὴν τάφρον καὶ τὸ χαράκωμα, περιστήσας αὐτοις τὸν στρατὸν ὁ Δείδιος ἔκτεινε πάντας. Καὶ ἐπὶ τοῖσδε Δείδιος μὲν καὶ ἐθριάμβευσεν…:App. *Ib.* 100). Neither Livy's *Periochae* nor the work of Julius Obsequens provide any additional information about this case, beyond confirming Didius' presence and conflict with the Celtiberians (Livy. *Per.* 70; Obseq. 47-48). Frontinus only describes Didius in terms of other battles (Fron. 1.8.5; 2.10.1). Sallust merely confirms his presence as governor in Spain (Sal. *Hist* 1.88). Didius

[329] Richardson (1986) 159.
[330] This act is yet another example of the lack of Roman foresight. They relocated men to land that was essentially infertile. But this action would have solved the immediate problem.
[331] Neither Appian, who is the only source to provide lengthy information on Didius, nor any other source provides more justification than this.
[332] Knapp (1977) 51-52.

returned home. Unlike Galba, his return to Rome was met with a military triumph rather than a vague attempt at prosecution. Didius' breach of *fides* does not appear to have raised question in Rome.

FIDES' FAILURE

The problems in Spain arose because Spain was inherited. Rome received Iberian lands from Carthage. The Lusitani and the Celtiberi desired to modify the situation.[333] They had never truly been conquered by Rome, and yet Rome assumed power over them. Rome had to conquer Spain, having already been there for 12 years. It seems likely that they viewed the land as their own prior to actually conquering it. The Roman world was fundamentally egocentric. Romans were concerned with their own reputations and their own worldview. As they did not consider alternative views, they interpreted Spanish acts as treachery or rebellion, and responded in kind.

This attitude of possession was enhanced by Rome's belief in their cultural superiority. Rebellion was a slight to their absolute dominion. As time went on the situation grew worse, Roman superiority was not decisively proven as the Spaniards in both provinces proved difficult to quash. This explains why the Senate changed their policy and began to insist upon *deditio* agreements in *Hispania Citerior*. If the Celtiberi were forced to accept these agreements, it would prove, nominally, that the Roman state was superior to these people. The same idea follows in *Ulterior*. Viriathus' treaty resulted in peace, but it was not a decisive peace. That the *deditio* agreement reached with his successor gave the Lusitani the same rights implies that the Senate needed an acknowledgement of their superiority. Unfortunately, the circumstances that

[333] Aston (1967) 155.

commanders often found themselves in did not necessary reflect the desires of the Senate.

The inability of commanders to always validate Rome's superiority in battle, combined with the individual motivations for war led to perfidious acts. It seems to an extent the Senate wanted it two ways. The fear of prosecution controlled commanders. However, commanders could be prosecuted for acting duplicitously and for failing to reflect Roman superiority. *Fides* as a policy of clemency and just treatment toward the vanquished could and would work if Rome were obviously in a superior position. *Fides* as doing what was right and maintaining one's word was necessary for the continuation of compellance or coercive diplomacy. As Roman armies struggled in these wars it seems like commanders had to choose between acting with *fides* or maintaining Roman superiority and winning *gloria.* Judging by senatorial reactions, it seems that in the end the Senate valued superiority and victory more than *fides*. As individual commanders and the Senate broke these promises and threats, the ideology of *fides* failed to match the reality of affairs in Iberia.

However, Roman action that directly contradicted *fides* can be rationalised. The principle and ideology failed to live up to its potential because it failed to take into account the fluid nature of international relations. As a general ideal, the concept is impressive. But in war, the desires of one campaign differ from another; what worked in one circumstance may not work in other; what one group of people culturally understood another group may have understood differently; the individual circumstances that lead to negotiations and the formations of martial diplomatic agreements vary too. Each case was different. In the case of Iberia, incompetent commanders and treacherous acts marred the records of many Romano-Iberian conflicts. *Fides* served to bind alliances for a time, when it was convenient for a

specific general to appeal to it. But in the end, *fides* and the value of Rome's word fell in the face of pragmatism, dominion, and superiority.

CONCLUSION

This study has examined the Roman theory of martial diplomacy, and how reality coincided with this principle. In the case of Iberia, pragmatism, individualistic goals, domestic competition, and Roman ideals of superiority did not coincide with the ideals of *fides*. To what extent this is true of other areas of Roman conquest is debatable. It is possible that *fides* in international relations was the norm. However, Roman conduct during the Iberian wars shows that despite Rome's ideology of *fides*, pragmatism and success were often more important. Why this was so can be justified by the following conclusions.

Modern motivations and theories of international relations are foreign to those of Republican Rome. For the most part modern diplomacy revolves around mitigating potential disputes. In modern eras, diplomacy exists to stop war or conflict from occurring. However, Roman knowledge of the activities of their potential foes was limited and vague. There was no grand system of international communication. Instead, information was sent to the Senate by allied states, or by provincial governors in the field, by which time the foreigners activities were already underway. Any action taken was reactionary. Pre-emptive solutions and agreements would have required a greater international knowledge of the customs, the politics, the resources, and the desires and motivations of each of Rome's potential foes.

The geographical distance between Rome and Spain and the underdeveloped systems of communication resulted in many diplomatic decisions being made independently of senatorial influence or understanding. There was no sophisticated form of gathering information; there was a lack of means or even enthusiastic interest in counter-intelligence or establishing permanent missions of diplomatic offices, and lack

of trained, professional diplomatic staff. This ensured that states, even developed ones, knew little about the political nature of their neighbours. This led to *ad hoc* short-sighted decisions that solved the immediate problem but did not address the issue of why the problem existed in the first place.

Political power in the Roman state was fluid. Consuls, officials, and magistrates served in their positions for limited periods. They fought with one another to achieve high station. This policy succeeded in maintaining a balance of power in domestic affairs. Ideally, no one family would hold supremacy. However, it hindered martial affairs. With the constant changing makeup of the Senate, they do not seem to have understood the importance of establishing a long-term policy or plan for conquest. Instead, different commanders entered Iberia with singular goals. If Rome's policy from the beginning was for *deditio* agreements or annexation, which brought a permanent civil presence with it, then much strife could have been avoided. Local rebellion would undoubtedly have still occurred. But the perfidy of commanders and the Senate that came with the pursuit for *gloria* and superiority would not. By implication, the idea that the Senate had a long-standing aggressively imperialistic plan is invalid.

Without a strict policy and influenced by the competitive nature of the Roman world, commanders were more concerned with their potential reputations than the contentment of foreigners. It was advantageous of them to fight, plunder, begin, and end wars. They gained glory by doing so. But to gain this glory they needed a war to fight. They also needed to win battles or conflicts in certain fashions. The motivation for glory and the frequent turnover of command resulted in contingent decisions, without a comprehensive understanding of the cause of conflict. There was little consistency of action or long-term vision. Commanders made decisions to end specific conflicts so that he would gain *gloria* in place of his successor. This resulted in

patchwork solutions. Ultimately, all decisions depended on wider circumstances; different factors came into play rather than maintaining *fides*. Due to this variation, people had no way to judge if one commander would act like another. There was no trust; there could be no *fides.*

In concordance with the impossibility to judge the future actions of others, diplomatic solutions appear to have been more about paying lip service to Roman superiority than about ensuring a peaceful co-existence. In Spain especially, the Senate denied opportunities for peaceful resolutions and corrupted the value of Roman *fides* by repudiating agreements. They persuaded themselves that their rejection was fair if they sent the general back. However, the only way to achieve an acknowledgement of superiority when faced with tribal societies who did not trust the word of the Roman state, due to previous action, was to massacre enough of them that the remainder had no choice but to acquiesce to Rome's will.

The Roman mind-set was largely egocentric. *Fides* did govern many domestic social interactions of Rome. It did not necessarily govern the interactions between the Roman army and foreigners. Nor was it necessarily the sole motivation of individuals. Outside of Rome, *fides* was used if it were useful. But, it was used and kept on Roman terms. In the early expansion into Iberia, the goals of commanders were to create alliances. *Fides* was a useful principle to appeal to in order to complete this goal. However ideologically, *fides* served as a symbol of Roman power. They were so powerful that they did not need to fight in covert battles, for their skill assured victory. Thus, they fought with honour and did what was 'right'. This theory was valid and could be utilised if Rome were in a superior position. In such a position, they would appear benevolent by treating defeated foes with clemency. However, pragmatically Roman commanders had to win to prove Rome's superiority. When faced with the

realities of martial threats, and foes that were not easily defeated, *fides* fell to practicality and the belief in superiority.

Hence, the concept of *fides* in martial diplomacy was propaganda that was extolled both domestically and internationally. In domestic affairs, *fides* had a valid purpose. Honourable Romans conformed to its expectations. Their livelihoods and reputations necessitated it. It follows that they would conform when dealing with foreigners as well. The image convinces people of Roman cultural superiority. Both domestically and abroad the image of a powerful culture, which maintained ethical principles, inspires patriotism. The propaganda was useful to both Rome as a state, and individuals aspiring to political careers. However, it raises the question of what purpose this propaganda held when viewed concurrently with the arguments of Roman imperialism. What use would extolling the *fides* of a nation to an international audience be, if Rome were only defending its borders, or if it aggressively set out to conquer the world?

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