

A HISTORIOGRAPHICAL AND HISTORICAL STUDY OF POLYBIUS' SURVEY
OF THE EARLY TREATIES BETWEEN ROME AND CARTHAGE III. 21. 8-26

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ABSTRACT

A Historiographical and Historical Study of Polybius' Survey of the Early Treaties between Rome and Carthage III.21.8 - 26

Rhoda Margaret Lee

The purpose of this thesis is to analyse the significance of Polybius' digression on the early treaties between Rome and Carthage in Book III.21.8 - 26 from both a historiographical and historical point of view. These early treaties, inscribed on bronze, form a series which allows us an unique opportunity to observe the development of diplomatic relations between Rome and Carthage and the growth in the power and influence of the two states from c. 509 B.C. to 279 B.C.

The first part of the thesis analyses the context of Polybius' digression on the early treaties and examines the text, style and format of the treaties. The historical tradition concerning the treaties and Polybius' historiographical technique in the use of documentary material are also examined. The wider implications of the evidence which supports Polybius' dating of the First Treaty to c. 509 B.C. and that he is dealing with genuine treaty documents, leads to a study of documentary practice at Rome, which examines the literary and epigraphic evidence for the Roman use of bronze for documents, the topographical location of public documents at Rome and the ideology associated with the display, use and access to these documents. The last part of the thesis examines the historical implications of the early treaties, analysing the positions of Carthage and Rome, using historical sources and archaeological

evidence and ends with a discussion of the relevance of the treaties to the dispute over Saguntum.

The conclusions which can be drawn from this research are firstly that Polybius' quoting of the treaty documents was an integral part of his historiographical method and that he was dealing with authentic bronze documents which had been preserved at Rome. Secondly, the chronology and the historical contents of the treaties are supported by historical and archaeological evidence, however they had no relevance in the diplomatic debates of 218 B.C. The treaties only became an issue for discussion *after* the war when they attracted scholarly attention.

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ABBREVIATIONS

The names of ancient writers and their works are abbreviated according to standard practices. Abbreviations to books which are quoted frequently are listed below. Periodicals are abbreviated as in L'Année Philologique.

ANRW Aufstieg und Niedergang der römischen Welt, ed. H. Temporini and W. Haase. Berlin-New York, 1972-.

Bruns⁷ C.G. Bruns ed., Fontes Iuris Romani Antiqui. 7th. ed. Tübingen, 1909.

CAH The Cambridge Ancient History.

CIL Corpus Inscriptionum Latinarum. Berlin, 1863-.

FGrH F. Jacoby, Die Fragmente der griechischen Historiker. Berlin and Leiden, 1923-.

FIRA² S. Riccobono et al., Fontes Iuris Romani Anteiustiniani. 3 vols. 2nd. ed. Florence, 1940-3.

HCP F.W. Walbank, A Historical Commentary on Polybius. 3 vols. Oxford, 1957 (Vol.I), 1967 (Vol.II), 1979 (Vol.III).

IG Inscriptiones Graecae. Berlin, 1873-.

IGRR R. Cagnat, J. Toutain et al. eds. Inscriptiones Graecae ad res Romanas pertinentes. Paris, 1901-1927, repr. Rome, 1964.

ILLRP A. Degrassi, Inscriptiones Latinae Liberae Rei Publicae. 2 vols. 2nd. ed. Florence, 1965.

ILS H. Dessau, Inscriptiones Latinae Selectae. 3 vols. Berlin, 1892-1916.

OGIS W. Dittenberger ed., Orientis Graeci Inscriptiones Selectae. 2 vols. Leipzig, 1903-1905.

ORF² H. Meyer, Oratorum Romanorum Fragmenta. 2nd. ed. Turin, 1955.

ORF³ H. Malcovati, Oratorum Romanorum Fragmenta. 3rd. ed. Pavia, 1967.

RE Pauly-Wissowa-Kroll, Real-Encyclopädie der classischen Altertumswissenschaft. Stuttgart, 1894-.

SIG³ = SYLL³ W. Dittenberger, Sylloge Inscriptionum Graecarum.
4 vols. 3rd. ed. Leipzig, 1915-24.

INTRODUCTION

The subject of the early series of treaties between Rome and Carthage has attracted a great deal of scholarly attention, with numerous articles and sections of books devoted to all aspects of the subject, dating from the middle of the nineteenth century to the present day. Despite this, there does not exist a comprehensive and in depth study of the early treaties, which attempts to examine both Polybius' historiographical technique concerning them, and their historical context and significance.

Polybius' survey of all the treaties which existed between Rome and Carthage from the earliest times up to 218 B.C. takes the form of a digression in Book III.21.8-27. It will be shown in Chapter 1 that the early treaties form a distinct section on their own within this digression. The context and purpose of the digression on the treaties between Rome and Carthage is examined through a brief outline of the structure of Book III up to the declaration of war against Carthage in 218, following the fall of Saguntum. This survey of the treaties forms part of Polybius' discussion on the 'causes' and 'beginnings' of the Second Punic War before he embarks on the main narrative of the war at III.33.

Once the context of Polybius' survey on the treaties has been understood, a detailed study of the text, style and format of the early treaty documents will allow us to discuss the nature of the relationship which existed between Rome and Carthage and the main areas of concern for each state. A discussion of the evidence, other than

that provided by Polybius on the treaties between Rome and Carthage, allows us to put Polybius' evidence into perspective. Following on from this, Polybius' historiographical technique is examined to discover whether it was unusual for him to quote from documentary material and provides the opportunity to evaluate his attitude towards documents and whether it was part of the accepted historiographical method of his day.

Polybius' dating of the First Treaty to the beginning of the Republic, together with his statement that he had seen the early treaties, inscribed on bronze in the 'treasury of the aediles', near to the temple of Jupiter Capitolinus at Rome have been questioned by some modern historians. These problems and other issues, including the authenticity and the significance of the treaties are fully discussed and allow us to then move on to examine the wider implications of the fact that there is sufficient evidence to suggest that Polybius is dealing with a series of genuine treaty documents, that these documents were inscribed on bronze and the earliest had been preserved at Rome from the end of the sixth century. An examination of the Roman use of bronze for public documents through literary and epigraphic evidence, the topographical location of public documents at Rome and the ideology associated with the creation, display and preservation of public documents, allows us to come to some understanding of both Roman, and in particular, Polybius' use of and access to the Rome-Carthage treaty documents.

The last part of the thesis examines the historical implications of the early treaties, analysing the positions of Carthage and Rome in each treaty, using historical sources and archaeological evidence to interpret the individual clauses. This will enable us to observe the

development in the relations and also the growth in the power of both Carthage and Rome over the years which intervened between the treaties. It will become clear that the treaties deal only with specific problems and particular circumstances. From this it will be possible for us to evaluate the significance of the early treaties and discover if they served any diplomatic rôle in the events leading to the outbreak of the Second Punic War and in the dispute over Saguntum. We will then be in a position to question whether the importance of the treaties has been over-emphasised and to discover the rôle they played in the period after the Second Punic War, when both Carthage and Rome were eager to establish a historiographical tradition concerning the war. It will be seen that the issues of the treaties were discussed in the diplomatic debates, and were used by both states in order to justify the action their side had taken.

1 POLYBIUS' DIGRESSION

1.1 INTRODUCTION

The purpose of this chapter is to examine the context and the reasons behind Polybius' digression in Book III on the treaties between Rome and Carthage, from the beginning of the Republic to 218 (III.21.8-28.5). Here, particular attention will be given to the evidence for the early treaties (III.22-26), before the outbreak of hostilities in 264 and which in effect can be seen as constituting a digression within a digression.

1.2 THE STRUCTURE OF BOOK III

Polybius' Third Book opens with an introduction (1-5). This provides, in sections 1-3 an outline plan of the main part of the *Histories*, which was to cover the fifty-three years from 220-168 B.C., during which time the dominion of Rome was extended over the known parts of the Mediterranean world. Polybius has already explained in the introduction to Book I at 3.1-6 that the starting point was the 140th. Olympiad (220-216 B.C.), the events of which were the Social War in Greece (220-217), the war for Coele-Syria (219-217), and the Hannibalic War which started in 219 B.C.' But in fact, the order which Polybius adopts for his exposition of these wars is to deal first with the Hannibalic War, then the Social War, followed by the war for Coele-Syria. Following on from this is an account of Philip of Macedon's campaigns in the Aegean; the Second Macedonian War (200-197); the war against Antiochus (192-187); Rome's victories over the Gallic

tribes in Galatia (189); the end of the Aetolian war (189); the war of Prusias of Bithynia against Eumenes II of Pergamum (186-183); Antiochus IV Epiphanes' expedition against Egypt (168); and the Third Macedonian War (171-168).

It is also in this introduction that Polybius takes the opportunity to inform the reader that he has decided to revise his original plan, and to extend his account to cover the period from 168-146, arguing that a study of the subsequent behaviour of the conquered, and of Rome as conqueror, is necessary before any judgement and conclusions can be drawn on the momentous events of the previous period (4-5).

The main narrative which begins at III.6 has been prefixed by a description in Books I and II of the events prior to 220. Here, Polybius had recounted briefly the course of the First Punic War, the Mercenary War, the establishing of the Carthaginian empire in Spain, the rise of Achaea, the war between the Achaean League and Cleomenes of Sparta, and had ended with the intervention of the Macedonians in the affairs of Southern Greece. All this information was regarded by Polybius as being necessary, so that his readers (and here Greeks are specified) would be able to understand the main narrative without difficulty.²

Thus at III.6 Polybius is at last able to embark on his account of the Hannibalic War with an examination of the causes (αἰτίαι) behind the conflict and the beginning of the war with the capture of Saguntum by the Carthaginians.

Polybius immediately addresses himself to the fundamental question of distinguishing between the 'beginnings' (ἀρχαί), that is the first deliberate actions of the war, and its 'causes' (αἰτίαι),

which are the events which are eventually to lead to war.³ The reason for this, is because he is concerned that some historians who have written about Hannibal have wanted to make the αἰτίαι of the war firstly, the siege of Saguntum by the Carthaginians and secondly, the crossing of the River Ebro, contrary to the treaty (συνθήκαι).⁴ He is happy to agree that these were the 'beginnings' of the war, but not its 'causes', and uses examples from history to demonstrate the difference between the 'beginnings', 'real causes' and 'origins' of wars (6-7.3).⁵ The purpose of this discussion is of a practical nature, where the emphasis is on πραγματική ἱστορία, for the benefit of students of history (οἱ φιλομαθοῦντες) and statesmen, for whom it is important to understand the manner, cause and source of the events with which from time to time they have to deal (7.4-7 cf. 21.9-10).

Polybius then discusses and refutes Fabius Pictor's two causes of the war as being the sack of Saguntum by Hannibal, and Hasdrubal's ambition and love of power. His purpose here is to warn against accepting blindly, the undoubtedly important contemporary account of a personality such as Fabius, and that the readers should test the latter's statements by reference to the actual facts (8-9.5).⁶

Following this digression, Polybius returns to his immediate subject: the war between Carthage and Rome, and proceeds to give his opinion on the causes of the war. The first was the wrath (θυμός) of Hamilcar Barca (9.6-9),⁷ the second, and most important cause: the unjust Roman annexation of Sardinia (10.1-5), and the third was the Carthaginian success in Spain (10.6). The subsequent layers and digressions within the early chapters of Book III are shown overleaf (figure 1).

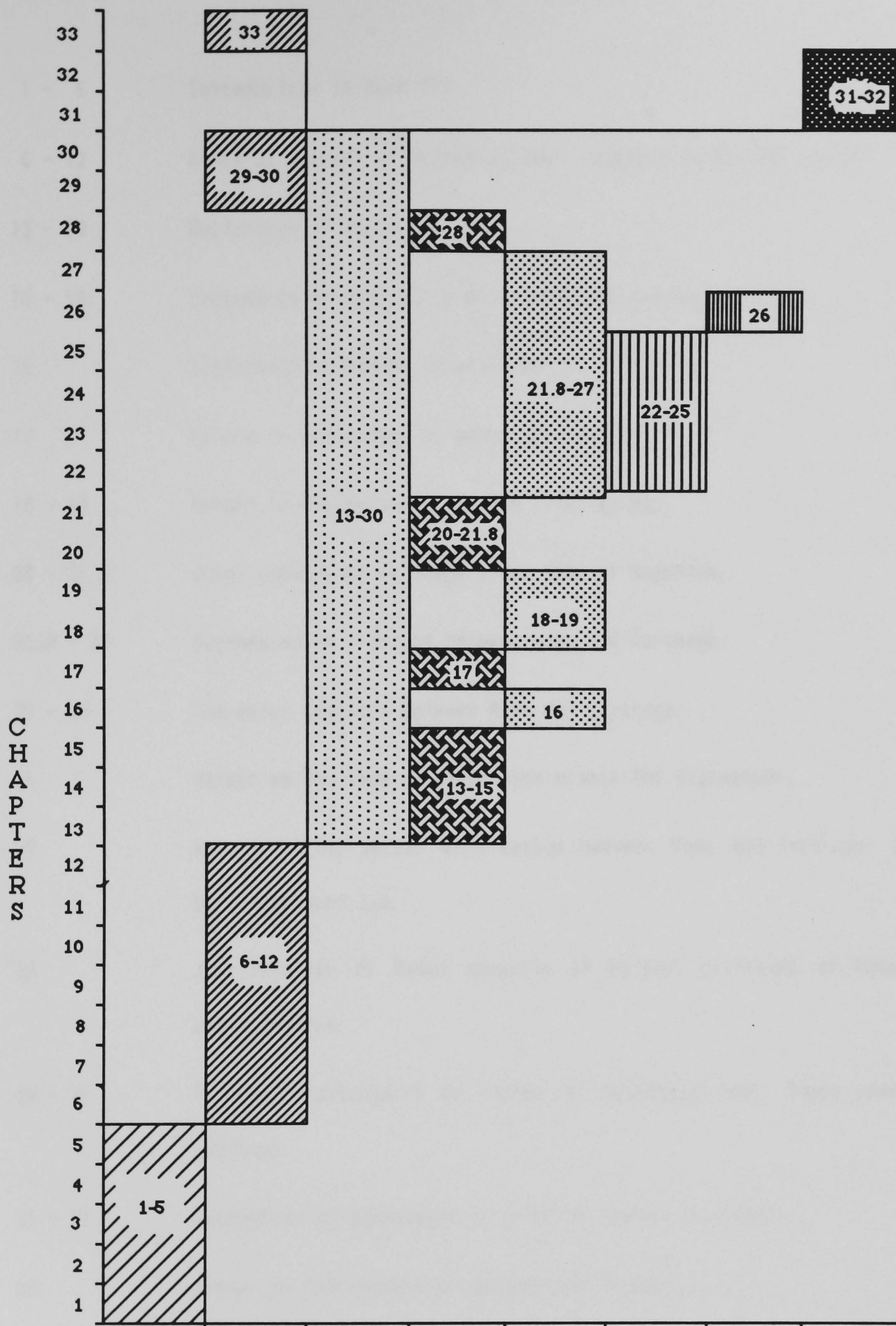


Fig. 1
Polybius Book III: Structure of Early Chapters
Internal Organization Showing Main Theme and
Subsequent Layers and Digressions

| | |
|-----------|--|
| 1 - 5 | Introduction to Book III, |
| 6 - 12 | Start of account of Hannibalic War; examination of the causes, |
| 13 - 30 | Beginnings of Hannibalic War, |
| 13 - 15 | Beginnings of Hannibalic War; immediate events, |
| 16 | Digression on Second Illyrian War, |
| 17 | Return to beginnings of Hannibalic War, |
| 18 - 19 | Return to digression on Second Illyrian War, |
| 20 - 21,8 | Roman embassy at Carthage after fall of Saguntum, |
| 21,8 - 27 | Digression on treaties between Rome and Carthage, |
| 22 - 25 | The early treaties between Rome and Carthage, |
| 26 | Attack on Philinus; a digression within the digression, |
| 27 | Return to the series of treaties between Rome and Carthage; 241; 238; Ebro agreement 226, |
| 28 | Justification of Roman invasion of Sicily; criticism of Roman policy over Sardinia, |
| 29 - 30 | Return to discussion of causes of Hannibalic War; Roman case against Carthage, |
| 31 - 32 | Digression on advantages of studying causes in history, |
| 33 | Return to the narrative; declaration of war, |

Fig. 1 Key

Now that he has dealt with the αἰτίαι of the war, Polybius then turns to the ἀρχαί in chapters 13-30.⁶ The immediate events leading to the outbreak of war are described in chapters 13-15; 17; 20-21.8, with a digression on the treaties between Rome and Carthage 21.8-28.5; and a return to the cause of the war, expounding the Roman case against Carthage in 29-30. There is another digression in 31-32 on the advantages of studying causes in history, before Polybius picks up the narrative again in chapter 33.

1.3 THE CONTEXT OF THE DIGRESSION ON THE ROME-CARTHAGE TREATIES

The opportunity for a digression on the Rome-Carthage treaties arises from Polybius' account of the diplomatic exchange which took place at Carthage, when the Roman embassy delivered an ultimatum to the Carthaginians, following the capture of Saguntum.

Polybius skilfully recreates for us the tenseness of the situation (20.6ff.). The Roman ambassadors called upon the Carthaginians either to surrender Hannibal and members of his council, or war would be declared. There followed an indignant and vigorous defence by the Carthaginians of their position and an attempt to justify their actions (21.1-5). The main issue as far as the Carthaginians were concerned, was the question about the status of the Saguntines. Their defence case was based on the interpretation of clauses in the treaty which they had made with Rome during the war for Sicily.⁷ For, in this treaty there was no written clause relating to Spain, but there was one, which expressly laid down that the allies of each power should be secure from attack by the other. They thus argued that the Saguntines were not the allies of Rome at the time of this treaty, and therefore could not expect to claim protection from it. It

is interesting to note here that the Carthaginians, in order to prove their point are said to have actually read aloud several times the terms of the treaty. As far as they were concerned, this was the most recent treaty which they had with Rome. They refused to acknowledge the Ebro treaty, the agreement made in 226 between Hasdrubal and the Romans.¹⁰ According to them such a treaty did not exist, and even if it did, it had been concluded without their approval, and thus was not binding on them. In this respect, the Carthaginians claimed to be following a precedent established by the Romans themselves, in that they had repudiated the treaty drawn up by C. Lutatius Catulus in the First Punic War, as it had been made without their approval.

The Roman ambassadors remained completely unmoved by the Carthaginian argument, and simply refused to participate in discussing the matter of justification for the attack on Saguntum. Their position was quite clear-cut: the Carthaginians had broken the treaty (presumably that of 241) by the seizure of Saguntum and they must now face the consequences. By giving up the culprits they would make it clear to all that they had no share in the crime, and that it had been committed without their approval, or if they refused to do this and admitted their complicity, they must accept war (21.6-8).

For Polybius, the account he has given is far from satisfactory. This dissatisfaction is indicated at 21.8 by his comment that during the debate at Carthage, the arguments were employed by the ambassadors in a more generalised way: 'Οἱ μὲν> οὖν καθολικώτερόν πως ἐχρήσαντο τοῖς λόγοις'. This revealing remark presumably is intended to refer to both the nature and the level of the debate, which must have centred on the key questions of who was in the wrong, which treaty or treaties had been broken, and by whom. The reason behind his remark seems to be

that there were no detailed arguments presented by either side before the outbreak of the war to either support, or discount culpability. Another indicator that detailed arguments defending both the Roman, and undoubtedly, the Carthaginian positions were only formulated after 218 is found at 21.6 where Polybius says that if Saguntum had remained unharmed, it may have been possible to reach a decision on the disputed points by argument. But as far as the Romans were concerned, such an opportunity had been forfeited once the city had been seized. In fact the evidence to support this theory comes later at 29.1 when Polybius gives the Roman reply to the Carthaginian defence. Here, he informs us that there were in fact two sets of arguments used by the Roman ambassadors to Carthage. The set of arguments he chooses to report here was not that used by the Romans at the time, but was apparently a widespread tradition still circulating in his day, and which must have been formulated at a date after war was declared.''

So on analysis, Polybius' dissatisfaction can be directly attributed to the fact that he had read in his sources the speeches presented by both sides at Carthage. This would account for his comment that they were generalised, as they did not record a specific or detailed debate of the treaties and of the rights and wrongs. He also had found in his sources a *post eventum* discussion, including details (some possibly spurious), designed to justify the Roman position. Consequently, he is concerned that the reader is likely to be unable to come to a correct assessment of who was in the right or in the wrong. So, to avoid this scenario, he introduces a discussion on the treaties which exist between Rome and Carthage.

The possibility that Polybius is actually following an erroneous Roman tradition in chapters 29 and 30 appears likely from the argument

presented at 30.3, that a special relationship existed between Rome and Saguntum, and consequently Carthage was in the wrong for her attack against the town, not only because she had violated Lutatius' treaty, but also the Ebro treaty. This latter accusation clearly placed Saguntum as being north of the Ebro. But it is totally inconceivable that in 219/218 the true location of Saguntum as being south of the Ebro was unknown to the Carthaginians and to the Roman ambassadors.¹² This erroneous Roman tradition appears again in later sources: Appian Iber. 7 cf. Hann. 2 and Lib. 6, but the error is not repeated in Livy XXI.2.7, and on other occasions Polybius gives the correct geographical position of Saguntum at III.97.5-6, and 98.6-7.

Thus, Polybius was fully aware that the debates in 218 were inaccurate and generalised. But he considered it was of great importance that some detailed account of the arguments should be provided by him, even if they were not contemporary with the events. For, once a dispassionate and accurate account had been provided, it could form the basis for assessing the rights and wrongs of the situation.

Now that he has drawn attention to firstly, the nature of the diplomatic dispute over Saguntum, involving differing interpretations of the treaty agreements between Rome and Carthage, and the enormity of the consequences of such an incident, and secondly, the far from satisfactory Roman account of the events, Polybius feels both compelled and in a position to try and set the record straight. This then is the context for his survey, in the form of a digression of the treaties made between Rome and Carthage from the earliest times up to the present day, namely 218. In doing this he is concerned with providing a true and accurate account, which will be of value to both statesmen,

who needed to be armed with the truth when they participated in critical debates, and also to students of history, who would then be able to make judgements of value based on the facts:

Οἱ μὲν> οὖν καθολικώτερόν πως ἐχρήσαντο τοῖς λόγοις.¹³ 9 'Ημῖν δ' ἀναγκαῖον εἶναι δοκεῖ τὸ μὴ παραλιπεῖν ἄσχεπτον τοῦτο τὸ μέρος, ἵνα μήτε οἷς καθήκει καὶ διαφέρει τὸ σαφῶς εἰδέναι τὴν ἐν τούτοις ἀκρίβειαν παραπαίωσι τῆς ἀληθείας ἐν τοῖς ἀναγκαιοτάτοις διαβουλίαις, 10 μήθ' οἱ φιλομαθοῦντες περὶ τούτων ἀστοχῶσι, συμπλανώμενοι ταῖς ἀγνοίαις καὶ φιλοτιμίαις τῶν συγγραφέων, ἀλλ' ἥ τις ὁμολογουμένη θεωρία τῶν ἀπὸ τῆς ἀρχῆς ὑπαρξάντων δικαίων 'Ρωμαίοις καὶ Καρχηδονίοις πρὸς ἀλλήλους ἕως εἰς τοὺς καθ' ἡμᾶς καιροὺς.

The ambassadors employed the arguments in a more generalised way. But for us it seems to be necessary not to pass over and neglect this matter. My reason on the one hand is to prevent those (that is, statesmen) whose duty and interest it is to know clearly the accuracy in these matters, from straying from the truth in the most critical debates, and to prevent students being misled by these things through the ignorance and bias of historians. But also on the other hand, there should be some agreed survey of the mutual contracts between the Romans and Carthaginians from the earliest times to the present (III.21.8-10).

Furthermore, an accurate description of the treaties provides Polybius with the ammunition to attack and refute the accusations of Philinus, the Greek, pro-Carthaginian historian of the First Punic War, who claimed that Rome was guilty of treaty-breaking when she crossed over to Sicily in 264 (III.26).

1.4 THE DIGRESSION ON THE ROME-CARTHAGE TREATIES

It soon becomes clear that the digression does not form a single unit, but can be divided into different sections, which are as follows.

Chapter 22 The First Treaty.

- " 23 Commentary on the First Treaty.
- " 24 The Second Treaty with commentary.
- " 25.1-5 The Third Treaty.
- " 25.6-9 The oaths sworn to ratify the treaties.
- " 26 Polybius' attack on Philinus using first-hand knowledge of the early treaty documents - this appears to be a digression within the digression.
- " 27 Return to the next in the series of treaties: Treaty of 241 after the First Punic War; Treaty of 238; the Ebro agreement of 226 completes the contracts existing between Rome and Carthage from the earliest times down to the period of Hannibal.
- " 28 Justification of the Roman invasion of Sicily, but criticism of the Roman policy over Sardinia.
- " 29-30 Return to the discussion of the αἰτίαι of the Hannibalic War: the Roman case against Carthage.
- " 31-32 The importance of the study of causes in history - this ends the digression.

The early treaties described in chapters 22-25 can be regarded as forming a section in their own right within the series of treaties. The reasons for suggesting this are firstly, the fact that the oaths sworn to ratify these three treaties are given separately after the

texts; and secondly, the nature, by this I mean the form and subject matter of these early treaties, reflects the gradual development in diplomatic relations established through the successive agreements, and the changing political, military and commercial interests of the two states. Of course, following the outbreak of hostilities, the tone in relations and the nature and style of the subsequent peace treaties changed dramatically, reflecting the new circumstances, with Rome now in a position to dictate terms to Carthage, as a defeated enemy.

Closely connected with the section on the early treaties is Polybius' attack on Philinus in chapter 26, which may be seen as almost being a digression within the digression. This would not have been possible without the dramatic documentary evidence of the texts of the early treaties, which placed Polybius in a position to defend the Romans from Philinus' apparently erroneous and unfounded accusations. The very fact that Polybius excuses Philinus for his ignorance of the texts of the treaties because they were not well-known and had only recently come to light in the 'treasury of the aediles', seems to indicate that these three treaties at least, had been stored together, as they clearly formed a dependent and consecutive account of diplomatic relations between Rome and Carthage. It is important to recognise here both the significance of Polybius' use and his attitude towards this documentary evidence. In actually quoting the bronze inscriptions he appears to have adopted an attitude towards the use of this form of evidence, which would be understood and perfectly acceptable to historians in today's document-orientated society. However, this was far from the case with Hellenistic historians, and I shall be exploring this aspect later on.

In attacking Philinus, Polybius is also fulfilling his main objective in the digression on the treaties. By giving an accurate account of the treaties, (and we should understand that Polybius believed he had seen all the treaties which existed), he was providing statesmen and students of history with the facts, from which they had the opportunity to interpret the treaties for themselves, and would prevent them from being misled into making misguided statements as Philinus had done.

1.5 THE EARLY TREATY DOCUMENTS

Now that I have analysed both the context and contents of the digression on the Rome-Carthage treaties, it is time to examine the early treaty documents themselves in some detail. At this point I will only be providing a critical description of the treaty documents, looking at the text, the date, nature, style and form of each in turn. In the following chapters, I will deal with the problems and controversies concerning the early treaties; the documentary nature, the value of the treaties and the entire question of documentary practice at Rome; while the last chapter will provide a historical interpretation of the significance of the treaties.

From Polybius' remarks about the early treaty documents we are clearly dealing with what today we would call an 'archive'. In fact this term can be used in two ways: namely the actual place in which the documents were kept, and also as a means of reference to the actual collection of documents themselves.¹⁴ The treaties were obviously carefully preserved, being inscribed on bronze and kept in the 'treasury of the aediles', beside the temple of Jupiter Optimus Maximus on the Capitol, thus occupying quite a prestigious position. Yet, they

had remained in obscurity until fairly recently, their existence unknown to the most senior Roman and Carthaginian statesmen:

Τούτων δὴ τοιούτων ὑπαρχόντων, καὶ τηρουμένων τῶν συνθηκῶν ἔτι νῦν ἐν χαλκώμασι παρὰ τὸν Δία τὸν Καπετώλιον ἐν τῷ τῶν ἀγορανόμων ταμείῳ, 2 τίς οὐκ ἂν εἰκότως θαυμάσειεν Φιλίνου τοῦ συγγραφέως, οὐ διότι ταῦτ' ἡγνόει - τοῦτο μὲν γὰρ οὐ θαυμαστόν, ἐπεὶ καθ' ἡμᾶς ἔτι καὶ Ῥωμαίων καὶ Καρχηδονίων οἱ πρεσβύτατοι καὶ μάλιστα δοκοῦντες περὶ τὰ κοινὰ σπουδάζειν ἡγνόουν -

Now that such treaties really exist and are preserved even now on bronze tablets in the treasury of the aediles beside the temple of Jupiter Capitolinus, who would not rightly be astonished at the historian Philinus, not because of his ignorance of them - for indeed this is not surprising, since still in our time even the oldest among the Romans and Carthaginians and who were considered to be the most active in public affairs were ignorant of them (III.26.1-2).

1.6 THE FIRST TREATY

Polybius prefaces his account of this treaty by first giving the date, and then by making some highly valuable remarks which go a long way in supporting the authenticity of the treaty as being a genuine sixth century document:

Γίνονται τοιγαροῦν συνθήκαι Ῥωμαίοις καὶ Καρχηδονίοις πρῶται κατὰ Λεύκιον Ἰούνιον Βρούτον καὶ Μάρκον Ὠράτιον, τοὺς πρώτους κατασταθέντας ὑπάτους μετὰ τὴν τῶν βασιλέων κατάλυσιν, ὑφ' ᾧ συνέβη καθιερωθῆναι καὶ τὸ τοῦ Διὸς ἱερὸν τοῦ Καπετωλίου. 2 Ταῦτα δ' ἔστι πρότερα τῆς Ξέρξου διαβάσεως εἰς τὴν Ἑλλάδα τριάκοντ'

ἔτεσι λείπουσι δυεῖν. 3 'Ἄς καθ' ὅσον ἦν δυνατὸν ἀκριβέστατα διερμηνεύσαντες ἡμεῖς ὑπογεγράφαμεν. Τηλικαύτη γὰρ ἡ διαφορὰ γέγονε τῆς διαλέκτου καὶ παρὰ Ῥωμαίοις τῆς νῦν πρὸς τὴν ἀρχαίαν ὥστε τοὺς συνετιωτάτους ἔνια μόλις ἐξ ἐπιστάσεως διευκρινεῖν.

Therefore the first treaty between Romans and Carthaginians was made in the time of Lucius Iunius Brutus and Marcus Horatius, the first consuls appointed after the expulsion of the kings, and who together dedicated the temple of Jupiter Capitolinus. This is twenty-eight years before the crossing of Xerxes into Greece. We have drawn up an outline¹⁵ of the treaty interpreting¹⁶ it as accurately as possible. For there was so great a difference between the present day language and the ancient language that the best scholars among the Romans had difficulty understanding some parts even after careful study (III.22.1-3).

Consequently, Polybius is therefore unable to give the exact text of the treaty

Εἰσὶ δ' αἱ συνθήκαι τοιαίδε τινές· ἐπὶ τοῖσδε φιλίαν εἶναι Ῥωμαίοις καὶ τοῖς Ῥωμαίων συμμάχοις καὶ Καρχηδονίοις καὶ τοῖς Καρχηδονίων συμμάχοις· 5 μὴ πλεῖν Ῥωμαίους μηδὲ τοὺς Ῥωμαίων συμμάχους ἐπέκεινα τοῦ Καλοῦ ἁκρωτηρίου, 6. εἰ μὴ ὑπὸ χειμῶνος ἢ πολεμίων ἀναγκασθῶσιν· εἰ δέ τις βία κατενεχθῇ, μὴ ἐξέστω αὐτῷ μηδὲν ἀγοράζειν μηδὲ λαμβάνειν πλὴν ὅσα πρὸς πλοίου ἐπισκευὴν ἢ πρὸς ἱερά, 7 <ἐν πέντε δ' ἡμέραις ἀποτρεχέτω.> 8 Τοῖς δὲ κατ' ἐμπορίαν παραγινομένοις μηδὲν ἔστω τέλος πλὴν ἐπὶ κήρυκι ἢ γραμματεῖ. 9 Ὅσα δ' ἂν τούτων παρόντων πραθῇ, δημοσίᾳ πίστει ὀφειλέσθω τῷ ἀποδομένῳ, ὅσα δ' ἂν ἢ ἐν Λιβύῃ ἢ ἐν Σαρδόνι πραθῇ. 10 Ἐάν Ῥωμαίων τις εἰς Σικελίαν παραγίνηται, ἥς Καρχηδόνιοι ἐπάρχουσιν, ἴσα ἔστω τὰ Ῥωμαίων πάντα. 11 Καρχηδόνιοι δὲ μὴ

ἀδικεῖτωσαν δῆμον Ἀρδεατῶν, Ἀντιατῶν, Λαρεντίνων, Κιρκαιιτῶν, Ταρρακινιτῶν, μηδ' ἄλλον μηδένα Λατίνων, ὅσοι ἂν ὑπήκοοι· 12 ἔαν δέ τινες μὴ ὦσιν ὑπήκοοι, τῶν πόλεων ἀπεχέσθωσαν ἂν δέ λάβωσι, Ῥωμαίοις ἀποδιδότωσαν ἀκέραιον. 13 Φρούριον μὴ ἐνοικοδομεῖτωσαν ἐν τῇ Λατίνῃ. Ἐὰν ὥς πολέμιοι εἰς τὴν χώραν εἰσέλθωσιν, ἐν τῇ χώρᾳ μὴ ἐννυκτερευέτωσαν'.

The treaty then is something as follows: 'There is to be friendship between the Romans and their allies, and the Carthaginians and their allies on the following conditions: The Romans and their allies shall not sail beyond the Fair Promontory, unless forced by stormy weather, or by enemies. But if anyone is driven ashore by force, he is allowed neither to buy nor to take anything away for himself except whatever materials are necessary for the repair of his ship or for sacrifices, (and he shall depart within five days.)'¹⁷ Those who come to trade have no authority to conclude any business except in the presence of a herald or clerk. Whatever is sold in their presence will be owed to the seller, the guarantee sanctioned by the state, if the sale takes place in Africa or Sardinia. If any Roman comes to Sicily, where the Carthaginians rule, he shall have all rights enjoyed by others. The Carthaginians shall do no injury to the people of Ardea, Antium, Laurentium, Circeii, Tarracina, nor to any other people of the Latins, who are subjects of Rome. They shall keep away from the cities of those who are not subject to Rome and if they seize one, they shall return it unharmed to the Romans. They shall build no fort in Latium. If they enter the land carrying arms, they shall not spend the night there' (III.22.4-13).

Polybius immediately follows on with a commentary on the treaty, which needs to be studied alongside it, as it forms an important supplement:

Τὸ μὲν οὖν Καλὸν Ἀκρωτήριον ἐστὶ τὸ προκείμενον αὐτῆς τῆς Καρχηδόνης ὡς πρὸς τὰς ἄρκτους. 2 οὗ καθάπαξ ἐπέκεινα πλεῖν ὡς πρὸς μεσημβρίαν οὐκ οἴονται δεῖν οἱ Καρχηδόνιοι τοὺς Ῥωμαίους μακραίς ναυσὶ διὰ τὸ μὴ βούλεσθαι γινώσκειν αὐτούς, ὡς ἔμοι δοκεῖ, μήτε τοὺς κατὰ τὴν Βυσσάτιν μήτε τοὺς κατὰ τὴν μικρὰν Σύρτιν τόπους, ἃ δὴ καλοῦσιν Ἑμπορία, διὰ τὴν ἀρετὴν τῆς χώρας. 3 Ἐὰν δέ τις ὑπὸ χειμῶνος ἢ πολεμίων βία κατενεχθεῖς δέηταί του τῶν ἀναγκαίων πρὸς ἱερὰ καὶ πρὸς ἐπισκευὴν πλοίου, ταῦτα, πάρεξ δὲ μηδὲν οἴονται δεῖν λαμβάνειν, <καὶ> κατ' ἀνάγκην ἐν πένθ' ἡμέραις ἀπαλλάττεσθαι τοὺς καθορμισθέντας. 4 Εἰς δὲ Καρχηδόνα καὶ πᾶσαν τὴν ἐπὶ τὰδε τοῦ Καλοῦ Ἀκρωτηρίου τῆς Λιβύης καὶ Σαρδόνα καὶ Σικελίαν, ἧς ἐπάρχουσι Καρχηδόνιοι, κατ' ἐμπορίαν πλεῖν Ῥωμαίοις ἔξεστι, καὶ τὸ δίκαιον ὑπισχνοῦνται βεβαιώσειν οἱ Καρχηδόνιοι <δημοσίᾳ> πίστει. 5 Ἐκ δὲ τούτων τῶν συνθηκῶν περὶ μὲν Σαρδόνης καὶ Λιβύης ἐμφαίνουσιν ὡς περὶ ἰδίας ποιούμενοι τὸν λόγον· ὑπὲρ δὲ Σικελίας τάναντία διαστέλλονται ῥητῶς, ὑπὲρ αὐτῶν τούτων ποιούμενοι τὰς συνθήκας, ὅσα τῆς Σικελίας ὑπὸ τὴν Καρχηδονίων πίπτει δυναστείαν. 6 Ὅμοίως δὲ καὶ Ῥωμαῖοι περὶ τῆς Λατίνης αὐτῆς χώρας ποιοῦνται τὰς συνθήκας, τῆς δὲ λοιπῆς Ἰταλίας οὐ μνημονεύουσι διὰ τὸ μὴ πίπτειν ὑπὸ τὴν αὐτῶν ἐξουσίαν.

Indeed then the Fair Promontory is the cape lying in front of Carthage itself, towards the north. The Carthaginians think that the Romans absolutely must not sail south beyond this in warships,¹⁶ because, as it seems to me, they did not wish them to know about either the region of Byssatis (Byzacium), or the places

along the Lesser Syrtis, which they call Emporia, on account of the wealth of the region. But if anyone is driven ashore by force of a storm or by enemy action, he must not intentionally take away more than the necessary materials for sacrifices and for the repair of his ship, and those coming to anchor must depart within five days. The Romans are allowed to sail for trading purposes to Carthage itself and to all parts of Africa on this side of the Fair Promontory, to Sardinia and to the part of Sicily, which is under Carthaginian rule, and the Carthaginians promise to ensure justice, the guarantee sanctioned <by the state.>¹⁹ Indeed from this treaty it shows that the Carthaginians claim Sardinia and Africa as their own; but in the case of Sicily they distinguish in express terms the opposite, making the treaty for only the regions of Sicily under their rule. Likewise the Romans made the treaty about the regions of Latium belonging to them, but make no mention of the rest of Italy because it was not under their authority (III.23.1-6).

First of all let us examine the treaty as it stands before looking at Polybius' commentary. The treaty is one of friendship between the Romans and their allies and the Carthaginians and their allies. The allies are not named individually at this point, though those of Rome are listed in section 11, but the allies of the Carthaginians can only be deduced by inference, from the areas they claim as being under their authority. The conditions of friendship are set out in a series of clauses cast in the negative. Two thirds of these clauses are concerned with either prohibiting, or restricting the activities of the Romans and their allies in areas of the Western Mediterranean, which the Carthaginians have defined as coming within

their sphere of influence or control. The Carthaginians are concerned that nobody should sail beyond the 'Fair Promontory' (the problem of identifying this is discussed in chapter 2 and in the last chapter). However, if necessity, due either to stormy weather or enemy action requires this, then special provision is made for such occurrences (section 6). The right to trade in Africa and Sardinia is allowed only if the business is conducted in the presence of a herald or clerk. The advantage of this controlled trade was that the seller had whatever was owed to him guaranteed by the state. By this it should be understood that the state did not undertake to pay any form of compensation if the buyer defaulted, only that it viewed the responsibility for giving satisfactory payment lay with the buyer.²⁰ Presumably, by enforcing such a stipulation the Carthaginians hoped both to promote and regulate trade. Finally, Romans trading in the Carthaginian province (ἐπαρχία) of Sicily were placed on an equal footing there with other traders.

Perhaps some comparison could be made between the role of the Carthaginian official in section 8 and that fulfilled by the ἀγορανόμος in Greek city states. The ἀγορανόμος was the clerk or magistrate of the market, who regulated buying and selling. In Aristotle's day (Ath. Pol. 51.1) there were ten market magistrates in Athens appointed by lot, five for the Piraeus (because it had its own ἀγορά) and five for the city. They were required by the laws to take responsibility for all goods that were on sale and to ensure that what was sold was in good condition and genuine. The office of ἀγορανόμος certainly dates back to at least the fifth century, as we learn in Aristophanes (Ach. 719-24 cf. 824-5 and 968) how Dikaiopolis sets up his own 'agora' with its boundary stones, in imitation of the Athenian agora, and allows Peloponnesians, Megarians and Boeotians to buy and sell under

the supervision of his own ἀγορανόμοι, who are also responsible for maintaining order.²¹ At Rome the office of ἀγορανόμος was included in the many duties eventually assigned to the *aediles*. According to the Roman tradition, these were originally two subordinate officials of the plebeians created to assist the tribunes in 493 (Dion. Hal. VI.90.2-3), and whose duties gradually extended from their initial responsibility of attending to the upkeep and administration of the temple of Ceres, Liber and Libera. In 367 two curule aediles were elected from the patricians and the aedileship became a magistracy of the whole people.²² But prior to the appointment of the *aediles* it is possible that an Etruscan magistrate with the common title of *zilæθ*, the equivalent of the Roman title *praetor*, may have undertaken such responsibilities. Unfortunately, hardly anything can be ascertained about the specialized duties of Etruscan magistrates, as their titles are only known through funerary inscriptions recording *cursus honorum*.²³

Thus the rôle of the Carthaginian official was likely to have been recognised as being both a necessary and familiar one wherever trade was carried out, especially when foreigners were involved.

The last part of the treaty (sections 11-13) consists of clauses prohibiting the Carthaginians from injuring the people of Ardea, Antium, Laurentium, Circeii, Tarracina, and any other Latins who are subjects of Rome. They are also to keep away from the cities not subject to Rome, but if they captured one they were to return it unharmed to the Romans. The Carthaginians are expressly forbidden from building any fort in Latium, and if they enter the region carrying arms they are not to spend the night there.

From the contents of the treaty it is evident that Carthage is the dominant power and most likely the instigator of the agreement. This is reflected in both its style and format which appears to be Carthaginian in drafting, perhaps following the pattern of earlier Phoenician treaties. Admittedly our evidence for these is slight, but there is the example of a Phoenician-Assyrian treaty of 677 B.C. where a surviving clause appears to convey similar sentiments to those found in the first Rome-Carthage treaty. The fragment of the treaty between Assarhadon and his vassal, King Ba'al of Tyre reads:

If a ship of Ba'al or of the people of his land (Tyre) is driven to the land of the Philistine or into the territory of Assur, the entire cargo of the ship belongs to Assarhadon, king of Assur, but no injury shall be done to the crew of the ship.

This treaty is discussed by R. Laqueur, who supports the opinion of E. Täubler that the Rome-Carthage treaty was not Roman in conception, but follows a Carthaginian scheme, which appears to be plausible from the above evidence.²⁴

Further evidence of the type of treaties Carthage made prior to her treaties with Rome comes from Herodotus and Aristotle. According to Herodotus I.66, Carthage joined the Etruscans in an alliance in c.535 in order to attack the Phocaeans, who had settled at Alalia on Corsica about five years earlier, and who had made a thorough nuisance of themselves by plundering and pillaging their neighbours. Clearly the main concern behind this cooperation between the Carthaginians and Etruscans was for the protection of their merchants and established trading rights. Aristotle's evidence (Politics 1280a, III.V.10-11) lends further support to the existence of long-standing agreements over

trade, involving the protection of each other's merchants against unjust treatment:

καὶ γὰρ ἂν Τυρρηνοὶ καὶ Καρχηδόνιοι, καὶ πάντες οἷς ἐστὶ σύμβολα πρὸς ἀλλήλους, ὥς μιᾶς ἂν πολίται πόλεως ἦσαν· εἰσὶ γοῦν αὐτοῖς συνθήκαι περὶ τῶν εἰσαγωγίμων καὶ σύμβολα περὶ τοῦ μὴ ἀδικεῖν καὶ γραφαὶ περὶ συμμαχίας·

for if so, Tyrrhenians and Carthaginians and all others with commercial treaties (σύμβολα) with one another would thus be citizens of a single state; at all events they have import agreements (συνθήκαι) and treaties (σύμβολα) to prevent injustice and written documents (γραφαὶ) concerning their alliances for mutual defence (συμμαχίαι).

But he immediately qualifies this account by stating that the Etruscans and Carthaginians did not have officials common to them all appointed to enforce these covenants, but different officials with either party. Also no responsibility was taken by either party for both the collective and individual moral character of the other, only that they should not commit any wrong against each other.

The concern in the First Rome-Carthage treaty and in Carthage's commercial agreements with the Etruscans over restricting and controlling access for trade to specified areas, is also reflected during this period at Naukratis in Egypt, where the Pharaoh Amasis (570-526) restricted access to the Nile Delta in order to maintain a monopoly over trade. Herodotus (II.178) tells us that Amasis having become a lover of the Greeks granted them a number of privileges, the most important being the gift of Naukratis, as a commercial headquarters for any who wished to settle in the country. He also says that 'in the old days' Naukratis was the only ἐμπόριον in Egypt. This

is surely, seen from Herodotus' point of view, a reference to the time before he was born, and could possibly refer to a law or provision made by Amasis himself, since he is thinking of that period rather than his own time all through the preceding passage. The aim of the provision was to make Naukratis the *only* centre of Greek trade in Egypt, and anyone who brought a ship into any of the other mouths of the Nile was bound to state on oath that he did so out of necessity and then proceed to the Canopic mouth; should contrary winds prevent him from doing so, he had to carry his freight to Naukratis in barges all round the Delta, which for Herodotus showed the exclusive privilege enjoyed by the port.

Herodotus' account may at first glance give the impression that Amasis was granting a privileged position to Greek traders in Egypt. However, in reality, the exact opposite was indeed the case. By making Naukratis the only centre for Greek commerce it was in fact imposing a most inconvenient restriction on the movement of Greek traders. It not only removed the Greeks from the Eastern Delta, but made the levying of import dues easier, and satisfied the anti-Greek feeling which had brought Amasis to the throne (II.161-9). It is possible that the Naukratis Stele, dating to the first year of the reign of Nectanebo I (378-361), and which records the dedication of a tithe of the annual product of Naukratis in the form of import taxes to the goddess Neith, may reflect the measures instituted by Amasis.²⁵

While Greek traders were restricted to the Western part of the Delta, the Pelusian, or Eastern branch, came under the control of 'the person in charge of the gate of foreigners from the north'. This included the Phoenicians, who also had a presence at Memphis (Herodotus II.112).²⁶ But we have no evidence as to whether similar conditions for trade existed in the Eastern part of the Delta as in the West,

except that it was normal Egyptian practice under the XXVIth. (Saite) Dynasty to control trade with foreigners, by allocating the different nationalities a particular emporium which was closely connected with a military garrison. From the time of Psammetichus I (664-610) three crucial areas were designated to serve both the defensive and economic considerations of Egyptian policy, in the South at Elephantine, in the Eastern Delta at Daphnae, and in the Western Delta at Marea.²⁷

The similarities between the First Rome-Carthage treaty and the provisions made concerning Naukratis, lie mainly in the clause dealing with emergency situations which required a ship putting in at undesignated places. This provision is also found in the fragment from the Phoenician-Assyrian treaty of 677 B.C. However, there is no mention of the collection of customs dues in the Rome-Carthage treaty.

To summarise, the main concern of the Carthaginians in the First Rome-Carthage treaty is the establishing of a commercial monopoly within a designated territorial area. This can be seen as a continuation of the policy they had already adopted in their alliances with the Etruscans, and it is perfectly feasible that the treaty with Rome was another in the series, for Rome at the beginning of the Republic was still very much an Etruscan city. Rome however, is primarily preoccupied with defining her political and territorial spheres of interest, which include provision for the extension of her control over towns in Latium at a future date. The interests of Roman traders though are not neglected, but they have to conform to Carthaginian law and customs, and in Sicily they can operate under the same terms enjoyed by other traders. No clause deals with the provision for Carthaginian merchants to trade either at Rome or in Latium, but their presence there must surely be without question and

was undoubtedly tolerated. One would suspect that they enjoyed a similar type of protection as was afforded to them, according to Aristotle, in their earliest commercial treaties with the Etruscans.

Turning now to Polybius' commentary on the First Treaty, it is immediately obvious that it acts as an important supplement to the actual text of the treaty provided for us by Polybius. We already know that Polybius was by no means giving a verbatim translation of the treaty, but more of a rough outline, interpreting it as accurately as possible, and that there had been difficulty in understanding some parts of it (III.22.3). There is good reason to believe that most of the additional information in the commentary was actually contained in the treaty document which was seen by Polybius and the Roman scholars who assisted him.

Polybius begins his commentary with a definition of the geographical location of the 'Fair Promontory', which for us today is anything but precise and has caused endless speculation among modern scholars.²⁸ He states that the Romans must not sail beyond this point 'in warships' (III.23.2). This would appear to be a detail from the treaty, as he then provides his own interpretation of the reasons for such a stipulation. The latter could also be from the treaty, or perhaps such a definition was not required by the Romans at the end of the sixth century. There is always the possibility that Polybius is using first-hand knowledge obtained from his own personal experience, acquired during visits to Africa with Scipio Aemilianus in 151 and 146. Certainly by 149, Polybius had evidently gained a reputation for his knowledge of Africa, as his presence was requested at Lilybaeum by the consul M' Manilius when war against Carthage seemed inevitable (Pol. XXXVI.11.1). This specialist knowledge is borne out by the Elder

Pliny (NH V.26 = Pol. XXXIV.15.8): 'Ad proximam, quae minor est, a Carthagine CCC M pass. Polybius tradit, ipsum C M passuum aditu, CCC M ambitu'. ('To the Lesser Syrtis from Carthage it is according to Polybius 300 miles, the Syrtis itself being 100 miles from the shore, and 300 miles in circumference'.)²⁹ Also from Polybius' account (XXXI.21.1-2) of Masinissa's ambition in the late 160s to gain control of the coastal area of the Lesser Syrtis because of the fertility of the district, clearly demonstrates that this particular region was the one which Carthage had always wanted to protect and regarded as an important part of her hinterland.³⁰

Another detail which may have come from the treaty is at III.23.3, where anyone landing at an undesignated place must depart 'within five days'.³¹ The final additional piece of information provided by Polybius is at III.23.4, where he states that the Romans are allowed to sail for trading purposes to Carthage itself. It would have been extremely odd if this had not been permitted, but as Walbank states in his *Commentary* it is impossible to speculate whether such a phrase was included in the text of the treaty, even though it appears in the text of the Second Treaty (III.24.12).³²

1.7 THE SECOND TREATY

The next treaty in Polybius' series is undated by him:

Μετὰ δὲ ταύτας ἑτέρας ποιοῦνται συνθήκας, ἐν αἷς προσπεριεῖληφασιν
 Καρχηδόνιοι Τυρίους καὶ τὸν Ἰτυκαίων δῆμον. 2. Πρόσκειται δὲ καὶ
 τῷ Καλῷ Ἀκρωτηρίῳ Μαστία, Ταρσήιον· ὧν ἕκτος οἶονται δεῖν
 Ῥωμαίους μῆτε λήζεσθαι μῆτε πόλιν κτίζειν. 3 Εἰσὶ δὲ τοιαῖδε τιν-
 ἐς· Ἐπὶ τοῖσδε φιλίαν εἶναι Ῥωμαίοις καὶ τοῖς Ῥωμαίων

συμμάχοις καὶ Καρχηδονίων καὶ Τυρίων καὶ Ἰτυκαίων δήμῳ καὶ τοῖς
τούτων συμμάχοις. 4 Τοῦ Καλοῦ ἀκρωτηρίου, Μαστίας, Ταρσηίου, μὴ
λῆζεσθαι ἐπέκεινα Ῥωμαίους μὴδ' ἐμπορεύεσθαι μὴδὲ πόλιν κτίζειν.
5 Ἐὰν δὲ Καρχηδόνιοι λάβωσιν ἐν τῇ Λατίνῃ πόλιν τινὰ μὴ οὖσαν
ὑπήκοον Ῥωμαίοις, τὰ χρήματα καὶ τοὺς ἄνδρας ἐχέτωσαν, τὴν δὲ
πόλιν ἀποδιδότωσαν. 6 Ἐὰν δέ τινες Καρχηδονίων λάβωσί τινας,
πρὸς οὓς εἰρήνη μὲν ἐστὶν ἔγγραφτος Ῥωμαίοις, μὴ ὑποτάττονται δέ
τι αὐτοῖς, μὴ καταγέτωσαν εἰς τοὺς Ῥωμαίων λιμένας. ἔαν δὲ
καταχθέντος ἐπιλάβηται ὁ Ῥωμαῖος, ἀφιέσθω. 7 Ὡσαύτως δὲ μὴδ' οἱ
Ῥωμαῖοι ποιεῖτωσαν. 8 Ἄν ἔκ τινος χώρας, ἧς Καρχηδόνιοι
ἐπάρχουσιν, ὕδωρ ἢ ἐφόδια λάβῃ ὁ Ῥωμαῖος, μετὰ τούτων τῶν ἐφοδίων
μὴ ἀδικεῖτω μηδένα πρὸς οὓς εἰρήνη καὶ φιλία ἐστὶ <Καρχηδονίοις.
9 Ὡσαύτως δὲ μὴδ' ὁ > Καρχηδόνιος ποιεῖτω. 10 Εἰ δέ, μὴ ἰδίᾳ
μεταπορευέσθω. ἔαν δέ τις τοῦτο ποιήσῃ, δημόσιον γινέσθω τὸ
ἀδίκημα. 11 Ἐν Σαρδόνι καὶ Λιβύῃ μὴδεὶς Ῥωμαίων μήτ'
ἐμπορευέσθω μήτε πόλιν κτιζέτω,, εἰ μὴ ἕως τοῦ ἐφόδια λαβεῖν
ἢ πλοῖον ἐπισκευάσαι. Ἐὰν δὲ χειμῶν κατενέγκῃ, ἐν πένθ' ἡμέραις
ἀποτρεχέτω. 12 Ἐν Σικελίᾳ, ἧς Καρχηδόνιοι ἐπάρχουσι, καὶ ἐν
Καρχηδόνι πάντα καὶ ποιεῖτω καὶ πωλείτω ὅσα καὶ τῷ πολίτῃ ἔξεστιν.
13 Ὡσαύτως δὲ καὶ ὁ Καρχηδόνιος ποιεῖτω ἐν Ῥώμῃ. 14 Πάλιν
ἐν ταύταις ταῖς συνθήκαις τὰ μὲν κατὰ Λιβύην καὶ Σαρδόνα
προσεπιτείνουνουσιν ἐξιδιαιζόμενοι καὶ πάσας ἀφαιρούμενοι τὰς
ἐπιβάθρας Ῥωμαίων, 15 περὶ δὲ Σικελίας τ'ἀναντία προσδιασαφοῦσι,
περὶ τῆς ὑπ' αὐτοὺς ταττομένης. 16 Ὁμοίως δὲ καὶ Ῥωμαῖοι περὶ
τῆς Λατίνης. οὐκ οἴονται δεῖν τοὺς Καρχηδονίους ἀδικεῖν
Ἀρδεάτας, Ἀντιάτας, Κιρκαιίτας, Ταρρακινίτας. Αὗται δ' εἰσὶν αἱ
πόλεις αἱ περιέχουσai παρὰ θάλατταν τὴν Λατίνην χώραν, ὑπὲρ ἧς
ποιοῦνται τὰς συνθήκας.

After this treaty they made another, in which the Carthaginians include also the Tyrians and the people of Utica. And to the Fair Promontory are added Mastia, Tarseium, beyond which they think the Romans must neither raid nor build a city. And it goes something as follows: 'There is to be friendship as follows between the Romans and the allies of the Romans and the Carthaginians, Tyrians and the people of Utica and their allies. The Romans shall neither plunder nor trade, nor found a city beyond the Fair Promontory, Mastia, Tarseium. And if the Carthaginians take any city in Latium not subject to the Romans, they shall keep the goods and the men, but they shall give back the town. But if any Carthaginians seize some people with whom there is a written peace treaty with the Romans, they shall not be subject to them, and they shall not bring them into Roman harbours, but if one is brought in and a Roman takes hold of him, he shall be set free. But the Romans shall not do likewise. If a Roman takes water or provisions from a region ruled over by the Carthaginians he shall not harm anyone with these provisions with whom the Carthaginians have peace and friendship. And a Carthaginian shall not do likewise. But if (this happens), he shall not take private vengeance; but if anyone does this, the wrong shall become a state matter. In Sardinia and Libya no Roman shall travel for trade, nor found a city <nor land>³³ unless to take on provisions or materials to repair his ship. If anyone is driven ashore by stormy weather, he shall depart within five days. In Sicily, where the Carthaginians rule, and in Carthage he has all the rights and may do and sell whatever is allowed to a citizen. And a Carthaginian in Rome may do likewise.' Again in this treaty they contend more earnestly appropriating Libya and Sardinia for

themselves and deprive the Romans of all means of approach. They explain further about Sicily in a different way, concerning the part which is settled by them. Likewise the Romans referring to Latium think the Carthaginians must not wrong the people of Ardea, Antium, Circeii and Tarracina. These are the cities which lie along the coast of Latin territory, with which the treaty is concerned (III.24.1-16).

In its style and format the Second Treaty, like the First Treaty is Carthaginian inspired. Polybius in his introduction (sections 1-2) sees this treaty as following on from the First Treaty, with additional stipulations being made by the Carthaginians about the areas where the Romans and their allies may neither plunder, trade nor found a city. However, there are differences in the internal arrangement of the clauses, despite the overall Carthaginian structure. The main differences are the use of reciprocal clauses, and as Täubler has demonstrated, the arrangement of the treaty item by item with both parties mentioned in each.³⁴ He also observes that sections 8-10 form a σύμβολον περὶ τοῦ μὴ ἀδικεῖν (cf. III.22.11), a feature we have already seen as being present in the Phoenician-Assyrian treaty of 677 and Aristotle's account of the Carthaginian-Etruscan treaties. Clauses about people landing due to shipwreck and the protection of stranded seafarers are also provisions found in Greek treaties and proxeny decrees giving rights to foreigners (cf. Herodotus II.112ff. and 179).³⁵

Once again in this treaty, like the First Treaty, Polybius is not providing us with an absolutely verbatim account of the text. This is best demonstrated by the obviously abbreviated reciprocal clauses at III.24.7 and 24.9. At 24.7 'But the Romans shall not do likewise',

Polybius has condensed the full meaning, and 'Romans' should be read for 'Carthaginians' as it follows on from the previous section. In other words, the reference to 'the Romans not doing likewise' is to the seizing of Carthaginian people and bringing them into Carthaginian harbours. Again, at 24.9 'And a Carthaginian shall not do likewise', the clause has been condensed and refers back to the contents of the previous sentence. Although Polybius is giving us a summary, we should perhaps assume that the clauses were written out in full in the treaty.

As in the First Treaty, Polybius provides a commentary for the Second Treaty (14-16), explaining how the Carthaginians have become more stringent in prohibiting access to Libya and Sardinia, but take a different attitude regarding Sicily, reflecting their political situation. It would appear that Polybius is quoting details from the First Treaty (22.11) in section 16, as the concern of the Romans over Carthaginian access to Latium is still an important issue at the time of the Second Treaty. The reason for the brevity of this commentary is surely that this treaty is regarded by Polybius as a renewal of the First Treaty with only the additional clauses requiring some form of explanation.

1.8 THE THIRD TREATY

This is introduced by Polybius as being the final treaty made between Rome and Carthage before the Carthaginians undertook the war for Sicily. By stating that the treaty was made at the time of Pyrrhus' invasion of Italy, it is possible to date it to 279:

Ἔτι τοιγαροῦν τελευταίας [ἔτι] συθήκας ποιοῦνται Ῥωμαῖοι κατὰ τὴν Πύρρου διάβασιν πρὸ τοῦ συστήσασθαι τοὺς Καρχηδονίους τὸν περὶ

Σικελίας πόλεμον· 2. ἐν αἷς τὰ μὲν ἄλλα τηροῦσι πάντα κατὰ τὰς
ὑπαρχούσας ὁμολογίας, πρόσκειται δὲ τούτοις τὰ ὑπογεγραμμένα· 3.
'Εάν συμμαχίαν ποιῶνται πρὸς Πύρρον ἔγγραπτον, ποιείσθωσαν
ἀμφοτέροι, ἵνα ἐξῇ βοηθεῖν ἀλλήλοις ἐν τῇ τῶν πολεμουμένων χώρᾳ·
4. ὁπότεροι δ' ἂν χρεῖαν ἔχωσι τῆς βοηθείας, τὰ πλοῖα παρεχέτωσαν
Καρχηδόνιοι καὶ εἰς τὴν ὁδὸν καὶ εἰς τὴν ἔφοδον, τὰ δὲ ὀψώνια τοῖς
αὐτῶν ἑκάτεροι. 5. Καρχηδόνιοι δὲ καὶ κατὰ θάλατταν Ῥωμαίοις
βοηθείτωσαν, ἂν χρεῖα ᾖ. Τὰ δὲ πληρώματα μηδεὶς ἀναγκαζέτω
ἐκβαίνειν ἀκουσίως.'

6. Τὸν δὲ ὅρκον ὁμνύειν ἔδει τοιοῦτον, ἐπὶ μὲν τῶν πρώτων συνθηκῶν
Καρχηδονίους μὲν τοὺς θεοὺς τοὺς πατέρας, Ῥωμαίους δὲ δία
λίθων³⁶ κατὰ τι παλαιὸν ἔθος, ἐπὶ δὲ τούτων τὸν Ἄρην καὶ τὸν
Ἐνυάλιον. 7. Ἔστι δὲ τὸ δία λίθων τοιοῦτον· λαβὼν εἰς τὴν χεῖρα
λίθον ὃ ποιούμενος τὰ ὅρκια περὶ τῶν συνθηκῶν, ἐπειδὴν ὁμόση
δημοσίᾳ πίστει, λέγει τάδε· 8. Ἐὐορκοῦντι μὲν μοι εἴη τὰγαθὰ·
εἰ δ' ἄλλως διανοηθεῖν τι ἢ πράξαιμι, πάντων τῶν ἄλλων σφζομένων
ἐν ταῖς ἰδίαις πατρίσιν, ἐν τοῖς ἰδίοις νόμοις, ἐπὶ τῶν ἰδίων
βίων, ἱερῶν, τάφων, ἐγὼ μόνος ἐκπέσοιμι οὕτως ὥς ὅδε <δ> λίθος
νῦν.' 9. Καὶ ταῦτ' εἰπὼν ρίπτει τὸν λίθον ἐκ τῆς χειρός.

The Romans made a further and final treaty at about the time of
Pyrrhus' invasion before the Carthaginians undertook the war for
Sicily. In this all the terms are preserved from previous
treaties, but they add the following: 'If they make a written
treaty of alliance with Pyrrhus, they shall both make it so that
they are permitted to help each other in the territory which is
attacked. Whichever of them may need help the Carthaginians will
provide the ships both for transport and for war, but each of them
will provide the pay for its own men. The Carthaginians shall

give help to the Romans by sea if the need arises, but no one shall compel the crews to disembark against their will.' The oaths they swore were as follows. In the case of the first treaty the Carthaginians swore by their ancestral gods, and the Romans in accordance with an old custom by Jupiter Lapis, and in the case of the last treaty by Mars and Quirinus. The oath by Jupiter Lapis is as follows: the man who is swearing to the treaty takes a stone in his hand and when he has sworn giving the guarantee of the state, he says 'If I abide by this oath, may all good be mine, but if I do otherwise in thought or act, may all other men be kept safe in their own countries, under their own laws, as regards their own livelihoods, temples and tombs, and may I alone be cast out even as this stone is now.' And having said this he throws the stone from his hand (III.25.1-9).

Once again with this treaty, following what we now understand as being his usual method, Polybius is giving us a condensed version of the text as seen by him. As the treaty was essentially a renewal of the earlier treaties, he does not feel obliged to give a full text, but only the additional clauses, which reflect the main concerns of the Carthaginians as a result of Pyrrhus' activities and potential ambitions. These latter clauses are obviously his main interest here, explaining why he is content to summarise the earlier clauses. We should perhaps assume that this last treaty also followed a Carthaginian format, but which nevertheless reflected the changing political and economic interests of the Romans, as well as those of the Carthaginians. In this we must be guided, in the absence of precise details, by both Polybius' integrity and judgement that there were no

substantial changes made in this treaty, and that it expressed the same type of relationship inherent in the two previous treaties.

The fact that the oaths are given separately proves several things. Firstly, that Polybius has not produced the texts of the treaties for us exactly as he saw them, and secondly, that these early treaties form an interdependent series, with the oath sworn for the Third Treaty presumably the same as for the Second Treaty. Also the archaic nature of the oath sworn by the Romans in the First Treaty points to the antiquity of that treaty in relation to the Second and Third Treaties, and reinforces Polybius' remarks (III.22.3) about the difficulty in understanding the First Treaty, due to the antiquity of the language.

Our only detailed and definite examples of the Carthaginian style of treaties are Polybius' treaties and the treaty between Philip V of Macedon and Hannibal in 215, which was in the form of an oath and undated.³⁷ Here, Polybius is undoubtedly quoting from the text captured with Xenophanes, Philip's ambassador, and it is likely to have been a Greek translation of the treaty sworn by Hannibal. Due to the fact it was in the form of an oath, it is highly probable that there was a Macedonian equivalent of this document. The Carthaginian format and style of the treaty is quite distinctive, with the terminology reminiscent of Semitic diplomatic practices, naturally familiar to the Carthaginians, and found in other Near-Eastern treaties.³⁸ Sections 12 and 15 contain arrangements for the continuation of the defensive alliance similar to those in section 3 of Polybius' Third Rome-Carthage Treaty, where provisions were made in case Pyrrhus should later attack either side.

The evidence for other Carthaginian treaties during the period 540-279 including those already discussed, and in particular those made in Sicily can be found in Die Staatsverträge des Altertums volumes II and III.³⁹ It is particularly unfortunate that we do not possess detailed accounts recording the Carthaginians' mixed fortunes in their attempts to establish dominion (*epikráteia*) over parts of Sicily during the fifth and fourth centuries. However, we do have Diodorus' accounts of the major treaties made during this period with the tyrants of Syracuse. Following the battle of Himera in 480 a peace treaty was made between Gelon and Carthage (Diodorus XI.26.2). But since the terms were dictated to the Carthaginians, it does not follow a Carthaginian format. A series of three peace treaties was made between Dionysius I and the Carthaginians during the years 405 and c.375, reflecting the fluctuating fortunes of both sides. The first of these saw the formal recognition by the Greeks of a Carthaginian province (*epikráteia*) in Sicily (Diodorus XIII.114.1). Later in 392 the Carthaginians sent embassies to negotiate peace, and a treaty was concluded (Diodorus XIV.96.3-4) with the conditions similar to the previous one, but with some exceptions more in favour of Dionysius.

The final peace treaty which ended a war begun in 383/2 was made in c.375 and restricted the Carthaginian position. However, Diodorus (XV.17.5) places the entire war under the year 383. Two further peace treaties were made by the Carthaginians at the end of the fourth century, in connection with Agathocles' invasion of Africa. The first was made with the army of Agathocles in Africa in 307, and the second with Agathocles in the following summer in Sicily when the Carthaginians gained considerable concessions, restoring the *status quo*

to the situation before the beginning of the war in 312/11 (Diodorus XX.69.3 and 79.5).⁴⁰

However, it should be remembered that all these treaties were the outcome of hostilities between the Carthaginians and the Greeks. Consequently, they are inevitably of a very different nature from treaties negotiated by the Carthaginians with states where there was no previous record of antagonism between them.

1.9 OTHER EVIDENCE FOR ROME'S TREATIES WITH CARTHAGE

Apart from Polybius' evidence for the treaties between Rome and Carthage, there are a number of other sources which report diplomatic contact between the two states. However, none of them contain anything approaching the detail which Polybius provides. When an attempt is made to evaluate this evidence with Polybius', two important questions are raised, namely the total number of treaties, and their chronology. Both of these aspects will be discussed in the following chapter, but first we need to examine each source in chronological order, in an attempt to understand something of the historiographical tradition which developed.

I Philinus

This third century Greek historian from Agrigentum (Acragas), who probably wrote a contemporary monograph of the First Punic War from the Carthaginian standpoint, was one of Polybius' two main sources, along with Fabius Pictor, for his account of that war.⁴¹ Unfortunately nothing survives of Philinus' work except indirectly through later historians.⁴² Polybius when giving his reasons for describing the

First Punic War states that one of them was the fact that Philinus and Fabius, reputed to be the most expert authorities on the war had actually failed, in his opinion, to report the truth. Their failure, as far as Polybius was concerned was due not to an intentional or deliberate desire to mislead, but through their inability to overcome partiality. Philinus insisted that the Carthaginians always acted with wisdom, virtue and courage, and that the Romans behaved in exactly the opposite manner. Fabius held precisely the diametrically opposite view.⁴³ For Polybius, an historian should be able to make detached statements and judgements, being equally able to criticise friends and statesmen and to praise the enemy, according to the demands necessary for rendering the truth (I.14).

In order to justify his criticism, Polybius in a short digression (I.15) examines Philinus' account of the siege of Messana, taken from the beginning of the second book, and demonstrates how it is unreliable because of its inconsistencies and false statements. Apparently, the same fault could be traced throughout Philinus' work, and also through Fabius'. However, Polybius' method is to safeguard his readers by drawing to their attention the occasions when Philinus and Fabius are at fault.

Despite the flaws in Philinus' work, Polybius himself, as we have already seen, was able to take a balanced view, and excused Philinus for his ignorance about the existence of the early Rome-Carthage treaty documents (III.26.1-2). However, he could not overlook what he considered to be Philinus' extraordinary statement in his second book, that a treaty existed between Rome and Carthage in which the Romans were to keep away from the whole of Sicily, and the Carthaginians from the whole of Italy:

ἀλλὰ πόθεν ἢ πῶς ἐθάρρησε γράψαι τάναντία τούτοις, διότι Ῥωμαίοις καὶ Καρχηδονίοις ὑπάρχοιεν συνθήκαι, καθ' ἃς ἔδει Ῥωμαίους μὲν ἀπέχεσθαι Σικελίας ἀπάσης, Καρχηδονίους δ' Ἰταλίας, - 4. καὶ διότι ὑπερέβαινον Ῥωμαῖοι τὰς συνθήκας καὶ τοὺς ὅρκους, ἐπεὶ ἐποίησαντο τὴν πρώτην εἰς Σικελίαν διάβασιν, μήτε γεγονότος μήθ' ὑπάρχοντος παράπαν ἐγγράφου τοιούτου μηδενός. 5. Ταῦτα γὰρ ἐν τῇ δευτέρᾳ λέγει βίβλῳ διαρρήδην.

But how can it be, how in truth could he venture to write the contrary, that a treaty exists between the Romans and Carthaginians, according to which the Romans were bound to keep away from the whole of Sicily and the Carthaginians from the whole of Italy, and that the Romans had broken the treaty and their oaths when they made the first crossing to Sicily. There does not exist and there has never existed a written treaty of this kind. Yet he expressly asserts this in his second book (III.26.3-5).

For Polybius, such a statement was incredible, and undoubtedly was one of the main reasons behind his digression on the treaties between Rome and Carthage, so that people would not be misled again, as they had been in the past. A point to be noted here is how Polybius goes on to give a detached judgement, voicing his disapproval of the Roman crossing to Sicily, being critical of the decision taken to first of all admit the Mamertines into friendship and then to assist them. But then leaving aside the questionable wisdom of such a decision, he reiterates that no action was taken contrary to a treaty or oaths (III.26.6-7).

Philinus' alleged 'treaty' raised two questions. Firstly, the historicity of the treaty, and secondly, the consequences if it was accepted as being genuine: that the Romans were guilty of treaty-

breaking. The fact that Polybius vehemently denies this indicates that there was a tradition in his time that the Romans were guilty of treaty-breaking. But the conclusion to be drawn following Polybius' testimony is that as far as he was aware no such treaty had ever existed. The likelihood that there was Carthaginian evidence to support Philinus seems doubtful, since the most senior and well-informed Carthaginian statesmen were ignorant of the existence of the treaties, and Philinus must have been writing not more than ninety years at the most before Polybius.

The problem of the so-called 'Philinus treaty' has continued to occupy the attention of modern scholars, who have addressed themselves to the questions of its historicity and a suitable date for such a treaty or stipulation. The most favoured dates are 306 or 279, but on examination neither of them are totally convincing.⁴⁴

But if Philinus' 'treaty' is to be dismissed as being non-historical, some attempt must be made at explaining how the tradition concerning it came into existence. Philinus' citing of a 'treaty' was bound to generate a Roman response, whether or not there was any reality in the 'treaty'. The tradition was obviously anti-Roman, and it was only natural that the Romans should try to counter it by creating their own version. The way in which the Romans defended themselves was to claim that it was not themselves, but the Carthaginians who were the *first* to be guilty of treaty-breaking. This line of defence presupposes that the Romans believed that there was such a treaty which had been broken. However, we have no way of knowing if there was any further evidence, apart from Philinus' statement to support the tradition.⁴⁵

It is unlikely that any solution to Philinus' alleged 'treaty' can ever be reached, for the following reasons. The issue can never be presented simply as a clear cut choice between Polybius being right and Philinus being wrong. Philinus' statement is imprecise and probably incomplete, and consequently the problem of dating the treaty he mentions becomes entirely speculative. It could be argued that Polybius' information was also incomplete, as other sources, as we shall see, refer to renewals of treaties which he does not mention. One possible explanation could be that Philinus' statement was indeed false, as Polybius claimed, and the Romans were misled by it, just as Philinus himself had been, and this resulted in the defensive tradition being created. I would not entirely rule out the suggestion made by De Sanctis, that Philinus, influenced by his pro-Carthaginian sympathies, interpreted the clause referring to the alliance against Pyrrhus in the treaty of 279 (III.25.3), as formally restricting Roman intervention in Sicily.⁴⁶ Yet, questions remain as to the date and the responsibility for the Roman tradition. Some light may be shed on these questions by examining the later evidence for the treaties between Rome and Carthage.

II M. Porcius Cato

The evidence from Cato is slender. The Fourth Book of the *Origines* dealt with the subject of the Punic Wars, and in a surviving fragment, referring to the outbreak of the Second Punic War he stated that the Carthaginians had broken the treaty for the sixth time in the twenty-second year after the end of the First Punic War which had lasted for twenty-four years:

Non. s.v. duodevicesimo p.100. Cato in quarto originum: Deinde duovicesimo anno post dimissum bellum, quod quattuor et viginti annos fuit, Carthaginienses sextum de foedere decessere (fr.84 Peter).⁴⁷

The Carthaginians are shown here as being consistent treaty-breakers. However, the problem is deciding what Cato actually meant by this statement. Is he saying that the Carthaginians broke the agreements between Carthage and Rome six times since the first agreement, or is he saying that there were six contraventions of one specific treaty (namely the treaty of 241)? The problem is unlikely to be easily resolved.

III Diodorus Siculus

There are two treaties mentioned by Diodorus. The first can be dated to 348:

Ἐπ' ἄρχοντος δ' Ἀθήνησι Λυκίσκου Ῥωμαῖοι κατέστησαν ὑπάτους Μάρκον Οὐαλέριον καὶ Μάρκον Πόπλιον, ὀλυμπιάς δ' ἦχθη ἑκατοστή καὶ ἑνάτη, καθ' ἣν ἐνίκα στάδιον Ἀριστόλοχος Ἀθηναῖος. ἐπὶ δὲ τούτων Ῥωμαίοις μὲν πρὸς Καρχηδονίους πρῶτον συνθήκαι ἐγένοντο.

When Lyciscus was archon at Athens, the Romans elected as consuls Marcus Valerius and Marcus Publius, and the one hundred and ninth Olympiad was celebrated, in which Aristolochus the Athenian won the foot-race. In this year the first treaty was concluded between the Romans and Carthaginians (XVI.69.1).

The second treaty he mentions is evidently Polybius' Third Treaty:

‘Ὅτι Καρχηδόνιοι συμμαχίαν ποιήσαντες μετὰ Ῥωμαίων πεντακοσίους ἄνδρας ἔλαβον εἰς τὰς ἰδίας ναῦς, καὶ εἰς τὸ Ῥήγιον διαβάντες . .

The Carthaginians, having made an alliance with the Romans, took five hundred men on board their own ships and sailed across to Rhegium (XXII.7.5).

IV Livy

A number of treaties and their renewals are recorded by Livy. The first treaty he mentions is placed under the year 348:

Et cum Carthaginensibus legatis Romae foedus ictum, cum amicitiam ac societatem petentes venissent.

In addition, a treaty was struck at Rome with envoys of the Carthaginians, who had come seeking friendship and alliance (VII.27.2).

In a rhetorical digression on Alexander the Great under the year 319, Livy states that 'the Punic state had been joined with the Roman by ancient treaties': 'cum et foederibus vetustis iuncta res Punica Romanae esset . . . ' (IX.19.13).

A renewal of the treaty with Carthage was recorded in 306:

Et cum Carthaginensibus eodem anno foedus tertio renovatum, legatisque eorum, qui ad id venerant, comiter munera missa.

In this year also the treaty with the Carthaginians was renewed for the third time, and their ambassadors who had come to arrange it, were courteously presented with gifts (IX.43.26).

The treaty was renewed for the fourth time in 279/8 (Ep. 13):

'Cum Carthaginiensibus quarto foedus renovatum est.' However, Livy also records that the Carthaginians violated the treaty in 272: 'Carthaginiensium classis auxilio Tarentinis venit, quo facto ab his foedus violatum est.' 'A Carthaginian fleet came to the help of the Tarentines, by which act they violated the treaty' (Ep 14).

The same charge is repeated by Livy at XXI.10.8, when in 218 Hanno is made to say that the Carthaginians were responsible for breaking the treaty in 272, and that history was now repeating itself over Saguntum: 'Sed Tarento, id est Italia, non abstinueramus ex foedere, sicut nunc Sagunto non abstinemus'. 'But we did not keep away from Tarentum, that is from Italy, as according to the terms of the treaty, just as now we cannot keep away from Saguntum'.

This incident in 272 was also mentioned by Dio, as one of the alleged causes of the First Punic War:

“Ὅτι αἰτίαι ἐγένοντο τῆς πρὸς ἀλλήλους διαφορᾶς τοῖς μὲν Ῥωμαίοις ὅτι Καρχηδόνιοι τοῖς Ταραντίνοις ἐβοήθησαν, τοῖς δὲ Καρχηδονίοις ὅτι Ῥωμαῖοι φιλίαν τῷ Ἱέρωνι συνέθεντο.

The causes responsible for the dispute between the two were on the side of the Romans, that the Carthaginians had assisted the Tarentines, and on the side of the Carthaginians, that the Romans had entered into friendship with Hiero (fr.43.1 cf. Zon. 8.6).

However, Dio dismisses these as merely being excuses. The real cause was a mutual fear and envy of each other's growing power, and a chance incident as occurred over Messana was sufficient to break the uneasy truce and involve them in war (fr.43.1-4).

V Servius

The evidence of the fourth century A.D. commentator on Aeneid IV.628-9: 'Litora litoribus contraria, fluctibus undas | imprecor' (Dido's curse on Aeneas' descendants) is often used to support Philinus' treaty. But, on analysis, just how useful are Servius' remarks ? He obviously has some difficulty in interpreting the significance of the passage and gives alternative explanations:

aut quia in foedere cautum fuit ut neque Romani ad litora Carthaginiensium accederent neque Carthaginienses ad litora Romanorum, aut potest propter bella navalia accipi inter Romanos et Afros gesta:

either because it was stipulated in a treaty that neither the Romans should approach Carthaginian shores nor that the Carthaginians should approach Roman shores, or it can be understood as referring to the naval wars undertaken between the Romans and the Africans.

To this statement he adds 'it is understood as referring to a similar stipulation in treaties that Corsica was in the middle between the Romans and the Carthaginians': 'potest et propter illud quod in foederibus similiter cautum erat, ut Corsica esset media inter Romanos et Carthaginienses'.

To say the least, Servius' comments are far too wide-ranging and confused to be of any real use. This fact has surely been demonstrated by the often ingenious speculation required to try and make sense of his remarks and to identify the treaty to which he was referring.^{4a}

Similar reservations should also be applied to the usefulness of Servius' commentary on another passage from Virgil (ad Aen. I.108-109),

where he explains the significance of some hidden rocks called the *Arae*, situated between Africa, Sicily, Sardinia and Italy: 'haec autem saxa inter Africam, Siciliam et Sardiniam et Italianam sunt'. The Servian scholia record that they acquired their name:

quod ibi Afri et Romani foedus inierunt et fines imperii sui illic esse voluerunt. - quidam insulam fuisse hunc locum tradunt, quae subito pessum ierit, cuius reliquias saxa haec exstare, in quibus aiunt Poenorum sacerdotes rem divinam facere solitos. has aras alii Neptunias vocant, sicut Claudius Quadrigarius I annalium: apud aras, quae vocabantur Neptuniae.

This explanation seems highly improbable and may have been derived from antiquarian sources. It provides no useful information about any of the treaties between Rome and Carthage.

To summarise, the series of treaties between Rome and Carthage certainly includes others not mentioned by Polybius. There could be a number of possible reasons for this. Perhaps the most obvious one was that Polybius had not seen a complete series of treaties in the 'treasury of the aediles', and that the later treaties were stored elsewhere. It could be that *renewals* of treaties were not inscribed on bronze and displayed in the same way as the treaties seen by Polybius.⁴⁹ These are all aspects which I will be exploring in Chapter 3. However, one thing is certain, that the Roman and Carthaginian traditions of treaty-breaking must have ante-dated Polybius. As the crisis developed following Rome's decision to protect Messana, the recriminations for treaty-breaking concentrated on the diplomatic activities of the late 270s during the Tarentine war, and thus became incorporated into both the Roman and Carthaginian traditions.⁵⁰ But as we have already seen, Polybius makes no mention

of the Tarentine episode, and I would be inclined to support one of Toynbee's suggestions that if Polybius knew of the Tarentine incident, he may have had very good and honourable motives in remaining silent. He may simply have been unwilling to endorse the perhaps dubious propagandist attempts of the Roman annalists to convict the Carthaginians of treaty-breaking before 264, and thus exonerate the Romans from blame.⁵¹

We know that Livy made extensive use of Polybius, but this did not stretch to include the dramatic evidence about the treaty documents, and the question must then be asked about the influentiaity of Polybius' work among other Roman annalists. The conclusion which must be drawn in the light of the surviving fragments is that Polybius' emphatic statement about the Rome-Carthage treaties was comprehensively ignored, for reasons not conveyed to us, by successive generations of Roman historians, who favoured the version already established in the Latin annalistic tradition long before Polybius' time.

1.10 POLYBIUS' HISTORIOGRAPHICAL TECHNIQUE CONCERNING THE TREATY DOCUMENTS

As we have already seen in chapter 26, Polybius is thoroughly aware of the impact which he is able to make by providing first-hand evidence of the existence of the Rome-Carthage treaty documents in the treasury of the aediles. Of course by using his eye-witness account of the treaties, he is in a much stronger position to attack Philinus, and from the view point of the modern historian, the use of genuine documents enhances the value of Polybius' statement. But we need to ask ourselves whether the information about the treaty documents and their location was only provided by Polybius for this particular

purpose, or are we to regard it as a much more significant and essential part of his historical method ? For us, the consultation and the quoting of original documents in historical writing is nothing unusual, and indeed accepted without comment, as an essential part of historical research, but this was by no means the accepted practice of the Hellenistic historian. The ignorance of both previous historians and senior Roman and Carthaginian statesmen with regard to the treaty documents needs to be examined, as it raises the underlying questions of the attitude of historians and statesmen to the use of and the value attached to documentary evidence.

There are a number of other instances where Polybius makes use of documentary evidence, and his own eye-witness accounts, which follow the first of three principles he outlines as the necessary requirements for the writing of πραγματική ιστορία (XII.25e).⁵²

At III.33.5-16 Polybius is able to give accurate information about the arrangements made by Hannibal for the defence of Spain from the details recorded on a bronze inscription set up by Hannibal himself on the Lacinian promontory (about six miles S.E. of Croton). He claims to have seen the inscription for himself and thus had no hesitation in using it because of the value and the unquestionable trustworthiness of the evidence it contained:

Ἡμεῖς γὰρ εὗρόντες ἐπὶ Λακινίῳ τὴν γραφὴν ταύτην ἐν χαλκώματι κατατεταγμένην ὑπ' Ἀννίβου, καθ' οὗς καιροὺς ἐν τοῖς κατὰ τὴν Ἰταλίαν τόποις ἀνεστρέφετο, πάντως ἐνομίσσαμεν αὐτὴν περὶ γε τῶν τοιούτων ἀξιόπιστον εἶναι· διὸ καὶ κατακολουθεῖν εἰλόμεθα τῇ γραφῇ ταύτῃ.

For we found on Cape Lacinium this list set down by Hannibal on a bronze tablet at the time when he was staying in this region of

Italy; and since we considered this to be absolutely trustworthy for such facts, we therefore have chosen to follow this document (III.33.18).

Here, once again Polybius is concerned that everyone should understand the care he has taken in ensuring he has accurate information, and he draws a sharp distinction between himself and those historians, who tried to make their false statements seem plausible, in order that he should not be accused of resembling them (III.33.17).

In complete contrast to Polybius' version, Livy who also knew of the inscription made no attempt to use the information contained in it, mentioning its existence in an incidental way, without any interest in its value as first-hand documentary evidence.⁵³

Apart from the texts of the early Rome-Carthage treaties, Polybius also provides the provisions of Lutatius' treaty at the end of the First Punic War (I.62.8-9 cf. III.27.2-18), and the rather brief and possibly incomplete details of the Ebro agreement with Hasdrubal (II.37.7 and III.27.9). Much more complete is the treaty between Hannibal and Philip V of Macedon (VII.9), which has already been discussed. However, the annalistic version of the treaty in Livy XXIII.33.10-12 (cf. Appian Maced. 1; Zon. IX.4.2-3) is far from reliable and bears very little resemblance to the terms set out by Polybius. The principal points of the peace settlement after Zama are given by Polybius at XV.18 (cf. Livy XXX.37.1-6; Appian Lib. 54; Dio XVII.82). Livy's account follows Polybius', but the details are not so full, and the other versions include clauses not found in Polybius.

Other treaties quoted by Polybius include the agreement with Queen Teuta in 228 (II.12.3) where the clauses are summarized in a narrative form; the agreement admitting Sparta to the Achaean League in

182 (XXIII.18.1-2) and in the following year the agreement between the Achaeans and the Messenians (XXIV.2.3) both inscribed on στήλαι; and the terms of the treaty between Pharnaces and Mithridates and Eumenes, Prusias and Ariarathes in 180/179 (XXV.2).

It would be more than likely that Polybius had actually seen the engraved στήλη he describes at V.93.10, which recorded the terms reconciling the internal disputes among the Megalopolitans. This inscription was set up beside the altar of Hestia in the Homarium, the enclosure of Zeus Homarios, near Aegium, the sacred cult centre of the Achaean League.

Further documentary evidence was used by Polybius in his description of the plans for the capture of New Carthage (X.9.3). He obtained the information from a letter which Scipio Africanus wrote to Philip V of Macedon, explaining the details of his Spanish campaign and the operations at New Carthage. It seems plausible, as Walbank suggests that Polybius had access to a copy of this letter through his friendship with Scipio Aemilianus.⁵⁴ There are also other occasions when Polybius uses information obtained from letters, such as the dispatch sent by the Rhodian admiral to the Rhodian council and prytaneis after the battle of Lade, which was still preserved in the Rhodian prytaneum (XVI.15.8), and the letter of Publius and Lucius Scipio in 190 persuading Prusias not to join Antiochus (XXI.11.1-13; cf. Livy XXXVII.25.8-12). There may well be more instances when Polybius used this type of evidence, for example a letter written by P. Cornelius Scipio Nasica Corculum 'to one of the kings' on Aemilius Paullus' campaign against Perseus (XXIX.14.3). But it is impossible to know whether it was actually used by Polybius. There are also references to letters at XXI.8 from Lucius Scipio and Publius Scipio to

L. Aemilius Regillus and Eumenes at Samos, informing them of the truce made with the Aetolians and the march of the Roman army towards the Hellespont.

It is highly likely that Polybius used Achaean archives. This may have been the source for the contents of the Achaean decree of 217 B.C., described by him at V.91.5-8.

Polybius also made use of *senatus consulta* and at XVIII.44.1-7 he quotes the principal clauses of a *senatus consultum* of 196 concerning the peace settlement with Philip V. It is more than likely that this came from a Roman documentary source.⁵⁵ Another *senatus consultum* is quoted at XXI.32.2-14 concerning the peace treaty with the Aetolians in 189, and once again he gives the main clauses.⁵⁶ Likewise the terms of the peace treaty made with Antiochus in 188 are given at XXI.43.2-27, and derive from the official text, as Polybius implies at XXI.42.10, but following his usual method it is not absolutely verbatim as suggested by the words, ' τοιαύτη τις' (43.1).⁵⁷ Once again Livy's annalistic account of the treaty (XXXVIII.38.2-18) lacks some of the details found in Polybius and the clauses are not in the same order. However, neither Polybius nor Livy provide the details of the publication of the treaty which appear in Appian (Syr. 39).

When the above accounts are compared with Livy's, one cannot help feeling that Polybius is providing us with a much more immediate proximity to the evidence, although his method as we have seen earlier involved a certain amount of condensing of material, but without compromise to his standards and principles in writing πραγματική ιστορία. The annalistic style of Livy's accounts lacks this quality found in Polybius' work, and gives the reader a feeling of distance

between himself and the evidence. We should perhaps conclude from this that the necessity of providing a verbatim reading of documents was not regarded as a priority or an obligation by annalists, and that this was never considered as a fault, detracting from the value of their work and their reputation.

Now that we have seen that the quoting of documentary evidence played an essential part in Polybius' historical method, we need to discover whether this technique was a new departure or could be regarded as common practice in Greek historiography. First of all it is necessary to examine Polybius' own attitudes and his criticism of his fellow historians.

An essential element in Polybius' composition of serious, πραγματική ἱστορία was the desire to obtain the truth in all matters, and this forms a theme which is inter-woven throughout the *Histories*. For Polybius, πραγματική ἱστορία meant political and military history, dealing with the affairs of peoples, cities and rulers and it was intended to be of interest and of benefit to the statesman (ὁ πολιτικός) and to the students of history (οἱ φιλομαθοῦντες), who at IX.1-2 cf. VII.7.8 are distinguished from the casual reader (ὁ φιλήκοος).

Polybius agrees with Timaeus that truth is a leading quality in historical works. But if the truth is not contained in a work, it can no longer claim the name of ἱστορία (XII.12.2-3; cf. I.14.6). Polybius can be seen as reacting against the Hellenistic historical traditions and contemporary historians, especially the authors of monographs, who tended to elaborate insignificant matters until they became momentous events, all for the sake of self-gratification: universal history was much to be preferred (XXIX.12.2-5).

Out of the Greek historians who are actually named by Polybius, the only direct reference to the use of documentary evidence is made with regard to Timaeus. Book XII was added to the original plan of the *Histories* to allow for an extended digression, which formed a general attack on Timaeus. The main force of the criticism concentrates on the contrast between Polybius, who believed himself to be admirably equipped to write pragmatistical history, being a soldier, explorer and statesman and having knowledge of other writings, and Timaeus who had spent a life-time writing history from a library. Such people were inadequately qualified to write history (XII.25e.4) and at XII.25e.7, Timaeus' short-comings are revealed in that he believed it was sufficient for someone to attempt to write a history of recent events, so long as they had a knowledge of past events - which could be acquired within the confines of a library. But Timaeus was unable to write from first-hand experience (XII.25g), which led to errors,⁵⁰ and he confessed that he had no experience of war or travel, because he had lived away from his native Tauromenium, spending fifty years at Athens.

Polybius illustrates such short-comings when he takes Timaeus to task over the latter's criticism of Aristotle, concerning the foundation of the colony of Locri Epizephyrri (XII.5-11). He demonstrates that despite Timaeus' usual apparently diligent, but not necessarily intelligent, use of epigraphic evidence, such as found on the backs of buildings and grants of *proxenia* on the door-posts of temples (XII.11.2), on this occasion he had neglected to properly research and divulge his sources to support his statements, and had not quoted a written treaty which had been shown to him when he had visited the Locrians in Greece to investigate the history of the colony. Furthermore, Timaeus failed to say *which* of the Locrian cities he had

visited, where exactly the treaty could be seen, and which magistrates had shown him this document (XII.9-10). What annoyed Polybius more than anything was that Timaeus had gained the reputation, for some unknown reason, of being a leading historian, despite not possessing the necessary prerequisites of a good historian (XII.28.6-7).

Polybius' criticism also included Phylarchus, a Greek biographer from Athens and a most important historian covering the period 272-220 B.C. in twenty-eight books. He was Plutarch's chief authority for the lives of Agis and Cleomenes, and one of his sources for the lives of Aratus and Pyrrhus. Phylarchus is attacked by Polybius in a digression (II.56-63) because throughout his work he made many random and careless statements and was also guilty of sensational and exaggerated descriptions, which were more suited to tragedy than to history, and lacked any form of analysis of the events described, thus undermining his reliability.

The historian Theopompus from Chios, born c.378, exiled with his father Damasistratus for pro-Spartan views, and restored c.333 through the influence of Alexander the Great, was criticised by Polybius for his ferocious and unjustified attack on Philip II of Macedon in his *Philippica* (VIII.9-11). Yet, despite having a reputation in antiquity of being an out-spoken and bitter critic, there is evidence that Theopompus was capable of being equally critical of his source material. His knowledge and use of epigraphic evidence is revealed in his questioning of the authenticity of the Peace of Callias, on the basis that the treaty was engraved in Ionic letters and not in Attic, as would be expected in an Athenian document of the mid-fifth century, strongly suggests that he had actually seen the στήλη he is discussing (FGr. H. 115 F153-154). However, it has been proposed by E. Badian that

Theopompus saw a fourth-century re-engraving of an original, which could not have survived the events of 411-403.⁵⁹

Further censure included Zeno and Antisthenes of Rhodes who were contemporary with the events they described, and who participated in politics and dealt with the same events, with regard to eastern affairs, as Polybius. However, they were criticised for being too partial in their accounts of Rhodian affairs. Among the errors listed, some were due to ignorance, but Polybius could not condone deliberately misleading statements, and Zeno was also too much concerned with elegance of style.

But if citation of documents and inscriptions was apparently not of any great consequence in the work of the Hellenistic historians mentioned by Polybius, it was certainly not a new departure in the historical tradition, as both Thucydides and Herodotus quote documentary and epigraphic evidence.

There can be no doubt that Herodotus was a pioneer in many ways in the methods he employed, not only in the gathering of his material, but also in the composition of the *Histories*. His information was based mainly on oral material, often obtained by personally questioning eye-witnesses, but when travelling in the East, it was inevitable that he had to rely on local guides and interpreters, without any opportunity to authenticate their information. In fifth century Greece there was little written evidence available for the historian, but the situation in the East was very different, and is reflected in the *Histories*.⁶⁰

Due to the nature of the information he collected, Herodotus became aware of the necessity of having to distinguish between first and second-hand sources in order to gain the most balanced and accurate

account possible - giving both probable and improbable versions. An example of this can be seen at III.121-122 where different versions of a story are given, including the less generally accepted one, and the choice is left to the reader.

Herodotus can also be viewed as a pioneer in epigraphy, judging from the variety of documentary and epigraphic evidence quoted. The following examples illustrate the importance of this type of evidence throughout the *Histories*. Starting with Book I, Herodotus mentions a forged Spartan inscription on a gift sent by Croesus to Delphi (51.3-4). There are many examples dealing with Egyptian history in Book II.⁶¹ He mentions Sesostri's victory $\sigma\tau\eta\lambda\alpha\iota$ (102), and an eye-witness account of Sesostri's statue and inscription, and also the remaining few memorial $\sigma\tau\eta\lambda\alpha\iota$ erected by Sesostri in Palestine (106). But his information was not always reliable, as he claims that there was an inscription in hieroglyphics on the side of the Great Pyramid, recording the amount spent on radishes, onions and leeks for the labourers (125). This is a highly unlikely location for such an inscription, and it is now no longer there. Another inscription is mentioned on the statue of Sethos (141). The Egyptian priests were an important source of information about the past, and he relates his own and Hecataeus' experience with the priests of Zeus at Thebes who were able to trace their history through a series of statues of high priests (142-3). In Book IV he mentions an inscription in Assyrian characters and in Greek on two marble stelai erected by Darius at the Bosphorus, recording the various nations serving on the campaign (87.1); and a dedicatory offering to the temple of Hera of a picture depicting the bridging of the Bosphorus by Mandrocles its designer, with an epigram to serve as a permanent record of his achievement (88.2). Another

epigram was seen by Herodotus on the Acropolis at Athens on a bronze chariot, an offering to Athene celebrating the Athenian victory over the Boeotians and Chalcidians (V.77).⁶²

There are occasions in Herodotus' work when the information he gives must have come from some official documentary source, such as the description of the contingents of native troops making up Xerxes' army (VII.61ff.), yet earlier on Herodotus had said that nobody had left a record of the number of Xerxes' troops, so he is unable to state the precise number of men provided by each separate nation (VII.60.1). Also in Book VII are the epitaphs to the dead at Thermopylae - but on examination they are not really what Herodotus claims them to be (228). In Book VIII Herodotus provides some detailed documentary evidence, quoting Themistocles' rock-cut messages to the Ionians (22.1-2); the composition of the Greek fleet before the battle of Salamis (43-48); a reference to the name of the Tenians being inscribed on the tripod at Delphi with those of the other states who defeated the Persian invasion (82.1) - though actually they were inscribed on the Serpent Column; and the dedication by the Greeks of one of the three captured Phoenician warships at the Isthmus after the battle of Salamis and seen by Herodotus (121.1). In Book IX he is able to give a list of Greek troops composing the army at Plataea (28.2-30); and finally he records the dedication of the famous golden tripod and Serpent Column at Delphi as a thanks offering to Apollo for the victories (81 cf. VIII.82.1).⁶³

But having understood something of the methods by which Herodotus collected his information, it is necessary to examine how successful he was in his interpretation and handling of such evidence. These questions have been approached by Stephanie West, who has investigated the methods and principles Herodotus employs in the use of

his epigraphic evidence. The conclusions reached are that Herodotus is reluctant to cite inscriptions as a source of information for any of the treaties or public documents mentioned. He much prefers to rely on information obtained through the oral tradition, as inscriptions for him had a limited value, being able only to communicate a single past event.⁶⁴ So judged from today's point of view, Herodotus would be seen as being both unsophisticated and insensitive in the handling of his epigraphic material.

Now that we have examined Herodotus' use of documentary and epigraphic evidence, it is time to turn to Thucydides. In his preface at I.21-22, Thucydides is at pains to emphasise the diligence he used to ensure that unlike the poets and prose chroniclers, he has taken great care to check his sources and evidence, in order to reach conclusions which are reasonably accurate, given the difficulty of dealing with past events.⁶⁵ As can be seen from the following examples, the use of documentary and epigraphic material played a significant role in the method Thucydides used to present his evidence.⁶⁶ There are only two examples from Book IV, the first being the terms of the truce at Pylos in 425, which has been rewritten but left in documentary style (16), and the second, the armistice between Athens and Sparta in 423 (118). A comparatively large number of inscriptions are recorded in Book V: 18.9 the Peace of Nicias in 422-1; 23.3 the alliance between Athens and Sparta; 47.11 the alliance between Athens, Argos, Mantinea and Elis in 420; 77 and 79 the peace treaty and alliance between Sparta and the Argives in 418/17; and possibly 84.1 where the details of the Melian expedition in 416 are given, and correspond very closely with the phrases of a decree discovered regulating the Melian expedition.⁶⁷ A fragment of an official Athenian

copy of an inscription has also been found which corresponds to the precise terms of the treaty given by Thucydides at V.47.11, though there are a few discrepancies.⁶⁸

At three points in recounting the story of Harmodius and Aristogiton, Thucydides quotes epigraphic evidence to substantiate his account. He records that the Altar of the Twelve Gods in the Agora at Athens and the Altar of Apollo in the Pythium were dedicated by Pisistratus, son of Hippias and grandson of the tyrant, in his archonship (c.521), and he quotes the inscription on the altar in the Pythium (VI.54.7).⁶⁹ He is also able to state with confidence that Hippias was the eldest son of Pisistratus and who took over power, as this information could be found on an altar and stele set up on the Athenian acropolis to commemorate the crimes of the dictators (VI.55). Finally he quotes the inscription from the tomb of Archedice, Hippias' daughter (VI.59.3).

The main use of documentary evidence in Book VIII records the beginning of Persian intervention, which is revealed through the texts of three successive treaties of 411 between Sparta and her allies and the Persian king (18, 37, and 58).

The conclusion which can be drawn from all the evidence examined above is that there appears to be a tradition, already established by Polybius' time that documents on the whole were not used by historians, but by individuals who were interested in using and collecting information about the past from many different sources. These people can be identified as scholars, rather than historians. The distinction between the two being in both the methods of research employed, and in the use and the interpretation of their material. Thus it was scholars who made use of archives - being interested in the documents in their

own rights, appreciating their intrinsic value as a whole, not just the information contained within them. On the other hand, historians were anxious to use only the information contained within documents, and therefore their use of documentary material was rather different and they also saw its value in different terms.

Thus, Thucydides did not see the need to preserve the information he obtained from a documentary source in a form which reflected the nature of the actual document. Instead he used his skills as a writer to incorporate the information into the narrative in such a way as to completely disguise the source and nature of his information.⁷⁰

The development of the scholarly tradition is discussed by Elizabeth Rawson, who does not hesitate to describe this activity as antiquarianism, which by the late Republic represented an independent genre. However, it is doubtful whether these men were conscious that they were creating a tradition which could be viewed as a distinct activity of an intellectual nature, as early as the mid-second century B.C. The use of the word *antiquarius*, to describe the activities and interests of an individual, belongs to the post-Augustan period, when it is used by Tacitus and Suetonius.⁷¹

In many ways Polybius is following the standards established by Thucydides in his aims and methods of writing history. But of course the main departure point in such a comparison has to be Polybius' rejection of the historical monograph. We have already seen that documentary material played an important role in Polybius' method of writing the *Histories*, and the remaining aspects which must be considered are his use of archival material at Rome, and the learned friends who assisted him with the early Rome-Carthage treaty documents.

These aspects will be discussed in some depth in Chapter 3, which examines the whole question of documentary practice at Rome.

1 NOTES

1. The latter was the starting point for the detailed history ἀποδεικτική ιστορία in which the facts are 'regularly set forth and explained' (II.37.3 cf. IV.40.1).
2. I.3.7-10.
3. Cf. Thucydides I.23.5-6 where he distinguishes between the immediate 'causes' (αἰτίαι) and the 'truest explanation' (ἀληθεστάτη πρόφασις) of the Peloponnesian war.
4. These historians must surely be Roman to give such an anti-Carthaginian version of the causes of the war; cf. Walbank, HCP Vol.I. 305.
5. For a discussion on these points cf. Walbank, HCP Vol.I. 305-6.
6. Walbank, HCP Vol.I. 310-11 for analysis of Polybius' criticism of Fabius' account of the causes of the Hannibalic war. Fabius' version is unconvincing.
7. Walbank, HCP Vol.I. 312-13 on the later Roman tradition of this.
8. There are digressions on the Second Illyrian war at 16.1-7; 18.1-19.13 dealing with the causes and the events of the war.
9. This is C. Lutatius Catulus' treaty, which was revised with the help of his brother Q. Lutatius Cerco, the consul for 241, and who headed the commission of ten sent by the people: Zon. VIII.17; Val.Max. I.3.2; Pol. I.62.8-63.3 cf. III.27.1-6. It is clear from Pol. III.27.7-8 cf. I.88.12, that the surrender of Sardinia by Carthage to the Romans in 238/7 in order to avoid war, should be seen as an additional clause to the treaty of 241.
10. Pol. II.37.7; III.27.9. This agreement should not be afforded the status of a 'treaty', s.v. note 12
11. On these points see T.A. Dorey, 'The Treaty with Saguntum' Humanitas 11-12 (1959-60), 6 and A.E. Astin, 'Saguntum and the Origins of the Second Punic War' Latomus XXVI (1967), 586-8; also Walbank, HCP Vol.I. 171-2 for a discussion of the later distortions concerning the Ebro agreement.

12. A full discussion of the Ebro agreement is to be found in the last chapter.
13. The text is from the Budé edition by J. A. de Foucault (1971). I have followed this text except on two occasions: III.21.9 and III.25.6-7. There is no reason to start a new paragraph at section 9 as it tends to detract from the meaning. Details of the lacuna can be found in the apparatus criticus on p.56, and in J. Moore, The Manuscript Tradition of Polybius (1965), 24 where the differences in the manuscript readings are discussed.
14. Oxford English Dictionary² (1989): 1. A place in which public records or other important historic documents are kept. Now only in pl. 2. A historical record or document so preserved. Now chiefly in pl.
15. ὑπογράφω : to outline, or sketch out cf. Isocrates 5.85 outline or sketch (of his work); Plato, Respublica 548c sketch in outline (of a kind of society); Theaetetus 171e sketch (of a doctrine). It certainly does not mean a translation.
16. διερμηνεύω can also mean 'to translate', but not in this instance as Polybius admits he had difficulty understanding some parts of the treaty. cf. J.A. de Foucault, Recherches sur la langue et le style de Polybe (1972), translates it as meaning 'expliquer'; and A. Mauersberger, Polybios-Lexikon Band I.2 (δ-ζ) (1961) as 'Übersetzen', 'Übertragen'.
17. III.22.7: the insertion of these words in the text follows 23.3. Although there is no means of knowing whether it is justified, since it comes from Polybius' commentary, it could be another instance of Polybius not giving all the details that were in the text of the treaty.
18. 23.2 μᾶλιστα ναυσί: Polybius is quoting the treaty here, as it is not part of his commentary, since he gives his reasons later on.
19. 23.4 <δημοσίᾳ> is inserted by all editors cf. 22.9 and 25.7: δημοσίᾳ πίστει is the equivalent of fides publica.
20. Cf. the discussion on this in Walbank, HCP Vol.I. 343.

21. ἀγοράνομοι : see P.J. Rhodes, Commentary on the Aristotelian Athenaion Politeia (1981), 575-6; I.G. II² 380 from the Piraeus on the duties of the ἀγοράνομοι (320/319).
22. S.v. 'aedilis' in Thesaurus Linguae Latinae col.928ff.
23. Cf. M. Pallottino, The Etruscans (1974), 133. The *praetor peregrinus* was not appointed until 242, and before this date cases between citizens and foreigners came before the *praetor urbanus*. cf. D. Daube, 'The Peregrine Praetor' JRS XLI (1951), 66-70, (espec. 67 and 70).
24. R. Laqueur, 'Σύμβολα περὶ τοῦ μὴ ἀδικεῖν' Hermes 71 (1936), 469-72; E. Täubler, Imperium Romanum Studien zur Entwicklungsgeschichte des römischen Reiches Vol.I (1913), 264.
25. On all these points see A.B. Lloyd, Herodotus Book II Introduction (1975), 24ff. and Herodotus Book II Commentary 99-182 (1988), 229-31 (including a bibliography); G. Posener, 'Les douanes de la Méditerranée dans l'Égypte saïte' RPh LXXIII (1947), 117-31.
26. Lloyd, op.cit. note 25, Commentary 99-182, 44-45; M.M. Austin, Greece and Egypt in the Archaic Age (Proceedings of the Cambridge Philological Society Supp.2), (1970), 18-19, 28-29; D. Harden, The Phoenicians (Revised ed. 1980), 55-56 cf. 127, 131, 139, 148-9, 155-6.
27. Herodotus II.30 cf. A. B. Lloyd, Herodotus Book II Commentary 1-98 (1976), 130.
28. Cf. chapter 2 and notes 31-33; Walbank, HCP Vol.I. 345 (and Vol. II. 636) for a discussion on the commentary.
29. Polybius and Africa: Pol. IX.25.4 cf. XXXIV.16.2 for 151; XXXVIII.19-22 for 146; XII.2 the excursus on the fruit of the Lotus cf. Homer, Od. IX.82ff.; Herodotus IV.176ff.; Ps. Scylax, Periplus 110 (C. Müller, Geographi Graeci Minores Vol.I, (1882); Strabo XVII.17; Pliny NH V.28 on the island of the Lotus-eaters (Meninx/Djerba) situated in the Lesser Syrtis; XII.3.1-7 on the errors of Timaeus concerning Africa, which suggests personal knowledge of the country; cf. Walbank, Polybius (Sather

- Classical Lectures Vol.42, 1972) 11, 25, 31; and *ibid.* HCP Vol.I, III.57-59n.
30. Cf. Pliny NH V.3.24-25 for the towns of Byzacium and the wealth of the region.
 31. S.v. note 17.
 32. Walbank, HCP Vol.I. 345.
 33. Cf. III.22.6 and Walbank, HCP Vol.I. 349.
 34. Täubler, *op.cit.* note 24, 255 and comments 260ff., and set out by Walbank, HCP Vol.I. 346.
 35. For details see R. Laqueur, *op.cit.* note 24; C.R. Whittaker, 'Carthaginian Imperialism in the Fifth and Fourth Centuries' in P.D.A. Garnsey and C.R. Whittaker, eds. Imperialism in the Ancient World (1978), 87-88; and cf. P. Gauthier, Symbola: les étrangers et la justice dans les cités grecques. (1972), 102-4, 192f., 198ff. together with important comments by D.M. Lewis, CR 1975, 262-3.
 36. The alternative reading Δία λίθον is preferable against the Budé ed. (*op.cit.* note 13), 61; see Walbank, HCP Vol.I. 351-3 for a discussion; and M. Dubuisson, Le Latin de Polybe. Les implications historiques d'un cas de bilinguisme (Études et Commentaires 96, 1985), 189-94.
 37. Pol. VII.9; cf. Livy XXIII.33.10-12.
 38. E.J. Bickerman, 'An Oath of Hannibal' TAPA 75 (1944), 87-102 esp. 96-7; *ibid.* 'Hannibal's Covenant' AJP 73 (1952), 1-23 esp. 2 where he thinks the Greek text is a translation of the Phoenician original shown by philological examination; and 8-9 for comparison with the same formula used in the First Rome-Carthage treaty; and Walbank, HCP Vol.II. 42-56.
 39. H. Bengtson and R. Werner, Die Staatsverträge des Altertums II (1962) and H.H. Schmitt, Die Staatsverträge des Altertums III (1969) nos. 116, 121, 129, 131, 208, 210, 233, 261, 326, 436, 437, 438, and 466.
 40. For the wars and treaties with Dionysius I see B. Caven, Dionysius I War-Lord of Sicily (1990); and for those with Agathocles cf. S.C. Langher, 'I trattati tra Siracusa e

- Cartagine e la Genesi e il significato della Guerra del 312-306 A.C.' Athenaeum 50 (1980), 309-39, and K. Meister, 'Agathocles' in CAH VII².1 (1984), 384-411.
41. Walbank, 'Polybius, Philinus and the First Punic War' CQ 39 (1945), 3-5.
 42. Jacoby, FGrH ii, 174; Diod. XXIII.8.1; XXIV.11.2; Walbank, HCP Vol.I. 64-67 and *ibid.* op.cit. note 29, 77-78.
 43. Philinus was possibly pro-Carthaginian due to the harsh treatment of Agrigentum by the Romans after its capture in 261; cf. Walbank, op.cit. note 41, 11 and 14.
 44. For an excellent recent discussion see B.D. Hoyos, 'Treaties True and False: the Error of Philinus of Agrigentum' CQ 35.1 (1985), 92-109; 92n.6 for a bibliography of those who accept Philinus' treaty and those who reject it.
 45. A.M. Eckstein, Senate and General. Individual Decision-Making and Roman Foreign Relations 264-194 B.C. (1987), 78 points out that the existence of the 'Philinus treaty' was irrelevant to the Roman response.
 46. G. De Sanctis, Storia dei Romani III.1 (1916), 100.
 47. H. Peter, Historicorum Romanorum Reliquiae vol.I² (1914), cf. Aulus Gellius X.1.10 and V.4.4 on the term *duovicisimo*.
 48. See Toynbee, Hannibal's Legacy vol.I (1965), 550ff.; M. Cary, 'A Forgotten Treaty between Rome and Carthage' JRS IX (1919), 72; cf. Hoyos, op.cit. note 44, 94 n.13.
 49. Cf. Hoyos, op.cit. note 44, 105-6 who suggests either the renewals were inscribed on bronze and passed over by Polybius because they contained no textual changes, or renewals were entered in the *tabulae pontificum* where they came to the attention of the Roman annalists.
 50. Cf. E. Badian, 'Two Polybian Treaties' in Miscellanea di Studi Classici in onore di E. Manni vol.I (1980), 169.
 51. Toynbee, op.cit. note 48, 549n.2.
 52. Cf. P. Pédech, La Méthode Historique de Polybe (1964), 377ff.

53. Livy XXVIII.46.16 states 'Propter Iunonis Laciniae templum aestatem Hannibal egit, ibique aram condidit dedicavitque cum ingenti rerum ab se gestarum titulo, Punicis Graecisque litteris insculpto.' Hannibal spent the summer (of 205) near the temple of Juno Lacinia, and there he constructed and dedicated an altar with a long inscription recording his achievements, engraved in Punic and Greek.
54. Walbank, HCP Vol.II, 204
55. Cf. Livy XXXIII.30.2-10 with two additional clauses and annalistic variants; Walbank, HCP Vol.II, 609-612.
56. Cf. Livy XXXVIII.11.2-9.
57. Cf. Pol. III.22.4 and 24.3: 'τοιαίδε τινές'.
58. Cf. XII.4c-d.
59. 'The Peace of Callias' JHS CVII (1987), 17-18 cf. R. Meiggs, The Athenian Empire (1975) Appendix 8; C.A. Powell, Athens and Sparta. Constructing Greek Political and Social History from 478 B.C. (1988), 50ff.; and W.R. Connor, Theopompus and Fifth-Century Athens (1968), esp. 82-83, 89-92, 100-101 and 120.
60. Cf. A. Momigliano, 'Herodotus in the History of Historiography' in Studies in Historiography (1966), 128ff.; K.H. Waters, Herodotos the Historian. His Problems, Methods and Originality (1985), 76-95.
61. Cf. A. B. Lloyd, op.cit. note 25, (1975), ch.3 discusses Herodotus' sources and the way he used his material.
62. Cf. R. Meiggs and D. Lewis eds. A Selection of Greek Historical Inscriptions to the End of the Fifth Century B.C. (1980), No.15.
63. Cf. W.W. How and J.Wells, A Commentary on Herodotus Vol.II (1961) and Meiggs and Lewis, op.cit. note 62, No.27 : commentary on the inscription on the Serpent Column which records the names of the states who participated in 479-8 to oppose the Persian invasion.
64. Cf. S. West, 'Herodotus' epigraphical interests' CQ XXXV (1985), 278ff.

65. Cf. A.J. Woodman, Rhetoric in Classical Historiography (1987), 7ff. discussing the second part of the preface argues for a break at I.21.1 as it is integrated with the survey of ancient history which began in ch.2, and that Thucydides was not averse to poetic techniques and was not against regarding Homer as his genuine predecessor in the genre.
66. See S. Hornblower, Thucydides (1987), 88-91 and 138-9.
67. See M.N. Tod, A Selection of Greek Historical Inscriptions to the End of the Fifth Century B.C.² (1946), No.76, 192.
68. IG I²86 republished as IG I³83, see M.N. Tod, op.cit. note 67, No.72, 177-8; cf. A.W. Gomme, A. Andrewes and K.J. Dover, A Historical Commentary on Thucydides Vol.IV Books V.25 - VII (1970), 54ff. esp. 62-3 discusses the question of Thucydides' revision of parts of the history and whether he would have left this document in full in a final revision, as ch.47 is too long for its narrative context; also Vol.V (1981) addenda, 457, cf. D.M. Lewis, review of F. Ferlauto, Il testo di Tucidide e la traduzione latino di Lorenzo Valla (1979), CR 30 (1980), 276-8, esp. 277.
69. Cf. Meiggs and Lewis, op.cit. note 62, No.11, 19-20.
70. Cf. A. Momigliano, 'Ancient History and the Antiquarian' in Studies in Historiography (1966), 1-39, esp.1-5; and A. F. Wallace-Hadrill, Suetonius (1983), 21 comparing the methodology of Suetonius and Tacitus: the scholar and the historian.
71. Cf. E. Rawson, Intellectual Life in the Late Roman Republic (1985), 233-249 and ibid. 'The Antiquarian Tradition: Spoils and Representations of Foreign Armour' in Roman Culture and Society Collected Papers (1991), 591-592, states that the annalistic and antiquarian tradition split only at the end of the second century B.C.

2 THE PROBLEMS CONCERNING THE TREATIES

2.1 INTRODUCTION

The problems and controversies concerning Polybius' survey of the early treaties can be divided into three main areas for the purpose of discussion. These are chronology, the authenticity of the texts of the treaties and the historical context and significance of the treaties.¹

2.2 CHRONOLOGY

I The Sources for the Treaties Between Rome and Carthage

Before any discussion is possible we must first examine our sources for the treaties. As we have already seen, in his survey of the early treaties, Polybius provides us with details of three treaties. The first he dates to the first year of the Republic (III.22.1-2), the second (III.24.1-13) is undated, and the third (III.25.2-5) is dated to Pyrrhus' crossing over to Italy. In addition to Polybius we have the evidence of Diodorus and Livy. Diodorus mentions two treaties: the first is dated to 348 B.C. in the consulship of M. Valerius (Corvus) and M. Popilius (Laenas IIII), which according to Attic dating is 344/3 B.C. (XVI.69.1), and the second to the time of the Pyrrhic war (XXII.7.5).² Livy (VII.27.2) records a treaty in 348 B.C., but does not say that it was the first. In 306 B.C. (IX.43.26) he states a treaty was renewed for the third time, and for the fourth time in 279/8 (Ep. 13). Under the year 319 B.C. (IX.19.13)

he speaks of Rome and Carthage being united by ancient treaties (*foederibus vetustis*) in the time of Alexander.³ This of course would indicate that there was more than one treaty before 348 B.C., although it could, only refer to Polybius' first, (an *ancient* treaty) which was renewed in 348, and would thus explain the reference to the plurality and antiquity of the treaties. The only support which Diodorus has for placing the first treaty in 348 comes from Orosius: 'primum ictum cum Carthaginensibus foedus' (III.7.1), but it is recognised that the word *primum* has been added on the initiative of the compiler.

In addition to the evidence of Polybius, Livy and Diodorus, attempts have been made to determine the number of treaties which existed between Rome and Carthage, through the statement from the Fourth Book of Cato's *Origines* (Gellius X.1.10), which claimed that the Carthaginians had broken the treaty for the sixth time at the outbreak of the Second Punic War: fr.84 (Peter). Far too much has been read into this passage, as it provides no evidence for the number, order, or the nature of the treaties. This was the view held by Mommsen who thought the fifth breach of the peace was probably the events which led to Sardinia being ceded to Rome in 237; the fourth being the declaration of war in 264; and the third, the attempt on Tarentum in 272, which is supported by a statement in Livy (Ep. 14)

'Carthaginensium classis auxilio Tarentinis venit, quo facto ab his foedus violatum est'. As to the first and second occasions, Mommsen knew of no means of determining them.⁴

There have been attempts by scholars to correlate the evidence of Livy and Diodorus with that of Polybius, in order to make some sense of the idea of a series of treaties. This approach has caused certain scholars to reject Polybius' date for the first treaty, and to place it

in 348 in accordance with Diodorus' statement, while others support Polybius' date, and place the second undated Polybian treaty in 348.⁵ Many scholars have followed Mommsen, who eventually decided that he had no option but to reject, on two main accounts, Polybius' date for the first treaty. The first reason was that Polybius' date was not documentary and was probably wrong, since it was highly unlikely for a document to have survived from the beginning of the Republic. The second reason is concerned with the great authority which is attached to the source behind Diodorus for his Roman sections. It is clear that Livy follows more than one authority for his account of the treaties, and by dating a treaty in 348 he is in agreement with Diodorus' source, which is thought to have been Fabius Pictor, and thus ought to command great respect. As for the treaty of 279/8, Livy is using the same source, or a source which was used by Polybius and Diodorus. Thus having dated Polybius' first treaty to 348, Mommsen dates the other two to 306 and 279, and he refuses to condone any unhistoriographical attempts to place the second treaty in 343, when Livy mentions the presence of a Carthaginian embassy in Rome, but makes no reference to a treaty being made or renewed.⁶

It therefore appears that Fabius knew of no treaty earlier than 348, and is presumably excused by Polybius, along with Philinus, for his ignorance of the series of treaties which existed in the 'treasury of the aediles', which had not been known for long and were by no means common knowledge.⁷

However, difficulties arise for those scholars who wish to date Polybius' first treaty to 348 and the second to 343 to accord with Livy's third renewal of the treaty in 306.⁸ I shall argue later on that such a scheme is untenable due to the details contained in the

clauses of Polybius' first and second treaties when they are examined in their historical context.⁹

II Polybius' Date for the First Treaty

It is now time to examine more closely the dating of the First Treaty to the beginning of the Republic; to review the objections concerning such a date, and to determine their validity.

Polybius states that the First Treaty concluded between the Romans and the Carthaginians was in the time of Lucius Iunius Brutus and Marcus Horatius, the first consuls appointed after the expulsion of the kings, and by whom the temple of Jupiter Capitolinus was consecrated. This is twenty-eight years before the invasion of Greece by Xerxes (III.22.1-2). As we can see the treaty is dated not only according to Roman, but also to Greek chronology, for the benefit of a Greek audience. Xerxes' crossing into Greece is usually understood as meaning the Spring of 480 B.C., the year of Salamis, 74.4 according to Olympiadic dating, which would make the first year of the Republic 508/7 (OI.68.1). According to Varronian chronology, the first year of the Republic was 510/9, two hundred and forty-four years after the foundation of Rome in 754/3.

There are two methods involved in the Roman dating of the First Treaty: the eponymous magistrates and the consecration of the Capitoline temple. The association of the first consuls with this treaty has caused many scholars to question its validity, as to whether the names of the consuls were actually on the treaty, or were inserted at a later date. There is also the debate as to whether L. Iunius M. f. Brutus and M. Horatius M. f. Pulvillus were historical figures, or

legendary. Mommsen was unable to accept them as being historical, and for him Polybius' date was thus discredited, and the treaty was dated to 348.¹⁰

The question as to whether the traditional date for the beginning of the Republic should be accepted, does not concern me here, except to state that in the light of the archaeological and literary evidence, I am unable to accept the various unorthodox attempts to alter the traditional chronology. The evidence is entirely in accordance with a date in the last years of the sixth century for the beginning of the Republic.¹¹

But let us now examine the consuls of the first year of the Republic, who were originally L. Iunius Brutus and L. Tarquinius Egeri f. Collatinus. The latter was forced into exile and P. Valerius Volusi f. Publicola was elected in his place. Later in the year Brutus fell in battle against an Etruscan army from Veii and Tarquinia (Livy II.6-7.4), and his immediate successor Sp. Lucretius Tricipitinus died within a few days of his election. Livy (II.8.4-5) claims that M. Horatius Pulvillus was *consul suffectus* in place of Lucretius, though he adds that in certain writers there was no mention made of Lucretius as consul. This was undoubtedly a later insertion in the *Fasti*. Thus, Horatius was made consul after Brutus' death:

Suffectus in Lucreti locum M. Horatius Pulvillus. Apud quosdam veteres auctores non invenio Lucretium consulem; Bruto statim Horatium suggerunt; credo, quia nulla gesta res insignem fecerit consulatum, memoria intercidisse.

Polybius states that both consuls, Brutus and Horatius dedicated the temple of Jupiter Capitolinus. But this is surely wrong, and he is the only one who names Brutus as a dedicator. There is little doubt

though that it was Horatius who dedicated the temple, but the date of the event is in question, as to whether it occurred in Horatius' first, or second consulship in 507, and whether Horatius was consul or pontifex at the time. Polybius' date for the dedication of the temple is supported by Livy (II.8.9) and Plutarch (Publicola 14), who also ascribe it to the first year of the Republic.¹² But according to Tacitus (Hist. III.72.15) and Dionysius (V.35.3 cf. III.69.2) the dedication took place in Horatius' second consulship in 507, when Valerius was again his colleague. (Livy omits 507 altogether and dates the events of that year to 508). According to Cicero (De Dom. 139) and Valerius Maximus (V.10.1), Horatius dedicated the temple not as consul, but as pontifex, the date of which being either 509/508 or 508/507.

Since there is this disagreement in the sources concerning the office held by Horatius, perhaps it would be worth considering whether the events could be identified with another Horatius. In fact there is absolutely nothing to be gained from searching for an alternate date. Horatii were consuls in 477 and 457, and these are identified as the same person, but of course there could be no connection with the Horatius of c.509.¹³ However, the years 477 and 457 hold no special significance as a possible date for the treaty between Rome and Carthage, as they are after the *foedus Cassianum* when the Latin states were independent of Rome, and they do not provide a historical context which reflects the Roman claims to the towns in Latium mentioned in the treaty (III.22.11-13).

But for the dating of the treaty, just how important is it to accept that the names of the consuls were actually inscribed on it? How necessary is it that both Brutus and Horatius were historical figures, in order to accept Polybius' date? It has been argued most

persuasively by Täubler that the form of the treaty was Carthaginian not Roman, (Mommsen was apparently wrong to make the assumption that it was like a *foedus* in the form of its dating), and that it was probably in the form of an oath and undated, like the treaty between Philip V of Macedon and Hannibal in 215 B.C. (Pol. VII.9).¹⁴ However, this should cause no problems about accepting the authenticity of Polybius' date for the treaty. Although it followed Carthaginian format, it is most unlikely that the Romans would leave it undated. As each of the contracting parties would be responsible for preserving their own copy of the treaty, in whatever way they wished, the Romans inscribed theirs on bronze and dated it by naming the consuls of the year, which became the established Roman tradition.¹⁵ It may only have carried the name of Horatius, and Polybius could have restored Brutus' name, thus also associating him, incorrectly as it happens, with the consecration of the Capitoline temple. If any name was on the treaty, it is most likely to have been that of Horatius, as he is the most prominent figure in the events relating to the dating of the treaty, and tradition states that he alone was responsible for dedicating the temple.

Yet, in spite of everything that has been stated above, I would argue that Polybius' date can still stand even without the acceptance of consular names, because it is linked with the consecration of the Capitoline temple, which according to Polybius and Livy occurred in the first year of the Republic.

The temple of Iuppiter Optimus Maximus, situated on the southern summit of the Capitoline hill was traditionally founded by Tarquinius Priscus (Cicero, De Re Pub. II.36; Livy I.38.7, 55.3; Dion. Hal. III.69, IV.59, 61; Plutarch Publ. 13; Tacitus Hist. III.72), and as we have

already seen its dedication is ascribed to M. Horatius. Thus the Romans believed that the Capitoline era was identical with the Republican era. According to Livy (VII.3.5-8) there was an ancient law concerning the *clavus annalis* which was written in archaic letters that the *praetor maximus* (that is, the supreme magistrate) at Rome should hammer a nail each year into the wall of the temple of Iuppiter Optimus Maximus on the Ides of September, which was the dedication date of the temple, and M. Horatius had done this as consul in the year after the expulsion of the kings:

Lex vetusta est, priscis litteris verbisque scripta, ut qui praetor maximus sit idibus Septembribus clavum pangat; fixa fuit dextro lateri aedis Iovis optimi maximi, qua parte Minervae templum est. 6. Eum clavum, quia rarae per ea tempora litterae erant, notam numeri annorum fuisse ferunt eoque Minervae templo dicatam legem quia numerus Minervae inventum sit. 7. - Volsiniis quoque clavos indices numeri annorum fixos in templo Nortiae, Etruscae deae, comparere diligens talium monumentorum auctor Cincius adfirmat. 8. - M. Horatius consul ea lege templum Iovis optimi maximi dedicavit anno post reges exactos; a consulibus postea ad dictatores, quia maius imperium erat, sollemne clavi figendi translatus est. Intermissa deinde more digna etiam per se visa res propter quam dictator crearetur.

It would therefore seem that the nails marked the number of years since the dedication. A similar custom existed in the city of Volsinii at the temple of the Etruscan goddess Nortia. This custom could just be another one of the many Etruscan customs and influences which prevailed at Rome, especially when it is remembered how much the Capitoline temple owed in style to Etruscan influence.

It has been suggested that Cn. Flavius may have counted the nails in the wall of the temple when he recorded on a bronze tablet in 304/3 that he had erected a shrine to Concord 204 years after the consecration of the Capitoline temple, and that this event occurred in the 449th. year from the foundation of the city:

Flavius vovit aedem Concordiae, . . . aediculam aeream fecit in Graecostasi, quae tunc supra comitium erat, inciditque in tabella aerea factam eam aedem CCIIII annis post Capitolinam dedicatam.

20. id a. CCCCXXXVIII a condita urbe gestum est . . . (Pliny NH XXXIII.19-20).

Such calculations would give a date of 508/7 for the dedication of the temple, and 752 for the foundation of the city.

But just how important is this discrepancy of one or two years ? In fact, it hardly matters, and viewed from another angle, Flavius' calculations are remarkably accurate. However, it is not even certain whether the custom of hammering the annual nail continued down to Flavius' time. The passage in Livy (VII.3.5-8) is corrupt. It seems that there were two sets of nails; one placed annually by the eponymous magistrate; and another set hammered in by dictators, specifically appointed for the task, and named as such in the *Fasti* (*dictator clavi figendi causa*).¹⁶ A plausible, alternative explanation is offered by Momigliano, that Flavius made his calculations by using the consular *Fasti*, since they dated from the beginning of the Republic.¹⁷ Finally, there is independent evidence from Cumaean historians to support the traditional chronology of the Republic: that the tyranny of Aristodemus of Cumae, dating to the last years of the sixth century B.C. was contemporary with the overthrow of the monarchy at Rome.¹⁸

In summary then, I would suggest that Polybius' dating of the First Rome-Carthage Treaty to the beginning of the Republic in c. 509 B.C. may be right, in that no objection is absolutely cogent, but it is still very uncertain.

2.3 THE TEXTS OF THE TREATIES

The texts of the treaties have also caused much debate over questions of their authenticity; their insertion into Polybius' *Histories*; and their style and form from the point of view of diplomatic procedure.

We know from Polybius that the treaties were by no means common knowledge, even among the best informed of the Romans and Carthaginians, but that they could be seen, inscribed on bronze, in the 'treasury of the aediles', beside the temple of Iuppiter Optimus Maximus on the Capitol.¹⁹

It would appear, as we have already seen, that Polybius' reason for his remarks about the texts of the treaties is that it lends weight to his indictment of Philinus, who claimed that there was a treaty between Rome and Carthage which prohibited the Romans from interfering in Sicily, and that they were in breach of the treaty when they first crossed to Sicily in 264 B.C. (III.26.3f.). Polybius, by stating that he has seen the treaties is therefore in a position to deny that such a treaty ever existed, but he also excuses Philinus for his ignorance on this point, since their existence had only recently attracted attention.²⁰

It is a purely academic dispute whether Polybius actually saw a full set of treaties in the 'treasury of the aediles', though he writes

with the confidence of one who thinks he has. The Roman authorities could have suppressed certain documents which would prove damaging to Rome. Another possibility is that there is no reason to believe that all the treaties between Rome and Carthage were kept together in the same building. Polybius' reference to the treaties in the 'treasury of the aediles' may have only been to the first three treaties which are discussed before he makes his comments on the actual texts of the treaties, and his refutation of Philinus' claim in chapter 26 only requires a discussion of the treaties prior to the outbreak of the First Punic War, which he deals with in chapters 22-25. But it may be that all the treaties, including those made after the outbreak of hostilities were stored in the 'treasury of the aediles'. On the other hand, the preservation of treaties at Rome, an aspect I will deal with at length in the next chapter, can be seen as being haphazard, with treaties stored in a variety of buildings at various locations throughout the City. Since the treaties are said to have been inscribed on bronze, it is likely that they were affixed to the walls of the 'treasury of the aediles', and that they were preserved, according to the Greek (ἐν), inside the building. This last factor would help to explain how they managed to survive down to Polybius' time of writing, about the middle of the second century B.C.

The 'treasury of the aediles' must have been an obscure building, or I would suggest perhaps a distinct part of a building (like the *aerarium* in the temple of Saturn), situated on the Capitol, and under the exclusive control of the *aediles*. Unfortunately there were a great many buildings on the Capitol, the location and also the identification of which we have so far been unable to discover. However, we can be certain that the treaties were not stored in the

temple of Jupiter Capitolinus, as the Greek certainly does not suggest this, despite several attempts to translate it as such. It would also be difficult to explain why the treaties were not better known if they were stored in such a well-known building.

As we have already seen over the question of the dating of the treaties, especially the first, there are doubts about the authenticity and antiquity of the treaties. From Polybius' remarks about the treaties, and in particular about the first, there are substantial grounds for supporting a late sixth century date for that treaty. Polybius states quite plainly that the outline which he gives of the first treaty is as accurate as he and his learned friends could make it. He explains that the reason for this is that the ancient language of the treaty differed so much from that in present use, that the best scholars among the Romans themselves had great difficulty in understanding some parts of it, even after much diligent study (III.22.3).

These highly significant remarks of course support a sixth century date, rather than a fourth century date for the first treaty. It has been observed by Toynbee²¹ that Polybius implies, although he does not state this implicitly, that the second and third treaties in his series did not present the same linguistic difficulties to his Roman contemporaries as the first treaty had done. Since the archaic Latin of the first treaty proved so difficult to translate, or rather to interpret, it is more than likely that certain parts may well have been misunderstood, and this is perhaps the reason why Polybius only gives a summary, rather than a verbatim account of the treaty. Further difficulties may have arisen when either Polybius, or an intermediary was faced with the task of transcribing the treaty into Greek. Indeed

it is obvious from his commentary on the first treaty (III.23) that not all the details had been included by him in the outline of the treaty.

It is clear that the Latin language underwent quite rapid development and change, so that it was likely that there should be a considerable difference between that employed in the late sixth century and that in the mid-fourth century.²² I would therefore argue that Polybius is dealing with genuine treaty documents. The evidence for the survival of bronze and archaic documents at Rome during the Republican period, will be discussed in full in the next chapter.

The second aspect concerning the texts of the treaties which needs to be discussed, is the circumstances of Polybius' inclusion of a survey of the treaties in his *Histories*.

As we have seen in the previous chapter, Polybius deliberately breaks into his discussion of the Second Punic War in order to undertake the survey (III.21.9-10). He states that he is concerned that an accurate account should be available of the treaties concluded between Rome and Carthage from the earliest times to the present day (that is, 218 B.C.). Such a survey is necessary as it will prove useful to both practical statesmen, whose duty and interest required that they possessed accurate information on these matters, in order to avoid mistakes from being made in any critical debates, and also to prevent students of history from being led astray by the bias or ignorance of historians.²³

This desire to obtain the truth in all matters is a theme which recurs throughout the *Histories*. It is an essential component in Polybius' composition of serious, πραγματική ιστορία. Polybius would therefore have been eager to include the details of the treaties in his *Histories*, and he is thought to have inserted the survey into his work

c.150 B.C., shortly before a substantial part, Books I-V were published. Such details were intended to assist the politicians of his day and also to inform an interested audience at Rome about early Roman history, as many in senatorial circles regarded the writing of history as a complement to their public careers. Polybius is aware that it is Romans, above all, who are likely to read his work because it contained their most splendid achievements, and they more than anyone else would be in a position to judge the truthfulness of his accounts. Consequently, Polybius is careful to avoid making false statements and, as he says, his attempt to always convey the truth should be remembered whenever he seems to make surprising statements about the Romans.²⁴ He also intended to inform the Greeks, who were envisaged as making up the greater part of his wider audience, about Roman and Carthaginian history.²⁵

The question of how Polybius came to have knowledge of, and access to the treaties, requires careful consideration and is discussed in Chapter 3 section 6, which deals with Polybius' access to public documents. By far the most influential hypothesis was that of Mommsen.²⁶ He suggested that the treaties probably came to light during the negotiations in the 150s before the Third Punic War, and that they were unknown to leading Roman and Carthaginian statesmen. Cato obviously knew about the early treaties from the fact that he was able to accuse Carthage of having broken the treaty six times before 218 B.C.²⁷ Polybius therefore either gained his knowledge of the treaties from the oral communications of Cato, or from some other person, or from Cato's historical work.²⁸ Support for Mommsen's theory has come from Täubler (271), who suggested that the inscription

containing the text was undated, and whether or not Polybius saw it, his date for the first treaty came from Cato.

Of course Cato would have undoubtedly have been one of the best informed members of the Senate on Carthaginian affairs. Indeed it was probably Cato, who was the most senior member of the embassy sent to Carthage in 152 B.C. with the task of settling a new dispute raised by Masinissa. Yet, there must have been other prominent members of the Senate equally well informed. From this angle, Mommsen's hypothesis seems very weak. He is able to provide no real evidence to support his argument, except circumstantial evidence. Such a hypothesis does not do justice to Polybius' description and interpretation of the treaties. From the vivid way in which Polybius writes about the treaties, and also his remarks about the difficulties which the first treaty posed to the Romans whose help he sought in interpreting the documents, surely indicates that he has first-hand knowledge of them. Polybius would have been able to gain access to the treaties through his privileged position at Rome. He had powerful friends, who could obtain access to state archives for him, and there were other historians and scholars and at Rome who would have been in a position to assist him in his investigations.

The texts of the treaties have also been examined by scholars with regard to their form and style. A detailed study of the diplomatic form of the treaties has been made as we have seen in the previous chapter by Täubler (258ff.). There is a general consensus about his observations of the formal structure: that they were drawn up according to Carthaginian format, without any form of address. The first treaty is in two parts and is cast in the negative, with clauses dealing with the exclusion from trading in specified areas for the

Romans and Carthaginians. The second treaty, unlike the first is arranged item by item, with both parties mentioned in each. The documents were not Roman, as they were very different in structure from the peace-treaty at the end of the First Punic War, which was like Rome's treaties with other defeated states - self-evidently Roman in construction. Rather, they appear to be much more like the treaties drawn up between Carthage and the Etruscans mentioned by Aristotle, where the emphasis is on protecting each other's merchants against unjust treatment.²⁹

2.4 THE CONTEXT AND THE SIGNIFICANCE OF THE TREATIES

The interpretation of the historical background of the treaties has proved to be equally as controversial as the other aspects already discussed. My aim here is merely to outline the different interpretations being offered.

There is general agreement among scholars that the main aim of the treaties is to define spheres of influence. It has been argued that Carthage is primarily interested in guaranteeing that her commercial interests are protected by establishing a *mare clausum* and regulation of trade, while Rome's concern is political, ensuring that there is no Carthaginian interference in Latium, or anywhere else where Rome has interests. With regard to the commercial interests represented in the treaties, there have been various attempts to argue that they provide valuable evidence of *ius commercium*.³⁰ Also attempts have been made to view the treaties as following the precepts of international maritime law.³¹ My main objection to these interpretations is that they both depend on a considerable degree of

international organization and co-operation, which I regard as being anachronistic for the period of the Rome-Carthage treaties.

One of the main arguments employed by those who reject Polybius' date for the first treaty is that Rome could not possibly have been of sufficient political importance to make a treaty with Carthage at the beginning of the Republic. Nor could she substantiate the claims she made to the towns in Latium named in the First Treaty (III.22.11). However, a late sixth century date for these towns being under Roman control is entirely plausible, for within a matter of decades, many of them had become Volscian. Also, between the first and second treaties there is quite a significant change in the territorial claims made by Rome and Carthage, which would suggest that a considerable length of time had lapsed between the two treaties, and this would support the dating of Polybius's second treaty to 348 B.C. Those who would wish to date Polybius' first treaty to 348, and the second to 343, surely have great difficulty explaining how the two states could have expanded their interests within the short space of five years.

Another point to be considered in favour of accepting Polybius' date for the first treaty is the timing of the treaty, coming when Rome has just emerged as an independent state, and represents a new political force to be taken into account. This is exactly the situation when a new treaty would be sought. It could provide the opportunity for establishing formal diplomatic relations for the first time, or if a treaty already existed, it could be used to maintain the existing *status quo* (an act of reassurance), or provide the occasion for the contracting parties to renegotiate their positions. Since we know from Aristotle (Politics 1280a, III.V.10,) that Carthage already had trading agreements with the Etruscans, it could possibly be that

the treaty with Rome was a renewal of such a type of trading agreement. This suggestion is supported, as we have already seen in the previous chapter, by the fact that the format of the first treaty was Carthaginian in style, suggesting that Carthage was perhaps responsible for taking the initiative in making a treaty with Rome, as she would be eager to protect her interests, and to maintain her relations with those who ruled in Etruria and Latium.

The interpretation of Carthage's sphere of influence in the treaties and the areas from which the Romans are excluded, hinges on the identification of the 'Fair Promontory' ('μὴ πλεῖν Ῥωμαίους . . . ἐπέκεινα τοῦ καλοῦ ἁκρωτηρίου'). The identification of this promontory has been the subject of much debate. The 'Fair Promontory' has been identified as being either Cap Farina (Ras Sidi Ali el Mekki), situated to the north-west of Carthage and called by Livy (XXIX.27.8ff.) the *promunturium pulchri*, or as Cap Bon (Ras Adder), to the north-east of Carthage, called by Livy (ibid.) *promunturium Mercuri* and by Polybius ἡ ἄκρα ἡ Ἑρμαία (I.29.2, 36.11; cf. Pseudo-Scylax Periplus 110). Carthage lies in the bay between these two capes. In his commentary Polybius states (III.23) that the 'Fair Promontory' is situated in front of Carthage itself, towards the north (by no means a precise statement), and he thinks the Carthaginians wanted to protect the area around the Gulf of Gabes and the Lesser Syrtis (that is, the region of Byzacium). This would mean identifying Cap Bon as the 'Fair Promontory', and translating ἐπέκεινα as meaning *south*.³² The translation of ἐπέκεινα is crucial to understanding the areas which the Carthaginians wanted to protect. Other scholars have identified the 'Fair Promontory' with Cap Farina, translating ἐπέκεινα as *west of*, making the north coast of Africa towards Mauretania the area from which

the Romans are excluded. But in order to support this argument, it must be assumed that Polybius has misunderstood the treaty.³³

However, I would support Polybius' interpretation of Cap Bon being the 'Fair Promontory', as it is much the larger of the two capes, and is more likely to have been the first land sighted on the voyage from Italy and Sicily, which would have been the main points of departure for Africa. The reasons for this decision are discussed fully in the last chapter (4.2.1).

In summary then, there is a good case to be made in support of Polybius' dating of the First Treaty between Rome and Carthage to c.509 B.C., and I believe that he is dealing with genuine treaty documents. If this hypothesis is correct, then we are in a position to learn more about the following: 1) the nature of documentary practice at Rome; 2) the nature of diplomatic relations and 3) the power of early Rome. In order to achieve this, I will examine in the following chapters a) the preservation of bronze and other documents at Rome during the Republic, and the ideology behind creating permanent records and b) the position of both Carthage and Rome to enable me to interpret the historical context and the significance of Polybius' early treaties.

2 NOTES

1. Walbank, HCP Vol.I, 337-8 makes a similar division. He admits that 'only a bare sketch of the problems and a suggested interpretation can be given here' (337). Detailed criticism is reserved for the *Commentary*.
2. The entry in the *Fasti Consulares* for the year 348 reads [M. Popilius M. f. C. n. Laenas IIII] and [M. Val]erius M. f. M. n. Corvus (A. Degrassi, Fasti Capitolini VIII - *Fasti Consulares*, 1954, 44; and T.S.R. Broughton, The Magistrates of the Roman Republic Vol.I (1951), 129).
3. This passage is discussed by M.L. Scevola, 'Una testimonianza trascurata di Livio sul più antico trattato romano-cartaginese' Athenaeum 21 (1943), 122-4.
4. Th. Mommsen, Die römische Chronologie bis auf Cäsar² (1859), 323n.8; H. Last, 'The date of the first treaty between Rome and Carthage' in CAH VII (1928), 860 notes that six breaches of the treaties does not involve six separate treaties being broken.
5. Modern scholars have either followed Mommsen, op.cit. note 4, 320-5 in dating Polybius' first treaty to 348, or have followed H. Nissen, 'Die römisch-karthagischen Bündnisse' Jahrbücher für Philologie und Pädagogik 95 (1867), 321-332, who supported Polybius' date for the first treaty. His reasons for this were because the treaty was based on documentary evidence, and was therefore more reliable (a point of view totally unacceptable to Mommsen), and he believed that Fabius Pictor must have mentioned only the treaties of 348 and 279, which confirms Polybius' evidence (p.328). Polybius' second treaty is dated to 348 and his third treaty to 279, the original of which was Livy's third renewal of 306, but without the conditions set out by Polybius at III.25.3-5.
6. Livy VII.38.2 : 'Neque ita rei gestae fama Italiae se finibus tenuit sed Carthaginienses quoque legatos gratulatum Romam misere cum coronea aureae dono, quae in Capitolio in Iovis cella poneretur; fuit pondo viginti quinque'. The context of this passage is Rome's victory over the Samnite army in the battles

of Mons Gaurus, Saticula and Suessula; also the Falisci asked for a treaty. The Carthaginians sent their congratulations, thus evidently showing their approval of Rome's increasing power, and also their esteem for Jupiter Capitolinus through the gift of a golden crown.

7. Pol. III.26.1-2.
8. Täubler, Imperium Romanum. Studien zur Entwicklungsgeschichte des römischen Reiches Vol.I (1913), 254-276 supports Mommsen's dating of Polybius' first treaty, and tabulates how various scholars date the series of the Rome-Carthage treaties (259).
9. For a comprehensive bibliography on the Rome-Carthage treaties see the following: E. Täubler, op.cit. note 8, ch.3 section IX 'Die Verträge mit Karthago vor dem ersten Kriege', 254-276; H. Last, CAH VII (1928), 914 - section 6 for bibliography on the treaties cf. also sections 2 and 8; F. Schachermeyr, 'Die römisch-punischen Verträge' RhM (1930), 350-380 - a bibliography since 1900 is given on p.350n1; H. Bengtson and R. Werner, Die Staatsverträge des Altertums II (1962), 12-20, esp.18-20 where there is listed twenty-one scholars in favour of a sixth century date for the first treaty and fourteen against (which includes five who favour a date shortly after 400 B.C.); A. Alföldi, Early Rome and the Latins (1965), 351-355, esp. 350n2 for a discussion of the date of the first treaty, which he places in 348; and ibid. Römische Frühgeschichte (1976), 97-110, 119-122; A.J. Toynbee, Hannibal's Legacy Vol.I (1965), 519-555, with bibliography 571-2; F.W. Walbank, HCP Vol.I (1970), 337-9, with addendum Vol.II (1967), 635-6; W. Huss, Geschichte der Karthager (Handbuch des Altertumswissenschaft Abt.3 Teil 8, 1985) - first treaty (dated to first half of fifth century) with bibliography, 86-92; second treaty (348), 149-55; third treaty (343), 167-8; the so-called Philinus treaty (306), 204-6; and Polybius' third treaty (279/8), 210ff.; and most recently, H.H. Scullard, 'Carthage and Rome' in CAH VII².2 (1989), 517-537 and bibliography, 768-769 and T.J. Cornell, 'Rome and Latium to 390 B.C.' in CAH VII².2 (1989), 255-257.
10. Mommsen, op.cit. note 4, 325.

11. The various attempts to redate the founding of the Republic are astutely examined and rejected by A. Momigliano, 'The Origins of the Roman Republic' in Quinto Contributo alla Storia degli Studi Classici e del Mondo Antico I (1975), 295-316. He discusses the work of E. Gjerstad, Early Rome (1953-66), who thinks the monarchy ended in c.450 B.C.; A. Alföldi, op.cit. note 9, 78f. thinks the Republic and the lists of eponyms did not begin until 504; K. Hanell, Das altrömische eponyme Amt (1946) attempts to show that the annalists were responsible for creating the traditional date of the beginning of the Republic and that until c.450 the eponymous magistrates had only been ministers of the kings; and R. Werner, 'Die Datierung der ersten römisch-punischen Verträge' in Der Beginn der römischen Republik (1963), 299-368 dates the first Rome-Carthage treaty to just after 472-70, when he thinks the monarchy ended and the Republic began, with the *Fasti* also starting in 472.
12. Livy II.8.6 & 9: 'Nondum dedicata erat in Capitolio Iovis aedes; Valerius Horatiusque consules sortiti uter dedicaret. Horatio sorte evenit: Publicola ad Veientium bellum profectus . . . 9. Haec post exactos reges domi militiaeque gesta primo anno'. F. Münzer, RE 'Horatius' (15) cols. 2401-4 has argued in favour of Horatius dedicating the temple in 507, but is undecided whether he was consul at the time. See also T.S.R. Broughton, op.cit. note 2, 1-5.
13. A. Degrassi, Inscriptiones Italiae XIII.1 *Fasti Consulares et Triumphales* (1947), 25: 477 [C. Horatius M. f. M. n. Pulvillus]; 457 C. Horatius M. f. M. n. Pulvillus II.
14. Täubler, op.cit. note 8, 270-1.
15. In Greece and the Near East a chronology was established through keeping lists of eponymous magistrates, and the practice must have spread to Rome at an early date. Under a monarchy, dating was according to the years of a king's reign, thus the dedication of Thefarie Velianas at Pyrgi is dated to 'the third year' of his reign. The position of Thefarie Velianas of Caere is disputed as to whether he was king or supreme magistrate - see J. Heurgon, 'The Inscriptions of Pyrgi' JRS LVI (1966), 1-15. H. Last, op.cit. note 4, 861 is prepared to accept that

Brutus and Horatius may have been historical figures, and that the names of the Romans responsible for the treaty were added to the Roman copy.

16. Livy states that the custom of driving the nail passed from the consuls to the dictator and that the custom lapsed. Occasionally a dictator was appointed in difficult times (often plague) to drive a nail. This is confirmed by entries in the *Fasti* for the years 363 (Livy VII.3.9); 331 (Livy VIII.18); and 263. Although there is no explicit reference to the appointment of a dictator to drive a nail in Livy Ep XVI, a possible occasion may have been when the *lustrum* was conducted by the censors. The *Fasti* do not always confirm Livy's evidence, as in 313 when he claims that a dictator was appointed for this purpose in the war against the Samnites (IX.28). For the problems concerning the *clavus annalis* see the following:
J. Heurgon, 'L. Cincius et la Loi du Clavus Annalis' Athenaeum 1964, 432-7; K. Hanell, 'Probleme der römischen Fasti' in Les Origines de la République Romaine (Entretiens Fondation Hardt Vol.XVIII, 1966), 177-191 and discussion 192-196; E. Gjerstad, Early Rome Vol.V (1973), 100ff.; A. Momigliano, Quarto Contributo alla Storia degli Studi Classici e del Mondo Antico, (1969), 273ff., 403ff.
17. Momigliano, op.cit. note 16, 301-2.
18. Hyperochus of Cumae's third century life of Aristodemus from local sources - Dion.Hal. VII.3-11; also V.36.2, VI.21.3; and Livy II.21.5, 34.4-6.
19. III.26.1-2; Walbank, HCP Vol.I, 353-4.
20. H. Nissen, op.cit. note 5, 325 notes Polybius' careful method in his discussion of Philinus, and that he probably had seen the treaties.
21. Op.cit. note 9, 539.
22. For example the great difference in the alphabet in the sixth century alone can be seen by comparing the *Lapis Niger* (ILS 4913), dated to the second quarter with the *Lapis Satricanus* (C.M. Stibbe, G. Colonna, C. De Simone and H.S. Versnel, Lapis Satricanus (1980), from the last decade.

23. Cf. Pol. III.7.5 : 'Τί δ' ἄνδρὸς πραγματικοῦ μὴ δυναμένου συλλογίζεσθαι πῶς καὶ διὰ τί καὶ πόθεν ἕκαστα τῶν πραγμάτων τὰς ἀφορμὰς εἴληφεν'; 'What is the use of a statesman incapable of understanding the manner, cause, and source of the events with which from time to time he has deal'.
24. XXXI.22.8-11.
25. Polybius intended to educate the Greeks: 'ἐπεὶ δ' οὔτε τοῦ Ῥωμαίων οὔτε τοῦ Καρχηδονίων πολιτεύματος πρόχειρός ἐστι τοῖς πολλοῖς τῶν Ἑλλήνων . . .'. 'But the truth is that most of the Greeks know little of the former power or the history of either Rome or Carthage . . .' (I.3.8).
26. Op.cit. note 4, 320ff.; Walbank, HCP Vol.I, 336-7, and *ibid.* Polybius (Sather Classical Lectures Vol.42, 1972), 20.
27. Cato, Origines IV (fr.84, Peter).
28. Täubler, op.cit. note 8, 257 thinks that it was improbable that they were included in Cato's *Origines*.
29. Politics III.V.10, 1280a.
30. M. David, 'The Treaties between Rome and Carthage and their significance for our knowledge of Roman international law' in M. David, ed. Symbolae ad Jus et Historiam Antiquitatis Pertinentes Julio Christiano Van Oven Dedicatae (1946), 231-50.
31. R. Laqueur, 'Σύμβολα περὶ τοῦ μὴ ἀδικεῖν' Hermes 71 (1936), 469-72.
32. Those who support Polybius: R.L. Beaumont, 'The Date of the First Treaty between Rome and Carthage' JRS XXIX (1939), 74ff.; J. Desanges, 'Entendue et importance du Byzacium avant la création sous Dioclétien de la province de Byzacène' CT (1963), 9ff.; P. Pédech, La Méthode Historique de Polybe (1964), 188; J. Heurgon, The Rise of Rome to 264 B.C. (1973), 251; G. Prachner, 'Zum "Καλὸν ἀκρωτήριο" (Polybius 3,22.5)' in R. Stiehl and H.E. Stier eds. Beiträge zur Alten Geschichte und deren Nachleben. Festschrift für Franz Altheim I (1969), 159-172; K.E. Petzold, 'Die beiden ersten römisch-Karthagischen Verträge und das Foedus Cassianum' ANRW I.1 (1972), 372ff.; and C. Marek, 'Die Bestimmungen des zweiten römisch-punischen

Verträgs über die Grenze der karthagischen Hoheitsgewässer'
Chiron (7) 1977, 1-7.

33. O. Meltzer, Geschichte der Karthager Vol. I (1879), 181, 488;
G. De Sanctis, Storia dei Romani III.2 (1916), 580-1; S. Gsell,
Histoire ancienne de l'Afrique du Nord (1929) I², 457; B. H.
Warmington, Carthage (1960), 140; Walbank, HCP Vol. I, 342;
Toynbee, op.cit. note 9, 526-7; R. Werner, 'Das Καλὸν
ἄκρωτήριον des Polybios' Chiron 5 (1975), 21-44; but F. Decret,
Carthage ou l'empire de la mer (1977), 105 thinks that the
Romans are not to sail 'south of' Cap Farina; and L. Wickert,
'Zu den Karthagerverträgen' Klio 31 (1938), 352ff. has looked
for the 'Fair Promontory' outside of Africa, identifying it with
the Cabo de Palos, north of Cartagena, but this is extremely
unlikely.

3 DOCUMENTARY PRACTICE AT ROME

3.1 INTRODUCTION

The purpose of this chapter is to examine the wider implications of the hypothesis, already established, that Polybius' early Rome-Carthage treaty documents were genuine, and that they were the earliest known, surviving series of treaty documents, inscribed on bronze, at Rome.

It is my intention to explore many of the aspects connected with documentary practice at Rome. These will include a discussion on the use of bronze for inscriptions and public documents; the question of the location and nature of the state archives; the survival of public documents; the ideology behind the creation of permanent records, including the significance of publication and display of public documents; and finally, the accessibility of, and the reference made to such documents, especially in the case of Polybius.

Polybius' statement at III.26.1 that he had actually seen the treaties which Rome had made with Carthage, and that they were inscribed on bronze, provides a starting point to discuss the Roman tradition of inscribing on bronze, drawing on material from the Greek world where necessary.

3.2 'AERE PERENNIUS': THE USE OF BRONZE FOR INSCRIPTIONS

The use of bronze for inscriptions was regarded by the ancients as the most durable method of preserving records for posterity, thus: 'Exegi monumentum aere perennius' was the way in which Horace (Carm. III.30) chose to express his confidence in achieving immortality. Yet, in reality, the adherence to such a tradition has proved to be unfavourable to their very survival. Thousands of stone inscriptions have survived, but in comparison there are very few in bronze. Thus the ones which have survived provide us with a very selective sample of the total evidence. Of course, stone was by far the commonest material employed for inscriptions, and marble, once its use became widespread, proved a favourable material, especially for long inscriptions, due to its relatively flawless surface. However, there are numerous references from extant stone inscriptions to inscriptions on bronze, which have not survived the passage of time.'

Bronze was used for inscriptions throughout the Mediterranean world. It not only had the advantage of being a durable material, but it was also prized for the value of the metal. This indeed must have been the fate of so many documents, to have been melted down and the metal reused for other purposes. The use of bronze from early times is attested by the Elder Pliny: 'usus aereis ad perpetuitatem monumentorum iam pridem tralatus est tabulis aereis, in quibus publicae constitutiones inciduntur' (NH XXXIV.99). Earlier on at XXXIV.97-98 he describes the method used for the manufacturing of bronze for statues, which he says is also the same for tablets.

Yet, before making a detailed examination of the use of bronze, it is worthwhile taking the opportunity to examine the alternative materials available, which were used in ancient times to preserve

important documents. This will assist us to put into context and to understand more clearly the rôle of bronze for inscriptions. Horace (Ars Poetica 399), recalls the earlier custom of inscribing laws on tablets of wood: 'leges incidere ligno'. This reference to archaic times is explained by Porphyry, who states that wood was used before bronze, and that the laws of Solon were published on wood: 'Aereis enim tabulis antiqui non sunt usi sed roboreis, in his incidebant leges. Unde adhuc Athenis legum tabulae axones vocantur'.²

Details of other materials used for inscriptions are provided by Pliny, who is eager to describe the nature of the papyrus plant, since their civilization or certainly their records depended greatly on the use of paper. He quotes Marcus Varro on the discovery of papyrus who explained that before the victory of Alexander the Great and the foundation of Alexandria, paper was not used. At first people used to write on palm-leaves, then on the inner bark of certain trees, then after that public records were made on lead rolls, and in due course private records too were made on linen sheets or on wax:

Prius tamen quam digrediamur ab Aegypto et papyri natura dicetur, cum chartae usu maxime humanitas vitae constet, certe memoria. et hanc Alexandri Magni victoria repertam auctor est M. Varro, condita in Aegypto Alexandria; antea non fuisse chartarum usum. in palmarum foliis primo scriptitatum, dein quarundum arborum libris, postea publica monumenta plumbeis voluminibus, mox et privata linteis confici coepta aut ceris.³

With regard to the use of linen for public records, we have the example at Rome of the *libri linteii* which appear to have contained a chronological list of magistrates, probably from 509, as they seem to date from an earlier period than the temple of Juno Moneta, which was

built in 344 B.C. and was the place where they were stored.⁴ According to Livy, they were consulted on more than one occasion by Licinius Macer who testified that the names of the consuls for 444 B.C. had been found on the treaty with Ardea and in the Linen Books in the temple of Moneta: 'Nomina consulum horum Licinius Macer auctor est in foedere Ardeatino et in linteis libris ad Monetae inventa' (Livy IV.7.12).⁵

It is possible that the writing on linen at Rome was yet another custom which owed its origins to Etruscan practice. The longest Etruscan text known is written on the linen bandages of an Egyptian mummy now in Zagreb National Museum. The text is generally thought to have been originally in the form of a roll (*volumen*), which probably dates to the second half of the second century B.C. and was later cut up into strips and used to wrap the body of an Egyptian woman. This *liber linteus* contains a liturgical calendar describing in minute detail the ceremonies which were to take place on particular days in each month. Topographic variations in the language suggest it was written in a central or northern Etruscan city, which has not been identified.⁶

A reconstruction of the original *liber linteus* has been attempted by F. Roncalli, who has suggested that it was not in the form of a *volumen*, but was folded with 'accordion' pleats. He draws attention to what he believes may be similar *libri linteii* which are represented in Etruscan funerary art. He provides three examples, the first is a small *liber linteus* represented on a lid of a sarcophagus coming from the Tomba dei Sarcofagi, Cerveteri and now in the Museo Gregoriano Etrusco in the Vatican. The tomb dates from the end of the fifth century to the first half of the fourth century B.C. The second example is on the lid of a cinerary urn from Chiusi (Clusium), now in

the store-room of the Berlin State Museum. It is represented as a many folded cloth in zigzag on the legs of the recumbent deceased. There is a similarity both with the *liber linteus* on the Caeretan sarcophagus (chronologically close) and with the proposed reconstruction of the Zagreb *liber linteus*. The third example is a folded cloth represented on top of a wooden chest (κιβωτός) on the back wall to the left of the central *loculus* in the Tomba dei Rilievi, Cerveteri, which dates to the end of the fourth and the beginning of the third century B.C.⁷

However, the evidence for such a hypothesis remains inconclusive. There may well have been two different forms of Etruscan *libri linteii*, but the use of the *volumen* is certainly attested in Etruscan funerary art. There is the fine example from Tarquinia of the sarcophagus of Laris Pulenas, known as the magistrate, dating to about 180 B.C. He is shown unrolling a scroll with a lengthy Etruscan inscription containing details of his ancestors back to his great-grandfather, the offices he held and the religious honours he enjoyed. He also claims to have been the author of a book on haruspicy.⁸ Of course it is impossible to know whether this representation of a *volumen* was imitating a linen or papyrus roll.

Perhaps the most notorious inscription on linen was the dedication of the *spolia opima* by A. Cornelius Cossus, who recorded the event on the linen corselet taken from Tolumnius, king of Veii, which was placed in the temple of Jupiter Feretrius. It is clear that in his account Livy feels obliged to give the prevailing literary tradition (IV.20.5), as well as Augustus' eye-witness account. Augustus claimed to have seen the inscription, which stated that Cossus had been consul in 428 when he had made the dedication, and the event should not be dated to 437 when he had been military tribune:

titulus ipse spoliis inscriptus illos meque arguit consulem ea
Cossum cepisse. 7. Hoc ego cum Augustum Caesarem, templorum
omnium conditorem aut restitutorem, ingressum aedem Feretri Iovis,
quam vetustate dilapsam refecit, se ipsum in thorace linteo
scriptum legisse audissem, prope sacrilegium ratus sum Cosso
spoliorum suorum Caesarem, ipsius templi auctorem, subtrahere
testem (IV. 20. 6-7).

I cannot help feeling that Augustus probably did not see the
original inscription. The exact date when he saw the dedication is
unknown. The restoration of the temple of Jupiter Feretrius was
undertaken by Augustus at the suggestion of Atticus, who died in 32
B.C. : ' . . . cum aedis Iovis Feretrii in Capitolio, ab Romulo
constituta, vetustate atque incuria detecta prolaberetur, ut Attici
admonitu Caesar eam reficiendam curaret' (Nepos Atticus XX.3). As the
corselet was supposed to be on display within the temple, it seems
doubtful that the inscription could have survived, since as we have
seen, the temple according to Nepos was roofless. It is possible that
Augustus saw a restored inscription, or even authorized its restoration
- the speculation of course is endless.⁹

To return to the use of bronze, its employment for inscriptions
in the Western Mediterranean was undoubtedly due to the external
influence of Phoenician, Carthaginian and Greek traders and
colonists.¹⁰ The Phoenician script which became standardised in the
ninth century, and was the script brought to the West by travellers and
traders, was adopted by the Greeks sometime during the last decades of
the ninth century, according to epigraphic evidence. It was also
through trading contacts that the same script was adopted by the
Etruscans and Italian peoples, probably through the presence of Greeks

in Magna Graecia, and the trading contacts which the Etruscans had with Carthage.¹¹ Most of the extant bronze tablets have come from Italy, Gaul and Spain. Unfortunately the corpus of Phoenician inscriptions is far from being impressive, and bronze tablets are extremely rare.¹²

In Greece the earliest known examples of bronze plaques used for inscriptions date from the sixth century B.C. Bronze in the form of a plaque (πίναξ and δέλτος) was the commonest way in which it was used for inscriptions, and it was attached either to a wall or to some other object.¹³ The subject matters of these bronze plaques are mainly treaties, laws and dedications, which are the same subject categories for the Roman use of bronze. Since Greece did not have plentiful supplies of metals, unlike Italy, the most usual way to record inscriptions was on stone. The significance and importance of having the provisions of treaties actually carved on stone was seen as a method of ensuring their eternal preservation for the parties involved, and served to prevent any attempts to deny, alter, ignore or regress on what had been mutually agreed.¹⁴ There are many occasions when it is impossible to know the nature of the material used for particular inscriptions. It may therefore be logical to presume in such cases where a στήλη is mentioned that it was intended to mean a stone στήλη.¹⁵

An important factor which must be remembered is that bronze does not have a high survival rate due to adverse soil conditions, which must affect our over-all picture of the use of bronze when based on extant examples. Yet, at Olympia a large number of Elean and other bronze plaques have been discovered in the sanctuary. These include the treaty made in about 500 B.C. between the Eleans and the Heraeans, which is now in the British Museum.¹⁶ Some forty bronze inscriptions

have come to light at Olympia. Several plausible reasons for this have been put forward by L.H. Jeffery, namely that the local stone was too coarse and shelly to make good στήλαι, and also in a sanctuary like Olympia there are many advantages in using bronze plaques, as they are much less bulky than στήλαι, and much easier to store and display, as they can be affixed to a wall.

Fortunately soil conditions are favourable at Olympia for the survival of bronze, unlike Corinth which has yielded no bronze inscriptions due to acid soil conditions. A sanctuary site like Olympia could be expected to have a large number of inscriptions, since copies of documents were lodged there coming under the protection of Zeus.¹⁷ The earliest of all preserved Greek treaties, that between Sybaris and the Serdaioi (?) 550-528 B.C., was inscribed on a bronze plate provided with nail-holes at the top and bottom. It is now in the Olympia museum and probably came from the Sybarite treasury.¹⁸ There is also the example, which has not survived of the thirty year peace treaty between Athens and Sparta in 446/5 which was engraved on a bronze στήλη and set up in front of an image of Zeus (Pausanias V.23.4; cf. Thucydides I.115; Diod.Sic. XII.7). It could of course be argued that stone could have been easily imported into Olympia to be used for στήλαι, but perhaps there was a long-standing tradition of using bronze there, and at other sanctuaries. A statement in Thucydides (V.47.11) seems to support such a theory as he records the alliance made in 420 B.C. between Athens, Argos, Mantinea and Elis, where the contracting parties each individually record the treaty on a stone στήλη, but a bronze στήλη is erected jointly by them at Olympia:

τάς δὲ ξυνθήκας τὰς περὶ τῶν σπονδῶν καὶ τῶν ὅρκων καὶ τῆς
ξυμμαχίας ἀναγράψαι ἐν στήλῃ λιθίνῃ Ἀθηναίους μὲν ἐν πόλει,

Ἀργείους δὲ ἐν ἀγορᾷ ἐν τοῦ Ἀπόλλωνος τῷ ἱερῷ, Μαντινέας δὲ ἐν τοῦ Διὸς τῷ ἱερῷ ἐν τῇ ἀγορᾷ· καταθέντων δὲ καὶ Ὀλυμπίασι στήλην χαλκὴν κοινῇ Ὀλυμπίοις τοῖς νυνί.

However, the tradition of inscribing on bronze rather than on stone, may also have been influenced by traditions upheld by individual states, as well as the customs of a particular sanctuary. For instance the Lokrians may have preferred inscribing on bronze rather than on stone, as we have, the admittedly slender, evidence of two examples of bronze plaques, inscribed on both sides, one from Psoriani in Aetolia or the neighbourhood of Naupaktos, concerning the settlement of new territory by a Lokrian community (?) 525-500 B.C., and the other, recording a law of the Eastern Lokrians relating to their colony at Naupaktos (?) 525-475 B.C. The same reasoning could be applied to the Elateians, as a decree of Elateia honouring the Stymphalians (c.189 B.C.) has been found on a limestone στήλη, but reference is made to the Elateians erecting a bronze στήλη.¹⁹

There is a further permutation which ought to be considered, from the evidence of the Chremonidean decree, engraved on four fragments of a marble στήλη from the Acropolis at Athens, recording the treaty between Athens and Sparta in the 260s.²⁰ This made provision for the treaty to be inscribed on a bronze στήλη to be set up on the Acropolis, near to the temple of Athena Polias (ll. 42-44), the decree and the treaty to be inscribed together on a stone στήλη and set up on the Acropolis (ll. 64-66), which is what survives today, and the treaty to be inscribed on στήλαι by the cities concerned and set up, in whichever sanctuary they wished (ll. 95-97). Here, the most important document - the treaty is inscribed on bronze and set up on the Acropolis, significantly near to the temple of Athena Polias, the

guardian goddess of Athens, and the contracting states also inscribe the treaty on στήλαι, whether of stone or of bronze is left unstipulated, presumably to accommodate the different publication practices of the individual states. These στήλαι are also to be set up in sanctuaries, with the choice being left to the cities.

A large proportion of bronze inscriptions fall into the category of χαλκώματα, which reproduced the form of stone στήλαι, but on a smaller scale. The majority of them were clearly intended to be affixed to something, being supplied with holes for nails, though there are some examples which bare no trace of nail holes and must therefore have been conserved in a different way in a suitable archive.²¹ The significance which perhaps can be drawn from these different traditions or practices, is that they would seem to be making a distinction between χαλκώματα which were intended for display, either in the open air or within an archive building, and those which were perhaps designed solely for storage within an archive building or temple.

Many of these χαλκώματα record proxeny decrees, and a number of fine examples have been found at Corcyra, which are dated to the end of the third century B.C.²² There are rare occasions when a χαλκωμα can take the form of a free-standing stone στήλη. A splendid example of this is the proxeny decree for Damokrates, which was found at Olympia, south of the south-west corner of the temple of Zeus, and is dated to the third century B.C. The long decree is inscribed on a bronze tablet which was set into a stone base, and its style imitates that of a free-standing stone στήλη. However, in the actual text (ll. 32-33) it is called a χαλκωμα.²³

The Romans probably adopted the use of bronze for inscriptions through their contacts with the Etruscans and the Greeks in Sicily and

Magna Graecia. Rome's contact with the Greek cities of Southern Italy naturally increased with her expansion during the fourth century, after the dissolution of the Latin League in 340 B.C.²⁴

Bronze was also used by the Italic peoples for inscriptions, and one of the most important documents of the Samnite language and religion is the so-called *Tavola di Agnone*. This was discovered in 1848 during excavations in the locality of Fonte del Romito, near to Capracotta, (Molise) in the sanctuary of Ceres. The bronze tablet (28 x 16.5 cm.), now in the British Museum has Oscan inscriptions on both sides recording the names of fifteen deities and the laws of the sanctuary. It possibly dates from the third to the second centuries B.C. The Oscan which was the main language of central Italy until the Roman conquest is written, as is often the case, in a modified form of the Etruscan alphabet, which can be traced through Etruscan to the Chalcidic Greek alphabet.²⁵ Our knowledge of the Umbrian language, closely related to Oscan, and likewise derived through Etruscan from a western Greek alphabet, has been mostly acquired through the *Tabulae Iguvinae*. These nine bronze tablets of different sizes were discovered at Gubbio (Iguvium) in 1444. Two of them were taken to Venice in 1540 and lost; the remaining seven, inscribed on one or both sides, partly in the Umbrian, partly in the Latin alphabet, record the proceedings and rituals of a brotherhood of priests, the *frater atiiuri* (in Latin the *Fratres Atiedii*), rather like the Roman Arval Brethren. The oldest tablet was inscribed about 200 B.C. and the latest probably after the conclusion of the Social War in 89 B.C.²⁶

From the Greek-speaking states of Southern Italy there are many examples of bronze inscriptions, but I have selected to mention here

only two of the most significant finds. The *Heraclea Tablets*, now in Naples Archaeological Museum, were discovered between 1732 and 1735 in modern Acinapura, between Heraclea and Metaponto in Lucania. They consist of two bronze tablets, one of which is complete, while the lower part is missing from the other. Each bears a Greek inscription dating between the end of the fourth century and the beginning of the third century B.C. They are concerned with the administration of certain lands belonging to the sanctuary of Dionysus and that of Athena Polias, partly occupied illegally by private citizens and partly abandoned; on recovery they are to be divided into plots and rented out to settlers on payment of rent. On the back of the complete tablet there was added in the first century B.C. the Latin text of a law, the so-called *Lex Iulia Municipalis* of about 45 B.C. dealing with municipal regulations.²⁷

In 1959 a quite remarkable find was made when *le Tabelle di Locri* were discovered in a large cylindrical stone case, which from the contents it was concluded that they clearly formed the archive of the sanctuary of Olympian Zeus at Locri Epizephyrrii. So far, twenty-five of the thirty-nine inscribed bronze tablets have been edited by A. de Franciscis, and they record details of the accounts and the administration of the sanctuary from the end of the fourth to the third century B.C.²⁸

Recent evidence would suggest that the Etruscans were influenced in their epigraphic habit through their contact with the Carthaginians. The evidence to support this was provided by the remarkable discovery of the Pyrgi tablets in 1964, during the excavations in the sanctuary, about 400m. south of Castello di Santa Severa. The tablets, now in the Museo di Villa Giulia in Rome, were found rolled up and carefully

stored in a rectangular niche between temples A and B, together with fragments of terracotta decoration, which are thought to have come from temple B. The date of temple B, the older of the two temples by some twenty or thirty years, is ascertained as being about 500 B.C., and when it was dismantled, the tablets and other valuable and sacred objects were carefully preserved.

The tablets consisted of three extremely thin rectangular sheets of gold, one of which had a Punic inscription, while the other two were inscribed in Etruscan. The Punic tablet and the longer of the two Etruscan tablets each have ten broad nail holes, while the third tablet has twelve smaller nail holes, suggesting that the first two tablets were made as a pair and were closely associated with each other. The bronze nails with gold heads, used to display the tablets were found inside the rolled up tablets, and it seems likely that they were fixed originally to a wall or to the outside of the wooden door of the temple or shrine, certainly in an accessible place, which would account for the graffiti scribbled on the vacant parts of the tablets at the end of the inscriptions.

Once the tablets had been translated, it appeared that the Punic text was the original, and the longest of the Etruscan inscriptions was an approximate translation, but included additional rites. All three inscriptions which have now been dated to the end of the sixth century B.C., state that a temple or a shrine was dedicated to the Phoenician goddess Astarte by Tiberie Velianas (or Thefarie Velianas/Veliuntas - the spelling varies in all three inscriptions), who was perhaps the supreme magistrate or ruler of Caere (Cerveteri), for which Pyrgi (modern Santa Severa) was one of two harbours. The second Etruscan inscription refers to additional rituals established by

Thefarie Velianas, which are to be carried out at the holy place in a given month on an annual basis. The exact nature of this *holy place* is disputed by scholars, some think it means temple B, while others suggest a nearby shrine was intended.²⁹

A bronze tablet in a fragmentary condition was also discovered with the three gold tablets. It was inscribed with a dedication in Etruscan and seems to bear further witness to the cult of Uni, the Etruscan goddess, identified with Astarte and corresponding to the Roman Juno and Greek Hera, and attested also on the Etruscan inscribed gold tablets. From a study of the palaeography, it would appear to be slightly earlier than the gold tablets.³⁰ Another bronze tablet was pieced together from what were considered to be insignificant fragments sent for cleaning, which were discovered along with the gold tablets. The fragments when pieced together formed part of a rectangular tablet, supplied with nail holes at the two preserved corners. The palaeography of the three lines of the Etruscan inscription was substantially that of the inscriptions on the gold tablets, and a woman's name in the last line leads Massimo Pallottino to think that it was a private dedication, perhaps to the goddess Thesan (Aurora).³¹

The full historical and political implications of the contents of the tablets will be fully discussed in the next chapter. It is suffice to recall here that just as the Etruscan dedication to Astarte appears to have adopted the Carthaginian (Phoenician) style in the form of the dedication, so does the first Rome-Carthage treaty appear to follow a standard Phoenician, or to be more accurate, a Phoenician-inspired Carthaginian format, rather than a Roman formula.³² Also it becomes clear that when the Romans chose to record their treaties with Carthage on bronze tablets, they are likely to have been greatly

influenced by external contacts and were perhaps following what had become an established practice or tradition.

I The Literary Evidence for the Roman Use of Bronze

The earliest references for the Roman use of bronze for inscriptions are to the Regal period. Dionysius of Halicarnassus has preserved for us a tradition which would suggest that writing was used in the very early period of Rome. However, as the evidence comes from much later sources, this creates a problem as to whether it can be accepted as being authentic.³³ Equally, there is no good reason to discount the evidence out of hand. Instead, the information should be treated objectively, as the tradition could contain some genuine details. The sources are often far from explicit in their details of inscriptions, omitting information concerning the material used and the form they took. However, it is often possible to speculate, not unreasonably, on many occasions, as to whether bronze might indeed have been used to record an inscription. The first of Dionysius' references (III.33.1) is to duplicate copies of an agreement made between Tullus Hostilius and the Sabines, which were drawn up on στήλαι and deposited in their temples: 'τῶν ὁμολογιῶν στήλας ἀντιγράφους θέντες ἐν τοῖς ἱεροῖς'. There is no way of ascertaining whether the agreement was on stone or bronze, except that bronze inscriptions were often placed in temples.

As we have already seen, wood was used for inscriptions before bronze. This tradition is also explained for us by Dionysius (III.36.4), who records that Ancus Marcius ordered the pontiffs to hand over the commentaries on religious rites which had been composed by Numa Pompilius and he had them transcribed onto wooden tablets and

displayed in the Forum for all who wished to see them. However, these had not survived the passage of time because they were on wood and exposed to the elements. It was only at a later date that religious laws were inscribed on bronze. After the expulsion of the kings, the laws were written out again for public use by Gaius Papirius, Pontifex Maximus:

καὶ μετὰ τοῦτο συγκαλέσας τοὺς ἱεροφάντας καὶ τὰς περὶ τῶν ἱερῶν συγγραφάς, ὃς Πομπίλιος συνεστήσατο, παρ' αὐτῶν λαβὼν ἀνέγραψεν εἰς δέλτους καὶ προὔθηκεν ἐν ἀγορᾷ πᾶσι τοῖς βουλομένοις σκοπεῖν, ὃς ἀφανισθῆναι συνέβη τῷ χρόνῳ· χαλκαὶ γὰρ οὐπω στήλαι τότε ἦσαν, ἀλλ' ἐν δρυῖναις ἐχαράττοντο σάνισιν οἱ τε νόμοι καὶ αἱ περὶ τῶν ἱερῶν διαγραφαί· μετὰ δὲ τὴν ἐκβολὴν τῶν βασιλέων εἰς ἀναγραφὴν δημοσίαν αὐθις ἤχθησαν ὑπ' ἀνδρὸς ἱεροφάντου Γαῖου Παπιρίου, τὴν ἀπάντων τῶν ἱερῶν ἡγεμονίαν ἔχοντος.

Livy's account (I.32.2) of the same incident is typically more abbreviated: '. . . omnia ea ex commentariis regis pontificem in album relata proponere in publico iubet'. The use of the *album*, a tablet covered with gypsum to make it white, served as a public notice board during the Republic for notices of the *comitia* and senate, for proscriptions and edicts, such as that of the praetor, which was posted up in the Forum on his entry into office with the *formulae actionum*.³⁴ The *album* was also used, as is mentioned in the passage, to display notices of the *pontifices*, and the *tabula pontificum*, on which the *Annales Maximi* were based was posted up outside the *Regia* by the *Pontifex Maximus*.³⁵

According to Dionysius in his account of the building of the temple of Diana on the Aventine, Servius Tullius ensured that the agreement made between Rome and the Latin League, together with the

ordinances concerning the festival were to be preserved for posterity by engraving them on a bronze στήλη. Dionysius states that this στήλη still existed in the temple in the Augustan period, and draws particular attention to its antiquity by observing that the inscription was engraved in the characters that were anciently used in Greece:

ἵνα δὲ μηδεὶς χρόνος αὐτοῦς ἀφανίσῃ, στήλην κατασκευάσας χαλκῇν ἔγραψεν ἐν ταύτῃ τὰ τε δόξαντα τοῖς συνέδροις καὶ τὰς μετεχούσας τῆς συνόδου πόλεις. αὕτη διέμεινεν ἡ στήλη μέχρι τῆς ἐμῆς ἡλικίας ἐν τῷ τῆς Ἀρτέμιδος ἱερῷ κειμένη γραμμάτων ἔχουσα χαρακτῆρας οἷς τὸ παλαιὸν ἡ Ἑλλάς ἐχρήτο. (IV.26.5).³⁶

However, it is impossible to know whether this was the original inscription or a copy. The foundation of the cult of Diana on the Aventine can be dated to about 540 B.C., which of course fits in with the traditional chronology of Servius Tullius' reign (577-533).³⁷

For the Republic, the earliest known inscription on bronze is the first treaty between Rome and Carthage, dated as we have already seen, by Polybius (III.22.1) to the beginning of the Republic. There are several bronze inscriptions from the fifth century. The earliest of these is the *foedus Cassianum* of 493, and is mentioned by Livy (II.33.9): '. . . nisi foedus cum Latinis (in) columna aenea insculptum monumento esset, ab Sp. Cassio uno, quia collega afuerat, ictum'. The treaty was renewed in 358 and the inscription was known to Cicero, who in 56 B.C. remembered seeing it 'not so long ago' inscribed on a bronze *columna* set up behind the *rostra*: 'cum Latinis omnibus foedus esse ictum Sp. Cassio Postumo Cominio consulibus quis ignorat? quod quidem nuper in columna ahenea meminimus post rostra incisum et perscriptum fuisse' (pro Balbo 53).³⁸ The inscription had evidently been

relocated at some date before 56 - perhaps during Sulla's rebuilding programme at the western end of the Forum.

The *lex Icilia de Aventino publicando*, passed in 456 B.C. is recorded both by Livy (III.31.1, 32.7) and Dionysius (X.32.4), who informs us it was inscribed on a bronze στήλη, which was placed in the temple of Diana on the Aventine: ὁ νόμος ἐκυρώθη, ὅς ἐστιν ἐν στήλῃ χαλκῇ γεγραμμένος, ἣν ἀνέθεσαν ἐν τῷ Ἀβεντίνῳ κομίσαντες εἰς τὸ τῆς Ἀρτέμιδος ἱερὸν.³⁹

Another law which was inscribed on a bronze *columna* was that concerned with intercalation (472 B.C.). It is briefly mentioned in a passage of Macrobius (*Saturnalia* I.13.21): 'se hoc arguit Varro scribendo antiquissimam legem fuisse incisam in columna aerea a L. Pinario et Furio consulibus, cui mensis intercalaris adscribitur'.⁴⁰

Undoubtedly, the most important law published during the early Republic was the *lex Duodecim Tabularum*. According to some of the Roman accounts, the idea of publishing a law code came from Greece, and it is seen in the terms of Athenian practice, being based on a study of the laws of Solon.⁴¹ It is only to be expected that Dionysius' account should also refer to an embassy being sent to Athens to study their laws, and another to the Greek cities of Magna Graecia.⁴²

There can be little doubt that the Twelve Tables were inscribed on bronze, as this would be consistent with what we know of Roman custom. Details of their publication are provided by Livy, Diodorus Siculus and Dionysius. Livy's account, placed under the year 449 B.C. is quite straightforward: 'Priusquam urbe egrederentur, leges decemviraes, quibus tabulis duodecim est nomen, in aes incisae in publico proposuerunt. Sunt qui iussu tribunorum aediles functos eo ministerio scribant' (III.57.10).⁴³ Diodorus provides us with a few

more important details with regard to the location of where the laws were to be displayed: namely affixed to the *rostra*, in front of the Senate-house:

καὶ τελεσθείσης τῆς ὑποκειμένης νομοθεσίας, ταύτην εἰς δώδεκα χαλκοῦς πίνακας χαράξαντες οἱ ὕπατοι προσήλωσαν τοῖς πρὸ τοῦ βουλευτηρίου τότε κειμένοις ἐμβόλοις. ἡ δὲ γραφείσα νομοθεσία βραχέως καὶ ἀπερίττως συγκειμένη, διέμεινε θαυματομένη μέχρι τῶν καθ' ἡμᾶς καιρῶν (XII.26.1).

Likewise, Dionysius' account (X.57.7) also states that the laws were to be set up in the Forum in the most conspicuous place: 'ἐπικυρώσαντος δὲ καὶ τοῦ δήμου τοὺς νόμους, στήλαις χαλκαῖς ἐγχαράξαντες αὐτοὺς ἐφεξῆς ἐθεσαν ἐν ἀγορᾷ τὸν ἐπιφανέστατον ἐκλεξάμενοι τόπον'.

It is interesting to compare the different terms used to describe the laws, as in an earlier passage Dionysius refers to them as 'αἱ δώδεκα δέλτοι' when mentioning that a law of Romulus was recorded on the fourth of the Twelve Tables.⁴⁴ It is obvious that there was probably more than one tradition concerning such an early law code, which would account for the variety of terms.

The earliest inscription from the fourth century is the dedication by T. Quin(c)tius of a statue of Jupiter, which he took from Praeneste in 380 B.C. In his account of this Livy actually quotes from the inscription which accompanied the dedication (VI.29.8-9):

T. Quinctius . . . Romam revertit triumphansque signum Praeneste devectum Iovis Imperatoris in Capitolium tulit. 9. Dedicatum est inter cellam Iovis ac Minervae tabulaque sub eo fixa, monumentum rerum gestarum, his ferme incisa litteris fuit: 'Iuppiter atque

divi omnes hoc dederunt, ut T. Quinctius dictator oppida novem caperet'.⁴⁵

Although there is no mention in the sources that Quinctius had his dedication inscribed on a *bronze* tablet, it is more than likely that this in fact was the case, since the tablet was fixed below the dedication.

A similar assumption could perhaps be made in the case of the law concerning the *clavus annalis*, which was once fixed to the right side of the temple of Jupiter Optimus Maximus, in the part which is the chapel of Minerva:

Lex vetusta est, priscis litteris verbisque scripta, ut qui praetor maximus sit idibus Septembribus clavum pangat; fixa fuit dextro lateri aedis Iovis optimi maximi, qua parte Minervae templum est (Livy VII.3.5).⁴⁶

The tablet inscribed with the law must have perished in 83 B.C. when the Capitoline temple was destroyed by fire.

There are two other bronze inscriptions which belong to the fourth century. The first is a bronze tablet which was fastened up in the temple of Castor at Rome in 340 B.C. to commemorate the grant of Roman citizenship to the Campanian *equites*: 'Equitibus Campanis civitas Romana data, monumentoque ut esset, aeneam tabulam in aede Castoris Romae fixerunt' (Livy VIII.11.16). Since Castor and Pollux were the protectors of the Roman *equites*, they were a natural choice of patrons for the Campanian *equites*.⁴⁷ The second inscription was that of Cn. Flavius, who as curule aedile in 304 B.C. recorded on a bronze tablet that he had erected a shrine to Concord 204 years after the

consecration of the Capitoline temple, and that the event took place in the 449th. year from the foundation of the city:

Flavius vovit aedem Concordiae, . . . aediculam aeream fecit in Graecostasi, quae tunc supra comitium erat, inciditque in tabella aerea factam eam aedem CCIIII annis post Capitolinam dedicatam. 20. id a. CCCCXXXVIII a condita urbe gestum est . . . (Pliny NH XXXIII.19-20).⁴⁸

There are few examples from the third century. A fragment from the Elder Cato's speech de Auguribus, preserved for us by Festus (p.277, 10-14 L.), informs us that a tablet (undoubtedly of bronze) was inscribed with the law which condemned to death a Vestal Virgin, and was fixed up in the *Atrium Libertatis*. This law, together with a great many others was destroyed by fire:

Probum virginis Vestalis ut capite puniretur, vir qui eam incestavisset verberibus necaretur, lex fixa in atrio Libertatis cum multi<s> alis legibus incendio consumpta est, ut ait M. Cato in ea oratione quae de Auguribus (1) inscribitur.

The most likely date for the execution of the Vestal Virgin is 216 B.C., which of course was a period of great religious anxiety at the height of the Second Punic War.⁴⁹ The *Atrium Libertatis* was a building of some importance, being damaged in the fire of 210, and restored in 194 (Livy XXXIV.44.5). It contained the offices of the Censors, some of their records and some of the laws inscribed on bronze tablets.⁵⁰

The use of bronze tablets to record the deeds of an individual was not confined only to Rome. The people of Praeneste honoured their fellow compatriot Marcus Anicius with a statue and an inscription on

bronze, describing how as praetor, commanding the cohort from Praeneste he had put up a heroic resistance against Hannibal in the siege of Casilinum in 216 B.C., and had been allowed to leave the town with his soldiers:

. . . ceteri incolumes Praeneste cum praetore suo M. Anicio - scriba is antea fuerat - redierunt. Statua eius indicio fuit Praeneste in foro statuta, loricata, amicta toga, velato capite, cum titulo laminae aeneae inscripto, M. Anicium pro militibus qui Casilini in praesidio fuerint votum solvisse. Idem titulus tribus signis in aede Fortunae positus fuit subiectus (Livy XXIII. 19. 17-18; cf. Strabo V. p. 249).

Despite the details of Livy's account, it would seem that the statue was no longer in the Forum in his day. The Anicii were a prominent family in Praeneste, probably gaining Roman citizenship during the second half of the fourth century, possibly after the Latin War.⁵¹ The details for Livy's account must have come from a history of the town, compiled by someone knowledgeable in Praenestian affairs. A most plausible candidate, who followed suit, would be Marcus Verrius Flaccus, the freedman, grammarian and lexicographer from Praeneste.⁵² This erudite Augustan scholar was tutor to Caius and Lucius Caesars, grandsons of Augustus. Many of his works are now lost, but parts of some of them are preserved in later authors. The story of Marcus Anicius could possibly have been included in the *Libri rerum memoria dignarum* (freely used by the Elder Pliny), as it is a suitable type of subject, based on our knowledge of fragments from that work.⁵³

For the second century B.C. there are references to several bronze inscriptions. The treaty of Apamea 189/188 B.C. was engraved on bronze δέλτοι and set up on the Capitol, and a copy of it was sent to

Manlius Vulso, Scipio's successor in command so that the oath could be exacted from Antiochus (Appian Syr. 39). There are no publication details in Polybius' account (XXI.43.1ff.) and neither in Livy's (XXXVIII.38f.). Several other inscriptions may have been on bronze. In 179 B.C. M. Aemilius Lepidus, as censor, dedicated a temple to the *Lares of the Sea* on the Campus Martius. Above the doors of the temple he affixed a tablet with an inscription, and placed a similar tablet above the doors of the temple Jupiter on the Capitoline:

Idem dedicavit aedem Larum permarinum in Campo. Voverat eam annis undecim ante L. Aemilius Regillus navali proelio adversus praefectos regis Antiochi. 5. Supra valvas templi tabula cum titulo hoc fixa est: . . . 7. Eodem exemplo tabula in aede Iovis in Capitolio supra valvas fixa est (Livy XL.52.4-5 and 7).

There is a certain degree of difficulty in interpreting the exact meaning of this passage, due to the fact that Livy's quotation of the inscription is imperfectly preserved. Nevertheless, the tablets may well have been of bronze.

It could perhaps be debated, as to whether the tablet set up by Ti. Sempronius Gracchus in 174 B.C., to celebrate his conquest of Sardinia was also of bronze. A description of the tablet and its inscription is given by Livy (XLI.28.8-10):

Eodem anno tabula in aede Matris Matutae cum indice hoc posita est.: 'Ti. Semproni Gracchi consulis imperio auspicioque legio exercitusque populi Romani Sardiniam subegit. In ea provincia hostium caesa aut capta supra octoginta milia. 9. Re publica felicissime gesta atque liberatis sociis, vectigalibus restitutis exercitum salvum atque incolumem plenissimum praeda domum reportavit; iterum triumphans in urbem Romam redit. Cuius rei

ergo hanc tabulam donum Iovi dedit.' 10. Sardiniae insulae forma erat, atque in ea simulacra pugarum picta.

My reasons for suggesting that this was a bronze tablet are that the dedication seems to follow the style of a *forma coloniae*.⁵⁴ It was customary for these *formae* to be engraved on bronze and registered at Rome. They showed the boundary divisions of all the land surveyed and included the names of the property holders. Furthermore, Livy actually uses the word *forma* in his description of the tablet. Details from the inscription itself also support this theory. Sardinia was regarded as a *provincia*, the term being used in two distinct senses. It was used to define Gracchus' *imperium*, and also the actual geographical area, which was designated as his sphere of action. As Gracchus' actions can be regarded as being no less than the conquest and reorganization of Sardinia, it was both fitting and an enhancement to the celebration of his *gloria* that the record of his achievements should be seen as imitating a *forma coloniae*. However, there are scholars who favour the idea that Gracchus' representation of Sardinia was in the form of a painting.⁵⁵

According to Granius Licinianus (XXVIII.36f.) a bronze *forma* was placed in the *Atrium Libertatis*, recording the assessment of land in Campania by the praetor P. Cornelius Lentulus in 165 B.C. The tablet included a description of the land, names of the owners, and who and what was paid yearly.

In 160 B.C. the Romans made their first treaty with the Jews. According to Josephus (Ant. Jud. XII.416) the senate passed a decree concerning this and sent a copy to Judea, while the original was engraved on bronze tablets and deposited in the Capitol. However the account in I Maccabees VIII.23 claims the senate's decree was inscribed

on bronze tablets and sent to Jerusalem so that there they might have by them a memorial of peace and confederacy. The custom of inscribing important documents on bronze had probably been adopted by the Jews from Hellenistic practice, and it was evidently not reserved only for treaty documents. There is a description in I Maccabees XIV.25-49 of an honorific inscription which was granted to Simon the High Priest in 140 B.C., recording his great deeds. This was inscribed on bronze tablets and set up in the Temple, while copies were placed in the treasury.

For the first century B.C. the references are almost entirely concerned with laws which were inscribed on bronze. In 65 B.C. the Capitol was struck by lightning which destroyed the statue of Natta and the bronze laws (Cicero de Div. I.XII.19 cf. II.XXI.47; and in Cat. III.8.19). The dedication by Pompey in the shrine of Minerva, recording his victories in the East, in celebration of his third triumph on the 28-29 September 61 B.C., may possibly have been on a bronze tablet (Pliny NH VII.97 cf. Plutarch Pomp. 45; Appian Mithr. 117), and perhaps another inscription along the same lines, possibly from the temple of Venus Victrix, dedicated by Pompey in 55 B.C. was also inscribed on bronze (Diod.Sic. XL.1.4). In 52 B.C. Pompey was forced to make an amendment to the law which compelled candidates for office to appear in Rome in person, after it had been inscribed on bronze and deposited in the *aerarium*, in order to exempt Caesar, and to allow him to stand for the consulship in his absence.⁵⁵

The relations between Rome and the Jews in the 40s are recorded for us by Josephus. He actually quotes from decrees passed by the senate and Julius Caesar concerning Hyrcanus and the Jews. In 47 B.C. Caesar wrote to the magistrates, the council and the people of Sidon,

informing them that he was sending them a copy of the decree, inscribed on a bronze tablet, concerning Hyrcanus, son of Alexander, high priest and ethnarch of the Jews, so that it could be deposited among their public records. He gives instructions for this to be set up on a bronze tablet in both Greek and Latin (Ant. Jud. XIV.189-195). Probably at the end of 47 B.C. Caesar made grants, concessions and awards to the Jews. The text, probably taken by Josephus from a *senatus consultum*, includes at the end the publication details, that a bronze tablet containing these decrees was to be set up in the Capitol and at Sidon and Tyre and Ascalon (and) in the temples, engraved in Latin and Greek characters (Ant. Jud. XIV.197).

Following the death of Caesar and the arrival of Octavian in Rome, there were a number of portents which are recorded by Julius Obsequens. Among these, he mentions that the bronze tablets, affixed to the walls of the temple of Fides were torn off by a tornado. These tablets were probably inscribed with international agreements, as the temple was also known under the name of *Fides Publica* or *Fides Publica populi Romani (diplomata)*.⁵⁷

In his attack on Antony in the *Philippics*, Cicero, when describing the former's disgraceful behaviour, makes an ironic comment that he expects Antony will have the measures which he had introduced and had passed under compulsion and in an atmosphere of fear, inscribed on bronze, no doubt expecting that this will give these laws both legitimacy and authority: 'quod ita erit gestum, id lex erit, et in aes incidi iubebitis, credo, illa legitima' (I.10.26). Later on, (Philippic III.30) Cicero again refers to Antony having passed false laws and decrees in the name of Caesar, and to have had them engraved on bronze and fastened up in the Capitol.

There are comparatively few literary references to the inscribing on bronze during the Empire. Under Tiberius there was an investigation in 22 A.D. into the credentials of those Greek sanctuaries that claimed to have the privilege of rights of asylum. They were ordered to send their charters and documents to Rome to prove their claims. Following an examination of their credentials by the senate and consuls, decrees were passed imposing limits, and stipulating that bronze tablets were to be affixed, actually inside the temples, as a solemn record, and to prevent future inter-city rivalry leading to extensions of privileges, under the cloak of religion (Tacitus Ann. III.60-63). In 39 A.D. the law of *maiestas* was revived by Gaius and he ordered it to be inscribed on a bronze στήλη (Dio LIX.16.8). Claudius in 42 A.D. had certain speeches of Augustus and Tiberius engraved on tablets, rather than read out in the senate on New Year's Day (Dio LX.10.2). This must surely have been on bronze tablets, in the light of the *Lyons Tablet*, although there is the later example of Nero's address to the senate, on the occasion of his accession, being inscribed on a *silver* tablet, which was to be read every time the new consuls entered office (Dio LXI.3.1).

An act of the senate during Claudius' reign particularly incensed the Younger Pliny. He noticed, one day on the road to Tibur, the monument to Pallas, the freedman and financial secretary of Claudius, with an inscription recording that the senate had granted him the insignia of a praetor and fifteen million sesterces, but he had refused the money and accepted the distinction (Ep. VII.29). However, Pliny became even more indignant and disgusted when he took the trouble to look up the senate's decree of 52 A.D. honouring Pallas for his loyalty, integrity and fine example. The resolutions passed by the

senate were to be engraved on a bronze tablet that was to be affixed to the mailed statue of the deified Julius Caesar, which presumably stood outside the Temple of Divus Iulius (Ep. VIII.6 cf. Tac. Ann. XII.53).

After the destruction of the Capitoline temple by fire during the civil wars in 69 A.D., Suetonius (Vesp. VIII.5) has a reference to Vespasian undertaking the restoration of three thousand bronze tablets which were destroyed in the conflagration, seeking everywhere for copies of the finest and most ancient records of the empire, containing decrees of the senate, acts of the people concerning alliances and treaties and privileges granted to individuals almost from the foundation of the city:

aerearumque tabularum tria milia, quae simul conflagraverant, restituenda suscepit undique investigatis exemplaribus: instrumentum imperii pulcherrimum ac vetustissimum, quo continebantur paene ab exordio urbis senatus consulta, plebi scita de societate et foedere ac privilegio cuicumque concessis.

Tacitus' version is slightly different, with a commission of senators, selected by lot, to determine and replace the bronze tablets of the laws which had fallen down from age: 'Tum sorte ducti per quos redderentur bello rapta, quique aera legum vetustate delapsa noscerent figerentque' (Hist. IV.40). This commission no doubt was carrying out Vespasian's instructions, which had been conveyed to them by Domitian, who had addressed the senate in the absence of his father and brother.⁵² No mention is made by Tacitus of the laws being destroyed by fire, but through age. This is unlikely, due to the durability of bronze, but as Tacitus had earlier stated (Hist. III.71.15) that he had found it impossible to establish exactly who was responsible for the

burning of the Capitol, there was no need to remind people of the possibilities that it might have actually been the Flavians.

In the *Panegyricus* 75.1-2 the Younger Pliny refers to the decisions of the senate being saved from oblivion by being inscribed on bronze, and also the established tradition of inscribing the speeches of emperors for posterity. Finally, there is the example of the emperor Severus Alexander (222-235), imitating Augustus in inscribing and setting up in public his *Res Gestae* on bronze tablets (H. A. Severus Alexander 28.1).

Now that I have examined the evidence for the literary references to the inscribing on bronze from the earliest of times through to the third century A.D., it is time to turn to the epigraphic evidence to complete the study.

II The Epigraphic Evidence for the Roman Use of Bronze

The evidence in this section is arranged in subject categories, in chronological order from the Republic to the third century A.D. Material from the provinces has also been included, as well as many references from inscriptions on stone, where the publication details are given for those documents to be inscribed on bronze, but which unfortunately have not survived, or as yet, been discovered. The evidence is by no means comprehensive, but it is intended to demonstrate both the continuity of the practice of using bronze as a material for public documents and the variety of inscriptions in this medium.

(i) Treaties

1. Treaty with Cibyra. Sometime after 188 B.C. ⁵⁹

Inscription on stone, found at Cibyra. The date is disputed, with the palaeographers favouring a date shortly after 188. As the inscription states the treaty was made between the δῆμος of Cibyra and the δῆμος of Rome, it must have been during a democratic interlude in its history, about which little is known, except that it was ruled by tyrants for much of the time. ⁶⁰ The publication details are given in 11.12-15: ταύτας δὲ τὰς συνθήκας εἰς χ[άλ]ικωμα ἀναγραφάτωσαν καὶ ἀναθέτωσαν ἐμ[ὲν] | Ῥώμῃ ἐν τῷ ἱερῷ τοῦ Διὸς τοῦ Καπετωλίου, ἐν δὲ [Κιβύραι] || ἐπὶ τῆς βάσεως τῆς Ῥώμης... . They specify that the treaty shall be engraved on a bronze tablet and set up in Rome in the temple of Jupiter Capitolinus and in Cibyra on the base of the statue of Roma.

2. Decree of Pergamum concerning its alliance with Rome

c. 129 B.C. ⁶¹

The decree is on a marble στήλη, found between Elaea and Pitane beside the Caicus river, downstream from Pergamum. Details of the publication of the senate's decree concerning the alliance and the treaty appear in 11. 23-31, where it is stated that a bronze plaque has been dedicated in Rome in the temple of Jupiter Capitolinus on which was set out the decree of the senate about the alliance, and likewise the treaty, and that these were also engraved by them on two plaques of bronze and placed in the temple of Demeter and in the council-chamber beside the statue of Democracy:

ἀνακειμένο[υ] δὲ ἐ[ν] Ῥώμῃ ἐν τῷ ἱερῷ[ι] τοῦ | Διὸς τοῦ
Καπετωλ[ίου] πί[να]κος [χ]αλκο[ῦ] καὶ || ἐν αὐτῷ κατατετα[γμένων]
τοῦ [τε γε]γονότος | [δ]όγματος [ὅ]πὸ τῆς [συγκλήτ]ου περὶ τῆς

συμμα[χ]ίας, ὁμοίως δὲ καὶ τῇ[ς συνθήκ]ης, καθήκει καὶ ἰ [πα]ρ' ἡμ[ί]ν ἀναγραφῆνα[ι αὐτὰ ε]ἰς πίνακας ἰ [χ]αλκοῦς δύο καὶ τε[θῆναι] ἐν τε τῷ ἱερῷ ἢ [τ]ῆς Δήμητρος καὶ ἐ[ν τῷ β]ουλευτηρίῳ ἰ [πα]ρὰ τὸ ἀγάλμα τῆς [Δημοκ]ρατίας.

In addition two στήλαι of marble were also commissioned, into which, the bronze plaques, when completed were to be fitted, and a copy of this decree in full was to be recorded on them (ll. 35-39): ὁμοίως [δὲ καὶ] στηλῶν μαρμαρί[νων δ]ύο, εἰς αἷς, ὅταν [οἱ πίν]ακες συντελεσθῶ[σιν, ἐ]ναρμοσθῆναι [αὐτού]ς. ἀναγραφῆναι δὲ ἰ [ἐν ταῖς] στήλαις διε[ξοδικ]ῶς τὸ ἀντίγραφον ἰ [τοῦδε] τοῦ ψηφίσματ[ος].

3. Treaty with Maroneia and Ainos. Second half, or towards the end of the second century B.C.⁶²

This the first almost complete inscribed text of a Roman treaty. A full text and commentary has yet to appear, but the clauses are standard, and the inscription ends with the publication formula (ll. 36-43) that the alliance is to be engraved on bronze and displayed at Rome on the Capitoline and at Maroneia in the temple of Dionysus: Ταύτην τὴν συμμαχίαν γραφῆναι εἰς χάλκωμα καὶ ἀνατεθῆναι ἐν μὲν Ῥώμῃ ἐν τῷ Καπετωλίῳ, ἐν δὲ Μαρωνείᾳ ἐν τῷ Διονυσίῳ.

4. Treaty with Epidaurus. c. 112 B.C.⁶³

Inscription on stone found at Epidaurus in the Asclepieion, honouring Archelochos, an envoy to Rome who had been successful in his request for friendship and alliance with the Romans. A decree was passed and handed over to the Roman treasury, and the alliance was put up on a

bronze plaque on the Capitolium, and copies of these documents were delivered by Archelochos to the public treasury at Epidaurus (11.5-9):

καὶ ἐγενήθη φιλία καὶ συμμαχία ποτὶ Ῥωμαίους τὰ πόλι τῶν Ἐπιδαυρίων, καὶ τοῦ δόγματος τοῦ γενομένου καὶ παραδοθέντος εἰς τὸ ταμιεῖον καὶ τὰς συμμαχίας ἀνατεφείσας ἐν πίνακι χαλκέῳ ἐν τῷ Καπετωλίῳ, τούτων δ' ἀντίγραφα ἀποδέδωκε εἰς τὸ δαμόσιον . . .

5. Treaty with Astypalaea. 105 B.C.⁶⁴

The treaty was inscribed on stone and published together with the *senatus consultum* at Astypalaea. Understanding the publication details proves to be somewhat problematic, due to the incomplete nature of the inscription, which was destroyed by fire in 1797, and the inaccuracies contained in a copy of it.

The *senatus consultum* provides us with greater details of the publication arrangements than the *foedus*. In 11.5-7 of the *senatus consultum* the consul Publius Rutilius was to see to it that a bronze tablet of this alliance was nailed up on the Capitolium: Καὶ [ὅτι Πόπλιος] Ῥοτίλιος ὕπατος χάλκωμα συμμαχίας [ταύτης ἐν τῷ] Καπετωλίῳ κατηλωθῆναι φροντίση. A copy of the alliance could be set up according to the *Rubrian* and *Acilian* law(s) in a public place (presumably at Astypalaea) 11.11-13: . . . καὶ κατὰ] τὸν νόμον [τόν τε] Ῥόβριον καὶ τὸν Ἀκίλιον [ἀπόγραφον ἀναθεῖναι ἐν τῷ] ὅπῳ δημοσίῳ, and according to the heavily restored last lines, (19-22) it was decreed that a plaque of the alliance should be set up while Rhodocles, son of Antimachos was envoy, and that a plaque of this alliance should be given to the people of Astypalaea according to the decree of the senate: [. . . ἐδοξε] πίνακα συμμαχίας ἀνατεθῆναι, πρεσβεύσαντος Ῥοδοκλέους τοῦ Ἀντιμάχου] καὶ <τ>αύτης <τῆς> συμμαχίας δοθῆναι τῷ δήμῳ [τῷ Ἀστυपालαιέων

πίνα|κα] κατὰ δόγμα συγκλήτου. The only reference to publication in the *foedus* comes right at the end (11.48-50): [ἀναθέντων δὲ] ἀνάθημα ἐμὲν Ῥωμαίων ἐν τῷ Καπετωλίῳ ναῷ τοῦ Διός, ἐν δὲ Ἀστυπαλαιέων ἐν τῷ ἱερῷ τῆς Ἀθηνᾶς καὶ τοῦ Ἀσκληπιοῦ καὶ πρὸς τῷ βωμῷ [. . .] τῆς Ῥώμης. Presumably the ἀνάθημα which is to be set up by the Romans in the Capitoline temple of Jupiter, and by the Astypalaeans in the temple of Athena and of Asclepius and near to the altar (. . .) of Roma, is referring to the χάλκωμα or πίνακα mentioned in the *senatus consultum*, which I suppose could be regarded as a *votive offering*, since it is being set up on both occasions in a temple.

6. Treaty with Callatis. Late second or early first century B.C.⁶⁵ The inscription, on a damaged stone is of a fragmentary nature, with the publication details coming at the end. There have been various attempts at restoration with A. Passerini of the opinion that we possess the left half of the document, which either continued on the same stone, or on an adjacent block. His restoration of the publication formula reads in 11.13-15 that this treaty should be written out on a bronze tablet, one copy to be fastened up at Rome on the Capitol in the best place in the temple of Concord, and the other at Callatis: [Hoc foedus in tabulam | ahe]nam utei scriberetur ac [figeretur altera Romae in Capitolio | loc]o optumo in faano Concor[diae, altera Callati. . .].⁶⁶ There also, almost certainly would have been a Greek inscription of this treaty displayed at Callatis.

7. Treaty with Thyrraeum. 94 B.C.⁶⁷ The alliance is recorded on stone, but provision was made for a plaque

(presumably of bronze) to be set up according to the decree of the senate: πίναξ | [συμμ]αχίας ἀνετέθη κατὰ συγκλήτου δόγμα (11.5-6).

8. Treaty with Mytilene. 45 B.C. ⁶⁸

The renewal of goodwill, friendship and alliance is recorded in a letter of Julius Caesar to the people of Mytilene with a copy of a decree of the senate, which was inscribed with other documents on the base of a great monument erected by the citizens in honour of Potamon, son of Lesbos, who apart from his other benefactions had acted as envoy to Rome. The requests of the envoys from Mytilene are recorded in 11.16-19 of the decree. They asked for renewed goodwill, friendship and alliance and permission to sacrifice on the Capitol, and that whatever (privileges) had formerly been conceded to them by the senate should be written on a bronze tablet and nailed up (presumably on the Capitol): χάριτα φιλίαν συμμαχίαν ἀνενεοῦντο, ἵνα τε ἐν Καπετωλίῳ θυσίαν ποιῆσαι ἐξῆι ἃ τε αὐτοῖς | πρότερον ὑπὸ τῆς συγκλήτου συγκεχωρημέ[ε]να ἦν, ταῦτα ἐν δέλτῳ χαλκῇ | γεγραμμένα προσηλῶσαι ἵνα ἐξῆι. Confirmation of these requests and permission to nail up a bronze tablet whenever they wished are given in 11.19-23 of the decree:

περὶ τούτου τοῦ πράγματος οὕτως | ἔδοξεν· χάριτα φιλίαν συμμαχίαν ἀνανεώσασθαι, ἄνδρας ἀγαθοὺς καὶ φίλους προσαγορεύσαι, ἐν Καπετωλίῳ θυσίαν ποιῆσαι ἐξεῖναι, ἃ τε αὐτοῖς πρότερον ὑπὸ συγκλήτου φιλάνθρωπα συγκεχωρημένα ἦν, ταῦτα ἐν δέλτῳ χαλκῇ γεγραμμένα προσηλῶσαι ἐξεῖναι, ὅταν θέλωσιν.

9. Treaty with Plarasa/Aphrodisias. 39 B.C. ⁶⁹

The document is inscribed on column 2 (the first surviving column) of

the archive wall of the theatre at Aphrodisias. The publication details of the senate's decree and of the treaty with Plarasa/Aphrodisias are given in ll.90-93 of the senatorial decree:

they (that is, the consuls) are to have this decree of the senate [engraved, and also the treaty with] the people of Plarasa [and Aphrodisias] which will be made [in addition to] it, on bronze tablets [and set up in the temple of Jupiter] in Rome, on the Capitol; [and to arrange that other] tablets [be displayed] at Aphrodisias in the sanctuary of [Aphrodite] and in the [? market place(s) of the Plarasans and Aphrodisians, ? where they are clearly visible], . . . :

ὅπως τε τοῦτο τὸ δόγμα τῆς συνκλήτου | [καὶ τὸ ὄρκιον τὸ πρὸς τὸν δῆμον τὸν Πλαρασέω[ν καὶ Ἀφροδισιέων ἐπ]ιγενησόμενον δέλτοις χαλκείαις ἐνχαρὰ | [χθέντα ἐν ἱερῷ Δίο]ς ἐν Ῥώμῃ ἐν τῷ Καπετωλίῳ ἀ[νατιθῶσι, ὁμοίως δὲ καὶ ἄλλα]ς δέλτους ἐν Ἀφροδισιάδι ἐν τῷ ἱερῷ τῆς | [Ἀφροδείτης καὶ ἐν] ταῖς Πλαρασέων καὶ Ἀφροδει[σιέων ἀγοραῖς ἔξ οὗ ἀν δῆλ]ον ᾗ, . . .

No specific stipulation is made that the other tablets to be displayed at Aphrodisias had also to be of bronze. It therefore seems likely that the part of a *senatus consultum* found on a fragment of a marble panel was one of the contemporary copies, set up in accordance with the instructions in ll.92-3 of the *senatus consultum*.⁷⁰

10. Treaty with Mytilene. 25 B.C.⁷¹

The treaty was inscribed together with the *senatus consultum* authorising it. The only publication details which survive are from the senatorial decree ll.22-26. The consul, M. Silanus was to see to

it that the treaty was sent to the Mytileneans as he had arranged it to be made, and that the treaty and the decrees of the senate which had been passed about this matter should be engraved on a bronze tablet and set up in a public place:

[. . . "Ὅπως Μάρκος Σιλανὸς] ὕπατος, ἐὰν αὐτῷ φαίνηται, τὰ ὅρκια πεμφθῆναι πρὸς τοὺς Μυτιληναί]ους ὥς ἔστακε | γενέσθαι [καὶ ταῦτα καὶ τὰ τῆς συγκλήτου δόγματα τ]ὰ περὶ τούτου | τοῦ πράγ[ματος γενόμενα ἐν δέλτῳ χαλκῇ ἐγ]χαραχθῆναι καὶ | εἰς δημό[σιον ἀνατεθῆναι φροντίσει. Ἔδοξεν.]

(ii) Laws and *Senatus Consulta*

11. Lex Sacra. ? First half of third century B.C.⁷²

Bronze tablet found in the ruins of an archaic temple at Lavinium with an inscription in the letters of the archaic Latin alphabet concerning a sacred law of Ceres. The rectangular tablet was once affixed to a wall with nails, of which only the heads are preserved.

12. Decree of L. Aemilius Paulus. c.190 B.C.⁷³

Bronze tablet with attached handle with a hole, presumably for hanging up, found east of Gades (Cadiz). The decree was issued when Aemilius Paulus was either *praetor* in 191, or *proconsul* of Further Spain in 190-189/188 and it freed a community (the slaves of the Hastenses) together with their land and town from the control of the inhabitants of Hasta Regia, near Gades.

13. *Senatus Consultum de Bacchanalibus*. 186 B.C.⁷⁴

The decree, inscribed on a bronze tablet, once affixed by nails, was

found at Tiriolo in the land of the Bruttii and is now in Vienna. It was inscribed with a copy of the consuls' letter to the Teurani. The publication details are given at the end in ll.25-27 : 'atque utei | hoc in tabulam ahenam inceideretis, ita senatus aequom censuit, | uterque eam figier iubeatis ubi facillime gnosceri potissit'; that they should have this decree engraved on a bronze tablet, as the senate considered it proper, and that they should order it to be fastened up where it can most easily become known.

14. *Lex Acilia de Repetundis.* 122 B.C. ⁷⁵

The *Acilian* law on extortion is inscribed on one side of a bronze tablet, known as the *Tabula Bembina*. Eleven pieces of this large bronze tablet were discovered, two are now in Vienna, seven in Naples and two have since been lost, but are known from manuscript copies. The surviving pieces contain no instructions for the publication of the law.

15. *Sententia Minuciorum inter Genuates et Viturios.* 117 B.C. ⁷⁶

Q. Minucius Rufus and M. Minucius Rufus acted as judges on a special commission to settle the land dispute between the Genuates and the Langenses Viturii. Their decisions were recorded on a bronze tablet found near Genoa. No publication instructions are given in the inscription.

16. *Lex Agraria.* 111 B.C. ⁷⁷

The *lex Sempronia agraria* of Gaius Gracchus is inscribed on the other

side of the *Tabula Bembina*. There are no publication details for the law.

17. The Piracy Law from Delphi and Knidos. 100 B.C. 78

Copies of the law inscribed on marble and limestone have been recovered from Delphi and Knidos. Neither copy is complete, but restoration is possible as they supplement each other. Delphi Copy, B states that publication of the law in Asia and in the Eastern provinces is to be through the governor of the Province of Asia, writing and sending a copy of the law to the states and to the kings mentioned earlier. The individual rulers are to display the copy of the law. The publication details from Delphi Copy, B 11.20-26 are:

Στρατ[ηγὸς ἀντιστράτηγος ἢ ἀνθύπατος, . . .]. . . [..Καὶ τοῦτου τοῦ νόμου ἀντίγραφον ἀποστειλάτω πρὸς τε τὰς πόλεις καὶ πολ]ιτείας . . . [..καὶ, ἀκολουθῶς τοῖς ἐκάστων ἐπιτηδε]ύμασιν, πρὸς οὓς ἂν κατὰ τοῦτον τὸν νόμον γράμ[ματα ἀπε]σταλμένα ᾗ, εἰς δ[έλ]τον χαλκῆν γράμματα ἐνκεχαραγμέ[να ἔστω, εἰ δὲ μή, ἐν λίθῳ μαρμαρίνῳ ἢ κ]αὶ ἐν λευκώματι, ὅπως ἐν ταῖς πόλεσι ἐκκε[ίμενα ᾗ ἐν ἱερῷ] ἢ ἀγορᾷ φανερώς, ὅθεν δυνή|σονται ἐστ[η]κότες ἀναγινώσ[κειν ἰσόπεδοι οἱ βουλόμενοι.

The Praetor, [Propraetor or Proconsul . . .] . . . is to send a copy of this law to the cities and states . . . [and in accordance with each of their practices], to whom according to this law letters have been sent, the letters shall be engraved on a bronze tablet [or else on a marble στήλη or] on a whitened board, in order that they may be clearly exposed in the cities [in a temple]

or market place, where [those who wish are able to read standing at ground level].

At Delphi the law was inscribed on three blocks on the front face of the monument of L. Aemilius Paullus, while the Knidos text was originally inscribed on what was part of a Hellenistic wall. The blocks, later re-used in the walling of a small rectangular plunge bath, may have come from the upper course of the seaward wall of the magazine that flanks the trireme harbour on the North side and backs on to the Agora.

18. *Lex Latina Tabulae Bantinae*. 100 (?103) B.C.⁷⁹

A fragment of a bronze tablet inscribed on one side with the *lex Appuleia de maiestate* of Saturninus (either 103 or 100 B.C.), and on the other side with an Oscan inscription of a law of the first century B.C., dealing with the local affairs of Bantia (Lucania). The Latin inscription was dated originally by Mommsen to between 133 and 118 B.C. There are no instructions for the publication of this law.

19. Decree of Cn. Pompeius Strabo. 90/89 B.C.⁸⁰

The *Lex Pompeia de civitate equitibus Hispanis danda* granted Roman citizenship to a troop of thirty Spanish cavalry while in camp at Asculum (in Picenum), in accordance with the *Lex Iulia* of 90 B.C. The names of all fifty-nine members of the general's *concilium* are also given. The bronze tablet is incomplete and in two pieces, with the remains of three nail holes. It can now be seen in the Capitoline Museum, Rome.

20. *Lex Tarentina*. Between 89-62 B.C.⁸¹

A bronze tablet once affixed with nails, found at Tarentum and now in the Naples Museum. This is the ninth tablet of the law given to the *municipium* of Tarentum, which received Roman citizenship after the grant of the Roman franchise to the Italians in 90 B.C. (*Lex Iulia*) and 89 B.C. (*Lex Plautia Papiria*). However, the style and spelling suggest a later date of the Ciceronian period, but before 62 B.C. (cf. Cicero *pro Archia* 4.7; 5.10).

21. *Tabula Contrebiensis*. 87 B.C.⁸²

Bronze tablet containing the adjudication of the proconsular governor of *Hispania Citerior*, C. Valerius Flaccus, settling a land dispute brought before the senate of Contrebia Balaisca (modern Botorrita) about 20 km. south of Zaragoza. The rectangular bronze tablet put up by the Contrebian senate had originally most likely been attached to the wall of a public building, by the means of three nails along both the upper and lower edges.

22. *Lex Cornelia de XX Quaestoribus*. 81 B.C.⁸³

Bronze tablet said to have been found in the sixteenth century at Rome in the ruins of the temple of Saturn at the foot of the Tarpeian Rock. However, it appears likely that this tablet, together with the *Lex Antonia de Termessibus* were not found exactly in the ruins of the temple of Saturn. From excavations in the region of S. Omobono, fragments of architecture and inscriptions have been found in the rubble which has fallen from the Capitol and accumulated at the foot of the hill. A number of fragments have been recovered with dedications to *Iuppiter Optimus Maximus* and to the *populus Romanus* by various

peoples and Eastern princes from the middle of the second century B.C. The temples of Ops and Fides are thought to have been situated towards the western edge of the Capitol and are the most likely source of origin for this material.⁸⁴ However, in this particular case it appears unlikely, (although the law could have been inscribed in more than one place), as at the end of the inscription col.II ll.39-41 instructions are given for the names of *viatores* and *praecones* to be written up directly preceding this law on the wall . . . by the temple of Saturn: 'quorum viatorum | praeconum nomina in eis decurieis ad aedem Saturni | in pariete contra cau[1]as proxume ante hanc legem [scripta erunt]'. This tablet is the eighth out of probably nine tablets of Sulla's law raising the number of quaestors to twenty. It was once affixed to a wall with nails.

23. *Senatus Consultum de Asclepiade*. 78 B.C.⁸⁵

Bronze tablet found at Rome (now in the Capitoline Museum) with a bilingual inscription of which only parts of the Latin text survive, but which can be restored from the almost complete Greek translation. The decree of the senate concerns three Greek naval captains, who for their services to the Roman state are to be enrolled among the friends of Rome, allowed to set up on the Capitol a bronze tablet of friendship and to make a sacrifice ll.7-8: 'eos in amecorum formulam referundos curarent, eis[que tabulam aheneam amicitiae in Capitolio ponere | sacrificiumque] facere liceret' and l.25 'τούτοις τε πίνακα χαλκοῦν φιλίας ἐν τῷ Καπετωλίῳ ἀναθεῖναι θυσίαν τε ποιῆσαι ἐξῆι'. A nail hole survives in the bottom left-hand corner of the tablet, indicating that it had been affixed to something.

24. *Lex Antonia de Termessibus*. 72 or 68 B.C.⁸⁶

Bronze tablet found at Rome with the *Lex Cornelia de XX Quaestoribus* supposedly in the ruins of the temple of Saturn (s.v. No.22). It is plausible, due to the nature of the inscription that it might have fallen from the the Capitol, and had originally been associated with the temple of Fides. This tablet is the first of several bronze tablets put up side by side with the heading in very large letters extending across all of the tablets. Beneath the heading, the text of the law was arranged in two columns on each tablet.

25. *Lex Mamilia Roscia Peducaea Alliena Fabia*. Probably 55 B.C.⁸⁷

Fragment of a bronze tablet with a supplement to Caesar's land legislation (*Lex Iulia Agraria*) of 59 B.C.

26. *Lex Rubria (Lex de Gallia Cisalpina)*. 49-42 B.C.⁸⁸

Fragment of a bronze tablet found in the ruins of ancient Veleia, near Piacenza. It is from the fourth tablet of the law, and must date to after 49 B.C. when Caesar gave citizenship to the province of *Gallia Cisalpina*. There are indications that the tablet was once affixed to a wall. The *Fragmentum Atestinum*⁸⁹ was thought by Mommsen to be perhaps part of the same law. This fragment of a bronze tablet found at Ateste in *Gallia Transpadana*, contains two columns of the *lex de magistratibus municipalibus*.

27. *Lex Iulia Municipalis (Tabula Heracleensis)*. c.45 B.C.⁹⁰

Part of this law is inscribed on one side of a huge bronze tablet,

which on the other side contains a Greek inscription of the fourth-third centuries B.C.

28. *Lex Coloniae Genetivae Iulia sive Ursonensis.* c. 44 B.C. ⁹¹

This law was inscribed on four bronze tablets, of which the third tablet is broken into two parts. The Roman colonial charter of Urso (Baetica) is basically Caesarian in date, and derived originally from laws compiled at the time of the colony's foundation, but included later additions when it was inscribed on bronze during the Flavian period. It appears that the lines and columns of a papyrus text have been reproduced on the bronze.

29. *Senatus Consultum* forbidding the participation of Roman upper classes in public performances. A.D. 19 ⁹²

Part of the senate's decree is inscribed on a bronze tablet found at Larinum, in the territory of the Frentani. The tablet had been later cut down to be used for a *tabula patronatus* inscribed on the reverse.

30. *Tabula Hebana.* A.D. 19/20 ⁹³

A bronze tablet in three pieces, perhaps the second of probably three, found at Magliano, near to the site of ancient Heba in the Tiber valley in Etruria. It contains part of a text of a *rogatio* (engraved before it was ratified as a *lex*) conferring honours on the dead Germanicus Caesar. The contents of the first tablet can be restored from the remains of the *Tabula Siarensis* (s.v. No. 31).

31. *Tabula Siarensis.* A.D. 19/20 ³⁴

Two fragments of a bronze tablet found at Siarum in Baetica, near to modern Seville, inscribed with a decree of the senate conveying honours on the dead Germanicus. Publication details of this decree of the senate are given in Fragment II, col. b, ll.20-21: that it be inscribed on bronze with the decree of the senate passed on the XVIIth. day before the Kalends of January (December 16) and that the bronze tablet be fixed up on the Palatine in the portico which is near to the temple of Apollo, where the senate held its meeting:

Itemque hoc s(enatus) c(onsultum) in aere incideretur cum eo
s(enatus) c(onsulto) quod factum est a(nte) d(iem) XVII kal(endas)
Ian(uarias) idque aes in Palatio in | porticu quae est ad
Apollinis in templo, quo senatus haberetur, figeretur.

Furthermore, in ll.23-27 the consuls were to publish this decree of the senate with an edict of their own and were to order the magistrates and legates of municipalities and colonies to send out a copy of it to the municipalities and colonies of Italy and to those colonies in the provinces, and that those men who were in charge in the provinces would act rightly and properly if they were to see to it that this decree of the senate was fixed up in the most frequented place:

uti co(n)s(ules) hoc | s(enatus) c(onsultum) cum edicto suo
proponerent iuberentque mag(istratus) et legatos municipiorum et
coloniarum descriptum mittere in municipia et colonias Italiae et
in eas colonias quae essent in <p>rovinciis, eos quoque qui in
provincis praessent recte atque ordine facturos si hoc s(enatus)
c(onsultum) de | dissent operam ut quam celeberrimo loco
figeretur.

32. *Edictum Claudii de Civitate Anaunorum* A.D. 46 ⁹⁵

Bronze tablet found near Tridentum in the Italian Alps recording the formal granting of Roman citizenship to the Anaunians, Tulliassians and Sindunians, who were peoples living under the jurisdiction of the municipality of Tridentum.

33. *Lex de Imperio Vespasiani*. A.D. 69-70 ⁹⁶

Bronze tablet, probably the second of two, conferring the various powers and the authority of the principate on Vespasian, thus legalizing his position.

34. *Lex Civitatis Narbonensis de Flamonis Provinciae*. A.D. 69-79 ⁹⁷

Large fragment from a bronze tablet with thirty lines of text, probably belonging to an enactment of Vespasian establishing the provincial imperial cult in Narbonese Gaul.

35. *Lex Salpensana*. A.D. 82-84 ⁹⁸

Bronze tablet with part of the charter of the Latin *municipium* of Salpensa in Baetica. The style of the charter is derived from a single Roman model, following a general grant of Latin rights made in Spain by Vespasian, confirmed by Titus and promulgated by Domitian in 81-84.

36. *Lex Malacitana*. A.D. 82-84 ⁹⁹

Bronze tablet found near Malaga with the *Lex Salpensana*. It contains part of the charter of the Latin *municipium* of Malaca, and is very similar to the *Lex Salpensana*.

37. *Lex Irnitana*. A.D. 91 ¹⁰⁰

Six bronze tablets and some small fragments of other tablets inscribed with part of the municipal charter of the *Municipium Flavium Irnitanum* were found in 1981 in the province of Seville. The law was inscribed on a total of ten tablets and it is estimated that when displayed on a public building it would have covered some nine metres. Publication details are given in chapter 95, that the law was to be inscribed on bronze and affixed in the most prominent place in the *municipium* where it could be read properly from ground level:

R(ubrica). De lege in aes incidenda. | Qui *II*uir(i) in eo municipio iure d(icundo) p(raerit), facito uti haec lex primo quo|que tempore in aes incidatur et in loco celeberrimo eius mu|nicipii figatur ita ut d(e) p(lano) r(ecte) [l(egi) p(ossit)].

38. *Lex Metallis Dicta*. A.D. 117-138 ¹⁰¹

Two bronze tablets from Aljustrel in southern Portugal, containing regulations governing the mining community, formally organized in the reign of Hadrian in the district of Vipasca.

There are many fragments of laws inscribed on bronze which I have not included, among which are those edited in *CIL* I² 595-99, 601-606, but as I have already stated the present selection was not intended to be anyway comprehensive.

(iii) Other Documents

39. Letter of the Praetor Lucius Cornelius to the people of Tibur.
c. 159 B.C. ¹⁰²

Bronze tablet found at Tibur, now lost, reporting a decree of the senate concerning them.

40. Letter of Marcus Antonius to the *Koinon* of Asia. Either 42-41
or 33-32 B.C. ¹⁰³

The text is written on the back of a medical papyrus of the second century A.D. from Egypt, now in the British Museum. It is concerned with the granting and confirming of privileges to the association of victorious athletes. Permission is granted in ll.25-28 for them to dedicate a bronze tablet engraved with these privileges.

41. *Ludi Saeculares*. 17 B.C. ¹⁰⁴

A huge inscription on many large white marble blocks forming a column with a record of the Secular Games at Rome. A decree of the senate authorized the inscribing of the record of the Games on both a bronze and marble column for the future remembrance of the event in the place where the Games would be held (ll.59-62):

Quod C. Silanus co(n)s(ul) v(erba) f(ecit) pe[r]tilnere ad
conservandam memoriam tantae b[enevolentiae] deorum commentarium
ludorum] | saecularium in colum[n]am aheneam et marmoream inscribi
s[ic]tatu[que] ad futuram rei memoriam utramque] | eo loco, ubi ludi
futu[ri] s[un]t, q(u)id d(e) e(a) r(e) f(ieri) p(laceret), d(e) e(a)
r(e) i(ta) c(ensuerunt): uti co(n)s(ules) a(lter) a(mbo)ve ad
f[uturam rei memoriam] colum[n]am] | aheneam et alteram [m]armoream,

in quibus commentariorum ludorum eorum inscriptum sit, eo loco
statuant . . .].

42. *Res Gestae Divi Augusti (Monumentum Ancyranum)*. A.D. 13-14 ¹⁰⁵

A copy of the Latin text with a Greek paraphrase inscribed on the wall of the Temple of Rome and Augustus in Ancyra (modern Ankara), in the province of Galatia. According to Suetonius (*Aug.* CI.4), Augustus intended the *Res Gestae* to be engraved on two bronze tablets and set up in front of his mausoleum at Rome: 'indicem rerum a se gestarum, quem vellet incidi in aeneis tabulis, quae ante Mausoleum statuerentur'. In the heading or preamble of the inscription it states that the original document was inscribed on two bronze pillars set up at Rome, but no specific place is given:

Rerum gestarum divi Augusti, quibus orbem terrarum imperio
populi Romani subiecit, et impensarum, quas in rem publicam
populumque Romanum fecit, incisarum in duabus aeneis pilis,
quae sunt Romae positae, exemplar subiectum. (Μεθερμηνευμέναι
ὑπεγράφησαν πράξεις τε καὶ δωρεαὶ Σεβαστοῦ θεοῦ, αἷς ἀπέλιπεν ἐπὶ
Ῥώμης ἐνκεχαραγμέναις χαλκαῖς στήλαις δυσὶν.)

No trace of the bronze tablets has ever been found.

43. *Oath of Allegiance to Gaius*. A.D. 37 ¹⁰⁶

Bronze tablet, from Aritium in Lusitania.

44. *Speech of Claudius to the Senate (Lyons Tablet)*. A.D. 48 ¹⁰⁷

Large bronze tablet with the upper part missing, found near to the

Altar of Rome and Augustus, close to Lugdunum, the capital of *Gallia Lugdunensis*.

45. Military Diplomas. From First Century A.D. ¹⁰⁸

Large numbers of honourable discharge certificates of veterans from the army and navy, consisting of two bronze tablets fastened together have been found in various places throughout the Empire. These are the copies of the original bronze tablets posted up at Rome in a variety of locations on the Capitol. None of the original tablets has survived.

46. Letter of Vespasian to the Vanacini. A.D. 72 or 77 ¹⁰⁹

Bronze tablet found in northern Corsica, containing the arrangements for the settlement of a land dispute and confirmation of existing privileges.

47. Letter of Vespasian to Sabora in Spain. A.D. 77 ¹¹⁰

Bronze tablet, now lost from Cañete in Baetica, allowing the *Saborenses* to build a town under Vespasian's name. The *duoviri*, C. Cornelius Severus and M. Septimius Severus, had the document inscribed on bronze at public expense: *IIviri C. Cornelius Severus et M. Septimius Severus publica pecunia in aere | inciderunt.*

48. Letter of Titus to Munigua in Spain. A.D. 79 ¹¹¹

Rectangular bronze tablet, once affixed with nails, from a small iron-ore town (modern Castillo de Mulva), in Baetica, containing decisions about the financial difficulties of the town.

49. Letter of Domitian to Falerio. A.D. 82 ¹¹²

Bronze tablet found at Falerio in Picenum containing details of a land controversy.

50. Alimentary Tables. A.D. 101-113 ¹¹³

Two large bronze tablets, one from Ligures Baebiani (near Beneventum in southern Italy) and the other from Veleia (near Parma in northern Italy), containing details of the local organization and lists of land-owners who participated in the alimentary scheme, introduced by Trajan into towns in Italy during the last years of the first century and the early years of the second century A.D.

51. *Tabula Banasitana*. A.D. 168-177 ¹¹⁴

A fairly large bronze tablet from Morocco, containing copies of two imperial letters of A.D. 168 and 177, and a citation from the imperial archives also dating to 177, recording the successful requests for grants of Roman citizenship by leading tribesmen in Mauretania Tingitana.

Certain groups of documents inscribed on bronze have been omitted from the above selection. The reason for this is because they do not fall into the category of public documents, but deal with private individuals or groups, and were not issued on the authority of either the *Senatus Populusque Romanus* or the Emperor. By far the largest categories of such bronze documents are *tesserae hospitales* and *tabulae patronatus*. ¹¹⁵

The above selection of documents which incapsulates a broad range of subject matter, clearly demonstrates both the importance and the continuous Roman use of bronze for inscriptions. The next step is to examine the location and the nature of the Roman state archives, in order to be in a position from which we can begin to understand the Roman attitude towards documents, the role of documents and the significance and function of inscribing on bronze.

3.3 TOPOGRAPHICAL LOCATION OF PUBLIC DOCUMENTS AT ROME

It has become clear from the literary and epigraphic evidence already discussed, that there were many different areas in Rome where documents and records could either be displayed or deposited. At first sight, one could be forgiven for having the impression that there could be no possible logical explanation for the apparently total haphazard arrangement of documents. However, by merely making such an observation, we are already unwittingly guilty of falling into the trap of regarding, judging and treating ancient documents according to our modern day attitudes and standards. In order to meet the demands of an increasingly bureaucratic-orientated society, we have developed through necessity, sophisticated methods of arrangement, storage, retrieval and access to public documents. Consequently, in order to attempt to fully understand and to make a positive and reliable evaluation of the nature of ancient public documents, we must first be willing to abandon our knowledge and any preconceived ideas that we might have, gained from the existence of modern archives. Once that has been achieved, we can then start examining the ancient evidence with a completely receptive frame of mind, allowing logical conclusions to be drawn, rather than

making the all too often inevitable, but valueless comparisons with modern archive provisions.

There appears to be four distinct main areas associated with public documents at Rome. These will be discussed in turn, examining the various buildings and adjacent areas connected with public documents.¹¹⁶

I *Capitolium*

(1) *Area Capitolina*

From the evidence this was by far the most important, and thus by implication, the most prestigious location for the display and depositing of documents. The *area* was the open space in front of and around the temple of *Iuppiter Optimus Maximus* on the southern summit of the Capitoline hill.¹¹⁷ It was surrounded by a wall, and in 159 B.C. a *porticus* was built on the inner side of the wall (Velleius II.1.2). Beneath the surface of the *area* were the *favisae*, subterranean passages, entered from the *cella* of the Capitoline temple, and which served as store-rooms for old statues and various dedicatory gifts (Gellius II.10.3). In effect, the *area* was an artificially created platform, part of it dating to the foundations of the temple (Pliny NH XXXVI.104), and it was large enough to accommodate other temples, buildings and monuments which are described as being *in Capitolio*. The main entrance was in the middle of the south-east side, opposite the front of the Temple of Jupiter, where the *Clivus Capitolinus* ended (Tacitus Hist. III.71). This road, paved in 174 B.C., the only practicable one for carriages, was constructed as a continuation of the *Via Sacra* and started in the Forum, in front of the

Temple of Saturn. The *area Capitolina* was accessible from the southern side via a flight of steps, the *Centum gradus*, the position of which is known from the *Forma Urbis* (cf. Tacitus Hist. III.71). Sacred geese were kept in the *area*, and at night it was closed and guarded by dogs (Cicero, pro Rosc. Amer. 56; Dion. Hal. XIII.7; Gellius VI.1.6). The following buildings are the most important on account of their association with documents.

1. Temple of Jupiter Optimus Maximus

This was the most important building in the *area Capitolina*. The temple was dedicated at the beginning of the Republic and was orientated to face south-east overlooking the Forum and the Palatine. It had three *cellae*, the central one dedicated to Jupiter, the right to Minerva and the left to Juno. Within the *cella* of Jupiter was the shrine of Terminus, with a hole in the roof above his altar to enable him to receive sacrifices under the open sky. As the focus of the state religion, the temple had great political importance and became the repository of gifts of Roman generals, of foreigners, of dedicatory offerings, trophies of victory, and documents dealing with foreign relations. It was also the place where the *Sibylline Books* were stored, in a stone chest underground and guarded, according to Dionysius of Halicarnassus (IV.62.5) by ten men. They perished in 83 B.C., together with other items when the temple was destroyed by fire, after being struck by lightning, but the temple treasure was carried to safety to Praeneste by the Younger Marius (Pliny NH XXXIII.16). The rebuilding of the temple was undertaken by Sulla, who entrusted the work to Q. Lutatius Catulus, the consul of 78, who dedicated it in 69. No alteration in size or shape of the building was permitted by religious law, and the new temple, slightly higher, was

erected on the old podium. The only change allowed was the use of luxurious decoration and materials. The temple was destroyed by fire during the civil wars of A.D. 69, rebuilt by Vespasian, only to be destroyed again by fire in A.D. 80. The rebuilding was undertaken by Domitian and it was dedicated two years later.¹¹⁸

Apart from the *Sibylline Books*, the other documents associated with the temple, (referred to earlier) were the law concerning the *clavus annalis*, affixed to the wall of the shrine to Minerva; the tablet fixed above the doors of the temple, recording the dedication by M. Aemilius Lepidus of a temple to the *Lares of the Sea* on the *Campus Martius*; the dedication by Pompey in Minerva's shrine, recording his victories in the East; a large number of bronze tablets containing details of *leges*, *senatus consulta* and treaties, destroyed in the fire of A.D. 69 (although undoubtedly these tablets were also associated with buildings other than the temple); the treaty with Cibra (No.1); the *senatus consultum* and the *foedus* concerning the alliance with Pergamum (No.2); the treaty with Astypalaea (No.5); and the treaty with Plarasa/Aphrodisias (No.9).

2. Temple of Fides

This temple was dedicated in 254 or 250 B.C., restored and then re-dedicated in 115 B.C. (Cicero De Nat.Deorum II.61). It was situated in *Capitolio* (Pliny NH XXXV.100), and *vicina Iovis optimi maximi* (Cicero De Off. III.104). The exact location has not been confirmed through archaeological excavation, but there is sufficient evidence to perhaps safely conclude that it must have been situated close to the south or south-east side of the *area Capitolina*.¹¹⁹ The cult of *Fides* was traditionally very old, being founded by Numa (Livy I.21.3-4 and

Dion. Hal. II.75.2-3), but by the middle of the third century B.C., the goddess was worshipped as *Fides Publica*, or *Fides Publica populi Romani*, associated with the guaranteeing of treaties and overseeing of diplomatic relations (Val. Max. III.17).¹²⁰

According to our evidence, the temple was used to display official documents. Julius Obsequens (128 cf. Dio Cass. XLV.17.3) reports that a great storm in 43 B.C. was responsible for tearing off the bronze tablets from the walls of the temple of Fides. Also affixed to the walls of the temple, as well as to other buildings in the immediate vicinity, were the honourable discharge diplomas of veterans (s.v. No.45), some of which had the following publication details, dating from the reigns of Claudius, Titus and Domitian: 'quae (sc. tabula aen<e>a) fixa est Romae in Capi|tolio aedis Fidei populi Romani | parte dexteriore' (CIL XVI.1, A.D. 52); 'quae fixa est Romae in Capitolio in aede | Fidei p(opuli) R(omani) latere sinisteriore | extrisecus' (CIL XVI.2, A.D. 54); 'quae fixa est Romae in Capitolio post ae|dem Fidei p(opuli) R(omani) in muro' (CIL XVI.26, A.D. 80); 'quae fixa est Romae in Capitolio post tropaea | Germanici q(uae sun)t ad aedem Fidei p(opuli) R(omani)' (CIL XVI.32, A.D. 86); and 'in Capitolio | post tropaea Germanici in tribunali | quae sunt ad aedem Fidei p(opuli) R(omani)' (CIL XVI.33, A.D. 86).

The locations of where the tablets were posted on the Capitol, vary up to about A.D. 86, but after A.D. 90 the same place is always indicated: 'in muro post templum divi Aug(usti) ad Minervam', which may have been on the Palatine. The exact location of this temple remains uncertain. It was built by Tiberius, only to be destroyed by fire sometime before A.D. 79, and restored by Domitian who incorporated a shrine to his patron goddess Minerva. At some point it became known as

the *Aedes Caesarum*, a shrine of all the deified emperors and it may have been on the site now occupied by the mediaeval church of San Sebastiano al Palatino. Alternatively, F. Coarelli believes the approximate location of the temple is in the unexcavated zone to the south of the Basilica Julia. But here, he is making the distinction between the temple and the shrine of Augustus.¹²¹

The dedications of Greek cities and kings inscribed on travertine blocks which had fallen from the Capitol, would appear to have been associated with the temple of Fides. This theory is supported both by the nature of the inscriptions and the locations where they were found. The relationship between Jupiter Optimus Maximus and *Fides Publica* in the functioning and maintenance of diplomatic relations could be seen as being complementary, and the hypothesis proposed by R. Mellor that the texts examined by Degraasi had in fact been reinscribed on a single travertine monument, located near to the temple of Fides in Sulla's time has much to recommend it.¹²² It is also possible that the *lex Antonia de Termessibus* (No.24) was originally associated with the temple.

The proximity of the temple of Fides with those of Jupiter Feretrius and Jupiter Optimus Maximus within the *area Capitolina* is surely highly significant, and is not merely coincidence. The concept of *Fides Publica* as being responsible for guaranteeing treaties is undoubtedly connected with the activities of the *fetiales*, the priests who were responsible for conducting the rituals involved with declaring war and making peace. The *lapis silex* and the *sceptrum* used by these priests in their ritual of making treaties, according to Festus (92 L. s.v. 'Feretrius') were kept in the temple of Jupiter Feretrius: 'Iuppiter dictus a ferendo, quod pacem ferre putaretur; ex cuius templo

sumebant sceptrum, per quod iurarent, et lapidem silicem, quo foedus ferirent'. This temple was reputed to be the oldest in Rome, having been built by Romulus, and was also the place where the *spolia opima* were kept.¹²³ Furthermore, Jupiter Optimus Maximus was regarded as the supreme guarantor of treaties, and was therefore likely to be closely associated with the concepts and procedures concerned with diplomatic activity. As we have already seen, his temple was regarded as the most prestigious place for the display of treaties.¹²⁴ These factors can perhaps provide a more profound understanding of the religious and political symbolism attached to the custom of holding certain senate meetings in the *area Capitolina*. Such occasions included the traditional meeting on the first day of the consular year, discussions on the subject of war, and the granting of audiences to foreign embassies.¹²⁵

3. Temple of Ops

This temple is first mentioned in 186 B.C. when it was struck by lightning (Livy XXXIX.22.4). It appears to have been in the immediate vicinity of the temple of Fides, but its exact location remains unknown.¹²⁶ The only documents known to be associated with the temple are military diplomas which were fastened to the walls and to the doors (cf. No.45) with the usual publication details: 'quae fixa est in Capi|tolio in aedem Opis in pronaevo | latere dexteriore' (CIL XVI.3, A.D. 54) and 'quae fixa est Romae in Capitolio in|tra ianuam Opis ad latus dextrum' (CIL XVI.29, A.D. 83).

4. The Treasury of the Aediles

This was the place, where according to Polybius III.26.1-2 the texts of

the Rome-Carthage treaties were on display. His remarks on the nature of the treaty documents have already been discussed in the previous chapters, but it is perhaps expedient to recap on our information.

First of all Polybius states that the treaties were carefully preserved, inscribed on bronze, and kept *inside* (ἐν) the 'treasury of the aediles'. This suggests that the treaties were affixed to the walls of the treasury, following the practice employed in the display of other treaties and bronze documents. The treasury must have either been an obscure building, or little used, as Polybius says that the existence of the treaties had been unknown, until fairly recently, even to the most senior Roman and Carthaginian statesmen. Perhaps it would therefore be logical to conclude that the treasury was not habitually used to display and store documents.

As to the location of this building, Polybius describes it as being 'παρὰ τὸν Δία τὸν Καπετώλιον' - 'beside the temple of Jupiter Optimus Maximus', which must mean it was within the *area Capitolina*. Even allowing for the fact that there appears to have been a large number of buildings within the *area Capitolina*, those which could claim proximity to the temple of Jupiter, cannot have been that many, and it could be argued that they were unlikely to be obscure buildings. A possible solution may be that the treasury itself was quite well-known, but the fact that it contained the texts of the Rome-Carthage treaties had long-ceased to be a matter of common knowledge. This would support the idea proposed above that the treasury was not regularly used to preserve important documents, and the passage of time had ensured that the memory of the treaties had been extinguished. Furthermore, we have no specific evidence for any other documents being preserved, or associated with the 'treasury of the aediles', and as we have already

seen, documents were displayed or preserved at a great many locations, thus creating a situation where it could be all too easy for these particular treaty documents to pass unintentionally into oblivion. This situation of course cannot be used to judge either the relevancy or the importance attached to these documents.

The question of what type of building the 'treasury of the aediles' could have been needs to be considered. It could have been either a sacred or private building, as Varro (LL V.81) informs us that the aedile's name was derived from the word *aedes*, and he was responsible for looking after sacred and private buildings. There is however another possibility which is perhaps worth considering in connection with our understanding of what is meant by the 'treasury of the aediles'. It has been assumed that this was a separate building, but it may in fact have been part of another building, with perhaps an independent entrance and internal arrangements creating a distinct area under the exclusive control of the *aediles*. This sort of arrangement could be compared with that of the *aerarium*, functioning in a separate room, within a projection of the *podium* with a single entrance, the marble threshold of which is still in place, to the east of the steps leading to the *pronaos* of the temple of Saturn.

There have been various attempts to identify the 'treasury of the aediles' with a number of other buildings, the location of which are equally uncertain. One of these buildings was the *Atrium Publicum*, which from its very name suggests that it was used as a public building. Our only reference to it in the sources is in Livy (XXIV.10.9), where he describes it as being *in Capitolio* and that it was struck by lightning in 214 B.C. This is hardly sufficient evidence to support the statement of G. Lugli that it was a small building in

which the originals of public treaties were conserved until it was destroyed by fire in 214. This identification was also favoured by Hülsen, but it creates more problems than it solves.¹²⁷ There are no means of knowing whether the building was totally destroyed after being struck by lightning. If it was destroyed, what happened to the Rome-Carthage treaty documents? Did they survive and did Polybius then see them in a restored building? On the other hand, were the documents only stored in the building at some date after 214, and if that was the case, where had they been kept before that date - the speculation is endless.

Another hypothesis, proposed by Mommsen was to identify the 'treasury of the aediles' with the *aedes thensarum*, which was under the control of the *aediles*, as it housed the apparatus and chariots (*tensae*) used to transport images of the gods during religious processions (Suetonius Vesp. V.6; Festus p.500 L. s.v. *tensam* and p.501 L. s.v. *tensa*).¹²⁸ The word *thensaurus*, the old form of *thesaurus* can mean 'treasure' or a 'treasury', and the only epigraphic evidence for the *aedes thensarum* comes from military diplomas: 'quae fixa est in Capitol(io) ad la|tus sinistr(um) aedis thensar(um) extri(n)secus' (CIL XVI.4, A.D. 60); and 'quae fixa est Romae in Capitolio post the|sarium veterem' (CIL XVI.30, A.D. 84). If this building was the 'treasury of the aediles' then it had to be located near to the temple of Jupiter. The only evidence which we have of any building being close to this temple comes from a relief from a triumphal arch, erected in honour of Marcus Aurelius in celebration of his success against the Marcomanni in A.D. 176. This panel (along with two others, now in the Palazzo dei Conservatori on the first landing of the great staircase) depicts Marcus Aurelius sacrificing in front of

the temple of Jupiter Capitolinus. Immediately to the right of the temple is the back or the side of another building, perhaps situated a little forward, though the perspective is difficult to judge.

There is archaeological evidence to support the existence of a building less than 20 metres from the south-east corner of the Capitoline temple. During the building of the via del Tempio di Giove in 1896, the remains of what was then thought to have been the *podium* of the temple of Jupiter Custos, built by Domitian, were excavated before being destroyed by the the new road.¹²⁹ There have been various hypotheses on the identity of this building with some favouring it as being the temple of Jupiter Tonans, or the *Tensarium*, or the *Ara gentis Iuliae*, perhaps also known as the *Ara Pietatis*, voted by the senate during the grave illness of Livia in A.D. 22 and dedicated only in A.D. 43 by Claudius, but this theory has now been discredited.¹³⁰ The conclusion to be drawn from all of this is that whatever building or structure this might have been, it belonged to the imperial period and therefore cannot be identified with Polybius' 'treasury of the aediles'.

There have also been attempts to suggest that the 'treasury of the aediles' might have been located elsewhere. In a recent article, P. Culham is prepared to consider the idea that Polybius made a mistake in his reference to the 'treasury of the aediles' and that he really meant the *aerarium*, having confused the quaestors with the aediles.¹³¹ My main objection to this is that Polybius had gone out of his way to describe and provide accurate details of the actual Rome-Carthage treaty documents, and had even clarified the location of the 'treasury of the aediles' by stating that it was beside the Capitoline temple. Furthermore, as Polybius had seen the treaties for himself, and was

undoubtedly well acquainted with the topography of at least the central area of Rome, he could not have mistaken it for the *aerarium*. For the same reasons I remain unconvinced by F. Coarelli's latest suggestion that the remains of a building in the Forum very close to the substructure of the Tabularium, but older than it, and probably destroyed in the fire of A.D. 80 and then replaced by the Portico degli Dei Consenti, formed a part of the *aerarium* associated with the nearby temple of Saturn, and was probably the building described by Polybius.¹³² Once again, such a location could in no way be described as being close to the Capitoline temple and it was outside the *area Capitolina*.

The question remaining to be considered is the reason why the Rome-Carthage treaty documents were associated with a building under the control of the *aediles*. Perhaps the most convincing reason so far has been expressed by R.E.A. Palmer, who suggested that the *aediles* had care of the treaties because they were responsible for trade within the city, and the treaties down to 279 B.C. were essentially concerned with trading rights.¹³³ There is perhaps evidence to support this theory in the First Treaty at III.22.8. This concerns the role of the Carthaginian official who had to be present when trade took place in Africa and Sardinia. I have already discussed in Chapter 1 the role of this official, where I compared it with that of his Greek counterpart the *ἀγορανόμος*. The Roman equivalent of such an official would be the *aedile*, and as we have already seen how certain types of documents became associated with particular buildings, such as the temples of Jupiter Optimus Maximus, Fides and Ops, there is no reason not to suppose this was the case with the Rome-Carthage treaty documents and the 'treasury of the aediles'.

There were a great many other documents associated with the *area Capitolina*. However, their exact location cannot be determined, as the term *in Capitolio* or *ἐν τῷ Καπετωλίῳ* appears to mean the *area Capitolina*, or in a more restricted sense the temple of Jupiter Capitolinus. The treaties which I have mentioned earlier as being *in Capitolio* may well have been preserved in the Capitoline temple, just like the others which specify this location. The treaties in question are the treaty with Apamea; the treaties with the Jews; the treaty with Maroneia and Ainos (No.3); the treaty with Epidaurus (No.4); and the decree authorizing the treaty with Mytilene (No.8). The other bronze documents are various laws including those destroyed by lightning in 65 B.C.; the decrees of Caesar in favour of the Jews; M. Antonius' false laws and decrees issued in Caesar's name; and the *S.C. de Asclepiade* (No.23).

(ii) *Asylum*

This area was also known as *inter duos lucos*, occupying the enclosed depression between the two summits of the Capitoline hill.¹³⁴ Today this region now forms the Piazza del Campidoglio. On the south-east side overlooking the Forum is the impressive building of the Palazzo Senatorio which incorporates the ancient structure known to us as the *Tabularium*.

1. The Tabularium

This building which dominates the west side of the Forum was almost certainly intended as part of an ambitious architectural scheme, initiated by Sulla, to provide a visually impressive monumental focus, determining the boundary between the Forum and the *Capitolium*, in the years following the fire of 83 B.C., which had destroyed the Capitoline

temple as well as a number of other buildings. This rebuilding and remodelling of the *Capitolium* should perhaps be seen as part of the ongoing public building schemes which had begun at Rome after the Second Punic War. The recent excavations conducted by M. Steinby along the eastern side of the Forum have revealed how attempts were made to provide a monumental terminus for that side of the Forum in accordance with the architectural symmetry achieved on the north and south sides.¹³⁵

We know from a passage in Aulus Gellius (II.10.2) quoting from a letter of Marcus Varro that Q. Lutatius Catulus, the consul of 78 B.C., had been in charge of the restoration of the Capitol and had ambitious plans for the *area Capitolina*. An inscription confirms that Catulus was in charge of the building of the substructure and tabularium in 78 B.C.: 'Q(uintus) Lutatius Q(uinti) f(ilius) Q(uinti) n(epos) Catulus co(n)s(ul) | substructionem et tabularium | de s(enatus) s(ententia) faciundum coeravit, eidemque | probavit' (CIL VI.1314). This is the only piece of evidence naming this building. Another inscription, almost identical, but without mentioning any name was found in the eighteenth century on the side of the *Tabularium* facing the Forum and has now been relocated where it can be seen today on the north-east side: '[Q. Lu]tatius Q(uinti) f(ilius) Q(uinti) n(epos) C[atulus co(n)s(ul) | de s]en(atus) sent(entia) faciundu[m coeravit] | eidemque [p]rob[avit]' (CIL VI.1313). A recently discovered funerary inscription from the via Prenestina almost certainly provides us with the name of the architect who was most likely to have been responsible for designing this building and perhaps others in the *area Capitolina*: 'L(ucius) Cornelius L(uci) f(ilius) Vot(uria tribu) | Q(uinti) Catuli co(n)s(ulis) praef(ectus) fabr(um) | censoris architectus'.

It is apparent from this epigraphic evidence, as pointed out by Coarelli, that a clear distinction is being made between the *substructio* and the *Tabularium*, which becomes quite obvious when the physical appearance of the monument is examined.¹³⁶ The substructure rose on the Forum side to the level of the *Asylum*, forming a retaining wall against the Capitoline Hill. Within the substructure there is archaeological evidence of the remains of a building from the second century B.C., which showed evidence of destruction in the terrible fire of 83 B.C. and which was then abandoned and suffered further destruction when the foundations of the *Tabularium* were constructed. An internal corridor ran the length of the substructure and was lit by six small window openings. Access to the upper levels of this building was gained from a door in the Forum and a steep, barrel-vaulted staircase of sixty-six perfectly preserved steps led up to the gallery of the first floor. A few steps remain of a second flight which provided communication with an upper floor, of which nothing now remains. The entrance to the staircase from the Forum was later blocked off at the bottom by a tufa wall, part of the *podium* of the temple of Vespasian and Titus, built during Domitian's reign.

The purpose of the arcaded gallery, originally open at both ends, and part of the first storey of this building, was to provide an access route between the *area Capitolina* and the *Arx*. There had been a direct communication route here since archaic times. There was no means of access from either the staircase or the gallery into the *Tabularium* itself. The architectural effect of the gallery with its eleven arches (three of which have been opened up) was greatly impaired by the later enlargement of the temple of Concord by Tiberius, the

construction of the temple of Vespasian and the *Porticus Deorum Consentium*.

The *Tabularium* building proper is trapezoidal in plan and in fact lies within the building which is generally and misleadingly referred to as the *Tabularium*. But as we have already seen from the epigraphic evidence, there is a clear distinction made between the *Tabularium* and the substructure, and both were later incorporated into the Palazzo Senatorio. There was perhaps an entrance to the *Tabularium* on the south-west side where there is a large rectangular niche in the wall, the purpose of which is unknown. Recent excavations under the Via del Campidoglio along this side of the building have discovered that a branch of the *Clivus Capitolinus* ran towards the Piazza del Campidoglio. The trapezoidal plan of the *Tabularium* was modified at its western corner with a recess, to accommodate the temple of Veiovis, dedicated in 192 B.C.. A narrow cavity was left between the walls of the *Tabularium* and those of the temple, the *pronaos* of which was orientated towards the Via del Campidoglio. The excavations connected with the discovery of the temple in 1939 revealed that there had been an entrance into the *Tabularium* from beside the temple.¹³⁷

The internal space which belonged to the *Tabularium* was somewhat restricted, by the fact that a series of intercommunicating rooms on the first floor, at the north-eastern end of the building did not have any access into the *Tabularium*, but were only connected to the corridor of the substructure by means of a staircase. The remaining space would appear not to be at all conducive to the supposed purpose of the building, namely for the preservation, retrieval, and consultation of documents. What else was the purpose of a building called the *Tabularium*, except to house the 'state archives', or in a less

sophisticated and perhaps more accurate description, *tabulae* ? These, after all are assumed to be the functions and purpose of the building as recognised by modern archivists, who unfortunately allow their preconceived ideas, based on modern methods of storage, together with the facilities required for the ease of access and consultation of documents, to influence their understanding of the organization and the rôle of ancient documents.¹³⁸

As we have already seen, the name identifying this building as the *Tabularium* appears in only one inscription, and it is of some concern that there are no literary references to it. After the *Tabularium* was built, laws and other documents continued to be registered and associated with the *aerarium* in the temple of Saturn in the Forum. However, there are references in the *agrimensores* to the *tabularium Caesaris* (Hyginus Gromaticus p.165), and the *sanctuarium Caesaris* and *sanctuarium principis* (Siculus Flaccus 154.24 and 155.2). These may be referring to an archive other than the *Tabularium* on the Capitoline Hill, but in the opinion of O.A.W. Dilke, it was the latter.¹³⁹

There is a possibility from the evidence of three military diplomas that they were affixed to the wall of the *Tabularium*. Two of them were issued on the same day at Rome to different Syrian units and bear the names of the same witnesses. The original bronze tablets were affixed to the same place on the *Tabularium* 'quae fixa est Romae in Capitolio in | latere sinistro tabulari publici' (CIL XVI.35, A.D.88), and 'quae fixa est Romae in Capitolio | in latere sinistro tabulari publici'.¹⁴⁰ The third tablet was also affixed to the same side of the *Tabularium*, but with more specific details of the location: 'quae fixa est Romae in Capitolio in tabulario publico parte sinisteriore'

(CIL XVI Suppl. 159, A.D. 88): Apart from this evidence, there are no other surviving documents which were apparently associated with this building.

Since there would appear to be little suitable space on the first floor of the *Tabularium* for the purposes of storing, retrieving and consulting documents, it has been suggested that the second floor must have been the place where the main business of the *Tabularium* was carried out. Virtually nothing remains of the upper levels of the *Tabularium*, which were removed by Michelangelo when he designed the Palazzo Senatorio. But the foundations are substantial enough to have supported at least a second storey, with probably a monumental façade facing the Piazza del Campidoglio.¹⁴¹

It is not easy, nor perhaps advisable to draw any firm conclusions about the internal activities carried out within the *Tabularium*. The available evidence makes it clear that it was a complex building, with distinctive areas which provided for functions other than those connected with public documents.

(iii) *Arx*

This was the northern summit and the highest point of the Capitoline Hill. Access to it was gained via the *Scalae Gemoniae* which correspond probably today with the steps from the *Carcer* and the temple of Concord. The original topography of the *Arx* was completely altered by the construction of the church of S. Maria in Aracoeli and the Victor Emmanuel Monument.¹⁴²

1. Temple of Juno Moneta

This temple was dedicated in 344 B.C. by M. Furius Camillus on the site of the house of M. Manlius Capitolinus. It probably replaced an earlier cult centre of *Juno Moneta*, which features in the traditional account of the sacred geese kept around the temple which raised the alarm when the Gauls tried to take the citadel in 390 B.C.¹⁴³ The only documents known to have been associated with the temple were the *Libri Lintei*, which were stored there (Livy IV.7.12; 20.8).

2. Temple of Concord

This temple, probably situated on the east side of the *Arx*, was dedicated in 216 B.C. by the praetor L. Manlius two years after he had vowed it, following his crushing of a mutiny of his troops in Cisalpine Gaul.¹⁴⁴ The treaty between Rome and Callatis (No.6) was fastened up in the *best place* in the temple.

II Forum

There were several places and buildings in the Forum which were associated with documents and where inscriptions were put on public display.

(i) Temple of Saturn

This was described as being situated at the foot of the Capitoline Hill in the Forum: *in faucibus (Capitolii)* (Varro LL V.42; cf. Livy XLI.21.12). It was dedicated during the early years of the Republic (the exact date is disputed), and it contained the state treasury: *aerarium populi Romani* or *Saturni*, which most of the time was under the control of the *quaestores*.¹⁴⁵ The term *aerarium Saturni* only appears

in the official title of the administrators from the reign of Claudius. Under the Republic the term employed was *aerarium populi Romani* and this continued in usage under the Empire.¹⁴⁶

Our understanding of what is actually meant by the term *aerarium* is hindered by the fact that its exact location remains uncertain. The ancient references to it provide no clues as to the identity of the public building where the state treasury was kept. The original proposal, as previously mentioned, was that the *aerarium* occupied a room within the projection of the *podium* on the south-east side of the temple, and was entered by a single door from the Forum. This hypothesis of G. Lugli was supported by F. Coarelli, but following the results of recent excavations, the vaulted space in the *podium* according to P. Pensabene was too restricted, measuring only some 10m. x 3m., and this excludes it from being identified with the *aerarium Saturni*, which was located elsewhere.¹⁴⁷

Perhaps the question of location and identification of the *aerarium* becomes easier to understand if we look at the functions associated with it. The main function was as a *treasury*, and it is possible that only the money was kept in the temple, an ideal place for safe-keeping. Thus the focus of operations was the temple of Saturn. A large number of officials were connected with the administration involved in dealing with the financial business of the Roman state. It is logical that these officials (*apparitores*) must have had offices close by in the *area Saturni*, the region behind or in front of the temple.¹⁴⁸ Thus the *aerarium* would refer to a complex of buildings, in close proximity, rather than a single building. In addition to its financial functions, the *aerarium* was the place where *Senatus Consulta* were registered and laws deposited.¹⁴⁹

The area around the temple of Saturn was used for the display of public documents. Dio (XLV.17.3) records how a great wind storm snapped off and scattered the tablets. The *lex Cornelia de XX quaestoribus* (No.22) had instructions for it to be posted up on a wall by the temple of Saturn (an accurate translation is difficult), and preceding it the names of the *viatores* and *praecones* had to be written up. Coarelli claims to have discovered remains on the east side of the *podium* which formed a large rectangular panel to which were affixed the various public documents mentioned by ancient writers in connection with the temple of Saturn.¹⁵⁰

The problem regarding the location of the offices required by the officials in charge of the administration of the *aerarium* remains open. Lugli noted the discovery of a series of small rooms at the rear of the temple of Saturn and identified them as the centre of the administrative services of the *aerarium Saturni*.¹⁵¹ However, not enough is known as yet about the ancient topography of the region immediately behind the temple of Saturn. The reports on recent excavations here are only concerned with the Mediaeval and Modern periods, and the exact extent of the *area Saturni* remains to be accurately defined. The evidence from a dedication to Faustina, the wife of Marcus Aurelius, by a *viator quaestorius ab Aerario Saturni*: 'Divae piaae | Faustinae | viator q(uaestorius) | ab aer(ario) Sat(urni)' (CIL VI. 1019) has allowed the identification of a small room built of brick with a public office, belonging to the *viatores quaestorii*, situated very close to the *Tabularium*, between the temples of Vespasian and Concord.¹⁵² It could well be that the offices were in a series of small, modest and inconspicuous buildings such as this one, scattered around the edges or within the *area Saturni*.

(ii) The Rostra

The *Rostra vetera*, situated on the south side of the *comitium* (an inaugurated *templum*), in front of the *Curia Hostilia* was according to Pliny (NH XXXIV.24) the most prominent place in the Forum, and was where public documents were displayed. The *Foedus Cassianum* of 493, renewed in 358 was engraved on a bronze column and was seen by Cicero sometime before 56 B.C., set up behind the *Rostra*. The *Twelve Tables* were perhaps affixed to the *Rostra* itself, the design of which was probably based on the original form of a *tribunal*. It was also consecrated as a *templum* (Livy II.56.10; Cicero in Vatin 24) and this would provide protection for the documents associated with it.¹⁵³

(iii) Tribunals

Tabulae on which laws were inscribed were associated with the tribunals of various magistrates. These tribunals were also defined as *templa* (Livy XXIII.10.5). Thus particular laws would be associated with the different tribunals, so that for example, the praetor had immediate access to points of law when giving judgement. These laws were clearly published for all to see, but were primarily intended for consultation by magistrates. This concern with the publication of laws was directly linked with the importance attached to the practice of dispensing justice in public.

The tribunals were first located in the *comitium* area, but were relocated to the other end of the Forum at various dates from the middle of the second century B.C.¹⁵⁴ This deliberate removal from the *comitium* area of the praetors' jurisdiction, the judicial proceedings of the *comitia tributa* and *contiones*, appears to be directly connected with the activity of tribunes of the plebs. In 149 B.C. the *lex*

Calpurnia of L. Calpurnius Piso Frugi, established the first *quaestio perpetua* on *repetundae*. This was later converted into a criminal court by C. Gracchus in 122 B.C., and it became the model for further *quaestiones perpetuae* dealing with crimes of common occurrence. Later, these courts were increased in number by Sulla. In 145 B.C. C. Licinius Crassus as *tribunus plebis* instituted the practice of addressing the people in the Forum directly, by turning around on the *rostra* instead of facing the *comitium* (Cicero *De Amic* 96; cf. Plutarch *C. Gracchus* 5). The tribunal of the first *quaestio perpetua* is dated by Coarelli to 149 B.C. He believes it was created by L. Scribonius Libo, next to the *puteal* bearing his name, as he was *tribunus plebis* in that year and supported his colleague L. Calpurnius Piso in passing his legislation.¹⁵⁵ The appearance of the *tribunal Aurelii*, identified by Coarelli as that of C. Aurelius Cotta, praetor perhaps in 81 B.C., situated in front of the temple of Castor was connected with the Sullan rebuilding and followed the movement away from the *comitium*.¹⁵⁶

The tribunal of the temple of Castor was first created during the restoration of the first temple, sometime during the second century B.C., but before the rebuilding of the temple in 117 B.C. by L. Caecilius Metellus Delmaticus, from the spoils of his Dalmatian victories. This tribunal, made from the *podium*, had a slightly lower surface level than the temple and access to it was gained from the Forum by lateral staircases. There are no direct references in the sources to either the restoration of the temple or to its date. However, it is possible that the tribunal was used for *comitia* and also for *contiones* from the middle of the second century B.C. An interesting theory has been proposed recently by M. Steinby, that it was L. Aemilius Paullus, the victor at Pydna, who as censor in 164 B.C.

undertook the restoration of the temple, in conjunction with the restructuring of the sanctuary of *Iuturna*.¹⁵⁷ In the Metellan rebuilding, the size of the tribunal was increased, the level of it raised and the lateral staircases were retained. During the first century B.C. the tribunal played an important rôle in the holding of legislative and judicial assemblies.¹⁵⁸

During the early empire the tribunal of the *praetor peregrinus* seems to have been situated just outside the *comitium* area. To the north of the column of Phocas, incised in bronze letters on the paving stones is the name of the praetor L. Naevius L. f. Surdinus. The same inscription is preserved complete on a relief found nearby which speaks of the appointment of Naevius as praetor to deal with law cases between Romans and foreigners (CIL VI.1468). It is possible that this was connected with the tribunal of the praetor which was in the vicinity, or it could only refer to the restoration of the paving of the Forum by this praetor, following a great fire in 12 B.C.¹⁵⁹

(iv) The Regia

The records of the *pontifices* were stored within this public office, which was the official seat of the *pontifex maximus*. The *Regia* is dated to about 500 B.C. when it was built from scratch, and was probably burnt down by the Gauls in 390 B.C., as Livy (VI.1.2) says that the commentaries of the pontiffs were destroyed. It was certainly rebuilt in the third century and burnt down and restored in 148 B.C. (Obseq. 19; Livy epit. L).¹⁶⁰

(v) Temple of Castor

This temple, situated in the south-east corner of the Forum area was dedicated in 484 B.C. It contained the bronze tablet recording the granting of citizenship to the *equites Campani* in 340 B.C. (Livy VIII.11.16). This document was clearly placed in this temple because Castor and Pollux, as already mentioned, were recognised as the patrons of the *equites*. Furthermore, the *recognitio* or review of the *equites* by the censors took place in the Forum at the temple on 15th. July, when the *equites equo publico* leading their horses, filed past the censor seated on the *tribunal* of the temple of Castor.¹⁶¹

III *Mons Aventinus*

(i) Temple of Diana

As discussed earlier in this chapter, this temple was traditionally founded in the sixth century by Servius Tullius outside the *pomerium* and it contained a number of ancient documents. These were the bronze *στήλη* recording the treaty made between Rome and the Latin cities; the *lex Icilia de Aventino publicano* of 456 B.C., also inscribed on bronze; and a *lex arae Dianae*, which provided a model for the regulations of later sanctuaries.¹⁶²

(ii) Temple of Ceres

This temple was dedicated in 493 B.C. by Sp. Cassius (Dion. Hal. VI.17.94) to *Ceres*, *Liber* and *Libera*, who were identified with the Greek cult of the Eleusinian deities Demeter, Iacchus and Kore, which had been introduced into Rome, probably from Campania or Sicily. It was used as a repository by the plebeians for storing public documents

of particular concern to them such as *senatus consulta* after 449 (Livy III.55.7) and *plebiscita*.¹⁶³ The caution expressed recently by A. Drummond that the existence here of what has been seen as an early plebeian archive, under the official care of the plebeian *aediles* was unlikely, because it presupposed a too sophisticated political organization of the plebs, may well have been true for the fifth century. As he points out, the plebeian *aediles* were first appointed as their title suggests (*aedilis* - from *aedes* a temple), as the guardians of the temple of Ceres, which also included overseeing plebeian interests associated with the temple. Gradually their functions were extended so that by the time the curule *aediles* were appointed in 366, their office and attendant duties were firmly established.¹⁶⁴ However, there is the unfortunate tendency of regarding the temple as resembling a modern archive, and that in the fifth century it was the only organized archive in Rome.¹⁶⁵ But once again, we know nothing of the internal organization of the temple which could provide information as to how and where the documents were stored or displayed, or the amount of space allotted to them. Without such information, it is surely impossible to substantiate such statements, and they do nothing to further our understanding of the role and preservation of ancient documents.

IV *Campus Martius*

(i) Temple of the Nymphs and the *Villa Publica*

This temple contained documents relating to the censors, particularly those involving the distribution of grain (*frumentationes*) to the Roman people. It was burnt down at the instigation of Clodius in 57 B.C., in order to destroy the documents contained within (Cicero *pro Mil.* 73;

pro Cael. 78; Parad. IV.31; De Har.Resp. 57). The temple was situated in an area occupied by the *Villa Publica*, and has recently been identified with a temple of the Republican period, discovered to the east of the Largo Argentina in the Via delle Botteghe Oscure. This appears on the Severan Marble Plan of Rome in the centre of the *Porticus Minucia frumentaria*, probably built under Claudius, on the site of the *Villa Publica*.¹⁶⁶ The latter was built in 435 B.C. (Livy IV.22.7) and restored and enlarged in 194 B.C. by the censors (Livy XXXIV.44.5).

Representations of the *Villa Publica* on two *denarii* issued by the moneyer P. Fonteius P. f. Capito at Rome in 55 B.C., show it as a square, two-storied building with an arcaded portico on the ground floor and a gallery above. The legend on both reverses reads T. DIDI. IMP. VIL. PVB., and refers to a further restoration of the building by T. Didius, (Consul in 98), who received the title of *Imperator* and celebrated a triumph in 93. This restoration was funded out of the *manubiae* won from his campaigns against the Scordisci as *proconsul* of *Hispania Citerior* between 97 and 93. The reason for the two different representations of the *Villa Publica* on Fonteius' coins may be reflecting how the building looked before and after restoration, which would account for the reason why gates are shown attached to the columns on only one of the coins, probably still reflecting the actual appearance of the building in 55 B.C.¹⁶⁷ Usually a high standard of architectural accuracy was customary in the representation of buildings and monuments on coins. But it was also possible for two different depictions of the same building to appear on the coinage, a projected one as soon as the building had been planned, followed later by another once it had been completed.¹⁶⁸

The *Villa* must have been surrounded by gardens (cf. Varro RR III.2.1) of some considerable extent, as they were able to accommodate the thousands of prisoners taken in the battle of the Colline Gate in 82 B.C., and who were systematically massacred on Sulla's orders within the *Villa* (Plutarch Sulla 30; Strabo V.249; Livy Ep 88; Val. Max. IX.2.1; Seneca De Clem. I.12.2). As it was outside the *pomerium*, the *Villa* was used to accommodate victorious generals awaiting a triumph and foreign ambassadors, such as those from Carthage in 202 B.C. (Livy XXX.21.12) and from Macedon in 197 B.C. (Livy XXXIII.24.5). The *Villa* was associated with some of the functions of the censors, but no details of these are known.¹⁶⁹

V *Atrium Libertatis*

There remains one further important building to describe, which was not located within any of the four main areas discussed above. This was the *Atrium Libertatis*, which was used by the censors. The precise location of this building, or public office, if it is accepted that the name *atrium* became an official term to signify this,¹⁷⁰ remains uncertain, except that it was situated to the north of the *Forum Romanum* and between the Capitoline and Quirinal hills. Cicero, writing in July 54 B.C. (ad Att. IV.16.8) provides the only topographical information about its location, in saying that they planned to widen and extend the forum of Caesar as far as the *Atrium Libertatis*: 'ut forum laxaremus et usque atrium Libertatis explicaremus'. This could be interpreted as meaning a widening of the *Forum Caesaris* in the direction of the later *Forum Augustum* and an extension of it would be in the direction of the later *Forum Traiani*.¹⁷¹

The *Atrium Libertatis* must have been a fairly large building, as it was used for the detention of the Thurian hostages in 212 B.C. (Livy XXV.7.12). It was repaired and extended by the censors in 194 B.C. at the same time as the *Villa Publica* (Livy XXXIV.44.5). In 169 B.C. there is a reference to the censors C. Claudius Pulcher and Ti. Sempronius Gracchus, during a dispute when threatened with prosecution, of immediately mounting to the *Atrium Libertatis* and having there sealed the public accounts and closed the account-room and sent away the public slaves, declared that they would transact no public business until the judgement of the people had been passed upon them: 'Censores extemplo in atrium Libertatis escenderunt et ibi obsignatis tabellis publicis clausoque tabulario et dimissis servis publicis negarunt se prius quidquam publici negotii gesturos, quam iudicium populi de se factum esset' (Livy XLIII.16.13). In the following year a dispute arose between the same censors over the registration of freedmen in the city tribes. This was solved by them publicly drawing lots in the *Atrium Libertatis* for one of the four city tribes into which all the freedmen were to be enrolled (Livy XLV.15.5)

Apart from the documents associated with the carrying out of the census, the *Atrium Libertatis* is known to have contained other documents which were connected with the duties and concerns of the censors. According to a passage in Festus (p.277, 10-14 L.), quoted earlier, the building contained a tablet (probably of bronze) with a law condemning to death a Vestal Virgin, probably in 216 B.C. This together with many other laws were destroyed in a fire, which may, or may not be connected with the repairs carried out in 194 B.C. As described earlier, the bronze *forma* recording the assessment of Campanian land carried out by the *praetor* P. Cornelius Lentulus in

165 B.C. (Granius Licinianus XXVIII.36f.) was placed in the *Atrium Libertatis*.

The offices used by the staff, who carried out the complex work involved in preparation of the census, the actual registration, and the accounting work, under the supervision of the censors are also likely to have been located in the *Atrium Libertatis*, as well as possibly in the *Villa Publica*.¹⁷²

3.4 THE SURVIVAL OF DOCUMENTS

Despite the care taken with regard to the preservation and the display of public documents, it was inevitable that there were incidents and events which caused the destruction of some of these documents. By far the most commonest event in Rome and which was responsible for the greatest damage was fire. The evidence from the sources reveal that the causes of fires included natural causes (lightning), arson, rioting, civil war, invasion and sheer negligence.

The following incidents were connected with or involved the destruction of documents. At the end of the sixth century the *Regia* was reconstructed in a new form, after fire on the site. The Gallic invasion of 390 seriously damaged the buildings in the Forum. The Temple of Vesta was burnt (Livy V.42; Plutarch Cam. 21) and the commentaries of the pontiffs and other public and private records were lost in the fire (Livy V.37-39). The amount of the rebuilding reveals the extent of the damage (Livy V.50.2, 55.2-5; VI.4.5-6), but the Capitoline remained intact.

In 214 the *Atrium Publicum* on the Capitol was struck by lightning (Livy XXIV.10.9). There was a serious fire in the Forum in

210 which destroyed a large number of buildings, especially along the north side (Livy XXVI.27.2; XXVII.11.16). In 172 the *columna rostrata* of M. Aemilius Lepidus on the Capitoline was destroyed by lightning during a storm (Livy XLII.20.1). The *Regia* was once again destroyed by fire in 148. In 83 major destruction was caused when the Capitoline was struck by lightning, resulting in many buildings, including the Temple of Jupiter being totally destroyed, along with the bronze tablets affixed to the walls. The Capitol was once again struck by lightning in 65, and the bronze tablets containing the laws melted in the heat (Cicero in Cat. III.8.19). The same apparently happened in the following year when thunderbolts struck the Capitol, but Dio (XXXVII.9.1-2) may in fact be describing the incident in the previous year. A similar event occurred yet again in 49 (Dio XLI.14.3). However, in 44/43 it was a great windstorm, rather than fire which destroyed many public documents, by snapping off and scattering the tablets erected around the temple of Saturn and the shrine of Fides (Dio XLV.17.3; Obseq. 128). There were also a number of serious fires during the Empire which caused tremendous destruction.¹⁷³

We also have the evidence of incidents perpetrated by individuals with the deliberate aim of destroying public documents. As previously mentioned, P. Clodius was responsible for burning down the temple of the Nymphs in 57, in order to destroy the records of the censors. In the following year, Cicero continuing his feud with Clodius, ascended to the Capitol and tore down and destroyed the records of the latter's tribunate (Plutarch Cic. 34.1-2; Cato Min. 41.1; cf. Dio XXXIX.1-2).

However, there were serious attempts, as we have already seen to replace documents which had been destroyed, and as far as is known,

they were displayed or stored in exactly the same way as their predecessors.

3.5 THE IDEOLOGY ASSOCIATED WITH PUBLIC DOCUMENTS

In examining the ideology of the Romans towards their public documents, the conclusions which emerge from the evidence discussed above concerning the display and preservation of these documents are as follows.

It would appear that there was perhaps a greater tendency for the Romans to choose to display treaty documents inside, rather than outside temples. The emphasis undoubtedly being on the protection and the authority able to be afforded to such documents, by the sanctity of this type of building and the guardianship extended by the respective divinity. Similar considerations may have been the reasoning behind the use of bronze for treaty documents at Greek sanctuaries such as Olympia, as mentioned at the beginning of this chapter. However, there is an exception, in that the Rome-Carthage treaty documents were displayed inside the 'treasury of the aediles'. This could possibly be explained if the 'treasury of the aediles' constituted part of a temple, or perhaps in the rather unlikely instance of it being inaugurated as a *templum*. But the details of their location, near to the Capitoline temple, the most prestigious place where documents could be displayed, was surely significant in itself.

On the other hand, the picture which emerges with regard to the display and preservation of laws, is that there was a fairly even distribution between those which were located inside temples and other buildings, namely the *Atrium Libertatis* and the *Aerarium*, compared with

those displayed in the open air, that is associated with temples, designated *templa*, such as the *Rostra* and tribunals, and those generally posted up at various, unspecified locations on the Capitol.

Certainly, an important element contained in many of the public documents discussed is the publication formula, which as we have seen often provided very precise details of the manner and place of display. The fact that such locations, more often than not, were probably inaccessible to the ordinary Roman, was evidently immaterial.

The reason for the display of so many bronze tablets in temples and sacred areas, may possibly be explained by the religious and ritual aspects involved in their creation. This idea is supported by the suggestion of C.H. Williamson, with regard especially to legal documents, but which could equally well apply to treaty documents, that 'bronze tablets were monuments: long-enduring, ceremonial displays of law', which embodied authority.¹⁷⁴ For Romans, engraving on bronze also carried with it the ideas of inviolability and sanctity, and that all bronze tablets were considered sacred. The inviolability of the Rome-Carthage treaties was ensured by the inclusion of oaths, sworn by the Romans and the Carthaginians to their respective gods. Likewise, oaths were included in some laws (*iusiurandum in legem*), which became a particular feature of some of the legislation of tribunes during the late Republic to ensure its success (cf. Nos. 17 and 18).¹⁷⁵

I The Theme of Archive Centres

Before it is possible to investigate and discuss the Roman attitude towards documents, we must evaluate what have become commonly

accepted beliefs about the way in which public documents were organised at Rome.

The first of these is concerned with the rôle and the nature of the *aerarium*. As I have mentioned earlier, there is perhaps some question over our understanding of the exact location of the *aerarium* and also what was implied by this term. However, many people never question what has become accepted as standard knowledge that the *aerarium*, the state treasury was located in or beneath the temple of Saturn, and that it also acted as a main or central archive, containing financial documents and being the place where the texts of laws had to be deposited, in accordance with the *Lex Iunia-Licinia* of 62 B.C., and *senatus consulta* were not considered valid until they were filed there by the magistrate who had asked the Senate's advice, in order to prevent alterations.¹⁷⁶

As would be expected, there came a time when a problem was created through lack of storage space. This was apparently solved with the building of the *Tabularium* which acted as an extension of the *aerarium* and together they formed a central public archive.¹⁷⁷ The mere name *Tabularium* has persuaded some scholars to view this building as a central archive, to which existing collections of documents were then transferred.¹⁷⁸

However, there are major objections to such a reconstruction which is based more on assumptions than hard evidence. As mentioned earlier, the idea of the *aerarium* as an 'archive centre' has a severe practical drawback in that there was surely, even from the mid-Republic, a lack of physical space, to facilitate what we today consider to be the functions associated with an archive building, namely those involving deposition, retrieval and consultation of

documents. But once again we are assuming that it functioned in this way. The assumptions made linking the *aerarium* with the *Tabularium* are not supported by the evidence. Although references continue to be made to the *aerarium* concerning the deposition of documents, there are hardly any references to the *Tabularium*, which is not what one would expect if the latter had become a 'central archive'. Likewise, it is also unacceptable and dangerous to assume that any references to the *aerarium* automatically included the *Tabularium*, as if it was merely an extension of the former.

The evidence for the transference of documents to the *Tabularium* from other 'archive centres', and the obsolescence of the archive of the plebeian aediles in the Temple of Ceres, is only of an indirect nature. Just because we have no more references to documents being deposited in any particular 'archive' following the construction of the *Tabularium*, it would be foolish and unhistorical to assume that other 'archives' had ceased to exist. As we have already seen, certain types of documents were associated with other buildings and temples, and there was no reason for their transference, except to satisfy modern thinking about archival organisation. An aspect which modern archivists appear to have ignored is the difficulty that would have arisen in transferring documents, which as far as the evidence allows us to understand were recorded and inscribed on a variety of materials and in different forms, ranging for example, from tablets of wax and wood to bronze and stone *στήλαι*, or *columnae*, and bronze tablets actually attached to the walls.

The proximity of the *Tabularium* and the Forum has been noted and explained by those with modern archival practices in mind, that ease of access between them must have been important since a staircase led from

the Forum to the first floor of the *Tabularium*. The significance of this staircase as explained by Posner was that it was:

apparently intended to facilitate reference service should records be needed by the Senate sitting in the *Curia Senatus* on the Forum, only a short distance to the east. Entrance to the staircase was later blocked by the temple of Vespasian, since at that time intercourse between the Senate and the *Tabularium* was no longer deemed important.¹⁷⁹

The problem with this statement is that the staircase, as described earlier, did not give direct access into the *Tabularium*. It was not designed for that purpose. The main entrance to the *Tabularium* was from beside the Temple of Veiovis, and the main façade of the building overlooked the Piazza del Campidoglio and not the Forum.

However, if we are to challenge the ideas adopted by modern archivists in their dealing with ancient documents, and the evidence suggests that their ideas ought to be challenged, then we must examine the attitude of the Romans (and where necessary, that of the Greeks) towards documents. We need to discover whether any distinction was made between original documents and copies; the reasons for the public display of documents and their inscription on permanent materials; whether documents of a similar type stored or displayed together could constitute an archive in the modern usage of the word, and the evidence for such collections of documents.

II Originals and Copies

The distinction between original documents and copies is considered by modern archivists as one of fundamental importance. The

'original' document is regarded as having an intrinsic quality all of its own, which makes it far superior and irreplaceable by a copy. Furthermore, the actual contents of an 'original' document because of this distinction, enjoys far greater authority than the same contents of a copy.

The idea that original documents are those which are preserved in 'archives' is derived from modern archival practice. The development of the latter can be traced from Mediaeval times and is closely connected with the extension of literacy and the use of written record, which in turn were affected by existing customs and beliefs.¹⁸⁰

However, our evidence for ancient documents precludes acceptance of the existence of any similar type of archival organization. But some scholars have been misled into believing that the same modern archival practices could also be applied to ancient documents, and that a distinction existed between documents in the archives and those displayed in public. Thus, Louis Robert stated that the documents on stone are not the archives; they may be copies of the archives, but they are not the originals. Another aspect which persuaded Robert that these inscriptions were not archival documents was the fact that sometimes these copies were complete and sometimes abridged (some more radically than others).¹⁸¹ But this point of view is clearly judging the role of ancient documents as being the same as that according to modern archival organization and associated mentality. The fact that some inscriptions are clearly abbreviated versions of original inscribed texts, does not make them any less authoritative. Any problems we have in understanding this attitude can be overcome, if we recognise the difference which exists between the ancient and modern concepts of the way in which the written word was used. This aspect

has recently been discussed by Rosalind Thomas who, in a particularly thought-provoking study, examines the evidence for Classical Athens, regarding the meaning of literacy, the uses of written record and the relation between literacy and oral communication.¹⁸²

Thus, we should not assume that the ancient attitude towards documents was the same as in the modern period, unless there is clear evidence in the sources to support it. But one aspect remains to be considered, which is perhaps fundamental in helping us approach some understanding of the ancient attitude towards documents, and which makes any distinction between originals and copies seemingly totally irrelevant. This aspect was the process involved in the actual creation of public documents, such as treaties, laws and *senatus consulta*, whereby various traditional stages were followed, from the initial drafting to the final publication on permanent material. At Rome we have the evidence for the processes of drafting and registering legal documents in the *aerarium*. These were clearly evolved in such a way as to prevent inaccuracies and false documents from being formally accepted and inscribed on bronze. The final stage in the procedure of making either a treaty or a law was its inscription on permanent material, usually bronze, which also gave it validity, followed by publication in a public place or building.¹⁸³ Thus, the authority embodied in the inscribed documents depended on the scrupulous observance of established procedures and ritual. But like any system, it was open to abuse and depended both on the quality and the integrity of the officials in charge of the administration and the conscientiousness of the permanent staff responsible for the documents within their care.

We have two particular pieces of evidence which provide criticism of the quality of the administration of the *aerarium* during the late Republic. The first of these is an incident involving the Younger Cato, who as *quaestor* in 64 B.C. was remembered for his diligence in eliminating corruption from the administration and for ensuring that false decrees could no longer be received, as they apparently had been under previous *quaestors*. On one occasion he refused to file a certain decree, despite testimonies to the effect that it had been passed by the senate, until the consuls had sworn to its validity (Plutarch Cat.Min. XVI-XVIII, esp. XVII.3). The second piece of evidence is Cicero's well-known remark in the De Legibus III.46: 'legum custodiam nullam habemus; itaque eae leges sunt, quas apparitores nostri volunt; a librariis petimus, publicis litteris consignatam memoriam publicam nullam habemus', where he expresses concern over both the accessibility and the custodianship of the laws. This concern was perhaps aimed more at the system, which required administrative staff of lowly status to actually deal with public requests about the documents within their care, rather than the actual way in which the documents were stored.¹⁸⁴

It was inevitable, due to the fact that Rome was a predominantly oral culture, with literacy restricted to members of the upper class and those in administrative posts, drawn from the ranks of the *apparitores*, that they should be the people responsible for the care, the accuracy and the validity of the public documents. However, the reliability and the authoritativeness of Roman public documents was evidently held in high esteem from the evidence we have concerning requests from foreign states, for copies of documents to be sent to them, in order to be included in their own archives.

III Ancient Archives

Once we have rid ourselves of modern definitions of archives and archival practices, we can objectively examine the evidence for the existence and the nature of ancient archives. These certainly existed, but not in any modern sense of the term. In fact they could be defined as being any series, or collection of documents, or any place in which documents or records were kept. At Rome, the topographical locations of documents, more often than not included documents dealing with different subject matters, but it has also been established for example, that the most prestigious place for the display of treaties was the Capitoline temple and associated buildings, whilst the *aerarium* became the main focal point concerned with laws.

It has also been established from the evidence discussed earlier that ancient archival documents were recorded on a variety of materials, and stored or displayed in many different ways.¹⁸⁵ Consequently, I am unable to accept M.W. Frederiksen's opinion that 'there is no evidence that archives at Rome contained bronze records', nor can I agree with his statement 'like the *Foedus Cassianum*, Polybius' three Carthaginian treaties were not found "in the archives"; they were copies displayed in the 'treasury of the aediles' next to the Capitoline temple'.¹⁸⁶ The misunderstanding here, once again, is due to examining such documents from the viewpoint of modern archival practices. There is in fact evidence which could counter Frederiksen's view, if we are prepared to accept Josephus' conviction (*Ant. Iud.* XIV.188) that the reliability and the authoritativeness of Rome's agreements and decrees, governing her relations with the Jews, lay in the fact that they were inscribed on bronze tablets on the Capitol, where they had remained for centuries. This point of view is surely

enough to dispel any thoughts that bronze inscriptions were not viewed as constituting archival documents.

The evidence from the Greek world provides us with different examples of archives. At Athens, the laws of Solon preserved on *xyρβεῖς* and displayed in public in the *agora* at the Royal Stoa, could be regarded as constituting an archive.¹⁸⁷ The first central city archive was established in the Metroon, the old *bouleuterion*, towards the end of the fifth century.¹⁸⁸ During the fourth century, the Monument of the Eponymous Heroes was used as a public notice board.¹⁸⁹

A custom which was followed in most Greek city states, but which did not occur at Rome, was the inscribing of documents on to the actual walls of public buildings. These 'archive walls', such as those discovered at Aphrodisias and Priene, often contained a whole series of documents relating to the public life and history of the city, its status, constitution and foreign relations, sometimes over a considerable period of time.¹⁹⁰ The documents which were thus inscribed, had obviously been carefully selected with the agreement of the community. This was clearly the case with the civil law code from Gortyn, probably dating from c.450 B.C., but containing many traces of earlier laws and amendments to older sanctions. It was discovered engraved on the inner surface of a circular wall which supported the *cavea* of a theatre, built in the first century B.C., but which must have previously formed part of a much earlier building, perhaps a law-court.¹⁹¹

It was often necessary to publish documents close to each other, as their texts were complementary and thus needed to be read in conjunction. For example, both the *senatus consultum* and the *foedus* relating to the Pergamene alliance with Rome (No.2) were engraved

together, and this was also the case with the treaties with Astypalaea (No.5), Mytilene (Nos.8 and 10), and Plarasa/Aphrodisias (No.9). As well as inscribing such documents on archive walls, it was usually the custom to inscribe treaty documents on *στήλαι*, and it was frequently left to the individual states involved to publish the agreement in whichever way they wished. There were occasions though, in many of the cases discussed earlier on, when specific instructions were given for the manner of publication, stipulating the type of material and the location and manner of public display. The case of Pergamum (No.2) is particularly noteworthy, as it appears to be accommodating Roman custom. The city seems to be deliberately imitating Roman practice, as specifically set out in the decree, for the inscribing of the decree and treaty on bronze plaques. It is rather odd that exactly the same text should then also be inscribed on one side of two marble *στήλαι*, which are to have the bronze plaques affixed to the other sides, unless this happens to comply with Pergamene custom.

Turning now to the evidence for ancient archives in Italy, it is often difficult to discover the location of actual archive buildings, such as *aeraria* and *tabularia*. More often than not, such as at Cosa, the building in the Forum area initially identified as the *aerarium*, later turns out to be the *carcer*.¹⁹² The location of the municipal archive is now thought to have been in the *Curia*, where two small rooms were added towards the end of the third century B.C. to provide offices for the magistrates and the seat of the *Tabularium*.¹⁹³ At other sites, the identification of the *tabularium* appears to be fairly secure, such as at Pompeii, where it was perhaps contained within the central of three municipal buildings at the south end of the Forum.¹⁹⁴ However, there is no doubt that Castrum Novum (Punicum - S. Marinella),

a Roman colony founded in 264 B.C. possessed a *tabularium*, as an inscription records its construction by the *duovir quinquennale*, L. Ateius Capito (CIL XI.3583 cf. 3584). From Cicero's defence of Archias, we learn that Heraclea also had a *tabularium*, but that it was burnt and the archives destroyed during the Social War (*pro Archia* IV.8).

As at Rome, the *aeraria* of Roman towns may also have been associated with the storage of documents. Examples of these buildings may be seen, usually within the Forum area at Lucus Feroniae, Praeneste and Pompeii.

The quite remarkable record of the *Acta Fratrum Arvalium*, which is mostly extant for the years 21 B.C. to A.D. 304 was published on a series of stone tablets within the cult site of the Arval Brethren, in a grove 8km. south-west of Rome on the ancient via Campana. The very nature of this detailed record, describing the cult organisation and ritual year by year and day by day, might lead one to conclude that its purpose was to act as a source of reference for the Brethren, thus fulfilling a practical need. However, Mary Beard has argued that in fact there is no good reason to suppose that any of the Arval Acta were ever used or read at all. Instead, the act of inscribing the record year by year was intended clearly to fulfil a symbolic function, which could be compared with the production of Roman Republican bronze legal documents. These represented a permanent, unalterable embodiment of the law and of the democratic process which produced them. The very act of inscribing on bronze validated the documents, just as inscribing on stone served to validate the ritual activity of the Arval Brethren.¹⁹⁵

Finally, there is also some evidence for the existence of public notice boards. Reference is made in the *Murecine Tablets* to a *parastatica* in the Porticus Augusti Sextiana in the Forum at Puteoli.¹⁹⁶ However, despite F. Brown's attempts at reconstructing what he believes to be the 'bulletin board' of the colony at Cosa, its existence, due to lack of convincing evidence, must remain in doubt.¹⁹⁷

Having established the nature of ancient archives, it is now time to return to Polybius and examine the question of his access to the Rome-Carthage treaty documents.

3.6 POLYBIUS' ACCESS TO PUBLIC DOCUMENTS

There are remarkably few detailed accounts of individuals attempting to consult documents in archives.¹⁹⁸ In fact, Polybius is the only person known to have consulted bronze documents, and there is no reason to doubt either that they were not genuine or could not be regarded as constituting an archive. What becomes overwhelmingly clear, from the evidence discussed above, concerning the nature of ancient archives, is that Polybius must have had expert help in actually locating and then gaining permission to consult the treaty documents. This expert assistance must have come from members of the upper class, as they were the only people who had cause to deal with public documents, and thus have knowledge of them. Furthermore, these people who assisted Polybius were evidently 'learned' as they helped him with a rough outline of the first treaty, which as he comments (III.22.3), caused the best scholars among the Romans some difficulty in understanding parts of it due to the antiquity of the language. At some point Polybius must have also consulted senior Carthaginian statesmen about the existence of the treaties because he says that even

they did not know about them until fairly recently. He may have had the opportunity of meeting foreign ambassadors visiting Rome, including Carthaginians during the years leading up to the outbreak of the Third Punic War.¹⁹⁹

It is impossible and perhaps undesirable to speculate about the precise identity of Polybius' 'learned' friends. But, having said that, from our existing knowledge, two obvious candidates would have been M. Cato and a person such as D. Iunius Silanus, the most skilled man in Rome in his knowledge of the Punic language, who headed a commission authorized by the Senate in 146 B.C. to translate into Latin Mago's work on agriculture.²⁰⁰ His knowledge of Punic and probably also of Carthaginian affairs may have been gained while serving on embassies to Carthage during the period following the Second Punic War.

Certainly, the opportunity for Romans to gain knowledge of the Punic language is likely to have increased from the last years of the Second Punic War, due to the presence at Rome and in Latium of Carthaginian hostages, the sons of prominent men, and Carthaginian prisoners of war, many of whom were sold into slavery.²⁰¹

However, it is also possible perhaps to isolate the type of people who could have helped Polybius. He would have first needed to gain access to the 'treasury of the aediles', which presumably was granted by the curule aediles. The most likely type of people who could have given Polybius the sort of help he required, due to the nature of the treaty documents, would have been those scholars who were especially interested in documentary material, rather than historians. The Scipionic circle would have been invaluable in providing contact with such individuals.²⁰² As observed earlier in my conclusions at the end of Chapter 1, it appears to be an established tradition by

Polybius' time that scholars, rather than historians were interested in using and quoting documentary material, providing descriptive details and discussion about it for its own sake, rather than just for the information it contained. Thus, scholars would have probably been the most likely type of people to know the location of different kinds of documents.

Obviously, special skills were required in understanding the Rome-Carthage treaties and scholars at Rome had probably had to develop an interest in *grammatica*, to enable them to pursue their studies. Three reasons have been identified by Elizabeth Rawson to account for the great interest created in the late Republic for the study of language. Firstly, the fact that it was already an exciting subject in the Greek world and there were Greek scholars working in Rome. Secondly, Romans required help in understanding ancient documents of all kinds and found etymology and derivation particularly useful. Thirdly, the Latin language was undergoing rapid change, encouraging debates on the correct way to write and spell it and how to protect it from rustic and foreign influences.²⁰³ However, there is some scepticism expressed as to whether Romans in the first century B.C. were able to understand Latin documents older than the third century, even with a knowledge of the Greek alphabets used in early Italy, together with Etruscan and Oscan. Consequently, Polybius must have been helped by Romans who had both palaeographical and linguistic expertise.²⁰⁴

There may also have been the practical factor of the difficulty involved in actually reading a text inscribed on a bronze tablet. The legibility of such documents varied, depending on the lay-out and letter heights. Variation in letter heights occurred within lines, as

well as from line to line, and often they decreased in size from the top to the bottom of an inscription, seemingly intending to make the higher part of the text more legible. The difference in letter heights can be illustrated from some of the inscriptions discussed earlier, for example, the *S.C. de Bacchanalibus* (No.13), 4 - 6 mm.; the decree of Cn. Pompeius Strabo (No.19), 0.5 - 2.0 cm.; the *Tabula Hebana* (No.30), c. 6 - 8 mm.; the *Lex de Imperio Vespasiani* (No.33), the smallest are 1.9 - 2.0 cm., while the tallest are 6.0 - 6.2 cm.; and the *Lex Irnitana* (No.37), 4 - 6 mm. An additional problem would have been understanding the complex style of the treaty documents, a factor also shared by legal texts, and it required some considerable skill to read them.²⁰⁵

However, there certainly were a number of archaic inscriptions, which would have been known and available to those who had an interest and knowledge of the development of the Latin language in Polybius' day. The sceptical view of W.V. Harris that the scarcity of epigraphic documents surviving from archaic Italy and Rome is indicative of the limited rôle of writing, has been challenged recently by T.J. Cornell.²⁰⁶ The latter believes that the surviving evidence is a biased sample and thus does not present a true picture of the extent and diffusion of writing in that period and that the many references to archaic documents in later literature should be taken seriously. This would mean that a considerable number of archaic documents survived to at least the time of the late Republic, thus implying that public documents had an important rôle at Rome in the late sixth and early fifth centuries.

The rapid change in the Latin language is known from the comparison of two inscriptions, both dating from the sixth century.

These are the *cippus* from the *Lapis Niger* with characters very similar to the Greek ones, dated by Coarelli to the second quarter of the sixth century²⁰⁷ and the *Lapis Satricanus*, which has been dated by G. Colonna, through epigraphic and palaeographical studies to the last decade of the sixth century. The Latin of the *Lapis Satricanus* is perfectly intelligible, thus revealing the great difference in the alphabet in use then, to that of the *Forum cippus*.²⁰⁸ This is of some importance, as the First Rome-Carthage Treaty is dated to the same period as the *Lapis Satricanus*, making it quite plausible that scholars would have been able to understand the treaty.

From the literary sources we know of several early Latin inscriptions. Included among these is the inscription engraved on a bronze pillar in the temple of Diana at Rome. The sanctuary of Diana on the Aventine is said to have been founded by Servius Tullius and according to Dionysius of Halicarnassus (IV.26.5) the inscription was in the characters that were anciently used in Greece and could still be seen in his day. Likewise, the memorial of the treaty made between Rome and Gabii, consisting of a wooden shield covered with an ox-hide upon which was inscribed in ancient characters the terms of the treaty, could also be seen in the temple of Jupiter Fidius on the Quirinal (Dion. Hal. IV.58.4). The temple was ascribed to Tarquinius Superbus and dedicated in 466 B.C.²⁰⁹ Cicero claims to have seen the *Foedus Cassianum* made in 493 B.C. and renewed in 358 B.C., which was engraved on a bronze column set up in the *comitium* (pro Balbo 53). Finally, Cato in the *Origines* II.58 (H. Peter, HRRel. I² p.72) gives details of an inscription recording the dedication of the Sacred Grove of Diana at Nemi by a Latin dictator, which was evidently set up in the holy precinct. The dating of this dedication presents some problems, but it

surely must be before 446 B.C. when the political importance of the sanctuary of Diana Nemorensis came to an end after Rome defeated the Aricians and neighbouring Ardea (Livy III.71.1-5).²¹⁰

There must of course have been a great many more archaic inscriptions available for study in Rome and the above evidence which has been discussed would point to accepting the Rome-Carthage treaties as being genuine and there is no good reason why these treaties should not have survived to the mid-second century B.C. Polybius probably had little difficulty in finding expert assistance to first actually discover the location of the Rome-Carthage treaties, and then to help with detailed aspects of their interpretation.

It is also clear from the evidence discussed in this chapter that a great deal of care was taken in order to ensure that the correct procedures were observed in the ritual associated with treaty-making. Yet, inspite of the elaborate procedures involved, resulting in the inscribing and display of treaty-documents, we shall see in the next chapter that the early Rome-Carthage treaties in fact had no genuine rôle in diplomacy. It is as if the procedures followed in their creation were not considered as having any function in diplomatic procedure, but were treated as something completely separate, yet at the same time, essential to ensure the legitimacy and authority of the documents.

3 NOTES

1. A discussion of the different materials used for inscriptions, including their advantages and disadvantages, with bibliography is given by A.E. Gordon, Illustrated Introduction to Latin Epigraphy (1983), 5-7; use of bronze for inscriptions: E. Meyer, Einführung in die lateinische Epigraphik (1973), 17-20; and less useful G - C. Susini, Epigrafia Romana (1982), 13ff. Generally on inscriptions: R. Cagnat, 'Inscriptiones' in Daremberg et Saglio ed. Dictionnaire des Antiquités grecques et romaines Vol.III, part I, 530aff.
2. A. Holder, Ars Poetica in Scholia Antiqua in Q. Horatium Flaccum I. Porphyronis Commentum (1894), 176; C.O. Brink, Horace on Poetry. The Ars Poetica (1971), 390. Wood used as material for inscriptions: M. Guarducci, Epigrafia Greca I. (1967), 439-440. For the use of small wooden writing tablets (πίναξ, δέλιος, σάβις) see A.K. Bowman and J.D. Thomas, Vindolanda: The Latin Writing Tablets (Britannia Monograph Series No.4, 1983), Ch.2 'Writing on Wood'. The λεύκωμα is the equivalent of the *tabula dealbata* s.v. note 35.
3. Pliny NH XIII.68-69. S.v. 'Books and Writing' in M.C. Howatson, ed. The Oxford Companion to Classical Literature² (1989), 91-2. A lead sheet inscribed on both sides in Oscan has been found at Monte Vairano, now in Campobasso - s.v. F. Coarelli and A. La Regina, Abruzzo Molise (Guide archeologiche Laterza, 1984), 319, no.5. Lead was most frequently used in maledictory inscriptions e.g. Tac. Ann. II.69 in connection with Germanicus' death: 'nomen Germanici plumbeis tabulis insculptum'; cf. E.G. Turner, 'A Curse Tablet from Nottinghamshire' JRS LIII (1963), 122-124 - the lead tablet was folded roughly into three.
4. Livy VII.28.6
5. Also Livy IV.20.8 on the question of the dedication of the *spolia opima* by A. Cornelius Cossus: 'Qui si ea in re sit error, quod tam veteres annales quodque magistratum libri, quos linteos in aede repositos Monetae Macer Licinius citat identidem

- auctores, ' . On the *Libri Lintei* see R.M. Ogilvie, A Commentary on Livy Books I-V (1978), 544-5, and his article 'Livy, Licinius Macer and the *Libri Lintei*' JRS XLVIII (1958), 40-46.
6. M. Pallottino, The Etruscans (1978), esp. 151, 198, 222-5; Testimonia Linguae Etruscae² (1968), Part I; and M. Cristofani, The Etruscans (1979), 89.
 7. F. Roncalli, 'Carbasinis voluminibus implicati libri. Osservazioni sul liber linteus di Zagabria' JDAI 95 (1980), 227-64.
 8. Cf. M. Pallottino, op.cit. note 6 (1978), 200, 219; and M. Cristofani, op.cit. note 6, 79 (illustration), and 83.
 9. For a discussion of the problems surrounding the inscription see R.M. Ogilvie, op.cit. note 5, (1978), 563ff.; Plutarch Rom. 16 and Festus p.240 L. place Cossus' triumph in 428 B.C. when he was consul.
 10. Phoenician expansion: D. Harden, The Phoenicians (1980), 56ff.; Greek expansion: J. Boardman, The Greeks Overseas (1980), 161-216, for colonies in Italy and their relations with the Etruscans and Phoenicians; Carthaginian expansion: E. Acquaro, Cartagine un impero sul Mediterraneo (1978), 35-49, A.R. Hands, 'The Consolidation of Carthaginian Power in the Fifth Century B.C.' in L.A. Thompson and J. Ferguson eds. Africa in Classical Antiquity (1969), 81-98, and C.R. Whittaker, 'Carthaginian Imperialism in the Fifth and Fourth Centuries' in P.D.A. Garnsey and C.R. Whittaker eds. Imperialism in the Ancient World (1978), 59-90, esp 59ff.
 11. D. Harden, op.cit. note 10, 105ff. esp.109; M. Guarducci, op.cit. note 2, 60ff. See Herodotus V.58.1-2 for how the Greeks adopted the art of writing from the Phoenicians.
 12. See M.G. Guzzo Amadasi, Le Iscrizioni Fenicie e Puniche delle Colonie in Occidente (Studi Semitici 28, 1967), 121-3 no.39 a dedication on a small bronze tablet (to Baal?) IV-III B.C. from Monte Sirai near Carbonia, Sardinia; and 143-45 no.10 a bronze tablet with a dedication on both sides: side A dates from V century B.C., and side B from about 180 B.C., from Cueva d' Es

- Cuyram, Ibiza. Also votive inscriptions on bronze plaques to Sid (Sardus Pater) dating to the sixth - fifth centuries B.C. from the first phase of the Punic temple at Antas (Sardinia): E. Acquaro et al., Ricerche puniche ad Antas (1969).
13. Bronze inscriptions in Greece: R. Cagnat, op.cit. note 1, 530aff.
 14. Cf. Livy XXXIX.37.16 (184 B.C.) 'Quae iureiurando, quae monumentis litterarum in lapide insculptis in aeternam memoriam sancta atque sacrata sunt . . . '.
 15. Presumably the σήλαι which were set up to commemorate the Peace of Nicias (422-1) were of stone: 'στήλας δὲ στήσαι Ὀλυμπίασι καὶ Πυθοῖ καὶ Ἰσθμοῖ καὶ Ἀθήνησι ἐν πόλει καὶ ἐν Λακεδαίμονι ἐν Ἀμυκλαίῳ'. (Thucydides V.18.9), and also those recording the alliance between Athens and Sparta, made shortly after the peace treaty: 'στήλην δὲ ἑκατέρους στήσαι, τὴν μὲν ἐν Λακεδαίμονι παρ' Ἀπόλλωνι ἐν Ἀμυκλαίῳ, τὴν δὲ ἐν Ἀθήναις ἐν πόλει παρ' Ἀθηνᾶ'. (Thuc. V.23.5).
 16. R. Meiggs and D. Lewis, eds. A Selection of Greek Historical Inscriptions to the End of the Fifth Century B.C. (1980), No.17; H.B. Walters, Catalogue of the Bronzes, Greek, Roman and Etruscan in the Department of Greek and Roman Antiquities, British Museum (1899), No. 264.
 17. L.H. Jeffery, The Local Scripts of Archaic Greece (1969), 55-6, 139, 218-20, 243, 247-8 for examples of bronze plaques; and W. Dittenberger & K. Purgold, Olympia V: Die Inschriften (1966), for bronze plaques from Olympia.
 18. Meiggs and Lewis, op.cit. note 16, No.10.
 19. Meiggs and Lewis, op.cit. note 16, Nos. 13 and 20; Elateia and the Stymphalians: R.K. Sherk, ed. Translated Documents of Greece & Rome Vol.4 Rome and the Greek East to the death of Augustus (1984) No.17.
 20. IG II² 687 plus 686; SIG³ 434/5; H.H. Schmitt, Die Staatsverträge des Altertums III (1969), No.476; S.M. Burstein, ed. Translated Documents of Greece & Rome Vol.3 The Hellenistic

Age from the battle of Ipsos to the death of Kleopatra VII
(1985) No. 56.

21. M. Guarducci, op.cit. note 2, 433-7.
22. Proxenia from Corcyra: IG IX.1, 682, 685-8; also G. Manganaro, 'Tre tavole di bronzo con decreti di proxenia del Museo di Napoli e il problema dei proagori in Sicilia' Kokalos IX (1963), 205-220, tavv. 63-67; L.H. Jeffery, op.cit. note 17, No. 6, p. 219 and plate 42; C.W. Fornara, ed. Translated Documents of Greece and Rome Vol. I Archaic Times to the End of the Peloponnesian War² (1983), No. 25, p. 29; and the proxeny decree from Corcyra (end IV century B.C.) granted to Dionysios, son of Phyrnichos, an Athenian (H.B. Walters, op.cit. note 16, no. 333 = IG IX.682, and M. Guarducci, Epigrafia Greca, Vol. II (1969), 598-9).
23. W. Dittenberger and K. Purgold, op.cit. note 17, No. 39 and Pausanias VI.17.1. The bronze tablet measures 0.55m. x 0.24m.
24. Cf. J. Heurgon, The Rise of Rome to 264 B.C. (1973), 199ff.; E. Salmon, The Making of Roman Italy (1982), 40ff.; and for the history of early Rome: A. Momigliano, 'The Origins of the Roman Republic' in Quinto Contributo alla Storia degli Studi Classici e del Mondo Antico, I (1975), 329.
25. F. Coarelli and A. La Regina, op.cit. note 3, 269, 321-324; H.B. Walters, op.cit. note 16, No. 888; T. Potter, Roman Italy (1987), 178 (plate).
26. J.W. Poultney, The Bronze Tablets of Iguvium, American Philological Association (1959).
27. Cf. M. Guarducci, op.cit. note 22, 277ff. The *Lex Iulia Municipalis*: CIL I² 593 and ILS 6085.
28. A. De Franciscis, Stato e Società in Locri Epizefiri (L'Archivio dell' Olympieion Locrese) (1972); M. Guarducci, op.cit. note 22, 284ff.
29. Carthage's relations with the Etruscans are recorded by Aristotle Pol. III.5.10-11 (1280a.36), as we have already seen. Cf. J. MacIntosh, Etruscan-Punic Relations (Ph.D Thesis, Bryn Mawr College, 1974); and *ibid.* 'Evidence for Etruscan-Punic

- Relations' AJA 81 (1977), 368-374; J. Heurgon, 'The Inscriptions of Pyrgi' JRS LVI (1966), 1-15. Excavation reports for Pyrgi appear in ArchClass XVI (1964), 49-117 and in subsequent years, with a bibliography from 1964-1966 in Vol. XVIII (1966), 279-282.
30. M. Pallottino, 'I frammenti di lamina di bronzo con iscrizione etrusca scoperti a Pyrgi' SE XXXIV (1966), 175-209.
 31. M. Pallottino, 'Un' altra laminetta di bronzo con iscrizione etrusca recuperata dal materiale di Pyrgi' ArchClass XIX (1967), 336-41.
 32. It is extremely difficult to determine whether Caere at this date was under the influence of Phoenicians of Eastern origin, or of Carthaginians. The term *Punic* can be applied to both, and of course to their culture and language. But by the end of the sixth century, in a western Mediterranean context, the term most likely applies to the Carthaginians. This aspect is discussed much more fully in Chapter 4.
 33. Literary references have been collected by J.E. Sandys, Latin Epigraphy. An Introduction to the Study of Latin Inscriptions (Rev. by S.G. Campbell, 1927), 3-19; A. Stein, Römische Inschriften in der Antiken Literatur (Prague Dissertation, 1931), esp. 19-23 and 41ff.; R. Cagnat, op.cit. note 1, 530a and 537b.
 34. R.M. Ogilvie, op.cit. note 5, (1978), 230f.; E.S. Staveley, 'The Constitution of the Roman Republic 140-1954' Historia V (1956), 90f.; A. Momigliano, Quarto Contributo alla Storia degli Studi Classici (1969), 403ff.
 35. Cicero, de Orat. II.12.52 cf. Servius ad Aen. I.373; also J.E.A. Crake, 'The Annals of the Pontifex Maximus' CPh 35 (1940), 375-386; B.W. Frier, Libri Annales Pontificum Maximorum: The Origins of the Annalistic Tradition (1979), esp. 83-105. In the Greek world the *λευκωμα* had the same function as the *album* had at Rome. It could also serve for temporary publication of treaties: A. Heuss, 'Abschluss und Beurkundung des griechischen und römischen Staatsvertrages', Zweiter Teil: 'Die Beurkundung' Klio 27 (1934), 250ff.

36. Dionysius (IV.26.4-5) takes the opportunity here to emphasise, for the benefit of the greater part of his audience, the connection between early Rome and the Greeks. This aspect is part of his over-all thesis (expressed in his Preface) of making the Roman subjection of Greece all the more palatable, by drawing attention to Rome's debt to the Greeks from the earliest times, which of course included the foundation of their city. Cf. H. Hill, 'Dionysius of Halicarnassus and the Origins of Rome' JRS LI (1961), 88-93.
37. Other references to the temple of Diana, the oldest and most important temple on the Aventine are found in Varro LL V.43; Livy I.45.2-6; Propertius IV.8.29. The date of the temple has been much debated: see R.M. Ogilvie, op.cit. note 5, (1978), 181ff.
38. Cf. Dion.Hal. VI.95.1-2 who quotes from the actual text of the treaty, but not completely, as another fragment of the treaty, preserved by Festus s.v. *nancitor* p.166,29 L., does not appear in Dionysius' version. See also J. Heurgon, op.cit. note 24, 177-8; E. Badian, Foreign Clientelae 264-70 B.C. (1958), 291 (note C); A.N. Sherwin-White, The Roman Citizenship² (1973), 20ff. esp.22, and 190ff. esp.194.
39. For a discussion of the law: F. Serrao ed. Legge e Società nella Repubblica Romana I (1981), 121-180.
40. See also Gaius 4.15. The consuls of 472 were L. Pinarius f. n. Mamercinus Rufus and P. Furius f. n. Medullinus Fusus. Cf. A.K. Michels, The Calendar of the Roman Republic (1967), 101 n.28 'The reference to the intercalary month is often interpreted to mean that the law of 427 B.C. dealt with intercalation, but it seems obvious from the wording that the law was dated in an intercalary month. For the use of *adscribere* in dating see Cicero, Att. 3.23.1; Q.F. 3.1.8.'
41. Cicero de Leg. II.25.64 for the influence of Solon's laws at Rome. J. Heurgon, op.cit. note 24, 169ff. on the Twelve Tables. The embassy to Athens has long been discredited, but it is more likely that there was contact with the Greek cities of S. Italy.

42. Dion. Hal. X.51.5 : speech of T. Romilius cos. 455 B.C. (T.S.R. Broughton, The Magistrates of the Roman Republic Vol.I (1951), 42-3) cf. Livy III.31.8 '... missi legati Athenas Sp. Postumius Albus A. Manlius P. Sulpicius Camerinus, iussique inclitas leges Solonis describere et aliarum Graeciae civitatum instituta mores iuraque noscere'.
43. See R.M. Ogilvie, op.cit. note 5, (1978), 507 for a discussion whether the laws were inscribed on bronze or wood. For the survival of the Twelve Tables into the Middle Ages: A. Lintott, 'The so-called Tabula Bembina and the Humanists (A chapter rewritten in the Renaissance discovery of classical epigraphy)' Athenaeum 61 (1983), 202 and n.6. In the thirteenth century the glossator, Odofred claimed he had seen two of the Twelve Tables in the Lateran; further evidence is discussed by G. Nenci, 'Una Testimonianza sulle XII Tavole in Scoli ad Orazio del IX Secolo' RFIC 109, (1981), 304-308.
44. Dion. Hal. II.27.3 : 'καὶ ἐστὶν ἐν τῇ τετάρτῃ τῶν λεγομένων δώδεκα δέλτων, αἷ ἀνέθεσαν ἐν ἀγορᾷ'. Further references to the Twelve Tables: Pomponius Dig. I.2.2.4; Livy III.9-57; Cic. de Rep. II.36ff.; de Orat. I.43, 44; Tac. Ann. III.27; and discussion: Pauly-Wissowa RE s.v. 'Tabulae Duodecim'; E.H. Warmington, The Remains of Old Latin III (1979), p.XXVIIff.; H.F. Jolowicz, Historical Introduction to the Study of Roman Law³ (rev. by B. Nicholson, 1972), 106-191; A. Watson, Rome of the XII Tables. Persons and Property (1975).
45. T. Quinctius T. f. L. n. Cincinnatus Capitolinus defeated the Latins on the Allia, captured nine towns and received the surrender of Praeneste, then celebrated a triumph and dedicated a statue with an inscription on the Capitol (Livy VI.28-9); other references, Dion. Hal. XIV.5; Diod. XV.47.8; Eutropius 2.2; Orosius 3.3.5; and Festus 498 L.: 'Trientem tertium pondo coronam auream dedisse se Iovi donum scripsit T. Quintius dictator cum per novem dies totidem urbes et decimam Praeneste cepisset. Id significare ait Cincius in Μυσταγωγικῶν lib.II duas libras pondo et trientem'. On L. Cincius see E. Rawson, Intellectual Life in the Roman Republic (1985), 247-248.

46. Also Paulus Festus p.49 L. 'Clavus annalis appellabatur, qui figebatur in parietibus sacrarum aedium per annos singulos, ut per eos numerus colligeretur annorum,'; s.v. Chapter 2, note 16.
47. The *aedes Castoris* was situated at the S.E. corner of the Forum area, close to the *fons Iuturnae* (Cic. de Nat. Deor. III.13; Plutarch, Coriol. 3; Dion.Hal. VI.13; Martial I.70.3). Concerning Capua's relations with Rome see: E.T. Salmon, op.cit. note, 24, 165-8; A.N. Sherwin-White, op.cit. note, 38, 39ff.; and now M.W. Frederiksen, Campania, (1984), Ch. 11 for the complex question of the status of the Campanian *equites*.
48. Cn. Flavius was *curule aedile* in 304 B.C. only after resigning the office of *scriba*, Livy IX.46.1-2. Livy later says he published the *ius civile* and the *fasti* and dedicated a temple to Concord (IX.46.5-6).
49. Cato's speech: Malcovati, ORF³, 89 states the date of the fragment is unknown, but H. Meyer, ORF² conjectured that it referred to 196 B.C., following Livy XXXIII.42.2. References for 216 B.C.: Livy XXII.57.2-5; Plut. Fab. 18.3.
50. Livy XLIII.16.13; XLV.15; Festus IV. 624; Tac. Hist. I.31. The building was so called from an image of *Libertas*, which was venerated in a small chapel. See RE XIII. 102-104; and section 3.3.V.
51. S.v. Seeck, RE 'Anicius' col.2196f. During the Republican period the family only had one consul: L. Anicius L. f. n. (M. n. in *fasti triumph.*) Gallus cos. 160; triumph. propr. 167 (*praetor peregrinus* Livy XLIV.21.4; triumph, Pol. XXX.22.1-12, cf. F.W. Walbank, HCP Vol.II (1984), esp. 445-7). In 304 B.C. a certain Q. Anicius was *aedilis curulis* with Cn. Flavius, and he is described by Pliny NH XXXIII.17 : 'paucis ante annis hostis fuisset'. It is suggested by T.P. Wiseman, (New Men in the Roman Senate 139 B.C. - 14 A.D. (1971), 16-17) that either Q. Anicius or his father must have been given a personal grant of *civitas*, possibly for services rendered during the Latin War which had ended thirty-five years before his election.
52. S.v. 'M. Verrius Flaccus' RE (2) col. 1636f. Excavations in the forum area at Praeneste have uncovered the remains of a

- hemicyclium of the Augustan period, on which was inscribed the calendar drawn up by Flaccus. Pieces of the *Fasti Praenestini* (CIL I². p.206) are conserved in the Museo delle Terme, Rome. Further details: F. Coarelli, Lazio (Guide archeologiche Laterza, 1982), 133.
53. Gellius IV.5 quotes the story of the statue of Horatius Cocles being struck by lightning, and the ensuing treachery of the Etruscan diviners. He states that it came from the Annales Maximi book 11, which was contained in Verrius Flaccus' Libri rerum memoria dignarum I. Of course, the story of M. Anicius may just as easily have come from another of Flaccus' works. Much of the Libri de significatu verborum survives in the epitome made by Festus in the second century A.D., and excerpts of Paulus in the eighth century where Festus is missing. However, Paulus only quotes the first or the last of Festus' quotations, never the intervening examples. He also suppressed Festus' references to grammarians' theories, and quoted only the poets - see W.M. Lindsay's review of L. Strzelecki, Quaestiones Verrianae (1932), Gnomon IX (1933), 286-289.
54. F. Blume, K. Lachman and A. Rudorf eds. Die Schriften der römischen Feldmesser (2 vols. 1848-1852) for the Corpus Agrimensorum; O.A. Dilke, The Roman Land Surveyors. An Introduction to the Agrimensorum (1971), 112ff. and ibid. Greek and Roman Maps (1985), 96f. Cf. Herodotus V.49.1 for Aristagoras' map of the world which was engraved on a bronze πίνυξ, showing all the rivers and seas, and Dilke (1985), 23-24.
55. Cf. T.P. Wiseman, 'Monuments and the Roman Annalists in I.S. Moxon, J.D. Smart, and A.J. Woodman eds., Past Perspectives. Studies in Greek and Roman Historical Writing (1986), 91.
56. Suetonius, Div. Iul. 28.3 cf. Dio XL.56; Cic. ad Att. 8.3.3.
57. Obseq. 68 cf. Dio XLV.17.3; Obseq. 128; S.B. Platner and T. Ashby, A Topographical Dictionary of Ancient Rome Vol.I (1929), 209.
58. Cf. G.E.F. Chilver, completed & revised by G.B. Townend, A Historical Commentary on Tacitus' Histories IV and V (1985), 52-53.

59. OGIS 762; R.K. Sherk, ed. Translated Documents of Greece and Rome Vol.4 Rome and the Greek East to the death of Augustus (1984), No.25; cf. Pol. XXI.34 and XXX.9.13ff; Livy XXXVIII.14.3; Strabo XIII.4.17 p.631.
60. On this point see E.S. Gruen, The Hellenistic World and the Coming of Rome (1986), Vol.II, Appendix I, 732-3.
61. Syll³ 694; Sherk, op.cit. note 59, No.44.
62. G. Triantaphyllos, AD 28 (1973), 464 (photograph pl.418); G. Touchais, BCH 102 (1978), 725- 726; E.S. Gruen, op.cit. note 60, 738ff.
63. IG IV² 63; Sherk, op.cit. note 59, No.51.
64. IGRR IV 1028b; IG XII.3.173; R.K. Sherk, ed. Roman Documents from the Greek East Senatus Consulta and Epistulae to the Age of Augustus (1969), No.16.
65. ILLRP 576; CIL I² 2676; E.H. Warmington, Remains of Old Latin Vol.IV Archaic Inscriptions (1979), 292-295.
66. A. Passerini, 'Il testo del *foedus* di Rome con Callatis' Athenaeum XIII (1935), 57-72 esp. 58 and 70; cf. E.S. Gruen, op.cit. note 60, 740 n.52
67. SIG³ II. 732.
68. SIG³ 764; Sherk, op.cit. note 64, No.26 col.b.
69. J. Reynolds, Aphrodisias and Rome (Society for the Promotion of Roman Studies Journal of Roman Studies Monograph No.1), (1982), Document 8: text, translation and commentary.
70. Op.cit. note 69, Document 8a.
71. IG XII.2.35 cols. c and d; IGRR IV.33 cols. c and d; Sherk, op.cit. note 64, No.26 cols. c and d.
72. A. Degrassi, Inscriptiones Latinae Liberae Rei Publicae Imagines (1965), No.379 a,b; M. Guarducci, 'Nuove osservazioni sulla lamina bronzea di Cerere a Lavinio' in Mélanges offerts à J. Heurgon Vol.1 (1976), 411-425.
73. CIL I² 614; Degrassi, op.cit. note 72, No.396; E.H. Warmington, op.cit. note 65, 254; A.E. Gordon, op.cit. note 1, No.7.

74. CIL I² 581; Degrassi, op.cit. note 72, No.392; E.H. Warmington, op. cit. note 65, 254ff.; A.E. Gordon, op.cit. note 1, No.8; Bruns⁷, 36.
75. CIL I² 583; Degrassi, op.cit. note 72, No.384 and No.386 for the *Fragmentum Tarentinum de repetundis*; E.H. Warmington, op.cit. note 65, 316ff.; Bruns⁷, 10; and A. Lintott, op.cit. note 43, 201-214; H.B. Mattingly, 'The Two Republican Laws of the *Tabula Bembina*' JRS LIX (1969), 129-143; restored text of the *Fragmentum Tarentinum* G. Tibiletti, 'Le leggi De Iudiciis Repetundarum fino alla Guerra Sociale' Athenaeum 31 (1953), 38ff. (p.47 for publication details in l.14).
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77. CIL I² 585; Bruns⁷, 11; Degrassi, op.cit. note 72, No.385; E.H. Warmington, op.cit. note 65, 370ff.
78. FIRA² I, 9; M. Hassall, M. Crawford, and J. Reynolds, 'Rome and the Eastern Provinces at the end of the Second Century B.C.' JRS LXIV (1974), 195-220 for the Knidos text and a revision of the Delphi text; cf. Sherk, op.cit. note 59, No.55 and n.2; A. Lintott, 'Notes on the Roman Law Inscribed at Delphi and Cnidos' ZPE 20 (1976), 65-82.
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121. Platner and Ashby, *op.cit.* note 57, Vol.I, 62-65 cf. Coarelli, *op.cit.* note 116, (1985), 146, and 74.
122. Cf. note 84 and R. Mellor, 'The Dedications on the Capitoline Hill' Chiron 8 (1978), 319-330.

123. Platner and Ashby, op.cit. note 57, Vol.II, 293-4.
124. Cf. Freyburger, op.cit. note 119, 237-9 and 282-6.
125. See R.D. Weigel, 'Meetings of the Roman Senate on the Capitoline' AC LV (1986), 333-340 for an analysis.
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133. Details of this suggestion are in C.H. Williamson, op.cit. note 84, 161.
134. Vergil Aen. II.761 and Servius VIII.342; Livy I.8.5; Dion.Hal. II.15.4; Strabo V.230; Tacitus Hist. III.71.
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137. See A. M. Colini, 'Aedes Veiovis inter Arcem et Capitolium' BCAR LXX (1942), 32ff. esp. 34-37.
 138. See for example E. Posner, Archives in the Ancient World (1972), 160-223, particularly 172-180; and G. Cencetti, 'Gli archivi dell' antica Roma nell' età repubblicana' Archivi 18 (1940), 7-47, esp. 33-39.
 139. Cf. op.cit. note 54, Dilke (1985), 96-97.
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146. Cf. M. Corbier, op.cit. note 145, 645-8.
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 149. *Lex Iunia-Licinia* of 62 B.C. requiring copies of all legislation to be deposited in the *aerarium* Cicero De Leg. III. IV. 11; Suetonius Div. Iul. 28.3; Livy XXXIX.4.8; Plutarch Cato Min. 17.3; Josephus Ant. Iud. XIV.221; Servius ad Aen. VIII.322; J. Reynolds, op.cit. note 69, 65-66; R.K. Sherck, op.cit. note 64, 7-10; and in great detail C.H. Williamson, op.cit. note 84, Ch. 3 for laws recorded in the *aerarium* and Ch.4 describing the procedure of registering a law.
 150. Op.cit. note 116, (1985), 61 cf. reconstruction *ibid.* (1980), 72.
 151. Op.cit. note 127, (1946), 149-51.
 152. G. Maetzke, 'Regione VIII. Area nord-occidentale del Foro Romano' BCAR XCI (1986), 372-380; P. Pensabene, op.cit. note 145, 80-81; *viatores*: N. Purcell, op.cit. note 148, 152-4.
 153. Platner and Ashby, op.cit. note 57, Vol.II, 450-1; F. Coarelli, Il Foro Romano I Periodo Arcaico² (1986), 119-160 on the development of the *comitium*.
 154. Coarelli, Il Foro Romano II Periodo Repubblicana e Augusteo (1985), 22-27.
 155. Coarelli, op.cit. note 153, 158; *ibid.* op.cit. note 154, 166-169.

156. Coarelli, op.cit. note 153, 159-160; ibid. op.cit. note 154, 190-199. Contra: E. M. Steinby, op.cit. note 135, 144ff. suggests the tribunal was perhaps located near to the temple of Vesta; and T.R.S. Broughton, op.cit. note 42, Vol.II, 86 gives the date of Cotta's praetorship as 78 B.C., noting that it was the last possible date under the Cornelian law cf. Vol.III, 31.
157. For details and references see I. Nielsen and J. Zahle, 'The Temple of Castor and Pollux on the Forum Romanum. A Preliminary Report on the Scandinavian Excavations 1983-1985 (I)' AArch 56 (1985), 25-27.
158. I. Nielsen, 'The Temple of Castor and Pollux on the Forum Romanum. A Preliminary Report on the Scandinavian Excavations 1983-1987 (II)' AArch 59 (1988), 6-7, 12-13.
159. Coarelli, op.cit. note 116, (1985), 65.
160. Pontifical records: Servius ad Aen. I.373; Cicero De Leg. I.2.6; Gellius II.28.6; Dion.Hal. I.76.3; B.W. Frier, Libri annales pontificum maximorum: The Origins of the Annalistic Tradition (Papers and Monographs of the American Academy in Rome 27) 1979. Excavations: F.E. Brown, 'New Soundings in the Regia: The Evidence for the Early Republic' in Les Origines de la République romaine (Entretiens Fondation Hardt 13) 1967, 47ff.; F. Coarelli, op.cit. note 153, 56-79.
161. Cicero De Nat. Deor. III.13; Dion.Hal. VI.13; Mart. I.70.3; Livy II.20.12, 42.5; Platner and Ashby, op.cit. note 57, Vol.I, 102-5; I. Nielsen and J. Zahle, op.cit. note 157, 1-29 and op.cit. note 158, 1-14; on the *equites*: Livy IX.46.15; Dion.Hal. VI.13.4; Plutarch, Pomp. 22.4; J. Suolahti, The Roman Censors. A Study on Social Structure (1963), 41-43; and Scullard, op.cit. note 116, 65-7, 232-3 cf. 165-6.
162. S.v. notes 36-37, 39; Platner and Ashby, op.cit. note 57, Vol.I, 65-7 (*Aventinus Mons*); 149-50 (temple); Coarelli, op.cit. note 116, (1985), 336 (plan of hill), 338-9; Scullard, op.cit. note 116, 173-4; *lex arae Dianae*: CIL XI.361 and Bruns⁷ p.287, l.8.
163. Platner and Ashby, op.cit. note 57, Vol.I, 109-110; Scullard, op.cit. note 116, 102-3; Nash, op.cit. note 116, Vol.I, 227-9 cf. Coarelli, op.cit. note 116, (1985), 329-30 cf. 323-4.

164. A. Drummond, 'Rome in the Fifth Century II. The Citizen Community' in CAH² Vol. VII².2 (1989), 225-6.
165. P. Culham, op.cit. note 131, 103; and A. Momigliano, 'The Rise of the *Plebs* in the Archaic Age of Rome' in K.A. Raafaub, ed. Social Struggles in Archaic Rome. New Perspectives on the Conflict of the Orders (1986), 190-91.
166. Coarelli, op.cit. note 116, (1985), 85-6; C. Nicolet, 'Le Temple des Nymphes et les distributions frumentaires à Rome à l' époque républicaine d' après des découvertes récentes' CRAI 29 (1976), 29-51, (37-44 for the temple and the censors' records); and ibid. The World of the Citizen in Republican Rome (trans. P.S. Falla 1980), 199-200 cf. G.E. Rickman, The Corn Supply of Ancient Rome (1980), Appendix 9 on the *Porticus Minucia*.
167. Cf. M.H. Crawford, Roman Republican Coinage (1974), No.429 2a-2b (Pl.LII) and E.A. Sydenham, The Coinage of the Roman Republic (1952), No. 901 and 901A (Pl. 25 shows both types). For a discussion of Fonteius and T. Didius see M. Gwyn Morgan, 'Villa Publica and Magna Mater. Two Notes on Manubial Building at the Close of the Second Century B.C.' Klio 55 (1973), 215-231.
168. A prime example of this is the temple of Mars Ultor dedicated on the Capitol in 20 B.C. It housed the standards returned by the Parthians until they were transferred to the new and larger temple in the *Forum Augustum* in 2 B.C. cf. P. Zanker, The Power of Images in the Age of Augustus (1988), 108-109 fig. 89b with 186-187 fig. 145a. Different representations of the temple from provincial mints 19/18 B.C. range from an artist's impression of this small, round temple with four columns on a *podium* of five steps (H. Mattingly, Coins of the Roman Empire in the British Museum I (1923), No.704 - Ephesus), to a more accurate depiction from Spanish mints of a round temple showing either four or six columns on a *podium* of three or four steps (BM I. No.315 - Caesaraugusta and Nos. 366-375, 384-389 - Colonia Patricia).
169. For the process of carrying out the census see J. Suolahti, op.cit. note 161, 33; and C. Nicolet, op.cit. note 166, (1980), 60ff.

170. F. Castagnoli, 'Sulla Topografia del Palatino e del Foro Romano' ArchClass 16 (1964), 195.
171. Platner and Ashby, op.cit. note 57, Vol.I, 56-7 cf. Coarelli, op.cit. note 116, (1985), plan 98-99, 100-101, 103, 110, 113; and G. Lugli, op.cit. note 127, 101-2.
172. Cf. J. Suolahti, op.cit. note 161, 33-34.
173. Cf. E.S. Ramage, 'Urban Problems in Ancient Rome' in R.T. Marchese, ed. Aspects of Graeco-Roman Urbanism. Essays on the classical city. (B.A.R. International Series 188) 1983, 74-79.
174. 'Monuments on Bronze: Roman Legal Documents on Bronze Tablets' ClAnt vol.6/No.1/April 1987, 165-172.
175. Cf. Williamson, op.cit. note 174, 174-178.
176. S.v. note 149 and cf. F. Millar, op.cit. note 145, 34.
177. Cf. M. Corbier, op.cit. note 145, 674-5.
178. Cf. H.H. Scullard, A History of the Roman World 753 to 146 B.C.⁴ (1980), 370; Cencetti, op.cit. note 138, 33ff. lists a possible twenty-two different series of documents which came to be stored in the *Tabularium*. This is accepted by Posner, op.cit. note 138, 183-84 cf. 172 and 174.
179. Op.cit. note 138, 176.
180. Cf. the study of the development of the administrative system in Mediaeval England by M.T. Clanchy, From Memory to Written Record: England 1066 - 1307 (1979); also on the role of literacy see for example J. Goody, ed. Literacy in Traditional Societies (1968), and ibid. The Logic of Writing and the Organization of Society (1986); and for the Graeco-Roman world: W.V. Harris, 'Literacy and Epigraphy' ZPE 52 (1983), 87-111 and now ibid. Ancient Literacy (1989); R. MacMullan, 'The Epigraphic Habit in the Roman Empire' AJP 103 (1982), 233-246.
181. 'Epigraphie' in L'Histoire et ses méthodes ed. Ch. Samaran, (Encyclopédie de la Pléiade) (1961), 459.
182. Oral Tradition and Written Record in Classical Athens (Cambridge Studies in Oral and Literate Culture), 1989, 15-94.

183. Cf. C.H. Williamson, op.cit. note 84, passim; Cicero ad Fam. VIII.8 and R.K. Sherk, op.cit. note 64, 4-19 esp. 8-9, where incidentally he supports the idea that a distinction existed between originals and copies.
184. Cf. Sherk, op.cit. note 93, Nos. 48 and 105 for examples of concern over the administration of public records.
185. Cf. R. Thomas, op.cit. note 182, 73-83.
186. Op.cit. note 88 (1965), 186.
187. Cf. R.S. Stroud, The Axones and Kyrbeis of Drakon and Solon (University of California Publications in Classical Studies 19) 1978, and ibid. 'State Documents in Archaic Athens' in Athens Comes of Age From Solon to Salamis, Papers of a Symposium of the Archaeological Institute of America (1978), 20-42.
188. Thomas, op.cit. note 182, 38ff. and 73-82; J. Camp, The Athenian Agora. Excavations in the Heart of Classical Athens (1986), 91ff.
189. Camp, op.cit. note 188, 97-100.
190. Aphrodisias: J. M. Reynolds, op.cit. note 69; and Priene: S.M. Sherwin-White, 'Ancient Archives: The Edict of Alexander to Priene, A Reappraisal' JHS CV (1985), 69-89.
191. The main difference between the law code of Gortyn and the Twelve Tables is that the latter constitute a complete and systematic law code. For Gortyn see R.F. Willetts, ed. The Law Code of Gortyn (1967) and Inscriptiones Creticae IV.72 +.
192. Cf. the same dilemma at Paestum: J.G. Pedley, Paestum. Greeks and Romans in Southern Italy (1990), 118.
193. F.E. Brown, Cosa: The Making of a Roman Town (1980), 31-32 and 37; and M. Torelli, Etruria (1985), 201-201.
194. A. and M. de Vos, Pompei Ercolano Stabia (1982), 37-38.
195. M. Beard, 'Writing and Ritual: A Study of Diversity and Expansion in the Arval Acta' PBSR LIII (1985), 114-162, espec. 137-141.

196. I am grateful to N. Purcell for drawing my attention to this. See AE 1973, 139-42; 1978, 131 and M. Frederiksen, Campania (1984), 327 and n. 74, 352 and n. 27.
197. Op.cit. note 193, 41-42.
198. Cf. Cicero's request to Atticus to discover the names of the ten commissioners sent to Corinth in 146 B.C. who were not identified by Polybius: ad Att. XIII.30, 32, 33, 6, 4, and 5. E. Badian, 'Cicero and the Commission of 146 B.C.' in Hommages à Marcel Renard Vol. I (1969), 54-65, examines Cicero and Atticus at work, trying to solve the sort of problems often faced by modern scholars.
199. P. Pedech, La Méthode Historique de Polybe (1964), 364.
200. Pliny NH XVIII.22; Columella RR I.1.13; Varro RR I.8.9; and J. Heurgon, 'L'agronome carthaginoise Magon et ses traducteurs en latin et en grec' CRAI Jul.-Oct. 1976, 443-444.
201. Livy XXXII.29.4-18 describes the slave uprising of 198, which possibly involved the Carthaginian hostages and prisoners of war. Also Plautus' Poenulus produced perhaps in 189/8 B.C. contained Punic passages, which are discussed by M. Szynger, Les passages puniques en transcription latine dans le Poenulus de Plaute (1967), aspects of which are challenged by A.S. Gratwick in a useful article, 'Hanno's Punic Speech in the Poenulus of Plautus' Hermes 99 (1971), 25-45. The production of the play at Rome during Hannibal's lifetime, indicates that there was no trace of xenophobia and it did not matter that the audience would not have been able to understand the Punic speech, as the meaning of the passage could easily be conveyed by stagecraft.
202. Cf. Pedech, op.cit. note 199, 364ff. for Polybius' oral sources of information.
203. E. Rawson, op.cit. note 45, 119.
204. Op.cit. note 45, 240.
205. For the legibility of documents see A.E. Gordon, op.cit. note 1, 13-14 and C.H. Williamson, op.cit. note 174, 162-164.
206. Harris, op.cit. note 180, (1989), 151 cf. Cornell, 'The tyranny of the evidence: a discussion of the possible uses of literacy

in Etruria and Latium in the archaic age' in Literacy in the Roman World (Journal of Roman Archaeology Supplementary Series Number 3, 1991), 7-33.

207. ILS 4913; A.E. Gordon, op.cit. note 1, No.4, 78-80; and redating by Coarelli, op.cit. note 116 (1985), 51.
208. C.M. Stibbe, G. Colonna, C. De Simone and H. Versnel, Lapis Satricanus Archaeological, epigraphical, linguistic and historical aspects of the new inscription from Satricum (1980).
209. Cf. Platner and Ashby, op.cit. note 57, Vol.I, 469f. For the name of *Sancus* see Dion.Hal. II.49.2
210. Cf. R.M. Ogilvie, Early Rome and the Etruscans (1976), 67ff. for discussion of the date.

4 THE HISTORICAL INTERPRETATION OF THE EARLY TREATIES

4.1 INTRODUCTION

From the previous chapters we have gained some understanding of the nature and ideology behind the preservation and use of documents at Rome and it has been established that there is good reason to believe that Polybius was dealing with genuine treaty documents. The next step is to examine the historical interpretation of the early treaties and to analyse their significance for the two states. This analysis will be in no way comprehensive, but instead it will concentrate on aspects which seem to receive emphasis in the treaties and were of particular concern to the contracting parties. I intend to examine each treaty in turn, from the Carthaginian and Roman positions and then to assess the implications accordingly. In order to complete the analysis it will be necessary to question whether the treaties and the treaty-making process played an essential diplomatic rôle in the events leading to the Second Punic War, or whether the political value of the documents has been over-emphasised.

4.2 THE FIRST TREATY

I The Position of Carthage

As we have already seen in Chapter 1, the First Treaty, as indeed the Second Treaty were Carthaginian in form and style. The main

concern of the Carthaginians in these treaties was to establish and protect a commercial monopoly within a designated territorial area.

By the late sixth century B.C. Carthage had firmly established herself as a powerful state in the western Mediterranean. This had been made possible by a number of factors. Unlike many Phoenician colonies and trading stations, Carthage had been founded as a permanent site, according to tradition in 814 B.C. (Timaeus fr.23).¹ Its position on the coast between the north cape of the Bay of Tunis, now known as Cap Carthage and today the site of Sidi Bou Saïd and the Bay of Le Kram, allowed it to exploit the natural advantages of such a site. It was able to occupy a key trading position at the crossroads between the east and west Mediterranean, and to dominate the ninety mile stretch of sea between Cap Bon and the western part of Sicily.² Our knowledge of the city has increased greatly in recent years, following the excavations carried out by the UNESCO-Tunisian 'Save Carthage' project. The British excavations have established beyond doubt, the identity of the two lagoons at Salamambo with the Punic naval and commercial harbours, which were described by Appian (Libyca VIII.96), probably from an eyewitness account of Polybius, obtained at the siege of the city in 146 B.C. The first timber shipsheds on the island in the naval harbour probably date to c.400 B.C. and preceded the stone shipsheds and the redesigning of the island. This sort of information, together with a greater understanding of the nature of the city's development, enable us to appreciate the influence and the position Carthage came to enjoy, not only in Africa, but also in the context of the western Mediterranean.³

During the sixth and fifth centuries B.C. the Carthaginians carried out a programme of colonisation. The colonies or trading posts

were numerous, mainly small settlements of a few hundred people, and in this way they followed the Phoenician pattern. The most favoured sites were offshore islands, headlands and estuaries, which could serve as anchorages and watering places and were places where native tribes brought their goods to trade. They tended to remain small sites and few grew to be cities even by ancient standards.⁴ Thus, in addition to the existing Phoenician colonies which had been established along the western trade routes to the Iberian Peninsula, Carthage founded more colonies or trading stations along the coast of the Maghreb as far as the Straits of Gibraltar.⁵ Evidence of a voyage of exploration undertaken by the Carthaginians down the west African coast during the first half of the fifth century B.C. comes from the *Periplus* of Hanno. The aims of his expedition, commissioned by the Carthaginian senate, were to found Libyphoenician cities, but their exact objectives remain obscure, despite a number of hypotheses.⁶

As well as the ports of call along the African coast, Carthage established a presence in the Cap Bon peninsula and down the east coast of what is now Tunisia, which was also known as *Byzacium*, and along the Tripolitanian coast to the Emporia cities of Leptis Magna, Oea and Sabratha and as far east as the *Arae Philaenorum* on the Gulf of Sidra, which were regarded as the boundary between the Carthaginians and the Greeks of Cyrenaica (cf. Sallust BJ 79.5; Val.Max. 5.6 ext.4; Mela 1.7.6; and Pliny NH V.4.28). It was from these sites that the Carthaginians developed the trans-Saharan trade along already existing trade routes which brought gold, hides and skins to the Syrtes coast (Herodotus II.32-33 and Athenaeus II.44d).

The colonies or trading stations established by the Eastern Phoenicians were at key positions along the trade routes from the

eastern to the western basins of the Mediterranean. In the same way the colonies established by the Carthaginians in the west were all necessary for their trading activities. The route taken by the Phoenicians on a voyage from Utica to the Pillars of Hercules naturally had to make the best use of winds and currents. Since the western Mediterranean is subject to north-westerly winds in summer, to sail west along the North African coast from Utica meant risking a lee shore and going against a hostile current. The Phoenicians avoided this by sailing north and then south-west to the strait, using the African shore only for the homeward leg of the voyage, thus assuring themselves of a favourable wind and current for the entire trip. Stations were established at strategic points: on Sardinia for the first leg north; on Ibiza and the Spanish Mediterranean coast for the long slant to the strait; and in the neighbourhood of Algiers or Oran for the homeward leg.⁷

With regard to Carthage's trading activity in North Africa, the native populations offered no challenge, as they were far less advanced in their culture. The term *Libyphoenicians* was used by Diodorus (XX.55.4) to describe the indigenous population who intermarried with the Carthaginians, and by Pliny (NH V.3.24) to describe the people of Phoenician race living in these settlements along the east coast of Tunisia. At a later date it was used to refer to the natives who had adopted Phoenician culture. The term *Punic* also came to have different meanings depending on the context. It can be used to refer to both the Phoenicians and the Carthaginians, and also to the language spoken by them, but in a western Mediterranean context. In a social/economic, non-political sense it refers to the culture promoted by the fusion of an essentially Carthaginian culture with that of the indigenous

Numidian/Berber culture, to create something peculiar to North Africa. This fusion was achieved through intermarriage from the fifth century and led to the development of the Libyco-Phoenician dialect. The term *Punic* can also be used to describe a town which has taken on the characteristics of a Phoenician/Carthaginian settlement, but which remained autonomous and outside the political sphere of the Carthaginians, such as Numidian towns like Cirta, Icosium and Hippo Regius, which never became politically subject to the Carthaginians.⁹

From the sixth century B.C. Carthage's links with her mother city of Tyre and with Phoenicia as a whole were greatly weakened following the capture of the city by the Babylonian king Nebuchadnezzar in 574. Not long after in 539, the Babylonian kingdom was absorbed into the Persian empire, and Phoenicia remained under Persian rule until Tyre was captured by Alexander the Great in 332. Despite these misfortunes, Diodorus (XX.14.1-2) relates how Carthage sent a tithe of her revenues to Tyre as late as 310 B.C. It has often been assumed, quite incorrectly, that Carthage automatically took over the hegemony of the Phoenician settlements in the west following the fall of Tyre. However, to accept this is to misunderstand the looseness of the bonds which each individual settlement had with its mother city. It has been argued by C.R. Whittaker that Carthage did not develop imperialistic ambitions until the third century B.C., when she became interested in creating a land empire through annexation of territory. Before this period, Carthage was allowed to exercise control over aspects of her colonies, but with their consent.⁹ However, it has proved to be exceedingly difficult to establish through archaeological evidence any precise dates when Phoenician colonies took on a distinctive Carthaginian appearance.

Carthage's involvement in western Mediterranean trade brought her into direct contact with the Etruscan cities. We already have seen from a passage of Aristotle (Politics 1280a, III.V.10-11) quoted in Chapter 1 that Carthage had trading agreements with the Etruscans. The fact that he refers to them only as Τυρρηνοί without mentioning the Etruscan League, probably means that the agreements were made with individual Etruscan cities, and that they followed a pattern, obviously designed to ensure mutual benefits and co-operation over trade, which were especially in the interests of the coastal cities.

It was probably these coastal cities who joined forces with the Carthaginians to defeat the Phocaeans in a naval battle off Alalia (Corsica) in c.540/535 B.C., which prevented them from settling on the island and thus being able to dominate the Tyrrhenian sea (Herodotus I.165-166). The only Etruscan contingent named by Herodotus (I.167) is that of the people of Agylla, the Greek name for Caere (Cerveteri), which must indicate its leading position in the Etruscan confederation and also the city's thriving economy in that it could equip such a large fleet. Following this naval battle, the Etruscans maintained a presence on Corsica. The evidence for this comes from the pre-Roman cemetery at Aléria, where a number of Etruscan inscriptions which use the alphabet most like that of Populonia have been found. But three-quarters of a century after the battle of Alalia, the evidence from tombs 90 and 91 seems to indicate that there was reconciliation and co-existence between Greeks and Etruscans.¹⁰

It was also during this period of the second half of the sixth century B.C. that Caere developed strong cultural links with the Greek world, and in particular with East Greeks from Ionia. Between c.550-480 B.C. during the Persian conquest of East Greece many refugee Ionian

craftsmen fled to Etruria and started producing from their own workshops distinctive series of pots, such as those known as the 'Tyrrhenian' Group. These 'Tyrrhenian' amphorae have now been dated by T. Carpenter to between 560-530 B.C., about twenty years later than the traditionally accepted dating.¹¹

At Caere itself (or rather, probably at its port of Pyrgi), Ionian born and trained potters/painters set up a workshop and produced a sequence of Caeretan hydriae. These were decorated in an Ionian style, which incorporated local elements of style and design. The workshop started c.530 B.C. with the vases of the middle period dated to 520-510 B.C. and those of the later period after 510 B.C., with the latest c.500 B.C.¹² It is the opinion of J. Hemelrijk that local clay was used in the production of these vases, after being brought up to Greek standards of purity, rather than imported clay from East Greece.¹³ But this appears not to have always been the case, as it has been recently suggested by D. Gill that Attic clay may have been exported to Etruria for use in ceramic production. His theory is that the clay was transported as a return ballast, along with vases and the payment perhaps in Laurium silver on Greek ships bringing metals to the Greek mainland.¹⁴

Along with the hydriae a small number of Caeretan amphorae were produced with vertical ribbon handles, of a shape indisputably Etruscan in origin and derived from traditional impasto and bucchero amphorae.¹⁵

Perhaps further evidence of the importance of Caere as a centre for trade with Phoenicians comes from the fact that it is the only Etruscan site to provide SOS Attic amphorae of the early group. A possible explanation for this has been put forward by D. Gill who pointed out that an early SOS Attic amphora was found at Cerveteri in

the Regolini-Galassi tomb (c.675-650 B.C.), which is famous for its range of Phoenician imports. Consequently, it is possible that Phoenicians, rather than East Greeks were involved in the transport of Attic oil in SOS amphorae, together with Rhodian aryballoi, to the south of Italy and Sicily.¹⁶ This pattern of trade is rather different to that proposed by B.B. Shefton, who suggested, following the evidence of Phoenician trade described by Diodorus V.35.4 and Ps.-Aristotle (De mirabilibus auscultationibus 135) that the Phoenicians involved in exchanging olive-oil and other small wares of maritime commerce at Tartessos in return for silver, should probably be linked with Pitheculae, as this was the place where the cargo of oil and Corinthian EPC/MPC kotylai was picked up and the return cargo of silver delivered.¹⁷

The extent of trade between the Carthaginians and the Etruscans has yet to be determined. In a study of imported archaic ceramic to Carthage found in the Musée Lavignerie de Carthage, E. Boucher concluded that bucchero ware formed the greatest amount of imported ware than any other, and that it was transported directly from Etruria to Carthage without any intermediary involvement. The Etruscans were successful in also exporting Etruscan imitation of Corinthian ceramic to Carthage.¹⁸ The work of J. MacIntosh has been much more comprehensive, examining Etruscan-Punic relations in general. The evidence, both historical and archaeological has been collated for Punic contacts in Etruscan territory and for Etruscan material in Carthaginian territory and at Carthage. From the archaeological evidence, the bulk of the Etruscan goods at Carthage date to the years c.630-570 B.C. More goods arrived as late as 540 B.C., but between 540 and the mid-fifth century B.C. there is no record of exchange. (Of course this may really mean that

only nothing has survived in the archaeological record, but having said that pottery is the most likely type of trade goods to have survived.) The next concentration of manufactured goods began in the fourth century with the Caeretan 'Genucilia' plates and bronzes from Etruria (probably from Vulci), appearing in Malta and at Carthage.¹⁹

However, this break in trade may in reality be reflecting the decline of Etruscan power. The Etruscan thalassocracy never recovered from its severe losses sustained at Alalia and later in c.504 at the battle of Aricia (Dion.Hal. VII.5-6), the Etruscans were routed, and they suffered severely, once again in 474 B.C. when they failed to capture the port of Cumae (Diodorus XI.51; Pindar Pyth. I.72).

By far the most dramatic evidence for the closeness of relations between the Carthaginians and Caere came with the discovery of the Pyrgi Tablets. The circumstances of their discovery and the nature and the contents of the Tablets have already been described in Chapter 3.²⁰ However, the historical significance remains to be discussed. The Etruscan, Tiberie Velianas appears as a devotee of the Punic goddess Astarte, and in so doing has also adopted, or had adopted on his behalf, the Punic calendar and ritual. The only certain fact about his position in Caere is that he is the supreme authority, but the extent of Carthaginian influence in the internal politics of the city must remain uncertain. Continued Carthaginian presence at Pyrgi may be indicated by the discovery of Punic coins in the vicinity of Temple B which date from the end of the fourth century B.C. to the first half of the third century B.C.²¹

The possibility that the introduction of the cult of Astarte into Caere may have been aided by, among other factors, traditional ties with Phoenician Sardinia is discussed by A.I. Kharsekin. He goes

as far as suggesting that it might have been Phoenicians from Sardinia who perhaps first founded their emporia on the nearby Italian littoral, sometime after the ninth century B.C., long before the Etruscans established direct links with Carthage. He also supports the idea that trading relations between Carthage and the Etruscans were maintained during the fifth century through Sardinia, at a time when Etruscan power both on land and sea was in decline in the face of Greek hostility. However, no firm conclusions can be drawn, as much of the evidence presented is of a historical nature and is open to differing interpretations, which so far cannot be corroborated by other evidence.²²

One firm conclusion which may be drawn from the dedication to Astarte is that the Carthaginian presence at Pyrgi must have been of a nature which justified the building of such a shrine or temple. The evidence from dedications to other deities in the sanctuary at Pyrgi illustrates the cosmopolitan nature and the importance of the emporium, which was probably the main port of Caere and its hinterland, to which it was linked by a direct road constructed in the first half of the sixth century B.C.²³

Caere in fact had two other ports, Alsium (Palo, near Landispoli) and Punicum (Santa Marinella). The very name of the latter suggests it acted as a centre for Phoenician/Carthaginian trade. About 3 km. to the north of S. Marinella, at the mouth of the Marangone stream, on a promontory of C. Linaro is an Etruscan sanctuary dedicated to Minerva. It dates from the third quarter of the sixth century B.C. and two Punic coins dating to the third quarter of the fourth century B.C. were found there, again perhaps indicating a Carthaginian presence.²⁴

Further north, evidence of Punic trade has been found at Gravisca (Porto Clementino), the ancient port of Tarquinia. There was an important Greek settlement on the edge of the Etruscan town, with its own sanctuary dedicated to Hera, Aphrodite and Demeter, dating from 600-580 B.C.²⁵ An examination of the evidence of the imported amphorae from the sanctuary belonging to the sixth and fifth centuries revealed that out of a total of 323 fragments, 27 were Phoenician/Punic imports. During the second half of the sixth century there was a notable increase in the numbers of Corinthian type A amphorae.²⁶

There is no specific reference in the First Rome-Carthage treaty to the presence of Carthaginians at Rome. However, it has long been thought that there must have been Phoenicians and then Carthaginians who had established a trading post there during the archaic period. So far there has been no conclusive evidence found to support this hypothesis. Several articles have attempted to show the degree of influence which the Phoenicians/Carthaginians may have had at Rome during this period. Professor D. van Berchem has argued quite persuasively that the sanctuary of the *Ara Maxima* was initially a temple of Melqart (associated with the cult of Hercules), founded at an early date by Phoenicians in the Forum Boarium, and that it was similar in its ritual to other Melqart sanctuaries in Thasos, Gades and elsewhere. He imagines that a Phoenician colony had a market-place on the banks of the Tiber, which enjoyed the protection of a Phoenician god, to whom tithes were paid for guaranteeing security in transactions.²⁷

Thus, from the evidence discussed above, it is clear that the Carthaginians had taken a particular interest throughout the sixth century B.C. in establishing trading rights at strategic points along

the coast of Etruria. We know from Aristotle that this was achieved through a series of trading agreements, made with individual Etruscan cities, rather than with the Etruscan League, and that to facilitate trade they must have primarily involved the coastal cities. From the middle of the sixth century, Carthage appears to have established particularly close relations with Caere, which during this period was obviously a thriving and influential city. Consequently, at the end of the sixth century it is hardly surprising that the Carthaginians should undertake another treaty with the newly emerged Roman Republic, which controlled a fairly extensive territory, including the coastline of Latium. It was only natural that the Carthaginians should want to protect and ensure their trading rights along an important section of coastline, which lay immediately south of an area where they already enjoyed a privileged position. In fact the First Treaty contains many of the same elements which appear to have featured in the earlier series of trading agreements which Carthage had made with Etruscan cities. Given these circumstances, it is quite plausible that the First Treaty between Rome and Carthage should be dated to c.509 B.C., and that it should be seen as being another in the series of trading treaties which Carthage had with the Etruscan cities to the north.

But before turning to examine Carthage's claims in the First Treaty, it should be remembered, as stated previously in Chapter 1 that this treaty was one of friendship between the Carthaginians and their allies and the Romans and their allies. Certainly, Carthage is the dominant partner as the treaty is clearly Carthaginian inspired from its drafting and style, yet it could be argued that this treaty was intended to ensure and further the existing friendly relations, even if

it entailed setting out limitations on the activities of both the contracting parties.

One of Carthage's main concerns in this First Treaty was to establish navigational limits for the Romans and their allies. They were not to sail beyond the 'Fair Promontory', unless forced by stormy weather, or by enemies, and if this should happen, then their behaviour was strictly controlled (III.22.5-6). These sailing restrictions were directly connected with the areas in which the Romans and their allies were allowed to trade. No direct reference is made about access being given to Carthage in the First Treaty, but according to Polybius' commentary, the Romans were allowed to sail for trading purposes to Carthage itself and to all parts of Africa on this side of the 'Fair Promontory' (III.23.4). Consequently, it becomes imperative to attempt first of all to identify the 'Fair Promontory', and then to determine the direction from it, which would have given access to the area forbidden by the treaty. Only then will we be able to understand the full implications of the navigational delimitations imposed by Carthage.

The problems involved in the identification of this promontory have already been outlined in Chapter 2, but it is now appropriate to examine in some detail both the hydrographic and the geographical aspects which should assist us in evaluating the ancient evidence. When an analysis of the geographical features of the coastline and their significance, from a navigational view point is taken into account, there are in effect only two real possibilities. The 'Fair Promontory' must either be Cap Farina (Ras Sidi Ali el Mekki) or Cap Bon (Ras Adder).

These capes mark respectively, the western and eastern limits of the entrance to the Gulf of Tunis. Cap Farina is the eastern extremity of a narrow promontory and when viewed from seaward from the north, it appears as a long, low headland.²⁸ To the west, the coast tends to be rocky. The Bay of Tunis lies at the head of the Gulf of Tunis and is situated between Cap Gamart (about twenty-five miles to the south-east of Cap Farina) and Ras el Fortass on the west side of the Cap Bon peninsula. About three and a half miles south-south-east of Cap Gamart is Cap Carthage and approximately four miles south-south-west along the coast is the site of Carthage.²⁹

Cap Bon is the north-eastern extremity of Tunisia and of the mountainous promontory separating the Gulf of Tunis from the Gulf of Hammamet. On the western side of this peninsula which forms the eastern perimeter of the Gulf of Tunis, from Ras el Fortass to Cap Bon, the coast is generally rocky and indented, with rocks off shore. Views of Cap Bon from seaward from the north and the east, show it to be a very distinctive headland with a hill dominating the cape.³⁰ The coast immediately south-east of Cap Bon is high, rocky and inaccessible with rocks and shoals extending from three headlands which lie close together. But further south, it consists of cliffs alternating with sandy beaches, backed by a range of hills.³¹

These geographical details should be borne in mind while we examine Polybius' own description of the 'Fair Promontory'. At III.23.1 in his commentary on the First Treaty, he describes the 'Fair Promontory' as the cape lying in front of Carthage towards the north: 'Τὸ μὲν οὖν Καλὸν ἀκρωτήριόν ἐστι τὸ προκείμενον αὐτῆς τῆς Καρχηδόνας ὡς πρὸς τὰς ἀρκτους'. It clearly has the role of being a significant boundary point for navigational purposes as he states the Romans were

not to sail south beyond it in warships (III.23.2). Polybius' own explanation of this restriction is that the Carthaginians did not want them to know about either the region of Byssatis (Byzacium), or the places along the Lesser Syrtis, which they called Emporia, on account of the wealth of the region. Only in exceptional circumstances would ships be allowed to anchor along this coastline. This region from the Gulf of Hammamet to the Gulf of Gabes (ἡ μικρὰ Σύρτις) is described by Pliny (NH V.24-25) who remarks on the fertility of the soil and names several towns of the region, as does Livy (XXXIII.48); the Pseudo-Scylax of Caryanda (Periplus 110); and Strabo (XVII.3.16-17).

Thus from Polybius' description of the 'Fair Promontory', it is obvious that he can only be describing Cap Bon. His references to 'this side of' the 'Fair Promontory' (τάδε τοῦ Καλοῦ ἀκρωτηρίου) must mean the western side of the Cap Bon peninsula, as the Romans are allowed to sail to Carthage for trading purposes and to all parts of Africa on this side of the 'Fair Promontory', to Sardinia and to the parts of Sicily under Carthaginian rule (III.23.4). This interpretation is in complete accordance with the terms of the treaty whether viewed from the Carthaginian or from the Roman position. The 'Fair Promontory' was an obvious choice as a navigational demarcation point, as the main departure points for Romans sailing to Carthage would have been from Rome or from Sicily, and in particular from Lilybaeum. On such a voyage, Cap Bon is the most distinctive promontory and the first likely to be sighted on approaching the African coast. Indeed, it is said that on a clear day Cap Bon can be seen from Érice. In this respect, the very name τὸ Καλὸν ἀκρωτήριο like that of 'Cap Bon', the 'Good Cape' may have held some special significance as it heralded the safety of land. It would also have

been the first promontory to be sighted on a voyage from Melita (Malta) and Cossyra (Pantelleria) by Phoenician and Greek seafarers.

The importance of Cap Bon being an easily recognisable navigational boundary takes on an added significance when the limitations of ancient navigation are taken into consideration. The lack of instruments such as the compass, sextant and log for determining direction and distance, naturally hindered navigation. Consequently, the only means of navigation was by dead reckoning, which involved taking into account the position of the stars, the winds, the currents and the speed of the ship. This meant that it was impossible to achieve any great accuracy in setting courses. Also to be taken into consideration was the capability of ancient ships to sail into the wind. The extent to which they could head into the wind is unknown without experimentation, but it is estimated through comparison with the capabilities of square-rigged vessels of the eighteenth and nineteenth centuries that they could only have managed to sail 'one point into the wind'.³² Thus the identification of coastline features was of the utmost importance, as once land was sighted and recognised, then the ship's position could be determined and the course altered accordingly. Such considerations are undoubtedly reflected in the type of information contained in a *periplus* which provides a systematic description of coasts, the names of rivers and harbours and the distances in terms of the number of days' sailing, all of which were invaluable aids to the ancient helmsman. Today, such details together with a great deal of other information are provided by the series of 'Pilots' published by the Hydrographer of the Navy.

It also goes without saying that knowledge of natural conditions, such as winds and currents, often of a very local nature

was equally essential. Wind directions changed during different months of the year. Between Tunisia and Sicily, west and north-west winds predominate, with north-west winds more frequent, particularly in the Sicilian channel. On the north coast of Tunisia, gales are in general stronger and more frequent than on the coast of Algeria. North-west gales are less frequent in summer, but strong winds are frequent. In the Gulf of Tunis the strong winds of winter and summer are mostly from the north-west and there are rough seas on about a hundred days in the year. The north-east part of Tunisia is especially liable to sudden shifts in the wind. On the east coast there is a regular seasonal wind change from offshore winds in winter to onshore winds in summer. Also important was detailed knowledge of the currents. The main current flows east along the coasts of Algeria and Tunisia, but from Cap Bizerte it diverges from the coast towards the Sicilian channel and its mean rate is reduced. The southern part of the current turns south between Cap Bon and the Isola di Pantelleria, returning to the coast near Ras Kaboudia and flows south or south-west and then south-east near the Île de Djerba. The currents between Cap Bizerte and Ras Kaboudia are very variable and influenced by the wind, so for example, strong north or north-west winds produce onshore currents in the Gulf of Tunis.

It was by no means unusual for a headland, promontory or a river to be used as a navigational boundary in treaties. Other examples of such treaties include Rome's old treaty with Tarentum, possibly dating from as early as 332/330 B.C., which prohibited the Romans from sailing beyond (that is, north of) the Lacinian promontory and into the Gulf of Tarentum (Appian Sam. VII.1).³³ Rome's treaty with Queen Teuta in 228 B.C. (Pol II.12.3 cf. III.16.3 and Appian Ill. VII.21) forbade the

Illyrians to sail beyond (south of) the River Lissus with more than two unarmed λέμβοι. This restriction had little to do with territorial boundaries, but was intended to curb Illyrian power by denying them the right of operating their navy south of the Lissus.³⁴ In the terms of the Treaty of Apamea in 188 B.C., Antiochus was restricted to ten decked ships and forbidden to sail west of the Calycadanus mouth and the promontory of Sarpedon, except to convey tribute, or ambassadors or hostages (Pol XXI.43.13-14 cf. Livy XXXVIII.38.8-9).³⁵

The Cap Bon peninsula is described by Polybius in other passages, but he does not refer to it as τὸ Καλὸν ἀκρωτήριον. Instead he calls it ἡ ἀκρὰ ἡ Ἑρμαία, the Hermaeum, which lies in front of all of the Gulf of Carthage stretching out to sea in the direction of Sicily: 'προσσχόντες δὲ ταῖς πρώταις πλεούσαις ναυσὶν ὑπὸ τὴν ἀκρὰν τὴν Ἑρμαίαν ἐπονομαζομένην, ἣ πρὸ παντὸς τοῦ περὶ τὴν Καρχηδόνα κόλπου κειμένη προτείνει πελάγιος ὡς πρὸς τὴν Σικελίαν' (I.29.2). It is interesting that in this account of the Roman expedition to Africa, under the command of L. Manlius Vulso Longus and M. Atilius Regulus in 256 B.C., the fleet set sail from Sicily and the first ships to reach the Hermaean Promontory waited there until the others arrived. In other words, it served as a rendezvous for the fleet. Their exact position near to the Hermaean Promontory is unknown, whether they were on the west or east side, though the north might have been too exposed. Once the whole fleet was assembled, they sailed along (παρὰ) the coast until they reached the city of Aspis on the east side of the Hermaean Promontory, where they landed and beached their ships (I.29.2): 'καὶ προσδεξάμενοι τὰς ἐπιπλεούσας ἐνταῦθα ναῦς, καὶ πάντα συναθροίσαντες τὸν στόλον, ἐπλεον παρὰ τὴν χώραν, ἕως ἐπὶ τὴν Ἀσπίδα καλουμένην πόλιν ἀφίκοντο'. The city of Aspis, known to the Romans as Clupea (the

modern Kelibia) was situated about a mile inland to the north-west of the bay of Kelibia, about six cables to the south-west of Ras Mostefa. The bay was able to provide an anchorage sheltered from winds from the west, through north, to north-east, but not from the east.³⁶

Once again at I.36.11, Polybius describes how the Roman fleet which sailed from Sicily in 255 B.C. under the command of M. Aemilius and Servius Fulvius was making for the African coast and for Aspis, when they encountered the Carthaginian fleet near the Hermaean Promontory.

The significance of Cap Bon (the Hermaean Promontory) as an important navigational point for the voyage from Sicily to Africa is also demonstrated in the accounts of voyages recorded by other historians. Perhaps the longest, though by no means an easily understood description is Livy's account of Scipio's voyage in 204 B.C. from Lilybaeum to Cap Bon, a distance of sixty-five nautical miles. This took a day with a generally favourable wind, although they were caught in fog for much of the voyage. The helmsman sighted land and informed Scipio that it was the African coast not more than five miles distant, because he could make out the Promontory of Mercury, and if he had orders to steer for it the whole fleet would soon be in harbour (XXIX. 27. 6-8):

Vento secundo vehementi satis provecti celeriter e conspectu terrae ablati sunt; et a meridie nebula occepit ita vix ut concursus navium inter se vitarent; lenior ventus in alto factus. Noctem insequentem eadem caligo obtinuit; sole orto est discussa, et addita vis vento. Iam terram cernebant. Haud ita multo post gubernator Scipioni ait non plus quinque milia passuum Africam

abesse; Mercuri promunturium se cernere; si iubeat eo dirigi, iam in portu fore omnem classem.

However, there are scholars who would dispute Polybius' identification of the 'Fair Promontory' with Cap Bon. Instead they argue that Polybius must be mistaken and that the 'Fair Promontory' should be identified with Cap Farina (Ras Sidi Ali el Mekki). The evidence used to support this view is Livy's account of Scipio's voyage to Africa in 204 B.C. and the fact that after sighting the promunturium Mercuri (Cap Bon), he landed the next day, north of Carthage at the promunturium Pulchri (XXIX.27.12). The same story is told more briefly by Appian (Punica 14), and it is apparent that Scipio landed near to Utica, though no mention is made of the promontory.

Once this identification has been made between the promunturium Pulchri and the 'Fair Promontory', then the argument is that Polybius' interpretation of ἐπέχειν cannot mean 'south of', because it would have prevented the Romans from having access to Carthage, which was clearly intended by the treaty. Instead, the region in which the Romans and their allies were prohibited from sailing was the coast 'west of' the 'Fair Promontory' (Cap Farina), in an attempt to protect Carthaginian interests on the north coast of Africa.³⁷ But in fact, Carthaginian interests and influence along this coast at the end of the sixth century were negligible and cannot be supported.

The main arguments against accepting Polybius' interpretation, centre on the discussion of the theme of ancient and modern nomenclature to support the identification of the 'Fair Promontory' with the promunturium Pulchri. This was also known in ancient times as the promunturium Apollinis (Livy XXX.24.8; Pliny NH V.23; Mela I.34; Dio Cass (Zon) IX.12.3 and Strabo XVII.3.13).³⁸

Another solution has been suggested by F. Decret, who although identifying the 'Fair Promontory' with Cap Farina, thinks that the Romans were forbidden to sail 'south of' it.³⁹ This idea is developed by J. Heurgon, who identifies the 'Fair Promontory' with Cap Farina but believes that the Romans were forbidden to sail 'east of' it. In other words, the Carthaginians were preoccupied in the late sixth century B.C. with protecting the region of Byzacium and the Emporia from external interference, just as Polybius thought. Heurgon envisages two zones of Carthaginian influence: the first, a commercial zone to which the Romans are allowed access and the second, a military zone in which the Romans are forbidden to enter.⁴⁰

The identification of the 'Fair Promontory' with the promunturium Pulchri or promunturium Apollinis was first seriously questioned by R. Beaumont, who was unwilling to make such an automatic connection based on nomenclature.⁴¹ He supported Polybius' identification of the 'Fair Promontory' with Cap Bon, by tracing the Carthaginian attempts to protect the Emporia and the Syrtis coast from the late sixth century, starting with Doreius' failure to found a colony c. 514 near the mouth of the R. Kinyps (Wadi Caam) in Tripolitania, about 19 km. south-west of the Phoenician colony of Lepcis (Herodotus V.42.3). Some thirty years later, Gelon, the tyrant of Syracuse in c. 483 B.C. became engaged in a war with Carthage, which was described by Herodotus (VII.158.2) as a war to avenge Doreius. It is unclear whether Gelon's plan to 'liberate' the emporia referred to the area under Carthaginian influence around the Gulf of Gabes (the Lesser Syrtis), or the Carthaginian coastal cities in western Sicily.⁴² Certainly from the Carthaginian point of view, this region was both

important and vulnerable to invasion from the sea, as subsequent events in the fourth and third centuries B.C. were to prove.

In 310 B.C. Agathocles, the tyrant of Syracuse landed with a Greek army near the so-called Latomiae on Cap Bon (cf. Strabo XVII.3.16) and marched towards Carthage c.110 km. away. Diodorus (XX.8.3-5) relates how the Sicilians were amazed at the beauty and the prosperity of the countryside. This was a particularly fertile region, covered with irrigated gardens and plantations, luxurious country houses and well-stocked farm buildings. Part of the land was planted with vines and part with olives and there were also other varieties of fruit-bearing trees. Herds of cattle and flocks of sheep pastured on the plain and the meadows were filled with grazing horses. This was the area where the leading Carthaginians had laid out their private estates. From his fortified base at White Tunis (Tunis), Agathocles also captured a number of coastal cities on the Cap Bon peninsula including Neapolis (Nabeul) and Kerkouane (Dar Essafi), north of Kelibia, and further south Hadrumetum (Sousse) and Thapsus (Ras Dimasse).

Some fifty years later, in 256 B.C. the Roman general M. Atilius Regulus landed on Cap Bon with an army. After establishing himself at Aspis, he advanced, plundering the countryside, destroying a number of luxuriously furnished houses, capturing 20,000 slaves and a large quantity of cattle.⁴³

An indication of the technical knowledge which lay behind the prosperous Carthaginian estates can be gleaned from the references to the agricultural handbooks of Mago of Carthage, who wrote twenty-eight books in Punic in the third century B.C. (cf. Varro RR I.1.10). Most of the extant citations in Roman writers are concerned with

arboriculture and animal husbandry, but Mago's work is likely to have covered all types of husbandry and agriculture.⁴⁴ It was certainly the prosperity of both the towns and the countryside of the Emporia region which was the direct cause of Masinissa's attempts to acquire the region for himself during the first half of the second century B.C.⁴⁵

The reason for the prosperity of the Cap Bon peninsula and the Sahel (the east coast) was due to the combination of a gentle climate, fertile soils and ample rainfall. However, the coastline would have provided a number of dangers to ships which were unfamiliar with its waters, despite their shallow draught. The Gulf of Gabes (the Lesser Syrtis) has a low coastline, which is backed in the south by hills rising to the Monts des Ksour. There are numerous marshes and lagoons bordering the coast. North of Gabes the coast is fringed by a sandbank with a depth over it of less than eighteen feet to a distance of nearly one mile in some places. To the south of the town, the coast is low and flat and bordered by dunes, but then it rises and is backed by low hills not far inland. About thirty miles south-east of Gabes is an extensive marsh. Numerous streams cross the coastal plain and there is a coastal bank with shallow water most of the way. Shoals extend up to two and a half miles offshore in places. Between the Île de Djerba and the mainland lies a wide bay, the Golfe de Bou Grara. It is entered by narrow channels at either end and is full of banks and shoals with a coastline of about forty miles. Beyond the Gulf of Gabes the coast is low and is backed by extensive lagoons. Offshore lie numerous shoals and banks of sand and weed.⁴⁶ This description of present conditions appears to also reflect the existence of similar conditions in ancient

times. The dangerous character of the Syrtis coast with its shallows and long rolling waves is well-documented by ancient authors.⁴⁷

The literary evidence for the importance of the Cap Bon and east coast regions is supported by archaeological evidence. The excavations at Kerkouane (Dar Essafi) on the coast north of Kelibia (called Aspis by the Greeks and Clupea by the Romans), have revealed an entire town covering some fifty hectares. The town dates from the second quarter of the sixth century B.C. to the second quarter of the third century B.C. The original settlers may have been refugees from the capture of Tyre by Nebuchadnezzar in 574 when Carthage gained a new contingent of colonists fleeing from the Assyrian tyrant. The town was destroyed by Agathocles, rebuilt and then destroyed again during Regulus' invasion in 256 B.C., after which the site was abandoned.⁴⁸

Excavations on the east coast, south of the Cap Bon peninsula have also revealed a number of Phoenician foundations such as Hadrumetum (Sousse), Leptis Minor (Lemta), Thapsus (Ras Dimasse), Gummi (Mahdia), Acholla (Ras Bou Tria) and Thynae (Henchir Thyna) to the south of Sfax. In particular, at Hadrumetum (a Phoenician foundation earlier than Carthage, situated on the Bay of Hammamet), a Punic sanctuary has been excavated where six levels have been identified, with the earliest dating from before the sixth century B.C.⁴⁹

Finally, in addition to the literary and archaeological evidence described above to support Polybius' identification of the 'Fair Promontory' with Cap Bon, we must not ignore Polybius's own personal geographical knowledge of the region. After all, Polybius had more first-hand knowledge of the coastline of the Maghreb than earlier Greek geographers. The reason for this being that the Carthaginians had been extremely successful, through treaties like those made with Rome, in

excluding unauthorized seafarers, traders and explorers from their harbours and coastline. Consequently, previous geographical treatises only contained meagre information about the extensive territory under Carthaginian influence. Following the destruction of Carthage in 146 B.C., at which he was an eye-witness, Polybius undertook a two or three month voyage of exploration of the African coast at the request of Scipio Aemilianus (XXXIV.15.7; cf. III.59.7). The details of this voyage are most likely to have been described in Book XXXIV, which was set aside as a systematic treatise on geography. Unfortunately, this book is now lost, except for fragments, preserved mainly by Strabo and others. The details of the African voyage may or may not have been recorded by Pliny (NH V.9-10).⁵⁰

Carthage's other stipulations in the First Treaty refer to Sardinia and Sicily. In the case of Sardinia, Carthage describes the island as coming completely within her sphere of influence, treating it in exactly the same way as Africa (III.22.9 cf. III.23.5). In both these regions the right to trade is only allowed if the business is conducted in the presence of a herald or clerk and the sale is guaranteed by the state.

The Phoenicians had established ports of call along the Sardinian coast from the ninth and eighth centuries B.C., which allowed cultural contact with the indigenous population. During the seventh to fifth centuries B.C. they had established a number of impressive fortresses, such as those at Monte Sirai near to Carbonia and at Pani Loriga, close to Santadi. However, by the sixth century B.C. the Carthaginians had settled in Sardinia, undertaking military campaigns to establish control (Justin XIX.1.3; Strabo V.2.7; Diodorus IV.29.6). As we have already seen, Polybius (III.22.8-9) confirms that by the end

of the sixth century the Carthaginians controlled commerce on the island.

During the fifth to the third centuries B.C. the Carthaginians gained a more complete political and military control over the island through penetration inland to control inland routes through the restoration of existing fortresses and the establishment of new ones. Excavations of the walls of Nora, Bithia, Sulcis and Tharros all reveal an archaic phase, followed by a later rebuilding, dating to the fourth to third centuries B.C. The new inland cities enabled the Carthaginians to exploit Sardinian agricultural and mineral resources.⁵¹

However, there are doubts over the date, the nature and the extent of Carthaginian control in Sardinia. The views of F. Barreca and S. Moscato are questioned by C.R. Whittaker, who points out the difficulty of establishing precise dates, through archaeology for the beginning of the so-called 'Punic' phase. The latter is connected with a permanent Carthaginian occupation, dated either to the end of the sixth century or to the fourth century B.C. The very close similarity between Phoenician and Carthaginian culture prevents any firm conclusions from being drawn as to the nature of the Carthaginian presence in Sardinia and whether the Phoenician cities had lost their autonomy.⁵²

Carthage's reference to her situation in Sicily is very different to what she is able to claim for Sardinia. In Sicily she is careful to distinguish in the treaty that if any Roman comes to Sicily in the areas where the Carthaginians rule, then he will enjoy the same rights as others (III.22.10). In his commentary (III.23.5), Polybius emphasises that the treaty was made by the Carthaginians for only the

regions of Sicily under their rule. It is difficult to determine from Polybius whether he actually understood the true nature of the Carthaginian presence in Sicily.

Once again, it becomes evident that it is all too easy for the ancient sources to refer to Phoenicians and Carthaginians simply as 'Phoenicians', failing to make any distinction between them. Furthermore, the evidence from Herodotus, Thucydides, Plato, Aristotle and Diodorus Siculus emphasises Carthaginian imperialistic ambitions, and this view cannot be counterbalanced, as there are no surviving pro-Carthaginian histories. This distorted historiographic tradition was continued by Roman historians and inherited by Polybius.⁵³

The archaeological evidence confirms the literary tradition that the Phoenicians settled in the west of Sicily. From Thucydides we learn that Greek colonisation put pressure on the Phoenician colonies:

ἔχουν δὲ καὶ Φοίνικες περὶ πᾶσαν μὲν τὴν Σικελίαν ἄκρας τε ἐπὶ τῇ θαλάσῃ ἀπολαβόντες καὶ τὰ ἐπικείμενα νησίδια ἐμπορίας ἔνεκεν τῆς πρὸς τοὺς Σικελούς· ἐπειδὴ δὲ οἱ Ἕλληνες πολλοὶ κατὰ θάλασσαν ἐπεσέπλεον, ἐκλιπόντες τὰ πλείω Μοτύην καὶ Σολόεντα καὶ Πάνορμον ἐγγύς τῶν Ἑλύμων ξυνοικίσαντες ἐνέμοντο, συμμαχία τε πίσυνοι τῇ τῶν Ἑλύμων καὶ ὅτι ἐντεῦθεν ἐλάχιστον πλοῦν Καρχηδὼν Σικελίας ἀπέχει.

There were also Phoenicians living all round Sicily. The Phoenicians occupied the headlands and small islands off the coast and used them as ports for trading with the Sicels. But when the Hellenes began to come in by sea in great numbers, the Phoenicians abandoned most of their settlements and concentrated on the towns of Motya, Soloeis and Panormus where they lived together in the neighbourhood of the Elymi, partly because they relied on their

alliance with the Elymi, partly because from here the voyage from Sicily to Carthage is shortest (VI.2.6).

The earliest Phoenician settlement in Sicily dating to the late eighth century B.C. was Motya (Mozia) on the island of San Pantaleo, about 125 acres in area, situated half way between the Isola Grande and the mainland, less than 1 km. away. Direct evidence of Carthaginian intervention at Motya becomes apparent in the archaeological material from c. 550 B.C., but it is not until towards the end of the sixth century B.C. that a similar change is noticed in the centre and west of Sicily. This change may be connected with events at Carthage in the mid-sixth century when c. 550 B.C. a new dynasty was founded by Mago, which was to last for one hundred and fifty years. During this period Carthage asserted and promoted her hegemony throughout the western Mediterranean.⁵⁴

Thucydides mentions two other 'Phoenician' settlements, Soloeis and Panormus. Soloeis is usually identified with Soluntum, a few miles to the east of Panormus (Palermo), but excavations have not discovered anything earlier than the mid-fourth century B.C. However, the recent discovery of a sixth century tomb at the foot of Monte Catalfano has led to speculation that the earliest settlement might have been in the vicinity. This was probably on the plain of San Cristoforo near the headland of Solanto and covered an area near the archaic necropolis, situated near Santa Flavia between the present railway station and the coast. Panormus was founded during the seventh century B.C. and was fortified with a strong enclosing wall. The main attractions of the site were its fine harbour and the surrounding rich agricultural plain of the Conca D'Oro.⁵⁵

The Elymians, with whom, according to Thucydides, the Phoenicians had an alliance, occupied the extreme north-western corner of Sicily. Their main cities of Segesta, Eryx and Entella reveal both Hellenic and Punic influence. Their political situation required that in order to maintain some form of independence, they became allied first to the Phoenicians and later to the Carthaginians.

II The Position of Rome

The last three clauses of the First Treaty (III.22.11-13) state the conditions under which the Carthaginians have agreed to abide when they come to trade in the areas which are under Roman control and influence. The Romans have taken care to highlight three particular areas of concern once the Carthaginians have access to Latium. Firstly, the Carthaginians are not to injure the people of Ardea, Antium, Laurentium, Circeii and Tarracina, nor any other people of the Latins who are subjects of Rome. Secondly, they are to keep away from the cities of those who are not subject to Rome, and if they seize one, they are to return it unharmed to the Romans. Thirdly, they must not build a fort in Latium nor spend the night if they are under arms.

As we can see, Rome, unlike Carthage does not stipulate any sailing restrictions which are to be followed by the Carthaginians. Instead she makes stipulations concerning the peoples of individual towns and adds a general statement concerning any other peoples of the Latins who are not subjects of Rome. The towns therefore fall into two distinct categories. By doing this, Rome is able not only to define her political and territorial spheres of interest, underlining her hegemony of Latium, but also makes allowance for any future extension of control in Latium. The clause which forbids the Carthaginians from

establishing a fortified base in Latium is also intended to prevent any external interference in this region which might challenge or undermine Roman control and influence.

The towns of Ardea, Antium, Laurentium, Circeii and Tarracina are situated on or near the coast of Latium, to a point some sixty miles south of Rome. There is obviously a problem with the reference to Laurentium, which is the result of a correction to the MS. reading ἀρεντίων. It is not found in the list of towns given by Polybius in the Second Treaty (III.24.16), which may or may not be an accidental omission, and it breaks the geographical order from north to south. It could be the result of a corrupted repetition of the Ἀρδεαίων (the people of Ardea) or Ἀντιαίων (the people of Antium).⁵⁶ The reasoning behind the naming of these particular coastal towns in Latium may have been because they represented the most likely sites which might have been subjected to sea-borne raids of a piratical nature by the Carthaginians.

The geographical spread of these towns supports Polybius' dating of the treaty to the first year of the Republic. The extent of Roman influence and control in Latium at this time reflects the work of the Tarquins as described in the sources. It included the broad area of the Agro Pontino which lies between the coast and the Monti Lepini and Monti Ausoni, to the south-east of 'Latium Vetus'. Livy (I.56.3) records that Tarquinius Superbus founded a colony at Circeii, which together with Tarracina formed the southern boundary of the region.

It is not clear whether the five named towns, together with any other people of the Latins which were subject to Rome (ὅσοι δὲ ὑπήκοοι), could be seen as dependent allies (socii) who had individual treaties of alliance with Rome. If this was the case, the Latin towns

'not subject' to Rome were probably those of the Latin League which met at Ferentina. Rome was perhaps the leading member of this League.⁵⁷ An alternative view is held by T.J. Cornell, who suggested that the Latin states which met at Ferentina and which made the agreement with Tarquinius Superbus in which they formally acknowledged the supremacy of Rome (Livy I, 50, I. 52. 6; Dion. Hal. Ant. Rom. IV. 45-48), are the same as the 'subjects' (ὀπήκοοι) of Rome mentioned in the treaty. The treaty made with Tarquinius prescribed that Rome and the Latin League should contribute an equal number of troops to the allied army, but that it was to be commanded by Rome. This treaty did not include all the Latin cities and it could be that those who were not members of the Latin League formed the category of those 'who were not subject to Rome'.⁵⁸

In the years following Tarquinius Superbus' overthrow, the Latins took the opportunity of exploiting the weakness of the newly emerged Roman Republic and challenged the Roman hegemony over Latium. The battle of Lake Regillus in 499 B.C. was a narrow victory for the Romans and it was not until 493 B.C. that relations between the Roman Republic and the Latins were put on a new formal and friendlier basis with the treaty of Spurius Cassius which reorganised the Latin League.

The fifth century, particularly the early years, was a turbulent period for Latium with incursions of the Sabines, the Aequi and the Volsci, as a result of a general expansion of the populations of the central and southern Apennines. Since the Volsci had control of Antium, Circeii and Tarracina by the early fifth century, the historical circumstances of the late sixth century therefore support Polybius' date for the First Treaty, which as we have seen was set in the context of the newly emerging Roman Republic. In such

circumstances it was only natural that the Carthaginians should want a treaty with Rome. This was an opportunity which they could not afford to miss and it should be seen as another in the series of agreements which they had made with individual Etruscan states. This treaty now gave them limited trading rights to the coast of Latium and access to the towns and markets of the hinterland. For the Roman Republic such a treaty provided the opportunity to gain recognition from a major power and to assert its position as hegemon over Latium in succession to the monarchy. In making this treaty of friendship, there were clearly advantages for both parties.

4.3 THE SECOND TREATY

I The Position of Carthage

Polybius' second treaty in the series is undated, but as we have already discussed in Chapter 2, the most likely date is 348 B.C. One of the main reasons to support this date is the difference in the territorial claims made by both Rome and Carthage. The nature of these claims would suggest that a considerable length of time must have elapsed between the First and Second Treaties. Carthage still appears as the dominant partner and the treaty is arranged item by item with both parties mentioned in each.

Carthage in this Second Treaty includes the Tyrians and the people of Utica and their allies. This would perhaps suggest that Carthage by this date had a specific relationship with the people of Utica and their allies, which had not existed at the time of the First Treaty. The reference to the Tyrians is difficult to explain. The most plausible explanation is perhaps that it is a misunderstanding of

an official Punic phrase, referring to the inhabitants of Carthage, whose ancestors came from Tyre.⁵⁹ Utica, traditionally the oldest settlement founded by the Phoenicians, some thirty miles north west of Carthage, is acknowledged here as having a special position.⁶⁰ Another difficulty is the reference to Μαστίας Ταρσηίου which has been translated in various ways. However, despite any technical misunderstanding by Polybius, the meaning is not lost, in that the connection seems to be that Mastia is a settlement which belongs to the Tartessians. Thus, the area from which the Romans are now prohibited is extended to Mastia, near to the northern boundary of the territory of the Tartessians and the future site of New Carthage (Cartagena).

For their part in the treaty, the Carthaginians are not to carry out any acts of piracy against towns in Latium which are subject to the Romans. These are the towns of Ardea, Antium, Circeii and Tarracina and are named by Polybius in his commentary on the treaty (III.24.16). They are the same as those in the First Treaty, with the exception of Laurentium. Special note is taken of towns which have a written peace treaty with the Romans and which are not subject to her. These *foederati* must have included the Latin towns of Tibur and Praeneste.

Like the First Treaty, this treaty includes special provisions in case of emergency, when unforeseen circumstances mean that either party has to enter the territory of the other. A strict code of behaviour is expected in such circumstances, especially relevant if it should happen to be in a forbidden area.

The Romans are now excluded in this treaty from trading in Africa and Sardinia, but access is still permitted to Carthage and to the area of Sicily which is under Carthaginian control. Similar access is afforded to Carthaginians who come to trade at Rome.

From the Carthaginian point of view, momentous events had occurred with regard to their position in Sicily in the years between the end of the sixth century and 348 B.C. The period was one of changing fortunes, with confrontations with the Greeks under the domination of a series of tyrants.

The area under loose Carthaginian influence at the end of the sixth century was the territory belonging to Motya, Panormus and Soloeis. The Elymians, in the extreme north west, mostly supported the Carthaginians politically, even though culturally, their main cities of Segesta, Eryx and Entella were thoroughly hellenised.⁶¹

The developments which took place at Motya during the sixth century included the enclosure of the island with a defensive wall and the construction of a small artificial basin with a channel leading to the sea dug out near the south gate. The island was also joined to the mainland at Birgi by a causeway across the shallow lagoon. The causeway, which can still be seen, was always slightly underwater, but at a depth which allowed carts to pass over it. Although there is evidence of a second cemetery at Birgi, there is no sign of any settlement spreading to the mainland. During the fifth century half of Motya's population was Greek, as is revealed by the archaeological evidence. Trade clearly flourished between Greeks, Elymians and Carthaginians, thus providing the means for an exchange of cultures. The island, occupying a key position, was also crucial in providing communications between Sicily and Africa.

The first major confrontation between the Greeks and the Carthaginians and their allies in western Sicily came in 480 B.C. with the battle of Himera. These hostilities had been inevitable, given the change of balance in both political and military power which had taken

place on the island following the rise of a succession of tyrants at the beginning of the fifth century. Hippocrates of Gela had gradually extended his control over eastern Sicily from 498 until his death in 491. Gelon, his successor in Gela posed a considerable threat to the Carthaginians and the pro-Punic cities in the west of the island. Sometime after 489 Gelon married the daughter of Theron, the tyrant of Akragas and this political alliance was further strengthened when Theron married the daughter of one of Gelon's brothers. Gelon expanded his control over Greek Sicily with the annexation of Syracuse and its territory to his growing 'empire' in 485. In about 482, Terillus the local tyrant of Himera, unable to control political unrest in his city, was expelled by Theron of Akragas.

Himera, with its fluvial port of great commercial and strategic importance, had prospered from both local trade with neighbouring cities along the north coast and from the Tyrrhenian and long distance trade. The city was undoubtedly a prized possession and it was annexed to the Akragantine-Syracusan alliance.⁶² It was this action which ultimately resulted in hostilities. Terillus appealed to Hamilcar, the Magonid ruler of Carthage, who was his guest-friend and to his son-in-law, Anaxilas of Rhegium for help. In the circumstances, the Carthaginians had no choice but to become involved, if they did not want to abdicate the position they enjoyed in western Sicily with the co-operation of the pro-Carthaginian cities.

Hamilcar mustered a great army of mercenaries from all regions of the Carthaginian 'empire' to supplement the small number of élite troops drawn from Carthage itself. According to our sources (Herodotus VII.165-167 and Diodorus XI.20-26), the expeditionary force comprised some 300,000 men, 200 war ships and cargo ships. In the first

encounter, Theron was defeated and urgently requested help from Gelon of Syracuse, who immediately marched to his assistance. The Carthaginian army was routed by Gelon, with Hamilcar losing his life. Thousands of Carthaginians were taken prisoner and the fleet was destroyed by fire. Shortly after the battle, Gelon and a Carthaginian embassy concluded a peace treaty, the terms of which are preserved by Diodorus (XI.26.2). In fact the terms were quite lenient, with Carthage having to pay a war indemnity of 2,000 talents and to construct two temples in which copies of the treaty were to be deposited. It is interesting to note that the Greek practice of inscribing treaties and displaying them in temples was in this case enforced upon the Carthaginians.

The disaster at the battle of Himera was undoubtedly a set back for the Carthaginians. However, the magnitude of the disaster and its consequences has perhaps been over-stated. It has been used to explain Carthage's apparent withdrawal from participation in Mediterranean affairs and as the reason behind her attempts to consolidate her position in Africa and expand into her own hinterland.⁶³ This interpretation of Carthage's behaviour is undoubtedly reflecting the propaganda in the Greek sources which celebrated the heroism of Gelon against the barbarism of Carthage. Thus, shortly after the battle of Himera, Pindar (Pyth I.71-75 cf. Nem IX.28f.) celebrated Gelon's delivery of the Greeks from the threatened slavery of the Carthaginians and prayed that both the Carthaginians and the Etruscans might remain peacefully at home.⁶⁴ But in fact, the position of the Carthaginians and their relations with the pro-Punic cities in the west of Sicily were unaltered and under no threat. Naturally, Himera's status was

changed, as the city was absorbed into the territory controlled by Akragas and Syracuse.

It is interesting that the Carthaginians received no Etruscan help in their struggle against the Sicilian Greeks. But on the other hand, their presence at Himera would certainly not have been welcomed by Carthage's Greek ally, Anaxilas of Rhegium, who was on bad terms with them and had built a ramp across the isthmus of Skyllaion to prevent them attacking him (Strabo VI.1.15). Likewise, no Carthaginian fleet helped the Etruscans at the battle of Cumae in 474 against Hiero and the western Greeks. Thus, it would seem that previous alliances in changing circumstances had ceased to have any relevance. The period after Himera was marked also by the decline in Greek, Etruscan and Egyptian imports into Carthage.

In Sicily there was peace for the next seventy years until 409 when the Carthaginians launched their second great invasion, under the command of Hannibal, the grandson of Hamilcar. According to Diodorus (XIII.43.6 and 59.5) he had an instinctive hatred for the Greeks and this aggressive policy was in marked contrast to the policy which Carthage had followed previously where Sicily was concerned. The opportunity for Carthaginian intervention in Sicilian politics came about in 411 when the inhabitants of Segesta, who were being attacked by Selinus, now an ally of Syracuse, appealed for help. In 410 a small Carthaginian force expelled the inhabitants of Selinus from Elymnian territory and in 409 Hannibal commanded a sizable force including Spanish and Libyan mercenaries and with his siege-engines he besieged Selinus and captured it in nine days. The population was massacred and the city destroyed. Himera and Akragas were the next cities to suffer a similar fate in 409 and 406 respectively. Following the destruction

of Himera, colonists were sent from Carthage to found the new city of Thermae in 407 (Diodorus XIII.79.8).

The Carthaginians, now under the command of Himilco, who had seized power after Hannibal's death in early 406 in an epidemic during the siege of Akragas, marched on Gela. The inhabitants fled and the city together with Camarina was captured. During the crisis, Dionysius, a young Syracusan officer was elected strategos by the Greeks and invested with complete power.⁶⁵ In 405, instead of marching on Syracuse, Himilco made peace with Dionysius and then returned home. The most plausible explanation for this action is given by Diodorus (XIII.114.1-2), who attributes the reason to the epidemic which was still raging. The treaty, which must have been dictated by Himilco, confirmed Carthaginian rule in western Sicily, over the Elymnians, Segesta and the territory of the Sicani. The survivors of Akragas, Selinus, Himera, Gela and Camarina were allowed to return to their cities, but were made to pay tribute and were forbidden to build fortifications. All other city states were to be independent. However, Dionysius was recognised as ruler of Syracuse.

By 398 Dionysius had completed preparations to take the offensive against the Carthaginians and he marched inland to attack Motya, the ancient Carthaginian stronghold. The Greeks in the Carthaginian dominion joined Dionysius, being persuaded that the Carthaginians represented a common enemy. Himilco was unable to prevent the capture and destruction of Motya in 397, the events being described by Diodorus (XIV.48-53). In the following year, the Carthaginian siege of Syracuse had to be abandoned due to plague in the army. After negotiations, the Carthaginian army was allowed to sail home (Diodorus XIV.70.4). A further Carthaginian attack in 392 also

failed and Dionysius was able to make an advantageous peace in which the Siceli became subject to him and he received Tauromenium, a Sicel fortress (Diodorus XIV.96.3-4). Dionysius in effect had control of all of Sicily, with the exception of the north-west corner of the island.

Further warfare between Dionysius and the Carthaginians took place between 382 and perhaps 375 when he was heavily defeated at the battle of Cronium. The peace treaty which followed left the Carthaginians in possession of the regions they had held previously and in addition, they received the cities and territories of Selinus and Akragas, as far as the river Halycus (Diodorus XV.17.5). In his final offensive against the Carthaginians in 368, Dionysius gained Selinus and Eryx and tried to besiege Lilybaeum, the new port which the Carthaginians had built following the destruction of Motya. However, he died the following year and his son then made peace with the same territorial arrangements as in the treaty of 375.

It is hardly surprising in the light of the events during the fifth and fourth centuries, that the Carthaginians in the Second Treaty should be so circumspect in their description of their political position in Sicily. Nevertheless, Carthage was able still to act on behalf of all the peoples of western Sicily.

With regard to Carthage's interests in Spain by 348 B.C., it is necessary to examine briefly the background to her involvement in the peninsula. The Phoenicians had established settlements for their trade along the south coast of the Iberian peninsula as far east as Abdera (modern Adra), where early Phoenician pottery has been found. Further west was Sexi (modern Almuñécar), Toscanos with its cemetery at Trayamar and Malaca (modern Malaga). The oldest settlement was Gades (modern Cadiz), founded according to literary tradition in 1100 by

colonists from Tyre, but archaeology has shown that settlement only began in the eighth century. These settlements operated quite independently and were not dependent for their survival on Phoenicia.

Gades was the closest settlement to the legendary, orientalising kingdom of Tartessos, situated between Huelva and Seville. Its territory included the very rich sources of copper, lead and silver found in the Sierra Morena and the uplands of the Río Tinto. It is possible that the kingdom covered the lower Guadalquivir and Guadiana rivers and also as far north as the upper Guadiana and Júcar.

After 700 B.C. a new phase in Phoenician trading connections with Spain has been identified through the increase in the quantities of Phoenician luxuries being found there, during what is called the 'orientalising' period. Permanent trading posts were set up by Phoenicians from Tyre and Sidon, in which locations they manufactured luxury items. This development seems to have been in direct response to the requirements of raw materials for the expanding Assyrian empire and the development of the Río Tinto silver mines. However, following the rise of the Babylonian empire and the defeat of the Assyrians in 612 B.C., the Phoenician cities were absorbed into the new empire and their trade with the far west came to an end by 573 B.C. From the sixth century, the absence of the Phoenician traders allowed the Greeks (especially Phocaeans and Massiliotes) and the Carthaginians access to the Iberian trade. The consequences of this new maritime activity are seen by the abandonment of some of the Phoenician colonies such as Toscanos and its cemetery at Trayamar on the Malaga coast, by about 550. Gades probably remained an independent colony until the end of the third century B.C.

As mentioned earlier, it is very difficult, even when archaeological evidence is available, to distinguish between Carthaginian and Phoenician culture at a particular site and to determine an exact date for Carthaginian occupation. Nevertheless, it is possible to state with some accuracy that between 550 B.C. and 237 B.C., Carthaginian settlement in southern Spain occupied exactly the same coastal strip as the Phoenicians had done in the eighth century. Carthaginian foundations included Villaricos (modern Almería) by about 600-550 B.C., and at the same time settlers were sent out from Carthage to Ibiza, which according to historical tradition had been settled by the Phoenicians in 654/653 B.C. Carthage was thus able to take advantage of the island's strategic position on the trade routes in the western Mediterranean.⁶⁶

Further excavation at key sites like Cadiz will help to give a clearer picture for the period from the sixth to the third centuries. So far, there is no archaeological evidence to support any increase in Carthaginian influence in the mid-fourth century, despite the recorded destruction of important native sites in eastern Spain. There is no case for linking such events with Carthage's claims in the Second Treaty. The beginnings of Carthaginian expansion of a territorial nature can be dated to 237 B.C. when Hamilcar Barca began a series of campaigns against the Iberians, which were continued by his successor, Hasdrubal, from his new base built in 228 at Carthago Nova (modern Cartagena).

On the east coast, north of Mastia (identified with Cartagena) and beyond the area designated by Carthage as being within her interests, lay a number of Greek colonies. The colonies of Emporion and Rhode were daughter colonies sent out by the Massiliotes around

575 B.C. The role of the Greeks in Spain has recently been reviewed by R.J. Harrison from the results of extensive excavation programmes.⁶⁷ The conclusions which can be drawn at the moment from current knowledge are that on the southern trade route to south-west Spain and Tartessos and its silver mines, Greek objects are found in eastern and southern ports of Spain exclusively in Phoenician and later in Carthaginian contexts. The northern trade route followed the shores of southern France and into north-east Spain via the Greek colonies mentioned above. So far, excavation has not revealed any evidence to support the idea that there were Greek colonies further south at sites such as Mainake, Abdera, Hemeroskopeion or Saguntum. From the obvious lack of Greek trading bases, it would appear that Phoenician and Carthaginian merchants, acting as middlemen were responsible for transporting and distributing the huge quantity of Greek pottery and other objects which have been found in southern and eastern Spanish sites from the eighth century to 550 B.C., and then from 420-400 B.C. The absence of direct contact by Greek traders with the south coast and Tartessos has been seen as suggesting that the Carthaginians had enforced a trade barrier which prevented Greek traders from having access to the Straits and to the markets on the south and south-west coast. Indeed, there is no reason to believe that the Romans were the only traders to be specifically restricted by the Carthaginians in their trading activities in the Far West.⁶⁸

Once again, the Carthaginians in this Second Treaty, are defining spheres of influence in Spain, just as they had done with Sicily. They are careful to distinguish those areas in which they can act on behalf of the inhabitants, rather than just the actual regions directly under their political or military control.

As already mentioned earlier, Carthage did not begin any serious acquisition of territory to create a land empire until the third century B.C. However, she did consolidate her position in her immediate hinterland in Africa, though the details of this are obscure. Sometime during the fifth century Carthage acquired the Bagradas (Oued Medjerda) valley, the Cap Bon peninsula and the coastal plain behind Hadrumetum. This was rich agricultural land for which the Carthaginians no longer paid rent to the native inhabitants. By the end of the fourth century at the time of Agathocles' invasion in 310, which has been described earlier in this chapter, there was evidence of large and prosperous estates owned by the nobility and worked by a large labour force (Diodorus XX.8.3-5). This slave labour force, together with native Libyans took every opportunity to revolt, as in 396 and 379 during the wars in Sicily against Dionysius I, due to the harsh treatment and heavy taxation imposed upon them.

Further evidence is supplied by Polybius (I.71.1 and 72.1-3) in his account of the Carthaginian mercenary war after the First Punic War, where he describes Carthage's resources in Africa and thus provides details of the extent and nature of her territorium. There appears to have been an inner zone or *χώρα* consisting of the territorium of the city-state of Carthage in which land was owned by Carthaginian citizens and cultivated intensively by slaves. The land was well-suited to fruit trees, vines and olives. Beyond this zone was the hinterland, cultivated with cereal crops by native Libyan peasants, who paid tribute to the Carthaginian state. Seven separate districts (*χώραί/pagi*) controlled by Carthage by the mid-third century have been identified by G-C. Picard.⁶⁹

Thus by 348, Carthage had much firmer control over territory in Africa and could now enforce a ban against Roman trade, except at Carthage itself, where it could clearly be well supervised by state officials and carried out with proper facilities.

II The Position of Rome

The Romans are concerned about protecting the cities of Latium from the possibility of attack, in the form of piratical raids, by the Carthaginians. Once again, as in the First Treaty, the towns of Ardea, Antium, Circeii and Tarracina are singled out for special mention, but this time it is by Polybius in his commentary on the treaty. If the Carthaginians take any city in Latium not subject to the Romans, they can keep the goods and the men but they must return the city. This is virtually the same as in the First Treaty with the exception that this time there are specific stipulations about what should happen to the goods and the men. The Carthaginians can keep them, providing the city is returned. A distinction is also made for people who have written peace treaties with Rome and who are not subject to her.

The description provided in the Second Treaty of Rome's territorial claims and the extent of her influence would suggest that 348 B.C. is the most appropriate date for the treaty. By this date, Roman control and influence over Latium had been secured through a series of Roman and Latin colonies, whose foundation had begun with Tarquinius Superbus and which had continued throughout the fifth and fourth centuries, following the formation of the military alliance between Rome and the Latin League. The frequent incursions of the Sabines, Aequi and Volsci during the fifth century and into the fourth, which had threatened the security of Latium had been countered by

annual military campaigns. The regular response to the yearly raids can be found in the narrative accounts of Livy and Dionysius of Halicarnassus and the Roman victories, recorded in the *Fasti Triumphales*.⁷⁰

At the beginning of the fourth century, the capture of Veii in 396 by the Romans put an end to the many years of intermittent warfare between the two states (Livy V.19.9-22.8). This appears to have been part of a new and more aggressive policy, which enabled Rome to increase the area of the *ager Romanus* and neutralised potential allies of her former enemies. The sack of Rome by the Gauls in 390, or 386 according to Polybius, was not the major disaster portrayed in the annalistic tradition. Rome rapidly recovered and continued to increase her power. In 381 Tusculum was annexed and in the following year Praeneste was captured. Ferentinum was captured in 361 and the treaty with the Latins was renewed in 358 (Livy VII.12.7). Also in 358, Rome went to war against Tarquinii, which was joined in the next year by Falerii and by Caere in 353. Caere was defeated in 353 and a 100 years truce was made (Livy VII.20.8), followed by truces of 40 years each with Tarquinii and Falerii in 351 (Livy VII.22.5).

Since there is no mention either of Roman claims to Campanian territory, or of the Samnites in the Second Treaty, there is good reason to believe that the treaty must pre-date the First Samnite War of 343-341.

It is possible that the *foederati* mentioned at III.24.6 would have included Tibur, Praeneste, Caere, Tarquinii and Falerii. Perhaps also to be included as one of Rome's allies is Massilia, with whom, according to Justin (XLIII.5.8-10), she had made a formal alliance in 389 B.C. The status of Antium had changed since the First Treaty. It

had been captured by the Volsci in 406 and remained under their control until the Romans captured its fleet in 338 and established a colony there (Livy VIII.14.8).⁷¹

It is likely that by 348, following the expansion of the territory under their influence, the Romans were eager to take the opportunity to try and prevent piratical raids involving Carthaginians. Piracy had always been a problem along the Tyrrhenian coast. The Antiates were notorious for their piratical activity and according to Strabo (V.3.5. 232) they used to join the Tyrrheni, who included not only Etruscans, but also Italians in acts of piracy. In 384 Dionysius I of Syracuse had attacked Pyrgi, sacking the wealthy sanctuary of Leucothea (Diodorus XV.14) and as recently as 349 a hostile Greek fleet had appeared off the coast of Latium and the mouth of the Tiber. This could have been a passing piratical raid and Livy (VII.25.4; 26.14) suspected that it had been sent by Syracuse.⁷²

Thus, it would have also been in Carthaginian interests, as well as in Roman to try and ensure through the treaty that peaceful trade was unhindered along the Latium coast.

4.4 THE THIRD TREATY

I The Position of Carthage

As we have already seen, Polybius dates the Third Treaty, which he also calls the 'final' treaty to about the time of Pyrrhus' invasion, before the Carthaginians undertook the war for Sicily. This gives it a date of 279/278 B.C. He obviously treats this treaty as a renewal of the previous treaties and which preserved the same terms, but with additional clauses, designed specifically to meet the threat

of any danger offered by Pyrrhus.⁷³ The attractiveness of the idea of renewing the treaty must have been due to the antiquity of the friendship and the successful co-operation enjoyed by the two allies, which provided a solid foundation on which to add additional clauses to suit the specific circumstances of 279/278.

The background to the treaty is as follows. The Carthaginians through the defeat in 311 of Agathocles, tyrant of Syracuse at the battle of Ecnomus, had been left virtually in control of the whole of Sicily, with the exception of Syracuse. While Syracuse prepared itself to withstand a siege, Agathocles audaciously invaded Africa, landing on the tip of Cap Bon, near to the quarries at El Haouaria in 310 B.C. The subsequent events of this invasion have been described earlier in this chapter. Agathocles returned to Sicily to fight the Carthaginians there, leaving the Greek army under the command of his sons. The Carthaginians were able to summon help from the Libyans and the Punic towns remained loyal. The Greek army suffered several defeats and then revolted, murdering Agathocles' sons, who had refused to make peace with Carthage. Meanwhile in Sicily, Agathocles managed to unite the Greeks in the non-Carthaginian part of the island and checked the Carthaginian expansion. He remained ever conscious of the Carthaginian threat and on his death in 289, he was making preparations to invade Africa again. The Carthaginians made the most of the ensuing anarchy in Sicily and occupied strategic positions, including the Lipari islands.⁷⁴

In 279/278 Pyrrhus had decided to abandon his campaigns in Italy and was preparing to begin a new campaign in Sicily, in response to Syracuse and the Greek cities which had requested his aid against the Carthaginians. The Carthaginians were naturally alarmed at this

prospect and even more alarmed if the Romans should make peace with Pyrrhus. There must have also been unease due to the fact that Pyrrhus was Agathocles' son-in-law and might try to invade Africa. The result was the renewal of their treaty with Rome. The treaty ensured that if any written treaty of alliance was made with Pyrrhus, both parties would be included, thus allowing them to help each other if either one of them was attacked. Both the superiority of Carthage's sea-power and Rome's weakness in that area are illustrated by the terms of the treaty. All the necessary ships will be provided by Carthage, and it appears that once again, Carthage is the dominant partner in the treaty.

II The Position of Rome

In 280 B.C. Pyrrhus landed in Italy in answer to an appeal for help from the Tarentines, who were alarmed at the growing power of Rome in the affairs of Magna Graecia. The cities of Thurii, Locri, Rhegium and Croton had placed themselves under Rome's protection against attacks from the Lucanians. Pyrrhus defeated a Roman consular army at Heraclea in 280, inflicting heavy losses. He then advanced into Campania, on his way to Rome, but none of Rome's allies defected to him and the Romans refused his attempts to make peace. In the following year, he won another victory at Ausculum, but once again his losses were greater than he managed to inflict on the Romans. His decision to leave Italy in 278 must have been affected by the knowledge that Rome had the capability of mobilising resources which he could never hope to match, and that peace with Rome was impossible once the alliance between Rome and Carthage had been made. He also had ambitions of his

own in Sicily, namely to gain control of Syracuse for his son and of liberating the Greek cities from Carthaginian rule.⁷⁵

For Rome, the alliance with Carthage against Pyrrhus was very attractive. In fact both sides were able to use the alliance to their own advantage, without compromising their respective positions.

4.5 THE SIGNIFICANCE OF THE EARLY TREATIES TO THE DISPUTE OVER SAGUNTUM

As we have already seen in Chapter 1 section 3, the context of Polybius' digression on the early treaties comes in his account of the immediate events leading to the outbreak of war and the arguments used by the Roman and Carthaginian ambassadors at Carthage, following the capture of Saguntum. Now that the early treaties have been analysed in some detail, it is time to examine the historical context, chronology and status of Rome-Saguntine relations, in order to evaluate the relevance, if any, of the terms of the Second Treaty and the Ebro agreement in the dispute over Saguntum.

At some date after 241 a relationship was entered into by Rome and Saguntum. The precise nature of this is greatly disputed.⁷⁶ It could have involved only the exchange of envoys. Whatever the relationship was, it must have established the basis of *amicitia* between the two states. The date must be after 241, as the Carthaginians defend their attack on Saguntum by quoting extracts from Lutatius' treaty, which stated: 'the allies of either party are secure from attack by the other', and at the time of the treaty the Saguntines were not the allies of Rome (Pol. III.21.4.-5). However, the Romans interpreted the clause in the treaty, quoted by the Carthaginians in a

different way. They denied that the clause applied only to 'those who were allies at that time', and argued that:

if that had been intended there would have been a further clause stating that neither party should enter into other alliances than their existing ones, or that those subsequently received into alliance should be excluded from the benefits of the treaty. But since nothing had been written concerning this, it was evident that each side undertook that all allies of the other, both those existing and those subsequently admitted to alliance, should be secure from attack (Pol. III.29.4-6).

Polybius whole-heartedly supported this interpretation as representing a totally reasonable point of view, to which he added his own commentary (III.29.7-10).

9 This particular exposition of the treaty was of course vital in Rome's case against Carthage, whom she claimed had violated Saguntum's status as an ally (cf. Livy XXI.19.4: 'nam neque additum erat "iis qui tunc essent" nec "ne qui postea adsumerentur"'). What appears to emerge from this debate on the status of the allies of both sides with regard to the treaty, is that Saguntum was clearly not allied to Rome in 241.

A further clue to the date of the alliance between Rome and Saguntum comes from Polybius' remark that the Romans argued it was an acknowledged fact that 'the Saguntines, a good many years before the time of Hannibal, placed themselves under the protection of Rome' (Pol. III.30.1 'Ζαχανθαίοι πλείοσιν ἔτεσιν ἤδη πρότερον τῶν κατ' Ἀννίβαν καιρῶν ἐδεδώκεισαν αὐτοὺς εἰς τὴν τῶν Ῥωμαίων πίστιν'). This would date the alliance to 'a good many years' before 221 when Hannibal took over the command of the Carthaginian army in Spain on the demise

of Hasdrubal (Pol. III.13.3-4). Various suggestions have been made as to the length of time alluded to in Polybius' enigmatic phrase. I can see no objection as to why a date as early as the 230s should not be considered as being totally plausible.⁷⁷

At this point we should take the opportunity to examine what exactly Polybius has to say about the type of relationship Saguntum had entered into with Rome, analysing the content of the diplomatic language employed. In so doing, we should always be aware that we are assuming that Polybius is giving an accurate description of Romano-Saguntine relations, and that he understood the meaning and the nature of the diplomatic terms he employs.⁷⁸

The formula used by Polybius at III.30.1 'Ζαξανθαῖοι . . . ἔδεδώκεισαν αὐτοὺς εἰς τὴν τῶν Ῥωμαίων πίστιν' is the equivalent of the Latin 'in fidem populi Romani se permittere'. This provides good reason to believe that the Saguntines had undergone *deditio*, that is, unconditional surrender, an act whereby they became the suppliants of Rome, and thus they placed themselves completely under Rome's protection.⁷⁹ Saguntum had forfeited any right to negotiate, and it was left entirely to Rome to determine the outcome. The *deditio* was completely voluntary, with the initiative being taken by the Saguntines.

Our sources provide us with no details of the Roman response, but we can make a cautious attempt to suggest a possible outcome, based on the subsequent events. If this particular set of circumstances is taken into account, the outcome was surely more favourable for Saguntum, than if she had been pressurized into embarking on this course of action as a last resort, and had been guilty of committing what could be termed as 'unfriendly' acts against the Roman people.⁸⁰

Each act of *deditio* was treated in isolation by Rome; the outcome was by no means a foregone conclusion, which could have been predicted, or indeed negotiated in advance.⁸¹ It is true that the Romans followed, to a certain extent, established procedures in their foreign relations, but these were constantly evolving, and as no two sets of circumstances were ever the same, each case was treated according to its own merits. This indeed was the key both to Rome's strength, and to the influence, which she was able to exert over her allies.

Rome rarely missed an opportunity to acquire new *amici*, though there were occasions when she refused to accept a *deditio*, as in the case of Utica.⁸²

In accepting Saguntum's *deditio* both Rome and the Saguntines took on obligations towards each other. The Saguntines had placed themselves in the *fides* (the equivalent of *πίστις*) of the Romans. The word *fides* embodied the idea of 'good faith', and really amounted to an obligation to ensure that no harm, either through direct or indirect action should befall either of the contracting parties.⁸³ Rome would now face the possibility of becoming involved in Saguntine affairs, and it would be naïve to suggest that she was not fully aware of such a situation arising.⁸⁴

The nature of Rome's relationship with Saguntum is mentioned in another Polybian passage III.15.5: 'χείσθαι γὰρ αὐτοὺς ἐν τῇ σφετέρᾳ πίστει' when during the winter of 220/219 Roman envoys warned Hannibal to leave Saguntum alone, as it was under their protection. However, this provides us with no additional information about the alliance.

At this stage in the reconstruction of Rome's relations with Saguntum, there is no reason to believe that the *deditio* led to anything more than the establishment of *amicitia* (*φιλία*). *Deditio* did

not always lead to a *foedus*, a formal treaty of alliance.⁸⁶ *Amicitia* could exist without, as well as with a *foedus*.⁸⁶ It goes without saying that *amicitia* also embodies the concept of *fides*, and thus involved moral, rather than legal obligations. Friendship with Rome, as Saguntum discovered to her cost, did not always ensure prompt action and assistance of the type desired. Rome was always cautious about becoming involved in the affairs of her allies, especially when they were so distant. It is clear though that the initiative of how to interpret the demands placed upon her *amicitia* lay with Rome. Of course she could not afford to be seen to behave irresponsibly towards her *amici*, or credibility in her *amicitia* would be threatened and undermined. For their part the Saguntines were expected to conduct their affairs in such a way as to demonstrate their *amicitia* with Rome. This would involve not only protecting, but also positively furthering Rome's interests, as the situation demanded. These aspects can be witnessed through the diplomatic activity initiated by Saguntum with regard to Carthaginian expansion, and in particular, the activities of Hannibal (Pol. III. 15. 1). It could also be argued that the Saguntines had approached Rome with the idea of self-preservation in mind. Similar sentiments were undoubtedly behind the Corcyrean *deditio* of 229, though here the initiative came from the Romans who suggested that they place themselves in their *πίστις* and were then admitted into *φιλία*.⁸⁷

The possibility that more than one agreement was made between Rome and Saguntum, should perhaps not be ruled out. The initial agreement may have been made sometime in the 230s, and could then have been followed by another, reaffirming the existing *amicitia*, or even by a more formal alliance, but certainly not by a *foedus*. Such a pattern

of events is well-attested in Rome's relations with her *amici*, and renewal of *amicitia*, was a recognised feature of diplomatic procedure, especially when circumstances could change rapidly, and there was no continuity of government, due to the system of electing annual magistrates, who were responsible for the day to day running of the state.⁸⁸

However, having proposed this hypothesis, we now need to examine the evidence which could be interpreted as supporting the idea of a progression in diplomatic relations between Rome and Saguntum.

From Polybius' narrative of the events in Spain, it seems clear that by 219 the relationship between Rome and Saguntum was very close. This fact was acknowledged by Hannibal, who deliberately avoided attacking Saguntum for as long as possible, because he believed that if any harm came to the town, it would provoke a war with Rome: 'ταύτης δὲ τῆς πόλεως ἐπειράτο κατὰ δύναμιν ἀπέχεσθαι, βουλόμενος μηδεμίαν ἀφορμὴν ὁμολογουμένην δοῦναι τοῦ πολέμου Ρωμαίοις, . . .' (III.14.10). A similar understanding of the situation is again conveyed from the Carthaginian point of view by Hannibal, who claimed that 'the Saguntines, relying on their alliance with Rome (Ζακάνθαφοι πιστεύοντες τῇ Ῥωμαίων συμμαχίᾳ) were injuring certain peoples subject to Carthage' (III.15.8). The seriousness of the situation required him to send to Carthage for instructions on how to proceed. Further evidence is contained in another passage, where it would appear that the Carthaginians admit that the Saguntines were *σύμμαχοι* by 219, when they defend their capture of Saguntum by claiming that according to Lutatius' treaty of 241, the Saguntines were not allies of Rome and were therefore not protected by the terms of the treaty (III.21.5). But as we have already seen, according to the Roman interpretation,

subsequent allies also enjoyed protection under the terms of the treaty, and this would include Saguntum (III.29.4-5).

From the diplomatic terms used by Polybius in the above passages, there are no grounds for believing that a formal treaty (*foedus/συνθήκαι*) existed between Rome and Saguntum at this stage. The Saguntines are described as being allies (*σύμμαχοι*) and having an alliance (*συμμαχία*) with Rome. We have already discussed that the outcome of Saguntum's *deditio* resulted in the relationship of *amicitia*, but our understanding of Polybius' diplomatic terminology only becomes clear in the light of both literary and epigraphic evidence which establish that the usual formula, whenever *amicitia/φιλία* was made or renewed, employed the diplomatic terms *amicitia et societas/φιλία καὶ συμμαχία* in conjunction.⁸⁹ Although *amicitia/φιλία* is always associated with *societas/συμμαχία* on these occasions, it must be understood that the relationship was different to that of *socii*, whose status was established through *foedera*, which bound them more closely to Rome, and imposed obligations upon them.⁹⁰

I The Origins of Diplomatic Relations Between Rome and Saguntum

It has already been established that Rome's relations with Saguntum must post-date 241. The years following 238 witnessed intense aggressive activity by the Carthaginians, first under the leadership of Hamilcar Barca, then followed by Hasdrubal and Hannibal, in an attempt to create an empire in Spain. For Polybius, the success of the Carthaginians in Spain was the third cause of the Second Punic War (III.10.6). The methods employed by Hamilcar during the years 238-229 in subjugating the Iberian tribes were a mixture of force of arms and diplomacy (II.1.6-7 cf. Diodorus XXV.10.2). He succeeded during nine

years of campaigning to establish a considerable empire based on the Baetis valley (Guadalquivir), the area known as Turditania, and extended his power up the east coast as far as Akra Leuke (modern Alicante), where in 231 he founded a fortified city (Diodorus XXV.10; Livy XXIV.41.3-4).

Following the death of Hamilcar in the winter of 229/228, his son-in-law Hasdrubal succeeded him and continued the policy of extending Carthaginian control in southern Spain. Hasdrubal was equally as ambitious and successful as Hamilcar. Polybius reports that according to Fabius Pictor, a cause of the Second Punic War (apart from the attack on Saguntum) was Hasdrubal's ambition and love of power (III.8.1). He goes on to say that Hannibal from his youth had shared and admired Hasdrubal's principles, and on becoming the supreme commander in Spain he followed the same policy as Hasdrubal (III.8.5). Hasdrubal's success depended more on diplomacy than warfare (II.36.2), and by founding the city of 'New Carthage' (now Cartagena) to act as an administrative centre, and as a fortified base for further advances up the east coast, Carthaginian control had become firmly established in south-east Spain, extending as far north as Cabo de la Nao on the east coast.⁹¹

The work of Hamilcar and Hasdrubal was continued with vigour and success by Hannibal, who was elected as supreme commander of the army in 221 following the assassination of Hasdrubal. During 221-220 Hannibal undertook a series of campaigns against the tribes of the interior, the Olcades, Vaccaei and Carpetani (III.13.5-14.8).⁹²

The growth of Carthaginian power in Spain undoubtedly led to anxiety within Saguntum, and in these circumstances it was perfectly natural that they should seek out an ally who would help them maintain

~~their~~ independence. The choice of Rome as ally and protectress came about as a result of previous connections and interests which affected both parties.

Saguntum was a Greek city, founded according to tradition by the Ζαξανθαίοι, but its culture was Iberian, which had been hellenized by the third century. It had accepted the cult of Ephesian Artemis from the Massiliotes or their colonists, and thus had acquired certain aspects of Greek culture through such contacts. It seems highly likely that the Saguntines' friendship with Massilia and her Spanish colonies at Rhode (Rosas), Emporion (Ampurias) and Hemeroskopeion, founded after 600 did much to commend her to the Romans.⁹³ Such connections were greatly valued.

The existence of friendly relations between Rome and Massilia, based on *amicitia* (not on a *foedus*), dated according to tradition from the early sixth century⁹⁴ and it would have been extremely unusual if the Massiliotes had not expressed their fears to Rome about the fate of their colonies and trading interests in the path of Carthaginian expansion. By the time of the Ebro agreement in 226, the Greek colonies at Akra Leuke and Hemeroskopeion had already fallen to Carthage.⁹⁵

Saguntum, apart from perhaps employing the Massiliotes as brokers to establish relations with Rome, claimed kinship with Rutulian Ardea, and the coin evidence from the town would tend to support early connections with Italy.⁹⁶

But quite apart from Massiliote and Saguntine anxiety over Carthaginian expansion, the Romans themselves were also concerned about the situation. The Saguntines must have been invaluable in keeping the

Romans informed about Carthaginian activity, and I would suggest that at some date after 238, Saguntum entered into *amicitia* with Rome.

The first outward sign we have of Roman anxiety is the embassy sent to Hamilcar in 231 to investigate his activities.⁹⁷ The nature of his reply conveyed a certain innocence relating to his activities. This was apparently accepted by the envoys, as their reply is not recorded. One is perhaps inclined to suspect that this could have been the case, otherwise the reply or the report of the Roman embassy would either have survived, or further action of some kind would have ensued. There seem to be two possibilities why the incident does not appear in Polybius: either he, or rather his source, knew nothing of the embassy, or he knew about it, but did not consider it to be of sufficient significance to be included.

But we should pause at this point and ask ourselves why a Roman embassy had actually been sent out to Spain? The nature of the embassy was obviously diplomatic, but what was the sequence of events which had convinced the Romans of the need to dispatch ambassadors? Could it possibly have been at Saguntum's request, or perhaps suggestion, that the Romans should find out for themselves what was going on, rather than rely on reports by friendly states? But how likely was it that Rome would act so positively to a Saguntine request, unless some kind of relationship did not *already* exist between them? At virtually any date after 238 and before 231 an alliance could have been made between them in the light of Hamilcar's activities. Therefore, I would argue against those scholars who suggest that an alliance was made in 231 when the Roman embassy was in Spain.⁹⁸ In order to accept such a hypothesis, you have to rely far too heavily on circumstantial

evidence. In other words, the Saguntines took the opportunity of the presence of a Roman embassy in Spain to ask for an alliance.

As I have already argued in favour of the Rome-Saguntine relationship being based on *amicitia* arising from *deditio*, and that it was on Saguntum's initiative, it seems to me more probable that the Saguntines sent an embassy to Rome to make their request. Thus the report of the embassy in 231 should be seen as Rome acting on behalf of her ally, and also protecting her own interests, having been kept informed of Carthaginian activity by both Saguntum and Massilia.

The next evident sign of Roman concern with the events in Spain comes with the signing of the Ebro agreement with Hasdrubal in 226.⁹⁹ The main passages dealing with this are as follows:

διόπερ ἄμα τῷ διαπρεσβευσάμενοι πρὸς τὸν ᾿Ασδρούβαν ποιήσασθαι συνθήκας, ἐν αἷς τὴν μὲν ἄλλην ᾿Ιβηρίαν παρεσιώπων, τὸν δὲ καλούμενον ᾿Ιβηρα ποταμὸν οὐκ ἔδει Καρχηδονίους ἐπὶ πολέμῳ διαβαίνειν . . . (Pol. II. 13. 7).

Therefore at the same time as sending envoys to Hasdrubal and making a treaty, in which while nothing was said about the rest of Spain, the Carthaginians engaged not to cross the Ebro for the purpose of war. . .

Πρῶτον μὲν ὅτι τὰς πρὸς ᾿Ασδρούβαν γενομένας ὁμολογίας οὐκ ἀθετητέον, καθάπερ οἱ Καρχηδόνιοι λέγειν ἐθάρρουν· οὐ γὰρ προσέκειτο, καθάπερ ἐπὶ τοῦ Λουτατίου, 3. ᾿κυρίας εἶναι ταύτας, ἐὰν καὶ τῷ δήμῳ δόξη τῶν ᾿Ρωμαίων· ἄλλ' αὐτοτελῶς ἐποιήσατο τὰς ὁμολογίας ᾿Ασδρούβας, ἐν αἷς ἦν ᾿τὸν ᾿Ιβηρα ποταμὸν μὴ διαβαίνειν ἐπὶ πολέμῳ Καρχηδονίους' (Pol. III. 29. 2-3).

First they argued that the agreement made with Hasdrubal should not be set aside, as the Carthaginians had the audacity to say; for there was no restriction as in the treaty made by Lutatius, 'that it should be valid, if it is accepted by the Roman people'; but Hasdrubal made the agreement with full authority, in which was the clause 'the Carthaginians shall not cross the river Ebro for the purpose of war'.

From the above passages, it can be seen that various terms are used to describe the agreement with Hasdrubal: *συνθήκαι* - 'treaty' II.13.7 (cf. III.6.2; and possibly also implied at III.30.3 ?); *ὁμολογίαι* - 'agreement' III.29.2-3 (cf. II.22.11; III.15.5, 21.1); and *διομολογήσεις* - 'convention' III.27.9. This suggests that some differentiation between this agreement and the previous Rome-Carthage agreements described by Polybius ought to be made, as they are described as *συνθήκαι*.

Certain observations can be made when the Ebro agreement is compared with the previous Rome-Carthage treaties. First with regard to the nature and format of the agreement, it ought only to be compared to the treaties prior to the First Punic War - even though Polybius includes it as the last agreement in his survey. Those treaties contained reciprocal clauses, whereas this agreement appears only to contain one main clause, which quite plausibly was the very reason for its existence. Secondly, we should ask ourselves whether we have the full agreement or just the most important clause, and that other minor points or details have been omitted? ¹⁰⁰

If we accept that the purpose of the agreement was the Roman desire to limit Carthaginian military activity beyond the Ebro, then I can see no reason why we should not accept Polybius' explanation

(II.13.5-7) that the Romans were concerned about the activities of the Celts in northern Italy and feared invasion. They were also concerned by the rapid Carthaginian expansion in Spain, but decided the best plan was to conciliate Hasdrubal with a mutually acceptable agreement and which enabled them to turn their undivided attention to what was considered the more immediate and pressing danger to their very existence.

The reason why the Ebro agreement was also acceptable to Hasdrubal was surely because it did nothing to restrict his activities at that particular time. Also, from what we know of Hasdrubal, diplomacy played a large rôle in his activities and this agreement did nothing to curtail such a policy. Thus the Ebro agreement should be viewed as an agreement of convenience of a temporary nature, which reflected the necessities of the Roman situation in 226.

It is of vital importance that we interpret the evidence we actually have for the agreement, and not try to invent possible clauses. It is well to remember that the agreement made no mention of anywhere else in Spain (II.13.7), yet in later distortions it is linked with Saguntum, although the town was not named.¹⁰¹ Further, the Carthaginians were accused of breaking the Ebro agreement through their attack on Saguntum.

An analysis of Polybius' account reveals that it is the Romans who are eager to quote the terms of the agreement. The Carthaginians we are told refused to discuss the agreement, because it had nothing to do with them. They regarded it as non-existent, or if it had existed, it did not concern them, as it had been made by Hasdrubal without their approval (III.21.1). Since the agreement made no mention of Saguntum, it is small wonder that the Carthaginians considered it totally

irrelevant to bring it into any discussion over their attack on the town. Yet, we find in Livy (XXI.2.7) the idea that Saguntum's independence was ensured by the Ebro agreement - and this is despite the apparent understanding that the town lay *south* of the Ebro.

Since the main concern of the agreement was preventing the Carthaginians from crossing the Ebro under arms, there surely would not have been any problems about Rome maintaining her relations with Saguntum, for the agreement said nothing about the Romans being prevented from crossing the river and moving south. Also, the agreement was concerned with military activity, and thus surely did not prevent or restrict diplomatic and commercial activity either north or south of the Ebro, by both Romans and Carthaginians.

In fact this interpretation becomes quite attractive if it is considered alongside the various hypotheses put forward concerning the chronology and the immediate cause of the Second Punic War, especially that of Hoffmann, that the war was due to Hannibal's crossing of the Ebro, and not to the capture of Saguntum.¹⁰²

Having examined the immediate implications of the Ebro agreement for both Carthage and Rome in 226, we must now view it from a broader historical context, and examine how it fitted in with the already existing provisions agreed to concerning the East coast of Spain in the treaty of 348, the second in Polybius' series of Rome-Carthage treaties.¹⁰³

According to the treaty of 348, the Romans undertook not to plunder, trade or found a city south of *Μαστίας Ταρσηίου* (III.24.2-4).¹⁰⁴ This was probably on the site of New Carthage, which lies just south of the peninsula of Cabo de Palos. Presumably, these provisions were still in force in 226, as they are not superseded in any later

treaty. It may well have been the case in 348 of the Carthaginians protecting either their immediate, or future interests, in establishing limitations of navigation concerning the East coast of Spain. In view of this particular clause, there must have been some Roman interest and contact with this area. Since the treaty was made between the Romans and their allies, and the Carthaginians and their respective allies, then it follows that Rome's Latin allies would also be prevented from sailing beyond *Μαστίας Ταρσηίου*.

In fact there is archaeological evidence from the sites on the East coast in the form of pre-Campanian, Campanian and other south Italian pottery, dating from the third century, which indicates that some form of commercial activity was taking place. The question of course arises whether Rome herself was directly involved in such trade, or whether only indirectly through her allies? There is no reason why southern Italian states, who had not yet come within the Roman sphere, should not have been participating independently in this Spanish coastal trade. Apart from her Latin allies, Rome was certainly on close, friendly terms (possibly in the form of *amicitia*) with Massilia in 348, who may have established colonies, at some date after 600, at Alonis and Hemeroskopeion, both north of Cabo de Palos, and much further north at Emporion and Rhode.¹⁰⁵ Thus the presence along this coastline of established and friendly communities must have been attractive to Roman, Latin and Italian traders. However, it seems to be extremely unlikely that Rome would agree to the inclusion of such a clause in the treaty, solely for the benefit of her allies, unless her own interests were closely involved.

Therefore to summarize, the Ebro agreement appears not to have altered the status quo established by the treaty of 348, except for the

restriction now imposed on the Carthaginians.¹⁰⁶ A restriction of this kind was of course not unusual to the Carthaginians, since the first two Rome-Carthage treaties and the Third Treaty, which was a renewal of the previous treaties, also included restrictions of a geographical nature. In addition, this agreement appears to have been the first direct Roman involvement in Carthaginian affairs in Spain at a political level, that is, apart from the already discussed diplomatic contact with Hamilcar in 231.

II Rome-Saguntine Relations After 226

According to Polybius, by the summer of 220 following the defeat of the Carpetani and neighbouring tribes at the battle of the river Tagus, none of the peoples south of the Ebro dared face the Carthaginians, with the exception of the Saguntines (III.14.9).¹⁰⁷ Hannibal, as we have already seen, avoided attacking Saguntum, not wishing to give the Romans a pretext for war, until he had secured possession of all the rest of the country, following the advice of his father Hamilcar (III.14.10). However the Saguntines sent repeated messages to the Romans in order to inform them of the situation, and on this occasion, unlike others, ambassadors were sent to investigate the report. I suspect that this is an occasion where Polybius has condensed the narrative, but we unfortunately have no means of knowing the time-scale over which these repeated messages were sent to Rome. It could possibly be only the period of Hannibal's command from 221, or it could span several years.

The Roman embassy was granted an interview with Hannibal at New Carthage where he returned with his forces for the winter, having completed further campaigns against the tribes. They called upon him

to leave Saguntum alone, because it was under their protection, and not to cross the Ebro contrary to the agreement made with Hasdrubal (III.15.1-4).¹⁰⁸ Hannibal's reply provides some interesting information concerning the closeness of relations between Rome and Saguntum, which led to direct Roman involvement in Saguntine affairs (III.15.5-8). He took this opportunity to accuse the Romans of unjustly putting to death a short time before some of the leading men of Saguntum, when they had been called in to arbitrate in political disturbances. The same incident is referred to again at III.30.2 where the Romans, rather than the Carthaginians, who were actually close at hand and were already involved in Spanish affairs, were called in to help put right the affairs of the state.

Once again, Polybius' account is too vague for us to have any means of knowing the length of time these political disturbances covered, or when they actually took place. One could suspect that they occurred at a time when the Carthaginian forces were encroaching close to Saguntine territory. We can only speculate, but not totally without evidence, as to the nature of the political strife in Saguntum. Since some of the leading men were executed by the Romans, it is likely that there were two leading groups, one pro-Roman and the other possibly pro-Carthaginian. The pro-Roman group obviously appealed successfully to the Romans for them to act as arbitrators, which resulted in the deaths of some members of the opposition group. This would explain the Carthaginian reaction and declaration that Rome had abused her power, and the Carthaginians, according to traditional policy were now prepared to take up the cause of the victims of injustice. However, this exposure of Saguntine affairs surely provides proof that Saguntum, despite her *deditio* to Rome had been left in charge of her own affairs,

and enjoyed self-government with her *leges et iura* intact. Only in the case of an emergency did she choose to ask for Roman interference in her affairs.

At the same time, Hannibal was also concerned that the Saguntines, relying on their alliance with Rome, were injuring some of the peoples subject to Carthage (III.15.8). This would appear to be a reference to Saguntum's war against a neighbouring tribe, the Torboletae according to Appian (Iber. 10), while Livy calls them the Turdetani at XXI.6.1, 12.5 and XXIV.42.11 (which clearly makes no geographical sense at all), and the Turduli at XXVIII.39.8 where they are described as Saguntum's 'oldest enemies'.¹⁰⁹

Again, I suspect Polybius is guilty here of condensing the narrative, thus providing us with no clear idea of the time-scale, nor of the cause or nature of the conflict. Although little is said about the war in the sources, an insight may be gained into the seriousness of the situation facing Saguntum before Hannibal's attack by examining the Roman resettlement of the town. In 212/211 Rome recaptured Saguntum from the Carthaginian garrison and restored it to its former inhabitants, while the Turdetani who were responsible for the war between the Saguntines and the Carthaginians were reduced to subjection, sold as slaves, and their capital city destroyed (Livy XXIV.42.10-11).¹¹⁰ There is no mention here of the nature of the alliance with Rome, which must have been reinstituted in a formal manner when the town was handed back to the Saguntine survivors. But we learn more from Livy's account (XXVIII.39.1ff.) of the Saguntine embassy to Rome in 205, who requested the senate to ratify in perpetuity the benefits which their generals had conferred upon the town. The embassy related its gratitude to the two elder Scipios for

restoring their city to them ('oppidum nobis restituerunt' XXVIII.39.5), and how later on, Publius Cornelius Scipio had crushed the Turdetani, thereby ensuring the future safety of Saguntum, and allowed the town to enjoy the tribute from the territory. Thus it would appear that Saguntum had been restored to its former position, enjoying a friendly and close relationship with Rome, but at the same time maintaining its civic dignity, its own laws, citizenship, and the right of self-government.¹¹¹

But to return to the situation before Hannibal's attack on Saguntum, it is clear from the Carthaginian viewpoint expressed at III.15.8-11, that Saguntum's alliance with Rome enabled her to express her defiance of Carthaginian power by making war on a neighbouring tribe, which Carthage considered as one of her subjects. This was a blatant threat to Carthaginian power in Spain and to their security. It is clear from the sources (cf. Livy XXI.11.2) that Saguntum was responsible for the war with her neighbouring tribe, and that she expected Roman protection of her independence. At some unknown date, Rome had already demonstrated her willingness to take positive action in Spanish affairs by becoming involved in Saguntum's internal disputes, and it is surely no coincidence that these two anti-Carthaginian acts are linked together in the Polybian narrative.¹¹²

To summarize then on Saguntum's status and relationship with Rome: there appears to be no reason why before Hannibal's attack that anything more than *amicitia* arising from *deditio* should have existed between them.

As I have already argued, the initial agreement may have been dated to before 231, and could have been renewed, or re-expressed at subsequent dates, whenever we have information of Saguntine and Roman

diplomatic contact, and of course there may have been other occasions which we do not know about. Such contact would have naturally strengthened both parties' feelings and resolve, and served to remind them of their commitments towards their alliance. The first possible date for a *foedus* existing between Rome and Saguntum may have been in 212/211, following the recapture of the town and the Roman restitution and rescue of Saguntine citizens from slavery. My reasons for suspecting this are that the circumstances which had resulted in the original alliance, and the attitude of the two allies towards each other, must have altered drastically in the light of the events following Hannibal's siege of Saguntum. The loyalty and resolve of the allies, plus the hardships endured, may have laid the foundations and provided the opportunity for a new type of alliance to be created between them. Such a progression in diplomatic relations with Rome was by no means unknown. It was certainly an occasion for Rome to celebrate the exoneration of her *fides* towards an ally.

It seems clear from Livy's account of the Saguntine embassy to Rome in 205, that they were merely requesting confirmation of the action taken by the elder Scipios in 212/211, and no mention is made of a formal treaty. In the senate's reply to the Saguntines, the *fides* of both the allies is praised. However, this reference to *fides* could equally well apply to a relationship based on *amicitia*, or to a more formal *foedus*, as it was an essential ingredient of both forms of alliance. Certainly by the first century B.C., Cicero (pro Balbo 50) implies that Saguntum possessed a *foedus*, and under the Empire the Elder Pliny was able to describe it as a town with Roman citizenship, famous for its loyalty - 'Saguntum civium Romanorum oppidum fide nobile' (NH III.20).

It can be seen from this analysis of Rome-Saguntum relations that in fact the treaties were irrelevant to the events and that they failed to prevent war from breaking out. The existing treaties were not taken into consideration. Nobody foresaw that war would result over Saguntum and nothing was done to try and prevent the situation from developing in the way it did. But then this had always been the nature of the Roman response - to only tackle a problem when it had reached the point of requiring urgent attention. It was only *after* the war had started that each side analysed the situation and produced arguments to support their action and to justify the war, by accusing the other side of treaty-breaking. It is therefore not surprising that there was more than one set of arguments available for Polybius to consider. However, Polybius made no attempt to re-evaluate the political importance of the treaties and as a result, the historiographical tradition concerning them, continued to be distorted.

4 NOTES

1. The earliest archaeological evidence for the Phoenician city is c.725 B.C. following the dating of Greek pottery found on the lowest stratum of the sacrificial precinct or tophet of Tanit at Salamambo, whilst the earliest tombs are dated to c.700 B.C. See G.-C. Picard and C. Picard, Carthage (1987), 36-37, 50-53.
2. Position of Carthage: G.-C. Picard and C. Picard, op.cit. note 1, 28-29; D. Harden, The Phoenicians (1980), 28-32 with figs. 3 and 4.
3. Cf. D. Harden, 'The Topography of Punic Carthage' G&R IX (1939), 1-12; British excavations: H. Hurst, 'Excavations at Carthage 1974: First Interim Report' AntJ LV (1975), 11-40; 'Second Interim Report for 1975' AntJ LVI (1976), 177-197; 'Third Interim Report for 1976' AntJ LVII (1977), 232-261; 'Fourth Interim Report for 1977' AntJ LIX (1979), 19-49; R.A. Yorke and J.H. Little, 'Offshore survey at Carthage, Tunisia, 1973' IJNA 4.1 (1975), 85-101 and R.A. Yorke, J.H. Little and D.P. Davidson, 'Offshore survey of the harbours of Carthage summary of 1975 season's work' IJNA 5.2 (1976), 173-176; also J.G. Pedley, New Light on Ancient Carthage (1980). The final publication of the results of the 'Save Carthage' project is the responsibility of the individual missions, and the last volume of the British Mission which will deal with the Punic harbours has yet to appear.
4. Cf. D. Harden, op.cit. note 2, 23-39 for geographical factors influencing Phoenician settlement. For details and discussion of Phoenician colonisation and trade with the west see C.R. Whittaker, 'The Western Phoenicians: Colonisation and Assimilation' PCPhS CC (1974), 58-79; A. Parrot, M. Chéhab and S. Moscati, Les Phéniciens (1975); H.G. Niemeyer, ed. Die Phönizier im Westen (Madrider Mitteilungen, Beiträge Band 8) (1982) - an important collection of articles; D.W.J. Gill, 'Silver anchors and cargoes of oil: some observations on Phoenician trade in the western Mediterranean' PBSR LVI (1988),

- 1-12; and most recently, R.J. Harrison, Spain at the Dawn of History. Iberians, Phoenicians and Greeks (1988), chs. 3-4.
5. On the Carthaginian empire: S.Gsell, Histoire ancienne de l'Afrique du nord³ Vols. I-III (1913-28); E. Acquaro, Cartagine: un impero sul Mediterraneo (1978); G.-C. Picard and C. Picard, op.cit. note 1, Chs. 1-3; M. Sznycer, 'Carthage et la civilisation punique' in C. Nicolet, ed. Rome et la Conquête du Monde Méditerranéen 264-27 avant J.-C. Vol. 2, 545-593 with bibliography 473-481; F. Decret, Carthage ou l'empire de la mer (1977), 103-129; A.R. Hands, 'The Consolidation of Carthaginian Power in the Fifth Century B.C.' in L.A. Thompson and J. Ferguson eds. Africa in Classical Antiquity (1969), 81-98; C.R. Whittaker, 'Carthaginian Imperialism in the Fifth and Fourth Centuries' in P.D.A. Garnsey and C.R. Whittaker eds. Imperialism in the Ancient World (1978), 59-90; for Phoenician/Carthaginian presence along the Algerian coast cf. S. Gsell, Atlas archéologique de l'Algérie (1911); and for Spain cf. R.J. Harrison, op.cit. note 4, Ch. 6.
 6. For a discussion and translation of the *Periplus*: J. Ramin, Le Périple d'Hannon/ The Periplus of Hanno (B.A.R. Suppl. Series 3, 1976).
 7. Cf. L. Casson, The Ancient Mariners: Seafarers and Seafighters of the Mediterranean in Ancient Times (1959), 71f.; *ibid.*, Ships and Seamanship in the Ancient World (1971), Ch. 12 for examples of ancient voyages; and for navigational information concerning the western Mediterranean see The Mediterranean Pilot Vol. 1¹⁰ (Hydrographic Department, Admiralty, 1978).
 8. Cf. H. Basset, 'Les influences puniques chez les Berbères' Revue Africaine 62 (1921), 340-374; M. Sznycer, op.cit. note 5, 590-593; J.A. Ilevbare, 'Language and the Process of Cultural Assimilation in Ancient North Africa' Nigeria and the Classics 12 (1970), 80-85 - discusses the spread of Punic culture and language through the Carthaginian conquests of the African hinterland; *ibid.* 'Economic Evolution in North Africa in Carthaginian and Roman Times' Nigeria and the Classics 13 (1971), 63-73.

9. Whittaker, op.cit. note 5.
10. Cf. J. Heurgon, 'Les graffites d' Aléria' in J. and L. Jehasse, La nécropole préromaine d'Aléria 1960-1968 (Supplément 25 à Gallia) (1973), 547-576.
11. 'On the dating of the Tyrrhenian Group' Oxford Journal of Archaeology 2(3), 1983, 279-293.
12. Cf. J.M. Hemelrijk, Caeretan Hydriae (1984), 157-9; artistic tradition and location of workshop: 160ff. with summary 193-4.
13. Op.cit. note 12, 167.
14. 'METRU.MENECE: an Etruscan painted inscription on a mid-5th-century B.C. red-figure cup from Populonia' Antiquity 61 No.231, 1987, 82-87.
15. Op.cit. note 12, 182.
16. Op.cit. note 4, 18-19.
17. 'Greeks and Greek Imports in the South of the Iberian Peninsula. The Archaeological Evidence' in H.G. Niemeyer, ed. op.cit. note 4, 341-2.
18. 'Céramique archaïque d'importation au Musée Lavignerie de Carthage' Cahiers de Byrsa III (1953), 29ff. and 34-38.
19. 'Etruscan-Punic Relations' Ph.D dissertation Bryn Mawr College, 1974; *ibid.* 'Evidence for Etruscan-Punic Relations' AJA 81 (1977), 368-374.
20. S.v. notes 29-32 for discussion and bibliographical details; and J. Ferron, 'Un traité d'alliance entre Caere et Carthage contemporain des derniers temps de la royauté étrusque à Rome ou l'évènement commémoré par la quasi-bilingue de Pyrgi' ANRW 1.1 (1972), 189-216.
21. G. Colonna, 'Le monete' NSA 1970 Suppl. II, 580-582.
22. 'The Problem of Etruscan-Carthaginian Relations in the Light of New Epigraphical Data' VDI 1969, 101-108, esp. 106-107. (I am grateful to Anne Lewis for the translation.) The author supports a late fifth century date for the Pyrgi Tablets.

23. See F. Coarelli, Il Foro Boario dalle origini alla fine della repubblica (1988), 233, 247-252, 328-331, 334-339, 348-350, 355-362 and 426-429 for the latest opinions on Pyrgi.
24. S.v. JHS Archaeological Reports 1967-8, 39; M. Torelli, Etruria (1985), 108-110.
25. M. Torelli, 'Il santuario di Hera a Gravisca' PP 26 (1971), 44-67 discusses trade between Carthaginians, Etruscans and Greeks; *ibid.* 'Il santuario greco di Gravisca' PP 32 (1977), 398-458.
26. Cf. M. Slaska, 'Le anfore da trasporto a Gravisca' in Il commercio etrusco-archaico Atti dell' Incontro di Studio 5-7 dicembre 1983 (1985), 19-21; and N. Spivey and S. Stoddart, Etruscan Italy (1990), 86ff.
27. 'Hercule-Melqart à l'Ara Maxima' RPAA XXXII (1959-60), 61-68; R. Rebuffat, 'Les Phéniciens à Rome' MEFRA 78 (1966), 7-48 pursues the idea too far.
28. Mediterranean Pilot Vol. I^o (1978) panoramic view from seaward 42 (7.32).
29. Mediterranean Pilot Vol. I^o panoramic view from seaward 43 (7.36): Bay of Tunis from the north.
30. Mediterranean Pilot Vol. I^o panoramic view from seaward 45 (7.47) from the north and 46 (7.47) from the east.
31. For descriptions of the coastline and navigational details cf. Mediterranean Pilot Vol. I^o, 160-164; and Tunisia Geographical Handbook (1945), 55-59.
32. Cf. J.G. Landels, Engineering in the Ancient World (1980), 156-160; and J. Rougé, Ships and Fleets of the Ancient Mediterranean (trans. S. Frazer Middletown) (1981), 21-23.
33. Cf. H.H. Schmitt, Die Staatsverträge des Altertums III (1969), No. 444, 60-61; and R.E. Mitchell, 'Roman-Carthaginian Treaties: 306 and 279/8 B.C.' Historia XX (1971), 638-639.
34. Cf. E. Badian, 'Notes on Roman Policy in Illyria (230-201 B.C.)' PBSR XX (1952), 78-79.
35. Cf. A.H. McDonald and F.W. Walbank, 'The Treaty of Apamea (188 B.C.): The Naval Clauses' JRS LIX (1969), 30-39.

36. Cf. Mediterranean Pilot Vol. I^o, 164-165 and Tunisia (Geographical Handbook), 59.
37. O. Meltzer, Geschichte der Karthager Vol. I (1879), 181, 488; G. De Sanctis, Storia dei Romani III.2 (1916), 580-581; and S. Gsell, op.cit. note 5, Vol. I² (1929), 457-458.
38. Articles which centre on the theme of nomenclature: Walbank, HCP Vol. I, 341-342; and R. Werner, 'Das Καλὸν ἀκρωτήριον des Polybios' Chiron V (1975), 21-44.
39. Op.cit. note 5, 105.
40. J. Heurgon, 'Sur l'interdiction de naviguer au-delà du Beau-Promontoire dans le premier traité entre Rome et Carthage (Pol. III, 22-23)' AntAfr 14 (1979), 37-42.
41. 'The date of the first treaty between Rome and Carthage' JRS XXIX (1939), 74-86.
42. Cf. A.R. Hands, op.cit. note 5, 83 and Warmington, Carthage (1960), 44-45; cf. How and Wells, A Commentary on Herodotus vol. II (Books V-IX) (1961), 196-7. Also J. Desanges, 'Entendu et importance du Byzacium avant la création, sous Diocletien de la province de Byzacène' CT 11 (1963), 7-22.
43. Pol. I.29.6-7.
44. Cf. J. Heurgon, 'L'agronome Carthaginois Magon et ses traductions en latin et en Grec' CRAI July-Oct. 1976, 441-456; and D. Harden, op.cit. note 2, 128-130.
45. Cf. Pol. XXVI.21; P.G. Walsh, 'Massinissa' JRS LV (1965), 157-159; E. Badian, Foreign Clientelae (264-70 B.C.) (1958), 126-129 and 295-296; and T. Kotula, 'L'affaire des Emporia: problème d'histoire et de chronologie (Tite Live XXXIV.62; Polybe XXXI.21)' Africana Bulletin 20 (1974), 47-61.
46. Cf. Tunisia (Geographical Handbook), 66-70; Mediterranean Pilot Vol. I^o, 171-175; and J. Despois, La Tunisie Orientale Sahel et Basse Steppe. Étude géographique (1955), 101-104.
47. Cf. Strabo XVII.3.20; Pliny NH V.26; Horace Od I.22.5; II.6.3-4; Ep IX.31; and Acts 27.17.

48. J-P. Morel, 'Kerkouane, ville punique du Cap Bon: rémarques archéologiques et historiques' MEFRA 81 (1969), 473-518; and M.H. Fantar, 'Présence punique au Cap Bon' Kokalos 18 (1972), 264-277.
49. P. Cintas, 'Le sanctuaire punique de Sousse' Revue Africaine 91 (1947), 1-80 and L. Foucher, Hadrumetum (1964), 11-96 for a history of the town.
50. For discussion see Walbank, HCP Vol.III, 633-637.
51. Cf. F. Barreca, 'La colonizzazione fenicio-punica in Sardegna alla luce delle nuove scoperte' in Simposio Internacional de Colonizaciones Barcelona 1971 (1974), 1-13; and S. Moscati, I Cartaginesi in Italia (1977), 131-282.
52. Op.cit. note 5, 68-69 notes 12 and 13.
53. The tradition and language in Carthaginian imperialism in Sicily is discussed by Whittaker, op.cit. note 5, esp. 60-68.
54. Cf. G.-C. Picard and C. Picard, op.cit. note 1, 56ff. and B.S.J. Isserlin and J. du Plat Taylor, Motya. A Phoenician and Carthaginian City in Sicily Vol. I Field Work and Excavation (1974).
55. Cf. D. Asheri, 'Carthaginians and Greeks' in CAH IV² (1988), 739-753 - bibliography 882-886.
56. For details cf. Walbank, HCP Vol.I, 344-345 and H.H. Scullard, 'Carthage and Rome' in CAH VII².2 (1989), 524.
57. Cf. Scullard, op.cit. note 56, 524 and A.N. Sherwin White, The Roman Citizenship (1973), 17-19
58. Cornell, 'Rome and Latium to 390 B.C.' in CAH VII².2 271-272.
59. Cf. Walbank, HCP Vol.I, 347; contra Whittaker, op.cit. note 5, 302 (note 61).
60. On the site see P. Cintas, Manuel d'Archéologie Punique I (1970), 283-308.
61. For a recent archaeological account see R. Ross Holloway, The Archaeology of Ancient Sicily (1991), Chs. 2-5 and D. Asheri, op.cit. note 55, 757-775.

62. On the site see F. Coarelli and M. Torelli, Sicilia (1984), 398-405.
63. Cf. Toynbee, Hannibal's Legacy Vol.I (1965), 34ff.; contra Whittaker, op.cit. note 5, 60-62, 65-66 and Hands, op.cit. note 5, esp. 93-99.
64. For Gelon's thank offering for Himera at Delphi see R. Meiggs and D. Lewis, A Selection of Greek Historical Inscriptions to the End of the Fifth Century B.C. (1980), No.28 and No.29 for Hiero's thank offering for victory at Cumae in 474 B.C.
65. S.V. Chapter 1, note 40 for the bibliography on the treaties with Dionysius and especially B. Caven's recent evaluation of Dionysius.
66. For the most recent information and bibliography about Phoenicians, Carthaginians and Greeks in Spain at specific sites see R.J. Harrison, op.cit. note 4, Chs. 3-6 and S.J. Keay, Roman Spain (1988), Ch. 1.
67. Op.cit. note 4, Ch.5, 69-79 and 166 for bibliography.
68. Cf. Shefton, op.cit. note 17, 365-367.
69. 'L'administration territoriale de Carthage' in R. Chevallier ed. Mélanges d'archéologie et d'histoire offerts à André Piganiol III (1966), 1257-1265; op.cit. note 1, 87-89; Whittaker, op.cit. note 5, 88-90 and op.cit. note 8 for articles discussing the spread of Punic culture through Carthaginian conquests.
70. Cf. A. Degrassi, Inscriptiones Italiae XIII.1 Fasti Consulares et Triumphales (1947), 535ff.
71. Cf. Sherwin White, op.cit. note 57, 24-32 and for a recent analysis of the expansion of the Roman state during the fifth and fourth centuries see Cornell, op.cit. note 58, 274-323 and Scullard, op.cit. note 56, 526-530.
72. Cf. H.A. Ormerod, Piracy in the Ancient World An Essay on Mediterranean History (1978), 128-130 and 159-161.
73. Cf. Walbank, HCP Vol.I, 349-351 for discussion on the additional clauses.
74. Cf. Picard, op.cit. note 1, 176-175.

75. Cf. G. Nenci, 'Il trattato romano-cartaginese κατὰ τὴν Πύρρου διάβασιν (Pol. III. 25. 1-5)' Historia 1958, 263-299, and P. R. Franke, 'Pyrrhus' in CAH VII². 2, 473-477 and bibliography 761-763.
76. There is much disagreement as to the nature of the alliance. Among those who would support a treaty with Saguntum: W. V. Harris, War and Imperialism in Republican Rome (1979), 201 and note 4. Against a formal treaty: E. Badian, op. cit. note 45, 48-52 and note H; J. S. Reid, 'Problems of the Second Punic War' JRS III (1913), 179-190; T. A. Dorey, 'The Treaty with Saguntum' Humanitas 11-12 (1959-1960), 1-10; A. E. Astin, 'Saguntum and the Origins of the Second Punic War' Latomus 26 (1967), esp. 589ff.; R. M. Errington, 'Rome and Spain before the Second Punic War' Latomus 29 (1970), 41-42; and J. S. Richardson, Hispaniae. Spain and the Development of Roman Imperialism 218-82 B.C. (1986), 22 and note 43.
77. Various dates have been proposed for Saguntum's alliance, which is placed by scholars either before or after the Ebro 'treaty'. Details of the controversy are found in Walbank, HCP Vol. I, 170(d).
78. For Polybius' political and diplomatic language see M. Dubuisson, Le Latin de Polybe. Les Implications Historiques d'un Cas de Bilinguisme (1985), 87-112.
79. Pol. XXXVI. 4. 1-2 gives a definition of *deditio*. E. Badian, op. cit. note 45, 4-7 explores some of the aspects of *deditio*. For doubts whether the Saguntines were *deditici*: Walbank, HCP Vol. I, 321 cf. ibid Vol. II, 635; and A. E. Astin, op. cit. note 76, 590ff.
80. The towns of N. E. Sicily which defected to Rome in 263 B.C. probably performed *deditio* in the hope of gaining favorable treatment afterwards. A. M. Eckstein, Senate and General. Individual Decision-Making and Roman Foreign Relations 264-194 B.C. (1987), 105ff., provides an interesting discussion on the status of these towns. Cf. the surrender of Illyrian towns after the capture of Dimale during the Second Illyrian War (Pol III. 18. 6).

81. This aspect was fundamental in the Aetolian misunderstanding of *deditio* (Pol XX.9.10-12). See Walbank, HCP Vol.III, 79-81; and now E.S. Gruen, 'Greek Πίστις and Roman Fides' Athenaeum 60 (1982), 50-68, discussing the Polybian passage concludes it was an exceptional event, as the Hellenic πίστις and Roman *fides* were quite compatible and not a source of misunderstanding between Greeks and Romans. Cf. M. Dubuisson, *op.cit.* note 78, 69-74 on *fides*.
82. Pol. I.83.11 (the Romans refused because Utica was allied to Carthage, and to accept would be a breach of Lutatius' treaty with its φιλία clause - I.62.8).
83. The 'abstract' concept of *fides* with regard to foreign relations became manifest in Rome in the mid-third century with the building of the temple to *Fides Publica* on the Capitoline by A. Atilius Calatinus, consul in 258 and 254 B.C. For details see Platner and Ashby, A Topographical Dictionary of Ancient Rome Vol.I, 209 and H.H. Scullard, Festivals and Ceremonies of the Ancient Roman Republic (1981), 189-190. Cf. W.V. Harris, *op.cit.* note 76, 34-35 for the idea that *fides* was invoked in foreign affairs to justify aggressive action in defence of Rome's *amici*.
84. This point is made by Harris, *op.cit.* note 76, 189.
85. *Deditio* often led to *amicitia*, as in the much discussed case of the Mamertines: Pol. I.10.2 and III.26.6. Cf. W. Dahlheim, Struktur und Entwicklung des römischen Völkerrechts im dritten und zweiten Jahrhundert v. Chr. (1968), 52-82, who discusses how 'voluntary' *deditio* could result in an informal relationship of *amicitia*; Eckstein, *op.cit.* note 80, 75-76; and Richardson, *op.cit.* note 76, 22 and notes 42-43 for the case of Saguntum.
86. The peace treaty with Hiero in 263 (Pol. I.16.9) is an example of *amicitia et foedus* (φιλία καὶ συμμαχία).
87. Pol. II.11.5-6. Corcyra thus gained Roman protection from Illyrian attack during the First Illyrian War. The situation is of course more serious at this stage than at Saguntum, as the Illyrians had already occupied the city after a siege. Other

Illyrian cities quickly followed Corcyra's example and placed themselves under Roman protection (Pol. II.11.8-12.2).

88. Cf. M. Dubuisson, *op.cit.* note 78, 89 'ἀνανεοῦσθαι συμμαχίαν, φιλίαν'. There are many examples of renewal of *amicitia*, though most date from the second century B.C. onwards: e.g. the successors of Ptolemy II (Philadelphus) renewed the alliance he made with Rome in c. 272 (Zon. VIII.6; Dio X.41); Delos renewed 'good relations and friendship' c. 192? (IG XI.4.756); renewal of *amicitia* on the accession of Perseus in 179 (Pol. XXII.18; Livy XL.58.8); Ariarathes V of Cappadocia on his accession in 163 requested a renewal of the alliance and friendship ('φιλία καὶ συμμαχία') with Rome (Pol. XXXI.3.1-5; cf. Diod. XXXI.19.8); the alliance with the Jews in 160 (Josephus Ant.Jud. XII.416 cf. I Macc. 8.20f.) was renewed before 135 (Josephus Ant. Jud. XIII.227 and I Macc. 15.16-24), again in 128 (Josephus Ant. Jud. XIII.259-266); the *S.C. de NARTHACIENSIBUS ET MELITAEENSIBUS* (147 or 140) granted the renewal of 'good will, friendship and alliance' ('χαριτα, φιλία συμμαχία') (IG IX.2.89; SIG^a 674). Of course *amicitia/φιλία* was expressed in the renewal of treaties as well as alliances.

89. The distinction between *amicitia* and *societas* appears in Livy XLV.25.9-10 concerning the request of a Rhodian embassy in 167 for an alliance (*societas*) with Rome:

Nam ita per tot annos in amicitia fuerant, ut sociali foedere se cum Romanis non inligarent, ob nullam aliam causam, quam ne spem regibus absciderent auxilii sui, si quid opus esset, neu sibi ipsis fructus ex benignitate et fortuna eorum percipiendi. Tunc utique petenda societas videbatur, non quae tutiores eos ab aliis faceret - nec enim timebant quemquam praeter Romanos - sed quae ipsis Romanis minus suspectos.

Prior to this date an informal relationship of *amicitia* had sufficed (for the epigraphic evidence of this see V. Kontorini, 'Rome et Rhodes au tournant du IIIe s. av. J.C. d'après une inscription inédite de Rhodes' JRS LXXIII (1983), 24-32). Both the flexibility and informality of such a diplomatic relationship had suited the Rhodians, as it did not curtail their independence with regard to foreign relations. This

particular aspect was enumerated as being among the disadvantages of a *societas*. For Polybius' terminology see M. Dubuisson, *op.cit.* note 78, 107-110.

90. Cf. E.S. Gruen, The Hellenistic World and the Coming of Rome Vol.I (1984), 25 note 66 quoting L. Matthaëi, 'On the Classification of Roman Allies' CQ 1 (1907), 188 objects to the statement that all *socii* were *foederati*, and argues that the terms *socius* and *societas* were imprecisely employed. It is not easy, nor indeed desirable to attempt to make hard and fast rules apply to the use of diplomatic terms. The dangers of this are evident from Mommsen's attempt: Römisches Staatsrecht III.1 (1887), 590ff. and 645ff. For a bibliography on *socii et amici* see H.H. Scullard, A History of the Roman World 753-146 B.C.⁴ (1980), 506 note 8.
91. Pol. II.13.1-2; Diod. XXV.12; Strabo III.4.6. The site of 'New Carthage' - Carthago Nova was even better than Akra Leuke for contact with Carthage, as it had a superb harbour. For an aerial view of the port see R. Menendez Pidal, ed. Historia de España. España Romana (218 a. de J.C. - 414 de J.C.) La Conquista y la Explotación Económica Vol.II² .1 (1982), 7 fig.2.
92. For Hannibal's campaigns see Walbank, HCP Vol. I, 316-319; and J.F. Lazenby, Hannibal's War (1978), 22.
93. Strabo III.4.6 and 4.8.
94. Justin XLIII.3.4 cf. XLIII.5.3 and 8-10; s.v. 'Massalia' in RE XIV col.2132. In an honorary inscription from Lampsakos 196/5 the Massiliotes are called 'the friends and allies of the Roman people' (SIG³ 591, 26-27).
95. C. Ebel, Transalpine Gaul: The Emergence of a Roman Province (1976), 20-21, warns against the Massiliotes' alleged influence in Roman policy on the coast of Spain.
96. Livy XXI.7.2; Strabo III.159; Pliny NH XVI.216; Appian Iber. 7; and R.C. Knapp, Aspects of the Roman Experience in Iberia 206-100 B.C. (Anejos de Hispania Antiqua IX, 1977), Appendix V: Roman contacts with Iberia before the Second Punic War, 206-208.
97. Dio fr.48: "Ὅτι πρέσβεις ποτὲ ἐπὶ κατασκοπῇ . . . Γαῖου Παπιρίου, καίπερ μηδὲν μηδέπω τῶν Ἰβηρικῶν σφισι προσηκόντων, ἀπέστειλαν,

καὶ αὐτοὺς ἐκείνος τὰ τε ἄλλα ἐδεξιώσατο καὶ λόγοις ἐπιτηδείοις διήγαγεν, εἰπὼν ἄλλα τε καὶ ὅτι ἀναγκαίως τοῖς Ἰβήρσι πολεμεῖ, ἵνα τὰ χρήματα ἅ τοῖς Ῥωμαίοις ἔτι πρὸς τῶν Καρχηδονίων ἐπωφείλετο ἀποδοθῇ, διὰ τὸ μὴ δύνασθαι ἄλλοθεν ποθεν αὐτὰ ἀπαλλαγῆναι, ὥστε τοὺς πρέσβεις ἀπορήσαι ὅτι οἱ ἐπιτιμήσωσιν.

98. Cf. A.M. Eckstein, 'Rome, Saguntum and the Ebro Treaty' Emerita 52 (1984), 57 note 16 for a list of those who support 231 as the date for the beginning of Rome-Saguntine relations and those against. G.V. Sumner, 'Roman Policy in Spain before the Hannibalic War' HSPH 72 (1967), 205 accepts the embassy of 231 as 'the first sign of active Roman interest in Spain'.
99. Many of the following aspects are also raised by A.M. Eckstein, op.cit. note 98, 51-68 which is an important article.
100. Cf. II.13.7 and III.29.3 for the phrase 'ἐν αἷς, ἐν αἷς ἦν' which is perhaps not specific enough to mean that this was the only clause?
101. Walbank, HCP Vol.I, 171-172.
102. W. Hoffmann, 'Die römische Kriegserklärung an Karthago im Jahre 218' RhM 94 (1951), 69ff. challenged the ancient tradition that it was not the fall of Saguntum, but Hannibal's crossing of the Ebro which led to war. This hypothesis is modified by H.H. Scullard, 'Rome's Declaration of War on Carthage in 218 B.C.' RhM 95 (1952), 209ff. Now see A.M. Eckstein, 'Two Notes on the Chronology of the Outbreak of the Hannibalic War' RhM 126 (1983), 255-272.
103. III.24.
104. Walbank, HCP Vol.I, 374 on 'Μαστίας Ταρσηίου'.
105. R.C. Knapp, op.cit. note 96, 205-208 and 40-41 for the rôle of Emporion. As mentioned earlier, there is some doubt whether Hemeroskopeion was an actual colony, as it literally means 'day lookout' or 'viewpoint'.
106. For the view that Rome abandoned her claims south of the Ebro cf. J.M. Blázquez, 'Las alianzas en la Península Ibérica y su repercusión en la progresiva conquista romana' RIDA XIV (1967), 212-213; this is challenged by Eckstein, op.cit. note 98, 57ff.

107. Cf. Livy XXI.5.17 expresses the situation in much stronger terms: 'Et iam omnia trans Hiberum praeter Saguntinos Carthaginiensium erant'.
108. For a plausible explanation of this Roman warning and a defence of Polybius, see J.S. Richardson, op.cit. note 76, 22-23.
109. It is hard to make sense of this since Saguntum lay in the territory of the Edetani, who occupied the coastal plain (Strabo III.4.1) and the territory of the Turdetani was in S.W. Spain, around the Guadalquivir - cf. R. Menendez Pidal, op.cit. note 91, 13 and notes 25 and 26.
110. Livy dates the recapture of Saguntum to 214, but his sources say it was 'the eighth year' it had been in Carthaginian hands.
111. The senate commended Saguntum on its loyalty (*fides*) as an example to all peoples, and approved everything the Scipios had done with regard to Saguntum. They also treated the Saguntine embassy with great respect and courtesy, granting them hospitality and gifts (Livy XXVIII.39.17ff.).
112. Cf. Pol. III.14.9-10 'only Saguntum stood up against the Carthaginians'; and Eckstein, op.cit. note 98, 51-68 for the interpretation that Rome's *amicitia* with Saguntum created no provocation in the late 220s, and that Hannibal was basically the aggressor; also Harris, op.cit. note 76, 201-205 and Lazenby, op.cit. note 92, 25.

CONCLUSION

From the evidence presented in this thesis a number of conclusions can be drawn. We have seen that Polybius' use of the Rome-Carthage treaty documents formed an integral part of his historiographical method and that documents on the whole were not used by historians, but by scholars, the sort of people who would have been available in Rome to help Polybius locate and interpret the treaties. There is also a good case to support Polybius' dating of the First Treaty to c. 509 B.C. and that he was dealing with a series of genuine documents, inscribed on bronze, which had been preserved at Rome in the 'treasury of the aediles'.

Through the examination of documentary practice at Rome, it has become clear that bronze was most commonly used for inscribing treaties and laws. Public documents were stored in what may seem^t to us a haphazard way, at a great variety of locations throughout the City. However, laws and treaties did tend to be found on the Capitoline hill, with the most prestigious place for the display and deposition of documents being within the temple of Jupiter Optimus Maximus. Unfortunately, despite much speculation, the 'treasury of the aediles' remains unidentified, except that it was near to the temple of Jupiter Capitolinus.

In examining the preservation and display of public documents at Rome, it becomes clear that we must put aside our modern-day attitudes and preconceived ideas of modern archives and archival practices, if we are going to be successful in understanding the ancient attitude

towards public documents. For example, the ancients did not make the same distinction between originals and copies, which is fundamental to modern archival thinking. A great deal of care was taken to ensure that the correct procedures were observed in the elaborate ritual associated with the making of treaties and the creation of laws. The very act of inscribing on bronze sanctioned the contents of a document and ensured its legitimacy and authority.

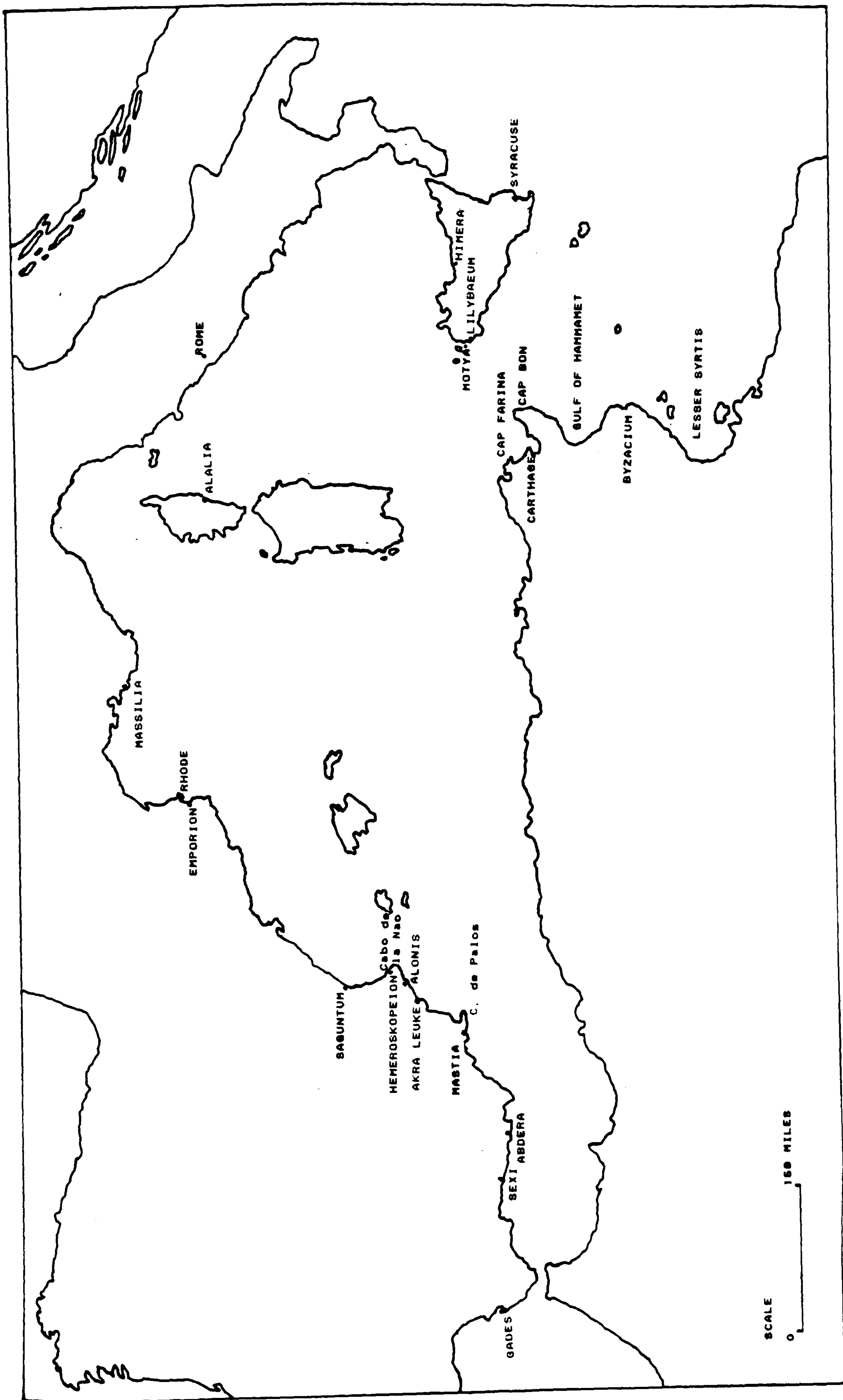
It also becomes evident that a great many archaic inscriptions could have survived down to Polybius' day and that there were many scholars at Rome who would have been suitably qualified to assist Polybius in the interpretation of the Rome-Carthage treaties.

By the time of the outbreak of the Second Punic War in 218 B.C., the early treaties clearly had no relevance to the type of events which were taking place. As we have already seen, these early treaties were concerned with establishing conditions and regulations to ensure the continuity of peaceful and prosperous trade, preventing piracy, attacks from the sea and unauthorized settlement. They had nothing to do with the creation of a 'territorial' empire and indeed they do not provide any details of how the contracting parties intended to enforce the regulations and the penalties for those who broke them.

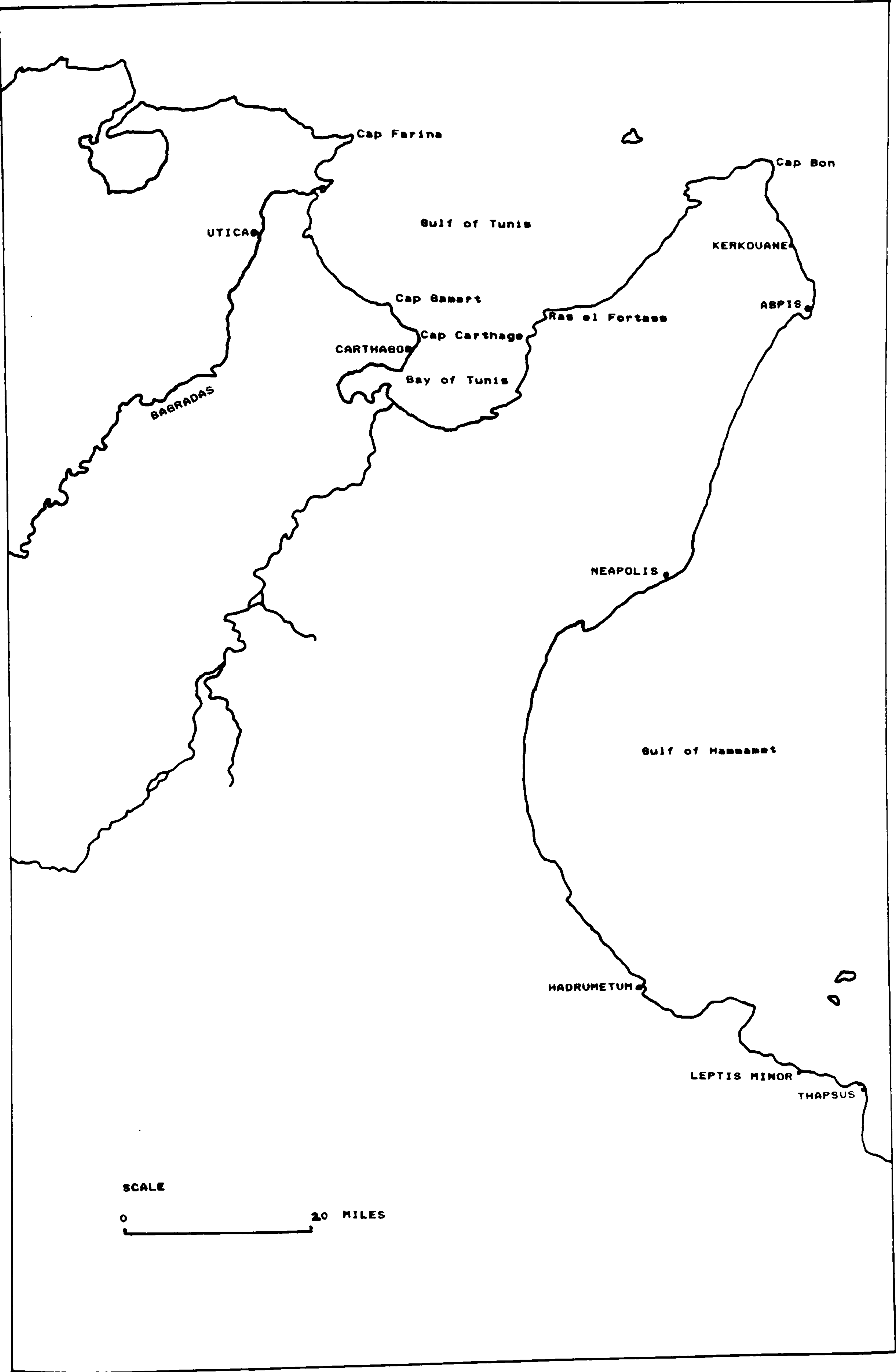
The interests of Carthage and Rome towards the end of the third century were naturally very different from those at the end of the sixth century, the mid-fourth century and even in 279. Both Rome and Carthage had become interested in increasing their power and influence through territorial expansion, and in Rome's case, a network of alliances extended her influence well beyond her actual territorial power. In Carthage's case, territorial expansion was achieved through

sustained military campaigns in south and east Spain in the years after 238.

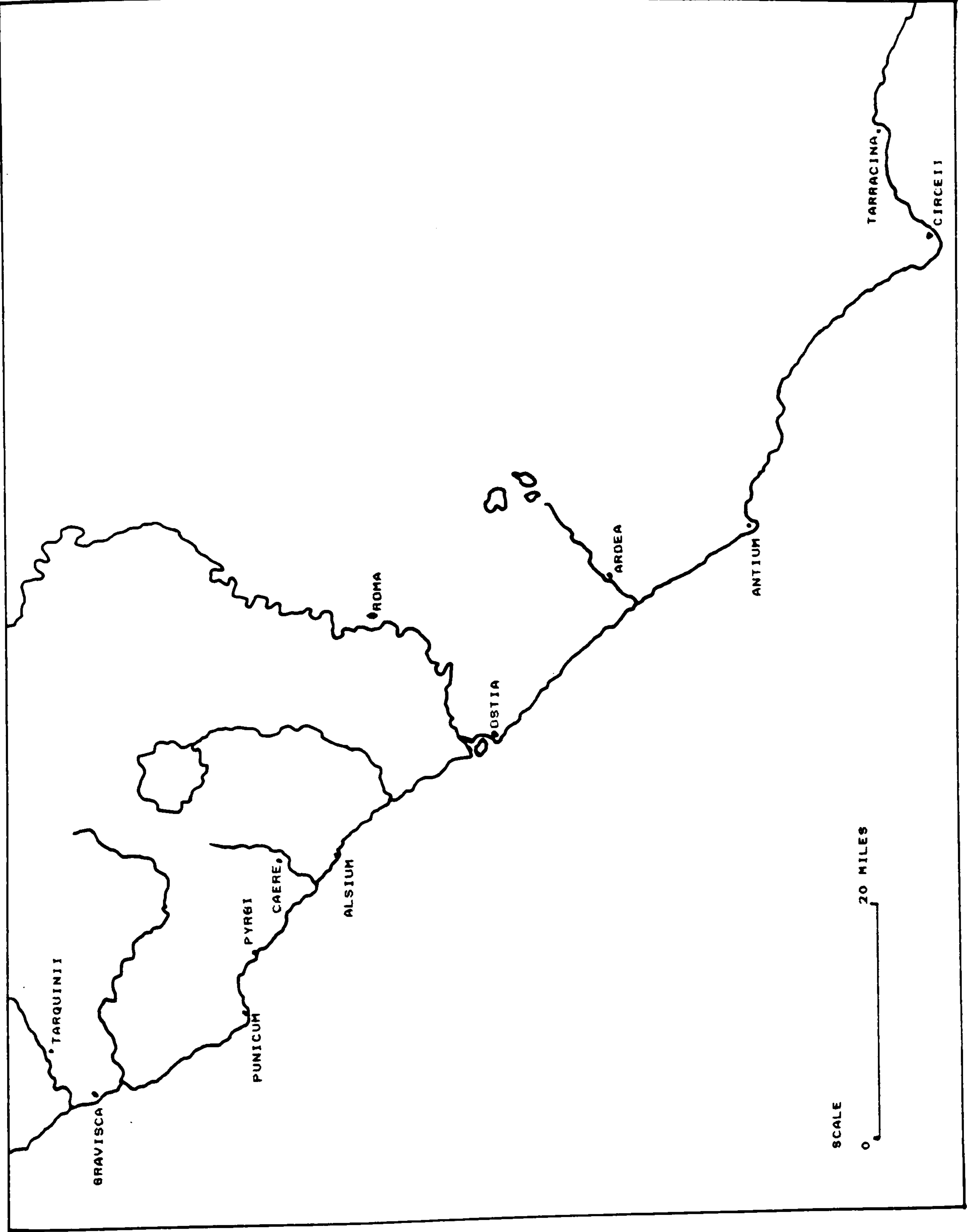
The damage done to Rome-Carthage relations during the First Punic War and the subsequent mercenary war was irreparable, as the relationship had been transformed, as is clear from the treaties of 241 and 238, from one of long-standing friendship and alliance to that of victor and vanquished. Any chance of trust and co-operation had dissipated, being replaced by hatred and suspicion. Consequently, it is hardly surprising that in such circumstances, the early treaties, expressing friendship and alliance were unable to play any rôle in preventing the outbreak of war between Carthage and Rome in 218 B.C., even though as we have seen in Chapter 4, section 5, in the discussion of the significance of the early treaties to the dispute over Saguntum, the provisions of the Second Treaty were still valid and the Rome-Saguntine relationship was not in breach of the treaty. Thus despite the elaborate procedures involved in creating and preserving the treaty documents, their subsequent rôle in later diplomatic negotiations would appear to have been insignificant. If this conclusion is correct, it would suggest that for whatever reason the treaties were preserved, it was not to play a rôle in diplomacy, and perhaps, Polybius' emphasis on the treaties in his discussion should be seen as a serious distortion of the actual historical causes and justifications used for the war.



MAP 1. THE WESTERN MEDITERRANEAN



MAP 2. NORTH AFRICA



MAP 3. ETRURIA AND LATIUM

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