

**THEODOR  
MOMMSEN**

THE HISTORY  
OF ROME,  
BOOK IV

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*The History of Rome, Book IV. The Revolution:*

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# Theodor Mommsen

## The History of Rome,

### Book IV. The Revolution

*"-Aber sie treiben's toll;  
Ich furcht', es breche."  
Nicht jeden Wochenschluss  
Macht Gott die Zeche-*

**Goethe.**

# Chapter I

## The Subject Countries Down to the Times of the Gracchi

### The Subjects

With the abolition of the Macedonian monarchy the supremacy of Rome not only became an established fact from the Pillars of Hercules to the mouths of the Nile and the Orontes, but, as if it were the final decree of fate, it weighed on the nations with all the pressure of an inevitable necessity, and seemed to leave them merely the choice of perishing in hopeless resistance or in hopeless endurance. If history were not entitled to insist that the earnest reader should accompany her through good and evil days, through landscapes of winter as well as of spring, the historian might be tempted to shun the cheerless task of tracing the manifold and yet monotonous turns of this struggle between superior power and utter weakness, both in the Spanish provinces already annexed to the Roman empire and in the African, Hellenic, and Asiatic territories which were still treated as clients of Rome. But, however unimportant and subordinate the individual conflicts may appear, they have collectively a deep historical significance; and, in particular, the state of things in Italy at this period only becomes intelligible in the light of the reaction which the provinces exercised over the mother-country.

## Spain

Except in the territories which may be regarded as natural appendages of Italy—in which, however, the natives were still far from being completely subdued, and, not greatly to the credit of Rome, Ligurians, Sardinians, and Corsicans were continually furnishing occasion for "village triumphs"—the formal sovereignty of Rome at the commencement of this period was established only in the two Spanish provinces, which embraced the larger eastern and southern portions of the peninsula beyond the Pyrenees. We have already<sup>1</sup> attempted to describe the state of matters in the peninsula. Iberians and Celts, Phoenicians, Hellenes, and Romans were there confusedly intermingled. The most diverse kinds and stages of civilization subsisted there simultaneously and at various points crossed each other, the ancient Iberian culture side by side with utter barbarism, the civilized relations of Phoenician and Greek mercantile cities side by side with an incipient process of Latinizing, which was especially promote by the numerous Italians employed in the silver mines and by the large standing garrison. In this respect the Roman township of Italica (near Seville) and the Latin colony of Carteia (on the bay Of Gibraltar) deserve mention—the latter being the first transmarine urban community of Latin tongue and Italian constitution. Italica was founded by the elder Scipio, before he left Spain (548), for his veterans who were inclined to remain in the peninsula—

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<sup>1</sup> III. VII. The State of Culture in Spain.

probably, however, not as a burgess-community, but merely as a market-place.<sup>2</sup> Carteia was founded in 583 and owed its existence to the multitude of camp-children—the offspring of Roman soldiers and Spanish slaves—who grew up as slaves de jure but as free Italians de facto, and were now manumitted on behalf of the state and constituted, along with the old inhabitants of Carteia, into a Latin colony. For nearly thirty years after the organizing of the province of the Ebro by Tiberius Sempronius Gracchus (575, 576)<sup>3</sup> the Spanish provinces, on the whole, enjoyed the blessings of peace undisturbed, although mention is made of one or two expeditions against the Celtiberians and Lusitanians.

### Lusitanian War

But more serious events occurred in 600. The Lusitanians, under the leadership of a chief called Punicus, invaded the Roman territory, defeated the two Roman governors who had united to oppose them, and slew a great number of their troops. The Vettones (between the Tagus and the Upper Douro) were thereby induced to make common cause with the Lusitanians; and these, thus reinforced, were enabled to extend their excursions as far as the Mediterranean, and to pillage even

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<sup>2</sup> Italica must have been intended by Scipio to be what was called in Italy forum et -conciliabulum civium Romanorum-; Aquae Sextiae in Gaul had a similar origin afterwards. The formation of transmarine burgess-communities only began at a later date with Carthage and Narbo: yet it is remarkable that Scipio already made a first step, in a certain sense, in that direction.

<sup>3</sup> III. VII. Gracchus

the territory of the Bastulo-Phoenicians not far from the Roman capital New Carthage (Cartagena). The Romans at home took the matter seriously enough to resolve on sending a consul to Spain, a step which had not been taken since 559; and, in order to accelerate the despatch of aid, they even made the new consuls enter on office two months and a half before the legal time. For this reason the day for the consuls entering on office was shifted from the 15th of March to the 1st of January; and thus was established the beginning of the year, which we still make use of at the present day. But, before the consul Quintus Fulvius Nobilior with his army arrived, a very serious encounter took place on the right bank of the Tagus between the praetor Lucius Mummius, governor of Further Spain, and the Lusitanians, now led after the fall of Punicus by his successor Caesarus (601). Fortune was at first favourable to the Romans; the Lusitanian army was broken and their camp was taken. But the Romans, partly already fatigued by their march and partly broken up in the disorder of the pursuit, were at length completely beaten by their already vanquished antagonists, and lost their own camp in addition to that of the enemy, as well as 9000 dead.

### Celtiberian War

The flame of war now blazed up far and wide. The Lusitanians on the left bank of the Tagus, led by Caucaenus, threw themselves on the Celtici subject to the Romans (in Alentejo), and took away their town Conistorgis. The Lusitanians sent the standards taken from Mummius to the Celtiberians at once as an

announcement of victory and as a warning; and among these, too, there was no want of ferment. Two small Celtiberian tribes in the neighbourhood of the powerful Arevacae (about the sources of the Douro and Tagus), the Belli and the Titthi, had resolved to settle together in Segeda, one of their towns. While they were occupied in building the walls, the Romans ordered them to desist, because the Sempronian regulations prohibited the subject communities from founding towns at their own discretion; and they at the same time required the contribution of money and men which was due by treaty but for a considerable period had not been demanded. The Spaniards refused to obey either command, alleging that they were engaged merely in enlarging, not in founding, a city, and that the contribution had not been merely suspended, but remitted by the Romans. Thereupon Nobilior appeared in Hither Spain with an army of nearly 30,000 men, including some Numidian horsemen and ten elephants. The walls of the new town of Segeda still stood unfinished: most of the inhabitants submitted. But the most resolute men fled with their wives and children to the powerful Arevacae, and summoned these to make common cause with them against the Romans. The Arevacae, emboldened by the victory of the Lusitanians over Mummius, consented, and chose Carus, one of the Segedan refugees, as their general. On the third day after his election the valiant leader had fallen, but the Roman army was defeated and nearly 6000 Roman burgesses were slain; the 23rd day of August, the festival of the Volcanalia, was thenceforth held

in sad remembrance by the Romans. The fall of their general, however, induced the Arevacae to retreat into their strongest town Numantia (Guarray, a Spanish league to the north of Soria on the Douro), whither Nobilior followed them. Under the walls of the town a second engagement took place, in which the Romans at first by means of their elephants drove the Spaniards back into the town; but while doing so they were thrown into confusion in consequence of one of the animals being wounded, and sustained a second defeat at the hands of the enemy again issuing from the walls. This and other misfortunes— such as the destruction of a corps of Roman cavalry despatched to call forth the contingents—imparted to the affairs of the Romans in the Hither province so unfavourable an aspect that the fortress of Ocilis, where the Romans had their chest and their stores, passed over to the enemy, and the Arevacae were in a position to think, although without success, of dictating peace to the Romans. These disadvantages, however, were in some measure counterbalanced by the successes which Mummius achieved in the southern province. Weakened though his army was by the disaster which it had suffered, he yet succeeded with it in defeating the Lusitanians who had imprudently dispersed themselves on the right bank of the Tagus; and passing over to the left bank, where the Lusitanians had overrun the whole Roman territory, and had even made a foray into Africa, he cleared the southern province of the enemy.

Marcellus

To the northern province in the following year (602) the senate sent considerable reinforcements and a new commander-in-chief in the place of the incapable Nobilior, the consul Marcus Claudius Marcellus, who had already, when praetor in 586, distinguished himself in Spain, and had since that time given proof of his talents as a general in two consulships. His skilful leadership, and still more his clemency, speedily changed the position of affairs: Ocilis at once surrendered to him; and even the Arevacae, confirmed by Marcellus in the hope that peace would be granted to them on payment of a moderate fine, concluded an armistice and sent envoys to Rome. Marcellus could thus proceed to the southern province, where the Vettones and Lusitanians had professed submission to the praetor Marcus Atilius so long as he remained within their bounds, but after his departure had immediately revolted afresh and chastised the allies of Rome. The arrival of the consul restored tranquillity, and, while he spent the winter in Corduba, hostilities were suspended throughout the peninsula. Meanwhile the question of peace with the Arevacae was discussed at Rome. It is a significant indication of the relations subsisting among the Spaniards themselves, that the emissaries of the Roman party subsisting among the Arevacae were the chief occasion of the rejection of the proposals of peace at Rome, by representing that, if the Romans were not willing to sacrifice the Spaniards friendly to their interests, they had no alternative save either to send a consul with a corresponding army every year to the peninsula or

to make an emphatic example now. In consequence of this, the ambassadors of the Arevacae were dismissed without a decisive answer, and it was resolved that the war should be prosecuted with vigour. Marcellus accordingly found himself compelled in the following spring (603) to resume the war against the Arevacae. But—either, as was asserted, from his unwillingness to leave to his successor, who was to be expected soon, the glory of terminating the war, or, as is perhaps more probable, from his believing like Gracchus that a humane treatment of the Spaniards was the first thing requisite for a lasting peace—the Roman general after holding a secret conference with the most influential men of the Arevacae concluded a treaty under the walls of Numantia, by which the Arevacae surrendered to the Romans at discretion, but were reinstated in their former rights according to treaty on their undertaking to pay money and furnish hostages.

### Lucullus

When the new commander-in-chief, the consul Lucius Lucullus, arrived at head-quarters, he found the war which he had come to conduct already terminated by a formally concluded peace, and his hopes of bringing home honour and more especially money from Spain were apparently frustrated. But there was a means of surmounting this difficulty. Lucullus of his own accord attacked the western neighbours of the Arevacae, the Vaccaei, a Celtiberian nation still independent which was living on the best understanding with the Romans. The question

of the Spaniards as to what fault they had committed was answered by a sudden attack on the town of Cauca (Coca, eight Spanish leagues to the west of Segovia); and, while the terrified town believed that it had purchased a capitulation by heavy sacrifices of money, Roman troops marched in and enslaved or slaughtered the inhabitants without any pretext at all. After this heroic feat, which is said to have cost the lives of some 20,000 defenceless men, the army proceeded on its march. Far and wide the villages and townships were abandoned or, as in the case of the strong Intercatia and Pallantia (Palencia) the capital of the Vaccaei, closed their gates against the Roman army. Covetousness was caught in its own net; there was no community that would venture to conclude a capitulation with the perfidious commander, and the general flight of the inhabitants not only rendered booty scarce, but made it almost impossible for him to remain for any length of time in these inhospitable regions. In front of Intercatia, Scipio Aemilianus, an esteemed military tribune, the son of the victor of Pydna and the adopted grandson of the victor of Zama, succeeded, by pledging his word of honour when that of the general no longer availed, in inducing the inhabitants to conclude an agreement by virtue of which the Roman army departed on receiving a supply of cattle and clothing. But the siege of Pallantia had to be raised for want of provisions, and the Roman army in its retreat was pursued by the Vaccaei as far as the Douro. Lucullus thereupon proceeded to the southern province, where in the same year the praetor,

Servius Sulpicius Galba, had allowed himself to be defeated by the Lusitanians. They spent the winter not far from each other— Lucullus in the territory of the Turdetani, Galba at Conistorgis— And in the following year (604) jointly attacked the Lusitanians. Lucullus gained some advantages over them near the straits of Gades. Galba performed a greater achievement, for he concluded a treaty with three Lusitanian tribes on the right bank of the Tagus and promised to transfer them to better settlements; whereupon the barbarians, who to the number of 7000 came to him for the sake of the expected lands, were separated into three divisions, disarmed, and partly carried off into slavery, partly massacred. War has hardly ever been waged with so much perfidy, cruelty, and avarice as by these two generals; who yet by means of their criminally acquired treasures escaped the one from condemnation, and the other even from impeachment. The veteran Cato in his eighty-fifth year, a few months before his death, attempted to bring Galba to account before the burgesses; but the weeping children of the general, and the gold which he had brought home with him, proved to the Roman people his innocence.

#### Variathus

It was not so much the inglorious successes which Lucullus and Galba had attained in Spain, as the outbreak of the fourth Macedonian and of the third Carthaginian war in 605, which induced the Romans again to leave Spanish affairs in the first instance to the ordinary governors. Accordingly the Lusitanians,

exasperated rather than humbled by the perfidy of Galba, immediately overran afresh the rich territory of the Turdetani. The Roman governor Gaius Vetilius (607-8?)<sup>4</sup> marched against them, and not only defeated them, but drove the whole host towards a hill where it seemed lost irretrievably. The capitulation was virtually concluded, when Viriathus—a man of humble origin, who formerly, when a youth, had bravely defended his flock from wild beasts and robbers and was now in more serious conflicts a dreaded guerilla chief, and who was one of the few that had accidentally escaped from the perfidious onslaught of Galba—warned his countrymen against relying on the Roman word of honour, and promised them deliverance if they would follow him. His language and his example produced a deep effect: the army entrusted him with the supreme command. Viriathus gave orders to the mass of his men to proceed in detached parties, by different routes, to the appointed rendezvous; he himself formed the best mounted and most trustworthy into a corps of 1000

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<sup>4</sup> The chronology of the war with Viriathus is far from being precisely settled. It is certain that the appearance of Viriathus dates from the conflict with Vetilius (Appian, *Hisp.* 61; *Liv.* lii.; *Oros.* v. 4), and that he perished in 615 (*Diod. Vat.* p. 110, etc.); the duration of his rule is reckoned at eight (Appian, *Hisp.* 63), ten (*Justin*, xlv. 2), eleven (*Diodorus*, p. 597), fifteen (*Liv.* liv.; *Eutrop.* iv. 16; *Oros.* v. 4; *Flor.* i. 33), and twenty years (*Vellei.* ii. 90). The first estimate possesses some probability, because the appearance of Viriathus is connected both in *Diodorus* (p. 591; *Vat.* p. 107, 108) and in *Orosius* (v. 4) with the destruction of Corinth. Of the Roman governors, with whom Viriathus fought, several undoubtedly belong to the northern province; for though Viriathus was at work chiefly in the southern, he was not exclusively so (*Liv.* lii.); consequently we must not calculate the number of the years of his generalship by the number of these names.

horse, with which he covered the departure of his men. The Romans, who wanted light cavalry, did not venture to disperse for the pursuit under the eyes of the enemy's horsemen. After Viriathus and his band had for two whole days held in check the entire Roman army he suddenly disappeared during the night and hastened to the general rendezvous. The Roman general followed him, but fell into an adroitly-laid ambush, in which he lost the half of his army and was himself captured and slain; with difficulty the rest of the troops escaped to the colony of Carteia on the Straits. In all haste 5000 men of the Spanish militia were despatched from the Ebro to reinforce the defeated Romans; but Viriathus destroyed the corps while still on its march, and commanded so absolutely the whole interior of Carpetania that the Romans did not even venture to seek him there. Viriathus, now recognized as lord and king of all the Lusitanians, knew how to combine the full dignity of his princely position with the homely habits of a shepherd. No badge distinguished him from the common soldier: he rose from the richly adorned marriage-table of his father-in-law, the prince Astolpa in Roman Spain, without having touched the golden plate and the sumptuous fare, lifted his bride on horseback, and rode back with her to his mountains. He never took more of the spoil than the share which he allotted to each of his comrades. The soldier recognized the general simply by his tall figure, by his striking sallies of wit, and above all by the fact that he surpassed every one of his men in temperance as well as in toil, sleeping always in full armour and

fighting in front of all in battle. It seemed as if in that thoroughly prosaic age one of the Homeric heroes had reappeared: the name of Viriathus resounded far and wide through Spain; and the brave nation conceived that in him it had at length found the man who was destined to break the fetters of alien domination.

### His Successors

Extraordinary successes in northern and in southern Spain marked the next years of his generalship. After destroying the vanguard of the praetor Gaius Plautius (608-9), Viriathus had the skill to lure him over to the right bank of the Tagus, and there to defeat him so emphatically that the Roman general went into winter quarters in the middle of summer—on which account he was afterwards charged before the people with having disgraced the Roman community, and was compelled to live in exile. In like manner the army of the governor—apparently of the Hither province—Claudius Unimanus was destroyed, that of Gaius Negidius was vanquished, and the level country was pillaged far and wide. Trophies of victory, decorated with the insignia of the Roman governors and the arms of the legions, were erected on the Spanish mountains; people at Rome heard with shame and consternation of the victories of the barbarian king. The conduct of the Spanish war was now committed to a trustworthy officer, the consul Quintus Fabius Maximus Aemilianus, the second son of the victor of Pydna (609). But the Romans no longer ventured to send the experienced veterans, who had just returned from Macedonia and Asia, forth anew to the detested

Spanish war; the two legions, which Maximus brought with him, were new levies and scarcely more to be trusted than the old utterly demoralized Spanish army. After the first conflicts had again issued favourably for the Lusitanians, the prudent general kept together his troops for the remainder of the year in the camp at Urso (Osuna, south-east from Seville) without accepting the enemy's offer of battle, and only took the field afresh in the following year (610), after his troops had by petty warfare become qualified for fighting; he was then enabled to maintain the superiority, and after successful feats of arms went into winter quarters at Corduba. But when the cowardly and incapable praetor Quinctius took the command in room of Maximus, the Romans again suffered defeat after defeat, and their general in the middle of summer shut himself up in Corduba, while the bands of Viriathus overran the southern province (611).

His successor, Quintus Fabius Maximus Servilianus, the adopted brother of Maximus Aemilianus, sent to the peninsula with two fresh legions and ten elephants, endeavoured to penetrate into the Lusitanian country, but after a series of indecisive conflicts and an assault on the Roman camp, which was with difficulty repulsed, found himself compelled to retreat to the Roman territory. Viriathus followed him into the province, but as his troops after the wont of Spanish insurrectionary armies suddenly melted away, he was obliged to return to Lusitania (612). Next year (613) Servilianus resumed the offensive, traversed the districts on the Baetis and Anas, and then advancing

into Lusitania occupied a number of townships. A large number of the insurgents fell into his hands; the leaders—of whom there were about 500—were executed; those who had gone over from Roman territory to the enemy had their hands cut off; the remaining mass were sold into slavery. But on this occasion also the Spanish war proved true to its fickle and capricious character. After all these successes the Roman army was attacked by Viriathus while it was besieging Erisane, defeated, and driven to a rock where it was wholly in the power of the enemy. Viriathus, however, was content, like the Samnite general formerly at the Caudine passes, to conclude a peace with Servilianus, in which the community of the Lusitanians was recognized as sovereign and Viriathus acknowledged as its king. The power of the Romans had not risen more than the national sense of honour had sunk; in the capital men were glad to be rid of the irksome war, and the senate and people ratified the treaty. But Quintus Servilius Caepio, the full brother of Servilianus and his successor in office, was far from satisfied with this complaisance; and the senate was weak enough at first to authorize the consul to undertake secret machinations against Viriathus, and then to view at least with indulgence the open breach of his pledged word for which there was no palliation. So Caepio invaded Lusitania, and traversed the land as far as the territories of the Vettones and Callaeci; Viriathus declined a conflict with the superior force, and by dexterous movements evaded his antagonist (614). But when in the ensuing year (615) Caepio renewed the attack, and in

addition the army, which had in The meantime become available in the northern province, made its appearance under Marcus Popilius in Lusitania, Viriathus sued for peace on any terms. He was required to give up to the Romans all who had passed over to him from the Roman territory, amongst whom was his own father-in-law; he did so, and the Romans ordered them to be executed or to have their hands cut off. But this was not sufficient; the Romans were not in the habit of announcing to the vanquished all at once their destined fate.

### His Death

One behest after another was issued to the Lusitanians, each successive demand more intolerable than its predecessors; and at length they were required even to surrender their arms. Then Viriathus recollected the fate of his countrymen whom Galba had caused to be disarmed, and grasped his sword afresh. But it was too late. His wavering had sown the seeds of treachery among those who were immediately around him; three of his confidants, Audas, Ditalco, and Minucius from Urso, despairing of the possibility of renewed victory, procured from the king permission once more to enter into negotiations for peace with Caepio, and employed it for the purpose of selling the life of the Lusitanian hero to the foreigners in return for the assurance of personal amnesty and further rewards. On their return to the camp they assured the king of the favourable issue of their negotiations, and in the following night stabbed him while asleep in his tent. The Lusitanians honoured the illustrious chief by an

unparalleled funeral solemnity at which two hundred pairs of champions fought in the funeral games; and still more highly by the fact, that they did not renounce the struggle, but nominated Tautamus as their commander-in-chief in room of the fallen hero. The plan projected by the latter for wresting Saguntum from the Romans was sufficiently bold; but the new general possessed neither the wise moderation nor the military skill of his predecessor. The expedition utterly broke down, and the army on its return was attacked in crossing the Baetis and compelled to surrender unconditionally. Thus was Lusitania subdued, far more by treachery and assassination on the part of foreigners and natives than by honourable war.

### Numantia

While the southern province was scourged by Viriathus and the Lusitanians, a second and not less serious war had, not without their help, broken out in the northern province among the Celtiberian nations. The brilliant successes of Viriathus induced the Arevacae likewise in 610 to rise against the Romans; and for this reason the consul Quintus Caecilius Metellus, who was sent to Spain to relieve Maximus Aemilianus, did not proceed to the southern province, but turned against the Celtiberians. In the contest with them, and more especially during the siege of the town of Contrebia which was deemed impregnable, he showed the same ability which he had displayed in vanquishing the Macedonian pretender; after his two years' administration (611, 612) the northern province was reduced to obedience. The

two towns of Termantia and Numantia alone had not yet opened their gates to the Romans; but in their case also a capitulation had been almost concluded, and the greater part of the conditions had been fulfilled by the Spaniards. When required, however, to deliver up their arms, they were restrained like Viriathus by their genuine Spanish pride in the possession of a well-wielded sword, and they resolved to continue the war under the daring Megaravicus. It seemed folly: the consular army, the command of which was taken up in 613 by the consul Quintus Pompeius, was four times as numerous as the whole population capable of bearing arms in Numantia. But the general, who was wholly unacquainted with war, sustained defeats so severe under the walls of the two cities (613, 614), that he preferred at length to procure by means of negotiations the peace which he could not compel. With Termantia a definitive agreement must have taken place. In the case of the Numantines the Roman general liberated their captives, and summoned the community under the secret promise of favourable treatment to surrender to him at discretion. The Numantines, weary of the war, consented, and the general actually limited his demands to the smallest possible measure. Prisoners of war, deserters, and hostages were delivered up, and the stipulated sum of money was mostly paid, when in 615 the new general Marcus Popillius Laenas arrived in the camp. As soon as Pompeius saw the burden of command devolve on other shoulders, he, with a view to escape from the reckoning that awaited him at Rome for a peace which was

according to Roman ideas disgraceful, lighted on the expedient of not merely breaking, but of disowning his word; and when the Numantines came to make their last payment, in the presence of their officers and his own he flatly denied the conclusion of the agreement. The matter was referred for judicial decision to the senate at Rome. While it was discussed there, the war before Numantia was suspended, and Laenas occupied himself with an expedition to Lusitania where he helped to accelerate the catastrophe of Viriathus, and with a foray against the Lusones, neighbours of the Numantines. When at length the decision of the senate arrived, its purport was that the war should be continued—the state became thus a party to the knavery of Pompeius.

### Mancinus

With unimpaired courage and increased resentment the Numantines resumed the struggle; Laenas fought against them unsuccessfully, nor was his successor Gaius Hostilius Mancinus more fortunate (617). But the catastrophe was brought about not so much by the arms of the Numantines, as by the lax and wretched military discipline of the Roman generals and by—what was its natural consequence—the annually-increasing dissoluteness, insubordination, and cowardice of the Roman soldiers. The mere rumour, which moreover was false, that the Cantabri and Vaccaei were advancing to the relief of Numantia, induced the Roman army to evacuate the camp by night without orders, and to seek shelter in the entrenchments constructed

sixteen years before by Nobilior.<sup>5</sup> The Numantines, informed of their sudden departure, hotly pursued the fugitive army, and surrounded it: there remained to it no choice save to fight its way with sword in hand through the enemy, or to conclude peace on the terms laid down by the Numantines. Although the consul was personally a man of honour, he was weak and little known. Tiberius Gracchus, who served in the army as quaestor, had more influence with the Celtiberians from the hereditary respect in which he was held on account of his father who had so wisely organized the province of the Ebro, and induced the Numantines to be content with an equitable treaty of peace sworn to by all the staff-officers. But the senate not only recalled the general immediately, but after long deliberation caused a proposal to be submitted to the burgesses that the convention should be treated as they had formerly treated that of Caudium, in other words, that they should refuse to ratify it and should devolve the responsibility for it on those by whom it had been concluded. By right this category ought to have included all the officers who had sworn to the treaty; but Gracchus and the others were saved by their connections. Mancinus alone, who did not belong to the circles of the highest aristocracy, was destined to pay the penalty for his own and others' guilt. Stripped of his insignia, the Roman consular was conducted to the enemy's outposts, and, when the Numantines refused to receive him that they might not on their part acknowledge the treaty as null, the late commander-in-chief

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<sup>5</sup> IV. I. Celtiberian War

stood in his shirt and with his hands tied behind his back for a whole day before the gates of Numantia, a pitiful spectacle to friend and foe. Yet the bitter lesson seemed utterly lost on the successor of Mancinus, his colleague in the consulship, Marcus Aemilius Lepidus. While the discussions as to the treaty with Mancinus were pending in Rome, he attacked the free people of the Vaccaei under frivolous pretexts just as Lucullus had done sixteen years before, and began in concert with the general of the Further province to besiege Pallantia (618). A decree of the senate enjoined him to desist from the war; nevertheless, under the pretext that the circumstances had meanwhile changed, he continued the siege. In doing so he showed himself as bad a soldier as he was a bad citizen. After lying so long before the large and strong city that his supplies in that rugged and hostile country failed, he was obliged to leave behind all the sick and wounded and to undertake a retreat, in which the pursuing Pallantines destroyed half of his soldiers, and, if they had not broken off the pursuit too early, would probably have utterly annihilated the Roman army, which was already in full course of dissolution. For this conduct a fine was imposed on the high-born general at his return. His successors Lucius Furius Philus (618) and Gaius Calpurnius Piso (619) had again to wage war against the Numantines; and, inasmuch as they did nothing at all, they fortunately came home without defeat.

### Scipio Aemilianus

Even the Roman government began at length to perceive that

matters could no longer continue on this footing; they resolved to entrust the subjugation of the small Spanish country-town, as an extraordinary measure, to the first general of Rome, Scipio Aemilianus. The pecuniary means for carrying on the war were indeed doled out to him with preposterous parsimony, and the permission to levy soldiers, which he asked, was even directly refused—a result towards which coterie-intrigues and the fear of being burdensome to the sovereign people may have co-operated. But a great number of friends and clients voluntarily accompanied him; among them was his brother Maximus Aemilianus, whosome years before had commanded with distinction against Viriathus. Supported by this trusty band, which was formed into a guard for the general, Scipio began to reorganize the deeply disordered army (620). First of all, the camp-followers had to take their departure—there were found as many as 2000 courtesans, and an endless number of soothsayers and priests of all sorts—and, if the soldier was not available for fighting, he had at least to work in the trenches and to march. During the first summer the general avoided any conflict with the Numantines; he contented himself with destroying the stores in the surrounding country, and with chastising the Vaccaei who sold corn to the Numantines, and compelling them to acknowledge the supremacy of Rome. It was only towards winter that Scipio drew together his army round Numantia. Besides the Numidian contingent of horsemen, infantry, and twelve elephants led by the prince Jugurtha, and the numerous

Spanish contingents, there were four legions, in all a force of 60,000 men investing a city whose citizens capable of bearing arms did not exceed 8000 at the most. Nevertheless the besieged frequently offered battle; but Scipio, perceiving clearly that the disorganization of many years was not to be repaired all at once, refused to accept it, and, when conflicts did occur in connection with the sallies of the besieged, the cowardly flight of the legionaries, checked with difficulty by the appearance of the general in person, justified such tactics only too forcibly. Never did a general treat his soldiers more contemptuously than Scipio treated the Numantine army; and he showed his opinion of it not only by bitter speeches, but above all by his course of action. For the first time the Romans waged war by means of mattock and spade, where it depended on themselves alone whether they should use the sword. Around the whole circuit of the city wall, which was nearly three miles in length, there was constructed a double line of circumvallation of twice that extent, provided with walls, towers, and ditches; and the river Douro, by which at first some supplies had reached the besieged through the efforts of bold boatmen and divers, was at length closed. Thus the town, which they did not venture to assault, could not well fail to be reduced through famine; the more so, as it had not been possible for the citizens to lay in provisions during the last summer. The Numantines soon suffered from want of everything. One of their boldest men, Retogenes, cut his way with a few companions through the lines of the enemy, and his

touching entreaty that kinsmen should not be allowed to perish without help produced a great effect in Lutia at least, one of the towns of the Arevacae. But before the citizens of Lutia had come to a decision, Scipio, having received information from the partisans of Rome in the town, appeared with a superior force before its walls, and compelled the authorities to deliver up to him the leaders of the movement, 400 of the flower of the youth, whose hands were all cut off by order of the Roman general. The Numantines, thus deprived of their last hope, sent to Scipio to negotiate as to their submission and called on the brave man to spare the brave; but when the envoys on their return announced that Scipio required unconditional surrender, they were torn in pieces by the furious multitude, and a fresh term elapsed before famine and pestilence had completed their work. At length a second message was sent to the Roman headquarters, that the town was now ready to submit at discretion. When the citizens were accordingly instructed to appear on the following day before the gates, they asked for some days delay, to allow those of their number who had determined not to survive the loss of liberty time to die. It was granted, and not a few took advantage of it. At last the miserable remnant appeared before the gates. Scipio chose fifty of the most eminent to form part of his triumphal procession; the rest were sold into slavery, the city was levelled with the ground, and its territory was distributed among the neighbouring towns. This occurred in the autumn of 621, fifteen months after Scipio had assumed the chief command.

The fall of Numantia struck at the root of the opposition that was still here and there stirring against Rome; military demonstrations and the imposition of fines sufficed to secure the acknowledgment of the Roman supremacy in all Hither Spain.

### The Callaeci Conquered

#### New Organization of Spain

In Further Spain the Roman dominion was confirmed and extended by the subjugation of the Lusitanians. The consul Decimus Junius Brutus, who came in Caepio's room, settled the Lusitanian war-captives in the neighbourhood of Saguntum, and gave to their new town Valentia (Valencia), like Carteia, a Latin constitution (616); he moreover (616-618) traversed the Iberian west coast in various directions, and was the first of the Romans to reach the shore of the Atlantic Ocean. The towns of the Lusitanians dwelling there, which were obstinately defended by their inhabitants, both men and women, were subdued by him; and the hitherto independent Callaeci were united with the Roman province after a great battle, in which 50,000 of them are said to have fallen. After the subjugation of the Vaccaei, Lusitanians, and Callaeci, the whole peninsula, with the exception of the north coast, was now at least nominally subject to the Romans.

A senatorial commission was sent to Spain in order to organize, in concert with Scipio, the newly-won provincial territory after the Roman method; and Scipio did what he could to obviate the effects of the infamous and stupid policy of

his predecessors. The Caucani for instance, whose shameful maltreatment by Lucullus he had been obliged to witness nineteen years before when a military tribune, were invited by him to return to their town and to rebuild it. Spain began again to experience more tolerable times. The suppression of piracy, which found dangerous lurking-places in the Baleares, through the occupation of these islands by Quintus Caecilius Metellus in 631, was singularly conducive, to the prosperity of Spanish commerce; and in other respects also the fertile islands, inhabited by a dense population which was unsurpassed in the use of the sling, were a valuable possession. How numerous the Latin-speaking population in the peninsula was even then, is shown by the settlement of 3000 Spanish Latins in the towns of Palma and Pollentia (Pollenza) in the newly-acquired islands. In spite of various grave evils the Roman administration of Spain preserved on the whole the stamp which the Catonian period, and primarily Tiberius Gracchus, had impressed on it. It is true that the Roman frontier territory had not a little to suffer from the inroads of the tribes, but half subdued or not subdued at all, on the north and west. Among the Lusitanians in particular the poorer youths regularly congregated as banditti, and in large gangs levied contributions from their countrymen or their neighbours, for which reason, even at a much later period, the isolated homesteads in this region were constructed in the style of fortresses, and were, in case of need, capable of defence; nor did the Romans succeed in putting an end to these predatory

habits in the inhospitable and almost inaccessible Lusitanian mountains. But what had previously been wars assumed more and more the character of brigandage, which every tolerably efficient governor was able to repress with his ordinary resources; and in spite of such inflictions on the border districts Spain was the most flourishing and best-organized country in all the Roman dominions; the system of tenths and the middlemen were there unknown; the population was numerous, and the country was rich in corn and cattle.

### The Protected States

Far more insupportable was the condition—intermediate between formal sovereignty and actual subjection—of the African, Greek, and Asiatic states which were brought within the sphere of Roman hegemony through the wars of Rome with Carthage, Macedonia, and Syria, and their consequences. An independent state does not pay too dear a price for its independence in accepting the sufferings of war when it cannot avoid them; a state which has lost its independence may find at least some compensation in the fact that its protector procures for it peace with its neighbours. But these client states of Rome had neither independence nor peace. In Africa there practically subsisted a perpetual border-war between Carthage and Numidia. In Egypt Roman arbitration had settled the dispute as to the succession between the two brothers Ptolemy Philometor and Ptolemy the Fat; nevertheless the new rulers of Egypt and Cyrene waged war for the possession of

Cyprus. In Asia not only were most of the kingdoms—Bithynia, Cappadocia, Syria—likewise torn by internal quarrels as to the succession and by the interventions of neighbouring states to which these quarrels gave rise, but various and severe wars were carried on between the Attalids and the Galatians, between the Attalids and the kings of Bithynia, and even between Rhodes and Crete. In Hellas proper, in like manner, the pigmy feuds which were customary there continued to smoulder; and even Macedonia, formerly so tranquil, consumed its strength in the intestine strife that arose out of its new democratic constitutions. It was the fault of the rulers as well as the ruled, that the last vital energies and the last prosperity of the nations were expended in these aimless feuds. The client states ought to have perceived that a state which cannot wage war against every one cannot wage war at all, and that, as the possessions and power enjoyed by all these states were practically under Roman guarantee, they had in the event of any difference no alternative but to settle the matter amicably with their neighbours or to call in the Romans as arbiters. When the Achaean diet was urged by the Rhodians and Cretans to grant them the aid of the league, and seriously deliberated as to sending it (601), it was simply a political farce; the principle which the leader of the party friendly to Rome then laid down—that the Achaeans were no longer at liberty to wage war without the permission of the Romans—expressed, doubtless with disagreeable precision, the simple truth that the sovereignty of the dependent states was merely

a formal one, and that any attempt to give life to the shadow must necessarily lead to the destruction of the shadow itself. But the ruling community deserves a censure more severe than that directed against the ruled. It is no easy task for a man—any more than for a state—to own to insignificance; it is the duty and right of the ruler either to renounce his authority, or by the display of an imposing material superiority to compel the ruled to resignation. The Roman senate did neither. Invoked and importuned on all hands, the senate interfered incessantly in the course of African, Hellenic, Asiatic, and Egyptian affairs; but it did so after so inconstant and loose a fashion, that its attempts to settle matters usually only rendered the confusion worse. It was the epoch of commissions. Commissioners of the senate were constantly going to Carthage and Alexandria, to the Achaean diet, and to the courts of the rulers of western Asia; they investigated, inhibited, reported, and yet decisive steps were not unfrequently taken in the most important matters without the knowledge, or against the wishes, of the senate. It might happen that Cyprus, for instance, which the senate had assigned to the kingdom of Cyrene, was nevertheless retained by Egypt; that a Syrian prince ascended the throne of his ancestors under the pretext that he had obtained a promise of it from the Romans, while the senate had in fact expressly refused to give it to him, and he himself had only escaped from Rome by breaking their interdict; that even the open murder of a Roman commissioner, who under the orders of the senate administered as guardian the

government of Syria, passed totally unpunished. The Asiatics were very well aware that they were not in a position to resist the Roman legions; but they were no less aware that the senate was but little inclined to give the burgesses orders to march for the Euphrates or the Nile. Thus the state of these remote countries resembled that of the schoolroom when the teacher is absent or lax; and the government of Rome deprived the nations at once of the blessings of freedom and of the blessings of order. For the Romans themselves, moreover, this state of matters was so far perilous that it to a certain extent left their northern and eastern frontier exposed. In these quarters kingdoms might be formed by the aid of the inland countries situated beyond the limits of the Roman hegemony and in antagonism to the weak states under Roman protection, without Rome being able directly or speedily to interfere, and might develop a power dangerous to, and entering sooner or later into rivalry with, Rome. No doubt the condition of the bordering nations—everywhere split into fragments and nowhere favourable to political development on a great scale—formed some sort of protection against this danger; yet we very clearly perceive in the history of the east, that at this period the Euphrates was no longer guarded by the phalanx of Seleucus and was not yet watched by the legions of Augustus. It was high time to put an end to this state of indecision. But the only possible way of ending it was by converting the client states into Roman provinces. This could be done all the more easily, that the Roman provincial constitution in substance only

concentrated military power in the hands of the Roman governor, while administration and jurisdiction in the main were, or at any rate were intended to be, retained by the communities, so that as much of the old political independence as was at all capable of life might be preserved in the form of communal freedom. The necessity for this administrative reform could not well be mistaken; the only question was, whether the senate would delay and mar it, or whether it would have the courage and the power clearly to discern and energetically to execute what was needful.

### Carthage and Numidia

Let us first glance at Africa. The order of things established by the Romans in Libya rested in substance on a balance of power between the Nomad kingdom of Massinissa and the city of Carthage. While the former was enlarged, confirmed, and civilized under the vigorous and sagacious government of Massinissa,<sup>6</sup> Carthage in consequence simply of a state of peace became once more, at least in wealth and population, what it had been at the height of its political power. The Romans saw with ill-concealed and envious fear the apparently indestructible prosperity of their old rival; while hitherto they had refused to grant to it any real protection against the constantly continued encroachments of Massinissa, they now began openly to interfere in favour of the neighbouring prince. The dispute which had been pending for more than thirty years between the city and the king as to the possession of the province of Emporia on the Lesser

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<sup>6</sup> III. VII. Massinissa

Syrtyis, one of the most fertile in the Carthaginian territory, was at length (about 594) decided by Roman commissioners to the effect that the Carthaginians should evacuate those towns of Eniporia which still remained in their possession, and should pay 500 talents (120,000 pounds) to the king as compensation for the illegal enjoyment of the territory. The consequence was, that Massinissa immediately seized another Carthaginian district on the western frontier of their territory, the town of Tusca and the great plains near the Bagradas; no course was left to the Carthaginians but to commence another hopeless process at Rome. After long and, beyond doubt, intentional delay a second commission appeared in Africa (597); but, when the Carthaginians were unwilling to commit themselves unconditionally to a decision to be pronounced by it as arbiter without an exact preliminary investigation into the question of legal right, and insisted on a thorough discussion of the latter question, the commissioners without further ceremony returned to Rome.

### The Destruction of Carthage Resolved on at Rome

The question of right between Carthage and Massinissa thus remained unsettled; but the mission gave rise to a more important decision. The head of this commission had been the old Marcus Cato, at that time perhaps the most influential man in the senate, and, as a veteran survivor from the Hannibalic war, still filled with thorough hatred and thorough dread of the Phoenicians. With surprise and jealousy Cato had seen with his

own eyes the flourishing state of the hereditary foes of Rome, the luxuriant country and the crowded streets, the immense stores of arms in the magazines and the rich materials for a fleet; already he in spirit beheld a second Hannibal wielding all these resources against Rome. In his honest and manly, but thoroughly narrow-minded, fashion, he came to the conclusion that Rome could not be secure until Carthage had disappeared from the face of the earth, and immediately after his return set forth this view in the senate. Those of the aristocracy whose ideas were more enlarged, and especially Scipio Nasica, opposed this paltry policy with great earnestness; and showed how blind were the fears entertained regarding a mercantile city whose Phoenician inhabitants were becoming more and more disused to warlike arts and ideas, and how the existence of that rich commercial city was quite compatible with the political supremacy of Rome. Even the conversion of Carthage into a Roman provincial town would have been practicable, and indeed, compared with the present condition of the Phoenicians, perhaps even not unwelcome. Cato, however, desired not the submission, but the destruction of the hated city. His policy, as it would seem, found allies partly in the statesmen who were inclined to bring the transmarine territories into immediate dependence on Rome, partly and especially in the mighty influence of the Roman bankers and great capitalists on whom, after the destruction of the rich moneyed and mercantile city, its inheritance would necessarily devolve. The majority resolved at

the first fitting opportunity—respect for public opinion required that they should wait for such—to bring about war with Carthage, or rather the destruction of the city.

### War between Massinissa and Carthage

The desired occasion was soon found. The provoking violations of right on the part of Massinissa and the Romans brought to the helm in Carthage Hasdrubal and Carthalo, the leaders of the patriotic party, which was not indeed, like the Achaean, disposed to revolt against the Roman supremacy, but was at least resolved to defend, if necessary, by arms against Massinissa the rights belonging by treaty to the Carthaginians. The patriots ordered forty of the most decided partisans of Massinissa to be banished from the city, and made the people swear that they would on no account ever permit their return; at the same time, in order to repel the attacks that might be expected from Massinissa, they formed out of the free Numidians a numerous army under Arcobarzanes, the grandson of Syphax (about 600). Massinissa, however, was prudent enough not to take arms now, but to submit himself unconditionally to the decision of the Romans respecting the disputed territory on the Bagradas; and thus the Romans could assert with some plausibility that the Carthaginian preparations must have been directed against them, and could insist on the immediate dismissal of the army and destruction of the naval stores. The Carthaginian senate was disposed to consent, but the multitude prevented the execution of the decree, and the Roman envoys,

who had brought this order to Carthage, were in peril of their lives. Massinissa sent his son Gulussa to Rome to report the continuance of the Carthaginian warlike preparations by land and sea, and to hasten the declaration of war. After a further embassy of ten men had confirmed the statement that Carthage was in reality arming (602), the senate rejected the demand of Cato for an absolute declaration of war, but resolved in a secret sitting that war should be declared if the Carthaginians would not consent to dismiss their army and to burn their materials for a fleet. Meanwhile the conflict had already begun in Africa. Massinissa had sent back the men whom the Carthaginians had banished, under the escort of his son Gulussa, to the city. When the Carthaginians closed their gates against them and killed also some of the Numidians returning home, Massinissa put his troops in motion, and the patriot party in Carthage also prepared for the struggle. But Hasdrubal, who was placed at the head of their army, was one of the usual army-destroyers whom the Carthaginians were in the habit of employing as generals; strutting about in his general's purple like a theatrical king, and pampering his portly person even in the camp, that vain and unwieldy man was little fitted to render help in an exigency which perhaps even the genius of Hamilcar and the arm of Hannibal could have no longer averted. Before the eyes of Scipio Aemilianus, who at that time a military tribune in the Spanish army, had been sent to Massinissa to bring over African elephants for his commander, and who on this occasion looked

down on the conflict from a mountain "like Zeus from Ida," the Carthaginians and Numidians fought a great battle, in which the former, though reinforced by 6000 Numidian horsemen brought to them by discontented captains of Massinissa, and superior in number to the enemy, were worsted. After this defeat the Carthaginians offered to make cessions of territory and payments of money to Massinissa, and Scipio at their solicitation attempted to bring about an agreement; but the project of peace was frustrated by the refusal of the Carthaginian patriots to surrender the deserters. Hasdrubal, however, closely hemmed in by the troops of his antagonist, was compelled to grant to the latter all that he demanded—the surrender of the deserters, the return of the exiles, the delivery of arms, the marching off under the yoke, the payment of 100 talents (24,000 pounds) annually for the next fifty years. But even this agreement was not kept by the Numidians; on the contrary the disarmed remnant of the Carthaginian army was cut to pieces by them on the way home.

#### Declaration of War by Rome

The Romans, who had carefully abstained from preventing the war itself by seasonable interposition, had now what they wished: namely, a serviceable pretext for war—for the Carthaginians had certainly now transgressed the stipulations of the treaty, that they should not wage war against the allies of Rome or beyond their own bounds<sup>7</sup>—and an antagonist already beaten beforehand. The Italian contingents were already summoned to Rome, and

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<sup>7</sup> III. VI. Peace, III. VII. Carthage

the ships were assembled; the declaration of war might issue at any moment. The Carthaginians made every effort to avert the impending blow. Hasdrubal and Carthalo, the leaders of the patriot party, were condemned to death, and an embassy was sent to Rome to throw the responsibility on them. But at the same time envoys from Utica, the second city of the Libyan Phoenicians, arrived there with full powers to surrender their Community wholly to the Romans—compared with such obliging submissiveness, it seemed almost an insolence that the Carthaginians had rested content with ordering, unbidden, the execution of their most eminent men. The senate declared that the excuse of the Carthaginians was found insufficient; to the question, what in that case would suffice, the reply was given that the Carthaginians knew that themselves. They might, no doubt, have known what the Romans wished; but yet it seemed impossible to believe that the last hour of their loved native city had really come. Once more Carthaginian envoys—on this occasion thirty in number and with unlimited powers—were sent to Rome. When they arrived, war was already declared (beginning of 605), and the double consular army had embarked. Yet they even now attempted to dispel the storm by complete submission. The senate replied that Rome was ready to guarantee to the Carthaginian community its territory, its municipal freedom and its laws, its public and private property, provided that it would furnish to the consuls who had just departed for Sicily within the space of a month at Lilybaeum

300 hostages from the children of the leading families, and would fulfil the further orders which the consuls in conformity with their instructions should issue to them. The reply has been called ambiguous; but very erroneously, as even at the time clear-sighted men among the Carthaginians themselves pointed out. The circumstance that everything which they could ask was guaranteed with the single exception of the city, and that nothing was said as to stopping the embarkation of the troops for Africa, showed very clearly what the Roman intentions were; the senate acted with fearful harshness, but it did not assume the semblance of concession. The Carthaginians, however, would not open their eyes; there was no statesman found, who had the power to move the unstable multitude of the city either to thorough resistance or to thorough resignation. When they heard at the same time of the horrible decree of war and of the endurable demand for hostages, they complied immediately with the latter, and still clung to hope, because they had not the courage fully to realize the import of surrendering themselves beforehand to the arbitrary will of a mortal foe. The consuls sent back the hostages from Lilybaeum to Rome, and informed the Carthaginian envoys that they would learn further particulars in Africa. The landing was accomplished without resistance, and the provisions demanded were supplied. When the gerusia of Carthage appeared in a body at the head-quarters in Utica to receive the further orders, the consuls required in the first instance the disarming of the city. To the question of the Carthaginians, who was in that case to protect

them even against their own emigrants— against the army, which had swelled to 20,000 men, under the command of Husdrubal who had saved himself from the sentence of death by flight— it was replied, that this would be the concern of the Romans. Accordingly the council of the city obsequiously appeared before the consuls, with all their fleet-material, all the military stores of the public magazines, all the arms that were found in the possession of private persons—to the number of 3000 catapults and 200,000 sets of armour—and inquired whether anything more was desired. Then the consul Lucius Marcius Censorinus rose and announced to the council, that in accordance with the instructions given by the senate the existing city was to be destroyed, but that the inhabitants were at liberty to settle anew in their territory wherever they chose, provided it were at a distance of at least ten miles from the sea.

### Resistance of the Carthaginians

This fearful command aroused in the Phoenicians all the—shall we say magnanimous or frenzied?—enthusiasm, which was displayed previously by the Tyrians against Alexander, and subsequently by the Jews against Vespasian. Unparalleled as was the patience with which this nation could endure bondage and oppression, as unparalleled was now the furious rising of that mercantile and seafaring population, when the things at stake were not the state and freedom, but the beloved soil of their ancestral city and their venerated and dear home beside the sea. Hope and deliverance were out of the question; political

discretion enjoined even now an unconditional submission. But the voice of the few who counselled the acceptance of what was inevitable was, like the call of the pilot during a hurricane, drowned amidst the furious yells of the multitude; which, in its frantic rage, laid hands on the magistrates of the city who had counselled the surrender of the hostages and arms, made such of the innocent bearers of the news as had ventured at all to return home expiate their terrible tidings, and tore in pieces the Italians who chanced to be sojourning in the city by way of avenging beforehand, at least on them, the destruction of its native home. No resolution was passed to defend themselves; unarmed as they were, this was a matter of course. The gates were closed; stones were carried to the battlements of the walls that had been stripped of the catapults; the chief command was entrusted to Hasdrubal, the grandson of Massinissa; the slaves in a body were declared free. The army of refugees under the fugitive Hasdrubal—which was in possession of the whole Carthaginian territory with the exception of the towns on the east coast occupied by the Romans, viz. Hadrumetum, Little Leptis, Thapsus and Achulla, and the city of Utica, and offered an invaluable support for the defence—was entreated not to refuse its aid to the commonwealth in this dire emergency. At the same time, concealing in true Phoenician style the most unbounded resentment under the cloak of humility, they attempted to deceive the enemy. A message was sent to the consuls to request a thirty days' armistice for the despatch of an embassy to

Rome. The Carthaginians were well aware that the generals neither would nor could grant this request, which had been refused once already; but the consuls were confirmed by it in the natural supposition that after the first outbreak of despair the utterly defenceless city would submit, and accordingly postponed the attack. The precious interval was employed in preparing catapults and armour; day and night all, without distinction of age or sex, were occupied in constructing machines and forging arms; the public buildings were torn down to procure timber and metal; women cut off their hair to furnish the strings indispensable for the catapults; in an incredibly short time the walls and the men were once more armed. That all this could be done without the consuls, who were but a few miles off, learning anything of it, is not the least marvellous feature in this marvellous movement sustained by a truly enthusiastic, and in fact superhuman, national hatred. When at length the consuls, weary of waiting, broke up from their camp at Utica, and thought that they should be able to scale the bare walls with ladders, they found to their surprise and horror the battlements crowned anew with catapults, and the large populous city which they had hoped to occupy like an open village, able and ready to defend itself to the last man.

### Situation of Carthage

Carthage was rendered very strong both by the nature of its situation<sup>8</sup> and by the art of its inhabitants, who had very often

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<sup>8</sup> The line of the coast has been in the course of centuries so much changed that the former local relations are but imperfectly recognizable on the ancient site. The name

to depend on the protection of its walls. Into the broad gulf of Tunis, which is bounded on the west by Cape Farina and on the east by Cape Bon, there projects in a direction from west to east a promontory, which is encompassed on three sides by the sea and is connected with the mainland only towards the west. This promontory, at its narrowest part only about two miles broad and on the whole flat, again expands towards the gulf, and terminates there in the two heights of Jebel-Khawi and Sidi bu Said, between which extends the plain of El Mersa. On its southern portion which ends in the height of Sidi bu Said lay the city of Carthage. The pretty steep declivity of that height towards the gulf and its numerous rocks and shallows gave natural strength to the side of the city next to the gulf, and a simple circumvallation was sufficient there. On the wall along the west or landward side, on the other hand, where nature afforded no protection, every appliance within the power of the art of fortification in those times was expended. It consisted, as its recently discovered remains exactly tallying with the description of Polybius have shown, of an outer wall 6 1/2 feet thick and immense casemates attached to it behind, probably along its whole extent; these were separated from the outer wall by a covered way 6 feet broad, and had a depth of 14 feet, exclusive of the front and back walls, each of which was fully 3 feet broad.<sup>9</sup> This enormous wall,

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of the city is preserved by Cape Cartagena—also called from the saint's tomb found there Ras Sidi bu Said—the eastern headland of the peninsula, projecting into the gulf with its highest point rising to 393 feet above the level of the sea.

<sup>9</sup> The dimensions given by Beule (*Fouilles a Carthage*, 1861) are as follows in metres

composed throughout of large hewn blocks, rose in two stories, exclusive of the battlements and the huge towers four stories

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and in Greek feet (1=0.309 metre):—Outer wall 2 metres = 6 1/2 feet. Corridor 1.9 " = 6 " Front wall of casemates 1 " = 3 1/4 " Casemate rooms 4.2 " = 14 " Back wall of casemates 1 " = 3 1/4 " – Whole breadth of the walls 10.1 metres = 33 feet.Or, as Diodorus (p. 522) states it, 22 cubits (1 Greek cubit = 1 1/2 feet), while Livy (ap. Oros. iv. 22) and Appian (Pun. 95), who seem to have had before them another less accurate passage of Polybius, state the breadth of the walls at 30 feet. The triple wall of Appian—as to which a false idea has hitherto been diffused by Floras (i. 31)—denotes the outer wall, and the front and back walls of the casemates. That this coincidence is not accidental, and that we have here in reality the remains of the famed walls of Carthage before us, will be evident to every one: the objections of Davis (Carthage and her Remains, p. 370 et seq.) only show how little even the utmost zeal can adduce in opposition to the main results of Beule. Only we must maintain that all the ancient authorities give the statements of which we are now speaking with reference not to the citadel-wall, but to the city-wall on the landward side, of which the wall along the south side of the citadel-hill was an integral part (Oros. iv. 22). In accordance with this view, the excavations at the citadel-hill on the east, north, and west, have shown no traces of fortifications, whereas on the south side they have brought to light the very remains of this great wall. There is no reason for regarding these as the remains of a separate fortification of the citadel distinct from the city wall; it may be presumed that further excavations at a corresponding depth—the foundation of the city wall discovered at the Byrsa lies fifty-six feet beneath the present surface—will bring to light like, or at any rate analogous, foundations along the whole landward side, although it is probable that at the point where the walled suburb of Magalia rested on the main wall the fortification was either weaker from the first or was early neglected. The length of the wall as a whole cannot be stated with precision; but it must have been very considerable, for three hundred elephants were stabled there, and the stores for their fodder and perhaps other spaces also as well as the gates are to be taken into account. It is easy to conceive how the inner city, within the walls of which the Byrsa was included, should, especially by way of contrast to the suburb of Magalia which had its separate circumvallation, be sometimes itself called Byrsa (App. Pun. 117; Nepos, ap. Serv. Aen. i. 368).

high, to a height of 45 feet,<sup>10</sup> and furnished in the lower range of the casemates stables and provender-stores for 300 elephants, in the upper range stalls for horses, magazines, and barracks.<sup>11</sup> The citadel-hill, the Byrsa (Syriac, birtha = citadel), a comparatively considerable rock having a height of 188 feet and at its base a circumference of fully 2000 double paces,<sup>12</sup> was joined to this wall at its southern end, just as the rock-wall of the Capitol was joined to the city-wall of Rome. Its summit bore the huge temple of the God of Healing, resting on a basement of sixty steps. The south side of the city was washed partly by the shallow lake of Tunes towards the south-west, which was separated almost wholly from the gulf by a narrow and low tongue of land running southwards from the Carthaginian peninsula,<sup>13</sup> partly by the open gulf towards the south-east. At this last spot was situated the double harbour of the city, a work of human hands; the outer

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<sup>10</sup> Such is the height given by Appian, l. c.; Diodorus gives the height, probably inclusive of the battlements, at 40 cubits or 60 feet. The remnant preserved is still from 13 to 16 feet (4-5 metres) high.

<sup>11</sup> The rooms of a horse-shoe shape brought to light in excavation have a depth of 14, and a breadth of 11, Greek feet; the width of the entrances is not specified. Whether these dimensions and the proportions of the corridor suffice for our recognizing them as elephants' stalls, remains to be settled by a more accurate investigation. The partition-walls, which separate the apartments, have a thickness of 1.1 metre = 3 1/2 feet.

<sup>12</sup> Oros. iv. 22. Fully 2000 paces, or—as Polybius must have said—16 stadia, are=about 3000 metres. The citadel-hill, on which the church of St. Louis now stands, measures at the top about 1400, half-way up about 2600, metres in circumference (Beule, p. 22); for the circumference at the base that estimate will very well suffice.

<sup>13</sup> It now bears the fort Goletta.

or commercial harbour, a longish rectangle with the narrow end turned to the sea, from whose entrance, only 70 feet wide, broad quays stretched along the water on both sides, and the inner circular war-harbour, the Cothon,<sup>14</sup> with the island containing the admiral's house in the middle, which was approached through the outer harbour. Between the two passed the city wall, which turning eastward from the Byrsa excluded the tongue of land and the outer harbour, but included the war-harbour, so that the entrance to the latter must be conceived as capable of being closed like a gate. Not far from the war-harbour lay the marketplace, which was connected by three narrow streets with the citadel open on the side towards the town. To the north of, and beyond, the city proper, the pretty considerable space of the modern El Mersa, even at that time occupied in great part by villas and well-watered gardens, and then called Magalia, had a circumvallation of its own joining on to the city wall. On the opposite point of the peninsula, the Jebel-Khawi near the modern village of Ghamart, lay the necropolis. These three—the old city, the suburb, and the necropolis—together filled the whole breadth of the promontory on its side next the gulf, and were only accessible by the two highways leading to Utica and Tunes along

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<sup>14</sup> That this Phoenician word signifies a basin excavated in a circular shape, is shown both by Diodorus (iii. 44), and by its being employed by the Greeks to denote a "cup." It thus suits only the inner harbour of Carthage, and in that sense it is used by Strabo (xvii. 2, 14, where it is strictly applied to the admiral's island) and Fest. Ep. v. -cothones-, p. 37. Appian (Pun. 127) is not quite accurate in describing the rectangular harbour in front of the Cothon as part of it.

that narrow tongue of land, which, although not closed by a wall, yet afforded a most advantageous position for the armies taking their stand under the protection of the capital with the view of protecting it in return.

The difficult task of reducing so well fortified a city was rendered still more difficult by the fact, that the resources of the capital itself and of its territory which still included 800 townships and was mostly under the power of the emigrant party on the one hand, and the numerous tribes of the free or half-free Libyans hostile to Massinissa on the other, enabled the Carthaginians simultaneously with their defence of the city to keep a numerous army in the field— an army which, from the desperate temper of the emigrants and the serviceableness of the light Numidian cavalry, the besiegers could not afford to disregard.

### The Siege

The consuls accordingly had by no means an easy task to perform, when they now found themselves compelled to commence a regular siege. Manius Manilius, who commanded the land army, pitched his camp opposite the wall of the citadel, while Lucius Censorinus stationed himself with the fleet on the lake and there began operations on the tongue of land. The Carthaginian army, under Hasdrubal, encamped on the other side of the lake near the fortress of Nepheris, whence it obstructed the labours of the Roman soldiers despatched to cut timber for constructing machines, and the able cavalry-leader in particular,

Himilco Phameas, slew many of the Romans. Censorinus fitted up two large battering-rams on the tongue, and made a breach with them at this weakest place of the wall; but, as evening had set in, the assault had to be postponed. During the night the besieged succeeded in filling up a great part of the breach, and in so damaging the Roman machines by a sortie that they could not work next day. Nevertheless the Romans ventured on the assault; but they found the breach and the portions of the wall and houses in the neighbourhood so strongly occupied, and advanced with such imprudence, that they were repulsed with severe loss and would have suffered still greater damage, had not the military tribune Scipio Aemilianus, foreseeing the issue of the foolhardy attack, kept together his men in front of the walls and with them intercepted the fugitives. Manilius accomplished still less against the impregnable wall of the citadel. The siege thus lingered on. The diseases engendered in the camp by the heat of summer, the departure of Censorinus the abler general, the ill-humour and inaction of Massinissa who was naturally far from pleased to see the Romans taking for themselves the booty which he had long coveted, and the death of the king at the age of ninety which ensued soon after (end of 605), utterly arrested the offensive operations of the Romans. They had enough to do in protecting their ships against the Carthaginian incendiaries and their camp against nocturnal surprises, and in securing food for their men and horses by the construction of a harbour-fort and by forays in the neighbourhood. Two expeditions directed

against Hasdrubal remained without success; and in fact the first, badly led over difficult ground, had almost terminated in a formal defeat. But, while the course of the war was inglorious for the general and the army, the military tribune Scipio achieved in it brilliant distinction. It was he who, on occasion of a nocturnal attack by the enemy on the Roman camp, starting with some squadrons of horse and taking the enemy in rear, compelled him to retreat. On the first expedition to Nopheris, when the passage of the river had taken place in opposition to his advice and had almost occasioned the destruction of the army, by a bold attack in flank he relieved the pressure on the retreating troops, and by his devoted and heroic courage rescued a division which had been given up as lost. While the other officers, and the consul in particular, by their perfidy deterred the towns and party-leaders that were inclined to negotiate, Scipio succeeded in inducing one of the ablest of the latter, Himilco Phameas, to pass over to the Romans with 2200 cavalry. Lastly, after he had in fulfilment of the charge of the dying Massinissa divided his kingdom among his three sons, Micipsa, Gulussa, and Mastanabal, he brought to the Roman army in Gulussa a cavalry-leader worthy of his father, and thereby remedied the want, which had hitherto been seriously felt, of light cavalry. His refined and yet simple demeanour, which recalled rather his own father than him whose name he bore, overcame even envy, and in the camp as in the capital the name of Scipio was on the lips of all. Even Cato, who was not liberal with his praise, a few months before his death—

he died at the end of 605 without having seen the wish of his life, the destruction of Carthage, accomplished—applied to the young officer and to his incapable comrades the Homeric line:—

He only is a living man, the rest are gliding shades.<sup>15</sup>

While these events were passing, the close of the year had come and with it a change of commanders; the consul Lucius Piso (606) was somewhat late in appearing and took the command of the land army, while Lucius Mancinus took charge of the fleet. But, if their predecessors had done little, these did nothing at all. Instead of prosecuting the siege of Carthage or subduing the army of Hasdrubal, Piso employed himself in attacking the small maritime towns of the Phoenicians, and that mostly without success. Clupea, for example, repulsed him, and he was obliged to retire in disgrace from Hippo Diarrhytus, after having lost the whole summer in front of it and having had his besieging apparatus twice burnt. Neapolis was no doubt taken; but the pillage of the town in opposition to his pledged word of honour was not specially favourable to the progress of the Roman arms. The courage of the Carthaginians rose. Bithyas, a Numidian sheik, passed over to them with 800 horse; Carthaginian envoys were enabled to attempt negotiations with the kings of Numidia and Mauretania and even with Philip the Macedonian pretender. It was perhaps internal intrigues—Hasdrubal the emigrant brought the general of the same name, who commanded in the city, into suspicion on account of his

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<sup>15</sup> —Oios pepnutai, toi de skiai aissousin—.

relationship with Massinissa, and caused him to be put to death in the senate-house—rather than the activity of the Romans, that prevented things from assuming a turn still more favourable for Carthage.

### Scipio Aemilianus

With the view of producing a change in the state of African affairs, which excited uneasiness, the Romans resorted to the extraordinary measure of entrusting the conduct of the war to the only man who had as yet brought home honour from the Libyan plains, and who was recommended for this war by his very name. Instead of calling Scipio to the aedileship for which he was a candidate, they gave to him the consulship before the usual time, setting aside the laws to the contrary effect, and committed to him by special decree the conduct of the African war. He arrived (607) in Utica at a moment when much was at stake. The Roman admiral Mancinus, charged by Piso with the nominal continuance of the siege of the capital, had occupied a steep cliff, far remote from the inhabited district and scarcely defended, on the almost inaccessible seaward side of the suburb of Magalia, and had united nearly his whole not very numerous force there, in the hope of being able to penetrate thence into the outer town. In fact the assailants had been for a moment within its gates and the camp-followers had flocked forward in a body in the hope of spoil, when they were again driven back to the cliff and, being without supplies and almost cut off, were in the greatest danger. Scipio found matters in that

position. He had hardly arrived when he despatched the troops which he had brought with him and the militia of Utica by sea to the threatened point, and succeeded in saving its garrison and holding the cliff itself. After this danger was averted, the general proceeded to the camp of Piso to take over the army and bring it back to Carthage. Hasdrubal and Bithyas availed themselves of his absence to move their camp immediately up to the city, and to renew the attack on the garrison of the cliff before Magalia; but even now Scipio appeared with the vanguard of the main army in sufficient time to afford assistance to the post. Then the siege began afresh and more earnestly. First of all Scipio cleared the camp of the mass of camp-followers and sutlers and once more tightened the relaxed reins of discipline. Military operations were soon resumed with increased vigour. In an attack by night on the suburb the Romans succeeded in passing from a tower—placed in front of the walls and equal to them in height—on to the battlements, and opened a little gate through which the whole army entered. The Carthaginians abandoned the suburb and their camp before the gates, and gave the chief command of the garrison of the city, amounting to 30,000 men, to Hasdrubal. The new commander displayed his energy in the first instance by giving orders that all the Roman prisoners should be brought to the battlements and, after undergoing cruel tortures, should be thrown over before the eyes of the besieging army; and, when voices were raised in disapproval of the act, a reign of terror was introduced with reference to the citizens

also. Scipio, meanwhile, after having confined the besieged to the city itself, sought totally to cut off their intercourse with the outer world. He took up his head-quarters on the ridge by which the Carthaginian peninsula was connected with the mainland, and, notwithstanding the various attempts of the Carthaginians to disturb his operations, constructed a great camp across the whole breadth of the isthmus, which completely blockaded the city from the landward side. Nevertheless ships with provisions still ran into the harbour, partly bold merchantmen allured by the great gain, partly vessels of Bithyas, who availed himself of every favourable wind to convey supplies to the city from Nepheris at the end of the lake of Tunes; whatever might now be the sufferings of the citizens, the garrison was still sufficiently provided for. Scipio therefore constructed a stone mole, 96 feet broad, running from the tongue of land between the lake and gulf into the latter, so as thus to close the mouth of the harbour. The city seemed lost, when the success of this undertaking, which was at first ridiculed by the Carthaginians as impracticable, became evident. But one surprise was balanced by another. While the Roman labourers were constructing the mole, work was going forward night and day for two months in the Carthaginian harbour, without even the deserters being able to tell what were the designs of the besieged. All of a sudden, just as the Romans had completed the bar across the entrance to the harbour, fifty Carthaginian triremes and a number of boats and skiffs sailed forth from that same harbour into the gulf—

while the enemy were closing the old mouth of the harbour towards the south, the Carthaginians had by means of a canal formed in an easterly direction procured for themselves a new outlet, which owing to the depth of the sea at that spot could not possibly be closed. Had the Carthaginians, instead of resting content with a mere demonstration, thrown themselves at once and resolutely on the half-dismantled and wholly unprepared Roman fleet, it must have been lost; when they returned on the third day to give the naval battle, they found the Romans in readiness. The conflict came off without decisive result; but on their return the Carthaginian vessels so ran foul of each other in and before the entrance of the harbour, that the damage thus occasioned was equivalent to a defeat. Scipio now directed his attacks against the outer quay, which lay outside of the city walls and was only protected for the exigency by an earthen rampart of recent construction. The machines were stationed on the tongue of land, and a breach was easily made; but with unexampled intrepidity the Carthaginians, wading through the shallows, assailed the besieging implements, chased away the covering force which ran off in such a manner that Scipio was obliged to make his own troopers cut them down, and destroyed the machines. In this way they gained time to close the breach. Scipio, however, again established the machines and set on fire the wooden towers of the enemy; by which means he obtained possession of the quay and of the outer harbour along with it. A rampart equalling the city wall in height was here constructed,

and the town was now at length completely blockaded by land and sea, for the inner harbour could only be reached through the outer. To ensure the completeness of the blockade, Scipio ordered Gaius Laelius to attack the camp at Nepheris, where Diogenes now held the command; it was captured by a fortunate stratagem, and the whole countless multitude assembled there were put to death or taken prisoners. Winter had now arrived and Scipio suspended his operations, leaving famine and pestilence to complete what he had begun.

### Capture of the City

How fearfully these mighty agencies had laboured in the work of destruction during the interval while Hasdrubal continued to vaunt and to gormandize, appeared so soon as the Roman army proceeded in the spring of 608 to attack the inner town. Hasdrubal gave orders to set fire to the outer harbour and made himself ready to repel the expected assault on the Cothon; but Laelius succeeded in scaling the wall, hardly longer defended by the famished garrison, at a point farther up and thus penetrated into the inner harbour. The city was captured, but the struggle was still by no means at an end. The assailants occupied the market-place contiguous to the small harbour, and slowly pushed their way along the three narrow streets leading from this to the citadel—slowly, for the huge houses of six stories in height had to be taken one by one; on the roofs or on beams laid over the street the soldiers penetrated from one of these fortress-like buildings to that which was adjoining or opposite, and cut

down whatever they encountered there. Thus six days elapsed, terrible for the inhabitants of the city and full of difficulty and danger also for the assailants; at length they arrived in front of the steep citadel-rock, whither Hasdrubal and the force still surviving had retreated. To procure a wider approach, Scipio gave orders to set fire to the captured streets and to level the ruins; on which occasion a number of persons unable to fight, who were concealed in the houses, miserably perished. Then at last the remnant of the population, crowded together in the citadel, besought for mercy. Bare life was conceded to them, and they appeared before the victor, 30,000 men and 25,000 women, not the tenth part of the former population. The Roman deserters alone, 900 in number, and the general Hasdrubal with his wife and his two children had thrown themselves into the temple of the God of Healing; for them—for soldiers who had deserted their posts, and for the murderer of the Roman prisoners—there were no terms. But when, yielding to famine, the most resolute of them set fire to the temple, Hasdrubal could not endure to face death; alone he ran forth to the victor and falling upon his knees pleaded for his life. It was granted; but, when his wife who with her children was among the rest on the roof of the temple saw him at the feet of Scipio, her proud heart swelled at this disgrace brought on her dear perishing home, and, with bitter words bidding her husband be careful to save his life, she plunged first her sons and then herself into the flames. The struggle was at an end. The joy in the camp and at Rome

was boundless; the noblest of the people alone were in secret ashamed of the most recent grand achievement of the nation. The prisoners were mostly sold as slaves; several were allowed to languish in prison; the most notable, Hasdrubal and Bithyas, were sent to the interior of Italy as Roman state-prisoners and tolerably treated. The moveable property, with the exception of gold, silver, and votive gifts, was abandoned to the pillage of the soldiers. As to the temple treasures, the booty that had been in better times carried off by the Carthaginians from the Sicilian towns was restored to them; the bull of Phalaris, for example, was returned to the Agrigentines; the rest fell to the Roman state.

### Destruction of Carthage

But by far the larger portion of the city still remained standing. We may believe that Scipio desired its preservation; at least he addressed a special inquiry to the senate on the subject. Scipio Nasica once more attempted to gain a hearing for the demands of reason and honour; but in vain. The senate ordered the general to level the city of Carthage and the suburb of Magalia with the ground, and to do the same with all the townships which had held by Carthage to the last; and thereafter to pass the plough over the site of Carthage so as to put an end in legal form to the existence of the city, and to curse the soil and site for ever, that neither house nor cornfield might ever reappear on the spot. The command was punctually obeyed. The ruins burned for seventeen days: recently, when the remains of the Carthaginian city wall were excavated, they were found to be covered with

a layer of ashes from four to five feet deep, filled with half-charred pieces of wood, fragments of iron, and projectiles. Where the industrious Phoenicians had bustled and trafficked for five hundred years, Roman slaves henceforth pastured the herds of their distant masters. Scipio, however, whom nature had destined for a nobler part than that of an executioner, gazed with horror on his own work; and, instead of the joy of victory, the victor himself was haunted by a presentiment of the retribution that would inevitably follow such a misdeed.

### Province of Africa

There remained the work of arranging the future organization of the country. The earlier plan of investing the allies of Rome with the transmarine possessions that she acquired was no longer viewed with favour. Micipsa and his brothers retained in substance their former territory, including the districts recently wrested from the Carthaginians on the Bagradas and in Emporia; their long-cherished hope of obtaining Carthage as a capital was for ever frustrated; the senate presented them instead with the Carthaginian libraries. The Carthaginian territory as possessed by the city in its last days— viz. The narrow border of the African coast lying immediately opposite to Sicily, from the river Tusca (near Thabraca) to Thaenae (opposite to the island of Karkenah)—became a Roman province. In the interior, where the constant encroachments of Massinissa had more and more narrowed the Carthaginian dominions and Bulla, Zama, and Aquae already belonged to the kings, the Numidians retained

what they possessed. But the careful regulation of the boundary between the Roman province and the Numidian kingdom, which enclosed it on three sides, showed that Rome would by no means tolerate in reference to herself what she had permitted in reference to Carthage; while the name of the new province, Africa, on the other hand appeared to indicate that Rome did not at all regard the boundary now marked off as a definitive one. The supreme administration of the new province was entrusted to a Roman governor, who had his seat at Utica. Its frontier did not need any regular defence, as the allied Numidian kingdom everywhere separated it from the inhabitants of the desert. In the matter of taxes Rome dealt on the whole with moderation. Those communities which from the beginning of the war had taken part with Rome—viz. Only the maritime towns of Utica, Hadrumetum, Little Leptis, Thapsus, Achulla, and Usalis, and the inland town of Theudalis—retained their territory and became free cities; which was also the case with the newly-founded community of deserters. The territory of the city of Carthage—with the exception of a tract presented to Utica—and that of the other destroyed townships became Roman domain-land, which was let on lease. The remaining townships likewise forfeited in law their property in the soil and their municipal liberties; but their land and their constitution were for the time being, and until further orders from the Roman government, left to them as a possession liable to be recalled, and the communities paid annually to Rome for the use of their soil which had

become Roman a once-for-all fixed tribute (stipendium), which they in their turn collected by means of a property-tax levied from the individuals liable. The real gainers, however, by this destruction of the first commercial city of the west were the Roman merchants, who, as soon as Carthage lay in ashes, flocked in troops to Utica, and from this as their head-quarters began to turn to profitable account not only the Roman province, but also the Numidian and Gaetolian regions which had hitherto been closed to them.

Macedonia and the Pseudo-Phillip

Victory of Metellus

Macedonia also disappeared about the same time as Carthage from the ranks of the nations. The four small confederacies, into which the wisdom of the Roman senate had parcelled out the ancient kingdom, could not live at peace either internally or one with another. How matters stood in the country appears from a single accidentally mentioned occurrence at Phacus, where the whole governing council of one of these confederacies were murdered on the instigation of one Damasippus. Neither the commissions sent by the senate (590), nor the foreign arbiters, such as Scipio Aemilianus (603) called in after the Greek fashion by the Macedonians, were able to establish any tolerable order. Suddenly there appeared in Thrace a young man, who called himself Philip the son of king Perseus, whom he strikingly resembled, and of the Syrian Laodice. He had passed his youth in the Mysian town of Adramytium; there he asserted that he had

preserved the sure proofs of his illustrious descent. With these he had, after a vain attempt to obtain recognition in his native country, resorted to Demetrius Soter, king of Syria, his mother's brother. There were in fact some who believed the Adramytene or professed to believe him, and urged the king either to reinstate the prince in his hereditary kingdom or to cede to him the crown of Syria; whereupon Demetrius, to put an end to the foolish proceedings, arrested the pretender and sent him to the Romans. But the senate attached so little importance to the man, that it confined him in an Italian town without taking steps to have him even seriously guarded. Thus he had escaped to Miletus, where the civic authorities once more seized him and asked the Roman commissioners what they should do with the prisoner. The latter advised them to let him go; and they did so. He now tried his fortune further in Thrace; and, singularly enough, he obtained recognition and support there not only from Teres the chief of the Thracian barbarians, the husband of his father's sister, and Barsabas, but also from the prudent Byzantines. With Thracian support the so-called Philip invaded Macedonia, and, although he was defeated at first, he soon gained one victory over the Macedonian militia in the district of Odomantice beyond the Strymon, followed by a second on the west side of the river, which gave him possession of all Macedonia. Apocryphal as his story sounded, and decidedly as it was established that the real Philip, the son of Perseus, had died when eighteen years of age at Alba, and that this man, so far from being a Macedonian prince,

was Andriscus a fuller of Adramytium, yet the Macedonians were too much accustomed to the rule of a king not to be readily satisfied on the point of legitimacy and to return with pleasure into the old track. Messengers arrived from the Thessalians, announcing that the pretender had advanced into their territory, the Roman commissioner Nasica, who, in the expectation that a word of earnest remonstrance would put an end to the foolish enterprise, had been sent by the senate to Macedonia without soldiers, was obliged to call out the Achaean and Pergamene troops and to protect Thessaly against the superior force by means of the Achaeans, as far as was practicable, till (605?) the praetor Juventius appeared with a legion. The latter attacked the Macedonians with his small force; but he himself fell, his army was almost wholly destroyed, and the greater part of Thessaly fell into the power of the pseudo-Philip, who conducted his government there and in Macedonia with cruelty and arrogance. At length a stronger Roman army under Quintus Caecilius Metellus appeared on the scene of conflict, and, supported by the Pergamene fleet, advanced into Macedonia. In the first cavalry combat the Macedonians retained the superiority; but soon dissensions and desertions occurred in the Macedonian army, and the blunder of the pretender in dividing his army and detaching half of it to Thessaly procured for the Romans an easy and decisive victory (606). Philip fled to the chieftain Byzes in Thrace, whither Metellus followed him and after a second victory obtained his surrender.

## Province of Macedonia

The four Macedonian confederacies had not voluntarily submitted to the pretender, but had simply yielded to force. According to the policy hitherto pursued there was therefore no reason for depriving the Macedonians of the shadow of independence which the battle of Pydna had still left to them; nevertheless the kingdom of Alexander was now, by order of the senate, converted by Metellus into a Roman province. This case clearly showed that the Roman government had changed its system, and had resolved to substitute for the relation of clientship that of simple subjects; and accordingly the suppression of the four Macedonian confederacies was felt throughout the whole range of the client-states as a blow directed against all. The possessions in Epirus which were formerly after the first Roman victories detached from Macedonia—the Ionian islands and the ports of Apollonia and Epidamnus,<sup>16</sup> that had hitherto been under the jurisdiction of the Italian magistrates—were now reunited with Macedonia, so that the latter, probably as early as this period, reached on the north-west to a point beyond Scodra, where Illyria began. The protectorate which Rome claimed over Greece proper likewise devolved, of itself, on the new governor of Macedonia. Thus Macedonia recovered its unity and nearly the same limits which it had in its most flourishing times. It had no longer, however, the unity of a kingdom, but that of a province, retaining its communal and

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<sup>16</sup> III. III. Acquisition of Territory in Illyria, III. IX. Macedonia

even, as it would seem, its district organization, but placed under an Italian governor and quaestor, whose names make their appearance on the native coins along with the name of the country. As tribute, there was retained the old moderate land-tax, as Paullus had arranged it<sup>17</sup>—a sum of 100 talents (24,000 pounds) which was allocated in fixed proportions on the several communities. Yet the land could not forget its old glorious dynasty. A few years after the subjugation of the pseudo-Philip another pretended son of Perseus, Alexander, raised the banner of insurrection on the Nestus (Karasu), and had in a short time collected 1600 men; but the quaestor Lucius Tremellius mastered the insurrection without difficulty and pursued the fugitive pretender as far as Dardania (612). This was the last movement of the proud national spirit of Macedonia, which two hundred years before had accomplished so great things in Hellas and Asia. Henceforward there is scarcely anything else to be told of the Macedonians, save that they continued to reckon their inglorious years from the date at which the country received its definitive provincial organization (608).

Thenceforth the defence of the northern and eastern frontiers of Macedonia or, in other words, of the frontier of Hellenic civilization against the barbarians devolved on the Romans. It was conducted by them with inadequate forces and not, on the whole, with befitting energy; but with a primary view to this military object the great Egnatian highway was constructed,

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<sup>17</sup> III. X. Macedonia Broken Up

which as early as the time of Polybius ran from Apollonia and Dyrrhachium, the two chief ports on the west coast, across the interior to Thessalonica, and was afterwards prolonged to the Hebrus (Maritza).<sup>18</sup> The new province became the natural basis, on the one hand for the movements against the turbulent Dalmatians, and on the other hand for the numerous expeditions against the Illyrian, Celtic, and Thracian tribes settled to the north of the Grecian peninsula, which we shall afterwards have to exhibit in their historical connection.

### Greece

Greece proper had greater occasion than Macedonia to congratulate herself on the favour of the ruling power; and the Philhellenes of Rome might well be of opinion that the calamitous effects of the war with Perseus were disappearing, and that the state of things in general was improving there. The bitterest abettors of the now dominant party, Lyciscus the Aetolian, Mnasippus the Boeotian, Chrematas the Acarnanian, the infamous Epirot Charops whom honourable Romans forbade even to enter their houses, descended one after another to the grave; another generation grew up, in which the old recollections and the old antagonisms had faded. The Roman senate thought

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<sup>18</sup> This road was known already by the author of the pseudo- Aristotelian treatise *De Mirabilibus* as a commercial route between the Adriatic and Black seas, viz. As that along which the wine jars from Corcyra met halfway those from Thasos and Lesbos. Even now it runs substantially in the same direction from Durazzo, cutting through the mountains of Bagora (Candavian chain) near the lake of Ochrida (Lychnitis), by way of Monastir to Salonica.

that the time for general forgiveness and oblivion had come, and in 604 released the survivors of those Achaean patriots who had been confined for seventeen years in Italy, and whose liberation the Achaean diet had never ceased to demand. Nevertheless they were mistaken. How little the Romans with all their Philhellenism had been successful in heartily conciliating Hellenic patriotism, was nowhere more clearly apparent than in the attitude of the Greeks towards the Attalids. King Eumenes II had been, as a friend of the Romans, extremely hated in Greece;<sup>19</sup> but scarcely had a coldness arisen between him and the Romans, when he became suddenly popular in Greece, and the Hellenic hopefuls expected the deliverer from a foreign yoke to come now from Pergamus as formerly from Macedonia. Social disorganization more especially was visibly on the increase among the petty states of Hellas now left to themselves. The country became desolate not through war and pestilence, but through the daily increasing disinclination of the higher classes to trouble themselves with wife and children; on the other hand the criminal or the thoughtless flocked as hitherto chiefly to Greece, there to await the recruiting officer. The communities sank into daily deeper debt, and into financial dishonour and a corresponding want of credit: some cities, more especially Athens and Thebes, resorted in their financial distress to direct robbery, and plundered the neighbouring communities. The internal dissensions in the leagues also—e. g. between

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<sup>19</sup> III. X. Greek National Party

the voluntary and the compulsory members of the Achaean confederacy— were by no means composed. If the Romans, as seems to have been the case, believed what they wished and confided in the calm which for the moment prevailed, they were soon to learn that the younger generation in Hellas was in no respect better or wiser than the older. The Greeks directly sought an opportunity of picking a quarrel with the Romans.

### Achaean War

In order to screen a foul transaction, Diaeus, the president of the Achaean league for the time being, about 605 threw out in the diet the assertion that the special privileges conceded by the Achaean league to the Lacedaemonians as members—viz. their exemption from the Achaean criminal jurisdiction, and the right to send separate embassies to Rome—were not at all guaranteed to them by the Romans. It was an audacious falsehood; but the diet naturally believed what it wished, and, when the Achaeans showed themselves ready to make good their assertions with arms in hand, the weaker Spartans yielded for the time, or, to speak more correctly, those whose surrender was demanded by the Achaeans left the city to appear as complainants before the Roman senate. The senate answered as usual that it would send a commission to investigate the matter; but instead of reporting this reply the envoys stated in Achaia as well as in Sparta, and in both cases falsely, that the senate had decided in their favour. The Achaeans, who felt more than ever their equality with Rome as allies and their political importance on account of the aid which

the league had just rendered in Thessaly against the pseudo-Philip, advanced in 606 under their -strategus- Damocritus into Laconia: in vain a Roman embassy on its way to Asia, at the suggestion of Metellus, admonished them to keep the peace and to await the commissioners of the senate. A battle took place, in which nearly 1000 Spartans fell, and Sparta might have been taken if Damocritus had not been equally incapable as an officer and as a statesman. He was superseded, and his successor Diaeus, the instigator of all this mischief, zealously continued the war, while at the same time he gave to the dreaded commandant of Macedonia assurances of the full loyalty of the Achaean league. Thereupon the long-expected Roman commission made its appearance, with Aurelius Orestes at its head; hostilities were now suspended, and the Achaean diet assembled at Corinth to receive its communications. They were of an unexpected and far from agreeable character. The Romans had resolved to cancel the unnatural and forced<sup>20</sup> inclusion of Sparta among the Achaean states, and generally to act with vigour against the Achaeans. Some years before (591) these had been obliged to release from their league the Aetolian town of Pleuron;<sup>21</sup> now they were directed to renounce all the acquisitions which they had made since the second Macedonian war—viz. Corinth, Orchomenus, Argos, Sparta in the Peloponnesus, and Heraclea near to Oeta—and to reduce their league to the condition in which it stood at the

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<sup>20</sup> III. IX. The Achaeans

<sup>21</sup> III. IX. The Achaeans

end of the Hannibalic war. When the Achaean deputies learned this, they rushed immediately to the market-place without even hearing the Romans to an end, and communicated the Roman demands to the multitude; whereupon the governing and the governed rabble with one voice resolved to arrest at once the whole Lacedaemonians present in Corinth, because Sparta forsooth had brought on them this misfortune. The arrest accordingly took place in the most tumultuary fashion, so that the possession of Laconian names or Laconian shoes appeared sufficient ground for imprisonment: in fact they even entered the dwellings of the Roman envoys to seize the Lacedaemonians who had taken shelter there, and hard words were uttered against the Romans, although they did not lay hands on their persons. The envoys returned home in indignation, and made bitter and even exaggerated complaints in the senate; but the latter, with the same moderation which marked all its measures against the Greeks, confined itself at first to representations. In the mildest form, and hardly mentioning satisfaction for the insults which they had endured, Sextus Julius Caesar repeated the commands of the Romans at the diet in Aegium (spring of 607). But the leaders of affairs in Achaia with the new -strategus- Critolaus at their head -strategus- (from May 607 to May 608), as men versed in state affairs and familiar with political arts, merely drew from that fact the inference that the position of Rome with reference to Carthage and Viriathus could not but be very unfavourable, and continued at once to cheat and to affront the Romans. Caesar was

requested to arrange a conference of deputies of the contending parties at Tegea for the settlement of the question. He did so; but, after Caesar and the Lacedaemonian envoys had waited there long in vain for the Achaeans, Critolaus at last appeared alone and informed them that the general assembly of the Achaeans was solely competent in this matter, and that it could only be settled at the diet or, in other words, in six months. Caesar thereupon returned to Rome; and the next national assembly of the Achaeans on the proposal of Critolaus formally declared war against Sparta. Even now Metellus made an attempt amicably to settle the quarrel, and sent envoys to Corinth; but the noisy -ecclesia-, consisting mostly of the populace of that wealthy commercial and manufacturing city, drowned the voice of the Roman envoys and compelled them to leave the platform. The declaration of Critolaus, that they wished the Romans to be their friends but not their masters, was received with inexpressible delight; and, when the members of the diet wished to interpose, the mob protected the man after its own heart, and applauded the sarcasms as to the high treason of the rich and the need of a military dictatorship as well as the mysterious hints regarding an impending insurrection of countless peoples and kings against Rome. The spirit animating the movement is shown by the two resolutions, that all clubs should be permanent and all actions for debt should be suspended till the restoration of peace.

The Achaeans thus had war; and they had even actual allies, namely the Thebans and Boeotians and also the Chalcidians. At

the beginning of 608 the Achaeans advanced into Thessaly to reduce to obedience Heraclea near to Oeta, which, in accordance with the decree of the senate, had detached itself from the Achaean league. The consul Lucius Mummius, whom the senate had resolved to send to Greece, had not yet arrived; accordingly Metellus undertook to protect Heraclea with the Macedonian legions. When the advance of the Romans was announced to the Achaeo-Theban army, there was no more talk of fighting; they deliberated only how they might best succeed in reaching once more the secure Peloponnesus; in all haste the army made off, and did not even attempt to hold the position at Thermopylae. But Metellus quickened the pursuit, and overtook and defeated the Greek army near Scarpheia in Locris. The loss in prisoners and dead was considerable; Critolaus was never heard of after the battle. The remains of the defeated army wandered about Greece in single troops, and everywhere sought admission in vain; the division of Patrae was destroyed in Phocis, the Arcadian select corps at Chaeronea; all northern Greece was evacuated, and only a small portion of the Achaean army and of the citizens of Thebes, who fled in a body, reached the Peloponnesus. Metellus sought by the utmost moderation to induce the Greeks to abandon their senseless resistance, and gave orders, for example, that all the Thebans with a single exception, should be allowed their liberty; his well-meant endeavours were thwarted not by the energy of the people, but by the desperation of the leaders apprehensive for their own safety. Diaeus, who after the fall of

Critolaus had resumed the chief command, summoned all men capable of bearing arms to the isthmus, and ordered 12,000 slaves, natives of Greece, to be enrolled in the army; the rich were applied to for advances, and the ranks of the friends of peace, so far as they did not purchase their lives by bribing the ruling agents in this reign of terror, were thinned by bloody prosecutions. The war accordingly was continued, and after the same style. The Achaean vanguard, which, 4000 strong, was stationed under Alcamenes at Megara, dispersed as soon as it saw the Roman standards. Metellus was just about to order an attack upon the main force on the isthmus, when the consul Lucius Mummius with a few attendants arrived at the Roman head-quarters and took the command. Meanwhile the Achaeans, emboldened by a successful attack on the too incautious Roman outposts, offered battle to the Roman army, which was about twice as strong, at Leucopetra on the isthmus. The Romans were not slow to accept it. At the very first the Achaean horsemen broke off en masse before the Roman cavalry of six times their strength; the hoplites withstood the enemy till a flank attack by the Roman select corps brought confusion also into their ranks. This terminated the resistance. Diaeus fled to his home, put his wife to death, and took poison himself. All the cities submitted without opposition; and even the impregnable Corinth, into which Mummius for three days hesitated to enter because he feared an ambush, was occupied by the Romans without a blow.

Province of Achaia

The renewed regulation of the affairs of Greece was entrusted to a commission of ten senators in concert with the consul Mummius, who left behind him on the whole a blessed memory in the conquered country. Doubtless it was, to say the least, a foolish thing in him to assume the name of "Achaicus" on account of his feats of war and victory, and to build in the fulness of his gratitude a temple to Hercules Victor; but, as he had not been reared in aristocratic luxury and aristocratic corruption but was a "new man" and comparatively without means, he showed himself an upright and indulgent administrator. The statement, that none of the Achaeans perished but Diaeus and none of the Boeotians but Pytheas, is a rhetorical exaggeration: in Chalcis especially sad outrages occurred; but yet on the whole moderation was observed in the infliction of penalties. Mummius rejected the proposal to throw down the statues of Philopoemen, the founder of the Achaean patriotic party; the fines imposed on the communities were destined not for the Roman exchequer, but for the injured Greek cities, and were mostly remitted afterwards; and the property of those traitors who had parents or children was not sold on public account, but handed over to their relatives. The works of art alone were carried away from Corinth, Thespieae, and other cities and were erected partly in the capital, partly in the country towns of Italy:<sup>22</sup> several pieces were also presented to the Isthmian,

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<sup>22</sup> At Sabine townships, at Parma, and even at Italica in Spain (p. 214), several pediments marked with the name of Mummius have been brought to light, which once

Delphic, and Olympic temples. In the definitive organization of the country also moderation was in general displayed. It is true that, as was implied in the very introduction of the provincial constitution,<sup>23</sup> the special confederacies, and the Achaean in particular, were as such dissolved; the communities were isolated; and intercourse between them was hampered by the rule that no one might acquire landed property simultaneously in two communities. Moreover, as Flamininus had already attempted,<sup>24</sup> the democratic constitutions of the towns were altogether set aside, and the government in each community was placed in the hands of a council composed of the wealthy. A fixed land-tax to be paid to Rome was imposed on each community; and they were all subordinated to the governor of Macedonia in such a manner that the latter, as supreme military chief, exercised a superintendence over administration and justice, and could, for example, personally assume the decision of the more important criminal processes. Yet the Greek communities retained "freedom," that is, a formal sovereignty—reduced, doubtless, by the Roman hegemony to a name—which involved the property of the soil and the right to a distinct administration and jurisdiction of their own.<sup>25</sup> Some years later not only were

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supported gifts forming part of the spoil.

<sup>23</sup> III. III. Organization of the Provinces

<sup>24</sup> III. VIII. Final Regulation of Greece

<sup>25</sup> The question whether Greece did or did not become a Roman province in 608, virtually runs into a dispute about words. It is certain that the Greek communities throughout remained "free" (C. I. Gr. 1543, 15; Caesar, B. C. iii. 5; Appian, Mithr.

the old confederacies again allowed to have a shadowy existence,

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58; Zonar. ix. 31). But it is no less certain that Greece was then "taken possession of" by the Romans (Tac. Ann. xiv. 21; 1 Maccab. viii. 9, 10); that thenceforth each community paid a fixed tribute to Rome (Pausan. vii. 16, 6; comp. Cic. De Prov. Cons. 3, 5), the little island of Gyarus, for instance, paying 150 —drachmae— annually (Strabo, x. 485); that the "rods and axes" of the Roman governor thenceforth ruled in Greece (Polyb. xxxviii. l. c.; comp. Cic. Verr. l. i. 21, 55), and that he thenceforth exercised the superintendence over the constitutions of the cities (C. I. Gr. 1543), as well as in certain cases the criminal jurisdiction (C. I. Gr. 1543; Plut. Cim. 2), just as the senate had hitherto done; and that, lastly, the Macedonian provincial era was also in use in Greece. Between these facts there is no inconsistency, or at any rate none further than is involved in the position of the free cities generally, which are spoken of sometimes as if excluded from the province (e. g. Sueton. Cats., 25; Colum. xi. 3, 26), sometimes as assigned to it (e. g. Joseph. Ant. Jud. xiv. 4, 4). The Roman domanial possessions in Greece were, no doubt, restricted to the territory of Corinth and possibly some portions of Euboea (C. I. Gr. 5879), and there were no subjects in the strict sense there at all; yet if we look to the relations practically subsisting between the Greek communities and the Macedonian governor, Greece may be reckoned as included in the province of Macedonia in the same manner as Massilia in the province of Narbo or Dyrrhachium in that of Macedonia. We find even cases that go much further: Cisalpine Gaul consisted after 665 of mere burgess or Latin communities and was yet made a province by Sulla, and in the time of Caesar we meet with regions which consisted exclusively of burgess-communities and yet by no means ceased to be provinces. In these cases the fundamental idea of the Roman -provincia- comes out very clearly; it was primarily nothing but a "command," and all the administrative and judicial functions of the commandant were originally collateral duties and corollaries of his military position. On the other hand, if we look to the formal sovereignty of the free communities, it must be granted that the position of Greece was not altered in point of constitutional law by the events of 608. It was a difference *de facto* rather than *de jure*, when instead of the Achaean league the individual communities of Achaia now appeared by the side of Rome as tributary protected states, and when, after the erection of Macedonia as a separate Roman province, the latter relieved the authorities of the capital of the superintendence over the Greek client-states. Greece therefore may or may not be regarded as a part of the "command" of Macedonia, according

but the oppressive restriction on the alienation of landed property was removed.

### Destruction of Corinth

The communities of Thebes, Chalcis, and Corinth experienced a treatment more severe. There is no ground for censure in the fact that the two former were disarmed and converted by the demolition of their walls into open villages; but the wholly uncalled-for destruction of the flourishing Corinth, the first commercial city in Greece, remains a dark stain on the annals of Rome. By express orders from the senate the Corinthian citizens were seized, and such as were not killed were sold into slavery; the city itself was not only deprived of its walls and its citadel—a measure which, if the Romans were not disposed permanently to garrison it, was certainly inevitable—but was levelled with the ground, and all rebuilding on the desolate site was prohibited in the usual forms of accursing; part of its territory was given to Sicyon under the obligation that the latter should defray the costs of the Isthmian national festival in room of Corinth, but the greater portion was declared to be public land of Rome. Thus was extinguished "the eye of Hellas," the last precious ornament of the Grecian land, once so rich in cities. If, however, we review the whole catastrophe, the impartial historian must acknowledge— what the Greeks of this period themselves candidly confessed—that

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as the practical or the formal point of view preponderates; but the preponderance is justly conceded to the former.

the Romans were not to blame for the war itself, but that on the contrary, the foolish perfidy and the feeble temerity of the Greeks compelled the Roman intervention. The abolition of the mock sovereignty of the leagues and of all the vague and pernicious dreams connected with them was a blessing for the country; and the government of the Roman commander-in-chief of Macedonia, however much it fell short of what was to be wished, was yet far better than the previous confusion and misrule of Greek confederacies and Roman commissions. The Peloponnesus ceased to be the great harbour of mercenaries; it is affirmed, and may readily be believed, that with the direct government of Rome security and prosperity in some measure returned. The epigram of Themistocles, that ruin had averted ruin, was applied by the Hellenes of that day not altogether without reason to the loss of Greek independence. The singular indulgence, which Rome even now showed towards the Greeks, becomes fully apparent only when compared with the contemporary conduct of the same authorities towards the Spaniards and Phoenicians. To treat barbarians with cruelty seemed not unallowable, but the Romans of this period, like the emperor Trajan in later times, deemed it "harsh and barbarous to deprive Athens and Sparta of the shadow of freedom which they still retained." All the more marked is the contrast between this general moderation and the revolting treatment of Corinth—a treatment disapproved by the orators who defended the destruction of Numantia and Carthage, and far from justified,

even according to Roman international law, by the abusive language uttered against the Roman deputies in the streets of Corinth. And yet it by no means proceeded from the brutality of any single individual, least of all of Mummius, but was a measure deliberated and resolved on by the Roman senate. We shall not err, if we recognize it as the work of the mercantile party, which even thus early began to interfere in politics by the side of the aristocracy proper, and which in destroying Corinth got rid of a commercial rival. If the great merchants of Rome had anything to say in the regulation of Greece, we can understand why Corinth was singled out for punishment, and why the Romans not only destroyed the city as it stood, but also prohibited any future settlement on a site so pre-eminently favourable for commerce. The Peloponnesian Argos thenceforth became the rendezvous for the Roman merchants, who were very numerous even in Greece. For the Roman wholesale traffic, however, Delos was of greater importance; a Roman free port as early as 586, it had attracted a great part of the business of Rhodes,<sup>26</sup> and now in a similar way entered on the heritage of Corinth. This island remained for a considerable time the chief emporium for merchandise going from the east to the west.<sup>27</sup>

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<sup>26</sup> III. X. Intervention in the Syro-Egyptian War

<sup>27</sup> A remarkable proof of this is found in the names employed to designate the fine bronze and copper wares of Greece, which in the time of Cicero were called indiscriminately "Corinthian" or "Delian" copper. Their designation in Italy was naturally derived not from the places of manufacture but from those of export (Plin. H. N. xxxiv. 2, 9); although, of course, we do not mean to deny that similar vases were

In the third and more distant continent the Roman dominion exhibited a development more imperfect than in the African and Macedono-Hellenic countries, which were separated from Italy only by narrow seas.

### Kingdom of Pergamus

In Asia Minor, after the Seleucids were driven back, the kingdom of Pergamus had become the first power. Not led astray by the traditions of the Alexandrine monarchies, but sagacious and dispassionate enough to renounce what was impossible, the Attalids kept quiet; and endeavoured not to extend their bounds nor to withdraw from the Roman hegemony, but to promote the prosperity of their empire, so far as the Romans allowed, and to foster the arts of peace. Nevertheless they did not escape the jealousy and suspicion of Rome. In possession of the European shore of the Propontis, of the west coast of Asia Minor, and of its interior as far as the Cappadocian and Cilician frontiers, and in close connection with the Syrian kings—one of whom, Antiochus Epiphanes (d. 590), had ascended the throne by the aid of the Attalids—king Eumenes II had by his power, which seemed still more considerable from the more and more deep decline of Macedonia and Syria, instilled apprehension in the minds even of its founders. We have already related<sup>28</sup> how the senate sought to humble and weaken this ally after the third Macedonian war by unbecoming diplomatic arts. The relations

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manufactured in Corinth and Delos themselves.

<sup>28</sup> III. X. Course Pursued with Pergamus

— perplexing from the very nature of the case—of the rulers of Pergamus towards the free or half-free commercial cities within their kingdom, and towards their barbarous neighbours on its borders, became complicated still more painfully by this ill humour on the part of their patrons. As it was not clear whether, according to the treaty of peace in 565, the heights of the Taurus in Pamphylia and Pisidia belonged to the kingdom of Syria or to that of Pergamus,<sup>29</sup> the brave Selgians, nominally recognizing, as it would seem, the Syrian supremacy, made a prolonged and energetic resistance to the kings Eumenes II and Attalus II in the hardly accessible mountains of Pisidia. The Asiatic Celts also, who for a time with the permission of the Romans had yielded allegiance to Pergamus, revolted from Eumenes and, in concert with Prusias king of Bithynia the hereditary enemy of the Attalids, suddenly began war against him about 587. The king had had no time to hire mercenary troops; all his skill and valour could not prevent the Celts from defeating the Asiatic militia and overrunning his territory; the peculiar mediation, to which the Romans condescended at the request of Eumenes, has already been mentioned.<sup>30</sup> But, as soon as he had found time with the help of his well-filled exchequer to raise an army capable of taking the field, he speedily drove the wild hordes back over the frontier, and, although Galatia remained lost to him, and his obstinately-continued attempts to maintain his footing there

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<sup>29</sup> III. IX. Extension of the Kingdom of Pergamus

<sup>30</sup> III. X. Course Pursued with Pergamus

were frustrated by Roman influence,<sup>31</sup> he yet, in spite of all the open attacks and secret machinations which his neighbours and the Romans directed against him, at his death (about 595) left his kingdom in standing un-diminished. His brother Attalus II Philadelphia (d. 616) with Roman aid repelled the attempt of Pharnaces king of Pontus to seize the guardianship of Eumenes' son who was a minor, and reigned in the room of his nephew, like Antigonus Doston, as guardian for life. Adroit, able, pliant, a genuine Attalid, he had the art to convince the suspicious senate that the apprehensions which it had formerly cherished

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<sup>31</sup> Several letters recently brought to light (Munchener Sitzungsberichte, 1860, p. 180 et seq.) from the kings Eumenes II, and Attalus II to the priest of Pessinus, who was uniformly called Attis (comp. Polyb. xxii. 20), very clearly illustrate these relations. The earliest of these and the only one with a date, written in the 34th year of the reign of Eumenes on the 7th day before the end of Gorpiaeus, and therefore in 590-1 u. c. offers to the priest military aid in order to wrest from the Pesongi (not otherwise known) temple-land occupied by them. The following, likewise from Eumenes, exhibits the king as a party in the feud between the priest of Pessinus and his brother Aiorix. Beyond doubt both acts of Eumenes were included among those which were reported at Rome in 590 et seq. as attempts on his part to interfere further in Gallic affairs, and to support his partisans in that quarter (Polyb. xxxi. 6, 9; xxxii. 3, 5). On the other hand it is plain from one of the letters of his successor Attalus that the times had changed and his wishes had lowered their tone. The priest Attis appears to have at a conference at Apamea obtained once more from Attalus the promise of armed assistance; but afterwards the king writes to him that in a state council held for the purpose, at which Athenaeus (certainly the known brother of the king), Sosander, Menogenes, Chlorus, and other relatives (—*anagkaioi*—) had been present, after long hesitation the majority had at length acceded to the opinion of Chlorus that nothing should be done without previously consulting the Romans; for, even if a success were obtained, they would expose themselves to its being lost again, and to the evil suspicion "which they had cherished also against his brother" (Eumenes II.).

were baseless. The anti-Roman party accused him of having to do with keeping the land for the Romans, and of acquiescing in every insult and exaction at their hands; but, sure of Roman protection, he was able to interfere decisively in the disputes as to the succession to the throne in Syria, Cappadocia, and Bithynia. Even from the dangerous Bithynian war, which king Prusias II, surnamed the Hunter (572?-605), a ruler who combined in his own person all the vices of barbarism and of civilization, began against him, Roman intervention saved him—although not until he had been himself besieged in his capital, and a first warning given by the Romans had remained unattended to, and had even been scoffed at, by Prusias (598-600). But, when his ward Attalus III Philometor ascended the throne (616-621), the peaceful and moderate rule of the citizen kings was replaced by the tyranny of an Asiatic sultan; under which for instance, the king, with a view to rid himself of the inconvenient counsel of his father's friends, assembled them in the palace, and ordered his mercenaries to put to death first them, and then their wives and children. Along with such recreations he wrote treatises on gardening, reared poisonous plants, and prepared wax models, till a sudden death carried him off.

Province of Asia

War against Aristonicus

With him the house of the Attalids became extinct. In such an event, according to the constitutional law which held good at least for the client-states of Rome, the last ruler might dispose of

the succession by testament. Whether it was the insane rancour against his subjects which had tormented the last Attalid during life that now suggested to him the thought of bequeathing his kingdom by will to the Romans, or whether his doing so was merely a further recognition of the practical supremacy of Rome, cannot be determined. The testament was made;<sup>32</sup> the Romans accepted the bequest, and the question as to the land and the treasure of the Attalids threw a new apple of contention among the conflicting political parties in Rome. In Asia also this royal testament kindled a civil war. Relying on the aversion of the Asiatics to the foreign rule which awaited them, Aristonicus, a natural son of Eumenes II, made his appearance in Leucæ, a small seaport between Smyrna and Phocæa, as a pretender to the crown. Phocæa and other towns joined him, but he was defeated at sea off Cyme by the Ephesians—who saw that a steady adherence to Rome was the only possible way of preserving their privileges—and was obliged to flee into the interior. The

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<sup>32</sup> In the same testament the king gave to his city Pergamus "freedom," that is the —demokratia—, urban self-government. According to the tenor of a remarkable document that has recently been found there (*Staatsrecht*, iii(3). p. 726) after the testament was opened, but before its confirmation by the Romans, the Demos thus constituted resolved to confer urban burgess-rights on the classes of the population hitherto excluded from them, especially on the -paroeci- entered in the census and on the soldiers dwelling in town and country, including the Macedonians, in order thus to bring about a good understanding among the whole population. Evidently the burgesses, in confronting the Romans with this comprehensive reconciliation as an accomplished fact, desired, before the Roman rule was properly introduced, to prepare themselves against it and to take away from the foreign rulers the possibility of using the differences of rights within the population for breaking up its municipal freedom.

movement was believed to have died away when he suddenly reappeared at the head of the new "citizens of the city of the sun,"<sup>33</sup> in other words, of the slaves whom he had called to freedom en masse, mastered the Lydian towns of Thyatira and Apollonis as well as a portion of the Attalic townships, and summoned bands of Thracian free-lances to join his standard. The struggle was serious. There were no Roman troops in Asia; the Asiatic free cities and the contingents of the client-princes of Bithynia, Paphlagonia, Cappadocia, Pontus, Armenia, could not withstand the pretender; he penetrated by force of arms into Colophon, Samos, and Myndus, and already ruled over almost all his father's kingdom, when at the close of 623 a Roman army landed in Asia. Its commander, the consul and -pontifex maximus- Publius Licinius Crassus Mucianus, one of the wealthiest and at the same time one of the most cultivated men in Rome, equally distinguished as an orator and as a jurist, was about to besiege the pretender in Leucæ, but during his preparations for that purpose allowed himself to be surprised and defeated by his too-much-underrated opponent, and was made a prisoner in person by a Thracian band. But he did not allow such an enemy the triumph of exhibiting the Roman commander-in-chief as a captive; he provoked the barbarians, who had

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<sup>33</sup> These strange "Heliopolites" may, according to the probable opinion which a friend has expressed to me, be accounted for by supposing that the liberated slaves constituted themselves citizens of a town Heliopolis—not otherwise mentioned or perhaps having an existence merely in imagination for the moment—which derived its name from the God of the Sun so highly honoured in Syria.

captured him without knowing who he was, to put him to death (beginning of 624), and the consular was only recognised when a corpse. With him, as it would seem, fell Ariarathes king of Cappadocia. But not long after this victory Aristonicus was attacked by Marcus Perpenna, the successor of Crassus; his army was dispersed, he himself was besieged and taken prisoner in Stratonicea, and was soon afterwards executed in Rome. The subjugation of the last towns that still offered resistance and the definitive regulation of the country were committed, after the sudden death of Perpenna, to Manius Aquillius (625). The same policy was followed as in the case of the Carthaginian territory.

The eastern portion of the kingdom of the Attalids was assigned to the client kings, so as to release the Romans from the protection of the frontier and thereby from the necessity of maintaining a standing force in Asia; Telmissus<sup>34</sup> went to the Lycian confederacy; the European possessions in Thrace were annexed to the province of Macedonia; the rest of the territory was organized as a new Roman province, which like that of Carthage was, not without design, designated by the name of the continent in which it lay. The land was released from the taxes which had been paid to Pergamus; and it was treated with the same moderation as Hellas and Macedonia. Thus the most considerable state in Asia Minor became a Roman province.

Western Asia  
Cappadocia

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<sup>34</sup> III. IX. Extension of the Kingdom of Pergamus

The numerous other small states and cities of western Asia — the kingdom of Bithynia, the Paphlagonian and Gallic principalities, the Lycian and Pamphylian confederacies, the free cities of Cyzicus and Rhodes—continued in their former circumscribed relations.

Beyond the Halys Cappadocia—after king Ariarathes V Philopator (591-624) had, chiefly by the aid of the Attalids, held his ground against his brother and rival Holophernes who was supported by Syria— followed substantially the Pergamene policy, as respected both absolute devotion to Rome and the tendency to adopt Hellenic culture. He was the means of introducing that culture into the hitherto almost barbarous Cappadocia, and along with it its extravagancies also, such as the worship of Bacchus and the dissolute practices of the bands of wandering actors—the "artists" as they were called. In reward for the fidelity to Rome, which had cost this prince his life in the struggle with the Pergamene pretender, his youthful heir Ariarathes VI was not only protected by the Romans against the usurpation attempted by the king of Pontus, but received also the south-eastern part of the kingdom of the Attalids, Lycaonia, along with the district bordering on it to the eastward reckoned in earlier times as part of Cilicia.

### Pontus

In the remote north-east of Asia Minor "Cappadocia on the sea," or more briefly the "sea-state," Pontus, increased in extent and importance. Not long after the battle of Magnesia

king Pharnaces I had extended his dominion far beyond the Halys to Tius on the frontier of Bithynia, and in particular had possessed himself of the rich Sinope, which was converted from a Greek free city into the residence of the kings of Pontus. It is true that the neighbouring states endangered by these encroachments, with king Eumenes II at their head, had on that account waged war against him (571-575), and under Roman mediation had exacted from him a promise to evacuate Galatia and Paphlagonia; but the course of events shows that Pharnaces as well as his successor Mithradates V. Euergetes (598?-634), faithful allies of Rome in the third Punic war as well as in the struggle with Aristonicus, not only remained in possession beyond the Halys, but also in substance retained the protectorate over the Paphlagonian and Galatian dynasts. It is only on this hypothesis that we can explain how Mithradates, ostensibly for his brave deeds in the war against Aristonicus, but in reality for considerable sums paid to the Roman general, could receive Great Phrygia from the latter after the dissolution of the Attalid kingdom. How far on the other hand the kingdom of Pontus about this time extended in the direction of the Caucasus and the sources of the Euphrates, cannot be precisely determined; but it seems to have embraced the western part of Armenia about Enderes and Divirigi, or what was called Lesser Armenia, as a dependent satrapy, while the Greater Armenia and Sophene formed distinct and independent kingdoms.

Syria and Egypt

While in the peninsula of Asia Minor Rome thus substantially conducted the government and, although much was done without or in opposition to her wishes, yet determined on the whole the state of possession, the wide tracts on the other hand beyond the Taurus and the Upper Euphrates as far down as the valley of the Nile continued to be mainly left to themselves. No doubt the principle which formed the basis of the regulation of Oriental affairs in 565, viz. That the Halys should form the eastern boundary of the Roman client-states,<sup>35</sup> was not adhered to by the senate and was in its very nature untenable. The political horizon is a self-deception as well as the physical; if the state of Syria had the number of ships of war and war-elephants allowed to it prescribed in the treaty of peace,<sup>36</sup> and if the Syrian army at the bidding of the Roman senate evacuated Egypt when half-won<sup>37</sup>, these things implied a complete recognition of hegemony and of clientship. Accordingly the disputes as to the throne in Syria and in Egypt were referred for settlement to the Roman government. In the former after the death of Antiochus Epiphanes (590) Demetrius afterwards named Soter, the son of Seleucus IV, living as a hostage at Rome, and Antiochus Eupator, a minor, the son of the last king Antiochus Epiphanes, contended for the crown; in the latter Ptolemy Philometor (573-608), the elder of the two brothers who had reigned jointly since 584,

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<sup>35</sup> III. IX. Extension of the Kingdom of Pergamus

<sup>36</sup> III. IX. Extension of the Kingdom of Pergamus

<sup>37</sup> III. X. Intervention in the Syro-Egyptian War

had been driven from the country (590) by the younger Ptolemy Euergetes II or the Fat (d. 637), and had appeared in person at Rome to procure his restoration. Both affairs were arranged by the senate entirely through diplomatic agency, and substantially in accordance with Roman advantage. In Syria Demetrius, who had the better title, was set aside, and Antiochus Eupator was recognized as king; while the guardianship of the royal boy was entrusted by the senate to the Roman senator Gnaeus Octavius, who, as was to be expected, governed thoroughly in the interest of Rome, reduced the war-marine and the army of elephants agreeably to the treaty of 565, and was in the fair way of completing the military ruin of the country. In Egypt not only was the restoration of Philometor accomplished, but—partly in order to put an end to the quarrel between the brothers, partly in order to weaken the still considerable power of Egypt—Cyrene was separated from that kingdom and assigned as a provision for Euergetes. "The Romans make kings of those whom they wish," a Jew wrote not long after this, "and those whom they do not wish they chase away from land and people." But this was the last occasion—for a long time—on which the Roman senate came forward in the affairs of the east with that ability and energy, which it had uniformly displayed in the complications with Philip, Antiochus, and Perseus. Though the internal decline of the government was late in affecting the treatment of foreign affairs, yet it did affect them at length. The government became unsteady and vacillating; they allowed the reins which they had

just grasped to slacken and almost to slip from their hands. The guardian-regent of Syria was murdered at Laodicea; the rejected pretender Demetrius escaped from Rome and, setting aside the youthful prince, seized the government of his ancestral kingdom under the bold pretext that the Roman senate had fully empowered him to do so (592). Soon afterwards war broke out between the kings of Egypt and Cyrene respecting the possession of the island of Cyprus, which the senate had assigned first to the elder, then to the younger; and in opposition to the most recent Roman decision it finally remained with Egypt. Thus the Roman government, in the plenitude of its power and during the most profound inward and outward peace at home, had its decrees derided by the impotent kings of the east; its name was misused, its ward and its commissioner were murdered. Seventy years before, when the Illyrians had in a similar way laid hands on Roman envoys, the senate of that day had erected a monument to the victim in the market-place, and had with an army and fleet called the murderers to account. The senate of this period likewise ordered a monument to be raised to Gnaeus Octavius, as ancestral custom prescribed; but instead of embarking troops for Syria they recognized Demetrius as king of the land. They were forsooth now so powerful, that it seemed superfluous to guard their own honour. In like manner not only was Cyprus retained by Egypt in spite of the decree of the senate to the contrary, but, when after the death of Philometor (608) Euergetes succeeded him and so reunited the divided kingdom, the senate allowed this

also to take place without opposition.

### India, Bactria

After such occurrences the Roman influence in these countries was practically shattered, and events pursued their course there for the present without the help of the Romans, but it is necessary for the right understanding of the sequel that we should not wholly omit to notice the history of the nearer, and even of the more remote, east. While in Egypt, shut off as it is on all sides, the status quo did not so easily admit of change, in Asia both to the west and east of the Euphrates the peoples and states underwent essential modifications during, and partly in consequence of, this temporary suspension of the Roman superintendence. Beyond the great desert of Iran there had arisen not long after Alexander the Great the kingdom of Palimbothra under Chandragupta (Sandracottus) on the Indus, and the powerful Bactrian state on the upper Oxus, both formed from a mixture of national elements with the most eastern offshoots of Hellenic civilization.

### Decline of the Kingdom of Asia

To the west of these began the kingdom of Asia, which, although diminished under Antiochus the Great, still stretched its unwieldy bulk from the Hellespont to the Median and Persian provinces, and embraced the whole basin of the Euphrates and Tigris. That king had still carried his arms beyond the desert into the territory of the Parthians and Bactrians; it was only under him that the vast state had begun to melt away. Not

only had western Asia been lost in consequence of the battle of Magnesia; the total emancipation of the two Cappadocias and the two Armenias—Armenia proper in the northeast and the region of Sophene in the south-west—and their conversion from principalities dependent on Syria into independent kingdoms also belong to this period.<sup>38</sup> Of these states Great Armenia in particular, under the Artaxiads, soon attained to a considerable position. Wounds perhaps still more dangerous were inflicted on the empire by the foolish levelling policy of his successor Antiochus Epiphanes (579-590). Although it was true that his kingdom resembled an aggregation of countries rather than a single state, and that the differences of nationality and religion among his subjects placed the most material obstacles in the way of the government, yet the plan of introducing throughout his dominions Helleno-Roman manners and Helleno-Roman worship and of equalizing the various peoples in a political as well as a religious point of view was under any circumstances a folly; and all the more so from the fact, that this caricature of Joseph II was personally far from equal to so gigantic an enterprise, and introduced his reforms in the very worst way by the pillage of temples on the greatest scale and the most insane persecution of heretics.

### The Jews

One consequence of this policy was, that the inhabitants of the province next to the Egyptian frontier, the Jews, a people

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<sup>38</sup> III. IX. Armenia

formerly submissive even to humility and extremely active and industrious, were driven by systematic religious persecution to open revolt (about 587). The matter came to the senate; and, as it was just at that time with good reason indignant at Demetrius Soter and apprehensive of a combination between the Attalids and Seleucids, while the establishment of a power intermediate between Syria and Egypt was at any rate for the interest of Rome, it made no difficulty in at once recognizing the freedom and autonomy of the insurgent nation (about 593). Nothing, however, was done by Rome for the Jews except what could be done without personal exertion: in spite of the clause of the treaty concluded between the Romans and the Jews which promised Roman aid to the latter in the event of their being attacked, and in spite of the injunction addressed to the kings of Syria and Egypt not to march their troops through Judaea, it was of course entirely left to the Jews themselves to hold their ground against the Syrian kings. The brave and prudent conduct of the insurrection by the heroic family of the Maccabees and the internal dissension in the Syrian empire did more for them than the letters of their powerful allies; during the strife between the Syrian kings Trypho and Demetrius Nicator autonomy and exemption from tribute were formally accorded to the Jews (612); and soon afterwards the head of the Maccabean house, Simon son of Mattathias, was even formally acknowledged by the nation as well as by the Syrian great-king as high priest and prince of Israel

## The Parthian Empire

Of still more importance in the sequel than this insurrection of the Israelites was the contemporary movement—probably originating from the same cause—in the eastern provinces, where Antiochus Epiphanes emptied the temples of the Persian gods just as he had emptied that at Jerusalem, and doubtless accorded no better treatment there to the adherents of Ahuramazda and Mithra than here to those of Jehovah. Just as in Judaea—only with a wider range and ampler proportions—the result was a reaction on the part of the native manners and the native religion against Hellenism and the Hellenic gods; the promoters of this movement were the Parthians, and out of it arose the great Parthian empire. The "Parthwa," or Parthians, who are early met with as one of the numerous peoples merged in the great Persian empire, at first in the modern Khorasan to the south-east of the Caspian sea, appear after 500 under the Scythian, i. e. Turanian, princely race of the Arsacids as an independent state; which, however, only emerged from its obscurity about a century afterwards. The sixth Arsaces, Mithradates I (579?-618?), was the real founder of the Parthian as a great power. To him succumbed the Bactrian empire, in itself far more powerful, but already shaken to the very foundation

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<sup>39</sup> From him proceed the coins with the inscription "Shekel Israel," and the date of the "holy Jerusalem," or the "deliverance of Sion." The similar coins with the name of Simon, the prince (Nessi) of Israel, belong not to him, but to Bar-Cochba the leader of the insurgents in the time of Hadrian.

partly by hostilities with the hordes of Scythian horsemen from Turan and with the states of the Indus, partly by internal disorders. He achieved almost equal successes in the countries to the west of the great desert. The Syrian empire was just then in the utmost disorganization, partly through the failure of the Hellenizing attempts of Antiochus Epiphanes, partly through the troubles as to the succession that occurred after his death; and the provinces of the interior were in full course of breaking off from Antioch and the region of the coast. In Commagene for instance, the most northerly province of Syria on the Cappadocian frontier, the satrap Ptolemaeus asserted his independence, as did also on the opposite bank of the Euphrates the prince of Edessa in northern Mesopotamia or the province of Osrhoene, and the satrap Timarchus in the important province of Media; in fact the latter got his independence confirmed by the Roman senate, and, supported by Armenia as his ally, ruled as far down as Seleucia on the Tigris. Disorders of this sort were permanent features of the Asiatic empire: the provinces under their partially or wholly independent satraps were in continual revolt, as was also the capital with its unruly and refractory populace resembling that of Rome or Alexandria. The whole pack of neighbouring kings—those of Egypt, Armenia, Cappadocia, Pergamus—incessantly interfered in the affairs of Syria and fostered disputes as to the succession, so that civil war and the division of the sovereignty de facto among two or more pretenders became almost standing calamities of the country. The Roman protecting power, if it

did not instigate these neighbours, was an inactive spectator. In addition to all this the new Parthian empire from the eastward pressed hard on the aliens not merely with its material power, but with the whole superiority of its national language and religion and of its national military and political organization. This is not yet the place for a description of this regenerated empire of Cyrus; it is sufficient to mention generally the fact that powerful as was the influence of Hellenism in its composition, the Parthian state, as compared with that of the Seleucids, was based on a national and religious reaction, and that the old Iranian language, the order of the Magi and the worship of Mithra, the Oriental feudatory system, the cavalry of the desert and the bow and arrow, first emerged there in renewed and superior opposition to Hellenism. The position of the imperial kings in presence of all this was really pitiable. The family of the Seleucids was by no means so enervated as that of the Lagids for instance, and individuals among them were not deficient in valour and ability; they reduced, it may be, one or another of those numerous rebels, pretenders, and intermeddlers to due bounds; but their dominion was so lacking in a firm foundation, that they were unable to impose even a temporary check on anarchy. The result was inevitable. The eastern provinces of Syria under their unprotected or even insurgent satraps fell into subjection to the Parthians; Persia, Babylonia, Media were for ever severed from the Syrian empire; the new state of the Parthians reached on both sides of the great desert from the Oxus and the Hindoo Coosh to

the Tigris and the Arabian desert—once more, like the Persian empire and all the older great states of Asia, a pure continental monarchy, and once more, just like the Persian empire, engaged in perpetual feud on the one side with the peoples of Turan, on the other with the Occidentals. The Syrian state embraced at the most Mesopotamia in addition to the region of the coast, and disappeared, more in consequence of its internal disorganization than of its diminished size, for ever from the ranks of the great states. If the danger—which was repeatedly imminent—of a total subjugation of the land by the Parthians was averted, that result must be ascribed not to the resistance of the last Seleucids and still less to the influence of Rome, but rather to the manifold internal disturbances in the Parthian empire itself, and above all to the incursions of the peoples of the Turanian steppes into its eastern provinces.

### Reaction of the East against the West

This revolution in the relations of the peoples in the interior of Asia is the turning-point in the history of antiquity. The tide of national movement, which had hitherto poured from the west to the east and had found in Alexander the Great its last and highest expression, was followed by the ebb. On the establishment of the Parthian state not only were such Hellenic elements, as may still perhaps have been preserved in Bactria and on the Indus, lost, but western Iran also relapsed into the track which had been abandoned for centuries but was not yet obliterated. The Roman senate sacrificed the first essential result of the policy

of Alexander, and thereby paved the way for that retrograde movement, whose last offshoots ended in the Alhambra of Granada and in the great Mosque of Constantinople. So long as the country from Ragae and Persepolis to the Mediterranean obeyed the king of Antioch, the power of Rome extended to the border of the great desert; the Parthian state could never take its place among the dependencies of the Mediterranean empire, not because it was so very powerful, but because it had its centre far from the coast, in the interior of Asia. Since the time of Alexander the world had obeyed the Occidentals alone, and the east seemed to be for these merely what America and Australia afterwards became for the Europeans; with Mithradates I the east re-entered the sphere of political movement. The world had again two masters.

## Maritime Relations

### Piracy

It remains that we glance at the maritime relations of this period; although there is hardly anything else to be said, than that there no longer existed anywhere a naval power. Carthage was annihilated; the war-fleet of Syria was destroyed in accordance with the treaty; the war-marine of Egypt, once so powerful, was under its present indolent rulers in deep decay. The minor states, and particularly the mercantile cities, had doubtless some armed transports; but these were not even adequate for the task—so difficult in the Mediterranean—of repressing piracy. This task necessarily devolved on Rome as the leading power in the

Mediterranean. While a century previously the Romans had come forward in this matter with especial and salutary decision, and had in particular introduced their supremacy in the east by a maritime police energetically handled for the general good,<sup>40</sup> the complete nullity of this police at the very beginning of this period as distinctly betokens the fearfully rapid decline of the aristocratic government. Rome no longer possessed a fleet of her own; she was content to make requisitions for ships, when it seemed necessary, from the maritime towns of Italy, Asia Minor, and elsewhere. The consequence naturally was, that buccaneering became organized and consolidated. Something, perhaps, though not enough, was done towards its suppression, so far as the direct power of the Romans extended, in the Adriatic and Tyrrhene seas. The expeditions directed against the Dalmatian and Ligurian coasts at this epoch aimed especially at the suppression of piracy in the two Italian seas; for the same reason the Balearic islands were occupied in 631.<sup>41</sup> But in the Mauretanian and Greek waters the inhabitants along the coast and the mariners were left to settle matters with the corsairs in one way or another, as they best could; for Roman policy adhered to the principle of troubling itself as little as possible about these more remote regions. The disorganized and bankrupt commonwealths in the states along the coast thus left to themselves naturally became places of refuge for the corsairs;

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<sup>40</sup> III. III. Illyrian Piracy

<sup>41</sup> IV. I. New Organization of Spain

and there was no want of such, especially in Asia.

## Crete

A bad pre-eminence in this respect belonged to Crete, which, from its favourable situation and the weakness or laxity of the great states of the west and east, was the only one of all the Greek settlements that had preserved its independence. Roman commissions doubtless came and went to this island, but accomplished still less there than they did even in Syria and Egypt. It seemed almost as if fate had left liberty to the Cretans only in order to show what was the result of Hellenic independence. It was a dreadful picture. The old Doric rigour of the Cretan institutions had become, just as in Tarentum, changed into a licentious democracy, and the chivalrous spirit of the inhabitants into a wild love of quarrelling and plunder; a respectable Greek himself testifies, that in Crete alone nothing was accounted disgraceful that was lucrative, and even the Apostle Paul quotes with approval the saying of a Cretan poet, —*Kretes aei pseustai, kaka theria, gasteres argai*—.

Perpetual civil wars, notwithstanding the Roman efforts to bring about peace, converted one flourishing township after another on the old "island of the hundred cities" into heaps of ruins. Its inhabitants roamed as robbers at home and abroad, by land and by sea; the island became the recruiting ground for the surrounding kingdoms, after that evil was no longer tolerated in the Peloponnesus, and above all the true seat of piracy; about this period, for instance, the island of Siphnus was thoroughly

pillaged by a fleet of Cretan corsairs. Rhodes—which, besides, was unable to recover from the loss of its possessions on the mainland and from the blows inflicted on its commerce<sup>42</sup>—expended its last energies in the wars which it found itself compelled to wage against the Cretans for the suppression of piracy (about 600), and in which the Romans sought to mediate, but without earnestness and apparently without success.

### Cilicia

Along with Crete, Cilicia soon began to become a second home for this buccaneering system. Piracy there not only gained ground owing to the impotence of the Syrian rulers, but the usurper Diodotus Tryphon, who had risen from a slave to be king of Syria (608-615), encouraged it by all means in his chief seat, the rugged or western Cilicia, with a view to strengthen his throne by the aid of the corsairs. The uncommonly lucrative character of the traffic with the pirates, who were at once the principal captors of, and dealers in slaves, procured for them among the mercantile public, even in Alexandria, Rhodes, and Delos, a certain toleration, in which the very governments shared at least by inaction. The evil was so serious that the senate, about 611, sent its best man Scipio Aemilianus to Alexandria and Syria, in order to ascertain on the spot what could be done in the matter. But diplomatic representations of the Romans did not make weak governments strong; there was no other remedy but that of directly maintaining a fleet in these waters, and for this

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<sup>42</sup> III. X. Intervention in the Syro-Egyptian War

the Roman government lacked energy and perseverance. So all things just remained on the old footing; the piratic fleet was the only considerable naval power in the Mediterranean; the capture of men was the only trade that flourished there. The Roman government was an onlooker; but the Roman merchants, as the best customers in the slave market, kept up an active and friendly traffic with the pirate captains, as the most important wholesale dealers in that commodity, at Delos and elsewhere.

### General Result

We have followed the transformation of the outward relations of Rome and the Romano-Hellenic world generally in its leading outlines, from the battle of Pydna to the period of the Gracchi, from the Tagus and the Bagradas to the Nile and the Euphrates. It was a great and difficult problem which Rome undertook, when she undertook to govern this Romano-Hellenic world; it was not wholly misunderstood, but it was by no means solved. The untenableness of the idea of Cato's time—that the state should be limited to Italy, and that its rule beyond Italy should be only over clients—was doubtless discerned by the leading men of the following generation; and the necessity of substituting for this ruling by clientship a direct sovereignty of Rome, that should preserve the liberties of the communities, was doubtless recognized. But instead of carrying out this new arrangement firmly, speedily, and uniformly, they annexed isolated provinces just as convenience, caprice, collateral advantage, or accident led them to do so; whereas the greater portion of the territory under

clientship either remained in the intolerable uncertainty of its former position, or even, as was the case with Syria especially, withdrew entirely from the influence of Rome. And even the government itself degenerated more and more into a feeble and short-sighted selfishness. They were content with governing from one day to another, and merely transacting the current business as exigency required. They were stern masters towards the weak. When the city of Mylasa in Caria sent to Publius Crassus, consul in 623, a beam for the construction of a battering-ram different from what he had asked, the chief magistrate of the town was scourged for it; and Crassus was not a bad man, and a strictly upright magistrate. On the other hand sternness was wanting in those cases where it would have been in place, as in dealing with the barbarians on the frontiers and with the pirates. When the central government renounced all superintendence and all oversight of provincial affairs, it entirely abandoned not only the interests of the subjects, but also those of the state, to the governor of the day. The events which occurred in Spain, unimportant in themselves, are instructive in this respect. In that country, where the government was less able than in other provinces to confine itself to the part of a mere onlooker, the law of nations was directly trampled under foot by the Roman governors; and the honour of Rome was permanently dragged in the mire by a faithlessness and treachery without parallel, by the most wanton trifling with capitulations and treaties, by massacring people who had submitted and instigating the

assassination of the generals of the enemy. Nor was this all; war was even waged and peace concluded against the expressed will of the supreme authority in Rome, and unimportant incidents, such as the disobedience of the Numantines, were developed by a rare combination of perversity and folly into a crisis of fatal moment for the state. And all this took place without any effort to visit it with even a serious penalty in Rome. Not only did the sympathies and rivalries of the different coteries in the senate contribute to decide the filling up of the most important places and the treatment of the most momentous political questions; but even thus early the money of foreign dynasts found its way to the senators of Rome. Timarchus, the envoy of Antiochus Epiphanes king of Syria (590), is mentioned as the first who attempted with success to bribe the Roman senate; the bestowal of presents from foreign kings on influential senators soon became so common, that surprise was excited when Scipio Aemilianus cast into the military chest the gifts from the king of Syria which reached him in camp before Numantia. The ancient principle, that rule was its own sole reward and that such rule was as much a duty and a burden as a privilege and a benefit, was allowed to fall wholly into abeyance. Thus there arose the new state-economy, which turned its eyes away from the taxation of the burgesses, but regarded the body of subjects, on the other hand, as a profitable possession of the community, which it partly worked out for the public benefit, partly handed over to be worked out by the burgesses. Not only was free scope allowed with criminal

indulgence to the unscrupulous greed of the Roman merchant in the provincial administration, but even the commercial rivals who were disagreeable to him were cleared away by the armies of the state, and the most glorious cities of neighbouring lands were sacrificed, not to the barbarism of the lust of power, but to the far more horrible barbarism of speculation. By the ruin of the earlier military organization, which certainly imposed heavy burdens on the burgesses, the state, which was solely dependent in the last resort on its military superiority, undermined its own support. The fleet was allowed to go to ruin; the system of land warfare fell into the most incredible decay. The duty of guarding the Asiatic and African frontiers was devolved on the subjects; and what could not be so devolved, such as the defence of the frontier in Italy, Macedonia, and Spain, was managed after the most wretched fashion. The better classes began to disappear so much from the army, that it was already difficult to raise the necessary number of officers for the Spanish armies. The daily increasing aversion to the Spanish war-service in particular, combined with the partiality shown by the magistrates in the levy, rendered it necessary in 602 to abandon the old practice of leaving the selection of the requisite number of soldiers from the men liable to serve to the free discretion of the officers, and to substitute for it the drawing lots on the part of all the men liable to service—certainly not to the advantage of the military esprit de corps, or of the warlike efficiency of the individual divisions. The authorities, instead of acting with vigour and sternness, extended

their pitiful flattery of the people even to this field; whenever a consul in the discharge of his duty instituted rigorous levies for the Spanish service, the tribunes made use of their constitutional right to arrest him (603, 616); and it has been already observed, that Scipio's request that he should be allowed a levy for the Numantine war was directly rejected by the senate. Accordingly the Roman armies before Carthage or Numantia already remind one of those Syrian armies, in which the number of bakers, cooks, actors, and other non-combatants exceeded fourfold that of the so-called soldiers; already the Roman generals are little behind their Carthaginian colleagues in the art of ruining armies, and the wars in Africa as in Spain, in Macedonia as in Asia, are regularly opened with defeats; the murder of Gnaeus Octavius is now passed over in silence; the assassination of Viriathus is now a masterpiece of Roman diplomacy; the conquest of Numantia is now a great achievement. How completely the idea of national and manly honour was already lost among the Romans, was shown with epigrammatic point by the statue of the stripped and bound Mancinus, which he himself, proud of his patriotic devotedness, caused to be erected in Rome. Wherever we turn our eyes, we find the internal energy as well as the external power of Rome rapidly on the decline. The ground won in gigantic struggles is not extended, nor in fact even maintained, in this period of peace. The government of the world, which it was difficult to achieve, it was still more difficult to preserve; the Roman senate had mastered the former task, but it broke down

under the latter.

# Chapter II

## The Reform Movement and Tiberius Gracchus

The Roman Government before the Period of the Gracchi

For a whole generation after the battle of Pydna the Roman state enjoyed a profound calm, scarcely varied by a ripple here and there on the surface. Its dominion extended over the three continents; the lustre of the Roman power and the glory of the Roman name were constantly on the increase; all eyes rested on Italy, all talents and all riches flowed thither; it seemed as if a golden age of peaceful prosperity and intellectual enjoyment of life could not but there begin. The Orientals of this period told each other with astonishment of the mighty republic of the west, "which subdued kingdoms far and near, and whoever heard its name trembled; but it kept good faith with its friends and clients. Such was the glory of the Romans, and yet no one usurped the crown and no one paraded in purple dress; but they obeyed whomsoever from year to year they made their master, and there was among them neither envy nor discord."

Spread of Decay

So it seemed at a distance; matters wore a different aspect on a closer view. The government of the aristocracy was in full train to destroy its own work. Not that the sons and

grandsons of the vanquished at Cannae and of the victors at Zama had so utterly degenerated from their fathers and grandfathers; the difference was not so much in the men who now sat in the senate, as in the times. Where a limited number of old families of established wealth and hereditary political importance conducts the government, it will display in seasons of danger an incomparable tenacity of purpose and power of heroic self-sacrifice, just as in seasons of tranquillity it will be shortsighted, selfish, and negligent—the germs of both results are essentially involved in its hereditary and collegiate character. The morbid matter had been long in existence, but it needed the sun of prosperity to develop it. There was a profound meaning in the question of Cato, "What was to become of Rome, when she should no longer have any state to fear?" That point had now been reached. Every neighbour whom she might have feared was politically annihilated; and of the men who had been reared under the old order of things in the severe school of the Hannibalic war, and whose words still sounded as echoes of that mighty epoch so long as they survived, death called one after another away, till at length even the voice of the last of them, the veteran Cato, ceased to be heard in the senate-house and in the Forum. A younger generation came to the helm, and their policy was a sorry answer to that question of the old patriot. We have already spoken of the shape which the government of the subjects and the external policy of Rome assumed in their hands. In internal affairs they were, if possible, still more

disposed to let the ship drive before the wind: if we understand by internal government more than the transaction of current business, there was at this period no government in Rome at all. The single leading thought of the governing corporation was the maintenance and, if possible, the increase of their usurped privileges. It was not the state that had a title to get the right and best man for its supreme magistracy; but every member of the coterie had an inborn title to the highest office of the state—a title not to be prejudiced either by the unfair rivalry of men of his own class or by the encroachments of the excluded. Accordingly the clique proposed to itself, as its most important political aim, the restriction of re-election to the consulship and the exclusion of "new men"; and in fact it succeeded in obtaining the legal prohibition of the former about 603,<sup>43</sup> and in sufficing with a government of aristocratic nobodies. Even the inaction of the government in its outward relations was doubtless connected with this policy of the nobility, exclusive towards commoners, and

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<sup>43</sup> In 537 the law restricting re-election to the consulship was suspended during the continuance of the war in Italy, that is, down to 551 (p. 14; Liv. xxvii. 6). But after the death of Marcellus in 546 re-elections to the consulship, if we do not include the abdicating consuls of 592, only occurred in the years 547, 554, 560, 579, 585, 586, 591, 596, 599, 602; consequently not oftener in those fifty-six years than, for instance, in the ten years 401-410. Only one of these, and that the very last, took place in violation of the ten years' interval (i. 402); and beyond doubt the singular election of Marcus Marcellus who was consul in 588 and 599 to a third consulship in 602, with the special circumstances of which we are not acquainted, gave occasion to the law prohibiting re-election to the consulship altogether (Liv. Ep. 56); especially as this proposal must have been introduced before 605, seeing that it was supported by Cato (p. 55, Jordan).

distrustful towards the individual members of their own order. By no surer means could they keep commoners, whose deeds were their patent of nobility, aloof from the pure circles of the aristocracy than by giving no opportunity to any one to perform deeds at all; to the existing government of general mediocrity even an aristocratic conqueror of Syria or Egypt would have proved extremely inconvenient.

Attempts at Reform

Permanent Criminal Commissions

Vote by Ballot

Exclusion of the Senators from the Equestrian Centuries

The Public Elections

It is true that now also there was no want of opposition, and it was even to a certain extent effectual. The administration of justice was improved. The administrative jurisdiction, which the senate exercised either of itself or, on occasion, by extraordinary commissions, over the provincial magistrates, was confessedly inadequate. It was an innovation with a momentous bearing on the whole public life of the Roman community, when in 605, on the proposal of Lucius Calpurnius Piso, a standing senatorial commission (-quaestio ordinaria-) was instituted to try in judicial form the complaints of the provincials against the Roman magistrates placed over them on the score of extortion. An effort was made to emancipate the comitia from the predominant influence of the aristocracy. The panacea of Roman democracy was secret voting in the assemblies of the burgesses, which was

introduced first for the elections of magistrates by the Gabinian law (615), then for the public tribunals by the Cassian law (617), lastly for the voting on legislative proposals by the Papirian law (623). In a similar way soon afterwards (about 625) the senators were by decree of the people enjoined on admission to the senate to surrender their public horse, and thereby to renounce their privileged place in the voting of the eighteen equestrian centuries.<sup>44</sup> These measures, directed to the emancipation of the electors from the ruling aristocratic order, may perhaps have seemed to the party which suggested them the first step towards a regeneration of the state; in fact they made not the slightest change in the nullity and want of freedom of the legally supreme organ of the Roman community; that nullity indeed was only the more palpably evinced to all whom it did or did not concern. Equally ostentatious and equally empty was the formal recognition accorded to the independence and sovereignty of the burgesses by the transference of their place of assembly from the old Comitium below the senate-house to the Forum (about 609). But this hostility between the formal sovereignty of the people and the practically subsisting constitution was in great part a semblance. Party phrases were in free circulation: of the parties themselves there was little trace in matters really and directly practical. Throughout the whole seventh century the annual public elections to the civil magistracies, especially to the consulship and censorship, formed the real standing

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<sup>44</sup> III. XI. The Nobility in Possession of the Equestrian Centuries

question of the day and the focus of political agitation; but it was only in isolated and rare instances that the different candidates represented opposite political principles; ordinarily the question related purely to persons, and it was for the course of affairs a matter of indifference whether the majority of the votes fell to a Caecilian or to a Cornelian. The Romans thus lacked that which outweighs and compensates all the evils of party-life—the free and common movement of the masses towards what they discern as a befitting aim—and yet endured all those evils solely for the benefit of the paltry game of the ruling coteries.

It was comparatively easy for the Roman noble to enter on the career of office as quaestor or tribune of the people; but the consulship and the censorship were attainable by him only through great exertions prolonged for years. The prizes were many, but those really worth having were few; the competitors ran, as a Roman poet once said, as it were over a racecourse wide at the starting-point but gradually narrowing its dimensions. This was right, so long as the magistracy was—what it was called—an "honour" and men of military, political, or juristic ability were rival competitors for the rare chaplets; but now the practical closeness of the nobility did away with the benefit of competition, and left only its disadvantages. With few exceptions the young men belonging to the ruling families crowded into the political career, and hasty and premature ambition soon caught at means more effective than was useful action for the common good. The first requisite for a public career came to be powerful

connections; and therefore that career began, not as formerly in the camp, but in the ante-chambers of influential men. A new and genteel body of clients now undertook—what had formerly been done only by dependents and freedmen—to come and wait on their patron early in the morning, and to appear publicly in his train. But the mob also is a great lord, and desires as such to receive attention. The rabble began to demand as its right that the future consul should recognize and honour the sovereign people in every ragged idler of the street, and that every candidate should in his "going round" (-ambitus-) salute every individual voter by name and press his hand. The world of quality readily entered into this degrading canvass. The true candidate cringed not only in the palace, but also on the street, and recommended himself to the multitude by flattering attentions, indulgences, and civilities more or less refined. Demagogism and the cry for reforms were sedulously employed to attract the notice and favour of the public; and they were the more effective, the more they attacked not things but persons. It became the custom for beardless youths of genteel birth to introduce themselves with -eclat- into public life by playing afresh the part of Cato with the immature passion of their boyish eloquence, and by constituting and proclaiming themselves state-attorneys, if possible, against some man of very high standing and very great unpopularity; the Romans suffered the grave institutions of criminal justice and of political police to become a means of soliciting office. The provision or, what was still worse, the promise of magnificent popular amusements

had long been the, as it were legal, prerequisite to the obtaining of the consulship;<sup>45</sup> now the votes of the electors began to be directly purchased with money, as is shown by the prohibition issued against this about 595. Perhaps the worst consequence of the continual courting of the favour of the multitude by the ruling aristocracy was the incompatibility of such a begging and fawning part with the position which the government should rightfully occupy in relation to the governed. The government was thus converted from a blessing into a curse for the people. They no longer ventured to dispose of the property and blood of the burgesses, as exigency required, for the good of their country. They allowed the burgesses to become habituated to the dangerous idea that they were legally exempt from the payment of direct taxes even by way of advance—after the war with Perseus no further advance had been asked from the community. They allowed their military system to decay rather than compel the burgesses to enter the odious transmarine service; how it fared with the individual magistrates who attempted to carry out the conscription according to the strict letter of the law, has already been related.<sup>46</sup>

### Optimates and Populares

In the Rome of this epoch the two evils of a degenerate oligarchy and a democracy still undeveloped but already cankered in the bud were interwoven in a manner pregnant with

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<sup>45</sup> III. XI. Festivals

<sup>46</sup> IV. I. General Results

fatal results. According to their party names, which were first heard during this period, the "Optimates" wished to give effect to the will of the best, the "Populares" to that of the community; but in fact there was in the Rome of that day neither a true aristocracy nor a truly self-determining community. Both parties contended alike for shadows, and numbered in their ranks none but enthusiasts or hypocrites. Both were equally affected by political corruption, and both were in fact equally worthless. Both were necessarily tied down to the status quo, for neither on the one side nor on the other was there found any political idea—to say nothing of any political plan—reaching beyond the existing state of things; and accordingly the two parties were so entirely in agreement that they met at every step as respected both means and ends, and a change of party was a change of political tactics more than of political sentiments. The commonwealth would beyond doubt have been a gainer, if either the aristocracy had directly introduced a hereditary rotation instead of election by the burgesses, or the democracy had produced from within it a real demagogic government. But these Optimates and these Populares of the beginning of the seventh century were far too indispensable for each other to wage such internecine war; they not only could not destroy each other, but, even if they had been able to do so, they would not have been willing. Meanwhile the commonwealth was politically and morally more and more unhinged, and was verging towards utter disorganization.

## Social Crisis

The crisis with which the Roman revolution was opened arose not out of this paltry political conflict, but out of the economic and social relations which the Roman government allowed, like everything else, simply to take their course, and which thus found opportunity to bring the morbid matter, that had been long fermenting, without hindrance and with fearful rapidity and violence to maturity. From a very early period the Roman economy was based on the two factors —always in quest of each other, and always at variance—the husbandry of the small farmer and the money of the capitalist. The latter in the closest alliance with landholding on a great scale had already for centuries waged against the farmer-class a war, which seemed as though it could not but terminate in the destruction first of the farmers and thereafter of the whole commonwealth, but was broken off without being properly decided in consequence of the successful wars and the comprehensive and ample distribution of domains for which these wars gave facilities. It has already been shown<sup>47</sup> that in the same age, which renewed the distinction between patricians and plebeians under altered names, the disproportionate accumulation of capital was preparing a second assault on the farming system. It is true that the method was different. Formerly the small farmer had been ruined by advances of money, which practically reduced him to be the steward of his creditor; now he was crushed by the competition of transmarine, and especially of slave-grown, corn. The capitalists kept pace

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<sup>47</sup> III. XII. Results

with the times; capital, while waging war against labour or in other words against the liberty of the person, of course, as it had always done, under the strictest form of law, waged it no longer in the unseemly fashion which converted the free man on account of debt into a slave, but, throughout, with slaves legitimately bought and paid; the former usurer of the capital appeared in a shape conformable to the times as the owner of industrial plantations. But the ultimate result was in both cases the same—the depreciation of the Italian farms; the supplanting of the petty husbandry, first in a part of the provinces and then in Italy, by the farming of large estates; the prevailing tendency to devote the latter in Italy to the rearing of cattle and the culture of the olive and vine; finally, the replacing of the free labourers in the provinces as in Italy by slaves. Just as the nobility was more dangerous than the patriciate, because the former could not, like the latter, be set aside by a change of the constitution; so this new power of capital was more dangerous than that of the fourth and fifth centuries, because nothing was to be done against it by changes in the law of the land.

### Slavery and Its Consequences

Before we attempt to describe the course of this second great conflict between labour and capital, it is necessary to give here some indication of the nature and extent of the system of slavery. We have not now to do with the old, in some measure innocent, rural slavery, under which the farmer either tilled the field along with his slave, or, if he possessed more land than he

could manage, placed the slave—either as steward or as a sort of lessee obliged to render up a portion of the produce—over a detached farm.<sup>48</sup> Such relations no doubt existed at all times—around Comum, for instance, they were still the rule in the time of the empire—but as exceptional features in privileged districts and on humanely-managed estates. What we now refer to is the system of slavery on a great scale, which in the Roman state, as formerly in the Carthaginian, grew out of the ascendancy of capital. While the captives taken in war and the hereditary transmission of slavery sufficed to keep up the stock of slaves during the earlier period, this system of slavery was, just like that of America, based on the methodically-prosecuted hunting of man; for, owing to the manner in which slaves were used with little regard to their life or propagation, the slave population was constantly on the wane, and even the wars which were always furnishing fresh masses to the slave-market were not sufficient to cover the deficit. No country where this species of game could be hunted remained exempt from visitation; even in Italy it was a thing by no means unheard of, that the poor freeman was placed by his employer among the slaves. But the Negroland of that period was western Asia,<sup>49</sup> where the Cretan and Cilician corsairs, the real professional slave-hunters and

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<sup>48</sup> I. XIII. Landed Proprietors

<sup>49</sup> It was asserted even then, that the human race in that quarter was pre-eminently fitted for slavery by its especial power of endurance. Plautus (Trin. 542) commends the Syrians: -genus quod patientissimum est hominum-.

slave-dealers, robbed the coasts of Syria and the Greek islands; and where, emulating their feats, the Roman revenue-farmers instituted human hunts in the client states and incorporated those whom they captured among their slaves. This was done to such an extent, that about 650 the king of Bithynia declared himself unable to furnish the required contingent, because all the people capable of labour had been dragged off from his kingdom by the revenue-farmers. At the great slave-market in Delos, where the slave-dealers of Asia Minor disposed of their wares to Italian speculators, on one day as many as 10,000 slaves are said to have been disembarked in the morning and to have been all sold before evening—a proof at once how enormous was the number of slaves delivered, and how, notwithstanding, the demand still exceeded the supply. It was no wonder. Already in describing the Roman economy of the sixth century we have explained that it was based, like all the large undertakings of antiquity generally, on the employment of slaves.<sup>50</sup> In whatever direction speculation applied itself, its instrument was without exception man reduced in law to a beast of burden. Trades were in great part carried on by slaves, so that the proceeds fell to the master. The levying of the public revenues in the lower grades was regularly conducted by the slaves of the associations that leased them. Servile hands performed the operations of mining, making pitch, and others of a similar kind; it became early the custom to send herds of slaves to the Spanish mines, whose

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<sup>50</sup> III. XII. Rural Slaves ff., III. XII. Culture of Oil and Wine, and Rearing of Cattle

superintendents readily received them and paid a high rent for them. The vine and olive harvest in Italy was not conducted by the people on the estate, but was contracted for by a slave-owner. The tending of cattle was universally performed by slaves. We have already mentioned the armed, and frequently mounted, slave-herdsmen in the great pastoral ranges of Italy;<sup>51</sup> and the same sort of pastoral husbandry soon became in the provinces also a favourite object of Roman speculation—Dalmatia, for instance, was hardly acquired (599) when the Roman capitalists began to prosecute the rearing of cattle there on a great scale after the Italian fashion. But far worse in every respect was the plantation-system proper—the cultivation of the fields by a band of slaves not unfrequently branded with iron, who with shackles on their legs performed the labours of the field under overseers during the day, and were locked up together by night in the common, frequently subterranean, labourers' prison. This plantation-system had migrated from the east to Carthage,<sup>52</sup> and seems to have been brought by the Carthaginians to Sicily, where, probably for this reason, it appears developed earlier and more completely than in any other part of the Roman dominions.<sup>53</sup> We find the territory of Leontini, about 30,000 -jugera- of

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<sup>51</sup> III. XII. Pastoral Husbandry

<sup>52</sup> III. I. The Carthaginian Dominion in Africa

<sup>53</sup> The hybrid Greek name for the workhouse (-ergastulum-, from —ergaszomai —, after the analogy of -stabulum-, -operculum-) is an indication that this mode of management came to the Romans from a region where the Greek language was used, but at a period when a thorough Hellenic culture was not yet attained.

arable land, which was let on lease as Roman domain<sup>54</sup> by the censors, divided some decades after the time of the Gracchi among not more than 84 lessees, to each of whom there thus fell on an average 360 jugera, and among whom only one was a Leontine; the rest were foreign, mostly Roman, speculators. We see from this instance with what zeal the Roman speculators there walked in the footsteps of their predecessors, and what extensive dealings in Sicilian cattle and Sicilian slave-corn must have been carried on by the Roman and Non-Roman speculators who covered the fair island with their pastures and plantations. Italy however still remained for the present substantially exempt from this worst form of slave-husbandry. Although in Etruria, where the plantation-system seems to have first emerged in Italy, and where it existed most extensively at least forty years afterwards, it is extremely probable that even now -ergastula-were not wanting; yet Italian agriculture at this epoch was still chiefly carried on by free persons or at any rate by non-fettered slaves, while the greater tasks were frequently let out to contractors. The difference between Italian and Sicilian slavery is very clearly apparent from the fact, that the slaves of the Mamertine community, which lived after the Italian fashion, were the only slaves who did not take part in the Sicilian servile revolt of 619-622.

The abyss of misery and woe, which opens before our eyes in this most miserable of all proletariates, may be fathomed by

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<sup>54</sup> III. VI. Guerilla War in Sicily

those who venture to gaze into such depths; it is very possible that, compared with the sufferings of the Roman slaves, the sum of all Negro sufferings is but a drop. Here we are not so much concerned with the hardships of the slaves themselves as with the perils which they brought upon the Roman state, and with the conduct of the government in confronting them. It is plain that this proletariat was not called into existence by the government and could not be directly set aside by it; this could only have been accomplished by remedies which would have been still worse than the disease. The duty of the government was simply, on the one hand, to avert the direct danger to property and life, with which the slave-proletariate threatened the members of the state, by an earnest system of police for securing order; and on the other hand, to aim at the restriction of the proletariat, as far as possible, by the elevation of free labour. Let us see how the Roman aristocracy executed these two tasks.

### Insurrection of the Slaves

#### The First Sicilian Slave War

The servile conspiracies and servile wars, breaking out everywhere, illustrate their management as respects police. In Italy the scenes of disorder, which were among the immediate painful consequences of the Hannibalic war,<sup>55</sup> seemed now to be renewed; all at once the Romans were obliged to seize and execute in the capital 150, in Minturnae 450, in Sinuessa even 4000 slaves (621). Still worse, as may be conceived, was the state

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<sup>55</sup> III. XII. Falling Off in the Population

of the provinces. At the great slave-market at Delos and in the Attic silver-mines about the same period the revolted slaves had to be put down by force of arms. The war against Aristonicus and his "Heliopolites" in Asia Minor was in substance a war of the landholders against the revolted slaves.<sup>56</sup> But worst of all, naturally, was the condition of Sicily, the chosen land of the plantation system. Brigandage had long been a standing evil there, especially in the interior; it began to swell into insurrection. Damophilus, a wealthy planter of Enna (Castrogiovanni), who vied with the Italian lords in the industrial investment of his living capital, was attacked and murdered by his exasperated rural slaves; whereupon the savage band flocked into the town of Enna, and there repeated the same process on a greater scale. The slaves rose in a body against their masters, killed or enslaved them, and summoned to the head of the already considerable insurgent army a juggler from Apamea in Syria who knew how to vomit fire and utter oracles, formerly as a slave named Eunus, now as chief of the insurgents styled Antiochus king of the Syrians. And why not? A few years before another Syrian slave, who was not even a prophet, had in Antioch itself worn the royal diadem of the Seleucids.<sup>57</sup> The Greek slave Achaeus, the brave "general" of the new king, traversed the island, and not only did the wild herdsmen flock from far and near to the strange standards, but the free labourers also, who bore no goodwill

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<sup>56</sup> IV. I. War against Aristonicus

<sup>57</sup> IV. I. Cilicia

to the planters, made common cause with the revolted slaves. In another district of Sicily Cleon, a Cilician slave, formerly in his native land a daring bandit, followed the example which had been set and occupied Agrigentum; and, when the leaders came to a mutual understanding, after gaining various minor advantages they succeeded in at last totally defeating the praetor Lucius Hypsaeus in person and his army, consisting mostly of Sicilian militia, and in capturing his camp. By this means almost the whole island came into the power of the insurgents, whose numbers, according to the most moderate estimates, are alleged to have amounted to 70,000 men capable of bearing arms. The Romans found themselves compelled for three successive years (620-622) to despatch consuls and consular armies to Sicily, till, after several undecided and even some unfavourable conflicts, the revolt was at length subdued by the capture of Tauromenium and of Enna. The most resolute men of the insurgents threw themselves into the latter town, in order to hold their ground in that impregnable position with the determination of men who despair of deliverance or of pardon; the consuls Lucius Calpurnius Piso and Publius Rupilius lay before it for two years, and reduced it at last more by famine than by arms.<sup>58</sup>

These were the results of the police system for securing order, as it was handled by the Roman senate and its officials in Italy and

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<sup>58</sup> Even now there are not unfrequently found in front of Castrogiovanni, at the point where the ascent is least abrupt, Roman projectiles with the name of the consul of 621: L. Piso L. f. cos.

the provinces. While the task of getting quit of the proletariat demands and only too often transcends the whole power and wisdom of a government, its repression by measures of police on the other hand is for any larger commonwealth comparatively easy. It would be well with states, if the unpropertied masses threatened them with no other danger than that with which they are menaced by bears and wolves; only the timid and those who trade upon the silly fears of the multitude prophesy the destruction of civil order through servile revolts or insurrections of the proletariat. But even to this easier task of restraining the oppressed masses the Roman government was by no means equal, notwithstanding the profound peace and the inexhaustible resources of the state. This was a sign of its weakness; but not of its weakness alone. By law the Roman governor was bound to keep the public roads clear and to have the robbers who were caught, if they were slaves, crucified; and naturally, for slavery is not possible without a reign of terror. At this period in Sicily a *razzia* was occasionally doubtless set on foot by the governor, when the roads became too insecure; but, in order not to disoblige the Italian planters, the captured robbers were ordinarily given up by the authorities to their masters to be punished at their discretion; and those masters were frugal people who, if their slave-herdsmen asked clothes, replied with stripes and with the inquiry whether travellers journeyed through the land naked. The consequence of such connivance accordingly was, that OH the subjugation of the slave-revolt the consul

Publius Rupilius ordered all that came into his hands alive—it is said upwards of 20,000 men—to be crucified. It was in truth no longer possible to spare capital.

### The Italian Farmers

The care of the government for the elevation of free labour, and by consequence for the restriction of the slave-proletariate, promised fruits far more difficult to be gained but also far richer. Unfortunately, in this respect there was nothing done at all. In the first social crisis the landlord had been enjoined by law to employ a number of free labourers proportioned to the number of his slave labourers.<sup>59</sup> Now at the suggestion of the government a Punic treatise on agriculture,<sup>60</sup> doubtless giving instructions in the system of plantation after the Carthaginian mode, was translated into Latin for the use and benefit of Italian speculators—the first and only instance of a literary undertaking suggested by the Roman senate! The same tendency showed itself in a more important matter, or to speak more correctly in the vital question for Rome—the system of colonization. It needed no special wisdom, but merely a recollection of the course of the first social crisis in Rome, to perceive that the only real remedy against an agricultural proletariate consisted in a comprehensive and duly-regulated system of emigration;<sup>61</sup> for which the external

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<sup>59</sup> II. III. Licinio-Sextian Laws

<sup>60</sup> III. I. Capital and Its Power in Carthage

<sup>61</sup> II. III. Influence of the Extension of the Roman Dominion in Elevating the Farmer-Class

relations of Rome offered the most favourable opportunity. Until nearly the close of the sixth century, in fact, the continuous diminution of the small landholders of Italy was counteracted by the continuous establishment of new farm-allotments.<sup>62</sup> This, it is true, was by no means done to the extent to which it might and should have been done; not only was the domain-land occupied from ancient times by private persons<sup>63</sup> not recalled, but further occupations of newly-won land were permitted; and other very important acquisitions, such as the territory of Capua, while not abandoned to occupation, were yet not brought into distribution, but were let on lease as usufructuary domains. Nevertheless the assignation of land had operated beneficially—giving help to many of the sufferers and hope to all. But after the founding of Luna (577) no trace of further assignations of land is to be met with for a long time, with the exception of the isolated institution of the Picenian colony of Auximum (Osimo) in 597. The reason is simple. After the conquest of the Boii and Apuani no new territory was acquired in Italy excepting the far from attractive Ligurian valleys; therefore no other land existed for distribution there except the leased or occupied domain-land, the laying hands on which was, as may easily be conceived, just as little agreeable to the aristocracy now as it was three hundred years before. The distribution of the territory acquired out of Italy appeared for political reasons

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<sup>62</sup> III. XI. Assignations of Land

<sup>63</sup> II. II. Public Land

inadmissible; Italy was to remain the ruling country, and the wall of partition between the Italian masters and their provincial servants was not to be broken down. Unless the government were willing to set aside considerations of higher policy or even the interests of their order, no course was left to them but to remain spectators of the ruin of the Italian farmer-class; and this result accordingly ensued. The capitalists continued to buy out the small landholders, or indeed, if they remained obstinate, to seize their fields without title of purchase; in which case, as may be supposed, matters were not always amicably settled. A peculiarly favourite method was to eject the wife and children of the farmer from the homestead, while he was in the field, and to bring him to compliance by means of the theory of "accomplished fact." The landlords continued mainly to employ slaves instead of free labourers, because the former could not like the latter be called away to military service; and thus reduced the free proletariat to the same level of misery with the slaves. They continued to supersede Italian grain in the market of the capital, and to lessen its value over the whole peninsula, by selling Sicilian slave-corn at a mere nominal price. In Etruria the old native aristocracy in league with the Roman capitalists had as early as 620 brought matters to such a pass, that there was no longer a free farmer there. It could be said aloud in the market of the capital, that the beasts had their lairs but nothing was left to the burgesses save the air and sunshine, and that those who were styled the masters of the world had no longer a clod that they could call

their own. The census lists of the Roman burgesses furnished the commentary on these words. From the end of the Hannibalic war down to 595 the numbers of the burgesses were steadily on the increase, the cause of which is mainly to be sought in the continuous and considerable distributions of domain-land:<sup>64</sup> after 595 again, when the census yielded 328,000 burgesses capable of bearing arms, there appears a regular falling-off, for the list in 600 stood at 324,000, that in 607 at 322,000, that in 623 at 319,000 burgesses fit for service—an alarming result for a time of profound peace at home and abroad. If matters were to go on at this rate, the burgess-body would resolve itself into planters and slaves; and the Roman state might at length, as was the case with the Parthians, purchase its soldiers in the slave-market.

### Ideas of Reform

#### Scipio Aemilianus

Such was the external and internal condition of Rome, when the state entered on the seventh century of its existence. Wherever the eye turned, it encountered abuses and decay; the question could not but force itself on every sagacious and well-disposed man, whether this state of things was not capable of remedy or amendment. There was no want of such men in Rome; but no one seemed more called to the great work of political and social reform than Publius Cornelius Scipio Aemilianus Africanus (570-625), the favourite son of Aemilius Paullus and the adopted grandson of the great Scipio, whose

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<sup>64</sup> III. XII. Falling Off of the Population

glorious surname of Africanus he bore by virtue not merely of hereditary but of personal right. Like his father, he was a man temperate and thoroughly healthy, never ailing in body, and never at a loss to resolve on the immediate and necessary course of action. Even in his youth he had kept aloof from the usual proceedings of political novices—the attending in the antechambers of prominent senators and the delivery of forensic declamations. On the other hand he loved the chase—when a youth of seventeen, after having served with distinction under his father in the campaign against Perseus, he had asked as his reward the free range of the deer forest of the kings of Macedonia which had been untouched for four years—and he was especially fond of devoting his leisure to scientific and literary enjoyment. By the care of his father he had been early initiated into that genuine Greek culture, which elevated him above the insipid Hellenizing of the semi-culture commonly in vogue; by his earnest and apt appreciation of the good and bad qualities in the Greek character, and by his aristocratic carriage, this Roman made an impression on the courts of the east and even on the scoffing Alexandrians. His Hellenism was especially recognizable in the delicate irony of his discourse and in the classic purity of his Latin. Although not strictly an author, he yet, like Cato, committed to writing his political speeches—they were, like the letters of his adopted sister the mother of the Gracchi, esteemed by the later -litteratores- as masterpieces of model prose—and took pleasure in surrounding

himself with the better Greek and Roman -litterati-, a plebeian society which was doubtless regarded with no small suspicion by those colleagues in the senate whose noble birth was their sole distinction. A man morally steadfast and trustworthy, his word held good with friend and foe; he avoided buildings and speculations, and lived with simplicity; while in money matters he acted not merely honourably and disinterestedly, but also with a tenderness and liberality which seemed singular to the mercantile spirit of his contemporaries. He was an able soldier and officer; he brought home from the African war the honorary wreath which was wont to be conferred on those who saved the lives of citizens in danger at the peril of their own, and terminated as general the war which he had begun as an officer; circumstances gave him no opportunity of trying his skill as a general on tasks really difficult. Scipio was not, any more than his father, a man of brilliant gifts—as is indicated by the very fact of his predilection for Xenophon, the sober soldier and correct author- but he was an honest and true man, who seemed pre-eminently called to stem the incipient decay by organic reforms. All the more significant is the fact that he did not attempt it. It is true that he helped, as he had opportunity and means, to redress or prevent abuses, and laboured in particular at the improvement of the administration of justice. It was chiefly by his assistance that Lucius Cassius, an able man of the old Roman austerity and uprightness, was enabled to carry against the most vehement opposition of the Optimates his law as to voting, which

introduced vote by ballot for those popular tribunals which still embraced the most important part of the criminal jurisdiction.<sup>65</sup> In like manner, although he had not chosen to take part in boyish impeachments, he himself in his mature years put upon their trial several of the guiltiest of the aristocracy. In a like spirit, when commanding before Carthage and Numantia, he drove forth the women and priests to the gates of the camp, and subjected the rabble of soldiers once more to the iron yoke of the old military discipline; and when censor (612), he cleared away the smooth-chinned coxcombs among the world of quality and in earnest language urged the citizens to adhere more faithfully to the honest customs of their fathers. But no one, and least of all he himself, could fail to see that increased stringency in the administration of justice and isolated interference were not even first steps towards the healing of the organic evils under which the state laboured. These Scipio did not touch. Gaius Laelius (consul in 614), Scipio's elder friend and his political instructor and confidant, had conceived the plan of proposing the resumption of the Italian domain-land which had not been given away but had been temporarily occupied, and of giving relief by its distribution to the visibly decaying Italian farmers; but he desisted from the project when he saw what a storm he was going to raise, and was thenceforth named the "Judicious." Scipio was of the same opinion. He was fully persuaded of the greatness of the evil, and with a courage deserving of honour he without

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<sup>65</sup> IV. II. Permanent Criminal Commissions

respect of persons remorselessly assailed it and carried his point, where he risked himself alone; but he was also persuaded that the country could only be relieved at the price of a revolution similar to that which in the fourth and fifth centuries had sprung out of the question of reform, and, rightly or wrongly, the remedy seemed to him worse than the disease. So with the small circle of his friends he held a middle position between the aristocrats, who never forgave him for his advocacy of the Cassian law, and the democrats, whom he neither satisfied nor wished to satisfy; solitary during his life, praised after his death by both parties, now as the champion of the aristocracy, now as the promoter of reform. Down to his time the censors on laying down their office had called upon the gods to grant greater power and glory to the state: the censor Scipio prayed that they might deign to preserve the state. His whole confession of faith lies in that painful exclamation.

### Tiberius Gracchus

But where the man who had twice led the Roman army from deep decline to victory despaired, a youth without achievements had the boldness to give himself forth as the saviour of Italy. He was called Tiberius Sempronius Gracchus (591-621). His father who bore the same name (consul in 577, 591; censor in 585), was the true model of a Roman aristocrat. The brilliant magnificence of his aedilician games, not produced without oppressing the dependent communities, had drawn upon him

the severe and deserved censure of the senate;<sup>66</sup> his interference in the pitiful process directed against the Scipios who were personally hostile to him<sup>67</sup> gave proof of his chivalrous feeling, and perhaps of his regard for his own order; and his energetic action against the freedmen in his censorship<sup>68</sup> evinced his conservative disposition. As governor, moreover, of the province of the Ebro,<sup>69</sup> by his bravery and above all by his integrity he rendered a permanent service to his country, and at the same time raised to himself in the hearts of the subject nation an enduring monument of reverence and affection.

His mother Cornelia was the daughter of the conqueror of Zama, who, simply on account of that generous intervention, had chosen his former opponent as a son-in-law; she herself was a highly cultivated and notable woman, who after the death of her much older husband had refused the hand of the king of Egypt and reared her three surviving children in memory of her husband and her father. Tiberius, the elder of the two sons, was of a good and moral disposition, of gentle aspect and quiet bearing, apparently fitted for anything rather than for an agitator of the masses. In all his relations and views he belonged to the Scipionic circle, whose refined and thorough culture, Greek and national, he and his brother and sister shared.

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<sup>66</sup> III. XI. Position of the Governors

<sup>67</sup> III. IX. Death of Scipio

<sup>68</sup> III. XI. Reform of the Centuries

<sup>69</sup> III. VII. Gracchus

Scipio Aemilianus was at once his cousin and his sister's husband; under him Tiberius, at the age of eighteen, had taken part in the storming of Carthage, and had by his valour acquired the commendation of the stern general and warlike distinctions. It was natural that the able young man should, with all the vivacity and all the stringent precision of youth, adopt and intensify the views as to the pervading decay of the state which were prevalent in that circle, and more especially their ideas as to the elevation of the Italian farmers. Nor was it merely to the young men that the shrinking of Laelius from the execution of his ideas of reform seemed to be not judicious, but weak. Appius Claudius, who had already been consul (611) and censor (618), one of the most respected men in the senate, censured the Scipionic circle for having so soon abandoned the scheme of distributing the domain-lands with all the passionate vehemence which was the hereditary characteristic of the Claudian house; and with the greater bitterness, apparently because he had come into personal conflict with Scipio Aemilianus in his candidature for the censorship. Similar views were expressed by Publius Crassus Mucianus,<sup>70</sup> the -pontifex maximus- of the day, who was held in universal honour by the senate and the citizens as a man and a jurist. Even his brother Publius Mucius Scaevola, the founder of scientific jurisprudence in Rome, seemed not averse to the plan of reform; and his voice was of the greater weight, as he stood in some measure aloof from the parties.

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<sup>70</sup> IV. I. War against Aristonicus

Similar were the sentiments of Quintus Metellus, the conqueror of Macedonia and of the Achaeans, but respected not so much on account of his warlike deeds as because he was a model of the old discipline and manners alike in his domestic and his public life. Tiberius Gracchus was closely connected with these men, particularly with Appius whose daughter he had married, and with Mucianus whose daughter was married to his brother. It was no wonder that he cherished the idea of resuming in person the scheme of reform, so soon as he should find himself in a position which would constitutionally allow him the initiative. Personal motives may have strengthened this resolution. The treaty of peace which Mancinus concluded with the Numantines in 617, was in substance the work of Gracchus;<sup>71</sup> the recollection that the senate had cancelled it, that the general had been on its account surrendered to the enemy, and that Gracchus with the other superior officers had only escaped a like fate through the greater favour which he enjoyed among the burgesses, could not put the young, upright, and proud man in better humour with the ruling aristocracy. The Hellenic rhetoricians with whom he was fond of discussing philosophy and politics, Diophanes of Mytilene and Gaius Blossius of Cumae, nourished within his soul the ideals over which he brooded: when his intentions became known in wider circles, there was no want of approving voices, and many a public placard summoned the grandson of Africanus to think of the poor people and the deliverance of Italy.

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<sup>71</sup> IV. I. Mancinus

## Tribunate of Gracchus

### His Agrarian Law

Tiberius Gracchus was invested with the tribunate of the people on the 10th of December, 620. The fearful consequences of the previous misgovernment, the political, military, economic, and moral decay of the burgesses, were just at that time naked and open to the eyes of all. Of the two consuls of this year one fought without success in Sicily against the revolted slaves, and the other, Scipio Aemilianus, was employed for months not in conquering, but in crushing a small Spanish country town. If Gracchus still needed a special summons to carry his resolution into effect, he found it in this state of matters which filled the mind of every patriot with unspeakable anxiety. His father-in-law promised assistance in counsel and action; the support of the jurist Scaevola, who had shortly before been elected consul for 621, might be hoped for. So Gracchus, immediately after entering on office, proposed the enactment of an agrarian law, which in a certain sense was nothing but a renewal of the Licinio-Sextian law of 387.<sup>72</sup> Under it all the state-lands which were occupied and enjoyed by the possessors without remuneration—those that were let on lease, such as the territory of Capua, were not affected by the law—were to be resumed on behalf of the state; but with the restriction, that each occupier should reserve for himself 500 -jugera- and for each son 250 (so as not, however, to exceed 1000 -jugera- in all) in permanent and guaranteed

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<sup>72</sup> II. III. Licinio-Sextian Laws

possession, or should be entitled to claim compensation in land to that extent. Indemnification appears to have been granted for any improvements executed by the former holders, such as buildings and plantations. The domain-land thus resumed was to be broken up into lots of 30 jugera; and these were to be distributed partly to burgesses, partly to Italian allies, not as their own free property, but as inalienable heritable leaseholds, whose holders bound themselves to use the land for agriculture and to pay a moderate rent to the state-chest. A -collegium- of three men, who were regarded as ordinary and standing magistrates of the state and were annually elected by the assembly of the people, was entrusted with the work of resumption and distribution; to which was afterwards added the important and difficult function of legally settling what was domain-land and what was private property. The distribution was accordingly designed to go on for an indefinite period until the Italian domains which were very extensive and difficult of adjustment should be regulated. The new features in the Sempronian agrarian law, as compared with the Licinio-Sextian, were, first, the clause in favour of the hereditary possessors; secondly, the leasehold and inalienable tenure proposed for the new allotments; thirdly and especially, the regulated and permanent executive, the want of which under the older law had been the chief reason why it had remained without lasting practical application.

War was thus declared against the great landholders, who now, as three centuries ago, found substantially their organ in the

senate; and once more, after a long interval, a single magistrate stood forth in earnest opposition to the aristocratic government. It took up the conflict in the mode—sanctioned by use and wont for such cases—of paralyzing the excesses of the magistrates by means of the magistracy itself.<sup>73</sup> A colleague of Gracchus, Marcus Octavius, a resolute man who was seriously persuaded of the objectionable character of the proposed domain law, interposed his veto when it was about to be put to the vote; a step, the constitutional effect of which was to set aside the proposal. Gracchus in his turn suspended the business of the state and the administration of justice, and placed his seal on the public chest; the government acquiesced—it was inconvenient, but the year would draw to an end. Gracchus, in perplexity, brought his law to the vote a second time. Octavius of course repeated his -veto-; and to the urgent entreaty of his colleague and former friend, that he would not obstruct the salvation of Italy, he might reply that on that very question, as to how Italy could be saved, opinions differed, but that his constitutional right to use his veto against the proposal of his colleague was beyond all doubt. The senate now made an attempt to open up to Gracchus a tolerable retreat; two consulars challenged him to discuss the matter further in the senate house, and the tribune entered into the scheme with zeal. He sought to construe this proposal as implying that the senate had conceded the principle of distributing the domain-land; but neither was this implied in

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<sup>73</sup> II. III. Its Influence in Legislation

it, nor was the senate at all disposed to yield in the matter; the discussions ended without any result. Constitutional means were exhausted. In earlier times under such circumstances men were not indisposed to let the proposal go to sleep for the current year, and to take it up again in each succeeding one, till the earnestness of the demand and the pressure of public opinion overbore resistance. Now things were carried with a higher hand. Gracchus seemed to himself to have reached the point when he must either wholly renounce his reform or begin a revolution. He chose the latter course; for he came before the burgesses with the declaration that either he or Octavius must retire from the college, and suggested to Octavius that a vote of the burgesses should be taken as to which of them they wished to dismiss. Octavius naturally refused to consent to this strange challenge; the -intercessio- existed for the very purpose of giving scope to such differences of opinion among colleagues. Then Gracchus broke off the discussion with his colleague, and turned to the assembled multitude with the question whether a tribune of the people, who acted in opposition to the people, had not forfeited his office; and the assembly, long accustomed to assent to all proposals presented to it, and for the most part composed of the agricultural proletariat which had flocked in from the country and was personally interested in the carrying of the law, gave almost unanimously an affirmative answer. Marcus Octavius was at the bidding of Gracchus removed by the lictors from the tribunes' bench; and then, amidst universal rejoicing, the

agrarian law was carried and the first allotment-commissioners were nominated. The votes fell on the author of the law along with his brother Gaius, who was only twenty years of age, and his father-in-law Appius Claudius. Such a family-selection augmented the exasperation of the aristocracy. When the new magistrates applied as usual to the senate to obtain the moneys for their equipment and for their daily allowance, the former was refused, and a daily allowance was assigned to them of 24 -asses- (1 shilling). The feud spread daily more and more, and became more envenomed and more personal. The difficult and intricate task of defining, resuming, and distributing the domains carried strife into every burgess-community, and even into the allied Italian towns.

#### Further Plans of Gracchus

The aristocracy made no secret that, while they would acquiesce perhaps in the law because they could not do otherwise, the officious legislator should never escape their vengeance; and the announcement of Quintus Pompeius, that he would impeach Gracchus on the very day of his resigning his tribunate, was far from being the worst of the threats thrown out against the tribune. Gracchus believed, probably with reason, that his personal safety was imperilled, and no longer appeared in the Forum without a retinue of 3000 or 4000 men—a step which drew down on him bitter expressions in the senate, even from Metellus who was not averse to reform in itself. Altogether, if he had expected to reach the goal by the carrying of his agrarian

law, he had now to learn that he was only at the starting-point. The "people" owed him gratitude; but he was a lost man, if he had no farther protection than this gratitude of the people, if he did not continue indispensable to them and did not constantly attach to himself fresh interests and hopes by means of other and more comprehensive proposals. Just at that time the kingdom and wealth of the Attalids had fallen to the Romans by the testament of the last king of Pergamus;<sup>74</sup> Gracchus proposed to the people that the Pergamene treasure should be distributed among the new landholders for the procuring of the requisite implements and stock, and vindicated generally, in opposition to the existing practice, the right of the burgesses to decide definitively as to the new province. He is said to have prepared farther popular measures, for shortening the period of service, for extending the right of appeal, for abolishing the prerogative of the senators exclusively to do duty as civil jurymen, and even for the admission of the Italian allies to Roman citizenship. How far his projects in reality reached, cannot be ascertained; this alone is certain, that Gracchus saw that his only safety lay in inducing the burgesses to confer on him for a second year the office which protected him, and that, with a view to obtain this unconstitutional prolongation, he held forth a prospect of further reforms. If at first he had risked himself in order to save the commonwealth, he was now obliged to put the commonwealth at stake in order to his own safety.

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<sup>74</sup> IV. I. War against Aristonicus

## He Solicits Re-election to the Tribunate

The tribes met to elect the tribunes for the ensuing year, and the first divisions gave their votes for Gracchus; but the opposite party in the end prevailed with their veto, so far at least that the assembly broke up without having accomplished its object, and the decision was postponed to the following day. For this day Gracchus put in motion all means legitimate and illegitimate; he appeared to the people dressed in mourning, and commended to them his youthful son; anticipating that the election would once more be disturbed by the veto, he made provision for expelling the adherents of the aristocracy by force from the place of assembly in front of the Capitoline temple. So the second day of election came on; the votes fell as on the preceding day, and again the veto was exercised; the tumult began. The burgesses dispersed; the elective assembly was practically dissolved; the Capitoline temple was closed; it was rumoured in the city, now that Tiberius had deposed all the tribunes, now that he had resolved to continue his magistracy without reelection.

## Death of Gracchus

The senate assembled in the temple of Fidelity, close by the temple of Jupiter; the bitterest opponents of Gracchus spoke in the sitting; when Tiberius moved his hand towards his forehead to signify to the people, amidst the wild tumult, that his head was in danger, it was said that he was already summoning the people to adorn his brow with the regal chaplet. The consul Scaevola was urged to have the traitor put to death

at once. When that temperate man, by no means averse to reform in itself, indignantly refused the equally irrational and barbarous request, the consular Publius Scipio Nasica, a harsh and vehement aristocrat, summoned those who shared his views to arm themselves as they could and to follow him. Almost none of the country people had come into town for the elections; the people of the city timidly gave way, when they saw men of quality rushing along with fury in their eyes, and legs of chairs and clubs in their hands. Gracchus attempted with a few attendants to escape. But in his flight he fell on the slope of the Capitol, and was killed by a blow on the temples from the bludgeon of one of his furious pursuers —Publius Satureius and Lucius Rufus afterwards contested the infamous honour—before the statues of the seven kings at the temple of Fidelity; with him three hundred others were slain, not one by weapons of iron. When evening had come on, the bodies were thrown into the Tiber; Gaius vainly entreated that the corpse of his brother might be granted to him for burial. Such a day had never before been seen by Rome. The party-strife lasting for more than a century during the first social crisis had led to no such catastrophe as that with which the second began. The better portion of the aristocracy might shudder, but they could no longer recede. They had no choice save to abandon a great number of their most trusty partisans to the vengeance of the multitude, or to assume collectively the responsibility of the outrage: the latter course was adopted. They gave official sanction to the

assertion that Gracchus had wished to seize the crown, and justified this latest crime by the primitive precedent of Ahala;<sup>75</sup> in fact, they even committed the duty of further investigation as to the accomplices of Gracchus to a special commission and made its head, the consul Publius Popillius, take care that a sort of legal stamp should be supplementarily impressed on the murder of Gracchus by bloody sentences directed against a large number of inferior persons (622). Nasica, against whom above all others the multitude breathed vengeance, and who had at least the courage openly to avow his deed before the people and to defend it, was under honourable pretexts despatched to Asia, and soon afterwards (624) invested, during his absence, with the office of Pontifex Maximus. Nor did the moderate party dissociate themselves from these proceedings of their colleagues. Gaius Laelius bore a part in the investigations adverse to the partisans of Gracchus; Publius Scaevola, who had attempted to prevent the murder, afterwards defended it in the senate; when Scipio Aemilianus, after his return from Spain (622), was challenged publicly to declare whether he did or did not approve the killing of his brother-in-law, he gave the at least ambiguous reply that, so far as Tiberius had aspired to the crown, he had been justly put to death.

### The Domain Question Viewed in Itself

Let us endeavour to form a judgment regarding these momentous events. The appointment of an official commission,

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<sup>75</sup> II. III. Attempts at Counter-Revolution

which had to counteract the dangerous diminution of the farmer-class by the comprehensive establishment of new small holdings from the whole Italian landed property at the disposal of the state, was doubtless no sign of a healthy condition of the national economy; but it was, under the existing circumstances political and social, suited to its purpose. The distribution of the domains, moreover, was in itself no political party-question; it might have been carried out to the last sod without changing the existing constitution or at all shaking the government of the aristocracy. As little could there be, in that case, any complaint of a violation of rights. The state was confessedly the owner of the occupied land; the holder as a possessor on mere sufferance could not, as a rule, ascribe to himself even a bonafide proprietary tenure, and, in the exceptional instances where he could do so, he was confronted by the fact that by the Roman law prescription did not run against the state. The distribution of the domains was not an abolition, but an exercise, of the right of property; all jurists were agreed as to its formal legality. But the attempt now to carry out these legal claims of the state was far from being politically warranted by the circumstance that the distribution of the domains neither infringed the existing constitution nor involved a violation of right. Such objections as have been now and then raised in our day, when a great landlord suddenly begins to assert in all their compass claims belonging to him in law but suffered for a long period to lie dormant in practice, might with equal and better right be advanced against the rogation

of Gracchus. These occupied domains had been undeniably in heritable private possession, some of them for three hundred years; the state's proprietorship of the soil, which from its very nature loses more readily than that of the burgess the character of a private right, had in the case of these lands become virtually extinct, and the present holders had universally come to their possessions by purchase or other onerous acquisition. The jurist might say what he would; to men of business the measure appeared to be an ejection of the great landholders for the benefit of the agricultural proletariat; and in fact no statesman could give it any other name. That the leading men of the Catonian epoch formed no other judgment, is very clearly shown by their treatment of a similar case that occurred in their time. The territory of Capua and the neighbouring towns, which was annexed as domain in 543, had for the most part practically passed into private possession during the following unsettled times. In the last years of the sixth century, when in various respects, especially through the influence of Cato, the reins of government were drawn tighter, the burgesses resolved to resume the Campanian territory and to let it out for the benefit of the treasury (582). The possession in this instance rested on an occupation justified not by previous invitation but at the most by the connivance of the authorities, and had continued in no case much beyond a generation; but the holders were not dispossessed except in consideration of a compensatory sum disbursed under the orders of the senate by the urban praetor Publius Lentulus (c.

589).<sup>76</sup> Less objectionable perhaps, but still not without hazard, was the arrangement by which the new allotments bore the character of heritable leaseholds and were inalienable. The most liberal principles in regard to freedom of dealing had made Rome great; and it was very little consonant to the spirit of the Roman institutions, that these new farmers were peremptorily bound down to cultivate their portions of land in a definite manner, and that their allotments were subject to rights of revocation and all the cramping measures associated with commercial restriction.

It will be granted that these objections to the Sempronian agrarian law were of no small weight. Yet they are not decisive. Such a practical eviction of the holders of the domains was certainly a great evil; yet it was the only means of checking, at least for a long time, an evil much greater still and in fact directly destructive to the state—the decline of the Italian farmer-class. We can well understand therefore why the most distinguished and patriotic men even of the conservative party, headed by Gaius Laelius and Scipio Aemilianus, approved and desired the distribution of the domains viewed in itself.

### The Domain Question before the Burgesses

But, if the aim of Tiberius Gracchus probably appeared to

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<sup>76</sup> This fact, hitherto only partially known from Cicero (*De L. Agr.* ii. 31. 82; comp. *Liv.* xlii. 2, 19), is now more fully established by the fragments of Licinianus, p. 4. The two accounts are to be combined to this effect, that Lentulus ejected the possessors in consideration of a compensatory sum fixed by him, but accomplished nothing with real landowners, as he was not entitled to dispossess them and they would not consent to sell.

the great majority of the discerning friends of their country good and salutary, the method which he adopted, on the other hand, did not and could not meet with the approval of a single man of note and of patriotism. Rome about this period was governed by the senate. Any one who carried a measure of administration against the majority of the senate made a revolution. It was revolution against the spirit of the constitution, when Gracchus submitted the domain question to the people; and revolution also against the letter, when he destroyed not only for the moment but for all time coming the tribunician veto—the corrective of the state machine, through which the senate constitutionally got rid of interferences with its government—by the deposition of his colleague, which he justified with unworthy sophistry. But it was not in this step that the moral and political mistake of the action of Gracchus lay. There are no set forms of high treason in history; whoever provokes one power in the state to conflict with another is certainly a revolutionist, but he may be at the same time a discerning and praiseworthy statesman. The essential defect of the Gracchan revolution lay in a fact only too frequently overlooked—in the nature of the then existing burgess-assemblies. The agrarian law of Spurius Cassius<sup>77</sup> and that of Tiberius Gracchus had in the main the same tenor and the same object; but the enterprises of the two men were as different, as the former Roman burgess-body which shared the Volscian spoil with the Latins and Hernici was different from

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<sup>77</sup> II. II. Agrarian Law of Spurius Cassius

the present which erected the provinces of Asia and Africa. The former was an urban community, which could meet together and act together; the latter was a great state, as to which the attempt to unite those belonging to it in one and the same primary assembly, and to leave to this assembly the decision, yielded a result as lamentable as it was ridiculous.<sup>78</sup> The fundamental defect of the policy of antiquity—that it never fully advanced from the urban form of constitution to that of a state or, which is the same thing, from the system of primary assemblies to a parliamentary system—in this case avenged itself. The sovereign assembly of Rome was what the sovereign assembly in England would be, if instead of sending representatives all the electors of England should meet together as a parliament—an unwieldy mass, wildly agitated by all interests and all passions, in which intelligence was totally lost; a body, which was neither able to take a comprehensive view of things nor even to form a resolution of its own; a body above all, in which, saving in rare exceptional cases, a couple of hundred or thousand individuals accidentally picked up from the streets of the capital acted and voted in name of the burgesses. The burgesses found themselves, as a rule, nearly as satisfactorily represented by their *de facto* representatives in the tribes and centuries as by the thirty lictors who *de jure* represented them in the curies; and just as what was called the decree of the curies was nothing but a decree of the magistrate who convoked the lictors, so the decree of the tribes and centuries at this time

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<sup>78</sup> III. XI. Rise of A City Rabble

was in substance simply a decree of the proposing magistrate, legalised by some consentients indispensable for the occasion. But while in these voting-assemblies, the -comitia-, though they were far from dealing strictly in the matter of qualification, it was on the whole burgesses alone that appeared, in the mere popular assemblages on the other hand—the -contiones—every one in the shape of a man was entitled to take his place and to shout, Egyptians and Jews, street- boys and slaves. Such a "meeting" certainly had no significance in the eyes of the law; it could neither vote nor decree. But it practically ruled the street, and already the opinion of the street was a power in Rome, so that it was of some importance whether this confused mass received the communications made to it with silence or shouts, whether it applauded and rejoiced or hissed and howled at the orator. Not many had the courage to lord it over the populace as Scipio Aemilianus did, when they hissed him on account of his expression as to the death of his brother-in-law. "Ye," he said, "to whom Italy is not mother but step-mother, ought to keep silence!" and when their fury grew still louder, "Surely you do not think that I will fear those let loose, whom I have sent in chains to the slave-market?"

That the rusty machinery of the comitia should be made use of for the elections and for legislation, was already bad enough. But when those masses—the -comitia- primarily, and practically also the -contiones— were permitted to interfere in the administration, and the instrument which the senate employed

to prevent such interferences was wrested out of its hands; when this so-called burgess-body was allowed to decree to itself lands along with all their appurtenances out of the public purse; when any one, whom circumstances and his influence with the proletariat enabled to command the streets for a few hours, found it possible to impress on his projects the legal stamp of the sovereign people's will, Rome had reached not the beginning, but the end of popular freedom—had arrived not at democracy, but at monarchy. For that reason in the previous period Cato and those who shared his views never brought such questions before the burgesses, but discussed them solely in the senate.<sup>79</sup> For that reason contemporaries of Gracchus, the men of the Scipionic circle, described the Flaminian agrarian law of 522—the first step in that fatal career—as the beginning of the decline of Roman greatness. For that reason they allowed the author of the domain-distribution to fall, and saw in his dreadful end, as it were, a rampart against similar attempts in future, while yet they maintained and turned to account with all their energy the domain-distribution itself which he had carried through—so sad was the state of things in Rome that honest patriots were forced into the horrible hypocrisy of abandoning the evil-doer and yet appropriating the fruit of the evil deed. For that reason too the opponents of Gracchus were in a certain sense not wrong, when they accused him of aspiring to the crown. For him it is a fresh impeachment rather than a justification, that he himself

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<sup>79</sup> III. IX. Nullity of the Comitia

was probably a stranger to any such thought. The aristocratic government was so thoroughly pernicious, that the citizen, who was able to depose the senate and to put himself in its place, might perhaps benefit the commonwealth more than he injured it.

## Results

But such a bold player Tiberius Gracchus was not. He was a tolerably capable, thoroughly well-meaning, conservative patriot, who simply did not know what he was doing; who in the fullest belief that he was calling the people evoked the rabble, and grasped at the crown without being himself aware of it, until the inexorable sequence of events urged him irresistibly into the career of the demagogue-tyrant; until the family commission, the interferences with the public finances, the further "reforms" exacted by necessity and despair, the bodyguard from the pavement, and the conflicts in the streets betrayed the lamentable usurper more and more clearly to himself and others; until at length the unchained spirits of revolution seized and devoured the incapable conjurer. The infamous butchery, through which he perished, condemns itself, as it condemns the aristocratic faction whence it issued; but the glory of martyrdom, with which it has embellished the name of Tiberius Gracchus, came in this instance, as usually, to the wrong man. The best of his contemporaries judged otherwise. When the catastrophe was announced to Scipio Aemilianus, he uttered the words of Homer:

"—Os apoloito kai allos, otis toiauta ge pezoi—"

and when the younger brother of Tiberius seemed disposed to come forward in the same career, his own mother wrote to him: "Shall then our house have no end of madness? Where shall be the limit? Have we not yet enough to be ashamed of, in having confused and disorganized the state?" So spoke not the anxious mother, but the daughter of the conqueror of Carthage, who knew and experienced a misfortune yet greater than the death of her children.

## Chapter III

# The Revolution and Gaius Gracchus

### The Commission for Distributing the Domains

Tiberius Gracchus was dead; but his two works, the distribution of land and the revolution, survived their author. In presence of the starving agricultural proletariat the senate might venture on a murder, but it could not make use of that murder to annul the Sempronian agrarian law; the law itself had been far more strengthened than shaken by the frantic outbreak of party fury. The party of the aristocracy friendly towards reform, which openly favoured the distribution of the domains—headed by Quintus Metellus, just about this time (623) censor, and Publius Scaevola—in concert with the party of Scipio Aemilianus, which was at least not disinclined to reform, gained the upper hand for the time being even in the senate; and a decree of the senate expressly directed the triumvirs to begin their labours. According to the Sempronian law these were to be nominated annually by the community, and this was probably done: but from the nature of their task it was natural that the election should fall again and again on the same men, and new elections in the proper sense occurred only when a place became vacant through death. Thus in the place of Tiberius Gracchus there was appointed the father-in-law of his brother Gaius, Publius Crassus Mucianus; and after

the fall of Mucianus in 624<sup>80</sup> and the death of Appius Claudius, the business of distribution was managed in concert with the young Gaius Gracchus by two of the most active leaders of the movement party, Marcus Fulvius Flaccus and Gaius Papirius Carbo. The very names of these men are vouchers that the work of resuming and distributing the occupied domain-land was prosecuted with zeal and energy; and, in fact, proofs to that effect are not wanting. As early as 622 the consul of that year, Publius Popillius, the same who directed the prosecutions of the adherents of Tiberius Gracchus, recorded on a public monument that he was "the first who had turned the shepherds out of the domains and installed farmers in their stead"; and tradition otherwise affirms that the distribution extended over all Italy, and that in the formerly existing communities the number of farms was everywhere augmented—for it was the design of the Sempronian agrarian law to elevate the farmer-class not by the founding of new communities, but by the strengthening of those already in existence. The extent and the comprehensive effect of these distributions are attested by the numerous arrangements in the Roman art of land-measuring that go back to the Gracchan assignments of land; for instance, a due placing of boundary-stones so as to obviate future mistakes appears to have been first called into existence by the Gracchan courts for demarcation and the land-distributions. But the numbers on the burgess-rolls give the clearest evidence. The census, which was published in

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<sup>80</sup> IV. I. War against Aristonicus

623 and actually took place probably in the beginning of 622, yielded not more than 319,000 burgesses capable of bearing arms, whereas six years afterwards (629) in place of the previous falling-off<sup>81</sup> the number rises to 395,000, that is 76,000 of an increase—beyond all doubt solely in consequence of what the allotment-commission did for the Roman burgesses. Whether it multiplied the farms among the Italians in the same proportion maybe doubted; at any rate what it did accomplish yielded a great and beneficent result. It is true that this result was not achieved without various violations of respectable interests and existing rights. The allotment-commission, composed of the most decided partisans, and absolute judge in its own cause, proceeded with its labours in a reckless and even tumultuary fashion; public notices summoned every one, who was able, to give information regarding the extent of the domain-lands; the old land-registers were inexorably referred to, and not only was occupation new and old revoked without distinction, but in various cases real private property, as to which the holder was unable satisfactorily to prove his tenure, was included in the confiscation. Loud and for the most part well founded as were the complaints, the senate allowed the distributors to pursue their course; it was clear that, if the domain question was to be settled at all, the matter could not be carried through without such unceremonious vigour of action.

#### Its Suspension by Scipio Aemilianus

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<sup>81</sup> IV. II. Ideas of Reform

But this acquiescence had its limit. The Italian domain-land was not solely in the hands of Roman burgesses; large tracts of it had been assigned in exclusive usufruct to particular allied communities by decrees of the people or senate, and other portions had been occupied with or without permission by Latin burgesses. The allotment-commission at length attacked these possessions also. The resumption of the portions simply occupied by non-burgesses was no doubt allowable in formal law, and not less presumably the resumption of the domain-land handed over by decrees of the senate or even by resolutions of the burgesses to the Italian communities, since thereby the state by no means renounced its ownership and to all appearance gave its grants to communities, just as to private persons, subject to revocation. But the complaints of these allied or subject communities, that Rome did not keep the settlements that were in force, could not be simply disregarded like the complaints of the Roman citizens injured by the action of the commissioners. Legally the former might be no better founded than the latter; but, while in the latter case the matter at stake was the private interests of members of the state, in reference to the Latin possessions the question arose, whether it was politically right to give fresh offence to communities so important in a military point of view and already so greatly estranged from Rome by numerous disabilities *de jure* and *de facto*<sup>82</sup> through this keenly-felt injury to their material interests. The decision lay in the hands of the middle party; it

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<sup>82</sup> III. VI. The African Expedition of Scipio

was that party which after the fall of Gracchus had, in league with his adherents, protected reform against the oligarchy, and it alone was now able in concert with the oligarchy to set a limit to reform. The Latins resorted personally to the most prominent man of this party, Scipio Aemilianus, with a request that he would protect their rights. He promised to do so; and mainly through his influence,<sup>83</sup> in 625, a decree of the people withdrew from the commission its jurisdiction, and remitted the decision respecting what were domanial and what private possessions to the censors and, as proxies for them, the consuls, to whom according to the general principles of law it pertained. This was simply a suspension of further domain-distribution under a mild form. The consul Tuditanus, by no means Gracchan in his views and little inclined to occupy himself with the difficult task of agrarian definition, embraced the opportunity of going off to the Illyrian army and leaving the duty entrusted to him unfulfilled. The allotment-commission no doubt continued to subsist, but, as the judicial regulation of the domain-land was at a standstill, it was compelled to remain inactive.

### Assassination of Aemilianus

The reform-party was deeply indignant. Even men like Publius Mucius and Quintus Metellus disapproved of the

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<sup>83</sup> To this occasion belongs his oration -*contra legem iudiciariam*- Ti. Gracchi— which we are to understand as referring not, as has been asserted, to a law as to the -*iudicia publica*-, but to the supplementary law annexed to his agrarian rogation: -*ut triumviri iudicarent*-, *qua publicus ager, qua privatus esset* (Liv. Ep. lviii.; see IV. II. *Tribunate of Gracchus* above).

intervention of Scipio. Other circles were not content with expressing disapproval. Scipio had announced for one of the following days an address respecting the relations of the Latins; on the morning of that day he was found dead in his bed. He was but fifty-six years of age, and in full health and vigour; he had spoken in public the day before, and then in the evening had retired earlier than usual to his bedchamber with a view to prepare the outline of his speech for the following day. That he had been the victim of a political assassination, cannot be doubted; he himself shortly before had publicly mentioned the plots formed to murder him. What assassin's hand had during the night slain the first statesman and the first general of his age, was never discovered; and it does not become history either to repeat the reports handed down from the contemporary gossip of the city, or to set about the childish attempt to ascertain the truth out of such materials. This much only is clear, that the instigator of the deed must have belonged to the Gracchan party; the assassination of Scipio was the democratic reply to the aristocratic massacre at the temple of Fidelity. The tribunals did not interfere. The popular party, justly fearing that its leaders Gaius Gracchus, Flaccus, and Carbo, whether guilty or not, might be involved in the prosecution, opposed with all its might the institution of an inquiry; and the aristocracy, which lost in Scipio quite as much an antagonist as an ally, was not unwilling to let the matter sleep. The multitude and men of moderate views were shocked; none more so than Quintus Metellus, who had

disapproved of Scipio's interference against reform, but turned away with horror from such confederates, and ordered his four sons to carry the bier of his great antagonist to the funeral pile. The funeral was hurried over; with veiled head the last of the family of the conqueror of Zama was borne forth, without any one having been previously allowed to see the face of the deceased, and the flames of the funeral pile consumed with the remains of the illustrious man the traces at the same time of the crime.

The history of Rome presents various men of greater genius than Scipio Aemilianus, but none equalling him in moral purity, in the utter absence of political selfishness, in generous love of his country, and none, perhaps, to whom destiny has assigned a more tragic part. Conscious of the best intentions and of no common abilities, he was doomed to see the ruin of his country carried out before his eyes, and to repress within him every earnest attempt to save it, because he clearly perceived that he should only thereby make the evil worse; doomed to the necessity of sanctioning outrages like that of Nasica, and at the same time of defending the work of the victim against his murderers. Yet he might say that he had not lived in vain. It was to him, at least quite as much as to the author of the Sempronian law, that the Roman burgesses were indebted for an increase of nearly 80,000 new farm-allotments; he it was too who put a stop to this distribution of the domains, when it had produced such benefit as it could produce. That it was time to break it off, was no doubt

disputed at the moment even by well-meaning men; but the fact that Gaius Gracchus did not seriously recur to those possessions which might have been, and yet were not, distributed under the law of his brother, tells very much in favour of the belief that Scipio hit substantially the right moment. Both measures were extorted from the parties—the first from the aristocracy, the second from the friends of reform; for each its author paid with his life. It was Scipio's lot to fight for his country on many a battle-field and to return home uninjured, that he might perish there by the hand of an assassin; but in his quiet chamber he no less died for Rome than if he had fallen before the walls of Carthage.

#### Democratic Agitation under Carbo and Flaccus

The distribution of land was at an end; the revolution went on. The revolutionary party, which possessed in the allotment-commission as it were a constituted leadership, had even in the lifetime of Scipio skirmished now and then with the existing government. Carbo, in particular, one of the most distinguished men of his time in oratorical talent, had as tribune of the people in 623 given no small trouble to the senate; had carried voting by ballot in the burgess-assemblies, so far as it had not been introduced already;<sup>84</sup> and had even made the significant proposal to leave the tribunes of the people free to reappear as candidates for the same office in the year immediately following, and thus legally to remove the obstacle by which Tiberius Gracchus

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<sup>84</sup> IV. II. Vote by Ballot

had primarily been thwarted. The scheme had been at that time frustrated by the resistance of Scipio; some years later, apparently after his death, the law was reintroduced and carried through, although with limiting clauses.<sup>85</sup> The principal object of the party, however, was to revive the action of the allotment-commission which had been practically suspended; the leaders seriously talked of removing the obstacles which the Italian allies interposed to the scheme by conferring on them the rights of citizenship, and the agitation assumed mainly that direction. In order to meet it, the senate in 628 got the tribune of the people Marcus Junius Pennus to propose the dismissal of all non-burgesses from the capital, and in spite of the resistance of the democrats, particularly of Gaius Gracchus, and of the ferment occasioned by this odious measure in the Latin communities, the proposal was carried. Marcus Fulvius Flaccus retorted in the following year (629) as consul with the proposal to facilitate the acquisition of burgess-rights by the burgesses of the allied communities, and to concede even to those who had not acquired them an appeal to the Roman comitia against penal judgments. But he stood almost alone—Carbo had meanwhile changed his colours and was now a zealous aristocrat, Gaius Gracchus was absent as quaestor in Sardinia—and the project was frustrated by the resistance not of the senate merely, but also of the burgesses,

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<sup>85</sup> The restriction, that the continuance should only be allowable if there was a want of other qualified candidates (Appian, B. C. i. 21), was not difficult of evasion. The law itself seems not to have belonged to the older regulations (Staatsrecht, i. 473), but to have been introduced for the first time by the Gracchans.

who were but little inclined to extend their privileges to still wider circles. Flaccus left Rome to undertake the supreme command against the Celts; by his Transalpine conquests he prepared the way for the great schemes of the democracy, while he at the same time withdrew out of the difficulty of having to bear arms against the allies instigated by himself.

### Destruction of Fregallae

Fregellae, situated on the borders of Latium and Campania at the principal passage of the Liris in the midst of a large and fertile territory, at that time perhaps the second city of Italy and in the discussions with Rome the usual mouthpiece of all the Latin colonies, began war against Rome in consequence of the rejection of the proposal brought in by Flaccus—the first instance which had occurred for a hundred and fifty years of a serious insurrection, not brought about by foreign powers, in Italy against the Roman hegemony. But on this occasion the fire was successfully extinguished before it had caught hold of other allied communities. Not through the superiority of the Roman arms, but through the treachery of a Fregellan Quintus Numitorius Pullus, the praetor Lucius Opimius quickly became master of the revolted city, which lost its civic privileges and its walls and was converted like Capua into a village. The colony of Fabrateria was founded on a part of its territory in 630; the remainder and the former city itself were distributed among the surrounding communities. This rapid and fearful punishment alarmed the allies, and endless impeachments for high treason pursued not

only the Fregellans, but also the leaders of the popular party in Rome, who naturally were regarded by the aristocracy as accomplices in this insurrection. Meanwhile Gaius Gracchus reappeared in Rome. The aristocracy had first sought to detain the object of their dread in Sardinia by omitting to provide the usual relief, and then, when without caring for that point he returned, had brought him to trial as one of the authors of the Fregellan revolt (629-30). But the burgesses acquitted him; and now he too threw down the gauntlet, became a candidate for the tribuneship of the people, and was nominated to that office for the year 631 in an elective assembly attended by unusual numbers. War was thus declared. The democratic party, always poor in leaders of ability, had from sheer necessity remained virtually at rest for nine years; now the truce was at an end, and this time it was headed by a man who, with more honesty than Carbo and with more talent than Flaccus, was in every respect called to take the lead.

### Gaius Gracchus

Gaius Gracchus (601-633) was very different from his brother, who was about nine years older. Like the latter, he had no relish for vulgar pleasures and vulgar pursuits; he was a man of thorough culture and a brave soldier; he had served with distinction before Numantia under his brother-in-law, and afterwards in Sardinia. But in talent, in character, and above all in passion he was decidedly superior to Tiberius. The clearness and self-possession, which the young man afterwards displayed

amidst the pressure of all the varied labours requisite for the practical carrying out of his numerous laws, betokened his genuine statesmanly talent; as the passionate devotedness faithful even to death, with which his intimate friends clung to him, evinced the loveable nature of that noble mind. The discipline of suffering which he had undergone, and his compulsory reserve during the last nine years, augmented his energy of purpose and action; the indignation repressed within the depths of his breast only glowed there with an intensified fervour against the party which had disorganized his country and murdered his brother. By virtue of this fearful vehemence of temperament he became the foremost orator that Rome ever had; without it, we should probably have been able to reckon him among the first statesmen of all times. Among the few remains of his recorded orations several are, even in their present condition, of heart-stirring power;<sup>86</sup> and we can well understand how those who heard or even merely read them were carried away by the impetuous torrent of his words. Yet, great master as he was of speech, he was himself not unfrequently mastered by anger, so that the utterance of the brilliant speaker became confused or faltering.

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<sup>86</sup> Such are the words spoken on the announcement of his projects of law:—"If I were to speak to you and ask of you—seeing that I am of noble descent and have lost my brother on your account, and that there is now no survivor of the descendants of Publius Africanus and Tiberius Gracchus excepting only myself and a boy—to allow me to take rest for the present, in order that our stock may not be extirpated and that an offset of this family may still survive; you would perhaps readily grant me such a request."

It was the true image of his political acting and suffering. In the nature of Gaius there was no vein, such as his brother had, of that somewhat sentimental but very short-sighted and confused good-nature, which would have desired to change the mind of a political opponent by entreaties and tears; with full assurance he entered on the career of revolution and strove to reach the goal of vengeance. "To me too," his mother wrote to him, "nothing seems finer and more glorious than to retaliate on an enemy, so far as it can be done without the country's ruin. But if this is not possible, then may our enemies continue and remain what they are, a thousand times rather than that our country should perish." Cornelia knew her son; his creed was just the reverse. Vengeance he would wreak on the wretched government, vengeance at any price, though he himself and even the commonwealth were to be ruined by it—the presentiment, that fate would overtake him as certainly as his brother, drove him only to make haste like a man mortally wounded who throws himself on the foe. The mother thought more nobly; but the son— with his deeply provoked, passionately excited, thoroughly Italian nature—has been more lamented than blamed by posterity, and posterity has been right in its judgment.

Alterations on the Constituion by Gaius Gracchus

Distribution of Grain

Change in the Order of Voting

Tiberius Gracchus had come before the burgesses with a single administrative reform. What Gaius introduced in a series

of separate proposals was nothing else than an entirely new constitution; the foundation-stone of which was furnished by the innovation previously carried through, that a tribune of the people should be at liberty to solicit re-election for the following year.<sup>87</sup> While this step enabled the popular chief to acquire a permanent position and one which protected its holder, the next object was to secure for him material power or, in other words, to attach the multitude of the capital—for that no reliance was to be placed on the country people coming only from time to time to the city, had been sufficiently apparent—with its interests steadfastly to its leader. This purpose was served, first of all, by introducing distributions of corn in the capital. The grain accruing to the state from the provincial tenths had already been frequently given away at nominal prices to the burgesses.<sup>88</sup> Gracchus enacted that every burgess who should personally present himself in the capital should thenceforth be allowed monthly a definite quantity— apparently 5 -modii- (1 1/4 bushel)—from the public stores, at 6 1/3 -asses- (3d.) for the -modius-, or not quite the half of a low average price;<sup>89</sup> for which purpose the public corn-stores were enlarged by the construction of the new Sempronian granaries. This distribution—which consequently excluded the burgesses living out of the capital, and could not but attract to Rome the whole mass of

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<sup>87</sup> IV. III. Democratic Agitation under Carbo and Flaccus

<sup>88</sup> III. XII. Results. Competition of Transmarine Corn

<sup>89</sup> III. XII. Prices of Italian Corn

the burgess- proletariat—was designed to bring the burgess-proletariate of the capital, which hitherto had mainly depended on the aristocracy, into dependence on the leaders of the movement-party, and thus to supply the new master of the state at once with a body-guard and with a firm majority in the comitia. For greater security as regards the latter, moreover, the order of voting still subsisting in the -comitia centuriata-, according to which the five property-classes in each tribe gave their votes one after another,<sup>90</sup> was done away; instead of this, all the centuries were in future to vote promiscuously in an order of succession to be fixed on each occasion by lot. While these enactments were mainly designed to procure for the new chief of the state by means of the city-proletariate the complete command of the capital and thereby of the state, the amplest control over the comitial machinery, and the possibility in case of need of striking terror into the senate and magistrates, the legislator certainly at the same time set himself with earnestness and energy to redress the existing social evils.

Agrarian Laws

Colony of Capua

Transmarine Colonialization

It is true that the Italian domain question was in a certain sense settled. The agrarian law of Tiberius and even the allotment-commission still continued legally in force; the agrarian law carried by Gracchus can have enacted nothing new save the

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<sup>90</sup> III. XI. Reform of the Centuries

restoration to the commissioners of the jurisdiction which they had lost. That the object of this step was only to save the principle, and that the distribution of lands, if resumed at all, was resumed only to a very limited extent, is shown by the burgess-roll, which gives exactly the same number of persons for the years 629 and 639. Gaius beyond doubt did not proceed further in this matter, because the domain-land taken into possession by Roman burgesses was already in substance distributed, and the question as to the domains enjoyed by the Latins could only be taken up anew in connection with the very difficult question as to the extension of Roman citizenship. On the other hand he took an important step beyond the agrarian law of Tiberius, when he proposed the establishment of colonies in Italy—at Tarentum, and more especially at Capua—and by that course rendered the domain-land, which had been let on lease by the state and was hitherto excluded from distribution, liable to be also parcelled out, not, however, according to the previous method, which excluded the founding of new communities,<sup>91</sup> but according to the colonial system. Beyond doubt these colonies were also designed to aid in permanently defending the revolution to which they owed their existence. Still more significant and momentous was the measure, by which Gaius Gracchus first proceeded to provide for the Italian proletariat in the transmarine territories of the state. He despatched to the site on which Carthage had stood 6000 colonists selected perhaps not merely from Roman

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<sup>91</sup> IV. III. The Commission for Distributing the Domains

burgesses but also from the Italian allies, and conferred on the new town Junonia the rights of a Roman burgess-colony. The foundation was important, but still more important was the principle of transmarine emigration thereby laid down. It opened up for the Italian proletariat a permanent outlet, and a relief in fact more than provisional; but it certainly abandoned the principle of state-law hitherto in force, by which Italy was regarded as exclusively the governing, and the provincial territory as exclusively the governed, land.

### Modifications of the Penal Law

To these measures having immediate reference to the great question of the proletariat there was added a series of enactments, which arose out of the general tendency to introduce principles milder and more accordant with the spirit of the age than the antiquated severity of the existing constitution. To this head belong the modifications in the military system. As to the length of the period of service there existed under the ancient law no other limit, except that no citizen was liable to ordinary service in the field before completing his seventeenth or after completing his forty-sixth year. When, in consequence of the occupation of Spain, the service began to become permanent,<sup>92</sup> it seems to have been first legally enacted that any one who had been in the field for six successive years acquired thereby a right to discharge, although this discharge did not protect him from being called out again afterwards. At a later period, perhaps

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<sup>92</sup> III. VII. The Romans Maintain A Standing Army in Spain

about the beginning of this century, the rule arose, that a service of twenty years in the infantry or ten years in the cavalry gave exemption from further military service.<sup>93</sup> Gracchus renewed the rule—which presumably was often violently infringed—that no burgess should be enlisted in the army before the commencement of his eighteenth year; and also, apparently, restricted the number of campaigns requisite for full exemption from military duty. Besides, the clothing of the soldiers, the value of which had hitherto been deducted from their pay, was henceforward furnished gratuitously by the state.

To this head belongs, moreover, the tendency which is on various occasions apparent in the Gracchan legislation, if not to abolish capital punishment, at any rate to restrict it still further than had been done before—a tendency, which to some extent made itself felt even in military jurisdiction. From the very introduction of the republic the magistrate had lost the right of inflicting capital punishment on the burgess without consulting the community, except under martial law;<sup>94</sup> if this right of appeal by the burgess appears soon after the period of the Gracchi

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<sup>93</sup> Thus the statement of Appian (Hispan. 78) that six years' service entitled a man to demand his discharge, may perhaps be reconciled with the better known statement of Polybius (vi. 19), respecting which Marquardt (Handbuch, vi. 381) has formed a correct judgment. The time, at which the two alterations were introduced, cannot be determined further, than that the first was probably in existence as early as 603 (Nitzsch, Gracchen, p. 231), and the second certainly as early as the time of Polybius. That Gracchus reduced the number of the legal years of service, seems to follow from Asconius in Cornel. p. 68; comp. Plutarch, Ti. Gracch. 16; Dio, Fr. 83, 7, Bekk.

<sup>94</sup> II. I. Right of Appeal; II. VIII. Changes in Procedure

available even in the camp, and the right of the general to inflict capital punishments appears restricted to allies and subjects, the source of the change is probably to be sought in the law of Gaius Gracchus -de provocatione- But the right of the community to inflict or rather to confirm sentence of death was indirectly yet essentially limited by the fact, that Gracchus withdrew the cognizance of those public crimes which most frequently gave occasion to capital sentences—poisoning and murder generally — from the burgesses, and entrusted it to permanent judicial commissions. These could not, like the tribunals of the people, be broken up by the intercession of a tribune, and there not only lay no appeal from them to the community, but their sentences were as little subject to be annulled by the community as those of the long-established civil jurymen. In the burgess-tribunals it had, especially in strictly political processes, no doubt long been the rule that the accused remained at liberty during his trial, and was allowed by surrendering his burgess-rights to save at least life and freedom; for the fine laid on property, as well as the civil condemnation, might still affect even the exiled. But preliminary arrest and complete execution of the sentence remained in such cases at least legally possible, and were still sometimes carried into effect even against persons of rank; for instance, Lucius Hostilius Tubulus, praetor of 612, who was capitally impeached for a heinous crime, was refused the privilege of exile, arrested, and executed. On the other hand the judicial commissions, which originated out of the civil procedure, probably could not at the

outset touch the liberty or life of the citizen, but at the most could only pronounce sentence of exile; this, which had hitherto been a mitigation of punishment accorded to one who was found guilty, now became for the first time a formal penalty. This involuntary exile however, like the voluntary, left to the person banished his property, so far as it was not exhausted in satisfying claims for compensation and money-fines. Lastly, in the matter of debt Gaius Gracchus made no alteration; but very respectable authorities assert that he held out to those in debt the hope of a diminution or remission of claims—which, if it is correct, must likewise be reckoned among those radically popular measures.

### Elevation of the Equestrian Order

While Gracchus thus leaned on the support of the multitude, which partly expected, partly received from him a material improvement of its position, he laboured with equal energy at the ruin of the aristocracy. Perceiving clearly how insecure was the rule of the head of the state built merely on the proletariat, he applied himself above all to split the aristocracy and to draw a part of it over to his interests. The elements of such a rupture were already in existence. The aristocracy of the rich, which had risen as one man against Tiberius Gracchus, consisted in fact of two essentially dissimilar bodies, which may be in some measure compared to the peerage and the city aristocracy of England. The one embraced the practically closed circle of the governing senatorial families who kept aloof from direct speculation and invested their immense capital partly in landed property, partly

as sleeping partners in the great associations. The core of the second class was composed of the speculators, who, as managers of these companies, or on their own account, conducted the large mercantile and pecuniary transactions throughout the range of the Roman hegemony. We have already shown<sup>95</sup> how the latter class, especially in the course of the sixth century, gradually took its place by the side of the senatorial aristocracy, and how the legal exclusion of the senators from mercantile pursuits by the Claudian enactment, suggested by Gaius Flaminius the precursor of the Gracchi, drew an outward line of demarcation between the senators and the mercantile and moneyed men. In the present epoch the mercantile aristocracy began, under the name of the *-equites-*, to exercise a decisive influence in political affairs. This appellation, which originally belonged only to the burgess-cavalry on service, came gradually to be transferred, at any rate in ordinary use, to all those who, as possessors of an estate of at least 400,000 sesterces, were liable to cavalry service in general, and thus comprehended the whole of the upper society, senatorial and non-senatorial, in Rome. But not long before the time of Gaius Gracchus the law had declared a seat in the senate incompatible with service in the cavalry,<sup>96</sup> and the senators were thus eliminated from those qualified to be *equites*; and accordingly the equestrian order, taken as a whole, might be regarded as representing the aristocracy of speculators

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<sup>95</sup> III. XII. Moneyed Aristocracy

<sup>96</sup> IV. II. Exclusion of the Senators from the Equestrian Centuries

in contradistinction to the senate. Nevertheless those members of senatorial families who had not entered the senate, especially the younger members, did not cease to serve as equites and consequently to bear the name; and, in fact, the burgess-cavalry properly so called—that is, the eighteen equestrian centuries—in consequence of being made up by the censors continued to be chiefly filled up from the young senatorial aristocracy.<sup>97</sup>

This order of the equites—that is to say, substantially, of the wealthy merchants—in various ways came roughly into contact with the governing senate. There was a natural antipathy between the genteel aristocrats and the men to whom money had brought rank. The ruling lords, especially the better class of them, stood just as much aloof from speculations, as the men of material interests were indifferent to political questions and coterie-feuds. The two classes had already frequently come into sharp collision, particularly in the provinces; for, though in general the provincials had far more reason than the Roman capitalists had to complain of the partiality of the Roman magistrates, yet the ruling lords of the senate did not lend countenance to the greedy and unjust doings of the moneyed men, at the expense of the subjects, so thoroughly and absolutely as those capitalists desired. In spite of their concord in opposing a common foe such as was Tiberius Gracchus, a deep gulf lay between the nobility and the moneyed aristocracy; and Gaius, more adroit than his brother, enlarged it till the alliance was broken up and the mercantile class

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<sup>97</sup> III. XI. The Censorship A Prop of the Nobility

ranged itself on his side.

### Insignia of the Equites

That the external privileges, through which afterwards the men of equestrian census were distinguished from the rest of the multitude—the golden finger-ring instead of the ordinary ring of iron or copper, and the separate and better place at the burgess-festivals—were first conferred on the equites by Gaius Gracchus, is not certain, but is not improbable. For they emerged at any rate about this period, and, as the extension of these hitherto mainly senatorial privileges<sup>98</sup> to the equestrian order which he brought into prominence was quite in the style of Gracchus, so it was in very truth his aim to impress on the equites the stamp of an order, similarly close and privileged, intermediate between the senatorial aristocracy and the common multitude; and this same aim was more promoted by those class-insignia, trifling though they were in themselves and though many qualified to be equites might not avail themselves of them, than by many an ordinance far more intrinsically important. But the party of material interests, though it by no means despised such honours, was yet not to be gained through these alone. Gracchus perceived well that it would doubtless duly fall to the highest bidder, but that it needed a high and substantial bidding; and so he offered to it the revenues of Asia and the jury courts.

### Taxation of Asia

The system of Roman financial administration, under which

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<sup>98</sup> III. XI. Patricio-Plebeian Nobility, III. XI. Family Government

the indirect taxes as well as the domain-revenues were levied by means of middlemen, in itself granted to the Roman capitalist-class the most extensive advantages at the expense of those liable to taxation. But the direct taxes consisted either, as in most provinces, of fixed sums of money payable by the communities—which of itself excluded the intervention of Roman capitalists—or, as in Sicily and Sardinia, of a ground-tenth, the levying of which for each particular community was leased in the provinces themselves, so that wealthy provincials regularly, and the tributary communities themselves very frequently, farmed the tenth of their districts and thereby kept at a distance the dangerous Roman middlemen. Six years before, when the province of Asia had fallen to the Romans, the senate had organized it substantially according to the first system.<sup>99</sup> Gaius Gracchus<sup>100</sup> overturned this arrangement by a decree of the people, and not only burdened the province, which had hitherto been almost free from taxation, with the most extensive indirect and direct taxes, particularly the ground-tenth, but also enacted that these taxes should be exposed to auction for the province as a whole and in Rome—a rule which practically excluded the provincials from participation, and called into existence in the body of middlemen for the -decumae-, -scriptura-, and -

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<sup>99</sup> IV. I. Western Asia

<sup>100</sup> That he, and not Tiberius, was the author of this law, now appears from Fronto in the letters to Verus, *init. Comp. Gracchus ap. Gell. xi. 10; Cic. de. Rep. iii. 29, and Verr. iii. 6, 12; Vellei. ii. 6.*

vectigalia- of the province of Asia an association of capitalists of colossal magnitude. A significant indication, moreover, of the endeavour of Gracchus to make the order of capitalists independent of the senate was the enactment, that the entire or partial remission of the stipulated rent was no longer, as hitherto, to be granted by the senate at discretion, but was under definite contingencies to be accorded by law.

### Jury Courts

While a gold mine was thus opened for the mercantile class, and the members of the new partnership constituted a great financial power imposing even for the government—a "senate of merchants"—a definite sphere of public action was at the same time assigned to them in the jury courts. The field of the criminal procedure, which by right came before the burgesses, was among the Romans from the first very narrow, and was, as we have already stated,<sup>101</sup> still further narrowed by Gracchus; most processes—both such as related to public crimes, and civil causes—were decided either by single jurymen [-indices-], or by commissions partly permanent, partly extraordinary. Hitherto both the former and the latter had been exclusively taken from the senate; Gracchus transferred the functions of jurymen—both in strictly civil processes, and in the case of the standing and temporary commissions— to the equestrian order, directing a new list of jurymen to be annually formed after the analogy of the equestrian centuries from all persons of equestrian rating,

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<sup>101</sup> IV. III. Modifications of the Penal Law

and excluding the senators directly, and the young men of senatorial families by the fixing of a certain limit of age, from such judicial functions.<sup>102</sup> It is not improbable that the selection of jurymen was chiefly made to fall on the same men who played the leading part in the great mercantile associations, particularly those farming the revenues in Asia and elsewhere, just because these had a very close personal interest in sitting in the courts; and, if the lists of jurymen and the societies of -publicani- thus coincided as regards their chiefs, we can all the better understand the significance of the counter-senate thus constituted. The substantial effect of this was, that, while hitherto there had been only two authorities in the state—the government as the administering and controlling, and the burgesses as the legislative, authority—and the courts had been divided between them, now the moneyed aristocracy was not only united into a compact and privileged class on the solid basis of material interests, but also, as a judicial and controlling power, formed part of the state and took its place almost on a footing of equality by the side of the ruling aristocracy. All the old antipathies of the merchants against the nobility could not but thenceforth find only too practical an expression in the sentences of the jurymen; above all, when the provincial governors were called to a reckoning, the senator had to await a decision involving

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<sup>102</sup> We still possess a great portion of the new judicial ordinance— primarily occasioned by this alteration in the personnel of the judges— for the standing commission regarding extortion; it is known under the name of the Servilian, or rather Acilian, law -de repetundis-.

his civic existence at the hands no longer as formerly of his peers, but of great merchants and bankers. The feuds between the Roman capitalists and the Roman governors were transplanted from the provincial administration to the dangerous field of these processes of reckoning. Not only was the aristocracy of the rich divided, but care was taken that the variance should always find fresh nourishment and easy expression.

### Monarchical Government Substituted for That of the Senate

With his weapons—the proletariat and the mercantile class—thus prepared, Gracchus set about his main work, the overthrow of the ruling aristocracy. The overthrow of the senate meant, on the one hand, the depriving it of its essential functions by legislative alterations; and on the other hand, the ruining of the existing aristocracy by measures of a more personal and transient kind. Gracchus did both. The function of administration, in particular, had hitherto belonged exclusively to the senate; Gracchus took it away, partly by settling the most important administrative questions by means of comitial laws or, in other words, practically through tribunician dictation, partly by restricting the senate as much as possible in current affairs, partly by taking business after the most comprehensive fashion into his own hands. The measures of the former kind have been mentioned already: the new master of the state without consulting the senate dealt with the state-chest, by imposing a permanent and oppressive burden on the public finances in the distribution of corn; dealt with the domains, by sending out

colonies not as hitherto by decree of the senate and people, but by decree of the people alone; and dealt with the provincial administration, by overturning through a law of the people the financial constitution given by the senate to the province of Asia and substituting for it one altogether different. One of the most important of the current duties of the senate—that of fixing at its pleasure the functions for the time being of the two consuls—was not withdrawn from it; but the indirect pressure hitherto exercised in this way over the supreme magistrates was limited by directing the senate to fix these functions before the consuls concerned were elected. With unrivalled activity, lastly, Gaius concentrated the most varied and most complicated functions of government in his own person. He himself watched over the distribution of grain, selected the jurymen, founded the colonies in person notwithstanding that his magistracy legally chained him to the city, regulated the highways and concluded building- contracts, led the discussions of the senate, settled the consular elections—in short, he accustomed the people to the fact that one man was foremost in all things, and threw the lax and lame administration of the senatorial college into the shade by the vigour and versatility of his personal rule. Gracchus interfered with the judicial omnipotence, still more energetically than with the administration, of the senate. We have already mentioned that he set aside the senators as jurymen; the same course was taken with the jurisdiction which the senate as the supreme administrative board allowed to itself

in exceptional cases. Under severe penalties he prohibited—apparently in his renewal of the law *-de provocatione*<sup>103</sup>—the appointment of extraordinary commissions of high treason by decree of the senate, such as that which after his brother's murder had sat in judgment on his adherents. The aggregate effect of these measures was, that the senate wholly lost the power of control, and retained only so much of administration as the head of the state thought fit to leave to it. But these constitutive measures were not enough; the governing aristocracy for the time being was also directly assailed. It was a mere act of revenge, which assigned retrospective effect to the last-mentioned law and thereby compelled Publius Popillius—the aristocrat who after the death of Nasica, which had occurred in the interval, was chiefly obnoxious to the democrats—to go into exile. It is remarkable that this proposal was only carried by 18 to 17 votes in the assembly of the tribes—a sign how much the influence of the aristocracy still availed with the multitude, at least in questions of a personal interest. A similar but far less justifiable decree—the proposal, directed against Marcus Octavius, that whoever had been deprived of his office by decree of the people should be for ever incapable of filling a public post—was recalled by Gaius at the request of his mother; and he was thus spared the disgrace of openly mocking justice by legalizing a notorious violation of the constitution, and of taking base vengeance on a man of honour, who had not spoken an angry word against

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<sup>103</sup> This and the law *-ne quis iudicio circumveniatur*- may have been identical.

Tiberius and had only acted constitutionally and in accordance with what he conceived to be his duty. But of very different importance from these measures was the scheme of Gaius—which, it is true, was hardly carried into effect—to strengthen the senate by 300 new members, that is, by just about as many as it hitherto had contained, and to have them elected from the equestrian order by the comitia—a creation of peers after the most comprehensive style, which would have reduced the senate into the most complete dependence on the chief of the state.

### Character of the Constitution of Gaius Gracchus

This was the political constitution which Gaius Gracchus projected and, in its most essential points, carried out during the two years of his tribunate (631, 632), without, so far as we can see, encountering any resistance worthy of mention, and without requiring to apply force for the attainment of his ends. The order of sequence in which these measures were carried can no longer be recognized in the confused accounts handed down to us, and various questions that suggest themselves have to remain unanswered. But it does not seem as if, in what is missing, many elements of material importance have escaped us; for as to the principal matters we have quite trustworthy information, and Gaius was by no means, like his brother, urged on further and further by the current of events, but evidently had a well-considered and comprehensive plan, the substance of which he fully embodied in a series of special laws. Now the Sempronian constitution itself shows very clearly to every

one who is able and willing to see, that Gaius Gracchus did not at all, as many good-natured people in ancient and modern times have supposed, wish to place the Roman republic on new democratic bases, but that on the contrary he wished to abolish it and to introduce in its stead a -tyrannis— that is, in modern language, a monarchy not of the feudal or of the theocratic, but of the Napoleonic absolute, type—in the form of a magistracy continued for life by regular re-election and rendered absolute by an unconditional control over the formally sovereign comitia, an unlimited tribuneship of the people for life. In fact if Gracchus, as his words and still more his works plainly testify, aimed at the overthrow of the government of the senate, what other political organization but the -tyrannis- remained possible, after overthrowing the aristocratic government, in a commonwealth which had outgrown primary assemblies and for which parliamentary government did not exist? Dreamers such as was his predecessor, and knaves such as after-times produced, might call this in question; but Gaius Gracchus was a statesman, and though the formal shape, which that great man had inwardly projected for his great work, has not been handed down to us and may be conceived of very variously, yet he was beyond doubt aware of what he was doing. Little as the intention of usurping monarchical power can be mistaken, as little will those who survey the whole circumstances on this account blame Gracchus. An absolute monarchy is a great misfortune for a nation, but it is a less misfortune than an absolute oligarchy;

and history cannot censure one who imposes on a nation the lesser suffering instead of the greater, least of all in the case of a nature so vehemently earnest and so far aloof from all that is vulgar as was that of Gaius Gracchus. Nevertheless it may not conceal the fact that his whole legislation was pervaded in a most pernicious way by conflicting aims; for on the one hand it aimed at the public good, while on the other hand it ministered to the personal objects and in fact the personal vengeance of the ruler. Gracchus earnestly laboured to find a remedy for social evils, and to check the spread of pauperism; yet he at the same time intentionally reared up a street proletariat of the worst kind in the capital by his distributions of corn, which were designed to be, and became, a premium to all the lazy and hungry civic rabble. Gracchus censured in the bitterest terms the venality of the senate, and in particular laid bare with unsparing and just severity the scandalous traffic which Manius Aquillius had driven with the provinces of Asia Minor;<sup>104</sup> yet it was through

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<sup>104</sup> A considerable fragment of a speech of Gracchus, still extant, relates to this trafficking about the possession of Phrygia, which after the annexation of the kingdom of Attalus was offered for sale by Manius Aquillius to the kings of Bithynia and of Pontus, and was bought by the latter as the highest bidder. (p. 280) In this speech he observes that no senator troubled himself about public affairs for nothing, and adds that with reference to the law under discussion (as to the bestowal of Phrygia on king Mithradates) the senate was divisible into three classes, viz. Those who were in favour of it, those who were against it, and those who were silent: that the first were bribed by king Mithradates, the second by king Nicomedes, while the third were the most cunning, for they accepted money from the envoys of both kings and made each party believe that they were silent in its interest.

the efforts of the same man that the sovereign populace of the capital got itself alimanted, in return for its cares of government, by the body of its subjects. Gracchus warmly disapproved the disgraceful spoliation of the provinces, and not only instituted proceedings of wholesome severity in particular cases, but also procured the abolition of the thoroughly insufficient senatorial courts, before which even Scipio Aemilianus had vainly staked his whole influence to bring the most decided criminals to punishment. Yet he at the same time, by the introduction of courts composed of merchants, surrendered the provincials with their hands fettered to the party of material interests, and thereby to a despotism still more unscrupulous than that of the aristocracy had been; and he introduced into Asia a taxation, compared with which even the form of taxation current after the Carthaginian model in Sicily might be called mild and humane — just because on the one hand he needed the party of moneyed men, and on the other hand required new and comprehensive resources to meet his distributions of grain and the other burdens newly imposed on the finances. Gracchus beyond doubt desired a firm administration and a well-regulated dispensing of justice, as numerous thoroughly judicious ordinances testify; yet his new system of administration rested on a continuous series of individual usurpations only formally legalized, and he intentionally drew the judicial system—which every well-ordered state will endeavour as far as possible to place, if not above political parties, at any rate aloof from them—into the

midst of the whirlpool of revolution. Certainly the blame of these conflicting tendencies in Gaius Gracchus is chargeable to a very great extent on his position rather than on himself personally. On the very threshold of the -tyrannis- he was confronted by the fatal dilemma, moral and political, that the same man had at one and the same time to maintain his ground, we may say, as a robber-chieftain and to lead the state as its first citizen—a dilemma to which Pericles, Caesar, and Napoleon had also to make dangerous sacrifices. But the conduct of Gaius Gracchus cannot be wholly explained from this necessity; along with it there worked in him the consuming passion, the glowing revenge, which foreseeing its own destruction hurls the firebrand into the house of the foe. He has himself expressed what he thought of his ordinance as to the jurymen and similar measures intended to divide the aristocracy; he called them daggers which he had thrown into the Forum that the burgesses—the men of rank, obviously—might lacerate each other with them. He was a political incendiary. Not only was the hundred years' revolution which dates from him, so far as it was one man's work, the work of Gaius Gracchus, but he was above all the true founder of that terrible urban proletariat flattered and paid by the classes above it, which through its aggregation in the capital—the natural consequence of the largesses of corn—became at once utterly demoralized and aware of its power, and which—with its demands, sometimes stupid, sometimes knavish, and its talk of the sovereignty of the people—lay like an incubus

for five hundred years upon the Roman commonwealth and only perished along with it And yet—this greatest of political transgressors was in turn the regenerator of his country. There is scarce a structural idea in Roman monarchy, which is not traceable to Gaius Gracchus. From him proceeded the maxim—founded doubtless in a certain sense in the nature of the old traditional laws of war, but yet, in the extension and practical application now given to it, foreign to the older state-law—that all the land of the subject communities was to be regarded as the private property of the state; a maxim, which was primarily employed to vindicate the right of the state to tax that land at pleasure, as was the case in Asia, or to apply it for the institution of colonies, as was done in Africa, and which became afterwards a fundamental principle of law under the empire. From him proceeded the tactics, whereby demagogues and tyrants, leaning for support on material interests, break down the governing Aristocracy, but subsequently legitimize the change of constitution by substituting a strict and efficient administration for the previous misgovernment. To him, in particular, are traceable the first steps towards such a reconciliation between Rome and the provinces as the establishment of monarchy could not but bring in its train; the attempt to rebuild Carthage destroyed by Italian rivalry and generally to open the way for Italian emigration towards the provinces, formed the first link in the long chain of that momentous and beneficial course of action. Right and wrong, fortune and misfortune were so inextricably

blended in this singular man and in this marvellous political constellation, that it may well beseem history in this case—though it beseems her but seldom— to reserve her judgment.

### The Question As to the Allies

When Gracchus had substantially completed the new constitution projected by him for the state, he applied himself to a second and more difficult work. The question as to the Italian allies was still undecided. What were the views of the democratic leaders regarding it, had been rendered sufficiently apparent.<sup>105</sup> They naturally desired the utmost possible extension of the Roman franchise, not merely that they might bring in the domains occupied by the Latins for distribution, but above all that they might strengthen their body of adherents by the enormous mass of the new burgesses, might bring the comitial machine still more fully under their power by widening the body of privileged electors, and generally might abolish a distinction which had now with the fall of the republican constitution lost all serious importance. But here they encountered resistance from their own party, and especially from that band which otherwise readily gave its sovereign assent to all which it did or did not understand. For the simple reason that Roman citizenship seemed to these people, so to speak, like a partnership which gave them a claim to share in sundry very tangible profits, direct and indirect, they were not at all disposed to enlarge the number of the partners. The rejection of the Fulvian law in 629, and the

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<sup>105</sup> IV. III. Democratic Agitation under Carbo and Flaccus

insurrection of the Fregellans arising out of it, were significant indications both of the obstinate perseverance of the fraction of the burgesses that ruled the comitia, and of the impatient urgency of the allies. Towards the end of his second tribunate (632) Gracchus, probably urged by obligations which he had undertaken towards the allies, ventured on a second attempt. In concert with Marcus Flaccus—who, although a consular, had again taken the tribuneship of the people, in order now to carry the law which he had formerly proposed without success—he made a proposal to grant to the Latins the full franchise, and to the other Italian allies the former rights of the Latins. But the proposal encountered the united opposition of the senate and the mob of the capital. The nature of this coalition and its mode of conflict are clearly and distinctly seen from an accidentally preserved fragment of the speech which the consul Gaius Fannius made to the burgesses in opposition to the proposal. "Do you then think," said the Optimate, "that, if you confer the franchise on the Latins, you will be able to find a place in future—just as you are now standing there in front of me—in the burgess-assembly, or at the games and popular amusements? Do you not believe, on the contrary, that those people will occupy every spot?" Among the burgesses of the fifth century, who on one day conferred the franchise on all the Sabines, such an orator might perhaps have been hissed; those of the seventh found his reasoning uncommonly clear and the price of the assignation of the Latin domains, which was offered to it by Gracchus, far too

low. The very circumstance, that the senate carried a permission to eject from the city all non- burgesses before the day for the decisive vote, showed the fate in store for the proposal. And when before the voting Livius Drusus, a colleague of Gracchus, interposed his veto against the law, the people received the veto in such a way that Gracchus could not venture to proceed further or even to prepare for Drusus the fate of Marcus Octavius.

### Overthrow of Gracchus

It was, apparently, this success which emboldened the senate to attempt the overthrow of the victorious demagogue. The weapons of attack were substantially the same with which Gracchus himself had formerly operated. The power of Gracchus rested on the mercantile class and the proletariat; primarily on the latter, which in this conflict, wherein neither side had any military reserve, acted as it were the part of an army. It was clear that the senate was not powerful enough to wrest either from the merchants or from the proletariat their new privileges; any attempt to assail the corn- laws or the new jury-arrangement would have led, under a somewhat grosser or somewhat more civilized form, to a street-riot in presence of which the senate was utterly defenceless. But it was no less clear, that Gracchus himself and these merchants and proletarians were only kept together by mutual advantage, and that the men of material interests were ready to accept their posts, and the populace strictly so called its bread, quite as well from any other as from Gaius Gracchus. The institutions of Gracchus stood, for the moment at least,

immoveably firm with the exception of a single one—his own supremacy. The weakness of the latter lay in the fact, that in the constitution of Gracchus there was no relation of allegiance subsisting at all between the chief and the army; and, while the new constitution possessed all other elements of vitality, it lacked one—the moral tie between ruler and ruled, without which every state rests on a pedestal of clay. In the rejection of the proposal to admit the Latins to the franchise it had been demonstrated with decisive clearness that the multitude in fact never voted for Gracchus, but always simply for itself. The aristocracy conceived the plan of offering battle to the author of the corn-largesses and land-assignments on his own ground.

### Rival Demagogism of the Senate

#### The Livian Laws

As a matter of course, the senate offered to the proletariat not merely the same advantages as Gracchus had already assured to it in corn and otherwise, but advantages still greater. Commissioned by the senate, the tribune of the people Marcus Livius Drusus proposed to relieve those who received land under the laws of Gracchus from the rent imposed on them,<sup>106</sup> and to declare their allotments to be free and alienable property; and, further, to provide for the proletariat not in transmarine, but in twelve Italian, colonies, each of 3000 colonists, for the planting of which the people might nominate suitable men; only, Drusus himself declined—in contrast with the family-complexion of the

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<sup>106</sup> IV. II. Tribunate of Gracchus

Gracchan commission—to take part in this honourable duty. Presumably the Latins were named as those who would have to bear the costs of the plan, for there does not appear to have now existed in Italy other occupied domain-land of any extent save that which was enjoyed by them. We find isolated enactments of Drusus—such as the regulation that the punishment of scourging might only be inflicted on the Latin soldier by the Latin officer set over him, and not by the Roman officer—which were to all appearance intended to indemnify the Latins for other losses. The plan was not the most refined. The attempt at rivalry was too clear; the endeavour to draw the fair bond between the nobles and the proletariat still closer by their exercising jointly a tyranny over the Latins was too transparent; the inquiry suggested itself too readily, In what part of the peninsula, now that the Italian domains had been mainly given away already—even granting that the whole domains assigned to the Latins were confiscated—was the occupied domain-land requisite for the formation of twelve new, numerous, and compact burgess-communities to be discovered? Lastly the declaration of Drusus, that he would have nothing to do with the execution of his law, was so dreadfully prudent as to border on sheer folly. But the clumsy snare was quite suited for the stupid game which they wished to catch. There was the additional and perhaps decisive consideration, that Gracchus, on whose personal influence everything depended, was just then establishing the Carthaginian colony in Africa, and that his lieutenant in the capital, Marcus Flaccus, played into the

hands of his opponents by his vehement and maladroit actings. The "people" accordingly ratified the Livian laws as readily as it had before ratified the Sempronian. It then, as usual, repaid its latest, by inflicting a gentle blow on its earlier, benefactor, declining to re-elect him when he stood for the third time as a candidate for the tribunate for the year 633; on which occasion, however, there are alleged to have been unjust proceedings on the part of the tribune presiding at the election, who had been formerly offended by Gracchus. Thus the foundation of his despotism gave way beneath him. A second blow was inflicted on him by the consular elections, which not only proved in a general sense adverse to the democracy, but which placed at the head of the state Lucius Opimius, who as praetor in 629 had conquered Fregellae, one of the most decided and least scrupulous chiefs of the strict aristocratic party, and a man firmly resolved to get rid of their dangerous antagonist at the earliest opportunity.

#### Attack on the Transmarine Colonialization

#### Downfall of Gracchus

Such an opportunity soon occurred. On the 10th of December, 632, Gracchus ceased to be tribune of the people; on the 1st of January, 633, Opimius entered on his office. The first attack, as was fair, was directed against the most useful and the most unpopular measure of Gracchus, the re-establishment of Carthage. While the transmarine colonies had hitherto been only indirectly assailed through the greater allurements of the Italian, African hyaenas, it was now alleged, dug up the newly-placed

boundary-stones of Carthage, and the Roman priests, when requested, certified that such signs and portents ought to form an express warning against rebuilding on a site accursed by the gods. The senate thereby found itself in its conscience compelled to have a law proposed, which prohibited the planting of the colony of Junonia. Gracchus, who with the other men nominated to establish it was just then selecting the colonists, appeared on the day of voting at the Capitol whither the burgesses were convoked, with a view to procure by means of his adherents the rejection of the law. He wished to shun acts of violence, that he might not himself supply his opponents with the pretext which they sought; but he had not been able to prevent a great portion of his faithful partisans, who remembered the catastrophe of Tiberius and were well acquainted with the designs of the aristocracy, from appearing in arms, and amidst the immense excitement on both sides quarrels could hardly be avoided. The consul Lucius Opimius offered the usual sacrifice in the porch of the Capitoline temple; one of the attendants assisting at the ceremony, Quintus Antullius, with the holy entrails in his hand, haughtily ordered the "bad citizens" to quit the porch, and seemed as though he would lay hands on Gaius himself; whereupon a zealous Gracchan drew his sword and cut the man down. A fearful tumult arose. Gracchus vainly sought to address the people and to disclaim the responsibility for the sacrilegious murder; he only furnished his antagonists with a further formal ground of accusation, as, without being aware of it in the confusion, he interrupted a

tribune in the act of speaking to the people—an offence, for which an obsolete statute, originating at the time of the old dissensions between the orders,<sup>107</sup>

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<sup>107</sup> II. II. Legislation

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