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THE TREATY WITH SAGUNTUM

It is nearly fifty years since Professor J. S. Reid showed that Polybius's account of the diplomatic exchanges between Rome and Carthage immediately before the outbreak of the Second Punic War was heavily coloured by pro-Roman propaganda (1), and suggested that in 219 the Saguntines, when directly threatened by Hannibal, became «dediticii» of Rome, and that it was as «dediticii», and not as allies, that Rome tried to protect them. This view is mentioned by Professor F. W. Walbank in his recently published «Commentary on Polybius» (2), but is dismissed with what appears to be insufficient consideration. It therefore seems worthwhile to reconsider the fundamental aspects of the problem once again from the beginning in the light of the evidence provided by Polybius.

It seems clear that, by the time of Polybius, it was a fixed article of faith with the Romans that they had been under a definite obligation to protect Saguntum; and that, therefore, in declaring war on Carthage as a result of Hannibal's capture of Saguntum, they had been undertaking a 'iustum bellum'. It had always been a cardinal assumption of Roman diplomacy that the Romans could never be in the wrong, and by the middle of the 2nd century B. C. there can be little doubt that this belief was in fact genuinely and sincerely held by the Romans, to such an extent that Polybius, who perhaps never really understood the Roman attitude of mind, came to accept it himself. As a result, although he aims at impartiality, and is strongly critical of the Roman double-dealing over Sardinia (3), he is unable to realize that, as regards Rome's relationship with Saguntum, his authorities are contaminated at source.

(1) «Some Problems in 2nd Punic War», *Journal of Roman Studies*, 1913, pp. 175-196.

(2) F. W. Walbank, «Commentary on Polybius», (Oxford 1957), p. 321-2. This commentary contains a very full and up-to-date bibliography for all the problems discussed in this article.

(3) Polybius III. 15; 30.

The most striking feature of Polybius's account of the relationship between Rome and Saguntum is the fact that, although he alleges, or assumes, that Rome and Saguntum had been allies, he is unable to produce the faintest shred of positive evidence to support the existence of this alliance. This is the most cogent reason for upholding the conclusion that no such alliance existed, and that the Saguntines were never more than 'dediticii' of Rome. In this connection there are two points of particular significance. First, Polybius is able to quote in detail the terms of six earlier treaties between Rome and Carthage (1), using language that implies very strongly that he had personally inspected the bronze tablets on which they were inscribed (2); and yet he is unable to quote from the treaty alleged to have been made between Rome and Saguntum at a more recent date. Secondly, Polybius is so far from being able to produce any concrete evidence for the existence of the treaty that he is driven to employing the 'a priori' argument that some years before the Saguntines had appealed to the Romans as arbitrators to settle an internal political disturbance (3). All that this can prove is that the Romans had had some sort of political contact with the Saguntines, and not that they had entered into any obligations towards them. It is important to note that, both here and in III.15, Polybius uses expressions about the Saguntines that would normally be applied to 'dediticii' (4).

Thus the evidence points very strongly to the conclusion that no formal treaty or alliance existed between Rome and Saguntum. In that case it is highly probable that in the course of the successive Saguntine embassies to Rome in the winter of 220/219 B.C. (5), the Saguntines carried out a formal 'deditio' as the best means of ensuring the protection of Rome. In this they would only have been following

(1) Polybius III. 22-27.

(2) Polybius III. 26. 1.

(3) Polybius III. 30. 2.

(4) Polybius III. 30. 1.

ἐδεδώκεισαν αὐτοὺς εἰς τὴν τῶν Ῥωμαίων πίστιν.

III. 15. 5.

κεῖσθαι γὰρ αὐτοὺς ἐν τῇ σφετέρᾳ πίστει.

(5) Polybius III. 15. 1-2.

οἱ δὲ Ζακανθαῖοι συνεχῶς ἔπεμπον εἰς τὴν Ῥώμην... Ῥωμαῖοι δὲ πλεονάκις αὐτῶν παρακηροότες.

the precedent set by Corcyra and other Illyrian cities only ten years before (1).

This conclusion would resolve the difficulty arising from Hannibal's answer to the Roman deputation warning him to keep his hands off Saguntum. Hannibal, in his reply, accused the Romans of having, when called in as arbitrators shortly before, wrongly put to death some of the leading citizens of Saguntum. It is probable that there has been some confusion over the term *ἐπιτροπή*, and that the idea of 'arbitration' was wrongly attached to it in this passage as a result of its use in that sense in Polybius III.30.

It is more likely that what Hannibal really accused the Romans of doing was putting to death the leaders of the anti-Roman faction at Saguntum, a thing they may well have done as soon as they had accepted the 'deditio' (2). Polybius III.30 implies that Saguntum, like many other cities of the ancient world, had long been torn between two opposing political factions, each relying on foreign assistance in its struggle for power. By the execution of his leading supporters, Hannibal now realized that the city would never fall into his hands except as a result of direct assault. Moreover, the narrative of Polybius at this point implies, strangely enough, that the Saguntines started to send embassies to Rome in spite of the fact that Hannibal was deliberately refraining from any provocative action (3). One is tempted to conclude that at this juncture the pro-Roman party was in power at Saguntum, but the intrigues of the pro-Carthaginian party (fostered and financed, no doubt by Hannibal) had gone so far that they felt they would be unable to maintain their position without help from Rome. The Roman mission, then, would be charged with the double task of liquidating the pro-Carthaginian party and warning Hannibal against further interference.

To turn now to the treaty with Hasdrubal, Polybius mentions its contents on two occasions (4). On the first occasion, when he

(1) Polybius II. 11.

(2) Polybius III. 15. The explanation of F. W. Heichelheim, «New Evidence on the Ebro Treaty» (*Historia* 3, 1954, pp. 211-219), that the Semitic version of the Ebro treaty was construed as forbidding any sort of political interference by Rome, is rendered unnecessary by this point of view.

(3) Polybius III. 14. 9. Hannibal, no doubt, wanted to avoid the expense and danger of a long siege.

(4) Polybius II. 13. 7; III. 27. 9.

describes how the Romans concluded it while under the threat of the Gallic irruption, he states specifically that nothing was mentioned in the treaty about the rest of Spain, but that the Carthaginians bound themselves not to conduct military operations north of the river Ebro. It is probable that the version of the treaty preserved at Rome contained a record of the obligations that the Carthaginians had undertaken, while the record of the obligations undertaken by the Romans, for their part, was preserved at Carthage (1). In any case, the language Polybius employs to describe its terms is significant by reason of the positive statement that nothing was said about the rest of Spain. From this statement two deductions can be drawn. First, that Polybius is, by implication, deliberately denying the tradition found in Livy and Appian (2) and presumably well-established at the time when Polybius wrote, that the treaty specifically gave protection to Saguntum or recognized Saguntum as an ally of Rome (3). This tradition had grown up because the Romans had been able to find no other way of establishing Saguntum's rights to be protected as an ally of Rome, and the very growth and existence of this tradition is strong evidence that no alliance between Rome and Saguntum ever in truth existed. Had such an alliance existed, the falsification of the Ebro treaty would have been unnecessary. The fact that Polybius went out of his way to state that nothing else was said in the treaty with Hasdrubal about the rest of Spain indicates that he was attacking (though in a rather tactful way) the nationalistic Roman tradition that he himself had discovered to be false. The second deduction that can be drawn from his statement is that, to prove this tradition false, he must have made a personal examination of the record of the treaty. This is confirmed by his second reference to the terms of the treaty, where he includes it in a list of treaties that he implies that he had himself examined.

If this is so, the course of the debate described in Polybius III.21 seems at first sight to be rather surprising, in that the Carthaginians are found denying the validity of a treaty that, on the view taken above, would have given them an unimpeachable case. However, although

(1) Cf. Heichelheim, *op. cit.*

(2) Livy XXI. 2. 7. Appian, *Hispanica* 7; *Libyca* 6; *Hanniballica* 2.

(3) Cf. Walbank, «Commentary on Polybius», p. 171; «the words «τῇν παρασιώπων» (S. 7) perhaps represent Polybian polemic against the first of these distortions».

in his account of the treaty with Hasdrubal Polybius was able to find concrete evidence with which he could correct the Roman nationalistic tradition, in the rest of his account of the negotiations he had no such evidence available. He had little faith in the historians who represented the pro-Carthaginian sources, as can be judged by his sweeping condemnation of Chaereas and Sosylus in III.20 (1). Consequently, he was impelled to accept the body of the Roman nationalistic tradition, in spite of the inconsistencies in which it sometimes involved him (2).

If this view be accepted, then the only safe conclusion is that the account of the Carthaginian case in Polybius III.21 was based on Roman propaganda and must be regarded with grave suspicion. In fact, it is likely that the only reliable part of this account was the bare fact that the Carthaginians did not mention the treaty with Hasdrubal (3).

Why then did they not mention this treaty, which, on the arguments set out above, would have given them an unanswerable case? The most likely answer is that the treaty was not in fact a point at issue, that is, that both sides were in agreement that, in so far as matters were regulated by the treaty with Hasdrubal, the Romans had no right to interfere south of the River Ebro. The Romans, therefore, were forced to base their claim to protect Saguntum on the treaty of Lutatius, signed in 241 B.C. at the conclusion of the 1st Punic War, which contained a clause that neither side should attack the allies of the other (4). It was in reply to his plea that the Carthaginians raised the objection that the Saguntines were not covered by this treaty; this argument was used as a weapon of defence, not attack, and it was used to rebut a claim based not on the treaty with Hasdrubal but on the treaty of Lutatius.

(1) This condemnation is probably unjustified; cf. Walbank «Commentary on Polybius» pp. 331-2 for a discussion of this point. It seems to provide an interesting example of an error of judgement on the part of Polybius in the handling of his sources.

(2) For example, Polybius is led to portray Hannibal's attitude towards the Romans in III. 15 as youthful hot-headedness. He cannot understand why Hannibal refuses to admit that the Romans had any claim to warn him off Saguntum. Both in III. 15. 5 and 30. 3 he quotes, without comment, the view that had become enshrined in the Roman nationalistic tradition, that the attack on Saguntum and the crossing of the Ebro were inextricably linked together.

(3) Polybius III. 21. 1.

τάς μὲν οὖν πρὸς Ἀσδρούβαν ὁμολογίας παρεσιώπων.

(4) Polybius III. 27. 3.

τὴν ἀσφάλειαν ὑπάρχειν παρ' ἑκατέρων τοῖς ἑκατέρων συμμάχοις.

On this interpretation the picture becomes much clearer and the position adopted by Carthage more easy to understand.

The view that Polybius was reproducing the Roman nationalistic tradition is supported by III.29, where he puts forward, not the arguments used by the Roman emissaries at Carthage, but the arguments which, as he himself admits, were never officially stated but were generally current at Rome. This citation of Roman public opinion (for that is all that it is) extends into the following chapter, and the 'a priori' argument put forward by Polybius, that Saguntum was 'under the protection of Rome' because they had once appealed to the Romans as arbitrators, is clearly an uncritical quotation from his biased Roman sources rather than an exercise of his own judgement. Polybius only returns to the expression of his own personal view in III.30.3, with the sentence beginning, *διόπερ εἰ μὲν τις...* (1). How much truth there is in this story of Roman arbitration is uncertain, but it is probable that in fact the Romans did act as arbitrators in some dispute between the pro-Carthaginian and pro-Roman parties at Saguntum (at the request, no doubt, of the latter); and if the story were traced back to its original source it would probably be found that what the Carthaginians admitted was the actual fact of a Roman arbitration (against which they may have put on record some form of complaint), not the validity of the deduction that the Romans later drew from it.

The conclusion that there was no formal treaty between Rome and Saguntum has also been reached by E. Badian in his recently published book *«Foreign Clientelae»* (2). Badian adopts the very attractive theory that the relationship between the two cities was one of 'fides', probably originating from the arbitration mentioned in Polybius III.30.2. However, as Badian himself points out, the relationship involved no legal, but only a moral, obligation, and in view of the existence of the 'Ebro Treaty' it is difficult to see how it could, of itself, induce Rome to undertake a major war. In any case, the statements in Polybius which are taken to indicate that a 'fides' relationship existed do not constitute reliable evidence, but rather are expressions of opinion based on inference. Polybius may have believed

(1) Even here he accepts uncritically the established Roman tradition that the Carthaginians committed an act of aggression by crossing the Ebro.

(2) *«Foreign Clientelae (264-70 B. C.)»* pp. 49-52, 292-293.

that the relationship existed, but he could not say how it began. The fact that Polybius, writing after the Punic War, held this opinion need only mean that it was widely held at the time when he was writing. Accordingly, it seems more likely that the Romans were impelled to intervene by an act of 'deditio' that took place in the winter of 220/219 B.C.

There has been some dispute about the date of this Roman mission to Carthage. Polybius, who rejects quite unjustifiably the tradition that there was a period of indecision at Rome after the news came of the fall of Saguntum, seems to date it to the end of the year 219 B.C. (1). Livy's chronology at this point is very confused, but his account of the circumstances indicates that the mission was despatched after the start of the consular year of 218 B.C. (2). It seems right, then, to follow De Sanctis and place the declaration of war at some time after March 15th in that year (3). It is very doubtful, however, whether W. Hoffmann's theory, that the mission was not despatched until the news reached Rome that Hannibal had crossed the Ebro, can be regarded as satisfactory (4). If the existence of a valid treaty with Saguntum can be maintained, then this theory is acceptable; if, however, it is felt that no such treaty ever really existed, then Hoffmann's theory becomes difficult to uphold; for then the Romans would have had perfectly legitimate grounds for a 'iustum bellum' in the bare fact that Hannibal had led his army across the Ebro, and there would have been no need to resort to the fiction of an alliance with Saguntum. As it is, the fact that the Romans had to try and conflate a legitimate excuse for their declaration of war out of two entirely different actions of Hannibal, his capture of Saguntum and his crossing of the Ebro, gives rise to the strong suspicion that they had no justifiable grounds for complaint in respect to either of these actions.

Another argument against Hoffmann's theory is that it involves the rejection of the plain statement of Polybius in III.34 that Hannibal only started out from winter-quarters after the arrival of the news that the Romans had declared war. Polybius's chronology at this

(1) Polybius III. 20. 6.

(2) Livy XXI. 17-18.

(3) G. de Sanctis, «Storia dei Romani» (Turin 1917) III. 2 p. 1.

(4) W. Hoffmann, *Rheinisches Museum für Philologie*, 1951, p. 69 ff.

point is rejected by Walbank (1), but without sufficient reason, as Polybius is here probably following a reliable Carthaginian source. If the start of Hannibal's march is put as late as the end of May, he would be crossing the Alps towards the end of October, and the notice of time given by Polybius, the approach of the setting of the Pleiades, need not be rejected (2). Hannibal had every reason to postpone his departure until he knew that his hazardous enterprise would be necessary; there would have been no need for him to undertake it if the Romans decided against war, and their dilatory proceedings during the last year gave grounds for hope that they would avoid a renewal of hostilities with Carthage. At the same time, he wanted to assure himself of the loyal support of the people in power at Carthage.

Why then did the Romans delay for a full year between their first warning to Hannibal and their final declaration of war? The answer must surely lie in the state of internal politics at Rome. It seems that there was a bitter party struggle going on at Rome just before the outbreak of the Second Punic War, in which the Claudian faction tried to break the monopoly of power enjoyed for the past few years by the Aemilian-Scipionic group. There is some evidence that Minucius held a dictatorship '*comitiorum habendorum causa*' at about this time, but was deposed for some technicality and replaced by Fabius Maximus (3); there is also evidence that two Claudian candidates, Valerius Laevinus and Mucius Scaevola, were elected consuls for 220 B.C., but were soon deposed and replaced by two members of the Scipionic group, L. Veturius Philo and C. Lutatius Catulus (4). Then there is the undoubted fact of the prosecution of Aemilius Paulus and Livius Salinator by Claudius

(1) Walbank, «Commentary on Polybius» p. 365. Livy *xxi*. 21. 1. makes Hannibal hear of the '*indictio belli*' at the beginning of winter, before sending his Spanish troops home on leave. Polybius follows a different chronology; he makes Hannibal send his Spanish troops on leave at the beginning of winter, and hear of the declaration of war just before collecting his troops from winter quarters. As he probably did not muster his army until he was ready to march, this would imply a date at the end of April for the news of the declaration of war to reach Spain — a quite satisfactory date.

(2) Walbank, «Some Reflections on Hannibal's Pass», *Journal of Roman Studies*, 1956, p. 38, n. 6.

(3) T. A. Dorey, «The Dictatorship of Minucius», *Journal of Roman Studies*, 1955, pp. 92-6.

(4) Scullard, «Roman Politics 220-150 B. C.» (Oxford 1951), p. 273.

Nero at the close of the Illyrian War (1). All this indicates a bitter struggle, in which the Scipionic group would have urged war with Carthage but have been unable to carry through this policy as a result of the combination of the Fabian Group, which opposed war (2), and the Claudii. Then finally, it seems, a compromise was arrived at by which Sempronius Longus, one of the Claudian faction, was elected consul as a colleague of P. Scipio, while the Claudii agreed to support the Aemilian-Scipionic Group in their policy of war with Carthage.

Dr. H. H. Scullard, however, suggests that what induced the Romans to present an ultimatum to Carthage was the news of Hannibal's military preparations in the winter of 219/218, and in particular the news that he had left New Carthage in the spring of 218, and was marching north at the head of a large army (3). This is another possible solution, and the two explanations are not necessarily mutually exclusive. However, it is unlikely that Hannibal's military activities in Spain, even if they were suspected of aiming at conquests north of the Ebro, would have been regarded as a 'casus belli' unless there had been a change in the political climate at Rome (4).

Finally, the question arises as to whether the Carthaginian speech that Polybius assigns to the debate at which war was declared should not, as Taübler suggests (5), be more correctly assigned to the proceedings in 220/219 B.C., when the Roman emissaries came to Carthage after delivering a solemn warning to Hannibal. It is more likely that the claims and counterclaims of the two sides were thoroughly discussed then, and that the proceedings in the following year were only a formal demand for satisfaction and, on its refusal, a formal

(1) Livy xxii. 35. 3; xxvii. 34. 3.

(2) The true meaning of Herennius Baebius's charge that 'ab hominibus nobilibus ... Hannibalem in Italiam adductum' (Livy xxii. 34. 4) seems to have been that the 'nobiles', that is, Fabius and his clique, had by their dilatory tactics prevented the war being fought out in Spain.

(3) Scullard, *Rheinisches Museum*, 1952, pp. 209-216.

(4) It is possible that there was some doubt in the minds of the Romans whether or not Hannibal had crossed the Ebro before the declaration of war had been made. This would be probable if Massiliote reports of his movements in Spain falsely represented that he had crossed the Ebro at a date earlier than he actually did.

(5) Taübler, *Vorgesch.* 58.

declaration of war. To this view the main objection is that it assumes a serious inaccuracy on the part of Polybius (1), but the historiographical tradition on which Polybius had to work was so confused and distorted that he was unavoidably guilty of several inaccuracies of an even graver nature than this.

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(1) Walbank, «Commentary on Polybius», p. 324.