The Treaties of the Roman Republic

A Short History of Rome's Major Agreements

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Forgotten Documents of the Roman Republic

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How Rome Made an Agreement

A Roman commander could discover that making peace required two negotiations. He first had to persuade the enemy to accept terms, and then he might have to persuade the people whose army he commanded. Success in the first conversation did not guarantee a comfortable reception in the second. A defeated consul could consider the release of his soldiers an achievement, while senators safely at Rome considered the price a disgrace. The difficulty was real for both sides, because an opponent who had already released the army could hardly put the men back where they had been before the promise was made.

The agreements in this book take us into that uncertain space between military necessity and public authority. Some were negotiated by men who had won decisive victories; others emerged when neither party could readily obtain everything it wanted. A few saved Roman armies and were subsequently rejected at Rome. Before examining their individual provisions, it helps to understand what the negotiators could offer, what they needed others to approve, and how an agreement was

expected to survive the departure of the men who made it.

Who could speak for Rome

Polybius describes Roman government through the relationship between consuls, Senate, and people. His account gives the Senate a central role in receiving foreign embassies, sending representatives abroad, and determining answers to other states. It also gives the people the power to accept or reject treaties and terms of peace. The consul commanding an army possessed considerable freedom in the field, but depended on decisions and resources controlled at home. That description helps explain why a foreign negotiator needed to know more than the name and rank of the Roman sitting opposite him.[1]

The arrangement was not a single procedure operating without change throughout the Republic. Polybius was describing the political system he knew and explaining its strengths to his readers, rather than providing a complete history of every exception. Our evidence for the earliest agreements is much thinner than it is for the great wars of the third and second centuries BC. We should therefore resist turning a useful account of divided authority into a form that every Roman treaty must have followed.

The distinction between a commander's proposal and an approved peace is particularly clear in the negotiations of Lutatius. According to Polybius, his agreement with Carthage expressly depended on approval by the Roman people. When they declined

to accept it in its first form, commissioners imposed additional obligations. The qualification had been stated in advance, so the Carthaginians had been warned that the negotiation was not finished. At Caudium, by contrast, Livy's account makes the extent of the commanders' authority the subject of the dispute itself.[2]

Envoys could also have limited instructions. A delegation might be authorized to ask for peace without being able to accept whatever conditions were offered, and a Roman representative might have to refer a request for concessions to the Senate. Polybius describes such exchanges during the negotiations with the Aetolians in the war against Antiochus. The parties could agree that peace was desirable and still need another journey before anyone could agree to its price. Distance gave this process a practical importance that disappears when a modern narrative compresses several embassies into a sentence.[3]

Different promises carried different risks

The Latin word *foedus* is commonly translated as treaty, while *sponsio* can describe a pledge or undertaking. Livy uses the distinction when discussing Caudium, arguing that the commanders had made a pledge which did not bind the Roman people in the manner of a properly authorized treaty. He also acknowledges that another account described the settlement differently. His insistence on the distinction tells us that the classification mattered, but his disagreement with earlier writers

warns us that the classification was not beyond dispute.[4]

An armistice addressed another problem. It allowed fighting to stop for a specified period while the larger question remained open. At Phoenice, Livy describes written and sealed terms followed by a two-month truce, during which envoys could travel to Rome to obtain approval. The interval provided a practical bridge between what the negotiators had settled and what the Roman assembly would authorize. Without such an arrangement, men could continue killing one another while their governments considered whether they had agreed to stop.[5]

Surrender, meanwhile, could place a community in the victor's power before the victor announced what would be restored or permitted. It should not be confused automatically with a negotiated exchange of specified promises. In the Aetolian discussions, the scope of submission was itself alarming: a general assurance of trust in Rome could carry consequences the other side had not expected. The important question is what obligations and discretion the particular transaction created, rather than whether an English translation happens to call it peace.[3]

This book consequently uses agreement and settlement where a narrower label would suggest more certainty than the evidence allows. That choice does not make all transactions equivalent. It keeps the differences visible while allowing the reader to follow their common practical purpose: to determine what the parties would do once fighting stopped, or

what they would avoid doing so that fighting did not begin.

Oaths and public responsibility

Roman accounts place promises under divine as well as human scrutiny. Livy's description of the agreement between Rome and Alba presents a representative reciting conditions and calling on Jupiter to punish the Roman people if they knowingly broke them. The killing of a sacrificial pig with a flint stone gave the threatened punishment a visible form. Livy sets this ceremony in the age of the kings, and it must be read as a later account of early practice, not as an eyewitness record of the occasion.[6]

The representative who performs this act is called the *pater patratus*, acting within the religious procedures associated with the fetials. For the reader of a general history, his significance lies in the public character of the undertaking. The speaker does not merely promise that he personally will behave well; his words address the obligations of a people. The ceremony makes the consequences of deliberate breach explicit before witnesses, linking the spoken terms to the community represented.

Polybius preserves a different description of a Roman oath in his survey of the Carthaginian treaties. The person swearing holds a stone and invokes expulsion for himself if he violates his promise, casting the stone away as he speaks. Polybius distinguishes oaths associated with different agreements and names

different divine witnesses. These passages should not be combined into an imaginary universal ceremony in which every Roman negotiator performed every surviving ritual.[7]

Religious sanction did not eliminate disagreement about what had been promised. It gave that disagreement another source of seriousness. A Roman seeking release from a disputed obligation might argue that the wrong people had sworn, or that the public had never authorized the undertaking, while the other side insisted that the army had already enjoyed its benefits. The attempt to avoid responsibility could therefore be expressed through exact attention to the oath rather than an open declaration that promises no longer mattered.

The terms had to work after the ceremony

A treaty could require something that happened once, such as the evacuation of a city, or something that continued for years, such as an indemnity paid in installments. These were different administrative tasks. A withdrawal needed arrangements for departure and possession; a payment schedule needed an amount, a standard, and dates. Apamea even addressed money which did not satisfy its stipulated requirements, making clear that agreement on a number did not settle every question about the silver actually delivered.[8]

Hostages supplied continuing pressure while obligations remained outstanding. The settlement after Hannibal required a hundred young men

selected by the Roman commander, while Apamea provided for twenty and specified their replacement after three years. Those figures belonged to different settlements and should not be treated as entries in a standard Roman tariff. In each case, people whose fate mattered to the defeated community were placed within the victor's reach.[9]

An undertaking could also limit future choices. Carthage's loss of most of its warships reduced the means with which it could act, while its obligation to seek Roman approval before war in Africa restricted its freedom to decide when force was justified. These provisions reinforced one another, although neither can be understood simply as another installment of the financial indemnity. A state might pay on time and still become involved in a dispute over the use of its surviving army.

Allies complicated enforcement because a settlement between two principal powers could change the position of many others. A ruler rewarded by Rome might acquire claims against a defeated neighbor, while a city declared free still had to deal with the troops, alliances, and rival communities around it. Negotiators could preserve arrangements by naming partners and protecting their property, but they could also create new disputes about who qualified for protection. The people who benefited from a treaty were not always the same people expected to bear its costs.

Keeping and reading the record

Polybius says that Rome's earlier agreements with Carthage were preserved on bronze tablets beside the temple of Jupiter Capitolinus, in the treasury of the quaestors. He also reports how difficult the language of the earliest text had become. Preservation therefore offered access to evidence without making that evidence effortless to understand. A durable surface could carry words whose meaning had grown uncertain, and a historian could consult an old agreement while still needing help to interpret it.[7]

Most of the agreements discussed here reach us through historical writing rather than through surviving originals. Sometimes an author presents a sequence of clauses; sometimes he reports a negotiation or summarizes the result. Even a substantial quotation has passed through selection and, for the English reader, translation. A passage that looks like a complete document may therefore be less complete than its confident sentences suggest.

The reading sections accompanying the chapters make those differences explicit. They present the reported provisions in modern English, identify the ancient passages behind them, and explain what the record does not establish. Their headings are supplied for convenience; they are not claims about the original arrangement of a bronze tablet. Where precise terms are lost, the absence remains visible. An attractive reconstruction cannot improve the

evidence by supplying the clauses we would have liked the parties to include.

That restraint leaves plenty to examine. Decisions about ships and hostages, territory and payments, show how governments expected an agreement to operate. Disputes about authorization reveal the distance between the men in danger and those judging their conduct afterward. Read together, the practical provisions and the arguments surrounding them allow us to follow Roman power at the point where it had to become a promise another community could understand.

Notes

1. Polybius, VI.12–15, particularly VI.13.6–7 and VI.14.10–11. His constitutional account supplies the distinction between diplomatic business, command, and popular approval. Roman government.

2. Polybius, I.62–63; Livy, IX.5 and IX.8–10. Lutatius and approval, the Caudine dispute.

3. Polybius, XXI.2 and XXI.4–5. The discussion distinguishes the reported exchanges from an exhaustive account of Roman diplomatic procedure. The Aetolian negotiations.

4. Livy, IX.5. Treaty and pledge in Livy's account.

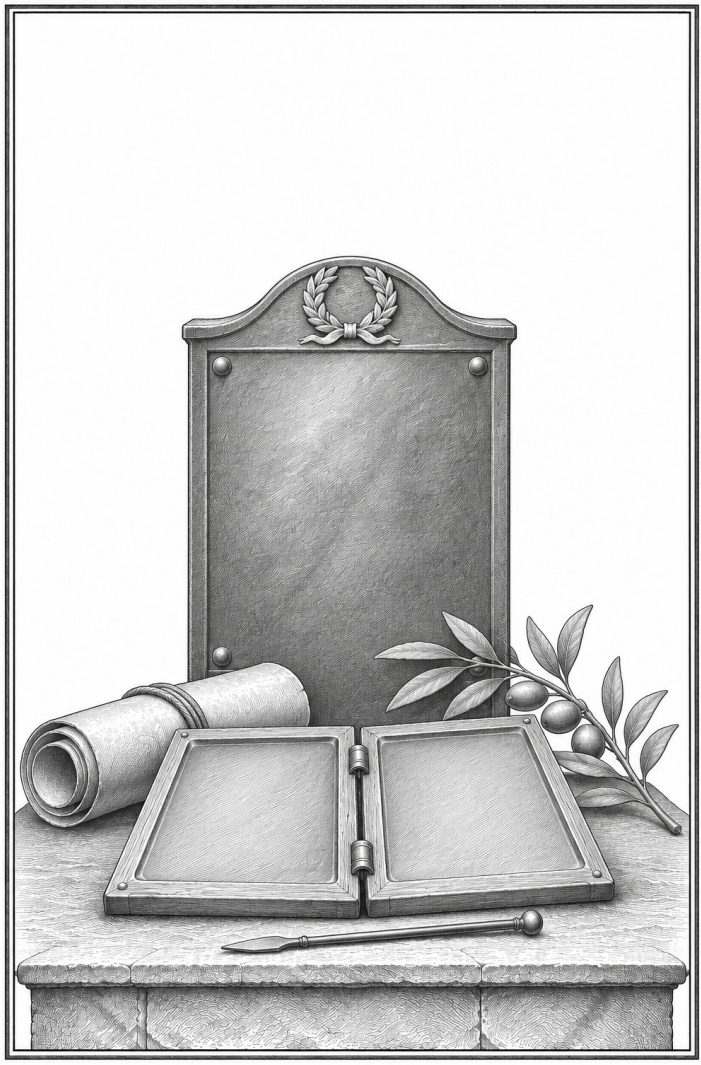
5. Livy, XXIX.12. Phoenice and the interval for ratification.

6. Livy, I.24. The setting is the traditional regal period; the passage is used as evidence for Livy's account of the ritual, not independent confirmation of the narrated early event. The fetial ceremony.

7. Polybius, III.22.3, III.25.6–9, and III.26.1. Language, oaths, and preserved tablets.

8. Polybius, XXI.42.19–27; Livy, XXXVIII.38. Payments and defects, Livy's payment schedule.

9. Polybius, XV.18.8 and XXI.42.22; Livy, XXXVIII.38. Carthaginian hostages, Apamea. The accounts differ over the upper age limit at Apamea; no single limit is imposed here.



Modern symbolic illustration. Writing tablets and a stylus recall the preparation of terms, while the upright tablet represents their preservation as a public undertaking.