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## NOTES AND DISCUSSIONS

### THE ALLEGED “MASSACRE” AT CIRTA AND ITS CONSEQUENCES (SALLUST *BELLUM IUGURTHINUM* 26–27)

In most modern accounts of Rome's halting steps toward war with the Numidian King Jugurtha, the decisive event, bringing an immediate and abrupt change in Roman policy from one of relatively passive verbal admonition to war, is a “massacre” of Italian traders at Cirta in 112.<sup>1</sup> True, some have doubted whether Rome's patriotic tradition preserved an accurate memory of the event, or at least of Jugurtha's responsibility for it, since nothing seems to have been less in his interest than a wholesale slaughter of Italians; others have questioned the significance Sallust attributes to it in the development of Roman policy, arguing that the decision for war with Jugurtha had already been taken; but even these skeptics accept that a “massacre” is what Sallust, at least, purports to describe in the chapter of the *Bellum Iugurthinum* that is our main source for the event.<sup>2</sup> This deeply embedded assumption was challenged in 1966 by C. Saumagne, but his rebuttal was cursory and insufficiently philological in its approach, and has consequently largely been ignored.<sup>3</sup> It is time to return to this passage, which is more difficult and complicated than is generally noted, and has provoked so many divergent responses. I shall argue, first, that Saumagne's doubts about the “massacre” were justified: Sallustian brevity and syntax leave obscure the scale and perhaps the precise moral quality of the killings that followed the surrender of Cirta, but one thing at least that a careful reading of this difficult chapter

I thank F. Hahn, R. Renehan, and the two anonymous referees for many helpful suggestions. All remaining errors or blemishes are my responsibility alone.

1. A list of authorities for whom the notion of a “massacre” (“murder,” “summary execution,” “strage,” vel sim.) is central to their reconstruction of the Roman response would include S. Gsell, *Histoire ancienne de l'Afrique du Nord* 7 (Paris, 1928), 152 (although his paraphrase of the key sentence suggests something else); G. de Sanctis, *Problemi di storia antica* (Bari, 1932), 203–5; R. Syme, *Sallust* (Berkeley and Los Angeles, 1964), 139–40; E. Badian, *Roman Imperialism in the Late Republic*<sup>2</sup> (Ithaca, 1968), 26; E. S. Gruen, *Roman Politics and the Criminal Courts, 149–78 B.C.* (Cambridge, MA., 1968), 139; E. Gabba, “Mario e Silla,” *ANRW* 1.1 (1972): 776; W. V. Harris, *War and Imperialism in Republican Rome, 327–50 B.C.* (Oxford, 1979), 250 (cf. 98); G. Paul, *A Historical Commentary on Sallust's “Bellum Iugurthinum”* (Liverpool, 1984), 88; P. A. Brunt, *The Fall of the Roman Republic* (Oxford, 1988), 183–84; A. Lintott, *CAH*<sup>2</sup>, vol. 9 (1994), 29.

2. Reservations about the reality of the massacre may be found in W. Ihne, *Römische Geschichte*, vol. 5 (Leipzig, 1879), p. 122, n. 2; W. W. Capes, *C. Sallusti Crispi de coniuratione Catilinae liber, de Bello Iugurthino liber* (Oxford, 1897), 259; A. H. J. Greenidge, *A History of Rome*, vol. 1 (London, 1905), 344; G. Bloch, “M. Aemilius Scaurus,” *Mélanges d'histoire ancienne* 25 (1909): 1–80, at 42–43; de Sanctis, *Problemi* (n. 1 above), 203–5; S. I. Oost, “The Fictal Law and the Outbreak of the Jugurthine War,” *AJP* 75 (1954): 156–57; cf. E. Koestermann, *C. Sallustius Crispus: “Bellum Iugurthinum”* (Heidelberg, 1971), 114. J. Rich (*Declaring War in the Roman Republic in the Period of Transmarine Expansion*, Collection Latomus 149 [Brussels, 1976] 50–55) argues that the fall of Cirta only added further justification to a decision that had already been taken (below, p. 474; so too H. W. Ritter, *Rom und Numidien. Untersuchungen zur rechtlichen Stellung abhängiger Könige* [Lüneburg, 1987], 89–93). Rich describes the killing as a “general massacre” (p. 52) but also claims, curiously, that Sallust “passes over the massacre without emphasis” (p. 53, n. 109); K. Büchner, *Der Aufbau von Sallusts “Bellum Iugurthinum.”* *Hermes Einzelschriften*, 9 (Wiesbaden, 1956), 22–24, on the other hand, thinks that Sallust vastly exaggerates the impact of the massacre to support his condemnation of the corrupt nobility.

3. C. Saumagne, *La Numidie et Rome: Masinissa et Jugurtha* (Paris, 1966), 167–70, not so much as mentioned in the commentaries of Paul and Koestermann or indeed elsewhere save for Rich, *Declaring War*, p. 53, n. 109 (but see n. 2 above), and Ritter, *Rom und Numidien*, p. 94, n. 203.

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makes sufficiently clear is that, in fact, Jugurtha did not unleash an indiscriminate slaughter upon unresisting Italians. Sallust describes not a “massacre” of Italian traders but the killing of an unspecified number of them who had taken up arms to resist Jugurtha’s men in Cirta, apparently as the capitulation agreement broke down during the takeover of the city. Since this is what Sallust himself suggests, doubts about the historical reality of the “massacre” hardly serve to undermine Sallust’s own account of the event’s impact on Rome (as Saumagne himself and others have argued). On the contrary, I shall seek to show that this more precise understanding of what Sallust says about the fall of Cirta helps to clarify his description of the divergent reactions among senators and people in Rome and answers most of the criticisms that have been brought against it.

Here, in full, is the relevant passage for the events at Cirta (chap. 26), punctuated as in L. D. Reynolds’ recent edition:

Ea postquam Cirtae audita sunt, Italici, quorum virtute moenia defensabantur, confisi deditione facta propter magnitudinem populi Romani inviolatos sese fore, Adherbali suadent uti seque et oppidum Iugurthae tradat, tantum ab eo vitam paciscatur; de ceteris senatui curae fore (§1). At ille, tametsi omnia potiora fide Iugurthae rebatur, tamen quia penes eosdem, si advorsaretur, cogendi potestas erat, ita uti censuerant Italici deditionem facit (§2). Iugurtha in primis Adherbalem excruciatum necat, deinde omnis puberes Numidas atque<sup>4</sup> negotiatores promiscue, uti quisque armatus<sup>5</sup> obvius fuerat, interficit (§3).

We hear, in short, that the Italians, on whom Sallust implicitly makes the defense of the town depend, persuaded Adherbal to agree to a surrender.<sup>6</sup> They proposed that Adherbal give up the town and himself to Jugurtha, on the sole condition that his life be spared.<sup>7</sup> The Senate would see to the rest: presumably the final settlement of the dispute between the brothers and the disposition of the Numidian kingdom. As for themselves, they believed they would be sufficiently protected by Jugurtha’s respect for the “greatness of the Roman People,” and appear to demand no specific assurances for their own safety; after all, Rome was not at war with Jugurtha. Their expectations were presumably rational, given that twice, with increasing urgency, the Senate had warned Jugurtha against taking Cirta.<sup>8</sup> Adherbal, despite deep misgivings about the proposal, agreed because he feared that the Italians would force him if he

4. The Budé edition of A. Ernout alone prints *et*, but there seems to be no authority for this.

5. I accept the reading of P here, as printed in all modern texts, over that of the Y family, which has the dative *armatis*. In such a context, reference to being armed has point only for the *negotiatores*, not Jugurtha’s men. Further, *armatus* and *obvius* almost certainly belong together in a phrase that means “one offering armed resistance:” see, e.g., Livy 27.15.19, 27.29.7 (cf. 41.2.9). The corruption is easily understandable, given the tendency to (mis)read the passage as the description of a “massacre.”

6. Paul (*Commentary* [n. 1 above], 86) rightly notes that “the term [*Italici*] does not necessarily exclude Romans and Latins.” Indeed, Sallust’s use of the term *togati* at 21.2 has been taken to imply the status of citizens (D. Cherry, *Frontier and Society in Roman North Africa* [Oxford, 1998], 37). Yet that is an unnecessary inference (rightly, Paul, *Commentary*, 81), and if a significant number of Roman citizens had been killed, this would have introduced a dimension into the debate that cannot have passed entirely unmentioned by either of the sources that mention the *Italici* (cf. Diod. Sic. 34–35.31: τῶν Ἰταλῶν).

7. Greenidge (*History of Rome* [n. 2 above], 343) and de Sanctis (*Problemi*, 203) both assume that *tantum ab eo vitam paciscatur* refers to an explicit pledge of protection not only for Adherbal but for all in the city. But we have just been told that the Italians who were advocating the surrender considered their safety sufficiently guaranteed by the “greatness of the Roman People.” Elsewhere Sallust is explicit about such guarantees of life extending beyond the one surrendering (cf. 46.2: *qui tantummodo ipsi liberisque vitam peterent* and 47.3: *praeter suam liberorumque vitam omnia Metello dedere*).

8. *Jug.* 21.4–22.5, 25. It is unclear how much the town’s defenders knew of these *démarches* (cf. 22.5, 23.2–24.1), but the argument is less dependent on the Italians’ concrete knowledge than on the plausibility of their expectations.

did not (presumably not at swordpoint, but by abandoning the defense—another sign of their sense of security). The historian then concludes the complex account of motives, fears, and decision making with a shockingly abrupt description of the factual result. Jugurtha tortured Adherbal to death, then—and here is the crux—*omnis puberes Numidas atque negotiatores promiscue, uti quisque armatus obvius fuerat, interficit*.

It is surprising that the word *armatus* in the subordinate clause has not provoked more comment: this word makes it clear, together with *obvius*, that the Italians whom Jugurtha's men killed were offering armed resistance.<sup>9</sup> G. Paul at least acknowledges the problem indirectly, conjecturing that “apparently the inhabitants, when they saw how Jugurtha's men were acting, had taken up arms again to defend themselves.”<sup>10</sup> Yet how do we know “how Jugurtha's men were acting?” The only action of Jugurtha or his men that Sallust has thus far mentioned—the cruel treatment of Jugurtha's royal rival, Adherbal, alone—need not have implied anything about what lay in store for others in the town, particularly the Italians, who, as we have noted, were not at war with Jugurtha and had up to this point trusted so devoutly in the power of the Roman name.

The nature of the clause *uti quisque armatus obvius fuerat* needs particularly close attention. While this is to be classified broadly as a temporal clause, in Sallustian (and general) usage the sequential and indefinite character of the clause typically causes it to function as a conditional relative clause of the past general type.<sup>11</sup> Consider, for example:

*Bellum Iugurthinum* 41.8: *interea parentes aut parvi liberi militum, uti quisque potentiori confinibus erat, sedibus pellebantur.*

Meanwhile the parents or young children of soldiers were driven from [their] homes, whenever they were neighbors of a more powerful person.

Here the *uti quisque* clause actually functions not to express any temporal relationship but to restrict application of the main verb to a subcategory of the rather general subject: not *all* parents and young children of soldiers are driven from their homes, but only those who have powerful neighbors. The sentence could be translated less literally but with no sacrifice of sense, “Every parent or young child of a soldier who lived next to a powerful person was driven from his home.” Similarly, note:

9. Stressed only by Saumagne, *Numidie et Rome* (n. 3 above), 167–70 and Ritter, *Rom und Numidien*, (n. 3 above), p. 94, n. 203. Saumagne, however, thinks the men were arrested and executed after an indefinite passage of time (pp. 168–69). S. A. Handford in the Penguin translation goes astray by suggesting some kind of roundup and execution of any who possessed weapons (Sallust: “The Jugurthine War,” “The Conspiracy of Catiline” [London, 1963], 62: “he put to the sword all the adult men who were found with arms in their possession, making no distinction between Numidians and foreign traders.”) For the martial sense of *obvius esse*, cf. 50.4: *Quorum etiam qui firmioribus animis obvii hostibus fuerant, ludificati incerto proelio ipsi modo eminus sauciabantur*. The usage is frequent in Livy (see, e.g., 1.10.4: *effuse vastantibus fit obvius cum exercitu Romulus*; 38.25.15: *undique obvius hostis Gallis erat, ut ne fugam quidem tutam aut facilem haberent*; cf. 5.28.10, 9.38.3, 9.38.8, 21.31.2, 21.39.9, 27.29.7, 34.38.3, 44.4.1). Cf. also Cic. *Caecin.* 76: *sin autem ingredienti cum armata multitudine obvius fueris et ita venientem reppuleris, fugaris, averteris, non restitues* and other examples in *TLL* 9.2, 319, 36–58, and 321, 8–18.

10. Paul, *Commentary*, 87. Cf. R. Jacobs and H. Wirz, eds. *C. Sallusti Crispi “De bello Jugurthino” liber*<sup>12</sup> (Berlin, 1965), 37.

11. See Allen and Greenough, no. 542; Kühner and Stegmann, no. 208.7; for *ut quisque* specifically, *OLD*, s.v. *ut*, 19; B. Dahl, *Die lateinische Partikel Ut* (Christiana, 1882), 138–42.

*Bellum Iugurthinum* 49.4: viritim, uti quemque ob militare facinus pecunia aut honore extulerat, commonefacere benefici sui et eum ipsum aliis ostentare.

One by one, whenever he had distinguished a man for a martial deed with money or a decoration, he reminded him of his token of favor and pointed him out to the others.

Here again, although there is more of a sense of chronological (sequential) relationship, the *uti quisque* clause is used primarily to define the otherwise quite indefinite object of the first main verb (*commonefacere*). One could translate less literally, “One by one, everyone he had distinguished for a martial deed with money or a decoration he reminded of his token of favor. . . .” An *uti quisque* clause can even go so far as to provide the sole definition of an indefinite subject of a sentence; for example:

*Bellum Catilinae* 51.33: uti quisque domum aut villam . . . aliquoius concupiverat, dabat operam ut is in proscriptorum numero esset.

Every man who had been seized with desire for another’s house or villa would try to bring it about that he be [listed] among the proscribed.

*Bellum Iugurthinum* 94.5: primo mulieres et pueri . . . fugere, deinde uti quisque muro proximus erat, postremo cuncti. . . .

At first the women and children . . . fled, then each man next to the wall, finally everyone [in the fortress].<sup>12</sup>

These examples are offered to demonstrate that it is more in keeping with Sallust’s use of this kind of clause to translate our example not with an exclusively temporal emphasis, as an overly literal translation would suggest (“as each man [had] resisted in arms”), but, to bring out the conditional and implicitly restrictive character, “whoever [had] resisted in arms.”<sup>13</sup> On this distinction hangs a larger point. In the latter translation, the clause functions, as in the first two examples above, to narrow the definition of the objects of the sentence (or at least that object in closest proximity: *negotiatores*): those killed would be a sub-category of all Numidians and Italian businessmen (or conceivably only the latter) who remained at Cirta through the siege, namely those who had taken up arms again (see n. 13 for the pluperfect tense). On the other hand, if we adopt a rigorously temporal interpretation of the *uti quisque* clause, those killed might still—at least from a grammatical standpoint—be the entirety of each of the groups named in the main clause.

Here certain probabilities of fact should tilt the balance. Let us start with the Numidians. It seems most unlikely that all Numidian adult males were slaughtered during the occupation of Cirta. This was a large city: its population has been estimated at 200,000, on the basis of Strabo’s statement (17.3.13 C832) that in Micipsa’s

12. For other Sallustian examples cf. *Cat.* 4.2: *statui res gestas populi Romani carptim, ut quaeque memoria digna videbantur, perscribere* (with J. T. Ramsey, *Sallust’s “Bellum Catilinae”* [Atlanta, 1984], ad loc.: “as elsewhere in S[allust], virtually a paraphrasis for *quaecumque*”), 56.2: *ut quisque voluntarius aut ex sociis in castra venerat, aequaliter distribuerat*; *Iug.* 44.5: *uti quoique lubebat, ab signis aberat*, 86.2: *milites scribere, non more maiorum . . . sed uti quoisque lubido erat*. For examples in other authors, see n. 11.

13. On the use of the pluperfect tense in past general conditions, see E. C. Woodcock, *A New Latin Syntax* (Cambridge, MA., 1959), no. 194, note, and no. 217, 2c, on the combination *ut quisque*. In our passage, therefore, the pluperfect does not refer to the Italian residents’ earlier defense of the town, as seems to be thought by K. von Fritz, “Sallust and the Roman Nobility at the Time of the Wars against Jugurtha (112–105 B.C.),” *TAPhA* 74 (1943): 134–68, at 146. Saumagne, *Numidie et Rom.*, 168–69, makes a similar slip.

day it could alone field ten thousand horsemen and twenty thousand foot.<sup>14</sup> That Jugurtha could have cut down something near thirty thousand of his own people, the male population of the capital of kings Masinissa and Micipsa, without any perceptible repercussions in the surviving accounts of the war surpasses ready belief.<sup>15</sup> But if we opt for a restrictive sense of the *uti quisque* clause and allow it to qualify *omnis Numidas puberes* as well as *negotiatores*,<sup>16</sup> some logic begins to emerge, for it is perfectly understandable that Jugurtha's violation of the central term of the capitulation agreement by his outrageous maltreatment of the surrendered king might have impelled Adherbal's partisans and loyalists and their associates to take up arms again even during the takeover of the town—indeed, we may suppose, they stood in reasonable fear for their own lives. And if Jugurtha's takeover of the town was met by such sporadic,<sup>17</sup> but presumably desperate, resistance among the Numidian population, there is no great difficulty in understanding why some Italians, in panic, or reconsidering their earlier confidence that their own safety was reasonably secure, believed it necessary actively to defend themselves. But whatever the fate of the Numidians,<sup>18</sup> we should only conclude that *all* the Italians returned to the fray to be killed after the surrender for which they had successfully pressed if that were necessitated by the wording. If we take the clause in a restrictive sense, it is not: we should translate, therefore, “he killed all the adult male Numidians and also [or “and indeed”]<sup>19</sup> [all] the [Italian] resident traders who confronted him in arms, without drawing any distinction” [sc. between the two categories].<sup>20</sup> Sallust describes not the cold-blooded execution of Italians who had surrendered but the crushing of pockets of resistance during the confused and bloody takeover of the city<sup>21</sup> that followed Jugurtha's violation of the central term of the capitulation agreement respecting Adherbal's life. An ugly business, then, but the fate of the Italians was not beyond the pale; it was after all a common Roman practice to kill all adult men, armed or not, upon storming a city, or even, in extreme cases, after a surrender.<sup>22</sup>

On the old understanding of the chapter it was baffling just how some senators nevertheless *atrocitatem facti leniebant* and still tried to hinder the adoption of stern measures (27.1).<sup>23</sup> Other criticisms have also been brought against Sallust's account of

14. P. G. Walsh, “Massinissa,” *JRS* 55 (1965): 152, for the estimate.

15. For what it is worth, our other account of the fall of Cirta mentions no extraordinary treatment of the population (Diod. Sic. 34–35.1).

16. *Omnis* would then have the purely emphatic force that it frequently has with restrictive clauses: cf., among many examples in Sallust, the opening sentence of the *Cat.* (1.1): *Omnis homines qui sese student praestare ceteris animalibus summa ope niti decet ne vitam silentio transeant*. . . .

17. Hence the sequential/iterative construction.

18. For admittedly it is factual considerations rather than syntax that encourage me to take the *uti quisque* clause with *omnis puberes Numidas*; hence the verbal ambiguity preserved in the translation below.

19. Thus giving *atque* its fullest sense: *OLD*, s.v., 1.

20. *Promiscue*: see *OLD*, s.v., 2, where the present passage is cited as an example. This word, emphasizing that the two nationalities were treated in identical fashion, offers further grounds for applying the qualification expressed by the *uti quisque* clause to both groups. R. C. Rolfe, in the Loeb edition, appears to spot the restrictive nature of the relative clause (“made an indiscriminate massacre of all the adult Numidians and of traders whom he found with arms in their hands;” *Sallust* [Cambridge, MA, 1931], 190), but he misleadingly interprets *promiscue* as “indiscriminate (massacre)” and unjustifiably softens the meaning of *armatus obvius fuerat*.

21. That the surrender was in a formal sense at least carried out seems implied by *dedita Cirta*, 35.1.

22. A. Ziolkowski, “*Urbs direpta*, Or How the Romans Sacked Cities,” in *War and Society in the Roman World*, ed. J. Rich and G. Shipley (London, 1993), 69–91, esp. 77–78. On Diodorus' allegation of torture, see n. 24 below.

23. “Few have been prepared to follow him thus far” (Rich, *Declaring War*, 52); cf. Büchner, *Aufbau* (n. 2 above), 22–24.

the immediate aftermath in Rome: since only one other source, Diodorus, so much as mentions the Italians,<sup>24</sup> and our minor sources agree in identifying the killing of Adherbal as the central Roman justification for war, it has been felt that Sallust greatly exaggerated the impact of the “massacre” of the traders in the Roman decision for war.<sup>25</sup> Then there is the fact that, elsewhere in the *Bellum Iugurthinum*, Jugurtha is never explicitly charged with such outrageous treatment of the Italians at Cirta, either in Sallust’s *propria persona* or even by Memmius in his heated denunciation of the nobility for complicity with the enemy, delivered the very next year.<sup>26</sup> Finally, we may note that whatever happened to the Italians at Cirta was not so shocking as to deter Italian *negotiatores* from continuing to settle and do business in Jugurtha’s realm.<sup>27</sup> But none of these points causes real difficulty if the correct understanding of 26.3 is as I have argued. To begin with, we must keep in mind that nowhere are we given any firm idea of the number of Italians killed, which may well have been low; for what it is worth, a recent study of the Italian and Roman enclaves in Numidia at this time has concluded that they were probably quite small.<sup>28</sup> The killing of a number of Italians, who had taken up arms against Jugurtha in a dynastic struggle that did not directly concern them and then resisted the prince’s occupation of the Numidian capital, was in any case not a horrific atrocity: viewed unsympathetically, they had after all acted as enemies and suffered the consequences. Such arguments lay ready to hand for those in the Senate who wished to “soften the outrageousness of the deed” (27.1). As to their true motives and intentions, setting aside Sallust’s unprovable and unnecessary imputation of bribery,<sup>29</sup> the strategic issues often cited—the continuing harsh struggle with the Scordisci that occupied

24. His account (34–35.31), however, is too fragmentary for us to be sure how he related the deaths of the Italians to the war decision. Interestingly, in his version, presumably from Posidonius, the Italians are tortured to death, though Adherbal is simply slain: the tradition was evidently garbled. Perhaps the torture of the Italians grows out of the Greek philosopher’s hostility to the *publicani* in Asia Minor and is colored by the massacre of Italians there in 88. (For the Posidonian “fragments” in Diodorus relating to the Jugurthine War, see J. Malitz, *Die Historien des Poseidonios*, Zetemata 79 [Munich, 1983], 395–99; and for Posidonius’ views on Roman provincial administration, see pp. 332–38.) In any case, Diodorus’ version of the Italians’ fate is hardly to be preferred to Sallust’s account, which is reasonable on the whole, if elliptical: Sallust had no tendentious motive to palliate Jugurtha’s crimes, or to soften the guilt of those in the Senate who (in his view) betrayed their country’s interest by urging hesitation or exculpation (27.1).

25. Büchner, *Aufbau*, 22; Rich, *Declaring War*, 52–53; cf. Oost, “Fetial Law” (n. 2 above), 156–57, who does not actually deny that the “massacre,” if it occurred, caused outrage in Rome, but urges that the formal *denuntiatio belli* preceded this moment—an hypothesis refuted by Rich, *Declaring War*, 49–50. On the formal justification, see esp. Livy *Per. 64 Atherbal . . . in oppido Cirtha obsessus contra denuntiationem senatus ab eo* [sc., Iugurtha] *occisus est, et ob hoc bellum Iugurthae indictum*; cf. Strabo 17.3.12 C831; Eutr. 4.26.1. Oros. 5.15 implies that the war was consequent on Adherbal’s mere expulsion from the kingdom.

26. Ihne, *Römische Geschichte* (n. 2 above), p. 122, n. 2. Pace Paul, *Commentary*, 89, we might have expected reference to the slaughter of Italians alongside *hosti acerrumo prodita senatus auctoritas, proditum imperium vestrum est; domi militiaeque res publica venalis fuit* in Memmius’s peroration (31.25); or in connection with the charge that the nobility *hosti prodidere rem publicam*, with reference to Jugurtha’s *scelerata* (31.18–19).

27. Italian *negotiatores* are resident at Vaga in 109 (*Jug.* 47.1), while that town is still loyal to Jugurtha (see Ihne, *Römische Geschichte*, p. 122, n.2 and Bloch, “Scaurus” [n. 2 above], 42–43). Paul’s hypothesis that the Italians had just arrived during the shaky truce “to fulfil Metellus’ orders for supplies” (*Commentary*, 143) only explains away evidence that seems inconsistent with Jugurtha’s supposed bloodthirsty treachery in 112.

28. H.-Chr. Schneider, “Italische *negotiatores* in Numidien,” in *Migratio et commutatio: Festschrift T. Pékary*, ed. H. J. Drexhage and J. Sünskes (St. Katharinen, 1989), 218–25. In view of the present argument, however, Schneider’s sense that his findings conflict with the implications of Sallust’s text may be largely illusory.

29. Paul (*Commentary*, 261–63) still seems too generous to the historian; cf. Gruen, *Roman Politics* (n. 1 above), 143–49.

consular armies in Thrace from 114 to 107, the threat of further trouble from the Germans after the devastating defeat of just the previous year, not to mention the difficulty of conducting a major war in North Africa—will all have had weight.<sup>30</sup> Was Roman policy to be dictated by the intemperate actions of Italians resident abroad, just as real dangers to Roman security in Macedonia and to the north demanded vigilance? True, the Senate had twice demanded that Jugurtha desist from the siege (21.4–22.5, 25.4–11); the *imperium populi Romani* had been flouted,<sup>31</sup> its *fides* challenged, by the horrible end of a king who had put his fate in Rome's hands. It was impossible to overlook this crime, and a failure to respond vigorously after Italian blood had been shed ran the risk of adding to the grievances against Rome now spreading through Italy,<sup>32</sup> especially among the municipal élites who will have been strongly represented at Cirta. Yet clearly a case could be made for some face-saving diplomatic solution that would free Rome's hands for matters that more directly concerned its security; Sallust even avers that less strenuous measures than war might have won out in the Senate but for the tribune-designate C. Memmius' success in stirring up public indignation (27.2). That there is some truth to this claim is strongly suggested by the attempt of L. Calpurnius Bestia and M. Aemilius Scaurus to escape the Numidian quagmire by means of a thinly disguised deal already after the first campaigning season, even though no triumph of arms had avenged Jugurtha's crimes (29).<sup>33</sup>

But according to Sallust, C. Memmius convinced the *populus* that such objections were designed simply to get Jugurtha off the hook, and the ensuing popular outrage (*invidia*, 27.2), which had already been brewing during the siege of Cirta,<sup>34</sup> now stampeded the opposition and intimidated the Senate (*senatus delicti conscientia populum timet*, 27.3) into taking the de facto decision for war by naming Numidia as the province of one of the new consuls. This account of the nexus of events has also been criticized. J. Rich goes so far as to argue that “the fall of Cirta in fact made no difference,” on the grounds that the majority in the Senate had surely already decided long before to send one of the consuls of 111 against him if Jugurtha failed to heed the order to lift the siege.<sup>35</sup> Yet this is candidly acknowledged to be an assump-

30. E.g., Syme, *Sallust* (n. 1 above), 174–75 (though probably minimizing concerns about the Germans and Scordisci; cf. Rich, *Declaring War*, 54). On the Scordiscan wars, see R. Morstein-Marx [Kallet-Marx], *Hegemony to Empire. The Development of the Roman imperium in the East from 148 to 62 B.C.* (Berkeley and Los Angeles 1995), 223–27.

31. For a special emphasis upon the meaning of this concept and its subsistence as the guiding principle of Roman “foreign policy” in this period, see Morstein-Marx [Kallet-Marx], *Hegemony to Empire*, esp. 18–29, 335–42.

32. Well summarized by E. Gabba in *CAH<sup>2</sup>*, vol. 9 (1994), 104–13. See however Brunt, *Fall* (n. 1 above), 127, on Gabba's probable exaggeration of the influence of Italian *negotiatores* on Roman foreign policy (esp. in *Republican Rome, The Army and the Allies*, trans. P. J. Cuff [Berkeley and Los Angeles, 1976], 85–87).

33. “Prudence dictated measures such as were taken by the consul Bestia with the approval of a senior statesman” (Syme, *Sallust*, 175). See de Sanctis, *Problemi*, 206–7; von Fritz, “Sallust” (n. 13 above), 150–51; Paul, *Commentary*, 267–68.

34. 25.5 *res in invidia erat*.

35. Rich, *Declaring War*, 50–55 (quotation at p. 55). So too Ritter (*Rom und Numidien*, 89–93), who is more heavily influenced by a dubious, quasi-formal categorization of Numidia as a “client state” than by the military-diplomatic realities. E. S. Gruen's study of analogous interventions in the quarrels of the Hellenistic states in the second century (*The Hellenistic World and the Coming of Rome* [Berkeley and Los Angeles, 1984], esp. 111–26) has shown how loath the Senate generally was to be drawn into essentially internal conflicts between *socii et amici*.



tion, without verifiable evidence to support it,<sup>36</sup> which also entails charging Sallust with “deliberate suppression of the fact that the embassy threatened Jugurtha with war if he did not cease hostilities” (he mentions only *graves minae* [25.11]).<sup>37</sup> Others, like myself, may feel it more in keeping with the realities of diplomacy, as well as our evidence, that at the time of the second embassy the Senate “refused to rule out any option” (to use a phrase familiar from modern brinksmanship) in the fervent hope that the problem would resolve itself before any irrevocable decisions had to be made. Certainly we should have more reason than this to dismiss altogether Sallust’s insistence, buttressed by specific circumstantial details of Memmius’ reaction, that there was a major clash over policy after the fall of Cirta, played out both in the Senate and in the Forum. If, in fact, as I have tried to show, the hesitation of many in the Senate is perfectly credible under the circumstances (even setting aside the imputation of widespread corruption), particularly because (on the present argument) Sallust does not describe a general “massacre” of Italians at Cirta, then there is no reason to reject his otherwise unobjectionable account of how popular pressure, applied by the tribune-designate, now forced the Senate’s hand in the affair.

Numerous scholars have sensed the invisible hand of equestrian interests behind the dramatic reversal. But this is wholly conjectural, and in the absence of evidence the *cui bono* argument may be turned both ways.<sup>38</sup> We might pay more attention to what Sallust actually says: even if, as is possible, many or most *equites* supported an immediate recourse to arms, he insists on placing the emphasis instead on Memmius’ revelations to the *populus Romanus* (27.2), that is in *contiones* in the Forum. The recent effort to restore “the people” to their proper, central place in the political system of the Roman Republic<sup>39</sup> should make more palatable Sallust’s view that the *populus*, incited by Memmius, imposed the decision for war upon the Senate. Clearly, the tribune’s denunciation of Jugurtha’s *scelus* (27.2) will have neglected the finer details of circumstance and the precise juridical definition of the deaths of the Italians. It was enough that the Italians’ proud confidence in the protection afforded them by the greatness of the Roman People (*confisi deditione facta propter magnitudinem populi Romani inviolatos sese fore*, 26.1) had ultimately proven to be tragically misplaced;<sup>40</sup> in the end, they had been treated no differently (*promiscue*, 26.3)

36. “To me at least it is inconceivable . . .” (Rich, *Declaring War*, 53). Since Rich accepts Sallust’s placement of the assignment of Numidia as a consular province only after the fall of Cirta, the alleged senatorial “plan” (p. 54) lacks any verifiable trace, such as a known decree, in our evidence.

37. Rich, *Declaring War*, 55.

38. In favor of strong equestrian influence, advocated in Paul’s *Commentary* (p. 88) and frequently presumed in allusions to this event, see esp. Gabba, “Mario e Silla” (n. 1 above), 772–78, and Harris, *War and Imperialism* (n. 1 above), 97–98. Gruen, however, justifiably distinguishes between the later evidence for the emergence of a special equestrian interest in the prosecution of the war and the questionable assumption that this appeared already in association with Memmius (*Roman Politics*, 140–42); while Brunt (*Fall*, 183–84) rightly points out that Rome’s reaction in 112 does not need to be explained by the possible intervention of *equites*—that is, it is an unnecessary and distracting hypothesis.

39. For this period, see esp. F. Millar, “Politics, Persuasion, and the People before the Social War (150–90 B.C.),” *JRS* 76 (1986): 1–11. In favor of Sallust’s view of the popular role in Marius’ election to the consulship five years further on, see now A. Yakobson, *Elections and Electioneering in Rome* (Stuttgart, 1999), 13–19. Good, brief introductions to the debate are provided by J. North, “Democratic Politics in Rome,” *P&P* 126 (1990): 3–21, and M. Jehne, “Einführung: zur Debatte um die Rolle des Volkes in der römischen Politik,” in *Demokratie in Rome? Die Rolle des Volkes in der Politik der römischen Republik*, ed. M. Jehne (Stuttgart, 1995), 1–9.

40. Sallust’s repetition of *populus Romanus* at 26.1 and 27.2 is likely to be conscious and pointed.

than the Numidians.<sup>41</sup> Then there was the shame of Adherbal's atrocious end. The honor of the Roman People, a nation "born to empire" (*in imperio nati*, 31.11) as Memmius puts it in the sample Sallust later supplies of his oratory, in whose power the Italians had so naively trusted, was directly insulted;<sup>42</sup> worst of all, Memmius charged, "intriguers" (*factiosi*) in the Senate had connived at this betrayal of "your *imperium*."<sup>43</sup> The Senate's "fear" of an aroused populace is readily paralleled;<sup>44</sup> in this case, senators had been put in a position of having to prove that they were not merely agents of the Numidian king (as indeed Sallust, and surely Memmius, claimed they were: *ministri regis*, 27.1), and clear themselves of guilt (*delicti conscientia*, 27.3), by acquiescing in the popular zeal for war. But formal justification of the war did not have to rest on the legally ambiguous killing of the Italians in Cirta, whose actions will have given some grounds for grievance to Jugurtha himself; thus, as the minor sources indicate, the formal declaration of war, which followed probably at the beginning of 111, cited instead the murder of Adherbal.<sup>45</sup> The true reasons for the Roman decision, however, must be inferred from Sallust's subtle, complex, and essentially credible account.

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41. Rightly stressed by Saumagne, *Numidie et Rom*, 169.

42. Well expressed by de Sanctis, *Problemi*, 205: "Un popolo uso a veder sempre piegar tutto davanti a sè non guarda tanto pel sottile quando gli pare in giuoco il suo onore." That the crowds of the Forum too were susceptible to appeals to the honor and glory of "their" empire is evident from texts such as Cic. *Leg. Man.* 6–16 (with which see C. J. Classen, *Recht Rhetorik Politik* [Darmstadt, 1985], 278–79), as well as *Jug.* 31.25 (quoted in n. 43 below; see Paul's note, *Commentary*, 103).

43. 27.2 *populum Romanum edocuisset id agi ut per paucos factiosos Iugurthae scelus condonaretur*. I have again mined Sallust's sample of Memmius' oratory for the quoted commonplace (*proditum imperium vostrum est*, 31.25).

44. For the impact of "fear" of popular anger on senatorial deliberations or on senators' interventions in public debate, see, e.g., Dio Cass. 36.24.2–4, 38.4.2; Plut. *Pomp.* 30.4; Diod. Sic. 34–35.33.7; Cic. *Dom.* 10, *Q Fr.* 2.1.3.

45. Above, n. 25. The timing: Rich, *Declaring War*, 50.

## THE EMPEROR AND THE GIANT

A passage of the periegete Pausanias mentions an "emperor (βασιλεύς) of the Romans" who discovered, or caused to be discovered, the bones of a giant in the bed of the river Orontes. Though the identification of the emperor has been discussed inconclusively for well over a century, it involves the history and topography of Antioch, one of the great cities of antiquity, and is therefore more than a mere puzzle. The present study argues that a passage of Philostratus' *Heroicus*, noticed in this connection but not read with sufficient care, may help to solve the problem.<sup>1</sup>

Pausanias' testimony can be translated as follows (8.29.3–4):

The Syrian river Orontes does not flow to the sea over a level course throughout, but is borne towards a precipitous cliff and downwards from it. The emperor of the Romans wanted ships to sail up [the river] from the sea to the city of Antioch. So he had a canal suitable for navigation up-stream dug with labor and expense of money, and diverted the river into it. But when the previous bed had dried up, there was found in it an earthen-

1. All references to Philostratus are to C. L. Kayser's 1870–71 *editio maior* (the *Heroicus* is in 2:128–219) and to L. de Lannoy's 1977 edition of the *Heroicus*.