

The notion of justice in Roman wars and the fetial law

Alexei BORISOVICH EGOROV¹

Abstract. *Both in scientific literature and popular mind the Romans are considered e the symbol of aggression, militarism and conquest, but the more thorough analysis shows that many of Roman wars were really defensive or at least began as a war of defence and Th. Mommsen’s idea of “defensive imperialism” has a good deal of sense. The fetial law with its concept of “bellum iustum” stands at the foundation of Roman idea of international relations and was (despite all possible speculations) an important step in the world of undeclared warfare of “civilized (Greeks, Carthaginians) or “uncivilized” (Gauls, Germans and others) nations. Most wars (about 60 of 100) of 5th-3rd centuries BC are depicted in Roman tradition as self-defence, while the period from the Samnite Wars till the time of Julius Caesar becomes the time of the defence of numerous Roman amici and socii. On these principles grows the global doctrine of the defence of “human civilization” against the “barbarian world” and the establishment of world order, based on law and justice. One may consider this picture as an instrument of propaganda, but many of these ideas and declarations were real truth.*

Rezumat. *Atât în literatura de specialitate, cât și în cultura populară, romanii sunt considerați a fi, printre altele, un simbol al agresiunii, militarismului și cuceririi, dar o analiză mai aprofundată arată că romanii începeau adeseori războaiele ca având scopuri de apărare, iar ideea lui Th. Mommsen potrivit căreia se poate vorbi de un „imperialism defensiv” este cât se poate de logică. Legea fetială cu conceptul de „bellum iustum” stă la baza ideii romane privind relațiile internaționale. Cea mai mare parte a războaielor (circa 60%) din secolele V-III a. Chr. sunt descrise în tradiția romană a auto-apărării, în vreme ce perioada cuprinsă între războaiele samnite și epoca lui Iulius Caesar devine o perioadă de apărare a aliaților. Pe aceste principii se dezvoltă doctrina globală a „civilizației umane” vs. „lumea barbară”, iar instituția războiului e bazată pe lege și justiție. Se poate considera acest aspect ca un element de propagandă, dar trebuie văzut faptul și în ce măsură romanii credeau în ele.*

Keywords: Rome, war, fetial law, defence, civilization, barbarians.

In scientific literature and even more in public opinion Rome is considered to the symbol of aggression, militarism and imperialistic conquest. Another popular belief is that the Roman imperialism was quite different from the imperialism of 18th-20th centuries because of its complete absence of economic reasons and the domination of the motives of political,

¹ Saint-Petersburg State University, Institute of history, Saint-Petersburg, Russia; email: a.egorov@spbu.ru.

ideological and prestige character². Of course this opinion has a good deal of reason, but one can also find a number of possible objections.

The Romans certainly had economical aims in their wars and conquests. Even if we try to deny such apparently economical motive as the “struggle for the export markets”, “freedom of trade” and “the trade imperialism”³, one can discover some other motives of quite an economical character. The Romans certainly waged their wars for the possession of lands in the conditions of natural and agrarian hunger and they also struggled for military booty, that was present in most of Roman wars. The capture of slaves was also the principal attribute of Roman warfare⁴.

Sometimes economical motives became the principal reasons of war and one can see the apparent desire to capture the territory or to establish the control of trade communications and places of the output of minerals. In the war against Pyrrhus (275–272 BC) we can hardly see any serious contradiction of trade interests, but the desire to capture the resources of rich cities of Southern Italy is quite apparently seen. As to the Punic Wars, it is also difficult to see economical or trade conflict between Rome and Carthage, but it was the economic, financial and trade power of Carthaginians that was the basis of its political and military strength, and so the Romans had to deprive their enemy of its economic and financial power.

In the First Punic War (264–241 BC) the Carthaginians lost nearly 500, and the Romans nearly 700 warships (Polyb., I, 63, 6–7), while after the Second Punic War in 201 BC, Carthage had to surrender to the Romans all their warships, subject territories and a large contribution of money (Liv., XXX, 37, 1–6; 42, 11–21; 43). As to the Syrian war (193–189 BC) against Antioch III, the Romans didn't get any territories (the latter became the property of Roman allies), but they received the contribution of 15 000 talents, the great military booty and the enemy's fleet (Liv., XXXVIII, 38–39)⁵.

If the wars in the East brought with them a really fantastic military booty, a great number of handicraft production and many masterpieces of art (Liv., XXXIV, 32; XXXVII, 59; Plut. Aem. Paul., 32–33; 38), the wars in Spain were waged for its natural resources⁶. To a large extent the Spanish wars were caused by the political and prestige motives, but perhaps the

² About the Roman imperialism see for example: FRANK 1914, STIER 1957, HARRIS 1979, GARLAN 1975, BLÖSEL 2015, KASCEEV 1993, BELIKOV 2003. For very important reviews of literature about imperialistic tendencies in Roman politics see: STARR 1972, WERNER 1972.

³ See WERNER 1972, 510–519; STARR 1972, 9 mentions a vast number of scientific works (from T. Frank to E. Badian), whose authors make the accent on the absence of economical motives in Roman politics and expansion.

⁴ Such is the position of classical historiography. See: MOMMSEN 1937–1941; ROSTOVITZ 1926; FRANK 1914. To some extent it is shared by modern historiography: STARR 1972, 10; WERNER 1972, 503–505.

⁵ On the Syrian war of 193–188 BC see WILL 1972; BENGSTON 1960, 470–473.

⁶ TSIRKIN 2000, 168–182.

main reason was the Spanish mines and minerals⁷. The wars against the Ligurians, who were poor people, turned into, as Mommsen puts it, “the great slave-hunt”⁸.

Besides these motives, we can find some actions that look like the real “economic wars”. The Illyrian wars of 229–8 and 220–219 BC were certainly the wars for the control of naval trade communications and the interests of Roman merchants⁹, while the sanctions against Rhodos in 168/7 had the principal aim to weaken the economic and political influence of that prosperous and flourishing island state¹⁰.

The result of these measures was the transition of trade control into the hands of Athens, who were a loyal Roman ally, and the island of Delos, that belonged to the Athenians. The aim was perhaps a political one, but methods were purely economic.

Economic motives played an essential part in Roman politics and the Roman wars during the period of 3rd–2nd BC and their result was the “economics of spoliation”, the unpaid import of grain to Rome, speculation of wine and other agricultural and industrial production, non-equivalent trade and the pillages of the publicani¹¹. As Cl. Nicolet writes about this situation “the pillage of the world by the Romans from 146 BC to the end of the civil wars is a massive economic fact, testified as much by Sallust as by Posidonius or Agatharchides of Cnidus and illustrated by “the lust of gold” of the notorious Crassus¹²,

We can see, that the economic reasons played an important role in Roman politics and Roman warfare, and one of the reasons of practically negligible role of economic motives in the works of Roman authors is the high prestige of war in Roman society and the evident

⁷ See also GARCIA Y BELLIDO 1972, 462–491. The Phoenician colonization to Spain had the economic and trade character both in 12th–11th and 9th–8th centuries BC and later in the times of Carthaginian expansion from 8th century BC. Of course, as it is usually stated, the Spanish possessions of the Barcids composed the greater part of economic and military power of Carthaginians and the victory over them was impossible without the victory in Spain. Both the armies of Hannibal in 219–218 and Hasdrubal in 207 BC consisted mainly of Gauls and Hispanians in approximately equal proportion, and so the victory of the Romans was possible only after the battle of Metaurus (207 BC) and Baecula and Ilipa (206 BC), but after the victory it were, perhaps, metals and minerals, that made the Romans wage the hard and exhausting wars of 2nd century BC. About the military, political and economic aspects of the Phoenician colonization and the conquests of Spain see TSIRKIN 1987, 14–18, 49–52; TSIRKIN 2000, 32–36; 48–51; 98–101.

⁸ MOMMSEN 1937–1941, II, 75–76. As Th. Mommsen wrote: “In previous time for the increase of slave population it was enough to capture the war prisoners and the natural increase, but the new system of slave economy demanded, just as in America, the systematic people-hunt”.

⁹ BELIKOV 2003, 165. Even if we follow the author and deny the organized Illyrian piracy as the cause of war, it is impossible to deny, that the main official demand of the Romans was to put an end to the organized support of the sea robbers and the refuse of the Queen Teuta to stop it, as well as the murder of one of the ambassadors became *casus belli* (if not the reason) of the First Illyrian war of 229–228 BC.

¹⁰ BELIKOV 2003, 38–46; NICOLET 1996, 637–638 shows that the action had the economical character and the main dealers at Delos were the Roman and Italian trader, dealers and bankers.

¹¹ NICOLET 1996, 637–639.

¹² NICOLET 1996, 640.

neglect of economic problems and subjects, that were considered too “low” and “dull” for the historical literature¹³.

Speaking about the economic factors, we can see some other interesting subjects. Though the Roman authors themselves (see especially the picture of Livius in his books I–X) show the conquest of Italy as the constant warfare, the more thorough analysis shows us that except for the numerous wars against the Equi, Volsci and the Samnites¹⁴, the most serious wars were waged against the “foreign” nations, the Etrusci (wars in 509–508, 483–474, 438–435 and 428–425, 406–396, 389–388, 359–351, 314–308 and some campaigns of 3rd BC) and Gauls (391–390, 367–349, 295, 283–282, 226–222, 200–196) and that in these wars Rome takes the role not only of one of city-states, but the image and responsibility of Italy and its nations.

We can also see, that perhaps most of Italian peoples and regions (Campania, Umbria, Apulia, Venetia, and even Lucania, Bruttium and the warlike tribes of central Italy, that played a prominent role in the Social War of 91–88 BC) joined or surrendered to Rome without any serious resistance¹⁵. The same was with Greek and Italian cities of Campania, the Greek cities of Southern Italy and even some cities of Etruria. Some of these peoples could be serious rivals to Rome and the reason of their “surrender” was not the political and military weakness, but common economic and political interests, ethnical unity, the need of economic and cultural cooperation and the necessity of common defence. Italy was rich in agriculture and industry and according to Cl. Nicolet “A re-reading of Nissen, E.G. Semple, Cary, or encyclopaedic surveys like *Almagna-Miglioni*, will simply confirm the ecstatic assertions of the ancients—Varro, Strabo, Vitruvius, Virgil, Pliny—as to the diversity, yet always

¹³ The main historical works of Herodotus, Thucydides, Xenophon, Livy, Tacitus, Cassius Dio and other great historians were devoted to military and political history. About the specific interest to the political history see: FROLOV 1991, 98–100, 138–140.

¹⁴ These wars were really numerous: Livy puts the wars against the Aequi under 494, 485–482, 479, 475, 471, 468, 462, 459–457, 449, 447, 431–430, 421, 419–418, 415, 409, 397, 394–392, 389–8 and, finally, 304 (Liv., II, 31; 40; 42–43; 53; 60; 63; 65; III, 1; 8; 10; 22; 66; 70; 71–72; IV, 9–10; 37; 51; 55; 56; 58–59; 61; V, 12; 23; VI, 12–13; 21; 22; 32; VIII, 1; 13). Against the Volsci – 495, 494–493, 491–489, 487, 486–483, 479, 475, 471, 469, 468, 461, 459, 449, 443, 431, 413, 408–407, 404, 401, 389, 385, 382, 377, 347, 341, 338 (Liv. II, 22; 25; 31; 35; 38–39; 43; 48; 53; 60; 63–64; III, 10; 22; 60; 61; IV, 9–10; 27–29; 51; 56; 58; 61; V, 10; 12; VI, 2; 13; 22; 32; VII, 27; VIII, 1; 13. The Samnite Wars of 343–341; 328–304 and 298–290 are well known.

¹⁵ In 493 BC after the great battle of the Regillan lake of 496 BC Rome renewed the treaty with Latium (Liv., II, 33) and until the Gallic invasion of 390 BC they practically didn't rebel against the Romans. Then there followed the Latin wars in 377, 370, 353 and the great Latin War of 340–338 BC. If we look at the list of other Roman wars, it will be much less, than in previous lists. Livius tells us about wars against the Sabini under 505, 479, 475, 470, 458, 449 (Liv., II, 15; 48; 53; 63; III, 30; 38), Aurunci – 495, 346 (Liv., II, 27; VII, 28), the Hernici – 486, 389, 362–358, 306 (Liv., II, 41; VI, 2; VII, 7–8; 9–11; IX, 42–43), Ausoni – 336, 314 (Liv., VIII, 16; IX, 24), Vestini – 325–324 (Liv., VIII, 16; IX, 24), Apulians – 323 (Liv., VIII, 29), Umbri – 309–308 (Liv., IX, 39–41), Marsi – 302–301 (Liv., X, 3). We can also mention such different cities as Labicum (418 – Liv., IV, 45–46); Praeneste – 382, 380, 339 (Liv., VI, 22; 28–29; VIII, 32), Tibur 361–359; 338 (Liv., VII, 9–12; VIII, 13); Priverni – 330 (Liv., VIII, 19–20).

moderateness of the climate of Italy, the multiplicity of her resources, the equal capacity of the land for all forms of agriculture, not excluding animal husbandry”¹⁶.

This multiplicity of resources had one consequence. Italy needed internal unity, but it didn't need the expansion overseas, and as we can see, the Gauls, Hispanians and even Greeks appeared in Italy just before the Roman legions began to conquer their territories. Even if we don't take into consideration the Greek colonization in Mycenaean times and the mainstream of 8th-7th centuries BC, the Greeks of Hellenistic times came to Italy with Pyrrhus in 275 BC, the Hispanians appeared in Italy together with the army of Hannibal in 218 BC, while the relations between the Gauls and Romans began in 391/390 BC when the Gallic invasion ended with the Gallic capture and pillage of Rome. Mommsen's idea of the Roman “defence imperialism” had a very good reason¹⁷.

It were just the Romans, who brought definite norms into the rules of warfare. If Philip II declared the war of revenge for the annihilation and damage of Greek temples during the Xerxes' invasion of 480 BC, Isocrates in his “Philippus” nearly puts it aside and speaks only about the internal problems of Greek world. It is overpopulated and burdened by practically unsolvable problems and internal wars (Isocr., Phil., 46-54; 96; 120). The great orator speaks about the foundation of new cities, capture of new territories and arable land and solving of other difficulties of Greeks practically without mentioning of any possible “guilt” of the barbarians, who exist just in order that the Greeks could solve their own problems. He certainly remembers about the Persian invasion, but the accent is quite clear.

Even in the prime of their imperialistic expansion and the ideas of world domination the Roman politicians didn't speak in such a manner. Cicero in his speech “De provinciis consularibus”, which he pronounced in 56 BC, when the great orator wanted to praise Caesar and convince the Senate to prolong his Gallic command, finds some other motives. He is certainly proud of great victories of Caesar and says that Caesar is the first general to start “real war” against the Gauls, while in the previous time the Romans only defended themselves against the enemy, who was always the mortal threat for the Roman State. He is also proud to say, that Caesar defeated even the tribes, that were very distant and unknown to Romans, but he stresses the fact, that Rome was at least free from the danger of Gallic invasion (Cic. De prov. cons., 13, 33 - 14, 34). The conquest becomes not only the “war of revenge”, but the end of the long and full of difficulties defensive war, when the historical enemy at last ceased to be a historical danger, that could eliminate all the successes of the Romans (Ibid., 14, 34). To some extent it was true, and the Romans suggested the peoples of Gaul not only destruction, but the life in the world civilization, where, as it appeared later, the Gauls also found their worthy place. Even in this rather an imperialistic speech Cicero speaks not only about the annihilation of the enemy, but about making this war the last war

¹⁶ NICOLET 1996, 609.

¹⁷ MOMMSEN 1937, I.

in the history of Roman-Gallic relations (Ibid. 14, 34–35). In his own “Commentaries” Caesar often speaks about these problems¹⁸. He also stresses the Gallic threat towards Rome and the already civilized part of Gaul, especially underlying the German danger (Caes. B.G., I, 3–7; 11; 31; 33; III, 1; IV, 1; 3; 16; VII, 1–2; 3)¹⁹, and shows, that the real way of every nation is the way together with Rome and not against it (Ibid., 1, 17; 28; 30; 31; 33; IV, 6; VI, 11; 12; 21–23; VII, 49, 1) and the yesterday enemy may become a friend tomorrow.

Another fact is the negative attitude towards Civil War, when the Roman public opinion rejected the very idea of such a conflict, notwithstanding the fact, on what side the person participated²⁰. Especially after the Civil War of 49–45 BC the border between the *bellum civile*, that was unacceptable to Roman morals, and the *bellum externum*, that was considered “the natural process”, began to disappear²¹. There were numerous attempts to make a civil war look like *bellum externum*²², but it was also the step towards the denial of the war as it is and later – towards the Stoic idea of unity of the mankind.

At the foundation of this idea stands the ceremony of declaration of war by Roman fetials, the detailed description of which can be found in Livius (Liv., I, 24, 4–9; 32, 5–14) and other Roman authors (Dion. Hal., II, 67, 31; Plut. Numa, 16; Varro L.L., V, 86). I.L. Mayak justly explains it as a very archaic custom, connected with prehistoric times, when the Roman kings didn't yet exist and considers that its archaic character makes any later construction impossible²³.

The characteristic feature of Rome was that the Roman kings, Numa Pompilius, Tullus Hostilius and Ancus Martius, made this custom a necessary procedure for the political and diplomatic life. Especially interesting is the fact, that the Greek authors (Plutarch and Dionysius) connect it not with a king-warrior Tullus Hostilius, as Livius does it, but with the peace-making king Numa Pompilius, who put the end to all wars and was the founder of the Roman priesthood and sacral organization.

Livy often mentions the fetials, especially when he speaks about the events of 364–298 BC (Liv., IV, 53, 1; VII, 9, 2; 36, 2; 32, 1; IX, 45, 6; X, 12, 1–3), as well as about the later wars (Liv., XXX, 43, 9; XXXVI, 7–12; Polyb., III, 25). In early times the fetials usually made the declaration

¹⁸ HOLMES 1911, 211–256; COLLINS 1972, 926.

¹⁹ COLLINS 1972, 922–939; RADITSA 1973, 419–433.

²⁰ JAL 1966, 394–439; MEYER 1966, 156–157, 301–302; COLLINS 1972, 942–962; RADITSA 1973, 446–447.

²¹ COLLINS 1972, 923–928, 936–937.

²² One may remember the triumph of Pompey over the Numidian king Hyarbas, who helped the marian army of Domitius Ahenobarbus (Plut. Pomp., 10–12; App. B.G., 1, 93–96; Liv. Epit., 89; Eutr., V, 9; De v. ill., 77), triumph of Metellus and Pompey over Sertorius (Eutr., VI, 5) and, certainly, the African and the Hispanian triumphs of Caesar and the victory “over Cleopatra” of Octavianus. Though the triumphators stressed the fact, that the Romans “fought on the side of the external enemy (king Juba or Cleopatra), the popular opinion couldn't take the idea, that such people like Sertorius and Porcius Cato and even Marcus Antony or Labienus were the traitors of the *populus Romanus*. All these attempts were met with strong discontent of the Roman people.

²³ MAYAK 1982, 247–248.

of war, while later they also took an active part in making peace, concluding the peace agreements and committing other diplomatic activity.

The ceremony declared a few simple, but very important principles. Firstly, the war was considered a “just” one only if it was openly declared; secondly, the fetial law demanded the exposition of basic demands and thirdly, the other side had the time of about 30 or 33 days of delay and the war could be declared only if the enemy refused to receive fetials themselves or rejected their demands. According to Livius, the fetials had to return home and inform the King and the Senate (later — the Senate and the Popular Assembly) and only after their decision, they were again sent to the enemy and declared the war by the famous custom of throwing the spear into the enemy land (Liv., I, 52).

If the enemy was prone to compromise, the fetial law could become the beginning of peaceful negotiations, and if he considered the war as an established fact, he at least got time for military preparations and so the fetial ceremony was not only the simple declaration of war, but the establishment of moral pattern in the more inhuman world of international affairs.

This concept of “bellum iustum” certainly could be the object of manipulation. The demands could be completely unacceptable or even unrealistic and the pause could be used for the military preparations not only by the enemy, but also by the Romans. One of the patterns of manipulation is vividly described by Livius (Liv., I, 22, 3–7) and Roman behaviour during the Third Punic War perfectly shows the way of making the conditions of the peace treaty completely unacceptable (App. Lyb., 75; 77; 81; Liv. Epit., 49; Diod., XXXII, 6, 1–3; Polyb., XXXVI, 4, 5–7; Zon., IX, 26)²⁴.

Despite these facts, the Roman behaviour was a contrast towards the behaviour of their enemies. Pyrrhus started dramatic negotiations only after the battle of Heraclea. In 272 BC, despite the treaty with Rome, the Carthaginians sent their fleet to help the people of Tarent (Liv. Epit., 14). The Syrian War (193–188 BC) began with the disembarkment of Antioch III in Greece in order to unite his forces with that of the Aetolian league, which were already waging the war with the Romans (Liv., XXXV, 48), while Philip V began his undeclared war with Rome after the secret treaty with Hannibal²⁵.

Perhaps, most characteristic of this principle was the beginning of the Second Punic War in 218 BC, when the Romans lost a lot of time, trying to observe the necessary formalities, at the time, when Hannibal was besieging the city of Saguntum (Liv., XXI, 6–7) and even didn't receive the Roman embassy, while the Carthaginian gerousia mockingly suggested the Romans to choose between war and peace.

Only then the embassy of Fabius could declare the war (Polyb., III, 33, 2–4; Liv., XXI, 6; 10–11; 16–17; App. Hisp., 13), but even after the declaration of Roman embassy, that was made in

²⁴ KORABLEV 1976, 339–340.

²⁵ KORABLEV 1976, 66–69.

the gerousia, the Romans had to affirm it by the resolution of the Senate and the decree of the Popular Assembly (Liv., XXI, 16–17). Of course, the question of “war guilt” in this great war is a matter of long and difficult discussion²⁶, but it usually concerns the question of the justice of Roman treaty with Saguntum, while it is impossible to reject that it was Hannibal, who began military actions, and it was Rome, who openly declared the war, that was already going. It is possible to reproach the Roman Senate that it didn’t foresee the plan of Hannibal and lost several heavy battles from Ticine and Trebbia (218 BC) till the disaster of Cannae (216 BC), but it just concerns the military side of the question. On the contrary, it is impossible to accuse it in the unrealistic desire to escape this most tragic war in the Republican history²⁷. The Romans perfectly well understood its inevitable character and their behaviour was a matter of their mentality. The Senate couldn’t make necessary military preparations and the Roman generals prepared for the “second edition” of the First Punic War or something like this, but all the formalities, both religious and political, had to be observed, and the Romans believed that the Gods were on their side. When time came, it was Fabius and his surroundings, who found the way to win the war.

So Romans are often considered the “aggressors” just because they were the side, who openly declared the war, while their enemies often preferred the undeclared warfare. This was characteristic for the “civilized” enemies as Greeks and Carthaginians, but it was even more characteristic for the “uncivilized” enemies (Gauls, Ligurians, Celtiberi, Lusitans and Germans), who preferred the sudden attack, considering it as an excellent military strategy. One may object, that it was a pattern of Roman authors, but the existence of such a pattern must also be taken into consideration. Perhaps, it is not surprising, that many wars from the Pyrrhus’ war to the I Mithridatic War began with defeats of the Romans and ended with their final victory and sometimes even with the destruction and capitulation of the enemy.

This moral influenced the general concept of war in Rome. Usually our sources tried to show it as a defence against the aggression of the enemy. Of course, very often it was not so, but now we are again speaking about the interpretation of Roman authors, which sometimes differed from real situation.

1. The most frequent explanation is the self-defence, and when the Romans could show their wars in this way, they usually did it. Despite the concept of “just” and “unjust” wars, the Romans preferred to show, that it were not they, who began the military actions.

From the time of Roman kings until the Samnite Wars out of about a hundred of wars of 753–282 nearly 60 are shown as purely defensive, though they often ended with Roman offensive and victory. That was the case with most of wars against the Volsci, Aequi, Sabini, Etruscians and other neighbours of Rome (for example — Liv., II, 6, 1–5; 9, 1–4; 18, 3–4; 24, 1–2; 26, 1; 30, 8; 30, 12; 39, 1–7; 42, 9; 58, 3; 64, 3; III, 4, 2–4; 6, 4; 25, 5; 26, 1; 38, 3–5; IV, 16–12; 17, 1;

²⁶ KORABLEV 1976, 56–59.

²⁷ KORABLEV 1976, 72–74.

26, 2–3; 30, 12–15; 49, 7–8; 56, 4; 58, 5; V, 8, 5–6; 28, 5–7; 31, 4; VI, 3, 2; 11, 2; 22, 1–2; 28, 1–2; VII, 42, 8; IX, 45, 5–8), and especially against the Gauls (*Ibid.*, V, 36–37; VIII, 12, 7; 9, 6 and others).

2. About the middle of the 4th century BC, when the attacks on the Roman territory became more and more difficult, and the Romans were surrounded by their allies (*socii*), we can see the beginning of another principle, the defence of *socii* and *amici* of Roman people. This idea appeared already in the wars against the Aequi and Volsci, when the Romans were defending their allies, the Latini and Hernici (*Liv.*, IV, 51, 7; 53, 1; VII, 16, 2–3; 17, 7–8). The defence of the allies in Campania and Lucania is stated as the cause of the Samnite Wars (the First — *Liv.*, VII, 32, 1–2; the Second — VIII, 23, 3–7; the Third — X, 11, 1). This motive was also present in the First and Second Punic Wars and became especially important in the Eastern Wars of 2nd c. B. C. The Second Macedonian War began as “the war of revenge” against Philip V for his help to Hannibal, but very soon it turned into the protection of all “small” and “weak” countries (Egypt, Rhodes, Pergamon, as well as numerous Greek city-states) against the great powers of the Hellenistic world, the Seleucid Empire and Macedonian monarchy. In Mithridatic Wars Rome combined the defence of their own provinces with the help of the client and allied kingdoms. This motive was especially important in the Gallic Wars of Julius Caesar (58–51 BC) and it was practiced from their beginning in 58 BC (*Caes. B.G.*, 1, 31–33) till 53–52 (*Ibid.*, V, 55; VI, 3), while the wars against Germans were represented not only as Roman, but also as the Gallic project (*Ibid.*, I, 33; IV, 5–7; V, 20).

3. The idea of the “defence of the allies” became the foundation of some more global ideas. The alliances with Greek city-states and leagues created the philhellenic idea, which clearly manifested itself in the liberation of Greece in 196 BC. The philhellenic policy of the Romans is a matter of discussion, and the opinions differ from the idea of a cool cynical play of Roman political leaders to a sincere desire to defend and save the Greek culture and civilization. It is not the place to discuss this question, but perhaps the Roman politicians could not play their role so perfectly if they didn’t (at least partly) take it as their real mission, while for the Greeks, notwithstanding the seemingly side of Roman invasion and rule, this way was the most acceptable one.

Another side of this defence of the civilization and culture show the wars against the world of north barbarians (the Gauls, Ligurians, the tribes of north Balkan regions, partly the tribes of Spain and especially the Germans), that were, on the whole, much more numerous and full of bloodshed and cost the Romans much more human and material losses. In 200, 198–196, 194–193, 191, 179, 166–160 BC the Romans fought against the Gauls (*Liv.*, XXXI, 2; 10; 21; XXXIII, 22, 2; XXXIV, 22; 46–47; XXXV, 4–5; XXXVI, 36–38; XLI, 1; *Epit.*, 46), Ligurians in 194, 193, 187, 181–179, 177, 173–172 (*Liv.*, XXXIV, 56; XXXV, 3; XXXVI, 38; XXXVIII, 42; XXXIX, 1–2; 20; XL, 41; 53; XLI, 12; XLII, 7; 21); Spanish tribes in 197, 192, 187, 183, 181–180 and 179 BC, the Istrians (*Ibid.*, XLI, 1–4; 11), the Sardinians (*Ibid.*, XLI, 9; 12; 16–17) and the Corsicans (*Ibid.*, XLII, 7).

Later came the wars against the Celtiberians and Lusitani (153–133 BC), the Numidians (the Iugurthine War of 113–105 BC), the Arverni and Allobroges (125–123 BC) and the Cymbri and Teutoni (114–101 BC). All this warfare was waged without any rules from both sides, but the barbarian invasions of 5th and 3rd c. AD vividly show, what should happen after the fall of Roman defence. The Gallic Wars of Julius Caesar (58–51 BC) and the German and Pannonian Wars of Augustus and Tiberius (13–9 BC, 4–9 and 14–17 AD) for about two centuries created an irresistible barrier against any barbarian threat.

Another global idea was that of the world order. It had a very broad concept, including not only the defence of Roman State, its borders and allies, but also the defence of the Roman citizens, their life, their interests and property, notwithstanding, where they were (see the beginning of Iugurthine war), and, if the State failed to do it, the revenge for their death (the Ephesian slaughter of 88 BC was stated as the main cause of all three Mithridatic Wars). We can add to it, that every Roman chief commander had to return all the captured Roman citizens, whom he was able to free, while the return of Roman war prisoners was one of the main demands of every peaceful treaty.

Another Roman idea was the defence of the diplomatic missions and their members from every possible insult or danger to their life (see for example the Illyrian war of 229 and Liv. Epit., 12) and we, perhaps, can see, that the Romans were especially scrupulous towards this institute, being rather tolerant to the foreign diplomatic visitors (Sall. Iug., 33–35; Liv., VIII, 6), when the capital punishment for them was the banishment from the country. Diplomacy was a dangerous profession, but the Romans affirmed the principle of diplomatic immunity.

4. Global wars of 1st c. BC, beginning from the First Mithridatic War (89–65 BC) until the wars of Augustus, were the wars for the world domination, when the Roman armies went forward until they were stopped by the natural border, strong enemy resistance or heavy human and material losses. This doctrine can be understood as a pure imperialism and the strive for unlimited domination, the way of thinking and acting with the intention of complete domination over all other nations of the world.

At this time Rome especially practiced such dangerous ideas, as the punishment for every help to the enemies of Rome (material help, use of the territory or even moral help) (Liv., VII, 16, 2–3; 17, 7–8; IX, 16, 6–7; X, 21, 11–12), as well as the ideas of “preventive war”²⁸, “the war of

²⁸ Perhaps, the classical situation of “preventive war” is the situation around the Gallic war of Julius Caesar. See, for example: COLLINS 1972, 923–936; RADITSA 1973, 417–427. It is possible to mark three main positions: the first shows the Gallic wars as a pure imperialistic aggression, caused either by the personal ambitions of the Roman leader, or by the inner problems of the Romans (A. Heuss, D. Timpe and others); the second considers the conquest of Gaul as the historical mission of Rome and Caesar, that was called by the political and historical necessity (Th. Mommsen) and the third, according to which, the threat of Gallia and especially of the Germans really existed (L. Raditsa, A. Sherwin White). The majority of the authors of the works about the Gallic wars show, that the Roman public opinion didn't protest against the wars in Gallia, as soon as they were victorious and the protests concern only one point – the growth of the power of Caesar and his army, which he could use in the inner struggle against his enemies in Rome.

revenge”²⁹ and the war against the “historical enemy” (Gauls or Carthaginians), as well as the transformation of external wars into the “suppression of brigandage, piracy and other criminal activity”. One can find a lot of examples, when the high and “beautiful” words about the “war justice” were cynically violated and the war protests began only when the armies suffered heavy defeats and losses and the war expenses began to grow. All this is true, but there was just another side.

The Romans had the long tradition of international community, and from the very beginning of their history they had the experience of cooperation of different nations. Even in the early period of Roman kingdom the *populus Romanus* (as well as the ruling aristocracy) consisted not only of Latins and Sabinians, but incorporated other nations, from Siculi and Liguri to Greeks and Etruscans³⁰. Even in the earliest period of Roman kingdom the Roman citizenship absorbed into itself the representatives of different peoples of Italia. The Roman history, Roman census and the information of Roman nobility³¹ show the steady increase of Roman citizenship owing to the so called “artificial growth”³².

One more argument can be mentioned: both German and Helvetian invasion were thoroughly prepared, and the preparations began about the end of the '60s. The Helvetians began to prepare their resettlement about 61 BC, while the Germans of Ariovistus began the attack against the Aedui even earlier (Caes. B.G., 1, 3–5; 31), and Caesar, preoccupied by inner struggle in Rome, could deal with these problems only at the end of his consulship of 59 BC. The optimate government completely ignored this problem and at the moment of Helvetian attack in March 58 the Roman “aggressor” had only one legio at the frontier line of Rhodanus (Ibid., 1, 7), while the three others were far away at Aquileia and two others were conscripted in a very short time. Four legions were the usual garrison of the Cisalpine Gaul (see BRUNT 1971, 343–345), which they had there even in peaceful times. The Gallic Wars began not with a sudden massive attack with overwhelming force (as, for instance, the wars of Pyrrhus and Hannibal), but with the express measures in order to organize the defence of the Roman provinces.

²⁹ See also the note 28. The classical example is, of course, the Third Punic War (149–146 BC), which caused the discussion in the Roman Senate and, later, in the historical literature (Liv. Epit., 47–48; Plut. Cato, 26; App. Lyb., 69). See KORABLEV 1976, 332–336.

³⁰ MAYAK 1982, 46–89. The author gives a thorough analysis of the material of ancient writers from Varro, Livius and Dionysius of Halicarnassus till Macrobius and Themistius, as well as the vast archeological material and the historiography of the question. Even the consideration of the *populus Romanus* in the time of early kings shows, that it consisted of different ethnic groups (Siculi, Ligures, Latini or Protolatini, the Troyans, Mycaenians and later Sabini, Etruscans, Illyrians, Veneti, Iapudi, Aurunci and others).

³¹ Even the earliest patrician aristocracy consisted not only of the Latin and Sabinian gentes, but included Etrurians, Greeks, Illyrians, Troyans and other people, while some of the patrician gentes (Fabii, Potitii, Pinarii and others) could have their ancestors among the Siculi, Pelasgi and the unknown Aborigines (See MAYAK 1982, 139–141). As to the further history of the Republic in 5th–1st c. BC, we can look at the numerous articles in Pauli-Wissowa, that show that the Republican nobility, especially the plebeian, comes from practically every nation from Latini and Campani till the Samnites and Etruscians. The same picture shows the prosopography of the Roman Empire of 1st–3rd c. AD, when the nobility and senators represented practically every province of the Roman world.

³² See ZABOROVSKII 1985, 6–64. The basic works on Roman census even now are considered that of K.J. Beloch, T. Mommsen, T. Frank, P. Brunt and Cl. Nicolet (MOMMSEN 1871–1887; BELOCH 1886; FRANK 1930, 313–324; BRUNT 1971; NICOLET 1977). Perhaps the periods of the strongest artificial growth since the time of 332 BC were the census of 265 BC (292 334) after 271 234 in 275 BC; the census of 236–234 BC – 270 213 after 241 212 in 247 BC; the census of

After the Latin war (340–338 BC) and the victory of Rome over Latium the census of 332 shows the growth of Roman citizens from about 150–160 000 to 250 000 certainly because of granting the citizenship to the Latin communities, and the grant of citizenship after the Second Punic War saved the Romans from the possible depopulation³³. The process was rather difficult and the “national resistance” to the granting of citizenship to Italian *socii* and the provincials brought the society to the horrible bloodshed of the Social War (91–88 BC) as well as to the possible catastrophe of 40–30 BC, but after Caesar Rome came to the real “legal revolution”³⁴, that gave the rights of Roman citizenship to the inhabitants of Roman provinces, who received it in 2nd–1st centuries AD. Owing to Julius Caesar, Roman State could escape the “great rebellion” of the provinces against the Roman rule, that could repeat the horrors of the Social War.

Rome took the Caesarean and later the Imperial idea that the conquered peoples sooner or later receive the Roman citizenship and live in order and prosperity, when the recent enemy could become a friend today and a Roman citizen and even the Roman senator in the next generations. In fact Caesar and Augustus didn't invent any new ideology, but just adapted the old Roman tradition to the new historical reality.

Livy, who wrote in the times of Augustus, tells us, that after the foundation of the City Romulus founded the asylum for all the persecuted and unemployed people (Liv., I, 8, 4; Dion. Hal., I, 16; Plut. Rom., 20)³⁵. This legend, that perhaps had a good historical background as well as the fetial custom and the idea of “just” and “unjust” war, stands at the very beginning of the history of Roman State, and when it became the world power, it was trying to create the new world order, based on these principles.

From the self-defence and the defence of their allies the Romans came to the ideas of the defence of the world civilization and culture, the establishment of the world order and the people, who lived in the Roman Empire, from all forms of violence and the defence of weak and unemployed from any injustice. Livy wrote his monumental work when the Augustan Empire took this mission on itself. Perhaps it didn't manage to fulfil it, but the *pax Romana* of 1st–2nd c. AD and its achievements show, that this idea was not mere words or the means of manipulation.

189 (258 318) after 143 704 in 194 BC; the census of 125 BC (390 736) after 317 823 in 131 BC and, of course, the census of 86 BC – 463 000; of 70 BC – 910 000; and of 28 BC – 4 063 000. The Romans should exhaust their human resources in Punic, Social, Civil and other wars if it were not the permanent “artificial” increase of Roman citizenship.

³³ See Liv., IX, 19; NICOLET 1996, 603 considers these numbers should be amended, but then how to explain the quite reliable numbers of 262 331 in 294/293 BC after the II Samnite War of 328–304 BC

³⁴ ZABOROVSKII 1985, 31–33; 35.

³⁵ MAYAK 1982, 208–209.

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